

1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA

2 STATE OF SOUTH CAROLINA

3 VERSUS

4 BILLY WAYNE COPE &  
5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS:

7 2003-GS-46-1843-1844

2004-GS-46-2614-2618

8 2004-GS-46-196-199

9 HEARD AT THE MOSS JUSTICE CENTER,  
10 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON  
11 TUESDAY, SEPTEMBER 7, 2004, BEFORE THE HONORABLE  
12 JOHN C. HAYES, III AND A JURY.

13 APPEARANCES:

14 TOMMY POPE  
15 KEVIN BRACKETT  
16 WILLY THOMPSON  
17 16TH CIRCUIT SOLICITOR'S OFFICE  
18 1675 YORK HIGHWAY  
19 YORK, SC 29745  
20 REPRESENTING THE STATE

21 JAMES MORTON  
22 DAVID WOOD  
23 MICHAEL SMITH  
24 MORTON & GETTYS  
25 1051 OAKLAND AVENUE  
ROCK HILL, SC 29732

A. PHILIP BAITY  
POST OFFICE BOX 275  
FORT MILL, SC 29715  
REPRESENTING BILLY WAYNE COPE

LELAND GREELEY  
128 E. MAIN STREET SUITE 102  
ROCK HILL, SC 29732  
REPRESENTING JAMES EDWARD SANDERS

REPORTED BY: JANET M. RICH  
CIRCUIT COURT REPORTER  
1992 DOWNEY STREET  
ROCK HILL, SC 29732

1 I N D E X

2 JURY DRAWN AND SEATED 114

3 MOTIONS 118

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (COURT RESUMES AT 12:20.)

2 THE COURT: I'M GOING TO ASK THE SOLICITOR  
3 TO CALL OUR CASES.

4 MR. BRACKETT: MAY IT PLEASE THE COURT.  
5 YOUR HONOR, THIS IS CASE NUMBER 2002-GS-46-2323 THE  
6 STATE VERSUS BILLY WAYNE COPE TRUE BILLED INDICTMENT  
7 FOR MURDER. 2002-GS-46-3233 THE STATE VERSUS BILLY  
8 WAYNE COPE A TRUE BILLED INDICTMENT FOR CRIMINAL  
9 SEXUAL CONDUCT IN THE FIRST DEGREE. 2002-GS-46-3234  
10 THE STATE VERSUS BILLY WAYNE COPE A TRUE BILLED  
11 INDICTMENT FOR CRIMINAL SEXUAL CONDUCT IN THE FIRST  
12 DEGREE. 2004-GS-46-200 THE STATE VERSUS BILLY WAYNE  
13 COPE A TRUE BILLED INDICTMENT FOR CRIMINAL  
14 CONSPIRACY. 2004-GS-46-2614 THE STATE VERSUS BILLY  
15 WAYNE COPE A TRUE BILLED INDICTMENT FOR UNLAWFUL  
16 CONDUCT TOWARDS A CHILD.

17 AND 2004-GS-46-196 THE STATE VERSUS JAMES  
18 EDWARD SANDERS TRUE BILLED INDICTMENT FOR MURDER.  
19 2004-GS-46-1097 THE STATE VERSUS JAMES EDWARD SANDERS  
20 A TRUE BILLED INDICTMENT FOR CRIMINAL SEXUAL CONDUCT  
21 IN THE FIRST DEGREE. 2004-GS-46-0198 THE STATE  
22 VERSUS JAMES EDWARD SANDERS TRUE BILLED INDICTMENT  
23 FOR CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE. AND  
24 2004-GS-46-199 THE STATE VERSUS JAMES EDWARD SANDERS  
25 THIS BEING A TRUE BILLED INDICTMENT FOR CRIMINAL

1 CONSPIRACY.

2 YOUR HONOR, THE DEFENDANTS ARE PRESENT  
3 WITH COUNSEL, HAVE ENTERED PLEAS OF NOT GUILTY, AND  
4 THE STATE IS PREPARED TO DRAW A JURY IN THIS MATTER.

5 THE COURT: ALL RIGHT. MEMBERS OF THE  
6 JURY PANEL, YOU'VE HEARD THE CHARGES AND THE  
7 DEFENDANTS ARE MR. BILLY WAYNE COPE AND MR. JAMES  
8 EDWARD SANDERS.

9 FIRST I WILL ASK THE SOLICITOR TO  
10 INTRODUCE WHOEVER IS GOING TO BE BASICALLY CALLED THE  
11 LEAD SOLICITOR, ONE OF THE SOLICITOR'S INTRODUCE  
12 THEMSELVES, AND THE OTHER PEOPLE WHO WILL BE INVOLVED  
13 WITH THEM, THAT IS SOLICITORS AND PEOPLE PRESENT IN  
14 THE COURTROOM, NOT WITNESSES.

15 MR. BRACKETT: MAY IT PLEASE THE COURT.  
16 MY NAME IS KEVIN BRACKETT. I'M DEPUTY SOLICITOR FOR  
17 THE SIXTEENTH CIRCUIT TRYING THIS CASE. TODAY WITH  
18 ME WILL BE THE SOLICITOR TOMMY POPE, ASSISTANT DEPUTY  
19 SOLICITOR WILLY THOMPSON, LEAD INVESTIGATOR CHARLENE  
20 BLACKWELDER WITH THE ROCK HILL POLICE DEPARTMENT, AND  
21 OUR INVESTIGATOR ASSISTANT MRS. MERRY COLLINS.

22 THE COURT: ALL RIGHT. MR. MORTON, WOULD  
23 YOU INTRODUCE MR. BILLY WAYNE COPE AND THOSE  
24 INDIVIDUALS WITH WHOM YOU WILL BE ASSOCIATED WITH.

25 MR. MORTON: YES. MY NAME IS JIM MORTON

1 AND I'LL BE REPRESENTING MR. BILLY COPE. WITH ME ARE  
2 MR. PHILLIP BAITY WHO IS AN ATTORNEY, MR. MICHAEL  
3 SMITH AN ATTORNEY, AND MR. DAVID WOOD. RIXIE DUNN  
4 WHO WORKS IN MY OFFICE AND ELIZABETH WHO ALSO WORKS  
5 IN MY OFFICE.

6 THE COURT: ALL RIGHT. THANK YOU. THEN  
7 MR. LELAND GREELEY REPRESENTS MR. SANDERS. I'M GOING  
8 TO ASK HIM TO INTRODUCE HIMSELF AND MR. SANDERS.

9 MR. GREELEY: THIS IS MR. JAMES SANDERS.  
10 I AM LELAND GREELEY. I AM HIS ATTORNEY.  
11 PERIODICALLY THERE MAY BE ONE OTHER PERSON WITH US IN  
12 COURTROOM THAT IS ANDREA THOMAS WHO IS MY LEGAL  
13 ASSISTANT AND WHO IS NOT HERE TODAY.

14 THE COURT: THANK YOU. FIRST ARE ANY OF  
15 YOU RELATED BY BLOOD OR MARRIAGE OR A CLOSE PERSONAL  
16 FRIEND OR ACQUAINTANCE TO ANY OF THE INDIVIDUALS TO  
17 WHOM YOU HAVE JUST BEEN INTRODUCED, THE ATTORNEYS OR  
18 THE DEFENDANTS? IF YOU ARE A CLOSE PERSONAL FRIEND  
19 OR ANY BLOOD RELATION PLEASE STAND UP. ALL RIGHT.  
20 YOUR NAME AND NUMBER.

21 THE JUROR: MIKE ELDER, NUMBER 86. I KNOW  
22 RIXIE.

23 THE COURT: ALL RIGHT. WOULD THE FACT  
24 THAT YOU KNOW HER, JUST REMAIN SANDING, WOULD THE  
25 FACT THAT YOU KNOW HER, WOULD THAT AFFECT YOUR

1 ABILITY TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS  
2 CASE?

3 THE JUROR: NO, I DON'T THINK SO.

4 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
5 VERDICT SOLELY ON THE LAW AND THE EVIDENCE AS  
6 DEVELOPED IN THE TRIAL?

7 THE JUROR: YEAH.

8 THE COURT: OKAY. THANK YOU. NO ONE ELSE  
9 STANDS. HAVE ANY OF YOU BEEN REPRESENTED BY OUR  
10 SOLICITOR'S OFFICE, BEEN INVOLVED WITH THEM BY  
11 REPRESENTATION AS A VICTIM OR IN ANY OTHER CAPACITY,  
12 OR HAVE YOU WORKED WITH THE SOLICITOR'S OFFICE IN ANY  
13 CAPACITY SUCH AS VICTIM WITNESS ASSISTANCE OR  
14 ANYTHING LIKE THAT? IF SO PLEASE STAND. YES, MA'AM.

15 THE JUROR: FORMERLY A BAIL BONDSMAN. I  
16 KNOW SEVERAL OF THE SOLICITOR.

17 THE COURT: WHENEVER YOU STAND MAKE SURE  
18 FIRST YOU GIVE ME YOUR NAME AND NUMBER BECAUSE THE  
19 LAWYERS WANT TO FIND IT AND WE ALSO HAVE TO MAKE A  
20 RECORD OF IT.

21 THE JUROR: IT'S DEBRA KING, JUROR 288.  
22 AND I HAVE BEEN FORMERLY A BAIL BONDSMAN, NO LONGER,  
23 AND I'VE WORKED WITH SEVERAL OF THEM.

24 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
25 TO BE FAIR AND IMPARTIAL?

1 THE JUROR: NO, SIR.

2 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
3 VERDICT ON THE LAW AND THE EVIDENCE IN THIS TRIAL?

4 THE JUROR: YES.

5 THE COURT: ALL RIGHT. YES, MA'AM, YOUR  
6 NAME AND NUMBER.

7 THE JUROR: MY NUMBER IS 183, KAREN MOYE,  
8 AND I WAS REPRESENTED BY THE PROSECUTION, VICTIM.

9 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
10 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

11 THE JUROR: NO, SIR.

12 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
13 VERDICT SOLELY ON THE LAW AND THE EVIDENCE IN THE  
14 TRIAL?

15 THE JUROR: YES, SIR.

16 THE COURT: I SAW ANOTHER HAND BUT STAND.  
17 WHEN YOU NEED TO TALK TO ME STAND BECAUSE I REALLY  
18 CAN'T, YOU REALLY KIND OF GET LOST IN THE SHUFFLE OUT  
19 THERE. YOUR NAME AND NUMBER.

20 THE JUROR: ROBERT GIBSON, 101. MY  
21 DAUGHTER WAS, THE FATHER OF MY DAUGHTER WAS CHILD  
22 MOLESTED.

23 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
24 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

25 THE JUROR: YES, SIR.

1 THE COURT: IT WOULD?

2 THE JUROR: YES, SIR.

3 THE COURT: ALL RIGHT. WELL, JUST DON'T  
4 LEAVE BUT HAVE A SEAT BUT YOU'LL BE EXCUSED FROM THIS  
5 TRIAL. ALL RIGHT. HAVE ANY OF YOU OR A MEMBER OF  
6 YOUR.

7 MR. MORTON: MAY I APPROACH THE BENCH ONE  
8 SECOND.

9 THE COURT: YES, COME ON. HAVE ANY OF YOU  
10 BEEN, I ALREADY ASKED ABOUT REPRESENTATION. ARE ANY  
11 OF YOU OR A MEMBER OF YOUR IMMEDIATE FAMILY INVOLVED  
12 IN LAW ENFORCEMENT AT ANY LEVEL, ANYTHING FROM  
13 MILITARY POLICE TO U.S. ATTORNEY'S OFFICE, OR ARE ANY  
14 OF YOU OR A MEMBER OF YOUR FAMILY OR HAVE THEY IN THE  
15 PAST BEEN INVOLVED AS A PROSECUTOR, THAT IS, INVOLVED  
16 IN SOME KIND OF PROSECUTING AGENCY, JUDGE ADVOCATE  
17 GENERAL CORPS, JUST ANYTHING YOU CAN THINK OF,  
18 SOLICITOR OR ANY TYPE PROSECUTORS? ALL RIGHT. I  
19 ALWAYS TRY TO START AND WORK MY WAY FROM THE BACK TO  
20 FRONT AND THEN ACROSS, IT'S JUST A PATTERN I  
21 DEVELOPED, SO WE'LL START. YOUR NAME AND NUMBER.

22 THE JUROR: WILLIAM RAMSEY, 205. I HAVE A  
23 COUSIN WHO IS A DEPUTY FOR YORK COUNTY. I'M ALSO  
24 GOOD FRIENDS WITH THE CORONER DOUG MCKOWAN.

25 THE COURT: JUST REMAIN STANDING. YES,



1 MA'AM, YOUR NAME AND NUMBER.

2 THE JUROR: I HAVE A BROTHER-IN-LAW,  
3 CARRIE NALLEY. I'M NOT SURE OF MY NUMBER. I HAVE A  
4 BROTHER-IN-LAW IN LAW ENFORCEMENT IN YORK COUNTY.

5 THE COURT: ALL RIGHT.

6 THE CLERK: 184.

7 THE COURT: YES, MA'AM.

8 THE JUROR: CHERYL BLACK, NUMBER 22. I  
9 HAVE A STEP-BROTHER THAT IS AN ATTORNEY FOR THE U.S.  
10 ARMY.

11 THE COURT: ALL RIGHT. YES, MA'AM.

12 THE JUROR: SHANNON WHISENANT, NUMBER 266.  
13 I'M NOT SURE IF THIS IS THE CORRECT TIME, BUT A  
14 MEMBER OF THE DEFENSE REPRESENTED ME IN A DIVORCE  
15 CASE.

16 THE COURT: ARE THEY REPRESENTING YOU  
17 CURRENTLY?

18 THE JUROR: NO, THIS WAS SEVERAL YEARS  
19 AGO.

20 THE COURT: JUST REMAIN STANDING THEN IF  
21 YOU WILL. YES, MA'AM, IN THE ORANGE.

22 THE JUROR: NANCY QUINN, NUMBER 204. MY  
23 BROTHER IS A POLICE OFFICER WITH THE CITY OF  
24 GASTONIA.

25 THE COURT: ALL RIGHT. JUST REMAIN

1 STANDING PLEASE.

2 THE JUROR: MY NAME IS DAVID MARK, 157. I  
3 WAS A FORMER CORRECTIONS OFFICER FOR CONNECTICUT. MY  
4 DAD IS ALSO A DEPUTY SHERIFF OR WAS FOR BRUNSWICK  
5 COUNTY IN NORTH CAROLINA AND CANADA.

6 THE COURT: YES, MA'AM.

7 THE JUROR: YES, YOUR HONOR. I THINK MY  
8 NUMBER IS 290. MY NAME IS ELIZABETH MARTINEAU. I'M  
9 NOT ASSOCIATED IN ANY PRESENTLY BUT IN THE PAST I WAS  
10 A SPECIAL U.S. ASSISTANT ATTORNEY FOR THE EASTERN  
11 DISTRICT OF NORTH CAROLINA. I HELP PROSECUTED CASES.  
12 I AM ALSO A LAWYER FOR THE MARINE CORPS.

13 THE COURT: ALL RIGHT. YES, SIR.

14 THE JUROR: MY NAME IS THOMAS MCCLOUD.  
15 I'M A RETIRED POLICE OFFICER FROM NEW YORK CITY  
16 POLICE DEPARTMENT.

17 THE COURT: ALL RIGHT. YES, MA'AM.

18 THE JUROR: DONNA BLANKENSHIP, JUROR 26.  
19 MY SON IS A POLICE OFFICER WITH THE CITY OF TEGA CAY.

20 THE COURT: ALL RIGHT. ANY OF YOU  
21 STANDING IF THE FACT THAT YOU HAVE STOOD IN REGARD TO  
22 THIS QUESTION, THAT IS, BECAUSE YOU HAVE THIS TYPE  
23 RELATIONSHIP, IF THAT WOULD PREVENT YOU FROM BEING  
24 FAIR AND IMPARTIAL PLEASE RAISE YOUR RIGHT HAND. NO  
25 ONE STANDS. IF IT WOULD PREVENT YOU FROM BASING YOUR

1 VERDICT ON THE LAW AND THE EVIDENCE IN THE TRIAL  
2 PLEASE RAISE YOUR RIGHT HAND. NO ONE DOES. THANK  
3 YOU. I APPRECIATE YOU PROVIDING US WITH THAT  
4 INFORMATION.

5 WERE ANY OF YOU MEMBERS OF THE GRAND JURY  
6 WHICH PASSED ON THIS INDICTMENT AT AN EARLIER TIME,  
7 IF SO PLEASE STAND. NO ONE STANDS.

8 HAVE ANY OF YOU EVER BEEN EMPLOYED, YOU OR  
9 A MEMBER OF YOUR IMMEDIATE FAMILY, BEEN EMPLOYED AS  
10 GUIDANCE COUNSELOR OR A COURT APPOINTED GUARDIAN AD  
11 LITEM, IF SO PLEASE STAND. ALL RIGHT. AGAIN I KNOW  
12 YOU STOOD A MINUTE AGO BUT WE HAVE TO MAKE A RECORD  
13 SO EACH TIME YOU STAND, IF YOU STAND TEN TIMES, WE  
14 HAVE TO GET YOUR NAME AND NUMBER.

15 THE JUROR: MIKE ELDER, NUMBER 86. BY DAD  
16 WAS GUARDIAN AD LITEM, COUNSELOR, WHATEVER.

17 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
18 TO BE FAIR AND IMPARTIAL?

19 THE JUROR: NO, SIR.

20 THE COURT: YOU WOULD BE ABLE TO BASE YOUR  
21 VERDICT ON THE LAW AND THE EVIDENCE?

22 THE JUROR: YES, SIR.

23 THE COURT: YOUR NAME AND NUMBER.

24 THE JUROR: THOMAS BENNETT. I BELIEVE IT  
25 IS 278. MY WIFE HAS BEEN A GUARDIAN AD LITEM.

1 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
2 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

3 THE JUROR: NO, SIR.

4 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
5 VERDICT SOLELY ON THE LAW AND THE EVIDENCE?

6 THE JUROR: YES, SIR.

7 THE COURT: YES, SIR.

8 THE JUROR: KEN POTTS. I THINK I'M JUROR  
9 294. I'M A FOSTER PARENT, NOT A GUARDIAN AD LITEM.

10 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
11 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

12 THE JUROR: I REALLY, I DON'T KNOW. I  
13 REALLY DON'T KNOW.

14 THE COURT: I'LL EXCUSE YOU THEN IF YOU  
15 HAVE SOME CONCERNS, DON'T LEAVE, BUT HAVE A SEAT.  
16 YOU'LL BE EXCUSED. WE'LL EXCUSE YOU FROM SERVING ON  
17 THIS PARTICULAR PANEL. YES, MA'AM.

18 THE JUROR: ELIZABETH MARTINEAU. I'M  
19 JUROR 290 I BELIEVE AND I DO GUARDIAN AD LITEM WORK  
20 PRO BONO. IT'S DOMESTIC NOT CRIMINAL.

21 THE COURT: ALL RIGHT.

22 THE JUROR: IN MECKLANBURG COUNTY.

23 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
24 TO BE FAIR AND IMPARTIAL?

25 THE JUROR: NO, SIR.

1 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
2 VERDICT ON THE LAW AND THE EVIDENCE?

3 THE JUROR: YES, YOUR HONOR.

4 THE COURT: YES.

5 THE JUROR: TAMRA MCCOY. I'M JUROR 164.

6 I HAD A COUSIN THAT WORKED AS A COUNSELOR.

7 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
8 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

9 THE JUROR: NO, SIR.

10 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
11 VERDICT ON THE LAW AND THE EVIDENCE?

12 THE JUROR: YES, SIR.

13 THE COURT: ALL RIGHT. THANK YOU. NOW  
14 WE'RE GOING TO GET INTO SOME SORT OF SENSITIVE AREAS  
15 AND I'M NOT GOING TO ASK YOU, WE'VE ALREADY HAD ONE  
16 RESPONSE ALONG THESE LINES, AND YOU DON'T HAVE TO  
17 STAND AGAIN, THAT I'M NOT GOING TO ASK YOU TO BARE  
18 YOUR SOUL IN FRONT OF ALL OF US. I SIMPLY WANT TO  
19 KNOW IF IN FACT THIS HAS, IF YOU FALL INTO THIS  
20 CATEGORY AND THEN IF YOU DO I WILL FOLLOW UP, NOT  
21 WITH QUESTIONS ABOUT WHAT HAPPENED, BUT QUESTIONS  
22 I'VE BEEN ASKING ABOUT YOUR ABILITY TO BE FAIR. HAVE  
23 ANY OF YOU OR A FAMILY MEMBER EITHER BEEN ACCUSED OF  
24 ABUSING A CHILD OR CHILDREN, OR HAD A, YOURSELF OR A  
25 CHILD OF YOURS, BEEN A VICTIM OF ABUSE? IF SO PLEASE

1 STAND. ALL RIGHT. YES, MA'AM, YOUR NAME AND NUMBER  
2 AGAIN.

3 THE JUROR: DEBRA KING AND IT'S 288 AND I  
4 WAS A VICTIM.

5 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
6 TO BE FAIR AND IMPARTIAL?

7 THE JUROR: I DON'T KNOW, YOUR HONOR. I'M  
8 NOT CERTAIN BUT I WOULD FEEL LIKE IT WOULDN'T.

9 THE COURT: YOU FEEL LIKE YOU --

10 THE JUROR: I FEEL AS A PERSON I AM AN  
11 ADULT NOW, THAT WAS A LONG TIME AGO, I FEEL LIKE I  
12 COULD BE IMPARTIAL IN THIS SITUATION, BUT I MEAN, YOU  
13 KNOW, JUST AS BEING A VICTIM MYSELF IT IS A CONCERN.

14 THE COURT: WELL, I'LL EXCUSE YOU THEN.  
15 DON'T LEAVE. YES, MA'AM, YOUR NAME.

16 THE JUROR: ELIZABETH KIRKSEY. MY NUMBER  
17 IS 139.

18 THE COURT: YOU DON'T HAVE TO TELL ME WHY  
19 YOU ARE STANDING BUT JUST BECAUSE YOU ARE STANDING  
20 WOULD IN SPITE OF THAT WOULD YOU BE ABLE TO BE FAIR  
21 AND IMPARTIAL IN THE TRIAL OF THIS CASE?

22 THE JUROR: I'M NOT SURE.

23 THE COURT: WELL, I'LL EXCUSE YOU TOO. WE  
24 HAVE TO HAVE A FAIR AND IMPARTIAL JURY PANEL. HAVE  
25 ANY OF YOU OR A MEMBER OF YOUR FAMILY EITHER BEEN

1 CHARGED WITH OR BEEN THE VICTIM OF WHAT WOULD BE  
2 CALLED A VIOLENT CRIME IF SO PLEASE STAND. AND A  
3 VIOLENT CRIME IS ANY KIND OF CRIME, AN ASSAULT OF ANY  
4 TYPE, SHOOTING, KNIFING, STABBING, BEATING, ANYTHING  
5 LIKE THAT. IF SO PLEASE STAND. ALL RIGHT. WE'LL  
6 START, AND AGAIN YOU DON'T HAVE TO BARE YOUR SOUL AND  
7 TELL ME EVERYTHING, JUST BECAUSE YOU ARE STANDING WE  
8 KNOW AND I HAVE ALREADY EXCUSED YOU, SIR, SO YOU CAN  
9 JUST REMAIN SEATED THROUGHOUT THE REST. ALL RIGHT.  
10 YES, MA'AM, YOUR NAME AND NUMBER.

11 THE JUROR: I'M ROBIN DOVER. NUMBER 80.

12 THE COURT: ALL RIGHT.

13 THE JUROR: BILL LEFLER, 146 I THINK.

14 THE COURT: YES, MA'AM.

15 THE JUROR: KAREN MOYE, 183.

16 THE COURT: THE FACT THAT YOU ARE STANDING  
17 IN RESPONSE TO THIS QUESTION, WOULD THAT AFFECT YOUR  
18 ABILITY TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS  
19 CASE, IF SO PLEASE RAISE YOUR RIGHT HAND. NO ONE  
20 DOES. IF YOU COULD NOT BASE YOUR VERDICT ON THE LAW  
21 AND THE EVIDENCE PLEASE RAISE YOUR RIGHT HAND. NO  
22 ONE DOES. THANK YOU.

23 NOW HAVE ANY OF YOU OR A MEMBER OF YOUR  
24 FAMILY BEEN A VICTIM OF ANY TYPE OF SEXUAL ABUSE OR  
25 HAVE ANY OF YOU BEEN CHARGED OR A MEMBER OF YOUR

1 FAMILY BEEN CHARGED WITH SUCH IF SO PLEASE STAND. NO  
2 ONE STANDS.

3 AGAIN THESE ARE VERY TOUCHY AND I HATE  
4 TO ASK THEM BUT I MUST BECAUSE WE DO NEED TO HAVE A  
5 FAIR AND IMPARTIAL JURY. HAVE ANY OF YOU OR A MEMBER  
6 OF YOUR FAMILY LOST A CHILD TO DEATH WHEN THAT CHILD  
7 WAS UNDER THE AGE OF 21 IF SO PLEASE STAND. ALL  
8 RIGHT. YES, MA'AM, YOUR NAME AND NUMBER.

9 THE JUROR: ROBIN DOVER. NUMBER 80.

10 THE COURT: YES, SIR.

11 THE JUROR: BILL LEFLER. I BELIEVE 146.

12 THE COURT: YOUR NAME AND NUMBER.

13 THE JUROR: CHRISTOPHER MACK. I'M NOT  
14 SURE OF MY NUMBER.

15 THE COURT: YOUR NAME AND NUMBER.

16 THE JUROR: JUROR 164, TAMRA MCCOY.

17 THE COURT: WOULD THE FACT THAT YOU HAVE  
18 STOOD, THE FOUR OF YOU HAVE STOOD, THE FACT THAT YOU  
19 HAVE STOOD IN RESPONSE TO THIS QUESTION WOULD THAT  
20 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL IN THE  
21 TRIAL OF THIS CASE IF SO PLEASE RAISE YOUR RIGHT  
22 HAND. NO ONE DOES. IF THAT WOULD PREVENT YOU FROM  
23 BEING OR BASING YOUR VERDICT ON THE LAW AND THE  
24 EVIDENCE PLEASE RAISE YOUR RIGHT HAND. NO ONE DOES.  
25 THANK YOU. YOU MAY BE SEATED.



1                   HAVE ANY OF YOU, AGAIN I'M NOT GOING TO  
2                   ASK YOU TO BARE YOUR SOUL, HAVE ANY OF YOU BEEN  
3                   ACCUSED OF, YOU OR A MEMBER OF YOUR FAMILY, WITH  
4                   EITHER ABUSE OR NEGLECT OF A CHILD IF SO PLEASE  
5                   STAND. NO ONE STANDS.

6                   HAVE ANY OF YOU HAVE BEEN INVOLVED IN THE  
7                   MEDICAL FIELD, MEDICAL PROFESSION, WHICH WAS RELATED  
8                   TO SEXUAL EVENTS; THAT IS, WERE YOU A NURSE OR  
9                   SOMEHOW CONNECTED WITH ANY KIND OF AGENCY OR MEDICAL  
10                  PROFESSIONAL WHO TREATED AND WAS PRESENTED WITH  
11                  ALLEGED SEXUAL ABUSE VICTIMS IF SO PLEASE SAND. NO  
12                  ONE STANDS.

13                  NOW HAVE ANY OF YOU BEEN A MEMBER OF OR  
14                  CONTRIBUTORS TO, NOW OR IN THE PAST, SUCH  
15                  ORGANIZATIONS AS MOTHER AGAINST DRUNK DRIVERS,  
16                  STUDENTS AGAINST DRUNK DRIVERS, CAVE, CITIZENS  
17                  AGAINST VIOLENCE, THE SHERIFF'S ASSOCIATION,  
18                  TROOPER'S ASSOCIATION, FRATERNAL ORDER OF POLICE, ANY  
19                  OF YOU BEEN A MEMBER OF OR CONTRIBUTOR TO ANY OF  
20                  THOSE TYPE ORGANIZATIONS IF SO PLEASE STAND. ALL  
21                  RIGHT. WHAT I WILL DO IS I'M GOING TO ASK EACH OF  
22                  YOU, WE'LL START HERE, AND JUST WORK YOUR WAY BACK,  
23                  GIVE ME YOUR NAME AND YOUR NUMBER AND THE  
24                  ORGANIZATION THAT CAUSED YOU TO RISE AND THEN I'LL GO  
25                  BACK WITH THAT GENERAL QUESTION ABOUT FAIR AND

1 IMPARTIALITY. SO LET'S START AND JUST WORK OUR WAY  
2 BACK.

3 THE JUROR: PAM GLOBOKAR, 104. MAGAZINE  
4 SALES I THINK FOR MOTHERS AGAINST DRUNK DRIVERS.  
5 THEY CALL ALL THE TIME.

6 THE JUROR: HERMAN BARRENTINE, NUMBER 12.  
7 TROOPER'S ASSOCIATION DONATION.

8 THE COURT: ALL RIGHT.

9 THE JUROR: RITA SUTTON, 299. MOTHER  
10 AGAINST DRUNK DRIVING AND POLICE, TROOPER, WHATEVER.

11 THE COURT: ALL RIGHT.

12 THE JUROR: MARSHA CABE, JUROR 47.  
13 TROOPERS AND MOTHERS AGAINST DRUNK DRIVING.

14 THE COURT: YES, MA'AM.

15 THE JUROR: ROBIN DOVER, 80. MOTHERS AND  
16 STUDENTS AGAINST DRUNK DRIVING.

17 THE JUROR: KENNETH CLONTZ, JUROR 59.  
18 TROOPER'S ASSOCIATION AND YORK COUNTY SHERIFF'S  
19 ASSOCIATION.

20 THE JUROR: BILL LEFLER, 146. SOUTH  
21 CAROLINA STATE TROOPER'S, YORK COUNTY SHERIFF'S  
22 ASSOCIATION.

23 THE JUROR: DAN WATSON, 280. TROOPER'S  
24 ASSOCIATION.

25 THE JUROR: RICH WOODBURN, 300. MOTHERS

1 AGAINST DRUNK DRIVING AND TROOPER'S ASSOCIATION.

2 THE COURT: ALL RIGHT.

3 THE JUROR: RICHARD EDWARDS, 85.

4 TROOPER'S ASSOCIATION AND SHERIFF'S ASSOCIATION.

5 THE COURT: YES, MA'AM.

6 THE JUROR: FRED BEACHUM, NUMBER 15.

7 STATE TROOPER'S ASSOCIATION AND SHERIFF'S

8 ASSOCIATION.

9 THE JUROR: NICHOLAS FULCHER, 95.

10 TROOPER'S ASSOCIATION.

11 THE COURT: YES, MA'AM.

12 THE JUROR: SANDRA WARDEAN, JUROR 258.

13 MOTHERS AGAINST DRUNK DRIVING.

14 THE COURT: YES, MA'AM.

15 THE JUROR: MELANIE FORRESTER. I BELIEVE

16 I'M 285. MOTHERS AGAINST DRUNK DRIVING, TROOPER'S,

17 AND CHICKS.

18 THE COURT: THE FACT THAT YOU ARE

19 STANDING, IF THAT FACT WOULD PREVENT YOU, SINCE YOU

20 HAVE CONTRIBUTED TO THESE ORGANIZATIONS, IF THAT

21 WOULD PREVENT YOU FROM BEING FAIR AND IMPARTIAL IN

22 THE TRIAL OF THIS CASE PLEASE RAISE YOUR RIGHT HAND.

23 YES, MA'AM, YOU BELIEVE IT WOULD.

24 THE JUROR: YES.

25 THE COURT: YOUR NAME AND NUMBER AGAIN.

1 THE JUROR: MARSHA CABE, 47.

2 THE COURT: YOU CAN BE EXCUSED. DON'T  
3 LEAVE, JUST HAVE A SEAT. NO ONE ELSE RAISES THEIR  
4 HAND. THE REST OF YOU CAN BE SEATED. THANK YOU.  
5 ARE ANY OF YOU AWARE OF ANY BIAS OR PREJUDICE YOU  
6 MIGHT HAVE TOWARD THE STATE, MR. COPE AND  
7 MR. SANDERS, OR ANY BIAS OR PREJUDICE AGAINST THE  
8 CHARGES PENDING AGAINST THEM, IF SO PLEASE STAND.  
9 YES, SIR.

10 THE JUROR: YOUR HONOR --

11 MR. MORTON: IF WE MIGHT.

12 THE COURT: WAIT. I'M NOT GOING TO ASK  
13 YOU TO TELL ME WHAT BIAS OR ANYTHING YOU MIGHT HAVE,  
14 JUST YOU STANDING YOU ARE TELLING ME THAT YOU HAVE  
15 SOME TYPE OF, DON'T TELL ME WHAT IS, JUST YOUR NAME  
16 AND NUMBER.

17 THE JUROR: JOHN DAVIS, JUROR 77.

18 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
19 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

20 THE JUROR: YES.

21 THE COURT: YOU CAN BE SEATED. YOU CAN BE  
22 EXCUSED. ALL RIGHT. THE FOLLOWING ARE POTENTIAL  
23 WITNESSES IN THIS CASE, AND I AM GOING TO ASK THAT IF  
24 YOU HEAR A NAME CALLED OF ANYBODY WHO IS A FRIEND OF  
25 YOURS, IT'S A LONG LIST, I DON'T THINK ALL THESE

1 PEOPLE WOULD TESTIFY, BUT BOTH SIDES, EVERYONE WHO  
2 HAS A POTENTIAL WITNESS HAS TO LIST THEM, SO WE CAN  
3 GO OVER AND MAKE SURE NONE OF YOU ARE RELATED BY  
4 BLOOD OR MARRIAGE OR A CLOSE PERSONAL FRIEND OR  
5 ACQUAINTANCE OF ANY OF THESE INDIVIDUALS. IF YOU  
6 ARE, PLEASE STAND WHEN YOU HEAR THEIR NAME, AND WE  
7 WILL COME BACK AND I WILL ASK YOU THAT GENERAL TYPE  
8 QUESTION: LISA ALLEN.

9 SUSAN ARCHIE.

10 MIKE ARFLIN.

11 MIKE BAKER.

12 TONYA BARBER.

13 TIFFANY BARNETT.

14 PAT BENFIELD.

15 CHARLENE BLACKWELDER.

16 RICHIE BLACKWELL.

17 ALLEN BRANDON.

18 JANICE BRYSON.

19 WILLIE BURRIS.

20 CHARLES CABANISS.

21 ALLEN CANTEY.

22 J. M. CAPE.

23 JESSICA COPE.

24 KYLA COPE.

25 MIKE COPE.

1 SHIRLEY COPE.  
2 JEFF CROOKS.  
3 DAVID CURLEE.  
4 ROBIN DAVIS.  
5 WILLIAM CHRISTOPHER DAVIS.  
6 JASON DILLON.  
7 CAROL DIXON.  
8 ASHLEY DOSTER.  
9 KEITH DUGAN.  
10 ANNNETTE DYE.  
11 CHARLES DYE.  
12 DR. RICHARD FRIERSON.  
13 TODD GARDNER.  
14 PATRICK GOLDSMITH.  
15 ROD GREEN.  
16 CHUCK GUYTON.  
17 DAVID HANOKA.  
18 VERNON HARMON.  
19 IVA HERNANDEZ.  
20 LES HERRING.  
21 REBECCA HERRON.  
22 JOHN HEWITT.  
23 JEFFREY HOOVER.  
24 THOMAS HUTCHINSON.  
25 ANGELA INGRAM.

1 IRA INGRAM.  
2 JOE JOHNSON.  
3 AMY YANDELL JONES.  
4 KEVIN JONES.  
5 WAYNE JORDAN.  
6 MARK KITTS.  
7 STEPHEN LAMBERT.  
8 COLLETTE LEMAY.  
9 RAY LONG.  
10 DR. JAMES MAYNARD.  
11 DAVID MCCLURE.  
12 TRAVIS MCDANIEL.  
13 FRAN MCGEE ALSO KNOWN AS HUDDLESTON.  
14 RALPH MERCHANT.  
15 JEFF MILLER.  
16 CHUCK NEIL.  
17 GLENDA OLIVER.  
18 JILL COLLINS PEEK.  
19 LEILA PHIFER.  
20 TROY POUND.  
21 JOE POWELL.  
22 JOHN POWELL.  
23 C. PUCKHABER.  
24 KYLE QUINN.  
25 DART RAYMES.

1 DR. DWIGHT REYNOLDS.  
2 EMILY RHINEHART.  
3 ADRIENNE RILEY.  
4 DEREK ROLAND.  
5 DEBRA ROOF.  
6 TERRI SCOTT.  
7 AMANDA SIMMONS.  
8 AMY SIMMONS.  
9 MARK SIMMONS.  
10 ROB SMARZIK.  
11 BRIAN SMITH.  
12 ZANNIE SMITH.  
13 MIKE SMOTHERS.  
14 KYMRA STEWART.  
15 SEAN SULLIVAN.  
16 ROBERT TAYLOR.  
17 LISA THOMPSON.  
18 KENYATTA TRIPP.  
19 PHILIP TRIPP.  
20 PAULA VALLEJO.  
21 JAMES WALDEN.  
22 JERRY WALDROP.  
23 MIKE WILLIAMS.  
24 SCOTT WORSHAM.  
25 ERNIE WRIGHT.



1                   LOUANN WRIGHT.  
2                   DELICIA CRAWFORD.  
3                   SHARON GOODMAN.  
4                   RONALD OSTROWSKI.  
5                   SCOTT BERNARD.  
6                   TAMMY COPE.  
7                   LELA PHIFER.  
8                   AMY SIMMONS.  
9                   JOHN POWELL.  
10                  TERRY BOAN.  
11                  GEORGIA POPE.  
12                  JOSEPH AVANPADO.  
13                  TAMMY CRISP.  
14                  WILLIAM CHRISTOPHER DAVIS.  
15                  KATHERINE DAVIS.  
16                  ALICIA LOWERY.  
17                  SARAH PHILLIPS.  
18                  SARAH HAGMAN LEE.  
19                  LATOYA FEASTER.  
20                  JAMES HILL.  
21                  CREE STOUT.  
22                  ZAN CHASE.  
23                  ALLISON CHASE.  
24                  LOWANDA JAMISON.  
25                  LESLIE MANN.

1 B.J. BARROWCLAUGH.  
2 JANICE BRYSON.  
3 STEVE LAMBERT.  
4 JOE POWELL.  
5 AMANDA SIMMONS.  
6 JEFFREY CROOKS.  
7 WILLIE BURRIS.  
8 LES HERRING.  
9 JERRY WALDROP.  
10 CHUCK NEIL.  
11 KEVEN TOLSEN.  
12 MARK KITTS.  
13 WILLIE THOMPSON.  
14 CHARLES HONTS.  
15 SAUL KASSIN.  
16 STEPHEN COX.  
17 DONNA SWARTZ WATTS.  
18 CLAY NICHOLS.  
19 BETSY BAKER GIBBS.  
20 MICKEY DAWSON.  
21 HAYWOOD STARLING.  
22 ALLSION DEFELICE.  
23 AND RON GUERRETTE.  
24 ALL RIGHT. YOUR NAME AND NUMBER PLEASE  
25 MA 'AM.

1 THE JUROR: ZEDA FULTZ. I BELIEVE IT'S  
2 96. I'M NOT SURE.

3 THE COURT: WHO IS YOUR RELATION WITH AND  
4 WHAT IS IT?

5 THE JUROR: OKAY. A CLOSE FRIEND OF MINE  
6 WORKS WITH SUSAN ARCHIE AND I MET HER THROUGH  
7 DIFFERENT WORK-RELATED OCCASIONS.

8 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
9 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

10 THE JUROR: NO.

11 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
12 VERDICT ON THE LAW AND THE EVIDENCE IN THE TRIAL?

13 THE JUROR: YES, SIR.

14 THE COURT: THANK YOU. YOU MAY BE SEATED.  
15 YOUR NAME AND NUMBER.

16 THE JUROR: TODD HERSHBERGER. I'M NOT  
17 SURE ABOUT MY NUMBER. TODD GARDNER IS THE STEPFATHER  
18 OF SOME STUDENTS THAT ARE IN MY YOUTH GROUP.

19 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
20 TO BE FAIR AND IMPARTIAL?

21 THE JUROR: NO, SIR.

22 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
23 VERDICT ON THE LAW AND THE EVIDENCE?

24 THE JUROR: YES.

25 THE COURT: YES, MA'AM, YOUR NAME AND

1 NUMBER.

2 THE JUROR: RITA SUTTON, NUMBER 299.

3 ALLEN BRANDON.

4 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
5 TO BE FAIR AND IMPARTIAL?

6 THE JUROR: NO.

7 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
8 VERDICT SOLELY ON THE LAW AND THE EVIDENCE?

9 THE JUROR: YES, SIR.

10 THE COURT: YES, SIR, YOUR NAME AND  
11 NUMBER.

12 THE JUROR: STEWART SMITH, NUMBER 232.

13 ALLEN BRANDON IS A MEMBER OF MY CONGREGATION.

14 THE COURT: WOULD THAT AFFECT --

15 THE JUROR: ALSO A CLOSE FRIEND.

16 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
17 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

18 THE JUROR: NO, I DON'T BELIEVE SO.

19 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
20 VERDICT ON THE LAW AND THE EVIDENCE?

21 THE JUROR: IN REGARD TO THAT  
22 RELATIONSHIP, YES.

23 THE COURT: YES. THANK YOU. ALL RIGHT.

24 NOW THE NEXT QUESTION WE'RE GOING TO TREAT A LITTLE  
25 DIFFERENTLY BECAUSE I'M GOING TO HAVE TO MAYBE, WELL

1 NOT MAYBE, I'M GOING TO HAVE TO CREATE A SITUATION  
2 WHERE I AM GOING TO ASK YOU MORE PERTINENT QUESTIONS  
3 ON AN INDIVIDUAL BASIS. WHAT I WILL DO, IN JUST A  
4 MINUTE, DON'T STAND YET, IS ASK IF ANY OF YOU HAVE  
5 HEARD ANYTHING ABOUT THIS CASE. THOSE OF YOU WHO  
6 HAVE I'M GOING TO HAVE TO DO SOME FOLLOW UP QUESTIONS  
7 AND RATHER THAN ASK YOU THOSE HERE, ANYBODY WHO  
8 STANDS IN RESPONSE TO THIS QUESTION I'M GOING TO HAVE  
9 THE SHERIFF'S DEPUTY TAKE ALL OF YOU, NOT ONE AT A  
10 TIME, ALL OF YOU OVER TO THE GRAND JURY ROOM. MY  
11 INSTRUCTIONS WILL BE THAT YOU ARE NOT TO DISCUSS  
12 ANYTHING WHILE YOU ARE IN THERE, NOT EVEN THE  
13 WEATHER, ALTHOUGH THERE IS A LOT OF WEATHER GOING ON  
14 TODAY, WHEN YOU ARE IN THERE JUST KEEP TO YOURSELF.  
15 I WILL THEN BRING YOU BACK IN ONE BY ONE AND I'M NOT  
16 GOING TO INTERROGATE YOU, BUT I'M GOING TO HAVE A FEW  
17 QUESTIONS TO ASK YOU BUT I WANT TO DO THIS IN A MORE  
18 PRIVATE MANNER. THOSE OF YOU WHO DO NOT STAND I WILL  
19 EXCUSE YOU OUT INTO THE HALL. THAT IS, I'M NOT GOING  
20 TO LET YOU LEAVE THE BUILDING, I'M GOING TO ASK YOU  
21 TO GO OUT AND ONE OF THE BAILIFFS WILL ACCOMPANY YOU  
22 AND LET YOU REMAIN IN A GROUP SO THAT WE DON'T LOSE  
23 YOU OR ACTUALLY, NO, I THINK THAT'S BEST. WE'LL DO  
24 IT THAT WAY.

25 SO MY QUESTION NOW IS THAT IF ANY OF YOU

1 HAVE HEARD ABOUT THIS CASE FROM ANY SOURCE  
2 WHATSOEVER, NEWSPAPER, RADIO, TELEVISION, MAN ON THE  
3 STREET, MAN OR WOMEN ON THE STREET, MAN OR WOMAN AT  
4 WORK, SPOUSE, FRIENDS, NEIGHBORS, IF HAVE YOU HEARD  
5 ANYTHING ABOUT THIS CASE, ANYTHING WHATSOEVER, PLEASE  
6 STAND. ALL RIGHT. I'M GOING TO ASK IF MR. CARTER  
7 WILL ESCORT YOU, IF YOU'LL FOLLOW HIM, HE'LL TAKE YOU  
8 INTO THE GRAND JURY ROOM, FOLLOW MR. CARTER TO THE  
9 GRAND JURY ROOM.

10 (THE JURORS EXIT THE COURTROOM WITH  
11 THE DEPUTY MR. CARTER.)

12 THE COURT: ALL RIGHT. THOSE OF YOU WHO  
13 DID NOT STAND, ACTUALLY THOSE OF YOU WHO HAVE BEEN  
14 EXCUSED PLEASE STAND. I ALREADY EXCUSED A FEW OF  
15 YOU. ALL RIGHT, IF THE SIX OF YOU WOULD SIMPLY GO  
16 BACK DOWN TO THE JURY ASSEMBLY ROOM, JUST GO BACK TO  
17 THE JURY ASSEMBLY ROOM BECAUSE YOU WILL NOT BE  
18 PARTICIPATING IN THIS TRIAL, SO WE MIGHT AS WELL GO  
19 AHEAD AND RELEASE YOU.

20 (THOSE JURORS EXIT THE COURTROOM.)

21 THE COURT: THOSE WHO STILL REMAIN, I'M  
22 GOING TO ASK YOU TO STEP OUT IN THE HALL, IT WILL BE  
23 FOR A LITTLE WHILE, BUT DON'T DISCUSS THIS CASE.  
24 AGAIN DON'T DISCUSS ANYTHING. JUST WATCH THE WEATHER  
25 OR WHATEVER, BUT I CAN'T, I'M NOT GOING TO ALLOW YOU

1 TO DISCUSS THE CASE OR ANYTHING. THE BAILIFF WILL  
2 ASSIST YOU. LET'S DO THIS, LET'S GET, WE'RE KIND OF  
3 RUNNING SHORT OF PEOPLE HERE. MR. IVEY, WOULD YOU --  
4 MR. BURRIS, WOULD YOU JUST STAY OUTSIDE WITH THEM AND  
5 KEEP THEM IN A GROUP. IF ALL OF YOU WOULD JUST  
6 FOLLOW MR. BURRIS.

7 (THE JURORS EXIT WITH THE BAILIFF MR.  
8 BURRIS.)

9 THE COURT: MR. IVEY, WHAT I WILL ASK YOU  
10 TO DO IS JUST WALK DOWN THE HALL AND BRING US BACK A  
11 JUROR. IT DOESN'T HAVE TO BE ANYBODY IN PARTICULAR,  
12 WE'LL HAVE TO GET THEM ALL, JUST BRING THEM BACK ONE  
13 AT A TIME. WHEN WE GET THROUGH WITH THAT JUROR,  
14 WE'LL MOVE ON TO THE NEXT.

15 (THE JUROR ENTERS THE COURTROOM.)

16 THE COURT: YOUR NAME AND NUMBER.

17 THE JUROR: DUANE FARMER, NUMBER 87.

18 THE COURT: MR. FARMER, I'M NOT GOING TO  
19 ASK YOU TO TELL ME EXACTLY WHAT YOU HAVE HEARD  
20 BECAUSE THAT'S NOT WHAT I'M INTERESTED IN. I'M  
21 INTERESTED IN WHETHER OR NOT IN SPITE OF WHAT YOU  
22 HEARD ABOUT THIS CASE COULD YOU STILL BE FAIR AND  
23 IMPARTIAL AND BASE YOUR VERDICT IN THIS CASE SOLELY  
24 ON THE LAW AND THE EVIDENCE AND I NOTICE YOU ARE  
25 LOOKING A LITTLE, YOU ARE THINKING BUT WE --

1                   THE JUROR:  NO, SIR, I DON'T BELIEVE I  
2                   CAN.

3                   THE COURT:  ALL RIGHT.  I'M GOING TO  
4                   EXCUSE YOU AND LET YOU GO BACK DOWN TO THE JURY  
5                   ASSEMBLY ROOM.

6                   THE JUROR:  OKAY.

7                   THE COURT:  THANK YOU.

8                   MR. MORTON:  FOR THE RECORD, I'M SORRY.  I  
9                   WOULD LIKE FOR THERE TO BE LITTLE MORE INQUIRY BY THE  
10                  COURT ABOUT --

11                  THE COURT:  LET MR. FARMER GO.

12                  MR. MORTON:  YES, SIR.  I'M SORRY.  I  
13                  APOLOGIZE.

14                  (THE JUROR EXITS THE COURTROOM.)

15                  THE COURT:  WELL, IF THEY CAN'T BE FAIR  
16                  AND IMPARTIAL WHY SHOULD I ASK IF THEY ---

17                  MR. MORTON:  I AGREE WITH THAT.  BUT THEN  
18                  IF THEY COME IN AND SAY WELL, YEAH, I CAN BE FAIR AND  
19                  IMPARTIAL, I WOULD LIKE FOR THE COURT TO INQUIRE A  
20                  LITTLE FURTHER ABOUT.

21                  THE COURT:  DO THEY REALLY MEAN IT?

22                  MR. MORTON:  NO, NO, ABOUT WHAT THEY HAVE  
23                  HEARD ABOUT ---

24                  THE COURT:  NO.  NO.  NO.  YOU ARE ON  
25                  RECORD.  YOU WANT ME TO HAVE THEM EXPLAIN WHAT THEY



1 HEARD AND I --

2 MR. MORTON: WHETHER IT IS FROM THE MEDIA  
3 OR FROM A NEIGHBOR. I MEAN, I DON'T KNOW JUST SAYING  
4 THAT THEY'VE HEARD ANYTHING, IF THEY COME AND JUST  
5 SAY WELL, YEAH, I HEARD OF SOMETHING, YOU SAY WELL  
6 CAN YOU BE FAIR AND IMPARTIAL, THAT DOESN'T ALLOW THE  
7 COURT TO INQUIRE ABOUT ANY PRECONCEIVED NOTION OR  
8 IDEA OR ANYTHING THAT THESE PEOPLE MAY HAVE FORMED IN  
9 THEIR MIND.

10 THE COURT: WELL, I MIGHT ASK A LITTLE  
11 MORE BUT I'M NOT GOING TO GO INTO INQUIREY.

12 MR. GREELEY: JUST FOR THE RECORD I WOULD  
13 JUST JOIN IN THAT MOTION.

14 THE COURT: ALL RIGHT. BRING IN THE NEXT  
15 ONE.

16 (JUROR ENTERS THE COURTROOM.)

17 THE COURT: YOUR NAME AND NUMBER.

18 THE JUROR: KEN KNOX, JUROR 59.

19 THE COURT: YOU'VE HEARD SOMETHING ABOUT  
20 THIS CASE?

21 THE JUROR: I READ ABOUT IT IN THE PAPER,  
22 YES, SIR.

23 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
24 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

25 THE JUROR: NO, SIR.



1       REMAIN WITH US, IF YOU'LL JUST JOIN THE GROUP OUT IN  
2       THE HALL AND NOT DISCUSS ANYTHING.  THANK YOU.

3                    (THE JUROR EXITS AND THE NEXT JUROR  
4       ENTERS.)

5                    THE COURT:  YOUR NAME AND NUMBER.

6                    THE JUROR:  I'M CHARLES D. NEELEY, NUMBER  
7       186.

8                    THE COURT:  ALL RIGHT.  YOU HEARD ABOUT  
9       THIS CASE.

10                   THE JUROR:  READ ABOUT IT IN THE  
11       NEWSPAPER.

12                   THE COURT:  WOULD THAT AFFECT YOUR ABILITY  
13       TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

14                   THE JUROR:  NO, SIR.

15                   THE COURT:  WOULD YOU BE ABLE TO BASE YOUR  
16       VERDICT ON THE LAW AND THE EVIDENCE?

17                   THE JUROR:  YES, SIR.

18                   THE COURT:  JUST JOIN THAT GROUP, THERE IS  
19       A GROUP OUT IN THE HALL, IF YOU'LL JOIN THEM AND NOT  
20       DISCUSS ANYTHING.  THANK YOU.

21                   (THE JUROR EXITS AND THE NEXT JUROR  
22       ENTERS.)

23                   THE COURT:  YOUR NAME AND NUMBER.

24                   THE JUROR:  WILLIAM RAMSEY, 205.

25                   THE COURT:  YOU'VE HEARD ABOUT THIS CASE.

1 THE JUROR: YES.

2 THE COURT: HOW?

3 THE JUROR: JUST FROM THE NEWSPAPER AND  
4 COMMON TALK.

5 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
6 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THE CASE?

7 THE JUROR: NO, SIR.

8 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
9 VERDICT ON THE LAW AND THE EVIDENCE?

10 THE JUROR: YES, SIR.

11 THE COURT: JOIN THE PEOPLE OUT IN THE  
12 HALL, JUST DON'T DISCUSS THE CASE. THANK YOU.

13 (THE JUROR EXITS AND THE NEXT JUROR  
14 ENTERS.)

15 THE COURT: YOUR NAME AND NUMBER.

16 THE JUROR: I'M REALLY NOT SURE WHAT MY  
17 NUMBER IS, BUT MY NAME IS OCTAVIA S. BEATY.

18 THE COURT: ALL RIGHT. YOU'VE HEARD ABOUT  
19 THIS CASE.

20 THE JUROR: BITS AND PIECES OF IT, NOT  
21 MUCH.

22 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
23 TO BE FAIR AND IMPARTIAL?

24 THE JUROR: NO, SIR.

25 THE COURT: WOULD YOU BE ABLE TO BASE YOUR

1 VERDICT ON THE LAW AND THE EVIDENCE?

2 THE JUROR: YES.

3 THE COURT: IF YOU'LL JUST STEP OUT IN THE  
4 HALL, IF YOU'LL GO OUT THIS WAY.

5 MR. MORTON: YOUR HONOR, BEFORE THE NEXT  
6 JUROR COMES IN, SHE CAN LEAVE.

7 THE COURT: WAIT, WAIT. DON'T DISCUSS  
8 ANYTHING ABOUT THE CASE WITH ANYBODY OUT THERE.

9 THE JUROR: I WON'T.

10 (THE JUROR EXITS THE COURTROOM.)

11 MR. MORTON: YOUR HONOR, JUST FOR THE  
12 RECORD, THIS CASE I BELIEVE AN ARTICLE IN THE PAPER  
13 SAID 75 ARTICLES WRITTEN ABOUT IT BEFORE THIS  
14 WEEKEND, THERE IS NO TELLING HOW MANY NEWSPAPER  
15 ARTICLES ABOUT IT, AND I DON'T BELIEVE THAT THE  
16 INQUIRY BY THE COURT IS SUBSTANTIAL ENOUGH FOR US TO  
17 BE ABLE TO DETERMINE -- MY POSITION IS THAT WHEN A  
18 JUROR COMES IN, HAVE YOU HEARD ABOUT THE CASE; YEAH I  
19 READ ABOUT IT IN THE PAPER; CAN YOU BE FAIR AND  
20 IMPARTIAL; WELL, WHO IS NOT GOING TO SAY THEY CAN BE  
21 FAIR AND IMPARTIAL.

22 THE COURT: WELL, ONE PERSON ALREADY HAS.

23 MR. MORTON: I KNOW THEY HAVE BUT I THINK  
24 THE TENDENCY IS FOR MOST PEOPLE TO OBVIOUSLY SAY, OF  
25 COURSE I CAN BE FAIR AND IMPARTIAL BUT THAT'S NOT

1 GETTING TO THE BOTTOM OF WHAT THEY KNOW ABOUT THIS  
2 CASE AND WHETHER THEY FORMED ANY KIND OF OPINION  
3 ABOUT IT.

4 THE COURT: I'LL FOLLOW UP ABOUT AN  
5 OPINION THEN. ALL RIGHT. NEXT.

6 MR. BRACKETT: PLEASE THE COURT. IF I  
7 COULD JUST BE HEARD ON THAT JUST BRIEFLY. I THINK AS  
8 LONG AS YOUR HONOR ASKS CAN YOU PUT THAT ASIDE, AND I  
9 BELIEVE YOU ARE DOING THAT, I THINK THAT THAT  
10 SUBSTANTIALLY COMPORTS WITH WHAT'S REQUIRED FOR AN  
11 UNBIASED JURY.

12 (THE JUROR ENTERS THE COURTROOM.)

13 THE COURT: YOUR NAME AND NUMBER.

14 THE JUROR: NANCY QUINN, 204.

15 THE COURT: ALL RIGHT. YOU'VE HEARD ABOUT  
16 THIS CASE.

17 THE JUROR: JUST ON THE MEDIA, NEWS.

18 THE COURT: ALL RIGHT.

19 THE JUROR: IT'S BEEN AWHILE, SO I CAN'T  
20 REMEMBER MUCH.

21 THE COURT: HAVE YOU FORMED ANY OPINION  
22 ABOUT THE CASE?

23 THE JUROR: NO.

24 THE COURT: WOULD YOU BE ABLE TO PUT WHAT  
25 YOU HAVE HEARD ASIDE AND BASE YOUR DECISION SOLELY ON

1 THE LAW AND THE EVIDENCE IN THE TRIAL?

2 THE JUROR: YES, SIR.

3 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
4 AND IMPARTIAL?

5 THE JUROR: YES, SIR.

6 THE COURT: THANK YOU. IF YOU'LL JUST  
7 JOIN THE PEOPLE OUT IN THE HALL AND DON'T DISCUSS THE  
8 CASE.

9 THE JUROR: OKAY.

10 (THE JUROR EXITS AND THE NEXT JUROR  
11 ENTERS.)

12 THE COURT: YOUR NAME AND NUMBER.

13 THE JUROR: THOMAS BENNETT, 278.

14 THE COURT: ALL RIGHT. YOU'VE HEARD ABOUT  
15 THIS CASE.

16 THE JUROR: YES, SIR.

17 THE COURT: HAVE YOU FORMED ANY OPINION  
18 ABOUT THE CASE?

19 THE JUROR: PROBABLY SO, YES, SIR.

20 THE COURT: ALL RIGHT. WOULD YOU THINK  
21 YOU WOULD BE ABLE TO BE FAIR AND IMPARTIAL IN THE  
22 TRIAL OF THE CASE?

23 THE JUROR: I BELIEVE I WOULD.

24 THE COURT: BUT IF YOU HAVE AN OPINION  
25 WOULD YOU BE ABLE TO SET IT ASIDE AND LISTEN TO THE

1 EVIDENCE AND BASE YOUR VERDICT SOLELY ON THE LAW AND  
2 THE EVIDENCE IN THE TRIAL?

3 THE JUROR: YES.

4 THE COURT: YOU COULD BE FAIR AND  
5 IMPARTIAL?

6 THE JUROR: YES, SIR.

7 THE COURT: I'LL ASK YOU TO JOIN THE GROUP  
8 OUT IN THE HALLWAY THEN, JUST DON'T DISCUSS THE CASE.

9 (THE JUROR EXITS THE COURTROOM.)

10 MR. MORTON: YOUR HONOR, BEFORE THE NEXT  
11 JUROR COMES IN.

12 THE COURT: ALL RIGHT. YES, SIR.

13 MR. MORTON: YOUR HONOR, OBVIOUSLY I THINK  
14 IF SOMEBODY HAS FORMED AN OPINION AND I'M NOT TRYING  
15 TO BE DISRUPTIVE AT ALL BUT WHEN SOMEBODY COMES IN  
16 AND SAYS THEY FORMED AN OPINION, IT PROBABLY ISN'T A  
17 GOOD ONE AND, YOU KNOW, AGAIN ANYBODY WHO COMES IN  
18 THE COURT AND SAID I FORMED AN OPINION BUT I CAN PUT  
19 IT ASIDE, I THINK THAT'S PROBLEMATIC FOR EITHER SIDE,  
20 I MEAN, WHETHER IT'S STATE OR DEFENSE.

21 THE COURT: HE SAID HE COULD BE FAIR AND  
22 IMPARTIAL AND I THINK THAT'S WHY WE HAVE STRIKES SO  
23 THAT IF YOU FEEL LIKE SOMEBODY MAY HAVE SOME OPINION  
24 THAT'S ADVERSE, BUT WHEN THEY TELL ME THAT THEY CAN  
25 SET IT ASIDE AND BE FAIR AND IMPARTIAL. WHAT'S THE



1 NEXT QUESTION? I MEAN.

2 MR. MORTON: I JUST THINK THERE SHOULD BE  
3 SOME MORE INQUIRY ABOUT IT. I THINK THERE SHOULD BE  
4 DELVING INTO THESE PEOPLE'S OPINION AND THEIR  
5 ATTITUDES. IF THEY ALREADY COME IN AND SAY I HAVE  
6 FORMED AN OPINION ABOUT THIS CASE.

7 THE COURT: WELL, THE NEXT QUESTION WOULD  
8 BE WHAT IS THAT OPINION. I THINK ONE IS GUILTY AS  
9 SIN AND THE OTHER IS INNOCENT. I THINK THE SOLICITOR  
10 IS THE WORST IN THE STATE AND I WOULDN'T FIND ANYBODY  
11 GUILTY JUST BECAUSE HE'S IN THE CASE. I MEAN, I'M  
12 NOT GOING ANY FURTHER, MR. MORTON. YOU ARE ON THE  
13 RECORD FOR ASKING THAT SAME QUESTIONS FOR ALL JURORS.

14 MR. MORTON: THANK YOU.

15 THE COURT: YOU HAVE A NEW ONE?

16 MR. MORTON: NO, SIR.

17 THE COURT: IF YOU HAVE A NEW ONE LET ME  
18 KNOW AS TO THAT LINE OF QUESTIONING. YOU ARE ON  
19 RECORD AS TO ASKING THAT AS TO EVERY JUROR. BRING IN  
20 THE NEXT ONE.

21 (THE JUROR ENTERS THE COURTROOM.)

22 THE COURT: WHAT IS YOUR NAME AND NUMBER.

23 THE JUROR: JAMES M. SMITH, 229.

24 THE COURT: AND HAVE YOU HEARD, YOU HEARD  
25 ABOUT THIS CASE.

1                   THE JUROR:  JUST A LITTLE BIT IN THE  
2 PAPER.  DIDN'T READ MUCH OF IT.

3                   THE COURT:  HAVE YOU FORMED AN OPINION  
4 ABOUT THIS CASE?

5                   THE JUROR:  NO, SIR.

6                   THE COURT:  WOULD YOU BE ABLE TO BE FAIR  
7 AND IMPARTIAL IN THE TRIAL OF THE CASE?

8                   THE JUROR:  YES.

9                   THE COURT:  WOULD YOU BE ABLE TO BASE YOUR  
10 VERDICT ON THE LAW AND THE EVIDENCE?

11                  THE JUROR:  YES, SIR.

12                  THE COURT:  THANK YOU.

13                  THE JUROR:  OKAY.

14                  THE COURT:  IF YOU'LL JUST GO OUT FRONT,  
15 YOU'LL SEE A CROWD OF PEOPLE, IF YOU'LL JUST JOIN  
16 THEM AND NOT DISCUSS ANYTHING.  THANK YOU.

17                                 (THE JUROR EXITS AND THE NEXT JUROR  
18 ENTERS.)

19                  THE COURT:  YOUR NUMBER.

20                  THE JUROR:  20.

21                  THE COURT:  AND YOUR NAME.

22                  THE JUROR:  ANNE BERKY.

23                  THE COURT:  YOU'VE HEARD ABOUT THIS CASE.

24                  THE JUROR:  I CALLED MY NEIGHBOR YESTERDAY  
25 BECAUSE SHE WAS ON A JUROR DUTY IN DECEMBER AND ASKED

1 HER FOR DIRECTIONS AND I HADN'T READ THE PAPER  
2 BECAUSE I CANCELLED IT BECAUSE WE WERE ON VACATION  
3 SEVERAL WEEKS AGO AND SHE DIDN'T SAY A WHOLE LOT  
4 ABOUT IT, BUT I WAS SURPRISED.

5 THE COURT: OKAY. HAVE YOU FORMED AN  
6 OPINION ABOUT THE CASE?

7 THE JUROR: NO.

8 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
9 VERDICT SOLELY ON THE LAW AND THE EVIDENCE IN THE  
10 TRIAL?

11 THE JUROR: YES, SIR.

12 THE COURT: WOULD YOU BE FAIR AND  
13 IMPARTIAL?

14 THE JUROR: YES, SIR.

15 THE COURT: IF YOU'LL JOIN THE PEOPLE OUT  
16 IN THE HALL AND DON'T DISCUSS ANYTHING. THANK YOU.  
17 NEXT.

18 (THE JUROR EXITS AND THE NEXT JUROR  
19 ENTERS.)

20 THE COURT: YOUR NUMBER.

21 THE JUROR: 97.

22 THE COURT: YOUR NAME.

23 THE JUROR: JONELLE GARDNER.

24 THE COURT: YOU'VE HEARD ABOUT THIS CASE.

25 THE JUROR: YES, I HAVE.

1 THE COURT: HOW HAVE YOU HEARD ABOUT IT?

2 THE JUROR: JUST SNIPPETS IN THE NEWS AND

3 FRIENDS.

4 THE COURT: HAVE YOU FORMED AN OPINION

5 ABOUT THE CASE?

6 THE JUROR: NOT YET.

7 THE COURT: WOULD YOU BE ABLE TO PUT ASIDE

8 WHAT YOU HAVE HEARD AND BASE YOUR VERDICT SOLELY ON

9 THE LAW AND THE EVIDENCE IN THE TRIAL?

10 THE JUROR: I BELIEVE I CAN.

11 THE COURT: WOULD YOU BE ABLE TO BE FAIR

12 AND IMPARTIAL?

13 THE JUROR: I THINK SO.

14 THE COURT: IF YOU'LL JOIN THE CROWD OUT

15 FRONT AND JUST DON'T DISCUSS ANYTHING. MR. IVEY,

16 NEXT.

17 (THE JUROR EXITS AND THE NEXT JUROR

18 ENTERS.)

19 THE COURT: YOUR NUMBER AND YOUR NAME.

20 THE JUROR: 246, HEATHER THREATT.

21 THE COURT: AND YOU HEARD ABOUT THIS CASE.

22 THE JUROR: YES, SIR.

23 THE COURT: HOW HAVE YOU HEARD ABOUT IT?

24 THE JUROR: NEWSPAPER.

25 THE COURT: HAVE YOU FORMED AN OPINION

1 ABOUT THE CASE?

2 THE JUROR: NO.

3 THE COURT: WOULD YOU BE ABLE TO PUT ASIDE  
4 WHAT YOU HAVE HEARD AND BASE YOUR VERDICT SOLELY ON  
5 THE LAW AND THE EVIDENCE IN THE TRIAL?

6 THE JUROR: YES.

7 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
8 AND IMPARTIAL?

9 THE JUROR: YES, SIR.

10 THE COURT: ALL RIGHT. THANK YOU. IF  
11 YOU'LL STEP OUT FRONT AND JOIN THE GROUP THAT'S  
12 STANDING OUT THERE. NEXT.

13 (THE JUROR EXITS AND THE NEXT JUROR  
14 ENTERS.)

15 THE COURT: YOUR NUMBER AND NAME.

16 THE JUROR: JULIAN FULCHER. I'M NOT SURE  
17 WHAT MY NUMBER IS.

18 THE COURT: FULCHER.

19 THE JUROR: YES, SIR.

20 THE COURT: HAVE YOU HEARD ANYTHING ABOUT  
21 THIS CASE?

22 THE JUROR: YES.

23 THE COURT: HOW HAVE YOU HEARD IT?

24 THE JUROR: MY MOTHER. SHE ACTUALLY JUST  
25 TOLD ME THAT A YOUNG GIRL WAS KILLED.

1                   THE COURT:   HAVE YOU FORMED ANY OPINION  
2   ABOUT THE CASE?

3                   THE JUROR:   NO, SIR.

4                   THE COURT:   WOULD YOU BE ABLE TO BASE YOUR  
5   VERDICT SOLELY ON THE LAW AND THE EVIDENCE IN THE  
6   TRIAL?

7                   THE JUROR:   YES, SIR.

8                   THE COURT:   WOULD YOU BE FAIR AND  
9   IMPARTIAL?

10                  THE JUROR:   YES, SIR.

11                  THE COURT:   ALL RIGHT.   IF YOU'LL STEP OUT  
12   AND JOIN THE CROWD OUT FRONT.   DON'T DISCUSS  
13   ANYTHING.   THANK YOU.

14                  (THE JUROR EXITS AND THE NEXT JUROR  
15   ENTERS.)

16                  THE COURT:   YOUR NUMBER AND NAME.

17                  THE JUROR:   BRIAN SIMMONS, 223.

18                  THE COURT:   AND YOU HEARD ABOUT THE CASE.

19                  THE JUROR:   I JUST, MY WIFE MENTIONED  
20   SOMETHING ABOUT A CASE GOING ON HERE, WASN'T SPECIFIC  
21   ABOUT WHAT IT WAS ABOUT.

22                  THE JUROR:   HAVE YOU FORMED AN OPINION OR  
23   EXPRESSED AN OPINION ABOUT THE CASE?

24                  THE JUROR:   NO, SIR.

25                  THE COURT:   WOULD YOU BE ABLE TO BASE YOUR

1 VERDICT SOLELY ON THE LAW AND THE EVIDENCE?

2 THE JUROR: OH, YES, MOST DEFINITELY.

3 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
4 AND IMPARTIAL?

5 THE JUROR: YES, SIR.

6 THE COURT: IF YOU'LL JOIN THE GROUP OUT  
7 FRONT AND NOT DISCUSS ANYTHING. THANK YOU.

8 (THE JUROR EXITS AND THE NEXT JUROR  
9 ENTERS.)

10 THE COURT: YOUR NUMBER AND NAME.

11 THE JUROR: WILLIAM GARDNER, 98.

12 THE COURT: HAVE YOU HEARD ANYTHING ABOUT  
13 THIS CASE?

14 THE JUROR: YES.

15 THE COURT: AND I'M GOING TO ASK YOU TO  
16 STEP BACK, BUT SHE'S GOT TO HEAR YOU AND ALL THESE  
17 PEOPLE OUT HERE WILL HAVE TO HEAR YOU. HOW HAVE YOU  
18 HEARD ABOUT IT?

19 THE JUROR: NEWSPAPER, TV.

20 THE COURT: ALL RIGHT. HAVE YOU FORMED AN  
21 OPINION ABOUT THE CASE?

22 THE JUROR: YES, I HAVE.

23 THE COURT: COULD YOU SET THAT OPINION  
24 ASIDE AND BE FAIR AND IMPARTIAL?

25 THE JUROR: PROBABLY NOT.

1                   THE COURT: ALL RIGHT. WELL, I'LL EXCUSE  
2 YOU THEN. IF YOU'LL JUST GO DOWN TO THE JURY  
3 ASSEMBLY ROOM DOWN THERE ON THE FIRST FLOOR. YOU CAN  
4 GO OUT THIS WAY.

5                   (THE JUROR EXITS AND THE NEXT JUROR  
6 ENTERS.)

7                   THE COURT: YES, MA'AM, YOUR NAME AND  
8 NUMBER.

9                   THE JUROR: TAMRA MCCOY. MY NUMBER IS  
10 164.

11                  THE COURT: YOU'VE HEARD ABOUT THIS CASE.

12                  THE JUROR: YES, SIR.

13                  THE COURT: HOW?

14                  THE JUROR: THE NEWS.

15                  THE COURT: HAVE YOU FORMED AN OPINION  
16 ABOUT THE CASE?

17                  THE JUROR: NO, SIR.

18                  THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
19 VERDICT ON THE LAW AND THE EVIDENCE IN THE TRIAL?

20                  THE JUROR: YES, SIR.

21                  THE COURT: WOULD YOU BE ABLE TO PUT ASIDE  
22 WHAT YOU ALREADY HEARD AND JUST LISTEN AND BASE YOUR  
23 VERDICT ON THE TRIAL EVIDENCE?

24                  THE JUROR: YES, SIR.

25                  THE COURT: WOULD YOU BE ABLE TO BE FAIR



1 AND IMPARTIAL?

2 THE JUROR: YES, SIR.

3 THE COURT: ALL RIGHT. YOU'LL REMAIN WITH  
4 US. IF YOU'LL JUST STEP OUTSIDE AND JUST DON'T  
5 DISCUSS ANYTHING WITH ANYBODY.

6 (THE JUROR EXITS AND THE NEXT JUROR  
7 ENTERS.)

8 THE COURT: YOUR NAME.

9 THE JUROR: FRED DUNN, JUROR 283.

10 THE COURT: YOU'VE HEARD ABOUT THIS CASE.

11 THE JUROR: EXTENSIVELY, YES, SIR.

12 THE COURT: ALL RIGHT. WOULD YOU BE ABLE  
13 TO, HAVE YOU FORMED AN OPINION ABOUT THE CASE?

14 THE JUROR: YES, SIR. MY, CAN I  
15 ELABORATE?

16 THE COURT: WELL, YOU CAN.

17 THE JUROR: MY NIECE WAS FRIENDS WITH THE  
18 GIRL THAT WAS KILLED.

19 THE COURT: ALL RIGHT. WOULD YOU BE ABLE  
20 TO PUT ALL THAT ASIDE AND BASE YOUR VERDICT ON THE  
21 LAW AND THE EVIDENCE AND BE FAIR AND IMPARTIAL?

22 THE JUROR: I'M NOT 100 PERCENT SURE.

23 THE COURT: WELL, I'LL EXCUSE YOU THEN.  
24 IF YOU'LL JUST GO BACK DOWN TO THE JURY ASSEMBLY  
25 ROOM.

1                   ( THE JUROR EXITS AND THE NEXT JUROR  
2                   ENTERS. )

3                   THE COURT:   YOUR NAME AND NUMBER.

4                   THE JUROR:   CINDY ROSE.   CYNTHIA ROSE.   I  
5                   DO NOT KNOW MY NUMBER.

6                   THE COURT:   YOU'VE HEARD ABOUT THIS CASE.

7                   THE JUROR:   UH-HUH.

8                   THE COURT:   HOW?

9                   THE JUROR:   JUST IN THE PAPER.

10                  THE COURT:   HAVE YOU FORMED AN OPINION  
11                  ABOUT THE CASE?

12                  THE JUROR:   I MEAN I HAVE AN IDEA BUT I  
13                  DON'T KNOW ALL THE DETAILS SO I CAN'T.

14                  THE COURT:   WOULD YOU BE ABLE TO PUT ASIDE  
15                  WHAT YOU HAVE HEARD AND LISTEN TO THE EVIDENCE AND  
16                  BASE YOUR VERDICT SOLELY ON THE LAW AND THE EVIDENCE  
17                  IN THE TRIAL?

18                  THE JUROR:   YES.

19                  THE COURT:   WOULD YOU BE ABLE TO BE FAIR  
20                  AND IMPARTIAL?

21                  THE JUROR:   YES.

22                  THE COURT:   IF YOU'LL JUST JOIN THE PEOPLE  
23                  STANDING OUT FRONT.   I APPRECIATE IT.   DON'T DISCUSS  
24                  ANYTHING.   NEXT.

25                  ( THE JUROR EXITS. )

1 MR. MORTON: YOUR HONOR.

2 THE COURT: MR. IVEY, HOLD ON JUST A  
3 MINUTE.

4 MR. MORTON: AGAIN I HOPE I'M, BUT FOR  
5 PEOPLE WHO HAD AN IDEA OR AN OPINION I THINK MORE  
6 INQUIRY NEEDS TO BE DONE.

7 THE COURT: OKAY. YOU ARE ON RECORD. ALL  
8 RIGHT. BRING IN THE NEXT ONE.

9 (THE NEXT JUROR ENTERS.)

10 THE COURT: YOUR NAME AND NUMBER.

11 THE JUROR: RICHARD K. EDWARDS, JR.,  
12 NUMBER 85.

13 THE COURT: YOU'VE HEARD ABOUT THIS CASE.

14 THE JUROR: YES, SIR.

15 THE COURT: HOW?

16 THE JUROR: JUDGE MALPHRUS WORKS FOR ME.

17 THE COURT: HAVE YOU FORMED AN OPINION  
18 ABOUT THE CASE?

19 THE JUROR: YES, SIR.

20 THE COURT: DO YOU BELIEVE YOU COULD SET  
21 THAT OPINION ASIDE?

22 THE JUROR: NO, SIR.

23 THE COURT: ALL RIGHT. I'M GOING TO  
24 EXCUSE YOU. IF YOU'LL JUST GO DOWNSTAIRS AND JOIN  
25 THE, BACK DOWN TO THE JURY ASSEMBLY ROOM. GO THIS

1 WAY.

2 THE JUROR: OKAY.

3 (THE JUROR EXITS AND THE NEXT JUROR  
4 ENTERS.)

5 THE COURT: YOUR NAME AND NUMBER.

6 THE JUROR: 296 LOUELLA J. RUPERT.

7 THE COURT: YOU'VE HEARD ABOUT THE CASE.

8 THE JUROR: YES, I KEPT TRACK THROUGH THE  
9 HERALD.

10 THE COURT: HAVE YOU FORMED AN OPINION  
11 ABOUT THE CASE?

12 THE JUROR: YES, I HAVE.

13 THE COURT: IS IT AN OPINION YOU COULD SET  
14 ASIDE AND BE FAIR AND IMPARTIAL?

15 THE JUROR: NO.

16 THE COURT: YOU CANNOT. I'LL EXCUSE YOU.  
17 IF YOU'LL GO DOWN TO THE JURY ASSEMBLY ROOM DOWN  
18 STAIRS. YOU CAN GO THIS WAY. ALL RIGHT. THE NEXT  
19 ONE.

20 (THE JUROR EXITS AND THE NEXT JUROR  
21 ENTERS.)

22 THE COURT: YOUR NUMBER.

23 THE JUROR: 183.

24 THE COURT: YOUR NAME.

25 THE JUROR: KAREN MOYE.

1                   THE COURT:   ALL RIGHT.   HAVE YOU HEARD  
2   ABOUT THIS CASE.

3                   THE JUROR:   YES.

4                   THE COURT:   HOW?

5                   THE JUROR:   THE NEWSPAPER.

6                   THE COURT:   HAVE YOU FORMED AN OPINION  
7   ABOUT THE CASE?

8                   THE JUROR:   WELL, SEEING THAT I HAVE BEEN  
9   THROUGH A MURDER TRIAL MYSELF, MY OPINIONS ARE  
10   STRONG.

11                   THE COURT:   DO YOU FEEL YOU COULD SET  
12   THOSE ASIDE AND BE FAIR AND IMPARTIAL?

13                   THE JUROR:   NOT WITH IT SO FRESH IN MY  
14   MIND, NO, SIR.

15                   THE COURT:   I'LL EXCUSE YOU.   IF YOU'LL GO  
16   DOWN STAIRS TO THE JURY ASSEMBLY ROOM.   THANK YOU.

17                   (   THE JUROR EXITS AND THE NEXT JUROR  
18   ENTERS. )

19                   THE COURT:   YOUR NUMBER AND NAME.

20                   THE JUROR:   I'M DARRYL KELLOUGH, NUMBER  
21   135.

22                   THE COURT:   ALL RIGHT.   YOU'VE HEARD ABOUT  
23   THIS CASE.

24                   THE JUROR:   I SAW THE, GLANCED AT THE  
25   ARTICLE THIS MORNING IN THE JURY ROOM.

1                   THE COURT:   OKAY.   HAVE YOU FORMED AN  
2   OPINION ABOUT THE CASE?

3                   THE JUROR:   NO, SIR.

4                   THE COURT:   WOULD YOU BE ABLE TO BASE YOUR  
5   VERDICT IN THIS CASE SOLELY ON THE LAW AND THE  
6   EVIDENCE IN THE TRIAL AND SET ASIDE ANYTHING YOU  
7   HEARD OR READ?

8                   THE JUROR:   YES, SIR.

9                   THE COURT:   WOULD YOU BE ABLE TO BE FAIR  
10   AND IMPARTIAL?

11                  THE JUROR:   YES, SIR.

12                  THE COURT:   ALL RIGHT.   IF YOU'LL JUST  
13   JOIN THE GROUP OUT FRONT AND NOT DISCUSS ANYTHING.  
14   THANK YOU.

15                  (THE JUROR EXITS.)

16                  MR. MORTON:   OBVIOUSLY IF THERE WERE  
17   NEWSPAPER ARTICLES FLOATING AROUND THE JURY ROOM.

18                  THE COURT:   I'M CONCERNED ABOUT THAT BUT  
19   WE DIDN'T TELL THEM.

20                  (THE JUROR EXITS AND THE NEXT JUROR  
21   ENTERS.)

22                  THE COURT:   YOUR NAME AND NUMBER.

23                  THE JUROR:   15.

24                  THE COURT:   YOUR NAME.

25                  THE JUROR:   FRED BEACHAM.

1 THE COURT: AND YOU'VE HEARD ABOUT THE  
2 CASE.

3 THE JUROR: I READ ABOUT IT, HEARD ABOUT  
4 IT.

5 THE COURT: DO YOU HAVE AN OPINION ABOUT  
6 THE CASE, HAVE YOU FORMED --

7 THE JUROR: UNFORTUNATELY I HAVE.

8 THE COURT: YOU HAVE AN OPINION.

9 THE JUROR: YES.

10 THE COURT: WOULD YOU BE ABLE TO SET THAT  
11 OPINION ASIDE AND BE FAIR AND IMPARTIAL?

12 THE JUROR: I DON'T KNOW. WE'VE CONVICTED  
13 HIM AS SOON AS I'M CONCERNED WITH OUR GROUP.

14 THE COURT: WELL, I'LL EXCUSE YOU THEN IF  
15 YOU'LL JUST GO BACK DOWN TO THE JURY ASSEMBLY ROOM  
16 AND GO OUT THE FRONT.

17 (THE JUROR EXITS.)

18 THE COURT: ALL RIGHT.

19 MR. MORTON: YOUR HONOR, BEFORE WE BRING  
20 THE NEXT ONE IN.

21 THE COURT: YES, SIR.

22 MR. MORTON: I DON'T KNOW WHAT GROUP HE'S  
23 TALKING ABOUT AND I DON'T KNOW IF IT'S A GROUP OF  
24 JURORS OR IF PEOPLE ARE BACK THERE TALKING NOW THAT  
25 THEY KNOW ABOUT THE CASE OR NOT, BUT OBVIOUSLY

1 CONCERNS ME.

2 THE COURT: ALL RIGHT. BRING HIM BACK IN.  
3 LET'S SEE WHAT KIND OF GROUP HE'S TALKING ABOUT. I  
4 GOT THE IDEA HE'S TALKING ABOUT THE COFFEE CROWD HE  
5 DRINKS COFFEE WITH, BUT LET'S BRING HIM BACK IN AND  
6 FIND OUT.

7 (THE JUROR RETURNS TO THE COURTROOM.)

8 THE COURT: YOU CAN JUST STAND RIGHT  
9 THERE, MR. BEACHUM. WHEN YOU SAID YOUR GROUP, WHAT  
10 GROUP IS THIS.

11 THE JUROR: WELL, A BUNCH OF US MEET OVER  
12 AT THE LOCAL TAVERN WE TALK ABOUT IT.

13 THE COURT: BUT IT'S NOT A GROUP OF  
14 JURORS.

15 THE JUROR: NO.

16 THE COURT: JUST THE GUYS.

17 THE JUROR: A GROUP PEOPLE I KNOW THAT WE  
18 DISCUSSED IT, WE TALKED ABOUT IT BETWEEN US, AND ALL  
19 OF US PRETTY MUCH FIGURED THAT WE HAD A CASE.

20 THE COURT: THAT'S WHAT WE WANTED TO KNOW.  
21 WE WANTED TO WHAT THE GROUP WAS. WE'RE NOT GOING --

22 THE JUROR: JUST FRIENDS OF MINE THAT I  
23 MEET UP WITH EVERY DAY OR TWO.

24 THE COURT: ANYTHING ELSE FROM EITHER SIDE  
25 WHILE WE GOT HIM THERE?



1 MR. MORTON: NO.

2 MR. GREELEY: NO, YOUR HONOR.

3 THE COURT: ALL RIGHT. THANK YOU. YOU  
4 CAN GO BACK DOWN TO THE JURY ASSEMBLY ROOM.

5 (THE JUROR EXITS AND THE NEXT JUROR  
6 ENTERS.)

7 THE COURT: YOUR NAME AND NUMBER.

8 THE JUROR: 44, BAMARCA BURRIS.

9 THE COURT: YOU'VE HEARD ABOUT THIS CASE.

10 THE JUROR: YES, I READ ABOUT IT IN  
11 NEWSPAPER.

12 THE COURT: ALL RIGHT. HAVE YOU FORMED AN  
13 OPINION ABOUT THIS CASE?

14 THE JUROR: SOMEWHAT, YEAH. JUST FROM  
15 READING THE NEWSPAPER.

16 THE COURT: IS IT AN OPINION THAT YOU CAN  
17 SET ASIDE AND LISTEN TO THE EVIDENCE AND BASE YOUR  
18 VERDICT SOLELY ON THE LAW AND THE EVIDENCE OR IS IT  
19 AN OPINION THAT YOU THINK WOULD AFFECT YOUR ABILITY  
20 TO BE FAIR AND IMPARTIAL?

21 THE JUROR: I DON'T THINK I'LL BE FAIR  
22 PROBABLY.

23 THE COURT: I'M GOING TO EXCUSE YOU. IF  
24 YOU'LL GO BACK DOWN TO THE JURY ASSEMBLY ROOM. YOU  
25 CAN GO OUT THE FRONT.

1                   (THE JUROR EXITS AND THE NEXT JUROR  
2           ENTERS.)

3                   THE COURT:   YOUR NAME AND NUMBER.

4                   THE JUROR:   MY NAME IS HARVEY BARNETTE AND  
5           I AM NUMBER 12.

6                   THE COURT:   ALL RIGHT.   YOU'VE HEARD ABOUT  
7           THIS CASE?

8                   THE JUROR:   YES, SIR.

9                   THE COURT:   HOW?

10                  THE JUROR:   NEWSPAPER.

11                  THE COURT:   HAVE YOU FORMED AN OPINION  
12           ABOUT THIS CASE?

13                  THE JUROR:   NOT REALLY.

14                  THE COURT:   COULD YOU PUT ASIDE WHAT YOU  
15           HAVE HEARD AND BE FAIR AND IMPARTIAL AND BASED YOUR  
16           VERDICT SOLELY ON THE LAW AND THE EVIDENCE IN THE  
17           TRIAL?

18                  THE JUROR:   YES, SIR.

19                  THE COURT:   THANK YOU.   IF YOU'LL JOIN THE  
20           GROUP OUT FRONT AND DON'T DISCUSS ANYTHING.

21                               (THE JUROR EXITS AND THE NEXT JUROR  
22           ENTERS.)

23                  THE COURT:   YOUR NUMBER AND NAME.

24                  THE JUROR:   22, SHERYL BLACK.

25                  THE COURT:   ALL RIGHT.   AND YOU'VE HEARD

1 ABOUT THIS CASE?

2 THE JUROR: YEAH, I READ A COUPLE ARTICLES  
3 IN CHARLOTTE DOT COM.

4 THE COURT: WOULD THAT, HAVE YOU FORMED AN  
5 OPINION ABOUT THIS CASE?

6 THE JUROR: I WOULD LIKE TO BE DISMISSED.  
7 I DON'T THINK I COULD HANDLE A TRIAL THAT HAS  
8 CHILDREN ABUSED.

9 THE COURT: YOU DON'T THINK YOU COULD BE  
10 FAIR AND IMPARTIAL?

11 THE JUROR: NO, I COULDN'T BE FAIR.

12 THE COURT: I'M GOING TO LET YOU GO BACK  
13 DOWN TO THE JURY ASSEMBLY ROOM DOWNSTAIRS AND JUST  
14 DON'T DISCUSS THE CASE, GO BACK DOWN AND YOU CAN GO  
15 OUT THE FRONT.

16 (THE JUROR EXITS AND THE NEXT JUROR  
17 ENTERS.)

18 THE COURT: ALL RIGHT. YOUR NUMBER AND  
19 YOUR NAME.

20 THE JUROR: I FORGET MY NUMBER. MY NAME  
21 IS ARTHUR BARNETTE. I THINK I'M 211.

22 THE COURT: YOU'VE HEARD ABOUT THIS CASE?

23 THE JUROR: YEAH.

24 THE COURT: HOW?

25 THE JUROR: THROUGH MY WIFE AND MY SISTER.

1                   THE COURT: ALL RIGHT. HAVE YOU FORMED AN  
2 OPINION ABOUT HOW THIS CASE OUGHT TO COME OUT?

3                   THE JUROR: NA.

4                   THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
5 VERDICT IN THE CASE ON THE LAW AND THE EVIDENCE  
6 THAT'S DEVELOPED DURING THE TRIAL?

7                   THE JUROR: I BELIEVE I COULD.

8                   THE COURT: WOULD YOU BE FAIR AND  
9 IMPARTIAL?

10                  THE JUROR: I BELIEVE I COULD.

11                  THE COURT: ALL RIGHT. IF YOU'LL JUST  
12 STEP OUT AND JOIN THE CROWD OUT IN THE HALL. JUST  
13 DON'T DISCUSS ANYTHING.

14                                 (THE JUROR EXITS AND THE NEXT JUROR  
15 ENTERS.)

16                  THE COURT: YOUR NUMBER AND NAME.

17                  THE JUROR: DAN BLOXOM, 280.

18                  THE COURT: YOU HEARD ABOUT THE CASE?

19                  THE JUROR: I HEARD IT ON THE NEWS LAST  
20 NIGHT BASICALLY BECAUSE WE MADE A COMMENT THAT BEING  
21 ON JURY DUTY THAT I MIGHT HAVE A TWO WEEK STINT OR BE  
22 LONGER.

23                  THE COURT: HAVE YOU FORMED AN OPINION  
24 ABOUT THE CASE?

25                  THE JUROR: NO, SIR.

1                   THE COURT:    WOULD YOU BE ABLE TO BASE YOUR  
2 VERDICT SOLELY ON THE LAW AND THE EVIDENCE IN THE  
3 TRIAL?

4                   THE JUROR:    YES, SIR.

5                   THE COURT:    WOULD YOU BE ABLE TO BE FAIR  
6 AND IMPARTIAL IN THIS CASE?

7                   THE JUROR:    YES, SIR.

8                   THE COURT:    ALL RIGHT.   IF YOU'LL JOIN THE  
9 GROUP STANDING OUT IN THE LOBBY OUT IN THE HALLWAY  
10 AND DON'T DISCUSS ANYTHING.   THANK YOU.

11                                 (THE JUROR EXITS AND THE NEXT JUROR  
12 ENTERS.)

13                   THE COURT:    YOUR NUMBER AND NAME.

14                   THE JUROR:    258, SANDY WARDEAN.

15                   THE COURT:    AND YOU'VE HEARD ABOUT THE  
16 CASE.

17                   THE JUROR:    THROUGH THE MEDIA, NEWSPAPERS,  
18 TELEVISION.

19                   THE COURT:    HAVE YOU FORMED AN OPINION  
20 ABOUT THE CASE?

21                   THE JUROR:    YES, I HAVE.

22                   THE COURT:    IS IT AN OPINION THAT CAN BE  
23 SET ASIDE OR DO YOU THINK IT WILL AFFECT YOUR  
24 ABILITY --

25                   THE JUROR:    NO.



1 HAVE READ AND BASE YOUR VERDICT IN THE CASE SOLELY ON  
2 THE LAW AND THE EVIDENCE IN THE TRIAL OR WHAT YOU  
3 HEARD ABOUT IT AFFECT YOUR ABILITY TO BE FAIR AND  
4 IMPARTIAL?

5 THE JUROR: I'M NOT SURE THAT ALL I HEARD  
6 ABOUT IT WOULD AFFECT MY ABILITY TO BE FAIR AND  
7 IMPARTIAL.

8 THE COURT: COULD YOU BE FAIR AND  
9 IMPARTIAL?

10 THE JUROR: IN RELATION TO ALL I'VE HEARD  
11 ABOUT IT AND READ ABOUT IT I COULD BE FAIR AND  
12 IMPARTIAL. HOWEVER, AS A CHRISTIAN MINISTER I COULD  
13 NOT VOTE TO CONVICT IN A CAPITAL OR POTENTIAL CAPITAL  
14 CASE.

15 THE COURT: THIS ISN'T A CAPITAL CASE.

16 THE JUROR: OKAY. THERE IS NO POTENTIAL  
17 OF THAT IN OTHER WORDS?

18 THE COURT: IT'S NOT A CAPITAL CASE.

19 THE JUROR: OKAY. I WASN'T AWARE OF THAT  
20 PART.

21 THE COURT: COULD YOU BE FAIR AND  
22 IMPARTIAL OR COULD YOU NOT? I GOT TO KNOW.

23 THE JUROR: I KNOW. I KNOW. I COULD BE.  
24 I WOULD NOT HAVE BEEN UNDULY INFLUENCED BY WHAT I  
25 READ ABOUT THE CASE.

1 THE COURT: IF YOU'LL JUST JOIN THE GROUP  
2 OUT FRONT. JUST DON'T DISCUSS ANYTHING.

3 (THE JUROR EXITS AND THE NEXT JUROR  
4 ENTERS.)

5 THE COURT: YOUR NAME AND NUMBER.

6 THE JUROR: NUMBER 281, DIANE CANNIZZARO.

7 THE COURT: AND YOU'VE HEARD ABOUT THE  
8 CASE?

9 THE JUROR: YES, I HAVE.

10 THE COURT: HOW?

11 THE JUROR: THROUGH THE HERALD NEWSPAPER.

12 THE COURT: AND HAVE YOU FORMED AN OPINION  
13 ABOUT THE CASE?

14 THE JUROR: NO, I REALLY HAVEN'T.

15 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
16 VERDICT SOLELY ON THE LAW AND THE EVIDENCE IN THE  
17 TRIAL?

18 THE JUROR: YES.

19 THE COURT: WOULD YOU BE ABLE TO SET ASIDE  
20 WHAT YOU HAVE HEARD?

21 THE JUROR: YES, SIR.

22 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
23 AND IMPARTIAL?

24 THE JUROR: YES.

25 THE COURT: ALL RIGHT. IF YOU'LL JUST



1 JOIN THE GROUP OUT IN THE HALL THERE.

2 (THE JUROR EXITS AND THE NEXT JUROR  
3 ENTERS.)

4 THE COURT: YOUR NUMBER AND NAME.

5 THE JUROR: I THINK IT'S 96. MY NAME IS  
6 EDITH FOUNTAIN. I'M NOT SURE.

7 THE COURT: YOU HEARD ABOUT THIS CASE?

8 THE JUROR: YES.

9 THE COURT: HOW?

10 THE JUROR: BASICALLY THROUGH THE  
11 NEWSPAPER AND THROUGH MY FRIEND WHO WORKS WITH THE  
12 DEFENDANT'S BROTHER.

13 THE COURT: HAVE YOU FORMED, HAVE YOU  
14 FORMED AN OPINION ABOUT THE CASE?

15 THE JUROR: NO.

16 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
17 VERDICT SOLELY ON THE LAW AND THE EVIDENCE IN THE  
18 TRIAL?

19 THE JUROR: YES.

20 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
21 AND IMPARTIAL? COULD YOU BE FAIR AND IMPARTIAL?

22 THE JUROR: YES.

23 THE COURT: ALL RIGHT. IF YOU'LL JUST  
24 JOIN THE GROUP OUT FRONT AND DON'T DISCUSS THE CASE.

25 (THE JUROR EXITS AND THE NEXT JUROR

1       ENTERS.)

2                   THE COURT:   ALL RIGHT.   YOUR NAME AND  
3       NUMBER.

4                   THE JUROR:   CYNTHIA HOWELL, NUMBER 126.

5                   THE COURT:   ALL RIGHT.   YOU'VE HEARD ABOUT  
6       THE CASE?

7                   THE JUROR:   YES, SIR.

8                   THE COURT:   AND HAVE YOU FORMED AN OPINION  
9       ABOUT THE CASE?

10                  THE JUROR:   NO, SIR, NOT REALLY.

11                  THE COURT:   COULD YOU SET ASIDE WHAT YOU  
12       HAVE HEARD AND BASE YOUR VERDICT SOLELY ON THE LAW  
13       AND THE EVIDENCE IN THE TRIAL?

14                  THE JUROR:   YES, SIR.

15                  THE COURT:   COULD YOU BE FAIR AND  
16       IMPARTIAL?

17                  THE JUROR:   YES, SIR.

18                  THE COURT:   ALL RIGHT.   IF YOU'LL JOIN THE  
19       PEOPLE OUT FRONT.   DON'T DISCUSS THE CASE.

20                                (THE JUROR EXITS AND THE NEXT JUROR  
21       ENTERS.)

22                  THE COURT:   DO YOU REMEMBER YOUR NUMBER?

23                  THE JUROR:   NO, SIR.

24                  THE COURT:   WHAT'S YOUR NAME?

25                  THE JUROR:   LAMAR MCSWAIN.

1                   THE COURT: ALL RIGHT. YOU'VE HEARD ABOUT  
2 THIS CASE?

3                   THE JUROR: YES.

4                   THE COURT: HOW?

5                   THE JUROR: IN THE HERALD FROM ROCK HILL.

6                   THE COURT: HAVE YOU FORMED AN OPINION  
7 ABOUT THIS CASE?

8                   THE JUROR: YES, SIR.

9                   THE COURT: COULD YOU SET THAT OPINION  
10 ASIDE AND BE FAIR AND IMPARTIAL?

11                   THE JUROR: I'M NOT REALLY SURE, YOUR  
12 HONOR.

13                   THE COURT: YOU THINK, DO YOU THINK THAT  
14 YOUR VERDICT WOULD BE AFFECTED BY WHAT YOU HAVE HEARD  
15 BEFORE TODAY?

16                   THE JUROR: YES, SIR, I THINK PROBABLY.

17                   THE COURT: I'LL EXCUSE YOU. IF YOU WILL  
18 JUST GO BACK DOWNSTAIRS. GO OUT THE FRONT.

19                   (THE JUROR EXITS AND THE NEXT JUROR  
20 ENTERS.)

21                   THE COURT: YOUR NAME AND NUMBER.

22                   THE JUROR: KAY KILPATRICK, 138.

23                   THE COURT: AND YOU'VE HEARD ABOUT THE  
24 CASE?

25                   THE JUROR: IN THE CHARLOTTE OBSERVER,

1 READ IT IN THE PAPER.

2 THE COURT: HAVE YOU FORMED AN OPINION  
3 ABOUT THE CASE?

4 THE JUROR: NO, SIR.

5 THE COURT: WOULD YOU BE ABLE TO BASE YOUR  
6 VERDICT SOLELY ON THE LAW AND THE EVIDENCE IN THE  
7 TRIAL?

8 THE JUROR: YES, SIR.

9 THE COURT: WOULD YOU BE ABLE TO SET ASIDE  
10 WHAT YOU HAVE HEARD?

11 THE JUROR: YES, SIR.

12 THE COURT: COULD YOU BE FAIR AND  
13 IMPARTIAL?

14 THE JUROR: YES, SIR.

15 THE COURT: IF YOU'LL JOIN THE GROUP OUT  
16 FRONT AND JUST NOT DISCUSS ANYTHING.

17 (THE JUROR EXITS AND THE NEXT JUROR  
18 ENTERS.)

19 THE COURT: DO YOU KNOW YOUR NUMBER?

20 THE JUROR: IT'S 184.

21 THE COURT: AND YOUR NAME.

22 THE JUROR: CARRIE NALLEY.

23 THE COURT: YOU'VE HEARD ABOUT THIS CASE?

24 THE JUROR: YES, JUST THAT THE FATHER HAD  
25 MOLESTED THE DAUGHTER AND SOMEBODY ELSE HAD KILLED

1 THE GIRL.

2 THE COURT: ALL RIGHT. HOW DID YOU HEAR  
3 THAT, THROUGH THE NEWSPAPER OR?

4 THE JUROR: MY MOTHER, YES.

5 THE COURT: ALL RIGHT. WOULD YOU BE ABLE  
6 TO PUT, HAVE YOU FORMED AN OPINION ABOUT THE CASE?

7 THE JUROR: NO, SIR.

8 THE COURT: WOULD YOU BE ABLE TO SET ASIDE  
9 WHAT YOU HAVE HEARD AND BASE YOUR VERDICT SOLELY ON  
10 THE LAW AND THE EVIDENCE IN THE TRIAL?

11 THE JUROR: YES, SIR.

12 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
13 AND IMPARTIAL?

14 THE JUROR: YES, SIR.

15 THE COURT: ALL RIGHT. THANK YOU. YOU  
16 CAN GO OUT FRONT AND JOIN THE GROUP STANDING OUT  
17 THERE, JUST DON'T DISCUSS ANYTHING. ALL RIGHT.

18 (THE JUROR EXITS.)

19 MR. MORTON: YOUR HONOR, I DON'T KNOW THE  
20 PROPER TIME TO OBJECT TO THE QUALIFICATIONS, BUT YOU  
21 KNOW IF SHE'S, AGAIN I WOULD OBJECT TO HER BEING  
22 QUALIFIED BASED UPON WHAT SHE RELATED TO THE COURT  
23 THAT SHE HAD HEARD THAT THE FATHER HAD MOLESTED THE  
24 DAUGHTER AND I JUST DON'T THINK SHE NEEDS TO BE  
25 QUALIFIED FOR THIS JURY.

1 THE COURT: WELL, I OVERRULE -- IS IT AN  
2 OBJECTION?

3 MR. MORTON: YES, SIR.

4 THE COURT: I OVERRULE THE OBJECTION.  
5 BRING IN THE NEXT ONE.

6 (THE JUROR ENTERS.)

7 THE COURT: DO YOU KNOW YOUR NUMBER.

8 THE JUROR: I THINK IT'S 100.

9 THE COURT: YOUR NAME.

10 THE JUROR: MEREDITH GIBSON.

11 THE COURT: HAVE YOU HEARD ABOUT THIS  
12 CASE?

13 THE JUROR: YES, SIR.

14 THE COURT: HOW HAVE YOU HEARD ABOUT IT?

15 THE JUROR: JUST NEWSPAPER AND T.V.

16 THE COURT: HAVE YOU FORMED AN OPINION  
17 ABOUT THE CASE?

18 THE JUROR: NO.

19 THE JUROR: WOULD YOU BE ABLE TO SET ASIDE  
20 WHAT YOU HEARD AND BASE YOUR VERDICT SOLELY ON THE  
21 LAW AND THE EVIDENCE IN THE TRIAL?

22 THE JUROR: I BELIEVE I COULD.

23 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
24 AND IMPARTIAL?

25 THE JUROR: I BELIEVE I COULD.

1 THE COURT: IF YOU'LL JUST JOIN THE PEOPLE  
2 STANDING OUT IN THE HALL AND DON'T DISCUSS THE CASE.

3 (THE JUROR EXITS AND THE NEXT JUROR  
4 ENTERS.)

5 THE COURT: DO YOU REMEMBER YOUR NUMBER.

6 THE JUROR: 284.

7 THE COURT: AND YOUR NAME.

8 THE JUROR: BRENDA FORD.

9 THE COURT: AND YOU'VE HEARD ABOUT THE  
10 CASE.

11 THE JUROR: YEAH, WHEN IT FIRST HAPPENED.

12 THE COURT: HOW?

13 THE JUROR: A COUPLE YEARS AGO. YEAH, I  
14 READ ABOUT IT IN THE PAPER BUT I DIDN'T, I DIDN'T  
15 READ NOTHING ELSE ABOUT IT.

16 THE COURT: HAVE YOU FORMED AN OPINION  
17 ABOUT THE CASE?

18 THE JUROR: NO, SIR.

19 THE COURT: WOULD YOU BE ABLE TO PUT ASIDE  
20 WHAT YOU HEARD AND BASE YOUR VERDICT SOLELY ON THE  
21 LAW AND THE EVIDENCE --

22 THE JUROR: YES, SIR.

23 THE COURT: ---IN THE TRIAL? COULD YOU BE  
24 FAIR AND IMPARTIAL?

25 THE JUROR: YES, SIR.

1 THE COURT: IF YOU'LL JUST JOIN THE GROUP  
2 STANDING OUT FRONT. DON'T DISCUSS ANYTHING.

3 (THE JUROR EXITS AND THE NEXT JUROR  
4 ENTERS.)

5 THE COURT: DO YOU REMEMBER YOUR NUMBER?

6 THE JUROR: 24.

7 THE COURT: YOUR NAME.

8 THE JUROR: MARY BLACKWELL.

9 THE COURT: AND YOU'VE HEARD ABOUT THIS  
10 CASE HOW?

11 THE JUROR: ON THE TELEPHONE.

12 THE COURT: ALL RIGHT. HAVE YOU FORMED AN  
13 OPINION ABOUT THE CASE?

14 THE JUROR: NO.

15 THE COURT: WOULD YOU BE ABLE TO PUT ASIDE  
16 WHAT YOU HEARD AND BASE YOUR VERDICT SOLELY ON THE  
17 LAW AND THE EVIDENCE IN THE TRIAL?

18 THE JUROR: I DO.

19 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
20 AND IMPARTIAL?

21 THE JUROR: YEAH.

22 THE COURT: IF YOU'LL STEP OUT IN THE HALL  
23 AND JOIN THAT CROWD OUT THERE AND DON'T DISCUSS  
24 ANYTHING.

25 (THE JUROR EXITS AND THE NEXT JUROR



1       ENTERS.)

2                   THE COURT: DO YOU REMEMBER YOUR NUMBER?

3                   THE JUROR: 66 I BELIEVE, YOUR HONOR.

4                   THE COURT: YOUR NAME.

5                   THE JUROR: CLATEN CORBITT.

6                   THE COURT: YOU HEARD ABOUT THE CASE HOW?

7                   THE JUROR: JUST FROM READING THE

8       NEWSPAPER.

9                   THE COURT: HAVE YOU FORMED AN OPINION

10       ABOUT THE CASE?

11                   THE JUROR: NO.

12                   THE COURT: WOULD YOU BE ABLE TO SET ASIDE

13       WHAT YOU HEARD AND BASE YOUR VERDICT SOLELY ON THE

14       LAW AND THE EVIDENCE IN THE TRIAL?

15                   THE JUROR: YES, SIR.

16                   THE COURT: COULD YOU BE FAIR AND

17       IMPARTIAL?

18                   THE JUROR: YES, SIR.

19                   THE COURT: IF YOU'LL JUST JOIN THE GROUP

20       STANDING IN THE HALL, AND DON'T DISCUSS ANYTHING.

21                   (THE JUROR EXITS AND THE NEXT JUROR

22       ENTERS.)

23                   THE COURT: DO YOU REMEMBER YOUR NUMBER?

24                   THE JUROR: I THINK IT IS 155.

25                   THE COURT: AND YOUR NAME.

1 THE JUROR: JASON MAREE.

2 THE COURT: AND HOW HAVE YOU HEARD ABOUT  
3 THIS CASE?

4 THE JUROR: THE PAPER AND ON THE NEWS.

5 THE COURT: HAVE YOU FORMED AN OPINION  
6 ABOUT THE CASE?

7 THE JUROR: IN A WAY I HAVE.

8 THE COURT: WOULD YOU BE ABLE TO SET THAT  
9 OPINION AND WHAT YOU HAVE HEARD ASIDE AND BASE A  
10 VERDICT SOLELY ON WHAT YOU HEAR IN THE TRIAL?

11 THE JUROR: NO.

12 THE COURT: ALL RIGHT. I'LL EXCUSE YOU.  
13 IF YOU'LL GO DOWNSTAIRS TO THE JURY ASSEMBLY ROOM.

14 (THE JUROR EXITS AND THE NEXT JUROR  
15 ENTERS.)

16 THE COURT: DO YOU REMEMBER YOUR NUMBER?

17 THE JUROR: 70.

18 THE COURT: YOUR NAME?

19 THE JUROR: PATRICIA CRIBB.

20 THE COURT: HOW HAVE YOU HEARD ABOUT CASE?

21 THE JUROR: JUST I REMEMBER IN THE PAPER.

22 THE COURT: HAVE YOU FORMED AN OPINION  
23 ABOUT THE CASE?

24 THE JUROR: I REALLY HADN'T.

25 THE COURT: COULD YOU SET ASIDE WHAT YOU

1 HEARD AND BASE YOUR VERDICT ON THE LAW AND THE  
2 EVIDENCE IN THE TRIAL?

3 THE JUROR: YES.

4 THE COURT: COULD YOU BE FAIR AND  
5 IMPARTIAL?

6 THE JUROR: YES, SIR.

7 THE COURT: IF YOU'LL JOIN THE GROUP  
8 STANDING IN THE HALL AND DON'T DISCUSS ANYTHING.

9 THE COURT: DO YOU REMEMBER YOUR NUMBER?

10 THE JUROR: 143.

11 THE COURT: YOUR NAME.

12 THE JUROR: BILLY LEFLER.

13 THE COURT: AND HOW HAVE YOU HEARD ABOUT  
14 THIS CASE?

15 THE JUROR: I READ THE ARTICLE IN THE  
16 PAPER AND I'VE HEARD SOME DISCUSSION ABOUT IT WHERE I  
17 WORK.

18 THE COURT: WHERE DO YOU WORK?

19 THE JUROR: U.S. 21 TRUCK OUT OF CAMDEN.

20 THE COURT: HAVE YOU FORMED AN OPINION  
21 ABOUT THIS CASE?

22 THE JUROR: NO, SIR.

23 THE COURT: WOULD YOU BE ABLE TO SET ASIDE  
24 WHAT YOU HAVE HEARD AND BASE YOUR VERDICT SOLELY ON  
25 THE LAW AND THE EVIDENCE IN THE TRIAL?

1 THE JUROR: YES.

2 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
3 AND IMPARTIAL?

4 THE JUROR: YES, SIR.

5 THE COURT: IF YOU'LL JOIN THE GROUP  
6 STANDING OUT IN THE HALL AND DON'T DISCUSS ANYTHING.

7 (THE JUROR EXITS AND THE NEXT JUROR  
8 ENTERS.)

9 THE COURT: DO YOU REMEMBER YOUR NUMBER?

10 THE JUROR: 171.

11 THE COURT: YOUR NAME.

12 THE JUROR: DEBRA MCWATERS.

13 THE COURT: AND HOW HAVE YOU HEARD ABOUT  
14 THIS CASE?

15 THE JUROR: WELL, I READ THROUGH IT  
16 THROUGH THE PAPERS OF COURSE AND MY DEALINGS WITH DSS  
17 IN MY PROFESSION JUST.

18 THE COURT: HAVE YOU FORMED AN OPINION  
19 ABOUT THE CASE?

20 THE JUROR: I -- YES, SIR.

21 THE COURT: ALL RIGHT. DO YOU THINK YOU  
22 COULD NOT BE FAIR?

23 THE JUROR: NO, SIR.

24 THE COURT: WELL, I'M GOING TO EXCUSE YOU.  
25 IF YOU'LL GO BACK TO THE JURY ASSEMBLY ROOM IN THE

1 FRONT.

2 (THE JUROR EXITS AND THE NEXT JUROR  
3 ENTERS.)

4 THE COURT: DO YOU REMEMBER YOUR NUMBER.

5 THE JUROR: 26 I BELIEVE.

6 THE COURT: YOUR NAME.

7 THE JUROR: DONNA BLANKENSHIP.

8 THE COURT: AND HOW HAVE YOU HEARD ABOUT  
9 THIS CASE?

10 THE JUROR: I VAGUELY REMEMBER WHEN THEY  
11 FIRST FOUND HER BODY AND THEN LAST NIGHT ON THE NEWS  
12 I HEARD THEM SAY THAT THE JURY WAS GOING TO BE PULLED  
13 TODAY.

14 THE COURT: HAVE YOU FORMED AN OPINION  
15 ABOUT THE CASE?

16 THE JUROR: NO.

17 THE COURT: COULD YOU SET ASIDE WHAT YOU  
18 HAVE HEARD AND BE FAIR AND IMPARTIAL AND BASE YOUR  
19 VERDICT ON THE LAW AND THE EVIDENCE IN THE CASE?

20 THE JUROR: YES, SIR.

21 THE COURT: IF YOU'LL JUST JOIN THE GROUP  
22 OUT FRONT AND DON'T DISCUSS ANYTHING.

23 (THE JUROR EXITS AND THE NEXT JUROR  
24 ENTERS.)

25 THE COURT: YOUR NUMBER AND NAME.

1 THE JUROR: ROBIN DOVER, NUMBER 80.

2 THE COURT: ALL RIGHT. HOW HAVE YOU HEARD  
3 ABOUT THIS CASE?

4 THE JUROR: ABOUT ALL OF THE ABOVE.

5 THE COURT: HAVE YOU FORMED AN OPINION  
6 ABOUT THE CASE?

7 THE JUROR: NO.

8 THE COURT: WOULD YOU BE ABLE TO SET ASIDE  
9 WHAT YOU HAVE HEARD AND BASE YOUR VERDICT SOLELY ON  
10 THE LAW AND THE EVIDENCE IN THE TRIAL?

11 THE JUROR: YES, SIR.

12 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
13 AND IMPARTIAL?

14 THE JUROR: I BELIEVE SO, YES, SIR.

15 THE COURT: IF YOU WILL JUST JOIN THE  
16 GROUP OUT IN THE HALLWAY AND NOT DISCUSS THE CASE.

17 (THE JUROR EXITS AND THE NEXT JUROR  
18 ENTERS.)

19 THE COURT: YOUR NUMBER.

20 THE JUROR: 72.

21 THE COURT: YOUR NAME.

22 THE JUROR: CHERESE CULP.

23 THE COURT: HOW HAVE YOU HEARD ABOUT THIS  
24 CASE?

25 THE JUROR: I HEARD PEOPLE TALKING ABOUT

1 IT.

2 THE COURT: HAVE YOU FORMED AN OPINION  
3 ABOUT THE CASE?

4 THE JUROR: NO, SIR.

5 THE COURT: WOULD YOU BE ABLE TO SET ASIDE  
6 WHAT YOU HAVE HEARD AND BASE YOUR VERDICT SOLELY ON  
7 THE LAW AND THE EVIDENCE IN THE TRIAL?

8 THE JUROR: YES. YES, SIR.

9 THE COURT: WOULD YOU BE ABLE TO BE FAIR  
10 AND IMPARTIAL?

11 THE JUROR: YES, SIR.

12 THE COURT: IF YOU'LL JOIN THE GROUP  
13 STANDING OUT IN THE HALLWAY RIGHT THERE AND DON'T  
14 DISCUSS ANYTHING.

15 (THE JUROR EXITS AND THE NEXT JUROR  
16 ENTERS.)

17 THE COURT: DO YOU REMEMBER YOUR NUMBER?

18 THE JUROR: 32.

19 THE COURT: YOUR NAME.

20 THE JUROR: VIOLET BRATTON.

21 THE COURT: HOW HAVE YOU HEARD ABOUT THIS  
22 CASE?

23 THE JUROR: YES, SIR.

24 THE COURT: HOW?

25 THE JUROR: HOW. OH, TELEVISION,

1           NEWSPAPER.

2                       THE COURT:   HAVE YOU FORMED AN OPINION  
3           ABOUT THE CASE?

4                       THE JUROR:   NOT AS OF YET.

5                       THE COURT:   COULD YOU SET ASIDE WHAT YOU  
6           HEARD AND BASE YOUR VERDICT SOLELY ON THE LAW AND THE  
7           EVIDENCE IN THE TRIAL?

8                       THE JUROR:   YES, SIR.

9                       THE COURT:   WOULD YOU BE FAIR AND  
10          IMPARTIAL?

11                      THE JUROR:   YES, SIR.

12                      THE COURT:   IF YOU'LL JOIN THE CROWD  
13          STANDING OUT IN THE HALLWAY AND DON'T DISCUSS  
14          ANYTHING.

15                      (                THE JUROR EXITS AND THE NEXT JUROR  
16          ENTERS. )

17                      THE COURT:   YOUR NUMBER AND NAME.

18                      THE JUROR:   RITA SUTTON, 299.

19                      THE COURT:   HOW HAVE YOU HEARD ABOUT THIS  
20          CASE?

21                      THE JUROR:   THE NEWSPAPER MOSTLY.

22                      THE COURT:   HAVE YOU FORMED AN OPINION  
23          ABOUT THE CASE?

24                      THE JUROR:   I HAVE.

25                      THE COURT:   WOULD YOU BE ABLE TO SET THAT



1 OPINION ASIDE AND BE FAIR AND IMPARTIAL?

2 THE JUROR: I'M NOT SURE.

3 THE COURT: WELL, THAT'S BASICALLY TO ME  
4 SAYING YOU DON'T THINK YOU CAN.

5 THE JUROR: WELL, I DON'T THINK SO.

6 THE COURT: WELL, I'LL EXCUSE YOU. IF  
7 YOU'LL RETURN DOWNSTAIRS TO THE JURY ASSEMBLY ROOM.  
8 GO OUT THE FRONT AND GO DOWN TO THE JURY ASSEMBLY  
9 ROOM.

10 (THE JUROR EXITS AND THE NEXT JUROR  
11 ENTERS.)

12 THE COURT: YOUR NUMBER.

13 THE JUROR: 277.

14 THE COURT: YOUR NAME.

15 THE JUROR: WILLIAM R. YOUNG.

16 THE COURT: AND HOW HAVE YOU HEARD ABOUT  
17 THIS CASE?

18 THE JUROR: JUST MY WIFE MENTIONED IT THE  
19 REASON BEING I WAS COMING DOWN HERE.

20 THE COURT: HAVE YOU FORMED AN OPINION  
21 ABOUT THE CASE?

22 THE JUROR: NOT YET BECAUSE I HADN'T HEARD  
23 ENOUGH ABOUT IT.

24 THE COURT: WOULD YOU BE ABLE TO PUT ASIDE  
25 WHAT YOU HAVE HEARD AND BASE YOUR VERDICT SOLELY ON

1 THE LAW AND THE EVIDENCE IN THE TRIAL?

2 THE JUROR: YES, SIR.

3 THE COURT: COULD YOU BE FAIR AND  
4 IMPARTIAL?

5 THE JUROR: I THINK SO, JUDGE.

6 THE COURT: ALL RIGHT. IF YOU'LL STEP OUT  
7 IN THE HALLWAY AND JOIN THOSE OTHER PEOPLE AND JUST  
8 DON'T DISCUSS ANYTHING.

9 THE JUROR: THANK YOU, SIR.

10 (THE JUROR EXITS AND THE NEXT JUROR  
11 ENTERS.)

12 THE COURT: DO YOU REMEMBER YOUR NUMBER?

13 THE JUROR: I THINK I'M 285.

14 THE COURT: YOUR NAME.

15 THE JUROR: MELANIE FORRESTER.

16 THE COURT: HOW HAVE YOU HEARD ABOUT THE  
17 CASE?

18 THE JUROR: I BELIEVE I READ ABOUT IT IN  
19 THE PAPER. I HAVE JUST A VAGUE RECOLLECTION IS ALL.

20 THE COURT: HAVE YOU FORMED AN OPINION  
21 ABOUT THE CASE?

22 THE JUROR: NO.

23 THE COURT: WOULD YOU SET ASIDE WHAT YOU  
24 HAVE HEARD AND BASE YOUR VERDICT SOLELY ON THE LAW  
25 AND THE EVIDENCE IN THE TRIAL?

1 THE JUROR: YES, SIR.

2 THE COURT: COULD YOU BE FAIR AND  
3 IMPARTIAL?

4 THE JUROR: YES, SIR.

5 THE COURT: IF YOU'LL STEP OUTSIDE AND  
6 JOIN THE GROUP STANDING OUT FRONT AND DON'T DISCUSS  
7 ANYTHING.

8 THE JUROR: YES, SIR.

9 (THE JUROR EXITS AND THE NEXT JUROR  
10 ENTERS.)

11 THE COURT: YOUR NUMBER AND NAME.

12 THE JUROR: 119, TODD HERSHBERGER.

13 THE COURT: AND HOW HAVE YOU HEARD ABOUT  
14 THIS CASE?

15 THE JUROR: I HEARD IT VIA THE NEWSPAPER  
16 AND TELEVISION, JUST NOT A LOT OF DETAILS, JUST I  
17 HAVE HEARD OF IT, KNOW OF IT.

18 THE COURT: HAVE YOU FORMED AN OPINION  
19 ABOUT THE CASE?

20 THE JUROR: I WOULDN'T SAY I HAVE, NO.

21 THE COURT: COULD YOU SET ASIDE WHAT YOU  
22 HEARD AND BASE YOUR VERDICT SOLELY ON THE LAW AND THE  
23 EVIDENCE IN THE TRIAL?

24 THE JUROR: YES, SIR.

25 THE COURT: COULD YOU BE FAIR AND

1 IMPARTIAL?

2 THE JUROR: YES, SIR.

3 THE COURT: IF YOU'LL JUST JOIN THE GROUP  
4 STANDING OUT FRONT AND NOT DISCUSS ANYTHING.

5 (THE JUROR EXITS AND THE NEXT JUROR  
6 ENTERS.)

7 THE COURT: YOU REMEMBER YOUR NUMBER?

8 THE JUROR: 275.

9 THE COURT: YOUR NAME.

10 THE JUROR: CHARLEY WOOD.

11 THE COURT: AND HOW HAVE YOU HEARD ABOUT  
12 THIS CASE?

13 THE JUROR: I READ SEVERAL NEWSPAPERS  
14 ARTICLES, SEEN SOME T.V. REPORTS, AND JUST THROUGH  
15 OFFICE CHATTER.

16 THE COURT: HAVE YOU FORMED AN OPINION  
17 ABOUT THE CASE?

18 THE JUROR: NO, NOT PARTICULARLY.

19 THE COURT: COULD YOU SET ASIDE WHAT YOU  
20 HAVE HEARD AND BASE YOUR VERDICT SOLELY ON THE LAW  
21 AND THE EVIDENCE IN THE TRIAL?

22 THE JUROR: YES, SIR.

23 THE COURT: COULD YOU BE FAIR AND  
24 IMPARTIAL?

25 THE JUROR: YES, SIR.

1                   THE COURT:  ALL RIGHT.  IF YOU'LL JUST  
2 JOIN THE GROUP STANDING OUT FRONT AND DON'T DISCUSS  
3 ANYTHING.

4                   (THE JUROR EXITS AND THE NEXT JUROR  
5 ENTERS.)

6                   THE COURT:  YOUR NAME AND NUMBER FOR US.

7                   THE JUROR:  TOM WEBB, 264.

8                   THE COURT:  AND HOW HAVE YOU HEARD ABOUT  
9 THIS CASE?

10                  THE JUROR:  THROUGH THE MEDIA.

11                  THE COURT:  HAVE YOU FORMED AN OPINION  
12 ABOUT THE CASE?

13                  THE JUROR:  NO, I HAVEN'T.

14                  THE COURT:  COULD YOU SET ASIDE WHAT YOU  
15 HAVE HEARD AND BASE YOUR VERDICT SOLELY ON THE LAW  
16 AND EVIDENCE IN THE TRIAL?

17                  THE JUROR:  YES.

18                  THE COURT:  COULD YOU BE FAIR AND  
19 IMPARTIAL?

20                  THE JUROR:  YES, SIR.

21                  THE COURT:  ALL RIGHT.  IF YOU'LL JUST  
22 JOIN THE GROUP STANDING OUT IN THE HALL AND DON'T  
23 DISCUSS THE CASE.

24                  (THE JUROR EXITS AND THE NEXT JUROR  
25 ENTERS.)

1 THE COURT: YOU REMEMBER YOUR NUMBER?  
2 THE JUROR: NO, SIR.  
3 THE COURT: YOUR NAME.  
4 THE JUROR: CHRISTOPHER BONEPARTE.  
5 THE COURT: OKAY. HOW HAVE YOU HEARD  
6 ABOUT THIS CASE?  
7 THE JUROR: THE PAPERS.  
8 THE COURT: HAVE YOU FORMED AN OPINION  
9 ABOUT THE CASE?  
10 THE JUROR: I HAVE.  
11 THE COURT: YOU HAVE.  
12 THE JUROR: I HAVE.  
13 THE COURT: COULD YOU SET IT ASIDE OR DO  
14 YOU THINK IT WOULD AFFECT YOUR ABILITY TO BE FAIR AND  
15 IMPARTIAL?  
16 THE JUROR: IT WOULD DEFINITELY AFFECT ME.  
17 THE COURT: I'M GOING TO EXCUSE YOU AND  
18 LET YOU RETURN DOWNSTAIRS TO THE JURY ROOM.  
19 (THE JUROR EXITS AND THE NEXT JUROR  
20 ENTERS.)  
21 THE COURT: DO YOU REMEMBER YOUR NUMBER?  
22 THE JUROR: 300.  
23 THE COURT: YOUR NAME.  
24 THE JUROR: RICHARD WOODBURN.  
25 THE COURT: HOW HAVE YOU HEARD ABOUT THIS

1 CASE?

2 THE JUROR: THROUGH THE HERALD, SIR.

3 THE COURT: AND HAVE YOU FORMED AN OPINION  
4 ABOUT THE CASE?

5 THE JUROR: PROBABLY SOMEWHAT.

6 THE COURT: WELL, WOULD IT BE AN OPINION  
7 THAT WOULD AFFECT YOU IN A TRIAL?

8 THE JUROR: I WOULDN'T THINK SO.

9 THE COURT: WELL, I'M GOING TO TRY TO ASK  
10 YOU TO BE A LITTLE MORE SPECIFIC. COULD YOU SET  
11 ASIDE WHAT YOU'VE HEARD AND BASE YOUR VERDICT SOLELY  
12 ON WHAT YOU HEAR IN THIS COURTROOM?

13 THE JUROR: I FEEL I COULD DO THAT.

14 THE COURT: COULD YOU BE FAIR AND  
15 IMPARTIAL?

16 THE JUROR: YES, SIR.

17 THE COURT: ALL RIGHT. IF YOU'LL JOIN THE  
18 GROUP STANDING OUT IN THE HALLWAY AND JUST DON'T  
19 DISCUSS ANYTHING.

20 (THE JUROR EXITS.)

21 MR. MORTON: JUST AS TO THAT JUROR I  
22 WANTED TO OBJECT AS TO HIS QUALIFICATION.

23 THE COURT: I'M GOING TO GIVE YOU A CHANCE  
24 IN JUST A SECOND. I COME OUT WITH 64 WHICH IS  
25 ENOUGH. NOW BEFORE WE DO THAT I'M GOING TO GIVE

1 EACH, WELL, THE THREE SIDES, GIVE EVERYBODY AN  
2 OPPORTUNITY TO GO THROUGH THE LIST AND TELL ME WITH  
3 SPECIFICITY ANY OF THOSE WHO I DID NOT EXCUSE WHY  
4 THEY SHOULD BE EXCUSED. THAT IS, THE STATE OBJECTED  
5 TO ANYBODY THAT I FOUND QUALIFIED, IF SO TELL ME  
6 WHICH ONE AND WHY BECAUSE NOW IS THE TIME IF WE NEED  
7 TO CALL THEM BACK IN FOR ANYTHING.

8 MR. BRACKETT: PLEASE THE COURT, YOUR  
9 HONOR. THERE IS ONLY ONE INDIVIDUAL, I'M NOT SURE,  
10 IT'S NUMBER 232. I'M NOT SURE IF I MISHEARD HIM OR  
11 NOT, HE'S THE MEMBER OF THE CLERGY WHO INDICATED HE  
12 MIGHT HAVE TROUBLE RENDERING A VERDICT, IT SOUNDED  
13 LIKE JUST IN A CAPITAL CASE, BUT SOME PEOPLE HAVE  
14 TROUBLE RENDERING VERDICT IN ANY CASE AND I JUST WANT  
15 TO MAKE SURE.

16 THE COURT: I THOUGHT HE WAS VERY CLEAR  
17 THAT CAPITAL HE COULDN'T REACH A VERDICT BUT  
18 OTHERWISE HE COULD AND THIS WAS NOT A CAPITAL CASE.

19 MR. BRACKETT: THAT'S THE ONLY INDIVIDUAL  
20 THE STATE HAS ANY CONCERN ABOUT QUALIFICATIONS.

21 THE COURT: MR. MORTON.

22 MR. MORTON: YES, YOUR HONOR. YOU WANT TO  
23 BE SPECIFIC OR.

24 THE COURT: THEY ARE STILL HERE, I CAN  
25 BRING THEM BACK IN, AND MAKE ANY CORRECTIONS IF WE



1       NEED TO. YOU OBJECTED ON THE RECORD TO SOME, BUT I  
2       WANT TO GO BACK OVER THEM BECAUSE IF I HAVE CHANGED  
3       AND FEEL LIKE THERE IS SOME MERIT IN YOUR OBJECTION  
4       I'D LIKE TO GET THEM BACK IN NOW RATHER THAN HAVE  
5       THIS CASE RE-TRIED ON THOSE.

6                       MR. MORTON: CAN I PREFACE MY  
7       OBJECTION AROUND A 30 SECOND COMMENT?

8                       THE COURT: SURE.

9                       MR. MORTON: YOUR HONOR, THIS CASE HAS NOT  
10      ONLY GOTTEN A LOT OF PUBLICITY, IT'S GOTTEN A LOT OF  
11      PUBLICITY FOR THREE YEARS, NOT ONLY HAS IT GOTTEN  
12      PUBLICITY AND GOT A LOT OF PUBLICITY FOR THREE YEARS,  
13      IT'S A VERY VOLATILE CASE. IT'S NOT SOMEBODY  
14      SHOOTING SOMEBODY ON THE STREET, YOU KNOW. IT'S A  
15      VERY EMOTIONALLY PACKED CASE. MY CONCERN IS PEOPLE  
16      THAT HAVE HEARD ABOUT THIS CASE AND HAVE HEARD ABOUT  
17      IT FOR SO LONG THAT IN ORDER TO GIVE THESE TWO MEN,  
18      BOTH OF THEM, A FAIR TRIAL THAT THE FAIR THING TO DO  
19      WOULD BE BECAUSE OF THE AMOUNT OF PEOPLE THAT HAVE  
20      STOOD UP, JUST THE SHEER VOLUME OF THEM, 90 PERCENT  
21      OF THE PANEL STOOD UP, YOU KNOW, THAT THE SAFE THING  
22      TO DO WOULD BE TO MOVE THIS PANEL SOMEWHERE ELSE.  
23      PERSONALLY I DON'T WANT TO DO THAT. IT'S A LOT OF  
24      TROUBLE. DON'T WANT TO DO IT. BUT IF WE'RE TRYING  
25      TO ENSURE THAT MR. COPE AND MR. SANDERS HAVE A FAIR

1 TRIAL IN THIS COUNTY WITH THE AMOUNT OF PUBLICITY  
2 THAT'S BEEN RENDERED IN THIS CASE ON THESE VERY  
3 EMOTIONAL ISSUES, YOU KNOW, THE SAFE THING TO DO IS  
4 TO GET IT FROM SOMEWHERE WHERE 90 PERCENT OF THE  
5 PANEL DOESN'T STAND UP AND SAY THEY READ ABOUT THIS  
6 CASE, SOME OF THEM EXTENSIVELY, IN THE NEWSPAPER AND  
7 SO FORTH. I JUST I THINK IT'S PROBLEMATIC. I THINK  
8 IT'S PROBLEMATIC FOR THE STATE. I WOULD BE WILLING  
9 TO BET THAT THE PEOPLE THAT CAME IN THIS COURTROOM  
10 THAT HAVE HEARD SOMETHING ABOUT IT OR MAYBE FORMED AN  
11 OPINION BUT SAID THAT THEY COULD PUT IT ASIDE OR  
12 FORMED AN OPINION AGAINST EITHER MR. SANDERS OR  
13 AGAINST MR. COPE, AND I JUST THINK THAT ATMOSPHERE IS  
14 IF YOU ARE TRYING TO ENSURE AN ABSOLUTE FAIR TRIAL  
15 FOR SOMEBODY IF THEY ARE CONVICTED PROBABLY GOING TO  
16 JAIL FOR THE REST OF THEIR LIFE WITHOUT PAROLE, IT'S  
17 A HUGE UNDERTAKING. AND SO HAVING SAID THAT, YES, I  
18 OBJECT TO, YOU KNOW, I DO HAVE A CHANGE OF VENUE  
19 MOTION, IF THE COURT, I HAVE IT IN A NICE LITTLE  
20 BINDER WITH ALL THE NEWSPAPER ARTICLES AND SO FORTH,  
21 BUT JUDGE HAVING SAID THAT WHEN 90 PERCENT OF THE  
22 PANEL STANDS UP AND SAID THEY COME IN AND READ ABOUT  
23 THIS CASE IN THE PAPER AND A LOT OF THEM, MAJORITY OF  
24 THEM, WELL, I WOULDN'T SAY A MAJORITY BUT A LOT OF  
25 THEM HAVE FORMED AN OPINION, DESPITE THE FACT THAT

1           THEY SAY THEY COULD BE FAIR OR THEY COULD SET IT  
2           ASIDE, I JUST THINK IT CREATES A PROBLEM AND I DON'T  
3           THINK ANYBODY IN THIS COURTROOM WOULD WANT TO BE ON  
4           TRIAL FOR THEIR LIFE IN THIS CASE IN THIS COUNTY AND  
5           I THINK THAT IS THE BURDEN THAT WE HAVE TO MEET.

6                        THE COURT:    SO YOU ARE MOVING FOR A CHANGE  
7           OF VENUE.

8                        MR. MORTON:   YES, SIR.

9                        THE COURT:    MOTION IS DENIED.

10                      MR. MORTON:   YOUR HONOR, I'LL GO AHEAD AND  
11           TAKE CARE OF THIS IF I CAN JUST INTRODUCE THESE  
12           NEWSPAPER ARTICLES AS PART OF THE RECORD AT THIS  
13           TIME.

14                               (COURT'S EXHIBIT NUMBER 3 ARTICLES  
15           RECEIVED.)

16                      THE COURT:    CERTAINLY.

17                      MR. GREELEY:   YOUR HONOR, FOR THE RECORD  
18           MR. SANDERS WOULD JOIN IN THAT MOTION.

19                      THE COURT:    MOTION IS DENIED AS TO BOTH  
20           DEFENDANTS.

21                      MR. MORTON:   SPECIFICALLY NOW, YOUR HONOR.  
22           JUROR 278 I BELIEVE IT WAS.   YOUR HONOR, BASICALLY  
23           I'M GOING TO OBJECT TO 278 I BELIEVE HAD SAID FORMED  
24           AN OPINION BUT WAS NOT EXCUSED.   I BELIEVE IT WAS  
25           MS. ROSE, CYNTHIA ROSE, SAID SHE HAD AN IDEA BUT SHE

1           COULD BE FAIR.

2                           MRS. MOYE, NUMBER 183, KEPT UP WITH IT  
3           IN THE PAPER, STRONG OPINION I BELIEVE SHE SAID.

4                           THE COURT:    I THINK I EXCUSED HER.

5                           MR. MORTON:   I'M SORRY.   LET'S SEE.

6           NUMBER 15 HAD AN OPINION I BELIEVE YOU SAID  
7           UNFORTUNATELY.

8                           THE COURT:    I EXCUSE HIM TOO.   HE WAS THE  
9           ONE HANGING AROUND TAVERNS AND TALKED ABOUT STUFF.

10                          MR. MORTON:    I'M SORRY.    I DIDN'T MARK HIM  
11           AFTER THAT.

12                          MR. MORTON:    I BELIEVE 44 WAS EXCUSED,  
13           MS. BURRIS.

14                          THE COURT:    YES.

15                          MR. MORTON:    NUMBER 11 MS. BARNETTE HAD  
16           TALKED TO PEOPLE IN HER FAMILY ABOUT IT, ASKED ABOUT  
17           AN OPINION, SHE WAS LIKE NAH.    COULD YOU BE FAIR AND  
18           IMPARTIAL, SHE SAID I BELIEVE I COULD.    I WOULD  
19           OBJECT TO HER.

20                          NUMBER 232 I BELIEVE SMITH SAID SHE  
21           WAS HORRIFIED.    SHE STUMBLED.    IS THAT THE PREACHER.  
22           THAT WAS THE PREACHER.    I'M SORRY.

23                          NUMBER 126, I DIDN'T GET HER NAME,  
24           WHEN ASKED IF SHE HAD FORMED AN OPINION SHE SAID NO,  
25           SIR, NOT REALLY.    I WOULD OBJECT TO HER BEING

1 QUALIFIED.

2 THE COURT: WHO IS THAT? HOWELL.

3 MR. MORTON: I THINK I OBJECTED TO NALLEY.  
4 I DON'T KNOW HER NUMBER. 184. BEG THE COURT'S  
5 INDULGENCE, YOUR HONOR. NUMBER 119 MR. HERSHBERGER,  
6 I THINK HIS COMMENT WAS HE WOULDN'T SAY HE HAD FORMED  
7 AN OPINION, I WOULD OBJECT TO HIM. IF I CAN HAVE  
8 JUST A MINUTE, YOUR HONOR. YOUR HONOR, NUMBER 20  
9 MS. BERKY. SHE HAD HEARD SOME NEWS FROM A NEIGHBOR,  
10 I BELIEVE. I WOULD OBJECT TO HER. AND WAS THERE A  
11 119?

12 THE COURT: YOU ALREADY MENTIONED.

13 MR. MORTON: OKAY. SUBJECT TO MY EARLIER  
14 GENERAL OBJECTION THOSE ARE THE ONLY SPECIFIC  
15 OBJECTIONS.

16 THE COURT: MR. GREELEY.

17 MR. GREELEY: YOUR HONOR, ON BEHALF OF MR.  
18 SANDERS WE WOULD HAVE SPECIFIC OBJECTIONS TO 184,  
19 232.

20 THE COURT: GO SLOW. 184.

21 MR. GREELEY: 184.

22 THE COURT: TELL ME THE NAME. NALLEY.  
23 OKAY.

24 MR. GREELEY: 232 WHICH IS MR. SMITH,  
25 PASTOR. 119.

1 THE COURT: HERSHBERGER.

2 MR. GREELEY: AND 300.

3 THE COURT: AND THAT WAS THE LAST ONE,  
4 WOODBURN.

5 MR. GREELEY: YES, YOUR HONOR.

6 THE COURT: OKAY. ALL RIGHT.

7 MR. HAMILTON, WOULD YOU ASK, WE GOT THREE B'S TO CALL  
8 BACK, BUT I WANT THEM TO COME ONE AT A TIME:

9 MR. BENNETT 278, MR. BARNETTE WHICH IS NUMBER 11, AND  
10 I BELIEVE IT'S MS. BERKY WHICH IS 20. IF YOU WOULD  
11 JUST GET THREE OUT IN THE HOLDING AREA AND BRING THEM  
12 IN ONE AT A TIME.

13 MR. POPE: YOUR HONOR, THE ONLY THING I  
14 WOULD SAY ABOUT THE HOLDING AREA, THEY HAVE THE  
15 CONTROL ROOM, I NOTICED WHEN I WAS COMING THROUGH I  
16 COULD HEAR. I'LL CHECK ON THAT.

17 THE COURT: OKAY.

18 (THE JUROR ENTERS.)

19 THE CLERK: 278, MR. BARNETTE.

20 THE COURT: IF YOU'LL STAND UP HERE, THERE  
21 IS A PODIUM UP HERE, IF YOU'LL JUST. I JUST GOING TO  
22 ASK YOU AGAIN, YOU HAD, OF COURSE, READ OR HEARD  
23 ABOUT THE CASE AND THAT'S CORRECT.

24 THE JUROR: READ ABOUT IT, YES, SIR.

25 THE COURT: AND HAVE YOU FORMED AN OPINION

1 ABOUT IT?

2 THE JUROR: NOT AS TO.

3 THE COURT: GUILT OR INNOCENCE.

4 THE JUROR: CORRECT.

5 THE COURT: HAVE YOU FORMED ANY KIND OF

6 OPINION ABOUT IT?

7 THE JUROR: YES.

8 THE COURT: AND WHAT IS THAT?

9 THE JUROR: AS TO HOW THAT SITUATION COULD  
10 HAVE PROGRESSED THAT FAR WITHOUT SOME SORT OF, SOME  
11 SORT OF AUTHORITIES INTERVENING IN THERE.

12 THE COURT: WOULD THAT AFFECT YOUR ABILITY  
13 TO BE FAIR AND IMPARTIAL IN THE TRIAL OF THIS CASE?

14 THE JUROR: I DON'T THINK SO.

15 THE COURT: WELL, I THINK BASED ON MY  
16 FOLLOW UP I'M GOING TO EXCUSE YOU. I CAN CERTAINLY  
17 UNDERSTAND YOUR FEELING, BUT I WILL LET YOU GO DOWN  
18 TO THE JURY ASSEMBLY ROOM.

19 THE JUROR: THANK YOU.

20 (THE JUROR EXITS AND THE NEXT ONE  
21 ENTERS.)

22 THE CLERK: JUROR NUMBER 11.

23 THE COURT: IF YOU'LL JUST COME UP TO THE  
24 PODIUM UP HERE. AGAIN YOU TOLD ME, HOW DID YOU HEAR  
25 ABOUT THE CASE?

1 THE JUROR: MY WIFE AND MY SISTER.

2 THE COURT: ALL RIGHT. HAVE YOU FORMED  
3 ANY OPINION, I MEAN, ABOUT HOW THIS CASE OUGHT TO  
4 COME OUT?

5 THE JUROR: WELL, NOT REALLY I HAVEN'T BUT  
6 JUST WHAT I HEARD. YOU KNOW.

7 THE COURT: DO YOU THINK THAT YOU COULD  
8 PUT THAT ASIDE AND BASE YOUR VERDICT ON THE LAW AND  
9 THE EVIDENCE IN THE TRIAL OR DO YOU THINK THAT WOULD  
10 AFFECT YOU?

11 THE JUROR: IT MIGHT AFFECT ME.

12 THE COURT: WELL, I'LL EXCUSE YOU THEN.  
13 IF YOU'LL GO DOWNSTAIRS TO THE JURY ASSEMBLY ROOM.  
14 THANK YOU.

15 (THE JUROR EXITS AND THE NEXT JUROR  
16 ENTERS.)

17 THE COURT: MRS. BERKY, I HATE TO SINGLE  
18 YOU OUT, BUT YOU SAID YOU HEARD ABOUT THIS CASE  
19 THROUGH SOME.

20 THE JUROR: HEARSAY.

21 THE COURT: AND HAD YOU FORMED AN OPINION?

22 THE JUROR: NO, SIR.

23 THE COURT: AND YOU THINK YOU COULD BE  
24 FAIR AND IMPARTIAL?

25 THE JUROR: YES, SIR.



1 THE COURT: WHAT HAVE YOU HEARD OR JUST?

2 THE JUROR: I TALKED TO MY NEIGHBOR  
3 YESTERDAY AND SHE SAID WELL, YOU KNOW, THEY ARE  
4 SELECTING A JURY FOR A MURDER CASE, AND LAST WEEK AT  
5 SCHOOL SOMEONE MENTIONED IT COMING UP, BUT THEY  
6 DIDN'T SAY WHEN.

7 THE COURT: SO YOU, COULD YOU BE FAIR AND  
8 IMPARTIAL IN THIS CASE?

9 THE JUROR: YES, SIR.

10 THE COURT: COULD YOU PUT ASIDE ANYTHING  
11 YOU HEARD AND BASE YOUR VERDICT ON THE LAW AND THE  
12 EVIDENCE?

13 THE JUROR: YES, SIR.

14 THE COURT: IF YOU WILL JUST JOIN THE  
15 GROUP YOU JUST LEFT. THANK YOU.

16 (THE JUROR EXITS.)

17 THE COURT: ALL RIGHT. I'M NOT GOING TO  
18 CALL THE OTHERS BACK. I SPECIFICALLY, I DON'T KNOW  
19 IF I CAN REALLY REMEMBER THEM ALL, BUT WELL I'LL TELL  
20 YOU, LET'S HAVE 126 MS. OR MRS. HOWELL.

21 MR. MORTON: YES, SIR.

22 THE COURT: IF WE CAN GET MS. HOWELL. AND  
23 THE OTHER ONES NALLEY AND HERSHBERGER, I SPECIFICALLY  
24 REMEMBER THEIR, MY DIALOG WITH THEM, AND I'M NOT  
25 GOING TO CALL THEM BACK IN. I'M NOT AS COMFORTABLE

1 WITH THE ONE I AM CALLING BACK.

2 (THE JUROR ENTERS.)

3 THE COURT: JUST WANT TO FOLLOW UP. YOU  
4 SAID YOU HAD HEARD ABOUT THE CASE, IS THAT CORRECT?

5 THE JUROR: YES, SIR.

6 THE COURT: AND YOU SAID, I THINK I TOLD  
7 ME YOU HAD NOT FORMED AN OPINION OR HAD YOU FORMED AN  
8 OPINION.

9 THE JUROR: I HAD NOT, THAT'S CORRECT.

10 THE COURT: AND COULD YOU PUT ASIDE WHAT  
11 YOU HAVE HEARD AND BASE YOUR VERDICT SOLELY ON THE  
12 LAW AND THE EVIDENCE IN THE TRIAL?

13 THE JUROR: YES, SIR.

14 THE COURT: AND BE FAIR AND IMPARTIAL?

15 THE JUROR: YES, SIR.

16 THE COURT: I'LL LET YOU GO BACK OUTSIDE  
17 AND JOIN THAT GROUP.

18 (THE JUROR EXITS.)

19 THE COURT: ANYTHING FURTHER FROM THE  
20 STATE?

21 MR. BRACKETT: NO, SIR.

22 THE COURT: ANYTHING FROM THE DEFENSE?

23 MR. MORTON: YES, YOUR HONOR. AS TO I  
24 BELIEVE IT WAS MRS. NALLEY THAT THE COURT INDICATED  
25 YOU DIDN'T WANT TO, THIS IS THE LADY --

1                   THE COURT: LET'S BRING HER BACK IN. THAT  
2 IS THE QUICKEST THING. BRING MS. NALLEY IN. NALLEY  
3 AND HERSHBERGER, LET'S DO THEM ALL. ONE AT A TIME.  
4 BASED ON MY NOTES THAT'S EVERYONE. OTHER THAN  
5 WOODBURN AND I FEEL COMFORTABLE WITH HIM.

6                   (THE JUROR ENTERS.)

7                   THE COURT: ALL RIGHT. YOU CAN STEP UP TO  
8 THIS PODIUM, MR. HERSHBERGER, AND JUST FOLLOWING UP,  
9 YOU SAID THAT YOU HAD FORMED AN OPINION OR NOT FORMED  
10 AN OPINION?

11                  THE JUROR: NO, SIR.

12                  THE COURT: AND YOU COULD PUT ASIDE, COULD  
13 YOU PUT ASIDE WHAT YOU HEARD AND BASE YOUR VERDICT  
14 SOLELY ON THE LAW AND THE EVIDENCE IN THE TRIAL?

15                  THE JUROR: YES, SIR.

16                  THE COURT: AND COULD YOU IN FACT BE FAIR  
17 AND IMPARTIAL?

18                  THE JUROR: YES.

19                  THE COURT: I'LL LET YOU JOIN THE GROUP  
20 BACK OUT FRONT.

21                               (THE JUROR EXITS AND THE NEXT JUROR  
22 ENTERS.)

23                  THE COURT: MS. NALLEY, IF YOU'LL JUST  
24 STEP UP, THERE IS A PODIUM HERE, IF YOU'LL JUST COME  
25 TO IT. YOU TOLD ME YOU HAD HEARD ABOUT THE CASE AND

1 DID YOU TELL ME OR DID YOU NOT THAT YOU HAD FORMED AN  
2 OPINION.

3 THE JUROR: NO, SIR, I HAD NOT.

4 THE COURT: AND COULD YOU PUT ASIDE WHAT  
5 YOU HAVE HEARD AND BASE YOUR VERDICT ON THE LAW AND  
6 THE EVIDENCE IN THE TRIAL?

7 THE JUROR: YES, SIR.

8 THE COURT: AND COULD YOU BE FAIR AND  
9 IMPARTIAL?

10 THE JUROR: YES, SIR.

11 THE COURT: THANK YOU. I'LL LET YOU STEP  
12 BACK OUTSIDE.

13 (THE JUROR EXITS AND THE NEXT JUROR  
14 ENTERS.)

15 THE COURT: ANYTHING FURTHER FROM THE  
16 STATE?

17 MR. BRACKETT: NO, SIR.

18 THE COURT: THE DEFENSE.

19 MR. MORTON: YES, SIR. AS TO MRS. NALLEY  
20 SHE STATED THAT SHE HAD HEARD THAT HER FATHER HAD  
21 MOLESTED THEIR DAUGHTER AND THAT SOMEONE ELSE HAD  
22 MURDERED HER. I MEAN OBVIOUSLY THAT'S A PRETTY  
23 STRONG POSSIBLE OPINION COMING FROM SOMEBODY THAT  
24 DESPITE WHAT SHE SAYS HE'S ABLE TO SET THAT ASIDE AND  
25 I HAVE CONCERNS ABOUT THAT, YOUR HONOR. I WOULD

1 OBJECT TO HER BEING QUALIFIED OUT OF AN ABUNDANCE OF  
2 CAUTION. AND ALSO MRS. ROSE WHO THE COURT I DON'T  
3 BELIEVE HAS CALLED BACK IN WHO WHEN ASKED ABOUT  
4 WHETHER SHE HAD FORMED AN OPINION SHE KIND OF SAID  
5 SHE HAD AN IDEA.

6 THE COURT: I OVERRULE YOUR OBJECTION ON  
7 MS. NALLEY. LET'S CALL MRS. ROSE IN TOO. WHAT  
8 NUMBER? 213. MS. ROSE.

9 (THE JUROR ENTERS.)

10 THE COURT: YOU TOLD ME HOW HAD YOU HEARD  
11 ABOUT THE CASE?

12 THE JUROR: JUST THE NEWSPAPER.

13 THE COURT: OKAY. HAVE YOU FORMED ANY  
14 OPINION ABOUT THE CASE?

15 THE JUROR: I PROBABLY HAVE AN OPINION  
16 ABOUT ANY CASE LIKE THIS, BUT I DON'T KNOW THE  
17 DETAILS SO I CAN'T, I COULD NOT SAY FOR SURE.

18 THE COURT: COULD YOU PUT IT ASIDE?

19 THE JUROR: YES.

20 THE COURT: IT IS VERY IMPORTANT FOR US TO  
21 KNOW AND I'M NOT, I MEAN.

22 THE JUROR: I COULD. I MEAN, WHEN YOU  
23 HEAR ABOUT ANY CASE LIKE THIS YOU HAVE A FEELING  
24 ABOUT IT, BUT I DON'T KNOW THE DETAILS SO I COULD NOT  
25 SAY UNTIL I HEARD THAT.

1 THE COURT: WELL, COULD YOU LIMIT YOUR  
2 DECISION ON WHAT YOU DO HEAR DURING THE TRIAL AND  
3 EXCLUDE WHAT YOU ALREADY HEARD?

4 THE JUROR: YES, I COULD.

5 THE COURT: AND COULD YOU BE FAIR AND  
6 IMPARTIAL?

7 THE JUROR: YES.

8 THE COURT: IF YOU'LL JUST JOIN THE GROUP  
9 BACK OUT FRONT. THANK YOU.

10 (THE JUROR EXITS.)

11 THE COURT: WOODBURN.

12 (THE JUROR ENTERS.)

13 THE COURT: YOU OF COURSE HEARD ABOUT THE  
14 CASE. DID YOU OR DID YOU NOT SAY YOU HAD FORMED AN  
15 OPINION?

16 THE JUROR: JUST WHAT I READ IN THE PAPER  
17 WAS ALL.

18 THE COURT: HAVE YOU FORMED AN OPINION  
19 THOUGH ABOUT HOW THIS CASE OUGHT TO TURN OUT?

20 THE JUROR: THE TOTAL CASE?

21 THE COURT: YES.

22 THE JUROR: NO, SIR, I HADN'T.

23 THE COURT: COULD YOU PUT ASIDE WHAT YOU  
24 HAVE HEARD, LISTEN TO THE EVIDENCE AND THE LAW AND  
25 BASE YOUR VERDICT SOLELY ON WHAT YOU HEAR IN THIS

1 COURTROOM.

2 THE JUROR: I CAN DO THAT, YES, SIR.

3 THE COURT: AND YOU COULD PUT ASIDE WHAT  
4 YOU HEARD PRIOR TO COMING HERE OR COULD YOU?

5 THE JUROR: THAT'S CORRECT, SIR.

6 THE COURT: COULD YOU BE FAIR AND  
7 IMPARTIAL?

8 THE JUROR: YES, SIR.

9 THE COURT: THANK YOU. JOIN THE GROUP OUT  
10 THERE.

11 (THE JUROR EXITS.)

12 THE COURT: ALL RIGHT. ANYTHING FURTHER  
13 FROM THE STATE?

14 MR. BRACKETT: FOR THE RECORD THAT WAS  
15 JUROR 300 MR. WOODBURN.

16 THE COURT: YES, SIR.

17 MR. MORTON: YOUR HONOR, AS TO MRS. ROSE,  
18 I PROMISE YOU HER FEELING IS NOT THAT THESE TWO MEN  
19 SHOULD GO FREE. SHE'S GOT A FEELING ABOUT THIS CASE.  
20 IT'S JUST, I MEAN, THEY ARE NOT OBJECTING, THEY ARE  
21 NOT OBJECTING FOR A REASON BECAUSE SHE HAS ALREADY  
22 FORMED A FEELING ABOUT THE GUILT OR INNOCENCE OF  
23 THESE MEN AND THAT'S DANGEROUS.

24 THE COURT: I DON'T GET THE SAME VIBES.  
25 OF COURSE, I'M NOT DEFENDING MR. COPE AND

1 MR. SANDERS, BUT I DON'T GET THAT FEELING AND SHE'S  
2 ANSWERED THE QUESTIONS TO MY SATISFACTION. I FIND  
3 HER QUALIFIED. ANYTHING ELSE, MR. GREELEY.

4 MR. GREELEY: NO, YOUR HONOR.

5 THE COURT: ALL RIGHT. I'M GOING TO BRING  
6 THEM BACK IN AND ASK THE LAST GENERAL QUESTION ABOUT  
7 ANYTHING, FIRST ANY OTHER VOIR.

8 MR. BRACKETT: MAY WE APPROACH.

9 THE COURT: EVERYBODY SORT OF GOT UP AND,  
10 LET'S KEEP ORDER IN THE COURTROOM.

11 (BENCH CONFERENCE.)

12 THE COURT: BRING IN THE JURY. AFTER I GO  
13 OVER THESE QUESTIONS WE'LL BREAK FOR LUNCH AND GIVE  
14 YOU SOME TIME TO GO OVER THE JURY.

15 (THE JURY PANEL RETURNS TO THE  
16 COURTROOM.)

17 THE COURT: MEMBERS OF THE JURY PANEL, I  
18 APPRECIATE YOUR PATIENCE. IT'S KIND OF AWKWARD TO DO  
19 THIS, BUT WE DON'T DO LIKE THIS IN A LOT OF TRIALS SO  
20 WE DON'T HAVE THE LOGISTICS SO I'M SORRY IF IT WAS  
21 NOT MORE COMFORTABLE. I HAVE A COUPLE MORE  
22 QUESTIONS. DO ANY OF YOU HAVE A DAUGHTER UNDER THE  
23 AGE OF 18 IF SO PLEASE STAND. ALL RIGHT. I'M GOING  
24 TO ASK YOU TO GO THROUGH AND GIVE US YOUR NAME AND  
25 NUMBER THEN I'LL ASK THAT GENERAL QUESTION THAT I



1 HAVE ASKED BEFORE. START HERE AND WORK ACROSS AND  
2 JUST KEEP WORKING BACK AND I'LL JUST LET YOU TAKE IT  
3 ON YOUR OWN.

4 THE JUROR: TAMRA MCCORY, JUROR 164.

5 THE JUROR: HEATHER THREATT, 246.

6 THE JUROR: JAMES SMITH, 229.

7 THE JUROR: DARRYL KELLOUGH, 135.

8 THE JUROR: TERESA CARICO, NUMBER 50.

9 THE JUROR: WILLIAM RAMSEY, 205.

10 THE JUROR: ELIZABETH MARTINEAU, 290.

11 THE JUROR: HERMAN BARRENTINE, 12.

12 THE COURT: ALL RIGHT. MR. HERSHBERGER.

13 THE JUROR: TODD HERSHBERGER, 119.

14 THE JUROR: CLATEN CORBETT, 66.

15 THE JUROR: LORI BOULWARE, 31.

16 THE JUROR: BRIAN SIMMONS, 223.

17 THE COURT: ALL RIGHT.

18 THE JUROR: CHARLEY WOOD, 275.

19 THE JUROR: CYNTHIA ROSE. I DON'T KNOW.

20 THE JUROR: STEWART SMITH, 232.

21 THE COURT: ALL RIGHT.

22 THE JUROR: BETSY COAN, 60.

23 THE JUROR: PATRICIA CRIBB, 70.

24 THE JUROR: SHANNON WHISENANT, 266.

25 THE JUROR: TERRY NALLEY, 184.



1 WE'RE GOING TO BREAK FOR LUNCH. I PROBABLY STARVED  
2 YOU. IT'S 2:20. WE'LL BREAK FOR LUNCH UNTIL 3:30.  
3 WE'LL DRAW THE JURY AT THAT TIME. NOW THE LAST THING  
4 I WANT TO DO BEFORE I ADMINISTER AN OATH I HAVE JUST  
5 BEEN TOLD THAT Y'ALL WERE NOT SWORN IN DOWNSTAIRS SO  
6 I'LL ASK YOU TO SWEAR OR AFFIRM IN JUST A MOMENT.  
7 THIS CASE WILL TAKE INTO NEXT WEEK. WE GOT  
8 WEDNESDAY, THURSDAY, FRIDAY OF THIS WEEK AND I DON'T  
9 KNOW THAT IT WILL TAKE ALL OF NEXT WEEK, BUT IT WILL  
10 GO INTO NEXT WEEK.

11 MR. MORTON: YOUR HONOR, MAY WE APPROACH.

12 (DISCUSSION OFF THE RECORD.)

13 THE COURT: I'M TOLD IT MAY TAKE INTO THE  
14 FOLLOWING WEEK. WE DON'T KNOW FOR SURE. BUT WE'RE  
15 NOT LIKE SOME JURISDICTIONS WHERE CASES GO ON FOR  
16 MONTHS, BUT THIS CASE MAY TAKE NEXT WEEK AND MAY EVEN  
17 GO INTO THE NEXT WEEK. NOW IF THAT PRESENTS ANY, I  
18 KNOW IT PRESENTS A PROBLEM FOR EVERYONE, BUT IF THAT  
19 PREVENTS A PROBLEM THAT IS SORT OF IRRECONCILABLE  
20 PROBLEM PLEASE STAND AND LET ME KNOW AT THIS TIME.  
21 THAT IS, IF YOU HAVE SOME SORT OF URGENT THING THAT  
22 YOU CAN'T PUT OFF IN THAT TIMEFRAME. ALL RIGHT.  
23 WHAT I'M GOING TO DO WITH THOSE WHO ARE STANDING IS  
24 ASK YOU TO REMAIN AFTER I LET EVERYONE ELSE GO SO WE  
25 CAN TALK TO YOU A LITTLE BIT MORE ABOUT YOUR

1 SITUATION, SO IF THE SEVEN OF YOU STANDING, IF YOU  
2 WILL STAY WHEN I LET THE REST GO TO LUNCH. EVERYONE  
3 STAND AND RAISE YOUR RIGHT HAND.

4 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY  
5 AND ANSWERS YOU'VE GIVEN SINCE YOU ARRIVED HERE THIS  
6 MORNING FOR JURY DUTY HAVE IN FACT BEEN TRUE, THE  
7 WHOLE TRUTH, NOTHING BUT THE TRUTH, SO HELP YOU GOD.  
8 PLEASE SAY I DO. (I DO) EVERYBODY BUT THOSE SEVEN  
9 PLEASE BE BACK HERE AT 3:30 DON'T DISCUSS THE CASE.  
10 NOW I'M GOING TO ASK THE CLERK IF HE HAS ANYTHING  
11 BEFORE YOU LEAVE.

12 THE CLERK: YES, I DO WANT TO CLARIFY,  
13 YOU WANT THEM TO REPORT DOWNSTAIRS OR BRING THEM UP  
14 AS A GROUP AND WHAT DO I DO WITH THE REST OF THE  
15 GROUP DOWNSTAIRS.

16 THE COURT: Y'ALL REPORT HERE. REPORT  
17 BACK IN THIS JURY ROOM AND BE SEATED AND READY TO GO  
18 BY 3:30. I KNOW THAT'S NOT A LOT OF TIME BUT THAT'S  
19 A LITTLE OVER AN HOUR. BUT THAT WILL GIVE YOU ENOUGH  
20 TIME TO GET SOMETHING TO EAT AND THEN 3:30 Y'ALL BE  
21 BACK AT 3:30 HERE READY TO GO AND BASICALLY WHAT I  
22 WAS GOING TO SAY, DON'T BE DISCUSSING THE CASE NOW  
23 BECAUSE SOME OF YOU ARE GOING TO BE SERVING ON THIS  
24 JURY PANEL. YOU CAN'T DISCUSS THE CASE UNTIL YOU  
25 REACH THE POINT IN THE TRIAL WHERE I INSTRUCT YOU TO

1 JOINTLY DELIBERATE AND RETURN A UNANIMOUS VERDICT.  
2 SO IF ANYBODY TRIES TO TALK TO YOU ABOUT THIS CASE  
3 TELL THEM YOU CANNOT AND REPORT BACK TO ME IF ANYBODY  
4 TRIES TO TALK TO YOU ABOUT THIS CASE BECAUSE THEY  
5 WOULD BE IN TROUBLE, THEY WOULD BE IN CONTEMPT OF  
6 COURT FOR TRYING TO TALK TO A JUROR EVEN THOUGH YOU  
7 HAVEN'T BEEN SWORN AND YOU EVEN THOUGH YOU HADN'T  
8 ACTUALLY BEEN DRAWN, YOU ARE A POTENTIAL JUROR ON  
9 THIS CASE, SO DON'T DISCUSS THE CASE AMONG YOURSELVES  
10 AND DON'T EVEN TRY TO MAKE UP YOUR OWN MIND. AND  
11 CERTAINLY DON'T LET ANYONE DISCUSS THE CASE OUTSIDE  
12 THE COURTROOM. DON'T LET YOURSELF BE EXPOSED TO ANY  
13 NEWS COVERAGE. DON'T PICK UP THE PAPER OR TURN ON A  
14 RADIO OR T.V. OR ANYTHING. YOU CAN LISTEN TO THE  
15 RADIO AND YOU CAN WATCH T.V. BUT IF ANYTHING CATCHES  
16 YOUR EYE OR EAR THAT REMOTELY DEALS WITH THIS TRIAL,  
17 DON'T LET YOURSELF BE EXPOSED TO IT. WE'LL SEE YOU  
18 BACK AT 3:30 IF THOSE SEVEN WILL STAY, WE WILL CHAT  
19 WITH THEM.

20 (THE JURY EXITS THE COURTROOM FOR  
21 LUNCH.)

22 THE COURT: THOSE WHO HAVE A PROBLEM  
23 IF YOU'LL JUST KIND OF COME UP. I HATE FOR YOU KEEP  
24 FEELING LIKE CATTLE. IF YOU'LL FORM A LINE I'LL TALK  
25 TO YOU ONE AT A TIME. STATE FIRST YOUR NAME AND

1 NUMBER.

2 THE JUROR: I AM KAY KILPATRICK, 138. I  
3 WOULD HAVE A PROBLEM A WEEK FROM FRIDAY IF IT DOES  
4 THAT FAR. I HAVE A FLIGHT FOR MY DADDY'S 80 BIRTHDAY  
5 PARTY ALL READY RESERVED. I COULD GO UP UNTIL THAT  
6 FRIDAY.

7 THE COURT: WHAT TIME IS YOUR FLIGHT?

8 THE JUROR: 8:10 A.M.

9 THE COURT: ALL RIGHT. I'M GOING TO, JUST  
10 HAVE SEAT OVER HERE. YES, MA'AM.

11 THE JUROR: PAM GLOBOKAR, 104. I'M  
12 AVAILABLE UNTIL THE 23. I'M LEAVING TOWN THE 23 FOR  
13 FIVE DAYS.

14 THE COURT: ALL RIGHT. WE'LL LET YOU STAY  
15 WITH US. YOU CAN GO ON TO LUNCH.

16 THE COURT: ALL RIGHT.

17 THE JUROR: YES, YOUR HONOR. MY NAME IS  
18 ELIZABETH MARTINEAU AND I'M JUROR NUMBER 290 AND I'M  
19 AN ATTORNEY IN NORTH CAROLINA AND I JUST CALLED MY  
20 OFFICE TO CANCEL SOMETHING THIS AFTERNOON. I DO HAVE  
21 COURT DATES NEXT WEEK. I HAVE ALREADY GOTTEN ONE  
22 DEFERMENT. IF I STAY I'M SURE I COULD, I WOULD JUST  
23 HAVE TO GET SOMETHING, I DON'T KNOW HOW THE CONFLICT  
24 WOULD WORK OUT BETWEEN JURY DUTY AND COURT.

25 THE COURT: I FEEL CONFIDENT THE COURT

1 WOULD EXCUSE YOU FOR JUROR DUTY SO IF YOU NEED A  
2 LETTER OR ANYTHING I'LL BE GLAD TO CALL OR WRITE  
3 WHOEVER BUT I'M GOING TO ASK YOU TO STAY.

4 THE JUROR: SURE.

5 THE JUROR: DAVID MARTENS, 157. AND I  
6 HAVE SCHOOL TUESDAYS AND THURSDAYS FROM THREE TO  
7 EIGHT AND JUST THE NUMBER OF CLASSES THAT I WOULD  
8 MISS IS A CONCERN.

9 THE COURT: TUESDAY AND THURSDAY THREE TO  
10 EIGHT. WELL, I'M GOING TO ASK YOU TO STAY WITH US  
11 THEN. I HOPE YOU WON'T MISS THAT MANY, BUT YOU  
12 HADN'T BEEN DRAWN YET, BUT I'M GOING TO ASK YOU TO  
13 STAY WITH US.

14 THE JUROR: WILLIAM RAMSEY, 205. I'M THE  
15 PRIMARY INCOME FOR MY FAMILY. I WON'T BE PAID THE  
16 WHOLE TIME I'M OUT FOR A TRIAL OF THIS SIZE.

17 THE COURT: WELL, UNFORTUNATELY THERE ARE  
18 OTHERS IN THAT SAME SITUATION, SO I'M GOING TO ASK  
19 YOU TO STAY WITH US.

20 THE JUROR: ALL RIGHT.

21 THE JUROR: KEN CLONTZ, JUROR 59. I'VE  
22 GOT A COUPLE BUSINESS TRIPS SCHEDULED. ONE IS AN  
23 ANNUAL CONFERENCE I HAVE TO GO TO DOWN IN FLORIDA.  
24 I'M TRYING TO AVOID HAVING THE COMPANY CANCEL SEVERAL  
25 AIRLINE TICKETS, IF I CAN.

1 THE COURT: WHAT COMPANY?

2 THE JUROR: KEYSTONE ANIL OUT OF CHICAGO.  
3 I'M A SALES REP WITH THEM. NEXT WEEK IS NOT A BIG  
4 PROBLEM BUT THE WEEK AFTER IS THE CONFERENCE. IT'S  
5 BEEN BOOKED FOR ABOUT SIX MONTHS.

6 THE COURT: IF YOU'LL JUST HAVE A SEAT  
7 OVER THERE.

8 THE JUROR: YOUR HONOR, MY NAME IS BILL  
9 LEFLER, JUROR NUMBER 143. A POTENTIAL THREE WEEK  
10 LOSS OF INCOME WOULD BE EXTREMELY DETRIMENTAL TO MY  
11 WELL BEING.

12 THE COURT: WELL, I CAN'T, I CAN'T EXCUSE  
13 YOU FOR THAT.

14 THE JUROR: THANK YOU, SIR.

15 THE JUROR: I'M MIKE ELDER. I PROBABLY  
16 SHOULD HAVE TOLD YOU THIS THIS MORNING BUT I GOT TO  
17 LEAVE FOR FRANCE NEXT TUESDAY FOR TWO WEEKS. I  
18 PROBABLY SHOULD HAVE TOLD YOU THAT THIS MORNING BUT I  
19 DIDN'T THINK IT WAS GOING TO GO THIS LONG OR.

20 THE COURT: WELL, I'LL EXCUSE YOU THEN  
21 SINCE YOU ALREADY HAVE AIRLINE. I KNOW I MAY SOUND  
22 INCONSISTENT TO LET PEOPLE LOSE MONEY ON AN AIRLINE  
23 AND NOT LET PEOPLE WHO WOULD LOSE MONEY FOR NOT  
24 WORKING, BUT THESE HAVE BEEN LONG STANDING PLANS, SO  
25 YOU WILL NOT LEAVE, YOU'LL GO DOWNSTAIRS AND JOIN THE



1 PANEL, BUT WILL NOT BE AVAILABLE FOR THIS PARTICULAR  
2 CASE.

3 THE JUROR: THANK YOU.

4 (JURY EXITS THE COURTROOM.)

5 THE COURT: NOW HOW MANY DOES THAT LEAVE  
6 US? ALL RIGHT. HELP ME WITH COUNTS. NOW WE HAVE 58  
7 LEFT. THERE ARE 30 STRIKES ON A REGULAR PANEL. THEN  
8 THERE IS FOR THE ALTERNATES ONE FOR EACH, WE HAVE TWO  
9 ALTERNATES, WE HAVE TWO, FOUR, SIX, EIGHT, TEN, SO  
10 THAT'S 40 STRIKES, IS THAT RIGHT.

11 MR. GREELEY: I BELIEVE SO.

12 THE COURT: WELL, DOUBLE CHECK ME BECAUSE  
13 THAT'S JUST LEAVES, IF EVERYBODY EXERCISES STRIKES,  
14 THEN WE GET 18 WHICH WILL GIVE US 14. CHECK YOUR  
15 MATH OVER LUNCH AND SEE IF I MADE A MISTAKE BECAUSE  
16 IF NOT MR. HAMILTON IS GOING TO HAVE SOME OTHERS  
17 DOWNSTAIRS AND WE CAN QUALIFY SOME MORE, BUT I THINK  
18 THIS IS ENOUGH. I THOUGHT WE COULD DO IT WITH 55.  
19 THIS LOOKS LIKE 58 SO THIS LOOKS LIKE ENOUGH BUT  
20 CHECK THE MATH, HELP ME OUT. I DON'T DO MATH OR  
21 SMELLING IN PUBLIC. I NEVER GET IT RIGHT. ALL  
22 RIGHT. LET'S BE AT EASE UNTIL 3:30 AND WE'LL SEE  
23 WHERE WE ARE AT THAT TIME.

24 (COURT'S IN RECESS AT 2:30.)

25 THE COURT: BOTH SIDES CONSENT TO THE

1 CLERK DRAWING THE JURY.

2 MR. GREELEY: YES, SIR.

3 MR. BRACKETT: WE CONSENT.

4 MR. MORTON: YES, SIR.

5 THE COURT: MEMBERS OF THE JURY PANEL,  
6 WE'RE NOW GOING TO DRAW THE JURY. WE'LL DRAW 12  
7 JURORS AND TWO ALTERNATES. THE WAY THIS IS DONE IS  
8 YOUR NAMES ARE, SOME NAMES, NOT ALL OF YOUR NAMES, OF  
9 COURSE, WILL BE DRAWN AT RANDOM BY THE CLERK. IF YOU  
10 HEAR YOUR NAME CALLED, PLEASE COME FORWARD AND STAND  
11 BY THE BAILIFF MR. IVEY, TURN AROUND, AND YOU'LL FACE  
12 THE TABLES WHERE THE ATTORNEYS ARE SEATED. YOU'LL  
13 FACE FIRST THE TABLE WHERE THE SOLICITORS ARE SEATED.  
14 ONE OF THEM WILL SAY EITHER EXCUSE THE JUROR OR  
15 PRESENT THE JUROR. IF THEY SAY EXCUSE THE JUROR THEN  
16 SIMPLY RETURN TO YOUR SEAT. IF THEY SAY PRESENT THE  
17 JUROR THEN YOU WILL TURN TO THE TABLE WHERE MR. COPE  
18 AND HIS COUNSEL ARE SEATED AND ONE OF THOSE  
19 ATTORNEY'S WILL SAY EITHER PRESENT THE JUROR OR  
20 EXCUSE THE JUROR. AGAIN IF YOU HEAR EXCUSE THE JUROR  
21 RETURN TO YOUR SEAT. IF THEY SAY PRESENT THE JUROR,  
22 THEN YOU WILL TURN AND FACE THE TABLE WHERE  
23 MR. SANDERS AND HIS COUNSEL ARE SEATED. MR. GREELEY  
24 WILL EITHER SAY EXCUSE THE JUROR WHICH AGAIN MEANS  
25 YOU MAY RETURN TO YOUR SEAT OR SWEAR THE JURY. IF

1 YOU HEAR THE WORDS SWEAR THE JUROR THE BAILIFF WILL  
2 SHOW YOU WHERE TO SIT IN THE JURY BOX. EACH SIDE HAS  
3 A CERTAIN NUMBER OF STRIKES, TEN FOR EACH SIDE, THEN  
4 WE'LL DRAW AN ALTERNATE, TWO ALTERNATES, AFTER WE GET  
5 THE 12 SEATED. SO MADAM CLERK.

6 (THE JURY IS DRAWN AND SEATED.)

7 NUMBER 97 JONELLE GARDNER FEMALE WHITE STRUCK BY  
8 COPE.

9 NUMBER 204 NANCY QUINN FEMALE WHITE STRUCK BY COPE.

10 NUMBER 50 TERESA CARICO FEMALE WHITE ACCEPTED.

11 NUMBER 189 HEATH O'HARA MALE WHITE ACCEPTED.

12 NUMBER 277 WILLIAM YOUNG MALE WHITE STRUCK BY  
13 SANDERS.

14 NUMBER 223 BRIAN SIMMONS MALE WHITE STRUCK BY  
15 SANDERS.

16 NUMBER 280 DANNY BLOXOM MALE WHITE STRUCK BY THE  
17 STATE.

18 NUMBER 210 BLAKE ROCHESTER MALE WHITE STRUCK BY THE  
19 STATE.

20 NUMBER 92 EDITH FOUNTAIN FEMALE BLACK STRUCK BY THE  
21 STATE.

22 NUMBER 300 RICHARD WOODBURN MALE WHITE STRUCK BY  
23 COPE.

24 NUMBER 184 CARRIE NALLEY FEMALE WHITE STRUCK BY COPE.

25 NUMBER 126 CYNTHIA HOWELL FEMALE WHITE ACCEPTED.

1 NUMBER 17 OCTAVIA BEATY FEMALE BLACK STRUCK BY COPE.  
2 NUMBER 6 KAREN AUTEN FEMALE WHITE STRUCK BY COPE.  
3 NUMBER 134 CURTIS KELEMEN MALE WHITE STRUCK BY THE  
4 STATE.  
5 NUMBER 164 TAMRA MCCORY FEMALE BLACK STRUCK BY COPE.  
6 NUMBER 100 MEREDITH GIBSON FEMALE WHITE STRUCK BY  
7 SANDERS.  
8 NUMBER 94 JULIAN FULCHER MALE WHITE ACCEPTED.  
9 NUMBER 290 ELIZATH MARTINEAU FEMALE WHITE STRUCK BY  
10 COPE.  
11 NUMBER 95 NICHOLAS FULCHER MALE WHITE ACCEPTED.  
12 NUMBER 3 EDWARD ANDERSON MALE WHITE ACCEPTED.  
13 NUMBER 264 THOMAS WEBB MALE WHITE STRUCK BY THE  
14 STATE.  
15 NUMBER 72 CHERESE CULP FEMALE BLACK ACCEPTED.  
16 NUMBER 61 CHAD COCKERILL MALE WHITE STRUCK BY  
17 SANDERS.  
18 NUMBER 281 DIANE CANNIZZARO FEMALE WHITE ACCEPTED.  
19 NUMBER 205 WILLIAM RAMSEY MALE WHITE STRUCK BY COPE.  
20 NUMBER 274 DAVID WISE MALE WHITE STRUCK BY SANDERS.  
21 NUMBER 261 CHARLES WATSON MALE WHITE STRUCK BY  
22 SANDERS.  
23 NUMBER 24 MARY BLACKWELL FEMALE WHITE STRUCK BY THE  
24 STATE.  
25 NUMBER 32 VIOLET BRATTON FEMALE BLACK ACCEPTED.

1 NUMBER 80 ROBIN DOVER FEMALE WHITE STRUCK BY SANDERS.

2 NUMBER 284 BRENDA FORD FEMALE WHITE STRUCK BY THE  
3 STATE.

4 NUMBER 246 HEATHER THREATT FEMALE WHITE ACCEPTED.

5 NUMBER 31 LORI BOULWARE FEMALE WHITE STRUCK BY COPE.

6 NUMBER 104 PAM GLOBOKAR FEMALE WHITE STRUCK BY  
7 SANDER?

8 NUMBER 143 BILLY LEFLER MALE WHITE ACCEPTED.

9 NUMBER 167 DONALD MCGINNIS MALE WHITE STRUCK BY THE  
10 STATE.

11 NUMBER 66 CLAYTON CORBETT MALE WHITE STRUCK BY  
12 SANDERS.

13 NUMBER 143 BILLY LEFLER MALE WHITE ACCEPTED.

14 THE COURT: WE'LL DRAW ONE AT A TIME.  
15 STRIKES WILL BE ONE TWO AND TWO.

16 NUMBER 186 CHARLES NEELEY MALE WHITE ACCEPTED.

17 NUMBER 49 MIRANDA CAMPBELL FEMALE WHITE STRUCK BY  
18 SANDERS.

19 NUMBER 213 CYNTHIA ROSE FEMALE WHITE STRUCK BY COPE.

20 NUMBER 12 HERMAN BARRENTINE MALE WHITE STRUCK BY  
21 SANDERS.

22 NUMBER 241 SAMANTHA THOMAS FEMALE WHITE ACCEPTED.

23 THE COURT: ANYTHING FROM THE STATE  
24 INVOLVING STRIKING OF THE PANEL?

25 MR. BRACKETT: NO, SIR, YOUR HONOR,

1           NOTHING FROM THE STATE.

2                   THE COURT:    ANYTHING FROM THE DEFENDANSE?

3                   MR. BAITY:    NOTHING FROM MR. COPE, YOUR  
4           HONOR.

5                   MR. GREELEY:   NOTHING FROM MR. SANDERS.

6                   THE COURT:    THOSE WHO WERE NOT CHOSEN  
7           PLEASE RETURN DOWNSTAIRS TO THE JURY ASSEMBLY ROOM  
8           AND YOU WILL RECEIVE INSTRUCTIONS.  I WILL ASK YOU TO  
9           LEAVE QUIETLY BECAUSE I'M GOING TO START TALKING TO  
10          THIS JURY PANEL.  THANK YOU FOR YOUR HELP.  THOSE WHO  
11          WERE CHOSEN, I'M GOING TO LET YOU GO INTO THE JURY  
12          ROOM FOR A FEW MINUTES BEFORE WE ADMINISTER THE OATH.  
13          MR. ANDERSON, YOU PICKED A GOOD SEAT, YOU'LL BE THE  
14          FOREMAN, YOU'LL SIT RIGHT THERE.  THE TWO ALTERNATES  
15          WILL SIT ON THE BACK SEATS WHERE THEY ARE SEATED,  
16          THAT'S MR.  NEELEY AND MS. THOMAS.  SO YOU TWO WILL  
17          SIT IN THOSE TWO SEATS.  EVERYONE ELSE IS NO ASSIGNED  
18          SEATING.  DON'T DISCUSS THE CASE, DON'T TRY TO MAKE  
19          UP YOUR MIND.  YOU WON'T BE IN A POSITION TO DO THAT  
20          UNTIL WE REACH THE END OF THE TRIAL WHEN I INSTRUCT  
21          YOU TO JOINTLY DELIBERATE AND RETURN A UNANIMOUS  
22          VERDICT.  AND I ALREADY TOLD YOU WHAT TO DO REGARDING  
23          NOT LETTING YOURSELF BE EXPOSED TO ANY MEDIA COVERAGE  
24          AND ALSO WHAT TO DO REGARDING ANYONE TRYING TO  
25          DISCUSS THE CASE WITH YOU, SO IF YOU'LL GO TO THE

1 JURY ROOM WE'LL SEND FOR YOU SHORTLY.

2 (THE JURY EXITS THE COURTROOM AT  
3 4:14.)

4 THE COURT: I UNDERSTOOD THERE TO BE SOME  
5 MATTERS TO BE TAKEN UP BEFORE THE JURY IS SWORN IN.  
6 ANYTHING FROM THE STATE?

7 MR. BRACKETT: NO, SIR. I THINK THE  
8 MATTERS ARE WITH THE DEFENSE.

9 MR. BAITY: IF IT PLEASE THE COURT, YOUR  
10 HONOR, WE DO HAVE A COUPLE OF MOTIONS. THE FIRST  
11 MOTION WE WOULD, LET ME FIND MY NOTES. THE FIRST  
12 MOTION WE'D LIKE TO MAKE, YOUR HONOR, IS A MOTION FOR  
13 CONTINUANCE. LET ME JUST PREFACE MY REMARKS BY  
14 SAYING WE ARE REQUESTING A CONTINUANCE NOT BEYOND  
15 THIS TERM OR FOR ANY LENGTHY PERIOD OF TIME, HOWEVER,  
16 YOUR HONOR, SEVERAL MATTERS HAVE COME TO LIGHT THAT  
17 WE BELIEVE WE NEED A SHORT RECESS OR SHORT  
18 CONTINUANCE. AT LEAST FOR A DAY OR TWO. THIS  
19 MORNING, YOUR HONOR, WE WERE HANDED 180 PAGES OF  
20 DISCOVERY FROM THE SOLICITOR CONCERNING THE COMPUTER  
21 THAT WAS DISCOVERED IN MR. COPE'S HOUSE. THIS  
22 COMPUTER HAS BEEN IN THE POSSESSION OF THE STATE FOR  
23 TWO AND A HALF YEARS. THE APPROPRIATE DISCOVERY  
24 MOTIONS WERE MADE. WE HAVE RECEIVED VIRTUALLY  
25 NOTHING FROM THEM EXCEPT A REPORT THAT INDICATED THAT





1       ISSUE OF BROOMS. BROOMS, BROOMS AND MOPS ARE GOING  
2       TO BE A VERY IMPORTANT ISSUE IN THIS CASE. THESE  
3       WERE ITEMS THAT WERE TAKEN FROM THE HOME. WE  
4       RECEIVED A REPORT YESTERDAY I BELIEVE THAT WAS A  
5       REPORT OF JAN BRYSON WHO IS A SLED PERSON WHO HANDLED  
6       THESE ITEMS AND SHE IDENTIFIED CERTAIN SWABS OR  
7       SAMPLES THAT WERE TAKEN FROM THE VARIOUS BROOMS. WE  
8       HAD OUR EXPERT LOOK AT THESE ITEMS AND THIS REPORT  
9       THAT MRS. BRYSON SUBMITTED AND HE'S TOLD US THAT HE  
10      CAN DECIPHER SOME BUT NOT ALL OF THEIR NOTATIONS SO  
11      WE DON'T KNOW EXACTLY WHAT TESTS WERE PERFORMED AND  
12      WHAT THE RESULTS WERE. ALL RIGHT. IN FAIRNESS  
13      COUNSEL IS TELLING ME THAT WE'VE BEEN TOLD RECENTLY  
14      TODAY WHAT SOME OF THE SYMBOLS STAND FOR THAT WE WERE  
15      UNAWARE OF WHAT THEY MEANT YESTERDAY, BUT WE HAVE NOT  
16      HAD AN OPPORTUNITY TO EXPLAIN THAT TO OUR EXPERT AND  
17      GO INTO ALL OF THAT.

18                               APPARENTLY YOUR HONOR, THERE HAS BEEN  
19      A DNA REPORT GIVEN TO US THAT WAS RUN ON SOME OF  
20      THESE SWABS AND SAMPLES BUT THERE WERE OTHER TESTS,  
21      NOT JUST DNA BUT OTHER TESTS SUCH AS FECAL TEST AND  
22      ACID PHOSPHATE TEST WHICH WE'VE NOT GOTTEN RESULTS  
23      OF. YOUR HONOR, THIS COULD BE EXTREMELY IMPORTANT  
24      AND THIS COULD BE EXCULPATORY THAT BEAR DIRECT  
25      RELATION ON MISTER, ON THE EVIDENCE IN THIS CASE.

1 AND ESSENTIALLY WHAT WE NEED TO DO IS HAVE AN  
2 OPPORTUNITY TO PROVIDE ALL OF THIS TO OUR EXPERT AND  
3 TO TALK TO HIM ABOUT IT. AGAIN THIS IS BELATED  
4 INFORMATION PROVIDED TO US.

5 FINALLY, YOUR HONOR, THERE IS A LETTER  
6 THAT IS ALLEGED TO BE AUTHORED BY MY CLIENT AND WE  
7 DISCUSSED THIS IN CHAMBERS, IT HAS BEEN MADE THE  
8 SUBJECT OF HANDWRITING ANALYSIS, AND IT HAS BEEN MADE  
9 THE SUBJECT OF A FINGERPRINTS ANALYSIS. THE  
10 HANDWRITING ANALYSIS WAS COMPLETED AND REPORT  
11 SUBMITTED ON AUGUST SIX OR SEVENTH AND IT WAS OUR  
12 UNDERSTANDING THE VERY NEXT STEP WOULD BE THESE ITEMS  
13 WOULD BE SUBMITTED FOR FINGERPRINT ANALYSIS,  
14 NINHYDROSES OR SOME KIND OF PROCESS, WHICH COULD  
15 ACTUALLY ALTER THE DOCUMENT, IS DONE AFTER ALL THE  
16 EXPERTS HAVE LOOKED AT IT FOR HANDWRITING PURPOSES.  
17 THIS WAS DONE ABOUT A MONTH AGO AND I UNDERSTAND THAT  
18 THE PROCESS LASTS ABOUT 30 MINUTES TO AN HOUR. WE  
19 ONLY HEARD THIS MORNING AND THAT IS VERBALLY FROM THE  
20 SOLICITOR THAT IT DOESN'T APPEAR THAT MY CLIENT'S  
21 FINGERPRINTS HAVE BEEN DETECTED BUT AN UNIDENTIFIED  
22 PALM PRINT IS ON THE LETTER AND THEY INTEND TO MAKE A  
23 MOTION FROM OUR CLIENT TO SUBMIT TO A PALM PRINT. WE  
24 HAVEN'T SEEN THAT MOTION. WE DON'T KNOW WHAT OUR  
25 POSITION IS GOING TO BE ON IT, BUT CERTAINLY, YOUR

1 HONOR, THAT IS EVIDENCE AND TESTS THAT HAVEN'T EVEN  
2 BEEN COMPLETED. WE SIMPLY DON'T WANT A TRIAL BY  
3 AMBUSH. WE WANT TO BE ABLE TO HAVE AMPLE TIME TO  
4 PREPARE OUR DEFENSE, AND ALSO, YOUR HONOR, TO PREPARE  
5 OUR OPENING STATEMENT AND TO TALK TO OUR CLIENT AND  
6 TALK TO OUR EXPERTS, AND ON THESE PARTICULAR ITEMS WE  
7 JUST DON'T THINK WE'VE BEEN GIVEN ENOUGH TIME.

8 YOUR HONOR, WE WANT TO TRY THIS CASE.  
9 WE WANT TO GO FORWARD WITH IT. WE'RE NOT SEEKING  
10 THIS FOR ANY LONG TERM DELAY, BUT WE FEEL LIKE THAT  
11 WE'VE BEEN SLIGHTLY PREJUDICED BY THIS LAST MINUTE  
12 DISCOVERY, FOR THAT PURPOSE WE WOULD ASK THAT YOU  
13 EXCLUDE THESE ITEMS FROM THE CASE ALL TOGETHER, OR  
14 GIVE US A SHORT PERIOD OF TIME, A FEW DAYS OR A DAY,  
15 TO CONSULT WITH OUR EXPERTS AND DECIPHER THE MEANING  
16 OF ALL THIS, DISCUSS IT WITH OUR CLIENT, AND THEN  
17 COME BACK TO COURT READY TO GO FORWARD.

18 THE COURT: MR. BRACKETT OR MR. POPE.

19 MR. BRACKETT: ON THE ISSUE OF THE  
20 COMPUTERS, YOUR HONOR, THEY'VE BEEN IN EVIDENCE AND I  
21 DON'T THINK THE DEFENSE WILL DISPUTE, WE'VE GIVEN  
22 THEM ACCESS TO THE PHYSICAL EVIDENCE ON AT LEAST TWO  
23 OCCASIONS THAT I CAN REMEMBER AND MAYBE MORE.  
24 THEY'VE HAD ACCESS TO THAT COMPUTER FOR QUITE  
25 SOMETIME AND THEY COULD HAVE, IT'S BEEN TWO AND A

1 HALF YEARS IT HAS BEEN SITTING THERE.

2 THE COURT: THEY SAID THEY COULDN'T GET IN  
3 IT BECAUSE OF SOME KIND OF SECURITY LOCK.

4 MR. BRACKETT: NO. NO. THE COMPUTER  
5 ITSELF, THE SECURITY ISSUE IS THAT WHEN IT WAS TAKEN  
6 TO SLED, THE SLED PEOPLE MIRROR THE HARD DRIVES THAT  
7 ARE IN THE COMPUTERS, THEY MAKE A COMPLETE DUPLICATE  
8 OF IT AND THEY PUT THAT ON A DVD, AND THEY ANALYZE IT  
9 USING A PIECE OF FORENSIC SOFTWARE CALLED ENCASE AND  
10 IT'S BASICALLY BURNED ONTO THE DVD USING THIS  
11 SOFTWARE. WHAT THEIR PROBLEM IS IS THAT THEY CAN'T  
12 OPEN THAT ON THE DVD BECAUSE THEY DON'T HAVE THE  
13 ENCASE SOFTWARE, IT'S A FORENSIC TYPE SOFTWARE, BUT  
14 THE COMPUTERS THEMSELVES WITH THE HARD DRIVES WHICH  
15 ARE EQUALLY, WHICH ARE ACCESSIBLE TO THEM, ALL THEY  
16 HAD TO DO WAS ASK, HAVE BEEN SITTING THERE FOR TWO  
17 AND A HALF YEARS. NOW I UNDERSTAND WHAT THEIR  
18 CONTENTIONS ARE. THEY ARE SAYING THAT THEY JUST NOW  
19 GET THIS 180 PIECES OF, PAGES OF DISCOVERY, AND I CAN  
20 APPRECIATE THAT. WE'VE BEEN MOVING ALONG AS QUICKLY  
21 AS WE CAN TO GET THEM THINGS. THERE IS NO  
22 REQUIREMENT THAT WE EVEN HAD TO HAVE A REPORT  
23 GENERATED, BUT WE ALWAYS HAVE A REPORT GENERATED. I  
24 UNDERSTAND WHAT THEY ARE SAYING. THEY NEED TIME TO  
25 PREPARE TO MEET WHAT OUR EXPERT HAS TO SAY. THEY

1 HAVE HIRED A NUMBER OF EXPERTS. WE'VE GOTTEN NO  
2 REPORTS AT ALL FROM ANY EXPERT THAT THEY'VE RETAINED,  
3 SO WE ARE IN THE SAME KIND OF BOX, THE SAME KIND OF  
4 BOAT, BUT WE'LL BE READY TO DEAL WITH THE EXPERTS  
5 THAT THEY PUT UP. BUT AS FAR AS THE COMPUTERS ARE  
6 CONCERNED, THAT'S BEEN SITTING THERE FOR TWO AND A  
7 HALF YEARS AND WE'VE BEEN WORKING WITH THE EXPERT AT  
8 SLED TO GET SOME UNDERSTANDING ON SOME OF THESE  
9 ISSUES JUST RECENTLY AND SHE JUST RECENTLY COMPLETED  
10 HER REPORT AND SENT IT TO US AND WE FORWARDED IT  
11 ALONG TO THEM AND I GAVE THEM THE SUPPORTING, I SENT  
12 THE REPORT BY E-MAIL OVER THE WEEKEND. I COULDN'T  
13 SEND THE SUPPORTING DOCUMENTATION, THE ATTACHMENTS TO  
14 THE REPORT, IT WAS OVER 15 MEGABYTES, THE FILE IT  
15 WOULDN'T E-MAIL IT WAS TOO MUCH, SO I BURNED IT ON A  
16 DISK AND GAVE IT TO THEM THE FIRST THING THIS MORNING  
17 WHEN I SAW THEM, SO THEY JUST NOW DID GET THAT, BUT  
18 THAT INFORMATION HAS BEEN RESIDING ON THAT HARD DRIVE  
19 OVER TWO AND A HALF YEARS AT THE ROCK HILL POLICE  
20 DEPARTMENT.

21 THE COURT: WHAT ABOUT THE BROOMS  
22 SITUATION?

23 MR. BRACKETT: SOLICITOR POPE.

24 MR. POPE: I CAN ADD A LITTLE BIT TO THE  
25 COMPUTER ISSUE TOO. MR. MORTON AND I WERE TALKING

1 AND I ASSUME WHEN WE STARTED TALKING ABOUT THE  
2 MIRRORED HARD DRIVE ISSUE LAST WEEK OR BEGINNING LAST  
3 WEEK WHEN I WAS IN COLUMBIA AND WE TALKED ON THE  
4 PHONE, MY UNDERSTANDING IS THAT THEY BASICALLY TOOK A  
5 PICTURE, JUST TO GO BACK ON THE COMPUTER ISSUE, TOOK  
6 A PICTURE OF EACH HARD DRIVE AND PUT IT ON THE DVD  
7 THAT I ASSUME THE DEFENSE NOW HAS IN THEIR POSSESSION  
8 AND WHEN WE DISCUSSED ON THE PHONE, MR. MORTON AND I,  
9 NEITHER ONE ARE COMPUTER EXPERTS, WE INDICATED THAT  
10 THEY WOULD HAVE THE DRIVE AND WHATEVER SOFTWARE  
11 MR. BRACKETT IS TALKING ABOUT, THAT THEY WOULD HAVE  
12 IT, SO THE BRIEF CONVERSATION I HAD WITH MR. MORTON  
13 IN THAT REGARD WAS AS SOON AS HE MADE THE REQUEST I  
14 TRIED TO PURSUE IT. I WENT TO SLED AND BECAUSE THERE  
15 WAS THE ISSUE OF WHETHER OR NOT YOU GOING TO COME SEE  
16 THE HARD DRIVE OR WHETHER YOU WOULD GET COPIES OF IT  
17 AND ULTIMATELY THEY MIRRORED THE HARD DRIVES ON THE  
18 DVD DISK AND PROVIDED IT.

19 YOUR HONOR, CONCERNING THE BROOMS IN  
20 THIS TRIAL BY AMBUSH ISSUE, THE MATERIALS THAT I  
21 BELIEVE ARE THE SAME THAT WE DISCUSSED IN CHAMBERS,  
22 THOSE MATERIALS ARE ACTUALLY THE BENCH NOTES FROM THE  
23 EVIDENCE PROCESSING TECHNICIAN. THE EVIDENCE  
24 PROCESSING TECHNICIAN, ONE THOSE WEREN'T REQUESTED  
25 WHEN I WAS AWARE OF BUT WHEN I WAS AT SLED I BELIEVE

1       THEY HAD SOME DNA BENCH NOTE REQUESTS SO I REQUESTED  
2       THE SAME NOTES FROM THE EVIDENCE PROCESSING  
3       TECHNICIAN WHICH IS UNRELATED. ANY ITEM THEY GET  
4       THEY PROCESS. BASICALLY IT'S A FOUR OR FIVE STEP  
5       PROCESS. THEY PUT ANY ITEM OF QUESTION UNDER LIGHTS.  
6       ONCE THEY, ANYTHING FLUORESCES THEN THEY HAVE A  
7       COUPLE OF PRESUMPTIVE TESTS. THE TESTS ARE THEN  
8       DOCUMENTED AND IF IT'S SEMEN, IF IT'S BLOOD, IT'S  
9       THEN SENT ON SEROLOGY AND SEROLOGY AND DNA ARE  
10      TOGETHER. THEY'VE HAD THE REPORTS FROM ALL OF THESE  
11      FOR WHATEVER PERIOD OF TIME THEY'VE HAD THE DNA  
12      REPORTS. THE DOCUMENTS THAT I DISCUSSED WITH THEIR  
13      CO-COUNSEL, I CALLED AS THEY REQUESTED DURING THE  
14      BREAK TO FIND OUT, I ASSUME THAT THEY HAVE AN EXPERT  
15      THAT THAT EXPERT WOULD KNOW BUT WHAT THE DESIGNATIONS  
16      OF HF, HF MEANT HAIR AND FIBERS, PHENOLPHTHALEIN WAS  
17      A TEST FOR BLOOD. APS A TEST FOR SEMEN. LL WAS A  
18      QUESTION MR. WOOD HAD POSED TO ME AND I CHECKED IT AN  
19      ALTERNATIVE LIGHT SOURCE WHICH IS EXACTLY WHAT WE  
20      TALKED ABOUT, SO FROM AN AMBUSH STANDPOINT: ONE,  
21      THEY HAVE AN EXPERT ARGUABLY TO SEE THAT. TWO, THIS  
22      IS THE PROCESSING THAT YIELDED THE DNA RESULTS, AND  
23      SO THEY ARE NOT, WE'RE NOT WAITING ON ANY FURTHER  
24      TESTS. WHATEVER SHE FOUND SHE FORWARDED TO SLED AND  
25      THAT'S BEEN REFLECTED IN THE DNA MATERIALS AND THEIR

1       REPORTS THROUGHOUT THAT HAVE BEEN CONTINUOUSLY  
2       PROVIDED TO THE DEFENSE, YOUR HONOR.

3               MR. BRACKETT: ONE CORRECTION ON DISCOVERY  
4       MAY HAVE, MERRY COLLINS HAS CORRECTED ME ON ONE  
5       POINT. THERE WAS SOME DISCUSSION BACK AND FORTH  
6       ABOUT BEING ABLE TO ACCESS THE COMPUTERS AT THE ROCK  
7       HILL POLICE DEPARTMENT, THE PROBLEM WAS IS THAT THEY  
8       WANTED THEIR EXPERT TO BE ABLE TO TURN THE COMPUTERS  
9       ON AND HOOK THE COMPUTER UP TO A NETWORK AND ACCESS  
10      SOMETHING. THERE WAS SOME ISSUE ABOUT WHETHER OR NOT  
11      ANYTHING ON THE COMPUTERS, THE HARD DRIVES, WOULD BE  
12      ALTERED, SO ULTIMATELY THE DISCUSSION WAS WE WOULD  
13      PROVIDE THEM WITH MIRRORED DVDS BUT THEY COULDN'T  
14      ACCESS THE COMPUTERS THERE BECAUSE THERE WAS SOME  
15      CONCERN ABOUT IT BEING ALTERED, SO THE COMPROMISE WE  
16      REACHED WAS THE DVDS WOULD BE PROVIDED THAT SHOWED  
17      THE MIRRORED IMAGE. SO THAT'S ULTIMATELY WHAT  
18      HAPPENED. WE PROVIDED THEM THAT LAST WEEK I BELIEVE,  
19      IS THAT CORRECT?

20             MR. BAITY: WELL, BUT WE COULDN'T OPEN  
21      THEM. THAT'S THE PROBLEM. WE DIDN'T GET THEM OPEN  
22      UNTIL TODAY. THAT'S THE PROBLEM. WE DID HAVE SOME  
23      DISCUSSION, WE HAD AN EXPERT READY TO GO IN AND LOOK  
24      AT THE COMPUTER. THEY SAID WE'RE NOT GOING TO LET  
25      YOU DO THAT, THEN THE COMPROMISES IS, OKAY, TELL YOU



1       WHAT, WE'LL DO THIS MIRROR THING AND THEN YOUR GUY  
2       CAN LOOK AT THAT.  OKAY.  THAT'S FINE.  IT FINALLY  
3       ROLLS IN LAST WEEK OR WHATEVER AND WE CAN'T ACCESS  
4       IT.  WE COMPLAIN ABOUT THAT AND TODAY WE FINALLY GET  
5       IT DISGORGED TO US AND WE DON'T HAVE ANY KIND OF TIME  
6       TO REACT TO IT AND FRANKLY, YOUR HONOR, IT'S NOT THE  
7       BIGGEST ISSUE IN THIS CASE BUT IT COULD BE  
8       POTENTIALLY A BIG ISSUE AND THERE COULD BE A VERY  
9       IMPORTANT DETAIL ON THAT, A VERY IMPORTANT DETAIL ON  
10      THAT THAT IS VERY CRUCIAL TO OUR DEFENSE IN THIS CASE  
11      AND AGAIN WE'RE NOT ASKING THAT THIS BE PUT OFF FOR  
12      SIX MONTHS.  WE JUST WANT TIME, A REASONABLE AMOUNT  
13      OF TIME TO DO, AND YOUR HONOR, WE'VE MADE A  
14      REASONABLE EFFORT TO WORK WITH THE SOLICITOR'S OFFICE  
15      AND I'M NOT TRYING TO SAY THESE GENTLEMEN ARE  
16      AMBUSHING ME.  I'M JUST SAYING THAT IT'S LAST MINUTE  
17      STUFF.  THAT'S THE POINT I'M TRYING TO MAKE.  WE JUST  
18      NEED A LITTLE BIT MORE TIME TO LOOK AT THIS KIND OF  
19      STUFF.

20                               IF I CAN REBUT THE BUSINESS ABOUT THE  
21      BROOMS, YOUR HONOR, THERE IS NO QUESTION THEY'VE  
22      GIVEN US THE DNA RESULTS ON THE SWABS TAKEN FROM THE  
23      BROOMS AND, BUT THAT'S ALL WE GOT AND THERE ARE TESTS  
24      ON OTHER FLUIDS OR STAINS OR WHATEVER THAT ARE ON THE  
25      BROOMS AND WE DON'T KNOW EXACTLY WHAT KIND OF FLUID

1 IT IS. WE DON'T HAVE ANY IDEA WHETHER IT'S VAGINAL  
2 FLUID OR BLOOD OR SEMEN OR SALIVA OR WHAT. AND OUR  
3 EXPERT NEEDS TO BE ABLE TO UNDERSTAND THEIR  
4 TERMINOLOGY, THEIR ABBREVIATIONS, AND IT WON'T TAKE  
5 LONG FOR THEM TO DO THAT BUT WE'D JUST LIKE TO SEE  
6 THOSE TESTS RESULTS. WE DIDN'T REALIZE THAT THEY HAD  
7 TAKEN THESE SAMPLES AND HAD RUN THESE OTHER TESTS  
8 WHICH WE'VE NOT BEEN GIVEN RESULTS OF UNTIL WE SAW  
9 THE DIAGRAMS MR. POPE IS REFERRING TO TODAY. THERE  
10 IS NO QUESTION HE GAVE US THE DNA TEST RESULTS OF  
11 AWHILE BACK AND THEN UPDATED IT ABOUT TWO WEEKS AGO,  
12 BUT IT'S THESE OTHER TESTS WE'D LIKE TO KNOW THAT AND  
13 WHAT THEY ARE AND OUR EXPERT IS GOOD, THERE IS SOME  
14 TESTS THAT WE ARE NOT EVEN SURE WHAT THEY ARE, AND  
15 OUR EXPERT IS A GOOD EXPERT, BUT HE COULDN'T FIGURE  
16 OUT THE TERMINOLOGY.

17 MR. POPE: YOUR HONOR, I AM NOT AN EXPERT  
18 AND I THINK HOP UNDERSTANDS IT, I THINK MR. GREELEY  
19 UNDERSTANDS IT, I PRESENTED IT AND I THINK HALF OF  
20 THE CO-COUNSEL OVER THERE UNDERSTANDS IT. I  
21 PRESENTED, THE TESTING WAS DONE, IT'S A PRESUMPTIVE  
22 TEST TO DECIDE IF IT WOULD BE SENT ON FOR. THERE  
23 SOME ITEMS, THE BRA, THERE IS NOTHING ON IT. IT  
24 DOESN'T GO ANY FURTHER. IF THEY HAVE A PRESUMPTIVE  
25 TEST AND IS IT DESIGNATED ON THOSE VERY DOCUMENTS, IT

1 IS A POSITIVE, IT'S PRESUMPTIVE. IF IT'S A MINUS OR  
2 AN EQUAL, IF IT IS AN EQUAL SHE PUTS TWO SLASHES SO  
3 YOU CAN'T CHANGED IT TO A POSITIVE. IF IT IS A MINUS  
4 THAT IS THE END OF IT, SO THAT'S REFLECTED ON THOSE  
5 DOCUMENTS TOO, THAT'S REFLECTED IN HER REPORT. SHE  
6 DID ISSUE A REPORT THAT ANYTHING THAT WAS FOUND  
7 PRESUMPTIVE WENT ON UP TO DNA AND THOSE REPORTS ARE  
8 AVAILABLE TOO. AGAIN I THOUGHT I HAD ADDRESSED THAT  
9 WITH DEFENSE COUNSEL DURING THE BREAK BUT I'LL BE  
10 GLAD TO SIT DOWN AGAIN. I FEEL LIKE THERE IS A  
11 MISUNDERSTANDING BETWEEN MR. BAITY AND MAYBE HIS  
12 COUNSEL AND HIS EXPERT, BUT I DON'T WANT GOING ON THE  
13 RECORD THAT THIS HADN'T BEEN PROVIDED BECAUSE IT HAS  
14 BEEN PROVIDED. THEY HAVE IT, YOUR HONOR.

15 THE COURT: ALL RIGHT.

16 MR. BAITY: THE TESTS WERE RUN IN 2002 AND  
17 WE DEFINITELY GOT THE DNA RESULTS BUT WE DIDN'T GET  
18 THE OTHER ONES AND THAT IS THE MAIN THING AND WE  
19 BELIEVE THAT THIS IS VERY POTENTIALLLY EXCULPATORY  
20 EVIDENCE IF WE KNEW WHAT KIND OF FLUIDS WE ARE  
21 TALKING ABOUT.

22 THE COURT: WELL, I'M GOING TO DENY THE  
23 MOTION TO CONTINUE. HOWEVER, AS TO THE COMPUTER, THE  
24 180 PAGES, I DON'T KNOW WHO IS GOING TO REVIEW THAT.  
25 I KNOW WE'RE IN THE MIDDLE OF A TRIAL BUT YOU GOT

1       FOUR ATTORNEYS AND TWO STAFF MEMBERS AND IT'S GOING  
2       TO TAKE AT LEAST TWO WEEKS TO TRY THIS CASE I AM TOLD  
3       AND THAT TAKES US OVER AT LEAST ONE WEEKEND, I KNOW  
4       Y'ALL GOT PLENTY TO DO, BUT I'M NOT GOING TO GRANT A  
5       CONTINUANCE AT THIS TIME. THAT DOES NOT PRECLUDE  
6       COUNSEL FOR MR. COPE TO, DURING THE TRIAL, TO ASK FOR  
7       A CONTINUANCE FOR A DAY OR A HALF A DAY, IF  
8       NECESSARY, IF SOMETHING IS DETERMINED THAT WOULD  
9       WARRANT IT; THAT IS, AFTER SOMEONE REVIEWS THESE 180  
10      PAGES OF DISCOVERY. I KNOW THAT SOUNDS LIKE A LOT  
11      BUT I DON'T, I HAVE NO IDEA WHAT IT IS. I HAVEN'T  
12      SEEN IT. I'M NOT ASKING TO SEE THEM IN CAMERA. OR I  
13      COULD AND IF THAT'S WHAT YOU WANT ME TO DO I WILL  
14      LOOK AT IT. BUT AT THIS TIME I'M GOING TO DENY THE  
15      MOTION FOR A CONTINUANCE ON THAT GROUND WITH THE  
16      UNDERSTANDING THAT IF A BREAK OR A RECESS TYPE  
17      CONTINUANCE IS NEEDED DURING THE TRIAL, WE'LL LOOK AT  
18      IT THEN.

19                   AS TO THE BROOMS THIS IS ONE OF THOSE  
20      DISPUTES THAT THE COURT HATES. ONE SIDE SAYS HE GOT  
21      EVERYTHING, THE OTHER SIDE SAYS THEY DON'T HAVE IT,  
22      I'M NOT GOING TO GRANT A CONTINUANCE BASED ON THAT.  
23      IF THE STATE IS SAYING THAT THE DEFENSE HAS WHAT IT'S  
24      SUPPOSED TO HAVE, THE DEFENSE EXPERT CAN'T DECIPHER  
25      THE NOTATIONS, I'LL REQUIRE THE STATE'S EXPERT TO

1 ACCEPT A TELEPHONIC COMMUNICATION FROM THE DEFENSE  
2 EXPERT AND TELL OVER-THE-PHONE OR BY FAX OR E-MAIL  
3 WHAT THOSE NOTATIONS MEANS. THAT'S SEEMS TO BE THE  
4 ONLY PROBLEM THERE.

5 THE RESULTS OF THE ADDITIONAL TESTS,  
6 WHAT OTHER TESTS? I KEEP GETTING AGAIN THE  
7 IMPRESSION THAT THE STATE FEELS LIKE IT'S GIVEN THE  
8 DEFENSE ALL OF THIS AND THE DEFENSE IS SAYING NO IT  
9 HASN'T. THE COURT CAN'T RESOLVE THOSE. I'LL JUST BE  
10 HONEST WITH YOU. I DON'T KNOW WHAT TESTS HAVE BEEN  
11 RUN AND WHICH HAVE NOT. BUT THE STATE, AS I  
12 UNDERSTAND IT, IS SAYING THE DEFENSE HAS IT ALL. AM  
13 NOT I RIGHT? AM I MISUNDERSTANDING IT?

14 MR. POPE: I THINK THE ONLY ISSUE I HEARD  
15 THAT I WOULD AGREE WITH IS A WRITTEN REPORT, I GAVE  
16 AN ORAL REPORT ON THE FINGERPRINT ON THE --

17 THE COURT: I HADN'T GOTTEN TO THAT  
18 YET. I'LL GET TO THE FINGERPRINT NEXT. THIS IS JUST  
19 UNDER MY CAPTION OF, I THOUGHT HAVING TO DO WITH THE  
20 BROOMS, ADDITIONAL TESTS. I'M GOING TO GET TO THE  
21 LETTER IN JUST A MINUTE.

22 MR. BAITY: AS I UNDERSTAND IT, THERE WERE  
23 DNA TESTS PERFORMED AND WE'RE NOT COMPLAINING ABOUT  
24 DNA TESTS, BUT THERE WERE CERTAIN TESTS THAT WERE PUT  
25 ON STAINS OR SPOTS ON THE BROOMS AND A MOP OR

1           WHATEVER THAT WERE APPARENTLY IDENTIFIED SOME TYPE OF  
2           BODILY FLUID OR SOME KIND OF FLUID THAT CAUSED THAT  
3           STAIN OR THAT TEST. WE WANT TO KNOW WHAT THAT FLUID  
4           IS.

5                         THE COURT: HAS THAT BEEN PROVIDED? IF  
6           THOSE TESTS WERE RUN, HAS THAT BEEN PROVIDED?

7                         MR. POPE: YES, SIR. AND AGAIN I'LL  
8           EXPLAIN HOW, THE EVIDENCE PROCESSING DOES THE  
9           PRESUMPTIVE TEST. IF THEY HAVE ANYTHING THAT  
10          FLUORESCES OR THAT GIVES ANY INDICATION OF SEMEN OR  
11          BLOOD, THE TWO PARTICULAR SUBSTANCES IN QUESTION  
12          HERE, THEY FORWARD IT ON TO SEROLOGY SLASH DNA.  
13          BEFORE THEY DO DNA THEY DO SEROLOGY. IF YOU NOTICE  
14          IN THE DNA REPORT IT HAS A SEROLOGY SECTION IN WHICH  
15          IT SAYS, IS THIS SEMEN, IS THIS BLOOD, IS HUMAN BLOOD  
16          IDENTIFY IT, THEN THEY GO ON AND DO DNA. THERE MAY  
17          BE TIMES THAT IT DOES A PRESUMPTIVE TEST FOR PROTEINS  
18          THAT LOOK LIKE BLOOD, IT MAY GET UP THERE AND NOT BE  
19          BLOOD, BUT EACH STEP YOU HAVE THE REPORTS AND HAVE  
20          ALL THE DOCUMENTATION THAT FOLLOWS THAT. IF IT  
21          TESTED POSITIVE FOR SOMETHING THEY SEND IT ON TO  
22          SEROLOGY DNA AND THERE IS A SEROLOGY DNA REPORT THAT  
23          REFLECTS THAT. AGAIN I DISCUSSED THAT WITH MR. WOOD,  
24          BUT I WILL BE GLAD TO NOT WASTE ANY MORE TIME AND  
25          DISCUSS IT WITH THEM AGAIN AND MAKE SURE WE'RE ON THE

1 SAME SHEET OF MUSIC.

2 THE COURT: DISCUSS IT WITH THEM AGAIN  
3 BECAUSE THE COURT CAN NEVER RESOLVE THESE KINDS OF  
4 DISPUTES. THERE IS JUST NO WAY FOR ME TO DECIDE AND  
5 DETERMINE WHETHER THE STATE HAS GIVEN ALL THE TESTS,  
6 IT TELLS ME IT HAS, AND THE DEFENSE IS SAYING IT  
7 HASN'T. SO I'M NOT GOING TO GRANT A CONTINUANCE  
8 ON---

9 MR. BAITY: JUDGE, IF I MIGHT. I BELIEVE  
10 IF WE'RE ABLE TO TALK TO THEIR EXPERT OR THEIR  
11 TESTING PERSON OR WHATEVER, IT MIGHT BE CLEARED UP  
12 RIGHT QUICK.

13 THE COURT: I'D LIKE THAT TO OCCUR.

14 MR. BAITY: AND I PROMISE WE'LL DO  
15 EVERYTHING THAT WE CAN.

16 THE COURT: ALL RIGHT. THE LAST THING I  
17 HAVE IS A LETTER OF MR. COPE. I UNDERSTAND THERE IS  
18 NO FINGERPRINTS FOUND AND YOU ARE ASKING FOR A  
19 CONTINUANCE BECAUSE THE STATE MAY ASK FOR A PALM  
20 PRINT. WELL, THE STATE HASN'T AT THIS POINT SO I AM  
21 NOT GOING TO GRANT A MOTION ON MIGHT HAPPEN. IT MAY  
22 BE THAT THE COURT WOULD DENY THAT AT THIS LATE STAGE  
23 OR IT MAYBE, I DON'T KNOW. I DON'T WANT TO  
24 ANTICIPATE THAT, BUT I CERTAINLY CAN'T GRANT A MOTION  
25 FOR A CONTINUANCE ON THE BASIS OF SOMETHING MAY

1 HAPPEN. SO I DENY THE MOTION FOR CONTINUANCE.

2 MR. BAITY: THE ONLY THING, AND IF I MAY,  
3 YOUR HONOR, AND I TRY NOT TO TRY YOUR PATIENCE, BUT  
4 IF WE COULD JUST HAVE THIS EVENING TO HAVE OUR  
5 EXPERTS TALK TO EACH OTHER AND JUST NOT MAKE THIS  
6 OPENING TO THE JURY TONIGHT.

7 THE COURT: IT'S ALREADY TWENTY TO FIVE.  
8 MY PLAN IS FOR ME TO TALK TO THE JURY AND QUIT UNTIL  
9 NINE IN THE MORNING AND THAT WILL GIVE Y'ALL TIME TO  
10 DO THESE THINGS.

11 MR. BAITY: IF YOU GIVE US THE EXHORTATION  
12 TO COOPERATE WITH EACH OTHER I THINK THAT VERY WELL  
13 MAY CLEAR UP MOST OF IT, YOUR HONOR.

14 THE COURT: I THOUGHT THE RULES KIND OF  
15 DID THAT. IF IT IS WITHIN MY ABILITY I WILL EXHORT  
16 YOU TO DO THAT. WHAT ELSE? ANYTHING OTHER MOTIONS?

17 MR. MORTON: YOUR HONOR, I WOULD REQUEST  
18 YOU NOT SWEAR THE JURY UNTIL IN THE MORNING. WE HAVE  
19 MATTERS THAT I THINK NEED TO BE TAKEN UP BEFORE THE  
20 JURY IS SWORN.

21 THE COURT: LET'S TAKE THEM UP NOW.  
22 THAT'S WHY I GOT THE JURY OUT NOW.

23 MR. MORTON: I KNOW, BUT I NEED A FEW  
24 MINUTES TO TALK TO MY CLIENT ABOUT IT BEFORE.

25 THE COURT: WE'LL TAKE A SHORT BREAK.



1 LET'S GO AHEAD, I WANT TO GET THIS ON TRACK. THANK  
2 YOU.

3 (COURT'S IN RECESS AT 4:37.)

4 (COURT RESUMES AT 4:50.)

5 THE COURT: WHAT ELSE DO WE NEED TO DO  
6 BEFORE WE GET THE JURY IN. ANYTHING FROM THE STATE?

7 MR. BRACKETT: WELL, WE DID A LAUNDRY LIST  
8 OF THINGS THAT ARE KIND OF OUTSTANDING. I DON'T KNOW  
9 WHETHER OR NOT THE DNA MOTION THAT WAS FILED BY  
10 MR. GREELEY. I DON'T KNOW WHETHER --

11 THE COURT: WE DO NEED TO TAKE CARE OF  
12 THAT. LET ME GET THE JURY AND LET THEM GO FOR THE  
13 DAY AND I WILL PUT OFF SWEARING THEM UNTIL IN THE  
14 MORNING. I OVERLOOKED THE FACT THAT WE ARE GETTING  
15 BOGGED DOWN WITH OTHER THINGS THAT WE DO HAVE THAT  
16 MOTION, AND THEN GO OVER THE LAUNDRY LIST.

17 MR. BRACKETT: WELL, FOR PURPOSES OF  
18 TELLING THEM WHAT TIME TO BE HERE SO WE DON'T HAVE  
19 PRESS OF THEM BEING IN THE JURY ROOM, WE ALSO HAVE  
20 THE LYLE MOTION WHICH THEY SAID THEY WANTED TO TAKE  
21 TESTIMONY ON, SO JUST FROM A STANDPOINT OF IF THAT'S  
22 GOING TO TAKE THREE OR FOUR HOURS YOU WANT TO BRING  
23 THEM HERE AT 9:30 AND HAVE THEM SIT WHILE WE DO THAT.

24 THE COURT: WELL, CERTAINLY WANT TO DO IT  
25 BY THE BOOK BUT I CAN TELL YOU THIS AFTER TELLING THE

1 JURY THAT THEY ARE GOING TO HAVE TO SIT HERE FOR  
2 THREE WEEKS AND THEN TELL THEM TO NOT COME IN UNTIL  
3 12 TOMORROW, THEY ARE LIABLE TO LYNCH ME. I WOULD IF  
4 IT WERE ME. SO WE'RE GOING TO HAVE TO JUST WORK OUT  
5 SOMETHING ABOUT THAT. I WANT TO GET THIS CASE  
6 STARTED. LYLE QUESTIONS DON'T COME UP IN THE CASE,  
7 IN THE STATE'S CASE, DO THEY?

8 MR. BRACKETT: NO, SIR.

9 THE COURT: WE MAY END UP DOING IT  
10 SATURDAY MORNING OR SOMETHING.

11 MR. MORTON: YOUR HONOR, I'VE GOT  
12 WITNESSES THAT ARE COMING HERE FROM WILSON, NORTH  
13 CAROLINA AND WASHINGTON, DC, AND SUMTER THAT I'M  
14 HAVING COME IN HERE TONIGHT AND I DON'T THINK THEIR  
15 TESTIMONY WILL TAKE THAT LONG A PERIOD OF TIME. IT'S  
16 SOMETHING THAT WE NEED TO KNOW KIND OF A RULING FROM  
17 THE COURT BEFORE WE, BEFORE WE START THIS CASE SO  
18 WE'LL KNOW WHERE WE'RE GOING TOO.

19 THE COURT: ALL RIGHT. THEY ARE GOING TO  
20 BE HERE TONIGHT, WE'LL START AT 8 IN THE MORNING AND  
21 I'LL HAVE THE JURY COME IN AT TEN. THAT'S TWO HOURS.  
22 IF WE HAVE TO DO SOME MORE DURING LUNCH, WE'LL DO  
23 THEM AT LUNCH. IF WE HAVE TO DO SOME MORE TOMORROW  
24 NIGHT, WE WILL DO THEM TOMORROW NIGHT, BUT I WANT TO  
25 UTILIZE THE JURY.

1                   MR. MORTON: I UNDERSTAND, JUDGE, BUT WE  
2 HAVE TO TRY, I MEAN.

3                   THE COURT: I UNDERSTAND THAT. ALL RIGHT.  
4 LET ME JUST LET THE JURY GO FOR THE DAY. BRING IN  
5 THE JURY. WHILE HE'S OUT, HOW MANY WITNESS DO YOU  
6 HAVE ON LYLE?

7                   MR. MORTON: FIVE.

8                   THE COURT: ONLY THREE FROM OUT OF TOWN.

9                   MR. MORTON: THREE FROM OUT OF TOWN.

10                   (THE JURY ENTERS THE COURTROOM.)

11                   THE COURT: MEMBERS OF THE JURY PANEL,  
12 IT'S RIGHT AT FIVE O'CLOCK, SO WHAT I'M GOING TO DO  
13 IS WE HAVEN'T SWORN YOU IN YET AND WE'RE NOT GOING TO  
14 DO THAT UNTIL IN THE MORNING. THERE ARE SOME MATTERS  
15 OUTSIDE OF YOUR PRESENCE AND I WILL GO AHEAD AND TELL  
16 YOU IN ADVANCE THAT IN A TRIAL THERE ARE CERTAIN  
17 THINGS THAT WE DO HAVE TO TAKE UP OUTSIDE YOUR  
18 PRESENCE. I KNOW SOMETIME YOU THINK, WELL, WHY  
19 DIDN'T THEY DO THIS BEFORE THEY INVITED US TO COME.  
20 WELL, WE CAN'T BECAUSE LIKE SPORTS EVENTS THERE ARE  
21 CERTAIN THINGS THAT HAVE TO HAPPEN BEFORE SOMETHING  
22 ELSE HAPPENS, SO WE'VE DONE EVERYTHING WE CAN THAT WE  
23 COULD BEFORE TODAY. BUT ONCE WE GET INTO A TRIAL  
24 THINGS ARISE THAT WE HAVE TO TAKE UP AT THAT TIME AND  
25 THEY CAN'T BE TAKEN YESTERDAY AND SOME OF IT CAN'T BE

1       TAKEN UP THREE DAYS FROM NOW, THEY HAVE TO BE TAKEN  
2       UP AT A CERTAIN POINT IN THE TRIAL, SO I'M GOING TO  
3       LET YOU LEAVE AND COME BACK AT 10 IN THE MORNING. DO  
4       NOT DISCUSS THE CASE AMONG YOURSELVES, DO NOT TRY TO  
5       MAKE UP YOUR OWN MIND, DO NOT LET ANYONE DISCUSS THE  
6       CASE WITH YOU. IF ANYONE TRIES TO DO THAT, TELL THEM  
7       YOU CANNOT AS YOU ARE A JUROR AND REPORT BACK TO ME  
8       IF ANYONE TRIES TO TALK TO YOU, TELL ME WHO THAT IS  
9       IF YOU KNOW. DON'T LET YOURSELF BE EXPOSED TO ANY  
10      NEWS COVERAGE: DON'T READ ABOUT IT, LISTEN TO IT, OR  
11      WATCH ANYTHING. IF ANYTHING CATCHES YOUR EAR OR EYE  
12      THAT COULD REMOTELY DEAL WITH THIS TRIAL OR  
13      ANYTHING OF THIS NATURE, THEN DON'T LET YOURSELF BE  
14      EXPOSED TO IT.

15                                ANYTHING ELSE FROM THE STATE BEFORE WE  
16      DISMISS THE JURY FOR THE EVENING?

17                                MR. BRACKETT: NO, SIR, YOUR HONOR.

18                                THE COURT: THE DEFENSE?

19                                MR. BAITY: NOTHING, YOUR HONOR.

20                                MR. GREELEY: NOTHING ON BEHALF OF

21      MR. SANDERS.

22                                THE COURT: ALL RIGHT. BE BACK AT TEN IN  
23      THE MORNING AND I HOPE TO RUN MORE NINE IN THE  
24      MORNING TO SIX IN THE EVENING KIND OF SCHEDULE. I  
25      HOPE TO RUN MORE ON THAT KIND OF SCHEDULE, BUT WE

1 GOT SOME THINGS TO DO TONIGHT AND I THINK SOME THINGS  
2 THAT MAY TAKE US, WE'LL COME IN AND START WORKING  
3 FIRST THING IN THE MORNING TO GET OUT OF THE WAY  
4 BEFORE YOU COME, BUT KIND OF ANTICIPATE 9 TO 5:30-6  
5 SCHEDULE. THAT'S WHAT I WOULD LIKE TO TRY TO  
6 ACCOMPLISH. WE'LL SEE YOU BACK AT TEN TOMORROW AND  
7 AGAIN NOT DOWNSTAIRS, NOT IN THE COURTROOM, BUT IN  
8 THAT JURY ROOM. THE BAILIFF WILL TELL YOU HOW TO GET  
9 IN AND OUT OF THE JURY. THANK YOU. HAVE A PLEASANT  
10 EVENING.

11 (THE JURY EXITS THE COURTROOM AT FIVE  
12 O'CLOCK.)

13 THE COURT: ALL RIGHT. WE'RE GOING TO DO  
14 THE DNA MOTION BUT AS FAR AS THE LYLE MATTERS,  
15 ANYBODY CAN'T BE HERE IF WE START AT 8 IN THE  
16 MORNING. ANYBODY CRUCIAL IN THE MORNING.

17 MR. BRACKETT: THE STATE WILL BE HERE.

18 THE COURT: WE'LL START AT 8 IN MORNING,  
19 BUT LET'S GO AHEAD. MR. GREELEY HAS FILED A MOTION  
20 CONCERNING THE GRANTING, WELL, LET HIM ARTICULATE IT.  
21 BASICALLY HAS TO DO WITH THE ADMISSION OR MOTION TO  
22 SUPPRESS THE ADMISSION OF THE SECOND BLOOD TEST  
23 PURSUANT TO A SCHMERBER MOTION AND PURSUANT TO AN  
24 ORDER OF JUDGE ALFORD.

25 MR. GREELEY: MAY IT PLEASE THE COURT.

1 YOUR HONOR, I HAD PREVIOUSLY FILED A MOTION TO  
2 SUPPRESS IN THIS CASE. THERE WAS A HEARING THAT WAS  
3 HELD APPROXIMATELY AUGUST FOURTH OF THIS YEAR WHEREBY  
4 THE STATE WAS SEEKING TO HAVE MORE BLOOD DRAWN FROM  
5 MY CLIENT. HE HAD PREVIOUSLY HAD BLOOD DRAWN ON  
6 JANUARY 13 OF 2002 AND THEY HAD DONE SOME TESTS AND  
7 IN SEPTEMBER OF 2002 SLED RAN AN ANALYSIS IN REGARDS  
8 TO ALLEGED BODY FLUIDS THAT WERE INVOLVED IN THIS  
9 CASE AND RECEIVED A MATCH, AN ALLEGED MATCH, IN THE  
10 CASE WITH MY CLIENT JAMES SANDERS AND THAT WAS IN  
11 SEPTEMBER OF 2002. MY CLIENT WAS INDICTED ABOUT 14  
12 MONTHS LATER ON THE CHARGES FOR WHICH HE IS STANDING  
13 TRIAL NOW.

14 JUDGE ALFORD ORDERED A FEW WEEKS AGO  
15 ON AUGUST FOURTH THAT MY CLIENT'S BLOOD SHOULD BE  
16 DRAWN AGAIN. THE HEARING THAT WAS HELD WAS IN  
17 ANOTHER MATTER, STATE VERSUS SANDERS, THE HAGMAN  
18 MATTER. THEY WERE SEEKING TO OBTAIN HIS BLOOD IN  
19 THAT CASE. HOWEVER, DURING THE HEARING AND AT THE  
20 BEGINNING OF THE HEARING THE SOLICITOR, AND I  
21 PROVIDED THE COURT WITH A TRANSCRIPT OF THE HEARING,  
22 THE SOLICITOR MADE IT CLEAR THAT THE TIMING OF THE  
23 REQUEST AND THE REASON THAT WE WERE THERE WAS FOR  
24 THIS CASE. THIS CASE WAS SCHEDULED TO GO TO TRIAL IN  
25 THREE WEEKS AND THEY DID NOT KNOW AT THAT TIME AND

1        WOULD NOT CONCEDE AT THAT TIME THAT THE BLOOD DRAWN  
2        ON JANUARY 13 HAD BEEN UNCONSTITUTIONALLY DRAWN. WE  
3        WENT THROUGH THE PROBABLE CAUSE HEARING SO THAT THEY  
4        COULD GET THE BLOOD AT THAT TIME FOR THIS CASE.

5                                YOUR HONOR, TODAY I WANT TO  
6        CONCENTRATE BY MY DISCUSSIONS ON MY MOTION TO  
7        SUPPRESS TO THE SECOND REASON THAT I GIVE IN MY  
8        MEMORANDUM OF LAW WHICH HAS TO DO WITH THIS SECOND  
9        DRAW BEING THE FRUIT OF THE POISONOUS TREE OF THE  
10       FIRST DRAW. WE DIDN'T HAVE A SCHMERBER HEARING IN  
11       AUGUST IN THIS CASE, YOUR HONOR. THE REASON BEING, I  
12       WOULD SUBMIT TO THE COURT, IS THE STATE IS WELL AWARE  
13       THAT THEY WOULD HAVE TO PROVE PROBATIVE CAUSE OUTSIDE  
14       THE EXISTENCE OF THE BLOOD FOR MY CLIENT TO HAVE HIS  
15       BLOOD DRAWN. THERE WOULD HAVE TO BE OTHER INDICES OF  
16       EVIDENCE THAT WOULD BRING ABOUT THE DRAWING OF HIS  
17       BLOOD AS RELEVANT IN THE MATTER. THEY COULDN'T DO  
18       THAT IN THIS CASE BECAUSE I WOULD SUBMIT TO THE COURT  
19       THERE IS NO OTHER EVIDENCE IN THIS CASE OF MY  
20       CLIENT'S INVOLVEMENT OTHER THAN THE DNA REPORT THAT  
21       WE HAVE FROM SLED. SO THEY WENT AND DID IT ON  
22       ANOTHER CASE SO THAT THEY COULD GET IT FOR THIS TRIAL  
23       AND TO USE IT. GIVEN THE FACT THAT THEY DIDN'T DO A  
24       SCHMERBER HEARING IN THIS CASE SHOWS THAT THERE IS NO  
25       OTHER EVIDENCE, THERE IS NO OTHER PROBABLE CAUSE, SO

1           WHAT WAS THE REASON THAT THEY CAME BEFORE JUDGE  
2           ALFORD ON OTHER CASE SO THAT THEY COULD GET THE BLOOD  
3           FROM MY CLIENT AND HAVE IT PREPARED FOR THIS CASE  
4           THINKING OF THE RESULT THAT THE PREVIOUS DRAW WOULD  
5           BE FOUND UNCONSTITUTIONAL AND TRYING AS THE SOLICITOR  
6           SAID TO QUASH THAT PROBLEM IN THE HEARING.  WHAT  
7           BROUGHT THEM THERE WAS THE RESULTS THAT WERE OBTAINED  
8           FROM THE FIRST UNCONSTITUTIONAL DRAW.

9                               THEY GOT THE KNOWLEDGE OF ALLEGEDLY  
10          MR. SANDERS' DNA ON THIS EVIDENCE FROM THE  
11          UNCONSTITUTIONAL DRAW, AND SO BUT FOR THE  
12          UNCONSTITUTIONAL DRAW AND THE ANALYSIS WHICH HAS BEEN  
13          SUPPRESSED IN THIS CASE FROM JANUARY 13, THEY WOULD  
14          HAVE NEVER MADE THE SECOND REQUEST IN THE HAGMAN CASE  
15          SO THAT THEY QUASH THE POSSIBILITY OF THE  
16          UNCONSTITUTIONAL DRAW, AND SO THE DRAW THAT TOOK  
17          PLACE ON AUGUST FIFTH WAS A DIRECT RESULT OF THE  
18          UNCONSTITUTIONAL DRAW THAT TOOK PLACE JANUARY 13,  
19          2001.  IT'S THE ONLY INFORMATION THAT THEY HAVE IN  
20          REGARDS TO MY CLIENT.  THERE IS NO OTHER PROBABLE  
21          CAUSE IN THIS CASE ABSENT THAT BLOOD FOR BLOOD TO BE  
22          DRAWN AND USED IN THIS CASE, AND SO THIS SECOND DRAW  
23          THAT THE STATE INTENDS TO USE IS DEFINITELY THE FRUIT  
24          OF THE POISONOUS TREE OF THE FIRST DRAW BECAUSE IT'S  
25          THE ONLY BASIS THAT THEY CAME INTO COURT TO GET HIS



1 BLOOD. SO FOR THAT REASON, YOUR HONOR, I WOULD  
2 SUBMIT THE PREVIOUS BLOOD HAS BEEN ORDERED BY THIS  
3 COURT SUPPRESSED AND ANY AND ALL EVIDENCE ARISING  
4 THEREFROM OR ANALYSIS FROM THAT BLOOD IS TO BE  
5 SUPPRESSED IN THE AUGUST FIFTH DRAW AND UTILIZATION  
6 OF THAT BLOOD IN THIS CASE WAS DONE WITH THE  
7 KNOWLEDGE THAT CAME FROM THE UNCONSTITUTIONAL DRAW  
8 AND THEREFORE IT SHOULD BE SUPPRESSED AS WELL.

9 THE COURT: THANK YOU.

10 MR. POPE: PLEASE THE COURT, YOUR HONOR.  
11 IN REFERENCE JUST BRIEFLY TO SOUTH CAROLINA CASE,  
12 IT'S THE COURT OF APPEALS STATE VERSUS TOMONGO JAMES  
13 WILLIAM MCCORD AND I WILL PROVIDE THE COURT REPORTER  
14 A COPY OF THIS. IT IS OPINION NUMBER 3482 FILED  
15 APRIL 22, 2002, AND IT HAS A DISCUSSION CONCERNING  
16 DNA TESTING PARTICULARLY WHEN YOU CAN USE DNA TESTING  
17 THAT'S ACQUIRED FROM ONE CASE TO USE IN ANOTHER CASE  
18 AND I KNOW THAT IT IS KIND OF A COMPANION ISSUE OF  
19 WHAT MR. GREELEY IS ADDRESSING. AND OF COURSE OUR  
20 SOUTH CAROLINA COURT OF APPEALS HAD RULED THAT THIS  
21 IS IN FACT PROPER IN THAT IF YOU HAVE IT IN ANY  
22 LEGITIMATE MEANS, IF YOU GOT IT THE STATE VERSUS  
23 TOMMY POPE AND YOU'VE GOT MY BLOOD NOW THAT IN ANY  
24 OTHER TIMES OR ANY OTHER CASE YOU CAN USE THAT BLOOD  
25 MUCH LIKE WE ADDRESS FINGERPRINT.

1                   IN THE CONCURRING OPINION, YOUR HONOR,  
2                   THEY REFERENCED NIX VERSUS WILLIAMS 467 U.S. 431 1984  
3                   CASE AND NIX V WILLIAMS TALKS ABOUT WHAT THE PURPOSE  
4                   OF THE EXCLUSIONARY RULE IS AND WHY WE HAVE AN  
5                   EXCLUSIONARY RULE AND IN THIS PARTICULAR CASE WE TALK  
6                   ABOUT INEVITABLE DISCOVERY. AND I KNOW MR. GREELEY  
7                   TALKED TO SOME POINT BUT FOR THE FRUIT OF THE  
8                   POISONOUS TREE WE WOULD NOT HAVE HAD THIS PARTICULAR  
9                   EVIDENCE. CALLING YOUR ATTENTION TO NIX, IT SAID WE  
10                  NEED NOT HOLD THAT ALL EVIDENCE IS EVIDENCE FROM THE  
11                  FRUIT OF THE POISONOUS TREE SIMPLY BECAUSE IT WOULD  
12                  HAVE COME TO LIGHT BUT FOR THE ILLEGAL ACTIONS OF THE  
13                  POLICE. RATHER THE MORE APT QUESTION OF SUCH CASE IS  
14                  WHETHER GRANTING ESTABLISHMENT OF THE PRIMARY  
15                  LEGALITY THE EVIDENCE TO WHICH INSTANT OBJECTION IS  
16                  MADE HAS BEEN COME AT BY EXPLOITATION OF THAT  
17                  ILLEGALITY OR INSTEAD BY MEANS SUFFICIENTLY  
18                  DISTINGUISHABLE TO BE PURGED FROM THE PRIMARY TAINT.  
19                  IN THIS PARTICULAR SITUATION WHAT JUDGE ALFORD HEARD  
20                  WERE FACTS TOTALLY INDEPENDENT OF THIS CASE. AS A  
21                  MATTER OF FACT, TOTALLY INDEPENDENT OF THE INITIAL  
22                  SEARCH WARRANT CASE. HE HEARD FACTS THAT STOOD ON  
23                  THEIR OWN THAT INCLUDED AND I KNOW THE COURT HAS READ  
24                  THE RECORD THAT INCLUDED BLOOD THAT WAS LEFT AT THE  
25                  SCENE, THAT THIS DEFENDANT WAS FOUND BLEEDING, ALL

1 THE FACTORS THAT WERE REQUIRED IN SCHMERBER. IN THIS  
2 PARTICULAR CASE WE PROCEEDED ON THE CASE NOT EVEN THE  
3 ONE FROM THE ILLEGAL SEARCH WARRANT WHICH I SUBMIT  
4 UNDER REGISTER WE COULD HAVE GONE EVEN UNDER THAT,  
5 BUT A TOTALLY INDEPENDENT CASE. INEVITABLY AT  
6 WHATEVER POINT THAT WOULD HAVE BEEN DISCOVERED  
7 WHETHER WE HAD PROSECUTED THAT ONE BEFORE OR WHETHER  
8 THEY HAD PROSECUTED AFTER THE FACT THAT IT WOULD HAVE  
9 BEEN DISCOVERED KEEPS IT OUT THE SUPPRESSIONARY OF  
10 THE FRUIT OF THE POISONOUS TREE.

11 YOUR HONOR, MR. GREELEY HAD INDICATED  
12 IN HIS BRIEF THAT THE CONCERN THAT OTHERWISE LAW  
13 ENFORCEMENT WOULD JUST DO ILLEGAL SEARCHES AND THEN  
14 ONCE THEY DO ILLEGAL SEARCHES SEE IF IT MATCHED AND  
15 IF IT DID MATCH THEN THEY WOULD TRY TO SURE IT UP.  
16 IN NIX THEY SAY ON THE OTHER HAND WHEN THE OFFICER IS  
17 AWARE THE EVIDENCE WILL INEVITABLY BE DISCOVERED HE  
18 WILL TRY TO AVOID ENGAGING IN THESE QUESTIONABLE  
19 PRACTICES THAT MR. GREELEY HAD INDICATED IN HIS  
20 BRIEF. IN THAT SITUATION THERE WOULD BE LITTLE TO  
21 GAIN FROM TALKING ANY DUBIOUS SHORT CUTS TO OBTAIN  
22 THE EVIDENCE. SIGNIFICANT DISINCENTIVE,  
23 DISINCENTIVES TO OBTAIN AN ILLEGAL EVIDENCE INCLUDE  
24 THE POSSIBILITY OF DEPARTMENTAL DISCIPLINE AND CIVIL  
25 LIABILITY ALSO LESSEN THE LIKELIHOOD THAT THE

1 ULTIMATE OR THE INEVITABLE DISCOVERY EXCEPTION WILL  
2 PROMOTE MISCONDUCT.

3 THE POSITION IN THIS PARTICULAR CASE  
4 IS THAT WE HAD A NUMBER OF CASES, ANY OF WHICH WOULD  
5 STAND ON THEIR OWN, AND PROVIDE PROBABLE CAUSE TO GET  
6 SCHMERBER MOTION. IN THIS PARTICULAR CASE JUDGE  
7 ALFORD HEARD THE FACTS FROM HAGMAN CASE THAT OCCURRED  
8 JANUARY 12, 2002, AND THOSE FACTS FROM THAT CASE  
9 SUPPORTED A PROBABLE CAUSE TO RETRIEVE THIS MAN'S  
10 BLOOD. ONCE IT IS IN THE SYSTEM BY ANY LEGITIMATE  
11 MEANS OR FROM ANY OTHER CASE THEN IT IS AVAILABLE  
12 BASED ON MCCORD FOR ALL OF THESE CASES.

13 I WOULD NOTE CALLING THE COURT'S  
14 ATTENTION TO THE STATE VERSUS REGISTER, TO IN  
15 PARTICULAR THEY HAD AN IN RE: JANE DOE MUCH LIKE WE  
16 HAVE THE IN RE: SCHNEIDER SITUATION. IN THAT  
17 PARTICULAR CASE IT WENT UP TO THE COURT AND THE COURT  
18 DECIDED THERE WAS AN ORDER BUT THE JUDGE DIDN'T  
19 REALLY TAKE INTO CONSIDERATION ALL THE SCHNEIDER  
20 FACTORS THAT WERE REQUIRED TO TAKE AND I THINK  
21 MR. GREELEY IS NOT ARGUING THAT WE DID NOT OR JUDGE  
22 ALFORD DID NOT TAKE THOSE INTO ACCOUNT. WHAT I THINK  
23 OF INTEREST IN REGISTER TO NOTE, YOUR HONOR, IT WENT  
24 UP TO THE COURT AND THEY SAID ALL THESE FACTORS HAVE  
25 NOT BEEN TAKEN INTO ACCOUNT SO THEY SENT IT BACK DOWN

1 AND SAID TAKE THEM INTO ACCOUNT. MY POINT BEING THE  
2 FACT THAT WE HAD AT SOME POINT A SEARCH WARRANT THAT  
3 MAY OR MAY NOT HAVE BEEN INVALID AND IN FACT WE CAME  
4 IN THIS COURTROOM AND CONCEDED THAT WE HAD CONCERNS  
5 ABOUT ITS VALIDITY THAT THAT WOULD NOT PREVENT FOR  
6 THE TAKING OF A PROPER BLOOD SAMPLE. I WOULD SUBMIT  
7 THAT THE SAMPLE YOU HAVE, THE SCHMERBER MOTION BEFORE  
8 JUDGE ALFORD IS A PROPER SAMPLE. IT IS NOT THE  
9 FRUIT, IT IS INDEPENDENT OF ANY OTHER CONDUCT AND  
10 WOULD HAVE BEEN DISCOVERED WHATEVER ORDER WE PROCEED  
11 IN, AND THEREFORE SHOULD BE ADMITTED. THANK YOU,  
12 SIR.

13 THE COURT: OKAY.

14 MR. GREELEY: IF I MAY, YOUR HONOR, I'LL  
15 JUST STAND HERE.

16 THE COURT: THAT'S FINE.

17 MR. GREELEY: YOUR HONOR, IN REGARDS TO  
18 THE STATE'S POSITION ON INEVITABLE DISCOVERY I WOULD  
19 URGE THE COURT THAT'S NOT APPLICABLE IN THIS CASE.  
20 IT'S NOT INEVITABLE DISCOVERY. A PERSON'S BLOOD IS  
21 NOT INEVITABLE DISCOVERY. A BODY IN SNOW COVERED  
22 WOODS TO WHERE THE SNOW EVENTUALLY MELTS AND THE BODY  
23 THEN BECOME VISIBLE, THAT CAN BE COMPARED WITH  
24 INEVITABLE DISCOVERY. IT'S COVERED UP BY SOMETHING  
25 THAT'S EVENTUALLY GOING TO GO AWAY AND IT WOULD THEN

1 BE DISCOVERED. BUT EVERYBODY'S, THAT WOULD BE LIKE  
2 ARGUING THAT EVERYBODY'S BLOOD HERE IN THIS ROOM IS  
3 GOING TO BE INEVITABLY DISCOVERED AT SOME POINT IN  
4 TIME IN REGARDS TO A POSSIBLE CRIMINAL CASE AND  
5 THAT'S NOT THE CASE, SO WE DON'T HAVE THE INEVITABLY  
6 DISCOVERY DOCTRINE. IT'S A VERY UNUSUAL CASE. IN  
7 THIS PARTICULAR CASE, IN THIS MR. SANDERS' CASE, IN  
8 THE COPE MATTER, THERE IS NO INDEPENDENT EVIDENCE  
9 THAT CAN SUPPORT PROBATIVE CAUSE FOR HIS GIVING OF  
10 BLOOD. THE ONLY THING THAT THE STATE HAD TO GO AND  
11 TO GET HIS BLOOD ON AUGUST FIFTH FOR THIS CASE EVEN  
12 THOUGH IT WAS DONE IN THE HAGMAN CASE IT'S CLEAR FROM  
13 THE RECORD AS TO WHY IT WAS DONE AT THAT TIME AND  
14 THAT PLACE AND IT WAS FOR THIS CASE SO THIS CASE  
15 COULD NOT BE CONTINUED AND THEY COULD GET IT RUN.  
16 THE ONLY INFORMATION, KNOWLEDGE THAT THEY HAD, COMES  
17 DIRECTLY FROM THE PREVIOUS UNCONSTITUTIONAL DRAW  
18 WHICH WAS THAT THERE WAS AN ALLEGED MATCH. AND  
19 THAT'S WHY THEY WERE HAVING TO GO BACK AND SEEK HIS  
20 BLOOD AGAIN AND SO THEY WERE USING THE PREVIOUS  
21 UNCONSTITUTIONAL DRAW AS THEIR MOTIVATION FOR MOVING  
22 IN THIS PARTICULAR CASE AT THAT TIME FOR HIS BLOOD TO  
23 BE USED IN THIS CASE AND THAT'S THE BASIS OF MY  
24 ARGUMENT.

25 THE COURT: ALL RIGHT. THIS IS A LITTLE

1 DIFFERENT FROM A LOT OF OTHER EVIDENTIARY ISSUES  
2 BECAUSE I THINK THE ANALOGY OF FINGERPRINTS BY THE  
3 STATE IS PRETTY APT BECAUSE NOW WE'RE REQUIRED IN  
4 MANY INSTANCES TO HAVE A DEFENDANT WHO PLEADS OR IS  
5 FOUND GUILTY OF CERTAIN OFFENSES SUBMIT GIVING A DNA  
6 SAMPLE SO WE'LL HAVE A DNA BANK IN ESSENCE, AND  
7 THROUGH ANEDOTELY I UNDERSTAND THERE HAVE BEEN SOME  
8 CASES SOLVED AND SOME INDIVIDUALS PERHAPS, SOLVED ONE  
9 WAY OR THE OTHER, SOMEBODY FOUND NOT GUILTY OR  
10 SOMEBODY GUILTY, BASED ON THE DNA BANK, SO I THINK  
11 WE'RE MOVING INTO A DIFFERENT AREA WHEN WE GET INTO  
12 DNA JUST AS WE DO WITH FINGERPRINTS.

13 IN THIS CASE I READ JUDGE ALFORD'S  
14 ORDER -- WELL, NOT HIS ORDER BUT TRANSCRIPT OF HIS  
15 ORAL ORDER, AND IN THAT ARGUMENT THE FRUIT OF THE  
16 POISONOUS TREE ISSUE WAS RAISED. I THINK JUDGE  
17 ALFORD GAVE A VERY GOOD ANALYSIS AS TO WHY IN SPITE  
18 OF THAT BEING RAISED THAT THERE WAS PROBABLE CAUSE  
19 BASED ON THE INFORMATION AVAILABLE THE HAGMAN OR  
20 HAGMAN, WHATEVER IT IS, CASE TO DRAW BLOOD AND, EVEN  
21 THOUGH IT WAS IN THIS PARTICULAR CASE. THIS IS NOT A  
22 BRIGHT LINE SITUATION. IT'S HARD TO KIND OF DRAW A  
23 LINE AS TO WHERE THE FRUIT OF THE POISONOUS TREE  
24 DOCTRINE SORT OF DISAPPEARS, BUT JUDGE ALFORD, FACED  
25 WITH BASICALLY THIS SAME ISSUE, ALTHOUGH IT WASN'T A

1 SUPPRESSION, IT WAS THE RIGHT TO DRAW IT, MADE A  
2 DETERMINATION THAT THERE WAS PROBABLE CAUSE, ALLOWED  
3 THE BLOOD TO BE TAKEN; THIS IN SPITE OF THE EXTENSIVE  
4 DISCUSSION ABOUT THE FACT THAT WHY THE STATE DIDN'T  
5 CONCEDE IT AT THAT TIME, THE STATE CONCEDED THAT IT  
6 MIGHT END UP CONCEDED THAT THE INITIAL TAKING OF THE  
7 BLOOD WAS IN FACT CONSTITUTIONALLY FLAWED SO I'M  
8 GOING TO DENY THE MOTION TO SUPPRESS. ALL RIGHT.  
9 ANYTHING ELSE, WE CAN TAKE UP?

10 MR. BRACKETT: YES, SIR.

11 THE COURT: YOU GOT A LONG LIST?

12 MR. BRACKETT: NO, IT IS NOT --- SOME OF  
13 THESE ARE PRETTY SHORT.

14 THE COURT: LET'S TAKE CARE OF EVERYTHING  
15 WE CAN.

16 MR. BRACKETT: YES, SIR. THE FIRST ISSUE,  
17 AND THIS WAS MENTIONED EARLIER WAS THE PALM PRINT.  
18 THE STATE WAS ADVISED OF FRIDAY OF LAST WEEK I  
19 BELIEVE IT WAS THAT THERE WAS A PALM PRINT FOUND ON A  
20 LETTER THAT HAD BEEN SENT BY, PURPORTEDLY BY MR. COPE  
21 TO ANOTHER INDIVIDUAL, THAT INDIVIDUAL PROVIDED US  
22 WITH THE LETTER. WE SENT THE LETTER ALONG FOR  
23 HANDWRITING ANALYSIS. AFTER THE HANDWRITING ANALYSIS  
24 I BELIEVE A PROCESS KNOWN AS ESDA WHICH BASICALLY YOU  
25 TAKE, YOU SUBMIT IT TO SOME SORT OF TEST TO SEE IF



1       SOMEBODY HAD WRITTEN SOMETHING ON ANOTHER PIECE OF  
2       PAPER THAT WAS DIRECTLY ON TOP AND THEN PRINTED IT ON  
3       THERE TO SEE IF THERE WAS SOME EVIDENTARY VALUE  
4       THERE. THEN FROM THERE IT WENT TO THE FINGERPRINT  
5       LAB. ON FRIDAY WE WERE INFORMED BY SLED THAT THERE  
6       WAS A PALM PRINT FOUND ON THE PAPER FOR WHICH THEY  
7       NEEDED SOMETHING TO COMPARE IT TO. THEY NEEDED A  
8       SAMPLE TO COME BACK. THE SAME LETTER WAS SENT IN AN  
9       ENVELOPE, THE ENVELOPE WAS TESTED, THE PORTION THAT  
10      SEALED WAS TESTED TO SEE IF IT HAD BEEN CLOSED WITH  
11      SALIVA, AND IF SO, IF THAT REVEALED DNA AND IT DID IN  
12      FACT YIELD DNA THAT MATCHED MR. COPE, SO THE STATE  
13      BELIEVES WE HAVE A GOOD FAITH BASIS FOR SUPPOSING  
14      THAT THAT PALM PRINT IS ALSO GOING TO MATCH MR. COPE  
15      AND WE WOULD MOVE THAT MAJOR CASE PALM PRINT BE  
16      SUBMITTED OR THAT THE DEFENDANT BE REQUIRED TO SUBMIT  
17      TO TAKING OF MAJOR CASE PALM PRINTS IN THIS MATTER.  
18      WE BROUGHT THIS BEFORE THE COURT IN AS TIMELY FASHION  
19      AS WE COULD KNOWING AS SOON AS WE REALIZED IT. I  
20      KNOW WE'RE ON THE EVE OF TRIAL, BUT I SUBMIT THAT THE  
21      TAKING OF THE PALM PRINTS AND THE COMPARISON OF THE  
22      PALM PRINTS OF MR. COPE TO THE SUSPECTED PALM PRINT  
23      WILL NOT TAKE VERY LONG AT ALL, AND I UNDERSTAND THAT  
24      THE DEFENSE HAS RETAINED THE SERVICES OF AN EXPERT  
25      ALREADY IN FINGERPRINTS AND FINGERPRINT

1 IDENTIFICATION, SO THEY SHOULD BE UP TO SPEED AS FAR  
2 AS BEING ABLE TO GET SOMEBODY TO TAKE A LOOK AT THIS  
3 MATTER AS WELL FROM THEIR PROSPECTIVE.

4 THE COURT: ALL RIGHT.

5 MR. MORTON: YOUR HONOR, YOU KNOW, IF YOU  
6 ORDER IT TO BE DONE, OF COURSE, WE'LL DO IT. OUR  
7 PROBLEM IS THAT WE'RE SITTING HERE IN TRIAL AND THEY  
8 HAVE HAD THE ABILITY TO DO THIS NOW FOR QUITE  
9 SOMETIME. IT HAMPERS OUR ABILITY TO PRESENT OUR CASE  
10 NOT KNOWING WHAT THE EVIDENCE IS GOING TO BE. YOU  
11 KNOW, THAT'S OUR ONLY OBJECTION TO IT.

12 THE COURT: ANYBODY HAVE A COPY OF  
13 SCHMERBER NEAR BY.

14 MR. BRACKETT: ONE THING I'D LIKE TO POINT  
15 OUT MR. THOMPSON JUST APPRISED ME OF, THIS LETTER WAS  
16 IN THE FAMILY COURT. THERE WAS A FAMILY COURT MATTER  
17 THAT WAS PENDING IN THIS AND I BELIEVE THIS LETTER  
18 WAS TIED UP IN SOME RESPECTS DOWN IN FAMILY COURT FOR  
19 SOME PERIOD OF TIME.

20 THE COURT: BUT IN ANY EVENT I UNDERSTAND  
21 THAT YOU WERE ONLY NOTIFIED FRIDAY THAT THE PALM  
22 PRINT EXISTED.

23 MR. BRACKETT: YES, SIR. WE MOVED AS  
24 EXPEDITIOUSLY AS POSSIBLE ON THIS MATTER.

25 THE COURT: WELL, I'M GOING TO ALLOW THE

1 PALM PRINT TO BE TAKEN. I FIND IT'S NON-INTRUSIVE TO  
2 THE BODY ACTUALLY AND THAT PROBABLE CAUSE EXISTS FOR  
3 BOTH THE DETERMINATION THAT THE LETTER HAS  
4 INCRIMINATING EVIDENCE ON IT IN THE NATURE OF THE  
5 PALM PRINT, AND ALSO THERE IS PROBABLE CAUSE TO  
6 BELIEVE THAT, AT LEAST AGAIN, THERE IS PROBABLE CAUSE  
7 TO CONNECT THE DEFENDANT MR. COPE TO THE OFFENSES FOR  
8 WHICH HE'S ON TRIAL, SO I'M GOING TO REQUIRE GIVING  
9 OF THE PALM PRINT.

10 MR. MORTON: YOUR HONOR, MY ONLY CONCERN  
11 IS, LIKE I SAY, I KNOW THAT THE SOLICITOR'S OFFICE  
12 THEMSELVES ONLY GOT THIS FRIDAY, BUT THEIR KNOWLEDGE  
13 OF THIS AND THEIR ABILITY TO GET THESE RESULTS BACK  
14 IS IMPUTED TO SLED AND NOW WHILE IN TRIAL THEY  
15 POSSIBLY ARE COMING UP WITH MORE EVIDENCE AGAINST MY  
16 CLIENT. THAT'S HIGHLY PREJUDICIAL IF IT TURNS OUT TO  
17 BE HIS PALM PRINT, I DON'T KNOW IF IT WILL OR NOT, I  
18 DON'T KNOW HOW TO ADDRESS THAT. I MEAN, I KNOW HOW  
19 TO ADDRESS IT, BUT SOMETIMES THAT TAKES TIME FOR  
20 SOMETHING THAT PROBABLY SHOULD HAVE BEEN PROVIDED TO  
21 US A LONG TIME AGO, BUT I'M NOT FAULTING THEM BUT, WE  
22 CAN'T MAKE SLED DO THAT. AND SO IF IT TURNS OUT TO  
23 BE HIS PALM PRINT OR THEY SAY, THEIR EXPERT SAYS IT'S  
24 HIS PALM PRINT, THEN WE'RE GOING TO HAVE TO HAVE  
25 SOMEBODY LOOK AT IT AND THAT KIND OF THING. IT JUST

1           KIND OF PUTS US IN A BAD POSITION AT THIS LATE DATE.  
2           I KNOW IT'S NOT THEIR FAULT.

3                       THE COURT:   WELL, THAT'S ANOTHER ONE OF  
4           THE THINGS THAT ANY COURT HATES TO WRESTLE WITH  
5           SITUATIONS SUCH AS WE HAVE BEEN SPENDING MOST OF OUR  
6           TIME ON TODAY, NOT DRAWING THE JURY, BUT OTHER THAN  
7           THAT.   THE RESULTS, HOW LONG, HOW QUICKLY LET ME SAY  
8           THAT, HOW QUICKLY CAN YOU HAVE THE PALM PRINT  
9           ANALIZED IF IT'S PROVIDED TONIGHT?

10                      MR. BRACKETT:   MY UNDERSTANDING IS WE  
11           SHOULD BE ABLE TO GET IT DONE TOMORROW.

12                      THE COURT:   ALL RIGHT.

13                      MR. MORTON:   MY QUESTION THEN BECOMES,  
14           WHEN WILL WE BE ABLE TO GET IT LOOKED AT?

15                      THE COURT:   IF YOU DON'T HAVE IT WITHIN  
16           HALF AN HOUR AFTER THEY HAVE IT, THEN MAKE A MOTION  
17           FOR A MISTRIAL.

18                      MR. MORTON:   YES, SIR, BUT MY POINT IS  
19           THEN WE NEED TO HAVE SOMEBODY LOOK AT IT TOO.

20                      THE COURT:   I UNDERSTAND.   AND IF  
21           SOMETHING HAPPENS THAT WE HAVE TO, I ALREADY  
22           EXPRESSED MY CONCERN ABOUT HAVING THE JURY WORK  
23           DURING WORKING HOURS, BUT IF IT IS SOMETHING OF THE  
24           MAGNITUDE REQUIRES US TO SKIP A DAY AND LET SOME WORK  
25           BE DONE, WE'LL JUST HAVE TO DO IT.   I DON'T WANT TO

1 DO THAT. I'M NOT ENCOURAGING THAT. EXPERTS, AS WE  
2 ALL KNOW, AND THIS IS NOT ANY KIND OF DIATRIBE ON  
3 EXPERTS, THERE IS A GOOD COTTAGE INDUSTRY OF EXPERTS  
4 OUT THERE, THEY MAKE THEIR MONEY DOING THIS. IF YOU  
5 TELL HIM YOU WANT THIS ON WEDNESDAY, I DOUBT VERY  
6 SERIOUSLY THAT HE WILL NOT FIND IT ON WEDNESDAY IF  
7 INDEED BY THURSDAY OR WEDNESDAY NIGHT. I THINK THESE  
8 EXPERTS CAN MAKE ACCOMMODATIONS. THAT'S ON BOTH  
9 SIDES OF THE COIN. I'M NOT JUST FINDING THAT ON ONE  
10 SIDE AS OPPOSED TO THE OTHER, BUT I THINK THE  
11 ANALYSIS, IF THEIR PEOPLE CAN DO IT IN AN HOUR, THEN  
12 I DON'T SEE WHY YOUR EXPERT CAN'T. I KNOW YOU GOT TO  
13 GET IT TO HIM, I DON'T KNOW WHERE HE IS OR SHE IS,  
14 BUT I'LL GIVE YOU SOME LEEWAY WITH THAT, BUT I THINK  
15 IT CAN BE DONE.

16 MR. MORTON: WE APPRECIATE IT, JUDGE. WE  
17 DON'T HAVE A FINGERPRINT EXPERT BUT WE WILL CERTAINLY  
18 DO EVERYTHING WE CAN TO TRY AND FIND OUT IF WE NEED  
19 TO WITH THAT BEING SAID. I KNOW YOU WILL UNDERSTAND.  
20 IT'S NOT SOMETHING WE PREPARED FOR.

21 THE COURT: AT THIS POINT I'M RULING TO  
22 TAKE THE TEST, I'M NOT RULING THE RESULTS OF THE TEST  
23 WOULD BE ADMISSIBLE, THAT MIGHT HAVE TO BE ANOTHER  
24 THING WE HAVE TO WRESTLE WITH AND WHETHER OR NOT THEY  
25 HAD APPROPRIATE TIME TO ANALYZE IT MAY COME INTO PLAY

1       THERE.

2                   MR. BRACKETT:  WE'LL GET IT DONE AS  
3       EXPEDITIOUSLY AS POSSIBLE.  I UNDERSTAND WHAT YOUR  
4       CONCERNS AND MINE AND WE WILL LIGHT THE FIRE AND TURN  
5       IT UP AS HIGH WE CAN AND GET IT BACK AS QUICKLY AS  
6       POSSIBLE AND AS SOON AS WE HAVE THE RESULTS IT WILL  
7       BE IMMEDIATELY AVAILABLE TO HIM, NOT IN THE FORM OF A  
8       WRITTEN REPORT BECAUSE, I'LL TELL THEM ORALLY WHAT IT  
9       IS AND IT WILL BE EXAMINED LOCALLY SO THE MATERIALS  
10      WILL BE RIGHT HERE IN YORK COUNTY, THEY WILL BE MADE  
11      AVAILABLE AS SOON AS THEIR EXPERT CAN ARRIVE TO LOOK  
12      AT THEM OR MAKE ARRANGEMENTS TO GET IT TO HIM IF NEED  
13      BE.  WE WILL DO EVERYTHING WE CAN TO MAKE SURE THEY  
14      GET THIS IN A TIMELY FASHION.

15                   THE COURT:  WHAT ELSE?

16                   MR. BRACKETT:  AS FAR AS RECIPROCAL  
17      DISCOVERY, YOUR HONOR, I DON'T BELIEVE THE STATE HAS  
18      RECEIVED ANYTHING FROM EITHER DEFENDANT.  I DON'T  
19      KNOW WHETHER OR NOT WE, TYPICALLY HAVE THE MOTION  
20      WHERE THE STATE IS ASKED IF WE PROVIDED EVERYTHING  
21      AND I BELIEVE WE HAVE GIVEN THEM EVERYTHING WE COULD  
22      THINK OF WHETHER THEY ARE ENTITLED TO IT UNDER THE  
23      RULES OR NOT JUST OUT OF AN ABUNDANCE OF CAUTION, BUT  
24      WE RECEIVED NOTHING FROM MR. COPE OR MR. SANDERS AND  
25      WE RECEIVED NO EXPERT REPORTS FROM ANY EXPERT

1 WITNESSES THAT THEY MAY HAVE RETAINED. WE PROVIDED  
2 THEM OURS AS QUICKLY AS WE COULD, BUT AGAIN THAT  
3 SAVES TIME DOWN THE ROAD IF WE'RE NOT HAVING TO SIT  
4 BACK AND DECIPHER THESE THINGS AFTER THE FELLOW  
5 TESTIFIES.

6 THE COURT: YOU JUST HATE TO STUCK WITH  
7 THE LAST MINUTE.

8 MR. BRACKETT: YES, SIR, IT'S A PROBLEM.

9 MR. POPE: LIKE TO HAVE ANYTHING.

10 MR. BRACKETT: ANYTHING. BUT THAT'S ONE  
11 ISSUE AND RELATED TO THAT, WELL, WE'LL DEAL WITH THAT  
12 FIRST BUT.

13 THE COURT: ANY DISCOVERY, MR. MORTON.

14 MR. MORTON: NOT ANY REPORTS THAT WE PLAN  
15 ON INTRODUCING IN OUR CASE IN CHIEF RIGHT NOW. IF WE  
16 CHANGE OUR MIND WE'LL THINK ABOUT IT OVERNIGHT AND.

17 MR. BRACKETT: REPORTS OR EVIDENCE, IF  
18 THEY INTEND TO HAVE, IF THEY HAVE ANY EVIDENCE THAT  
19 THEY INTEND TO, THAT'S.

20 MR. MORTON: YOU TALKING ABOUT  
21 EXPERT-WISE?

22 THE COURT: ANY EXPERT.

23 MR. MORTON: I UNDERSTAND.

24 MR. BRACKETT: ANY EVIDENCE.

25 THE COURT: ANY EVIDENCE.

1                   MR. BRACKETT:    THAT WE INTEND TO  
2    INTRODUCE.

3                   THE COURT:    I THINK THAT IS WHAT HE'S  
4    ASKING.

5                   MR. MORTON:    WELL, I DON'T KNOW THAT WE  
6    HAVE TO DISCLOSE THAT.

7                   THE COURT:    WELL, I DON'T THINK YOU DO  
8    EITHER UNDER RULE ---

9                   MR. MORTON:    I'M NOT SURE WHAT HE IS  
10   TALKING ABOUT.

11                  MR. BRACKETT:   RULES OF DISCOVERY.

12                  MR. MORTON:    ARE YOU TALKING ABOUT EXPERTS  
13   OR ARE YOU TALKING ABOUT EVIDENCE?

14                  MR. BRACKETT:   IF THE DEFENDANT REQUESTS  
15   DISCLOSURE UNDER SUBDIVISION A ONE C OR D WHICH IS  
16   DISCOVERY, GENERAL DISCOVERY OBLIGATION UNDER RULE  
17   FIVE, UPON COMPLIANCE WITH SUCH REQUEST BY THE  
18   PROSECUTION THE DEFENDANT ON THE REQUEST OF THE  
19   PROSECUTION SHALL PERMIT THE PROSECUTION TO INSPECT  
20   AND COPY BOOKS, PAPERS, DOCUMENTS, PHOTOGRAPHS,  
21   TANGIBLE OBJECTS, OR COPIES OR PORTIONS THEREOF WHICH  
22   ARE WITHIN THE POSSESSION, CUSTODY, OR CONTROL OF THE  
23   DEFENDANT AND WHICH THE DEFENDANT INTENDS TO  
24   INTRODUCE IN EVIDENCE IN CHIEF AT THE TRIAL.

25                  MR. MORTON:    I DON'T THINK WE HAVE



1 ANYTHING, YOUR HONOR, BUT WE'LL TRY TO MAKE SURE.

2 THE COURT: ALL RIGHT, MR. GREELEY.

3 MR. GREELEY: THEY HAVE RECEIVED NOTHING  
4 FROM ME TO DATE AND I DON'T ANTICIPATE ANYTHING AT  
5 THIS POINT.

6 THE COURT: ALL RIGHT.

7 MR. BRACKETT: AND LIKEWISE THERE HAS BEEN  
8 NO NOTICE OF ANY ALIBI OR MENTAL, WE MADE THE  
9 APPROPRIATE MOTIONS UNDER RULE FIVE AND THERE'S BEEN  
10 NO NOTICE OF ALIBI FROM EITHER PARTY OR GUILTY BUT  
11 MENTALLY ILL OR INSANITY. THE OTHER ISSUE WE  
12 PROBABLY NEED TO TAKE UP IS THE BLAIR HEARING. AT  
13 SOME POINT WE PROBABLY NEED TO HAVE THAT ISSUE  
14 RESOLVED. I DON'T BELIEVE THAT THERE IS ANY, THAT  
15 ANYBODY IS CONTESTING IT. IN STATE VERSUS FRANKLIN  
16 WE WOULD SUBMIT THE REPORT WHICH I BELIEVE WE TURNED  
17 IT IN.

18 MR. GREELEY: PRETRIAL.

19 MR. BRACKETT: SO THAT'S BEEN TAKEN CARE  
20 OF. RELATED TO THE MENTAL ISSUES THOUGH, YOUR HONOR,  
21 MR. COPE'S ATTORNEYS AND THE STATE MET WITH JUDGE  
22 ALFORD SOME MONTHS AGO ON THE ISSUE OF AN EXPERT THAT  
23 THEY INTENDED TO RETAIN ON FALSE CONFESSIONS WHO IS A  
24 PSYCHOLOGIST. WE NOW KNOW THE NAME OF THE INDIVIDUAL  
25 AND THERE WERE DISCUSSIONS HAD IN JUDGE ALFORD'S

1 CHAMBERS REGARDING THE STATE'S RIGHT TO ACCESS THE  
2 DEFENDANT FOR OUR OWN EXAMINATION OF THE DEFENDANT  
3 SHOULD THEIR EXPERT RELY ON INTERVIEWS, DIRECT  
4 INTERVIEWS WITH MR. COPE OR SECONDARY INFORMATION, IN  
5 OTHER WORDS, YOU CAN'T TURN AROUND AND GET THE  
6 INFORMATION FROM MR. MORTON AND MR. BAITY AND THEN  
7 RENDER HIS OPINION ON IT BASED ON THAT INFORMATION.  
8 IF THEY INTENDED TO DO THAT WE TOLD JUDGE ALFORD WE  
9 INTEND TO MAKE A MOTION FOR AN INDEPENDENT  
10 EVALUATION. I THINK THE CASE LAW IS FIRMING UP ON  
11 THAT THAT YOU CAN'T PUT A PSYCHOLOGIST UP TO  
12 BASICALLY TESTIFY FOR THE DEFENDANT AND GET IN  
13 EVERYTHING HE WOULD SAY THROUGH AN EXPERT WITNESS  
14 WITHOUT GIVING THE STATE ACCESS TO THE SAME  
15 INDIVIDUAL. JUDGE ALFORD BASICALLY INDICATED TO HIM  
16 THAT THAT WAS WHAT HE WOULD REQUIRE THEM TO DO IF  
17 THEY INTENDED TO FOLLOW THAT TRACK. THERE WAS SOME  
18 DISCUSSIONS FOR ABOUT A MONTH OR TWO WAS GIVEN, THEY  
19 WERE ABLE TO CONFER WITH THEIR EXPERT, AND IT WAS OUR  
20 UNDERSTANDING AT THAT TIME THAT THEIR EXPERT WOULD  
21 NOT RELY ON DIRECTLY OR INDIRECTLY ON ANYTHING THE  
22 DEFENDANT SAID. HE WOULD NOT INTERVIEW HIM  
23 PERSONALLY OR RELY ON SECONDARY INFORMATION OTHER  
24 THAN THOSE ITEMS WHICH ARE IN THE POLICE FILE THAT  
25 WERE TURNED OVER IN DISCOVERY. I JUST WANT TO

1 CONFIRM BECAUSE YOU WERE NOT PARTY TO THAT, BUT I  
2 WANT TO CONFIRM THAT THAT WAS THE POSITION WE WERE IN  
3 AS FAR AS THE EXPERT AND NOTHING HAS CHANGED IN THAT.

4 MR. BAITY: NOTHING HAS CHANGED. JUDGE  
5 ALFORD WANTED TO KNOW IF WE WERE GOING TO PRESENT A  
6 MENTAL STATUS DEFENSE AND WE SAID ABSOLUTELY NOT, NOT  
7 GOING TO BE PLED GUILTY OF REASON OF INSANITY OR NOT  
8 GUILTY BY REASON OF INSANITY, AND OUR PSYCHOLOGIST IS  
9 NOT GOING TO SIT ON THE STAND AND TESTIFY WHAT  
10 MR. COPE WAS THINKING AND THAT SORT OF THING.  
11 NOTHING HAS CHANGED ABOUT THAT WHATSOEVER.

12 MR. BRACKETT: I JUST WANTED TO, LIKE I  
13 SAID, THE COURT WAS NOT A PARTY TO THAT AND I JUST  
14 WANTED TO BRING THAT TO THE COURT'S ATTENTION.

15 MR. BAITY: CERTAINLY OUR EXPERT WOULD BE  
16 CAPABLE OF TAKING THE EVIDENCE FROM THE POLICE FILE  
17 AND COMMENTING ON THAT, PROCEDURES AND TECHNIQUE AND  
18 THAT SORT OF THING, BUT NOT TESTIFY INSTEAD OF MR.  
19 COPE ESSENTIALLY AND NOTHING HAS CHANGED ABOUT THAT.

20 MR. BRACKETT: BASICALLY NO PART OF HIS  
21 OPINION IS GOING TO BE, IS GOING TO REST UPON EITHER  
22 DIRECT CONVERSATIONS WITH MR. COPE OR INFORMATION  
23 FROM MR. COPE THAT HE'S PROVIDED TO HIS COUNSEL THAT  
24 THE STATE IS NOT PRIVY TO.

25 MR. BAITY: WE'RE GETTING A LITTLE FAR A

1 FIELD HERE, AND I THINK THAT THE APPROPRIATE  
2 OBJECTION NEEDS TO BE MADE WHEN WE ARE PROFFERING  
3 ANYTHING THAT IS OUTSIDE THE RULES, BUT I MEAN IN  
4 TERMS OF OUR MEETING WITH JUDGE ALFORD IT'S PRIMARILY  
5 ARE WE GOING TO PRESENT A MENTAL STATUS DEFENSE AND  
6 WE ARE CERTAINLY ARE NOT, ARE NOT GOING TO DO THAT  
7 AND WE'RE NOT GOING TO PUT SOME TYPE OF A  
8 PSYCHOLOGIST UP THERE TO TESTIFY IN HIS STEAD AND TRY  
9 TO TELL THE LADIES AND GENTLEMEN OF THE JURY WHAT  
10 THIS MAN, YOU KNOW, WOULD SAY, YOU KNOW, IF HE WAS ON  
11 THE STAND. THAT'S NOT WHAT'S GOING TO HAPPEN AT ALL.  
12 BUT I DON'T WANT TO, I DON'T THINK WE AGREED TO  
13 ANYTHING, YOU KNOW, ANY FURTHER THAN THAT.

14 THE COURT: THIS IS ONE OF THOSE ISSUES I  
15 MIGHT HAVE TO TAKE UP WHEN IT ARISES. IF I  
16 UNDERSTAND WHAT MR. BRACKETT IS SAYING IS THAT YOUR  
17 EXPERT CAN RELY ON THE RECORD AND I PRESUME THAT  
18 WOULD EVEN INCLUDE IF HE'S HEARD TESTIMONY, IF THEY  
19 TESTIMONY TRANSCRIBED, I DON'T KNOW IF HE HAD GOTTEN  
20 ANY OF THAT, BUT CANNOT, TO THE EXTENT THAT HE IS  
21 GOING TO RELY ON OTHER INFORMATION, THAT IS, IF, JUST  
22 AS AN EXAMPLE WE SEE IN DEATH PENALTY CASES IN THE  
23 PENALTY PHASE, IF YOU HAVE SOME SORT OF, IF YOU'VE  
24 GIVEN MR. COPE'S SCHOOL RECORDS, IF YOU'VE GIVEN THEM  
25 HIS MILITARY RECORDS, IF YOU HAVE GIVEN THEM ALL OF

1           THESE SORT OF THINGS, AND HE'S TAKING THAT INTO  
2           CONSIDERATION, THEY WANT TO KNOW IT.

3                   MR. BAITY:  YES, SIR, AND THEY ARE  
4           CERTAINLY ENTITLED TO KNOW AND I BELIEVE YOU SAID  
5           THAT THE LAST TIME WE TALKED ABOUT IT.  THEY ARE  
6           ENTITLED TO KNOW WHAT HE RELIED ON AND CERTAINLY  
7           REQUIRE HIM TO DIVULGE THAT AND AT THE APPROPRIATE  
8           TIME WE CERTAINLY WILL AND NOTHING THAT HE SAID TODAY  
9           FALLS OUTSIDE OF THAT WE'VE ALREADY TOLD HIM.

10                   MR. BRACKETT:  AND THIS IS MORE OF NUANCE  
11           BUT SUPPOSED THEY HIRED A SOCIAL WORKER WHO DID 25  
12           HOURS OF INTERVIEWS WITH MR. COPE AND THEN WROTE UP A  
13           REPORT AND DETAILED CONVERSATIONS AND THEN PROVIDED  
14           THAT TO THE PSYCHOLOGIST, WE COULDN'T, HOW DO WE OR  
15           DIDN'T WRITE ANYTHING UP BUT TALKED TO THE  
16           PSYCHOLOGIST AND SAID HERE IS WHAT HE SAID, AND THE  
17           PSYCHOLOGIST BECAUSE AN EXPERT CAN RELY ON HEARSAY.

18                   THE COURT:  I CAN'T ANTICIPATE EVERYTHING.

19                   MR. BRACKETT:  I UNDERSTAND.

20                   THE COURT:  AND IF THAT HAPPENS WE'LL JUST  
21           HAVE TO DEAL WITH IT WHEN IT HAPPENS.

22                   MR. BRACKETT:  WELL, THE ISSUE IS IS THAT  
23           WE REACHED AN UNDERSTANDING ON THIS POINT BEFORE WHEN  
24           THE ISSUE WAS IN JUDGE ALFORD'S COURT AND I  
25           UNDERSTAND WHAT THEY ARE SAYING BUT, WE HAD AN

1 UNDERSTANDING ON THIS AND WE DID NOT SEEK AND WE DID  
2 OBTAIN AN INDEPENDENT EVALUATION BECAUSE,  
3 SPECIFICALLY WE WERE TOLD THAT WOULD NOT HAPPEN, SO I  
4 DON'T WANT IT TO HAPPEN ALL OF A SUDDEN MID-TRIAL AND  
5 THEN I'M TRYING TO EXPLAIN TO YOU WHAT JUDGE ALFORD,  
6 KIND OF THE AGREEMENT THAT HE BROKERED, AND YOU KNOW,  
7 I MEAN, IF THERE IS A QUESTION ABOUT IT, JUDGE ALFORD  
8 CERTAINLY IS IN THE BUILDING, THERE IS NO, THERE WAS  
9 NO MYSTERY ABOUT IT. THEY CAN RELY ON ANYTHING THAT  
10 WE CURRENTLY HAVE BUT IF THEY ARE GENERATING SOME  
11 INFORMATION TO FEED TO THE PSYCHOLOGIST AND HE SAYS  
12 WELL BASED ON THE TYPE OF PERSON BILLY IS, HE'S THE  
13 KIND OF GUY WHO GIVES FALSE CONFESSIONS BECAUSE THIS  
14 IS THE INFORMATION THAT I HAVE FROM THE SOCIAL WORKER  
15 OR ANOTHER PSYCHOLOGIST WHO TALKED TO HIM THEN WE  
16 WANTED AN INDEPENDENT EVALUATION. THEY SAID THAT  
17 WOULDN'T HAPPEN AND I DON'T WANT IT TO HAPPEN  
18 MID-TRIAL WHEN WE GOT THIS HUGE ISSUE ON OUR HANDS  
19 AND IT'S TOO LATE FOR US TO GET THE INDEPENDENT  
20 EVALUATION. REALLY I WAS CALLING THIS TO THE COURT'S  
21 ATTENTION, KNOW I AM A LITTLE CONCERNED BECAUSE IT  
22 SOUNDS LIKE MAYBE THEY ARE HEDGING ON THIS ISSUE AND  
23 THEY DO INTEND TO TRY TO DO SOMETHING LIKE THAT AND  
24 WE SPECIFICALLY AGREED THAT THAT WOULDN'T HAPPEN.

25 THE COURT: WELL, I WOULD JUST HAVE TO SEE

1 IF THAT HAPPENS AND WE'LL DEAL WITH IT.

2 MR. BRACKETT: THEN THE ONLY OTHER ISSUE  
3 AS FAR AS OPENING STATEMENTS CONCERNED IS THE ISSUE  
4 REGARDING POLYGRAPH WHICH IS LINGERING OUT THERE AND  
5 WHETHER OR NOT WE MENTION THAT IN THE RECITATION OF  
6 OUR CASE OR THEY MENTION IT AND OBVIOUSLY WE'RE IN  
7 THIS SPOT WHERE WE NEED TO BE ABLE TO FIGURE OUT  
8 EXACTLY WHAT SORT OF DIRECT EXAMINATION I'M GOING TO  
9 PREPARE FOR MR. MIKE BAKER WHO IS THE POLYGRAPH  
10 EXAMINER.

11 THE COURT: I THINK YOU CAN BE CLEAR ON  
12 DIRECT EXAMINATION. YOU STARTED OFF TALKING ABOUT  
13 OPENING STATEMENTS. I DON'T KNOW WHY YOU WANT TO GO  
14 INTO THAT AND I'M NOT TRYING TO TELL YOU YOUR CASE.  
15 I CERTAINLY HADN'T RULED BECAUSE THERE HADN'T BEEN  
16 ANYTHING ON RECORD BUT DISCUSSIONS HAVE INDICATED  
17 THAT I THINK THAT SINCE IT'S AN INTEGRAL PART OF THE  
18 STATEMENTS OR A STATEMENT ANYWAY, THAT MR. COPE  
19 HIMSELF REFERRED TO IT NUMEROUS TIMES ON THAT THREE  
20 HOUR, FOUR HOUR INTERVIEW THAT NIGHT, THAT I'M GOING  
21 TO ALLOW TO THE EXTENT IT WAS PART OF THAT SET OF  
22 EVENTS, ALLOW IT TO BE ALLUDED TO BUT I AM GOING TO  
23 TELL THE JURY THAT THEY CANNOT CONSIDER THE RESULTS  
24 IN DETERMINING THE ISSUE OF GUILT CONCERNING  
25 MR. COPE. THAT IS, THAT THEY CANNOT RELY ON THE

1 POLYGRAPH TO MAKE A DETERMINATION AS TO HIS GUILT.  
2 BUT THAT'S AN EVIDENTIARY MATTER THAT I DON'T KNOW  
3 WHY I HAVE TO MAKE AT THIS POINT. I BASICALLY MADE  
4 IT BUT WHY IT HAS TO BE BROUGHT UP IN OPENING  
5 STATEMENTS.

6 MR. BRACKETT: IT DOESN'T NECESSARILY.  
7 I'M JUST TRYING TO RESOLVE IT BECAUSE WE'RE GOING TO  
8 NEED A RESOLUTION AND CLARITY AT SOME POINT IN TIME.

9 THE COURT: I THINK I HAVE BEEN ABOUT AS  
10 CLEAR AS I CAN THAT I'M GOING TO LET IT IN. I HADN'T  
11 REALLY HEARD AN OBJECTION, I KNOW THERE IS AN  
12 OBJECTION, WE DISCUSSED IT BASED ON THE GENERAL  
13 PRINCIPLES PERTAINING THERETO REGARDING POLYGRAPH USE  
14 AND IT'S LACK OF ACCEPTABILITY BY THE COURTS, BUT I'M  
15 NOT LETTING IT IN FOR, AS AN ANALOGY AS TO HEARSAY,  
16 THE TRUTH OF THE MATTER, BUT I'M LETTING IT IN AS  
17 PART OF THE EVENTS THAT OCCURRED. I DON'T SEE HOW WE  
18 CAN GO THROUGH MR. COPE'S STATEMENT WITHOUT IT, WE  
19 CAN'T GO THROUGH IT, WHAT'S THE WORD I WANT, CAN'T GO  
20 THROUGH IT SMOOTHLY, THAT'S STILL NOT THE WORD I WANT  
21 BUT THAT'S AS CLOSE AS I CAN COME, WITHOUT  
22 REFERENCING IT. SO I DON'T KNOW THAT I AM ANSWERING  
23 YOUR QUESTION OR NOT. I FEEL LIKE I AM TALKING IN A  
24 CIRCLE BUT I'VE BEEN TALKING ABOUT IT FOR A COUPLE  
25 WEEKS NOW. I'M NOT GOING TO EXCLUDE REFERENCE TO THE



1 POLYGRAPH REGARDING THE STATEMENTS. I AM GOING TO  
2 TELL THE JURY THAT THEY CANNOT CONSIDER IT AS  
3 SUBSTANTIVE EVIDENCE. I DON'T KNOW WHAT ELSE I CAN  
4 SAY ABOUT IT.

5 MR. BRACKETT: THE RESULTS CAN COME IN OF  
6 THE POLYGRAPH.

7 THE COURT: I DON'T KNOW THAT YOU HAVE --  
8 I'M NOT SURE THAT I---AS I UNDERSTAND IT THE MAN THAT  
9 GAVE THE POLYGRAPH TOLD MR. COPE THAT HE HAD NOT  
10 PASSED.

11 MR. BRACKETT: THAT'S CORRECT.

12 THE COURT: AND THEREAFTER MR. COPE MADE A  
13 DIFFERENT STATEMENT.

14 MR. BRACKETT: YES, SIR.

15 THE COURT: I DON'T KNOW IF THAT'S REALLY  
16 LETTING THE RESULTS IN OR NOT. THAT'S LETTING MR.  
17 BAKER'S STATEMENT IN THAT HE FAILED.

18 MR. BRACKETT: MY PROBLEM, YOUR HONOR -- I  
19 UNDERSTAND WHAT YOU ARE SAYING. I DO. MY, THE THING  
20 I'M WRESTLING WITH IS I UNDERSTAND WHAT THEIR EXPERT  
21 IS GOING TO SAY AND THAT'S PERHAPS THAT IS THE  
22 MYSTERY THAT YOU DON'T.

23 THE COURT: I DON'T.

24 MR. BRACKETT: AND I APPRECIATE THAT.

25 THE COURT: I FISHED FOR IT SEVERAL TIMES



1 KEVIN.

2 MR. BRACKETT: I UNDERSTAND.

3 THE COURT: IF YOU WANT TO OPEN THE DOOR,  
4 BUT IF YOU THINK THERE IS SOME, YOU KNOW, APPELLATE  
5 ISSUE AND I THINK I'M GOING TO GET REVERSED, I  
6 CERTAINLY DON'T WANT YOU TO BRING IT UP IF YOU THINK  
7 I'LL GET REVERSED. BUT WHY ARE YOU ASKING ME WHAT  
8 YOU OUGHT TO DO. I CAN'T TELL YOU.

9 MR. BRACKETT: NO, SIR, I'M NOT ASKING  
10 YOU.

11 THE COURT: IF YOU THINK, IF YOU WANT TO  
12 BRING IT UP, WE'LL TAKE A BREAK -- IF YOU ARE  
13 CONCERNED ABOUT IT, BEFORE YOU BRING IT UP, LET ME  
14 KNOW AND WE'LL TAKE A BREAK AND WE'LL ARGUE IT AT  
15 THAT TIME.

16 MR. BRACKETT: FAIR ENOUGH.

17 THE COURT: WHAT'S NEXT ON THE LAUNDRY  
18 LIST?

19 MR. BRACKETT: THAT'S THE END OF MY  
20 LAUNDRY LIST, JUDGE.

21 THE COURT: LAUNDRY LIST, MR. MORTON.

22 MR. BAITY: WE GOT ONE MORE, YOUR HONOR.

23 THE COURT: MR. BAITY.

24 MR. BAITY: YOUR HONOR, A FEW WEEKS AGO  
25 YOU GRANTED THE MOTION TO SEVER THE CRIMINAL SEXUAL

1 CONDUCT AGAINST THE TWO SURVIVING SISTERS AND THERE  
2 IS SOME REFERENCE IN ONE OF MR. COPE'S STATEMENTS IN  
3 WHICH HE CONFESSES TO THOSE, SO WE WOULD MOVE TO  
4 REDACT THOSE FROM THE CONFESSION.

5 MR. BRACKETT: CERTAINLY, THAT WOULD  
6 COMPORT WITH YOUR RULING.

7 THE COURT: ALL RIGHT. MR. GREELEY.

8 MR. GREELEY: I BELIEVE THAT DOES COMPORT  
9 WITH YOUR RULING AND I HAVE NO LAUNDRY LIST.

10 THE COURT: OKAY. WELL, WE'LL START BACK  
11 AT 8 IN MORNING. I KNOW THAT'S A SHORT NIGHT THAT  
12 YOU HAVE. ALL RIGHT. SEE YOU AT 8 IN THE MORNING.

13 (COURT'S IN RECESS AT 5:41)

14

15

16

17

18

19

20

21

22

23

24

25

1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA  
 2 STATE OF SOUTH CAROLINA  
 3 VERSUS

4 BILLY WAYNE COPE &  
 5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS:

7 2003-GS-46-1843-1844  
 8 2004-GS-46-2614-2618  
 9 2004-GS-46-196-199

10 HEARD AT THE MOSS JUSTICE CENTER,  
 11 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON  
 12 WEDNESDAY, SEPTEMBER 8, 2004, BEFORE THE  
 13 HONORABLE JOHN C. HAYES, III AND A JURY.

14 APPEARANCES:

15 TOMMY POPE  
 16 KEVIN BRACKETT  
 17 WILLY THOMPSON  
 18 16TH CIRCUIT SOLICITOR'S OFFICE  
 19 1675 YORK HIGHWAY  
 20 YORK, SC 29745  
 21 REPRESENTING THE STATE

22 JAMES MORTON  
 23 DAVID WOOD  
 24 MICHAEL SMITH  
 25 MORTON & GETTYS  
 1051 OAKLAND AVENUE  
 ROCK HILL, SC 29732

A. PHILIP BAITY  
 POST OFFICE BOX 275  
 FORT MILL, SC 29715  
 REPRESENTING BILLY WAYNE COPE

LELAND GREELEY  
 128 E. MAIN STREET SUITE 102  
 ROCK HILL, SC 29732  
 REPRESENTING JAMES EDWARD SANDERS

REPORTED BY: JANET M. RICH  
 CIRCUIT COURT REPORTER  
 1992 DOWNEY STREET  
 ROCK HILL, SC 29732

1		I N D E X
2		
3	IN CAMERA TESTIMONY:	
4	ALICIA LOWERY	
5	DIRECT EXAMINATION	15
6	CROSS EXAMINATION:	
7	MR. GREELEY	21
8	MR. THOMPSON	27
9	SARA HAGMAN LEE	
10	DIRECT EXAMINATION	30
11	CROSS EXAMINATION:	
12	MR. GREELEY	38
13	MR. THOMPSON	43
14	KATHERINE DAVIS	
15	DIRECT EXAMINATION	45
16	CROSS EXAMINATION	50
17	SARAH PHILLIPS	
18	DIRECT EXAMINATION	53
19	CROSS EXAMINATION	60
20	MOTIONS	67
21	GREGG MCCRARY	
22	DIRECT EXAMINATION	100
23	CROSS EXAMINATION	125
24	REDIRECT EXAMINATION	144
25	RULING	151

1		I N D E X
2	JURY SWORN	172
3	OPENING STATEMENTS:	
4	THE COURT	172
5	MR. THOMPSON	179
6	MR. BAITY	197
7	MR. GREELEY	216
8	LISA THOMPSON	
9	DIRECT EXAMINATION	223
10	CROSS EXAMINATION	228
11	JASON DILLON	
12	DIRECT EXAMINATION	229
13	CROSS EXAMINATION	251
14	MR. WOOD	239
15	MR. GREELEY	243
16	ROBERT TAYLOR	
17	DIRECT EXAMINATION	244
18	CROSS EXAMINATION	251
19	KEVIN JONES	
20	DIRECT EXAMINATION	256
21	CROSS EXAMINATION BY:	
22	MR. WOOD	261
23	MR. GREELEY	267
24	REDIRECT EXAMINATION	269
25		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WAYNE JORDAN  
DIRECT EXAMINATION 272  
CROSS EXAMINATION 280  
REDIRECT EXAMINATION 282



1

2

## E X H I B I T S

3

ID EV

4

D-5 CHART

109 124

5

D-6 MAP

166

6

S-15 911 TAPE

226

7

D-7 PHOTO

254

8

S-16-18 PHOTOS

275

9

S-19 CONSENT FORM

279

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (COURT RESUMES AT 8:15.)

2 THE COURT: THE STATE READY.

3 MR. BRACKETT: YES, SIR.

4 THE COURT: IS THE DEFENSE READY?

5 MR. GREELEY: MR. SANDERS IS.

6 MR. MORTON: YES, SIR.

7 THE COURT: ALL RIGHT. GOOD MORNING,

8 EVERYONE. FIRST SOME SORT OF HOUSEKEEPING MATTERS.

9 I DON'T KNOW THAT I EVER AFFIRMATIVELY DENIED THE

10 DEFENSE, MR. COPE'S DEFENSE MOTION FOR A CHANGE OF

11 VENUE, BUT HAVING EMPANELLED A JURY, IT HADN'T BEEN

12 SWORN YET, BUT I DENY THAT MOTION, PERHAPS ON SEVERAL

13 GROUNDS; BUT OF COURSE, INITIALLY I FIND WHILE THERE

14 WAS AN ABUNDANCE OF PRE-TRIAL PUBLICITY, AND WHILE I

15 BELIEVE THERE WAS SOME 60 PEOPLE OUT OF 85 INDICATED

16 THEY HAD HEARD OR READ SOMETHING ABOUT THE CASE, WE

17 WERE ABLE TO GET A PANEL CONSISTING OF AROUND 55 TO

18 58, I CAN'T REMEMBER THE EXACT NUMBER WHO DID

19 INDICATE THEY COULD BE FAIR AND IMPARTIAL, SO I DO

20 NOT FIND THAT THE PRE-TRIAL PUBLICITY WAS SUCH THAT

21 IT WOULD TAINT THE JURY PANEL VENIRE. ALSO, I

22 HAVEN'T SEEN ANY CASES ON THIS, BUT BECAUSE OF THE

23 DEVELOPMENT OF THE LAW ON JURORS UNDER THE BATSON

24 THEORY INDIVIDUALS HAVE A RIGHT TO SERVE AS A JUROR

25 UNLESS FOR SOME REASON THEY CAN'T SERVE AS A JUROR OR

1       PREEMPTORY STRIKES; THAT IS, I THINK THE COURTS ARE  
2       LOOKING MORE AT JURY PARTICIPATION FROM THE JURY  
3       STANDPOINT AND I THINK THE COURTS ALSO HAVE TO NOW  
4       LOOK AS TO WHETHER OR NOT ON A MOTION SUCH AS THIS,  
5       AND AGAIN I DON'T HAVE A CASE ON THIS, THIS IS SORT  
6       OF ANTICIPATORY, WHICH NONE OF US SHOULD DO, THAT A  
7       THEORY VERY WELL COULD DEVELOP THAT THIS PANEL OF  
8       YORK COUNTY JURORS ABSENT SOME OVERRIDING REASON  
9       OTHERWISE HAS AN ABSOLUTE RIGHT TO JUDGE WHAT HAPPENS  
10      TO THEIR CITIZENS, IN THIS CASE THAT WOULD BE WHAT  
11      HAPPENED TO AMANDA COPE; SO INITIALLY I FIND JUST ON  
12      THE OLD STANDARD THAT THE PRE-TRIAL PUBLICITY WAS NOT  
13      SUCH THAT WE COULD NOT, THAT THE JURY PANEL WAS NOT  
14      TAINTED BY PRE-TRIAL PUBLICITY TO THE EXTENT THAT WE  
15      COULD NOT GET A FAIR AND IMPARTIAL JURY AND THAT WE  
16      HAVE EMPANELLED A JURY WHICH HAS INDICATED TO ME THAT  
17      THEY COULD BE FAIR AND IMPARTIAL AND DISASSOCIATE  
18      ANYTHING THEY HEARD ABOUT THE CASE AND BE FAIR AND  
19      IMPARTIAL. SO I WANT TO MAKE SURE I HAD THAT ON THE  
20      RECORD.

21                           I BELIEVE I ARTICULATED MY RULING ON  
22      PALM PRINT SCHMERBER MOTION, BUT JUST TO MAKE SURE I  
23      DID FIND PROBABLE CAUSE TO BELIEVE THAT MR. COPE  
24      COMMITTED THE OFFENSE FOR WHICH HE'S ON TRIAL FOR.  
25      IN THAT REGARD, I HEARD THE CONFESSIONS, I'VE HEARD

1 AN AWFUL LOT, BUT THERE IS NO QUESTION IN MY MIND  
2 THAT THERE IS PROBABLE CAUSE TO BELIEVE AND OF COURSE  
3 I'M NOT MAKING A FINDING OF GUILT, OBVIOUSLY WE ALL  
4 KNOW THAT, BUT FOR THE SCHMERBER PURPOSES THAT THERE  
5 IS PROBABLE CAUSE TO BELIEVE HE'S COMMITTED THE CRIME  
6 BASED ON THE PRESENTATION OF THE STATE INVOLVING THE  
7 LETTER, THE DNA ON THE SEALING OF THE ENVELOPE, AND  
8 THE OTHER EVIDENCE THAT WAS PRESENTED INVOLVING THE  
9 CONNECTION OF THE PARTICULAR LETTER AND ANY MATERIAL  
10 THEREON TO MR. COPE, I FIND THAT THERE IS CLEAR  
11 INDICATION THAT RELEVANT MATERIAL EVIDENCE WILL BE  
12 FOUND. AND WHEN I SAY RELEVANT MATERIAL EVIDENCE I  
13 CAN'T SAY WITHOUT A SHADOW OF A DOUBT OR EVEN WITH  
14 PROBABILITY THAT IT COULD BE MR. COPE'S PALM PRINT,  
15 BUT IF IT ISN'T, IT'S STILL RELEVANT MATERIAL  
16 EVIDENCE, SO I FIND THAT IT'S CLEAR INDICATION THAT  
17 RELEVANT MATERIAL EVIDENCE WILL BE FOUND. AND AS I  
18 STATED YESTERDAY, THE METHOD USED TO SECURE THIS IS  
19 SAFE AND RELIABLE. THAT IS, IT'S NOT INTRUSIVE AND  
20 FINGERPRINTS AND PALM PRINTS ARE PRETTY INNOCUOUS  
21 THINGS TO GIVE. I KNOW THAT SOUNDS A LITTLE CAVALIER  
22 BUT FOR THE PERSON GIVING IT WHEN IT MIGHT  
23 INCRIMINATE THEM FOR AN OFFENSE BUT IT'S CERTAINLY  
24 NOT A BENIGN OPERATION OR ENDEAVOR, BUT I FIND THAT  
25 IN THE SCHEME OF THINGS THAT EVEN LESS INTRUSIVE

1 OBVIOUSLY THAN TAKING BLOOD, SO I FIND UNDER  
2 SCHMERBER THAT THE TAKING OF THE PALM PRINT WAS  
3 APPROPRIATE.

4 FINALLY, MR. MORTON, I SAY IT  
5 PARTICULARLY TO YOU, BUT TO EVERYONE, I HOPE I DIDN'T  
6 APPEAR TO GET SHORT LATE IN THE AFTERNOON YESTERDAY,  
7 IF I DID, I APOLOGIZE, BUT WE WERE ALL TIRED AND WE  
8 HAD A LOT GOING ON. I AM CERTAINLY NOT GOING TO  
9 RESTRICT YOU ON THE PRESENTATION OF EVIDENCE. I WANT  
10 THIS CASE TO BE FULLY VENTED AND I DO WANT TO UTILIZE  
11 THE JURY WHEN WE HAVE THEM AND THAT MEANS WE MIGHT  
12 HAVE TO WORK SOME ODD HOURS, BUT PARTICULARLY WHEN  
13 I'M TOLD A CASE WILL TAKE THE LENGTH IT WILL TAKE,  
14 I'M INTERESTED IN JURORS, ACCOMMODATING JURORS, BUT  
15 I'M MORE INTERESTED IN SEEING THAT JUSTICE IS DONE  
16 AND EACH AND EVERY ISSUE IS BY EACH AND EVERY PARTY  
17 FULLY AIRED AND COVERED, SO I APOLOGIZE THE LATENESS  
18 OF THE DAY AND ALL THE ACTIVITY MADE ME A LITTLE  
19 SHORT, I TRY NOT TO GET THAT WAY, BUT I APOLOGIZE.  
20 ALL RIGHT. YOU READY TO GO FORWARD.

21 MR. MORTON: I APPRECIATE IT, JUDGE. I  
22 COMMENTED YESTERDAY, I SAID ALL SIDES HAVE GOT THE  
23 JUDGE MAD AT US AND WE HADN'T EVEN MADE OPENING  
24 STATEMENT YET.

25 THE COURT: WELL, IT'S USUALLY ABOUT THE

1       THIRD OR FOURTH DAY WHEN I GET LIKE THAT SO.  BUT  
2       ACTUALLY WHEN I THOUGHT ABOUT IT THIS IS ABOUT THE  
3       THIRD OR FOURTH DAY BECAUSE WE HAD THREE DAYS TWO  
4       WEEKS AGO.  SO I WAS LIKE, WHY DID I GET LIKE THAT SO  
5       SOON, BUT I APOLOGIZE AND I'M NOT MAD AT ANYBODY.  
6       I'M JUST TYPICAL FRUSTRATION OF WHERE WE WERE AT THIS  
7       POINT.

8                   MR. POPE:  WE ARE.

9                   THE COURT:  ALL RIGHT.  YOU WANT TO TELL  
10       ME WHAT THE ISSUE WE'RE GOING TO BE DEALING WITH AND  
11       CALL YOUR FIRST WITNESS.

12                   MR. MORTON:  WE'RE GOING TO BE DEALING  
13       WITH OTHER BAD ACT EVIDENCE, YOUR HONOR, AND IN THAT  
14       REGARD I WOULD CALL ALICIA LOWERY TO THE STAND.

15                   MR. GREELEY:  BEFORE SHE COMES IN CAN I  
16       ASK FOR A CLARIFICATION.

17                   THE COURT:  I'LL LET YOU GO FIRST EVEN  
18       THOUGH MR. BRACKETT WAS JUST ABOUT AS QUICK AS YOU TO  
19       GET UP.

20                   MR. GREELEY:  AS YOUR HONOR KNOWS I DO  
21       HAVE, AND I UNDERSTAND THE WAY WE'RE DOING THIS, IT'S  
22       MY UNDERSTANDING THAT MR. MORTON NOW WILL BE  
23       BEGINNING TO MAKE HIS PROFFER AS TO WHAT HE WISHES TO  
24       SUBMIT TO THE JURY FOR THE EVIDENCE.  OF COURSE, I DO  
25       HAVE MY MOTION IN REGARDS TO THIRD PARTY GUILT AND I

1 UNDERSTAND THE JUDGE AND YOUR HONOR NOT RULING ON  
2 THAT AT THIS TIME AND HOLDING THAT UNTIL THE PROFFER  
3 HAS BEEN MADE AND I BELIEVE THAT'S CORRECT PROCEDURE  
4 IN THAT CASE.

5 I WOULD ASK MR. MORTON SINCE HE IS  
6 GOING INTO 404 (B) EVIDENCE IF HE COULD BE MORE  
7 SPECIFIC AS TO WHAT TYPE OF 404 (B) EVIDENCE HE  
8 WISHES THIS TO FALL UNDER.

9 THE COURT: ARE YOU ASKING WHETHER  
10 MOTIVES, COMMON SCHEME, WHICH ARE THE LITTLE  
11 CATEGORY --

12 MR. GREELEY: WHICH OF THOSE ARE WE GOING  
13 TO BE LOOKING AT BECAUSE THAT MAY HELP ME IN REGARDS  
14 TO MY CROSS EXAMINATION DIRECTION SO THAT I WON'T  
15 HAVE TO DO THINGS THAT I WOULD NOT NECESSARILY NEED  
16 TO DO.

17 THE COURT: MR. BRACKETT, YOU HAVE SOME  
18 INTEREST IN IT?

19 MR. BRACKETT: YES, SIR. WE HAD MENTIONED  
20 IN CHAMBERS AND I THINK ALL PARTIES HAVE AGREED THAT  
21 THE VICTIMS IN THESE CASES WOULD NOT BE VIDEO TAPED.  
22 THAT THE CAMERAS WOULD BE TURNED OFF.

23 THE COURT: I AM GOING TO ASK, I'M NOT  
24 MUCH FOR GAG RULES AND THIS IS NOT TO BE TAKEN AS A  
25 GAG RULE, BUT I'M GOING TO ASK THAT OUT OF

1 SENSITIVITY TO THESE WITNESSES THAT THE FILMING OF  
2 THIS, THAT THERE NOT BE ANY FILMING OF THIS. OF  
3 COURSE, THE PRESS IS HERE, THEY CAN REPORT ON IT,  
4 WE'RE NOT TRYING TO HIDE, BUT WE'RE IN A SENSITIVE  
5 AREA BECAUSE THESE INDIVIDUALS ARE VICTIMS OF I  
6 BELIEVE WHAT WE'RE GOING TO BE HEARING IS VICTIMS OF  
7 OTHER ALLEGED SEXUAL BATTERIES OR ATTEMPTED SEXUAL  
8 BATTERY BY MR. SANDERS AND MY CONCERN IS THAT THESE  
9 INDIVIDUALS ARE, THEIR CASES ARE NOT BEFORE US PER  
10 SE, AND JUST OUT OF AN ABUNDANCE OF MAYBE SOUTHERN  
11 CORDIALITY, IF NOTHING ELSE, I WOULD ASK THAT THESE  
12 NOT BE, THESE PARTICULAR WITNESSES NOT BE FILMED.  
13 ALTHOUGH I SEE THE PRESS IS HERE, I'M CERTAINLY NOT  
14 INDICATING THAT THIS, THIS IS NO GAG ORDER. MAYBE  
15 IT'S A VEIL. THAT'S GOOD. A VEIL. YES, SIR.

16 CAMERA MAN: CAN I ASK A QUESTION. WOULD  
17 IT BE PERMISSIBLE TO SHOOT THEM AND NOT SHOW THEIR  
18 FACES, JUST TO SHOOT HANDS OR BELOW THE NECK DOWN,  
19 WOULD THAT BE PERMISSIBLE?

20 MR. BRACKETT: I THINK I WAS JUST LOOKING  
21 UNDER TITLE 16, I THINK THERE IS A STATE LAW  
22 PROHIBITING IDENTIFICATION OF SEXUAL ASSAULT VICTIMS  
23 BY THE PRESS.

24 THE COURT: I THINK WE'VE BEEN GOING  
25 THROUGH THIS WITH THE COBY BRYANT, SO I SAY LET'S



1 NOT, JUST STAY AWAY.

2 CAMERA MAN: OKAY.

3 THE COURT: I'LL LET YOU SHOOT MY HANDS  
4 LATER AND YOU CAN USE THOSE, KIND OF GENERIC HANDS IF  
5 YOU NEED THOSE. (LAUGHTER.) ALL RIGHT. MR.  
6 MORTON.

7 MR. MORTON: YOUR HONOR, AS FAR AS  
8 MR. LELAND, MR. GREELEY'S QUERY, I'M NOT TELLING BUT,  
9 I'M GOING TO PROCEED UNDER MOTIVE, IDENTITY, AND  
10 COMMON SCHEME AND PLAN. THIS IS A CHANGE OF VENUE  
11 MOTION THAT I JUST WANTED TO, I HAD ALREADY CLOCKED  
12 IN, I JUST WANTED TO MAKE IT PART OF THE RECORD.

13 THE COURT: AND ALONG THAT LINE, HAVE I  
14 ADDRESSED EVERYTHING WE HAD ON THE LAUNDRY LIST AND  
15 MADE DEFINITIVE RULINGS ON EVERYTHING BECAUSE I DON'T  
16 WANT THERE TO BE, THERE HAS BEEN SO MUCH, I THINK I  
17 HAD MADE A DEFINITIVE RULING ON ALL ISSUES INCLUDING  
18 THE DNA OF MR. SANDERS, I THINK I DEFINITELY RULED  
19 THAT IT WOULD BE ADMISSIBLE. IT'S NOT FRUIT OF THE  
20 POISONOUS TREE AND ELABORATED ON MY RULING ON THAT.  
21 I THINK I RULED ON ALL MR. MORTON PRESENTED, SO I  
22 JUST WANT TO MAKE SURE WE DON'T GET, PARTICULARLY  
23 SINCE WE STILL HADN'T SWORN THE JURY, THAT WE GET  
24 INTO THE TRIAL AND ALL OF A SUDDEN REALIZE THAT JUDGE  
25 HAYES HADN'T DEFINITELY RULED ON SOMETHING, BUT I

1 FEEL LIKE I HAVE. HAVE I LEFT ANYTHING OUT?

2 MR. GREELEY: I JUST HAVE THOSE TWO AND  
3 YOU DEFINITELY RULED ON ONE AND TAKEN UNDER  
4 ADVISEMENT ---

5 THE COURT: THIRD PARTY GUILT.

6 MR. GREELEY: WAITING FOR THE PROFFER.

7 MR. BRACKETT: I BELIEVE SO. ACTUALLY  
8 OVER THE EVENING HOURS CAME TO A RESOLUTION OF THE  
9 LAST ISSUE ON THE POLYGRAPH THAT WE WERE TALKING  
10 ABOUT. WE ARE, AND I'LL TENDER THAT NOW JUST IN CASE  
11 THERE IS AN OBJECTION AND WE HAVE TO TAKE THAT UP, WE  
12 WILL EXPLAIN THAT HE WAS TAKEN, GIVEN A POLYGRAPH  
13 EXAMINATION, INTERVIEWED BY MR. BAKER, BUT IN OUR  
14 CASE IN CHIEF WE'RE NOT GOING TO DIVULGE THE RESULTS  
15 OF THOSE. WHEN THEIR EXPERT OR IF THEIR EXPERT  
16 TESTIFIES, WE'LL CROSS EXAMINE IF IT BECOMES  
17 RELEVANT, BUT WE WILL JUST EXPLAIN THAT HE REQUESTED  
18 ONE, HE WAS GIVEN ONE, AND IN THE COURSE OF THE  
19 INTERVIEW THAT FOLLOWED HE CONFESSED. SO I THINK  
20 THAT'S THE CLEANEST WAY TO, FOR EVERYBODY CONCERNED.

21 THE COURT: SEE IF ANY PRODUCED SOME  
22 RESULTS.

23 MR. BRACKETT: SOME FRUIT FROM A  
24 NON-POISONOUS TREE.

25 THE COURT: THANK YOU.

1                   MR. MORTON: WE CALL MRS. ALICIA LOWERY TO  
2 THE STAND.

3                                   ALICIA LOWERY, BEING FIRST DULY  
4 SWORN TESTIFIES AS FOLLOWS:

5                   THE COURT: MS. LOWERY, JUST FOR YOUR  
6 COMFORT LEVEL, YOU MAY NOTICE THERE IS A CAMERA HERE,  
7 IT'S FORBIDDEN TO FILM YOU, SO YOU ARE NOT, I JUST  
8 DIDN'T WANT YOU TO FEEL UNCOMFORTABLE.

9 DIRECT EXAMINATION BY MR. MORTON:

10 Q MY NAME IS JIM MORTON. I KNOW WE'VE SPOKEN OVER  
11 THE PHONE. I KNOW WE JUST MET BRIEFLY JUST FIVE  
12 MINUTES AGO. I'M REPRESENTING MR. BILLY COPE. THIS  
13 IS MEMBERS OF THE SOLICITOR'S OFFICE. THIS IS  
14 MR. GREELEY. I WANT TO ASK YOU A COUPLE OF QUESTIONS  
15 AND I'LL JUST START WITH, FIRST OF ALL STATE YOUR  
16 NAME FOR US FOR THE RECORD?

17 A ALICIA PATRICIA LOWERY.

18 Q AND WHERE DO YOU CURRENTLY RESIDE, MS. LOWERY?

19 A SUMTER, SOUTH CAROLINA.

20 Q OKAY. AND ARE YOU FORMALLY A RESIDENT OF ROCK  
21 HILL, SOUTH CAROLINA?

22 A YES, SIR.

23 Q AND WHERE, WHEN YOU LIVED IN ROCK HILL DID YOU  
24 PREVIOUSLY LIVE I BELIEVE ON WHITGREEN STREET?

25 A YES, 229 WHITGREEN.

1 Q OKAY. AND WHITGREEN STREET IS LOCATED  
2 APPROXIMATELY WHERE?

3 A MEANING HOW?

4 Q THAT'S A TOUGH QUESTION.

5 THE COURT: I KNOW WHERE WHITGREEN STREET  
6 IS. IT IS OVER NEAR SALUDA.

7 Q I WANT TO SHOW YOU, IT'S CALLED A, CAN YOU SEE  
8 WHITGREEN STREET ON THAT KIND OF FUNNY MAP?

9 A YES, IT'S RIGHT HERE.

10 Q AND DO YOU KNOW WHERE JEFFERSON STREET IS?

11 A NO, SIR, I DON'T.

12 Q OKAY. WHITGREEN STREET I HAVE MARKED HERE WITH  
13 A FOUR. THIS IS SALUDA STREET.

14 A UH-HUH.

15 Q THIS IS BLACK STREET. THIS IS WHITGREEN STREET.  
16 AND DO YOU REMEMBER YOUR ADDRESS ON WHITGREEN STREET?

17 A YES, 229.

18 Q 229 ON WHITGREEN STREET. AND MRS. LOWERY, DO  
19 YOU REMEMBER SOMETHING THAT HAPPENED TO YOU ON  
20 DECEMBER 19?

21 A YES, SIR.

22 Q OF 2001?

23 A YES, I DO.

24 Q YOU'RE TRYING TO SPEAK UP AS LOUDLY AS YOU CAN  
25 AND TELL THE JUDGE AND THOSE WHO ARE HERE WHAT

1 HAPPENED TO YOU ON DECEMBER 19?

2 A OKAY. WELL, THE DAY PREVIOUSLY BEFORE THAT MY  
3 SISTER GAVE BIRTH TO HER BABY AND AFTER SHE GAVE  
4 BIRTH I LEFT AND I WENT SHOPPING FOR MY NIECE BECAUSE  
5 I JUST HAD A NIECE AND I DROPPED MY STUFF BACK AT MY  
6 MOTHER'S HOUSE AND I CAME BACK HOME AFTER LEAVING  
7 SHOPPING OR WHATEVER.

8 Q THIS WAS ON DECEMBER 19?

9 A UH-HUH. AFTER THAT I CAME HOME TO MY APARTMENT  
10 AND I WALKED INSIDE MY APARTMENT. I WENT TO THE  
11 BATHROOM FIRST BECAUSE I HAD BEEN RIDING ALL DAY OR  
12 WHATEVER, SO I WENT TO THE BATHROOM, CAME OUT OF THE  
13 BATHROOM, AND I LOOKED AT MY FRONT ENTRANCE OF MY  
14 DOOR WHICH I NEVER USED AND IT WAS CRACKED AND I WAS  
15 WONDERING IF MY BROTHER OR SOMEBODY CAME BY AND JUST  
16 LEFT MY DOOR OPEN, SO I WENT WALKING TOWARD THE DOOR  
17 AND AS I WAS WALKING TO CLOSE THE DOOR SOMEONE WAS  
18 COMING IN ON ME AND AS I, I WAS IN SHOCK. AND AS THE  
19 PERSON WAS COMING IN ON ME, WE STARTED, I GUESS WE  
20 STARTED TUSSLING TO THE GROUND AND HE PUSHED ME TO  
21 THE GROUND. I GOT UP AND WAS LIKE CRAWLING TOWARD MY  
22 BEDROOM. AFTER I CRAWLED TOWARD MY BEDROOM, I WAS  
23 THINKING, I WAS LIKE, I DON'T NEED TO BE IN A CLOSED  
24 AREA, SO I TRIED TO GET BACK OUT OF MY BEDROOM AND  
25 THEN THAT'S WHEN HE GOT A PLASTIC BAG AND TRIED TO

1 PUT IT OVER MY HEAD. AFTER I CLAWED THE PLASTIC BAG  
2 OFF OF MY HEAD --

3 Q LET ME BACK UP FOR A MINUTE. WHEN YOU GOT HOME,  
4 DID YOU TURN THE LIGHTS ON?

5 A YEAH, I TURNED THE---

6 Q WERE THE LIGHTS ON WHEN YOU GOT HOME?

7 A NO, THERE WEREN'T ANY LIGHTS ON. I CUT MY  
8 BEDROOM LIGHT ON AND THEN I WENT INTO THE BATHROOM.

9 Q THIS PERSON THAT ATTACKED YOU, WHERE WAS HE WHEN  
10 YOU FIRST SAW HIM?

11 A HE WAS COMING IN THE DOOR AS I WAS GOING TO PUSH  
12 THE DOOR CLOSED.

13 Q OKAY. GO AHEAD. I'M SORRY.

14 A OKAY. AFTER I CLAWED THE PLASTIC BAG OFF MY  
15 HEAD, THAT'S WHEN HE HAD TURNED, I HAD A THROW RUG  
16 THAT I HAD ON THE FLOOR AND INSTEAD TRIED TO WRAP  
17 THAT OVER MY HEAD. AFTER I GOT THAT OFF, I WAS LIKE  
18 FACE DOWN ON MY STOMACH, AND HE WAS LIKE, HE WAS ON  
19 TOP OF ME, AND HE TRIED, WHEN I ROLLED OVER HE TRIED  
20 TO UNBUCKLE MY PANTS AND THEN THAT'S WHEN I  
21 REMEMBERED I HAD AN INK PEN THAT I GOT FROM THE  
22 HOSPITAL AND THAT'S WHEN I TURNED AND STABBED HIM IN  
23 ONE OF HIS LEGS. I WAS STABBING HIM A COUPLE OF  
24 TIMES. I DON'T KNOW HOW MANY. I HIT HIM WITH THE  
25 INK PEN, BUT AFTER THAT HE SHOVED ME IN ONE OF THE

1 BEDROOMS. I CAN'T REMEMBER IF IT WAS THE BEDROOM OR  
2 THE BATHROOM THEN HELD THE DOOR AND AFTER I WAS  
3 TRYING TO GET THE DOOR OPEN, HE IN TURN, I GUESS HE  
4 LEFT, AND THEN I HEARD, WHEN I HEARD MY SCREEN DOOR  
5 SLAM THAT'S WHEN I LEFT OUT OF THAT APARTMENT AND RAN  
6 TO THE CORNER STORE ACROSS THE STREET AND CALLED THE  
7 POLICE.

8 Q OKAY. AT SOME LATER POINT I BELIEVE SEVERAL  
9 MONTHS LATER YOU WERE SHOWN A PHOTOGRAPHIC LINEUP I  
10 BELIEVE BY DETECTIVE BLACKWELDER, IS THAT CORRECT?

11 A YES, UH-HUH.

12 Q WERE YOU ABLE TO IDENTIFY THE MAN WHO ATTACKED  
13 YOU?

14 A YES, SIR.

15 Q DO YOU SEE HIM IN THE COURTROOM?

16 A YES, SIR, I DO.

17 Q AND WOULD YOU POINT HIM OUT TO THE COURT?

18 A HE'S RIGHT THERE.

19 Q OKAY. LET THE RECORD REFLECT THAT SHE'S CHOSEN  
20 MR. JAMES SANDERS. ALICIA, IS THERE ANY DOUBT IN  
21 YOUR MIND WHAT HE WAS TRYING TO DO TO YOU THAT DAY?

22 A HE WAS FROM.

23 MR. GREELEY: OBJECTION, SPECULATION.

24 THE COURT: WELL, I SUSTAIN THE OBJECTION.

25 SINCE IT'S A PROFFER I'M GOING TO ALLOW IT IN FOR

1           WHATEVER VALUE IT MAY HAVE, BUT I SUSTAIN THE  
2           OBJECTION, BUT I'M GOING TO ALLOW YOU TO PUT IT ON  
3           THE RECORD.

4           Q       OKAY.  IN YOUR MIND, WHAT WAS HE TRYING, WHAT  
5           DID HE DO TO YOU WHEN YOU GOT IN THAT BEDROOM?

6           A       WELL, WE WAS IN THERE ON THE FLOOR AND THE  
7           PLASTIC BAG ALONE AND I WAS THINKING, I WAS THINKING  
8           HE WAS PUTTING THE PLASTIC BAG OVER MY HEAD HE WAS  
9           TRYING TO KILL ME.

10          Q       WHAT ELSE DID HE DO IF ANYTHING TO YOUR  
11          CLOTHING?

12          A       WELL, HE WAS TRYING TO PULL MY SHIRT UP AND HE  
13          GOT MY, I HAD LIKE A BIG BELT BUCKLE THAT WAS  
14          ENGRAVED, HAD RHINESTONES OR WHATEVER, AND HE WAS, HE  
15          GOT THAT A LOOSE, BUT AFTER THAT WHEN I FIGURED OUT I  
16          HAD THE INK PEN, I USED MY INK PEN THAT I HAD IN MY  
17          BACK POCKET.

18          Q       AND I BELIEVE YOU STATED HE PUT A PLASTIC BAG  
19          OVER YOUR HEAD?

20          A       UH-HUH.

21          Q       AND ALSO A RUG?

22          A       YES, A THROW RUG.

23          Q       OKAY.  AND HOW OLD ARE YOU, MS. LOWERY?

24          A       HOW OLD AM I NOW?

25          Q       HOW OLD WERE YOU THEN?



1 A I WAS 20, 20 YEARS OLD.

2 Q OKAY. MS. LOWERY, PLEASE ANSWER ANY QUESTIONS  
3 THAT MR. GREELEY MAY HAVE OR THE SOLICITOR MAY HAVE.

4 THE COURT: MR. GREELEY, WE'LL GO IN THE  
5 SAME CIRCLE WE AGREED ON EARLIER.

6 MR. GREELEY: SO I'LL BE NEXT?

7 THE COURT: YES, SIR.

8 CROSS EXAMINATION BY MR. GREELEY:

9 Q MS. LOWERY, GOOD MORNING.

10 A GOOD MORNING.

11 Q WHAT TIME OF DAY WAS THIS?

12 A IT WAS AROUND 7:30-8 O'CLOCK.

13 Q IN THE EVENING?

14 A UH-HUH. IT WAS DARK.

15 Q IT WAS DARK OUTSIDE AT THAT TIME OF YEAR, IS  
16 THAT CORRECT?

17 A UH-HUH.

18 Q AND WERE YOUR LIGHTS ON IN YOUR APARTMENT?

19 A NO, NOT WHEN I INITIALLY WALKED IN THE APARTMENT  
20 THEY WEREN'T.

21 Q DID YOU TURN THEM ON?

22 A I TURNED THEM ON WHEN I FIRST GOT THERE.

23 Q YOU SAY THIS PERSON CAME IN ON YOU. YOU NOTICED  
24 THAT YOUR FRONT DOOR WAS AJAR AND THIS PERSON CAME IN  
25 ON YOU?

1 A UH-HUH.

2 Q SO WAS THE PERSON ON THE OUTSIDE OF YOUR  
3 APARTMENT AS YOU WERE WALKING TOWARDS THE FRONT DOOR  
4 AND THAT'S WHEN THEY CAME IN ON YOU?

5 A AS I WAS WALKING TOWARDS THE DOOR TO CLOSE IT  
6 SHUT, THEY WERE, I GUESS THEY SAW MY SHADOW AND SAW  
7 MY HANDS AND PUSHED IT IN AS I WAS GOING TO THE DOOR.

8 Q OKAY. SO THE PERSON WAS OUTSIDE OF?

9 A UH-HUH.

10 Q OF YOUR APARTMENT?

11 A YES, SIR.

12 Q AND PUSHED THE DOOR OPEN?

13 A UH-HUH.

14 Q AS YOU WERE APPROACHING THE DOOR, IS THAT  
15 CORRECT?

16 A THAT'S CORRECT.

17 Q WHAT WAS THIS PERSON WEARING?

18 A WEARING A HOODED WHITE SWEATSHIRT WITH, I CAN'T  
19 REMEMBER WHAT SCHOOL LOGO IT WAS, AND HE HAD SOME  
20 GREEN WINDBREAKER PANTS ON WITH WHITE ADIDAS STRIPE  
21 RUNNING UP THE SIDES. IT HAD BRAIDS AT THE TIME.

22 Q YOU MENTIONED THAT AT SOME POINT IN TIME THE  
23 DETECTIVE BROUGHT YOU A PHOTO LINEUP, IS THAT  
24 CORRECT?

25 A UH-HUH.

1 Q DO YOU REMEMBER WHEN THAT WAS?

2 A IT WAS A COUPLE OF, I SAY A COUPLE WEEKS AFTER  
3 IT HAPPENED, IT INITIALLY HAPPENED. IT WASN'T TOO  
4 FAR AFTER IT HAPPENED BECAUSE I WAS IN THE PROCESS OF  
5 MOVING OUT OF THAT APARTMENT AND INTO ANOTHER  
6 APARTMENT, SO IT COULDN'T HAVE BEEN THAT LONG AFTER.

7 Q SO YOU ALLEGEDLY IDENTIFIED THIS PERSON A COUPLE  
8 WEEKS AFTER THIS HAPPENED?

9 A UH-HUH.

10 Q THAT WOULD HAVE BEEN APPROXIMATELY IN JANUARY OF  
11 2002?

12 A YES, ABOUT RIGHT.

13 Q DO YOU KNOW WHY THE WARRANTS, THE CHARGES  
14 AGAINST MR. SANDERS IN THIS CASE, WEREN'T MADE  
15 AGAINST HIM AND SIGNED BY A JUDGE AGAINST HIM UNTIL  
16 OCTOBER OF 2002?

17 A NO, I DON'T.

18 Q WHERE WAS THE LINEUP SHOWN? WHERE WERE YOU  
19 SHOWN THE LINEUP?

20 A IN FRONT OF THE APARTMENT WHERE IT TOOK PLACE  
21 AT.

22 Q SO THE DETECTIVE BROUGHT THESE PHOTOS TO YOU?

23 A YES, HE DID.

24 Q AND IT WAS A "HE" THAT DID THIS?

25 A YES, IT WAS.

1 Q YOU DON'T REMEMBER THE NAME, DO YOU?

2 A NO, I DON'T.

3 Q DO YOU KNOW WHETHER OR NOT YOUR APARTMENT WAS  
4 FINGERPRINTED?

5 A IT WAS.

6 Q DUSTED FOR FINGERPRINTS?

7 A IT WAS.

8 Q YOU SAY A PLASTIC BAG WAS USED BY THIS PERSON,  
9 WHAT TYPE OF PLASTIC WAS IT?

10 A A BLACK HEFTY TRASH BAG.

11 Q A BLACK HEFTY TRASH BAG?

12 A YES, IT WAS.

13 Q AND WAS THAT OBTAINED FROM YOUR APARTMENT?

14 A IT WAS IN MY APARTMENT BECAUSE MY MOTHER HAD  
15 BOUGHT ME SOME TOWELS FROM HER HOUSE AND MOST OF THE  
16 STUFF THAT SHE BROUGHT ME WERE IN BLACK TRASH BAGS  
17 AND THEY WERE SITTING IN THE LIVING ROOM. I NEVER  
18 GOT A CHANCE TO PUT THEM AWAY.

19 Q SO IT WAS JUST SITTING IN THE LIVING ROOM AND  
20 WAS IMMEDIATELY AVAILABLE?

21 A YEAH, PRETTY MUCH.

22 Q DID THE POLICE TAKE THAT TRASH BAG INTO  
23 EVIDENCE?

24 A YES, THEY DID.

25 Q NOW HOW LARGE IS YOUR APARTMENT?

1 A IT WASN'T ALL THAT BIG. IT WAS A NICE, IT WAS A  
2 TWO BEDROOM APARTMENT.

3 Q OKAY. AND THE STRUGGLE BEGAN IN THE DEN OR THE  
4 LIVING ROOM WHERE THE FRONT DOOR IS?

5 A UH-HUH.

6 Q IMMEDIATELY UPON THIS PERSON COMING IN?

7 A YES.

8 Q AND HAD YOU EVER SEEN THIS PERSON BEFORE?

9 A NO.

10 Q AND IT WENT FROM THE LIVING ROOM, YOU STARTED TO  
11 CRAWL TOWARD YOUR BEDROOM, IS THAT CORRECT?

12 A YES, SIR.

13 Q AND, BUT YOU CHANGED YOUR MIND?

14 A YEAH.

15 Q OKAY. AND WAS IT AT THAT POINT IN TIME, SO IT  
16 WAS AFTER, WHAT HAPPENED TO THE BAG AND WHEN DID THIS  
17 PERSON START WITH THE RUG?

18 A LIKE IN BETWEEN THE TWO BEDROOMS, WHERE THE TWO  
19 BEDROOMS MEET, THAT'S WHERE THE RUG WAS BEFORE YOU GO  
20 INTO THE BATHROOM.

21 Q A LITTLE THROW RUG?

22 A UH-HUH.

23 Q OKAY. AND WHEN THIS PERSON DID THIS, DID THEY  
24 STOP USING THE PLASTIC BAG AND THEN USE THE RUG?

25 A YES.

1 Q OKAY.

2 A BECAUSE I TORE A HOLE IN THE PLASTIC BAG.

3 Q OKAY. AND YOU BEGAN TO THEN STAB THE PERSON?

4 A YES.

5 Q IT WAS AT THAT POINT THEN THAT THIS PERSON

6 RETREATED, PUSHED YOU INTO A ROOM?

7 A PUSHED ME INTO THE ROOM AND HELD THE DOOR. WHEN

8 I PULLED FROM THE DOOR AT LEAST TWICE AND THEN I

9 THOUGHT, I JUST NEED TO STOP PULLING FOR THE DOOR

10 BECAUSE HE MIGHT LEAVE AFTER I STOP, SO INITIALLY

11 THAT'S WHAT I DID, I BACKED AWAY FROM THE DOOR, AND

12 THAT'S WHEN I HEARD MY SCREEN DOOR SLAM AND THAT'S

13 WHEN I INITIALLY KNEW HE WAS GONE.

14 Q SO YOU WERE TRYING TO INITIALLY RE-OPEN THE DOOR

15 THAT HE HAD PUT YOU IN THE BEDROOM?

16 A YEAH, THAT'S HOW I DONE BUT THE SITUATION LIKE

17 THAT YOU DON'T THINK.

18 Q RIGHT. YOU WERE GOING TO GO BACK AFTER HIM?

19 YOU WERE ANGRY, WEREN'T YOU?

20 A IN A SENSE, YES.

21 Q DESERVEDLY SO.

22 A YEAH.

23 Q BUT THEN YOU BACKED OFF?

24 A UH-HUH.

25 Q DID THE POLICE TAKE ANY OF YOUR CLOTHES INTO

1 EVIDENCE?

2 A THEY TOOK MY BELT.

3 Q OKAY. YOUR BELT?

4 A UH-HUH.

5 Q AND HOW DID YOU USE YOUR BELT OR HOW WAS, WHAT

6 WAS?

7 A HE TRIED TO UNBUCKLE MY BELT, MY PANTS.

8 Q DID YOU RECEIVE ANY MEDICAL ATTENTION?

9 A NO.

10 Q THAT'S ALL I HAVE. THANK YOU.

11 THE COURT: THE STATE. MR. THOMPSON.

12 CROSS EXAMINATION BY MR. THOMPSON:

13 Q I JUST HAVE A COUPLE QUESTIONS FOR YOU.

14 A ALL RIGHT.

15 Q WHEN HE WAS IN THE APARTMENT AT ANY TIME DID HE

16 CHOKE YOU WITH HIS HANDS?

17 A NO, HE DIDN'T.

18 Q AND WAS THERE ANYONE ELSE IN THE APARTMENT WHEN

19 THIS OCCURRED?

20 A NO, THERE WASN'T.

21 Q DID YOU LIVE THERE ALONE?

22 A WELL, MY COUSIN SHE WAS LIVING THERE, BUT SHE

23 WASN'T THERE AT THE TIME.

24 Q BUT SHE WASN'T THERE?

25 A UH-HUH.

1 Q AND I THINK YOU HAD SAID THIS ENDED UP GOING  
2 THROUGH SEVERAL ROOMS OF THE HOUSE?

3 A SEVERAL. IT WAS ONLY THREE ROOMS IN THE HOUSE.

4 Q HOW MANY ROOMS DID HE GO THROUGH WHILE YOU  
5 STRUGGLED WITH HIM?

6 A TWO.

7 Q TWO?

8 A UH-HUH.

9 Q OKAY. AND WAS IT LOUD DURING THE TIME THAT  
10 Y'ALL WERE STRUGGLING? WERE THINGS GETTING KNOCKED  
11 OVER AND THINGS LIKE THAT?

12 A WELL, NOT REALLY BECAUSE I REALLY DIDN'T HAVE  
13 TOO MUCH THINGS IN THE APARTMENT BECAUSE I HAD JUST  
14 MOVED IN THERE SO THERE REALLY WASN'T THAT MUCH IN  
15 THERE EXCEPT FOR THE PLASTIC BAGS AND STUFF THAT MY  
16 MOTHER HAD BOUGHT ME.

17 MR. THOMPSON: THANK YOU. NO FURTHER  
18 QUESTIONS.

19 MR. MORTON: JUST A COUPLE QUICK FOLLOW UP  
20 QUESTIONS.

21 REDIRECT EXAMINATION BY MR. MORTON:

22 Q MR. GREELEY ASKED YOU, YOU DIDN'T KNOW THIS  
23 PERSON, HE WAS A STRANGER TO YOU, IS THAT RIGHT?

24 A THAT'S RIGHT.

25 Q HE WAS ASKING YOU ABOUT THE CLOTHING THAT HE



1 WORE, HOW DID HE -- DID HE HAVE ANY GLOVES ON?

2 A NO, HE DIDN'T.

3 Q WAS HE WEARING A MASK?

4 A NO, HE WASN'T.

5 Q DID HE HAVE A WEAPON?

6 A NO, HE DIDN'T.

7 Q DID HE ASK YOU FOR MONEY?

8 A YEAH.

9 Q HE DID?

10 A UH-HUH.

11 Q OKAY. AND YOU SAY YOUR COUSIN ALSO LIVED THERE?

12 A YES.

13 Q AND YOUR COUSIN WAS A FEMALE?

14 A YES, SHE WAS.

15 Q THAT'S ALL I HAVE. THANK YOU VERY MUCH, MS.

16 LOWERY.

17 THE COURT: MR. GREELEY.

18 MR. GREELEY: NOTHING ELSE.

19 MR. THOMPSON: NOTHING, YOUR HONOR.

20 THE COURT: THIS WITNESS BE EXCUSED?

21 MR. MORTON: YES, SIR, SHE CAN BE EXCUSED.

22 THE COURT: MS. LOWERY, WE CERTAINLY

23 APPRECIATE YOUR TIME, AND I KNOW IT'S INCONVENIENT

24 FOR YOU, BUT YOU HAVE BEEN VERY HELPFUL AND FEEL FREE

25 TO LEAVE. ALL RIGHT.

1 (WITNESS EXITS THE WITNESS STAND.)

2 THE COURT: CALL YOUR NEXT WITNESS.

3 MR. MORTON: CALL SARAH HAGMAN LEE.

4 SARAH HAGMAN LEE, BEING FIRST  
5 DULY SWORN, TESTIFIED AS FOLLOWS:

6 THE COURT: SO YOU'LL KNOW THERE IS A  
7 CAMERA HERE BUT IT IS NOT PERMITTED TO FILM YOU, SO  
8 YOU ARE NOT BEING FILMED, SO I WANT TO HELP YOU WITH  
9 THAT COMFORT LEVEL.

10 A OKAY.

11 DIRECT EXAMINATION BY MR. SMITH:

12 Q MRS. LEE, THE MICROPHONE THERE DOESN'T MOVE OVER  
13 AND THE CHAIR DOESN'T MOVE SO YOU MAY NEED TO LEAN  
14 FORWARD AND SPEAK INTO THE MICROPHONE. IF YOU WOULD  
15 PLEASE STATE YOUR FULL NAME FOR THE COURT?

16 A SARAH LEE.

17 Q AND WHERE DO YOU CURRENTLY LIVE?

18 A ROCK HILL.

19 Q YOU DON'T HAVE TO GIVE YOUR STREET ADDRESS IF  
20 YOU ARE NOT COMFORTABLE DOING THAT.

21 A ROCK HILL.

22 Q HOW OLD ARE YOU, MRS. LEE?

23 A 23.

24 Q AND ARE YOU CURRENTLY EMPLOYED?

25 A I AM.

1 Q WHAT DO YOU DO?

2 A I RECOVER TISSUE AND BONE FOR DONATION, LIFE  
3 SHARE OF THE CAROLINAS.

4 Q OKAY. I WANT YOU TO THINK BACK TO JANUARY 12,  
5 2002, YOU REMEMBER SPECIFICALLY WHAT NIGHT OF THE  
6 WEEK THAT WAS?

7 A I BELIEVE IT'S A SATURDAY.

8 Q AND YOUR NAME BACK THEN WAS SARAH HAGMAN, IS  
9 THAT CORRECT?

10 A THAT'S CORRECT.

11 Q AND YOU'VE SINCE BEEN MARRIED, IS THAT WHY YOUR  
12 NAME HAS CHANGED?

13 A THAT'S RIGHT.

14 Q WHERE WERE YOU LIVING BACK THEN?

15 A 131 REID STREET, ROCK HILL.

16 Q AND WHAT PART OF TOWN IS THAT IN?

17 A DOWNTOWN ON THE OTHER SIDE OF THE TRACKS.

18 Q ARE YOU FAMILIAR WITH SALUDA AND REID STREET?

19 A UH-HUH.

20 Q AND JEFFERSON AVENUE?

21 A YES.

22 Q ARE THEY IN CLOSE PROXIMITY TO REID STREET?

23 A I BELIEVE THEY WERE.

24 Q HOW WOULD YOU DESCRIBE THAT DISTANCE?

25 A A FEW BLOCKS AWAY.

1 Q NOW 131 REID STREET, WAS THAT A HOUSE OR AN  
2 APARTMENT?

3 A IT WAS A HOUSE.

4 Q AND WERE YOU RENTING THAT OR DID YOU OWN IT?

5 A I WAS RENTING A ROOM.

6 Q AND DID YOU HAVE ROOMMATES OR DID YOU LIVE  
7 ALONE?

8 A THERE WAS A COUPLE OTHER GIRLS THAT LIVED THERE  
9 AS WELL.

10 Q NOW ON THAT PARTICULAR NIGHT DID OR WAS ANYONE  
11 ELSE BESIDE YOURSELF AT HOME?

12 A THERE WAS.

13 Q AND WHERE WAS SHE IN PROXIMITY TO YOU IN THE  
14 HOUSE?

15 A SHE WAS RIGHT ACROSS THE HALLWAY. SHE RENTED A  
16 ROOM ACROSS THE HALL.

17 Q SHE HAD A ROOM AND SHE WAS IN HER ROOM?

18 A THAT'S CORRECT.

19 Q YOU RENTED A ROOM AND YOU WERE IN YOUR ROOM?

20 A YES.

21 Q CAN YOU DESCRIBE FOR THE COURT A LAYOUT OF THE  
22 HOUSE?

23 A THE BACK DOOR OPENED TO A SUN ROOM TYPE AREA  
24 WHERE WE HAD OUR LAUNDRY. TO THE RIGHT OF THAT WAS  
25 THE KITCHEN. ADJOINING THE KITCHEN WAS A BATHROOM

1 WHICH ALSO CONNECTED TO MY ROOM.

2 Q SO BETWEEN THE KITCHEN AND YOUR ROOM THERE WAS A  
3 BATHROOM AND THERE WAS A DOOR THAT OPENED FROM THE  
4 BATHROOM TO THE KITCHEN AND A DOOR THAT OPENED FROM  
5 THE BATHROOM TO YOUR BEDROOM, IS THAT RIGHT?

6 A THAT'S CORRECT.

7 Q NOW EXPLAIN TO THE COURT WHAT HAPPENED THAT  
8 NIGHT?

9 A I GUESS IT WAS ABOUT 12 O'CLOCK THAT NIGHT. I  
10 WAS IN MY BED WATCHING A MOVIE AND I HEARD A KNOCK AT  
11 MY BATHROOM DOOR. I YELLED OUT WHO IS THERE. THERE  
12 WAS NO ANSWER. SO I STAYED IN MY BED AND THEN I  
13 HEARD AGAIN ANOTHER KNOCK, I ASKED WHO IS THERE, AND  
14 I GOT UP AND WENT TO THE DOOR. THERE WAS STILL NO  
15 ANSWER. I ASSUMED THAT IT WAS ONE OF MY ROOMMATES  
16 AND THEY DIDN'T HEAR ME RESPONDING SO THEY WENT BACK  
17 TO BED SO I WENT TO MY DOOR TO SEE WHO IT WAS AND  
18 SANDERS PUSHED THE DOOR IN ON ME PUSHING ME BACK,  
19 HITTING ME IN THE HEAD WITH THE DOOR. WE STAGGERED,  
20 KIND OF LIKE PUSHED ME BACK INTO THE SHOWER DOORS  
21 THAT WERE THERE, GLASS SHOWER DOORS, WE STRUGGLED.  
22 THE DOORS CAME DOWN. AT SOME POINT WE ENDED UP IN  
23 KITCHEN WHICH WAS RIGHT THERE NEXT TO THE BATHROOM.  
24 HE KICKED ME AND STOMPED ON ME, PUSHED ME DOWN ON THE  
25 GROUND, KICKED ME IN MY BACK AND LOWER BACK.

1 Q DID HE EVER TRY TO CHOKE YOU OR STRUGGLE YOU?

2 A HE HAD ME IN A CHOKE HOLD. YOU KNOW, I TRIED TO

3 GET UP, HE PULLED ME UP, PUT HIS RIGHT ARM AROUND MY

4 NECK INTO A CHOKE HOLD, HOLDING IT WITH HIS LEFT ARM.

5 I THINK I TRIED TO PUNCH HIM IN THE HEAD, KICK HIM,

6 AND SOMEHOW HE LET GO, THREW ME DOWN ON THE GROUND.

7 AGAIN PROCEEDED TO KICK ME. ONCE I WAS DOWN ON THE

8 GROUND HE RAN BACK INTO MY ROOM, GRABBED MY PURSE OFF

9 OF MY SOFA, AT THAT POINT IN TIME, YOU KNOW, I, YOU

10 KNOW, I STOOD UP, TRIED TO GET MY BOUNDS, AND THEN AS

11 HE WAS LEAVING MY BEDROOM WITH MY PURSE I GRABBED A

12 STAINLESS STEEL BAKING PAN OFF THE STOVE THAT WAS

13 THERE AND SWUNG AT HIM THREE TIMES. I KNOW HITTING

14 HIM ONCE. AT THAT TIME HE DROPPED MY PURSE. THE

15 CONTENTS OF WHICH I HAD SOME MACE IN THE FRONT POCKET

16 OF IT. IT FELL OUT ON THE FLOOR. HE GOT ON TOP OF

17 ME ON MY BACK WITH MY HANDS PINNED IN FRONT OF ME. I

18 WAS ABLE TO REACH MY MACE ON THE FLOOR AND TRIED TO

19 PUSH THAT, YOU KNOW, THE BUTTON ON THE MACE, OVER

20 SPRAYED IT. MY HANDS WERE STILL PINNED SO I THINK I

21 GOT MOST OF THE MACE BUT I SPRAYED IT NONETHELESS.

22 AT THAT POINT IN TIME HE TRIED TO GET OFF OF ME. I

23 SAW A SMALL SCREWDRIVER ON THE FLOOR OF THE KITCHEN.

24 Q DID YOU RECOGNIZE THAT SCREWDRIVER AS BEING ONE

25 THAT WAS TYPICALLY IN THE HOUSE?

1 A NO, I DID NOT. I ASSUMED THAT IT WAS HIS.

2 Q YOU ASSUMED IT WAS --

3 A SANDERS.

4 Q YOUR ATTACKER?

5 A YES. HE KICKED AT ME AGAIN MAKING FOR THE BACK  
6 DOOR I ASSUMED TO GET, YOU KNOW, TO LEAVE. I REACHED  
7 FOR THE SCREWDRIVER WITH MY LEFT HAND, GRABBED HIS  
8 LEFT FOOT WITH MY RIGHT HAND, AND SWUNG AT HIM THREE  
9 TIMES I KNOW STABBING HIM IN THE LEFT SHOULDER BLADE  
10 AT LEAST ONCE.

11 Q NOW YOU HAVE TESTIFIED THAT YOU HIT HIM IN THE  
12 HEAD WITH A PAN AND THEN YOU STABBED HIM OR HIT HIM  
13 WITH A SCREWDRIVER, DID YOU NOTICE ANY BLOOD?

14 A I DID. WHEN HE WAS LEAVING TO REACH FOR THE  
15 DOOR KNOB I SAW SOME BLOOD DRIPPING DOWN THE BACK OF  
16 HIS LEFT EAR.

17 Q DID ANY OF HIS BLOOD GET ONTO YOUR PERSON?

18 A IT DID. I HAD ON LIKE A WHITE TANK TOP I'D  
19 GUESS YOU'D SAY, AND I DIDN'T NOTICE THAT IT WENT,  
20 BUT WHEN THE POLICE OFFICER CAME TO MAKE THE REPORT,  
21 WHEN THE FIRST POLICE OFFICER ARRIVED, HE NOTICED IT  
22 AND ASKED FOR MY SHIRT.

23 Q DID HE TAKE THAT INTO EVIDENCE?

24 A HE DID.

25 Q DO YOU KNOW WHO THAT WAS, DO YOU REMEMBER?

1 A HE'S NO LONGER WITH THE ROCK HILL POLICE  
2 DEPARTMENT. I WANT TO SAY HIS NAME WAS STRIKER,  
3 SOMETHING LIKE THAT.

4 Q OKAY. SO AT THIS POINT WHAT DID SANDERS DO?

5 A HE RAN TO THE WOODED AREA BEHIND OUR HOUSE AND I  
6 SCREAMED AT HIM PROFANITIES THAT I WAS GOING TO KILL  
7 HIM AND THAT KIND OF THING.

8 Q AND DID HE TAKE YOUR PURSE WITH HIM?

9 A HE DID.

10 Q NOW THE, WERE THE LIGHTS ON IN THE HOUSE DURING  
11 THIS STRUGGLE?

12 A THE LIGHT WAS ON IN THE BATHROOM AND DURING THE  
13 COURSE OF THE STRUGGLE OBVIOUSLY THAT DOOR IS OPENED  
14 AND CONTINUED TO STAY OPEN AND THAT BATHROOM LIGHT  
15 SHOWN THROUGH THE KITCHEN.

16 Q WERE YOU ABLE TO SEE YOUR ATTACKER'S FACE AND  
17 IDENTIFY HIS FEATURES?

18 A I WAS. I WAS PRESENTED A PICTURE I WAS ABLE TO  
19 SAY YES THAT IS THE MAN.

20 Q WHO SHOWED YOU THESE PICTURES?

21 A I THINK HIS NAME WAS DETECTIVE JETER AND A  
22 COUPLE OF HIS ASSOCIATES I GUESS THERE AT THE ROCK  
23 HILL POLICE DEPARTMENT. THEY WERE ALSO DETECTIVES.

24 Q AND YOU IDENTIFIED MR. SANDERS AS BEING THE MAN  
25 THAT ATTACKED YOU?



1 A I DID.

2 Q DO YOU RECOGNIZE YOUR ATTACKER IN THIS COURTROOM  
3 TODAY?

4 A YES, I DO.

5 Q AND WOULD YOU POINT HIM OUT TO THE COURT?

6 A THAT GENTLEMAN THERE. WELL, NO, THE GENTLEMAN  
7 RIGHT THERE. THAT GUY.

8 Q AND LET THE RECORD REFLECT THAT MRS. LEE POINTED  
9 TO JAMES SANDERS. MRS. LEE, DID MR. SANDERS HAVE  
10 GLOVES OR A MASK ON THAT NIGHT?

11 A NO. HE HAD ON A TOBOGGAN. WHETHER THIS WAS  
12 PULLED OVER HIS FACE WHEN HE PUSHED INTO MY ROOM I  
13 DON'T KNOW. I PULLED IT OFF HIS HEAD IN THE STRUGGLE  
14 AND I DID NOT NOTICE ANY GLOVES. HE POSSIBLY HAD  
15 LONG FINGERNAILS. THAT'S ALL I REMEMBER.

16 Q DID YOU MR. SANDERS BEFORE THAT PARTICULAR  
17 NIGHT?

18 A NO, I DID NOT.

19 Q HE WAS A STRANGER TO YOU?

20 A HE WAS.

21 Q DID HE USE ANY TYPE OF WEAPON AGAINST YOU OTHER  
22 THAN HIS HANDS OR HIS FISTS AND HIS FEET?

23 A NO, HE DIDN'T.

24 Q DID MR. SANDERS ATTEMPT TO SEXUALLY ASSAULT --

25 A I BELIEVE THAT WAS HIS INTENTION. YOU KNOW, IN

1 THE COURSE OF THE STRUGGLE HE WAS ON TOP OF ME AND  
2 ATTEMPTED TO TURN ME OVER. I CAN ONLY ASSUME FOR  
3 THAT PURPOSE, WHAT OTHER PURPOSE WOULD HE HAVE FOR  
4 BREAKING INTO MY HOUSE. I DIDN'T KNOW HIM.

5 Q DID, DID, WERE YOU ABLE TO DETERMINE HOW  
6 MR. SANDERS ENTERED YOUR HOME?

7 A NO, I WAS NOT.

8 Q DID YOU LOOK FOR SIGNS OF HOW HE ENTERED YOUR  
9 HOME?

10 A THE POLICE FINGERPRINTED THE DOORS THERE AND THE  
11 BACK WINDOWS AND THE SUN ROOM AREA AND THEY COULDN'T  
12 FIND ANY SIGNS OF FORCED ENTRY, SO I DON'T KNOW.

13 Q COULD YOU YOURSELF FIND SIGNS OF FORCED ENTRY?

14 A NO, I COULD NOT.

15 Q THANK YOU, MRS. LEE. I HAVE NO FURTHER  
16 QUESTIONS FOR YOU AT THIS TIME. PLEASE ANSWER ANY  
17 QUESTIONS MR. GREELEY MAY HAVE FOR YOU OR THE  
18 SOLICITOR'S OFFICE.

19 THE COURT: MR. GREELEY.

20 MR. GREELEY: MAY IT PLEASE THE COURT.

21 CROSS EXAMINATION BY MR. GREELEY:

22 Q MRS. HAGMAN, IN REGARDS TO THE --

23 THE COURT: MRS. LEE NOW.

24 Q MRS. LEE, I APOLOGIZE. MRS. LEE, IN REGARDS TO  
25 THE PICTURE THAT YOU WERE SHOWN BY THE POLICE?

1 A YES.

2 Q WHEN WAS THAT DONE?

3 A THE SAME NIGHT.

4 Q THE SAME NIGHT. AND ABOUT WHAT TIME, DO YOU  
5 KNOW?

6 A I GUESS IT WOULD BE AROUND 12:30 - 12:45  
7 SOMETHING LIKE THAT.

8 Q AND DID THEY BRING IT TO YOUR APARTMENT?

9 A NO. I LEFT MY APARTMENT WITH THE POLICE AND  
10 WENT TO THE LAW CENTER IMMEDIATELY TO GIVE MY  
11 STATEMENT AND AT THAT POINT IN TIME WHEN THEY TOOK  
12 PICTURES OF THE BRUISING ALONG MY BACK AND THE  
13 BRUISING ON MY FACE OR, YOU KNOW, ABRASIONS TO MY  
14 FACE, THEY THEN SHOWED ME THE PICTURE.

15 Q WAS IT ONE PICTURE THEY SHOWED YOU?

16 A THEY SHOWED ME SEVERAL PICTURES AND THEN POINTED  
17 OUT THAT THAT WAS THE MAN AND I WAS ABLE TO SAY YES  
18 IT WAS.

19 Q SO THEY SHOWED YOU SEVERAL PICTURE. WERE THEY  
20 PICTURES OF DIFFERENT PEOPLE?

21 A YES, THEY WERE.

22 Q AND THEN THEY POINTED OUT MR. SANDERS?

23 A THEY SHOWED A PICTURE OF MR. SANDERS, A BLACK  
24 MALE WHO HAD A GASH TO HIS FOREHEAD, PICTURES I  
25 ASSUMED THAT WERE TAKEN WHEN THEY CHECKED HIM INTO

1 THE JAIL, AND I WAS ABLE TO RECOGNIZE HIM FROM THOSE  
2 PICTURES.

3 Q AND THOSE WERE DONE AT 12:30 THE SAME EVENING?

4 A AROUND THAT TIME. I CAN'T SAY FOR CERTAIN.  
5 THEY TOOK HIM INTO CUSTODY. IMMEDIATELY AFTER HE  
6 LEFT MY HOUSE THE POLICE CAUGHT HIM AND HE WAS TAKEN  
7 INTO THE LAW CENTER AND I ASSUMED IMMEDIATELY CHECK  
8 INTO THE JAIL.

9 Q WERE YOU TOLD THAT HE WAS TAKEN INTO CUSTODY AND  
10 ARRESTED THAT MORNING AT ABOUT 3:40 A.M.

11 A NO, I WAS NOT.

12 Q SO YOU HEARD A KNOCK ON YOUR BATHROOM DOOR AND  
13 THE PERSON DIDN'T RESPOND WHEN ASKED, IS THAT  
14 CORRECT?

15 A THAT'S CORRECT.

16 Q AND THEN YOU HEARD ANOTHER KNOCK WHEN YOU DID  
17 NOT RESPOND, IS THAT CORRECT? SO THIS TIME YOU WENT  
18 AND CHECKED TO SEE WHO IT WAS?

19 A YES.

20 Q AND UPON OPENING THE DOOR THAT IS WHEN THIS  
21 PERSON CAME IN ON YOU, IS THAT CORRECT?

22 A PUSHED THE DOOR IN ON ME, PUSHING ME BACK,  
23 HITTING ME IN THE HEAD, AND YES, COMING IN ON ME.

24 Q AND HE DID GO INTO YOUR POCKETBOOK, FIND YOUR  
25 POCKETBOOK?

1 A HE WENT INTO MY BEDROOM AFTER HE KICKED ME AND  
2 PUSHED ME ON THE FLOOR, WENT INTO MY BEDROOM AND  
3 GRABBED MY PURSE THAT WAS ON MY SOFA.

4 Q SO HE LEFT YOU IN THE KITCHEN?

5 A YES.

6 Q WENT INTO YOUR BEDROOM. WAS HE ABLE TO SEE YOUR  
7 POCKETBOOK FROM THE KITCHEN?

8 A HE MAY HAVE BEEN ABLE TO, YES.

9 Q AND SO HE LEFT YOU IN THE KITCHEN AND WENT IN  
10 AND GOT YOUR POCKETBOOK?

11 A YES.

12 Q AND THEN DID HE COME BACK INTO THE KITCHEN?

13 A HE DID.

14 Q THAT'S WHEN YOU STRUCK HIM WITH THE PANS?

15 A COMING THROUGH THE KITCHEN WOULD HAVE BEEN THE  
16 ONLY WAY HE COULD HAVE EXITED THE HOUSE, SO YES, HE  
17 CAME THROUGH THE KITCHEN WITH THE INTENTION OF  
18 WHATEVER.

19 Q AT THAT POINT IN TIME YOU ARE REALLY NOT SURE OF  
20 HIS INTENTION, IS THAT A FAIR STATEMENT?

21 A THAT'S CORRECT, YES.

22 Q WHERE WAS THE SCREWDRIVER AGAIN?

23 A IT WAS IN THE KITCHEN FLOOR.

24 Q IS THAT KITCHEN USED BY THE OTHER MEMBERS OF WHO  
25 HAVE APARTMENTS THERE?

1 A YES.

2 Q SO IT'S A COMMUNAL KITCHEN?

3 A IT IS. I ASKED THE, MY OTHER ROOMMATES THE  
4 FOLLOWING DAY WHEN THE SCREWDRIVER WAS SPOTTED  
5 BECAUSE IT WAS NOT INITIALLY SPOTTED BY THE POLICE  
6 THAT NIGHT. IT WAS FOUND IN THE SUN ROOM AREA. THE  
7 NEXT DAY I ASKED THE ROOMMATES IF IT BELONGED TO  
8 THEM, THEY SAID NO, THEN AT THAT POINT IN TIME I PUT  
9 THE SCREWDRIVER INTO A BROWN PAPER BAG AND BROUGHT IT  
10 TO THE POLICE DEPARTMENT.

11 Q DO YOU KNOW HOW THE SCREWDRIVER GOT INTO THE SUN  
12 ROOM AREA? IS THAT ALSO A COMMUNAL AREA?

13 A IT IS.

14 Q DO YOU KNOW HOW IT GOT THERE?

15 A YES. ONCE I PICKED IT UP FROM THE KITCHEN FLOOR  
16 AND I PROCEEDED TO STAB SANDERS WITH THE SCREWDRIVER  
17 IT FLEW OUT OF MY HAND WHICH WAS IN THE SUN ROOM  
18 AREA.

19 Q OKAY. NOW WERE YOU IN THE KITCHEN WHEN YOU WERE  
20 STABBING HIM?

21 A IT WAS IN THE DOORWAY AREA. I WOULD SAY MY BODY  
22 WAS IN THE KITCHEN, MY HANDS AND ARM AND HIS FOOT  
23 WERE IN THE SUN ROOM.

24 Q OKAY.

25 A THERE IS A DOORWAY THERE THAT SEPARATES THE TWO.

1 Q OKAY.

2 A NOT A DOOR BUT A DOORWAY.

3 Q OKAY. THE BATHROOM IS ON THE OTHER END OF THE  
4 KITCHEN?

5 A THAT'S CORRECT.

6 Q DO YOU HAVE TO GO THROUGH THE SUN ROOM TO GET TO  
7 THE KITCHEN?

8 A YOU DO.

9 Q OKAY.

10 MR. GREELEY: I DON'T HAVE ANYTHING  
11 FURTHER.

12 THE COURT: MR. THOMPSON OR BRACKETT OR  
13 BOTH.

14 MR. THOMPSON: ONE QUESTION.

15 CROSS EXAMINATION BY MR. THOMPSON:

16 Q WAS ANYONE ELSE IN THE ROOMS, WHILE YOU WERE  
17 FIGHTING WAS ANYONE ELSE THERE WITHIN THE ROOMS THAT  
18 COULD SEE WHAT WAS HAPPENING?

19 A THAT COULD SEE WHAT WAS HAPPENING?

20 Q YES.

21 A NO, NOT TO MY KNOWLEDGE.

22 Q THANK YOU. NO FURTHER QUESTIONS.

23 MR. SMITH: I HAVE NOTHING FURTHER, YOUR  
24 HONOR.

25 THE COURT: YOU CAN STEP DOWN AND BE

1       EXCUSED. WE APPRECIATE IT YOUR TIME. WE KNOW IT WAS  
2       NOT THE MOST PLEASANT EXPERIENCE FOR YOU IT APPEARS.

3               MR. SMITH: JUDGE, I'D JUST LIKE TO STATE  
4       THAT THESE WITNESSES, MS. LOWERY, THE PREVIOUS  
5       WITNESS INCLUDED ARE STILL UNDER SUBPOENA AND WE'LL  
6       CONTACT THEM IF NEEDED DURING THE COURSE.

7               THE COURT: YOU ARE EXCUSED FOR THE DAY.  
8       BUT YOU ARE STILL SUBJECT TO BEING RECALLED BASED ON  
9       THAT SUBPOENA.

10      A       OKAY.

11              THE COURT: THANK YOU. ALL RIGHT. CALL  
12      YOUR NEXT WITNESS.

13              MR. MORTON: WE WOULD CALL MRS. KATHY  
14      DAVIS.

15                      KATHY DAVIS, BEING FIRST DULY  
16      SWORN, TESTIFIED AS FOLLOWS:

17              THE COURT: MS. DAVIS, I'M JOHN HAYES AND  
18      I'M THE JUDGE. I JUST WANT TO YOU KNOW THAT YOU'LL  
19      SEE A CAMERA IN HERE BUT IT CANNOT FILM YOU, SO DON'T  
20      FEEL UNCOMFORTABLE BECAUSE THE CAMERAS ARE HERE FOR  
21      OTHER PURPOSES AND THEY ARE NOT TO FILM YOU.

22      A       OKAY.

23              THE COURT: THANK YOU.  
24      DIRECT EXAMINATION BY MR. MORTON:

25      Q       MS. DAVIS, MY NAME IS JIM MORTON. WE APPRECIATE



1 YOU COMING. WE KNOW YOU ARE NOT FEELING WELL. WE  
2 APPRECIATE YOU COMING.

3 A YES.

4 Q MS. DAVIS, I WANTED TO TALK TO YOU ABOUT WHAT  
5 HAPPENED TO YOU I BELIEVE IT WAS DECEMBER OF 2001,  
6 DECEMBER 12, 2001. MS. DAVIS, WHERE WERE YOU LIVING  
7 AT THAT TIME?

8 A ON CONFEDERATE AVENUE.

9 Q OKAY. CAN YOU BE, WHEREABOUTS ON CONFEDERATE  
10 AND WHAT?

11 A IN AN APARTMENT ON CONFEDERATE.

12 Q NOW IS THAT CONFEDERATE NEAR PENDLETON STREET?

13 A UH-HUH.

14 Q IS THAT RIGHT?

15 A YES.

16 Q CONFEDERATE AND PENDLETON. AND MS. DAVIS, YOU  
17 WERE LIVING ALONE AT THE TIME?

18 A YES.

19 Q OKAY. MS. DAVIS, I'M GOING TO, I KNOW THIS  
20 MAYBE DIFFICULT FOR YOU, AND I'M GOING TO ASK YOU  
21 WHAT HAPPENED TO YOU THAT NIGHT IF YOU'LL JUST TELL  
22 THE JUDGE AND TELL US IN YOUR OWN WORDS WHAT  
23 HAPPENED?

24 A I GOT RAPED. THE GUY KNOCKED AT THE DOOR AND  
25 HAD TO USE THE PHONE AND HE PUSHED THE DOOR OPEN AND

1 CAME IN AND RAPED ME.

2 Q SO YOU WERE AT HOME. ABOUT WHAT TIME WAS THIS?

3 A ABOUT 11 O'CLOCK, 11:30.

4 Q 11:30 AT NIGHT?

5 A YEAH.

6 Q WERE YOU UP?

7 A YEAH, I WAS WATCHING TELEVISION.

8 Q YOU WERE UP WATCHING TELEVISION. DID YOU HAVE

9 LIGHTS ON?

10 A YES, I DID.

11 Q OKAY. AND YOU HEARD A KNOCK AT THE DOOR?

12 A YEAH. AND I OPENED THE DOOR, YES.

13 Q AND WHAT DID YOU THAT PERSON SAY?

14 A HE SAID HE HAD CAR TROUBLE AND WANTED TO USE THE

15 PHONE AND HE PUSHED THE DOOR OPEN AND CAME ON IN,

16 KNOCKED ME DOWN AND CAME IN.

17 Q KNOCKED YOU DOWN?

18 A UH-HUH.

19 Q DID HE SAY ANYTHING WHEN HE KNOCKED YOU DOWN?

20 A NO, HE JUST CAME ON IN AND TRIED TO RAPE ME.

21 Q OKAY. AFTER HE KNOCKED YOU DOWN WHAT DID HE DO?

22 A HE GOT ON TOP OF ME ON THE FLOOR AND TRIED TO

23 HAVE SEX.

24 Q OKAY. AND HOW DID HE TRY, DID HE?

25 A HE TRIED TO KISS ME AND TOUCH ME.

1 Q I'M SORRY.

2 A KISS ME.

3 Q HE KISSED YOU?

4 A YEAH.

5 Q HE KISSED YOU. WHERE DID HE KISS YOU?

6 A ON MY LIPS.

7 Q DID HE KISS YOU ANYWHERE ELSE?

8 A HE TRIED TO KISS ME ON THE BOOBS.

9 Q ON THE BREAST?

10 A YES.

11 Q DID HE PICK YOU UP AND CARRY YOU ANYWHERE?

12 A TO BEDROOM, YES, ON THE BED. PUT ME INTO A BED.

13 Q DID HE TAKE YOUR CLOTHES OFF?

14 A YES.

15 Q AND DID HE, AFTER HE KISSED YOU ON YOUR MOUTH

16 AND ON YOUR BREAST, DID HE INSERT HIMSELF IN YOU?

17 A YES, HE DID. YES.

18 Q DID HE?

19 A YES.

20 Q AND DO YOU KNOW WHETHER OR NOT, I DON'T WANT TO

21 GO INTO THIS TOO MUCH, BUT DID HE EJACULATE?

22 A I DON'T KNOW. I DON'T KNOW. I DON'T KNOW.

23 Q ABOUT HOW LONG DID THIS ATTACK LAST, MS. DAVIS?

24 A ABOUT AN HOUR I GUESS. I DON'T KNOW.

25 Q ABOUT AN HOUR?

1       A     YEAH.

2       Q     DID HE ASK YOU FOR MONEY TOO?

3       A     YES, HE DID.  YES, HE WANTED MONEY, LOOKED

4       EVERYWHERE FOR MONEY AND I TOLD HIM I HAD MONEY IN MY

5       POCKETBOOK \$20.  THAT'S ALL I HAD.  MY MONEY IS IN

6       THE BANK.

7       Q     OKAY.

8       A     SO HE GOT THAT AND LEFT.

9       Q     WERE YOU ABLE TO IDENTIFY THIS MAN THROUGH ANY

10      KIND OF LINEUP OR ANYTHING?

11      A     NO, THEY DIDN'T ASK ME TO.

12      Q     THEY DIDN'T ASK YOU TO?

13      A     NO.

14      Q     CAN YOU IDENTIFY ANYBODY IN THIS COURTROOM

15      TODAY?

16      A     I CAN'T SEE TOO GOOD RIGHT NOW.

17      Q     OKAY.  WAS THIS MAN THAT CAME IN A BLACK MAN OR

18      A WHITE MAN?

19      A     BLACK MAN.

20      Q     DID HE HAVE A MASK ON?

21      A     (SHAKES HEAD.)

22      Q     DID YOU NOTICE A WEAPON OF ANY KIND THAT HE HAD?

23                    THE COURT:  I  DIDN'T HEAR AN ANSWER TO A

24      MASK.

25                    MR.  MORTON:  SHE HOOK HER HEAD NO.

1 A NO, HE DIDN'T.

2 Q WAS HE WEARING ANY TYPE OF GLOVES OR ANYTHING?

3 A NO.

4 Q OKAY. WERE YOU TAKEN, YOU CALLED, YOU WERE ABLE  
5 TO CALL, AFTER HE DID WHAT WAS GOING TO DO, HE LEFT?

6 A YEAH, HE LEFT. TORE THE PHONE UP. TORE THE  
7 PHONE UP SO I COULDN'T CALL NOBODY. I HAD TOLD THE  
8 NEXT DOOR NEIGHBOR TO CALL SOMEBODY.

9 Q AND YOU CALLED THE POLICE?

10 A UH-HUH.

11 Q AND THEY RESPONDED?

12 A YES, THEY DID.

13 Q DID THEY TAKE YOU TO THE HOSPITAL?

14 A YES, THEY DID.

15 Q AND DID THEY EXAMINE YOU AT THE HOSPITAL?

16 A YES. THEY DID, YES.

17 Q OKAY. AND WHILE AT THE HOSPITAL DID THEY DO  
18 WHAT WE CALL IS A RAPE COLLECTION KIT?

19 A YES. YES.

20 Q THEY TOOK SOME SWABS?

21 A YES, THEY --

22 Q THEY TOOK A Q-TIP AND TOOK SOME SAMPLES FROM  
23 VARIOUS PLACES ON YOUR BODY?

24 A THAT'S RIGHT.

25 Q IS THAT CORRECT?

1 A YES.

2 Q OKAY. MS. DAVIS, DID YOU, HAD YOU EVER SEEN  
3 THIS PERSON BEFORE?

4 A NO, I HAVEN'T. NO.

5 Q HE WAS A STRANGER TO YOU?

6 A YES.

7 Q DID HE TRY AND MAKE YOU PERFORM ANY OTHER KIND  
8 OF SEXUAL ACTS?

9 A NO.

10 Q MS. DAVIS, THANK YOU. PLEASE ANSWER ANY  
11 QUESTIONS MR. GREELEY MAY HAVE OR MR. THOMPSON?

12 A OKAY.

13 THE COURT: MR. GREELEY.

14 CROSS EXAMINATION BY MR. GREELEY:

15 Q GOOD MORNING, MS. DAVIS?

16 A HI.

17 Q AND SO THIS PERSON WHO DID THIS KNOCKED ON YOUR  
18 DOOR?

19 A YES.

20 Q AND YOU WERE ALONE IN THE HOUSE?

21 A YES, I WAS. YES.

22 Q AND YOU WENT TO THE DOOR?

23 A YES, I DID.

24 Q AND WHEN YOU OPENED THE DOOR YOU WERE TOLD THAT  
25 THEY NEEDED TO USE THE PHONE?

1 A YES.

2 Q OKAY. AND SO THIS PERSON WAS ABLE TO HAVE

3 CONTACT WITH YOU AT THE FRONT DOOR AND THEN GET HIS

4 WAY INTO YOUR HOME?

5 A YEAH, THAT'S RIGHT.

6 Q THAT WAY?

7 A YES.

8 Q OKAY. AND THIS PERSON DID PERFORM ACTUAL

9 VAGINAL INTERCOURSE WITH YOU?

10 A YES, THEY DID. YES.

11 Q AND HE WAS INTERESTED IN MONEY?

12 A YES, HE WAS. HE WANTED MONEY.

13 Q HE REALLY WANTED MONEY, DIDN'T HE.

14 A HE LOOKED EVERYWHERE FOR MONEY, UNDER THE BED,

15 UNDER THE MATTRESS, EVERYWHERE FOR MONEY.

16 Q AND DID HE GET THE MONEY FROM YOUR POCKETBOOK?

17 A YES, I TOLD HIM TO. YES.

18 Q DID YOU HAVE MONEY SOMEWHERE ELSE?

19 A NO. THAT'S ALL I HAD.

20 Q OKAY. ALL RIGHT. AND AFTER THIS PERSON HAD

21 ASSAULTED YOU SEXUALLY?

22 A UH-HUH.

23 Q AND AFTER THIS PERSON WAS ABLE TO GET THE MONEY

24 THAT THEY KEPT ASKING ABOUT?

25 A YES.

1 Q HE LEFT.

2 A THAT'S RIGHT, YES.

3 Q TOOK THE PHONE AWAY, OUT OF THE WALL, BECAUSE?

4 A YEAH, HE TORE THE PHONE UP.

5 Q HE WANTED A HEAD START, RIGHT?

6 A THAT'S RIGHT, YES.

7 Q BUT HE LEFT?

8 A THAT'S RIGHT. YES.

9 Q AND DO YOU RECALL TELLING THE POLICE THAT HE WAS  
10 ABOUT SIX FEET TALL AND IN HIS EARLY 20'S?

11 A YES.

12 Q THAT'S ALL FOR NOW. THANK YOU, MA'AM?

13 A OKAY. THANK YOU.

14 MR. THOMPSON: I HAVE NO QUESTIONS FOR MS.  
15 DAVIS. THANK YOU.

16 MR. MORTON: YOUR HONOR, WE HAVE NO  
17 FURTHER QUESTIONS FOR MS. DAVIS. WE WOULD LIKE TO  
18 REMIND HER THAT SHE'S STILL UNDER SUBPOENA.

19 THE COURT: MS. DAVIS, YOU CAN BE EXCUSED.  
20 WE CERTAINLY APPRECIATE YOUR TIME AND YOU MAY GET  
21 RECALLED BUT THANK YOU.

22 A ALL RIGHT.

23 SARAH PHILLIPS, BEING FIRST DULY  
24 SWORN, TESTIFIED AS FOLLOWS:

25 THE COURT: MRS. PHILLIPS, I'M JOHN HAYES.



1 I'M THE JUDGE HERE TODAY AND I JUST WANT YOU TO KNOW  
2 THAT THERE IS A CAMERA HERE BUT THEY CANNOT FILM YOU  
3 SO I DON'T WANT YOU TO BE WORRIED ABOUT IT. I WANT  
4 YOU TO BE COMFORTABLE THAT THE CAMERA CANNOT FILM  
5 YOU.

6 A OKAY.

7 DIRECT EXAMINATION BY MR. MORTON:

8 Q MRS. PHILLIPS, MY NAME IS JIM MORTON. I THINK  
9 WE'VE SPOKEN ON THE PHONE BUT WE NEVER HAVE MET?

10 A YES, SIR.

11 Q AND I THINK YOUR NICKNAME IS MAXIE?

12 A YES, THAT'S CORRECT.

13 Q OKAY. AND MRS. PHILLIPS, WE'RE JUST GOING TO  
14 ASK YOU SOME QUESTIONS ABOUT WHAT HAPPENED TO YOU IN  
15 DECEMBER OF 2001. I BELIEVE IT WAS DECEMBER 16 OF  
16 2001.

17 A YES, SIR.

18 Q WHERE DO YOU CURRENTLY RESIDE, MRS. PHILLIPS?

19 A I LIVE IN NASHVILLE, NORTH CAROLINA.

20 Q NASHVILLE, NORTH CAROLINA?

21 A YES, SIR.

22 Q WHAT'S THAT NEAR?

23 A THAT'S ON HIGHWAY 64 BASICALLY BETWEEN RALEIGH  
24 AND ROCKY MOUNT. IT'S ABOUT A FOUR HOUR DRIVE.

25 Q OKAY. WE APPRECIATE YOU COMING. ON DECEMBER 16

1 2001 WHERE WERE YOU RESIDING?

2 A I WAS LIVING AT DEERFIELD RUN APARTMENTS OFF OF  
3 EBINPORT DRIVE.

4 Q OFF OF EBINPORT AND I BELIEVE THAT ADDRESS IS ON  
5 MCGEE STREET?

6 A THAT IS CORRECT, MCGEE ROAD.

7 Q MCGEE ROAD. IS THAT RIGHT ACROSS FROM EBINPORT  
8 SCHOOLS?

9 A IT'S RIGHT ACROSS FROM EBINPORT SCHOOLS.

10 Q OKAY.

11 A THAT'S WHERE THE COMPLEX STARTS IS RIGHT ACROSS  
12 EBINPORT, BUT IT ALSO, HAS AN EXTENSION LIKE ON THE  
13 BACK PART OF IT DOWN EBINPORT ROAD ITSELF, RIGHT  
14 ACROSS FROM YORKTOWN APARTMENT.

15 Q AND WHO WAS LIVING, IS THAT AN APARTMENT?

16 A YES, IT'S AN APARTMENT.

17 Q AND WHO WAS LIVING WITH YOU AT THAT APARTMENT AT  
18 THE TIME?

19 A AT THE TIME MY THREE DAUGHTERS AND MY HUSBAND.

20 Q OKAY. AND ON THIS PARTICULAR NIGHT WHO WAS,  
21 SOMEONE CAME INTO YOUR HOME THAT NIGHT, CORRECT?

22 A YES, SIR, THAT'S CORRECT.

23 Q WERE YOU ABLE TO IDENTIFY LATER THROUGH SOME  
24 TYPE OF LINEUP PROCEDURE?

25 A YES, THROUGH PHOTOGRAPHS.

1 Q AND YOU WERE ABLE TO PICK OUT THE PERSON WHO  
2 CAME INTO YOUR HOUSE THAT NIGHT?

3 A YES, SIR.

4 Q AND DO YOU SEE THAT PERSON IN THE COURTROOM  
5 TODAY?

6 A YES, SIR.

7 Q WHERE IS HE?

8 A RIGHT OVER THERE.

9 Q LET THE RECORD REFLECT SHE POINTED TO MR. JAMES  
10 SANDERS. SO YOU WERE HOME THAT NIGHT, WAS YOUR  
11 HUSBAND HOME?

12 A NO, HE WAS NOT.

13 Q OKAY.

14 A HE WAS WITH HIS COUSIN.

15 Q WHO WAS AT HOME?

16 A IT WAS JUST ME AND MY THREE DAUGHTERS.

17 Q OKAY. AND ABOUT WHAT TIME, YOU TELL US, YOU CAN  
18 TALK. YOU TELL US WHAT HAPPENED THAT NIGHT?

19 A WELL, MY HUSBAND, WELL NOW IT'S MY EX-HUSBAND,  
20 BUT MY HUSBAND AT THE TIME HAD GONE TO WALMART WITH  
21 HIS COUSIN TO DO SOME CHRISTMAS SHOPPING AND THEY HAD  
22 LEFT ABOUT TEN SO I AM FIGURING THIS SOMETIME MAYBE  
23 AROUND ONE IN THE MORNING, SOMETIME LIKE THAT, AND I  
24 HAD FELL ASLEEP ON THE SOFA IN MY DEN. THE DINING  
25 ROOM LIGHT WAS ON, THE CHRISTMAS TREE LIGHTS WERE ON,

1 THE TELEVISION WAS ON, AND I FELL ASLEEP ON THE SOFA  
2 AND MY DOG WAS THERE WITH ME TOO AND, YOU KNOW, HOW  
3 YOU JUST KIND OF WAKE UP. SOMETIMES YOU JUST OPEN UP  
4 YOUR EYES AND I OPENED UP MY EYES AND THERE WAS A MAN  
5 THERE LEANING OVER ME THIS FAR FROM MY FACE AND OF  
6 COURSE I STARTED TO SCREAM. I HEARD NO NOISE OF  
7 ANYONE COMING IN, MY DOG DID NOT BARK OR ANYTHING,  
8 AND I JUST LOOKED UP AND I SAW HIM LEANING OVER ME.  
9 HE MADE NO SOUND. HE DIDN'T SPEAK. HE WASN'T OUT OF  
10 BREATH. IN FACT, I LIVE IN A SECOND STORY APARTMENT,  
11 I LIVE ON THE SECOND FLOOR, AND HE CAME IN THROUGH MY  
12 PATIO DOOR. HE MUST HAVE CLIMBED THE LATTICE. AND A  
13 FRIEND OF MINE CLIMBED THE LATTICE HIMSELF WHO WAS  
14 PROBABLY LIKE 23 YEARS OLD AND WAS SO OUT OF BREATH  
15 BY THE TIME HE GOT TO INSIDE MY APARTMENT, THE MAN  
16 WHO BROKE IN MUST HAVE ACTUALLY SAT ON MY PATIO  
17 FURNITURE TO COMPOSE HIMSELF BEFORE HE ACTUALLY CAME  
18 IN MY APARTMENT. SO, OF COURSE, AS SOON AS YOU SEE  
19 SOMEONE THAT YOU DON'T KNOW, YOU AUTOMATICALLY  
20 SCREAM, SO I STARTED TO SCREAM AND THE PERSON PUT HIS  
21 HAND OVER MY MOUTH WAS PUSHING ME DOWN INTO SOFA AND  
22 I WAS STILL CONTINUING TO SCREAM AND WIGGLE AND KICK  
23 AND DO EVERYTHING I POSSIBLY COULD. AT THAT TIME MY  
24 DOG STARTED BARKING AND I'M STILL I KICKING AND  
25 SCREAMING. AND I HAVE A ROCKING CHAIR, LIKE AN OLD

1 BOSTON ROCKER THAT HAS ARMS ON THE SIDE, AND TOOK THE  
2 CHAIR THREW IT OVER ME WHERE I WAS TRAPPED UNDER MY  
3 OWN ROCKING CHAIR AND WAS CONTINUING TO TRY AND HOLD  
4 MY MOUTH DOWN AND THEN HE RUNS OUT. BUT MY DAUGHTER  
5 STARTS COMING DOWN THE HALL GOING MOMMA, MOMMA,  
6 MOMMA, WHAT'S WRONG, WHAT'S WRONG, AND THEN THE MAN  
7 OPENED UP MY PATIO DOOR AND JUMPED OFF OF MY BALCONY.

8 Q DID HE TAKE ANYTHING FROM YOU?

9 A NO. NOTHING WAS MISSING AND THE CHRISTMAS TREE  
10 WAS BESIDE THE PATIO DOOR WITH PRESENT UNDER THE  
11 TREE.

12 Q YOUR OTHER TWO CHILDREN, DID THEY AWAKEN?

13 A NO. THEY SLEPT THROUGH THE ENTIRE THING.

14 WHEN HE ATTACKED YOU AND PUT HIS HAND OVER  
15 YOUR MOUTH AND THE ROCKING CHAIR OVER YOUR BODY, WHAT  
16 DID YOU FEEL LIKE IN YOUR MIND WAS HIS INTENTION AT  
17 THAT TIME?

18 MR. GREELEY: OBJECTION, SPECULATION.

19 THE COURT: I SUSTAIN THE OBJECTION.

20 HOWEVER, I WILL HEAR IT SINCE IT'S A PROFFER. GO  
21 AHEAD. YOU CAN ANSWER THAT PLEASE, MA'AM.

22 A I THOUGHT HE WAS GOING TO TRY AND HURT ME.

23 THAT, I MEAN, IT JUST HAPPENS IN SUCH A BRIEF SECOND  
24 YOU DON'T AUTOMATICALLY THINK THAT HE IS GOING TO DO  
25 EXACTLY THIS TO ME OR HE IS GOING TO DO EXACTLY THAT

1 TO ME, BUT I DEFINITELY FELT THREATENED. I FELT  
2 BECAUSE I'M A YOUNG WOMAN THAT HE MAY POSSIBLE INJURE  
3 ME OR RAPE ME OR INJURE MY CHILDREN OR HURT MY  
4 CHILDREN.

5 Q NOW YOU SAY THAT WHEN THIS HAPPENED YOU WERE AT  
6 HOME, LIGHTS WERE ON, TV WAS ON?

7 A YES.

8 Q THE CHRISTMAS TREE WAS ON?

9 A YES.

10 Q AND HE CAME IN THROUGH THE PATIO DOOR?

11 A YES, THROUGH THE SLIDING GLASS DOOR.

12 Q AND HE LEFT THAT WAY TOO?

13 A YES.

14 Q AND DID YOU KNOW THIS PERSON?

15 A NO. NEVER SEEN HIM BEFORE.

16 Q STRANGER TO YOU?

17 A YES.

18 Q AND THIS WAS AGAIN ABOUT, I BELIEVE YOU SAID  
19 ABOUT ONE O'CLOCK IN THE MORNING?

20 A YES, SOMEWHERE ALONG IN THAT TIME FRAME.

21 Q OKAY. AND YOU CALLED THE POLICE?

22 A YES, I IMMEDIATELY CALLED THE POLICE. WHAT I  
23 DID WAS, AS SOON AS HE BASICALLY LET GO OF THE  
24 ROCKING CHAIR AND OPEN THE SLIDING GLASS DOOR AND  
25 JUMPED OFF THE BALCONY, I IMMEDIATELY GOT UP, CLOSED

1 THE DOOR BEHIND HIM, AND LOCKED IT TO MAKE SURE NO  
2 ONE COULD COME BACK IN, AND THEN I WENT STRAIGHT TO  
3 THE PHONE AND CALL THE POLICE.

4 Q DID THIS PERSON HAVE ANY MASK ON?

5 A NO, NO MASK.

6 Q WAS HE WEARING ANY GLOVES?

7 A NO, NOT THAT I COULD TELL.

8 Q DID YOU SEE ANY WEAPON?

9 A NO, NO WEAPON.

10 Q MRS. PHILLIPS, THANK YOU. PLEASE ANSWER ANY  
11 QUESTIONS, MR. GREELEY MAY HAVE SOME QUESTIONS AND  
12 MR. THOMPSON MAY HAVE SOME QUESTIONS?

13 A OKAY.

14 THE COURT: MR. GREELEY.

15 MR. GREELEY: MAY IT PLEASE THE COURT.

16 CROSS EXAMINATION BY MR. GREELEY:

17 Q GOOD MORNING, MRS. PHILLIPS.

18 A GOOD MORNING.

19 Q NOW YOU WERE ASLEEP?

20 A YES.

21 Q IS THAT CORRECT. OKAY. AND YOU SAY THE  
22 CHRISTMAS TREE LIGHTS WERE ON?

23 A YES, SIR.

24 Q AND THE TV WAS ON?

25 A YES, SIR.

1 Q YOU HAD FALLEN ASLEEP. WERE THERE OTHER LIGHTS  
2 ON?

3 A YES, THERE WAS. IF YOU GO INTO, IT'S LIKE A  
4 DINING ROOM LIGHT, IF YOU GO FROM THE PATIO YOU HAVE,  
5 BASICALLY THE DEN AND THE DINING ROOM IS ONE LARGE  
6 ROOM, AND THE DINING LIGHTS WERE ON.

7 Q OKAY. AND YOU WOKE UP AND THIS PERSON WAS  
8 THERE?

9 A YES.

10 Q AND YOU IMMEDIATELY SCREAMED?

11 A YES.

12 Q OKAY. AND THE PERSON PUT THEIR HAND OVER YOUR  
13 MOUTH?

14 A YES, SIR.

15 Q OKAY. AND YOU WERE STRUGGLING, KICKING,  
16 HITTING, DEFENDING YOURSELF?

17 A YES, SIR.

18 Q AND THEN THE PERSON PICKED UP A ROCKING CHAIR TO  
19 HOLD YOU DOWN?

20 A YES, THAT'S CORRECT.

21 Q DID THE PERSON LET GO OF YOUR MOUTH TO DO THAT?

22 A YES, FOR A BRIEF MOMENT LET GO OF MY MOUTH. THE  
23 ROCKING CHAIR HAS WOODEN PIECES LIKE, IT'S LIKE POSTS  
24 ON IT, TO WHERE YOU CAN ACTUALLY TAKE YOUR HAND AND  
25 PUT BETWEEN THE BACK OF THE ROCKING CHAIR.



1 Q SO IT'S GOT LITTLE POSTS IN THE BACK?

2 A YES, SIR. IT'S NOT SOLID WOOD.

3 Q OKAY. AND HE PUT THE ROCKING CHAIR ON YOU?

4 A YES.

5 Q AND THEN HE TRIED TO QUIET YOU AGAIN?

6 A YES.

7 Q OKAY. AND AT SOME POINT IN TIME YOU BELIEVE

8 THAT YOUR DAUGHTER BEGAN COMING DOWN THE HALLWAY?

9 A YES, SIR.

10 Q SO THIS HAD AWAKENED HER?

11 A YES, MY SCREAMING HAD AWAKENED HER.

12 Q AND IT WAS AT THAT POINT IN TIME THAT HE LEFT?

13 A YES.

14 Q OKAY. HOW LONG ARE WE TALKING ABOUT HERE?

15 A TWO MINUTES MAYBE. IT'S REALLY HARD TO TELL.

16 WHEN ALL THIS WAS GOING ON TO ME IT SEEMED LIKE AN

17 ETERNITY, BUT IT MAY HAVE BEEN TWO OR THREE MINUTES,

18 SOMETHING LIKE THAT.

19 Q IN REAL TIME IT WAS PROBABLY A SHORT PERIOD OF

20 TIME?

21 A YEAH, PROBABLY SHORT PERIOD OF TIME.

22 Q OKAY. WHAT WAS HE WEARING, DO YOU RECALL?

23 A HE WAS WEARING GRAY. IT WAS LIKE A SWEAT SHIRT.

24 IT WAS LIKE A GRAY SWEAT SHIRT AND GRAY TOBOGGAN ON.

25 Q AND THIS WAS ON DECEMBER 19?

1 A I'M NOT SURE OF THE EXACT DATE. IT WAS  
2 SOMEWHERE ALONG --

3 Q APPROXIMATELY.

4 MR. MORTON: 16.

5 A THE 16.

6 Q DECEMBER 16. DO YOU RECALL WHEN YOU WERE SHOWED  
7 A PHOTO BY THE ROCK HILL POLICE DEPARTMENT?

8 A WELL, SEVERAL DAYS AFTER THE ATTACK I ACTUALLY  
9 HAD TO GO TO THE POLICE DEPARTMENT WHERE THEY SHOWED  
10 ME DIFFERENT PHOTOGRAPHS. THEN I WENT BACK SEVERAL  
11 MONTHS LATER AND LOOKED AT ADDITIONAL PHOTOGRAPHS.

12 Q OKAY. SO YOU LOOKED AT PHOTOGRAPHS TWICE?

13 A TWO TO THREE TIMES, YES.

14 Q IS THAT CORRECT. AND THEN SEVERAL MONTHS LATER  
15 YOU WENT BACK AND LOOKED AT PHOTOGRAPHS?

16 A YES, THAT'S CORRECT.

17 Q BOTH OF THOSE TIMES WAS AT THE ROCK HILL POLICE  
18 DEPARTMENT?

19 A THAT IS CORRECT.

20 Q DO YOU REMEMBER WHO YOU SPOKE WITH, WHAT  
21 DETECTIVE?

22 A IT WAS AN UNUSUAL NAME.

23 Q WAS IT A GENTLEMAN OR A LADY?

24 A IT WAS A GENTLEMAN. GRAY COLOR HAIR, MITTS,  
25 SOMETHING LIKE THAT. I CAN'T REMEMBER HIS LAST NAME.

1 I KNOW HE HAD A MOTORCYCLE. THAT'S ALL I REMEMBER.

2 Q ALL RIGHT.

3 A IT WAS AN OLDER GENTLEMAN, MAYBE IN HIS 40'S,  
4 SOMEWHERE ALONG THERE.

5 THE COURT: WAIT A MINUTE.

6 A NOW THAT COULD BE THE WHOLE POLICE DEPARTMENT,  
7 COULDN'T IT.

8 Q DID YOU RECEIVE ANY MEDICAL TREATMENT?

9 A NO, I DID NOT.

10 Q THIS PERSON TO YOUR KNOWLEDGE DIDN'T TAKE  
11 ANYTHING FROM THE APARTMENT?

12 A NO.

13 Q DID THE POLICE DUST FOR FINGERPRINTS?

14 A YES, THEY DID.

15 Q AND AFTER HE LEFT YOU SHUT THE SLIDING GLASS  
16 DOOR AND YOU LOCKED IT?

17 A YES.

18 Q TO MAKE SURE THAT IT WOULD THEN BE SECURE?

19 A YEAH.

20 Q IS IT POSSIBLE THAT THE SLIDING GLASS DOOR THAT  
21 EVENING PRIOR TO THIS WAS NOT LOCKED?

22 A YES, IT IS POSSIBLE.

23 Q OKAY.

24 A I HAD SMALL CHILDREN THAT LIKED TO GO IN AND  
25 OUT.

1 Q RIGHT. YOU ARE ON THE SECOND FLOOR?

2 A RIGHT, I'M ON THE SECOND FLOOR. AFTER THEN IT  
3 WASN'T UNLOCKED ANYMORE.

4 Q I'M SURE. THANK YOU?

5 A UH-HUH.

6 MR. THOMPSON: I HAVE NO QUESTIONS, YOUR  
7 HONOR.

8 THE COURT: REDIRECT.

9 MR. MORTON: NO, SIR, YOUR HONOR.

10 THE COURT: ALL RIGHT. MRS. PHILLIPS, I  
11 WAS GOING TO ASK YOU THIS EVEN BEFORE YOU CALLED ME  
12 OLD. NOBODY ELSE ASKED YOU, YOUR AGE?

13 A I'M 34.

14 THE COURT: OKAY. ALL RIGHT. YOU ARE  
15 FREE TO GO. WE APPRECIATE YOUR TIME, BUT YOU ARE  
16 SUBJECT TO BEING RECALLED IF WE NEED YOU LATER.

17 A OKAY. SINCE I'M OUT OF STATE, WHAT DO I NEED.

18 THE COURT: I DON'T---

19 A MY QUESTION IS I DO NEED TO STAY ANOTHER DAY?

20 THE COURT: NO, I WOULD NOT THINK YOU NEED  
21 TO STAY TODAY.

22 MR. MORTON: WE'LL BE IN TOUCH WITH YOU.  
23 THANK YOU, MAXIE.

24 THE COURT: ALL RIGHT. ANYTHING FURTHER.

25 MR. MORTON: YOUR HONOR, WE DO HAVE ONE

1 MORE WITNESS BUT I DO NOT BELIEVE HE'S PRESENT AT THE  
2 TIME.

3 THE COURT: ALL RIGHT.

4 MR. MORTON: COULD WE, I DON'T KNOW IF YOU  
5 WANT TO HEAR MOTIONS ON OTHER MATTERS?

6 THE COURT: WELL, WHAT IS THIS WITNESS  
7 GOING TO TESTIFY TO? I PRESUME HE'S AN EXPERT OR  
8 SOMETHING.

9 MR. MORTON: YES, SIR.

10 MR. GREELEY: YOUR HONOR, IF I MAY ON  
11 BEHALF OF MR. SANDERS NORMALLY IT'S THE STATE WHO IS  
12 DOING THESE TYPES OF PROFFERS AND WE WOULD HAVE BEEN  
13 ALLOWED TO HAVE WHATEVER OPINION THAT AN EXPERT WAS  
14 GOING TO OFFER. I DON'T KNOW WHO THE EXPERT IS, I  
15 DON'T KNOW WHAT HE'S GOING TO BE OFFERING, AND I  
16 CERTAINLY HAVEN'T RECEIVED ANY REPORT. I WOULD BE  
17 ASK TO BE PROVIDED THAT PRIOR TO HIS TESTIMONY.

18 MR. SMITH: JUDGE, HE HASN'T ISSUED AN  
19 REPORT. HE'S CREATED A CHART WHICH HAS BEEN PROVIDED  
20 TO MR. GREELEY AND THE SOLICITOR'S OFFICE. WE  
21 RECEIVED THIS LAST NIGHT AFTER COURT OF COURSE AND WE  
22 PROVIDED IT TO BOTH PARTIES THIS MORNING.

23 THE COURT: ALL RIGHT. WELL, THE JURY IS  
24 NOT GOING TO BE HERE UNTIL TEN. ARE THERE ANY OTHER  
25 MOTIONS. UNTIL I HEAR HIS TESTIMONY, I'M NOT SURE.

1                   MR. MORTON:  YES, SIR.  NO, SIR.  I WOULD,  
2 AS FAR AS THIS IS CONCERNED, I WOULD RATHER NOT AND  
3 HE SHOULD, WE DO HAVE OTHER THINGS THAT WE CAN DO  
4 BEFORE THE JURY GETS BACK.

5                   THE COURT:  ALL RIGHT.  LET'S WORK ON  
6 THOSE THEN.

7                   MR. MORTON:  ALL RIGHT, SIR.  I BEG THE  
8 COURT'S INDULGENCE.

9                   THE COURT:  WHY DON'T WE TAKE A REAL SHORT  
10 BREAK AND LET EVERYONE REGROUP.  I WILL TELL YOU  
11 THIS, IF YOUR WITNESS IS RUNNING A LITTLE LATE, I  
12 MIGHT BRING THE JURY IN AROUND TEN AND GIVE THEM MY  
13 INITIAL REMARKS, THEY DON'T TAKE THAT LONG, AT LEAST  
14 SO THEY WILL KNOW THEY ARE APPRECIATED, AND WHEN YOUR  
15 WITNESS MAY TAKE A BREAK AND FINISH UP WITH THIS  
16 BEFORE YOU THREE MAKE YOUR OPENING STATEMENTS.  I  
17 THINK THAT WOULD BE A GOOD WAY TO UTILIZE OUR TIME.  
18 LET ME KNOW AS SOON AS YOU ARE READY AND WE WILL TAKE  
19 UP WHATEVER ELSE.  I DON'T KNOW WHAT ELSE IS HANGING  
20 OUT THERE THAT WE DEALT WITH AT THIS TIME, BUT I'M  
21 SURE Y'ALL WILL LET ME KNOW.  THANK YOU.

22                   MR. MORTON:  THANK YOU, JUDGE.

23                                   (COURT'S IN RECESS AT 9:34.)

24                                   (COURT RESUMES AT 9:50.)

25                   MR. SMITH:  YOUR HONOR, WE HAVE THREE

1 MOTIONS I'D LIKE TO MAKE AT THIS TIME. THE FIRST  
2 DEALS WITH THE COMPUTER DISCOVERY EVIDENCE AGAIN. I  
3 DON'T WANT TO BELABOR THIS POINT. I DON'T WANT TO  
4 TRY THE COURT'S PATIENCE BUT I FEEL LIKE WE HAVE TO  
5 LET THE COURT KNOW WHAT HAS HAPPENED IN THIS CASE.  
6 DURING THE NORMAL DISCOVERY PROCESS, JUDGE, WE  
7 RECEIVED A SCREEN CAPTURE WHICH IS A PRINTOUT OF THE  
8 SCREEN OF MR. COPE'S COMPUTER THROUGH THE SOLICITOR'S  
9 OFFICE AND A STATEMENT THAT THERE WAS NOTHING THERE.  
10 WE ALSO RECEIVED A STATEMENT FROM THE INTERNET  
11 SERVICE PROVIDER WHICH INDICATED SPECIFIC LOG ON TIME  
12 OF 12:15 TO 12:18 THAT MORNING. WE HAD OUR  
13 INVESTIGATOR OR AN INVESTIGATOR SPEAK WITH AMANDA  
14 SIMMONS WHO IS THE SLED AGENT THAT WAS EXAMINING  
15 MR. COPE'S COMPUTER, SHE TALKED WITH HIM ON JUNE  
16 FOURTH 2004 AND SAID THERE WAS NO SIGNIFICANT  
17 INFORMATION FOUND.

18 JUDGE, PRIOR TO OUR MOTION HEARINGS  
19 THAT WE HAD I THINK TWO WEEKS AGO WE ATTEMPTED TO  
20 GAIN ACCESS TO THE COMPUTER THROUGH OUR COMPUTER  
21 TECHNICIAN. ALL WE WANTED TO DO WAS EXAMINE THE  
22 COMPUTER. WE WERE WILLING TO GO TO THE POLICE  
23 DEPARTMENT. ALL WE NEEDED WAS INTERNET ACCESS WHICH  
24 THEY HAVE THERE AT THE POLICE DEPARTMENT TO PERFORM  
25 THE SEARCH THAT WE WERE TRYING TO DO. WE NEVER COULD

1 GET A STRAIGHT ANSWER ON WHETHER WE COULD GET ACCESS  
2 TO THAT. THE SOLICITOR'S OFFICE THEN SUGGESTED THAT  
3 THEY MAKE A COPY OF THESE HARD DRIVES THAT I BELIEVE  
4 WERE FIVE IN TOTAL, MAKE AN IMAGE ON CDS, GIVE US A  
5 COPY OF THOSE IMAGES, WE RECEIVED THOSE CDS ON  
6 SEPTEMBER THIRD. OUR COMPUTER TECHNICIAN ATTEMPTED  
7 TO OPEN THESE PROGRAMS. HE COULD NOT BECAUSE THE  
8 PROGRAM THAT SAVED THE HARD DRIVES IS A PROGRAM THAT  
9 SLED HAS. IT'S APPARENTLY A LAW ENFORCEMENT TYPE OF  
10 PROGRAM THAT'S NOT COMMON TO THE EVERYDAY COMPUTER  
11 TECHNICIAN, SO WE WERE NOT ABLE TO ACCESS THE HARD  
12 DRIVES THROUGH THOSE CDS. ON SEPTEMBER SIX WE  
13 RECEIVED AN E-MAIL CONTAINING AMANDA SIMMONS'S, THE  
14 SLED AGENT, REPORT AND IN THIS REPORT IT STATES ON  
15 JANUARY 29, 2002 SHE COMPLETED HER REVIEW OF THE  
16 DIGITAL EVIDENCE ON HARD DRIVES THERE. SHE RETURNED  
17 THE COMPUTERS AT THAT TIME TO THE ROCK HILL POLICE  
18 DEPARTMENT. ON AUGUST 23, 2002, SHE MET WITH  
19 CHARLENE BLACKWELDER AND CHUCK NEAL OF THE  
20 SOLICITOR'S OFFICE AND REVIEWED THE DIGITAL EVIDENCE  
21 ON HARDWARE. THEY AGAIN REVIEWED THE DIGITAL  
22 EVIDENCE ON SEPTEMBER THIRD WITH THE SOLICITOR'S  
23 OFFICE. IN FEBRUARY OF THIS YEAR SLED GAVE A COPY OF  
24 THE DIGITAL EVIDENCE THAT WAS PULLED FROM THE HARD  
25 DRIVE TO ANOTHER INVESTIGATOR, SO THIS INFORMATION



1 HAS BEEN OUT THERE APPARENTLY SINCE AS EARLY AS  
2 AUGUST 23 OF 2002 WHEN SLED DISCUSSED THIS  
3 INFORMATION WITH THE SOLICITOR'S OFFICE. THE FIRST  
4 TIME THAT WE WERE GIVEN ANY INDICATION THAT THERE WAS  
5 ANY SORT OF PORNOGRAPHIC IMAGES ON THE HARD DRIVE WAS  
6 IN A TELEPHONE CONVERSATION BETWEEN OUR OFFICE AND  
7 MR. POPE ON AUGUST 30, 2004. AT THAT TIME WE WERE  
8 INFORMED THERE WAS NO CHILD PORNOGRAPHY, THERE WAS  
9 ADULT PORNOGRAPHY AND, AND THAT THE INTERNAL CLOCK OF  
10 THE HARD DRIVE MAY HAVE BEEN OFF WHICH WOULD EXPLAIN  
11 THEIR CONCLUSION NOW THAT THE COMPUTER WAS ACCESSED  
12 AT A DIFFERENT TIME THAN WHAT WAS ORIGINALLY GIVEN TO  
13 US THROUGH THE INTERNET SERVICE PROVIDER THROUGH THE  
14 SOLICITOR'S OFFICE. AS WE STATED YESTERDAY, JUDGE,  
15 WE WERE GIVEN A DISK, A FOLLOW UP DISK, TO AMANDA  
16 SIMMONS' REPORT YESTERDAY, WHICH CONTAINED  
17 APPROXIMATELY 180 DOCUMENTS. THE COURT MENTIONED  
18 YESTERDAY THAT YOUR HONOR MAY BE INTERESTED OR MAY  
19 TAKE A LOOK AT THESE DOCUMENTS JUST FOR THE COURT'S  
20 INFORMATION, THIS IS NOT, THIS IS VERY COMPLEX  
21 INFORMATION. IT'S NOT, I CONSIDER MYSELF COMPUTER  
22 ILLITERATE, BUT IT'S LIKE READING CHINESE TO ME.  
23 WHAT WE NEED, JUDGE, WE PRESENTED THIS INFORMATION TO  
24 OUR COMPUTER TECHNICIAN AND HE SAID, EVEN THOUGH IT'S  
25 180 PAGES OF INFORMATION, IT'S STILL NOT EVERYTHING

1        THAT WE NEED.  WHAT HE NEEDS TO DO IS HAVE ACCESS TO  
2        THAT COMPUTER.  HE NEEDS TO BE ABLE TO HOOK UP TO THE  
3        COMPUTER, RUN A SEARCH ON THE COMPUTER TO DETERMINE  
4        WHAT TYPE OF FILES WERE ACCESSED AND WHEN THEY WERE  
5        ACCESSED.  AND AGAIN SO AT THIS POINT I GUESS I WOULD  
6        RENEW OUR MOTION FOR JUST A BRIEF CONTINUANCE, JUDGE.  
7        WE'RE NOT ASKING FOR MUCH TIME.  ALL WE'RE ASKING FOR  
8        IS TIME ENOUGH FOR OUR COMPUTER TECHNICIAN TO TAKE  
9        LOOK AT, TO EXAMINE THE HARD DRIVE ITSELF AND GIVE US  
10       A REPORT BACK AND THAT'S GOING TO HAVE A SUBSTANTIAL  
11       EFFECT ON HOW WE PRESENT OUR OPENING STATEMENT AND  
12       THE COURSE OF THE CASE HERE.  WE'RE ASKING FOR JUST A  
13       SHORT DELAY JUST TIME ENOUGH TO ALLOW OUR EXPERT TO  
14       EXAMINE THE COMPUTER.

15                    THE COURT:  WHICH, WHEN CAN THEIR EXPERT  
16        EXAMINE THE COMPUTER?

17                    MR. POPE:  PLEASE THE COURT, YOUR HONOR.  
18        THE CONVERSATIONS I HAVE AND I HAVE NOT SEEN THE 150  
19        PAGE DOCUMENT.  MY UNDERSTANDING IS CATALOGING A  
20        SERIES OF DISKS THAT WERE RECOVERED FROM THE HOUSE.  
21        MY UNDERSTANDING FROM THE EXPERT WHEN I TALKED TO MR.  
22        MORTON AND HAD TALKED TO THE EXPERT LAST MONDAY, IS  
23        THAT THESE DISKS DO, IN FACT, I'M NOW TALKING ABOUT  
24        WAS IT SEVEN DISKS THAT THEY RECEIVED, DVDS DO IN  
25        FACT MIRROR EVERYTHING THAT IS ON THE HARD DRIVE.  MY

1 SUGGESTION WOULD BE THAT THEIR EXPERT PUT THEM IN  
2 CONTACT WITH THE SLED EXPERT. IF THERE IS SOME  
3 REASON THAT THEIR EXPERT CAN'T ACCESS WHAT THE SLED  
4 EXPERT SAYS IS THERE, THEY CAN WORK THAT OUT. IF NOT  
5 THE ALTERNATIVE IS WE WILL BRING THEM AND THEY CAN  
6 ACCESS THE HARD DRIVE. SOME OF THE HARD DRIVES WERE  
7 RECOVERED NOT EVEN IN THE COMPUTER, WERE SITTING IN A  
8 CLOSET AT THE HOUSE, SO THEY HAVE TO BE HOOKED INTO A  
9 COMPUTER TO BE ACCESSED. AGAIN THERE WAS A COPY OF  
10 EVERYTHING MADE. AGAIN IT'S ALMOST LIKE THE ISSUE  
11 WITH THE EVIDENCE PROCESSING, MAYBE THERE IS SOME  
12 UNDERSTANDING, MISUNDERSTANDING THAT COULD BE  
13 ADDRESSED IF THEIR EXPERT WOULD JUST TALK TO THE SLED  
14 EXPERT. AGAIN I DON'T CLAIM TO BE PARTICULARLY  
15 COMPUTER LITERATE BUT I DO UNDERSTAND WHEN THEY SAY  
16 THEY MIRRORED THE ENTIRE HARD DRIVE. NOW FOR SOME  
17 REASON THEIR PERSON CAN'T ACCESS IT THEN MAYBE  
18 BETWEEN THE TWO EXPERTS MAYBE THEY CAN UNDERSTAND IT.  
19 WE HAVE ALREADY DONE THAT WITH THE DNA EXPERT AS FAR  
20 AS HOOKING THEM UP. I'LL BE MORE THAN GLAD TO DO  
21 THAT BUT AS OF LAST WEEK THE DVD DISK THAT WERE  
22 DELIVERED SUPPOSEDLY THE WAY IT'S BEEN REPRESENTED TO  
23 ME WERE EXACTLY THE SAME AS HAVING A COPY OF THE HARD  
24 DRIVE ON THE MACHINE, CONCERNED WITH HAVING A HARD  
25 DRIVE ON THE MACHINE IS THAT IT CAN BE ALTERED.

1                   MR. SMITH: JUDGE, THERE IS NO QUESTION  
2 ABOUT THAT. IT'S A MIRROR IMAGE OF IT. WE CAN'T  
3 ACCESS IT BECAUSE IT'S BEEN SAVED --

4                   THE COURT: WELL, WE ARE GOING TO GET YOU  
5 ACCESS TO IT. I'M ORDERING NOW THAT THEY BE ALLOWED  
6 ACCESS TO THE COMPUTER. IF IT REQUIRES SOMEBODY FROM  
7 SLED GETTING IN THEIR MOTOR VEHICLE AND DRIVING HERE  
8 THAT IT BE DONE, IT WILL BE DONE TODAY. I'M NOT  
9 GOING TO CONTINUE THE CASE FOR THAT REASON. BUT I AM  
10 GOING TO REQUIRE THAT THEY BE ALLOWED THE ACCESS THEY  
11 BELIEVE THEY NEED TO THAT COMPUTER.

12                  MR. POPE: YOUR HONOR, TO FACILITATE THAT  
13 I CAN TRY TO WORK BEHIND THE SCENE WHILE THE CASE IS  
14 GOING FORWARD, HOWEVER THEY WANT TO, YOU KNOW, WE  
15 ALWAYS DO THIS MYSTERY OF WHO THE EXPERT IS, HOWEVER  
16 I CAN CONTACT THEIR EXPERT WITH THE SLED PERSON.  
17 WHAT I DON'T WANT TO DO IS SLED HAPPEN TO COME AND  
18 SAY, WELL, WE DIDN'T REALIZE YOU, THAT IT'S IN A BAG  
19 OR, WHATEVER THEY NEED TO DO TO FACILITATE.

20                  THE COURT: FOR SOME REASON I DON'T  
21 ANTICIPATE THIS IS GOING TO BE THE END OF THIS  
22 INQUIRY BUT I'M GOING TO TAKE MAYBE A LEAST A STEP AT  
23 A TIME AND GET YOUR PERSON AVAILABLE, SLED'S PERSON  
24 AVAILABLE, THE COMPUTER AVAILABLE, AND WHATEVER THEY  
25 FIGHT OVER, BRING IT BACK IN HERE.

1 MR. SMITH: YES, SIR.

2 MR. POPE: IF YOU'LL JUST TELL ME WHO IT  
3 IS AND I'LL CALL SLED AND SAY BILL JONES IS GOING TO  
4 CALL YOU, WORK IT OUT, MAKE SURE HE HAS EVERYTHING.

5 THE COURT: WELL, THEY GOT TO DO THAT.  
6 THEY GOT TO PLAY SOME OF THEIR CARDS IF THEY WANT TO  
7 PLAY THE GAME. I MEAN THAT CARD, I MEAN, THEY ARE  
8 NOT PLANNING TO BRING A GUY IN THERE WITH A BAG OVER  
9 HIS HEAD AND EYE HOLES CUT OUT SO YOU WON'T KNOW HIM  
10 I PRESUME, BUT YOU GOT TO BE ABLE.

11 MR. POPE: WE'VE BEEN PRETTY CLOSE.

12 THE COURT: WELL, I KNOW EVERYONE IS  
13 HOLDING THEIR CARDS CLOSE TO THE VEST AND I DON'T  
14 BLAME THEM, BUT IT'S TIME TO PLAY THE CARDS.

15 MR. SMITH: JUDGE, THERE IS NO PROBLEM  
16 WITH THAT. WE JUST WANT ACCESS TO THE COMPUTER.

17 MR. POPE: GIVE ME HIS NAME AND NUMBER AND  
18 I'LL GO CALL SLED AND TELL THEM.

19 MR. SMITH: WE'LL DO THAT.

20 THE COURT: I'M NOT GOING TO HOLD UP THIS  
21 CASE, I AM NOT GOING TO CONTINUE THE CASE AND PUT OFF  
22 OPENING STATEMENTS. ALL RIGHT. WHAT'S THE NEXT  
23 MOTION?

24 MR. SMITH: JUDGE, THERE WERE SEVERAL  
25 ADULT MAGAZINES AND ONE CABLE VERSION OF AN ADULT VHS

1 VIDEO TAPE RECOVERED FROM THE MASTER BEDROOM OF THE  
2 COPE RESIDENCE. IT WAS ON THE TOP SHELF OF THE  
3 BEDROOM CLOSET. NO INDICATION OF WHO OWNED THAT.  
4 WHOSE IT WAS. THERE IS ALSO, BASED ON THE 180 PAGES  
5 OF COMPUTER INFORMATION THAT WE RECEIVED YESTERDAY,  
6 APPROXIMATELY 12 IMAGESS, I DON'T KNOW IF THOSE ARE  
7 THE ONLY IMAGES THAT HAVE BEEN RECOVERED FROM THE  
8 COMPUTER OR IF THERE ARE MORE, BUT THERE APPEAR TO BE  
9 12 IMAGESS, THEY ARE ENTITLED DELETED PORNOGRAPH  
10 IMAGES. ALL BUT ONE OF THOSE IMAGES INDICATED THAT  
11 THEY WERE LAST ACCESSED ON NOVEMBER 12, 2001, WHICH  
12 WAS SEVERAL WEEKS BEFORE NOVEMBER 29 THE DATE OF THE  
13 INSTANCE. THERE IS ALSO ONE BANNER, COMPUTER BANNER,  
14 JUST HAD STATEMENTS, THERE ARE NO PICTURES, IT SAYS  
15 IT WAS LAST ACCESSED ON NOVEMBER 17. JUDGE, WE WOULD  
16 ASK THE COURT TO EXCLUDE ANY REFERENCE TO THE ADULT  
17 MAGAZINES, TO THE VHS TAPE, AND TO THESE PORNOGRAPHIC  
18 IMAGES THAT ARE SUPPOSEDLY ON THE COMPUTER THAT WAS  
19 IN THE HOUSE. WE'VE GOT A CASE STATE VERSUS NELSON  
20 THAT WE'D LIKE TO HAND UP TO THE COURT WHICH  
21 INDICATES IN A CRIMINAL SEXUAL CONDUCT TRIAL THERE  
22 WAS A LAUNDRY LIST OF EVIDENCE THAT WAS EXCLUDED,  
23 INCLUDING CHILDREN'S TOYS, VIDEOS, PHOTOGRAPHS OF  
24 YOUNG GIRLS IN UNDERWEAR.

25 THE COURT: THE PUNKY BREWSTER CASE.

1                   MR. SMITH:  YES, SIR, THAT'S CORRECT.  
2                   JUDGE, WE DON'T BELIEVE THAT THE EVIDENCE, THE  
3                   MAGAZINES, VIDEO TAPE, OR PORNOGRAPHIC IMAGES ON THE  
4                   COMPUTER ARE EVEN RELEVANT TO THE CHARGES OF RAPE AND  
5                   MURDER THAT MR. COPE IS FACING.  EVEN IF THE COURT  
6                   FINDS THAT THEY ARE RELEVANT, THEY ARE HIGHLY  
7                   PREJUDICIAL, YOUR HONOR.  THE JURY WOULD BE  
8                   PREJUDICED TO THE POINT THAT IT WOULD INFER CRIMINAL  
9                   DISPOSITION IN REGARDS TO AMANDA COPE AND WE WOULD  
10                  ASK THE COURT TO EXCLUDE ALL OF THIS EVIDENCE.

11                  THE COURT:  LET ME HEAR FROM MR. BRACKETT.  
12                  THIS DOES SOUND LIKE CHARACTER EVIDENCE TO ME.

13                  MR. BRACKETT:  WELL, AT FIRST BLUSH EXCEPT  
14                  THAT IT IS TIED IN WITH THE CASE.  WHEN THE DEFENDANT  
15                  GAVE HIS FIRST CONFESSION HE INDICATED THAT HE HAD  
16                  SOME PORNOGRAPHIC MATERIAL IN THE HOUSE THAT HE TOOK  
17                  OUT OF THE HOUSE AND ATTEMPTED TO DISPOSE OF BECAUSE  
18                  HE WAS AFRAID THAT IT WOULD MAKE HIM LOOK GUILTY.

19                  THE COURT:  I ALWAYS HATE TO STOP BUT  
20                  SOMETIMES YOU GO IN A DIFFERENT TANGENT.  I HADN'T  
21                  HEARD THE ANSWER TO THIS QUESTION, I HADN'T ASKED IT,  
22                  HE SAYS HE THREW STUFF OUT THE BACK DOOR, WAS IT  
23                  FOUND OUT THE BACK DOOR?

24                  MR. BRACKETT:  NO, SIR, IT WAS FOUND IN  
25                  THE HOUSE.  IT WAS FOUND IN THE HOUSE AND.

1                   THE COURT:  WELL, HOW DOES THAT THEN TIE  
2 INTO, HE SAID HE THREW STUFF OUT THE DOOR, I THINK  
3 THAT WOULD BE ADMISSIBLE EVIDENCE, IF INDICATING SOME  
4 ACTION HE TOOK THAT NIGHT, THAT'S WHY I WANTED TO  
5 KNOW THE ANSWER TO THAT.  GO AHEAD.  YOU WERE TRYING  
6 TO TIE IN HIM SAYING HE THREW SOMETHING OUT THE DOOR  
7 WITH THERE BEING PORNOGRAPHIC INFORMATION IN THE  
8 HOUSE.

9                   MR. BRACKETT:  WELL, HE ALSO SAID THAT HE  
10 THREW A, THERE WAS A DILDO FROM THE HOUSE WHICH HE  
11 SAID HE THREW OUT THE BACK DOOR WHICH WAS FOUND IN  
12 THE HOUSE AS WELL.  YOUR HONOR, I SUBMIT AND THE  
13 STATE'S THEORY IS THAT HE MAY HAVE THROWN IT OUT THE  
14 BACK DOOR INITIALLY AND THEN CONCLUDED IT'S EVEN MORE  
15 OBVIOUS LAYING OUT IN THE BACKYARD THAN IT IS OR IN  
16 THE GARAGE CAN THAN IT IS, YOU KNOW, HIDDEN UP IN THE  
17 CLOSET WHERE IT WAS ULTIMATELY RECOVERED.  THE  
18 DEFENDANT ON THE VIDEO, AS YOUR HONOR RECALLS, WENT  
19 AND POINTS OUT THE LOCATION OF IT.  IT'S PART OF THE  
20 VIDEO TAPED CONFESSION HE GAVE AS WELL.  IT DEPICTS  
21 TO SOME EXTENT THE EFFORTS THAT HE UNDERTOOK TO CLEAN  
22 UP THE HOUSE, THE CRIME SCENE, AFTER THE CRIME HAS  
23 BEEN COMMITTED WHICH IS AN IMPORTANT PART OF THE  
24 CASE, THE STATE'S CASE AND THE STATE'S THEORY IS THAT  
25 AFTER THIS CRIME WAS COMMITTED THERE WAS AN EXTENSIVE



1 CLEAN UP PERIOD THAT TOOK PLACE AND IT INVOLVED THIS  
2 PORNOGRAPHY.

3 THE OTHER ISSUE IS IS THAT THE  
4 DEFENDANT DENIED ON A COUPLE OF OCCASIONS THAT THERE  
5 WAS ANY PORNOGRAPHY ON HIS HARD DRIVE AND THE FOUR  
6 HOUR AUDIO TAPE.

7 THE COURT: THE DENIAL OF THAT, I MEAN,  
8 WHAT IF HE DENIED HE HAD NATIONAL FOOTBALL GAMES ON  
9 THERE WITHOUT CONSENT OF THE NATIONAL FOOTBALL  
10 LEAGUE. IF HE'S GOT STUFF ON THERE THAT HE MAYBE  
11 SHOULDN'T HAVE, HOW DOES THAT TIE INTO HIM --

12 MR. BRACKETT: THAT WASN'T WHERE I WAS  
13 GOING WITH THAT.

14 THE COURT: OH, I'M SORRY.

15 MR. BRACKETT: THE POINT OF THAT WAS IF WE  
16 ARE GOING TO EXCLUDE THIS AND WE HAVE THESE DENIALS  
17 IN THERE THEN THOSE NEED TO BE TAKEN OUT AS WELL  
18 BECAUSE I DON'T WANT THE JURY TO BE SITTING THERE  
19 HEARING THAT HE'S DENYING THAT AND THEN WE DON'T  
20 PRESENT OF ANY IT AND THEN THEY THINK THAT WELL THAT  
21 MUST BE TRUE, HE WAS TELLING THE TRUTH ABOUT THAT,  
22 AND IT ISN'T IN FACT TRUE.

23 MR. SMITH: THAT'S FINE, YOUR HONOR.

24 THE COURT: WELL, I'M GOING TO GRANT THE  
25 MOTION. I FIND THIS IS CHARACTER EVIDENCE. IF IT

1 ACTUALLY HAD BEEN FOUND SOME OUTSIDE I THINK THAT  
2 WOULD HAVE BEEN ADMISSIBLE BECAUSE THAT WOULD TIE IN  
3 WITH HIS STATEMENT AND SHOW CULPABILITY. THAT IS, IN  
4 AN ATTEMPT TO DISPOSE OF EVIDENCE SORT OF ALONG THE  
5 SAME ANALOGY TO A FLIGHT. BUT JUST SIMPLY HAVING  
6 THIS MATERIAL, UNLESS THERE IS SOMETHING ELSE TO  
7 CONNECT IT TO THIS OFFENSE, I HADN'T HEARD, WE USE  
8 THE WORD PORNOGRAPHY, BUT I HAVEN'T HEARD ANY  
9 TESTIMONY THAT ANY OF IT WAS ILLEGAL, THAT ANY OF IT  
10 WAS CONNECTED TO THE OFFENSE OTHER THAN TO SHOW JUST  
11 LIKE WITH THE PUNKY BREWSTER CASE THAT THIS MAN MIGHT  
12 ENJOY SOME PORNOGRAPHY. HE'S NOT ACCUSED OF WATCHING  
13 PORNOGRAPHY. HE'S ACCUSED OF COMMITTING CRIMINAL  
14 SEXUAL CONDUCT AND MURDER.

15 MR. BRACKETT: THAT'S FINE. I JUST WANT  
16 TO MAKE SURE, IT WILL BE REDACTED FROM THE INITIAL  
17 CONFESSION THROUGH MR. BAKER AND REDACTED FROM THE  
18 VIDEO CONFESSION AND ANY OTHER PLACE, ANY REFERENCE  
19 WHATSOEVER TO PORNOGRAPHY, ANY QUESTIONING BY THE  
20 DETECTIVES IN THE FOUR HOUR VIDEO TAPE, WE'LL HAVE TO  
21 REDACT THAT OUT. IT WILL JUST BE A BLANK SPACE,  
22 THERE ARE SEVERAL OF THEM IN THERE, SO IT SHOULDN'T  
23 APPEAR TOO UNUSUAL. I JUST MAKE TO MAKE SURE THAT  
24 WE'RE NOT GOING TO REFERENCE IT AND THEY ARE NOT  
25 GOING TO REFERENCE IT.

1 THE COURT: NOW IF THEY REFERENCE IT, I  
2 DON'T KNOW WHY THEY WANT TO REFERENCE IT, BUT IF THEY  
3 OPEN THE DOOR, SO YOU, AND THEY ARE NOT ASKING THAT  
4 THEY NOT, THEY ARE NOT ASKING TO TELL THEM NOT TO PUT  
5 IT IN, DO YOU WANT TO MOVE THAT THEY BE EXCLUDED FROM  
6 PUTTING IT IN?

7 MR. BRACKETT: NO, SIR. I JUST WANT TO  
8 POINT OUT THAT IF THEY DO, THEY ARE OPENING THE DOOR  
9 AND WE WON'T HAVE THAT PROBLEM LATER ON.

10 THE COURT: THEY KNOW ABOUT THAT DOOR. WE  
11 HAVE TALKED ABOUT THAT DOOR A FEW TIMES ALREADY. I'M  
12 GOING TO GRANT THEIR MOTION. I THINK WE UNDERSTAND  
13 EACH OTHER.

14 MR. SMITH: YOUR HONOR, I HAVE ONE MORE  
15 MOTION THEN SOME OTHER CO-COUNSEL HAVE MOTIONS AS  
16 WELL. MY FINAL MOTION REGARDS THE TESTIMONY OF THE  
17 YOUNGER GIRLS JESSICA COPE AND KYLA COPE. YOUR  
18 HONOR, THESE GIRLS, AS THE COURT HAS BEEN MADE AWARE,  
19 HAVE MADE STATEMENTS OVER THE PAST TWO AND THREE  
20 QUARTERS YEARS TO THE POLICE, TO THE SOLICITOR, TO  
21 DSS CASE WORKERS ---

22 THE COURT: AGAIN I ALWAYS HATE TO STOP  
23 YOU BUT WHY DO WE NEED TO TAKE THAT UP RIGHT NOW?  
24 CAN'T WE GET STARTED ON THIS CASE AND JUST TO STAY  
25 AWAY FROM ALL THAT WHEN THE SOLICITOR'S MAKE THEIR

1 OPENING STATEMENT. WE GOT A JURY SITTING OUT THERE  
2 AND I WANT TO UTILIZE THE JURY. WE CAN DO THESE,  
3 COME IN TOMORROW MORNING AT AN HOUR BEFORE THE JURY,  
4 AND HASH OUT THESE THINGS THAT AREN'T HOT FOR RIGHT  
5 NOW.

6 MR. SMITH: YES, YOUR HONOR. THE MOTION  
7 ITSELF IS TO HAVE THESE GIRLS PSYCHOLOGICALLY  
8 EVALUATED BECAUSE WE BELIEVE THAT THEIR CHANGED  
9 TESTIMONY IS THE RESULT OF A, IT'S A PSYCHOLOGICAL  
10 PHENOMENA THAT THEY HAVE NOW, THE SOLICITOR'S OFFICE  
11 HAS ALLOWED TO THIS THAT THESE WERE REPRESSED  
12 MEMORIES THAT ARE NOW COMING FORWARD. WE BELIEVE  
13 THAT PURSUANT TO, IN THE INTEREST OF MICHAEL WADE, A  
14 RECENT CASE THAT WAS ISSUED BY THE SUPREME COURT, IN  
15 WHICH A CHILD VICTIM ALLUDED TO HEARING VOICES, THERE  
16 WAS OR CONCERNS ABOUT THIS CHILD'S MENTAL HEALTH, THE  
17 COURT DENIED A PSYCHOLOGICAL EVALUATION OF THIS  
18 WITNESS, THE SUPREME COURT OVERTURNED THAT. WE  
19 BELIEVE THAT IT WOULD BE APPROPRIATE TO HAVE OUR  
20 EXPERT, SHE IS READY, WILLING, AND ABLE TO CONDUCT AN  
21 EXAMINATION OF THESE GIRLS REGARDING REPRESSED  
22 MEMORIES. THIS CASE, YOUR HONOR, AND IF I MAY HAND  
23 IT UP, SETS FORTH THE ELEMENTS THAT WOULD BE  
24 NECESSARY FOR THE COURT TO MAKE A FINDING THAT AN  
25 EXAMINATION IS APPROPRIATE.

1 THE COURT: ALL RIGHT.

2 MR. SMITH: AND JUDGE, I BELIEVE THAT WE  
3 CAN MEET THAT STANDARD. THE NATURE OF THE EXAM  
4 REQUESTED.

5 THE COURT: WHY DON'T YOU LET ME READ THIS  
6 CASE AND THEN WE WILL CHAT ABOUT IT LATER. I WILL  
7 ASK AT THIS TIME, DO YOU HAVE ANYTHING, AND I HAVEN'T  
8 READ THE ELEMENTS, DO YOU HAVE ANYTHING TO LAY A  
9 FOUNDATION REGARDING THE NEED FOR THIS? YOU ARE  
10 SPECULATING NOW. DO YOU HAVE ANY KIND OF FOUNDATION  
11 THAT SAYS THAT THERE IS ANY REASON TO SUGGEST THAT  
12 THIS IS IN FACT REPRESSED MEMORY OTHER THAN --

13 MR. SMITH: ONLY THE SOLICITOR'S COMMENTS,  
14 YOUR HONOR.

15 THE COURT: OKAY. ALL RIGHT. I'M GOING  
16 TO TAKE THIS UNDER ADVISEMENT. I'LL BE GLAD TO HEAR  
17 FROM YOU BRIEFLY BUT I WOULD LIKE TO READ THE CASE.

18 MR. BRACKETT: WE NEVER SAID THIS WAS A  
19 REPRESSED MEMORY. THAT'S NOT WHAT THE STATE'S  
20 CONTENTION WAS.

21 MR. MORTON: WE DON'T WANT TO GET INTO  
22 THAT BUT THAT'S EXACTLY WHAT THEY SAID, THEY WOULD BE  
23 FREED NOW FROM THIS BURDEN THAT THEY HAVE SINCE THE  
24 FAMILY COURT ACTION, EXACTLY WHAT THEY SAID.

25 THE COURT: WELL, IF YOU DON'T MIND I'LL

1 READ THIS CASE AND THEN WE'LL TALK ABOUT IT MORE.  
2 WHAT ELSE? WHAT'S NEXT?

3 MR. SMITH: I BELIEVE MR. BAITY HAS A  
4 MOTION AT THIS TIME.

5 MR. BAITY: MAY IT PLEASE THE COURT, YOUR  
6 HONOR. I'LL TRY TO BE AS BRIEF AS POSSIBLE. AS A  
7 MATTER OF FACT, I REDUCED MY ARGUMENT TO A MEMORANDUM  
8 WHICH WAS AUTHORED IN THE WEE HOURS LAST NIGHT AND  
9 I'LL HAND IT UP WITH YOUR PERMISSION.

10 THE COURT: ALL RIGHT.

11 MR. BAITY: I THINK THIS IS THE ORIGINAL.

12 THE COURT: IT DOESN'T MATTER.

13 MR. BAITY: YOUR HONOR, AT THE RISK OF  
14 IRRITATING YOU.

15 THE COURT: NO, YOU WEREN'T HERE WHEN I  
16 GAVE MY EARLIER REMARKS. YOU CAME IN LATE. I  
17 ALREADY APOLOGIZED.

18 MR. BAITY: I WASN'T SEEKING THAT EITHER,  
19 BUT I'LL CERTAINLY TAKE IT.

20 THE COURT: ALL RIGHT.

21 MR. BAITY: BUT JUST AS TO MR. SMITH'S  
22 MOTION, WE'RE TRYING TO SAVE A DELAY FURTHER DOWN  
23 WHEN THE TESTIMONY OF THE GIRLS MIGHT BE OFFERED, WE  
24 MIGHT HAVE TO ASK THE COURT TO STOP AND ALLOW US TO  
25 EXAMINE THEM AND THAT'S WHY WE'RE BRINGING IT UP NOW.

1 BUT MOVING ON, YOUR HONOR. THE MOTION IN LIMINE THAT  
2 I HANDED UP INVOLVES REFERENCES TO THE AUTOPSY REPORT  
3 WHICH I, OF COURSE, IS NOT IN EVIDENCE YET, BUT  
4 ESSENTIALLY, YOUR HONOR, DR. MAYNARD WHO IS THE  
5 PATHOLOGIST THAT EXAMINED BODY THE AND PERFORMED THE  
6 AUTOPSY MADE TWO REFERENCES IN HIS SUMMARY AND IN  
7 OTHER PLACES IN THE AUTOPSY REPORT IN WHICH HE STATED  
8 THAT HE FOUND CERTAIN INTERNAL CHANGES THAT WERE  
9 SUGGESTIVE OF CERTAIN THINGS. IT WAS INFLAMED  
10 MATERIAL, INFLAMED TISSUE ON THE INSIDE OF THE VAGINA  
11 AND INFLAMED MATERIAL ON THE INSIDE OF THE ANUS. HE  
12 STATED IN HIS REPORT THAT IT WAS SUGGESTIVE OF  
13 CHRONIC ABUSE OR IRRITATION AND THEN HE ALSO SAID  
14 PERHAPS SEXUAL ABUSE.

15 YOUR HONOR, HE TESTIFIED IN THE FAMILY  
16 COURT CASE AND IN MY CROSS EXAMINATION I ASKED HIM  
17 DID HE, WAS HE SAYING TO A REASONABLE DEGREE OF  
18 MEDICAL CERTAINTY THAT AMANDA COPE HAD BEEN SEXUALLY  
19 ABUSED PRIOR TO HER RAPE AND MURDER. HE SAID, "NO  
20 I'M NOT SAYING THAT," AND THAT IS VERY CLEARLY SET  
21 FORTH IN THE TRANSCRIPT. HE SAID TO A REASONABLE  
22 DEGREE OF MEDICAL CERTAINTY I HAVE NOT MADE THAT  
23 DIAGNOSIS. MR. D'AGOSTINO ATTEMPTED TO REHABILITATE  
24 HIM AND HE SAID WITH REGARD TO THE EVIDENCE OF  
25 CHRONIC INFLAMMATORY CELLS YOU WERE ASKED ABOUT ON

1 CROSS EXAMINATION, DO YOU HAVE AN OPINION WITHIN A  
2 REASONABLE DEGREE OF MEDICAL CERTAINTY AS TO WHETHER  
3 A FOREIGN OBJECT WAS INSERTED INTO AMANDA COPE'S  
4 VAGINAL CANAL ON OCCASIONS PRIOR TO HER DEATH. AND  
5 HE SAID TO A REASONABLE DEGREE OF MEDICAL CERTAINTY  
6 NO, I DON'T. HE SAID HOW ABOUT AS TO HER RECTUM AND  
7 HE SAID NO, TO A REASONABLE DEGREE OF MEDICAL  
8 CERTAINTY I DON'T HAVE THAT OPINION. HE SAID THERE  
9 ARE MERE, THERE ARE SUGGESTIONS TO THAT.

10 YOUR HONOR, MY CLIENT HAS BEEN CHARGED  
11 WITH CRIMINAL SEXUAL CONDUCT TWO COUNTS AGAINST  
12 AMANDA COPE AND IN THE INDICTMENT IT STATES THAT THAT  
13 OCCURRED ON 11/29/01. IT DOES NOT MAKE ANY REFERENCE  
14 TO ANY PRIOR SEXUAL ABUSE. IT DOESN'T MENTION  
15 ANYTHING HAPPENING IN OCTOBER OR NOVEMBER OR ANYTIME  
16 PRIOR TO 11-29-01, SO IN LIGHT OF THE FACT THAT DR.  
17 MAYNARD'S REPORT REFERS TO SEXUAL ABUSE THAT'S NOT  
18 INCLUDED IN THE INDICTMENT AND IS NOT EVEN, DOESN'T  
19 EVEN RISE TO THE LEVEL OF AN OPINION OF MEDICAL  
20 CERTAINTY, I WOULD ASK THAT THE COURT RESTRAIN THE  
21 SOLICITOR FROM MAKING ANY REFERENCE TO PRIOR SEXUAL  
22 ABUSE OF AMANDA IN HIS OPENING REMARKS OR AT ANY  
23 OTHER TIME IN THE TRIAL. NOW AGAIN THAT MIGHT EVEN  
24 BE A PRIOR BAD ACT, THEY MAY TRY TO BRING IN UNDER  
25 LYLE OR SOMETHING OF THAT NATURE, BUT CERTAINLY



1 HADN'T LAID THAT FOUNDATION, SO WE WERE WORRIED ABOUT  
2 TODAY SAYING THIS HAS BEEN GOING ON FOR A LONG TIME,  
3 WHEN HE HAVE NO MEDICAL OPINION THAT IT HAS, AND EVEN  
4 IT'S NOT EVEN PART OF OUR CASE TODAY. THAT IS ALL I  
5 HAVE. THANK YOU.

6 THE COURT: SOMEBODY FROM THE SOLICITOR'S  
7 OFFICE.

8 MR. THOMPSON: YES, YOUR HONOR. I WOULD  
9 POINT OUT THE DEFENDANT IN HIS STATEMENTS ADMITTED  
10 WHEN HE HAD MOLESTED THE VICTIM THAT NIGHT, THAT HE  
11 HAD ALSO STARTED A COUPLE MONTHS BEFORE IN INSERTING  
12 A DILDO INTO HER, INSERTING HIS FINGERS INTO HER BOTH  
13 VAGINALLY AND ANALLY, AND THAT HE DID THAT ON SEVERAL  
14 OCCASIONS. HE ALSO TALKED ABOUT USING THE KY JELLY  
15 AND USING IT AS A LUBRICANT WHEN HE WAS DOING THOSE  
16 THINGS TO AMANDA. I WOULD POINT OUT AS WELL DR.  
17 MAYNARD, HIS TESTIMONY ISN'T CLEARLY REFLECTED HERE,  
18 HE HAS SINCE LOOKED AT OTHER THINGS AND HIS TESTIMONY  
19 I BELIEVE WILL BE A LITTLE BIT DIFFERENT THAN IN THE  
20 FAMILY COURT. HIS OPINION WILL BE THAT THERE IS NO  
21 OTHER EXPLANATION BUT THAT SOMETHING WAS INSERTED  
22 INSIDE HER, HER ANUS ON SEVERAL OCCASIONS, THAT  
23 CAUSED THE TYPE OF CHRONIC INFLAMMATION THAT WAS IN  
24 HER ANUS FOUR OR MORE INCHES HIGH INTO THE ANUS, THAT  
25 WOULD NOT BE SOMETHING LIKE AN ENEMA, THAT WOULD NOT

1 BE SOMETHING LIKE HER FINGER, IT WOULD NOT BE THINGS  
2 OF THAT NATURE, THOSE THINGS WOULD BE UNCOMFORTABLE  
3 TO A CHILD. AS WELL HE WOULD SAY THAT THERE IS SIGNS  
4 OF CHRONIC INFLAMMATION WITHIN THE VAGINA THAT WOULD  
5 BE SOMETHING THAT AS THEY, THEY ARE QUESTIONING I  
6 BELIEVE THEY TALK ABOUT COULD BE CONSISTENT WITH  
7 MASTURBATING WITH A DILDO AND THE DOCTOR'S ANSWER WAS  
8 YES. SO OBVIOUSLY WHAT THE DEFENDANT SAYS IS THAT  
9 HAS HAPPENED.

10 NOW WHAT MAKES THAT CERTAINLY RELEVANT  
11 AND CERTAINLY ADMISSIBLE IN THIS CASE IS THAT HERE WE  
12 HAVE THE DEFENDANT WHO HAS MADE NO QUALMS ABOUT WHAT  
13 HIS DEFENSE IS, IT'S A FALSE CONFESSION, HE DIDN'T DO  
14 IT, AND HE DIDN'T HAVE ANYTHING TO DO WITH MOLESTING  
15 HER, AND NEVER HAS. THEN THEY TURN POINT NOW AS THEY  
16 ARE DOING WITH MR. SANDERS TO SAY MR. SANDERS IS THE  
17 ONE WHO CAME IN AND DID THIS AND DID IT ON HIS OWN.  
18 OBVIOUSLY SIGNS OF CHRONIC ABUSE TO THE VICTIM AND  
19 THE DEFENDANT ADMITTING TO THAT CHRONIC ABUSE SHOW  
20 IDENTITY OF ONE OF THE PERPETRATORS AND THE IDENTITY  
21 IS BILLY WAYNE COPE.

22 THE COURT: ALL RIGHT. I'M GOING TO DENY  
23 THE MOTION BASED ON THE REPRESENTATION THAT THERE  
24 WILL BE STRONGER EVIDENCE. BASED ON WHAT I LOOKED AT  
25 HERE IS PRETTY IFFY, BUT BASED ON THE FACT THAT IT'S

1 REFERENCED IN THE CONFESSIONS, I FIND THAT IT IS  
2 RELEVANT. WHILE IT IS PREJUDICIAL, I FIND THAT  
3 PROBATIVE VALUE OUTWEIGHS PREJUDICE.

4 MR. BAITY: IF I CAN MAKE ONE FURTHER  
5 SUGGESTION, YOUR HONOR. WE HAVE OF COURSE A COPY OF  
6 DR. MAYNARD'S TESTIMONY AND WHAT MR. THOMPSON JUST  
7 SAID IS PRECISELY WHAT HE SAID DURING THE FAMILY  
8 COURT CASE UNDER BOTH DIRECT AND CROSS EXAMINATION,  
9 SO HE HADN'T CHANGED HIS TESTIMONY AT ALL, BUT HIS  
10 CONCLUSION WAS THAT HE DID NOT HAVE AN OPINION WITH  
11 RESPECT TO REASONABLE DEGREE OF MEDICAL CERTAINTY.  
12 WE WOULD LIKE TO HAND MAYBE THAT TRANSCRIPT UP.

13 THE COURT: I'LL BE GLAD TO LOOK AT IT.  
14 USUALLY AS TO CAUSATION YOU HAVE TO HAVE REASONABLE  
15 DEGREE OF MEDICAL CERTAINTY. THIS ISN'T A CAUSATION  
16 ISSUE. THIS IS AN ISSUE INVOLVING WHETHER THIS  
17 PARTICULAR INDIVIDUAL HAS COMMITTED THIS OFFENSE AND  
18 I THINK IT IS RELEVANT THAT HE HAS ADMITTED, I KNOW  
19 HIS CONFESSION IS UNDER ATTACK, BUT HE HAS ADMITTED  
20 THAT THIS IN FACT OCCURRED PREVIOUSLY AND I THINK  
21 THAT IS RELEVANT AS TO THE ISSUE OF WHETHER OR NOT IT  
22 OCCURRED THAT NIGHT. IT'S DIFFERENT FROM A CAUSATION  
23 ISSUE.

24 MR. BAITY: HE'S NOT CHARGED WITH CRIMINAL  
25 SEXUAL CONDUCT PRIOR TO THAT NIGHT IN QUESTION AND

1 THAT'S WHY WE'RE CONCERNED ABOUT IT AND THERE IS THIS  
2 PROMISE OF MORE EVIDENCE, WE JUST DIDN'T WANT THEM TO  
3 GO INTO IT ON OPENING ARGUMENT UNTIL THIS EVIDENCE OR  
4 SOME SORT OF PROFFER OR FOUNDATION HAS BEEN LAID.

5 THE COURT: DO YOU HAVE ANY PROBLEM WITH  
6 HOLDING OFF UNTIL THE COURT HAS HAD A CHANCE TO RULE  
7 BASED ON MORE CLEAR PRESENTATION OF EVIDENCE?

8 MR. THOMPSON: NO, YOUR HONOR.

9 MR. BAITY: THANK YOU, YOUR HONOR.

10 THE COURT: ALL RIGHT. WHAT NEXT.

11 MR. MORTON: MR. COPE WISHES TO PLEAD TO  
12 UNLAWFUL NEGLIGENCE AT THIS TIME.

13 MR. THOMPSON: YOUR HONOR, THE STATE WOULD  
14 NOT ACCEPT HIS PLEA AT THIS TIME. I BELIEVE I HAVE  
15 CASE LAW AND THEY HADN'T TOLD ME --

16 THE COURT: LET'S TAKE A LOOK AT THAT. I  
17 HAVE ALWAYS THOUGHT THAT ANYBODY COULD PLEAD AT ANY  
18 TIME BUT I THINK THERE IS SOME CASE LAW THAT SAYS  
19 OTHERWISE SO LET'S LOOK AT THE CASE. IF YOU'LL HAND  
20 IT TO ME WE'LL TAKE A SHORT BREAK.

21 (COURT'S IN RECESS AT 10:22)

22 (COURT RESUMES AT 10:40.)

23 THE COURT: I'VE BEEN HANDED THE CASE OF  
24 STATE VERSUS CAN CERR, C-E-R-R, AND LET ME ASK FIRST,  
25 IS THIS A STRAIGHT UP PLEA?

1 MR. MORTON: YES, SIR.

2 THE COURT: THIS CASE DOESN'T APPLY.

3 MR. THOMPSON: YOUR HONOR, I BELIEVE IT  
4 DOES IN THAT IT PUTS OUT THE RIGHT THE DEFENDANT HAS.

5 THE COURT: CERTAINLY DOES.

6 MR. THOMPSON: HIS CONSTITUTIONAL RIGHT IS  
7 THAT TO A JURY TRIAL.

8 THE COURT: NO.

9 MR. THOMPSON: THAT'S EXACTLY WHAT IT  
10 SAYS, YOUR HONOR. IT SAYS HE'S GUARANTEED THE RIGHT  
11 TO A JURY TRIAL AND IF I COULD JUST BE HEARD ON IT  
12 BEFORE THE COURT RULES. THE DEFENSE IN THIS CASE,  
13 YOUR HONOR, I BELIEVE IS DOING THIS: THEY WISH TO  
14 ENTER A PLEA TO THIS CHARGE AND THEN I'M SURE THE  
15 NEXT MOTION THAT WILL COME DOWN THE LINE IS GOING TO  
16 BE THAT NOW THEY ARE GOING TO SAY SINCE HE'S PLEAD TO  
17 THAT WE CAN NO LONGER PRESENT ANY EVIDENCE REGARDING  
18 THAT CASE AND THAT TAKES A HUNK OUT OF THE EVIDENCE  
19 THAT WE INTEND TO PRESENT IN THE CRIME AS A WHOLE.

20 THE COURT: I UNDERSTAND WHAT THEY ARE  
21 DOING, BUT THE QUESTION IS DO THEY HAVE A RIGHT TO DO  
22 IT, NOT WHY THEY ARE DOING IT. I MEAN, HE'S GOT A  
23 RIGHT TO DO IT AND IF IT UPSETS THE STATE'S APPLE  
24 CART THAT'S JUST UNFORTUNATE. THE STATE HAS GOT HIM  
25 CHARGED AND THIS CASE SAID IT IS THE PREROGATIVE OF

1 ANY PERSON TO WAIVE HIS RIGHTS AND CONFESS AND PLEAD  
2 GUILTY UNDER JUDICIALLY DEFINED SAFEGUARDS ARE  
3 ADEQUATELY ENFORCED. IN THIS CASE THEY HELD HE WAS  
4 ENTITLED TO A TRIAL ON THE CHARGE ON WHICH HE WAS  
5 CHARGED. WHAT HAPPENED HERE IS THE COURT WOULD NOT  
6 ACCEPT A NEGOTIATED PLEA. THE STATE SAID HE WOULD  
7 ACCEPT A STRAIGHT UP PLEA BUT WOULD NOT ACCEPT A PLEA  
8 FROM A SECOND OFFENSE DOWN TO A FIRST. SO WHAT THEY  
9 ARE SAYING IS, YES, HE'S GOT A CONSTITUTIONAL  
10 GUARANTEE TO BE TRIED ON FIRST OFFENSE. THE STATE  
11 WOULD NOT, THE COURT WOULD NOT ACCEPT A LESSER  
12 CHARGE.

13 MR. THOMPSON: BUT THE COURT SPECIFICALLY  
14 SAID HOWEVER AN APPELLANT HAS NO CONSTITUTIONAL RIGHT  
15 TO PLEA. IF YOU GO DOWN RIGHT UNDERNEATH THE CITE ON  
16 PAGE FIVE OF THE CASE THAT YOU HAVE IN FRONT OF YOU,  
17 THE LAST PARAGRAPH IT GOES ON DOWN UNDER WHERE IT  
18 QUOTES EASLER, THEN THE NEXT SENTENCE SAYS, HOWEVER,  
19 APPELLANT HAS NO CONSTITUTIONAL RIGHT TO PLEA. AN  
20 ACCUSED HAS A RIGHT TO TRIAL BY AN IMPARTIAL JURY.

21 THE COURT: HAVE YOU GOT THAT, THE EASLER  
22 CASE?

23 MR. THOMPSON: YES, YOUR HONOR, I DO.

24 THE COURT: BECAUSE THIS CASE DOESN'T SAY,  
25 THIS CASE DOESN'T HELP. LET'S SEE WHAT EASLER SAYS.

1                   THIS IS ANOTHER, DURING THE PRESENTATION  
2                   OF STATE'S CASE THE APPELLANT OFFERED TO PLEAD GUILTY  
3                   TO LEAVING THE SCENE OF ACCIDENT, DRIVING UNDER  
4                   SUSPENSION, FELONY DUI, AND CAUSING GREAT BODILY  
5                   INJURY AND FELONY DUI CAUSING DEATH. THE STATE  
6                   ARGUED APPELLANT WAS MERELY TRYING TO PLEAD TO THE  
7                   LESSER CHARGES IN AN ATTEMPT TO PRECLUDE THE STATE.  
8                   THE TRIAL JUDGE REFUSED TO ACCEPT APPELLANT'S PLEA  
9                   OUT OF CONCERN THAT DOUBLE JEOPARDY MIGHT PRECLUDE  
10                  THE STATE FROM PROCEEDING ON THEIR OTHER CHARGES.

11                  MR. THOMPSON: WHICH IS EXACTLY WHAT I  
12                  THINK THEY ARE ATTEMPTING TO DO HERE TO PREVENT US  
13                  FROM BEING ABLE TO PROCEED THE WAY THE STATE SHOULD  
14                  IN SHOWING THE JURY THE ENTIRE PICTURE OF WHAT HAS  
15                  HAPPENED IN THIS HOUSE.

16                  THE COURT: LET'S SEE. LOOK DOWN HERE,  
17                  THIS IS STATE VERSUS WILLIAMS. WHEN AN ACCUSED IS  
18                  INDICTED ON SEVERAL COUNTS ONE OF WHICH MAY BAR  
19                  PROSECUTION OF THE OTHERS -- WELL, THIS ISN'T GOING  
20                  TO BAR PROSECUTION OF THE OTHERS, IS IT?

21                  MR. THOMPSON: NO, BUT IT COULD IMPAIR THE  
22                  PROSECUTION.

23                  THE COURT: I KNOW. I UNDERSTAND THAT.  
24                  BUT THAT'S NOT WHAT THIS SAYS. IT SAYS BAR. IT SAYS  
25                  SOLICITOR NOT REQUIRED TO PLEA BARGAIN. WAIT A

1       MINUTE.  FURTHER WHEN AN ACCUSED IS INDICTED ON  
2       SEVERAL COUNTS ONE OF WHICH MIGHT BAR PROSECUTION OF  
3       THE OTHERS SHOULD THE ACCUSED PLEAD GUILTY TO THAT  
4       ACCOUNT THE TRIAL JUDGE IS NOT REQUIRED TO ACCEPT THE  
5       PLEA.  SO FAR WE GOT THE STATE DOES NOT, THE STATE  
6       DOES NOT HAVE TO ACCEPT THE PLEA, THE COURT DOES NOT  
7       HAVE TO ACCEPT THE PLEA TO A LESSER INCLUDED OR TO A  
8       COUNT THAT WOULD BAR AND CREATE A DOUBLE JEOPARDY  
9       PROBLEM WITH THE OTHER COUNTS.  THAT STILL ISN'T THIS  
10      CASE.

11                   MR. THOMPSON:  YOUR HONOR, IN CERR,  
12      HOWEVER, AN APPELLANT HAS NO CONSTITUTIONAL RIGHT TO  
13      PLEA.  THAT IS PLAIN AND SIMPLE.  HE HAS NO  
14      CONSTITUTIONAL RIGHT TO DO THAT.  THE REMEDY IS THE  
15      CONSTITUTIONAL RIGHT WHICH IS A JURY TRIAL WHICH IS  
16      WHAT THE STATE INTENDS TO DO.

17                   THE COURT:  WELL, I WANT YOU TO SHOW ME A  
18      CASE THOUGH THAT APPLIES THAT IN A STRAIGHT UP PLEA  
19      THAT DOESN'T HAVE THE OTHER ELEMENTS; THAT IS, IN  
20      THIS ONE YOU GOT THAT REGARDING THE LESSER INCLUDED,  
21      NOW WE'VE GOT THIS WHERE IT WOULD BAR PROSECUTION OF  
22      THE OTHERS.  I GUESS STATE VERSUS WILLIAMS IS WHAT I  
23      NEED TO LOOK AT NEXT.  LET ME SEE THAT ONE.

24                   MR. THOMPSON:  I'LL HAVE TO GET A COPY OF  
25      IT, YOUR HONOR.



1                   THE COURT:   AND THE STATE VERSUS  
2                   TRUESDALE.   LET'S GET THEM ALL.   STATE VERSUS  
3                   TRUESDDALE IS THE CITE THAT SAYS THAT, THE  
4                   PARENTHETICAL SAYS, THEIR PLEAS OF GUILTY ARE  
5                   UNCONDITIONAL AND IF AN ACCUSED ATTEMPTS TO ATTACH  
6                   ANY CONDITION OR QUALIFICATION, THE TRIAL JUDGE  
7                   SHOULD DIRECT A PLEA OF NOT GUILTY.   SO EVERYTHING SO  
8                   FAR HAS SOME KIND OF OTHER ATTACHMENT TO IT NOT JUST  
9                   A STRAIGHT UP PLEA.   AND I NEED STATE VERSUS  
10                  ARMSTRONG.

11                  MR. BRACKETT:   I JUST HAVE THE BOOK.   I  
12                  DON'T HAVE COPIES FOR COUNSEL.

13                  THE COURT:   MR. MORTON, YOU WANT TO CHIME  
14                  IN ANY TIME.   I FEEL LIKE I'M ARGUING THE CASE FOR  
15                  YOU.

16                  MR. MORTON:   YES, SIR.   YOU ARE DOING A  
17                  GREAT JOB.   I APPRECIATE IT.

18                  MR. BRACKETT:   ONE POINT THAT I WOULD  
19                  MAKE, YOUR HONOR, IS THAT WE GIVE A FACT PATTERN WHEN  
20                  WE TAKE A PLEA AND PART OF OUR, PART OF THE FACTS FOR  
21                  THE BASIS OF THIS UNLAWFUL NEGLIGENCE IS THAT HE ALLOWED  
22                  ANOTHER MAN TO ABUSE HIS DAUGHTER AND IF HE DOESN'T  
23                  WANT TO ACCEPT THAT, IF HE WANTS TO ADMIT TO THAT AS  
24                  PART OF HIS GUILTY PLEA, THEN WE MIGHT BE ABLE TO  
25                  COME TO SOME AGREEMENT.

1                   THE COURT: LET'S SEE WHAT THE INDICTMENT  
2                   SAYS. WELL, I KNOW I HAD THEM. HERE IT IS. IT WAS  
3                   ON THE VERY BOTTOM. ALL RIGHT. SO YOUR CLIENT IS  
4                   WILLING THEN, LET'S GET THIS ONE AND MAYBE WE CAN CUT  
5                   TO THE CHASE, YOUR CLIENT IS WILLING TO PLEAD THAT HE  
6                   IN YORK COUNTY ON OR ABOUT NOVEMBER 29, 2001,  
7                   WILLFULLY AND UNLAWFULLY PLACED HIS NATURAL CHILD  
8                   AMANDA COPE AGE 12 AT REASONABLE RISK OF HARM  
9                   AFFECTING THE CHILD'S LIFE, PHYSICAL OR MENTAL HEALTH  
10                  OR SAFETY BY FAILING TO MAINTAIN SANITARY LIVING  
11                  CONDITIONS IN THE HOUSE, AND/OR BY ALLOWING OR  
12                  CAUSING PHYSICAL OR MENTAL ABUS TO BE INFLICTED UPON  
13                  THE CHILD THUS PLACING THE CHILD AT UNREASONABLE RISK  
14                  OF HARM AFFECTING THE CHILD'S LIFE, PHYSICAL OR  
15                  MENTAL HEALTHY AND SAFETY. THIS OCCURRING IN THE  
16                  CITY OF ROCK HILL.

17                  MR. MORTON: YOUR HONOR, IT IS OUR  
18                  POSITION AND I'LL BE GLAD --

19                  THE COURT: WELL, MY QUESTION IS --

20                  MR. MORTON: THE ANSWER TO THAT IS NO.

21                  THE COURT: HE'S NOT WILLING TO PLEAD TO  
22                  THAT?

23                  MR. MORTON: HE'S WILLING TO PLEAD TO THE  
24                  FIRST HALF OF THAT.

25                  THE COURT: HE CAN'T. GO AHEAD. I'LL

1 HEAR FROM YOU, BUT HERE WE GO ALREADY. NOW WE GOT  
2 CONDITIONS.

3 MR. MORTON: THE CONDITIONS ARE  
4 CONSTITUTIONAL CONDITIONS BECAUSE, YOUR HONOR, IF I  
5 COULD HAND UP THE STATUTE, OKAY, THEY ARE TRYING TO  
6 PIGGY BACK CHARGES ONTO THIS MAN THAT AREN'T PROVIDED  
7 FOR IN THE STATUTE. IT'S AN UNCONSTITUTIONAL VAGUE  
8 STATUTE THAT IS OVERLY BROAD, IT ALLEGES THINGS THAT  
9 AREN'T IN THE STATUTE AND IF.

10 THE COURT: THE INDICTMENT IS OVER BROAD  
11 OR THE STATUTE IS OVER BROAD?

12 MR. MORTON: THE INDICTMENT IS OVER BROAD.  
13 I'LL GIVE THE COURT A MINUTE IF YOU WANT TO LOOK.

14 THE COURT: NO, I'M LISTENING.

15 MR. MORTON: OKAY. YOUR HONOR, THE  
16 STATUTE SAYS THAT HE PLACED THE CHILD AMANDA AT  
17 UNREASONABLE RISK OF HARM AFFECTING THE CHILD'S LIFE,  
18 PHYSICAL OR MENTAL OR SAFETY BY FAILING TO MAINTAIN  
19 SANITARY LIVING CONDITIONS, WE HAVE NO PROBLEM WITH  
20 THAT. THEN WHAT THEY ARE ASKING THE JURY IS AND/OR  
21 ALLOWING OR CAUSING PHYSICAL OR MENTAL ABUSE TO BE  
22 INFLICTED UPON THE CHILD. NOW I CAN'T FOR THE LIFE  
23 OF ME DETERMINE WHAT THAT MEANS. I MEAN WHAT'S THE  
24 JURY SUPPOSED TO DO? ARE THEY SUPPOSED TO PICK ONE?  
25 ARE THEY SUPPOSED TO PICK TWO? ARE THEY SUPPOSED TO

1       ADD THEM UP? TAKE THEIR PICK? THE STATUTE, IF THEY  
2       HAD, IF THEY HAD, AND THEY DREW THE INDICTMENT, THEY  
3       ARE SUPPOSED TO DRAW THE INDICTMENT SO THAT WE'LL,  
4       THE COURT CAN KNOW, THE JURY CAN KNOW, WHAT THEY ARE  
5       SUPPOSED TO CONSIDER AND.

6                   THE COURT: BUT THERE HAS NOT BEEN AN  
7       ATTACK ON THE INDICTMENT.

8                   MR. MORTON: I'M SORRY?

9                   THE COURT: THERE HAS BEEN NO ATTACK ON  
10      THE INDICTMENT THAT I'M AWARE OF.

11                  MR. MORTON: I'M ATTACKING THE INDICTMENT  
12      NOW.

13                  THE COURT: ALL RIGHT.

14                  MR. MORTON: OKAY.

15                  THE COURT: WELL, YOU CAN'T DO THAT AS  
16      PART OF A GUILTY PLEA.

17                  MR. MORTON: WELL, I'M ATTACKING THE  
18      INDICTMENT AS BEING UNCONSTITUTIONALLY VAGUE BEFORE  
19      THIS JURY THIS MORNING.

20                  THE COURT: SO YOU WANT ME TO THROW THE  
21      INDICTMENT OUT? I CAN'T CONFORM THE INDICTMENT. I  
22      THINK --

23                  MR. MORTON: THIS INDICTMENT BASICALLY HAS  
24      TWO PARTS TO IT.

25                  THE COURT: I UNDERSTAND THAT.

1                   MR. MORTON:  OKAY.  MY CLIENT IS WILLING  
2                   TO PLEAD ONE OF THOSE PARTS.

3                   THE COURT:  OKAY.  NO.  I'M NOT GOING TO  
4                   ACCEPT THAT.  THAT'S A CONDITIONAL PLEA.  THE  
5                   CORRECT, IT WOULD APPEAR TO ME THAT THE CORRECT  
6                   POSTURE WOULD BE TO ATTACK THE INDICTMENT.  IF THE  
7                   COURT FINDS THE INDICTMENT DOES NOT PUT HIM ON NOTICE  
8                   AND DOES NOT REFLECT THE CHARGE AND DOES NOT MEET  
9                   THOSE STANDARDS THEN THE INDICTMENT WOULD BE QUASHED  
10                  PERHAPS, BUT THAT MOTION IS NOT BEFORE ME.

11                  MR. MORTON:  ALL RIGHT.  I MAKE A MOTION  
12                  TO QUASH THE INDICTMENT.

13                  THE COURT:  WHAT DOES THE STATE SAY ABOUT  
14                  THAT?

15                  MR. THOMPSON:  THE INDICTMENT CONFORMS TO  
16                  THE STATUTE, THE STATUTE'S CONSTITUTIONAL, THE  
17                  INDICTMENT IS CONSTITUTIONAL, AND PUTS THE DEFENDANT  
18                  ON NOTICE AS HE'S SUPPOSED TO BE, AND IT COMPILES  
19                  WITH ALL OF THOSE THINGS.

20                  THE COURT:  I AGREE.  I'M GOING TO DENY  
21                  THE MOTION.  AN INDICTMENT IS SUFFICIENT IF IT PUTS  
22                  HIM ON NOTICE OF THE CHARGE, WHETHER HE CAN BE  
23                  SENTENCED TO, AND THE PROBLEM, WHAT YOU ARE ASKING ME  
24                  TO DO IS, WELL, I BACK OFF OF THAT.  I'M NOT GOING TO  
25                  MAKE THAT STATEMENT.  BUT GO AHEAD.  I DENY THE

1 MOTION.

2 MR. MORTON: YOUR HONOR, THE INDICTMENT  
3 SAYS THAT HE UNLAWFULLY NEGLECTED HIS CHILD BY  
4 FAILING TO MAINTAIN SANITARY LIVING CONDITIONS AND/OR  
5 BY CAUSING PHYSICAL OR MENTAL ABUSE. NOW BY, FIRST  
6 OF ALL, ALLOWING TO BE DONE IS NOT IN THE STATUTE.  
7 PHYSICAL OR MENTAL ABUSE, AND I HANDED, IS NOT IN THE  
8 STATUTE, AND WHEN THEY PUT IN THE INDICTMENT AND/OR  
9 IT'S CONFUSING TO THE JURY, IT'S VAGUE  
10 UNCONSTITUTIONALLY. WHAT IF A JURY FINDS ONE BUT NOT  
11 THE OTHER? THEY CAN'T, THEY ARE ATTEMPTING TO PIGGY  
12 BACK ALL OF THIS STUFF ON HERE AGAINST THIS PERSON  
13 AND IT'S UNCONSTITUTIONALLY VAGUE. I DON'T KNOW. IF  
14 I WAS ON THE JURY AND I FELT AND I SAID WELL MAYBE HE  
15 FAILED TO MAINTAIN SANITARY LIVING CONDITIONS BUT NOT  
16 THE OTHER PART, THERE IS AN AND/OR IN THERE OR DO  
17 THEY GET THE CHOICE, THE OR PART, AND THEN THEY ADD  
18 LANGUAGE IN THERE THAT'S NOT EVEN IN THE STATUTE.

19 THE COURT: WELL.

20 MR. MORTON: SO I DON'T UNDERSTAND WHAT  
21 THE CHARGE IS.

22 THE COURT: WELL, THEN THE DILEMMA IS  
23 WHETHER YOU, WHETHER HE PLEADS TO THE INDICTMENT AS  
24 SET FORTH, THAT'S WHAT HE'S CHARGED WITH, OR WHETHER  
25 I QUASH THE INDICTMENT BECAUSE IT'S NOT STATUTORILY

1 SUFFICIENT. YOU WANT THE MIDDLE GROUND.

2 MR. MORTON: WELL, I'LL BE GLAD, I'LL BE  
3 GLAD TO TAKE ANY GROUND. IF THEY HAD INDICTED HIM  
4 TWICE, THEN WE WOULD HAVE TO LIVE WITH THAT. IF THEY  
5 INDICTED HIM FOR MAINTAINING SANITARY LIVING  
6 CONDITIONS AND THEY INDICTED HIM FOR PHYSICAL AND  
7 MENTAL ABUSE TO HIS DAUGHTER, THEN WE WOULD HAVE TO  
8 DO ONE OF THOSE TWO THINGS, BUT THEY HAVE COMBINED  
9 THEM BOTH AND SO WHAT'S THE JURY TO DETERMINE.

10 THE COURT: IT'S NOT FOR THE JURY YET.  
11 WE'LL WORRY ABOUT THAT WHEN WE GET TO THE JURY.  
12 RIGHT NOW HE WANTS TO PLEA. HE EITHER CAN PLEAD TO  
13 THIS INDICTMENT OR IT CAN BE QUASHED.

14 MR. MORTON: SO.

15 THE COURT: IF IT'S QUASHED THEN IT'S GONE  
16 AND WHERE THAT PUTS US AS FAR AS PRESENTATION OF  
17 EVIDENCE INVOLVING WHAT HAPPENED IN THAT HOUSE, I  
18 DON'T KNOW, BUT YOU NEED TO MAKE A MOTION TO QUASH  
19 WHICH YOU MADE AND I DENIED, I DENIED THAT, SO THE  
20 OPTIONS NOW ARE TO PLEAD AS CHARGED.

21 MR. MORTON: YES, SIR. HE'S NOT PLEADING  
22 AS CHARGED.

23 THE COURT: ALL RIGHT. LET'S GO FORWARD.

24 MR. MORTON: CAN I MAKE A, I GUESS THE  
25 INDICTMENT IS ALL READY PART OF THE RECORD. I MOVE

1 TO MAKE THE STATUTE AS PART OF THE RECORD.

2 THE COURT: THE STATUTE IS PART OF OUR LAW  
3 BUT WE'RE CERTAINLY MAKE IT PART OF THE RECORD.

4 MR. MORTON: THANK YOU, YOUR HONOR.

5 THE COURT: ALL RIGHT. ANYTHING ELSE  
6 BEFORE WE -- I DO HAVE ONE THING. COUNSEL HAVE  
7 ANYTHING BEFORE WE DO THE NEXT STEP?

8 MR. SMITH: YES, SIR, YOUR HONOR, OUR  
9 WITNESS THAT WAS NOT HERE EARLIER IS HERE.

10 THE COURT: IF THEY ARE HERE, LET'S DO  
11 THAT THEN WE CAN JUST SAIL AWAY SMOOTHLY.

12 MR. SMITH: BILLY COPE CALLS GREGG  
13 MCCRARY.

14 GREGG MCCRARY, BEING FIRST DULY SWORN,  
15 TESTIFIED AS FOLLOWS:

16 DIRECT EXAMINATION BY MR. SMITH:

17 Q THE SEAT DOES NOT ADJUST SO YOU MAY HAVE TO LEAN  
18 FORWARD TO SPEAK INTO THE MICROPHONE.

19 A I'LL SPEAK UP.

20 Q ACTUALLY THE COURT MICROPHONE IS THAT ONE?

21 A THIS IS IT?

22 Q YES, SIR?

23 A FINE. NO PROBLEM.

24 Q AGAIN IF YOU WOULD STATE YOUR FULL NAME FOR THE  
25 COURT?



1                   YES. MY NAME IS GREGG, G-R-E-G-G. MIDDLE  
2 INITIAL O. LAST NAME MCCRARY. M-C-C-R-A-R-Y.

3 Q       WHERE DO YOU CURRENTLY LIVE?

4 A       IN FREDERICKSBURG, VIRGINIA.

5 Q       WHAT'S YOUR OCCUPATION?

6 A       I'M SELF-EMPLOYED AT THE MOMENT.

7 Q       IN WHAT SORT OF OCCUPATION?

8 A       I RUN A CONSULTING BUSINESS CALLED BEHAVIOR  
9 CRIMINALOLOGY INTERNATIONAL AND I DO WORK IN VIOLENT  
10 CRIME, VIOLENT CRIME ANALYSIS, THREAT ASSESSMENTS,  
11 RISK OF VIOLENCE PREDICTIONS, AND I DO WORK PLACE  
12 VIOLENCE.

13 Q       BEFORE WE GET INTO THAT I WANT TO GO THROUGH A  
14 COUPLE OF OTHER THINGS. IF YOU COULD EXPLAIN YOUR  
15 EDUCATIONAL BACKGROUND TO THE COURT?

16 A       YES. MY FORMAL EDUCATION I HAVE A BACHELOR'S  
17 DEGREE IN LIBERAL ARTS DEGREE, FINE ARTS DEGREE, FROM  
18 ITHACA COLLEGE IN ITHACA, NEW YORK. DONE ADDITIONAL  
19 GRADUATE STUDIES IN CRIMINAL JUSTICE AT LONG ISLAND  
20 UNIVERSITY. ALSO DONE CRIMINAL OR GRADUATE STUDIES  
21 AT THE UNIVERSITY OF VIRGINIA. I HAVE A MASTER  
22 DEGREE IN PSYCHOLOGY IN MARYMOUNT COLLEGE IN  
23 ARLINGTON, VIRGINIA.

24 Q       NOW IF WOULD YOU BRIEFLY GO THROUGH YOUR  
25 EMPLOYMENT HISTORY AS WELL. I DON'T THINK THAT'S

1       VERY LENGTHY.

2       A     NO, IT ISN'T.  I WAS, STARTING IN 1969 I ENTERED  
3       ON DUTY AS A SPECIAL AGENT WITH THE FBI, AND I HAVE A  
4       25 YEAR CAREER WITH THE FBI.

5       Q     DOING WHAT SORT OF WORK?  WHAT POSITIONS OR WHAT  
6       FIELD?

7       A     I BREAK IT DOWN INTO TWO GENERAL AREAS.  THE  
8       FIRST 15 YEARS I WAS A FIELD AGENT DOING  
9       INVESTIGATIONS IN THE FIELD AROUND THE COUNTRY.  AND  
10      PRACTICALLY THE LAST TEN YEARS I GOT INVOLVED WITH  
11      WORKING THE BEHAVIORAL SCIENCE AREA AND SPECIALIZED  
12      IN THAT AND FINISHED MY CAREER AT THE FBI ACADEMY IN  
13      THE BEHAVIORAL SCIENCE UNIT WHERE WE DID A LOT OF  
14      WORK IN VIOLENT CRIME.

15     Q     CAN YOU EXPLAIN WHAT THE BEHAVIORAL SCIENCE UNIT  
16     IS TO THE COURT?

17     A     YES.  IT'S A SPECIALIZED UNIT WHERE WE DO  
18     RESEARCH INTO AND OPERATIONAL SUPPORT INTO CASES OF  
19     VIOLENT CRIME.  IT WAS ACTUALLY FORMED, IT'S UNDER  
20     THE UMBRELLA OF THE NATIONAL CENTER FOR ANALYSIS OF  
21     VIOLENT CRIME WHICH WAS FORMED IN 1985 AT THE  
22     DIRECTIVE OF PRESIDENT REAGAN.  HE WANTED A NATIONAL  
23     CENTER FOUNDED TO STUDY VIOLENT CRIME, BUT THE  
24     DIFFERENCE IS FROM A LAW ENFORCEMENT OR AN  
25     INVESTIGATIVE PROSPECTIVE THERE HAS BEEN A LOT OF

1 WORK IN VIOLENT CRIME DONE IN CLINICAL RESEARCH AND  
2 SO FORTH, BUT IT'S NOT BEEN VERY HELPFUL TO  
3 INVESTIGATORS SO THE FBI WAS TASKED WITH FORMING THIS  
4 CENTER AND THE BEHAVIORAL SCIENCE UNIT WAS REALLY THE  
5 ANCHOR POINT FOR THE CENTER. WHAT THAT INVOLVED IS  
6 DURING RESEARCH, GOING INTO PRISONS, INTERVIEWING  
7 RAPISTS AND MURDER AND CHILD MOLESTERS AND OTHER  
8 VIOLENT OFFENDERS, STUDYING THEIR CRIMES, THEIR  
9 METHOD AND MANNER OF THEIR CRIMES, SO WE COULD LEARN  
10 HOW THEY DID IT SO WE COULD IMPROVE OUR ABILITY AS  
11 INVESTIGATORS TO IDENTIFY THESE CRIMES AND HOPEFULLY  
12 CUT SHORT THEIR CRIMINAL CAREER.

13 Q AND ARE YOU ALSO FAMILIAR WITH STATISTICAL DATA  
14 REGARDING THE COMMISSION OF VIOLENT CRIMES?

15 A SURE. THAT'S SORT OF A FOUNDATION THAT  
16 EVERYTHING COMES FROM. YOU HAVE TO UNDERSTAND THE  
17 STATISTICAL DATA REGARDING CRIME AND THE FREQUENCY OF  
18 CRIME AND HOW CRIME IS DISTRIBUTED AND SO FORTH, YES.

19 Q NOW CAN YOU EXPLAIN YOUR CURRENT POSITION MORE  
20 FULLY TO THE COURT?

21 A YES. I RETIRED FROM THE BUREAU IN 1995. THE  
22 NEXT TWO YEARS I WORKED FULL TIME WITH THE THREAT  
23 ASSESSMENT GROUP WHICH WAS BASED IN NEWPORT BEACH,  
24 CALIFORNIA. THAT'S RUN BY A FORENSIC PSYCHIATRIST  
25 DR. PARK DIETZ. THERE I DID A LOT OF RISK OF

1 VIOLENCE ASSESSMENTS, THREAT ASSESSMENTS, THE WORK  
2 PLACE VIOLENCE PREVENTION TYPE OF WORK. I ALSO  
3 CONTINUED TO WORK SOME CRIMINAL CASES PROVIDING  
4 EXPERT TESTIMONY IN CRIMINAL CASES AND IN SOME CIVIL  
5 CASES THAT INVOLVE VIOLENT CRIME AS WELL.

6 THEN IN '97 I FORMED OR STARTED MY OWN  
7 BUSINESS BEHAVIORAL CRIMINOLOGY AND I STILL WORK AS  
8 AN INDEPENDENT CONTRACTOR THROUGH THE THREAT  
9 ASSESSMENT GROUP. I ALSO WORK AS AN INDEPENDENT  
10 CONTRACTOR FOR A COUPLE OTHER FIRMS, CONTROL RISKS  
11 OUT OF LONDON, ENGLAND, AND SO FORTH. SO THAT'S.

12 Q PROVIDING CRIME ANALYSIS?

13 A YES.

14 Q OKAY. OTHER THAN WHAT YOU'VE ALREADY INFORMED  
15 THE COURT REGARDING YOUR TRAINING IN THE FBI, DO YOU  
16 HAVE ANY OTHER SPECIALIZED TRAINING REGARDING CRIME  
17 ANALYSIS?

18 A YES. I DID A FAIR AMOUNT, A FAIR AMOUNT OF THE  
19 TRAINING AT THE FBI ACADEMY WHERE WE WENT THROUGH A  
20 LOT OF OUR OWN IN HOUSE TRAINING AS WELL IN THIS WHAT  
21 WE CALL NATIONAL CENTER TRAINING, NATIONAL CENTER FOR  
22 VIOLENT CRIME TRAINING. I HAD TRAINING IN ADVANCED  
23 CRIMINAL SEXUALITY, ADVANCED SEX CRIME, AND ACTUALLY  
24 TAUGHT SOME OF THOSE CLASSES AND SEMINARS TOWARD THE  
25 END OF THE CAREER AND WE DID ALL SORTS OF OUTSIDE

1 TRAINING AS WELL. FOR EXAMPLE, I WAS SENT TO THE  
2 ARMED FORCES INSTITUTE OF PATHOLOGY TO TAKE COURSES  
3 IN FORENSIC PATHOLOGY, INTERVIEW AND INTERROGATION  
4 TECHNIQUES, ALL SORTS OF THINGS THAT COULD IMPACT ON  
5 AN INVESTIGATION.

6 Q DO YOU HOLD ANY CURRENT FACULTY POSITIONS?

7 A YES. I HAVE TWO ADJUNCT FACULTY POSITIONS NOW  
8 AT DIFFERENT UNIVERSITIES. BOTH UNIVERSITIES THAT I  
9 TEACH FORENSIC PSYCHOLOGY AND CRIMINAL JUSTICE AT THE  
10 GRADUATE LEVEL AND ONE IS WITH MARYMOUNT UNIVERSITY  
11 IN ARLINGTON, VIRGINIA AND THE SECOND IS WITH NOVA  
12 UNIVERSITY IN FORT LAUDERDALE, FLORIDA.

13 Q ARE YOU ASSOCIATED WITH ANY PROFESSIONAL  
14 AFFILIATIONS THAT RELATE TO CRIME ANALYSIS?

15 A YES. I'M A MEMBER OF THE ICIF THE INTERNATIONAL  
16 CRIMINAL INVESTIGATOR ANALYSIS FELLOWSHIP WHICH IS AN  
17 ORGANIZATION PRIMARILY OF LAW ENFORCEMENT OFFICERS  
18 FROM REALLY AROUND THE WORLD THAT DO THIS, THAT DO  
19 THIS SORT OF WORK AS WELL.

20 ALSO ON A MORE CLINICAL OR ACADEMIC  
21 SIDE I AM ON THE EDITORIAL REVIEW BOARD OF A COUPLE  
22 OF DIFFERENT PROFESSIONAL JOURNALS; AGGRESSION AND  
23 VIOLENCE AND JOURNAL OF FAMILY VIOLENCE. BELONG TO  
24 AS IS AMERICAN SOCIETY INDUSTRIAL SECURITY THAT DEALS  
25 MORE WITH SECURITY AND WORK PLACE VIOLENCE SORT OF

1 THE WORK THAT I DO.

2 Q HAVE YOU PUBLISHED ANY WORKS CONCERNING CRIME  
3 ANALYSIS?

4 A I'VE DONE ONE JOURNAL ARTICLE IT WAS, PRIMARILY  
5 DEALT WITH STALKING, STALKING BEHAVIOR, AND LOOKING  
6 FOR ELEMENTS OF VIOLENCE THAT WE MAY BE ABLE TO  
7 PREDICT WHO AMONG STALKERS MAY ESCALATE IN THE LEVEL  
8 OF VIOLENCE. I HAVE WRITTEN OR WAS CONTRIBUTING  
9 AUTHOR TO THE CRIME CLASSIFICATION MANUAL WHICH WAS  
10 THE RESULT OF ABOUT A TEN YEAR STUDY AT THE BUREAU  
11 ABOUT CRIMES AND MOTIVES OF CRIMES AND CLASSIFYING  
12 THEM BY MOTIVE. WE DID HOMICIDE, RAPE, AND CHILD  
13 MOLESTATION AND ARSON IN THAT WORK AND THEN I  
14 PUBLISHED A BOOK LAST YEAR CALLED THE UNKNOWN  
15 DARKNESS PROFILING THE PREDATORS AMONG US.

16 Q AND YOU STATED EARLIER THAT YOU HAVE QUALIFIED  
17 AS AN EXPERT WITNESS IN CRIME ANALYSIS?

18 A YES.

19 Q HAVE YOU HAVE EVER, IN WHAT COURTS?

20 A OH, GEE. I TESTIFIED IN OHIO, CALIFORNIA,  
21 TEXAS, FLORIDA, GEORGIA, NEW YORK, ARIZONA, STATE OF  
22 WASHINGTON, ALASKA. I'M SURE THERE ARE OTHERS.

23 Q IN STATE LEVEL COURTS, FEDERAL LEVEL COURTS,  
24 BOTH?

25 A THEY'VE BEEN IN BOTH STATE AND FEDERAL COURTS,

1 YES.

2 Q AND WHO HAVE YOU TESTIFIED FOR, THE DEFENSE, THE  
3 STATE, MIXTURE?

4 A A MIXTURE, RIGHT. IN CRIMINAL CASES BEEN BOTH  
5 DEFENSE AND PROSECUTION I'VE TESTIFIED FOR, YES.

6 Q OKAY.

7 MR. SMITH: JUDGE, AT THIS TIME I'D MOVE  
8 THAT MR. MCCRARY BE QUALIFIED AS AN EXPERT WITNESS IN  
9 CRIME ANALYSIS.

10 THE COURT: ANY VOIR DIRE.

11 MR. THOMPSON: NO, YOUR HONOR.

12 THE COURT: ALL RIGHT.

13 MR. GREELEY: NONE FROM MR. SANDERS.

14 THE COURT: OKAY. I FIND HE IS QUALIFIED  
15 AS AN EXPERT IN CRIME ANALYSIS. I'M NOT SURE I  
16 UNDERSTAND EXACTLY WHAT ALL THAT FIELD ENTAILS BUT.

17 MR. SMITH: WE'LL TRY TO MAKE THAT CLEAR,  
18 YOUR HONOR.

19 Q MR. MCCRARY, HAVE YOU HAD AN OPPORTUNITY TO  
20 REVIEW INFORMATION REGARDING THE ATTACKS, RAPES,  
21 ATTEMPTED RAPES OF CATHERINE DAVIS, SARAH PHILLIPS,  
22 ALICIA LOWERY, AND SARAH HAGMAN?

23 A YES, I HAVE.

24 Q HAVE YOU ALSO REVIEWED INFORMATION REGARDING THE  
25 MURDER AND RAPE OF AMANDA COPE?

1 A YES.

2 Q CAN YOU TELL THE COURT SPECIFICALLY WHAT  
3 DOCUMENTS YOU'VE REVIEWED OR WHAT OTHER INFORMATION  
4 YOU CONSIDERED?

5 A YES. I REVIEWED THE POLICE REPORTS, THE VICTIM  
6 STATEMENTS, AFFIDAVITS FROM THE VICTIMS, ALSO SORT OF  
7 COURT SUMMARIES PREPARED BY THE POLICE AS WELL. SO I  
8 THINK I REVIEWED THOSE UNDERLYING DOCUMENTS THAT DEAL  
9 WITH EACH OF THESE SPECIFIC CASES.

10 Q ARE YOU COMFORTABLE THAT YOU HAVE ENOUGH  
11 INFORMATION REGARDING THESE CASES?

12 A YES.

13 Q OKAY. HAVE YOU PREPARED A CHART REGARDING THESE  
14 CASES THAT WOULD HELP YOU BETTER EXPLAIN YOUR  
15 TESTIMONY HERE TODAY?

16 A YES.

17 Q AND IS THIS A COPY OF THAT CHART?

18 A YES, IT IS.

19 Q OKAY.

20 MR. SMITH: JUDGE, I'VE ALREADY PROVIDED  
21 THE STATE AND MR. GREELEY WITH A COPY OF THIS CHART.  
22 WE WOULD MOVE TO HAVE THIS CHART INTRODUCED.

23 THE COURT: GET IT MARKED THEN HAND IT  
24 BACK TO ME. ANY OBJECTION?

25 MR. THOMPSON: NO OBJECTION, YOUR HONOR.



1 (DEFENSE EXHIBIT 5 CHART MARKED FOR  
2 IDENTIFICATION.)

3 MR. GREELEY: YOUR HONOR, I WOULD HAVE AN  
4 OBJECTION UNTIL, I DON'T BELIEVE THAT A FOUNDATION  
5 HAS BEEN ESTABLISHED FOR THE CONTENT OF THE CHART AT  
6 THIS TIME, AND SO I WOULD ASK THAT TO BE ESTABLISHED  
7 FIRST.

8 THE COURT: ALL RIGHT. WELL, LET'S GET  
9 IT.

10 MR. GREELEY: YOU CAN START.

11 THE COURT: MARKED FOR I.D. SO I CAN  
12 DETERMINE WHETHER IT IS ADMITTED INTO EVIDENCE OR THE  
13 COURT.

14 Q NOW MR. MCCRARY, I JUST WANT TO TALK ABOUT THE  
15 DAVIS, HAGMAN, PHILLIPS, AND LOWERY CASES. ALSO THE  
16 GEORGE WHITE CASE, HAVE YOU REVIEWED DOCUMENTS  
17 REGARDING THAT CASE AS WELL?

18 A YES, I DID.

19 Q WHAT HAVE YOU DISCOVERED DURING YOUR REVIEW OF  
20 THESE DOCUMENTS CONCERNING A PATTERN OR ANY LINKAGE  
21 BETWEEN THESE CASES?

22 A YES, I THINK THERE IS A CONSISTENT PATTERN HERE  
23 AMONG THESE CASES BASED ON A CONSTELLATION OF  
24 FACTORS, MOST OF WHICH I LAID OUT IN THIS CHART.

25 Q LET'S TALK ABOUT THAT. YOU HAVE A NUMBER OF

1 DIFFERENT COLUMNS ON THIS CHART: DATE, LOCATION, IN  
2 DOOR CRIME, SUSPECT KNOWN OR STRANGER, FORCED ENTRY,  
3 DUAL MOTIVES, SEX AND ROBBERY, CHOKING OR ASPHYXIA  
4 ELEMENT, AND EVIDENCE. CAN YOU EXPLAIN TO THE COURT  
5 WHAT THESE COLUMNS REPRESENT AND THE IMPORTANCE OF  
6 EACH COLUMN?

7 A YES. THE DATE IS, DEALS WITH, WE'RE LOOKING FOR  
8 TEMPORAL PATTERNS HERE. IN OTHER WORDS, ARE THESE  
9 CRIMES RELATED IN TIME, ARE THEY CLOSE TOGETHER,  
10 WHAT'S THE SEQUENCE OF THESE CRIMES OCCURRING IN  
11 TIME, AND TO ME THE SIGNIFICANCE IS THERE IS A VERY  
12 TIGHT TIME PATTERN HERE, A VERY TIGHT TEMPORAL  
13 PATTERN. CATHERINE DAVIS WE HAVE ON DECEMBER 12;  
14 MRS. PHILLIPS ON, FOUR DAYS LATER, ON THE 16; THREE  
15 DAYS AFTER THAT MS. LOWERY IS ATTACKED. THEN THERE  
16 SEEMS TO BE A BREAK OVER THE HOLIDAYS, OVER CHRISTMAS  
17 AND NEW YEAR'S AND THEN WE HAVE ON JANUARY 12  
18 APPROXIMATELY THREE WEEKS AFTER THE ATTACK ON MS.  
19 LOWERY WE HAVE THE TWO EVENTS DEALING WITH MR. WHITE,  
20 GEORGE WHITE, AND THEN SARAH HAGMAN, SO IT'S A VERY  
21 TIGHT, VERY CLOSE TIME PATTERN THERE.

22 LOCATION DEALS, I JUST LISTED PHYSICAL  
23 ADDRESSES, BUT BASICALLY THEY ARE ALL IN ROCK HILL  
24 AND MY UNDERSTANDING WITHIN A FEW MILES OF ONE  
25 ANOTHER, SO THIS IS A FAIRLY CLOSE GEOGRAPHIC PATTERN

1 AS WELL AS A TIME PATTERN.

2 Q WHAT'S THE SIGNIFICANCE OF THE IN DOOR CRIME?

3 A NEXT IS IN DOOR CRIME, YES. IN OTHER WORDS,  
4 SOME OFFENDERS COMMIT THEIR CRIMES OUT DOORS. THEY  
5 DO STREET ROBBERIES OR MUGGINGS OR ASSAULT ON THE  
6 STREET. OTHER CHOOSE INDOOR. SOMETIMES IT'S A MIX.  
7 THESE WERE ALL IN DOOR, IN DOOR CRIMES. IN OTHER  
8 WORDS, THE OFFENDER CHOSE, THE CONSISTENT PATTERN  
9 HERE WAS CHOSING TO GO INTO A RESIDENCE TO COMMIT A  
10 CRIME, NOT A COMMERCIAL INSTITUTION, BUT A PRIVATE  
11 RESIDENCE TO COMMIT THESE CRIMES.

12 Q AND IS THERE A BIG, A SIGNIFICANT, IS THAT A  
13 SIGNIFICANT FACTOR TO CONSIDER GOING INTO A PRIVATE  
14 RESIDENCE VERSUS DOING, COMMITTING A CRIME IN PUBLIC?

15 A YES, TO A DEGREE. CERTAINLY IT ALLOWS THE  
16 OFFENDER, IF HE CAN GAIN CONTROL INSIDE, TO HAVE  
17 CONTROL OVER THAT AS OPPOSED TO A COMMERCIAL  
18 INSTITUTION, A STORE OR SOMETHING LIKE THAT, WHERE  
19 YOU MIGHT HAVE OTHER, PUBLIC PLACE, WHERE PEOPLE  
20 COULD COME AND GO AND A BETTER CHANCE OF BEING  
21 INTERRUPTED IN A COMMERCIAL BUILDING OR A PUBLIC  
22 PLACE, SO A PRIVATE RESIDENCE WOULD ALLOW HIM MORE  
23 CONTROL. IF HE COULD ESTABLISH CONTROL, HE COULD  
24 CONTROL THAT PREMISES AS WELL.

25 Q OKAY. THE NEXT COLUMN IS WHETHER THE SUSPECT IS

1 KNOWN OR IS A STRANGER. WHAT'S THE SIGNIFICANCE OF  
2 THAT?

3 A THE SIGNIFICANCE OF THAT IS THAT STRANGER BASED  
4 CRIMES, ESPECIALLY RAPES, ARE AND SEXUAL ASSAULTS ARE  
5 UNCOMMON. IT'S FAR MORE COMMON IN SEXUAL ASSAULT  
6 CASES FOR THERE TO BE A KNOWN RELATIONSHIP BETWEEN  
7 THE VICTIM AND OFFENDER. APPROXIMATELY 75 PERCENT.

8 Q LET'S GET INTO STATISTICS LATER BUT.

9 A OKAY.

10 Q BUT JUST IN THE GENERAL SENSE.

11 A IN A GENERAL SENSE IT'S IMPORTANT TO KNOW THAT  
12 RELATIONSHIP OR NOT, AND I'LL LEAVE IT AT STRANGER  
13 BASED CRIMES ARE RARE, MORE UNUSUAL, SO THAT'S  
14 ANOTHER FACTOR THAT GOES INTO THIS CONSTELLATION OF  
15 FACTORS THAT BEGINS TO SHOW US A PATTERN HERE.

16 Q OKAY. THE NEXT COLUMN IS FORCED ENTRY. WERE  
17 THERE SIGNS OF ANY FORCED ENTRY IN ANY OF THESE  
18 CASES?

19 A NO, THERE WEREN'T. TWO OF THE CASES THAT, THERE  
20 WAS IN THE RECORDS THAT I REVIEWED THE POINT OF ENTRY  
21 WAS NOT NOTED, SO TO ME IT WASN'T CLEAR ONE WAY OR  
22 ANOTHER. BUT IN THE ONES WHERE THEY WERE NOTED,  
23 THERE WAS NO FORCED ENTRY INVOLVED. APPARENTLY THE  
24 OFFENDER CAME IN EVEN THROUGH OPEN DOORS OR WINDOWS  
25 OR IN SOME WAY HE HAD EASY ACCESS TO THE RESIDENCE

1 AND WITHOUT HAVING FORCED ENTRY.

2 Q WHY IS THAT SIGNIFICANT?

3 A AGAIN IT'S ANOTHER PATTERN THAT SHOWS AN  
4 OFFENDER WHO SEEMS TO BE UNWILLING OR A CRIME WHERE  
5 THERE IS NO FORCED ENTRY SEEMS TO BE A PREREQUISITE  
6 OF BEING ABLE TO GET IN WITH LITTLE, MAKING LITTLE  
7 NOISE OR WITHOUT USING FORCE.

8 Q OKAY. THE NEXT COLUMN IS DUAL MOTIVES, SEX AND  
9 ROBBERY, EXPLAIN THAT TO THE COURT?

10 A LOOKING AT THE CRIMES AND THE REPORT OF THE  
11 VICTIMS WE'RE ALWAYS LOOKING FOR MOTIVES IN THESE  
12 CRIMES TO TRY AND DETERMINE WHAT MIGHT BE DRIVING THE  
13 OFFENDER. HERE THERE WAS A CONSISTENT PATTERN OF TWO  
14 MOTIVES THAT SEEMED TO BE PAIRED, SEX AND INTEREST IN  
15 FORCED SEX, SEXUAL ASSAULT, AND ROBBERY AND MONEY AND  
16 THAT SEEMED TO BE PAIRED CONSISTENCY THROUGHOUT THESE  
17 CASES.

18 Q NOW ONE QUESTION ABOUT THAT, YOU HAVE YES MARKED  
19 FOR SARAH PHILLIPS, CAN YOU EXPLAIN YOUR, THAT  
20 RESPONSE?

21 A YES. CERTAINLY SHE REPORTED AS ATTEMPTED SEXUAL  
22 ASSAULT. SHE DID NOT REPORT A ROBBERY AND INTEREST  
23 IN MONEY IN THE DOCUMENTS THAT I SAW. WHAT I SAW  
24 THAT MADE ME SAY YES WAS THE, IN THE COURT SUMMARY  
25 PREPARED BY THE POLICE, THEY SAID THAT THE MOTIVES IN

1 THIS CASE WERE IDENTICAL TO THE OTHER CASES THEREFORE  
2 I ASSUMED THAT BEING THE INVESTIGATOR AND ON THE  
3 FRONT LINE THEY HAD REASON TO BELIEVE THAT THESE WERE  
4 IDENTICAL MOTIVES WHICH WOULD INCLUDE SEX AND ROBBERY  
5 IN THE REST OF THESE, SO I HAD NO REASON TO DISPUTE  
6 THE POLICE IN THEIR FINDING THAT THE MOTIVES WERE  
7 IDENTICAL.

8 THE COURT: LET ME MAKE SURE I UNDERSTAND  
9 THAT. THE VICTIM SAYS NO ROBBERY, THE POLICE SAY  
10 ROBBERY, AND YOU BUY THE POLICE STORY.

11 A THE VICTIM DOESN'T SAY ROBBERY OR NOT. THERE IS  
12 NO COMMENT.

13 THE COURT: WELL, SHE TESTIFIED EARLIER  
14 TODAY AND HAD A CHANCE TO TESTIFY TO THAT.

15 A WELL, I DIDN'T HEAR THE TESTIMONY TODAY.

16 THE COURT: DID SHE TESTIFY TODAY THAT  
17 THERE WAS A ROBBERY?

18 MR. SMITH: YES, SIR, SHE DID. AND I JUST  
19 WANTED MR. MCCRARY TO BE ABLE TO EXPLAIN HIS ANSWER  
20 ON THIS CHART HERE. THE REASON WHY HE INDICATED THAT  
21 THERE WAS A DUAL MOTIVE AND.

22 THE COURT: JUST A MINUTE. LET'S SEE.  
23 SARAH PHILLIPS, I DON'T HAVE ANYTHING ABOUT A  
24 ROBBERY. THAT'S THE ONE THAT WAS INTERRUPTED BY A  
25 CHILD.

1                   MR. SMITH: THAT'S CORRECT, YOUR HONOR,  
2                   AND I THOUGHT I SAID THAT SHE DID NOT TESTIFY TO  
3                   THAT. I'M SORRY.

4                   THE COURT: I UNDERSTOOD YOU TO SAY  
5                   OTHERWISE BECAUSE MY NOTES INDICATE SHE DIDN'T, SO  
6                   I'M JUST, YOU KNOW, I'M GOING TO GET TO THE BOTTOM OF  
7                   ALL OF THIS LATER, BUT I HAVE TO START OFF BY SAYING  
8                   AT THIS JUNCTURE, WELL, GO AHEAD. I'VE ALREADY SAID  
9                   MORE THAN I NEED TO BUT.

10                  A     LET ME CLARIFY THIS FROM MY POINT OF VIEW, IF I  
11                  CAN.

12                  THE COURT: WELL, YOU CAN. I'M GOING TO  
13                  LET YOU SAY EVERYTHING YOU WANT TO. I JUST FIND IT  
14                  INTERESTING THAT A VICTIM IN AN OFFENSE DOES NOT  
15                  RELATE A ROBBERY AND THAT YOU FACTOR INTO YOUR  
16                  DETERMINATION THAT A ROBBERY WAS THE MOTIVE OF THE  
17                  PERSON THAT ENTERED. I THINK THAT'S PRETTY GOOD  
18                  STRETCH, BUT YOU'RE THE EXPERT.

19                  A     NO, SIR. NO, SIR. I DON'T WANT TO OVERSTATE  
20                  THIS. SHE SIMPLY REPORTED A SEXUAL ASSAULT. THERE  
21                  WAS NO REPORT OF A ROBBERY, SO LESS CLEAR. THE ONLY  
22                  THING ---

23                  THE COURT: WELL AGAIN, I'M NOT GOING TO  
24                  DO THE CROSS EXAMINATION, BUT HOW IS IT LESS CLEAR?

25                  A     SHE DIDN'T REPORT IT ONE WAY OR THE OTHER.

1 THE COURT: THAT MAKES IT ABSOLUTELY  
2 CLEAR.

3 A OKAY.

4 THE COURT: I THINK. BUT GO AHEAD.

5 A WELL, WHAT MAKES IT LESS CLEAR IS THE POLICE  
6 SAID THE MOTIVES WERE IDENTICAL, SO IF THEY ARE  
7 REPORTING IT'S IDENTICAL AND SHE ISN'T REPORTING IT  
8 ONE WAY OR THE OTHER, I'M NOT SURE WHICH WAY IT IS.  
9 I WOULD CERTAINLY NOT SAY THE ROBBERY IS A STRONG  
10 MOTIVE IF IT EVEN EXISTED. I AM JUST SAYING --

11 THE COURT: AGAIN, I'M NOT GOING TO CROSS  
12 EXAMINE HIM, BUT IF YOU ARE NOT SURE WHAT IT IS WHY  
13 DID YOU PUT YES ON IT?

14 A I PUT YES WITH AN ASTERISK. I PROBABLY SHOULD  
15 HAVE CLARIFIED THAT.

16 THE COURT: GO AHEAD. THAT'S ALL -- I'LL  
17 HUSH.

18 Q LET'S MOVE ON TO THE NEXT COLUMN, CHOKING OR  
19 ASPHYXIAL ELEMENT. WHAT SIGNIFICANCE DOES THAT HAVE?

20 A AGAIN, IT'S ANOTHER PART OF THE CONSTELLATION OF  
21 BEHAVIORS THAT WAS PRESENT IN SOME, NOT ALL, BUT SOME  
22 OF THESE CASES. SOME HAD NO REPORTS, FOR EXAMPLE,  
23 MS. DAVIS, DIDN'T REPORT THAT THERE WAS ANY ATTEMPT.  
24 I THINK SHE WAS OVERPOWERED PRETTY QUICKLY. SHE  
25 DIDN'T REPORT FIGHTING WITH THE OFFENDER OR HER



1 ABILITY TO FIGHT. SHE REPORTED, THE REPORT THAT I  
2 HAD SHE'S DISABLED. I'M NOT SURE OF THE EXTENT OF  
3 HER DISABILITIES AND SO FORTH, BUT THERE IS NO REPORT  
4 THERE OF ANY CHOKING OR ASPHYXIAL ELEMENT. THERE WAS  
5 WITH MS. PHILLIPS AND MS. LOWERY AND MS. HAGMAN ALL  
6 REPORTED THAT TYPE OF BEHAVIOR.

7 Q OKAY. AND FINALLY THE EVIDENCE COLUMN. EXPLAIN  
8 THAT TO THE COURT PLEASE?

9 A IT GOES TO THE EVIDENCE CONSCIOUSNESS OR THE  
10 EVIDENCE AT THE SCENE, AT THE CRIME SCENE. IN THIS  
11 CASE THERE IS DNA AND/OR FINGERPRINT EVIDENCE LEFT AT  
12 A NUMBER OF THESE SCENES. ALSO THE OFFENDER  
13 APPARENTLY DIDN'T TAKE A LOT OF PRECAUTIONS TO KEEP  
14 FROM BEING IDENTIFIED AS TWO OF THE VICTIMS WERE ABLE  
15 TO MAKE AN IDENTIFICATION THROUGH A PHOTO LINEUP.

16 Q OKAY. SO AFTER CONSIDERING THESE DIFFERENT  
17 CASES HOW DO THEY COMPARE TO THE CASE WITH AMANDA  
18 COPE?

19 A I THINK THERE ARE A NUMBER OF STRONG  
20 SIMILARITIES THAT FIT THIS PATTERN, AND IF WE GO DOWN  
21 THROUGH THE, THROUGH THE LIST WE CAN SEE THAT AS FAR  
22 AS THE TIME FRAME, THAT IT WAS WITHIN THAT, WITHIN  
23 THE PROBABLY THE FIRST OF THE SERIES OF ASSAULTS THAT  
24 OCCURRED. ABOUT 17 DAYS BEFORE THE ASSAULT ON MS.  
25 DAVIS WHICH CHRONOLOGICALLY WOULD BE THE NEXT

1       ASSAULT.   LOCATION AGAIN WITHIN THIS SAME GEOGRAPHIC  
2       AREA.   IT WAS AN IN DOOR CRIME.   WE DON'T KNOW  
3       BECAUSE SHE WAS A HOMICIDE VICTIM, WE DON'T KNOW, SHE  
4       OBVIOUSLY COULDN'T REPORT ANYTHING ABOUT WHETHER SHE  
5       KNEW OR DID NOT KNOW THE OFFENDER.   NO FORCED ENTRY  
6       SEEMED TO BE CONSISTENT.   THE MOTIVES OF SEX AND  
7       ROBBERY APPEAR TO BE THERE.   CERTAINLY SHE WAS  
8       SEXUALLY ASSAULTED.   MY UNDERSTANDING THERE WAS A  
9       PURSE OR A POCKET BOOK ON THE BED THAT DIDN'T BELONG  
10      THERE THAT WOULD SUGGEST A FINANCIAL INTEREST OR A  
11      FINANCIAL POTENTIAL FINANCIAL MOTIVE IN THE CRIME.  
12      CERTAINLY THERE IS AN AMOUNT OF A ASPHYXIA OR CHOKING  
13      WITH THE VICTIM, AND OF COURSE, WE HAVE A DNA MATCH  
14      AS WELL.

15      Q       OKAY.   NOW STATISTICALLY SPEAKING AND YOU  
16      STARTED TO MENTION THIS EARLIER, HOW COMMON ARE RAPES  
17      WHEN WE ARE TALKING ABOUT THE OVERALL PICTURE OF  
18      VIOLENT CRIME?

19      A       RAPES IN GENERAL TYPICALLY ACCOUNT FOR LESS THAN  
20      ONE PERCENT OF ALL CRIMES, ABOUT 8 TENTHS OF ONE  
21      PERCENT OF ALL CRIMES.

22      Q       AND IS THERE A BREAKDOWN IN THAT PERCENTAGE OR A  
23      DISTINCTION MADE IN TYPES OF RAPES?

24      A       YES.   AGAIN BETWEEN KNOWN OFFENDERS OR  
25      ACQUAINTANCE RAPES AND STRANGER BASED RAPES, THE VAST

1 MAJORITY OF RAPES INVOLVE PEOPLE WHO ARE ACQUAINTED  
2 PROBABLY, ABOUT 75 PERCENT OR SO OF RAPES IN GENERAL  
3 HAVE A KNOWN RELATIONSHIP BETWEEN THE VICTIM AND THE  
4 OFFENDER. AND SOMEWHAT LESS THAN THAT, 20 PERCENT,  
5 SOMETIME LESS THAN THAT 15-20 PERCENT OF RAPES ARE  
6 STRANGERS. THE REST ARE TYPICALLY CATEGORIZED AS  
7 UNKNOWN. WE'RE NOT SURE WHAT THE RELATIONSHIP IS.

8 Q SO WHEN YOU LOOK AT THESE, ALL THE CASES THAT  
9 YOU HAVE LISTED ON YOUR CHART, WHAT DOES THAT SAY?

10 A WELL, WITH THE MAJORITY OF THESE CASES INVOLVING  
11 A SEXUAL ASSAULT BY A STRANGER WE'RE TALKING ABOUT  
12 SOMETHING THAT OCCURS I'LL SAY 20 PERCENT OF 8 TENTHS  
13 OF ONE PERCENT OF ALL CRIMES, SO IT'S VERY RARE, AND  
14 UNUSUAL TYPE OF CRIME TO HAVE A STRANGER BASED RAPE.  
15 IT'S WHAT EVERYBODY FEARS THE MOST I THINK AND GETS  
16 EVERYONE'S ATTENTION, BUT STATISTICALLY IT'S A RARE  
17 AND UNCOMMON SORT OF CRIME.

18 Q BUT MR. COPE'S CHARGED WITH RAPING HIS OWN  
19 DAUGHTER?

20 A YES.

21 Q IN THIS CASE. HOW DOES THE COPE CASE COME INTO  
22 PLAY WITH THESE OTHER CASES?

23 A WELL, THE DNA MATCH WAS NOT, MY UNDERSTANDING  
24 WAS NOT FROM MR. COPE, SO THE ACTUAL SEXUAL ASSAULT  
25 WAS NOT DONE BY MR. COPE.

1 Q NOW AS FAR AS INVESTIGATING A CRIME, IF YOU SEE  
2 A SPIKE IN STRANGER BASED RAPES WHAT WOULD BE THE  
3 APPROPRIATE REACTION AS FAR AS FROM POLICE LAW  
4 ENFORCEMENT?

5 A AGAIN THAT'S SUCH A RARE OCCURRENCE ESPECIALLY  
6 IF YOU HAVE THEM IN A TIME FRAME AND GEOGRAPHIC AREA  
7 TOGETHER, YOU GOT TO START THINKING ABOUT A SERIAL  
8 RAPIST OR SINGLE OFFENDER OUT THERE DOING IT. THE  
9 CHANCE OF HAVING MORE THAN ONE OFFENDER COMMITTING  
10 SIMILAR TYPE CRIMES IN A SIMILAR AREA AT A SIMILAR  
11 TIME WOULD BE VERY, VERY UNUSUAL BECAUSE OF THE  
12 RARITY OF THIS TYPE OF CRIME.

13 Q SO SHOULD THE POLICE BE ON THE OR SHOULD THEY  
14 HAVE BEEN CONSCIOUS IN TRYING TO SOLVE THESE VARIOUS  
15 CRIMES OF THIS, OF THIS SAME OR THE SIMILARITIES  
16 BETWEEN THE CRIMES, SHOULD THEY HAVE BEEN  
17 CONSCIOUS --

18 MR. GREELEY: OBJECTION, RELEVANCE.

19 THE COURT: WELL, I'M GOING TO ALLOW IT  
20 SINCE IT'S A PROFFER. GO AHEAD AND ANSWER THAT.

21 A YES. I THINK WE MIGHT TEACH THIS TO LAW  
22 ENFORCEMENT WHEN WE TALK ABOUT LINKAGE BLINDNESS AND  
23 THAT BECOMES AN ISSUE IN INVESTIGATIONS AND WE  
24 ENCOURAGE POLICE, ESPECIALLY WHEN THEY SEE A PATTERN  
25 LIKE THIS THAT'S RARE AND UNUSUAL AND OCCURRING IN A

1 TIME FRAME IN A PARTICULAR AREA, TO NOT GET LINKAGE  
2 BLINDNESS AND BEGIN TO LOOK AND EXPLORE THE  
3 POSSIBILITY THAT THEY MAY HAVE ONE OFFENDER, A SERIAL  
4 VIOLENT OFFENDER COMMITTING A SERIES OF CRIMES.

5 Q OKAY. IF, NOW THE COPE CASE OCCURRED IT APPEARS  
6 TO BE THE FIRST OF THESE DIFFERENT OFFENSES THAT  
7 OCCURRED, RIGHT?

8 A CORRECT.

9 Q AND YOU STATED THAT MOST RAPES ARE OCCURRED BY  
10 ACQUAINTANCES?

11 A YES.

12 Q OKAY. WHEN THESE OTHER CASES STARTED TO OCCUR  
13 WHAT WOULD HAVE BEEN THE APPROPRIATE RESPONSE BY LAW  
14 ENFORCEMENT?

15 A TO CONSIDER THE POSSIBILITY THAT THIS COULD BE  
16 PART OF THE PATTERN, THE BEGINNING OF THE PATTERN,  
17 AND IF FOR NO OTHER REASON TO INVESTIGATE IT TO  
18 ELIMINATE THAT FROM CONSIDERATION AS BEING PART OF  
19 THE PATTERN, BUT BASED ON THE SIMILARITIES WITH THE  
20 SUBSEQUENT CRIMES TO THIS CRIME I THINK IT WOULD HAVE  
21 BEEN REASONABLE TO TAKE A LOOK AT THAT AND CONSIDER  
22 THAT POSSIBLY PART OF THIS PATTERN.

23 MR. SMITH: BEG THE COURT'S INDULGENCE ONE  
24 MOMENT. YOUR HONOR, I'D JUST LIKE AND AGAIN BEG THE  
25 COURT'S PATIENCE ON THIS.

1 Q I'D LIKE TO JUST FOR MR. MCCRARY TO TALK MORE  
2 ABOUT HIS QUALIFICATION WITH AS FAR AS CRIME ANALYSIS  
3 GOES AS FAR AS TESTIFYING AND YOUR EXPERIENCE IN  
4 CRIME ANALYSIS AND WHAT SORT OF PROJECT OR CASES YOU  
5 WORKED ON?

6 A WELL, I MEAN, YOU TALKING ABOUT JUST TESTIMONY  
7 OR CASE THAT I'VE BEEN INVOLVED IN.

8 Q I THINK BOTH?

9 A OKAY. I'VE BEEN INVOLVED IN REALLY CASES  
10 THROUGHOUT THE WORLD. I WORKED THE LAST TWO YEARS  
11 WITH THE BUREAU I WORKED A LOT IN EUROPE ON VIOLENT  
12 CRIMES, HOMICIDES AND SEX CRIMES, IN LISBON,  
13 PORTUGAL, MADRID, FRENCH NATIONAL POLICE IN PARIS.  
14 AMSTERDAM, BUDAPEST HOMICIDE, ITALY, VIENNA, A NUMBER  
15 OF CASES IN AUSTRIA. SO I WORKED IN SOUTH AND  
16 CENTRAL AMERICA, SOME IN ASIA. SO I WORKED A GOOD  
17 NUMBER OF CASES AND WORKED A LOT WITH THE CANADIANS  
18 AS WELL.

19 Q PROVIDING WHAT TYPE OF SERVICES?

20 A CRIME ANALYSIS, INVESTIGATOR SUPPORT IN ONGOING  
21 CASES, SOME EXPERT TESTIMONY IN CASES. I TESTIFIED  
22 IN VIENNA, IN A CASE IN AUSTRIA, PROVIDED EXPERT  
23 TESTIMONY THERE. TESTIFIED ABOUT A YEAR AGO IN  
24 ALASKA IN ANOTHER CASE SIMILAR TO THIS WHERE THERE IS  
25 A SERIES OF CRIMES AND TALKED ABOUT LINKING THE

1 CRIMES TOGETHER AND THE SERIAL RAPISTS.

2 Q JUST SO THE COURT IS CLEAR, WHAT, EXPLAIN AGAIN  
3 EXACTLY WHAT YOU MEAN BY CRIME ANALYSIS, WHAT EXACTLY  
4 ARE YOU DOING, WHAT SERVICE SPECIFICALLY ARE YOU  
5 PROVIDING?

6 A RIGHT. IT MAY VARY FROM CASE TO CASE DEPENDING  
7 ON WHETHER WE ARE THE INVESTIGATIVE STAGE WORKING  
8 WITH THE POLICE OR WHERE WE WERE TRYING TO DEVELOP  
9 LEADS OR INVESTIGATIVE STRATEGY OR IN COURTROOM  
10 TESTIMONY SUCH AS DOING CRIME ANALYSIS. TESTIFIED,  
11 FOR EXAMPLE, IN THE CIVIL CASE REALLY IT WAS A  
12 HOMICIDE TRIAL IN THE CONTEXT OF CIVIL LITIGATION IN  
13 OHIO IN THE OLD SAM SHEPHERD HOMICIDE CASE BASED UPON  
14 THE ANALYSIS OF CRIME AND THE CRIME SCENE THAT IT WAS  
15 STAGED CRIME, NOT SEXUALLY MOTIVATED, SO FORTH. SO  
16 EACH CASE CAN BE A LITTLE BIT DIFFERENT. BUT WE'RE  
17 LOOKING AT THE METHOD AND MANNER IN WHICH CRIMES WERE  
18 COMMITTED TO TRY, AND IN CASES LIKE THIS, TO SHOW A  
19 COMMON PATTERN OR A SCHEME THAT THEY MIGHT BE  
20 RELATED.

21 Q SO WE'RE NOT TALKING ABOUT CHARACTER EVIDENCE,  
22 WE'RE TALKING ABOUT MO?

23 A RIGHT, LOOKING STRICTLY AT CRIME SCENE, NOT  
24 PROFILING. WE'RE NOT TALKING ABOUT INDIVIDUALS.  
25 WE'RE TALKING ABOUT THE CRIME AND THE CRIME SCENE AND

1           WHETHER WE COULD LINK CRIME OR CRIME SCENES TOGETHER  
2           STRICTLY BASED ON THE EVIDENCE THAT WE GET FROM THE  
3           CRIME OR CRIME SCENE WHICH MAY INCLUDE VICTIM  
4           STATEMENTS AS WELL AS EVIDENCE AT THE SCENE ITSELF.

5           Q     OKAY.

6                         MR. SMITH:   YOUR HONOR, AT THIS TIME I  
7           WOULD MOVE TO HAVE MR. MCCRARY'S CHART ADMITTED AS  
8           DEFENSE.

9                         MR. GREELEY:  NO OBJECTION NOW.

10                        THE COURT:  ALL RIGHT.

11                                 (DEFENSE EXHIBIT 5 CHART RECEIVED INTO  
12           EVIDENCE.)

13           Q     MR. MCCRARY, IN YOUR EXPERT OPINION CAN YOU SAY  
14           THAT WAS COMMON SCHEME OR PLAN OR THAT THERE WAS  
15           LINKAGE BETWEEN THE OFFENSE OR THE SEPARATE ATTACKS  
16           THAT YOU HAVE LISTED ON YOUR CHART?

17           A     YES.  MY OPINION THAT THERE IS.  THAT BASED ON  
18           THE TOTALITY OF THIS CONSTELLATION OF CIRCUMSTANCES  
19           AND THE CRIME SCENE SIMILARITIES THAT THERE IS A SORT  
20           OF COMMON SCHEME AND A PATTERN HERE THAT EXISTS AMONG  
21           THESE CRIMES.

22           Q     THANK YOU.  I HAVE NO FURTHER QUESTIONS FOR YOU  
23           AT THIS TIME, BUT PLEASE ANSWER ANY QUESTIONS THAT  
24           MR. GREELEY MAY HAVE FOR YOU OR THE STATE.

25                         THE COURT:  MR. GREELEY.



1                   MR. GREELEY:  MAY IT PLEASE THE COURT.  
2                   CROSS EXAMINATION BY MR. GREELEY:  
3                   Q     MR. MCCRARY, GOOD MORNING.  
4                   A     GOOD MORNING, MR. GREELEY.  
5                   Q     YOU FLEW IN FROM VIRGINIA THIS MORNING, IS THAT  
6                   CORRECT?  
7                   A     YES, SIR, I DID.  
8                   Q     I RECEIVED YOUR CHART THIS MORNING SO I HAVE  
9                   LOOKED AT IT.  HOW MUCH ARE YOU CHARGING FOR YOUR  
10                  TESTIMONY IN THIS CASE?  
11                  A     I HAVEN'T EVEN DISCUSSED THAT WITH THEM AT THIS  
12                  POINT.  
13                  Q     HOW MUCH WILL YOU CHARGE FOR YOUR TESTIMONY?  
14                  A     I HAVEN'T DISCUSSED IT.  I HAVEN'T FIGURED THAT  
15                  OUT.  PROBABLY AROUND 200 AN HOUR OR SOMETHING LIKE  
16                  THAT.  
17                  Q     OKAY.  SO YOU ARE NOT GOING TO TESTIFY FOR FREE  
18                  HERE?  
19                  A     NO.  
20                  Q     OKAY.  NOW THE INFORMATION THAT YOU RECEIVED ON  
21                  THIS CASE YOU RECEIVED INITIALLY FROM MR. COPE'S  
22                  ATTORNEYS, IS THAT CORRECT?  
23                  A     YES, MR. MORTON.  YES.  
24                  Q     OKAY.  AND DID MR. MORTON MAKE THE INITIAL  
25                  CONTACT WITH YOU?

1 A YES, HE DID.

2 Q OKAY. DO YOU RECALL WHEN THAT WAS?

3 A NOT TOO LONG AGO. A COUPLE WEEKS AGO. I DON'T  
4 HAVE THE EXACT DATE.

5 Q OKAY. SO YOU BEGAN WORKING ON THIS CASE A  
6 COUPLE OF WEEKS AGO?

7 A YES, SIR.

8 Q AND HE PROVIDED YOU WITH DOCUMENTATION IN  
9 REGARDS TO THESE OTHER ALLEGATIONS REGARDING MR.  
10 SANDERS, IS THAT CORRECT?

11 A REGARDING THESE OTHER CRIMES, THESE SERIES OF  
12 CRIMES. I INDICATED I GOT THE POLICE REPORTS AND SO  
13 FORTH ON THESE CRIMES. THESE CRIME REPORTS IS WHAT I  
14 HAVE.

15 Q YOU UNDERSTAND HE HASN'T BEEN CONVICTED OF ANY  
16 OF THOSE AS OF THIS TIME?

17 A I UNDERSTAND.

18 Q NOW SO YOU GOT THE CRIME REPORTS AND YOU GOT THE  
19 INCIDENT REPORTS?

20 A YES.

21 Q OKAY. WHAT DID HE PROVIDE YOU IN REGARDS TO THE  
22 COPE CASE?

23 A HE PROVIDED ME SOME OF MR. COPE'S STATEMENTS. I  
24 BELIEVE I HAVE, I THINK I HAVE THE MATERIAL HERE.

25 Q OKAY.

1 A THAT SORT OF DATA ABOUT THE INCIDENT ITSELF.

2 Q OKAY. AND NOW AFTER YOU RECEIVED THIS

3 INFORMATION WHO DID YOU CONTACT TO THE DISCUSS THIS

4 INFORMATION WITH?

5 A MR. MORTON PRIMARILY.

6 Q ANYBODY ELSE?

7 A NO. I TALKED TO MY WIFE ABOUT IT, BUT I THINK

8 THAT WAS ABOUT IT.

9 Q OKAY. BUT SHE'S NOT HERE TODAY?

10 A NO.

11 Q AND DID YOU TALK TO ANY OF THE DETECTIVES AT THE

12 ROCK HILL POLICE DEPARTMENT?

13 A NO, SIR.

14 Q DID YOU CALL AND TALK WITH CATHERINE DAVIS?

15 A NO, SIR.

16 Q DID YOU CALL AND TALK WITH SARAH PHILLIPS?

17 A NO, SIR.

18 Q DID YOU CALL AND TALK WITH ALICIA LOWERY?

19 A NO, SIR.

20 Q DID YOU CALL AND TALK TO DR. GEORGE WHITE?

21 A NO.

22 Q DID YOU CALL AND TALK WITH SARAH HAGMAN LEE NOW?

23 A NO. NO, SIR.

24 Q BETWEEN A FEW WEEKS AGO AND NOW, NOW YOU'VE

25 TESTIFIED YOU'VE BEEN ALL OVER THE WORLD WORKING ON

1       CASES, IS THAT CORRECT?

2       A     YES, SIR.

3       Q     YOU'VE DONE EXTENSIVE TRAVEL, IS THAT CORRECT?

4       A     A FAIR AMOUNT.

5       Q     OKAY.  WHEN DID YOU TRAVEL DOWN TO 322 A NORTH  
6       CONFEDERATE AVENUE, ROCK HILL, TO LOOK AT THE SCENE?

7       A     I HAVE NOT BEEN TO, PHYSICALLY, I'VE NOT BEEN TO  
8       ANY OF THE SCENES.

9       Q     SO YOU HAVE NOT TRAVELLED TO ROCK HILL TO SEE  
10      ANY OF THESE SCENES EITHER MCGEE ROAD, WHITGREEN  
11      STREET, 238 EAST WHITE STREET, OR 131 REID STREET, IS  
12      THAT CORRECT?

13      A     CORRECT.

14      Q     YOU HAVEN'T TALKED WITH ANYBODY ELSE IN THESE  
15      CASES EXCEPT FOR MR. MORTON AND MAYBE ONE OF HIS  
16      OTHER ASSISTANTS?

17      A     YES.

18      Q     AND SO YOUR CHART THAT YOU HAVE GIVEN IN COURT  
19      TODAY IN REGARDS TO YOUR CONCLUSION IS BASED UPON  
20      WHAT YOU WERE TOLD BY MR. MORTON AND BY THE  
21      INFORMATION THAT WAS PROVIDED TO YOU?

22      A     IT WAS BASED ON THE INFORMATION PROVIDED TO ME.

23      Q     OKAY.  NOW IN YOUR LOCATION CATEGORY, DO YOU  
24      HAVE YOUR CHART AVAILABLE?

25      A     YES, SIR.

1 Q THE ONE THAT'S BEEN PUT INTO EVIDENCE?

2 A I'VE GOT A COPY OF IT HERE.

3 Q OKAY. LET'S BE OFFICIAL AND LOOK AT THE ONE  
4 THAT'S MARKED AS EXHIBIT NUMBER FIVE?

5 A YES, SIR.

6 Q YOU WENT THROUGH AND YOU DID A LOCATION AND YOU  
7 DID THAT BASED ON A ROCK HILL MAP, IS THAT CORRECT?

8 A BASED ON THE POLICE REPORTS AS TO THE PLACE OF  
9 OCCURRENCE.

10 Q DID YOU HAVE A ROCK HILL MAP WITH YOU?

11 A I DID NOT HAVE A ROCK HILL MAP WITH ME. I  
12 PULLED ONE UP ON THE SCREEN, COMPUTER SCREEN, AND  
13 LOCKED AT IT THAT WAY.

14 Q OKAY. WERE YOU ABLE TO IDENTIFY THESE PIECES OF  
15 PROPERTY ON THE MAP THAT YOU LOOKED AT?

16 A TO A DEGREE. I DIDN'T PUT A LOT OF WEIGHT ON  
17 IT. IT WAS A YAHOO MAP WHICH I PULLED UP WHICH I  
18 FIND TO BE GENERALLY ACCURATE BUT NOT ALWAYS  
19 SPECIFICALLY ACCURATE, SO I DIDN'T INCLUDE IT IN MY  
20 MATERIALS THAT I BROUGHT WITH ME.

21 Q IN ESTABLISHING A PATTERN FOR LOCATION IT'S  
22 NECESSARY TO BE ABLE TO LOOK AT THAT LOCATION AND  
23 POSSIBLY ALL THE CRIMES THAT ARE BEING COMMITTED  
24 WITHIN A PERIOD OF TIME IN THAT AREA, ISN'T THAT  
25 TRUE?

1       A     I'M NOT SURE I UNDERSTAND.  YOU MEAN, ARE YOU  
2       ASKING ME THAT I HAVE TO PHYSICALLY LOOK AT A  
3       LOCATION.

4       Q     DO YOU NOT WANT TO KNOW WHAT CRIMES HAVE  
5       OCCURRED THAT WOULD BE SIGNIFICANT OR LIKE CRIMES  
6       WITHIN A GEOGRAPHICAL AREA WITHIN A PERIOD OF TIME?

7       A     POSSIBLY.  DEPENDS ON WHAT THE ASSIGNMENT IS AND  
8       WHAT I'M DOING.

9       Q     OKAY.  WHAT OTHER CRIMES OF BURGLARY DID YOU  
10      LOOK AT THAT OCCURRED IN THE CITY OF ROCK HILL IN  
11      DECEMBER AND THE FIRST PART OF JANUARY 2001-2002.

12     A     I REVIEWED NO OTHER BURGLARY, NO OTHER CRIMES OF  
13     BURGLARY.

14     Q     SO THE ONLY CASES THAT YOU HAVE REVIEWED ARE THE  
15     ONES THAT MR. MORTON PROVIDED YOU THAT MR. SANDERS IS  
16     ALLEGEDLY ACCUSED OF, IS THAT CORRECT?

17     A     YES.

18     Q     SO YOU DON'T KNOW HOW MANY OTHER BURGLARIES MAY  
19     HAVE OCCURRED IN THIS LOCATION IN THIS PART OF TOWN  
20     DURING THE PERIOD OF TIME IN QUESTION, IS THAT  
21     CORRECT?

22     A     THAT'S CORRECT.

23     Q     OKAY.  NOW YOU ALSO HAVE ON HERE IN DOOR  
24     CRIME/OUT DOOR CRIME.  THERE IS ONLY TWO CATEGORIES  
25     OF THAT, IS THAT CORRECT, IN DOOR/OUT DOOR?

1 A CORRECT.

2 Q OKAY. YOU DIDN'T PUT ON YOUR CHART IN DOOR  
3 RESIDENCE, DID YOU?

4 A I DIDN'T PUT THE WORD RESIDENCE.

5 Q OKAY. SO YOUR CHART AND THE STATISTICS THAT YOU  
6 ARE LOOKING FOR DEAL WITH WHETHER A CRIME IS  
7 COMMITTED IN DOORS OR A CRIME IS COMMITTED OUT DOORS,  
8 IS THAT CORRECT?

9 A NO, NOT SPECIFICALLY. LOOKING AT RAPES AND  
10 ROBBERY, LOOKING AT, I ALSO PROVIDED I BELIEVE, WE  
11 HAVEN'T PUT IT IN EVIDENCE, BUT DIFFERENT LOCATIONS  
12 OF WHERE DIFFERENT CRIMES OCCUR. FOR EXAMPLE, I  
13 PULLED SOUTH CAROLINA CRIMES STATISTICS, ABOUT 20  
14 PERCENT OF BURGLARIES OCCUR IN RESIDENCES. THAT'S  
15 BROKEN DOWN BY COMMERCIAL INSTITUTIONS, STREET  
16 ROBBERIES, AND SO FORTH, SO I'VE LOOKED AT THAT DATA.

17 Q BUT YOU HAVEN'T, IN YOUR CHART THAT YOU HAVE  
18 PROVIDED IN EVIDENCE, YOU ONLY HAVE ONE OF TWO  
19 GENERAL CATEGORIES, IN DOOR AND THEN OUT DOOR, IS  
20 THAT RIGHT?

21 A I JUST PUT, RIGHT, IN DOOR AND HOPEFULLY THIS IS  
22 WHAT WE CAN CLARIFY THIS MORNING IS I TESTIFIED WE  
23 WERE TALKING ABOUT IN DOOR AND IN PRIVATE RESIDENCES.

24 Q OTHER THAN IN DOOR AND OUT DOOR, CAN YOU TELL ME  
25 ANY OTHER CATEGORY WHERE A CRIME MIGHT OCCUR?

1 A WELL, YOU BREAK IT DOWN WITHIN THE  
2 SUB-CATEGORIES THERE.

3 Q I UNDERSTAND THAT. I'M TALKING ABOUT YOUR CHART  
4 THAT YOU'VE USED?

5 A I JUST USED THE TERM IN DOOR, BUT I TRIED TO  
6 CLARIFY THIS MORNING TO INDICATE I'M LOOKING AT ALL  
7 OF THESE CRIMES WERE IN RESIDENCES.

8 Q RIGHT. BUT ALL CRIMES ARE EITHER COMMITTED IN  
9 DOORS OR OUT DOORS, ISN'T THAT CORRECT?

10 A FAIR ENOUGH.

11 Q OKAY. EVERY CRIME COMMITTED IS COMMITTED IN  
12 DOORS OR OUT DOORS, CORRECT?

13 A YES, SIR.

14 Q OKAY. NOW SUSPECT KNOWN OR A STRANGER. I  
15 NOTICED DOWN UNDER THE AMANDA COPE CASE YOU DON'T  
16 HAVE AN ANSWER FOR THAT?

17 A CORRECT.

18 Q SO YOU DON'T SAY WHETHER IT WAS A STRANGER OR  
19 WHETHER IT WAS KNOWN, IS THAT CORRECT?

20 A THAT'S CORRECT.

21 Q NOW DID MR. MORTON PROVIDE YOU WITH THE VIDEO  
22 TAPE OF HIS CLIENT EXPLAINING IN DETAIL TO THE POLICE  
23 THREE DAYS AFTER THIS INCIDENT HOW HE SEXUALLY  
24 MUTILATED AND KILLED HIS DAUGHTER AT THE HOUSE?

25 A I DIDN'T SEE THAT VIDEO TAPE, NO, SIR.



1 Q OKAY. NOW IF YOU WOULD HAVE CONSIDERED THAT  
2 VIDEO TAPE, THEN THE SUSPECT WOULD HAVE BEEN KNOWN,  
3 ISN'T THAT CORRECT?

4 A THAT'S CERTAINLY A POSSIBILITY, YES.

5 Q I MEAN, SHE WOULD KNOW HER FATHER?

6 A YES.

7 Q AND SO LET'S JUST HYPOTHETICALLY PRESUME THAT IF  
8 MR. COPE IS THE SUSPECT THEN THAT CATEGORY WOULD BE  
9 KNOWN SUSPECT, CORRECT?

10 A YES.

11 Q AS OPPOSED TO ALL OF THESE OTHERS WHICH ARE  
12 STRANGER, IS THAT CORRECT?

13 A CORRECT.

14 Q NOW, ALSO ACCORDING TO YOUR TESTIMONY MR. COPE  
15 FALLING INTO THAT KNOWN CATEGORY WOULD BE THE  
16 MAJORITY OF THESE OF SEXUAL OFFENSES IN THE 75  
17 PERCENT RANGE THAT YOU SAID?

18 A YES, SIR.

19 Q OKAY. NOW --

20 A WITH, THAT BREAKS DOWN TOO BY FAMILY MEMBER AND  
21 FAMILY MEMBERS ARE LEAST FREQUENT WITHIN THE KNOWN  
22 CATEGORY, BUT IT WOULD BE IN THAT GENERAL UMBRELLA.

23 Q THE NEXT CATEGORY YOU HAVE IS FORCED ENTRY,  
24 CORRECT?

25 A YES, SIR.

1 Q NOW ARE YOU TALKING ABOUT, IS YOUR DEFINITION OF  
2 FORCED ENTRY IN THAT THERE IS A BREAKING AND ENTERING  
3 OF A RESIDENCE?

4 A YES.

5 Q OKAY.

6 A PHYSICALLY, USING PHYSICAL FORCE TO ENTER THE  
7 RESIDENCE.

8 Q OKAY. USING PHYSICAL FORCE TO ENTER THE  
9 RESIDENCE. NOW IF A PERSON TESTIFIED THAT HER DOOR  
10 WAS AJAR AND SHE WAS GOING TO CLOSE IT AND AS SHE  
11 WENT TO CLOSE IT, A STRANGER THEN FORCED HIS WAY INTO  
12 THE HOUSE BY PUSHING THE DOOR OPEN AND PUSHING HER  
13 BACK, THAT'S A FORCED ENTRY, ISN'T IT?

14 A WHAT I WAS THINKING ABOUT FORCED ENTRY I AM  
15 THINKING ABOUT DEFEATING A LOCK, BREAKING A LOCK,  
16 DOOR JAMB, COMING THROUGH THIS WAY. IN THAT  
17 PARTICULAR CASE, MY UNDERSTANDING THAT THE VICTIM WAS  
18 SURE THAT SHE LOCKED HER DOOR, CAME HOME TO THE BACK  
19 DOOR, WAS SURE SHE LOCKED THE FRONT DOOR, SAW IT  
20 AJAR, WENT TO CLOSE IT, AND THEN WAS ATTACKED. THERE  
21 WAS NO REPORT OF WHETHER THAT LOCK WAS BROKEN OR  
22 FORCED ENTRY OR WHETHER SHE HAD SIMPLY THOUGHT SHE  
23 LOCKED THE DOOR AND HADN'T AND IT WAS OPEN.

24 Q NOW DO I UNDERSTAND CORRECTLY THAT THE PURPOSE  
25 OF YOUR DEFINITION OF FORCED ENTRY IS THE PERSON IS

1 ESSENTIALLY TRYING TO GET INTO THE HOUSE BY STEALTH?

2 A WELL, FORCED ENTRY WOULD BE OVERCOMING A LOCK OR  
3 SOME MECHANISM, A LOCKED WINDOW, A LOCKED DOOR.  
4 PHYSICALLY FORCING ENTRY, WHEN I AM TALKING ABOUT.

5 Q SOMEBODY STANDING IN THE WAY OF THE DOOR, THAT  
6 WOULD BE LIKE A LOCK, WOULDN'T IT?

7 A WELL, POSSIBLY. MY DEFINITION DEALT MORE WITH  
8 OVERCOMING LOCKS AND THAT SORT OF ACCESS CONTROL.

9 Q OKAY. NOW WOULD YOU AGREE WITH ME THAT IN  
10 REGARDS TO THE CATHERINE DAVIS CASE AND SARAH  
11 PHILLIPS CASE; NO, THE CATHERINE DAVIS CASE, ALICIA  
12 LOWERY CASE, AND THE SARA HAGMAN CASE, THAT THE  
13 PERSON WHO ASSAULTED THOSE LADIES CAME IN IN THE SAME  
14 MANNER BY PUSHING, KNOCKING ON THE DOOR AND ONCE THE  
15 DOOR WAS JUST SLIGHTLY OPENED, FORCING THEMSELVES  
16 INTO THE DOOR OR IF THE DOOR WAS FOUND OPEN, FORCING  
17 THEMSELVES INTO THE DOOR. WILL YOU AGREE WITH ME ON  
18 THAT?

19 A YES. YES, SIR. USING, WE CALL THAT AS ROUSE OR  
20 A CON, KNOCKING ON THE DOOR TO GET THEM TO OPEN THE  
21 DOOR AND THEN ENTERING.

22 Q OKAY. AND IN THE COPE MATERIAL THAT YOU WERE  
23 SENT FROM THE POLICE, THERE IS NO EVIDENCE WHATSOEVER  
24 THAT THAT METHOD WAS USED, IS THERE?

25 A CORRECT.

1 Q NOW IN REGARDS TO YOUR SEX AND ROBBERY,  
2 CATHERINE DAVIS, THAT'S A GUESS?

3 A YES, SIR.

4 Q SHE EVEN TESTIFIED IN COURT TODAY?

5 A OKAY.

6 Q IN FACT, SHE SAID HE KEPT LOOKING FOR MONEY.  
7 ALTHOUGH MS. DAVIS DID NOT IDENTIFY MY CLIENT AS THE  
8 SUSPECT. NOW SARAH PHILLIPS YOU HAVE YES, BUT YOU  
9 ARE ASSUMING THE INTENT OF THE INTRUDER, AREN'T YOU?

10 A IF SHE TESTIFIED THERE WAS NO ROBBERY AND NO  
11 ATTEMPTED ROBBERY, I'LL GO WITH HER. I'M NOT SURE  
12 WHAT SHE TESTIFIED TO. IF THAT IS WHAT SHE TESTIFIED  
13 TO THEN I WOULD SAY THERE WAS NO ROBBERY. SHE SAID  
14 AS I RECALL THAT THIS WAS OVER VERY QUICKLY, THAT HE  
15 DIDN'T HAVE A CHANCE TO DO REALLY MUCH OF ANYTHING,  
16 THAT SHE RESISTED AND THAT.

17 Q PUT HIS HAND OVER HER MOUTH?

18 A RIGHT.

19 Q BECAUSE SHE WAS SCREAMING. OKAY. ALICIA  
20 LOWERY, OKAY. GEORGE WHITE, IN THAT PARTICULAR CASE  
21 YOU HAVE AN INDIVIDUAL WHO IS SPOTTED IN THE HOUSE  
22 AND WHO FLED?

23 A CORRECT.

24 Q MS. HAGMAN, SHE TALKED ABOUT THE POCKETBOOK?

25 A YES, SIR.

1 Q OKAY. DID YOU SEE ANYTHING IN THE REPORTS TO  
2 WHERE IT INDICATED THAT THE PERSON WAS ATTEMPTING A  
3 SEXUAL ASSAULT ON HER OTHER THAN A FIGHT AND A  
4 ROBBERY?

5 A I'D HAVE TO LOOK AT THAT MATERIAL TO TELL YOU.  
6 RIGHT OFF HAND I COULDN'T POINT YOU TO A PAGE OR  
7 ANYTHING.

8 Q OKAY. AMANDA COPE, YOU SAID THE EVIDENCE OF  
9 ROBBERY WAS THE POCKETBOOK ON HER BED?

10 A SUGGESTED THAT WHICH IS I BELIEVE MY  
11 UNDERSTANDING IS THAT IT WAS OUT OF PLACE AND THAT IT  
12 DIDN'T BELONG THERE.

13 Q AND WHO TOLD YOU IT WAS OUT OF PLACE AND DIDN'T  
14 BELONG THERE, MR. MORTON?

15 A YEAH, I BELIEVE SO.

16 Q OKAY. YOU KNOW THIS WAS A 12 YEAR OLD GIRL?

17 A YES, SIR.

18 Q MS. DAVIS, MS. PHILLIPS, MS. LOWERY, MRS. HAGMAN  
19 ARE ALL GROWN WOMEN, ISN'T THAT CORRECT?

20 A YES, SIR.

21 Q OKAY. NONE OF THEM ARE 12 YEARS OLD, IS THAT  
22 CORRECT?

23 A THAT'S MY UNDERSTANDING.

24 Q OKAY. NOW I WANT TO GO BACK TO THE DATE ON YOUR  
25 CHART.

1 A YES, SIR.

2 Q YOU HAVE DOWN THERE AMANDA COPE 11/29/01?

3 A YES, SIR.

4 Q IS THAT CORRECT? AND YOU SAID THAT IT WAS THE  
5 FIRST IN A SERIES, IS THAT CORRECT?

6 A POSSIBLY, YES.

7 Q POSSIBLY. BUT YOU COULD ALSO FROM THE DATE  
8 STANDPOINT SAY IT DOESN'T EVEN BELONG IN THE DATE  
9 CATEGORY, DOES IT?

10 A WHY WOULD I SAY THAT?

11 Q WELL, YOU SAY IT'S THE FIRST OF A SERIES. THE  
12 REST OF THE SERIES DOESN'T HAPPEN UNTIL TWO WEEKS  
13 LATER?

14 A THAT'S JUST ONE ELEMENT, WE'RE TALKING ABOUT THE  
15 CONSTELLATION OF ALL THOSE CIRCUMSTANCES, TO ME PUT  
16 IT IN THAT REALM OF POSSIBLY BEING RELATED.

17 Q BUT ISN'T IT EASY JUST TO FIT IT ON THE FRONT  
18 END. I MEAN, WOULDN'T YOU THINK IT WOULD BE MORE,  
19 WOULDN'T YOU THINK YOUR OPINION WOULD BE ABLE TO BE  
20 MORE SUBSTANTIATED IF THIS OFFENSE FELL WITHIN THE  
21 TIME FRAME OF THE OTHER OFFENSES?

22 A NO, NOT NECESSARILY. I THINK IT DOES FALL INTO  
23 THAT TIME FRAME. WE GOT ALL THIS OCCURRING WITHIN  
24 JUST A MATTER OF WEEKS. THE END OF NOVEMBER THROUGH  
25 DECEMBER 19, WE GOT LESS THAN A MONTH THAT THE

1 MAJORITY OF THESE CRIMES OCCURRED IN, AND THEN WE GOT  
2 A BREAK THERE, ANOTHER BREAK OVER THE HOLIDAYS, OVER  
3 CHRISTMAS AND NEW YEAR'S, BEFORE WE HAVE THE ASSAULT  
4 ON MS. HAGMAN, SO THIS IS A PATTERN THAT EXISTS.  
5 SOMETIMES, THERE IS A FEW THAT OCCURS IN A FEW DAYS  
6 AND SOMETIMES THERE IS A COUPLE WEEKS BETWEEN THEM,  
7 SO IT'S NOT INCONSISTENT.

8 Q OKAY. IN REGARDS TO CHOKING AND ASPHYXIATION.

9 A YES, SIR.

10 Q MS. DAVIS NEVER SAID ANYTHING ABOUT THAT, DID  
11 SHE?

12 A YEAH, THAT'S WHY I PUT NO REPORT THERE, YES.

13 Q SARAH PHILLIPS NEVER SAID ANYTHING ABOUT THAT,  
14 DID SHE?

15 A LET'S SEE WHAT SHE SAID.

16 Q SHE SAID HE PUT HIS HAND OVER HER MOUTH WHEN SHE  
17 STARTED TO SCREAM, WAS HOLDING HER DOWN?

18 A RIGHT. HE DID THAT TWICE.

19 Q RIGHT. NOW ISN'T IT TRUE ALICIA LOWERY DOES  
20 TALK ABOUT A PLASTIC BAG PUT OVER HER FACE?

21 A YES.

22 Q SHE DOESN'T SAY ANYTHING ABOUT HER THROAT, DOES  
23 SHE?

24 A NO. SHE SAID I COULD NOT BREATHE AND I STARTED  
25 CLAWING AT THE PLASTIC BAG.

1 Q OKAY. GEORGE WHITE, THERE IS NOTHING IN THAT  
2 CASE, I MEAN, ABOUT ASPHYXIATION. THIS IS JUST A  
3 PERSON IN THE HOUSE AND RUNNING OUTSIDE?

4 A HE FLED.

5 Q SARAH HAGMAN TALKS ABOUT THE HEAD LOCK DURING A  
6 WRESTLING MATCH, ISN'T THAT CORRECT?

7 A YES, GOT ME IN A CHOKE HOLD IS THE WAY SHE PUT  
8 IT, YES.

9 Q OKAY. BUT SHE NEVER TALKED ABOUT BEING HELD  
10 DOWN AND SOMEBODY BEING ON TOP OF HER TRYING TO CHOKE  
11 HER, DID SHE?

12 A NOT SPECIFICALLY THAT WAY. SHE MENTIONED BEING  
13 IN A CHOKE HOLD.

14 Q OKAY. EVIDENCE, I WANT TO GO DOWN TO AMANDA  
15 COPE. YOU TALK ABOUT THE DNA MATCH. WERE YOU GIVEN  
16 THE AUTOPSY REPORT TO READ?

17 A I DON'T RECALL IF I WAS OR NOT.

18 Q I SUBMIT YOU WOULD PROBABLY RECALL IF YOU READ  
19 IT, SO YOU DON'T RECALL?

20 A NO, I DON'T THINK SO.

21 Q THE AUTOPSY REPORT. ARE YOU FAMILIAR WITH THE  
22 FACT THAT THE AUTOPSY REPORT SHOWS PRETTY MUCH NOT  
23 ONLY SEXUAL ASSAULT AGAINST AMANDA COPE BUT SEXUAL  
24 MUTILATION?

25 A I UNDERSTAND, YES, THERE IS SOME VAGINA TRAUMA I



1 THINK.

2 Q AND SOME RECTUM TRAUMA?

3 A RIGHT.

4 Q OKAY. AND DO YOU UNDERSTAND THAT THE FORENSICS

5 SHOW THAT THERE WAS NO SEMEN FOUND IN ANY ORIFICE

6 WITH AMANDA COPE?

7 A I BELIEVE THAT'S CORRECT.

8 Q OKAY. AND WERE YOU TOLD THAT MR. COPE STATED TO

9 THE POLICE THAT HE HAD STUCK A BROOM STICK IN HIS

10 DAUGHTER'S ANUS AND ALSO STUCK IT IN HER VAGINA?

11 A IT'S AMONG A NUMBER OF THINGS HE TOLD POLICE,

12 YES.

13 Q OKAY. IN CATHERINE DAVIS CASE, SARAH PHILLIPS

14 CASE, ALICIA LOWERY CASE, GEORGE WHITE, SARAH HAGMAN,

15 THERE IS NO EVIDENCE OF ANY SEXUAL MUTILATION IN

16 THOSE CASES, IS THERE?

17 A THERE WAS JUST SOME VAGINAL TRAUMA, AND I DON'T

18 MEAN TO MINIMIZE IT, BUT SOME VAGINAL TRAUMA TO MS.

19 DAVIS, BUT OBVIOUSLY THE OTHERS WERE ATTEMPTED SEXUAL

20 ASSAULTS WHICH WERE NOT COMPLETED.

21 Q MS. PHILLIPS NEVER SAID THAT. THERE IS NO

22 EVIDENCE MS. PHILLIPS THAT THERE WAS A SEXUAL

23 ASSAULT.

24 A RIGHT.

25 Q I DON'T KNOW THAT MS. HAGMAN SAYS THAT. THERE

1 IS NO EVIDENCE OF MS. HAGMAN THAT IT WAS A SEXUAL  
2 ASSAULT OR THAT IT HAD GOTTEN TO THAT EXTENT?

3 A IT MAY NOT HAVE GOTTEN TO THAT EXTENT. I THINK  
4 THAT SOME OF THESE VICTIMS RESISTED PRETTY FIERCELY  
5 AND IT DIDN'T GET TO THAT POINT. I THINK THE POINT  
6 HERE THAT WE HAVE TO LOOK AT IS THE TWO VICTIMS THAT  
7 WERE SEXUALLY ASSAULTED, THE COMMONALITY IS THE  
8 VULNERABILITY OF THESE VICTIMS. WE HAVE A 12 YEAR  
9 OLD GIRL AND WE HAVE A 60 YEAR OLD WOMAN WHO IS  
10 DISABLED AND NOT ABLE OR NO REPORT OF FIERCE  
11 RESISTANCE SO I THINK THAT'S THE COMMONALITY THAT WE  
12 HAVE.

13 Q OKAY. LET'S GO BACK TO SARAH PHILLIPS THEN.  
14 SARAH PHILLIPS, ALICIA LOWERY, AND SARAH HAGMAN, ALL  
15 THREE, FOUGHT OFF THE INTRUDER, ISN'T THAT CORRECT?

16 A YES.

17 Q SO THERE WAS NO COMMONALITY THERE OF BEING  
18 SUSCEPTIBLE TO HIM AS BEING EITHER OLD OR YOUNG OR  
19 BEING ANYTHING LIKE THAT, ISN'T THAT CORRECT?

20 A WELL, THEY WERE NOT AS VULNERABLE A VICTIM.  
21 THEY WERE --

22 Q THEY WERE NOT VULNERABLE AT ALL, WERE THEY?

23 A NOT VERY. THEY ARE PRETTY STAND UP WOMEN.

24 Q SO THAT WAS, THAT'S INCONSISTENT WITH AMANDA  
25 COPE AND CATHERINE DAVIS IF YOU ARE GOING TO TALK

1 ABOUT VULNERABILITY OF VICTIMS, ISN'T THAT CORRECT?

2 A YES. CATHERINE DAVIS AND AMANDA COPE WERE  
3 CERTAINLY THE TWO MOST VULNERABLE OF THE VICTIMS AND  
4 THOSE WERE THE TWO FOR WHOM THIS OFFENDER WAS ABLE TO  
5 COMPLETE A SEXUAL ASSAULT.

6 Q OKAY. LASTLY, MR. MCCRARY, YOU'VE HEARD OR I  
7 DON'T KNOW IF YOU KNOW MS. DAVIS TESTIFIED THIS  
8 MORNING?

9 A YEAH, I'M NOT AWARE OF WHO ALL TESTIFIED.

10 Q MS. PHILLIPS TESTIFIED AND MS. LOWERY TESTIFIED,  
11 AND MS. HAGMAN LEE TESTIFIED THIS MORNING HERE IN  
12 THIS COURTROOM.

13 A YES, SIR.

14 Q DR. WHITE DIDN'T TESTIFY, BUT I BELIEVE THAT HE  
15 IS PROBABLY WORKING. HE'S A PHYSICIAN IN TOWN.  
16 THERE IS A GLARING DIFFERENCE BETWEEN AMANDA COPE'S  
17 CASE AND THE REST OF THEM, ISN'T THERE?

18 A IN WHAT WAY.

19 Q SHE'S DEAD?

20 A YES, SIR.

21 Q THEY ARE NOT?

22 A YES, SIR.

23 THE COURT: ANYTHING FROM THE STATE?

24 MR. THOMPSON: NO QUESTIONS, YOUR HONOR.

25 THE COURT: ANY REDIRECT.

1                   MR. SMITH: JUST A COUPLE, YOUR HONOR.

2 REDIRECT EXAMINATION BY MR. SMITH:

3 Q     MR. MCCRARY, YOU TESTIFIED THAT YOU DID NOT  
4 PERSONALLY SPEAK WITH ANY OF THE VICTIMS YOURSELF.

5 A     THAT'S CORRECT.

6 Q     YOU DID HAVE SWORN STATEMENTS BY THEM THAT WERE  
7 IN THE POLICE FILE, CORRECT?

8 A     YES, SIR.

9 Q     SO YOU HEARD THEIR TESTIMONY?

10 A    THAT'S WHAT I RELIED ON.

11 Q    AND DO YOU FEEL THAT YOU HAD SUFFICIENT  
12 INFORMATION TO REACH THE CONCLUSION THAT ALL OF THESE  
13 CRIMES WERE LINKED, THAT THERE WAS COMMONALITY  
14 BETWEEN THESE CRIMES?

15 A    YES.

16 Q    NOW REGARDING THE FACT THAT ON YOUR CHART YOU  
17 PUT IN DOOR CRIME VERSUS OUT DOOR CRIME, YOU COULD  
18 HAVE JUST AS EASILY SAID RESIDENT, INSIDE A  
19 RESIDENCE?

20 A    THAT WOULD HAVE BEEN MORE PRECISE, YES.

21 Q    AND YOU HAVE NO PROBLEM MAKING THAT CHANGE?

22 A    NO. THESE ARE INSIDE, I MEAN, IN DOOR BUT  
23 INSIDE RESIDENCES.

24 Q    SO THERE WAS A MORE SPECIFIC COMMONALITY BETWEEN  
25 ALL OF THESE OFFENSES?

1 A CORRECT.

2 Q YOU TESTIFIED THAT YOU DID NOT REVIEW THE VIDEO  
3 CONFESSION OF MR. COPE?

4 A THAT'S CORRECT.

5 Q YOU DID REVIEW HIS OTHER CONFESSIONS?

6 A YES.

7 Q AND YOU ALSO STATED THAT THERE WAS NO EVIDENCE  
8 THAT MR. SANDERS DID NOT KNOCK ON THE DOOR AT AMANDA  
9 COPE'S HOUSE, THE SAME AS HE HAD DONE WITH CATHERINE  
10 DAVIS AND SARAH HAGMAN, IS THAT RIGHT?

11 A YEAH, THERE IS NO WAY TO, NO INDICATION OF THAT.

12 Q BUT THERE IS NO INDICATION THAT HE DID NOT DO  
13 THAT, IS THAT RIGHT?

14 A ONE WAY OR THE OTHER, RIGHT.

15 Q THERE WERE JUST NO SIGNS OF FORCED ENTRY?

16 A CORRECT.

17 Q NOW IN CRIME ANALYSIS YOU ARE INVOLVED WITH  
18 FALSE CONFESSIONS IN ANY WAY?

19 A YES.

20 Q IN WHAT MANNER?

21 A WELL, YOU HAVE TO ALWAYS BE ALERT TO THOSE.  
22 IT'S THE MIRROR IMAGE OF FALSE ALLEGATIONS OF CRIME.  
23 THERE IS NO INVESTIGATOR WHO HAS BEEN AN INVESTIGATOR  
24 FOR A LENGTH OF TIME THAT HASN'T ENCOUNTERED A FALSE  
25 ALLEGATION OF CRIME. FALSE CONFESSION CRIMES ARE

1 JUST SORT OF THE FLIP SIDE OF THAT COIN AND THERE  
2 ISN'T ANYBODY INVOLVED IN INVESTIGATIONS THAT WOULD  
3 NOT ENCOUNTER A FALSE CONFESSION TO A CRIME AT SOME  
4 POINT.

5 Q NOW WHEN --

6 A I'VE BEEN INVOLVED IN A NUMBER OF CRIMES THAT  
7 HAVE INVOLVED FALSE CONFESSIONS.

8 Q NOW AS AN INVESTIGATOR WHEN YOU RECEIVE A  
9 CONFESSION WHAT DO YOU TRY TO DO IF ANYTHING TO  
10 DETERMINE THE RELIABILITY OF THAT CONFESSION?

11 MR. GREELEY: OBJECTION, YOUR HONOR. I  
12 DON'T KNOW HOW THIS IS REDIRECT.

13 THE COURT: I SUSTAIN THE OBJECTION.  
14 THAT'S NOT IN REPLY TO ANYTHING THAT WAS BROUGHT UP  
15 ON CROSS.

16 MR. SMITH: JUDGE, MR. GREELEY BROUGHT UP  
17 THE ISSUE OF FALSE CONFESSIONS OR OF CONFESSIONS THAT  
18 MR. COPE HAD CONFESSED.

19 THE COURT: I'LL LET YOU GO INTO IT. IT'S  
20 A PROFFER ANYWAY.

21 MR. SMITH: YES. THANK YOU.

22 Q SO AGAIN THE QUESTION, WHAT DO YOU TRY TO DO  
23 WHEN YOU RECEIVE A CONFESSION TO VERIFY ITS TRUTH AND  
24 VERACITY?

25 THE COURT: I TAKE IT THAT'S NOT, IT IS A

1 PROFFER IN A WAY, BUT NOT JUST A PROFFER BECAUSE THE  
2 COURT HAS GOT TO MAKE A DETERMINATION.

3 MR. BRACKETT: I WOULD ALSO LODGE AN  
4 OBJECTION AS TO HIS EXPERTISE AND THIS BEING OUTSIDE  
5 THE AREA OF HIS EXPERTISE.

6 THE COURT: WELL, I DON'T THINK HE'S GOING  
7 TO TESTIFY THAT THIS WAS A COERCED CONFESSION.

8 MR. SMITH: NO, SIR.

9 THE COURT: I THINK HE'S JUST TRYING TO  
10 SHOW, GO AHEAD AND ASK THE QUESTION. I DON'T THINK  
11 HE'S GOING AS FAR AS YOU THINK HE'S GOING.

12 Q YOU NEED ME TO REPEAT THE QUESTION, MR. MCCRARY?

13 A I THINK YOU MIGHT BE ASKING ABOUT WHAT DO YOU DO  
14 TO VALIDATE A CONFESSION? WHAT WOULD AN INVESTIGATOR  
15 DO --

16 Q YES, SIR?

17 A THERE ARE A COUPLE OF INDICIA OF TRUE VERSUS  
18 FALSE CONFESSIONS. ONE IS THE CONFESSION, A TRUE  
19 CONFESSION, WILL OFTEN CONTAIN INFORMATION THAT ONLY  
20 THE OFFENDER WOULD KNOW ABOUT THE NATURE OF THE  
21 CRIME, THE CRIME SCENE, SOMETHING VERY, VERY SPECIFIC  
22 MANY TIMES BEYOND WHAT THE POLICE WOULD KNOW. OR IT  
23 MAY LEAD TO THE RECOVERY OF ADDITIONAL EVIDENCE THAT  
24 HAS NOT BEEN RECOVERED AT THAT POINT. IF I CAN GIVE  
25 YOU AN EXAMPLE WHERE THE SERIAL MURDER CASE WHERE WE

1 GOT A CONFESSION THAT OFFENDER WAS ABLE TO LEAD US TO  
2 THE BODIES OF A COUPLE OF VICTIMS THAT WE HAD NOT  
3 RECOVERED AT THAT POINT. THAT'S A PRETTY GOOD  
4 INDICATION THAT THIS IS A GOOD CONFESSION. SO YOU  
5 LOOK AT THOSE THINGS. AND DO A POST CONFESSION  
6 INVESTIGATION TO VALIDATE WHAT'S IN THE CONFESSION  
7 AND IF YOU CAN DO THAT THEN YOU CAN PUT SOME WEIGHT  
8 AND RELIABILITY TO THE DEGREE THAT IT'S INCONSISTENT  
9 THEN YOU HAVE TO BEGIN TO CONSIDER THE POSSIBILITY  
10 THAT IT MAYBE A FALSE CONFESSION.

11 Q SO DESPITE THE FACT THAT MR. COPE GAVE DETAILED  
12 CONFESSIONS OF HOW HE RAPED AND MURDERED AMANDA, THE  
13 POLICE SHOULD HAVE INVESTIGATED ALTERNATIVE CAUSES OR  
14 OTHER SUSPECTS ESPECIALLY CONSIDERING THIS SPIKE IN  
15 STRANGER BASED SEXUAL ASSAULTS OR ATTEMPTED SEXUAL  
16 ASSAULTS AND BREAK INS AND BURGLARIES?

17 A YES. YES. I COULD GIVE YOU ANOTHER EXAMPLE IF  
18 YOU WANT. I WORKED THE MULTIPLE HOMICIDE IN PHOENIX,  
19 ARIZONA. WE HAD NINE PEOPLE MURDERED IN A BUDDHIST  
20 TEMPLE. WE HAD FOUR PEOPLE CONFESS TO THAT CRIME  
21 THAT DID NOT DO IT AND THAT WAS THROUGH SUBSEQUENT  
22 INVESTIGATION PROVED THEY WERE IN TUCSON RATHER THAN  
23 PHOENIX WHEN THE CRIME OCCURRED AND SO FORTH. SO  
24 POST CONFESSION INVESTIGATIONS ARE IMPORTANT TO  
25 VALIDATE THAT CONFESSION AND TO RULE OUT FALSE



1 CONFSSION.

2 Q SO FALSE CONFESSIONS ARE REAL AND TRUE AND THEY  
3 DO ACTUALLY EXIST?

4 A OVER 200 PEOPLE CONFESSED TO THE OLD LINDBERGH  
5 KIDNAPPING THAT HAD NOTHING TO DO WITH IT SO THEY ARE  
6 CERTAINLY A PART OF EVERY INVESTIGATOR'S EXPERIENCE  
7 AND INVESTIGATORS NEEDS TO BE SENSITIVE TO THAT FACT  
8 AND THAT THEY MIGHT BE DEALING WITH JUST THAT, JUST  
9 THAT ISSUE.

10 Q NOW YOU TALK ABOUT STATISTICS, DO YOU HAVE ANY  
11 STATISTICS ON FATHERS ALLOWING OTHER INDIVIDUALS IN  
12 AND CONSPIRING WITH THEM TO RAPE AND MURDER THE  
13 FATHER'S DAUGHTER, HOW COMMON IS THAT?

14 A I DON'T HAVE ANY STATISTICS. MY OWN EXPERIENCE,  
15 I'VE NOT, I'VE NOT EVER EXPERIENCED THAT MYSELF. I  
16 COULDN'T THINK OF A CASE LIKE THAT.

17 Q THANK YOU.

18 MR. GREELEY: NO.

19 THE COURT: YOU CAN STEP DOWN AND BE  
20 EXCUSED. WE APPRECIATE YOUR TIME.

21 A THANK YOU, SIR.

22 THE COURT: THANK YOU. ANYTHING ELSE ON  
23 THIS ISSUE? WHAT I THINK I WILL DO IS GET THE JURY  
24 IN AND LET THEM GO TO LUNCH. THEY'VE BEEN THERE FOR  
25 A COUPLE OF HOURS. THEN I'M GOING TO RULE ON THIS

1 MATTER AND THEN WE CAN HAVE OURS. BRING IN THE JURY.

2 (THE JURY RETURNS TO THE COURTROOM AT  
3 12:02.)

4 THE COURT: MR. FOREMAN, LADIES AND  
5 GENTLEMEN OF THE JURY, I KNOW WHEN YOU LOOK AT THE  
6 CLOCK YOU THINK I MISSED THAT CLASS IN KINDERGARTEN  
7 WHEN THEY TAUGHT YOU HOW TO TELL TIME. I REALLY  
8 DIDN'T. WE HAVE BEEN WORKING SINCE 8 O'CLOCK THIS  
9 MORNING. WE'VE GOT A LITTLE BIT MORE TO DO BEFORE WE  
10 ACTUALLY CAN UTILIZE YOUR, TALK TO YOU MORE. SO I  
11 KNOW YOU HADN'T BEEN SWORN BUT I'M GOING TO LET YOU  
12 GO TO LUNCH BECAUSE WE STILL HAVE A LITTLE BIT MORE  
13 TO DO, BUT I FEEL WE CAN HOPEFULLY START AND UTILIZE  
14 YOUR SERVICES, AND I DO APPRECIATE YOUR PATIENCE, AT  
15 AROUND 1:30. SO I'M GOING TO ASK YOU TO KEEP IN MIND  
16 WHAT I TOLD YOU ABOUT NOT DISCUSSING THE CASE, NOT  
17 TRYING TO MAKE UP YOUR OWN MIND, ALL THE ADMONITIONS  
18 RUN THROUGHOUT THE TRIAL, BUT I AM GOING TO ALLOW YOU  
19 TO GO TO LUNCH AND BE BACK IN THE JURY ROOM AT 1:30  
20 AND HOPEFULLY WE'LL BE ABLE TO START FAIRLY CLOSE TO  
21 THAT TIME BECAUSE WE HAVE A LITTLE BIT MORE TO DO AND  
22 THEN I'LL LET ALL THESE PEOPLE HAVE A LITTLE BIT OF  
23 TIME FOR LUNCH, BUT HOPEFULLY WE'LL BE ABLE TO START  
24 PRETTY QUICK AROUND 1:30. AGAIN I APPRECIATE YOUR  
25 PATIENCE.

1 (THE JURY EXITS THE COURTROOM.)

2 THE COURT: ALL RIGHT. I'M READY TO RULE.  
3 I DON'T NEED ANY ARGUMENTS UNLESS SOMEONE WANTS TO  
4 GIVE ME ABOUT A ONE MINUTE.

5 MR. MORTON: YOUR HONOR, I COULD ARGUE FOR  
6 AN HOUR.

7 THE COURT: I KNOW YOU COULD.

8 MR. MORTON: BUT I WOULD LIKE TO BE HEARD.

9 THE COURT: ALL RIGHT. WELL, I'LL GIVE  
10 YOU AN OPPORTUNITY, BUT I'M NOT GOING TO LISTEN TO AN  
11 HOUR. I HAVE HEARD TESTIMONY, I'M NOT THE JURY, I'M  
12 THE JUDGE, AND I KNOW THE RULES. I HAVE GOT LYLE UP  
13 HERE. I'VE HAD, I PROBABLY HEARD ABOUT AS MANY  
14 EXPERTS -- WELL, I'VE HEARD A LOT OF EXPERTS. IN ANY  
15 EVENT, I DON'T NEED A LOT OF ARGUMENT, MR. MORTON. I  
16 AM NOT GOING TO CUT YOU SHORT BUT I WILL GIVE YOU AN  
17 OPPORTUNITY TO.

18 MR. MORTON: YES, SIR. I'LL TRY TO BE AS  
19 SHORT AS I CAN DO.

20 THE COURT: IF YOU BEGIN TO REHASH  
21 EVERYTHING I TELL YOU IN ADVANCE I'VE HEARD IT.

22 MR. MORTON: ALL RIGHT, SIR. THE ONLY,  
23 THE CASE THAT IF THE COURT WILL ALLOW ME TO HAND UP  
24 WOULD BE STATE VERSUS KENNEDY. I KNOW THE COURT  
25 KNOWS THE LAW. I DIDN'T PREPARE A BRIEF. I

1 APOLOGIZE MY WRITING IS ON THE CASE. IT'S A CASE  
2 THAT THE COURT OF APPEALS ALLOWED THIS TYPE, NOT A  
3 MURDER CASE, BUT A BURGLARY CASES THAT HAD NO LINKAGE  
4 IN IT AT ALL. OF COURSE, THE COURT KNOWS COMMON  
5 SCHEME AND PLAN, MOTIVE, AND IDENTITY. I THINK THE  
6 BEST ANALYSIS WAS RECENTLY FROM JUDGE, HONORABLE  
7 CHIEF JUSTICE HERN WHEN SAYS THAT WHEN SUCH A PLAN  
8 EXISTS, IN THIS CASE WE OBVIOUSLY HAVE CLEAR AND  
9 CONVINCING EVIDENCE THAT THE DEFENDANT---

10 THE COURT: I'M LISTENING.

11 MR. MORTON: YOUR HONOR, IN THIS CASE THE  
12 SIMILARITIES OF THESE TWO CRIMES ARE OVERWHELMING  
13 BETWEEN WHAT HAPPENED TO THESE OTHER VICTIMS AND WHAT  
14 HAPPENED TO AMANDA COPE. ONE DIFFERENCE, MAJOR  
15 DIFFERENCE, OBVIOUSLY IS THAT AMANDA COPE IS DEAD AND  
16 SHE'S NOT HERE TO TESTIFY SO WE DON'T HAVE THE  
17 BENEFIT OF HER TESTIMONY. MR. MCCRARY DID REFER TO A  
18 ROBBERY IN HER CASE. WE'LL BE ABLE TO LINK THAT UP  
19 LATER. I HAVE A PHOTOGRAPH THAT WAS TAKEN FROM HER  
20 ROOM THAT AND WE'LL HAVE TESTIMONY FROM, WAS A  
21 PHOTOGRAPH OF HER MOTHER'S POCKETBOOK THAT WAS ON HER  
22 BED, SO WE DO HAVE THAT THING, SO ESSENTIALLY, YOUR  
23 HONOR, ALL THESE CASES ARE THE SAME. WE DON'T HAVE  
24 A, WE DON'T HAVE A CAT BURGLAR HERE. AS I SAID, I  
25 DON'T KNOW IF I SAID BEFORE, WAITING FOR THE PAPERS

1 TO PILE UP IN THE DRIVEWAY AND FOR NOBODY TO BE HOME  
2 SO THEY CAN GO BUST A WINDOW OUT IN SOME RICH  
3 NEIGHBORHOOD AND ROB PEOPLE. WE HAVE A SEXUAL  
4 PREDATOR HERE WHO GOES INTO PEOPLE'S HOMES ONLY AFTER  
5 THE LIGHTS ARE TURNED ON, ONLY WHEN HE KNOWS THAT  
6 THERE IS SOMEONE THERE WITH A PURPOSE OF RAPING AND  
7 ASSAULTING THEM WHICH IS SOMETHING THAT HAPPENED IN  
8 EVERY ONE OF THESE CASES. SARAH PHILLIPS' CASE WHO  
9 TESTIFIED SHE WAS CHARGED, ALL THESE CASES HAVE BEEN  
10 INDICTED. THE STATE, THE POLICE OFFICER HAS SAID  
11 THAT THE MOTIVES WERE SIMILAR IN ALL OF THESE CASES,  
12 SO WE DON'T HAVE ANY PROBLEM WITH THERE BEING CLEAR  
13 AND CONVINCING EVIDENCE, THAT HURDLE HAS BEEN  
14 OVERCOME SIMPLY BY THE INDICTMENTS IN THESE CASES IS  
15 THE WAY I READ THE CASES. THIS IS, THIS IS NOT SOME  
16 KID BREAKING INTO SOMEBODY'S HOUSE OR STEALING  
17 JEWELRY OR TVS OR PHONE OR MONEY OR ANYTHING ELSE.  
18 THIS IS A MAN WHO WAITS UNTIL THE VICTIM IS HOME, WHO  
19 LIGHTS HER HOME, WHO DOESN'T WEAR A MASK, WHO DOESN'T  
20 HAVE GLOVES, WHO GOES IN AT NIGHT, AND WHO GOES IN  
21 AND SEXUALLY ASSAULTS OR TRIES TO SEXUALLY ASSAULT  
22 THE VICTIMS. AS DR. MCCRARY, AS MR. MCCRARY SAID,  
23 THE ONLY DIFFERENCE IN AMANDA COPE WAS AND CATHERINE  
24 DAVIS WAS IS THEIR VULNERABILITY. YOU KNOW, THE  
25 SIMILARITIES WHICH WE MUST PROVE ARE SIGNIFICANT. AS

1 I STARTED TO QUOTE CHIEF JUSTICE HERN AS SHE STATED  
2 IN TOODEN, WHEN SUCH A PLAN EXISTS THE CHARGED AND  
3 UNCHARGED CONDUCT REPRESENT INDIVIDUAL ACHIEVEMENTS  
4 OF THE PURPOSES FOR WHICH THE PLAN WAS ESTABLISHED.  
5 ACCORDINGLY WHEN SEPARATE OFFENSES ARE SUFFICIENTLY  
6 SIMILAR THERE IS AN INFERENCE THAT THERE ARE  
7 MANIFESTATIONS OF A COMMON SCHEME OR PLAN. THIS IS A  
8 2003 CASE. ACCORDINGLY THE EVIDENCE SPEAKS TO THE  
9 EXISTENCE OF THE DEFENDANT'S PLAN NOT TO THE  
10 DEFENDANT'S CHARACTER. THE LOGICAL RELEVANCE IS  
11 SHOWN THROUGH THE SIMILARITIES BETWEEN THE CHARGED  
12 AND UNCHARGED ACTS RATHER THAN ON THE DEFENDANT'S  
13 CHARACTER AS SHOWN BY THE UNCHARGED ACT. THE ADDED  
14 ELEMENT THEN MUST NOT BE MERELY A SIMILARITY IN  
15 RESULTS BUT SUCH CONCURRENCE OF COMMON FEATURES THAT  
16 THE VARIOUS ACTS ARE NORMALLY TO BE EXPLAINED AS  
17 CAUSED BY A GENERAL PLAN TO WHICH THERE ARE  
18 INDIVIDUAL MANIFESTATIONS.

19 THERE IS NO QUESTION OBVIOUSLY THAT  
20 THERE IS CLEAR AND CONVINCING EVIDENCE. THESE CASES,  
21 YOUR HONOR, I THINK I SHOWED THE COURT A MAP OR A  
22 DIAGRAM.

23 THE COURT: YES.

24 MR. MORTON: AND IF I COULD MR. SANDERS  
25 RESIDED AT JEFFERSON STREET. MISS COPE WAS

1       ASSAULTED APPROXIMATELY TWO TENTHS OF A MILE FROM HIS  
2       HOUSE.  MS. LOWERY ON WHITGREEN APPROXIMATELY FOUR  
3       TENTHS OF A MILE.

4                   THE COURT:  MS. PHILLIPS 4.8 MILES.

5                   MR. MORTON:  4.8 MILES.  MS. HAGMAN AND  
6       MS. DAVIS THOUGH WERE ALL WITHIN 9 TENTHS OF A MILE  
7       OF WHERE, NOT ONLY WHERE AMANDA COPE LIVED BUT WHERE  
8       MR. SANDERS LIVES.  YOU KNOW, THIS, AS I SAID, HE  
9       TRIED TO ASSAULT, ASPHYXIATE MOST OF THEM.  HE BROKE  
10      IN WHILE THERE, WE'RE NOT TALKING ABOUT JUST ONE  
11      INCIDENT HERE ON 11/29, WE'RE TALKING ABOUT THIS MAN,  
12      THERE IS NO QUESTION, IN THE SAME AREA, IN THE SAME  
13      TIME, WITH THE SAME FEATURES, STRIKINGLY SIMILAR  
14      OCCURRENCES.

15                   THE COURT:  WHAT CONNECTS HIM TO THIS  
16      LADY, OLDER LADY?

17                   MR. MORTON:  THERE IS DNA AND IF THE COURT  
18      WILL ALLOW ME TO ARGUE THAT.

19                   MR. GREELEY:  I OBJECT AS TO ANYTHING NOT  
20      IN THE PROFFER THAT IS --

21                   THE COURT:  I HADN'T HEARD ANY EVIDENCE  
22      ABOUT DNA CONNECTION.

23                   MR. MORTON:  YOUR HONOR, AS I UNDERSTOOD  
24      IT AND WHAT I ELECTED TO HAVE THESE VICTIMS COME IN  
25      AND TESTIFY AND I CAN CALL MRS. BLACKWELDER TO THE

1 STAND RIGHT, IF THE COURT WANTS TO HEAR FROM AN  
2 INVESTIGATOR, THAT THE EVIDENCE IN SARAH HAGMAN'S  
3 CASE.

4 THE COURT: NO. NO. I'M GOING TO LET YOU  
5 GO AHEAD AND ARGUE IT. ALL I WANTED TO KNOW, I  
6 HADN'T HEARD ANYTHING ABOUT ANYBODY ELSE CONNECTING  
7 MR. SANDERS TO DAVIS BECAUSE SHE SPECIFICALLY SAID  
8 SHE COULD NOT RECOGNIZE HIM.

9 MR. MORTON: THEY IDENTIFIED THE SEMEN  
10 FOUND AT MS. DAVIS' HOUSE.

11 THE COURT: WELL, THAT'S NOT PART OF THE  
12 RECORD.

13 MR. MORTON: YOUR HONOR, WELL I'M STATING  
14 THAT AS PART OF THE RECORD AS PART OF MY PROFFER. I  
15 COULD CALL MRS. BLACKWELDER TO THE STAND.

16 THE COURT: ANYBODY DISPUTE THAT'S WHAT  
17 MRS. BLACKWELDER WOULD TESTIFY TO.

18 MR. THOMPSON: THE STATE DOESN'T DISPUTE  
19 THAT, YOUR HONOR.

20 MR. GREELEY: YOUR HONOR, WE ONLY GET INTO  
21 THE OTHER, IF HE'S STEPPING INTO THE SHOES OF THE  
22 STATE IN THE PROSECUTION OF THIS CASE. I DON'T KNOW  
23 HOW YOUR RULING MAKING THAT DNA SUPPRESSED WHICH HAS  
24 BEEN SUPPRESSED BY THIS COURT APPLICABLE IN THIS  
25 CASE.



1                   MR. MORTON: I WILL BE GLAD TO TIE IT UP  
2 AT SOME LATER POINT. I DIDN'T WANT TO GO THROUGH THE  
3 CHAIN AND THROUGH ALL THE DNA TESTIMONY BECAUSE, YOU  
4 KNOW, I CAN DO THAT.

5                   THE COURT: WELL, FOR THE PURPOSES I'LL,  
6 WELL, I CAN'T. JUST GO AHEAD. I'LL THINK ABOUT  
7 THAT.

8                   MR. MORTON: YOUR HONOR, AS THE STATE HAS  
9 STIPULATED, THERE IS DNA EVIDENCE FROM MR. SANDERS.

10                  THE COURT: BUT YOU ARE NOT USING IT  
11 AGAINST THE STATE, YOU ARE USING IT AGAINST  
12 MR. SANDERS, AND I KNOW YOU DON'T HAVE THE BURDEN OF  
13 PROOF IN ANYTHING.

14                  MR. MORTON: YES, SIR, BUT IF THE COURT  
15 WANTS ME TO TRY AND --

16                  THE COURT: WELL, I TOLD YOU I'M GOING TO  
17 THINK ABOUT IT, BUT IF YOU WANT ME TO ACCEPT FROM THE  
18 STATE THE STATE'S POSITION ON EVERYTHING THEY SAY  
19 THEN WE MINE AS WELL STOP THIS TRIAL RIGHT NOW  
20 BECAUSE THEY SAY YOUR MAN IS GUILTY, SO YOU DON'T  
21 WANT ME TO START ACCEPTING WHAT THE STATE SAYS JUST  
22 BECAUSE THEY SAY IT.

23                  MR. MORTON: WE'RE GOING TO HAVE SOME  
24 STRANGE ALLIANCES IN THIS COURTROOM. THERE IS NO  
25 QUESTION ABOUT THAT.

1 THE COURT: I UNDERSTAND THAT TOO.

2 MR. MORTON: BUT, YES, SIR, I DO WANT YOU  
3 TO ACCEPT --

4 THE COURT: CERTAIN THINGS.

5 MR. MORTON: ---AS PART OF THIS RECORD  
6 THAT THERE WAS DNA LINKAGE FOUND FROM THE BODY OF  
7 MS. CATHERINE DAVIS THAT HAS BEEN DETERMINED TO BE  
8 THAT OF MR. JAMES SANDERS.

9 THE COURT: I'LL GIVE THAT SOME  
10 CONSIDERATION.

11 MR. MORTON: SO WE HAVE DNA FROM HIM ON  
12 MS. DAVIS, ON MISS COPE, ON MS. HAGMAN. WE HAVE  
13 POSITIVE IDENTIFICATIONS FROM HIM FROM ALICIA LOWERY  
14 AND FROM SARAH PHILLIPS. THERE ARE SEXUAL ASSAULT  
15 ALLEGATIONS IN ALL OF THESE CASES EXCEPT POSSIBLY  
16 WITH SARAH HAGMAN WHO TESTIFIED THAT HE CAME IN AND  
17 KNOCKED HER DOWN AND PUSHED HER DOWN AND IN HER MIND  
18 THAT'S WHAT HE WAS TRYING TO DO. IN EACH OF THESE  
19 CASES HE'S BEEN INDICTED FOR CRIMINAL SEXUAL CONDUCT,  
20 FOR ATTEMPTED CRIMINAL SEXUAL CONDUCT, OR TAKING  
21 INDECENT LIBERTIES WITH A FEMALE. THERE IS NO  
22 QUESTION AS TO THE CLEAR AND CONVINCING EVIDENCE THAT  
23 THIS MAN HAS NOT ONLY BROKEN IN THEIR HOUSES BUT  
24 BROKE INTO AMANDA COPE'S HOUSE. THEY ARE TRYING TO  
25 SAY WITHOUT ANY EVIDENCE, THERE IS NO EVIDENCE, NOT A

1 LITTLE BIT, NOT SOME, THAT THERE WAS ANYBODY FROM  
2 MR. COPE'S CONFESSION OR ANYTHING ELSE THAT ALLOWED  
3 THIS MAN TO ENTER THE COPE RESIDENCE. ZERO. SO  
4 OBVIOUSLY HE CAME IN AND RAPED AMANDA COPE OR HE LEFT  
5 SEMEN ON HER BODY AND A BITE MARK SALIVA ON HER  
6 BREAST. WELL, HOW DID HE GET IN? HE CAME IN.  
7 UNINVITED. NOBODY ALLOWED HIM IN THERE. THEY HAVE  
8 NOT ONE SINGLE PIECE OF EVIDENCE IN THIS CASE.

9 THE COURT: WELL, WAIT. I WANT YOU TO---

10 MR. MORTON: I UNDERSTAND.

11 THE COURT: LET'S STICK WITH WHERE YOU  
12 ARE.

13 MR. MORTON: SO THE SIMILARITIES ARE THAT  
14 HE WENT INTO WOMEN'S HOUSES, HE GAINED ENTRY NOT BY  
15 KNOCKING OUT WINDOWS OR DOORS WHEN NOBODY WAS HOME  
16 WHEN THE LIGHTS WERE OFF TO GO IN AND STEAL A TV OR  
17 SOMEBODY'S JEWELRY OR SILVER. HE WAITS UNTIL PEOPLE  
18 ARE HOME, WOMEN, LIGHTS ARE ON, HE ENTERS WITH NO  
19 SIGNS OF FORCED ENTRY, AND HE RAPES THEM. AND THE  
20 ONLY DIFFERENCE BETWEEN AMANDA COPE IS SHE'S DEAD AND  
21 SHE'S NOT HERE TO TESTIFY AND THE SIMILARITIES IN ALL  
22 OF THESE CASES ARE VERY, VERY SIGNIFICANT. AND  
23 THAT'S WHAT COMMON SCHEME AND PLAN, YOUR HONOR, IN MY  
24 OPINION WAS SET OUT TO DO. COMMON SCHEME AND PLAN AS  
25 JUDGE HERN SO ARTICULATELY POINTED OUT, WE'RE NOT

1 TALKING ABOUT CHARACTER, WE'RE TALKING ABOUT COMMON  
2 SCHEME AND PLAN THAT THE COURT HAS ALLOWED FOR TIME  
3 AFTER TIME AFTER TIME. IF THIS ISN'T COMMON SCHEME  
4 AND PLAN WITH CLEAR AND CONVINCING EVIDENCE THAT THE  
5 PERPETRATOR IS THE SAME WITH A COMMON SCHEME AND PLAN  
6 I HAVEN'T SEEN IT AND I DON'T HAVE AS MUCH EXPERIENCE  
7 AS THE COURT DOES, BUT TO ME IT'S OVERWHELMING.

8 THE COURT: ALL RIGHT. WHAT ABOUT MOTIVE  
9 AND IDENTITY?

10 MR. MORTON: WELL, I THINK MOTIVE IS THE  
11 SAME. WE HAVE TO PROVE MOTIVE. IN OTHER WORDS, AS  
12 FAR AS THE DEFENSE IS CONCERNED, WE ARE LEFT WITH THE  
13 BURDEN OF IN ORDER TO DEFEND OUR CLIENT TO PROVE THE  
14 MOTIVE OF MR. SANDERS, SO IN ORDER TO PROVE MOTIVE WE  
15 CAN SHOW THE MOTIVE THAT HE HAD IN OUR CASE TO COME  
16 IN AND TAKE MONEY OUT OF MARY SUE COPE'S POCKETBOOK,  
17 WHO UNFORTUNATELY IS DEAD, AND RAPE AMANDA COPE.

18 NOW THE MOTIVE IN OUR CASE THAT WE  
19 HAVE TO PROVE BECAUSE THE STATE IS NOT GOING TO PROVE  
20 THAT, THAT WE HAVE TO PROVE, IS THE SAME AS IT WAS IN  
21 THESE OTHER HOUSES. THE SAME WITH IDENTITY. THE  
22 IDENTITY, YOU KNOW, WE HAVE TO PROVE THE IDENTITY IS  
23 THE SAME. I THINK WE CAN DO THAT, BUT WE HAVE TO  
24 PROVE MOTIVE THAT HE CAME IN AMANDA COPE'S HOUSE NOT  
25 INVITED BY MR. COPE, BUT THAT HIS MOTIVE WAS TO COME

1 SURREPTITIOUSLY, UNBEKNOWNST TO MR. COPE, WITH OTHER  
2 CHILDREN SLEEPING IN THE HOUSE; JUST LIKE SARAH  
3 PHILLIPS' WAS, JUST LIKE SARAH HAGMAN, SHE HAD  
4 ROOMMATES IN THE HOUSE, LIGHTS ON, LATE AT NIGHT, TV  
5 GOING; AND IN THE COPE HOUSE THERE WILL BE TESTIMONY  
6 FROM INVESTIGATORS, FROM KYLA AND JESSICA COPE, THAT  
7 THEY SLEEP WITH THEIR LIGHTS ON. THERE WERE LIGHTS  
8 ON IN THE HOUSE. SO WE HAVE TO PROVE THAT THIS MAN  
9 HAD A MOTIVE AND A COMMON SCHEME AND PLAN AND HIS  
10 MOTIVE WAS TO GO IN THERE AND NOT STEAL A TV OR THE  
11 JEWELRY WHEN NOBODY IS HOME. HIS MOTIVE IS TO GO IN  
12 THERE AND TO CONFRONT A FEMALE AND VIOLENTLY RAPE  
13 HER. THAT'S HIS MOTIVE. THEY HAVE NO OTHER MOTIVE  
14 AT ALL. THERE IS NO, THERE IS NO CONNECTION BETWEEN  
15 MR. SANDERS AND MR. COPE, SO WE HAVE TO PROVE WHAT  
16 HIS MOTIVE WAS AND IN ORDER TO DO THAT WE SHOULD BE  
17 ALLOWED TO, ALLOWED TO ESTABLISH A COMMON SCHEME AND  
18 PLAN. THIS IS JUST ONE MANIFESTATION OF THIS MAN'S  
19 PLAN IN THAT SIX WEEK PERIOD.

20 THE COURT: ALL RIGHT. MR. GREELEY, YOU  
21 HAVE A BRIEF RESPONSE?

22 MR. GREELEY: BRIEFLY, YOUR HONOR.  
23 MR. MORTON DOES A GOOD JOB OF PASSIONATELY ARGUING  
24 FOR HIS CLIENT. I WOULD SUBMIT TO THE COURT THOUGH  
25 THAT IT IS THE SUBSTANCE OF THE MATTER THAT IS

1 MISSING IN THIS CASE. THESE, LYLE IS VERY SIMILAR  
2 AND I'M GOING TO USE THIS ANALOGY AND I HOPE THE  
3 COURT WILL WELCOME IT, LYLE CASES ARE VERY SIMILAR TO  
4 A DNA ANALYSIS BECAUSE THE COURT TALKS ABOUT HOW YOU  
5 HAVE TO HAVE COMMON FEATURE, COMMON RESULTS, THERE  
6 HAS TO BE SUBSTANTIAL CONNECTION BETWEEN THE CRIMES  
7 BEFORE THEY ARE EVEN GOING TO CONSIDER IT BECAUSE THE  
8 PREJUDICIAL VALUE IS SO HIGH, AND SO WHAT YOU DO IS  
9 YOU TAKE A STANDARD, YOU TAKE YOUR STANDARD CASE AND  
10 THAT'S THE CASE FOR WHICH THE PERSON IS BEING TRIED  
11 AND THEN THEY HAVE TO BRING IN OTHER CASES AND THOSE  
12 CASES HAVE TO BE ABLE TO MATCH UP TO THE STANDARD  
13 CASE. UNFORTUNATELY, I WOULD SUBMIT FOR MR. COPE'S  
14 DEFENSE IS THAT THEY DON'T HAVE A STANDARD. NORMALLY  
15 YOU HAVE THE STATE BUT THERE IS NO EVIDENCE THAT HAS  
16 BEEN PUT IN IN THIS PROFFER OR THAT EXISTS IN REGARDS  
17 TO THE DEFENSE'S THEORY AS TO WHAT IT IS AND TO WHAT  
18 HAPPENED. THERE IS NO EVIDENCE TO SUPPORT IT. IT'S  
19 CONJECTURE, IT'S SUSPICION, BUT THEY DON'T HAVE A  
20 STANDARD TO EVEN GET TO THE LYLE. IF THEY DO HAVE A  
21 STANDARD, THESE CASES DON'T MATCH UP. THAT WAS CLEAR  
22 FROM THE CROSS EXAMINATION OF THE EXPERT. THESE  
23 CASES DO NOT MATCH UP. THEY CERTAINLY DON'T MATCH UP  
24 IN A SUFFICIENT WAY THAT WOULD ALLOW THEM TO BE  
25 BROUGHT INTO EVIDENCE UNDER LYLE. AND SO, JUDGE, I

1 WOULD ASK AND I WOULD STILL SUBMIT TO THE COURT THAT  
2 BEFORE THE LYLE CAN BE ADMISSIBLE, THE COURT WOULD  
3 STILL HAVE TO CONSIDER THE ASPECT OF THIRD PARTY  
4 GUILT. BUT I KNOW THAT THE COURT IS LOOKING AT THESE  
5 ISSUES ON LYLE AND SO I JUST ASK THAT THE COURT RULE  
6 IN MY FAVOR AND MAKE A MOTION THAT, GRANT MY MOTION  
7 IN LIMINE TO WHERE THESE MATTERS WOULD NOT BE ABLE TO  
8 BE BROUGHT OUT IN THE TRIAL OF THIS CASE.

9 THE COURT: THE STATE HAVE ANY BRIEF?

10 MR. THOMPSON: YES, YOUR HONOR, BRIEFLY.  
11 OF COURSE, THE STATE WOULD LOVE TO TRY THE CASES OF  
12 MR. SANDERS AND MR. COPE, ALL OF THEIR CASES, AT THE  
13 SAME TIME. HOWEVER, THE LAW OBVIOUSLY PREVENTS US  
14 FROM DOING THAT AND I ACCEPT THAT. THAT IS OUR  
15 JUDICIAL SYSTEM. AND I THINK AT THIS POINT IN TIME  
16 WHILE THE STATE WOULD LIKE TO DO THAT IT CANNOT AND  
17 HONESTLY WOULD HAVE TO SAY IN OUR OPINION THAT AS TO  
18 MR. SANDERS AND THESE ACTS THAT THE DEFENSE IS TRYING  
19 TO GET IN UNDER LYLE, THEY DON'T FIT. WHAT'S GOING  
20 TO END UP HAPPENING IS IT WILL BE REVERSED, IT WILL  
21 COME BACK, AND WE'LL HAVE TO TRY IT ALL OVER AGAIN  
22 AND THE STATE HAS NO INTEREST IN DOING THAT. I THINK  
23 IT'S OBVIOUS FROM THE FACTS, AS YOU SAID, VERY  
24 DIFFERENT. THE TESTIMONY THAT THE EXPERT GAVE VERY  
25 DIFFERENT THAN MUCH OF WHAT THE VICTIMS TESTIFIED TO.

1       THERE IS DIFFERENT RACES, DIFFERENT SEXES, DIFFERENT  
2       PLACES, IT JUST, THERE IS SO MANY DIFFERENT THINGS  
3       AND SUCH A WIDE VARIETY, MANY OF THE CASES IN THE  
4       CASE LAW TALK ABOUT FORGERIES AND THE FORGERY THAT  
5       HAPPENED THE YEAR BEFORE WAS NOT ADMISSIBLE BECAUSE  
6       THAT WAS TOO PREJUDICIAL IN A NEW FORGERY CASE AND I  
7       BELIEVE THAT'S STATE VERSUS BROOKS. UNFORTUNATELY, I  
8       DON'T HAVE A COPY OF THAT CASE WITH ME BUT THERE ARE  
9       SO MANY CASES THAT REALLY ARE DEAD SET AGAINST WHAT  
10      THEY ARE TRYING TO DO IN THIS PARTICULAR SITUATION.  
11      EVEN MR. COPE IF HE THINKS THAT ALL OF THIS SHOULD BE  
12      BROUGHT IN FOR MR. SANDERS THEN HE WOULD THEN ADMIT  
13      ALL THE CASES WE HAVE AGAINST HIM SHOULD BE TRIED AT  
14      THE SAME TIME AS WELL OR BE BROUGHT IN AGAINST HIM AT  
15      THAT TIME AND I THINK HE WOULD NOT AGREE TO THAT  
16      EITHER. AND SO I WOULD HAVE TO PUT FORWARD TO THE  
17      COURT, I DON'T WANT TO HAVE TO TRY THIS CASE TWICE,  
18      I THINK THE LAW IS PRETTY CLEAR ON WHAT WE CAN AND  
19      CAN'T BRING IN UNDER LYLE.

20                   THE COURT: LET ME LOOK AT MY NOTES OVER  
21      LUNCH. IT'S ABOUT 12:30. WE'LL GET BACK TOGETHER AT  
22      1:30. I KNOW THAT'S NOT A LONG LUNCH BUT I WANT TO  
23      LOOK AT MY NOTES AND I'LL RULE AT THAT TIME THEN  
24      WE'LL BE READY FOR MY OPENING REMARK AND OPENING  
25      STATEMENTS. I KNOW THERE IS A LOT OF PASSION



1 INVOLVED, BUT HOPEFULLY OUR OPENING STATEMENTS WON'T  
2 BE TOO LENGTHY. HOW LONG IS THE STATE GOING TO TAKE  
3 IN OPENING STATEMENT.

4 MR. THOMPSON: I WOULD THINK ABOUT 20  
5 MINUTES.

6 THE COURT: MR. MORTON.

7 MR. BAITY: A LITTLE BIT LONGER THAN THAT.

8 THE COURT: ABOUT AN HOUR?

9 MR. BAITY: PROBABLY THAT.

10 MR. GREELEY: SHOULDN'T BE ANY LONGER THAN  
11 THAT.

12 THE COURT: OKAY. THE STATE READY AS SOON  
13 AS WE ARE THROUGH TO GO FORWARD WITH THE WITNESSES.

14 MR. THOMPSON: YES, YOUR HONOR, WE WILL  
15 BE.

16 THE COURT: ALL RIGHT. WE'LL TAKE A BREAK  
17 UNTIL 1:30.

18 (COURT'S IN RECESS AT 12:25.)

19 (COURT RESUMES AT 1:31.)

20 THE COURT: I HAVE THE TRANSPARENCY OF THE  
21 MAP. WOULD YOU LIKE IT PART OF THE RECORD.

22 MR. MORTON: YES, SIR. YOUR HONOR, THE  
23 ONLY THING AND I WOULD ASK THE STATE TO ALLOW ME TO,  
24 THE ONLY THING THAT'S NOT CIRCLED IS RICH STREET, 407  
25 RICH STREET, WOULD Y'ALL ALLOW ME TO JUST, THE

1           COMPUTER WAS SO CLOSE TO JEFFERSON STREET, THE  
2           COMPUTER WOULDN'T PUT THE -- THANK YOU, YOUR HONOR.

3                           (DEFENSE EXHIBIT 6 MAP RECEIVED INTO  
4           EVIDENCE.)

5                           THE COURT:   HAS TO THE 404 (B) EVIDENCE  
6           FIRST AS TO THE WITNESS MR. MCCRARY, I AM GIVING NO  
7           WEIGHT TO HIS TESTIMONY.  I FIND THAT IT'S FLAWED.  I  
8           DID FIND HIM QUALIFIED IN THE AREA OF CRIME ANALYSIS.  
9           I'M NOT SURE EXACTLY WHAT A MEANS YET OTHER THAN  
10          SOMEONE WHO CAN ANALYZE ANYTHING RELATED TO CRIMES.  
11          HE DID NOT IN MY OPINION DO A THOROUGH AND EXHAUSTIVE  
12          INVESTIGATION.  HE DID NOT LOOK TO SEE WHETHER THERE  
13          WERE OTHER SIMILAR CRIMES WITHIN THE ROCK HILL AREA  
14          DURING THE SAME PERIOD OF TIME; THAT IS, I DON'T  
15          BELIEVE HIS UNDERLYING INQUIRY WENT FAR ENOUGH.  AS  
16          TO, AND THIS KIND OF LAPS OVER TO WHERE I MAY BE  
17          GOING IN A MOMENT TOO THAT I DON'T REALLY FIND, EVEN  
18          THOUGH HE IS AN EXPERT AND I KNOW OUR SUPREME COURT,  
19          PARTICULARLY IN THE SPANN CASE, SEEMS TO LIKE WHAT  
20          EXPERTS SAY, BUT I FIND NO REAL SIGNIFICANCE AS FAR  
21          AS THE INHERENT SIMILARITIES OF THESE CRIMES, AND I  
22          USE THE WORD INHERENT ADVISEDLY,  THESE CRIMINAL  
23          SEXUAL CONDUCTS ARE IN THEIR VERY NATURE SIMILAR, ALL  
24          OF THEM, 100 PERCENT OF THEM SOMEWHAT SIMILAR.  SAME  
25          THING WITH BURGLARIES.  SAME THING WITH ASSAULTS.

1       THERE ARE INHERENT SIMILARITIES IN THOSE THINGS. I  
2       MEAN AN ASSAULT IS AN ASSAULT IS AN ASSAULT LIKE A  
3       ROSE IS OF ANY OTHER COLOR.

4                   AS FAR AS HIS CONCERN, HIS TESTIMONY  
5       WAS THAT THEY WERE ALL IN A GENERALIZED AREA. WELL,  
6       HIS GENERALIZED AREA WAS ROCK HILL. THE CLOSEST  
7       OTHER EVENT WAS 3.4 MILES FROM THE MCGEE ADDRESS AND  
8       THE COPE WAS 4.8 MILES. LET ME SEE THAT EXHIBIT, THE  
9       CHART. THE FACT THAT THESE HAPPENED IN DOORS, THAT  
10      ALL OF THEM HAPPENED IN DOORS I FIND IS OF NO REAL  
11      SIGNIFICANCE. THE FACT THAT THEY HAPPENED BY  
12      STRANGERS I FIND TO BE NO REAL SIGNIFICANCE. THE  
13      FORCED ENTRY, THAT'S ARGUABLE. WHETHER OR NOT USING  
14      STEALTH, A CAR BROKEN DOWN, I NEED TO USE YOUR PHONE;  
15      CLIMBING A LATTICE, IF THAT IN FACT IS WHAT HAPPENED,  
16      AND SITTING OUTSIDE AND A DOOR HAPPENING TO BE OPEN  
17      IN THAT EVENT, MAYBE BEEN ANOTHER ONE THAT HADN'T  
18      BEEN OPENED, BUT ANYWAY, I DON'T FIND THAT OF ANY  
19      SIGNIFICANCE.

20                   THE DUAL MOTIVES, WELL, OF COURSE HE  
21      JUST RELIED ON THE ASSUMPTION ON ONE OF THOSE AND I  
22      CAN'T REMEMBER WHICH ONE IT IS RIGHT NOW, PHILLIPS,  
23      AND EXPERTS, THEY GIVE OPINIONS, BUT WHEN THEY START  
24      BASING THEM ON ASSUMPTIONS AND THEY PICK AND CHOOSE  
25      AND THEY DON'T LIKE WHAT'S MISSING SO THEY GO TO

1           SOMEBODY THAT CAN ADD IT, I FIND THAT THROWS THEIR  
2           OPINION IN SOME SUSPECT.

3                         AS TO THE DNA MATCH, NOW THERE IS NO  
4           QUESTION, AT LEAST FOR THE PURPOSES HERE, THAT THERE  
5           IS SOME OVERLAP WITH THE DNA MATCH BUT I'LL COMMENT  
6           MORE ON THAT IN JUST A MOMENT.   YES, SIR.

7                         MR. MORTON:   I DIDN'T WANT TO INTERRUPT.  
8           I WANTED TO MAKE SURE THE COURT UNDERSTOOD THAT THE  
9           DNA MATCHES IN SARAH HAGMAN AND CATHERINE DAVIS.

10                        THE COURT:   THREE, YES, I UNDERSTAND THAT.

11                        MR. MORTON:   YES, SIR.

12                        THE COURT:   ALL RIGHT.   GOING BACK TO THE  
13           PARTICULAR INSTANCES OF LOWERY, HAGMAN, LEE, DAVIS,  
14           AND MAXIE PHILLIPS, I THINK THE STATE, THE COUNSEL  
15           FOR MR. COPE HAS PROVED BY CLEAR AND CONVINCING  
16           EVIDENCE THAT MR. SANDERS WAS INVOLVED IN THESE  
17           EVENTS.   HOWEVER, I DO NOT FIND THAT THEY RISE TO THE  
18           LEVEL NECESSARY FOR ADMISSION UNDER 404 TO SHOW  
19           MOTIVE, IDENTITY, OR COMMON SCHEME OR PLAN.   THERE  
20           HAS BEEN POINTED OUT BY SEVERAL PEOPLE A VARIETY OF  
21           DISSIMILARITIES AND WHEN YOU TRY TO MATCH THINGS UP,  
22           I KNOW YOU CAN'T MATCH THEM UP EXACTLY, BUT THERE ARE  
23           AN AWFUL LOT OF DISSIMILARITIES, THERE ARE SOME  
24           SIMILARITIES, AND SO I FIND THAT THEY DO NOT SHOW A  
25           COMMON SCHEME OR PLAN OR MOTIVE.   AGAIN MOTIVE FOR

1 CRIMINAL SEXUAL CONDUCTS IS CRIMINAL SEXUAL CONDUCT,  
2 MOTIVE FOR ROBBERY IS ROBBERY, SO I REALLY THINK YOU  
3 ARE DOWN TALKING BASICALLY ABOUT COMMON SCHEME OR  
4 PLAN AND I SKIPPED OVER IDENTITY AND THE REASON FOR  
5 THAT IS, THE IDENTITY, THERE IS A CONNECTION ON  
6 IDENTITY, THAT IS, THROUGH DNA, BUT THE ADMISSION OF  
7 PRIOR BAD ACTS TO PROVE ONE THE IDENTITY OF A  
8 PERPETRATOR ISN'T NECESSARY AND IS OF NO VALUE WHEN  
9 YOU ARE TALKING ABOUT DNA OR FINGERPRINTS. THEY  
10 SPEAK FOR THEMSELVES. YOU DON'T NEED TO PROVE THAT  
11 DNA WAS FOUND AT THREE OTHER CRIMES TO PROVE THAT  
12 DNA, AT THIS PLACE, AT THE COPE HOUSE, WAS  
13 MR. SANDERS, THAT'S A MATTER OF SCIENCE, NOT A MATTER  
14 OF WHETHER OR NOT IT HAPPENED AT SOME OTHER PLACE.  
15 COMMON SCHEME OR PLAN, I JUST DON'T FIND THAT THERE  
16 IS ANY, AGAIN THERE ARE SOME SIMILARITIES BUT I FIND  
17 THIS TO BE VERY DISSIMILAR. THE AGES OF THE VICTIMS.  
18 THE LOCALES ARE SOMEWHAT SIMILAR BUT THEY HAPPENED  
19 UNDER, IF YOU LOOK, AS WAS POINTED OUT EARLIER, YOU  
20 CAN FIND SOME SIMILARITIES AND THEN YOU CAN FIND A  
21 LOT OF DISSIMILARITIES, SO I'M NOT GOING TO TRY TO  
22 CATALOG THEM BOTH, BUT I FIND THAT THEY ARE  
23 DISSIMILAR TO THE EXTENT THAT I'M NOT GOING TO ALLOW  
24 THEM IN UNDER 404. ALL RIGHT. READY TO GO FORWARD.

25 MR. MORTON: NO, SIR, YOUR HONOR.

1 THE COURT: YOU ARE NOT READY.

2 MR. MORTON: I WOULD LIKE TO ADMIT AS PART  
3 OF THIS PROFFER THEN THE, AT LEAST THE INDICTMENTS  
4 AGAINST MR. COPE FOR THESE OTHER CRIMES AS PART FOR  
5 THE RECORD, SPECIFICALLY.

6 THE COURT: YOU UNDERSTAND I AM FINDING BY  
7 CLEAR AND CONVINCING EVIDENCE THAT. I'M WILLING TO  
8 LET THE INDICTMENTS IN.

9 MR. MORTON: I WANTED TO, I DON'T HAVE TO  
10 ADMIT THEM, I WANTED TO MAKE SURE THAT THE INDECENT  
11 LIBERTIES WITH A FEMALE, AGGRAVATED ASSAULT WAS THE  
12 AGGRAVATING FACTOR FOR SARAH PHILLIPS, SO THAT WAS  
13 ALSO A SEXUAL ATTACK ON HER AS INDICTED BY THE GRAND  
14 JURY HERE. AS FAR AS THE RECORD, ALSO JUST THAT  
15 POLICE THEMSELVES INDICATED THAT THERE WAS, THE  
16 MOTIVE WAS THE SAME IN THESE CRIMES IN THEIR REPORTS.  
17 I DON'T THINK THERE IS ANY DISPUTE ABOUT THAT. AND  
18 I'M JUST, AND AT THIS TIME, YOUR HONOR, I WOULD MOVE  
19 FOR, TO SEVER THESE CASES.

20 THE COURT: I'M GOING TO DENY THE MOTION.  
21 I THINK IT'S, THE JURY HAS NOT BEEN SWORN BUT I THINK  
22 IT'S AN ILL TIME, AND I KNOW FOR STRATEGY REASONS YOU  
23 PROBABLY, I'M NOT FINDING FAULT, BUT WE'RE IN THE  
24 TRIAL, THEY'VE BEEN JOINED, THEY CAN BE PROVED. THEY  
25 ARISE, IF IN FACT THEY DID OCCUR AS THE STATE MUST

1 PROVE, THAT THEY AROSE INVOLVING THE SAME VICTIM,  
2 THEY AROSE IN THE SAME HOUSE, THEY AROSE IN THE SAME  
3 NIGHT. THEY ARE, THE EVIDENCE TO PROVE THEM IS  
4 SOMEWHAT DIFFERENT. THERE IS AT LEAST TO THIS STAGE  
5 AS I UNDERSTAND IT AND I HAVEN'T HEARD ALL THE  
6 EVIDENCE, BUT I'M GOING TO DENY THAT MOTION TO SEVER.

7 MR. MORTON: THANK YOU, YOUR HONOR.

8 THE COURT: ALL RIGHT. YOU WANT TO, I CUT  
9 YOU SHORT.

10 MR. MORTON: NO, SIR.

11 THE COURT: WELL, DO YOU WANT TO, I BETTER  
12 LET YOU GO AHEAD AND PUT YOUR --

13 MR. MORTON: WELL, THE REASON I WANTED TO  
14 SEVER WAS, IS IF THE COURT IS CONSIDERING IN ITS  
15 ANALYSIS THE PREJUDICIAL EFFECT TO MR. SANDERS OF  
16 THESE OTHER BAD ACT EVIDENCE, YOU KNOW, UNDER SOME  
17 OTHER ANALYSIS SUCH AS THIRD PARTY GUILT, IN WHICH HE  
18 IS NOT A DEFENDANT IN THIS TRIAL, NOT CHARGED, NOT  
19 SITTING IN THE SAME COURTROOM, THEN COMBINED WITH THE  
20 FACT THAT HE HAS, HIS DNA FOUND ON AMANDA COPE,  
21 EVIDENCE COULD POSSIBLY BE USED AGAINST HIM IN SOME  
22 THIRD PARTY GUILT, COMMON SCHEME THING, WHERE HE IS  
23 NOT A DEFENDANT, OBVIOUSLY WOULDN'T BE ANY PREJUDICE  
24 TO HIM AT THAT POINT. IT MIGHT BE A WHOLE DIFFERENT  
25 ANALYSIS IF WE WEREN'T BEING TRIED TOGETHER.

1 THE COURT: WELL, I UNDERSTAND THAT.  
2 HOWEVER, I NEVER REACHED THE BALANCING BETWEEN THE  
3 PREJUDICIAL AND PROBATIVE VALUE BECAUSE I FIND THEY  
4 DON'T RISE TO THE LEVEL OF COMMON SCHEME, MOTIVE, OR  
5 IDENTITY, SO I STOPPED MY ANALYSIS THERE. I DID NOT  
6 GO FURTHER TO WEIGH THAT ISSUE.

7 MR. MORTON: ALL RIGHT, SIR. THAT'S ALL I  
8 HAVE.

9 THE COURT: ALL RIGHT. LET'S BRING IN THE  
10 JURY AND WE'LL SWEAR THEM IN. BRING IN THE JURY.

11 (THE JURY RETURNS TO THE COURTROOM AT  
12 1:44.)

13 THE COURT: NOW THAT YOU ARE ALL  
14 COMFORTABLY SEATED, IF YOU'LL STAND. THE CLERK  
15 WILL ADMINISTER THE OATH.

16 (THE JURY IS SWORN.)

17 THE COURT: FIRST, LET ME TELL YOU THAT  
18 THE FACT THAT THERE ARE TWO INDIVIDUALS WHO ARE  
19 CHARGED AND THE FACT THAT THERE ARE SEVERAL  
20 INDICTMENTS AGAINST EACH IS OF NO REAL IMPORTANCE.  
21 I'LL TELL YOU THIS AGAIN WHEN I CHARGE YOU THE LAW.  
22 WHAT I WILL TELL YOU AT THAT TIME IS THAT YOU ARE TO  
23 EXAMINE THE EVIDENCE CONCERNING EACH INDIVIDUAL  
24 SEPARATELY. THE FACT THAT THEY ARE BEING TRIED  
25 TOGETHER, EACH IS ENTITLED TO BE, THEIR CASE WEIGHED



1 ON THE EVIDENCE INDEPENDENTLY OF THE OTHER. THE SAME  
2 IS BASICALLY TRUE FOR THE INDICTMENTS. THE FACT THAT  
3 THERE ARE SEVERAL, EACH HAS DIFFERENT ELEMENTS THAT I  
4 WILL CHARGE TO YOU, AND THE FACT THAT THERE ARE  
5 SEVERAL DOES NOT MEAN ANYTHING OTHER THAN THAT THEY  
6 HAVE BEEN CHARGED WITH SEVERAL OFFENSES AND THAT  
7 WOULD BE SEVERAL OFFENSES TO CONSIDER.

8 MR. COPE IS CHARGED WITH UNLAWFUL  
9 CONDUCT TOWARD A CHILD AND THE REASON I'M GOING IN  
10 THIS ORDER AND WE WILL THROUGHOUT THE TRIAL GO IN THE  
11 ORDER AS THEY ARE SEATED, IS THAT I MADE A  
12 DETERMINATION AS THE JUDGE AS TO WHEN WE GOT TWO  
13 DEFENDANTS WHO SHOULD GO FIRST OF THE DEFENDANTS AND  
14 THAT'S THE DECISION I MADE. BUT MR. COPE IS CHARGED  
15 WITH UNLAWFUL CONDUCT TOWARDS A CHILD, CRIMINAL  
16 CONSPIRACY, CRIMINAL SEXUAL CONDUCT IN THE FIRST  
17 DEGREE, AND MURDER.

18 MR. SANDERS IS CHARGED WITH CRIMINAL  
19 CONSPIRACY, CRIMINAL SEXUAL CONDUCT IN THE FIRST  
20 DEGREE, AND MURDER.

21 NOW TO THESE CHARGES EACH OF THESE  
22 DEFENDANTS HAVE ENTERED PLEAS OF NOT GUILTY. THESE  
23 PLEAS OF NOT GUILTY PLACE ON THE STATE THE BURDEN OF  
24 PROOF; THAT IS, THE BURDEN OF PROVING THEIR GUILT  
25 BEYOND A REASONABLE DOUBT. THEY DON'T HAVE TO PROVE



1 RULING ON QUESTIONS OF ADMISSIBILITY OF EVIDENCE. IF  
2 ONE SIDE BELIEVES THAT CERTAIN EVIDENCE SHOULD COME  
3 IN AND SOMEONE ELSE, ONE OF THE OTHER ATTORNEYS OR  
4 CLIENTS, BELIEVE THAT EVIDENCE SHOULD NOT BE ADMITTED  
5 IT IS UP TO ME TO MAKE A DETERMINATION AS TO WHETHER  
6 OR NOT THAT EVIDENCE IS ADMITTED OR NOT. MY RULING  
7 ON EVIDENCE IS BINDING. IT'S BINDING ON THE WITNESS,  
8 IT'S BINDING ON THE ATTORNEYS, AND IT'S BINDING ON  
9 YOU. IF AN ATTORNEY STANDS AND OBJECTS AND I SAY  
10 WE'LL HAVE TO TAKE UP A MATTER OUTSIDE YOUR PRESENCE,  
11 DON'T HOLD THAT AGAINST THE ATTORNEY. THERE ARE  
12 CERTAIN THINGS WE HAVE TO TAKE UP AND CONSIDER  
13 OUTSIDE YOUR PRESENCE FOR ME TO RULE ON. AGAIN ONCE  
14 I HAVE RULED THAT RULE IS BINDING AND I TELL YOU THAT  
15 PARTICULARLY BECAUSE IN THE EVENT THAT IT HAPPENS,  
16 AND IT SOMETIMES DOES, THAT A WITNESS MAKES A  
17 STATEMENT, SOMEONE OBJECTS IT TO, AND I TELL YOU  
18 DISREGARD IT, THEN IT'S BINDING ON YOU, YOU MUST  
19 DISREGARD THAT STATEMENT.

20 MY THIRD JOB IS THAT I AM, AS I  
21 MENTIONED A MOMENT AGO, THE SOLE JUDGE OF THE LAW IN  
22 THIS CASE. IT IS SOLELY UP TO ME TO GIVE YOU THE LAW  
23 WHICH YOU ARE APPLY TO THE FACTS IN THIS CASE. I'M  
24 GIVING YOU SOME LEGAL PRINCIPLES NOW, THROUGHOUT THE  
25 TRIAL I MAY GIVE YOU SOME LEGAL PRINCIPLES, AND AT

1 THE END OF THE TRIAL I WILL GIVE YOU A CONCISE AND  
2 COMPREHENSIVE CHARGE ON THE LAW WHICH YOU ARE TO  
3 APPLY TO THE FACTS.

4 YOU ARE THE SOLE JUDGES OF THE FACTS  
5 IN THIS CASE. YOU ARE NOT TO INFER FROM ANYTHING I  
6 SAY OR DO AT ANY TIME DURING THIS TRIAL AS BEING AN  
7 INDICATION OF AN OPINION OF MINE ON THE FACTS. OUR  
8 LAW DOES NOT ALLOW A TRIAL JUDGE TO EXPRESS OR EVEN  
9 FORMULATE AN OPINION ON THE FACTS. THAT IS YOUR JOB.  
10 SO IF YOU WERE TO INFER FROM ANYTHING I SAY OR DO AS  
11 IT BEING AN INDICATION OF AN OPINION OF MINE ON THE  
12 FACTS YOU WOULD BE WRONG IN MAKING SUCH INFERENCE.  
13 IT IS SOLELY UP TO YOU AS THE JURY IN THIS CASE AS  
14 THE TRIERS OF FACT TO EXAMINE THE EVIDENCE AND GIVE  
15 TO THE EVIDENCE THE EFFECT, THE VALUE, THE WEIGHT,  
16 AND THE TRUTH YOU BELIEVE THAT EVIDENCE SHOULD HAVE.  
17 IN DOING THIS YOU MAY BELIEVE ONE WITNESS AS OPPOSED  
18 TO SEVERAL, SEVERAL WITNESSES OPPOSED TO ONE. YOU  
19 MAY BELIEVE ALL, PART, OR NONE OF A WITNESS'  
20 TESTIMONY. USE YOUR COMMON SENSE, YOUR SENSE OF  
21 LOGIC, USE YOUR EXPERIENCES IN LIFE, YOUR SENSE OF  
22 REASON, IN EXAMINING THE EVIDENCE. AS JUDGES OF THE  
23 FACTS, YOU OF NECESSITY MUST JUDGE THE CREDIBILITY,  
24 THAT IS, THE BELIEVABILITY OF THE WITNESSES WHO  
25 TESTIFY IN THIS TRIAL. IN ASSESSING BELIEVABILITY OR

1 CREDIBILITY USE THE THINGS THAT I HAVE JUST  
2 MENTIONED, USE THOSE THINGS THAT YOU IN TO YOUR DAY  
3 TO DAY LIFE FIND AS BEING INDICATIVE OF TRUTHFULNESS  
4 AND YOU CAN USE CERTAIN, I'LL CALL THEM EVALUATORS,  
5 THINGS, THE WITNESS' DEemeanOR OR HOW THEY ACT ON THE  
6 STAND. ARE THEY HESITANT OR STRAIGHT FORWARD IN  
7 ANSWERING QUESTIONS. IS THEIR TESTIMONY INCONSISTENT  
8 OR INCONSISTENT WITHIN ITSELF OR AS COMPARED TO OTHER  
9 EVIDENCE IN THE RECORD. DO THEY HAVE ANY BIAS OR  
10 PREJUDICE; THAT IS, WHETHER THEY WOULD WISH TO HELP  
11 OR HURT ONE SIDE OR THE OTHER. AND YOU CAN CONSIDER  
12 THE OPPORTUNITY A WITNESS HAD TO ACTUALLY KNOW THOSE  
13 THINGS TO WHICH THEY TESTIFIED. ALL THESE THINGS YOU  
14 CAN CONSIDER, DETERMINE THE TRUE FACTS, APPLY THE  
15 LAW, AND YOU WILL BE IN A POSITION TO RETURN A  
16 VERDICT THAT SPEAKS THE TRUTH.

17 I WILL NOT KEEP REPEATING MY MANTRA  
18 ABOUT NOT DISCUSSING THE CASE. I'LL SAY IT THIS  
19 TIME, I MAY REMIND YOU SOME MORE, BUT I THINK TOLD  
20 YOU ENOUGH THAT IT WILL STICK NOT TO HAVE TO, BUT  
21 THAT YOU ARE NOT TO MAKE UP YOUR MIND UNTIL WE REACH  
22 THAT POINT IN THE TRIAL WHERE I INSTRUCT YOU TO  
23 JOINTLY DELIBERATE AND RETURN A UNANIMOUS VERDICT.  
24 PRIOR TO THAT TIME YOU ARE NOT EQUIPPED WITH ALL THE  
25 TOOLS YOU NEED TO MAKE A FAIR AND REASONABLE

1 DECISION, SO DON'T DISCUSS THE CASE AMONG YOURSELVES  
2 UNTIL WE REACH THAT TIME, THAT WOULD BE PREMATURE  
3 DELIBERATION AND DON'T TRY TO MAKE UP YOUR OWN MIND  
4 BECAUSE IT'S JUST NOT FAIR UNTIL YOU'VE HEARD ALL THE  
5 EVIDENCE AND HEARD THE LAW THAT YOU APPLY TO THE  
6 EVIDENCE.

7 KEEP IN MIND WHAT I TOLD YOU ABOUT NOT  
8 LETTING ANYONE DISCUSS THE CASE WITH YOU OUTSIDE THE  
9 COURTROOM. KEEP IN MIND WHAT I TOLD YOU ABOUT NOT  
10 LETTING YOURSELF BE EXPOSED TO ANY MEDIA COVERAGE AND  
11 AVOIDING ANYTHING THAT COULD EVEN REMOTELY DEAL WITH  
12 THIS TRIAL. YOU MUST MAKE YOUR VERDICT DETERMINATION  
13 ON WHAT YOU HEAR AND SEE HERE IN THE COURTROOM.

14 WE TAKE BREAKS ABOUT EVERY HOUR AND A  
15 HALF. I THINK THAT'S A GOOD, SEEMS TO BE A PRETTY  
16 GOOD BREAK TIME, BUT IF ANYBODY NEEDS A BREAK AT ANY  
17 TIME WE WILL HONOR THAT AND TAKE A BREAK. I ASSURE  
18 YOU IF I FEEL LIKE I NEED TO TAKE A BREAK, I'M GOING  
19 TO TAKE ONE AND I'M GOING TO GIVE YOU THE SAME  
20 PREROGATIVE. IF YOU NEED A BREAK FOR ANY REASON  
21 SIMPLY RAISE YOUR RIGHT HAND AND NO QUESTIONS ASKED  
22 AND WE WILL TAKE A BREAK AND I EXTEND THAT TO COUNSEL  
23 AND MR. COPE AND MR. SANDERS. WE DO WANT TO MOVE THE  
24 CASE ALONG, BUT IF YOU NEED A BREAK, WE'LL TAKE IT.  
25 WE USUALLY TAKE AN HOUR, AN HOUR AND A HALF FOR

1 LUNCH. I'M GOING TO TRY TO RUN COURT FROM AROUND 9  
2 TO 5:30 MAYBE SIX DEENDING ON WHERE WE ARE WITH  
3 WITNESSES. WE MAY STOP A LITTLE EARLIER. I THINK  
4 THAT'S A PRETTY GOOD SCHEDULE TO STICK TO AT LEAST AT  
5 THIS JUNCTURE OF THE TRIAL.

6 IF YOU CAN'T SEE OR YOU CAN'T HEAR LET  
7 ME KNOW, CUP YOUR EAR OR GIVE ME A VOICE RAISING  
8 GESTURE. IF SOMEONE, AND I WILL, INCLUDING MYSELF, I  
9 WILL REQUIRE WHOEVER YOU CAN'T HEAR TO SPEAK LOUDER.  
10 IF SOMEONE OR SOMETHING IS IN YOUR WAY, GIVE ME A  
11 NUDGING GESTURE AND I WILL REQUIRE IT TO BE MOVED OR  
12 WHOEVER IS IN YOUR WAY TO MOVE.

13 I'M GOING TO ASK YOU TO LISTEN  
14 ATTENTIVELY, YOU DON'T NEED TO TAKE NOTES, AND AT  
15 THIS TIME I WILL TURN IT OVER TO THE ATTORNEYS TO  
16 MAKE FOR YOU THEIR OPENING STATEMENTS.

17 OPENING STATEMENT BY MR. THOMPSON:

18 GOOD AFTERNOON. JUST BRIEFLY TAKE YOU  
19 BACK TO A TIME IN YOUR LIFE WHEN WE'RE ALL VERY  
20 YOUNG. YOU MAY REMEMBER SOMETHING LIKE THIS WHEN YOU  
21 WERE IN SCHOOL -- LONG DIVISION. YOU KNOW, IT WAS  
22 NEVER FUN TO DO THIS. MAYBE ONE OR TWO PEOPLE  
23 THOUGHT IT WAS, BUT FOR MOST PEOPLE IT WASN'T FUN TO  
24 DO THIS BUT EVERYONE HAD TO DO IT AND WHEN IT CAME  
25 DOWN TO IT, WHEN YOU DID THE WORK, EVERY ONE OF US

1 WAS ABLE TO DO IT. I PUT THIS OUT RIGHT NOW TO TELL  
2 YOU THIS IS PROBABLY ONE OF THE LAST NORMAL THINGS  
3 THAT AMANDA COPE EVER DID. THE NIGHT OF NOVEMBER 29,  
4 2001, AMANDA COPE WHO WAS 12, HELPED HER SISTER  
5 JESSICA ON HER HOMEWORK, LONG DIVISION. IT'S PAINFUL  
6 THING AS WE KNOW ALL BUT SHE IS HELPING JESSICA GET  
7 THROUGH IT. THE LAST NORMAL THING, ONE OF THE LAST  
8 NORMAL THINGS THAT WE CAN SAY THAT WE KNOW THAT  
9 AMANDA DID, BECAUSE ON THAT NIGHT, AS THE EVIDENCE  
10 WILL SHOW YOU, AMANDA WAS BRUTALLY BEATEN, BRUTALLY  
11 RAPED WITH A FOREIGN OBJECT BOTH IN HER VAGINA AND  
12 HER ANUS AND SHE WAS STRANGLERED AND MURDERED. SUCH A  
13 HORRIBLE THING FOR SUCH A YOUNG GIRL AND A DIFFICULT  
14 THING TO HAVE TO DEAL WITH.

15 MANY PEOPLE WITHIN OUR COUNTY AND  
16 THROUGHOUT THE UNITED STATES REALIZE THAT THIS SORT  
17 OF THING HAPPENS, PEOPLE ARE MURDERED, PEOPLE ARE  
18 RAPED; CHILDREN ARE MURDERED. CHILDREN ARE RAPED.  
19 NO ONE REALLY LIKES TO THINK IT HAPPENS IN THEIR  
20 COMMUNITY. NO ONE REALLY LIKES TO THINK THIS IS  
21 SOMETHING THEY WILL HAVE TO DEAL WITH ON A PERSONAL  
22 LEVEL. BUT THAT IS YOUR DIFFICULT CHORE NOW AND YOUR  
23 DUTY AS JURORS AT THIS POINT IS TO COME NOW AND SEE  
24 THE EVIDENCE THAT SHOWS WHAT HAS HAPPENED TO AMANDA  
25 COPE. I WANT YOU TO REALIZE THE EVIDENCE THAT IS



1 PRESENTED IS NOT NICE, THE EVIDENCE THAT WILL BE  
2 PRESENTED IS NOT FUN TO SEE, IT'S HORRIFYING, IT'S  
3 SHOCKING, IT'S NOT PLEASANT IN ANY WAY, BUT IT IS NOW  
4 YOUR DUTY AND OBLIGATION TO VIEW THAT EVIDENCE.

5 THE FIRST THING I'D LIKE TO GO OVER  
6 WITH YOU ARE THE CHARGES THAT ARE BEFORE US TODAY TO  
7 GIVE YOU SOME SORT OF IDEA WHAT YOU ARE DEALING WITH  
8 AS JURORS SO THAT YOU CAN KEEP THIS IN YOUR MIND AS  
9 YOU LOOK TO THE ELEMENTS OF THE CRIMES AS WE GO  
10 THROUGH THE EVIDENCE. BOTH DEFENDANTS, JAMES SANDERS  
11 AND BILLY WAYNE COPE, ARE CHARGED WITH A NUMBER OF  
12 THESE CRIMES TOGETHER. THE ONES THAT THEY ARE  
13 CHARGED TOGETHER ON ARE MURDER. WHAT IS MURDER?  
14 IT'S THE UNLAWFUL KILLING OF ANOTHER WITH WHAT'S  
15 CALLED MALICE AFORETHOUGHT, SOME SORT OF EVIL WICKED  
16 HEART. MALICE IS OFTEN HARD TO DEFINE BUT I THINK  
17 YOU WILL SEE BY THE EVIDENCE THAT'S PRESENTED TO THE  
18 BRUTAL BEATING AND KILLING OF AMANDA COPE CAN BE DONE  
19 WITH NOTHING LESS THAN MALICE.

20 THE SECOND CHARGE, CRIMINAL SEXUAL  
21 CONDUCT FIRST DEGREE. CRIMINAL SEXUAL CONDUCT AND  
22 THE LEGAL DEFINITION KIND OF GOES THIS WAY. THAT  
23 THEY COMMITTED SEXUAL BATTERY UPON AMANDA COPE WITH  
24 ONE OR MORE OF THE FOLLOWING AGGRAVATING  
25 CIRCUMSTANCES. NOW SEXUAL BATTERY IS SIMPLY SOME

1 SORT OF PENETRATION, NOT NECESSARILY INTERCOURSE THAT  
2 YOU WOULD NORMALLY THINK OF IN A RAPE, BUT SOME SORT  
3 OF PENETRATION HOWEVER SLIGHT INTO A BODY ORIFACE AND  
4 IN THIS CASE THE VAGINA AND THE ANUS. THAT THEY USED  
5 AGGRAVATED FORCE TO ACCOMPLISH THAT SEXUAL BATTERY  
6 WHICH IS A SEVERE BEATING, STRANGULATION, THINGS OF  
7 THOSE NATURE, THOSE ARE THE THINGS THAT WE INTEND TO  
8 PROVE HERE AS WELL. OR ANOTHER AGGRAVATING  
9 CIRCUMSTANCE WOULD BE THAT SHE WAS FORCIBLY CONFINED  
10 DURING THE TIME OF THE SEXUAL BATTERY WHICH IS  
11 SOMETHING WE ALSO INTEND TO SHOW YOU AND PROVE THAT  
12 THERE IS NO WAY SHE COULD HAVE GOTTEN UP AND ESCAPED  
13 THIS AT THE TIME THAT IT OCCURRED TO HER. NOW THERE  
14 ARE TWO COUNTS BECAUSE THERE ARE TWO PLACES THAT HAVE  
15 BEEN PENETRATED, ONE IS THE VAGINA AND ONE IN THE  
16 ANUS, SO THERE ARE TWO COUNTS OF CRIMINAL SEXUAL  
17 CONDUCT FIRST DEGREE.

18 THE FINAL INDICTMENT THAT BOTH OF THE  
19 DEFENDANTS ARE CHARGED WITH IS CRIMINAL CONSPIRACY.  
20 CRIMINAL CONSPIRACY, THE LEGAL DEFINITION SAYS,  
21 WILLFULLY AND UNLAWFULLY WHEN SOMEONE UNITES  
22 COMBINES, CONSPIRES, CONFEDERATES, AGREES, OR HAS  
23 TACIT UNDERSTANDING WITH ANOTHER TO COMMIT A CRIME.  
24 NOW THAT'S A LOT TO STUFF TO BASICALLY SAY TWO PEOPLE  
25 WORKING TOGETHER TO DO THE SAME CRIME IN SOME FORM OR

1 FASHION. IT DOESN'T HAVE TO BE SPOKEN, IT DOESN'T  
2 HAVE TO BE WRITTEN DOWN, NO ONE HAS TO BE ASSIGNED A  
3 CERTAIN JOB. IT CAN BE A TACIT UNDERSTANDING. ONE  
4 THAT IT IS JUST OBVIOUS WHAT WE'RE DOING AND WE'RE  
5 DOING IT TOGETHER. THERE CAN BE ONE THAT THEY, THEIR  
6 ACTIONS SHOW WHAT WE ARE DOING AND OBVIOUSLY WORKING  
7 IN CONCERT, AND WE INTEND TO PROVE THAT.

8 THE FINAL INDICTMENT IS ONE IN WHICH  
9 ONLY MR. COPE FACES AND THAT IS UNLAWFUL CONDUCT  
10 TOWARD A CHILD. HE FACES THAT BECAUSE HE'S THE  
11 FATHER OF AMANDA COPE. IT ALLEGES THAT HE HAS PLACED  
12 HER AT UNREASONABLE RISK OF HARM AFFECTING HER LIFE,  
13 PHYSICAL OR MENTAL HEALTH OR SAFETY WHILE DOING ONE  
14 OF TWO THINGS: ONE, FAILING TO MAINTAIN A SANITARY  
15 ENVIRONMENT OR LIVING CONDITIONS IN THE HOUSE WHICH  
16 WE INTEND TO SHOW YOU. OR ALLOWING OR CAUSING  
17 PHYSICAL OR MENTAL ABUSE TO BE INFLICTED UPON THIS  
18 CHILD. WE INTEND TO SHOW YOU THAT AS WELL.

19 SO AS YOU CONSIDER THE EVIDENCE THAT'S  
20 PRESENTED, I WANT YOU TO CONSIDER THOSE ELEMENTS OF  
21 THOSE CRIMES AND THINGS WILL KIND OF START TO COME  
22 TOGETHER FOR YOU AT THAT POINT IN TIME.

23 NOW LET'S LOOK A LITTLE BIT ABOUT A  
24 BLUEPRINT OF WHAT'S GOING TO HAPPEN, WHAT YOU ARE  
25 GOING TO SEE IN THIS TRIAL, THE TYPE OF EVIDENCE THAT

1 WILL BE PRESENTED. OF COURSE, THERE ARE GENERALLY  
2 TWO KINDS OF EVIDENCE PRESENTED: ONE IS DIRECT  
3 EVIDENCE AND ONE IS CIRCUMSTANTIAL EVIDENCE. AND YOU  
4 PROBABLY ALL HEARD OF THAT SOMEWHERE ALONG THE LINE  
5 WHETHER TV OR SOMEWHERE ELSE, BUT WHAT ARE THEY?  
6 WELL, DIRECT EVIDENCE IS SOMETHING YOU HEAR FROM THE  
7 STAND, YOU HEAR A WITNESS TALK, THAT'S DIRECT  
8 EVIDENCE. A CONFESSION, WHICH YOU WILL HEAR A NUMBER  
9 OF CONFESSIONS IN THIS CASE, THAT IS DIRECT EVIDENCE.  
10 FORENSIC EVIDENCE, SUCH AS DNA RESULTS OR OTHER  
11 THINGS OF THAT NATURE, THAT IS DIRECT EVIDENCE.  
12 YOU'LL SEE THAT AS WELL.

13 CIRCUMSTANTIAL EVIDENCE, A LOT OF WHAT  
14 YOU MIGHT THINK IT WOULD BE, WHAT ARE THE  
15 CIRCUMSTANCES OF THE CRIME? ALWAYS VERY IMPORTANT,  
16 ALWAYS VERY TELLING AS TO WHAT MOTIVE COMES OUT AND  
17 WHY PEOPLE DO THINGS AND WHAT PEOPLE ARE DOING AND  
18 IT'S GOING TO BE NO LESS IMPORTANT IN THIS CASE.

19 THAT MORNING AFTER AMANDA IS MURDERED  
20 AND RAPED AND LAYS IN HER BED, THE FIRST THING THAT  
21 LAW ENFORCEMENT HEARS IS A 911 CALL AND IT'S FROM  
22 BILLY COPE A FEW MINUTES AFTER SIX O'CLOCK IN THE  
23 MORNING, AND HE'S CALLING TO SAY THAT HIS DAUGHTER IS  
24 DEAD. BUT THERE IS SOMETHING VERY SUSPICIOUS AS YOU  
25 WILL SEE WHEN YOU HEAR THAT CALL. IT'S ALMOST DEVOID

1 OF EMOTION. AS A MATTER OF FACT, HE USES WORDS LIKE  
2 SHE'S COLD AS CUCUMBER. OH, SHE'S DEAD. WHEN ASKED  
3 QUESTIONS BY THE 911 OPERATOR, WHEN WAS THE LAST TIME  
4 YOU SAW HER ALIVE? OH, IT WAS TWO O'CLOCK. I MEAN,  
5 I THINK IT WAS ONE O'CLOCK. THIS IS THE FIRST PLACE  
6 WHERE YOU START GETTING THE STORY FROM BILLY COPE  
7 AND, BOY, IT CHANGES DRAMATICALLY AS THE EVIDENCE  
8 COMES OUT. BECAUSE THEN HE CONTINUES TO SAY THINGS  
9 TO THE 911 OPERATOR: I'LL HAVE THE LIGHT ON. HE  
10 OBVIOUSLY HAS TO LEAVE AT SOME POINT DURING THE  
11 CONVERSATION WITH THE 911 OPERATOR, SAYING HE HAS TO  
12 GO, HANGS UP, AND GOES ON.

13 NOW THE OTHER TWO GIRLS IN THE HOUSE  
14 THAT NIGHT, THE EVIDENCE, THE TWO YOUNGER SISTERS,  
15 JESSICA WHO WAS 11 AND KYLA WHO WAS SEVEN, ASLEEP IN  
16 THEIR ROOM AWAY FROM AMANDA. THE DEFENDANT BILLY  
17 COPE, THE ONLY OTHER PERSON SLEEPING IN THAT HOUSE  
18 THAT NIGHT, WHEN OFFICERS ARRIVE HE SHOWS THEM WHERE  
19 HIS DAUGHTER IS, AND OF COURSE ON THE 911 TAPE HE  
20 SAID THIS AS WELL AS, HE SAID THERE IS A BLANKET. A  
21 BLANKET WRAPPED AROUND HER NECK. THE EDGING OFF A  
22 BLANKET HAD COME OFF AND IT WAS WRAPPED AROUND HER  
23 NECK FOUR OR FIVE TIMES AND SHE MUST HAVE CHOKED ON  
24 IT. I WANT YOU TO CONSIDER THAT. CONSIDER THESE  
25 THINGS THAT HE'S TELLING THE POLICE WHEN THEY FIRST

1 ARRIVE. THINK OF A 12 YEAR OLD GIRL, THIS YOUNG  
2 LADY, WHO WAS ABOUT 160 POUNDS, 12 YEARS OLD, HOW  
3 REASONABLE IS IT THAT SHE CHOKED ON A BLANKET IN HER  
4 OWN BED. AND HE ADDS TO THE STORY. OH, SHE ROLLS A  
5 LOT IN HER SLEEP. SHE'S KNOWN FOR ROLLING A LOT IN  
6 HER SLEEP. I TOLD HER A NUMBER OF TIMES NOT TO HAVE  
7 THAT BLANKET IN BED WITH HER. AS A MATTER OF FACT,  
8 KEEP IT OUT ON THE SOFA AND SHE'S GOING TO CHOKE ON  
9 IT. AND YOU CAN THINK HOW MANY TIMES IT WOULD  
10 LOGICALLY BE TOLD BY AN ADULT TO A CHILD WHO IS 12,  
11 YOU ARE GOING TO CHOKE ON THAT BLANKET WHILE YOU ARE  
12 SLEEPING. THE THINGS CONTINUE TO PROGRESS. HE KEEPS  
13 TELLING THINGS. AS THE POLICE ARRIVE HE TELLS THEM  
14 THINGS. OH, SHE WAS NAKED WHEN I FIRST FOUND HER.  
15 ONE OFFICERS HE TELLS, HE WALKED IN, HE CHECKED HER,  
16 SHE WAS COLD. HE WALKED IN TO WAKE HER UP, TO CHECK  
17 HER, BUT SHE WAS COLD. BUT THEN THAT STORY CHANGES  
18 TO AS THE DAY GOES ON, WELL, HER DOOR WAS SHUT AND I  
19 HAD TO KICK IT THEN AND THEN I WENT IN AND THERE SHE  
20 WAS WITH THIS WRAPPED AROUND HER NECK AND HER CLOTHES  
21 WERE ON. AS A MATTER OF FACT, I TRIED TO PULL DOWN  
22 THE SHIRT BECAUSE IT WAS PULLED UP OVER HER BREAST  
23 AND I PULLED IT DOWN A LITTLE BIT AND I STRAIGHTENED  
24 HER CLOTHES OUT. AND YOU'LL SEE, YOU'LL SEE FROM THE  
25 PHOTOGRAPHS AND FROM THE DESCRIPTION OF THE OFFICERS

1       WHEN THEY FIND HER CLOTHING IS ON, HOWEVER, THERE IS  
2       AN INTERESTING FACT THAT THE PATHOLOGIST WILL POINT  
3       OUT, THAT THESE CLOTHES WERE PUT ON BY SOMEONE ELSE.  
4       IT'S OBVIOUS THE WAY PANTS ARE PULLED UP THAT THE  
5       ROLLING IN THE INSIDE AS WELL AS THE UNDERWEAR IT'S  
6       NOT COMPLETELY PULLED UP, IT'S CERTAINLY NOT  
7       STRAIGHT, IT'S CERTAINLY NOT HOW YOU WOULD PULL UP  
8       YOUR OWN PANTS.  THE CLOTHING, THE BRA, IT'S NOT  
9       ATTACHED AT ALL, AND IT'S LAYING FLIMSILY AROUND HER.  
10      THE SHIRT PULLED OVER ONE BREAST AND PULLED UP HIGH.  
11      SHE'S NOT COMPLETELY DRESSED AND THE PATHOLOGIST WILL  
12      TELL YOU IN HIS OPINION THAT SOMEONE ELSE DRESSED  
13      HER.  SHE DID NOT DRESS HERSELF INTO THOSE CLOTHES.  
14      AS THE OFFICERS STAND, THEY TALK TO THE DEFENDANT,  
15      AND HE TELLS THEM, BILLY COPE TELLS THEM, THAT HOUSE  
16      WAS SECURED.  THAT THE WINDOWS WERE CLOSED.  NO ONE  
17      BROKE IN.  THERE WAS NO SIGNS OF ANYONE BREAKING IN  
18      AND THE OFFICERS, AS A RESULT OF THAT TOO, GO AROUND  
19      AND THEY WILL TESTIFY THAT THEY CHECKED EACH WINDOW  
20      AND EACH DOOR TO DETERMINE THAT THE HOUSE HAD NOT  
21      BEEN BROKEN INTO BY SOMEONE ELSE.

22                                SO NOW THE POLICE HAVE THIS MAN WHO  
23      HAS GIVEN THIS UNBELIEVABLE STORY, WHO HAS A HOUSE  
24      THAT ONLY HE, WITH HIS CHILDREN, ARE IN.  HIS WIFE  
25      WORKS THIRD SHIFT, AND SHE'S GONE ALL NIGHT.  THEY

1 HAD TO CALL HER TO COME BACK. AND IT'S NOT MAKING  
2 SENSE. AS THE PATHOLOGIST COMES, HE VIEWS THE BODY  
3 AT THE SCENE TO HELP DETERMINE SOME OF THE THINGS  
4 RIGHT AWAY THAT THEY CAN DETERMINE. AT THAT POINT  
5 HE'S ABLE TO TELL THAT THERE IS POSSIBLY SOME SORT OF  
6 SEXUAL ASSAULT THAT'S OCCURRED EVEN WITHOUT HAVING  
7 REMOVED ALL HER CLOTHING AT THAT POINT IN TIME. THE  
8 PATHOLOGIST, THEY THEN TAKE HER, TAKE HER TO THE  
9 MORGUE, AND THEY BEGIN AN AUTOPSY LATER THAT MORNING  
10 OR THAT AFTERNOON.

11 DURING THAT TIME THE DEFENDANT GOES  
12 WITH THE POLICE, TALKS WITH THE POLICE, GIVES SOME  
13 MORE THINGS THAT JUST SEEM TO CHANGE AS TIME GOES ON.  
14 THEY VIEW THE AUTOPSY. WHAT THE PATHOLOGIST FINDS  
15 OUT IS SHOCKING. HE FINDS THAT SHE HAS BEEN BRUTALLY  
16 RAPED, NOT BY A MAN JUST HAVING INTERCOURSE WITH THIS  
17 YOUNG GIRL, BUT BY A FOREIGN OBJECT BEING JAMMED SO  
18 BRUTALLY INTO HER VAGINA AND HER ANUS THAT BASICALLY  
19 IT BRUISES ALMOST EVERY SQUARE INCH, THAT BASICALLY  
20 IT HAD NO WHERE ELSE TO GO, IT WENT TO THE TOP OF THE  
21 BODY CAVITIES AND SOMEONE CONTINUALLY JAMMED IT IN.  
22 SO NOW THE POLICE HAVE THIS, AND ALSO TELLING HOW  
23 BRUTALLY BEATEN SHE IS, HEAD INJURIES WITHIN HER  
24 HEAD, SWELLING AROUND, OR BLEEDING AROUND THE BRAIN,  
25 THINGS OF THAT NATURE. HE'LL TALK ABOUT HOW THERE



1 WAS A LIGHT BITE MARK ON ONE OF HER BREASTS. HOW  
2 THAT THEY TOOK A SWABS FROM THE BITE MARK. THEY TOOK  
3 OTHER SWABS THAT THEY SUSPECT TO BE TESTED. THEY  
4 EXAMINED HER CLOTHING AND THINGS OF THAT NATURE AND  
5 TOOK THINGS FROM THOSE THAT THEY THOUGHT COULD BE  
6 TESTED, ALL OF THIS IS DONE, IT'S DONE AT THIS POINT.  
7 NOW OF COURSE TESTING DOESN'T OCCUR IMMEDIATELY IN  
8 REAL LIFE, UNLIKE TV WHERE YOU SEE THAT WITHIN THE  
9 HOUR PROGRAM THAT THEY HAVE THAT DNA TEST BACK, SO IT  
10 TAKES AWHILE. THESE THINGS HAVE TO BE PROCESSED.  
11 IT'S SENT TO SOUTH CAROLINA LAW ENFORCEMENT DIVISION,  
12 LOOKED AT, AND COMPARED WITH OTHER THINGS. BUT AT  
13 THIS POINT THE POLICE KNOW THE ONLY LOGICAL PERSON AT  
14 THIS TIME IS THE DEFENDANT, SO THEY BEGIN TO TALK TO  
15 HIM. THEY TALK TO HIM THAT AFTERNOON AND THEY END UP  
16 TALKING TO HIM FOR ABOUT THREE HOURS THAT EVENING  
17 BEFORE THEY ULTIMATELY SERVE A WARRANT FOR HIS  
18 ARREST. AND THAT EVENING ONCE AGAIN AS HE CARRIES ON  
19 A CONVERSATION WITH THE OFFICERS THAT HE HERE, IT'S  
20 ALL ON AUDIO TAPE, HE DOES NOT CONFESS TO ANYTHING AT  
21 THAT POINT, BUT HE DOES CHANGE HIS STORY MANY MORE  
22 TIMES. ADDING LITTLE THINGS IN HERE AND THERE FROM  
23 WE WENT TO BED AT ONE, THAT'S WHEN THE GIRLS FINISHED  
24 THEIR HOMEWORK. THAT'S WHEN WE ALL WENT TO BED. I  
25 WEAR THIS IS CPAP MACHINE BECAUSE I HAVE SLEEP APNEA,

1 I CAN'T HEAR ANYTHING OVER IT. HOW HE SLEPT STRAIGHT  
2 THROUGH TO SIX O'CLOCK WHEN THE ALARM WENT OFF AND  
3 THAT'S WHEN HE CALLED AMANDA, IT'S UNUSUAL FOR HER  
4 NOT TO ANSWER RIGHT AWAY, SO HE RAN IN, KICKED OPEN  
5 THE DOOR, AND FOUND HER THERE AND OH, NO. IT'S NOT  
6 LOGICAL IN WHAT HE DESCRIBES. YOU'LL SEE FROM THE  
7 FACTS, THIS IS A VERY SMALL HOUSE. AS YOU STAND IN  
8 THE HALLWAY, WHICH IS BASICALLY ONE SMALL OPEN AREA,  
9 THERE IS A BATHROOM, THERE IS THE DEFENDANT'S ROOM,  
10 THERE IS AMANDA'S ROOM, AND THERE IS JESSICA AND  
11 KYLA'S ROOM, AND THEN INTO THE LIVING ROOM. IT'S  
12 ONLY MAYBE 10 OR 15 FEET FROM WHERE JESSICA'S DOLLY  
13 SITS AT THE EDGE OF HER BED TO WHERE THE DEFENDANT'S  
14 BED IS THAT HE SAID HE WAS ASLEEP IN DURING THE TIME  
15 THAT THIS HAPPENS. YOU CAN LOOK OUT THE DOOR AND SEE  
16 FROM ONE ROOM INTO THE OTHER. THE GIRLS ROOM BEING  
17 RIGHT NEXT DOOR OVER HERE. THIS BRUTAL BEATING  
18 OCCURS AND HE SAYS I HEARD NOTHING AND I NEVER GOT  
19 UP. BUT THEN, YOU KNOW, AS THAT INTERVIEW GOES ON,  
20 HE ENDS UP SAYING, WELL, AT THREE O'CLOCK I GOT UP TO  
21 GO TO THE BATHROOM. WELL, NOW OUT OF NOWHERE  
22 SUDDENLY HE'S AWAKE AT SOME TIME IN THE MIDDLE OF THE  
23 NIGHT AND HE GETS UP TO GO TO THE BATHROOM. AND AT  
24 THAT POINT HE CHECKS ON THE GIRLS ACCORDING HIS  
25 STATEMENT. YOU'LL HEAR FROM THE PATHOLOGIST THAT

1 THIS GIRL HAD DIED IN THE MIDDLE OF THE NIGHT  
2 SOMETIME BETWEEN ABOUT TWO AND FOUR AND IT WASN'T A  
3 QUICK, EASY DEATH. IT TOOK SOME TIME TO BRUTALLY  
4 BEAT HER IN THE WAY THAT SHE WAS BEATEN TO ASSAULT  
5 HER.

6 NOW THE NEXT DAY OR ONE OTHER THING IN  
7 THAT TAPE INTERVIEW, YOU'LL HEAR HIM ASK A NUMBER OF  
8 TIMES: I WANT TO TAKE THE POLYGRAPH TEST. I WANT TO  
9 TAKE THE POLYGRAPH TEST. WELL, THEY DID. THEY LET  
10 HIM SLEEP THAT NIGHT, FEED HIM. THE NEXT DAY THEY GO  
11 IN AND TAKE HIM TO MIKE BAKER THE MAN WHO PERFORMS  
12 THE POLYGRAPH TEST. AFTER INTERVIEWING WITH MIKE  
13 BAKER HE ADMITS AT THIS POINT THAT HE KILLED AMANDA  
14 AND HE TELLS HOW HE DID IT. HE TELLS HOW HE USED THE  
15 HANDLE OF A BROOM TO JAM THAT UP INSIDE OF HER ANUS  
16 AND UP INSIDE OF HER VAGINA AND HOW HE DID IT VERY  
17 HARD. HE TELLS HOW HE GETS UP IN THE MIDDLE OF THE  
18 NIGHT TO GO TO THE BATHROOM, HOW HE HAD A HARD ON,  
19 AND AT THAT POINT HE MASTURBATED OVER AMANDA AND THAT  
20 SHE WOKE UP AND SAW HIM DOING IT. NOW HE BECAME  
21 ENRAGED AND AT SOME POINT BEGAN TO BEAT HER AND THEN  
22 SEXUALLY ASSAULT HER. IT GOES ON FROM THERE.

23 THE DEFENDANT THEN GOING BACK INTO THE  
24 DETENTION CENTER SENDS A MESSAGE THAT HE WANTS TO  
25 SPEAK TO DETECTIVES AGAIN AND AFTER NOW HAVING HAD

1 THE WEEKEND, THIS OCCURRED ON THURSDAY NIGHT GOING,  
2 HIS FIRST STATEMENT OCCURRED ON FRIDAY, AFTER HAVING  
3 THE WEEKEND HE SENDS MESSAGE: I NEED TO TALK TO THE  
4 DETECTIVE AGAIN. I WANT TO TALK. HE GOES IN MONDAY  
5 AND HE TALKS TO SOME MORE DETECTIVES. AT THIS POINT  
6 HE'S TELLING THE STORY AGAIN. NOW HE'S CHANGED IT A  
7 LITTLE BIT AND YOU'LL SEE AS HE'S NOW HAD TIME TO  
8 THINK, NOW HE ADDS IN, OH, IT WAS HIS GIRLFRIEND THAT  
9 I WAS THINKING FROM BACK A LONG TIME AGO, WE HAD  
10 DATED, SHE HAD AN ABORTION, AND SHE WAS JUST, SHE WAS  
11 TORMENTING ME, SO I HEARD VOICES, AND THAT'S WHAT  
12 MADE ME DO IT. I HEARD THESE VOICES, I HEARD THIS  
13 CACKLING AND I KEPT HEARING IT AND I JUST PICTURED IT  
14 WAS HER IN THAT ROOM AND NOT AMANDA, AND THAT'S WHY I  
15 DID IT. THAT'S WHY I WENT IN AND BRUTALLY KILLED HER  
16 AND THAT'S WHAT I DID. THE OFFICERS AFTER HEARING  
17 THIS ASKED HIM, GOT GOING OUT TO THE RESIDENCE AND  
18 SHOWING THEM HOW HE DID IT. YOU'LL SEE A VIDEO TAPE,  
19 A RE-ENACTMENT OF MR. COPE, WHO AT THAT TIME IS ABOUT  
20 330 POUNDS, MUCH BIGGER MAN THAN HE IS AT THIS POINT  
21 IN TIME, HE TAKES THEM OUT TO THE SCENE AND HE  
22 RE-ENACTS WHAT HE DID TO HIS DAUGHTER, AND YOU WILL  
23 SEE THAT AND YOU WILL HEAR HIS WORDS AND YOU WILL  
24 HEAR FROM HIS OWN MOUTH AND SEE IT AS HE SAID IT  
25 HIMSELF.

1                   OF COURSE, THE DETECTIVES DON'T  
2 BELIEVE THIS CACKLING AND STUFF LIKE THAT THAT HE'S  
3 TALKING ABOUT THERE, SO THEY TALK TO HIM AGAIN WHEN  
4 THEY LEAVE THE HOUSE AND ONCE AGAIN HE GIVES ANOTHER  
5 STATEMENT TO THEM, HE GIVES EVEN MORE INFORMATION AND  
6 THIS TIME TELLING INFORMATION ABOUT WHERE THEY WILL  
7 FIND A RAG WHERE HE WHEN HE MASTURBATED INTO THAT RAG  
8 AND WHERE HE PUT IT. AND THEY WILL GO BACK AND THEY  
9 WILL FIND THAT RAG.

10                   THEN WE WAIT FOR THE DNA EVIDENCE AND  
11 IT COMES BACK -- THAT RAG HAS BILLY COPE'S SEMEN ON  
12 IT JUST LIKE HE SAID IT WOULD. BUT THEN THERE IS  
13 SEMEN ON THE OUTSIDE OF AMANDA'S PANTS AND THERE IS  
14 SOME SALIVA ON HER BRA--- ONE OF HER BREAST'S, THE  
15 RIGHT BREAST. AT THAT POINT THAT COMES BACK NOT  
16 BEING MR. COPE. SO NOW THE OFFICERS LOOK AT A  
17 POSSIBILITY THAT NO ONE COULD HAVE FATHOMED AT THE  
18 IMMEDIATE TIME, THAT THESE TWO HAD TO ACT TOGETHER TO  
19 COMMIT THIS CRIME, THAT HIM AND SOMEONE ELSE RAPED  
20 HIS DAUGHTER AND MURDERED HER. SO THEN THE SEARCH  
21 BEGINS. ULTIMATELY THEY MATCH THAT DNA TO JAMES  
22 SANDERS WHO LIVES ABOUT A BLOCK, BLOCK AND A HALF  
23 AWAY. SO WE KNOW FROM THE PATHOLOGIST WILL TESTIFY  
24 THAT THESE INJURIES, THE BRUISING OF THE BREAST, THE  
25 INJURIES SHE SUSTAINED AT DEATH, ALL OF THEM ARE

1 CONTEMPORANEOUS WITH EACH OTHER; IN OTHER WORDS, THEY  
2 ALL OCCURRED ABOUT THE SAME TIME AND THEY ARE ALL  
3 CONTEMPORANEOUS WITH HER DEATH. IN OTHER WORDS, ALL  
4 OF THIS HAPPENED AT THE SAME TIME IN THE BEATING AND  
5 IN HER BED. SO NOW WE HAVE DNA, DIRECT EVIDENCE,  
6 AGAINST BOTH DEFENDANTS LINKING THEM TO THE DEATH OF  
7 AMANDA COPE FOR RAPE, FOR BRUTAL BEATING, HER  
8 STRANGULATION, HER MURDER.

9 AND SOMETHING YOU HAVE TO REALIZE AT  
10 THIS POINT BECAUSE THERE IS DIRECT EVIDENCE THAT  
11 SHOWS THAT JAMES SANDERS DID IT IN NO WAY SHOWS THAT  
12 BILLY WAYNE COPE DID NOT DO IT BECAUSE THERE IS ALSO  
13 DIRECT EVIDENCE THAT SHOWS THAT BILLY WAYNE COPE DID  
14 IT AND THAT IN NO WAY EXCLUDES JAMES SANDERS. HERE'S  
15 WHERE IT COMES MORE HORRIFYING THAN YOU COULD  
16 ORIGINALLY IMAGINE BECAUSE NOT ONLY, NOT ONLY DID  
17 THIS HAPPEN TO AMANDA, BUT YOU'LL SEE BY THE  
18 EVIDENCE, BY THE FACTS OF WHAT WE HAVE WITH THE  
19 HOUSE, THE FACTS OF ALL THE CIRCUMSTANTIAL EVIDENCE  
20 THAT WILL THEN SURROUND THIS, THE ONLY LOGICAL  
21 EXPLANATION IS THAT BILLY COPE SERVED UP HIS DAUGHTER  
22 FOR HIS AND JAMES SANDERS' OWN PERVERSE PLEASURES AND  
23 TOOK HER LIFE. THEY DID IT TOGETHER. THERE IS NO  
24 OTHER REASONABLE EXPLANATION. THERE IS DIRECT  
25 EVIDENCE AS TO EACH OF THEM: CONFESSION, DNA, DNA;

1 CIRCUMSTANTIAL EVIDENCE AS TO THE HOUSE ITSELF:  
2 OBVIOUSLY NO ONE BROKE IN, SOMEONE HAD TO BE LET IN,  
3 AND THIS IS A HOUSE THAT AS YOU'LL SEE IS NOT ONE  
4 THAT YOU GO INTO AND WANT TO STAY NECESSARILY. IT'S  
5 FILTHY. IT STINKS. IT HAS ROACHES LITERALLY  
6 CRAWLING OVER THE COUNTERS AND THE FLOORS AND THE  
7 BEDS. EACH ONE OF THE CHILDREN HAVE LICE. THE FLOOR  
8 ITSELF JUST COVERED WITH CLOTHING AND DIRT, FILTHY.  
9 YOU'LL SEE THE BLANKETS. SOME OF THEM THAT THEY  
10 COLLECTED OFF HER BED AND HOW TRULY FILTHY THEY ARE  
11 ALL THE WAY THROUGH. TO SUSPECT THAT JAMES SANDERS  
12 WOULD GO IN THAT HOUSE ALONE THAT NIGHT, AN UNKNOWN  
13 HOUSE WITH UNKNOWN PEOPLE, GET PAST THAT STENCH, THE  
14 BUGS, AND THE TRAFFIC OF ALL THE JUNK ON THE FLOOR,  
15 MAKE IT BACK TO THE BACK BEDROOM WHERE AMANDA COPE IS  
16 LYING ASLEEP, BRUTALLY RAPE AND MURDER HER AT THAT  
17 POINT ALL BY HIMSELF, AND THEN STAGE A CRIME SCENE?  
18 WRAP SOMETHING AROUND HER NECK? DRESS HER UP? GO  
19 AND COVER UP HOWEVER HE WAS ALLEGEDLY BROKE IN? IT'S  
20 NOT REASONABLE. IT'S NOT REASONABLE. IT HAD TO  
21 HAPPEN TOGETHER AND THAT'S WHAT THE EVIDENCE POINTS  
22 TO. THE DIRECT EVIDENCE THAT WE HAVE POINTS TO THE  
23 FACT THAT THESE MEN WORKED TOGETHER TO PERFORM THIS  
24 HEINOUS ACT ON THIS YOUNG GIRL.

25 NOW I'M SURE YOU'LL HEAR MANY OTHER

1 THINGS FROM THE DEFENSE, BUT WHAT I'M ASKING YOU TO  
2 DO TODAY IS JUST LIKE WHEN YOU WERE A KID, LIKE THE  
3 LONG DIVISION, IT'S NOT FUN TO GO THROUGH EACH PIECE  
4 OF EVIDENCE, CARRY THINGS DOWN, LOOK AT EACH THING,  
5 HEAR EVERYTHING THAT HAPPENS, TAKE THE TIME TO SIT  
6 THERE AND LISTEN AND LISTEN AND LISTEN AND SORT  
7 THROUGH EVERYTHING TO GET THE RIGHT ANSWER, BUT  
8 THAT'S WHAT YOU HAVE TO DO. AND I'M ASKING YOU TO  
9 TAKE THAT TIME NOW BECAUSE THE ONE THING ABOUT THE  
10 LONG DIVISION WHEN WE WERE KIDS, WE ALL COULD DO IT  
11 EVENTUALLY. YOU WILL COME TO A VERDICT IN THIS CASE  
12 AND IT WILL BE A LOGICAL VERDICT JUST LIKE YOUR  
13 ANSWER IN LONG DIVISION ALWAYS COMES TO A CORRECT  
14 ANSWER WHEN IT'S DONE RIGHT. YOU WILL USE IT, YOU  
15 WILL GO IN, AND YOU WILL DO THE UNPLEASANT TASK OF  
16 SEEING THESE ITEMS THAT ARE PRESENTED, HEARING THIS  
17 UNPLEASANT TESTIMONY, PUTTING IT ALL TOGETHER, AND  
18 DOING THE PROBLEM AND WORKING IT THROUGH AND THAT'S  
19 ALL I CAN ASK YOU TO DO. THAT'S ALL THAT ANYONE CAN  
20 ASK OF YOU IS TO RETURN A TRUE VERDICT, ONE THAT  
21 SPEAKS THE TRUTH, ONE THAT IS THE ONLY ANSWER THAT  
22 THERE CAN BE, THAT IS CORRECT. THANK YOU FOR YOUR  
23 TIME, THANK YOU FOR YOUR UNDERSTANDING, AND I ASK  
24 THAT YOU BEAR WITH US THROUGH THESE NEXT SEVERAL  
25 DAYS, WEEK OR MORE, IT'S IMPORTANT AND WE NEED YOUR



1       HELP.  AT THIS POINT YOU'VE NOW BECOME LIKE THE BIG  
2       SISTER.  YOU ARE HAVING TO HELP AMANDA NOW.  AS  
3       AMANDA HELPED JESSICA WITH HER HOMEWORK, YOU'RE  
4       HAVING TO HELP AMANDA NOW TO DETERMINE WHAT HAPPENED  
5       TO HER, TO DETERMINE WHAT THE JUST VERDICT SHOULD BE.  
6       I'M CONFIDENT THAT WHEN YOU'VE HEARD ALL THE  
7       TESTIMONY AND SEEN ALL THE EVIDENCE YOUR VERDICT WILL  
8       BE GUILTY AS TO BOTH JAMES SANDERS AND BILLY WAYNE  
9       COPE ON ALL ACCOUNTS AS THEY ARE CHARGED.  THANK YOU.

10                   MR. BAITY:  MAY IT PLEASE THE COURT,  
11       YOUR HONOR.

12       OPENING STATEMENT BY MR. BAITY.

13                   GOOD AFTERNOON, LADIES AND GENTLEMEN.  
14       BEFORE I DO ANYTHING I WANT TO SAY THAT I SINCERELY  
15       APPRECIATE YOU BEING HERE AND I APPRECIATE THE  
16       SACRIFICES THAT YOU ARE GOING TO MAKE TODAY AND THE  
17       REST OF THIS WEEK AND PROBABLY THE NEXT ONE, THE NEXT  
18       WEEK AND MAYBE EVEN THE WEEK AFTER THAT.  I KNOW IT  
19       REPRESENTS A SACRIFICE, A GREAT INCONVENIENCE.  YOU  
20       ARE GOING TO SUBJECTED TO THINGS IN THIS COURTROOM  
21       THAT YOU ARE NOT GOING TO ENJOY, THAT YOU JUST SOON  
22       WALK AWAY FROM, YOU WOULD WALK AWAY IF YOU HAD THAT  
23       CHANCE, AND I CAN APPRECIATE WHAT YOU ARE GOING TO  
24       HAVE TO GO THROUGH, AND I THANK YOU FOR YOUR SERVICE.  
25       YOU ARE OFFICIALS OF YORK COUNTY, SOUTH CAROLINA.

1 YOU ARE THE OFFICIAL TRIERS OF THE FACTS IN THIS  
2 CASE. YOU, AND YOU ALONE, WILL DETERMINE IN YOUR  
3 DELIBERATIONS WHAT'S TRUE AND WHAT'S NOT. AND IT'S A  
4 SERVICE THAT IS IN THIS CASE GOING TO BE ARDUOUS AND  
5 DIFFICULT AND UNPLEASANT AND FOR YOU THAT ARE ABOUT  
6 TO DO IT, I SALUTE YOU, AND I THANK YOU FOR YOUR  
7 SERVICE.

8 MY NAME IS PHILLIP BAITY. I'M AN  
9 ATTORNEY. I PRACTICE LAW IN FORT MILL. I'M ASSISTED  
10 IN THIS CASE BY A NUMBER OF GENTLEMEN, BUT THE FIRST  
11 PERSON AT THE TABLE I WANT TO INTRODUCE YOU TO IS OUR  
12 CLIENT AND THAT'S MR. BILLY WAYNE COPE. BILLY COPE.  
13 IT'S THE GENTLEMAN I'VE KNOWN FOR ALMOST THREE YEARS  
14 NOW. DAVID WOOD IS SITTING BACK THERE NEXT TO THE  
15 COLUMN, MICHAEL SMITH IS SITTING BESIDE HIM, AND JIM  
16 MORTON IS SEATED AT THE TABLE WITH MR. COPE. WE'RE  
17 ALL HIS LAWYERS. WE'VE ALL BEEN APPOINTED HERE TO  
18 REPRESENT MR. COPE AND WE'RE PROUD TO BE HIS LAWYERS.

19 THE FIRST THING I AM GOING TO TELL  
20 YOU, EACH AND EVERY ONE OF YOU, IS THAT THIS IS NOT A  
21 SIMPLE CASE. MR. THOMPSON SAID THE ONLY LOGICAL  
22 CHOICE OR THE ONLY REASONABLE VERDICT THAT YOU CAN  
23 REACH IS THAT BOTH OF THESE GENTLEMEN ACTED TOGETHER  
24 AND DID THIS HORRIBLE CRIME TOGETHER, AND I SUBMIT TO  
25 YOU, LADIES AND GENTLEMEN, THAT IT'S JUST NOT THAT

1       SIMPLE AND THAT ALSO HAPPENS TO BE NOT TRUE.  THE  
2       SIMPLEST SOLUTION TO THIS CASE IS THE ONE THAT IS THE  
3       TRUTH AND THE TRUTH IS THAT BILLY COPE DID NOT RAPE,  
4       DID NOT MURDER, DID NOT ASSAULT HIS POOR DAUGHTER.  
5       HE DID NOT.  HE'S INNOCENT.  AND THIS MAN DID.  THIS  
6       MAN WAS ASLEEP AT HOME WITH A CPAP MACHINE ON HIS  
7       HEAD, WHICH IS A LOUD SLEEP AID, WITH A FAN GOING,  
8       AND THIS MAN SLIPPED INTO THAT HOUSE AND YOU'RE GOING  
9       TO SEE HOW HE GOT IN, WE'RE GOING TO SHOW YOU, A  
10      NUMBER OF DIFFERENT WAYS HE COULD HAVE GOTTEN IN, AND  
11      HE STIFLED AMANDA.  IT'S HORRIBLE TO THINK OF.  HE  
12      STIFLED HER IN HER BED.  HE CLAMPED HIS HAND OVER HER  
13      MOUTH.  HE STRUCK HER IN THE HEAD, IN THE FACE,  
14      STUNNED HER, AND THEN DID HIS DIRTY BUSINESS AND  
15      LEFT, STRANGLING HER SO THERE WOULD BE NO WITNESSES.  
16      THAT IS WHAT HAPPENED IN THIS CASE.  THAT'S THE  
17      SIMPLE MATTER.  THAT IS A REASONABLE CONCLUSION IN  
18      THIS CASE.

19                   NOW WHY ARE WE HERE?  HOW DID WE GET  
20      HERE?  WHY DO WE HAVE THIS, THIS TWO DEFENDANT THING  
21      THAT'S GOING LAST ALL THIS TIME?  WHY IS THIS GOING  
22      TO HAPPEN?  WELL, I SUBMIT, LADIES AND GENTLEMEN,  
23      IT'S GOING TO HAPPEN AND WE'RE GOING TO BE SITTING  
24      HERE FOR THE NEXT TWO WEEKS SIMPLY BECAUSE THE ROCK  
25      HILL POLICE DEPARTMENT MADE A MISTAKE.  THEY MADE A

1 MISTAKE THAT IS A PERFECTLY UNDERSTANDABLE, PERFECTLY  
2 HUMAN MISTAKE. THEY WALKED INTO A FILTHY HOUSE AND  
3 THEY SAW A HORRIBLE SCENE AND THEY WERE HUMAN AND  
4 THEY REACTED AS ANYONE IN THIS ROOM WOULD. THEY  
5 RUSHED TO JUDGMENT. THEY FIGURED IT OUT. THEY  
6 THOUGHT. THEY MADE UP THEIR MINDS AND THEY ACTED ON  
7 THAT INSTINCT. AND FOLKS, WHAT I'M TRYING TO TELL  
8 YOU TODAY IS I CAN UNDERSTAND WHY THE MISTAKE WAS  
9 MADE, BUT THAT DOESN'T EXCUSE IT. THESE ARE  
10 PROFESSIONALS. THESE ARE PROFESSIONALS, THESE ARE  
11 PEOPLE THAT HAVE BEEN TRAINED TO PUT THEIR EMOTIONS  
12 ASIDE, PUT THEIR FEELINGS ASIDE, TO NOT RUSH TO  
13 JUDGMENT. WHEN THEY SEE SOMETHING YOU DON'T JUST  
14 ASSUME, BUT THAT'S NOT WHAT HAPPENED IN THIS CASE.  
15 IN THIS CASE, LADIES AND GENTLEMEN, THE POLICE  
16 OFFICERS THAT RESPONDED TO THIS CALL, THEY RUSHED TO  
17 JUDGMENT AND WHAT HAPPENED IN THIS CASE IS THAT FOR  
18 THE REST OF THE TIME THAT THEY WERE INVOLVED IN THIS  
19 INVESTIGATION, THEY'VE BEEN SCRAMBLING TO MAKE THE  
20 PIECES FIT TO THAT RUSH TO JUDGMENT. WHAT IS IT THAT  
21 RONALD REAGAN SAID, TRUST THAT VERIFIED. POLICE  
22 OFFICER HAS EVERY RIGHT TO TRUST HIS INITIAL  
23 INSTINCTS AND CERTAINLY WALKING INTO THAT SCENE  
24 ANYBODY WOULD HAVE JUST -- WHO DID THIS. HE LOOKED  
25 SUSPICIOUS. BUT YOU ARE SUPPOSED TO GO FURTHER AND

1 YOU ARE SUPPOSED TO VERIFY IT. AND THE VERIFICATION  
2 PROCESS JUST DIDN'T HAPPEN IN THIS CASE.

3 I'M GOING TO TELL YOU SOMETHING AND  
4 IT'S BECOME REALLY OBVIOUS TO EVERYONE IN THIS  
5 COURTROOM AND CERTAINLY YOU, THE POLICE BY THE TIME  
6 THAT DAY WAS OVER THOUGHT THAT THEY HAD THEIR MAN.  
7 AS A MATTER OF FACT, THEY THOUGHT SO MUCH THAT THEY  
8 SWORE OUT A WARRANT AND SERVED IT ON MR. BILLY COPE  
9 AND CHARGED HIM WITH THE MURDER AND RAPE OF HIS  
10 DAUGHTER. CASE CLOSED. DIRTY HOUSE, GOOFY LOOKING  
11 GUY, SITTING THERE, NOT SHOWING MUCH EMOTION, THAT'S  
12 IT, HE'S DONE. THEY DIDN'T BOTHER TO FINGERPRINT THE  
13 HOUSE. THEY DIDN'T BOTHER TO SEE IF THERE WAS ANY  
14 POSSIBLE WAY THAT SOMEBODY COULD HAVE COME IN AND  
15 DONE THIS BESIDES HIM. NO, HE DID IT. HE DID IT.  
16 WHOEVER HEARD OF A CRIME SCENE WHERE YOU DON'T DUST  
17 FOR FINGERPRINTS? WHOEVER HEARD OF THAT? IT DIDN'T  
18 HAPPEN IN THIS CASE. HE DID IT. AND BEFORE THE --  
19 WELL, JUST AS THE SUN WENT DOWN OR THE SUN WAS GOING  
20 DOWN, THEY MADE THEIR DECISION AND THEY SERVED THE  
21 WARRANT ON MR. COPE BECAUSE THEY THOUGHT THAT THEY  
22 HAD THEIR MAN. AND GUESS WHAT? SOMEBODY ELSE WAS  
23 INVOLVED. THEY DIDN'T KNOW THAT. WHEN YOU RUSH TO  
24 JUDGMENT AND YOU DON'T VERIFY AND YOU DON'T GATHER  
25 ALL THE INFORMATION YOU NEED, YOU MIGHT OVERLOOK

1       SOMETHING AS BIG AS THIS MAN SITTING RIGHT HERE WHO  
2       LEFT HIS SEMEN AND HIS SALIVA AT THE SCENE OF HIS  
3       CRIME.  AND THEY DIDN'T CHARGE THIS MAN FOR MORE THAN  
4       A YEAR WHILE THIS MAN SAT IN THE JAIL.  THIS MAN IS  
5       WALKING AROUND.

6                       FOLKS, PLEASE, PLEASE, WAIT, PAUSE,  
7       CONSIDER, TRUST YOUR INSTINCTS, TRUST YOUR GOOD  
8       COMMON SENSE BECAUSE YOU HAVE IT.  BUT VERIFY IT.  
9       WAIT UNTIL ALL OF THE EVIDENCE IS IN BEFORE YOU MAKE  
10      YOUR DECISION.  PLEASE DON'T MAKE THE MISTAKE THAT  
11      THE ROCK HILL POLICE DEPARTMENT DID.  DON'T ASSUME  
12      WHEN YOU HEAR THE FIRST PIECE OF EVIDENCE OR THE  
13      SECOND OR THE THIRD, OKAY, CASE CLOSED.  SURE, MAN.  
14      THAT'S HIM.  PLEASE DON'T DO THAT.  WAIT.

15                      I'M GOING TO MAKE SOME PREDICTIONS  
16      HERE.  I ALREADY TOLD YOU, SO HAS MR. THOMPSON, YOU  
17      ARE GOING TO SEE AND HEAR SOME THINGS THAT IS JUST  
18      HIDEOUS.  THERE IS JUST NO OTHER WORD FOR IT.  I'M  
19      SORRY.  I WISH YOU DIDN'T HAVE TO GO THROUGH IT.  
20      IT'S GOING TO MAKE YOU CRINGE.  IT'S GOING TO MAKE  
21      YOU CRY.  SOME OF THIS STUFF, THIS EVIDENCE YOU ARE  
22      GOING TO SEE, MIGHT MAKE YOU SUSPECT MR. BILLY WAYNE  
23      COPE BUT WAIT.  WAIT.  I'M HERE TO TELL YOU THAT  
24      THINGS IN THIS CASE ARE NOT THE WAY THEY ALWAYS SEEM.  
25      CERTAINLY WEREN'T THAT WAY TO THE ROCK HILL POLICE

1 DEPARTMENT WHO HAD A CASE CLOSED BY THREE O'CLOCK ON  
2 THE NIGHT THEY DISCOVERED THAT BODY. PUT THAT ONE IN  
3 THE FILE. IT'S OVER. A YEAR LATER, WHOA, WAIT.  
4 SOMEBODY ELSE WAS THERE.

5 NOW IN THIS TRIAL YOU ARE GOING TO  
6 LOOK INTO BILLY COPE'S WORLD. YOU ARE GOING TO GET A  
7 GOOD CLOSE LOOK AT IT AND, YOU KNOW, IT AIN'T PRETTY.  
8 BILLY IS POOR, COMES FROM A POOR FAMILY. HIS HOUSE  
9 WAS AN UNMITIGATED MESS, HAD ROACHES IN IT, SMELLS,  
10 PACK RATS, NO DOUBT ABOUT IT, NOT TRYING TO HIDE  
11 THAT. IT'S TRUE. THE CHILDREN HAD HEAD LICE. YES,  
12 THEY DID. YOU ARE GOING TO HEAR THAT. WE'RE NOT  
13 GOING TO TRY TO DENY IT. THEY LIVED IN A POOR, POOR  
14 NEIGHBORHOOD, CRACKER BOX HOUSES. BILLY DELIVERED  
15 HOT FOOD FOR A LIVING, HE DROVE AROUND AND DELIVERED  
16 SANDWICHES TO PEOPLE AND HIS WIFE MARY SUE CLEANED  
17 MOTEL ROOMS FOR A LIVING. THEY DIDN'T MAKE MUCH  
18 MONEY, DIDN'T HAVE MUCH MONEY. THEY HAD THREE GIRLS.  
19 THEY WERE ALL GOING TO SCHOOL. THEY HAD A LOT OF  
20 OBLIGATIONS AND THEY JUST DIDN'T HAVE MUCH MONEY.  
21 YOU ARE GOING TO SEE THAT WORLD AND IT'S NOT  
22 ATTRACTIVE. YOU ARE GOING TO SEE THAT BILLY WAYNE  
23 COPE IS A HUMAN WHO HAS ALL THE HUMAN FOIBLES THAT WE  
24 ALL HAVE. YOU'LL SEE THAT HE HAD SOME GOOD POINTS  
25 AND HE HAD SOME BAD POINTS, YES, SIR. AND HE DIDN'T

1 LIVE AN ATTRACTIVE LIFESTYLE. HE DIDN'T LIVE IN A  
2 NICE HOUSE. IF YOU WERE INVITED OVER, YOU'D GONE  
3 HUH. BUT, FOLKS, THAT DOESN'T MEAN THAT HE RAPED AND  
4 BIT AND MURDERED HIS BABY DAUGHTER. THAT DOESN'T  
5 MEAN THAT. IT'S NOT CONNECTED. THE STATE IS GOING  
6 TO PARADE THAT ALL AROUND BECAUSE YOU KNOW WHAT THEY  
7 ARE TRYING TO DO? THEY ARE TRYING TO MAKE YOU REACT  
8 VISCERALLY JUST LIKE THE POLICE DID WHEN THEY WALKED  
9 INTO THAT HOUSE. HUH, THIS IS HORRIBLE. WHO DID  
10 THIS? THAT'S WHAT THEY WANT YOU TO DO. THEY ARE  
11 GOING TO TRY TO DISTRACT YOU WITH ROACHES AND WITH  
12 DIRTY CLOTHES AND HEAD LICE, BUT THERE IS NO  
13 CONNECTION BETWEEN THE DIRTY HOUSE AND THIS BRUTAL  
14 MURDER. PLEASE DON'T RUSH TO THAT JUDGMENT. PLEASE  
15 DON'T MAKE THAT MISTAKE. BECAUSE IT WAS MADE IN THIS  
16 CASE ONCE. LET'S, HERE AT THE END, LET'S DO IT  
17 RIGHT. LET'S WAIT.

18 ON THE DAY THAT POOR AMANDA'S BODY WAS  
19 FOUND BILLY COPE WAS STONED. DIFFERENT PEOPLE REACT  
20 DIFFERENT WAYS. DIFFERENT WAYS. AND TO SAY, WELL,  
21 YOU KNOW WHEN YOU FIND YOUR DAUGHTER DEAD YOU GOT TO  
22 FALL DOWN ON THE FLOOR AND BEAT YOUR HANDS AND PUNCH  
23 A HOLE IN THE WALL AND SCREAM AND YELL. WHERE IS  
24 THAT WRITTEN DOWN? SOME PEOPLE SHUT DOWN. IT'S JUST  
25 TOO HORRIBLE TO CONSIDER. I'M NOT EVEN GOING TO



1 THINK ABOUT IT. SOME PEOPLE REACT IN DIFFERENT WAYS.  
2 AND IF YOU THINK THAT'S EVIDENCE OF A RAPE AND  
3 MURDER, YOU ARE JUST NOT ASKING ENOUGH QUESTIONS.  
4 YOU ARE RUSHING TO JUDGMENT IS WHAT YOU ARE DOING.  
5 PLEASE DON'T DO THAT. BILLY COPE INVITED THE POLICE  
6 INTO HIS HOME. HE COOPERATED WITH THEM. HE SPOKE TO  
7 THEM, GAVE THEM INFORMATION. HE SPOKE TO DETECTIVE  
8 BURRIS FIRST THING. WENT DOWN TO THE STATION, TALKED  
9 TO LIEUTENANT HERRING, VOLUNTARILY WENT TO THE  
10 HOSPITAL, GAVE A DNA SAMPLE, BLOOD SAMPLE, HAIR  
11 SAMPLE, ALL THAT STUFF. HE WASN'T LIKE, OH, I NEED  
12 TO TALK TO MY LAWYER. OR, YOU KNOW, I'M NOT SAYING  
13 ANYTHING. OR HE DIDN'T LEAVE. HE COOPERATED. BUT  
14 BY THE END OF THE DAY, LADIES AND GENTLEMEN, AFTER  
15 TALKING TO THE POLICE AND SAYING, YOU CAN GO, AFTER  
16 FINDING WHAT HE DID AT SIX O'CLOCK, TAKING THE  
17 SEDATIVE THAT THE DOCTOR PRESCRIBED FOR HIM, TRIED TO  
18 EAT, COULDN'T. WENT OVER TO HIS MOTHER'S HOUSE THAT  
19 NIGHT GOING TO TRY TO SLEEP. DIDN'T THINK HE WAS  
20 GOING TO BE ABLE TO. AND THAT'S WHEN THE PEOPLE WHO  
21 HAD RUSHED TO JUDGMENT DECIDED TO POUNCE. NOT IN THE  
22 AFTERNOON, NOT THE NEXT DAY, BUT WHEN HE'S ABOUT TO  
23 GO DOWN, WHEN HE'S TOTALLY PHYSICALLY, MENTALLY AND  
24 EMOTIONALLY EXHAUSTED THAT'S THE TIME THEY SAY, COME  
25 ON, BILLY. LET'S GO TALK. THEY TAKE HIM AWAY FROM

1 HIS MOTHER'S HOUSE AND PUT HIM IN A LITTLE  
2 INTERROGATION ROOM DOWN AT THE POLICE DEPARTMENT AND  
3 THEN TWO OFFICERS WORK HIM OVER. AND, FOLKS, THAT  
4 INTERVIEW STARTED AT 10:45 P.M. AND WENT TO 11 AND  
5 WENT TO 11:30 AND IT WENT TO 12 AND IT 12:30 AND 1  
6 O'CLOCK AND TWO O'CLOCK AT 2:30 AND ALMOST THREE, IN  
7 THE MIDDLE OF THE NIGHT, AND FOR FOUR HOURS BILLY  
8 COPE SAID I DON'T KNOW WHAT HAPPENED. I DIDN'T DO  
9 IT. AND THESE OFFICERS RELENTLESSLY POUNDED AWAY, WE  
10 KNOW YOU DID IT, BILLY. YOU'LL FEEL BETTER IF YOU  
11 JUST ADMIT IT. WE KNOW IT HAPPENED. JUST TELL US.  
12 JUST ADMIT IT. NOW, FOLKS, I SUBMIT THEY ARE  
13 SUPPOSED TO BE BACK AT THE CRIME SCENE TAKING  
14 FINGERPRINTS AND LOOKING FOR MARKS AROUND THE DOORS  
15 AND MAYBE FOOTPRINTS THAT ARE GOING TO BE GONE THE  
16 NEXT TIME IT RAINS, AND THERE IN THE WEE HOURS IN THE  
17 MORNING THEY ARE POUNDING AWAY AT THIS MAN. THIS MAN  
18 WHO IS EXHAUSTED, WHO IS MEDICATED, SLEEPLESS, AND  
19 JUST GOT THE SHOCK OF HIS ENTIRE LIFE, AND THEY  
20 FINALLY GIVE UP AND YOU ARE GOING, HOPEFULLY, HEAR  
21 THAT TAPE, THAT FOUR HOUR CONVERSATION THAT MR. COPE  
22 TRIED TO HAVE WITH THESE POLICE OFFICERS. WOULDN'T  
23 LET HIM FINISH HIS SENTENCE. WOULDN'T LET HIM SAY  
24 WHAT HE WANTED TO SAY. KEPT COMING AT HIM. ALL THE  
25 TECHNIQUES: GOOD COP/BAD COP; YELL AT HIM, TALK

1 ABOUT RELIGION, TALK ABOUT THIS, TALK ABOUT THAT,  
2 CONSTANTLY. STEADFASTLY BILLY COPE SAID, I DIDN'T DO  
3 IT. I DIDN'T DO IT. LOOK, THESE ARE THE CLOTHES I  
4 HAD ON. PLEASE TEST THEM. HERE'S MY HANDS. I  
5 HADN'T WASHED THEM ALL DAY, TEST MY HANDS. I'LL TAKE  
6 A POLYGRAPH. I DIDN'T DO IT. MORE INVESTIGATIVE  
7 MATERIALS THAT THEY JUST DECIDED NOT TO BECAUSE HE  
8 DID IT. HE'S GUILTY. THEY RUSHED TO JUDGMENT. WE  
9 DIDN'T NEED ANY MORE INVESTIGATION. WE'RE NOT GOING  
10 TO, WE'RE NOT GOING TO TEST YOUR HANDS OR YOUR  
11 CLOTHES. WE'RE NOT GOING TO TAKE THE POLYGRAPH. NO,  
12 YOU DID IT. HE WOULDN'T ADMIT IT. THREE O'CLOCK  
13 MURDER WARRANT. BOOK HIM.

14 NOW AT 4:20 THEY TOOK HIM DOWN STAIRS  
15 OR UPSTAIRS OR WHEREVER THEY TAKE HIM AND THEY BOOK  
16 HIM FOR MURDER ONE. AND THEN THEY GIVE HIM  
17 POLYGRAPH. YEAH, THEN THEY GIVE HIM THE POLYGRAPH.  
18 WELL, THE STATE IS GOING TO TELL YOU, LADIES AND  
19 GENTLEMEN, THAT HE DIDN'T DO SO WELL ON THAT  
20 POLYGRAPH. WAIT. WAIT. WAIT UNTIL ALL THE EVIDENCE  
21 IS IN. WE'LL HAVE A THING OR TWO TO TELL YOU ABOUT  
22 THAT POLYGRAPH. YOU'RE GOING TO HEAR IT FROM THE  
23 STATE. THEY GET TO GO FIRST. WAIT.

24 BUT THAT MORNING AFTER HE'S, AT 4:21  
25 HE'S BEEN ARRAIGNED FOR MURDER, THEY PUT HIM IN A

1       HOLDING CELL.  OH, YOU CAN'T SLEEP IN THERE.  THEY  
2       TAKE HIM OUT THE NEXT MORNING ABOUT THREE OR FOUR  
3       HOURS LATER, COME ON, COPE, AND THEY TAKE HIM DOWN  
4       AND GIVE HIM POLYGRAPH.  IF HE HAD DOSED OFF IT AIN'T  
5       SLEEP, VERY LITTLE TO EAT.  HE DIDN'T HAVE ANY  
6       GLASSES.  HE LOST HIS GLASSES IN THE PROCESS.  HE HAD  
7       A SEDATIVE, COMPLETELY EXHAUSTED.  YEAH, WE ARE GOING  
8       TO GIVE YOU THE POLYGRAPH.  AND WHEN HE FOUND OUT  
9       THAT HE DIDN'T DO SO WELL ON THE POLYGRAPH HE STARTED  
10      TO LOSE FAITH IN HIMSELF.  HE STARTED TO DOUBT  
11      HIMSELF.  AND YOU ARE GOING TO HEAR DETECTIVE BAKER  
12      TELL YOU WHAT HE SAID AFTER THEY TOLD HIM THAT YOU  
13      DIDN'T DO GOOD ON THE POLYGRAPH.  WE GOT WITNESSES,  
14      BILLY.  WE GOT OTHER EVIDENCE, BILLY.  YOU DID IT AND  
15      NOTHING OF THE SORT, STARTED TO DOUBT HIMSELF AND HIS  
16      QUESTION TO DETECTIVE BAKER IS:  GOD, COULD I HAVE  
17      DONE THIS AND NOT REMEMBER IT BECAUSE I DON'T  
18      REMEMBER IT.  AND FROM THERE THINGS STARTED GOING  
19      DOWNHILL.  AND HE GAVE A STATEMENT IMPLICATING  
20      HIMSELF.  YES, HE DID.  AND HE GAVE HIM ANOTHER  
21      STATEMENT IMPLICATING HIMSELF AND HE DID IT FOUR  
22      TIMES DID THIS VIDEO RE-ENACTMENT.  YOU ARE GOING TO  
23      SEE ALL THAT.  AND YOU ARE GOING TO BE TEMPTED,  
24      LADIES AND GENTLEMEN, TO SAY -- WELL, THAT'S IT.  
25      THAT'S IT.  GAME OVER.  HE'S ADMITTED IT.  HORRIBLE

1 CRIME. GUILTY. BUT THANK GOD THE POLICE DID MANAGE  
2 TO GET A DNA SAMPLE AND IT WASN'T BILLY'S. IT WAS  
3 THAT MAN'S.

4 BILLY GAVE FOUR STATEMENTS AND ONE  
5 VIDEO RE-ENACTMENT. EVERY SINGLE ONE OF THESE  
6 STATEMENTS DIFFERED FROM THE LAST ONE. EVERY SINGLE  
7 ONE OF THESE STATEMENTS DISPUTED OR CONTRADICTED  
8 THINGS THAT WERE SAID IN OTHER STATEMENTS. THE  
9 POLICE OFFICER TOOK THE STATEMENTS, DIDN'T BELIEVE  
10 WHAT HE WAS TELLING THEM, THAT'S WHY THEY KEPT GOING  
11 BACK AND ASKING HIM AGAIN: ARE YOU SURE. LET'S TALK  
12 ABOUT THIS AGAIN. THE STATEMENTS ARE FILLED WITH  
13 REFERENCES TO DREAMS AND THE RAPTURE AND HEARING  
14 VOICES AND SEEING THE MOON INSIDE THE HOUSE AND SLEEP  
15 WALKING. THAT'S WHAT THOSE STATEMENTS ARE. THAT'S  
16 WHAT YOU HEAR FROM, THAT'S HIS CONFESSION FROM BILLY  
17 WAYNE COPE. MOST IMPORTANTLY YOU ARE NOT GOING TO  
18 RUSH TO JUDGMENT IF YOU ARE NOT GOING TO LET THAT BE  
19 IT ALL. COMPARE THOSE STATEMENTS, NOT ONLY TO EACH  
20 OTHER, BUT WHAT DO YOU COMPARE IT TO? THE SCIENTIFIC  
21 EVIDENCE COLLECTED AT THE CRIME SCENE.

22 NOW, LADIES AND GENTLEMEN, I ALREADY  
23 TOLD YOU THE POLICE DID NOT COLLECT NEARLY ENOUGH  
24 EVIDENCE AS THEY SHOULD IN A MURDER CASE. THERE IS  
25 NO QUESTION. YOU ARE GOING TO HEAR PEOPLE TALK ABOUT

1 HOW BAD THE INVESTIGATION WAS, BUT THANK GOODNESS  
2 THEY GOT SOME, THEY COULDN'T HELP BUT GET SOME  
3 SCIENTIFIC EVIDENCE. AND, LADIES AND GENTLEMEN, LET  
4 ME TELL YOU THE CONFESSIONS, PICK ONE, CONTRADICT THE  
5 SCIENTIFIC EVIDENCE. THEY CONTRADICT IT. I MEAN  
6 JUST FOR EXAMPLE, HE CLAIMED THAT HE JUMPED ON HIS  
7 DAUGHTER'S BACK, KEPT HER FACE DOWN IN THE BED, AND  
8 STRANGLED HER WITH TWO HANDS HE SAID. THAT'S WHAT HE  
9 SAID. WELL, THE EVIDENCE FROM THE STATE'S OWN  
10 WITNESS IS GOING TO BE, THIS WAS NOT A TWO HANDED  
11 STRANGLE FROM THE BACK. IT WAS ONE HANDED STRANGLE  
12 FROM THE FRONT. NOW THAT'S AN IMPORTANT DETAIL. HE  
13 SAID THAT HE CHOKED HER WITH A STRIP OF CLOTH OFF  
14 THAT BLANKET YOU HEARD MR. THOMPSON TALK ABOUT. BUT  
15 THE EVIDENCE SAYS, NO LIGATURE MARKS ON HER THROAT.  
16 IF SHE HAD BEEN STRANGLED WITH A STRIP OF BLANKET IT  
17 WOULD HAVE LEFT LIGATURES. IT DIDN'T. NONE. WASN'T  
18 THERE. HE SAID THAT HE HIT HER FACE DOWN, HIT HER ON  
19 THE BACK AND SIDES. THAT'S WHAT HE SAID IN HIS  
20 CONFESSION. THERE IS NOT ONE BRUISE ON HER BACK OR  
21 ON ALL HER SIDES. ALL OF HER BRUISING, ALL OF THE  
22 HORRIBLE THINGS THAT HAPPENED TO THAT POOR GIRL,  
23 HAPPENED TO HER FROM THE FRONT.

24 MR. THOMPSON MENTIONED THE  
25 MASTURBATION. YUP. BILLY SAID, YEAH, I MASTURBATED

1 AT THE END OF THE BED. I DIDN'T HAVE ANYTHING, JUST  
2 MY HAND, AND I DON'T KNOW WHERE IT WENT. IT WENT  
3 SOMEWHERE. THERE IS NOT A DROP OF BILLY COPE'S SEMEN  
4 IN THAT ROOM. NOT ON THE BED. NOT ANYWHERE. HE  
5 DIDN'T MASTURBATE IN THERE. HE SAID IN HIS  
6 CONFESSION THAT HE HAD MASTURBATED AND HAD A CLIMAX.  
7 I HATE TO TALK ABOUT THIS TO Y'ALL, BUT THERE IS JUST  
8 NO EVIDENCE THAT THAT HAPPENED.

9 MOST IMPORTANTLY, IF I SAY ANYTHING  
10 THAT YOU REMEMBER, HE DIDN'T SAY ONE, HE SAID HE DID  
11 IT. HE SAID HE DID IT ALL. HE DIDN'T SAY ONE WORD  
12 ABOUT THIS MAN HERE WHO LEFT HIS SEMEN AND SALIVA AT  
13 THE SCENE. DID NOT MENTION JAMES SANDERS. NOW,  
14 FOLKS, DOESN'T COVER UP THE CRIME, COPE CONFESSES AND  
15 SAYS, I DID IT. IT'S ALL ME. IT'S ALL ME. DIDN'T  
16 MENTION THE ONE MAN THAT WE KNOW THAT WAS THERE FOR A  
17 SEXUAL PURPOSE.

18 WHY DOES NONE OF THE SCIENTIFIC  
19 EVIDENCE MATCH THE CONFESSION? WHY WERE THE  
20 CONFESSIONS CONTRADICTORY AND WRONG? I GOT AN ANSWER  
21 FOR YOU. I WOULD SUGGEST THAT YOU CONSIDER BECAUSE  
22 IT'S A FALSE CONFESSION. IT'S A CONFESSION THAT WAS  
23 NOT VOLUNTARY. IT WAS A CONFESSION THAT WAS  
24 NEGOTIATED AND WHEEDED AND FORCED AND COERCED OUT OF  
25 MR. COPE. WHAT IS A CONFESSION? IT'S A VOLUNTARY

1 ACCEPTANCE OF GUILT. VOLUNTARY. WELL, FOLKS, IF  
2 IT'S COERCED OR FORCED OR TRICKED OUT OF YOU, THAT'S  
3 NOT A REAL CONFESSION. ARE THERE THINGS, IS THERE  
4 SUCH A THING AS A FALSE CONFESSION? WELL OF COURSE  
5 THERE ARE. PEOPLE DO IT ALL THE TIME. THEY DON'T IT  
6 A LOT, IT'S PRETTY RARE, BUT I'M SURE YOU HEARD OF  
7 IT. SOME PEOPLE LIE TO PROTECT OTHER PEOPLE. SOME  
8 PEOPLE LIE BECAUSE IT IS BEATEN OUT OF THEM. SOME  
9 PEOPLE LIE AND CONFESS TO GET POLICE OFF OF THEIR  
10 BACK. SOME PEOPLE, YOU KNOW, GET CONFUSED AND BEATEN  
11 DOWN AND JUST SORT JUST LOSE IT. DOES IT HAPPEN?  
12 YES, IT DOES. DOES IT HAPPEN VERY OFTEN? NO, IT  
13 DOES NOT. BUT IT DOES HAPPEN AND I SUBMIT IT  
14 HAPPENED IN THIS CASE. IN FACT, LADIES AND  
15 GENTLEMEN, THERE IS AN ENTIRE SCIENCE THAT'S GROWN UP  
16 AROUND THIS PHENOMENA OF FALSE CONFESSIONS. AND  
17 THERE ARE RESPECTED AND ACCOMPLISHED DOCTORS,  
18 PSYCHIATRISTS, PSYCHOLOGISTS, THAT ARE GOING TO COME  
19 AND TELL YOU ABOUT FALSE CONFESSIONS. THEY ARE GOING  
20 TO EXPLAIN IT. THEY ARE GOING TO SHOW YOU  
21 SIMILARITIES WITH OTHER CASES, AND THEY ARE GOING TO  
22 CONFIRM TO YOU THAT THIS TYPE OF BEHAVIOR OCCURS.  
23 I'M SURE YOU READ ABOUT IT AND THEY ARE GOING TO TELL  
24 YOU ABOUT IT.  
25 WAS THIS A FALSE CONFESSION? WELL,



1 YOU KNOW WHAT I THINK. BUT IT'S WHAT YOU THINK  
2 THAT'S IMPORTANT AND THAT WILL BE YOUR DECISION TO  
3 MAKE. I THINK THAT THIS CONFESSION WHICH CAME AFTER  
4 THE MURDER WARRANT, WHICH CAME -- YEAH, AFTER HE HAD  
5 BEEN ARRESTED AND THE MURDER WARRANT, BUT BEFORE THEY  
6 FOUND OUT WHO REALLY DID IT, THAT'S WHEN THIS  
7 CONFESSION OCCURRED. I THINK IT'S AT LEAST SUSPECT.  
8 YOU ARE GOING TO SEE AND ALL I CAN ASK YOU TO DO WHEN  
9 YOU ARE MAKING THE DECISION IS THIS A FALSE  
10 CONFESSION OR NOT, WAIT FOR THE EVIDENCE. WHAT  
11 EVIDENCE? I AM GOING TO MAKE SOME PREDICTIONS AND  
12 HOLD ME TO THEM. NOT ONE PIECE OF SCIENTIFIC  
13 EVIDENCE IS GOING TO BE PRESENTED FROM THAT STAND  
14 THAT IS GOING TO IMPLICATE BILLY WAYNE COPE, NOT ONE.  
15 YOU ARE GOING TO SEE SOME THAT LOOK LIKE IT. WAIT.  
16 WAIT. WAIT TO SEE WHAT WE HAVE TO SAY ABOUT IT.  
17 NO FINGERPRINTS. NO BLOOD SPLATTER.  
18 NO DNA. WELL, THEY ARE GOING TO FIND SOME DNA AND IT  
19 WASN'T IN AMANDA'S ROOM. AND YOU KNOW WHAT, BILLY  
20 WAYNE COPE IS HUMAN AND HE'S A MAN AND HE MASTURBATED  
21 SOMETIMES AND SOMETIMES MASTURBATED IN A WASH RAG.  
22 OKAY. I HATE TO TALK TO YOU ABOUT IT. IT'S IN THE  
23 HALLWAY. IT'S HIDDEN UP UNDERNEATH A TABLE OR A  
24 BOOKCASE. THAT'S NOT EVIDENCE THAT HE RAPED HIS  
25 DAUGHTER. THEY ARE GOING TO BRING IT UP, IT'S GOING

1 TO MAKE YOU DISGUSTED. IT'S GOING TO DISTRACT YOU.  
2 IT'S GOING TO MAKE YOU RUSH TO JUDGMENT. THAT'S NOT  
3 SCIENTIFIC EVIDENCE OF ANY RAPE OR MURDER. THE  
4 SCIENTIFIC EVIDENCE IN THIS CASE IS GOING TO SAY THAT  
5 THAT MAN RAPED AND MURDERED AMANDA COPE. THAT MAN'S  
6 SEMEN IS ON HER THIGH AND IS ON HER CLOTHES AND THAT  
7 MAN'S SEMEN -- EXCUSE ME, HIS SALIVA IS ON THE BITE  
8 MARK ON HER RIGHT BREAST WHEN HE BIT HER.

9 NO HAIR FIBERS. NO BLOOD SPLATTER ON  
10 HIS CLOTHES. NOT ONE PIECE OF SCIENTIFIC EVIDENCE IS  
11 GOING TO IMPLICATE BILLY COPE. IT'S ALL GOING TO  
12 THIS MAN HERE. THIS FALSE EVIDENCE THAT'S GOING TO  
13 BE PRESENTED IN THIS COURTROOM AGAINST MY CLIENT.  
14 WAIT PLEASE. FOLKS, I GET, I'M PASSIONATE ABOUT  
15 THIS CASE AND I DON'T MEAN TO, I TOLD MYSELF, DON'T  
16 YELL AT THEM, AND I'M SORRY. I DON'T MEAN TO BE  
17 SPEAKING, I'M SPEAKING FROM MY HEART, AND I DON'T  
18 MEAN TO HOLLER AT YOU, BUT PLEASE WAIT. I'VE ASKED  
19 YOU A HUNDRED TIMES TO WAIT. YOU HEARD JUDGE HAYES  
20 TO SAY IT. SAY IT AGAIN BECAUSE THAT'S WHAT YOU NEED  
21 TO DO. AS HE SAID, IF YOU ARE GOING TO BE FAIR,  
22 WAIT, WAIT UNTIL IT'S ALL IN AND ADD IT ALL UP AND  
23 YOU ARE GOING TO SEE THAT THIS RIDICULOUS CONSPIRACY  
24 THEORY, THEY'VE GOT NO EVIDENCE PUTTING BILLY COPE  
25 AND JAMES SANDERS TOGETHER. THEY DON'T HAVE ONE

1 PERSON THAT'S GOING TO COME IN THIS ROOM AND THAT'S  
2 GOING TO SAY THAT THEY STOOD IN ONE PLACE OR SAW THEM  
3 TOGETHER OR ANY TELEPHONE CALLS OR ANYTHING. YOU ARE  
4 GOING TO SEE THAT THIS MAN JUST MOVED IN THE  
5 NEIGHBORHOOD. CONSPIRACY? YOU GOT TO KNOW EACH  
6 OTHER. YOU GOT TO ACT TOGETHER. THEY DON'T HAVE ANY  
7 OF THAT. THEY MADE A RUSH TO JUDGMENT. THEY  
8 WHEEDED A CONFESSION OUT OF THIS POOR MAN. THEY  
9 BROKE HIM DOWN. HE GOES ALONG WITH WHATEVER THEY  
10 WANT AND THEN THEY FIND OUT WHO REALLY DID IT AND  
11 THEY DON'T HAVE THE COURAGE TO ADMIT TO YOU THEY MADE  
12 A MISTAKE AND THAT'S WHY WE'RE HERE FOR TWO WEEKS,  
13 FOLKS. JUST WAIT. LET IT ALL COME IN.

14 WE GOT TO GO LAST. I'M SORRY. GIVES US A  
15 CHANCE. I THINK IF YOU GIVE US A CHANCE AND YOU  
16 JUDGE THE EVIDENCE FAIRLY, YOU ARE GOING TO SEE THAT  
17 THE CASE AGAINST BILLY COPE IS ONE THING AND THAT'S  
18 THOSE RIDICULOUS CONFESSIONS OF A BROKEN MAN SINCE  
19 RETRACTED AND NO SCIENTIFIC EVIDENCE AT ALL. AND  
20 THAT THE CONFESSIONS ARE WRONG. YOU'LL FIND OUT THAT  
21 THE EVIDENCE CLEARLY POINTS TO THE PERPETRATOR IN  
22 THIS CASE AND THAT'S THE SIMPLEST THEORY OF WHAT  
23 HAPPENED IN THIS CASE. THANK YOU FOR YOUR ATTENTION.

24 THE COURT: LET'S TAKE A BREAK. WE'VE  
25 BEEN AT IT FOR A LITTLE WHILE. BEFORE WE HEAR FROM

1 MR. SANDERS' COUNSEL, WE'LL TAKE A BREAK. THANK YOU.

2 (COURT'S IN RECESS AT 3 O'CLOCK.)

3 (COURT RESUMES AT 3:10.)

4 THE COURT: BRING IN THE JURY.

5 (THE JURY RETURNS TO THE COURTROOM AT

6 3:10)

7 THE COURT: ALL RIGHT, MR. GREELEY.

8 MR. GREELEY: MAY IT PLEASE THE COURT,

9 YOUR HONOR.

10 OPENING STATEMENT BY MR. GREELEY:

11 MR. FOREMAN, LADIES AND GENTLEMEN OF  
12 THE JURY, I'M LELAND GREELEY. NOW THE OTHER DAY WHEN  
13 WE STARTED DRAWING A JURY YOU MET MY CLIENT JAMES  
14 SANDERS WHO IS SEATED OVER THERE BESIDE ME WITH ME.  
15 YOU'VE HEARD THE OTHER ATTORNEY SAY THANK YOU FOR  
16 BEING HERE. THOSE TYPES OF THINGS. JURY DUTY IS AN  
17 IMPORTANT DUTY IN OUR COUNTRY. WE HAVE TO HAVE  
18 CITIZENS WHO WILL COME IN AND WILL ESSENTIALLY STAND  
19 BETWEEN THE STATE AND AN INDIVIDUAL WHO IS ACCUSED OF  
20 A CRIME AND THAT'S WHAT YOU ARE TO DO. YOUR JOB HERE  
21 IS VERY, VERY IMPORTANT. AS ONE OF THE OTHER  
22 ATTORNEYS SAID, YOU ARE THE FINDERS OF THE FACT IN  
23 THIS CASE. NOW I'M GOING TO TALK ABOUT THAT JUST A  
24 LITTLE BIT MORE IN A MINUTE. I'M NOT GOING TO GO  
25 BACK THROUGH ALL THE ALLEGED FACTS AND EVIDENCE THAT

1 YOU ARE GOING TO HEAR IN THIS CASE. YOU'VE GOT A  
2 GOOD TWO WEEKS OF INFORMATION THAT'S GOING TO BE  
3 COMING OUT THAT YOU ARE GOING TO HAVE TO DIGEST. BUT  
4 THE IMPORTANCE OF A JURY IS TO HAVE 12 PEOPLE, AND IN  
5 THIS PARTICULAR SITUATION WE HAVE TWO WHO ARE ALSO  
6 ALTERNATES WHO COULD VERY WELL END UP BEING ONE OF  
7 THE 12, SO YOU ALL ARE AS IMPORTANT AS A GROUP EACH  
8 TO THE OTHER. BUT YOUR ROLE, YOUR JOB, IS TO SIT AS  
9 THE OBJECTIVE PERSON. THE OBJECTIVE PERSON. AND  
10 SOMETIMES WHEN YOU DO THAT YOU HAVE TO REMOVE  
11 YOURSELF FROM THE SITUATION BECAUSE IT'S VERY, VERY  
12 EASY FOR DECISIONS TO BE MADE BASED UPON EMOTION, TO  
13 BE MADE BASED UPON ANGER. BUT YOU AS A JUROR WHEN  
14 YOU TOOK YOUR OATH YOU ESSENTIALLY SAID THAT YOU ARE  
15 GOING TO DO THIS. YOU'RE GOING TO REMOVE YOURSELF.  
16 YOU ARE GOING TO BE OBJECTIVE. AND ONE OF MY JOBS IS  
17 TO TRY AND MAKE SURE THAT YOU ARE ABLE TO DO THAT.  
18 SOME OF THE OTHER ATTORNEYS HAVE TALKED TO YOU ABOUT  
19 HOW SOME OF THESE THINGS THAT YOU ARE GOING TO SEE  
20 ARE NOT FUN. HOW IT'S GOING TO BE DIFFICULT.  
21 MR. FOREMAN AND LADIES AND GENTLEMEN OF THE JURY, YOU  
22 ARE ABOUT TO WITNESS ONE OF THE MOST HORRIBLE THINGS  
23 THAT CAN OCCUR. NOT ONLY ARE YOU GOING TO WITNESS  
24 IT, BUT YOU ARE GOING TO SEE THINGS, AND I TELL YOU  
25 THIS SO THAT YOU CAN BEGIN TO PREPARE YOURSELF AS AN

1 OBJECTIVE JUROR, ONE WHO THROUGH STRENGTH AND  
2 CONVICTION CAN REMOVE YOURSELF AND TRY AND NOT LET  
3 EMOTION MAKE YOUR DECISION.

4 I SUBMIT TO YOU THAT I EXPECT THAT YOU  
5 ARE GOING TO SEE A VIDEO TAPE OF A HOME THAT IS  
6 SQUALID. SQUALID. THE VIDEO TAPE HAS ROACHES IN THE  
7 REFRIGERATOR SCAMPERING AROUND, ON THE FLOORS. OLD  
8 FOOD IN TRASH BAGS, HANGING OUT ON THE FLOOR WITH  
9 ROACHES ON THEM. IT'S VERY UPSETTING. YOU HAVE TO  
10 REMOVE YOURSELF FROM THIS. I SUBMIT TO YOU YOU ARE  
11 ALSO GOING TO SEE A VIDEO OF A FATHER WHO TAKES THE  
12 POLICE TO THE SCENE OF THE CRIME ON A SUNNY DAY  
13 APPROXIMATELY THREE OR FOUR DAYS AFTER THIS INCIDENT  
14 AND YOU ARE GOING TO SEE THIS FATHER EXPLAIN IN  
15 DETAIL TO THE POLICE EXACTLY HOW HE BEAT, STRANGLED,  
16 AND I SUBMIT TO YOU SEXUALLY MUTILATE HIS 12 YEAR OLD  
17 LITTLE GIRL AND HE'S GOING TO RE-ENACT IT ON THE  
18 VIDEO AND YOU ARE GOING TO HAVE TO WATCH IT. AND  
19 YOU'VE GOT TO SET THAT ASIDE. YOU'VE GOT TO SET  
20 ASIDE THAT EMOTION. YOU ARE GOING TO, I SUBMIT TO  
21 YOU, SEE PHOTOGRAPHS OF A DEAD 12-YEAR-OLD LITTLE  
22 GIRL. ACTUALLY SHE WAS A MATURE GIRL AT THE AGE OF  
23 12, SHE MATURED EARLY, BUT YOU ARE GOING TO SEE  
24 PHOTOGRAPHS OF A DEAD 12-YEAR-OLD GIRL ON HER BED.  
25 YOU ARE GOING TO SEE CLOSE UP PHOTOGRAPHS OF A DEAD

1 12-YEAR-OLD LITTLE GIRL. AND WHEN YOU THINK YOU'VE  
2 HAD ENOUGH AND YOU CAN'T TAKE ANYMORE YOU ARE GOING  
3 TO HAVE TO, BECAUSE I SUBMIT TO YOU, YOU ARE GOING  
4 PROBABLY GOING TO SEE POST MORTEM EXAMINATION  
5 PHOTOGRAPHS OF THIS GIRL. I TELL YOU THIS BECAUSE  
6 YOUR MOST DIFFICULT JOB IN THIS CASE IS GOING TO BE  
7 AN OBJECTIVE JUROR. AND IF YOU CAN DO THAT AND IT  
8 WILL BE DIFFICULT AND THERE WILL BE TIMES WHEN YOU  
9 MAY FALL DOWN AND NOT BE ABLE TO DO THAT, BUT IF YOU  
10 RECOVER AND DO THAT, THEN WE MAY BE ABLE TO HAVE  
11 JUSTICE RENDERED IN THIS CASE AND THAT'S WHAT IS  
12 SOUGHT, JUSTICE BEING RENDERED IN THIS CASE.

13 I'M GOING TO GO TO ANOTHER TOPIC NOW.  
14 WHO IS ON TRIAL HERE? YOU'VE ALWAYS HEARD SINCE  
15 YOU'VE BEEN HERE MR. COPE AND MR. SANDERS, THEY ARE  
16 ON TRIAL FOR THESE CHARGES, BUT IN OUR COUNTRY, SINCE  
17 THE BIRTH OF OUR COUNTRY, ONE OF THE GREAT LAWS OF  
18 OUR COUNTRY IS THIS: OUR LAW SAYS, AND THIS IS A  
19 SYNOPSIS AND A SUMMARY, OUR LAW SAYS THAT IF THE  
20 GOVERNMENT IS GOING TO TAKE IT'S VERY, VERY LARGE  
21 FINGER WHICH IT HAS A VERY LARGE FINGER AND POINT IT  
22 AND ACCUSE AN INDIVIDUAL OF A CRIME, THAT BEFORE THAT  
23 PERSON CAN BE FOUND TO HAVE COMMITTED THAT CRIME, TO  
24 HAVE BEEN FOUND GUILTY, THE STATE HAS TO PROVE THE  
25 GUILT BEYOND A REASONABLE DOUBT. AND SEE THIS IS

1 ANOTHER ONE OF THE PRECEPTS THAT YOU ARE GOING TO  
2 HAVE TO ADOPT IN THIS AWFUL, HORRIBLE CASE, THAT THE  
3 STATE HAS TO PROVE THE INDIVIDUALS GUILTY BEYOND A  
4 REASONABLE DOUBT. IT IS REQUIRED TO PROVE MR. COPE  
5 GUILTY BEYOND A REASONABLE DOUBT. IT IS REQUIRED TO  
6 PROVE MR. SANDERS GUILTY BEYOND A REASONABLE DOUBT.  
7 AND AT THE END OF THIS TRIAL HIS HONOR IS GOING TO  
8 GIVE YOU AN INSTRUCTION AS TO WHAT THE DEFINITIONS OF  
9 THOSE ARE. BUT THROUGH ALL THE HORRIBLENESS OF THIS  
10 MATTER I ASK YOU THAT YOU REMEMBER THAT. BECAUSE  
11 YOUR REMEMBRANCE OF THAT IS KEY TO THE JUDICIAL  
12 SYSTEM WORKING THE WAY IT IS. OUR SYSTEM NEVER EVER  
13 REQUIRES SOMEONE ACCUSED OF HAVING TO PROVE THAT THEY  
14 ARE NOT GUILTY AND THAT IS WHY NO ONE WHO COMES  
15 ACCUSED IN THE CRIMINAL COURT HAS TO PRESENT ANY  
16 EVIDENCE, HAS TO DO ANYTHING, AND THE REASON IS  
17 BECAUSE IN MANY CIRCUMSTANCES IT'S DIFFICULT FOR  
18 PEOPLE TO PROVE A NEGATIVE. HOW DOES ONE PROVE THAT  
19 THEY DIDN'T DO SOMETHING? THAT THEY DIDN'T DO AN  
20 AFFIRMATIVE ACT? SO THE LAW DOESN'T REQUIRE IT OF  
21 THEM. IT REQUIRES THE GOVERNMENT TO PROVE IT. SO  
22 WHOSE ON TRIAL? IN REALITY, IN THIS COURTROOM, THE  
23 STATE AND THEIR ALLEGATIONS AND THEIR ALLEGATIONS IN  
24 THIS CASE ARE AND THE THEORY, MIND YOU, THE THEORY OF  
25 THE STATE, IS THAT MR. COPE AND MR. SANDERS MUST HAVE



1       DONE THIS TOGETHER.  THAT'S THEIR THEORY.  THAT'S  
2       WHAT THEY SAY THAT THEY ARE GOING TO PROVE TO YOU  
3       THAT THEY DID THIS TOGETHER.  SEE, THEY'VE GOT TO  
4       PROVE THAT BEYOND A REASONABLE DOUBT TO YOUR  
5       SATISFACTION.  MR. SANDERS IS CHARGED WITH MURDER.  
6       HE'S CHARGED WITH TWO COUNTS OF CRIMINAL SEXUAL  
7       CONDUCT AND THE REASON FOR THAT IS YOU HEARD THE  
8       ALLEGATION ABOUT THE DUAL PENETRATION.  HE'S ALSO  
9       CHARGED WITH CONSPIRACY TO COMMIT A CRIME AND AS YOU  
10      HEARD A CONSPIRACY IS AN AGREEMENT BETWEEN TWO PEOPLE  
11      TO COMMIT A CRIME.  IT CAN EITHER BE EXPRESS OR IT  
12      CAN BE IMPLIED THROUGH THE ACTIONS, BUT THAT'S WHAT  
13      THEY HAVE TO PROVE.  THAT'S WHAT THEY HAVE TO PROVE  
14      IN THIS CASE.

15                               YOU SEE THIS EVENT HAPPENED I BELIEVE  
16      ON NOVEMBER 29, 2001, AND BASED UPON THE  
17      INVESTIGATION THERE WAS SOME ALLEGED BODY FLUIDS THAT  
18      THEY WERE TRYING TO IDENTIFY.  AND I SUBMIT TO YOU  
19      YOU'RE GOING TO HEAR TESTIMONY ABOUT AT LEAST 8 OR 9  
20      OTHER PEOPLE WHOSE BODY FLUIDS WERE SUBMITTED FOR  
21      ANALYZATIONS TO SEE IF IT WAS THEM IN REGARDS TO  
22      AMANDA.  IN SEPTEMBER 2002, APPROXIMATELY TEN MONTHS  
23      AFTER THIS INCIDENT, THE SOUTH CAROLINA LAW  
24      ENFORCEMENT DIVISION NOTIFIED THE SOLICITOR'S OFFICE  
25      THAT THEY BELIEVED THAT THEY HAD MADE AN ALLEGED

1 MATCH IN REGARDS TO THESE BODY FLUIDS AND MY CLIENT  
2 MR. SANDERS. THAT WAS IN SEPTEMBER 2002. MY CLIENT  
3 WAS NOT CHARGED WITH THIS CRIME AND CHARGED WITH THIS  
4 ALLEGED CONSPIRACY UNTIL 13 MONTHS LATER IN OCTOBER  
5 OF 2003. OKAY.

6 ONE OF THE CENTRAL PEOPLE IN THIS CASE  
7 OF COURSE IS AMANDA AND I THINK THAT THROUGH THE  
8 TRIAL AND THROUGH THE TESTIMONY YOU ARE GOING TO SEE  
9 THAT AMANDA HAD DIFFERENT ROLES IN THE HOUSEHOLD.  
10 YOU'VE ALREADY HEARD THE SOLICITOR TALKING ABOUT HOW  
11 AMANDA WAS HELPING JESSICA WITH HER HOMEWORK, OKAY.  
12 DAD WAS THERE, BUT AMANDA WAS HELPING JESSICA WITH  
13 HER HOMEWORK. BECAUSE MOM WORKED AT NIGHTS EVERY  
14 NIGHT. AND YOU'VE HEARD HOW THEY WERE UP UNTIL ONE  
15 O'CLOCK, A SCHOOL NIGHT. AMANDA WAS THE OLDEST  
16 DAUGHTER IN THIS SQUALID HOUSEHOLD AND SHE HAD LIVED  
17 IN THIS SQUALID HOUSEHOLD MOST OF HER LIFE. SO WHEN  
18 THEY TALKED TO YOU ABOUT LISTENING TO THE EVIDENCE,  
19 COMMON SENSE, AND THINGS SUCH AS THIS, THIS IS A VERY  
20 INTERESTING COMPLICATED MATTER. IT'S TOO BAD IT'S  
21 JUST SO HORRIBLE. BUT AMANDA WAS DOING THINGS THAT A  
22 12 YEAR ORDER OLD SHOULD BE DOING AND LIKE MAKING HER  
23 HAVING TO HELP HER SISTER AND TO DO CHORES AND THINGS  
24 LIKE THAT. I THINK THAT THERE WAS ANOTHER AREA THAT  
25 AMANDA SHOULDN'T HAVE BEEN DOING SINCE SHE WAS 12

1 YEARS OLD IN THE HOUSEHOLD SHE WAS REQUIRED TO, SHE  
2 HAD TO FULFILL DUTIES. I MENTIONED I'M NOT GOING TO  
3 TALK ABOUT THE FACTS AND I'M NOT. YOU ARE GOING TO  
4 LISTEN TO ALL THE EVIDENCE.

5 AND I'M GOING TO CLOSE NOW. I'M NOT  
6 TALKING LONG. BUT IN CLOSING I'M GOING TO RECITE A  
7 QUESTION FOR YOU AND I'M GOING TO RECITE IT THREE  
8 TIMES AND THE REASON THAT I'M GOING TO RECITE IT  
9 THREE TIMES IS BECAUSE I SUBMIT TO YOU IT IS A  
10 QUESTION I WOULD LIKE FOR YOU TO HAVE IN YOUR MIND  
11 ALL THE WAY THROUGH THIS CASE AND HERE IS THE  
12 QUESTION: WHAT REASON WERE THE ACTIONS AGAINST THIS  
13 GIRL SO EXTREME? WHAT REASON WERE THE ACTIONS  
14 AGAINST THIS GIRL SO EXTREME? AND FINALLY, WHAT  
15 REASON WERE THE ACTIONS AGAINST THIS GIRL SO EXTREME?

16 THE COURT: CALL YOUR FIRST WITNESS.

17 MR. BRACKETT: THE STATE WOULD CALL LISA  
18 THOMPSON.

19 LISA THOMPSON, BEING FIRST DULY  
20 SWORN, TESTIFIED AS FOLLOWS:

21 DIRECT EXAMINATION BY MR. BRACKETT:

22 Q GOOD AFTERNOON, MA'AM. WOULD YOU PLEASE STATE  
23 YOUR FULL NAME AND SPELL YOUR LAST FOR THE COURT  
24 REPORTER?

25 A YES. IT'S LISA THOMPSON. T-H-O-M-P-S-O-N.

1 Q ALL RIGHT. MA'AM, AND YOU ARE GOING TO NEED TO  
2 SPEAK UP BECAUSE YOU'VE GOT A SOFT VOICE. THAT CHAIR  
3 DOESN'T MOVE AND THAT MICROPHONE DOESN'T EITHER. IT  
4 IS KIND OF AN ODD SITUATION BUT KIND OF LEAN IN AS  
5 BEST YOU CAN SO EVERYONE CAN HEAR YOU. CAN YOU TELL  
6 US WHERE YOU WORK?

7 A RIGHT NOW I WORK AT THE ROCK HILL POLICE  
8 DEPARTMENT.

9 Q AND WHERE DID YOU WORK BACK IN NOVEMBER OF 2001?

10 A I WORKED FOR YORK COUNTY 911.

11 Q OKAY. WHERE IS THAT PHYSICALLY LOCATED?

12 A IT'S IN THE BASEMENT OF CITY HALL IN ROCK HILL.

13 Q RIGHT THERE ON BLACK STREET?

14 A YES, SIR, BY EAST BLACK.

15 Q HOW LONG HAD YOU WORKED THERE?

16 A AT THE TIME OF NOVEMBER, ABOUT SIX MONTHS.

17 Q ALL RIGHT. NOW CAN YOU TELL THE JURY JUST  
18 BRIEFLY SOME OF WHAT, BASICALLY WHAT YOUR DUTIES WERE  
19 WORKING THERE AT 911?

20 A I ANSWERED EMERGENCY 911 CALLS LIKE WHENEVER YOU  
21 CALLED 911 AND YOU NEEDED AN AMBULANCE OR THE FIRE  
22 DEPARTMENT, I ANSWERED THOSE CALLS AND DISPATCHED.

23 Q NOW WHEN SOMEBODY CALLS IN TO 911, IS THERE SOME  
24 METHOD OF KEEPING TRACK OF WHO CALLED AND WHAT WAS  
25 SAID?

1 A YES, SIR. WHENEVER YOU CALL 911 IT  
2 AUTOMATICALLY POPS UP WITH YOUR NAME AND ADDRESS ON  
3 THE SCREEN AND WE AUTOMATICALLY PUT IT INTO THE  
4 COMPUTER AND TYPE IN WHATEVER THE CALL IS IF IT'S  
5 MEDICAL, FIRE, YOU KNOW, IF IT'S POLICE WE  
6 AUTOMATICALLY SWITCH IT OVER TO THE POLICE  
7 DEPARTMENT, BUT IF IT HAS TO DEAL WITH MEDICAL OR  
8 FIRE, WE PUT IT IN, AND IF WE'RE CALLED TAKING THEN  
9 OUR PARTNER DISPATCHED IT.

10 Q ALL RIGHT. AND ARE THESE CALLS RECORDED?

11 A YES, SIR.

12 Q OKAY. NOW TURNING YOUR ATTENTION TO NOVEMBER 29  
13 OF 2001 SHORTLY AFTER SIX IN THE MORNING, WERE YOU  
14 WORKING AT THAT TIME?

15 A YES, SIR.

16 Q ALL RIGHT. DID YOU HAVE OCCASION TO RECEIVE A  
17 REQUEST FOR ASSISTANCE BY A 911 CALL?

18 A YES, SIR.

19 Q CAN YOU TELL THE JURY FROM WHAT LOCATION DID  
20 YOUR 911 OPERATOR EQUIPMENT INDICATE THAT THE CALL  
21 WAS COMING FROM?

22 A IT SHOWED IT WAS COMING FROM 407 RICH STREET IN  
23 ROCK HILL.

24 Q AND WHAT COUNTY IS THAT IN?

25 A IT'S IN YORK COUNTY.

1 Q ALL RIGHT. I'M SHOWING YOU WHAT'S BEEN MARKED  
2 STATE'S EXHIBIT 15 FOR IDENTIFICATION AND I'LL ASK  
3 YOU DO YOU RECOGNIZE THIS AUDIO CASSETTE TAPE THAT'S  
4 IN THIS?

5 A YES, SIR.

6 Q AND HAVE YOU HAD AN OPPORTUNITY TO HEAR THAT  
7 RECORDING TODAY?

8 A YES, SIR.

9 Q AND DOES THIS RECORDING CONTAINED IN STATE'S  
10 EXHIBIT 15, DOES THAT ---

11 MR. MORTON: WE HAVE NO OBJECTION TO THE  
12 AUTHENTICITY OF THE RECORDING, YOUR HONOR.

13 MR. GREELEY: NO OBJECTION.

14 THE COURT: ALL RIGHT.

15 MR. BRACKETT: I MOVE STATE'S EXHIBIT 15  
16 INTO EVIDENCE.

17 THE COURT: IT WILL BE ACCEPTED INTO  
18 EVIDENCE WITHOUT OBJECTION.

19 (STATE'S EXHIBIT 15 911 TAPE RECEIVED INTO  
20 EVIDENCE.)

21 Q DOES THAT TAPE RECORDING CONTAIN THE ENTIRETY OF  
22 YOUR CONVERSATION WITH THE CALLER THAT MORNING?

23 A YES, SIR.

24 Q AND DID YOU HAVE ANYTHING ELSE TO DO WITH THAT  
25 CALLER AFTER THIS CONVERSATION ENDED?

1 A NO, SIR.

2 Q SO THAT'S, THIS IS THE EXTENT OF YOUR KNOWLEDGE  
3 OF THIS CASE?

4 A YES, SIR.

5 MR. BRACKETT: YOUR HONOR, I MOVE TO  
6 PUBLISH STATE'S EXHIBIT 15 AT THIS TIME?

7 THE COURT: ALL RIGHT.

8 MR. BRACKETT: WE JUST DUBBED THIS TAPE,  
9 YOUR HONOR. LET ME JUST CHECK AND MAKE SURE THAT.

10 (TRYING TO PLAY THE 911 TAPE.)

11 MR. BRACKETT: ARE YOU GOING TO GET THE  
12 OTHER COPY. THANK YOU. WE JUST DUBBED THIS TO MAKE  
13 IT AT THE BEGINNING OF THE TAPE BECAUSE THE OTHER ONE  
14 WAS IN THE MIDDLE OF THE TAPE, BUT APPARENTLY WE  
15 COMPLICATED MATTERS BY TRYING TO BE. MR. GREELEY,  
16 ANY OBJECTION?

17 MR. GREELEY: NO OBJECTION TO  
18 SUBSTITUTING.

19 MR. BRACKETT: A COPY WE PROVIDED TO THE  
20 DEFENSE EARLIER WILL BE PLAYED. HOPEFULLY, THIS ONE  
21 WORKS.

22 (TAPE THE PLAYED FOR THE JURY.)

23 Q THANK YOU, MA'AM. PLEASE ANSWER ANY QUESTIONS  
24 COUNSEL FOR DEFENSE MAY HAVE.

25 CROSS EXAMINATION BY MR. MORTON:

1 Q MRS. THOMPSON.

2 A YES.

3 Q HOW ARE YOU. I'M JIM MORTON.

4 A UH-HUH.

5 Q I REPRESENT MR. COPE.

6 A UH-HUH.

7 Q I'M GOING TO ASK YOU SOME QUESTIONS ABOUT THAT

8 TAPE, NOT MANY. ON THE TAPE MR. COPE INITIALLY

9 STATED THAT HE HAD LAST SEEN HER ABOUT TWO O'CLOCK

10 AND THEN HE IMMEDIATELY CORRECTS HIMSELF TO ONE

11 O'CLOCK, IS THAT CORRECT?

12 A YES, SIR.

13 Q OKAY. HE ALSO SAYS THAT HE NEEDS TO CALL HIS

14 WIFE, RIGHT?

15 A YES, SIR.

16 Q HE ALSO SAID THAT HIS DAUGHTER AMANDA HAD GONE

17 TO LIVE WITH THE LORD; SHE WAS A CHRISTIAN?

18 A YES, SIR.

19 Q RIGHT. YOU ARE AWARE THAT BILLY COPE IS CHARGED

20 WITH MURDER AND RAPE, YOU ARE AWARE OF THAT?

21 A YES, SIR.

22 Q YOU ARE AWARE THAT THE ALLEGATIONS BROUGHT BY

23 THE ROCK HILL POLICE DEPARTMENT AND THE SOLICITOR'S

24 OFFICE ARE THAT BILLY COPE RAPED, MURDERED HIS

25 DAUGHTER, WENT TO BED, WOKE UP, AND CALLED YOU; YOU



1 AWARE THAT'S WHAT THE ALLEGATIONS ARE?

2 A I WASN'T AWARE OF THE ALLEGATIONS. I JUST KNEW  
3 IT WAS A MURDER TRIAL. I DIDN'T KNOW THE WHOLE  
4 DETAILS OF IT.

5 Q OKAY. HE CALLED YOU FROM HIS HOME?

6 A YES, SIR.

7 Q YOU SENT PEOPLE TO RESPOND?

8 A YES, SIR.

9 Q THEY FOUND HIS DAUGHTER IN THE BED? IN HIS  
10 HOUSE?

11 A AS FAR AS I KNOW, YES, SIR.

12 Q OKAY. THANK YOU, MRS. THOMPSON?

13 A THANK YOU.

14 THE COURT: MR. GREELEY.

15 MR. GREELEY: NO QUESTIONS, YOUR HONOR.

16 THE COURT: ANY REDIRECT.

17 MR. BRACKETT: NO, SIR.

18 THE COURT: YOU CAN STEP DOWN AND BE  
19 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU. NEXT  
20 WITNESS.

21 MR. BRACKETT: THE STATE CALLS JASON  
22 DILLON.

23 JASON DILLON, BEING FIRST DULY  
24 SWORN, TESTIFIED AS FOLLOWS?

25 DIRECT EXAMINATION BY MR. BRACKETT:

1 Q SIR, WOULD YOU STATE YOUR FULL NAME AND SPELL  
2 YOUR LAST FOR THE COURT REPORTER?

3 A JASON CHARLES DILLON. D-I-L-L-O-N.

4 Q ALL RIGHT, SIR. WHERE DO YOU WORK?

5 A FOR THE CITY OF ROCK HILL FIRE DEPARTMENT.

6 Q AND HOW LONG HAVE YOU BEEN WITH THE FIRE  
7 DEPARTMENT?

8 A STARTING MY SEVENTH YEAR.

9 Q SO YOU WERE EMPLOYED WITH THEM BACK IN NOVEMBER  
10 OF 2001?

11 A YES, SIR.

12 Q AND WHAT DID YOU DO FOR THE FIRE DEFENDANT BACK  
13 IN NOVEMBER OF 2001?

14 A I WAS A FIREFIGHTER TWO EMT INTERMEDIATE ROCK  
15 HILL ENGINE ONE.

16 Q WHERE ARE YOU STATIONED OUT OF?

17 A I WAS STATIONED ON ELIZABETH LANE IN DOWNTOWN  
18 ROCK HILL.

19 Q THAT'S CLOSE TO THE DOWNTOWN AREA?

20 A YES, SIR.

21 Q WOULD YOUR RESPONSIBILITY BE FOR, WOULD THAT  
22 STATION BE RESPONSIBLE FOR EMERGENCY CALLS OUT TO  
23 RICH STREET?

24 A YES, SIR.

25 Q OKAY. AND ON THE EARLY MORNING HOURS OF

1 NOVEMBER 29, 2001, WERE YOU IN FACT WORKING THAT  
2 SHIFT?

3 A YES, SIR.

4 Q AND DID YOU RECEIVE AN EMERGENCY CALL TO 407  
5 RICH STREET?

6 A YES, SIR.

7 Q NOW DESCRIBE BRIEFLY FOR THE JURY WHAT SOME OF  
8 YOUR DUTIES ARE?

9 A MY DUTIES AS A FIREMEN TWO WERE TO DRIVE AS  
10 NEEDED PER THE CAPTAIN'S ORDER AND I WAS ALSO ONE OF  
11 THE LEAD EMTS FOR THE TRUCK BASED ON LENGTH OF  
12 CERTIFICATION WITHIN THE COMPANY.

13 Q FOR THOSE PEOPLE WHO DON'T KNOW WHAT AN EMT IS?

14 A I WAS AN EMERGENCY MEDICAL TECHNICIAN AT THE  
15 INTERMEDIATE LEVEL.

16 Q SO YOU NOT ONLY FIGHT FIRES, YOU RESPOND TO  
17 MEDICAL EMERGENCIES AS WELL?

18 A YES, SIR.

19 Q DID YOU GET A CALL OUT THERE TO 407 RICH STREET?

20 A YES, SIR.

21 Q WHAT WAS THE NATURE OF THAT CALL THAT MORNING?

22 A THAT CALL WAS DISPATCHED TO US AS AN UNCONSCIOUS  
23 NOT BREATHING.

24 Q AND BASED ON THAT CALL WHO FROM YOUR DEPARTMENT  
25 RESPONDED?

1 A WE RESPONDED, OUR ENGINE ONE, AND BASED ON A  
2 ROTATION BETWEEN TWO TRUCKS IT WAS ENGINE ONE'S TIME  
3 FRAME TO RESPOND TO THOSE CALLS.

4 Q AND WHO WENT WITH YOU?

5 A THERE WERE FOUR OF US ON THAT APPARATUS. AT  
6 THAT TIME IT WAS CAPTAIN SIMMONS ENGINEER BLACKWELL,  
7 MYSELF, AND FIREFIGHTER BARNETT.

8 Q ABOUT HOW LONG DID IT TAKE YOU TO GET FROM WHERE  
9 THE STATION WAS TO 407 RICH STREET?

10 A I BELIEVE IT WAS ROUGHLY THREE OR FOUR MINUTES.

11 Q AND TELL US, DESCRIBE TO THE JURY IF YOU WOULD,  
12 WHAT HAPPENED AS YOU PULLED UP TO 407 RICH STREET  
13 THAT MORNING?

14 A WE PULLED UP. I WAS RIDING BEHIND THE OFFICER  
15 IN THE BACK AND THE HOUSE WAS ON MY SIDE OF THE  
16 APPARATUS, SO I MY RESPONSIBILITY WAS TO GO STRAIGHT  
17 TO THE HOUSE WHILE OTHER CREW MEMBERS RECEIVED THE  
18 MEDICAL EQUIPMENT.

19 Q WHEN YOU SAY APPARATUS YOU MEAN THE TRUCK?

20 A YES, SIR, MEANING THE FIRE ENGINE.

21 Q SO YOU WERE ON THE SIDE CLOSEST TO THE HOUSE SO  
22 YOU WENT FIRST TO THE HOUSE?

23 A YES, SIR.

24 Q WHAT DID YOU SEE? WHAT WAS THE LIGHTING  
25 CONDITION, WAS IT?

1 A THE LIGHTING WAS POOR. IT WAS A FOGGY DAY. I  
2 BELIEVE WE EVEN HAD A SPOTLIGHT THE FRONT PORCH BUT  
3 THERE WAS SOMEBODY AT THE HOUSE STANDING OUT FOR US.

4 Q OKAY. AND WHO WAS THAT?

5 A THAT WAS MR. COPE.

6 Q BILLY WAYNE COPE THE DEFENDANT SEATED HERE?

7 A YES, SIR.

8 Q OKAY. NOW WHAT HAPPENED? DESCRIBE TO THE JURY  
9 WHAT TOOK PLACE AS YOU WALKED UP TO THE HOUSE AND  
10 WHAT DID YOU DO?

11 A I WALKED UP TO THE HOUSE AND WAS MET AT THE  
12 FRONT DOOR. I ASKED OUR TYPICAL QUESTION OF WHAT'S  
13 GOING ON OR WHAT'S HAPPENING AND HE INFORMED ME THAT  
14 HIS DAUGHTER WAS DEAD.

15 Q OKAY. AND DID YOU SEE ANYBODY ELSE AT THE  
16 HOUSE?

17 A NOT AT THAT TIME, NO.

18 Q DID YOU ENTER THE HOUSE?

19 A YES, SIR. I THEN FOLLOWED MR. COPE INTO THE  
20 HOUSE STRAIGHT TO THE BACK BEDROOM.

21 Q OKAY. DID YOU SEE ANYBODY IN THE HOUSE AFTER  
22 YOU WALKED IN?

23 A NO, SIR.

24 Q NOW WHERE DID YOU GO IN THE HOUSE?

25 A I WENT BACK INTO THE BEDROOM AND WAS ON THE

1 RIGHT SIDE OF THE BEDROOM, LEFT SIDE OF THE BED.

2 Q OKAY. AND WHAT DID YOU SEE IN THE BACK BEDROOM?

3 A I FOUND A PATIENT LYING SUPINE ON THE BED.

4 Q SUPINE?

5 A BEING ON HER BACK.

6 Q OKAY. AND WHAT WAS HER CONDITION?

7 A I KNOW SHE WAS LYING ON THE BED ON TOP OF THE  
8 COVERS AND SKIN COLOR WAS BLUISH, BLUISH PURPLE  
9 SHADE. SHE, HER CLOTHES WERE BROUGHT UP AROUND HER  
10 CHEST AND LIVIDITY HAD SET IN ON THE SIDES WHICH IS A  
11 INITIAL POOLING OF BLOOD TOWARD THE CENTER OF THE  
12 BODY.

13 Q IS THAT BLOOD THAT WAS EXPOSED OR BLOOD THAT WAS  
14 INSIDE?

15 A NO, THAT WAS BLOOD THAT WAS INTERNAL THAT HAD  
16 ALREADY STARTED TO MOVE.

17 Q SO BASICALLY SETTling?

18 A YES, SIR.

19 Q GRAVITY IS DRAWING THE BLOOD DOWN?

20 A YES, SIR.

21 Q OKAY. HAD YOU TALKED TO THE FATHER AT THIS  
22 POINT? WERE YOU TALKING TO THE FATHER?

23 A I HAD SPOKEN TO THE FATHER AT THE DOOR AND THEN  
24 FOLLOWING WITH HIM HE PROCEEDED TO ANSWER SOME OF MY  
25 QUESTIONS AS WE WERE WORKING OUR WAY TO THE BACK.

1 Q WHAT QUESTIONS DID YOU HAVE FOR HIM?

2 A I HAD ASKED HIM, YOU KNOW, WHAT WAS GOING ON AND  
3 HE REFERRED THAT SHE WAS DEAD. I ASKED HOW LONG SHE  
4 HAD BEEN THAT WAY AND HE RESPONDED FOUR HOURS.

5 Q FOUR, THE NUMBER FOUR?

6 A THAT'S HOW I INTERPRETED IT, SIR.

7 Q FOUR HOURS?

8 A YES, SIR, AS IN THE NUMBER.

9 Q OKAY. DID HE, DID YOU ASK HIM WHAT HAD HAPPENED  
10 OR WHAT HAD CAUSED HER DEATH?

11 A YES. I ASKED HIM WHAT HAPPENED AND HE INFORMED  
12 ME THAT SHE CHOKED ON HER BLANKET AND THAT SHE HAD A  
13 HISTORY OF ROLLING IN HER SLEEP.

14 Q OKAY. THAT SHE HAD A HISTORY OF ROLLING IN HER  
15 SLEEP?

16 A YES, SIR.

17 Q OKAY. NOW WHAT MEASURES DID YOU TAKE TO TREAT  
18 HER?

19 A OKAY. MY FIRST STEP WAS TO CHECK FOR BREATHING,  
20 BREATHING OF THE PATIENT, AND SHE WAS NOT. I THEN  
21 CHECKED FOR A PULSE AND I OPTED TO CHOOSE THE REGULAR  
22 PULSE WHICH IS IN THE WRIST AND IT WAS AT THAT POINT  
23 HE INFORMED ME THAT THERE HAD BEEN A BLANKET WRAPPED  
24 AROUND HER NECK FOUR OR FIVE TIMES AND BASED ON THE  
25 NOT BREATHING, NO PULSE, SKIN COLOR, AND CONDITION,

1 AND I MADE THE DECISION FOR HER NOT TO BE TOUCHED  
2 ANYMORE. THAT I THEN TURNED TO CHIEF SIMMONS WHO IS  
3 CURRENTLY CHIEF SIMMONS, THEN CAPTAIN SIMMONS, AND  
4 INFORMED HIM THAT I NEEDED ROCK HILL POLICE  
5 DEPARTMENT ON THE SCENE.

6 Q AND IN FACT WERE THEY ARRIVING AT ABOUT THAT  
7 TIME?

8 A YES, SIR. WHEN I TOLD CHIEF SIMMONS THAT, HE  
9 TURNED AROUND TO EXIT THE HOUSE AND THEY WERE  
10 PROCEEDING TO COME THROUGH THE FRONT DOOR.

11 Q NOW WHEN YOU WALK INTO A SCENE LIKE THIS  
12 DESCRIBE WHAT'S GOING ON IN YOUR MIND: WHAT ARE YOU  
13 DOING, WHAT ARE YOU THINKING, WHAT IS HAPPENING?

14 A ALWAYS MY FIRST PRIORITY IS MY SAFETY THEN THE  
15 SAFETY OF MY CREW AND THEN OBVIOUSLY TO TREAT THE  
16 PATIENT, SO THAT'S, THAT'S WHAT WE TRY TO DO ON THAT.

17 Q OKAY. SO YOU HAVE TO PAY ATTENTION TO SEVERAL  
18 THINGS AT ONCE?

19 A YES, SIR. WE HAVE TO TRY TO BALANCE THE  
20 CONDITION WE'RE GOING INTO AND THEN THE INFORMATION  
21 BEING RECEIVED ABOUT THE PATIENT.

22 Q NOW WHEN YOU GO AND RESPOND TO A DEATH OF THIS  
23 NATURE, A SUSPICIOUS DEATH OF THIS NATURE, DO YOU  
24 TYPICALLY WRITE A REPORT?

25 A THERE IS ALWAYS A DHEC REPORT THAT IS WRITTEN



1 FOR DHEC ON ANY MEDICAL CALL, AND ISSUES THAT WE FELT  
2 WERE OUTSIDE THE NORMAL RANGE WE THEN USUALLY ARE  
3 ASKED BY OUR OFFICERS TO WRITE A DEPOSITION.

4 Q OKAY. AND DID YOU IN FACT WRITE A DEPOSITION OR  
5 A TWO PAGE SUMMARY OF WHAT YOU?

6 A YES, SIR, I DID.

7 Q OKAY. NOW WHILE YOU WERE GOING INTO THE ROOM  
8 AND, WAS MR. COPE WITH YOU THROUGHOUT THAT ENTIRE  
9 TIME?

10 A HE WAS BESIDE ME OR SLIGHTLY BEHIND ME AS WE  
11 ENTERED THE BEDROOM, YES.

12 Q WAS HE TALKING THE WHOLE TIME OR WAS HE QUIET OR  
13 WAS HE JUST RESPONDING?

14 A HE WAS RESPONDING TO SOME OF THE QUESTIONS THAT  
15 I WAS ASKING HIM LIKE THE ONES OF HOW LONG HAD SHE  
16 BEEN LIKE THIS AND WHAT HAPPENED.

17 Q DID HE TELL YOU ANYTHING ELSE ABOUT WHEN THE  
18 TIME, AT THE TIME HE DISCOVERED HIS DAUGHTER WHAT HER  
19 SITUATION WAS? DID HE GIVE YOU ANY OTHER INFORMATION  
20 PARTICULARLY AS REGARDING THE CLOTHING?

21 A AT SOME POINT IN THERE HE MADE REFERENCE TO HER  
22 BEING FOUND WITHOUT ANY CLOTHES ON AND I VERIFIED  
23 WITH FIGHT FIGHTER BARNETTE ONCE WE HAD STEPPED OUT  
24 OF THE ROOM AND WE KNEW THAT OR I KNEW THAT THIS WAS  
25 GOING TO BE MORE THAN OUR STANDARD CALL. I KNEW FROM

1 PAST EXPERIENCES THAT WE WOULD BE ASKED TO WRITE A  
2 DEPOSITION SO I STARTED TO GATHER ALL THE INFORMATION  
3 MORE IN A, AT A MOMENT WHERE THERE WASN'T VERY MUCH  
4 GOING ON WHERE I COULD DO THAT, AND THAT'S WHEN I WAS  
5 UNDER THE IMPRESSION THAT I HAD HEARD HIM MAKE THAT  
6 STATEMENT SO I WENT TO FIRE FIGHTER BARNETTE AND  
7 VERIFIED THAT STATEMENT AND ASKED HER IF I WAS  
8 CORRECT IN HEARING HIM STATE THAT HE FOUND HER  
9 WITHOUT ANY CLOTHES ON AND SHE TOLD ME THAT SHE HAD  
10 IN FACT HEARD THE SAME THING.

11 Q AND AS YOU SIT THERE RIGHT NOW ARE YOU CERTAIN  
12 THAT MR. COPE SAID THAT?

13 A YES, SIR.

14 Q NO QUESTION ABOUT THAT?

15 A NO, SIR.

16 Q THAT SHE WAS NAKED WHEN HE WENT IN THAT ROOM?

17 A YES, SIR.

18 Q AND WHAT DID YOU OBSERVE HER CLOTHING SITUATION  
19 TO BE?

20 A HAD A SHIRT THAT WAS PROBABLY MID-CHEST LINE AND  
21 I BELIEVE SHE WAS WEARING A PAIR OF SWEATPANTS AS  
22 WELL, MAYBE WITH ONE LEG OR SO KIND OF PULLED UP TO  
23 THE KNEE.

24 Q WHAT WAS MR. COPE'S DEMEANOR THROUGHOUT THIS  
25 ENTIRE?

1 A I HAVE, I REFER TO IT BEING FLUSTERED OR WAS  
2 CONFUSED AS TO, NOT EXACTLY SURE WHAT TO DO ALMOST IN  
3 A WAY THAT THINGS WEREN'T LIKE THEY WERE SUPPOSED TO  
4 BE.

5 MR. BRACKETT: COURT'S INDULGENCE ONE  
6 MINUTE.

7 Q APPROXIMATELY HOW LONG WOULD YOU SAY, SIR, THAT  
8 YOU WERE IN THE HOUSE FROM THE TIME YOU WALKED IN THE  
9 DOOR UNTIL THE TIME YOU WALKED OUT?

10 A LESS THAN TEN MINUTES. I DID HAVE TO RE-ENTER  
11 THE HOUSE ONE MORE TIME TO GIVE OUR NAMES TO ROCK  
12 HILL POLICE DEPARTMENT UPON THEIR REQUEST, SO I WAS  
13 ASSIGNED TO RE-ENTER THE HOUSE WITH THOSE NAMES.

14 Q DID YOU HAVE ANY OTHER INVOLVEMENT IN THIS CASE  
15 OTHER THAN THAT?

16 A NO, SIR.

17 Q THANK YOU VERY MUCH, SIR. PLEASE ANSWER ANY  
18 QUESTIONS THAT COUNSEL FOR DEFENSE MAY HAVE FOR YOU.

19 MR. WOOD: MAY IT PLEASE THE COURT.

20 CROSS EXAMINATION BY MR. WOOD:

21 Q GOOD AFTERNOON, OFFICER DILLON. I'M DAVID WOOD.  
22 I REPRESENT BILLY COPE. EXCUSE ME FOR JUST A MINUTE.  
23 OFFICER DILLON, YOU WROTE A STATEMENT. YOU CALL IT A  
24 DEPOSITION, IS THAT CORRECT?

25 A YES, SIR.

1 Q AND WHO ASKED YOU TO WRITE THAT STATEMENT?

2 A AT THE TIME IT WAS CAPTAIN SIMMONS. HE IS NOW  
3 CHIEF SIMMONS.

4 Q WERE YOU INTERVIEWED BY THE DETECTIVES FROM THE  
5 ROCK HILL POLICE DEPARTMENT?

6 A NO, SIR.

7 Q YOU WEREN'T?

8 A NO, SIR.

9 Q SO THEY DIDN'T TAKE THE TIME TO INTERVIEW, THEY  
10 JUST HAD YOU WRITE A SYNOPSIS, IS THAT CORRECT?

11 A I WROTE A STATEMENT THAT MORNING OR SHORTLY  
12 AFTER THAT CASE. MY FOLLOWING SHIFT ON DUTY THROUGH  
13 CAPTAIN DRIGGERS WHICH WAS SOMETIMES USED AS LIAISON  
14 TO THE POLICE DEPARTMENT, THEY HAD ASKED THAT WE  
15 WRITE ONE AND WE ALREADY HAD THOSE TAKEN CARE OF.

16 Q AND ABOUT WHAT TIME DID YOU WRITE THAT  
17 STATEMENT?

18 A SHORTLY AFTER COMING BACK FROM THAT SCENE.

19 Q AND YOU DIDN'T TAKE ANY NOTES THERE AT THE  
20 SCENE, DID YOU?

21 A I USED ONE OF THE DHEC REPORT, PART OF THAT WAS  
22 FILLED OUT ON SCENE, AND THE REST FILLED BACK AT THE  
23 STATION.

24 Q NOW YOU INDICATED THAT MR. COPE TOLD YOU THAT HE  
25 FOUND AMANDA'S BODY WITHOUT ANY CLOTHES ON, IS THAT

1 CORRECT?

2 A CORRECT.

3 Q AND NOW DID YOU SEE AMANDA'S BODY THAT DAY?

4 A YES, SIR.

5 Q AND IT WAS PRETTY BLOODY, WASN'T IT?

6 A BLOODY AS FAR AS YOU COULD TELL THE LIVIDITY HAD  
7 SET IN. AS FAR AS OTHER BLOOD, I CANNOT RECALL.

8 Q THERE WAS BLOOD ON HER FACE, WASN'T THERE?

9 A BASED ON THE FACE BEING A SHADE OF BLUE AND  
10 PURPLE AND SWELLING OF THE LIPS, I COULDN'T.

11 Q YOU COULDN'T TELL IF THERE WAS BLOOD THERE OR  
12 NOT?

13 A CORRECT.

14 Q YOU HAD THE OPPORTUNITY TO EXAMINE OR SEE  
15 MR. COPE UP CLOSE THAT DAY, CORRECT?

16 A IN PASSING AT THE FRONT DOOR, YES.

17 Q NOW DID YOU SEE HIS ARMS?

18 A NO, SIR.

19 Q YOU DIDN'T SEE HIS ARMS?

20 A NO, SIR. MY CONCERN AT THAT POINT WAS NOT  
21 MR. COPE AT THAT TIME. HE WAS NOT THE PATIENT.

22 Q OKAY. SO YOU CAN'T TESTIFY AS TO WHETHER THERE  
23 WAS ANY BLOOD ON HIS ARMS, HANDS?

24 A NO, SIR.

25 Q NOW YOU ASKED MR. COPE HOW LONG THE BODY HAD

1 BEEN LIKE THIS, MEANING LIKE IN THE BED, CORRECT?

2 A IN THE BED, HER CONDITION, YES, SIR.

3 Q AND YOU WROTE DOWN FOUR HOURS F-O-U-R?

4 A NO, SIR. I'M SORRY. YES, F-O-U-R, FOUR AS IN

5 THE NUMBER.

6 Q OKAY. BECAUSE HE SAID FOUR HOURS?

7 A HE SAID FOUR HOURS.

8 Q NOW DID YOU ASK HIM IF HE MEANT FOURS HOURS

9 F-O-U-R AS IN THE NUMBER OR IF HE MEANT FOR HOURS

10 F-O-R?

11 A I TOOK IT AS FOUR HOURS.

12 Q YOU DIDN'T ASK HIM WHICH ONE OF THOSE TWO IT

13 MEANT, DID YOU?

14 A NO, SIR.

15 Q OKAY. SO THAT'S BASED ON YOUR OPINION OF WHAT

16 HE WAS SAYING?

17 A BASED ON MY INTERPRETATION OF WHAT HE SAID, YES.

18 Q NOW AS TO MR. COPE'S DEemeanOR, YOU DESCRIBED IT

19 AS SHOCKED?

20 A I BELIEVE I SAID FLUSTERED.

21 Q UPSET?

22 A CONFUSED.

23 Q YOU SAID AS IF THINGS WEREN'T LIKE THEY WERE

24 SUPPOSED TO BE?

25 A CORRECT.

1 Q AND THAT'S PROBABLY THE FIRST, IT WAS THE FIRST  
2 MORNING EVER WOKEN UP AND FOUND HIS 12 YEAR OLD  
3 DAUGHTER MURDERED?

4 A I WOULD ASSUME SO, YES.

5 Q AND YOU WOULD EXPECT SOMEONE THAT FOUND THEIR 12  
6 YEAR OLD DAUGHTER MURDERED TO BE UPSET?

7 A NOT IN THAT WAY, SIR.

8 Q YOU'RE NOT A PSYCHIATRIST, ARE YOU?

9 A NO, SIR, BUT I'VE BEEN TO MULTIPLE CALLS IN THAT  
10 SAME SITUATION.

11 Q AND EVERYONE REACTS DIFFERENTLY, DON'T THEY?

12 A YES, SIR.

13 Q PLEASE ANSWER ANY QUESTIONS MR. GREELEY HAS.

14 I'M SORRY.

15 CROSS EXAMINATION BY MR. GREELEY:

16 Q SO OF COURSE MR. COPE DIDN'T TELL YOU HE FOUND  
17 HIS 12 YEARS DAUGHTER MURDERED, DID HE? HE FOUND HER  
18 DEAD?

19 A YES, SIR.

20 Q HE NEVER MENTIONED MURDERED, DID HE?

21 A NO, SIR.

22 Q HE MENTIONED SOME BLANKET, IS THAT CORRECT?

23 A HE MENTIONED SHE CHOKED ON THE BLANKET, YES.

24 Q RIGHT?

25 A YES.

1 Q NOW WHEN YOU WENT IN THE HOUSE HOW DID THE HOUSE  
2 APPEAR?

3 A (NO RESPONSE.)

4 Q WAS IT CLEAN?

5 A NO. NO, SIR.

6 Q WAS IT DIRTY?

7 A YES, SIR.

8 Q WAS IT VERY DIRTY?

9 A TO ME, YES, SIR.

10 Q AND YOU NEVER SAW ANYBODY ELSE IN THE HOUSE THAT  
11 MORNING OTHER THAN MR. COPE AND AMANDA'S BODY, IS  
12 THAT CORRECT?

13 A NO, SIR. UPON LEAVING THE BEDROOM THE TWO OTHER  
14 DAUGHTERS WERE SEATED ON THE COUCH AND BY THAT TIME  
15 MORE POLICE OFFICERS AND EMS PERSONNEL HAD ARRIVED.

16 Q OKAY.

17 MR. GREELEY: THAT'S ALL I HAVE.

18 THE COURT: REDIRECT.

19 MR. BRACKETT: NO, SIR.

20 THE COURT: WE APPRECIATE YOUR TIME. YOU  
21 CAN FEEL FREE TO LEAVE. THANK YOU VERY MUCH. CALL  
22 YOUR NEXT WITNESS.

23 MR. BRACKETT: THE STATE CALLS OFFICER  
24 TAYLOR.

25 ROBERT TAYLOR, BEING FIRST DULY



1 SWORN, TESTIFIED AS FOLLOWS:

2 MR. BRACKETT: ANY OBJECTION TO EITHER  
3 OF THOSE TWO WITNESSES BEING EXCUSED?

4 THE COURT: I THOUGHT THEY WERE EXCUSED.  
5 DO YOU OBJECT?

6 MR. GREELEY: NO OBJECTION.

7 MR. WOOD: NO, SIR.

8 DIRECT EXAMINATION BY MR. BRACKETT:

9 Q SIR, WOULD YOU PLEASE STATE YOUR FULL NAME FOR  
10 THE RECORD?

11 A MY FULL NAME IS ROBERT JEFFREY TAYLOR.

12 Q WHERE ARE YOU EMPLOYED, SIR?

13 A ROCK HILL POLICE DEPARTMENT.

14 Q HOW LONG HAVE YOU BEEN AT THE ROCK HILL POLICE  
15 DEPARTMENT?

16 A SEVEN YEARS NOW.

17 Q WHAT DO YOU DO THERE?

18 A I'M A PATROL OFFICER.

19 Q OKAY. AND HAVE YOU BEEN ASSIGNED TO PATROL A  
20 FEW YEARS NOW?

21 A THE WHOLE TIME I'VE BEEN THERE.

22 Q AND WHAT ARE THE DUTIES OF PATROL OFFICER  
23 BRIEFLY?

24 A NORMAL PATROL, TAKE CALLS FOR SERVICE, CHECK  
25 PROPERTY, TRAFFIC ENFORCEMENT, THINGS LIKE THAT.

1 Q AND WERE YOU, AND WAS THAT BASICALLY WHAT YOU  
2 WERE DOING ON NOVEMBER 29, 2001?

3 A YES, SIR.

4 Q DID YOU GET A CALL TO RESPOND TO A SITUATION AT  
5 407 RICH STREET JUST AFTER SIX A.M. ON NOVEMBER 29 OF  
6 2001?

7 A YES, SIR.

8 Q AND DO YOU RECALL APPROXIMATELY WHAT TIME YOU  
9 ARRIVED?

10 A APPROXIMATELY FOUR OR FIVE MINUTES AFTER SIX.

11 Q OKAY. AND WHEN YOU ARRIVED WAS THE FIRE ENGINE  
12 ALREADY THERE?

13 A YES, SIR.

14 Q FIREMEN WERE INSIDE THE HOUSE?

15 A YES, SIR.

16 Q DOING WHAT THEY WERE DOING. WHAT DID YOU DO  
17 WHEN YOU ARRIVED AT 407 RICH STREET?

18 A ENTERED THE RESIDENCE AND AS SOON AS I WALKED IN  
19 NOTICED A MALE ON MY RIGHT SIDE AND A COUPLE OF YOUNG  
20 FEMALES ON A COUCH AND.

21 Q YOUNG GIRLS?

22 A YES, SIR.

23 Q OKAY.

24 A TWO YOUNG GIRLS SITTING ON THE COUCH AND I COULD  
25 SEE SOME PEOPLE IN THE BACK. I KNEW THE FIRST

1           RESPONDERS WERE THERE AND AT THAT TIME MR. COPE  
2           TURNED AROUND AND SPOKE WITH ME.

3           Q     OKAY.  A MAN, WHERE WAS HE?  WHAT HE WAS HE  
4           DOING WHEN YOU WALKED IN THE HOUSE?

5           A     HE WAS SITTING AT HIS, A DESK AND APPEARED TO BE  
6           TYPING ON A COMPUTER WHEN I WALKED IN.

7           Q     APPEARED TO BE OR?

8           A     HE WAS.

9           Q     WAS HE DOING SOMETHING THAT RESEMBLED KIND OF  
10          WHAT SHE'S DOING RIGHT THERE, THE COURT REPORTER?

11          A     YES.

12          Q     OKAY.  ANY POSSIBILITY OF CONFUSION ON THAT  
13          POINT?

14          A     NO, SIR.

15          Q     ALL RIGHT.

16                         MR. MORTON:  YOUR HONOR, I OBJECT TO THE  
17          LEADING.

18                         THE COURT:  I SUSTAIN THE OBJECTION.

19          DISREGARD THAT QUESTION AND ANSWER.  REPHRASE YOUR  
20          QUESTION.

21          Q     ARE YOU CERTAIN OF THAT?

22          A     YES, SIR.

23          Q     DID YOU TALK TO THE GENTLEMAN AT ALL?

24          A     HE SPOKE WITH ME AND ADVISED ME THAT HIS LITTLE  
25          GIRL WAS DEAD AND HE POINTED TOWARDS THE BACK OF THE

1 ROOM AND I WALKED BACK THAT WAY TO SEE WHAT WAS GOING  
2 ON.

3 Q WHAT DID YOU OBSERVE WHEN YOU WENT TO THE BACK  
4 ROOM?

5 A WHEN I WENT TO THE BACK ROOM I STEPPED INSIDE  
6 THE DOOR AT THE END OF THE ROOM AT THE END OF THE BED  
7 AND OBSERVED THE FIRST RESPONDERS STANDING AROUND THE  
8 BED AND OBSERVED THE BODY LAYING ON THE BED AND I  
9 BELIEVE MR. COPE FOLLOWED ME IN AND WAS TALKING TO  
10 ME.

11 Q OKAY. WHAT DID HE TELL YOU AT THAT POINT?

12 A WELL, AT THE TIME I WAS, I JUST OBSERVED THE  
13 BODY. MR. COPE WAS FOLLOWING ME AND HE POINTED  
14 TOWARDS THE ROOM AND HE SAID, MY LITTLE GIRL IS DEAD.  
15 WE WALKED, I WALKED AND HE FOLLOWED BEHIND ME. THEN  
16 I WAS IN A ROOM WITH THE FIRST RESPONDERS. I LOOKED  
17 AT THE BODY FOR JUST A COUPLE SECONDS AND MR. COPE  
18 HAD ALREADY EXITED THE ROOM AND I STARTED GETTING MY  
19 PAPER WORK OUT, MY PAD AND ALL, AND JUST SO I COULD  
20 WRITING NAMES AND THINGS LIKE THAT DOWN. TURNED  
21 AROUND AND WALKED INTO THE LIVING ROOM WHERE MR. COPE  
22 WAS, HE WAS BACK AT HIS DESK AT THAT TIME.

23 Q ALL RIGHT. AND DID YOU GO AND TALK TO HIM?

24 A YES. I WENT TO SPEAK WITH HIM ABOUT, I WANTED  
25 TO GET NAMES, I WANTED TO GET HIS FULL NAME, THINGS

1       LIKE THAT FOR THE REPORT, FOR THE DATE OF BIRTH,  
2       HEIGHT, WEIGHT, THINGS LIKE THAT.

3       Q       AND WHAT OTHER INFORMATION IF ANY DID YOU GET  
4       FROM HIM REGARDING THE CAUSE OF HIS DAUGHTER'S DEATH?

5       A       WHILE I WAS SPEAKING TO HIM I ASKED HIM HOW THIS  
6       COULD HAVE HAPPENED AND HE WAS TELLING ME THAT SHE  
7       WAS A HARD SLEEPER AND THAT SHE ALWAYS HAS BEEN AND  
8       THAT THE SHEETS OR THE BEDDING HAD WRAPPED AROUND HER  
9       NECK EVIDENTLY DURING THE NIGHT, AND HE TOLD ME THAT  
10      HE HAD TOLD HER AWHILE BACK THAT SHE WAS, YOU KNOW,  
11      SHE SHOULD CUT THE FRAYED ENDS AND THAT THE TEAR, THE  
12      TEARS ON THE BEDDING AND ALL BECAUSE IT COULD CHOKE  
13      HER DURING THE NIGHT BECAUSE SHE WAS A HARD SLEEPER.

14     Q       OKAY. DID HE, WHAT DID HE DESCRIBE TO YOU OR  
15     TELL YOU ABOUT HIS DISCOVERY OF HIS DAUGHTER?

16     A       WHEN I ASKED HIM WHEN HE HAD FOUND HER OR WHEN  
17     HE HAD NOTICED THAT SHE WAS DECEASED HE SAID HE GOT  
18     UP AT ABOUT SIX THAT MORNING AND HE GOT UP, WALKED  
19     THROUGH THE HALLWAY, CALLED OUT HER NAME LIKE HE  
20     USUALLY DOES TO GET THE KIDS UP IN THE HOUSE FOR  
21     SCHOOL, AND WHEN SHE DIDN'T RESPOND HE STEPPED BACK  
22     INTO THE ROOM AND TURNED THE LIGHT ON AND THAT'S HOW  
23     HE FOUND HER.

24     Q       WHAT, AFTER, AT SOME POINT DID INVESTIGATORS  
25     ARRIVE?

1 A YES, SIR.

2 Q OKAY. AND WHAT WERE YOUR RESPONSIBILITIES AFTER  
3 THE INVESTIGATORS ARRIVED?

4 A AT THAT POINT AFTER THAT SMALL CONVERSATION THEN  
5 I STARTED GETTING NAMES BECAUSE WE NEEDED NAMES OF,  
6 YOU KNOW, EVERYBODY WHO HAD COME IN THE HOUSE FIRST,  
7 SO THAT WAS MY RESPONSIBILITY THEN TO START JUST  
8 LISTING THE NAMES AND IT WAS RIGHT AT SHIFT CHANGE SO  
9 I KNEW THE OTHER SHIFT WAS GOING TO COME ON SO I  
10 STARTED GETTING IT ON PIECE OF PAPER. I WAS GOING TO  
11 GO OUT TO MY CAR AND GET A CRIME SCENE LOG, BUT ONCE  
12 I GOT TO OUT TO THE YARD THEY ALREADY STARTED THE  
13 TAPE AND ANOTHER OFFICER TOOK THE INFORMATION FROM ME  
14 AND ACTUALLY PUT IT ON THE CRIME SCENE LOG.

15 Q WHEN YOU SAY THEY ALREADY STARTED TO TAPE, WHAT  
16 TAPE?

17 A THE CRIME SCENE TAPE.

18 Q WHAT WAS HIS, THE DEFENDANT'S, Demeanor DURING  
19 THE TIME TALKING TO HIM?

20 A HE WAS REAL CALM. HE WAS, ONE THING I NOTICED  
21 HE WAS, WHEN I WAS TRYING TO GET, WHEN I FIRST WALKED  
22 BACK IN THE LIVING ROOM AND STARTED TALKING TO HIM  
23 TRYING TO GET HIS FULL NAME AND THE DECEASED HER FULL  
24 NAME AND HE WAS, AT THAT TIME I JUST NOTICED THAT HE  
25 WAS MORE CONCERNED WITH WHAT HE WAS DOING WITH HIS

1       COMPUTER, AND I KEPT HAVING TO ASK HIM, MR. COPE, YOU  
2       KNOW, WHAT ABOUT THIS. YOU KNOW, HOW MUCH DOES SHE  
3       WEIGH, DATE OF BIRTH, THINGS LIKE THAT.

4       Q       AND DID YOU PREPARE A SUMMARY IN THIS MATTER?

5       A       YES, SIR.

6       Q       AND WHAT TIME DID YOU TURN THAT SUMMARY IF YOU  
7       RECALL IN TO THE DETECTIVES?

8       A       WE HAD TO, WE WERE BACK ON SHIFT THAT NIGHT AT  
9       SIX O'CLOCK. WHEN I CAME IN AFTER ROLL CALL, THAT'S  
10      WHEN I TYPED IT UP.

11      Q       THAT SAME DAY NOVEMBER 29?

12      A       IT WAS THE SAME DAY.

13      Q       AND APPROXIMATELY HOW LONG WERE YOU IN THE ROOM  
14      OBSERVING THE, AMANDA?

15      A       I WOULDN'T EVEN SAY MORE THAN 15 OR 20 SECONDS.  
16      THERE WAS ALREADY A FEW PEOPLE IN THERE AND.

17      Q       ALL RIGHT, SIR. THANK YOU VERY MUCH. PLEASE  
18      ANSWER ANY QUESTIONS THAT COUNSEL FOR THE DEFENSE MAY  
19      HAVE FOR YOU.

20      CROSS EXAMINATION BY MR. MORTON:

21      Q       I HAVE JUST A COUPLE QUESTIONS FOR YOU, OFFICER  
22      JONES. MY NAME IS JIM MORTON AND I REPRESENT  
23      MR. COPE. MR. COPE TOLD YOU THAT HIS LITTLE GIRL WAS  
24      DEAD?

25      A       YES, SIR.

1 Q THOSE WERE HIS WORDS?

2 A YES, SIR.

3 Q AND HE ALSO TOLD YOU THAT SHE'S IN A BETTER  
4 PLACE NOW. SHE'S WITH JESUS?

5 A HE ACTUALLY, HE ACTUALLY SAID THAT TO THE TWO  
6 GIRLS THAT WERE SITTING ON THE COUCH. WHILE I WAS  
7 SPEAKING TO HIM THEY WERE CRYING AND PRETTY UPSET, SO  
8 HE TOLD THEM THAT.

9 Q DID YOU TALK TO THEM ANY ABOUT WHAT THEY HAD  
10 HEARD OR DID YOU MAKE ANY NOTES ABOUT ANYTHING?

11 A THE ONLY THING I SAID TO THE TWO GIRLS, I JUST  
12 ASKED THEM IF THEY WERE OKAY, AND I DIDN'T REALLY DO  
13 ANYTHING AS FAR AS INTERVIEWS OR ANYTHING WITH THEM.  
14 I DIDN'T EVEN GET THAT FAR.

15 Q YOU DON'T KNOW MR. COPE?

16 A NO, SIR.

17 Q YOU NEVER TALKED TO HIM BEFORE?

18 A NO, SIR.

19 Q YOU HAD NEVER SEEN HIM BEFORE?

20 A ACTUALLY I HAVE SEEN HIM BEFORE.

21 Q OKAY. BUT YOU NEVER, YOU DIDN'T KNOW HIM?

22 A NO, SIR.

23 Q YOU DON'T KNOW, YOU HAD NEVER BEEN AROUND HIM  
24 WHEN HIS LITTLE GIRL HAD DIED?

25 A RIGHT.



1 Q HOW MANY PEOPLE WERE THERE IN THE SCENE?

2 A WHEN I WALKED INTO THE ROOM I BELIEVE I REMEMBER  
3 AT LEAST THREE PLUS MYSELF WHEN I WALKED IN THE ROOM.

4 Q AND THOSE WOULD HAVE BEEN WHO?

5 A THE FIRST RESPONDERS.

6 Q IT WAS ABOUT SIX O'CLOCK IN THE MORNING, RIGHT?

7 A RIGHT.

8 Q SO IN OTHER WORDS, THE CALL GOES OUT TO 911 FROM  
9 MR. COPE AND Y'ALL RESPOND?

10 A RIGHT.

11 Q YOU FIND HIM THERE. HE TAKES YOU BACK, SHOWS  
12 YOU HIS DAUGHTER, RIGHT?

13 A WELL, HE POINTED THAT WAY. I WALKED THAT WAY  
14 AND HE CAME IN BEHIND ME.

15 Q YOU NEVER HEARD HIM SAY ANYTHING ABOUT HER BEING  
16 NAKED WHEN HE FOUND HER, DID YOU?

17 A NO, SIR.

18 Q YOU SURE ABOUT THAT?

19 A I'M PRETTY POSITIVE.

20 Q ALL RIGHT. NOW I'M GOING TO SHOW YOU A  
21 PHOTOGRAPH AND DO YOU RECOGNIZE THAT? CAN YOU TELL  
22 IF THAT'S HIS DESK THAT HE WAS SITTING AT?

23 A IT LOOKS LIKE IT COULD BE, YES.

24 MR. MORTON: YOUR HONOR, IF THEY DON'T  
25 HAVE OBJECTION I MOVE TO INTRODUCE THIS.

1 MR. BRACKETT: NO OBJECTION.

2 MR. GREELEY: NO OBJECTION.

3 THE COURT: BE RECEIVED WITHOUT OBJECTION.

4 (DEFENSE EXHIBIT SEVEN PHOTOGRAPH IN  
5 EVIDENCE.)

6 Q NOW OFFICER TAYLOR, THIS IS A PHOTOGRAPH OF THE  
7 DESK THAT MR. COPE WAS SITTING AT THAT MORNING,  
8 CORRECT?

9 A IT COULD BE, YES, SIR.

10 Q OKAY. AND THIS IS A PHOTOGRAPH, DO YOU KNOW WHO  
11 THIS PHOTOGRAPH WAS TAKEN BY?

12 A NO, SIR.

13 Q WOULD YOU DENY THAT IT WAS TAKEN BY THE POLICE  
14 DEPARTMENT?

15 A NO, SIR.

16 Q OKAY. AND IN THAT PHOTOGRAPH YOU SEE A  
17 CLUTTERED DESK, CORRECT?

18 A YES, SIR.

19 Q WITH A TELEPHONE IN FRONT OF IT?

20 A UH-HUH.

21 Q CORRECT?

22 A YES, SIR.

23 Q OKAY.

24 (PHOTOGRAPH HANDED TO THE JURY.)

25 Q NOW AT SIX O'CLOCK IN THE MORNING I BELIEVE IS

1 SHIFT CHANGE, IS THAT RIGHT?

2 A YES, SIR.

3 Q SO THERE WAS A SHIFT OF POLICE OFFICERS COMING  
4 ON AND THERE WAS POLICE OFFICERS A SHIFT OFFICERS  
5 GOING OFF?

6 A RIGHT.

7 Q AND YOU WERE THERE FOR ABOUT HOW LONG?

8 A ALL TOGETHER I WAS PROBABLY THERE ABOUT 30-35  
9 MINUTES.

10 Q AND DURING THAT 35 MINUTES HOW MANY PEOPLE WOULD  
11 YOU ESTIMATE CAME IN AND OUT OF THERE?

12 A WHILE I WAS THERE I KNOW THE FIRST RESPONDERS  
13 ARE THERE WHEN I GOT THERE, MYSELF. OFFICER JONES  
14 CAME IN BEHIND ME, AND WHEN I WALKED OUTSIDE I SPOKE  
15 TO OFFICER JORDON ON THE PORCH AND THEN HE WENT IN  
16 AND AFTER THAT I STAYED OUTSIDE IN THE YARD. I  
17 HELPED WITH THE TAPE AND MADE SURE THE CRIME SCENE  
18 LOG, THE NAMES WERE PUT IT, SO THAT THE OTHER  
19 OFFICERS COULD NOTE.

20 Q WERE PEOPLE THERE FROM BOTH SHIFTS?

21 A YEAH. THEY HAD SENT A COUPLE, THEY HAD SENT  
22 OFFICER QUINN I BELIEVE IT WAS AND A COUPLE OTHER  
23 OFFICERS COME OUT THERE AND RELIEVED US.

24 Q OKAY. DETECTIVES THERE?

25 A DETECTIVES SHOWED UP AS I WAS LEAVING. I

1 REMEMBER THE SUPERVISOR FOR THE SHIFT SHOWED UP AND  
2 HE WAS CALLING FOR DETECTIVES AND I HAD LEFT. IT WAS  
3 PROBABLY ABOUT 15 MINUTES TO SEVEN WHEN I LEFT.

4 Q THANK YOU VERY MUCH.

5 MR. GREELEY: NO QUESTIONS.

6 THE COURT: MR. BRACKETT.

7 MR. BRACKETT: NOTHING FURTHER.

8 THE COURT: ANY OBJECTION TO HIM BEING  
9 EXCUSED.

10 MR. MORTON: NO, SIR.

11 MR. GREELEY: NO, YOUR HONOR.

12 THE COURT: WE APPRECIATE YOUR TIME.  
13 THANK YOU. YOU CAN BE EXCUSED.

14 MR. BRACKETT: THE STATE WOULD CALL  
15 OFFICER KEVIN JONES.

16 KEVIN JONES, BEING FIRST DULY  
17 SWORN, TESTIFIED AS FOLLOWS:

18 DIRECT EXAMINATION BY MR. BRACKETT:

19 Q SIR, GOOD AFTERNOON. HOW ARE YOU?

20 A NOT TOO BAD.

21 Q WHAT'S YOUR FULL NAME?

22 A KEVIN JONES.

23 Q ALL RIGHT. WHERE DO YOU WORK, MR. JONES?

24 A I'M EMPLOYED WITH THE YORK COUNTY SHERIFF'S  
25 OFFICE.

1 Q HOW LONG HAVE YOU BEEN WITH THE SHERIFF'S  
2 OFFICE?

3 A IT WILL BE TWO YEARS IN DECEMBER.

4 Q BEFORE THE SHERIFF'S OFFICE WHERE DID YOU WORK?

5 A THE ROCK HILL POLICE DEPARTMENT.

6 Q WHAT DID YOU DO FOR THE ROCK HILL POLICE  
7 DEPARTMENT?

8 A I WAS A PATROL OFFICER.

9 Q AND WERE YOU A COLLEAGUE OF OFFICER TAYLOR WHO  
10 JUST LEFT?

11 A YES, SIR, WE WORKED TOGETHER. HE WORKED SIX AND  
12 I WORKED SEVEN SO.

13 Q SO THOSE ARE LOCATIONS WITHIN THE CITY?

14 A YES, SIR, IT'S CERTAIN ZONES.

15 Q I GOT YOU. BUT YOU WORKED THE SAME SHIFT?

16 A YES, SIR.

17 Q SO YOU WOULD HAVE BEEN WORKING ON NOVEMBER 29 OF  
18 2001?

19 A YES, SIR.

20 Q OKAY. AND DID YOU HAVE OCCASION TO RESPOND TO  
21 THE CALL OUT OF 407 RICH STREET INVOLVING MR. COPE?

22 A SURE DID.

23 Q AND APPROXIMATELY WHAT TIME DID YOU ARRIVE?

24 A IT WAS IN THE NEIGHBORHOOD SHORTLY AFTER SIX  
25 O'CLOCK IN THE MORNING.

1 Q OKAY. AND WERE YOU, DID YOU ARRIVE BEFORE OR  
2 AFTER OFFICER TAYLOR, DO YOU RECALL?

3 A WE ARRIVED BASICALLY AT THE SAME TIME. HE WENT  
4 INSIDE BEFORE I DID SO IT WAS BASICALLY AROUND THE  
5 SAME TIME.

6 Q NOW WHEN YOU ARRIVED WHAT WAS THE FIRST THING  
7 YOU SAW UPON ENTERING THE HOUSE?

8 A THE FIRST THING I SAW WAS THERE WAS TWO LITTLE  
9 GIRLS SITTING ON A COUCH RIGHT AFTER THE DOOR  
10 ENTRANCE ON THE LEFT SIDE. THEN I WENT INTO THE  
11 HOUSE, I LOOKED TO THE RIGHT, AND MR. COPE WAS  
12 SITTING AT A COMPUTER CHAIR ON TO THE RIGHT FAR SIDE.

13 Q AND WHAT, WHAT WAS THE CONDITION OF THE GIRLS?  
14 WHAT WERE THEY DOING?

15 A BASICALLY THEY WERE SCARED. THEY WERE CRYING  
16 AND I REMEMBER TELLING THEM SOMETHING LIKE, IT WAS  
17 GOING TO BE OKAY, AND BUT THEY WERE REALLY SHAKEN UP.

18 Q AND WHAT WAS THE FATHER DOING, MR. COPE?

19 A HE APPEARED TO BE WORKING AT A COMPUTER. WHEN  
20 HE SAW ME, HE TURNED AROUND. I ASKED HIM WHAT WAS  
21 GOING ON AND HE TOLD ME AND I THEN WENT, FROM TALKING  
22 TO HIM I WALKED IN THE BACK TO THE HALLWAY BEFORE THE  
23 BEDROOM.

24 Q WAS MR. COPE TALKING ON THE TELEPHONE WHEN YOU  
25 CAME IN?

1 A NOT THAT I RECALL.

2 Q WAS HE DIALING THE TELEPHONE WHEN YOU CAME IN?

3 A NOT THAT I RECALL.

4 Q WHAT IS YOUR LEVEL OF CERTAINTY THAT HE WAS  
5 ACTUALLY TYPING ON THE COMPUTER?

6 A A HUNDRED PERCENT.

7 Q OKAY. WHAT DID HE STATE TO YOU IF ANYTHING WHEN  
8 YOU CAME IN?

9 A I ASKED HIM WHAT WAS GOING ON AND HE TOLD ME HIS  
10 DAUGHTER WAS DEAD. AND I SAID WELL, HOW DID IT  
11 HAPPEN. AND HE SAID SHE STRANGLED HERSELF IN HER BED  
12 LINENS.

13 Q AND HOW LONG DID YOU TALK WITH HIM AT THIS POINT  
14 IN TIME?

15 A THE FIRST TIME IT WASN'T MORE THAN 30 SECONDS.

16 Q WHAT DID YOU DO AFTER THAT BRIEF CONVERSATION?

17 A I WENT FROM THE MAIN LIVING ROOM AND WALKED TO  
18 THE HALLWAY AND SAW THE BEDROOM AND I DIDN'T ENTER  
19 THE BEDROOM. I SAW A LOT OF MEDICAL PERSONNEL AND  
20 OFFICER TAYLOR HAD THEN ALREADY WALKED INTO THE  
21 BEDROOM.

22 Q HOW LONG WERE YOU BACK THERE?

23 A ROUGHLY MAYBE A MINUTE, TWO MINUTES.

24 Q ALL RIGHT. AND WHERE DID YOU GO WHEN YOU LEFT  
25 FROM THERE?

1       A     OFFICER TAYLOR TURNED AROUND AND TOLD ME HE  
2       NEEDED TO SEE ME OUTSIDE.  WE WALKED BACK OUT THE  
3       LIVING ROOM OUT THE FRONT DOOR AND BACK OUTSIDE.

4       Q     WHEN YOU WERE BACK IN THE HALLWAY DID YOU HAVE A  
5       CLEAR VIEW OF AMANDA AS SHE LAY ON HER BED?

6       A     NOT REAL CLEAR.  I MEAN I COULDN'T SEE HER  
7       PERFECTLY, BUT JUST ROUGHLY.

8       Q     DID YOU SPEAK TO MR. COPE AT ALL AGAIN BEFORE,  
9       WHILE YOU WERE THERE?

10      A     YES, SIR.  I WENT BACK INSIDE AND AT THIS TIME  
11      SEVERAL PEOPLE WERE COMING.  I REMEMBER THE  
12      GRANDFATHER COMING TO PICK THE KIDS UP AND AT ONE  
13      POINT MR. COPE FLAGGED ME DOWN AND HE SAID CAN I ASK  
14      YOU A QUESTION.  AND I SAID YES, SIR.  AND HE ASKED  
15      ME IF ANYTHING BAD WAS GOING TO HAPPEN TO HIM WITH  
16      HIS DAUGHTER BEING DEAD IN THE HOUSE.  AND I  
17      RESPONDED THAT I COULDN'T ANSWER THAT.  I DIDN'T  
18      KNOW.

19      Q     UP TO THIS POINT WAS THERE ANY INDICATION BY YOU  
20      TO HIM THAT SOMETHING WAS AMISS?

21      A     NO, SIR.

22      Q     WHAT WAS HIS Demeanor DURING THIS TIME PERIOD?  
23      DESCRIBE IT AS BEST AS YOU CAN RECALL WHAT HIS  
24      Demeanor WAS WHEN YOU WERE DEALING WITH HIM?

25      A     I WANT TO SAY CALM BUT IT WAS MORE CALM THAN



1 DISORIENTED TO MY VIEWPOINT WHEN I WAS TALKING TO  
2 HIM. REAL, NOT REALLY LAID BACK, BUT JUST KIND OF  
3 PERPLEXED A LITTLE BIT.

4 Q DID INVESTIGATORS AND DETECTIVES ULTIMATELY  
5 ARRIVE ON THE SCENE?

6 A YES, SIR. INVESTIGATIVE JORDAN ARRIVED SHORTLY  
7 AFTER WE DID, THEN WE RADIOED INTO DISPATCH THAT WE  
8 NEEDED A SUPERVISOR AND SOME DETECTIVES AND THEY  
9 INITIALLY CAME.

10 Q AND WHAT WERE YOUR RESPONSIBILITIES AFTER THAT?

11 A BASICALLY TRYING TO START A CRIME SCENE AND  
12 SECURING THE CRIME SCENE WITH CRIME SCENE TAPE.

13 Q WHEN AN INVESTIGATOR ARRIVES ON THE SCENE WHO IS  
14 THE RANKING PERSON AT THAT POINT?

15 A THE INVESTIGATOR.

16 Q OKAY. ALL RIGHT. THANK YOU VERY MUCH, SIR.

17 PLEASE ANSWER ANY QUESTIONS COUNSEL FOR THE DEFENSE  
18 MAY HAVE.

19 CROSS EXAMINATION BY MR. WOOD:

20 Q GOOD AFTERNOON, DEPUTY JONES?

21 A HOW YOU DOING, SIR.

22 Q HOW YOU DOING?

23 A NOT TOO BAD.

24 Q YOU WROTE A STATEMENT ABOUT NOVEMBER 29, 2001,  
25 IS THAT CORRECT?

1 A I'M SORRY.

2 Q YOU WROTE A STATEMENT ABOUT NOVEMBER 29?

3 A YES, SIR.

4 Q AND YOU DIDN'T TAKE ANY NOTES WHEN YOU WERE AT  
5 THE COPE HOUSEHOLD, DID YOU?

6 A NO, SIR.

7 Q DO YOU REMEMBER ABOUT WHAT TIME YOU ARRIVED AT  
8 RICH STREET?

9 A SHORTLY AFTER SIX O'CLOCK. IT WASN'T ANY LATER  
10 THAN TEN AFTER SIX.

11 Q AND YOU WROTE THIS SUMMARY APPROXIMATELY 10:30  
12 A.M. THAT MORNING, IS THAT CORRECT?

13 A YES, SIR. THEY PAGED ME, ACTUALLY PAGED ME AT  
14 HOME AND OF COURSE I HAD TO GO UP THERE AND TYPE IT  
15 OUT.

16 Q AND YOU'D BEEN WORKING THE CHARLIE SHIFT THE  
17 NIGHT BEFORE, IS THAT CORRECT?

18 A YES, SIR.

19 Q AND THAT'S SIX P.M. FROM THE 28 TO SIX A.M. ON  
20 THE 29?

21 A YES, SIR.

22 Q OKAY. SO THE TIME YOU WROTE THIS STATEMENT  
23 YOU'D BEEN UP FOR PROBABLY ALMOST 20 HOURS, IS THAT  
24 CORRECT?

25 A I LEFT THERE I WOULD SAY QUARTER OF 8 AND I

1 DON'T THINK I GOT HOME UNTIL ABOUT 8:30. OF COURSE I  
2 WENT TO BED AND I GOT A PAGE I WOULD SAY AROUND TEN  
3 O'CLOCK.

4 Q YOU'D BEEN WORKING ALL NIGHT?

5 A YES, SIR.

6 Q AND YOU WERE TIRED?

7 A I WAS TIRED.

8 Q NOW YOU TESTIFIED THAT WHEN YOU WALKED IN THE  
9 HOUSE BILLY WAS SITTING AT HIS COMPUTER DESK, IS THAT  
10 CORRECT?

11 A YES, SIR.

12 Q AND YOU TESTIFIED THAT YOU WERE 100 PERCENT  
13 CERTAIN THAT HE WAS WORKING ON THE COMPUTER?

14 A YES, SIR.

15 Q OKAY. NOW DO YOU REMEMBER TESTIFYING IN THE  
16 FAMILY COURT CASE?

17 A YES, SIR.

18 Q AND IN RESPONSE TO MR. MORTON QUESTIONING YOU,  
19 DO YOU REMEMBER SAYING THAT HE WAS NOT WORKING ON THE  
20 COMPUTER?

21 A I DON'T REMEMBER SAYING HE WASN'T WORKING. I  
22 REMEMBER SAYING THE COMPUTER WAS ON AND HE WAS  
23 SITTING AT THE COMPUTER DESK.

24 Q OKAY. BUT NOW YOU ARE SAYING YOU ARE A HUNDRED  
25 PERCENT CERTAIN HE WAS WORKING ON THE COMPUTER?

1 A WHEN YOU SAY WORKING DO YOU MEAN ACTIVELY  
2 TYPING?

3 Q LET'S SAY FOR EXAMPLE THE COURT REPORTER OR THE  
4 CLERK OF CLERK, THERE IS A COMPUTER THERE AND THEY  
5 ARE SITTING AT A DESK WITH A COMPUTER, BUT SHE'S NOT  
6 WORKING ON THAT COMPUTER, IS SHE?

7 A SHE'S NOT ACTIVELY WORKING ON IT BUT IT'S ON,  
8 SHE'S GOING TO BE WORKING ON IT. SHE'S NOT WORKING  
9 ON IT RIGHT NOW.

10 Q OKAY. AND YOU WALKED IN THE HOME MR. COPE  
11 WASN'T WORKING ON THE COMPUTER, WAS HE?

12 A HE WAS SITTING AT THE COMPUTER, THE COMPUTER WAS  
13 ON, HE WAS FACED TOWARD THE COMPUTER AND WHEN HE SAW  
14 ME HE TURNED AROUND.

15 Q AND THERE WAS ALSO A PHONE SITTING THERE, WASN'T  
16 THERE?

17 A I BELIEVE THERE WAS A PHONE. I DIDN'T SEE HIM  
18 ON THE PHONE.

19 Q NOW YOU DIDN'T SEE HIM TYPING?

20 A NO, SIR.

21 Q YOU DIDN'T SEE HIM USING A MOUSE?

22 A NO, SIR.

23 Q NOW YOU HAD A CHANCE TO OBSERVE MR. COPE THAT  
24 DAY, DIDN'T YOU?

25 A YES, SIR.

1 Q DID YOU SEE ANY BLOOD ON HIS HANDS?

2 A NO, SIR.

3 Q AND YOU DIDN'T SEE ANY BLOOD ON HIS ARMS?

4 A NO, SIR.

5 Q NO BLOOD ON HIS CLOTHES?

6 A NO, SIR.

7 Q NO SCRATCHES, BRUISES, NOTHING?

8 A I DIDN'T LOOK FOR WOUNDS. I DIDN'T LOOK FOR

9 SCRATCHES. BLOOD WOULD BE APPARENT.

10 Q NOW THIS WAS, YOU WERE CALLED OUT FOR A SIGNAL

11 27, IS THAT CORRECT?

12 A YES, SIR.

13 Q AND A SIGNAL 27 IS A DEATH INVESTIGATION?

14 A YES, SIR.

15 Q AND SO WHEN YOU ENTER A CRIME SCENE WHEN THERE

16 IS BEEN A DEATH, YOU ARE LOOKING FOR STUFF LIKE

17 BLOOD?

18 A YES, SIR.

19 Q YOU DIDN'T SEE ANY ON MR. COPE?

20 A NO, SIR.

21 Q NOW WOULD YOU AGREE THAT ONE OF THE MOST

22 IMPORTANT, CRUCIAL THINGS TO DO WHEN YOU ARRIVE AT

23 CRIME SCENE IS TO SECURE THAT CRIME SCENE?

24 A YES, SIR.

25 Q IT'S IMPORTANT TO PROTECT THE EVIDENCE THERE?

1 A YES, SIR.

2 Q BECAUSE IF THERE ARE TOO MANY PEOPLE TRAIPSING  
3 IN AND OUT, EVIDENCE CAN GET DESTROYED?

4 A YES, SIR.

5 Q CAN GET OVERLOOKED?

6 A YES, SIR.

7 Q AND YOU TESTIFIED THAT YOU AND OFFICER TAYLOR  
8 YOU BOTH SECURED THE CRIME SCENE, CORRECT?

9 A ALONG WITH A COUPLE OTHER OFFICERS WHO ARRIVED  
10 AFTERWARDS.

11 Q WOULD IT SURPRISE YOU TO KNOW THAT BETWEEN 6:04  
12 AND 6:15 14 PEOPLE WERE TRAIPSING IN AND OUT OF 407  
13 RICH STREET?

14 A WOULD IT SURPRISE ME, YES, SIR.

15 Q SO BASICALLY THE CRIME SCENE WASN'T SECURED?

16 A IT WAS SECURED.

17 Q I MEAN, IF YOU HAD A BADGE YOU GOT IN?

18 A YES, SIR BECAUSE WE HAD TO INVESTIGATE IT.

19 Q AND ONE OF THE MOST IMPORTANT THINGS ABOUT  
20 SECURING A CRIME SCENE IS TO ENSURE THAT NONESSENTIAL  
21 PERSONNEL AREN'T IN THE CRIME SCENE?

22 A YES, SIR.

23 Q SO ALL 14 PEOPLE OF THOSE PEOPLE WERE ESSENTIAL  
24 PERSONNEL? THEY WERE ALL INVESTIGATING THE CASE?

25 A I HAVEN'T SEEN THE CRIME SCENE LOG. I DON'T

1 KNOW HOW MANY PEOPLE CAME IN AND OUT OF THE HOUSE,  
2 BUT THEY WERE EITHER MEDICAL, FIRE, OR POLICE.

3 Q NOW YOU DIDN'T SEE ANY SIGNS OF FORCED ENTRY?

4 A NO, SIR.

5 Q ON YOUR STATEMENT YOU PUT DOWN IN YOUR STATEMENT  
6 THAT THERE WAS A BLANKET WRAPPED AROUND AMANDA'S  
7 NECK, IS THAT CORRECT?

8 A I BELIEVE SO.

9 Q SO WHEN YOU WENT INTO THE ROOM YOU SAW A BLANKET  
10 WRAPPED SEVERAL TIMES AROUND AMANDA COPE'S NECK?

11 A I DIDN'T GO INTO THE ROOM. I VIEWED IT FROM THE  
12 HALLWAY BECAUSE THERE WERE SO MANY PEOPLE IN THE ROOM  
13 ALREADY.

14 Q BUT FROM WHERE YOU WERE STANDING, LOOKED AT THE  
15 BODY, YOU COULD SEE A BLANKET WRAPPED AROUND HER  
16 NECK?

17 A I THOUGHT IT WAS A BLANKET.

18 Q OKAY. THANK YOU.

19 THE COURT: MR. GREELEY.

20 MR. GREELEY: MAY IT PLEASE THE COURT.

21 CROSS EXAMINATION BY MR. GREELEY:

22 Q OFFICER JONES, YOU SAID YOU SAW NO SIGNS OF  
23 FORCED ENTRY. DID YOU LOOK?

24 A YES, SIR.

25 Q HOW DID YOU LOOK? WHAT DID YOU DO?

1 A WE VISUALLY WALKED AROUND THE HOUSE.

2 Q WHO IS WE?

3 A ME, OFFICER TAYLOR, AND I BELIEVE OFFICER QUINN  
4 AND OFFICER CANTY. WE WERE ALL TRYING TO STRING UP  
5 CRIME SCENE TAPE. OF COURSE, THERE WAS A LOT OF  
6 POLICE PERSONNEL OUT THERE, SO IT MIGHT HAVE BEEN  
7 MORE THAN US FOUR TYING UP TAPE.

8 Q BUT YOU KNOW THAT AT LEAST FOUR OF YOU WENT  
9 AROUND THE HOUSE?

10 A YES, SIR.

11 Q AND HAD YOU BEEN TRAINED ON WHAT TO LOOK FOR?

12 A ROUGHLY. I DON'T HAVE IN-DEPTH TRAINING.

13 Q OKAY. WHAT WERE YOU LOOKING FOR THAT DATE?

14 A BUSTED WINDOWS, OPEN WINDOWS.

15 Q OKAY. DID YOU SEE PERSONALLY ANY SIGNS OF A  
16 FORCED ENTRY ON THAT HOUSE THAT DAY?

17 A NO, SIR.

18 Q AND AS WELL AS YOU THERE WERE AT LEAST THREE  
19 OTHER OFFICERS THAT YOU WERE AWARE OF WHO WERE  
20 LOOKING FOR THE SAME THING?

21 A RIGHT, YES, SIR.

22 Q AND YOU MENTION THAT MR. COPE AT ONE POINT  
23 PULLED YOU ASIDE AND ASKED YOU THE QUESTION AS TO  
24 WHETHER OR NOT HE MIGHT GET IN TROUBLE SINCE HIS  
25 DAUGHTER WAS FOUND DEAD IN HIS HOUSE, IS THAT RIGHT?



1 A THAT WASN'T HIS WORDS.

2 Q WHAT WERE HIS WORDS?

3 A IS THERE ANYTHING BAD GOING TO HAPPEN TO ME WITH  
4 MY DAUGHTER BEING DEAD IN MY HOUSE.

5 Q SO IS IT A FAIR STATEMENT THAT JUST NOT TOO LONG  
6 AFTER HE CALLED THE POLICE HE'S ALREADY THINKING  
7 ABOUT HIMSELF?

8 A SIR, I DON'T KNOW. I DON'T KNOW WHAT HE WAS  
9 THINKING.

10 MR. GREELEY: THANKS.

11 REDIRECT EXAMINATION BY MR. BRACKETT:

12 Q MR. WOOD ASKED YOU ABOUT THE BLANKET AROUND THE  
13 NECK.

14 A YES, SIR.

15 Q TURNING YOUR ATTENTION TO THAT. DID MR. COPE  
16 TELL YOU ANYTHING ABOUT FINDING THAT BLANKET AROUND  
17 HIS NECK?

18 A HE REFERRED TO IT AS BED LINENS.

19 Q OKAY. WHAT DID HE TELL YOU ABOUT THAT?

20 A HE SAID THE BED LINENS HAD BEEN WRAPPED AROUND  
21 HER NECK.

22 Q DID HE TELL YOU HOW MANY TIMES?

23 A I THINK HE MIGHT HAVE SAID FOUR, FOUR TO FIVE.

24 Q AND WHAT IN FACT DOES YOUR REPORT SAY THAT YOU  
25 OBSERVED?

1 A YES, SIR.

2 (HANDED HIM THE REPORT.)

3 Q IN YOUR REPORT YOU SAID I OBSERVED WHAT?

4 A THE LINENS OF HER AND THE STATEMENT IS CUT OFF  
5 HAD BEEN WRAPPED AROUND HER NECK WHAT I WOULD  
6 ESTIMATE FOUR OR FIVE TIMES.

7 Q OKAY. WHEN DID YOU WRITE THIS REPORT?

8 A IT WAS ABOUT 11 O'CLOCK, 10:30-11 O'CLOCK THAT  
9 SAME MORNING.

10 Q AND HOW LONG DID YOU ACTUALLY GET TO SEE HER IN  
11 THE BED?

12 A MAYBE HALF, THE MAXIMUM WOULD HAVE BEEN A HALF A  
13 MINUTE.

14 Q ALL RIGHT. AND HOW MANY PEOPLE WERE IN THAT  
15 ROOM BETWEEN YOU AND HER?

16 A THERE WERE QUITE A BIT. OFFICER TAYLOR WAS IN  
17 THERE AND I CAN REMEMBER A COUPLE FIRE FIGHTERS AND A  
18 COUPLE EMS PEOPLE, BUT I CAN'T SAY THAT THERE WAS TEN  
19 PEOPLE.

20 Q OKAY. SO IS IT SAFE TO SAY YOUR VIEW IS  
21 OBSCURED?

22 A YES, SIR.

23 Q ALL RIGHT. I'M SHOWING YOU THE CRIME SCENE LOG.  
24 ARE YOU FAMILIAR WITH THAT? DOES YOUR NAME APPEAR ON  
25 THAT?

1 A YES, SIR.

2 Q OKAY. MR. WOOD ASKED YOU SOMETHING ABOUT 14  
3 PEOPLE BETWEEN 6:04 AND 6:15. WOULD YOU COUNT AND  
4 SEE HOW MANY PEOPLE BETWEEN 6:04 AND 6:15?

5 A ARE WE COUNTING MR. COPE AND HIS DAUGHTERS.

6 Q ARE THEY LISTED THERE?

7 A UH-HUH.

8 Q GO AHEAD AND COUNT THEM IN TOO.

9 (COMPLIES.)

10 A 14.

11 Q ALL RIGHT. NOW HOW MANY OF THOSE ARE PEOPLE  
12 THAT WERE IN THE HOUSE ALREADY? THE COPE'S'?

13 A YES, SIR, JUST THE COPE'S'.

14 Q AND HOW MANY IS THAT?

15 A FOUR.

16 Q OKAY. HOW MANY FIREMEN?

17 A FOUR.

18 Q HOW MANY EMS?

19 A TWO.

20 Q AND HOW MANY POLICE OFFICERS?

21 A FIVE.

22 Q OKAY. HOW LONG WERE THE EMS AND THE FIRE  
23 FIGHTERS IN THE HOUSE FOR, SIR?

24 A BEFORE I GOT THERE I'M NOT SURE.

25 Q OKAY. AFTER YOU GOT THERE?

1 A MAYBE 15 MINUTES AT THE MAXIMUM.

2 Q THANK YOU, SIR. NO FURTHER QUESTIONS.

3 MR. WOOD: NOTHING FURTHER, YOUR HONOR.

4 THE COURT: ANY OBJECTION TO THIS WITNESS  
5 BEING EXCUSED?

6 MR. BRACKETT: I WOULD REQUEST THAT HE BE  
7 EXCUSED.

8 MR. WOOD: NONE FROM THE DEFENSE, YOUR  
9 HONOR.

10 MR. GREELEY: NO OBJECTION.

11 THE COURT: WE APPRECIATE YOUR HELP.  
12 THANK YOU. FEEL FREE TO LEAVE.

13 MR. THOMPSON: THE STATE WOULD CALL  
14 INVESTIGATOR WAYNE JORDAN, YOUR HONOR.

15 WAYNE JORDAN, BEING FIRST DULY SWORN,  
16 TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION BY MR. THOMPSON:

18 Q STATE YOUR WHOLE NAME FOR THE COURT PLEASE?

19 A ANTHONY WAYNE JORDAN.

20 Q AND WHERE DO YOU WORK?

21 A I CURRENTLY WORK AT THE CHESTERFIELD COUNTY  
22 SHERIFF'S OFFICE.

23 Q HOW LONG HAVE YOU BEEN THERE?

24 A I'VE BEEN THERE FOR TWO YEARS.

25 Q WHERE WERE YOU WORKING BEFORE THAT?

1 A I WORKED FOUR YEARS FOR ROCK HILL CITY POLICE  
2 DEPARTMENT.

3 Q WERE YOU WORKING THE EARLY MORNING HOURS OF  
4 NOVEMBER 29, 2001?

5 A YES, SIR, I WAS.

6 Q CAN YOU TELL ME WERE YOU CALLED OUT TO 407 RICH  
7 STREET AT THAT TIME?

8 A YES, SIR, I WAS.

9 Q AND WHEN YOU ARRIVED AT THAT SCENE DO YOU RECALL  
10 ABOUT WHAT TIME IT WAS THAT YOU ARRIVED?

11 A WHEN I ARRIVED ON THE SCENE IT WAS AROUND  
12 6:05-6:10 SOMEWHERE THAT NEIGHBORHOOD.

13 Q AND WHAT DID YOU DO WHEN YOU ARRIVED ON THE  
14 SCENE?

15 A I WAS MET IN THE YARD THE YARD BY JEFF TAYLOR,  
16 OFFICER TAYLOR, AND HE ADVISED ME OF WHAT WE HAD AND  
17 THEN I WENT INSIDE THE RESIDENCE.

18 Q ALL RIGHT. WHEN YOU WENT IN THE RESIDENCE, DID  
19 YOU SEE THE DEFENDANT BILLY WAYNE COPE IN THE  
20 RESIDENCE?

21 A YES, I DID.

22 Q WHAT HE WAS DOING WHEN YOU ARRIVED AT THE  
23 RESIDENCE?

24 A HE WAS SITTING AT HIS COMPUTER WHICH WOULD HAVE  
25 BEEN TO MY RIGHT WHEN I WALKED IN THE DOOR.

1 Q WAS THE COMPUTER ON AT THAT TIME?

2 A YES, IT WAS.

3 Q ALL RIGHT. DID YOU SEE HIS DAUGHTERS IN THE  
4 RESIDENCE?

5 A I SEEN TWO YOUNG GIRLS SITTING ON THE COUCH TO  
6 MY LEFT.

7 Q AND AFTER, WHAT WERE THEY DOING AT THE TIME THE  
8 DAY?

9 A THEY WERE TRYING. THEY WERE REAL UPSET, CRYING.

10 Q ALL RIGHT. WHAT DID YOU DO AT THAT POINT?

11 A AT THAT TIME I WAS SHOWN TO THE BACK BEDROOM  
12 WHERE I FOUND A 12 YEAR OLD FEMALE LAYING ON THE BED.

13 Q ALL RIGHT. AND WAS SHE DECEASED AT THE TIME?

14 A YES, SIR, SHE WAS.

15 Q AND CAN YOU TELL ME DID YOU TAKE ANY PHOTOGRAPHS  
16 OF HER AT THAT POINT?

17 A YES. I WENT BACK TO MY CAR AND RETRIEVED MY  
18 DIGITAL CAMERA AND DID TAKE THREE PICTURES OF HER.

19 Q I SHOW YOU STATE'S EXHIBIT NUMBER 16, 17, AND  
20 18. IF YOU CAN TELL ME WHAT THOSE ARE PLEASE?

21 A THESE ARE THE DIGITAL CAMERA PICTURES I TOOK OF  
22 AMANDA COPE.

23 Q ALL RIGHT. AND DO THEY FAIRLY AND ACCURATELY  
24 DEPICT HOW SHE LOOKED AT THE TIME WHEN YOU ARRIVED?

25 A THAT'S EXACTLY HOW I FOUND HER, YES.

1 Q ALL RIGHT.

2 MR. THOMPSON: YOUR HONOR, I WOULD ASK TO  
3 ENTER THESE INTO EVIDENCE AT THIS TIME.

4 THE COURT: ANY OBJECTION.

5 MR. WOOD: WITHOUT OBJECTION.

6 MR. GREELEY: NO OBJECTION.

7 THE COURT: ALL RIGHT. BE RECEIVED  
8 WITHOUT OBJECTION ALL THREE.

9 (STATE'S EXHIBIT 16 THROUGH 18  
10 PHOTOGRAPHS IN EVIDENCE.)

11 Q I AM GOING TO PUT THEM UP ON THE SCREEN. IF YOU  
12 COULD STEP DOWN.

13 A YES, SIR.

14 Q CAN WE GET IT A LITTLE BETTER IN FOCUS HERE. IF  
15 YOU CAN TELL ME, IS THAT BASICALLY THE VIEW OF HER  
16 FROM WHEN YOU LOOK IN THE DOOR TO HER ROOM?

17 A YES, IT IS.

18 Q THE BAG THAT IS SITTING ON THE FRONT OF THE BED  
19 AT THAT TIME, CAN YOU TELL ME WHAT THAT IS?

20 A THE BLACK BAG RIGHT HERE IS MY CAMERA BAG FOR MY  
21 CAMERA.

22 Q OKAY. NOW THE BLANKET ITSELF AT THAT TIME I SEE  
23 THERE IS SOMETHING OF A GREEN BLANKET ON THE RIGHT,  
24 IS THAT CORRECT?

25 A YES. TO THE RIGHT THERE WOULD BE THE BLANKET.

1 Q AND WHAT IS THAT THAT COMES UP TO HER ARM?

2 A IT'S THE SILK EDGING OF THE BLANKET THAT IS  
3 STITCHED INTO THE BLANKET OR WAS STITCHED INTO THE  
4 BLANKET.

5 Q WAS THAT ACTUALLY AROUND HER ARM LIKE THAT WHEN  
6 YOU FIRST SAW HER?

7 A WHEN I FOUND HER THAT'S EXACTLY HOW IT WAS  
8 AROUND HER ARM.

9 Q ALL RIGHT. AND THIS IS STATE'S EXHIBIT NUMBER  
10 16. IF YOU LOOK AT NUMBER 17 AS WELL. IF YOU CAN  
11 TELL ME IN THIS PARTICULAR PHOTOGRAPH THERE IS  
12 SOMETHING WHITE ON HER HAND, CAN YOU TELL ME WHAT  
13 THAT IS? YOU MAY NEED TO ACTUALLY SEE THE ACTUAL  
14 PHOTOGRAPH.

15 A THAT'S WHAT THE EMS CALLED A LEAD OF THE HEART  
16 MONITOR.

17 Q IS THAT SOMETHING EMS PUT ON HER AT THAT POINT?

18 A YES, SIR, EMS PUT THAT ON HER.

19 Q THANK YOU. YOU CAN GO AHEAD AND HAVE A SEAT.

20 (THE WITNESS RESUMES THE WITNESS STAND.)

21 Q NOW THE OTHER PICTURE, INVESTIGATOR JORDAN, THE  
22 OTHER PICTURE I BELIEVE IS THAT ONE A LITTLE CLOSER  
23 OF HER, IF YOU NEED TO LOOK AT IT AGAIN.

24 A YES, SIR. WHICH PICTURE.

25 Q THE LAST ONE?



1 A YES, IT'S AN UP CLOSE.

2 Q STATE'S EXHIBIT 18.

3 A THIS IS AN UP CLOSE PICTURE OF HER.

4 Q OKAY. WOULD YOU TOUCH HER AND MOVE HER BODY IN  
5 ANY WAY AFTER YOU ARRIVED?

6 A NO, I DIDN'T.

7 Q NOW DID YOU HAVE AN OPPORTUNITY TO SPEAK TO  
8 MR. COPE AT THE SCENE?

9 A AFTER I TOOK MY PICTURES I WENT AND SPOKE TO HIM  
10 TO ASK HIM WHAT WAS GOING ON.

11 Q AND WHAT DID HE SAY?

12 A WHAT DID HE SAY TO ME?

13 Q YES.

14 A HE JUST SAID HE FOUND HIS DAUGHTER AND SHE WAS  
15 APPARENTLY DEAD AND THAT HE HAD TO UNWRAP THE, THE  
16 GREEN SILKY MATERIAL AROUND HER THROAT FOUR OR FIVE  
17 TIMES.

18 Q ALL RIGHT.

19 A AND HE FOUND IT AROUND HER THROAT.

20 Q ALL RIGHT. DID HE DESCRIBE TO YOU IN ANY DETAIL  
21 HOW IT WAS THAT HE FOUND HIS DAUGHTER?

22 A JUST LAYING FACE UP.

23 Q OKAY. AND DID HE SAY WHEN HE HAD GONE, WHEN  
24 THEY HAD GONE TO BED THE NIGHT BEFORE?

25 A HE ADVISED HIM THAT HE TOLD THEM, HER AND HER

1 SISTERS, TO GO AHEAD AND GO TO BED BECAUSE IT WAS  
2 AROUND 12-12:30.

3 Q DID HE TELL YOU ABOUT THE CIRCUMSTANCE OR THE  
4 TIME IN WHICH HE FOUND HIS DAUGHTER AT THAT POINT?

5 A I'M SORRY.

6 Q DID HE TELL YOU ABOUT THE TIME THAT HE FOUND HIS  
7 DAUGHTER, DID HE GIVE YOU A TIME AS FAR AS WHEN HE  
8 ACTUALLY DISCOVERED HER?

9 A HE HAD WOKEN UP AROUND QUARTER TO SIX TO WAKE  
10 THEM UP FOR SCHOOL.

11 Q OKAY. AND DID YOU AS PART OF YOUR DUTIES HAVE  
12 MR. COPE -- SHOW YOU STATE'S EXHIBIT NUMBER 19. AS  
13 PART OF YOUR DUTIES, DID YOU HAVE MR. COPE OR TALK TO  
14 MR. COPE OR WATCH HIM FILL OUT THAT FORM?

15 A YES, SIR, I DID.

16 Q CAN YOU TELL US WHAT THAT IS?

17 A THIS IS A ROCK HILL CITY POLICE DEPARTMENT  
18 CONSENT TO SEARCH FORM WHERE WE HAVE THEM FILL THEIR  
19 NAME AND ADDRESS OUT FOR WHAT WE INTEND ON SEARCHING  
20 AND HAVE THEM READ IT OUT ENTIRETY AND THEN HAVE HIM  
21 SIGN IT.

22 Q THEN DID HE SIGN THAT FORM?

23 A YES, SIR, HE DID.

24 Q AND WHAT DOES THAT FORM GIVE CONSENT TO DO?

25 A SEARCH HIS RESIDENCE AT 407 RICH STREET.

1 Q DID, WAS THAT FORM DATE AND TIMED AT THE TIME  
2 THAT HE SIGNED IT?

3 A YES, SIR, 11/29/01 AND AT 7:10 A.M.

4 Q ALL RIGHT.

5 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
6 THAT INTO EVIDENCE AT THIS POINT IN TIME.

7 MR. WOOD: WITHOUT OBJECTION.

8 MR. GREELEY: NO OBJECTION.

9 THE COURT: BE RECEIVED.

10 (STATE'S EXHIBIT 19 CONSENT FORM IN  
11 EVIDENCE.)

12 Q AFTER YOU HAD SPOKEN WITH MR. COPE WHAT ACTION  
13 DID YOU TAKE THEN?

14 A AT THAT TIME I CONSIDERED IT TO BE A CRIME  
15 SCENE, I WENT AHEAD AND CALLED FOR AN ON-CALL  
16 DETECTIVE TO COME TO THE SCENE ALONG WITH A  
17 SUPERVISOR.

18 Q OKAY. AND CAN YOU TELL ME DID YOU WRITE A  
19 REPORT AFTER OR A SUMMARY OF WHAT HAD HAPPENED AFTER  
20 THE INCIDENT ITSELF?

21 A YES, I DID. BUT IT WAS LATER ON THE NEXT  
22 NIGHT -- WELL, THE NEXT EVENING WHEN I CAME IN I  
23 WROTE A STATEMENT ON IT.

24 Q ALL RIGHT. CAN YOU TELL ME WHEN YOU WENT INTO  
25 THE RESIDENCE WHAT THE CONDITION OF THE RESIDENCE WAS

1 ITSELF?

2 A FILTHY NASTY. IT WAS VERY DIRTY. I DID SEE  
3 SEVERAL COCK ROACHES RUNNING AROUND THE FLOOR. IT  
4 WAS JUST, IT WAS FILTHY.

5 Q ALL RIGHT. THANK YOU. NO FURTHER QUESTIONS.

6 CROSS EXAMINATION BY MR. WOODS:

7 Q GOOD AFTERNOON, OFFICER JORDAN. HOW YOU DOING?

8 A FINE, SIR.

9 Q GOOD. YOU WROTE A STATEMENT SOMETIME ABOUT  
10 NOVEMBER 29, DID YOU WRITE THAT STATEMENT THE SAME  
11 DAY?

12 A IT WAS THE NEXT, THE SAME NIGHT, YES, SIR.

13 Q THE NEXT DAY, OKAY. AND YOU PUT EVERYTHING YOU  
14 THOUGHT WAS IMPORTANT ABOUT WHAT YOU OBSERVED AND SAW  
15 IN THAT STATEMENT, CORRECT?

16 A EVERYTHING I CAN REMEMBER, YES, SIR.

17 Q BUT YOU DIDN'T MENTION ANYTHING ABOUT ANY COCK  
18 ROACHES OR BUGS IN THIS STATEMENT, DID YOU?

19 A NO, SIR, I DIDN'T.

20 Q NOW MR. COPE, CONSENTED TO THE SEARCH OF HIS  
21 HOME?

22 A YES, SIR, HE DID.

23 Q IN FACT, HE VOLUNTARILY ACCOMPANIED YOU DOWN TO  
24 THE LAW ENFORCEMENT CENTER, CORRECT?

25 A YES, SIR, HE DID.

1 Q HE WAS COOPERATIVE?

2 A YES, SIR.

3 Q DID EVERYTHING YOU ASKED OF HIM?

4 A YES, SIR.

5 Q NOW HE WASN'T UNDER ARREST WHEN HE WENT DOWN TO

6 THE STATION WITH YOU, WAS HE?

7 A NO, SIR.

8 Q AND HE DIDN'T HAVE TO GO WITH YOU, DID HE?

9 A NO, SIR.

10 Q BUT HE DID?

11 A YES, SIR.

12 Q AND HE COOPERATED?

13 A YES, SIR.

14 Q ANSWERED ALL YOUR QUESTIONS?

15 A I DIDN'T ASK HIM ANY QUESTIONS.

16 Q OKAY. YOU HAD A CHANCE TO SEE HIM UP CLOSE THAT

17 DAY, DIDN'T YOU?

18 A YES, SIR.

19 Q DID YOU NOTICE ANY BLOOD ON HIS HANDS?

20 A NO, I DIDN'T.

21 Q ANY BLOOD ON HIS ARMS?

22 A NO, SIR, I DIDN'T.

23 Q ANY BLOOD ON HIS CLOTHES?

24 A NO, SIR, I DIDN'T.

25 Q DID YOU NOTICE ANY SCRATCHES, ABRASIONS, CUTS?

1 A NO, SIR, I DIDN'T.

2 Q NOTHING FURTHER. THANK YOU, SIR.

3 MR. GREELEY: I DON'T HAVE ANY QUESTIONS.

4 REDIRECT EXAMINATION BY MR. THOMPSON:

5 Q JUST ONE OTHER THING. THIS TALK ABOUT INCLUDING  
6 A NUMBER OF IMPORTANT THINGS IN YOUR SUMMARY. DO YOU  
7 HAPPEN TO HAVE YOUR SUMMARY UP THERE WITH YOU?

8 A NO, SIR, I DON'T.

9 (HANDED DOCUMENT TO WITNESS.)

10 Q GO DOWN ABOUT THREE QUARTERS OF THE WAY WHERE IT  
11 SAYS SIX A.M.

12 A YES, SIR.

13 Q IN YOUR SUMMARY, DID YOU NOTE WHAT THE DEFENDANT  
14 SAID AS FAR WHEN HE WENT TO WAKE UP AMANDA HOW HE  
15 WOKE HER UP?

16 A YOU TALKING ABOUT WHERE IT SAYS I SHOOK HER?

17 Q YES.

18 A HE JUST STATED TO ME ABOUT SIX A.M. HE SHOOK  
19 AMANDA TO WAKE HER UP FOR SCHOOL AND HE NOTICED SHE  
20 WAS COLD.

21 Q ALL RIGHT. THANK YOU. NO FURTHER QUESTIONS.

22 MR. WOOD: NO QUESTIONS, YOUR HONOR.

23 MR. GREELEY: NONE.

24 THE COURT: ANY OBJECTION TO THIS WITNESS  
25 BEING EXCUSED?

1                   MR. WOOD:  NONE FROM THE DEFENSE, YOUR  
2 HONOR.

3                   MR. GREELEY:  NO OBJECTION.

4                   MR. BRACKETT:  NO OBJECTION.

5                   THE COURT:  THANK YOU.  FEEL FREE TO  
6 LEAVE.  YOU CAN BE EXCUSED.

7                   MR. THOMPSON:  YOUR HONOR, I WOULD ASK TO  
8 PUBLISH THE PHOTOGRAPHS TO THE JURY AT THIS TIME.

9                   THE COURT:  YES.

10                   (PHOTOGRAPHS ARE HANDED TO THE JURY.)

11                   MR. THOMPSON:  WHILE THOSE ARE BEING  
12 PUBLISHED MAY WE APPROACH THE BENCH.

13                   (BENCH CONFERENCE.)

14                   THE COURT:  MEMBERS OF THE JURY PANEL, I  
15 UNDERSTAND THE NEXT WITNESS IS GOING TO BE DR.  
16 MAYNARD WHO DID THE AUTOPSY.

17                   MR. THOMPSON:  YES, YOUR HONOR.

18                   THE COURT:  I ANTICIPATE THAT TAKING SOME  
19 PERIOD OF TIME.  WE STILL HAVE A FEW MATTERS TO TAKE  
20 UP OUTSIDE YOUR PRESENCE SO I THINK IT BEST FOR US TO  
21 STOP NOW, IT'S A LITTLE EARLIER THAN I LIKE TO STOP,  
22 BUT AT LEAST AS FAR AS UTILIZING YOU.  AS I SAY, WE  
23 STILL GOT A FEW THINGS TO TAKE UP, SO WE'LL START  
24 BACK AT NINE IN THE MORNING.  SO REPORT BACK TO THE  
25 JURY ROOM AND BE READY TO GO AT NINE O'CLOCK AND

1 WE'LL PROCEED FROM THEN. KEEPING IN MIND THOSE  
2 THINGS I TOLD YOU ABOUT NOT MAKING UP YOUR MIND OR  
3 DISCUSSING THE CASE OR LETTING YOURSELF BE EXPOSED TO  
4 ANY NEWS COVERAGE. THANK YOU.

5 (THE JURY EXITS THE COURTROOM AT  
6 4:50.)

7 THE COURT: WE'LL TAKE A REAL SHORT BREAK  
8 AND THEN COME BACK AND TAKE CARE OF A COUPLE THINGS  
9 THAT I NEED TO ADDRESS.

10 (COURT'S IN RECESS.)

11 (COURT RESUMES AT FIVE O'CLOCK.)

12 THE COURT: LET'S COME BACK TO ORDER.  
13 LET'S SEE IF THERE IS ANYTHING WE CAN TAKE CARE OF.  
14 WITH DR. MAYNARD BEING THE NEXT WITNESS WE STILL HAVE  
15 THE, I DON'T THINK I RULED, HELP ME KEEP UP WITH IT,  
16 ON THE MOTION TO, MOTION IN LIMINE BY BILLY WAYNE  
17 COPE TO NOT ALLOW DR. MAYNARD TO GO INTO ANY EVIDENCE  
18 CONCERNING CONTINUAL NATURE OF THE INJURY TO HER  
19 RECTUM AND VAGINA AREA. IS THAT STILL OUTSTANDING.

20 MR. BAITY: WELL, YOUR HONOR, I HOPE IT  
21 IS. I THOUGHT YOU HAD RULED AGAINST ME BUT I  
22 CERTAINLY HOPE.

23 THE COURT: I STILL HAD THE MOTION HERE.  
24 OKAY.

25 MR. BAITY: AND I WOULD RENEW IT AT THIS



1 TIME.

2 THE COURT: WELL, I'LL STICK BY MY EARLIER  
3 RULING.

4 MR. BAITY: JUST, IF I MAY WITHOUT  
5 IRRITATING YOU, I DO WANT TO RENEW THAT IN THE  
6 MORNING AND I HAVE SOMETHING MORE I WANT TO SAY ABOUT  
7 IT BEFORE THE JURY IS BROUGHT IN.

8 THE COURT: WELL, YOU WANT TO BE HERE AT  
9 8:30 BECAUSE WE'RE GOING TO START AT NINE.

10 MR. BAITY: I WOULD LIKE SOME VOIR DIRE.  
11 YOU TALKING ABOUT SUBJECT TO HIS LAYING A PROPER  
12 FOUNDATION AND THAT SORT OF THING AND APPARENTLY HIS  
13 TESTIMONY HASCHANGED SOMEWHAT AND I WOULD LIKE AN  
14 OPPORTUNITY TO TALK TO HIM ABOUT THAT.

15 THE COURT: WHAT TIME IS DR. MAYNARD GOING  
16 TO BE HERE?

17 MR. THOMPSON: WE HADN'T TOLD HIM YET,  
18 JUDGE, BECAUSE WE WEREN'T QUITE SURE WHAT TIME WE'D  
19 BE STARTING.

20 THE COURT: WELL, CAN YOU BE HERE A LITTLE  
21 EARLIER AND LET MR. BAITY TALK TO HIM AND THEN SEE IF  
22 THEY NEED.

23 MR. BAITY: THAT WOULD BE WONDERFUL.

24 MR. THOMPSON: IT'S MOST LIKELY HE CAN BE.  
25 I PLAN ON CALLING HIM FIRST THING IN THE MORNING

1 WHICH FOR HIM IS LIKE 7:30 OR SO.

2 THE COURT: TRY TO HAVE HIM HERE ABOUT  
3 QUARTER OF NINE.

4 MR. BAITY: THANK YOU, YOUR HONOR.

5 MR. BRACKETT: FROM A SCHEDULING  
6 STANDPOINT TWO ISSUES: I HAVE A WITNESS FLYING IN  
7 FROM ORLANDO. SHE IS FLYING IN IN THE MORNING, HER  
8 FLIGHT LEAVES OUT IN MIDAFTERNOON, SO I JUST WANT TO  
9 LET EVERYBODY, SHE IS A SHORT WITNESS. SHE IS ONE OF  
10 THE FIRST RESPONDERS, SO SHE SHOULDN'T BE ANY LONGER  
11 THAN ANY OF THESE PEOPLE WHO JUST TESTIFIED, BUT I  
12 DON'T KNOW HOW LONG THESE CROSSES ARE GOING TO TAKE  
13 OF DR. MAYNARD, BUT IF IT TURNS INTO AN ALL DAY THING  
14 OR SOMETHING, AT SOME POINT I NEED TO GET HER IN AND  
15 BACK TO THE AIRPORT. I JUST WANT TO GIVE EVERYONE A  
16 HEADS UP ON THAT.

17 MR. GREELEY: I DON'T OBJECT TO THAT EVEN  
18 IF WE INTERRUPT DR. MAYNARD'S TESTIMONY IF NEED BE.

19 MR. BRACKETT: HOPEFULLY IT WON'T COME TO  
20 THAT.

21 MR. BAITY: I THINK MY CROSS IS GOING TO  
22 LAST ALL DAY, YOUR HONOR.

23 THE COURT: WE'LL WORK HER IN AT SOME  
24 POINT THEN LIKE RIGHT BEFORE LUNCH.

25 MR. BRACKETT: I APPRECIATE THAT. THE

1 SECOND THING. BOTH COUNSEL FOR MR. COPE AND  
2 MR. SANDERS HAVE KINDLY AGREED, WE HAVE ONE WITNESS  
3 WHO IS IN MOBILE, ALABAMA. SHE IS ABOUT 30 WEEKS  
4 PREGNANT AND HER DOCTOR HAS ADVISED HER NOT TO FLY SO  
5 WE ARE IN THE PROCESS OF TRYING TO ORGANIZE WITH  
6 COMPORIUM TO DO A VIDEO CONFERENCE HER IN AND BOTH  
7 COUNSEL FOR MR. COPE AND MR. SANDERS HAVE AGREED TO  
8 ALLOW US TO EXAMINE HER IN THAT FASHION. WE'LL HAVE  
9 HER ON A TELEVISION SET AND SHE'LL BE THERE IN  
10 ALABAMA AT A VIDEO CONFERENCING SITE IN MOBILE AND  
11 WE'RE ORGANIZING THAT RIGHT NOW. I DON'T KNOW  
12 EXACTLY WHEN WE ARE GOING TO BE ABLE TO GET COMPORIUM  
13 OUT HERE TO PUT SOMETHING TOGETHER FOR US, BUT I  
14 WANTED TO LET THE COURT TO KNOW WE NEEDED TO DO THAT  
15 AND COMPORIUM WILL HAVE TO SET UP A CABLE LINK AND  
16 BRING THE TELEVISION IN AND FACILITATE THAT.

17 THE COURT: ALL RIGHT.

18 MR. GREELEY: I HAVE NO OBJECTION. I WANT  
19 TO SEE THEM GET COMPORIUM TO DO IT. I'M IMPRESSED.

20 MR. BRACKETT: IT HASN'T HAPPENED YET.  
21 THEY HAVE BEEN VERY KIND SO FAR, NOTHING BUT GOOD  
22 THINGS TO SAY ABOUT THEM. THE WITNESS IS REBECCA  
23 HERRING.

24 THE COURT: ALL RIGHT. NOW WE STILL HAVE  
25 NOT RESOLVED, I DON'T THINK, SUBJECT TO MY BEING

1 CORRECTED BY COUNSEL, THE ISSUE OF THE PSYCHOLOGICAL  
2 EVALUATIONS OF THE TWO OTHER COPE CHILDREN. THAT'S  
3 STILL OUTSTANDING, CORRECT?

4 MR. SMITH: YES, SIR.

5 THE COURT: WELL, I HAVE LOOKED AT THE  
6 CASES THAT WERE HANDED UP AND I HAVE TWO CONCERNS,  
7 MAYBE WE DON'T NEED TO ADDRESS THEM COMPLETELY  
8 TONIGHT, BUT I'LL AT LEAST TELL YOU WHAT I SEE IN  
9 HERE. FIRST, OF COURSE, IS THREE-TWO DECISION WITH A  
10 VERY STRONG DISSENT FROM THE CHIEF JUSTICE BUT IT IS  
11 STILL A THREE-TWO DECISION. THE TWO KIND OF  
12 THRESHOLD QUESTIONS I HAVE. ONE IS, THIS CASE DEALS  
13 SOLELY WITH THE RIGHT OF THE TRIAL JUDGE TO ORDER THE  
14 INDEPENDENT PSYCHOLOGICAL EVALUATION OF A CHILD  
15 VICTIM. NOW THIS CASE ISN'T ABOUT THESE TWO OTHER  
16 GIRLS, KYLA AND JESSICA. THEY ARE NOT CHILD VICTIMS.  
17 THEY ARE APPARENTLY IN SOME OTHER INDICTMENTS. HAVE  
18 THEY BEEN INDICTED?

19 MR. BRACKETT: YES, SIR.

20 THE COURT: THERE ARE SOME OTHER  
21 INDICTMENTS BUT THEY ARE NOT CHILD WITNESSES IN THIS  
22 CASE. SO THE FIRST QUESTION IS WHETHER ANY INTEREST  
23 OF MICHAEL H THE SUPREME COURT OPINION WHETHER OR NOT  
24 IT EVEN APPLIES. AND THE SECOND QUESTION IS, NOT A  
25 QUESTION BUT SECOND OBSERVATION, AND I DON'T KNOW

1       WHEN THIS WILL BE DONE, BUT WE'LL HAVE TO DO IT AT  
2       SOME POINT, IS IF WE HAD DECIDE THAT A MERE WITNESS,  
3       NOT A VICTIM WITNESS, A CHILD WITNESS AS OPPOSED TO A  
4       CHILD VICTIM WITNESS, WHETHER OR NOT THE STATE CAN  
5       REQUIRE AN INDEPENDENT PSYCHOLOGICAL EVALUATION,  
6       STILL HAVE TO GET, CONVINCED THE COURT OF THESE THREE  
7       DELANEY FACTORS OF THE WEST VIRGINIA SUPREME COURT,  
8       AND THE WORD THAT KEEPS POPPING UP IN WITH EMPHASIS  
9       IN THIS OPINION IS COMPELLING AS AN ADJECTIVE FOR  
10      REASON. SO FIRST WE GOT TO DECIDE WHETHER OR NOT THE  
11      COURT EVEN HAS THE ABILITY TO ORDER AN EVALUATION AND  
12      SECOND WHETHER OR NOT THERE IS A COMPELLING REASON  
13      THE COURT CAN FOR THE COURT TO EXERCISE ITS  
14      DISCRETION AND DO SO. YOU WANT TO ADDRESS ANY OF  
15      THAT TONIGHT OR DO YOU WANT TO WORK ON THAT.

16                 MR. SMITH: LET'S WORK ON IT, YOUR HONOR.  
17      WE'LL ADDRESS IT FIRST THING TOMORROW MORNING.

18                 THE COURT: ANYTHING ELSE TONIGHT.

19                 MR. POPE: NO, SIR, YOUR HONOR.

20                 THE COURT: ALL RIGHT. BEFORE WE ADJOURN.  
21      MR. THOMPSON, I THOUGHT YOUR USE OF THAT EXHIBIT WAS  
22      VERY EFFECTIVE AND IT REMINDED ME OF ONE OF MY  
23      PERSONAL PHILOSOPHIES AND THAT IS DON'T EVER DO MATH  
24      OR SPELL IN PUBLIC BECAUSE YOU GET IT WRONG.

25                 MR. THOMPSON: THAT'S CORRECT. I DIDN'T

1 DO IT.

2 THE COURT: WELL, YOU BETTER HAVE YOUR  
3 MATHEMATICIAN DOUBLE CHECK THEIR MATH.

4 MR. POPE: WE ARE GOING TO TALK TO THE  
5 PERSON IN CHARGE OF THE JAM BOX AND IN CHANGE OF THE  
6 MATH.

7 THE COURT: ALL RIGHT. WE'LL BE AT EASE  
8 UNTIL NINE IN THE MORNING.

9 (COURT'S IN RECESS AT 5:10.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25







1                                   1992 DOWNEY STREET  
2                                   ROCK HILL, SC 29732

3                                   I N D E X

4		
5	DR. MAYNARD	
6	DIRECT EXAMINATION	13
7	IN CAMERA TESTIMONY:	
8	DIRECT	75
9	CROSS	79
10	JURY PRESENT:	
11	DIRECT EXAMINATION	86
12	CROSS EXAMINATION	109
13	TIFFANY BARNETTE	
14	DIRECT EXAMINATION	142
15	CROSS EXAMINATION	149
16	DR. MAYNARD?	
17	CROSS EXAMINATION	157
18	REDIRECT EXAMINATION	173
19	RECROSS EXAMINATION	178
20	WILLIE BURRIS	
21	DIRECT EXAMINATION	186
22	CROSS EXAMINATION	199
23	JOHN HEWITT	
24	DIRECT EXAMINATION	214
25	CROSS EXAMINATION	219

1 REDIRECT EXAMINATION 221

2

3 I N D E X

4 JERRY WALDROP

5 DIRECT EXAMINATION 222

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

## E X H I B I T S

4

ID EV

5

S-36

FORM

191

192

6

S-37

SUMMARY

197

7

S-38

SUMMARY

197

8

S-39

THREE TAPES

234

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1 (COURT RESUMES ON 9-9-04.)

2 THE COURT: IS THE STATE READY.

3 MR. THOMPSON: YES, YOUR HONOR.

4 THE COURT: DEFENSE FOR MR. COPE.

5 MR. BAITY: YES, YOUR HONOR. WE DO HAVE A

6 MATTER WE'D LIKE TO TAKE UP OUTSIDE THE PRESENCE OF

7 THE JURY BEFORE WE BRING THEM IN.

8 THE COURT: MR. GREELEY.

9 MR. GREELEY: MR. SANDERS IS READY.

10 THE COURT: MR. BAITY, YOU MAY PROCEED.

11 MR. BAITY: PLEASE THE COURT, YOUR HONOR.

12 VERY BRIEFLY I WISH TO RENEW MY MOTION IN LIMINE THAT

13 WAS HANDED UP YESTERDAY. I KNOW YOU HAVE ALREADY

14 RULED ON THIS, BUT THERE HAS BEEN SOMETHING I

15 CONSIDER TO BE NEW. YESTERDAY I ASKED THE COURT TO

16 LIMIT ANY REFERENCE TO THE AUTOPSY REPORT OR ANY

17 TESTIMONY REGARDING THE POSSIBILITY OF SEXUAL ABUSE

18 OCCURRING BEFORE THE RAPE AND MURDER THAT OCCURRED ON

19 NOVEMBER 29, 2001, AND I HANDED UP IN MY MOTION

20 VERBATIM QUOTE FROM THE TRANSCRIPT OF THE FAMILY

21 COURT CASE IN WHICH DR. MAYNARD, THE STATE'S WITNESS,

22 THE AUTHOR OF THE AUTOPSY REPORT, WAS EXAMINED BY

23 BOTH MYSELF AND THE DSS ATTORNEY AS TO HIS OPINION AS

24 TO PRIOR SEXUAL ABUSE IS WHAT I'LL CALL IT. NOW

25 SPECIFICALLY WHAT THE DOCTOR SAID, HE SAW A SMALL

1 RING OR SMALL AMOUNT OF INFLAMED TISSUE ON THE INSIDE  
2 OF AMANDA'S VAGINA AND ON THE INSIDE OF HER ANUS AND  
3 HE SAID THAT HE BELIEVED THAT THIS WAS CHRONIC, IT  
4 WAS A CHRONIC INFLAMMATION WHICH MEANS IT HAD NOT  
5 JUST RECENTLY HAPPENED DURING THE RAPE AND HE SAID  
6 THAT HE BELIEVED THE MEDICAL CAUSATION OF THE  
7 INFLAMMATION IN THE VAGINA COULD POSSIBLY HAVE BEEN  
8 THE RESULT OF PENETRATION OF AN OBJECT WHICH COULD  
9 POSSIBLY MEAN SEXUAL ACTIVITY OR SOMETHING OF THAT  
10 AREA IN THE VAGINA, BUT IT COULD ALSO BE THE RESULT  
11 OF THE USE OF A TAMPON, IT COULD BE THE RESULT OF  
12 DISEASE, IT COULD BE THE RESULT OF VAGINITIS, AN  
13 ALLERGY, AND HE WENT ON AND LISTED SEVERAL OTHER  
14 POSSIBILITIES WHICH COULD CAUSE, WHICH COULD  
15 MEDICALLY CAUSED THIS INFLAMMATION. SO I ASKED HIM  
16 COULD HE STATE WITH A REASONABLE DEGREE OF MEDICAL  
17 CERTAINTY THE MEDICAL CAUSATION OF THIS INFLAMED  
18 TISSUE, CAN HE STATE THAT IT WAS SEXUAL ABUSE, AND HE  
19 SAID NO HE COULDN'T AND DSS' ATTORNEY ASKED HIM THE  
20 SAME QUESTION ON THE REDIRECT AND AGAIN HE SAID THAT  
21 I CANNOT SAY THAT TO A REASONABLE DEGREE. SO THE  
22 MEDICAL CAUSATION OF THIS IRRITATION WHICH TAKEN  
23 ANOTHER STEP MIGHT INDICATE SEXUAL ABUSE BUT, AND  
24 HE'S IN THE COURTROOM. DR. MAYNARD IS IN THE  
25 COURTROOM.

1 THE COURT: DR. MAYNARD, WOULD YOU STEP  
2 OUTSIDE WHILE WE TALK ABOUT YOU.

3 (WITNESS EXITS THE COURTROOM.)

4 MR. BAITY: SO, YOUR HONOR, THIS IS A  
5 MEDICAL CAUSATION ISSUE AS TO THE INFLAMED TISSUE IN  
6 HER VAGINA. THE SAME THING GOES WITH THE INFLAMED  
7 TISSUE INSIDE HER ANUS. HE SAID THIS COULD BE THE  
8 RESULT OF A BOWEL DISORDER. THIS COULD BE THE RESULT  
9 OF DIARRHEA. IT COULD BE THE RESULT OF ALLERGIES, IT  
10 COULD BE THE RESULT OF RINGWORM, AND A NUMBER OF  
11 OTHER THINGS AND AGAIN I ASKED HIM TO A REASONABLE  
12 DEGREE OF MEDICAL CERTAINTY CAN YOU SAY THAT THE  
13 MEDICAL CAUSATION OF THIS INFLAMED TISSUE WAS SEXUAL  
14 ABUSE AND HE SAID NO, SIR, I CANNOT DO THAT. HE SAID  
15 IT COULD BE ANY NUMBER OF THOSE THINGS AND HE DID  
16 ELIMINATE A NUMBER OF THEM. HE LOOKED TO SEE IF SHE  
17 HAD A VIRAL INFECTION. HE SAID HE SAW NO EVIDENCE OF  
18 IT. HE LOOKED TO SEE IF, HE TALKED ABOUT ELIMINATING  
19 A NUMBER OF THE OTHER POSSIBILITIES AS CAUSATION, BUT  
20 HE WAS NOT CONVINCED MEDICALLY THAT THE CAUSATION OF  
21 THIS INFLAMED TISSUE WAS THE RESULT OF SEXUAL ABUSE  
22 AND SO IT'S CONJECTURE OR SPECULATION TO ALLOW THAT  
23 IN AND IN THIS CASE WHERE SEXUAL ACTIVITY IS  
24 CERTAINLY VERY IMPORTANT, I THINK IT'S EXTREMELY  
25 DAMAGING TO MR. COPE PARTICULARLY SINCE HE IS NOT

1 CHARGED WITH OR INDICTED WITH THE CRIME OF SEXUALLY  
2 ABUSING HIS DAUGHTER EXCEPT ON THE NIGHT OF THE RAPE  
3 AND MURDER AND THAT IS, THE INDICTMENT IS LIMITED TO  
4 THAT. THE INDICTMENT ON THE OTHER GIRLS QUITE  
5 FRANKLY WHICH WAS SEVERED FROM THIS CASE DID MAKE  
6 REFERENCE TO OCTOBER AND NOVEMBER, BUT THIS  
7 INDICTMENT ONLY SAYS NOVEMBER 29. SO, YOUR HONOR,  
8 AGAIN I WOULD ASK THAT IN LIGHT OF WHAT'S REALLY IN  
9 ISSUE HERE AND IN LIGHT OF THE STATE'S WITNESS TO,  
10 HIS INABILITY TO GIVE A MEDICAL CAUSATION FOR IN THIS  
11 OBSERVATION HE'S MADE, TO ALLOW HIM TO CONJECTURE OR  
12 SPECULATE AS TO POSSIBLE SEXUAL ABUSE APPEARS TO BE  
13 PREJUDICIAL TO THE DEFENDANT.

14 THE COURT: ALL RIGHT, MR. THOMPSON.

15 MR. THOMPSON: YOUR HONOR, THERE IS A  
16 COUPLE THINGS. ONE I THINK THE ONLY WAY TO SETTLE  
17 THIS IS TO HAVE DR. MAYNARD COME UP AND TESTIFY.

18 THE COURT: I THINK BECAUSE MY RULING WAS  
19 BASED ON THE FACT THAT THE STATE WAS ASSERTING THAT  
20 THERE HAD BEEN SOME FURTHER DEVELOPMENT AS FAR AS HIS  
21 TESTIMONY.

22 MR. THOMPSON: IT'S NOT NECESSARILY  
23 FURTHER DEVELOPMENT, IT'S JUST MORE QUESTIONING THAT  
24 NEEDS TO SHOW MORE EVIDENCE.

25 THE COURT: WE'LL TAKE A PROFFER.



1                   MR. THOMPSON:   IN ADDITION I WOULD LIKE  
2                   TO --

3                   THE COURT:   LET ME FINISH.   AND THAT WAS  
4                   MY UNDERSTANDING IS WHY IT WAS ASKING DR. MAYNARD TO  
5                   BE AVAILABLE FOR A LITTLE BIT OF TIME PRIOR TO THIS  
6                   SO MR. BAITY COULD DISCUSS THIS MATTER WITH HIM BUT.

7                   MR. BAITY:   YOUR HONOR, I LEFT THE COURT  
8                   HOUSE YESTERDAY, I WENT TO THE HOSPITAL AND JUST  
9                   MISSED HIM, I CAUGHT HIM AT HOME, AND I ASKED HIM IF  
10                  HE WAS GOING TO CHANGE HIS TESTIMONY WITH RESPECT TO  
11                  HIS OPINION, MEDICAL OPINION ON THESE SUBJECTS, AND  
12                  HE SAID ABSOLUTELY NOT AND I MEANT TO SAY THAT IN MY  
13                  ARGUMENT.

14                  THE COURT:   LET'S HAVE A PROFFER THEN.

15                  MR. THOMPSON:   I WOULD LIKE TO BRING THIS  
16                  TO THE COURT'S ATTENTION AS WELL, ONCE AGAIN THE  
17                  DEFENSE HAS OBVIOUSLY, WE HAVE CONFESSIONS AT LEAST  
18                  TWICE THE CONFESSIONS THAT THE DEFENDANT HAS SAID HE  
19                  HAD BEEN DOING THIS TO AMANDA FOR SOME PERIOD OF TIME  
20                  PRIOR THE NIGHT OF HER DEATH.   HE ALSO IS SAYING THAT  
21                  HE IS ATTACKING THE VALIDITY OF THE STATEMENTS  
22                  THEMSELVES SAYING THEY ARE NOT VOLUNTARILY GIVEN.  
23                  THESE ALSO GOES TO PROVE THAT HIS STATEMENTS WERE  
24                  VOLUNTARILY GIVEN AND WERE NOT FALSE CONFESSIONS  
25                  BECAUSE THEY ARE EVIDENCE SHOWING THAT HIS STATEMENTS

1 ARE TRUE AND I'LL ARGUE THAT. BUT I'LL BE HAPPY TO  
2 CALL DR. MAYNARD AND QUESTION HIM AT THIS TIME.

3 MR. GREELEY: YOUR HONOR, IF I MAY BE  
4 HEARD AND THE STRANGE DYNAMICS OF THIS CASE AND WHERE  
5 WE HAVE THREE THEORIES THAT MAYBE FLYING AROUND, I  
6 WOULD ASK THAT MR. COPE'S MOTION BE DENIED AND I  
7 WOULD JUST FOLLOW UP WITH WHAT THE STATE HAS ALREADY  
8 SAID. I BELIEVE THAT THE EVIDENCE THAT DR. MAYNARD  
9 WILL INTRODUCE WILL HELP CORROBORATE THE TRUTHFULNESS  
10 OF THE CONFESSIONS THAT HAVE BEEN GIVEN BY MR. COPE  
11 AND THEY WILL BE CONSISTENT WITH HIS WORDS.

12 THE COURT: I BELIEVE THAT HE EVEN THOUGH  
13 HE CANNOT TESTIFY TO A REASONABLE DEGREE OF MEDICAL  
14 CERTAINTY THAT THAT DOESN'T END THE INQUIRY BECAUSE  
15 THERE IS GOING TO BE OTHER EVIDENCE THAT IN FACT THIS  
16 DID OCCUR AND IT HAS TO DO WITH THE VERY SUBSTANTIAL  
17 ISSUE AS TO THE VOLUNTARINESS OF THE CONFESSION. IF  
18 I RECALL IN OPENING STATEMENTS ONE OF THE ATTACKS ON  
19 THE CONFESSIONS WERE THAT THERE WERE SO MUCH, THERE  
20 WAS SO MUCH INCONSISTENCY; THAT IS, THE STORY  
21 CHANGED, THE STORY CHANGED, AND THE STORY CHANGED, SO  
22 I THINK THE STATE DOES HAVE THE RIGHT TO SHOW THAT TO  
23 SOME DEGREE THE THEORY THAT THAT STATEMENT DOES  
24 CONTAIN INFORMATION WHICH HAS BEEN CORROBORATED.

25 MR. BAITY: YES, YOUR HONOR.

1 THE COURT: SO I DENY IT.

2 MR. BAITY: BUT IF I COULD JUST PUT THIS  
3 ON THE RECORD, THAT CERTAINLY WHATEVER MEDICAL  
4 EVIDENCE OR EXPERT TESTIMONY THAT THEY PRESENT THAT'S  
5 IN FURTHERANCE OF THAT END HAS TO BE RELIABLE  
6 INFORMATION AND IT HAS TO BE RELIABLE EXPERT OPINION  
7 AND NOT BASED ON CONJECTURE OR SPECULATION.

8 THE COURT: I UNDERSTAND. AGAIN WE'RE NOT  
9 GOING COMPLETELY TO A QUESTION OF CAUSATION AS TO THE  
10 PRIOR OR THE POST, THE PRE-NOVEMBER 29 EVENT. IT'S  
11 NOT GOING TO THAT ISSUE, TO SOME DEGREE IT MIGHT BE,  
12 BUT IT'S MORE GOING TO CORROBORATION OF OTHER  
13 EVIDENCE THAT SHOWS -- THE FACT THAT HE CAN'T REACH  
14 IS HE CANNOT RENDER AN OPINION TO A REASONABLE DEGREE  
15 OF MEDICAL CERTAINTY. IF THAT WAS ALL THERE WAS,  
16 THEN I WOULD AGREE WITH YOU, BUT HERE THERE IS OTHER  
17 CORROBORATING EVIDENCE TO SHOW THAT HE SAYS THAT IS A  
18 POSSIBLE CAUSE AND THE STATE CAN PRESENT EVIDENCE  
19 THROUGH THE MOUTH OF THE DEFENDANT AS TO WHAT THAT  
20 OTHER CAUSE, THAT THE CAUSE WAS.

21 MR. BAITY: NOT TOO FINE OF A POINT BUT  
22 I'M TALKING ABOUT THE MEDICAL CAUSATION OF A  
23 PHENOMENA THAT HE'S OBSERVED THAT GIVES HIM THE IDEA  
24 THAT SEXUAL ABUSE MAY HAVE OCCURRED. SO IT'S THE  
25 JUSTIFICATION FOR THE JUSTIFICATION, IT'S ONE STEP

1       REMOVED.  I'M NOT JUST ASKING ABOUT SEXUAL ABUSE, I'M  
2       SAYING THAT SEXUAL ABUSE CAUSED THIS INFLAMED TISSUE  
3       THAT YOU ARE TALKING ABOUT, AND HE SAYS WELL, I DON'T  
4       KNOW.  I CAN'T SAY THAT.

5                   THE COURT:  WELL --

6                   MR. BAITY:  IT'S ONE OF MANY  
7       POSSIBILITIES.

8                   THE COURT:  I UNDERSTAND AND THEN WE GOT  
9       SOMEBODY ELSE SAYING WHAT ONE OF THOSE POSSIBILITIES  
10      IS.  I'VE BEEN DOING THIS.  SO I'M GOING TO ALLOW IT.  
11      I DENY THAT MOTION.  YOU READY FOR THE JURY?

12                  MR. THOMPSON:  THE STATE IS READY, YOUR  
13      HONOR.

14                  MR. SMITH:  JUDGE, WE LEFT THE QUESTION OF  
15      THE PSYCHOLOGICAL EXAMINATION OF THE GIRLS OPEN LAST  
16      NIGHT.

17                  THE COURT:  LET'S DO THAT DURING A BREAK  
18      BECAUSE I'D LIKE TO GET THE JURY TO WORK.

19                  MR. SMITH:  YES, SIR.

20                  THE COURT:  THANK YOU FOR REMINDING ME.

21                                (THE JURY RETURNS TO THE COURTROOM AT  
22      9:21.)

23                  THE COURT:  GOOD MORNING.  ALL RIGHT.

24                                (JURORS:  GOOD MORNING.)

25                  MR. THOMPSON:  PLEASE THE COURT, YOUR

1 HONOR. THE STATE WOULD CALL DR. JAMES MAYNARD TO THE  
2 STAND.

3 THE COURT: PLEASE COME UP AND BE SWORN.

4 JAMES MAYNARD, BEING FIRST DULY  
5 SWORN TESTIFIES AS FOLLOWS:

6 DIRECT EXAMINATION BY MR. THOMPSON:

7 Q DR. MAYNARD, WOULD YOU STATE YOUR NAME FOR THE  
8 COURT PLEASE?

9 A JAMES LEWIS MAYNARD.

10 Q AND DR. MAYNARD, WHAT DO YOU DO FOR A LIVING?

11 A I AM PHYSICIAN. I WORK MORE SPECIFICALLY AS A  
12 PATHOLOGIST IN YORK COUNTY.

13 Q CAN YOU DESCRIBE TO US WHAT A PATHOLOGIST DOES;  
14 WHAT ARE SOME OF THE THINGS YOU DO AS A PATHOLOGIST?

15 A YES. A PATHOLOGIST IS A PHYSICIAN OR MD WHO HAS  
16 GONE TO FOUR YEARS OF MEDICAL SCHOOL AND THEN HAD  
17 ADDITIONAL TRAINING IN PATHOLOGY, USUALLY FOUR TO  
18 FIVE YEARS OF TRAINING AFTER MEDICAL SCHOOL.

19 PATHOLOGY DEALS WITH DISEASE AT THE TISSUE, BLOOD  
20 FLUID LEVELS. IT DEALS WITH PAP SMEARS. IT DEALS  
21 WITH BIOPSIES TAKEN OR ORGANS REMOVED DURING SURGERY.  
22 DIAGNOSIS OF CANCER. WE ALSO DO AUTOPSIES,  
23 DETERMINING THE CAUSE AND MANNER OF DEATH. THERE ARE  
24 SEVERAL SUBSPECIALITIES IN PATHOLOGY FROM BLOOD  
25 BANKING TO FORENSIC PATHOLOGY AND FORENSIC PATHOLOGY

1 DEALS MORE WITH CAUSE AND MANNER OF DEATH USUALLY OF  
2 A VIOLENT OR UNNATURAL OR UNUSUAL METHODS.

3 Q CAN YOU TELL ME, DR. MAYNARD, DO YOU HAVE  
4 OCCASIONS TO PERFORM AUTOPSIES HERE IN YORK COUNTY?

5 A YES.

6 Q HOW MANY AUTOPSIES ABOUT HAVE YOU PERFORMED HERE  
7 IN YORK COUNTY?

8 A I'VE BEEN IN YORK COUNTY FOR 28 YEARS AND  
9 PROBABLY DONE 1500 AUTOPSIES SINCE I'VE BEEN HERE.

10 Q AND WHAT TYPE OF TRAINING DO YOU HAVE IN THE  
11 PERFORMING OF AUTOPSIES?

12 A I WENT TO MEDICAL SCHOOL AT THE UNIVERSITY OF  
13 NORTH CAROLINA, PROCEEDED TO DO MY PATHOLOGY  
14 RESIDENCY AT THE UNIVERSITY OF NORTH CAROLINA, AND  
15 THEN DID ADDITIONAL WORK IN FORENSIC PATHOLOGY AT  
16 THAT TIME.

17 MR. BAITY: YOUR HONOR, TO SAVE TIME, WE  
18 CERTAINLY WOULD STIPULATE TO DR. MAYNARD'S  
19 QUALIFICATIONS. HE'S A FORENSIC PATHOLOGIST.

20 MR. GREELEY: I JOIN IN THE STIPULATION.

21 THE COURT: I FIND HE IS QUALIFIED.

22 Q DR. MAYNARD, DID YOU HAVE OCCASION TO PERFORM  
23 THE AUTOPSY ON AMANDA COPE?

24 A YES, SIR, I DID.

25 Q NOW AS WE WERE ABOUT TO GET INTO THAT, BUT AS WE

1 GET INTO IT, DID YOU ACTUALLY END UP GOING TO THE  
2 SCENE THE DAY THAT SHE WAS DISCOVERED?

3 A YES, SIR, I DID.

4 Q AND CAN YOU TELL ME WHAT HAPPENED AS, WHAT YOU  
5 RECALL HAPPENING WHEN YOU FIRST ARRIVED AT THE HOME?

6 A I WAS CALLED THAT MORNING TO COME TO THE SCENE  
7 BY LAW ENFORCEMENT BECAUSE OF AN UNUSUAL DEATH THAT  
8 OCCURRED. I ARRIVED AT THE SCENE, WAS MET OUTSIDE BY  
9 AN OFFICER, AND THEN TAKEN INTO THE HOUSE.

10 Q OKAY. NOW WHEN YOU WENT IN HOUSE AT THAT TIME  
11 DID YOU NOTICE THE CONDITION OF THE HOUSE?

12 A YES, SIR, I DID.

13 Q AND WHAT WAS THE CONDITION OF THE HOUSE?

14 A IT WAS AWFUL, EXTREME FILTH. THERE WAS BUGS,  
15 ROACHES, ALL OVER THE PLACE. THERE WAS SEVERAL CATS  
16 IN THE HOUSE, FECAL MATERIAL FROM THE CATS WAS ABOUT  
17 THE HOUSE, EXTREME DISARRAY.

18 Q ALL RIGHT. WAS THERE ANY SMELL TO THE HOUSE?

19 A THERE WAS AN ODOR OF THE CATS BUT ALSO AN ODOR  
20 OF SPOILED FOOD.

21 Q ALL RIGHT. AND CAN YOU TELL ME WHAT WAS THE  
22 CONDITION OF THE APPEARANCE OF THE HOUSE ITSELF?

23 A IT WAS UNINHABITABLE TO ME. THERE WAS CLOTHING,  
24 FURNITURE, ALL AROUND, GARBAGE, OLD FOOD, SPOILED  
25 FOOD, LEFT OUT.

1 Q AS PART OF YOUR JOB AS A FORENSIC PATHOLOGIST,  
2 HAVE YOU HAD TO GO TO A NUMBER OF CRIME SCENES IN  
3 THIS COUNTY?

4 A YES, SIR, A REASONABLE NUMBER.

5 Q AND DOING THAT HAVE YOU EVER BEEN IN A HOUSE  
6 THAT YOU CONSIDERED AS FILTHY AS THIS ONE?

7 A NO, SIR, I HAVE NOT.

8 Q ALL RIGHT. WHAT WAS MR. COPE DOING UPON YOUR  
9 ARRIVAL DO YOU RECALL?

10 A HE WAS, I THINK, OUTSIDE WHEN I FIRST ARRIVED.

11 Q OKAY.

12 A WE THEN TALKED A LITTLE BIT ON THE INSIDE OF THE  
13 HOUSE.

14 Q AND WHAT WAS YOUR DISCUSSION WITH HIM?

15 A HOW HE FOUND AMANDA, WAS THERE ANYTHING ELSE  
16 HAPPENING AT THE TIME, AND YOU KNOW JUST SORT OF THE  
17 GENERAL CONDITION OF HER.

18 Q OKAY. NOW WHEN YOU WENT INTO WHERE AMANDA WAS  
19 IN THE ROOM WHERE SHE WAS, WHAT WAS HER CONDITION;  
20 WHAT DID YOU FIRST NOTICE ABOUT HER ON YOUR ARRIVAL?

21 A SHE WAS LYING ON THE BED FACE UP, LYING ON HER  
22 BACK. THE BEDROOM LOOKED SIMILAR TO THE REST OF THE  
23 HOUSE, VERY SQUALID, A LOT OF CLOTHES, A LOT OF TRASH  
24 LYING AROUND. SHE WAS LYING ON HER BED PARTIALLY  
25 CLOTHED. THERE WAS A LOT EXTRANEIOUS MATERIAL IN THE



1       BED FROM BOOKS TO STAPLERS TO METAL INSTRUMENTS, ET  
2       CETERA, IN THE BED. ONE OF THE, I THINK THERE WAS A,  
3       THE LEFT FRONT FOOT OF THE BED WAS BROKEN, SO THE BED  
4       WAS SOMEWHAT AT A DOWNWARD ANGLE.

5       Q     AND WHEN YOU BEGAN TO LOOK AT HER AT THAT POINT  
6       IN TIME IS THERE ANYTHING SPECIFIC YOU NOTICED ABOUT  
7       HER CLOTHING?

8       A     YES, SIR, IT WAS.

9       Q     AND WHAT DID YOU NOTICE?

10      A     THE CLOTHING WAS SORT OF PLACED ON THE BODY MORE  
11      THAN REALLY DRESSED BY HER. THE LEFT BREAST WAS  
12      EXPOSED. BOTH THE BRA AND THE BLOUSE WERE PULLED UP  
13      SHOWING THE NIPPLE OF THE LEFT BREAST. WHEN I LOOKED  
14      FURTHER THE BRA WAS NOT HOOKED BUT JUST LAID OVER THE  
15      BODY AND THE SNAP WAS IN HER LEFT ARMPIT ON ONE SIDE.  
16      THE PANTS WERE JUST UP TO HER PUBIS, JUST BARELY  
17      COVERING OR NOT QUITE COVERING HER PUBIC HAIR, BUT  
18      THEY WERE ROLLED INSTEAD OF PUTTING HER PANTS ON  
19      STRAIGHT UP WITH THE BELT LINE BEING FLAT, THESE WERE  
20      ROLLED INWARDS RATHER THAN, YOU KNOW, BEING OUTWARD  
21      AS SOMEONE WOULD PULL THEIR OWN PANTS UP. THEY WERE  
22      LOWER IN THE FRONT AND HIGHER IN THE BACK WHICH WAS A  
23      SUSPICIOUS SIGN TO ME AND TO THE REST OF US THAT  
24      THESE HAD BEEN PULLED UP ON HER RATHER THAN HER  
25      DRESSING HERSELF.

1 Q DID YOU EXAMINE AS WELL HOW HER UNDERWEAR WAS  
2 ON?

3 A YES, SIR. IT WAS THE SAME WAY, PARTIALLY PULLED  
4 UP WITH THE PANTS AND AGAIN ROLLED INWARDS RATHER  
5 THAN ROLLED OUTWARD.

6 Q AND WERE YOU PRESENT WHEN PHOTOGRAPHS WERE TAKEN  
7 OF THAT?

8 A YES, SIR, I WAS.

9 Q SHOW YOU STATE'S EXHIBIT NUMBER 24, 25, AND 26,  
10 AND ASK IF YOU CAN IDENTIFY THOSE FOR ME?

11 A YES, SIR, I CAN.

12 Q ALL RIGHT. AND TELL ME WHAT THEY ARE?

13 A EXHIBITS 24 A PICTURE OF AMANDA'S ABDOMEN AND  
14 THE PANTS WHICH SHOW THE ROLLING OF THE PANTS INWARD.  
15 THIS IS A WARM UP SUIT OR A JOGGING BOTTOM WITH THE  
16 ROLLING INWARD, THE PUBIC HAIRS. THIS BARELY VISIBLE  
17 ON THIS ONE.

18 Q IF YOU WOULD LOOK ON THE BACK OF THAT AND TELL  
19 ME WHICH EXHIBIT THAT IS?

20 A THAT IS 24.

21 Q 24. DOES THAT FAIRLY AND ACCURATELY DEPICT HOW  
22 YOU SAW HER THAT MORNING?

23 A YES, SIR, IT DOES. IT ALSO SHOWS THE LEFT  
24 NIPPLE BEING EXPOSED UP THERE WITH THE BRA AND THE  
25 BLOUSE BEING ABOVE THE NIPPLE.

1 Q AS A MATTER OF FACT BEFORE YOU EXPLAIN WHAT'S IN  
2 EACH OF THOSE PICTURES AND HAVING LOOKED AT THEM  
3 YOURSELF, DO EACH OF THOSE FAIRLY AND ACCURATELY  
4 DEPICT THE BODY AS YOU SAW IT THAT MORNING?

5 A YES, IT DOES.

6 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
7 THESE IN EVIDENCE AT THIS TIME.

8 MR. BAITY: WE'VE SEEN THEM. WE HAVE NO  
9 OBJECTION.

10 MR. GREELEY: NO OBJECTION.

11 (STATE EXHIBITS 24-26 RECEIVED INTO  
12 EVIDENCE.)

13 THE COURT: ADMITTED WITHOUT OBJECTION.

14 Q DOCTOR, IF YOU WOULD --

15 THE COURT: MAKE SURE THEY ARE MARKED.

16 A YES, SIR, THEY ARE.

17 Q DR. MAYNARD, IF YOU WOULD, IF YOU COULD HOLD  
18 THEM UP AND KIND OF EXPLAIN TO THE JURY WHAT YOU ARE  
19 SEEING IN THOSE PHOTOGRAPHS?

20 A YES. EXHIBIT 24 AS YOU CAN SEE IS A PICTURE OF  
21 THE ABDOMEN, WE CAN SEE THE BELLY BUTTON. HERE THE  
22 NIPPLE IS EXPOSED ON THE LEFT SIDE HERE. THE BRA IS  
23 JUST ABOVE THE NIPPLE, THE BLOUSE. HERE THE PANTS  
24 ARE DOWN SOMEWHAT AND IS PROBABLY DIFFICULT TO SEE.  
25 MAY I?

1 MR. THOMPSON: YOU CAN STEP DOWN.

2 THE COURT: YOU CAN STEP DOWN.

3 A OKAY. THANK YOU. THE PANTS SPECIFICALLY ON  
4 THE RIGHT SIDE, SEE THE ROLL. THE ROLL IS INWARD ON  
5 THE PANT THERE. YOU CAN SEE THE LITTLE TOY TRAIN  
6 THERE IN THE BED TOO.

7 EXHIBIT 25 IS A PICTURE OF AMANDA'S  
8 ABDOMEN AND IN PULLING THE PANTS DOWN JUST A LITTLE  
9 BIT TO SEE IF SHE HAD UNDERWEAR ON AND YOU CAN SEE  
10 THE UNDERWEAR AND AGAIN THE ROLLING ON BOTH THE RIGHT  
11 AND THE LEFT SIDES.

12 EXHIBIT 26 IS A PICTURE MORE OF HER  
13 CHEST AND FACE. THERE WERE SEVERAL THINGS IN THIS  
14 PICTURE. ONE YOU CAN SEE THE LEFT NIPPLE IS EXPOSED.  
15 THE BRA, AS YOU CAN SEE IS LOOSE, YOU CAN SEE THE  
16 HOOK ON THE LEFT SIDE JUST AT HER ARMPIT LEVEL, AND  
17 IT SORT OF LOOKS, YOU KNOW, THIS HAS BEEN PUSHED UP  
18 SOMEHOW OR ANOTHER EXPOSING THAT LEFT BREAST. IF YOU  
19 LOOK AT HER FACE YOU CAN SEE THE LIPS ARE QUITE  
20 SWOLLEN AND THERE IS A HEMORRHAGE.

21 ON THE LEFT YOU SEE A LITTLE BLOODY  
22 FLUID COMING OUT THE LEFT SIDE OF THE MOUTH AND IF  
23 YOU LOOK ON THE BED THERE IS A VERY BLOODY FLUID IN  
24 ADDITION. THIS IS THE BLOOD COMING OUT OF HER MOUTH,  
25 THE BLOODY FLUID, AND BLOOD ON THE BED ON THE LEFT

1       SIDE.

2       Q       NOW THAT AREA OF THE BLOOD ON THE BED, DOES THAT  
3       CORRESPOND TO WHERE SHE WAS LYING BEFORE SHE WAS  
4       ROLLED OVER?

5       A       YES, SIR.  SHE HAD BEEN LYING FACE, WITH THE  
6       FACE DOWN WITH THE MOUTH OVER HERE WHICH CAUSED THE  
7       FLUID TO LEAK OUT OF HER MOUTH THEN SATURATE THE  
8       CLOTHING THAT WAS UNDERNEATH THE BED.

9       Q       WHEN YOU ARRIVED SHE WAS IN THE POSITION SHE IS  
10      CURRENTLY IN THAT PICTURE, CORRECT?

11     A       YES, SIR, THAT IS CORRECT.  SHE WAS ON HER BACK.

12     Q       NOW YOU MENTION THAT AREA OF BLOOD THAT YOU SAW  
13     THAT WAS TRANSFERRED FROM THE MOUTH TO THE BED, WAS  
14     THERE OTHER BLOOD SPLATTER THROUGHOUT THE ROOM OR ON  
15     THE BED?

16     A       NO, SIR, THERE WAS NOT.

17     Q       WOULD YOU DESCRIBE THIS AS A BLOODY CRIME SCENE?

18     A       NO, SIR, I WOULD NOT.  THERE WAS NO EVIDENCE OF  
19     BLOOD ON THE BED, ON THE WALLS, ON THE FLOOR, OR ON  
20     THE BED SHEETS THAT WE SAW AT THE TIME OTHER THAN  
21     JUST RIGHT THERE AT THE HEAD.

22     Q       ALL RIGHT.  NOW DID YOU OBSERVE THE BLANKET THAT  
23     WAS WITH THE PIECE OF TRIM THAT WAS UNDONE ON IT?

24     A       YES, SIR, I DID.  AS A MATTER OF FACT, IT'S IN  
25     ONE OF THESE PICTURES.

1 Q OKAY. AND HAVE YOU BEEN TOLD BY MR. COPE  
2 WHETHER THAT BLANKET WAS USED IN ANY WAY ON HER OR  
3 HOW HE FOUND THAT BLANKET ON HER?

4 A MR. COPE SAID THAT THE BLANKET WAS WRAPPED  
5 AROUND HER NECK FIVE TO SIX TIMES.

6 Q ALL RIGHT.

7 A OR THE I GUESS THE SATIN AREA, THE TRIM, ON THE  
8 BLANKET.

9 Q NOW IN VIEWING AMANDA ON THE BED AT THAT TIME  
10 WERE YOU ABLE TO DETERMINE IF SHE ACTUALLY WAS KILLED  
11 ON THAT BED?

12 A SHE WAS ALIVE DURING AT LEAST PART OF THE  
13 ASSAULT ON THE BED. THERE WERE ABRASIONS ON HER THAT  
14 WERE CONSISTENT WITH SOME OF THE OBJECTS IN THE BED  
15 INDICATING THAT THERE WAS A STRUGGLE ON THE BED. SHE  
16 APPEARED TO HAVE DIED IN THE BED.

17 Q AS A MATTER OF FACT, IF I COULD SHOW YOU A  
18 COUPLE OTHER EXHIBITS, STATE'S EXHIBITS 27 AND  
19 STATE'S EXHIBIT 20. STATE'S EXHIBIT 27 DOES THAT  
20 DEPICT THE ITEMS THAT WERE LYING ON THE BED AROUND  
21 HER AT THE TIME YOU WERE THERE?

22 A YES, SIR, IT DOES. THIS IS WITH US ROLLING HER  
23 ON HER LEFT SIDE TO SEE WHAT WAS UNDERNEATH HER.  
24 THERE ARE A NUMBER OF THINGS.

25 Q OKAY. AND CAN YOU TELL ME WERE YOU ABLE TO

1 MATCH UP ANY OF THOSE THINGS WITH MARKS ON HER BODY?

2 A THERE WAS A LARGE STAPLER GUN ON THE BED THAT  
3 MATCHED SOME OF THE ABRASIONS ON HER BODY.

4 Q OKAY. AND ON THE OTHER EXHIBIT I BELIEVE  
5 EXHIBIT NUMBER 20?

6 A YES, SIR.

7 Q CAN YOU TELL ME WHAT THAT IS?

8 A YES. THERE WERE ABRASIONS ALONG WITH  
9 HEMORRHAGES INDICATING THAT SHE WAS ALIVE AT THIS  
10 TIME AND THESE, WHEN YOU PUT THE STAPLE GUN ON THIS,  
11 MATCH WHAT WAS THERE ON HER BODY.

12 Q AND WHAT IF ANYTHING DOES THAT INDICATE TO YOU?

13 A THIS INDICATES THAT A STRUGGLE OCCURRED ON THE  
14 BED, SHE WAS ALIVE AT THE TIME, SIGNIFICANT FORCE WAS  
15 APPLIED TO HER THAT CAUSED ABRASIONS BY THE STAPLE  
16 GUN UNDERNEATH HER.

17 Q WOULD THAT BE CONSISTENT WITH SOMEONE FORCIBFULLY  
18 HOLDING HER DOWN TO JUMPING ON TOP OF HER?

19 A YES, SIR, IT WOULD.

20 Q DO THOSE PICTURES FAIRLY AND ACCURATELY DEPICT  
21 THE BODY AND THE BOTTOM PICTURE NUMBER 20 WITH THE  
22 ABRASIONS, DOES THAT FAIRLY AND ACCURATELY DEPICT THE  
23 ABRASIONS THAT YOU NOTICED ON HER BODY ON HER THIGH  
24 AT THAT TIME?

25 A YES, IT DOES.

1 MR. THOMPSON: YOUR HONOR, I ASK TO  
2 ENTER THAT INTO EVIDENCE AT THIS TIME.

3 MR. BAITY: NO OBJECTION.

4 MR. GREELEY: NO OBJECTION.

5 THE COURT: BE RECEIVED WITHOUT OBJECTION.

6 Q AND THE OTHER ONE STATE'S EXHIBIT 27 IS THAT  
7 CORRECT OR 28?

8 A 27.

9 MR. BAITY: CAN I CONFER WITH COUNSEL  
10 ABOUT THESE EXHIBITS. WITHOUT OBJECTION, YOUR  
11 HONOR.

12 MR. GREELEY: NO OBJECTION.

13 THE COURT: BE RECEIVED.

14 (STATE'S EXHIBITS 20 & 27 RECEIVED  
15 INTO EVIDENCE.)

16 Q DOCTOR, IF YOU WOULD STEP DOWN PLEASE ONCE AGAIN  
17 AND KIND OF SHOW THE PHOTOGRAPH NUMBER 27 TO THE JURY  
18 AND DESCRIBE WHAT YOU ARE SPEAKING OF IN THAT  
19 PHOTOGRAPH?

20 A 27 IS AMANDA'S BODY BEING ROLLED TO THE LEFT  
21 SIDE AND YOU CAN SEE THE CLUTTER THAT'S ON THE BED.  
22 THE STAPLE GUN THAT I'M REFERRING TO IS THERE JUST  
23 UNDERNEATH HER. AGAIN THE STAPLE GUN AND A LOT OF  
24 OTHER ITEMS THAT ARE IN THE BED. THE PICTURE STATE'S  
25 EXHIBIT 20 IS OF HER THIGH AND YOU CAN SEE THE



1 ABRADED AREA THAT THERE ARE SPOTS THERE. THERE IS  
2 HEMORRHAGE BETWEEN THE AREAS INDICATIVE OF HER (A)  
3 BEING ALIVE BUT ALSO HAVING FORCED PRESSED DOWN ON  
4 THE STAPLE GUN AND THEN MOVEMENT OCCURRED TO CAUSE  
5 THESE ABRASIONS.

6 Q WHEN YOU SPEAK OF MOVEMENT OCCURRING WOULD THAT  
7 BE CONSISTENT WITH HER STRUGGLING WHILE LYING ON TOP  
8 OF THE BED?

9 A YES, SIR, IT WOULD BE. SO WHEN YOU TAKE THIS  
10 AND PUT IT WITH THE STAPLE GUN IT FIT PERFECTLY.

11 Q NOW I NOTICE ON STATE'S EXHIBIT 27 WHERE YOU HAD  
12 ROLLED HER BODY UP A LITTLE BIT WHEN THE PHOTOGRAPH  
13 WAS TAKEN THERE WAS SOME REDNESS ON HER BACK, CAN YOU  
14 DESCRIBE WHAT THAT IS?

15 A YES, SIR, I CAN. THE REDNESS ON HER BACK WHICH  
16 BEGINS ABOVE THE BUTTOCK CREASE IS WHAT WE TERM AS  
17 LIVOR MORTIS WHICH IS SIMPLY THE SETTling OF BLOOD IN  
18 THE TISSUE AFTER DEATH. THAT BLOOD WILL BEGIN TO,  
19 WELL IT STOPS FLOWING, AND IT STARTS SETTling WITH  
20 GRAVITY AT THIS TIME.

21 Q ALL RIGHT. AND CAN YOU TELL ME DOES THAT  
22 INDICATE THAT SHE SPENT SOME TIME AFTER DEATH ON HER  
23 BACK?

24 A YES, SIR, IT DOES.

25 Q WAS THERE ANY INDICATION TO YOU THAT SHE HAD

1 SPENT ANY TIME ON HER STOMACH AFTER DEATH?

2 A YES, SIR, THERE IS AND EXHIBIT 26 THE PICTURE OF  
3 HER FACE AND UPPER CHEST AND BREAST YOU CAN ALSO SEE  
4 SOME OF THIS REDNESS OR LIVOR OVER HER FACE AND OVER  
5 HER LEFT FLANK AND LEFT BREAST.

6 Q SO IN YOUR OPINION WAS THERE SOMETIME AFTER  
7 DEATH THAT SHE SPENT BOTH ON HER FACE AND ON HER  
8 BACK?

9 A YES, SIR, IN ADDITION TO THIS BLOODY FLUID WE  
10 SEE ON THE LEFT SIDE OF HER FACE.

11 Q SO YOU SAY IN ADDITION TO THAT BLOODY FLUID THAT  
12 INDICATE THAT SHE WOULD HAVE BEEN TURNED MORE THAN  
13 ONCE?

14 A YES, SIR.

15 Q OKAY. AND THAT'S BEFORE YOU ARRIVED THAT SHE  
16 WOULD HAVE BEEN TURNED OVER MORE THAN ONCE?

17 A YES, SIR, SHE WAS ON HER BACK WHEN I ARRIVED.

18 Q OKAY. NOW DID YOU USE ANY SORT OF ALTERNATE  
19 LIGHT SOURCE TO TRY TO DETERMINE ANYTHING WHILE YOU  
20 WERE THERE?

21 A YES, SIR, WE DID.

22 Q CAN YOU DESCRIBE HOW YOU DO THAT?

23 A LAW ENFORCEMENT FORENSICS HAD SOME BLACK LIGHTS  
24 OR LIGHTS THAT WE LOOK FOR ITEMS THAT MAY FLUORESCENE.  
25 YOU PUT ON A SET OF SPECIAL GLASSES AND CUT OFF ALL

1 THE LIGHTS AND CUT THIS LIGHT ON AND CERTAIN THINGS  
2 WILL FLUORESCENCE IN THE ROOM AND WE EXAMINED THE BED  
3 AND AMANDA SHE WAS IN THE BED AT THAT TIME.

4 Q OKAY. AND WHAT DOES THAT SHOW TO YOU; WHAT DID  
5 IT SHOW TO YOU AT THE TIME?

6 A THAT THERE WERE A NUMBER OF AREAS THAT WERE  
7 FLUORESCING. A NUMBER OF THINGS CAN FLUORESCENCE BUT IT  
8 GIVES YOU AN AREA OR AN IDEA OF WHERE TO LOOK A  
9 LITTLE CLOSER. SEMEN BEING ONE OF THE MOST COMMON  
10 THINGS THAT FLUORESCES.

11 Q DO THINGS LIKE URINE ALSO FLUORESCES?

12 A OTHER THINGS CAN, YES, SIR.

13 Q IS IT MOSTLY BODY FLUIDS?

14 A MOSTLY BODILY FLUIDS, OCCASIONALLY FOREIGN  
15 MATERIAL MAY FLUORESCENCE.

16 Q FOREIGN MATERIAL, SPILLED MILK, SOMETHING LIKE  
17 THAT, MAY FLUORESCENCE?

18 A SOME OTHER THINGS, YES, SIR.

19 Q NOW AFTER YOU HAD NOTICED THAT, WAS THERE ANY  
20 TIME WHILE YOU WERE THERE AT THE HOUSE THAT YOU ENDED  
21 UP DETERMINING, I KNOW YOU DIDN'T DO A FULL EXAM  
22 THERE, DID YOU DETERMINE ANYTHING ABOUT A SEXUAL  
23 ASSAULT AT THE HOUSE INITIALLY?

24 A THERE WAS OBVIOUS EVIDENCE OF ASSAULT ON AMANDA.  
25 THERE WERE BRUISING ABOUT THE HEAD, ESPECIALLY OF THE

1 FACE. THERE WAS SWELLING OF THE LIPS, A LOT OF  
2 DISCOLORATION OF THE LIPS. THERE WAS ABRASIONS ON  
3 THE BACK THAT WE NOTED. AND THE WAY THE CLOTHING WAS  
4 ARRANGED WITH THE BRA UNHOOKED, THE LEFT BREAST  
5 EXPOSED, THE PANTS PULLED UP IN A UNUSUAL FASHION, WE  
6 WERE VERY CONCERNED ASSAULT HAD OCCURRED AND A  
7 HOMICIDE HAD TAKEN PLACE.

8 Q SO YOU DIDN'T ACTUALLY UNDESS HER THERE AT THE  
9 SCENE, DID YOU?

10 A NO, SIR, WE DIDN'T.

11 Q AT THAT POINT YOU RECALL HOW THE BODY WAS OR  
12 WHAT WAS DONE WITH THE BODY AT THAT POINT AFTER YOU  
13 EXAMINED HER INITIALLY?

14 A THE BODY ALONG WITH THE BED CLOTHES WERE ALL PUT  
15 TOGETHER, PLACED IN A BAG SO NOTHING WOULD BE LOST,  
16 ALL THE EVIDENCE WOULD BE RETAINED FROM THE BED, AND  
17 THEN TAKEN TO THE MORGUE.

18 Q ALL RIGHT. AND DID YOU THEN GO TO THE MORGUE TO  
19 LATER ON TO PERFORM THE AUTOPSY THAT DAY?

20 A YES, SIR, I DID.

21 Q NOW BEFORE YOU PERFORM THAT AUTOPSY THOUGH, DID  
22 MR. COPE ONCE AGAIN DID YOU HAVE OCCASION TO MEET HIM  
23 AT YOUR LAB AT PIEDMONT?

24 A YES, SIR, A LITTLE LATER THAT MORNING.

25 Q AND CAN YOU TELL ME WHAT THE SITUATION WAS IN

1 WHICH YOU MET HIM AT THAT TIME?

2 A HE WAS BROUGHT OVER WITH SEVERAL POLICE OFFICERS  
3 FOR ME TO OBTAIN BLOOD AND OTHER POTENTIAL HAIRS, ET  
4 CETERA, FROM HIM.

5 Q THIS IS STATE'S EXHIBIT NUMBER 33.

6 MR. BAITY: NO OBJECTION, YOUR HONOR.

7 THE COURT: MR. GREELEY.

8 MR. GREELEY: NO OBJECTION.

9 THE COURT: BE RECEIVED WITHOUT OBJECTION.

10 (STATE'S EXHIBIT 33 SLED BLOOD  
11 COLLECTION KIT RECEIVED INTO EVIDENCE.)

12 MR. THOMPSON: DOES THAT MEAN I DON'T  
13 HAVE TO MOVE IT INTO EVIDENCE, IT'S ALREADY THERE,  
14 THEN I AM MOVING IT IN OFFICIALLY THEN AT THIS TIME.

15 THE COURT: IT'S RECEIVED.

16 Q DR. MAYNARD, IF YOU COULD TELL ME WHAT THAT IS?

17 A YES, SIR. STATE'S EXHIBIT 33 IS A STATE LAW  
18 ENFORCEMENT ENVELOPE THAT CONTAINS BLOOD TUBE  
19 DIFFERENT ENVELOPES FOR THE COLLECTION OF BLOOD  
20 SALIVA, HEAD HAIR, PUBIC HAIRS, ET CETERA.

21 Q ALL RIGHT. AND YOU TAKE THOSE SAMPLES FROM HIM  
22 AT THAT TIME?

23 A YES, SIR, I DID.

24 Q WHEN YOU TAKE THOSE DO YOU SEAL THEM UP IN THE  
25 ENVELOPES THAT ARE PROVIDED?

1       A     YES, SIR.  THESE COME IN AN ENVELOPE WHICH IS  
2       SEALED, WE OPEN THIS, AND THEN THERE ARE INDIVIDUAL  
3       ENVELOPES IN HERE WHICH WE PLACE THE APPROPRIATE  
4       MATERIAL IN.  THESE ARE RESEALED WITH EVIDENCE TAPE  
5       THEN THE EVIDENCE TAPE IS PLACED ON THE BACK OF THE  
6       ENVELOPE IN THE PRESENCE OF EVERYONE.  MY INITIALS  
7       ARE ON THE EVIDENCE TAPE TO PROVE IT HADN'T BEEN  
8       TAMPERED WHEN IT ARRIVES AT SLED.  THEN ON THE FRONT  
9       OF IT IS MY SIGNATURE FROM ME TO OFFICER DAVIS AT  
10      NOVEMBER 29, 2001 AT 10:07 A.M.

11      Q     DID MR. COPE SAY ANYTHING TO YOU WHEN HE ARRIVED  
12      TO TAKE THIS KIT?

13      A     YES, SIR, HE DID.

14      Q     WHAT DID HE SAY?

15      A     HE ASKED HAD I FOUND ANY DNA, ANY OF HIS DNA ON  
16      AMANDA NAILS.

17      Q     WHICH NAILS?

18      A     AND I ASKED HIM ABOUT THIS BECAUSE SOMEWHAT  
19      UNUSUAL, HE ASKED DID ANY OF HIS DNA SHOW UP  
20      UNDERNEATH HER NAILS AND WHEN I ASKED HIM WHY HE WAS  
21      ASKING ME THAT HE SAID WELL HIS BACK HAD BEEN ITCHING  
22      AND SHE WAS SCRATCHING HIS BACK THE NIGHT BEFORE.

23      Q     ALL RIGHT.  DID YOU AT THAT POINT HAVE OCCASION  
24      TO LOOK AT HIS BACK?

25      A     YES, SIR.  I ASKED HIM DID HE HAVE A RASH OR

1           SOMETHING AND HE SAID HE DID.  HE THEN PULLED HIS  
2           SHIRT OFF AND LET ME LOOK AT HIS BACK.

3           Q       AND WHAT DID YOU EXAMINE AT THAT TIME?

4           A       THERE WAS A MINIMUM BUMPS, EVIDENCE OF MILD  
5           SCRATCHING.

6           Q       OKAY.  NOW AFTER YOU TOOK THOSE SAMPLES AT THAT  
7           TIME DO YOU HAND THEM OVER TO LAW ENFORCEMENT THEN?

8           A       YES, SIR, I DID.

9           Q       AND I BELIEVE THERE IS ACTUALLY A PLACE WHERE  
10          YOU SIGN ON THERE THAT IT'S TURNED OVER?

11          A       YES, SIR, IT WAS TURNED OVER TO DAVIS.

12          Q       OFFICER DAVIS?

13          A       OFFICER DAVIS.

14          Q       ALL RIGHT.  THANK YOU.  NOW WHEN YOU FIRST  
15          EXAMINED AMANDA DID YOU TAKE NOTE OF HER HEIGHT AND  
16          WEIGHT AT THAT TIME?

17          A       YES, SIR, I DID.

18          Q       WHAT WAS YOUR DETERMINATION AS FAR AS HEIGHT AND  
19          WEIGHT?

20          A       SHE WAS 63 INCHES IN HEIGHT AND WEIGHED  
21          APPROXIMATELY 160 TO 170 POUNDS.

22          Q       AND DID YOU EXAMINES HER HAIR FOR ANY SIGNS OF  
23          BUGS OR VERMIN OR ANYTHING LIKE THAT?

24          A       YES, SIR, I DID.

25          Q       DID YOU FIND ANYTHING?

1 A YES, SIR. SHE HAD LICE, HEAD LICE.

2 Q AT THAT POINT DID YOU FURTHER EXAMINE HER  
3 CLOTHING?

4 A YES, SIR, WE DID.

5 Q AND IN REMOVING HER CLOTHING, DID YOU NOTICE  
6 WERE THE BRA THAT SHE WAS WEARING WERE THE STRAPS HER  
7 ARMS THROUGH THE BRA ITSELF, DO YOU RECALL?

8 A THE STRAPS WERE ON THE SHOULDER SO THE BRA WAS  
9 BACK ON AMANDA BUT WAS NOT HOOKED.

10 Q OKAY. NOW IN EXAMINING THE CLOTHING AS WELL DID  
11 YOU FIND ANYTHING THAT INDICATED TEARS OR ANYTHING OF  
12 THAT NATURE ON THE CLOTHING?

13 A THERE WERE NO TEARS IN THE CLOTHING.

14 Q ALL RIGHT. DID YOU FIND ANY HAIRS OR ANYTHING  
15 OF THAT NATURE BEFORE YOU ACTUALLY STARTED INTO THE  
16 SEXUAL ASSAULT KIT WITH AMANDA?

17 A YES, SIR, I DID. THERE WERE SEVERAL SCATTERED  
18 HAIRS ON BOTH THE BLOUSE AND THE PANTS.

19 Q AND DID YOU COLLECT THOSE AT THAT TIME?

20 A YES, SIR, I DID.

21 Q IN COLLECTING THOSE WOULD THEY BE SEPARATELY  
22 SEALED FROM EACH OTHER?

23 A YES, SIR, THAT'S CORRECT.

24 Q AND ULTIMATELY GIVEN TO THE POLICE DEPARTMENT?

25 A YES, SIR.



1 Q NOW AS YOU STARTED TO THE AUTOPSY IF YOU COULD,  
2 WOULD JUST GO THROUGH WHAT YOU FOUND NOW, THE  
3 EXTERNAL INJURIES THAT YOU FOUND REGARDING THE FACE  
4 IN THAT AREA, WHAT TYPE OF INJURIES DID YOU OBSERVE  
5 WITH HER HEAD AND FACE?

6 A THERE WAS BRUISING BENEATH THE RIGHT EYE. THERE  
7 WAS A FAINT AREA OF BRUISING OVER THE LEFT CHEEK AND  
8 FACE. AND THE EYES, THE WHITE PART OF THE EYES WE  
9 CALL THE SCLERA, HAD AREAS OF HEMORRHAGE IN THEM.  
10 THIS IS UNUSUAL AND THERE WAS SOME AREAS UP TO A  
11 QUARTER INCH IN SIZE WHICH WAS FAIRLY SIGNIFICANT  
12 INJURIES DIRECTLY TO THE EYES OR THE TISSUE AROUND  
13 THERE.

14 THE MOUTH, THERE WAS THIS BLOODY FLUID  
15 COMING OUT OF IT, A LITTLE FROTHY FLUID, BUT THERE  
16 WAS SWELLING OF BOTH THE UPPER AND LOWER LIPS, AND  
17 HEMORRHAGE ALONG THESE AREAS INDICATING CONTUSIONS OR  
18 BLOWS THAT OCCURRED TO THE LIPS. THERE WAS A TEAR OF  
19 ALMOST A HALF INCH IN LENGTH ON THE INNER ASPECT OF  
20 THE LOWER LIP IN THE MIDLINE. THERE WAS EITHER A  
21 SPLITTING OR ONE OF HER TEETH THAT ACTUALLY CUT IT  
22 FROM A BLOW TO THE LIP. ON THE OUTSIDE OF THE LIP  
23 THEY HAD APPEARANCE OF POSSIBLY A SMALL BITE MARK,  
24 PROBABLY AMANDA'S, WHEN SHE WAS BITING DOWN ON HER  
25 LIP HERSELF.

1 Q ALL RIGHT. AND IF YOU COULD TELL ME AS FAR AS  
2 THE INJURIES TO THE EYES THEMSELVES, DID YOU LOOK  
3 FURTHER INTO THESE INJURIES AS FAR AS  
4 MICROSCOPICALLY, DID YOU EXAMINE SOME OF THESE  
5 INJURIES?

6 A YES, SIR, WE DID.

7 Q AND WHAT RESULTED FROM THAT?

8 A DUE TO THE, WE LOOKED IN THE EYES AND THERE WAS  
9 EVIDENCE OF HEMORRHAGE BACK ON THE RETINA INTO AT  
10 LEAST ONE EYE, AND WE ENDED UP TAKING THE EYES OUT  
11 WHICH IS TYPICALLY WHAT YOU DO WITH A SHAKEN BABY  
12 SYNDROME WHERE YOU SEE INJURIES THERE, WE EXAMINE THE  
13 TISSUE AROUND THE EYES, AND THERE WAS EVIDENCE OF  
14 HEMORRHAGE BEING AROUND THE EYES INDICATIVE OF  
15 SIGNIFICANT FORCE BEING APPLIED TO THE FACE. WHEN WE  
16 ACTUALLY DID THE MICROSCOPIC EXAMINATION OF THE EYE  
17 TISSUE ITSELF THERE WAS HEMORRHAGE IN THE RETINA OF  
18 THE LEFT EYE AND IN THE SOFT TISSUE THERE. THE RIGHT  
19 EYE THERE WAS HEMORRHAGE IN THE TISSUE AROUND IT BUT  
20 THERE WAS NO EVIDENCE OF RETINA HEMORRHAGE IN THE  
21 RIGHT EYE.

22 Q ON THE HEAD ITSELF DID YOU EXAMINE ANY INJURIES  
23 ON THE HEAD?

24 A THERE WAS NOTHING ON THE HEAD THAT I CAN SEE  
25 RIGHT NOW.

1 Q NOTHING VISIBLE ON THE OUTSIDE OF THE HEADS?

2 A NO, SIR, NOTHING ON THE OUTSIDE OF THE HEAD.

3 Q HOW ABOUT YOUR INTERNAL INVESTIGATIONS OF THE  
4 INJURIES ON THE HEAD, WHAT RESULTED FROM THAT?

5 A INTERNALLY THERE WAS SIGNIFICANT BRUISING ON THE  
6 LEFT SIDE OF THE HEAD PREDOMINATELY BUT ALSO ON THE  
7 RIGHT SIDE OF THE HEAD. THIS IS WHAT WE DETERMINED  
8 THE TEMPORALIS MUSCLE OR THE BIG MUSCLE THAT GOES UP  
9 IN FRONT OF YOUR EAR AND ATTACHES TO YOUR SCALP ON  
10 BOTH SIDES OF THE HEAD. THERE WAS ALSO SOME  
11 HEMORRHAGE OVER THE MIDFRONT OF THE SCALP. THERE WAS  
12 NOTHING ON THE BACK OF THE SCALP THAT WE DETERMINED.

13 Q NOW THE HEMORRHAGES THAT WE'RE TALKING ABOUT SO  
14 FAR I'M REFERRING TO A BLEEDING?

15 A YES, SIR. I'M SORRY. BRUISING IN THE TISSUE.

16 Q AND WITH THE BRUISING AND THE HEMORRHAGING THAT  
17 YOU ARE DISCUSSING SO FAR, DID YOU NOTICE ANYTHING  
18 ABOUT THE FRESHNESS OF THOSE PARTICULAR WOUNDS?

19 A THESE ALL APPEAR TO BE FRESH AT THE TIME OF THE  
20 AUTOPSY AND DETERMINED TO BE FRESH WHEN WE DID THE  
21 MICROSCOPIC EXAMINATION.

22 Q ALL RIGHT. AND IN LOOKING AT BOTH THE FACE AND  
23 THE HEAD AND THOSE INJURIES, DO YOU HAVE AN OPINION  
24 AS TO WHAT WOULD BE, WHAT TYPE OF FORCE WAS USED TO  
25 CAUSE THOSE INJURIES?

1 A YES, SIR, I DID.

2 Q AND WHAT IS THAT OPINION?

3 A SIGNIFICANT BLUNT FORCE INJURY WAS USED. THERE  
4 WAS NO EVIDENCE OF A KNIFE WHERE LACERATIONS  
5 OCCURRED, BUT A SOLID OBJECT STRIKING THESE AREAS  
6 WITH SUCH FORCE TO CAUSE BREAKING OF THE VESSELS, THE  
7 BRUISING, THE BLEEDING. IT TAKES A SIGNIFICANT  
8 AMOUNT OF FORCE TO CAUSE HEMORRHAGE AROUND SOMEONE'S  
9 EYES ESPECIALLY THE RETINA IN THE BACK OF EYE, THE  
10 VISUAL PORTION OF THE EYE, SO SIGNIFICANT FORCE  
11 WHETHER WITH A FIST, WITH A FOOT, WITH AN OBJECT  
12 THAT'S NOT GOING TO LACERATE OR TEAR THE SKIN ITSELF.

13 Q SO BY OBJECT YOU ARE NOT TALKING LIKE A BASEBALL  
14 BAT, BUT RATHER SOMETHING LIKE A HAND OR A FOOT,  
15 THINGS LIKE THAT?

16 A TYPICALLY YOU WOULD NOT SEE THIS TYPE OF INJURY  
17 WITH A BASEBALL BAT ON THE HEAD.

18 Q OKAY. WOULD THAT BE CONSISTENT WITH BEING HIT  
19 WITH AN OPEN HAND AS WELL WITH GREAT FORCE?

20 A YES, SIR, IT CERTAINLY COULD BE.

21 Q ALL RIGHT. AND YOU HAD MENTIONED THE FACT THAT  
22 WHEN TALKING ABOUT THE EYES AND SOME OF THE  
23 HEMORRHAGING THERE, ABOUT SHAKEN BABY SYNDROME THAT  
24 WAS SIMILAR TO THAT, CAN YOU DESCRIBE WHAT YOU MEAN  
25 BY THAT?

1           A     YES, SIR.  THERE WERE SEVERAL THINGS.  THE  
2           SHAKEN BABY SYNDROME IS WHERE AN INFANT IS SHAKEN SO  
3           VIOLENTLY THAT HIS HEAD IS MOVING BACK AND FORTH AND  
4           HIS BRAIN IS MOVING EVEN FASTER, SO THE BRAIN IS  
5           BOUNCING AROUND THE INSIDE.  WITH THE FAST SPEED UP  
6           AND SLOWING DOWN WITH THE SHAKING THAT YOU'LL  
7           ACTUALLY HAVE THE EYES MOVING TOO AND GET HEMORRHAGES  
8           IN THE EYES, BUT YOU ALSO HAVE THESE SHEARING FORCES,  
9           BLOOD VESSELS ARE VERY DELICATE, THE SMALL BLOOD  
10          VESSELS, AND SHEARING OR TWISTING MOTIONS ARE MOVING  
11          FRONTWARDS AND BACKWARDS IN A RAPID RATE WILL START  
12          TEARING THESE VESSELS AND HENCE YOU GET THE BLEEDING  
13          OR THE BRUISING AND THE HEMORRHAGE OCCURRING SO  
14          VIOLENT FORCE THAT WILL SNAP THE HEAD BACK AND FORTH  
15          OR PUT DIRECT PRESSURE ON THE EYES WOULD CAUSE  
16          HEMORRHAGE LIKE THIS.

17          Q     SO IN AMANDA'S CASE IS IT YOUR OPINION THEN THAT  
18          VIOLENT FORCE WAS USED TO CAUSE THESE INJURIES?

19          A     YES, SIR.

20          Q     WOULD IT BE CONSISTENT WITH SOMEONE STRIKING HER  
21          HEAD FROM ONE SIDE TO THE OTHER CONTINUOUSLY?

22          A     YES, SIR, IT WOULD BE.

23          Q     DO YOU HAVE AN OPINION AS FAR AS THE INJURIES ON  
24          THE HEAD AND INTERNAL INJURIES WITHIN THE HEAD YOU  
25          JUST DISCUSSED, COULD THIS HAVE HAPPENED WHILE SHE

1 WAS ON HER BACK OR WAS IT LIMITED TO WHILE SHE WAS  
2 ON, LAYING ON HER FRONT OR COULD IT BE IN BOTH  
3 SITUATIONS THAT THESE COULD BE DONE TO HER?

4 A THE INJURIES TO HER LIPS WOULD BASICALLY BE FROM  
5 THE FRONT AREA WHEN HER FACE WAS EXPOSED. SHE COULD  
6 BE FACING FORWARD AND SOMEBODY COMING FROM THE FRONT  
7 STRIKING HER TO CAUSE THAT, BUT SOME BLOWS OCCURRED  
8 DIRECTLY FROM THE FRONT. NOW SHE COULD HAVE BEEN ON  
9 HER FACE OR ON HER ON BACK WHEN THE BLOWS OCCURRED TO  
10 THE SIDES OF THE HEAD WHERE THERE WERE HEMORRHAGE OR  
11 BRUISING IN THE MUSCLES THEMSELVES.

12 Q NOW HOW ABOUT THE INJURIES WITHIN THE HEAD  
13 ITSELF, WOULD THOSE INJURIES, COULD THEY BE SUSTAINED  
14 WHILE SHE WAS ON HER STOMACH OR ON HER BACK?

15 A IN ADDITION TO THE BRUISING ON THE OUTSIDE OF  
16 THE BODY, THE BRAIN HAD AREAS OF HEMORRHAGE PRESENT  
17 TOO. THERE WAS SOME BLOOD OVER THE SURFACE OF THE  
18 BRAIN BOTH WHAT WE CALL SUBDURAL HEMATOMA THERE WHICH  
19 THE BRAIN IS VERY TIGHT IN THE SKULL AND YOU REALLY  
20 DON'T HAVE MUCH SPACE TO DEAL WITH. THERE WERE  
21 SEVERAL COVERINGS OF THE BRAIN. ONE CALLED THE DURA  
22 WHICH IS A THICK OUTER COVERING AND THEN THERE IS A  
23 LEPTOMENINGES OR A REAL THIN COVERING WHICH IS  
24 ACTUALLY SITTING ON TOP OF THE BRAIN. WHEN YOU GET  
25 HEMORRHAGE BETWEEN THIS DURA, THE OUTER SURFACE OF

1 THE BRAIN, AND THE BRAIN, THERE IS BASICALLY NO SPACE  
2 FOR IT TO GO EXCEPT COMPRESS THE BRAIN. SHE HAD  
3 HEMORRHAGE, AND WE DO IT IN CCS, 30 CCS WHICH IS OH  
4 ABOUT SIX TABLESPOONS OF FLUID OR BLOOD THAT WAS  
5 LYING ON THE SURFACE OF THE BRAIN. IT TAKES A LOT OF  
6 FORCE TO DO THIS IN ADULT TO CAUSE THAT MUCH BLEEDING  
7 AND OF COURSE IT COMPRESSES THE BRAIN.

8 SHE ALSO HAD THIS SUBHEMORRHAGE  
9 BETWEEN THE THINNER COVERING OF THE BRAIN. WHAT  
10 HAPPENS THE BRAIN STARTS GETTING COMPRESSED, IT  
11 STARTS SWELLING, AND WITH THE MORE HEMORRHAGE, THE  
12 MORE SWELLING OF THE BRAIN, YOU START LOSING FUNCTION  
13 OF THE BRAIN. THE BRAIN OF COURSE CONTROLS THE  
14 RESPIRATORY CARDIAC ACTIVITY AND CONSCIOUSNESS AND AT  
15 SOME POINT WITH THE SWELLING AND THE HEMORRHAGE THERE  
16 YOU MAY LOSE CONSCIOUSNESS OR DIE.

17 Q ALL RIGHT. NOW THE INJURIES THAT YOU ARE  
18 DESCRIBING NOW WITHIN THE BRAIN, DO YOU HAVE, DID YOU  
19 MAKE A DETERMINATION AS TO WHETHER THOSE WERE FRESH  
20 INJURIES OR NOT?

21 A YES, SIR, THEY WERE ALL FRESH.

22 Q THEY WERE ALL FRESH. AND THE INJURIES SO FAR WE  
23 DISCUSSED ARE THEY CONTEMPORANEOUS WITH EACH OTHER.  
24 IN OTHER WORDS, DID THEY HAPPEN AROUND THE SAME TIME  
25 EACH OF THOSE INJURIES?

1 A YES, SIR, THEY DID.

2 Q ALL RIGHT. IF YOU COULD NOW GO TO DISCUSS THE  
3 INJURIES THAT YOU FOUND ON HER NECK BOTH EXTERNAL AND  
4 YOUR INTERNAL INVESTIGATION.

5 A THE NECK HAD WHAT WE CALL PETECHIAE OR THIS IS  
6 FOCAL MINUTE HEMORRHAGES OVER THE LEFT SIDE OF THE  
7 NECK. THESE WERE IN SOMEWHAT OF A V-SHAPE FASHION  
8 WITH BEING PROMINENT UNDERNEATH ANGLE OF THE JAW  
9 ALONG THE LEFT MANDIBLE.

10 Q DOCTOR, I'M SORRY TO INTERRUPT YOU, BUT STATE'S  
11 EXHIBIT NUMBER 23. THE DEFENSE HAS ALREADY SEEN  
12 THIS. DOES THIS HELP YOU IN DESCRIBING TO THE JURY  
13 THE INJURIES ON HER NECK?

14 A YES, SIR, IT WOULD.

15 MR. THOMPSON: I WOULD ASK TO MOVE IT  
16 INTO EVIDENCE AT THIS TIME.

17 MR. BAITY: NO OBJECTION, YOUR HONOR.

18 MR. GREELEY: NO OBJECTION.

19 THE COURT: BE RECEIVED WITHOUT  
20 OBJECTION.

21 (STATE'S EXHIBIT 23 PHOTO RECEIVED IN EVIDENCE.)

22 Q IF YOU CAN STEP DOWN AND I'LL PLACE IT UP SO YOU  
23 CAN LOOK AT IT.

24 A THIS IS THE LEFT NECK. YOU'LL SEE THE EAR HERE  
25 AND THE JAW HERE. THERE IS A RULER WITH INCHES



1       THERE.  THERE IS A LITTLE SWELLING RIGHT HERE, A  
2       LITTLE AREA OF BRUISING HEMORRHAGE THERE, BUT YOU SEE  
3       THESE LITTLE SPOTS, THESE ARE WHAT WE CALL PETECHIAE  
4       OR SIMPLY BLOOD VESSELS THAT HAD RUPTURED.  BUT IF  
5       YOU LOOK YOU CAN SEE A BROADER AREA OF HEMORRHAGE  
6       BENEATH THE SKIN THAT'S IN SOMEWHAT OF A V-SHAPE  
7       FASHION WITH AN AREA THERE THAT'S PALE AND THEN AGAIN  
8       MORE OF THESE LITTLE SMALL PETECHIAE OR MINUTE  
9       HEMORRHAGES WE'RE SEEING DOWN AT THE BOTTOM.  IT  
10      COMES TO THE, APPROXIMATELY THE MIDLINE HERE THAT  
11      MAYBE ANOTHER ONE THERE AND THERE, AND THEN THEY TEND  
12      TO DISAPPEAR IN THOSE AREAS.

13     Q       ALL RIGHT.  WHAT DOES THAT INDICATE TO YOU?

14     A       THIS SUGGESTS THAT POSSIBLY A HAND HAS BEEN  
15      PLACED WITH FINGERS UP HERE AND FINGERS DOWN HERE,  
16      AND THIS BEING THE PALM AREA THAT'S NOT HAVING  
17      PRESSURE THAT THE FINGERS WOULD APPLY THERE.

18     Q       ALL RIGHT.

19     A       THERE IS NO EVIDENCE OF REAL ABRASIONS OR LOSS  
20      OF THE SKIN SURFACE IN THERE.

21     Q       ALL RIGHT.  YOU CAN GO AND HAVE A SEAT.  I DON'T  
22      BELIEVE I HAVE A PHOTOGRAPH OF THE OTHER SIDE OF THE  
23      NECK, BUT IS THERE ANYTHING ON THE OTHER SIDE OF THE  
24      NECK THAT INDICATED AS WELL THAT A HAND HAD BEEN USED  
25      AS WELL TO STRANGLE HER?

1       A     ON THE RIGHT MIDNECK THERE WAS APPROXIMATELY  
2       THREE-EIGHTHS OF ONE HALF INCH SMALL HEMORRHAGE AREA,  
3       BRUISED AREA TOO.

4       Q     WHAT WOULD THAT INDICATE TO YOU?

5       A     THIS WAS MORE ROUND OVAL AND IS SUGGESTED  
6       DISCREET PRESSURE BEING APPLIED TO THIS AREA,  
7       POSSIBLY THE THUMB.

8       Q     IS THAT CONSISTENT WITH THE HAND BEING PLACED ON  
9       THE NECK, THUMB ON ONE SIDE AND FINGERS ON THE OTHER?

10      A     YES, SIR, CERTAINLY COULD BE.

11      Q     AND WOULD THAT, THE INDICATION THAT YOU SHOWED  
12      US, IS THAT AN INDICATION OF GREAT PRESSURE BEING  
13      APPLIED WITH THAT HAND BEING THERE?

14      A     YES, SIR. IT REQUIRES SIGNIFICANT PRESSURE OR  
15      STRUGGLE TO CAUSE HEMORRHAGES OR TEARING TO OCCUR.

16      Q     NOW IN YOUR OPINION WOULD THAT NECESSARILY HAVE  
17      TO BE ONE HAND THAT WAS THERE OR COULD IT BE TWO  
18      HANDS, ONE ON TOP OF THE OTHER, THAT COULD CAUSE THE  
19      PRESSURE?

20      A     IT COULD BE TWO HANDS.

21      Q     AND ONCE AGAIN IN THE ASPECT OF WHETHER SHE WAS  
22      LAYING FACE UP OR FACE DOWN IS IT POSSIBLE THAT IF  
23      SHE WAS LAYING FACE DOWN SOMEONE COULD HAVE THEIR  
24      HAND AROUND HER NECK AND STRANGLE HER THAT WAY AS  
25      WELL?

1 A YES, SIR, IT COULD BE.

2 Q NOW I THINK YOU HAD MENTIONED AS WELL DEEP  
3 BRUISING OF THE NECK MUSCLES?

4 A YES, SIR.

5 Q AND WHAT IF ANYTHING DOES THAT INDICATE TO YOU?

6 A WHEN WE OPEN UP OR PULL THE SKIN BACK TO LOOK  
7 INTERNALLY THERE WAS SIGNIFICANT HEMORRHAGE IN THE  
8 NECK MUSCLES INDICATIVE OF SIGNIFICANT FORCE BEING  
9 APPLIED TO HER NECK, THAT WAS A LOT HEMORRHAGE ON THE  
10 LEFT SIDE, BROADER HEMORRHAGE, BUT ALSO AREA OF  
11 HEMORRHAGE ON THE RIGHT SIDE AND THIS WAS NOT  
12 SUPERFICIAL BUT DEEP DOWN THE MUSCLES THAT BACK DOWN  
13 TO YOUR SPINE HAD THE HEMORRHAGE IN THEM.

14 Q NOW WERE THERE ANY ABRASIONS AROUND HER NECK?

15 A NO, SIR, THERE WERE NO ABRASIONS.

16 Q AND WHAT IF ANYTHING DOES THAT INDICATE TO YOU?

17 A THE LACK OF ABRASIONS SUGGEST MORE OF A HAND OR  
18 SOMETHING SOFT BEING APPLIED. TYPICALLY WITH A ROPE  
19 OR LIGATURE THAT YOU WILL FIND ABRASIONS OR ROUGHING  
20 OF THE SKIN AND YOU'LL SEE ACTUAL LINEAR OR STRAIGHT  
21 LINES AREAS WHERE A LIGATURE HAS BEEN WITH THE  
22 BRUISING AND FREQUENTLY IT'S ALL THE WAY AROUND THE  
23 NECK WITH LIGATURE VERSUS A HANGING IT'S USUALLY JUST  
24 ON THE FRONT OF THE NECK.

25 Q AND WERE THERE ANY MARKS ON THE BACK OF THE

1 NECK?

2 A NO, SIR, THERE WERE NOT.

3 Q SO YOU SAW THE BLANKET THAT THE DEFENDANT HAD  
4 TOLD YOU THAT WAS WRAPPED AROUND HER NECK, CORRECT?

5 A YES, SIR.

6 Q IN YOUR OPINION COULD IT HAVE BEEN THAT BLANKET  
7 THAT ACCIDENTALLY STRANGLED HER?

8 A THERE WAS A BORDER ON THE BLANKET WHICH WAS  
9 SATIN, THE REST OF THE BLANKET WAS ROUGH, THE ROUGH  
10 PORTION WOULD HAVE CERTAINLY CAUSED SOME ABRASIONS IF  
11 SHE WAS ALIVE AND STRUGGLING. THE SATIN PORTION,  
12 AGAIN THERE WAS NO EVIDENCE OF THESE LINEAR  
13 HEMORRHAGES TO SUGGEST A LIGATURE, SO IN MY OPINION  
14 THE BLANKET DID NOT CAUSE HER DEATH.

15 Q SO WHEN YOU ARE TALKING ABOUT LIGATURE MARKS IF  
16 WE CAN GET YOU TO BREAK THAT DOWN A LITTLE BIT AND  
17 MAKE IT EASIER TO UNDERSTAND, ARE THOSE JUST  
18 BASICALLY CIRCULAR MARKS THAT WOULD COME AROUND THE  
19 NECK?

20 A YES, SIR.

21 Q FROM SOMEONE WHEN ITEM AROUND THE NECK?

22 A YES, SIR. IF YOU TOOK A BLANKET, FOR INSTANCE,  
23 THIS BLANKET WRAPPED SEVERAL TIMES AROUND THE NECK  
24 AND PULLED IT TIGHT, IF SHE WAS ALIVE OR CONSCIOUS  
25 THERE SHOULD BE SOME EVIDENCE OF STRUGGLING WITH THE

1 ABRASIONS I'M REFERRING TO. BUT ALSO SHOULD BE SOME  
2 LINES MORE UNIFORM AROUND THE NECK WITH PULLING OF  
3 THE BLANKET FROM END TO END AND TIGHTENING TO  
4 STRANGLE HER LIKE THIS.

5 Q ALL RIGHT. SO IN YOUR OPINION, DR. MAYNARD, WAS  
6 SHE STRANGLED?

7 A IN MY OPINION SHE WAS STRANGLED AT SOME PORTION  
8 AT SOME TIME SIGNIFICANT ENOUGH TO EITHER CAUSE DEATH  
9 OR CAUSE SIGNIFICANT HEMORRHAGE IN HER NECK.

10 Q ALL RIGHT. AND CAN YOU TELL ME IN YOUR OPINION  
11 WAS THE STRANGULATION DONE BY AN OBJECT OR BY A, DONE  
12 BY SOMETHING ELSE OTHER THAN AN OBJECT?

13 A THE INJURIES THAT I HAVE BEEN TALKING ABOUT AND  
14 REFER TO APPEAR TO BE BY A HAND RATHER THAN BY A  
15 LIGATURE OR A BLANKET.

16 Q ALL RIGHT. NOW IF WE COULD GO ON DOWN TO THE  
17 EXAMINATION OF HER BREAST AREA. CAN YOU TELL ME WHAT  
18 IF ANYTHING DID YOU DETERMINE FROM YOUR EXAMINATION  
19 IN THAT AREA?

20 A THE BREASTS WERE EXAMINED. THE LEFT BREAST WAS  
21 APPROXIMATELY ONE HALF THE SIZE OF THE RIGHT BREAST  
22 WHICH IS NOT UNCOMMON IN PEOPLE WHO ARE JUST STARTING  
23 THE ESTROGEN FLOW. THERE WAS A DARKER AREA TO THE  
24 RIGHT OF THE RIGHT NIPPLE AND LOOKING AT THIS IT  
25 APPEARED PROBABLY TO BE SOME DEEP BRUISING, BUT IN

1        ADDITION THERE APPEARED TO BE TEETH IMPRINT OR  
2        SUGGESTIVE OF A POSSIBLE BITE MARK.

3        Q        AND DID YOU EXAMINE THAT CLOSELY WHEN YOU  
4        NOTICED THIS?

5        A        YES, SIR, WE CERTAINLY DID. WE TOOK SOME SWABS  
6        OF THE SURFACE OF THAT. THE IMPRESSIONS THERE  
7        SUGGEST THE TEETH WERE NOT GOOD ENOUGH TO PHOTOGRAPH  
8        EVEN THOUGH I THINK WE TRIED, BUT SOMETIMES YOU CAN  
9        GET DENTAL IMPRESSION, THERE WAS NOT ENOUGH THERE.

10       Q        THERE WAS NOT ENOUGH OF THE MARK TO GET ANY  
11       IMPRESSIONS OFF OF THE MARK?

12       A        NO, SIR. THERE WAS NOT. WE THEN SIZE THIS AREA  
13       AND THERE WAS DEFINITE HEMORRHAGE OR DEEPNESS  
14       INDICATIVE OF FORCE BEING APPLIED, YOU KNOW, TO THIS  
15       AREA AND IT APPEARING TO BE BY MOUTH SIMPLY BECAUSE  
16       THERE APPEARING TO BE TEETH MARKS THERE.

17       Q        OKAY. AND NOW THE BITE MARK THAT WE'RE TALKING  
18       ABOUT, YOU MENTIONED COULDN'T QUITE PICK IT UP ON A  
19       PHOTOGRAPH, IS THIS SOMETHING THAT APPEARED TO BE A  
20       VERY LIGHT BITE MARK OR A VERY HEAVY BITE MARK OR  
21       WHAT'S YOUR OPINION?

22       A        THE TEETH WERE NOT APPLIED VERY HEAVILY. THIS  
23       COULD BE A PUSHING HARD BY THE MOUTH OF THE LIPS OR  
24       POSSIBLY SUCKING.

25       Q        OKAY. AND AS FAR AS SUCKING GOES, WAS THERE ANY

1 INDICATION FOR LACK OF A BETTER TERM A HICKEY ON HER  
2 BREAST AT THAT TIME?

3 A THERE WAS AREA OF DISCOLORATION BUT NOT A  
4 CLASSIC OR TYPICAL HICKEY WHICH YOU AND I MAY KNOW.

5 Q ALL RIGHT. NOW YOU MENTIONED SOME DEEP  
6 BRUISING, CAN YOU DESCRIBE THE DEEP BRUISING IN HER  
7 BREAST?

8 A YES, SIR. WE CUT INTO THE BREAST TISSUE AND  
9 HEMORRHAGE EXTENDED INTO THE DEEPER PORTION OF THE  
10 BREAST TISSUE ITSELF.

11 Q NOW IN EXAMINING THAT DID YOU ULTIMATELY END UP  
12 USING AN ALTERNATE LIGHT SOURCE AGAIN THERE AT THE  
13 AUTOPSY?

14 A YES, SIR, WE DID.

15 Q AND WHAT IF ANYTHING DID YOU NOTICE ABOUT THE  
16 BREAST WHEN USING THAT?

17 A THERE WAS NO EVIDENCE OF ANYTHING. NOTHING I  
18 PUT IN MY REPORT ON THE BREAST.

19 Q OKAY. DID YOU TAKE A SWABBING FROM THAT RIGHT  
20 BREAST WHERE YOU NOTICED THE POSSIBILITY OF A BITE  
21 MARK?

22 A YES, SIR, I DID.

23 Q AND IS THAT ONE OF THE THINGS THAT YOU ALSO  
24 PACKED UP INDIVIDUALLY AND SEALED AND GAVE TO THE  
25 POLICE?

1 A YES, SIR, THAT'S CORRECT.

2 Q NOW THE BREAST THAT WE'RE TALKING ABOUT WITH  
3 THESE INJURIES ON IT IS THE RIGHT BREAST, CORRECT?

4 A YES, SIR, IT IS.

5 Q NOW THIS WAS NOT THE BREAST THAT WAS EXPOSED,  
6 WAS IT, AT THE SCENE WHEN YOU WENT THERE?

7 A NO, SIR. IT WAS THE LEFT BREAST THAT WAS  
8 EXPOSED.

9 Q ALL RIGHT. AND THE LEFT BREAST THAT WAS  
10 EXPOSED, DID YOU SEE ANY INJURY TO THAT BREAST?

11 A NO, SIR, THERE WERE NONE.

12 Q IF YOU WOULD CONTINUE AND DISCUSS WITH ME NOW  
13 SOME OF THE INJURIES THAT YOU EXAMINED AS FAR AS HER  
14 SHOULDERS AND OTHER PARTS OF HER UPPER BODY?

15 A THE TOP OF THE LEFT SHOULDER HAD A THREE QUARTER  
16 INCH AREA OF BRUISING BENEATH THE SKIN BUT SOME  
17 CONTUSION, A LITTLE IRREGULARITY OF THE SKIN ON THE  
18 SURFACE. WHEN WE CUT INTO THIS AREA, THE BRUISING  
19 EXTENDED DOWN TO THE BONE, SO THIS IS DEEP BRUISING,  
20 SIGNIFICANT FORCE BEING APPLIED TO THE LEFT SHOULDER.

21 Q TO HER LEFT SHOULDER?

22 A YES, SIR.

23 Q NOW DO YOU HAVE AN OPINION AS TO WHAT WOULD HAVE  
24 CAUSED THAT PARTICULAR INJURY?

25 A YES, SIR, I DO.



1 Q AND WHAT IS THAT OPINION?

2 A THIS WOULD EITHER BE A BLUNT FORCE TRAUMA,  
3 SIGNIFICANT BLOW, OR SIGNIFICANT PRESSURE BEING  
4 APPLIED DIRECTLY ON TO THIS WITH SUCH FORCE THAT  
5 WOULD CAUSE THE BLOOD VESSELS TO BREAK OR START  
6 HEMORRHAGING.

7 Q AND ONCE AGAIN IS THIS THE TYPE OF INJURY THAT  
8 COULD BE SUSTAINED EITHER LYING ON HER FACE FACE DOWN  
9 OR LAYING FACE UP?

10 A YES, SIR, IT COULD BE.

11 Q NOW AS FAR AS THE RIBS AND HER SIDES, WERE THERE  
12 ANYTHING THAT YOU NOTICED AS FAR AS HER INJURIES  
13 THERE?

14 A THERE WAS AN AREA OF RIGHT LATERAL FLANK WHICH  
15 APPEARED TO BE POSSIBLY SOME SUBSTANCE, WE TOOK SOME  
16 SWABS OF THIS. THE REMAINDER OF THE ABDOMEN AND  
17 CHEST DID NOT SHOW ANY EXTERNAL INJURIES.

18 Q ALL RIGHT. NOW DID YOU EXAMINE HER FINGERNAILS  
19 AT ALL?

20 A YES, SIR, I DID.

21 Q AND DID YOU TAKE SWABBINGS FROM THE FINGERNAILS  
22 AS WELL?

23 A YES, SIR. SHE HAD VERY SHORT POLISHED NAILS, WE  
24 SCRAPED THESE, AND ALSO CLIPPED THEM.

25 Q AND JUST GOING ASIDE FOR A SECOND, WAS SHE

1 WEARING ANY JEWELRY OR ANYTHING LIKE THAT DURING THE  
2 AUTOPSY? A WATCH OR ANYTHING OF THAT NATURE?

3 A I DON'T THINK SHE WAS. I WOULD HAVE TO GO BACK  
4 TO THE PICTURE TO REFRESH MY MEMORY.

5 Q ALL RIGHT.

6 A I'M SORRY. SEVERAL RINGS AND A WATCH ON THE  
7 BODY. NO JEWELRY ABOUT THE NECK.

8 Q THAT'S ALL RIGHT. YOU HAD NOTED THAT SHE HAD  
9 THOSE THINGS ON AT THE TIME?

10 A YES, SIR, I DID.

11 Q NOW IS THERE ANYTHING YOU NOTICED ABOUT HER ARMS  
12 AND ANY INJURIES TO HER ARMS?

13 A THE LEFT SHOULDER WE TALKED ABOUT. THE  
14 EXAMINATION OF THE UPPER EXTREMITIES DID NOT REVEAL  
15 ANY CONTUSIONS, ABRASIONS, LACERATIONS, AND THE HANDS  
16 WERE UNREMARKABLE.

17 Q NOW I BELIEVE ON ONE OF HER ARMS ULTIMATELY DID  
18 YOU NOTICE ANY BRUISING AROUND THE FOREARM OR WRIST  
19 AREAS?

20 A YES, SIR, WE DID EVENTUALLY.

21 Q AND WHAT WAS THAT DID YOU NOTICE?

22 A WE KEPT AMANDA FOR A COUPLE OF DAYS TO  
23 RE-EXAMINE. SOMETIMES BRUISING DOESN'T INITIALLY  
24 SHOW UP BUT WITH MORE OF THE SETTLING OF THE BLOOD  
25 THAT LIVOR MORTIS THAT I WAS TALKING ABOUT WITH THE

1 GRAVITY BRUISING WILL BECOME MORE APPARENT. WE  
2 LOOKED AT HER BODY 24 HOURS, AGAIN 48 HOURS LATER --

3 Q SO ONE AND TWO DAYS LATER YOU EXAMINED THE BODY  
4 AGAIN?

5 A YES, SIR.

6 Q OKAY.

7 A AND DID NOTE THE AREA OF BRUISING THAT WAS VERY  
8 FAINT ON THE PICTURE THAT WE WERE LOOKING AT A MINUTE  
9 AGO WAS MORE PROMINENT AND THERE WAS AN AREA OF  
10 BRUISING ON HER LEFT ELBOW AND THERE WAS ADDITIONAL  
11 AREA IN THE UPPER INNER ARM JUST ABOVE THE ELBOW  
12 APPROXIMATELY ONE INCH IN SIZE.

13 Q ALL RIGHT. NOW AS TO ONE OF THE BRUISING I  
14 BELIEVE WAS ONE OF HER ARMS AROUND THE WRIST OR  
15 FOREARM AREA WAS, DID ANYTHING STAND OUT TO YOU ABOUT  
16 THE APPEARANCE OF THAT PARTICULAR BRUISE?

17 A THE ONE ON THE LOWER UPPER OF HER ARM IS  
18 APPROXIMATELY ONE INCH IN SIZE WHICH SUGGESTS  
19 PRESSURE BEING APPLIED TO THIS AREA.

20 Q OKAY. I GUESS I DON'T WISH TO PUT THIS  
21 PHOTOGRAPH IN EVIDENCE, BUT I WOULD LIKE YOU TO  
22 DESCRIBE IT TO ME. THIS IS NOT TO BE PLACED IN  
23 EVIDENCE HOWEVER I DO WISH YOU TO LOOK AT THAT  
24 PHOTOGRAPH AND PARTICULARLY THE BRUISE ON THAT ARM,  
25 IF YOU CAN DESCRIBE IS THAT ONE OF BRUISES ON HER

1 ARMS THAT YOU DISCUSSED WITH US TODAY?

2 A I HAVE NOT BROUGHT THIS UP TODAY, NO, SIR.

3 Q PLEASE GO AHEAD AND TELL ME ABOUT THAT BRUISE ON  
4 HER ARM?

5 A THIS IS A PICTURE OF HER LEFT WRIST. THERE WERE  
6 TWO AREAS OF BRUISING ON THE OUTSIDE OF THE LEFT  
7 WRIST JUST ABOVE THE HAND. BOTH OF THESE --

8 Q WHAT IF ANYTHING DO THOSE BRUISES INDICATE TO  
9 YOU?

10 A THEY WERE FAIRLY ROUND TO OVAL INDICATIVE OF  
11 SOME PRESSURE BEING APPLIED TO THAT AREA SIGNIFICANT  
12 TO CAUSE UNDERNEATH BLEEDING.

13 Q ALL RIGHT. AND WOULD THAT BRUISE I BELIEVE IT'S  
14 NEAR HER WRIST, IS THAT CORRECT?

15 A YES, SIR.

16 Q WOULD THAT BRUISE BE CONSISTENT WITH SOMEONE'S  
17 HAND HOLDING HER TIGHTLY IN THAT SPOT?

18 A YES, SIR, IT COULD BE.

19 Q THANK YOU. IF WE CAN DOWN GO TO HER LEGS AND  
20 THIGHS. WHAT IF ANYTHING DID YOU NOTICE ABOUT  
21 BRUISES OR INJURIES IN THOSE AREAS?

22 A THERE WAS A SMALL AREA OF BRUISING ON THE LEFT  
23 LATERAL THIGH, SOME OF THE PICTURES WE SHOWED EARLIER  
24 OF THE ABRASIONS FROM THE OBJECTS IN THE BED, THERE  
25 WERE AN AREA OF BRUISING AROUND HER LEFT KNEE.

1 THAT'S ALL I SEE IN MY REPORT.

2 Q AND HOW ABOUT IN HER INNER THIGHS AND IN HER  
3 VAGINAL AREA, WERE THERE ANY BRUISING OR ANYTHING YOU  
4 NOTED THAT WERE OBSERVED THERE?

5 A YES, SIR. THERE WAS A LITTLE FLUID WE NOTICED  
6 ON HER LEFT INNER THIGH AGAIN WHICH WAS, A PORTION OF  
7 THIS WERE OBTAINED FOR FUTURE ANALYSIS.

8 Q YOU OBTAINED THOSE SAMPLES AND ALSO GAVE THOSE  
9 TO THE POLICE?

10 A YES, SIR, I DID.

11 Q ALL RIGHT. WOULD IT HELP TO HAVE YOUR  
12 PHOTOGRAPHS OF THE AUTOPSY TO HELP IN YOUR --

13 A YES, SIR, IT WOULD. THIS AUTOPSY IS VERY LONG.

14 Q ALL RIGHT. I DON'T INTEND TO ENTER THESE IN  
15 EVIDENCE BUT WILL ASSIST YOU IN YOUR TESTIMONY. IF  
16 YOU'LL GO TO THE PHOTOGRAPHS OF THE VAGINAL AREA.

17 A YES, SIR. I WAS STILL TALKING ABOUT THE THIGHS  
18 INSTEAD OF THE VAGINAL AREA.

19 Q THAT IS ALL RIGHT.

20 A YES, SIR, DEFINITION IS A LITTLE DIFFERENT.

21 Q IF COULD YOU THEN DESCRIBE TO ME ANY OF THE  
22 INJURIES THAT YOU OBSERVED AROUND THE VAGINAL AREA?

23 A THERE WAS SOME AREAS OF EITHER HYPEREMIA WHICH  
24 MEANS JUST VERY CONGESTED VESSELS OR POSSIBLY SOME  
25 BRUISING ON THE LEFT SIDE OF THE LABIA OR THE OPENING

1 OF THE VAGINAL AREA. THERE WAS A SMALL AMOUNT OF  
2 BLOODY MATERIAL THAT APPEARED TO BE COMING OUT OF THE  
3 VAGINAL AREA AT THE TIME. THERE WAS SOME IRREGULAR  
4 CONGESTION OR HEMORRHAGE ON THE LEFT UPPER INNER  
5 THIGH THAT WE'RE SEEING THAT WERE LATER DETERMINED TO  
6 BE AREAS OF BRUISING.

7 Q NOW GOING JUST BRIEFLY BACK JUST TO TOUCH ON  
8 THIS, THE CLOTHING THAT YOU REMOVED FROM HER AT THE  
9 AUTOPSY ULTIMATELY WAS THAT, DID YOU HAVE THAT PACKED  
10 UP AND GIVEN TO THE POLICE AS WELL?

11 A YES, SIR, I DID.

12 Q ALL RIGHT. AND IN ADDITION I BELIEVE HER  
13 UNDERWEAR, DID YOU ALSO OBTAIN THAT AND PACK IT UP  
14 AND HAVE IT GIVEN TO THE POLICE?

15 A YES, SIR, THAT ALONG WITH A MENSTRUAL PAD THAT  
16 SHE HAD ON.

17 Q ALL RIGHT. SHE HAD A MENSTRUAL PAD ON AT THAT  
18 TIME?

19 A YES, SIR, SHE DID.

20 Q SO WAS THERE ANYTHING ON THAT PAD WHEN YOU  
21 OBSERVED IT?

22 A MINIMAL FLUID. THE PAD INSTEAD OF BEING FLAT  
23 WAS ROLLED. THERE WAS NO TAPE OR STRAPS OR ANYTHING  
24 HOLDING IT IN PLACE.

25 Q OKAY. AND DID YOU ALSO SAVE THAT AND TURN THAT

1 IN TO THE POLICE TO BE SENT FOR ANALYSIS?

2 A YES, SIR, I DID.

3 Q WERE YOU ABLE TO DETERMINE AT THAT TIME WAS SHE  
4 IN THE PROCESS OF HAVING A PERIOD?

5 A SHE APPEARED TO BE HAVING A PERIOD BASED ON THE  
6 MENSTRUAL PAD BEING THERE AND THE SMALL AMOUNT OF  
7 BLOODY MATERIAL BEING PRESENT.

8 Q DID THAT IN ANY WAY AFFECT OR DETER YOU FROM  
9 BEING ABLE TO CONDUCT A PROPER EXAM OF HER?

10 A NO, SIR.

11 Q NOW THE BRUISING SO FAR THAT WE TALKED ABOUT  
12 OVER THE ENTIRE BODY AT THIS POINT, ONCE AGAIN WERE  
13 YOU ABLE TO DETERMINE IF THESE BRUISES WERE FRESH?

14 A YES, SIR. THEY WERE ALL FRESH AND ALL THE SAME  
15 AGE.

16 Q ALL RIGHT. ALL THE SAME AGE EACH THROUGHOUT THE  
17 BODY THE SAME AGE BRUISING FROM BASICALLY HEAD TO  
18 TOE?

19 A YES, SIR, THAT'S CORRECT.

20 Q NOW AS PART OF YOUR EXAM DO YOU ALSO DO A SEXUAL  
21 ASSAULT EXAMINATION ON THE VICTIM AT THE TIME OF  
22 AUTOPSY?

23 A YES, SIR, WHEN INDICATED.

24 Q ALL RIGHT. AND DID YOU DO THAT IN AMANDA'S  
25 CASE?

1 A YES, SIR, I DID.

2 Q AND I BELIEVE I HAVE IT HERE, STATE'S EXHIBIT  
3 NUMBER 28, THE SEXUAL ASSAULT KIT OF AMANDA COPE.  
4 WOULD YOU LOOK AT THAT FOR ME PLEASE. DOES THAT  
5 APPEAR TO BE THE KIT THAT YOU USED AT THAT TIME?

6 A YES, SIR, IT IS.

7 Q CAN YOU DESCRIBE TO ME BRIEFLY ABOUT WHAT IS  
8 ENTAILED IN TAKING A SEXUAL ASSAULT EXAM ON A VICTIM?

9 A THE SEXUAL ASSAULT COLLECTION KIT COMES FROM  
10 SLED. THESE ARE RECEIVED BY LAW ENFORCEMENT BY  
11 HOSPITALS INCLUDING US. THEY COME SEALED. THE SEALS  
12 HAVE BEEN BROKEN TO INSURE THE INTEGRITY OF THE KIT.  
13 ON THE INSIDE OF THE KIT THERE IS A NUMBER OF  
14 DIFFERENT PAPERS DESCRIBING HOW TO DO THE EXAM, WHAT  
15 MATERIAL TO TAKE, AND WHAT IS FOUND DURING THE  
16 EXAMINATION. WITHIN THIS THERE ARE SWABS, THERE ARE  
17 SLIDES, AND OTHER BAGS FOR COLLECTION OF EVIDENCE AS  
18 NEEDED ON THESE THINGS.

19 Q AND DID YOU TAKE THE VARIOUS SWABS FROM HER AND  
20 COLLECT VARIOUS EVIDENCE THAT'S REQUIRED UNDER THE  
21 KIT?

22 A YES, SIR, I DID. THESE WERE PLACED IN DIFFERENT  
23 ENVELOPES, SEALED, AGAIN I INITIALED THE SEALING OF  
24 THE DIFFERENT ENVELOPES.

25 Q ALL RIGHT.



1 A THEN AGAIN ALL THIS WAS PUT IN THE BIG BOX AND  
2 SENT TO SLED.

3 Q AND AFTER YOU PERFORMED THAT KIT AND SEAL IT IN  
4 THE BIG BOX, IS IT SEALED AT THAT POINT COMPLETELY  
5 FOR NO ONE TO GET IN AT THAT POINT?

6 A YES, SIR, THAT IS CORRECT.

7 Q AND WHEN YOU HAND IT TO LAW ENFORCEMENT, IS IT  
8 SEALED THAT WAY?

9 A YES, SIR, IT IS.

10 Q SO YOU WOULD HAVE SEALED THIS BOX PRIOR TO  
11 GIVING IT TO LAW ENFORCEMENT?

12 A YES, SIR, I WOULD.

13 Q AND DOES IT INDICATE WHO YOU GAVE IT TO ON THE  
14 BOX?

15 A THE, I RECOVERED THE EVIDENCE AT 11/29/01. I  
16 GAVE IT TO TODD GARDNER ON 11/30/01 AT 11:30 A.M.

17 Q ALL RIGHT. SO YOU GAVE THAT TO TODD GARDNER THE  
18 NEXT MORNING WITH THE ROCK HILL POLICE DEPARTMENT?

19 A YES, SIR, I DID.

20 Q ALL RIGHT. NOW SOME OF THE EVIDENCE I BELIEVE  
21 YOU GAVE TO THE POLICE THE DAY OF THE AUTOPSY?

22 A YES, SIR.

23 Q THE 29TH. AND SOME WAS GIVEN THE NEXT DAY?

24 A YES, SIR.

25 Q CAN YOU TELL ME THE REASON FOR THAT?

1           A     PART OF IT IS SOME OF THE SWABS THAT, YOU HAVE  
2           TO AIR DRY THE SWABS OR THE FLUID THAT YOU OBTAIN.  
3           IF IT'S PUT INTO A SEALED ENVELOPE OR A SEALED  
4           CONTAINER THAT MOLD WILL GROW, BACTERIA WILL GROW AND  
5           YOU MAY DESTROY THE EVIDENCE.

6           Q     ALL RIGHT.

7                     MR. THOMPSON:   YOUR HONOR, I ASK TO PLACE  
8           STATE'S EXHIBIT NUMBER 28 INTO EVIDENCE AT THAT TIME.

9                     MR. BAITY:    NO OBJECTION.

10                    MR. GREELEY:   NO OBJECTION.

11                    THE COURT:    BE RECEIVED.

12                                 (STATE'S EXHIBIT 28 RAPE KIT RECEIVED  
13           IN EVIDENCE.)

14           Q     NOW IN ADDITION TO THAT I THINK YOU HAD ALSO  
15           MENTIONED THAT YOU DONE A COUPLE OF OTHER SWABS OR  
16           TAKEN A COUPLE OF OTHER SAMPLES, IS THAT CORRECT?

17           A     YES, SIR, IT IS.

18           Q     THIS IS STATE'S EXHIBIT NUMBER 29 AND IF YOU CAN  
19           JUST TAKE A LOOK AT, I BELIEVE THOSE ARE SWABS AS  
20           WELL THAT YOU HAVE TAKEN?

21           A     IT'S NOT OPEN, BUT THESE ARE SWAB, RECTAL SWAB  
22           AND VAGINAL SWABS THAT I TOOK PRIOR TO THE COLLECTION  
23           KIT ARRIVING LABELED AND SEALED.

24           Q     ALL RIGHT.   AND WERE THOSE GIVEN TO THE POLICE  
25           AS WELL?

1 A YES, SIR, THEY CERTAINLY WERE.

2 Q ALL RIGHT. AND YOU I BELIEVE COLLECTED SOME  
3 HAIR AT THE TIME AS WELL. THIS IS STATE'S EXHIBIT  
4 30?

5 A YES, SIR.

6 Q AND CAN YOU TELL ME DOES IT LIST ON THERE WHERE  
7 THAT WAS COLLECTED FROM?

8 A HAIR FOUND ON VICTIM'S LEFT SIDE.

9 Q ALL RIGHT. AND YOU SEALED THAT UP AND GAVE THAT  
10 TO THE POLICE AS WELL?

11 A YES, SIR.

12 Q DOES IT HAVE A CHAIN OF CUSTODY ON THAT AS WELL?

13 A YES, SIR, TODD GARDNER.

14 Q ALL RIGHT. AND THEN STATE'S EXHIBIT NUMBER 31  
15 IF YOU CAN TELL ME WHAT YOU COLLECTED INTO THAT?

16 A THIS IS A HAIR FROM THE CHEST AREA.

17 Q ALL RIGHT. ONCE AGAIN WAS THAT HANDED OVER TO  
18 THE POLICE AFTER YOU COLLECTED IT?

19 A YES, SIR, THAT'S CORRECT.

20 Q AND STATE'S EXHIBIT NUMBER 32?

21 A YES, SIR. THIS IS A HAIR FROM THE RIGHT CHEEK  
22 AND FACE.

23 Q ALL RIGHT. AND AS WELL DID YOU GIVE THAT TO THE  
24 POLICE AFTER YOU COLLECTED IT?

25 A YES, SIR.

1                   MR. THOMPSON: YOUR HONOR, I ASK TO MOVE  
2                   THESE INTO EVIDENCE AS STATE'S EXHIBITS 29, 30, 31,  
3                   32.

4                   MR. BAITY: NO OBJECTION, YOUR HONOR.

5                   MR. GREELEY: YOUR HONOR, THE ONLY  
6                   QUESTION I HAVE AT THIS TIME IS IDENTIFICATION I  
7                   DON'T HAVE AN OBJECTION TO, BUT AT THIS POINT IN THE  
8                   TRIAL I DON'T UNDERSTAND THE RELEVANCY OF IT.

9                   THE COURT: WELL, I OVERRULE YOUR  
10                  OBJECTION. I'M ALLOWING IT INTO EVIDENCE.

11                  (STATE'S EXHIBITS 29-32 SAMPLES  
12                  RECEIVED INTO EVIDENCE.)

13                  Q     ALL RIGHT. AS WELL WE HAD TALKED ABOUT THE  
14                  CLOTHING BEING COLLECTED, HOW ABOUT THE BED LINENS  
15                  AND THE THINGS THAT WERE WITHIN THE BED THAT WERE  
16                  TAKEN TO THE AUTOPSY, WERE THOSE COLLECTED BY THE  
17                  POLICE AT THAT TIME AS WELL?

18                  A     YES, SIR.

19                  Q     NOW IF WE COULD GO TO THE INTERNAL EXAM AS TO  
20                  THE VAGINAL AREA OF AMANDA COPE. WHAT ARE YOUR  
21                  INITIAL ASSESSMENTS, WHAT DID YOU INITIALLY SEE AS  
22                  YOU BEGAN TO EXAMINE HER VAGINAL AREA?

23                  A     THE EXTERNAL EXAM REVEALED AN AREA OF HEMORRHAGE  
24                  OVER THE LEFT SIDE OF HER LEFT LABIA WHICH IS THE LIP  
25                  OF THE VAGINAL OPENING OF THE LEFT SIDE. THE HYMEN

1 WAS NOT PRESENT. THE HYMEN WAS ABSENT. THERE WAS NO  
2 EVIDENCE OF THIS HAVING RECENTLY OCCURRED. THERE  
3 WERE NO FRAGMENTS OF TISSUE OR EVIDENCE OF HEMORRHAGE  
4 TO SUGGEST THE HYMEN WAS TORN AT THIS TIME.

5 Q CAN YOU TELL US WHAT THE HYMEN IS?

6 A THE HYMEN IS A MEMBRANE THAT COVERS A VARIABLE  
7 AMOUNT OF THE VAGINAL OPENING. IN WOMEN THERE ARE  
8 SEVERAL TYPES OF HYMEN BUT MOST WILL COVER THE HALF  
9 OR TWO THIRDS OF THE VAGINAL OPENING. THESE ARE  
10 TISSUES SORT OF LIKE A MEMBRANE THAT DOES COVER OR  
11 PROTECT THE VAGINAL OPENING.

12 Q AND YOU ARE SAYING THAT THERE WAS NO HYMEN  
13 PRESENT IN AMANDA?

14 A THAT'S CORRECT, SIR.

15 Q WAS THERE ANY SIGN OF A HYMEN?

16 A NO, SIR, THERE WAS NOT.

17 Q OKAY. IS THAT UNUSUAL IN YOUR OPINION ON A 12  
18 YEAR OLD GIRL?

19 A FOR A 12 YEAR OLD GIRL VERY UNUSUAL.

20 Q AND WHY IS THAT?

21 A THE HYMEN VIRTUALLY WOMEN HAVE A HYMEN. THE  
22 TYPICAL TIME THE HYMEN IS RUPTURED OF COURSE IS  
23 DURING INTERCOURSE. WITH THE INITIAL SEXUAL ACT THAT  
24 OCCURS THE HYMEN CAN BE VERY THIN, TORN VERY EASILY  
25 OR COULD BE VERY DENSE AND THICK. WITH THE TEARING

1 OF THE HYMEN THERE IS BLEEDING THAT OCCURS AND THEN  
2 YOU GET GRANULATION TISSUE OR HEALING OF THE TEAR AND  
3 MOST WOMEN IT DISAPPEARS. OCCASIONALLY YOU'LL HAVE A  
4 LITTLE REMNANT OR A LITTLE BUMP ON THE SIDE OF THE  
5 VAGINAL OPENING WHERE THE HYMEN WAS.

6 Q WILL THE HYMEN GENERALLY DISAPPEAR JUST AFTER  
7 ONE TIME OF PENETRATION?

8 A IT COULD IN THE PAST.

9 Q IN THE PAST. I'M SORRY?

10 A YES, SIR, THE HYMEN, THERE WAS NO EVIDENCE OF  
11 HYMEN AT THE TIME OF THIS ASSAULT. THERE WAS NO  
12 EVIDENCE OF A FRESH TEAR OR REMNANTS OF HYMENAL  
13 TISSUE.

14 Q SO IF SHE HAD HAD A HYMEN WHEN THIS ALL BEGAN  
15 THERE WOULD BE SOME REMNANT OF IT, YOU WOULD HAVE  
16 BEEN ABLE TO SEE IT?

17 A YES, SIR.

18 MR. BAITY: OBJECTION TO THE LEADING.

19 THE COURT: THAT IS A LEADING QUESTION.  
20 DISREGARD THE QUESTION AND ANSWER. REPHRASE YOUR  
21 QUESTION.

22 Q I GUESS IF YOU WOULD EXPLAIN TO US WHAT YOU MEAN  
23 BY AS FAR AS NO HYMEN PRESENT AT THAT TIME AND  
24 WHETHER THERE WAS ANY EVIDENCE OF PRIOR PENETRATION  
25 AS A RESULT OF THAT?

1           A       THERE WAS NO EVIDENCE OF FRAGMENTS OF A HYMEN.  
2           IF A HYMEN HAD BEEN PRESENT AT THE TIME OF THIS  
3           ASSAULT THERE WOULD HAVE BEEN FRAGMENTS OF IT,  
4           TYPICALLY TEARS THAT WOULD OCCUR, NOT ALL THE HYMEN  
5           WOULD BE GONE. YOU WOULD SEE AREAS OF REDNESS OR  
6           ACTUAL TEARS IN THE TISSUE AND A LITTLE FRAGMENTS  
7           THAT MAY SORT OF BE HANGING THERE. THERE WAS NO  
8           EVIDENCE OF THAT. NOR WAS THERE ANY EVIDENCE OF  
9           FRAGMENTS FROM ANYTHING VERY RECENTLY. IT TAKES TIME  
10          FOR, ONCE YOU INJURY A TISSUE FOR IT TO HEAL AND  
11          BECOME SMOOTH AGAIN AND THIS DID NOT OCCUR AT THIS  
12          TIME BUT AT SOME PAST FROM SEVERAL WEEKS TO MONTHS TO  
13          POSSIBLY YEARS.

14          Q       ALL RIGHT. SO IN YOUR OPINION IS THERE EVIDENCE  
15          OF PRIOR PENETRATION?

16          A       THERE IS.

17          Q       TO THE VAGINA?

18          A       TYPICALLY A HYMEN IS TORN FROM PENETRATION.

19          Q       ALL RIGHT. AND SO WOULD THERE BE EVIDENCE THEN,  
20          WOULD THAT BE EVIDENCE OF PRIOR PENETRATION?

21          A       THERE IS EVIDENCE OF LOSS OF A HYMEN MOST  
22          TYPICALLY FROM PENETRATION. THERE ARE OTHER INJURIES  
23          THAT MAY CAUSE IT.

24          Q       ALL RIGHT. NOW DID YOU NOTICE ANYTHING ABOUT  
25          THE SIZE OF VAGINAL OPENING?

1 A AMANDA WAS A BIG GIRL. THE VAGINAL OPENING WAS  
2 OVAL AND CERTAINLY LARGER THAN TYPICAL FOR A 12 YEAR  
3 OLD BUT AGAIN SHE WAS A BIG GIRL.

4 Q AND CAN YOU TELL ME WERE THERE ANY TEARS OR  
5 ANYTHING OF THAT NATURE WITHIN THE VAGINA?

6 A YES, SIR, THERE WERE. EXTERNALLY THERE WAS THIS  
7 HEMORRHAGE THAT I WAS TALKING ABOUT ON THE LEFT SIDE  
8 AND WHEN WE CUT INTO IT THERE WAS DEFINITE HEMORRHAGE  
9 IN THIS AREA. WHEN WE OPEN THE VAGINAL CANAL THERE  
10 WAS EXTENSIVE HEMORRHAGE IN THE WALL OF THE VAGINA,  
11 BUT THERE WAS ALSO SEROSAL SURFACE TEARS THAT WERE  
12 PRESENT IN THE VAGINAL MUCOSA.

13 Q NOW YOU TALKED ABOUT EXTENSIVE HEMORRHAGE IN THE  
14 WALLS OR BRUISING WITHIN THE WALLS OF THE VAGINA, DID  
15 THAT INCLUDE JUST THE OUTER LAYER OF THE FLESH THERE  
16 OR DOES THAT ALSO INCLUDE DEEPER THAN THAT IN TO THE  
17 WALL?

18 A THERE WAS EXTENSIVE HEMORRHAGE DEEP INTO THE  
19 WALL. IT WENT TO THE OUTER ASPECT THE VAGINAL WALL.  
20 THE VAGINA WALL IS A QUARTER TO MAYBE THREE-EIGHTHS  
21 INCH IN THICKNESS DEPENDING ON THE LOCATION THERE.

22 Q SO THE BRUISING WENT FARTHER THAN QUARTER TO  
23 THREE-EIGHTHS INCH?

24 A IT WENT TO THE LIMITS OF THAT, YES, SIR.

25 Q TO THE LIMITS OF THAT. OKAY. WHAT IF ANYTHING



1 DOES THAT INDICATE TO YOU?

2 A SIGNIFICANT FORCE HAD BEEN APPLIED INSIDE THE  
3 VAGINAL CANAL WITH PUSHING AND STRETCHING THE WALL TO  
4 CAUSE TEARING OF THE BLOOD VESSELS AND HEMORRHAGE.

5 Q HOW FAR INTO THE VAGINA DID THE BRUISING EXTEND?

6 A THERE WAS A SMALL TEAR APPROXIMATELY THREE  
7 INCHES INWARD ON THE SURFACE. THE HEMORRHAGE  
8 OCCURRED ALL THE WAY TO THE END OF THE VAGINA TO THE  
9 SURFACE AND ACTUALLY THERE WAS HEMORRHAGE IN THE  
10 UTERUS AND OVARY OF COURSE THAT'S ATTACHED TO THE  
11 SURFACE IN THE BACK OF VAGINA.

12 Q ALL RIGHT. AND HOW FAR UP IS THAT INTO THE  
13 VAGINA TO CAUSE THAT SORT OF INJURY?

14 A FOUR INCHES OR MAYBE A LITTLE MORE. THE VAGINA  
15 WILL STRETCH OF COURSE FOR CHILD BIRTH AND SUCH SO  
16 YOU DO HAVE SOME STRETCHABILITY AND MAYBE A LITTLE  
17 BIT FURTHER.

18 Q ALL RIGHT. NOW AS TO AMANDA'S, PARTICULARLY  
19 WITH HER VAGINA, THE BRUISING THAT YOU EXAMINED DOES  
20 IT GO, I GUESS, I'M TRYING TO FIND OUT HOW FAR THIS  
21 CAVITY GOES WITHIN HER. IS IT BRUISED TO THE TOP OF  
22 THIS OR IS IT BRUISED JUST PART OF THE WAY OR HOW  
23 BRUISED ARE WE TALKING ABOUT?

24 A IT'S BRUISED ALL THE WAY BACK WITH VARYING  
25 VARIOUS OF BRUISING AND THEN AS I WAS MENTIONING

1       ADJACENT TO THE CERVIX YOU HAVE THE UTERUS SITTING  
2       BEHIND THE CERVIX OR THE WOMB AND THE OVARIES ARE  
3       BESIDE THE CERVIX AND THERE IS HEMORRHAGE OR BRUISING  
4       IN THE TISSUE THAT HOLDS THE OVARY TO THE UTERUS OR  
5       TO THE CERVIX THERE TOO.

6       Q     SO THESE ARE ORGANS THAT ARE ACTUALLY UP ABOVE  
7       THE CAVITY OF THE VAGINA, CORRECT?

8       A     YES, SIR, THAT'S CORRECT.

9       Q     SO THOSE ARE INJURED IN YOUR OPINION FROM WITHIN  
10      FROM ACCESS TO THE VAGINA?

11                   MR. BAITY:  OBJECTION, LEADING AGAIN.

12                   THE COURT:  REPHRASE YOUR QUESTION.

13      Q     YOU MENTION THAT THESE ARE ORGANS THAT ARE ABOVE  
14      THE VAGINA, IN YOUR OPINION WHERE DO THE INJURIES TO  
15      THESE ORGANS, WHERE WOULD THEY HAVE COME FROM?

16      A     THEY WOULD HAVE COME FROM FORCIBLY APPLIED TO  
17      THE VAGINA.  THERE WAS NO EVIDENCE OF ANY EXTERNAL  
18      INJURIES ON THE ABDOMEN THAT COULD HAVE CAUSED THAT  
19      SIGNIFICANT FORCE.  THE UTERUS IS TYPICALLY BENEATH  
20      THE PUBIC BONE AND SOMEWHAT PROTECTED THERE EXCEPT  
21      FROM DOWN OR OBLIQUE BLOWS, SO THESE HAD TO OCCUR  
22      FROM THE VAGINAL ORIFICE UP THE VAGINA AND PUTTING  
23      PRESSURE ON THE TISSUE ADJACENT TO THE VAGINA IN THE  
24      BACK SIDE OF THE VAGINA.

25      Q     AND IN AMANDA HOW FAR INTO HER VAGINA WOULD YOU

1 HAVE TO GO BEFORE YOU REACHED THE TOP BASICALLY WHERE  
2 THESE ORGANS REST?

3 A PROBABLY FOUR INCHES.

4 Q ALL RIGHT.

5 A MAYBE THREE INCHES FROM WHERE THE TEAR IS BUT  
6 AGAIN THE VAGINA DOES STRETCH SOME, SO YOU DO HAVE  
7 SOME STRETCHABILITY ABOVE IT.

8 Q NOW I THINK IN THE AUTOPSY YOU MENTION SOMETHING  
9 EPITHELIUM LOSS, CAN YOU TELL ME WHAT IF ANYTHING IS  
10 SIGNIFICANT ABOUT THAT?

11 A ON THE MICROSCOPIC EXAMINATION OF THE VAGINA AND  
12 UTERUS.

13 Q YES.

14 A EPITHELIUM LOSS. TYPICALLY YOU HAVE A LINING OF  
15 THE ORIFICE FROM YOUR MOUTH TO YOUR VAGINA AND WHAT'S  
16 LINING THAT IS EPITHELIUM. THERE ARE DIFFERENT TYPES  
17 OF EPITHELIUM AND THIS, THE VAGINA LINING IS SIMILAR  
18 TO YOUR SKIN BUT A LITTLE SOFTER AND WHEN YOU ABRABE  
19 IT FROM EITHER FORCE BEING APPLIED OR AN OBJECT  
20 MOVING OVER THIS, IT WILL TAKE SOME OF THE CELLS OFF  
21 AND WE'LL SEE A LITTLE LOSS OF THE CELLS ON THE  
22 SURFACE MEANING SOMETHING HAS RUBBED ACROSS IT.

23 Q AS A MEDICAL DOCTOR HOW WOULD YOU DESCRIBE THE  
24 INJURIES TO HER VAGINA IF YOU WERE TO DESCRIBE THEM  
25 GENERALLY TO SOMEONE AS FAR AS THE SEVERITY?

1       A     THEY WERE SIGNIFICANT, MUCH MORE HEMORRHAGE,  
2       FORCE BEING APPLIED THAN YOU WOULD NORMALLY HAVE IN A  
3       SEXUAL ACT.

4       Q     OKAY.  AND IN YOUR OPINION FROM THE INJURIES  
5       THAT YOU NOTED, LET ME BEFORE I GO TO THAT TALK ABOUT  
6       A COUPLE OTHER THINGS AS FAR AS YOUR MICROSCOPIC  
7       EXAMINATION OF THE VAGINA.  I KNOW, I SAW YOU NOTED  
8       NO ACUTE INFLAMMATION PRESENT, WOULD YOU DESCRIBE  
9       WHAT YOU MEAN BY THAT?

10      A     YES, SIR.  THE BODY'S RESPONSE TO AN INJURY OR  
11      TO INFECTION IS TO MOUNT AN INFLAMMATORY RESPONSE.  
12      THIS IS LIKE ASTHMA, ALLERGIES, OR IF YOU GET A CUT  
13      OR AN INJURY SOMEWHERE THAT THE BODY HAS A RESPONSE  
14      TO IT.  PART OF THIS RESPONSE IS INFLAMMATORY CELLS  
15      AND THERE ARE SEVERAL TYPES OF INFLAMMATORY CELLS.  
16      THERE ARE WHAT WE CALL THE ACUTE INFLAMMATORY CELLS  
17      OR POLYS.  YOU GET A COMPLETE BLOOD COUNT YOU'LL SEE  
18      POLYMORPHONUCLEAR LEUKOCYTES OR, AND THEN LYMPHOCYTES  
19      OR SUCH ON THIS COUNT.  THE POLYS ARE THE ACUTE  
20      INFLAMMATORY CELLS AND THEY GO THERE FIRST.  WE GET  
21      INITIAL HEMORRHAGE THEN THE POLYS TO GO THERE TO HELP  
22      START CORRECTING THAT HEMORRHAGE AND THEN LATER THE  
23      LYMPHOCYTES OR THE OTHER INFLAMMATORY CELLS OR  
24      MACROPHAGE WILL GO THERE AND FORM A REACTION AND THEY  
25      EACH HAVE DIFFERENT ROLES TO ENGULFING BACTERIA TO

1       TEARING THE DAMAGED TISSUE OUT AND REBUILDING NEW  
2       TISSUE THERE.

3       Q     ALL RIGHT.  NOW WHAT IS THE SIGNIFICANCE OF  
4       THAT?

5       A     THE SIGNIFICANCE OF THE ACUTE INFLAMMATORY CELLS  
6       IS THAT THIS RESPONSE OCCURS WITHIN A FEW HOURS  
7       DEPENDING ON THE SEVERITY OF THE INJURY.  SHE HAD NO  
8       EVIDENCE OF ACUTE INFLAMMATORY CELLS THERE INDICATING  
9       THAT SHE'S GOT HEMORRHAGE WHICH IS FRESH BUT THE BODY  
10      HAS NOT HAD TIME TO MOUNT A RESPONSE TO THAT INJURY.

11      Q     ALL RIGHT.  AND YOU HAD MENTIONED I BELIEVE WITH  
12      SOME OF THE OTHERS WE'VE ALREADY TALKED ABOUT, DID  
13      YOU IN YOUR MICROSCOPIC EXAMINATION OF THOSE WERE YOU  
14      ABLE TO DETERMINE IF THERE WERE ACUTE INFLAMMATORY  
15      CELLS PRESENT IN THOSE INJURIES?

16      A     NO, SIR, THERE WERE NOT.

17      Q     OKAY.  SO IS THAT WHAT YOU MEAN BY SAYING THESE  
18      INJURIES ARE FRESH?

19      A     YES, SIR, THAT'S CORRECT.

20      Q     AND GOING THEN BACK TO THE VAGINA ITSELF.  DID  
21      YOU DISCOVER ANY SPERM PRESENT WITHIN THE VAGINA?

22      A     SMEARS THAT I OBTAINED I DID NOT FIND ANY SPERM.

23      Q     ALL RIGHT.  NOW IN YOUR MICROSCOPIC EXAMINATION  
24      OF THE VAGINA ITSELF, WERE YOU ABLE TO FIND ANY OTHER  
25      INJURIES THAT DIDN'T APPEAR TO BE FROM THAT

1 PARTICULAR BED?

2 A THERE WERE SOME AREAS OF CHRONIC INFLAMMATION  
3 THERE.

4 Q AND CAN YOU DESCRIBE WHAT YOU MEAN BY THAT?

5 A CHRONIC INFLAMMATION OF CELLS, AS I WAS TALKING  
6 A MINUTE AGO THE LYMPHOCYTES AND OTHER CELLS THAT  
7 COME IN LATER TO AN INJURY, CHRONIC INFLAMMATORY  
8 CELLS TYPICALLY SEEM PEOPLE WITH BRONCHITIS OR ASTHMA  
9 THAT YOU'LL SEE, IT'S AN ONGOING THING THAT CAUSE  
10 IRRITATION, A CHRONIC TYPE OF INFECTION, SO THERE IS  
11 INDICATIONS THAT THERE HAS BEEN SOME IRRITATION OR  
12 INFECTION IN THE VAGINA TRACT.

13 Q ALL RIGHT. AND BY CHRONIC, YOU KNOW, YOU ARE  
14 SAYS IT'S CHRONIC IRRITATION?

15 A YES, SIR.

16 Q AND BY CHRONIC DO YOU MEAN SOMETHING THAT WOULD  
17 IRRITATE IT MORE THAN ONCE? IF YOU CAN DESCRIBE IT?

18 A YES, SIR. IT'S USUALLY ONGOING OR HAS BEEN  
19 GOING ON FOR MORE THAN A FEW DAYS.

20 Q ALL RIGHT. WOULD THAT BE CONSISTENT WITH  
21 PENETRATION INTO THE VAGINA THAT HAD HAPPENED  
22 BEFOREHAND?

23 A IT COULD BE CONSISTENT WITH ANY SORT OF  
24 IRRITANT. PENETRATION CAN BE AN IRRITANT, YES.

25 Q FOR INSTANCE, WOULD THAT BE CONSISTENT WITH THE

1 USE OF A DILDO?

2 MR. BAITY: OBJECTION, YOUR HONOR.

3 THE COURT: THAT'S A LEADING QUESTION. I  
4 SUSTAIN THE OBJECTION.

5 MR. THOMPSON: YOUR HONOR, I'M SIMPLY  
6 ASKING AN OPINION.

7 THE COURT: I MADE MY RULING. I SUSTAIN  
8 THE OBJECTION.

9 Q CAN YOU TELL ME DID YOU EXAMINE HER FOR OTHER  
10 POSSIBILITIES THAT NATURALLY COULD HAVE CAUSED THAT  
11 IRRITATION?

12 A YES, SIR, I DID.

13 Q ALL RIGHT. AND WHAT DID YOU DETERMINE FROM  
14 BEING ABLE TO EXAMINE THAT?

15 A THERE WAS NO EVIDENCE OF ANY VIRAL OR TYPICAL  
16 BACTERIA OVERGROWTH, A LOT OF BACTERIA IN THERE TO  
17 HAVE CAUSED THE IRRITATION.

18 Q ALL RIGHT. SO DID YOU FIND ANYTHING OF A  
19 NATURAL CAUSE THAT COULD HAVE CAUSED THAT?

20 A NO, SIR.

21 Q ALL RIGHT. DOES IT MAKE ANYMORE CONSISTENT WITH  
22 PRIOR PENETRATION?

23 A IT'S CERTAINLY CONSISTENT WITH AN IRRITANT BEING  
24 IN THERE, PENETRATION BY AN OBJECT COULD BE  
25 CONSIDERED AN IRRITANT, SO YES, IT'S CERTAINLY A

1 POSSIBILITY.

2 MR. BAITY: YOUR HONOR, AT THIS TIME WITH  
3 THIS LINE OF QUESTIONING I JUST RENEW MY OBJECTION.

4 THE COURT: I OVERRULE.

5 Q HOW FAR INTO THE VAGINA WAS THIS CHRONIC  
6 IRRITATION THAT YOU OBSERVED?

7 A MY REPORT DOES NOT HAVE IN IT THERE, BUT IT WAS  
8 UP INTO THE CANAL. I DON'T RECOLLECT WHERE THERE WAS  
9 PROFUSELY THROUGHOUT THE VAGINAL AREA OR JUST IN ONE  
10 AREA.

11 Q OKAY. IT WAS UP INTO THE CANAL?

12 A YES, SIR, IT WAS UP THERE A WAYS.

13 Q SO WE'RE NOT TALKING ABOUT AROUND THE LABIA OR  
14 THE OUTSIDE OF THE VAGINA, CORRECT?

15 A THAT'S CORRECT. IT'S MORE UP IN THE CANAL IN  
16 ADDITION.

17 Q ALL RIGHT. NOW YOU HAD MENTIONED THAT THAT  
18 COULD BE CONSISTENT WITH PRIOR PENETRATION. WOULD  
19 THAT ALSO BE CONSISTENT WITH PRIOR PENETRATION OF A  
20 SEXUAL NATURE?

21 MR. BAITY: OBJECTION, YOUR HONOR.

22 THE COURT: I SUSTAIN THE OBJECTION.

23 MR. THOMPSON: COURT'S INDULGENCE ONE  
24 MOMENT, YOUR HONOR.

25 Q IF YOU COULD, DR. MAYNARD, IF YOU COULD KIND OF



1 LIST SOME OF THE POSSIBLE CAUSES THAT IRRITATION,  
2 THAT CHRONIC IRRITATION THAT YOU ARE TALKING ABOUT,  
3 AND THEN WE'LL KIND OF GO THROUGH THOSE ONE BY ONE  
4 AND SEE WHAT YOU DID TO DETERMINE WHETHER OR NOT  
5 THOSE EXISTED AT THE TIME?

6 A OKAY. FIRST AND FOREMOST WOULD BE INFECTIONS,  
7 WHETHER BACTERIAL INFECTIONS, VIRAL INFECTIONS, BEING  
8 CAUSED BY BOTH ACUTE INFLAMMATION AND THEN IF THEY  
9 ARE MORE ONGOING MORE OF A CHRONIC TYPE OF  
10 INFLAMMATION. THE USE OF A TAMPON WHICH IS A  
11 PENETRATION OR IRRITANT COULD CERTAINLY CAUSE THESE  
12 THINGS TO OCCUR. DOUSING WITH CERTAIN CHEMICALS IN  
13 THE VAGINAL CANAL COULD CAUSE THE BODY TO REACT TO  
14 THEM. THE INSERTING OF AN OBJECT FROM A PENIS TO A  
15 DILDO CAN CERTAINLY, WITH FORCE, YOU KNOW, OR  
16 REPEATEDNESS CAN CAUSE AN IRRITATION THERE.

17 Q ALL RIGHT. AND YOUR OPINION AS A DOCTOR WITH A  
18 12 YEAR OLD GIRL IS IT UNUSUAL TO HAVE THAT TYPE OF  
19 IRRITATION, THAT CHRONIC IRRITATION?

20 A IT'S UNUSUAL BUT GIRLS GET INFECTIONS.

21 Q ALL RIGHT. DID YOU NOTICE ANY SIGN OF  
22 INFECTION?

23 A I SAW NO EVIDENCE OF INFECTION EITHER VIRAL OR  
24 SIGNIFICANT BACTERIAL INFECTION THERE.

25 Q ALL RIGHT. AND DID YOU FIND ANY OTHER NATURAL

1 CAUSE THAT MAY HAVE CAUSED THE CHRONIC NATURE OF THAT  
2 IRRITATION?

3 A NO, SIR, I DID NOT.

4 Q DID SHE APPEAR TO BE USING A TAMPON AT ALL AT  
5 THAT TIME?

6 A SHE HAD A MENSTRUAL PAD ON HER WHEN WE FOUND  
7 HER.

8 Q BUT NO TAMPON?

9 A NO, SIR, THERE WAS NO TAMPON PRESENT.

10 Q NOW IF WE COULD GO TO THE INJURIES AS THEY WERE  
11 SUSTAINED AS TO THE ANUS AND THE RECTUM. I HAVE A  
12 COUPLE OF OTHER PHOTOGRAPHS I WOULD LIKE TO PRESENT  
13 TO YOU TO ALLOW YOU TO EXAMINE THEM.

14 MR. BAITY: MAY WE APPROACH, YOUR HONOR.

15 (BENCH CONFERENCE.)

16 THE COURT: MEMBERS OF THE JURY PANEL, I  
17 WAS GOING TO WAIT A LITTLE BIT LONGER BEFORE WE TOOK  
18 A BREAK BUT WE NOW HAVE SOME MATTERS TO TAKE UP  
19 OUTSIDE OF YOUR PRESENCE SO WE'LL TAKE A BREAK AT  
20 THIS TIME. AND I DON'T KNOW IF THERE ARE ANY  
21 SMOKERS, I'M NOT ENCOURAGING YOU, BUT IF DO WE HAVE  
22 ANY SMOKERS YOU CAN TAKE A SMOKE BREAK.

23 (THE JURY EXITS THE COURTROOM AT  
24 10:46.)

25 THE COURT: I HAVE IN MY HAND EXHIBIT 22

1 AND THEN AN UNMARKED EXHIBIT WITH NO OBJECTION TO 22.  
2 THE UNMARKED IS, OF COURSE, IN ANY EVENT BE MADE PART  
3 OF THE RECORD BUT IT APPEARS TO BE THE OPENED ANUS  
4 SHOWING BRUISING. WHY DON'T YOU DO A PROFFER ON  
5 THAT. I'M NOT A DOCTOR.

6 (STATE'S EXHIBIT 35 PHOTOGRAPH FOR  
7 IDENTIFICATION.)  
8 IN CAMERA DIRECT:

9 Q DR. MAYNARD, THIS IS STATE'S EXHIBIT 35, CAN YOU  
10 LOOK AT THAT PLEASE?

11 A YES, SIR.

12 Q IN YOUR EXAMINATION, CAN YOU TELL ME WHAT THAT  
13 PICTURE IS FIRST OF ALL?

14 A YES, SIR. THIS IS THE ANUS OR RECTUM THAT'S  
15 BEEN REMOVED FROM AMANDA AND HAS BEEN OPENED. THERE  
16 IS AT THE UPPER RIGHT PORTION IS THE ANAL RECTUM  
17 JUNCTURE FROM THE ANUS AND RECTUM AND THEN THERE IS A  
18 LARGE AREA OF HEMORRHAGE THAT EXTENDS SIGNIFICANTLY  
19 INTO THE RECTUM TISSUE HERE.

20 Q AND THAT, IF YOU COULD DESCRIBE THAT  
21 HEMORRHAGING TO US IN YOUR EXAMINATION?

22 A YES, SIR. THE PICTURE SHOWS A SMALL TEAR AT THE  
23 JUNCTURE BETWEEN THE ANUS AND THE RECTUM. THEN THERE  
24 IS SOME FOCAL HEMORRHAGE GOING UP OR GOING DEEP INTO  
25 THE RECTUM AND THEN THERE IS A LARGE AREA OF

1 HEMORRHAGE APPROXIMATELY FIVE INCHES IN SIZE THAT'S  
2 THROUGHOUT THE RECTUM, ALL THE WAY AROUND THE RECTUM,  
3 AND INTO THE WALL OF THE RECTUM.

4 Q AND HOW FAR UP INTO THAT RECTUM DOES THAT  
5 HEMORRHAGING GO?

6 A UP TO 8 INCHES.

7 Q OKAY. AND CAN YOU TELL ME WHERE, BASICALLY  
8 WHERE IS THE TOP OF THE RECTUM AS FAR AS AMANDA GOES?

9 A THE LEFT SIDE. LET'S SEE, THE RIGHT SIDE OF THE  
10 PICTURE HERE IS THE ANUS AND THIS IS THE RECTUM GOING  
11 INTERNALLY INTO AMANDA.

12 Q SO THAT IS THE ENTIRE RECTUM AS SHOWN IN THE  
13 PICTURE?

14 A THERE IS A LITTLE BIT MORE LEFT BUT THIS IS  
15 WHERE THE INJURY OCCURRED.

16 Q AND I GUESS WHAT I'M TRYING TO GET AT THROUGH  
17 THAT QUESTION, IN THAT BRUISING IS THAT BASICALLY THE  
18 ENTIRE RECTUM IS THAT BRUISED?

19 A YES, SIR, IT IS.

20 Q AND YOU SAID THAT, IS THAT ON ALL SIDES OF THE  
21 RECTUM THAT IT'S BRUISED?

22 A YES, SIR. ON THE PICTURE YOU CAN SEE IT GOES  
23 COMPLETELY AROUND THE RECTUM. THE RECTUM BEING A  
24 HOLLOW TUBE-TYPE LIKE ORGAN, AND THERE IS HEMORRHAGE  
25 IN ALL DIRECTION FROM 3 INCHES TO 8 INCHES IN THE

1       RECTUM.

2       Q     AND WHAT TYPE OF INJURY DOES THAT INDICATE TO  
3       YOU?

4       A     THAT SIGNIFICANT FORCE HAS BEEN APPLIED WITH A  
5       BLUNT OBJECT THAT EXTENDED UP TO 8 INCHES INTO HER.

6       Q     IN ORDER FOR A BLUNT OBJECT TO DO THAT WOULD IT  
7       HAVE TO BE INSERTED INTO THE RECTUM?

8       A     YES, SIR, THAT'S CORRECT.

9       Q     SO THIS ISN'T SOMETHING THAT COULD HAPPEN  
10      EXTERNALLY FROM BEATINGS OUTSIDE OF THE BODY?

11      A     NO, SIR, IT WOULD NOT.

12      Q     ALL RIGHT.  AND IN YOUR OPINION DOES THAT  
13      CONSISTENT WITH A BROOM BEING USED TO --

14                   MR. BAITY:  YOUR HONOR, I UNDERSTAND.

15                   THE COURT:  WELL, THIS IS A PROFFER.

16      THOSE ARE LEADING QUESTIONS.  I KNOW YOU SAY YOU ARE  
17      JUST ASKING FOR AN OPINION BUT IF YOU SUGGEST THE  
18      ANSWERS ARE LEADING QUESTIONS.

19                   MR. THOMPSON:  I WOULD ASK --

20                   THE COURT:  I'M NOT GOING TO ARGUE WITH  
21      YOU, MR. THOMPSON.  YOU KNOW HOW TO ASK A QUESTION.

22      Q     DO YOU HAVE ANY OPINION AS TO WHAT COULD HAVE  
23      CAUSED THAT?

24      A     YES, SIR, I DO.

25      Q     AND WHAT IS THAT?

1 A THIS WOULD BE AN OBJECT THAT DOES NOT HAVE SHARP  
2 BORDERS OR POINTS ON IT, NOT A KNIFE, NOT A  
3 SCREWDRIVER. IT WOULD TYPICALLY BE OVAL TO ROUND  
4 OBJECT, AGAIN NOT TYPICALLY A SQUARE OBJECT WHERE YOU  
5 GOT SHARP CORNERS ON IT. IT COULD BE A DILDO. IT  
6 COULD BE A BROOM HANDLE. IT COULD BE A BATON. YOU  
7 KNOW, ANYTHING ALONG THOSE LINES, POSSIBLY A BASEBALL  
8 BAT EVEN.

9 Q WHAT TYPE OF FORCE WOULD BE NEEDED TO CREATE  
10 THAT TYPE OF INJURY WITH THAT TYPE OF OBJECT?

11 A SIGNIFICANT FORCE. THIS IS EXTREME FORCE BEING  
12 USED TO CAUSE THAT MUCH HEMORRHAGE.

13 Q AND CAN YOU TELL ME FROM THAT PHOTOGRAPH AS WELL  
14 NEAR THE OPENING OF THE ANUS DOES IT TELL YOU  
15 ANYTHING THAT AREA?

16 A YES, SIR, IT DOES.

17 Q WHAT DOES IT TELL YOU?

18 A THERE IS SOME HEMORRHAGE AT THE ANAL OPENING  
19 ALONG WITH A SMALL TEAR BEING PRESENT.

20 Q ALL RIGHT. THE INJURIES THEMSELVES, THERE ARE  
21 THEY, AS YOU'VE BEEN DISCUSSING EARLIER, ARE THEY  
22 FRESH OR ARE THEY NOT? WHAT TYPE OF INJURIES ARE  
23 THOSE WHEN YOU EXAMINED HER?

24 A THESE ARE FRESH INJURIES.

25 Q IN YOUR LINE OF WORK AS A PATHOLOGIST IN THE

1 SEXUAL ASSAULT CASES HOW MANY ANAL AREAS HAVE YOU  
2 EXAMINED?

3 A WE LOOK AT EVERY ANAL AREA AT EVERY AUTOPSY WE  
4 DO.

5 Q AND COMPARE IT TO THE INJURIES WITH WHAT YOU SEE  
6 HERE, HOW ARE THESE INJURIES COMPARE TO THE OTHER  
7 EXAMS THAT YOU'VE DONE?

8 A THESE ARE SOME OF THE MOST TRAUMATIC OR DAMAGING  
9 INJURIES I'VE EVER SEEN.

10 Q IN YOUR OPINION, DR. MAYNARD, WILL THAT PICTURE  
11 HELP THE JURY TO UNDERSTAND THE EXTENT OF THE  
12 INJURIES TO THE ANUS OF AMANDA COPE?

13 A YES, SIR, IT WOULD.

14 Q AND IN YOUR OPINION WOULD IT BE MORE VALUABLE  
15 THAN YOUR ACTUAL TESTIMONY IN SEEING WHAT THE  
16 INJURIES ARE?

17 A YES, SIR, IT NOT ONLY SHOWS THE EXTENT OF THE  
18 INJURIES BUT THE FORCE THAT HAD TO BE APPLIED TO  
19 CAUSE THAT MUCH HEMORRHAGE.

20 Q THANK YOU. NO FURTHER QUESTIONS.

21 MR. BAITY: LET ME SEE THE PICTURE.

22 CROSS EXAMINATION IN CAMERA BY MR. BAITY:

23 Q DOCTOR, I SEE A GREAT DEAL OF, FOR LACK OF A  
24 BETTER TERM, BLOOD AND GORE IN THIS PICTURE, AND THIS  
25 IS BASICALLY SOMETHING THAT'S BEEN, THIS BLOODINESS

1 AND THIS GORE IS SOMETHING THAT HAD BEEN BROUGHT  
2 ABOUT AS A RESULT OF AN AUTOPSY WHERE SOMEONE'S ANUS  
3 HAS BEEN REMOVED FROM THEIR BODY?

4 A YES, SIR.

5 Q THIS IS NOT THE WAY YOU FOUND THIS WOMAN?

6 A NO, SIR, I TOOK THE ANUS AND THE RECTUM OUT OF  
7 THE BODY.

8 Q DURING THE AUTOPSY YOU CUT HER OPEN WITH THE  
9 SCALPEL AND CUT HER ANUS OUT AND THAT'S WHAT THIS  
10 PICTURE DEPICTS?

11 A YES, SIR. THAT IS THE ONLY WAY TO BE ABLE TO  
12 GET THE ANUS AND RECTUM OUT PROPERLY.

13 Q AND IS THERE ANYWAY FOR YOU TO DESCRIBE A BRUISE  
14 TO THE RECTUM WITHOUT PUTTING THIS PICTURE IN  
15 EVIDENCE OR SHOWING IT TO THE JURY?

16 A IT WOULD BE DIFFICULT. THAT PICTURE SAYS IT ALL  
17 RIGHT THERE.

18 Q WELL, I'M SURE IT DOES, BUT YOU COULD SAY THAT  
19 IT WAS A BRUISE THAT WAS APPROXIMATELY SO LONG AND IT  
20 STARTED SO MANY INCHES IN AND IT ENDED SO MANY INCHES  
21 IN, COULDN'T YOU?

22 A YES, SIR, THAT IS A DESCRIPTION OF WHAT I ---

23 Q DO YOU THINK THE LADIES AND GENTLEMEN OF THE  
24 JURY DON'T KNOW WHAT A BRUISE IS?

25 A I'M JUST HERE TO DESCRIBE WHAT I SAW.



1 Q ALL RIGHT. BUT I MEAN DO YOU THINK IF YOU SAID  
2 BRUISE THEY WOULD UNDERSTAND WHAT THAT MEANS.

3 MR. THOMPSON: OBJECTION.

4 THE COURT: I SUSTAIN THE OBJECTION. YOU  
5 CAN'T DELVE INTO WHAT THESE PEOPLE. I THINK I CAN  
6 ALMOST TAKE JUDICIAL NOTICE THAT EVERYBODY KNOWS WHAT  
7 A BRUISE IS BUT THERE ARE DEGREES IN BRUISES AND I  
8 DON'T KNOW WHETHER THE JURY HAS EVER SEEN AN INTERNAL  
9 BRUISE. I'M QUITE FRANKLY NOT SURE I EVER HAVE.

10 Q ARE YOU SAYING THAT YOU COULD NOT DESCRIBE THIS  
11 INJURY WITHOUT THE USE OF THIS PHOTOGRAPH?

12 A I CAN MAKE A DESCRIPTION, BUT I THINK THE  
13 PHOTOGRAPH IS MUCH BETTER THAN MY DESCRIPTIONS.

14 MR. BAITY: YOUR HONOR, I WOULD SIMPLY SAY  
15 THAT THIS IS AN EXHIBIT THAT IS EXTREMELY UPSETTING,  
16 EXTREMELY OFFENSIVE; THAT IT IS NOT AN ACTUAL  
17 DEPICTION OF THE VICTIM AS SHE WAS FOUND. THAT THE,  
18 THAT THE SHOCK VALUE OF THIS PHOTOGRAPH IS SO  
19 PREJUDICIAL THAT IT GOES BEYOND ANY PROBATIVE VALUE.  
20 CERTAINLY THE LADIES AND GENTLEMEN OF THE JURY WOULD  
21 KNOW EXACTLY WHAT A BRUISE WAS AND THE DOCTOR COULD  
22 USE ALL SORTS OF DESCRIPTIVE LANGUAGE TO EXPLAIN HOW  
23 EXTENSIVE IT WAS, HOW BAD IT WAS, HOW MUCH FORCE WAS  
24 USED NEEDED TO CREATE IT, AND I WOULD JUST ASK THAT  
25 THIS PHOTOGRAPH COULD CERTAINLY BE USED BY THE DOCTOR

1 FOR HIS REFERENCE AND FOR HIS DESCRIPTION, BUT THAT  
2 IT'S PROBATIVE VALUE IS OUTWEIGHED BY THE SHOCK VALUE  
3 OF IT.

4 THE COURT: YOU DON'T OBJECT TO NUMBER 22?

5 MR. BAITY: NO, SIR, I DO NOT.

6 THE COURT: DOES THE STATE PLAN TO PUT IN  
7 NUMBER 22. WHY DON'T YOU ASK HIM WHAT 22 IS.

8 MR. THOMPSON: YES, YOUR HONOR.

9 Q DR. MAYNARD, STATE'S EXHIBIT 22 IF YOU LOOK AT  
10 THAT PHOTOGRAPH FOR ME AND TELL ME WHAT THAT IS?

11 A THIS IS A PICTURE OF HER ANUS OR MORE  
12 SPECIFICALLY HER ANAL OPENING.

13 Q OKAY. AND FROM THAT PHOTOGRAPH ITSELF WHAT IF  
14 ANYTHING CAN YOU TELL ABOUT HER ANAL OPENING FROM THE  
15 PHOTOGRAPH ITSELF?

16 A THE ANAL OPENING IS MUCH LARGER THAN WOULD BE  
17 TYPICAL IN EITHER A 12 YEAR OLD OR A YOUNG ADULT.

18 Q OKAY. AND FROM THAT INJURY THERE IS IT, CAN YOU  
19 TELL ME, IS THERE ANYTHING YOU CAN DETERMINE ABOUT  
20 THE ANAL TONE ITSELF?

21 A THE ANAL TONE IS MORE RELAXED. THERE IS  
22 EVIDENCE OF DILATATION OF THE ANUS THAT HAS OCCURRED  
23 OVER TIME.

24 Q ALL RIGHT. AND THAT PICTURE DOES IT SHOW  
25 BRUISING OR ANYTHING LIKE THAT WITHIN THE ANUS?

1 A UNLESS THERE IS SOMETHING ON THE LEFT THERE, I'M  
2 NOT QUITE SURE IN THIS PICTURE, OTHERWISE IT DOES  
3 NOT.

4 Q AND YOU HAD MENTIONED THE SHOWING KIND OF A LAX  
5 TONE, IN YOUR OPINION WHAT SHOULD HER ANAL TONE BE AT  
6 THIS POINT?

7 A THE ANAL TONE EVEN AFTER DEATH AT THIS LENGTH OF  
8 TIME SHOULD STILL BE FIRM WITH THE ANUS ESSENTIALLY  
9 CLOSED.

10 Q EVEN WITH THE TYPE OF ASSAULT SHE HAD SUSTAINED  
11 AT THAT TIME?

12 A THIS INDICATES THAT DILATATION OF THE ANUS HAS  
13 OCCURRED AND USUALLY REPEATED DILATATIONS TO HAVE  
14 MORE RELAXING OF ANAL MUSCULATURE.

15 THE COURT: I THINK YOU ARE GOING BEYOND  
16 WHAT WE NEED FOR THE PROFFER. I JUST WANTED TO KNOW  
17 WHAT THAT WAS A PICTURE OF AND YOU DIDN'T ASK HIM SO  
18 APPARENTLY ---

19 MR. THOMPSON: WELL, I DID ASK HIM WHAT  
20 THAT WAS A PICTURE OF.

21 THE COURT: I KNOW, BEFORE. I JUST WANTED  
22 TO KNOW WHAT THAT WAS A PICTURE OF AND HE'S ANSWERED  
23 THAT.

24 MR. THOMPSON: THAT'S ALL.

25 THE COURT: ANY OTHER QUESTIONS.

1                   MR. BAITY: I HAVE NO QUESTIONS AND NO  
2                   OBJECTION TO THAT PHOTOGRAPH, YOUR HONOR.

3                   THE COURT: ALL RIGHT. OKAY.

4                   MR. THOMPSON: YOUR HONOR, THE STATE'S  
5                   ARGUMENT AS TO THE --

6                   THE COURT: I'M GOING TO RULE IN YOUR  
7                   FAVOR, MR. THOMPSON, IF YOU CAN JUST GIVE ME A  
8                   MINUTE.

9                   MR. GREELEY: IF I CAN JUST BE ON THE  
10                  RECORD IN REGARDS TO 23. I WOULD INTERPOSE AN  
11                  OBJECTION BUT I KNOW THAT I'VE SEEN WORSE PICTURES  
12                  PUT INTO EVIDENCE AND IT'S IN THE JUDGE'S DISCRETION  
13                  SO I'M JUST ON THE RECORD.

14                  THE COURT: WELL, I'M GOING TO ALLOW THE  
15                  PICTURE IN, BUT IT'S NOT TO PROVE WHO DID THIS TO HER  
16                  BUT TO PROVE THAT THE DEGREE OF THE INJURY. IT DOES  
17                  HAVE SIGNIFICANT PROBATIVE VALUE ESPECIALLY IN LIGHT  
18                  OF EVIDENCE WHICH HAS NOT ACTUALLY COME BEFORE THE  
19                  JURY BUT WILL BE PRESENTED AS THE COURT KNOWS  
20                  INVOLVING THE USE OF A BROOM THRUST INTO AMANDA  
21                  COPE'S ANUS ON THE EVENING OF HER DEATH, EARLY  
22                  MORNING. PREJUDICIAL VALUE, THE PICTURE IS GRAPHIC,  
23                  VIVID, STARK, PERHAPS TO A DEGREE OF EVEN BORDERING  
24                  ON BEING SICKENING, BUT BASED ON THE FACTS OF WHICH  
25                  THE COURT IS AWARE THE PREJUDICIAL VALUE DOES NOT

1       OUTWEIGH THE PROBATIVE VALUE. IT IS I THINK VERY  
2       PROBATIVE ON THE ISSUE OF THE DEGREE OF DAMAGE DONE  
3       TO THIS YOUNG GIRL, THE EXTENT OF THE DAMAGE, IT DOES  
4       EXHIBIT THE FORCE. ON CROSS EXAMINATION THE DEFENSE  
5       CAN DIFFERENTIATE BETWEEN DAMAGE RENDERED PRE-AUTOPSY  
6       AND POST-AUTOPSY AND THAT WAS PARTICULARLY WHY I  
7       WANTED TO HAVE MY QUESTION ABOUT PICTURE NUMBER 22  
8       BECAUSE I THINK THAT SHOWS WHAT THE DEFENSE SAYS IS  
9       ALL THAT IS NEEDED TO BE SHOWN AND I THINK IT, THAT  
10      THE SECOND ONE NUMBER 23 OR THE ONE THAT'S OFFERED IS  
11      ADMISSIBLE FOR THE REASONS I STATED. ALL RIGHT.  
12      WE'LL TAKE A SHORT BREAK.

13                               (COURT'S IN RECESS AT 11 O'CLOCK.)

14                               (COURT RESUMES AT 11:24 AND THE JURY  
15      RETURNS TO THE COURTROOM.)

16                               THE COURT: YOU MAY CONTINUE.

17                               MR. THOMPSON: THANK YOU, YOUR HONOR.

18      DIRECT EXAMINATION CONTINUED BY MR. THOMPSON:

19      Q     JUST BRIEFLY BEFORE WE GET BACK INTO SOME OF THE  
20      AUTOPSY STUFF. DID YOU AT THIS POINT ALSO HAVE A  
21      CHANCE TO GET BLOOD SAMPLES FROM JAMES SANDERS?

22      A     YES, SIR, I DID.

23      Q     AND DID YOU HAND THOSE OVER TO THE POLICE AS  
24      WELL?

25      A     YES, SIR, I DID.

1 Q ALL RIGHT. THANK YOU. NOW WE HAD JUST BEGUN TO  
2 DISCUSS THE INJURIES TO THE ANUS AND THE RECTUM I  
3 BELIEVE AT THE TIME WE TOOK A BREAK. IF WE COULD  
4 START THERE AGAIN PLEASE. I'M GOING TO PROVIDE YOU  
5 WITH A COUPLE OF OTHER PHOTOGRAPHS, STATE'S 22 AND  
6 35, THAT I'M GOING TO REFER TO AT SOME POINT DURING  
7 THE EXAMINATION. IF YOU CAN TELL ME WHAT IS THE  
8 FIRST THING YOU NOTICED ABOUT HER ANUS WHEN YOU BEGAN  
9 THE EXAMINATION?

10 A THE EXTERNAL EXAMINATION OF THE ANUS BEFORE WE  
11 DID ANY INTERNAL EXAMINATION REVEALED THE ANAL  
12 OPENING WAS ENLARGED OR WAS LARGER THAN TYPICALLY IN  
13 BOTH A CHILD AND IN AN ADULT OR A YOUNG ADULT WOMAN.

14 Q ALL RIGHT. AND I BELIEVE IS THAT EVIDENCED IN  
15 STATE'S EXHIBIT 22 THE PHOTOGRAPH IN FRONT OF YOU?

16 A YES, SIR, THAT IS EXHIBIT 22.

17 Q DOES THAT FAIRLY AND ACCURATELY DEPICT HOW THE  
18 ANUS LOOKED AT THE TIME YOU EXAMINED HER?

19 A YES, SIR, IT DOES.

20 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
21 THAT INTO EVIDENCE AT THIS TIME.

22 MR. BAITY: WITHOUT OBJECTION.

23 THE COURT: WITHOUT OBJECTION.

24 (STATE'S EXHIBIT 22 PHOTO RECEIVED INTO  
25 EVIDENCE.)

1 Q DR. MAYNARD, IF YOU COULD STEP DOWN FOR JUST A  
2 MOMENT AND ACTUALLY PUT OUT WHAT YOU MEAN BY THE, YOU  
3 SAID DILATION --

4 A YES, SIR, OR THE LIPS OF THE ANUS BEING APART.

5 Q ALL RIGHT.

6 A THIS IS THE ANAL OPENING. HERE YOU CAN SEE IT'S  
7 OPENED WIDE APART WHERE IT'S TYPICALLY EVEN IN A  
8 DECEASED PERSON THIS WOULD BE CLOSED OR THIS HAVE A  
9 MINIMAL OPENING THERE, BUT THIS IS CONSIDERABLY  
10 LARGER THAN TYPICALLY SEEN. ALSO RIGHT ALONG THIS IS  
11 THE JUNCTION BETWEEN THE OUTER SKIN OF THE ANUS AND  
12 THE JUNCTION WITH THE RECTUM, A LITTLE DIFFERENT  
13 COLOR.

14 Q AND WHAT IF ANYTHING DOES THAT INDICATE TO YOU?

15 A THIS INDICATES THAT THE RECTUM HAS BEEN DILATED  
16 AND TYPICALLY REPEATEDLY DILATED SUCH THAT THE MUSCLE  
17 THERE IS MORE PRONE TO ACCEPT THE DILATATION WITHOUT  
18 SIGNIFICANT SPASM.

19 Q COULD YOU DEFINE WHAT YOU MEAN BY THE  
20 DILATATION, WHAT IS THAT EXACTLY?

21 A OBJECTS BEING PLACED IN THERE TO EXPAND THE  
22 RECTUM. THAT THE RECTUM HAS A SPHINCTER OR A CIRCLE  
23 OF MUSCLE AROUND THAT TENDS TO KEEP IT CLOSED EXCEPT  
24 IN CERTAIN CONDITIONS AND THE RECTUM WILL ACCEPT  
25 OBJECTS SLOWLY AND THAT REPEATED DILATATION OF A

1       RECTUM WILL OPEN UP THE OR OPEN THE OPENING WIDER  
2       THAN NORMALLY SEEN SO OBJECT CAN BE INSERTED EASIER.

3       Q     BY DILATATION ARE YOU REFERRING TO PENETRATION?

4       A     YES, SIR, THAT IS CORRECT, PENETRATION BY  
5       SOMETHING.

6       Q     OKAY.  NOW IN, DO YOU HAVE AN OPINION ABOUT,  
7       WHETHER HER RECTUM WAS PENETRATED DURING THIS  
8       ASSAULT?

9       A     YES, SIR, I DO.

10      Q     AND WHAT IS THAT OPINION?

11      A     THE RECTUM WAS PENETRATED AND WITH SIGNIFICANT  
12      FORCE.

13      Q     ALL RIGHT.  AND DO YOU HAVE AN OPINION AS TO  
14      WHETHER THE, I GUESS THE OPENNESS OF THE ANUS THAT  
15      YOU OBSERVED IN THAT PICTURE, WOULD THAT HAVE ALL IN  
16      YOUR OPINION BEEN CAUSED BY THE ASSAULT?

17      A     YES, SIR, BUT REPEATED DILATATIONS OR  
18      PENETRATIONS OF THE RECTUM IN ADDITION.

19      Q     OKAY.  WHEN YOU MEAN REPEATED WOULD THIS, I  
20      GUESS I'M TRYING TO GET YOUR DEFINITION OF WHAT  
21      REPEATED IS, IS THAT REPEATED AS IN OTHER TIMES OR  
22      REPEATED AS IN JUST THAT NIGHT?

23      A     YES, SIR, AT OTHER TIMES.  MY APOLOGIES.  THE  
24      DILATING THE RECTUM ABLE TO OPEN WIDER THAN A NORMAL  
25      CHILD OR A YOUNG ADULT RECTUM WOULD BE ABLE TO DO.



1 Q IS THERE ANY SIGNIFICANCE TO YOU AS TO HER AGE  
2 BEING AT 12 WITH THE WAY THAT HER RECTUM LOOKED AT  
3 THAT TIME?

4 A A 12 YEAR OLD CERTAINLY IS RIGHT AT THE JUNCTION  
5 OF CHILDHOOD OF YOUNG ADULTHOOD. THIS IS THE TIME  
6 WHEN YOU ARE STILL FIT, A LOT OF MUSCLE TONE IN THE  
7 BODY, AND THE RECTUM'S TYPICALLY ARE VERY TIGHT OR  
8 THE ANUS' ARE VERY TIGHT IN KIDS, AND THE FACT THAT  
9 THIS IS SO WIDE OPEN INDICATES THAT REPEATED  
10 DILATATIONS OR STRETCHING OF THE RECTUM HAS OCCURRED.

11 Q OKAY. AND AGAIN BY REPEATED YOU MEAN EVEN PRIOR  
12 TO THIS NIGHT?

13 A YES, SIR, I DO.

14 Q OKAY. NOW IF YOU WOULD, WERE THERE ANY TEARS  
15 THAT YOU NOTED WITHIN THE ANUS OR THE RECTUM?

16 A YES, SIR, THERE WAS. THERE WAS AN AREA OF  
17 HEMORRHAGE AT THE JUNCTION BETWEEN THE ANUS AND THE  
18 RECTUM, THE PART OF THE PICTURE I WAS JUST POINTING  
19 OUT THERE WITH THE CHANGE OF COLOR OF THE SURFACE,  
20 THERE WAS A SMALL TEAR APPROXIMATELY QUARTER INCH  
21 THERE, BUT THERE WAS A HALF INCH AREA OF HEMORRHAGE  
22 IN THIS AREA.

23 Q ALL RIGHT. NOW AS YOU EXAMINED WITHIN THE ANUS  
24 ITSELF, HOW DID THAT PROCEED TO GO? WHAT DID YOU  
25 HAVE TO DO IN ORDER TO EXAMINE HER INTERNALLY THERE?

1       A     WE HAD TO TAKE OUT THE ANUS AND RECTUM IN ONE  
2       ORGAN PIECE SUCH THAT WE WOULD BE ABLE TO OPEN IT UP  
3       AND EXAMINE IT.

4       Q     IS STATE'S EXHIBIT NUMBER 35 A PICTURE WE HAVE  
5       UP THERE, WOULD THAT ASSIST YOU IN DESCRIBING THE  
6       INJURIES OF HER RECTUM?

7       A     YES, SIR, IT CERTAINLY WOULD.

8       Q     WAS THAT A PHOTOGRAPH TAKEN AT THE TIME THAT YOU  
9       WERE PERFORMING THE AUTOPSY?

10      A     YES, SIR, IT IS.

11      Q     DOES IT FAIRLY AND ACCURATELY DEPICT WHAT THE  
12      RECTUM LOOKED LIKE AS YOU EXAMINED IT?

13      A     YES, SIR, IT DOES.

14                   MR. THOMPSON:  YOUR HONOR, I ASK TO MOVE  
15      STATE'S EXHIBIT NUMBER 35 INTO EVIDENCE AT THIS TIME.

16                   MR. BAITY:  NO OBJECTION, YOUR HONOR.

17                   MR. GREELEY:  NO OBJECTION.

18                   THE COURT:  BE RECEIVED.

19                                   (STATE'S EXHIBIT 35 PHOTO RECEIVED IN  
20      EVIDENCE.)

21      Q     DR. MAYNARD, IF COULD YOU STEP DOWN AND ONCE  
22      AGAIN DESCRIBE TO US THE INJURIES THAT ARE EVIDENT ON  
23      THIS PICTURE AND THAT WERE EVIDENT TO YOU THAT NIGHT  
24      OR THE AFTERNOON THAT YOU EXAMINED AMANDA.  FIRST OF  
25      ALL COULD YOU ORIENT US AS TO WHAT EXACTLY THIS ORGAN

1 IS AND WHERE?

2 A THIS IS THE ANUS OF THE ANAL OPENING WOULD BE  
3 HERE. YOU CAN SEE THIS MUCOSA HERE AND RIGHT THERE  
4 YOU SEE A CHANGE IN THE COLOR OR THE SHININESS OF  
5 THIS. THIS IS THE JUNCTION BETWEEN THE ANUS AND  
6 RECTUM. THIS IS THE AREA WHERE HEMORRHOIDS TYPICALLY  
7 OCCUR. HERE THIS IS THE RECTUM GOING INWARD, SO  
8 WE'RE GOING INWARD AND UPWARD IN AMANDA.

9 Q IS THIS BASICALLY HER ENTIRE RECTUM?

10 A YES, SIR, IT IS.

11 Q HOW LONG IS IT ALL TOGETHER?

12 A THIS PROBABLY ABOUT 12 INCH SPECIMEN HERE.

13 Q OKAY. GO AHEAD AND IF YOU COULD DESCRIBE THE  
14 INJURY?

15 A YES, SIR. THE ANORECTAL JUNCTION IS JUST INSIDE  
16 THE ANUS AS YOU WERE SHOWN ON THIS OTHER PICTURE A  
17 MINUTE AGO. YOU CAN SEE THAT JUNCTION FROM  
18 EXTERNALLY AND THEN FROM HERE INWARD IS THE RECTUM,  
19 THE REST OF THE RECTUM. THERE IS AREAS OF HEMORRHAGE  
20 ON BOTH SIDES HERE. THERE IS A SMALL TEAR THAT I WAS  
21 DESCRIBING A MINUTE AGO, A LITTLE QUARTER INCH TEAR,  
22 IN THE MUCOSA THERE. THERE IS A LITTLE STREAKINESS  
23 OF HEMORRHAGE OR BRUISING IN THERE. THEN YOU COME  
24 INTO THIS HUGE AREA OF HEMORRHAGE. THIS BEGINS THREE  
25 INCHES FROM THIS JUNCTION, THIS ANORECTAL JUNCTION, 3

1 INCHES HERE TO 8 INCHES DEEP, SO A DEEP PENETRATION  
2 BUT THE AMOUNT OF HEMORRHAGE, THIS IS OPEN, THIS IS  
3 NORMALLY A TUBULAR STRUCTURE, THE AMOUNT OF  
4 HEMORRHAAGE IS ALL THE WAY AROUND THIS TUBULAR  
5 STRUCTURE SO FORCE AND SIGNIFICANT FORCE HAS BEEN  
6 APPLIED TO CAUSE THAT MUCH HEMORRHAGE AND DAMAGE TO  
7 THE SURFACE, THE MUCOSA SURFACE, BUT ALSO THIS IS THE  
8 OUTSIDE WHAT WE CALL THE OUTER COVERING OF THE TUBE  
9 AND YOU SEE HEMORRHAGE ON THE OUTER SIDE. SO THIS  
10 HEMORRHAGE AND FORCE HAS BEEN APPLIED COMPLETELY  
11 THROUGH THE WALL OF THE RECTUM. SO SIGNIFICANT FORCE  
12 FROM 3 INCHES TO 8 INCHES DEEP IN THERE HAS OCCURRED.  
13 THERE IS NO PENETRATION OR PERFORATION OR TEARING OF  
14 THE WALL WHERE SOMETHING HAS GONE THROUGH THE WALL  
15 AND OUT INTO THE ABDOMINAL CAVITY, BUT SIGNIFICANT  
16 FORCE TO CAUSE ALL OF THAT HEMORRHAGE AND BLEEDING IN  
17 THERE.

18 Q NOW IS IT DISCOLORATION THAT YOU WERE JUST  
19 POINTING OUT WITH THE POINTER, WAS THAT, IS THAT THE  
20 HEMORRHAGE YOU ARE TALKING ABOUT, THAT KIND OF  
21 PURPLISH --

22 A YES, SIR. ALL THIS DARK LOOKING MATERIAL HERE  
23 IS ALL HEMORRHAGE. THERE IS ANOTHER LITTLE SPOT  
24 THERE, ONE THERE, AND THEN THIS LITTLE AREA OF  
25 HEMORRHAGE AT THE JUNCTION OF THE ANUS AND RECTUM UP

1 IN THIS AREA.

2 Q ALL RIGHT. THANK YOU. DR. MAYNARD, YOU HAD  
3 SAID THAT THE HEMORRHAGING EXTENDED UP TO 8 INCHES  
4 INTO THE RECTUM, BASICALLY WHERE WOULD BE THE TOP OR  
5 CEILING OF HER RECTUM BE WITHIN HER BODY?

6 A THIS WOULD BE UP AT THE PELVIC BRIM OR IF YOU  
7 FEEL ON THE FRONT OF YOURSELF THE BONE THAT GOES  
8 ACROSS THEN FEEL A BONE GOING UPWARD AND THE RECTUM  
9 STOPS ABOUT MIDWAY BETWEEN THE PUBIC BONE AND THAT  
10 TOP OF THE BONE GOING UP ON YOUR LEFT SIDE.

11 Q NOW WHERE THESE INJURIES END IS THAT NEAR THE  
12 TOP OF THE RECTUM?

13 A YES, SIR, IT IS.

14 Q DO YOU HAVE AN OPINION OR LET ME GO THIS WAY.  
15 THE INJURIES THEMSELVES, DID YOU SEE ANY, AS WE  
16 TALKED BEFORE WITH THE VAGINA AND THE ACUTE  
17 INFLAMMATION, ANY OF THOSE CELLS THAT YOU TALKED  
18 ABOUT THAT COME TO REPAIR, DID YOU NOTICE ANY OF THAT  
19 HERE IN THE RECTUM?

20 A NO, SIR, I DID NOT.

21 Q SO WOULD THESE BE CONSIDERED FRESH?

22 A THESE WERE FRESH HEMORRHAGES, FRESH BRUISING  
23 WITHOUT THE ACUTE INFLAMMATORY CELLS OR BODY RESPONSE  
24 TO IT.

25 Q IN YOUR EXAMINATION IN DOING AUTOPSIES DO YOU

1 ALWAYS EXAMINE THE RECTUM WHEN YOU HAVE TO DO AN  
2 AUTOPSY?

3 A WE DO TAKE OUT THE RECTUM IF IT'S A COMPLETE  
4 AUTOPSY AND FORENSIC CASE IS A COMPLETE AUTOPSY. WE  
5 DO NOT TAKE OUT THE ANUS AND RECTUM AS WE DID IN THIS  
6 CASE UNLESS THERE IS EVIDENCE OF INJURY OR PROBLEMS  
7 DOWN THERE.

8 Q DO YOU HAVE AN ESTIMATION OF HOW MANY CASES THAT  
9 YOU PULLED AND HAD TO ACTUALLY TAKE OUT THE RECTUM  
10 AND EXAMINE IT?

11 A NO, I DON'T. IT'S BEEN A NUMBER OF THEM.

12 Q YOU'VE BEEN DOING THIS HOW LONG AGAIN?

13 A 28 YEARS HERE IN ROCK HILL OR YORK COUNTY.

14 Q IN YOUR EXPERIENCE HAVE YOU EVER SEEN INJURIES  
15 AS SUCH AS THIS?

16 A THIS IS THE MOST HEMORRHAGE I HAVE SEEN IN A  
17 RECTUM. I'VE SEEN SOME PERFORATIONS BUT AS FAR AS  
18 HEMORRHAGE AND TRAUMA, THIS IS PROBABLY THE MOST I'VE  
19 SEEN.

20 Q DO YOU HAVE AN OPINION AS TO WHAT COULD HAVE  
21 CAUSED THE INJURIES IN HER RECTUM?

22 A YES, SIR, I DO.

23 Q AND WHAT IS THAT OPINION?

24 A MY OPINION THE INJURIES IN THE RECTUM WERE  
25 CAUSED BY BLUNT OBJECT OF EITHER A ROUND OR A SMOOTH

1 SURFACE; THAT THERE WAS NO EVIDENCE OF PENETRATION OF  
2 THE WALL TO SUGGEST A SHARP OBJECT BEING APPLIED.  
3 THIS WOULD BE A HARD OBJECT, TYPICALLY A BROOM  
4 HANDLE, BATON, DILDO, ANYTHING THAT WOULD MORE OF A  
5 SMOOTH SURFACE. THE FORCE WOULD HAVE HAD TO BE  
6 EXTENSIVE TO CAUSE THIS MUCH HEMORRHAGE AND BRUISING  
7 IN THE RECTUM.

8 Q ALL RIGHT. NOW YOU HAD MENTIONED BASICALLY AT  
9 THE TOP OF THE RECTUM, ARE THERE AREAS THE PANCREAS  
10 AND THE SPLEEN AREAS THERE RIGHT ABOVE THE RECTUM?

11 A YES, SIR, THERE ARE OTHER INJURIES INTERNALLY IN  
12 THE ABDOMINAL CAVITY.

13 Q CAN YOU TELL ME WHAT THOSE ARE?

14 A THERE WERE FOCAL AREAS OF HEMORRHAGE, AGAIN THE  
15 BRUISING AROUND THE PANCREAS. THIS IS JUST BEHIND  
16 THE STOMACH ABOUT JUST BELOW YOUR RIBS IN THE  
17 MIDLINE. THERE WAS A HEMORRHAGE ON THE SPLEEN. THE  
18 SPLEEN BEING YOUR LEFT FLANK JUST BENEATH THE RIB,  
19 THE LOWER RIBS ON THE LEFT SIDE. AGAIN THERE WAS  
20 SOME HEMORRHAGE INDICATIVE OF TRAUMA BEING DONE TO  
21 THIS AREA. THERE WERE ALSO SOME AREA OF HEMORRHAGE  
22 OTHERWISE IN THE INTESTINAL TRACK. THE CECUM OR THE  
23 FIRST PART OF THE LARGE INTESTINE. THIS IS THE RIGHT  
24 LOWER QUADRANT. THIS IS WHERE THE APPENDIX IS.  
25 THERE WAS AREAS OF HEMORRHAGE THERE.

1 Q WHAT IF ANYTHING DID THOSE AREAS OF HEMORRHAGE  
2 INDICATE TO YOU?

3 A THE AREAS OF HEMORRHAGE ARE INDICATIVE OF BLUNT  
4 FORCE TRAUMA. AGAIN BLOWS TO THE ABDOMINAL CAVITY OR  
5 TO THE FLANKS OR TO THE BACK OF SUFFICIENT FORCE TO  
6 CAUSE TEARING OF BLOOD VESSELS OR HEMORRHAGE INTO THE  
7 TISSUE THERE.

8 Q SO THOSE BLOWS COULD NOT ONLY BE CAUSED FROM THE  
9 FRONT BUT ALSO FROM THE BACK?

10 MR. BAITY: YOUR HONOR, OBJECTION,  
11 LEADING.

12 THE COURT: THAT'S A LEADING QUESTION. I  
13 SUSTAIN THE OBJECTION. REPHRASE YOUR QUESTION OR ASK  
14 ANOTHER ONE.

15 Q WHAT, FROM WHAT DIRECTION IF YOU HAVE AN IDEA  
16 WOULD ANY OF THOSE BLOWS BE ABLE TO BE SUSTAINED?

17 A TYPICALLY THE RIGHT LOWER QUADRANT WOULD BE  
18 FRONTAL BLOWS OR BLOWS FROM THE FRONT OR BLOWS FROM  
19 THE SIDE, TYPICALLY THE RIGHT SIDE, CAUSING THE  
20 INJURIES. THE AREAS AROUND THE PANCREAS CAN BE FROM  
21 THE FRONT OR FROM THE BACK. THE AREA AROUND THE  
22 SPLEEN IS TYPICALLY FROM THE LEFT SIDE WITH THE  
23 SPLEEN BEING ON THE LEFT SIDE.

24 Q ALL RIGHT. NOW I THINK IN YOUR EXAMINATION,  
25 YOUR MICROSCOPIC EXAMINATION YOU ONCE AGAIN MENTIONED



1       SOMETHING EPITHELIAL LOSS AND MARKED VASCULAR  
2       CONGESTION, CAN YOU DESCRIBE AND TELL US WHAT THAT  
3       MEANS?

4       A     SIR, WHERE ARE YOU REFERRING TO?

5       Q     I BELIEVE IT'S IN SOME OF THE MICROSCOPIC  
6       EXAMINATION OF HER RECTUM?

7       A     YES, SIR.  THE EXAMINATION OF THE TISSUE UNDER  
8       THE MICROSCOPE REVEALED HEMORRHAGE WHICH WE'VE  
9       ALREADY SEEN IN THE PICTURES, BUT THERE IS ALSO  
10      HEMORRHAGE THAT AGAIN WAS IN THE WALLS THAT WE WERE  
11      LOOKING AT THE BLOOD CELLS THERE.  THE AREAS OF  
12      EPITHELIAL LOSS WHICH AGAIN IS IRRITANT OR SOMETHING  
13      BEING RUBBED ACROSS THE SURFACE OF THE MUCOSA OR THIS  
14      LINING TO CAUSE THE CELLS BEING REMOVED ON THAT.

15                            THE MARKED CONGESTION IS JUST BLOOD  
16      BEING THERE, DISTENDED VESSELS.  IT'S USUALLY A FIRST  
17      INDICATION OF INJURY OR AT LEAST SLOWING DOWN OF THE  
18      HEART RATE.

19      Q     NOW YOU HAD MENTIONED WHEN WE FIRST DISCUSSED  
20      THE OPENING OF THE ANUS AND YOU HAD MENTIONED  
21      SOMETHING ABOUT THE PAST PENETRATION, WAS THERE  
22      ANYTHING ELSE SUGGESTIVE OF PAST PENETRATION THAT YOU  
23      WERE ABLE TO DETERMINE IN YOUR EXAMINATION?

24      A     THERE WAS EVIDENCE OF DILATATION OF THE ANAL  
25      OPENING.

1 Q RIGHT.

2 A THEN THERE WAS PROMINENCE OF WHAT WE CALL  
3 PEYER'S PATCHES IN THE INTESTINAL TRACT OR IN THE  
4 RECTUM AT LEAST THERE IS LITTLE AGGREGATES OR GROUPS  
5 OF LYMPHOID CELLS, AGAIN THESE CHRONIC INFLAMMATORY  
6 CELLS, THEY WERE MORE PROMINENT THAN TYPICALLY SEEN  
7 IN SOMEBODY.

8 Q CAN YOU DESCRIBE WHAT YOU MEAN BY CHRONIC  
9 INFLAMMATORY CELLS?

10 A AGAIN THESE ARE PREDOMINANTLY THE LYMPHOCYTES  
11 BEING THE CELLS ARE IN OUR BLOOD NORMALLY AND SOME OF  
12 OUR TISSUE SUCH AS A SPLEEN AND THESE COME INTO PLAY  
13 WITH REACTIVE CHANGES OR IF WE'RE FIGHTING OFF  
14 INFECTIONS OR SO, THAT WE'LL HAVE LYMPH GLANDS OR  
15 THIS NODULES AROUND THE BODY THAT THESE CONTAINS  
16 LYMPHOCYTES AND THEY HAVE WHAT ARE CALLED LYMPHOID  
17 FOLLICLES. FOLLICLES ARE JUST DIFFERENT TYPES OF  
18 LYMPHOCYTES WHERE THEY FORM A NICE LITTLE ROUND AREA  
19 THERE AND THEY REACT. IF YOU GET A VIRUS OR YOU GET  
20 AN INFECTION THESE THINGS WILL SWELL OUT, THEY ARE  
21 PUTTING OUT CELLS, PUTTING OUT PROTEINS OR ANTIBODIES  
22 THAT FIGHT OUT THE INFECTIONS OR IF THERE IS IRRITANT  
23 THERE THAT THEY WILL SOMETIMES GROW IN SIZE AND IN  
24 HER RECTUM AND ANUS THERE WERE, THESE WERE MUCH MORE  
25 PROMINENT THAN TYPICALLY SEEN.

1 Q ALL RIGHT. CAN YOU DESCRIBE WHAT YOU MEAN BY AN  
2 IRRITANT WHAT WOULD CAUSE IT?

3 A ANYTHING FROM INFECTIONS TO DISEASES,  
4 INFLAMMATORY BOWEL DISEASE, CROHN'S DISEASE, CAN  
5 CERTAINLY SEE THIS, CHRONIC DIARRHEA. IF WE HAVE  
6 BACTERIAL INFECTIONS OR SOME SORT OF PARASITE THAT IS  
7 IN THERE WILL DO IT. OR, YOU KNOW, OTHER IRRITANTS  
8 SUCH AS SOMETHING BEING PLACED IN THERE.

9 Q SOMETHING BEING PLACED IN THERE?

10 A YES, SIR, FROM PENETRATION BY SOME OBJECT OR  
11 REPEATED ENEMAS.

12 Q CAN YOU TELL WAS THERE ANY INDICATION OF DISEASE  
13 THAT YOU WERE ABLE TO DETERMINE?

14 A THERE WAS NO EVIDENCE OF DISEASE. THERE WAS NO  
15 EVIDENCE OF CROHN'S DISEASE WHICH IS A TYPICAL THING  
16 WHICH IS A, SOMEWHAT OF AN AUTOIMMUNE, AUTOIMMUNE  
17 DISEASE IS DEFINED AS SOMETHING THAT YOU GET  
18 NARROWING PROLIFERATION OF SCAR TISSUE IN THE  
19 INTTESTINAL TRACT. THERE WAS NO EVIDENCE OF CHRONIC  
20 TYPE OF DIARRHEA. THE STOOL PRESENT WAS FORMED.  
21 THERE WAS NO EVIDENCE OF PARASITES IN THERE WHICH  
22 WOULD BE THE BIG THREE THAT COULD CAUSE THOSE  
23 IRRITANTS.

24 Q SO AS FAR AS WHAT YOU WERE ABLE TO TELL THERE  
25 WERE NO NATURAL IRRITANTS THAT YOU COULD OBSERVE?

1 MR. BAITY: LEADING. OBJECTION, LEADING.

2 THE COURT: REPHRASE THE QUESTION.

3 Q WERE THERE ANY NATURAL IRRITANTS?

4 A THERE WAS NO EVIDENCE OF ANY INFECTIONS OR  
5 PARASITES TO CAUSE THE IRRITATION.

6 Q HOW FAR UP INTO HER, HOW FAR UP INTO HER RECTUM  
7 WERE THESE, WAS THIS CHRONIC INFLAMMATION THAT WE'RE  
8 DISCUSSING?

9 A THE PEYER'S PATCHES WERE THROUGHOUT THE RECTUM,  
10 BUT MOST PROMINENTLY IN THE LOWER PORTION OF AWAY  
11 FROM THE HEMORRHAGE WHERE YOU COULD YOU SEE THEM.

12 Q WERE THERE ANY OTHER SPOTS OF CHRONIC  
13 INFLAMMATION THAT YOU WERE ABLE TO DETERMINE?

14 A THERE WERE SOME SCATTERED CHRONIC INFLAMMATORY  
15 CELLS, YES, IN THE RECTUM AND ANUS.

16 Q THROUGHOUT THE RECTUM?

17 A YES, SIR. I JUST GOT IT SCATTERED IN THERE.

18 Q ALL RIGHT. NOW IF YOU COULD YOU HAD MENTIONED  
19 SOMETHING I BELIEVE IN THE AUTOPSY ABOUT THE  
20 GASTROINTESTINAL TRACT CAN YOU DESCRIBE SOME OF THAT  
21 TO US?

22 A YES, SIR. WE EXAMINED THE ENTIRE  
23 GASTROINTESTINAL TRACT STARTING WITH THE UPPER  
24 PORTION LOOKING AT THE ESOPHAGUS, THE STOMACH, THEN  
25 THE SMALL INTESTINE, THEN THE LARGE INTESTINE. THE

1 ESOPHAGUS WAS UNREMARKABLE. THE STOMACH HAD A SMALL  
2 AMOUNT OF PARTIALLY DIGESTED FOOD IN IT. THEN WE GO  
3 DOWN AFTER THE STOMACH THE DUODENUM WHICH IS THE  
4 FIRST PART OF THE SMALL INTESTINE. THERE WAS A TEAR  
5 IN THE DUODENUM MESSENTERY. THE MESSENTERY IS THE  
6 FIBER AND FATTY TISSUE THAT HOLDS THE INTESTINES IN  
7 PLACE BUT IT ALSO SUPPLIES THE BLOOD AND MUCUS TO THE  
8 INTESTINE BUT ALSO TAKES AWAY THE MUCUS FROM OUR FOOD  
9 THAT BREAKDOWN THAT WE OBTAIN. BUT THIS MESSENTERY  
10 HAD A TEAR IN IT. THERE IS SOME HEMORRHAGE THERE AND  
11 THERE WAS HEMORRHAGE ON DUODENUM OR THIS PORTION OF  
12 THE SMALL INTESTINE.

13 THE THIRD PORTION WAS UNREMARKABLE.  
14 THE SMALL INTESTINE WAS ESSENTIALLY UNREMARKABLE  
15 EXCEPT FOR WHAT WE CALL MECKEL'S DIVERTICULUM WHICH  
16 IS JUST SIMPLY AN OUTPOUCHING THAT YOU SEE IN ONE OR  
17 TWO PERCENT OF PEOPLE WHICH IS JUST A DEVELOPMENTAL  
18 ABNORMALITY.

19 AND THEN WHEN WE GOT DOWN TO THE CECUM  
20 THE RIGHT LOWER QUADRANT AGAIN WHERE THE APPENDIX IS  
21 THERE WAS HEMORRHAGE IN THE CECUM WALL INDICATIVE OF  
22 BLUNT FORCE TRAUMA BEING SUSTAINED TO THE RIGHT LOWER  
23 QUADRANT. THEN THE COLON FROM THE RIGHT LOWER  
24 QUADRANT AFTER THE CECUM FORMS THE ASCENDING COLON,  
25 TRANSVERSE COLON, AND THE DESCENDING COLON SIMPLY

1 MEANS THAT IT COMES UP ON THE RIGHT SIDE, GOES ACROSS  
2 THE BODY, THEN DESCENDS ON THE LEFT SIDE. THESE  
3 AREAS LOOKED OKAY.

4 Q NOW AS FAR AS FOOD BEING PRESENT WITHIN THAT  
5 TRACT, DID YOU MAKE ANY DETERMINATIONS OF THAT?

6 A YES, SIR, I DID.

7 Q AND WHAT IS THAT?

8 A THAT WAS APPROXIMATELY 100 CCS OR SIX OUNCES OR  
9 SO OF FOOD THAT CONTAINED PARTIALLY DIGESTED  
10 MATERIAL, RICE, PEAS, CARROTS, AND OTHER THINGS WE  
11 COULD IDENTIFY.

12 Q WHAT IF ANYTHING DOES THAT INDICATE TO YOU AS  
13 FAR AS TIME OF DEATH BEING?

14 A TIME OF DEATH OCCURRED SEVERAL HOURS AFTER THE  
15 MEAL DEPENDING ON HOW MUCH SHE ATE WHAT SHE ATE.  
16 TYPICALLY A STOMACH TAKES FOUR TO SIX HOURS TO EMPTY,  
17 SO WE GOT A STOMACH THAT DOESN'T HAVE MUCH FOOD IN  
18 IT, THERE IS STILL SOME PARTICLES YOU ARE ABLE TO  
19 IDENTIFY, AND THIS INDICATES WE'RE APPROACHING THAT  
20 FOUR HOUR WINDOW BETWEEN THE TIME SHE LAST ATE AND  
21 DEATH HAD OCCURRED.

22 Q ALL RIGHT. AND CAN YOU TELL ME AS WELL WHAT  
23 OTHER INDICATIONS DID YOU USE TO LOOK AT AS FAR AS  
24 TIME OF DEATH?

25 A SEVERAL THINGS. ONE ANY WITNESSES, WHAT PEOPLE

1 MAY HAVE NOTED AT THE SCENE, BUT ALSO WHAT HER BODY  
2 CONDITION WAS, THAT WE WERE TALKING ABOUT THIS LIVOR  
3 MORTIS OR THE SETTLING OF THE BLOOD THAT STARTS  
4 OCCURRING, THEN THERE IS RIGOR MORTIS WHICH IS THE  
5 STIFFENING OF THE MUSCLES IN THE BODY AND THIS  
6 USUALLY STARTS OCCURRING WITHIN A COUPLE HOURS, FOUR  
7 HOURS BEING TYPICAL, AND REACHES A MAXIMUM AT 12 TO  
8 24 HOURS AND THEN STARTS BECOMING SOFTER THAT THE  
9 MUSCLES WILL NOT BE AS RIGID AND WE GRADE IT ON A ONE  
10 TO FOUR SCALE AS TO HOW MUCH RIGIDITY THERE IS AND IT  
11 GIVES YOU A ROUGH ESTIMATE OF TIME OF DEATH.

12 TEMPERATURE, ENVIRONMENTAL TEMPERATURE, WHETHER OR  
13 NOT THE PERSON WAS EXERCISING OR SO, YOU KNOW COME  
14 INTO PLAY, AND CHANGE TIMES ON THIS.

15 Q AND HAVE YOU PROVIDED AN OPINION AND DO YOU HAVE  
16 AN OPINION OF THE TIME OF DEATH?

17 A YES, SIR, I DO.

18 Q AND WHAT IS THAT?

19 A SHE DIED EARLY IN THE MORNING ON 11/29 AND BASED  
20 ON THE AMOUNT OF FOOD FROM MY RECOLLECTION OF HER  
21 EATING LATE AT NIGHT AND THE AMOUNT OF RIGOR THERE,  
22 SOME TIME AROUND TWO TO FOUR IN THE MORNING. AGAIN  
23 THERE IS SOME LEEWAY THERE OBVIOUSLY.

24 Q OKAY. NOW GOING BACK TO THE PHOTOGRAPH. I  
25 BELIEVE IT WAS STATE'S EXHIBIT 22. THE ONE OF THE

1 OPENING OF THE ANUS. IF YOU COULD TELL ME LOOKING AT  
2 THAT PHOTOGRAPH HAD YOU CLEANED HER UP AT ALL AT THE  
3 TIME THAT YOU WERE PERFORMING THAT EXAMINATION WHEN  
4 THAT PHOTOGRAPH WAS TAKEN?

5 A NO, SIR, I HAVE NOT.

6 Q ALL RIGHT. WHAT IF ANYTHING DOES THAT INDICATE  
7 TO YOU?

8 A WE HAVE TAKEN OFF HER CLOTHES AND THEN WE'RE  
9 DOING AN EXAMINATION OF THE BODY. THERE IS NO  
10 EVIDENCE OF BLOOD, FECAL MATERIAL, OR ANY FOREIGN  
11 MATERIAL AROUND THE ANAL OPENING.

12 Q ALL RIGHT. CONSIDERING THE VIOLENCE OF THE  
13 ASSAULT YOU DESCRIBED, WHAT IF ANYTHING DOES THAT  
14 MEAN TO YOU OR DOES IT SUGGEST ANYTHING TO YOU?

15 A THE ANUS IS CLEAN, THERE IS NO EVIDENCE OF BLOOD  
16 OR FECAL MATERIAL AROUND IT, THIS INDICATES TO ME  
17 THAT ANY MATERIAL THAT HAD BEEN THERE HAS BEEN  
18 REMOVED.

19 Q ALL RIGHT.

20 A OR CLEANED UP.

21 Q CLEANED UP. DID YOU CLEAN UP ANY OF THAT  
22 MATERIAL?

23 A NO, SIR, I DID NOT.

24 Q AND I BELIEVE YOU REMOVED HER CLOTHING AS WELL?

25 A YES, I DID.



1 Q DID YOU NOTICE ANY AMOUNT OF FECES IN HER  
2 CLOTHING?

3 A NO, SIR, I DID NOT.

4 Q DO YOU FIND THAT UNUSUAL CONSIDERING THE ASSAULT  
5 THAT SHE HAD SUFFERED THAT NIGHT?

6 A UNCOMMON. THAT FECAL WILL TYPICALLY SOIL THEIR  
7 PANTS IN AN ASSAULT OR FREQUENTLY DO IT. WITH AN  
8 ASSAULT OCCURRING TO THE RECTUM THERE WOULD TYPICALLY  
9 BE FECAL MATERIAL BROUGHT BACK OUT AND LEFT AROUND  
10 THE ANAL OPENING.

11 Q AND DO YOU RECALL WHEN YOU EXAMINED THE BEDDING  
12 UNDERNEATH HER AT THE SCENE, DID YOU HAPPEN TO NOTICE  
13 ANY FECAL MATERIAL OR ANYTHING OF THAT NATURE ON THE  
14 BEDDING WHILE YOU WERE THERE?

15 A NO, SIR, I DID NOT.

16 Q DOCTOR, DO YOU HAVE AN OPINION AS TO WHETHER OR  
17 NOT A PENIS COULD HAVE CAUSED THIS INJURY TO HER  
18 RECTUM?

19 A I HAVE AN OPINION, YES, SIR.

20 Q AND WHAT IS THAT?

21 A MY OPINION A PENIS, AN ERECT PENIS, WOULD NOT  
22 HAVE CAUSED THE DEGREE OF INJURY TO THE RECTUM. THIS  
23 WOULD BE A SOLID OBJECT, A SIGNIFICANTLY SOLID OBJECT  
24 THAT'S NOT FLEXIBLE, A SMOOTH SURFACE. THERE IS  
25 EXTENSIVE HEMORRHAGE IN THE SIDE WALLS OF THE RECTUM.

1 A PENIS WOULD NOT CAUSE THE AMOUNT OF HEMORRHAGE.  
2 THERE COULD NOT BE ENOUGH THRUST FROM A PENIS GOING  
3 UP INTO A RECTUM SUCH AS THIS TO CAUSE THAT AMOUNT OF  
4 HEMORRHAGE.

5 Q ALL RIGHT. HOW ABOUT A VERY LARGE PENIS, DOES  
6 THAT CHANGE YOUR OPINION IN ANY WAY?

7 A NO, SIR, IT DOESN'T.

8 Q OKAY. AND ONCE AGAIN GOING BACK TO THE  
9 FRESHNESS OF THE INJURIES, ALL THE INJURIES WE  
10 DISCUSSED SO FAR FROM THE BEGINNING OF YOUR DIRECT  
11 EXAMINATION UNTIL NOW, DO YOU HAVE AN OPINION AS TO  
12 HOW FRESH THOSE INJURIES WERE?

13 A YES, SIR.

14 Q AND WHAT IS THAT?

15 A ALL THE INJURIES ARE FRESH, ALL APPEAR TO BE THE  
16 TEMPORAL RELATIONSHIP, THE SAME TIME THAT OCCURRED.  
17 THERE IS AGAIN NO EVIDENCE OF ANY BODY RESPONSE TO  
18 ANY OF THESE INJURIES.

19 Q ALL RIGHT. AND CAN YOU TELL ME AS WELL ARE THEY  
20 CONTEMPORANEOUS OR ARE THEY AT THE SAME TIME AS THE  
21 TIME OF DEATH IN YOUR OPINION?

22 A YES, SIR. THESE ALL OCCURRED PRIOR TO DEATH AND  
23 WITHIN A SHORT TIME PRIOR TO HER DEATH.

24 Q OKAY. NOW DID YOU FIND ANY EVIDENCE OF ANY  
25 LUBRICANT OR LUBRICATION AT ALL EITHER IN THE ANUS OR

1 THE VAGINA?

2 A NO, SIR, I DID NOT.

3 Q DID SHE HAVE ANY BROKEN BONES OR ANYTHING OF  
4 THAT NATURE IN YOUR EXAMINATION?

5 A NO, SIR, SHE DID NOT.

6 Q I'D LIKE TO ASK YOU A HYPOTHETICAL QUESTION, AND  
7 FIND OUT IF YOU HAVE AN OPINION AS TO THIS. COULD A  
8 THREE HUNDRED POUND PLUS MAN KNEELING ON THE ABDOMEN  
9 OR THE BACK CAUSE THE INTERNAL ABDOMINAL INJURIES  
10 THAT YOU HAVE OBSERVED?

11 A YES, SIR, IT COULD WITH SUFFICIENT FORCE  
12 APPLIED. THREE HUNDRED POUNDS IS A LOT OF WEIGHT.

13 Q WOULD THAT BE EVEN WITH HER LYING ON HER BED?

14 A YES, SIR, IT COULD.

15 Q DR. MAYNARD, I BELIEVE AFTER THE AUTOPSY YOU  
16 WENT TO THE ROCK HILL POLICE DEPARTMENT, IS THAT  
17 CORRECT?

18 A YES, SIR, LATER THAT DAY.

19 Q AND WHAT DID YOU DO THERE?

20 A THERE WAS A MEETING OF FORENSIC TEAM, PATHOLOGY,  
21 CORONER, AND INVESTIGATORS TO DISCUSS ALL THE  
22 FINDINGS IN THE CASE.

23 Q DID YOU TELL THEM YOUR FINDINGS AT THAT TIME?

24 A YES, SIR, I DID.

25 Q WHAT DID YOU ADVISE THEM, IF ANYTHING, AS TO THE

1 POSSIBLE CAUSES OF THE INJURIES TO HER INTERNALLY  
2 BOTH VAGINALLY AND ANALLY?

3 A AMANDA WAS ASSAULTED VAGINALY, ANALLY, AND OVER  
4 HER ENTIRE BODY WITH NUMEROUS BRUISES, INJURIES,  
5 HEMORRHAGES THAT OCCURRED. THE ASSAULTS WERE OF  
6 EXTREME VICIOUS NATURE TO CAUSE THE AMOUNT OF RECTAL  
7 BLEEDING THAT WE SAW IN THE RECTUM HEMORRHAGES. THAT  
8 I DESCRIBED THAT THIS WAS DONE WITH A FOREIGN OBJECT  
9 RATHER MOST LIKELY THAN NOT A PENIS, BUT A FOREIGN  
10 OBJECT WITH SUFFICIENT FORCE TO CAUSE THE DEEP  
11 INTERNAL HEMORRHAGES THAT OCCURRED.

12 Q DR. MAYNARD, DID YOU COME THROUGH YOUR  
13 EXAMINATION OF AMANDA COME TO AN OPINION AS TO THE  
14 CAUSE OF DEATH?

15 A YES, SIR, I DID.

16 Q AND WHAT IS YOUR OPINION AS TO THE CAUSE OF  
17 DEATH?

18 A APPARENT CAUSE OF DEATH IS STRANGULATION.

19 Q DID YOU HAVE AN OPINION AS TO THE MANNER OF  
20 DEATH?

21 A THE MANNER OF DEATH WAS HOMICIDE.

22 Q THANK YOU, DR. MAYNARD. PLEASE ANSWER ANY  
23 QUESTIONS THE DEFENSE HAS.

24 CROSS EXAMINATION BY MR. BAITY:

25 Q DR. MAYNARD, YOU'RE A MEDICAL DOCTOR THAT

1       STUDIES AMONG OTHER THINGS UNNATURAL OR VIOLENT  
2       DEATH; THAT'S WHAT YOU DO FOR A LIVING, IS THAT  
3       CORRECT?

4       A     YES, SIR, THAT'S CORRECT.

5       Q     AND YOU ARE NOT A SEXUAL ASSAULT EXPERT PER SE?

6       A     I HAVE DEALT WITH A NUMBER OF SEXUAL ASSAULT  
7       CASES, YES, SIR.

8       Q     BUT YOU'RE NOT A GYNECOLOGIST OR ANYTHING SUCH  
9       AS THAT?

10      A     I'M NOT A GYNECOLOGIST, NO.

11      Q     AND YOU'RE A PATHOLOGIST, A FORENSIC  
12      PATHOLOGIST?

13      A     YES, SIR, THAT'S CORRECT.

14      Q     ARE YOU BOARD CERTIFIED?

15      A     I'M BOARD CERTIFIED IN PATHOLOGY.

16      Q     IN PATHOLOGY. AND YOU WORK VERY CLOSELY WITH  
17      THE ROCK HILL POLICE DEPARTMENT, ISN'T THAT CORRECT?

18      A     YES, WE DO FROM TIME TO TIME.

19      Q     THEY CALL YOU TO PLACES TO WHERE THEY FIND  
20      VIOLENT OR UNNATURAL DEATHS?

21      A     WHERE THE SCENES ARE SOMEWHAT CONFUSING THEN  
22      THEY REQUEST THAT ONE OF US COME OUT, YES, SIR.

23      Q     AS A MATTER OF FACT THAT'S ALMOST EXCLUSIVELY  
24      HOW YOU FIND OUT ABOUT IT AND ARE CALLED TO THE  
25      SCENE, ISN'T THAT RIGHT?

1 A THAT EITHER THE POLICE DEPARTMENT OR THE CORONER  
2 OR SHERIFF'S DEPARTMENT WILL CALL US.

3 Q BUT LAW ENFORCEMENT IN GENERAL?

4 A YES, SIR, WHEN REQUESTED.

5 Q AND IN THIS PARTICULAR CASE YOU WERE CALLED TO  
6 THE SCENE BY THE ROCK HILL POLICE DEPARTMENT?

7 A I THINK SO, YES, SOMEONE FROM LAW ENFORCEMENT.

8 Q AND I BELIEVE YOU JUST TESTIFIED THAT ON THE DAY  
9 OF THE DISCOVERY OF AMANDA'S BODY AND AFTER YOU  
10 COMPLETED YOUR EXAMINATION YOU WENT TO THE POLICE  
11 DEPARTMENT AND REPORTED ALL THIS TO THEM, DID YOU  
12 NOT?

13 A YES, SIR.

14 Q DO YOU REMEMBER WHEN YOU MADE THAT REPORT TO  
15 THEM?

16 A IT WAS THAT AFTERNOON OR THAT EVENING.

17 Q THE SAME DAY?

18 A THE SAME DAY. CERTAINLY LATER AFTER I HAD TIME  
19 TO GO OVER MY AUTOPSY FINDINGS TO BE ABLE TO PRESENT  
20 TO THE TASK FORCE.

21 Q AND THE OPINION YOU JUST STATED IN THE RECORD  
22 TODAY WAS THE SAME OPINION THAT YOU GAVE TO THEM AT  
23 THAT TIME, IS THAT RIGHT?

24 A YES, SIR, IT IS.

25 Q OKAY. AND YOU'VE BEEN WORKING WITH THE POLICE

1 DEPARTMENT FOR A NUMBER OF YEARS, IS THAT NOT  
2 CORRECT?

3 A 28 YEARS IN YORK COUNTY.

4 Q YOU DEVELOPED PERSONAL RELATIONSHIPS AND SO  
5 FORTH WITH OFFICERS AND PEOPLE OVER THERE?

6 A YES, SIR.

7 Q AND WHEN YOU MENTION IN YOUR TESTIMONY 'WE' WERE  
8 CONCERNED ABOUT THIS BEING A SEXUAL ASSAULT, WHO ARE  
9 YOU REFERRING TO AS 'WE'?

10 A WELL, THE CORONER, MYSELF, THE POLICE OFFICERS  
11 THERE, TO EVENTUALLY MY PARTNERS.

12 Q YOU ALSO SAID SOMETHING IN YOUR TESTIMONY, YOU  
13 SAID THAT THIS WAS AN OBVIOUS ASSAULT, YOU NOTICED  
14 THAT AT THE SCENE?

15 A YES, SIR, THAT IS CORRECT.

16 Q IT WOULD HAVE BEEN OBVIOUS TO ANYONE YOU THINK?

17 A I THINK SO WITH THE INJURIES TO HER FACE.

18 Q YES, SIR. YOU DID MENTION THAT YOU HAVE  
19 ESTIMATED THE TIME OF DEATH WAS BETWEEN TWO AND FOUR,  
20 IN THE MIDDLE OF THE NIGHT?

21 A YES, SIR, APPROXIMATELY. AGAIN THERE IS SOME  
22 LEEWAY THERE.

23 Q BUT THAT'S NOT AN EXACT SCIENCE?

24 A NO, SIR, IT'S NOT.

25 Q IT'S PLENTY OF LEEWAY ON BOTH ENDS OF THAT?

1 A SEVERAL HOURS.

2 Q IS THAT CORRECT. AND OF COURSE, YOU DID NOT  
3 ARRIVE AT THE SCENE OF THE CRIME UNTIL 8:30 A.M. THAT  
4 MORNING, CORRECT?

5 A YES, SIR.

6 Q AND AMANDA'S BODY WAS DISCOVERED AT 6-6:05,  
7 SOMETHING LIKE THAT?

8 A I DON'T KNOW.

9 Q OKAY. BUT IT HAD BEEN EARLIER THAT DAY?

10 A YES, SIR, IT HAS.

11 Q WHEN YOU GOT THERE WERE THERE VERY MANY PEOPLE  
12 AT THE SCENE?

13 A THERE WERE SEVERAL POLICE OFFICERS, FORENSICS,  
14 CORONER.

15 Q WAS IT A CROWD OF PEOPLE?

16 A THERE WERE SEVERAL THERE. THE SCENE HAD ALREADY  
17 BEEN TAPED OFF.

18 Q WERE THERE PEOPLE COMING IN AND OUT OF THE  
19 HOUSE?

20 A OTHER THAN POLICE OFFICERS, NO.

21 Q WELL, I'M TALKING ABOUT POLICE OFFICERS?

22 A YEAH, THERE WERE SEVERAL FOLKS THERE.

23 Q SIGNIFICANT NUMBER OF POLICE OFFICERS SEARCHING  
24 THROUGH THE HOUSE?

25 A I REMEMBER PROBABLY THREE OR FOUR POLICE



1 OFFICERS IN THE HOUSE. THERE MAY HAVE BEEN MORE.

2 Q AND YOU DID SAY THAT YOU SAW THE GREEN BLANKET  
3 NEXT TO THE BODY?

4 A YES, SIR, IT WAS ON THE BED AT SOMETIME.

5 Q IT WAS ON THE BED. WAS IT TOUCHING ANY PART OF  
6 HER?

7 A I THINK IT WAS DRAPED ON HER LEFT ARM OR  
8 UNDERNEATH HER LEFT ARM.

9 Q OKAY. BUT YOU DON'T BELIEVE THAT THE BLANKET OR  
10 A STRIP FROM THE BLANKET OR ANYTHING LIKE THAT WAS  
11 SIGNIFICANT IN HER DEATH?

12 A IT WOULD BE HIGHLY UNUSUAL.

13 Q ALL RIGHT. NOW YOU MENTION THAT YOU SAW  
14 MR. COPE AT THE HOSPITAL, THAT WAS ABOUT MIDDAY I  
15 SUPPOSE?

16 A YES, IT WAS LATE MORNING.

17 Q DO YOU KNOW WHY HE WAS THERE?

18 A HE CAME IN WITH I THINK TWO OR THREE POLICE  
19 OFFICERS REQUESTING THAT A SUSPECT KIT BE OBTAINED  
20 FROM HIM.

21 Q AND A SUSPECT KIT WOULD BE BLOOD, HAIR?

22 A HAIR.

23 Q OTHER TYPE OF BODILY SAMPLES?

24 A YES, SIR.

25 Q AND WERE YOU AWARE THAT HE VOLUNTEERED TO DO

1 THAT?

2 A I DON'T REMEMBER.

3 Q OKAY. AND HE WOULD HAVE CERTAINLY BEEN ASKED AT  
4 THAT POINT TO HAVE GIVEN A DNA SAMPLE, RIGHT?

5 A YES, SIR, THAT'S CORRECT.

6 Q SO IT WOULDN'T BE UNUSUAL FOR HIM TO MENTION  
7 SOMETHING ABOUT DNA TO YOU, WOULD IT?

8 A IT WAS UNUSUAL WHEN HE ASKED DID I FIND ANY OF  
9 HIS DNA UNDERNEATH HER NAILS.

10 Q BUT I MEAN DNA WAS THE SUBJECT THAT HE WAS THERE  
11 FOR, WASN'T IT?

12 A YES, SIR.

13 Q SO THAT WOULDN'T BE ALL THAT UNUSUAL TO SAY,  
14 WELL, SHE WAS SCRATCHING MY BACK YESTERDAY, WILL THAT  
15 SHOW UP?

16 A THAT'S THE FIRST TIME I'VE EVER HAD THAT ASKED  
17 OF ME.

18 Q OKAY.

19 A I MUST ADMIT.

20 Q DOCTOR, WHAT IS DNA?

21 A DEOXYRIBONUCLEIC ACID WHICH IS THE CONTROL OF  
22 OUR BODY. ALL MATERIAL HAS DNA IN IT AND THIS IS OUR  
23 GENETICS, THAT'S WHAT MAKES US WHAT WE ARE, OUR HAIR  
24 COLOR, OUR EYE COLOR, SIZE. IT ALSO CONTROLS, YOU  
25 KNOW, DO WE GET CANCER, DO WE NOT GET CANCER, AND

1 MAKES ALL PROTEINS IN ALL PARTS OF THE BODY.

2 Q WHY IS IT SIGNIFICANT IN CRIME SCENE  
3 INVESTIGATION AND ANALYSIS?

4 A IT'S UNIQUE. EACH PERSON HAS INDIVIDUAL DNA.  
5 THAT STATISTICALLY THERE IS NO SUCH THING AS TWO  
6 PEOPLE HAVING THE SAME DNA. THE DNA IS RECORDED ONE  
7 IN A MILLION OR ONE IN A BILLION OR WHATEVER OR  
8 HOWEVER THE REPORTS COME BACK.

9 Q SORT OF LIKE FINGERPRINTS?

10 A YEAH, BUT MUCH --

11 Q ---MUCH MORE?

12 A ---MUCH MORE ACCURATE BECAUSE IT'S SO UNIQUE TO  
13 OUR OWN PERSONAL BODY.

14 Q AND HOW IS DNA LEFT AT A CRIME SCENE OR LEFT  
15 ANYWHERE FOR THAT MATTER?

16 A ANY CELLS THAT ARE LEFT WHETHER A HAIR, SALIVA,  
17 HAS GOT CELLS IN IT, BLOOD BEING THE TYPICAL THING WE  
18 LOOK FOR DNA, OR CELLS THAT CAN BE WIPED OFF OF  
19 SOMETHING SUCH AS SKIN CELLS OR MUCOSAL CELLS CAN BE  
20 WIPED OFF. NAILS CAN BE USED, FINGERNAILS CAN BE  
21 USED AT TIMES.

22 Q I'M HOLDING THIS PEN, WOULD MY DNA BE ON THIS  
23 PEN IF IT WERE TO BE EXAMINED?

24 A POSSIBLY.

25 Q AND IF YOU PICK UP SOMETHING AND HOLD IT OR

1 GRASP IT TIGHTLY WOULD THAT LEAVE YOUR DNA TRACE ON  
2 THAT OBJECT?

3 A IT'S POSSIBLE IF YOU ARE BLEEDING OR HAVE A TEAR  
4 ON YOUR HAND.

5 Q WOULD YOU HAVE TO HAVE BLOOD IN ORDER TO LEAVE  
6 DNA?

7 A NO, NOT NECESSARILY. YOUR PEN IT LOOKS SOMEWHAT  
8 SMOOTH THERE, SO IT MAY OR MAY NOT PICK UP ANYTHING.

9 Q IT'S KIND OF GOT A RUBBER GRIP ON IT, WOULD THAT  
10 FACILITATE IT?

11 A I DON'T KNOW.

12 Q OKAY. NOW AT SOME POINT YOU MADE A COMPLETE  
13 PHYSICAL EXAMINATION OF THE BODY AND YOU NOTICED  
14 BRUISES TO AMANDA'S FACE, IS THAT CORRECT?

15 A YES, SIR.

16 Q TO HER RIGHT EYE, HER CHEEK, HER LIPS, AND THE  
17 SIDE OF HER HEAD?

18 A YES, SIR.

19 Q ALL RIGHT. AND I BELIEVE YOU ALSO EXAMINED HER  
20 NECK AND THAT'S WHERE YOU NOTICED THE V-SHAPE  
21 PATTERN --

22 A YES, SIR.

23 Q ---ON HER NECK. NOW THE V-SHAPE PATTERN, WOULD  
24 THAT SUGGEST THAT SOMEONE HAD PLACED A HAND OVER THIS  
25 YOUNG LADY'S NECK?

1 A IN MY OPINION IT HAD THE APPEARANCE OF THE  
2 PATTERN OF A HAND BEING PLACED ON HER NECK.

3 Q ALL RIGHT. AND YOU CAME TO THAT CONCLUSION  
4 BECAUSE YOU SAW A THUMB MARK ON ONE SIDE OF HER NECK  
5 AND FINGER MARKS ON THE OTHER SIDE OF HER NECK?

6 A THERE WAS A SINGLE HEMORRHAGE AREA ON HER RIGHT  
7 NECK THAT HAD THIS V-SHAPED AREA ON THE LEFT NECK  
8 WHICH SUGGESTS, YEAH, A FINGER OR THE POSSIBILITY OF  
9 A HAND BEING PLACED.

10 Q COULD YOU SAY THAT THAT SINGLE SPOT, I THINK YOU  
11 DESCRIBED IT IN THE AUTOPSY REPORT AS A QUARTER SIZE  
12 SPOT ON THE RIGHT SIDE OF HER NECK, IS THAT RIGHT?

13 A YES, SIR. I DON'T REMEMBER THE SIZE.

14 Q AND COULD THAT BE SUGGESTIVE OF A THUMB BEING  
15 PLACED VIOLENTLY ON HER NECK RIGHT THERE?

16 A IT SUGGESTS PRESSURE BEING APPLIED THERE. WHEN  
17 LOOKED AT WITH THE INJURIES ON THE LEFT SIDE OF THE  
18 NECK, IT WOULD SUGGEST A THUMB AND A HAND BEING  
19 APPLIED TO THE NECK.

20 Q I MEAN, THAT'S WHAT YOU SAID IN THE AUTOPSY  
21 REPORT?

22 A YES, SIR.

23 Q AND THAT'S WHAT YOU TESTIFIED TO BEFORE IN OTHER  
24 PROCEEDINGS ON THIS MATTER?

25 A YES, SIR.

1 Q AND YOU ONLY FOUND ONE OF THOSE THUMB MARKS,  
2 DIDN'T YOU?

3 A ONE DEEP IMPRESSION ON THE RIGHT NECK, YES, SIR.

4 Q AND SO ISN'T IT YOUR CONCLUSION THAT AMANDA WAS  
5 STRANGLED, SHE WAS STRANGLED FROM THE FRONT BY THE  
6 USE OF A SINGLE HAND, AND THAT BEING A RIGHT HAND?

7 A THE HAND WITH THE THUMB BEING ON THE RIGHT SIDE,  
8 THE FINGERS BEING ON THE LEFT, COULD HAVE BEEN FROM  
9 THE FRONT OR COULD HAVE BEEN FROM THE BACK IN A SORT  
10 OF A CHOKING TYPE HOLD.

11 Q WELL, YOU'VE TESTIFIED BEFORE, HAVEN'T YOU, THAT  
12 THIS WAS A SINGLE HANDED FRONTAL ATTACK. NOW HAVEN'T  
13 YOU SAID THAT? YOU DIDN'T SAY ANYTHING ABOUT A,  
14 ANYTHING FROM THE REAR?

15 A MOST TYPICALLY A FRONTAL ATTACK, BUT IT COULD BY  
16 THE SAME TAKING A HAND AND GOING AROUND THE NECK FROM  
17 THE BACK.

18 Q STILL A ONE HAND IS WHAT WE'RE TALKING ABOUT?

19 A YES, SIR.

20 Q NOT TWO?

21 A DOESN'T APPEAR TO BE TWO BUT POSSIBLY IT COULD  
22 BE TWO.

23 Q BUT YOU HAVE TESTIFIED BEFORE THAT IT WAS A ONE  
24 HANDED FRONTAL ATTACK, DIDN'T YOU DO THAT IN THE  
25 FAMILY COURT?

1 A IT'S MORE TYPICAL OF A ONE HANDED ATTACK.

2 Q AND YOU'VE NEVER SUGGESTED ANYTHING ELSE UNTIL  
3 TODAY? NOT IN YOUR AUTOPSY REPORT, NOT IN YOUR  
4 FAMILY COURT TESTIMONY, ISN'T THAT CORRECT, SIR?

5 A I DON'T REMEMBER ALL MY TESTIMONY IN FAMILY  
6 COURT.

7 Q WELL.

8 A I MEAN IT'S POSSIBLE THAT COULD HAVE BEEN ONE  
9 THUMB ON ONE SIDE AND YOU KNOW FINGERS ON THE OTHER  
10 SIDE, BUT IT'S MORE TYPICAL OF A SINGLE HAND.

11 Q I'M JUST TRYING TO GET YOU. WHEN YOU WERE ASKED  
12 THIS SAME QUESTION IN THE FAMILY COURT --

13 THE COURT: MR. BAITY, IF YOU ARE GOING TO  
14 IMPEACH HIM ON SOME PRIOR TESTIMONY, YOU NEED TO ASK  
15 AND LET HIM SEE WHAT HE SAID.

16 Q CAN I HAND YOU A COPY OF YOUR TESTIMONY, SIR?

17 A YES, SIR.

18 THE COURT: TELL HIM PAGE AND LINE.

19 Q IF YOU LOOK ON PAGE 354, DOCTOR, AND LOOK ON  
20 LINE 17. AND DID I NOT ASK YOU DOES THIS APPEAR TO  
21 BE A SINGLE HANDED RIGHT HANDED FRONTAL ATTACK ON  
22 THIS POOR GIRL'S NECK, SHE WAS NOT STRANGLED WITH A  
23 LIGATURE, AND SHE WAS SEXUALLY ASSAULTED. AND YOUR  
24 ANSWER WAS IN MY OPINION, YES, SIR, THAT'S CORRECT.

25 A YES, SIR, THAT IS.

1 Q AND YOU DIDN'T SAY ANYTHING -- WELL, NO, IT  
2 COULD HAVE BEEN FROM A SOME OTHER ANGLE OR SOME OTHER  
3 SIDE; I ASKED YOU IF IT WAS A SINGLE HANDED FRONTAL  
4 ATTACK AND YOU SAID, YES, SIR, THAT'S CORRECT, DIDN'T  
5 YOU?

6 A THE QUESTION SAYS THIS APPEARS TO BE AND IT DOES  
7 APPEAR TO BE.

8 Q ALL RIGHT, SIR. THANK YOU. NOW YOU ALSO  
9 EXAMINED HER CHEST, HER BREASTS, RIGHT?

10 A YES, SIR.

11 Q AND YOU FOUND A BITE MARK ON HER RIGHT NIPPLE,  
12 CORRECT?

13 A WE FOUND AN AREA ON THE RIGHT BREAST WITH  
14 HEMORRHAGE AND A SUGGESTION OF A BITE MARK.

15 Q ALL RIGHT, SIR. AND YOU TOOK A SWAB FROM  
16 THAT --

17 A YES, SIR.

18 Q ---CORRECT. WHAT DID YOU SUSPECT YOU WERE  
19 TAKING THERE? WHAT DID THAT APPEAR TO YOU?

20 A IF THAT WAS INDEED A TOOTH MARK THEN WE WOULD  
21 TAKE A SWAB.

22 Q OKAY. DO YOU KNOW WHAT THE RESULTS OF THAT  
23 WERE?

24 A I UNDERSTAND THEY WERE, THEY MATCHED ONE OF THE  
25 DEFENDANTS.



1 Q WELL, I MEAN, BUT IT TURNED OUT TO BE SALIVA,  
2 DIDN'T IT?

3 A I DON'T KNOW THAT.

4 Q OKAY. AND THEN YOU ALSO EXAMINED HER ABDOMEN ON  
5 THE FRONT PART OF HER BODY, CORRECT?

6 A YES, SIR.

7 Q AND IT WAS SIGNIFICANTLY BRUISED, WAS IT NOT?

8 A THERE WAS NO EVIDENCE OF EXTERNAL ABDOMINAL  
9 BRUISING.

10 Q WELL, BUT INTERNALLY YOU FOUND A SIGNIFICANT  
11 BRUISE THERE --

12 A YES, SIR.

13 Q ---AND NOT. SO I MEAN, I'M JUST ASKING YOU,  
14 DID SHE HAVE A BLOW, A SIGNIFICANT BLOW, TO HER  
15 ABDOMEN?

16 A YES, SIR, SHE DID.

17 Q OKAY. AND I BELIEVE THAT YOU HAVE SPEC. -- OR  
18 YOU STATED THAT YOU BELIEVE THAT TO BE SOMETHING THAT  
19 WAS BLUNT FORCE, CORRECT?

20 A YES, SIR.

21 Q AND THAT WAS PERHAPS A KNEE OR A FOOT?

22 A KNEE, FOOT, FIST.

23 Q RIGHT. ON THE FRONT PART OF HER BODY, CORRECT?

24 A THE INJURIES TO HER PANCREAS CAN BE FROM THE  
25 FRONT OR THE BACK. THE INJURY TO HER CECUM AND THE

1 RIGHT LOWER QUADRANT IS TYPICALLY FROM THE FRONT.  
2 THE INJURY TO HER SPLEEN WITH THE TEARS IS TYPICALLY  
3 FROM THE SIDE OR THE BACK.

4 MR. BAITY: BEG THE COURT'S INDULGENCE  
5 PLEASE.

6 Q YOU TESTIFIED BEFORE THAT A SIGNIFICANT BLOW  
7 OCCURRED TO THE RIGHT LOWER PORTION OF THE ABDOMEN.  
8 I'M JUST TRYING TO GET THAT ACROSS.

9 A YES, SIR, I AGREE WITH THAT.

10 Q CAUSING TEARING OF BLOOD VESSELS AND REACHING  
11 EVEN TO THE COLON ITSELF?

12 A YES, SIR, THAT'S THE CECUM, THAT'S THE FIRST  
13 PART OF THE COLON.

14 Q AND THAT WOULD BE A BLOW TO THE ABDOMEN WHICH IS  
15 ON THE FRONT SIDE OF THE BODY, ISN'T THAT CORRECT,  
16 DOCTOR?

17 A YES, SIR.

18 Q NOW YOU ALSO EXAMINED HER BACK AND I BELIEVE  
19 THAT YOU STATED IN YOUR AUTOPSY REPORT THAT THE BACK,  
20 THE BACK OF AMANDA, WAS UNREMARKABLE, WAS THAT  
21 CORRECT?

22 A YES, SIR, THAT'S CORRECT.

23 Q UNREMARKABLE, THAT MEANS YOU SAW NOTHING AT ALL?

24 A YES, SIR, NOTHING EXTERNALLY.

25 Q OKAY. NO, NO, NOTHING ON HER UPPER BACK OR

1           NOTHING ON HER MIDBACK?

2           A     NO, SIR.  THERE IS SOME DISCOLORATION I DESCRIBE  
3           OVER THE RIGHT LATERAL FLANK.

4           Q     AND ONE OF THE PHOTOGRAPHS AROUND HERE HAS SOME  
5           DISCOLORATION IN THE BACK BUT THAT'S BECAUSE OF BLOOD  
6           SETTLING IN THE BODY?

7           A     YES, SIR, THE LIVOR MORTIS.

8           Q     BUT THERE WERE NO BRUISES ON THE UPPER PORTION  
9           OR THE MID-PORTION OF THE BACK AT ALL?

10          A     NO, SIR, THERE WAS NOT.

11          Q     COMPLETELY UNREMARKABLE AND NORMAL?

12          A     YES, SIR.

13          Q     AND THE ONLY THING YOU FOUND ON THE LOWER BACK,  
14          DOCTOR, WAS THIS IMPRINT OF THIS STAPLER AND THIS  
15          SHEET MUSIC HOLDER, ISN'T THAT CORRECT?

16          A     YES, IT IS.

17          Q     THAT'S THE ONLY THING YOU FOUND ON THE BACK  
18          SIDE --

19          A     WELL, THERE ARE ABRASIONS AND SOME HEMORRHAGE  
20          AROUND THOSE.

21          Q     RIGHT.  NOW DID YOU FIND ANYTHING SIMILAR TO  
22          THAT ON THE FRONT SIDE OF AMANDA?

23          A     NO, SIR, I DID NOT.

24          Q     SO IF SHE HAD BEEN LAYING FACE DOWN WITH SOMEONE  
25          SITTING ON HER AND PRESSING HER INTO THESE SAME

1 THINGS, YOU WOULD EXPECT THERE WOULD BE SOME TYPE OF  
2 ABRASIONS ON THE FRONT SIDE OF HER BODY, WOULDN'T  
3 YOU?

4 A IT'S POSSIBLE. THE ABDOMEN IS A LOT SOFTER AND  
5 CAN GIVE.

6 Q WHAT ABOUT HER THIGHS? WHAT ABOUT HER --

7 A HER THIGHS --

8 Q THAT'S NOT SO SOFT?

9 A YOU TYPICALLY SEE, NO.

10 Q YOU DIDN'T FIND ANY ABRASIONS OR IMPRINTATIONS  
11 ON HER THIGHS?

12 A NOT ON THE FRONT OF HER THIGHS.

13 Q WHICH WOULD HAVE CORRESPONDED WITH WHERE THE  
14 IMPRINTS THAT YOU FOUND ON THE BACK SIDE OF HER?

15 A YES, SIR.

16 Q IS THAT CORRECT?

17 A YES, SIR. IF SHE WAS IN THE SAME SPOT.

18 Q IN ADDITION TO A PHYSICAL EXAM PERFORMED BY, YOU  
19 PERFORMED AN AUTOPSY, IS THAT CORRECT? WHERE YOU  
20 LITERALLY DISSECTED PORTIONS OF HER BODY?

21 A YES, SIR.

22 Q AND WE'VE ACTUALLY SEEN A PICTURE OF THAT TODAY  
23 WE PUT UP ON THE SCREEN?

24 A YES, SIR.

25 Q THAT WAS THAT HORRIBLY BLOODY PICTURE WHERE YOU

1       SHOWN THE RECTUM THAT HAD BEEN SURGERICALLY REMOVED  
2       FROM AMANDA AND TAKEN OUT AND PUT ON THE TABLE?

3       A     YES, SIR.

4       Q     OKAY.  AND THAT, YOU DID THAT?

5       A     YES, SIR, I DID.

6       Q     ALL RIGHT.  AND DOCTOR, AS PART OF THE AUTOPSY  
7       YOU STUDY INJURIES TO AMANDA'S VAGINA, IS THAT  
8       CORRECT?

9       A     YES, SIR, WE DID LOOK AT THAT.

10      Q     AND YOU FOUND INJURIES TO THE VAGINAL WALL OR  
11      WALLS?

12      A     YES, SIR.  THERE WERE AREA OF HEMORRHAGE AND  
13      FOCAL TEARING.

14      Q     RIGHT.  AND THESE ARE NOT SEVERE PUNCTURES OR  
15      PENETRATIONS BUT JUST TEARING, SMALL TEARS IN THE  
16      VAGINAL WALL?

17      A     VERY SUPERFICIAL TEARS AGAIN JUST OF THE MUCOSA  
18      BUT NOT THROUGH THE VAGINAL WALL.

19      Q     AND THEN FURTHER INSIDE AMANDA YOU FOUND A LOT,  
20      A LARGE AMOUNT OF HEMORRHAGE, IS THAT CORRECT?  
21      FURTHER UP THE VAGINA INTO THE UTERUS AND SO FORTH?

22      A     YES, SIR.  I'M SORRY.  I DIDN'T QUITE UNDERSTAND  
23      THE QUESTION.

24      Q     I'M SORRY.  I'M TRYING TO BE PLAIN.  IT'S KIND  
25      OF HARD TO DO THIS WHEN TALKING TO A DOCTOR.  SO YOU

1 HAD -- I MEAN, I'M A LAYMAN. I'M DOING THE BEST I  
2 CAN. SO YOU HAVE THE INJURIES TO THE VAGINAL WALLS  
3 AND THEN YOU HAVE A DEEPER INJURY TO THE UTERUS, IS  
4 THAT CORRECT?

5 A YES, SIR.

6 Q OKAY. NOW, DOCTOR, HAVE YOU EVER KNOWN OF A  
7 CASE WHERE VAGINAL WALLS, JUST VAGINAL WALLS, HAD  
8 BEEN TORN IN THE MANNER YOU'VE DESCRIBED IN AMANDA  
9 WHEN THERE WAS NO OBJECT USED BUT JUST SIMPLY A  
10 PENIS?

11 A A PENIS CAN PERFORATE OR ACTUALLY TEAR A VAGINAL  
12 WALL, YES, SIR.

13 Q AND YOU'VE ACTUALLY SEEN CASES OF THAT AND  
14 YOU'VE TESTIFIED TO THAT?

15 A YES, SIR, I HAVE.

16 Q AND I BELIEVE YOU'VE ALSO STATED IN YOUR REPORT  
17 AND IN YOUR EARLIER TESTIMONY THAT HER VAGINA WAS  
18 PENETRATED NO MORE THAN THREE OR FOUR INCHES OR MAYBE  
19 A LITTLE BIT MORE THAN THAT?

20 A THE VAGINAL CANAL WAS APPROXIMATELY THREE OR  
21 FOUR INCHES IN LENGTH IN HER.

22 Q NOW LET'S GO TO THE SECOND TYPE OF INJURY, THE  
23 INJURY TO THE UTERUS AND OVARIES THAT YOU MENTIONED,  
24 THERE WAS BLEEDING IN THAT AREA, CORRECT?

25 A YES, THE OVARIES TO THE UTERUS.

1 Q AND THAT COULD HAVE BEEN CAUSED BY THE INSERTION  
2 OF SOME OBJECT THROUGH THE VAGINA --

3 A YES, SIR, THAT'S CORRECT.

4 Q ---RIGHT? BUT IT COULD ALSO HAVE BEEN CAUSED BY  
5 AN EXTERNAL BLOW TO THE ABDOMEN?

6 A POSSIBLY, BUT THE UTERUS IS SOMEWHAT PROTECTED  
7 BY THE PUBIC BONE.

8 Q WELL, YOU TESTIFIED IN THE FAMILY COURT THAT A  
9 DESCENDING BLOW COULD HAVE CAUSED THAT?

10 A THAT DESCENDING OBLIQUE BLOW COULD POSSIBLY DO  
11 THAT.

12 Q SO YOU CAN'T STATE, STATE TO A DEGREE OF MEDICAL  
13 CERTAINTY THAT THAT PARTICULAR INJURY TO HER UTERUS  
14 AND OVARY WAS CAUSED BY THE INSERTION OF AN OBJECT OR  
15 IT WAS CAUSED BY AN OBLIQUE EXTERNAL BLOW?

16 A NO, SIR, I CAN'T.

17 Q SO IT'S ENTIRETY POSSIBLE THAT THE INJURIES TO  
18 AMANDA'S VAGINA WERE NOT CAUSED BY THE INSERTION OF A  
19 FOREIGN OBJECT, BUT WERE CAUSED BY THE COMBINATION OF  
20 A VIOLENTLY INSERTED PENIS AND AN EXTERNAL BLOW TO  
21 HER ABDOMEN, CORRECT?

22 A AN OBJECT OR A PENIS WAS INSERTED INTO HER  
23 VAGINA WITH SUCH FORCE TO CAUSE HEMORRHAGE AND  
24 SUPERFICIAL TEARING. THE HEMORRHAGE IN THE LIGAMENT  
25 HOLDING TO THE OVARY TO THE UTERUS WOULD BE MORE

1 TYPICAL OF PRESSURE FROM THE VAGINA, BUT I COULD NOT  
2 EXCLUDE AN EXTERNAL BLOW.

3 Q SO AN EXTERNAL BLOW COULD HAVE CAUSED IT --

4 A ---COULD BE BUT IT WOULD BE UNUSUAL.

5 Q SO AGAIN ---EXCUSE ME. TO REPEAT MY QUESTION IT  
6 IS POSSIBLE THAT THE INJURIES TO HER VAGINA DID NOT  
7 NECESSARILY INVOLVE THE INSERTION OF A FOREIGN  
8 OBJECT, ISN'T THAT CORRECT, DOCTOR?

9 A A PENIS IS A FOREIGN OBJECT. I DON'T --

10 Q I'M SORRY. OTHER THAN A PENIS. A FOREIGN  
11 OBJECT OTHER THAN A PENIS?

12 A A PENIS OR A FOREIGN OBJECT WAS INSERTED INTO  
13 HER VAGINA.

14 Q ALL RIGHT, SIR. I'M GOING TO ASK IT ONE MORE  
15 TIME. IT IS POSSIBLE, IS IT NOT SIR, THAT THE  
16 INJURIES TO AMANDA COPE'S VAGINA WERE CAUSED BY THE  
17 INSERTION OF AN ERECT PENIS AND AN EXTERNAL BLOW TO  
18 HER ABDOMEN, IS THAT POSSIBLE?

19 A YES, SIR, THAT'S POSSIBLE.

20 Q THANK YOU. AND YOU'VE TESTIFIED TO THAT IN  
21 FAMILY COURT?

22 A YES, SIR.

23 Q AND IN FACT, YOU'VE ALREADY TESTIFIED THAT  
24 AMANDA DID HAVE A SIGNIFICANT BLOW TO THE ABDOMEN  
25 AREA WITH SOME --



1 A YES, SIR.

2 Q ---WITH SIGNIFICANT FORCE BEHIND IT?

3 A SEVERAL SIGNIFICANT BLOWS.

4 Q ON THE FRONT OF HER BODY?

5 A THERE WAS BLOWS TO THE RIGHT LOWER QUADRANT AND  
6 SOMEWHERE AROUND THE MID-PORTION OF THE ABDOMEN AND  
7 THE LEFT SIDE OF HER BACK.

8 Q NOW WITH RESPECT TO THE ANUS, DOCTOR, I BELIEVE  
9 YOU DESCRIBED THE TEAR IN THE ANAL OPENING?

10 A YES, SIR, SMALL TEAR AT THE OPENING.

11 Q OKAY. AND THEN YOU TESTIFIED THAT IT, THAT  
12 GOING INTO THE RECTUM YOU BELIEVE THAT SOMETHING WAS  
13 INSERTED FOR 7 OR 8 INCHES?

14 A YES, SIR. THE UPPER END OF THE HEMORRHAGE WAS  
15 APPROXIMATELY 8 INCHES FROM THE OPENING.

16 Q ALL RIGHT. NOW IN THE FAMILY COURT YOU SAID OR  
17 DID YOU NOT SAY 7 OR 8 INCHES?

18 A YEAH, THAT'S TO BE SOME STRETCHING.

19 Q DID YOU TAKE A RULER OUT AND MEASURE THIS?

20 A YES, SIR, I DID.

21 Q WAS THAT IN ANY OF THE PHOTOGRAPHS?

22 A I DON'T REMEMBER.

23 Q WELL, IF YOU USED A RULER OR A MEASUREMENT WHY  
24 WOULD YOU SAY 7 OR 8 INCHES. WHY WOULDN'T YOU SAY  
25 7.2 OR 8 OR 6 OR WHAT? WHY WOULD YOU SAY 7 OR 8 IN

1 THE AUTOPSY?

2 A THE RECTUM CAN STRETCH, IT CAN SHRINK, SO  
3 APPROXIMATELY, YOU KNOW, 7 INCHES OR 7 TO 8 INCHES,  
4 YOU KNOW, UP IN THERE.

5 Q SO IT COULD BE SEVEN?

6 A IT COULD BE SEVEN. IT COULD BE EIGHT.

7 Q AND I BELIEVE WHEN YOU AND I TALKED YESTERDAY  
8 YOU SAID IT COULD BE EVEN LESS THAN THAT IF THE  
9 CHEEKS OF THE BUTTOCKS HAD BEEN SPREAD BY WHOMEVER  
10 WAS DOING THAT?

11 A YES, SIR, IT COULD BE A LITTLE BIT LESS BECAUSE  
12 THE OPENING IS CLOSER TO THE END OF THE RECTUM.

13 Q NOW YOU DON'T KNOW EXACTLY WHAT WAS INSERTED  
14 INTO AMANDA'S RECTUM, DO YOU?

15 A NO, SIR, I DO NOT.

16 Q YOU MENTION THAT IT COULD BE A FOREIGN OBJECT  
17 THAT'S SMOOTH, CORRECT?

18 A THAT'S CORRECT.

19 Q A BROOM HAS BEEN MENTIONED IN THIS COURTROOM  
20 TODAY, IS THAT POSSIBLE?

21 A YES, SIR, SURE.

22 Q WHAT ABOUT THE HANDLE OF A SCREWDRIVER FOR  
23 EXAMPLE, NOT THE SHARP PART, BUT THE HANDLE?

24 A THE HANDLE OF IT, IT COULD BE.

25 Q THAT COULD, THAT COULD HAVE CAUSED THE DAMAGE

1 THAT YOU DESCRIBED TO THIS JURY?

2 A YES, SIR.

3 Q AND AT ONE TIME, DOCTOR, YOU HAVE TESTIFIED  
4 UNDER OATH THAT IT WAS POSSIBLE THAT THIS DAMAGE TO  
5 HER RECTUM WAS CAUSED BY AN ERECT PENIS? YOU HAVE  
6 MADE THAT STATEMENT UNDER OATH, HAVE YOU NOT?

7 A YES, SIR, I DID.

8 Q AND YOU FOUND NO SPLINTERS OR PAINT CHIPS OR ANY  
9 THING THAT ANY TYPE OF A FOREIGN OBJECT LEFT BEHIND?

10 A NO FOREIGN MATERIAL LEFT, NO, SIR.

11 Q NOW THE ANUS DOES IT NOT NATURALLY DILATE DURING  
12 DEATH?

13 A OVER TIME BUT NOT AT THIS LENGTH OF TIME.

14 Q AND, DOCTOR, YOU HAVE TESTIFIED BEFORE, HAVE YOU  
15 NOT, THAT THIS DILATION, THIS INJURY TO AMANDA'S  
16 ANUS, WAS SOMETHING THAT HAPPENED CLOSE TO THE TIME  
17 OF HER DEATH, DIDN'T YOU?

18 A THE TEARS AND THE HEMORRHAGE THERE, YES, SIR.

19 Q WELL, TURN TO PAGE 325 OF YOUR TESTIMONY PLEASE.  
20 ARE YOU THERE YET?

21 A YES, SIR.

22 Q AND YOU ARE LOOKING AT PICTURE 52 IN THAT WHICH  
23 IS THE SAME ONE YOU GOT TODAY, IT'S JUST A DIFFERENT  
24 NUMBER, AND IT SAYS PICTURE 52 OF THE ANUS, DOES IT  
25 NOT, WHICH IS DEPICTING A VERY OPEN ANAL, A VERY OPEN

1 ANUS THAT SUGGESTS POSSIBILITY OF SOMETHING PUT IN  
2 THERE TO HAVE DILATED THE ANUS, THAT WAS THE QUESTION  
3 AS BADLY PUT AS IT WAS, CORRECT?

4 A YES, SIR.

5 Q OR EXCUSE ME. THAT WAS YOUR ANSWER?

6 A THE ANSWER.

7 Q THEN IT SAYS WHAT WAS, I'M SORRY. THIS IS SO  
8 BADLY WRITTEN BUT WAS THAT, COULD YOU BASED ON YOUR  
9 EXAMINATION AUTOPSY DO YOU HAVE AN OPINION WITHIN A  
10 REASONABLE DEGREE OF MEDICAL CERTAINTY AS TO THE TIME  
11 OF THE INJURY TO THE ANUS IN RELATION TO THE TIME OF  
12 HER DEATH, REFERRING TO THE VERY OPEN ANUS, AND WHAT  
13 WAS YOUR ANSWER, DO YOU REMEMBER?

14 A WELL, THE QUESTION WAS AS TO THE INJURY TO THE  
15 ANUS NOT TO THE OPENING OF THE ANUS.

16 Q WELL, HE WAS TALKING, RIGHT BEFORE THAT HE WAS  
17 REFERRING TO YOU ---

18 THE COURT: WAIT. WAIT. IF YOU ARE GOING  
19 TO USE THAT, USE IT LIKE IT'S SUPPOSED TO BE USED.

20 Q ALL RIGHT. HE DID ASK YOU, DID HE NOT, DOCTOR,  
21 ABOUT WHY THE ANUS WAS SO OPEN OR DILATED?

22 A YES, SIR, HE DID.

23 Q OKAY. AND YOUR RESPONSE IS CONTAINED IN THE  
24 ANSWER ON PAGE -- I MEAN, ON LINE 15. YOU SAID THAT  
25 INJURY, THAT OPENNESS, OCCURRED CLOSE TO THE TIME OF

1 HER DEATH?

2 A THE QUESTION ON LINE 9 THAT YOU JUST READ WAS  
3 THAT, COULD YOU BASED UPON YOUR EXAMINATION AUTOPSY,  
4 DO YOU HAVE AN OPINION WITHIN THE REASONABLE DEGREE  
5 OF CERTAINTY AS TO THE TIME OF THE INJURY TO THE ANUS  
6 IN RELATION TO TIME OF HER DEATH AND AFTER THE YES,  
7 SIR, AND WHAT IS THAT, ALL THESE ARE CLOSE TO THE  
8 TIME OF THE DEATH AND THEN THE QUESTION, ALL OF  
9 INJURIES WE'VE TALKED ABOUT SO FAR.

10 Q EXACTLY. ALL OF THE INJURIES AND YOUR ANSWER TO  
11 THAT QUESTION?

12 A WAS YES, SIR, THERE.

13 Q YES, SIR. NOW YOU DIDN'T SAY ANYTHING AT THAT  
14 POINT ABOUT ANY PRIOR OR PREVIOUS INSERTIONS OR  
15 ANYTHING THAT WOULD HAVE INJURED THE ANUS AND MADE IT  
16 OPEN OR DILATED, YOU DIDN'T SAY ONE WORD ABOUT IT  
17 THERE?

18 A NO.

19 Q BUT TODAY YOU HAVE?

20 A I WAS ANSWERING THE QUESTIONS ABOUT THE INJURIES  
21 TO THE RECTUM AND ANUS.

22 Q YES, SIR. NOW, DOCTOR, WITH RESPECT TO THE  
23 CHRONIC INFLAMMATION THAT YOU SAW IN AMANDA'S VAGINA?

24 A YES, SIR.

25 Q OKAY. WHAT'S THE DIFFERENTIAL DIAGNOSIS AND ALL

1 THAT? WHAT ARE THE POSSIBLE THINGS THAT COULD HAVE  
2 CAUSED THE INFLAMMATION THAT YOU FOUND IN HER VAGINA?

3 A A NUMBER OF THINGS COULD CAUSE THAT FROM VAGINAL  
4 INFECTIONS TO DOUCHING TO USE OF TAMPONS TO INSERTING  
5 FOREIGN OBJECTS TO, YOU KNOW, POSSIBLY REACTION TO  
6 CONTINUED BLEEDING IF SHE WAS HAVING ABNORMAL PERIODS  
7 WHEN IT CONTINUED TO GO DOWN FLOWING OVER THE VAGINAL  
8 INFECTION.

9 Q AN ALLERGY PERHAPS?

10 A I'M SORRY?

11 Q COULD AN ALLERGY OF SOME TYPE HAVE CAUSED THAT  
12 AS WELL?

13 A YES, SIR, IT COULD HAVE.

14 Q ALL RIGHT. NOW YOU HAVE STATED THAT YOU  
15 ELIMINATED SOME OF THOSE CAUSES. YOU DIDN'T SEE ANY  
16 SIGN OF DISEASE, IS THAT RIGHT?

17 A THAT'S CORRECT.

18 Q AND YOU DIDN'T SEE ANY SIGNS OF RINGWORMS?

19 A NO, SIR, OR PINWORMS.

20 Q BUT YOU COULD NOT ELIMINATE THE POSSIBILITY THAT  
21 A TAMPON OR THAT DOUCHING COULD HAVE CAUSED THESE  
22 IRRITATIONS AT ALL?

23 A NO, SIR, I COULD NOT.

24 Q YOU COULDN'T ELIMINATE THAT IN ANY WAY, SHAPE,  
25 OR FORM?

1 A NO, SIR, OTHER THAN A TAMPON WAS NOT PRESENT.

2 Q BUT SHE WAS OF AGE TO MENSTRUATE?

3 A YES, SIR.

4 Q AND YOU DON'T KNOW WHAT SHE USED DURING THE DAY?

5 A NO, SIR, I DO NOT.

6 Q SO YOU COULDN'T ELIMINATE A TAMPON, DOUCHING;

7 COULD YOU ELIMINATE THE ALLERGY THAT YOU MENTIONED IN

8 YOUR PREVIOUS TESTIMONY?

9 A NO, SIR.

10 Q AND IF THIS IRRITATION CAME AS A RESULT OF THE

11 INSERTION OF SOMETHING, AS YOU SUGGEST, DO YOU HAVE

12 ANY IDEA WHO MIGHT HAVE INSERTED THAT?

13 A NO, SIR, NOT AT ALL.

14 Q IT COULD HAVE BEEN MASTURBATION, COULD IT NOT?

15 A YES, SIR.

16 Q AUTO-EROTICISM?

17 A YES, SIR.

18 Q DID YOU SEE ANY OF THE CLASSIC SIGNS OF SEXUAL

19 ABUSE, TRANSMITTED DISEASES, SEXUAL TRANSMITTED

20 DISEASES, DID YOU SEE ANY OF THAT THERE?

21 A THERE WAS NO EVIDENCE UNDER MICROSCOPIC. WE DID

22 NOT TEST FOR MOST OF THOSE DISEASES.

23 Q DID YOU SEE ANY EVIDENCE OF BIRTH CONTROL BEING

24 USED IN ANY WAY, SHAPE, OR FORM?

25 A THERE WAS NO IUD PRESENT, BUT PILLS I WOULDN'T

1 KNOW.

2 Q BUT THE FACT IS, DOCTOR, THAT YOU CANNOT SAY TO  
3 A REASONABLE DEGREE OF MEDICAL CERTAINTY THAT  
4 ANYTHING IN PARTICULAR HAD BEEN INSERTED TO CAUSE  
5 THAT INFLAMMATION?

6 A NO, SIR, I CANNOT.

7 Q AND IF THAT INFLAMMATION HAD BEEN CAUSED BY AN  
8 ALLERGY OR SOME TYPE OF ILLNESS OR CONDITION THERE  
9 WOULDN'T HAVE TO BE ANY INSERTION AT ALL, WOULD  
10 THERE?

11 A NO, SIR, IF THERE WAS DISEASE PROCESS GOING ON.

12 Q NOW YOU CANNOT SAY TODAY TO A REASONABLE DEGREE  
13 OF MEDICAL CERTAINTY THAT AMANDA COPE HAD EVER BEEN  
14 SEXUALLY ABUSED PRIOR TO THIS HORRIBLE THING THAT  
15 HAPPENED TO HER?

16 A NOT TO A REASONABLE DEGREE, NO, SIR.

17 Q YOU REFERRED TO THE CHRONIC INFLAMMATION IN HER  
18 RECTUM AS WELL, CORRECT?

19 A YES, SIR.

20 Q AND AGAIN THE DIFFERENTIAL DIAGNOSIS OF THAT  
21 WOULD BE ALLERGY, DISEASE, RINGWORM, DIARRHEA,  
22 INFLAMED BOWELS, VIRAL INFECTION, OR INSERTION OR  
23 SEXUAL ACTIVITY, CORRECT?

24 A YES, SIR, THAT'S CORRECT.

25 Q SOME OF THOSE THINGS WOULD INVOLVE PENETRATION



1 AND SOME OF THOSE THINGS WOULDN'T, CORRECT?

2 A THAT'S CORRECT.

3 Q AND YOU ELIMINATED SOME OF THOSE BY: YOU DIDN'T

4 FIND ANY EVIDENCE OF WORMS; YOU DIDN'T FIND ANY

5 DISEASE; YOU DIDN'T FIND ANY VIRAL INFECTION,

6 CORRECT?

7 A YES, SIR.

8 Q BUT HOW COULD YOU ELIMINATE SAY, FOR EXAMPLE, AN

9 ALLERGY?

10 A YOU CANNOT COMPLETELY ELIMINATE IT. IT WOULD BE

11 UNUSUAL TO HAVE AN ALLERGY OF THE RECTUM.

12 Q CAN -- YOU ELIMINATED DIARRHEA, HOW COULD YOU DO

13 THAT?

14 A THE STOOL THAT WAS PRESENT IN HER INTESTINE WAS

15 FORMED. THERE WAS NO EVIDENCE OF DIARRHEA ON THE DAY

16 OF HER DEATH.

17 Q AND I GUESS THAT'S MY NEXT QUESTION. IF SHE HAD

18 IT RECENTLY, SOME OF THESE OTHER CONDITIONS THAT

19 DIDN'T INCLUDE PENETRATION, COULD THERE HAVE BEEN

20 SOME RESIDUE OF THESE THINGS?

21 A YES, SIR.

22 Q SO YOU CAN'T SAY TODAY TO A REASONABLE DEGREE OF

23 MEDICAL CERTAINTY THAT THIS INFLAMED CELL, THE PATCH

24 OF INFLAMED CELLS YOU FOUND IN HER ANUS WAS CAUSED BY

25 PENETRATION OR SEXUAL ABUSE?

1 A NO, SIR, I CANNOT.

2 Q NOW YOU SAID THAT YOU SAW NO HYMEN PRESENT, IS  
3 THAT CORRECT?

4 A YES, SIR.

5 Q AND YOU NOT ONLY DIDN'T SEE ANY HYMEN, BUT YOU  
6 DIDN'T SEE ANY HYMEN OR HYMENAL REMNANTS?

7 A THAT'S CORRECT.

8 Q YOU DIDN'T SEE ANY SCARING OR SCAR TISSUE AS TO  
9 WHERE MAYBE A HYMEN HAD BEEN THERE BUT IT HAD BEEN  
10 SOMEHOW REMOVED?

11 A THAT'S CORRECT, NOTHING RECENT.

12 Q I'M SORRY. I DIDN'T MEAN TO INTERRUPT.

13 A NO, SIR, NOTHING RECENT AS EVIDENCE OF SCAR  
14 TISSUE.

15 Q SO NO SCARING AT ALL THAT YOU SAW?

16 A NO, SIR.

17 Q CORRECT. NOW HYMENS CAN BE BROKEN, CAN THEY  
18 NOT, BY A NUMBER OF THINGS: THE USE OF A TAMPON FOR  
19 EXAMPLE?

20 A IT WOULD BE VERY UNUSUAL BUT IT'S POSSIBLE.

21 Q IT'S POSSIBLE. AN ACCIDENT OF SOME TYPE?

22 A YES, SIR, POSSIBLE.

23 Q AN INJURY?

24 A POSSIBLE.

25 Q BUT ISN'T IT UNUSUAL TO HAVE NO HYMEN OR NO

1 HYMENAL TISSUE AT ALL, NO SCARING, NO NOTHING, ISN'T  
2 THAT PRETTY UNUSUAL?

3 A NO, SIR, I DON'T THINK SO.

4 Q WOULD YOU SAY THAT MANY PEOPLE WHO HAVE BEEN  
5 SEXUALLY ACTIVE FOR YEARS STILL HAVE SOME VESTIGE OF  
6 THE HYMEN?

7 A MOST WOMEN LOSE THE HYMEN. THERE ARE SOME WOMEN  
8 THAT THE HYMEN WILL STILL REMAIN EVEN IN SPITE OF  
9 SEXUAL ACTIVITY OR IN SPITE OF HAVING BIRTH.

10 Q WE HAD THAT CONVERSATION THIS MORNING AND LAST  
11 NIGHT, DIDN'T WE?

12 A YES, SIR.

13 Q THERE IS WOMEN WHO HAVE GIVEN BIRTH AND STILL  
14 HAVE REMNANTS OR VESTIGES OF THEIR HYMEN?

15 A YEAH, IT'S VERY UNUSUAL.

16 Q ALL RIGHT. AND WE ALSO HAD A CONVERSATION THAT  
17 SOME PEOPLE YOU'VE READ, YOU HADN'T OBSERVED, BUT  
18 SOME PEOPLE, SOME LADIES, DON'T HAVE A HYMEN AT ALL,  
19 THEY ARE NOT BORN WITH ONE?

20 A READING FURTHER THAT'S EXTREMELY RARE BUT THERE  
21 ARE REPORTS SO IT IS A POSSIBILITY.

22 Q SO YOU CAN'T TELL THE LADIES AND GENTLEMEN OF  
23 THIS JURY TODAY TO A REASONABLE DEGREE OF MEDICAL  
24 CERTAINTY THAT THE REASON AMANDA COPE DIDN'T HAVE A  
25 HYMEN WAS THE RESULT OF SEXUAL ABUSE OR SEXUAL

1 ACTIVITY?

2 A NO, SIR, I CANNOT.

3 Q DOCTOR, YOU SAID THAT WHEN YOU WERE EXAMINING  
4 AMANDA'S ANUS THAT THERE WAS NO EVIDENCE OF HER, OF  
5 ANYTHING COMING OUT OF THE ANUS, ANY KIND OF  
6 DEFECATION, OR ANYTHING SUCH AS THAT?

7 A THERE WAS NO FECAL MATERIAL OR BLOOD WHEN WE  
8 EXAMINED HER.

9 Q RIGHT. DID YOU EXAMINE HER PANTIES?

10 A YES, SIR, I'M SURE I DID.

11 Q YOU DIDN'T SEE ANY SOILED PANTIES WHEN YOU  
12 EXAMINED THOSE?

13 A THERE WAS NO SIGNIFICANT STOOL. GIVE ME A  
14 MINUTE TO FIND WHERE WE ARE. I MENTIONED NOTHING  
15 ABOUT IT.

16 Q WELL, WOULD IT SURPRISE YOU THAT THE PANTIES  
17 THAT WERE TAKEN OFF OF HER BY THE POLICE WERE  
18 DESCRIBED TO HAVE BEEN SOILED?

19 A IT'S CERTAINLY POSSIBLE.

20 Q AND URINE SOAKED?

21 A IT'S POSSIBLE.

22 Q NOW MR. THOMPSON ASKED YOU IF A LARGE MAN HAD  
23 SAT ON AMANDA WOULD IT BE POSSIBLE TO INFLICT THE  
24 TYPE OF INJURIES ON HER TO HER ABDOMEN THAT YOU  
25 OBSERVED AND I BELIEVE YOUR ANSWER THOUGH TO THAT WAS

1            THAT IT WASN'T SO MUCH THE WEIGHT BUT IT WAS THE  
2            FORCE APPLIED?

3            A        YES, SIR, THAT'S CORRECT.

4            Q        SO THE REAL FACTOR IS NOT HOW MUCH SOMEBODY  
5            WEIGHED, THE REAL FACTOR IS HOW MUCH SOMEBODY PUT  
6            BEHIND WHATEVER IT WAS THEY STRUCK HER WITH?

7            A        HOW QUICKLY THE FORCE IS APPLIED.

8            Q        SO IT COULD HAVE BEEN A PERSON OF 200 POUNDS OR  
9            150 POUNDS IF THE FORCE HAD BEEN SIGNIFICANT ENOUGH  
10           TO HER ABDOMEN THEN THAT COULD HAVE CAUSED WHAT YOU  
11           OBSERVED IN THIS VICTIM?

12           A        YES, SIR.

13           Q        ISN'T THAT CORRECT?

14           A        THAT'S CORRECT.

15           Q        SO YOU DON'T HAVE TO BE A BIG 400 POUND MAN TO  
16           HAVE DONE THIS --

17           A        NO, SIR, YOU DON'T.

18           Q        ---ISN'T THAT CORRECT?

19                      MR. BAITY:    INDULGENCE, YOUR HONOR.

20           Q        THANK YOU, DOCTOR.

21                      THE COURT:    MR. GREELEY.

22                      MR. BRACKETT: WE MAY APPROACH ON ONE  
23           ISSUE BEFORE MR. GREELEY'S CROSS EXAMINATION.

24                      (BENCH CONFERENCE.)

25                      THE COURT:    DR. MAYNARD, BEFORE WE DO YOUR

1 CROSS BY MR. GREELEY, WE'VE GOT AN OUT OF TOWN  
2 WITNESS WHO HAS A FLIGHT THIS AFTERNOON AND SO WE'RE  
3 GOING TO LET HER IN AND TESTIFY. I DON'T THINK SHE  
4 WILL BE LENGTHY SO WE'LL TAKE A BREAK AND LET YOU  
5 REST A LITTLE BIT. CALL YOUR WITNESS. I'LL TELL YOU  
6 THIS TOO, DR. MAYNARD, AFTER WE DO THIS WE'RE GOING  
7 TO BREAK FOR LUNCH. SO IF YOU WANT TO GO AHEAD AND  
8 HAVE SOMETHING ELSE TO DO UNTIL 2:30.

9 DOCTOR: OKAY. THANK YOU.

10 MR. BRACKETT: THE STATE WOULD CALL  
11 TIFFANY BARNETT.

12 TIFFANY BARNETT, BEING FIRST  
13 DULY SWORN, TESTIFIED AS FOLLOWS.

14 DIRECT EXAMINATION BY MR. BRACKETT:

15 Q MA'AM, WOULD YOU PLEASE STATE YOUR FULL NAME AND  
16 SPELL YOUR LAST FOR THE COURT REPORTER?

17 A TIFFANY ANNE BARNETT, B-A-R-N-E-T-T.

18 Q AND THAT CHAIR DOESN'T MOVE FORWARD AND THE MIC  
19 DOESN'T COME OVER SO YOU HAVE TO LEAN INTO IT SO WE  
20 CAN HEAR YOU BECAUSE YOU HAVE A SOFT VOICE. WHERE DO  
21 YOU LIVE?

22 A ORLANDO, FLORIDA.

23 Q YOU SURVIVED THE HURRICANE ALL RIGHT?

24 A SO FAR.

25 Q I HOPE YOU ARE RECOVERING WELL DOWN THERE.

1 WHERE DID YOU LIVE BACK IN 2001?

2 A 220 SHEFFIELD DRIVE IN YORK, SOUTH CAROLINA.

3 Q WHERE DID YOU WORK BACK IN NOVEMBER OF 2001?

4 A ROCK HILL FIRE DEPARTMENT.

5 Q WHAT DID YOU DO FOR THE FIRE DEPARTMENT?

6 A I WAS FIRE FIGHTER EMT.

7 Q AND AS PART OF YOUR RESPONSIBILITIES WHAT DID  
8 YOU GET CALLED OUT TO EMERGENCIES, MEDICAL AND FIRE  
9 EMERGENCIES?

10 A YES.

11 Q OKAY. TURNING YOUR ATTENTION SPECIFICALLY TO  
12 THE EARLY MORNING HOURS OF NOVEMBER 29, 2001, ABOUT  
13 SIX O'CLOCK IN THE MORNING, DID YOU GET CALLED OUT TO  
14 A EMERGENCY CALL AT 470 RICH STREET IN ROCK HILL?

15 A YES, I DID.

16 Q DO YOU REMEMBER THAT CALL?

17 A YES.

18 Q ALL RIGHT. NOW TELL ME WHAT YOUR  
19 RESPONSIBILITIES WERE THAT MORNING?

20 A I WAS FIRE FIGHTER IN THE BACK. I WAS ACTUALLY  
21 ON THE DRIVER'S SIDE JUMP SEAT. IT'S MY  
22 RESPONSIBILITY WAS TO OBTAIN ANY MEDICAL EQUIPMENT WE  
23 NEEDED FOR THE CALL AND TO FOLLOW THE OTHER FIRE  
24 FIGHTER IN.

25 Q WHEN -- TELL US WHAT HAPPENED WHEN YOU GUYS

1 ARRIVED AT 407 RICH STREET?

2 A I EXITED THE FIRE APPARATUS, GRABBED THE MEDICAL  
3 BAG, AND THE ADD, AND WALKED INTO THE RESIDENCE.

4 Q THE ADD?

5 A IT'S THE AUTOMATIC ELECTRIC DEFIBRILLATOR.

6 Q IS THAT THE THING YOU TRY AND GET SOMEBODY'S  
7 HEART STARTED?

8 A YES, SIR.

9 Q AND THE OXYGEN BAG?

10 A AND THE OXYGEN BAG, YES.

11 Q WHAT DOES THAT DO?

12 A CONTAINS OXYGEN BOTTLE THAT WE USE FOR ANYONE  
13 THAT MAY BE UNCONSCIOUS OR NEEDED OXYGEN SO WE CAN  
14 APPLY THAT.

15 Q AND WHO ELSE WAS WITH YOU GOING INTO THE HOUSE?

16 A FIRE FIGHTER DILLON.

17 Q DILLON?

18 A YEAH, JASON DILLON.

19 Q ALL RIGHT. WHO WENT INTO THE HOUSE FIRST?

20 A JASON DILLON DID, PROCEEDED IN BEFORE I DID.

21 Q ABOUT HOW LONG AFTER MR. DILLON WENT IN DID YOU  
22 GO IN?

23 A PROBABLY NOT EVEN A MINUTE.

24 Q WHERE DID YOU GO, WHAT DID YOU SEE WHEN YOU  
25 FIRST WALKED INTO THE HOUSE.



1 A WHEN I FIRST WALKED INTO THE HOUSE THERE WERE  
2 TWO LITTLE GIRLS SITTING ON THE COUCH TO MY LEFT AND  
3 ONE OF THE LITTLE GIRLS STATED TO ME THAT HER SISTER  
4 WAS DEAD. I PROCEEDED INTO THE VICTIM'S ROOM.

5 Q WHAT WAS THE GIRLS CONDITION? WHAT WERE THEY --

6 A THEY WERE VERY VISIBY UPSET. THEY WERE CRYING.  
7 THEY WERE KIND OF SITTING NEXT TO EACH OTHER.

8 Q AGAIN I'M HAVING A LITTLE HARD TIME HEARING YOU  
9 SO I CAN ONLY IMAGINE THAT THEY ARE TOO. JUST SPEAK  
10 UP A LITTLE BIT AND SLOW DOWN. EVERYTHING IS FINE?

11 A OKAY. SORRY.

12 Q NOW YOU SAW THE GIRLS ON THE COUCH, WHERE DID  
13 YOU GO AFTER YOU ENTERED THE LIVING ROOM?

14 A AFTER I ENTERED THE LIVING ROOM, I PROCEEDED  
15 INTO THE BEDROOM OF THE VICTIM.

16 Q WHAT DID YOU SEE WHEN YOU WALKED IN THE BEDROOM?

17 A THE LITTLE GIRL WAS LAYING SUPINE ON HER BACK.  
18 SHE BASICALLY HAD HER SHIRT PULLED UP TOWARD THE TOP  
19 OF HER CHEST AND WAS VISIBLY DISCOLORED IN THE FACE.

20 Q OKAY. WAS THERE ANY NEED FOR THE DEFIBRILLATOR  
21 OR THE OXYGEN?

22 A NOT AT THAT POINT. SHE HAD NO SIGNS OF LIFE AT  
23 THAT POINT. SHE HAD NO VITAL SIGNS AT ALL.

24 Q DID YOU SEE ANYBODY ELSE IN THE BEDROOM? WHO  
25 ELSE WAS IN THERE WHEN YOU WALKED IN?

1 A HER FATHER WALKED IN AS SOON AS I WALKED IN.

2 Q HER FATHER?

3 A YES.

4 Q WHO'S FATHER?

5 A AMANDA COPE'S FATHER.

6 Q MR. BILLY COPE THE DEFENDANT SEATED HERE?

7 A YES.

8 Q ALL RIGHT. AND WHO ELSE WAS IN THE ROOM?

9 A FIRE FIGHTER DILLON.

10 Q OKAY. DID YOU HAVE OCCASION TO TALK TO THE

11 FATHER?

12 A AS SOON AS I WAS WALKING INTO THE BEDROOM HE WAS

13 WALKING OUT. HE STATED TO ME, SHE'S DEAD, WALKED

14 PAST ME, AND I PROCEEDED IN WHERE I MET UP WITH FIRE

15 FIGHTER DILLON IN THE BEDROOM.

16 Q HOW LONG WERE YOU IN THE BEDROOM AFTER THAT

17 POINT?

18 A PROBABLY JUST TWO - THREE MINUTES.

19 Q ALL RIGHT. DID YOU DISTURB ANYTHING WHILE YOU

20 WERE IN THERE?

21 A NO, SIR.

22 Q DID YOU SEE MR. DILLON DISTURB ANYTHING?

23 A NO, SIR.

24 Q WHEN YOU AND MR. DILLON LEFT THE SCENE OF THE

25 BEDROOM AND IN DEED THE WHOLE HOUSE, WAS IT LEFT IN

1 THE SAME CONDITION YOU FOUND IT?

2 A YES, SIR.

3 Q DID YOU HAVE OCCASION TO TALK TO THE FATHER  
4 ANYMORE?

5 A I DID NOT SPEAK TO HIM. FIRE FIGHTER DILLON WAS  
6 THE ONE ADDRESSING HIM. HE WAS THE ONE WHO WAS  
7 ASSESSING THE PATIENT AND HE ASKED HOW LONG HE HAD OR  
8 THE LITTLE GIRL HAD BEEN LIKE THAT AND THE FATHER  
9 STATED ABOUT FOUR HOURS. WE ASKED YOU KNOW WHAT  
10 HAPPENED AND HE STATED THAT HE WENT IN TO CHECK ON  
11 HER, FOUND THAT SHE HAD A BLANKET WRAPPED AROUND HER  
12 NECK, THAT HE HAD DRESSED HER, AND CALLED 911 AT THAT  
13 POINT.

14 Q DID HE COMMENT ON THE POSITION OF THE CLOTHING?  
15 WHAT HER CLOTHING STATUS WAS?

16 A HE, OTHER THAN THE FACT THAT HE HAD TO PUT  
17 CLOTHING ON HER.

18 Q DID HE SAY THAT SHE WAS, HOW DID HE DESCRIBE AS  
19 BEST YOU CAN RECALL WHAT DID HE SAY?

20 A THE BEST OF MY RECOLLECTION IS THAT HE SAID THAT  
21 SHE WAS NAKED WHEN HE FOUND HER AND HE HAD TO PUT  
22 CLOTHING ON HER.

23 Q DID YOU FIND THAT UNUSUAL?

24 A YES, SIR.

25 Q AND DID YOU HAVE OCCASION TO TALK WITH

1 MR. DILLON ABOUT THAT?

2 A YES, SIR. ACTUALLY I EXITED ROOM WHEN ONE OF  
3 THE OTHER PARAMEDICS ARRIVED. FIRE FIGHTER DILLON  
4 EXITED THE ROOM AFTER I DID AND ACTUALLY STATED THAT  
5 HE DID SAY WHAT I THOUGHT HE SAID AND REPEATED AND I  
6 SAID YES HE DID.

7 Q AND AS A RESULT OF YOUR TIME IN THE HOUSE WERE  
8 YOU ASKED TO PREPARE A REPORT IN THIS MATTER?

9 A YES, SIR.

10 Q AND DID YOU IN FACT DO THAT?

11 A YES, SIR.

12 Q OKAY. AND WHEN DID YOU PREPARE THAT REPORT,  
13 APPROXIMATELY HOW LONG AFTER THE INCIDENT?

14 A AS SOON AS WE GOT BACK TO THE STATION, MAYBE 15  
15 MINUTES AFTER WE.

16 Q WHEN IT WAS FRESH IN YOUR MIND?

17 A YES.

18 Q IS THERE ANY QUESTION IN YOUR MIND AS YOU SIT  
19 THERE NOW AND RECOLLECT BACK ON THIS WAS HE TALKING  
20 ABOUT THE NUMBER FOUR WHEN HE WAS SPEAKING ABOUT THE  
21 HOURS OR DID HE SAY FOR HOURS?

22 A I TOOK IT AS HE WAS SPEAKING ABOUT A NUMBER  
23 FOUR.

24 Q ALL RIGHT. DID HE TALK ANYTHING ABOUT HER SLEEP  
25 HABITS? DID HE COME OVER AND SAY ANYTHING ABOUT HOW

1 SHE NORMALLY SLEPT?

2 A HE STATED THAT SHE HAD A TENDENCY OF ROLLING  
3 OVER IN HER SLEEP WHICH IS HOW SHE HAD THE BLANKET  
4 WRAPPED AROUND HER NECK AND HE WAS STATING THAT WHEN  
5 ASKING HIM WHAT HAD HAPPENED WITH THE LITTLE GIRL.

6 Q THANK YOU, MS. BARNETT. PLEASE ANSWER ANY  
7 QUESTIONS THE DEFENSE MAY HAVE.

8 MR. WOOD: PLEASE THE COURT.

9 CROSS EXAMINATION BY MR. WOOD:

10 Q DID YOU TAKE ANY NOTES WHEN YOU WENT TO THE COPE  
11 HOME?

12 A NO, SIR.

13 Q YOU DIDN'T. DO YOU KNOW WHAT TIME YOU ARRIVED?

14 A IT WAS EARLY IN THE MORNING.

15 Q DO YOU KNOW WHAT TIME YOU LEFT?

16 A I WOULD HAVE TO LOOK AT THE REPORT. I DON'T  
17 REMEMBER THAT FAR BACK.

18 Q WHEN BILLY SAID FOR HOURS, DID YOU ASK HIM IF HE  
19 MEANT FOUR AS IN THE NUMBER OR FOR AS IN F-O-R?

20 A NO, SIR, WE DIDN'T ASK HIM THAT. I MEAN JUST  
21 THE WAY HE STATED IT, HE SAID IT WAS ABOUT FOUR HOURS  
22 WHICH MADE IT SEEM LIKE TO US LIKE IT WAS A NUMBER  
23 FOUR AS OPPOSED TO JUST A GENERALIZED STATEMENT.

24 Q SO YOU DIDN'T CLARIFY THAT?

25 A NO, SIR.

1 Q SO IT'S YOUR OPINION THAT HE SAID F-O-U-R?

2 A IT WAS WHAT I INTERPRETED FROM HIS COMMENTS,  
3 YES, SIR.

4 Q YOU DIDN'T CLARIFY IT WITH HIM?

5 A YES, SIR.

6 Q YOU DID CLARIFY IT WITH HIM?

7 A NO, SIR, I DID NOT CLARIFY IT WITH HIM.

8 Q NOW YOU GOT THE OPPORTUNITY TO SEE BILLY UP  
9 CLOSE THAT MORNING, DID YOU SEE ANY BLOOD ON HIS  
10 ARMS?

11 A NO, SIR.

12 Q AND YOU DIDN'T SEE ANY BLOOD ON HIS HANDS?

13 A NO, SIR.

14 Q AND DID YOU HAVE AN OPPORTUNITY TO SEE AMANDA'S  
15 BODY THAT MORNING?

16 A YES, SIR.

17 Q AND WAS THERE BLOOD ON AMANDA?

18 A TO MY RECOLLECTION SHE DID HAVE SOME BLOOD ON  
19 THE SIDE OF HER FACE.

20 Q WAS THAT BLOOD SMEARED?

21 A IT WAS KIND OF LIKE LOOKING AT IT KIND OF RUN  
22 DOWN.

23 Q KIND OF RUN DOWN HER FACE BUT NOT SMEARED?

24 A NO, SIR.

25 Q AND IF YOU FOUND HER BODY WITH NO CLOTHES ON IT

1 AND THEN PUT HER SHIRT BACK ON THAT BLOOD WOULD BE  
2 SMEARED, WOULDN'T IT?

3 A I --

4 MR. BRACKETT: OBJECTION, CALLS FOR  
5 SPECULATION.

6 THE COURT: I OVERRULE THE OBJECTION. GO  
7 AHEAD. ANSWER HIS QUESTION IF YOU CAN.

8 A I WOULD HAVE NO IDEA HOW IT.

9 Q BUT BILLY DIDN'T HAVE ANY BLOOD ON HIS HANDS OR  
10 ARMS?

11 A NONE THAT I SAW.

12 Q DID HE HAVE A SHIRT ON?

13 A NO, SIR.

14 Q DID HE HAVE ANY BLOOD ON HIS CHEST?

15 A NONE THAT I SAW.

16 Q ABDOMEN?

17 A NONE THAT I SAW.

18 Q PLEASE ANSWER ANY QUESTIONS MR. GREELEY HAS FOR  
19 YOU.

20 MR. GREELEY: I DON'T HAVE ANY QUESTIONS,  
21 YOUR HONOR.

22 THE COURT: ALL RIGHT. FEEL FREE TO  
23 LEAVE.

24 A THANK YOU.

25 THE COURT: ANYBODY OBJECT TO HER BEING

1       EXCUSED.

2                   MR. GREELEY:  NO OBJECTION FROM  
3       MR. SANDERS.

4                   MR. WOOD:  NONE.

5                   THE COURT:  MEMBERS OF THE JURY PANEL,  
6       WE'LL BREAK FOR LUNCH UNTIL 2:30.  WE'LL SEE YOU BACK  
7       IN THE JURY ROOM AT 2:30.  HAVE A PLEASANT LUNCH.

8                   (THE JURY EXITS THE COURTROOM AT  
9       12:51.)

10                  MR. BRACKETT:  I JUST WANTED TO POINT OUT  
11       A COUPLE THINGS.  PURSUANT TO THE COURT'S ORDER  
12       YESTERDAY REGARDING THE REDACTION OF SOME OF THE  
13       INFORMATION FROM THE INTERVIEWS REGARDING THE  
14       COMPUTER AND SOME MAGAZINES AND VIDEOS FOUND IN HIS  
15       HOUSE, WE HAVE GONE THROUGH AND DONE THE BEST WE CAN,  
16       IT'S A FOUR HOUR TAPE, WE'VE GONE AND FOUND EVERY  
17       REFERENCE AS BEST WE CAN.  I PROVIDED A COPY OF THE  
18       FINAL VERSION OF THE TRANSCRIPT TO MR. COPE WHO IS  
19       THE PRIMARY PARTY CONCERNED WITH THIS ISSUE AND I'LL  
20       PROVIDE ONE TO MR. GREELEY.  WE'RE IN THE PROCESS OF  
21       MAKING TAPES.  IT'S ARDUOUS PROCESS TO GO THROUGH AND  
22       FIND LITTLE SNIPPETS AND RECORD OVER THEM SO IT'S  
23       SILENT.  I WILL GIVE THE COURT A COPY AS WELL JUST SO  
24       YOU HAVE A FINAL DRAFT.  THAT IS THE AGREED COPY OF  
25       THE TRANSCRIPT BUT I WOULD LIKE COUNSEL FOR MR. COPE



1 TO GO THROUGH THAT AS WELL. IF I MISSED SOMETHING,  
2 WE HIGHLIGHTED THE PORTIONS WE FELT WERE NECESSARY TO  
3 BE REDACTED IN ORDER TO COMPLY WITH THE COURT'S  
4 ORDER. IF THERE IS SOMETHING ADDITIONAL THAT'S WHAT  
5 WE'RE REDACTING AS OF NOW. IF THERE IS SOMETHING  
6 ADDITIONAL THAT I MISSED OR THEY FEEL SHOULD BE  
7 REDACTED THAT I FELT DIDN'T NEED TO BE REDACTED I  
8 WANT TO TRY TO GET THAT RESOLVED BEFORE BECAUSE ONE  
9 OF OUR WITNESSES THIS AFTERNOON IS GOING TO BE, I  
10 PREDICT JERRY WALDROP, WE'LL START WITH HIM, THE TAPE  
11 WILL BE PLAYED, AND SO I WANT TO MAKE SURE THAT WE  
12 GOT THAT SQUARED AWAY SO WE'RE NOT IN THIS HOLDING  
13 PATTERN WHILE WE'RE WAITING.

14 THE OTHER ISSUE I NEED TO TALK ABOUT  
15 IS THE TELECONFERENCING OF MRS. HERRON FROM ALABAMA  
16 AND THE SCHEDULING OF THAT. I HAVE MR. BURRIS,  
17 DETECTIVE BURRIS TO TAKE UP NEXT, AND THEN I CAN DO  
18 MRS. HERRON, BUT IT'S GOING TO TAKE COMPORIUM ABOUT  
19 AN HOUR.

20 MR. POPE: THE BIGGEST ISSUE WE NEED TO  
21 GIVE ALABAMA THEM SOMEWHAT OF A SPECIFIC TIME.

22 THE COURT: WHY CAN'T WE SAY NINE O'CLOCK  
23 IN THE MORNING THEN THEY CAN COME IN AND DO IT LATER  
24 TONIGHT OR DO IT AT 8 IN THE MORNING. I DON'T WANT  
25 TO HAVE THE JURY SITTING OUT THERE FOR AN HOUR.

1 MR. BRACKETT: THAT'S WHY.

2 THE COURT: WHEN IT IS PROBABLY A TEN OR  
3 FIFTEEN MINUTE EXAMINATION.

4 MR. BRACKETT: YES, SIR. WE CAN DO IT  
5 FIRST THING IN THE MORNING, SUITS US.

6 THE COURT: WHY DON'T CONFIRM THAT ALABAMA  
7 CAN BE READY AND WE CAN BE READY. OF COURSE, THAT  
8 WILL BE 8 O'CLOCK FOR THEM I GUESS.

9 MR. POPE: I'LL CONFIRM OVER LUNCH.

10 THE COURT: MR. BRACKETT, ANYTHING ELSE?

11 MR. MORTON: WE'RE GOING TO TRY AND PLAY  
12 THAT FOUR HOUR TAPE THIS AFTERNOON?

13 MR. BRACKETT: WE'RE GOING TO START. I  
14 UNDERSTAND THAT THE DEFENSE WANTS IT PLAYED SO WE  
15 MINE AS WELL ROLL THROUGH IT AND PLAY IT AND GET IT  
16 OUT OF THE WAY.

17 THE COURT: ALL RIGHT. YOU APPEAR AS  
18 THOUGH YOU WANT TO MAKE SOME COMMENTS ABOUT THAT.

19 MR. MORTON: WELL, I WAS JUST WONDERING IF  
20 MR. WALDROP WAS GOING TO TESTIFY AND THEN I GUESS  
21 HE'S GOING TO PUT THE TAPE UP DURING YOUR DIRECT OF  
22 HIM.

23 MR. BRACKETT: NO, I WAS GOING TO WAIT AND  
24 PUBLISH AT THE CONCLUSION OF THE TESTIMONY SO HE  
25 DIDN'T HAVE TO SIT ON THE STAND FOR FOUR HOURS.

1                   MR. MORTON:   SO WE DO DIRECT AND THEN  
2                   CROSS.

3                   MR. BRACKETT:   THEN PUBLISH THE TAPE.

4                   THE COURT:   WHY DON'T YOU WORK THAT OUT  
5                   AND SEE IF THAT PRESENTS A PROBLEM.   THAT WOULD MAKE  
6                   SOME SENSE BUT THEN I DON'T WANT TO INTERFERE WITH.

7                   MR. MORTON:   I DON'T SEE ANY IMMEDIATE  
8                   NEED FOR HIM -- WELL, I DON'T KNOW IF I WANT TO  
9                   EXCUSE HIM BUT.

10                  THE COURT:   WE'LL MAKE HIM AVAILABLE.   WE  
11                  CAN ALWAYS HAVE HIM SUBJECT TO BEING RECALLED.

12                  MR. BRACKETT:   YES, SIR.   I WAS JUST AS A  
13                  COURTESY TO HIM.   I MEAN.

14                  THE COURT:   WELL, I GUESS WHAT I'M  
15                  THINKING STRATEGICALLY, I DON'T KNOW HOW, I'M NOT  
16                  TRYING TO GUESS Y'ALL'S STRATEGY.   I CAN SEE WHERE  
17                  YOU MAY WANT TO WAIT AND EXAMINE HIM AFTER THE TAPE  
18                  IS PLAYED.   YOU GOT EVERY RIGHT TO DO THAT.   SO IT'S  
19                  HOW Y'ALL WANT TO DO IT.

20                  MR. MORTON:   ALL RIGHT, SIR.

21                  THE COURT:   BOTH OF YOU HAVE AN ABSOLUTE  
22                  RIGHT TO EXAMINE HIM AFTER EVERYBODY HAS HEARD THAT  
23                  TAPE.

24                  MR. MORTON:   YES, SIR.

25                  THE COURT:   NOW WE BRIEFLY IN CHAMBERS HAD

1 DISCUSSION WITH SEATING ARRANGEMENTS. ANYBODY WANT  
2 TO PUT ANYTHING ON THE RECORD ABOUT THAT? ANYTHING  
3 FROM THE STATE?

4 MR. BRACKETT: NO, SIR.

5 THE COURT: YOU WERE THERE.

6 MR. BRACKETT: YES, SIR.

7 THE COURT: ALL RIGHT. MR. MORTON.

8 MR. MORTON: YOUR HONOR, JUST THAT MY  
9 CLIENT WOULD LIKE TO HAVE A SCREEN PUT UP BETWEEN HIM  
10 AND MR. SANDERS AND I UNDERSTAND THAT WAS DENIED.

11 THE COURT: I DENY THAT REQUEST.

12 THE COURT: ALL RIGHT. MR. GREELEY, YOU  
13 HAVE ANYTHING TO SAY ABOUT ANY OF THAT?

14 MR. GREELEY: NO, SIR.

15 THE COURT: WE'LL SEE YOU AT 2:30 THEN.  
16 HAVE A GOOD LUNCH.

17 (COURT'S IN RECESS AT 12:50.)

18 (COURT RESUMES AT 2:34.)

19 THE COURT: THE STATE READY.

20 MR. BRACKETT: THE STATE IS READY.

21 MR. BAITY: YES, YOUR HONOR. WE'RE READY.

22 MR. GREELEY: MR. SANDERS IS READY.

23 THE COURT: BRING IN THE JURY.

24 (THE JURY ENTERS THE COURTROOM.)

25 THE COURT: COME ON AND HAVE A SEAT, DR.

1 MAYNARD, YOU ARE STILL UNDER OATH, AND WE'RE SORRY WE  
2 HAD TO INTERRUPT YOU. WE APPRECIATE YOUR PATIENCE.  
3 MR. GREELEY.

4 MR. GREELEY: MAY IT PLEASE THE COURT.  
5 CROSS EXAMINATION BY MR. GREELEY:

6 Q DR. MAYNARD, GOOD AFTERNOON?

7 A GOOD AFTERNOON, SIR.

8 Q THE FIRST THING I WOULD LIKE TO ASK YOU ABOUT IS  
9 TO GO BACK TO YOUR TESTIMONY IN REGARDS TO THE  
10 DAMAGE, THE CONTUSIONS IN THE ABDOMEN THAT YOU HAVE  
11 TALKED ABOUT, JUST THE VARIOUS ONES?

12 A YES, SIR.

13 Q I WANT TO ASK YOU WOULD IT BE CONSISTENT WITH  
14 THOSE INJURIES IF A PERSON WEIGHING APPROXIMATELY  
15 THREE HUNDRED POUNDS WENT AND HOPPED ON THE BED,  
16 LEADING WITH THEIR LEFT KNEE ON TOP OF THIS 12 YEAR  
17 OLD GIRL, WITH ALL HIS WEIGHT COMING DOWN, WOULD  
18 THOSE BE CONSISTENT WITH SUCH AN ACTION LIKE THAT?

19 A YES, SIR, IT WOULD BE.

20 Q OKAY. NOW IN REGARDS TO YOUR FINDINGS ON THE  
21 NECK OF AMANDA, WOULD IT BE CONSISTENT IF A PERSON  
22 AFTER HOPPING ON THE BED, IF THEY GRABBED HER NECK  
23 EITHER WITH ONE OR TWO HANDS, AND BEGAN TO CHOKE HER  
24 WITH ONE OR TWO HANDS, WOULD THAT BE CONSISTENT WITH  
25 THE FINDINGS ON THE NECK THAT YOU FOUND?

1 A YES, SIR, IT WOULD.

2 Q OKAY. IN REGARDS TO THE DAMAGE TO THE BRAIN I  
3 THINK SHE HAD A SUBDUER HEMATOMA AS WELL YOU SAW SOME  
4 EVIDENCE OF THE SHAKEN BABY SYNDROME?

5 A YES, SIR, THAT'S CORRECT.

6 Q AND YOU TALKED ABOUT HOW THE BRAIN GOES BACK AND  
7 FORTH INSIDE THE SKULL AND MOVES FASTER THAN THE  
8 SKULL ITSELF AND THUS IT'S DAMAGED?

9 A YES, SIR.

10 Q WHAT YOU FOUND IN REGARDS TO THE BRAIN, WOULD  
11 THAT BE CONSISTENT WITH SOMEONE SITTING ON TOP OF  
12 THIS 12 YEAR OLD GIRL WITH THEIR HAND OR HANDS AROUND  
13 THEIR THROAT AND PULLING OR BANGING THE BED AGAINST  
14 THE BED?

15 A SOME OF THE INJURIES WOULD BE.

16 Q OKAY. IN REGARDS TO THE DAMAGES THAT YOU FOUND  
17 ON THIS GIRL TO HER MOUTH AND HER SHOULDER, THE  
18 CONTUSIONS AND THE BRUISING IN THE FACE, WOULD THAT  
19 BE CONSISTENT WITH SOMEONE SITTING ON TOP OF THIS  
20 GIRL AND HITTING HER EITHER OPEN HAND OR WITH A FIST  
21 IN HER FACE AND IN HER SHOULDER AREA?

22 A YES, SIR, IT WOULD.

23 Q IN REGARDS TO THE DAMAGES THAT YOU FOUND TO THIS  
24 GIRL'S ANUS AND RECTUM, WOULD IT BE CONSISTENT IF A  
25 PERSON STOOD UP AND WALKED TO THE END OF THE BED AND

1 GRABBED A BROOM STICK AND THEN WITH APPROXIMATELY 380  
2 POUNDS OF FORCE PUT THE BROOM STICK IN HER ANUS AND  
3 PUSHED, WOULD THAT BE CONSISTENT WITH WHAT YOU FOUND?

4 A YES, SIR, IT WOULD.

5 Q AND HE PUSHED UNTIL IT STOPPED, WOULD THAT BE  
6 CONSISTENT?

7 A YES, SIR, OR UNTIL HE STOPPED.

8 Q AND WITH THE DAMAGES THAT YOU FOUND IN HER  
9 VAGINA, WOULD IT BE CONSISTENT IF THAT SAME BROOM  
10 STICK WAS THEN REMOVED FROM THE ANUS AND PUT INTO THE  
11 VAGINA IN THE SAME FASHION AND THAT FORCE PUSHED INTO  
12 THE VAGINA, WOULD THAT BE CONSISTENT WITH THE DAMAGES  
13 THAT YOU FOUND IN THE VAGINA?

14 A YES, SIR, A BROOM STICK WOULD CAUSE THE DAMAGES  
15 OR COULD CAUSE THE DAMAGE IN THE VAGINA.

16 Q OKAY. NOW WHEN YOU GOT THERE THAT DAY YOU WERE  
17 GOING TO DO A CRIME SCENE ANALYSIS ESSENTIALLY, IS  
18 THAT CORRECT?

19 A ESSENTIALLY TO LOOK AT THE CRIME SCENE AND OFFER  
20 MY INPUT AS TO CAUSE AND MANNER OF DEATH.

21 Q AND I NOTICED IN YOUR REPORT THAT YOU TALKED  
22 ABOUT WHEN YOU GOT INTO THE BEDROOM THERE WERE A  
23 NUMBER OF ITEMS ON THE BED, IS THAT CORRECT?

24 A YES, SIR, THERE CERTAINLY WERE.

25 Q IN FACT, THERE WAS A METAL MUSIC STAND, IS THAT

1 ONE OF THOSE THAT FOLDS UP?

2 A YES, SIR, IT APPEARED TO US TO BE A MUSIC STAND  
3 TO WILL HOLD FLAT MUSIC.

4 Q AND IT WAS ON THE BED?

5 A YES, SIR.

6 Q AND THERE WAS ALSO, WAS IT A STAPLER, A STAPLE  
7 GUN?

8 A YES, SIR, A STAPLE GUN.

9 Q AND THERE WAS A STAPLE GUN ON THE BED AND I  
10 THINK IN YOUR REPORT YOU SAID THERE WERE HOMEWORK  
11 PAPERS UNDERNEATH HER BODY, IS THAT CORRECT?

12 A YES, SIR, PAPERS THAT APPEARED TO BE SCHOOL  
13 PAPERS.

14 Q BOOKS WERE BESIDE HER RIGHT SIDE AND ADJACENT TO  
15 HER LEFT SHOULDER, IS THAT CORRECT?

16 A YES, SIR.

17 Q OKAY. SO THIS BED WAS FULL OF ITEMS, IS THAT A  
18 FAIR STATEMENT?

19 A YES, SIR, IT CERTAINLY WAS.

20 Q NOW THE INDENTATIONS OR BRUISING THAT YOU FOUND  
21 ON THE UNDER SIDE OF AMANDA'S BODY, I BELIEVE THAT  
22 YOU SAID IT WAS CONSISTENT WITH THE MUSIC STAND, IS  
23 THAT CORRECT?

24 A YES, SIR, THE MUSIC STAND AND A STAPLER.

25 Q SO THERE WERE ACTUAL INDENTATIONS THAT YOU COULD



1 SEE THAT TRIGGERED YOU TO THESE ITEMS?

2 A YES, SIR. THEY APPEARED TO BE WHEN YOU PLACE  
3 ITEMS OVER THE ABRASIONS TO BE CONSISTENT WITH THOSE  
4 ITEMS.

5 Q OKAY. AND NORMALLY IF A PERSON WERE TO  
6 ACCIDENTALLY LIE DOWN ON AN ITEM SUCH AS THAT, IT  
7 WOULDN'T MAKE THE TYPE OF ABRASION OR BRUISES THAT  
8 YOU SAW IN YOUR EXAMINATION?

9 A NO, SIR, IT WOULD NOT. THESE WERE TRUE  
10 ABRASIONS OR ACTUAL TEARING OR ROUGHING OF THE SKIN  
11 ALONG WITH HEMORRHAGE BENEATH IT.

12 Q SO WOULD IT BE CONSISTENT THAT THOSE ITEMS COULD  
13 HAVE CAUSED THOSE BRUISES DUE TO A LARGE AMOUNT OF  
14 WEIGHT BEING ON HER BODY AND A STRUGGLE DURING THAT  
15 PERIOD OF TIME?

16 A YES, SIR, THAT IS CORRECT.

17 Q OKAY. ALSO DURING YOUR EXAMINATION YOU CHECKED  
18 HER MOUTH FOR SEMEN, DID YOU NOT?

19 A YES, SIR.

20 Q AND YOU CHECKED HER ANUS FOR SEMEN?

21 A YES, SIR.

22 Q AND YOU CHECKED HER VAGINA FOR SEMEN?

23 A YES, SIR. WE TOOK SWABS FROM ALL AREAS.

24 Q AND NO SEMEN WAS FOUND IN ANY OF THOSE THREE  
25 ORIFICES?

1 A I FOUND NO SPERMATOOA. THE SEMEN ANALYSIS  
2 WOULD HAVE BEEN DONE AT SLED OR ELSEWHERE.

3 Q ALL RIGHT. BUT YOU YOURSELF ON YOUR INITIAL  
4 INVESTIGATION DID NOT FIND THIS SPERMATOOA?

5 A NO, SIR, I DID NOT.

6 Q OKAY. THE CLOTHES THAT SHE WAS WEARING WHEN YOU  
7 FOUND HER NOW I NOTICED IN YOUR TESTIMONY YOU MENTION  
8 Y'ALL TOOK INTO POSSESSION HER BED CLOTHES, BUT THESE  
9 WERE CLOTHES THAT COULD HAVE BEEN WORN TO SCHOOL,  
10 WEREN'T THEY?

11 A WE TOOK EVERYTHING THAT IS ON THE BED. THERE  
12 WAS SOME CLOTHES ON THE BED, ALONG WITH A SHEET, A  
13 BLANKET, AND OF COURSE WHAT SHE WAS WEARING.

14 Q BUT I'M FOCUSING ON WHAT SHE WAS WEARING AT THE  
15 TIME. THEY WERE CLOTHES THAT SHE, THESE WEREN'T  
16 PAJAMA TOPS. I MEAN IT WASN'T PAJAMAS THAT SHE WAS  
17 WEARING, WAS IT?

18 A THERE WAS A BLOUSE THEN THE BRA THAT WAS LAYING  
19 OVER IT AND THEN A WARM UP SUIT OR A JOGGING TYPE  
20 PANTS.

21 Q AND THESE WERE CLOTHES THAT SHE COULD HAVE  
22 CONCEIVABLY WORN, A TYPE OF CLOTHES THAT SHE COULD  
23 HAVE CONCEIVABLY WORN TO SCHOOL, WEREN'T THEY?

24 A YES, SIR, I ASSUME SO DEPENDING ON WHAT THE  
25 SCHOOL REQUIRES.

1 Q THESE WERE NOT CLOTHES THAT WERE SPECIFICALLY  
2 MADE FOR SLEEPING IN, WERE THEY?

3 A NO, SIR, THEY WERE NOT.

4 Q AND SO HER ATTIRE WHEN YOU FOUND HER WAS THE  
5 SAME TYPE OF ATTIRE THAT SHE MAY HAVE WORN DURING THE  
6 DAY?

7 A YES, SIR, CONSISTENT WITH STREET ATTIRE.

8 Q OKAY. YOU MENTIONED IN YOUR REPORT THAT THERE  
9 WERE CLOTHES ON HER BED THAT WERE NOT HER SIZE, WERE  
10 THEY LARGER THAN SHE WAS?

11 A I BELIEVE THEY WERE SMALLER.

12 Q SMALLER. NOW WAS TRANSLUCENT LIGHT USED AT THE  
13 SCENE AT THE BEDROOM?

14 A YES, SIR, A FLORESCENT LIGHT WAS.

15 Q FLORESCENT LIGHT?

16 A YES, SIR.

17 Q EXPLAIN TO THE JURY IF YOU WOULD ONCE AGAIN AND  
18 A LOT OF PEOPLE SEE THOSE TV SHOWS THEY HAVE NOW AND  
19 I CAN'T EVEN REMEMBER THE NAME OF ONE OF THEM, BUT IN  
20 REGARDS TO FORENSICS AND A LOT OF PEOPLE HAVE SEEN  
21 THOSE, BUT WHAT ARE THE FLORESCENT LIGHTS USED FOR  
22 AND HOW DO YOU USE THEM?

23 A THESE ARE THE BLACK LIGHTS THAT REALLY DON'T PUT  
24 OUT MUCH LIGHT BUT PUT OUT A CERTAIN WAVE LENGTH OF  
25 LIGHT SUCH THAT WHEN IT STRIKES AN OBJECT THAT YOU

1 LOOK THAT YOU MAY OR MAY NOT SEE THE OBJECT BECOME  
2 VERY BRIGHT IN COLOR. BY LOOKING THROUGH A PAIR OF  
3 GLASSES YOU CAN SEE THE BRIGHTNESS AND THE DULLNESS  
4 AND THE BRIGHT AREAS ARE WHAT WE ARE LOOKING FOR.  
5 THESE AREAS WE MARK ARE LOOKED CAREFULLY TO BE SURE  
6 THERE IS SOMETHING THERE. THEN IF THERE IS SOMETHING  
7 THERE WE TAKE A PORTION OF THIS.

8 Q OKAY. SO IF SOMETHING IS THERE MORE TIMES THAN  
9 NOT IT'S GOING TO SHOW UNDER THAT LIGHT?

10 A DEPENDING ON WHAT THE MATERIAL IS.

11 Q OKAY. LET'S SAY FOR EXAMPLE SEMEN?

12 A YES, SIR.

13 Q IF SEMEN IS PRESENT IN A PLACE MORE TIMES THAN  
14 THAT NOT IT'S GOING TO FLUORESCENCE?

15 A YES, SIR, THAT'S CORRECT.

16 Q I MEAN THAT'S WHAT THIS LIGHT IS FOR, IS THAT  
17 CORRECT?

18 A YES, SIR, IT IS.

19 Q AND WHEN YOU USE THESE LIGHTS WHAT YOU DO IS YOU  
20 DON'T ONLY USE THEM ON THE BODY OR AROUND THE BODY OF  
21 THE PERSON, BUT THEY CAN BE USED ALSO TO SCAN ACROSS  
22 THE BED OR THE FLOORS TO TRY AND PICK UP ANY OTHER  
23 BODY FLUIDS THAT WOULD BE PRESENT, ISN'T THAT  
24 CORRECT?

25 A YES, SIR, IT IS.

1 Q AND Y'ALL DID THAT IN THIS CASE, DIDN'T YOU?

2 A YES, SIR.

3 Q YOU WENT OUTSIDE THE BODY?

4 A YES, SIR, WE DID THE BED.

5 Q OKAY. SO YOU LOOKED ON THE BED. AND IT WAS A

6 RATHER LARGE BED. I MEAN IT WASN'T A SINGLE BED?

7 A IT WAS A DOUBLE BED.

8 Q IT WAS A DOUBLE BED, OKAY. SO ANY SEMEN THAT

9 HAD BEEN PUT AT ANY PLACE AROUND HER YOU WOULD THINK

10 WOULD HAVE FLUORESCED, ISN'T THAT CORRECT?

11 A YES, SIR, THAT'S CORRECT.

12 Q AND IN FACT YOU DID HAVE SOMETHING FLUORESCENCE,

13 DIDN'T YOU?

14 A YES, SIR. WE HAD SEVERAL AREAS OF FLORESCENCE.

15 Q AND ONE OF THE AREAS OF FLORESCENCE WAS ON HER

16 PANTS, IS THAT CORRECT?

17 A YES, SIR, IT WAS.

18 Q AND IT WAS IN THE CROUCH AREA OR THE

19 THIGH/CROUCH AREA ON HER PANTS, ISN'T THAT CORRECT?

20 A YES, SIR, THE LEFT UPPER THIGH.

21 Q OKAY. AND ANOTHER AREA THAT FLUORESCED I

22 BELIEVE WAS ON THE BACK OF HER PANTS, IS THAT

23 CORRECT?

24 A EXCUSE ME JUST A MINUTE. YES, SIR, THERE IS A

25 AREA ON THE RIGHT LATERAL FLANK AND I DID NOT SEE ANY

1 REFERENCE IN HERE, THE THIGHS HAVE A SMALL AREA OF  
2 FLUORESCENCE. I DON'T SEE ANYTHING ON THE BACK IN MY  
3 REPORT.

4 Q ALL RIGHT. BUT YOU GOT THESE FLUORESCING SOME  
5 OF THE FLUORESCENCE THAT YOU GOT WERE ON THE PANTS?

6 A YES, SIR, THAT'S CORRECT.

7 Q OKAY. NOW DO YOU KNOW HOW LONG IT TAKES SEMEN  
8 TO DRY?

9 A NO, SIR, I DON'T.

10 Q OKAY. DOES IT EVENTUALLY DRY?

11 A YES, SIR, IT DOES.

12 Q BUT WHEN IT IS FIRST EJACULATED IT IS WET,  
13 STICKY SUBSTANCE, IS THAT CORRECT?

14 A YES, SIR, THAT'S CORRECT.

15 Q AND IN REGARDS TO WHEN A PERSON EJACULATES OR A  
16 MAN EJACULATES, DO YOU KNOW HOW MUCH EJACULATE MAYBE  
17 PRODUCED?

18 A THE NORMAL RANGE FOR A PERSON THAT HAS NOT HAD  
19 AN EJACULATION IN THREE DAYS IS THREE AND A HALF TO  
20 FIVE CCS OR LESS THAN A TEASPOON. IF YOU'VE HAD  
21 EJACULATION FREQUENTLY YOU'LL HAVE LESS PRODUCED JUST  
22 SIMPLY BECAUSE THERE IS LESS IN YOUR BODY.

23 Q OKAY. AND GIVEN THE NATURE OF THE EJACULATION  
24 PROCESS, IT'S NOT ALL PUT INTO ONE PLACE WHEN IT'S  
25 EJACULATED NORMALLY, IS IT?

1 A THERE ARE SEVERAL CONTRACTIONS WHICH INITIALLY  
2 THAT THIS SEMINAL FLUID COMES OUT AND THEN THE SPERM  
3 COMES OUT AND THEN ADDITIONAL FLUID COMES OUT.

4 Q RIGHT. SO YOU WILL HAVE POTENTIALLY MULTIPLE  
5 SPLATTERS?

6 A YES, SIR, OR MULTIPLE THE EXTRUSIONS FROM THE  
7 PENIS.

8 Q OKAY. NOW DO YOU KNOW HOW LONG IT TAKES FOR  
9 SALIVA TO DRY?

10 A NO, SIR, I DON'T.

11 Q OKAY. BUT IT DOES DRY?

12 A YES, SIR, IT DOES.

13 Q IS THAT CORRECT? NOW I BELIEVE YOU ALSO HAD  
14 PREVIOUSLY TESTIFIED IN REGARDS TO THE ODOR OF  
15 AMANDA'S BODY, THAT IT WAS YOUR BELIEF THAT SHE HAD  
16 NOT BATHED IN A DAY OR TWO DAYS, IS THAT CORRECT?

17 A YES, SIR, IN MY OPINION.

18 Q OKAY. AND YOU SAID THAT YOU HAD THE, YOU HAD  
19 AMANDA'S BODY THAT Y'ALL VIEWED FOR 24 TO 48 HOURS?

20 A YES, WE DID.

21 Q AND THE PURPOSE OF THAT WAS TO SEE WHAT BRUISING  
22 WAS GOING TO BASICALLY CHANGE?

23 A YES, SIR. IF ADDITIONAL BRUISES WOULD BE SEEN.

24 Q AND IN SOME AREAS THERE WERE ADDITIONAL  
25 BRUISING, ISN'T THAT CORRECT?

1 A THE BRUISING BECAME MORE PRONOUNCED IN SOME  
2 AREAS THAT WE DID NOT SEE INITIALLY, YES, SIR.

3 Q AND I BELIEVE THAT YOU TESTIFIED THAT THE  
4 BRUISING BECAME MORE PRONOUNCED IN THE NECK AREA?

5 A YES, SIR, ESPECIALLY BEHIND THE EAR.

6 Q AFTER ABOUT TWO DAYS. NOW I WANT TO ASK YOU  
7 SPECIFICALLY ABOUT THE ALLEGED BRUISES TO THE BREAST.  
8 IT WAS EITHER THE RIGHT OR THE LEFT?

9 A THE RIGHT BREAST.

10 Q RIGHT BREAST. FORENSICALLY THERE ARE TIMES WHEN  
11 PEOPLE ARE ABLE TO DO A BITE MARK COMPARISON IF THERE  
12 IS A BITE MARK IN REGARDS TO AN ASSAULT OR A  
13 HOMICIDE, ISN'T THAT CORRECT?

14 A YES, SIR, IT IS.

15 Q AND IT'S VERY SIMILAR TO THE PHOTOGRAPH THAT YOU  
16 SHOWED OF THE NECK THAT HAD A RULER SHOWING THE  
17 LENGTH, IS THAT CORRECT?

18 A YES, SIR, IT WOULD BE.

19 Q SO IF YOU HAVE A PRONOUNCED BITE MARK, A  
20 PHOTOGRAPH CAN BE TAKEN OF THAT BITE MARK AND IT CAN  
21 BE BLOWN UP AND IN SOME CASES IT CAN BE USED TO MATCH  
22 AGAINST THE MOULD OF A MOUTH, IS THAT CORRECT?

23 A YES, SIR, IN INSTANCES A PHOTOGRAPH CAN BE USED.

24 Q AND THAT'S AN ACCEPTED FORENSIC PRACTICE?

25 A YES, SIR, IT IS.



1 Q IS THAT CORRECT? NOW IN THIS PARTICULAR CASE  
2 YOU DID NOT TAKE A PHOTOGRAPH OF THE ALLEGED BITE  
3 MARK, IS THAT CORRECT?

4 A WE ATTEMPTED TO TAKE A PHOTOGRAPHS BUT IT WAS SO  
5 FAINT THE PHOTOGRAPHS JUST DIDN'T COME OUT.

6 Q OKAY. SO IT WAS FAINT AND WAS NOT AS PRONOUNCED  
7 AS THE BRUISES ON THE NECK?

8 A THAT'S CORRECT.

9 Q OKAY. NOW I NOTICE ON PAGE THREE IN REGARDS TO  
10 THIS BRUISE ON LINE FIVE OF YOUR REPORT UNDER  
11 DESCRIPTION OF INJURIES YOU SAY THERE IS A ONE  
12 CENTIMETER POSSIBLE HEMORRHAGIC AREA LATERAL TO THE  
13 RIGHT NIPPLE, IS THAT CORRECT?

14 A YES, SIR, THAT IS.

15 Q AND THAT'S FROM AN EXTERIOR VIEW?

16 A YES, SIR, EXTERIOR ONLY.

17 Q THAT'S BEFORE YOU DID AN INCISION, IS THAT  
18 CORRECT?

19 A YES, SIR, IT IS.

20 Q OKAY. AND SO IT WAS VISIBLE BUT IT WAS FAINT?

21 A YES, SIR.

22 Q CORRECT. AND ON PAGE SIX UNDER INTERNAL  
23 EXAMINATION THERE IS BLOCK SUMMARY DOWN THERE BELOW,  
24 NUMBER TWO YOU SAY POSSIBLE RIGHT BREAST INJURY, IS  
25 THAT CORRECT?

1 A YES, SIR, IT IS.

2 Q OKAY. NOW EVENTUALLY YOU GET TO YOUR FINAL  
3 SUMMARY IN THE REPORT, PAGE 11, AND AT THE BEGINNING,  
4 I MEAN THE LAST LINE OF THE SECOND PARAGRAPH SAYS  
5 THERE WAS ALSO HEMORRHAGE IN THE DEEP RIGHT BREAST  
6 TISSUE BENEATH THE BRUISE OR IRREGULARITY NOTED?

7 A YES, SIR, IT DOES.

8 Q OKAY. NOW YOU'VE ALSO TESTIFIED THAT YOU  
9 BELIEVE THAT ALL OF THESE INJURIES WERE THE SAME AGE?

10 A YES, THAT'S CORRECT.

11 Q OKAY. AND THAT'S BASED UPON YOUR EXAMINATION  
12 AND I BELIEVE AS I RECALL YOU TESTIFYING THE ACUTE  
13 INFLAMMATION CELLS, IS THAT RIGHT?

14 A YES, SIR, THE LACK OF THEM.

15 Q THOSE ARE THE FIRST ONES ON THE SCENE?

16 A YES, SIR, AFTER THE BLOOD CELLS.

17 Q OKAY. AND IF YOU LOOK AT YOUR REPORT ON PAGE  
18 11, IT'S THE SECOND SENTENCE ABOUT FOUR LINES FROM  
19 THE BOTTOM, AND IT STATES THE INJURIES ARE FRESH  
20 INDICATIVE OF OCCURRING UP TO APPROXIMATELY FOUR  
21 HOURS PRIOR TO DEATH OR JUST PRIOR TO DEATH. SO YOU  
22 CAN'T SAY FROM A SCIENTIFIC BASIS THAT ALL OF THESE  
23 INJURIES OCCURRED IN THE SAME INSTANCE OR THE SAME  
24 HAPPENING?

25 A NO, SIR, THEY ARE ALL CONSISTENT WITH BEING OF

1 THE SAME TIMEFRAME.

2 Q RIGHT.

3 A THERE IS NOT ONE YESTERDAY, ONE TODAY, BUT THEY  
4 ARE ALL WITHIN A FEW HOURS OR ALL AT THE SAME TIME.

5 Q AND I BELIEVE IN YOUR REPORT YOU SAID UP TO FOUR  
6 HOURS?

7 A TYPICALLY YOU START SEEING THE INFLAMMATORY  
8 CELLS COME IN, AGAIN DEPENDING UPON THE EXTENT OF THE  
9 INJURIES, SOMETIMES IN SURGERY IF THEY PUT A CLAMP ON  
10 IT TISSUE YOU CAN SEE INFLAMMATORY CELLS COME FAIRLY  
11 QUICKLY, BUT USUALLY IT'S ABOUT FOUR HOURS BEFORE  
12 THEY START MOBILIZING AND COMING IN.

13 Q BUT IF YOU HAVE A MINOR INJURY IT COULD TAKE  
14 THEM LONGER?

15 A YEAH, VERY, VERY LIGHT INJURY.

16 Q OKAY. AND SO WITH ANY OF THESE INJURIES WE'RE  
17 TALKING ABOUT ANYWHERE FROM THE TIME OF AMANDA'S  
18 DEATH UP TO FOUR HOURS PROCEEDING ROUGHLY?

19 A YES, SIR, ROUGHLY.

20 Q AND WITH THE MORE EXTREME INJURIES YOU BELIEVE  
21 THAT THE ACUTE INFLAMMATION CELLS COME IN QUICKER AND  
22 WITH LESSER INJURIES THEY MAY NOT COME IN AS RAPIDLY  
23 AS WITH?

24 A YES, SIR, THAT'S MY OPINION.

25 Q OKAY. IN YOUR INVESTIGATION OF THIS MATTER HAVE

1 YOU HAD AN OPPORTUNITY TO SEE AMANDA'S MEDICAL  
2 HISTORY OR PART OF IT?

3 A NO, SIR, I HAVEN'T.

4 Q YOU HAVEN'T?

5 A NO, SIR.

6 Q YOU HAVEN'T SEEN A MEDICAL HISTORY IN REGARDS TO  
7 AN EXAMINATION OF HER IN 1999?

8 A YES, I BELIEVE I DID.

9 Q OKAY.

10 A IT WAS A SIMPLE EXAM, NOT A MEDICAL HISTORY.

11 Q IT WAS A MEDICAL EXAM?

12 A A MEDICAL EXAM.

13 Q AND SO YOU DID REVIEW THAT?

14 A I SAW IT. I I DON'T REMEMBER REVIEWING THE  
15 ENTIRE.

16 Q AND ISN'T IT TRUE IN THAT MEDICAL EXAM THAT HER  
17 HYMEN WAS INTACT IN 1999?

18 A YES, SIR, IT WAS. I REMEMBER THAT.

19 Q SO JUST TO GO BACK BRIEFLY IN REGARDS TO THE  
20 BRUISES ON THE BREAST THAT YOU SAW YOU CAN'T TESTIFY  
21 THAT YOU KNOW THAT THAT OCCURRED AT THE SAME TIME  
22 THAT THIS ASSAULT ON HER OCCURRED, CAN YOU?

23 A THE BRUISE ON THE BREAST IS A SIMILAR AGE AS THE  
24 REST OF THE INJURIES. IT MAY HAVE OCCURRED IN THIS  
25 FOUR HOUR WINDOW OR APPROXIMATE FOUR HOUR WINDOW, BUT



1 3:06.)

2 THE COURT: ALL RIGHT. IT'S YOUR WITNESS.

3 MR. BAITY: YES, YOUR HONOR. WE WOULD  
4 OBJECT TO AN INTRODUCTION OR REFERENCE TO THIS 1999  
5 REPORT WHICH IS NOT PART OF THIS CASE. IT'S, WE  
6 BELIEVE THAT IT'S AN ATTEMPT TO IMPLY SOME PRIOR BAD  
7 ACTS ON THE PART OF OUR CLIENT IN THAT THE  
8 IMPLICATION IS THAT IF SHE HAD A HYMEN IN 1999 AND  
9 DOES NOT HAVE ONE NOW THAT SOMEONE HAS BEEN SEXUAL  
10 ACTIVE WITH HER, WE JUST BELIEVE THIS IS PREJUDICIAL  
11 AND WHICH OUTWEIGHS THE PROBATIVE VALUE.

12 THE COURT: WELL, FIRST I FIND THE MOTION  
13 IS UNTIMELY BECAUSE IT'S ALREADY BEEN ASKED, NOBODY  
14 OBJECTED WHEN IT WAS BROUGHT UP, AND THE STATE  
15 CERTAINLY HAS A RIGHT, AS MR. COPE, TO GO INTO IT NOW  
16 THAT IT'S BEEN BROUGHT UP, SO I DENY THE MOTION.

17 MR. BAITY: THANK YOU.

18 MR. THOMPSON: YOUR HONOR, TO LET THE  
19 COURT KNOW AND DR. MAYNARD, WE DON'T INTEND TO OFFER  
20 THIS, OTHER THAN THAT IT SHOWS A PRIOR MEDICAL REPORT  
21 AND THE CONDITION OF HER HYMEN AND CONDITION OF HER  
22 ANUS AT THAT TIME. NOT WHERE IT CAME FROM, NOT WHY  
23 IT WAS DONE, IT COULD BE ANY MEDICAL EXAM THAT SHE  
24 HAD HAD.

25 THE COURT: OKAY. BRING IN THE JURY. I

1 FEEL LIKE IT HAS PROBATIVE VALUE REGARDING THE DEPTH  
2 TO WHICH THIS WITNESS WAS EXAMINED AS TO THE LACK OF  
3 PRESENCE OF A HYMEN AND THE MANY REASONS FOR WHICH  
4 THAT COULD HAVE BEEN INCLUDING THAT THERE WAS NO  
5 HYMEN EVER EXISTING IN THIS YOUNG LADY, SO IN  
6 ADDITION TO IT NOT BEING TIMELY ON ITS, I OVERRULE  
7 THE MOTION ON THE SUBSTANCE OF IT IN ADDITION TO THE  
8 UNTIMELINESS.

9 (THE JURY RETURNS TO THE COURTROOM.)

10 THE COURT: MR. THOMPSON, YOU MAY PROCEED.  
11 REDIRECT CONTINUED BY MR. THOMPSON:

12 Q DR. MAYNARD, I BELIEVE I WAS ASKING YOU FROM THE  
13 EXAM THAT YOU LOOKED AT THAT OCCURRED WITH AMANDA  
14 BACK IN 1999 IF YOU WOULD, DOES IT DESCRIBE THE  
15 CONDITION OF HER HYMEN AT THAT TIME?

16 A YES. THIS EXAM IS DATED 7/1/99 DESCRIBES THE  
17 EXAM AS NORMAL GENITAL EXAM. THE LABIA, CLITORIS,  
18 PER HYMENAL TISSUE AND HYMENAL AND CLITORIS ARE  
19 CONSIDERED WITHIN NORMAL. THE HYMEN IS ANGULAR AND  
20 REDUNDANT. THIS JUST DESCRIBE THE TYPE OF HYMEN THAT  
21 WAS THERE.

22 Q SO FROM THAT EXAM WERE YOU ABLE TO TELL WHETHER  
23 SHE ACTUALLY HAD A HYMEN?

24 A YES, SIR, SHE DID BASED ON THIS EXAM.

25 Q AND AS WELL LOOK AT THE, DID IN THAT EXAM DID IT

1 MENTION ANYTHING ABOUT WHETHER SHE HAD AN ANAL EXAM  
2 AT THAT TIME?

3 A YES, SIR, SHE DID.

4 Q AND WHAT DOES IT SAY ABOUT THAT?

5 A THE ANAL EXAM IS DESCRIBED AS A NORMAL ANAL  
6 EXAM.

7 Q ALL RIGHT. IS THERE ANY INDICATION ON THERE AS  
8 FAR AS TONE?

9 A THERE IS REFLEX DILATATION IT SAYS NO AND STOOL  
10 AND RECTUM IT SAYS YES.

11 Q SO DOES THAT INDICATE IT TO BE WITHIN NORMAL  
12 LIMITS?

13 A IT SAYS METHOD FOR ANAL TONE IT DOESN'T SAY WHAT  
14 TYPE OR OBSERVATION, SO IT'S NORMAL LIMITS.

15 Q NORMAL LIMITS, OKAY. DR. MAYNARD, WHEN YOU  
16 RETRIEVED THE PANTIES FROM THE VICTIM THAT DAY WERE  
17 THEY IN THE CONDITION THAT, DID YOU GIVE THEM THE  
18 CONDITION YOU FOUND THEM TO THE POLICE AND THEN TO  
19 SLED?

20 A YES, SIR, THEY WERE JUST TAKEN AND PLACED  
21 STRAIGHT IN THE PAPER BAG.

22 Q ALL RIGHT. AND DO YOU RECALL SEEING ANY FECES  
23 IN THE PANTIES?

24 A NOT THAT I RECALL.

25 Q ONE OTHER THING, DR. MAYNARD. IN YOUR



1 EXPERIENCE WITH WHAT YOU TOLD US ABOUT THE INJURIES  
2 THAT AMANDA HAD SUFFERED COULD THOSE INJURIES HAVE  
3 BEEN INFLICTED BY A SEVEN YEAR OLD CHILD?

4 A BY -- I'M SORRY?

5 Q BY A SEVEN YEAR OLD CHILD?

6 A IT WOULD BE DIFFICULT UNLESS A BASEBALL BAT OR  
7 SOME OTHER HEAVY OBJECT WAS USED.

8 Q IN YOUR OPINION WAS A BASEBALL BAT OR ANYTHING  
9 LIKE THAT USED?

10 A NO, IT WAS NOT.

11 Q AND THE INJURIES THAT SHE SUSTAINED IN YOUR  
12 OPINION BE POSSIBLE FOR A 11 YEAR OLD FEMALE TO DO  
13 THAT TO HER?

14 A IT WOULD BE VERY DOUBTFUL.

15 Q OKAY. THANK YOU. NO FURTHER QUESTIONS?

16 RE-CROSS EXAMINATION BY MR. BAITY:

17 Q DR. MAYNARD, IF A 380 POUND MAN LEAPED ON THE  
18 BED THAT AMANDA WAS ON AND SHE WAS LYING FACE DOWN  
19 AND HE LANDED ON HER WITH HIS KNEE WHICH WAS  
20 SUGGESTED IN AN EARLIER QUESTION, WOULD THAT HAVE  
21 DONE THE DAMAGE TO THE ABDOMEN THAT YOU HAVE OBSERVED  
22 IN THIS?

23 A IT COULD HAVE DONE THE DAMAGE TO THE SPLEEN,  
24 POSSIBLY BRUISING AROUND THE PANCREAS. IT WOULD BE  
25 UNLIKELY IN THE RIGHT LOWER QUADRANT, THE CECUM, BUT

1       AGAIN I GUESS IT'S POSSIBLE.

2       Q     BUT I MEAN WOULD IT HAVE DAMAGED THE ABDOMEN I'M  
3       TALKING ABOUT, THE FRONT OF THE BODY THAT YOU  
4       NOTICED?

5       A     I DID NOT SEE ANY INJURIES TO THE SKIN ON THE  
6       FRONT OF THE ABDOMEN.

7       Q     BUT THERE WAS A DEEP BRUISE IN THE ABDOMEN, WAS  
8       THERE NOT?

9       A     YES, SIR, AGAIN IN THIS RIGHT LOWER QUADRANT  
10      AREA AND THEN ON THE PELVIC WALL.

11      Q     AND DO YOU BELIEVE THAT WAS THE RESULT OF A  
12      DIRECT BLOW TO HER ABDOMEN?

13      A     IT'S MORE --

14      Q     OR WAS IT SOMETHING THAT OCCURRED WHEN SHE WAS  
15      HIT IN THE BACK?

16      A     MORE CONSISTENT WITH THE DIRECT BLOW TO THE  
17      ABDOMEN.

18      Q     AND YOU TESTIFIED TO THAT IN YOUR FAMILY COURT?

19      A     YES, SIR.

20      Q     YOU SAID THAT YOU THOUGHT IT WAS A DIRECT BLOW,  
21      A KNEE TO THE ABDOMEN OR FALLING AGAINST SOMETHING,  
22      ISN'T THAT WHAT YOU SAID IN YOUR FAMILY COURT  
23      TESTIMONY?

24      A     YES, SIR, OR SOME BLOW TO THE ABDOMEN.

25      Q     WHICH WOULD BE CONSISTENT WITH A FRONTAL ATTACK

1 AND NOT A ATTACK FROM THE REAR?

2 A YES, IT WOULD BE MORE TYPICAL OF A FRONTAL  
3 ATTACK.

4 Q AND YOU DIDN'T BELIEVE THAT THIS LADY WAS  
5 STRANGLED WITH TWO HANDS. YOU BELIEVE SHE'S  
6 STRANGLED WITH ONE, DON'T YOU?

7 A IT'S MORE PROBABLE ONE BUT TWO COULD BE USED.

8 Q BUT YOU DON'T SEE ANY EVIDENCE OF TWO HANDS, DO  
9 YOU?

10 A I SEE NO OTHER MARKS ON HER RIGHT NECK OTHER  
11 THAN THAT ONE SPOT.

12 Q AND YOU HAVE TESTIFIED BEFORE UNDER OATH THAT IT  
13 APPEARED TO BE A ONE HANDED FRONTAL ATTACK?

14 A YES, SIR, MOST --

15 Q AND THAT'S STILL YOUR OPINION TODAY?

16 A YES, SIR.

17 Q NOW IF A BROOM WAS INSERTED IN THE ANUS OF POOR  
18 AMANDA, WOULD, AND WAS INSERTED WITH A GREAT DEAL OF  
19 FORCE THE TYPE OF FORCE TO MAKE THE BRUISING THAT YOU  
20 HAVE ALREADY OBSERVED AND EXPLAINED TO US, IS THERE  
21 ANYTHING THAT WOULD HAVE STOPPED THE BROOM OR COULD  
22 IT HAVE JUST KEPT ON GOING FOR A WHILE.

23 A DEPENDING ON THE FORCE BEHIND IT, IT COULD HAVE  
24 KEPT ON GOING AND ACTUALLY GONE THROUGH THE COLON.

25 Q SO THERE WAS NO BONE OR ANY SOLID SUBSTANCE THAT

1           WOULD HAVE STOPPED IT?

2           A       THERE IS BONE AT THE END OF THE RECTUM WHERE IT  
3           STARTS TURNING INTO ANOTHER PART OF THE COLON, BUT  
4           AGAIN A STRAIGHT SIGMOIDOSCOPE OR A SCOPE WHERE A  
5           DOCTOR LOOKS IN THERE CAN BE INSERTED, YOU KNOW, UP  
6           TO 60 CENTIMETERS OR YOU KNOW A FOOT AND A HALF.

7           Q       AND THE 6 TO 8 INCHES THAT IT WAS INSERTED,  
8           THERE WAS NOTHING, THERE WAS NO BLOCKAGE OR ANYTHING  
9           PREVENTING IT FROM GOING ANY FURTHER?

10          A       NO, SIR, THERE WAS NOT.

11          Q       I BELIEVE YOU SAID THAT WHOEVER DID IT HE  
12          STOPPED, NOTHING STOPPED THE THRUST?

13          A       YES, SIR.

14          Q       AND THE SAME TYPE OF QUESTION ABOUT THE VAGINA.  
15          IF A LARGE MAN TOOK A BROOM AND INSERTED IT INTO THE  
16          VAGINA WITH A GREAT DEAL OF FORCE WOULD THERE BE  
17          ANYTHING TO STOP IT AFTER THREE TO FOUR INCHES?

18          A       THERE IS THE BACK WALL OF THE VAGINA WHICH DOES  
19          HAVE SOME ELASTICITY.

20          Q       RIGHT. BUT WAS IT PUNCTURED?

21          A       NO, SIR, IT WAS NOT.

22          Q       AND COULD IT HAVE BEEN PUNCTURED BY A VIOLENT  
23          THRUSTING?

24          A       YES, SIR, IT COULD HAVE.

25          Q       AND YOU SAW NO EVIDENCE OF THAT OCCURRING?

1 A SAW NO EVIDENCE OF A PUNCTURE.

2 Q SO BASICALLY WHAT YOU SAW WAS A FOUR INCH  
3 INSERTION INTO HER VAGINA?

4 A APPROXIMATELY.

5 Q AND THAT'S AS FAR AS IT WENT IN?

6 A APPROXIMATELY, YES, SIR.

7 Q AND AGAIN THE INDENTIONS YOU SAW ON THE BACK  
8 SIDE YOU DID NOT SEE ON THE FRONT SIDE?

9 A NO, SIR, I DID NOT.

10 Q THE INDENTIONS OF THE THINGS THAT SHE WAS LYING  
11 ON WERE CONSISTENT TO NOT ONLY BEING UNDER HER WHEN  
12 SHE WAS LAYING IN THE BED, BUT WHEN SHE WAS BEING  
13 VIOLENTLY MOVED AROUND?

14 A WHEN THERE WAS A STRUGGLE OCCURRING.

15 Q AND YOU SAW NOTHING OF THAT ON HER FRONT?

16 A NO, SIR.

17 Q ON ANY PART OF HER BODY?

18 A NO, SIR, ON THE OUTSIDE OF THE LEFT LEG AND ON  
19 THE BACK.

20 Q I BELIEVE IN YOUR AUTOPSY REPORT YOU MENTION  
21 AREAS OF FLUID THAT YOU DETECTED BY USE OF THE  
22 FLUORESCENT LIGHT AND YOU NOTED THAT THERE WERE AREAS  
23 OF FLUID OVER THE FRONT OF THE BLOUSE AND OVER THE  
24 LEFT SHOULDER, RIGHT? AND ALSO ON THE LEFT GROIN  
25 AREA OF THE PANTS, IS THAT CORRECT?

1 A YES, SIR. THE LEFT GROIN DEFINITELY FLUORESCED.

2 Q NOW WAS THAT ON THE OUTSIDE OF THE PANTS OR THE  
3 INSIDE OF THE PANTS?

4 A OUTSIDE OF THE PANTS.

5 Q NOW LET ME JUST ASK YOU THIS, WHEN YOU SAY THE  
6 OUTSIDE OF THE PANTS AND THE GROIN AREA, ARE YOU  
7 TALKING ABOUT IN HERE?

8 A YES, SIR, THAT'S CORRECT.

9 Q OKAY. NOW IF SOMEONE HAD PULLED THIS GIRL,  
10 THESE PANTS DOWN, GET THEM OUT OF THE WAY SO THAT A  
11 SEXUAL ASSAULT COULD OCCUR, AND THEN PERHAPS PULLED  
12 HER PANTS BACK UP AND EJACULATED, WOULD THAT BE  
13 CONSISTENT?

14 A YES, SIR.

15 Q WITH WHAT YOU OBSERVED?

16 A YES, SIR, IT COULD BE.

17 Q SO WAS IT CONSISTENT WITH YOUR OBSERVATIONS THAT  
18 PERHAPS THE PERSON THAT PULLED THE PANTS UP WAS ALSO  
19 THE PERSON WHO EJACULATED IN THAT ROOM THAT NIGHT?

20 A IT'S POSSIBLE.

21 Q WELL, IF HER PANTS WERE DOWN AROUND HER ANKLES  
22 WOULD THAT MAKE SENSE FOR HIS EJACULATE TO BE RIGHT  
23 THERE ON THE GROIN AREA?

24 A THE EJACULATE THERE MAY BE THE RESULT OF LEAKAGE  
25 AFTER A CLIMAX OR THE INITIAL EJACULATE THAT STILL

1 MAY BE LEAKING, COULD BE JERKING OFF A PENIS, SO  
2 THERE ARE A NUMBER OF WAYS IT COULD BE THERE.

3 Q OKAY. BUT IT WAS RIGHT ON THE GROIN AREA?

4 A YES, SIR, ON THE PANTS.

5 Q NOW YOU ALSO MENTION THAT I BELIEVE ON -- OF  
6 COURSE THERE WAS THE BITE MARK ON THE RIGHT NIPPLE  
7 AND THAT FLUORESCED, CORRECT? I MEAN, SOMEHOW YOU  
8 DISCOVERED IT?

9 A NO, IT WAS LOOKING, I DON'T BELIEVE IT  
10 FLUORESCED.

11 Q SO YOU SAW THAT WITH THE NAKED EYE?

12 A YES, SIR.

13 Q OKAY.

14 A WHAT APPEARED TO BE A BITE MARK AND WHAT  
15 APPEARED TO BE A BRUISE WHICH DID OF COURSE TURN OUT  
16 TO BE A BRUISE.

17 Q AND YOU TOOK A SWAB FOR DNA PURPOSES?

18 A YES, SIR, I DID.

19 Q CORRECT. AND YOU TURNED THAT INTO THE POLICE OF  
20 COURSE.

21 A YES, SIR.

22 Q AND YOU MENTION, ALSO ON PAGE THREE, SAYS  
23 EXAMINATION OF THE CHEST REVEALS A SMALL LEFT BREAST?

24 A YES, SIR.

25 Q AND APPROXIMATELY TWICE THE SIZE, THE RIGHT

1 BREAST IS TWICE THE SIZE OF THE LEFT BREAST, IS THAT  
2 CORRECT?

3 A YES, SIR.

4 Q AND SO THE LARGE BREAST IS THE ONE THAT HAD BEEN  
5 BITTEN?

6 A YES, SIR, THAT'S CORRECT.

7 Q NOW THEN ON PAGE OF SIX OF YOUR AUTOPSY REPORT  
8 YOU MENTION IN YOUR BLOCK SUMMARY POSSIBLE RIGHT  
9 BREAST INJURY, NOW WOULD THERE BE ANY CONNECTION  
10 BETWEEN THE ENLARGED BREAST AND THE BITE MARK AND  
11 THIS COMMENT THAT THERE IS A POSSIBLE RIGHT BREAST  
12 INJURY?

13 A NO, SIR, IT APPEARED TO US TO BE ACTUAL  
14 HEMORRHAGE OR BLEEDING THERE BUT MICROSCOPIC WE  
15 WANTED TO CONFIRM THAT.

16 Q OKAY. WELL, WHAT WAS YOUR CONCLUSION THERE?  
17 WHAT MADE ONE BREAST LARGER THAN THE OTHER?

18 A YOU'LL FREQUENTLY HAVE BREASTS OF DIFFERENT  
19 SIZES ESPECIALLY AT THE TIME THAT THE HORMONES START  
20 FLOWING THAT ONE BREAST MAY REACT A LITTLE BIT MORE  
21 TO THE HORMONES THAN THE OTHER. THAT'S NOT THAT  
22 UNUSUAL.

23 Q WELL, DID YOU RULE OUT AN INJURY TO HER RIGHT  
24 BREAST?

25 A OTHER THAN BITE MARK THERE WAS NO OTHER PROBLEMS



1 WITH HER BREAST.

2 Q BUT YOU DID TAKE A SAMPLE OFF OF THAT AND YOU  
3 DID CONCLUDE THAT THERE WAS SOME FLUID LEFT ON THAT  
4 AND IT WAS TURNED OVER TO THE POLICE FOR DNA TESTING?

5 A I TOOK A SWAB OF THAT AREA IN CASE THERE WAS  
6 FLUID THERE.

7 Q ALL RIGHT. AND I'M GOING TO ASK YOU ONE MORE  
8 TIME CONCERNING THE HYMEN. YOU CANNOT SAY TO A  
9 REASONABLE DEGREE OF MEDICAL CERTAINTY THAT AMANDA  
10 COPE'S LACK OF A HYMEN WAS THE RESULT OF SEXUAL  
11 ABUSE, CAN YOU?

12 A NO, SIR, I CANNOT.

13 Q THANK YOU. NO FURTHER QUESTIONS.

14 THE COURT: MR. GREELEY.

15 MR. GREELEY: I DON'T HAVE ANYTHING  
16 FURTHER.

17 THE COURT: DR. MAYNARD, WE APPRECIATE  
18 YOUR TIME.

19 A THANK YOU, SIR.

20 THE COURT: PLEASE FEEL FREE TO LEAVE AND  
21 BE EXCUSED. THANK YOU.

22 A OKAY.

23 THE COURT: CALL YOUR NEXT WITNESS.

24 MR. BRACKETT: THE STATE WOULD CALL  
25 DETECTIVE WILLIE BURRIS.

1 WILLIE BURRIS, BEING FIRST DULY  
2 SWORN, TESTIFIED AS FOLLOWS:  
3 DIRECT EXAMINATION BY MR. BRACKETT:  
4 Q GOOD AFTERNOON, DETECTIVE BURRIS.  
5 A GOOD AFTERNOON.  
6 Q WOULD YOU PLEASE STATE YOUR FULL NAME FOR THE  
7 COURT REPORTER?  
8 A MY NAME IS WILLIAM BURRIS.  
9 Q AND WHERE ARE YOU EMPLOYED, SIR?  
10 A CITY OF ROCK HILL, ROCK HILL POLICE DEPARTMENT.  
11 Q WHAT DO YOU DO AT THE POLICE DEPARTMENT?  
12 A INVESTIGATE CRIMES.  
13 Q OKAY. HOW LONG HAVE YOU BEEN A POLICE OFFICER,  
14 SIR?  
15 A APPROXIMATELY 34 YEARS.  
16 Q OKAY. ALWAYS AT THE ROCK HILL POLICE  
17 DEPARTMENT?  
18 A THAT'S CORRECT.  
19 Q AND YOU'RE ASSIGNED TO THE DETECTIVE DIVISION?  
20 A THAT'S CORRECT ALSO.  
21 Q AND YOU ARE A DETECTIVE?  
22 A I AM.  
23 Q WERE YOU INVOLVED IN THE INVESTIGATION OF THE  
24 DEATH OF AMANDA COPE?  
25 A I WAS, YES, SIR.

1 Q AND ON NOVEMBER 29, 2001, WERE YOU AT WORK THAT  
2 MORNING?

3 A I WAS.

4 Q WHAT TIME DO YOU TYPICALLY ARRIVE AT WORK?

5 A NORMALLY WE ARRIVED AT 8 O'CLOCK BUT WE CALLED  
6 OUT EARLIER FOR THIS INCIDENT.

7 Q ALL RIGHT. THAT MORNING DID YOU HAVE OCCASION  
8 TO INTERVIEW THE DEFENDANT IN THIS CASE MR. BILLY  
9 WAYNE COPE WHO IS SEATED OVER HERE?

10 A YES, SIR, I DID.

11 Q WHERE DID THAT INTERVIEW TAKE PLACE?

12 A IN THE DETECTIVE DIVISION.

13 Q DO YOU REMEMBER HOW HE GOT TO THE DETECTIVE  
14 DIVISION?

15 A I DON'T REMEMBER HOW HE GOT THERE.

16 Q OKAY. DO YOU RECALL IF AT THE TIME OF THE  
17 INTERVIEW WAS HE UNDER ARREST?

18 A NO, SIR, HE WAS NOT.

19 Q AT THAT TIME DID YOU KNOW IN FACT THAT AMANDA  
20 COPE HAD BEEN MURDERED?

21 A I KNEW SHE WAS DEAD. I DIDN'T KNOW THE  
22 CIRCUMSTANCES.

23 Q SO IT WAS A DEATH AND YOU WERE INVESTIGATING IT  
24 AND THAT'S ALL?

25 A THAT'S CORRECT.

1 Q ALL RIGHT. NOW WHERE DID THIS INTERVIEW  
2 ACTUALLY TAKE PLACE?

3 A IN ONE OF OUR INTERVIEW ROOMS INSIDE THE  
4 DETECTIVE DIVISION.

5 Q CAN YOU DESCRIBE THAT FOR US?

6 A IT'S A SMALL ROOM, I'D SAY ABOUT 8 BY 12, OR  
7 SOMETHING LIKE THAT.

8 Q AND WHO ELSE WAS PRESENT?

9 A AT THE TIME JUST MR. COPE AND MYSELF.

10 Q NOW GIVEN THAT MR. COPE WAS NOT UNDER ARREST DO  
11 YOU TYPICALLY READ MIRANDA WARNINGS TO AN INDIVIDUAL  
12 WHO IS NOT BEING CHARGED?

13 A NO, SIR.

14 Q DID YOU READ MR. COPE MIRANDA WARNINGS?

15 A I DID NOT.

16 Q CAN YOU TELL THE JURY SOMETHING ABOUT HIS  
17 Demeanor, how did he appear to you this morning, and  
18 what time was this you actually started talking to  
19 him?

20 A I THINK IT WAS AROUND 8 A.M.

21 Q TELL US SOMETHING ABOUT HIS Demeanor; HOW WAS HE  
22 ACTING? HOW WAS HE BEHAVING? HOW DID HE APPEAR?

23 A HE WAS NORMAL. HE WASN'T EMOTIONALLY UPSET OR  
24 ANYTHING LIKE THAT IF THAT'S WHAT YOU ARE ASKING  
25 ABOUT. ABOUT THE WAY HE IS NOW.

1 Q OKAY. DID THE INTERVIEW, ABOUT HOW LONG DID  
2 THAT LAST?

3 A ABOUT 35-40 MINUTES I IMAGINE.

4 Q OKAY. AND THEN DID YOU TAKE A FORMAL STATEMENT  
5 FROM HIM?

6 A I DIDN'T TAKE A FORMAL STATEMENT. I JOTTED  
7 DOWN.

8 THE COURT: YOU NEED TO SPEAK UP, MR.  
9 BURRIS.

10 A I DIDN'T TAKE A FORMAL STATEMENT. IF YOU MEAN  
11 GET HIM TO SIGN ANYTHING, I DIDN'T DO THAT. I JUST  
12 ASKED HIM WHAT HAPPENED AND I JOTTED IT DOWN.

13 Q DID HE DESCRIBE TO YOU WHAT HAPPENED, WHAT HAD  
14 HAPPENED AT HIS HOUSE THAT MORNING?

15 A YES, HE DID.

16 Q CAN YOU TELL THAT TO THE JURY? WHAT -- CAN YOU  
17 RELATE TO THE JURY WHAT HE TOLD YOU ABOUT WHAT  
18 HAPPENED AT HIS HOUSE WHEN HE WOKE UP THAT MORNING?

19 A OKAY. HE TOLD ME HE WOKE UP ABOUT SIX A.M. THAT  
20 MORNING AND HE CALLED FOR HIS DAUGHTER AMANDA AND  
21 WHEN SHE DIDN'T ANSWER HIM, HE WENT INTO THE ROOM AND  
22 SAW HER LYING THERE WITH THE STRIP FROM A BLANKET  
23 WRAPPED AROUND HER NECK AND LOOKED LIKE SHE TURNED  
24 THE COLOR PURPLE. HE WENT OVER TO CRADLE HER IN HIS  
25 ARM AND SCREAMED OUT AND TWO YOUNGER DAUGHTERS CAME

1 INTO THE ROOM AND HE TOLD THEM TO GO BACK INTO THE  
2 LIVING ROOM AND HE CALLED 911 EMERGENCY.

3 Q OKAY. DID HE TELL YOU ANYTHING, DID YOU ASK HIM  
4 ANYTHING ABOUT WHAT HAD HAPPENED THE PREVIOUS NIGHT?

5 A I DID.

6 Q OKAY?

7 A I ASKED, IN FACT, I THINK I ASKED HIM WHAT TIME  
8 DID HE LAST SEE HER AND HE TOLD ME SHE WENT TO BED  
9 AROUND 12:30 THAT NIGHT AND SHE AND THE OTHER, ONE OF  
10 THE OTHER DAUGHTERS, WENT TO BED 12:30 THAT NIGHT AND  
11 THE OTHER DAUGHTER WENT TO BED ABOUT 9:30.

12 Q HOW MANY DAUGHTERS DID HE HAVE ALL TOGETHER?

13 A HE HAD THREE.

14 Q ALL RIGHT. DID HE INDICATE WHETHER OR NOT  
15 ANYBODY ELSE HAD BEEN IN THE HOME BESIDES HIS THREE  
16 DAUGHTERS AND HIM?

17 A NO, I ASKED HIM IF HE HAD HAD ANY GUESTS THAT  
18 NIGHT OR ANYBODY ELSE HAD BEEN IN THE HOUSE AND HE  
19 SAID NO.

20 Q DID HE SAY WHY?

21 A YEAH, HE SAID HE NORMALLY DON'T HAVE VISITORS  
22 BECAUSE OF THE ROACH PROBLEM IN THE HOUSE, SAID THEY  
23 DON'T HAVE ANY VISITORS IN THE HOUSE BECAUSE THEY HAD  
24 A ROACH PROBLEM, PROBLEM WITH ROACHES.

25 Q OKAY. DID HE DISCUSS THE EVENTS OF THE NIGHT

1 BETWEEN THE TIME THEY WENT TO BED AND THE TIME THEY  
2 WOKE UP, DID HE DESCRIBE HIS SLEEP AT ALL?

3 A YES, HE--I ASKED HIM IF HE HEARD ANYTHING, ANY  
4 KIND OF NOISE OR ANYTHING IN THE HOUSE, AND HE TOLD  
5 ME ABOUT HIS HAVING SLEEP APNEA AND HE SLEEP WITH  
6 SOME TYPE OF MASK OR MACHINE ON HIS FACE MAKES SOME  
7 TYPE OF WHIRLING NOISE AND HE DIDN'T HEAR ANYTHING.

8 Q AT SOME POINT IN TIME DID YOU GO TO THE HOSPITAL  
9 WITH HIM?

10 A I DID.

11 Q AND WHY WAS THAT?

12 A I GOT A CALL FROM, HE WAS LIEUTENANT HERRING AT  
13 THAT TIME, HE'S A DETECTIVE NOW, BUT HE WAS  
14 LIEUTENANT AT THE TIME, MY SUPERVISOR, HE CALLED ME  
15 FROM THE SCENE AND HE TOLD ME IT WOULD BE GOOD IDEA  
16 TO FIND OUT, HE DIDN'T GO INTO DETAILS WHAT IT WAS,  
17 BUT THAT I WOULD ASK MR. COPE IF HE WOULD ACCOMPANY  
18 ME TO THE HOSPITAL TO DO A RAPE KIT.

19 Q OKAY. AND DID HE AGREE TO DO THAT?

20 A YES, HE DID.

21 (STATE'S EXHIBIT NUMBER 36 FORM MARKED  
22 FOR IDENTIFICATION.)

23 Q SIR, I'M SHOWING YOU WHAT'S BEEN MARKED STATE'S  
24 EXHIBIT 36 AND I'LL ASK YOU, CAN YOU IDENTIFY TO THE  
25 JURY WHAT THAT DOCUMENT IS?

1 A THIS IS AN AUTHORIZATION TO OBTAIN BLOOD SAMPLES  
2 AND OTHER SPECIMEN FROM AN INDIVIDUAL.

3 Q OKAY. AND WHO COMPLETED THAT DOCUMENT AND WHEN  
4 WAS IT COMPLETED?

5 A THIS WAS COMPLETED DATED NOVEMBER 29, 2001,  
6 SIGNED BY MR. COPE, MYSELF.

7 Q OKAY. AND IS THAT THE DOCUMENT THE CONSENT  
8 DOCUMENT THAT YOU OBTAINED THAT MORNING?

9 A THAT'S EXACTLY WHAT IT IS, YES.

10 MR. BRACKETT: I ASK STATE'S EXHIBIT 36 BE  
11 MOVED INTO EVIDENCE.

12 MR. GREELEY: NO OBJECTION.

13 MR. SMITH: NO OBJECTION.

14 THE COURT: BE RECEIVED WITHOUT OBJECTION.

15 (STATE'S EXHIBIT 36 FORM RECEIVED IN  
16 EVIDENCE.)

17 Q WHO ACTUALLY CARRIED THE DEFENDANT TO THE  
18 HOSPITAL?

19 A I TRANSPORTED HIM UP THERE.

20 Q DID YOU GO WITH ANYONE ELSE?

21 A CRIME SCENE OFFICER ROBIN DAVIS DROVE HIS  
22 VEHICLE AND MET ME UP THERE.

23 Q AND WHERE DID YOU GO AT THE HOSPITAL, WHO DID  
24 YOU SEE THERE?

25 A DR. MAYNARD.



1 Q DR. JIM MAYNARD WHO JUST WALKED OUT OF THE  
2 COURTROOM?

3 A YES, SIR.

4 Q HOW LONG DID THE COLLECTION PROCEDURE TAKE?

5 A A FEW MINUTES. IT WASN'T LONG.

6 Q DID THE DEFENDANT MAKE ANY COMMENTS DURING THE  
7 COLLECTION PERIOD, DURING THAT TIME THAT HE WAS AT  
8 THE HOSPITAL?

9 A AFTER THE COLLECTION WAS DONE HE MADE A COMMENT.

10 Q OKAY. WHAT DID HE SAY?

11 A HE SAID HE KNEW THERE WAS GOING TO BE AUTOPSY,  
12 IF THAT WAS DONE AND SKIN WAS FOUND UNDERNEATH HIS  
13 DAUGHTER'S FINGERNAIL IT WOULD BE FROM HER SCRATCHING  
14 HIS BACK THE NIGHT BEFORE.

15 Q OKAY. DID HE MAKE ANY OTHER COMMENTS ABOUT THE  
16 CPAP SLEEP MACHINE WHILE HE WAS AT THE HOSPITAL?

17 A ABOUT THE SLEEP APNEA.

18 Q YES.

19 A I DON'T REMEMBER ANY OTHER REMARKS AT THE  
20 HOSPITAL ABOUT THE MACHINE.

21 Q OKAY. YOU PREPARED A SUMMARY IN THIS CASE?

22 A YES.

23 Q AND IT WAS PREPARED SHORTLY AFTER THIS INCIDENT?

24 A THAT'S RIGHT.

25 Q ALL RIGHT, SIR. I'LL SHOW YOU THIS DOCUMENT AND

1 ASK YOU IF YOU WOULD JUST REVIEW THIS SECTION HERE  
2 AND DOES THAT REFRESH YOUR MEMORY?

3 A YES, IT DOES.

4 Q PLEASE RELATE TO THE JURY ANY OTHER ADDITIONAL  
5 COMMENTS THAT THE DEFENDANT MADE WHILE HE WAS AT  
6 PIEDMONT MEDICAL CENTER DURING THIS COLLECTION  
7 PROCEDURE?

8 A HE SAID IF ANYONE HAD CAME INTO THE HOUSE HE  
9 WOULDN'T HAVE HEARD IT BECAUSE OF THE MACHINE MAKING  
10 THE WHIRLING NOISE.

11 Q THAT THE MACHINE MIGHT HAVE OBSCURED HIM HEARING  
12 THEM?

13 A THAT'S RIGHT.

14 Q WHEN YOU LEFT OUT OF THE HOSPITAL WHERE DID YOU  
15 GO?

16 A BACK TO THE LAW CENTER.

17 Q AND DID THE DEFENDANT COME WITH YOU?

18 A YES, HE DID.

19 Q WAS THAT THE END OF THE INTERVIEW?

20 A THAT WAS.

21 Q AT THAT TIME?

22 A AT THAT TIME.

23 Q OKAY. AND AT THAT TIME WAS THE DEFENDANT FREE  
24 TO LEAVE?

25 A HE WAS.

1 Q OKAY. AND DID HE IN FACT?

2 A I THINK HE DID.

3 Q ALL RIGHT. DID YOU HAVE OCCASION TO SEE HIM

4 AGAIN LATER THAT DAY?

5 A I DID.

6 Q WHAT TIME WAS THAT?

7 A THAT WAS NOON.

8 Q ALL RIGHT. AND WHERE WAS THIS?

9 A THAT'S BACK AT THE ROCK HILL LAW CENTER.

10 Q AND WHAT WAS THE -- DESCRIBE THE CIRCUMSTANCES,

11 WHAT HAPPENED, HOW DID YOU ENCOUNTER HIM AGAIN?

12 A LIEUTENANT HERRING, LIKE I SAID HE HAD BEEN DOWN

13 ON THE SCENE AND HE WANTED TO INTERVIEW HIM AGAIN,

14 ASK SOME MORE QUESTIONS, SO I SAT IN ON THE INTERVIEW

15 WITH HIM AND LIEUTENANT HERRING.

16 Q AND DID, WAS THERE ANOTHER SUMMARY OF THIS

17 PREPARED?

18 A YES, BY LIEUTENANT HERRING.

19 Q AND HAVE YOU REVIEWED THAT?

20 A I REVIEWED IT.

21 Q OKAY. WAS THIS A MORE DETAILED INTERVIEW?

22 A IT WAS.

23 Q ALL RIGHT. CAN YOU RELATE TO THE JURY BETWEEN

24 THE INTERVIEW THAT WAS DONE AT 8 O'CLOCK IN THE

25 MORNING AND THE ONE THAT WAS DONE SHORTLY AFTER NOON

1 THE SAME DAY, WERE THERE ANY SIGNIFICANT ADDITIONS OR  
2 CHANGES IN WHAT THE DEFENDANT WAS TELLING LAW  
3 ENFORCEMENT?

4 A WELL, IT WAS A DIFFERENCE IN THE TIME THAT HIS  
5 DAUGHTER WENT TO BED, INSTEAD OF AT 12:30 HE SAID SHE  
6 WENT TO BED AT ONE, AND INSTEAD OF JUST WALKING IN  
7 THE ROOM HE SAID SOMETHING ABOUT HAVING TO KICK THE  
8 DOOR IN BECAUSE THE BEDROOM DOOR WAS AGAINST THE  
9 CLOSET DOOR AND HE HAD TO KICK IT IN.

10 Q WHEN DID HE SAY THAT?

11 A THIS WAS DURING THE SECOND INTERVIEW. THE FIRST  
12 INTERVIEW --

13 Q WHAT DID HE SAY ABOUT THAT?

14 A HE SAID HE WENT INTO THE BEDROOM, HE DIDN'T MAKE  
15 ANY REMARKS ABOUT KICKING THE DOOR IN.

16 Q WHAT OTHER DIFFERENCES BETWEEN THE TWO  
17 STATEMENTS? WERE THERE ANY OTHER DIFFERENCES THAT  
18 YOU CAN RECALL?

19 A I DON'T REMEMBER TOO MUCH THAT WAS SIGNIFICANT.

20 Q WOULD IT HELP IF I SHOWED YOU A COPY OF THE  
21 SUMMARY, WOULD IT REFRESH YOUR MEMORY?

22 A IT COULD.

23 Q AT SOME POINT IN TIME DID YOU INQUIRE?

24 MR. SMITH: JUDGE, WE DON'T MIND IF THE  
25 STATE INTRODUCES IN EVIDENCE IN THIS CASE.

1 THE COURT: HE HADN'T OFFERED IT. ALL HE  
2 WAS DOING WAS USING IT TO REFRESH HIS MEMORY.

3 MR. BRACKETT: I THINK THE ORIGINALS ARE  
4 WITH THE COURT REPORTER.

5 THE COURT: MR. GREELEY.

6 MR. GREELEY: NO OBJECTION.

7 THE COURT: YOU OFFERING IT?

8 MR. BRACKETT: I THINK I PROBABLY WILL.

9 MR. SMITH: JUDGE, THAT WOULD GO FOR BOTH  
10 STATEMENTS.

11 THE COURT: I DON'T THINK THEY ARE  
12 STATEMENTS. THEY ARE SUMMARIES.

13 MR. SMITH: I'M SORRY.

14 THE COURT: I DON'T THINK THEY ARE  
15 STATEMENTS. THEY ARE SUMMARIES.

16 MR. SMITH: YES, THAT'S CORRECT.

17 THE COURT: WANT TO HAVE THEM MARKED.

18 MR. BRACKETT: YES, SIR, I JUST WANTED TO  
19 MAKE SURE, THERE IS SOME WRITING ON A STICKY PAD.

20 THE COURT: LET THEM SEE IT.

21 MR. BRACKETT: I ASK THEY BE MARKED  
22 STATE'S EXHIBIT 37 AND 38.

23 THE COURT: WITHOUT OBJECTION.

24 MR. SMITH: WITHOUT OBJECTION.

25 (STATE'S EXHIBIT 37 AND 38 SUMMARIES

1 RECEIVED INTO EVIDENCE.)

2 Q NOW TURNING YOUR ATTENTION TO WHAT'S NOW BEEN  
3 MARKED AND INTRODUCED AS STATE'S EXHIBIT 38. I'LL  
4 TURN YOUR ATTENTION TO THIS PARTICULAR SENTENCE HERE,  
5 WHAT DID HE JUST SAY ABOUT WHEN HE WOKE UP AND CALLED  
6 HER NAME?

7 A OKAY. THAT'S WHEN, WHEN SHE DIDN'T ANSWER HIM  
8 AFTER ABOUT THREE CALLS, HE THOUGHT THAT THE RAPTURE  
9 HAD TAKEN PLACE, AND SHE HAD BEEN TAKEN.

10 Q OKAY. AND FINALLY DID YOU OR LIEUTENANT HERRING  
11 ASK HIM ABOUT WHAT HE THOUGHT HAD HAPPENED THAT  
12 NIGHT? ON THE SECOND PAGE, THE SECOND TO THE LAST  
13 PARAGRAPH, TAKE A LOOK AND SEE.

14 A YEAH. HE WAS ASKED WHAT HE THOUGHT HAPPENED TO  
15 HIS DAUGHTER AND HE SAID IT MUST HAVE BEEN AN  
16 ACCIDENT BECAUSE HE DIDN'T HEAR ANYBODY DURING THE  
17 NIGHT AND THAT'S WHEN HE SAID HE SLEEP WITH TWO FANS  
18 ON DURING THE SLEEP.

19 THE COURT: THE JURY IS HAVING TROUBLE  
20 HEARING YOU, MR. BURRIS. IF YOU'LL SPEAK UP PLEASE.

21 A MR. COPE WAS ASKED WHAT HAPPENED, HE THOUGHT  
22 HAPPENED TO HIS DAUGHTER, AND HE SAID HE THOUGHT IT  
23 MUST HAVE BEEN AN ACCIDENT BECAUSE HE DIDN'T HEAR  
24 ANYTHING DURING THE NIGHT. HE SAID HE ALWAYS SLEEP  
25 WITH TWO FANS ON ALONG WITH SLEEP MASK THAT HE WEARS,

1 BUT HE COULDN'T BELIEVE HE COULDN'T HAVE HEARD HIS  
2 OWN DAUGHTER IF THERE HAD BEEN ANY KIND OF STRUGGLE  
3 OR HER CHOKING ACCIDENTALLY.

4 Q HE INDICATED TO YOU HE SHOULD HAVE BEEN ABLE TO  
5 HEAR SOMETHING IF THERE HAD BEEN A STRUGGLE?

6 A YES. THAT'S WHAT HE SAID, YES.

7 Q OR EVEN CHOKING ACCIDENTALLY?

8 A YES.

9 Q AND HOW DID YOU GUYS LEAVE THAT INTERVIEW WITH  
10 HIM, WHAT YOU TELL HIM AS HE LEFT THE INTERVIEW?

11 A WELL, WE TOLD HIM WE'D GET BACK IN TOUCH WITH  
12 HIM AFTER THE AUTOPSY WAS DONE IF WE HAD ADDITIONAL  
13 INFORMATION FOR HIM.

14 Q ALL RIGHT.

15 MR. BRACKETT: COURT'S INDULGENCE ONE  
16 MOMENT. I HAVE NO FURTHER QUESTIONS.

17 Q DETECTIVE BURRIS, PLEASE ANSWER ANY QUESTIONS  
18 MR. SMITH MAY HAVE FOR YOU.

19 CROSS EXAMINATION BY MR. SMITH:

20 Q MR. BURRIS, YOUR FIRST CONTACT WITH MR. COPE WAS  
21 ON NOVEMBER 29, IS THAT RIGHT?

22 A THAT'S RIGHT.

23 Q AND YOU STATED THAT HE WAS NOT UNDER ARREST AT  
24 THAT TIME?

25 A HE WAS NOT.

1 Q SO HE VOLUNTARILY CAME DOWN TO THE POLICE  
2 DEPARTMENT TO TALK WITH YOU, IS THAT CORRECT?

3 A THAT'S CORRECT.

4 Q HE CAME BY HIS OWN FREE WILL AND ACCORD?

5 A YES.

6 Q NOW HE GOT THERE AROUND 8 O'CLOCK THAT MORNING?

7 A I BELIEVE AROUND 8 O'CLOCK.

8 Q AND YOU SAID IT WAS ABOUT 35 TO 40 MINUTES  
9 INTERROGATION?

10 A MORE OR LESS.

11 Q NOW YOU TYPED A REPORT THAT'S BEEN INTRODUCED  
12 INTO EVIDENCE, IS THAT RIGHT?

13 A THE FIRST INTERVIEW I TYPED IT UP. THE SECOND  
14 INTERVIEW LIEUTENANT HERRING, LIEUTENANT HERRING  
15 TYPED THAT ONE.

16 Q OKAY. NOW HOW LONG DID YOU WAIT AFTER YOU MET  
17 WITH MR. COPE BEFORE YOU TYPED THAT REPORT UP? THE  
18 FIRST ONE?

19 A YOU MEAN THE FIRST ONE.

20 Q YES, SIR.

21 A I'M NOT SURE. I MIGHT HAVE DONE IT AFTER TAKING  
22 NOTES.

23 Q DID YOU TAKE NOTES?

24 A IF I DID I DON'T HAVE THEM. SOMETIME I TYPE  
25 WHEN I'M TALKING TO THE INDIVIDUAL, SOMETIMES I TAKE



1 NOTES, AND WRITE IT UP LATER.

2 Q BUT YOU DON'T KNOW IF YOU DID THAT IN THIS CASE?

3 A I'M NOT SURE.

4 Q AND YOU DON'T REMEMBER WHEN YOU TYPED THIS  
5 STATEMENT?

6 A I'M NOT SURE WHETHER IT WAS THAT DAY OR THE NEXT  
7 DAY.

8 Q SO IT MAY HAVE BEEN A DAY OR TWO LATER?

9 A I DON'T WAIT THAT LONG. IT MIGHT HAVE BEEN---

10 THE COURT: MAKE SURE YOU KEEP YOUR VOICE  
11 UP.

12 Q IT MAY HAVE BEEN A DAY LATER?

13 A IT MIGHT HAVE BEEN A DAY.

14 Q AND AGAIN THIS STATEMENT IS MORE OF A SUMMARY  
15 THAN IT IS A STATEMENT BY MR. COPE, IS THAT CORRECT?

16 A THAT'S RIGHT.

17 Q IT'S WHAT YOU REMEMBERED HIM TELLING YOU?

18 A YES.

19 Q SO IT MAY NOT HAVE EVERYTHING THAT MR. COPE SAID  
20 TO YOU IN THERE, IS THAT RIGHT?

21 A IT'S A POSSIBILITY IT MAY NOT.

22 Q OKAY. SO IT'S NOT NECESSARILY AN ACCURATE  
23 STATEMENT AS TO EVERYTHING MR. COPE SAID?

24 A IT'S WHAT CALLED A FOLLOW UP INCIDENT REPORT.

25 Q NOW WENT THROUGH THAT STATEMENT WITH

1 MR. BRACKETT, LET'S GO THROUGH IT REAL QUICK?

2 A WHICH ONE ARE YOU REFERRING TO.

3 Q THE FIRST STATEMENT, SIR. DO YOU HAVE THAT?

4 A I HAVE IT.

5 Q NOW MR. COPE SAID HE WOKE UP AT SIX O'CLOCK THAT  
6 MORNING, CALLED OUT TO HIS DAUGHTER, AND WHEN SHE  
7 DIDN'T ANSWER HE WENT INTO HER BEDROOM?

8 A THAT'S RIGHT.

9 Q HE FOUND HER THERE WITH A STRIP OF BLANKET, EDGE  
10 OF A BLANKET WRAPPED AROUND HER NECK?

11 A YES.

12 Q AND HE REALIZED THAT SHE WAS DEAD, IS THAT  
13 RIGHT?

14 A THAT'S CORRECT.

15 Q AND WHAT DID HE DO? HE PICKED HER UP IN HIS  
16 ARMS, RIGHT?

17 A THAT'S WHAT HE SAID.

18 Q NOW TWO LITTLE GIRLS CAME INTO THE ROOM AT THAT  
19 POINT AND HE SAID Y'ALL GO SIT IN THE LIVING ROOM?

20 A HE SAID HE SCREAMED OUT AND THE TWO LITTLE GIRLS  
21 RAN INTO THE ROOM AND HE TOLD THEM TO GO SIT IN THE  
22 LIVING ROOM.

23 Q MR. COPE SCREAMED OUT?

24 A THAT'S WHAT HE SAID, YES.

25 Q AFTERWARDS HE THEN CALLED 911, IS THAT RIGHT?

1 A THAT'S RIGHT.

2 Q NOW HE TOLD YOU DURING THAT FIRST, FIRST MEETING  
3 WITH HIM THAT HE HAD SLEEP APNEA, IS THAT RIGHT?

4 A YES.

5 Q AND HE TOLD YOU THAT BECAUSE OF THAT HE HAS TO  
6 WEAR A MASK OVER HIS FACE, CORRECT?

7 A THAT'S RIGHT.

8 Q AND IT'S GOT A HOSE ATTACHED TO IT WHICH GOES TO  
9 A MACHINE THAT BLOWS AIR INTO HIS FACE, IS THAT  
10 RIGHT?

11 A RIGHT.

12 Q AND HE SAID THAT MACHINE MAKES A. --

13 A WHIRLING NOISE.

14 Q A LOUD WHIRLING NOISE?

15 A THAT'S RIGHT.

16 Q AND HE SAID THAT HE DIDN'T HEAR ANYTHING BECAUSE  
17 OF THIS WHIRLING NOISE THAT WAS CREATED BY THIS SLEEP  
18 APNEA MACHINE?

19 A THAT'S CORRECT.

20 Q OKAY. NOW DURING THIS INTERVIEW YOU RECEIVED  
21 INFORMATION FROM THE INVESTIGATION THAT AMANDA COPE  
22 MAY HAVE BEEN SEXUALLY ABUSED, IS THAT RIGHT,  
23 SEXUALLY ASSAULTED?

24 A POSSIBLY THAT SHE MAY HAVE BEEN SEXUALLY  
25 ASSAULTED, YES.

1 Q ALL RIGHT. AND RELAYED THIS INFORMATION TO  
2 MR. COPE AND YOU TOLD HIM THAT THERE WAS A  
3 POSSIBILITY THAT SHE MAY HAVE BEEN SEXUALLY  
4 ASSAULTED?

5 A YES, I DID.

6 Q AND AT THAT POINT YOU ASKED HIM IF HE WOULD  
7 AGREE TO SUBMIT TO A SUSPECT RAPE KIT, CORRECT?

8 A YES.

9 Q AND HE VOLUNTEERED TO DO THAT, RIGHT?

10 A HE DID.

11 Q HE SIGNED A CONSENT, I BELIEVE MR. BRACKETT HAS  
12 ALREADY INTRODUCED THAT INTO EVIDENCE?

13 A HE SIGNED IT, YES.

14 Q AND HE WENT DOWN TO PIEDMONT MEDICAL CENTER WITH  
15 YOU AND SUBMITTED THE TO SUSPECT RAPE KIT?

16 A THAT'S CORRECT.

17 Q OKAY. NOW AT THIS POINT MR. COPE WAS A SUSPECT,  
18 IS THAT RIGHT?

19 A HE WAS NOT A SUSPECT TO ME.

20 Q BUT HE WAS SUBMITTING TO A SUSPECT RAPE KIT,  
21 CORRECT?

22 A YES.

23 Q OKAY. NOW AFTER RECEIVING THIS INFORMATION THAT  
24 AMANDA COPE MAY HAVE BEEN SEXUALLY ASSAULTED AS A  
25 CRIMINAL INVESTIGATOR YOURSELF YOU STARTED LOOKING

1 FOR SIGNS THAT MR. COPE COULD HAVE BEEN INVOLVED IN  
2 THIS, IN THIS SEXUAL ABUSE, DID YOU NOT?

3 A IT WAS A POSSIBILITY.

4 Q DID YOU LOOK TO SEE IF HE HAD ANY BLOOD ON HIS  
5 CLOTHING?

6 A I DIDN'T.

7 Q YOU DIDN'T? YOU DIDN'T --

8 A I DIDN'T EXAMINE HIM. I COULD SEE HIM, BUT I  
9 DIDN'T EXAMINE HIM.

10 Q DID YOU SEE ANY BLOOD ON HIS CLOTHING?

11 A I DIDN'T SEE ANY.

12 Q DID YOU LOOK FOR ANY SCRATCHES OR BRUISES OR ANY  
13 OTHER MARKS THAT MAY HAVE BEEN ON HIM?

14 A ONLY PART OF HIS BODY THAT I COULD SEE HIS FACE  
15 AND HANDS. I DIDN'T, LIKE I SAY I DIDN'T EXAMINE  
16 HIM.

17 Q MR. BURRIS, AGAIN IF YOU WOULD MAKE SURE THAT  
18 YOU ARE SPEAKING INTO THAT MICROPHONE.

19 A I'LL TURN THIS THING AROUND. OKAY.

20 Q SO YOU COULD SEE, I THINK YOU SAID, HIS FACE AND  
21 HANDS?

22 A YES.

23 Q AND ON HIS HANDS OR FACE YOU DIDN'T OBSERVE ANY  
24 SCRATCHES, MARKS, OR BRUISES, DID YOU?

25 A I DIDN'T.

1 Q YOU DID NOT?

2 A I DID NOT.

3 Q OKAY. DID YOU HAPPEN TO TAKE ANY PICTURES OF  
4 HIS HANDS?

5 A I DID NOT.

6 Q YOU DID NOT. NOW SINCE HE WAS SO AGREEABLE WITH  
7 YOU TO THIS POINT AS FAR AS COMING DOWN TO THE  
8 STATION AND AGREEING TO SUBMIT TO THIS SUSPECT RAPE  
9 KIT DID YOU ASK HIM IF POSSIBLY YOU COULD TAKE HIS  
10 CLOTHING OR TAKE HIS UNDERWEAR INTO EVIDENCE OR IF HE  
11 WOULD AGREE TO TURN THAT OVER TO YOU?

12 A NO, I DID NOT.

13 Q NOW YOU STATED I BELIEVE IN YOUR STATEMENT YOU  
14 SAID THAT MR. COPE MADE A STATEMENT WHILE HE WAS AT  
15 PIEDMONT THAT IF HIS SKIN WAS OR DNA WAS FOUND  
16 UNDERNEATH AMANDA'S FINGERNAILS THAT IT WAS BECAUSE  
17 SHE SCRATCHED HIS BACK, IS THAT RIGHT?

18 A THAT'S RIGHT.

19 Q NOW YOU'RE AWARE THAT AMANDA'S FINGERNAILS WERE  
20 COLLECTED AND EXAMINED AND THAT HIS DNA WAS NOT  
21 UNDERNEATH HER FINGERNAILS, IS THAT RIGHT?

22 A I'M NOT AWARE OF IT.

23 Q YOU WEREN'T AWARE OF THAT?

24 A I AM NOT.

25 Q OKAY. NOW LATER ON THAT DAY YOU ASKED MR. COPE

1 TO COME BACK TO THE STATION, IS THAT RIGHT?

2 A HE WAS ASKED. I'M NOT SURE IF I AM THE ONE THAT

3 ASKED HIM TO COME BACK OR LIEUTENANT HERRING.

4 Q BUT HE WAS ASKED TO COME BACK TO THE STATION?

5 A YES.

6 Q WHAT TIME WAS THAT?

7 A IT WAS THAT AFTERNOON, IT WAS AFTER 12 O'CLOCK

8 I'M SURE.

9 Q AFTERNOON?

10 A YES.

11 Q HOW LONG WAS HE DOWN THERE FOR THIS SECOND

12 INTERVIEW?

13 A MORE OR LESS THE SAME AMOUNT OF TIME I ASSUME.

14 Q 35-40 MINUTES?

15 A PROBABLY SO.

16 Q NOW AGAIN HE WAS ASKED TO COME DOWN AND HE

17 VOLUNTARILY WENT DOWN TO THE STATION TO SPEAK TO YOU

18 AGAIN, IS THAT RIGHT?

19 A EACH TIME HE CAME DOWN VOLUNTARILY, YES.

20 Q OKAY. NOW DURING THIS SECOND INTERVIEW I THINK

21 MR. BRACKETT DESCRIBED THE STATEMENT AS BEING

22 DIFFERENT FROM THE FIRST ONE. DID HE SAY THAT OR DID

23 I JUST MISINTERPRET THAT?

24 A HE SAID IT WAS MORE DETAILED THAN THE FIRST ONE.

25 Q OKAY. IT'S MORE DETAILED. IT'S NOT NECESSARILY

1 DIFFERENT. IT JUST HAS MORE DETAIL IN IT, RIGHT?

2 A YES.

3 Q AND THIS WAS FOLLOW UP INTERVIEW TO THE FIRST  
4 ONE, RIGHT?

5 A THAT'S RIGHT.

6 Q SO Y'ALL WERE TRYING TO FIND MORE ANSWERS, MORE  
7 CLARIFICATIONS FROM HIS, FROM HIS FIRST INTERVIEW,  
8 RIGHT?

9 A YES.

10 Q OKAY. SO THERE WOULD HAVE BEEN MORE DETAILS IN  
11 IT, CORRECT?

12 A YES.

13 Q NOW IN THIS STATEMENT MR. COPE AGAIN TALKS ABOUT  
14 OR IN THIS INTERVIEW RATHER MR. COPE TALKS AGAIN  
15 ABOUT THE SLEEP APNEA AND THE CPAP OR SLEEP APNEA  
16 MACHINE, RIGHT?

17 A YES.

18 Q IN ADDITION TO THAT THOUGH HE ALSO SAYS THAT  
19 THERE WERE TWO FANS GOING ON, IS THAT RIGHT?

20 A YES, HE DID SAY SOMETHING ABOUT TWO FANS.

21 Q AND THAT CREATED EXTRA NOISE WHY HE MAY NOT HAVE  
22 HEARD SOMETHING THAT NIGHT?

23 A I IMAGINE IT WOULD.

24 Q OKAY. BUT MR. COPE DIDN'T SAY THAT?

25 A HE SAID HE SLEPT WITH THE TWO FANS ALONG WITH



1 THE MASK.

2 Q OKAY. SO THERE WERE TWO ADDITIONAL FANS GOING  
3 ON?

4 A YES.

5 Q NOW YOU STATED ON YOUR DIRECT EXAMINATION THAT  
6 MR. COPE SAID HE SHOULD HAVE HEARD SOMETHING THAT  
7 NIGHT, THAT'S NOT CORRECT, IS IT?

8 A DURING THE FIRST?

9 Q NO, SIR, DURING THE SECOND INTERVIEW. WHAT HE  
10 ACTUALLY SAID WAS THAT HE COULDN'T BELIEVE THAT HE  
11 DIDN'T HEAR ANYTHING?

12 A THAT'S WHAT HE SAID, HE COULDN'T BELIEVE HE  
13 COULDN'T HAVE HEARD HIS OWN DAUGHTER IF THERE HAD  
14 BEEN SOME KIND OF A STRUGGLE.

15 Q THAT'S RIGHT. HE WAS SURPRISED HE DIDN'T HEAR  
16 ANYTHING, RIGHT?

17 A THAT'S WHAT HE SAID, YES.

18 Q OKAY. NOW IN THIS SECOND STATEMENT OR IN THIS  
19 SECOND INTERVIEW MR. COPE SAID OR ASKED IF ANY DNA  
20 HAD BEEN FOUND, RIGHT?

21 A I THINK HE DID.

22 Q OKAY. NOW THIS WAS AFTER HE HAD ALREADY BEEN  
23 EXPLAINED THAT AMANDA HAD BEEN OR MAY HAVE BEEN  
24 SEXUALLY ASSAULTED, RIGHT?

25 A YES.

1 Q AND IT WAS AFTER HE HAD ALREADY BEEN TAKEN TO  
2 PIEDMONT FOR DNA SAMPLES, IS THAT RIGHT?

3 A THAT'S RIGHT.

4 Q OKAY. THANK YOU, MR. BURRIS. I HAVE NO FURTHER  
5 QUESTIONS FOR YOU AT THIS TIME.

6 MR. GREELEY: I DON'T HAVE ANY QUESTIONS.

7 THE COURT: REDIRECT.

8 MR. BRACKETT: NO, SIR, YOUR HONOR.

9 THE COURT: YOU CAN STEP DOWN AND BE  
10 EXCUSED. WE APPRECIATE YOUR TIME.

11 MR. BRACKETT: ASK THIS WITNESS BE  
12 EXCUSED.

13 THE COURT: THIS WITNESS CAN BE EXCUSED.  
14 LET'S TAKE OUR AFTERNOON BREAK. LET'S TAKE ABOUT A  
15 TEN MINUTE BREAK.

16 (THE JURY EXITS THE COURTROOM AT 3:51.)

17 (COURT'S IN RECESS.)

18 (COURT RESUMES.)

19 THE COURT: MR. BRACKETT, THE FIRST  
20 QUESTION IS HOW WE'RE COMING WITH THE TELECONFERENCE  
21 FOR IN THE MORNING.

22 MR. BRACKETT: I BELIEVE WE'LL BE ABLE TO  
23 ARRANGE THAT FOR NINE A.M. TOMORROW. THAT'S WHAT WE  
24 ARE PLANNING AND WORKING TOWARDS. COMPORIUM IS GOING  
25 TO HAVE TO SET UP THEIR END OF IT, BUT WE WORKED WITH

1 ALABAMA AND WE HAVE A PLACE IN ALABAMA THAT CAN DO  
2 IT. WE HAVE LINED UP A COURT REPORTER DOWN IN  
3 ALABAMA TO SWEAR IN THE WITNESS IN ALABAMA. SHE WILL  
4 HAVE A BIBLE AND THEY WILL BE SET TO GO THERE.

5 THE COURT: ALL RIGHT. WELL, IT'S 4  
6 O'CLOCK. WHAT DO WE HAVE FOR THIS AFTERNOON, NOT A  
7 FOUR HOUR TAPE I'M SURE.

8 MR. BRACKETT: WELL, I HAVE ONE SHORT  
9 WITNESS THAT'S PROBABLY GOING TO BE ABOUT TEN MINUTES  
10 AND THEN JERRY WALDROP. I CAN DO MY DIRECT OF HIM  
11 AND NOT PLAY THE TAPES. BUT THEN I WOULD PUBLISH THE  
12 TAPES AND I UNDERSTAND MR. MORTON WANTS TO PUBLISH  
13 THE TAPES BEFORE HE DOES HIS CROSS EXAMINATION.

14 THE COURT: YOU FINISH YOURS, WE WILL  
15 LISTEN TO A COUPLE OF HOURS, ALTHOUGH WE ARE NOT  
16 GOING TO STAY PAST SIX.

17 MR. BRACKETT: ONE ISSUE THAT HAS COME UP,  
18 MR. SMITH AND MYSELF DURING THE BREAK CONCERNING  
19 REDACTION OF THOSE TAPES. MR. SMITH OF OUR OFFICE IS  
20 WORKING ON GETTING THAT TAKEN CARE OF RIGHT NOW.  
21 HE'S DONE THE MAJORITY OF IT. THERE IS ONE ISSUE  
22 THAT WE DISAGREE WITH AND IS GOING TO REQUIRE SOME  
23 JUDICIAL INTERVENTION.

24 THE COURT: LET'S INTERVENE RIGHT NOW.  
25 WHAT'S THE PROBLEM?

1                   MR. SMITH:  YES, SIR.  THE COURT RULED  
2                   THAT ANY REFERENCE TO INTERNET PORNOGRAPHY SHOULD BE  
3                   DELETED.  DOES YOUR HONOR HAVE A COPY?

4                   THE COURT:  I DO.  WHAT PAGE?

5                   MR. SMITH:  STARTS ON PAGE 83.  THERE IS A  
6                   DIALOGUE ABOUT COMPUTER PORNOGRAPHY.  THE SOLICITOR'S  
7                   OFFICE HAS SOME MARKED OUT AND WE AGREE IT SHOULD BE  
8                   MARKED OUT.  AND THEN YOU GO TO PAGE 84 TOWARDS THE  
9                   TOP OF THAT, IT SAYS YOU KNOW HOW TO GO INTO YOUR  
10                  OPTIONS AND DELETE ANYTHING THAT HAS BEEN BROUGHT UP  
11                  ON THE INTERNET WHERE IT DON'T SHOW UP THERE ANYMORE,  
12                  RIGHT.  JUDGE, YOU KNOW, THE CONTEXT IS THAT IT'S  
13                  PORNOGRAPHY.  IF WE PULL OUT THE OTHER REFERENCES TO  
14                  PORNOGRAPHY AND LEAVE THIS STATEMENT IN THERE THAT'S  
15                  GOING TO BE THE INFERENCE THAT THE JURY GETS, THAT  
16                  THERE IS SOMETHING IN THERE THAT'S NOT SUPPOSED TO BE  
17                  THERE AND MR. COPE IS DELETING IT.  WE WOULD ASK THE  
18                  COURT TO STRIKE FROM THAT STATEMENT DO YOU KNOW HOW  
19                  TO GO IN YOUR OPTIONS AND DELETE ANYTHING.

20                  THE COURT:  LET ME ASK THE STATE, WHAT'S  
21                  THAT RELEVANT TO.

22                  MR. BRACKETT:  AT 3:40 IN THE MORNING OUR  
23                  COMPUTER EXPERT TELLS US THAT SOMEBODY DELETED FILES  
24                  OFF OF THAT COMPUTER.  MR. COPE CLAIMS HE WAS ASLEEP  
25                  AT THAT TIME.  MY COMPUTER EXPERT IS TELLING ME THAT

1 THAT COULD NOT HAVE --

2 THE COURT: I'LL ALLOW IT IN. IF IT TIES  
3 INTO SOME OTHER TESTIMONY I'LL LEAVE IT IN. ALL  
4 RIGHT. READY FOR THE JURY.

5 MR. BRACKETT: YES, SIR.

6 THE COURT: ALL RIGHT. BRING IN THE JURY.

7 MR. BRACKETT: MR. PHIL SMITH IS WORKING  
8 ON REDACTING SOME OF THOSE, HE MAY NOT BE DONE BY THE  
9 TIME I'M DONE WITH MY DIRECT OF MR. WALDROP. IT'S A  
10 TIME CONSUMING PROCESS TO LOCATE THE EXACT SPOT AND  
11 TAPE OVER IT SO THAT IT IS SILENT. HE'S WORKING ON  
12 IT.

13 THE COURT: YOU GAVE ME THIS SEVERAL HOURS  
14 AGO OR SOMEBODY DID.

15 MR. BRACKETT: WE HAVE AGREED TO SOME  
16 ADDITIONAL REDACTIONS JUST NOW. WE ONLY HAD ONE  
17 DISPUTED ONE THAT WE WANTED TO BRING TO YOUR  
18 ATTENTION BUT I CONSENTED TO SOME OTHER ONES AND HE'S  
19 TAKEN CARE OF THOSE.

20 THE COURT: ALL RIGHT.

21 (THE JURY RETURNS TO THE COURTROOM.)

22 THE COURT: CALL YOUR NEXT WITNESS.

23 MR. BRACKETT: THE STATE WOULD CALL  
24 OFFICER JOHN HEWITT.

25 JOHN HEWITT, BEING FIRST DULY

1 SWORN, TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION BY MR. BRACKETT:

3 Q GOOD AFTERNOON, SIR.

4 A GOOD AFTERNOON.

5 Q WOULD YOU PLEASE STATE YOUR FULL NAME AND SPELL

6 YOUR LAST FOR THE COURT REPORTER?

7 A JOHN STEPHENS HEWITT. H-E-W-I-T-T.

8 Q WHERE ARE YOU EMPLOYED, SIR?

9 A THE ROCK HILL POLICE DEPARTMENT.

10 Q WHAT DO YOU DO FOR THE ROCK HILL POLICE

11 DEPARTMENT?

12 A I'M CURRENTLY ASSIGNED TO THE PATROL.

13 Q WERE YOU ASSIGNED TO THE PATROL BACK IN NOVEMBER

14 OF 2001?

15 A YES, SIR.

16 Q OKAY. TURNING YOUR ATTENTION SPECIFICALLY TO

17 NOVEMBER 29 OF 2001 ABOUT THREE O'CLOCK IN THE

18 AFTERNOON OR 3:30, WERE YOU WORKING THAT DAY AT THAT

19 TIME?

20 A YES, SIR.

21 Q OKAY. AND DID YOU RECEIVE DIRECTIONS TO ASSIST

22 DSS IN A INTERVIEW THAT THEY NEEDED TO CONDUCT?

23 A YES, SIR.

24 Q CAN YOU RELATE TO THE JURY WHAT YOUR

25 INSTRUCTIONS WERE AS FAR AS ASSISTING DSS?

1       A     I WAS DISMATCHED TO GO TO 950 LUCAS STREET IN  
2       ROCK HILL TO MEET WITH DSS AGENTS TO SPEAK WITH  
3       MR. COPE FOR THEIR INVESTIGATION.  IT'S JUST PART OF  
4       DSS' POLICY THAT WHEN THEY GOT TO HOMES THEY USUALLY  
5       HAVE LAW ENFORCEMENT WITH THEM JUST AS A PRECAUTION  
6       DUE TO EMOTIONAL SITUATIONS, THINGS BECOME QUITE  
7       EMOTIONAL AT TIMES AND THEY LIKE TO HAVE US AROUND.

8       Q     AND WHAT WERE, WHAT WERE YOU CHARGED WITH ANY  
9       RESPONSIBILITIES AS FAR AS INTERVIEWING OR ANYTHING  
10      LIKE THAT?

11     A     NO, SIR.

12     Q     WHAT WERE YOU BASICALLY THERE TO DO?

13     A     I WAS JUST THERE AS AN ESCORT FOR DSS.

14     Q     DID YOU KNOW THE LADY FROM DSS, DID YOU KNOW HER  
15      PERSONALLY?

16     A     NO.  I CAN'T RECALL HER NAME, BUT NO, I DIDN'T  
17      KNOW HER PERSONALLY.

18     Q     OKAY.  WHAT TOOK PLACE, WHAT DID YOU OBSERVE  
19      WHEN YOU ARRIVED AT THE HOME?

20     A     I HAD ARRIVED.  DSS WAS ALREADY THERE.  THEY  
21      WERE WAITING IN THEIR CAR.  WE GOT OUT.  THEY HAD  
22      IDENTIFIED WHO THEY WERE, TALKED TO MR. COPE AND HIS  
23      WIFE, EXPLAINED TO THEM THEY WERE JUST DOING THEIR  
24      INVESTIGATION, EXPLAINED TO THEM I WAS THERE JUST AS  
25      PART OF THEIR POLICY, AND THEY PROCEEDED TO GO INTO A

1 INTERVIEW WITH THEM.

2 Q DO YOU REMEMBER APPROXIMATELY HOW LONG THIS  
3 LASTED, CAN YOU REMEMBER?

4 A I WOULD SAY IN THE NEIGHBORHOOD OF MAYBE AN  
5 HOUR.

6 Q OKAY.

7 A GIVE OR TAKE A FEW MINUTES.

8 Q DO YOU KNOW ABOUT WHAT TIME THIS STARTED?

9 A NO, SIR, NOT RIGHT OFF THE TOP OF MY HEAD I  
10 DON'T.

11 Q DID YOU ASK ANY QUESTIONS DURING THIS TIME  
12 PERIOD, DURING THIS HOUR?

13 A NO, SIR.

14 Q WERE YOU ABLE TO HEAR THE QUESTIONS BEING ASKED  
15 AND ANSWERS BEING GIVEN?

16 A YES, SIR.

17 Q AND CAN YOU DESCRIBE FOR THE JURY WHAT WAS  
18 MR. COPE'S DEemeanOR DURING THIS INTERVIEW?

19 A HE WAS VERY CALM, VERY CALM, ANSWERED THE  
20 QUESTIONS THAT DSS AGENTS HAD ASKED. VERY LITTLE  
21 EMOTION CONSIDERING THE CIRCUMSTANCES.

22 Q NOW WHAT ABOUT MRS. COPE?

23 A SHE WAS PHYSICALLY UPSET. SHE WAS SHAKING,  
24 SOBBING, CRYING. YOU COULD TELL SHE WAS BOTH  
25 PHYSICALLY AND EMOTIONALLY JUST DISTRAUGHT.



1 Q NOW TURNING YOUR ATTENTION TO THE ACTUAL  
2 INTERVIEW BETWEEN THE DSS WORKER AND MR. COPE, DID  
3 YOU HEAR EITHER MR. COPE OR THE DSS WORKER DISCUSS  
4 THE EVENTS OF THE NIGHT BEFORE?

5 A YES, SIR.

6 Q OKAY. AND WAS THERE ANY DISCUSSION ABOUT THE  
7 BED TIMES FOR THE CHILDREN?

8 A YES, SIR.

9 Q WOULD YOU RELATE TO THE JURY WHAT THAT, THE  
10 SUBSTANCE OF THAT PART OF THE CONVERSATION?

11 A THE DSS AGENT HAD ASKED MR. COPE WHAT TIME THE  
12 KIDS USUALLY GO TO BED AND HE HAD SAID THE YOUNGEST  
13 AT 8:30, THE MIDDLE AT 9:30, AND OLDEST AT 10:30 SHE  
14 THEN SAID IS THAT WHAT TIME THEY WENT TO BED. AND HE  
15 SAID YES 8:30, 9:30, AND 10:30 WERE THE TIMES THEY  
16 HAD ALL GONE TO BED.

17 Q AND WHICH NIGHT WERE THEY REFERENCING?

18 A THE PREVIOUS NIGHT ON THE 28, ON NOVEMBER 28.

19 Q OKAY. DID MR. COPE DISCUSS WITH THE DSS WORKER  
20 WHAT TIME HE WENT TO BED?

21 A HE SAID IT WAS AFTER THE OLDEST AMANDA HAD GONE  
22 TO BED. HE SAID IT WAS AROUND 11 OR 11:30.

23 Q THAT HE WENT TO BED OR AMANDA WENT TO BED?

24 A IT WAS 11 OR 11:30 WHICH WAS AFTER THE TIME THAT  
25 AMANDA HAD GONE TO BED. AMANDA HAD GONE TO BED AT

1 10:30.

2 Q I SEE. DID HE MENTION AT ALL WHAT HAD HAPPENED  
3 THE NEXT MORNING? DID HE DESCRIBE TO THEM WHAT  
4 HAPPENED THE NEXT MORNING?

5 A HE HAD SAID THAT HE HAD WOKEN UP SIX O'CLOCK,  
6 RIGHT AROUND IN THERE, CALLED FOR AMANDA TWICE. SHE  
7 NEVER ANSWERED. WHEN HE CALLED HER A THIRD TIME SHE  
8 DIDN'T ANSWER, HE GOT OUT OF THE BED, WENT TO HER  
9 ROOM; SAID THAT AMANDA WAS LAYING ON HER STOMACH, HE  
10 TOUCHED HER, SAID SHE WAS COLD; HE ROLLED HER OVER,  
11 SAID THAT AMANDA'S HANDS WERE UP AROUND HER NECK, HER  
12 SHIRT WAS PULLED UP, HER RIGHT BREAST WAS EXPOSED,  
13 AND THE OTHER TWO DAUGHTERS CAME INTO THE ROOM AND  
14 SAID AMANDA'S DEAD.

15 Q ALL RIGHT. WHEN THE CONCLUSION OF THIS  
16 INTERVIEW WHERE DID YOU GO?

17 A I WENT IMMEDIATELY BACK TO THE POLICE  
18 DEPARTMENT. I SPOKE WITH ONE OF THE DETECTIVES THAT  
19 WAS WORKING ON THE CASE, GAVE THEM A BRIEF RUN DOWN  
20 ON WHAT HAD TAKEN PLACE, THAT I HAD JUST LEFT WITH  
21 DSS, TOLD THEM THE EVENTS OF WHAT HAD TAKEN PLACE.  
22 THEY SAID JUST TYPE UP A QUICK STATEMENT FOR US AND  
23 WE'LL, YOU'RE INVOLVED IN EVERYTHING NOW SO, AND  
24 THAT'S WHAT I HAD DONE.

25 Q AND WHEN DID YOU TYPE UP THIS SUMMARY OF EVENTS?

1 A IMMEDIATELY AFTER I HAD SPOKEN WITH THE  
2 DETECTIVES THAT, AS SOON AS I HAD LEFT THE CALL DOWN  
3 LUCAS STREET.

4 Q THANK YOU VERY MUCH, OFFICER. PLEASE ANSWER ANY  
5 QUESTIONS MR. WOOD MAY HAVE FOR YOU.

6 A YES, SIR.

7 CROSS EXAMINATION BY MR. WOOD:

8 Q GOOD AFTERNOON, OFFICER HEWITT. HOW YOU DOING?  
9 A DOING FINE, SIR.

10 Q GOOD. GOOD. YOU DIDN'T RECORD THIS INTERVIEW,  
11 DID YOU?  
12 A NO, SIR.

13 Q AND YOU DIDN'T TAKE ANY NOTES DURING THE  
14 INTERVIEW?  
15 A NO, SIR.

16 Q AND MR. COPE, HE DIDN'T HAVE TO BE THERE, DID  
17 HE?  
18 A NO, SIR.

19 Q HE VOLUNTARILY ANSWERED QUESTIONS?  
20 A YES, SIR.

21 Q I MEAN, YOU DIDN'T HAVE TO FORCE HIM, DID YOU?  
22 A I DIDN'T ASK HIM ANYTHING. IT WAS DSS  
23 INTERVIEW. I JUST WAS THERE AS A CUSTOMARY THING FOR  
24 DSS. I JUST OVERHEARD THE ENTIRE CONVERSATION.

25 Q AND HE WAS COOPERATIVE?

1 A YES, SIR.

2 Q NOW THIS STATEMENT YOU WROTE, YOU SAY YOU WROTE  
3 IT RIGHT AFTER THIS INTERVIEW, CORRECT?

4 A YES, SIR.

5 Q AND YOU DID THAT SO IT WOULD BE ACCURATE,  
6 CORRECT?

7 A YES, SIR.

8 Q AND YOU DIDN'T MENTION IN HERE THAT MR. COPE  
9 WENT TO BED AT 11 OR 11:30, DID YOU?

10 A I BELIEVE IT'S IN THERE THAT HE WENT TO BED  
11 AFTER AMANDA HAD GONE TO BED AT 11 OR 11:30. I  
12 BELIEVE IT'S ON THERE.

13 Q NOW THIS ISN'T A TRANSCRIPT OF EVERYTHING THAT  
14 HAPPENED?

15 A NO, SIR.

16 Q AND IT WAS AN HOUR LONG INTERVIEW?

17 A I WOULD SAY ROUGHLY GIVE OR TAKE. I MEAN.

18 Q SO THERE IS A LOT OF TALKING WENT ON IN AN HOUR?

19 A YES, SIR.

20 Q A LOT MORE THAN A HALF A SHEET OF PAPER?

21 A YES, SIR.

22 Q NOW YOU MENTIONED THAT DSS WORKERS ASKED WHAT  
23 TIME THE CHILDREN USUALLY WENT TO BED, CORRECT?

24 A YES, SIR.

25 Q AND HE SAID 8:30, 9:30 AND 10:30?

1 A YES, SIR.

2 Q ANY CHANCE YOU GOT CONFUSED AND THAT THE TIMES  
3 THAT THE GIRLS WENT TO BED THE NIGHT BEFORE ON THE 28  
4 WERE DIFFERENT?

5 A NO, SIR, BECAUSE THE DSS WORKER HAD GONE BACK  
6 AND SAID IS THAT WHAT TIME THEY WENT TO BED. HE SAID  
7 YES, THAT'S WHAT TIME THEY HAD GONE TO BED.

8 Q DID HE TELL YOU ABOUT WHAT OR DO YOU REMEMBER  
9 WHAT AMANDA DID AFTER MRS. COPE WENT TO WORK?

10 A SHE HAD SAID OR HE HAD SAID THAT AMANDA HAD GONE  
11 TO HELP ONE OF HER SISTERS WITH HOMEWORK AND WENT TO  
12 PLAY THE VIOLIN IN HER ROOM.

13 Q SO SHE HAD BEEN PRACTICING HER VIOLIN THAT  
14 NIGHT?

15 A YES, SIR, ACCORDING MR. COPE.

16 MR. WOOD: NOTHING FURTHER, YOUR HONOR.

17 MR. GREELEY: NO QUESTIONS.

18 MR. BRACKETT: JUST ONE.

19 REDIRECT EXAMINATION BY MR. BRACKETT:

20 Q MR. WOOD ASKED YOU ABOUT THE, YOUR CERTAINTY OF  
21 WHETHER OR NOT THE FATHER SAID 11 OR 11:30 AND  
22 WHETHER THAT WAS EVEN IN YOUR REPORT. I'M SHOWING  
23 YOU A COPY OF YOUR REPORT. WOULD YOU REVIEW THAT,  
24 SIR?

25 A YES, SIR. IT SAYS MR. COPE SAID HE WENT TO BED

1 AFTER THAT AROUND 11 OR 11:30.

2 Q OKAY.

3 A THAT'S THE SENTENCE WHICH IS DIRECTLY AFTER  
4 STATING WHAT TIME THE KIDS WENT TO BED 8:30, 9:30,  
5 10:30.

6 Q SO IT IS IN FACT IN YOUR REPORT?

7 A YES, SIR, IT IS.

8 Q THANK YOU VERY MUCH, SIR.

9 THE COURT: YOU CAN STEP DOWN. THANK YOU.  
10 YOU CAN BE EXCUSED. WE APPRECIATE YOUR TIME. THANK  
11 YOU VERY MUCH. CALL YOUR NEXT WITNESS.

12 MR. BRACKETT: LIEUTENANT JERRY WALDROP.  
13 JERRY WALDROP, BEING FIRST DULY  
14 SWORN, TESTIFIED AS FOLLOWS:

15 DIRECT EXAMINATION BY MR. BRACKETT:

16 Q GOOD AFTERNOON, SIR. HOW ARE YOU?

17 A JUST FINE.

18 Q AND WOULD YOU PLEASE STATE YOUR FULL NAME AND  
19 TELL THE COURT REPORTER HOW TO SPELL YOUR LAST.

20 A JERRY W. WALDROP. W-A-L-D-R-O-P.

21 Q ALL RIGHT, SIR. WHERE ARE YOU EMPLOYED?

22 A CITY OF ROCK HILL POLICE DEPARTMENT.

23 Q WHAT DO YOU DO AT THE CITY OF ROCK HILL POLICE  
24 DEPARTMENT.

25 A I'M LIEUTENANT IN THE DETECTIVE DIVISION.

1 Q HOW LONG HAVE YOU BEEN A POLICE OFFICER?

2 A 30 YEARS TODAY.

3 Q TODAY?

4 A TODAY.

5 Q ALL RIGHT. IS THERE A PARTICULAR SECTION OF THE

6 DETECTIVE DIVISION THAT YOU ARE RESPONSIBLE FOR?

7 A I'M LIEUTENANT IN CHARGE OF PROPERTY CRIME

8 SECTION.

9 Q OKAY. APPROXIMATELY HOW MANY BURGLARIES HAVE

10 YOU INVESTIGATED IN YOUR 30 YEARS?

11 A THAT WOULD BE HARD TO SAY. I MEAN HUNDREDS.

12 Q AND HOW MANY MURDERS?

13 A I CAN'T ANSWER THAT WITH A NUMBER BUT IT'S BEEN

14 NUMEROUS. I MEAN, IF IT'S HAPPENED IN ROCK HILL I'VE

15 BEEN INVOLVED IN IT IN SOME WAY, SHAPE, FASHION, OR

16 FORM OVER THE LAST 15 OR 20 YEARS.

17 Q WERE YOU INVOLVED IN THE INVESTIGATION OF THE

18 DEATH OF AMANDA COPE?

19 A I WAS.

20 Q DID YOU HAVE OCCASION TO GO TO 407 RICH STREET?

21 A I DID.

22 Q THE MORNING OF NOVEMBER 29, 2001?

23 A THAT'S CORRECT.

24 Q OKAY. ABOUT WHAT TIME DID YOU GET THERE?

25 A PROBABLY 7:50 A.M.

1 Q ABOUT TWO HOURS AFTER THE CRIME WAS REPORTED?

2 A THAT'S CORRECT.

3 Q WHAT DID YOU SEE WHEN YOU GOT THERE? WHAT WAS  
4 THE CONDITION OF THE HOUSE AND THE CRIME SCENE?

5 A OKAY. WHEN I ARRIVED THE CRIME SCENE, THE HOUSE  
6 HAD BEEN ROPED OFF WITH THE CRIME SCENE TAPE. I  
7 ENTERED THE CRIME SCENE, WAS LISTED ON THE CRIME  
8 SCENE LOG BY THE OFFICER THAT WAS MAINTAINING THE  
9 LOG. I DID NOT ENTER THE RESIDENCE IMMEDIATELY. I  
10 DID GO IN LATER FOR A VERY SHORT PERIOD. BUT WHEN I  
11 ARRIVED ON THE SCENE AFTER TALKING WITH LIEUTENANT  
12 HERRING AND SOME OF THE OFFICERS ON THE SCENE, I  
13 PROCEEDED TO CHECK THE EXTERIOR OF THE HOUSE FOR ANY  
14 SIGNS OF FORCED ENTRY OR DAMAGE TO THE RESIDENCE.

15 Q DESCRIBE THAT PROCESS FOR THE JURY, TELL THEM  
16 EXACTLY WHAT YOU DID THAT MORNING?

17 A I APPROACHED THE HOUSE FROM THE FRONT AND WENT  
18 TO THE RIGHT, STARTED ON THE RIGHT SIDE OF THE  
19 RESIDENCE AND WENT ALL THE WAY AROUND. I CHECKED  
20 EVERY WINDOW OF THE HOUSE, EVERY DOOR OF THE HOUSE.  
21 EVERY WINDOW ON THE EXTERIOR OF THE HOUSE WAS  
22 SECURED. AND I'M NOT SAYING LOCKED OR NAILED DOWN,  
23 BUT IT WAS SECURED IN SOME FASHION OR FORM. IT  
24 EITHER HAD SCREENS, PLASTIC, OR WAS NAILED DOWN OR  
25 SHUT. THERE WAS NO SIGNS OF FORCED ENTRY TO ANY OF



1 THE WINDOWS. I CHECKED THE BACK DOOR. ALL OF THE  
2 WINDOWS, THEY WERE DIRTY, SOOTY, SPIDER WEBS.  
3 ANYBODY CLIMBING IN ANY OF THESE WINDOW WOULD HAVE  
4 BEEN EXTREMELY OBVIOUS AND THERE WAS NO SIGNS OF  
5 ANYBODY ENTERING ANY OF THE WINDOWS OF THIS RESIDENCE  
6 AT ALL.

7 Q OKAY. NOW YOU SAID YOU'VE LOOKED AT A LOT OF  
8 BURGLARIES?

9 A THAT'S CORRECT.

10 Q YOU LOOKED AT A LOT OF WINDOWS?

11 A YES, SIR.

12 Q DO YOU KNOW WHAT YOU ARE LOOKING FOR WHEN YOU  
13 ARE LOOKING FOR SIGNS OF A BREAK-IN?

14 A I DO.

15 Q AND DRAWING ON YOUR 30 YEARS OF EXPERIENCE DID  
16 YOU SEE ANYTHING THAT LEAD YOU TO BELIEVE THAT  
17 ANYBODY HAD GONE THROUGH ANY OF THOSE WINDOWS WITHIN  
18 THE PAST 48 HOURS?

19 A NO. THERE WAS NO WINDOW IN THAT HOUSE THAT HAD  
20 ANYTHING DISPLACED, MOVED, SIGNS OF SMUDGING, WIPAGE  
21 LIKE WHEN YOU CRAWL THROUGH A WINDOW IT WILL WIPE THE  
22 DUST, SPIDER WEBS, THERE WAS NOTHING TO INDICATE THAT  
23 ANYBODY WENT THROUGH ANY OF THOSE WINDOWS.

24 Q AND THE CONDITIONS OF EACH WINDOW WAS SUCH THAT  
25 IT WOULD HAVE REVEALED THAT?

1 A OH, YEAH, VERY MUCH SO.

2 Q HOW ABOUT THE DOORS, WHAT DID YOU DO AS FAR AS  
3 THE DOORS WERE CONCERNED?

4 A I CHECKED THE BACK DOOR. ALL I DID TO THE BACK  
5 DOOR WAS CHECK AND IT WAS SHUT. THE FRONT DOOR, I  
6 DID NOT CHECK. DURING A CONVERSATION LATER, YOU  
7 KNOW, I LEARNED THAT IT WAS SUPPOSEDLY LOCKED, BUT I  
8 DID NOT CHECK THE FRONT DOOR.

9 Q ALL RIGHT, SIR. ANYTHING WHEN YOU EXAMINED THE  
10 BACK DOOR, WHAT DID YOU EXAMINE IT FOR?

11 A I LOOKED TO SEE IF THERE WAS ANYTHING THAT  
12 INDICATED THAT THE BACK DOOR HAD BEEN FORCED OPEN OR  
13 PRIED OPEN OR KICKED OPEN, YOU KNOW STUFF THAT YOU  
14 WOULD NORMALLY LOOK FOR TO SEE IF ANYBODY HAD BROKEN  
15 INTO THAT HOUSE.

16 Q AND DESCRIBE SOME OF THOSE THINGS, YOU SAID A  
17 FEW OF THOSE, WHAT SPECIFICALLY WOULD YOU BE LOOKING  
18 FOR? WHAT WOULD HAVE BEEN PRESENT HAD ANY OF THOSE  
19 THINGS ---

20 A IF THE DOOR HAD BEEN PRIED OPEN, IT WOULD HAVE  
21 HAD FRESH PRY MARKS INDICATING THAT SOMETHING HAD  
22 BEEN WEDGED INTO THE DOOR TO PRY IT OPEN. IF IT HAD  
23 BEEN KICKED OPEN, THE DOOR JAMB AND ALL WOULD HAVE  
24 BEEN SPLINTERED OR SHATTERED INDICATING THAT IT HAD  
25 BEEN FORCED OPEN OR IF IT HAD BEEN JIMMIED IN SOMEWAY

1 ALONG THE EDGE OF THE DOOR, IT WOULD HAVE SHOWN  
2 SCRAPINGS OR MARKINGS THAT THE DOOR HAD BEEN JIMMIED  
3 IN SOME WAY.

4 Q NOW YOU'VE SEEN THIS HOUSE?

5 A YES, SIR.

6 Q WHAT WAS THE GENERAL CONDITION OF THE HOUSE AS  
7 FAR AS ITS UPKEEP?

8 A THE INTERIOR?

9 Q THE INTERIOR AND PARTICULARLY ALONG THE DOOR  
10 JAMBS AND THE LOCKS?

11 A THE HOUSE WAS IN, IN MY OPINION, JUST IN TOTAL  
12 DISARRAY INTERIOR. THE DOOR JAMBS, IT WAS OBVIOUS  
13 THAT IT WAS A WORN USED HOUSE, REPAIRS HAD BEEN MADE  
14 TO THE DOORS. THEY HAD BEEN, YOU KNOW, REPAIRED,  
15 NAILED UP, FIXED OR REPAIRED, BUT NOTHING TO INDICATE  
16 TO ME THAT THEY HAD BEEN BROKEN INTO RECENTLY.

17 Q WHAT WERE THE DIFFERENATED IN YOUR MIND A RECENT  
18 BREAK-IN FROM AN OLDER BREAK-IN OR PRY MARK?

19 A EVERYTHING THAT HAD BEEN DONE TO THE DOOR  
20 APPEARED TO ME TO HAVE BEEN REPAIRED. NOTHING  
21 INDICATED ANY FRESH MARKINGS SUCH AS SPLINTERING OF  
22 THE WOOD OR PRYING OR JIMMYING OF THE DOOR.

23 Q SO YOU CAN ACTUALLY SEE THE AGE OF A BREAK IN  
24 THE WOOD OR A CRACK?

25 A I WOULD SAY YES BECAUSE ANYTHING THAT'S FRESH AS

1 WOOD HAS BEEN PRIED OPEN OR LEFT ON FOR AWHILE IT'S  
2 BEEN DONE SOME PRYING OR MARKINGS PUT ON IT, THE WOOD  
3 BEGINS TO AGE AND TURN A DIFFERENT COLOR. ANYTHING  
4 THAT'S FRESH WOULD STILL HAVE THAT FRESH APPEARANCE  
5 AND LOOK OF JUST BEING PRIED OPEN OR MARKED ON.

6 Q AND YOU EXAMINED FOR THIS?

7 A I DID.

8 Q OKAY. AND DID YOU SEE ANY EVIDENCE OF IT?

9 A NO, SIR.

10 Q OKAY. NOW TURNING YOUR ATTENTION PARTICULARLY  
11 TO THE INTERIOR OF THE HOME. DID YOU INSPECT THE  
12 INTERIOR OF THE HOME?

13 A I DIDN'T DO A THOROUGH INSPECTION. I DID ENTER  
14 THE CRIME SCENE FOR JUST A SHORT PERIOD AND LEFT BACK  
15 OUT, BUT THE HOUSE WAS IN EXTREME DISARRAY. DIRTY,  
16 FILTHY, BUCKETS OF, NO OTHER WAY OF PUTTING IT BUT  
17 FILTH JUST SITTING AROUND THE HOUSE, IT WAS JUST A  
18 TOTAL FILTHY RESIDENCE.

19 Q NOW WHAT IS STANDARD CRIME SCENE PROTOCOL, WHO  
20 NEEDS TO BE IN THAT HOUSE AT THIS POINT? 7:50 IN THE  
21 MORNING, HER BODY IS FOUND TWO HOURS EARLIER, IT'S  
22 TAPED AND SECURED, TYPICALLY --

23 MR. MORTON: YOUR HONOR, I OBJECT TO THE  
24 LEADING.

25 THE COURT: REPHRASE YOUR QUESTION.

1 Q WHAT IS POLICE PROTOCOL FOR CONTAINING A SCENE  
2 SUCH AS THIS?

3 A THE SCENE SHOULD BE CONTAINED BY AN EXTERIOR  
4 OFFICER WHO IS THE CONTROLLING OFFICER OF THE CRIME  
5 SCENE. HE HAS THE CRIME SCENE LOG. HE CONTROLS AND  
6 WRITE DOWN AND LOGS WHOEVER GOES IN AND OUT AND THE  
7 ONLY PEOPLE THAT SHOULD BE IN THE CRIME SCENE AT THIS  
8 POINT SHOULD BE PEOPLE THAT NEED TO BE IN THERE. THE  
9 CRIME SCENE OR FORENSICS SERVICES UNIT, ANY  
10 DETECTIVES THAT IS WORKING ON THE CASE OR SUPERVISORS  
11 THAT ARE HAVE A REASON TO GO IN.

12 Q OKAY. AND WHY DID YOU ONLY STAY FOR A SHORT  
13 PERIOD OF TIME?

14 A I HAD NO REASON TO STAY IN. I WENT IN AS ONE OF  
15 THE SUPERVISORS ON THE SCENE JUST TO OBSERVE THE  
16 SCENE AND I HAD NO OTHER REASON TO STAY IN THERE SO I  
17 WENT BACK OUTSIDE AND STAYED.

18 Q WAS AMANDA STILL IN THE HOME?

19 A YES, SHE WAS.

20 Q WHERE DID YOU GO AFTER THAT?

21 A I STAYED OUTSIDE. I JUST HUNG AROUND OUTSIDE  
22 UNTIL LATER IN THE MORNING AND THEN I WENT BACK TO  
23 THE POLICE STATION.

24 Q THROUGHOUT THE DAY AS SUPERVISOR WHAT WERE YOUR  
25 RESPONSIBILITIES IN SO FAR AS THE INVESTIGATION?

1       A     I DIDN'T HAVE A LOT OF RESPONSIBILITIES AFTER I  
2       LEFT THE CRIME SCENE UNTIL LATER IN THE DAY WE HAD A  
3       MEETING AT THE LAW CENTER AND WE, DURING THAT MEETING  
4       WE MADE ASSIGNMENTS AS TO WHO WAS GOING TO CARRY OUT  
5       CERTAIN FUNCTIONS AND WE MET WITH THE PATHOLOGIST AND  
6       AFTER THAT LIEUTENANT HERRING AND MYSELF WERE  
7       ASSIGNED OR WERE TO INTERVIEW MR. COPE AGAIN.

8       Q     AND WHAT WAS LIEUTENANT HERRING'S POSITION AT  
9       THAT TIME?

10      A     HE WAS THE LIEUTENANT OVER PERSONS CRIMES. HE  
11      WOULD HAVE BEEN THE SUPERVISOR IN CHARGE OF THE  
12      INVESTIGATION.

13      Q     ALL RIGHT, SIR. NOW AT SOME POINT YOU SAID THAT  
14      YOU AND LIEUTENANT HERRING WERE TO INTERVIEW HIM?

15      A     THAT'S CORRECT.

16      Q     OKAY. DID YOU IN FACT DO THAT?

17      A     WE DID.

18      Q     AT WHAT TIME WAS THIS?

19      A     WE PICKED HIM UP PROBABLY AT HIS MOTHER'S  
20      RESIDENCE SOMEWHERE IN THE NEIGHBORHOOD OF 10:50 P.M.

21      Q     WAS THERE A REASON FOR THE LATE TIME?

22      A     WELL, THAT'S JUST, THAT'S WHEN WE GOT TO GOING  
23      TO PICK HIM UP. AFTER MEETING WITH THE PATHOLOGIST  
24      AND MEETING WITH THE OTHER INVESTIGATORS AT THE LAW  
25      CENTER AND ALL, THAT'S JUST WHEN WE WENT TO PICK HIM

1 UP.

2 Q HOW IMPORTANT IS SPEED IN A MURDER  
3 INVESTIGATION?

4 A SPEED IS IMPORTANT BUT TAKING YOUR TIME AND  
5 BEING THOROUGH AND DOING IT RIGHT IS MORE IMPORTANT.

6 Q WHERE WAS HE LOCATED WHEN YOU, WHERE DID YOU  
7 LOCATE HIM; HOW DID YOU KNOW HE WAS WHERE HE WAS?

8 A THROUGH LIEUTENANT HERRING AND THE PRIOR  
9 INTERVIEWS WITH HIM I THINK HE TOLD THEM THAT HE WAS  
10 GOING TO BE AT HIS MOTHER'S RESIDENCE ON LUCAS  
11 STREET. I WASN'T PRESENT. I WASN'T SURE. BUT  
12 THAT'S WHERE WE WERE TOLD HE WOULD BE.

13 Q WHERE IS LUCAS STREET?

14 A ON LUCAS STREET IN THE CITY OF ROCK HILL.

15 Q IS THAT OVER NEAR THE Y?

16 A CORRECT. OFF OF CHARLOTTE AVENUE JUST NORTH OF  
17 GLENCAIRN GARDENS BEHIND THE Y, THAT'S CORRECT.

18 Q AND WHO WENT TO GET HIM?

19 A LIEUTENANT HERRING AND MYSELF.

20 Q ALL RIGHT. AND WHAT -- DESCRIBE WHAT HAPPENED  
21 WHEN YOU ARRIVED AT THE RESIDENCE?

22 A WE ARRIVED AT THE RESIDENCE. LIEUTENANT HERRING  
23 AND MYSELF ARRIVED IN THE SAME VEHICLE. WE ARRIVED  
24 AT THE FRONT OF THE RESIDENCE. WE GOT OUT. IF I  
25 REMEMBER CORRECT MR. COPE WAS SITTING ON THE FRONT

1 PORCH WITH SOME OTHER PEOPLE. WE WALKED UP ON THE  
2 PORCH AND I ASKED HIM IF HE WOULD MIND ACCOMPANYING  
3 US TO THE STATION THAT WE'D LIKE TO TALK TO HIM. WE  
4 ADVISED HIM THAT OR WE ASKED HIM IF HE HAD  
5 TRANSPORTATION, IF HE WANTED TO DRIVE HIMSELF OR HE  
6 WANTED TO RIDE WITH US, AND I'M PRETTY SURE IT WAS  
7 HIS MOTHER SAID SOMETHING LIKE, GO AHEAD AND RIDE  
8 WITH THEM, OR RIDE WITH THEM, AND HE WENT INSIDE, GOT  
9 SOME CLOTHES OR WHATEVER, AND CAME BACK OUT AND GOT  
10 IN OUR CAR.

11 Q GOT SOME CLOTHES. WAS HE DRESSED?

12 A I THINK HE PUT ON A SHIRT. HE HAD ON SOME PANTS  
13 BUT I THINK HE HAD PUT ON A SHIRT OR CHANGED SHIRTS  
14 OR SOMETHING. HE WENT INSIDE THE RESIDENCE AND HE  
15 CAME BACK OUT AND WENT WITH US.

16 Q WHAT WAS HIS CONDITION AT THIS TIME?

17 A UH.

18 Q HIS Demeanor, HIS APPEARANCE?

19 A HE WAS DIRTY. HE WAS NOT VERY TALKATIVE. HE  
20 WAS, I MEAN, JUST NO EMOTION JUST--HE WENT WITH US  
21 FREELY AND VOLUNTARILY.

22 Q WAS HE UNDER ARREST?

23 A NO, SIR.

24 Q DO YOU TYPICALLY READ MIRANDA WARNINGS TO A  
25 PERSON WHO IS NOT UNDER ARREST?



1 A NO, SIR.

2 Q WHERE DID YOU GO FROM THAT HOUSE?

3 A WE LEFT HIS MOTHER'S HOUSE AND WENT TO THE  
4 POLICE STATION.

5 Q AND WHERE IN THE POLICE STATION DID YOU TAKE  
6 MR. COPE?

7 A TO THE DETECTIVE DIVISION.

8 Q WAS MR. COPE FREE TO LEAVE AT THIS TIME? IF HE  
9 DIDN'T WANT TO STAY THERE WHAT WOULD YOU HAVE DONE?

10 A THERE IS NOTHING WE COULD HAVE DONE.

11 Q OKAY. NOW WHERE IN THE POLICE DEPARTMENT DID  
12 YOU SAY YOU WENT?

13 A WE WENT TO THE DETECTIVE DIVISION.

14 Q OKAY. IS THERE A PARTICULAR PLACE IN THE  
15 DETECTIVE DIVISION YOU WENT?

16 A THAT IS CORRECT. LIEUTENANT HERRING'S OFFICE.

17 Q CAN YOU DESCRIBE THAT OFFICE TO THE JURY?

18 A IT'S PROBABLY, I HAVEN'T MEASURED IT. I'D SAY  
19 IT'S 12 BY 12 OR 10 BY 12 ROOM. JUST A SQUARE OFFICE  
20 WITH TWO DOORS.

21 Q AND WHAT WAS HIS ATTITUDE TOWARDS YOU? WAS HE  
22 COOPERATIVE, COMPLIANT, WHAT WAS HIS?

23 A HE WAS COOPERATIVE, WILLING TO TALK, DID SO  
24 FREELY AND VOLUNTARILY. WE STARTED THE INTERVIEW.  
25 TALKED TO HIM FOR PROBABLY THREE AND HALF HOURS.

1 Q ALL RIGHT. IS IT YOUR TYPICAL PROCEDURE TO TAPE  
2 AN INTERVIEW?

3 A IT'S NOT UNHEARD OF, BUT IT'S, YOU KNOW, WE DO  
4 IT BUT WE DON'T TYPICALLY DO IT, NO.

5 Q IN THIS PARTICULAR INSTANCE DID YOU DO IT?

6 A WE DID.

7 Q AND WAS THERE A PARTICULAR REASON WHY YOU DID  
8 THIS TIME?

9 A NOTHING IN PARTICULAR. WE JUST WERE  
10 ANTICIPATING THAT IT WAS GOING TO BE A LENGTHY  
11 INTERVIEW AND IN MY OPINION AND LIEUTENANT HERRING IT  
12 WOULD BE EASIER TO TAPE IT THAN IT WOULD BE TO TRY TO  
13 WRITE AND TAKE NOTES AND WRITE DOWN WHAT WAS BEING  
14 SAID.

15 MR. BRACKETT: YOUR HONOR, I ASK THIS  
16 ENVELOPE BE MARKED AS STATE'S EXHIBIT 39.

17 THE COURT: ANY OBJECTION?

18 MR. MORTON: NO, SIR, YOUR HONOR.

19 MR. GREELEY: NONE FROM MR. SANDERS.

20 (STATE'S EXHIBIT 39 AUDIO TAPES  
21 RECEIVED INTO EVIDENCE.)

22 Q I SHOW YOU WHAT'S BEEN MARKED STATE'S EXHIBIT 39  
23 AND ASK IF YOU CAN IDENTIFY THE CONTENTS OF THAT  
24 ENVELOPE?

25 A THAT'S CORRECT.

1 Q WHAT ARE THOSE ITEMS?

2 A THAT'S THREE AUDIO TAPES THAT WERE TAPED THE  
3 NIGHT OF THIS INTERVIEW.

4 Q OKAY. ARE THOSE THE ORIGINAL TAPES?

5 A THAT'S CORRECT.

6 Q ALL RIGHT, SIR. DO THOSE TAPES REFLECT THE  
7 ENTIRETY OF THE CONVERSATION THAT YOU HAD WITH  
8 MR. COPE THAT NIGHT?

9 A WITH THE EXCEPTION OF MAYBE A FEW WORDS THAT  
10 WERE SPOKEN WHEN THE TAPE ENDED OR BEING RESTARTED,  
11 YES, IT DOES.

12 Q IN OTHER WORDS, WAS THERE ANY INTERVIEW OF THE  
13 DEFENDANT PRIOR TO THE START OF THE FIRST TAPE?

14 A NO, SIR.

15 Q AND AT THE CONCLUSION OF THE FINAL TAPE HOW MUCH  
16 DISCUSSION WAS THERE AFTER THAT?

17 A WHEN THAT TAPE ENDED, YOU KNOW, WE TOLD MR. COPE  
18 THAT THAT WAS THE END OF THE INTERVIEW. WE DIDN'T  
19 HAVE ANOTHER TAPE AND WE WERE BASICALLY THROUGH WITH  
20 THE INTERVIEW.

21 Q OKAY.

22 MR. BRACKETT: YOUR HONOR, I WOULD LIKE TO  
23 CONTINUE MY DIRECT AT THE CONCLUSION OF THE  
24 PUBLICATION OF THE TAPES. THERE WILL BE SOME, WE'LL  
25 NEED TO MAKE SOME ARRANGEMENTS TO GET THESE

1 PUBLISHED. I THINK YOU ARE AWARE WE NEED A WORKING  
2 JAM BOX WOULD BE A GOOD THING.

3 THE COURT: MEMBERS OF THE JURY PANEL, THE  
4 NEXT PART OF THIS PRESENTATION WILL BE THE PLAYING OF  
5 THOSE TAPES AND IT WILL TAKE US A MINUTE TO GET THAT  
6 SET UP, NOT REAL LONG, AND IT IS LENGTHY. WE'RE NOT  
7 GOING TO LISTEN TO ALL OF IT TONIGHT, I CAN TELL YOU  
8 THAT, IT WOULD RUN US TOO LATE, BUT I WOULD LIKE TO  
9 GET INTO IT.

10 NOW I WILL TELL YOU THAT ON THE TAPE  
11 THERE WILL BE SOME BLIPS, SOME DELETIONS, OR SOME  
12 REDACTIONS; THAT IS, SOME THINGS THAT ARE SOME  
13 MOMENTS OF SILENCE DURING THAT. THOSE ARE THINGS  
14 THAT HAVE BEEN REMOVED BECAUSE THEY WERE NOT RELEVANT  
15 TO YOUR DECISION SO DON'T BE CONCERNED THAT THERE ARE  
16 THINGS THAT ARE REDACTED AS LAWYERS CALL IT, BUT  
17 BLIPPED OUT IS THE BEST WAY I CAN SAY IT. SO IF  
18 YOU'LL GO TO THE JURY ROOM, WE'LL SEND FOR YOU AS  
19 SOON AS WE GET IT FIXED UP.

20 (THE JURY EXITS THE COURTROOM AT  
21 4:40.)

22 MR. BRACKETT: DOES MR. WALDROP NEED TO  
23 SIT ON THE WITNESS STAND DURING THE ENTIRE PLAYING OF  
24 THE TAPES OR.

25 MR. MORTON: NO.

1 THE COURT: NO, HE CAN SIT DOWN.

2 THE COURT: ANYBODY OBJECT TO HIM BEING  
3 BACK AT NINE IN THE MORNING. YOU CAN LEAVE. I'LL  
4 EXPLAIN TO THE JURY, YOU CAN LEAVE, AND COME BACK AT  
5 NINE IN THE MORNING IF YOU WISH. OF COURSE, YOU CAN  
6 STAY.

7 MR. MORTON: YOUR HONOR, WE WERE JUST --  
8 HE UNDERSTANDS HE'S STILL UNDER OATH AND HE CAN'T  
9 DISCUSS THE CASE WITH ANYBODY.

10 THE COURT: RIGHT. YOU ARE STILL UNDER  
11 OATH, DETECTIVE WALDROP, AND YOU CAN'T DISCUSS THE  
12 CASE WITH ANYBODY UNTIL AFTER YOU FINISH YOUR  
13 TESTIMONY.

14 MR. WALDROP: I UNDERSTAND, YOUR HONOR.

15 THE COURT: THANK YOU.

16 (COURT'S IN RECESS.)

17 (COURT RESUMES.)

18 THE COURT: WE THOUGHT WHILE WE HAD A FEW  
19 MINUTES WE COULD LOOK INTO THE PSYCHOLOGICAL  
20 EVALUATION OF THE OTHER TWO COPE CHILDREN.

21 I EXPRESSED MY CONCERN OR MAYBE CONCERN  
22 ISN'T THE RIGHT WORD, BUT MY INTEREST IN THE TWO  
23 ASPECTS OF THE EVALUATION ISSUE. MR. SMITH, YOU  
24 HANDLING THAT FOR YOUR TEAM?

25 MR. SMITH: YES, YOUR HONOR. I BELIEVE

1 THE TWO ISSUES THAT THE COURT INFORMED ALL THE  
2 PARTIES OF YESTERDAY WAS ONE WHETHER A, I GUESS, A  
3 NON-VICTIM COULD BE COMPELLED TO SUBMIT PSYCHOLOGICAL  
4 EXAMINATIONS. IN REGARD, TO THAT, YOUR HONOR, WHILE  
5 THE ALLEGED OR THE VICTIMS OR JESSICA AND KYLA ARE  
6 NOT THE ALLEGED VICTIMS IN THE CHARGES THAT ARE  
7 BEFORE THE COURT RIGHT NOW, THEY ARE THE ALLEGED  
8 VICTIMS OF OTHER CRIMES THAT MR. COPE HAS BEEN  
9 CHARGED WITH COMMITTING. SO YOU HAVE THE SAME  
10 ALLEGED PERPETRATOR FOR THESE LITTLE GIRLS WHICH  
11 CREATES A MOTIVE FOR THEM TO TESTIFY DIFFERENTLY IN  
12 THIS CASE. THEY CAN BENEFIT BY CHANGING THEIR  
13 TESTIMONY IN THIS CASE TO HELP THEIR, TO ASSIST THEM  
14 IN FUTURE PROSECUTION ON THE CHARGES THAT ARE PENDING  
15 AGAINST MR. COPE. JUDGE, THESE WITNESSES ARE GOING  
16 TO, IF THEY TESTIFY, ARE GOING TO PROVIDE INCULPATORY  
17 TESTIMONY WHICH AGAIN COULD POTENTIALLY BENEFIT THEM  
18 IN THESE ADDITIONAL CHARGES.

19 IN THE CASE THAT WE HANDED UP TO THE  
20 COURT IN THE INTEREST OF MICHAEL H THE COURT FOCUSING  
21 MORE SO ON THE RELIABILITY AND THE TRUSTWORTHINESS OF  
22 THE TESTIMONY THAN THE NATURE OF THE PARTY. THAT  
23 THERE WAS A STATEMENT IN THE CASE THAT THE COURT  
24 WANTS TO MAKE SURE THAT THE TRUTH OF THE MATTER IS  
25 BROUGHT TO LIGHT AND THAT JUSTICE IS SERVED TO ALL

1 PARTIES. IT'S AN ESSENTIAL REQUIREMENT THAT A  
2 DEFENDANT BE AFFORDED A FAIR TRIAL. WE DON'T BELIEVE  
3 MR. COPE CAN BE AFFORDED A FAIR TRIAL IF THESE  
4 WITNESSES SLASH VICTIMS ARE ABLE TO GET ON THE STAND  
5 AND CHANGE THEIR STORY.

6 AND THAT GOES TO THE SECOND PRONG OF  
7 THE COURT OR THE SECOND CONCERN THE COURT HAD  
8 YESTERDAY AND THAT'S WHETHER THERE IS COMPELLING NEED  
9 FOR THE PSYCHOLOGICAL EXAMINATION. THE CASE SET  
10 FORTH SIX DIFFERENT CRITERIA THAT MIGHT INDICATE  
11 WHETHER THERE IS A COMPELLING NEED. ONE IS THE  
12 NATURE OF THE EXAM AND, JUDGE, ALL WE'RE ASKING FOR  
13 IS JUST A PSYCHOLOGICAL EXAMINATION BY OUR EXPERT.  
14 THE GIRLS WERE, THESE GIRLS WERE GIVEN AN EXAMINATION  
15 IN FEBRUARY OF 2004 AT THE REQUEST OF DSS WHO HAD  
16 CUSTODY OF THE GIRLS AT THAT TIME.

17 THE SECOND OR SECOND CONCERN ARE THE  
18 AGES OF THE VICTIMS AND IN THIS CASE THEY ARE 9 AND  
19 14. ONE IS A MIDDLE AGE TEENAGER, SHE IS RIGHT THERE  
20 IN THE MIDDLE OF 14.

21 THE THIRD CONCERN ARE THE AFFECTS OF  
22 THE EXAMINATION. JUDGE, THAT'S MINIMAL. WE'RE NOT  
23 TALKING ABOUT ANY PHYSICAL TESTING, ANYTHING THAT'S  
24 GOING TO CAUSE ANY PAIN. WE'RE JUST TALKING ABOUT  
25 JUST QUESTIONING BY A PSYCHOLOGIST WHO IS,

1 SPECIALIZES OR IS KNOWLEDGEABLE IN THE AREA OF  
2 REPRESSED MEMORIES.

3 NUMBER FOUR IS THE PROBATIVE VALUE OF  
4 SUCH EXAMINATION. WHAT WE'RE TALKING ABOUT HERE,  
5 JUDGE, IS THE CREDIBILITY OF THESE WITNESSES. WE  
6 DON'T HAVE, WE CAN'T FULLY IMPEACH THEM WITHOUT AN  
7 EXAMINATION. IF THESE ARE IN FACT REPRESSED MEMORIES  
8 THEN THAT'S A SPECIALIZED SCIENTIFIC FIELD THAT WE  
9 CAN'T IMPEACH THEM WITHOUT HAVING THE PSYCHOLOGIST  
10 DETERMINE WHY THEY ARE NOW CHANGING THEIR TESTIMONY  
11 OR CHANGING THEIR STATEMENTS.

12 NUMBER FIVE IS THE REMOTENESS OF THE  
13 EXAM. IT WAS OUR UNDERSTANDING THAT THE GIRLS  
14 STATEMENTS CHANGED JUST I THINK APPROXIMATELY TWO  
15 WEEKS PRIOR TO THE START OF THIS TRIAL. THAT'S  
16 PRETTY REMOTE, YOUR HONOR. OR NOT VERY REMOTE  
17 RATHER, AND I THINK IS A MORE COMPELLING REASON TO  
18 GRANT THE EXAMINATION SO THAT WE CAN DETERMINE  
19 EXACTLY WHY THEY ARE CHANGING THEIR STATEMENTS AT  
20 THIS POINT.

21 THE COURT: THAT SAYS REMOTENESS IN TIME  
22 TO THE ALLEGED CRIMINAL ACT.

23 MR. SMITH: YES, SIR. I UNDERSTAND THAT,  
24 BUT I WOULD SUGGEST THAT IT'S MORE APPROPRIATE IN  
25 THIS CASE TO CONSIDER THE TIME THAT THEY CHANGED



1       THEIR TESTIMONY.  THEY JUST CHANGED THEIR TESTIMONY  
2       AFTER TWO AND A HALF YEARS OF SAYING THE SAME THING.  
3       SO THEY WAIT TWO WEEKS BEFORE TRIAL STARTS AS THEY  
4       SIT IN ONE OF THE COURTROOMS HERE AT THE MOSS JUSTICE  
5       CENTER IN THE PRESENCE OF THE ASSISTANT SOLICITORS  
6       AND CHANGE THEIR STATEMENTS.

7                   THE COURT:  LET ME ASK YOU THIS:  ARE  
8       THESE STATEMENTS THEY CHANGED MEMORIALIZED IN ANY  
9       WAY?

10                   MR. SMITH:  NO, SIR, YOUR HONOR.  THE ONLY  
11       KNOWLEDGE THAT WE HAVE OF THAT COMES FROM THE  
12       SOLICITORS THEMSELVES THAT THE GIRLS HAVE CHANGED  
13       THEIR STATEMENTS, THEY HAVE, THAT NEW STATEMENTS HAVE  
14       BEEN GIVEN BY THE GIRLS.  WE'RE NOT CERTAIN WHAT THEY  
15       ARE, AND I THINK WE WILL BE JUST SEVERELY PREJUDICED  
16       IF THEY WERE ALLOWED TO GET ON THE WITNESS STAND  
17       BEFORE GIVING US THAT INFORMATION WITHOUT, AT THAT  
18       POINT IT WOULD BE TOO LATE FOR US TO HAVE A  
19       PSYCHOLOGICAL EXAMINATION TO EXPLAIN WHY THOSE  
20       STATEMENTS HAVE CHANGED.

21                   JUDGE, THE SIXTH CONCERN IS WHETHER  
22       THE EVIDENCE IS ALREADY AVAILABLE OR HAS BEEN MADE  
23       AVAILABLE TO THE DEFENSE.  WE NEVER HAD ACCESS TO THE  
24       GIRLS, WE NEVER HAD THE OPPORTUNITY TO SPEAK TO THE  
25       GIRLS, THAT WAS DENIED THROUGHOUT THE FAMILY COURT

1 CASE. DSS REFUSED TO ALLOW US TO HAVE ANY ACCESS TO  
2 THE GIRLS. WE HAD ATTEMPTED TO QUESTION THEM THROUGH  
3 DEPOSITIONS, THAT WAS NOT ALLOWED. WE NEVER HAD ANY  
4 ACCESS TO THE GIRLS.

5 JUDGE, WHAT IS EVEN MORE COMPELLING IS  
6 THAT WHEN THE GIRLS WERE EXAMINED IN FEBRUARY OF 2004  
7 BY DR. GOLDSMITH DOWN IN LANCASTER IS THAT HE  
8 DIAGNOSED BOTH OF THOSE GIRLS WITH HAVING POST  
9 TRAUMATIC STRESS SYNDROME. THEN IN JUNE OF 2004 WHEN  
10 IN THE FAMILY COURT ACTION KYMRA STEWART WHO IS  
11 COUNSELOR TO THESE GIRLS, SHE'S BEEN THEIR THERAPIST  
12 THROUGHOUT OUT OR SINCE LATE 2001, SHE TESTIFIED THAT  
13 BOTH GIRLS DO HAVE POST TRAUMATIC STRESS SYNDROME AND  
14 SHE STATED, SHE TESTIFIED, THAT BOTH GIRLS WERE  
15 TRAUMATIZED AND WERE AFFECTED AND/OR THEIR MEMORIES  
16 WERE AFFECTED BECAUSE OF THAT TRAUMA. SHE SAID THAT  
17 THEY CAN FUNCTION EVEN THOUGH THEY'VE BEEN  
18 TRAUMATIZED BUT THEIR MEMORY IS SHUT DOWN. JUDGE, I  
19 WOULD SUGGEST TO THE COURT THAT THESE WITNESSES MAY  
20 NOT EVEN BE COMPETENT TO TESTIFY. WE HAVE TWO  
21 DIAGNOSES OF POST TRAUMATIC STRESS SYNDROME AND  
22 TESTIMONY THAT THEIR MEMORIES HAVE BEEN AFFECTED.

23 THE COURT: SO WHAT YOU ARE TELLING ME IS  
24 YOU DO HAVE EVIDENCE ALREADY AVAILABLE FOR USE.

25 MR. SMITH: NO, SIR.

1 THE COURT: OH, YOU CAN'T USE IT.

2 MR. SMITH: NO, SIR. THE PSYCHOLOGICAL  
3 EVALUATION WAS MY UNDERSTANDING IS A STANDARD FAMILY  
4 COURT PSYCHOLOGICAL EVALUATION. WHAT WE WOULD ASK  
5 FOR --

6 THE COURT: I KNOW THAT, BUT I'M JUST  
7 SAYING THAT ONE OF THE FACTORS I'VE GOT TO LOOK AT IS  
8 IS THERE EVIDENCE ALREADY AVAILABLE FOR YOUR USE AND  
9 YOU JUST CITED ME TWO PIECES OF EVIDENCE FOR YOUR  
10 USE.

11 MR. SMITH: YES, SIR, BUT THEY DON'T  
12 REGARD REPRESSED MEMORIES. WHAT THESE WITNESSES  
13 TESTIFIED TO WAS THAT THESE GIRLS DIDN'T HAVE THEIR  
14 MEMORIES AT THAT POINT, THAT THE MEMORIES WERE STILL  
15 REPRESSED, AND WHAT THE SOLICITOR'S OFFICE HAS  
16 SUGGESTED IS THAT THEIR MEMORIES HAVE RECENTLY SPRUNG  
17 FORWARD. THAT THEY ARE NOW REMEMBERING THINGS THAT  
18 THEY COULDN'T BEFORE.

19 THE COURT: ALL RIGHT. THE STATE.

20 MR. POPE: PLEASE THE COURT. YOUR HONOR,  
21 KIND OF WORKING BACKWARDS. NEVER HAS THERE BEEN,  
22 SPRINGING FORWARD WHEN THEIR FINALLY OUT FROM UNDER  
23 THE THREAT OF THIS MAN HAVING THEM BACK IN HIS HOME  
24 IS DIFFERENT THAN REPRESSED MEMORY. THEY ARE TRYING  
25 TO CARVE IN SOME PSYCHOLOGICAL NICHE OF REPRESSED

1 MEMORIES. BUT LOOKING AT THE CASE WE HAVE BECAUSE  
2 WE'VE GONE REALLY FAR AFIELD IN RE: IN THE INTEREST  
3 OF MICHAEL H. THE NICHE THAT THE COURT, AND  
4 OBVIOUSLY THEY --

5 THE COURT: A VERY NARROW NICHE.

6 MR. POPE: A VERY NARROW NICHE. I NOTICED  
7 THE TERMS IN THERE, ON THE RARE TIME, THE RARE  
8 OCCASIONS WHEN IT IS USED. THEY INDICATED, YOU KNOW,  
9 THAT IT IS UNLIKELY THE RARE OCCASIONS WHEN IT IS  
10 USED THAT THE COURT WOULD ORDER THEM, AND AGAIN HERE  
11 AS THE COURTS RECOGNIZE, ON A COMPLAINING VICTIM,  
12 OKAY. NOW EVEN THOUGH WE ARE APPLYING THESE FACTORS  
13 WE ARE NOW, YOU'VE REMOVED THEM FROM BEING  
14 COMPLAINING VICTIMS BASED ON YOUR RULING WITH THE  
15 SEVERANCE.

16 THE COURT: AT THEIR REQUEST.

17 MR. POPE: AT THE DEFENSE REQUEST, YES,  
18 SIR. YOUR HONOR, IRONICALLY I WAS LOOKING AT THE  
19 DIFFERENT FACTORS AND GOING THROUGH THE YOUNG AGE  
20 ISSUE, ACTUALLY THEY RECOGNIZE THE FACT IF THEY HAD  
21 BEEN YOUNGER MADE IT MORE LIKELY THAT THEY NEEDED TO  
22 BE EVALUATED AS I READ MICHAEL H. BECAUSE WHEN THEY  
23 MADE THEIR DECISION THEY LOOKED AT THE FACTORS AND  
24 WHEN THEY MADE THEIR MODIFICATION ONE OF THE MAIN  
25 FACTORS THEY WERE LOOKING AT, IF YOU REMEMBER THAT

1 CASE IT WAS ABOUT HEARING VOICES AND THAT THE VOICE  
2 WAS ACTUALLY TELLING HIM TO BASICALLY SAY BAD THINGS  
3 ABOUT OTHER PEOPLE, AND SO THAT'S WHY IT BROUGHT IT  
4 TO THIS PARTICULAR CIRCUMSTANCE, YOUR HONOR.

5 THE COURT: WASN'T THERE ALSO SOME CONCERN  
6 ABOUT HIS IQ OR HIS.

7 MR. POPE: I THINK THAT IT WAS, I HAD THAT  
8 PAGE HIGHLIGHTED BUT WHEN THEY FINALLY --

9 THE COURT: NOT HIS IQ, BUT HIS MENTAL  
10 ACUITY.

11 MR. POPE: YES, SIR. AGAIN I THINK THEY  
12 RECOGNIZE THAT HE WAS FOUR WHEN THE CRIMES HAD TAKEN  
13 PLACE AND SIX WHEN THIS WAS IN FACT TAKING PLACE.

14 THE COURT: ALL RIGHT. I DIDN'T MEAN TO  
15 GET OFF TRACK.

16 MR. POPE: YOUR HONOR, ALSO WHEN WE'RE  
17 TALKING ABOUT RARITY IT ALSO TALKS ABOUT COMPELLING  
18 NEED. YOUR HONOR, THEY SAID THAT HE WAS VERY YOUNG  
19 AGE, HEARING VOICES, UNDERGOING COUNSELING, AND THE  
20 WHOLE ISSUE IS TRYING TO DECIDE IF THOSE VOICES  
21 SOMEHOW PUT HIM IN THE POSITION OF TELLING THIS  
22 THING. AS FAR AS HAVING MATERIALS THAT ARE  
23 ACCESSIBLE AS THE COURT NOTED AND THE DEFENSE NOTED,  
24 NOBODY DISPUTES AND ACTUALLY THE ISSUE OF NEW  
25 INFORMATION THAT WE DISCLOSED WERE ACTUALLY ABOUT

1           WHETHER THIS MAN HAD MOLESTED THESE TWO GIRLS AND  
2           AGAIN YOU HAVE SEVERED THAT, BUT NOBODY DISPUTES THAT  
3           THEY HAD ACCESS AND CONTINUAL INFORMATION AND AMPLE  
4           AMMUNITION IF YOU WISH TO USE THAT TERM IN WHICH TO  
5           IMPEACH THESE YOUNG LADIES SHOULD THEY TESTIFY ON ANY  
6           ISSUES THAT, THEY'VE BEEN IMPEACHING EVERY OTHER  
7           WITNESS ON THINGS THAT THEY MAY HAVE SAID PREVIOUSLY  
8           THAT WERE DIFFERENT.   SO, YOUR HONOR, I SUBMIT ONE  
9           THE DELANEY FACTORS DON'T APPLY.

10                           IF YOU DO GO THROUGH THE DELANEY  
11           FACTORS, THERE IS EVIDENCE AVAILABLE.   THE REMOTENESS  
12           IN TIME THROUGH THE EXAMINATION, IT DOESN'T SOMEHOW  
13           RESTART THE CYCLE.   IF THEY ARE TESTIFYING ABOUT THE  
14           CRIMES BECAUSE AGAIN WE'RE REMOVING THE SEXUAL  
15           ASPECT, THEY ARE NOT A VICTIM IN THIS PARTICULAR CASE  
16           FROM THE SEXUAL ASPECT, REMOVING THAT, IT IS  
17           EXTREMELY REMOTE.   THE PROBATIVE VALUE OF AN  
18           EXAMINATION, BASED ON THE ARGUMENT THEY ARE MAKING,  
19           YOU REALLY OUGHT TO LET THEM EXAMINE EVERY SINGLE  
20           WITNESS BECAUSE YOU'D SAY WELL WE CAN ALWAYS FIND WHY  
21           IT IS THEY ARE SAYING WHAT THEY ARE SAYING.   WELL,  
22           THAT'S THAT CROSS EXAMINATION IS FOR.   YOU DON'T  
23           AUTOMATICALLY GET TO DO THAT.   IF THERE IS ANY  
24           QUESTION ABOUT THESE YOUNG LADIES' COMPETENCIES I  
25           THINK IT IS THE COURT, INCUMBENT UPON THE COURT AS

1 YOU DO WITH EVERY SINGLE WITNESS TO MAKE THAT  
2 DETERMINATION. SO I SUBMIT, YOUR HONOR, THIS IS  
3 NARROWLY TAILORED AND EVEN IF IT WASN'T JUST TAILORED  
4 TO VICTIMS IN SEXUAL ASSAULTS AS IT CLEARLY IS AND I  
5 THINK IT EVEN SAID JUVENILE VICTIMS IN SEXUAL  
6 ASSAULTS BEEN TAILORED. EVEN IF IT WASN'T TAILORED,  
7 EVEN IF YOU APPLIED THE DELANEY FACTORS I SUBMIT IT  
8 WOULD NOT APPLY THAT WOULD FORCE THESE GIRLS TO FACE  
9 BASICALLY A DEPOSITION OR TRAUMATIC EXPERIENCE IN  
10 THIS EVALUATION, YOUR HONOR.

11 THE COURT: ALL RIGHT. BRIEF RESPONSE.

12 MR. SMITH: JUDGE, THE DISTINCTION BETWEEN  
13 THESE WITNESSES AND IMPEACHING ANY OTHER WITNESSES  
14 THAT THERE IS LIKELY A PSYCHOLOGICAL REASON FOR THEIR  
15 TESTIMONY OR CHANGE IN TESTIMONY AND WE NEED TO BE  
16 ABLE TO BRING THAT OUT. WE CAN'T DO THAT WITHOUT  
17 HAVING A PSYCHOLOGIST EXAMINE THEM AND EXPLAIN WHY  
18 THEIR TESTIMONY HAS CHANGED.

19 JUDGE, IF THE COURT DOESN'T GRANT THE  
20 MOTION FOR THE EVALUATION OR EXAMINATION, WE WOULD  
21 ASK JUST THAT WE BE GIVEN SOME KIND OF NOTICE OF WHEN  
22 THESE GIRLS ARE GOING TO TESTIFY SO THAT WE CAN HAVE  
23 OUR EXPERT HERE IN COURT AVAILABLE TO LISTEN TO THEIR  
24 TESTIMONY AND POSSIBLY USE THAT TESTIMONY, USE THAT  
25 EXPERT TO EXPLAIN WHY ANYTHING HAS CHANGED IF IT

1 HAS.

2 THE COURT: WELL, I WAS CORRECT. FIRST IT  
3 SAYS IN THE CASE DUE TO PREMATURE BIRTH AND  
4 COMPLICATIONS RESPONDANT, WHO IS IN THAT CASE THE  
5 VICTIM, I'M SORRY. THE RESPONDENT IS MICHAEL H. I'M  
6 SORRY. I MISREAD THAT. BUT FIRST, I DON'T BELIEVE  
7 OUR COURT, PARTICULARLY IN LIGHT OF THE STRONG  
8 DISSENT, I KNOW DISSENT DOESN'T MAKE A LAW, BUT  
9 DISSENT I THINK SHOWS WHY THIS IS NOT DONE WITH  
10 REGULARITY AND IS DONE ONLY UPON COMPELLING REASONS.  
11 AS FAR AS LOOKING AT THE DELANEY FACTORS, THE  
12 EXAMINATION REQUESTED IS AN INTRUSIVENESS IS FAIRLY  
13 LIMITED IN THIS CASE. I'LL AGREE WITH THAT. THE  
14 VICTIMS AGES ARE NOWHERE NEAR AS YOUNG AS, THE  
15 YOUNGER ONE WHICH I BELIEVE IS KYLA IS CLOSE TO THE  
16 AGE OF THE VICTIM IN THE MICHAEL H. CASE.

17 MR. POPE: SHE WAS SEVEN AT THE TIME, YOUR  
18 HONOR, AND NINE CURRENTLY AND THE OTHERS ARE 11 AND  
19 13 CURRENTLY.

20 THE COURT: ALL RIGHT. SO I HAVE TAKEN  
21 INTO CONSIDERATION THE VICTIM'S AGE AND I FIND THAT  
22 SORT OF BORDERLINE WHEN YOU APPLY THE FACTORS AT  
23 LEAST AS TO THE YOUNGER ONE.

24 RESULTING PHYSICAL OR EMOTIONAL  
25 EFFECTS OF THE EXAMINATION, I DON'T KNOW HOW A COURT



1 CAN EVEN WEIGH THAT FACTOR. HOW DO I KNOW WHAT, IF  
2 YOU GOT SOME TRAUMATIZED KIDS AND YOU WANT TO RUN  
3 THEM THROUGH, YOU ALREADY HAD TWO PSYCHOLOGICAL  
4 EVALUATIONS AND YOU WANT TO RUN THEM THROUGH A THIRD  
5 WHETHER THAT WILL HAVE AN EMOTIONAL EFFECT ON,  
6 RESULTING PHYSICAL OR EMOTIONAL EFFECT ON THEM. IT  
7 HADN'T BEEN SHOWN THAT IT WOULDN'T AND I CAN'T FIND  
8 THAT IT WON'T.

9 THE PROBATIVE VALUE OF THE  
10 EXAMINATION, I HAVE NO IDEA WHAT PROBATIVE VALUE IT  
11 WOULD BE IN THIS CASE. IT'S TANTAMOUNT TO A FISHING  
12 EXPEDITION. WE JUST WANT TO FIND OUT, THE DEFENSE  
13 JUST WANTS TO FIND OUT IF, SOME AMMUNITION FOR CROSS  
14 EXAMINATION. AND I DON'T MEAN THAT IN A DEROGATORY  
15 MANNER, BUT THAT'S WHERE I FEEL LIKE WE ARE.

16 THE TIME BETWEEN THE CRIME AND THE  
17 TESTIMONY, I DON'T KNOW HOW TO FACTOR THAT IN WHERE  
18 YOU GOT ALLEGEDLY REPRESSED MEMORY, SO I'M NOT GOING  
19 TO CONSIDER THAT ONE WAY OR THE OTHER. AND I BELIEVE  
20 THERE IS EVIDENCE ALREADY AVAILABLE FOR THE  
21 DEFENDANT'S USE. THERE IS A PSYCHOLOGICAL  
22 EVALUATION. THERE IS, NOW THIS ISN'T EVIDENCE, BUT  
23 ALSO EVIDENTIARY TOOLS AVAILABLE TO CROSS EXAMINATION  
24 OF THE WITNESS, AND SO, WITHOUT -- I'M AVOIDING  
25 DECIDING WHETHER IT WOULD EVEN APPLY BECAUSE I DON'T

1 THINK IT APPLIES IN THESE NON-VICTIM, IN THIS CASE  
2 NON-VICTIM CHILD WITNESSES. BUT IF IT DID APPLY I  
3 WOULD STILL FIND APPLYING THE DELANEY FACTORS AND  
4 I'VE GONE THROUGH THEM, THAT THE RIGHT OF THE  
5 VICTIM'S PRIVACY, OR NOT THE VICTIM BUT HERE THE  
6 WITNESSES, THE PRIVACY OUTWEIGHS ANY, DOES NOT GIVE  
7 RISE TO ANY COMPELLING OR OTHER REASONS TO JUSTIFY  
8 SUCH AN EXAMINATION, SO I DENY THE MOTION.

9 MR. POPE: YOUR HONOR, I DO WANT TO PUT ON  
10 THE RECORD, I THINK I FAILED WHEN I WAS SPEAKING, IT  
11 IS MY UNDERSTANDING IS IN THE FAMILY COURT MR. MORTON  
12 DID IN FACT CROSS EXAMINE EXTENSIVELY BOTH OF THE  
13 WITNESSES IN QUESTION, AND I JUST WANTED TO PUT THAT  
14 AGAIN AS FAR AS AVAILABILITY.

15 THE COURT: I ASKED ABOUT THAT BUT WAS  
16 TOLD THEY DIDN'T HAVE THAT.

17 MR. POPE: THAT'S MY UNDERSTANDING.

18 THE COURT: THAT'S WHY I WAS ASKING FOR,  
19 SO I DON'T KNOW. I'M IN THE DARK. HAS ANYBODY  
20 EXAMINED THESE CHILDREN IN ANY COURT PROCEEDINGS?

21 MR. MORTON: YES, I HAVE.

22 THE COURT: OKAY.

23 MR. MORTON: NOT SINCE THEY CHANGED THEIR  
24 STORY.

25 THE COURT: WELL, I KNOW IT AND YOU CAN

1 CERTAINLY SAY, WELL, THAT'S HELPS ME, THAT BOLSTERS  
2 MY OPINION BECAUSE I WAS FISHING FOR THAT AND  
3 MR. SMITH I KNOW DIDN'T MEAN TO NOT TELL ME THAT, BUT  
4 I THINK THAT'S VERY IMPORTANT BECAUSE THAT'S ANOTHER  
5 PIECE OF EVIDENCE YOU HAVE. THE GOOD OLD ART OF  
6 IMPEACHMENT THAT I'VE SEEN COUNSEL USE EFFECTIVELY ON  
7 DR. MAYNARD AND SEEN ALL OF YOU USE IN MANY, MANY  
8 CASES. SO THAT EVEN BOLSTERS BY MY RULING.

9 ALL RIGHT. I HAVE NO CONTROL OVER  
10 WHETHER YOU HAVE A PSYCHOLOGIST IN THE ROOM. I KNOW  
11 WE HAVE, I THINK IT'S SEQUESTRATION ORDER. I CAN'T  
12 EVEN REMEMBER SO FAR BACK. I DON'T REMEMBER MAKING A  
13 SEQUESTRATION ORDER, QUITE FRANKLY. I DON'T REMEMBER  
14 ANYBODY REQUESTING IT, BUT I NOTICED ALL THE  
15 WITNESSES SEEM TO HAVE BEEN SEQUESTERED, SO IT'S  
16 EITHER BEEN DONE BY CONSENT OR BY COURT ORDER, BUT I  
17 DON'T REMEMBER ORDERING IT.

18 MR. BAITY: YOU ORDERED IT.

19 THE COURT: I DID, OKAY. SO YOU HAVE --

20 MR. MORTON: WE WOULD ASK YOU TO ORDER IT  
21 IF YOU HAVEN'T.

22 MR. BRACKETT: IT WAS ORDERED FOR PRETRIAL  
23 HEARINGS TWO WEEKS AGO AND WE JUST SAID OUT OF  
24 ABUNDANCE OF PRECAUTION JUST KEEP EVERYBODY OUT.

25 THE COURT: WELL, WHERE I'M HEADED WITH

1 ALL OF THAT IS I DON'T KNOW HOW IF THIS LADY IS GOING  
2 TO BE A WITNESS IF YOU BRING HER IN UNLESS YOU CAN  
3 GET SOME PERMISSION OF THE COURT TO EXCISE HER FROM  
4 THE SEQUESTRATION ORDER, BUT IF SHE COMES IN AND  
5 LISTENS TO THE TESTIMONY AND THEN SHE WANTS TO  
6 TESTIFY WELL SHE CAN'T UNLESS.

7 MR. SMITH: JUDGE, THAT'S WHAT WE'RE  
8 ASKING FOR IS PERMISSION TO ALLOW HER TO SIT IN  
9 DURING THE --

10 THE COURT: LET ME HEAR FROM THE STATE ON  
11 THAT. ANY OBJECTION?

12 MR. POPE: BEG THE COURT'S INDULGENCE.  
13 YOUR HONOR, I THINK TRADITIONALLY EXPERTS ON THAT  
14 GIVEN SUBJECT BECAUSE IT'S NOT A QUESTION OF HER  
15 COMING IN AND HEARING.

16 THE COURT: IT'S NOT A FACTUAL QUESTION.

17 MR. POPE: I KNOW FOR EXAMPLE THE DNA  
18 EXPERTS SAT IN WHEN OUR DNA EXPERT OR LIKEWISE WE HAD  
19 THEM REMAIN AND THAT WOULD BE OUR INTENTION ALSO AND  
20 TO RECIPROCATE IF THEY HAVE A DNA EXPERT, THEN I MAY  
21 WANT SLED DNA EXPERT PRESENT, FOR EXAMPLE.

22 THE COURT: IT DOESN'T PREVENT YOU FROM  
23 HAVING YOUR PSYCHOLOGICAL EXPERT SIT IN FOR THIS  
24 TESTIMONY TOO.

25 MR. POPE: HE MIGHT TESTIFY ABOUT ME.

1 THE COURT: I'M GOING TO ALLOW YOUR EXPERT  
2 TO SIT IN.

3 MR. SMITH: THANK YOU, YOUR HONOR. WE  
4 JUST ASK FOR A LITTLE NOTICE SO WE CAN MAKE  
5 ARRANGEMENTS.

6 MR. BRACKETT: PLEASE THE COURT, MONDAY  
7 MORNING.

8 MR. MORTON: YOUR HONOR.

9 THE COURT: YES, SIR.

10 MR. MORTON: I SORRY. I DIDN'T MEAN TO.  
11 IF WE WERE GOING ON TO THE TAPE AND I APOLOGIZE FOR  
12 THIS, BUT IT MAYBE THAT WE CAN, I DON'T THINK IT  
13 WOULD DELAY US ANY AS FAR AS TODAY BECAUSE ON PAGES  
14 41 AND 62 THERE ARE REFERENCES BY MR. WALDROP TO THE  
15 PATHOLOGIST 62 OR 66. 66. THE PATHOLOGIST,  
16 LIEUTENANT WALDROP, AS HE'S ADDRESSING THE DEFENDANT,  
17 SAYS ON THOSE TWO OCCASIONS THAT MR. COPE IS, SAYS A  
18 FORENSIC PATHOLOGIST IS GOING TO COME IN AND TESTIFY  
19 THAT THIS HAS BEEN AN ONGOING THING FOR SEVERAL  
20 YEARS. I WOULD OBJECT. I WOULD MOVE TO HAVE THAT  
21 REDACTED. NUMBER ONE, IT WOULD BE HEARSAY TESTIMONY  
22 BY HIM, AND NUMBER TWO IT INDICATES, AS WE'VE  
23 OBJECTED TO PREVIOUSLY, SOME KIND OF PRIOR BAD ACT  
24 THE EVIDENCE OF WHICH IS CERTAINLY NOT CLEAR AND  
25 CONVINCING. CERTAINLY NOT CLEAR AND CONVINCING THAT

1 THIS MAN HAS DONE ANYTHING.

2 THE COURT: I'LL ALLOW THAT TO BE REDACTED  
3 ALSO BUT I THINK WE CAN GO AHEAD TODAY. IF THE TAPE  
4 IS READY, WHY DON'T WE GO AHEAD. WE'RE GOING NOT TO  
5 REACH PAGE 66 TODAY.

6 MR. MORTON: IT'S PAGE 41.

7 THE COURT: TELL ME WHAT YOU ARE LOOKING  
8 AT ON 41. I LOOKED AT THAT AND I CAN'T FIND  
9 ANYTHING.

10 MR. MORTON: PAGE 42. I'M SORRY, YOUR  
11 HONOR.

12 MR. WOOD: ABOUT TWO-THIRDS OF THE WAY  
13 DOWN, THERE IS A-W TO THE LEFT OF IT AND ON PAGE 66.

14 THE COURT: 42 AND 66.

15 MR. WOOD: THANK YOU, SIR.

16 THE COURT: ALL RIGHT.

17 MR. BRACKETT: LET ME MAKE SURE WE  
18 UNDERSTAND EXACTLY WHAT'S GOING ON WITH THIS AND I  
19 KNOW, WE'VE BEEN TRYING TO GET THIS TOGETHER. THIS  
20 IS LIKE ONE OF THE SEVEN LABORS OF HERCULES GETTING  
21 THE SPECIFIC SECTIONS OF THESE TAPES REDACTED AND  
22 COUNTING THE SECONDS THAT THEY RUN FOR AND GOING BACK  
23 DELETING. THEY ARE WORKING AS HARD AS THEY CAN.  
24 THEY HAVE ONE SIDE. WE CAN DO THE FIRST SIDE.

25 THE COURT: THAT'S ALL YOU CAN PROBABLY

1 GET IN TODAY. I KNOW OUR SOLICITOR'S OFFICE ON MANY  
2 TIMES TO OVERCOME HERCULEAN TASKS.

3 MR. BRACKETT: I APPRECIATE YOU TAKING  
4 NOTICE OF THAT FACT FOR THE RECORD.

5 MR. POPE: HERCULES IS DEAD NOW, DID YOU  
6 KNOW THAT?

7 MR. BRACKETT: IS HE THE ONE THAT CLEANED  
8 OUT THE STAPLES, IS THAT THE ONE? THESE ARE NOT THE  
9 COMPLETE TRANSCRIPT. WE HAVE THE REDACTED  
10 TRANSCRIPTS AS WELL BUT WE'VE ONLY GONE UP THROUGH  
11 THE END OF THE FIRST TAPE BECAUSE IT'S OVER 14 --

12 THE COURT: IT'S 5:15. IF WE CAN DO ONE  
13 TAPE WHICH IS ABOUT A HALF AN HOUR.

14 MR. BRACKETT: YES, SIR, ONE SIDE OF ONE  
15 TAPE. NOW I JUST TO WANT MAKE SURE THAT WE CAN LOOK  
16 AT IT. WE HAVE 14 COPIES WE'LL HAND OUT TO THE JURY.  
17 THEY CAN READ ALONG WITH IT.

18 THE COURT: ANY OBJECTIONS TO THE JURY  
19 HAVING A HAND OUT?

20 MR. BAITY: NO, SIR.

21 THE COURT: OKAY. BRING IN THE JURY.

22 (THE JURY RETURNS TO THE COURTROOM AT  
23 5:15.)

24 MR. BRACKETT: PLEASE THE COURT.

25 THE COURT: WE'RE GOING TO LISTEN THE

1 FIRST SIDE OF ONE TAPE. I THINK THAT WILL TAKE US TO  
2 TIME TO STOP. WE HAVE A TRANSCRIPT OF THIS FOR YOU  
3 TO FOLLOW ALONG BECAUSE IT IS NOT ALWAYS EASY TO HEAR  
4 IT AS IT IS TO READ, SO YOU CAN HEAR IT BUT YOU'LL  
5 ALSO HAVE A TRANSCRIPT TO FOLLOW.

6 MR. BRACKETT: YOUR HONOR, AT THE  
7 APPROPRIATE TIME WE WILL MARK A COMPLETE TRANSCRIPT  
8 AS AN EXHIBIT SO THAT WHAT WE HAVE 14 COPIES OF A  
9 TRANSCRIPT OF THE FIRST TAPE SIDE A AND B, THEY ARE  
10 NUMBERED 1 THROUGH 14, WE ASK TO PUBLISH THESE TO THE  
11 JURY PRIOR TO THE PUBLISHING OF THE TAPE AND WE'LL  
12 COLLECT THEM BEFORE THEY LEAVE THE COURTROOM.

13 THE COURT: WE'LL GIVE THEM TO YOU TO  
14 FOLLOW ALONG WITH BUT THEY WILL BE TAKEN UP WHEN YOU  
15 LEAVE, JUST LEAVE THEM IN YOUR SEAT.

16 (TRANSCRIPT IS HANDED TO THE JURY.)

17 (THE TAPE IS PLAYED FOR THE JURY.)

18 THE COURT: MEMBERS OF THE JURY PANEL,  
19 WE'LL STOP FOR THE DAY AND WE'LL START BACK AT NINE  
20 IN THE MORNING. PLEASE BE BACK IN THE JURY ROOM AT  
21 NINE. DON'T DISCUSS THE CASE, DON'T LET ANYONE  
22 DISCUSS THE CASE WITH YOU, AND DON'T LET YOURSELF BE  
23 EXPOSED TO ANY NEWS COVERAGE. WE'LL SEE YOU AT NINE  
24 IN THE MORNING.

25 (THE JURY EXITS THE COURTROOM AT



1 5:45.)

2 THE COURT: ANYTHING FROM THE STATE BEFORE  
3 WE LEAVE TODAY?

4 MR. POPE: YES, SIR, JUST BRIEFLY FOR  
5 CONVENIENCE OF ALL PARTIES INVOLVED WE'VE GOT A GREAT  
6 AMOUNT OF EVIDENCE ALL OF WHICH MAY OR MAY NOT COME  
7 IN AND THE CLERK HAS BEEN RETAINING IT THROUGH  
8 CONSENT OF ALL PARTIES IN THE CLERK'S EVIDENCE ROOM  
9 WE USE HERE. IT'S OUR INTENTION WITH CONSENT OF THE  
10 PARTIES TO DO THAT AGAIN TODAY. TOMORROW AT SOME  
11 POINT WHEN THE CRIME SCENE OFFICERS TESTIFY THE  
12 MAJORITY OF THE ITEMS WILL IN FACT COME IN,  
13 UNFORTUNATELY, IN THE CUSTODY OF THE COURT REPORTER  
14 OR THE CLERK AT THAT POINT. THERE REMAINS ITEMS THAT  
15 WE MAY, THE DEFENSE HAD DIFFERENT QUESTIONS ABOUT AND  
16 THINGS OF THAT NATURE, MY INTENTION, WITH CONSENT OF  
17 THE PARTIES, IS TO RETAIN ALL PHYSICAL EVIDENCE,  
18 COMPUTERS, EVERYTHING, UP HERE WITH THE CLERK LIKE WE  
19 HAD DONE LAST NIGHT, BUT ALLOW SOME TYPE CUSTODY  
20 OFFICER GO, THEY MAY WANT THEM LATER AND I HAVE NO  
21 OBJECTION FROM THE STANDPOINT OF THEM HAVING ACCESS  
22 IF WE NEED TO AND KEEP IT PHYSICALLY HERE WITHOUT  
23 HAVING SOMEBODY FROM ROCK HILL TO BRING IT.

24 THE COURT: ANY PROBLEM WITH THAT ON  
25 BEHALF OF MR. COPE.

1 MR. WOOD: NOTHING FROM THE DEFENSE.

2 MR. GREELEY: NO, YOUR HONOR.

3 MR. POPE: I'LL MAKE THE ARRANGEMENTS  
4 SOMETHING THEY NEED.

5 THE COURT: I DON'T HAVE ANY OBJECTION TO  
6 THE CLERK.

7 THE CLERK: THAT'S FINE.

8 THE COURT: THAT'S FINE. ALL RIGHT.  
9 WE'LL SEE Y'ALL AT NINE IN THE MORNING.

10 (COURT'S IN RECESS AT 5:50.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA

2 STATE OF SOUTH CAROLINA

3 VERSUS

4 BILLY WAYNE COPE &  
5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS: 2002-GS-46-3232-3234

7 2003-GS-46-1843-1844

2004-GS-46-2614-2618

2004-GS-46-196-199

8

9 HEARD AT THE MOSS JUSTICE CENTER,  
10 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON  
FRIDAY, SEPTEMBER 10, 2004, BEFORE THE HONORABLE  
JOHN C. HAYES, III AND A JURY.

11

APPEARANCES:

12

TOMMY POPE  
KEVIN BRACKETT  
WILLY THOMPSON  
16TH CIRCUIT SOLICITOR'S OFFICE  
1675 YORK HIGHWAY  
YORK, SC 29745  
REPRESENTING THE STATE

15

JAMES MORTON  
DAVID WOOD  
MICHAEL SMITH  
MORTON & GETTYS  
1051 OAKLAND AVENUE  
ROCK HILL, SC 29732

16

17

MORTON & GETTYS  
1051 OAKLAND AVENUE  
ROCK HILL, SC 29732

18

19

A. PHILIP BAITY  
POST OFFICE BOX 275  
FORT MILL, SC 29715  
REPRESENTING BILLY WAYNE COPE

20

21

LELAND GREELEY  
128 E. MAIN STREET SUITE 102  
ROCK HILL, SC 29732  
REPRESENTING JAMES EDWARD SANDERS

22

23

24

REPORTED BY: JANET M. RICH  
CIRCUIT COURT REPORTER  
1992 DOWNEY STREET  
ROCK HILL, SC 29732

25

1

2

## I N D E X

3

4

REBECCA HERRON

5

DIRECT EXAMINATION 36

6

CROSS EXAMINATION 87

7

JERRY WALDROP

8

DIRECT EXAMINATION 110

9

CROSS EXAMINATION 67

10

11

JERRY WALDROP

12

DIRECT EXAMINATION 57

13

CROSS EXAMINATION 67

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

## E X H I B I T S

5

ID EV

6

S-40 REDACTED DSS REPORT

15

7

C-7 TAPE TRANSCRIPT

46

8

D-8-25 PHOTOS

91

9

D-26 PHOTO

99

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1 (COURT RESUMES AT 9:13 ON FRIDAY,  
2 SEPTEMBER 10, 2004.)

3 THE COURT: THE STATE READY.

4 MR. MORTON: I'VE GOT A COUPLE MORE THINGS  
5 ABOUT THE TAPE.

6 THE COURT: THE INTERVIEW TAPE?

7 MR. MORTON: YES, SIR.

8 THE COURT: HAVE YOU DISCUSSED IT WITH --

9 MR. MORTON: NO, SIR, I HADN'T EVEN SEEN  
10 KEVIN.

11 MR. BRACKETT: DOES IT INVOLVE ANYMORE  
12 DELETIONS, WITH TREPIDATION.

13 THE COURT: I WISH YOU HAD DONE THIS THIS  
14 MORNING BEFORE WE GOT STARTED. WHEN WE GOT THE JURY  
15 WE NEED TO USE THEM.

16 MR. MORTON: I APOLOGIZE.

17 MR. POPE: WE NEED TO DEAL WITH IT SO WE  
18 CAN HAVE SOMEBODY WORKING ON IT.

19 THE COURT: I REALLY WOULD LIKE TO START,  
20 THE POOR LADY WHO HAS BEEN SITTING THERE FOR A GOOD  
21 WHILE, NOT POOR LADY. I SHOULDN'T SAY THAT. I DON'T  
22 WANT TO SAY ANYTHING INCRIMINATING. THIS NICE LADY  
23 HAS BEEN WAITING FOR A LONG TIME.

24 MR. BRACKETT: I DON'T THINK HOW MUCH TIME  
25 WE'D BE SAVING.



1 THE COURT: LET'S GO AHEAD AND FINISH UP  
2 WITH HER TESTIMONY THEN I'LL TELL THE JURY WE'VE GOT  
3 A MINOR THING.

4 MR. BRACKETT: BEFORE WE BRING THEM IN I  
5 NOTE FOR THE RECORD THAT ALL OF THIS EQUIPMENT WAS  
6 PROVIDED BY COMPORIUM. THEY CAME, SET IT ALL UP,  
7 THEY ARE NOT CHARGING THE COUNTY AND AS FAR AS, THIS  
8 IS THE FIRST TIME IN MY KNOWLEDGE THAT THIS KIND OF  
9 THING HAS EVER BEEN DONE AND I JUST WANT TO EXPRESS  
10 MY GRATITUDE FOR COMPORIUM FOR PROVIDING THE SERVICE  
11 TO US.

12 THE COURT: AND YOU ARE ALLOWING THEM TO  
13 USE THIS STATEMENT IN FUTURE ADVERTISEMENTS?

14 MR. BRACKETT: MY GRATITUDE RUNS THAT  
15 DEEP.

16 MR. POPE: I'M WORRIED HE'S GOING TO USE  
17 IT IN HIS CAMPAIGN.

18 THE COURT: LET'S BRING IN THE JURY. MY  
19 THANKS GO OUT TO COMPORIUM ALSO.

20 (THE JURY RETURNS TO THE COURTROOM AT  
21 9:20.)

22 THE COURT: GOOD MORNING.

23 (JURORS: GOOD MORNING)

24 THE COURT: MEMBERS OF THE JURY PANEL, I  
25 CAN'T REMEMBER WHETHER I TOLD YOU OR NOT YESTERDAY

1 BUT WE'VE GOT A WITNESS WHO IS IN I BELIEVE ALABAMA  
2 AND WE'RE GOING TO DO HER TESTIMONY, BY THE WAY, THIS  
3 IS HER INCIDENTALLY SHE CAN SEE US THROUGH THAT  
4 CAMERA, THAT SAID, SHE'S NODDING, BUT WE'RE GOING TO  
5 DO THIS THROUGH THE VIDEO AND OF COURSE AUDIO AND  
6 THIS IS QUITE FRANKLY A NOVEL THING. I'M SURE WILL  
7 BE DONE MUCH MORE IN THE FUTURE, BUT THIS IS THE WAY  
8 WE'RE GOING TO BE DOING SOME WITNESS. THIS IS THE  
9 ONLY ONE IN THIS CASE, BUT HER TESTIMONY IS TO BE  
10 DEEMED AS THOUGH SHE WAS SITTING FIVE FEET OVER IN  
11 THAT CHAIR AND WERE HERE AND SHE'LL BE SWORN IN OUT  
12 THERE BY SOMEONE WHO IS LICENSED TO ADMINISTER AN  
13 OATH THERE IN ALABAMA AND I ASK THAT YOU PAY  
14 ATTENTION. THIS WAS SET UP FOR US BY COMPORIUM  
15 COMMUNICATIONS AND THEY HAVE DONE A VERY GOOD JOB AND  
16 WE APPRECIATE THEIR ASSISTANCE AND DID NOT CHARGE OUR  
17 COUNTY ANYTHING TO DO IT SO THEY ARE NICE. THANK  
18 YOU.

19 MR. BRACKETT: THANK YOU, YOUR HONOR.  
20 MAY IT PLEASE THE COURT. THE STATE WOULD CALL  
21 REBECCA HERRON.

22 THE COURT: MRS. HERRON, IS SEATED I  
23 BELIEVE, WE CAN SEE HER, AND I GUESS YOU CAN SEE US.  
24 IF SHE WOULD NOW, THE INDIVIDUAL WHO IS THERE WOULD  
25 SWEAR HER IN, THE PERSON WHO IS AUTHORIZED TO

1 ADMINISTER AN OATH.

2 REBECCA HERRON, BEING FIRST DULY SWORN  
3 IN ALABAMA VIA VIDEO CONFERENCE BY A QUALIFIED COURT  
4 REPORTER TESTIFIED AS FOLLOWS:

5 DIRECT EXAMINATION BY MR. BRACKETT:

6 Q GOOD MORNING, MA'AM.

7 A GOOD MORNING.

8 Q WOULD YOU PLEASE STATE YOUR FULL NAME AND SPELL  
9 YOUR LAST NAME FOR OUR COURT REPORTER SO SHE CAN GET  
10 THAT RIGHT.

11 A IT'S REBECCA L. HERRON. H-E-R-R-O-N.

12 Q AND WHERE ARE YOU CURRENTLY LOCATED,  
13 MRS. HERRON?

14 A I'M IN MOBILE, ALABAMA.

15 Q ALL RIGHT. AND I BELIEVE YOU ARE PREGNANT, IS  
16 THAT RIGHT?

17 A YES.

18 Q AND YOUR DOCTOR'S ADVISED YOU NOT TO TRAVEL?

19 A YES.

20 Q OKAY. WHERE DO YOU CURRENTLY WORK?

21 A I WORK FOR A DEPARTMENT OF HUMAN RESOURCES FOR  
22 THE STATE OF ALABAMA.

23 Q AND WHERE DID YOU WORK BEFORE THAT?

24 A BEFORE THAT I WORKED IN GASTON COUNTY, NORTH  
25 CAROLINA, AT THE DEPARTMENT OF SOCIAL SERVICES.

1 Q AND AT SOME POINT IN TIME DID YOU WORK FOR  
2 DEPARTMENT OF SOCIAL SERVICES HERE IN YORK COUNTY?

3 A YES, I DID BEFORE GASTON COUNTY.

4 Q ALL RIGHT. WERE YOU WORKING FOR DSS IN YORK  
5 COUNTY IN NOVEMBER OF 2001?

6 A YES, I WAS.

7 Q DID YOU HAVE OCCASION TO INTERVIEW A MR. BILLY  
8 WAYNE COPE IN REGARDS TO A DSS INVESTIGATION RELATED  
9 TO THE DEATH OF HIS DAUGHTER AMANDA COPE?

10 A YES, I DID.

11 Q I'M GOING TO BE QUESTIONING YOU ABOUT THAT  
12 SPECIFIC INTERVIEW. CAN YOU TELL US APPROXIMATELY  
13 WHAT TIME YOU WENT TO INTERVIEW MR. COPE, IF YOU CAN  
14 REMEMBER?

15 A IT WAS IN THE AFTERNOON THE DAY THAT THEY HAD  
16 FOUND THE CHILD.

17 Q THE AFTERNOON OF NOVEMBER 29, 2001?

18 A YES.

19 Q OKAY. DO YOU REMEMBER WHERE THIS INTERVIEW TOOK  
20 PLACE?

21 A IT WAS NOT AT THE HOME. IT WAS, I BELIEVE, AT A  
22 RELATIVE'S HOME.

23 Q OKAY.

24 A OF MR. COPE OR MRS. COPE, ONE OF THE TWO.

25 Q AND WHERE DID YOU ACTUALLY, WHO WAS PRESENT FOR

1 THIS INTERVIEW? WHO DID YOU ACTUALLY?

2 A MYSELF. RIGHT. IT WAS MYSELF AND MR. COPE,  
3 MRS. COPE, ANOTHER CASE MANAGER KATIE SARR, AND A  
4 POLICE OFFICER.

5 Q DO YOU REMEMBER THE POLICE OFFICER'S NAME?

6 A I DON'T RECALL AT THIS TIME.

7 Q WAS THE POLICE OFFICER THERE TO PARTICIPATE IN  
8 THE INTERVIEW?

9 A HE WAS THERE TO ESCORT US TO THE SCENE IN CASE  
10 THERE WAS ANY REASON THAT WE WOULD BE IN DANGER.

11 Q I SEE. DID HE PARTICIPATE IN THE INTERVIEW IN  
12 ANY WAY?

13 A HE DID NOT ASK QUESTIONS TO MY KNOWLEDGE, NO.

14 Q HOW LONG DID THIS INTERVIEW TAKE PLACE? HOW  
15 LONG WAS IT?

16 A UM, HOW LONG THE INTERVIEW LASTED?

17 Q YES, MA'AM.

18 A I DON'T KNOW FOR SURE. I MEAN AT LEAST 45  
19 MINUTES TO AN HOUR.

20 Q ALL RIGHT. AND HOW DO YOU TYPICALLY TAKE NOTES  
21 DURING AN INTERVIEW LIKE THIS?

22 A IN AN INTERVIEW LIKE THIS OR ANY CASE THAT I  
23 WORK ON I TAKE NOTES, I HAVE A CLIPBOARD WITH A LEGAL  
24 PAD, AND I WRITE DOWN JUST ABOUT VERBATIM WHAT  
25 WHOEVER I'M INTERVIEWING SAYS.

1 Q DID YOU PREPARE A REPORT FOR LAW ENFORCEMENT IN  
2 REGARDS TO WHAT YOU FOUND IN THIS INTERVIEW AND WHAT  
3 YOU HEARD?

4 A I DID.

5 Q AND WHO DID YOU DIRECT THAT REPORT TO?

6 A DETECTIVE CHARLENE BLACKWELDER.

7 Q DO YOU HAVE A COPY OF THAT REPORT IN FRONT OF  
8 YOU?

9 A I DO.

10 Q CAN YOU IDENTIFY IT FOR ME BY READING THE FIRST  
11 SENTENCE?

12 A MY NAME IS REBECCA L. HERRON AND I AM AN  
13 INVESTIGATOR WITH THE DEPARTMENT OF SOCIAL SERVICES.

14 MR. BRACKETT: DOES MR. GREELEY HAVE AN  
15 OBJECTION TO ME MARKING THIS AND INTRODUCING IT?

16 MR. GREELEY: I HAVE NO OBJECTION.

17 MR. SMITH: I DO HAVE AN OBJECTION, YOUR  
18 HONOR.

19 MR. BRACKETT: THAT'S FINE.

20 THE COURT: YOU WANT TO TAKE THAT UP AT  
21 THIS TIME?

22 MR. BRACKETT: NO, SIR. LET ME GO THROUGH  
23 MY DIRECT FIRST AND WE'LL SEE HOW THAT PROCEEDS.

24 Q WHAT WERE YOU THERE TO QUESTION THEM ABOUT?

25 A I WAS THERE TO FIND OUT WHAT HAPPENED THE NIGHT

1 BEFORE WE FOUND THE CHILD, BEFORE THE CHILD WAS  
2 FOUND.

3 Q OKAY. CAN YOU RELATE TO THE JURY WHAT DID HE  
4 TELL YOU HAD TAKEN PLACE THE NIGHT BEFORE? WHAT DID  
5 MR. COPE DESCRIBE TO YOU HAD TAKEN PLACE THE NIGHT  
6 BEFORE?

7 A BASICALLY THAT IT WAS A NORMAL NIGHT LIKE ANY  
8 OTHER NIGHT. THE CHILDREN ALL WENT TO BED AT THEIR  
9 RESPECTIVE BED TIMES AND HE WENT TO BED SHORTLY  
10 AFTERWARDS.

11 Q WHAT DID HE SAY THEIR RESPECTIVE BED TIMES WERE?

12 A THE YOUNGEST WENT TO BED AT 9:30, JESSICA AT  
13 10:30, AND AMANDA AT 11:30.

14 Q ARE YOU CERTAIN THAT THOSE ARE THE TIMES HE TOLD  
15 YOU THAT THEY WENT TO BED THE EVENING OF NOVEMBER 28,  
16 2001?

17 A YES.

18 Q DID HE DESCRIBE ANYTHING THAT OCCURRED DURING  
19 THE EVENING, AFTER EVERYBODY HAD GONE TO BED DID HE  
20 RELATE THAT THERE HAD BEEN ANY EVENTS DURING THE  
21 EVENING?

22 A NO. HE SAID IT WAS JUST THE NORMAL EVENING.

23 Q AND HOW ABOUT WHEN HE WOKE THE NEXT MORNING,  
24 WHAT DID HE DESCRIBE TO YOU OCCURRED FROM THE TIME HE  
25 AWOKE FORWARD?

1 A HE SAID THAT HE HAD WOKEN UP AND CALLED FOR  
2 AMANDA TO GET HIM SOME WATER AND THAT SHE DID NOT  
3 RESPOND AND HE CALLED A COUPLE MORE TIMES AND THEN  
4 FINALLY GOT UP AND WENT TO HER ROOM AND HAD TO KICK  
5 THE DOOR IN AND THAT'S WHEN HE FOUND HER.

6 Q DID HE DESCRIBE WHAT SHAPE SHE WAS IN, WHAT  
7 CONDITION WAS SHE WAS IN TO YOU?

8 A HE DID. HE DESCRIBED HER PHYSICAL APPEARANCE,  
9 IS THAT?

10 Q YES. PLEASE RELATE THAT TO US.

11 A HE WAS TALKING ABOUT HOW HER LIPS WERE SWOLLEN  
12 AND HER TONGUE WAS PROTRUDING FROM HER MOUTH AND THAT  
13 SHE HAD PUT HER HANDS UP LIKE GRASPING AT A BLANKET  
14 THAT WAS AROUND HER NECK AND HE SHOWED LIKE THIS AND  
15 THAT THE EDGE OF THE BLANKET WAS WRAPPED HER AROUND  
16 HER NECK HE SAID FIVE TIMES, AND THAT HER SHIRT WAS  
17 UP AND THAT HER BREAST WAS EXPOSED AND THAT'S HOW HE  
18 FOUND HER IN THE BED.

19 Q DID HE TELL YOU ANYTHING THAT HE DID TO HER  
20 ARMS?

21 A HE SAID THAT HE TRIED TO PULL HER ARMS DOWN AND  
22 THEY POPPED RIGHT BACK UP IN THE SAME POSITION THAT  
23 THEY WERE IN.

24 Q WHAT CONDITION DID HE SAY THAT THE ROOM WAS IN?

25 A SAID THAT HE, THE ROOM WAS NORMAL FOR HER EXCEPT



1 FOR THE BED WAS PUSHED AWAY FROM THE WALL.

2 Q OKAY. NOW YOU SAID MR. AND MRS. COPE WERE THERE  
3 PRESENT DURING THIS INTERVIEW?

4 A YES.

5 Q OKAY. WHAT WAS MR. COPE'S Demeanor THROUGHOUT  
6 THE INTERVIEW?

7 A HE WAS JUST VERY, IT'S HARD TO DESCRIBE, HE WAS  
8 JUST TALKING LIKE IT WAS JUST AN EVERY DAY  
9 OCCURRENCE, JUST RELATING FACTS TO ME LIKE THAT.  
10 ESPECIALLY WHEN HE WAS TALKING ABOUT HER APPEARANCE  
11 IT WAS ALMOST LIKE HE WAS READING SOMETHING.

12 Q WAS HE EMOTIONAL AT ALL?

13 A NO.

14 Q HOW ABOUT MRS. COPE, WHAT WAS HER Demeanor?

15 A SHE WAS VERY UPSET WHEN SHE HEARD ABOUT THE  
16 APPEARANCE OF THE CHILD. I MEAN SHE JUST, SHE  
17 COULDN'T CONTROL HERSELF, SHE CRIED OUT. I MEAN, SHE  
18 WAS JUST OUT OF IT. IT WAS AWFUL.

19 Q DID MR. COPE GIVE YOU AN OPINION AS TO WHAT HE  
20 THOUGHT HAD TAKEN PLACE THAT NIGHT?

21 A HE SAID THAT HE FELT LIKE IF ANYTHING HAD  
22 HAPPENED THAT IT WAS AN ACCIDENT.

23 Q DID HE DESCRIBE THE ROOM, THE WINDOWS IN THE  
24 ROOM AT ALL TO YOU, OR ANYTHING OF THAT NATURE?

25 A HE DID BECAUSE I HAD ASKED ABOUT THAT TYPE OF

1       THING AND HE SAID THAT THE WINDOWS WERE LOCKED AND  
2       YOU KNOW HER DOOR HAD BEEN SHUT WHEN HE HAD GONE TO  
3       GET IN THERE.

4       Q     DID HE DISCUSS THE NIGHT BEFORE WHEN THEY WENT  
5       TO BED WHAT THE LIGHTING SITUATION WAS IN THE HOUSE?  
6       AT THE TIME THAT THEY WENT TO BED, WERE ANY LIGHTS  
7       LEFT ON?

8       A     YES, HE DID. HE SAID THAT THEY NORMALLY LEFT  
9       THE HALL LIGHT ON FOR THE TWO YOUNGER GIRLS BECAUSE I  
10      GUESS THEY WERE SCARED, I DON'T KNOW, BUT IT BOTHERED  
11      AMANDA SO THAT'S WHY SHE SHUT HER DOOR.

12     Q     SO HE WAS TELLING YOU THAT HER DOOR WAS SHUT  
13     WHEN THEY WENT TO BED?

14     A     YES.

15     Q     I BELIEVE THAT'S ALL THE QUESTIONS I HAVE,  
16     MRS. HERRON. PLEASE ANSWER ANY QUESTIONS THAT  
17     MR. SMITH MAY HAVE.

18                     (THE ATTORNEYS CONFER WITH EACH OTHER.)

19                     MR. BRACKETT: YOUR HONOR, THERE IS NO  
20     OBJECTION TO THE INTRODUCTION OF THE REPORT THAT WAS  
21     PREPARED BY MRS. HERRON AND FORWARDED TO  
22     MRS. BLACKWELDER EXCEPT FOR ONE EXTRANEIOUS AND  
23     IRRELEVANT SENTENCE ON THERE WHICH THE STATE AGREES  
24     HAS NOTHING TO DO WITH THIS CASE AND AGREE TO REDACT  
25     FOR PURPOSES.

1 THE COURT: WITH THAT SENTENCE OBLITERATED  
2 IN SOME FASHION SO IT WILL BE NOT BE VISIBLE TO THE  
3 JURY, YOU AGREE THE REST OF IT CAN COME IN WITHOUT  
4 OBJECTION?

5 MR. SMITH: YES, SIR.

6 MR. GREELEY: NO OBJECTION.

7 THE COURT: WE GOT SOME TIME, ALL RIGHT.

8 (STATE'S EXHIBIT 40 DSS REPORT RECEIVED  
9 INTO EVIDENCE.)

10 MR. BRACKETT: I HAVE NO FURTHER  
11 QUESTIONS, MRS. HERRON. PLEASE ANSWER ANY QUESTIONS  
12 THAT MR. SMITH WHO IS MR. COPE'S ATTORNEY MAY HAVE  
13 FOR YOU.

14 A OKAY.

15 CROSS EXAMINATION BY MR. SMITH:

16 Q GOOD MORNING.

17 A GOOD MORNING.

18 Q YOU MAY HAVE TO BEAR WITH ME HERE. THIS IS THE  
19 FIRST TIME I EVER INTERVIEWED A WITNESS VIA I GUESS  
20 TELEVISION OR VIDEO BEFORE. CONGRATULATIONS ON YOUR  
21 PREGNANCY. THAT'S VERY GOOD NEWS.

22 A THANK YOU.

23 Q NOW MRS. HERRON, YOU INTERVIEWED MR. COPE AND  
24 HIS WIFE TOGETHER ON NOVEMBER 29, RIGHT?

25 A RIGHT. THEY WERE THERE ON THE FRONT PORCH OF

1 THE HOUSE.

2 Q AND YOU SAID YOU DON'T REMEMBER EXACTLY WHEN  
3 THAT OCCURRED. IT WAS SOMETIME IN THE AFTERNOON?

4 A IT WAS LATE AFTERNOON.

5 Q YOU DON'T REMEMBER EXACTLY WHERE IT WAS, DO YOU?  
6 IT WAS SOME RELATIVE'S HOME, IS THAT RIGHT?

7 A WELL, I COULD PROBABLY LOOK AT A REPORT IF I  
8 HAVE IT IN THERE FOR AN ADDRESS, BUT I KNOW THAT IT  
9 WAS NOT THEIR HOME.

10 Q BUT YOU DON'T REMEMBER SPECIFICALLY, DO YOU?

11 A NO. I KNOW IT WAS A RELATIVE'S HOME.

12 Q AND HAD YOU AN OFFICER TAKE YOU OUT TO THAT  
13 HOME, IS THAT RIGHT?

14 A RIGHT. WE FOLLOWED AN OFFICER TO THE HOME. I  
15 BELIEVE THAT'S HOW IT WENT.

16 Q AND THAT WAS BECAUSE IN CASE ANYTHING HAPPENED  
17 THAT YOU BECAME ENDANGERED IN ANY WAY OR ANYTHING  
18 LIKE THAT, IS THAT RIGHT?

19 A RIGHT. IT'S JUST STANDARD PROCEDURE IN THAT  
20 COUNTY THAT IF ANY TYPE OF REPORT OF THAT NATURE OR  
21 ANY OTHER TYPE OF REPORT WHERE THERE MIGHT BE A  
22 THREAT THAT WE HAVE A POLICE ESCORT.

23 Q THAT'S RIGHT. AND YOU HAD NO SPECIFIC KNOWLEDGE  
24 THAT YOU WERE GOING TO BE IN DANGER AND THAT WHEN YOU  
25 GOT THERE NOTHING PRESENTED ITSELF TO MAKE YOU

1 BELIEVE THAT YOU WERE IN DANGER, IS THAT RIGHT?

2 A THAT'S CORRECT.

3 Q SO THE OFFICER WASN'T EVEN NECESSARY. IT WAS  
4 JUST A SAFETY PRECAUTION?

5 A I ASSUME. YEAH, I GUESS SO.

6 Q NOW --

7 A AS FAR AS WHAT WE HAD TO DO.

8 Q NOW WHEN YOU GOT THERE MR. COPE VOLUNTARILY  
9 AGREED TO SPEAK WITH YOU, DID HE NOT?

10 A YES.

11 Q HE WASN'T COMPELLED TO TALK TO YOU. HE SAT DOWN  
12 AND VOLUNTEERED THIS INFORMATION THAT HE GAVE YOU?

13 A RIGHT, I EXPLAINED WHY I WAS THERE AND TOLD HIM  
14 THAT THERE WAS SOME QUESTIONS THAT I NEEDED TO  
15 DISCUSS WITH HIM AND HE AGREED TO TALK WITH ME.

16 Q NOW WHEN Y'ALL STARTED TALKING HE WAS TALKING IN  
17 GENERAL TERMS AS FAR AS AMANDA HAD HER OWN BEDROOM,  
18 JESSICA AND KYLA SHARED ANOTHER BEDROOM, AND THAT HE  
19 AND HIS MARY SUE HAD THEIR OWN BEDROOM, RIGHT?

20 A I HAD ASKED HIM WHERE THE CHILDREN SLEPT. THOSE  
21 WERE RESPONSES TO MY QUESTIONS.

22 Q AND JESSICA AND KYLA'S BEDROOM WAS RIGHT NEXT  
23 DOOR TO AMANDA'S BEDROOM, IS THAT RIGHT?

24 A I KNOW HE WENT OVER THE LAYOUT OF THE HOUSE AND  
25 I WAS IN THE HOUSE. IT WOULD BE, IT WOULD BE MORE

1 SAFE TO SAY THAT IT WAS MAYBE ADJACENT FROM AMANDA'S  
2 BEDROOM AND HE WAS DIRECTLY ACROSS FROM AMANDA'S  
3 BEDROOM.

4 Q THAT'S RIGHT, THE MASTER BEDROOM WAS ACROSS THE  
5 HALLWAY FROM THE OTHER TWO OR ALL OF THE CHILDREN'S  
6 BEDROOMS?

7 A RIGHT.

8 Q OKAY. AND HE SAID THAT AMANDA, JESSICA AND KYLA  
9 SLEPT WITH THE HALL LIGHT ON AND BECAUSE OF THAT  
10 AMANDA KEPT HER DOOR CLOSED, IS THAT RIGHT?

11 A THAT'S CORRECT.

12 Q SO THE LIGHT WOULDN'T SHINE IN HER ROOM?

13 A CORRECT.

14 Q NOW IT WAS DURING THIS CONVERSATION WHEN YOU ARE  
15 TALKING ABOUT GENERAL SLEEPING ARRANGEMENTS AND  
16 BEDDING ARRANGEMENTS THAT MR. COPE TOLD YOU THAT KYLA  
17 GOES TO BED AT 9:30, JESSICA GOES TO BED AT 10:30,  
18 AND AMANDA GOES TO BED AT 11:30, IS THAT RIGHT?

19 A BASICALLY I WAS THERE TO FIND OUT WHAT HAPPENED  
20 THE NIGHT BEFORE THE CHILD WAS FOUND SO I HAD ASKED  
21 HIM WHEN THEY WENT TO BED.

22 Q NOW YOU SAID THAT YOU HAD TAKE DOWN IN YOUR  
23 NOTES ALMOST VERBATIM WHAT WAS SAID DURING AN  
24 INTERVIEW, DIDN'T YOU?

25 A RIGHT.

1 Q OKAY. AND YOU HAVE YOUR REPORT IN FRONT OF YOU  
2 THAT YOU WROTE TO MRS. BLACKWELDER, IS THAT CORRECT?

3 A I DO.

4 Q OKAY. NOW IF YOU WOULD LOOK IN THE SECOND  
5 PARAGRAPH, YOU GO THROUGH THESE GENERALIZATIONS.  
6 YOU SAY THAT AMANDA HAD HER OWN BEDROOM, JESSICA AND  
7 KYLA SHARED A ROOM, HE AND HIS WIFE HAD A THIRD  
8 BEDROOM. HE GIVES THE LOCATIONS OF THESE BEDROOMS  
9 THAT WE JUST TALKED ABOUT. THEN HE TALKS ABOUT THE  
10 LIGHTING AND THEN HE SAYS AND THEN THE STATEMENT  
11 SAYS, HE STATED THAT KYLA WENT TO BED AROUND 9:30,  
12 JESSICA AT 10:30, AND AMANDA AT 11:30 BECAUSE AMANDA  
13 NEEDED TO PRACTICE HER VIOLIN WHILE HER MOM WAS ON  
14 THE THIRD SHIFT, IS THAT RIGHT?

15 A THAT'S CORRECT. THAT'S FAIR.

16 Q SO THAT'S PART OF THIS GENERALIZATION, TALKING  
17 IN GENERAL TERMS, NOT SPECIFICALLY TALKING ABOUT WHAT  
18 WENT ON THE NIGHT OF THE 28, IS THAT RIGHT?

19 A THAT'S NOT HOW I WAS QUESTIONING HIM. I WAS  
20 ASKING SPECIFICS WHERE WERE THE CHILDREN SLEEPING,  
21 WHERE DO THEY SLEEP; DO THEY HAVE THEIR OWN BEDROOM;  
22 WHEN DID THEY GO TO BED; THE WHOLE POINT OF THE  
23 INTERVIEW WAS TO FIND OUT WHAT HAPPENED THE NIGHT  
24 BEFORE THE CHILD DIED.

25 Q OKAY. BUT THAT'S NOT REFLECTED IN YOUR

1 STATEMENT, IS IT?

2 A WELL, IT DOESN'T SAY, BECAUSE YOU READ IT, IT  
3 DOESN'T SAY THAT THEY WENT TO BED THAT NIGHT, BUT THE  
4 WHOLE POINT OF THE INTERVIEW WAS FOR THE NIGHT THAT  
5 THE INCIDENT OCCURRED.

6 Q OKAY. BUT LATER IN THE STATEMENT YOU GET INTO  
7 THE SPECIFICS OF WHAT HAPPENED THAT NIGHT, CORRECT?

8 A WHERE ARE YOU REFERRING TO.

9 Q I'M SAYING, YOU STARTED OUT THIS STATEMENT IN  
10 GENERAL TERMS TALKING ABOUT WHAT HAPPENS NORMALLY ON  
11 A REGULAR NIGHT, AND THEN LATER IN THE STATEMENT YOU  
12 GET INTO THE SPECIFICS OF WHAT HAPPENED ON THE NIGHT  
13 OF THE 28 AND 29?

14 A WELL, NO, I HAD ASKED HIM ABOUT THE BED TIMES  
15 AND I SAID WAS THIS THE SAME AS ANY NORMAL NIGHT AND  
16 HE SAID THAT YES THAT IT WAS A NORMAL NIGHT AND THERE  
17 WAS NOTHING ANY DIFFERENT THAN ANY OTHER NIGHT.

18 Q OKAY. I'M GOING TO SAY THIS ONE MORE TIME,  
19 THAT'S NOT REFLECTED IN YOUR STATEMENT, IS IT?

20 A WHAT'S NOT? IT DOES SAY THAT. IT SAYS NORMAL  
21 EVENING.

22 Q EXCUSE ME. IT DOESN'T SAY THAT ON THAT SPECIFIC  
23 NIGHT THOSE WERE THE BED TIMES FOR THESE THREE GIRLS?

24 A WELL, NO. IT SAYS THAT HE STATED EVERYTHING WAS  
25 NORMAL ON THE NIGHT OF NOVEMBER 28 AND IT WAS JUST



1       LIKE ANY OTHER NIGHT.

2       Q     OKAY.  NOW HE, WHEN HE GOES INTO THESE SPECIFICS  
3       AFTER HE TALKS ABOUT WHAT NORMALLY HAPPENS HE SAYS  
4       THAT HE WOKE UP THAT NEXT MORNING, HE CALLED FOR  
5       AMANDA THREE TIMES, AND AFTER HE DIDN'T GET A  
6       RESPONSE HE GOT UP AND WENT TO HER BEDROOM, IS THAT  
7       RIGHT?

8       A     THAT'S CORRECT.

9       Q     AND WHEN HE GOT TO HER BEDROOM HER DOOR, HER  
10      BEDROOM DOOR, WAS JAMMED UP AGAINST A CLOSET DOOR  
11      THAT'S INSIDE OF HER BEDROOM, IS THAT RIGHT?

12     A     THAT'S WHAT HE STATED.

13     Q     AND HE COULDN'T GET IN, HE HAD TO KICK THE DOOR  
14     IN, IS THAT RIGHT?

15     A     THAT'S WHAT HE STATED.

16     Q     OKAY.  AND WHEN HE GOT INSIDE, HE SAW AMANDA ON  
17     THE BED AND HE KNEW THAT SHE WAS, SHE WAS DECEASED,  
18     AND HE WENT AND GRABBED HER AND ROLLED HER OVER, IS  
19     THAT RIGHT?

20     A     THAT'S CORRECT.

21     Q     AND AGAIN SHE HAD THIS RIBBON FROM A BLANKET  
22     THAT WAS WRAPPED AROUND HER NECK?

23     A     RIGHT.

24     Q     AND HER SHIRT WAS PULLED UP AND ONE BREAST WAS  
25     EXPOSED AND HE YANKED THAT, JERKED THAT DOWN TO COVER

1 HER UP, RIGHT?

2 A THAT'S WHAT HE SAID.

3 Q OKAY. NOW INSIDE THE BEDROOM ITSELF HE NOTED  
4 SOMETHING THAT WAS A LITTLE BIT UNUSUAL AND THAT WAS  
5 THAT HER BED WAS SHIFTED AWAY FROM THE WALL LIKE IT  
6 USUALLY IS, IS THAT RIGHT?

7 A RIGHT.

8 Q NOW HE ALSO TALKED TO YOU ABOUT THE WAY HE SLEPT  
9 THAT NIGHT, THAT HE HAD SLEEP APNEA AND HAD TO USE A  
10 CPAP MACHINE, CORRECT?

11 A CORRECT.

12 Q AND HE SAID THAT MACHINE MAKES A LOUD WHIRLING  
13 NOISE WHILE HE SLEEPS?

14 A THAT'S, THAT IS CORRECT.

15 Q HE ALSO SAID THAT, SAID THAT AMANDA'S WINDOWS,  
16 THAT SHE HAD TWO WINDOWS IN HER BEDROOM?

17 A UH-HUH. I DON'T KNOW. I DON'T KNOW IF HE SAID  
18 HOW MANY WINDOWS. I JUST ASKED HIM ABOUT WAS THERE  
19 ANYTHING DIFFERENT, WERE THE WINDOWS SHUT, YOU KNOW,  
20 THAT KIND OF STUFF, AND HE SAID THE WINDOWS WERE SHUT  
21 AND LOCKED.

22 Q HE SAID THEY WERE SHUT AND LOCKED. HE DIDN'T  
23 SAY HOW HE KNEW THAT, IF HE HAD GONE AND PHYSICALLY  
24 CHECKED THEM OR IF HE JUST LOOKED IN THERE AND THEY  
25 WERE CLOSED, HE DIDN'T SAY THAT, DID HE?

1 A NO, I DON'T KNOW HOW HE KNEW THAT, BUT THAT'S  
2 WHAT HE SAID, THAT THEY WERE SHUT AND LOCKED BECAUSE  
3 I ASKED.

4 Q AND YOU DIDN'T INDICATE THAT IN YOUR REPORT?

5 A NO, NOT HOW HE KNEW.

6 Q NOW YOU DESCRIBE MR. COPE'S EMOTIONS OR  
7 MRS. COPE'S EMOTIONS IN YOUR REPORT, RIGHT?

8 A RIGHT.

9 Q BUT YOU DIDN'T DESCRIBE ANYTHING ABOUT  
10 MR. COPE'S EMOTIONS IN YOUR REPORT, DID YOU?

11 A IT WAS VERY ODD.

12 Q BUT YOU DIDN'T --

13 A IT WAS VERY STRANGE.

14 Q YOU DIDN'T NOTE THAT IN YOUR REPORT?

15 A NO, I DIDN'T. I DIDN'T. IT'S NOT WRITTEN DOWN  
16 IN MY REPORT, NO.

17 Q OKAY. NOW IN YOUR REPORT YOU DESCRIBE AMANDA AS  
18 BEING A VERY GOOD STUDENT, DON'T YOU?

19 A I DO.

20 Q SHE WAS ON THE HONOR ROLL?

21 A (NODS HEAD.)

22 Q PLEASE ANSWER VERBALLY SO THE COURT REPORTER?

23 A OH. I BELIEVE THAT SHE WAS, FROM WHAT I  
24 REMEMBERING SHE WAS, BUT I WOULD HAVE TO LOOK HERE TO  
25 SEE WHAT I HAD WRITTEN. I BELIEVE WE WENT THROUGH

1 ALL THAT. RIGHT, SHE WAS ON THE HONOR ROLL.

2 Q AND SHE PLAYED THE VIOLIN IN THE ORCHESTRA, SHE  
3 DIDN'T HAVE ANY DISCIPLINE PROBLEMS, SHE WAS AN ALL  
4 AROUND GOOD STUDENT?

5 A RIGHT.

6 Q NOW YOU SAID THAT YOU WROTE THIS STATEMENT FOR  
7 CHARLENE BLACKWELDER WHO WORKS FOR THE ROCK HILL  
8 POLICE DEPARTMENT, CORRECT?

9 A CORRECT.

10 Q THIS WAS AT HER REQUEST?

11 A I DON'T REMEMBER IF IT WAS AT HER REQUEST OR IF  
12 IT WAS JUST SOMETHING THAT I HAD TO DO FOR MY  
13 INVESTIGATION.

14 Q WELL, THE --

15 A MORE THAN LIKELY IT WAS CONSIDERING IT'S  
16 ADDRESSED TO HER.

17 Q WELL, THE SECOND LINE OF YOUR REPORT SAYS I'M  
18 WRITING THIS FOR CHARLENE BLACKWELDER WITH THE ROCK  
19 HILL POLICE DEPARTMENT?

20 A WELL THAT AND THAT'S ALSO TO MAKE SURE THAT  
21 NOBODY ELSE WOULD HAVE HAD BECAUSE IT'S CONFIDENTIAL.  
22 WE NEED IT TO BE.

23 Q WELL, YOU MET WITH MRS. BLACKWELDER ON A NUMBER  
24 OF OCCASIONS REGARDING THIS CASE, DIDN'T YOU?

25 A YES.

1 Q AND YOU WERE CONCERNED ABOUT ANY CRIMINAL  
2 CHARGES THAT WERE ASSOCIATED WITH THIS CASE, WERE YOU  
3 NOT?

4 A WELL, THAT'S NOT REALLY MY JOB. I MEAN JUST  
5 WONDERING WHEN HE GETS ARRESTED OR WHEN HE GOT  
6 ARRESTED.

7 Q WELL, AT THAT POINT THE CHILDREN HAD BEEN TAKEN  
8 INTO DSS CUSTODY, HAD THEY NOT?

9 A RIGHT. I MEAN THAT'S GOING TO HAPPEN ANYWAY  
10 JUST AS A PRECAUTIONARY MEASURE.

11 Q AND WHETHER MR. COPE WAS IN JAIL OR NOT, YOU ARE  
12 CONCERNED ABOUT THAT, RIGHT, BECAUSE YOU HAVE CUSTODY  
13 OF THESE CHILDREN UNTIL HE'S RELEASED FROM JAIL?

14 A RIGHT.

15 Q AND SO YOU WERE CONCERNED ABOUT THE CHARGES THAT  
16 MR. COPE WAS FACING, CORRECT?

17 A I GUESS SO, YEAH.

18 Q NOW ONE OF THE CHARGES THAT HE WAS FACING WAS  
19 UNLAWFUL AND THAT HE'S FACING HERE IN THIS COURT  
20 TODAY IS UNLAWFUL NEGLECT DUE TO THE UNSANITARY  
21 CONDITION OF HIS HOME, IS THAT RIGHT?

22 A I'M NOT SURE WHAT THE CHARGES ACTUALLY ARE  
23 BECAUSE I HAVEN'T DEALT WITH THIS CASE IN THREE  
24 YEARS. I DON'T KNOW WHAT THE CRIMINAL CHARGES ARE.  
25 I HAVE NOT HEARD THAT.

1 Q YOU DON'T REMEMBER?

2 A BUT I KNOW THAT DSS, I KNOW WHAT WE WERE  
3 INVESTIGATING THROUGH DSS.

4 Q BUT YOU DON'T REMEMBER A WHOLE LOT ABOUT THIS  
5 CASE THAT WAS AROUND THREE YEARS AGO, IS THAT RIGHT?

6 A WELL, NO, I REMEMBER IT VIVIDLY. THIS WAS A BAD  
7 CASE.

8 Q BUT YOU DON'T REMEMBER ANYTHING OTHER THAN  
9 WHAT'S IN YOUR REPORT?

10 A WHY WOULD YOU SAY THAT?

11 Q WELL, YOU'VE TESTIFIED TO OR TESTIFIED THAT YOU  
12 DIDN'T KNOW A LOT OF THE INFORMATION ABOUT THIS  
13 SPECIFIC INTERVIEW EXCEPT FOR WHAT WAS IN YOUR  
14 REPORT?

15 A WELL WHAT I'M TRYING TO DO IS MAKE SURE THAT  
16 EVERYTHING IS AS ACCURATE AS NECESSARY. THERE WERE  
17 SEVERAL THINGS THAT I REMEMBER, SEVERAL DETAILS ABOUT  
18 THIS CASE, JUST BECAUSE IT WAS SUCH A BAD CASE. I'M  
19 ANSWERING YOUR QUESTIONS.

20 THE COURT: LET HER CONTINUE.

21 MR. SMITH: YES, YOUR HONOR.

22 Q NOW DO YOU REMEMBER THIS: DO YOU REMEMBER IF  
23 MARY SUE COPE WHO LIVED IN THAT HOUSEHOLD WAS ALSO  
24 CHARGED WITH UNLAWFUL NEGLIGENCE?

25 MR. BRACKETT: OBJECTION AS TO RELEVANCE.

1 THE COURT: I OVERRULE. YOU CAN ANSWER  
2 THE QUESTION. HE ASKED YOU WAS THE MOTHER ALSO  
3 CHARGED WITH UNLAWFUL NEGLIGENCE, IF YOU KNOW OR NOT.

4 A I DON'T RECALL.

5 Q THANK YOU. I HAVE NO FURTHER QUESTIONS AT THIS  
6 TIME BUT PLEASE ANSWER ANY QUESTIONS THAT MR. GREELEY  
7 MAY HAVE FOR YOU.

8 MR. GREELEY: MAY IT PLEASE THE COURT.

9 THE COURT: CERTAINLY.

10 CROSS EXAMINATION BY MR. GREELEY:

11 Q GOOD MORNING, MRS. HERRON?

12 A GOOD MORNING.

13 Q GOOD TO SEE YOU AGAIN.

14 A IT'S BEEN AWHILE.

15 Q YES, IT HAS. YOU STATED THAT YOU WERE IN THE  
16 HOUSE AT SOME POINT IN TIME, IS THAT CORRECT?

17 A YES, I DID.

18 Q WHEN DID YOU GO TO THE HOUSE?

19 A I BELIEVE IT WAS THAT FRIDAY AFTERNOON I HAD TO  
20 SIGN-IN TO GET IN BECAUSE IT WAS STILL THE CRIME  
21 SCENE AND IT WAS AFTER MY WORK HOURS OR RIGHT AT  
22 AFTER I WAS GETTING OFF FROM WORK BECAUSE I HAD TO  
23 TURN BACK AROUND AND GO BACK TO THE HOUSE WHEN I GOT  
24 PERMISSION TO GO IN.

25 Q SO THIS WOULD HAVE BEEN EITHER THE DAY OF OR

1 RIGHT OR THE NEXT DAY AFTER THIS INCIDENT,  
2 APPROXIMATELY?

3 A DAY AFTER.

4 Q OKAY.

5 A YEAH, APPROXIMATELY.

6 Q AND IT WAS STILL A CRIME SCENE AT THAT POINT IN  
7 TIME?

8 A YES.

9 Q OKAY. NOW YOU WORKED IN PROTECTIVE SERVICES AND  
10 IN THE INVESTIGATORY ARM FOR YORK COUNTY DEPARTMENT  
11 OF SOCIAL SERVICES, IS THAT CORRECT?

12 A RIGHT. THAT'S, THAT'S THEN WHEN I WORKED THERE.

13 Q AND PART OF YOUR RESPONSIBILITY WAS WHEN A  
14 COMPLAINT OR AN ALLEGATION WOULD COME IN TO THE  
15 DEPARTMENT YOU WOULD BE ONE OF THE FIRST PEOPLE TO GO  
16 OUT TO BEGIN AN INVESTIGATION INTO THE COMPLAINT OR  
17 ALLEGATION, IS THAT CORRECT?

18 A YES, IT IS.

19 Q DID YOU DO THAT FOR GASTON COUNTY AS WELL?

20 A YES, I DID.

21 Q AND SO IS IT A FAIR STATEMENT TO SAY THAT YOU  
22 HAVE SOME EXPERIENCE IN THAT END OF SOCIAL SERVICES  
23 IN YOUR WORK HISTORY?

24 A YES.

25 Q OKAY. NOW WHEN YOU WENT TO THAT HOUSE ON THAT



1 DAY YOU WENT INSIDE, CORRECT?

2 A RIGHT.

3 Q AND YOU WALKED THROUGH THE HOUSE, CORRECT?

4 A I DID. I HAD TO WEAR LIKE LITTLE BOOTY THINGS  
5 AND NOT TOUCH ANYTHING.

6 Q BUT YOU WERE ABLE TO OBSERVE THE CONDITION OF  
7 THE HOME, WERE YOU NOT?

8 A YES.

9 Q AND THE HOUSE WAS SQUALID, WASN'T IT?

10 A IT WAS VERY DIRTY, CLUTTER, YES.

11 Q IT WAS FILTHY?

12 A YES.

13 Q DID YOU SEE BUGS?

14 A YES, I DID AND THEY WERE IN THE REFRIGERATOR AS  
15 WELL.

16 Q AND IN YOUR EXPERIENCE IT WAS YOUR JOB TO  
17 INVESTIGATE ALLEGATIONS SUCH AS THIS WHEN THEY WERE  
18 BROUGHT IN ABOUT PEOPLE, IS THAT CORRECT?

19 A RIGHT. I MEAN WHATEVER THE ALLEGATIONS MAYBE OF  
20 THE REPORT IS WHAT I INVESTIGATE.

21 Q OKAY. AND THROUGH YOUR EXPERIENCE --

22 A AND I WAS --

23 Q GO AHEAD AND FINISH. I'M SORRY?

24 A I WAS JUST SAYING THAT THE POINT OF THIS  
25 INVESTIGATION WAS THE DEATH OF A CHILD.

1 Q YES. AND IN THAT INVESTIGATION OF THE DEATH OF  
2 THE CHILD YOU HAD THE OPPORTUNITY TO SEE THE HOME AND  
3 THE CONDITION OF THE HOME?

4 A RIGHT.

5 Q AND IN YOUR EXPERIENCE AS AN INVESTIGATOR WITH  
6 PROTECTIVE SERVICES YOU'VE HAD THE OPPORTUNITY TO SEE  
7 SOME VERY, VERY DISTURBING AND FILTHY AND SQUALID  
8 PLACES WHERE CHILDREN HAVE TO LIVE, HAVEN'T YOU?

9 A YES.

10 Q AND OUT OF ALL OF YOUR EXPERIENCE IN GOING INTO  
11 THESE PLACES, IN YOUR OPINION WOULD THIS HOME BE IN  
12 THE TOP FIVE OF THE WORST PLACES YOU HAD EVER SEEN  
13 FOR CHILDREN TO LIVE?

14 A THAT WOULD BE HARD TO ANSWER BECAUSE THERE WERE  
15 A LOT OF THINGS THAT WERE IN DISARRAY JUST FOR THE  
16 SIMPLE FACT THAT IT WAS A CRIME SCENE. IT WAS BAD,  
17 IT WAS VERY BAD, AND WOULD HAVE NEEDED SOME WORK, BUT  
18 I DON'T KNOW THAT I WOULD WANT TO PUT A NUMBER VALUE  
19 ON THAT.

20 Q OKAY. YOU MENTION THAT MR. COPE TOLD YOU THAT  
21 THE MORNING THAT HE DISCOVERED AMANDA THAT HE HAD  
22 CALLED HER NAME, IS THAT CORRECT?

23 A UH-HUH. THAT'S CORRECT.

24 Q AND DID YOU SAY THAT HE HAD TOLD YOU THAT HE WAS  
25 WANTING AMANDA TO GET HIM A GLASS OF WATER?

1 A THAT'S WHAT HE SAID.

2 Q AND IT WASN'T UNTIL AFTER HE HAD CALLED HER NAME  
3 THREE TIMES THAT HE HIMSELF GOT OUT OF HIS BED TO GO  
4 CHECK ON HER, IS THAT CORRECT?

5 A THAT'S WHAT HE SAID, YES.

6 Q SO IS IT A FAIR IMPLICATION THAT THAT MORNING  
7 MR. COPE WANTED TO WAKE UP HIS DAUGHTER SO THAT SHE  
8 COULD GO AND FETCH HIM A GLASS OF WATER WITHOUT HIM  
9 HAVING TO LEAVE HIS BED?

10 A THAT'S WHAT IT SOUNDS LIKE TO ME.

11 Q THANK YOU. AND BEST OF LUCK TO YOU?

12 A THANK YOU.

13 THE COURT: ANY REDIRECT?

14 MR. BRACKETT: NO, SIR, YOUR HONOR.

15 THE COURT: ANYTHING?

16 MR. SMITH: YES, YOUR HONOR.

17 RECROSS EXAMINATION BY MR. SMITH:

18 Q JUST A FEW MORE QUESTIONS, MRS. HERRING. YOU  
19 SAID YOU WENT OUT TO THE SCENE ON THE NOVEMBER 30, IS  
20 THAT RIGHT?

21 A I BELIEVE IT WAS THE DAY AFTER. IT WAS LATE  
22 AFTERNOON. I'M BELIEVING THAT'S WHEN IT WAS.

23 Q YOU HAD TO ACTUALLY WAIT A FEW MINUTES BEFORE  
24 YOU COULD GO IN BECAUSE THE CRIME SCENE UNIT HADN'T  
25 RELEASED THE SCENE TO ANYONE AT THAT POINT, RIGHT?

1 A RIGHT.

2 Q SO YOU WERE NOT ABLE TO OBSERVE THE CONDITION OF  
3 THE HOME PRIOR TO THIS CRIME SCENE INVESTIGATION, IS  
4 THAT RIGHT?

5 A THAT'S CORRECT.

6 Q AND YOU DIDN'T KNOW WHAT CONDITION THE HOUSE WAS  
7 IN BEFORE THE CRIME SCENE UNIT CAME IN?

8 A NO, I HAD NOT BEEN INSIDE THE HOUSE UNTIL I GOT  
9 THERE.

10 Q AND THE CRIME SCENE UNIT WAS GOING THROUGH THE  
11 HOUSE SEARCHING FOR EVIDENCE, IS THAT CORRECT?

12 A YES.

13 Q AND IN FACT ONE OF THE MATTRESS I BELIEVE HAD  
14 BEEN PULLED OFF THE FRAME BECAUSE THE CRIME SCENE  
15 UNIT WAS LOOKING UNDER THE BED FOR ANY SORT OF  
16 EVIDENCE?

17 A YES.

18 Q SO THE CONDITION OF THE HOME THAT YOU SAW ON THE  
19 30TH WAS NOT AN ACCURATE CONDITION OF THE HOME PRIOR  
20 TO THE CRIME SCENE UNIT COMING IN AND SEARCHING FOR  
21 THIS EVIDENCE?

22 A RIGHT. I WOULD IMAGINE THAT THE MATTRESS --

23 MR. SMITH: OBJECTION, YOUR HONOR, SHE IS  
24 SPECULATING.

25 THE COURT: YEAH, DON'T GIVE US YOUR

1           IMAGINATION.  ASK THE QUESTION AGAIN AND LET'S SEE IF  
2           SHE CAN ANSWER IT WITHOUT SPECULATION.

3           Q       THE CONDITION OF THE HOME WHEN YOU OBSERVED IT  
4           WAS NOT AN ACCURATE PORTRAYAL OF THE CONDITION OF THE  
5           HOME PRIOR TO THE CRIME SCENE UNIT INVESTIGATION?

6                    THE COURT:  WELL, SHE WOULDN'T KNOW THE  
7           ANSWER TO THAT.  I CAN'T --

8                    MR. SMITH:  WELL, SHE STATED THAT --

9                    THE COURT:  I UNDERSTAND SHE TESTIFIED  
10          THERE WAS SOME THINGS DIFFERENT, BUT UNLESS SHE KNEW  
11          WHAT IT WAS LIKE BEFORE SHE CAN'T TESTIFY THAT IT WAS  
12          DIFFERENT.  THAT'S WHY SHE WAS SPECULATING.  GO AHEAD  
13          ASK THE QUESTION.  ANSWER THE BEST YOU CAN.

14          A       WELL, I DID NOT SEE IT BEFORE.

15          Q       SO IT WAS NOT AN ACCURATE PORTRAYAL OF WHAT IT  
16          WAS BEFORE?

17          A       I DON'T KNOW WHAT IT WAS BEFORE.

18          Q       THANK YOU.

19          A       I COULDN'T TELL YOU.

20                   MR. SMITH:  I HAVE NO FURTHER QUESTIONS  
21          FOR YOU.

22                   MR. GREELEY:  BRIEFLY.

23                   THE COURT:  ALL RIGHT.

24          RE CROSS EXAMINATION BY MR. GREELEY:

25          Q       BRIEFLY, MRS. HERRON.  WHILE YOU WERE THERE AND

1 THE CRIME SCENE UNIT WAS THERE CONDUCTING THEIR  
2 INVESTIGATION?

3 A UH-HUH.

4 Q DID YOU OBSERVE ANYONE WITH THE CRIME SCENE UNIT  
5 CARRYING BAGS OF TRASH INTO THE HOUSE IN ORDER TO  
6 ASSIST THEM IN THEIR INVESTIGATION?

7 A BAGS OF TRASH, I DON'T RECALL THAT.

8 Q OKAY. AND DID YOU OBSERVE ANYBODY WITH THE  
9 CRIME SCENE INVESTIGATION CARRYING IN BOXES OF COCK  
10 ROACHES AND RELEASING THEM INTO THE HOUSE IN ORDER TO  
11 HELP THEIR INVESTIGATION?

12 A NO.

13 Q THANK YOU, MA'AM.

14 THE COURT: THANK YOU. ALL RIGHT. WE  
15 APPRECIATE YOUR ACCOMODATING US. I JOIN THE OTHERS IN  
16 WISHING YOU THE BEST AND THIS ENDS THIS EXAMINATION,  
17 SO I'M GOING TO LET THE JURY GO TO THE JURY ROOM JUST  
18 FOR A MINUTE WHILE WE SORT OF GET BACK TO OUR NORMAL  
19 STATE OF AFFAIRS. THANK YOU AN AWFUL LOT.

20 A THANK YOU.

21 (THE JURY EXITS THE COURTROOM.)

22 THE COURT: I ASSUME NO ONE OBJECTS TO  
23 THIS WITNESS BEING EXCUSED. NO ONE OBJECTS.

24 A THANK YOU. ARE WE DONE?

25 THE COURT: YES, MA'AM.

1 MR. BRACKETT: THANK YOU VERY MUCH.

2 THE COURT: NOW I DON'T KNOW HOW LONG IT  
3 WILL TAKE. I DON'T WANT TO SPEND AN HOUR DISMANTLING  
4 BUT WE CERTAINLY GOT TO MOVE SOME STUFF AROUND.  
5 DURING THIS BREAK I'M GOING TO ASK THAT WE LOOK AT  
6 THAT REDACTING, IS THERE ANY OF IT IN THE NEXT  
7 PORTION, LIKE THE NEXT HOUR OR SO?

8 MR. MORTON: YES, SIR, I'M AFRAID IT IS.

9 THE COURT: WELL, I'M GOING TO LET YOU  
10 WORK ON THAT WHILE WE TAKE A BREAK AND THEN SEE IF  
11 YOU NEED THE COURT'S INTERVENTION AND I SEE WE ARE  
12 STILL ON.

13 MR. BRACKETT: IT'S JUST US. ALABAMA IS  
14 OVER.

15 THE COURT: WELL, I DON'T WANT TO SOUND  
16 LIKE A KINDERGARTEN COP BUT FOR THE COURT ROOM  
17 DECORUM, JUST OUT OF COURTESY OF OTHERS, I'M GOING TO  
18 ASK THAT THE AMOUNT OF ACTIVITY AT COUNSEL TABLES  
19 WHEN SOMEONE ELSE IS EXAMINING THE WITNESS, I'M GOING  
20 TO ASK BE LIMITED, CONVERSATIONS, FUMBLING THROUGH  
21 STACKS OF STUFF, IT'S DISTRACTING AND I KNOW YOU'VE  
22 GOT TO UTILIZE OTHERS WHO ARE WITH YOU, BUT IT'S JUST  
23 NOT PROPER WHEN SOMEONE ELSE IS UP EXAMINING THE  
24 WITNESS TO BE ENGAGED IN ACTIVITY WHICH AT LEAST  
25 CATCHES MY EYE AND MAY CATCH THE JURY'S EYE. THANK

1 YOU. TAKE A BREAK.

2 (COURT'S IN RECESS AT 10 O'CLOCK.)

3 (COURT RESUMES AT 10:20.)

4 MR. BRACKETT: YOUR HONOR, WE HAVE AGREED  
5 TO TWO ADDITIONAL REDACTIONS THAT REFERENCE THE  
6 PATHOLOGIST'S OPINION ON THE ONGOING SEXUAL ABUSE.  
7 THOSE ARE LATER IN THE TRANSCRIPT. WE HAD ALREADY  
8 RE-ASSEMBLED ALL THE TRANSCRIPTS AND THE BIG THICK  
9 ONES SO WE HAD TO DISASSEMBLE THEM TO TAKE OUT, WE  
10 HAVE SIDE B OF TAPE ONE AND WE HAVE THE TRANSCRIPT  
11 FOR THAT. WE'RE MAKING THE CHANGES ON THE TWO ISSUES  
12 THAT MR. MORTON HAD A CONCERN ABOUT AND WE AGREED TO  
13 REDACT. THERE WAS A THIRD ISSUE THAT REFERENCES  
14 APPARENTLY A FORMER CO-WORKER OF DEFENDANT'S WHO  
15 HAPPENED TO BE NAMED JAMES AND APPARENTLY REFERENCES  
16 A CHICKEN RUN THAT THEY HAD MADE AND GOTTEN STIFFED  
17 ON THE TIP OR SOMETHING AND THEY SAY ME AND JAMES  
18 SOMETHING, WE WILL STIPULATE THAT IS NOT JAMES  
19 SANDERS THAT HE TALKING ABOUT.

20 MR. MORTON: CAN WE MAKE THAT STIPULATION  
21 IN FRONT OF THE JURY NOW.

22 MR. GREELEY: I ASK THAT WOULD BE DONE  
23 THANK YOU.

24 MR. BRACKETT: WE HAVE THE TRANSCRIPTS AND  
25 THEY ARE WORKING ON THE OTHER REDACTIONS WHICH



1 HOPEFULLY BE READY BY THE TIME WE ARE READY FOR TAPE  
2 TWO.

3 THE COURT: BRING IN THE JURY.

4 (THE JURY RETURNS TO THE COURTROOM AT  
5 10:21.)

6 THE COURT: MEMBERS OF THE JURY PANEL,  
7 WE'RE GOING TO RESUME WITH LISTENING TO THE TAPES.  
8 YOU'LL BE HANDED TRANSCRIPTS. I DON'T USUALLY  
9 PREVIEW THESE BUT I WANT TO TELL YOU IN ADVANCE IN  
10 THIS PARTICULAR SEGMENT I BELIEVE THERE IS AT LEAST  
11 SOME POINT THERE IS A REFERENCE BY MR. COPE WHO IS I  
12 BELIEVE WORKING AT A PLACE CALLED STEAK OUT AT THE  
13 TIME AND A REFERENCE TO MAKING A DELIVERY WITH  
14 SOMEONE NAMED JAMES. EVERYONE AGREES THAT THAT JAMES  
15 WAS A CO-WORKER AND IS NOT THE DEFENDANT JAMES  
16 SANDERS SO WHEN YOU HEAR THE REFERENCE TO JAMES  
17 INVOLVING STEAK OUT DELIVERY TO I BELIEVE LANCASTER,  
18 SOUTH CAROLINA, IT IS NOT A REFERENCE TO THE  
19 DEFENDANT JAMES SANDERS.

20 (THE TAPE IS PLAYED FOR THE JURY.)

21 MR. MORTON: YOUR HONOR, WE HAVE A MATTER.

22 THE COURT: LET ME STOP THE TAPE.

23 MR. MORTON: MAY WE APPROACH THE BENCH FOR  
24 A MOMENT.

25 THE COURT: YES.

1 (BENCH CONFERENCE.)

2 MR. BRACKETT: YOUR HONOR, MAY HAVE WE A  
3 BREAK FOR JUST A MINUTE.

4 THE COURT: YES. LET THE JURY GO TO THE  
5 JURY ROOM.

6 (THE JURY EXITS THE COURTROOM.)

7 THE COURT: ALL RIGHT.

8 MR. BRACKETT: WE'RE JUST READING AHEAD  
9 TRYING TO MAKE SURE, THERE WAS SOME REFERENCE TO A  
10 CONVICTION, IS THAT ON YOUR COPY?

11 MR. MORTON: I DIDN'T SEE IT ON MY COPY.

12 MR. POPE: THAT SAYS BLANK SPACE ON IT. I  
13 JUST WANT TO CONFIRM THAT MINE IS SUPPOSEDLY.

14 MR. BRACKETT: OUT OF AN ABUNDANCE OF  
15 PRECAUTION, I DIDN'T WANT.

16 THE COURT: ALL RIGHT, TAKE A LOOK. WE  
17 WILL TAKE A BREAK AND YOU CAN LOOK.

18 (COURT IS IN RECESS.)

19 (COURT RESUMES AT 11 O'CLOCK.)

20 THE COURT: MR. BRACKETT.

21 MR. BRACKETT: YES, SIR.

22 MR. MORTON: APPARENTLY THE TRANSCRIPTS,  
23 IT WASN'T IN MY TRANSCRIPT, THAT MR. POPE PICKED UP  
24 ON AND IT WASN'T ON, WE HADN'T GOT TO IT ON THE TAPE  
25 YET, BUT ABOUT THREE OR FOUR LINES DOWN IN THE JURY'S

1 TRANSCRIPT TALK ABOUT MY CLIENT BEING CONVICTED FOR  
2 CHILD NEGLECT BEFORE AND THAT WAS PART OF THE  
3 TRANSCRIPTS THAT THE JURY HAS HAD, WHICH POTENTIALLY  
4 OBVIOUSLY IS A PROBLEM, BUT I'M NOT GOING TO MOVE FOR  
5 A MISTRIAL OR MOVE FOR A CURATIVE INSTRUCTION OR  
6 ANYTHING. IT MIGHT JUST BRING MORE ATTENTION.

7 THE COURT: HOPEFULLY NO ONE READ THAT  
8 FAR, NO ONE READ IN ADVANCE. IN ANY EVENT IF THEY  
9 DID I THINK A CURATIVE INSTRUCTION I AGREE WITH YOUR  
10 ASSESSMENT WOULD CALL ATTENTION TO SOMETHING THAT  
11 MAYBE NOBODY HAS SEEN AND BUT I MEAN THAT'S YOUR  
12 DECISION BUT I CAN UNDERSTAND.

13 MR. MORTON: ALL RIGHT, SIR.

14 MR. POPE: YOUR HONOR, I WOULD NOTE FOR  
15 THE RECORD IT APPEARS IN THE TRANSCRIPTS WE HAVE GONE  
16 THROUGH AND THE TAPE AND THE TAPES WE'VE GONE  
17 THROUGH, IT SEEMS ALL JURORS ARE TURNING THEIR PAGE,  
18 IT SEEMS THEY ARE FOLLOWING LINE BY LINE, IT APPEARS  
19 THEY ARE TEARING THEIR PAGE RIGHT WHEN WE GET TO THE  
20 END OF THE PAGE.

21 THE COURT: WELL, I HAD NOTICED THAT BUT I  
22 REACH THE CONCLUSION THAT SOMEBODY HADN'T GONE AHEAD  
23 BUT I DO AGREE WITH THAT SO.

24 MR. MORTON: YOU WOULDN'T GRANT MY  
25 MISTRIAL MOTION ANYWAYS.

1 THE COURT: YOU ARE RIGHT, NOT BASED ON  
2 THAT. ALL RIGHT, BRING IN THE JURY.

3 (THE JURY RETURNS TO THE COURTROOM AT  
4 11:04.)

5 THE COURT: ALL RIGHT.

6 MR. BRACKETT: THE BAILIFF COLLECTED UP  
7 ALL THE TRANSCRIPTS, IF YOU COULD HAND THOSE BACK  
8 OUT.

9 (THE TRANSCRIPTS ARE HANDED TO THE  
10 JURY.)

11 (THE TAPE IS PLAYED FOR THE JURY.)

12 MR. MORTON: I THINK WE NEED TO TALK TO  
13 YOU.

14 THE COURT: I'M GOING TO LET YOU GO TO THE  
15 JURY ROOM AGAIN JUST FOR A FEW MINUTES.

16 MR. BRACKETT: BEFORE YOU SEND THEM  
17 OUT, CAN WE APPROACH?

18 THE COURT: JUST HAVE A SEAT.

19 (BENCH CONFERENCE.)

20 (ONE OF THE JURORS HAD A DIFFERENT  
21 PAGE 18 THAN THE REST.)

22 THE COURT: I SHOULD KNOW Y'ALL NAMES BY  
23 NOW BUT I APOLOGIZE I DON'T, BUT I'M GOING TO ASK YOU  
24 TO STAY IN JUST A MINUTE, YOU HADN'T MISBEHAVED, I'M  
25 GOING TO ASK YOU TO STAY AND LET EVERYONE ELSE GO TO

1 THE JURY ROOM JUST A MINUTE.

2 (THE JURY EXITS THE COURTROOM AT 11:15  
3 EXCEPT FOR ONE JUROR.)

4 THE COURT: I APOLOGIZE I SHOULD REMEMBER  
5 YOUR NAME?

6 A DIANE.

7 THE COURT: YOUR LAST.

8 A CANNIZZARO.

9 THE COURT: OKAY. AS I UNDERSTAND IT IN  
10 ONE SOME OF THE MATERIAL THAT WAS HANDED OUT THERE  
11 WERE, SOME OF THE REDACTED MATERIAL IN YOUR WRITTEN  
12 MATERIAL WASN'T ACTUALLY REDACTED, HAVE YOU READ  
13 AHEAD IN YOUR?

14 THE JUROR: OH, NO, SIR.

15 THE COURT: WERE YOU UP EVEN WITH US OR  
16 HAD YOU READ AHEAD?

17 THE JUROR: NO, I DIDN'T READ AHEAD.

18 THE COURT: OKAY. ANYTHING ANYBODY WANT.

19 MR. BRACKETT: NOTHING FROM THE STATE.

20 MR. MORTON: WELL.

21 THE COURT: WHY DON'T YOU STEP OUTSIDE  
22 JUST ONE MINUTE AND I KNOW THE BAILIFF IS DOING OTHER  
23 THINGS, IF YOU WILL JUST STAND OUTSIDE THE DOOR FOR  
24 JUST A MINUTE.

25 THE JUROR: SURE.

1 (THE JURY EXITS THE COURTROOM.)

2 MR. MORTON: JUDGE, I THINK UNFORTUNATELY  
3 YOU DIDN'T HAVE TO READ AHEAD TO READ THAT PART. I  
4 MEAN IT WAS, IF I COULD SHOW THE COURT AND I'M JUST  
5 TRYING, I DON'T KNOW WHAT WE NEED TO DO. THIS IS THE  
6 PART THAT WE WERE, THAT'S THE OBJECTIONABLE PART THAT  
7 HADN'T BEEN TAKEN OUT, I KNOW THE SOLICITOR'S OFFICE  
8 IS TRYING REAL HARD, I KNOW IT'S A LOGISTICAL  
9 NIGHTMARE, BUT THIS IS THE END OF THE SIDE THAT WE  
10 JUST GOT TO SO SHE WAS ALREADY --

11 THE COURT: ALL RIGHT. WHAT DO YOU WANT  
12 ME DO? WHAT DO YOU WANT ME TO ASK HER? HOW DO YOU  
13 WANT ME TO HANDLE IT? OBVIOUSLY I CAN'T ASK HER TO  
14 READ IT AND THEN TELL ME WHETHER SHE'S READ IT BEFORE  
15 OR NOT THEN SHE'S READ IT. I DON'T KNOW HOW TO  
16 IDENTIFY IT. HOW ABOUT THIS? DO YOU MIND IF I ASK  
17 HER TO TELL HER THAT THERE WAS SOME DIALOGUE  
18 INVOLVING SOMETHING OR INVOLVING WHEN HIS WIFE WORKED  
19 AT BI-LO AND DID SHE READ ANYTHING ABOUT THAT?  
20 BECAUSE IT HAS TO DO WITH THAT. IT TALKED ABOUT WIFE  
21 WORKING AT BI-LO AND THE MESS AT THE HOUSE AND DIXIE  
22 COMING OUT AND SPRAYING. DOES THAT, THOSE ARE THE  
23 TWO LONG ANSWERS THAT YOU ARE CONCERNED ABOUT.

24 MR. MORTON: IT'S THE TWO WHOLE LONG  
25 PARAGRAPHS ABOUT THE PRIOR CONVICTION AND ABOUT THE

1           DETAILS OF THE PRIOR CONVICTION.

2                       THE COURT:   WELL, I REALLY DON'T KNOW HOW  
3           TO GET INTO THE SECOND ONE.  THE FIRST ONE GOES INTO  
4           BI-LO AND THEN PROBATION OFFICERS, LANDLORD, AND  
5           BUGS.  I'M WAITING FOR YOUR SUGGESTION.

6                       MR. MORTON:  I DON'T KNOW WHAT TO DO.  I  
7           WISH MY CO-COUNSEL WAS HERE MR. BAITY.

8                       THE COURT:  I THINK I KNOW, LET ME.

9                       MR. MORTON:  I DON'T WANT YOU TO DRAW MORE  
10          ATTENTION TO IT THAN ALREADY IS.

11                      THE COURT:  I'M JUST GOING TO ASK IF SHE  
12          HAS READ ANYTHING THAT HADN'T BEEN ORALLY ON THE  
13          TAPE.  IS THAT OKAY.

14                               (MR. MORTON CONFERS WITH MR. SMITH.)

15                      THE COURT:  THAT'S WHAT I'M GOING TO DO  
16          WHETHER IT'S OKAY OR NOT.  BRING HER IN.

17                               (THE JUROR RETURNS TO THE COURTROOM.)

18                      THE COURT:  YOU CAN JUST STAND THERE.  
19          ACTUALLY WHAT, THE CONCERN WAS NOT FOR SOMETHING THAT  
20          HADN'T, WAS IN PAGES OVER BUT IN PAGES THAT  
21          APPARENTLY HAD ALREADY BEEN IN YOUR HANDS AND I'M  
22          GOING TO ASK IT LIKE THIS, DID YOU READ, HAVE YOU  
23          READ ANYTHING IN THESE STATEMENTS THAT YOU DIDN'T  
24          HEAR BEING PLAYED ON THE TAPE?

25                      THE JUROR:  NO, SIR, I DID NOT.

1 THE COURT: OKAY. ANYTHING ELSE?

2 MR. BRACKETT: NO, SIR.

3 MR. MORTON: NO, SIR.

4 MR. GREELEY: NO, YOUR HONOR.

5 THE COURT: I'M GOING TO LET YOU GO JOIN

6 THE JURY IN THE JURY ROOM. THANK YOU.

7 THE JUROR: THANK YOU.

8 (THE JUROR EXITS THE COURTROOM.)

9 THE COURT: ALL RIGHT.

10 MR. MORTON: I WOULD LIKE JUST TO MAKE

11 THAT PART OF THE RECORD THOUGH, YOUR HONOR, IF I

12 COULD.

13 THE COURT: SURE.

14 MR. MORTON: AND I'LL, FOR THE RECORD CAN

15 WE, FOR THE RECORD, YOUR HONOR, THE JURY WAS PROVIDED

16 TRANSCRIPTS OF PORTIONS OF A CONVERSATION BETWEEN,

17 THIS TAPE BETWEEN THE POLICE AND MY CLIENT MR. COPE

18 THAT WAS ATTEMPTED TO BE REDACTED AND I'M NOT BLAMING

19 THEM, I KNOW HOW HARD IT IS TO DO THIS STUFF, BUT WE

20 GOT TO THE END OR THREE QUARTERS OF THE WAY DOWN PAGE

21 19 WHERE IT SAYS THE END OF SIDE B TAPE ONE, WHEN IT

22 WAS BROUGHT TO OUR ATTENTION, I CAN'T REMEMBER BY

23 WHOM, I THINK BY THE JUROR, HER NAME IS, WHATEVER SHE

24 SAID HER NAME WAS, I CAN'T REMEMBER HER NAME, THAT

25 HER TRANSCRIPT THAT SHE HAD BEEN READING FROM DID NOT



1 MATCH THE REDACTED TRANSCRIPT. AND ON PAGE, I'LL  
2 SUBMIT THIS AS PART OF THE RECORD, ON PAGE 18 WHICH  
3 WE HAD ALREADY PASSED AND GONE THROUGH, BEFORE WE GOT  
4 TO WHERE WE STOPPED, THERE WAS AND I'LL MAKE PART OF  
5 THE RECORD, THE POLICE WERE ASKING HIM, MY CLIENT  
6 MR. COPE, ABOUT A PRIOR CONVICTION FOR UNLAWFUL  
7 NEGLECT OF A CHILD THAT HE HAD. IT WAS TWO FULL  
8 PARAGRAPHS OF HIS DISCUSSING WHAT HAPPENED IN THAT  
9 SITUATION INCLUDING THE DETAILS OF THE CONVICTION,  
10 THE SENTENCE FOR THE CONVICTION, AND VARIOUS MATTERS  
11 THAT I WOULD JUST LIKE TO MAKE THIS PAGE, THESE I  
12 GUESS THREE PAGES, I GUESS SAFEST WAY MAKE PAGE 17,  
13 18, AND 19 A PART OF THE RECORD, YOUR HONOR.

14 THE COURT: MAKE THEM A COURT'S EXHIBIT.

15 MR. MORTON: AND I DON'T KNOW HOW TO DO  
16 THAT BECAUSE I THINK THIS IS.

17 MR. BRACKETT: WE WILL MAKE ANOTHER COPY  
18 FOR THAT JUROR AND WE'LL DO THAT ON THIS BREAK.

19 THE COURT: I WASN'T GOING TO CALL THIS A  
20 BREAK. IF YOU NEED A MINUTE TO DO IT ---

21 MR. BRACKETT: WELL, SIR, TO BE HONEST  
22 WE'RE RUSHING AND I THINK THAT IS PART OF THE  
23 PROBLEM. I WANT TO MAKE SURE THAT WHAT WE HANDED  
24 OUT, BECAUSE WE ARE ABOUT TO GIVE THEM THE THICK  
25 REMAINDER OF THE TRANSCRIPT AND I WANT TO TAKE JUST A

1 MINUTE TO LOOK THROUGH AND MAKE SURE WE DON'T HAVE  
2 THIS PROBLEM AGAIN. I THINK AN OUNCE OF PREVENTION  
3 IN THIS SITUATION WILL SAVE US A LOT AND I KNOW IT'S  
4 INCONVENIENT FOR THEM, BUT I THINK THE PROBLEMS THAT  
5 COULD GENERATE ARE WELL WORTH.

6 THE COURT: WE'LL TAKE A FEW MINUTES THEN  
7 BUT LET ME KNOW WHEN YOU ARE READY AND.

8 MR. POPE: AS FAR AS MR. MORTON HAVING A  
9 COPY I BELIEVE YOU SAID YOU WANTED A COPY OF PAGE 18?

10 MR. MORTON: I WILL GIVE THE COURT  
11 REPORTER THE COPY THAT I THINK SHE HAD.

12 MR. POPE: THAT WILL BE FINE.

13 THE COURT: GIVE HER THE WHOLE COPY AND  
14 REFERENCE PAGE, 18 IS THE OBJECTIONABLE PART TOP OF,  
15 18 AND TOP OF 19.

16 THE COURT: THAT IS COURT'S NUMBER SEVEN  
17 THE TRANSCRIPTION GIVEN TO MRS. CANNIZZARO JUROR  
18 NUMBER 281.

19 (COURT EXHIBIT NUMBER SEVEN TAPE  
20 TRANSCRIPT RECEIVED.)

21 MR. BRACKETT: THESE ARE THE FINAL  
22 TRANSCRIPTS THAT WILL TAKE THEM THROUGH THE END OF  
23 THE TAPES. WE'RE GOING TO ADD THESE PAGES TO THE  
24 FRONT OF THIS AND CONFIRM IT'S JUST.

25 THE COURT: DON'T KEEP TELLING ME. I'M

1 GOING TO GO OUT AND LET Y'ALL DO IT AND THEN YOU CAN  
2 TELL ME WHEN IT'S DONE.

3 MR. BRACKETT: YES, SIR.

4 (COURT'S IN RECESS.)

5 (COURT RESUMES AT 11:42.)

6 THE COURT: EVERYBODY READY TO GO?

7 MR. BRACKETT: YES, SIR.

8 THE COURT: SINCE WE ARE AND I'M NOT  
9 SAYING THIS IN A FAULT FINDING WAY, BUT SINCE WE HAVE  
10 LOST SOME TIME, I'M GOING TO HAVE THE CLERK SEND OUT  
11 LUNCH FOR THE JURY AND HAVE IT HERE AT ONE O'CLOCK,  
12 PIZZAS, SO WE CAN MAYBE JUST HAVE A HALF HOUR LUNCH  
13 AND IF ANY OF YOU WANT PIZZAS JUST LET THE CLERK KNOW  
14 AND WE'LL TELL YOU HOW MUCH YOU KNOW HIM, BUT I THINK  
15 THIS WILL CUT DOWN OUR LUNCH TO ABOUT A HALF AN HOUR  
16 SO WE CAN CATCH UP AND WE CAN STILL GET DONE WHAT WE  
17 WANTED TO GET DONE TODAY. ALL RIGHT. BRING IN THE  
18 JURY.

19 (THE JURY RETURNS TO THE COURTROOM AT  
20 11:43.)

21 THE COURT: MEMBERS OF THE JURY PANEL,  
22 FIRST LET ME APOLOGIZE. WE HAVE HAD TO DO A LOT OF  
23 REDACTING AND EVERYONE IS WORKING AS HARD AS THEY CAN  
24 TO GET IT DONE AND MAKE IT GO MORE SMOOTHLY AND MRS.  
25 CANNIZZARO DID NOT DO ANYTHING WRONG. WE JUST WANTED

1 TO CHECK AND MAKE SURE THAT SOMETHING BY MISTAKE  
2 PLACED IN HER HANDS HADN'T BEEN -- WE'RE OKAY WITH  
3 IT. I'M GOING TO ORDER LUNCH FOR EVERYBODY TODAY,  
4 NOT EVERYBODY BUT ALL OF Y'ALL, SO THAT WE CAN,  
5 RATHER THAN HAVE A LONG LUNCH, HAVE A SHORTER LUNCH  
6 BECAUSE THIS IS FRIDAY AND WE'VE GOT ENOUGH STUFF  
7 THAT WE THINK WE WANT TO DO THAT WE WANT TO GET IN  
8 TODAY SO IT WILL GIVE US, I'M TAKING UP MORE TIME NOW  
9 THAN, Y'ALL UNDERSTAND. ALL RIGHT. START. OH, I  
10 DO HAVE. ONE REQUEST, WE DON'T THINK THERE ARE  
11 ANYMORE MISTAKES AND BY THAT I MEAN THERE ARE THINGS  
12 IN THERE, BUT I'M GOING TO ASK THAT YOU FOLLOW ALONG  
13 WITH THE AUDIO. THAT IS, IF SOMETHING DOES POP UP  
14 AND YOU SEE SOMETHING IN THERE THAT'S WRITTEN THAT'S  
15 NOT BEING TALKED ABOUT, LET US KNOW FOR ONE THING.  
16 JUST RAISE YOUR HAND AND SAY I'VE GOT SOMETHING HERE  
17 THAT DOESN'T JIVE, BUT DON'T LET YOURSELF READ IT IF  
18 IT'S NOT BEING SPOKEN. THANK YOU.

19 (THE TAPE IS PLAYED FOR THE JURY.)

20 MR. BRACKETT: WE NEED TO TAKE SOMETHING  
21 UP.

22 THE COURT: LET ME LET YOU GO TO THE JURY  
23 ROOM JUST FOR A FEW MINUTES.

24 (THE JURY EXITS THE COURTROOM AT  
25 12:31.)

1                   MR. BRACKETT: JUST OUT OF PRECAUTION I  
2                   THINK THEY ARE TELLING ME THAT THIS HAS BEEN  
3                   CORRECTED. AS I LOOK OVER HERE ON THE RAIL THAT IT  
4                   HAS BEEN. IT WASN'T ON MINE AND I JUST WANTED TO  
5                   MAKE SURE. THIS IS ONE OF THE ISSUES THEY WANTED  
6                   REDACTED.

7                   MR. MORTON: IT WASN'T ON MINE EITHER.

8                   MR. BRACKETT: IT IS ON THE JURY'S.

9                   THE COURT: WE'RE OKAY.

10                  MR. BRACKETT: YES, SIR.

11                  THE COURT: THAT'S OKAY.

12                                 (THE JURY RETURNS TO THE COURTROOM AT  
13                   12:34 AND THE TAPE IS CONTINUED TO BE PLAYED.)

14                  THE COURT: THE JURY?

15                  MR. MORTON: YES, SIR.

16                  THE COURT: LET THE JURY GO TO THE JURY  
17                  ROOM JUST FOR A MINUTE.

18                                 (THE JURY EXITS THE COURTROOM AT  
19                   12:56.)

20                  MR. MORTON: AT THE TOP OF PAGE 54, YOUR  
21                  HONOR, I BELIEVE NEEDS TO BE REDACTED.

22                  THE COURT: I'M USING AN OLDER COPY SO I  
23                  DON'T HAVE MINE. TELL ME WHAT IT WAS?

24                                 (HANDED TO THE COURT.)

25                  THE COURT: OKAY.



1 SEVERAL TIMES AND THEY HAVE TOO AND WE JUST MISSED IT  
2 AND I'M SORRY.

3 THE COURT: THAT'S OKAY. WELL, WE'LL TAKE  
4 A HALF HOUR BREAK FOR LUNCH. MR. IVEY, WE'LL TAKE  
5 OUR LUNCH BREAK NOW. IF THE FOOD ISN'T IN, IT WILL  
6 BE SENT IN MOMENTARILY.

7 (COURT'S IN RECESS AT 12:58.)

8 (COURT RESUMES AT 1:42)

9 THE COURT: ANYTHING FROM BEFORE WE GET  
10 THE JURY IN, MR. BRACKETT?

11 MR. BRACKETT: NO, SIR.

12 THE COURT: MR. MORTON.

13 MR. MORTON: NO, SIR.

14 MR. GREELEY: NO, SIR.

15 THE COURT: OKAY. JUST SO THE  
16 PARTICIPANTS WILL KNOW, THE COURT REPORTER'S MRS.  
17 RICH'S MOTHER IS HAVING SURGERY. WE UNDERSTAND THAT  
18 EVERYTHING IS GOING WELL, BUT SHE IS WAITING FOR A  
19 CALL FROM HER SISTER FOR AN UPDATE AND SINCE WE ARE  
20 LISTENING TO THE TAPE I HAVE TOLD HER THAT IF HER  
21 PHONE VIBRATES SHE CAN SLIP OUT QUIETLY. AND IF  
22 WHILE SHE IS OUT SOMETHING HAPPENS, IF WE NEED TO  
23 HAVE HER, WE WILL GET HER. ANYBODY HAVE ANY  
24 OBJECTION TO THAT?

25 MR. BRACKETT: NONE FROM THE STATE.

1 MR. MORTON: NO.

2 MR. GREELEY: NO OBJECTION.

3 THE COURT: THANK YOU. BRING IN THE JURY.

4 (THE JURY RETURNS TO THE COURTROOM AT  
5 1:43.)

6 THE COURT: WE'LL TAKE UP WHERE WE ARE.

7 THE COURT REPORTER MAY HAVE TO STEP OUT AT SOME  
8 POINT. IF SHE DOES, THAT'S OKAY. IT SHOULDN'T  
9 DISTRACT YOU. SHE'LL BE QUIET.

10 (THE TAPE IS PLAYED FOR THE JURY.)

11 MR. BRACKETT: WE HAVE AN ISSUE THAT I'VE  
12 JUST BEEN DISCUSSING WITH MR. MORTON.

13 (THE JURY EXITS THE COURTROOM AT  
14 1:58.)

15 THE COURT: ALL RIGHT.

16 MR. BRACKETT: WE'VE BEEN, PER YOUR  
17 REQUEST, WE WENT THROUGH AND REREAD AGAIN THROUGH THE  
18 STUFF AND THERE IS ANOTHER REFERENCE, THEY ARE JUST  
19 SMALL SLENDER REFERENCES. IN THIS NEXT PARAGRAPH  
20 THAT IS ABOUT TO BE PLAYED ON THE TAPE HE SAYS, IN MY  
21 HEAD I THOUGHT, YOU KNOW, THAT SOMEBODY LIKE HIM OR  
22 SOMEBODY IN THE NEIGHBORHOOD COULD HAVE FOUND EASY  
23 ACCESS TO OUR HOUSE. I DON'T SEE HOW, I DO NOT SEE  
24 HOW THERE COULD BE ANY SEXUAL ASSAULT OVER A PERIOD  
25 OF TIME. THERE IS THAT, THERE IS A COUPLE OF OTHER



1 SPOTS IN HERE THAT ARE SIMILAR, BUT I MEAN THEY  
2 VIOLATE THE SPIRIT OF THE COURT'S ORDER.

3 THE COURT: YOU NEED TO TAKE THEM OUT  
4 THEN.

5 MR. BRACKETT: YES, SIR, WE'LL GET ON IT.

6 MR. MORTON: I KNOW HOW HARD THIS IS.

7 THE COURT: WE'LL AT EASE FOR A FEW  
8 MINUTES.

9 (COURT'S IN RECESS.)

10 (COURT RESUMES AT 2:17.)

11 THE COURT: ARE WE READY.

12 MR. BRACKETT: GOD WILLING.

13 THE COURT: MR. MORTON, YOU READY.

14 MR. MORTON: YES, SIR.

15 MR. GREELEY: MR. SANDERS IS READY.

16 THE COURT: BRING IN THE JURY.

17 (THE JURY RETURNS TO THE COURTROOM AT 2:17  
18 AND THE TAPE IS PLAYED FOR THE JURY.)

19 (BENCH CONFERENCE)

20 MR. BRACKETT: PLEASE THE COURT. MAY WE  
21 APPROACH.

22 (THE TAPE IS STOPPED AT 3:22 AND THERE  
23 IS A BENCH CONFERENCE.)

24 THE COURT: LET THE JURY GO TO THE JURY  
25 ROOM.

1 (THE JURY EXITS THE COURTROOM.)

2 THE COURT: HOW LONG DO YOU NEED TO  
3 CORRECT IT.

4 MR. BRACKETT: BEFORE WE GO THROUGH THAT I  
5 WOULD NOTE THE OTHER ONES WE WERE TALKING ABOUT IS  
6 WHAT THE PATHOLOGIST WAS SAYING. THERE IS ENOUGH  
7 EVIDENCE IN HERE TO INFER FROM THE EVIDENCE AND MAKE  
8 AN ARGUMENT TO THE JURY, TAKING IT OFF OF HERE ISN'T  
9 GOING TO KEEP FROM CLOSING ARGUMENT.

10 THE COURT: BUT I THOUGHT YOU DECIDED TO  
11 DO IT. THAT IT WAS COMING OFF BECAUSE IT WAS  
12 UNDERSTANDING OF THE WHOLE PROCESS.

13 MR. BRACKETT: WHEN WE ORIGINALLY  
14 DISCUSSED IT IT WAS IN THE CONTEXT OF THE PATHOLOGIST  
15 TELLS US THIS AND THE PATHOLOGIST TELLS US THAT.

16 THE COURT: WELL, ALSO BUT I THINK ALL OF  
17 HIS RESPONSES HAVE TO DO WITH THEIR TELLING HIM THAT  
18 THE PATHOLOGIST SAID THIS HAPPENED.

19 MR. BRACKETT: YES, SIR. I'LL TAKE IT  
20 OFF.

21 THE COURT: SO IT MIGHT BE FRUIT OF THE  
22 POISONOUS TREE OR SOMETHING. IF THEY WANT IT OFF  
23 IT'S COMING OFF. ALL I WANT TO KNOW IS HOW LONG IS  
24 IT GOING TO TAKE?

25 MR. BRACKETT: TEN MINUTES OR SO.

1 THE COURT: ANOTHER TEN MINUTES.

2 MR. MORTON: YOUR HONOR, JUST WHILE WE'RE  
3 HERE I JUST WANTED TO NOTE FOR THE RECORD THAT THERE  
4 WAS A REFERENCE BY MY CLIENT ABOUT LIVING IN A BLACK  
5 NEIGHBORHOOD AND ABOUT HIS MOTHER DIDN'T LIKE HIM  
6 LIVING IN THE NEIGHBORHOOD AND SHE WAS PREJUDICED, I  
7 THOUGHT THAT SHOULD HAVE BEEN STRICKEN FROM THE TAPE  
8 TOO BECAUSE I DIDN'T WANT THE JURY --- WE HAVE BLACK  
9 MEMBERS ON THE JURY AND INFERRING SOMETHING ABOUT MY  
10 CLIENT, JUST BECAUSE HE SAID IT ON THE TAPE I DON'T  
11 THINK I WOULD SAY IT COMES IN AND I WANTED TO NOTE  
12 THAT I MADE MY OBJECTION AT THE APPROPRIATE TIME.

13 THE COURT: WELL, YOU SHOULD HAVE MADE AN  
14 OBJECTION BEFORE IT CAME UP. I DON'T KNOW IF THAT IS  
15 AN APPROPRIATE TIME. YOU HAVE HAD THAT TO READ, WE  
16 LISTENED TO IT TWO WEEKS AGO, IT WASN'T BROUGHT UP.  
17 YOU'VE HAD IT FOR QUITE A WHILE, IT HADN'T BEEN  
18 BROUGHT UP, WE'RE IN THE MIDDLE OF THIS AND YOU BRING  
19 IT UP SO I FIND FIRST OFF, I'M NOT BEING HARSH, BUT I  
20 DON'T THINK IT IS TIMELY TO BRING IT UP ALL OF A  
21 SUDDEN. WE HAVE HAD THE JURY DRAWN SINCE MONDAY AND  
22 YOU KNEW THAT THERE WERE TWO BLACK JURORS SINCE  
23 MONDAY AND YOU HAVEN'T ASKED FOR IT TO BE REMOVED  
24 UNTIL---

25 MR. MORTON: WELL, YOUR HONOR, A LOT OF

1 THINGS HADN'T BEEN DONE THAT MAYBE SHOULD HAVE BEEN  
2 DONE BEFORE WE PLAYED THIS TAPE, BUT I BROUGHT IT UP,  
3 I WANT TO MAKE MY MOTION FOR THE RECORD THAT I PUT IT  
4 UP, BROUGHT IT UP, MADE MY OBJECTION BEFORE IT'S  
5 PLAYED TO THIS JURY.

6 THE COURT: ALL RIGHT. YOUR MOTION IS FOR  
7 WHAT?

8 MR. MORTON: MY MOTION IS FOR IT TO BE  
9 REDACTED.

10 THE COURT: I DENY THE MOTION. IN  
11 ADDITION TO IT'S NOT BEING TIMELY, I ALSO FIND THAT  
12 IT'S, I DON'T SEE WHERE IT'S PREJUDICE. NUMBER ONE,  
13 MR. COPE SAID IT. NUMBER TWO, HE SAYS THAT WAS HIS  
14 MOTHER'S THOUGHTS NOT HIS. HIS MOTHER WAS PREJUDICED  
15 INDIVIDUAL. HE NEVER SAID THAT HE WAS PREJUDICED AND  
16 HE NEVER SAID THAT HE WAS CONCERNED LIVING THERE AND  
17 HE CERTAINLY WAS LIVING THERE SO HE MUST NOT HAVE TOO  
18 MUCH CONCERN ABOUT THE NEIGHBORHOOD. SO FIRST I FIND  
19 IT IS NOT TIMELY BUT EVEN IF IT WERE TIMELY I WOULD  
20 STILL RULE THE SAME BASED ON THE FACT THAT I FIND IT  
21 IS NOT, IN THE CONTEXT IT WAS STATED AND HOW IT WAS  
22 STATED IT DOES NOT SHOW ANY PREJUDICE BY THIS MAN.  
23 IN FACT, IT ALMOST SHOWS HIM ESCHEWING PREJUDICE BY  
24 SAYING IT WAS HIS MOTHER'S PREJUDICE AND NOT HIS.  
25 ALL RIGHT. THANK YOU.

1 (COURT'S IN RECESS AT 3:26.)

2 (COURT RESUMES.)

3 THE COURT: THE STATE READY.

4 MR. BRACKETT: JUST A QUICK OBSERVATION.

5 IF ANYONE WISHES TO CROSS EXAMINE ANY OF OUR  
6 DETECTIVES AS TO WHY THEY MIGHT NOT CHOOSE TO TAPE  
7 RECORD AN INTERVIEW IN THE FUTURE, I'LL BE ASKING THE  
8 COURT TO TAKE NOTICE OF CERTAIN FACTS.

9 THE COURT: BRING IN THE JURY. POINT WELL  
10 TAKEN.

11 (THE JURY RETURNS TO THE COURTROOM AT  
12 3:45 AND THE TAPE IS PLAYED FOR THE JURY.)

13 THE COURT: DETECTIVE WALDROP, YOU MAY  
14 RETAKE THE STAND AND YOU ARE STILL UNDER OATH.  
15 DIRECT EXAMINATION BY MR. BRACKETT:

16 Q WE'VE HEARD THE ENTIRE INTERVIEW BETWEEN YOU,  
17 LIEUTENANT HERRING, AND DEFENDANT BILLY COPE?

18 A THAT'S CORRECT.

19 Q ALL RIGHT. THEN THE TAPE ENDED RIGHT THERE?

20 A THAT'S CORRECT.

21 Q WAS THAT THE END OF THE INTERVIEW OR DID IT  
22 CONTINUE?

23 A NO, THAT WAS THE END OF THE INTERVIEW.

24 Q ALL RIGHT. NOW I WANT TO BACK UP AND GO OVER A  
25 COUPLE OF THINGS WITH YOU, JUST DISCUSS IN GENERAL

1           BASICALLY WHAT YOU KNEW AT THAT TIME.  YOU WENT INTO  
2           THE HOUSE I BELIEVE YOU TESTIFIED?

3           A        THAT'S CORRECT.

4           Q        SO YOU WERE ABLE TO SEE THE SIZE OF THE HOUSE  
5           AND THE SIZE OF THE ROOMS?

6           A        YES, SIR.

7           Q        AND THEIR LOCATION RELATIVE TO ONE ANOTHER?

8           A        YES, SIR.

9           Q        WHAT I WANT YOU TO DO IS TAKE THE END OF THIS  
10          TAPE MEASURE HERE AND I AM GOING TO WALK AWAY FROM  
11          YOU AND I WANT YOU TO TELL ME TO STOP WHEN I'M AS FAR  
12          AS FROM YOU, APPROXIMATELY, AS THE DISTANCE FROM THE  
13          CORNER OF AMANDA COPE'S BED TO CORNER OF BILLY COPE'S  
14          BED?

15          A        I'D SAY THAT IS PRETTY GOOD RIGHT THERE.

16          Q        OKAY.  WHAT'S THE DISTANCE ON THAT?

17          A        ABOUT 160 INCHES.

18          Q        ABOUT HOW ABOUT FEET?

19          A        13 FEET.

20          Q        6 INCHES.

21          A        6 INCHES.

22          Q        NOW THE AREA THAT YOU HAVE THE WALK THROUGH JUST  
23          GIVE US A DESCRIPTION FROM AMANDA'S ROOM TO GET TO  
24          THE DEFENDANT'S ROOM, DESCRIBE THAT FOR THE JURY?

25          A        IF YOU ARE LOOKING INTO WHAT WE CALL, BE CALLED

1 THE HALLWAY AREA, THE MASTER BEDROOM OR MR. COPE'S  
2 WOULD HAVE BEEN ON THE LEFT, AMANDA COPE'S WOULD HAVE  
3 BEEN ON THE RIGHT; COMING OUT OF THE, MR. COPE'S ROOM  
4 YOU WOULD HAVE MADE JUST A SLIGHT LEFT TURN GOING IN  
5 TO AMANDA COPE'S ROOM IN THE HALL AREA. AND THE  
6 LIVING ROOM WOULD HAVE BEEN BACK BEHIND YOU WHEN YOU  
7 WERE LOOKING AT THAT AREA.

8 Q SO IF I WAS WALKING IN FROM THE LIVING ROOM,  
9 BILLY COPE'S ROOM HERE?

10 A WOULD HAVE BEEN ON THE LEFT, THAT IS CORRECT.

11 Q AND WHAT WAS HERE ON THIS WALL?

12 A I THINK IT'S THE DOOR TO THE OTHER BEDROOM, THE  
13 OTHER GIRL'S BEDROOM.

14 Q AMANDA COPE'S ROOM HERE?

15 A RIGHT.

16 Q WAS THERE A BATHROOM IN THERE?

17 A THE BATHROOM DOOR WOULD HAVE BEEN TO THE RIGHT  
18 OF AMANDA'S ROOM IN THE HALL AREA.

19 Q SO THAT WAS ON THIS WALL?

20 A RIGHT.

21 Q AND THEN OVER HERE?

22 A WAS THE OTHER GIRL'S ROOM, THAT'S RIGHT.

23 Q NOW THE HALLWAY THAT WE'RE TALKING ABOUT, THE  
24 SIZE OF THAT, APPROXIMATELY IF I WAS STANDING IN THE  
25 CENTER OF IT?

1 A PROBABLY A FOUR FOOT, FOUR AND A HALF MAYBE FIVE  
2 FOOT WIDE HALL.

3 Q WOULD THAT BE?

4 A A LITTLE.

5 Q MORE THAN?

6 A YEAH.

7 Q A LITTLE BIT LARGER?

8 A IT WOULDN'T HAVE BEEN MUCH LARGER THAN THAT IF  
9 ANY.

10 Q ALL RIGHT. AND IN THE TAPE YOU TOLD MR. COPE  
11 THAT, IN THE TAPE YOU WERE TALKING TO MR. COPE ABOUT  
12 WHOSE DOORS WERE OPEN AND WHAT WAS YOUR UNDERSTANDING  
13 AT THAT TIME OF WHOSE DOORS WERE OPEN?

14 A MY UNDERSTANDING WAS THAT ALL THE DOORS WERE  
15 OPEN ORIGINALLY.

16 Q AT THE BEGINNING OF THE EVENING WHEN THEY ALL  
17 WENT TO BED?

18 A THAT'S CORRECT.

19 Q OKAY. AND WHICH LIGHTS WERE ON?

20 A I DON'T REMEMBER THE DISCUSSION EXCEPT FOR MAYBE  
21 THE ONE LIGHT BEING ON, THE GIRLS LIGHTS OR SOMETHING  
22 BEING ON.

23 Q OKAY. NOW WE'VE HEARD THE PATHOLOGIST TESTIFY  
24 SO I DON'T WANT YOU, YOU DON'T NEED TO DISCUSS TO ANY  
25 OF THE INJURIES TO AMANDA, BUT FROM THE SCENE IN HER



1 ROOM HOW WOULD YOU CHARACTERIZE THE ATTACK UPON  
2 AMANDA FROM WHAT YOU SAW IN HER ROOM?

3 A THE ROOM WAS TORN UP. THE BED WAS TORN APART.  
4 I WAS IN THERE FOR JUST A VERY SHORT PERIOD, FROM  
5 WHAT I COULD SEE THE MATTRESS APPEARED TO BE OFF OF  
6 THE BED. SHE WOULD HAVE BEEN LAYING ON TOP OF THE  
7 BED TO THE RIGHT HAND SIDE KIND OF CATTY CORNERED ON  
8 THE MATTRESS, BUT THE ROOM WAS JUST, IT WAS IN TOTAL  
9 DISARRAY, TORN UP.

10 Q OKAY. NOW WHAT IS MEANT WHEN SOMEBODY SAYS A  
11 CRIME SCENE WAS STAGED? WHAT DOES THAT MEAN?

12 A THERE IS EVIDENCE OR THERE IS SOMETHING THERE TO  
13 APPEAR THAT SOMETHING HAS BEEN DONE TO MAKE IT LOOK  
14 LIKE A PARTICULAR TYPE CRIME WAS COMMITTED.

15 Q OR A PARTICULAR CRIME NECESSARILY?

16 A OR A PARTICULAR INCIDENT, A PARTICULAR SCENE, OR  
17 SOMETHING THAT DID NOT HAPPEN TO APPEAR TO HAVE  
18 HAPPENED.

19 Q YOU'VE STUDIED AT THE FBI ACADEMY?

20 A THAT'S CORRECT.

21 Q AND YOU'VE STUDIED SOME OF THE CRIMINAL SCENE  
22 ANALYSIS THERE?

23 A THAT'S CORRECT.

24 Q ALL RIGHT, SIR. AND WAS THIS CRIME SCENE  
25 STAGED?

1 A FROM WHAT I SAW, I WAS NOT IN THE CRIME SCENE  
2 BUT JUST A VERY FEW MINUTES.

3 Q FROM WHAT YOU KNOW OF THE CRIME SCENE?

4 A BUT FROM WHAT I KNOW OF IT WITH THE INTERVIEWS  
5 AND TALKING WITH THE OTHER INVESTIGATORS, YES, SIR,  
6 IT WOULD APPEAR TO BE.

7 Q OKAY. AND THE SIGNIFICANT FACTORS IN THAT,  
8 WOULD THE BED SHEET EDGING WRAPPED HER NECK, WOULD  
9 THAT HAVE SIGNIFICANCE AS FAR AS THAT'S CONCERNED?

10 A YES, SIR, THAT WOULD. THE FACT THAT IT APPEARED  
11 HER CLOTHES HAD BEEN PUT BACK ON, THE APPEARANCE OF  
12 THE BEDROOM, AND THE DOORS AS THEY WERE TOLD TO HAVE  
13 BEEN PUT TOGETHER THE WAY THEY WERE.

14 Q OKAY. AND THE CONDITION OF THE HOUSE, DESCRIBE  
15 THAT FOR US AGAIN BRIEFLY?

16 A IT WAS A TOTAL, IT WAS JUST FILTHY, DIRTY, AND  
17 DISARRAY. THERE WERE STUFF SITTING ALL IN THE  
18 FLOORS, ALL IN THE LIVING ROOM AROUND THE HALL AREA.  
19 I DID NOT GO INTO THE KITCHEN AREA, BUT WHAT I DID  
20 SEE OF THE LIVING ROOM, HALL, AND THE TWO BEDROOMS IT  
21 WAS JUST A TOTAL MESS.

22 Q ALL RIGHT, SIR. NOW IN THAT INTERVIEW YOU READ  
23 THE STATEMENT OF OFFICER KEVIN JONES, DO YOU RECALL  
24 HEARING THAT JUST NOW?

25 A THAT'S CORRECT.

1 Q YOU READ THAT STATEMENT ABOUT, IN THERE I  
2 BELIEVE YOU INDICATED TO MR. COPE YOU TOLD HIM THAT  
3 THE SHEET WAS STILL WRAPPED AROUND HER NECK FOUR OR  
4 FIVE TIMES?

5 A THAT'S CORRECT.

6 Q DID YOU HAVE ANY PICTURES OF THE CRIME SCENE AT  
7 THAT TIME?

8 A NO, I DID NOT.

9 Q OKAY. SO WHEN YOU WERE TELLING HIM THAT WHAT  
10 WERE YOU RELYING ON?

11 A I WAS RELYING ON WHAT I HAD READ IN THE OFFICERS  
12 STATEMENT.

13 Q OKAY. NOW YOU'VE SEEN THE CRIME SCENE  
14 PHOTOGRAPHS, YOU'VE SEEN THE PICTURES?

15 A THAT'S CORRECT.

16 Q OF AMANDA AS SHE LAY IN THE BED. PARTICULARLY  
17 I'M SHOWING YOU STATE'S EXHIBIT 18?

18 A YES.

19 Q DID YOU HAVE ACCESS TO THIS PHOTOGRAPH AT THAT  
20 TIME?

21 A NO, SIR, I DID NOT.

22 Q WERE THE LINENS IN FACT WRAPPED AROUND HER NECK?

23 A NO, SIR, THEY WERE NOT.

24 Q OKAY. THERE WAS ANOTHER PART OF THE TAPE WHERE  
25 MR. COPE WAS DESCRIBING SOMETHING, HE SAID HANDS UP

1        AROUND THE NECK AND HE WAS APPARENTLY DEMONSTRATING,  
2        IT SOUNDS LIKE, ON THE AUDIO TAPE BUT OF COURSE WE  
3        CAN'T SEE WHAT HE WAS DOING. DO YOU RECALL?

4        A        YES, HE WAS INDICATING THAT HER HANDS WERE UP  
5        UNDER HER NECK LIKE THIS WHEN HE ROLLED HER OVER.

6        Q        OKAY. SO SHE WAS FACE DOWN AND HER HANDS WERE  
7        LOCATED HERE?

8        A        THAT'S CORRECT.

9        Q        ALL RIGHT. DID HE MAKE THAT INDICATION WITH HIS  
10       FINGERS?

11       A        YES, HE DID.

12       Q        CURLING THEM?

13       A        HE WAS INDICATING THAT HE, THAT SHE WAS IN THIS  
14       POSITION INDICATING THAT SHE APPEARED TO BE PULLING  
15       OR THAT'S WHAT HE WAS INFERRING THAT SHE WAS TRYING  
16       TO PULL THE SELVAGE FROM AROUND HER NECK.

17       Q        NOW REPEATEDLY THROUGHOUT THE TAPE INTERVIEW  
18       MR. COPE MENTIONS POLYGRAPH?

19       A        THAT'S CORRECT.

20       Q        AFTER THE INTERVIEW, AFTER THE TAPE, THE LAST  
21       TAPE RAN OUT, DID YOU ATTEMPT TO MAKE ANY EFFORTS IN  
22       REGARD TO THE POLYGRAPH?

23       A        WE DID.

24       Q        WHAT DID YOU DO?

25       A        LATER THAT AFTERNOON OR LATER AFTER THE

1 INTERVIEW WE CALLED YORK COUNTY SHERIFF'S DEPARTMENT  
2 POLYGRAPH OPERATOR WHO WOULD BE DETECTIVE MIKE BAKER,  
3 EXPLAINED THE SITUATION TO HIM, AND WE TOLD HIM THAT  
4 WE HAD AN INDIVIDUAL WILLING AND WANTING TO TAKE THE  
5 POLYGRAPH IN THE CASE. WE EXPLAINED THE SITUATION,  
6 WHAT TIME OF THE MORNING, HOW LONG HE HAD BEEN THERE,  
7 THAT WE HAD BEEN INTO A LENGTHY INTERVIEW, HE STATED  
8 THAT IT WOULD BE BEST TO LET MR. COPE GO AHEAD AND I  
9 GET SOME REST BEFORE WE GAVE HIM POLYGRAPH.

10 Q OKAY. WHAT DID YOU, NOW WHO ALL WAS THERE AT  
11 THIS POINT IN TIME IN THE DETECTIVE DIVISION, WHO WAS  
12 WITH YOU BESIDES MR. COPE?

13 A THAT WOULD BE MYSELF, LIEUTENANT HERRING, AND  
14 DETECTIVE BLACKWELDER.

15 Q DETECTIVE BLACKWELDER SEATED HERE?

16 A THAT'S CORRECT.

17 Q WHERE WAS MR. COPE WHILE YOU WERE DISCUSSING  
18 THESE ISSUES WITH DETECTIVE BAKER AND COLLEAGUES AT  
19 THE ROCK HILL POLICE DEPARTMENT?

20 A HE WAS STILL IN LIEUTENANT HERRING'S OFFICE.

21 Q OKAY. WAS ANYBODY IN THERE WITH HIM?

22 A NO, SIR.

23 Q OKAY. WHAT DID YOU DECIDE TO DO AT THAT POINT  
24 IN TIME AFTER HE -- DID HE GIVE YOU A TIME TO CONTACT  
25 HIM REGARDING THE POLYGRAPH?

1 A I DON'T REMEMBER BECAUSE I DON'T THINK I. -- I  
2 DON'T REMEMBER BEING THE ONE THAT TALKED TO HIM. I  
3 THINK LIEUTENANT HERRING IS THE ONE WHO CALLED HIM.

4 Q WHAT DID YOU DECIDE TO DO AFTER THOSE EFFORTS  
5 WERE MADE AND YOU WERE NOT ABLE TO ADMINISTER THE  
6 POLYGRAPH AFTER THAT?

7 A AFTER THAT DISCUSSION LIEUTENANT HERRING,  
8 MYSELF, DETECTIVE BLACKWELDER PAGED OR CALLED CAPTAIN  
9 CABANISS WHO WAS OUT OF TOWN AND WHO IS THE CAPTAIN  
10 OVER THE DETECTIVE DIVISION AT THAT TIME. AFTER A  
11 CONVERSATION WITH THE CAPTAIN AND US THREE, AT THAT  
12 TIME WE DECIDED THAT WE WOULD SEEK A WARRANT FOR  
13 MR. COPE'S ARREST FOR THE MURDER OF HIS DAUGHTER.

14 Q AND DID YOU IN FACT DO THAT?

15 A WE DID.

16 Q WHERE WAS MR. COPE TAKEN?

17 A HE WAS TAKEN TO THE HOLDING AREA OF THE ROCK  
18 HILL POLICE DEPARTMENT.

19 Q WHO TOOK HIM THERE, DO YOU RECALL?

20 A I DON'T REMEMBER WHO TOOK HIM BACK.

21 Q DID YOU SEE HIM AGAIN THAT NIGHT AFTER HE WAS  
22 TAKING DOWN TO THE HOLDING AREA?

23 A I DID.

24 Q OKAY. WHEN WAS THAT?

25 A I'D SAY IT'S PROBABLY AN HOUR AND A HALF LATER.

1 AFTER OBTAINING THE WARRANT AND TAKING IT BACK I WENT  
2 WITH DETECTIVE BLACKWELDER BACK TO THE HOLDING AREA.  
3 MR. COPE HAD BEEN PLACED IN WHAT WE CALL THE HOLDING  
4 CELL, WHEN WE WALKED UP TO HIS CELL HE WAS LYING DOWN  
5 ON THE COT OR BENCH IN THE ROOM AND APPEARED TO BE  
6 ASLEEP.

7 Q OKAY. NOW APPROXIMATELY WHAT TIME WAS THIS?

8 A THAT WOULD HAVE PROBABLY BEEN 4:30 FIVE O'CLOCK.

9 Q SO APPROXIMATELY WHAT TIME WOULD HE HAVE BEEN  
10 TAKEN DOWN TO THE HOLDING CELL?

11 A PROBABLY QUARTER TO FOUR.

12 Q ALL RIGHT.

13 A SOMEWHERE IN THAT NEIGHBORHOOD. IT MAY HAVE  
14 BEEN 5:30 WHEN WE WENT BACK THERE. I WOULD SAY IT IS  
15 PROBABLY ABOUT AN HOUR AND A HALF BEFORE WE GOT  
16 WARRANT SIGNED AND GOT BACK TO THE HOLDING AREA WITH  
17 IT.

18 Q ALL RIGHT. THANK YOU VERY MUCH, LIEUTENANT  
19 WALDROP. PLEASE ANSWER ANY QUESTIONS THAT MR. MORTON  
20 MAY HAVE FOR YOU.

21 CROSS EXAMINATION BY MR. MORTON:

22 Q MR. WALDROP, I KNOW IT'S LATE IN THE AFTERNOON  
23 ON FRIDAY AFTERNOON AND EVERYBODY IS TIRED. YOU AND  
24 I HAVE KNOWN EACH OTHER FOR A LONG TIME?

25 A YES, SIR.

1 Q RIGHT?

2 A YES, SIR.

3 Q SO I APOLOGIZE IF I SLIP IN TO CALLING YOU JERRY  
4 SOMETIMES AND YOU CAN CALL ME WHATEVER YOU WANT.

5 (LAUGHTER.)

6 A JERRY IS FINE.

7 Q HAVE YOU EVER HEARD THE PHRASE YOU CAN'T FIGHT  
8 CITY HALL?

9 A CAN'T FIGHT CITY HALL, YES, SIR. THAT'S QUITE A  
10 COMMON PHRASE.

11 Q YOU EVER TRIED TO FIGHT CITY HALL?

12 A NOT REALLY, NO, SIR.

13 Q YOU'VE BEEN A POLICE OFFICER FOR 30 YEARS?

14 A THAT'S CORRECT.

15 Q IT'S HARD TO FIGHT CITY HALL, YOU AGREE WITH  
16 THAT?

17 A I NEVER HAD A REASON TO REALLY.

18 Q MR. COPE IS FIGHTING CITY HALL, YOU REALIZE  
19 THAT?

20 A I DON'T UNDERSTAND THE POINT BUT IF YOU.

21 Q MY POINT IS THE MISTAKE WAS MADE AND NOW YOU,  
22 SOLICITORS, ARE TRYING TO COMPOUND THAT MISTAKE AND  
23 HE'S HAVING TO FIGHT TO SAVE HIS LIFE.

24 MR. BRACKETT: YOUR HONOR, I OBJECT.

25 THE COURT: I SUSTAIN THE OBJECTION. JUST



1 ASK THE WITNESS QUESTIONS, MR. MORTON.

2 Q IS THAT RIGHT?

3 THE COURT: NO. I SUSTAIN THE OBJECTION,  
4 MR. MORTON.

5 Q HE'S HAVING TO FIGHT TO SAVE HIS LIFE, IS THAT  
6 RIGHT, MR. WALDROP?

7 A HE'S HAVING TO DEFEND HIMSELF, YES, SIR.

8 Q OKAY. AND Y'ALL HAD YOUR MIND MADE UP ON THIS  
9 THING FROM NOVEMBER 29 OF 2001, ALMOST THREE YEARS  
10 AGO?

11 A HAD OUR MINDS MADE UP?

12 Q YES, SIR.

13 A AT WHAT POINT? I MEAN.

14 Q WELL, THAT'S WHAT I'M GOING TO ASK YOU. BUT I  
15 CAN TELL THAT YOU HAD YOUR MIND MADE UP WHEN YOU WENT  
16 AND PICKED HIM UP THAT EVENING?

17 MR. BRACKETT: YOUR HONOR.

18 Q IS THAT RIGHT.

19 THE COURT: I SUSTAIN THE OBJECTION. WHAT  
20 YOU CAN TELL IS NOT IMPORTANT, MR. MORTON. ASK HIM  
21 QUESTIONS.

22 Q OKAY. DID YOU HAVE YOUR MIND MADE UP?

23 A WHEN WE PICKED HIM UP AT HIS MOTHER'S HOUSE?

24 Q YES, SIR?

25 A NO, SIR.

1 Q YOU DID NOT HAVE YOUR MIND MADE UP?

2 A DID NOT, NO, SIR.

3 Q WHAT ON THIS TAPE? WHAT ON THIS FOUR HOURS OF  
4 INTERROGATION CHANGED YOUR MIND?

5 A THERE WAS A LOT OF OTHER STUFF OTHER THAN WHAT  
6 IS ON THIS TAPE THAT CHANGED OUT MIND.

7 Q OKAY.

8 A BUT THE BIGGEST THING ABOUT THE TAPE WAS THE  
9 FACT THAT MR. COPE COULD NOT AND HE WOULD NOT ANSWER  
10 QUESTIONS CONCERNING HIS DAUGHTER DEATH. HE RAMBLED,  
11 HE WAS NOT CONSISTENT, AND EVEN WHEN I SPECIFICALLY  
12 PRESSED HIM ON QUESTIONS AND CONCERNS ABOUT HIS  
13 DAUGHTER'S DEATH HE SHOWED NO EMOTION, HE SHOWED NO  
14 CONCERN, HE WOULD NOT TALK ABOUT IT, HE RAMBLED, AND  
15 JUST WOULD NOT DISCUSS THE ELEMENTS OF HOW HIS  
16 DAUGHTER DIED.

17 Q AND THAT'S YOUR STORY AND YOU ARE STICKING TO  
18 IT?

19 MR. BRACKETT: AGAIN I OBJECT.

20 Q IS THAT RIGHT?

21 MR. MORTON: I AM ASKING IS THAT RIGHT.

22 THE COURT: I OVERRULE THE OBJECTION THIS  
23 TIME.

24 A THAT'S CORRECT.

25 Q OKAY. AND WE HAVE THIS TAPE AND THE JURY HAS

1 HEARD THE TAPE AND WE HAVE LISTENED TO THE TAPE AND  
2 THEY CAN TAKE IT BACK AND LISTEN TO IT AS MANY TIMES  
3 AS THEY WANT TO, CORRECT?

4 A THAT'S CORRECT.

5 Q OKAY. DID YOU COUNT THE NUMBER OF TIMES THAT  
6 BILLY COPE TOLD YOU HE DID NOT HARM HIS DAUGHTER,  
7 KILL HIS DAUGHTER, SEXUALLY ASSAULT HIS DAUGHTER? DO  
8 YOU KNOW HOW MANY TIMES THAT WAS? DID YOU COUNT  
9 THEM?

10 A NO, SIR, I DIDN'T.

11 Q OVER 665 TIMES?

12 MR. BRACKETT: YOUR HONOR, AGAIN.

13 THE COURT: LET'S --

14 Q IS THAT RIGHT?

15 A I DIDN'T COUNT THEM.

16 Q DO YOU KNOW WHETHER THAT WOULD BE TRUE OR NOT  
17 TRUE?

18 A I WOULDN'T KNOW WITHOUT COUNTING THEM.

19 Q WHAT ELSE COULD HE HAVE DONE, MR. WALDROP?

20 A WHAT ELSE COULD HAVE HE DONE?

21 Q I MEAN, YOU SAID THAT HE DIDN'T ANSWER YOUR  
22 QUESTIONS, HE RAMBLED ON AND ON, I PERSONALLY DON'T  
23 UNDERSTAND WHAT ELSE HE COULD HAVE SAID, MYSELF?

24 THE COURT: I SUSTAIN THE OBJECTION.

25 LET'S. LET ME LET THE JURY LEAVE JUST ONE MINUTE.

1 (THE JURY EXITS THE COURTROOM AT  
2 4:48.)

3 THE COURT: JUST SO WE CAN MOVE ALONG,  
4 WE'RE GOING TO TAKE A SHORT BREAK, BUT JUST ASK  
5 QUESTIONS THAT HAVE ANSWERS. AGAIN YOUR OPINION,  
6 SAVE THAT FOR JURY ARGUMENT. OF COURSE THERE ARE  
7 CERTAIN THINGS UNDER OUR RULES THAT YOU CAN'T ARGUE  
8 EVEN TO A JURY. I THINK YOU CAN COUCH THE SAME  
9 QUESTIONS WITHOUT MAKING THEM YOUR OPINIONS, SO LET'S  
10 JUST, IN ORDER THAT MR. BRACKETT DOESN'T HAVE TO, YOU  
11 MIGHT NOT BE PLANNING ON DOING IT MORE ANYWAY, BUT SO  
12 MR. BRACKETT DOESN'T HAVE TO KEEP OBJECTING. ALL  
13 RIGHT.

14 MR. MORTON: THANK YOU, YOUR HONOR.

15 THE COURT: WE'LL TAKE A SHORT BREAK.

16 (COURT'S IN RECESS AT 4:49.)

17 (COURT RESUMES.)

18 THE COURT: BRING IN THE JURY.

19 (THE JURY RETURNS TO THE COURTROOM AT  
20 4:55.)

21 THE COURT: YOU MAY CONTINUE.

22 MR. MORTON: THANK YOU VERY MUCH, YOUR  
23 HONOR.

24 CROSS EXAMINATION BY MR. MORTON:

25 Q MR. WALDROP, MR. BRACKETT ASKED YOU HOW FAR THE

1 DEFENDANT'S ROOM WAS FROM, HOW FAR MR. BILLY COPE'S

2 ROOM WAS FROM HIS LITTLE GIRL, RIGHT?

3 A NO, HE SAID FROM THE BED.

4 Q FROM THE BED?

5 A I THINK HE SAID FROM THE BED.

6 Q WELL, I WON'T DO ALL THIS. HOW FAR WAS KYLA AND

7 JESSICA'S ROOM FROM AMANDA'S ROOM?

8 A I REALLY DON'T REMEMBER. I DIDN'T LOOK INTO

9 THEIR ROOM. BUT IF I'M NOT MISTAKEN I THINK IT WAS

10 RIGHT NEXT DOOR TO AMANDA'S ROOM.

11 Q THEY WERE ALL RIGHT --

12 A THEY WERE ALL RIGHT INTO THE END OF THE HOUSE

13 THERE TOGETHER.

14 Q AND KYLA AND JESSICA DIDN'T HEAR ANYTHING

15 EITHER, DID THEY?

16 A I DON'T KNOW. I HADN'T TALKED TO THE GIRLS AT

17 ALL.

18 Q YOU HAVE NOT TALKED TO THE GIRLS?

19 A NO, SIR.

20 Q OKAY. YOU ARE NOT AWARE OF THAT FACT?

21 A NO, SIR, I'M NOT.

22 Q OKAY. YOU WENT TO THE HOUSE THAT MORNING,

23 CORRECT?

24 A YES, SIR.

25 Q YOU STAYED THERE FOR TWO HOURS AND 20 MINUTES?

1 A THAT'S CORRECT.

2 Q CORRECT? WHAT DID YOU DO THERE?

3 A I WAS OUTSIDE THE ENTIRE TIME WITH THE EXCEPTION

4 OF A FEW MINUTES THAT I WAS INSIDE OF THE RESIDENT.

5 Q WHAT DID YOU DO THERE?

6 A I WAS ON THE PERIMETER, THE OUTSIDE OF THE

7 HOUSE. I DID CHECK THE OUTSIDE, THE PERIMETER OF THE

8 HOUSE, THE OUTSIDE, BUT OTHER THAN THAT I JUST STOOD

9 OUTSIDE WAITING FOR CRIME SCENE, THE PATHOLOGIST CAME

10 DOWN, AND I, I WAS JUST AT THE SCENE. I WASN'T

11 REALLY DOING ANYTHING ELSE.

12 Q AND THERE WERE A LOT OF PEOPLE LIKE YOU AT THAT

13 SCENE THAT REALLY DIDN'T DO A WHOLE LOT, RIGHT?

14 A OUTSIDE OF IT, THAT'S CORRECT.

15 Q THERE WERE A LOT OF PEOPLE IN THAT HOUSE THAT

16 DIDN'T ---

17 A THERE WERE A LOT OF PEOPLE THAT WENT IN AND OUT

18 OF IT, YES, SIR. I DON'T KNOW HOW MANY.

19 Q A LOT OF PEOPLE WENT IN AND OUT OF THAT SCENE?

20 A THAT'S RIGHT.

21 Q RIGHT? DO YOU KNOW HOW MANY FINGERPRINTS WERE

22 TAKEN IN THAT HOUSE?

23 A NO, SIR.

24 Q DO YOU KNOW?

25 A I DON'T.

1 Q WOULD IT SURPRISE YOU TO LEARN THAT NOT ONE  
2 FINGERPRINT WAS TAKEN?

3 A I DON'T KNOW. I MEAN I HAD NOTHING TO DO WITH  
4 THE CRIME SCENE PROCESSING AND I HAVEN'T HEARD  
5 ANYTHING ABOUT ANY FINGERPRINTS TAKEN AT THE SCENE.

6 Q OKAY. WOULD IT SURPRISE YOU TO LEARN THAT NO  
7 FOOTPRINTS WERE TAKEN?

8 A LIKE I SAID, I DON'T KNOW.

9 Q YOU TALKED TO MR. BILLY COPE FOR ALMOST FOUR  
10 HOURS THAT NIGHT, CORRECT?

11 A THAT'S CORRECT.

12 Q AND MR. BILLY COPE COOPERATED WITH YOU FOR FOUR  
13 HOURS, CORRECT?

14 A THAT'S CORRECT.

15 Q HE SHOWED NOTHING BUT THE UPTMOST RESPECT FOR  
16 YOU DURING THAT INTERVIEW, WOULD YOU AGREE WITH THAT?

17 A THAT'S CORRECT.

18 Q HE SAID SIR ON THAT TAPE JUST ABOUT EVERY TIME  
19 YOU ASKED HIM A QUESTION?

20 A YES, SIR.

21 Q HE COOPERATED WITH YOU TO THE BEST OF HIS  
22 ABILITY AS LONG AS HE COULD, DID HE NOT?

23 A YES, SIR.

24 Q AND MR. WALDROP, IT'S TRUE THAT YOU JUST WEREN'T  
25 GOING TO TAKE NO FOR AN ANSWER, ISN'T THAT RIGHT?

1 A IT WASN'T THE FACT THAT I WASN'T GOING TO TAKE  
2 NO FOR AN ANSWER. I WAS JUST TRYING TO GET TO THE  
3 TRUTH OF WHAT REALLY HAPPENED IN THAT HOUSE THAT  
4 NIGHT.

5 Q ALL RIGHT. WHAT IS THE TRUTH? WHAT IS THE  
6 TRUTH? DO YOU KNOW THE TRUTH?

7 A I KNOW THE STATEMENTS THAT HE FINALLY GAVE  
8 TELLING WHAT HAPPENED.

9 Q ON THE NIGHT OF NOVEMBER 29, 2001, WHEN YOU  
10 SUBMITTED BILLY COPE TO THIS INTERROGATION DID YOU  
11 KNOW THE TRUTH?

12 A WE HAD IDEAS OF WHAT HAD HAPPENED, YES.

13 Q YOU THOUGHT YOU KNEW THE TRUTH?

14 A THAT'S CORRECT.

15 Q RIGHT?

16 A WE KNEW WHAT WE HAD BEEN TOLD. WE KNEW WHAT THE  
17 AUTOPSY HAD SHOWED. WE KNEW WHAT WE HAD FOUND AT THE  
18 SCENE, YES, SIR.

19 Q YOU HAD AN IDEA OF WHAT THE TRUTH WAS AND YOU  
20 TRIED TO MAKE BILLY COPE TELL YOU, AGREE WITH YOU,  
21 WHAT YOUR IDEA OF THE TRUTH WAS?

22 A WE TRIED TO GET HIM TO TELL THE TRUTH ABOUT WHAT  
23 HAPPENED, YES, SIR.

24 Q SO DID YOU AND LIEUTENANT HERRING, DID Y'ALL  
25 KNOW THE TRUTH?



1 A WE KNEW WHAT WE KNEW.

2 Q OKAY. BUT YOU DIDN'T KNOW THE TRUTH? WHO KNOWS  
3 THE TRUTH?

4 A I GUESS THE ONLY PERSON, ONLY TWO PEOPLE WHO  
5 REALLY KNOW THE TRUTH WOULD BE BILLY WAYNE COPE AND  
6 AMANDA AND SHE CAN'T TALK.

7 Q SO YOU STILL BELIEVE THAT?

8 A YES, SIR.

9 Q AND THAT'S WHAT YOU STILL BELIEVE?

10 A YES, SIR.

11 Q AND THAT'S ALL THESE DETECTIVES BELIEVE, RIGHT?

12 MR. BRACKETT: YOUR HONOR, I OBJECT.

13 THE COURT: YES, I SUSTAIN THE OBJECTION  
14 AS TO WHAT OTHER PEOPLE.

15 Q ALL RIGHT. LET ME ASK YOU THIS. AMANDA COPE  
16 KNOWS THE TRUTH, DOES SHE NOT?

17 A SHE WOULD.

18 Q THIS MAN RIGHT HERE KNOWS THE TRUTH, DOES HE  
19 NOT?

20 A I CAN'T ANSWER THAT.

21 Q OKAY. WELL, LET ME ASK YOU SOMETHING ABOUT THE  
22 TRUTH FROM THAT NIGHT IF YOU WILL.

23 A OKAY.

24 Q IF YOU HAD KNOWN ON NOVEMBER 29, 2001, WHEN YOU  
25 SUBJECTED BILLY COPE TO THIS CROSS EXAMINATION THAT

1 MR. JAMES SANDERS' SEMEN AND SALIVA ON HER, ON AMANDA  
2 COPE, ON AMANDA COPE'S BITTEN BREAST WAS GOING TO  
3 COME BACK LIKE BILLY COPE TOLD YOU, NOT BILLY COPE,  
4 BUT TO JAMES SANDERS, WOULD THAT HAVE CHANGED YOUR  
5 OPINION OF THE TRUTH?

6 A IT WOULD HAVE ADDED MORE LINES OF QUESTIONING,  
7 IT WOULD HAVE ADDED MORE SUSPICION TO IT, BUT I DON'T  
8 THINK I WOULD HAVE DONE THE INTERVIEW ANY DIFFERENT,  
9 NO, SIR.

10 Q WELL, I'M STILL AND I'M ASKING YOU TO TELL ME  
11 WHAT EVIDENCE DID YOU KNOW OF THAT LINKS THESE TWO  
12 MEN TOGETHER? NOW, THEN, A YEAR AGO, TWO YEARS AGO,  
13 TWO MONTHS AGO?

14 A WELL, THEN I DIDN'T KNOW ANY THAT LINKED THEM  
15 TOGETHER.

16 Q OKAY. WELL, TELL ME WHAT YOU KNOW NOW.

17 A THE ONLY THING I KNOW NOW IS THE FACT THAT THE  
18 DNA CAME BACK AS POSITIVE FOR JAMES SANDERS AT THE  
19 SCENE THAT WAS ON HER BODY.

20 Q SO WHAT'S THAT GOT TO DO WITH BILLY COPE?

21 A THAT DNA SAMPLE HAS NOTHING TO DO WITH BILLY  
22 COPE.

23 Q SO WHY ARE WE HERE?

24 A BECAUSE.

25 Q WHY ARE WE HERE AGAINST BILLY COPE?

1 THE COURT: LET HIM ANSWER THE QUESTION  
2 YOU ASKED.

3 MR. MORTON: I'M SORRY, YOUR HONOR.

4 A BECAUSE OUR EVIDENCE AT THE TIME INDICATED THAT  
5 BILLY COPE WAS INVOLVED IN HIS DAUGHTER'S MURDER AND  
6 HE SUBSEQUENTLY ADMITTED TO THAT.

7 Q AND HE -- OH, HE CONFESSED. HE TOLD YOU AND THE  
8 JURY IS GOING TO HEAR THAT WHEN WE COME BACK HERE  
9 NEXT WEEK, THAT AFTER FOUR HOURS OF INTERROGATION BY  
10 YOU THAT HE FINALLY SAID, I'LL SAY WHATEVER YOU WANT  
11 ME TO SAY, IS THAT CORRECT?

12 MR. BRACKETT: YOUR HONOR, OBJECTION.

13 THE COURT: I OVERRULE THE OBJECTION. IF  
14 HE.

15 MR. BRACKETT: IT IS MORE TESTIMONY THAN  
16 QUESTIONING.

17 THE COURT: WELL, HE'S ASKING HIM IF  
18 SOMETHING IS ON THE TAPE. IF IT'S NOT, HE CAN SAY  
19 IT'S NOT. I OVERRULE THE OBJECTION.

20 MR. BRACKETT: THANK YOU.

21 MR. MORTON: I'LL WITHDRAW THE QUESTION,  
22 YOUR HONOR.

23 Q WHAT ELSE COULD HE DO, LIEUTENANT WALDROP? I  
24 MEAN, THE POLICE WERE NOT GOING TO TAKE NO FOR AN  
25 ANSWER?

1           A     YOU HEARD THE TAPE.  I HEARD THE TAPE.  THE JURY  
2           HEARD THE TAPE.  IF DURING THIS TAPE WHEN DURING THIS  
3           INTERVIEW WHEN HE SHOULD HAVE BEEN HEARING FOR THE  
4           FIRST TIME THAT HIS DAUGHTER WAS SEVERELY BEATEN OR  
5           SEVERELY SEXUALLY ASSAULTED, WHICH I PRESSED SEVERAL  
6           TIMES, HE NEVER ASKED A QUESTION ABOUT IT.  HE NEVER  
7           SHOWED ANY EMOTION.  INSTEAD OF ASKING ME QUESTIONS  
8           WHEN I SAID IT TO HIM FOR THE FIRST TIME, HE WENT OFF  
9           ON SOME TANGENT RAMBLING ABOUT HIS CPAP MACHINE ON A  
10          LONG DRAWN OUT CONVERSATION INSTEAD OF EVER ASKING ME  
11          OR EVER SAYING ANYTHING ABOUT HIS DAUGHTER'S MURDER,  
12          ASSAULT, OR SEXUAL ASSAULT.

13          Q     HOW MANY TIMES DID HE TELL YOU HE DIDN'T KNOW  
14          WHAT HAPPENED TO HIS DAUGHTER, HE DIDN'T HEAR  
15          ANYTHING, HE FELT RESPONSIBLE FOR IT, HOW MANY TIMES  
16          DID HE TELL YOU THAT?

17          A     OH, HE SAID THAT DOZENS OF TIMES.  BUT THAT  
18          STILL DOESN'T EXPLAIN WHAT HAPPENED.

19          Q     WHAT ELSE COULD HE HAVE SAID?  WHAT ELSE COULD  
20          HE SAY?

21          A     IN MY OPINION?

22          Q     YES, SIR.

23          A     THE TRUTH ABOUT WHAT HAPPENED THAT NIGHT.

24          Q     OKAY.  AND IN YOUR OPINION IS THE TRUTH AND  
25          THAT'S?

1 A THAT'S CORRECT.

2 Q I GUESS THAT'S WHAT WE'RE HERE ARGUING ABOUT, IS  
3 THAT CORRECT?

4 A THAT'S TRUE.

5 Q OKAY. NOW YOU TOLD ME AND YOU TOLD US THAT YOU  
6 THOUGHT BILLY COPE STAGED THIS SCENE. LET ME BACK  
7 UP. WHEN YOU WENT TO HIS HOUSE TEN O'CLOCK THAT  
8 NIGHT?

9 A I WENT TO HIS MOTHER'S HOUSE.

10 Q WHEN YOU WENT TO HIS MOTHER'S HOUSE ON LUCAS  
11 STREET?

12 A THAT'S CORRECT.

13 Q THESE WEREN'T WELL-TO-DO PEOPLE, CORRECT?

14 A YOU KNOW, I DON'T KNOW WHAT KIND OF MEANS THEY  
15 HAVE. I MEAN THEY LIVE ON LUCAS STREET. IT'S NOT A  
16 UPPER CLASS NEIGHBORHOOD, NO, SIR.

17 Q AND RICH STREET IS NOT UPPER CLASS NEIGHBORHOOD  
18 EITHER, RIGHT?

19 A NO, SIR.

20 Q AND PEOPLE LIVE IN POOR NEIGHBORHOODS, DON'T  
21 THEY?

22 A YES, SIR.

23 Q AND THAT PART OF RICH STREET OFF OF SALUDA  
24 STREET IS A POOR NEIGHBORHOOD, WOULD YOU AGREE WITH  
25 THAT?

1 A I WOULD SAY IT'S PRETTY POOR, YES, SIR.

2 Q AND THERE IS NO QUESTION ABOUT AND YOU WOULD  
3 AGREE WITH ME THAT THE COPE'S HOUSE WAS FILTHY?

4 A VERY MUCH SO, YES, SIR.

5 Q RIGHT. PEOPLE LIVE IN DESPICABLE PLACES  
6 SOMETIMES, DON'T THEY?

7 A YES, SIR.

8 Q THAT DOESN'T MEAN, INVESTIGATOR WALDROP, THAT  
9 YOU RAPE AND MURDER YOUR OWN DAUGHTER, DOES IT?

10 A NO, SIR, I DIDN'T IMPLY THAT.

11 Q SO WHEN YOU WENT TO BILLY COPE'S PARENTS HOUSE  
12 ON LUCAS STREET THAT NIGHT, YOU TESTIFIED THAT YOU  
13 ASKED HIM TO COME TO THE POLICE STATION WITH Y'ALL,  
14 CORRECT?

15 A THAT'S CORRECT.

16 Q NOW YOU AND MR. HERRING WENT THERE TOGETHER,  
17 CORRECT?

18 A YES, SIR.

19 Q WHAT WERE YOU DRIVING?

20 A GOLD COLORED CROWN VIC.

21 Q CROWN VICTORIA?

22 A YES, SIR.

23 Q POLICE CAR?

24 A YES, SIR.

25 Q PULLS UP TO HIS MOTHER'S HOUSE?

1 A YES, SIR.

2 Q ASKS HIM TO COME DOWN TO THE POLICE STATION WITH  
3 YOU?

4 A YES, SIR.

5 Q HE ASKED YOU IF HE WAS COMING BACK, DIDN'T HE?

6 A I DON'T RECALL HIM ASKING THAT, BUT I DID ASK  
7 HIM IF HE WANTED TO DRIVE HIMSELF OR IF HE WANTED TO  
8 RIDE WITH US OR IF HE HAD TRANSPORTATION.

9 Q YOU KNEW HE WASN'T COMING BACK?

10 A NO, SIR.

11 Q DIDN'T YOU?

12 A NO, SIR.

13 Q YOU DIDN'T KNOW THAT?

14 A NO, SIR.

15 Q WHY DIDN'T YOU JUST GIVE HIM A CALL ON THE  
16 TELEPHONE AND SAY BILLY HOW ABOUT COMING ON UP HERE  
17 AND TALKING TO US?

18 A ALL I KNEW IS WHERE HE IS SUPPOSED TO BE AT. I  
19 DIDN'T KNOW IF THEY HAD A PHONE NUMBER FOR HIM OR  
20 NOT.

21 Q WHY DID LIEUTENANT HERRING HAVE TO GO WITH YOU?

22 A WE WERE RIDING TOGETHER. WE WERE WORKING  
23 TOGETHER.

24 Q HE HAD COOPERATED WITH YOU ALL DAY LONG, HAD HE  
25 NOT?

1 A WELL, I HADN'T BEEN INVOLVED IN ANY OF THE OTHER  
2 INTERVIEWS OR ANYTHING, BUT YOU KNOW AS FAR AS I KNEW  
3 HE HAD, YES, SIR.

4 Q AND IN FACT HE SAID WHEN YOU GOT THERE, CAN I  
5 FOLLOW Y'ALL UP THERE, DID HE NOT?

6 A NO, SIR.

7 Q HE DIDN'T SAY THAT?

8 A NO, SIR.

9 Q OKAY?

10 A I THINK HIS MOTHER MADE THE STATEMENT: GO AHEAD  
11 AND RIDE WITH THEM, BILLY.

12 Q WHAT HAPPENED, AND YOU SAID THEN THAT WHEN Y'ALL  
13 WENT TO PICK HIM UP HE DIDN'T HAVE TO COME WITH YOU,  
14 YOU DIDN'T HAVE A WARRANT FOR HIM?

15 A NO, SIR.

16 Q HE DIDN'T HAVE TO COME UP THERE. HE DIDN'T DO  
17 HAVE TO DO ANY OF THE THINGS THAT HE'S DONE ON  
18 NOVEMBER 29, DID HE? BY LAW HE DIDN'T HAVE TO  
19 COOPERATE WITH Y'ALL AT ALL?

20 A NO, SIR.

21 Q YOU COULDN'T MAKE HIM GO TO THE HOSPITAL AND  
22 TAKE SEMEN AND BLOOD AND HAIR AND SALIVA FROM HIM;  
23 YOU COULDN'T DO THAT ON THAT DAY, COULD YOU?

24 A NO, SIR.

25 Q BECAUSE ALL THAT WAS VOLUNTARY ON HIS PART,



1 DOING THAT?

2 A TO MY UNDERSTANDING. I WASN'T PRESENT, BUT YES,  
3 SIR.

4 Q AND IN ORDER TO, IF HE HAD REFUSED TO DO THAT  
5 WHICH HE DIDN'T, BUT IF HE HAD REFUSED TO DO THAT,  
6 YOU WOULD HAVE HAD TO GET SOME TYPE OF SEARCH WARRANT  
7 OR AT LEAST HAVE PROBABLE CAUSE, AT LEAST HAVE  
8 PROBABLE CAUSE TO ARREST HIM, CORRECT?

9 A THAT'S CORRECT.

10 Q AND YOU TOLD US THAT WHEN YOU WENT AND PICKED  
11 HIM UP AT HIS MOTHER'S HOUSE THAT NIGHT THAT HE  
12 DIDN'T HAVE TO GO WITH YOU, CORRECT?

13 A THAT TRUE.

14 Q SO I ASSUME THAT AT THAT POINT YOU DIDN'T HAVE  
15 PROBABLE CAUSE TO ARREST HIM FOR ANYTHING?

16 A WE WEREN'T GOING THERE TO ARREST HIM FOR  
17 ANYTHING.

18 Q WELL, WHAT DID YOU LEARN IN THE FOUR HOURS OF  
19 CONVERSATION WITH HIM THAT CHANGED YOUR MIND?

20 A (NO RESPONSE.)

21 Q WHAT GAVE YOU PROBABLE CAUSE AFTER THIS  
22 INTERROGATION THAT YOU DIDN'T KNOW BEFORE YOU WENT  
23 THERE TO PICK HIM UP?

24 A WELL, THERE IS A LOT I DIDN'T KNOW BEFORE I WENT  
25 THERE BECAUSE I HAD NOT BEEN INVOLVED IN THE ENTIRE

1 DAY'S OPERATION. BUT.

2 Q WELL, WHAT DID YOU LEARN? I GUESS MY QUESTION  
3 IS WHAT DID YOU LEARN ON THAT DATE?

4 A WE LEARNED, YOU HEARD THE TAPE. I TOLD YOU WE  
5 LEARNED THAT HE WAS NOT COOPERATING AS FAR AS  
6 ANSWERING THE QUESTIONS. HE COULD NOT ANSWER THE  
7 QUESTIONS. HE WAS SHOWING NO CONCERN, NO EMOTION; HE  
8 COULD NOT EXPLAIN ANY OF THE THINGS THAT HAPPENED.  
9 HIS STORY ABOUT WHAT HAPPENED IN THE HOUSE DID NOT  
10 MATCH WHAT THE PATHOLOGIST HAD TOLD US.

11 Q Y'ALL HAD MET WITH THE PATHOLOGIST?

12 A THAT'S CORRECT.

13 Q RIGHT?

14 A THAT'S CORRECT.

15 Q AND THE PATHOLOGIST HAD TOLD YOU WHAT THE  
16 INJURIES SHE SUSTAINED?

17 A THAT'S CORRECT.

18 Q THAT SHE HAD BEEN SEXUALLY ASSAULTED?

19 A YES, SIR.

20 Q THAT SHE HAD BEEN SODOMIZED?

21 A THAT'S CORRECT.

22 Q AND YOU TOLD BILLY COPE THAT?

23 A YES, SIR.

24 Q YOU STILL HAVEN'T ANSWERED MY QUESTION TO MY  
25 SATISFACTION. I'M NOT GOING TO BEAT A DEAD HORSE.

1 BUT WHAT, SO WHAT YOU ARE TELLING ME IS, LET ME GET  
2 THIS STRAIGHT, THAT WHAT YOU LEARNED ON THAT TAPE WAS  
3 HE DIDN'T TELL YOU BASICALLY WHAT YOU THOUGHT TO BE  
4 THE TRUTH, IS THAT RIGHT?

5 A WE NEVER SAID THAT THAT TAPE WAS THE DECIDING  
6 FACTOR THAT CAUSED HIM TO BE ARRESTED. THE DECIDING  
7 FACTOR WAS EVERYTHING ELSE THAT WAS KNOWN OR LEARNED  
8 THROUGH THE PATHOLOGIST, AT THE SCENE, AND DURING  
9 THAT INTERVIEW.

10 Q WELL, YOU KNEW --

11 A IT WAS A COMBINATION OF ALL OF IT. AFTER WE  
12 FINISHED THE INTERVIEW AND TALKED AMONG OURSELVES AND  
13 TALKED TO THE CAPTAIN THAT THE DECISION WAS MADE TO  
14 SEEK A WARRANT FOR HIS ARREST.

15 Q AND WHERE WAS THE CAPTAIN?

16 A HE WAS OUT OF TOWN. I THINK HE WAS IN VIRGINIA  
17 BEACH OR SOMEWHERE.

18 Q AND Y'ALL WERE TALKING TO HIM ON THE PHONE?

19 A THAT'S CORRECT.

20 Q AND Y'ALL WERE TRYING DESPARATELY TO GET A  
21 WARRANT AGAINST THIS GUY, WEREN'T YOU?

22 A TRYING DESPARATELY.

23 Q YES.

24 A NO, SIR. WE TALKED ABOUT IT, GOT THE WARRANT.

25 Q I MEAN, LET ME SEE IF I CAN SEE, IF I CAN THINK

1           WHAT THE PROBABLE CAUSE TO EVEN ARREST THIS MAN WAS.  
2           WITHOUT EVEN KNOWING ABOUT JAMES SANDERS, WITHOUT  
3           EVEN KNOWING THAT HIS SEMEN AND SALIVA WAS FOUND ON  
4           THIS GIRL; WE DIDN'T EVEN KNOW THAT NOW.   THE FACT  
5           THAT YOU SAY THERE WAS NO FORCED ENTRY; THE FACT THAT  
6           WHAT BILLY COPE TOLD YOU WAS THAT HE DIDN'T HEAR  
7           ANYTHING, HE DIDN'T KNOW ANYTHING; BUT THE  
8           PATHOLOGIST SAID SHE HAD BEEN BEATEN AND RAPED.   I  
9           GUESS THAT'S THE PROBABLE CAUSE?

10          A       THE CONDITIONS OF THE HOUSE.

11          Q       ALL RIGHT.

12          A       WAIT, LET ME FINISH.

13          Q       OKAY.

14          A       THE CONDITIONS OF THE HOUSE, THERE WAS NO SIGNS  
15                OF FORCED ENTRY, CHECKED ALL THE WINDOWS, ALL THE  
16                DOORS; IN MR. COPE'S OWN ADMISSION THE FRONT DOOR AND  
17                THE BACK DOOR WAS SECURE WHEN HE GOT UP.   HE WAS THE  
18                ONLY MALE IN THE RESIDENCE.   HIS STATEMENT THAT THAT  
19                SWOOSHING SOUND OF HIS CPAP MACHINE WOULD HAVE  
20                DROWNED OUT THE NOISE THAT IT WOULD HAVE HAD TAKEN TO  
21                COMMITTED THIS CRIME; HIS STATEMENTS MADE DURING THE  
22                INTERVIEW.

23          Q       WELL, WHAT STATEMENTS WERE THOSE?

24          A       ABOUT THE CONDITION, WHAT HE ASSUMED HAPPENED IN  
25                THE HOUSE.   ABOUT THAT SELVAGE BEING WRAPPED HER

1        AROUND NECK, ABOUT HE THINKING THAT THAT HAD CHOKED  
2        HER TO DEATH, WE KNEW THAT DIDN'T HAPPEN. SHE WAS  
3        NOT CHOKED BY THAT SELVAGE. SHE DIED AS A RESULT OF  
4        THAT STRANGULATION AND BEATING. SHE DID NOT DIE FROM  
5        THAT CHOKING OF THAT BLANKET SELVAGE.

6        Q        WHEN YOU SAY THE CONDITION OF THE HOUSE, SINCE  
7        YOU JUST TOLD ME THAT Y'ALL DIDN'T BASE ANYTHING ON  
8        WHAT YOU WERE DOING ABOUT THE CONDITIONS OF THE HOUSE  
9        ON THE INSIDE, I ASSUME THAT YOU ARE TALKING ABOUT  
10       THE OUTSIDE OF THE HOUSE?

11       A        THAT'S WHAT I WAS TALKING ABOUT.

12       Q        ALL RIGHT?

13       A        THE EXTERIOR OF THE HOUSE, THE INTERIOR OF THE  
14       HOUSE WHERE THE DOORS AND ALL.

15       Q        MR. WALDROP, YOU'VE BEEN DOING THIS A LONG TIME.

16       A        YES, SIR.

17       Q        HAVEN'T YOU?

18       A        YES, SIR.

19       Q        ISN'T IT TRUE MY THREE YEAR OLD DAUGHTER WITH A  
20       PUTTY KNIFE COULD BREAK INTO THAT HOUSE, COULDN'T  
21       SHE?

22       A        I CAN'T ANSWER THAT QUESTION.

23       Q        WE'RE NOT TALKING ABOUT SOME NICE HOUSE,  
24       SECURITY SYSTEMS AND ALL THAT, ARE WE?

25       A        OH, NO, SIR.

1 Q WE'RE NOT EVEN TALKING ABOUT BOLT LOCKS, ARE WE?

2 A I DON'T REMEMBER SEEING ANY BOLT LOCKS ON IT,  
3 NO, SIR.

4 Q WE'RE TALKING ABOUT OPEN WINDOWS, CORRECT?

5 A OPEN WINDOWS?

6 Q YES, SIR.

7 A TALKING ABOUT A WINDOW BUSTED OUT, BUT NO OPEN  
8 WINDOWS.

9 Q THE KITCHEN WINDOW WAS OPEN, CORRECT?

10 A OPEN?

11 Q YES, SIR.

12 A BUT COVERED.

13 Q HAD A SCREEN ON IT?

14 A YES, SIR.

15 Q SCREEN LATCHES WERE OFF?

16 A NO, SIR.

17 Q ALL RIGHT. WELL, Y'ALL TOOK PHOTOGRAPHS THAT  
18 NIGHT, CORRECT?

19 A THAT'S CORRECT.

20 Q OR THAT DAY?

21 A YES, SIR, SOMETIME THEY TOOK PHOTOGRAPHS OF IT.  
22 I'M NOT SURE WHEN WE TOOK THEM.

23 Q I DON'T KNOW HOW TO WORK, KEVIN.

24 MR. BRACKETT: BEFORE YOU DO.

25 Q YOU'VE BEEN IN THAT NEIGHBORHOOD BEFORE

1 OBVIOUSLY?

2 A YES, SIR.

3 Q AND YOU ARE AWARE NOW THAT THIS MAN RIGHT HERE  
4 MR. SANDERS LIVED TWO BLOCKS DOWN FROM AMANDA COPE?

5 A IN THE SAME ARE, GENERAL AREA, THAT'S CORRECT.

6 Q ON JEFFERSON STREET?

7 A THAT'S CORRECT.

8 MR. MORTON: YOUR HONOR, I MOVE TO  
9 INTRODUCE THESE.

10 THE COURT: ANY OBJECTION?

11 MR. BRACKETT: THOSE ARE ALL CRIME SCENE  
12 PHOTOGRAPHS TAKEN BY THE ROCK HILL POLICE DEPARTMENT.

13 MR. MORTON: THAT'S CORRECT. SHE CAN MARK  
14 THESE AS ONE AS FAR AS I'M CONCERNED, YOUR HONOR.

15 MR. GREELEY: NO OBJECTION.

16 MR. BRACKETT: FOR REFERENCING THE RECORD  
17 WON'T BE CLEAR.

18 MR. MORTON: THAT'S --

19 THE COURT: I THINK THEY OUGHT TO BE  
20 SEPARATE.

21 (DEFENSE EXHIBITS 8 THROUGH 25 PHOTOGRAPHS  
22 RECEIVED INTO EVIDENCE.)

23 Q INVESTIGATOR WALDROP, I'M JUST GOING TO SHOW  
24 SOME OF THESE PHOTOGRAPHS TO YOU AND TO THE JURY IN  
25 NO PARTICULAR ORDER BY THE WAY THAT THEY ARE MARKED.

1 I'M TO SHOW YOU WHAT'S BEEN MARKED AS DEFENDANT'S  
2 EXHIBIT 25 AND THESE ARE JUST GOING TO BE SCENES OF  
3 THE HOUSE AND THAT'S 407 RICH STREET, RIGHT?

4 A THAT'S CORRECT.

5 Q AND THAT'S WHERE THIS CRIME OCCURRED, CORRECT?

6 A THAT'S CORRECT.

7 Q AND ON THE FRONT LEFT IS MR. COPE'S BEDROOM? DO  
8 YOU REMEMBER ENOUGH ABOUT THIS TO, IF YOU DON'T  
9 WE'LL --

10 A FROM WHAT I REMEMBER THAT WOULD BE THE FRONT  
11 LEFT BEDROOM, THAT'S CORRECT.

12 Q AND THEN BEHIND HIS BEDROOM IS A BATHROOM,  
13 CORRECT?

14 A YES, THAT'S THE WAY I RECALL IT. I WAS THINKING  
15 THE BATHROOM WAS OVER TOWARD THE RIGHT IN THE HALL.

16 Q AND ANYWAY THIS IS RICH STREET THAT RUNS ALONG  
17 FRONT HERE?

18 A THAT'S CORRECT.

19 Q SALUDA STREET RUNS DOWN HERE?

20 A THAT'S CORRECT.

21 Q TWO BLOCKS DOWN THIS WAY IS JEFFERSON STREET  
22 WHERE MR. SANDERS RESIDED?

23 A THAT'S CORRECT.

24 Q OKAY. THIS IS MR. COPE'S BEDROOM?

25 A YES, SIR.



1 Q IT'S A BATHROOM RIGHT THERE?

2 A I CAN'T SEE WHERE YOU ARE POINTING. YES, SIR.

3 Q AND BACK THERE IS, WAS AMANDA'S BEDROOM?

4 A YES, SIR.

5 Q IS THAT RIGHT? NOW LET ME SHOW YOU THAT SCREEN

6 DOOR, DO YOU SEE THAT SCREEN DOOR?

7 A YES, SIR.

8 Q OKAY. DO YOU KNOW WHETHER THAT SCREEN DOOR WAS

9 LOCKED OR NOT?

10 A NO, SIR, I DO NOT.

11 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS

12 DEFENDANT'S EXHIBIT NUMBER 10. I BELIEVE THAT IS

13 THAT FRONT SCREEN DOOR, CORRECT?

14 A IT APPEARS TO BE, YES, SIR.

15 Q OKAY. AND I'M GOING TO SHOW WHAT'S BEEN MARKED

16 AS DEFENDANT'S EXHIBIT NUMBER 8, THAT'S THE FRONT

17 DOOR CORRECT, FRONT DOOR LOCKED?

18 A IF YOU SAY SO, I CAN'T --

19 Q OKAY.

20 MR. BRACKETT: I WILL TAKE THAT AS I DON'T

21 KNOW.

22 THE COURT: WELL, I SUSTAIN THAT. I DON'T

23 KNOW IF YOU ARE OBJECTING, BUT HE'S NOT IDENTIFIED IT

24 AS THE FRONT DOOR.

25 Q MR. WALDROP, I'M GOING TO PUT UP DEFENSE EXHIBIT

1 NUMBER 11, TURN IT AROUND, THAT IS, I'M NOT SURE,  
2 THAT'S ONE OF THE WINDOW LATCHES THAT THE HOUSE ON  
3 407 STREET, WOULD YOU DISAGREE WITH ME?

4 A I DIDN'T TAKE THE PHOTO BUT I CAN'T SAY IT IS.

5 Q THAT'S OKAY. I'M JUST TRYING. YOU NOTICE THE  
6 DIRECTION THAT THAT LOCK IS POINTED? IF WE'RE  
7 LOOKING AT IT AS TO OUR LEFT, CORRECT?

8 A THAT'S CORRECT.

9 Q OKAY. I'LL SHOW YOU WHAT'S BEEN MARKED AS  
10 DEFENSE EXHIBIT 12. YOU'LL NOTICE THAT WINDOW LOCK  
11 IS POINTED THE OTHER WAY, CORRECT.

12 MR. BRACKETT: YOUR HONOR, UNTIL A PROPER  
13 FOUNDATION IS LAID THE QUESTIONS AREN'T RELEVANT.  
14 WE'RE GOING TO CALL THE CRIME SCENE ANALYST WHO TOOK  
15 THESE PHOTOGRAPHS BUT WE DON'T KNOW WHEN AND WHERE,  
16 WE DON'T EVEN KNOW WHICH WINDOWS THESE ARE, SO IT'S  
17 IRRELEVANT AT THIS POINT.

18 THE COURT: IT'S CROSS EXAMINATION OF THIS  
19 WITNESS. I'M GOING TO LET HIM. IF HE DOESN'T KNOW  
20 THE ANSWER, I THINK YOU NEED TO SEE IF HE CAN  
21 IDENTIFY WHERE, YOU HADN'T EVEN ASKED HIM IF THAT,  
22 WELL, LAY A PROPER FOUNDATION. YOU CAN ASK HIM THOSE  
23 QUESTIONS IF HE KNOWS THOSE THE ANSWER.

24 MR. MORTON: IF HE DOESN'T KNOW THE ANSWER  
25 WE'LL MOVE ON, BUT THE OTHERS HAVE BEEN ADMITTED INTO

1 EVIDENCE.

2 THE COURT: I UNDERSTAND THAT. THAT HOUSE  
3 HAD MORE THAN ONE WINDOW, I THINK THAT'S POINT.

4 MR. MORTON: YES, SIR, I UNDERSTAND. WHAT  
5 I'M TRYING TO DO IS POINT OUT IN THE LAST WINDOW THE  
6 LOCK WAS POINTED ONE WAY AND IN THIS WINDOW THE LOCK  
7 IS POINTED THE OTHER WAY, CORRECT?

8 A THAT'S CORRECT.

9 Q OKAY. THIS IS ALSO A WINDOW THERE AT 407 RICH  
10 STREET, CORRECT?

11 A THAT'S CORRECT.

12 Q PHOTOGRAPH TAKEN THAT DAY, CORRECT?

13 A YES, SIR.

14 Q THIS IS ANOTHER ANGLE, SIDE OF THE HOUSE THAT I  
15 BELIEVE SHOWS THAT WINDOW, CORRECT?

16 A THAT'S CORRECT.

17 Q THIS IS DEFENSE EXHIBIT 17 IS A PHOTOGRAPH OF  
18 THE BACK DOOR?

19 A IT WOULD APPEAR TO BE, YES, SIR.

20 Q IT'S A PHOTOGRAPH OF ONE OF THE WINDOWS GOING TO  
21 AMANDA'S ROOM?

22 A THAT'S CORRECT.

23 Q I BELIEVE THE WINDOW THAT HAD THE GLASS BROKEN  
24 OUT OF IT?

25 A THAT'S CORRECT.

1 Q BUT IT'S GOT PLASTIC UP OVER IT?

2 A THAT'S TRUE.

3 Q AND YOU CHECKED THAT?

4 A YES, SIR.

5 Q AND YOU SAID THE PLASTIC WAS ALL NAILED DOWN?

6 A IT WAS INTACT, YEAH.

7 Q THE BACK OF 407 RICH STREET, CORRECT?

8 A THAT'S CORRECT.

9 Q AND I'M SORRY. DEFENSE EXHIBIT NUMBER 20 IS THE  
10 SIDE WINDOW TO AMANDA'S ROOM, CORRECT?

11 A THAT'S CORRECT.

12 Q NOW WE'LL TALK ABOUT THAT WINDOW LATER. COULD  
13 YOU TELL IF THAT WINDOW HAD A SCREEN ON IT, DO YOU  
14 REMEMBER THAT?

15 A I DON'T REMEMBER IF IT HAD SCREEN ON IT AND YOU  
16 CAN'T REALLY TELL FROM THAT PICTURE.

17 Q DEFENSE EXHIBIT NUMBER 21 IS THE SIDE OF  
18 AMANDA'S BEDROOM RIGHT THERE?

19 A THAT'S CORRECT.

20 Q THAT'S THAT PICTURE WE WERE JUST LOOKING AT,  
21 CORRECT?

22 A THAT'S CORRECT.

23 Q I BELIEVE THAT'S THE FRONT LIVING ROOM WINDOWS,  
24 IS THAT RIGHT?

25 A WITHOUT SEEING THE WHOLE HOUSE, I --

1 Q OKAY. I'M GOING TO SHOW YOU, I'M GOING TO REFER  
2 TO DEFENSE EXHIBIT 22, CAN YOU TELL IF THAT ONE HAS A  
3 SCREEN ON IT?

4 A NO, SIR.

5 Q CAN'T TELL OR IT DOESN'T?

6 A IT A DOESN'T APPEAR TO.

7 Q OKAY. CAN YOU TELL WHICH WAY THE LOCKS ON THOSE  
8 WINDOWS ARE POINTED?

9 A ONE, THE ONE ON THE RIGHT APPEARS TO BE POINTING  
10 TO THE LEFT. THE ONE ON THE LEFT I CAN'T REALLY  
11 TELL.

12 Q OKAY. THIS IS ANOTHER DEFENSE EXHIBIT 24,  
13 ANOTHER PHOTOGRAPH OF DOUBLE WINDOWS IN THE COPE  
14 HOUSEHOLD, I'M NOT REALLY SURE WHICH ONE THAT IS TO  
15 TELL THE TRUTH MYSELF SO BUT, IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q OKAY. THAT'S A PICTURE OF THE FRONT OF THE COPE  
18 HOUSEHOLD, CORRECT?

19 A THAT'S CORRECT.

20 Q PHOTOGRAPH OF THE FRONT DOOR LOCK, IS THAT  
21 CORRECT OR IF YOU CAN'T SAY JUST?

22 A IT WOULD APPEAR TO BE. I CAN'T SAY.

23 Q THAT'S DEFENSE EXHIBIT 9. YOU CAN -- WELL, LET  
24 ME SHOW YOU ONE MORE THING. THIS IS A DIAGRAM.  
25 NOW THAT KITCHEN WINDOW WE JUST POINTED OUT WAS OPEN,

1 WAS IT NOT?

2 A YES, SIR.

3 Q SO WE DID HAVE AN OPEN WINDOW IN THAT HOUSE?

4 A YES, SIR.

5 Q AND IN FACT THE LATCHES ON THE SCREEN WERE UP,  
6 CORRECT?

7 A I DON'T RECALL THEM BEING UP, NO, SIR.

8 MR. MORTON: YOUR HONOR, I THINK WITH BOTH  
9 COUNSEL'S PERMISSION I'M JUST GOING TO PUT THIS ON  
10 THE DIAGRAM, JUST PUT THIS ON THE DISPLAY WITHOUT  
11 PUTTING INTO EVIDENCE AT THIS TIME. WELL, I THINK  
12 IT'S TOO BIG.

13 THE COURT: YOU CAN ADJUST THAT.

14 MR. BRACKETT: YOUR HONOR, I THINK IT'S  
15 UNDERSTOOD, THIS IS NOT TO SCALE. THIS IS NOT A  
16 SCALED DRAWING.

17 Q MR. WALDROP, JUST TRYING TO SO WE CAN GET A  
18 FEEL, THIS IS THE FRONT DOOR, CORRECT?

19 A THAT'S CORRECT.

20 Q THE DEFENDANT'S BEDROOM. I MEAN MR. COPE'S  
21 BEDROOM?

22 A THAT'S CORRECT.

23 Q BATHROOM?

24 A YES, SIR.

25 Q AMANDA'S BEDROOM?

1 A THAT'S CORRECT.

2 Q KYLA AND JESSICA'S BEDROOM?

3 A I DIDN'T LOOK IN THERE, BUT YES, SIR, I WOULD

4 ASSUME SO.

5 Q THE LIVING ROOM?

6 A THAT'S CORRECT.

7 Q KITCHEN?

8 A I DIDN'T GO BACK THAT FAR INTO THE HOUSE EITHER.

9 Q DINING ROOM?

10 A LIKE I SAID I DIDN'T GO INTO THE END OF THE

11 HOUSE.

12 Q FRONT PORCH?

13 A THAT'S CORRECT.

14 Q OKAY. AND JUST WE CAN JUST IDENTIFY THIS IF WE

15 CAN, JUDGE, AT THIS POINT.

16 THE COURT: ANY OBJECTION.

17 MR. BRACKETT: NONE.

18 MR. GREELEY: NO, YOUR HONOR.

19 (DEFENSE EXHIBIT 26 FOR I.D. MARKED

20 FOR IDENTIFICATION.)

21 MR. MORTON: I DON'T THINK THAT I'M GOING

22 TO BE SHOWING ANYTHING ELSE.

23 Q SO ON THAT HOUSE, MR. WALDROP, YOU WOULD AGREE

24 WITH THAT WE HAD AN OPEN WINDOW?

25 A YES, SIR.

1 Q WE HAD SOME PRY MARKS ON THE DOORS? SOME KIND  
2 OF MARKS --

3 A THERE WERE MARKS ON THE DOOR, YES, SIR.

4 Q THANK YOU. MR. COPE FROM THE FOUR HOURS THAT  
5 YOU SPENT WITH HIM, HE ADMITTEDLY TOLD YOU THAT HE  
6 THOUGHT HIS HOUSE WAS SECURE THAT NIGHT.

7 A THAT'S CORRECT.

8 Q HE WASN'T OFFERING ANY EXCUSES, WAS HE?

9 A ANY EXCUSES.

10 Q YES, SIR.

11 A NO, SIR, NOT REALLY.

12 Q YOU DEAL WITH GUILTY PEOPLE, DO YOU NOT?

13 A YES, SIR.

14 Q AND THERE ARE NUMEROUS TIMES ON THIS  
15 INTERROGATION WHERE YOU ASKED HIM TO EXPLAIN, WHERE  
16 YOU TOLD HIM, YOUR HOUSE WAS SECURE; HE THOUGHT SO  
17 TOO, DID HE NOT?

18 A HE STATED SO, YES, SIR.

19 Q BUT APPARENTLY IT WASN'T, WAS IT?

20 A IF YOU ARE REFERRING TO AN OPEN WINDOW, THERE  
21 WAS AN OPEN WINDOW, YES, SIR.

22 Q I'M REFERRING TO THIS MAN RIGHT HERE COMING IN  
23 THAT HOUSE?

24 A I CAN'T ANSWER THAT.

25 Q DID YOU REALIZE THAT THIS MAN'S WIFE, 33 YEARS



1 OLD, DIED ABOUT TWO MONTHS AFTER THIS CRIME?

2 A YES, SIR, I KNEW THAT.

3 Q THAT SHE HAD A HYSTERECTOMY, SHE DEVELOPED A  
4 FEVER, SHE WOULDN'T GO BACK TO THE HOSPITAL?

5 A I KNEW SHE DIED.

6 MR. BRACKETT: YOUR HONOR, I OBJECT.

7 THE COURT: I SUSTAIN THE OBJECTION.

8 Q DO YOU KNOW THAT HIS CHILDREN, HIS OTHER TWO  
9 DAUGHTERS, WERE TAKEN FROM HIM ON THAT DAY?

10 MR. BRACKETT: AS TO RELEVANCE AGAIN.

11 THE COURT: I OVERRULE THE OBJECTION.

12 IT'S CROSS EXAMINATION.

13 A TAKEN FROM HIM ON THAT DAY?

14 Q YES, SIR, TAKEN INTO DSS CUSTODY ON THAT DAY  
15 NOVEMBER 29, 2001?

16 A YES, SIR.

17 Q OKAY. AND YOU KNOW THAT HE HADN'T SEEM THEM  
18 IN-PERSON SINCE THEN?

19 A I DON'T HAVE ANY KNOWLEDGE OF THAT.

20 Q DO YOU KNOW THAT THEY'VE BEEN TOLD --

21 MR. BRACKETT: OBJECTION CALLS FOR  
22 SPECULATION.

23 THE COURT: BETTER LAY A BETTER FOUNDATION  
24 BEFORE YOU EVEN ASK THAT.

25 MR. MORTON: OKAY.

1 THE COURT: YOU CAN ASK HIM IF HE'S TOLD  
2 THEM ANYTHING OR IF HE'S BEEN IN THEIR PRESENCE WHEN  
3 THEY WERE TOLD SOMETHING BUT.

4 Q DID YOU TELL, OR IN YOUR PRESENCE, MARY SUE  
5 COPE, HIS WIFE, TOLD THAT HER DEFENDANT, HER  
6 HUSBAND'S DNA WAS FOUND ON THE BODY OF HER DAUGHTER?

7 A DO I KNOW SHE WAS TOLD THAT?

8 Q YES, SIR.

9 A NO, SIR.

10 Q DO YOU KNOW WHETHER HIS CHILDREN HAVE BEEN  
11 TOLD --

12 A NO, SIR.

13 Q ---THAT HE MURDERED THEIR SISTER?

14 A NO, SIR. I NEVER MET THE OTHER TWO GIRLS.

15 Q MR. WALDROP, THIS TAPE RECORDING THAT YOU AND  
16 MR. HERRING TOOK OF YOUR INTERVIEW WITH MR. COPE ON  
17 THAT NIGHT WAS PUT INTO EVIDENCE WHEN?

18 A I'M NOT SURE OF THE EXACT DATE WITHOUT LOOKING  
19 AT THE ENVELOPE.

20 Q WHERE DID YOU THAT TAPE, I THINK IT'S IN  
21 EVIDENCE. STATE'S EXHIBIT 39, THESE AUDIO TAPES?

22 A YES, SIR.

23 Q WERE PLACED IN EVIDENCE ON WHAT DATE?

24 A 5/21/02.

25 Q SO FROM 11/29/01 TO 5/21/02 WHERE WERE THEY?

1 A THEY WERE IN MY DRAWER IN MY DESK CREDENZA.

2 Q AND THIS IS A MURDER/RAPE CASE?

3 A THAT'S CORRECT.

4 Q AND WE HAVE A TAPE RECORDED INTERVIEW OF A MAN  
5 WHO IS LATER ARRESTED THAT NIGHT?

6 A THAT'S CORRECT.

7 Q AND THESE TAPES WERE NOT EVEN PUT INTO EVIDENCE  
8 FOR SIX MONTHS?

9 A THAT'S TRUE.

10 Q WELL, WHY IS THAT?

11 A THEY WERE PUT IN MY DESK DRAWER THAT NIGHT AND  
12 IN THE CREDENZA BEHIND MY DESK AND THEY WERE PLACED  
13 INTO EVIDENCE LATER WHEN THEY WERE DISCOVERED THAT  
14 THEY WEREN'T PLACED INTO EVIDENCE THAT NIGHT.

15 Q Y'ALL DON'T USUALLY TAPE RECORD CONVERSATION  
16 DOWN THERE, DO YOU?

17 A NO, SIR.

18 Q WHY NOT?

19 A WE JUST DON'T. I THINK I'VE DONE IT PROBABLY  
20 TWICE OR THREE TIMES MAYBE IN MY CAREER.

21 Q YOU CERTAINLY HAVE THE TECHNOLOGY, DO YOU NOT?

22 A TRUTHFULLY NOT REALLY BECAUSE I HAD TO USE THE  
23 BOOM BOX THAT WAS IN MY OFFICE TO TAKE THIS ONE.

24 Q THANK GOD YOU DID THAT. YOU HAD TO TECHNOLOGY  
25 THAT NIGHT, RIGHT?

1 A YES, SIR, I HAD A BOOM BOX.

2 Q IT'S NOT HARD TO STICK A TAPE IN A RECORDER, IS  
3 IT?

4 A NO, SIR.

5 Q AND YOU WOULD AGREE WITH ME THAT IS PROBABLY THE  
6 MOST FAIR AND ACCURATE WAY TO MEMORIALIZE A  
7 CONVERSATION WITH SOMEONE, WOULD YOU AGREE WITH THAT?

8 A YOU KNOW, IT'S A TAPED CONVERSATION.

9 Q YEAH.

10 A IT TAPES WHAT WAS SAID, YES, SIR.

11 Q I THINK MY QUESTION IS THAT IF YOU ARE GOING TO  
12 COME TO MY OFFICE AND WE'RE GOING TO TALK THREE TO  
13 FOUR HOURS THE FAIREST AND MOST ACCURATE WAY TO THEN  
14 TELL SOMEBODY ELSE WHAT HAPPENED DURING OUR  
15 CONVERSATION WOULD NOT TO BE TO RELY ON WHAT I TOLD  
16 THEM MY CONVERSATION WAS, WOULD IT?

17 A (NO RESPONSE.)

18 Q THE FAIREST AND MOST ACCURATE WAY WOULD BE FOR  
19 ME TO RECORD IT WITH YOUR KNOWLEDGE, CORRECT?

20 A THAT WOULD BE A TRUE DEPICTION OF WHAT WAS SAID,  
21 THAT'S CORRECT.

22 Q BECAUSE SOMETIMES THINGS JUST DON'T GET  
23 INTERPRETED THE WAY THEY REALLY HAPPENED, DO THEY?

24 A I DON'T KNOW WHAT YOU ARE TRYING TO SAY.

25 Q WHAT I'M TRYING TO SAY IS THAT THE FAIREST AND

1 MOST ACCURATE WAY, IF YOU AND I ARE GOING TO HAVE A  
2 CONVERSATION, IS TO JUST TURN THAT TAPE PLAYER ON?

3 A LIKE I SAID THAT GIVES A TRUE DEPICTION OF WHAT  
4 WAS SAID, THAT'S CORRECT.

5 Q AND WITHOUT THAT, YOU WOULD AGREE WITH ME,  
6 THINGS SOMETIMES GET LOST IN THE DETAILS, DO THEY  
7 NOT?

8 A THINGS CAN BE FORGOTTEN OR MISQUOTED, YEAH. I  
9 MEAN.

10 Q OR MISINTERPRETED?

11 A THAT'S POSSIBLE.

12 Q OR INACCURATELY PORTRAYED?

13 A INACCURATELY PORTRAYED WOULD BE IMPLYING THAT  
14 SOMEONE WOULD HAVE DISTORTED OR CHANGED OR LIED. I  
15 WOULDN'T SAY THAT.

16 Q IF YOU AND I, WE HEARD YOUR CONVERSATION WITH  
17 MR. COPE, THAT'S A POLICE INTERROGATION, IS IT? LIKE  
18 MR. COPE ACKNOWLEDGED, HE UNDERSTOOD YOU HAD A JOB TO  
19 DO. YOU WERE TRYING TO DO YOUR JOB?

20 A THAT'S CORRECT.

21 Q AND YOU WERE PRESSURING HIM?

22 A WE WERE INTERVIEWSING HIM. WE WERE ASKING HIM  
23 QUESTIONS AND HE WAS ANSWERING.

24 Q AND THAT'S WHAT POLICE OFFICERS DO?

25 A THAT'S CORRECT.

1 Q RIGHT?

2 A YES, SIR.

3 Q YOU ARE NOT GOING TO GIVE SOMEBODY A LOLLIPOP,  
4 ARE YOU?

5 A GIVE THEM A LOLLIPOP?

6 Q YEAH.

7 A NO, SIR.

8 Q I MEAN THERE ARE A LOT OF TIMES IN YOUR  
9 EXPERIENCE WHERE PEOPLE, GUILTY PEOPLE, COME IN AND  
10 TELL YOU THEY DIDN'T HAVE ANYTHING TO DO WITH IT, AND  
11 YOU ARE ABLE TO BREAK THEM DOWN AND GET THEM TO TELL  
12 YOU WHAT IN FACT TURNS OUT TO BE THE TRUTH?

13 A THAT'S CORRECT.

14 Q OKAY. AND A LOT OF TIMES WHEN THAT HAPPENS YOUR  
15 IN FACT RIGHT, CORRECT?

16 A THAT'S CORRECT.

17 Q SOMETIMES YOU CAN BE WRONG, CORRECT?

18 A SOMETIMES YOU CAN BE WRONG, YES, SIR.

19 Q AND SOMETIMES THE DEVIL IS IN THE DETAILS,  
20 CORRECT?

21 A THE DEVIL IS IN THE DETAILS?

22 Q YES, SIR. I GUESS WHAT MY QUESTION IS, THERE  
23 IS NO. -- FROM WHAT BILLY COPE TOLD YOU THAT NIGHT,  
24 YOU DIDN'T KNOW AT THE TIME, YOU DIDN'T KNOW AT THAT  
25 TIME THAT JAMES SANDERS' SEMEN AND SALIVA WAS GOING

1 TO BE FOUND ON AMANDA COPE'S THIGH AND BITTEN BREAST,  
2 DID YOU?

3 A NO, SIR, I DID NOT.

4 Q WOULD YOU HAVE DONE ANYTHING DIFFERENTLY IF YOU  
5 HAD KNOWN THAT?

6 A WE WOULD HAD MORE PEOPLE TO TALK TO. I MEAN, WE  
7 WOULD HAVE DONE THE SAME INTERVIEW. WE WOULD HAVE  
8 DONE THE SAME THING WITH MR. SANDERS.

9 Q SO IF SOMEBODY ENTERS SOMEBODY, IF SOMEBODY  
10 COMES IN MY HOUSE AND RAPES AND MURDERS MY LITTLE  
11 GIRL TONIGHT, YOU GOING TO ARREST ME?

12 A I'M NOT GOING ARREST YOU. THE FACT OF THE  
13 MATTER WAS AT THAT TIME THERE WAS NO ONE ELSE IN THE  
14 HOUSE, THAT WE HAD ANY IDEA ANYBODY ELSE WAS IN THE  
15 HOUSE.

16 Q MY QUESTION IS THEN, KNOWING NOW THAT  
17 MR. SANDERS' SEMEN AND SALIVA TURNED UP ON AMANDA  
18 COPE'S LEG, WOULD YOU HAVE DONE ANYTHING DIFFERENTLY?

19 A KNOWING IT THEN AND KNOWING IT NOW?

20 Q YES, SIR.

21 A KNOWING IT THEN WE WOULD HAVE HAD ANOTHER PERSON  
22 TO INTERVIEW, YES, SIR.

23 Q YOU'D STILL CHARGE BILLY COPE?

24 A YES, SIR.

25 Q YOU WOULD HAVE CHARGED HIM WITH CONSPIRING WITH

1 THIS MAN RIGHT HERE?

2 A YES, SIR.

3 Q BASED ON WHAT?

4 A ON WHAT WE KNEW, WHAT WE FOUND OUT, THE EVIDENCE  
5 AT THE SCENE.

6 Q I GUESS WHAT I'M ASKING IS, WHAT IS THAT?

7 A THE EVIDENCE RECOVERED AT THE SCENE, THE  
8 CONDITION OF THE HOUSE -- WE'VE GONE OVER IT.

9 Q I'M SORRY. GO AHEAD. LET ME REPHRASE IT. A  
10 CONSPIRACY IS AN AGREEMENT, A MEETING OF THE MINDS,  
11 AS MR. THOMPSON SAID, IT DOESN'T HAVE TO BE WRITTEN  
12 DOWN, IT DOESN'T HAVE TO BE SPOKEN INTO A MICROPHONE,  
13 IT CAN BE AN IMPLIED AGREEMENT EVEN, BUT IT HAS TO BE  
14 AN AGREEMENT, CORRECT?

15 A RIGHT. BUT --

16 Q GO AHEAD. GO AHEAD.

17 A AFTER THE SANDERS REVELATION CAME OUT IN THE  
18 CASE, I WAS NOT INVOLVED IN THE CASE AT ALL. I HAD  
19 NOTHING TO DO WITH THE SANDERS CHARGE. I HAD NOTHING  
20 TO DO WITH THAT PART OF THE INVESTIGATION, SO I CAN'T  
21 SAY WHAT THEY BASED THE CHARGE OF CONSPIRACY AND ALL  
22 ON. I WAS NOT INVOLVED IN IT AT ALL WHATSOEVER.

23 Q FAIR ENOUGH. YOU WOULD AGREE THAT THERE HAS GOT  
24 TO BE SOME EVIDENCE?

25 A IN ORDER TO CHARGE THEM WITH IT THERE WOULD HAVE



1 TO BE PROBABLE CAUSE, YES, SIR.

2 Q AND YOU CAN CHARGE ANYBODY FOR ANYTHING AT  
3 ANYTIME, CORRECT?

4 A IF YOU ESTABLISH THE PROBABLE CAUSE AND PRESENT  
5 TO IT JUDGE FOR A WARRANT, CORRECT.

6 MR. MORTON: YOUR HONOR, I AM PROBABLY AT A  
7 STOPPING PLACE IF YOU WANT.

8 THE COURT: WHY DON'T WE STOP. IT'S  
9 ALMOST SIX O'CLOCK AND WE'LL STOP FOR THE DAY AND  
10 STOP FOR THE WEEKEND AND START BACK AT NINE ON  
11 MONDAY. I KNOW YOU PROBABLY GET TIRED OF ME SAYING  
12 IT, BUT I AM GOING TO REMIND YOU AGAIN PARTICULARLY  
13 SINCE IT'S THE WEEKEND, THAT YOU ARE NOT TO TRY TO  
14 MAKE UP YOUR MIND, YOU ARE NOT TO DISCUSS THE CASE  
15 WITH ANYONE OR LET ANYONE DISCUSS THE CASE WITH YOU;  
16 REPORT BACK TO ME IF ANYONE TRIES TO DISCUSS THE CASE  
17 WITH YOU AND DON'T LET YOURSELF BE EXPOSED TO ANY  
18 NEWS COVERAGE, IF THERE IS ANY, DON'T LISTEN TO  
19 ANYTHING, WATCH ANYTHING, OR READ ANYTHING. I'M  
20 GOING TO ADD ONE MORE THING, I MIGHT SHOULD HAVE SAID  
21 THIS THE OTHER DAY BUT I'M GOING TO SAY IT TODAY AND  
22 I DON'T KNOW THAT ANYBODY WOULD DO THIS BUT WE HAVE  
23 HAD IT HAPPEN. DO NOT MAKE ANY INVESTIGATION OF THE  
24 SCENE. THAT IS, DON'T GO TO 407 RICH STREET. THIS  
25 HAPPENED ALMOST THREE YEARS AGO. WE DON'T KNOW

1           WHETHER THE HOUSE HAS CHANGED. WE DON'T KNOW  
2           ANYTHING ABOUT IT, AND IF IT HADN'T CHANGED ONE BIT  
3           IT STILL WOULD NOT BE PROPER FOR YOU TO MAKE AN  
4           INDEPENDENT INVESTIGATION BECAUSE AS I TOLD YOU  
5           YOU'VE GOT TO MAKE YOUR VERDICT, REACH YOUR VERDICT  
6           BASED ON THE EVIDENCE AND THE FACTS IN THE CASE.  
7           ANYTHING ELSE FROM THE STATE BEFORE WE STOP?

8                   MR. BRACKETT: BRIEFLY, YOUR HONOR, MAY WE  
9           APPROACH.

10                   (BENCH CONFERENCE.)

11                   THE COURT: ALL RIGHT. HAVE A PLEASANT  
12           WEEKEND AND HOPE YOUR TEAM WINS. I HOPE MY TEAM  
13           WINS.

14                   ( THE JURY EXITS THE COURTROOM AT  
15           5:51.)

16                   THE COURT: ANYTHING WE CAN DO, I MEAN I'M  
17           READY TO GO MYSELF AND I KNOW ALL OF YOU ARE. I KNOW  
18           YOU ARE EXHAUSTED, BUT ANYTHING WE NEED TO BE AWARE  
19           OF FOR NEXT WEEK OR FOR THE WEEKEND OR FOR THE REST  
20           OF THE DAY?

21                   MR. BRACKETT: NO, SIR.

22                   MR. MORTON: NO, SIR.

23                   MR. GREELEY: NOTHING FROM MR. SANDERS.

24                   THE COURT: ALL RIGHT. HAVE A GOOD  
25           WEEKEND. THANK YOU. APPRECIATE EVERYONE'S PATIENCE.

(COURT'S IN RECESS AT 5:52.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 IN THE CIRCUIT COURT OF YORK COUNTY,  
2 SOUTH CAROLINA .

3 STATE OF SOUTH CAROLINA  
4

5 VERSUS

6 BILLY WAYNE COPE &  
7 JAMES EDWARD SANDERS

8 INDICTMENT NUMBERS: 2002-GS-46-3232-3234  
2003-GS-46-1843-1844  
2004-GS-46-2614-2618  
2004-GS-46-196-199

10 HEARD AT THE MOSS JUSTICE CENTER,  
11 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON  
12 MONDAY, SEPTEMBER 13, 2004, BEFORE THE HONORABLE  
JOHN C. HAYES, III AND A JURY.

13 APPEARANCES:

14 TOMMY POPE  
15 KEVIN BRACKETT  
16 WILLY THOMPSON  
16TH CIRCUIT SOLICITOR'S OFFICE  
1675 YORK HIGHWAY  
YORK, SC 29745  
REPRESENTING THE STATE

17 JAMES MORTON  
18 DAVID WOOD  
19 MICHAEL SMITH  
20 MORTON & GETTYS  
1051 OAKLAND AVENUE  
ROCK HILL, SC 29732

21 A. PHILIP BAITY  
22 POST OFFICE BOX 275  
FORT MILL, SC 29715  
REPRESENTING BILLY WAYNE COPE

23 LELAND GREELEY  
24 128 E. MAIN STREET SUITE 102  
ROCK HILL, SC 29732  
REPRESENTING JAMES EDWARD SANDERS

25 REPORTED BY: JANET M. RICH

1                                   CIRCUIT COURT REPORTER  
2                                   1992 DOWNEY STREET  
3                                   ROCK HILL, SC 29732

4  
5   I N D E X

6           LEGAL ARGUMENTS  
7           JERRY WALDROP  
8           CROSS EXAMINATION BY:  
9           MR. MORTON     24  
10          MR. GREELEY   46  
11          REDIRECT EXAMINATION   50  
12          RECROSS EXAMINATION   53  
13          MIACHAEL BAKER  
14          DIRECT EXAMINATION     54  
15          CROSS EXAMINATION     102  
16          TODD GARDNER  
17          DIRECT EXAMINATION     131  
18          CROSS EXAMINATION BY:  
19          MR. SMITH            245  
20          MR. GREELEY        326  
21          REDIRECT EXAMINATION 330

22  
23  
24  
25

1

2

## E X H I B I T S

3

ID

EV

4

S-11 RIGHTS FORM

62

5

S-12 CONSENT TO POLYGRAPH

64

6

S-4 STATEMENT

104

7

S-34 PHOTO

232

8

S-40 A-F PHOTOS

150

9

S-41 A-F PHOTOS

156

10

S-42 A-F PHOTOS

161

11

S-43 A-C PHOTOS

166

12

S-44 A-G PHOTOS

170

13

S-45 A-B PHOTOS

173

14

S-46 A-E PHOTOS

175

15

S-47 A-D PHOTOS

180

16

S-48 A-D PHOTOS

184

17

S-49 A-C PHOTOS

187

18

S-50 A-G PHOTOS

191

19

S-51 A PHOTOS

194

20

S-52 A-B PHOTOS

196

21

S-53 BEDDING, CLOTHES, ETC

215

22

S-54 BED ITEMS

216

23

S-55 SWABS

217

24

S-56 CLOTHES, RED BAG

217

25

	E X H I B I T S		
1			
2	S-64-65	PHOTOS	242
3	S-66	BED CONTENTS	244
4	S-67	DIAGRAM	246
5	S-68 A-D	PHOTOS	148
6	S-69 A-G	PHOTOS	208
7	S-77-79	PHOTOS	242
8	S-80	MATRESS CUTTINGS	226
9	S-81	VIDEO TAPE	226
10	S-82-83	PHOTOS	331
11	D-28-34	PHOTOS	278
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			





- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1                   (COURT RESUMES AT 09:06 A.M. ON MONDAY,  
2                   SEPTEMBER 13, 2004, AND THE DEFENDANTS ARE PRESENT.)

3                   THE COURT: ANYTHING FROM THE STATE BEFORE  
4                   WE GET THE JURY IN.

5                   MR. BRACKETT: NO, SIR.

6                   THE COURT: THE DEFENSE, MR. MORTON OR  
7                   MR. SMITH?

8                   MR. SMITH: YES, SIR, YOUR HONOR. AT  
9                   THIS TIME, JUDGE, WE ASK THE COURT FOR A MISTRIAL IN  
10                  THE CASE REGARDING, THE COURT'S HEARD THE INFORMATION  
11                  ABOUT THE COMPUTER, EVIDENCE THAT THE STATE INTENDS  
12                  ON INTRODUCING. I HAVE RUN THROUGH A TIME LINE WITH  
13                  THE COURT BEFORE AND I'LL BRIEFLY HIT ON THAT AGAIN  
14                  AGAIN BRIEFLY. WE WERE GIVEN INFORMATION DURING THE  
15                  DISCOVERY PROCESS ABOUT THE COMPUTER. WE WERE TOLD  
16                  THERE WAS NO SIGNIFICANT INFORMATION FOUND. ON  
17                  SEPTEMBER 6 WE WERE GIVEN AN E-MAIL REPORT FROM  
18                  SPECIAL AGENT AMANDA SIMMONS AT SLED WHO EXAMINED THE  
19                  COMPUTER. SHE COMPLETED HER REVIEW OF THE COMPUTER  
20                  ON JANUARY 9, 2002. SHE RENEWED THAT INFORMATION ON  
21                  TWO OCCASIONS WITH THE SOLICITOR'S OFFICE OR AGENT'S  
22                  OF THE SOLICITOR'S OFFICE ONCE IN AUGUST OF 2002,  
23                  SECONDLY IN SEPTEMBER OF 2002. WE RECEIVED THE  
24                  INFORMATION FROM HER REPORT WHICH WAS AN EXTENSIVE  
25                  REPORT, APPROXIMATELY 180 PAGES. WE ACTUALLY DIDN'T

1 RECEIVE PAGES. WE RECEIVED THE DISK THE DAY THIS  
2 TRIAL STARTED ON SEPTEMBER 7 AND HAD IT NOT BEEN FOR  
3 THE GOOD PEOPLE AT THE PUBLIC DEFENDER'S OFFICE WE  
4 WOULD NOT HAVE HAD THE ACTUAL PRINTED DOCUMENTS UNTIL  
5 AFTER, THAT EVENING. THE COURT ALLOWED US TO  
6 IMMEDIATE ACCESS TO THE COMPUTER OR THE HARD DRIVES  
7 LAST WEEK. OUR COMPUTER TECHNICIAN WENT DOWN AND  
8 REVIEWED THAT INFORMATION. HE NEEDS TO GO DOWN AND  
9 REVIEW IT AGAIN. JUDGE, AT THIS POINT WE BELIEVE  
10 THAT THERE IS INFORMATION ON THERE THAT HAD WE KNOWN  
11 ABOUT TO START WITH WE COULD HAVE PREPARED THE JURY  
12 FOR IT. WE COULD HAVE INTRODUCED THAT INFORMATION IN  
13 OUR OPENING STATEMENT AND PREPARED THEM FOR THAT.  
14 INSTEAD BECAUSE WE WERE NOT ABLE TO GIVE THAT  
15 INFORMATION TO THE JURY AT THE VERY BEGINNING WE, THE  
16 JURY WILL NOW HEAR THIS INFORMATION FIRST FROM THE  
17 STATE WHICH WILL INFER THAT WE WERE HIDING SOMETHING  
18 FROM THE VERY BEGINNING, INFORMATION THAT WE WERE NOT  
19 HIDING, WE WOULD HAVE DISCLOSED THIS INFORMATION TO  
20 THE JURY. IT'S INFORMATION THAT WE DID NOT HAVE IN  
21 OUR POSSESSION. WE DID NOT HAVE IT. PURSUANT TO  
22 RULE FIVE THE STATE HAS TO DISCLOSE THE RESULTS OF  
23 ANY EXAMS OR TESTS THAT, THAT THEY UNDERGO OR THAT  
24 THEY PERFORM AND WE KNOW THAT THESE TESTS WERE  
25 COMPLETED IN EARLY 2002. SO JUDGE, WE'RE ASKING THE

1 COURT AS A SANCTION -- WELL, FIRST OF ALL FOR A  
2 MISTRIAL OR IN THE ALTERNATIVE AS A SANCTION FOR A  
3 DISCOVERY VIOLATION TO EXCLUDE THE STATE FROM  
4 PRESENTING ANY INFORMATION REGARDING THIS COMPUTER OR  
5 THE EVIDENCE OR ANY RELEVANT EVIDENCE ON IT.

6 THE COURT: WELL, OF COURSE, I'LL BE GLAD  
7 TO HEAR FROM THE STATE BUT THE STATE HAS BEEN TELLING  
8 ME, I THOUGHT, THAT THERE WASN'T ANYTHING ON THERE  
9 THAT THEY WANTED TO PRESENT.

10 MR. BRACKETT: AS FAR AS PORNOGRAPHY AND  
11 THAT SORT OF THING. THE ONLY THING THE STATE WANTS  
12 TO PRESENT AND I MENTIONED A COUPLE OF TIMES IN COURT  
13 IS THE FACT THAT AT 3:40.

14 THE COURT: THE TIMES.

15 MR. BRACKETT: THERE WAS SOME ACTIVITY ON  
16 THE COMPUTER AND ESSENTIALLY THAT'S THE MAIN THRUST  
17 OF THE COMPUTER EVIDENCE, BUT THEN THERE ALSO WILL BE  
18 SOME TESTIMONY REGARDING WHAT MAY OR MAY NOT HAPPEN  
19 WHEN SOMEBODY OPENS SOMETHING ON A COMPUTER, AS FAR  
20 AS DOES THE COMPUTER LOG THAT FACT, AND THAT IS  
21 REALLY GERMANE ONLY TO THE ISSUE OF WHETHER OR NOT HE  
22 WAS TYPING ON THE COMPUTER. THERE HAS BEEN SOME  
23 DISCUSSIONS WITH THE FIRST RESPONDERS THAT HE WAS AT  
24 THE COMPUTER. THEY HAVE CHALLENGED THAT AND SAID HE  
25 WAS ON THE PHONE, SO TO THE EXTENT THAT THAT IS AN

1       ISSUE IN THE CASE, WHETHER OR NOT HE WAS ACTUALLY ON  
2       THE COMPUTER, THERE WILL BE SOME TESTIMONY ABOUT  
3       THAT, BUT THE THRUST OF THE TESTIMONY REGARDING THE  
4       COMPUTER IS THAT AT 3:40 IN THE MORNING THERE WAS  
5       SOME ACTIVITY AND FILES WERE DELETED AT THAT TIME.

6                   THE COURT:   NOT THE CONTENT.

7                   MR.   BRACKETT:   NOT THE CONTENT EXCEPT  
8       THAT AND AS I MENTIONED THIS TO MR. MORTON YESTERDAY,  
9       WHEN I WAS REDACTING OVER THE WEEKEND THE VIDEO TAPE  
10      AND I WAS WORKING THROUGH THAT AT HOME, I HAD TO PUT  
11      IT ON THE COMPUTER AND DIGITIZE IT SO I COULD GET  
12      JUST THOSE SPECIFIC SECTIONS, AT THE VERY END OF THE  
13      VIDEO TAPE WHICH THEY HAVE HAD IN THEIR CUSTODY SINCE  
14      AT LEAST TWO AND A HALF YEARS, AT THE VERY END OF  
15      THAT VIDEO TAPE MR. COPE IS ASKED BY ONE OF THE  
16      OFFICERS PRESENT, WHAT, DID HE DO ANYTHING ON THE  
17      COMPUTER AT THREE O'CLOCK 3:45 THAT MORNING BECAUSE  
18      THEY HAVE THAT INFORMATION BACK THEN AND THEY ASKED  
19      HIM THAT SPECIFICALLY AND HE SAID NOT THAT I CAN  
20      REMEMBER UNLESS I WENT IN TO DELETE SOME INTERNET  
21      FILES, SOME PORNOGRAPHY THAT HAD BEEN ON THERE A  
22      LONG, LONG TIME AGO; NOW THAT IS SPECIFICALLY  
23      CORROBORATIVE OF THE STATEMENT THAT HE MADE TO MIKE  
24      BAKER WHERE ON FRIDAY THE 30TH HE TOLD MIKE BAKER I  
25      DELETED MY TEMPORARY INTERNET FILES WHICH IS WHAT MY

1 EXPERT SAYS IS THE FILE THAT WAS ALTERED WHICH IS THE  
2 TEMPORARY INTERNET FILE SO IT'S ALL MESHED.

3 THE COURT: WELL, I'M GOING TO DENY THE  
4 MOTION. ALL RIGHT.

5 MR. MORTON: YOUR HONOR, IF I MIGHT. THE  
6 STATE HAS AN OBLIGATION TO TURN THIS INFORMATION OVER  
7 TO US.

8 THE COURT: I KNOW AND I'M NOT HAPPY WITH  
9 THAT. WE'VE RUN INTO THIS TIME AND TIME AGAIN AND  
10 I'M NOT HAPPY WITH IT.

11 MR. MORTON: IT'S PREJUDICE TO US.

12 THE COURT: WELL, AT THIS TIME THE ONLY  
13 PREJUDICE I HAVE HEARD IS THAT YOU DIDN'T GET TO  
14 MENTION IT IN OPENING STATEMENT.

15 MR. MORTON: WHICH IS HUGE PREJUDICE TO  
16 US. WE CERTAINLY HAVE THE RIGHT TO KNOW WHAT  
17 EVIDENCE IN THIS SERIOUS CASE WE'RE GOING TO BE FACED  
18 WITH BEFORE WE GO TO TRIAL.

19 THE COURT: WELL, I DENY THE MOTION. I  
20 KNOW YOUR POSITION. GO AHEAD. ANYTHING ELSE YOU  
21 WANT TO SAY? I HEARD MR. SMITH SAY THE SAME THING  
22 AND I'LL BE GLAD TO, YOU CAN PUT ON THE RECORD  
23 WHATEVER YOU WANT TO PUT, BUT I'M NOT GRANTING A  
24 MISTRIAL AND AT THIS TIME I'M NOT GOING TO SANCTION  
25 THE STATE BY NOT ALLOWING DISCOVERY BASED ON

1 DISCOVERY VIOLATION. HAVING ALLEGED ANY  
2 PROSECUTORIAL MISCONDUCT, I DON'T FIND ANY. PLUS THE  
3 ONLY EVIDENCE THAT APPEARS THAT THEY ARE GOING TO  
4 PRESENT IS NOT CONTENT BUT TIME RELATED AND IN  
5 ADDITION TO THAT CORROBORATING OR LACK OF  
6 CORROBORATION, ONE OF THE TWO, I THINK IT'S PROBABLY  
7 MORE CORROBORATING, THE STATEMENT GIVEN BY MR. COPE,  
8 SO I'M NOT GOING TO GRANT IT BUT I WANT YOU TO PUT ON  
9 THE RECORD WHATEVER YOU WANT.

10 MR. MORTON: THANK YOU VERY MUCH, YOUR  
11 HONOR. AS FAR AS THE CONTENT OF IT, YOU KNOW, I  
12 AGAIN, WE OBJECT TO ANY OF IT BECAUSE WE HAVE HAD  
13 FINGERPRINTS, WE HAVE HAD BROOMS, WE HAVE HAD  
14 COMPUTER INFORMATION ALL GIVEN TO US AFTER THIS TRIAL  
15 STARTED AND NOW THEY ARE COMING FORWARD WITH  
16 INFORMATION THAT THEY PROVIDED TO US AFTER THIS TRIAL  
17 STARTED THAT THEY INTEND TO USE TO IMPEACH MY CLIENT  
18 THAT WE DID NOT KNOW ABOUT. WE DIDN'T KNOW ABOUT IT.  
19 AND SO NOW THEY ARE TRYING TO SAY THAT NOT ONLY WAS  
20 HE ON A COMPUTER AT A CERTAIN TIME, BUT THAT HE WAS  
21 DELETING FILES WHICH IS VERY, VERY PREJUDICIAL TO,  
22 INFERENCE TO THE JURY. SO I WOULD ASK THAT AT THE  
23 VERY LEAST THAT BE RESTRICTED FROM BEING SAID TO THE  
24 JURY.

25 THE COURT: WELL, I DODN'T REMEMBER ALL



1 THE VIDEO BUT JUST STATED TO ME BY MR. BRACKETT THAT  
2 ON THE VIDEO HE INDICATED HE MAY HAVE AT A CERTAIN  
3 TIME, THAT IS MR. COPE, MAY HAVE AT A CERTAIN TIME ON  
4 THAT EVENING DELETED SOME FILES AND THAT'S BEEN ON  
5 THE, IN YOUR POSSESSION THE VIDEO FOR QUITE SOMETIME  
6 AS FAR AS I KNOW.

7 MR. MORTON: I DON'T REMEMBER THAT BUT I  
8 KNOW THAT HE TOLD MR. WALDROP THAT HE HAD NOT BEEN,  
9 HE DOESN'T REMEMBER BEING ON THE COMPUTER. DOESN'T  
10 SAY ANYTHING ABOUT DELETING FILES.

11 THE COURT: WAIT A MINUTE, WE'RE TALKING  
12 ABOUT TWO DIFFERENT THINGS NOW. MY POINT IS AND WE  
13 CAN GO BACK AT THE FIRST BREAK AND LOOK AT THE VIDEO  
14 OR OVER LUNCH, BUT I'M BEING TOLD ON THE VIDEO A  
15 STATEMENT WAS MADE BY MR. COPE I MAY HAVE GONE IN AT  
16 3:40 OR A CERTAIN TIME AND DELETED SOME FILES. I  
17 THINK THAT'S, NUMBER ONE, THAT'S SOMETHING THAT'S  
18 BEEN IN YOUR POSSESSION AND WHILE IT IS PREJUDICIAL  
19 OF COURSE IT CORROBORATES STUFF, THAT'S PREJUDICIAL  
20 IS NOT PER SE ADMISSIBLE OR NOBODY WOULD EVER HAVE A  
21 CASE, BUT I'M BEING TOLD THAT THAT INFORMATION WHICH  
22 IS WHAT THEY INTEND TO PRESENT TO CORROBORATE AND  
23 SHOW THAT HE IN FACT DID THAT, BUT THE FACT THAT  
24 THEIR POSITION IS THAT HE MADE A STATEMENT TO THE  
25 EFFECT THAT HE WAS ON THE COMPUTER AT SOME TIME OVER

1 THAT EVENING SHOULD HAVE BEEN IN YOUR POSSESSION IF  
2 YOU HAD THE WHOLE VIDEO EVEN THOUGH IT'S AT THE END  
3 OF THE VIDEO.

4 MR. MORTON: WELL, WE'LL TAKE A LOOK AT IT  
5 BUT MY MOTION STILL STANDS AND I UNDERSTAND THE  
6 COURT'S RULING.

7 THE COURT: ALL RIGHT. THANK YOU.

8 MR. MORTON: YOUR HONOR, AT THIS TIME WE  
9 ALSO NEED TO SETTLE THE DEFENDANT'S RECORD IF WE  
10 COULD. THERE MIGHT BE SOMETHING WE NEED TO ADDRESS  
11 WITH THIS WITNESS WHICH IS WHY I'M BRINGING IT UP  
12 NOW.

13 THE COURT: OKAY.

14 MR. MORTON: HE HAS PRIOR CONVICTIONS FOR  
15 UNLAWFUL NEGLECT WITH A CHILD IN 1999. IT IS OUR  
16 POSITION THAT BECAUSE OF THE SIMILARITY OF THESE  
17 CHARGES AND BECAUSE OF THE PREJUDICIAL EFFECT AND  
18 BECAUSE OF THE FACT THAT THE IMPEACHMENT VALUE AND  
19 THE ANALYSIS THAT THE COURT IS REQUIRED TO GO THROUGH  
20 IT IS OF COURSE MUCH MORE PREJUDICIAL THAN IT IS  
21 PROBATIVE AS TO WHETHER OR NOT THIS MAN --

22 THE COURT: MR. BRACKETT, KIND OF NODDED.  
23 I THINK HE IS AGREEING.

24 MR. BRACKETT: AS FAR AS THE IDENTIFICATION  
25 OF THE ACTUAL CHARGES, BUT WHAT WE'VE TYPICALLY DONE

1 AND WHAT I THINK WILLIAM V STATE WHICH IS THE CASE  
2 THAT YOU SAYS YOU SHOULDN'T SAY, IF HE'S ON TRIAL FOR  
3 X AND HE'S BEEN CONVICTED OF X PREVIOUSLY, YOU DON'T  
4 SAY THAT, YOU SAY HE'S BEEN CONVICTED OF A FELONY.

5 THE COURT: I DON'T EVEN KNOW WHAT  
6 UNLAWFUL NEGLIGENCE CARRIES.

7 MR. BRACKETT: TEN YEARS.

8 MR. MORTON: CONVICTED OF A FELONY?

9 MR. BRACKETT: THREE FELONIES HE'S BEEN  
10 CONVICTED OF.

11 THE COURT: I THINK UNDER THE CURRENT CASE  
12 LAW ANALYSIS THEY CAN ASK HIM NOT THE NATURE BUT FOR  
13 IMPEACHMENT PURPOSES WHETHER OR NOT HE HAS IN FACT,  
14 IF IT FALLS WITHIN THE PERIMETERS AND IT DOES CARRY  
15 TEN YEARS, IT'S WITHIN THE TEN YEARS I IMAGINE TIME  
16 FRAME, THEY CAN CERTAINLY ASK HIM IF HE HAS ANY PRIOR  
17 RECORD INVOLVING A FELONY.

18 MR. MORTON: WELL, A FELONIES, YOU KNOW,  
19 IS AWFULLY PREJUDICIAL WHEN A JURY HEARS THAT, YOU  
20 KNOW, AND IN THIS KIND OF CASE, I DON'T KNOW WHAT THE  
21 IMPEACHMENT, IT'S NOT A CRIME INVOLVING MORAL  
22 TURPITUDE. IT'S NOT A CRIME INVOLVING ---

23 THE COURT: BUT IT CARRIES OVER ONE YEAR  
24 WHICH OUR COURT HAS SAID THAT'S GOOD ENOUGH.

25 MR. MORTON: I UNDERSTAND THAT, BUT THE

1 COURT HAS ALSO SAID THAT YOU HAVE TO DO A PREJUDICIAL  
2 VERSUS PROBATIVE ANALYSIS.

3 THE COURT: AND I HAVE DONE THAT AND I  
4 DECIDED THEY CAN'T GET IN THE, I HAVEN'T DONE IT OUT  
5 LOUD, BUT I HAVE DONE IT IN MY MIND AND APPARENTLY  
6 MR. BRACKETT HAS DONE IT ALSO AND I'M GOING TO FIND  
7 THAT THEY CAN'T GO INTO THE NATURE BUT THEY STILL  
8 HAVE THE RIGHT TO BRING IT OUT THAT HE HAS VIOLATED  
9 THE LAWS OF THIS STATE WITHIN THE PERIMETERS SET BY  
10 THE SUPREME COURT UNDER THE RULE AND THAT IS THAT HE  
11 HAS A FELONY CONVICTION. AND THEY CAN GO INTO THAT.

12 MR. MORTON: IF I COULD MAKE SURE I  
13 UNDERSTAND. THEN THE, WHAT YOU ARE RULING IS IS THAT  
14 THE STATE WOULD BE ABLE TO SAY THAT HE HAS THREE  
15 PRIOR FELONY CONVICTIONS.

16 THE COURT: THE STATE CAN'T SAY THAT.  
17 YOUR CLIENT CAN BE ASKED THAT IF HE CHOOSES TO  
18 TESTIFY BUT THE STATE CAN'T BRING IT UP. THEY CAN'T  
19 IMPEACH HIM UNLESS HE TESTIFIES.

20 MR. MORTON: I UNDERSTAND. AND IF HE  
21 TESTIFIES, I'M TRYING TO GET A CLARIFICATION AS TO  
22 WHAT THEY CAN THEN ASK HIM.

23 THE COURT: THEY CAN ASK HIM AND I'M,  
24 WELL, MR. BRACKETT IS GOING TO BE THE ONE TO ASK HIM  
25 SO LET, RATHER THAN ME FRAME IT MYSELF, LET'S SEE

1           WHAT HE INTENDS.

2                   MR. BRACKETT:   ISN'T IT TRUE THAT YOU HAVE  
3           THREE PRIOR FELONY CONVICTIONS FROM 1999.

4                   THE COURT:    OKAY.   AND I'LL ALLOW THAT.

5                   MR. MORTON:   AS PART OF THE SAME  
6           TRANACT---AS PART OF THE SAME OCCURRENCE OR?

7                   THE COURT:    I DON'T KNOW.   WHAT YOU ARE  
8           DOING, MR. MORTON, THE DILEMMA THE COURT IS IN IS YOU  
9           WANT TO RESTRICT AND HAVE THEM NOT GO INTO THE NATURE  
10          AND NOW YOU ARE MOVING TOWARD, WELL, MAYBE YOU BETTER  
11          BE MORE DEFINITIVE, SO IT'S, YOU CAN'T HAVE IT BOTH  
12          WAYS.   YOU CAN EITHER HAVE IT LIKE THE CASES SAY  
13          WHICH IS BASICALLY WHAT, AS I UNDERSTAND IT, WHAT MR.  
14          BRACKETT IS SAYING.   I CAN JUST ASK IF HE HAS IT.  
15          CAN'T GO ANY FURTHER.   CAN'T EXPLAIN WHETHER THEY ALL  
16          HAPPENED ON THE SAME DAY.   CAN'T EXPLAIN THE NATURE  
17          OF THEM.   JUST CAN'T DO IT.   NOW HE HAS A RIGHT WHEN  
18          HE TESTIFIES TO EXPLAIN IF HE WISHES:   YES, I DO,  
19          THEY ALL HAPPENED ON THE SAME DAY, THEY INVOLVE AND  
20          THIS IS, AND I DON'T EVEN KNOW BUT I WOULD GUESS  
21          THERE ARE THREE CHILDREN WHICH THERE IS ONE COUNT PER  
22          CHILD OR SOMETHING LIKE THAT, ONE EVENT WITH THREE  
23          COUNTS ONE PER CHILD I WOULD GUESS.

24                   MR. MORTON:   YES, SIR.

25                   THE COURT:    AND I THINK HE HAS A RIGHT TO

1 EXPLAIN THAT. BUT THEY HAVE THE RIGHT TO ASK.

2 MR. MORTON: IF HE THEN EXPLAINS IT THEN  
3 THAT ENDS THE INQUIRY?

4 THE COURT: I WOULD THINK SO. THEY CAN'T  
5 GO INTO THE DETAILS BUT THE QUESTION IS NOT THE  
6 DETAILS, THE QUESTION IS THE CONVICTION, AND I WOULD  
7 NOT, IF HE EXPLAINS YES THEY INVOLVE, I'M SORT OF IN  
8 HERE MOVING OFF OF MY ROLE AS REFEREE AND PERHAPS  
9 MOVING INTO THAT OF A COACH AND I DON'T WANT TO DO  
10 THAT, BUT HE CERTAINLY COULD TESTIFY, YES, I DO, THEY  
11 INVOLVE ONE EVENT AND INVOLVE ONE EVENT AND THREE  
12 COUNTS OR SOMETHING LIKE THAT. I THINK THAT WOULD  
13 END IT.

14 NOW MR. BRACKETT IS DIGGING IN HIS  
15 BOOK SO HE'S GOING TO SHOW ME THAT HE CAN GO  
16 FURTHER.

17 MR. BRACKETT: I THINK THE CASE LAW AND I  
18 HAVEN'T LOOKED AT THIS IN SOME QUITE SOMETIME SO I'M  
19 REFRESHING MY MEMORY, BUT THERE IS SOME LIMITATIONS  
20 ON THE EXPLANATION THAT CAN BE MADE BY THE DEFENDANT  
21 AND I JUST WANT TO MAKE SURE THAT WE CLEAR THAT UP  
22 NOW BEFORE THE DECISION TO TESTIFY IS MADE SO HE  
23 CAN'T SAY I BASED IT ON WHAT I THOUGHT I COULD DO AND  
24 WHAT I --

25 THE COURT: LET'S CLEAR IT UP NOW THEN.

1                   MR. BRACKETT:    THE STATE VERSUS JOSEPH.  
2    AFTER INTRODUCTION OF --

3                   THE COURT:    WAIT, GIVE US THE CITE AND  
4    WE'LL GET THAT CASE.

5                   MR. BRACKETT:   YES, SIR.   391 SOUTHEAST  
6    SECOND 275.   I'M READING, I'M REFERENCING DANNY  
7    COLLINS SOUTH CAROLINA EVIDENCE SECOND EDITION ON  
8    PAGE 150 AFTER INTRODUCTION OF THE CONVICTION THE  
9    WITNESS IS NOT ENTITLED TO GO INTO DETAILS OR STATE  
10   MITIGATING CIRCUMSTANCES ON REDIRECT.   BUT I THINK --

11                  THE COURT:    THAT'S ON REDIRECT.

12                  MR. BRACKETT:   NO.

13                  THE COURT:    I THOUGHT YOU SAID ON  
14    REDIRECT.

15                  MR. BRACKETT:   WELL, THERE IS TWO  
16    ELEMENTS.   AFTER INTRODUCTION OF THE CONVICTION, ONCE  
17    I INTRODUCE THE EVIDENCE OF THE CONVICTION, THE  
18    WITNESS IS NOT ENTITLED TO GO INTO DETAILS; IN OTHER  
19    WORDS, TYPICALLY A WITNESS CAN EXPLAIN THEIR ANSWER  
20    BUT A WITNESS CANNOT GO INTO DETAILS IN ANSWERING HIS  
21    QUESTION AND THEN SECONDLY ON REDIRECT COUNSEL IS NOT  
22    ENTITLED TO STATE MITIGATING CIRCUMSTANCES ON  
23    REDIRECT OF THAT SAME WITNESS.

24                  THE COURT:    WE'RE GOING TO GET THE CASE.  
25    HAND UP THAT BOOK BECAUSE I DON'T EVEN KNOW WHAT BOOK

1 YOU GOT THERE.

2 MR. BRACKETT: IT'S SOUTH CAROLINA  
3 EVIDENCE DANNY COLLINS.

4 (HANDED TO THE COURT.)

5 THE COURT: I'M GOING TO HAVE TO LOOK AT  
6 THESE CASES.

7 MR. BRACKETT: YES, SIR.

8 THE COURT: CAN WE GET STARTED?

9 MR. BRACKETT: THE STATE IS READY.

10 THE COURT: ALL RIGHT. MR. GREELEY, YOU  
11 HAVE BEEN CHARACTERISTICALLY QUIET.

12 MR. GREELEY: MR. SANDERS IS READY, YOUR  
13 HONOR.

14 THE COURT: ANYTHING ELSE, MR. MORTON,  
15 BEFORE WE?

16 MR. MORTON: ARE WE GOING TO --

17 THE COURT: WELL, WE CAN. DO WE NEED TO  
18 BEFORE WE GET THE JURY TO WORK. WE'RE TALKING ABOUT  
19 HIS IMPEACHMENT NOT THIS WITNESS.

20 MR. MORTON: WELL, IT'S SOMETHING I REALLY  
21 WANT TO BRING UP.

22 THE COURT: LET ME LOOK AT THESE CASES.

23 MR. MORTON: I'M SORRY, JUDGE.

24 THE COURT: NO.

25 MR. MORTON: IF, AS FAR AS, WHILE HE'S OUT



1       LOOKING, AS FAR AS FELONY CONVICTIONS OBVIOUSLY THE  
2       COURT'S KNOWS THAT A FELONY CONVICTION CAN RANGE FROM  
3       POSSESSION OF COCAINE TO CAPITAL MURDER.

4                   THE COURT: I UNDERSTAND THAT. THE  
5       PROBLEM IS, FOR THE COURT IS, THE COURT HAS CARVED  
6       OUT THIS WAY, THIS METHOD, OF ALLOWING IMPEACHMENT  
7       WITHOUT CROSSING INTO THAT PREJUDICIAL OUTWEIGHING  
8       THE PROBATIVE VALUE BECAUSE IT'S PROBATIVE WHETHER OR  
9       NOT HE VIOLATED THE LAW WITHIN THE IMPEACHMENT AREA;  
10      THAT IS, ONE YEAR WITHIN A TEN YEAR PERIOD OR IN  
11      SOMETHING INVOLVING MORAL TURPITUDE, SO THE COURT HAS  
12      CRAFTED THIS METHOD TO DO IT. NOW IT MIGHT NOT BE  
13      THE IDEAL IN EVERY SITUATION BECAUSE FELONIES, WE  
14      HAVE A STRANGE FELONY. YOU CAN GET, I BELIEVE, UP TO  
15      ANYTHING FROM MAYBE EVEN LESS THAN FIVE YEARS, I'M  
16      NOT SURE OF ANYTHING UNDER FIVE YEARS WOULD BE A  
17      FELONY, BUT UP TO LIFE IMPRISONMENT BUT THE STATE HAS  
18      CARVED THIS OUT TO PROTECT THE DEFENDANT FROM THEM  
19      GOING INTO SIMILAR, BECAUSE IF WASN'T SIMILAR, IF  
20      THESE WERE DIFFERENT KIND OF FELONIES OF COURSE THE  
21      JURY DOESN'T KNOW THAT, BUT IF THEY WERE DIFFERENT  
22      KIND OF FELONIES THEY COULD GO INTO IT WITH  
23      PARTICULARITY SO THIS IS A MECHANISM THAT THE STATE,  
24      THE COURTS HAVE CREATED TO PROTECT THE DEFENDANT FROM  
25      THAT PREJUDICE OF SAYING, WELL, HE'S DONE THIS

1       BEFORE, HE'S DONE THIS BEFORE, HE'S DONE IT BEFORE,  
2       OBVIOUSLY HE'S DONE IT THIS TIME.  SO SORT OF WHERE  
3       WE ARE IS, THE COURT HAS DONE THIS TO PROTECT YOUR  
4       CLIENT OR PROTECT THE DEFENDANTS IN GENERAL, BUT NOW  
5       YOU ARE SEEING SOME FLAW IN IT WHICH IS NOT UNUSUAL.

6               MR. MORTON:  I UNDERSTAND.

7               THE COURT:  BUT FOR US TO FIND A FLAW --

8               MR. MORTON:  I'M NOT SURE HOW MUCH IT  
9       PROTECTS HIM BUT.

10              THE COURT:  THAT'S RIGHT, AND I UNDERSTAND  
11      TOO THAT IT MIGHT BE BETTER TO SAY, WELL, IT WAS  
12      UNLAWFUL NEGLIGENCE OF A CHILD.  I HAD DIRTY DISHES IN  
13      THE SINK OR SOMETHING AS OPPOSED TO SAY, YEAH, I GOT  
14      THREE FELONIES.  THAT IS PRETTY, BUT THAT'S WHERE WE  
15      ARE AS I UNDERSTAND THE LAW.  LET'S SEE WHAT WE GOT  
16      HERE.  WELL, HERE IN THE STATE VERSUS JOSEPH THE  
17      COURT SAYS THE DETAILS OF THE CRIME FOR WHICH THE  
18      WITNESS HAS BEEN CONVICTED AND I THINK, I'M NOT SURE  
19      THIS IS THE DEFENDANT, IT KEEPS USING THE TERM  
20      WITNESS, WHETHER THE DETAILS COULD BE CONSIDERED  
21      MITIGATING OR AGGRAVATING ARE NOT ADMISSIBLE.  THE  
22      WITNESS HAS QUOTE ALREADY BEEN AFFORDED THE  
23      OPPORTUNITY TO DEFEND HIMSELF AGAINST THAT CHARGE IF  
24      HIS CONVICTION IS CONCLUSIVE END QUOTE.  SO HE'S GOT  
25      THE CONVICTION AND HE CAN'T EXPLAIN WHAT IT WAS.

1 MR. MORTON: HE CAN IF HE WANTS TO?

2 THE COURT: NO, THAT'S WHAT THEY WANT.

3 WELL, LET ME THINK A MINUTE BECAUSE THIS WAS IN  
4 RESPONSE TO A, JOSEPH CONTENDS TRIAL COURT ERRED BY  
5 REFUSING TO ALLOW HIM TO, WAIT A MINUTE, LET'S SEE.  
6 I LOST MY PLACE NOW. OKAY. THIS WAS NOT THE  
7 DEFENDANT. THIS WAS ANOTHER WITNESS. THE APPELLANT  
8 CONTENDS THE TRIAL COURT ERRED BY ALLOWING WITNESS TO  
9 EXPLAIN THE CIRCUMSTANCES SURROUNDING HIS CONVICTION  
10 FOR GIVING FALSE INFORMATION. WE AGREE. THIS WAS ON  
11 REDIRECT, AND THAT'S WHERE THEY GO INTO CONVICTION IS  
12 THE CONVICTION IS THE CONVICTION IS THE CONVICTION.

13 MR. MORTON: YOUR HONOR --

14 THE COURT: GO AHEAD.

15 MR. MORTON: IN THIS CASE, AND I  
16 UNDERSTAND WHAT THE COURT HAS SAID ABOUT THE FELONY  
17 THINGS, BUT AGAIN SINCE IN THIS STATE FELONIES ARE SO  
18 BROAD AND IN THIS CASE THE THREE PRIOR CONVICTIONS  
19 ARE, I WOULD SUBMIT, AT THE LOWER END OF THAT FELONY  
20 SPECTRUM, AND SINCE THE, IF HE TAKES THE STAND THAT  
21 THE, HIS CREDIBILITY IS GOING TO BE A CENTRAL  
22 COMPONENT OF THIS CASE, I WOULD ASK, I THINK, THE  
23 COURT TO CONSIDER THE STATE TO ELICIT THAT HE HAS  
24 THREE CRIMINAL CONVICTIONS FROM '99 AS OPPOSED TO  
25 MAKING THAT PREJUDICIAL FELONY STATEMENT.

1 THE COURT: WELL, SEE THEN YOU LEAP THE  
2 OTHER WAY, THREE CRIMINAL CONVICTIONS. THEY COULD  
3 THINK IT'S FOR LITTERING. THE COURT SET THE STANDARD  
4 AND I'M GOING TO STICK WITH IT.

5 MR. MORTON: WE'LL SUBMIT IT WASN'T  
6 LITTERING.

7 THE COURT: IT WASN'T LITTERING. I JUST  
8 PICKED THAT ONE OUT OF THE AIR. I DIDN'T MEAN  
9 ANYTHING BY IT.

10 MR. MORTON: I'M NOT TRYING TO BE PICKY.

11 THE COURT: I KNOW.

12 MR. MORTON: I'M THEN TRYING TO FIGURE OUT  
13 IF HE TAKES THE STAND THEN THE STATE WOULD BE ABLE TO  
14 SAY THAT HE HAS THREE PRIOR FELONY CONVICTIONS FROM  
15 THE SAME DATE.

16 THE COURT: MY UNDERSTANDING IS THE  
17 QUESTION IS, ISN'T IT TRUE THAT YOU HAVE THREE PRIOR  
18 FELONY CONVICTIONS FROM THE YEAR 1999.

19 MR. MORTON: FROM THE YEAR 1999.

20 THE COURT: OR FROM 1999 AND THAT ENDS THE  
21 INQUIRY.

22 MR. MORTON: NOW IF HE WANTS TO GO INTO  
23 THE DETAILS, THEN HE CERTAINLY IS ALLOWED TO,  
24 CORRECT?

25 THE COURT: WELL, THAT'S WHY, THAT'S

1 WHERE, THIS COURT, THE JOSEPH CASE SAYS NO BUT JOSEPH  
2 CASE DEALS WITH A WITNESS AS OPPOSED TO DEFENDANT.  
3 IN THERE THE DEFENDANT WAS COMPLAINING THAT THE  
4 WITNESS WAS GIVEN THE OPPORTUNITY TO REHABILITATE  
5 HIMSELF. THEY FOUND IT TO BE HARMLESS IF I REMEMBER  
6 CORRECT WHICH IS IT IS DIFFERENT HERE. DO YOU HAVE  
7 ANY CASES WHERE THE DEFENDANT CANNOT GO INTO, I  
8 ALMOST CALL IT, A BRIEF EXPLANATION.

9 MR. BRACKETT: I COULD --

10 THE COURT: I'M GOING TO ALLOW IT. I  
11 BELIEVE THAT HE OUGHT TO BE ABLE TO, THIS IS NOT JUST  
12 A WITNESS THIS IS THE DEFENDANT, TO STATE -- I MEAN,  
13 THIS IS A FAIRNESS THING AT THIS POINT. THREE FELONY  
14 CONVICTIONS. HE HAS THEM. THERE IS NO QUESTION  
15 ABOUT THAT. BUT IT RELATES TO ONE INCIDENT TO MAKE  
16 IT APPEAR THAT THERE MAY BE A SERIES OF EVENTS IS  
17 KIND OF PILED ON.

18 MR. BRACKETT: I WILL AGREE TO THAT. I  
19 DON'T HAVE A PROBLEM WITH THAT. MY ONLY ISSUE IS  
20 THAT IF HE OPENS THE DOOR, IF HE'S SAYING, WHEN HE  
21 SAYS EXPLAIN, ARE YOU SAYING EXPLAIN THE  
22 CIRCUMSTANCES OF THE CRIME?

23 THE COURT: NO, I THINK WHAT -- WELL, IF  
24 HE OPENS THE DOOR THEN THE DOOR IS OPEN.

25 MR. BRACKETT: YES.

1 THE COURT: I THINK WHAT MR. MORTON IS,  
2 AND I HATE THINKING FOR PEOPLE WHEN I TELL EVERYBODY  
3 ELSE NOT TO DO IT, BUT IT APPEARS TO ME THAT WHAT MR.  
4 MORTON WANTS HIS CLIENT TO BE ABLE TO SAY I HAVE  
5 THREE CONVICTIONS, THEY ALL ARE RELATED TO ONE EVENT,  
6 OR SOMETHING TO THAT.

7 MR. BRACKETT: IS THAT CORRECT?

8 THE COURT: SEE THAT'S WHY I DON'T LIKE  
9 TO THINK FOR OTHER PEOPLE.

10 MR. BRACKETT: I JUST WANT TO MAKE SURE I  
11 KNOW WHAT I'M AGREEING TO.

12 THE COURT: MR. MORTON, WHAT DO YOU INTEND  
13 TO ASK? SINCE YOU HAD ALL WEEKEND TO THINK ABOUT IT  
14 AND I'M THINKING ABOUT IT WHILE I'M SITTING HERE.

15 MR. MORTON: WELL, I HADN'T HAD ALL  
16 WEEKEND TO THINK ABOUT IT BECAUSE I'VE BEEN DEALING  
17 WITH THIS COMPUTER STUFF UNFORTUNATELY. WELL, I  
18 GUESS THAT--I'M SORRY, JUDGE. GIVE ME ONE SECOND.

19 THE COURT: SURE.

20 MR. MORTON: I GUESS THAT'S WHAT WE'LL  
21 HAVE TO DO, YOUR HONOR.

22 THE COURT: THAT BEING?

23 MR. MORTON: THREE FELONIES CHARGES IN '99  
24 ALL FROM ONE EVENT.

25 MR. BRACKETT: WHAT I WILL DO IS I WILL

1 JUST REFERENCE THE SPECIFIC DATE OF THE CRIME AND SAY  
2 ISN'T IT TRUE THAT YOU WERE CONVICTED ON THREE OR  
3 THREE FELONIES RELATED TO AN INCIDENT ON 07-1-1999,  
4 WHATEVER DATE IT IS.

5 THE COURT: ALL RIGHT. READY NOW?

6 MR. MORTON: YES, SIR.

7 THE COURT: BRING IN THE JURY.

8 (THE JURY RETURNS TO THE COURTROOM AT  
9 09:36 A.M.)

10 THE COURT: GOOD MORNING.

11 (JURY: GOOD MORNING.)

12 THE COURT: MR. BRACKETT, YOU WANT TO  
13 RECALL MR. WALDROP.

14 MR. BRACKETT: YES, YOUR HONOR.

15 MR. WALDROP.

16 THE COURT: YOU ARE STILL UNDER OATH.

17 MR. WALDROP: THAT'S CORRECT.

18 CROSS EXAMINATION CONTINUED BY MR. MORTON:

19 Q GOOD MORNING, MR. WALDROP.

20 A GOOD MORNING.

21 Q I UNDERSTAND YOU NEED TO LEAVE HERE BY 11  
22 O'CLOCK AND SO I THINK WE'LL ALL DO OUR BEST TO  
23 ACCOMMODATE YOU. AND QUITE HONESTLY I CAN'T REMEMBER  
24 WHERE I STOPPED. I APOLOGIZE IF I'M REPEATING  
25 MYSELF. I'LL TRY NOT TO DO THAT. JUST TO SORT OF

1 RECAP I THINK WHERE WE WERE, YOU HAD GONE AND PICKED  
2 UP MR. COPE FROM HIS PARENTS HOUSE THE NIGHT ON  
3 NOVEMBER 29?

4 A THAT'S CORRECT.

5 Q AND YOU AND DETECTIVE HERRING HAD INTERVIEWED  
6 HIM, INTERROGATED HIM FOR THREE AND A HALF, FOUR  
7 HOURS ON THAT NIGHT?

8 A THAT'S CORRECT.

9 Q AND Y'ALL HAD DECIDED AT THE END OF THAT  
10 INTERVIEW TO GO AHEAD AND ARREST HIM?

11 A THAT'S CORRECT.

12 Q OKAY. AND THAT DECISION WAS MADE BY WHOM?

13 A BY THE THREE OR FOUR OF US: MYSELF, LIEUTENANT  
14 HERRING, DETECTIVE BLACKWELDER AFTER CONFERRING WITH  
15 CAPTAIN CABANISS.

16 Q AND THE BASIS ON WHICH YOU DID THAT WAS THAT IN  
17 YOUR OPINION HE WASN'T SHOWING THE PROPER EMOTION,  
18 CORRECT?

19 A THAT WAS ONE PART.

20 Q ONE OF THE FACTORS?

21 A THAT'S CORRECT.

22 Q OKAY. ANOTHER FACTOR WAS THAT YOU COULDN'T FIND  
23 IN YOUR LOOKING ANY SIGNS OF WHAT WE CALL FORCED  
24 ENTRY, CORRECT?

25 A THAT'S CORRECT.



1 Q AS TO THE EMOTION, MR. WALDROP, MR. COPE BROKE  
2 DOWN CRYING AND SOBBING SEVERAL TIMES ON THAT TAPE IF  
3 I REMEMBER, WOULD YOU AGREE WITH ME ABOUT THAT?

4 A HE MADE THE APPEARANCE OF BREAKING DOWN OR  
5 CRYING.

6 Q WELL --

7 A BUT AT NO TIME DID HE EVER SHED A TEAR DURING  
8 THIS INTERVIEW.

9 Q OKAY. WE'VE GOT THE TAPE THAT WE CAN LISTEN TO?

10 A YES, SIR.

11 Q AND YOU DIDN'T PRESUME TO, YOU ARE NOT  
12 PSYCHOLOGIST. I MEAN, PEOPLE REACT TO STUFF  
13 DIFFERENT WAYS?

14 A THAT'S CORRECT.

15 Q HE WAS THE MAN OF THE FAMILY, CORRECT?

16 A CORRECT.

17 Q HE WAS ACTUALLY TRYING TO HELP YOU FIGURE OUT  
18 WHAT HAD HAPPENED? DO YOU DISAGREE WITH THAT?

19 A (NO RESPONSE.)

20 Q IF I CAN, IF I CAN SAY WHAT I'M TALKING ABOUT.  
21 ON SEVERAL TIMES DURING THAT TAPED INTERVIEW YOU  
22 SAID, YOU KNOW, MR. COPE, THERE WAS, WE COULDN'T FIND  
23 ANY FORCED ENTRY IN YOUR HOUSE. HE WAS LIKE, YOU  
24 KNOW, I -- I MEAN, I THINK, I THOUGHT MY DOORS WERE  
25 LOCKED. AND YOU AGREE WITH THAT?

1 A YES, SIR.

2 Q CAN YOU AGREE WITH YOU ASKED HIM HOW COULD  
3 SOMEBODY GET IN THIS HOUSE? AND SEVERAL TIMES HE  
4 RESPONDED: YOU KNOW, I DON'T KNOW. DID HE NOT?

5 A THAT'S CORRECT.

6 Q HE WAS AS PERPLEXED AS YOU WERE ABOUT THAT, WAS  
7 HE NOT? HE WAS NOT TRYING TO OFFER ANY EXCUSES, WAS  
8 HE? I THINK I BROUGHT THAT POINT UP THE OTHER DAY.

9 A HE WAS NOT OFFERING ANY EXCUSES.

10 Q RIGHT.

11 A THAT'S CORRECT.

12 Q HE WASN'T TRYING TO SAY OH I THINK THE GUY NEXT  
13 DOOR DID IT OR SOMEBODY OR WHATEVER?

14 A HE BROUGHT UP THE GUY NEXT DOOR ONE TIME DURING  
15 THE INTERVIEW.

16 Q RIGHT. AND THAT'S ON THE TAPE AND THE JURY CAN  
17 LISTEN TO THE TAPE AGAIN, CORRECT?

18 A THAT'S CORRECT.

19 Q AND YOU ARE AWARE THAT MR. SANDERS HAD JUST  
20 MOVED TO ROCK HILL AND MOVED IN THE NEIGHBORHOOD I  
21 THINK THE END OF OCTOBER OF 2001, ARE YOU AWARE OF  
22 THAT?

23 A NO, SIR.

24 MR. BRACKETT: PLEASE THE COURT, I OBJECT.

25 MR. MORTON: I'M JUST ASKING IF HE IS

1 AWARE OF IT.

2 MR. BRACKETT: ASSUMES FACTS NOT IN  
3 EVIDENCE AND I'D ASK HE BE CAREFUL WITH QUESTIONS  
4 THAT CALLS FOR HEARSAY, ANSWERS THAT CONTAIN HEARSAY  
5 WITH QUESTIONS.

6 THE COURT: I OVERRULE THE OBJECTION. HE  
7 JUST ASKED HIM IF HE WAS AWARE OF IT.

8 MR. MORTON: ALL RIGHT, SIR. I'LL MOVE  
9 ON.

10 Q LIEUTENANT WALDROP, SO HE'S NOT--WOULD YOU AGREE  
11 WITH ME THAT THIS IS THE PERSON ON THAT TAPE THAT  
12 DOESN'T SEEM TO BE TRYING TO SHIFT THE BLAME, RATHER  
13 HE'S TRYING TO, HE'S JUST PERPLEXED AS YOU ARE?

14 A THAT WOULD BE CALLING FOR AN OPINION.

15 Q RIGHT.

16 A BUT IN MY OPINION, NO, SIR. HE WAS GIVING NO  
17 EXPLANATIONS OR NO EXCUSES, EITHER ONE.

18 Q RIGHT. HE WAS NOT?

19 A NO, SIR.

20 Q OKAY. AND WE HAVE THE TAPE TO LISTEN TO AND THE  
21 TRANSCRIPT AND SO FORTH?

22 A YES, SIR.

23 Q OKAY. AS TO FORCED ENTRY, I THINK YOU STATED  
24 YOU WERE OUT THERE ABOUT TWO AND A HALF HOURS OR I  
25 DON'T THINK YOU STATED THAT BUT I BROUGHT UP THAT YOU

1 WERE OUT THERE ACCORDING TO THE LOG ABOUT 2 HOURS AND  
2 20 MINUTES.

3 A THAT'S CORRECT.

4 Q YOU LOOKED AT THE WINDOWS AND THE DOORS AND YOU  
5 SAID YOU DID NOT GO INTO THE DINING ROOM, YOU DID NOT  
6 GO INTO THE KITCHEN?

7 A NO, SIR.

8 Q IS THAT CORRECT?

9 A NO, SIR.

10 Q THAT'S NOT RIGHT?

11 A I DID NOT GO INTO THEM.

12 Q OKAY. AND WHEN WE TALK ABOUT FORCED ENTRY WHICH  
13 WILL BE A TERM THAT IS USED IN HERE SEVERAL TIMES I  
14 BELIEVE, AREN'T WE TALKING ABOUT SIGNS OF ENTRY; FOR  
15 INSTANCE, A BROKEN WINDOW OR A DOOR KICKED IN, THAT  
16 KIND OF THING?

17 A THAT WOULD BE PART OF IT.

18 Q RIGHT.

19 A BUT I WAS ALSO REFERRING TO THE CONDITIONS OF  
20 THE WINDOWS AND THE DOORS.

21 Q RIGHT.

22 A WHETHER THE WINDOWS WERE OPEN OR CLOSED, I'M  
23 AWARE THAT THERE WAS AN OPEN WINDOW.

24 Q YES, SIR.

25 A BUT HAVING LOOKED AT THAT WINDOW.

1 Q YES, SIR.

2 A AND THE SCREEN STILL BEING ON IT AND NOTHING  
3 DISPLACED ON THAT WINDOW WHATSOEVER.

4 Q RIGHT.

5 A DUST, SPIDER WEBS, THAT TYPE STUFF, THERE IS  
6 NOTHING THAT INDICATED OF ME ANYBODY HAD GONE INTO  
7 ANY OF THOSE WINDOWS.

8 Q OKAY. BUT THE WINDOW WAS UN ---WAS OPEN?

9 A THAT'S CORRECT.

10 Q AND IT WAS, THE LATCHES ON THE SCREEN WERE UP?

11 A I CAN'T ANSWER THAT. I DON'T REMEMBER THEM  
12 BEING UP.

13 Q OKAY. PEOPLE, WOULD YOU AGREE WITH ME, BREAK IN  
14 HOUSES A LOT OF TIMES WITHOUT KICKING IN A DOOR OR  
15 BREAKING A WINDOW, THOUGH, CORRECT?

16 A THEY GAIN ENTRY, YEAH.

17 Q YEAH. OKAY. THEY CAN GAIN ENTRY BY JIMMYING  
18 THE LOCK, CORRECT?

19 A IT'S POSSIBLE BUT LOCK PICKING IS REAL HARD.  
20 USUALLY IF --

21 Q DEPENDS ON WHAT KIND OF LOCK IT IS, RIGHT?

22 A IT COULD BE, YEAH.

23 Q OKAY. SO YOU CAN PICK A LOCK WITH A SCREWDRIVER  
24 OR LIKE I SAID A PUTTY KNIFE, CREDIT CARD, WHATEVER?

25 A IF YOU DO THAT THERE IS SOMETHING TO INDICATE,

1 SCRATCH MARKS OR PRY MARKS OR SOMETHING.

2 Q THERE IS NOT ALWAYS SCRATCH MARKS OR PRY MARKS  
3 WHEN YOU GAIN ENTRY INTO A DOOR LIKE THAT, MR.  
4 WALDROP, IS IT?

5 A NO, BUT IN MY EXPERIENCE, IF THEY GAIN ENTRY  
6 WITH NO FORCED ENTRY, IT'S USUALLY WITH A KEY OR THE  
7 DOOR IS LEFT UNLOCKED OR UNSECURED.

8 Q OR THEY COME TO THE DOOR, KNOCK ON THE DOOR, AND  
9 SOMEBODY OPENS THE DOOR?

10 A TRUE.

11 Q UNDER SOME KIND OF ROUSE?

12 A THAT'S TRUE.

13 Q NEED HELP, BLA-BLA-BLA?

14 A YES.

15 Q SO THERE A LOT OF WAYS TO GAIN ENTRY WITHOUT  
16 BREAKING THE WINDOW OR KICKING THE DOOR IN?

17 A YES, SIR.

18 Q OKAY. NOW YOU'VE TESTIFIED THAT YOU THOUGHT  
19 THIS SCENE WAS STAGED AND I AM JUST WONDERING IF THE  
20 REASON THAT YOU SAY THAT WAS THAT THE PART OF THE  
21 BLANKET WAS WRAPPED AROUND HER NECK, DOES THAT?

22 A NO, SIR. BY ALL INDICATIONS IN MR. COPE'S  
23 STATEMENT AND WHAT WAS FOUND AT THE SCENE, HIS  
24 STATEMENT WAS THAT HE FOUND HER LAYING THERE WITH  
25 THAT SELVAGE WRAPPED HER AROUND NECK FOUR, FIVE, OR

1 SIX TIMES.

2 Q RIGHT.

3 A AND ONLY PARTIALLY CLOTHED. SHE HAD HER SHIRT  
4 PULLED UP.

5 Q RIGHT. AND HAD HER SHIRT PULLED UP, AGREE WITH  
6 THAT?

7 A WELL, FROM EVIDENCE FOUND BY THE PATHOLOGIST AND  
8 AT THE SCENE, SHE HAD BEEN REDRESSED.

9 Q OKAY.

10 A THERE WAS NOTHING TO INDICATE THAT SHE WAS FOUND  
11 THE WAY THE SCENE HAPPENED.

12 Q EXPLAIN THAT TO ME. HOW DO YOU KNOW THAT? WHY  
13 DO YOU SAY THAT?

14 A BECAUSE IF SHE WAS SEXUALLY ASSAULTED THE WAY  
15 SHE WAS AND SHE WAS KILLED DURING THAT SEXUAL ASSAULT  
16 THEN SHE COULDN'T HAVE PUT HER CLOTHES BACK ON.

17 Q WELL, WHOEVER ASSAULTED HER COULD HAVE PULLED  
18 HER PANTS UP THOUGH, ISN'T THAT CORRECT?

19 A YEAH, THAT'S CORRECT.

20 Q OKAY. ALL RIGHT. SO MR. SANDERS COULD HAVE  
21 DONE THAT, RIGHT?

22 A EITHER ONE OF THEM COULD HAVE DONE THAT, THAT'S  
23 CORRECT.

24 Q YOU ARE NOT SAYING THOUGH THAT MR. COPE STAGED  
25 THE SCENE?

1 A NO, SIR, I'M NOT SAYING THAT.

2 Q OKAY. BECAUSE I BELIEVE THE PHOTOGRAPHS  
3 INDICATE THAT THE GREEN BLANKET IN FACT AND I THINK,  
4 YOU KNOW, THE PHOTOGRAPHS THAT WERE TAKEN SHOW  
5 EXACTLY WHAT HE TOLD YOU THAT HE HAD UNWRAPPED THE  
6 GREEN BLANKET FROM HER NECK AND LEFT HER THERE, HELD  
7 HER AND PUT HER DOWN, AND THE PHOTOGRAPH WILL SHOW  
8 THAT THING COMING UNDERNEATH HER NECK?

9 A THAT'S CORRECT.

10 Q OKAY. THERE WAS TESTIMONY ON THAT TYPE THAT  
11 JESSICA AND KYLA SLEPT WITH THEIR, THEIR DOOR WAS  
12 OPEN AND THEIR LIGHT WAS ON, CORRECT?

13 A THAT'S CORRECT.

14 Q OKAY. THERE IS TESTIMONY FROM MR. COPE THAT HE  
15 HAD NEVER HAD ANY PROBLEMS WITH AMANDA, CORRECT? SHE  
16 WAS NOT A PROBLEM CHILD?

17 A THAT'S CORRECT.

18 Q THAT HE HAD HAD NO PROBLEMS FROM HER AT ALL?  
19 SOMETHING ABOUT THE LIBRARY BOOK THAT HE WAS LOOKING  
20 FOR, AND I GUESS WHAT I'M GETTING AT, MR. WALDROP, IS  
21 WHAT Y'ALL, WHAT YOUR THEORY IS IS THAT THIS MAN,  
22 MR. BILLY COPE, HE RAPED, SODOMIZED WITH A BROOM, HIS  
23 OWN DAUGHTER, CORRECT?

24 A YES, SIR.

25 Q OKAY. HE WENT TO SLEEP, CORRECT?



1 A I DIDN'T SAY ANYTHING ABOUT HIM GOING TO SLEEP.

2 Q HE TOLD YOU THAT -- WELL, WHETHER HE WENT TO  
3 SLEEP OR NOT, HE WOKE UP OR HE CALLED THE POLICE THE  
4 NEXT MORNING RIGHT AT SIX O'CLOCK?

5 A HE CALLED, YES, SIR, HE CALLED 911.

6 Q WITH HIS OTHER TWO DAUGHTERS THERE?

7 A THAT'S CORRECT.

8 Q HE STAYED AND HE COOPERATED, COOPERATED FULLY?

9 A HE WAS THERE. HE CAME FREELY AND VOLUNTARILY.

10 Q RIGHT. AND HE TALKED TO YOU AND HE TALKED TO  
11 DETECTIVE BURRIS AND HE TALKED TO LIEUTENANT HERRING  
12 AND HE TALKED TO EVERYBODY THAT WANTED TO TALK TO  
13 HIM, CORRECT?

14 A THAT'S CORRECT.

15 Q HE VOLUNTARILY WENT TO THE HOSPITAL, VOLUNTARILY  
16 HAD HIS BLOOD DRAWN, VOLUNTARILY HAD SAMPLES TAKEN OF  
17 ANY TYPE THAT THEY WANTED TO?

18 A CORRECT.

19 Q INSISTED ON TAKING THAT POLYGRAPH?

20 A YES, SIR.

21 Q SO THIS IS A MAN WHO RAPES, VIOLENTLY MURDERS  
22 HIS OWN DAUGHTER, IN HIS OWN HOUSE WITH HIS OTHER TWO  
23 CHILDREN PREGNANT, I'M SORRY NOT PREGNANT, BUT WITH  
24 HIS OTHER TWO CHILDREN THERE, CORRECT?

25 A CORRECT.

1 Q CALLS THE POLICE IN THE MORNING, WAITS ON THEM  
2 TO GET THERE, COOPERATES FULLY, GIVES YOU THIS  
3 INTERVIEW, DOES WHATEVER HE'S ASKED?

4 A THAT'S CORRECT.

5 Q YOU WOULD AGREE WITH ME AT LEAST THAT THAT IS, I  
6 MEAN, DID HE THINK THEY WERE NOT GOING TO FIND HER?  
7 I MEAN, DID HE, WOULD YOU AGREE WITH ME THAT'S A  
8 LITTLE UNUSUAL?

9 A TRUTHFULLY, NO.

10 MR. BRACKETT: I'M NOT SURE I UNDERSTAND  
11 THE QUESTION.

12 THE COURT: THE QUESTION, THE WITNESS  
13 APPARENTLY DID BECAUSE HE SAID, HE ANSWERED.

14 Q YOU DON'T THINK SO?

15 A NO, SIR, BECAUSE WHAT ELSE COULD HE DO? IF HE  
16 HAD SAID ANYTHING ELSE THEN IT WOULD HAVE LOOKED  
17 TOTALLY DIFFERENT.

18 Q WAS HE JUST HOPING TO GET AWAY WITH THIS AND  
19 THEN JUST, LET'S SEE, I KNOW WHAT, MAYBE THEY WILL  
20 FIND JAMES SANDERS' DNA ON MY DAUGHTER'S LEG AND HIS  
21 SALIVA ON HER BITTEN BREAST. HE WAS GOING TO DO ALL  
22 THIS AND JUST OR DID HE TAKE IT BACK THERE AND  
23 SPRINKLE IT BACK THERE? DOES IT MAKE SENSE?

24 A TO ME, YEAH, BECAUSE HE WAS TRYING HIS BEST.

25 Q TELL ME WHAT MAKES SENSE ABOUT IT?

1 A THAT HE WAS TRYING HIS BEST TO DENY WHAT HAD  
2 HAPPENED IN HIS HOUSE WHICH IS NOT UNCOMMON.

3 Q WELL, HE WASN'T DENYING --

4 MR. BRACKETT: I'M NOT SURE HE FINISHED  
5 WITH HIS QUESTION.

6 Q I'M SORRY.

7 A WHICH IS NOT UNCOMMON. I MEAN VERY FEW TIMES DO  
8 YOU WORK A CASE OF THIS MAGNITUDE WHEN HE WALKS UP TO  
9 THE DOOR WHEN THE POLICE ARRIVE AND SAY, MY DAUGHTER  
10 IS IN YONDER, I KILLED HER.

11 Q AND DID HE SAY MY DAUGHTER IS YONDER AND I  
12 KILLED HER AND JAMES SANDERS WAS THERE TOO?

13 A NO, HE DID NOT.

14 Q WELL, HOW DO YOU EXPLAIN THAT?

15 A HE WAS NOT GOING TO READILY ADMIT WHAT HAD  
16 HAPPENED IN THE HOUSE.

17 Q HE WAS GOING READILY ADMIT THAT HE RAPED AND  
18 MURDERED AND BRUTALIZED HIS OWN DAUGHTER BUT HE  
19 WASN'T GOING TO SAY ANYTHING ABOUT MR. SANDERS?

20 A I CAN'T ANSWER THAT. I CAN'T ANSWER WHAT --

21 Q I CAN'T ANSWER IT EITHER. I APOLOGIZE FOR  
22 MAKING COMMENTS?

23 MR. BRACKETT: MOVE TO STRIKE.

24 THE COURT: STRIKE MR. MORTON'S --

25 MR. MORTON: I'LL WITHDRAW IT.

1 THE COURT: MR. MORTON'S THOUGHTS.

2 Q WE'VE GOT THAT TAPE?

3 A YES, SIR.

4 Q YOU HIT HIM PRETTY HARD ON THAT TAPE FOR FOUR

5 HOURS, DID YOU NOT?

6 A HIT HIM PRETTY HARD?

7 Q YEAH.

8 A NO, SIR.

9 Q YOU DIDN'T HIT HIM PRETTY HARD. THAT'S A

10 TYPICAL POLICE INTERROGATION?

11 A YES, SIR.

12 Q THAT'S HOW POLICE INTERROGATIONS WORK, RIGHT?

13 A YES, SIR.

14 Q GOD IN HEAVEN, LORD ABOVE IS NOT GOING TO SAVE

15 YOU FROM THE TRUTH, NOT GOING TO SAVE YOU FROM

16 TELLING US. YOU WERE NOT TAKING NO FOR AN ANSWER?

17 A I WASN'T TRYING TO TAKE NO FOR AN ANSWER. I WAS

18 TRYING TO GET TO THE TRUTH OF WHAT HAD HAPPENED.

19 Q BUT YOU DIDN'T KNOW THE TRUTH, DID YOU?

20 A I HAD AN OPINION.

21 Q OKAY. TYPICAL INTERROGATION?

22 A YES, SIR.

23 Q EXPLAIN THIS TO ME: EXPLAIN TO ME WHY THIS MAN,

24 WHO HAD COOPERATED FULLY WITH YOU THROUGHOUT THE

25 COURSE OF THE DAY, WITH THE POLICE DEPARTMENT

1           THROUGHOUT THE COURSE OF THE DAY, WENT HOME, CAME  
2           BACK, SAT THERE AND INTERVIEWED WITH YOU, DID YOU  
3           TAKE HIS CLOTHES IN TO EVIDENCE DURING THAT  
4           INTERVIEW?

5           A     NO, SIR.

6           Q     OKAY. DID YOU PHOTOGRAPH IT?

7           A     NO, SIR.

8           Q     DID YOU PHOTOGRAPH HIS HANDS?

9           A     NO, SIR.

10          Q     DID YOU SEE ANY MARKS ON HIS HANDS?

11          A     NO, SIR.

12          Q     OKAY. ABOUT A MONTH AGO, TELL ME IF YOU ARE  
13          AWARE OF THIS, HIS CLOTHES WERE TESTED?

14          A     I CAN'T ANSWER THAT.

15          Q     YOU DON'T KNOW THAT?

16          A     I DON'T KNOW.

17          Q     OKAY. AUGUST 2004. DO YOU KNOW WHAT THE  
18          RESULTS OF THOSE TESTS WERE?

19          A     NO, SIR.

20          Q     I GUESS HE ALSO STAGED THE SCENE BY -- HOW ELSE  
21          DID HE STAGE THE SCENE, DID HE CLEAN IT UP?

22          A     I WOULDN'T SAY IT WAS CLEANED UP, NO, SIR.

23          Q     WOULDN'T SAY IT WAS CLEANED UP. HE ASKED FOR  
24          THAT POLYGRAPH, HE INSISTED ON THAT POLYGRAPH, HE  
25          WANTED THAT POLYGRAPH, PLEASE GIVE ME THE POLYGRAPH,

1 LET'S CLEAR THIS UP, DID HE NOT?

2 A YES, SIR.

3 Q HE TOLD YOU 665 TIMES I DID NOT DO ANYTHING TO  
4 MY DAUGHTER, DID HE NOT?

5 A YES, SIR. I MEAN, THAT'S A NUMBER YOU GAVE. HE  
6 DID NUMEROUS TIMES.

7 Q ALL RIGHT. PLEASE, PLEASE GIVE ME THE  
8 POLYGRAPH, RIGHT?

9 A YES, SIR.

10 Q WHY DIDN'T YOU CHARGE HIM BEFORE YOU GAVE HIM  
11 THE POLYGRAPH? WHAT GOOD DOES THE POLYGRAPH DO; WHAT  
12 ARE YOU GOING TO DO, RELEASE HIM? IF HE HAD PASSED  
13 IT?

14 A PROBABLY NOT.

15 Q OKAY. SO THE POLYGRAPH IS AN INTERROGATION  
16 TOOL?

17 A THAT'S CORRECT.

18 Q IT'S NOT TO DETERMINE TRUTH OR INNOCENCE OR  
19 ANYTHING LIKE THAT. IT'S AN INTERROGATION TOOL. YOU  
20 ARE GOING TO GET HIM DOWN THERE AND INTERROGATE HIM  
21 SOME MORE?

22 A I DON'T DO THE POLYGRAPH, BUT THEY DO ASK HIM  
23 QUESTIONS.

24 Q IT'S AN INTERROGATION TOOL. ARE YOU TELLING US  
25 THAT THE MAN THAT YOU TALKED TO ON THAT NIGHT LIED TO

1 YOU ABOUT RAPING AND MURDERING HIS DAUGHTER?

2 A YES, SIR.

3 Q HE, WOULD YOU AGREE WITH ME THAT HE, --WELL,  
4 WE'LL LET THE JURY HEAR THE TAPE. WE'LL LET THE JURY  
5 HEAR THE TAPE. THEY CAN HEAR IT AGAIN ALL THEY WANT  
6 TO.

7 I BELIEVE THAT YOU INDICATED THAT HE  
8 TOLD YOU SOME THINGS AND THEN HE CHANGED HIS STORY  
9 AND THEN HE SAID -- I MEAN, YOUR IMPLICATION WAS THAT  
10 HE TOLD YOU HE GOT UP AT TWO, THEN HE GOT UP AT ONE,  
11 AND THEN HE WAS ON THE COMPUTER IN THE MORNING AND  
12 ALL THAT STUFF, CORRECT?

13 A THAT'S CORRECT.

14 Q OF ALL THAT, HE WAS ON THE COMPUTER AT 3:40  
15 A.M.?

16 A I CAN'T ANSWER THAT.

17 Q WENT TO THE BATHROOM?

18 A HE SAID HE WENT TO THE BATHROOM AT THREE A.M.

19 Q WENT TO THE BATHROOM AND IN FACT HE DID GO TO  
20 THE COMPUTER?

21 A I CAN'T ANSWER THAT.

22 Q PEOPLE GET UP, UNFORTUNATELY FOR MR. COPE THE  
23 NIGHT -- LET ME ASK YOU THIS: IS IT UNUSUAL FOR  
24 PEOPLE TO GET UP IN THE NIGHT, THE OLDER YOU GET YOU  
25 WATCH TV, READ A BOOK, IS THAT UNUSUAL?

1 A THAT'S --

2 Q WHAT IS UNUSUAL --

3 THE COURT: LET HIM ANSWER.

4 MR. MORTON: I THOUGHT HE DID. I'M SORRY.

5 THE COURT: I DIDN'T HEAR ANY ANSWER.

6 A I SAID THAT'S POSSIBLE, YES, SIR.

7 Q OKAY. CERTAINLY NOT UNUSUAL TO GET UP AND GO TO  
8 THE BATHROOM IN THE MIDDLE OF THE NIGHT?

9 A NO, SIR.

10 Q AT OUR AGE?

11 A YOU ARE OLDER THAN I AM.

12 Q OKAY. THE UNUSUAL THING FOR HIM IS THAT WHEN HE  
13 DID THAT WAS THE SAME NIGHT, MAY HAVE DONE IT EVERY  
14 NIGHT, I DON'T KNOW, BUT ON THIS NIGHT THIS MAN RAPED  
15 AND MURDERED HIS DAUGHTER?

16 A I HAD NOTHING TO DO WITH THE SANDERS END OF THIS  
17 CASE.

18 Q OKAY. HE'S CHARGED WITH RAPE AND MURDER?

19 A THAT'S CORRECT.

20 Q OKAY. WOULD YOU FEEL RESPONSIBLE IF YOU WERE AT  
21 HOME AND DIDN'T HEAR ANYTHING AND YOUR DAUGHTER WAS  
22 RAPED AND MURDERED?

23 MR. BRACKETT: OBJECTION, RELEVANCE, CALLS  
24 FOR AN OPINION.

25 THE COURT: I SUSTAIN THE OBJECTION.



1 Q WOULD YOU AGREE WITH ME THAT YOU FEEL  
2 RESPONSIBLE IF YOUR CHILD IS KILLED IN A CAR WRECK 20  
3 MILES AWAY?

4 MR. BRACKETT: I OBJECT.

5 THE COURT: I SUSTAIN THE OBJECTION.

6 Q YOU INDICATED, MR. WALDROP, THAT HE ASKED YOU TO  
7 TAKE FINGERPRINTS. YOU INDICATED WE'VE CHECKED  
8 EVERYTHING, BILLY. THAT'S INCORRECT, MR. WALDROP, IS  
9 IT NOT?

10 A I'M NOT SURE WHAT YOU ARE REFERRING TO.

11 Q I'M REFERRING TO WHETHER OR NOT FINGERPRINTS  
12 WERE TAKEN, FOOT PRINTS WERE TAKEN, WHETHER THERE IS  
13 ANY EVIDENCE, ANY PHYSICAL EVIDENCE THAT LINKS THIS  
14 MAN TO WHAT YOU SAY IS THE TRUTH?

15 A I CAN'T ANSWER THAT. I HAD NOTHING TO DO WITH  
16 THE CRIME SCENE. I DON'T KNOW.

17 Q OKAY. YOU INDICATED DURING YOUR TYPICAL  
18 INTERROGATION YOU WANTED HIM TO EXPLAIN TO YOU WHAT  
19 HAPPENED. HE COULDN'T EXPLAIN WHAT HAPPENED TO YOUR  
20 SATISFACTION, COULD YOU?

21 A NO, SIR.

22 Q AND YOU REPEATED, WHAT'S STICKING TO THIS GOING  
23 TO PROVE? MINDS WERE MADE UP, WERE THEY NOT,  
24 MR. WALDROP?

25 A MINDS WEREN'T MADE UP BUT MINDS KNEW WHAT WAS

1 FOUND AT THE SCENE AND, YOU KNOW, THAT'S WHAT WE WERE  
2 REFERRING TO AND QUESTIONING HIM ON.

3 Q MR. COPE SAID CHECK EVERY PART OF ME. YOU  
4 CHECKED THE SAME CLOTHES THAT HE HAD ON, YOU CHECKED  
5 EVERY PART OF ME; HE TOLD YOU THAT, DIDN'T HE?

6 A YES, SIR.

7 Q AND YOU SAID, MR. COPE, WHAT IF ALL THESE TESTS  
8 FROM THE HOSPITAL COME BACK AND MATCH THE EVIDENCE  
9 TAKEN FROM THE BODY, MATCHES YOU, WHAT IF THAT  
10 HAPPENS? YOU ASKED HIM THAT, DIDN'T YOU?

11 A YES, SIR.

12 Q AND HE SAID, REMEMBER WHAT HE SAID?

13 A I DON'T REMEMBER HIS EXACT ANSWER BUT.

14 Q HE SAID IT WON'T. IT WON'T. AND THAT IS IN  
15 FACT WHAT WE HAVE?

16 A THAT'S -- WELL, YEAH.

17 Q HE WAS VERY, HE UNDERSTAND, I UNDERSTAND -- HE  
18 SAID I UNDERSTAND YOU ARE TRYING TO DO YOUR JOB. HE  
19 SAID YES SIR, NO SIR, HE WAS POLITE, HE WAS  
20 COOPERATIVE, WAS HE NOT?

21 A YES, SIR.

22 MR. MORTON: BEG THE COURT'S INDULGENCE,  
23 YOUR HONOR.

24 Q HE SAID HIS DAUGHTER WAS A CHRISTIAN, RIGHT?

25 A THAT'S CORRECT.

1 Q HE SAID THEY SAT AROUND AND WATCHED TOUCHED BY  
2 AN ANGEL, CORRECT?

3 A THAT'S CORRECT.

4 Q HE SAID THIS WHOLE DAY IS A SHOCK. I'M STILL IN  
5 SHOCK. I CANNOT CONCENTRATE. I HAVE TOLD THIS SAME  
6 STORY OVER AND OVER AND OVER AND OVER, CORRECT?

7 A I DON'T REMEMBER HIM SAYING IT THAT MANY TIMES,  
8 BUT HE DID SAY OVER AND OVER.

9 Q AND HE TALKS ABOUT, YOU KNOW, HIS DAUGHTER WAS,  
10 SHE WAS A CHRISTIAN, SHE PLAYED THE VIOLIN, Y'ALL  
11 TALKED ABOUT BIBLICAL SCRIPTURE, CORRECT?

12 A THAT'S CORRECT.

13 Q HE SAID THAT GOD WAS GOING TO SET HIM FREE. HE  
14 SAID GOD KNOWS THE TRUTH. AND YOU SAID THAT GOD IS  
15 GOING TO SET YOU FREE OVER THIS THING? HE SAID I  
16 DIDN'T DO ANYTHING AND HE SAID THAT TIME AFTER TIME  
17 AFTER TIME, BUT HE COULDN'T SATISFY YOU, CORRECT?

18 A THAT'S CORRECT.

19 Q YOU SAID YOU WANT US TO CHARGE YOUR CHILDREN IN  
20 THIS THING? YOU WANT US TO MAKE THEM SUSPECTS,  
21 DIDN'T YOU?

22 A YES, SIR.

23 Q PUT A LOT OF PRESSURE ON HIM THAT NIGHT,  
24 MR. WALDROP, DID YOU NOT?

25 A PUT SOME PRESSURE ON HIM, YES, SIR.

1 Q OKAY. YOU SAID YOUR DAUGHTER IS GOING TO LIVE  
2 THINKING THAT SHE WAS RESPONSIBLE FOR HER DAUGHTER'S  
3 DEATH?

4 A FOR HER SISTER'S DEATH OR YOUR DAUGHTER'S.

5 Q FOR WHAT YOUR DAUGHTER'S DEATH IS WHAT YOU TOLD  
6 HIM?

7 A SOMETHING ALONG THOSE LINES, YES, SIR.

8 Q ASK YOU ASKED HIM ABOUT, AGAIN AND I'M GOING TO  
9 WRAP UP, BUT YOU ASKED HIM ABOUT EVERYTHING YOU COULD  
10 THINK OF AND HE DID HIS BEST, DEAD LEVEL BEST, HIS  
11 HONEST BEST FROM THAT TAPE, TO ANSWER YOUR QUESTIONS  
12 AND HE INSISTED THAT TAKE ANY TEST YOU WANT FROM HIM  
13 AND TO GET HIM THE POLYGRAPH?

14 MR. BRACKETT: OBJECTION, ASKED AND  
15 ANSWERED AND ABOUT FOUR QUESTIONS AND MOST OF THEM  
16 HAVE BEEN ASKED AND ANSWERED.

17 MR. MORTON: I'LL MOVE ON.

18 Q AND HE SAID I'M GETTING TIRED AND Y'ALL CHARGED  
19 HIM WITH MURDER AT 4:21 A.M. THAT MORNING, CORRECT?

20 A THAT'S CORRECT.

21 Q AND BY TEN O'CLOCK THE NEXT MORNING HE WAS BEING  
22 INTERROGATED AGAIN, CORRECT?

23 A I DON'T KNOW WHAT TIME IT WAS THE NEXT DAY.

24 Q AND HE WAS GIVEN A POLYGRAPH AGAIN THAT MORNING?

25 A SOMETIME THAT MORNING.

1 Q DO YOU HAVE ANY IDEA HOW LONG THAT INTERROGATION  
2 LASTED?

3 A I DON'T HAVE A CLUE.

4 MR. MORTON: I BEG THE COURT'S INDULGENCE.  
5 THAT'S ALL I HAVE, YOUR HONOR.

6 THE COURT: MR. GREELEY.

7 MR. GREELEY: MAY IT PLEASE THE COURT.

8 CROSS EXAMINATION BY MR. GREELEY:

9 Q DETECTIVE WALDROP, MR. MORTON WAS ASKING YOU  
10 SOME QUESTIONS ON FRIDAY IN REGARDS TO YOUR TAPE  
11 RECORDING OF THIS INTERVIEW/INTERROGATION AND HE  
12 ASKED YOU WHY YOU DID NOT AUDIO TAPE ALL OF THE  
13 STATEMENTS THAT YOU TAKE. DO YOU RECALL THAT?

14 A THAT'S CORRECT.

15 Q NOW WHEN LAW ENFORCEMENT, DETECTIVES AND POLICE  
16 OFFICERS, THEY HAVE DIFFERENT WAYS THAT THEY CAN  
17 MEMORIALIZE STATEMENTS THAT ARE EITHER GIVEN BY A  
18 WITNESS OR BY A SUSPECT, ISN'T THAT CORRECT?

19 A THAT'S CORRECT.

20 Q MANY TIMES WITH A WITNESS, ISN'T IT CORRECT,  
21 THAT IF IT'S JUST A WITNESS AND THEY ARE NOT A  
22 SUSPECT WHAT THE OFFICER WILL DO IS DO AN INTERVIEW  
23 SUMMARY SHEET TO WHERE THE OFFICER WILL TYPE OUT WHAT  
24 THE WITNESS HAS TOLD THEM, ISN'T THAT CORRECT?

25 A THAT'S CORRECT.

1 Q AND A LOT OF TIMES WITH THE INTERVIEW SUMMARY  
2 SHEETS THEY ARE NOT A SWORN STATEMENT AND THEY ARE  
3 NOT SIGNED BY THE WITNESS, IS THAT CORRECT?

4 A THAT'S TRUE.

5 Q BUT WHEN YOU HAVE A CASE TO WHERE YOU HAVE A  
6 SUSPECT, SOMEONE WHO YOU BELIEVE IS INVOLVED IN A  
7 CRIMINAL MATTER, THERE ARE WAYS AND YOU ALL USE  
8 DIFFERENT WAYS SOMETIMES TO MEMORIALIZE THOSE  
9 STATEMENTS, ISN'T THAT CORRECT?

10 A THAT'S TRUE.

11 Q I BELIEVE THAT THE CITY OF ROCK HILL, Y'ALL HAVE  
12 A SHEET THAT IN SOME CIRCUMSTANCES YOU FILL OUT,  
13 WHICH CONTAINS DIFFERENT THINGS ON IT AND THEN IF  
14 IT'S A SHORT INTERVIEW YOU CAN WRITE DOWN ON THE  
15 STATEMENT WHAT YOU HAVE HEARD OR TYPE IT AND THEN  
16 HAVE THE PERSON READ IT, IS THAT CORRECT?

17 A THAT'S TRUE.

18 Q OKAY. AND THEN AFTER THEY READ IT YOU HAVE THEM  
19 NOTARIZE IT AS A SWORN STATEMENT, IS THAT CORRECT?

20 A THAT'S CORRECT.

21 Q AND THAT'S A MORE OF A FORMAL STATEMENT THAT'S  
22 TAKEN BY POLICE IN THEIR INVESTIGATION USUALLY  
23 INVOLVING SUSPECTS TO WHERE THE INTERVIEW IS NOT A  
24 LONG PROCESS, IS THAT CORRECT?

25 A THAT'S TRUE.

1 Q AND ANOTHER WAY THAT YOU SOMETIMES UTILIZE THE  
2 MEMORIALIZE OR WHAT YOU DO USE TO MEMORIALIZE A  
3 CONVERSATION, INTERVIEW, INTERROGATION WHICH THEY  
4 SHOW ON TV SOMETIMES IN THESE POLICE SHOWS, YOU JUST  
5 HAVE THE PERSON WRITE IN THEIR OWN HANDWRITING THE  
6 STATEMENT THAT THEY WANT TO GIVE?

7 A THAT'S CORRECT.

8 Q AND YOU HAVE THEM SIGN IT, IS THAT CORRECT?

9 A THAT'S CORRECT.

10 Q AND THAT WAY IT'S MEMORIALIZED IN THEIR OWN  
11 HANDWRITING AND WITH THEIR SIGNATURE?

12 A THAT'S TRUE.

13 Q IS THAT CORRECT? AND THEN AGAIN IN THIS  
14 PARTICULAR CASE YOU CAN DO WHAT YOU DID THAT NIGHT.  
15 YOU KNEW IT WAS GOING TO BE A LONG INTERVIEW, DIDN'T  
16 YOU?

17 A I ANTICIPATED IT BEING A LONG ONE, YES, SIR.

18 Q SO YOU MADE THE DECISION THAT YOU WERE GOING TO  
19 TAPE RECORD IT, CORRECT?

20 A WELL, WE MADE THE DECISION TOGETHER BUT THE  
21 DECISION WAS MADE.

22 Q YOU AND DETECTIVE HERRING?

23 A THAT'S CORRECT.

24 Q SO Y'ALL MADE THE DECISION TO TAPE RECORD IT AND  
25 THAT'S WHAT YOU DID?

1 A THAT'S TRUE.

2 Q CORRECT? SO EVERYTHING THAT WAS SAID BETWEEN  
3 YOU AND MR. COPE ON THAT PARTICULAR EVENING WAS ABLE  
4 TO BE MEMORIALIZED IN THIS AUDIO TAPE THAT'S BEEN  
5 PLAYED FOR THE JURY, IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q AND THE JURY HAS BEEN ABLE TO HEAR EVERYTHING  
8 THAT YOU ASKED HIM INCLUDING THE TONE OF YOUR VOICE  
9 AND THE DIFFERENT THINGS THAT YOU DID, IS THAT  
10 CORRECT?

11 A THAT'S TRUE.

12 Q NOW IN REGARDS TO THE DIFFERENT WAYS TO  
13 MEMORIALIZE INTERVIEWS, INTERROGATIONS,  
14 CONVERSATIONS, THERE IS AN ADDITIONAL WAY THAT YOU  
15 SOMETIMES USE AND THAT ONE IS VIDEO TAPE, ISN'T THAT  
16 CORRECT?

17 A THAT'S TRUE.

18 Q AND WHEN YOU USE VIDEO TAPED TO MEMORIALIZE IT  
19 YOU ARE ABLE TO SEE ALL, HEAR ALL THE QUESTIONS ASKED  
20 BY THE LAW ENFORCEMENT OFFICERS, CORRECT?

21 A CORRECT.

22 Q YOU ARE ABLE TO SEE THE RESPONSES GIVEN BY THE  
23 SUSPECT, ISN'T THAT CORRECT?

24 A THAT'S TRUE.

25 Q YOU ARE ABLE TO SEE THE SURROUNDINGS IN WHICH



1 THIS INTERROGATION AND INTERVIEW TAKE PLACE, ISN'T  
2 THAT CORRECT?

3 A THAT'S CORRECT.

4 Q AND YOU ARE ABLE TO SEE THE Demeanor OF BOTH THE  
5 LAW ENFORCEMENT OFFICERS AND THE PERSON WHO IS BEING  
6 INTERVIEWED OR INTERROGATED, ISN'T THAT CORRECT?

7 A THAT'S CORRECT.

8 Q YOU CAN HEAR THEIR VOICE, YOU CAN SEE THEIR  
9 FACE, AND ALL OF THAT IS AS IF EVERYBODY WAS IN THERE  
10 WATCHING IT, ISN'T THAT CORRECT?

11 A THAT'S TRUE.

12 MR. GREELEY: THANK YOU.

13 THE COURT: ALL RIGHT. REDIRECT.

14 MR. BRACKETT: BRIEFLY.

15 REDIRECT EXAMINATION BY MR. BRACKETT:

16 Q HOW LONG HAVE YOU BEEN AN INVESTIGATOR NOW, SIR?

17 A I'VE BEEN POLICE DEPARTMENT 30 YEARS. I'VE BEEN  
18 IN THE DETECTIVE DIVISION SINCE 1982.

19 Q INVESTIGATED A LOT OF VIOLENT CRIMES?

20 A YES, SIR.

21 Q HOW MANY PEOPLE WOULD YOU SAY YOU'VE INTERVIEWED  
22 IN THAT 30 YEARS IN CASES OF THIS MAGNITUDE, SERIOUS  
23 CASES, MURDERS AND THAT SORT OF THING?

24 A HUNDREDS MAYBE.

25 Q IS IT UNUSUAL THAT SOMEONE WOULD DENY

1 INVOLVEMENT IN A CASE LIKE THIS?

2 A OH, NO, NOT UNUSUAL AT ALL.

3 Q OKAY. HOW MANY TIMES HAVE YOU SENT SOMEONE FOR

4 A POLYGRAPH?

5 A HUNDREDS.

6 Q HOW MANY TIMES HAS SOMEONE DENIED TO YOU BUT

7 CONFESSED AFTER POLYGRAPH?

8 A NUMEROUS TIMES.

9 Q IS IT HARD FOR SOMEONE TO ADMIT TO A CRIME LIKE

10 THIS?

11 A I WOULD SAY SO, YEAH.

12 Q IF YOU, WHAT WOULD YOUR REACTION AS AN

13 INVESTIGATOR HAVE BEEN IF ONE OF THE GIRLS HAD CALLED

14 AND DAD HAD BEEN ABSENT FROM THAT HOUSE THAT MORNING

15 BUT AMANDA HAD BEEN DEAD?

16 A CAN YOU REPEAT THAT.

17 Q IF DAD HADN'T BEEN THERE THAT MORNING, MR. COPE

18 THE DEFENDANT, IF HE HAD BEEN ABSENT FROM THAT HOUSE

19 WHEN THE POLICE ARRIVE AND IT'S JUST TWO GIRLS AND

20 AMANDA DEAD IN THE BACK BEDROOM BUT DAD IS ABSENT BUT

21 HE WAS THERE THE NIGHT BEFORE, WHAT WOULD YOUR

22 REACTION HAVE BEEN?

23 A WE WOULD INVESTIGATED IT THE SAME WAY WE

24 NORMALLY DO A CASE AND TRIED OUR BEST TO BUILD A CASE

25 ON WHAT EVIDENCE WE HAD.

1 Q WOULD THAT HAVE INCREASED YOUR SUSPICIONS OF  
2 MR. COPE, THE FACT OF HIS ABSENCE?

3 A YES, SIR.

4 Q MR. MORTON ASKED YOU SOME QUESTIONS ABOUT HIS  
5 CLOTHING AND TAKING THEM INTO EVIDENCE, IN FACT, WERE  
6 HIS CLOTHES TAKEN INTO EVIDENCE THAT NIGHT AFTER HE  
7 WAS ARRESTED?

8 A I BELIEVE SO. I WASN'T A PART OF IT BUT I THINK  
9 THEY WERE.

10 Q MR. MORTON ASKED YOU SOME QUESTIONS ABOUT  
11 WHETHER OR NOT THE DEFENDANT TOLD YOU ABOUT GOING TO  
12 THE COMPUTER THAT NIGHT, DO YOU RECALL WHAT THE  
13 DEFENDANT SAID ABOUT WHEN HE GOT UP THAT NIGHT AND  
14 WENT TO THE BATHROOM, DO YOU RECALL EXACTLY WHAT HE  
15 SAID HE DID?

16 A HE SAID HE GOT UP, CHECKED IN ON HIS TWO YOUNGER  
17 GIRLS, LOOKED IN ON THEM, WENT TO THE BATHROOM, CAME  
18 BACK IN AND WENT STRAIGHT BACK AND WENT BACK TO BED.

19 Q DID YOU SPECIFICALLY ASK HIM ABOUT GOING TO THE  
20 COMPUTER?

21 A YES, SIR.

22 Q AND WHAT DID HE SAY?

23 A HE DENIED IT.

24 Q THANK YOU, SIR.

25 MR. MORTON: JUST A COUPLE QUESTIONS,

1 JUDGE.

2 RE-CROSS EXAMINATION BY MR. MORTON:

3 Q YOU'VE INTERVIEWED LOTS OF DIFFERENT PEOPLE?

4 A YES, SIR.

5 Q 30 YEARS?

6 A YES, SIR.

7 Q AND YOU'VE ONLY USED A TAPE RECORDING TWICE?

8 A I SAID TWO OR 3 TIMES. I DON'T REMEMBER

9 EXACTLY. IT HADN'T BEEN MANY.

10 Q WHY IS THAT?

11 A JUST DON'T DO IT.

12 Q WHY?

13 A NO PARTICULAR REASON.

14 Q YOU DON'T HAVE A PARTICULAR REASON WHY YOU DON'T

15 TAPE RECORD INTERVIEWS WITH PEOPLE WHO ARE BEING

16 ACCUSED FOR MURDER?

17 A NO, SIR. I MEAN, IT'S JUST NOT A COMMON

18 PRACTICE. WE DON'T USUALLY TAPE THEM.

19 Q I UNDERSTAND THAT. YOU HAVE THE TECHNOLOGY, DO

20 YOU NOT? IT'S NOT HARD TO DO. YOU OBVIOUSLY DID IT

21 THIS TIME, THANK GOODNESS?

22 A NO, IT'S NOT HARD TO DO.

23 Q WHY DON'T YOU DO IT?

24 A JUST DON'T DO IT. IT'S EASIER TO SIT DOWN ON A

25 SHORT INTERVIEW AND WRITE IT OUT OR TYPE IT OUT.

1 Q DO YOU AGREE THAT IT IS THE FAIREST AND MOST  
2 ACCURATE WAY FOR US TO HEAR WHAT TRANSPIRES DURING AN  
3 INTERROGATION?

4 A IT CAPTURES WHAT'S ACTUALLY SAID, YES, SIR.

5 THE COURT: THANK YOU VERY MUCH.

6 MR. GREELEY.

7 MR. GREELEY: NO QUESTIONS.

8 THE COURT: WE APPRECIATE YOUR TIME. YOU  
9 CAN FEEL FREE TO LEAVE. THANK YOU. CALL YOUR NEXT  
10 WITNESS.

11 MR. BRACKETT: PLEASE THE COURT. THE  
12 STATE CALLS DETECTIVE MIKE BAKER.

13 MICHAEL BAKER, BEING FIRST DULY  
14 SWORN TESTIFIED AS FOLLOWS:

15 DIRECT EXAMINATION BY MR. BRACKETT:

16 Q SIR, WOULD YOU PLEASE STATE YOUR FULL NAME?

17 A IT'S MIKE BAKER.

18 Q WHERE ARE YOU EMPLOYED, SIR?

19 A WITH THE YORK COUNTY SHERIFF'S DEPARTMENT.

20 Q WHAT DO YOU DO FOR THE YORK COUNTY SHERIFF'S  
21 OFFICE?

22 A I'M POLYGRAPH EXAMINER.

23 Q AND HOW LONG HAVE YOU BEEN POLYGRAPH EXAMINER  
24 FOR THE SHERIFF'S OFFICE?

25 A SEVEN YEARS.

1 Q WOULD YOU PLEASE BE SO KIND, SIR, TO RELATE SOME  
2 YOUR BACKGROUND AND TRAINING IN THE AREA OF THE  
3 ADMINISTRATION OF THE POLYGRAPH EXAM?

4 A YES, SIR. TO START WITH I GRADUATED FROM THE,  
5 AN ACCREDITED POLYGRAPH SCHOOL ACCREDITED FROM THE,  
6 IS AMERICAN POLYGRAPH ASSOCIATION. THE SCHOOL'S  
7 TITLE ARGENBRIGHT INSTITUTE OF POLYGRAPH. IT'S A  
8 CURRICULUM OF ABOUT 400 HOURS OF POLYGRAPH RELATED  
9 AREAS. THAT WAS IN 1997. AFTER THAT I DID AN  
10 INTERNSHIP AT THE STATE LAW ENFORCEMENT DIVISION SLED  
11 THAT LASTED FOR SIX MONTHS AND INCLUDED 200 POLYGRAPH  
12 EXAMS THAT WERE ADMINISTERED UNDER SUPERVISION BY  
13 SLED POLYGRAPH EXAMINERS.

14 SINCE THAT TIME CONTINUING EDUCATION,  
15 I'VE ATTENDED 6 TO 8, COULD BE EVEN MORE, POLYGRAPH  
16 CONFERENCES AND SEMINARS PUT ON BY THE AMERICAN  
17 POLICE POLYGRAPH ASSOCIATION, THE NORTH CAROLINA  
18 ASSOCIATION FOR POLYGRAPH EXAMINERS, SOUTH CAROLINA  
19 ASSOCIATION FOR POLYGRAPH EXAMINERS, AND THE NATIONAL  
20 ASSOCIATION FOR IDENTIFICATION. I HAVE RUN IN EXCESS  
21 OF 900 POLYGRAPH EXAMS DURING THIS TIME. ALSO HAVE  
22 SUPERVISED ANOTHER POLYGRAPH EXAMINER, SUPERVISE HIS  
23 INTERNSHIP, WHICH INCLUDED 150 POLYGRAPH EXAMS THAT  
24 HE RAN UNDER MY SUPERVISION.

25 Q AND THE CONTINUING EDUCATION THAT YOU'VE

1 RECEIVED IN THE AREA OF POLYGRAPH ADMINISTRATION, IS  
2 THIS MANDATORY CONTINUING EDUCATION?

3 A IN THE STATE OF SOUTH CAROLINA IT IS NOT  
4 MANDATED THAT YOU HAVE SO MANY HOURS OF CONTINUING  
5 EDUCATION. THIS IS SOMETHING THAT IS RECOMMENDED AS  
6 FAR AS GUIDELINES, DOES NOT REQUIRED IT. IT'S  
7 SOMETHING WE DO ON OUR OWN VOLITION IN ORDER TO STAY  
8 CURRENT.

9 Q AND YOU, IN FACT, DO ATTEND THOSE?

10 A YES, SIR.

11 Q REGARDLESS OF THE FACT THAT THERE IS NO MANDATE?

12 A THAT'S CORRECT.

13 MR. BRACKETT: YOUR HONOR, AT THIS TIME I  
14 WOULD TENDER DETECTIVE BAKER AS AN EXPERT IN  
15 POLYGRAPH ADMISSION.

16 THE COURT: ANY DIRE, MR. MORTON.

17 MR. MORTON: NO, SIR.

18 THE COURT: MR. GREELEY.

19 MR. GREELEY: NO OBJECTION.

20 THE COURT: I FIND HE'S QUALIFIED.

21 Q SIR, WERE YOU INVOLVED IN THE INVESTIGATION OF  
22 THE DEATH OF AMANDA COPE?

23 A I DID BECOME INVOLVED IN THE INVESTIGATION, YES,  
24 SIR.

25 Q RELATE TO THE JURY PLEASE YOUR VERY FIRST

1 INVOLVEMENT IN THIS CASE, WHEN DID YOU FIRST BECOME  
2 AWARE OR FIRST GET CONTACTED IN REGARDS TO THIS  
3 INVESTIGATION?

4 A NOVEMBER 30, 2001, AROUND 3 A.M. IN THE MORNING  
5 I WAS CONTACTED BY LIEUTENANT LES HERRING OF THE ROCK  
6 HILL POLICE DEPARTMENT. I WAS AT HOME AT THAT TIME,  
7 AND HE CONTACTED ME REGARDING THIS CASE, EXPLAINED  
8 THE VERY BASICS OF THE CASE, AND REQUESTED THAT I  
9 COME IN AND RUN A POLYGRAPH EXAM AT THAT TIME.  
10 THAT'S MY INITIAL CONTACT.

11 Q ALL RIGHT. AND WHAT DID YOU DO IN REGARDS TO  
12 THAT QUESTION?

13 A AFTER OBTAINING SOME INFORMATION FROM LIEUTENANT  
14 HERRING I DECIDED THAT IT WAS NOT ADVISABLE TO RUN A  
15 POLYGRAPH EXAM AT THAT TIME ON THE SUBJECT. I TOLD  
16 HIM THAT WE WOULD LOOK AT IT AGAIN IN THE MORNING AND  
17 ADVISED HIM TO HAVE SUBJECT AT MY OFFICE THE NEXT  
18 MORNING.

19 Q OKAY. AND WHY IS THAT?

20 A HE HAD EXPLAINED THAT HE HAD INTERROGATED THE  
21 SUBJECT FOR A FEW HOURS AND IT IS ALSO LATE IN THE  
22 EVENING, THE SUBJECT HAD BEEN UP MOST OF THE DAY, AND  
23 THAT COULD BE DETRIMENTAL TO THE OUTCOME OF POLYGRAPH  
24 EXAM FOR BOTH PARTIES; THE PARTY TAKING THE EXAM AND  
25 ALSO THE PERSON REQUESTING THE EXAM, SO IT'S JUST



1       ADVISABLE IN ORDER TO GIVE THEM A FAIR AND ACCURATE  
2       EXAM I KNEW THAT WE WOULD NOT ACHIEVE THOSE RESULTS  
3       THAT NIGHT.

4       Q     ALL RIGHT, SIR.  WHERE ARE YOUR OFFICES LOCATED?

5       A     THEY ARE LOCATED HERE IN THE SHERIFF'S OFFICE IN  
6       THE MOSS JUSTICE CENTER HERE.

7       Q     DID YOU GO TO WORK THE NEXT MORNING?

8       A     YES, SIR, I DID.

9       Q     DID YOU HAVE OCCASION TO SEE THE DEFENDANT BILLY  
10      WAYNE COPE THAT MORNING?

11      A     YES, SIR.  LIEUTENANT HERRING ACCOMPANIED  
12      MR. COPE TO MY OFFICE.

13      Q     AND APPROXIMATELY WHAT TIME WAS THAT IF YOU  
14      RECALL?

15      A     IT WAS 10 A.M. THE NEXT MORNING.

16      Q     NOW WHO DID YOU SPEAK TO FIRST, MR. COPE,  
17      MR. HERRING, OR BOTH, WHO DID YOU TALK TO FIRST AFTER  
18      THEY ARRIVED?

19      A     BRIEF INTRODUCTIONS WOULD HAVE BEEN MADE BETWEEN  
20      MR. COPE AND MYSELF AND THEN LIEUTENANT HERRING AND I  
21      WOULD HAVE TALKED FOR AWHILE.

22      Q     AND WHAT YOU WERE DISCUSSING WITH LIEUTENANT  
23      HERRING?  WHAT INFORMATION WERE YOU SEEKING FROM HIM?

24      A     IN ORDER TO RUN A POLYGRAPH EXAM I WOULD NEED  
25      INFORMATION AS FAR AS BASIC FACTS OF THE CASE AND WE

1 SPENT SOMETIME WITH HIM EXPLAINING THOSE FACTS TO ME.

2 Q APPROXIMATELY HOW LONG?

3 A IT WAS APPROXIMATELY 45 MINUTES.

4 Q WAS MR. COPE PRIVY TO THIS CONVERSATION OR WHERE  
5 YOU AND MR. HERRING BY YOURSELF?

6 A WE WERE BY OURSELF. WE HAVE A HOLDING CELL  
7 ADJACENT TO MY OFFICES. MY OFFICE ORIGINALLY WAS A  
8 JUVENILE AREA. MR. COPE WAS IN THE HOLDING CELL AT  
9 THAT TIME AND NOT PRIVY TO OUR CONVERSATION.

10 Q ALL RIGHT. NOW AT THE CONCLUSION OF YOUR  
11 DISCUSSION WITH LIEUTENANT HERRING, WHAT DID YOU DO  
12 NEXT?

13 A MR. COPE AND I WOULD HAVE THEN GONE INTO THE  
14 POLYGRAPH ROOM AND WE WOULD STARTED INTERVIEW THERE.

15 Q OKAY. NOW PRIOR TO ANY DISCUSSION WITH MR. COPE  
16 AT ALL, WHAT IS YOUR STANDARD PRACTICE? WHAT IS THE  
17 VERY FIRST THING THAT YOU DO?

18 A THE VERY FIRST THING WITH MR. COPE AND WITH ANY  
19 INTERVIEW THAT I CONDUCT OF THIS NATURE HE WOULD HAVE  
20 BEEN ADVISED OF HIS MIRANDA WARNINGS, HIS RIGHTS.

21 Q SIR, I'M SHOWING YOU WHAT'S BEEN MARKED AS  
22 STATE'S EXHIBIT 11 AND I'LL ASK YOU WHAT, WHAT IS  
23 THAT ITEM?

24 A THIS IS THE RIGHTS FORM THAT WAS USED THAT DAY  
25 WITH BILLY WAYNE COPE.

1 Q ALL RIGHT. AND WOULD YOU PLEASE DESCRIBE IT TO  
2 THE JURY?

3 A YES, SIR. THE FIRST PART, TOP PORTION OF THIS  
4 FORM, LAYS OUT THE DEFENDANT'S RIGHT. THESE RIGHTS  
5 ARE READ TO ME IN EVERY CASE AND IN THIS CASE ALSO.  
6 I READ THESE OUT LOUD TO THE PERSON I'M TALKING TO  
7 AND ASK THEM IF THEY UNDERSTAND THEM AND THEY SIGNIFY  
8 WHETHER THEY UNDERSTAND THEM OR NOT AND THEN THEY ARE  
9 ASKED TO SIGN AND DATE IT.

10 Q SIGNIFYING THEY DO UNDERSTAND THEM?

11 A YES, SIR.

12 Q AND WHAT ARE THOSE RIGHTS, SIR? I THINK MOST  
13 PEOPLE ARE FAMILIAR WITH THEM BUT GO AHEAD AND REVIEW  
14 THEM WITH US AS YOU WOULD HAVE REVIEWED THEM THAT  
15 DAY?

16 A THE FIRST THING I READ TO THEM IS YOU HAVE THE  
17 RIGHT TO REMAIN SILENT. THE SECOND ONE WOULD BE  
18 ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN  
19 A COURT OF LAW. THE THIRD ONE IS YOU HAVE THE RIGHT  
20 TO TALK TO AN ATTORNEY AND HAVE HIM OR HER PRESENT  
21 WITH YOU WHILE YOU ARE BEING QUESTIONED. THE FOURTH  
22 ONE, IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY ONE  
23 WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY  
24 QUESTIONING IF YOU WISH. THE FIFTH ONE, YOU CAN  
25 DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT

1 ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS. THEN IT  
2 FOLLOW UP ASKING DO YOU UNDERSTAND EACH OF THESE  
3 RIGHTS AS I HAVE EXPLAINED THEM TO YOU.

4 Q AND HOW DID HE ANSWER?

5 A HE ANSWERED THAT HE DID UNDERSTAND THEM.

6 Q ALL RIGHT. WHAT'S THE NEXT THING YOU INQUIRE  
7 ABOUT?

8 A THE NEXT IS ACTUALLY A WAIVER OF RIGHTS, IT'S  
9 ABOUT THREE SENTENCES, AND I ASK THE INDIVIDUAL TO  
10 READ THAT BACK OUT LOUD TO ME.

11 Q ALL RIGHT. WHAT DID HE HAVE TO SAY IN REGARDS  
12 TO HIS DESIRE TO WAIVE THE RIGHTS THAT YOU JUST READ  
13 TO HIM?

14 A HE HAD NO PROBLEM WITH IT WHATSOEVER. HE READ  
15 THE WAIVER AND SIGNED TO THAT EFFECT.

16 Q DID YOU WITNESS HIM SIGNING THAT DOCUMENT?

17 A YES, SIR, I DID.

18 Q IS THAT IN FACT HIS SIGNATURE AND HIS INITIALS  
19 IN VARIOUS PLACES ON THE DOCUMENT?

20 A YES, SIR.

21 Q AND YOU SIGNED THE DOCUMENT AS WELL?

22 A YES, SIR.

23 MR. BRACKETT: YOUR HONOR, I MOVE STATE'S  
24 EXHIBIT 11 IN EVIDENCE.

25 MR. MORTON: NO OBJECTION, YOUR HONOR.

1 MR. GREELEY: NO OBJECTION.

2 THE COURT: BE RECEIVED.

3 (STATE'S EXHIBIT 11 RIGHTS FORM  
4 RECEIVED INTO EVIDENCE.)

5 Q AFTER REVIEWING MIRANDA WARNINGS-- WELL, LET ME  
6 ASK YOU THIS, DETECTIVE BAKER. DO YOU TYPICALLY GIVE  
7 MIRANDA WARNINGS TO AN INDIVIDUAL WHO IS NOT UNDER  
8 ARREST AND IS FREE TO LEAVE?

9 A YES, SIR, I DO.

10 Q YOU DO?

11 A YES, SIR.

12 Q OKAY. NOW IN SO AS FAR AS, IS IT MANDATORY?

13 A IT WOULD DEPEND ON THE CIRCUMSTANCES. AS FAR AS  
14 A CRIMINAL POLYGRAPH EXAM REGARDLESS THEY ARE READ  
15 THEIR MIRANDA WARNINGS.

16 Q YOU DO FOR POLYGRAPH?

17 A YES, SIR.

18 Q I SEE. WHAT IS THE NEXT STEP IN THE POLYGRAPH  
19 PROCEDURE?

20 A I HAVE A CONSENT TO INTERVIEW POLYGRAPH THAT  
21 EXPLAINS THE PROCEDURE. WE READ THAT AND ASK THE  
22 PERSON IF THEY UNDERSTAND AND THEN THEY SIGN  
23 SIGNIFYING THAT THEY DO.

24 Q OKAY. AND I'M SHOWING YOU WHAT'S BEEN MARKED,  
25 MR. MORTON, AS STATE'S EXHIBIT 12?

1 MR. MORTON: NO OBJECTION.

2 Q AND ASK IF YOU WOULD IDENTIFY THAT DOCUMENT?

3 THE COURT: MR. GREELEY.

4 MR. GREELEY: NO OBJECTION.

5 A YES, SIR. THIS IS THE CONSENT TO INTERVIEW OF

6 POLYGRAPH THAT I USED THAT DAY.

7 Q ALL RIGHT, SIR. AND BASICALLY WHAT DOES THAT

8 DOCUMENT ADVISE HIM?

9 A IT EXPLAINS FIRST OFF WHY WE'RE THERE. IN THIS  
10 CASE IT WAS THE DEATH OF AMANDA. IT EXPLAINS THEIR  
11 RIGHTS IN REGARDS TO POLYGRAPH. HE HAS THE RIGHT TO  
12 REFUSE TO TAKE THE POLYGRAPH TEST. IF YOU AGREE TO  
13 TAKE THE POLYGRAPH TEST YOU HAVE THE RIGHT TO STOP  
14 THE TEST AT ANY TIME. IF YOU AGREE TO TAKE THE  
15 POLYGRAPH TEST YOU HAVE THE RIGHT TO REFUSE TO ANSWER  
16 ANY INDIVIDUAL QUESTIONS, AND THEN IT GIVES A WAIVER  
17 CONSENT.

18 Q DID THE DEFENDANT ACKNOWLEDGE THAT HE UNDERSTOOD  
19 THOSE WARNINGS?

20 A YES, SIR, AND EXPRESSED THAT HE WANTED TO BE  
21 THERE AND TAKE IT.

22 Q AND DID HE SIMILARLY SIGN THAT FORM AS HE SIGNED  
23 THE MIRANDA FORM?

24 A YES, SIR, HE DID.

25 Q AND THAT WAS WITNESSED BY YOU?

1 A YES, SIR.

2 Q OKAY. WHAT IS THE PRETEST INTERVIEW?

3 A THE PRETEST INTERVIEW IS BASICALLY A FACT  
4 FINDING MISSION. IT GIVES ME AN OPPORTUNITY TO HEAR  
5 FROM THE PERSON WHO IS ABOUT TO TAKE THE TEST AS FAR  
6 AS WHAT THEY KNOW ABOUT THE CASE, IT EXPLAINS THE  
7 TEST AND HOW IT'S RAN. WHAT'S EXPECTED OF THEM. HOW  
8 THINGS ARE GOING TO GO. WE EXPLAIN EVERYTHING ABOUT  
9 THE TEST TO THEM AND MAKE SURE THAT WE BOTH  
10 UNDERSTAND EACH OTHER SO THAT THERE IS NO  
11 COMPLICATION, THERE IS NO MISUNDERSTANDING.

12 Q AND GETTING THAT FORM, GETTING SIGNATURE ON THAT  
13 FORM AND EXPLAINING AND GOING THROUGH THAT FORM, IS  
14 THAT PART OF THE PRETEST INTERVIEW?

15 A YES, SIR.

16 MR. BRACKETT: YOUR HONOR, I MOVE STATE'S  
17 EXHIBIT 12 INTO EVIDENCE.

18 MR. MORTON: (APPROACHING THE WITNESS.) I  
19 DON'T THINK I HAVE AN OBJECTION. I HAVE NO  
20 OBJECTION, YOUR HONOR.

21 MR. GREELEY: NO OBJECTION.

22 THE COURT: BE RECEIVED.

23 (STATE'S EXHIBIT 12 CONSENT RECEIVED  
24 INTO EVIDENCE.)

25 Q WHAT WAS THE NEXT STEP YOU TOOK WITH MR. COPE

1 AFTER GOING THROUGH THAT FORM?

2 A THEN WE BEGAN TO FIND OUT WHAT MR. COPE KNEW  
3 ABOUT THE CASE, ASKING HIM TO EXPLAIN WHAT HAD  
4 HAPPENED THE NIGHT THAT THIS TOOK PLACE. THEN WE  
5 BEGIN TO FORMULATE THE QUESTIONS AND I BEGAN TO  
6 EXPLAIN THE EXAM TO HIM. SPECIFICALLY ON THIS DATE  
7 HE GAVE ME SOME STATEMENTS AND AS FAR AS WHAT HAD  
8 OCCURRED THE NIGHT THAT THIS HAPPENED.

9 Q ALL RIGHT, SIR. PLEASE RELATE TO THE JURY THE  
10 SUBSTANCE OF THE INFORMATION THAT MR. COPE GAVE YOU  
11 REGARDING THE ACTIVITIES OF THE NIGHT BEFORE HIS,  
12 MISS AMANDA COPE WAS KILLED, AND THE EARLY MORNING  
13 HOURS WHEN HE DISCOVERED HER BODY?

14 A YES, SIR. MR. COPE STATED THAT THEY WERE AT  
15 HOME THAT NIGHT. THE WIFE HAD GONE TO WORK AT SOME  
16 POINT IN THE EVENING. IT WAS HE AND THE CHILDREN  
17 THERE AT HOME. IT CHANGED A FEW TIMES AS FAR AS THE  
18 SEQUENCE OF EVENTS, EXACTLY WHAT TIME AND WHO WAS  
19 DOING WHAT, HE STATED THAT HE WAS WORKING ON SOME  
20 BIBLE STUDIES QUIZZES AND THAT HE WAS STUDYING ON  
21 THIS. THAT HE ALSO TALKED ABOUT ONE OF THE CHILDREN  
22 WAS NEEDING HELP WITH MATH HOMEWORK. HE TALKED ABOUT  
23 DIFFERENT PEOPLE IN THE HOUSEHOLD HELPING THAT CHILD.  
24 THAT CHANGED A FEW TIMES. THEN ALSO THAT THE  
25 TIMEFRAME AS FAR AS WHAT TIME HE WENT TO BED. HE



1           FINALLY SAID THAT HE WENT TO BED AROUND 1 A.M. HE  
2           HAD SET THE ALARM ON THE PORTABLE PHONE TO WAKE HIM  
3           UP SIX. HE STATED HE GOT UP AROUND 3 A.M. TO USE THE  
4           RESTROOM AND HE CHECKED ON THE TWO YOUNGER CHILDREN  
5           BUT DID NOT CHECK ON AMANDA AND HE REPORTED HAVING A  
6           DREAM ABOUT THE RAPTURE AND IN THIS DREAM HE SAYS HE  
7           HEARD GOD SAYING COME UP. THAT WAS THE GIST OF, AS  
8           FAR AS RELATING THE EVENTS OF THAT NIGHT.

9           Q     OKAY. NOW ABOUT HOW LONG HAS THE PROCESS TAKEN  
10          FROM THIS POINT? ABOUT WHAT TIME ARE WE AT NOW?

11          A     THIS HAS NOT TAKEN TOO LONG. THE ENTIRE PRETEST  
12          INTERVIEW LASTS GENERALLY 45 OR SO MINUTES. I THINK  
13          THIS ONE WENT A LITTLE BIT LONGER THAN THAT SO FROM  
14          START TO FINISH WE'RE LOOKING AT ALMOST AN HOUR AS  
15          FAR AS PRETEST INTERVIEW.

16          Q     OKAY. AND HOW LONG, YOU SAY ABOUT 45 MINUTES  
17          TALKING TO DETECTIVE, LIEUTENANT HERRING?

18          A     YES, SIR.

19          Q     SO ABOUT WHAT TIME IS IT BY THE TIME YOU ARE  
20          DONE WITH THE PRETEST INTERVIEW AND YOU ARE READY TO  
21          ADMINISTER THE POLYGRAPH?

22          A     AROUND 11:45.

23          Q     AND WHAT IS YOUR PROCEDURE IMMEDIATELY PRIOR TO  
24          ADMINISTERING THE POLYGRAPH EXAM?

25          A     WE ASK THE PERSON IF THEY NEED A BREAK, USE THE

1 RESTROOM, GET WATER, ANYTHING LIKE THAT, AND IF SO,  
2 WE DO THAT, AND MR. COPE DID GO TO THE RESTROOM AND  
3 TAKE A QUICK BREAK.

4 Q WHAT WAS MR. COPE'S DEMEANOR DURING THIS ENTIRE  
5 TIME PERIOD?

6 A MR. COPE WAS CALM. HE WAS VERY COOPERATIVE. I  
7 WOULD NOT SAY JOVIAL BUT HE SEEMED TO BE UPBEAT. I  
8 WAS PRETTY WELL SURPRISED BY HIS DEMEANOR. I WOULD  
9 HAVE EXPECTED A LOT MORE EMOTION. I HAD NOT SEEN ANY  
10 TEARS, NO CRYING, DID NOT APPEAR TO BE UPSET. I'M  
11 LOOKING FOR THIS TYPE OF INFORMATION BECAUSE IF IT  
12 HAD UNDULY, HE WAS UNDULY STRESSED, IF THERE WERE  
13 PROBLEMS WITH HIS EMOTIONAL STATE, WE WOULD NOT HAVE  
14 PROCEEDED WITH THE POLYGRAPH EXAM. IT'S PART OF THE  
15 PRETEST INTERVIEW.

16 Q IS THAT PART OF YOUR EXPLAINING TO LOOK FOR  
17 THESE THINGS?

18 A YES, SIR, THAT'S VERY IMPORTANT. WE LOOK FOR  
19 CERTAIN MEDICAL HISTORY. IF THERE ARE CERTAIN  
20 MEDICAL HISTORY THERE, WE DO NOT GO FORWARD. IF THE  
21 PERSON'S OVERLY STRESSED, IF HE IS OVERLY TIRED, IF  
22 HE IS INATTENTIVE, IF HE'S NOT ABLE TO STAY AWAKE,  
23 THERE IS A NUMBER OF PROBLEMS THAT WE'RE LOOKING FOR  
24 THAT WOULD NOT GIVE US A FAIR AND ACCURATE TEST AND  
25 WE WOULD NOT PROCEED IF ANY OF THOSE ITEMS CAME UP.

1 Q AND YOU DID IN FACT PROCEED?

2 A YES, SIR, WE DID.

3 Q WAS THERE ANY INDICATION THAT MR. COPE ON, FROM  
4 YOUR DISCUSSION WITH HIM, MIGHT HAVE BEEN LABORING  
5 UNDER ANY KIND OF MENTAL DEFECTS SUCH AS RETARDATION  
6 OR MENTAL ILLNESS OF ANY SORT?

7 A NO, SIR. I HAD BEEN INFORMED THAT MR. COPE HAD  
8 A TWO YEAR DEGREE. DURING THE INTERVIEW HE TOLD ME  
9 IT WAS A FOUR YEAR DEGREE. HE SEEMED TO BE OF GOOD  
10 INTELLIGENCE. I BELIEVE HIS SCHOOLING WAS IN THE  
11 AREA OF COMPUTERS SO HE WAS INTERESTED IN THE FACT  
12 THAT WE USED COMPUTERIZED POLYGRAPH, BUT, NO, HE  
13 SEEMED TO BE FINE.

14 Q ALL RIGHT. AND WE HAVEN'T ACTUALLY DISCUSSED  
15 HOW A POLYGRAPH WORKS, BUT HOW DOES THE FACT THAT  
16 DISTRESS AND TIRED OR ANY OF THESE PROBLEMS, IF HE  
17 WAS INTOXICATED OR UNDER THE INFLUENCE OF DRUGS, DID  
18 YOU NOTICE ANYTHING THAT WOULD MAKE YOU THINK THAT  
19 MIGHT BE THE CASE?

20 A NO, SIR. HE WAS, DID NOT APPEAR TO BE UNDER ANY  
21 TYPE OF INTOXICANT OR ANY TYPE OF DRUGS.

22 Q HOW WOULD ANY OF THESE PROBLEMS THAT I HAVE JUST  
23 GONE THROUGH WITH YOU, HOW WOULD ANY OF THEM AFFECT  
24 THE ADMINISTRATION OF THE TEST?

25 A WELL, THAT'S INDIVIDUALIZED BUT GENERALLY WE

1 LOOK FOR IF IT'S GOING TO AFFECT THE ACCURACY OF THE  
2 TEST OFTEN CAUSING WHAT WE CALL INCONCLUSIVE TEST  
3 WHERE YOU CAN'T TELL: BEING TIRED, BEING SLEEPY,  
4 COULD CAUSE DIMINISHED RESULTS. YOU COULD ACTUALLY  
5 HAVE THE PERSON NODDING OFF SO THEREFORE WE WOULD NOT  
6 BE GETTING INFORMATION AND WOULD NOT BE ACCURATE.  
7 AND INTOXICANTS, THE PERSON MIGHT NOT UNDERSTAND THE  
8 QUESTIONS OR BE ERRATIC. THERE ARE A LOT OF  
9 DIFFERENT WAYS, BUT BASICALLY WE'RE LOOKING FOR  
10 THINGS THAT WOULD AFFECT THE ACCURACY OF THE TEST.

11 Q SO YOU ARE TRAINED TO SPECIFICALLY LOOK TO SEE  
12 IF THEY ARE TIRED?

13 A YES, SIR.

14 Q AND ANY INDICATION THAT HE WAS TOO TIRED TO TAKE  
15 THIS TEST?

16 A NO, SIR. THIS IS SOMETHING WE LOOK FOR IN EVERY  
17 SINGLE TEST THAT WE RUN.

18 Q WHAT TIME DID THE ACTUAL, DID YOU SAY YOU GAVE  
19 HIM AN OPPORTUNITY USE THE BATHROOM, DID HE TAKE THAT  
20 OPPORTUNITY?

21 A YES, SIR.

22 Q WAS HE OFFERED ANY BEVERAGE OR ANYTHING TO MAKE  
23 HIM MORE COMFORTABLE?

24 A THERE IS A WATER FOUNTAIN WITHIN A FEW FEET OF  
25 WHERE WE GO TO THE RESTROOM AND HE WAS MADE AWARE OF

1 THAT.

2 Q ALL RIGHT, SIR. AT WHAT TIME DID THE ACTUAL  
3 ADMINISTRATION OF THE TEST ACTUALLY START?

4 A IT'S GOING TO BE LIKE 11:50 A.M.

5 Q AND HOW LONG DOES IT TAKE TO ADMINISTER A  
6 POLYGRAPH TEST.

7 A IT GENERALLY TAKES NO MORE THAN 15 MINUTES.

8 Q AND HOW DO YOU DETERMINE WHAT QUESTIONS TO ASK  
9 DURING A POLYGRAPH TEST?

10 A FIRST WE HAVE DEALT WITH THE INVESTIGATOR WHO IS  
11 INVESTIGATING THE CASE AND WE WANT TO KNOW WHAT THEY  
12 SEEK TO GET OUT OF THE TEST AS FAR AS INFORMATION, AS  
13 FAR AS KNOWLEDGE, SO THAT WOULD BE ONE THING THAT  
14 WILL COME INTO PLAY. THEN WE WILL TALK WITH THE  
15 INDIVIDUAL WHO IS GOING TO BE TESTED AND DEPENDING  
16 UPON THEIR KNOWLEDGE OF THE TEST, EXCUSE ME, THEIR  
17 KNOWLEDGE OF THE CASE, WE FORMULATE THE QUESTIONS AS  
18 FAR AS WHAT NEEDS TO BE DETERMINED.

19 Q SO HE WAS AWARE OF THE QUESTIONS YOU WERE GOING  
20 TO ASK?

21 A YES, SIR. ALL THE TEST QUESTIONS ARE REVIEWED,  
22 WE DON'T WANT TO SURPRISE ANYONE WITH ANYTHING, SO  
23 THE QUESTIONS ARE READ TO HIM. IF THERE IS ANY  
24 DIFFICULTIES, IF THERE ARE ANY MISUNDERSTANDINGS OVER  
25 THE VERBIAGE OF THE LANGUAGE, WE MAKE THEM AS SIMPLE

1 AND CLEAR AS CONCISE AS WE POSSIBLY CAN SO THOSE ARE  
2 READ TO HIM. HE IS GIVEN AN OPPORTUNITY TO ANSWER  
3 THOSE QUESTIONS AND WORK OUT ANY PROBLEMS WITH THOSE  
4 QUESTIONS BEFORE HE EVER SITS DOWN IN THE POLYGRAPH  
5 CHAIR AND BEFORE WE EVER START.

6 Q AND WHAT, WHAT DO YOU DO, I TAKE IT FROM THAT  
7 POINT YOU ADMINISTERED THE TEST, IT TOOK ABOUT 15  
8 MINUTES?

9 A YES, SIR.

10 Q WHERE DO YOU SCORE THE TEST AND HOW DO YOU SCORE  
11 IT?

12 A AS I MENTIONED EARLIER OURS IS A COMPUTERIZED  
13 POLYGRAPH. WE HAVE A PRINTER WHERE THE CHARTS PRINT  
14 OFF AFTER THE TEST IS RUN. IT TAKES A FEW MINUTES  
15 FOR THOSE TO PRINT. ONCE THEY ARE THROUGH PRINTING I  
16 RETRIEVE THEM AND I GO INTO AN ADJACENT OFFICE AND I  
17 SIT DOWN AND ANALYZE THOSE CHARTS AND THAT TAKES  
18 ROUGHLY 10 OR 15 MINUTES.

19 Q WHAT IS THE POLYGRAPH ACTUALLY MEASURING?

20 A THE POLYGRAPH IS LOOKING AT THE FACT THAT WHEN  
21 MOST PEOPLE TELL A LIE, ESPECIALLY IF IT'S SOMETHING  
22 SERIOUS, IT CAUSES AN EMOTIONAL STATE. WHEN A PERSON  
23 EXPRESSES EMOTIONAL STATE IT CAUSES PHYSIOLOGICAL  
24 REACTIONS WITHIN THE BODY. THEIR PHYSIOLOGY CHANGES  
25 IN THE BODY. A TRAINED POLYGRAPH EXAMINER USES

1 POLYGRAPH TO RECORD THESE CHANGES IN PHYSIOLOGY AND  
2 THEN USING THOSE CHANGES WE CAN INFER A PERSON'S  
3 TRUTHFULNESS.

4 Q AND WHAT EXACTLY DO YOU HAVE TO HOOK UP TO HIM  
5 TO MEASURE THESE THINGS?

6 A FIRST WE HAVE A POLYGRAPH CHAIR, A CHAIR THAT'S  
7 DESIGNED FOR POLYGRAPH THAT IS ACTUALLY VERY  
8 COMFORTABLE AND IT HELPS TO KEEP A PERSON STILL WHILE  
9 WE'RE RUNNING THE TEST, ONCE THEY ARE SEATED IN THE  
10 CHAIR WE WILL ATTACH WHAT'S CALLED THE NEUMOGRAPH  
11 TUBES. THERE ARE TWO TUBES THAT MEASURE OR LOOK AT  
12 THE RESPIRATION OF THE PERSON. THEY GO ACROSS THE  
13 CHEST. SECONDLY, WE WILL ATTACH A BLOOD PRESSURE  
14 CUFF WHICH IS A STANDARD MEDICAL BLOOD PRESSURE CUFF.  
15 AND THIRDLY, WHAT'S CALLED ELECTROTHERMO SENSORS WILL  
16 BE ATTACHED TO TWO OF THEIR FINGERS.

17 Q WHERE DID YOU SAY YOU WENT TO SCORE THE TEST  
18 AFTER?

19 A I GO TO THE, I HAVE AN OFFICE ADJACENT TO THE  
20 POLYGRAPH ROOM.

21 Q AND HOW LONG DID THE SCORING PROCESS TAKE?

22 A IT GENERALLY WILL TAKE 10 TO 15 MINUTES.

23 Q AFTER SCORING THE TEST, WHERE DID YOU THEN GO?

24 A I WENT BACK IN THE POLYGRAPH ROOM.

25 Q AND WHERE WAS MR. COPE DURING THIS TIME PERIOD

1           WHILE YOU WERE SCORING THE TEST?

2           A       MR. COPE WOULD HAVE BEEN MOVED BACK INTO THE  
3           HOLDING ROOM THAT IS, THIS IS ALL WITHIN A, AN OFFICE  
4           COMPLEX, SO THEY ARE JUST RIGHT NEXT TO EACH OTHER.

5           Q       OKAY. DID YOU MAKE A DETERMINATION AS TO  
6           WHETHER MR. COPE PASSED OR FAILED THE POLYGRAPH?

7           A       YES, SIR. BASED UPON THE OUTCOME OF THE TEST,  
8           INFORMATION ON THE TEST, I DETERMINED THAT  
9           MR. COPE --

10                   MR. BRACKETT: IS THERE AN OBJECTION?

11                   THE COURT: I HADN'T HEARD ONE.

12                   MR. BRACKETT: YES, SIR.

13                   MR. MORTON: I THINK WE NEED TO DISCUSS  
14           THIS WITH THE COURT.

15                   THE COURT: ALL RIGHT. I'M GOING TO LET  
16           YOU GO TO THE JURY ROOM JUST FOR A FEW MINUTES.

17                                (THE JURY EXITS THE COURTROOM AT 10:38  
18           A.M.)

19                   THE COURT: ALL RIGHT.

20                   MR. MORTON: I WOULD OFFER THIS, YOUR  
21           HONOR, AS A PROPOSED LIMITING INSTRUCTION.

22                   THE COURT: WHY DON'T WE TAKE A SHORT  
23           BREAK AND I CAN READ THIS OVER AND IT'S A GOOD TIME  
24           TO TAKE A BREAK ANYWAY. I CAN TAKE A LOOK AT THIS  
25           BECAUSE I DID ASK FOR SOMETHING ALONG THOSE LINES.



1 THE STATE CAN LOOK AT IT. HAVE YOU HAD A CHANCE TO  
2 LOOK AT IT YET, MR. BRACKETT?

3 MR. BRACKETT: NO, SIR.

4 MR. MORTON: I'M SORRY. I SHOULD HAVE  
5 GOTTEN IT TO THEM BEFORE.

6 THE COURT: WE WILL TAKE A SHORT BREAK AND  
7 YOU CAN STEP DOWN.

8 (COURT'S IN RECESS AT 10:40 A.M.)

9 (COURT RESUMES AT 10:58 A.M. AND THE  
10 WITNESS RESUMES THE WITNESS STAND.)

11 THE COURT: THE ISSUE IS THE LIMITING  
12 INSTRUCTION WHICH I ASKED TO BE PREPARED AND IT HAS  
13 BEEN PREPARED. I HAVE GONE THROUGH MINE AND HAD  
14 PARED IT DOWN TO WHAT I THINK REALLY WHAT IS  
15 APPROPRIATE TO ADVISE THE JURY. I HAVE BEEN TOLD BY  
16 MY LAW CLERK THAT COUNSEL FOR THE DEFENSE APPEARS TO  
17 BE OKAY WITH MY REVISIONS BUT THE STATE HAS SOME  
18 CONCERNS.

19 MR. BRACKETT: I THINK WE RESOLVED THOSE.  
20 WE'RE FINE.

21 THE COURT: ALL RIGHT. MR. MORTON, ARE  
22 YOU OKAY WITH THE WAY I CHANGED IT?

23 MR. MORTON: YES, SIR.

24 THE COURT: MR. GREELEY.

25 MR. GREELEY: MR. SANDERS HAS NO

1 OBJECTION.

2 THE COURT: YOU WANT ME TO CHARGE IT AT  
3 THIS TIME?

4 MR. MORTON: YES, SIR.

5 THE COURT: LET'S BRING IN THE JURY.

6 MR. BRACKETT: I NEVER GOT TO THE MONEY  
7 QUESTION.

8 THE COURT: THE MONEY QUESTION.

9 MR. BRACKETT: WHETHER HE PASSED OR  
10 FAILED. I NEVER ASKED. I STOPPED.

11 THE COURT: ALL RIGHT. YEAH, ASK HIM THE  
12 MONEY QUESTION.

13 MR. BRACKETT: THANK YOU.

14 THE COURT: THEN I'LL CHARGE IT. OKAY.  
15 BRING THEM IN. LET ME CHARGE THEM THIS BEFORE YOU GO  
16 FORWARD.

17 MR. BRACKETT: ALL RIGHT.

18 (THE JURY RETURNS TO THE COURTROOM AT  
19 11:01 A.M.)

20 THE COURT: MEMBERS OF THE JURY PANEL,  
21 YOU'VE HEARD SOME TESTIMONY REGARDING POLYGRAPH. I  
22 WANT TO TELL YOU AT THIS TIME THAT A POLYGRAPH IS A  
23 MACHINE THAT MEASURES THE PHYSIOLOGICAL RESPONSES OF  
24 A PERSON ON WHOM THE TEST IS ADMINISTERED. THE  
25 COURTS OF OUR STATE HAVE TRADITIONALLY NOT ALLOWED

1 THE JURY TO CONSIDER THE RESULTS OF POLYGRAPH TEST IN  
2 YOUR DELIBERATIONS. I AM ALLOWING THE STATE TO  
3 INTRODUCE EVIDENCE OF MR. BILLY WAYNE COPE, THE  
4 DEFENDANT'S, SUBMITTING TO A POLYGRAPH EXAMINATION  
5 AND RESULTS OF THAT TEST FOR A LIMITED PURPOSE. LET  
6 ME STRONGLY CAUTION EACH OF YOU FROM SUBSTITUTING THE  
7 RESULTS OF THE POLYGRAPH FOR YOUR OWN JUDGMENT AND  
8 COMMON SENSE. YOU AND YOU ALONE ARE THE TRIERS OF  
9 FACT IN THIS CASE AND YOU AND YOU ALONE WILL  
10 DETERMINE WHETHER THE TESTIMONY GIVEN BY EACH AND  
11 EVERY WITNESS IS TRUE AND WHAT TESTIMONY IS NOT TRUE.  
12 OUR SUPREME COURT HAS REPEATEDLY HELD THAT POLYGRAPH  
13 EXAMINATION RESULTS ARE INADMISSIBLE TO PROVE THE  
14 TRUTH OF THE MATTER WHICH THEY ASSERT. THAT IS,  
15 RESULTS OF A POLYGRAPH EXAMINATION MAY NOT BE USED TO  
16 PROVE THE TRUTHFULNESS OR LACK OF TRUTHFULNESS OF THE  
17 DEFENDANT'S STATEMENTS. UNDER LIMITED CIRCUMSTANCES  
18 POLYGRAPH EXAMINATION RESULTS MAY BE ADMITTED IN  
19 EVIDENCE FOR OTHER PURPOSES SUCH AS IN THIS CASE  
20 WHERE THE PARTIES HAVE AGREED THAT THE RESULTS WILL  
21 BE ADMITTED TO SHOW THE EFFECT THE POLYGRAPH EXAM HAD  
22 UPON MR. COPE. YOU DO NOT CONSIDER THE POLYGRAPH  
23 EXAMINATION RESULTS FOR ANY OTHER REASON OR THE FACT  
24 THAT THAT RESULT, THAT IS THE RESULTS OF THE TEST,  
25 ADMINISTERED TO THE DEFENDANT MR. BILLY WAYNE COPE.

1 YOU MAY NOT CONSIDER THE RESULTS IN REGARDS TO THE  
2 TRUTHFULNESS OR LACK OF TRUTHFULNESS OF MR. COPE'S  
3 STATEMENT.

4 BY ALLOWING THE INTRODUCTION OF THIS  
5 POLYGRAPH, THE COURT IS NOT VOUCHING FOR THE  
6 RELIABILITY OF THE POLYGRAPH. LIKEWISE, WITH THIS  
7 LIMITING INSTRUCTION, THE COURT IS NOT ASSERTING THAT  
8 THE POLYGRAPH IS NOT RELIABLE. THE POLYGRAPH IS  
9 SIMPLY A PIECE OF EVIDENCE YOU MAY CONSIDER ALONG  
10 WITH THE OTHER EVIDENCE PRESENTED TO REACH A VERDICT  
11 IN THIS CASE. ALL RIGHT, MR. BRACKETT.

12 DIRECT EXAMINATION CONTINUED BY MR. BRACKETT:

13 Q ALL RIGHT, SIR. WHEN WE, BEFORE WE BROKE YOU  
14 HAD JUST SCORED THE EXAM?

15 A YES, SIR.

16 Q AND YOU WENT BACK INTO THE ROOM WITH MR. COPE TO  
17 DISCUSS THAT WITH HIM?

18 A YES, SIR.

19 Q AND DID YOU CONFRONT HIM WITH THE RESULTS OF THE  
20 EXAMINATION THAT YOU HAD JUST DONE?

21 A YES, SIR, I DID.

22 Q AND WHAT WERE THE RESULTS OF THE EXAMINATION  
23 THAT YOU, THE POLYGRAPH EXAM THAT YOU DID ON  
24 MR. COPE?

25 A I ASKED HIM, MR. COPE, THREE QUESTIONS RELEVANT

1 TO AMANDA'S DEATH AND THE DETERMINATION WAS DECEPTION  
2 WAS INDICATED AS FAR AS HIS RESPONSES TO THOSE  
3 QUESTIONS.

4 Q AND WHAT WERE THE THREE QUESTIONS THAT YOU  
5 ASKED?

6 A THE FIRST QUESTION WOULD HAVE BEEN: DID YOU  
7 CHOKE AMANDA AND HIS ANSWER WAS NO. THE SECOND  
8 QUESTION IN REGARD TO THAT WAS: DID YOU CHOKE AMANDA  
9 CAUSING HER TO DIE AND THE ANSWER WAS NO. AND THE  
10 THIRD QUESTION IN REGARD TO THAT WAS: WERE YOU IN  
11 THE ROOM WHEN AMANDA DIED AND HIS ANSWER WAS NO.

12 Q ALL RIGHT. NOW WHAT WAS HIS REACTION TO BEING  
13 INFORMED BY YOU THAT HE HAD FAILED THE POLYGRAPH?

14 A HE DID NOT APPEAR TO BE SURPRISED WHATSOEVER.

15 Q DID HE SHOW ANY EMOTIONAL REACTION AT ALL?

16 A NO, SIR. HIS DEMEANOR DID NOT CHANGE. HE DID  
17 NOT GET UPSET BY THIS. HE DID NOT ACT SURPRISED BY  
18 THIS.

19 Q RELATE TO THE JURY IF YOU WOULD BASICALLY HOW  
20 DID YOUR CONVERSATION WITH THE DEFENDANT PROCEED FROM  
21 THAT POINT?

22 A BASICALLY PROCEEDED IN THE SAME MANNER AND SAME  
23 FASHION, IT WAS CONVERSATIONAL THE WHOLE TIME. MY  
24 INTERVIEW STYLE IS BASICALLY THAT, JUST A  
25 CONVERSATION, FROM LETTING HIM KNOW THAT HE HAD

1 FAILED AND AGAIN HE WAS NOT SURPRISED. THEN HE BEGAN  
2 TO OFFER OR ASK QUESTIONS ABOUT HOW THIS COULD  
3 HAPPENED THAT AS FAR AS HOW AMANDA COULD HAVE DIED.  
4 ONE OF HIS FIRST QUESTIONS TO ME WAS, COULD I HAVE  
5 DONE THIS IN MY SLEEP.

6 Q AND WHAT DID YOU ANSWER?

7 A I ANSWERED NO, I DID NOT BELIEVE THAT WAS  
8 POSSIBLE.

9 Q AND WHY IS THAT?

10 A A COUPLE OF REASONS. ONE I JUST DON'T BELIEVE  
11 IT'S FEASIBLE --

12 MR. MORTON: YOUR HONOR, I OBJECT.

13 MR. BRACKETT: MAYBE WE SHOULD APPROACH.

14 (BENCH CONFERENCE.)

15 THE COURT: I SUSTAIN THE OBJECTION.

16 Q MR. BAKER, WITHOUT DISCUSSING ANY OF THE  
17 CONVERSATION THAT YOU HAD WITH MR. COPE FROM ABOUT  
18 FIVE MINUTES AFTER YOU ANNOUNCED THE RESULTS, DID  
19 MR. COPE ULTIMATELY EVER ADMIT CULPABILITY?

20 MR. MORTON: YOUR HONOR, I'M SORRY.

21 THE COURT: I SUSTAIN THE OBJECTION.

22 MR. MORTON: I'M AFRAID AND I APOLOGIZE  
23 FOR HAVING TO ASK THE JURY BUT I THINK WE HAVE A  
24 MATTER OF LAW.

25 THE COURT: ALL RIGHT. I'M GOING TO LET

1 YOU GO BACK OUT.

2 (THE JURY EXITS THE COURTROOM AT 11:07  
3 A.M.)

4 THE COURT: YES, SIR.

5 MR. MORTON: YOUR HONOR, AT THIS TIME WE  
6 OBJECT TO ANY STATEMENT MADE BY MR. COPE TO MR. BAKER  
7 OR TO MR. HERRING ON THAT DAY NOVEMBER 30 BECAUSE WE  
8 BELIEVE THAT THE STATE HAS NOT PROVEN THAT MR. COPE  
9 WAS ARRESTED WITH PROBABLE CAUSE ON THE NIGHT BEFORE.  
10 WE WERE HERE IN FRONT OF THE COURT TWO WEEKS AGO, I  
11 BELIEVE IT WAS TWO WEEKS AGO.

12 THE COURT: I WAS HERE.

13 MR. MORTON: I WAS TRYING TO REMEMBER WHEN  
14 IT WAS, AND WE MADE A MOTION, OF COURSE, THAT THE  
15 WARRANT WHICH I WOULD MOVE TO ADMIT AT THIS TIME  
16 DOESN'T STATE ANY PROBABLE CAUSE; THAT THEY HAD NO  
17 PROBABLE CAUSE TO ARREST MR. COPE THAT NIGHT. THAT  
18 AS A RESULT OF HIS ARREST WITHOUT PROBABLE CAUSE ON  
19 THE MURDER CHARGE THAT ANY STATEMENTS THAT HE MADE ON  
20 NOVEMBER 30 SHOULD BE SUPPRESSED AS FRUIT OF THE  
21 POISONOUS TREE. THE COURT AT THAT TIME DENIED OUR  
22 MOTION. IT'S MY UNDERSTANDING THAT I HAD TO MAKE  
23 THAT MOTION AGAIN NOW AFTER THE JURY HAS BEEN SWORN  
24 AND I AM SO MAKING THAT MOTION. THE COURT ALSO ASKED  
25 US IF WE HAD ANY NEW INFORMATION TO PUT UP REGARDING

1 THAT.

2 THE COURT: YES, SIR.

3 MR. MORTON: AND WE DO AND THE NEW  
4 INFORMATION, IF YOU JUST WANT ME TO STATE IT FOR THE  
5 COURT IS, IS THAT ON THAT DAY DETECTIVE BLACKWELDER  
6 TESTIFIED THAT SHE SERVED MR. COPE A MURDER WARRANT  
7 AT 4:21 A.M. ON THE MORNING OF NOVEMBER 29, THAT SHE  
8 THEN WORKED ALL NIGHT AND THEN SHE THEN CHARGED HIM  
9 WITH UNLAWFUL NEGLECT WARRANTS AT 8 O'CLOCK THAT  
10 MORNING. MRS. BLACKWELDER HOWEVER IN HER SYNOPSIS OF  
11 THE EVENTS INDICATES IN HER OWN REPORT THAT SHE DID  
12 NOT SERVE MR. COPE WARRANTS FOR UNLAWFUL NEGLECT  
13 UNTIL HE WAS RETURNED FROM HIS INTERVIEW WITH  
14 MR. COPE AND MR. HERRING WHICH WOULD MAKE THE  
15 STATEMENTS TO MR. COPE AND MR. HERRING FRUIT OF THE  
16 POISONOUS TREE AS FAR AS THE LACK OF PROBABLE CAUSE  
17 ON THAT DAY. IN OTHER WORDS --

18 THE COURT: BASED SOLELY ON THE MURDER  
19 WARRANT?

20 MR. MORTON: YES, SIR. YOUR HONOR, I  
21 DON'T KNOW IF THAT'S BEEN MADE A PART OF THE RECORD  
22 BUT I WOULD MAKE THE MURDER WARRANT A PART OF THE  
23 RECORD AND IN MY OPINION CLEARLY DOESN'T STATE ANY  
24 PROBABLE CAUSE. I DON'T THINK THERE IS ANY PROBABLE  
25 CAUSE TO ARREST HIM FOR MURDER.



1 I WOULD ALSO LIKE TO ADMIT A INCIDENT  
2 REPORT FROM MRS. BLACKWELDER IN WHICH SHE STATES THAT  
3 THE WARRANT WAS OBTAINED ON BILLY WAYNE COPE FOR THE  
4 CHARGE OF MURDER. MR. COPE WAS ARRESTED FOR THE SAME  
5 ON 11-30-01. BILLY COPE CONSENTED TO A POLYGRAPH AND  
6 LIEUTENANT HERRING TRANSPORTED COPE TO THE MOSS  
7 JUSTICE CENTER WHERE DETECTIVE MIKE BAKER DID  
8 MIRANDIZE COPE AND DID COMPLETE SAME. WHILE AT THE  
9 SAME LOCATION WITH DETECTIVE BAKER AND LIEUTENANT  
10 HERRING BILLY WAYNE COPE CONFESSED TO THE MURDER OF  
11 HIS DAUGHTER AMANDA RENEE COPE. COPE WAS BROUGHT  
12 BACK TO THE ROCK HILL LAW CENTER WHERE HE WAS CHARGED  
13 WITH MURDER, TWO COUNTS -- WHERE HE WAS CHARGED WITH  
14 MURDER, TWO COUNTS OF CRIMINAL SEXUAL CONDUCT FIRST  
15 DEGREE, THREE COUNTS OF, THREE COUNTS OF UNLAWFUL,  
16 I'M SORRY. HE'S CHARGED WITH MURDER, TWO COUNTS OF  
17 CRIMINAL SEXUAL CONDUCT FIRST DEGREE, THREE COUNTS OF  
18 UNLAWFUL NEGLIGENCE. THE NEXT SENTENCE IS HE WAS  
19 TRANSPORTED BACK TO THE MOSS JUSTICE CENTER AFTER HIS  
20 BOND WAS DENIED. WHICH IS NOT WHAT WAS TESTIFIED TO  
21 TWO WEEKS AGO.

22 THE COURT: WELL, OBVIOUSLY YOU ARE  
23 CORRECT, YOU NEED TO MAKE A CONTEMPORANEOUS MOTION AT  
24 THE TIME OF THE INTRODUCTION OF EVIDENCE. I HEARD  
25 THE EVIDENCE. THERE MAY BE CONFLICTS IN THE

1 EVIDENCE. THAT'S NOT UNUSUAL PARTICULARLY IN A CASE  
2 SUCH AS THIS. I STAND WITH THE DECISION I MADE  
3 EARLIER AND I DENY THE MOTION IN LIMINE AND WILL  
4 ALLOW THE STATE TO CONTINUE. THAT IS, THE RULING I  
5 MADE IN LIMINE STAGE I AM STILL COMFORTABLE WITH AND  
6 WILL ALLOW THE TESTIMONY FOR THE STATE TO GO FORWARD  
7 BASED ON THE RULING MADE AT THAT TIME.

8 MR. MORTON: SECONDLY, YOUR HONOR, AND I  
9 THINK MY OBJECTION IS NOTED FOR THE RECORD AND I  
10 WOULD LIKE TO INTRODUCE A COPY OF MRS. BLACKWELDER'S  
11 REPORT.

12 MR. BRACKETT: NO OBJECTION.

13 MR. GREELEY: NO OBJECTION.

14 MR. BRACKETT: MY SECOND MOTION, YOUR  
15 HONOR, IS I DON'T KNOW IF THE STATE INTENDS TO TRY TO  
16 INTRODUCE MR. BAKER SUMMARY'S OF WHAT MR. COPE STATED  
17 TO HIM ON THAT DAY OR NOT.

18 MR. BRACKETT: I MIGHT. WE'VE INTRODUCED  
19 SEVERAL OF THEM. DO YOU HAVE AN OBJECTION TO THIS?

20 MR. MORTON: YES, I HAVE AN OBJECTION TO  
21 INTRODUCTION OF ANY SUMMARY MR. BAKER MADE. IT'S  
22 HEARSAY. IT'S NOT SIGNED BY MR. COPE. IT'S NOT EVEN  
23 SIGNED BY MR. BAKER. IT'S NOT DATED. NO TIME IS ON  
24 IT. ALL IT IS ---

25 THE COURT: HE'S GOING TO CONCEDE.

1 MR. BRACKETT: THAT'S FINE. I WON'T.

2 THE COURT: SO IT WON'T BE INTRODUCED. IT  
3 WON'T BE OFFERED.

4 MR. BRACKETT: YES, SIR.

5 MR. MORTON: I THINK THAT'S ALL I HAVE.

6 THE COURT: BRING THE JURY BACK.

7 MR. BRACKETT: BEFORE WE DO, WE HAD A  
8 BENCH CONFERENCE IMMEDIATELY PRIOR TO, I WANTED TO  
9 MAKE SURE I UNDERSTOOD AND MR. BAKER UNDERSTOOD, I  
10 WAS MOVING PAST THAT IN MY LAST QUESTION, BUT IT WAS  
11 BRIEF CONVERSATION, I WANTED TO JUST APPRISE THE  
12 COURT OF WHERE I WAS HEADED WITH THAT TO SEE IF  
13 POSSIBLY YOU MIGHT RECONSIDER YOUR RULING BASED ON  
14 WHAT I READ FROM THIS TO YOU. AFTER ANNOUNCING HE  
15 HAD FAILED, AND THIS IS FROM HIS REPORT, AT THIS TIME  
16 DISCREPANCIES IN HIS STATEMENT WERE POINTED OUT TO  
17 COPE, THE CASE FACTS WERE ALSO REVIEWED, AFTER  
18 APPROXIMATELY FIVE OR TEN MINUTES COPE ASKED IF HE  
19 COULD HAVE DONE THIS, REFERRING TO KILLING AMANDA,  
20 AND NOT REMEMBER HAVING KILLED HER. AFTER MORE  
21 CONVERSATION COPE ASKED IF HE COULD HAVE KILLED  
22 AMANDA IN HIS SLEEP AND NOT REMEMBER IT. AFTER THESE  
23 THEORIES WERE CHALLENGED HE STATED HE MUST HAVE DONE  
24 IT. NOW THIS IS THE, THIS IS THE LINK BETWEEN BEING  
25 TOLD THAT HE'S FAILED TO HIM CONFESSING. IT'S NOT

1 BEING OFFERED TO SAY THAT THE POLYGRAPH IS ANYMORE  
2 RELIABLE. ALL IT'S BEING OFFERED TO SHOW IS WHAT --

3 MR. MORTON: WE HAVE NO OBJECTION.

4 THE COURT: ALL RIGHT. BRING IN THE JURY.  
5 MY UNDERSTANDING WAS AND THE REASON I INDICATED IT  
6 WOULD NOT BE ADMISSIBLE, ALTHOUGH IT'S OVER NOW, WAS  
7 THAT I THOUGHT WE WERE GOING INTO MORE EXPERT  
8 ANALYSIS AS TO WHY HE HAD ASKED.

9 MR. MORTON: THAT'S WHAT I THOUGHT.

10 THE COURT: AS TO WHY HE MADE THIS AND  
11 WHAT THEY MEANT, NOT THAT THEY WERE MADE.

12 MR. BRACKETT: YES, SIR, AND JUST WHAT THE  
13 IMMEDIATE CONVERSATION FOLLOWING DISCUSSION OF THIS  
14 WAS.

15 (THE JURY RETURNS TO THE COURTROOM AT  
16 11:15 A.M.)

17 THE COURT: YOU MAY PROCEED.

18 MR. BRACKETT: THANK YOU.

19 DIRECT EXAMINATION BY MR. BRACKETT:

20 Q DETECTIVE BAKER, AGAIN WHERE WE WERE. YOU HAD  
21 JUST ANNOUNCED TO MR. COPE IN THE ROOM THAT HE HAD  
22 FAILED THE POLYGRAPH?

23 A YES, SIR.

24 Q ON THE THREE QUESTIONS YOU REFERENCED EARLIER?

25 A YES, SIR, THAT'S CORRECT.

1 Q AND YOU INDICATED THAT YOUR, HIS REACTION WAS HE  
2 WASN'T SURPRISED AND SHOWED NO EMOTION?

3 A THAT'S CORRECT, NO EMOTION WHATSOEVER. HE WAS  
4 NOT SURPRISED.

5 Q ALL RIGHT, SIR. PLEASE OUTLINE FOR THE JURY  
6 WHAT THE SUBSTANCE OF YOUR CONVERSATION WAS  
7 IMMEDIATELY FOLLOWING THAT. WHAT DID HE ASK YOU OR  
8 WHAT DID YOU SAY TO HIM, TELL THE JURY WHAT WAS  
9 DISCUSSED?

10 A IMMEDIATELY AFTER AND IN PART OF THE  
11 CONVERSATION AS FAR AS EXPLAINING TO HIM THAT HE HAD  
12 FAILED WE REVIEWED THE CASE FACTS BRIEFLY AS FAR AS  
13 THE FACT THAT EVEN HE HAD SAID THAT THERE WAS NO  
14 FORCED ENTRY INTO THE HOME, THE CIRCUMSTANCES  
15 SURROUNDING AMANDA'S DEATH, AND WHO IS IN THE HOME  
16 AND DIFFERENT THINGS THAT EVENING. MR. COPE ASKED  
17 REFERRING TO KILLING AMANDA COULD HE HAVE DONE IT AND  
18 NOT REMEMBER. AFTER MORE CONVERSATION HE ASKED AGAIN  
19 COULD HE HAVE DONE IT IN HIS SLEEP AND NOT REMEMBERED  
20 AND I DISAGREED THAT THAT WOULD HAPPEN. AND THAT HE  
21 SAYS WELL I MUST HAVE DONE IT.

22 Q ALL RIGHT, SIR. NOW HYPOTHETICALLY AS AN EXPERT  
23 IN POLYGRAPH ADMINISTRATION, WOULD SOMEONE HAVE A  
24 PHYSIOLOGICAL REACTION TO AN EVENT, QUESTIONED ABOUT  
25 AN EVENT, THAT THEY DIDN'T REMEMBER?

1           A     THAT IS CORRECT, THEY WOULD NOT.  A PERSON  
2           KNOWS.  WE ALL KNOW THINGS WE HAVE DONE OR HAVE NOT  
3           DONE.

4                     MR. MORTON:  YOUR HONOR  --

5                     THE COURT:  I SUSTAIN THE OBJECTION.  I  
6           THOUGHT WE JUST DISCUSSED THAT.  I SUSTAIN THE  
7           OBJECTION.

8           Q     ULTIMATELY DID HE GIVE A STATEMENT?

9                     MR. MORTON:  MY OBJECTION IS HE IS NOT  
10          QUALIFIED TO STATE THAT KIND OF OPINION.

11                    THE COURT:  ALL RIGHT.  I SUSTAIN THE  
12          OBJECTION.

13          Q     ULTIMATELY DID HE GIVE YOU AN INCRIMINATING  
14          STATEMENT?

15          A     YES, SIR, HE DID.

16          Q     OKAY.  AND APPROXIMATELY HOW LONG WAS THIS AFTER  
17          YOU TOLD HIM THAT HE HAD FAILED THE POLYGRAPH?

18          A     IT WAS APPROXIMATELY FIVE MINUTES, NO MORE THAN  
19          TEN MINUTES, FROM THE TIME I RE-ENTERED THE ROOM AND  
20          BILLY WAYNE, YOU FAILED, AND  THAT BRIEF  
21          CONVERSATION, SO BETWEEN FIVE AND TEN MINUTES, NO  
22          MORE THAN TEN MINUTES.

23          Q     ALL RIGHT.  AND COULD YOU RELATE TO THE JURY THE  
24          SUBSTANCE OF HIS STATEMENT WHAT HE TOLD YOU HAD  
25          OCCURRED IN THE HOUSE THAT NIGHT?

1           A     YES, SIR.  BILLY WAYNE THEN WENT ON TO EXPLAIN,  
2           HE SAID THAT EVERYTHING HE HAD SAID WAS PRETTY MUCH  
3           TRUE EXCEPT FOR SOME FACTS.  HE SAID THAT AFTER HE  
4           HAD GOTTEN --

5                         MR. MORTON:  YOUR HONOR, I DON'T REALLY  
6           OBJECT TO WHAT HE TOLD HIM, BUT AS TO THE PROCEDURE  
7           THAT WE'RE NOW FOLLOWING, YOU KNOW, HE CAN REFRESH  
8           HIS RECOLLECTION.

9                         THE COURT:  I THINK YOU NEED TO ASK  
10          QUESTIONS AND HE CAN REFRESH HIS MEMORY USING THE  
11          STATEMENT.

12          Q     OKAY.  WHAT DID HE TELL YOU THE TIME WAS THAT HE  
13          WOKE UP WHEN HE WAS, PREPOLYGRAPH INTERVIEW, WHAT  
14          TIME DID HE TELL YOU HE WOKE UP?

15          A     HE SAID 3 A.M. HE WOKE UP AND WENT TO THE  
16          RESTROOM.

17          Q     WHAT DID HE SAY HE DID AFTER HE WENT TO THE  
18          RESTROOM IN THE POLYGRAPH?

19          A     IN THE PRETEST INTERVIEW HE EXPLAINED THAT HE  
20          HAD GOTTEN UP, USED THE RESTROOM, AND WENT AND  
21          CHECKED ON THE TWO YOUNGER DAUGHTERS AND NOT CHECKED  
22          ON AMANDA AND THEN RETURNED TO THE BED.

23          Q     ALL RIGHT.  NOW POST POLYGRAPH INTERVIEW, WHAT  
24          DID HE TELL YOU OCCURRED AT 3 A.M.

25          A     HE SAID AT THIS TIME HE SAID THAT HE HAD GOTTEN

1 UP TO USE THE RESTROOM AT 3 A.M. AND THEN ONCE HE HAD  
2 USED THE RESTROOM HE STILL HAD AN ERECTION, IN HIS  
3 WORDS A HARD ON, AND HE WALKED INTO AMANDA'S ROOM.

4 Q AND WHAT DID HE SAY HE DID AFTER HE WALKED INTO  
5 AMANDA'S ROOM?

6 A HE SAID THAT HE WENT IN THERE AND HE BEGAN TO  
7 MASTURBATE. HE POINTED OUT AND RE-ITERATED THAT HE  
8 AND HIS WIFE HAD NOT BEEN HAVING NORMAL SEXUAL  
9 RELATIONS FOR AWHILE. HE SAID THAT HE WAS  
10 MASTURBATING WHEN AMANDA WOKE UP. AMANDA WOKE UP AND  
11 SAID OH, GROSS, DADDY. AND HE SAID THAT ENRAGED HIM  
12 AND THAT HE JUMPED ON TOP OF HER.

13 Q OKAY. DID HE SAY WHETHER OR NOT, WHERE WAS HE  
14 MASTURBATING, WHAT WAS HE MASTURBATING INTO?

15 A AT THAT POINT IN TIME HE WAS NOT SPECIFIC. HE  
16 WAS STANDING THERE AND HE SAID HE HAD MASTURBATED  
17 INTO A WASH CLOTH. HE WAS NOT QUITE SURE WHERE THE  
18 EJACULATE WENT BUT HE WAS, EJACULATED INTO A WASH  
19 CLOTH IN HER ROOM.

20 Q WELL, THAT EVENING WAS HE MASTURBATING INTO A  
21 WASH CLOTH OR DOES HE NORMALLY, CAN YOU --

22 A ACTUALLY IT SAID HE NORMALLY DOES AND PART OF  
23 THE CONVERSATION HE HAD SAID THAT HE MASTURBATES BUT  
24 THAT PARTICULAR EVENING HE WAS MASTURBATING INTO A  
25 WASH CLOTH.



1 Q OKAY. DO YOU HAVE YOUR STATEMENT IN FRONT YOU?

2 A YES, SIR.

3 Q OKAY. ASK YOU TO REFRESH YOUR MEMORY LOOKING AT  
4 THE THIRD, FOURTH LINE?

5 MR. MORTON: I THINK HE'S GOT TO ASK A  
6 QUESTION AND IF HE CAN'T REMEMBER.

7 THE COURT: YEAH.

8 MR. BRACKETT: YES, SIR.

9 Q ARE YOU SURE ABOUT THAT? WOULD YOU PLEASE  
10 REVIEW YOUR STATEMENT AND REFRESH YOUR MEMORY ON THAT  
11 POINT?

12 MR. MORTON: I THINK HE'S ALREADY ASKED  
13 AND ANSWERED IT. IT'S NOT A TRY IT ONE TIME GET IT  
14 RIGHT.

15 THE COURT: I'M GOING TO LET HIM ASK HIM  
16 TO REVIEW THE STATEMENT, IF HE'S USING IT TO REFRESH  
17 HIS MEMORY.

18 A YES, SIR, AND I UNDERSTAND WHERE I MISSPOKE. I  
19 ACTUALLY SAID BOTH. HE SAID HE NORMALLY MASTURBATES  
20 INTO A WASH CLOTH AND I BELIEVE I SAID EARLIER HE WAS  
21 NOT SURE WHERE THE EJACULATE WENT THAT'S BECAUSE HE  
22 WAS NOT USING A WASH CLOTH THIS NIGHT. HE DID NOT  
23 REMEMBER CLEANING UP THE EJACULATE.

24 Q OKAY. HOW DID HE DESCRIBE THE RESULT ON AMANDA  
25 TO YOU?

1 A HE SAID THAT HE BECAME ENRAGED, THAT WAS HIS  
2 WORDS, AND HE SAID THAT HE HAD JUMPED ON TOP OF HER  
3 AND, WHILE SHE WAS IN THE BED, AND I RECALL MR. COPE  
4 AT THAT TIME WAS A RATHER BIG MAN, WELL OVER 300  
5 POUNDS, HE SAID HE JUMPED ON TOP OF HER STRADDLING  
6 HER AND BEGAN SWINGING HIS FISTS. HE VOLUNTARILY  
7 DEMONSTRATED THAT. IT WAS WITHOUT BEING PROMPTED OR  
8 EVEN ASKED TO AND HE DEMONSTRATED SWINGING HIS FISTS  
9 IN FRONT OF HIS BODY AND HITTING HER IN THE HEAD.

10 Q ALL RIGHT. DID HE DESCRIBE OR HOW DID HE  
11 DESCRIBE THE STRANGULATION INJURIES TO AMANDA COPE?

12 A HE HAD, HE HAD TALKED ABOUT THE HITTING HER IN  
13 THE HEAD WITH HIS FIST. HE ALSO TALKED ABOUT  
14 SLAMMING HER HEAD INTO A VIDEO GAME THAT WAS THERE IN  
15 THE BED. WHEN TALKING ABOUT THE STRANGULATION  
16 BECAUSE THIS IS HOW I UNDERSTOOD THE CAUSE OF DEATH  
17 WAS STRANGULATION, I ASKED HIM IF HE HAD CHOKED HER  
18 WITH ONE HAND, JUST MAKING REFERENCE TO A PREVIOUS  
19 CASE THAT I HAD WORKED WHERE STRANGULATION HAD BEEN  
20 CAUSED BY ONE HAND, HE SAID NO, HE CORRECTED ME, AND  
21 HE SAID HE HAD USED BOTH HANDS, AND AGAIN UNSOLICITED  
22 HE DEMONSTRATED PUTTING HIS HANDS TOGETHER AS IF  
23 AROUND AMANDA'S NECK.

24 Q ALL RIGHT. WHAT, HOW DID SHE REACT TO THE  
25 ASSAULT? DID HE DESCRIBE THAT?

1           A     VERY BRIEFLY AS FAR AS THAT SHE WAS MAKING SOME  
2           NOISES AND HE TALKED TO HER ABOUT STRANGLING HER MORE  
3           TO QUIET HER DOWN OR SHUT HER UP.  WE TALKED ABOUT  
4           SOME DAMAGE TO HER STOMACH OR GROIN AREA.  I DID NOT  
5           HAVE A LOT OF INFORMATION ABOUT THAT.  I ASKED HIM IF  
6           HE HAD CAUSED THAT BY PUTTING A KNEE IN HER CHEST OR  
7           IN HER GROIN BECAUSE AGAIN BECAUSE OF HIS LARGE SIZE  
8           AND HE CORRECTED ME AND SAID NO, HE HAD STRADDLED HER  
9           AND TALKED ABOUT THAT THERE WAS SOME STRUGGLE AND HE  
10          HAD WRAPPED THE GREEN CLOTH HER AROUND HER NECK ALSO  
11          AND STRANGLED HER UNTIL SHE QUIETED DOWN.  HE ALSO  
12          TALKED ABOUT THAT NOT WORKING QUITE WELL, SO HE HAD  
13          RE-TIED THE CLOTH AND BASICALLY USED IT AS LIGATURE  
14          FASHION.

15          Q     HOW WAS HE BEHAVING DURING THIS DISCUSSION?

16          A     PRETTY MUCH THE SAME.  VERY MUCH VOLUNTEERING  
17          SPECIFICALLY THE INFORMATION ABOUT HOW HE WAS  
18          STRIKING THE GIRL, STRANGLING THE GIRL.  HE WAS  
19          TALKING FREELY ABOUT THIS.

20          Q     ALL RIGHT, SIR.  AND DID HE DESCRIBE THE SEXUAL  
21          ASSAULT ON HER?

22          A     YES, SIR.  WE HAD TALKED ABOUT THE FACT THAT  
23          THERE WAS A SEX TOY IN THE HOME.  I HAD ANTICIPATED  
24          THAT THIS WOULD HAVE BEEN USED IN THE SEXUAL ASSAULT  
25          AND HE SAID NO, HE HAD NOT USED THE SEX TOY, THE

1 DILDO ON THE CHILD. HE VOLUNTEERED THAT THERE WERE  
2 TWO BROOMS IN THE HOUSE AND HE VOLUNTEERED THAT HE  
3 HAD USED ONE OF THE BROOM HANDLES ON AMANDA. HE  
4 VOLUNTEERED THAT HE HAD USED IT BOTH ANALLY ON THE  
5 CHILD AND ALSO VAGINALLY.

6 Q AND PRIOR TO HIM TELLING YOU THIS WERE YOU AWARE  
7 OR HAD YOU BEEN MADE AWARE OF THE EXTENT AND THE  
8 VIOLENCE OF THE INJURIES OF AMANDA?

9 A NO, SIR. I UNDERSTOOD THAT IT WAS OBVIOUS THAT  
10 THERE WAS A, HAD BEEN SOME SEXUAL ACTIVITY OR HAD  
11 BEEN A SEXUAL ASSAULT ON THE CHILD, BUT I WAS NOT  
12 AWARE OF THE EXTENT OF THE DAMAGE OR HOW MUCH IT WAS.  
13 ALSO WAS NOT AWARE THAT WHAT THE OBJECT WOULD HAVE  
14 BEEN OR WHAT TYPE OF OBJECT IT WOULD HAVE TAKEN TO  
15 HAVE DONE THE DAMAGE.

16 Q NOW HOW WAS HE EXPLAINING THIS TO YOU? WAS HE  
17 FORTHRIGHT OR WAS HE HEDGING HIS COMMENTS IN ANY WAY?

18 A I WOULD ACTUALLY SAY A MIXTURE OF BOTH. WHEN HE  
19 WAS TALKING IT WAS PRETTY FORTHRIGHT WITHOUT ANY REAL  
20 EMOTION. THERE WAS NEVER ANY CRYING. THE ONLY  
21 CONCERN THAT I SAW MR. COPE WAS SELF PRESERVATION  
22 COMMENTS. HE WOULD SOMETIMES MAKE THE COMMENT ABOUT  
23 BEING ABLE TO SEE IT IN HIS MIND. HE WOULD ALSO  
24 REFER TO THE DREAM THAT HE TALKED ABOUT, THE RAPTURE  
25 DREAM, AND SAYING COME UP. AND HE SAID HE NOW

1 REALIZED THAT WAS NOW AMANDA'S VOICE THAT HE WAS  
2 HEARING IN THE DREAM. SOMETIMES HE WOULD PREFACE IT  
3 WITH THE, YOU KNOW, BEING ABLE TO SEE IT. IN OTHER  
4 TIMES, IT WAS JUST A STRAIGHT OUT THIS IS WHAT  
5 HAPPENED.

6 Q WHEN DID HE SAY THE RELATIONSHIP BETWEEN THE  
7 CONCLUSION OF HIM MASTURBATING AND THE USE OF THE  
8 BROOMS, WHAT WAS THE RELATIONSHIP? DID HE CONCLUDE  
9 MASTURBATING BEFORE HE USED THE BROOMS OR AFTER?

10 A HE HAD MASTURBATED BEFORE THE ATTACK BOTH  
11 PHYSICALLY AS FAR AS THE ASSAULT HITTING, STRIKING,  
12 AND CHOKING. MASTURBATION WAS STARTING WHEN AMANDA  
13 WAS ASLEEP. THE PHYSICAL ATTACK WITH THE BROOM I  
14 TOOK WAS AFTER, AFTER, WHEN MR. COPE THOUGHT THAT THE  
15 CHILD HAS ACTUALLY DEAD.

16 Q DID HE SAY WHY HE DID THIS AFTER HE MASTURBATED?

17 A YES, SIR. I ASKED HIM, YOU KNOW, SHE'S --  
18 YOU'VE ALREADY MASTURBATED, WHY WOULD YOU CONTINUE A  
19 SEXUAL ASSAULT AND HE, I QUOTE, I JUST WANTED TO PLAY  
20 WITH MY DAUGHTER.

21 Q ALL RIGHT, SIR. DID HE DISCUSS WITH YOU  
22 ANYTHING REGARDING HIS COMPUTER?

23 A YES, SIR. I KNEW FROM THE CASE FACTS THAT  
24 MR. COPE HAD A COMPUTER. IN TALKING ABOUT THAT  
25 MR. COPE IN EXPLAINING SOME OF HIS ACTIVITIES THAT

1 NIGHT --

2 MR. MORTON: YOUR HONOR, I WOULD NEED TO  
3 APPROACH.

4 (BENCH CONFERENCE AT 11:27 A.M.)

5 THE COURT: YOU MAY PROCEED.

6 Q MR. BAKER, DID MR. COPE TELL YOU AFTER THE  
7 ASSAULT IN AMANDA'S ROOM HAD CONCLUDED THAT AT SOME  
8 POINT IN TIME HE HAD DELETED THE TEMPORARY INTERNET  
9 FILES OFF --

10 MR. MORTON: YOUR HONOR, I OBJECT TO THAT.

11 THE COURT: REPHRASE YOUR QUESTION.

12 Q WHAT DID MR. COPE TELL YOU IN REGARDS --

13 MR. MORTON: I OBJECT.

14 THE COURT: REPHRASE YOUR QUESTION.

15 Q WHAT DID MR. COPE TELL YOU IN REGARDS TO YOUR,  
16 TO HIS COMPUTER?

17 MR. MORTON: MAY WE APPROACH?

18 Q ---AND ANY ACCESS TO --

19 (BENCH CONFERENCE AT 11:28 A.M.)

20 THE COURT: I OVERRULE THE OBJECTION.

21 Q WHAT DID MR. COPE TELL YOU IN REGARDS TO THE  
22 TEMPORARY INTERNET FILES ON HIS COMPUTER?

23 A HE TOLD ME THAT AFTERWARDS HE HAD GOTTEN UP AND  
24 HE HAD DELETED TEMPORARY INTERNET FILES OFF OF HIS  
25 COMPUTER.

1 Q ALL RIGHT, SIR. AND AFTER, AFTER THAT WHAT DID  
2 MR. COPE SAY HE DID?

3 A HE SAID HE ALSO HAD THROWN OUT THE DILDO, SAID  
4 THAT HE WAS ASHAMED THAT IT WAS IN THE HOUSE AND THAT  
5 HE SHOULD HAVE GOTTEN RID OF IT A LONG TIME AGO. I  
6 TOOK IT AS BEING ALSO AS FAR AS THE CLEANING OUT THE  
7 TEMPORARY INTERNET FILES. HE SAYS THAT HE HAD GONE  
8 TO BED, PUT HIS FACE MASK ON, AND WENT TO SLEEP.

9 Q ALL RIGHT, SIR. NOW DID YOU AND LIEUTENANT  
10 HERRING MEMORIALIZE THIS CONFESSION IN A WRITTEN  
11 DOCUMENT?

12 A YES, SIR.

13 Q ALL RIGHT, SIR.

14 MR. MORTON: NO OBJECTION, YOUR HONOR.

15 Q SHOWING YOU WHAT'S BEEN MARKED STATE'S EXHIBIT 4  
16 AND ASK IF YOU WOULD TAKE A LOOK AT THAT TWO PAGE  
17 DOCUMENT AND JUST TELL ME CAN YOU IDENTIFY WHAT THAT  
18 DOCUMENT IS?

19 A YES, SIR, THIS IS A VOLUNTARY STATEMENT FORM,  
20 IT'S A FORM THAT MY AGENCY USES FOR THIS PURPOSE, AND  
21 THIS IS THE ONE THAT WAS FILLED OUT THAT DAY.

22 Q OKAY, SIR. AND WHOSE SIGNATURES APPEAR ON THAT?

23 A BILLY WAYNE COPE'S AND ALSO MY SIGNATURE.

24 Q DID MR. COPE HAVE AN OPPORTUNITY TO REVIEW THAT  
25 DOCUMENT BEFORE HE SIGNED IT?

1 A YES, SIR.

2 Q AND IS THAT IN FACT HIS SIGNATURE ON IT?

3 A YES, SIR, IT IS.

4 Q ALL RIGHT, SIR. WHO FILLED THAT OUT? WHOSE

5 HANDWRITING IS ON THAT DOCUMENT, THE STATEMENT

6 ITSELF?

7 A THIS IS LIEUTENANT HERRING'S. AFTER

8 APPROXIMATELY AN HOUR OF INTERVIEW WITH MR. COPE, THE

9 POST-TEST INTERVIEW, AFTER HE HAD GIVEN ME VERBAL

10 STATEMENTS EXPLAINING THE EVENTS OF THAT NIGHT I THEN

11 INVITED LIEUTENANT HERRING WHO WAS IMMEDIATELY

12 OUTSIDE MY DOOR INTO THE INTERVIEW.

13 Q ALL RIGHT. AND HOW LONG DID YOU AND LIEUTENANT

14 HERRING DISCUSS THE CASE WITH HIM PRIOR TO SIGNING

15 THAT FORM?

16 A WE GAVE MR. COPE A BREAK AT APPROXIMATELY 1:30,

17 THAT'S AN APPROXIMATE TIME, GAVE HIM A BREAK. HE HAD

18 A SOFT DRINK AT THAT TIME. LIEUTENANT HERRING

19 ENTERED THE INTERVIEW AT THAT TIME. AT TWO O'CLOCK

20 THE FIRST PART OF THE STATEMENT WAS FINISHED, SO

21 APPROXIMATELY 30 MINUTES.

22 Q ALL RIGHT, SIR. AT ANY POINT IN TIME DURING

23 MR. COPE'S STAY AT YOUR OFFICE FROM APPROXIMATELY TEN

24 THAT MORNING UNTIL THE TIME THAT THAT INTERVIEW ON

25 THAT STATEMENT WAS CONCLUDED, DID ANYBODY IN YOUR



1 PRESENCE THREATEN MR. COPE?

2 A NO, SIR.

3 Q DID ANYBODY USE ANY FORM OF PHYSICAL COERCION  
4 UPON MR. COPE?

5 A NO, SIR, NONE WHATSOEVER.

6 Q WERE ANY PROMISES OF LENIENCY MADE TO MR. COPE  
7 TO INDUCE HIM TO GIVE AN INCRIMINATING STATEMENT?

8 A NO, SIR. IN FACT, MR. COPE ALMOST SEEMED TO BE  
9 FISHING FOR THIS TYPE OF THING IN SOME OF HIS  
10 STATEMENTS WHERE HE ASKED IF COULD HE COULD FRY, THAT  
11 TYPE OF THING, AND I IMMEDIATELY MOVE THE  
12 CONVERSATION AWAY FROM THAT, SO NO, SIR.

13 Q ALL RIGHT, SIR. WAS HE DENIED ACCESS TO  
14 RESTROOM, WATER, BASIC HUMAN FACILITIES THAT MIGHT  
15 MAKE HIM UNCOMFORTABLE AND FORCE HIM TO WANT TO TALK?

16 A NO, SIR. IN FACT, FAR FROM DENYING, WE WOULD  
17 MAKE SUGGESTIONS SUCH AS THE ONE BEFORE THE  
18 POLYGRAPH, WE ASK THEM, DO YOU NEED TO GO TO THE  
19 RESTROOM, DO YOU NEED SOMETHING TO DRINK, AND THEN  
20 THE OTHER ONE INITIATED BY ME.

21 Q ALL RIGHT. WERE THE STATEMENTS THAT HE MADE TO  
22 YOU THAT DAY THE ORAL STATEMENTS AND THAT WRITTEN  
23 STATEMENT THERE THE PRODUCT OF HIS OWN FREE WILL?

24 A YES, SIR.

25 Q DID HE EVER COMPLAIN TO YOU AT ANY POINT IN TIME

1           WHEN YOU WERE ALONE WITH HIM THAT ANYBODY ELSE HAD  
2           EVER THREATENED HIM ON ANY PREVIOUS OCCASION?

3           A     NO, SIR.

4           Q     OKAY.  WHEN LIEUTENANT HERRING JOINED YOU DID  
5           MR. COPE'S Demeanor CHANGE?  DID HE APPEAR TO BE  
6           AFRAID OF MR. HERRING, DID HE, WAS HIS ATTITUDE OR  
7           EMOTIONAL STATE CHANGE WHEN MR. HERRING JOINED YOU IN  
8           THE ROOM.

9           A     NO, SIR.  WHEN HE MADE THE INITIAL INTRODUCTION  
10          FOR MR. COPE AND I EVERYTHING SEEMED TO BE FINE.  HE  
11          WAS JUST AS TALKATIVE AS THEN AS LATER WHEN HE WAS  
12          WITH ME ALONE.  WHEN LIEUTENANT HERRING ENTERED THE  
13          ROOM I NOTICED NO CHANGE, HE WAS STILL FORTHCOMING,  
14          HE WAS STILL, WAS BEING VERY COOPERATIVE.  SO I SAW  
15          NO CHANGE WHATSOEVER.

16                         MR. BRACKETT:  COURT'S INDULGENCE JUST ONE  
17          MOMENT.

18          Q     DID MR. COPE TELL YOU, DO YOUR NOTES REFLECT  
19          WHAT HE HAD DONE WITH THE BROOM AFTER HE USED IT TO  
20          ASSAULT AMANDA?

21          A     I DON'T BELIEVE THAT HE DID ANYTHING PARTICULAR.  
22          HE TALKED ABOUT THROWING OUT THE DILDO.

23          Q     I'M SPECIFICALLY REFERRING TO, CAN YOU LOOK  
24          THROUGH AND SEE, IF YOU CAN'T REMEMBER INDEPENDENTLY  
25          TO REFRESH YOUR MEMORY, TO SPECIFICALLY THAT PORTION

1 OF YOUR REPORT WHERE HE DISCUSSES THAT, WHAT DID HE  
2 SAY HE DID OR IF HE DID, IF HE REMEMBERED AT ALL,  
3 WHAT DID HE SAY ABOUT THAT?

4 A MR. COPE STATED THERE WERE TWO BROOMS IN THE  
5 HOUSE ONE BEING WOOD AND ONE BEING PLASTIC. HE HAD  
6 STATED HE HAD PULLED AMANDA'S PANTS AND PANTIES DOWN.  
7 HE POKED THE BROOM INTO HER BUTT FIRST, THAT WAS HIS  
8 WORDING. HE SAID THEN HE POKED HER UP FRONT, AGAIN  
9 HIS WORDING REFERRING TO THE VAGINA. THAT'S  
10 SPECIFICALLY, HE STATED HE ONLY REMEMBERED USING THE  
11 BROOM HANDLE ON HER.

12 Q DID HE MAKE ANY STATEMENTS AT ALL ABOUT WHAT HE  
13 DID WITH THE BROOMS AFTERWARDS?

14 MR. MORTON: I DON'T HAVE ANY OBJECTION TO  
15 HIM REFRESHING HIS RECOLLECTION. OBVIOUSLY IT'S  
16 SOMETHING HE NEEDS TO DO.

17 MR. BRACKETT: THE NEXT PARAGRAPH DOWN.  
18 THE FINAL SENTENCE THERE.

19 A AND THE REASON WHY, THE INITIAL ANSWER, MR. COPE  
20 STATED HE DID NOT REMEMBER WHAT HE DID WITH THE  
21 BROOM, SO I DID NOT REMEMBER ANYTHING SPECIFIC ABOUT  
22 THE BROOM AS FAR AS WHAT HE HAD DONE WITH IT, ANY  
23 THING SPECIFIC, BUT HE STATED HE COULD NOT REMEMBER  
24 WHAT HE DID WITH THE BROOM.

25 Q ALL RIGHT, SIR. HOW DID THE INTERVIEW CONCLUDE?

1           A     VERY CORDIAL.  THE VERY LAST THING THAT MR. COPE  
2           SAID TO ME, HE WAS ABOUT TO LEAVE THE ROOM, HE WAS  
3           LEAVING WITH LIEUTENANT HERRING, HE TURNED AROUND AND  
4           HE EXTENDED HIS HAND AND HE SAID THANK YOU, DETECTIVE  
5           BAKER.  THANK YOU FOR HELPING ME GET IT OUT.  HE SAID  
6           IT WAS ALL BOTTLED UP.  AND I TOOK HIS HAND, SHOOK  
7           HIS HAND, AND HE AND LIEUTENANT HERRING LEFT THE  
8           OFFICE.

9           Q     HOW DID HE APPEAR WHEN HE TELLING YOU THIS?

10          A     HE APPEARED GENUINE.  STILL THERE WAS NO  
11          OVERWHELMING EMOTION.  HE HAD NOT CRIED DURING THIS  
12          ENTIRE TIME, HE WAS NOT CRYING AT THIS TIME, BUT HE  
13          SEEMED TO BE GENUINELY THANKING ME FOR HELPING HIM  
14          GET THIS OFF OF HIS CHEST.

15                         MR. BRACKETT:  YOUR HONOR, I ALSO MOVE  
16          STATE'S EXHIBIT FOUR INTO EVIDENCE AND I BELIEVE WE  
17          NEED TO REDACT EXTRANEIOUS, IRRELEVANT MATERIAL OFF OF  
18          THAT, AND WE WILL DO THAT BEFORE PUBLISHING IT TO THE  
19          JURY.

20                         THE COURT:  ANY OBJECTION TO THE, SUBJECT  
21          TO THE REDACTION?

22                         MR. MORTON:  NO, SIR.

23                         MR. GREELEY:  NO, OBJECTION.

24                         THE COURT:  IT'S IN SUBJECT TO BEING  
25          REDACTED.

1 (STATE'S EXHIBIT 4 STATEMENT RECEIVED  
2 INTO EVIDENCE.)

3 MR. BRACKETT: THANK YOU VERY MUCH.  
4 PLEASE ANSWER ANY QUESTIONS MR. MORTON MAY HAVE.  
5 CROSS EXAMINATION BY MR. MORTON:

6 Q DETECTIVE BAKER, I THINK CONGRATULATIONS MUST BE  
7 IN ORDER FOR YOU, DO YOU AGREE WITH THAT?

8 A I DON'T KNOW WHERE YOU ARE GOING, SIR.

9 Q WHERE I'M GOING IS THAT YOU HAVE COME IN HERE  
10 AND TRIED TO CONVINCED THIS JURY THAT MR. COPE HAS  
11 JUST CONFESSED TO YOU VOLUNTARILY, EASILY, SIMPLY,  
12 UPBEAT, JOVIALY, RIGHT?

13 A WHAT'S THE QUESTION.

14 Q MY QUESTION IS: IS THAT WHAT YOU ARE ATTEMPTING  
15 TO DO, CONVINCED THEM?

16 A I'M RELATING THE FACTS AS THEY HAPPENED THAT  
17 DAY.

18 Q MY QUESTION IS: ARE YOU TRYING TO CONVINCED THEM  
19 THAT THAT IS HOW THIS INTERVIEW HAPPENED?

20 A NO, SIR. I'M EXPLAINING THE INTERVIEW AS IT  
21 HAPPENED AND THEY WILL MAKE UP THEIR MIND AS THEY SEE  
22 FIT.

23 Q OKAY. WELL, WHY SHOULD THEY BELIEVE YOU? WHAT  
24 EVIDENCE DO YOU HAVE TO PROVE THAT WHAT YOU SAY IS  
25 ACCURATE?

1 A I HAVE MY STATEMENT. I HAVE THE INDEPENDENT  
2 STATEMENT OF A SECOND INVESTIGATOR WHO WAS THERE THAT  
3 DAY.

4 Q RIGHT.

5 A I HAVE MY NOTES FROM THAT DAY.

6 Q YOU HAVE YOUR NOTES?

7 A YES, SIR.

8 Q HOW MANY TIMES HAVE YOU REFERRED TO YOUR NOTES  
9 TODAY?

10 A MANY TIMES.

11 Q WHY IS THAT?

12 A FOR ACCURACY SAKE.

13 Q FOR ACCURACY. WHAT'S THIS LADY RIGHT HERE  
14 DOING?

15 A SHE IS TAKING NOTES.

16 Q WHY IS SHE DOING THAT?

17 A FOR ACCURACY.

18 Q WHY DIDN'T YOU DO THAT?

19 A I DID.

20 Q OH. WHEN DID YOU DO THAT?

21 A I DID THIS AFTER THE INTERVIEW.

22 Q UM. DO YOU USE A TAPE RECORDER, MR. BAKER?

23 A NO, SIR.

24 Q WHY NOT?

25 A ONE REASON WE DO NOT HAVE A TAPE RECORDER

1 SUITABLE FOR THIS TYPE OF INTERVIEW. SECONDLY, I DO  
2 NOT LIKE TO USE A TAPE RECORDER BECAUSE I FIND THAT  
3 PEOPLE THAT I HAVE DEALT WITH IT USUALLY SHUTS THEM  
4 DOWN. MANY PEOPLE WILL NOT TALK WHEN THEY ARE ON  
5 RECORD.

6 Q ALL RIGHT. FIRST OF ALL, YOU DON'T HAVE A TAPE  
7 RECORDER SUITABLE FOR THIS KIND INTERVIEW, IS THAT  
8 WHAT YOU SAID?

9 A YES, SIR.

10 Q YOU ARE TELLING US THAT THE RICHLAND COUNTY  
11 SHERIFF'S DEPARTMENT DOES NOT HAVE A TAPE RECORDER TO  
12 TAPE RECORD AN INTERVIEW?

13 A NO, SIR, I DON'T KNOW WHAT THE RICHLAND COUNTY  
14 SHERIFF'S OFFICE HAS?

15 Q WELL, I'M ASKING YOU.

16 A I DON'T KNOW ABOUT THE RICHLAND COUNTY SHERIFF'S  
17 DEPARTMENT.

18 Q I'M SORRY. YORK COUNTY SHERIFF'S DEPARTMENT.

19 A THERE MAY BE. I DO NOT HAVE ANYTHING BUT A  
20 MICROCASSETTE AND I DO NOT CONSIDER THE QUALITY GOOD  
21 ENOUGH TO TAPE AN INTERVIEW.

22 Q YOU DON'T AND YOU CAN'T OBTAIN FROM YOUR  
23 DEPARTMENT A TAPE RECORDER THAT IS SUITABLE TO ENSURE  
24 A FAIR AND ACCURATE REPRESENTATION OF THE INTERVIEWS  
25 AND INTERROGATIONS THAT YOU CONDUCT, IS THAT WHAT YOU

1 ARE TELLING US?

2 A IT'S NOT POLICY OR PROCEDURE OR NORMAL PROCEDURE  
3 FOR OUR AGENCY FOR INTERVIEWS TO BE CONDUCTED. THERE  
4 ARE NO PROVISIONS FOR EVERY INTERVIEW TO BE CONDUCTED  
5 OR EVEN SELECTIVELY. I DO NOT HAVE A TAPE RECORDER  
6 THAT IS SUITABLE FOR OPEN CONVERSATION. THE ONLY  
7 TAPE RECORDER I HAVE IS WHAT'S CALLED A MICROCASSETTE  
8 THAT WE USE FOR, ACTUALLY FOR TAPING PHONE  
9 CONVERSATION HARD WIRED TO THE RECORD.

10 Q SO I GUESS THE ANSWER TO MY QUESTION IS NO, YOU  
11 DO NOT HAVE THE ABILITY OR THE EQUIPMENT IN YOUR  
12 DEPARTMENT TO TAPE RECORD A CONVERSATION WITH  
13 MR. COPE?

14 A I DO NOT HAVE. THERE MAY BE SOMEWHERE IN OUR  
15 AGENCY, I CAN'T SPEAK FOR 300-400 MAN AGENCY, BUT THE  
16 PROCEDURE ARE NOT SET UP, THERE IS NOTHING  
17 PROCEDURALLYLY FIXED FOR US TO TAPE RECORD  
18 INTERVIEWS.

19 Q WHY DON'T YOU DO IT, MR. BAKER?

20 A EXCUSE ME?

21 Q WHY DON'T YOU DO IT?

22 A YOU HAVE TO TALK TO THE ADMINISTRATION. AS FAR  
23 AS MY PERSONAL OPINION ON TAPING INTERVIEWS IF IT WAS  
24 MANDATED TOMORROW THAT WE HAVE TO TAPE ALL INTERVIEWS  
25 I WOULD NOT HAVE A PROBLEM WITH THAT. AGAIN I HAVE



1 SEEN SITUATIONS WHERE PEOPLE WOULD NOT WANT TO TALK  
2 ON TAPE, THAT THEY WOULD YOU TO TURN IT OFF IF YOU  
3 HAD IT. I THINK THERE IS A LOT OF DOCUMENTATION  
4 TOWARD THAT. I THINK PEOPLE CAN RELATE TO THAT IF A  
5 MICROPHONE IS STUCK IN FRONT OF THEIR FACE IT TENDS  
6 TO SHUT THEM DOWN. IF A VIDEO CAMERA IS STUCK IN  
7 THEIR FACE IT TENDS TO SHUT THEM DOWN. IT'S NOT  
8 EVERYONE BUT FROM MY OWN PERSONAL EXPERIENCE, THAT IS  
9 MY OPINION.

10 Q WHY, HOW IS THAT?

11 A PERSONAL EXPERIENCE.

12 Q YOU JUST SAY I'M GOING TO TAPE RECORD THIS  
13 CONVERSATION AND IT'S NOT FAIR AND ACCURATE AS TO  
14 Y'ALL CONVERSATION THAT IT FREEZE UP OR IS THAT WHAT  
15 YOU ARE TELLING US?

16 A SOMETIMES IT HAPPENS, YES, SIR.

17 Q MR. BAKER, THE REASON THAT YOU DON'T TAPE RECORD  
18 THESE CONVERSATIONS IS SO THAT YOU CAN COME IN HERE  
19 AND TELL THIS JURY WHAT YOUR VERSION IS OF HOW THAT  
20 CONVERSATION OCCURRED?

21 MR. BRACKETT: OBJECTION, ARGUMENTIVE.

22 Q ISN'T THAT RIGHT?

23 THE COURT: I OVERRULE THE OBJECTION.

24 IT'S CROSS.

25 Q ISN'T THAT RIGHT?

1 A NO, SIR, NOT AT ALL.

2 Q YOU DENY THAT?

3 A I DENY THAT YES, SIR.

4 Q THEN EXPLAIN TO ME ONCE AGAIN IF YOU DON'T MIND  
5 WHY YOU DON'T DO IT. YOU SAY THAT, AS I UNDERSTAND  
6 IT, THAT IT'S UPSETTING TO THE PERSON THAT YOU ARE  
7 INTERVIEWING, IS THAT BASICALLY WHY?

8 A UPSETTING, YES, IT COULD BE. THAT'S NOT MY  
9 WORDS. PEOPLE SHUT DOWN. IF YOU THINK ABOUT ANY  
10 TIME A PERSON HAS BEEN INTERVIEWED, THEY ARE NOT  
11 PREPARED. ESPECIALLY SOMEBODY WHO IS MAKING  
12 INCRIMINATING STATEMENTS. PEOPLE AREN'T COMFORTABLE  
13 TALKING ABOUT THE FACT THAT I STRANGLERED MY DAUGHTER.  
14 I POKED A FOREIGN OBJECT INTO HER BODY. THEN YOU ADD  
15 THE FACT THAT THEIR BEING TAPED OR PERMANENT RECORD  
16 OF IT BEING AUDIO OR VIDEO TAPE, IT'S A PRETTY  
17 DAMNING THING TO HAVE TO ADMIT I DID THIS TO SOMEONE  
18 MUCH LESS MY OWN CHILD AND TO STICK A MICROPHONE IN  
19 FRONT OF THEM, THEY, IN MY PERSONAL EXPERIENCE, IT  
20 CAN BE VERY DETRIMENTAL TO SLOWING THEM DOWN AND  
21 GETTING FREE FLOWING INFORMATION BECAUSE THEY ARE NOT  
22 ONLY TALKING THEY KNOW TO YOU, SIMPLE THING AS FAR AS  
23 INTERVIEWS. THE MORE PEOPLE YOU HAVE IN AN INTERVIEW  
24 THE MORE DIFFICULT IT IS TO GET THAT PERSON TO TALK,  
25 THE MORE INTIMIDATED OR THE MORE PUT OFF OR THE MORE

1 SELF CONSCIOUS THEY BECOME. IT'S THE SAME THING WITH  
2 MICROPHONES OR A VIDEO CAMERAS.

3 Q THIS IS A MURDER CASE, IS IT NOT, MR. BAKER?

4 A YES, SIR.

5 Q AND YOU'RE ASKING US TO CONVICT THIS MAN BECAUSE  
6 OF WHAT YOU SAY HE TOLD YOU; THAT'S PRETTY IMPORTANT,  
7 ISN'T IT?

8 A YES, SIR.

9 Q VERY IMPORTANT, RIGHT?

10 A YES, SIR.

11 Q BECAUSE WHAT YOU SAY HAPPENED IS VERY IMPORTANT  
12 AND YOU ARE ASKING US TO TRUST YOU, RIGHT?

13 A YES, SIR.

14 Q NOW HAVE YOU HEARD, CAN YOU TELL ME WHY, THE  
15 FOUR HOUR INTERVIEW THAT THEY TOOK THE NIGHT BEFORE  
16 WAS NOT DISCONCERTING TO MR. COPE SUCH THAT HE  
17 WOULDN'T TALK.

18 A I'M SORRY. REPHRASE THE QUESTION AGAIN.

19 Q CAN YOU EXPLAIN TO ME WHY THE FOUR HOURS OF  
20 TAPES THAT WE HAVE RIGHT HERE WHERE MR. COPE WAS  
21 RECORDED BY MR. WALDROP, WAS NOT DISCONCERTING TO HIM  
22 BUT YOU FEEL LIKE THAT YOUR TURNING ON A TAPE  
23 RECORDER WOULD BE, CAN YOU EXPLAIN THAT?

24 A YES, SIR.

25 Q OKAY.

1           A     VERY MUCH SO.  I THINK IT'S NOTED THAT DURING  
2           THE FOUR HOUR CONVERSATION THAT THE ATTORNEYS  
3           REFERRING TO ALTHOUGH I HAVE NOT BEEN PRIVY TO THAT,  
4           I ACTUALLY NEVER HEARD THAT TAPE, I UNDERSTAND THAT  
5           HE DID NOT MAKE ANY FORTHCOMING COMMENTS DURING THAT  
6           INTERVIEW.  WHETHER IT WAS BECAUSE IT WAS BEING TAPE  
7           RECORDED, I WASN'T THERE, I DIDN'T OBSERVE FIRST  
8           HAND.  I WILL NOTE THAT IF HE DID NOT DURING THAT  
9           TIME WHILE IT WAS BEING TAPED, WITH ME HE WAS  
10          FORTHCOMING, WE HAD BUILT A RAPPORT, HE WAS VERY  
11          COMFORTABLE, HE DID TALK COMFORTABLELY TO ME.

12          Q     SO THE ANSWER TO MY QUESTION IS IS THAT, YOUR  
13          ANSWER TO MY QUESTION IS THAT WHEN HE WAS BEING TAPE  
14          RECORDED HE WASN'T BEING HONEST AND WHEN HE WASN'T  
15          BEING TAPE RECORDED HE WAS?

16          A     AGAIN --

17          Q     IS THAT WHAT YOU ARE SAYING?

18          A     AGAIN I HAVEN'T BEEN PRIVY TO THOSE TAPES  
19          BECAUSE I DON'T KNOW WHAT HE'S SAYING, WHETHER HE'S  
20          BEING HONEST OR NOT.

21          Q     ALL RIGHT.  YOU SAID HE WASN'T FORTHCOMING ON  
22          THE FOUR HOURS BEFORE?

23          A     THAT'S WHAT I UNDERSTAND, YES, SIR.

24          Q     SO I GUESS THE ANSWER TO MY QUESTION IS THAT  
25          WHEN HE WAS BEING RECORDED HE WASN'T BEING

1 FORTHCOMING AND WHEN HE WAS NOT BEING RECORDED HE  
2 WAS?

3 A WELL, I DON'T -- YES, SIR, THAT WOULD BE  
4 CORRECT.

5 Q NOW MR. COPE ARRIVED OVER AT YOUR DEPARTMENT AT  
6 ABOUT 10 A.M., CORRECT?

7 A YES, SIR.

8 Q STATEMENT WAS COMPLETED ABOUT 2:25, CORRECT?

9 A YES, SIR.

10 Q THE POLYGRAPH ITSELF TOOK ABOUT, I THINK YOU  
11 SAID, 12 TO 15 MINUTES, CORRECT?

12 A ABOUT 15 MINUTES, YES, SIR.

13 Q THERE WAS A QUOTE PRETEST INTERVIEW WITH  
14 MR. COPE, CORRECT?

15 A THERE WAS A PRETEST INTERVIEW, YES, SIR.

16 Q YOU SPOKE WITH LIEUTENANT HERRING ABOUT THE  
17 FACTS OF THE CASE BEFORE YOU SPOKE WITH MR. COPE,  
18 CORRECT?

19 A YES, SIR.

20 Q OKAY. AND DO YOU KNOW HOW LONG LIEUTENANT  
21 HERRING SAID Y'ALL SPOKE?

22 A EXCUSE ME?

23 Q DO YOU KNOW HOW LONG LIEUTENANT HERRING SAYS  
24 Y'ALL SPOKE?

25 A NO, SIR.

1 Q BUT YOU STATED 30-45 MINUTES?

2 A APPROXIMATELY, YES, SIR.

3 Q OKAY. 30-45 MINUTES YOU SAY YOU SPOKE WITH  
4 LIEUTENANT HERRING. YOU GAVE A PRETEST INTERVIEW.  
5 YOU GAVE A POLYGRAPH TEST MAYBE 15 MINUTES. WHAT  
6 HAPPENED, MR. BAKER, IN THIS UNRECORDED OTHER TWO,  
7 TWO AND A HALF HOURS OF YOUR CONVERSATION WITH  
8 MR. COPE?

9 A WHAT HAPPENED?

10 Q EXACTLY. THAT'S WHAT I'M ASKING YOU, WHAT  
11 HAPPENED BECAUSE WE DON'T KNOW?

12 A YES, SIR. I'VE RELATED THE CONVERSATION THAT WE  
13 HAD. THERE WERE BREAKS. THERE WERE TIME SPANS WHERE  
14 IT TOOK TIMES TO DO STUFF. YOU KNOW AS FAR AS  
15 RUNNING THE CHARTS, ANALYZING THE CHARTS. AS I  
16 RELATED EARLIER THIS IS THE CONVERSATION THAT TOOK  
17 PLACE.

18 Q TWO AND A HALF HOURS?

19 A ROUGHLY. I BELIEVE THE, AFTER THE TEST WE'RE  
20 ONLY LOOKING AT ABOUT AN HOUR OR SO.

21 Q WELL, WHAT TIME DID YOU START THE TEST? THE  
22 CHART SAID 12:50?

23 A THAT'S CORRECT, THE TIME STAMP IS INCORRECT.  
24 THE TEST, IT'S 11:50. IT HAD NOT BEEN ADJUSTED FOR  
25 TO SAVING TIME.

1 Q WE WEREN'T ON SAVING TIME I BELIEVE IN NOVEMBER?

2 A RIGHT, IT HAD BEEN NOT ADJUSTED EITHER FOR OR  
3 FROM.

4 Q OKAY.

5 A BUT THE TEST --

6 Q SO HE TAKES A 15 MINUTE TEST AT 11:50, WHAT  
7 HAPPENED FOR THE NEXT TWO AND A HALF HOURS?

8 A UM ---

9 Q IN OTHER WORDS, LET ME--IN THIS TWO AND A HALF  
10 HOURS -- AFTER THIS TEST YOU SAY THAT MR. COPE, YOU  
11 TOLD HIM HE FAILED THE TEST AND HE, HE DIDN'T SEEM  
12 SURPRISED, RIGHT?

13 A THAT'S CORRECT.

14 Q THIS IS FROM A MAN THAT WE HEARD THE NIGHT  
15 BEFORE WHO HAD INSISTED 665 TIMES ON HIS INNOCENCE  
16 AND INSISTED ON THAT POLYGRAPH, THAT THAT POLYGRAPH  
17 WOULD CLEAR HIM. HE SAID LET ME HAVE THE POLYGRAPH,  
18 IT WILL CLEAR ME, DID HE NOT?

19 A I'M SORRY. I WASN'T PRIVY TO THAT, SO I DON'T  
20 KNOW.

21 Q THEN AFTER YOU GIVE HIM THE POLYGRAPH AND YOU  
22 TELL HIM HE FAILS HE SEEMS UPBEAT, ALMOST JOVIAL IS  
23 YOUR TESTIMONY. DOES THAT STRIKE YOU AS STRANGE AT  
24 ALL?

25 A NO, SIR.

1 Q IT DOESN'T?

2 A NO, SIR.

3 Q MR. BAKER, FOR ALMOST TWO AND A HALF HOURS AFTER  
4 THIS POLYGRAPH YOU TALKED TO MR. COPE, DID YOU NOT?

5 A NO, SIR, I WOULD DIFFER FROM YOU ON THE  
6 TIMEFRAME, THE TWO AND A HALF HOUR. THE TEST WOULD  
7 HAVE CONCLUDED APPROXIMATELY 12:05, TIME TO STUDY THE  
8 TESTS, ANALYZE IT, YOU KNOW, ROUGHLY AROUND 15  
9 MINUTES. THAT PUTS AROUND APPROXIMATELY 12:20.

10 Q WAIT A MINUTE. LET ME ASK YOU. YOU STARTED AT  
11 11:50, RIGHT?

12 A UH-HUH.

13 Q POLYGRAPH TOOK HOW LONG?

14 A ROUGHLY 15 MINUTES.

15 Q SO THAT'S 12:05.

16 A AND ANOTHER 15 MINUTES TO ANALYZE THE CHARTS,  
17 PRINT THE CHARTS, SO WE'RE DONE AT 12:20 AT 1:30 WE  
18 HAD GIVEN MR. COPE A BREAK AND A SOFT DRINK.

19 Q Y'ALL WERE CONSIDERATE. WHAT DID YOU DO BETWEEN  
20 12:20 AND 1:30.

21 MR. BRACKETT: I OBJECT.

22 THE COURT: JUST DISREGARD WHAT I WOULD  
23 CALL AN EDITORIAL COMMENT. LET'S JUST KEEP QUESTION  
24 ANSWER, QUESTION ANSWER, QUESTION ANSWER.

25 MR. MORTON: I APOLOGIZE.



1 Q WHAT DID YOU DO BETWEEN 12:20 AND 1:30?

2 A THAT'S WHERE MR. COPE RELATED THE EVENTS OF THE  
3 NIGHT.

4 Q THAT'S WHERE MR. COPE RELATED THE EVENTS OF THE  
5 NIGHT?

6 A CORRECT.

7 Q IN OTHER WORDS, YOU GAVE HIM THE POLYGRAPH, HE  
8 FAILED IT, ACCEPTED IT, THEN HE JUST TOLD YOU THAT HE  
9 RAPED AND MURDERED, RAPED WITH A BROOM STICK, THIS  
10 MAN RIGHT HERE, HIS OWN DAUGHTER, RIGHT?

11 A YES, SIR.

12 Q OKAY. AND WHAT DID HE SAY ABOUT MR. SANDERS?

13 A HE DID NOT SAY ANYTHING ABOUT MR. SANDERS.

14 Q HE DIDN'T. THE FACT IS, MR. BAKER, THAT BILLY  
15 COPE BELIEVED IN THAT TEST, HE INSISTED ON THAT TEST,  
16 HE WANTED THAT TEST, AND WHEN YOU TOLD HIM THAT HE  
17 FAILED IT HE COULDN'T BELIEVE IT. HE WAS SHOCKED.  
18 HE BEGAN TO DOUBT HIMSELF.

19 MR. BRACKETT: YOUR HONOR, I AM GOING TO  
20 OBJECT. THIS IS ARGUMENTATIVE.

21 THE COURT: I SUSTAIN -- WHEN HE OBJECTS  
22 YOU STOP.

23 MR. MORTON: OKAY. I'M SORRY.

24 THE COURT: I SUSTAIN THE OBJECTION.

25 MR. BRACKETT: MOVE TO STRIKE.

1 THE COURT: WELL, IT WASN'T EVEN ANSWERED.

2 Q ISN'T IT TRUE --

3 MR. BRACKETT: THE COMMENT ITSELF.

4 Q ISN'T IT TRUE, MR. BAKER, THAT THIS MAN WHO HAD  
5 INSISTED, WHO HAD FOR FOUR HOURS SAID HE HAD NOTHING  
6 TO DO, DIDN'T HEAR, DIDN'T KNOW ABOUT IT, INSISTED ON  
7 POLYGRAPH, FAILED IT; THIS WAS AT SOMETIME THAT  
8 MORNING, CORRECT? HE HAD BEEN UP ALL NIGHT FOR THE  
9 MOST PART, CORRECT?

10 A I ASKED HIM HOW MUCH SLEEP HE GOT, HE SAID LESS  
11 THAN NORMAL, BUT HE FELT FINE.

12 Q HE HAD BEEN CHARGED WITH MURDER AND MURDER OF  
13 HIS OWN DAUGHTER AT 4:21 A.M., CORRECT?

14 A IF YOU SAY SO. I DON'T KNOW.

15 Q AND YOU WERE CONDUCTING A POLYGRAPH TEST ON HIM  
16 BEGINNING AT ABOUT 10:45 THAT MORNING. AND YOU WERE  
17 POLYGRAPHING HIM ON A PRETTY EMOTIONAL SUBJECT, WOULD  
18 YOU AGREE?

19 A YES, IT COULD HAVE BEEN, YES, SIR.

20 Q YOU FEEL LIKE HE WAS A SUITABLE CANDIDATE FOR  
21 POLYGRAPH JUST GIVEN THE BENEFIT OF THE DOUBT EVEN IF  
22 HE SLEPT?

23 A YES, SIR. I HAD GIVEN HIM THE BENEFIT OF DOUBT  
24 AND DIDN'T EVEN CONSIDER GIVING THE POLYGRAPH THE  
25 PREVIOUS NIGHT. ONCE I EVALUATED, THAT IS THE WHOLE

1 PURPOSE OF PRETEST INTERVIEW, AND THERE ARE MANY  
2 TIMES WHEN I HAVE TURNED OFFICERS AROUND SAYING IT'S  
3 NOT GOING TO BE CORRECT TO PERFORM ONE AND THAT WOULD  
4 HAVE HAPPENED THAT DAY IF MR. COPE HAD GIVEN ME ANY  
5 INDICATION OR ANY REASON TO THINK THAT IT WOULD HAVE  
6 BEEN IMPROPER TO GO FORWARD, SO NO, HE GAVE ME NO  
7 REASON WHATSOEVER. ALL THESE WERE TAKEN INTO  
8 CONSIDERATION.

9 Q WAS HE FALLING ASLEEP AT ALL DURING THE TEST?

10 A NO, SIR, NOT AT ALL.

11 Q HE DIDN'T DO THAT?

12 A NOT AT ALL.

13 Q YOU ARE SURE ABOUT THAT?

14 A YES, I'M SURE ABOUT THAT.

15 Q HE WAS UNDER A TREMENDOUS AMOUNT OF STRESS.

16 ORDINARILY SOMEBODY WOULD BE, WOULD THEY NOT?

17 A YOU WOULD THINK THEY WOULD BE, YES, SIR.

18 Q IS THAT A FACTOR?

19 A IT COULD BE, YES, SIR.

20 Q IN FACT, POLYGRAPH TESTS AND EXAMINING IS A VERY

21 SUBJECTIVE ENTERPRISE?

22 A A SPECIFIC AREA THAT YOU ARE TALKING ABOUT?

23 SOME OF IT IS SUGGESTIVE, SOME OF IT IS NOT.

24 Q I'M TALKING ABOUT GIVING THEM QUESTIONS YOU ASK,

25 RESPONSES, GRADING; YOU ARE ASKING, YOU ARE TRYING TO

1       DEPEND ON A MACHINE TO TELL YOU WHETHER SOMEBODY IS  
2       TELLING THE TRUTH OR NOT AND THAT IS A SUBJECTIVE  
3       THING, IS IT NOT?

4       A     ACTUALLY THE INSTRUMENT WE USE IS ONLY RECORDING  
5       THE PHYSIOLOGICAL CHANGES.  IT DOES NOT TELL YOU  
6       WHETHER THE PERSON IS TELLING, BASICALLY IT IS  
7       LOOKING AT THE PHYSIOLOGY THAT OCCURS WHILE THE TEST  
8       IS BEING GIVEN, SO THAT WOULD BE INCORRECT AS FAR AS  
9       RELYING ON THE MACHINE TO MAKE A DETERMINATION.

10      Q     AND GUILTY PEOPLE PASS POLYGRAPHS.  INNOCENT  
11      PEOPLE FAIL THEM, CORRECT?

12      A     THERE ARE ERROR RATES IN ANY SCIENCE, YES, SIR.

13      Q     NOW WHAT HAPPENED WAS THAT AFTER YOU GAVE HIM  
14      THIS POLYGRAPH THAT HE HAD BEEN SO INSISTENT UPON,  
15      YOU BEGAN TO TELL HIM THAT HE DID IT, IS THAT FAIR?

16      A     NO, SIR.  AFTER THE POLYGRAPH WHICH AND I'LL  
17      COMMENT TO YOUR PREFACE OF THE QUESTION, MANY, MANY  
18      PEOPLE WHO ARE GUILTY OF CRIMES REQUEST POLYGRAPH  
19      EXAMS.  I SOMETIMES EVEN CAUTION OUR INVESTIGATORS  
20      ABOUT SEEING --

21      Q     IF YOU'LL JUST ANSWER MY QUESTION.

22                   MR. BRACKETT:  OBJECTION, I THINK HE'S  
23      TRYING TO.

24                   THE COURT:  SUSTAINED.  LET HIM FINISH.

25      A     I SOMETIMES CAUTION OUR INVESTIGATORS ABOUT

1 BEING DECEIVED BY PERSON'S WILLINGNESS OR EVEN THEM  
2 SUGGESTING TAKING THE POLYGRAPH. POLYGRAPH IS SEEN  
3 AS BEING BY INDIVIDUALS AS PROVING ONE WAY OR ANOTHER  
4 SO THEY THEREFORE SAY HEY I'LL TAKE ONE, NOT REALLY  
5 BELIEVING THAT THEY ARE GOING TO BE GIVEN ONE, THAT  
6 WE HAVE IMMEDIATE ACCESS TO POLYGRAPH BY EXAMINER, SO  
7 THAT IN AND OF ITSELF IS NOT INDICATIVE THAT A PERSON  
8 IS TELLING THE TRUTH. IT'S JUST LIKE WHEN WORKING  
9 WITH THE ROAD AND YOU STOP SOMEBODY, IF YOU ARE IN  
10 UNIFORM AND YOU STOP SOMEBODY FOR A VIOLATION YOU ASK  
11 THEM, WELL, YOU GOT AN OPEN BEER IN THE CAR. WELL,  
12 THEY ARE GOING TO TELL YOU NO AND YOU ASK THEM CAN I  
13 SEARCH AND MAKE SURE AND THEY ARE GOING TO SAY YEAH  
14 GO AHEAD BECAUSE THEY KNOW BY SAYING NO YOU CAN'T  
15 SEARCH, THEY ARE GOING TO LOOK GUILTY AND THE SAME  
16 THING WITH SAYING NO I WON'T TAKE A POLYGRAPH, IT  
17 MAKES ME MORE GUILTY, SO THAT IN AND OF ITSELF IS NOT  
18 INDICATIVE OF SOMEONE, THEIR TRUTHFULNESS OR NOT.  
19 I'M SORRY. THE REST OF YOUR QUESTION?

20 Q AFTER YOU GAVE HIM THE POLYGRAPH HE STARTED  
21 SAYING THINGS LIKE: COULD I HAVE DONE THIS AND NOT  
22 REMEMBER IT, RIGHT?

23 A YES, SIR, HE DID.

24 Q WHICH IS INDICATIVE OF SOMEONE POSSIBLY, I  
25 UNDERSTAND YOU MAY HAVE A DIFFERENT OPINION, BUT

1 POSSIBLY SOMEBODY BEGINNING TO DOUBT THEMSELF, TO ASK  
2 THAT KIND OF QUESTION?

3 A NO, SIR, I DON'T AGREE. NO, SIR.

4 Q I UNDERSTAND YOU DON'T AGREE. YOU DON'T AGREE  
5 THAT THAT'S A POSSIBLE EXPLANATION.

6 MR. BRACKETT: YOUR HONOR, I ASK HE BE  
7 ALLOWED TO FINISH HIS EXPLANATION.

8 THE COURT: I DON'T KNOW THAT HE, I KIND  
9 OF THOUGHT HE WAS FINISHED.

10 MR. BRACKETT: I THINK HE GOT CUT OFF IT  
11 SOUNDED LIKE.

12 THE COURT: GO AHEAD AND FINISH YOUR  
13 EXPLANATION.

14 A THERE ARE CERTAIN CIRCUMSTANCES THAT THAT COULD  
15 BE PLAUSIBLE. IF YOU HAVE SOMEBODY THAT'S OF  
16 EXTREMELY LOW INTELLIGENCE, A MENTAL DEFECT, VERY,  
17 VERY YOUNG AGE, OR SOME TYPE OF MENTAL DEFECT THAT  
18 PREDISPOSES THEM TO THAT TYPE OF BEHAVIOR THAT WOULD  
19 BE A REMOTE POSSIBILITY. IT IS NOT MY BELIEF THAT A  
20 INTELLIGENT, NORMAL HEALTHY INDIVIDUAL IS GOING TO  
21 START MAKING EXCUSES OR START SAYING WELL MAYBE I  
22 COULD HAVE DONE IT TO TRY TO TALK THEMSELVES INTO IT.  
23 NO, SIR.

24 Q I'M NOT TRYING TO BE START HERE, BUT DO YOU HAVE  
25 A COLLEGE DEGREE?

1 A NO, SIR, I DON'T. I DO HAVE COLLEGE LEVEL WORK  
2 BUT I --

3 Q SO YOU CERTAINLY AREN'T A PSYCHOLOGIST?

4 A NO, SIR.

5 Q OKAY. SO THAT'S YOUR OPINION THAT HE WAS NOT  
6 BEGINNING TO DOUBT HIMSELF?

7 A THAT'S CORRECT.

8 Q AND IT'S YOUR OPINION THAT HIS QUESTIONS TO YOU  
9 SUCH AS: MUST I HAVE DONE THIS, COULD I HAVE DONE  
10 THIS IN MY SLEEP, I'M HAVING IMAGES OF THIS, ARE NOT  
11 EVIDENCE OF SOMEONE TRULY STRUGGLING TO FIGURE OUT  
12 WHAT YOU TELLING THEM?

13 A NO, SIR. I FEEL LIKE IT'S ONLY EVIDENCE OF  
14 SOMEONE WHO IS STRUGGLING WITH THE FACT THAT THEY ARE  
15 ABOUT AND THEY ARE TRYING TO ADMIT AND IT'S SLOWLY  
16 COMING OUT THAT THEY DID A HEINOUS ACT. IT'S  
17 DIFFICULT FOR US, EVEN IF WE WANT TO TELL THE TRUTH,  
18 AND I THINK EVERYONE CAN EMPATHIZE WITH THIS, THIS IS  
19 A VERY, VERY HEINOUS ACT, THIS IS A VERY, VERY BAD  
20 ACT THAT THIS MAN HAS DONE AND HE IS STRUGGLING WITH  
21 THE FACT OF: I WANT TO GET THIS OUT, I DO KNOW RIGHT  
22 FROM WRONG, BUT NO ONE WANTS TO COME OUT AND JUST SAY  
23 I KILLED AND RAPED AND SODOMIZED BY DAUGHTER AND IT'S  
24 A DIFFICULT THING. AND OFTEN TIMES IT DOES NOT JUST  
25 COME OUT, NO ONE IS GOING TO SIT THERE CALMLY AND SAY

1       YEAH I DID IT.  IT'S A DIFFICULT THING.  SO I BELIEVE  
2       THAT'S WHAT HE WAS STRUGGLING WITH.

3       Q     BUT I THINK YOU SAID HE DID SAY IT CALMLY?

4       A     HE SAID IT CALMLY, YES, SIR.  THAT DOESN'T MEAN  
5       THAT IT'S NOT A STRUGGLE.

6       Q     SO THERE WAS A STRUGGLE BETWEEN THE TWO OF YOU  
7       OR THERE WAS NOT A STRUGGLE?

8       A     NO, SIR.  I THINK YOU ARE TRYING TO ALLUDE TO  
9       SOMETHING ELSE.  YOU WERE REFERRING TO AN INTERNALIZED  
10      STRUGGLE FOR MR. COPE AND THAT'S WHAT I AM REFERRING  
11      TO.

12      Q     SO WAS THERE A STRUGGLE BETWEEN YOU AND HIM?

13      A     NO, SIR.

14      Q     IS IT YOUR POWER OF PERSUASIVENESS THAT WAS ABLE  
15      TO GET HIM TO DO THIS?

16      A     I DON'T BELIEVE IT'S A POWER OF PERSUASIVENESS.  
17      AGAIN I JUST GO TO COMMON EXPERIENCE AND COMMON  
18      PRACTICE.  YOU BUILD A RAPPORT WITH SOMEBODY.  YOU  
19      GAIN SOME LEVEL OF TRUST.  YOU ALSO TREAT THEM WITH  
20      RESPECT.  IT'S REALLY NO DIFFERENT FROM WHEN WE TALK  
21      TO OUR SPOUSES, WHEN WE TALK TO OUR BEST FRIEND OR WE  
22      TALK TO A COUNSELOR OR PASTOR OR THERAPIST OR JUST A  
23      FRIEND THAT WILL LISTEN.  WE TALK TO THOSE PEOPLE  
24      BECAUSE WE TRUST THEM BECAUSE THEY'VE SHOWN SOME  
25      RESPECT.  THOSE TYPE PEOPLE DON'T HAVE TO STRUGGLE



1 WITH SOMEBODY AND PEOPLE TALK ABOUT VERY DEEP DARK  
2 SECRETS AND PROBLEMS EVERYDAY TO COUNSELORS AND  
3 THERAPISTS AND FRIENDS AND THIS WOULD BE NO DIFFERENT  
4 THAN SOMETHING OF THAT.

5 Q DID YOU KNOW ANYTHING ABOUT AMANDA COPE?

6 A ABOUT WHAT?

7 Q ABOUT AMANDA COPE?

8 A YES, SIR.

9 Q DID YOU KNOW SHE WAS AN HONOR ROLL STUDENT?

10 A I DID NOT.

11 Q THAT SHE LOVED TO PLAY THE VIOLIN?

12 A I DID NOT AT THAT TIME.

13 Q THAT SHE WAS ON THE BIBLE QUIZ TEAM?

14 A NO, SIR.

15 Q DID YOU KNOW THAT?

16 A NO, SIR.

17 Q DID YOU KNOW THAT THIS MAN'S SEMEN, SALIVA WAS  
18 FOUND ON HER BITTEN BREAST?

19 A I DID NOT AT THAT TIME, NO, SIR.

20 Q SO YOU DIDN'T PRESUME TO HAVE ANY LOCK, FOR USE  
21 OF A BETTER WORD, ON THE TRUTH, DID YOU?

22 A NO. WE WERE SEEKING THE TRUTH.

23 Q RIGHT. BECAUSE IN FACT IT TURNED OUT THAT WHAT  
24 MR. COPE TOLD YOU WAS PATENTLY FALSE?

25 A WHICH PART?

1 Q CORRECT?

2 A WHICH PART HE TOLD ME INCORRECTLY?

3 Q WELL IF HE GOES IN AND SAYS THAT HE RAPED WITH  
4 HIS DAUGHTER WITH A BROOM, WERE YOU AWARE THAT SHE  
5 WAS MENSTRUATING AT THE TIME?

6 A NO, SIR.

7 Q YOU ARE AN INVESTIGATOR, WOULD YOU EXPECT TO  
8 FIND SOME TYPE OF BLOOD, VAGINAL FLUID ON A BROOM  
9 THAT WAS USED?

10 A IF IT HAD NOT BEEN CLEANED UP, YES, SIR.

11 Q IF IT HAD NOT BEEN CLEAN. IS THERE ANY EVIDENCE  
12 THAT ANYTHING WAS CLEANED UP THAT YOU ARE AWARE OF?

13 A HE DID TALK ABOUT THROWING THINGS AWAY, SO YES,  
14 I WOULD SAY THERE WAS SOME EFFORT TO CLEAN UP.

15 Q THROWING SOMETHING OUT THE BACK DOOR, RIGHT? DO  
16 YOU REMEMBER, DO YOU KNOW IF ANYTHING WAS FOUND  
17 OUTSIDE THE BACK DOOR?

18 A THERE WAS NOT BUT I DON'T KNOW WHETHER MR. COPE  
19 WOULD HAVE PRECLUDED HIM FROM GOING BACK OUT AND  
20 RETRIEVING IT.

21 Q DID HE SAY ANYTHING ABOUT MR. SANDERS?

22 A NO, SIR.

23 Q SO IF THIS, FROM YOUR ABILITY TO TALK TO  
24 SOMEBODY, YOU WERE ABLE TO GET THE QUOTE TRUTH OUT OF  
25 THEM, YOU DIDN'T DO AS QUITE A GOOD A JOB AS YOU

1       NEEDED TO?

2       A     YES, SIR.  WE ASKED THE QUESTIONS THAT WE WERE  
3       AWARE OF AND I GUESS I'LL BACK UP OR ABOUT  
4       MR. SANDERS.  OF COURSE, IF WE HAD MORE INFORMATION,  
5       IT WAS TOO EARLY FOR THE DNA TEST TO COME BACK, AND  
6       CERTAINLY IF WE HAD KNOWN THE DNA DID NOT MATCH, WE  
7       WOULD HAVE PURSUED THAT, BUT GOING FROM MR. COPE'S  
8       OWN STATEMENTS AND WHAT HE RELATED WAS THAT (ONE)  
9       THERE WAS NO FORCED ENTRY; EVEN HE ADMITTED THAT.  
10      THAT THERE WAS, NO ONE HAD COME INTO THE HOUSE.  HE  
11      DIDN'T HEAR ANYTHING.  NO ONE HAD BEEN THERE.  EVEN  
12      HE RULED OUT SOMEONE FORCEFULLY ENTERING THE HOUSE,  
13      SO GOING BY THOSE STATEMENTS.  WE ALSO DON'T EXPECT  
14      TO GET EVERY DETAIL IN A FIRST INTERVIEW.  THAT'S WHY  
15      YOU DO SUBSEQUENT INTERVIEWS.  SO YOU BUILD ON ONE  
16      INTERVIEW TO THE NEXT.

17      Q     YOU INDICATE THAT MR. COPE SAYS HE WENT TO THE  
18      BATHROOM AND THAT AFTER HE WENT TO THE BATHROOM HE  
19      STILL HAD AN ERECTION, CORRECT?

20      A     YES, SIR.

21      Q     NOW MR. BAKER, YOU'RE OBVIOUSLY A MALE, ARE YOU  
22      NOT?

23      A     YES, SIR.

24      Q     SO THEN AFTER HE GOES TO THE BATHROOM AND HE  
25      STILL HAS AN ERECTION, HE GOES IN HIS DAUGHTER'S ROOM

1 AND HE BEGINS TO EJACULATE, CORRECT?

2 A HE BEGINS TO MASTURBATE, YES, SIR.

3 Q MASTURBATE THEN HE EJACULATES, RIGHT?

4 A YES, SIR.

5 Q AGAIN, MR. BAKER, YOU ARE OBVIOUSLY A MALE,

6 RIGHT?

7 A YES, SIR.

8 Q OKAY. THEN HE DECIDES THAT HE JUST WANTS TO

9 PLAY WITH HIS DAUGHTER, RIGHT?

10 A YES, SIR.

11 Q SO HE DECIDES TO STICK A BROOM UP THIS HONOR

12 ROLL, BIBLE QUIZ STUDENT, CORRECT?

13 A THAT'S WHAT HE SAID, YES, SIR.

14 Q AND THEN HE BECAME ENRAGED, RIGHT?

15 A AFTER SHE WOKE UP AND SAID SOMETHING TO HIM.

16 Q SHE WOKE UP AND HE BECAME ENRAGED AT HIS HONOR

17 ROLL, BIBLE QUIZ, VIOLIN PLAYING STUDENT, RIGHT?

18 A THAT'S WHAT HE STATED.

19 Q AND WHY DID HE BECOME ENRAGED?

20 A I'M SORRY. THE QUESTION?

21 Q WHY DID HE BECOME ENRAGED?

22 A I WOULD IMAGINE BECAUSE HE HAS NOW BEEN SEEN

23 MASTURBATING OVER HIS DAUGHTER.

24 Q SO HE JUMPS ON HER AND HE STRANGLES HER WITH TWO

25 HANDS, RIGHT?

1 A THAT'S WHAT HE SAYS, YES, SIR.

2 Q FROM THE FRONT OR THE BACK?

3 A HE DIDN'T GET THAT SPECIFIC. I DIDN'T ASK  
4 SPECIFICALLY. I TOOK FOR GRANTED FROM THE FRONT.

5 Q YOU ASKED HIM ABOUT INJURIES TO HER GROIN AND SO  
6 FORTH, DID HE KNEE HER IN THE STOMACH AND SO FORTH?

7 A YES, SIR.

8 Q WHAT DID HE SAY?

9 A HE SAID HE STRADDLED HER. HE SAID THAT HE WAS  
10 NOT AWARE OF INJURIES, CAUSING INJURIES, CAUSING  
11 THAT.

12 Q WHEN HE SAID THAT HE STRANGLED HER I BELIEVE YOU  
13 SAID WITH HIS THUMB AND HIS FOREFINGER TOUCHING?

14 A YES, SIR.

15 Q MR. BAKER, DOES THAT MAKE SENSE TO YOU?

16 A WHICH PART?

17 Q THE WHOLE SHEBANG?

18 A YES, SIR. WHEN YOU CONSIDER THAT A PERSON WHO  
19 WOULD KILL ANY INDIVIDUAL, MUCH LESS HIS OWN  
20 DAUGHTER, AND THEN SEXUALLY ASSAULT, WHEN YOU HAVE  
21 BEEN IN THIS BUSINESS AND YOU'VE DEALT WITH SIMILAR  
22 CASES, THE WAY PEOPLE THINK, IF A PERSON IS THIS TYPE  
23 OF PERSON OR IN THIS FRAME OF MIND, IT DOES NOT  
24 NECESSARILY HAVE TO MAKE SENSE TO THAT PERSON OR EVEN  
25 MAKE SENSE TO US AFTERWARDS.

1 Q THANK YOU, MR. BAKER.

2 THE COURT: MR. GREELEY.

3 MR. GREELEY: I HAVE NO QUESTIONS.

4 THE COURT: REDIRECT?

5 MR. BRACKETT: NO, SIR.

6 THE COURT: ALL RIGHT. YOU CAN STEP DOWN  
7 AND BE EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU.

8 MR. BRACKETT: MAY WE APPROACH, YOUR  
9 HONOR, SCHEDULING.

10 (BENCH CONFERENCE.)

11 THE COURT: AFTER CONSULTING WITH COUNSEL  
12 IT APPEARS NOW WOULD BE A GOOD TIME TO TAKE LUNCH.  
13 IT IS 12:15. I'LL ASK YOU TO BE BACK AT 1:30 HAVE A  
14 PLEASANT LUNCH. THANK YOU.

15 (THE JURY EXITS THE COURTROOM AT 12:11  
16 PM.)

17 THE COURT: ALL RIGHT. WE'LL BE AT EASE  
18 UNTIL 1:30.

19 (COURT IS IN RECESS AT 12:11 PM.)

20 (COURT RESUMES AT 01:32 PM.)

21 THE COURT: WHILE THEY ARE BRINGING THE  
22 DEFENDANTS IN, IF EVERYBODY WILL SIT DOWN JUST A  
23 SECOND, THIS IS MORE FOR THE SPECTATORS THAN FOR  
24 COUNSEL. ONE OF THE JURORS WAS APPROACHED, I'M SURE  
25 INADVERTENTLY, BY ONE OF THE SPECTATORS OVER LUNCH IN

1 AN ATTEMPT, NOT AN ATTEMPT, BUT AN EFFORT WAS MADE TO  
2 ENGAGE IN CONVERSATION. PLEASE TELL ANYBODY WHO IS  
3 HERE WITH ANYBODY WHO IS A SPECTATOR, THEY CAN SEE  
4 WHO THE JURORS ARE, IF YOU DON'T KNOW THEM, DON'T  
5 TALK TO THEM. IF YOU SEE ANYBODY, IF YOU ARE A  
6 SPECTATOR AND YOU ARE HERE IN SUPPORT OF ANYTHING OR  
7 SUPPORT OF ANYBODY OR JUST HERE FOR THE GENERAL  
8 PUBLIC, DON'T ENGAGE IN CONVERSATION WITH SOMEBODY ON  
9 THESE PREMISES YOU DO NOT KNOW. THIS JUROR, AND I'LL  
10 BE GLAD TO BRING THEM IN IF YOU WISH, IT WAS  
11 MRS. BRATTON, SHE INDICATED TO THE BAILIFF, MR. IVEY  
12 CAN RELATE THIS TO HER, THAT THE PERSON SPOKE TO HER  
13 AND SHE DID NOT RESPOND. ANYBODY WANT TO KNOW  
14 ANYTHING FURTHER?

15 MR. BRACKETT: WHAT WAS SAID.

16 THE COURT: ALL RIGHT. LET'S BRING MRS.  
17 BRATTON IN HERE JUST A MINUTE.

18 (THE JUROR ENTERS THE COURTROOM.)

19 THE COURT: MRS. BRATTON.

20 THE JUROR: YES.

21 THE COURT: I'M SORRY TO SINGLE YOU OUT  
22 BUT YOU TOLD THE BAILIFF, YOU INDICATED THAT SOMEONE  
23 HAD TRIED TO TALK TO YOU OVER LUNCH.

24 THE JUROR: YES, SIR.

25 THE COURT: CAN YOU TELL US WHAT THEY

1 SAID.

2 THE JUROR: AT FIRST SHE SAID THAT  
3 CIGARETTE SURE LOOKS GOOD THEN I SPEEDED UP AND SHE  
4 SAID HEE, HEE, HEE, AIN'T THAT CIGARETTE GOOD.

5 THE COURT: THAT'S ALL.

6 THE JUROR: AND I JUST KEPT WALKING.

7 THE COURT: ALL RIGHT. ANYBODY WANT ME TO  
8 ASK ANYTHING ELSE.

9 MR. GREELEY: NOTHING FROM MR. SANDERS.

10 THE COURT: THANK YOU. WE APPRECIATE IT.

11 THE JUROR: THANK YOU.

12 THE COURT: I'M GOING TO ASK COUNSEL TO  
13 HELP ME MONITOR THIS KIND OF SITUATION BECAUSE I  
14 CANNOT TELL WHO IS WITH WHOM. PLUS PEOPLE GO IN AND  
15 GO OUT AND I CAN'T SPEND MY TIME, I KNOW Y'ALL ARE  
16 BUSY TOO, BUT AT LEAST YOU HAVE SOME OTHER STAFF  
17 PEOPLE TO TELL INDIVIDUALS WHO ARE HERE ON BEHALF OF  
18 ONE SIDE OR THE OTHER NOT TO COMMUNICATE IN ANY  
19 FASHION WITH ANYBODY THEY DON'T KNOW, PARTICULARLY  
20 ANY JUROR. YOU MAY TELL THEM AND I MEAN THIS WITH  
21 ALL SINCERITY THAT IF IT HAPPENS AGAIN, IF THAT  
22 PERSON CAN BE IDENTIFIED, THEY WILL SPEND FROM NOW OR  
23 FROM THE TIME THAT HAPPENS UNTIL AT LEAST THE END OF  
24 THIS TRIAL INCARCERATED IN ORDER THAT I CAN PREVENT  
25 IT FROM HAPPENING AGAIN. SO JUST TELL WHOEVER YOU



1 THINK YOU NEED TO TELL. THANK YOU. BRING IN THE  
2 JURY.

3 MR. MORTON: YOUR HONOR, I JUST, YOU KNOW  
4 HOW TO HANDLE IT BETTER THAN I DO IF PEOPLE HAVEN'T  
5 COME IN MAYBE IF AT THE BREAK REMIND EVERYBODY.

6 THE COURT: I'M PUTTING IT ON Y'ALL  
7 BECAUSE I CAN'T, IF THEY CAME IN AND LEFT BEFORE THE  
8 BREAK, THEY ARE NOT GOING TO HEAR ME AND I'M NOT  
9 GOING TO KEEP REPEATING IT LIKE A MANTRA. YOU KNOW  
10 WHO IS HERE ON BEHALF OF MR. COPE. I DON'T KNOW WHO  
11 IS HERE ON MR. SANDERS. YOU JUST TELL THEM. IF THEY  
12 ARE HERE TELL THE FAMILY AND FRIENDS TO TELL ANYBODY  
13 ELSE THAT COMES IN.

14 MR. MORTON: YES, SIR.

15 THE COURT: THAT'S ALL. ALL RIGHT. BRING  
16 IN THE JURY.

17 (THE JURY RETURNS TO THE COURTROOM AT  
18 01:37 PM.)

19 THE COURT: MR. THOMPSON.

20 MR. THOMPSON: IF WE CAN ASSIST MATT HALL  
21 WHO WILL BE HERE SHORTLY WITH THE EVIDENCE.

22 THE COURT: CALL YOUR NEXT WITNESS.

23 MR. THOMPSON: THE STATE CALLS TODD  
24 GARDNER.

25 THE COURT: PLEASE STEP UP AND BE SWORN.



1 Q ALL RIGHT. AND WITHIN THE CRIME SCENE UNIT THAT  
2 YOU WERE IN, HOW LONG HAD YOU BEEN DOING CRIME  
3 SCENES?

4 A SINCE 1993 I THINK IT WAS.

5 Q HOW LONG HAVE YOU BEEN AN OFFICER ALL TOGETHER?

6 A OCTOBER FIRST I'LL START MY 27 YEAR.

7 Q ALL RIGHT. CAN YOU TELL ME WHAT IS YOUR  
8 TRAINING IN CRIME SCENES THEMSELVES?

9 A WELL, I'VE ATTENDED NUMEROUS SCHOOLS AT THE  
10 SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY. THE FIRST  
11 BEING BASIC TRAINING AT THE ACADEMY. IT WAS A NINE  
12 WEEK COURSE. THAT WAS BACK IN '83. I HAVE SINCE  
13 BEEN ABLE TO GO TO FINGERPRINT SCHOOLS HOSTED BY THE  
14 FBI AND ALSO BY OUR ACADEMY. I'VE BEEN TO IPTM WHICH  
15 IS THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT  
16 IN FLORIDA. I WENT TO CRIME SCENE TECHNICIAN SCHOOL  
17 THERE. ALSO WENT TO A SERVICE SKELETON AND BURIED  
18 BODY SCHOOL THERE. I'VE BEEN TO THE SOUTHERN POLICE  
19 INSTITUTE WHICH IS AT THE UNIVERSITY OF LOUISVILLE  
20 TWO WEEK HOMICIDE SCHOOL. I JUST RECENTLY WENT TO A  
21 PRACTICAL HOMICIDE INVESTIGATION CLASS IN GREENVILLE.  
22 I'VE HAD BASIC AND ADVANCED ARSON, PHOTOGRAPHY  
23 SCHOOL, AGAIN BASIC FINGERPRINT ADVANCED FINGERPRINT,  
24 PALM PRINTS, AND I'VE BEEN TO SEVERAL DIFFERENT SMALL  
25 SEMINARS WHERE PEOPLE SPOKE ON DIFFERENT ISSUES SUCH

1 AS CRIME SCENE PROCESSING.

2 Q AND CAN YOU TELL ME ABOUT HOW MANY CRIME SCENES  
3 HAVE YOU PROCESSED IN YOUR CAREER?

4 A I GUESS THE BEST WAY TO ANSWER THAT BECAUSE I  
5 DON'T KNOW THE EXACT NUMBER, BUT I KNOW THAT IT'S  
6 QUITE A LOT BECAUSE WE'VE PROCESS CRIME SCENES  
7 ANYWHERE FROM A PETITE LARCENY TO HOMICIDE SO I WOULD  
8 VENTURE TO SAY IT WOULD BE SOMEWHERE IN THE THOUSAND,  
9 THOUSAND RANGE.

10 Q AND CAN YOU TELL ME AS PART OF PROCESSING CRIME  
11 SCENE OR EVEN OUTSIDE OF CRIME SCENES CAN YOU  
12 DESCRIBE YOUR TRAINING IN FINGERPRINTING AS WELL,  
13 LIFTING PRINTS AND BEING ABLE TO EXAMINE THOSE?

14 A YES. THE BASIC, THE BASIC ACADEMY CLASS THEY DO  
15 HAVE A, I WOULD PROBABLY SAY IT WAS ONE DAY SCHOOL.  
16 THEY TEACH YOU ON BASICS OF DUSTING FOR FINGERPRINTS  
17 WHICH IS A FAIRLY SIMPLE PROCEDURE WHEN YOU START  
18 USING FINGERPRINT BRUSH AND POWDER. I JOKE WITH THE  
19 OFFICERS THAT WE TRAIN NOW THAT I SAY A MONKEY CAN DO  
20 IT BECAUSE THAT'S HOW SIMPLE IT REALLY IS. BUT I  
21 HAVE GONE TO CLASSES SUCH AS THE ONE AT IPTM WHERE WE  
22 LEARNED ABOUT DIFFERENT POWDERS THAT WE CAN USE,  
23 DIFFERENT TYPES OF BRUSHES THAT WE CAN USE, AND I'LL  
24 PROBABLY GENERALLY SAY JUST ABOUT EVERY CLASS WE GO  
25 TO THAT HAS SOMETHING TO DO WITH CRIME SCENE

1 INVESTIGATIONS THAT ONE OF THE MAIN, MAIN ISSUES IS  
2 THE PROCESSING OF FOR FINGERPRINTS, SO I'VE BEEN TO  
3 SEVERAL SCHOOLS ON HOW TO, HOW TO LIFT LATENT  
4 FINGERPRINTS BY USE OF POWDER.

5 Q THAT'S THE LIFTING OF PRINTS. HAVE YOU ALSO  
6 BEEN TRAINED IN EXAMINING THOSE PRINTS?

7 A YES, I HAVE. THE BASIC LATENT FINGERPRINT CLASS  
8 THAT WAS TAUGHT BY THE SOUTH CAROLINA CRIMINAL  
9 JUSTICE ACADEMY GIVES YOU THE VERY BASICS IN  
10 IDENTIFYING THE DIFFERENT TYPES OF FINGERPRINTS,  
11 DIFFERENT PATTERNS OF FINGERPRINTS, AND THEN YOU HAVE  
12 A FAIRLY EXTENSIVE TEST ON THE IDENTIFICATION PROCESS  
13 AS FAR AS THEY GIVE YOU KNOWN SAMPLES AGAINST OR  
14 UNKNOWN SAMPLES WHICH WOULD BE THE LATENT FINGERPRINT  
15 WITH A STACK OF KNOWN FINGERPRINTS OF POSSIBLE  
16 SUSPECTS, THEN YOU HAVE TO GO IN AND PART OF YOUR  
17 TESTING IS YOU HAVE TO MATCH EACH ONE OF THOSE LATENT  
18 FINGERPRINTS WHICH I THINK THERE WAS FIFTY AT THE  
19 TIME ON THAT, ON THAT PARTICULAR TEST, MATCH THEM  
20 WITH THE FINGERPRINTS OF THE KNOWN EXEMPLARS.

21 Q AND CAN YOU TELL ME HAVE YOU BEEN QUALIFIED AS  
22 AN EXPERT BEFORE IN BOTH THE LIFTING OF PRINTS AND  
23 EXAMINING OF PRINTS?

24 A YES, I HAVE.

25 Q AND HAVE YOU BEEN QUALIFIED AS AN EXPERT BEFORE

1 ON CRIME SCENES?

2 A YES, I HAVE.

3 Q ALL RIGHT.

4 MR. THOMPSON: YOUR HONOR, AT THIS TIME I  
5 WOULD ASK TO HAVE TODD GARDNER QUALIFIED AS AN EXPERT  
6 IN CRIME SCENE AND PRINTS.

7 MR. SMITH: JUDGE, I HAVE JUST A FEW  
8 QUESTIONS.

9 THE COURT: ALL RIGHT.

10 VOIR DIRE BY MR. SMITH:

11 Q MR. GARDNER, HOW FAR DID YOU GO IN SCHOOL?

12 A I GRADUATED LANCASTER HIGH SCHOOL IN 1979.

13 Q OKAY. SO YOU DON'T HAVE AN UNDERGRADUATE DEGREE  
14 IN BIOLOGY, CHEMISTRY, PHYSICS, GENETICS OR  
15 FORENSICS, ANYTHING LIKE THAT?

16 A NO, SIR, I DO NOT.

17 Q OKAY. NOW I WANT TO TALK JUST A FEW MINUTES  
18 ABOUT THE, YOUR TRAINING IN CRIME SCENE PROCESSING.  
19 YOU SAID THAT YOU HAD A COURSE IN YOUR BASIC LAW  
20 ENFORCEMENT TRAINING AT THE ACADEMY I THINK BACK IN  
21 1983?

22 A YES, SIR, THAT'S CORRECT.

23 Q NOW THAT, IT WAS A NINE WEEK TRAINING COURSE,  
24 RIGHT?

25 A YES, SIR.

1 Q FOR ALL OF YOUR TRAINING?

2 A YES, SIR. IT WAS OUR BASIC NINE WEEK COURSE.

3 Q NOW THE COURSE SPECIFICALLY ON CRIME SCENE

4 PROCESSING LASTED WHAT ONE DAY?

5 A PROBABLY ONE DAY.

6 Q AND THAT'S THE SAME TRAINING THAT EVERY OTHER

7 LAW ENFORCEMENT OFFICER THAT GOES THROUGH THE ACADEMY

8 HAS TAKEN, IS THAT RIGHT?

9 A I WOULD IMAGINE IT'S VERY SIMILAR BUT BECAUSE I

10 WENT THROUGH SO LONG AGO I KNOW THEY HAVE CHANGED THE

11 CURRICULUM GREATLY SINCE I'VE BEEN THROUGH, BUT IT'S

12 PROBABLY PRETTY BASIC.

13 Q NOW YOU SAID YOU'VE TAKEN SOME CLASSES AT THE I

14 BELIEVE AT THE SOUTHERN POLICE INSTITUTE AT THE

15 UNIVERSITY OF LOUISVILLE?

16 A YES, SIR, I DID.

17 Q WHEN WAS THAT?

18 A I'M NOT SURE OF THE EXACT DATE, BUT I WANT TO

19 SAY IT WAS SOMEWHERE IN THE NEIGHBORHOOD OF '96, '97,

20 '98.

21 Q SO IT'S BEEN SEVERAL YEARS AGO?

22 A YES, SIR, IT HAS BEEN SEVERAL YEARS AGO.

23 Q AND WAS THAT A HOMICIDE CLASS?

24 A YES, SIR, HOMICIDE INVESTIGATIONS.

25 Q THAT LASTED WHAT FOR ABOUT TWO WEEKS?

1 A IT WAS A TWO WEEK COURSE.

2 Q THEN YOU HAD SOME TRAINING DOWN AT I THINK YOU  
3 SAID IPT?

4 A M.

5 Q M.

6 A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT.

7 I THINK IT'S THE UNIVERSITY OF NORTH FLORIDA.

8 Q OKAY. HOW LONG OF A COURSE DID YOU TAKE DOWN  
9 THERE?

10 A THOSE WERE, I ATTENDED TWO CLASSES THERE, BASIC  
11 CRIME SCENE PROCESSING WHICH IS A WEEK LONG AND ALSO  
12 SURFACE SKELETONS AND BURIED BODIES WHICH WAS A WEEK  
13 LONG.

14 Q SO TWO MORE WEEKS?

15 A YES, SIR.

16 Q AND THEN I THINK YOU SAID YOU'VE HAD TWO WEEKS  
17 OF TRAINING AT THE ACADEMY IN PHOTOGRAPHY?

18 A IN PHOTOGRAPHY AND ALSO TWO WEEKS IN ARSON.

19 Q TWO WEEK IN ARSON.

20 A YES, SIR.

21 Q AND THEN YOU QUALIFIED AS AN EXPERT IN  
22 FINGERPRINTS, IS THAT RIGHT?

23 A I HAVE, YES, SIR.

24 Q OKAY. AND I THINK YOU SAID THAT YOU HAD A CLASS  
25 IN GREENVILLE JUST RECENTLY?



1 A YES, SIR. IT'S A THREE DAY CLASS IN GREENVILLE.

2 Q SO YOU DIDN'T HAVE THIS TRAINING AT THE TIME  
3 THAT YOU PROCESSED THE CRIME SCENE IN THIS CASE, DID  
4 YOU?

5 A THAT'S CORRECT.

6 Q OKAY.

7 A I ALSO HAVE, DID ATTEND A CRIME SCENE PROCESSING  
8 CLASS AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY  
9 TOO.

10 Q HOW LONG WAS THAT?

11 A IT WAS A WEEK LONG.

12 Q A WEEK LONG. AND HOW LONG AGO WAS THAT?

13 A IF I'M NOT MISTAKEN IT WAS RIGHT THERE IN THE  
14 SAME TIMEFRAME AS THE HOMICIDE CLASS IN LOUISVILLE.

15 Q '96, '97, '98?

16 A SOMEWHERE IN THAT AREA, YES, SIR.

17 Q ALL RIGHT. NOW AND YOU SAID YOU'VE GONE TO OR  
18 THROUGH SOME SMALL SEMINARS, CONFERENCES, THAT SORT  
19 OF THING?

20 A YES, SIR.

21 Q HAVE YOU HAD ANY OTHER CRIME SCENE PROCESSING  
22 TRAINING?

23 A ON THE JOB TRAINING.

24 Q ON THE JOB TRAINING?

25 A YES, SIR.

1 Q OKAY. PROCESSING THOUSANDS OF CASES. NOW  
2 YOU'VE QUALIFIED I THINK YOU SAID AS AN EXPERT IN  
3 CRIME SCENE PROCESSING BEFORE, IS THAT RIGHT?

4 A YES, SIR, I HAVE.

5 Q ALSO A FINGERPRINT EXPERT?

6 A YES, SIR, I HAVE.

7 Q HAVE YOU EVER TESTIFIED FOR ANYONE OTHER THAN  
8 THE FOR THE STATE?

9 A NO, SIR.

10 Q OKAY. SO THE ONLY TIME YOU'VE TESTIFIED AS AN  
11 EXPERT WITNESS IN FRONT OF A JURY IS WHEN YOU  
12 TESTIFIED FOR THE STATE?

13 A THAT'S CORRECT.

14 Q OKAY.

15 MR. SMITH: JUDGE, I WOULD STIPULATE THAT  
16 MR. GARDNER IS AN EXPERT IN CRIME SCENE PROCESSING;  
17 HOWEVER, I WOULD ASK THE COURT NOT TO ALLOW THEM TO  
18 REFER TO HIM AS A FORENSIC SCIENTIST OR ANYTHING LIKE  
19 THAT. I BELIEVE WHEN MR. THOMPSON INTRODUCED  
20 MR. GARDNER IT AS A FORENSICS OR SOMEONE IN  
21 FORENSICS.

22 THE COURT: MR. GREELEY.

23 MR. GREELEY: I HAVE NO OBJECTION TO THE  
24 DESIGNATION OF EXPERT THE STATE WISHES TO HAVE HIM  
25 QUALIFIED AS.

1 THE COURT: I FIND HE'S QUALIFIED.

2 MR. THOMPSON.

3 DIRECT EXAMINATION CONTINUED BY MR. THOMPSON:

4 Q OFFICER GARDNER, WERE YOU CALLED OUT TO THE  
5 CRIME SCENE AT THE COPE RESIDENCE ON NOVEMBER 29,  
6 2001?

7 A YES, I WAS.

8 Q DO YOU REMEMBER WHAT TIME YOU ARRIVED THERE?

9 A RIGHT AT SEVEN O'CLOCK. SOMEWHERE AROUND  
10 6:50-6:55 IN THE MORNING.

11 Q AND WAS IT YOUR DUTY THEN TO LOOK AT THE TASK OF  
12 PROCESSING THAT CRIME SCENE?

13 A YES, IT WAS.

14 Q AND CAN YOU TELL ME, WHEN YOU FIRST ARRIVED AT  
15 THE SCENE, WHAT'S THE FIRST THING YOU NOTICED AS YOU  
16 ENTERED THE HOUSE?

17 A WELL, ACTUALLY THE FIRST THING I NOTICED WHEN I  
18 PULLED UP TO THE HOUSE WAS THAT THE CRIME SCENE HAD  
19 BEEN ROPED OFF BY CRIME SCENE BARRIER TAPE BY UNIFORM  
20 PATROL. WHEN I FIRST ENTERED THE HOUSE THE FIRST  
21 THING NOTICED WAS THE STENCH. IT REALLY SMELLED  
22 TERRIBLE. IT SMELLED LIKE CAT URINE, FILTHINESS,  
23 THAT'S WHAT FIRST CROSSED MY MIND. THEN I NOTICED, I  
24 NOTICED MR. COPE STANDING NEAR HIS COMPUTER. HE HAD  
25 NO SHIRT ON, HAD BLACK JOGGING TYPE PANTS ON, AND NO

1 SHOES.

2 Q ALL RIGHT. DID HE SAY ANYTHING TO YOU AT THAT  
3 TIME?

4 A I JUST REMEMBER THE ONE THING THAT REALLY STUCK  
5 OUT IN MY MIND WAS THAT HE REALLY NEVER, HE NEVER  
6 MAKE EYE CONTACT WITH ME, BUT HE LOOKED, HE JUST KIND  
7 OF SAID, SHE'S BACK THERE, AND THAT WAS THE ONLY  
8 THING, REALLY THAT WAS THE ONLY CONVERSATION I HAD  
9 WITH MR. COPE.

10 Q YOU SAID HE WAS STANDING THERE AT HIS COMPUTER,  
11 WAS HE DOING ON HIS COMPUTER AS FAR AS YOU COULD  
12 TELL?

13 A HE WAS, WHEN I FIRST WALKED IN AND I LOOKED TO  
14 MY RIGHT WHERE HIS COMPUTER STAND WAS, IT APPEARED  
15 THAT HE WAS CLEARING OR CLICKING OFF PROGRAMS FROM  
16 HIS COMPUTER.

17 Q ALL RIGHT. AND SO WAS HIS COMPUTER MONITOR ON,  
18 COULD YOU SEE THAT?

19 A YES, IT WAS.

20 Q AND COULD YOU SEE WHERE HIS HANDS WERE WHEN HE  
21 WAS DOING THAT?

22 A WELL, IT WAS IN FRONT OF THE COMPUTER. I ASSUME  
23 WHERE THE MOUSE WAS AT BECAUSE THAT'S WHERE IT WAS AT  
24 IN FRONT OF THE COMPUTER.

25 Q ALL RIGHT. CAN YOU TELL ME, CAN YOU DESCRIBE

1 THE CONDITION OF THE HOUSE ITSELF AS YOU FIRST LOOKED  
2 THROUGH IT?

3 A WELL, THE SMELL MATCHED THE HOUSE. THERE WAS  
4 ROACHES CRAWLING EVERYWHERE. THERE WAS ACTUALLY  
5 LITTLE AISLES THAT HAD BEEN MADE FOR YOU TO BE ABLE  
6 TO WALK PAST THAT YOU COULD WALK THROUGH WITHOUT  
7 STEPPING ON STUFF. CLOTHING EVERYWHERE. THE WHOLE  
8 HOUSE WAS, IT WAS TERRIBLE. IT WAS THE FILTHIEST  
9 PLACE I'VE EVER BEEN IN.

10 Q CAN YOU TELL ME WHAT AS A CRIME SCENE OFFICER AT  
11 THAT TIME, WHAT WERE YOUR FIRST DUTIES UPON YOUR  
12 ARRIVAL?

13 A WELL MY FIRST DUTIES WAS TO TAKE SURE THE CRIME  
14 SCENE WAS SECURE AND IT WAS. WE HAD CRIME SCENE  
15 BARRIER TAPE UP. WE HAD POLICE OFFICERS STANDING  
16 THERE WITH A CRIME SCENE LOG WHICH IS A LOG THAT HAS  
17 EVERYONE'S NAME WHO ENTERED THE CRIME SCENE AND HE  
18 WAS STANDING THERE AND HE WAS POSTED AND HE WAS  
19 TAKING EVERYONE'S NAME WHO ENTERED THE CRIME SCENE  
20 AND HE PUT IT ON THE LOG. EXCUSE ME. I DID AN  
21 INITIAL WALK THROUGH OF THE HOUSE JUST TO KIND OF  
22 GIVE ME AN OVERVIEW OF THE CRIME SCENE, OF WHAT I WAS  
23 GOING TO NEED WHEN I WENT BACK OUTSIDE TO GET  
24 EQUIPMENT, AND THAT'S WHAT I DID.

25 Q ALL RIGHT. WHEN YOU FIRST WENT INTO THE HOUSE

1 DID YOU TOSS ANYTHING ASIDE TO LOOK AT THINGS OR  
2 ANYTHING OF THAT NATURE?

3 A NO, SIR, I DID NOT. I DIDN'T HAVE GLOVES ON SO  
4 USUALLY MY HANDS STAY IN MY POCKET WHEN I DON'T WEAR  
5 GLOVES IN A CRIME SCENE.

6 Q ULTIMATELY THEN AFTER YOU WENT BACK OUTSIDE DID  
7 YOU PUT ON GLOVES AT THAT TIME?

8 A YES, I DID.

9 Q AND HAD ANYONE ELSE, WHEN YOU CAME IN, DID  
10 ANYONE ELSE, HAD ANYONE ELSE COLLECTED ANYTHING OUT  
11 OF THE CRIME SCENE?

12 A NO, SIR.

13 Q AS YOU WENT THROUGH THE HOUSE ITSELF -- I'M  
14 SORRY. YOU WERE TALKING ABOUT THE CRIME SCENE LOG  
15 AND THE HOUSE BEING SECURE. WHO IS ALLOWED IN ONCE A  
16 CRIME SCENE HAS BEEN ESTABLISHED?

17 A OF COURSE, THE PATROL OFFICER'S SUPERVISOR, HE  
18 WOULD, IT'S HARD FOR ME FOR A YOUNG COP TO TELL HIS  
19 SUPERVISOR NO YOU CAN'T GO IN, THAT'S WHAT WE WOULD  
20 LIKE FOR THEM TO DO, BUT IT DON'T ALWAYS HAPPEN.  
21 ONCE I ARRIVE I DON'T HAVE A PROBLEM TELLING PEOPLE  
22 TO GET OUT OF THE CRIME SCENE BECAUSE THAT'S MY JOB  
23 AND THAT'S WHAT I GOT TO DO. SO WE BACK EVERYONE OUT  
24 THAT DOES NOT HAVE A REASON TO BE THERE, AND THERE  
25 IS, THEY ARE OUTSIDE, THEY LEAVE OR WHATEVER, BUT

1           THEY HAVE TO GET OUT OF THE CRIME SCENE.

2           Q     ALL RIGHT.  AND WHEN YOU ARRIVE THEN AFTER YOU  
3           WENT BACK OUT I GUESS YOU ASSESS THE SCENE FIRST IS  
4           THAT WHAT YOU WOULD CONSIDER?

5           A     YES, SIR, BASICALLY A WALK THROUGH.  IS I'M  
6           GOING THROUGH THE HOUSE LOOKING AND SEE WHAT I CAN  
7           IDENTIFY AS POSSIBLE PIECES OF EVIDENCE, JUST MAKE  
8           KIND OF A MENTAL NOTE OF IT, AND ALL THE TIME I'M  
9           THINKING WHAT TYPE OF EQUIPMENT AM I GOING TO NEED.  
10          AM I GOING TO NEED A 35 WITH A FLASH OR AM I GOING TO  
11          NEED MY DIGITAL CAMERA, AM I GOING TO NEED MY SKETCH  
12          KIT, JUST STUFF LIKE THAT, THEN I GO OUTSIDE AND I  
13          ACTUALLY THIS TIME I WAITED FOR MY PARTNER TO ARRIVE  
14          BEFORE I WENT BACK IN.

15          Q     ALL RIGHT.  AND WHAT WAS THE FIRST THING YOU  
16          DETERMINED YOU WOULD NEED TO USE IN THE HOUSE AT THAT  
17          TIME?

18          A     OF COURSE, IT WOULD BE PROTECTIVE CLOTHING AND  
19          BASICALLY WE USED RUBBER GLOVES, BLUE RUBBER GLOVES  
20          SIMILAR TO THOSE BUT A LITTLE BIT THICKER AND THAT'S,  
21          THAT'S ALL I HAD AT THAT TIME.

22          Q     DID YOU BRING A CAMERA INTO THE HOUSE AT THAT  
23          POINT?

24          A     YES, I DID.  WHEN MYSELF AND MY PARTNER WENT  
25          BACK IN, I TOOK MY CAMERA WITH ME.

1 Q ALL RIGHT. HAVE YOU BEEN UPDATED BY ANY OF THE  
2 OFFICERS ON THE SCENE AS TO WHAT WAS GOING ON OR WHAT  
3 THEY KNEW AT THAT POINT?

4 A I REMEMBER TALKING TO SEVERAL OFFICERS THAT  
5 MORNING AND NOTHING STICKS OUT IN MY MIND OF ANY  
6 CONVERSATIONS THAT I HAD THAT, OF ANY UPDATES. I WAS  
7 JUST BRIEFLY BRIEFED ON THE INCIDENT. THERE WAS A 12  
8 YEAR WHITE FEMALE LAYING DECEASED IN WHAT APPEARED TO  
9 BE HER BEDROOM ON HER BED AND BASICALLY THAT WAS ALL  
10 I CAN REMEMBER BEING TOLD.

11 Q AND AT THAT POINT DID YOU THEN DECIDE TO TAKE  
12 PICTURES OF HER BEDROOM AND THE BED SHE WAS IN?

13 A YES, SIR. I MEAN THAT IS THE NEXT STEP I WOULD  
14 DO AS FAR AS PROCESSING CRIME SCENE IS START  
15 PHOTOGRAPHY.

16 Q ALL RIGHT. SHOW YOU STATE'S EXHIBIT 68 AND 68  
17 A, B, C. I BELIEVE D AS WELL. ARE THOSE SOME OF THE  
18 PHOTOGRAPHS YOU TOOK FIRST THING THAT MORNING?

19 A YES, SIR. THESE ARE SOME OF THE PHOTOGRAPHS  
20 THAT I TOOK THAT MORNING.

21 Q ALL RIGHT. AND WOULD THOSE HAVE BEEN TAKEN  
22 BEFORE ANYTHING WAS TOUCHED OR MOVED IN HER ROOM?

23 A YES, SIR.

24 Q ALL RIGHT. DO THEY FAIRLY AND ACCURATELY DEPICT  
25 THE ROOM AS IT WAS WHEN YOU ARRIVED?



1 A LET ME CLARIFY SOMETHING ON THAT LAST STATEMENT.  
2 THEY FAIRLY DEPICT THE WAY I FOUND THE SCENE. NOW IT  
3 IS APPARENT THAT SOMEONE HAD ALREADY BEEN IN HERE AND  
4 ATTEMPTED LIFE SAVING EFFORTS ON THE YOUNG LADY.

5 Q OKAY.

6 A SO THERE IS A POSSIBILITY STUFF HAD BEEN MOVED  
7 IN AN ATTEMPT TO SAVE A LIFE. BUT THIS IS EXACTLY  
8 THE WAY I FOUND IT WHEN I ARRIVED.

9 Q ALL RIGHT.

10 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
11 THESE INTO EVIDENCE AT THIS TIME, STATE'S EXHIBIT 68  
12 A THROUGH D.

13 MR. SMITH: NO OBJECTION.

14 MR. GREELEY: NO OBJECTION.

15 THE COURT: THEY WILL BE IN EVIDENCE  
16 WITHOUT OBJECTION.

17 (STATE'S EXHIBITS 68 A-D RECEIVED INTO  
18 EVIDENCE.)

19 Q AFTER YOU INITIALLY PHOTOGRAPHED HER, DID YOU DO  
20 ANYTHING ELSE AT THAT POINT OR I GUESS WHAT WAS THE  
21 NEXT THING YOU DID AT THAT POINT?

22 A WELL, WE BEGAN A CRIME SCENE SKETCH AND USUALLY  
23 THE WAY MYSELF AND MY PARTNER WORKED IS WHILE I'M  
24 DOING THE PHOTOGRAPHY HE'S GOING THROUGH THE HOUSE  
25 DOING A SKETCH OF THE HOUSE, SO THAT WAS BEING DONE

1       WHILE I WAS, WHILE THE PHOTOGRAPHY WORK WAS BEING  
2       DONE.

3       Q     ALL RIGHT.  DID YOU PHOTOGRAPH THE OUTSIDE OF  
4       THE HOUSE?

5       A     YES, I DID.

6       Q     AND WHAT WAS SOME OF THE PURPOSES FOR  
7       PHOTOGRAPHING THAT?

8       A     WHILE WE WERE AT THE SCENE I RECEIVED  
9       INFORMATION, NOT ME, I GOT THE INFORMATION FROM MY  
10      PARTNER THAT WE NEEDED TO MAKE SURE THAT WE  
11      PHOTOGRAPH THE EXTERIOR WINDOWS AND DOORS AND ALSO  
12      THE INTERIOR WINDOWS AND DOORS.

13      Q     AND WHY WOULD YOU DO THAT?

14      A     IT WAS, MY EFFORTS WERE TO MAKE SURE AND  
15      DOCUMENT THAT THERE WAS NO FORCED ENTRY TO THE HOME.

16      Q     ALL RIGHT.  AND DID YOU DO THAT AT THAT TIME?

17      A     I DID.

18      Q     IF YOU WOULD, I HAVE A NUMBER OF PHOTOGRAPHS I'D  
19      LIKE FOR YOU TO GO THROUGH WITH US AT THIS TIME.  
20      THIS IS STATE'S EXHIBIT 40 THROUGH 40 H.  IF YOU  
21      WOULD JUST LOOK AT THESE AND TELL ME IF THOSE ARE THE  
22      PHOTOGRAPHS YOU HAD TAKEN?

23      A     YES, SIR.  THESE ARE PHOTOGRAPHS THAT I TOOK.

24      Q     DO THEY FAIRLY AND ACCURATELY DEPICT THE SCENE  
25      AS YOU TOOK THE PICTURES?

1           A       YES, THEY DO.

2                       MR. THOMPSON:  I WOULD ASK TO ENTER THESE  
3       IN EVIDENCE AT THIS TIME.

4                       MR. SMITH:  NO OBJECTION.

5                       MR. GREELEY:  NO OBJECTION.

6                       THE COURT:  BE RECEIVED WITHOUT OBJECTION.

7                               (STATE'S EXHIBITS 40 A-H RECEIVED INTO  
8       EVIDENCE.)

9           Q       IF WOULD YOU, OFFICER GARDNER, STEP DOWN FOR FEW  
10       MINUTES AND GO THROUGH SOME OF THESE PHOTOGRAPHS.  
11       STARTING WITH STATE'S EXHIBIT 40, I'M GOING TO HAND  
12       YOU THE REMAINDER OF THEM.  IF YOU COULD TELL US WHAT  
13       YOU ARE VIEWING IN THAT PHOTOGRAPH AND WHY THAT WAS  
14       IMPORTANT TO YOU AT THE TIME?

15          A       THIS IS A PHOTOGRAPH OF THE OUTSIDE OF THE  
16       RESIDENCE.  I'M ACTUALLY, IF YOU ARE STANDING FACING  
17       THE HOUSE, I'M STANDING TO THE LEFT CORNER SHOWING  
18       THE FRONT OF THE HOUSE.  THE TWO WINDOWS THERE YOU  
19       SEE ON THE PICTURE ARE WINDOWS THAT LEAD INTO  
20       MR. COPE'S BEDROOM, THEN YOU HAVE THE FRONT DOOR.  
21       YOU HAVE ANOTHER SET OF DOUBLE WINDOWS WHICH LEADS  
22       INTO THE DINING ROOM AREA OR LIVING ROOM AREA.  
23       PROBABLY WOULD CONSTITUTE THE LIVING ROOM AREA.

24          Q       AND DID YOU TAKE NOTE OF ANYTHING OUTSIDE THE  
25       WINDOW THERE?

1       A     YES.  IF YOU'LL NOTICE ON THE PHOTOGRAPH HERE  
2       AROUND THIS AREA HERE IT WAS HEAVILY COVERED IN  
3       LEAVES.  IF YOU'LL ALSO NOTICE ON THE SIDES HERE OF  
4       THE PANELING ON THE SIDING, THERE IS NO SCUFF MARKS  
5       OR ANYTHING.  I WANT TO DOCUMENT THAT.  THIS PICTURE  
6       HERE DOESN'T REALLY SHOW IT THAT WELL, BUT BOTH OF  
7       THESE WINDOW HAVE SCREENS ATTACHED TO THEM.

8       Q     ALL RIGHT.  IF WOULD YOU GO TO THOSE NEXT  
9       PHOTOGRAPHS, IF YOU WOULD IDENTIFY IT FOR US AND SEEK  
10      THAT PHOTO OUT.  40 A, IS THAT CORRECT?

11     A     STATE'S EXHIBIT 40 A.

12     Q     ALL RIGHT.

13     A     THIS IS A PHOTOGRAPH OF ME STANDING RIGHT IN  
14      FRONT OF THE WINDOW THAT LED TO MR. COPE'S BEDROOM.  
15      YOU NOTICE ALONG THE EDGE HERE ARE THE WINDOW SILL,  
16      THE DUST AND THE DIRT AND ACTUALLY COVERED IN COB  
17      WEBS ON BOTH SIDES AND IT DOES APPEAR THIS WINDOW IS  
18      UP JUST A LITTLE BIT.  THESE WINDOW HAVE SCREENS ON  
19      THEM.  THEY WERE INTACT.

20     Q     HOW WERE THOSE SCREENS ATTACHED ON THESE  
21      PARTICULAR WINDOWS?

22     A     IF YOU CAN SEE RIGHT AROUND THE EDGE HERE THERE  
23      IS A SMALL BAND THAT'S BEEN NAILED TO THE WALL,  
24      ACTUALLY NAILED TO THE WINDOW FRAME, AND THAT'S HOW  
25      THOSE SCREENS WERE PUT IN.

1 Q AND DID YOU TAKE CLOSER PICTURES OF THOSE  
2 WINDOWS AS WELL?

3 A YES, I DID.

4 Q IF WOULD YOU SHOW THOSE TO US?

5 A THIS IS STATE'S EXHIBIT 40 B.

6 Q ALL RIGHT.

7 A THIS IS THE BOTTOM PORTION OF THE WINDOW. I'LL  
8 MOVE IT UP IN JUST A SECOND. THIS IS THE WINDOW SILL  
9 HERE AND YOU SEE HOW DUST COVERED IT IS. THERE IS  
10 LEAVES IN BOTH CORNERS, COBWEBS THROUGHOUT, AND YOU  
11 CAN ACTUALLY SEE THE LITTLE STRIP OF WOOD THAT'S  
12 HOLDING THE SCREEN IN.

13 Q DID YOU TAKE ANOTHER PHOTOGRAPH OF THAT  
14 PARTICULAR WINDOW?

15 A I HAVE -- YES, I HAVE ANOTHER PHOTOGRAPH.

16 Q IDENTIFY IT FOR US PLEASE?

17 A THIS IS STATE'S EXHIBIT 40 C. THIS IS A  
18 PHOTOGRAPH OF THE LOCKING MECHANISM THAT I TOOK.  
19 IT'S REALLY, IT'S KIND OF HARD TO TELL IN THIS  
20 PICTURE, BUT THERE IS A LOCKING MECHANISM RIGHT  
21 THERE.

22 Q ALL RIGHT.

23 A THERE WAS NO DAMAGE TO IT AS FAR AS WOOD  
24 BREAKAGE OR ANYTHING LIKE THAT.

25 Q ALL RIGHT. DID YOU TAKE A CLOSE UP PICTURE OF

1 THE OTHER WINDOW OF THAT SET OF TWO WINDOWS?

2 A YES, I DID. THIS IS STATE'S EXHIBIT 40 D.  
3 BOTTOM PORTION OF THE WINDOW. AGAIN YOU CAN SEE THE  
4 STRIPS OF WOOD THAT'S HOLDING IN THE WINDOW SCREEN  
5 ITSELF. IF YOU'LL NOTICE HERE THE DARK COVERED AREA  
6 HERE ON THE WINDOW SILL IS ALL DUST, DIRT, LEAVES,  
7 COBWEBS WHICH INDICATED TO ME THAT THERE WAS NO ENTRY  
8 MADE THERE BECAUSE IN ORDER TO MAKE AN ENTRY THERE  
9 THERE WOULD HAVE BEEN SOME TYPE OF, THE DUST WOULD  
10 HAVE BEEN DISTURBED.

11 Q HOW ABOUT THE SCREEN ITSELF, WOULD IT BEEN  
12 REMOVED?

13 A YEAH. THE SCREEN WOULD HAVE BEEN REMOVED, CUT  
14 OR TORN OR SOMETHING IN ORDER FOR A PERSON TO MAKE  
15 ENTRY INTO THAT WINDOW.

16 Q ALL RIGHT. DO YOU HAVE ANOTHER CLOSE UP OF THAT  
17 AS WELL?

18 A YES, I DO.

19 Q SHOW THAT TOO?

20 A THIS IS STATE'S EXHIBIT 40 E. THIS IS A LITTLE  
21 BETTER PICTURE OF THE LOCKING MECHANISM. IT'S IN  
22 PLACE, INTACT, NOT BROKEN, AND THE ACTUAL ARM THAT  
23 YOU TURN TO LOCK IS POINTED AS WE LOOK AT IT TO THE  
24 LEFT.

25 Q ALL RIGHT. AND AGAIN WITH THIS WINDOW ANY SIGN

1 OF ANYTHING BEING DISTURBED ON IT ON THE OUTSIDE?

2 A NONE AT ALL. ABSOLUTELY NONE AT ALL.

3 Q DID YOU TAKE PICTURES OF THE INSIDE OF THAT  
4 WINDOW AS WELL?

5 A YES, I DID. I WENT INSIDE AND TOOK PHOTOGRAPHS  
6 OF THE INTERIOR OF THE HOME OF THIS WINDOW. THIS IS  
7 STATE'S EXHIBIT 40 F. THIS IS THE INSIDE STANDING  
8 BASICALLY IN THE DOORWAY OF MR. COPE'S BEDROOM. THIS  
9 AREA HERE, THIS LARGE AREA HERE THAT'S ACTUALLY RED,  
10 IS A BLANKET. YOU ALSO COULD SEE THE CURTAINS HERE,  
11 IT'S SLIGHTLY PULLED OUT A LITTLE BIT, BUT THAT'S  
12 WHAT THE INSIDE OF IT LOOKED LIKE. IF SO THERE WAS  
13 AN INTRUDER THAT COME INSIDE THAT WINDOW HE'D HAD TO  
14 NEGOTIATE THROUGH THIS STUFF HERE, A CURTAIN AND A  
15 BLANKET.

16 Q ALL RIGHT. DO YOU HAVE A PICTURE THAT WAS  
17 FURTHER AWAY FROM THAT WINDOW SILL?

18 A YES. THIS IS STATE'S EXHIBIT 40 G. AGAIN  
19 HERE'S THE RED BLANKET, A PIECE OF THE CURTAIN. IF  
20 YOU'LL NOTICE THE STUFF IN FRONT OF THE WINDOW. THIS  
21 IS MR. COPE'S BED. THIS WAS PILED UP TO THE BOTTOM  
22 OF THE WINDOW.

23 MR. SMITH: OBJECTION, YOUR HONOR, I  
24 BELIEVE THE WITNESS IS TESTIFYING WITHOUT HAVING BEEN  
25 ASKED A QUESTION.

1                   THE COURT:   OKAY.   ASK HIM ANOTHER  
2   QUESTION.

3   Q    I'M SIMPLY ASKING HIM TO DESCRIBE WHAT THE  
4   PICTURE SHOWS TO US.   I BELIEVE HE ALREADY HAS, SO WE  
5   CAN MOVE ON.   IS THERE ANOTHER PHOTOGRAPH THAT WOULD  
6   PUT THAT WINDOW IN RELATIONSHIP WITH THE REST OF THE  
7   ROOM?

8   A    YES, SIR.

9   Q    IF YOU COULD TELL US WHAT THAT IS?

10   A    THIS IS STATE'S EXHIBIT 40 H.

11   Q    WOULD YOU DESCRIBE THAT TO US?

12   A    THIS AGAIN IS A PHOTOGRAPH OF ME STANDING IN THE  
13   DOORWAY OF MR. COPE'S BEDROOM.   THIS IS THE BED AREA  
14   RIGHT HERE.   HERE IS THE WINDOW THAT I JUST SPOKE OF  
15   AND IT'S NOT VERY CLEAR BUT THIS IS A CURTAIN ON THE  
16   OTHER WINDOW THAT I'M GOING TO TALK TO YOU ABOUT IN A  
17   LITTLE BIT.   I THINK IT'S GOING TO BE THE LAST ONE I  
18   COVER WITH YOU.

19   Q    ALL RIGHT.   THANK YOU.   I SHOW YOU AS WELL WHAT  
20   HAS BEEN MARKED STATE'S EXHIBIT 41 A THROUGH F.   IF  
21   WOULD YOU LOOK AT THOSE FOR ME AND TELL ME IF THOSE  
22   WERE PICTURES THAT YOU HAD TAKEN THAT MORNING?

23   A    YES, SIR.   THESE ARE PICTURE THAT I HAD TAKEN  
24   THAT MORNING.

25   Q    AND DO THOSE FAIRLY AND ACCURATELY DEPICT THE



1 SCENE, THAT PART OF THE SCENE, AS YOU SAW IT THAT  
2 MORNING?

3 A YES, THEY DO.

4 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
5 THESE INTO EVIDENCE AT THIS TIME.

6 MR. GREELEY: NO OBJECTION.

7 MR. SMITH: NO OBJECTION.

8 THE COURT: BE RECEIVED WITHOUT OBJECTION.

9 (STATE'S EXHIBITS 41 A-F RECEIVED INTO  
10 EVIDENCE.)

11 Q STATE'S EXHIBIT 41 A THROUGH F. IF YOU COULD  
12 START WITH 41 AND TELL US ABOUT THIS POINT THAT YOU  
13 EXAMINED?

14 A THIS IS STATE'S EXHIBIT 41. THIS IS THE FRONT  
15 DOOR OF THE COPE RESIDENCE INDICATED BY THE MAILBOX  
16 AND THE HOUSE NUMBER 407.

17 Q ALL RIGHT. AND WHAT IS THAT ON THE EXTERIOR OF  
18 THE DOORS?

19 A THIS IS A SCREEN DOOR THAT YOU CAN SEE THAT'S,  
20 THE SCREEN IS TATTERED ON THE LOWER PORTION AND THE  
21 UPPER PORTION OF THE SCREEN DOOR ITSELF.

22 Q AND DID THAT DOOR AUTOMATICALLY SHUT?

23 A THIS DOOR ACTUALLY HAS A SPRING ATTACHED TO IT,  
24 A RETURNING SPRING, THAT WOULD SHUT THE DOOR IF YOU  
25 OPENED IT.

1 Q ALL RIGHT. DID YOU TAKE MORE PICTURES OF THAT  
2 FRONT DOOR?

3 A YES, I DID.

4 Q IF YOU WOULD SHOW US THE NEXT PICTURE. THIS IS  
5 STATE'S EXHIBIT 41 A?

6 A YES, STATE'S EXHIBIT 41 A.

7 Q ALL RIGHT. AND WHAT WAS THE PURPOSE OF TAKING  
8 THIS PHOTOGRAPH?

9 I WANTED TO SHOW THAT THERE WAS NO FORCED  
10 ENTRY ON THIS DOOR RIGHT THERE. THERE IS NO PRY  
11 MARKS THAT ARE FRESH. EVERYTHING YOU'LL SEE ON THIS,  
12 THE FRONT OF THIS DOOR, ARE OLD PRY MARKS, OLD MARKS  
13 ON THE DOOR. THIS IS THE FRONT DOOR. THE INNER  
14 DOOR, THE SCREEN DOOR IS OPENED UP AND THIS IS MAIN  
15 DOOR OF THE HOUSE RIGHT HERE.

16 Q DID YOU OPEN UP THE DOOR AND TAKE ANY  
17 PHOTOGRAPHS OF THE DOOR JAMB AT THAT POINT?

18 A YES, I DID. STATE'S EXHIBIT NUMBER 40 B.

19 Q WHAT DOES THAT INDICATE?

20 A THIS IS THE, I'M STANDING INSIDE THE RESIDENCE  
21 NOW PHOTOGRAPHING THE DOOR JAMB. THIS IS ACTUALLY  
22 WHERE THE DOOR SHUTS AND LOCKS AND HERE IS THE, I'M  
23 NOT SURE WHAT THE TECHNICAL TERM IS, BUT THIS IS  
24 WHERE THE BOLT CLOSES INTO. IT ALSO SHOWS YOU  
25 ANOTHER VIEW OF THE OTHER SCREEN DOOR FROM THE

1       OUTSIDE.

2       Q     DID YOU NOTICE ANY FRESH PRY MARKS OR ANYTHING  
3       THAT DAY?

4       A     NO, SIR, NO FRESH PRY MARKS.

5       Q     ANY SPLINTERED WOOD OF ANY SORT?

6       A     NO, SIR.  THE DOOR ITSELF WAS IN BAD SHAPE ANY  
7       HOW.  BUT THERE WAS NO FRESH MARKS INDICATING A FRESH  
8       ENTRY.

9       Q     IN YOUR EXPERIENCE OF A CRIME SCENE AND  
10      PARTICULAR WITH DOORS LIKE THIS, IS IT UNUSUAL TO RUN  
11      INTO DOORS THAT ARE KIND OF BEATEN UP?

12     A     THIS IS, I MEAN, WE HAVE IN THE PAST RUN ACROSS  
13      DOORS THAT WERE IN BAD SHAPE, BUT NOTHING SIMILAR TO  
14      THIS.

15     Q     OKAY.

16     A     BUT, YES, I HAVE.  I HAVE RUN INTO THAT BEFORE.

17     Q     ALL RIGHT.  IF YOU WOULD SHOW US, DID YOU TAKE  
18      MORE PICTURE OF THAT DOOR?

19     A     YES, I DID.  STATE'S EXHIBIT 41 C.  HERE'S A  
20      CLOSE UP OF THE PLATE THAT THE BOLT CLOSES INTO.  IT  
21      JUST SHOWS A CLOSE UP AND ALSO THIS EDGE RIGHT HERE  
22      IS THE OUTER EDGE OF ACTUALLY WHAT YOU COULD SEE THE  
23      DOOR SHUT.  IF YOU ARE STANDING OUTSIDE AND YOU PULL  
24      THE DOOR SHUT, THIS IS THE WHITE PAINTED AREA IS WHAT  
25      YOU COULD SEE.  YOU CAN TELL IT WASN'T IN GREAT SHAPE

1 BUT THERE ARE NO FRESH PRY MARKS. THERE IS NO BARE  
2 WOOD SHOWING THERE.

3 Q ALL RIGHT. NOW DID YOU TAKE ONE OF THE DOOR  
4 ITSELF WHERE IT SHUTS?

5 A YES, I DID. STATE'S EXHIBIT 41 D.

6 Q CAN YOU DESCRIBE THAT FOR US PLEASE?

7 A THIS IS SHOWING THE LEADING EDGE OF THE DOOR.  
8 THIS IS THE EDGE OF THE DOOR WANT TO SHOW. IT SHOWS  
9 THE BOLT, DOOR KNOBS, THESE ARE ALL MARKS ON THE DOOR  
10 HERE. THERE IS NOTHING FRESH, ABSOLUTELY NO FRESH  
11 MARKS ON THIS DOOR. ALSO IF YOU'LL NOTICE THESE  
12 THINGS, THESE METAL BOXES HERE, THOSE ARE SOME  
13 EQUIPMENT THAT I BROUGHT IN AND PLACED ON THE COUCH.

14 Q OKAY. IS THERE ONE THAT'S SHOWS THE CLOSER UP  
15 THAT DOOR KNOB?

16 A YES, IT DOES. THIS IS STATE'S EXHIBIT 41 E.  
17 THIS SHOWS A CLOSE UP PHOTOGRAPH OF THE LOCKING  
18 MECHANISM ON THE DOOR, DOOR KNOB, AND HERE'S THE EDGE  
19 OF THE DOORWAY HERE AND YOU CAN SEE THERE IS MARKS  
20 HERE, BUT THESE ARE EXTREMELY OLD MARKS ON THE DOOR.

21 Q ALL RIGHT. SO ANYTHING THAT INDICATED FRESH  
22 MARKS ON THE DOOR HERE?

23 A NOTHING AT ALL. THERE IS NO FRESH MARKS ON THE  
24 DOOR.

25 Q DID THE DOOR HAVE ANY TYPE OF LOCKING MECHANISM

1 TO IT, A CHAIN OR BOLT OR ANYTHING LIKE THAT?

2 A YES, SIR, IT DID.

3 Q AND DID YOU TAKE A PICTURE OF THAT AS WELL?

4 A YES, I DID. STATE'S EXHIBIT 41 F. AGAIN THIS IS  
5 NOT A VERY GOOD PHOTOGRAPH OF IT. IF YOU'LL LOOK  
6 RIGHT HERE, THERE IS THE CHAIN THAT EXTERIOR SECURITY  
7 LATCH CHAIN TYPE LOCK THAT WAS ON THE DOOR AND THE  
8 OTHER END OF IT, THE OTHER SIDE THAT YOU ACTUALLY PUT  
9 ON THE DOOR IS ATTACHED TO THE DOOR.

10 Q DID THE CHAIN APPEAR TO BE IN WORKING ORDER?

11 A THE CHAIN WAS IN WORKING ORDER. IT WAS INTACT.  
12 IT WAS NOT BROKE.

13 Q DID YOU NOTICE ANY MARKS OR ANYTHING AROUND THE  
14 CHAIN?

15 A NO, THERE WAS NONE.

16 Q OKAY. IF YOU COULD GO TO THE NEXT GROUP OF  
17 PHOTOGRAPHS. STATE'S EXHIBIT NUMBER 42 A THROUGH D.  
18 IF YOU'LL EXAMINE THOSE AND TELL US IF THOSE ARE  
19 ACCURATE PICTURES THAT YOU TOOK THAT MORNING?

20 A YES, SIR, THESE ARE THE PHOTOGRAPHS I TOOK THAT  
21 MORNING.

22 Q DO THEY FAIRLY AND ACCURATELY DEPICT WHAT YOU  
23 SAW THAT MORNING?

24 A YES, THEY DO.

25 MR. THOMPSON: I ASK THESE BE RECEIVED

1 INTO EVIDENCE.

2 MR. SMITH: NO OBJECTION.

3 MR. GREELEY: NO OBJECTION.

4 THE COURT: BE RECEIVED.

5 (STATE'S EXHIBITS 42 A-D RECEIVED INTO  
6 EVIDENCE.)

7 Q CAN YOU TELL ME WHERE THE NEXT WINDOW IS THAT  
8 YOU EXAMINED?

9 A THE NEXT SET OF PHOTOS I'M GOING TO SHOW YOU ARE  
10 ACTUALLY OF THESE TWO WINDOWS RIGHT HERE.

11 Q AND CAN YOU TELL US WHILE WE'RE LOOKING AT THIS  
12 PHOTOGRAPH WHAT YOU OBSERVED AS FAR AS THE OUTSIDE OF  
13 THOSE WINDOWS IN FRONT OF THEM?

14 A WELL, JUST FROM HERE YOU HAVE A BARREL HERE  
15 WITH, I'M NOT 100 PERCENT SURE WHAT'S IN THAT BARREL,  
16 BUT THERE IS A BARREL THERE. THERE IS A CHAIR  
17 SITTING RIGHT HERE THAT WAS ACTUALLY REAL CLOSE TO  
18 THE FRONT OF THIS PORCH HERE. YOU HAVE A BLUE JUG.  
19 IT LOOKS LIKE A WATER JUG. AGAIN THE GROUND WAS  
20 LITTERED WITH LEAVES AND SO FORTH. AND ALSO YOU HAVE  
21 BUSH PARTIALLY BLOCKING ONE OF THESE.

22 Q ALL RIGHT.

23 A ALSO WITH A FLAG HANGING ABOVE OR ACTUALLY  
24 THAT'S ON THE DOOR POST.

25 Q IF YOU WOULD TELL US ON THE FIRST EXHIBIT THAT

1 YOU HAVE THERE OF THE WINDOW THAT YOU HAD, WOULD YOU  
2 SHOW US AND DESCRIBE WHAT YOU EXAMINED ON THOSE  
3 WINDOWS?

4 A THIS IS STATE'S EXHIBIT 42. THESE ARE THE  
5 WINDOWS THAT ARE LOCATED IN THE LIVING ROOM AREA. IF  
6 YOU'LL NOTICE THAT BOTH OF THESE WINDOW HAVE SCREENS  
7 ON IT. ONE ODD THING IS THIS SCREEN ON THIS WINDOW  
8 HERE IS TURNED UPSIDE DOWN. IT IS NOT ON THE WINDOW  
9 CORRECTLY, BUT IT IS ON THE WINDOW AND IT IS SECURE  
10 ON THE WINDOW. THIS SCREEN HERE IS ACTUALLY HAS  
11 THREE SCREWS HOLDING THIS SCREEN IN. THERE WAS NO  
12 FRESH SIGN OF ANY TYPE OF TAMPERING WITH IT. THERE  
13 WERE THERE AND IN PLACE.

14 ALSO IF YOU'LL NOTICE HERE THE LEAVES  
15 ON BOTH CORNERS HERE, THEY ARE BEING HUNG BY COBWEBS.  
16 ALSO THE WINDOW SILL ITSELF IS, ON BOTH WINDOWS, ARE  
17 COMPLETELY COVERED IN DUST AND THERE WAS NO SIGNS OF  
18 ANYONE ENTERING THAT WINDOW AT ALL.

19 Q ALL RIGHT. AND CAN YOU TELL ME THE, YOU HAD  
20 MENTIONED DUST AND COBWEBS IN THE PRIOR WINDOW. DID  
21 YOU NOTICE ANY COBWEBS IN THOSE WINDOW AS WELL?

22 A YES. THERE WERE COBWEBS ON THIS WINDOW HERE  
23 ALSO.

24 Q OKAY. AND DID YOU TAKE ANY OTHER PICTURES OF,  
25 CLOSER UP PHOTOGRAPHS OF THOSE WINDOWS?

1 A YES, I DID.

2 Q SHOW THOSE TO US PLEASE?

3 A STATE'S EXHIBIT 42 A.

4 Q NOW HAD YOU DESCRIBED SOME OF THE THINGS THAT  
5 WERE RIGHT IN FRONT OF THE WINDOW ITSELF IN THE  
6 PHOTOGRAPH OF THE FRONT OF THE HOUSE. WAS THERE  
7 ANYTHING THAT WAS DISTURBED IN THAT THAT YOU COULD  
8 TELL?

9 A THERE WAS NOTHING DISTURBED. ONE OF THE ITEMS  
10 YOU GET TO SEE IN ANOTHER PICTURE IS THIS ITEM RIGHT  
11 HERE, IT'S ONE OF THOSE SMALL EXERCISE TRAMPOLINES  
12 THAT'S, WHAT THAT IS.

13 Q ALL RIGHT.

14 A AND YOU CAN SEE HERE EVEN BETTER THE PHOTOGRAPH,  
15 A BETTER AIMING WITH THE PHOTOGRAPH. ALL THIS STUFF  
16 IS BEING HUNG BY COBWEBS IN THIS WINDOW.

17 Q ALL RIGHT.

18 A THIS IS STATE'S EXHIBIT 42 A.

19 Q WHAT IS THAT DEPICTING?

20 A THIS IS A PHOTOGRAPH THAT SHOWS, ACTUALLY SHOWS  
21 THE SCREEN ON THE WINDOW AND IT DEPICTS THE LOCKING  
22 MECHANISM WHICH THE LITTLE LEVERS POINTING AS WE LOOK  
23 AT IT TO THE LEFT. IT WAS NOT TAMPERED WITH, IT WAS  
24 NOT BROKE. IT WAS IN PLACE AND WORKING PROPERLY.

25 Q OKAY. SHOW US THE NEXT PHOTOGRAPH. DESCRIBE



1       WHAT IS DEPICTED?

2       A     THIS WINDOW HERE, THIS IS ACTUALLY THE WINDOW ON  
3       THE, IF YOU ARE STANDING LOOKING AT IT WAS THE WINDOW  
4       TO THE LEFT.  IT WAS THE FIRST WINDOW ON THIS SIDE.  
5       THIS IS THE SECOND WINDOW.  REMEMBER, I SPOKE OF THE  
6       SCREEN UPSIDE DOWN, THIS IS SHOWING YOU THAT THIS WAS  
7       THE CROSS BAR ON THE SCREEN.  THIS IS PLACED UPSIDE  
8       DOWN.  THIS IS LOCKING MECHANISM ON THE DOOR.  AND AS  
9       WE LOOK AT IT ON THIS ONE, IS ONE HERE IS POINTED TO  
10      THE RIGHT.

11      Q     DOES THAT WINDOW APPEAR TO BE SHUT ALL THE WAY?

12      A     NO, SIR, IT WAS NOT SHUT ALL THE WAY.  LET ME  
13      REFER BACK TO MY, ACTUALLY THIS WINDOW WAS SHUT.  IT  
14      IS SHUT COMPLETELY ALL THE WAY.  IT WAS THE OTHER  
15      WINDOW THAT WAS NOT SHUT COMPLETELY AT THE BOTTOM.  
16      IT DIDN'T APPEAR TO BE SHUT FROM THE PHOTOGRAPH ANY  
17      WAY.

18      Q     ALL RIGHT.  DID YOU AS WELL TAKE PHOTOGRAPHS OF  
19      THE INSIDE OF THAT PARTICULAR WINDOW?

20      A     YES, I DID.

21      Q     IF YOU WOULD SHOW US SOME OF THOSE?

22      A     THIS IS STATE'S EXHIBIT 42 C.  THIS IS A  
23      INTERIOR PHOTOGRAPH OF THE INSIDE OF THE RESIDENCE.  
24      THESE BLUE CURTAINS ARE OVER THE TWO WINDOWS WE JUST  
25      LOOKED AT.  IF YOU'LL ALSO NOTICE ON THIS ONE RIGHT

1       HERE, THIS IS A BOX OF BOOKS AND PAPERS AND STUFF AND  
2       THIS BROWN EDGE RIGHT HERE IS A CHAIR THAT WAS PUSHED  
3       ALL THE WAY AGAINST THE CURTAIN ITSELF.

4       Q     AND IS THAT DIRECTLY IN FRONT OF THE FIRST  
5       WINDOW AS YOU LOOK AT IT FROM THE OUTSIDE?

6       A     IT IS DIRECTLY IN FRONT OF THAT FIRST WINDOW.

7       Q     DID YOU TAKE ANOTHER PICTURE OF THE SCENE FROM  
8       THE INSIDE AS WELL?

9       A     YES, I DID. THIS IS STATE'S EXHIBIT 42 D.

10      Q     IF YOU WILL DESCRIBE TO US WHAT YOU LOOKED AT IN  
11      THAT PHOTOGRAPH?

12      A     THIS IS A PHOTOGRAPH THAT'S BACK OFF A LITTLE  
13      BIT WHERE YOU CAN SEE THE WHOLE LIVING ROOM AREA.  
14      AGAIN YOU CAN SEE THE KIND OF LITTLE TABLE, KITCHEN  
15      TABLE HERE. THE BOOKS AND PAPERS THAT ARE ON THE  
16      TABLE ITSELF. THIS CHAIR IS PUSHED ALL THE WAY UP  
17      AGAINST THE WINDOW. THE COMPUTER TABLE HERE  
18      PARTIALLY BLOCKING WINDOW ON THE OTHER SIDE. THIS  
19      BAG HERE IS PART OF OUR EQUIPMENT, IS ONE OF OUR  
20      EQUIPMENT BAGS.

21      Q     WHEN YOU EXAMINED THE WINDOW FROM THE INSIDE DID  
22      YOU NOTICE ANY DEBRIS THAT COULD POSSIBLY HAVE BEEN  
23      CARRIED IN FROM THE OUTSIDE LIKE LEAVES OR MUD OR  
24      ANYTHING LIKE THAT?

25      A     THERE WAS NOTHING THERE. NO ONE, IT WOULD HAVE

1 BEEN HARD FOR SOMEONE TO COME THROUGH THIS WINDOW FOR  
2 THE SIMPLE FACT OF ALL THIS STUFF THAT WAS HERE. ALL  
3 THIS STUFF WOULD HAVE BEEN, YOU KNOW, IN MORE  
4 DISARRAY THAN WHAT IT IS, POSSIBLY ON THE FLOOR, NOT  
5 IN THIS POSITION.

6 Q ALL RIGHT. AND ONCE AGAIN, WHEN YOU WERE  
7 LOOKING AT THE DUST AND COBWEBS AND THOSE THINGS OF  
8 THAT NATURE, DID ANY OF THAT APPEAR TO BE DISTURBED  
9 ON THAT WINDOW?

10 A IT WAS NOT DISTURBED.

11 Q ALL RIGHT. GOING NOW TO STATE'S EXHIBIT NUMBER  
12 43 A THROUGH C. IF YOU'LL LOOK AT THOSE FOR ME AND  
13 IF THOSE ARE THE PICTURES THAT YOU TOOK THAT DAY?

14 A YES, SIR, THEY ARE.

15 Q DO THEY ACCURATELY DEPICT THE SCENE AS YOU TOOK  
16 THEM THAT DAY?

17 A THEY WERE EXACTLY HOW I FOUND THE SCENE THAT.

18 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
19 THESE AT THIS TIME.

20 MR. SMITH: NO OBJECTION.

21 MR. GREELEY: NO OBJECTION.

22 THE COURT: BE RECEIVED.

23 (STATE'S EXHIBITS 43 A-C RECEIVED INTO  
24 EVIDENCE.)

25 A THIS IS STATE'S EXHIBIT 43.

1 Q IF COULD YOU TELL ME WHAT THAT INDICATES PLEASE?

2 A THIS IS ME STANDING ON THE RIGHT SIDE OF THE  
3 HOUSE AS YOU LOOK AT IT PHOTOGRAPHING BACK TOWARD THE  
4 FRONT DOOR. YOU CAN SEE THE FRONT DOOR HERE. THERE  
5 IS A SET OF WINDOWS THAT I JUST TALKED TO YOU ABOUT  
6 AND HERE'S THE KIND OF BEGINNING OF THE WINDOWS ON  
7 MR. COPE'S ROOM. THIS IS A SIDE ENTRANCE, KIND OF A  
8 LITTLE PORCH AREA, AND ALSO SHOWS DOWN THE RIGHT SIDE  
9 OF THE HOME.

10 Q ALL RIGHT. AND DID YOU EXAMINE THAT DOOR ON  
11 THAT SIDE OF THE ENTRANCE?

12 A YES, I DID.

13 Q IF YOU WOULD GO TO THE NEXT PHOTOGRAPH AND TELL  
14 US WHAT STOOD OUT TO YOU ABOUT THAT, ABOUT THAT DOOR  
15 AT THAT TIME?

16 A THIS IS STATE'S EXHIBIT 43 A. THE PHOTOGRAPH OF  
17 THE SIDE DOOR.

18 Q CAN YOU TELL ME WAS ANY GLASS BROKEN OR ANYTHING  
19 OF THAT NATURE ON THE DOOR ITSELF?

20 A THERE WAS NO GLASS BROKEN INSIDE OF ANY OF THESE  
21 PANES HERE. THE SCREEN ON THE SCREEN DOOR WAS  
22 INTACT. THIS IS THE LITTLE, ALMOST WANT TO SAY IT  
23 WAS LIKE A PLANTER OR SOMETHING YOU PUT A PLANT ON  
24 TOP OF TO HOLD A PLANT, YOU HAVE BOXES AND STUFF HERE  
25 ALSO. BUT THIS DOOR WAS INTACT AND THERE WAS NO

1 SIGNS OF ANY TYPE OF FORCED ENTRY TO THIS DOOR.

2 Q NOW DOES THAT DOOR OPEN TO THE OUTSIDE OR DOES  
3 IT OPEN TO THE INSIDE?

4 A THIS DOOR, THE SCREEN DOOR OPENS OUT, THE  
5 INTERIOR OPENS IN.

6 Q OKAY. DID YOU TAKE PICTURES OF WHAT WAS ON THE  
7 INSIDE OF THAT DOOR?

8 A YES, I DID.

9 Q IF YOU CAN SHOW THOSE TO US PLEASE?

10 A THIS IS STATE'S EXHIBIT 43 B.

11 Q IF YOU'LL DESCRIBE THAT TO US PLEASE?

12 A THIS IS THE DOOR THAT INSIDE. IT'S GOT THE  
13 LOUVER TYPE BLINDS ON IT. THIS OBJECT HERE IS THE  
14 COMPUTER MONITOR THAT WAS, THAT SITS RIGHT UP AGAINST  
15 THAT SIDE DOOR.

16 Q DID YOU TAKE A PHOTOGRAPH FURTHER AWAY FROM IT  
17 AS WELL?

18 A YES, I DID.

19 Q SHOW US THAT PHOTOGRAPH AND DESCRIBE IT FOR US?

20 A THIS IS STATE'S EXHIBIT 43 C.

21 Q IF YOU WOULD DESCRIBE THE IMPORTANCE OF THAT  
22 PHOTOGRAPH?

23 A THIS PHOTOGRAPH HERE INDICATES AND SHOWS THAT,  
24 HERE'S YOUR DOOR HERE. THIS IS A DOOR THAT WE JUST  
25 FINISHED TALKING ABOUT. THE COMPUTER MONITOR THAT I

1 WAS TELLING YOU ABOUT. THIS IS A METAL DESK THAT IS  
2 SITTING IN FRONT OF THAT DOOR WHICH WOULD BLOCK  
3 ANYONE FROM COMING THROUGH THAT DOOR BECAUSE THIS  
4 DOOR HERE OPENS TO THE INSIDE.

5 Q ALL RIGHT. AND ONCE AGAIN THAT COMPUTER  
6 MONITOR, WAS IT ON WHEN YOU WERE THERE?

7 A YES, IT WAS.

8 Q IS THAT HOW YOU SAW IT WHEN YOU PHOTOGRAPHED IT?

9 A YES, SIR. I THINK IF YOU LOOK CLOSELY YOU CAN  
10 SEE THE COMPUTER MONITOR IS ON IF YOU LOOK AT THIS  
11 PICTURE.

12 Q ALL RIGHT. THANK YOU. THE NEXT GROUP OF  
13 PHOTOGRAPHS STATE'S EXHIBIT 44 A THROUGH G. LOOK AT  
14 THOSE PHOTOGRAPHS AND TELL ME ARE THOSE PHOTOGRAPHS  
15 YOU TOOK THAT MORNING?

16 A YES, SIR. THESE ARE THE PHOTOGRAPHS AT THAT I  
17 TOOK THAT MORNING.

18 Q AND DO THEY FAIRLY AND ACCURATELY DEPICT THE  
19 SCENE AS YOU SAW IT THAT MORNING?

20 A YES, THEY DO.

21 MR. THOMPSON: I MOVE TO ENTER THESE INTO  
22 EVIDENCE AT THIS TIME, YOUR HONOR.

23 MR. SMITH: NO OBJECTION.

24 MR. GREELEY: NO OBJECTION.

25 THE COURT: BE RECEIVED WITHOUT OBJECTION.

1 (STATE'S EXHIBITS 44 A-G RECEIVED INTO  
2 EVIDENCE.)

3 Q YOU HAD STARTED TO SHOW US WHAT WINDOW WE'RE  
4 GOING TO LOOK ON THIS SET OF PHOTOGRAPHS?

5 A I'M GOING TO GO BACK TO STATE'S EXHIBIT 43.  
6 AGAIN THIS IS A SIDE VIEW OF THE HOUSE AND WE'RE  
7 GOING TO BE TALKING ABOUT THIS WINDOW HERE DIRECTLY  
8 BEHIND THIS DIRECT TV SATELLITE DISH.

9 Q ALL RIGHT. IF YOU COULD SHOW US THE PHOTOGRAPH  
10 YOU TOOK OF THAT WINDOW?

11 A HERE IS THE WINDOW THAT IS IN QUESTION. THIS IS  
12 A SMALLER WINDOW THAN WHAT THE ONES WERE ON THE  
13 FRONT. IT SHOWS IT CLEARLY HAS A SCREEN ON IT. IT'S  
14 PUT IN PLACE. IF YOU ALSO NOTICE ON THIS WINDOW SILL  
15 RIGHT HERE HOW DIRTY IT IS, THE DUST HAS NOT BEEN  
16 DISTURBED. THIS IS A BADMINTON POLES TO HOLD THE NET  
17 UP AND MAYBE YOU CAN SEE SOME OF THE RACKET HANDLES  
18 HERE.

19 Q AND ONCE AGAIN DID YOU NOTICE ANY COBWEBS OR  
20 ANYTHING OF THAT NATURE WITHIN THAT SCREEN TO THE  
21 WINDOW?

22 A YEAH, THERE WERE COBWEBS ALL THROUGHOUT THE  
23 WINDOW ITSELF AND THE UPPER CORNERS AND THE LOWER  
24 CORNER. YOU CAN SEE SOME AROUND THE EDGES HERE.

25 Q DID ANY OF THE DUST OR COBWEBS APPEAR TO BE

1 DISTURBED.

2 A THERE WAS NOTHING DISTURBED ON THAT WINDOW.

3 Q AND DID IT APPEAR TO HAVE ANYTHING DISTURBED ON  
4 THE SCREEN ITSELF?

5 A NO, SIR, THE SCREEN WAS INTACT.

6 Q DID YOU TAKE CLOSE UP PHOTOGRAPHS OF THIS WINDOW  
7 AS WELL?

8 A YES, I DID. STATE'S EXHIBIT 44 A SHOWS THE  
9 LOCKING MECHANISM OF THE WINDOW ITSELF AND YOU WILL  
10 NOTICE AS WE LOOKED AT IT IT IS POINTING TO THE  
11 RIGHT. IT WAS INTACT AND IT DID NOT APPEAR ANYTHING  
12 TO BE WRONG WITH IT.

13 Q ALL RIGHT. AND THE OTHER PHOTOGRAPHS OF THAT  
14 WINDOW FROM THE OTHER SIDE?

15 A YES. THIS IS STATE'S EXHIBIT 44 B.

16 Q WHEN YOU TOOK THAT PHOTOGRAPH DID YOU HAVE TO  
17 PULL BACK THE CURTAIN A LITTLE BIT?

18 A ACTUALLY THE FIRST ONE I TOOK IS THE ONE WITHOUT  
19 ME PULLING IT BACK, BUT, YES, I DID PHOTOGRAPH THIS  
20 BY PULLING THE CURTAIN BACK SHOWING THE LOCKING  
21 MECHANISM, THAT IS INTACT AND THERE IS NO DAMAGE TO  
22 THE WOOD THERE.

23 Q THEN IF YOU WOULD SHOW US THE NEXT PHOTOGRAPH OF  
24 THAT WINDOW?

25 A STATE'S EXHIBIT 44 C IS BEFORE I MOVED THE



1 CURTAIN ITSELF. IF YOU LOOK CLOSELY YOU CAN ACTUALLY  
2 SEE THROUGH IT. THE CURTAIN IS SOMEWHAT SHEER, YOU  
3 CAN SEE THROUGH AND SEE THE VEHICLE OUTSIDE HERE.  
4 THIS IS HOW SEE I FOUND IT ON THE OTHER SIDE.

5 Q AND TOWARDS THE BOTTOM OF THAT PHOTOGRAPH WHAT'S  
6 THAT ON THE INSIDE?

7 A THAT'S, IF I'M NOT MISTAKEN, THAT IS A CLOTHES  
8 BASKET.

9 Q OKAY. DID YOU TAKE ONE FURTHER BACK TO SHOW  
10 WHAT'S IN FRONT OF THAT?

11 A YES, I DID.

12 Q IF YOU'LL SHOW US THAT PHOTOGRAPH?

13 A THIS WOULD BE STATE'S EXHIBIT 44 D. THIS IS A  
14 PHOTOGRAPH I TOOK FURTHER BACK WHERE YOU CAN SEE THE  
15 AREA IN FRONT OF THAT WINDOW. THIS IS THE WINDOW  
16 WE'RE DISCUSSING NOW. HERE'S THAT CLOTHES BASKET I  
17 TALKED TO YOU ABOUT. ALL ALSO RIGHT IN FRONT OF THE  
18 WINDOW ITSELF IS ALL THESE BOXES, ANOTHER CLOTHES  
19 HAMPER, AND ALL THESE BOXES HERE.

20 Q WAS THERE ANY INDICATION TO YOU ON THAT WINDOW  
21 THAT ANYONE COULD HAVE ENTERED THROUGH THAT WINDOW?

22 A NO, SIR, ABSOLUTELY NOT. NO ONE ENTERED THROUGH  
23 THAT WINDOW THERE.

24 Q GO TO THE NEXT GROUP OF PHOTOGRAPHS. STATE'S  
25 EXHIBIT 45 THROUGH 45 B.

1 MR. SMITH: JUDGE, I HAVE NO OBJECTION.

2 MR. GREELEY: NO OBJECTION.

3 MR. THOMPSON: THEN I ASK THESE BE ENTERED  
4 INTO EVIDENCE.

5 THE COURT: RECEIVED WITHOUT OBJECTION.

6 (STATE'S EXHIBIT 45 A-B RECEIVED INTO  
7 EVIDENCE.)

8 Q IF YOU WOULD TELL US WHICH WINDOW WE'RE LOOKING  
9 AT AT THIS POINT IN TIME?

10 A THIS IS THE SIDE WINDOW HERE OF THE ONE THAT HAS  
11 THE AIR CONDITIONER UNIT IN IT, THE WINDOW UNIT.

12 Q WHAT'S THE FIRST PHOTOGRAPH?

13 A THIS IS STATE'S EXHIBIT 45. THIS IS THE WINDOW  
14 UNIT AIR CONDITIONER. IT'S THE FIRST WINDOW DOWN THE  
15 RIGHT SIDE OF THE HOUSE. THIS IS ACTUALLY THE ONLY  
16 WINDOW IN THE WHOLE RESIDENCE THAT DID NOT HAVE A  
17 SCREEN IN IT. NO ONE REMOVED THAT AIR CONDITIONER  
18 BECAUSE THE ONLY WAY TO GET IT OUT IS TO PUSH IT  
19 THROUGH THE INSIDE SO THAT, THAT WINDOW AIR  
20 CONDITIONER DID NOT COME OUT OF THAT WINDOW.

21 Q WERE THERE DIRT AND LEAVES AROUND THE SIDES OF  
22 THE AIR CONDITIONER?

23 A YOU REALLY CAN'T SEE IT THAT WELL ON THE TOP UP  
24 HERE BUT THERE IS LEAVES AND STUFF HERE. AND THERE  
25 IS ALSO, THERE IS SOME COBWEBS AND STUFF UP UNDER THE

1 WINDOW UNIT ITSELF.

2 Q ALL RIGHT. AND DID THAT APPEAR TO BE DISTURBED  
3 IN ANY WAY?

4 A NO, SIR, THERE WAS NOTHING DISTURBED ABOUT THAT.

5 Q DID YOU TAKE ANY PICTURES OF THE INTERIOR OF  
6 THAT WINDOW?

7 A YES, I DID. STATE'S EXHIBIT 45 A. THIS IS A  
8 PHOTOGRAPH OF THE INSIDE OF THE RESIDENCE STANDING  
9 THERE AND INSIDE OF THE RESIDENCE. THIS IS CLOTHES  
10 RACK THAT IS PARKED RIGHT IN FRONT OF THE WINDOW.  
11 YOU CAN SEE THE CURTAIN ITSELF AND THE BLINDS ON THE  
12 WINDOW ITSELF ARE INTACT AND THIS IS ACTUALLY, I'M  
13 NOT 100 PERCENT SURE, I THINK IT'S PART OF THE BLINDS  
14 BECAUSE THE BLINDS COME ALL THE WAY DOWN.

15 Q DID YOU TAKE ONE FURTHER OUT TO SHOW US  
16 EVERYTHING?

17 A YES, SIR, I DID.

18 Q SHOW US THAT EXHIBIT.

19 A STATE'S EXHIBIT 45 B. THIS IS A PHOTOGRAPH  
20 TAKEN FURTHER BACK SHOWING YOU WHAT WAS IN FRONT OF  
21 THE WINDOW. AGAIN YOU HAVE THE DYER HERE. YOU GOT  
22 THE CLOTHES RACK. CLOTHES HAMPER, CLOTHES ON THE  
23 FLOOR, AND THIS IS EXACTLY HOW I FOUND IT.

24 Q ALL RIGHT. AND FROM THE OUTSIDE OF THAT WINDOW  
25 TOO, DID YOU LOOK ON TO THE GROUND IN FRONT OF IT?

1 A YES, I DID. THERE WAS NO MARKS ON THE ACTUAL  
2 SIDING. THERE WAS NO MARKS ON THE GROUND.

3 Q ALL RIGHT. THE NEXT SET OF PHOTOGRAPHS 46 A  
4 THROUGH E?

5 MR. SMITH: NO OBJECTION.

6 MR. GREELEY: NO OBJECTION, YOUR HONOR.

7 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
8 THEM INTO EVIDENCE.

9 THE COURT: BE RECEIVED WITHOUT OBJECTION.

10 (STATE'S EXHIBIT 46 A-E RECEIVED INTO  
11 EVIDENCE.)

12 Q CAN YOU TELL US WHAT THE NEXT WINDOW IS THAT  
13 WE'RE GOING TO BE EXAMINING?

14 A THE NEXT WINDOW IS STATE'S EXHIBIT 46 IS I'M  
15 ACTUALLY STANDING AT THE RIGHT BACK CORNER OF THE  
16 HOME NOW. THIS BEING THE BACK DOOR. THIS IS BEING  
17 THE WINDOW WE JUST TALKED ABOUT. THIS IS THE KITCHEN  
18 WINDOW THAT WE'RE GOING TO TALK ABOUT NOW.

19 Q IF YOU WILL SHOW US A CLOSE UP OF THE KITCHEN  
20 WINDOW?

21 A STATE'S EXHIBIT 46 A. HERE'S THE WINDOW.  
22 YOU'LL NOTICE THAT THE WINDOW IS OPEN. IT'S OPEN  
23 8-10 INCHES. THERE IS A SCREEN. YOU CAN SEE THE  
24 METAL SCREEN FRAME HERE. THE METAL SCREEN IS IN  
25 PLACE, INTACT, HAD NOT BEEN TAMPERED WITH. ALSO

1       THERE WAS NO MARKS ON THIS SIDING HERE WHERE SOMEONE  
2       GOING TO ATTEMPT TO GET IN THEY WOULD HAVE TO CLIMB  
3       THROUGH AND USE THEIR FOOT MOST LIKELY TO GET UP IN  
4       THE WINDOW.

5       Q     CAN YOU TELL ME WERE YOU STANDING UP WHEN YOU  
6       TOOK THIS PHOTOGRAPH?

7       A     YES, I WAS.

8       Q     CAMERA UP TO YOUR HEAD LEVEL?

9       A     YES, IT WAS.

10      Q     IS THAT ABOUT HOW HIGH THE WINDOW IS WHEN YOU  
11      STAND OUTSIDE OF IT?

12      A     YES, SIR, THAT'S VERY ACCURATE. IT WAS ABOUT  
13      SIX, SIX AND A HALF FOOT OFF THE GROUND.

14      Q     ALL RIGHT. DID YOU TAKE ANY PICTURES OF IT  
15      CLOSER TO THAT?

16      A     YES, I DID.

17      Q     SHOW THOSE TO US?

18      A     THIS IS STATE'S EXHIBIT 46 B. THIS IS A CLOSE  
19      UP OF THE WINDOW SILL. AGAIN YOU'LL NOTICE THE  
20      SCREEN IS INTACT. VIRTUALLY NO DAMAGE TO THE SCREEN  
21      ITSELF. IF YOU'LL ALSO NOTICE HERE THAT THESE ARE  
22      TACKS HOLDING THIS SCREEN IN THE WINDOW, SO IT WAS  
23      TACKED TO THE WINDOW FRAME ITSELF.

24      Q     LOOKING CLOSELY AT THAT PHOTOGRAPH IF YOU'LL  
25      LOOK AT IT BACK ON THIS WAY, IN THE CORNERS ON,

1 ESPECIALLY ON THE BOTTOM I BELIEVE, WERE THERE ANY  
2 CORNERS THAT YOU NOTE?

3 A WELL, IF YOU'LL NOTICE HERE IN THIS CORNER THERE  
4 APPEARS TO BE A LITTLE BIT OF DAMAGE HERE, BUT  
5 NOTHING SIGNIFICANT. IT DID NOT BREACH THE INTEGRITY  
6 OF THE FRAME OF THE SCREEN AND IT REALLY DOESN'T  
7 DEPICT VERY WELL ON HERE EITHER, BUT ON THE INSIDE OF  
8 THE WINDOW SILL IT SELF IT IS ALSO COVERED IN HEAVY  
9 DUST AND A FEW LEAVES AND A FEW COBWEBS.

10 Q DID ANY OF THAT APPEAR TO BE DISTURBED?

11 A THERE IS NOTHING DISTURBED ABOUT THIS WINDOW  
12 OTHER THAN IT BEING OPEN.

13 Q OKAY. AND IF YOU WOULD, IF YOU WOULD GO TO THE  
14 NEXT PHOTOGRAPH PLEASE?

15 A THIS IS STATE'S EXHIBIT 46 C.

16 Q ALL RIGHT.

17 A THIS SHOWS THE, I'LL START RIGHT HERE. THIS IS  
18 THE WINDOW SILL ITSELF AND THIS IS THE SIDING  
19 DIRECTLY BELOW THE WINDOW. I PHOTOGRAPHED THIS TO  
20 SHOW THAT THERE WAS NO DAMAGE, ALTHOUGH THERE ARE  
21 SOME PAINT CHIPPING BUT THE PAINT WAS CHIPPING  
22 EVERYWHERE IN THE HOUSE, THERE WAS NOTHING THAT WOULD  
23 LEAD ME TO BELIEVE THAT SOMEBODY MADE ENTRY INTO THIS  
24 WINDOW BECAUSE THERE WAS NO SIGNIFICANT DAMAGE TO  
25 THAT PAINT.

1 Q IF YOU PULL THIS DOWN JUST A LITTLE BIT AND LOOK  
2 INTO THE CORNERS IN PARTICULAR. IS THERE ANYTHING  
3 YOU NOTICE ABOUT ANYTHING IN THE CORNERS?

4 A THERE IS A, THERE IS A SCREW HERE AND THERE IS A  
5 SCREW HERE THAT HELD THAT FRAME AND SCREEN INTO THE  
6 WINDOW FRAME.

7 Q DID YOU TAKE ANY PICTURES OF THIS WINDOW FROM  
8 THE INSIDE OF THE HOUSE?

9 A YES, I DID.

10 Q IF YOU'LL SHOW US SOME OF THOSE?

11 A STATE'S EXHIBIT 46 D. THIS IS ME STANDING IN  
12 THE KITCHEN TAKING A PHOTOGRAPH OF THIS WINDOW. THIS  
13 AREA RIGHT HERE IS THE SPLASH GUARD ON THE SINK.  
14 THIS IS PROBABLY THE BEST BLIND IN THE HOME. THERE  
15 IS NO DAMAGE TO IT WHATSOEVER AND THIS IS EXACTLY THE  
16 WAY I FOUND IT.

17 Q WAS THERE DUST ON THOSE BLINDS?

18 A YES, THERE WAS. THERE WAS DUST ON THE BLINDS  
19 AND THERE IS NO, THERE IS NOTHING IN HERE INDICATES  
20 THAT SOMEONE'S HAND COME THROUGH OR ANYTHING AND  
21 KNOCKED THE DUST OFF.

22 Q ALL RIGHT. IF YOU WOULD GO TO THE NEXT  
23 PHOTOGRAPH AND DESCRIBE THE IMPORTANCE OF THAT ONE?

24 A THIS IS STATE'S EXHIBIT 46 E. THIS IS A PICTURE  
25 OF THE KITCHEN CABINET AREA. THE WINDOW THAT WE TALK

1 ABOUT IS HERE. THIS IS THE, OF COURSE, THE SINK.  
2 THERE SIDE OF THE SINK WAS FILLED WITH DISHES THAT  
3 HAD SOME WATER IN IT. YOU HAD POTS AND PANS, COFFEE  
4 CUPS, SITTING ALL AROUND THE COUNTER. THERE WAS  
5 NOTHING THAT LED ME TO BELIEVE THAT SOMEONE COME  
6 THROUGH WINDOW BECAUSE NOTHING ON THIS AREA IN EITHER  
7 ONE OF THESE AREAS RIGHT HERE WAS DISTURBED AT ALL.

8 Q DID IT APPEAR THAT ANYTHING HAD POSSIBLY BEEN  
9 DRAGGED IN FROM THE OUTSIDE?

10 A NO. NO, SIR. NOTHING AT ALL.

11 Q ANY MUD, ANY LEAVES, THINGS LIKE THAT?

12 A WELL, THERE WAS SOME LEAVES THROUGHOUT THE HOUSE  
13 BUT THERE WAS NOTHING, THERE WAS NOTHING IN THIS AREA  
14 HERE, NO LEAVES OR ANYTHING LIKE THAT, DEBRIS FROM  
15 THE OUTSIDE ALONG THE KITCHEN COUNTER AREA.

16 Q AGAIN WHEN YOU WERE ON THE OUTSIDE OF THIS  
17 WINDOW DID YOU EXAMINE THE GROUND UNDERNEATH IT?

18 A YES, I DID.

19 Q WHAT IF ANYTHING DID YOU NOTICE ABOUT IT?

20 A THERE WAS NOTHING DISTURBED.

21 Q ALL RIGHT. GO TO THE NEXT SET OF PHOTOGRAPHS.  
22 STATE'S EXHIBIT 47 A THROUGH D. STATE'S EXHIBIT 47 A  
23 THROUGH D?

24 MR. SMITH: NO OBJECTION, YOUR HONOR.

25 MR. GREELEY: NO OBJECTION.



1                   MR. THOMPSON: I ASK TO ENTER THESE INTO  
2 EVIDENCE AT THIS TIME THEN.

3                   THE COURT: WITHOUT OBJECTION BE ENTERED.

4                   (STATE'S EXHIBITS 47 A-D RECEIVED INTO  
5 EVIDENCE.)

6 Q       OFFICER GARDNER, IF WOULD YOU TELL US THE NEXT  
7 POINT THAT WE'RE GOING TO LOOK AT?

8 A       THE NEXT PHOTOGRAPHS WE'RE GOING TO LOOK AT IS  
9 THE ACTUAL BACK DOOR. THIS IS STATE'S EXHIBIT 47.  
10 THIS IS THE BACK DOOR. THIS IS THE WAY I FOUND IT  
11 THAT MORNING. THE SCREEN DOOR IS OPEN. THE BACK  
12 DOOR IS SHUT. YOU ALSO SEE SOME DAMAGE TO THE SIDING  
13 AREA HERE. THAT'S HOW I FOUND IT THAT MORNING.

14 Q       ALL RIGHT.

15 A       IF YOU ALSO LOOK ON THE STEPS, THE BACK STEPS,  
16 THESE ARE COVERED IN LEAVES AND NONE OF THEM SEEM TO  
17 BE OUT OF PLACE OTHER THAN THEM DROPPING FROM THE  
18 TREE ON TO THE BACK PORCH.

19 Q       ALL RIGHT. DID YOU TAKE ANY CLOSE UP OF THE  
20 BACK OF THAT DOOR?

21 A       YES, I DID.

22 Q       IF YOU WOULD SHOW US THAT PHOTOGRAPH PLEASE?

23 A       STATE'S EXHIBIT 47 A. SHOWS THE BACK DOOR.  
24 CLOSE UP OF THE DOOR KNOB ITSELF. THERE ARE, THERE  
25 ARE A COUPLE PRY MARKS HERE, NONE OF THEM WAS RESENT.

1       THERE WAS NOTHING FRESH WHATSOEVER. THE WOOD, THE  
2       BARE WOOD THAT SHOWED HERE, WAS OLD AND BROWN. IT  
3       WASN'T FRESH. YOU'LL NOTICE A LITTLE BIT OF DAMAGE  
4       HERE TO THE DOOR, I CAN'T EXPLAIN THAT, BUT THAT  
5       WOULD NOT HAVE PLAYED EFFECT IN THIS DOOR HERE.

6       Q     DOES THAT DAMAGE APPEAR TO BE FRESH?

7       A     NO, IT WAS NOT FRESH.

8       Q     OKAY. AND DID YOU THEN HAVE A CHANCE TO EXAMINE  
9       THE DOOR FROM THE INSIDE?

10      A     YES, I DID STATE'S EXHIBIT 47 B. THIS IS THE  
11      INSIDE OF THE DOOR. THIS BEING THE DOOR AND THIS IS  
12      THE FRAME. HERE'S THAT LOCKING CHAIN ASP THAT I  
13      SPOKE WITH YOU ABOUT ON THE DOOR FRONT DOOR. IT IS  
14      NOT PRESENT, THE CHAIN PART IS NOT PRESENT  
15      WHATSOEVER. THERE IS NO FRESH PRY MARKS WHATSOEVER  
16      ON THE DOOR.

17      Q     ANY FRESH MARKS AROUND THE CHAIN AREA?

18      A     NO, NONE AT ALL.

19      Q     DID YOU TAKE MORE PICTURES OF THE INSIDE OF THAT  
20      DOOR AS WELL?

21      A     YES, I DID. THIS IS STATE'S EXHIBIT 47 C.  
22      SHOWING THE ACTUAL DOOR KNOB ITSELF. THERE IS NO  
23      DAMAGE TO THE BOLT FROM THE DOOR KNOB OR THE PLATE  
24      THAT THE BOLT GOES THROUGH. THIS YELLOW THING HERE I  
25      ONLY ASSUME THAT'S SOMETHING FOR LITTLES GIRLS HAIR.

1 I'M TO THE SURE.

2 Q WAS THAT ALREADY ON THE ---

3 A THAT WAS JUST --- I PHOTOGRAPHED IT EXACTLY THE  
4 WAY I FOUND IT.

5 Q ALL RIGHT. AND DID YOU PHOTOGRAPH THAT DOOR  
6 FROM ANY DISTANCE AS WELL?

7 A YES, I DID. STATE'S EXHIBIT 47 D. THIS IS A  
8 PHOTOGRAPH OF ME STEPPING BACK A LITTLE BIT AND  
9 PHOTOGRAPHING. OF COURSE, YOU CAN SEE THE STOVE AND  
10 WASHING MACHINE. THERE IS A BUCKET, A FAN, TRASH  
11 CAN, AND HERE'S YOUR DOOR.

12 Q IS THAT HOW THOSE WERE IN FRONT OF THAT DOOR  
13 THAT NIGHT?

14 A THAT'S EXACTLY THE WAY IT WAS WHEN I FOUND IT.

15 Q DID YOU ULTIMATELY HAVE A CHANCE TO OPEN THAT  
16 DOOR AS WELL?

17 A YES, SIR, I DID.

18 Q AND DID YOU NOTICE ANYTHING WHEN YOU OPENED THE  
19 DOOR?

20 A YES, SIR, I KIND OF FIGURED OUT WHY THESE FANS  
21 WERE ACTUALLY POINTED AT AN ANGLE BECAUSE WHEN YOU  
22 OPENED THAT BACK DOOR IT KIND OF STOPPED RIGHT THERE,  
23 IT GOT HUNG ON THE FLOOR, SO THAT'S PRETTY MUCH WHERE  
24 THE DOOR ACTUALLY STOPPED. I DON'T KNOW IF IT OPENED  
25 ANY FURTHER BECAUSE I DIDN'T FORCE IT BECAUSE YOU

1       COULD, YOU COULD WALK OUT.

2       Q     OKAY.  AND WHEN YOU OPENED IT UP DID YOU HAVE A  
3       CHANCE TO LOOK AT THE, THE DOOR CLASP, I GUESS WITH  
4       THE INSIDE OF THE DOOR ITSELF?

5       A     YES, SIR, I DID.

6       Q     AND WAS THERE ANY FRESH PRY MARKS OR ANYTHING  
7       THAT YOU WERE ABLE TO NOTE ON THAT?

8       A     THERE WERE NO FRESH PRY MARKS ON THAT DOOR.

9       Q     AND LOOKING AT THE PICTURE YOU JUST HAD UP THERE  
10      WHERE THE FAN WAS AND THE TRASH CANS THING, WAS THERE  
11      ANY INDICATION THAT SOMEONE HAD BEEN THROUGH THAT  
12      DOOR, FOOTPRINTS, MUD, DIRT, PARTICULAR FOOT PRINTS,  
13      THINGS LIKE THAT?

14     A     THERE WAS NOTHING THAT INDICATE THAT SOMEONE  
15      COME THROUGH THAT BACK DOOR.

16     Q     ALL RIGHT.  THANK YOU.  GO TO THE NEXT GROUP OF  
17      PHOTOGRAPHS STATE'S EXHIBIT 48 A THROUGH E.

18                     MR. SMITH:  NO OBJECTION, YOUR HONOR.

19                     MR. GREELEY:  NO OBJECTION.

20     Q     BEFORE WE GO INTO THESE, GOING BACK TO THE BACK  
21      OF THAT BACK DOOR YOU HAD MENTIONED ABOUT THE SPOT  
22      FOR THE CHAIN BUT THERE WAS NO CHAIN ON THE DOOR.  
23      WAS THERE ANYTHING LAYING ON THE GROUND THAT WOULD  
24      INDICATE THE CHAIN HAD FALLEN OFF OR ANYTHING LIKE  
25      THAT?

1 A NO, IT WAS NOT PRESENT IN THE HOUSE.

2 Q OKAY. IF YOU WOULD LOOK AT THESE PHOTOGRAPHS --  
3 I ASK THOSE BE ENTERED INTO EVIDENCE.

4 THE COURT: WITHOUT OBJECTION THEY ARE  
5 ADMITTED.

6 (STATE'S EXHIBIT 48 A-E RECEIVED INTO  
7 EVIDENCE.)

8 Q IF YOU'LL TELL US AT WHAT POINT WE'RE LOOKING AT  
9 NEXT?

10 A I AM BASICALLY STANDING AT THE SAME ANGLE THAT I  
11 TOOK THE PHOTOGRAPH OF THE RIGHT SIDE OF THE HOUSE.  
12 NOW I'M PHOTOGRAPHING DOWN THE BACK OF THE HOUSE.  
13 THE NEXT SET OF WINDOWS THAT WE'RE GOING TO LOOK AT  
14 ARE THE ONES IN JESSICA AND KYLA'S ROOM.

15 Q ALL RIGHT. GO TO THOSE PHOTOGRAPHS THEN.

16 A THIS IS STATE'S EXHIBIT 48 A.

17 Q ALL RIGHT.

18 A THIS IS THE, A PHOTOGRAPH OF THE WINDOWS IN  
19 JESSICA AND KYLA'S ROOM. THERE ARE WINDOWS SCREENS  
20 ON BOTH WINDOWS. IF YOU'LL NOTICE DOWN HERE THERE IS  
21 A SLIGHT TEAR IN IT HERE BUT OTHER THAN THAT THE  
22 SCREEN ITSELF IS INTACT. IF YOU'LL ALSO NOTICE IT  
23 SHOWS FAIRLY CLEARLY HERE THAT THE BLACK AREA BETWEEN  
24 THE WINDOW AND THE EDGE HERE ON BOTH SIDES ARE DUST  
25 COVERED. THERE IS ALSO COBWEBS IN BOTH OF THESE

1           WINDOWS IN THE CORNERS AND A FEW LEAVES THAT'S REALLY  
2           NOT NOTICEABLE IN THIS PHOTOGRAPH.

3           Q       DID YOU EXAMINE THE GROUND UNDERNEATH THOSE  
4           WINDOWS AS WELL?

5           A       YES, I DID.

6           Q       WHAT IF ANY INDICATION DID YOU RECEIVE IN  
7           EXAMINING THAT?

8           A       THERE WAS NO DISTURBANCE UP UNDER THAT WINDOW.

9           Q       ALL RIGHT.  NOW YOU HAD MENTIONED THE LEAVES  
10          ALREADY.  THE LEAVES THAT WERE OUT THERE WERE THEY,  
11          LACK OF A BETTER QUESTION, WERE THEY CRUNCHY, WERE  
12          THEY LOUD?

13          A       THE LEAVES, THE LEAVES, THEY ARE DEAD AND THEY  
14          TURNED BROWN AND EVERY TIME YOU WALKED, YOU JUST  
15          CRUNCH.

16          Q       ALL RIGHT.  IF YOU WOULD GO TO THE NEXT  
17          PHOTOGRAPH AND EXPLAIN TO US THE IMPORTANCE OF THAT  
18          PHOTOGRAPH?

19          A       STATE'S EXHIBIT 48 B.  THIS IS A CLOSER UP  
20          PHOTOGRAPH OF THE WINDOW.  AGAIN YOU CAN SEE FAIRLY  
21          WELL ON THIS HERE.  I SHOWED YOU, I TOLD YOU ABOUT  
22          THE LITTLE TEAR HERE AND IF YOU'LL NOTICE ALONG THIS  
23          EDGE HERE THE DUST COVERED ON THE WINDOW SILL AND YOU  
24          ALSO NOTICE ON HERE THAT THERE IS REALLY NO  
25          SIGNIFICANT DAMAGE WHERE SOMEONE MAY HAVE JUMPED UP

1 AND USED THEIR FEET TO PUSH THEMSELVES IN THE WINDOW.  
2 NOW THIS, AS I SAID EARLIER ALSO, THAT THE WOOD, THE  
3 PAINT ON THE OUTSIDE OF THE HOUSE WAS CRACKING AND  
4 PEELING EVERYWHERE. YOU ALSO CAN SEE SOME LEAVES  
5 HERE AND RIGHT IN HERE BESIDE THIS WINDOW.

6 Q ALL RIGHT. GO TO THE NEXT PHOTOGRAPH PLEASE.  
7 EXPLAIN THAT TO US. IS THAT ONE FROM THE INTERIOR OF  
8 THE HOME?

9 A YES, SIR. THIS IS STATE'S EXHIBIT 48 C. THIS  
10 IS A PHOTOGRAPH OF THE INTERIOR OF THE WINDOW ITSELF.  
11 WHAT YOU ARE LOOKING AT NOW IS HERE'S THE TWO WINDOWS  
12 HERE, HERE'S ONE WINDOW AND HERE IS THE OTHER RIGHT  
13 BEHIND THE CURTAIN. THIS THING HERE IS A BUNK BED  
14 WHICH ACTUALLY IT'S ALMOST LEVEL WITH THE EDGE OF  
15 THIS WINDOW HERE. CURTAINS ARE IN PLACE. OTHER THAN  
16 BEING PULLED BACK JUST SLIGHTLY THERE WAS NO SIGN OF  
17 ANY DISTURBANCE THAT WOULD CAUSE DAMAGE TO THOSE  
18 CURTAINS.

19 Q DID YOU HAVE A PICTURE FURTHER AWAY WITHIN THE  
20 ROOM?

21 A YES, I DO.

22 Q TOWARD THOSE WINDOWS, SHOW US THAT?

23 A STATE'S EXHIBIT 48 D.

24 Q DESCRIBE THAT FOR US PLEASE?

25 A HERE IS A BETTER VIEW OF THE BUNK BEDS ITSELF.

1 IF YOU'LL NOTICE ON THE TOP BUNK BED IT'S EXACTLY THE  
2 WAY I FOUND IT. ALL THE STUFF IS BACKED ON THE TOPE  
3 OF THE BUNK. THE BIG YELLOW CHAIR HERE, THIS IS  
4 SOME TYPE OF BOX RIGHT HERE. IN ORDER FOR SOMEONE TO  
5 COME THROUGH THIS WINDOW THEY WOULD HAVE TO END UP  
6 CRAWLING RIGHT UP ACROSS THE TOP OF THIS BUNK BED OR  
7 BOTTOM BUNK OF THE BUNK BED.

8 Q DID YOU HAVE ANOTHER, IS THAT ALL THE  
9 PHOTOGRAPHS OF THAT?

10 A YES.

11 Q GO TO STATE'S EXHIBIT 49 A THROUGH Z.

12 MR. SMITH: NO OBJECTION, YOUR HONOR.

13 MR. GREELEY: NO OBJECTION.

14 MR. THOMPSON: I WOULD ASK TO ENTER THESE  
15 INTO EVIDENCE AT THIS TIME.

16 THE COURT: BE RECEIVED.

17 (STATE'S EXHIBIT 49 A-Z RECEIVED INTO  
18 EVIDENCE.)

19 Q IF YOU'LL SHOW US WHAT THE NEXT POINT THAT WE'LL  
20 BE LOOKING AT, OFFICER GARDNER?

21 A GOING BACK TO STATE'S EXHIBIT 48. THIS IS THE  
22 VIEW OF THIS WINDOW HERE THAT IS AMANDA'S ROOM.

23 Q ALL RIGHT. SHOW US THE FIRST PHOTOGRAPH OF THAT  
24 WINDOW THEN.

25 A THIS IS A PHOTOGRAPH, UP CLOSE PHOTOGRAPH, OF



1 THE WINDOW THAT'S AT THE HEAD OF AMANDA'S ROOM OR THE  
2 HEAD OF HER BED. YOU WILL NOTICE THAT THE LITTLE  
3 SHINY SILVER STUFF HERE, THAT'S ACTUALLY PLASTIC THAT  
4 WAS COVERING THE WINDOW, AND THE REASON FOR THAT,  
5 THIS WINDOW, THE INTERIOR WINDOW GLASS IS BROKE, SO  
6 TO WOULD HAVE BEEN USED TO SEAL OFF THE WINDOW  
7 ITSELF. IF YOU'LL NOTICE ALONG THIS EDGE HERE, THAT  
8 IT'S DUST COVERED, HEAVILY DUST COVERED, AND LEAVES  
9 COMPLETELY COVERING THE SIDE AND ALL THE GLASS FROM  
10 INSIDE OF THIS DOOR OR THE INSIDE OF THIS WINDOW WAS  
11 BEING HELD IN BY THE SCREEN THAT'S ON THE WINDOW  
12 ITSELF.

13 Q ALL RIGHT. AND HOW IS THAT SCREEN HELD INTO THE  
14 WINDOW?

15 A IT'S ACTUALLY TACKED IN, TACKED IN ALONG THIS  
16 AREA RIGHT HERE.

17 Q ALL RIGHT.

18 A AND IF MY MEMORY SERVES ME CORRECT IT ONLY GOES  
19 UP TO THIS AREA HERE, HALF OF THE WINDOW.

20 Q OKAY. NOW IF YOU WOULD SHOW US THE NEXT  
21 PHOTOGRAPH. THERE IS ONE CLOSER UP OF THAT WINDOW?

22 A YES, THERE IS. STATE'S EXHIBIT 49 A.

23 Q DESCRIBE THAT FOR US PLEASE?

24 A THIS IS A CLOSER UP PHOTOGRAPH OF THE LAST ONE  
25 WE JUST SEEN. AGAIN YOU CAN SEE HERE'S WHERE THE

1 SCREEN IS BEING HELD IN BY LITTLE STRIPS. YOU CAN  
2 SEE THE LEAVES ALL ACROSS THE BOTTOM OF THIS. AND  
3 ACTUALLY YOU CAN SEE THE GRASS, THESE ARE SHARDS OF  
4 GRASS THAT HAVE BEEN BROKEN OUT OF THE WINDOW ITSELF  
5 AND BEING HELD IN BY THE SCREEN AND/OR POSSIBLY THE  
6 PLASTIC ITSELF.

7 Q ALL RIGHT.

8 A LOOKING AT IT HERE IT APPEARS IT WAS BEING HELD  
9 IN BY A SCREEN.

10 Q CAN YOU TELL ME FROM THE OUTSIDE INDICATION THAT  
11 BEING ON THE GROUND WAS THERE ANYTHING YOU NOTICED  
12 THERE?

13 A NO, THERE WAS NOTHING THERE. NOW THERE IS A  
14 WOODEN, NOT REALLY SURE WHAT IT IS. HONESTLY WHEN I  
15 FIRST LOOKED AT IT I THOUGHT IT WAS SOME TYPE OF  
16 CAGE, BUT I'M NOT 100 PERCENT SURE. THERE WAS  
17 SOMETHING THERE DIRECTLY BELOW THAT WINDOW ITSELF.

18 Q IF YOU WOULD POINT THAT OUT TO US ON THE LARGER  
19 PHOTOGRAPH BEFORE WE GO ANY FURTHER.

20 A GOING BACK TO STATE'S EXHIBIT 48. YOU CAN SEE  
21 THIS IS THE THING I'M REFERRING TO AS FAR AS POSSIBLY  
22 A CAGE.

23 Q ALL RIGHT. AND THAT SEEM TO BE DISTURBED IN ANY  
24 WAY?

25 A NONE AT ALL.

1 Q OKAY. DID YOU TAKE ANY PHOTOGRAPHS OF THE  
2 INTERIOR OF THAT WINDOW AS WELL?

3 A YES, I DID.

4 Q IF YOU'LL SHOW US THOSE PHOTOGRAPHS?

5 A THIS IS THE INSIDE OF THE BEDROOM IN AMANDA'S  
6 ROOM. CURTAINS SLIGHTLY PULLED BACK. YOU CAN  
7 ACTUALLY SEE THE PLASTIC HERE IS SEALED, EVEN WRAPS  
8 AROUND THE DOOR OR THE WINDOW LEDGE ITSELF.

9 Q ALL RIGHT. AND WAS IT ALL INTACT?

10 A IT WAS INTACT. THERE WAS NO SIGNS OF ANY TYPE  
11 OF ENTRY TO THAT WINDOW THERE.

12 Q AND THOSE CURTAINS, DID YOU HAVE TO OPEN THEM TO  
13 TAKE THAT PARTICULAR PICTURE OF THE PLASTIC?

14 A I DON'T REMEMBER IF I DID THAT OR NOT.

15 Q GO TO THE NEXT PHOTOGRAPH IF YOU COULD AND SHOW  
16 US HOW THAT IS IN RELATIONSHIP TO HOW AMANDA WAS  
17 FOUND?

18 A THIS IS STATE'S EXHIBIT 49 C. THIS IS A  
19 PHOTOGRAPH OF AMANDA IN HER BED, THE WAY WE FOUND  
20 HER, AND HERE'S THE, HERE'S THE WINDOW THAT WE'RE  
21 TALKING ABOUT, AND YOU CAN ACTUALLY SEE THE PLASTIC  
22 ON THE WINDOW RIGHT OVER HERE.

23 Q ALL RIGHT. AND NOW THERE IS ANOTHER WINDOW IN  
24 HER ROOM, IS THAT CORRECT?

25 A YEAH, THAT WINDOW RIGHT HERE IS THE ONE I'M

1 GOING TO TALK ABOUT NEXT.

2 Q ALL RIGHT. THE SAME TYPE OF CURTAIN AS THE  
3 OTHER ONE?

4 A YES.

5 Q IF WE CAN GO THEN TO STATE'S EXHIBIT 50 A  
6 THROUGH G.

7 THE COURT: ANY OBJECTION.

8 MR. SMITH: NO OBJECTION, YOUR HONOR.

9 MR. GREELEY: NO OBJECTION.

10 MR. THOMPSON: ASK TO ENTER THESE INTO  
11 EVIDENCE THEN.

12 THE COURT: RECEIVED WITHOUT OBJECTION.

13 (STATE'S EXHIBIT 50 A-G RECEIVED INTO  
14 EVIDENCE.)

15 Q IF YOU'LL TELL US WHAT THE NEXT PHOTOGRAPHS ARE  
16 THAT WE WILL BE EXAMINING?

17 A THIS PHOTOGRAPH HERE I'M STANDING AT THE LEFT  
18 FRONT CORNER OF THE RESIDENCE. AGAIN THIS IS MR.  
19 COPE'S BEDROOM AND WE'RE LOOKING ALL THE WAY DOWN TO  
20 RIGHT HERE, THIS WINDOW RIGHT HERE.

21 Q ALL RIGHT. IF YOU'LL SHOW US THE FIRST  
22 PHOTOGRAPH, THE CLOSE UP OF THAT?

23 A THIS IS THE OTHER WINDOW INSIDE AMANDA'S ROOM.  
24 THE FIRST THING THAT STICKS OUT OF COURSE IS THAT THE  
25 BUSH ITSELF IS COVERING THE WINDOW ITSELF. IT TOO

1 HAS A SCREEN ON IT AND IS IN FULL TACT. IT'S NOT  
2 TORN ANYWHERE. YOU CAN ACTUALLY SEE THE DUST AND  
3 DIRT HERE ON THE WINDOW LEDGE ON BOTH INSIDE THE  
4 SCREEN AND ON THE OUTSIDE OF THE SCREEN.

5 Q ALL RIGHT. AND WAS ANY OF THE DUST OR COBWEBS  
6 OR ANYTHING DISTURBED ON THAT WINDOW?

7 A NONE WHATSOEVER. THERE WAS NO LIMBS BROKE FROM  
8 THE TREE OR ANYTHING.

9 Q ANYTHING ON THE GROUND THAT GAVE YOU ANY  
10 CONCERN?

11 A NO, SIR, NONE AT ALL.

12 Q DO YOU HAVE A PICTURE THAT IS CLOSER UP OF THAT  
13 WINDOW AS WELL?

14 A THIS IS STATE'S EXHIBIT 50 B. THIS IS A  
15 PHOTOGRAPH OF THE LOCKING MECHANISM ALSO. ALSO  
16 YOU'LL NOTICE THAT THERE IS A SLIGHT TEAR IN THIS  
17 SCREEN RIGHT BELOW THE WINDOW'S LEDGE, TOP WINDOW  
18 LEDGE, BUT IT WAS INTACT, IT WAS NOT, IT WAS NOT TORN  
19 WHERE IT WOULD FALL OUT. IT WAS JUST A SLIGHT TEAR  
20 IN IT RIGHT THERE.

21 Q IF YOU COULD TELL ME WHAT ARE THE SMALL AREAS ON  
22 THAT PICTURE, I GUESS LIKE THOSE LITTLE AREAS THERE,  
23 THERE, AND ACROSS HERE?

24 A THIS SCREEN ITSELF WAS BEING HELD IN BY STAPLES.  
25 THESE ARE ACTUAL STAPLES HOLDING THE SCREEN ONTO THE

1 WINDOW ITSELF.

2 Q ALL RIGHT. GOING BACK TO THE, I GUESS, THE  
3 FIRST PICTURE OF THAT WINDOW ITSELF, CAN YOU TELL ME  
4 HOW THE OUTER EDGE OF THE SCREEN WERE HELD IN.

5 A IF YOU'LL LOOK RIGHT HERE THERE IS ANOTHER THIN  
6 BAND OF MATERIAL HOLDING THAT SCREEN IN, SO IT WAS  
7 TACKED IN AND IT WASN'T A METAL FRAME. IT WAS  
8 ACTUALLY TACKED INTO THE SIDE OF THE FRAME WINDOW.

9 Q ALL RIGHT. IF YOU TAKE SOME PHOTOGRAPHS OF THAT  
10 WINDOW FROM THE INTERIOR?

11 A YES, I DID.

12 Q IF YOU'LL SHOW US THOSE PLEASE.

13 A STATE'S EXHIBIT 50 C. THIS IS STANDING ON THE  
14 RIGHT SIDE OF THE BED AS YOU LOOK AT IT SHOOTING BACK  
15 TOWARD THE WINDOW ITSELF AND THIS IS THE OTHER WINDOW  
16 THAT WE'RE LOOKING AT.

17 Q ALL RIGHT. IF YOU'LL TELL US THE STUFF THAT'S  
18 PILED UP RIGHT NEAR THE CURTAIN, IS IT UP AGAINST THE  
19 CURTAIN AT THAT TIME?

20 A THERE WAS, THERE ARE SOME ITEMS IN THIS AREA  
21 RIGHT HERE THAT WERE PILED UP IN THE CORNER.  
22 ACTUALLY IT ALSO MAKES A CORNER RIGHT HERE BECAUSE  
23 THERE IS A DESK SITTING ON THE LEFT HAND SIDE OF THE  
24 WINDOW GOING DOWN THE OTHER WALL, SO, YEAH THERE IS A  
25 PILE OF CLOTHING AND SEVERAL OTHER ITEMS.

1 Q ALL RIGHT. AND ANY INDICATION ON THE INSIDE OR  
2 THE OUTSIDE OF THAT WINDOW THAT SOMEONE HAD COME  
3 THROUGH?

4 A NO, SIR, AND ONE THING I DO KNOW FOR A FACT IT  
5 ONLY TOOK JUST A SLIGHT MANIPULATION OF THE CURTAIN  
6 ITSELF AND THE CURTAIN FELL.

7 Q ALL RIGHT. AND DO YOU HAVE A PICTURE OF THE  
8 WINDOW WITHOUT THE CURTAIN ON IT?

9 A YES, SIR, I DO. THIS IS STATE'S EXHIBIT 50 D.  
10 THIS IS A PHOTOGRAPH, TAKEN A PHOTOGRAPH OF THE  
11 INSIDE TO THE OUTSIDE AND YOU CAN SEE, HERE'S THE  
12 CURTAIN ROD THAT FELL. ONCE WE BEGAN TO TOUCH IT, IT  
13 FELL. IT WASN'T HELD UP THERE VERY GOOD AT ALL. SEE  
14 THE GLASS IS INTACT ON BOTH TOP AND BOTTOM WINDOWS.  
15 THERE IS NO SIGNS OF FORCED ENTRY ON BOTH THE TOP AND  
16 BOTTOM WINDOWS AND THE LOCKING MECHANISM IS IN PLACE.

17 Q IF YOU GO TO THE NEXT WINDOW THIS IS STATE'S  
18 EXHIBIT 51.

19 MR. SMITH: NO OBJECTION.

20 MR. GREELEY: NO OBJECTION.

21 MR. THOMPSON: ASK TO ENTER THESE INTO  
22 EVIDENCE AT THIS TIME.

23 THE COURT: BE RECEIVED WITHOUT OBJECTION.

24 (STATE'S EXHIBIT 51 & A RECEIVED INTO  
25 EVIDENCE.)

1 A THE NEXT WINDOW WE'RE GOING TO TALK ABOUT IS THE  
2 BATHROOM WINDOW WHICH IS LOCATED RIGHT HERE.

3 Q ALL RIGHT.

4 A THIS IS A PHOTOGRAPH OF THE BATHROOM WINDOW  
5 WHERE IT SHOWS THERE IS A SCREEN IN PLACE. IT TOO  
6 APPEARS TO BE TACKED IN BY LITTLE STRIPS OF WOOD.  
7 RIGHT BELOW IT YOU WILL SEE THIS IS A PLASTIC HOSE  
8 RAILS AND YOU CAN SEE THE DUST AND DIRT ALONG WITH  
9 THE EDGE OF WINDOW SILL ITSELF.

10 Q AND ONCE AGAIN WITH THIS WINDOW WAS IT AS HIGH  
11 AS IT APPEARS IN THIS PICTURE?

12 A YES, SIR, IT WAS ABOUT MY HEIGHT, HEAD HIGH.

13 Q ALL RIGHT. AND DID YOU TAKE, DID YOU NOTICE ANY  
14 OF THE DUST OR COBWEBS OR ANYTHING DISTURBED ON THE  
15 EXTERIOR OF THAT WINDOW?

16 A THERE WAS NOTHING DISTURBED ON THIS WINDOW.

17 Q IF WOULD YOU SHOW US THE INSIDE OF THAT WINDOW  
18 AS WELL?

19 A STATE'S EXHIBIT 51 A. THIS IS A PHOTOGRAPH OF  
20 THE INTERIOR OF THE WINDOW ITSELF. YOU HAVE THE  
21 SHOWER CURTAIN ITSELF, THE ROD HOLDING THE SHOWER  
22 CURTAIN. YOU HAVE THE BLINDS IN THE BACKGROUND OF  
23 THE WINDOW ITSELF AND YOU HAVE ANOTHER PIECE OF  
24 PLASTIC WHICH ACTUALLY IS COVERING THE BLINDS TO KEEP  
25 THE BLINDS AND THE WINDOW SILL FROM GETTING WET WHILE



1 THE PERSON IS TAKING A SHOWER.

2 Q ALL RIGHT. DID SEEMED TO BE DISTURBED OR  
3 ALTERED IN ANY WAY?

4 A NO, EXACTLY THE WAY I FOUND IT. THERE WAS NO  
5 SIGNS OF THIS PLASTIC OR THE BLINDS BEING DISTURBED.

6 Q ALL RIGHT. GOING TO THE NEXT ONE THEN WOULD BE  
7 STATE'S EXHIBIT 52 A AND B.

8 MR. SMITH: NO OBJECTION.

9 MR. GREELEY: NO OBJECTION.

10 MR. THOMPSON: ASK THESE BE ENTERED INTO  
11 EVIDENCE AT THIS TIME.

12 THE COURT: BE RECEIVED WITHOUT OBJECTION.

13 (STATE'S EXHIBIT 52 A & B RECEIVED  
14 INTO EVIDENCE.)

15 A THE NEXT WINDOW WE'RE GOING TO TALK ABOUT IS THE  
16 LAST WINDOW WHICH IS THIS WINDOW RIGHT HERE. THIS IS  
17 ACTUALLY IN BILLY COPE'S BEDROOM.

18 Q ALL RIGHT.

19 A CLOSE UP OF THE WINDOW ITSELF IT IS COVERED WITH  
20 A SCREEN. THIS AREA RIGHT HERE IS WOOD ROT. THE  
21 WOOD IS ROTTEN FROM THE AND CAUSE ACTUALLY  
22 DETERIORATING. IT'S FALLING OFF. YOU ALSO CAN SEE  
23 AROUND THE EDGES AND IN BEHIND THE SCREEN THE WINDOW  
24 SILL ITSELF WAS DUST COVERED, HAD COBWEBS AND LEAVES  
25 INSIDE THE SCREEN ITSELF WHICH LED ME TO BELIEVE THAT

1 IT WAS NOT DISTURBED.

2 Q ALL RIGHT. CAN YOU TELL ME HOW WAS THAT SCREEN  
3 TACKED ON?

4 A IT TOO I BELIEVE, YOU CAN SEE THE STRIP WOOD  
5 RIGHT HERE ON BOTH SIDES OF THE WINDOW, IT WAS BEING  
6 HELD ON BY THOSE STRIPS OF WOOD.

7 Q ALL RIGHT. AND CAN YOU SHOW US, DO YOU HAVE ANY  
8 OTHER CLOSER UP PHOTOGRAPHS OF THAT?

9 A YES, I DO. STATE'S EXHIBIT 52 A. THIS IS  
10 SHOWING THE LOCKING MECHANISM OF THAT WINDOW THERE.  
11 IN MY PHOTOGRAPH UP CLOSE IT APPEARS THAT, AS YOU  
12 LOOK AT IT, THE CLASP IS POINTED TO THE LEFT.

13 Q DID IT APPEAR TO BE BROKEN OR DISTURBED IN ANY  
14 WAY?

15 A IT WAS NOT. IT WAS INTACT.

16 Q DID YOU TAKE PHOTOGRAPHS OF THE INSIDE OF THAT  
17 WINDOW AS WELL?

18 A YES, I DID. STATE'S EXHIBIT 52 B. THIS IS THE  
19 INSIDE OF MR. COPE'S BEDROOM. WHAT WE'RE LOOKING AT  
20 IS, YOU CAN SEE THE WINDOW IN THE BACK GROUND HERE,  
21 THIS IS HIS CURTAIN BEING HELD UP BY A BENT CURTAIN  
22 ROD. THIS IS AREA RIGHT HERE BELOW IS MR. COPE'S  
23 PILLOW. HE WOULD HAVE BEEN LAYING RIGHT HERE.

24 Q SO HE WOULD HAVE BEEN UP AGAINST THAT WINDOW  
25 THEN LAYING IN THE BED?

1 A THAT'S CORRECT. HIS HEAD WOULD HAVE BEEN HERE  
2 AT THE PILLOW WITH THE WINDOW RIGHT BEHIND HIS HEAD.

3 Q ARE THOSE PILLOWS PILED UP AGAINST THE CURTAIN?

4 A YES, THEY ARE. THEY ARE TOUCHING THE CURTAIN  
5 ITSELF.

6 Q ALL RIGHT. SO WERE THERE ANY INDICATIONS OF  
7 THAT PARTICULAR WINDOW THAT ANYBODY WOULD HAVE  
8 ENTERED THROUGH IT?

9 A NONE AT ALL.

10 Q THANK YOU, OFFICER GARDNER. GO AHEAD AND HAVE A  
11 SEAT.

12 (WITNESS RESUMES THE STAND.)

13 Q AFTER YOU OBTAINED THOSE PARTICULAR PHOTOGRAPHS  
14 WHAT IS THE NEXT THING THAT YOU DID IN THE CRIME  
15 SCENE?

16 A WELL, AT THE TIME WE WERE, AGAIN MYSELF AND MY  
17 PARTNER WE WERE DOING TWO DIFFERENT THINGS AT ONE  
18 TIME. OF COURSE, HE WAS INSIDE DOING THE SKETCH AND  
19 I WAS OUTSIDE PHOTOGRAPHING. SHORTLY AFTER I  
20 FINISHED THE PHOTOGRAPHY WORK I BELIEVE THE CORONER  
21 AND DR. MAYNARD ARRIVED SHORTLY AFTER THAT.

22 Q ALL RIGHT. AND GOING BACK TO THE WINDOWS, DID  
23 YOU FINGERPRINT ANY OF THOSE WINDOWS AT THAT POINT OR  
24 ANY OF THOSE DOORS?

25 A NO, I DID NOT. I DID NOT FEEL A NEED TO DO

1 THAT. SIMPLY THERE WAS NO SIGNS OF AN ENTRY. I JUST  
2 DIDN'T FEEL LIKE THERE WAS A NEED TO DO THAT AND  
3 TODAY I STILL DON'T THINK THERE WAS A NEED TO.

4 Q ALL RIGHT. WITH THE AMOUNT OF DIRT AND DUST  
5 THAT YOU SAW ON THE WINDOWS AND DOORS, WOULD THERE BE  
6 ANY INDICATION IF SOMEONE HAD TOUCHED THEM?

7 A OF COURSE, WHAT'S COMMONLY KNOWN AS DUST  
8 TRANSFER. WHEN A PERSON TOUCHES A DUSTY ITEM AND I  
9 KIND OF DO THIS WHEN I GO TO CRIME SCENES WHERE THERE  
10 IS DUST AND TRUST ME, THERE IS DUST EVERYWHERE. IF  
11 YOU TOUCH A DUSTY AREA IT APPEARS THAT YOU LEFT A  
12 FINGERPRINT, BUT IN FACT, WHAT YOU'VE DONE IS  
13 BASICALLY THE SALTS, OILS, AND WATERS THAT YOU EXUDE  
14 FROM YOUR FINGERPRINTS, WHEN YOU TOUCH SOMETHING YOU  
15 DON'T LEAVE A FINGERPRINT, YOU PICK UP THE DUST AND  
16 TAKE IT WITH YOU. AND SO THAT'S WHY, IF SOMEBODY  
17 TOUCHED THOSE WINDOW SILLS THEN OF COURSE IT WOULD  
18 HAVE BEEN EVIDENT THAT THERE WAS SOME TYPE OF  
19 DISTURBANCE THERE.

20 Q DID YOU SEE ANY SMEARING OF DUST OR ANYTHING OF  
21 THAT NATURE?

22 A NONE WHATSOEVER.

23 Q DID YOU TAKE FOOT PRINTS AROUND THE WINDOWS OR  
24 DOORS OR ANYTHING AT THAT POINT?

25 A NO, SIR, I DIDN'T SEE ANY FOOT PRINTS AT ALL,

1 FOOT WEAR IMPRESSIONS, SHOE PRINTS OR ANYTHING AROUND  
2 THE DOORS OR WINDOWS.

3 Q ALL RIGHT. NOW WHEN DR. MAYNARD ARRIVED, CAN  
4 YOU TELL ME WHAT DID YOU DO AT THAT POINT, WHAT WAS  
5 YOUR FUNCTION AT THAT POINT?

6 A TO ASSIST HIM. I MEAN, I WAS THERE TO ASSIST  
7 HIM. HE'S DEFINITELY MORE QUALIFIED TO DO.

8 Q IN WHAT WAY DID Y'ALL ASSIST HIM?

9 A WE HAVE AN ALTERNATE LIGHT SOURCE THAT WE USE  
10 THAT'S USED TO ACTUALLY FLUORESCENCE BODY FLUIDS SEMEN,  
11 SALIVA, AND OTHER STUFF.

12 Q OKAY. AND DID YOU SET THAT UP IN ANY OF THE  
13 ROOMS AT THAT POINT WITH DR. MAYNARD?

14 A YES, WE DID. WE SET IT UP IN AMANDA'S BEDROOM.

15 Q AND HOW IS THAT DONE?

16 A ACTUALLY IT'S A BOX ABOUT THE SIZE OF THIS  
17 RECORDER UP HERE BUT A LITTLE BIT WIDER AND A LITTLE  
18 BIT DEEPER. YOU HOOK A FIBER OPTIC CABLE TO IT AND  
19 ON ONE END OF IT IT HAS A LENS THAT IT SHINES A VERY,  
20 VERY BRIGHT LIGHT AT DIFFERENT FREQUENCIES. MOST OF  
21 THE TIME AND JUST ABOUT ALL THE TIME WE USE A LIGHT  
22 SIMILAR, I GUESS THE BEST WAY TO PUT IT, IS LIKE A  
23 BLACK LIGHT, THE COLOR OF A BLACK LIGHT. AND IF YOU  
24 HAVE EVER BEEN AROUND A BLACK LIGHT WITH A WHITE  
25 SHIRT ON, YOU SEE THE WHITE SHIRT JUST GLOWS, IT

1 STICKS OUT, AND BASICALLY THAT IS WHAT THAT MACHINE  
2 DOES. IT ALLOWS US TO SCAN FOR BODY FLUIDS SUCH AS  
3 SEMEN.

4 Q ALL RIGHT. AND DID YOU SCAN HER ROOM AT THAT  
5 TIME?

6 A YES, WE DID.

7 Q WHAT DID YOU DO TO BLOCK OUT THE LIGHT FROM THE  
8 ROOM?

9 A WE TOOK A BLUE TARP, JUST A REGULAR BLUE TARP,  
10 AND HUNG IT OVER THE WINDOWS BECAUSE IT'S BEST IF WE  
11 CAN GET IT AS DARK AS POSSIBLE AND WE USE THESE BIG  
12 OLD, I CALL THEM UGLY GLASSES BECAUSE THEY ARE LIKE  
13 BIG SAFETY GLASSES, BUT THEY ARE AN AMBER COLOR THAT  
14 HELPS BLOCK OUT THE CERTAIN RANGE OF LIGHT.

15 Q ALL RIGHT. AND WHEN Y'ALL DID THAT DID  
16 ANYTHING, DID ANYTHING STAND OUT FLUORESCING AS FAR  
17 AS YOU REMEMBER?

18 A CAN I REFER TO MY REPORT RIGHT QUICK.

19 Q SURE.

20 A THE ONLY THING, THE ONLY THING I CAN SAY THAT WE  
21 DID FIND WAS A HAIR ON HER CHEEK. I DON'T RECALL, I  
22 DON'T RECALL ANYTHING LUMINESCING WHEN WE DID IT  
23 THERE.

24 Q WERE HER CLOTHES REMOVED AT ANY POINT WHEN YOU  
25 TRYING TO DO THINGS IN THE ROOM?

1 A NOT IN HER ROOM.

2 Q OKAY. AND AFTER YOU HAD PUT UP THE TARPS ON THE  
3 WINDOWS AND THAT SORT OF THING, WERE OTHER PICTURES  
4 TAKEN FOLLOWING THAT?

5 A YES, SIR, THERE WERE PHOTOGRAPHS TAKEN AFTER WE  
6 TOOK THE TARPS DOWN.

7 Q WOULD YOU HAVE HAD TO SHUT THE BACK DOOR IN  
8 ORDER TO TAKE THE, USE THE ALTERNATE LIGHT SOURCE?

9 A YES, SIR, WE DID. WE HAD TO SHUT HER DOOR.

10 Q CAN YOU DESCRIBE TO ME IS THERE ANY PROBLEM IN  
11 SHUTTING HER DOOR?

12 A YES, SIR. THE DOOR STICKS ABOUT HALFWAY OPEN.  
13 IF YOU ARE STANDING INSIDE AMANDA'S ROOM THE DOOR  
14 KNOB IS ON THE LEFT HAND SIDE OF THE DOOR AND IT  
15 OPENS UP FROM LEFT TO RIGHT FROM THE INSIDE.

16 Q OKAY.

17 A AND ABOUT HALFWAY IT STICKS ON THE FLOOR AND YOU  
18 HAVE TO KIND OF GET PHYSICAL WITH IT TO OPEN IT UP.

19 Q AND DID YOU, ULTIMATELY DID YOU PREPARE THE BODY  
20 FOR REMOVAL AT THAT TIME?

21 A I ASSISTED WITH GETTING THE BODY READY FOR  
22 REMOVAL.

23 Q ALL RIGHT. WHAT WAS INVOLVED IN DOING THAT?

24 A IF MY MEMORY SERVES ME CORRECTLY THERE WAS ABOUT  
25 FOUR PEOPLE THAT WAS HELPING US TO DO THIS. WE

1 ACTUALLY TOOK AMANDA AND PUT HER IN A SHEET THAT WE  
2 GOT FROM THE TRANSPORT GUYS.

3 Q YOU MEAN TRANSPORT GUYS?

4 A FROM THE CORONER'S OFFICE.

5 Q OKAY.

6 A AND WE GOT A SHEET AND WE ACTUALLY PUT HER AND  
7 THE BLANKET AND COMFORTER THAT SHE WAS ON AND WE PUT  
8 IT, PUT IT IN A SHEET, AND TOOK HER AND THE BLANKET  
9 AND COMFORTER AND EVERYTHING THAT WAS ON THE BED THAT  
10 WENT WITH US WHEN WE FOLDED HER UP IN THE BLANKETS  
11 AND TOOK IT TO THE MORGUE.

12 Q ALL RIGHT. AND DID YOU DO ANYTHING TO HER HANDS  
13 BEFORE YOU PUT HER IN THE BLANKET?

14 A YES, WE DID. AS PRECAUTIONARY EFFORTS WE DID  
15 PUT BAGS ON HER HANDS TO SAVE ANY EVIDENCE THAT MAYBE  
16 ON HER HANDS, HER FINGERNAILS, AND SO FORTH.

17 Q OKAY. NOW WHEN YOU WRAPPED ULTIMATELY THAT  
18 AROUND HER, WOULD HER HEAD BE WRAPPED UP WITHIN IT OR  
19 WOULD HER HEAD BE OUTSIDE OF IT AFTER IT WAS WRAPPED  
20 UP?

21 A DURING THE TRANSPORT EVERYTHING WOULD HAVE BEEN  
22 WRAPPED UP IN IT BECAUSE WE ACTUALLY PUT HER IN A  
23 BODY BAG ALSO, SO HER HEAD WOULD HAVE BEEN ZIPPED UP  
24 INSIDE THE BAG ITSELF. THERE WOULD HAVE BEEN NOTHING  
25 EXPOSED.



1 Q OKAY. AND AT THE POINT THAT THE BODY LEAVES DID  
2 YOU LEAVE THE SCENE AT THAT TIME AS WELL OR DO YOU  
3 CONTINUE TO WORK?

4 A I'M REALLY, LET ME REFER TO MY PAPERWORK AGAIN.  
5 I CAN'T REMEMBER IF WE DID ANYTHING ELSE. I DON'T  
6 REMEMBER IF WE CONTINUED TO WORK OR NOT, BUT I KNOW  
7 THAT WE DID GO TO THE AUTOPSY.

8 Q OKAY. NOW YOU HAD MENTIONED ONE OF THE HAIRS  
9 THAT YOU HAD PICKED UP FROM HER LEFT SIDE I BELIEVE,  
10 IS THAT CORRECT?

11 A YES, SIR.

12 Q SHOW YOU STATE'S EXHIBIT 30 WHICH IS ALREADY IN  
13 EVIDENCE, IS THAT WHAT Y'ALL COLLECTED?

14 A YES. THIS IS WHAT I THINK I EARLIER SAID THE  
15 CHEEK BUT IT WAS ON HER LEFT SIDE.

16 Q ALL RIGHT. AND WAS THAT ULTIMATELY SENT TO SLED  
17 AFTER YOU COLLECTED IT?

18 A YES, IT WAS.

19 Q DOES IT INDICATE THE TIME YOU COLLECTED IT THAT  
20 DAY?

21 A YES, SIR, I COLLECTED IT, LOOKS LIKE 9:41 OR  
22 9:45.

23 Q OKAY.

24 A THIS BAG IS REALLY HARD TO WRITE ON.

25 Q DO YOU HAVE IT WRITTEN DOWN IN ANOTHER PLACE?

1 A YES, I DO.

2 Q ALL RIGHT.

3 A 9:11 A.M.

4 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT 31 AS  
5 WELL. YOU HAD MENTIONED YOU HAD GONE TO THE AUTOPSY,  
6 IS THAT SOMETHING THAT YOU COLLECTED AT THE AUTOPSY  
7 AS WELL?

8 A YES, SIR, IT WAS.

9 Q ALL RIGHT. CAN YOU TELL ME WHAT IT IS?

10 A IT SAYS DESCRIPTION OF LOCATION CHEST AREA. I  
11 THINK THIS IS, THESE ARE SWABS FROM HER CHEST AREA.

12 Q ALL RIGHT.

13 A I'M NOT SURE.

14 Q IT'S ITEM NUMBER 12 IN THE ROCK HILL EVIDENCE IF  
15 YOU CAN TELL US WHAT THAT IS? IT'S NOT LABELED VERY  
16 WELL ON THAT ONE.

17 A IT'S A PART OF THE CSC KIT FROM AMANDA.

18 Q ALL RIGHT. DOES IT INDICATE EXACTLY WHAT IT WAS  
19 ON CHEST AREA?

20 A NO, SIR, IT DOES NOT.

21 Q OKAY. BUT YOU ALSO TOOK THAT TO SLED AT THAT  
22 TIME?

23 A DID I TAKE THAT AT THAT TIME.

24 Q OR WAS IT TAKEN TO SLED?

25 A IT WAS DEFINITELY TAKEN TO SLED.

1 Q DOES IT INDICATE WHEN?

2 A ON 11/30/01 AT 1:11 P.M.

3 Q OKAY. THEN STATE'S EXHIBIT NUMBER 32 WHICH I  
4 BELIEVE IS ROCK HILL EVIDENCE NUMBER 16, IS THAT  
5 SOMETHING THAT YOU ULTIMATELY RETRIEVED FROM THE  
6 AUTOPSY AS WELL?

7 A YES, IT IS. IT IS, I COLLECTED THIS FROM THE  
8 AUTOPSY. IT IS A BLACK HAIR THAT WAS FOUND ON THE  
9 VICTIM'S RIGHT CHEEK AND IT WAS DONE AT THE MORGUE.

10 Q ALL RIGHT. AND WAS THAT AS WELL TRANSPORTED TO  
11 SLED?

12 A YES, IT WAS.

13 Q OKAY. NOW IN THE AUTOPSY ITSELF WHO ACTUALLY  
14 COLLECTS THE EVIDENCE OFF THE BODY, IS IT YOU OR DR.  
15 MAYNARD AT THAT POINT?

16 A HE'S IN CHARGE OF THE AUTOPSY SO NORMALLY HE  
17 WOULD BE THE ONE ACTUALLY DOING THE COLLECTION.  
18 ULTIMATELY I'M GOING TO END WITH IT, BUT HE DOES THE  
19 COLLECTION WHILE HE'S IN THE AUTOPSY.

20 Q ALL RIGHT. AND YOU OBSERVE HIM COLLECT THE  
21 ITEMS AT THAT TIME?

22 A YES, I DID.

23 Q DO YOU PHOTOGRAPH THE AUTOPSY AS WELL?

24 A YES, I DO.

25 Q AND ARE YOU THE PERSON WHO PROVIDED PHOTOS IN

1 THIS CASE OF THAT?

2 A YES, SIR, I AM.

3 MR. THOMPSON: YOUR HONOR, I BELIEVE NOW  
4 IS A GOOD TIME TO TAKE A SHORT BREAK.

5 THE COURT: I WAS KIND OF WATCHING TO SEE  
6 WHEN THERE WAS A GOOD CHANCE. WE'LL TAKE OUR  
7 AFTERNOON BREAK AT THIS TIME. THANK YOU.

8 (THE JURY EXITS THE COURTROOM AT 03:17  
9 PM.)

10 THE COURT: OFFICER GARDNER, YOU CAN STEP  
11 DOWN, JUST DON'T DISCUSS THE CASE WITH ANYBODY.

12 A YES, SIR.

13 (COURT'S IN RECESS AT 03:17 PM.)

14 (COURT RESUMES AT 03:37 PM AND THE  
15 WITNESS RESUMES THE WITNESS STAND.)

16 THE COURT: YES, SIR, MR. SMITH.

17 MR. SMITH: YES, YOUR HONOR. I WAS JUST  
18 GOING TO ASK THE COURT ONCE THE STATE FINISHES THEIR  
19 DIRECT EXAMINATION OF MR. GARDNER IF I COULD JUST  
20 HAVE FEW MINUTES RECESS, I WOULDN'T WANT TO PRESENT  
21 SOME OF THE SAME PICTURES THAT THE STATE PRESENTED  
22 DURING THEIR PRESENTATION, AND IF I COULD JUST HAVE A  
23 FEW MINUTES OUTSIDE THE PRESENCE OF THE JURY TO PUT  
24 THOSE TOGETHER IN ORDER I THINK IT WOULD SAVE SOME  
25 TIME RATHER THAN ME TRYING TO DO THAT IN FRONT OF THE

1 JURY.

2 THE COURT: ALL RIGHT. BRING IN THE JURY.

3 (THE JURY RETURNS TO THE COURTROOM AT  
4 03:39 PM.)

5 THE COURT: YOU MAY PROCEED.

6 MR. THOMPSON: THANK YOU, YOUR HONOR.

7 DIRECT EXAMINATION CONTINUED BY MR. THOMPSON:

8 Q OFFICER GARDNER, I'M GOING TO SHOW YOU STATE'S  
9 EXHIBIT 69 A THROUGH G. I'VE SHOWED THEM TO THE  
10 DEFENSE. IF YOU CAN JUST LOOK AT THOSE FOR ME. JUST  
11 TO SAVE TIME I'M GOING TO MOVE THOSE BE ENTERED INTO  
12 EVIDENCE AT THIS TIME.

13 MR. SMITH: NO OBJECTION.

14 MR. GREELEY: NO OBJECTION.

15 THE COURT: BE RECEIVED WITHOUT OBJECTION.

16 (STATE'S EXHIBIT 69 A-G RECEIVED INTO  
17 EVIDENCE.)

18 Q OFFICER GARDNER, AFTER YOU HAVE REVIEWED THOSE  
19 IF YOU CAN STEP DOWN FOR JUST A MOMENT AND GO THROUGH  
20 THOSE WITH THE JURY AS WELL. NOW IN ADDITION TO THE  
21 PHOTOGRAPHS THAT YOU TOOK OF THE WINDOWS AND DOORS,  
22 DID YOU HAVE SOME PHOTOGRAPHS JUST OF THE INTERIOR OF  
23 THE RESIDENCE?

24 A YES, I DID.

25 Q AND ARE THOSE SOME OF THOSE PHOTOGRAPHS RIGHT

1       THERE?

2       A     YES, THEY ARE.

3       Q     IF YOU CAN SIMPLY SHOW US JUST KIND OF GIVE US  
4       AN IDEA OF WHERE WE'RE IN THE HOUSE.

5       A     STATE'S EXHIBIT 69, THIS IS STANDING IN THE  
6       LIVING ROOM.  THIS IS THE COMPUTER TABLE WHERE THE  
7       COMPUTER SAT.  ACTUALLY THERE IS A PRINTER RIGHT  
8       THERE.  THIS IS GOING IN TOWARD THE, WHAT I CALL THE  
9       LAUNDRY ROOM, THAT'S WHERE MOST OF THE LAUNDRY AND  
10      THE DRYER WAS LOCATED AT.  HERE IS A STANDING  
11      FREEZER.  HERE'S A TV/VIDEO TYPE SET UP HERE WITH A  
12      VIDEO GAMES OR VIDEO CASSETTE PLAYERS AND SO FORTH.

13      Q     ALL RIGHT.  CAN YOU TELL ME WHAT THAT IS ON THE  
14      FLOOR IN THE OTHER ROOM?

15      A     YES, THAT THIS IS, THIS IS A BAG OF TRASH IF I'M  
16      NOT MISTAKEN.

17      Q     IF YOU CAN GO TO THE NEXT PHOTOGRAPH AND  
18      DESCRIBE THAT ONE FOR US AS WELL?

19      A     THIS IS EXHIBIT 69 A.  THIS IS ACTUALLY STANDING  
20      IN THE KITCHEN LOOKING BACK OUT THROUGH THE DOOR THAT  
21      I WAS PHOTOGRAPHING BEFORE.  HERE'S THE EDGE OF THAT  
22      FREEZER.  THIS IS BACK OF THE FREEZER NOW.  THE  
23      LITTLE STOOL.  HERE'S THE BAG OF TRASH.  IT APPEARS  
24      TO BE A MAP ON THE FLOOR.  ANOTHER TRASH BAG HERE.  
25      THIS IS INSIDE THE KITCHEN AREA HERE.

1 Q ALL RIGHT. IF YOU GO ON TO THE NEXT PHOTOGRAPH  
2 AND DESCRIBE THAT FOR US WITHIN HOUSE. ONCE AGAIN  
3 WERE THESE ALL TAKEN IN THE MORNING RIGHT AFTER YOU  
4 ARRIVED?

5 A YES, SIR.

6 Q ALL RIGHT.

7 A THIS IS 69 B. THIS IS A PHOTOGRAPH OF JESSICA  
8 AND KYLA'S ROOM. STANDING OUTSIDE THEIR DOORWAY YOU  
9 SEE THE DRESSER BACK HERE, THE DOORS ON THE DRESSER,  
10 THE DOOR, THE MATTRESS. AGAIN THIS IS BUNK BEDS, THE  
11 TOP MATTRESS AND THE DOOR WAS OPEN THE WAY I SEE IT  
12 HERE.

13 Q ALL RIGHT. SHOW US NEXT ONE AND DESCRIBE IT FOR  
14 US PLEASE.

15 A THIS IS STATE'S EXHIBIT 69 C. THIS IS A  
16 PHOTOGRAPH STANDING IN THE LIVING ROOM AND LOOKING  
17 BACK TOWARDS THE BEDROOMS. THIS DOORWAY RIGHT HERE  
18 IN THE BACKGROUND IS AMANDA'S DOOR TO HER BEDROOM.  
19 LOOKING THROUGH YOU HAVE STUFF CLUTTERED ON THE  
20 FLOOR. IN THIS AREA RIGHT HERE THERE IS A BUNCH OF  
21 POWER CORDS, EXTENSION CABLES, AND IF I'M NOT  
22 MISTAKEN IN ONE OF THESE PICTURES YOU CAN ACTUALLY  
23 SEE AT THE VERY BOTTOM DOWN HERE THERE IS A POWER  
24 STRIP THAT HAD SEVERAL PLUGS IN IT.

25 Q DO THE EXTENSION CORDS THAT ARE PLUGGED INTO

1 THAT POWER STRIP, DO THEY GO TO VARIOUS PLACES IN THE  
2 HOUSE?

3 A YES, SIR, THEY DID.

4 Q AND NOW INSIDE THAT AREA, IS THAT THE HALLWAY  
5 THAT WE'RE LOOKING INTO BASICALLY?

6 A YES, SIR, THIS IS THE HALLWAY. LEADING OUT ON  
7 THIS SIDE OF THIS DOOR HERE IS A, IS WHERE THE LIVING  
8 ROOM IS. ACTUALLY HERE'S THE ARM OF THE COUCH RIGHT  
9 HERE.

10 Q OKAY. AND THOSE ITEMS THAT ARE INSIDE THE  
11 HALLWAY, WHAT ARE THOSE?

12 A THIS IS A BOOK SHELF. THERE IS ONE RIGHT HERE  
13 AND IT ALL COMES DOWN AND ACTUALLY COMES BACK OUT  
14 THIS WAY. THERE IS TWO BOOK SHELVES RIGHT THERE AND  
15 THIS IS A, I WANT TO SAY, THAT WAS A SHOE RACK AND IN  
16 LOOKING AT THE PICTURE IT IS A SHOE RACK FULL OF  
17 SHOES.

18 Q IF YOU'LL GO ON TO THE NEXT PICTURE FOR US?

19 A THIS IS NOT A VERY GOOD PHOTOGRAPH. THIS IS  
20 STANDING IN AMANDA'S DOORWAY SHOOTING BACK TOWARDS  
21 MR. COPE'S BEDROOM. THIS IS MR. COPE'S BEDROOM RIGHT  
22 HERE AND HERE'S THIS RACK OF SHOES I WAS TELLING YOU  
23 ABOUT. YOU SEE CLUTTER ON THE FLOOR OVER HERE.  
24 THERE IS THE OPENING IN THE CURTAINS IN HIS BEDROOM  
25 THAT I SHOWED YOU A LITTLE WHILE AGO.



1 Q CAN YOU TELL US IN THIS PHOTOGRAPH WHAT THAT IS  
2 UP TOP OF THIS AREA OF THE DOOR?

3 A YES, SIR. THESE ARE CLOTHES HANGERS HANGING  
4 FROM THE DOORWAYS AND JUST ABOUT EVERY DOORWAY HAD  
5 SOME OF THOSE CLOTHES HANGERS HANGING.

6 Q ALL RIGHT. GO TO THE NEXT PHOTOGRAPH.

7 A EXHIBIT 69 E. THIS IS STANDING INSIDE MR. COPE,  
8 JUST RIGHT INSIDE MR. COPE'S DOORWAY. THIS IS  
9 PHOTOGRAPHING DOWN THE, YOU STEP IN THE DOORWAY IT'S  
10 DIRECTLY TO YOUR RIGHT. THIS IS A METAL CABINET THAT  
11 WAS CLUTTERED WITH ITEMS IN HIS HOME. HERE'S HIS  
12 PILLOW THAT I SHOWED YOU A LITTLE WHILE AGO AND THIS  
13 IS A WINDOW. THIS IS POINTING BACK TOWARD HIS  
14 CLOSET. THAT DOOR RIGHT THERE IS HIS CLOSET.

15 Q ALL RIGHT. THE NEXT PHOTOGRAPH IF YOU CAN TELL  
16 US WHAT THAT IS?

17 A THIS IS A PHOTOGRAPH OF RIGHT INSIDE THE  
18 DOORWAY.

19 Q BASICALLY STANDING IN THE SAME PLACE AS YOU WERE  
20 IN THIS PHOTOGRAPH AS YOU WERE FOR THE LAST ONE?

21 A YES, I WAS. THAT'S MORE LIKE WHAT I WAS SEEING.  
22 HERE'S THE WALL HERE. I'M STANDING RIGHT INSIDE THE  
23 DOORWAY. THIS IS THE CORNER OF HIS MATTRESS. HERE'S  
24 THAT METAL SHELF THAT'S RIGHT INSIDE THE DOORWAY.  
25 THIS IS PART OF HIS DRESSER OR CHEST OF DRAWERS AND

1 THIS IS STUFF I FOUND ON THE FLOOR.

2 Q AND IS THAT HOW IT APPEARED WHEN YOU CAME INTO  
3 THE HOUSE?

4 A THAT'S EXACTLY THE WAY I SEEN IT WHEN I STARTED  
5 PHOTOGRAPHING.

6 Q IF YOU'LL SHOW US THE NEXT PICTURE.

7 A THIS IS THE PHOTOGRAPH OF THE BATHROOM WHICH IF  
8 YOU WALK OUT OF MR. COPE'S BEDROOM WALKING TOWARD  
9 AMANDA IT'S THE FIRST DOOR ON THE LEFT. IT'S  
10 PROBABLY THREE STEPS FROM EITHER DOOR, THREE OR FOUR  
11 STEPS FROM EITHER DOOR. THIS IS, THIS THING HERE IS  
12 ONE OF THE POWER CORDS THAT WAS HANGING DOWN. YOU  
13 CAN SEE THE TOILET HAS NOT BEEN FLUSHED. IT WAS  
14 ABSOLUTELY FILTHY. THE DIRT AROUND THE EDGE OF THE  
15 BATH TUB.

16 Q ALL RIGHT. THANK YOU. GO AHEAD AND HAVE A SEAT  
17 PLEASE. YOU WERE AT THE AUTOPSY ITSELF, DO YOU  
18 RECALL WHAT TIME IT WAS THAT YOU ATTENDED AUTOPSY?

19 A YES, SIR. WE GOT THERE APPROXIMATELY TWO  
20 O'CLOCK THAT AFTERNOON.

21 Q ALL RIGHT. AND DURING THE COURSE OF THAT TIME  
22 DID YOU, WE'VE ALREADY TALKED ABOUT A COUPLE OF  
23 THINGS THAT YOU POINTED OUT THAT YOU COLLECTED, DID  
24 YOU COLLECT OTHER THINGS FROM THE AUTOPSY?

25 A YES, SIR, I DID.

1 Q ALL RIGHT. SHOW YOU STATE'S EXHIBIT NUMBER 53  
2 IF YOU CAN TELL ME WHAT THAT IS?

3 A THIS IS SOME OF THE BED CLOTHING, SOME CLOTHING  
4 THAT WAS ALSO IN THE BED WITH HER, AND ALSO I THINK  
5 THIS IS THE COMFORTER THAT WAS ON THE BED.

6 Q AND IS THE GREEN BLANKET WITHIN THIS BOX AS  
7 WELL?

8 A YES, SIR. YES, SIR.

9 Q IF YOU COULD, COULD YOU TAKE THAT OUT AND  
10 DISPLAY THAT FOR US PLEASE?

11 A (COMPLIES.)

12 Q CAN YOU SHOW US THE PART OF THE BLANKET THAT IS  
13 UNDONE?

14 A THIS IS.

15 Q ALL RIGHT. AND DID YOU COLLECT THAT THAT DAY?

16 A YES, SIR.

17 Q AND WAS THAT ULTIMATELY SENT TO SLED?

18 A YES, SIR.

19 Q ALL RIGHT. AS A MATTER OF FACT EVERYTHING  
20 THAT'S COLLECTED IN THIS BOX WAS SENT TO SLED?

21 A SENT TO SLED, YES, SIR, EVERYTHING IN THAT BOX.

22 Q NOW EVERYTHING IN THIS BOX, THOSE ARE THINGS  
23 THAT CAME OFF THE BED?

24 A YES, SIR.

25 Q ALL RIGHT.

1                   MR. THOMPSON: YOUR HONOR, WE ASK TO MOVE  
2 THIS INTO EVIDENCE AT THIS TIME, STATE'S EXHIBIT  
3 NUMBER 53.

4                   MR. SMITH: NO OBJECTION.

5                   MR. GREELEY: NO OBJECTION.

6                   THE COURT: BE RECEIVED WITHOUT OBJECTION.

7                                 (STATE'S EXHIBIT 53 BEDDING, CLOTHES,  
8 COMFORTER, GREEN BLANKET RECEIVED INTO EVIDENCE.)

9 Q         ASK YOU AS WELL TO LOOK AT STATE'S EXHIBIT 54.  
10 IF YOU COULD TELL ME WHAT THAT IS AS WELL?

11 A         THESE ARE SOME OF THE OTHER ITEMS THAT WAS  
12 COLLECTED WITH HER. A BIBLE, WEBSTER'S DICTIONARY,  
13 SOME PHOTOGRAPHS, STAPLER, A RED FLASHLIGHT, A DOLL,  
14 THIS IS A, SOMETHING TO HOLD SHEET MUSIC FOR I GUESS  
15 BAND, SOME PENCILS, AND A PEN.

16 Q         WHERE DID YOU RETRIEVE THESE ITEMS?

17 A         THESE TOO WERE ALSO IN THE BED WITH, THAT WAS  
18 WRAPPED UP IN THE BED WITH AMANDA THAT WENT TO THE  
19 MORGUE.

20 Q         SO DID YOU ACTUALLY COLLECT THEM THEN FROM THE  
21 MORGUE?

22 A         YES, WE DID, FROM THE MORGUE.

23                   MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
24 THOSE INTO EVIDENCE AT THIS TIME.

25                   MR. SMITH: NO OBJECTION.

1 MR. GREELEY: NO OBJECTION.

2 THE COURT: BE RECEIVED WITHOUT OBJECTION.

3 (STATE'S EXHIBIT 54 ITEMS ON THE BED  
4 RECEIVED INTO EVIDENCE.)

5 Q NOW OFFICER GARDNER, OF THE ITEMS YOU COLLECTED  
6 AT THE AUTOPSY DID YOU COLLECT THEM ALL THAT DAY OR  
7 DID YOU HAVE TO GO BACK AND COLLECT ANYTHING FROM  
8 THERE?

9 A NO, SIR. I HAD TO GO BACK AND COLLECT STUFF  
10 FROM DR. MAYNARD I BELIEVE IT WAS THE VERY NEXT DAY.

11 Q ALL RIGHT. AND LET'S GO OVER SOME OF THAT STUFF  
12 RIGHT NOW. SHOW YOU STATE'S EXHIBIT NUMBER 55 AND  
13 TELL US WHAT THAT IS PLEASE?

14 A YES. THESE ARE ANAL SWABS, VAGINAL SWABS, AND A  
15 FEMALE NAPKIN.

16 Q ALL RIGHT. IS THAT SOMETHING THAT YOU COLLECTED  
17 FROM DR. MAYNARD THAT HE RECOVERED AT THE AUTOPSY?

18 A YES, SIR, IT IS.

19 Q AND WERE THOSE ULTIMATELY SENT TO SLED?

20 A YES, SIR, IT WAS.

21 Q ALL RIGHT. THANK YOU.

22 MR. THOMPSON: I ASK TO ENTER THAT  
23 INTO EVIDENCE AT THIS TIME.

24 MR. GREELEY: NO OBJECTION FROM MR.  
25 SANDERS.

1 MR. SMITH: NO OBJECTION.

2 THE COURT: BE RECEIVED.

3 (STATE'S EXHIBIT 55 ITEMS FROM AUTOPSY  
4 RECEIVED INTO EVIDENCE.)

5 Q NOW IF WE COULD AS WELL GO TO STATE'S EXHIBIT  
6 56, LOOK IN THERE AND IDENTIFY THAT FOR ME AS WELL.

7 A (COMPLIES.) THIS IS CLOTHING FROM AMANDA.

8 Q ALL RIGHT. AND WAS THAT RECOVERED FROM HER AT  
9 THE MORGUE AS WELL?

10 A YES, SIR, IT WAS.

11 Q AND DID YOU COLLECT THOSE ITEMS FROM DR. MAYNARD  
12 ULTIMATELY?

13 A YES, I DID.

14 Q WERE THOSE ITEMS ULTIMATELY TURNED INTO SLED?

15 A YES, THEY WERE.

16 MR. THOMPSON: I ASK TO ENTER THAT INTO  
17 EVIDENCE.

18 MR. GREELEY: NO OBJECTION.

19 MR. SMITH: NO OBJECTION.

20 THE COURT: BE RECEIVED.

21 (STATE'S EXHIBIT 56 CLOTHING ITEMS IN  
22 RED BAG RECEIVED INTO EVIDENCE.)

23 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT NUMBER 28.  
24 I BELIEVE IT'S ALREADY IN EVIDENCE. IF YOU CAN JUST  
25 EXAMINE THAT AND TELL US WHAT THAT IS?

1       A     YES, THIS IS AN ADULT SEXUAL ASSAULT EVIDENCE  
2       COLLECTION KIT.  THIS IS A KIT DONE, THAT'S PERFORMED  
3       BY A MEDICAL DOCTOR OR A SANE NURSE.  WHEN ANY PERSON  
4       HAS BEEN ASSAULTED SEXUALLY THIS IS WHAT THE KIT  
5       LOOKS LIKE AND THERE WERE SEVERAL THINGS INSIDE THE  
6       KIT THAT THE DOCTOR AND NURSE USES.

7       Q     AND WERE YOU THERE WHEN DR. MAYNARD DID THAT  
8       KIT?

9       A     YES, I WAS.

10      Q     AND DID YOU ULTIMATELY COLLECT THAT KIT FROM DR.  
11      MAYNARD?

12      A     YES, I DID.

13      Q     AND THE ITEMS THAT YOU COLLECTED THE NEXT DAY  
14      FROM DR. MAYNARD I BELIEVE ON THE 30, WHAT TIME DID  
15      YOU COLLECT THOSE ITEMS FROM HIM?

16      A     11:30 AM.

17      Q     OKAY.  THANK YOU.  NOW AFTER THE AUTOPSY ITSELF  
18      DID YOU HAVE OCCASION TO GO BACK TO THE POLICE  
19      DEPARTMENT AT THAT TIME?

20      A     YES, SIR.  WE WENT FROM, WE WENT FROM THE  
21      AUTOPSY TO THE LAW CENTER WHERE WE ACTUALLY TOOK SOME  
22      EVIDENCE BACK AND PLACED IT IN THE EVIDENCE ROOM.

23      Q     NOW DID YOU COLLECT ANYTHING ELSE FROM THE SCENE  
24      BEFORE YOU HAD GONE TO THE AUTOPSY.  I KNOW WE TALKED  
25      ABOUT SOME THINGS ALREADY.  HAD YOU COLLECTED

1 ANYTHING ELSE THAT PARTICULAR MORNING FROM THE SCENE  
2 IN ADDITION TO JUST THE ITEMS WE HAVE SPOKEN ABOUT?

3 A YES, SIR, I DID.

4 Q WHAT TYPES OF ITEMS WERE THOSE WITHOUT BEING TOO  
5 SPECIFIC?

6 A SOME HANDWRITTEN NOTES, A GREEN NOTEBOOK, PILLOW  
7 CASE, SOME MORE HANDWRITTEN NOTES.

8 Q AND THOSE ITEMS THAT YOU COLLECTED AT THE SCENE  
9 WHAT WAS YOUR REASON FOR COLLECTING THEM, FOR  
10 INSTANCE, THE NOTES AND THINGS THAT NATURE?

11 A WELL, GENERALLY WE LIKE TO COLLECT STUFF LIKE  
12 THAT ESPECIALLY WHEN THERE IS A DEATH SCENE. IT MAY  
13 NOT LEAD TO ANYTHING BUT IF WE CAN GET AN  
14 INVESTIGATOR TO START LOOKING OVER IT, READING OVER  
15 IT, IT SOMETIMES TELLS US A LOT, SO THAT'S WHY WE  
16 COLLECTED IT. I HAD NO IDEA WHETHER IT HAD ANY  
17 EVIDENTARY VALUE OR NOT, BUT I COLLECTED IT JUST IN  
18 CASE.

19 Q ALL RIGHT. AND CAN YOU TELL ME DID THE  
20 CONDITION OF THE SCENE ITSELF PRESENT ANY PROBLEM TO  
21 YOU AS A MAN WHO COLLECTS EVIDENCE?

22 A VERY MUCH SO. IT WAS, IT WAS VERY HARD SCENE TO  
23 WORK THROUGH. WE DIDN'T KNOW WHAT WAS OUT OF PLACE  
24 AND I'VE BEEN TO HOUSES LIKE THAT BEFORE AND IT WAS  
25 EQUALLY AS HARD TO PROCESS. WHEN YOU GO TO, WHEN YOU



1 GO TO A RESIDENCE WHERE YOU CAN LOOK AND SAY, WELL,  
2 THAT DOESN'T FIT THAT SPOT, IT SHOULDN'T BE THERE,  
3 GOES SOME PLACE IN THE HOUSE AND FIND WHERE IT CAME  
4 FROM, IT'S REAL EASY TO DO THAT; BUT WITH THE SHAPE  
5 OF THE HOUSE AND WITH THE CLUTTER AND THE ABSOLUTE  
6 FILTH, IT WAS HARD TO, IT WAS HARD TO DETERMINE WHAT  
7 WAS OUT OF PLACE AND WHAT WAS IN PLACE.

8 Q CAN YOU TELL ME AFTER YOU HAD COME BACK FROM THE  
9 AUTOPSY WHERE DID YOU GO FROM THERE?

10 A WHEN WE LEFT THE AUTOPSY WE WENT TO THE LAW  
11 CENTER AND ULTIMATELY WE ENDED UP HAVING A MEETING  
12 WITH DR. MAYNARD.

13 Q ALL RIGHT. WERE THERE OTHER OFFICERS IN THE  
14 MEETING WITH DR. MAYNARD AT THAT TIME?

15 A YEAH, THE PRIMARY INVESTIGATORS WERE THERE,  
16 SOME, MYSELF AND MY PARTNER WITH THERE, I THINK THE  
17 CORONER WAS THERE, DR. MAYNARD, AND SEVERAL OTHER  
18 PEOPLE WITHIN THE POLICE DEPARTMENT THAT MAYBE  
19 WORKING ON THIS CASE.

20 Q ALL RIGHT. NOW THE OTHER TWO HAD COLLECTED AT  
21 THIS POINT IN TIME, IS THIS WHEN YOU PUT THEM IN TO  
22 EVIDENCE WHEN YOU RETURNED TO THE LAW CENTER?

23 A THE ITEMS THAT I ACTUALLY PHYSICALLY COLLECTED  
24 AT THE TIME I TOOK AND PLACED INTO EVIDENCE, THE  
25 EVIDENCE ROOM. AT THAT PARTICULAR TIME I WAS

1 EVIDENCE CUSTODIAN, I HAD CONTROL OF THE EVIDENCE  
2 ROOM, MYSELF AND MY SERGEANT BOTH HAD ACCESS TO THE  
3 ROOM, WE BOTH EQUALLY ENTERED EVIDENCE FROM ALL CASES  
4 THAT THE CITY MADE, SO I JUST WENT STRAIGHT AND PUT  
5 IT STRAIGHT INTO THE EVIDENCE ROOM.

6 Q ALL RIGHT. NOW DID YOU HAVE OCCASION TO GO BACK  
7 TO THE COPE RESIDENCE THAT EVENING?

8 A YES, SIR, WE DID AFTER THE AUTOPSY.

9 Q WHAT WAS THE PURPOSE OF THAT?

10 A WE WENT BACK AND ACTUALLY USED OUR ALTERNATE  
11 LIGHT SOURCE AGAIN. THIS TIME WE WENT IN AND WE WERE  
12 SUITED UP IN TYVEX SUITS WHICH IS A WHITE SUIT.

13 Q WHY WERE YOU SUITED UP IN TYVEX SUITS?

14 A WE LEARNED FROM THE AUTOPSY THAT, THAT AMANDA  
15 WAS, WAS INFESTED WITH LICE AND WE WANTED TO PROTECT  
16 OURSELVES, SO WE SUITED UP IN A TYVEX SUIT WHICH IS A  
17 ONE PIECE CLOTH, WHITE CLOTH SUIT. WE DOUBLE GLOVED  
18 OURSELVES AND PUT BOOTIES ON OUR FEET.

19 Q OKAY. AND WHEN YOU WENT INTO THE RESIDENCE AT  
20 THAT TIME WHAT DID YOU DO, WHAT DID Y'ALL DO AT THAT  
21 POINT?

22 A WE WENT BACK TO, FIRST WE STARTED OUT IN  
23 AMANDA'S ROOM AND WE USED OUR ALTERNATE LIGHT SOURCE  
24 AGAIN BECAUSE WE FOUND, WE FOUND OUT FROM THE AUTOPSY  
25 THAT, THAT IT APPEARED TO BE A CRIMINAL SEXUAL

1 CONDUCT OR A RAPE, AND WE WENT BACK WITH INTENTIONS  
2 OF HOPING TO FLUORESCENCE THE SCENE AGAIN, HER BEDROOM  
3 AND HER BED AREA FOR BODY FLUIDS.

4 Q ALL RIGHT. AND DID YOU FLUORESCENCE HER ROOM AT  
5 THAT TIME?

6 A YES, SIR, WE DID.

7 Q WHAT IF ANYTHING DID YOU FIND IN HER ROOM?

8 A THE TOP SHEET OR NOT SHEET BUT IT WAS KIND OF  
9 LIKE A BLANKET WAS BLUE PLAID BLANKET, WE DIDN'T FIND  
10 ANYTHING THAT FLUORESCED ON THAT AT ALL. WE REMOVED  
11 IT AND IT WAS DOWN TO THE BARE MATTRESS SURFACE AND I  
12 FOUND TWO PLACES ON THE MATTRESS THAT FLUORESCED.

13 Q AND WHAT DID YOU DO WITH THOSE PLACES?

14 A I CUT THEM OUT. I ACTUALLY USED MY POCKET KNIFE  
15 AND CUT THEM OUT AND SECURE THEM AS EVIDENCE AND  
16 TURNED THEM INTO THE EVIDENCE ROOM.

17 Q AND WERE THEY ULTIMATELY SENT TO SLED AS WELL?

18 A YES, THEY WERE.

19 Q AND CAN YOU TELL ME DID ANYTHING ELSE IN THE  
20 ROOM FLUORESCENCE THAT YOU COULD YOU SEE?

21 A NO, SIR, WE DIDN'T FIND ANYTHING ELSE THAT  
22 FLUORESCED AND WE ACTUALLY DID GO INTO MR. COPE'S  
23 BEDROOM AND ATTEMPTED TO DO IT THERE TOO AS FAR AS  
24 USING ALTERNATE LIGHT SOURCE.

25 Q NOW DID YOU SEE ANYTHING FLUORESCENCE IN MR. COPE'S

1 ROOM AT THAT TIME?

2 A NO, SIR.

3 Q DID YOU TRY TO FLUORESCCE ANY OF THE OTHER ROOMS  
4 IN THE HOUSE AT THAT TIME?

5 A NO, SIR, WE DID NOT.

6 Q ALL RIGHT. NOW DID Y'ALL USE ANYTHING TO MAKE  
7 NOTE OF THE CONDITION OF THE HOUSE THAT NIGHT?

8 A YES, SIR, WE, WE ULTIMATELY DID A VIDEO OF THE  
9 ROOM, OF THE HOUSE.

10 Q ALL RIGHT.

11 A AND WE DID TAKE A VIDEO OF IT.

12 Q CAN YOU TELL ME WHEN YOU ARRIVED AT THE HOUSE  
13 THAT EVENING WERE THERE STILL OFFICERS THERE SECURING  
14 THE CRIME SCENE?

15 A WHEN WE LEFT THE, WHEN WE LEFT THE HOUSE FOR THE  
16 AUTOPSY WE POSTED A GUARD AT THE HOUSE, I BELIEVE IT  
17 WAS OFFICER KYLE QUINN, WE TOLD HIM YOU ARE IN  
18 CONTROL OF THE SCENE. NOBODY ENTERS, NOBODY LEAVES,  
19 YOU DON'T GO IN, AND YOU DON'T LEAVE AND HE WAS  
20 PICKED PARTICULARLY FOR WHO HE IS BECAUSE WE KNEW  
21 THAT HE WOULD NOT ALLOW ANYONE ENTRY INTO THAT HOME.

22 Q NOW DID THEY KEEP A LOG OF ANYONE WHO ARRIVES AT  
23 THE SCENE AFTER THAT?

24 A YES, SIR.

25 Q AND WAS IT, IS IT THEN THE ORDERS OF THE PEOPLE

1 WHO COME IN THE SCENE WHO ARE JUST THE AVERAGE  
2 OFFICER AND THEY CAN NO LONGER ENTER THE SCENE?

3 A THAT'S CORRECT.

4 Q OKAY. SO FROM THE TIME YOU HAD -- LET'S GO  
5 BACK. DID SLED EVER COME TO THE HOUSE TO, TO THE  
6 CRIME SCENE IN ANY FORM OR FASHION?

7 A YES, THEY DID. I ACTUALLY MADE CONTACT WITH  
8 AMANDA SIMMONS WHO IS WITH OUR COMPUTER CRIME LAB.

9 Q ALL RIGHT.

10 A I MADE CONTACT WITH HER AND REQUESTED HER  
11 ASSISTANCE.

12 Q OKAY. WHAT DID YOU REQUEST HER ASSISTANCE IN  
13 DOING?

14 A COLLECTION OF THE COMPUTER EQUIPMENT WE FOUND AT  
15 THE HOME.

16 Q DID SLED ACTUALLY SHOW UP TO COLLECT THAT  
17 COMPUTER EQUIPMENT?

18 A YES, THEY DID. THEY SHOWED UP.

19 Q WHAT OTHER COMPUTER EQUIPMENT DID THEY PICK UP  
20 IN PARTICULAR?

21 A WELL, OUT OF THE TOWERS ITSELF THEY TOOK THE  
22 HARD DRIVES OUT.

23 Q HOW MANY TOWERS WERE THERE, COMPUTER TOWERS IN  
24 THE RESIDENCE?

25 A THREE.

1 Q AND THEY REMOVED THE HARD DRIVES FROM THOSE  
2 TOWERS?

3 A SLED DID, YES, SIR.

4 Q ALL RIGHT. NOW YOU HAD SAID YOU HAD MADE A  
5 VIDEO OF THAT EVENING. WHO WAS THE OFFICER WITH YOU  
6 DOING THAT?

7 A SERGEANT MIKE WILLIAMS.

8 Q ALL RIGHT. HAVE YOU SEEN THE VIDEO SINCE THEN?

9 A YES, I HAVE.

10 Q DOES IT FAIRLY AND ACCURATELY DEPICT THE HOUSE  
11 AS YOU OBSERVED IT THAT NIGHT?

12 A IT'S EXACTLY THE WAY I FOUND IT.

13 Q AND CAN YOU TELL ME IS THAT ALSO FAIRLY AND  
14 ACCURATELY DEPICT THE HOUSE AND THE CONDITIONS AS  
15 THEY WERE WHEN YOU FIRST ARRIVED ON THE SCENE?

16 A YES, SIR.

17 Q SHOW YOU STATE'S EXHIBIT NUMBER 78. IF YOU CAN  
18 IDENTIFY THAT FOR US.

19 A YES, SIR. THIS IS A VHS TAPE, VIDEO TAPE, THAT  
20 WAS COLLECTED ON 11/29/01 AT 8:30 P.M.

21 Q ALL RIGHT. IS THAT THE VIDEO TAPE OF THE  
22 RESIDENCE THAT EVENING?

23 A YES, SIR.

24 Q ALL RIGHT.

25 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER

1 THIS INTO EVIDENCE AT THIS TIME.

2 MR. GREELEY: NO OBJECTION.

3 MR. SMITH: NO OBJECTION.

4 THE COURT: BE RECEIVED WITHOUT OBJECTION.

5 (STATE'S EXHIBIT 78 VIDEO TAPE  
6 RECEIVED INTO EVIDENCE.)

7 MR. THOMPSON: I ASK TO PUBLISH IT TO THE  
8 JURY AS WELL. THERE IS A COUPLE OF THINGS I WOULD  
9 LIKE TO GET WITH THE DEFENDANT AT THIS TIME.

10 Q THIS IS STATE'S EXHIBIT NUMBER 79. IF YOU'LL  
11 EXAMINE THAT AND TELL ME WHAT THOSE ARE?

12 A THIS IS, BOTH OF THESE ARE CUTTING SAMPLES FROM  
13 AMANDA'S MATTRESS.

14 Q NOW ARE THOSE THE CUTTING SAMPLES YOU TOOK?

15 A YES, THEY ARE.

16 Q AND DID YOU SECURE THOSE AND WERE ULTIMATELY  
17 SENT TO SLED?

18 A YES, THEY WERE.

19 MR. THOMPSON: I WOULD ASK TO ENTER THOSE  
20 INTO EVIDENCE AT THIS TIME.

21 MR. GREELEY: NO OBJECTION.

22 MR. SMITH: NO OBJECTION.

23 THE COURT: BE RECEIVED.

24 (STATE'S EXHIBIT 79 IN EVIDENCE  
25 MATTRESS CUTTINGS.)

1 Q IF YOU CAN STEP DOWN AND DESCRIBE THE SCENE AS  
2 WE PLAY THE VIDEO AS WE GO THROUGH IT.

3 A THIS IS STANDING INSIDE THE FRONT DOOR. THIS IS  
4 THE VIDEO THE TABLE. THAT BLUE GLOVE BELONGS TO US.  
5 IT WAS NOT THERE WHEN WE GOT THERE.

6 THE COURT: WAIT. MR. IVEY IS SIGNALING.

7 MR. IVEY: DO YOU WANT TO SEE, JUDGE.

8 THE COURT: NO, I'M FINE. THANKS.

9 A THIS IS GOING THROUGH THE DOOR THERE, THE TV,  
10 AND I'LL SHOW YOU A PICTURE AWHILE AGO OF THE  
11 FREEZER. SOME PHOTOGRAPHS OF KIDS ON THE WALL HERE.  
12 NOW WE'RE GOING THROUGH, IT SHOWS THE DRYER OVER  
13 THERE, THE CLOTHES HAMPERS, THE BOX FAN THERE, AND  
14 AGAIN THE CLOTHES RACK RIGHT THERE WHERE THE WINDOW  
15 WITH THE AIR CONDITIONER UNIT, MOVES DOWN AND IT  
16 SHOWS A CORN COB, AND THERE IS A COUPLE THINGS MOVING  
17 THERE WHICH APPEAR TO BE ROACHES WHICH THEY WERE  
18 ROACHES. ALSO IT SHOWS THE REFRIGERATOR OPEN AND  
19 YOU'LL SEE THAT THE ROACHES AND THOSE ARE, THOSE  
20 ROACHES ARE MASHED BY THE DOOR WHEN YOU CLOSE THE  
21 DOOR, THE DOOR SEAL. YOU CAN SEE THEY ARE CRAWLING  
22 INSIDE AND OUTSIDE. THAT DOOR WOULDN'T OPEN UP DUE  
23 TO THE STUFF IN FRONT OF THE DOOR.

24 THE KITCHEN AREA, THE STOVE, AND  
25 WASHING MACHINE, AND HERE'S THE WINDOW. SEE THE



1 WATER WAS ON DRIPPING AND DISHES IN THE SINK AND ALSO  
2 YOU CAN SEE RUNNING ACROSS THE COUNTER RIGHT THERE  
3 ROACHES AND SO FORTH. REFRIGERATOR INSIDE THE  
4 KITCHEN ITSELF, YOU CAN SEE LIVE AND DEAD ROACHES  
5 EVERYWHERE. THOSE ARE MASHED ALONG THE EDGE UP THERE  
6 WERE MASHED WITH THE DOOR. OF COURSE, MR. KITTY HAS  
7 GOT TO GET IN THERE. AND THEN AGAIN THE FREEZER SIDE  
8 AND YOU SEE THE BOTTOM OF THE FREEZER THERE. THOSE  
9 ARE ALL ROACHES.

10 GOING BACK OUT OF THE WASH ROOM AREA  
11 BACK OUT INTO THE LIVING ROOM, THERE IS THE FRONT  
12 DOOR. THOSE ARE THE COMPUTER TOWERS THAT WE SEIZED  
13 THAT DAY, THEY HAD JUST NOT BEEN TAKEN OUT OF THE  
14 HOUSE YET. THERE IS YOUR POWER STRIP I TALKED TO YOU  
15 ABOUT IN THE PHOTOGRAPH I TALKED TO YOU ABOUT  
16 EARLIER. THAT'S THE COPE FAMILY.

17 STRAIGHT AHEAD IS THE, THERE IS THE  
18 BOOK SHELVES I TALKED ALSO ABOUT EARLIER. THIS IS  
19 GOING INTO MR. COPE'S BEDROOM. NOW THIS HAS CHANGED,  
20 IT'S CHANGED A LITTLE BIT BECAUSE WE HAVE DONE A  
21 LITTLE BIT OF SEARCHING BUT IT'S PRETTY MUCH THE WAY  
22 IT WAS WHEN WE FOUND IT. THERE ARE SOME STUFF WE  
23 MOVED AND PUT ON THE BED BUT THERE IS A CLOSEST I  
24 SPOKE OF, THE RED BLANKET COVERING THE WINDOW, AND  
25 THERE IS A FAN THERE.

1                   BACK OUT STRAIGHT AHEAD, WELL STRAIGHT  
2           AHEAD IS GOING TO BE AMANDA'S ROOM. THIS IS THE  
3           BATHROOM. IT SHOWS PRETTY MUCH THE SAME THING AS THE  
4           PICTURES SHOW. NOW GOING INTO THE, GOING INTO THE  
5           SISTERS JESSICA AND KYLA'S ROOM. THIS IS ALMOST  
6           EXACTLY THE WAY WE FOUND IT WHEN WE GOT THERE THAT  
7           DAY. VERY LITTLE HAS CHANGED AND THERE IS THE  
8           CLUTTER AND EVERYTHING. WE DIDN'T, WE DIDN'T PULL  
9           ALL THIS STUFF OUT AND DUMP IT ON THE FLOOR. THIS IS  
10          LIKE THIS WHEN WE GOT THERE. THERE IS THE BED, THE  
11          TOP BUNK, THE TOP BUNK EVIDENTLY WAS NOT BEING SLEPT  
12          IN, BOTH GIRLS WERE SLEEPING ON THE BOTTOM. THAT'S  
13          EXACTLY, PRETTY MUCH EXACTLY THE WAY WE FOUND THE  
14          SCENE RIGHT THERE. WE'RE LEAVING THE GIRL'S ROOM.

15                   STRAIGHT AHEAD IS THE BATHROOM AND YOU  
16          CAN SEE THE COBWEBS AND STUFF ON THE WALLS AND  
17          EVERYTHING. TURN TO YOUR RIGHT AND YOU ARE IN  
18          AMANDA'S ROOM. YOU CAN SEE ON THE FLOOR THERE WHERE  
19          THE DOOR HAS MADE MARKS ON THE FLOOR WHERE HAVING  
20          PROBLEMS OPENING UP AND THERE IS A COMPUTER TABLE,  
21          THERE IS THE CURTAIN THAT WE SAID FELL DOWN. THERE  
22          IS A TELEPHONE RECEIVER SITTING UP THERE ON THE BED  
23          SIDE TABLE. WE'RE LEAVING. WE'RE GOING BACK OUT.  
24          AND YOU CAN SEE THE OTHER BOOK SHELF THERE THAT GOES  
25          BACK OUT TOWARD THE FRONT DOOR AND WE'RE GOING BACK

1 OUT TOWARD THE FRONT DOOR IN A MINUTE.

2 THERE IS THE COMPUTER STATION THAT  
3 MR. COPE WAS STANDING AT WHEN I COME IN THAT MORNING.

4 Q NOW WAS THE COMPUTER MOVED AT THAT POINT IN  
5 TIME?

6 A YES, THE COMPUTER IS GONE AT THE TIME. AS A  
7 MATTER OF FACT IT'S SITTING OVER THERE ON THE COUCH.

8 Q ALL RIGHT. THANK YOU.

9 (THE WITNESS RESUMES THE WITNESS  
10 STAND.)

11 Q AFTER THAT PARTICULAR EVENING DID YOU HAVE A  
12 CHANCE TO GO AGAIN TO THE RESIDENCE ON THE 30 OF  
13 NOVEMBER?

14 A YES, SIR.

15 Q THAT I BELIEVE WAS THE NEXT DAY, IS THAT  
16 CORRECT?

17 A YES, SIR, THAT WAS THE NEXT DAY.

18 Q WHAT WAS IT THAT TOOK YOU BACK THERE THAT DAY?

19 A WE RECEIVED INFORMATION FROM, EXCUSE ME, ONE  
20 MOMENT. LET ME JUST REFER TO MY REPORT RIGHT QUICK.  
21 I WANT TO MAKE SURE I TELL YOU CORRECTLY. MYSELF AND  
22 SERGEANT WILLIAMS, EXCUSE ME, RECEIVED INFORMATION  
23 THAT MR. COPE HAD CONFESSED TO THE RAPE AND MURDER OF  
24 HIS DAUGHTER AND SOME INFORMATION WAS GIVEN TO US  
25 THAT WE WANTED TO GO BACK AND SEE IF WE COULD LOCATE

1 THE ITEMS SUCH AS THE BROOMS THAT WE TALK ABOUT AND  
2 THAT'S WHAT WE DID, THAT'S WHY WE WENT BACK.

3 Q ALL RIGHT. AND WOULD THIS HAVE BEEN MORNING,  
4 LUNCH TIME, AFTERNOON, EVENING; DO YOU RECALL WHAT  
5 TIME YOU WENT BACK?

6 A SIR, I WANT TO --HOLD ON JUST A MINUTE. I MIGHT  
7 BE ABLE TO GIVE YOU A TIMEFRAME. IT WOULD HAVE BEEN  
8 IN THE AFTERNOON.

9 Q OKAY.

10 A AROUND FIVE O'CLOCK.

11 Q ALL RIGHT. AND CAN YOU TELL ME WHEN YOU WENT  
12 BACK AT THAT TIME WHAT SPECIFICALLY WERE Y'ALL  
13 LOOKING FOR?

14 A WE HAD INFORMATION THAT WE NEEDED TO BE LOOKING  
15 FOR A BLUE, A BLUE BROOM THAT, A WOODEN BROOM, AND  
16 THAT'S WHAT WE WENT BACK FOR.

17 Q ALL RIGHT. AND CAN YOU TELL ME WHEN YOU ARRIVED  
18 BACK ON THE SCENE WAS IT STILL SECURE AT THAT POINT  
19 IN TIME?

20 A YES, IT WAS.

21 Q HAD YOU HAD OFFICERS STATIONED AT THE SCENE?

22 A YES, SIR, OFFICERS STATIONED THERE ALL NIGHT AND  
23 UP UNTIL THE TIME WE GOT THERE.

24 Q ALL RIGHT. AND WHEN YOU WENT BACK IN DID YOU  
25 THEN, HOW DID YOU, HOW WERE YOU SUITED UP THEN? WHAT

1 TYPES OF PRECAUTIONS DID YOU HAVE ON AT THAT POINT?

2 A WE WENT BACK IN WITH TYVEK SUITS ON, DOUBLE  
3 GLOVES, AND BOOTIES ON OUR FEET TO PROTECT OUR  
4 CLOTHING.

5 Q ALL RIGHT. NOW WHEN YOU WENT IN AND COLLECTED  
6 EVIDENCE THIS TIME, LET ME SHOW YOU STATE'S EXHIBIT  
7 70 THROUGH 76. I BELIEVE I ALREADY SHOWED THE  
8 DEFENSE.

9 MR. GREELEY: YES, SIR.

10 Q I ASK YOU LOOK AT THOSE AND TELL US THE REASON  
11 FOR TAKING THOSE PHOTOGRAPHS?

12 A ONE OF THE OTHER PARTS OF THE INFORMATION WE  
13 RECEIVED ALSO WE WERE SUPPOSED TO BE LOOKING FOR A  
14 DILDO THAT WAS UNDER HIS BED, SO THAT WAS ONE OF THE  
15 OTHER THINGS THAT, ALONG WITH THE BROOMS, THAT WE  
16 WERE LOOKING FOR.

17 Q ALL RIGHT.

18 A THESE ARE PHOTOGRAPHS THAT I TOOK, TOOK THAT DAY  
19 OF THE STUFF THAT WE COLLECTED.

20 Q THOSE ARE PHOTOGRAPHS TAKEN ON THE 30?

21 A YES, SIR.

22 Q THOSE ARE OF THE ITEMS YOU COLLECTED THAT DAY  
23 WHEN YOU WENT BACK?

24 A YES, SIR.

25 Q POINT YOU THEN TO STATE'S EXHIBIT NUMBER 34. IF

1 YOU CAN TELL ME WHAT THAT IS PLEASE?

2 A YES, SIR. THIS IS A DILDO AND A TUBE OF EQUATE  
3 LUBRICATING JELLY THAT WE FOUND UNDER THE BED IN THE  
4 LEFT FRONT BEDROOM WHICH WAS MR. COPE'S BEDROOM.

5 Q ALL RIGHT. AND DID YOU COLLECT THOSE ITEMS?

6 A YES, I DID.

7 Q AND WERE THEY ULTIMATELY TAKE TO SLED?

8 A YES, THEY WERE.

9 Q AND ON STATE'S EXHIBIT NUMBER 70 IF YOU CAN  
10 DESCRIBE WHAT THAT PHOTOGRAPH IS?

11 A YES. THIS IS A PHOTOGRAPH OF WHERE WE HAD TO  
12 ACTUALLY MOVE THE MATTRESS FROM MR. COPE'S BED AND WE  
13 FOUND THE TUBE OF EQUATE JELLY AND THE DILDO UNDER  
14 HIS BED.

15 Q ALL RIGHT. CAN YOU TELL US HOW CLOSE IN  
16 PROXIMITY THAT IS TO THE WINDOW THAT WAS OVER  
17 MR. COPE'S HEAD?

18 A MAXIMUM OF FOOT AWAY FROM THE WALL.

19 Q OKAY. AND DOES THAT FAIRLY INDICATE WHERE  
20 EXACTLY YOU FOUND --

21 A THAT'S EXACTLY WHERE I FOUND IT AT.

22 MR. THOMPSON: YOUR HONOR, I WOULD ASK TO  
23 MOVE IN STATE'S EXHIBIT NUMBER 34.

24 MR. SMITH: NO OBJECTION.

25 MR. GREELEY: NO OBJECTION.

1 THE COURT: BE RECEIVED.

2 (STATE'S EXHIBIT 34 RECEIVED INTO  
3 EVIDENCE.)

4 Q IF YOU WILL HOLD THOSE. GO TO THE NEXT STATE'S  
5 EXHIBIT NUMBER 57. IF YOU CAN DESCRIBE THAT TO US  
6 AND TELL US WHAT IT WAS THAT YOU COLLECTED THERE?

7 A YES, THIS IS A BROOM THAT'S BLUE IN COLOR AND  
8 HAS A BLUE HANDLE ON IT. IT'S COLLECTED FROM THE  
9 LIVING ROOM BESIDE THE COMPUTER DESK.

10 Q ALL RIGHT. AND WAS THAT A WOOD BROOM?

11 A NO, SIR. WE DID NOT FIND ANY WOODEN BROOMS.

12 Q DIDN'T FIND ANY WOODEN BROOMS AT THE RESIDENCE?

13 A NO, SIR.

14 Q DID YOU PHOTOGRAPH THIS ONE AS WELL?

15 A YES, I DID AND I HAVE A PHOTOGRAPH OF --

16 Q TELL US WHAT IS DEPICTED IN THAT?

17 A THAT IS STATE'S EXHIBIT NUMBER 71. THAT'S IN  
18 THE LIVING ROOM RIGHT BESIDE THE COMPUTER DESK AND  
19 THE DOOR THAT GOES IN THE WASH AREA, THAT BROOM IS  
20 SITTING RIGHT THERE.

21 Q ALL RIGHT. STATE'S EXHIBIT NUMBER 58. TELL ME  
22 WHAT THAT IS AS WELL?

23 A YES. THIS IS A BROOM WITH A RED HANDLE THAT I  
24 COLLECTED FROM THE REAR DOOR OF THE KITCHEN IN THE  
25 KITCHEN AREA.

1 Q ALL RIGHT. IS THAT BROOM WOODEN?

2 A NO, SIR, IT DOESN'T APPEAR TO BE.

3 Q ALL RIGHT.

4 A NO, SIR, IT LOOKS LIKE IT IS METAL.

5 Q DID YOU PHOTOGRAPH THAT AS WELL?

6 A YES, I DID.

7 Q AND WHAT PHOTOGRAPH INDICATES THIS PARTICULAR  
8 BROOM?

9 A STATE'S EXHIBIT NUMBER 72, IT'S IN THE KITCHEN  
10 AREA. THE BACK DOOR IS RIGHT HERE, THERE IS STOOL  
11 AND RIGHT BEHIND THE STOOL IS THE BOOM.

12 Q ALL RIGHT. THIS IS STATE'S EXHIBIT 59 CAN YOU  
13 TELL US WHAT THAT IS?

14 A YES, SIR. THIS IS A DUST PAN AND BLACK HANDLE.  
15 IT'S ACTUALLY THE, THIS PART OF THE DUST PAN IS  
16 BROKEN OFF OF THE DUST PAN ITSELF.

17 Q ALL RIGHT. AND WAS THAT LOCATED NEAR THE RED  
18 BROOM?

19 A IT'S IN THE KITCHEN AREA NEAR THE BACK DOOR.

20 Q IS THAT INDICATED IN THE SAME PHOTOGRAPH AS THE  
21 RED BROOM?

22 A YES, IT IS. I'M SORRY. STATE'S EXHIBIT NUMBER  
23 72 THAT DUST MOP IS ACTUALLY SITTING RIGHT THERE  
24 RIGHT BESIDE THE RED BROOM.

25 Q ALL RIGHT. AND SO FAR THESE THREE ITEMS WE



1 TALKED ABOUT, THOSE WERE ALL COLLECTED BY YOU THAT  
2 NIGHT?

3 A YES, SIR.

4 Q AND WERE THEY ULTIMATELY TAKEN TO SLED?

5 A YES, THEY WERE.

6 Q ALL RIGHT. NOW STATE'S EXHIBIT NUMBER 60. TELL  
7 US WHAT THIS IS?

8 A THIS IS A DUST MOP, YOU CAN SEE THE MOP PART OF  
9 IT HERE, WITH A SILVER HANDLE.

10 Q ALL RIGHT.

11 A IT'S LOCATED IN THE LIVING ROOM BESIDE BY TV  
12 STAND.

13 Q DO YOU HAVE A PHOTOGRAPH THAT DEPICTS WHERE THAT  
14 IS INSIDE THE RESIDENCE?

15 A YES, I DO.

16 Q ALL RIGHT.

17 A THIS IS THE TV STAND HERE. THIS IS THE, KIND OF  
18 THE FIREPLACE AREA, AND YOU CAN SEE THE YELLOW DOWN  
19 HERE IN THE LOWER LEFT HAND CORNER, THAT'S DUST MOP  
20 PART OF IT.

21 Q WAS THIS ACTUALLY TAKEN TO SLED BY YOU?

22 A YES, SIR, IT WAS.

23 Q THANK YOU. STATE'S EXHIBIT NUMBER 61 IF YOU CAN  
24 TELL US WHAT THAT IS?

25 A THIS IS A MOP THAT HAS A GREEN, A GREENISH,

1 COLOR HANDLE. IT WAS FOUND IN THE MOP BUCKET IN THE  
2 RIGHT MIDDLE ROOM WHICH WAS THE AREA OF THE, THE  
3 LAUNDRY ROOM.

4 Q ALL RIGHT. DO YOU HAVE A PHOTOGRAPH THAT  
5 INDICATES THAT AS WELL?

6 A YEAH, STATE'S EXHIBIT 74. THIS IS GOING INTO,  
7 THIS IS THE BACK DOOR HERE, THIS IS RIGHT BEFORE YOU  
8 GO INTO THE OPENING FOR THE KITCHEN, AND IT WAS IN  
9 THIS RED MOP BUCKET HERE. THAT'S WHERE I RECOVERED  
10 THERE.

11 Q STATE'S EXHIBIT NUMBER 62, IF YOU CAN TELL US  
12 WHAT THAT IS?

13 A THIS IS A WOODEN WALKING CANE. IT WAS FOUND  
14 UNDER THE BED IN MR. COPE'S BEDROOM.

15 Q ALL RIGHT. AND WAS THAT ULTIMATELY TAKEN TO  
16 SLED AS WELL?

17 A YES, IT WAS.

18 Q THE REST OF THESE AS WELL WERE TAKEN TO SLED?

19 A YES, THEY WERE.

20 Q DO YOU HAVE A PHOTOGRAPH TO INDICATE WHERE THAT  
21 WAS FOUND?

22 A STATE'S EXHIBIT EXHIBIT 75.

23 Q ALL RIGHT.

24 A THIS WOODEN BOX RIGHT HERE THAT CANE IS LAYING  
25 RIGHT THERE BESIDE THE WOODEN BOX.

1 Q STATE'S EXHIBIT NUMBER 63 IF YOU'LL TELL ME WHAT  
2 THAT IS?

3 A THIS IS A MOP HANDLE THAT I FOUND IN THE TRASH  
4 CAN BEHIND THE HOUSE, RIGHT OUTSIDE THE BACK DOOR.

5 Q ALL RIGHT. AND DID YOU ALSO TAKE A PHOTOGRAPH  
6 OF WHERE THAT WAS LOCATED?

7 A YES, I DID.

8 Q AND WAS THIS AS WELL TAKEN TO SLED BY YOU?

9 A YES, SIR, IT WAS. STATE'S EXHIBIT NUMBER 76  
10 SHOWS THE GREEN TRASH CAN IN THE BACK YARD AND YOU  
11 CAN SEE RED MOPS IN THE TRASH CAN.

12 Q NOW I NOTICE THAT EACH ONE OF THESE HAD, AT  
13 LEAST INITIALLY HAD SOME RED PACKAGING AROUND THEM,  
14 DID YOU PACKAGE THEM LIKE THAT AT THAT TIME?

15 A YES, I DID.

16 Q ALL RIGHT. NOW WE SAW IN THE VIDEO AND YOU  
17 MENTION SOME OF THE COMPUTER EQUIPMENT THAT WAS  
18 SITTING ON THE SOFA ITSELF, THAT EVENING DID YOU HAVE  
19 AN OPPORTUNITY TO COLLECT THOSE ITEMS AS WELL?

20 A YES, SIR, WE ALSO TOOK THAT BACK WITH US WHEN WE  
21 WENT. WE COLLECTED ALL COMPUTER EQUIPMENT AND TOOK  
22 IT BACK TO THE EVIDENCE ROOM.

23 Q NOW WERE THE HARD DRIVES STILL IN THOSE TOWERS  
24 AT THAT TIME?

25 A NO, SIR, SLED HAD ALREADY COLLECTED THE HARD

1 DRIVES.

2 Q ALL RIGHT. NOW AT THAT TIME DID YOU HAVE ALSO  
3 OCCASION TO LOOK OUT IN THE YARD OR ANYTHING ELSE AS  
4 FAR AS THE HOUSE GOES THAT AFTERNOON?

5 A YES, SIR, WE DID. WE LOOKED AROUND THE YARD AND  
6 THERE WAS A OUT BUILDING OUT BACK AND WE LOOKED IN  
7 THE OUT BUILDING.

8 Q ALL RIGHT. AND DID YOU OBSERVE ANYTHING OF NOTE  
9 IN EITHER THE YARD OR THE OUT BUILDING?

10 A THE ONLY THING I FOUND OUTSIDE WAS THIS RED  
11 HANDLED MOP THAT WAS FOUND IN THE TRASH CAN, BUT WE  
12 DIDN'T FIND ANYTHING ELSE.

13 Q ALL RIGHT. NOW GOING BACK OR AFTER COLLECTING  
14 THESE THINGS THAT NIGHT, WHAT DID YOU THEN DO?

15 A WELL, I TOOK EVERYTHING THAT WE COLLECTED AND  
16 WENT STRAIGHT BACK TO THE EVIDENCE ROOM AND PLACED IT  
17 IN THE EVIDENCE ROOM.

18 Q ALL RIGHT. AND FOLLOWING THAT WHAT WAS YOUR  
19 NEXT INVOLVEMENT IN THE CASE ITSELF?

20 A THE NEXT TIME I HAD ANY INVOLVEMENT IN THIS WAS  
21 I THINK ON 12-3-01.

22 Q AND WHAT DAY OF THE WEEK WAS THAT, DO YOU  
23 RECALL?

24 A MONDAY.

25 Q ALL RIGHT.

1 A I'M ALMOST SURE IT WAS MONDAY.

2 Q AND HOW DID YOU BECOME INVOLVED THAT DAY?

3 A CAPTAIN CABANISS WHICH WAS OUR SUPERVISOR OF THE  
4 DETECTIVE DIVISION CRIME SCENE UNIT EVIDENCE ROOM, HE  
5 HAD INSTRUCTED US TO GO BACK TO THE RESIDENCE AND  
6 LOOK FOR A COUPLE MORE ITEMS THAT WAS BROUGHT OUT IN  
7 A CONFESSION.

8 Q ALL RIGHT. AND WHAT ITEMS SPECIFICALLY WERE YOU  
9 TO LOOK FOR THAT DAY?

10 A A LIGHT BLUE TOWEL AND A GREEN WASH CLOTH AND A  
11 WHITE WASH CLOTH.

12 Q AND DID THEY, DID YOU HAVE ANY INDICATION AS TO  
13 WHERE YOU WERE TO LOOK FOR THESE PARTICULAR ITEMS?

14 A YES, SIR. I CAN, I DON'T KNOW ABOUT THE LIGHT  
15 BLUE TOWEL, BUT WE FOUND THE LIGHT BLUE TOWEL IN MR.  
16 COPE'S BEDROOM ON THE FLOOR TO THE RIGHT OF HIS BED.  
17 BUT WE WERE TOLD TO LOOK FOR THE WASH CLOTHES IN THE  
18 HALLWAY RIGHT THERE AT THOSE BOOK SHELVES THAT I  
19 SHOWED YOU.

20 Q ALL RIGHT. DID YOU TAKE PHOTOGRAPHS OF THOSE  
21 THINGS WHEN YOU RECOVERED THEM THAT DAY?

22 A YES, SIR, I DID.

23 Q DO YOU RECALL ABOUT WHAT TIME YOU WERE OUT THERE  
24 THAT AFTERNOON?

25 A ABOUT 3:15 I THINK, SOMEWHERE AROUND 3 O'CLOCK

1 3:15 WE WENT BACK DOWN.

2 Q ALL RIGHT. AND DO YOU KNOW WAS CRIME SCENE ANY  
3 LONGER THERE, WAS CRIME SCENE SECURITY THERE ANY  
4 LONGER?

5 A NO, SIR, CRIME SCENE HAD BEEN RELEASED ON 30TH.

6 Q ALL RIGHT. SO WHEN YOU WENT BACK HAD Y'ALL, HAD  
7 YOU BEEN INFORMED WHETHER CONSENT TO SEARCH WAS  
8 OBTAINED AT THAT POINT IN TIME?

9 A YES, SIR, WE WERE TOLD THAT A CONSENT OF SEARCH  
10 WAS SIGNED BY MR. COPE FOR US TO GO BACK TO THE  
11 HOUSE.

12 Q ALL RIGHT. I ASK YOU TO LOOK AT STATE'S  
13 EXHIBITS 77, 78, AND 79. IF YOU CAN TELL ME WHAT  
14 THOSE ARE?

15 A STATE'S EXHIBIT 77 SHOWS A PHOTOGRAPH PRETTY  
16 FLOOR LEVEL, IN THE VERY BACK CORNER IS A WHITE WASH  
17 CLOTH THAT WE RECOVERED.

18 Q ALL RIGHT. AND DID YOU PUT THAT INTO EVIDENCE  
19 AT THAT TIME?

20 A YES, I DID.

21 Q HOW ABOUT THE NEXT PHOTOGRAPH, WHAT DOES THAT  
22 DEPICT?

23 A STATE'S EXHIBIT 78 WAS A BLUE, GREEN -- I'M  
24 SORRY, A GREEN WASH CLOTH THAT WAS RECOVERED FROM THE  
25 TOP OF THE BOOK SHELF. IT'S ACTUALLY THE BOOK SHELF

1           WHEN YOU WALK THROUGH THAT DOOR GOING TO THE BED  
2           ROOMS THAT BOOK SHELF STRAIGHT IN FRONT OF YOU THIS  
3           WAS FOUND ON TOP AND THE WHITE ONE WAS FOUND ON THE  
4           FLOOR BELOW IT.

5           Q     ALL RIGHT.  AND THE FINAL PHOTOGRAPH WHAT DOES  
6           THAT DEPICT?

7           A     STATE'S EXHIBIT 79 IS A LIGHT BLUE TOWEL FOUND  
8           ON THE FLOOR OF MR. COPE'S BEDROOM JUST, IF YOU ARE  
9           STANDING LOOKING AT THE BED, JUST TO THE RIGHT OF THE  
10          BED NEAR THE CLOSET.

11          Q     AND DO THOSE THREE PHOTOGRAPHS DO THEY FAIRLY  
12          AND ACCURATELY DEPICT THOSE ITEMS AS YOU FOUND THEM  
13          THAT DAY?

14          A     EXACTLY THE WAY I FOUND THEM THAT DAY.

15                         MR. THOMPSON:  I ASK TO ENTER THOSE  
16          PHOTOGRAPHS INTO EVIDENCE, YOUR HONOR.

17                         MR. SMITH:  NO OBJECTION.

18                         MR. GREELEY:  NO OBJECTION.

19                         THE COURT:  BE RECEIVED WITHOUT OBJECTION.

20                                 (STATE'S EXHIBITS 77-79 PHOTOS  
21          RECEIVED INTO EVIDENCE.)

22          Q     SHOW YOU AS WELL STATE'S EXHIBIT NUMBER 64 IF  
23          YOU CAN TELL US WHAT THAT IS?

24          A     YES, SIR.  THIS IS A LIGHT BLUE TOWEL THAT I  
25          FOUND ON THE FLOOR OF MR. COPE'S BEDROOM.

1 Q ALL RIGHT. WAS THAT ULTIMATELY SENT TO SLED?

2 A YES, SIR, IT WAS.

3 Q ALL RIGHT. STATE'S EXHIBIT NUMBER 65 IF YOU CAN  
4 TELL US WHAT THIS IS AS WELL?

5 A THIS IS A GREEN AND WHITE WASH CLOTH FOUND IN  
6 THE HALLWAY: THE WHITE UNDER THE BOOK SHELF; THE  
7 GREEN ON TOP OF THE BOOK SHELF.

8 Q ALL RIGHT. WAS THAT ULTIMATELY TAKEN TO SLED AS  
9 WELL?

10 A YES, IT WAS.

11 MR. THOMPSON: YOUR HONOR, I ASK TO SUBMIT  
12 BOTH OF THESE 64 AND 65 INTO EVIDENCE AT THIS TIME.

13 MR. SMITH: NO OBJECTION.

14 MR. GREELEY: NO OBJECTION.

15 THE COURT: BE RECEIVED WITHOUT OBJECTION.

16 (STATE'S 64-65 PHOTOS RECEIVED INTO  
17 EVIDENCE.)

18 Q OFFICER GARDNER, I SEE ONE MORE BAG HERE. I  
19 THINK YOU'LL HAVE TO CUT IT OPEN FOR US. IT'S  
20 STATE'S EXHIBIT NUMBER 66. IF YOU CAN LOOK INSIDE  
21 THAT BAG FOR ME AND TELL ME WHAT YOU COLLECTED IN  
22 THAT BAG. YOU MAY HAVE TO UNDO IT.

23 A THIS APPEARS TO BE, IT ACTUALLY IS THE STUFF  
24 THAT WE COLLECTED, SOME MORE STUFF THAT WE COLLECTED  
25 FROM AMANDA'S BED, ALONG WITH SOME, A BUNCH OF



1 PAPERS, A BOOK BAG.

2 Q ALL RIGHT. NOW IS THAT STUFF PRETTY MUCH IN THE  
3 SAME CONDITION AS IT WAS WHEN YOU COLLECTED IT?

4 A YES, SIR, IT IS.

5 Q ALL RIGHT. WAS THIS COLLECTED BACK ON THE FIRST  
6 DAY, THE 29?

7 A YES, SIR. IT WAS COLLECTED ON 11-29-01 AT  
8 11:26.

9 Q ALL RIGHT.

10 A THIS WAS STUFF FROM THE BED SIDE TABLE IN THE  
11 LEFT REAR BEDROOM.

12 Q ALL RIGHT.

13 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
14 INTO EVIDENCE AT THIS TIME AS WELL.

15 MR. SMITH: WITHOUT OBJECTION, YOUR HONOR.

16 MR. GREELEY: NO OBJECTION.

17 THE COURT: BE RECEIVED WITHOUT OBJECTION.

18 (STATE'S EXHIBIT 66 BED CONTENTS  
19 RECEIVED INTO EVIDENCE.)

20 Q IF YOU COULD, OFFICER GARDNER, ASK YOU TO COME  
21 DOWN ONE MORE TIME AND ASK YOU TO SHOW US STATE'S  
22 EXHIBIT NUMBER 67. CAN YOU DESCRIBE THAT TO US  
23 PLEASE?

24 A YES, IT IS CRIME SCENE DRAWING SKETCH THAT WE  
25 DID AT 407 RICH STREET.

1 Q NOW IS THIS TO SCALE?

2 A NO, SIR, IT'S NOT TO SCALE.

3 Q ALL RIGHT.

4 A FIRST THING I'D LIKE TO NOTE IS THE SIZE OF THE  
5 BEDROOMS. AMANDA'S BEDROOM IS LOCATED AT THE TOP AND  
6 THIS IS AMANDA'S BEDROOM HERE. YOU GOT THE BATHROOM,  
7 YOU GOT KYLA AND JESSICA'S ROOM AND YOU GOT  
8 MR. COPE'S ROOM. IN REALITY MR. COPE'S ROOM IS  
9 ACTUALLY LARGER THAN AMANDA'S BEDROOM BY DIMENSIONS,  
10 BUT WE DREW THIS JUST A LITTLE BIGGER FOR US TO BE  
11 ABLE TO PUT WHAT WE WANTED, WHAT WE NEEDED TO IN THIS  
12 DRAWING.

13 Q ALL RIGHT.

14 A YOU'LL SEE IT.

15 Q CAN YOU TELL ME, DID YOU NOTE WHERE ANYTHING IN  
16 PARTICULAR WAS FOUND ON THIS DIAGRAM THAT Y'ALL DID?

17 A YES. IF YOU'LL NOTE RIGHT HERE A B C, A BEING  
18 THE WHITE CLOTH, B BEING THE GREEN WASH CLOTH, AND C  
19 BEING THE BLUE TOWEL. AND WE'LL START WITH A, A IS  
20 LOCATED RIGHT HERE, B IS LOCATED RIGHT HERE, AND C IS  
21 LOCATED RIGHT HERE.

22 Q ALL RIGHT. AND YOU MADE SOME DIMENSIONS I  
23 BELIEVE ON THE SIDE TO TELL US HOW LONG THE HOUSE IS  
24 ITSELF?

25 A YES, SIR, WE DID. BASICALLY THE SIZE OF

1 AMANDA'S ROOM WAS NINE FOOT TEN BY NINE FOOT NINE.  
2 THE OVERALL WIDTH OF THE HOUSE WAS 36 INCHES AND IT  
3 APPEARS THAT THE OVERALL LENGTH OF THE HOUSE IS TO BE  
4 25 FOOT, 25 FOOT SEVEN PLUS NINE FOOT NINE, SO YOU  
5 ARE LOOKING AT 35 FOOT ACROSS THE BACK.

6 MR. THOMPSON: YOUR HONOR, I ASK TO ENTER  
7 THAT INTO EVIDENCE AT THIS TIME.

8 MR. SMITH: NO OBJECTION.

9 MR. GREELEY: NO OBJECTION.

10 THE COURT: BE RECEIVED.

11 (STATE'S EXHIBIT 67 DIAGRAM RECEIVED  
12 INTO EVIDENCE.)

13 Q THANK YOU, OFFICER GARDNER. THAT'S ALL THE  
14 QUESTIONS I HAVE FOR YOU AT THIS TIME.

15 THE COURT: MR. SMITH.

16 MR. SMITH: MAY I HAVE JUST A FEW MINUTES?

17 THE COURT: WE'RE GOING TO TAKE JUST A  
18 LOGISTICS MOMENT AND LET HIM GET SOME THINGS READY  
19 AND MAKE SURE GO SMOOTHER IN CROSS EXAMINATION.  
20 WE'LL TAKE A SHORT BREAK.

21 (THE JURY EXITS THE COURTROOM AT 04:35  
22 PM AND COURT'S IN RECESS AT 4:35.)

23 (COURT RESUMES AT 04:51 PM.)

24 THE COURT: BRING IN THE JURY.

25 MR. THOMPSON: YOUR HONOR, I WOULD LIKE TO

1 PUT ON THE RECORD QUICKLY THAT STATE'S EXHIBIT 78 THE  
2 VIDEO WAS ACTUALLY CHANGED TO STATE'S EXHIBIT 81. I  
3 THINK I HAD MARKED TWO THINGS 78. AS WELL AS 79 THE  
4 MATTRESS CUTTINGS HAVE BEEN CHANGED TO STATE'S  
5 EXHIBIT 80. SO TO CLARIFY THAT THE ACTUAL 78 AND 79  
6 TWO PHOTOGRAPHS OF ONE OF THE TOWELS BEING RECOVERED  
7 AND ONE OF THE WASH CLOTHES BEING RECOVERED.

8 (THE JURY RETURNS TO THE COURTROOM.)

9 THE COURT: OKAY.

10 MR. SMITH: MAY IT PLEASE THE COURT.

11 CROSS EXAMINATION BY MR. SMITH:

12 Q GOOD AFTERNOON, OFFICER GARDNER.

13 A GOOD AFTERNOON, SIR.

14 Q NOW YOU STATED THAT YOU WERE THE LEAD CRIME  
15 SCENE PROCESSOR IN THIS CASE?

16 A I WAS.

17 Q AND AS THE LEAD PROCESSOR YOU, I BELIEVE YOU  
18 TESTIFIED, THAT YOU CAME OUT, YOU EXAMINED THE SCENE  
19 FIRST, YOU ASSESSED IT TO SEE WHAT YOU HAD ON YOUR  
20 HANDS?

21 A YES, SIR.

22 Q THEN YOU ANALYZED THE SCENE, YOU HAD TO DECIDE  
23 WHAT EXACTLY IT WAS THAT YOU NEEDED TO DO?

24 A I BASICALLY, WHEN I'M DOING MY WALK THROUGH AND  
25 THAT'S WHAT YOU'RE TALKING ABOUT BECAUSE I THINK

1 THAT'S THE WAY I REFERRED TO AS MY WALK THROUGH, I  
2 JUST KIND OF MAKE MENTAL NOTES OF WHAT EQUIPMENT I'M  
3 GOING TO NEED TO TAKE BACK IN WITH ME.

4 Q AND THEN YOU STARTED COLLECTING EVIDENCE,  
5 PICKING UP THINGS THAT YOU BELIEVE WERE RELEVANT TO  
6 THE CASE, IS THAT CORRECT?

7 A WELL, I FIRST PHOTOGRAPH IT, SIR.

8 Q YES, SIR. I'M SORRY. YOU PHOTOGRAPH IT FIRST  
9 JUST AS IT'S SITTING THERE?

10 A THAT'S CORRECT.

11 Q OKAY. AND THEN IT'S YOUR JOB TO MAINTAIN AND  
12 PRESERVE THAT EVIDENCE THROUGHOUT THE COURSE OF THE  
13 INVESTIGATION UNTIL WE GET TO TRIAL LIKE WE'RE HERE  
14 TODAY?

15 A ONCE I COLLECT IT, THEN ESPECIALLY AT THE  
16 PARTICULAR TIME BECAUSE I WAS THE EVIDENCE CUSTODIAN.  
17 IT IS MY JOB TO MAINTAIN THE INTEGRITY OF THE  
18 EVIDENCE UNTIL IT COMES TO COURT HERE.

19 Q YES, SIR. YOU DON'T ACTUALLY TEST THE EVIDENCE,  
20 YOU SEND IT OFF TO SOMEONE LIKE SLED TO TEST IT FOR  
21 YOU, CORRECT?

22 A THE MAJORITY OF IT HAS BEEN, WAS SENT TO SLED  
23 AND SOME OF IT WASN'T SENT AT ALL.

24 Q ALL RIGHT. AND WHAT YOU'RE TRYING TO DO WHEN  
25 YOU ARE COLLECTING THIS EVIDENCE YOU GATHER DIFFERENT

1       PIECES OF OR DIFFERENT ITEMS THAT YOU BELIEVE ARE  
2       RELEVANT AND WHAT YOU ARE TRYING TO DO IS RE-CREATE  
3       THE CRIME SCENE, RIGHT? YOU ARE COLLECTING EVIDENCE  
4       TO WEAVE IT TOGETHER WITH TESTIMONY TO TRY TO  
5       RECREATE A CRIME SCENE, CORRECT? IS THAT AN ACCURATE  
6       STATEMENT?

7       A       THAT'S A FAIR AND ACCURATE STATEMENT.

8       Q       YOU ARE TRYING TO TELL A STORY OF WHAT HAPPENED  
9       ON THAT PARTICULAR NIGHT OR DAY?

10      A       THAT'S CORRECT.

11      Q       OKAY. NOW I WAS A LITTLE CONFUSED. AT THE END  
12      OF YOUR TESTIMONY YOU SAID THAT YOU WERE WEARING A  
13      TYVEK, IS IT TYVEK?

14      A       TYVEK.

15      Q       SUIT. DID YOU HAVE A TYVEK SUIT ON THE ENTIRE  
16      TIME THAT YOU WERE HERE AT THE CRIME SCENE OR WAS  
17      THAT ONLY THE SECOND DAY?

18      A       THAT WAS AFTER WE FOUND OUT THAT THERE, THAT  
19      AMANDA HAD LICE. WHEN WE WENT BACK THE SECOND TIME  
20      THAT'S WHEN WE SUITED UP IN OUR TYVEK SUITS.

21      Q       OKAY. BUT DOES THE TYVEK SUIT DOES THAT PROTECT  
22      YOU FROM PICKING UP ANY LICE?

23      A       THAT WAS THE MAIN OBJECTIVE.

24      Q       BUT IT DOESN'T ALSO KEEP YOUR HAIRS AND FIBERS  
25      AND ALL OF THAT OFF THE CRIME SCENE?

1 A YES, SIR, IT WOULD BECAUSE IT ONLY LEAVES OPEN  
2 THIS MUCH ON YOUR FACE.

3 Q BUT YOU DIDN'T HAVE THAT ON THE FIRST DAY?

4 A NO, SIR, I DID NOT.

5 Q NOW DNA TECHNOLOGY IS SO SENSITIVE THESE DAYS  
6 THAT JUST, IT JUST TAKES A COUPLE OF CELLS TO  
7 IDENTIFY DNA, RIGHT?

8 A I ASSUME SO. I DON'T KNOW THAT MUCH HOW THEY  
9 TEST DNA.

10 Q YOU ARE THE CRIME SCENE PROCESSER AND YOU ARE  
11 SUPPOSED TO BE LOOKING FOR DNA?

12 A THAT'S DIFFERENT FROM WHAT YOU SAID THOUGH. I  
13 DON'T KNOW HOW TO TEST DNA SO I DON'T KNOW WHAT SIZE  
14 SAMPLE IS NEEDED.

15 Q OKAY. SO YOU ARE NOT AWARE OF WHAT SIZE SAMPLE  
16 COULD POSSIBLY HAVE DNA ON IT?

17 A NO, SIR, I'M NOT. I DON'T KNOW WHAT THE  
18 MACHINES NEED TO TEST.

19 Q SO YOU MAY OVERLOOKING VALUABLE EVIDENCE THAT'S  
20 SITTING THERE THAT YOU ARE NOT COLLECTING BECAUSE YOU  
21 DON'T KNOW WHAT SIZE SAMPLE YOU ARE SUPPOSED TO  
22 COLLECT?

23 A I GUESS THAT WOULD BE A FAIR THING TO SAY.

24 Q OKAY. NOW I'M SURE YOU HAD GLOVES ON WHEN YOU  
25 WERE PROCESSING THIS EVIDENCE, CORRECT?

1 A YES, SIR.

2 Q AND I BELIEVE AT ONE POINT YOU SAID YOU HAD  
3 DOUBLE GLOVES, I DON'T KNOW IF YOU HAD THOSE ON THE  
4 ENTIRE TIME OR NOT?

5 A NO, SIR. I HAD SINGLE SETS OF GLOVES ON UP  
6 UNTIL WE FOUND OUT ABOUT THE LICE.

7 Q OKAY. AS YOU HANDLED EACH PIECE OF EVIDENCE DID  
8 YOU CHANGE YOUR GLOVES BETWEEN PIECES OF EVIDENCE?

9 A NO, SIR.

10 Q OKAY. SO YOU ARE PICKING UP ONE PIECE OF  
11 EVIDENCE AND YOU COULD POSSIBLY TRANSFER DNA OR HAIR  
12 OR SOME OTHER SUBSTANCE ONTO THE NEXT PIECE OF  
13 EVIDENCE THAT YOU HANDLED IF YOU DIDN'T CHANGE YOUR  
14 GLOVES EVERY TIME YOU HANDLED A PIECE OF EVIDENCE, IS  
15 THAT FAIR?

16 A THAT'S POSSIBLE.

17 Q OKAY. NOW YOU WERE THE FIRST PERSON TO ARRIVE  
18 AT THE, AT 407 RICH STREET FROM THE CRIME SCENE UNIT?

19 A THAT'S CORRECT.

20 Q ON THE 29, IS THAT RIGHT?

21 A THAT'S CORRECT.

22 Q AND I BELIEVE YOU SAID YOU GOT THERE AROUND 6:55  
23 AM THAT MORNING?

24 A I BELIEVE THAT'S CORRECT, SIR.

25 Q NOW AS THE LEAD CRIME SCENE PROCESSER DID YOU



1 TAKE A LOOK OF THE CRIME SCENE LOG?

2 A YES, SIR, I HAVE LOOKED AT THE CRIME SCENE LOG.

3 Q I MEAN YOU WOULD CONCERN YOURSELF WITH THAT  
4 BECAUSE YOU WANT TO KNOW HOW MANY PEOPLE HAVE BEEN IN  
5 AND OUT OF THE CRIME SCENE BEFORE YOU'VE BEEN THERE,  
6 RIGHT?

7 A ACTUALLY MY MAIN CONCERN AT THE TIME WAS TO MAKE  
8 SURE EVERYBODY WHO WENT IN NAME IS ON THE CRIME SCENE  
9 LOG. OF COURSE, I DON'T WANT A BUNCH OF PEOPLE IN  
10 THE CRIME SCENE.

11 Q YOU DON'T WANT PEOPLE TROMPING THROUGH THIS  
12 CRIME SCENE DROPPING THEIR DNA, FIBERS, OR HAIRS?

13 A THAT'S CORRECT.

14 Q AND DISTURBING THE SCENE ITSELF?

15 A I DO NOT WANT THAT TO HAPPEN.

16 Q OKAY. YOU RECOGNIZE THAT DOCUMENT?

17 A YEAH, THIS IS A, THIS IS A ROCK HILL POLICE  
18 DEPARTMENT CRIME SCENE LOG.

19 Q DOES IT ACCURATELY REFLECT TO YOUR KNOWLEDGE ALL  
20 THE FOLKS THAT CAME IN AND OUT OF THE CRIME SCENE  
21 THAT DAY?

22 A YES, IT DOES.

23 Q AS WELL AS THE FOLLOWING DAY ALSO, THE 30TH I  
24 BELIEVE?

25 A YES, SIR.

1 Q OKAY.

2 MR. SMITH: JUDGE, I MOVE TO INTRODUCE  
3 THAT AS DEFENSE EXHIBIT.

4 MR. THOMPSON: NO OBJECTION.

5 MR. GREELEY: NO OBJECTION.

6 THE COURT: BE RECEIVED WITHOUT OBJECTION.

7 (DEFENSE EXHIBIT 27 CRIME SCENE LOG  
8 RECEIVED INTO EVIDENCE.)

9 Q IF YOU WOULD LOOK TAKE A LOOK AT AND TELL US HOW  
10 MANY PEOPLE WERE AT THE CRIME SCENE BEFORE YOU  
11 ARRIVED AT 6 55 AM?

12 A 17.

13 Q DO YOU KNOW HOW MANY OF THOSE HAD ON TYVEK  
14 SUITS, HAD ON GLOVES, AND BOOTIES TO KEEP THEIR DNA,  
15 HAIR, AND FIBER FROM BEING TRANSFERRED TO THE CRIME  
16 SCENE?

17 A NO, SIR, I CANNOT TELL YOU THAT. I DON'T KNOW  
18 IT.

19 Q HOW MANY PEOPLE WERE AT THE CRIME SCENE, AND I'M  
20 NOT TALKING ABOUT JUST AT THE TAPE I'M TALKING ABOUT  
21 IN THE CRIME SCENE ITSELF, ON THE 29, THAT ENTIRE  
22 DAY?

23 A WHAT WAS THE NUMBER I GAVE YOU BEFORE.

24 Q 16 UP UNTIL YOU. ACTUALLY I BELIEVE YOU SAID  
25 17. I'M SORRY, MR. GARDNER.

1 A IT APPEARS TO BE, I COUNT 46. I MAY HAVE  
2 MISCOUNTED.

3 Q APPROXIMATELY 46?

4 A TOTAL PEOPLE BUT NOT ALL ARE INSIDE THE SCENE.

5 Q OKAY. SO SOME OF THOSE PEOPLE WERE AT THE TAPE,  
6 IS THAT RIGHT?

7 A YES, SIR.

8 Q AND WHAT I WAS ASKING WAS HOW MANY PEOPLE WERE  
9 ACTUALLY INSIDE THE SCENE?

10 A I'M SORRY. I MISUNDERSTAND.

11 Q NOT AT THE TAPE?

12 A I MISUNDERSTOOD WHAT YOU SAID. I COUNT 11, SIR.

13 Q 11 INSIDE THE SCENE.

14 A 11 INSIDE THE SCENE AFTER I GOT THERE.

15 Q SO ADD THAT?

16 A 12 INCLUDING ME.

17 Q 12 INCLUDING YOU, ADD THAT TO THE 17 I BELIEVE  
18 YOU SAID BEFORE?

19 A I WOULD SAY 29 PEOPLE THEN.

20 Q SO THERE WAS A CROWD THERE?

21 A YES, SIR.

22 Q OKAY. NOW IN THAT NUMBER DID YOU INCLUDE JERRY  
23 WALDROP AS BEING INSIDE THE SCENE?

24 A NOW I DIDN'T DO THIS.

25 Q I UNDERSTAND.

1 A I WAS NOT THE ONE WHO WAS ACTUALLY WRITING THIS  
2 DOWN.

3 Q I UNDERSTAND.

4 A I DON'T SEE.

5 Q I BELIEVE IF YOU WOULD CHECK THE FIRST PAGE?

6 A I SEE HIM AS AT TAPE.

7 Q IT SAYS HE WAS AT THE TAPE AND THAT WOULD  
8 INDICATE THAT HE DID NOT ENTER THE CRIME SCENE?

9 A I ONLY ASSUME THAT'S WHAT THAT MEANS. ACTUALLY  
10 THIS IS, IT'S NOT THE FIRST TIME I'VE SEEN THIS  
11 DOCUMENT BUT THE FIRST TIME I HAVE SEEN IT WROTE IN  
12 THIS FORM.

13 Q BUT ACCORDING TO THE CRIME SCENE LOG MR. WALDROP  
14 WAS ONLY AT THE TAPE AND DID NOT ENTER THE CRIME  
15 SCENE?

16 A IT SAYS THAT LIEUTENANT WALDROP RHPD DETECTIVE,  
17 TAPE, AND THE TIME THAT HE WAS THERE.

18 Q NOW HE TESTIFIED YESTERDAY HE WAS ACTUALLY  
19 INSIDE THE CRIME SCENE. IF THAT WERE TRUE THE NUMBER  
20 OF PEOPLE THAT WERE AT THE CRIME SCENE WOULD INCREASE  
21 BY ANOTHER ONE, WOULD IT NOT?

22 A YES, SIR.

23 Q SO I MEAN ACCORDING TO THAT LOG WE DON'T REALLY  
24 KNOW WHO WAS IN THE CRIME SCENE THAT ENTIRE DAY, DO  
25 WE?

1 A WELL, I THINK THIS IS PRETTY FAIRLY ACCURATE.

2 Q EVEN IF DETECTIVE WALDROP ENTERED THE CRIME  
3 SCENE?

4 A I MEAN, IT'S ACCURATE TO THE NUMBER OF PEOPLE  
5 AND WHO WERE THERE. NOW IS IT ACCURATE AS TO WHETHER  
6 HE WENT IN THE CRIME SCENE OR NOT THEN, I CAN'T  
7 ANSWER THAT QUESTION. I DON'T KNOW.

8 Q OKAY. NOW YOU EVER HEARD THE EXPRESSION TRAIN  
9 WRECK, LOOKING AT A TRAIN WRECK. YOU KNOW, WHEN YOU  
10 ARE TALKING ABOUT A HORRENDOUS SCENE THAT YOU JUST  
11 CAN'T TURN YOUR HEAD AWAY FROM, YOU GOT TO LOOK AT  
12 THAT, YOU EVER HEARD THAT EXPRESSION?

13 A WELL, NOT QUITE THAT WAY BUT I UNDERSTAND WHAT  
14 YOU ARE SAYING.

15 Q THIS PARTICULAR CRIME SCENE WAS A TRAIN WRECK  
16 FOR ROCK HILL POLICE DEPARTMENT, WAS IT NOT?

17 A NO, SIR, IT WASN'T.

18 Q YOU HAD OVER 40 PEOPLE IN THAT CRIME SCENE THAT  
19 DAY?

20 A LET ME GO BACK AND SAY SOMETHING. THE PEOPLE  
21 THAT, THE FIRST GROUP OF PEOPLE THAT WERE HERE WERE  
22 FIRST RESPONDING PEOPLE ATTEMPTING TO SAVE THE LIFE  
23 OF AMANDA COPE.

24 Q SURE.

25 A THEY HAD TO BE THERE.

1 Q YES, SIR.

2 A AND THE OFFICER, THE OFFICERS, ARRIVING OFFICER,  
3 HE HAD TO BE THERE. OF COURSE, MR. COPE WAS THERE.  
4 IT'S HIS HOUSE.

5 Q YES, SIR.

6 A HIS TWO CHILDREN WERE THERE ALONG WITH AMANDA.  
7 THAT'S THEIR HOME.

8 Q YES, SIR, ABSOLUTELY.

9 A IT IS ROCK HILL POLICE DEPARTMENT'S POSITION IF  
10 WE GO TO A CRIME SCENE OUR FIRST THING WE GOT TO DO  
11 IS MAKE SURE WE PROVIDE MEDICAL HELP FOR ANYONE WHO  
12 IS INJURED, WE MAKE SURE THE SCENE IS SAFE, MAKE SURE  
13 IF THERE IS A SUSPECT ON A SCENE, MAKE SURE HE IS  
14 SUBDUED, ARRESTED, OR WHATEVER, TO A POINT WHERE HE'S  
15 NO FURTHER CAUSING INJURY TO ANYONE ELSE OR POSSIBLE  
16 INJURY TO ANYONE ELSE, WE GET OUR PEOPLE TO DO LIFE  
17 SAVING EFFORTS, AND THAT'S EXACTLY WHAT WE DID. SO  
18 THOSE PEOPLE WERE THERE FOR NECESSITIES.

19 Q OH, I'M NOT QUESTIONING THAT BUT OVER THE COURSE  
20 OF THAT ENTIRE DAY I BELIEVE YOU SAID THAT, WAS IT  
21 NEARLY 30 PEOPLE OR WAS IT 47, I CAN'T REMEMBER. IT  
22 WAS A WHOLE CROWD OF PEOPLE THAT WERE IN AND OUT OF  
23 THAT CRIME SCENE THROUGHOUT THAT DAY, RIGHT?

24 A THERE WAS A BUNCH OF PEOPLE IN THE CRIME SCENE.

25 Q YES, SIR.

1 A BUT THEY WASN'T ALL THERE AT ONE TIME AND INSIDE  
2 THE HOME AT ONE TIME.

3 Q THAT'S RIGHT. YOU EVEN HAD TWO SOLICITORS GO  
4 OUT TO THE CRIME SCENE, MR. BRACKETT AND MR. POPE  
5 CAME OUT?

6 A THAT'S CORRECT.

7 Q OKAY. NOW ONE REASON THAT YOU WERE, SHIFTING  
8 GEARS A LITTLE BIT, ONE REASON YOU WERE QUALIFIED AS  
9 AN EXPERT IN CRIME SCENE PROCESSING WAS YOUR TRAINING  
10 IN PHOTOGRAPHY, RIGHT?

11 A YES, SIR.

12 Q AND WE TALKED A LITTLE BIT ABOUT THAT BEFORE.  
13 THE THING ABOUT PHOTOGRAPHY IS YOU CAN MEMORIALIZE  
14 THE SCENE BY TAKING A PHOTOGRAPH, CORRECT?

15 A YES, SIR. I RECKON SO.

16 Q WELL --

17 A --I MEAN, I DOCUMENTED IT, SO I GUESS THAT WOULD  
18 BE MEMORIALIZATION OF IT BECAUSE WE GET TO SEE IT  
19 AGAIN.

20 Q YES, SIR. ALMOST THREE YEARS LATER --

21 A YES, SIR.

22 Q ---WE'RE LOOKING AT THE CRIME SCENE AS YOU SAW  
23 IT?

24 A YES, SIR.

25 Q AND WE, YOU KNOW, BECAUSE OF THAT IT'S PRETTY

1           IMPORTANT TO MAKE SURE THAT THESE PHOTOGRAPHS ARE  
2           ACCURATE, IS THAT RIGHT?

3           A     YES, SIR, THAT'S MY GOAL.

4           Q     WE DON'T WANT TO COME AND SHOW THE JURY AN  
5           INACCURATE PHOTOGRAPH AND THEM BELIEVE THAT THAT'S  
6           WHAT IT LOOKED LIKE AT THAT TIME, RIGHT?

7           A     I DIDN'T DO THAT.

8           Q     OKAY. AND I BELIEVE YOU TESTIFIED THAT YOU  
9           PHOTOGRAPHED EVERYTHING BEFORE IT WAS MOVED OR --

10          A     TRIED TO.

11          Q     YES, SIR.

12          A     THAT IS OUR ULTIMATE GOAL, BEFORE WE MOVE  
13          ANYTHING SOMEONE TAKE A PHOTOGRAPH OF IT.

14          Q     YOU DIDN'T HAVE ANY CONTROL OF WHAT HAPPENED  
15          BEFORE YOU GOT THERE, BUT ONCE YOU GOT THERE YOU  
16          TRIED TO TAKE PHOTOGRAPHS OF EVERYTHING BEFORE  
17          ANYTHING WAS TOUCHED OR MOVED?

18          A     THAT'S CORRECT.

19          Q     OKAY. I WANT TO GO THROUGH SOME PHOTOGRAPHS. I  
20          DON'T WANT TO GO THROUGH QUITE AS MANY AS THE  
21          SOLICITOR'S OFFICE DID. BUT IF WE CAN STEP DOWN SO  
22          WE CAN GO THROUGH THESE. MOVE A LITTLE CLOSER.

23   (WITNESS EXITS THE WITNESS STAND.)

24          Q     THIS IS STATE'S EXHIBIT 41 A. AND THIS IS A  
25          PICTURE OF THE FRONT DOOR, RIGHT?



1 A YES, SIR.

2 Q OKAY. NOW YOU TESTIFIED THAT HOUSE WAS SECURE,  
3 LOCKED AND SECURED, IS THAT RIGHT?

4 A NO, SIR, I DIDN'T.

5 Q OKAY. YOU TESTIFIED IT WAS SECURE?

6 A THE CRIME SCENE WAS SECURE.

7 Q THE CRIME SCENE WAS SECURE?

8 A WHEN I GOT THERE THE FRONT DOOR WAS OPEN.

9 Q OKAY. NOW DID YOU TEST THE FRONT DOOR TO SEE IF  
10 IT HAD ANY JIGGLE IN THE DOOR OR IF IT WAS, IF IT  
11 CLOSED SECURELY, IF IT LOCKED SECURELY, DID YOU DO  
12 ALL THAT?

13 A I DO REMEMBER SHUTTING THE DOOR. I DON'T RECALL  
14 IF THERE WAS ANY JIGGLE OR ANYTHING TO THE DOOR.

15 Q WOULDNT'T THAT BE KIND OF IMPORTANT TO SEE HOW  
16 SECURE THE FRONT DOOR ACTUALLY WAS?

17 A THE FRONT DOOR WOULD LOCK.

18 Q OKAY. IT WOULD LOCK?

19 A YEAH.

20 Q BUT IF IT LOCKS AND IT'S GOT SOME GIVE TO IT, IS  
21 THAT REALLY SECURE?

22 A IT'S LOCKED.

23 Q OKAY. IT'S LOCKED?

24 A I DON'T -- IT'S LOCKED.

25 Q DID THE DOOR HAVE A TIGHT SEAL? YOU KNOW, DID

1 IT SEAL?

2 A I DON'T RECALL, SIR.

3 Q YOU DON'T RECALL. YOU DIDN'T CHECK THAT?

4 A NO, SIR, I DON'T RECALL.

5 Q I BELIEVE YOU DID TESTIFY THAT THERE WERE NO

6 SIGNS OF FORCED ENTRY ON THIS DOOR, RIGHT?

7 A I DID.

8 Q OKAY. NOW OUT OF THE, I THINK YOU SAID,

9 THOUSANDS OF CRIME SCENES THAT YOU PROCESSED I'M SURE

10 YOU'VE PROCESSED A LOT OF BURGLARIES, BREAKING AND

11 ENTERINGS, THAT SORT OF THING?

12 A YES, SIR, I HAVE.

13 Q YOU EVER PROCESSED ONE OF THOSE TYPES OF CASES

14 WHERE THERE WAS NO SIGNS OF FORCED ENTRY?

15 A (NO RESPONSE.)

16 Q YOU KNEW SOMEBODY HAD GOTTEN IN THE HOUSE BUT

17 YOU DIDN'T KNOW HOW OR THERE WEREN'T ANY SIGNS OF HOW

18 THEY GOT IN?

19 A I CAN'T RECALL IF I HAVE EVER DONE THAT OR NOT.

20 Q YOU CAN'T RECALL?

21 A NO, SIR.

22 Q NO ONE -- YOU'VE NEVER HAD A BURGLARY OR BREAK

23 AND ENTERING CASE THAT YOU CAN RECALL OF WHERE YOU

24 COULDN'T FIGURE OUT HOW SOMEONE GOT IN THE HOUSE OR

25 THERE WEREN'T SIGNS OF FORCED ENTRY RATHER?

1 A I DON'T RECALL WORKING SOMETHING LIKE THAT AS  
2 FAR AS FORCED ENTRY BURGLARY, NO, SIR.

3 Q OKAY. SO ARE YOU SAYING --

4 A I'M NOT SAYING IT DON'T HAPPEN, BUT I'M SAYING I  
5 CAN'T RECALL WORKING ONE OF THEM.

6 Q SO IT'S POSSIBLE FOR SOMEONE TO BREAK INTO A  
7 HOUSE AND THERE NOT BE SIGNS OF FORCED ENTRY?

8 A I DON'T KNOW. I MEAN, I GUESS IT'S POSSIBLE.  
9 ANYTHING IS POSSIBLE.

10 Q OKAY. LET'S GO TO THE NEXT PICTURE. IT'S  
11 STATE'S EXHIBIT 50 AND THIS IS A PICTURE OF THE SIDE  
12 OF THE COPE RESIDENCE, RIGHT?

13 A YES, SIR, THE LEFT SIDE.

14 Q YES, SIR. AND I BELIEVE THIS IS MR. COPE'S AND  
15 MRS. COPE'S BEDROOM WINDOWS, ALONG WITH THIS ONE HERE  
16 ON THE SIDE, IS THAT RIGHT?

17 A THAT'S CORRECT.

18 Q THAT WOULD BE THEIR BEDROOM?

19 A THAT'S CORRECT.

20 Q THEN YOU WOULD HAVE --

21 A THE BATHROOM.

22 Q THE BATHROOM THERE AND THEN AMANDA'S SIDE  
23 BEDROOM WINDOW?

24 A THAT'S CORRECT.

25 Q IS THAT RIGHT?

1 A YES, SIR.

2 Q NOW THIS WAS A PRETTY SMALL YARD, WAS IT NOT?

3 A YES, SIR. IT'S NOT A BIG YARD.

4 Q DID YOU MEASURE HOW MANY FEET IT WAS FROM  
5 AMANDA'S BEDROOM WINDOW HERE OVER TO THIS LADDER  
6 HERE?

7 A NO, SIR, I DIDN'T.

8 Q OKAY. NOW YOU TESTIFIED EARLIER I BELIEVE THAT  
9 SOME OF THE WINDOWS IN THE HOUSE WERE, IT WOULD BE  
10 DIFFICULT TO CLIMB UP INTO THE WINDOW WITHOUT MAKING  
11 MARKS, I GUESS, SCURRYING UP BESIDE THE HOUSE?

12 A YES, SIR, I DID.

13 Q NOW THERE WAS EASY ACCESS TO A LADDER IN THIS  
14 YARD, CORRECT?

15 A YEAH, I SAW -- I DO SEE THE LADDER.

16 Q YES, SIR.

17 A OKAY.

18 Q OKAY. LET ME SHOW YOU STATE'S EXHIBIT 50 A AND  
19 THIS IS A CLOSE UP OF THE SIDE WINDOW TO AMANDA'S  
20 BEDROOM, IS THAT CORRECT?

21 A YES, SIR, IT IS.

22 Q AND I BELIEVE YOU TESTIFIED THAT, THAT THERE WAS  
23 SOME TEARING ALONG HERE, IS THAT RIGHT?

24 A IF WE CAN, YOU GOT THE OTHER PHOTOGRAPH THAT  
25 SHOWS IT.

1 Q WELL, YES, SIR, WE'LL GET TO THAT IN JUST A  
2 MINUTE.

3 A I THINK THIS IS THE WINDOW THAT HAD A LITTLE BIT  
4 OF TEARING ON THE SCREEN.

5 Q OKAY. LET'S TAKE A LOOK AT IT AND WE MAY NEED  
6 TO SHOW THE JURY THIS, THE ACTUAL PHOTOGRAPH, BUT YOU  
7 SEE WHITE MARKS THROUGH THERE?

8 A YES, SIR, I DO.

9 Q DOES THAT NOT INDICATE THAT SCREEN IS TORN ALL  
10 THE WAY ACROSS THERE OR DOES IT APPEAR TO BE TORN  
11 ACROSS THERE?

12 A I WOULD NOT ANSWER THAT UNTIL I SEEN A CLOSE UP  
13 PICTURE.

14 Q WE'LL TAKE A LOOK AT THAT ONE NEXT. WHAT ABOUT  
15 THIS WRINKLE RIGHT HERE? DOES THAT LOOK LIKE A  
16 WRINKLE IN THE SCREEN POSSIBLY?

17 A POSSIBLY.

18 Q OKAY. LET'S LOOK AT THE NEXT PICTURE, THE NEXT  
19 PHOTOGRAPH. AND THIS IS STATE'S EXHIBIT 50 B. AND  
20 AGAIN IT'S DIFFICULT TO TELL, ISN'T IT, BUT IT  
21 DOESN'T APPEAR THAT THERE IS ANY SCREEN IN THESE  
22 AREAS, RIGHT?

23 A NO, SIR, I THINK THERE IS SCREEN THERE.

24 Q YOU THINK THERE IS SCREEN THERE, OKAY. LET'S,  
25 LET'S PULL IT DOWN IN JUST A SECOND BUT WHAT ABOUT

1 THIS CORNER HERE, CAN YOU CAN TELL FROM THIS  
2 PROJECTION IF THERE IS ANY SCREEN IN THIS CORNER  
3 HERE; CAN YOU TELL FROM THE PROJECTION?

4 A IT, REALLY I CAN'T TELL FROM THE PROJECTION.

5 Q YOU CAN'T TELL. IF WE CAN TURN THE LIGHTS ON FOR  
6 ONE MINUTE AND LET'S TAKE A LOOK AT THIS UP CLOSE, WE  
7 WILL GET A LITTLE BIT BETTER VIEW HERE. THIS IS THE  
8 SAME PICTURE WE'RE LOOKING AT JUST A SECOND AGO 50 B,  
9 IS THAT RIGHT?

10 A YES, SIR.

11 Q OKAY. NOW IF YOU LOOK ALONG HERE THIS SCREEN IS  
12 TORN THROUGH THERE, CORRECT, WOULD YOU AGREE WITH  
13 THAT?

14 A THERE IS A BREAK IN THE SCREEN.

15 Q OKAY. AND WHAT ABOUT ON THE SIDE HERE, ISN'T  
16 THAT GAPED RIGHT THERE. ISN'T IT GAPED OPEN?

17 A IT'S POSSIBLE, YES, SIR. IT'S REALLY POSSIBLE.  
18 IT LOOKS LIKE IT IS.

19 MR. SMITH: JUDGE, I ASK THE COURT FOR  
20 PERMISSION TO PUBLISH THIS PICTURE TO THE JURY. PASS  
21 IT AROUND.

22 THE COURT: ALL RIGHT. HOW ARE THEY GOING  
23 TO LOOK AT BOTH OF THEM AT THE SAME TIME AND GET  
24 ANYTHING OUT OF IT?

25 MR. SMITH: I UNDERSTAND, YOUR HONOR.

1 WELL MAYBE WE SHOULD TURN THE LIGHTS BACK ON AND LET  
2 THE JURY.

3 A I'D LIKE TO LOOK AT THAT PICTURE AGAIN TOO.

4 Q OKAY.

5 (PAUSE WHILE THE JURY LOOKS AT THE  
6 PICTURE AT 05:17 PM.)

7 Q IF WE CAN HAVE THE LIGHTS ONE MORE TIME.

8 A I'D LIKE TO LOOK AT THAT PICTURE REAL QUICK.

9 Q WELL, IF I ASK ANYMORE QUESTIONS ABOUT THAT.  
10 LET'S TAKE A LOOK AT THOSE NEXT PICTURE HERE I WANT  
11 TO GO BACK TO THE ONE ---

12 MR. THOMPSON: YOUR HONOR, I OBJECT TO  
13 THAT.

14 THE COURT: WELL, HE'S ALREADY ANSWERED  
15 THE QUESTION. IF YOU WANT TO.

16 MR. THOMPSON: HE HAD ASKED HIM TO COME  
17 BACK AND LOOK AT THE PICTURE.

18 THE COURT: YOU ARE GOING TO HAVE REDIRECT  
19 IF YOU WANT HIM TO EXPLAIN SOMETHING, BUT HE'S GOT  
20 CONTROL OF THE WITNESS AT THIS POINT.

21 Q LET'S SEE IF WE CAN ZOOM IN HERE. MR. GARDNER,  
22 I'M GOING TO PULL THIS OFF. I'M SORRY, I DIDN'T GIVE  
23 YOU THE NUMBER, THIS IS STATE'S EXHIBIT 50. NOW THE  
24 WINDOW WE'VE BEEN TALKING ABOUT IS THIS WINDOW RIGHT  
25 HERE, CORRECT?

1 A YES, SIR.

2 Q NOW WHEN WE LOOK AT IT FROM THIS ANGLE YOU SEE

3 THAT BEND RIGHT THERE?

4 A NO, SIR, I DON'T SEE THAT.

5 Q YOU DIDN'T SEE A BEND?

6 A I JUST SEE A BLACK AREA WHERE THE, WHERE THE

7 SCREEN -- WELL, I DO. I SEE WHAT YOU ARE TALKING

8 ABOUT, THE RIGHT THERE IN THE TOP MIDDLE BAR ACROSS.

9 Q RIGHT IN THERE?

10 A RIGHT.

11 Q IT BENDS?

12 A YES, SIR.

13 Q LIKE THE SCREEN PULLS BACK, DOESN'T IT?

14 A YES, SIR. THERE IS A TEAR ON THE SCREEN.

15 Q OKAY.

16 A BUT THE REST OF THE SCREEN IS INTACT.

17 Q BUT THE SCREEN ISN'T INTACT IF IT'S TORN OPEN,

18 IS IT?

19 A IT WAS TORN IN A PLACE IN THE UPPER RIGHT

20 CORNER, THE MIDDLE BOTTOM SECTION OF THE WINDOW. IT

21 WAS TORN IN THAT CORNER, BUT THE REST OF THE SCREEN

22 ON THAT WINDOW WAS INTACT.

23 Q DOES IT NOT APPEAR THAT IT'S TORN ALL THE WAY

24 DOWN THE SIDE?

25 A NO, SIR, IT WAS NOT TORN ALL THE WAY DOWN THE



1 SIDE.

2 Q OKAY. NOW THE PHOTOS THAT WE'VE SEEN ARE THE  
3 BEST PHOTOS YOU TOOK OF THIS WINDOW, IS IT NOT, FROM  
4 THE OUTSIDE?

5 A YES, SIR.

6 Q YOU DON'T HAVE A CLOSE UP PHOTO OF THAT  
7 PARTICULAR WINDOW SO THE JURY CAN SEE FOR THEMSELVES  
8 WHETHER THAT SCREEN IS TORN DOWN THE SIDE OR NOT?

9 A NO, SIR, THE ONLY ONES WE HAVE ARE WHAT WE  
10 SHOWED TODAY.

11 Q YES, SIR. OKAY. THIS IS STATE'S EXHIBIT 47 A  
12 AND IT IS A, ZOOM OUT HERE, THIS IS A PHOTOGRAPH OF  
13 THE BACK DOOR, IS THAT RIGHT?

14 A YES, SIR, IT APPEARS TO BE. YES, SIR, IT IS.

15 Q NOW YOU POINTED OUT A COUPLE INTERESTING THINGS  
16 ON THIS PHOTOGRAPH AND THAT IS THERE IS A PRY MARK  
17 RIGHT THERE, CORRECT?

18 A THAT'S AN OLD PRY MARK.

19 Q PRY MARK RIGHT THERE?

20 A THAT IS AN OLD PRY MARK.

21 Q PRY MARK RIGHT THERE?

22 A THAT IS AN OLD PRY MARK.

23 Q AND IT LOOKS LIKE IT'S A PRETTY SUBSTANTIAL GAP  
24 BETWEEN THE DOOR AND THE FRAME THROUGH THERE, DOES IT  
25 NOT?

1 A ACTUALLY I THINK THAT'S SHADOW, SIR.

2 Q OKAY. LET'S TAKE A LOOK, LOOK AT THE PICTURE

3 ITSELF. IF WE CAN HAVE THE LIGHTS ONE MORE TIME.

4 NOW TAKING A LOOK AT THIS, DOES IT NOT APPEAR THAT

5 THERE WAS A SUBSTANTIAL GAP THROUGH THERE?

6 A IT'S REALLY HARD TO SAY BUT THERE IS A

7 POSSIBILITY, YES, SIR.

8 Q POSSIBILITY?

9 A YES, SIR.

10 Q OKAY. DID YOU WIGGLE THE DOOR TO SEE IF THERE

11 WAS MUCH PLAY ON IT?

12 A I DON'T RECALL WIGGLING THE DOOR TO SEE IF THERE

13 WAS PLAY IN IT. I DO REMEMBER OPENING IT UP AND

14 DOING REMEMBER SHUTTING IT, BUT I DON'T REMEMBER

15 WIGGLING THE DOOR.

16 Q OKAY. LET'S SEE, NOW THIS IS THE KITCHEN WINDOW

17 THAT WE TALKED ABOUT OR YOU TALKED ABOUT EARLIER

18 THAT'S, THAT'S OPEN, OBVIOUSLY OPEN, RIGHT?

19 A YES, SIR.

20 Q AND IT'S GOT A SCREEN ON IT?

21 A YES, SIR.

22 Q ALL THE WAY AROUND?

23 A YES, SIR.

24 Q AND THEN IF YOU LOOK CLOSELY THE LATCHES TO THE

25 SCREEN ARE UP, AREN'T THEY?

1 A YES, SIR.

2 Q NOW YOU INDICATED THAT THERE POSSIBLY COULD BE  
3 SCREWS IN THIS, IS THAT RIGHT?

4 A THERE IS ONE, TWO, THREE, FOUR, MAYBE FIVE  
5 SCREWS HOLDING THIS SCREEN IN.

6 Q DID YOU TOUCH THE SCREEN TO MAKE SURE THAT IT  
7 WAS SECURED IN?

8 A NO, SIR, I DIDN'T HAVE TO. I COULD SEE IT WAS  
9 SECURED.

10 Q SO YOU WERE JUST RELYING ON WHAT YOU SAW  
11 STANDING THERE. YOU DIDN'T ACTUALLY AGAIN --

12 A NO, SIR.

13 Q I GUESS FOR A LACK OF A BETTER TERM JIGGLE IT OR  
14 PHYSICALLY EXAMINE IT?

15 A NO, SIR.

16 Q AND THIS IS STATE'S EXHIBIT 46 C AND THIS IS  
17 JUST BELOW THAT WINDOW, CORRECT?

18 A YES, SIR.

19 Q AND YOU INDICATED THAT THERE WAS SOME MARKING ON  
20 THIS WINDOW, LOOKS LIKE MAYBE BROKEN PAINT CHIPS  
21 THERE, THERE, THERE?

22 A I ACTUALLY I DID SAY THAT THE PAINT WAS PEALING  
23 ON THE SIDE OF THE HOUSE, BUT IT WAS PEALING ALL OVER  
24 THE HOUSE.

25 Q YES, SIR, BUT YOU MADE A DISTINCTION ABOUT

1 POINTING OUT SPECIFIC PLACES ON THIS PARTICULAR  
2 PICTURE, DID YOU NOT?

3 A I THINK I DID IT ON A COUPLE OTHER PICTURES,  
4 SIR, BUT THAT'S GENERALLY A GENERALIZED PHOTOGRAPH OF  
5 THE SIDING OF THE HOUSE, THE PAINT WAS SIMILAR TO  
6 THAT ALL THE WAY AROUND.

7 Q WHY DID YOU TAKE A PICTURE OF THIS PARTICULAR  
8 ONE?

9 A TO SHOW THAT THERE WAS NO SCUFF MARK GOING UP  
10 THE SIDE OF THAT WALL.

11 Q OKAY. THEN WE'VE GOT A COUPLE OF PICTURES OF  
12 LATCHES HERE, THIS IS STATE'S EXHIBIT 42 B, I'M NOT  
13 SURE EXACTLY WHICH WINDOW THIS IS, BUT IT LOOKS LIKE  
14 THE FRONT LIVING ROOM WINDOW, WOULD YOU AGREE WITH  
15 THAT?

16 A ACTUALLY I THINK -- YES, SIR, THAT IS BECAUSE  
17 THE SCREEN IS UPSIDE DOWN.

18 Q UPSIDE DOWN, YES, SIR. NOW WHICH WAY IS THE  
19 LATCH POINTED ON THIS LOCK.

20 A SIR, IT APPEARS IT IS POINTED, AS WE LOOK AT IT,  
21 TO THE RIGHT.

22 Q TO THE RIGHT. AND THIS IS TAKEN FROM OUTSIDE?

23 A YES, SIR. YES, SIR.

24 Q AND THIS IS STATE'S EXHIBIT 42 A AND DOES THIS,  
25 THIS APPEARS TO BE THE WINDOW RIGHT BESIDE THE WINDOW

1 THAT WE JUST TALKED ABOUT, THE OTHER FRONT LIVING  
2 ROOM WINDOW, CORRECT?

3 A I THINK YOU ARE CORRECT, SIR.

4 Q AND WHICH SIDE IS THE LATCH --

5 A IT'S POINTED -- AS WE LOOK AT IT IT'S POINTED TO  
6 THE LEFT.

7 Q TO THE LEFT SO, AND THIS AGAIN WAS FROM THE  
8 OUTSIDE?

9 A YES, SIR.

10 Q SO WE'VE GOT ONE WINDOW POINTING ONE WAY, ONE  
11 WINDOW POINTING THE OTHER WAY?

12 A THAT'S RIGHT.

13 Q DID YOU PHYSICALLY EXAMINE THESE WINDOWS TO SEE  
14 IF THEY WERE LOCKED?

15 A I DIDN'T PUT MY HANDS ON THEM, NO, SIR.

16 Q OKAY. LET'S TAKE A LOOK AT THE DOOR FRAME HERE.  
17 THIS IS STATE'S EXHIBIT 49 B AND THIS IS THE DOOR  
18 FRAME TO THE FRONT DOOR, CORRECT?

19 A YES, SIR. I WAS STANDING INSIDE WHEN I TOOK  
20 THIS PHOTOGRAPH.

21 Q YES, SIR. AND THE DOOR FRAME ITSELF WAS CRACKED  
22 FROM ABOUT APPROXIMATELY THIS POINT HERE DOWN TO  
23 AROUND IN HERE, CORRECT?

24 A THERE WAS A CRACK IN IT, YES, SIR.

25 Q SIMILAR TO WHAT WOULD HAPPEN IF SOMEBODY BUSTED

1 IN A DOOR PREVIOUSLY, I'M NOT SAYING IN THIS  
2 PARTICULAR CASE, BUT PREVIOUSLY BUSTED IN THE DOOR?

3 A YES, IT APPEARS THAT IT WAS MAYBE FROM AN, AN  
4 OLD ENTRY.

5 Q AND THEN YOU GOT THIS SMALL STRIP OF WOOD HERE  
6 HOLDING THAT CRACK TOGETHER, IS THAT RIGHT?

7 A I'M NOT REAL SURE. I'M NOT SURE, BUT IT'S  
8 HOLDING SOMETHING TOGETHER.

9 Q IT'S HOLDING SOMETHING TOGETHER?

10 A YES, SIR.

11 Q IN ANY CASE THE DOOR FRAME HAS BEEN BUSTED AND  
12 SOME SORT OF ATTEMPT TO REPAIR IT HAS BEEN MADE, IS  
13 THAT RIGHT?

14 A THAT'S FAIR. THAT'S FAIR TO SAY.

15 Q AND THIS IS A, THIS IS STATE'S EXHIBIT 41 C AND  
16 THIS IS A CLOSE UP OF THE, WHERE THE LOCKING AND,  
17 LATCH AND LOCKING MECHANISM WOULD CONNECT WITH THE  
18 DOOR FRAME, IS THAT CORRECT?

19 A YES, SIR, I THINK THAT'S CALLED A FACE PLATE.

20 Q FACE PLATE, THERE YOU GO. AND THERE IS PRETTY  
21 EXTENSIVE MARKINGS AROUND HERE, IS IT NOT?

22 A THE AREA JUST TO THE RIGHT OF THE FACE PLATE,  
23 THE WHITE.

24 Q THIS AREA HERE?

25 A YES, SIR.

1 Q OKAY.

2 A THAT IS, THERE IS SCUFF MARKS, THOSE ARE NOT PRY  
3 MARKS. THOSE APPEAR TO BE SCUFF MARKS MAYBE POSSIBLY  
4 DONE WITH A SET OF KEYS AS YOU TRY TO UNLOCK THE  
5 DOOR. THERE WERE NO PRIOR MARKS ON THIS DOOR FRAME  
6 THAT WAS NEW PERIOD.

7 Q OKAY. NOW IS THIS THE WEATHER STRIPPING, IS  
8 THAT WHAT --

9 A YES, SIR, I THINK THAT IS THE WEATHER STRIPPING  
10 OF THE DOOR.

11 Q IT LOOKS PRETTY CHEWED UP RIGHT IN HERE, DOES IT  
12 NOT?

13 A WELL, THE WHOLE DOOR LOOKED LIKE THAT, SIR.

14 Q WELL, THIS PARTICULAR AREA OF THE WEATHER  
15 STRIPPING IS PRETTY CHEWED UP, IS IT NOT?

16 A AND IT WAS LIKE THAT PRETTY MUCH ALL THE WAY  
17 AROUND THE DOORS.

18 Q OKAY. BUT IN PARTICULARLY RIGHT HERE WHERE THE  
19 DOOR WOULD OR THE LATCHING SYSTEM WOULD HIT THE FACE  
20 PLATE, CORRECT?

21 A I'M NOT SURE IF THAT'S CHEWED UP OR IF THAT'S  
22 JUST SOMETHING ON THE WEATHER STRIPPING.

23 Q WELL, IF YOU TOOK A LOOK AT THE PHOTOGRAPH WOULD  
24 THAT HELP A LITTLE BIT?

25 A IT MIGHT.

1 THE COURT: THE LIGHTS.

2 Q DOES THAT APPEAR TO BE CHEWED UP?

3 A YES, SIR.

4 Q OKAY. LET'S PUBLISH THIS TO THE JURY.

5 A OKAY.

6 MR. SMITH: JUDGE, MAY I PUBLISH IT TO THE  
7 JURY. THANK YOU.

8 (PUBLISHED TO THE JURY AT 05:27 PM.)

9 Q IF WE CAN HAVE THE LIGHTS ONE MORE TIME.

10 MR. GARDNER, I'M SHOWING YOU STATE'S EXHIBIT 41 E AND  
11 THIS WOULD BE A PICTURE OF THE FRONT DOOR, THE LATCH  
12 AND DOOR KNOB AND LOCKING MECHANISM, CORRECT?

13 A YES, SIR.

14 Q NOW A LOT OF MARKS ON THIS PIECE ALSO, CORRECT?

15 A YES, SIR, THERE WERE.

16 Q NOW CAN YOU IDENTIFY WHAT THIS PIECE IS RIGHT  
17 HERE? SEE IF WE CAN --

18 A LOOKS LIKE A SCREW, SIR.

19 Q SEE IF WE CAN ZOOM IN ON IT. THERE WE GO. DO  
20 YOU KNOW WHAT THAT IS?

21 A MAYBE A WASHER WITH A SCREW.

22 Q WASHER WITH A SCREW IN IT. DO YOU KNOW WHY THAT  
23 WOULD BE THERE?

24 A I'M SURE IT WAS TO HELP HOLD THAT BOLT IN.

25 Q PROBABLY GOTTEN LOOSE AND IT'S KIND OF HOLDING



1 THAT ON THERE?

2 A OH, YEAH. THAT'S BASICALLY WHAT I SAID. I'M  
3 SURE IT'S HELPING HOLDING THAT BOLT IN.

4 Q NOW IT APPEARS THAT IT'S RAISED UP, IT'S NOT  
5 FLUSH WITH THE EDGE OF THE DOOR THERE, RIGHT? IT'S  
6 RAISED UP OFF THE DOOR FRAME, CORRECT? YOU  
7 UNDERSTAND WHAT I'M ASKING?

8 A YOU ARE SAYING IT IS STICKING UP FURTHER THAN  
9 THE DOOR JAMB.

10 Q YES, SIR.

11 A IT'S HARD TO TELL FROM THIS PHOTOGRAPH BUT IT'S  
12 A POSSIBILITY.

13 Q WELL, HALF OF IT'S ON THIS PIECE HERE THAT'S  
14 PART OF THE DOOR KNOB THEN HALF OF IT IS RESTING ON  
15 THE DOOR FRAME ITSELF, CORRECT?

16 A WELL, YES, SIR, YOU ARE CORRECT IN THAT, BUT IF  
17 THAT BOLT IS SITTING THAT BOLT CORRECTLY THEN IT  
18 SHOULD SIT FLUSH WITH THE DOOR.

19 Q BUT DOES IT APPEAR TO BE FLUSH OR DOES IT APPEAR  
20 TO BE AT AN ANGLE?

21 A THE WASHER IS AT ANGLE.

22 Q YES, SIR.

23 A BUT JUST LOOKING AT IT FROM HERE IT APPEARS THAT  
24 IT'S FLUSH UP AGAINST THE DOOR AND THE BOLT.

25 Q BUT THE WASHER IS AT AN ANGLE?

1 A THE WASHER IS AT AN ANGLE.

2 Q THAT MEANS THAT THERE IS A GAP IN BETWEEN THE  
3 EDGE OF THE DOOR HERE AND THE DOOR FRAME ITSELF IN  
4 ORDER TO ALLOW THAT PIECE TO SLIDE IT BACK AND FORTH  
5 THROUGH THERE? WOULD YOU AGREE WITH THAT?

6 A I'M NOT SURE I UNDERSTAND, I UNDERSTOOD THAT OR  
7 NOT.

8 Q OKAY. IF THIS IS AT AN ANGLE AND IT'S STICKING  
9 OUT, THERE WOULD HAVE TO BE A GAP BETWEEN THE EDGE OF  
10 THE DOOR AND THE DOOR FRAME TO ALLOW THIS PIECE TO  
11 SLIDE THROUGH, RIGHT?

12 A I THINK THERE IS A GAP THERE REGARDLESS OF  
13 WHETHER THAT THING IS THERE OR NOT BECAUSE THE DOOR  
14 WOULDN'T SHUT IF THERE WASN'T SOME TYPE OF GAP.

15 Q YES, SIR. OKAY. LET'S SWITCH GEARS. I'M GOING  
16 TO PUT A COUPLE SMALLER PHOTOGRAPHS AND WE MAY HAVE  
17 TO ENLARGE THESE. WELL, ACTUALLY I NEED TO TRY TO  
18 INTRODUCE THESE.

19 MR. THOMPSON: WITHOUT OBJECTION.

20 MR. GREELEY: NO OBJECTION.

21 Q MR. GARDNER, I'M GOING TO ASK YOU TO TAKE A LOOK  
22 AT THESE PHOTOGRAPHS AND LET US KNOW IF YOU TOOK  
23 THOSE PHOTOGRAPHS OR IF YOU RECOGNIZE THOSE?

24 A YES, SIR, I DO.

25 MR. SMITH: JUDGE, I WOULD MOVE THESE INTO

1 EVIDENCE.

2 THE COURT: IN EVIDENCE WITHOUT OBJECTION.

3 (DEFENSE EXHIBITS 28 THROUGH 34 PHOTOS  
4 RECEIVED INTO EVIDENCE.)

5 Q MR. GARDNER, STEP DOWN AND LET'S CONTINUE GOING  
6 THROUGH THESE PHOTOGRAPHS.

7 (WITNESS EXITS THE WITNESS STAND.)

8 Q NOW SHOWING YOU WHAT'S BEEN MARKED DEFENSE  
9 EXHIBIT 28, IT'S A PHOTOGRAPH OF MR. COPE'S COMPUTER  
10 DESK OR THE COMPUTER DESK IN THE LIVING ROOM OF THE  
11 COPE HOME, CORRECT?

12 A CORRECT.

13 Q AND THIS IS WHERE YOU SAID MR. COPE WAS SITTING  
14 WHENEVER YOU CAME IN THE, CAME IN THE ROOM, IS THAT  
15 RIGHT?

16 A STANDING.

17 Q HE WAS STANDING THERE?

18 A YES, SIR.

19 Q HE WAS STANDING IN FRONT OF THE COMPUTER SCREEN,  
20 IS THAT RIGHT?

21 A YES.

22 Q NOW HE WAS A PRETTY BIG FELLOW, WASN'T HE, BACK  
23 THEN?

24 A YES.

25 Q 300-400 POUNDS.

1 A HE WAS A BIG BOY.

2 Q PRETTY WIDE?

3 A YES, SIR.

4 Q OKAY. NOW HE WAS STANDING IN FRONT OF THIS  
5 COMPUTER SCREEN HERE. NOW THERE IS A TELEPHONE IN  
6 BETWEEN, IF HE'S STANDING HERE, THERE IS A TELEPHONE  
7 IN BETWEEN HIM AND THE COMPUTER KEYBOARD, RIGHT?

8 A THAT'S CORRECT, SIR.

9 Q OKAY. NOW IN THIS PHOTOGRAPH WE'VE GOT THE HARD  
10 DRIVE I GUESS, THE MONITOR, PRINTER, AND THEN SOME  
11 OTHER PAPERS AND BOOKS AND JUST JUNK JUST SITTING  
12 AROUND, RIGHT?

13 A YES, SIR.

14 Q OKAY. LET ME SHOW YOU WHAT'S BEEN MARKED  
15 DEFENSE EXHIBIT 29. IT'S THE SAME PICTURE, RIGHT?

16 A NO, SIR.

17 Q IT'S DIFFERENT, ISN'T IT?

18 A YES, SIR.

19 Q YOU TOOK THE PICTURE OF IT AFTER THE COMPUTER  
20 HAD BEEN REMOVED, AFTER THE KEYBOARD HAD BEEN  
21 REMOVED, AFTER THE MOUSE, PRINTER, HARD DRIVE,  
22 TELEPHONE, A LOT OF THINGS HAD BEEN TAKEN OFF OF THIS  
23 DESK, CORRECT?

24 A YES, SIR.

25 Q AND THEY HAD BEEN MOVED AROUND?

1 A YES, SIR.

2 Q YOU TOOK THINGS FROM UNDER HERE, PILED THEM UP  
3 ON TOP OF THE DESK?

4 A I DIDN'T DO THAT.

5 Q YOU DIDN'T DO IT BUT YOU TOOK THIS PHOTOGRAPH,  
6 RIGHT?

7 A I TOOK THE PHOTOGRAPH.

8 Q AND IT'S A DIFFERENT PHOTOGRAPH THAN THE ONE WE  
9 JUST SAW?

10 A YES, SIR.

11 Q SO IT'S NOT AN ACCURATE DEPICTION OF THE WAY  
12 THIS COMPUTER DESK WAS WHENEVER YOU FIRST CAME INTO  
13 THE ROOM?

14 A NO, SIR, THE FIRST PICTURE YOU SHOWED WAS AN  
15 ACCURATE DEPICTION.

16 Q OKAY. BUT THIS IS ONE OF YOUR CRIME SCENE  
17 PICTURES, CORRECT?

18 A THIS IS AFTER THE COMPUTER CRIMES LAB FROM SLED  
19 TOOK THE COMPUTER MATERIAL WITH THEM.

20 Q OKAY.

21 A BUT THAT IS AN ACCURATE PHOTOGRAPH AFTER THEY  
22 TOOK THE STUFF.

23 Q IT'S AN ACCURATE PHOTOGRAPH AFTER THINGS HAD  
24 BEEN REMOVED FROM THE DESK?

25 A THAT'S RIGHT.

1 Q OKAY. LET'S GO TO THE, THIS BIG PICTURE HERE OF  
2 THE, THIS IS STATE'S EXHIBIT 40 G AND I'M GOING TO  
3 HAVE TO ZOOM OUT. THIS IS A PHOTOGRAPH OF MR. COPE'S  
4 BEDROOM AS YOU ARE STANDING IN THE HALLWAY DOOR, IS  
5 THAT RIGHT?

6 A YES, SIR.

7 Q IS THAT RIGHT?

8 A THAT'S CORRECT.

9 Q NOW PICTURE OF HIS BED RIGHT HERE?

10 A YES, SIR.

11 Q AND THIS WOULD BE THE FOOT OF THE BED, RIGHT?

12 A YES, SIR.

13 Q SO HIS HEAD WOULD BE UP IN THIS AREA TO THE  
14 RIGHT?

15 A THAT'S CORRECT.

16 Q NOW WE'VE GOT A FAN RIGHT HERE?

17 A THAT'S CORRECT.

18 Q AND IF IT WAS TURNED ON IT WOULD BLOW DIRECTLY  
19 ON TO THE BED?

20 A I ASSUME THAT WOULD HAPPEN.

21 Q OKAY. AND WE CAN PULL THE OTHER PICTURE BUT I  
22 THINK THERE IS ANOTHER PICTURE THAT HAS A BOX FAN  
23 SITTING OVER HERE, CORRECT?

24 A THERE IS A BOX FAN OVER NEAR THAT WINDOW.

25 Q SO THERE WERE TWO FANS IN THE ROOM. DID YOU

1 COLLECT EITHER ONE OF THOSE FANS INTO EVIDENCE?

2 A NO, SIR.

3 Q DID YOU KNOW MR. COPE CLAIMS THAT HE DIDN'T HEAR  
4 ANYTHING THAT NIGHT BECAUSE THERE WERE FANS BLOWING  
5 IN HIS ROOM?

6 A NO, SIR, I DIDN'T KNOW THAT.

7 Q YOU DIDN'T KNOW THAT. SO THAT WAS, THAT WOULD  
8 HAVE BEEN A VALUABLE PIECE OF INFORMATION FOR YOU TO  
9 KNOW THOUGH AS PART OF YOUR CRIME SCENE PROCESSING,  
10 WOULDN'T YOU IMAGINE?

11 A I DON'T THINK I WOULD HAVE DONE ANYTHING  
12 DIFFERENT BUT I GUESS EVERY BIT OF INFORMATION IS  
13 HELPFUL.

14 Q BUT THE JURY CAN'T HEAR FOR THEMSELVES HOW LOUD  
15 THESE FANS WORK BECAUSE THEY WEREN'T TAKEN INTO  
16 EVIDENCE, CAN THEY?

17 A NO, SIR.

18 Q NOW WERE YOU AWARE THAT MR. COPE ALSO HAD SLEEP  
19 APNEA?

20 A I LEARNED THAT LATER, LATER ON IN THE  
21 INVESTIGATION.

22 Q AND THAT HE USED A CPAP MACHINE TO ASSIST HIS  
23 BREATHING AT NIGHT?

24 A I FOUND THAT OUT LATER ON.

25 Q AND THAT WAS SOMETHING ELSE THAT HE CLAIMED -- A

1 REASON WHY HE COULDN'T HEAR ANYTHING THAT NIGHT HE  
2 HAD THE CPAP MASK ON HIS FACE AND THEN HE HAD TWO  
3 FANS BLOWING, DID YOU KNOW THAT?

4 A I FOUND THAT OUT LATER ON.

5 Q AND YOU DIDN'T TAKE THE CPAP MACHINE INTO  
6 EVIDENCE?

7 A NO, SIR, I DID NOT.

8 Q OKAY. NOW LET'S TAKE A LOOK AT PICTURE OF THE  
9 BACK DOOR HERE. THIS IS DEFENDANT'S EXHIBIT NUMBER  
10 30. YOU CAN SEE THE, ZOOM IN. AND THIS IS, THIS  
11 WOULD BE IN THE DINING ROOM LAUNDRY ROOM WHICH IS  
12 RIGHT NEXT TO THE KITCHEN, CORRECT?

13 A CORRECT.

14 Q AND THIS WOULD BE THE BACK DOOR BACK HERE?

15 A CORRECT.

16 Q AND THIS WAS THE BOX FAN THAT YOU TALKED ABOUT  
17 EARLIER?

18 A CORRECT.

19 Q AND THIS LOOKS LIKE MAYBE A CAN OF SODA OF AND  
20 CANNED VEGATABLES OR SOME SORT OF SMALL CAN?

21 A SMALL CAN. IT'S SMALL. I'M NOT SURE WHAT IT  
22 WAS.

23 Q AND LET'S TAKE A LOOK AT THE NEXT PICTURE OF THE  
24 BACK DOOR HERE. IT'S DEFENDANT EXHIBIT NUMBER 30.  
25 NOW THIS, THIS IS THE SAME VIEW, CORRECT? YOU ARE



1       LOOKING FROM --

2       A       IT'S PRETTY SIMILAR TO THE SAME VIEW.

3       Q       FROM THE DINING ROOM INTO THE KITCHEN, CORRECT,  
4       TOWARDS THE BACK DOOR?

5       A       TOTALLY DIFFERENT PICTURE, TOTALLY DIFFERENT DAY  
6       THE PICTURE WAS TAKEN.

7       Q       BUT THIS IS A CRIME SCENE PICTURE, RIGHT?

8       A       THIS IS THE ORIGINAL CRIME SCENE PICTURE IS WHAT  
9       I SAW THE FIRST DAY I WAS THERE.

10      Q       OKAY. BUT IT'S DIFFERENT FROM THAT LAST ONE?

11      A       SURE IT IS BECAUSE ACTUALLY THAT PHOTOGRAPH, THE  
12      FIRST ONE YOU SHOWED ME, IF I'M NOT MISTAKEN, WAS  
13      TAKEN ON DECEMBER THIRD.

14      Q       BUT YOU DON'T KNOW, DO YOU HAVE A RECORD OF  
15      THAT?

16      A       UH.

17      Q       OF WHEN IT WAS TAKEN?

18      A       ACTUALLY THE BEST WAY I CAN SHOW YOU THAT I TOOK  
19      IT ON THAT DAY WAS I WENT BACK AND PHOTOGRAPHED EVERY  
20      BROOM AND I DID THAT ON THE THIRD.

21      Q       SURE. BUT IF YOU PICKED SOMETHING DIFFERENT  
22      THAN WHAT WE HAVE IN THIS PICTURE?

23      A       OF COURSE IT DID.

24      Q       SO THINGS HAVE BEEN MOVED AROUND AGAIN AND  
25      ANOTHER CRIME SCENE PICTURE WAS TAKEN SHOWING

1 DIFFERENT THINGS?

2 A THERE WAS THREE DAYS THAT THE CRIME SCENE HAD  
3 ALREADY BEEN RELEASED SO FAMILY MEMBERS HAD  
4 OPPORTUNITY TO GO IN THERE, WHO KNOWS WHO WENT IN  
5 THERE.

6 Q FAMILY, WHEN DID FAMILY MEMBERS?

7 A I'M JUST SAYING HAD THE OPPORTUNITY TO.

8 Q DO YOU KNOW IF THEY DID OR NOT?

9 A NO, SIR, I DON'T KNOW THAT.

10 Q OKAY.

11 A BUT THAT PHOTOGRAPH, THE LAST ONE YOU JUST  
12 SHOWED, WAS THE ORIGINAL PHOTOGRAPH THAT MORNING WHEN  
13 I TOOK THOSE PHOTOGRAPHS. THE ONE WHERE YOU SEE THE  
14 TRASH CAN WAS REMOVED IS ON DECEMBER THIRD AFTER I  
15 WENT BACK AND WAS TRYING, WE COLLECTED THE BROOMS  
16 THAT MR. COPE SAID POSSIBLY WAS USED IN THE RAPE AND  
17 MURDER.

18 Q OKAY. THIS IS STATE'S EXHIBIT 47 B. THIS IS A  
19 SHOT OF THE BACK DOOR, RIGHT?

20 A CORRECT.

21 Q AND AGAIN YOU POINTED OUT THE FIRST TIME YOU  
22 TALKED ABOUT IT THAT THERE WAS NO CHAIN LOCK OR NO  
23 CHAIN LOCK WHICH WOULD HAVE BEEN HERE OR HERE, IS  
24 THAT RIGHT?

25 A IT WAS NOT PRESENT.

1 Q NOW WE MAY NOT BE ABLE TO SEE FROM THIS IMAGE,  
2 CAN YOU SEE WHERE THERE WERE HOLES WHERE THE CHAIN,  
3 THE CHAIN USED TO BE MOUNTED HERE ON THE WALL, CAN  
4 YOU MAKE THAT OUT?

5 A I SEE THE HOLES IN THE WALL BUT I'M NOT SURE  
6 THAT IS WHERE IT WAS MOUNTED.

7 Q BUT THAT IS CONSISTENT WITH WHERE IT --

8 A NO, SIR.

9 Q ---WOULD TYPICALLY BE MOUNTED?

10 A NO, SIR, NOT REALLY. USUALLY IT'S MOUNTED ON  
11 THE DOOR FRAME.

12 Q DO YOU SEE ANY HOLES ON THE DOOR FRAME?

13 A I CAN'T TELL FROM THIS.

14 Q CAN YOU TELL FROM THE PICTURE?

15 A I DON'T KNOW. LET ME SEE. NO, SIR, I CAN'T  
16 TELL. I DON'T SEE ANYTHING ON THERE.

17 Q YOU DON'T SEE ANY HOLES?

18 A I SEE THE HOLES ON THE SIDE, ON THE PANEL, YES,  
19 SIR.

20 Q AND, BUT YOU DON'T SEE ANY ON THE FRAME ITSELF?

21 A NO, SIR.

22 Q AND THE PANELING IS JUST THAT IS PANELING, THERE  
23 IS NOTHING SOLID BEHIND IT, RIGHT?

24 A NO, SIR, THERE IS GOING TO BE A TWO BY FOUR BACK  
25 THERE.

1 Q BUT SPACED OUT AT CERTAIN INTERVALS, RIGHT?

2 A IF IT'S RIGHT THERE BESIDE THE DOOR THERE IS A  
3 DOUBLE TWO BY FOUR WHICH IS, WHICH MAKES IT, YOU  
4 KNOW, THREE QUARTER.

5 Q REGARDLESS WE HAVE TWO HOLES WHERE, CLOSE TO  
6 WHERE THE LATCHING MECHANISM FOR THE CHAIN LOCK WOULD  
7 BE, CORRECT?

8 A CLOSE PROXIMITY.

9 Q OKAY. LET'S TAKE A LOOK AT, AT THIS PICTURE OF,  
10 THIS IS DEFENDANT EXHIBIT NUMBER 32. NOW THIS IS A  
11 PICTURE OF AMANDA'S BED, IS IT NOT?

12 A YES, SIR, IT IS.

13 Q AND THIS WAS TAKEN BEFORE SHE HAD BEEN REMOVED?

14 A THAT'S CORRECT, SIR.

15 Q OKAY. NOW THERE WAS A NUMBER OF DIFFERENT ITEMS  
16 HERE ON THIS BED, STACKED UNDER HER, AROUND HER, WERE  
17 THERE NOT?

18 A YES, SIR, THERE WERE.

19 Q LOOKS LIKE WE GOT A BACK PACK UP HERE?

20 A THAT'S CORRECT.

21 Q OKAY. A BOOK HERE, SOME PICTURES HERE, MAYBE  
22 SOME CLOTHES OR JEANS ROLLED UP HERE, THEN WE'VE GOT  
23 A POCKET BAG HERE, DO WE NOT?

24 A YES, SIR, WE DO.

25 Q DID YOU TAKE THAT POCKETBOOK INTO EVIDENCE?

1 A NO, SIR, I DIDN'T.

2 Q YOU DIDN'T. YOU TOOK EVERYTHING ELSE ON THE BED  
3 INTO EVIDENCE, DID YOU NOT?

4 A EVERYTHING I COLLECTED ON THE BED THAT WAS TAKEN  
5 TO THE MORGUE I COLLECTED AS EVIDENCE. THERE WERE I  
6 KNOW OF THREE THINGS, THESE PICTURE AGAIN, THERE WERE  
7 THREE THINGS THAT I DID NOT COLLECT: ONE BEING THAT  
8 POCKET BOOK, ANOTHER BEING A PHONE RECEIVER.

9 Q LIKE A TELEPHONE LIKE YOU SPEAK INTO?

10 A YES, SIR.

11 Q OKAY.

12 A AND A LITTLE GAME.

13 Q HAND HELD VIDEO GAME?

14 A YEAH, HAND HELD VIDEO GAME.

15 Q YOU DIDN'T COLLECT THOSE?

16 A NO, SIR, I DIDN'T AND I TRUTHFULLY I STILL DON'T  
17 TO THIS DAY, OTHER THAN SHOWING THAT IN THAT PICTURE  
18 IT WAS THERE, BUT I DON'T REMEMBER SEEING THAT POCKET  
19 BOOK.

20 Q THAT COULD BE A CRUCIAL PIECE OF EVIDENCE, COULD  
21 IT NOT?

22 A I DON'T KNOW.

23 Q YOU DON'T KNOW?

24 A I DON'T KNOW HOW A POCKET BOOK COULD BE A  
25 CRUCIAL PIECE OF EVIDENCE.

1 Q WELL, IF SOMEONE WERE TO BREAK INTO THIS HOUSE  
2 AND WERE TO RAPE AMANDA COPE AND TRY TO OR LOOK FOR  
3 MONEY, A POCKET BOOK WOULD BE A COMMON SOURCE THAT  
4 MONEY WOULD BE FOUND IN, CORRECT?

5 A YES, SIR, BUT THERE WAS NO FORCED ENTRY.

6 Q WELL, THERE WERE NO SIGNS OF FORCED ENTRY THAT  
7 YOU FOUND, CORRECT?

8 A THERE WAS NO FORCED ENTRY THAT I FOUND ON ANY  
9 WINDOW OR DOOR.

10 Q OKAY. BUT IN ANY CASE YOU DIDN'T TAKE THIS  
11 POCKET BOOK INTO EVIDENCE?

12 A NO, SIR, I DIDN'T.

13 Q JUST A COUPLE MORE PHOTOS.

14 A YES, SIR.

15 Q THEN WE'LL FINISH UP. YOU'VE ALREADY POINTED  
16 OUT HERE THIS IS A PICTURE OF THE BEDROOM WINDOW IN  
17 AMANDA'S BEDROOM THAT GOES OUT TO THE SIDE YARD,  
18 CORRECT?

19 A THAT'S CORRECT.

20 Q AND THIS IS THE ONE WHERE THE LADDER WOULD HAVE  
21 BEEN RIGHT HERE IN THIS PROXIMITY?

22 A NO, SIR, IT WAS NOT TRUE.

23 Q OVER HERE?

24 A IT WOULD BE FURTHER BACK HERE. I CAN SEE CRIME  
25 SCENE TAPE THERE. THAT CRIME SCENE TAPE WAS AT THE

1 VERY BACK OF HER HOUSE, THAT LADDER WAS A GOOD  
2 DISTANCE AWAY FROM THE HOUSE.

3 Q IT WAS A GOOD DISTANCE EVEN THOUGH IT WAS A  
4 SMALL YARD I BELIEVE YOU TESTIFIED?

5 A IT WAS A SMALL YARD. IT WAS WAY BEYOND THE BACK  
6 OF THE HOUSE.

7 Q BUT THIS WAS ANOTHER PICTURE THAT WE HAVE HERE  
8 THAT DOESN'T ACCURATELY DEPICT THE SCENE THAT, THE  
9 SCENE OF THIS BEDROOM WHEN YOU FIRST CAME IN,  
10 CORRECT?

11 A THIS ONE DOES NOT, NO, SIR, YOU ARE RIGHT.

12 Q THAT'S RIGHT BECAUSE THE CURTAINS --

13 A FELL.

14 Q ---CAME DOWN ONE WAY OR ANOTHER AND WE DON'T  
15 KNOW HOW THEY CAME DOWN?

16 A I DO.

17 Q DID YOU PULL THEM?

18 A NO, SIR, MY PARTNER ACTUALLY TOUCH IT AND IT  
19 FELL.

20 Q DO YOU KNOW WHETHER THEY WERE SECURE OR NOT UP  
21 AT THE TOP BEFORE HE TOUCHED THEM AND THEY FELL?

22 A MR. SMITH, I MEAN, REMEMBER SEEING THEM. I  
23 REMEMBER THEY ARE HANGING BY A CURTAIN ROD, BUT IT  
24 WAS APPARENT THEY WASN'T SECURED BECAUSE AS SOON AS  
25 HE TOUCHED IT THEY FELL.

1 Q SO IT WAS APPARENT THAT THEY WERE NOT SECURE?

2 A NO, SIR, I'M NOT SAYING THAT.

3 Q I THOUGHT THAT'S WHAT YOU JUST SAID?

4 A NO, I SAID THEY WERE ON THE WALL AND WHEN MY  
5 PARTNER TOUCHED IT THEY FELL.

6 Q OKAY. BUT YOU DIDN'T EXAMINE THEM BEFORE TO SEE  
7 IF THEY WERE SECURING IN PLACE?

8 A I DID PHOTOGRAPH IT AND THERE IS A PHOTOGRAPH OF  
9 THE WINDOW, NOT THE ENTIRE WINDOW, BUT THE WINDOW  
10 WITH THE CURTAIN PLACE.

11 Q YEAH, AND THAT'S NOT WHAT I'M SAYING?

12 A THAT IS MY ORIGINAL CRIME SCENE PHOTOGRAPH.

13 Q AND THAT'S NOT WHAT I'M GETTING AT. THERE ARE  
14 DEFINITELY A PICTURE WITH THE CURTAINS IN PLACE,  
15 CORRECT, WE CAN SEE THOSE CURTAINS IN PLACE ON THAT  
16 WINDOW?

17 A YES.

18 Q RIGHT. WHAT MY QUESTION IS, UP AT THE TOP WHERE  
19 THE CURTAIN ROD MOUNTS TO THE WALL OR MOUNTS TO THE  
20 MECHANISM ATTACHED TO THE WALL, DID YOU EXAMINE THAT  
21 TO SEE IF THEY WERE SECURELY IN PLACE?

22 A NO, SIR, I DID NOT.

23 Q OKAY. SO THEY MAY HAVE BEEN HALF WAY HANGING  
24 THERE AND WHEN YOUR PARTNER BUMPED IT THEY FELL DOWN?

25 A THAT'S EXACTLY WHAT HAPPENED. HE BUMPED IT AND



1       THEY FELL.

2       Q     OKAY.  NOW HERE IS A, HERE IS A PICTURE OF AND  
3       THIS IS DEFENDANT'S EXHIBIT NUMBER 33.  WE'VE GOT TWO  
4       MORE PICTURES.  THIS IS A CLOSE UP OF AMANDA'S FACE  
5       BEFORE SHE WAS MOVED FROM THE BED, CORRECT?

6       A     YES, SIR.

7       Q     AND IF YOU CAN TELL THERE IS BLOOD RUNNING DOWN  
8       THE SIDE OF HER FACE, IS THERE NOT?

9       A     THERE APPEARS TO BE BLOOD ON HER CHEEK, ON HER  
10      LEFT CHEEK.

11      Q     AND IT IS POOLED HERE ON THE BLANKET, IS THAT  
12      CORRECT?

13      A     WELL, I DON'T WANT TO SAY POOL BECAUSE IT WAS  
14      NOT A POOL BUT THERE WAS SOME, THERE WAS SOME BLOOD  
15      ON THE BLANKET.

16      Q     YES, SIR.  WOULD YOU SAY IT'S A FAIR STATEMENT  
17      THAT IF SOMEONE PULLED HER SHIRT OVER HER FACE THAT  
18      BLOOD ON HER FACE WOULD HAVE BEEN SMEARED?

19      A     I'M SORRY.  SAY THAT AGAIN.

20      Q     IF HER FACE WAS BLEEDING AS WE SAW ON THE  
21      PICTURE AND SOMEONE PULLED A SHIRT OVER HER FACE, THE  
22      BLOOD ON HER FACE WOULD HAVE BEEN SMEARED, WOULDN'T  
23      YOU SAY?

24      A     IF SHE WAS BLEEDING AT THE TIME I WOULD ONLY  
25      ASSUME THAT THAT WOULD HAPPEN.

1 Q OKAY. I'M GOING TO SHOW YOU, THIS IS THE LAST  
2 PICTURE, AND THIS IS DEFENDANT'S EXHIBIT 34 AND I  
3 THINK WE'VE ALREADY SEEN THIS PICTURE, MAYBE JUST A  
4 LITTLE DIFFERENT ANGLE. CAN YOU TELL IF THERE IS A  
5 PATH THROUGH HERE OR NOT? DOESN'T IT LOOK LIKE AS,  
6 IT'S BEATEN DOWN A LITTLE, A LITTLE MORE SO THAN OVER  
7 HERE IN THE YARD?

8 A THE DAY I WAS OUT THERE WALKING AROUND TAKING  
9 THESE PHOTOGRAPHS I DID NOT NOTICE ANY WEAR PATTERNS  
10 IN THE GROUND AS A PATH. THERE WERE LEAVES  
11 EVERYWHERE. OF COURSE I HAD JUST COME FROM THERE.

12 Q SURE?

13 A SO THAT COULD BE WHERE I WALKED THROUGH THE  
14 LEAVES AND MADE THAT PATH.

15 Q BUT IT MAY NOT HAVE BEEN.

16 A BUT I KNOW FOR A FACT THAT THERE WAS NO PATH ON  
17 THE SIDE OF THAT YARD WHEN I WALKED UP THROUGH THERE.  
18 THERE WAS NO SIGNS OF A PATH.

19 Q BUT IN THIS PICTURE IT DOES IT APPEAR SOME SORT  
20 OF DISRUPTION IN THE LEAVES THROUGH HERE THAT MAY  
21 INDICATE A PATH?

22 A THERE IS SOME DISRUPTION IN THE LEAVES BUT IT  
23 DOES NOT INDICATE A PATH. I HAD JUST WALKED THROUGH  
24 THERE.

25 Q OKAY. ALL RIGHT. IF YOU WANT TO HAVE A SEAT

1 BACK ON THE WITNESS STAND.

2 (WITNESS RESUMES WITNESS STAND.)

3 Q NOW I'M NOT GOING TO REPLAY THE VIDEO THAT WE  
4 WATCHED EARLIER, I JUST WANT TO CLEAR ONE THING UP,  
5 IN THE VIDEO THE JURORS SAW A REFRIGERATOR IN THE  
6 LAUNDRY ROOM SLASH DINING ROOM?

7 A YES, SIR.

8 Q AND IT WAS IN, HAD SOME PRETTY OLD NASTY FOOD IN  
9 THERE, DID IT NOT?

10 A YES, SIR, IT DID.

11 Q THERE WAS ANOTHER REFRIGERATOR IN THAT HOUSE,  
12 WASN'T THERE?

13 A THERE WAS ONE IN THE KITCHEN.

14 Q IN THE KITCHEN.

15 A YES, SIR.

16 Q AND IT HAD, WAS ACTUALLY PACKED FULL OF FOOD,  
17 WAS IT NOT?

18 A THERE WAS NOTHING IN THAT REFRIGERATOR THAT I  
19 WOULD EAT.

20 Q OKAY. I DON'T KNOW YOUR EATING PREFERENCES AND  
21 I'M NOT GOING TO GO INTO THAT BECAUSE IT'S NOT  
22 RELEVANT, BUT IT WAS PACKED FULL OF FOOD, WAS IT NOT?

23 A IT WAS PACKED, IT HAD FOOD IN IT.

24 Q OKAY. OKAY. I JUST DIDN'T WANT THE JURY TO  
25 BELIEVE THERE WAS ONLY ONE REFRIGERATOR IN THAT

1 HOUSE?

2 A NO, THERE WAS TWO REFRIGERATORS.

3 Q OKAY. NOW, YOU KNOW, WE LOOKED AT A LOT OF  
4 PICTURES AND WENT THROUGH A LOT WITH THE SOLICITOR'S  
5 OFFICE. TWO THINGS I DIDN'T SEE PICTURES OF: ONE  
6 WAS OF MR. COPE'S HANDS. DID YOU EVER TAKE ANY  
7 PICTURES OF HIS HANDS?

8 A I BELIEVE I CAN HONESTLY SAY THAT I NEVER  
9 PHOTOGRAPHED MR. COPE. AS A MATTER OF FACT,  
10 I DON'T REMEMBER SEEING MR. COPE BUT ONE TIME DURING  
11 THIS WHOLE INVESTIGATION AND THAT WAS THE FIRST  
12 MORNING.

13 Q NOW IF MR. COPE USES HIS HANDS TO CAUSE THE  
14 DAMAGE TO OR THE INJURIES TO AMANDA'S FACE WOULD YOU  
15 NOT EXPECT THERE TO BE CUTS, BRUISES, OR MARKS?

16 A ABSOLUTELY NOT.

17 Q ABSOLUTELY NOT?

18 A ABSOLUTELY NOT. THAT DOESN'T ALWAYS HAPPEN.  
19 MR. COPE WAS 330 POUNDS PER HIS BOOKING SLIP, AMANDA  
20 COPE WAS A 12 YEARS OLD GIRL THAT HAD INJURIES ABOUT  
21 HER HEAD AND FACE AND ELSEWHERE.

22 Q WOULDN'T IT BE IMPORTANT TO AT LEAST CHECK?

23 A WELL, YOU KNOW, AT THE TIME OF THE, WE DIDN'T  
24 KNOW ABOUT THE INJURIES UNTIL AFTER THE AUTOPSY AND  
25 IT MAY HAVE BEEN A GOOD IDEA FOR ME TO GO LOOK AT

1 MR. COPE'S HANDS.

2 Q BUT YOU DIDN'T DO THAT, DID YOU?

3 A NO, SIR, I DID NOT GO DO THAT.

4 Q DO YOU KNOW IF ANYONE ELSE DID?

5 A NO, SIR, I CAN'T -- I DON'T KNOW.

6 Q YOU DON'T RECALL ANY BLOOD OR MARKS OR SCRATCHES  
7 OR ANYTHING FROM THE ONE TIME THAT YOU SAW MR. COPE,  
8 DO YOU?

9 A NO, SIR.

10 Q THE SECOND THING I DIDN'T NOTICE ANY PICTURES OF  
11 WERE OF AMANDA WITH THE GREEN RIBBON FROM HER BLANKET  
12 WRAPPED AROUND HER, NECK THERE WEREN'T ANY PICTURES  
13 OF THAT TAKEN, WERE THERE?

14 A IF MY MEMORY SERVES ME CORRECT THAT AT THE TIME  
15 THAT GREEN BLANKET WAS JUST UP UNDER HER ARM. I  
16 DON'T RECALL IT AROUND HER NECK.

17 Q YOU DON'T RECALL TAKING ANY PICTURES OF THAT?

18 A I REMEMBER TAKING ONE OF IT BEING SHOWN COMING  
19 FROM UNDER HER ARM, BUT NO, I DON'T RECALL IT BEING  
20 AROUND HER NECK.

21 Q OKAY. IN ANY EVENT THE JURY HASN'T SEEN ANY,  
22 NONE HAVE BEEN PRODUCED TODAY THAT SHOW THAT,  
23 CORRECT, THAT YOU'VE BEEN AWARE OF?

24 A SHOWED WHAT, SIR?

25 Q A PICTURE OF THE RIBBON WRAPPED AROUND AMANDA'S

1 NECK?

2 A NO, I DON'T THINK, AS FAR AS I CAN KNOW THAT,  
3 SINCE I'VE BEEN UP HERE, I DON'T THINK THERE'S BEEN  
4 ONE. THERE HAS NOT BEEN ONE SHOWED TO Y'ALL.

5 Q OKAY. SWITCH GEARS AND TALK ABOUT THE EVIDENCE  
6 THAT YOU'VE COLLECTED THERE AT THE CRIME SCENE. ON  
7 THE 29 YOU WERE THERE FOR APPROXIMATELY SIX HOURS,  
8 RIGHT, FROM I THINK IT WAS 6:55 UNTIL 12:50?

9 A YES, SIR.

10 Q OKAY. NOW AGAIN YOU EXAMINED THE SCENE AND  
11 ANALYZED THE SCENE AND THEN STARTED COLLECTING THE  
12 EVIDENCE, CORRECT?

13 A YES, SIR.

14 Q AND ANOTHER TIME YOU TOOK SOME PICTURES OF  
15 EVIDENCE AND THE SCENE ITSELF, THE PICTURES THAT WE  
16 JUST WENT THROUGH?

17 A YES, SIR.

18 Q NOW IS IT FAIR TO SAY THAT WHEN YOU EXAMINED THE  
19 SCENE YOU LOOK FOR OBVIOUS PIECE OF EVIDENCE, THINGS  
20 THAT STOOD OUT TO YOU?

21 A OF COURSE.

22 Q THAT WOULD POSSIBLY EXPLAIN WHAT HAPPENED THAT  
23 NIGHT?

24 A YES, SIR.

25 Q OKAY. NOW ON THE 29 YOU DIDN'T COLLECT THAT

1       MUCH EVIDENCE, DID YOU?

2       A     NO, SIR, WE DID NOT.

3       Q     I THINK THAT THERE WAS A FILM DISK, SOME VARIOUS  
4       BOOKS AND PAPERS, SOME HAIR, PILLOWCASE, JUST A  
5       COUPLE OF OTHER VARIOUS THINGS, RIGHT?

6       A     THAT'S CORRECT, SIR.

7       Q     OKAY.

8                   MR. SMITH:     BEG THE COURT'S INDULGENCE.

9       Q     SORRY ABOUT THAT, MR. GARDNER, TO KEEP YOU  
10       WAITING HERE, BUT, SO YOU COLLECTED A COUPLE OF ITEMS  
11       ON THE 29 AND THEN YOU WENT BACK ON THE 30, THE NEXT  
12       DAY, AND STARTED COLLECTING MORE ITEMS, CORRECT?

13       A     YES, SIR, I THINK AFTER WE WENT BACK ON THE 29  
14       AFTER THE AUTOPSY AND WE COLLECTED A FEW MORE THINGS  
15       AND THEN ON THE 30 WE COLLECTED SOME MORE STUFF.

16       Q     OKAY. YOU COLLECTED ALL OF THESE BROOMS THAT  
17       THE SOLICITOR'S OFFICE HAS ALREADY INTRODUCED INTO  
18       EVIDENCE, IS THAT CORRECT?

19       A     THAT'S CORRECT, SIR.

20       Q     OKAY. NOW I BELIEVE THIS IS THE, THIS IS  
21       STATE'S EXHIBIT 58. THIS IS THE RED BROOM AND IT WAS  
22       COLLECTED WHERE?

23       A     CAN I HOLD IT?

24       Q     YES, SIR.

25       A     LET'S SEE THE BROOM ITSELF, SIR.

1 Q YES, SIR.

2 A KITCHEN AT REAR DOOR.

3 Q IT WAS COLLECTED AT KITCHEN AND THE REAR DOOR

4 AND YOU SAID THIS WAS, I BELIEVE IT'S A METAL OR SOME

5 SORT OF HARD PLASTIC HANDLE?

6 A I THINK IT IS.

7 Q DID YOU COLLECT ANY WOODEN HANDLE BROOMS OR MOPS

8 OR?

9 A NO, SIR.

10 Q OKAY. THEY WERE ALL PLASTIC, METAL, SOMETHING

11 LIKE THAT?

12 A THAT'S CORRECT.

13 Q NOW IT'S GOT THIS CAP ON THE END OF IT, DOES IT

14 NOT?

15 A YES, SIR.

16 Q IT'S GOT SOME EDGES TO IT?

17 A THAT'S CORRECT.

18 Q OKAY. AND I BELIEVE THAT WAS RECOVERED ALONG

19 WITH THIS DUST OR THIS DUST PAN?

20 A DUST PAN.

21 Q IT'S GOT THIS HANDLE ON IT WITH THIS KNOB ON THE

22 END?

23 A THAT'S CORRECT.

24 Q AND IT'S GOT SOME EDGES ON THAT AS WELL?

25 A CORRECT.



1 Q OKAY. THEN WE'VE GOT A, LET'S SEE, THIS IS THE  
2 WHITE DUST MOP THAT WAS COLLECTED IN THE, COLLECTED  
3 IN THE LIVING ROOM NEXT TO THE IT TV STAND I BELIEVE,  
4 IS THAT RIGHT?

5 A LET ME JUST LOOK AT MY PAPER WORK RIGHT HERE.  
6 WAS THAT THE WHITE HANDLED MOP YOU REFERRED TO.

7 Q YOU TELL ME, IS THAT WHAT THIS IS. IT'S A WHITE  
8 HANDLE AND MAYBE DUST MOP HEAD TO IT?

9 A LIVING ROOM TV STAND.

10 Q AGAIN IT'S GOT BLACK CAP THAT'S GOT SOME ROUGH  
11 EDGES ON IT?

12 A YES, SIR.

13 Q THEN WE'VE GOT A GREEN HANDLED MOP AND I BELIEVE  
14 IT WAS RECOVERED IN THE DINING ROOM SLASH --

15 A WASH ROOM.

16 Q WASH ROOM.

17 A THAT'S CORRECT.

18 Q AND THIS WAS SITTING IN A MOP BUCKET, WASN'T IT?

19 A CORRECT.

20 Q AND AGAIN IT'S GOT THE CAP ON IT THAT'S GOT SOME  
21 ROUGH EDGES TO IT?

22 A IT HAS A CAP ON IT, YES, SIR.

23 Q IT HAS SOME EDGES --

24 A YEAH, IT HAS EDGE ON IT.

25 Q IT'S NOT ROUND OR SMOOTH THERE. THEN I BELIEVE

1 THIS IS THE RED HANDLED BROOM THAT WAS FOUND OUTSIDE  
2 IN THE GARBAGE CAN?

3 A YES, SIR.

4 Q AND AGAIN IT'S GOT CAP ON IT WITH EDGES TO IT  
5 AND THE OTHER END WAS BROKEN OFF?

6 A I THINK THAT'S CORRECT, SIR.

7 Q OKAY. THEN WE HAVE A WALKING CANE THAT WAS  
8 RECOVERED FROM UNDERNEATH MR. AND MRS. COPE'S BED IN  
9 THE MASTER BEDROOM?

10 A THAT'S CORRECT.

11 Q AND AGAIN WE SEE TAPED UP, ROUGH BUTT TO IT, IS  
12 THAT FAIR?

13 A YES, SIR.

14 Q AND FINALLY I BELIEVE THIS SHOULD BE THE BLUE  
15 JUST REGULAR BROOM.

16 A YES, SIR.

17 Q THAT WAS RECOVERED FROM THE, THIS WOULD HAVE  
18 BEEN NEXT TO THE COMPUTER DESK IN THE LIVING ROOM,  
19 CORRECT.

20 A THAT'S CORRECT.

21 Q OKAY. AND AGAIN CAP ON THE END OF IT WITH SOME  
22 EDGES TO IT?

23 A YES, SIR.

24 Q OKAY. AND YOU COLLECTED THESE ON NOVEMBER 30,  
25 RIGHT?

1 A THAT'S CORRECT, SIR.

2 Q THAT WAS THE SECOND DAY OF YOUR CRIME SCENE  
3 PROCESSED?

4 A YES, SIR.

5 Q OKAY. NOW IF THESE THINGS WOULD HAVE STUCK OUT  
6 TO YOU ON THE 29, YOU WOULD HAVE COLLECTED THEM,  
7 CORRECT?

8 A WE WOULD HAVE COLLECTED THEM ON THE 29 IF WE  
9 WOULD HAVE HAD KNOWN THE CIRCUMSTANCES BEHIND THESE,  
10 POSSIBLY BEHIND THESE.

11 Q THERE WAS NOTHING THAT STOOD OUT TO YOU ON THE  
12 29 TO MAKE YOU BELIEVE THAT IT WAS NECESSARY TO  
13 COLLECT THESE ITEMS AND TO PRESERVE THEM?

14 A THAT'S CORRECT.

15 Q SO THERE WERE NO OBVIOUS SIGNS OF BLOOD, HAIR?

16 A THAT'S CORRECT.

17 Q ANY TYPE OF FLUIDS, ANYTHING LIKE THAT, ON ANY  
18 OF THESE OBJECTS HERE?

19 A THAT'S CORRECT.

20 Q OKAY. NOW THE NEXT DAY YOU, ON THE 30TH, YOU  
21 ALSO COLLECTED A DILDO, A MARITAL AID, IS THAT RIGHT?

22 A IT'S A DILDO. MAYBE FOR SEXUAL AID.

23 Q I'M SORRY.

24 A A SEXUAL AID.

25 Q SEX AID?

1 A I DON'T WANT TO CALL IT A MARITAL AID.

2 Q OKAY. AND IT WAS RIGHT NEXT TO A, TO A TUBE OF

3 EQUATE LUBRICANT JELLY, RIGHT?

4 A YES, SIR.

5 Q WHICH WOULD BE CONSISTENT WITH USING A DILDO,

6 WOULD YOU AGREE?

7 A I WOULD ASSUME SO, SIR.

8 Q THEN YOU COLLECTED THIS DILDO?

9 A YES, SIR, I DID.

10 Q IS THAT RIGHT?

11 A YES, SIR.

12 Q DID YOU MEASURE THIS THING?

13 A NO, SIR, I DIDN'T.

14 Q DO YOU KNOW HOW LONG IT WAS?

15 A NO, SIR, I DON'T.

16 Q WOULD YOU MEASURE IT FOR US? DO YOU MIND DOING

17 THAT?

18 A NO, SIR, I'LL MEASURE IT FOR YOU.

19 Q SHOULD BE A RULER ON THERE, MAYBE NOT A, BUT IF

20 YOU WOULD MEASURE THAT FOR US IN INCHES.

21 A WITH THE CAP, FIVE AND A QUARTER INCHES.

22 Q WITHOUT THE CAP?

23 A FOUR AND A HALF INCHES.

24 Q OKAY. FOUR AND A HALF TO FIVE AND A QUARTER

25 INCHES?

1 A YES, SIR.

2 Q YOU ARE AWARE THAT DR. MAYNARD TESTIFIED THAT  
3 THE INJURIES CAUSED TO AMANDA REACHED 8 INCHES INSIDE  
4 HER ANUS?

5 A NO, SIR, I'M NOT AWARE OF DR. MAYNARD'S  
6 TESTIMONY.

7 Q YOU ARE NOT AWARE OF THAT. NOW WHEN YOU  
8 COLLECTED THIS DID YOU OBSERVE ANY BLOOD, HAIR, FECAL  
9 MATTER, ANYTHING LIKE THAT ON THE DILDO?

10 A NO, SIR.

11 Q OKAY. I BELIEVE YOU ALSO TESTIFIED THAT THERE  
12 WAS A BLUE TOWEL AND TWO WASH CLOTHES THAT YOU  
13 COLLECTED ON THE THIRD I BELIEVE, YOU WENT BACK TO  
14 THE SCENE AND COLLECTED THOSE ON THE THIRD?

15 A THAT'S CORRECT, SIR.

16 Q LET ME ASK YOU THIS. DID YOU COLLECT, WE TALKED  
17 ABOUT MR. COPE'S HANDS AND TAKING PICTURES OF HIS  
18 HANDS, DID YOU COLLECT HIS CLOTHING?

19 A EVENTUALLY, YES, SIR, WE DID.

20 Q IT WAS COLLECTED, RIGHT?

21 A YES, SIR.

22 Q OKAY. AND IT WAS THE CLOTHING THAT HE  
23 SUPPOSEDLY WORE OR SLEPT IN THAT NIGHT?

24 A OH, I DON'T KNOW. IT WAS CLOTHING HE WAS  
25 WEARING THE DAY HE LEFT HIS HOUSE TO GO TO THE POLICE

1 DEPARTMENT.

2 Q IT WAS A PAIR OF LONG BLACK JOGGING OR SWEAT  
3 PANTS?

4 A YES, SIR.

5 Q AND THOSE WERE COLLECTED?

6 A THOSE WERE COLLECTED.

7 Q DID YOU SEND THOSE OFF FOR TESTING?

8 A I'M ALMOST CERTAIN THAT THEY WERE SENT TO SLED  
9 AND I DON'T KNOW THAT FOR A FACT. I WOULD HAVE TO  
10 DIG A LITTLE DEEPER IN THE PAPER WORK.

11 Q THE FACT IS THEY WERE SENT TO SLED TWO WEEKS AGO  
12 OR WITHIN THE LAST MONTH, RIGHT?

13 A I KNOW THERE WAS SOME STUFF THAT WENT DOWN  
14 RECENTLY.

15 Q AND NOT ONLY WAS IT BLACK JOGGING PANTS BUT IT  
16 WAS ALSO HIS UNDERWEAR?

17 A I DON'T KNOW, SIR. I KNOW THERE WAS SOME STUFF  
18 THAT WAS SENT DOWN RECENTLY BUT I DON'T KNOW WHAT IT  
19 WAS.

20 Q AND THIS IS TWO AND A HALF YEARS LATER?

21 A YES, SIR.

22 Q OKAY. NOW A RAPE KIT WAS CONDUCTED IN REGARDS  
23 TO AMANDA. I BELIEVE THAT'S ALREADY BEEN INTRODUCED?

24 A THAT'S CORRECT.

25 Q ONE WAS ALSO COLLECTED FROM MR. COPE, WAS IT

1 NOT?

2 A THAT'S CORRECT.

3 Q DO YOU KNOW THE RESULTS OF THAT, OF THAT  
4 TESTING?

5 A NOT WITHOUT LOOKING AT THE SLED REPORTS.

6 Q OKAY. YOU ARE NOT AWARE OF WHAT THOSE RESULTS  
7 WERE?

8 A NO, SIR, I'M NOT.

9 Q NOW AMANDA COPE'S CLOTHING WAS TESTED OR  
10 COLLECTED ALSO, WAS IT NOT?

11 A YES, SIR.

12 Q AND WERE ANY TESTS DONE ON THAT CLOTHING TO SEE  
13 IF MR. COPE'S DNA, HAIR, FIBER, BLOOD, ANYTHING LIKE  
14 THAT WAS FOUND ON HER CLOTHING?

15 A I'M SURE IT WAS, SIR.

16 Q YOU'RE NOT SURE?

17 A I SAID NO I'M SURE IT WAS.

18 Q YOU ARE SURE IT WAS. YOU KNOW THE RESULTS OF  
19 THAT TEST?

20 A YES, SIR, I KNOW PARTS OF THE RESULTS.

21 MR. THOMPSON: I OBJECT TO THE RESULTS OF  
22 THE TESTS. WE'RE GOING TO INTRODUCE THOSE THROUGH  
23 SLED. IT'S HEARSAY AT THIS POINT.

24 THE COURT: I SUSTAIN THE OBJECTION.

25 Q YOU ALSO COLLECTED SEVERAL HAIRS I BELIEVE

1       THEY'VE ALREADY BEEN INTRODUCED INTO EVIDENCE FROM  
2       AMANDA'S BODY?

3       A     YES, SIR.

4       Q     DO YOU KNOW IF ANY BLOOD, DNA, OR HAIR WAS  
5       COLLECTED FROM AMANDA'S ROOM, CLOTHING, ANYWHERE IN  
6       HER ROOM, FROM HER BODY, CLOTHING, MATTRESS?

7       A     THERE WAS, THERE WAS SEVERAL ITEMS THAT WAS  
8       COLLECTED:  THE BED CLOTHING, THE CUTTING FROM THE  
9       MATTRESS, THE GREEN BLANKET, SOME CLOTHES THAT WAS IN  
10      THE BED WITH HER, MOST OF THAT STUFF WAS SENT TO  
11      SLED.

12      Q     IT WAS SENT DOWN TO SLED?

13      A     YES, SIR.

14      Q     SO I GUESS YOUR ANSWER IS YOU DON'T KNOW?

15      A     NO, SIR, I DON'T KNOW.

16      Q     OKAY.  NOW YOU TALKED A LITTLE BIT ON DIRECT  
17      EXAMINATION ABOUT THE, AMANDA'S BEDROOM DOOR, THAT IT  
18      ONLY OPENED PART OF THE WAY, CORRECT?  WITHOUT, WITH  
19      EASE, IT ONLY OPENED PART OF THE WAY WITH EASE?

20      A     ABOUT HALFWAY AND THEN YOU HAD TO FORCE IT.

21      PICK UP ON IT.

22      Q     I'M SORRY.

23      A     YOU HAVE TO PICK UP ON THE DOOR, THE DOOR KNOB  
24      TO RELIEVE THE PRESSURE THEN IT WILL OPEN UP.

25      Q     ARE YOU AWARE THAT MR. COPE STATED IN ONE OF HIS



1 STATEMENTS THAT HER DOOR WAS JAMMED PART, WAS HALFWAY  
2 OPENED AND JAMMED UP AGAINST THE CLOSET DOOR? ARE  
3 YOU AWARE OF THAT?

4 A NO, SIR.

5 Q OKAY. OKAY. THE LAST PIECE OF EVIDENCE I WANT  
6 YOU TO TALK ABOUT YOU ACTUALLY COLLECTED I THINK CAME  
7 FROM AMANDA'S BED ALSO. IS THIS FLASHLIGHT HERE.  
8 YOU COLLECTED A FLASH LIGHT OFF OF HER BED?

9 A SURE DID.

10 Q PEOPLE USE FLASH LIGHTS WHEN THEY CAN'T SEE  
11 WHERE THEY WERE GOING, GENERALLY?

12 A WELL, I MEAN, YEAH, YOU USE A FLASHLIGHT IF YOU  
13 DON'T HAVE ENOUGH LIGHT.

14 Q OKAY. AND YOU NEED TO SEE WHERE YOU ARE GOING?

15 A (NO RESPONSE.)

16 Q IS THAT FAIR?

17 A THEY ARE COMMONLY USED TO PRODUCE LIGHT TO BE  
18 ABLE TO SEE.

19 Q OKAY. NOW LET'S SWITCH GEARS AGAIN, BUT I WANT  
20 TO STICK WITH THIS FLASHLIGHT, YOU ARE AN EXPERT  
21 FINGERPRINTER, ARE YOU NOT?

22 A I HAVE BEEN CERTIFIED AS AN EXPERT WITNESS IN  
23 FINGERPRINT EXAMINATION.

24 Q DID YOU FINGERPRINT THE FLASHLIGHT?

25 A NO, I DID NOT.

1 Q NO, YOU DID NOT. DID YOU FINGERPRINT THE  
2 BATTERIES INSIDE THE FLASHLIGHT?

3 A I DID NOT.

4 Q OKAY. WOULDN'T BE BATTERIES BE A GOOD PLACE TO  
5 CHECK FOR FINGERPRINTS SINCE THEY ARE METAL. PEOPLE  
6 HAVE TO TOUCH THEM TO DROP THEM IN THE FLASHLIGHT AND  
7 THEN THEY USUALLY DON'T TOUCH THEM AGAIN UNTIL THEY  
8 GO BAD.

9 A I DID NOT PROCESS THE BATTERIES OR THE  
10 FLASHLIGHT BUT IT WAS PROCESSED.

11 Q OKAY. YOU DIDN'T FINGERPRINT --

12 A I DID NOT. I DID NOT DO IT.

13 Q ALL RIGHT. DID YOU FINGERPRINT THE DILDO?

14 A NO, SIR, THAT WAS SENT TO SLED.

15 Q DID YOU REQUEST THAT THEY FINGERPRINT IT?

16 A I DON'T RECALL IF I DID OR NOT. LET ME, GIVE ME  
17 ONE SECOND. LET ME LOOK.

18 Q ABSOLUTELY.

19 A I MAY NOT HAVE IT IN THIS PAPERWORK I GOT RIGHT  
20 HERE. IT'S NOT IN THIS PIECE OF PAPERWORK I HAVE  
21 HERE. I HAVE A PARTIAL LIST OF STUFF THAT I TOOK TO  
22 SLED AND IT'S NOT ON THIS LIST HERE. I DO NOT RECALL  
23 WHETHER OR NOT THAT WAS SENT TO LATENTS OR NOT.

24 Q OKAY. DID YOU FINGERPRINT THE POCKET BOOK THAT  
25 WAS ON AMANDA'S BED?

1 A MR. WOODS, I DIDN'T FINGERPRINT NOTHING AT THAT  
2 HOME.

3 Q SMITH.

4 A I'M SORRY, MR. SMITH. I'M SO SORRY.

5 Q THAT'S ALL RIGHT. BUT -- I'M SORRY, YOU SAID  
6 YOU DID NOT FINGERPRINT THE POCKET BOOK.

7 A I DIDN'T FINGERPRINT NOTHING AT THAT HOME.

8 Q NOTHING AT ALL?

9 A NOTHING AT ALL.

10 Q THIS IS A MURDER INVESTIGATION?

11 A AND I SEEN NO REASON, THERE WAS NOTHING IN THAT  
12 HOME THAT I COULD DISTINGUISH AS BEING OUT OF PLACE  
13 BECAUSE THE WHOLE HOUSE APPEARED TO BE OUT OF PLACE.

14 Q I THINK YOU SAID IT ALL WHEN YOU DIDN'T SEE ANY  
15 REASON TO FINGERPRINT ANYTHING.

16 A BECAUSE IT WAS NOTHING --

17 MR. THOMPSON: OBJECTION, YOUR HONOR, TO  
18 HIS COMMENT ON THE WITNESS'S TESTIMONY.

19 THE COURT: YES, DON'T COMMENT ON THE  
20 WITNESS'S TESTIMONY. YOU CAN DO THAT IN CLOSING  
21 STATEMENTS BUT RIGHT NOW JUST ASK QUESTIONS.

22 MR. SMITH: YES, SIR. YES, SIR.

23 A WITH THE INFORMATION THAT WE HAD.

24 MR. SMITH: YOUR HONOR, I HADN'T ASKED A  
25 QUESTION.

1 THE COURT: LET'S START OVER. ASK A  
2 QUESTION.

3 Q YES, SIR. YOU DIDN'T FINGERPRINT -- WELL, YOU  
4 SAID YOU DIDN'T FINGERPRINT ANYTHING?

5 A THAT'S CORRECT.

6 THE COURT: THAT'S WHAT HE SAID.

7 Q AND THAT WOULD INCLUDE ANY OF THE ITEMS ON  
8 AMANDA'S BED THAT WERE COLLECTED?

9 A I PERSONALLY DID NOT PROCESS ANYTHING OFF OF  
10 AMANDA'S BED. I DIDN'T PROCESS THE DILDO, THE  
11 FLASHLIGHT, OR ANYTHING ELSE FROM THAT BED, BUT IT  
12 WAS PROCESSED, BUT NOT BY ME.

13 Q ARE YOU SAYING THAT SOMEONE ELSE TOOK  
14 FINGERPRINTS?

15 A SOMEBODY -- THAT BLACK STUFF ON THAT FLASHLIGHT  
16 IS FINGERPRINT POWDER, SO SOMEBODY PROCESSED IT. I  
17 DIDN'T.

18 Q OKAY. DO YOU KNOW WHAT THE RESULT ARE? DO YOU  
19 KNOW IF RESULTS WERE ACHIEVED?

20 A NO, SIR, I DON'T HAVE ANY PAPERWORK SAYING WHAT  
21 THE RESULTS WERE.

22 Q ONE LAST QUESTION ON THE FINGERPRINT -- WELL,  
23 TWO. YOU DIDN'T FINGERPRINT THE LADDER OUTSIDE, DID  
24 YOU?

25 A I DIDN'T SEE A NEED TO, SIR.

1 Q YOU DIDN'T FINGERPRINT THE COMPUTER KEYBOARD OR  
2 THE MOUSE?

3 A I DIDN'T SEE A NEED TO. I MEAN THE FINGERPRINTS  
4 I WOULD HAVE FOUND WOULD BE MR. COPE'S OR HIS FAMILY  
5 MEMBERS.

6 Q UNLESS SOMEONE ELSE USED IT? IS THAT A  
7 POSSIBILITY OR IS THAT WHAT YOU WERE THINKING ON THE  
8 29 AND 30?

9 A NO, WHAT I WAS THINKING WAS THAT THERE WAS NO  
10 FORCED ENTRY IN THE HOME. I HAVE THREE PEOPLE, THREE  
11 OTHER PEOPLE INSIDE BESIDE THE DECEDENT -- MR. COPE  
12 AND HIS TWO DAUGHTERS. I PERSONALLY DON'T FEEL THAT  
13 THE TWO DAUGHTERS COULD PERPETRATE THE CRIME.

14 MR. SMITH: YOUR HONOR, I ASKED WHAT  
15 MR. GARDNER'S PERSONAL FEELINGS ARE ON THIS.

16 THE COURT: BUT YOU CONTINUE TO ASK HIM  
17 WHETHER HE FINGERPRINTED AND HE'S TELLING YOU WHY HE  
18 DIDN'T FINGERPRINT. I THINK THAT'S A VALID ANSWER.

19 MR. SMITH: YES, SIR.

20 A AND THE ONLY OTHER PERSON IN THE HOUSE IS  
21 MR. COPE THAT COULD DO THIS.

22 Q WELL, WHAT WE KNOW RIGHT NOW IS THAT MR. COPE  
23 WASN'T THE ONLY OTHER PERSON IN THE HOUSE THAT NIGHT,  
24 RIGHT?

25 A THERE WAS HIS OTHER TWO DAUGHTERS.

1 MR. GREELEY: OBJECTION, THAT ASSUMES  
2 FACTS OUTSIDE OF THE EVIDENCE.

3 THE COURT: I SUSTAIN THE OBJECTION.

4 A I HAVE A CRIME SCENE LOG THAT SHOWS HIS TWO  
5 DAUGHTERS AND HIM IN THE HOUSE ALONG WITH AMANDA.

6 Q OKAY. WE'LL MOVE ON. WELL, I CAN'T MOVE ON. I  
7 GOT ONE MORE QUESTION ABOUT FINGERPRINTING?

8 A OKAY.

9 Q YOU DIDN'T FINGERPRINT THE DOOR KNOB HANDLE, DID  
10 YOU?

11 A NO, SIR. THERE WAS NO SIGNS OF FORCED ENTRY.

12 Q NOW DOOR KNOBS ARE MADE OUT OF METAL, ARE THEY  
13 NOT, OR THE DOORS IN THIS HOUSE WERE MADE OUT OF  
14 METAL?

15 A VERY, VERY DIFFICULT TO FIND A USABLE LATENT  
16 PRINT ON TOO, VERY DIFFICULT.

17 Q METAL, METAL IS A GOOD SURFACE TO GET A  
18 FINGERPRINT OFF OF IT, IS IT NOT.

19 A IF IT'S A CLEAN PIECE OF METAL. IF IT IS A  
20 PIECE OF METAL THAT IS IN, A NICE SHINY LIKE BRAND  
21 NEW TYPE, YEAH, METAL IS A GREAT PLACE, BUT THOSE  
22 DOOR KNOBS IN THIS HOME WHETHER IT BE THE FRONT DOOR,  
23 BACK DOOR, BED ROOM DOORS, OR WHAT HAVE YOU, WERE NOT  
24 IN GREAT SHAPE.

25 Q THE FACT IS YOU DIDN'T FINGERPRINT THOSE SO WE

1 DON'T KNOW IF THERE WERE ANY FINGERPRINTS ON THOSE  
2 DOOR KNOBS, CORRECT?

3 A FROM PAST EXPERIENCE OVER THE PAST 25 YEARS I  
4 DETERMINED THAT IT WAS NOT A NECESSITY TO PROCESS  
5 THOSE DOOR KNOBS.

6 Q NOW YOU ASSISTED DR. MAYNARD I BELIEVE IN  
7 TAKING SAMPLES FROM AMANDA'S BODY, IS THAT RIGHT OR  
8 YOU WERE PRESENT WHEN THOSE SAMPLES --

9 A YEAH, I DIDN'T ACTUALLY ASSIST HIM ACTUALLY  
10 TAKING THEM.

11 Q YOU OBSERVED?

12 A I OBSERVED HIM TAKING THEM AND I COLLECTED THEM  
13 FROM HIM.

14 Q OKAY. NOW THERE WAS A BITE MARK ON AMANDA'S  
15 BREAST, WAS THERE NOT?

16 A I SEEM TO REMEMBER THAT, YES, SIR.

17 Q YOU SEEM TO REMEMBER THAT. THAT WOULD BE AN  
18 IMPORTANT THING TO REMEMBER IN A RAPE AND MURDER  
19 CASE, WOULD IT NOT?

20 A WELL NOT ONLY THAT, IT WAS VISIBLE AT THE  
21 AUTOPSY AND DR. MAYNARD AGAIN SPOKE ABOUT IT AT THE  
22 MEETING WE HAD AFTER THE AUTOPSY AT THE POLICE  
23 DEPARTMENT, YES, STUFF LIKE THAT KIND OF STICKS OUT  
24 IN YOUR MIND A LITTLE BIT.

25 Q DID YOU ATTEMPT TO MAKE A MOLD OF THAT BITE

1 MARK?

2 A I'M DON'T -- I'M NOT A BITE MARK IMPRESSION  
3 EXPERT.

4 Q DID YOU CALL ANYONE IN?

5 A BUT I DON'T THINK YOU CAN MOLD THAT.

6 Q DID YOU CALL ANYONE IN WHO IS A BITE MARK?

7 A IT WAS PHOTOGRAPHED, SIR. NO, I DON'T THINK, I  
8 MEAN, I DON'T THINK THERE IS, YOU CAN'T MAKE A MOLD  
9 OF THAT BITE MARK ON HER BREAST. YOU CAN TAKE A  
10 PHOTOGRAPH WITH SCALE AND WITHOUT SCALE, BUT NOT, I  
11 DON'T SEE HOW YOU CAN MOLD THAT BITE MARK.

12 Q THE MOLD WAS TAKEN OF MR. COPE'S MOUTH, WAS IT  
13 NOT?

14 A YES, SIR, I GUESS. I DON'T KNOW. IF YOU ARE  
15 TELLING ME IT WAS, I ---

16 Q NO, I'M ASKING YOU?

17 A ARE YOU ASKING ME IF I TOOK A --

18 Q I'M ASKING YOU IF YOU KNOW WHETHER A MOLD WAS  
19 MADE OF MR. COPE'S MOUTH?

20 A NO, SIR, I DON'T KNOW.

21 Q YOU DON'T KNOW THAT. GOOD ENOUGH. NOW OUT OF  
22 ALL THE EVIDENCE THAT WE HAVE HERE THAT'S BEEN  
23 PRESENTED, WE DON'T HAVE ANYTHING IN EVIDENCE, ANY  
24 OBJECT THAT YOU BELIEVE WAS USED TO HIT AMANDA TO  
25 CAUSE THE INJURIES TO AMANDA'S FACE, DO WE?



1 A I'M SORRY. I'M NOT FOLLOWING YOUR QUESTION.

2 Q DID YOU COLLECT ANY PIECE OF EVIDENCE THAT YOU  
3 BELIEVED CAUSED THE INJURIES TO AMANDA'S FACE?

4 A I DID NOT COLLECT THEM.

5 Q THERE WERE NO ITEMS LAYING AROUND THE HOUSE THAT  
6 HAD BLOOD, HAIR, ANYTHING LIKE THAT ON IT THAT YOU  
7 COLLECTED?

8 A NO, BECAUSE THIS WAS NOT A BLOODY SCENE. THERE  
9 IS LITTLE SMALL AMOUNT OF BLOOD THAT COME FROM HER  
10 MOUTH, BUT THIS WAS, THIS WAS NOT A BLOODY SCENE.  
11 THAT WAS THE ONLY BLOOD PRESENT WAS A LITTLE BIT OF  
12 BLOOD FROM HER MOUTH, MAYBE A LITTLE BIT OF HER NOSE  
13 AND SOME THAT SHE DRIBBLED OFF ONTO THE --

14 Q THAT WE SAW ON THE BLANKET?

15 A YEAH, THAT'S ABOUT IT. THAT'S ALL THE BLOOD YOU  
16 SEE.

17 Q AND I BELIEVE THAT YOU SPECIFICALLY TESTIFIED  
18 THAT YOU DID NOT A COLLECT THE VIDEO GAME THAT  
19 MR. COPE PURPORTS TO USE ON AMANDA'S FACE?

20 A NO, SIR. AS MANY TIMES THAT WE MET ON THIS CASE  
21 I WAS CONTINUED TO ASK ABOUT THIS VIDEO GAME, BUT  
22 FINALLY SEEN THE VIDEO GAME A COUPLE DAYS AGO IN ONE  
23 OF THESE PHOTOGRAPHS AND AGAIN IN A VIDEO AND THAT'S  
24 THE FIRST TIME I SEEN IT.

25 Q DID YOU SEE ANY HAIR OR BLOOD ON THAT?

1 A I'M GOING TO BE HONEST WITH YOU, SIR, I DIDN'T  
2 EXAMINE IT THAT WELL. AND EVIDENTLY I DIDN'T EXAMINE  
3 IT AT ALL OTHER THAN THROUGH THE PICTURES THAT I'VE  
4 BEEN SHOWN OF IT, BUT I DO HAVE, I THINK I HAVE AN  
5 EXPLANATION WHY IT WASN'T INCLUDED IN THE STUFF THAT  
6 WAS ROLLED UP IN THE BLANKET WITH HER.

7 Q THE VIDEO GAME WAS ROLLED UP IN THE BLANKET WITH  
8 HER?

9 A I GOT AN EXPLANATION WHY IT WASN'T.

10 Q OKAY. WHY IS THAT?

11 A WELL, IN THE PICTURES OR IN THE VIDEO REALLY YOU  
12 CAN SEE WHERE THE VIDEO GAME THAT WAS LAYING UNDER  
13 HER LEFT SIDE, LEFT NECK AREA, IT WAS PARTIALLY ON  
14 THE, IT WAS PARTIALLY ON THE BLANKET AND COMFORTER  
15 AND PARTIALLY ON THE BLUE BLANKET, IT WAS ACTUALLY  
16 UNDER THE COMFORTER AND BLANKET, AND WHEN WE WENT TO  
17 PUT AMANDA IN A SHEET THAT WE GOT FROM THE CORONER'S  
18 OFFICE THAT IT FELL OUT OF THE, FELL OUT OF THE  
19 BLANKET.

20 Q OKAY.

21 A THAT'S WHY IT WASN'T COLLECTED.

22 Q BUT WHEN YOU WENT BACK ON THE 30 YOU DIDN'T  
23 NOTICE, IT DIDN'T STAND OUT IN YOUR MIND AS HAVING  
24 BLOOD OR ANYTHING OBVIOUS FOR YOU TO COLLECT AS  
25 EVIDENCE?

1 A NO, SIR, IT DIDN'T, IT DIDN'T DAWN ON ME IT WAS  
2 PART OF HER IN THE BLANKET.

3 Q NOW YOU TALKED ABOUT USING AN ALTERNATIVE LIGHT  
4 SOURCE. I BELIEVE YOU SAID IN AMANDA'S BEDROOM THEN  
5 ALSO IN MR. COPE'S BEDROOM?

6 A AN ALTERNATE LIGHT SOURCE.

7 Q ALTERNATE LIGHT SOURCE?

8 A YES, SIR.

9 Q AND THAT IS A BLACK LIGHT BASICALLY?

10 A IT'S A, IT'S A \$8,000 BLACK LIGHT THAT HAS ABOUT  
11 7 OR 8 DIFFERENT FREQUENCIES THAT WILL TURN BLUE TO  
12 ORANGE TO WHITE TO INFRARED AND THAT BASICALLY WHEN  
13 IT'S, WHEN YOU WEAR THESE GOGGLES, THE DIFFERENT  
14 COLOR GOGGLES AND TURN ON CERTAIN COLORS SUCH AS BLUE  
15 YOU USE ORANGE GOGGLE IT FLUORESCES STUFF AND THE  
16 STUFF JUST JUMPS OUT LIKE A BLACK LIGHT WOULD. I  
17 WOULDN'T CALL IT A BLACK LIGHT BECAUSE IT'S  
18 DEFINITELY NOT A BLACK LIGHT.

19 Q BUT THE ONLY TWO ROOMS YOU USED IT IN WERE  
20 AMANDA'S AND MR. AND MRS. COPE'S BEDROOM?

21 A THAT'S CORRECT.

22 Q AND YOU DIDN'T RUN IT IN THE, IN THE BATHROOM  
23 SINK OR THE BATH TUB TO SEE IF THERE IS TRACES OF  
24 BLOOD WHERE SOMEONE TRIED TO CLEAN THEMSELVES UP?

25 A ACTUALLY, SIR, I'M NOT, IT'S NOT GOING TO WORK

1           VERY WELL ON BLOOD ANY HOW.  I'M LOOKING FOR OTHER  
2           BODY FLUIDS SUCH AS SEMEN, URINE SOMETIMES HAS A  
3           FLUORESCENT PROPERTY TO IT, AND THERE ARE FALSE  
4           POSITIVES YOU GET FROM LIKE TIDE WASHING POWDER IS A  
5           PRIME EXAMPLE OF A FALSE NEGATIVE FOR FLUORESCENTS.  
6           BLOOD IN GENERAL IS NOT NORMALLY SEARCHED FOR USING  
7           ALTERNATE LIGHT SOURCE.

8           Q       BUT IN ANY REGARD YOU DIDN'T CHECK FOR BLOOD IN  
9           ANY SINKS OR BATH TUBS IN THE HOUSE, DID YOU?

10          A       I DIDN'T OBSERVE ANY.  WE LOOKED BUT I DIDN'T  
11          OBSERVE ANY BLOOD OR ANYTHING IN ANY SINK OR BATH  
12          TUB.

13          Q       NOW WE TALKED EARLIER ABOUT THE SENSITIVITY OF  
14          DNA AND I THINK YOUR ANSWER WAS YOU WEREN'T SURE HOW  
15          SMALL OF AN AMOUNT IT TOOK TO GET A VALID OR A SAMPLE  
16          THAT YOU COULD TEST DNA, IS THAT RIGHT?

17          A       I DO NOT KNOW HOW BIG THE SAMPLE HAS TO BE IN  
18          ORDER TO GET DNA OFF OF IT OR FROM IT.

19          Q       WERE ANY SAMPLES TAKEN FROM AROUND AMANDA'S NECK  
20          WHERE THE MARK WAS THAT IT APPEARED TO BE A HAND  
21          AROUND HER NECK, WERE THERE ANY SWABS OR SAMPLES  
22          TAKEN FOR DNA THERE?

23          A       NO, SIR, I DIDN'T DO IT.

24          Q       YOU DIDN'T DO IT AND YOU DON'T KNOW OF ANYONE  
25          ELSE THAT DID?

1 A THAT'S CORRECT.

2 Q NOW YOU TALKED ABOUT MR. COPE'S COMPUTER, DID  
3 YOU GET ON THAT COMPUTER?

4 A NO, SIR.

5 Q YOU DIDN'T GET ON THE COMPUTER?

6 A NO, SIR.

7 Q YOU NEVER GOT ON THE COMPUTER?

8 A NO, SIR.

9 Q I'M GOING TO ASK YOU ONE MORE TIME, YOU'RE  
10 POSITIVE ABOUT THAT?

11 A I'M POSITIVE AS I AM SITTING HERE. I DO NOT  
12 RECALL GETTING ON ANY, ON HIS COMPUTER FOR THE SIMPLE  
13 FACT THAT I KNOW, WELL, I'M DEFINITELY NOT A COMPUTER  
14 TECHNICIAN. I KNOW ENOUGH TO MESS ONE UP IF I START  
15 WORKING ON IT. NO, SIR, I DIDN'T GET ON THAT  
16 COMPUTER. I -- I-- NO, SIR. WELL, NO, I DID. I'M  
17 SORRY. I DID. I GOT ON IT AT THE ROCK HILL POLICE  
18 DEPARTMENT EVIDENCE ROOM ABOUT TWO WEEKS AGO.

19 Q TWO WEEKS AGO THAT WAS THE FIRST TIME?

20 A YES, SIR, THAT I CAN REMEMBER.

21 Q YOU WEREN'T ON IT BEFORE THEN?

22 A NO, SIR.

23 Q OKAY. AND I BELIEVE WHAT YOU DID TWO WEEKS AGO  
24 WAS YOU CHECKED TO SEE WHAT THE TIME WAS ON IT?

25 A TIME AND DATE.

1 Q SO THAT WAS THE ONLY TIME YOU'VE BEEN ON THAT  
2 COMPUTER?

3 A THAT'S THE ONLY TIME I REMEMBER BEING ON THAT  
4 COMPUTER.

5 Q OKAY. MR. GARDNER, YOU USED DIFFERENT EFFORTS  
6 OF LEVEL OR DIFFERENT LEVELS OF EFFORT, IT'S BEEN A  
7 LONG DAY, DIFFERENT LEVELS EFFORT IN EVERY DIFFERENT,  
8 IN EVERY INVESTIGATION YOU DO, DO YOU NOT?

9 A (NO RESPONSE.)

10 Q LET ME CLARIFY THAT. YOU DON'T DO DNA ON EVERY  
11 CRIME SCENE YOU PROCESS, DO YOU?

12 A THAT'S CORRECT.

13 Q YOU OBVIOUSLY DON'T DO FINGERPRINTS ON EVERY  
14 CRIME SCENE YOU PROCESS?

15 A THAT'S CORRECT.

16 Q SO WHAT YOU REALLY HAVE TO DO IS YOU HAVE TO  
17 MAKE A JUDGMENT CALL AND DECIDE WHAT INVESTIGATION IS  
18 NECESSARY TO SOLVE THE CRIME?

19 A THAT'S FAIR. THAT'S A FAIR STATEMENT.

20 Q OKAY. IN THIS CASE YOU MADE THAT JUDGMENT CALL  
21 VERY QUICKLY, DIDN'T YOU?

22 A NO, SIR, I DIDN'T.

23 Q YOU DECIDED THAT THERE WERE NO SIGNS OF FORCED  
24 ENTRY AND THERE WAS NO REASON TO FINGERPRINT ANYTHING  
25 IN THE HOUSE, NOTHING, NO DOOR KNOBS, NO WINDOWS,

1 NOTHING?

2 A ACTUALLY THAT DECISION WAS MADE A DAY LATER, SO  
3 I WAS NOT QUICK ON MAKING DECISION ON PROCESSING  
4 STUFF. WE KEPT, WE HAD THE HOUSE, OF COURSE, I WAS  
5 THERE ON THE 29TH. WE KEPT IT THE 30 AND RELEASED IT  
6 THAT EVENING, THURSDAY EVENING OR I'M SORRY NOT  
7 THURSDAY EVENING, ON THE 30TH THAT EVENING, SO I HAD,  
8 WE HAD TWO DAYS PRACTICALLY TO DECIDE WHETHER OR NOT  
9 WE WERE GOING TO FINGERPRINT ANYTHING IN THAT HOME  
10 AND WE DECIDED WE WERE NOT IN THOSE TWO DAYS, SO IT  
11 WASN'T A QUICK DECISION.

12 Q BUT NEVERTHELESS YOU MADE THE DECISION NOT TO  
13 FINGERPRINT ANYTHING IN THAT HOUSE, ANYTHING INSIDE  
14 OR OUTSIDE?

15 A I PERSONALLY DID NOT AND I DID MAKE THE DECISION  
16 TO PERSONALLY NOT PROCESS ANYTHING FOR FINGERPRINTS.  
17 STUFF WAS FINGERPRINTED BUT TODD GARDNER DID NOT DO  
18 IT.

19 Q WHEN DID YOU FIND OUT THAT MR. COPE'S DNA DID  
20 NOT MATCH THE DNA ON AMANDA'S BODY?

21 A SIR, I DON'T HAVE A CLUE. I DON'T REMEMBER.

22 Q YOU KNOW THAT THOUGH, IS THAT RIGHT?

23 A I UNDERSTAND THAT, YES, SIR.

24 Q HOW DID THAT MAKE YOU FEEL WHEN YOU FIRST HEARD  
25 THAT NEWS?

1                   MR. THOMPSON: YOUR HONOR, I OBJECT TO THE  
2 FEELING.

3                   THE COURT: I SUSTAIN THE OBJECTION. THIS  
4 IS A FACT WITNESS.

5 Q DID YOU CONDUCT ANY FURTHER INVESTIGATION AFTER  
6 THAT POINT?

7 A I DID NOT, NO, SIR. BECAUSE THAT WAS, THAT WAS,  
8 THAT RESULTS WERE SEVERAL WEEKS DOWN THE ROAD AFTER  
9 WE RELEASED THE CRIME SCENE.

10 Q KNOWING WHAT YOU KNOW RIGHT NOW, YOU WOULD HAVE  
11 DONE MORE INVESTIGATION ON THOSE TWO DAYS, WOULD YOU  
12 NOT HAVE?

13 A NO, SIR.

14 Q YOU WOULD NOT --

15 A I'M VERY COMFORTABLE WITH WHAT WE DID.

16 Q YOU ARE COMFORTABLE WITH IT, EXACTLY WHAT YOU  
17 DID.

18 A I THINK WE WORKED A GOOD CRIME SCENE AND WE DID  
19 EVERYTHING THAT WE THOUGHT WAS NECESSARY.

20 Q THE STORY OF THIS CRIME SCENE, YOUR RECREATION  
21 OF THIS CRIME SCENE IS INCOMPLETE, IS IT NOT, BECAUSE  
22 YOU DIDN'T DO ANYTHING, YOU DIDN'T TAKE INTO  
23 CONSIDERATION THAT SOMEONE ELSE WAS IN THAT HOUSE?

24 A MY CRIME SCENE INVESTIGATION IS COMPLETE. THERE  
25 WAS NO ONE ELSE IN THAT HOME THAT BROKE IN AND THERE



1           COULD HAVE BEEN OTHER PEOPLE IN THAT HOME, BUT THEY  
2           WERE LET IN WILLINGLY.  THEY DID NOT FORCE THEIR WAY  
3           INTO THAT HOME BY ANY WINDOW OR BY ANY DOOR.

4           Q     WE DON'T KNOW THAT, DO WE, BECAUSE YOU DIDN'T  
5           COMPLETE A FULL INVESTIGATION?

6           A     YES, SIR, I DO KNOW THAT BECAUSE I DID COMPLETE  
7           A FULL INVESTIGATION AND LOOKED AND INSPECTED EVERY  
8           WINDOW AND EVERY DOOR AND I FOUND NO EVIDENCE OF A  
9           FORCED ENTRY.

10          Q     MR. GARDNER, DO YOU HAVE MR. SANDERS'  
11          FINGERPRINTS ON FILE?

12          A     YES, SIR, I THINK WE DO.

13          Q     HAVE YOU COMPARED THOSE FINGERPRINTS TO ANYTHING  
14          FROM THE CRIME SCENE?

15          A     YES, SIR, I HAVE.

16          Q     WHAT EXACTLY DID YOU COMPARE THEM TO?

17          A     JUDGE, I'M SURE NOT I CAN ANSWER THAT QUESTION.  
18          I'VE BEEN TOLD NOT TO AS FAR AS CERTAIN EVIDENCE.

19                   THE COURT:  HE ASKED YOU THE QUESTION.

20                   MR. SMITH:  I'LL WITHDRAW THE QUESTION,  
21          YOUR HONOR.

22                   THE COURT:  IF HE ASKED A QUESTION FROM  
23          NOW JUST ANSWER IT.

24          A     I SURE WILL.

25                   MR. SMITH:  I AM SORRY, YOUR HONOR?

1 THE COURT: I JUST TOLD HIM TO ANSWER YOUR  
2 QUESTION.

3 MR. SMITH: JUDGE, I WILL WITHDRAW THE  
4 QUESTION.

5 THE COURT: YOU HAVE WITHDRAWN THAT ONE  
6 BUT NEXT TIME YOU ASK HIM A QUESTION HE CAN JUST GO  
7 AHEAD AND ANSWER IT.

8 MR. SMITH: YES, SIR.

9 Q DID YOU COMPARE MR. SANDERS' PRINTS TO THE FLASH  
10 LIGHT?

11 A THERE WAS NO FINGERPRINTS ON THE FLASH LIGHT  
12 THAT I KNOW OF.

13 Q THAT YOU KNOW OF, SO YOU DIDN'T?

14 A I DIDN'T, NO, SIR.

15 Q OKAY. LET ME PUT SOME OF THIS EVIDENCE.

16 THE COURT: WE'LL DO THAT LATER. LET'S  
17 FINISH UP THE EXAMINATION.

18 MR. SMITH: I HAVE NO FURTHER QUESTIONS,  
19 MR. GARDNER.

20 THE COURT: MR. GREELEY.

21 MR. GREELEY: MAY IT PLEASE THE COURT.  
22 CROSS EXAMINATION BY MR. GREELEY:

23 Q OFFICER GARDNER.

24 A YES, SIR.

25 Q GOOD AFTERNOON.

1 A GOOD AFTERNOON, SIR.

2 Q NOW YOU'VE BEEN ASKED ABOUT THE PICTURE WITH THE  
3 LADDER?

4 A YES, SIR, I HAVE.

5 Q AND IT'S OUT BEHIND THE HOUSE LEANING UP AGAINST  
6 A SHED, IS THAT CORRECT?

7 A THAT IS CORRECT, SIR.

8 Q AND I BELIEVE THAT IT'S ALSO, IT'S SUCH A  
9 DISTANCE BACK THAT IT'S OUTSIDE THE CRIME TAPE AND  
10 THAT'S EVIDENCED IN THE PICTURE, IS THAT CORRECT?

11 A THAT'S CORRECT, SIR.

12 Q YOU ALSO TESTIFIED THAT AS YOU WENT AROUND THE  
13 HOUSE YOU CHECKED THE GROUND AND THE LEAVES THAT WERE  
14 AROUND EACH POTENTIAL ENTRANCE, IS THAT CORRECT?

15 A YES, SIR.

16 Q AND IN CHECKING ALL OF THOSE LEAVES AND THE  
17 GROUND, YOU DID NOT SEE ANYTHING THAT WAS UPSET OR  
18 THAT WOULD LEAD YOU TO BELIEVE THAT SOMEONE MAY HAVE  
19 ATTEMPT TO GO IN THAT HOUSE AT THAT LOCATION, IS THAT  
20 CORRECT?

21 A THAT'S CORRECT.

22 Q NOW IF SOMEONE WERE TO TAKE THE LADDER THAT IS  
23 IN THE PICTURE IT APPEARS TO BE AN A-FRAME LADDER  
24 THAT IS LEANING UP AGAINST A SHED, IS THAT CORRECT?

25 A YES, SIR.

1 Q IF THEY WERE TO TAKE THAT LADDER AND CARRY IT UP  
2 TO THE HOUSE AND PUT IT NEXT TO A WINDOW, WHETHER  
3 THEY SPREAD IT OUT OR KEPT IT FOLDED AND LEANED IT  
4 AGAINST THE HOUSE, WHAT WOULD HAPPEN TO THE GROUND  
5 WHEN THE PERSON BEGAN TO CLIMB THE LADDER?

6 A THERE WOULD HAVE BEEN INDENTATION IN THE GROUND  
7 MADE BY THE LADDER'S LEG.

8 Q ISN'T THAT THE TYPE OF THING THAT YOU MAY HAVE  
9 BEEN ABLE TO SEE AT THE FOOT OF A WINDOW IF IT WAS  
10 FRESH?

11 A YES, SIR.

12 Q AND IF THEY DIDN'T UNFOLD THE LADDER BUT LEANED  
13 IT UP AGAINST THE HOUSE AND THEN WENT ABOUT THEIR  
14 BUSINESS OF TRYING TO JOSTLE OR JIGGLE OR WHATEVER  
15 THEY MIGHT DO TO TRY AND GET ONE OF THOSE SCREENS  
16 THAT IS SCREWED SHUT OPEN COULD THAT MAKE MARKS  
17 AGAINST THE WALLS OF THE WINDOW THAT THAT LADDER IS  
18 LEANING AGAINST?

19 A YES, SIR, IT COULD.

20 Q AND WOULD THOSE APPEAR TO BE FRESH MARKS ON THAT  
21 WINDOW?

22 A YES, SIR.

23 Q AND YOU DIDN'T SEE ANY OF THOSE, DID YOU?

24 A I DIDN'T SEE ANY FRESH MARKS ON ANY WINDOW.

25 Q AND IN THE BURGLARIES THAT YOU HAVE INVESTIGATED

1 HOW OFTEN DO YOU FIND THAT SOMEONE, ONCE THEY HAVE  
2 COMPLETED THEIR CRIME, WILL GO AND PUT THEIR TOOLS  
3 UP?

4 A I HAVE NEVER SEEN THAT.

5 Q SUCH AS TO TAKE THE LADDER BACK TO THE SHED AND  
6 PUT IT AGAINST THE WALL?

7 A THAT'S CORRECT, I'VE NEVER SEEN THAT.

8 Q AFTER MR. COPE HAD GIVEN HIS STATEMENT YOU WENT  
9 BACK TO THE HOUSE TO DO FURTHER INVESTIGATION,  
10 CORRECT?

11 A THAT'S CORRECT.

12 Q AND AT THE TIME THAT YOU WENT BACK TO THAT HOUSE  
13 TO DO FURTHER INVESTIGATION YOU KNEW THEN THAT YOU  
14 HAD A SEXUAL ASSAULT SITUATION, WASN'T THAT CORRECT?

15 A THAT'S CORRECT, SIR.

16 Q AND THAT WAS SOMETHING THAT YOU DID NOT  
17 NECESSARILY KNOW BEFORE THE FIRST TIME YOU WENT IN  
18 THAT HOUSE, ISN'T THAT CORRECT?

19 A THAT'S CORRECT.

20 Q AND SO WHEN YOU WENT BACK THAT AFTERNOON YOU  
21 SAID YOU TOOK THE LIGHT AGAIN?

22 A THAT'S CORRECT.

23 Q AND THE REASON YOU TOOK THE LIGHT AGAIN WAS  
24 BECAUSE YOU KNEW THEN YOU HAD A SEXUAL ASSAULT  
25 SITUATION IN THAT BEDROOM, IS THAT CORRECT?

1 A YES, SIR.

2 Q AND SO YOU TOOK THE LIGHT BACK TO DOUBLE CHECK  
3 TO MAKE SURE THAT YOU HAD NOT MISSED ANYTHING, ISN'T  
4 THAT CORRECT?

5 A YES, SIR.

6 Q AND YOU WENT BACK AND YOU WENT ALL OVER AMANDA'S  
7 BED AND YOU WENT ALL AROUND HER ROOM WITH THAT NIGHT,  
8 ISN'T THAT CORRECT?

9 A YES, SIR.

10 Q AND IT ONLY FLUORESCED IN TWO SPOTS IN THAT  
11 WHOLE ROOM, ISN'T THAT CORRECT?

12 A TWO SPOTS ON THE MATTRESS.

13 Q AND YOU TOOK OUT YOUR KNIFE AND YOU IDENTIFIED  
14 THOSE TWO SPOTS AND YOU DUG THE MATTRESS OUT, IS THAT  
15 CORRECT?

16 A I CUT THE PATCHES OUT OF THE MATTRESS.

17 Q THEN YOU BAGGED IT FOR EVIDENCE AS YOU WOULD DO,  
18 CORRECT?

19 A YES, SIR.

20 Q OKAY. NO WHERE ELSE IN THAT ROOM DID IT  
21 FLUORESCENCE, DID IT?

22 A THAT'S CORRECT, SIR.

23 Q IT DIDN'T FLUORESCENCE ON THE FLOOR, DID IT?

24 A NO, SIR, IT DIDN'T.

25 Q IT DIDN'T FLUORESCENCE AT THE FOOT OF THE BED, DID

1 IT?

2 A NO, SIR, IT DIDN'T.

3 Q THANK YOU.

4 A YES, SIR.

5 THE COURT: REDIRECT.

6 REDIRECT EXAMINATION BY MR. THOMPSON:

7 Q OFFICER GARDNER, GOING TO THAT FLUORSCING YOU  
8 MENTIONED THAT GAME AND THAT PHONE THAT WERE STILL IN  
9 THE ROOM AT THAT TIME THAT YOU WENT BACK TO  
10 FLUORESCENCE, DID EITHER OF THOSE FLUORESCENCE?

11 A NO, SIR, I DON'T RECALL ANYTHING OTHER THAN  
12 THOSE TWO SPOTS ON THAT MATTRESS THAT I CUT OUT  
13 FLUORESCENCE.

14 Q ALL RIGHT. OFFICER GARDNER, THESE ARE STATE'S  
15 EXHIBIT 82 AND 83. CAN YOU TELL ME WHAT THESE ARE?

16 A STATE'S EXHIBIT 83 IS THE PHOTOGRAPH OF AMANDA'S  
17 COPE BREAST.

18 Q ALL RIGHT. IS THAT HER RIGHT BREAST?

19 A YES, SIR, IT APPEARS THAT IT IS HER RIGHT  
20 BREAST.

21 Q ALL RIGHT. AND THE OTHER EXHIBIT IS THAT AS  
22 WELL A PHOTOGRAPH OF HER RIGHT BREAST?

23 A YES, SIR, IT IS.

24 Q DID YOU TAKE THOSE PHOTOGRAPHS AT AUTOPSY?

25 A YES, SIR, I DID.

1 Q AND DO THEY FAIRLY AND ACCURATELY DEPICT WHAT  
2 YOU SAW AT THAT TIME?

3 A YES, SIR, THEY DO.

4 MR. THOMPSON: YOUR HONOR, I ASK TO MOVE  
5 THOSE PHOTOGRAPHS INTO EVIDENCE.

6 MR. SMITH: NO OBJECTION.

7 MR. GREELEY: NO OBJECTION.

8 THE COURT: BE RECEIVED WITHOUT OBJECTION.

9 (STATE'S EXHIBIT 82 & 83 PHOTOS  
10 RECEIVED INTO EVIDENCE.)

11 Q IS THERE A NOTICEABLE ENOUGH BITE MARK TO TAKE  
12 AN IMPRESSION OFF OF IT OF THE BREAST?

13 A NOT FROM WHAT I'M SEEING. I DON'T KNOW OF ANY  
14 WAY THAT YOU COULD. TO MAKE AN IMPRESSION YOU GOT TO  
15 HAVE AN INDENTATION, AND I DON'T SEE AN INDENTATION  
16 IN HER, IN THE SKIN AROUND HER BREAST.

17 Q ALL RIGHT. NOW THE DEFENSE HAD MENTIONED YOU  
18 NOT CHANGING YOUR GLOVES THERE AT THE CRIME SCENE AND  
19 YOU HAD PICKED THINGS UP AND POSSIBILITY OF TRANSFER,  
20 THAT FIRST DAY ESPECIALLY WHEN YOU WENT IN, THOSE  
21 THINGS COLLECTED FROM AMANDA DID YOU ACTUALLY, OTHER  
22 THAN THE HAIR YOU MENTIONED, DO YOU ACTUALLY COLLECT  
23 THE THING YOURSELF OFF AMANDA?

24 A I'M SORRY, SIR. I DIDN'T FOLLOW YOUR QUESTION.

25 Q THE THINGS COLLECTED OFF OF AMANDA?



1 A YES, SIR.

2 Q THE FIRST DAY. DID YOU ACTUALLY PICK THOSE OFF  
3 OF HER YOURSELF, THINGS LIKE SWABS AND, DID YOU DO  
4 ANY SWABBING?

5 A NO, SIR, I DIDN'T.

6 Q OKAY?

7 A THAT WAS DONE BY DR. MAYNARD.

8 Q AT THE MORGUE DURING THE AUTOPSY WERE YOU THE  
9 ONE WHO DID ANY SWABS THERE?

10 A NO, SIR.

11 Q DID YOU DO ANY OF THE COLLECTION OF TAKING HAIRS  
12 OFF OF HER AT AUTOPSY?

13 A NO, SIR.

14 Q ALL RIGHT. SO WHO WAS IT THAT DID THOSE THINGS?

15 A DR. MAYNARD.

16 Q ALL RIGHT. THEN DID HE PACKAGE THOSE AS WELL  
17 EACH TIME HE DID ONE OF THEM?

18 A YES, SIR, HE DID, INDIVIDUALLY.

19 Q AND SO THEY ARE NOT ALL THROWN TOGETHER AND PUT  
20 IN ONE THING?

21 A NO, SIR, THEY ARE COLLECTED INDIVIDUALLY.

22 Q SO DO YOU EVEN TOUCH THOSE PARTICULAR ITEMS WITH  
23 YOUR GLOVES AND YOUR HANDS?

24 A NO, SIR, I DID NOT.

25 Q NOW WHEN YOU HAD PICKED UP I BELIEVE YOU SAID ON

1 DECEMBER THIRD WHEN YOU WENT BACK AND YOU PICKED UP  
2 THE WASH CLOTH AND THE TOWEL, WERE THOSE DRY WHEN YOU  
3 PICKED THEM UP?

4 A YES, SIR, THEY WERE.

5 Q DID THERE APPEAR TO BE ANYTHING WET ON THEM AT  
6 ALL?

7 A NO, SIR, THERE DIDN'T.

8 Q NOW GOING BACK TO THE CRIME SCENE ITSELF, BEING  
9 AN OFFICER YOURSELF HOW ARE OFFICERS TRAINED TO GO  
10 INTO CRIME SCENES? DO YOU TRAIN OFFICERS ABOUT HOW  
11 TO ACT WHEN THEY GO INTO CRIME SCENES?

12 A YES, SIR, I DO. I'M AN INSTRUCTOR AND I DO  
13 TEACH NEW POLICE OFFICERS.

14 Q AND WHAT DO YOU TELL THEM ABOUT GOING INTO A  
15 CRIME SCENE?

16 A I TELL THEM THE FIRST THING IS SCENE SECURITY  
17 FOR THEMSELVES, STRICTLY FOR THEMSELVES, THAT'S THEIR  
18 ULTIMATE JOB IS WHEN THEY GO TO A CRIME SCENE NO  
19 MATTER WHAT IT IS IS THAT THEY HAVE TO MAKE SURE THAT  
20 THEY ARE SAFE AND OTHER OFFICERS IN THE SCENE ARE  
21 SAFE, THEN THEY WORRY ABOUT THE VICTIMS. THEY WORRY  
22 ABOUT THE VICTIM'S SAFETY AND IF THERE IS ANYBODY  
23 INJURED THEY WORRY ABOUT GETTING, GETTING MEDICAL  
24 ATTENTION TO THEM AS QUICK AS POSSIBLE. THEN THEY  
25 WORRY ABOUT ANY SUSPECT ON THE SCENE. AND THEY HAVE

1 TO RENDER AID, AS FAR AS MEDICAL AID, GETTING THEM  
2 MEDICAL HELP IF THEY NEED TO HAVE MEDICAL HELP. WE  
3 ALSO TELL THEM THAT IT'S THERE, IT'S GOING TO HAPPEN  
4 IN THEIR CAREER WHERE THEY ARE GOING TO HAVE TO MOVE  
5 EVIDENCE FOR SCENE SECURITY, IT'S OKAY TO DO THAT AS  
6 LONG AS THEY LET US KNOW, THE CRIME SCENE TECHNICANS,  
7 THE FORENSICS TECHNICIANS, YOU LET THEM KNOW THAT IF  
8 YOU MOVE THE PIECE OF EVIDENCE YOU LET THEM KNOW  
9 BEFORE YOU LEAVE THAT CRIME SCENE, YEAH, I MOVED THIS  
10 PIECE OF EVIDENCE, IT'S NOT WHERE IT WAS WHEN I FIRST  
11 COME IN. WE NEED TO KNOW THAT.

12 WE ALSO TELL THEM THAT THEY SHOULD  
13 TAKE THE PATH OF LEAST RESISTANCE, DON'T BE CLIMBING  
14 OVER SOFAS AND CHAIRS AND YOU GO THE WAY THAT'S  
15 EASIEST. WHEN YOU GO IN, YOU GO IN AND STAY. WHEN  
16 YOU COME OUT, YOU STAY OUT UNLESS THE SCENE IS NEEDED  
17 FURTHER SECURITY WHILE YOU ARE ON THE INSIDE.

18 Q AND WHEN YOU WENT TO THE SCENE THE OFFICERS THAT  
19 WERE THERE WHERE THEY ROOTING THROUGH THINGS?

20 A NO, SIR.

21 Q AND IF YOU CAN LOOK AT THE CRIME SCENE LOG I  
22 BELIEVE YOU HAVE IT UP THERE WITH YOU. OTHER THAN  
23 WHEN YOU WERE THERE WITH MIKE WILLIAMS AND THE TIMES  
24 THAT SLED WAS THERE, WHAT WOULD BE THE PURPOSE OF THE  
25 OTHER OFFICERS FOLLOWING THE FIRST TIME YOU ARRIVED?

1 A WELL, I ARRIVED THEN DOUG MCKOWEN WHICH IS THE  
2 CORONER FOR THE COUNTY OF YORK. MIKE WILLIAMS IS MY  
3 PARTNER, HE ARRIVED. KYLE QUINN WAS THE POLICE  
4 OFFICER ON THE SCENE. HE WAS ACTUALLY THE ONE  
5 RECORDING THIS. LES HERRING IS A DETECTIVE.  
6 LIEUTENANT WALDROP IS A DETECTIVE. THEY ARE THERE  
7 FOR THE INVESTIGATION. HOW FAR DID YOU SAY YOU  
8 WANTED ME TO GO.

9 Q I'M JUST SAYING, NOT INDIVIDUALLY, BUT WHAT'S  
10 THE MAIN THRUST OF MOST OF THE OFFICERS AFTER  
11 INITIALLY GOING THERE, WHAT IS THE THRUST OF MOST OF  
12 THE OFFICERS PRESENCE THERE?

13 A THE INITIAL INVESTIGATION.

14 Q BUT AFTERWARDS, AFTER YOU INITIALLY HAD LOOKED  
15 AT THE PLACE AND YOU CLEARED OUT THE OTHER OFFICERS  
16 THAT ARE LISTED THERE SAY AT ONE O'CLOCK IN THE  
17 MORNING?

18 A THEY ARE SECURING THAT SCENE UNTIL WE SAY IT'S  
19 TIME TO TURN IT OVER, IT'S TIME TO LEAVE THE SCENE  
20 AND GIVE IT BACK TO THE FAMILY OR WHOEVER NEEDS TO  
21 HAVE IT.

22 Q AND HOW DO THEY PERFORM THAT SECURITY?

23 A THEY PARKED IN FRONT OF THE HOUSE AND THEY ARE  
24 SWAMPED OUT ON HOUR, TWO HOUR INTERVALS BY THEIR  
25 SHIFT LIEUTENANT. THEY WILL SWAP OFF AND LET ONE

1 OFFICER GO AND ANOTHER OFFICER SIT TWO HOURS, AND DO  
2 THAT FOR THE WHOLE 12 HOUR SHIFT.

3 Q ALL RIGHT. SO THEY DON'T ACTUALLY END UP IN THE  
4 HOUSE AT ALL?

5 A NO, THEY ARE SITTING OUTSIDE.

6 Q GOING BACK ONCE AGAIN, DID YOU EXAMINE THE  
7 GROUND UNDER EACH OF THE WINDOWS IN THE HOUSE?

8 A YES, I DID.

9 Q DID THERE APPEAR TO YOU TO BE ANY SORT OF  
10 INDENTATIONS OR LADDER MARKS OR ANYTHING LIKE OF THAT  
11 NATURE?

12 A ABSOLUTELY NOT.

13 Q AND BACK TO THE WINDOW IN PARTICULAR IN AMANDA'S  
14 ROOM THAT YOU WERE ASKED ABOUT WHERE THE BUSH IS, IN  
15 VIEWING THAT PHOTOGRAPH AND FROM YOUR MEMORY OF THAT  
16 PARTICULAR WINDOW, WHERE WERE THE ONLY PARTS OF THAT  
17 SCREEN WAS LOOSE FROM THE WINDOW ITSELF?

18 A THERE IS TWO SECTIONS OF WINDOWS, THE BOTTOM  
19 SECTION AND THE UPPER SECTION. IN THE MIDDLE IS THE  
20 CROSS BARS OF THE TWO WINDOWS ITSELF THAT ALLOWS IT  
21 TO GO UP AND DOWN, THEY ARE OFFSET. WHEN THEY ARE  
22 TOGETHER THEY LOOK LIKE THEY ARE JUST ONE BAR. THE  
23 LOWER SECTION OF THE WINDOW AND THE UPPER, UPPER LEFT  
24 HAND CORNER THERE APPEAR THAT THE SCREEN HAD BEEN  
25 TORN. BUT EVERYWHERE AROUND IT, EVERY PLACE ELSE ON

1 THE WINDOW, THE SCREEN WAS INTACT.

2 Q AND IN YOUR OPINION DID IT APPEAR TORN ENOUGH  
3 THAT SOMEONE COULD HAVE ENTERED IT?

4 A NO, SIR, THEY COULD NOT HAVE ENTERED THAT WINDOW  
5 THROUGH TEARING THAT SCREEN WITHOUT TEARING THE REST  
6 OF THE SCREEN OFF THAT WINDOW.

7 Q ONCE AGAIN DID YOU NOTICE THE DUST AND/OR  
8 COBWEBS THAT WERE INSIDE THAT WINDOW?

9 A I DID.

10 Q WERE ANY OF THOSE DISTURBED?

11 A NO, SIR.

12 Q NOW WHEN YOU WERE DOING FINGERPRINTS, IS IT  
13 POSSIBLE TO TOUCH SOMETHING AND NEVER GET A  
14 FINGERPRINT OFF OF THAT?

15 A SURE IS.

16 Q CAN YOU DESCRIBE HOW THAT HAPPENS?

17 A YES, SIR. PROBABLY THE MAIN, THE MAIN WAY, THE  
18 MOST COMMON WAY, WE FOUND THAT A PERSON WON'T LEAVE A  
19 FINGERPRINT, I DON'T CARE WHO YOU ARE OR WHERE YOU  
20 LIVE, YOU HAVE DUST IN YOUR HOME PERIOD. YOU ARE  
21 GOING TO HAVE DUST ESPECIALLY AROUND ELECTRONICS,  
22 IT'S A DUST COLLECTOR. IF A PERSON WALKS UP AND  
23 TOUCHES A DUST COVERED AREA, THE LIGHTLIHOOD OF THEM  
24 LEAVING A FINGERPRINT IS IT SLIM TO NONE FOR THE  
25 SIMPLE FACT THAT HE IS NOT ACTUALLY TOUCHING THE

1 SURFACE. HE IS TOUCHING, THE FRICTION RIDGES ON YOUR  
2 FINGERTIPS ACTUALLY TOUCH THE DUST AND REMOVE THE  
3 DUST AND NEVER LEAVE A FINGERPRINT. THAT'S THE DUST  
4 TRANSFER. IT LOOKS LIKE IT. I MEAN YOU CAN ACTUALLY  
5 BEFORE YOU EVEN GO UP AND TRY TO PUT FINGERPRINT  
6 POWDER ON IT, IT LOOKS LIKE A PERFECT HAND PRINT AND  
7 IT'S THE HARDEST THING FOR US TO EXPLAIN TO VICTIMS  
8 OF A BURGLARY IT'S NOT JUST NOT THERE BECAUSE IT WAS  
9 A DUST TRANSFER. THAT IS THE MOST COMMON WAY.

10 Q IS THERE SUCH THING AS OVERLAPPING PRINTS?

11 A THERE ARE DEFINITELY OVERLAPPING PRINTS. IF YOU  
12 HAVE DECENT SURFACE THAT, JUST FOR EXAMPLE, THAT  
13 BANISTER GOING DOWN IN FRONT OF THE JURY THERE, THERE  
14 IS, YOU'VE TOUCHED IT, I SAW THESE GENTLEMEN OVER  
15 HERE TOUCH IT, THOSE COULD BE OVERLAPPING  
16 FINGERPRINTS, FINGERPRINTS ON TOP OF EACH OTHER, PALM  
17 PRINTS ON TOP OF FINGERPRINTS, AND THOSE ARE A LOT OF  
18 TIMES NOT USABLE. MOST OF THE TIME NOT USABLE.

19 Q AND ARE DOOR KNOBS COMMON PLACES TO FIND THINGS  
20 LIKE THAT?

21 A DOOR KNOBS IS PROBABLY ONE OF THE POOREST PLACES  
22 TO TRY TO FIND ONE OF THEM BECAUSE SO MANY DIFFERENT  
23 PEOPLE TOUCH THEM. IN THIS INSTANCE HERE IF MR. COPE  
24 TOUCHED HIS DOOR KNOB, HIS DAUGHTER TOUCHES THE DOOR  
25 KNOB, HIS OTHER DAUGHTER TOUCHES THE DOOR KNOB, AND

1 MRS. COPE TOUCHED THE DOOR KNOB, THEN I GOT  
2 FINGERPRINT OVER FINGERPRINT OVER FINGERPRINT OVER  
3 FINGERPRINT. IT'S JUST NOT A REAL GOOD SURFACE IT  
4 BEING CURVED. OUR DOOR KNOBS ARE WORSE THAN ANYTHING  
5 BECAUSE THEY GET BEAT BY THE ELEMENTS AND CORROSION  
6 AND STUFF LIKE THAT. IT'S JUST NOT A GREAT PLACE TO  
7 FIND FINGERPRINTS.

8 Q AND WITH DOOR KNOBS IF YOU OPEN ONE AND YOU TURN  
9 IT, DOES THAT CAUSE A SLIDING MOTION, DOES THAT CAUSE  
10 ANY PROBLEM?

11 A YES, IT'S COMMONLY CALLED TORQUING WHERE THE  
12 FINGERPRINT IS BASICALLY SET DOWN. IF THIS WAS THE  
13 SURFACE THE FINGERPRINT, IT JUST TURNS AND IT TORQUES  
14 AND ALSO CAUSES A SMUDGE.

15 Q AND ONE OTHER QUESTION, OF THE SCREENS THAT WERE  
16 AROUND THE VARIOUS WINDOWS IN THE HOUSE, DID YOU  
17 NOTICE ANY PRY MARKS THAT POP OFF SCREEN ANYWHERE?

18 A NO, SIR.

19 Q THANK YOU. NO FURTHER QUESTIONS.

20 THE COURT: RECALL.

21 MR. SMITH: NOTHING, YOUR HONOR.

22 THE COURT: MR. GREELEY.

23 MR. GREELEY: NO, YOUR HONOR.

24 THE COURT: ALL RIGHT. YOU CAN STEP DOWN  
25 AND BE EXCUSED. MEMBERS OF THE JURY PANEL, I



1 APPRECIATE YOU HANGING IN THERE WITH US, IT IS A  
2 LITTLE LATER TODAY, BUT I WANTED TO FINISH THIS  
3 WITNESS. PLEASE BE BACK AT NINE IN THE MORNING AND  
4 NO TALKING ABOUT THE CASE OR ANY NEWS COVERAGE ABOUT  
5 THE CASE. SEE YOU AT NINE IN THE MORNING.

6 (THE JURY EXITS THE COURTROOM AT 06:50  
7 PM.)

8 THE COURT: ANYTHING FROM THE STATE.

9 MR. THOMPSON: NO, YOUR HONOR.

10 THE COURT: THE DEFENSE.

11 MR. SMITH: NOTHING, YOUR HONOR.

12 MR. GREELEY: NOTHING FROM MR. SANDERS.

13 THE COURT: I'D LIKE TO SEE COUNSEL JUST  
14 FOR SCHEDULING PURPOSES, BUT LET EVERYONE ELSE LEAVE.  
15 WE DO NEED SOME HELP PUTTING THESE EXHIBITS BACK SO  
16 THE COURT REPORTER CAN AND THE CLERK CAN FINISH ON UP  
17 AND THEN COME ON BACK.

18 (COURT'S IN RECESS 06:51 PM.)

19

20

21

22

23

24

25





1 1992 DOWNEY STREET  
2 ROCK HILL, SC 29732

3 I N D E X

4

5 ARGUMENTS

6 LES HERRING

7 DIRECT EXAMINATION 23

8 CROSS EXAMINATION 50

9 CHARLES CABANESS

10 DIRECT EXAMINATION 67

11 CROSS EXAMINATION BY:

12 MR. MORTON 100

13 MR. GREELEY 146

14 REDIRECT EXAMINATION 152

15 RECROSS EXAMINATION 154

16 JAN BRYSON

17 DIRECT EXAMINATION 167

18 CROSS EXAMINATION BY:

19 MR. WOOD 212

20 MR. GREELEY 218

21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## I N D E X

AMY SIMMONS

DIRECT EXAMINATION 225

IN CAMERA:

CROSS EXAMINATION 245

REDIRECT EXAMINATION 249

JURY PRESENCE CROSS EXAMINATION:

MR. BAITY 254

MR. GREELEY 307

REDIRECT EXAMINATION 308

REXCROSS EXAMINATION 311

1

2

3

## E X H I B I T S

4

ID EV

5 S-5 RIGHTS FORM 72

6 S-6 STATEMENT 73 75

7 S-8 ATTY NOTE 91

8 S-9 TYPED STATEMENT 92

9 S-83 VIDEO TAPE 79

10 S-84 CONSENT TO SEARCH 89

11 S-85 CONSENT FORM 154

12 S-28.1.1 PANTY CUTTINGS

13 S-28.1 PANTY CUTTINGS

14 S-34.1 DILDO

15 S-34.2 JELLY

16 S-34.1.1 SWABS 204

17 S-53.8 GREEN BLANKET

18 S-53.8.1 CUTTINGS FROM GREEN BLANKET 195

19 S-55.1 NAPKIN 193

20 S-56.1 BLACK PANTS

21 S-56.1.1 SEMEN CUTTINGS 189

22 S-56.1.2 SEMEN 189

23 S-56.3. CUTTINGS PINK SHIRT 189

24 S-56.3.2 CUTTINGS

25 S-57.1 SWABS OFF BROOM 199

1	S-57.2	SWAB BROOM	199
2	S-57.3	HAIR	198
3	S-57.4	BROOM	199
4	S-65.1	CUTTINGS	208
5	S-65.2	CUTTINGS	208
6		E X H I B I T S	
7	S-65.3	CUTTINGS	208
8	S-86	WORKSHEET	174
9	S-87	DIAGRAM	187
10	S-88	DIAGRAM	190
11	S-89	LETTER 5-20-04	235
12	S-90	LETTER 12-2003	232
13	S-91	LETTERS	238
14	D-35-45	LETTERS	268
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			





1 (COURT RESUMES ON SEPTEMBER 14, 2004,  
2 AT 09:02 AM.)

3 THE COURT: DEFENDANTS ARE PRESENT.

4 MR. POPE: YOUR HONOR, WE'RE WORKING ON  
5 POSSIBLE STIPULATIONS AS TO THE WORK DONE BY THE  
6 TRACE EVIDENCE DEPARTMENT AT SLED WHICH IS BASICALLY  
7 THE HAIRS AND FIBERS THAT WERE RECOVERED AND ALSO THE  
8 FINGERPRINT DEPARTMENT AT SLED. ON THOSE TWO MATTERS  
9 THE GIST OF WHICH, AND I'M GOING TO WRITE SOMETHING  
10 UP FOR THE DEFENSE TO LOOK AT, THE GIST OF WHICH ANY  
11 HAIRS RECOVERED FROM AMANDA WERE CONSISTENT WITH  
12 AMANDA. ANY HAIRS THAT WERE RECOVERED FROM MR. COPE  
13 FROM THE SUSPECT KIT, PUBIC HAIR SAMPLES, WERE  
14 CONSISTENT WITH MR. COPE. ON THE FINGERPRINTS, NO  
15 FINGERPRINTS WERE IDENTIFIED WITH EITHER INDIVIDUAL  
16 ON THE ITEMS THAT SLED TESTED. AGAIN I'LL TRY TO  
17 WRITE SOMETHING UP IN THAT REGARD.

18 FINALLY THERE ARE SOME LETTERS,  
19 QUESTION DOCUMENTS, THAT ARE INVOLVED, THAT INVOLVE A  
20 NUMBER OF KNOWN SAMPLES BOTH RECOVERED AND WERE  
21 OBTAINED BY LAW ENFORCEMENT WHERE THE SLED EXPERT  
22 COMES AND HAS HANDWRITING DONE. THE WITNESS THAT  
23 RECEIVED THESE WILL TESTIFY AT SOME POINT, AND THEN I  
24 BELIEVE WE CAN DEVELOP A STIPULATION AS TO CHAIN  
25 WHICH WOULD ELIMINATE PERHAPS, IF WE WORK IT

1 PROPERLY, TWO OR THREE WITNESSES IN THAT REGARD. WE  
2 WILL CONTINUE TO WORK ON THAT. THIS IS SOMETHING  
3 THAT SHOULD COME UP PROBABLY AFTER LUNCH SO THAT MAY  
4 PUT THE STATE HOPEFULLY IN TO THE TOMORROW MODE.

5 MR. MORTON: I DON'T KNOW IF YOU WANT TO  
6 TAKE THIS UP NOW OR LATER.

7 THE COURT: WHAT IS IT?

8 MR. MORTON: JUST, YOUR HONOR, WE RECEIVED  
9 THOUSAND OF HOURS OF TAPE RECORDED CONVERSATION OF MY  
10 CLIENT COMING FROM THE JAIL FRIDAY AT SIX O'CLOCK. I  
11 BELIEVE THESE WERE DUE TO US UNDER RULE FIVE. I  
12 THINK FRIDAY AT SIX O'CLOCK DURING THE MIDDLE OF THIS  
13 TRIAL IS TOO LATE. WE OBVIOUSLY DON'T HAVE TIME TO  
14 LISTEN TO ALL THE STUFF. THEY INDICATED TO US THEY  
15 WEREN'T GOING TO USE THEM. I JUST WANTED TO MAKE  
16 THAT PART OF THE RECORD THAT THEY DON'T INTEND ON  
17 USING THEM. I ASSUME THAT MEANS ON CROSS EXAMINATION  
18 OR ANYTHING ELSE.

19 MR. BRACKETT: THAT'S CORRECT. THAT'S  
20 EXACTLY RIGHT.

21 MR. MORTON: THANK YOU VERY MUCH.

22 MR. GREELEY: I HAVE RECEIVED THEM AS WELL  
23 BUT I DON'T INTEND TO USE THEM.

24 THE COURT: ALL RIGHT. BRING IN THE JURY.

25 MR. BRACKETT: IF IT PLEASE THE COURT, I

1 HANDED UP A CASE TO YOU AND IT INVOLVES THIS NEXT  
2 COMING WITNESS AND THE CROSS EXAMINATION OF THE  
3 WITNESS. I WANTED TO MAKE SURE WE ADDRESS THAT  
4 BEFORE.

5 THE COURT: WHAT'S THE ISSUE?

6 MR. BRACKETT: THE ISSUE IS THE STATE'S  
7 MAKING A MOTION IN LIMINE TO PRECLUDE THE DEFENSE  
8 FROM CROSS EXAMINING ANY OF THE STATE'S LAW  
9 ENFORCEMENT WITNESSES IN REGARDS TO THE ISSUE OF THE  
10 TIMING OF MR. SANDERS BEING CHARGED. AS YOU'LL  
11 RECALL IN HIS OPENING STATEMENT MR. BAITY MADE A  
12 STATEMENT TO THE EFFECT OF THE STATE KNEW THAT THIS  
13 MAN WAS GUILTY AND THEY LEFT HIM ON THE STREET FOR  
14 NINE MONTHS WHICH IS PATENTLY INCORRECT, IT RAISES AN  
15 IMPLICATION THAT IS HIGHLY PREJUDICIAL TO THE STATE'S  
16 CASE, AND I CAN'T THINK OF A WAY TO CORRECT IT  
17 WITHOUT SOME DETRIMENT INURING TO MR. SANDERS' CASE,  
18 SO WE HAVEN'T FORMED ANY REQUEST IN THAT REGARD  
19 BECAUSE I DON'T KNOW FRANKLY QUITE WHAT TO DO. BUT  
20 EVERY SINGLE TIME THEY RAISE THIS ISSUE NOW ON CROSS  
21 EXAMINATION IT'S GOING TO HIGHLIGHT THAT IMPROPER  
22 STATEMENT THAT WAS MADE BY MR. BAITY, HIGHLIGHT IT  
23 AND CALL IT BACK TO THEIR ATTENTION, AND THE PROBLEM  
24 THE STATE HAS WITH IT UNDER RULE 401 IT ISN'T EVEN  
25 RELEVANT. IT DOES NOT GO TO MAKE THE EXISTENCE OF

1 ANY FACT THAT IS OF CONSEQUENCE TO THE DETERMINATION  
2 OF THIS ACTION MORE PROBABLE OR LESS PROBABLE THAN IT  
3 WOULD BE WITHOUT THE EVIDENCE. EVEN IF IT WERE  
4 RELEVANT IT CERTAINLY CAN'T SURVIVE A 403  
5 EXAMINATION, THE EXCLUSION OF RELEVANT EVIDENCE ON  
6 THE GROUNDS OF PREJUDICE, CONFUSION, OR WASTE OF  
7 TIME. WHAT THE POLICE OFFICERS OPINIONS WERE AS TO  
8 CHARGING AND WHY THEY CHOSE TO CHARGE HAS NOTHING TO  
9 DO WITH WHETHER OR NOT MR. COPE IS GUILTY. IT DOES  
10 NOT ESTABLISH ANY DEFENSE RECOGNIZED AT LAW TO THESE  
11 CHARGES.

12 I HANDED UP THE CASE OF STATE VERSUS  
13 BECKHAM BECAUSE THE DEFENSE HAD PREVIOUSLY SUGGESTED  
14 THAT THIS HAS SOMETHING TO DO WITH THE INVESTIGATION  
15 AND THE POLICE TACTICS. I WOULD SUBMIT THAT THE  
16 ISSUE THAT WAS AT PLAY IN BECKHAM WAS MUCH CLOSER TO  
17 BEING PART OF THE POLICE TACTICS THAN THIS ISSUE  
18 HERE. THIS IS WHEN SOMEBODY WAS, THEY DECIDED TO  
19 CHARGE SOMEBODY WHICH HAS ABSOLUTELY NOTHING TO DO  
20 WITH WHETHER MR. COPE IS GUILTY OF THIS OR NOT. ALL  
21 THEY WANT TO DO IS KEEP BRINGING THIS ISSUE UP TO  
22 HIGHLIGHT A REMARK THAT THEY NEVER SHOULD HAVE MADE  
23 IN THE FIRST PLACE. SO TO SOME EXTENT, FIRST OF ALL  
24 IT'S NOT RELEVANT AND IT IS PREJUDICIAL AND TO SOME  
25 EXTENT WHAT THEY ARE DOING IS BUTTRESSING A COMMENT

1       THEY MADE SO IT SHOULD BE EXCLUDED ON THOSE GROUNDS  
2       AS WELL. TO SOME EXTENT THEY ARE THE ARCHITECTS OF  
3       THEIR OWN MISFORTUNE IN THIS REGARD, THEY MADE A  
4       STATEMENT AND NOW THEY WANT TO KEEP CARVING THE  
5       JURY'S ATTENTION, HEARKENING THEIR ATTENTION BACK TO  
6       THE STATEMENT THAT SHOULDN'T HAVE BEEN MADE IN  
7       OPENING STATEMENT. I CAN'T IMAGINE WHAT THIS PROVES.  
8       THEY SAY IT GOES TO THEIR STATE OF MIND OR POLICE  
9       TACTICS. I SUBMIT IT DOES NOTHING MORE THAN  
10      CONTINUED TO PREJUDICE THE STATE'S CASE BY CALLING  
11      THEIR ATTENTION TO IRRELEVANT FACTOR THAT DOESN'T  
12      HAVE ANYTHING TO DO WITH ANY DEFENSE OR FACTOR ISSUE  
13      OR ISSUE IN CONTROVERSY OF THIS CASE.

14                     THE COURT: MR. MORTON.

15                     MR. MORTON: YOUR HONOR, I DO THINK MR.  
16      BAITY MISSPOKE. I DO THINK IT COULD BE SOMETHING  
17      THAT WE COULD DO TO MAYBE STIPULATE THAT THAT WAS NOT  
18      IN FACT THE CASE POSSIBLY, AND WE'LL BE GLAD TO DO  
19      THAT. BUT TO LIMIT US FROM CROSS EXAMINING THESE  
20      POLICE OFFICERS ABOUT THEIR INVESTIGATION OF THIS  
21      CASE ABOUT THE FACT THAT AMANDA COPE WAS, YOU KNOW,  
22      WE CERTAINLY DON'T WANT TO IMPLY OR INTEND ON SAYING  
23      THAT MR. SANDERS WAS UNDER ARREST AT ANY CERTAIN TIME  
24      OR ANYTHING LIKE THAT, BUT THE FACT IS THAT HE WASN'T  
25      EVEN CHARGED DESPITE BEING IN CUSTODY ON JANUARY 12

1 OF '02, DNA CONFIRMING HIM SEPTEMBER SIX OF 2002,  
2 THEY CHARGED HIM WITH MURDER IN NOVEMBER OF '03,  
3 CHARGED HIM WITH MURDER, RAPE, AND CONSPIRACY, I  
4 ABSOLUTELY THINK WE HAVE THE RIGHT TO FIND OUT WHAT  
5 HAPPENED BETWEEN THE TIME THEY FOUND OUT THE DNA WAS  
6 HIS AND WHEN THEY CHARGED HIM. THEY DIDN'T DO ANY  
7 INVESTIGATION AS TO MR. SANDERS. THIS WHOLE TRIAL  
8 HAS BEEN NOTHING BUT FOCUSED ON MR. COPE AND I  
9 CERTAINLY THINK WE HAVE THE RIGHT TO BRING THAT UP.  
10 I DON'T THINK BECKHAM IS APPROPRIATE BECAUSE BECKHAM  
11 IS TALKING ABOUT A WITNESS THAT THE JUDGE EXCLUDED  
12 FROM TESTIFYING AS TO SOMETHING UNDER A HEARSAY  
13 VIOLATION. BUT WE CERTAINLY HAVE THE RIGHT TO  
14 EXPLORE THE POLICE INVESTIGATION IN THIS CASE.  
15 THAT'S OUR DEFENSE.

16 THE COURT: WELL, I UNDERSTAND THAT. BUT  
17 WHAT DOES IT SHOW ABOUT THE POLICE INVESTIGATION OF  
18 MR. COPE?

19 MR. MORTON: WELL, WHAT IT DOES IS IT  
20 SHOWS THAT THEY WEREN'T FOCUSED ON WHO THEY WERE  
21 SUPPOSED TO BEING FOCUSED ON. THEY FOCUSED ON  
22 MR. COPE AND THAT'S ALL. AND THEY DIDN'T, THEY  
23 DIDN'T DO ANYTHING ELSE. THEY MADE THEIR MIND UP.  
24 THEY RUSHED TO JUDGMENT. THEY ARRESTED HIM ON  
25 NOVEMBER 29. THEY JUST HAPPENED TO FIND MR. SANDERS'

1 SEMEN, HAPPENED TO RUN IT, SLED DID, THROUGH THE  
2 CODES CHECK, AND EVEN FOCUSED ON MR. COPE THE WHOLE  
3 TIME. EVEN AFTER THEY FOUND MR. SANDERS' SEMEN ON  
4 SEPTEMBER '02 THEY DIDN'T CHARGE HIM FOR 14 MONTHS.

5 THE COURT: WHY DOES THAT HAVE ANYTHING TO  
6 DO WITH THE INVESTIGATION OF MR. COPE?

7 MR. MORTON: BECAUSE OUR DEFENSE, JUDGE,  
8 OUR DEFENSE AS MR. BAITY STATED IN HIS OPENING, IS  
9 THAT THE ROCK HILL POLICE DEPARTMENT RUSHED TO  
10 JUDGMENT. THEY RUSHED TO JUDGMENT AND THEY CHARGED  
11 HIM AND THE FACT THAT THEY DIDN'T CHARGE MR. SANDERS,  
12 DESPITE HAVING THIS EVIDENCE, GOES TO PROVE AN  
13 ELEMENT IN CONTROVERSY AND THAT IS THEIR RUSH TO  
14 JUDGMENT. I CERTAINLY THINK WE HAVE THE RIGHT TO  
15 EXAMINE THEM ON THEIR INVESTIGATION. I DON'T KNOW  
16 HOW --

17 THE COURT: THE INVESTIGATION YES, BUT  
18 ONCE THE INVESTIGATION AND THE INVESTIGATION REVEALED  
19 WHATEVER IT DID, THAT THE DNA MATCHED, THAT'S  
20 INVESTIGATION. BRINGING THE CHARGES IS NOT, THE  
21 LAPSE OF TIME BETWEEN THAT AND WHEN THEY CHARGED HIM,  
22 THAT'S NOT INDICATIVE OF INVESTIGATION IN MY OPINION.  
23 NOW I KNOW THAT MY OPINION AND YOURS MAY DEFER BUT  
24 WHAT --

25 MR. MORTON: THE FACT THAT THEY, I WANT TO

1 KNOW WHY THEY DIDN'T CHARGE HIM. I THINK THAT'S --  
2 THAT'S, I THINK THE JURORS --

3 THE COURT: THAT GOES TO THEIR --

4 MR. MORTON: ---LACK OF INVESTIGATION.

5 THE COURT: WELL, WHY DOES IT GO TO LACK  
6 OF INVESTIGATION? HAVING ATTENTION FROM YOUR CLIENT  
7 AND THEY HAD EVIDENCE ON HIM. IT DOESN'T GO --

8 MR. MORTON: IT'S HARD TO SEPARATE WHAT  
9 THEY DID AS FAR AS MY CLIENT WITH WHAT THEY DID WITH  
10 REGARDS TO SANDERS. IF THEY DIDN'T DO ANYTHING WITH  
11 REGARDS TO SANDERS FOR 15 MONTHS WHAT WERE THEY  
12 DOING?

13 THE COURT: WELL, THEN YOU CAN ASK THEM  
14 THAT. YOU CAN ASK, YOU CAN ASK WHEN YOU GOT THE DNA.

15 MR. MORTON: RIGHT.

16 THE COURT: AFTER YOU GOT THE DNA SAMPLE  
17 WHAT FURTHER INVESTIGATION DID YOU EXPLORE REGARDING  
18 EITHER MR. COPE OR MR. SANDERS, BUT THE DATE OF THE  
19 ARREST IS NOT RELEVANT. BUT YOU CAN GO INTO  
20 INVESTIGATION CERTAINLY.

21 MR. MORTON: WELL, I WANT TO BE ABLE TO  
22 ASK THEM WHAT LEAD, WHY DID THEY ALL OF A SUDDEN  
23 DECIDE ON NOVEMBER 17 TO CHARGE MR. SANDERS. WHAT --

24 THE COURT: WELL, BECAUSE THEY HAD THE  
25 DNA. WHY THEY DECIDED TO DO IT ON THAT PARTICULAR



1 DAY?

2 MR. MORTON: WHY THEY WAITED 15 MONTHS.

3 THE COURT: WELL, THAT'S NOT RELEVANT TO  
4 GUILT OR INNOCENCE OF YOUR CLIENT. I KNOW YOU  
5 DISAGREE.

6 MR. MORTON: RESPECTFULLY DISAGREE.

7 THE COURT: I KNOW YOU DISAGREE WITH ME  
8 BUT THAT HAS NOTHING TO DO WITH THIS INVESTIGATION.  
9 ALTHOUGH I HAVE TO ADMIT YOUR ARGUMENT IS ATTRACTIVE  
10 IN SOME REGARD BECAUSE THE DEFENSE, I MEAN THE  
11 DEFENSE OF THIS ISSUE, THE PROSECUTION HOLDS THE  
12 CARDS ON THIS. THAT IS, THEY ARE THE ONES THAT  
13 WAITED ALL THIS TIME AND YOU CAN ARGUE THAT YOU HAVE  
14 SOME SYMPATHY FOR AN, ARGUMENT IS SIMPLY NOT THE  
15 RIGHT WORD, BUT I CAN SEE WHERE YOU CAN  
16 INTELLECTUALLY COME UP WITH SOME THEORY THAT WELL  
17 THERE ISN'T, THEY SHOULDN'T BENEFIT FROM NOT, FOR  
18 WHATEVER REASON NOT BRINGING THE CHARGES UNTIL THAT  
19 MUCH TIME LATER, SO THE QUESTION AT ISSUE --

20 MR. MORTON: BEFORE YOU, BEFORE YOU, I'M  
21 SORRY TO INTERRUPT. ON NOVEMBER 17 THEY WERE CHARGED  
22 WITH CONSPIRACY, ON NOVEMBER 17 OF '03 THEY WERE BOTH  
23 CHARGED WITH CONSPIRACY, CONSPIRING WITH EACH OTHER  
24 TO RAPE AMANDA COPE, SO I THINK THAT ELEMENT, YOU  
25 KNOW, ALLOWS ME TO ASK THEM BASED ON WHAT. I MEAN,

1           WHAT DID THEY DO BETWEEN SEPTEMBER '02 AND NOVEMBER  
2           17.

3                         THE COURT:    THAT PUTS A DIFFERENT ASPECT  
4           ON IT.  IF THEY CHARGED MR. COPE AND MR. SANDERS ON  
5           THE SAME DAY WITH CONSPIRACY, I THINK THAT BRINGS UP  
6           SOME INVESTIGATORY ISSUES INVOLVING NOT JUST  
7           MR. SANDERS BUT MR. COPE ALSO.

8                         MR. BRACKETT:  WHY THEY CHOSE TO CHARGE  
9           THEM WITH CONSPIRACY IS A PROSECUTORIAL DISCRETION.  
10          I BELIEVE, BEG THE COURT'S --

11                        THE COURT:  NO, IT BETTER NOT BE  
12          PROSECUTORIAL, IT BETTER BE BASED ON EVIDENCE.

13                        MR. BRACKETT:  WELL, YES, SIR.

14                        THE COURT:  AND THAT'S WHAT THEY WANT TO  
15          KNOW, WHY ALL OF A SUDDEN, WHAT'S THE EVIDENCE THAT  
16          RENDERED---I'M GOING TO ALLOW THEM TO GO INTO THAT.

17                        MR. BRACKETT:  ON THE CONSPIRACY CHARGE  
18          BUT NOT THE MURDER, THE CRIMINAL SEXUAL CONDUCT.

19                        MR. MORTON:  IT'S HARD TO --

20                        THE COURT:  I DON'T KNOW HOW THEY CAN  
21          DIFFERENTIATE THEM, BUT I CERTAINLY THINK THAT HE'S  
22          GOT A RIGHT, MR. COPE DOES, TO INTERROGATE THESE  
23          WITNESSES AS TO WHY THEY CHARGED HIM AT A CERTAIN  
24          TIME WITH A CRIME.  THEY GOT AN ABSOLUTE RIGHT TO DO  
25          THAT.  AND THE FACT THAT IT WAS SOMETIME LATER AND I

1 THINK THEY'VE GOT THE RIGHT TO EXAMINE, TIE THAT IN  
2 TO THE DATE THAT MR. SANDERS WAS CHARGED.

3 MR. BRACKETT: FOR THE CRIMINAL CONSPIRACY  
4 ONLY.

5 THE COURT: FOR THE CRIMINAL CONSPIRACY.

6 MR. BRACKETT: THERE IS A SIMPLE ANSWER TO  
7 THAT WHICH --

8 THE COURT: WELL, THE WITNESS CAN GIVE IT.  
9 THAT'S THE WHOLE THING, MR. BRACKETT.

10 MR. BRACKETT: I WANT TO MAKE SURE WE'RE  
11 FOCUSED ON THE NARROW ISSUE OF CRIMINAL CONSPIRACY  
12 BECAUSE THE ANSWER TO THE OTHER QUESTION IMPLICATES A  
13 MATTER THAT PREJUDICES MR. SANDERS.

14 MR. MORTON: WHY IS HE WORRIED ABOUT MR.  
15 SANDERS WITH ALL DUE RESPECT?

16 MR. BRACKETT: THE STATE HAS AN INTEREST  
17 RESOLVING BOTH CASES IN THE SAME TRIAL AND NOT HAVING  
18 TO COME BACK AND RE-TRY MR. SANDERS AT A LATER TIME.

19 MR. MORTON: WE'RE NOT GOING TO TRY TO  
20 IMPLY THAT HE WAS OUT THERE RUNNING THE STREET OR  
21 ANYTHING ELSE. WE'RE JUST TRYING TO FOCUS ON THE  
22 INVESTIGATION AND I THINK WE HAVE THE RIGHT TO  
23 EXPLORE THE POLICE INVESTIGATION AS TO WHY THEY WAIT  
24 14 MONTHS TO NOT ONLY CHARGE HIM WITH CONSPIRACY BUT  
25 FOR MURDER AND EVERYTHING ELSE.



1 DO.

2 MR. BRACKETT: AND THAT'S FINE. THE ONLY  
3 ISSUE IS WHEN HE WAS CHARGED DOESN'T HAVE A THING TO  
4 DO, THAT IS PURELY A MATTER OF DISCRETION AND DOES  
5 NOT ESTABLISH A DEFENSE FOR MR. MORTON'S CLIENT AND  
6 SO IT'S IRRELEVANT AND IT'S PREJUDICIAL IN LIGHT OF  
7 WHAT WAS SAID TO THE JURY.

8 MR. MORTON: AND --

9 MR. BRACKETT: IF I MAY FINISH. AND THE  
10 BOTTOM LINE IS: THERE SITS MR. SANDERS AND THEY WILL  
11 HAVE HIS INDICTMENT BACK THERE. HE HAS BEEN CHARGED,  
12 WE ARE PROSECUTING HIM, WE'RE GOING TO PRESENT  
13 EVIDENCE THAT SHOWS MR. SANDERS IS GUILTY, AND WE'RE  
14 GOING TO TAKE THAT CASE FORWARD AS WELL. THIS ISN'T  
15 A SITUATION WHERE WE EXCLUDED MR. SANDERS FROM THIS  
16 PROCEEDING AND ARE SOLELY FOCUSING ON MR. COPE, SO  
17 HOW CAN THEY SAY THAT WE FOCUSED ON MR. COPE TO THE  
18 EXCLUSION OF ANYTHING ELSE AND WE NARROW MINDEDLY  
19 PURSUED AND NARROWED OUR FOCUS EXCLUSIVELY ON THIS  
20 MAN WHEN THERE HE SITS NEXT TO HIS ATTORNEY BEING  
21 TRIED AT THE SAME TIME. IT DOESN'T, IT IS OF SUCH  
22 DIMINISHED RELEVANCE, IT IS OF SUCH LIMITED, AND ALL  
23 IT IS WHEN YOU TAKE THAT MUCH RELEVANCE AND FRAYED IT  
24 WITH THAT MUCH PREJUDICE AND TRY TO DRAG IT INTO THE  
25 JURY RAIL THAT'S THE PROBLEM THAT WE HAVE. THERE MAY

1 BE A SLIGHT ARGUMENT TO BE MADE, BUT YOUR SHOIVING A  
2 WHOLE BUNCH OF PREJUDICE OVER THE RAIL TOO,  
3 ESPECIALLY IN LIGHT OF THE MISTAKE THAT THEY MADE,  
4 AND WHAT THEY ARE HIGHLIGHTING WITH THIS TESTIMONY.

5 THE COURT: BUT DON'T THEY HAVE A RIGHT TO  
6 INVESTIGATE COMPLETELY AND THOROUGHLY AS TO WHY HE  
7 WAS ARRESTED AT A CERTAIN TIME ON A CERTAIN CHARGE.

8 MR. BRACKETT: ON MR. SANDERS?

9 THE COURT: I'M TALKING ABOUT MR. COPE.  
10 MR. SANDERS HADN'T SAID THEY WERE GOING TO ASK  
11 ANYTHING ABOUT MR. SANDERS BEING IN JAIL. DOESN'T  
12 MR. COPE'S ATTORNEY HAVE THE ABSOLUTE RIGHT TO ASK  
13 WHY DID YOU ARREST A MAN ON A CERTAIN DATE.

14 MR. BRACKETT: WHY DID YOU ARREST MR. COPE  
15 ON A CERTAIN DAY.

16 THE COURT: THAT'S RIGHT. WHY DID YOU  
17 ARREST MR. COPE ON A CERTAIN DATE?

18 MR. BRACKETT: I HAVE NO PROBLEM WITH  
19 THAT. MY PROBLEM IS WITH SAYING WHY DID YOU ARREST  
20 MR. SANDERS ON A CERTAIN DAY.

21 THE COURT: WELL, I THINK THAT THEY CAN GO  
22 FURTHER AND BECAUSE THEY WERE BOTH CHARGED AND IT IS  
23 A CONSPIRACY CHARGE AND YOU CAN'T HAVE ONE  
24 CONSPIRATOR WHY DID YOU CHARGE THESE TWO INDIVIDUALS  
25 AT A CERTAIN TIME WITH CONSPIRACY? WHAT EVIDENCE DID

1 YOU HAVE THAT THESE TWO INDIVIDUALS CONSPIRED AND  
2 THEREFORE LED TO THIS CHARGE?

3 MR. BRACKETT: IF WE STAY WITH THE  
4 CONSPIRACY I'LL ACCEPT THAT. THAT'S FINE.

5 THE COURT: YOU'LL ACCEPT IT.

6 MR. BRACKETT: YES, SIR.

7 THE COURT: THAT'S MIGHTY KIND OF YOU.

8 MR. BRACKETT: I WON'T CONTINUE TO BELABOR  
9 THE ARGUMENT IS PROBABLY A BETTER WAY TO PUT IT.

10 THE COURT: GRACIOUS IN THE FEEDING.

11 MR. BRACKETT: THANK YOU, YOUR HONOR.

12 MR. MORTON: HE MADE A VERY TELLING, HE  
13 SAID IT WAS THEIR DISCRETION, AND THAT'S THE ONLY  
14 THING WE WANT TO SAY IS THAT THEY USED THEIR  
15 DISCRETION, AND THEY USED IT TO CHARGE SANDERS WHEN  
16 THEY DID AND THEY USED IT TO CHARGE BILLY COPE.

17 THE COURT: I'M NOT GOING TO ALLOW YOU TO  
18 GO INTO THEIR DISCRETIONARY REASONS FOR WHAT THEY DO,  
19 BUT I AM GOING TO ALLOW YOU TO GO INTO THE  
20 INVESTIGATION. NOT WHY YOU DIDN'T DO SOMETHING, BUT  
21 WHY YOU DID DO SOMETHING. NOT WHY DIDN'T YOU CHARGE  
22 HIM BEFORE BUT WHY DID YOU CHARGE THEM AT THAT TIME?

23 MR. MORTON: I UNDERSTAND. SO I'M NOT  
24 TRYING TO PREJUDICE MR. GREELEY'S CLIENT.

25 THE COURT: WELL, THAT'S MY RULING AT THIS

1 POINT. EVERYBODY UNDERSTAND YOU CAN GO INTO WHY THEY  
2 DID CHARGE HIM, THOSE TWO INDIVIDUALS, AT THAT DATE  
3 WITH CONSPIRACY, BUT YOU CAN'T GO INTO WHY THEY DID  
4 NOT CHARGE MR. SANDERS AT AN EARLIER DATE WITH  
5 ANYTHING.

6 MR. MORTON: I UNDERSTAND YOUR RULING AND  
7 NOTE MY OBJECTIONS.

8 THE COURT: ALL RIGHT.

9 MR. GREELEY: YOUR HONOR, IF I CAN JUST --

10 MR. MORTON: AND AS A RESULT OF THAT  
11 RULING I WANT IT SEVERED.

12 THE COURT: THAT'S DENIED. YES, SIR.

13 MR. GREELEY: FOR THE RECORD I JUST WANT  
14 TO SAY THIS IS ONE OF THOSE ISSUES THAT COMES IN THAT  
15 MAKES THINGS COMPLICATED IN A JOINT TRIAL AND I WILL  
16 LISTEN AND I WILL DO WHAT I NEED TO DO FOR MY CLIENT  
17 IF SOMETHING COMES OUT THAT IS PREJUDICIAL TO HIM AND  
18 I JUST WANT BOTH OTHER SIDES TO KNOW THAT.

19 THE COURT: I'M GOING TO BE, I'LL BE  
20 LISTENING TOO. ALL RIGHT. BRING IN THE JURY.

21 (THE JURY RETURNS TO THE COURTROOM AT  
22 09:29 AM.)

23 THE COURT: GOOD MORNING.

24 (THE JURY: GOOD MORNING.)

25 THE COURT: LET ME ASSURE YOU WE'RE NOT



1 GOING TO START A PATTERN OF STARTING LATE AND THEN  
2 GOING LATE BECAUSE I NOTICE IT'S 9:30 AND I SAID WE  
3 WOULD START AT NINE AND WE DID START AT NINE AND OVER  
4 THE LAST HALF HOUR WE HAVE WORKED ON SHORTENING THE  
5 TRIAL. SO AS A RESULT OF US BEING THIS HALF AN HOUR  
6 AND THE ATTORNEYS BEING ABLE TO AGREE ON CERTAIN  
7 EVIDENTARY MATTERS WHICH WILL MAKE THIS CASE GO  
8 SMOOTHER AND QUICKER, WE HAVE PROBABLY SAVED A FEW  
9 HOURS OF TESTIMONY BY IMPINGING ON YOUR TIME FOR HALF  
10 AN HOUR, SO I APOLOGIZE FOR RUNNING LATE. WE WILL  
11 TRY TO DO THESE WHEN Y'ALL ARE NOT SITTING BACK  
12 THERE, BUT I MAY HAVE ALREADY MENTIONED THIS BEFORE,  
13 BUT CASES ARE SORT OF LIKE A SPORTS EVENT. THERE ARE  
14 CERTAIN THINGS YOU CAN'T DO UNLESS YOU'VE DONE  
15 SOMETHING ELSE. THAT IS, YOU CAN'T HAVE A SECOND  
16 INNING OF A BASEBALL GAME UNTIL YOU'VE COMPLETED THE  
17 FIRST AND THAT'S SORT OF THE WAY CASES ARE. CERTAIN  
18 THINGS DON'T BECOME A MATTER FOR ME OR THE LAWYERS TO  
19 EVEN HAVE A DIALOGUE ABOUT UNTIL CERTAIN OTHER THINGS  
20 FALL INTO PLACE AND THAT'S JUST THE WAY IT WORKS AND  
21 I APPRECIATE YOUR PATIENCE. ALL RIGHT, CALL YOUR  
22 NEXT WITNESS.

23 MR. BRACKETT: PLEASE THE COURT. THE  
24 STATE WOULD CALL LES HERRING.

25 LES HERRING, BEING FIRST DULY

1 SWORN, TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION BY MR. BRACKETT:

3 Q WOULD YOU PLEASE STATE YOUR FULL NAME AND SPELL  
4 YOUR LAST?

5 A LESLIE HERRING. H-E-R-R-I-N-G.

6 Q WHERE ARE YOU EMPLOYED, SIR?

7 A CITY OF ROCK HILL POLICE DEPARTMENT.

8 Q HOW LONG HAVE YOU BEEN WITH THE POLICE  
9 DEPARTMENT?

10 A DECEMBER FIRST WILL BE 26 YEARS.

11 Q WHAT IS YOUR CURRENT ROLE IN THE POLICE  
12 DEPARTMENT?

13 A RIGHT NOW I'M A DETECTIVE WORKING IN THE  
14 DETECTIVE DIVISION.

15 Q ALL RIGHT. BACK IN 2001 WHAT WAS YOUR ROLE?

16 A I WAS THE LIEUTENANT OVER THE CRIMES AGAINST  
17 PERSONS UNIT IN THE DETECTIVE DIVISION. SINCE THAT  
18 TIME I WAS RETIRED AND WAS HIRED BACK AS A DETECTIVE.

19 Q I SEE. NOW IN YOUR ROLE AS THE SUPERVISOR OF  
20 THE CRIMES AGAINST PERSONS UNIT BACK IN NOVEMBER OF  
21 2001 DID YOU HAVE OCCASION TO BECOME INVOLVED IN THE  
22 INVESTIGATION OF THE DEATH OF AMANDA COPE?

23 A YES, SIR, I DID.

24 Q OKAY. WHAT WAS YOUR FIRST INVOLVEMENT IN THAT,  
25 WHAT DID YOU FIRST DO?

1 A INITIALLY ALL MY DETECTIVES WENT TO THE SCENE,  
2 BEGAN WORKING WITH THE SCENE, ALONG WITH THE CRIME  
3 SCENE PERSONNEL WHICH AT THAT TIME I WAS OVER THE  
4 CRIME SCENE PERSONNEL ALSO.

5 Q OKAY. AND APPROXIMATELY WHAT TIME, DID YOU EVER  
6 GO TO THE SCENE?

7 A YES, SIR, I WAS PAGED OUT THAT MORNING FROM HOME  
8 TO GO TO THE SCENE.

9 Q AND WHAT TIME WAS THAT?

10 A THAT WAS BEFORE 8 O'CLOCK, I'M NOT SURE,  
11 PROBABLY AROUND 7:30 OR SO THAT I ACTUALLY ARRIVED AT  
12 THE SCENE.

13 Q ALL RIGHT. CAN YOU BRIEFLY RELATE TO THE JURY  
14 WHAT YOU DID AT THE SCENE?

15 A BASICALLY I WAS ACTING AS A SUPERVISOR AND  
16 MAKING SURE ALL MY PEOPLE WERE DOING WHAT THEY WERE  
17 SUPPOSED TO DO AND JUST PRETTY MUCH GETTING A VISUAL  
18 OF EVERYTHING THAT WAS GOING ON, WHAT HAD HAPPENED,  
19 AND WHAT WE WERE TOLD HAD HAPPENED.

20 Q OKAY. AND CAN YOU BASICALLY DESCRIBE FOR THE  
21 JURY WHAT IS THE PROTOCOL WHEN YOU GO INTO A CRIME  
22 SCENE, WHAT DO YOU TRY TO DO, AND MAKE SURE YOU DON'T  
23 DO?

24 A MAKE SURE YOU DON'T TOUCH ANYTHING TO DISTURB  
25 ANYTHING THAT COULD BE EVIDENTIARY. YOU TALK TO AS

1           MANY PEOPLE AS YOU CAN TALK TO TO TRY TO DETERMINE  
2           EXACTLY WHAT HAPPENED TO KNOW WHICH WAY THE  
3           INVESTIGATION IS GOING TO DO.

4           Q     DID YOU ACTUALLY ENTER THE CRIME SCENE?

5           A     YES, SIR, I DID.

6           Q     ENTER THE HOUSE?

7           A     YES, SIR.

8           Q     WERE YOU CAREFUL WHEN YOU WERE IN THE HOUSE?

9           A     AS CAREFUL AS YOU COULD BE CONSIDERING THE  
10          CIRCUMSTANCES THAT THE HOUSE WAS IN, YES, SIR.

11          Q     AND WHEN YOU SAY THE CIRCUMSTANCES THAT THE  
12          HOUSE WAS IN, WOULD YOU DESCRIBE BRIEFLY FOR US WHAT  
13          YOU MEAN BY THAT?

14          A     THE HOUSE WAS FILTHY.  THERE, THERE WAS NO WHERE  
15          YOU CAN PUT ANYTHING DOWN WITHOUT HITTING SOMETHING,  
16          THERE WAS ROACHES, IT WAS A PRETTY BAD, PRETTY BAD  
17          SCENE.

18          Q     ABOUT HOW LONG WERE YOU IN THE CRIME SCENE THAT  
19          MORNING?

20          A     PROBABLY AN HOUR, TWO HOURS.  I'M NOT REALLY  
21          SURE EXACTLY HOW LONG I WAS AT THE SCENE.

22          Q     DID YOU HAVE OCCASION TO GO TO THE BACK DOOR?

23          A     YES, SIR, I DID.

24          Q     I'M SHOWING YOU WHAT'S BEEN MARKED STATE'S  
25          EXHIBIT 47 D AND I'LL ASK YOU CAN YOU IDENTIFY WHAT

1 THAT PHOTOGRAPH DEPICTS?

2 A YES, SIR. THAT IS THE BACK DOOR AREA OF THE  
3 HOUSE.

4 Q OKAY. AND IS THAT HOW IT LOOKED WHEN YOU WERE  
5 THERE THAT MORNING?

6 A YES, SIR.

7 Q OKAY. NOW THERE IS A LATER PHOTOGRAPH THAT  
8 SHOWS THE FAN AND THE GARBAGE CAN MOVED, DO YOU KNOW  
9 HOW THAT HAPPENED?

10 A WELL, WHEN I WENT TO OPEN THE BACK DOOR YOU HAD  
11 TO MOVE THE FAN OUT OF THE WAY TO GET THE DOOR OPEN  
12 AND THE, I HAD TO ACTUALLY PHYSICALLY MOVE BOTH ITEMS  
13 AND THEN HAD TO TRY TO OPEN THE BACK DOOR AND WHEN  
14 YOU OPEN THE BACK DOOR IT ONLY OPENED JUST A FEW  
15 INCHES, PROBABLY SIX INCHES OR SO, AND THEN YOU HAVE  
16 TO PICK UP ON THE DOOR AND ACTUALLY MANUALLY PULL IT  
17 PRETTY HARD TO GET IT OPEN BECAUSE THE FLOOR WAS  
18 UNLEVEL.

19 Q ALL RIGHT, SIR. NOW WAS, WERE THE FANS AND THE  
20 GARBAGE CAN MOVED AT A LATER TIME?

21 A YES.

22 Q WHEN DID THAT OCCUR?

23 A IT WAS MOVED BY ME THAT MORNING AND ONCE I TRIED  
24 TO DETERMINE HOW TO GET THAT BACK DOOR OPEN, IF I  
25 COULD OPEN IT, I PUT THE BACK DOOR, CLOSE THE BACK

1 DOOR, AND PUT THE TRASH CAN AND THE FAN BACK PRETTY  
2 CLOSE TO WHERE IT WAS AT.

3 Q ALL RIGHT, SIR. HOW LONG DID YOU SAY YOU WERE  
4 AT THE SCENE ALL TOGETHER?

5 A I'M NOT REALLY SURE. IT COULD HAVE BEEN AN HOUR  
6 OR MORE HOUR AND A HALF OR TWO HOURS MAYBE. I'M NOT  
7 EXACTLY SURE HOW LONG.

8 Q DID YOU HAVE OCCASION TO TALK TO MR. COPE AT ANY  
9 TIME THAT DAY, INTERVIEW HIM?

10 A I MIGHT HAVE BRIEFLY SPOKE WITH HIM AT THE  
11 SCENE. I DON'T REMEMBER SPEAKING WITH HIM AT THE  
12 SCENE. I MIGHT HAVE SPOKE TO HIM, BUT LATER ON THAT  
13 MORNING AROUND LUNCH TIME I DID TALK WITH HIM.

14 Q ALL RIGHT, SIR. AND WHERE WAS THIS INTERVIEW  
15 DONE?

16 A HE WAS AT THE POLICE DEPARTMENT OUTSIDE OUR  
17 DETECTIVE DIVISION IN THE LOBBY AND I HAD OPENED THE  
18 DOOR TO LET SOMEONE ELSE COME IN AND I SAW HIM  
19 SITTING THERE IN THE LOBBY AND THAT'S WHEN I REALIZED  
20 HE WAS STILL THERE AND I ASKED WOULD HE SPEAK WITH ME  
21 AND HE AGREED TO TALK TO ME.

22 Q ALL RIGHT, SIR. NOW I BELIEVE YOU PREPARED A  
23 SUMMARY?

24 A YES, SIR.

25 Q IS THAT REGARD?

1 A YES, SIR.

2 Q AND THAT'S IN EVIDENCE BUT GENERALLY SPEAKING  
3 THE INTERVIEW THAT YOU CONDUCTED, ABOUT HOW LONG DID  
4 THAT LAST?

5 A I'M THINKING PROBABLY 30-45 MINUTES AT THE MOST.

6 Q AND WHAT WAS THE TONE AND THE NATURE OF THAT  
7 INTERVIEW? WAS IT AGGRESSIVE, CONFRONTATIONAL; HOW  
8 WAS IT; HOW WOULD YOU CHARACTERIZE IT?

9 A IT WAS JUST LIKE WE'RE TALKING NOW. I WAS  
10 ASKING HIM SOME QUESTIONS ABOUT WHAT COULD HAVE  
11 HAPPENED AND HE WAS ASKING ME SOME QUESTIONS ABOUT  
12 WHAT WE THOUGHT HAPPENED AND IT WAS JUST A, AN  
13 INFORMATION TYPE GATHERING TYPE OF CONVERSATION.

14 Q ALL RIGHT, SIR. AT THE CONCLUSION OF THAT  
15 INTERVIEW WHERE DID YOU LEAVE IT WITH AND WHAT DID  
16 YOU TELL HIM YOU WERE GOING TO?

17 A AT THAT POINT IT WAS AROUND LUNCH TIME, THE  
18 AUTOPSY ON AMANDA HAD NOT BEEN PERFORMED AT THAT  
19 TIME, AND I TOLD HIM, BECAUSE HE WAS ASKING ME  
20 QUESTIONS, I TOLD HIM I WOULD GET BACK WITH HIM LATER  
21 AFTER WE HAD CONDUCTED THE AUTOPSY AND AFTER WE HAD  
22 SOME ANSWERS AND I WOULD GET BACK IN TOUCH WITH HIM.

23 Q SO HE WAS EXPECTING TO HEAR FROM YOU?

24 A YES, SIR.

25 Q WHEN DID YOU, DID YOU SPEAK TO HIM AGAIN THAT

1 AFTERNOON?

2 A LATER ON THAT AFTERNOON/EVENING, YES, SIR, I  
3 DID.

4 Q ABOUT WHAT TIME WAS THAT?

5 A IT WAS ABOUT TEN-TEN SOMETHING THAT NIGHT.

6 Q ALL RIGHT. DESCRIBE THE CIRCUMSTANCES OF HOW  
7 YOU CAME TO ENCOUNTER MR. COPE THAT NIGHT?

8 A WE WERE STILL AT THE LAW CENTER TRYING TO PUT  
9 EVERYTHING TOGETHER TO DETERMINE EXACTLY WHAT  
10 HAPPENED. MYSELF AND LIEUTENANT WALDROP DECIDED TO  
11 GO AHEAD AND TALK WITH BILLY AGAIN AND WE, LIEUTENANT  
12 WALDROP DROVE THE PATROL CAR, UNMARKED PATROL CAR, TO  
13 BILLY'S PARENTS HOUSE AND WE ASKED IF WE COULD SPEAK  
14 WITH HIM AND HE AGREED TO TALK WITH US AND WE TOLD  
15 HIM WE'D LIKE FOR HIM TO COME BACK TO THE STATION AND  
16 HE ASKED US WHEN, WE TOLD HIM WE'D BRING HIM BACK IF  
17 EVERYTHING WORKED OUT, AND WE TOLD HIM WE'D GET HIM  
18 BACK HOME AND HE AGREED TO COME WITH US, SO WE  
19 TRANSPORTED HIM IN OUR CAR TO THE POLICE DEPARTMENT.

20 Q OKAY. NOW APPROXIMATELY WHAT TIME DID YOU  
21 ARRIVE BACK AT THE STATION?

22 A I'M THINKING IT WAS AROUND 10:30 OR SO WE  
23 PROBABLY LEFT AND IT'S PROBABLY AROUND, I MEAN, IT  
24 WAS ONLY A COUPLE MINUTES AWAY, SO MAYBE IN THE  
25 NEIGHBORHOOD OF 10:30 - 10:45 SOMETHING LIKE THAT.



1 Q COULD HE HAVE DRIVEN IF HE WANTED TO?

2 A SURE, YES, SIR.

3 Q WAS HE UNDER ARREST AT THIS TIME?

4 A NO, SIR.

5 Q WHERE DID YOU GO ONCE YOU GOT BACK TO THE POLICE  
6 DEPARTMENT?

7 A WE WENT BACK INTO THE DETECTIVE DIVISION AND  
8 MYSELF AND LIEUTENANT WALDROP BEGAN TO INTERVIEW  
9 MR. COPE IN MY OFFICE.

10 Q ALL RIGHT. DESCRIBE YOUR OFFICE FOR US?

11 A WELL, IT'S NOT A REAL BIG OFFICE. THERE WAS A  
12 DOOR LEADING INTO MY OFFICE FROM THE DETECTIVE  
13 DIVISION AND THERE IS A DOOR LEADING OUT OF MY OFFICE  
14 LEADING INTO THE LOBBY AND IT'S PROBABLY A SMALLER  
15 ROOM, PROBABLY 8 BY 10 OR SOMETHING LIKE THAT OR 10  
16 BY 10 IT'S NOT A REAL BIG OFFICE.

17 Q AND WE'VE HEARD THE TAPE OF THAT INTERVIEW BUT  
18 CAN YOU TELL THE JURY HOW THAT TAPE CAME TO BE MADE  
19 OR WHY IT WAS MADE?

20 A WELL, LIEUTENANT WALDROP AND MYSELF DECIDED, WE  
21 TALKED WITH EACH OTHER AND DECIDED WE WOULD TAPE THIS  
22 INTERVIEW, WHICH IS NOT A COMMON PRACTICE. WE DON'T  
23 USUALLY TAPE INTERVIEWS BUT WE DECIDED WE WOULD GO  
24 AHEAD AND TAPE THIS INTERVIEW.

25 Q OKAY. AND HOW WAS THAT ACCOMPLISHED?

1 A LIEUTENANT WALDROP HAD A BOOM BOX, I THINK  
2 SOMETHING SIMILAR TO THIS ONE, IN HIS OFFICE, AND HE  
3 BROUGHT IT FROM HIS OFFICE INTO MY OFFICE AND HE SET  
4 IT UP AND FOUND SOME TAPES AND WE RECORDED THE  
5 CONVERSATION AS WE TALKED TO BILLY, MR. COPE.

6 Q DO THE TAPES ACCURATELY REFLECT THE CONVERSATION  
7 THAT YOU HAD, IS THERE ANYTHING, WAS THERE ANY  
8 INTERVIEWING BEING DONE BEFORE OR AFTER THE TAPES  
9 STARTED OR ENDED?

10 A NO, SIR. THERE WAS PROBABLY SMALL TALK BEFORE  
11 AND PROBABLY SOME SMALL TALK AFTER, BUT NOT ANYTHING  
12 AS FAR AS INTERVIEWING HIM AT ALL, NO, SIR.

13 Q WE HEARD THE TAPES SO I'M NOT GOING TO BE ASKING  
14 ANY QUESTIONS ABOUT THAT. I'M GOING TO MOVE TO WHAT  
15 HAPPENED AFTER THE TAPE ENDED, THE LAST TAPE ENDS?

16 A WE STOPPED THE INTERVIEW AFTER THE TAPE ENDED.  
17 I MEAN WE HAD STOPPED IT EVERY TIME TO PUT A NEW TAPE  
18 IN, BUT AFTER IT FINISHED THE LAST TAPE WE DIDN'T PUT  
19 ANOTHER TAPE IN., WE JUST ENDED THE INTERVIEW AT THAT  
20 POINT, AND WE LEFT MR. COPE IN MY OFFICE FOR A FEW  
21 MINUTES. MYSELF AND LIEUTENANT WALDROP AND DETECTIVE  
22 BLACKWELDER MET OUT THERE IN THE COMMON AREA OF THE  
23 DETECTIVE DIVISION AND DISCUSSED WHAT WE WERE GOING  
24 TO DO AT THAT POINT.

25 Q OKAY. AND WHAT DID YOU ULTIMATELY DECIDE TO DO?

1 A WELL, OUR SUPERVISOR CAPTAIN CABANISS WAS OUT OF  
2 TOWN. I THINK LIEUTENANT WALDROP MADE CONTACT WITH  
3 HIM BY PHONE, HE WAS IN SOME TYPE OF TRAINING, AND WE  
4 DISCUSSED WITH HIM OR LIEUTENANT WALDROP DISCUSSED  
5 WITH HIM WHAT WE HAD DONE UP TO THAT POINT AS FAR AS  
6 THE INTERVIEW, AND IT WAS DETERMINED, ALL FOUR OF US  
7 MADE A DETERMINATION AT THAT TIME, TO MAKE THE  
8 ARREST.

9 Q ALL RIGHT. DID YOU DISCUSS THE FACTS OF THE  
10 CASE WITH CAPTAIN CABANISS?

11 A YES, SIR, WE DID OR LIEUTENANT WALDROP DID.

12 Q DID YOU HAVE OCCASION TO SPEAK WITH MIKE BAKER  
13 IN THE EARLY MORNING HOURS?

14 A YES, SIR. DURING OUR CONVERSATION WITH MR. COPE  
15 HE INDICATED THAT HE WOULD TALK WITH MR. BAKER, AND I  
16 TRIED TO MAKE ARRANGEMENTS THAT NIGHT WITH MR. BAKER.

17 Q AND MR. BAKER IS THE POLYGRAPH OPERATOR AT THE  
18 YORK COUNTY SHERIFF'S DEPARTMENT OFFICE?

19 A THAT'S CORRECT. MR. COPE AGREED TO TAKE A  
20 POLYGRAPH AND ASKING THAT WE GIVE HIM ONE AND I TRIED  
21 TO MAKE ARRANGEMENTS THAT NIGHT TO GET DETECTIVE  
22 BAKER TO ADMINISTER THE POLYGRAPH.

23 Q WERE YOU ABLE TO ACCOMPLISH THAT?

24 A WELL, I PAGED HIM A COUPLE OF TIMES AND DIDN'T  
25 GET A RESPONSE AND THEN I CALLED HIM AT HIS RESIDENCE

1 AND HE INFORMED ME THAT SINCE WE HAD INTERVIEWED HIM  
2 THAT NIGHT, IT WOULD BE GOOD IF HE GOT SOME REST, AND  
3 WE JUST DO IT THE NEXT DAY AND THAT'S WHAT WE AGREED  
4 TO DO.

5 Q ALL RIGHT, SIR. WAS MR. COPE ULTIMATELY, YOU  
6 SAID THAT YOU ALL SAT DOWN AND DISCUSSED WITH CAPTAIN  
7 CABANISS AND DECIDED TO PLACE HIM UNDER ARREST FOR  
8 MURDER?

9 A YES, SIR.

10 Q WAS MR. COPE ULTIMATELY INFORMED THAT HE WAS  
11 UNDER ARREST FOR MURDER?

12 A YES, SIR, I TOLD HIM.

13 Q YOU TOLD HIM?

14 A YES, SIR.

15 Q WHERE DID YOU TAKE MR. COPE AFTER THAT?

16 A I TRANSPORTED HIM BACK TO THE HOLDING FACILITY  
17 WHICH IS OUR JAIL. I DID NOT HAVE A WARRANT AT THAT  
18 TIME BUT I TOLD HIM WHAT HE WAS BEING CHARGED WITH  
19 AND I PLACED HIM BACK IN THE HOLDING CELL UNTIL WE  
20 GOT THE WARRANT TYPED UP AND SO HE COULD BE FORMALLY  
21 CHARGED AS FAR AS GIVING HIM A COPY OF THE WARRANT  
22 AND THAT TYPE OF THING.

23 Q THE WARRANT HAD TO BE TYPED UP AND WHO WAS DOING  
24 THAT?

25 A DETECTIVE BLACKWELDER WAS DOING THE ACTUAL

1 WARRANT ITSELF.

2 Q AND WHERE DID SHE HAVE TO TAKE THAT WARRANT?

3 A WELL, WE DON'T HAVE A JUDGE WORKING 24 HOURS A  
4 DAY, SO AFTER SHE TYPED THE WARRANT UP, SHE WOULD GO  
5 TO THE JUDGE'S RESIDENCE AND TALK WITH THE JUDGE,  
6 TELL THEM A LITTLE BIT OF THE CIRCUMSTANCES ABOUT THE  
7 CASE, AND AT THAT TIME THE JUDGE SIGNED THE WARRANT.  
8 BUT SHE WOULD HAVE TO BRING IT BACK THROUGH THE  
9 POLICE DEPARTMENT.

10 Q OKAY. AND WHO DID SHE GET TO SIGN THE WARRANT  
11 NOW THAT THE JUDGE HAD ISSUED IT, WHO GOT THE WARRANT  
12 BACK FROM CHARLENE AND SERVED IT ON HIM?

13 A I DID. I WAS GIVEN THE WARRANT AND WENT AND  
14 TOOK IT TO THE JAIL AND I GAVE IT MR. COPE HIS COPY  
15 AND TOLD HIM WHAT HE WAS -- INFORMED HIM ---

16 Q WHEN YOU ARRIVED AT THE JAIL WHERE WAS MR. COPE  
17 AT THIS POINT?

18 A HE WAS IN A JAIL CELL ASLEEP.

19 Q HE WAS ASLEEP?

20 A YES, SIR.

21 Q OKAY. DID YOU WAKE HIM UP TO SERVE THE WARRANT  
22 ON HIM OR DID YOU JUST HAND IT AND PUT IT BESIDE THE  
23 BED THERE?

24 A NO, SIR, I WOKE HIM UP AND GAVE HIM HIS COPY OF  
25 THE WARRANT AND I THINK RIGHT AFTER THAT I GOT HIS

1 CLOTHING THAT HE WAS WEARING AND PUT THOSE INTO  
2 EVIDENCE AND PUT THEM IN AN EVIDENCE BAG AND PUT THEM  
3 INTO EVIDENCE.

4 Q OKAY. WHAT DID YOU DO WITH THE CLOTHES? HOW DO  
5 YOU PUT THEM INTO EVIDENCE -- WHAT TIME WAS THIS?

6 A IT WAS OVER IN THE MORNING. SOMEWHERE 3:30-4  
7 O'CLOCK, SOMEWHERE ALONG THAT TIME.

8 Q ABOUT WHAT TIME DID HE GO INTO THE CELL WITHOUT  
9 THE WARRANT THE FIRST TIME YOU TOOK HIM DOWN?

10 A IT'S PROBABLY, I'M THINKING AROUND 2:30  
11 SOMETHING TO THREE, PROBABLY ALONG THOSE LINES. I  
12 DON'T KNOW EXACTLY THE TIME.

13 Q AND WHAT TIME DID YOU WAKE HIM UP TO SERVE THE  
14 WARRANT ON HIM?

15 A IT PROBABLY WAS AROUND FOUR PROBABLY.

16 Q OKAY.

17 A I'M THINKING.

18 Q FOUR O'CLOCK?

19 A PROBABLY, YES, SIR.

20 Q NOW AFTER YOU SERVED THE WARRANT ON HIM, WHAT  
21 DID HE DO?

22 A WELL, I HAD SERVED THE WARRANT ON HIM AND I GOT  
23 HIS CLOTHES, I HAD HIM CHANGE INTO A JUMP SUIT THAT  
24 WE GAVE HIM TO PUT ON AFTER I TOOK HIS CLOTHES AND I  
25 TOOK HIS CLOTHES FROM HIM AND TAGGED THEM AND TURNED

1 THEM INTO EVIDENCE.

2 Q OKAY. AND WHAT DID MR. COPE DO?

3 A NOTHING. HE, HIS Demeanor NEVER REALLY CHANGED.

4 Q WHERE DID HE GO?

5 A HE WENT BACK IN THE JAIL CELL.

6 Q I SEE. WHAT TIME DID YOU GET HOME AND GET TO  
7 BED THAT NIGHT?

8 A IT WAS AFTER FOUR O'CLOCK. I DON'T KNOW EXACTLY  
9 WHAT TIME I WALKED IN THE DOOR, BUT IT HAD TO BE  
10 AFTER FOUR O'CLOCK.

11 Q WHAT TIME WERE YOU AT THE STATION IN THE  
12 MORNING.

13 A I WAS SUPPOSED TO BE BACK AT WORK AT 8 O'CLOCK  
14 AND I THINK I WAS RUNNING A LITTLE LATE THAT MORNING,  
15 I THINK IT WAS ACTUALLY A LITTLE AFTER 8 BEFORE I GOT  
16 BACK TO THE STATION.

17 Q WHAT DID YOU HAVE TO DO THAT MORNING?

18 A WELL, AFTER TALKING WITH DETECTIVE BAKER I GOT  
19 ALL THE FILES TOGETHER AND GOT MR. COPE AND ME AND  
20 HIM CAME UP TO THE MOSS JUSTICE CENTER HERE TO, FOR  
21 THE POLYGRAPH THAT MR. BAKER WAS GOING TO ADMINISTER.

22 Q NOW UP TO THIS POINT YOU'VE BEEN INVOLVED IN TWO  
23 INTERVIEWS WITH MR. COPE?

24 A YES, SIR.

25 Q AND ONLY ONE AFTER YOU KNEW THE RESULTS OF THE

1       A       AUTOPSY?

2       A       THAT'S CORRECT, YES, SIR.

3       Q       WHAT TIME DID YOU LEARN THE RESULTS OF THE  
4       AUTOPSY?

5       A       IT WAS LATER IN THE EVENING BEFORE, AFTER I HAD  
6       TALKED TO BILLY AROUND LUNCH TIME THAT DAY, IT WAS  
7       PROBABLY SIX OR 7 O'CLOCK THAT EVENING OR MAYBE EVEN  
8       LATER WHEN WE FOUND OUT, WE MET WITH THE PATHOLOGIST  
9       AND TALKED WITH HIM AND HE DESCRIBED EXACTLY WHAT  
10      HAPPENED.

11      Q       DID HE DESCRIBE THE NATURE OF THE INJURIES AND  
12      THE BRUTALITY OF THE INJURIES TO AMANDA COPE'S VAGINA  
13      AND HER ANUS?

14      A       YES, SIR, HE DID.

15      Q       DID YOU AT ANY POINT IN TIME RELATE OR SHARE  
16      THAT INFORMATION, THE NATURE AND THE DEGREE AND THE  
17      EXTENT OF THE INJURIES TO MR. COPE?

18      A       PROBABLY NOT THE EXTENT OF THE INJURIES JUST  
19      THE, THAT SHE HAD BEEN BEATEN, THOSE TYPE THINGS.

20      Q       WE KNOW WHAT'S ON THE TAPE.

21      A       RIGHT.

22      Q       I GUESS OUTSIDE OF WHAT'S ON THE TAPE DID YOU  
23      TALK ABOUT IT WITH HIM AT ANY POINT IN TIME?

24      A       NO, SIR.

25      Q       TO YOUR KNOWLEDGE DID ANYBODY?



1 A NO, SIR.

2 Q SIR, I'M GOING TO SHOW YOU AN ITEM AND ASK YOU  
3 IF YOU CAN IDENTIFY WHAT'S IN THIS BOX?

4 A THESE ARE THE CLOTHES THAT I TOOK FROM MR. COPE  
5 THAT EVENING OR THAT, EARLY THAT MORNING.

6 Q OKAY. IS THAT THE BAG YOU PLACED THEM IN?

7 A YES, SIR, AND THIS IS MY WRITING ON THE BAG  
8 DESCRIBING WHAT IT WAS A PAIR OF SWEAT PANTS AND TWO  
9 PAIR OF UNDERWEAR.

10 Q ALL RIGHT, SIR.

11 MR. MORTON: CAN I SEE THAT, YOUR HONOR.

12 MR. BRACKETT: YES.

13 MR. MORTON: THANK YOU.

14 MR. BRACKETT: YOUR HONOR, I ASK THIS BE  
15 MARKED AS 82.

16 THE COURT: ANY OBJECTION.

17 MR. MORTON: NO, SIR.

18 MR. GREELEY: NO OBJECTION.

19 THE COURT: BE RECEIVED WITHOUT OBJECTION.

20 (STATE'S EXHIBIT NUMBER 82 COPE'S  
21 CLOTHES.)

22 Q NOW YOU SAID ONE PAIR OF SWEAT PANTS, TWO PAIRS  
23 OF UNDERWEAR?

24 A YES.

25 Q IS THAT HOW MANY IS IN THERE OR IS THAT ITEM

1 NUMBER TWO, ITEM NUMBER TWO?

2 A I'M SORRY. THAT IS ITEM NUMBER ONE IS A PAIR OF  
3 SWEAT PANTS AND ITEM NUMBER TWO IS A PAIR OF  
4 UNDERWEAR. I LOOKED AT IT WRONG INITIALLY WHEN I  
5 LOOKED AT IT.

6 Q DID YOU COME IN CONTACT OR CUSTODY OF THESE  
7 ITEMS AFTER YOU HAD PLACED THEM IN EVIDENCE AT ANY  
8 POINT?

9 A YES, SIR, I DID.

10 Q WHEN WAS THAT?

11 A THAT MORNING AFTER I RECOVERED THEM FROM  
12 MR. COPE I PLACED THEM INTO EVIDENCE.

13 Q I MEAN AFTER YOU PLACED THEM INTO EVIDENCE DID  
14 YOU HAVE OCCASION TO HAVE TO COME INTO CUSTODY OF  
15 THESE AGAIN?

16 A NO, SIR.

17 Q OKAY. TO YOUR KNOWLEDGE WERE THOSE ITEMS SENT  
18 TO SLED?

19 A I THINK THEY WERE, YES, SIR.

20 Q NOW TURNING YOUR ATTENTION TO THE NEXT MORNING  
21 YOU SAID YOU GOT TO WORK A LITTLE BIT AFTER 8?

22 A YES, SIR.

23 Q AND WHAT DID YOU DO WHEN YOU GOT TO WORK?

24 A I GATHERED THE FILE TOGETHER AND GOT MR. COPE  
25 AND WE CAME UP TO THE MOSS JUSTICE CENTER HERE AND

1 TALKED TO MIKE BAKER.

2 Q OKAY. AND DO YOU REMEMBER APPROXIMATELY WHAT  
3 TIME IT WAS THAT YOU ARRIVED AT THE MOSS JUSTICE  
4 CENTER?

5 A NO, SIR. IT WAS AFTER NINE O'CLOCK I'M THINKING  
6 BECAUSE I WAS RUNNING A FEW MINUTES LATE. I THINK  
7 MIKE HAD WANTED US TO BE THERE AROUND NINE, BUT I  
8 THINK WE WERE RUNNING A FEW MINUTES LATE.

9 Q WHAT TOOK PLACE WHEN YOU ARRIVED AT THE MOSS  
10 JUSTICE CENTER? WHAT DID YOU DO WITH MR. COPE?

11 A WE CAME INTO THE DETECTIVE DIVISION AREA OF THE  
12 MOSS JUSTICE CENTER AND WENT BACK TO MIKE BAKER'S  
13 OFFICE AND MR. COPE BEING IN CUSTODY I PLACED HIM IN  
14 THE HOLDING CELL THAT MIKE HAD WHICH ADJOINS HIS  
15 OFFICE AND WENT AND TALKED TO MR. BAKER AND TOLD MIKE  
16 BAKER EXACTLY WHAT HAD HAPPENED. I TOLD HIM A LITTLE  
17 BIT THAT NIGHT ON THE PHONE AND NEXT MORNING I JUST  
18 KIND OF FILLED HIM IN AND TOLD HIM EXACTLY THE  
19 CIRCUMSTANCES SURROUNDING THE INVESTIGATION.

20 Q AFTER SPEAKING WITH MR. BAKER DID YOU HAVE  
21 ANYTHING TO DO WITH THE INSUING EXAMINATION AND  
22 INTERVIEW THAT MR. BAKER DID REGARDING JUST  
23 POLYGRAPH?

24 A NO, SIR. I, AT THE POLYGRAPH ITSELF I WAS  
25 SEATED IN THE WAITING ROOM AREA WHILE HE WENT IN,

1           WHILE MR. COPE WENT IN WITH MR. BAKER AND THE  
2           POLYGRAPH WAS PERFORMED. I WAS NOT A PART OF THE  
3           POLYGRAPH.

4           Q       APPROXIMATELY HOW LONG DID THAT TAKE, HOW LONG  
5           DID THAT TAKE WHILE YOU WERE SITTING OUTSIDE, AND  
6           THEY WERE IN THERE TOGETHER?

7           A       JUST A ROUGH GUESS ON MY PART, PROBABLY A LITTLE  
8           OVER AN HOUR OR SO. I'M NOT 100 PERCENT SURE. AN  
9           HOUR AND A HALF.

10          Q       EVENTUALLY DID YOU JOIN MR. BAKER AND MR. COPE?

11          A       YES, SIR. MR. BAKER, DETECTIVE BAKER CAME OUT  
12          AND ASKED ME TO COME BACK INTO THE POLYGRAPH ROOM  
13          ITSELF AND BE A PART OF THEIR INTERVIEW.

14          Q       OKAY. AND IN FACT, DID YOU HAVE OCCASION TO  
15          TALK WITH MR. COPE AT THAT POINT IN TIME?

16          A       YES, SIR. AFTER I WENT BACK INTO THE POLYGRAPH  
17          ROOM ITSELF, MIKE BAKER INFORMED ME THAT MR. COPE HAD  
18          BEEN GIVEN HIS MIRANDA WARNINGS AND MR. COPE  
19          ACKNOWLEDGED THAT HE HAD GOTTEN HIS MIRANDA WARNINGS  
20          AND AT THAT POINT MR. BAKER TOLD ME ABOUT WHAT  
21          MR. COPE HAD TOLD HIM AND THEN TOLD MR. COPE TO GO  
22          OVER IT AGAIN WITH ME AND I WAS GOING TO TAKE A HAND  
23          WRITTEN STATEMENT AND I DIDN'T HAVE ANY FORMS TO PUT  
24          THE HAND WRITTEN STATEMENTS SO MR. BAKER GOT ME SOME  
25          OF THE SHERIFF'S DEPARTMENT FORMS AND AS MR. COPE WAS

1 TELLING ME WHAT HAPPENED THAT NIGHT AS FAR AS HOW HE  
2 KILLED HIS DAUGHTER I HAND WROTE THE STATEMENT OUT AS  
3 HE WAS TELLING ME.

4 Q DID ANYBODY THREATEN MR. COPE AT ANY POINT IN  
5 TIME WHILE YOU WERE PRESENT?

6 A NO, SIR.

7 Q DID ANYBODY PROMISE HIM ANY CONSIDERATION IF HE  
8 WOULD CONFESS WHILE YOU WERE PRESENT?

9 A NO, SIR.

10 Q WHAT WAS HIS Demeanor WHILE HE WAS CONFESSING?

11 A HIS Demeanor WAS CALM. HE WASN'T UPSET. HE  
12 WASN'T EMOTIONAL. HE JUST TALKED AS A MATTER OF  
13 FACTLY AS WE'RE TALKING RIGHT NOW.

14 Q ABOUT HOW LONG DID THAT PORTION OF THE  
15 INTERVIEW, THE TAKING OF THE STATEMENT, LAST?

16 A I'M THINKING PROBABLY 30 TO 45 MINUTES, 35-45  
17 MINUTES PROBABLY.

18 Q OKAY. AND HOW LONG, HOW DID THAT INTERVIEW  
19 CONCLUDE?

20 A BASICALLY AFTER HE TOLD ME EXACTLY WHAT HAD  
21 HAPPENED AND I WROTE IT UP, HE SEEMED TO BE RELIEVED.

22 Q OKAY.

23 A HE BECAME MORE TALKATIVE AFTER THAT.

24 Q DID HE HAVE AN OPPORTUNITY TO READ AND SIGN THE  
25 STATEMENT THAT YOU PREPARED?

1 A YES, I GOT HIM TO READ IT. I READ IT BACK TO  
2 HIM AND I GAVE, I DIDN'T GIVE HIM A COPY, BUT I GOT  
3 HIM TO SIGN THE FORM.

4 Q I'M SHOWING YOU STATE'S EXHIBIT FOUR AND I'LL  
5 ASK YOU IS THAT THE STATEMENT THAT YOU HAND WROTE?

6 A YES, SIR, THIS IS THE STATEMENT THAT I WROTE  
7 THAT DAY.

8 Q OKAY. AND IS THAT YOUR SIGNATURE ON THAT  
9 STATEMENT?

10 A YES, SIR, IT IS.

11 Q AND IS THAT BILLY WAYNE COPE THE DEFENDANT'S  
12 SIGNATURE ON THAT STATEMENT?

13 A YES, SIR. IT'S MR. COPE'S AND MIKE BAKER, HE  
14 WITNESSED IT AS HE WAS THERE WHEN IT WAS BEING TOLD  
15 TO ME.

16 MR. MORTON: CAN WE APPROACH FOR A SECOND.

17 (BENCH CONFERENCE AT 09:57 AM.)

18 MR. MORTON: YOUR HONOR, AT THIS POINT I  
19 WOULD RENEW THE OBJECTION THAT I MADE ON EARLIER  
20 GROUNDS THAT HIS HONOR HAS ALREADY RULED ON REGARDING  
21 THE ADMISSION OF THE STATEMENTS THAT MR. HERRING IS  
22 GETTING READY TO REFER TO.

23 THE COURT: MORE FULLY EXPOUNDED ON  
24 EARLIER I WILL DENY THAT MOTION. LET ME TELL YOU  
25 MEMBERS OF THE JURY PANEL, THE INTRODUCTION OF

1 STATEMENTS OR CONFESSIONS OF DEFENDANTS IS ULTIMATELY  
2 A SITUATION OR AN ISSUE FOR YOU TO DETERMINE HOW IF  
3 AT ALL YOU WISH TO USE THOSE STATEMENTS. THAT IS,  
4 BEFORE A STATEMENT CAN BE CONSIDERED BY A JURY IN  
5 DETERMINING ONE'S GUILT OR INNOCENCE YOU MUST IN YOUR  
6 DELIBERATIONS DETERMINE BEYOND A REASONABLE DOUBT  
7 THAT THE STATEMENT WAS GIVEN FREELY AND VOLUNTARILY.  
8 THAT IS, THAT HE, ANYONE GIVEN A STATEMENT, WAS  
9 ADVISED OF THEIR CONSTITUTIONAL RIGHTS AND GIVEN  
10 THEIR MIRANDA WARNINGS AND I'M NOT GOING TO ELABORATE  
11 ON THOSE AT THIS POINT. I WILL GO OVER ALL THOSE AT  
12 THE END FOR YOU I SAY AGAIN BECAUSE I'M SURE YOU'VE  
13 HEARD THEM SOME POINT, BUT I HAVE NOT GONE OVER THEM  
14 BUT I WILL ENUMERATE ALL OF THOSE FOR YOU IN MY FINAL  
15 CHARGE AND TELL YOU TO ANALYZE ANY STATEMENTS BEFORE  
16 YOU CONSIDER AND DETERMINE WHETHER IT WAS GIVEN  
17 FREELY AND VOLUNTARILY AND OF HIS OWN FREE WILL AND  
18 ACCORD AND WHETHER OR NOT IT WAS GIVEN AFTER HE WAS  
19 WARNED AS MIRANDA REQUIRES AND WITHIN THE CONSTRAINTS  
20 IT COMPLIED WITH THE CONSTITUTIONAL REQUIREMENTS FOR  
21 ONE'S RIGHT TO REMAIN SILENT AND THE RIGHT TO  
22 COUNSEL. I HAVE ALLOWED IT INTO EVIDENCE AND THAT IS  
23 SORT OF A THRESHOLD THING THAT THE JUDGE DOES. I  
24 HAVE TO DETERMINE WHETHER IT'S ADMISSIBLE AND I DO  
25 THAT BY A LESSER STANDARD THAN YOU WILL USE TO

1 DETERMINE WHETHER YOU WISH TO CONSIDER THIS; THAT IS,  
2 THERE IS A STANDARD JUST LETTING IT INTO EVIDENCE.  
3 THERE IS A GREATER STANDARD FOR YOU TO USE IN REGARD  
4 TO WHETHER OR NOT YOU WILL ACCEPT IT AS A FREE AND  
5 VOLUNTARY STATEMENT AND CONSIDER IT IN WHOLE OR IN  
6 PART IN YOUR DELIBERATIONS. SO I HAVE ALLOWED IT  
7 INTO EVIDENCE BUT IT WILL ULTIMATELY BE UP TO YOU TO  
8 DETERMINE WHETHER IT WAS FREELY AND VOLUNTARILY GIVEN  
9 AND WHAT IF ANY WEIGHT TO GIVE IT, SO I'M TELLING YOU  
10 AT THIS TIME SO WHEN YOU LISTEN TO THE EVIDENCE YOU  
11 WILL HAVE THOSE CONCEPTS TO WORK WITH YOU. THANK  
12 YOU.

13 MR. MORTON: YOUR HONOR, MAY WE APPROACH  
14 JUST BRIEFLY.

15 THE COURT: CERTAINLY.

16 (BENCH CONFERENCE AT 10:01 AM.)

17 THE COURT: I MENTIONED THE STANDARD THAT  
18 YOU WILL HEAR USED LATER, THAT IS, BEYOND A  
19 REASONABLE DOUBT. A REASONABLE DOUBT IS THE KIND OF  
20 DOUBT THAT WOULD CAUSE A REASONABLE PERSON TO  
21 HESITATE TO ACT. SO WHEN YOU LISTEN TO THE EVIDENCE  
22 YOU WILL BE DETERMINING WHETHER OR NOT THOSE ISSUES  
23 THAT I WENT OVER A MINUTE AGO ARE, YOU ARE CONVINCED  
24 BEYOND A REASONABLE DOUBT; THAT IS, WHETHER OR NOT  
25 THE EVIDENCE IS SUFFICIENT OR WHETHER THERE IS A



1 REASONABLE DOUBT AS TO THE ISSUE OF VOLUNTARINESS AND  
2 A REASONABLE DOUBT WOULD BE THE KIND OF DOUBT THAT  
3 WOULD CAUSE A REASONABLE PERSON TO HESITATE TO ACT.  
4 THANK YOU.

5 Q I BELIEVE YOU JUST TESTIFIED ABOUT WE WERE AT  
6 THE END OF THE INTERVIEW, HE APPEARED RELIEVED, AND  
7 HE SIGNED THE STATEMENT?

8 A THAT IS CORRECT, YES, SIR.

9 Q NOW I SHOW YOU WHAT'S BEEN MARKED AS STATE'S  
10 EXHIBIT 11 THE ADVICE OF RIGHTS FORM. WERE YOU AWARE  
11 THAT THAT FORM HAD BEEN FILLED OUT PRIOR TO THE  
12 INTERVIEW?

13 A YES, SIR, I WAS TOLD THAT IT HAD BEEN DONE.

14 Q ALL RIGHT, SIR. AT THE CONCLUSION OF THE  
15 INTERVIEW WHERE DID MR. COPE GO?

16 A AFTER I WROTE THE STATEMENT UP AS HE TOLD IT TO  
17 ME, WE LEFT AND CAME BACK TO THE ROCK HILL POLICE  
18 DEPARTMENT.

19 Q AND WHO TOOK HIM BACK TO THE ROCK HILL POLICE  
20 DEPARTMENT?

21 A I BROUGHT HIM UP HERE AND I TOOK HIM BACK.

22 Q WHAT WAS HIS DEemeanOR ON THE WAY BACK TO THE  
23 ROCK HILL POLICE DEPARTMENT?

24 A LIKE I SAID EARLIER, HE APPEARED MORE RELIEVED  
25 AND MORE TALKATIVE AND AS WE WENT WE JUST HAD SMALL

1 TALK BACK AND HE ASKED ME IF HE COULD TELL ME A  
2 COUPLE JOKES ON THE WAY BACK AND HE DID.

3 Q ALL RIGHT, SIR. DID YOU HAVE OCCASION TO TALK  
4 TO HIM AGAIN THAT FRIDAY? DID YOU DO ANYMORE  
5 INTERVIEWS OF HIM YOURSELF AT THAT DAY?

6 A NO, SIR, I DID NOT.

7 Q TURNING YOUR ATTENTION TO THE WEEKEND, SUNDAY,  
8 DECEMBER SECOND OF 2001, DID YOU GET A CALL AT YOUR  
9 RESIDENCE IN REGARDS TO THIS CASE?

10 A NO, SIR, I DIDN'T GET A CALL. I GOT A PAGE ON  
11 MY PAGER FROM THE ROCK HILL POLICE DEPARTMENT AND  
12 WHEN I CALLED BACK IT WAS THE DISPATCHER TELLING ME  
13 THAT MR. COPE HAD, WAS WANTING TO TALK TO ME FURTHER,  
14 AND I TOLD HER TO CONTACT THE MOSS JUSTICE CENTER  
15 JAIL AND JUST TELL THEM THAT WE'D BE BACK IN MONDAY  
16 AND I'D GET BACK IN TOUCH WITH HIM MONDAY.

17 Q ALL RIGHT, SIR. AND DID YOU ON MONDAY INVOLVE  
18 YOURSELF FURTHER IN THE INTERVIEWS OF MR. COPE?

19 A NO, SIR, I DID NOT. WE MADE, WHEN I WENT BACK  
20 IN THAT MONDAY MORNING I INFORMED MY SUPERVISOR  
21 CAPTAIN CABANISS THAT HE WANTED TO TALK FURTHER AND  
22 AT THAT POINT I THINK THEY MADE ARRANGEMENTS, CAPTAIN  
23 CABANISS MADE ARRANGEMENTS TO HAVE HIM BROUGHT BACK.  
24 I DID NOT MAKE THOSE ARRANGEMENTS.

25 Q AND DID YOU TALK TO HIM AFTER HE ARRIVED BACK AT

1 THE ROCK HILL POLICE DEPARTMENT, DID YOU PARTICIPATE  
2 IN ANY FURTHER INTERVIEWS OF MR. COPE THAT DAY OR ANY  
3 TIME THAT DAY?

4 A NO, SIR, I DID NOT.

5 Q HAVE YOU HAD OCCASION TO GO SEE MR. BAKER IN  
6 REGARDS TO OTHER CASES?

7 A OH, YES, SIR. I TALKED WITH HIM QUITE  
8 FREQUENTLY ABOUT OTHER CASES THAT I'M INVOLVED IN.

9 Q AND HAVE YOU EVER GONE TO HIM TO GET HIS HELP IN  
10 INTERVIEWING SOMEBODY AND HIM REFUSE TO RUN A  
11 POLYGRAPH ON SOMEBODY?

12 A YES, SIR, I HAVE.

13 MR. BRACKETT: YOUR HONOR, I WOULD LIKE TO  
14 PUBLISH THE STATEMENT AT THIS POINT IN TIME, SO I  
15 NEED TO MAKE SURE I HAVE AN UNDERSTANDING AS FAR AS  
16 REDACTIONS ARE CONCERNED.

17 MR. MORTON: I DON'T HAVE ANY OBJECTION.

18 MR. BRACKETT: IF I CAN PUBLISH IT AT THIS  
19 POINT IN TIME BECAUSE I HAVE AN UNDERSTANDING OF WHAT  
20 THE REDACTIONS ARE.

21 THE COURT: OKAY.

22 MR. BRACKETT: I'LL JUST READ IT ALOUD.

23 THE COURT: YES, SIR.

24 MR. BRACKETT: I BILLY WAYNE COPE KNOW AND  
25 UNDERSTAND MY RIGHTS. HAVING DECIDED TO ANSWER

1       QUESTIONS AT THIS TIME I NOW MAKE THE FOLLOWING  
2       STATEMENT:  IN THE EARLY MORNING OF NOVEMBER 29,  
3       2001, A THURSDAY MORNING I GOT UP AND WENT TO THE  
4       BATHROOM ABOUT THREE AM.  I HAD A HARD ON AFTER I  
5       URINATED.  I THEN WENT INTO MY DAUGHTER AMANDA COPE'S  
6       BEDROOM.  WHILE IN HER ROOM I BEGAN TO MASTURBATE.  
7       WHILE DOING THIS AMANDA WOKE UP.  I REMEMBER HEARING  
8       AMANDA SAY, OH, GROSS, DADDY.  I THEN JUMPED ON TOP  
9       OF HER AND STRADDLED HER.  I THEN BEGAN TO HIT HER  
10      WITH MY HANDS IN THE SIDE AND TOWARDS THE TOP OF HER  
11      HEAD.  SHE WAS STRUGGLING AND I GRABBED HER BY THE  
12      NECK AND I TOOK HER HEAD AND BEAT IT DOWN ON THE BED  
13      TOP ON TOP OF THE VIDEO GAME.  SHE SLOWED UP IN HER  
14      STRUGGLE AND BECAME LIMP.  I THEN GRABBED THE END  
15      PART OF THE BLANKET AND I WRAPPED IT AROUND HER NECK.  
16      I THEN GRABBED A WOODEN BROOM AND I STARTED TO POKE  
17      IT INTO HER.  I THINK I POKED IT IN HER BUTT FIRST  
18      AND THEN HER VAGINA.  I THEN WENT BACK INTO MY BED  
19      AND PUT ON MY BREATHING MASK AND WENT TO SLEEP.  
20      THESE ARE THE IMAGES THAT COME INTO MY MIND.  ADDED  
21      AT 2:25 PM 11/30/01.  THERE WAS A DILDO IN THE HOUSE.  
22      AFTER ALL THIS TOOK PLACE I WANTED TO GET THIS OUT OF  
23      MY HOUSE.  I DON'T REMEMBER USING THE DILDO ON  
24      AMANDA, I THINK IT WAS JUST THE BROOM HANDLE, BUT I  
25      TOOK THE DILDO AND I REMEMBER THROWING IT OUT THE

1 BACK DOOR. INITIALED BILLY WAYNE COPE AND IS SIGNED  
2 THIS STATEMENT ABOVE CONSISTING OF TWO PAGES IS MADE  
3 OF MY OWN FREE WILL. NO ONE HAS THREATENED ME IN ANY  
4 WAY NOR PROMISED ME SPECIAL TREATMENT TO CAUSE ME TO  
5 MAKE THIS STATEMENT. I'M SIGNING MY NAME IN THE  
6 SPACE BELOW TO SHOW THAT IT IS MY STATEMENT AND IT IS  
7 THE TRUTH. SIGNED BILLY WAYNE COPE, 11/30/01 AT TWO  
8 P.M. WITNESSED BY M. L. BAKER PAGE TWO OF TWO.

9 MR. BRACKETT: PLEASE ANSWER ANY QUESTIONS  
10 THAT MR. MORTON MAY HAVE.

11 CROSS EXAMINATION BY MR. MORTON:

12 Q LESLIE?

13 A YES, SIR.

14 Q I DIDN'T KNOW THAT. LIEUTENANT HERRING, IN THAT  
15 STATEMENT THAT MR. BRACKETT JUST READ YOU INDICATED  
16 AT A PREVIOUS HEARING THAT YOU DIDN'T BELIEVE ALL  
17 THAT STATEMENT. DO YOU REMEMBER THAT?

18 A I REMEMBER NOT BELIEVING THAT HE WAS TELLING US  
19 EVERYTHING THAT HAPPENED THAT NIGHT, YES, SIR.

20 Q OKAY. HOW ABOUT THE PREVIOUS NIGHT? DID YOU  
21 BELIEVE HIM THE PREVIOUS NIGHT?

22 A NO, SIR.

23 Q OKAY. DID YOU TELL HIM ON THE PREVIOUS NIGHT  
24 THAT IF HE WOULD JUST TELL Y'ALL THE TRUTH THERE  
25 WOULD BE SOME THINGS THAT Y'ALL COULD DO TO HELP HIM?

1 A I DON'T REMEMBER TELLING HIM THAT, NO, SIR.

2 Q OKAY. DO YOU REMEMBER TELLING HIM QUOTE WE CAN  
3 GET YOUR LIFE BACK IN ORDER?

4 A I MIGHT HAVE SAID IT. I DON'T REMEMBER SAYING  
5 IT, BUT I COULD HAVE.

6 Q CERTAIN IMPLICATIONS, AND TELL ME IF I'M WRONG,  
7 WERE MADE TO BILLY COPE THAT NIGHT BY YOU AND  
8 MR. WALDROP THAT IF HE WOULD JUST QUOTE TELL YOU THE  
9 TRUTH UNQUOTE THEN HE COULD BE HELPED, Y'ALL COULD  
10 HELP HIM?

11 A I DON'T THINK WE MEANT ANY PROMISES OR ANYTHING  
12 LIKE THAT, BUT HE COULD GET HIS LIFE BACK ON THE ROAD  
13 THAT IT NEEDED TO BE ON.

14 Q OKAY. YOU WEREN'T TRYING TO IMPLY TO HIM THAT  
15 YOU COULD GET HIM FREED OR ANYTHING LIKE THAT?

16 A AT THAT POINT, NO, SIR, WE WEREN'T.

17 Q AT THAT POINT IT WAS TOO LATE?

18 A NO, IT WASN'T TOO LATE. WE JUST WANTED THE  
19 TRUTH. THAT'S ALL WE WANTED THAT NIGHT.

20 Q SO WHEN YOU SAID THOSE KINDS OF THINGS TO HIM  
21 THAT YOU COULD HELP HIM, YOU WEREN'T TRYING TO IMPLY  
22 THAT YOU COULD GET HIM TO STRAIGHTEN OUT OR ABSOLVE  
23 HIM OF ANY OF THESE CHARGES THAT WERE ABOUT TO COME  
24 OR ANYTHING LIKE THAT?

25 A NO, SIR.

1 Q OKAY. HIS, HE INSISTED ON THE PREVIOUS NIGHT  
2 WHEN HE TALKED WITH YOU AND JERRY WALDROP ON TAKING A  
3 POLYGRAPH?

4 A YES, SIR.

5 Q AT LEAST A DOZEN TIMES, GIVE ME THE POLYGRAPH,  
6 GIVE ME THE POLYGRAPH, GIVE ME THE POLYGRAPH, GIVE ME  
7 THE POLYGRAPH, CORRECT?

8 A HE SAID IT A FEW TIMES. HOW MANY, I DON'T KNOW.

9 Q OKAY. AND THEN WHEN YOU GAVE HIM THE POLYGRAPH  
10 AND DETECTIVE BAKER SAID HE FAILED THE POLYGRAPH,  
11 Y'ALL TESTIMONY IS THAT HE WAS FINE WITH THAT?

12 A BILLY'S DEMEANOR NEVER REALLY CHANGED.

13 MR. COPE'S DEMEANOR NEVER REALLY CHANGED.

14 Q OKAY. DOES IT SEEM STRANGE TO YOU THAT SOMEBODY  
15 WOULD INSIST, INSIST, INSIST, INSIST THAT THE  
16 POLYGRAPH WILL CLEAR HIM AND THEN WHEN YOU TELL HIM  
17 IT DIDN'T CLEAR HIM, THAT HE WOULD GO, BE JOVIAL,  
18 UPBEAT, DOES THAT MAKE SENSE TO YOU?

19 A NO, SIR.

20 Q IN THE STATEMENT THAT HE GAVE TO YOU ON THAT  
21 DAY, IT CAME ONLY AFTER BILLY -- WELL, FIRST OF ALL  
22 IT CAME AFTER ALMOST FIVE HOURS OF MORE INTERROGATION  
23 BY MR. BAKER AND BY YOU. I BELIEVE YOU SAID YOU GOT  
24 THERE SOMETIME AFTER NINE O'CLOCK AND THE STATEMENT  
25 WAS I THINK THE FINAL PART WAS AT 2:25?

1 A I WASN'T A PART OF THE INTERVIEW WITH MR. BAKER.

2 Q YOU WERE PART OF SOME OF IT?

3 A YES, AT THE END OF IT. YES, SIR, AFTER THE

4 POLYGRAPH, YES, SIR.

5 Q AND YOU TOLD, YOU HAD TOLD MR. BAKER AND YOU HAD

6 TOLD MR. COPE ABOUT THE AUTOPSY?

7 A YES, SIR.

8 Q RIGHT?

9 A WE HAD TALKED WITH HIM.

10 Q AND YOU TOLD HIM THAT SHE HAD BEEN BEATEN AND

11 SEXUALLY ASSAULTED AND SODOMIZED AND ALL THAT?

12 A YES, SIR, WE WENT OVER, I WENT OVER MR. BAKER

13 EXACTLY WHAT THE FINDINGS WERE AT THE AUTOPSY.

14 Q SO MR. COPE KNEW ALL THAT BEFORE HE GAVE THIS

15 QUOTE CONFESSION UNQUOTE, CORRECT?

16 A I'M NOT SURE WHAT HE WAS FAMILIAR WITH BECAUSE

17 I DON'T REMEMBER EVERYTHING WE TALKED ABOUT.

18 Q OKAY. BUT YOU HAD TOLD HIM ABOUT THE AUTOPSY

19 AND ABOUT WHAT THE FINDINGS WERE AND THAT'S ON THE

20 TAPE?

21 A YEAH, I TOLD HIM THAT SHE HAD BEEN SEXUALLY

22 ASSAULTED.

23 Q OKAY.

24 A TO WHAT EXACT I DON'T REMEMBER THAT.

25 Q AND SODOMIZED?



1 A I DON'T KNOW IF I TOLD HIM THAT OR NOT.

2 Q OKAY. THAT'S ON THE TAPE.

3 A I DON'T REMEMBER THAT.

4 Q ALL RIGHT. HE STATED TO YOU THAT IN, THAT HE  
5 HAD MASTURBATED IN AMANDA'S ROOM, CORRECT?

6 A YES, SIR.

7 Q NOW ARE YOU AWARE THAT ANY OF HIS SEMEN WAS  
8 FOUND THERE?

9 A IN HER ROOM?

10 Q YES, SIR.

11 A I'M NOT AWARE OF WHERE THE SEMEN WAS FOUND.

12 Q OKAY.

13 A AS FAR AS HIS SEMEN.

14 Q ARE YOU AWARE THAT HIS SEMEN WAS FOUND IN A RAG  
15 UP UNDERNEATH A BOOK CASE IN. --

16 MR. BRACKETT: OBJECTION, I THINK HE JUST  
17 TESTIFIED HE WASN'T AWARE --

18 THE COURT: IT'S CROSS EXAMINATION. I'M  
19 GOING TO LET HIM GO AHEAD.

20 Q YOU ARE AWARE THAT HIS SEMEN WAS NOT FOUND IN  
21 THE ROOM, IS THAT FAIR?

22 A I WAS UNDER THE IMPRESSION IT WAS FOUND IN A  
23 WASH RAG. WHERE AT, I'M NOT SURE.

24 Q OKAY. HE DIDN'T SAY TO YOU THAT HE USED A TOWEL  
25 OR A WASH CLOTH?

1 A I DON'T REMEMBER HIM SAYING THAT.

2 Q OKAY. HE SAID HE FINISHED STRANGLING AMANDA  
3 WITH A GREEN BLANKET, RIGHT?

4 A I THINK SO, YES, SIR.

5 Q I BELIEVE YOU SAID HE PULLED THE BLANKET TIGHT?

6 A I THINK SO. I DON'T HAVE THE STATEMENT RIGHT  
7 HERE IN FRONT OF ME BUT I THINK THAT'S WHAT HE SAID.

8 Q OKAY. YOU ARE AWARE FROM TALKING WITH DR.  
9 MAYNARD THAT THERE WERE NO LIGATURE MARKS FOUND ON  
10 AMANDA, CORRECT?

11 A IT'S BEEN AWHILE SINCE I TALKED TO DR. MAYNARD  
12 ABOUT THIS CASE, BUT I DON'T REMEMBER THAT.

13 Q YOU DON'T REMEMBER THERE BEING ANY LIGATURE  
14 MARKS FOUND OR YOU DON'T REMEMBER HIM SAYING THAT?

15 A I DON'T REMEMBER HIM SAYING THAT.

16 Q HE INDICATED THAT HE USED A WOODEN BROOM?

17 A YES, SIR.

18 Q HAVE YOU LOOKED AT THESE BROOMS THAT WERE TAKEN  
19 FROM BILLY COPE'S HOUSE?

20 A NO, SIR, I DON'T REMEMBER LOOKING AT THEM.

21 Q WITHOUT ME PULLING THEM OUT AND SHOWING THEM TO  
22 YOU, THEY ARE ALL RIGHT HERE, WOULD YOU ACKNOWLEDGE  
23 THAT AND YOU ARE WELCOME TO GET DOWN AND LOOK AT THEM  
24 IF YOU WANT TO, THAT THERE ARE NO WOODEN BROOMS IN  
25 THIS COLLECTION OF EVIDENCE FROM HIS HOUSE?

1 A I DIDN'T SEE THEM, BUT IF YOU ARE SAYING THERE  
2 IS WOODEN BROOMS THERE, I'LL BELIEVE YOU ARE TELLING  
3 THE TRUTH.

4 Q THANK YOU. HE SAYS HE THREW A DILDO OUT THE  
5 BACK DOOR, WERE YOU AWARE THAT DILDO WAS NOT FOUND  
6 OUT THE BACK DOOR?

7 A THAT'S RIGHT, IT WASN'T.

8 Q OKAY. SO ALL OF THOSE THINGS ARE INCONSISTENT  
9 WITH EITHER WHAT THE PATHOLOGIST FOUND OR WHAT HIS  
10 OTHER STATEMENTS WERE, CORRECT?

11 A THAT'S WHY I DIDN'T THINK HE WAS BEING TOTALLY  
12 HONEST WITH US WHEN WE WERE TALKING WITH HIM.

13 Q WELL, MR. HERRING, IS IT FAIR FOR ME TO SAY THAT  
14 YOU KIND OF DECIDE WHAT YOU WANT TO BELIEVE I MEAN  
15 AND THEN DECIDE WHAT YOU DON'T WANT TO BELIEVE?

16 A I'M NOT SURE I UNDERSTAND THE QUESTION.

17 Q I MEAN, AND I'M NOT GOING TO BEAT A DEAD HORSE,  
18 BUT Y'ALL FELT LIKE THAT YOU KNEW WHAT THE TRUTH WAS  
19 AND THAT IF HE SAID SOMETHING THAT YOU DIDN'T THINK  
20 TO BE THE TRUTH THAT YOU DIDN'T BELIEVE THAT? IS  
21 THAT FAIR?

22 A WELL, WE KNEW BASICALLY WHAT HAPPENED TO HER,  
23 WHAT CAUSED HER DEATH.

24 Q LET ME -- IS IT FAIR TO SAY THAT SOME OF THE  
25 THINGS THAT HE TOLD YOU THAT HAD HAPPENED TO AMANDA

1 DID NOT MATCH UP TO THE EVIDENCE, IS THAT FAIR?

2 A WITHOUT GOING OVER EVERYTHING I CAN'T SAY THAT.

3 Q OKAY. HE INDICATED TO YOU THAT HE HIT HER

4 TOWARDS THE TOP OF THE HEAD, CORRECT?

5 A IF THAT'S WHAT IN THE STATEMENT. I REMEMBER HIM

6 HITTING HER IN THE HEAD.

7 Q SAID THAT HE DOES NOT REMEMBER USING A DILDO ON

8 HER, CORRECT?

9 A RIGHT.

10 Q THAT HE USED A BROOM, A WOODEN BROOM?

11 A YES, SIR.

12 Q OKAY. NOW CAN YOU, WHEN HE SAID TOWARDS THE TOP

13 OF THE HEAD, CAN YOU, DID HE DEMONSTRATE THAT?

14 A I DON'T THINK HE DEMONSTRATED THAT TO ME. I

15 THINK HE WAS JUST TALKING AND I WAS WRITING IT AS HE

16 WAS SAYING IT.

17 Q DID YOU FEEL LIKE THAT WAS IMPORTANT FOR HIM TO

18 BE A LITTLE MORE EXPLICIT OR TRY TO GET SOME MORE

19 DETAILS FROM HIM ABOUT THAT?

20 A IT PROBABLY WAS MORE IMPORTANT BUT WITH HIM

21 TALKING AND ME TRYING TO WRITE I DIDN'T GET INTO IT.

22 I JUST WROTE IT AS HE WAS SAYING IT.

23 Q OKAY. ABOUT THE WRITING AND THE RECORDING AND

24 SO FORTH, Y'ALL RECORDED EVEN THE NIGHT BEFORE?

25 A YES, SIR.

1 Q RIGHT?

2 A YES, SIR.

3 Q WAS THAT A PROBLEM?

4 A I DON'T UNDERSTAND.

5 Q WASN'T ANY PROBLEM DOING THAT?

6 A NO, SIR, IT'S JUST NOT A COMMON PRACTICE. WE

7 DON'T NORMALLY --

8 Q OKAY.

9 A ---DO THAT.

10 Q IF YOU FELT IT WAS A PROBLEM IN HOW MR. COPE

11 WOULD RESPOND TO YOUR QUESTIONS, YOU COULD HAVE

12 RECORDED IT WITHOUT HIM KNOWING ABOUT IT? ON

13 NOVEMBER 30 I'M TALKING ABOUT?

14 A UH-HUH.

15 Q IN OTHER WORDS, YOU RECORDED HIM ON NOVEMBER 29,

16 YOU DIDN'T THINK THERE SEEMED TO BE A PROBLEM WITH

17 THAT?

18 A RIGHT.

19 Q ON NOVEMBER 30 HE WASN'T RECORDED, CORRECT?

20 A CORRECT.

21 Q OKAY. IF YOU FEEL LIKE THAT SOMEBODY HAS NOT

22 BEING FORTHCOMING BECAUSE THERE WAS A TAPE PLAYER OR

23 SOMETHING THERE, YOU COULD ALWAYS JUST SECRETLY TAPE

24 RECORD, THAT'S DONE ALL THE TIME, RIGHT?

25 A I DON'T DO IT, NO, SIR.

1 Q BUT PEOPLE AT YOUR DEPARTMENT DO?

2 A TO MY KNOWLEDGE NOT TOO MANY PEOPLE USE A TAPE  
3 RECORDER. THEY DIDN'T WHEN THEY WORKED FOR ME  
4 ANYWAY.

5 Q LET ME, IF I CAN PUT IT THIS WAY, IF YOU WANTED  
6 TO SECRETLY TAPE RECORD SOMEBODY YOU CAN?

7 A OF COURSE, YEAH.

8 Q AND THAT'S DONE?

9 A NOT TO MY KNOWLEDGE. I DON'T.

10 Q YOU DON'T DO IT?

11 A I DON'T DO IT AND I DON'T THINK ANY PEOPLE THAT  
12 WORKED FOR ME DID IT.

13 Q I UNDERSTAND. BILLY COPE TOLD YOU THAT NIGHT  
14 OVER 650 TIMES HE DIDN'T HURT HIS DAUGHTER, DIDN'T  
15 HE? I KNOW YOU HAVEN'T COUNTED THEM.

16 A AND I HAVEN'T.

17 Q BUT HE TOLD YOU MANY TIMES THAT HE DIDN'T HURT  
18 HIS DAUGHTER AMANDA?

19 A HE TOLD US SEVERAL TIMES, YES, SIR.

20 Q AND IN ALL OF THESE, INCLUDING THE ONE ON THE 29  
21 AND 30, HE NEVER MENTIONS JAMES SANDERS?

22 A NO, SIR.

23 Q YOU DIDN'T KNOW ABOUT JAMES SANDERS?

24 A NO, SIR.

25 Q IF YOU HAD KNOWN JAMES SANDERS' SEMEN WAS FOUND

1 ON HER BODY WOULD YOU HAVE DONE ANYTHING DIFFERENTLY  
2 THAT NIGHT?

3 A THE NIGHT WE WERE INTERVIEWING --

4 Q YES, SIR.

5 A ---MR. COPE.

6 Q YES, SIR?

7 A I CAN'T SAY WHAT I WOULD HAVE DONE DIFFERENT.  
8 GIVEN THE CIRCUMSTANCES YOU JUST HAVE TO GO AS THINGS  
9 PRESENT THEMSELVES TO YOU, SO I CAN'T ANSWER THAT  
10 QUESTION.

11 Q WOULD YOU HAVE ARRESTED BILLY COPE?

12 A I CAN'T ANSWER THAT QUESTION BECAUSE AS YOU ARE  
13 INVESTIGATING THINGS YOU TAKE THEM AS THEY COME TO  
14 YOU AND SITTING BACK NOW LOOKING AT IT, I CAN'T SAY  
15 THAT I WOULD OR I WOULDN'T HAVE.

16 Q IS IT FAIR TO SAY THAT, ON ANOTHER SUBJECT, THAT  
17 OFTEN TIMES ENTRY IS GAINED INTO A HOUSE WITHOUT  
18 THERE BEING ANY SIGNS OF ANY WHAT Y'ALL CALL FORCED  
19 ENTRY?

20 A YOU SAID OFTEN TIMES OR.

21 Q YES, SIR, COMMON.

22 A IT'S NOT, I DON'T THINK IT'S AS COMMON AS  
23 ACTUALLY A BREAK IN WHERE THERE IS, YOU KNOW, OBVIOUS  
24 SIGNS OF A BREAK IN. I THINK THAT'S MORE COMMON  
25 ENTRY BEING GAINED WHERE A KEY IS USED OR SOME OTHER

1 DEVICE WHERE THERE IS NO ENTRY.

2 Q BUT OFTEN TIMES PEOPLE GAIN ENTRY WITH SCREW  
3 DRIVERS OR CREDIT CARDS WITHOUT BREAKING A WINDOW OR  
4 KICKING A DOOR IN?

5 A IT HAS BEEN DONE, YES, SIR.

6 Q OKAY. AND SOMETIMES BURGLARS CAN GET INTO A  
7 HOUSE JUST LIKE THAT, CREDIT CARDS, WINDOWS, AND  
8 THERE WOULDN'T BE ANY SIGN OF THAT?

9 A THAT IS CORRECT, YES, SIR.

10 Q NOW LIEUTENANT HERRING, IN HIS STATEMENT I KNOW  
11 I'M JUMPING AROUND AND I APOLOGIZE, IN HIS STATEMENT  
12 HE INDICATED WHEN HE WAS TALKING TO YOU AND DETECTIVE  
13 BAKER THAT HE FIRST STARTED OUT BY SAYING COULD I  
14 HAVE DONE THIS IN MY SLEEP. WERE YOU THERE FOR THAT  
15 STATEMENT? DO YOU REMEMBER THAT? DO YOU REMEMBER  
16 THAT TYPE OF PHRASE BEING USED BY BILLY COPE, COULD I  
17 HAVE DONE THIS AND NOT REMEMBERED IT?

18 A I DON'T REMEMBER THAT PHRASE BEING USED BY HIM,  
19 NO, SIR.

20 Q OKAY. YOU DO REMEMBER THE PHRASE BECAUSE IT'S  
21 IN YOUR STATEMENT OR IN THE STATEMENT THAT I WROTE  
22 DOWN THAT QUOTE THESE ARE THE IMAGES THAT COME TO MY  
23 MIND?

24 A YES, SIR.

25 Q DID YOU TAKE THAT TO MEAN THAT MR. COPE WAS NOT



1 SURE ABOUT WHAT HE WAS TELLING?

2 A NO, SIR. I TOOK IT TO MEAN THAT HE WAS  
3 REMEMBERING HOW THINGS, THE EVENTS, UNFOLDED.

4 Q YOU DON'T THINK IT'S POSSIBLE THEN I GUESS THAT  
5 WHEN HE SAID THAT HE WAS CONFUSED, DOUBTING,  
6 STRUGGLING HIMSELF, MAKING SURE, TELLING YOU ON THAT  
7 STATEMENT, THESE ARE THE IMAGES THAT COME TO MY MIND,  
8 THAT JUST SEEMS, DOES IT NOT SEEM STRANGE TO YOU THAT  
9 STATEMENT?

10 A WELL, LIKE I SAID, I THOUGHT WHEN HE WAS SAYING  
11 THAT THAT HE WAS JUST REMEMBERING THE WAY THINGS  
12 HAPPENED AND THAT'S WHY IT WAS COMING INTO HIS MIND.  
13 THAT'S THE WAY HE WAS PIECING IT TOGETHER. THE WAY  
14 HE WAS WANTING ME TO WRITE IT DOWN, TRYING TO RELATE  
15 IT TO ME THAT WAY.

16 Q OKAY. WHEN YOU SAW BILLY COPE ON THE 29 HE  
17 TALKED TO YOU SEVERAL TIMES THAT DAY, CORRECT?

18 A A COUPLE TIMES, YES, SIR.

19 Q OKAY. AND HE VOLUNTARILY DID THAT?

20 A YES, SIR.

21 Q AND YOU TOOK HIS CLOTHES I BELIEVE YOU SAID AND  
22 SO FORTH INTO EVIDENCE THAT NIGHT?

23 A THAT NIGHT, YES, SIR.

24 Q AND DID YOU, HIS CLOTHES WERE I BELIEVE NOT  
25 TESTED, IF YOU LOOK AT YOUR EVIDENCE SHEET, UNTIL

1 JULY 22 OF THIS YEAR, RIGHT?

2 A I DIDN'T KNOW. I DON'T KNOW WHEN IT WAS.

3 Q DID YOU SEE ANY REASON TO TEST THEM AT ALL? YOU  
4 DIDN'T SEE, WHAT I'M GETTING AT I GUESS, IS YOU  
5 DIDN'T SEE ANY BLOOD OR ANYTHING ON HIS CLOTHES?

6 A I DON'T REMEMBER LOOKING AT HIS CLOTHES. I JUST  
7 COLLECTED THEM AND TURNED THEM INTO EVIDENCE SO THAT  
8 COULD BE DONE, THE PROCESSING COULD BE DONE.

9 Q BUT LOOKING AT HIS CLOTHES AND TAKING HIS  
10 CLOTHES INTO EVIDENCE AND TAKING PICTURES OF HIS  
11 CLOTHES, WOULD YOU CONSIDER THAT IMPORTANT IN THIS  
12 CASE?

13 A YES, SIR.

14 Q AND HOW ABOUT HIS SHOES, WERE HIS SHOES TAKEN  
15 INTO EVIDENCE?

16 A IF THEY WERE I DON'T THINK I TOOK THEM INTO  
17 EVIDENCE.

18 Q BUT IN ANY EVENT HIS CLOTHES WERE NOT  
19 PHOTOGRAPHED AND THEY WERE NOT TESTED UNTIL ABOUT SIX  
20 WEEKS AGO, CORRECT?

21 A I WASN'T AWARE WHEN THEY WERE PROCESSED, NO,  
22 SIR. AND WE TOOK HIS CLOTHES.

23 Q THAT NIGHT?

24 A THAT NIGHT. AND HE HAD OPPORTUNITY TO CHANGE.  
25 WE WERE GOING ON WHAT HE TOLD US THESE WERE THE SAME

1 CLOTHES THAT HE WAS WEARING AT THE TIME, SO I WASN'T  
2 SURE IF THOSE WERE HIS CLOTHING OR NOT JUST BASED ON  
3 WHAT HE WAS TELLING US.

4 Q HE WAS WEARING THOSE CLOTHES ALL DAY LONG, WAS  
5 HE NOT? WASN'T HE WEARING THE SAME CLOTHES THAT YOU  
6 SAW HIM THAT MORNING IN AND?

7 A IT SEEMS TO ME LIKE I REMEMBER THOSE BEING THE  
8 CLOTHES HE WAS WEARING, BUT I GOT A COUPLE DIFFERENT  
9 PAIR OF SWEAT PANTS AND I DON'T KNOW IF HE CHANGED  
10 THEM AND THAT TYPE OF THING.

11 Q I UNDERSTAND.

12 MR. MORTON: BEG THE COURT'S INDULGENCE  
13 ONE SECOND.

14 Q LIEUTENANT HERRING, YOU WEREN'T INVOLVED IN THIS  
15 INVESTIGATION AFTER I GUESS THE STATEMENT ON THAT DAY  
16 REALLY I MEAN. I THINK YOU TOLD CAPTAIN HE WANTED TO  
17 TALK TO Y'ALL AGAIN, BUT AFTER THAT YOU WEREN'T  
18 INVOLVED IN DISCUSSIONS WITH HIM ON DECEMBER THIRD AT  
19 ALL?

20 A NO.

21 Q AND NO INVESTIGATION, YOU HAVEN'T PARTICIPATED  
22 IN ANYTHING ON THIS CASE SINCE THAT TIME?

23 A WELL, I WAS ACTING IN A SUPERVISORY ROLE  
24 ASSISTING THE INVESTIGATOR LIKE DETECTIVE BLACKWELDER  
25 AND WHOEVER ELSE, I WAS ASSISTING HER AND I ASSISTED

1 HER IN DIFFERENT THINGS OF THE CASE, BUT NOT ACTING  
2 AS AN ACTIVE INVESTIGATOR, NO, SIR. I ASSISTED HER  
3 AND THE OTHER INVESTIGATORS.

4 Q DO YOU REMEMBER WHAT THOSE WERE?

5 A WE OBTAINED DNA SAMPLES FROM SEVERAL DIFFERENT  
6 PEOPLE AND I WAS PRESENT WHILE SOME OF THOSE WERE  
7 DONE.

8 Q OKAY. SO WHEN MR. COPE'S, WHEN IT WAS  
9 DETERMINED ON DECEMBER 31 OF THAT SAME YEAR, ABOUT A  
10 MONTH LATER, THAT MR. COPE'S SEMEN WAS NOT IN FACT ON  
11 HIS DAUGHTER'S LEG, THEN Y'ALL WENT AND OBTAINED  
12 SAMPLES FROM OTHER PEOPLE?

13 A THAT IS CORRECT, YES, SIR.

14 Q OKAY.

15 MR. MORTON: BEG THE COURT'S INDULGENCE.

16 Q THANK YOU VERY MUCH, LIEUTENANT HERRING.

17 MR. GREELEY: I HAVE NO QUESTION.

18 THE COURT: REDIRECT.

19 MR. BRACKETT: NO, SIR, YOUR HONOR, AND  
20 I'LL NEED A BREAK BEFORE OUR NEXT WITNESS.

21 THE COURT: APPRECIATE YOUR TIME. YOU CAN  
22 FEEL FREE TO LEAVE AND BE EXCUSED. THANK YOU. WE'LL  
23 TAKE A SHORT BREAK WHILE WE GET READY FOR THE NEXT  
24 WITNESS.

25 (THE JURY EXITS THE COURTROOM AT 10:29

1 AM AND COURT'S IN RECESS.)

2 (COURT RESUMES AT 11:02 AM.)

3 THE COURT: IS THE STATE READY.

4 MR. BRACKETT: YES, SIR.

5 THE COURT: MR. MORTON, YOU READY.

6 MR. MORTON: YES, SIR.

7 THE COURT: MR. GREELEY.

8 MR. GREELEY: I AM, YOUR HONOR.

9 THE COURT: BRING IN THE JURY.

10 (THE JURY RETURNS TO THE COURTROOM AT  
11 11:07 AM.)

12 THE COURT: MR. FOREMAN, LADIES AND  
13 GENTLEMEN OF THE JURY, THE FIRST THING BEFORE WE HAVE  
14 A WITNESS IS MR. BRACKETT IS GOING AS I UNDERSTAND  
15 IT -- YOU CHANGED YOUR MIND?

16 MR. BRACKETT: I THINK I'LL TYPE IT AND  
17 PUT IT IN A FORM.

18 THE COURT: WHAT HE WAS GOING TO TEL YOU  
19 IS HE WAS GOING TO INFORM YOU OF SOME OF THE FRUITS  
20 OF SOME OF THE THINGS THAT WE'VE DONE WHILE Y'ALL  
21 HAVE BEEN OUT BUT THEY WANT TO WAIT A LITTLE BIT.  
22 APPARENTLY A FEW WRINKLES STILL NEED TO BE IRONED.  
23 CALL YOUR NEXT WITNESS.

24 MR. BRACKETT: THE STATE WOULD CALL  
25 CAPTAIN CHARLES CABANISS.

1                                   CHARLES CABANISS, BEING FIRST  
2 DULY SWORN, TESTIFIED AS FOLLOWS:  
3 DIRECT EXAMINATION MR. BRACKETT:  
4 Q     SIR, WOULD YOU PLEASE STATE YOUR FULL NAME AND  
5 SPELL YOUR LAST NAME FOR THE COURT REPORTER?  
6 A     CHARLES T. CABANISS. C-A-B-A-N-I-S-S.  
7 Q     WHERE ARE YOU EMPLOYED, SIR?  
8 A     CITY OF ROCK HILL POLICE DEPARTMENT.  
9 Q     WHAT DO YOU DO AT THE ROCK CITY POLICE  
10 DEPARTMENT?  
11 A     I AM CAPTAIN THERE.  
12 Q     OVER WHAT DIVISION CURRENTLY?  
13 A     CURRENTLY I'M OVER THE PATROL DIVISION.  
14 Q     BACK IN NOVEMBER OF 2001 WHAT WERE YOUR  
15 ASSIGNMENTS?  
16 A     I WAS CAPTAIN OF THE DETECTIVE DIVISION OF ALL  
17 INVESTIGATIONS.  
18 Q     WERE YOU INVOLVED IN THE INVESTIGATION OF THE  
19 DEATH OF AMANDA COPE?  
20 A     YES, SIR, I WAS.  
21 Q     NOW ON NOVEMBER 29 OF 2001 WERE YOU IN ROCK  
22 HILL?  
23 A     NO, SIR, I WAS NOT.  
24 Q     WHERE WERE YOU?  
25 A     I WAS IN VIRGINIA BEACH IN A TERRORISM SEMINAR.

1 Q ALL RIGHT. AND WERE YOU AWARE IN VIRGINIA OF  
2 WHAT WAS HAPPENING BACK IN YOUR DEPARTMENT?

3 A YES, SIR, I WAS. I WAS IN PHONE CONTACT AND  
4 ALSO BY PAGER. I WAS IN TOUCH WITH THE OFFICE ON A  
5 REGULAR BASIS.

6 Q HAD YOU BEEN APPRISED OF THE INFORMATION AND THE  
7 INVESTIGATIONS AS IT DEVELOPED THAT DAY?

8 A YES, SIR, AS MUCH AS POSSIBLE, WITHOUT HINDERING  
9 THE INVESTIGATION I TRIED TO STAY ABREAST OF THE  
10 PROGRESS.

11 Q TURNING YOUR ATTENTION TO THE EARLY MORNING  
12 HOURS OF AUGUST 30, DID YOU RECEIVE A PAGE OR PHONE  
13 CALL EARLY IN THE HOURS OF NOVEMBER 30, 2001?

14 A YES, SIR, I DID, THAT WAS A THURSDAY NIGHT,  
15 EARLY FRIDAY MORNING.

16 Q WHO DID YOU SPEAK WITH?

17 A LIEUTENANT WALDROP AND LIEUTENANT HERRING AND  
18 DETECTIVE BLACKWELDER WERE ALL STILL IN THE OFFICE  
19 THERE.

20 Q AND WHAT WAS THE SUBJECT OF THE CALL?

21 A THEY HAD BEEN INTERVIEWING MR. COPE FOR SOME  
22 PERIOD OF TIME THAT NIGHT AND THEY WERE DISCUSSING TO  
23 ME THE RESULTS OF THAT INTERVIEW AND OTHER FURTHER  
24 INFORMATION THAT THEY HAD.

25 Q DID THEY APPRISE YOU OF ALL THE INVESTIGATION TO

1 THE BEST OF THEIR ABILITY DURING THAT CALL?

2 A YES, THEY DID.

3 Q AND ULTIMATELY WAS A DECISION MADE DURING THAT  
4 PHONE CALL?

5 A YES, IT WAS.

6 Q WHAT WAS THAT DECISION?

7 A TO ARREST MR. COPE AND NOT TO LET HIM LEAVE THE  
8 STATION THAT NIGHT, GO AHEAD AND MAKE THE ARREST AT  
9 THAT TIME.

10 Q DID YOU CONCUR AND APPROVE IN THAT DECISION?

11 A YES, SIR, I DID.

12 Q NOW WHEN DID YOU RETURN TO ROCK HILL?

13 A THE NEXT DAY.

14 Q SATURDAY?

15 A FRIDAY. I DROVE BACK FRIDAY MORNING ABOUT ALL  
16 DAY. I GOT BACK TO THE OFFICE ABOUT FOUR - FIVE  
17 O'CLOCK.

18 Q AND WERE YOU ABLE TO UPDATE YOURSELF ON THE  
19 EVENTS OF THAT DAY?

20 A YES, SIR, I WAS.

21 Q AND DID YOU VISIT MR. BAKER AND SO FORTH?

22 A THAT'S CORRECT.

23 Q ALL RIGHT. DID YOU HAVE ANY FURTHER INVOLVEMENT  
24 THAT DAY IN THE INVESTIGATION?

25 A NO, SIR, I DID NOT.



1 Q WHEN WAS YOUR NEXT INVOLVEMENT IN THE  
2 INVESTIGATION?

3 A MONDAY MORNING LIEUTENANT HERRING CAME INTO THE  
4 OFFICE RIGHT AT 8 O'CLOCK AND SAID THAT THE EVENING  
5 BEFORE, ON SUNDAY EVENING, THAT HE HAD RECEIVED A  
6 CALL OR THE PAGE FROM THE LAW CENTER DISPATCH THAT  
7 MR. COPE HAD SENT WORD THAT HE WANTED TO COME AND  
8 TALK TO US AGAIN.

9 Q OKAY. WHAT DID YOU DO AS A RESULT OF THIS  
10 INFORMATION FROM LIEUTENANT HERRING?

11 A I INSTRUCTED TWO DETECTIVES, I BELIEVE IT WAS  
12 DETECTIVE AYERS AND HANOKA, I INSTRUCTED THEM TO COME  
13 TO THE MOSS JUSTICE CENTER DETENTION FACILITY TO PICK  
14 UP MR. COPE AND BRING HIM BACK TO THE ROCK HILL  
15 POLICE DEPARTMENT.

16 Q AND DID YOU IN FACT SEE MR. COPE AT THE POLICE  
17 DEPARTMENT THAT MORNING?

18 A YES, SIR, I DID.

19 Q WHEN WAS THE FIRST TIME YOU ACTUALLY SAW AND  
20 SPOKE WITH MR. COPE?

21 A THAT MORNING DETECTIVE BLACKWELDER AND OFFICER  
22 TRAVIS MCDANIEL BROUGHT HIM FROM THE HOLDING AREA TO  
23 HER OFFICE THAT MORNING, 11 O'CLOCK, 10:30 - 11  
24 O'CLOCK OR SO. I'M NOT EXACTLY SURE ON THE TIME.

25 Q OKAY. DID YOU HAVE OCCASION TO, WHERE DID YOU

1 FIRST, WHERE WERE YOU WHEN YOU FIRST SAW AND SPOKE  
2 WITH HIM?

3 A IN DETECTIVE BLACKWELDER'S OFFICE.

4 Q OKAY. DID YOU DO ANYTHING IN REGARDS TO  
5 ENSURING THAT THE CONSTITUTIONAL REQUIREMENTS OF  
6 MIRANDA WERE FOLLOWED?

7 A THAT'S CORRECT. I ASKED DETECTIVE BLACKWELDER  
8 HAD HE BEEN INFORMED OF HIS RIGHTS AND HAD HE SIGNED  
9 THEM AND SHE TOLD ME A FORM WHICH HE HAD ALSO SIGNED  
10 AND WITNESSED BY MCDANIEL. I ALSO AGAIN READ HIM HIS  
11 RIGHTS AT THAT TIME AND ASKED HIM DID HE WANT TO TALK  
12 TO US, THEN I ASKED HIM DID HE SEND WORD FROM THE  
13 JAIL THAT HE WANTED TO CLARIFY SOME THINGS AND DID HE  
14 WANT TO TALK TO US, AT WHICH TIME HE REPLIED TO ME  
15 YES HE DID, THAT WHAT HE HAD TOLD THE OFFICERS ON  
16 FRIDAY WAS INCORRECT, THAT HE WANTED TO TELL US THE  
17 TRUTH.

18 Q ALL RIGHT, SIR. I'M SHOWING YOU WHAT'S BEEN  
19 MARKED AS STATE'S EXHIBIT FIVE FOR IDENTIFICATION AND  
20 I'LL ASK YOU IF YOU CAN RECOGNIZE THAT DOCUMENT?

21 A YES, SIR, I CAN. THIS IS THE RIGHTS FORM THAT  
22 DETECTIVE BLACKWELDER SHOWED ME AND MR. COPE SIGNED  
23 AND OFFICER MCDANIEL WITNESSED THERE.

24 Q DID HE ACKNOWLEDGE THAT FORM WAS SIGNED BY HIM  
25 IN YOUR PRESENCE?

1 A YES, SIR, HE DID.

2 MR. BRACKETT: OFFER STATE'S EXHIBIT FIVE  
3 INTO EVIDENCE.

4 THE COURT: BE RECEIVED WITHOUT OBJECTION.

5 (STATE'S EXHIBIT 5 RIGHTS FORM  
6 RECEIVED INTO EVIDENCE.)

7 Q NOW AFTER SATISFYING YOURSELF THAT THE MIRANDA  
8 WARNINGS HAD BEEN READ TO HIM AND HE UNDERSTAND THEM  
9 AND THAT HE IN FACT INITIATED THIS CONTACT?

10 A YES.

11 Q HOW DID THE INTERVIEW PROCEED FROM THEN?

12 A HE STATED TO ME THAT HE HAD NOT TOLD THE TRUTH,  
13 HE HAD LIED TO THE OFFICERS ON FRIDAY AND THAT HE  
14 WANTED TO TELL THE TRUTH THIS TIME. I JUST ASKED HIM  
15 OKAY GO AHEAD AND TELL US THE TRUTH AND HE WENT, HE  
16 TOLD US FOR ABOUT 20 MINUTES OR SO, 20 - 30 MINUTES,  
17 ANOTHER VERSION OF THE STORY.

18 Q DID YOU RECORD, HOW DID YOU MEMORIALIZE THIS NEW  
19 VERSION OF EVENTS?

20 A JUST LET HIM, DETECTIVE BLACKWELDER AND MYSELF,  
21 WE JUST LET HIM TALK AND LET HIM TELL US THIS NEW  
22 VERSION AND AT THAT TIME I ASKED HIM TO WRITE IT  
23 DOWN.

24 Q OKAY.

25 MR. BRACKETT: YOUR HONOR, PREVIOUSLY WE

1 HAD MARKED A PHOTOCOPY OF THIS WRITTEN STATEMENT THAT  
2 I INTEND TO DISCUSS NOW AND IT HAD BEEN MARKED AS  
3 STATE'S EXHIBIT SIX, THE ORIGINAL WAS NOT AVAILABLE  
4 AT THAT TIME, IT IS NOW BACK IN OUR CUSTODY FROM  
5 SLED, AND I WOULD ASK THAT WE SUBSTITUTE THE ORIGINAL  
6 FOR WHAT HAD PREVIOUSLY BEEN MARKED AS STATE'S  
7 EXHIBIT SIX.

8 THE COURT: ANY OBJECTION, MR. MORTON?

9 MR. MORTON: YOUR HONOR, NO, SIR.

10 THE COURT: MR. GREELEY.

11 MR. GREELEY: NO OBJECTION.

12 THE COURT: ALL RIGHT. THAT TO BE DONE  
13 WITHOUT OBJECTION.

14 (STATE'S EXHIBIT 6 STATEMENT MARKED  
15 FOR IDENTIFICATION.)

16 Q CAPTAIN CABANISS, I'M NOW SHOWING YOU WHAT'S  
17 BEEN MARKED AS STATE'S EXHIBIT SIX FOR IDENTIFICATION  
18 AND I'LL ASK YOU, SIR, IF YOU CAN IDENTIFY THAT  
19 DOCUMENT FOR US?

20 A YES, I CAN. THIS IS THE HANDWRITTEN STATEMENT  
21 BY MR. COPE OF WHAT HE TOLD US THAT MORNING. WHAT  
22 HE, HE WROTE THIS HIMSELF.

23 Q AND WHAT TIME IS THE, WHAT'S THE DATE AT THE TOP  
24 OF THE PAGE?

25 A DECEMBER THIRD AT 9:45 AM.

1 Q AND APPROXIMATELY HOW LONG DID YOU SAY HE TALKED  
2 BEFORE HE WROTE THIS DOWN?

3 A 20 TO 30 MINUTES.

4 Q SO DOES THAT HELP YOU UNDERSTAND ABOUT WHAT TIME  
5 YOU MIGHT HAVE STARTED THE INTERVIEW?

6 A YES, SIR. WE STARTED THE INTERVIEW  
7 APPROXIMATELY, PROBABLY 9 O'CLOCK.

8 Q ALL RIGHT, SIR. NOW WHO WROTE THIS DOCUMENT?

9 A MR. COPE, MR. BILLY WAYNE COPE.

10 Q THIS IS HIS HANDWRITING?

11 A THAT'S CORRECT.

12 Q AND AT THE BOTTOM THE SIGNATURE THAT APPEARS  
13 THERE, WHOSE SIGNATURE IS THAT?

14 A THAT'S MR. COPE'S SIGNATURE.

15 Q ALL RIGHT. NOW DID YOU OR CHARLENE BLACKWELDER  
16 OR ANY OTHER OFFICER IN YOUR PRESENCE THREATEN OR  
17 COERCE OR INTIMIDATE OR DO ANYTHING TO COERCE  
18 MR. COPE INTO WRITING THIS STATEMENT?

19 A NO, SIR, WE DID NOT.

20 Q OKAY. DID YOU MAKE HIM ANY PROMISES OR  
21 ASSURANCES OF LENIENCY, TELL HIM ANY PROMISES  
22 WHATSOEVER IF HE WOULD SIGN THAT?

23 A NO, SIR, NONE WHATSOEVER.

24 MR. MORTON: JUDGE. I'M SORRY, YOUR  
25 HONOR. SUBJECT TO MY EARLIER OBJECTIONS THAT THE

1 COURT HAS ALREADY RULED ON I DO OBJECT TO THAT  
2 SUBJECT TO MY EARLIER OBJECTIONS.

3 THE COURT: ALL RIGHT. OVERRULED.

4 Q WAS THAT STATEMENT WRITTEN BY MR. COPE BY HIS  
5 OWN FREE WILL AND ACCORD WITH NO THREATS OR PROMISES  
6 MADE?

7 A YES, SIR, THAT'S CORRECT.

8 Q ALL RIGHT, SIR.

9 MR. BRACKETT: I MOVE STATE'S EXHIBIT SIX  
10 IN EVIDENCE AT THIS POINT.

11 MR. MORTON: SUBJECT TO MY EARLIER  
12 OBJECTIONS.

13 THE COURT: OVER OBJECTION BY MR. COPE.

14 MR. GREELEY: NO OBJECTION.

15 MR. MORTON: YOUR HONOR, THAT WOULD BE  
16 STATED FOR THE RECORD AS TO THE REASONS FOR THAT. I  
17 UNDERSTAND I HAVE TO ARTICULATE.

18 THE COURT: WELL, I'M INCORPORATING OR  
19 ARTICULATING THE REASONS WE CARE TOOK OF AT AN  
20 EARLIER TIME.

21 MR. MORTON: THANK YOU, YOUR HONOR.

22 MR. BRACKETT: YOUR HONOR, I SEEK TO  
23 PUBLISH THIS STATEMENT AND I WOULD LIKE TO READ IT IF  
24 I COULD.

25 THE COURT: AGAIN OVER OBJECTION OF

1 DEFENDANT COPE, WITHOUT OBJECTION FROM MR. SANDERS.

2 (STATE'S EXHIBIT 6 STATEMENT RECEIVED  
3 INTO EVIDENCE.)

4 MR. BRACKETT:

5 BILLY COPE, DECEMBER THIRD 2001, 9:45 AM.

6 I WAS ASLEEP IN MY BED. I HAD A BAD DREAM ABOUT AN  
7 OLD GIRLFRIEND WHO HAD A ABORTION. THE THOUGHT OF  
8 HER MAKES ME CRINGE. IN MY DREAM SHE WAS TELLING ME  
9 THAT I HAD AN ABORTION WITH YOUR CHILD AND I TOLD HER  
10 NO. I BECAME SO ENRAGED THAT I GOT OUT OF BED. ALL  
11 I COULD HEAR WAS THAT LAUGHING SOUND. I DO NOT KNOW  
12 WHAT CAME OVER ME, BUT I SNAPPED AND I JUMPED ON THE  
13 BED AND I STRADDLED HER. I HIT HER IN THE HEAD AND  
14 STARTING CHOKING HER. I DID NOT KNOW IT WAS MY OWN  
15 DAUGHTER UNTIL AFTER I HAD SHOVED THE BROOM STICK IN  
16 HER PRIVATES. I FELL BACK JARRING ME TO MY SENSES  
17 AND I REALIZED IT WAS MY DAUGHTER. I BECAME SO  
18 CONFUSED THAT I TRIED TO RID THE HOUSE OF ALL THE  
19 STUFF THAT WOULD MAKE ME LOOK GUILTY. I GRABBED THE  
20 BROOM AND I PULLED IT FROM HER VAGINA. I PULLED HER  
21 PANTIES AND PANTS UP. I DID NOT KNOW IT WAS MY OWN  
22 DAUGHTER UNTIL I FELL BACKWARDS. THE NEXT MORNING AT  
23 6:03 WHEN THE ALARM AND PHONE RANG OUT I WAS HOPING  
24 IT WAS A VERY BAD DREAM. AND IT IS SIGNED BY THE  
25 DEFENDANT BILLY COPE.

1 Q NOW AT THE CONCLUSION OF TAKING THIS STATEMENT  
2 OR HIM WRITING THIS STATEMENT, WHAT DID YOU, HOW DID  
3 THE INTERVIEW PROCEED FROM THERE?

4 A AT THAT TIME I ASKED HIM, I TOLD HIM THAT I HAD  
5 NEVER BEEN TO THE HOUSE WHERE AMANDA WAS KILLED, I  
6 ASK HIM WOULD HE ACCOMPANY ME BACK TO THE HOUSE AND  
7 SHOW ME AND WALK ME THROUGH THE HOUSE AND EXPLAIN TO  
8 ME HOW THIS HAPPENED.

9 Q AND WHAT WAS HIS RESPONSE TO THIS REQUEST?

10 A HE WAS VERY WILLING TO DO THAT, PRACTICALLY  
11 VOLUNTEERED. WE DID NOT HAVE TO ASK HIM BUT ONCE AND  
12 HE WAS VERY WILLING TO DO THAT.

13 Q WHAT WAS HIS Demeanor DURING THIS WHOLE TIME  
14 PERIOD FROM 9 AM APPROXIMATELY UNTIL UP THE POINT  
15 WHEN YOU MAKING THIS REQUEST, HOW IS HE BEHAVING?

16 A HE WAS CALM. HE WAS NOT GRIEVING AT ALL AT THIS  
17 TIME. IT WAS, IT WAS, IT JUST TALKING ABOUT IT, AN  
18 INCIDENT THAT HAPPENED, THAT DID NOT SEEM TO AFFECT  
19 HIM OR ANYONE ELSE AT THAT TIME. HE WAS JUST  
20 RELAYING AN EVENT.

21 Q ALL RIGHT. WHAT ARRANGEMENTS DID YOU MAKE TO  
22 FACILITATE THE VISIT TO THE HOUSE? HOW DID YOU PLAN  
23 THAT OUT? WHAT DID YOU DO?

24 A I CONTACTED ONE OF OUR CRIME SCENE INVESTIGATORS  
25 ROBIN DAVIS AT THAT TIME AND ASKED HIM TO GET A VIDEO



1 CAMERA AND MEET ME BACK AT THE HOUSE ON RICH STREET.  
2 I GOT OFFICER MCDANIEL AGAIN TO RIDE MR. COPE TO THE  
3 RESIDENCE AND DETECTIVE BLACKWELDER AND MYSELF RODE  
4 IN MY VEHICLE BACK TO THE HOUSE.

5 Q WHO DID MR. COPE RIDE WITH?

6 A OFFICER MCDANIEL, TRAVIS MCDANIEL.

7 Q OKAY. WERE ANY INTERVIEWS DONE OF HIM ON THE  
8 RIDE THERE?

9 A NO, SIR.

10 Q NOW WHEN YOU ARRIVED AT THE HOUSE WHAT WAS THE  
11 PLAN?

12 A FOR HIM TO WALK ME THROUGH THE HOUSE AND SHOW ME  
13 WHAT HAPPENED. I HAD NEVER BEEN TO THE HOUSE, I  
14 HADN'T SAW THE PICTURES AT THAT TIME, AND I SORT OF  
15 WANTED TO LOOK AT THE SCENE AND GET HIM TO EXPLAIN TO  
16 ME WHAT HAPPENED, GET HIM TO EXPLAIN THIS STORY THAT  
17 HE HAD WRITTEN TO US.

18 Q OKAY. AT THIS POINT IN TIME DID YOU BELIEVE  
19 THIS STORY?

20 A NO, SIR, I DID NOT.

21 Q HOW LONG DID YOU STAY AT THE HOUSE? HOW LONG  
22 DID THAT TAKE?

23 A 30 MINUTES, NOT LONG AT ALL, LESS THAN AN HOUR.

24 Q AND WAS THE, DOES THE VIDEO TAPE -- LET ME DO  
25 THIS. LET ME SHOW YOU STATE'S EXHIBIT 83, HAVE YOU

1 HAD OCCASION TO REVIEW THE VIDEO TAPE?

2 MR. MORTON: NO OBJECTION, YOUR HONOR, TO  
3 THE FOUNDATION.

4 MR. GREELEY: NO OBJECTION.

5 THE COURT: YOU OFFERING IT.

6 MR. BRACKETT: YES, SIR, I AM GOING TO  
7 OFFER IT INTO EVIDENCE.

8 THE COURT: NO OBJECTION. IT WILL BE  
9 ADMITTED.

10 MR. BRACKETT: THANK YOU.

11 (STATE'S EXHIBIT 83 VIDEO TAPE  
12 RECEIVED INTO EVIDENCE.)

13 Q DOES THAT VIDEO TAPE DEPICT EVERYTHING THAT TOOK  
14 PLACE AT THE HOUSE FROM THE TIME YOU WALKED UP TO  
15 ABOUT THE TIME YOU LEFT?

16 A YES, SIR, FROM JUST ABOUT ITS ENTIRETY. THE  
17 BATTERY ON THE CAMERA DOES GO DEAD AT ONE POINT ON  
18 THE TAPE AND IT IS STATED ON THE TAPE AND JUST AS  
19 LONG AS IT TOOK TO CHANGE THE BATTERIES, IT'S  
20 PROBABLY 15-20 SECONDS THAT'S MISSING, AND I DO STATE  
21 THAT ON THE TAPE AS IT'S BEING RECORDED, BUT IT'S  
22 EVERYTHING FROM AS WE'RE WALKING UP TO THE HOUSE TO  
23 AS WE'RE GOING OUT THE FRONT DOOR.

24 Q PRIOR TO THIS START OF THIS VIDEO TAPE BEING  
25 RECORDED AND AFTER ITS BEING CONCLUDED OR DURING THAT

1 BREAK WHEN THE BATTERY DIED, WERE ANY COMMENTS OR  
2 STATEMENTS ELICITED FROM MR. COPE?

3 A NO, SIR.

4 Q WERE ANY THREATS, INTIMIDATION, PROMISES, OR ANY  
5 TYPE OF COERCION USED IMMEDIATELY PRIOR OR  
6 IMMEDIATELY AFTER OR DURING THIS TO GET HIM TO  
7 PARTICIPATE IN THE VIDEOING OF THE HOUSE?

8 A NO, SIR, NONE WHATSOEVER.

9 Q ALL RIGHT.

10 MR. BRACKETT: YOUR HONOR, I SEEK TO  
11 PUBLISH THE VIDEO AT THIS TIME.

12 (BRINGS THE TV IN THE COURTROOM AND  
13 THE VIDEO TAPE IS PLAYED FOR THE JURY AT 11:25 AM.)

14 MR. BRACKETT: PLEASE THE COURT. MAY WE  
15 APPROACH.

16 (BENCH CONFERENCE AT 11:48 AM AND THE  
17 VIDEO TAPE IS FINISHED PLAYING.)

18 THE COURT: MEMBERS OF THE JURY PANEL, THE  
19 PART THAT HAD NO AUDIO WAS NOT A FAILURE OF THE AUDIO  
20 EQUIPMENT, THAT WAS STUFF THAT WAS LEFT OUT BECAUSE  
21 IT WAS NOT RELEVANT TO THIS CASE AND SO WE JUST HAD  
22 THEM DUB IT OUT, BUT IT WAS NOT A MALFUNCTION. THANK  
23 YOU.

24 DIRECT EXAMINATION CONTINUED BY BRACKETT:

25 Q CAPTAIN CABANISS, THERE WAS ONE PART WHERE THE

1       TAPE STARTED JUST BEFORE THAT WHERE THE DEFENDANT  
2       SAID AS YOU WERE WALKING INTO THE HOUSE, THIS HOUSE  
3       LOOKS A LOT WORSE THAN IT DID WHEN I LEFT IT, ISN'T  
4       THAT TRUE?

5       A     YES, SIR, HE DID.

6       Q     OKAY.  NOW THAT WAS YOU ON THE VIDEO TAPE IN THE  
7       GREEN JUMP SUIT?

8       A     YES, SIR, IT WAS.

9       Q     AFTER YOU HAD HEARD EVERYTHING HE HAD TO SAY AT  
10      THAT POINT IN TIME DID YOU BELIEVE THAT MR. COPE WAS  
11      TELLING YOU THE COMPLETE TRUTH?

12     A     NO, SIR, I DID NOT.

13     Q     ALL RIGHT.  TURNING YOUR ATTENTION TO A COUPLE  
14     THINGS IN THE VIDEO ITSELF, AT ONE POINT THERE IS A  
15     DISCUSSION BETWEEN YOU AND MR. COPE AND ABOUT THE  
16     GREEN BLANKET STRIP BEING PLACED AROUND HER NECK?

17     A     THAT'S CORRECT.

18     Q     AND HE SAID I BELIEVE SOMETHING TO THE EFFECT  
19     THAT HE HAD DONE THAT TO MAKE IT LOOK LIKE AN  
20     ACCIDENT?

21     A     THAT'S CORRECT.

22     Q     CAN YOU TELL THE JURY WHAT IS THE CONCEPT OF  
23     STAGING A CRIME SCENE, WHAT IS THAT?

24     A     THE ORIGINAL, WHEN THE ORIGINAL OFFICERS  
25     ANSWERED THE CALL MR. COPE HAD INDICATED AND STATED

1 THAT HE HAD FOUND HIS DAUGHTER IN THE BED AND THAT  
2 SHE HAD STRANGLED HERSELF WITH THAT GREEN BED SPREAD  
3 AROUND HER NECK AND THAT HE HAD TOLD HER IN THE PAST  
4 THAT BE CAREFUL, YOU MAY STRANGLE YOURSELF. HE WAS  
5 WORRIED ABOUT HER STRANGLING HERSELF WITH THAT GREEN  
6 BED SPREAD. HE HAD TAKEN THAT BED SPREAD AND WRAPPED  
7 IT AROUND HER NECK TO STAGE THE CRIME SCENE, TO STAGE  
8 THE CRIME SCENE TO MAKE IT LOOK LIKE AN ACCIDENT, TO  
9 SHIFT GUILT AWAY FROM HIMSELF TO, FOR US TO BELIEVE  
10 AND FOR EVERYONE TO BELIEVE THAT HE WAS NOT  
11 RESPONSIBLE, BUT THAT SHE WAS RESPONSIBLE FOR HER OWN  
12 DEATH. HE TOOK THE GREEN BLANKET, THE GREEN BED  
13 SPREAD AND WRAPPED IT AROUND HER NECK AND TOLD US  
14 ORIGINALLY AND FIRST RESPONDERS THAT SHE STRANGLED  
15 HERSELF AND THAT WAS OBVIOUSLY AN ATTEMPT TO STAGE  
16 THE CRIME SCENE, TO STAGE --

17 MR. MORTON: OBJECTION.

18 THE COURT: I SUSTAIN THE OBJECTION. JUST  
19 ASK THE NEXT QUESTION.

20 MR. BRACKETT: YES, SIR.

21 Q LET ME DO THIS. HOW LONG HAVE YOU BEEN A POLICE  
22 OFFICER?

23 A 30 YEARS.

24 Q HOW MANY HOMICIDE AND VIOLENT CRIMES HAVE YOU  
25 INVESTIGATED?

1 A DOZENS.

2 Q OKAY.

3 A AND DOZENS.

4 Q AND WHAT KIND OF TRAINING AND BACKGROUND DO YOU  
5 HAVE IN CRIMINAL INVESTIGATION, HOMICIDE

6 INVESTIGATION, WHAT SORT OF TRAINING HAVE YOU HAD?

7 A I'VE GOT MY FOUR YEAR CRIMINAL JUSTICE DEGREE.

8 I HAVE BEEN TO THE FBI NATIONAL ACADEMY. I'VE BEEN

9 TO NUMEROUS HOMICIDE INVESTIGATIONS, CRIME SCENE

10 INVESTIGATIONS CLASSES, INTERROGATION INTERVIEW

11 CLASSES.

12 Q HAVE YOU EVER ATTENDED THE FBI NATIONAL ACADEMY

13 AT QUANTICO, VIRGINIA?

14 A YES, SIR, I HAVE.

15 Q AND WHAT WAS THE COURSE OF STUDY THAT YOU TOOK

16 UP THERE?

17 A TOOK SEVERAL COURSES OF STUDY, MANAGEMENT, CRIME

18 SCENE INVESTIGATION, ALSO HOMICIDE INVESTIGATIONS.

19 MR. BRACKETT: YOUR HONOR, AT THIS TIME I

20 WOULD TENDER CAPTAIN CABANISS AS AN EXPERT IN CRIME

21 SCENE INVESTIGATION AND CRIME SCENE ANALYSIS.

22 THE COURT: ANY VOIR DIRE.

23 MR. MORTON: I HAVE NO OBJECTION.

24 MR. GREELEY: NO OBJECTION.

25 THE COURT: I FIND HE'S QUALIFIED.

1 Q NOW, SIR, WHY DO PEOPLE STAGE CRIME SCENES?

2 A SUSPECTS STAGE CRIME SCENES IN THE THEORY TO  
3 SHED DOUBT, SHED GUILT AWAY FROM THEMSELF, TO TRY TO  
4 GET INVESTIGATORS TO LOOK IN OTHER DIRECTIONS OTHERS  
5 THAN THEMSELVES. THEY WILL STAGE CRIME SCENES TO  
6 MAKE THE INCIDENT APPEAR AS IT DIDN'T HAPPEN. TO  
7 SHED THE GUILT AWAY FROM THEMSELF, TO HAVE  
8 INVESTIGATORS GO OFF ON A TANGENT TO LOOK FOR ANOTHER  
9 SUSPECT OR ANOTHER REASON THAT CAUSED THE DEATH OTHER  
10 THAN THEMSELVES.

11 Q OKAY. IN YOUR OPINION AS AN EXPERT WAS THIS A  
12 STAGED CRIME SCENE?

13 A ABSOLUTELY, YES, SIR.

14 Q NOW THE OTHER PART OF THE VIDEO YOU ASKED HIM  
15 ANYTHING ABOUT WHAT, WOULD ANY OF HIS SEMEN BE FOUND  
16 AT THAT LOCATION?

17 A YES, SIR, I DID.

18 Q AND WHAT DID HE TELL YOU?

19 A HE SAID IT WOULD NOT.

20 Q WHERE DID YOU GO AFTER THAT?

21 A WENT BACK TO THE LAW CENTER. I HAD OFFICER  
22 MCDANIEL TRANSPORT HIM BACK TO THE HOLDING AREA THERE  
23 AT THE ROCK HILL POLICE STATION AND INSTRUCTED HIM TO  
24 MAKE SURE THAT MR. COPE GOT LUNCH.

25 Q AND APPROXIMATELY HOW LONG DID THIS BREAK

1 BETWEEN THE RETURN TO THE POLICE DEPARTMENT AND  
2 LUNCH, HOW LONG DID BREAK LAST?

3 A ABOUT TWO HOURS. I'M SURE I GOT LUNCH EVEN  
4 THOUGH I DON'T REMEMBER IT, BUT I MET WITH ALL THE  
5 DETECTIVES AND TRIED TO GET AS MUCH INFORMATION AS I  
6 COULD BEFORE I STARTED TO RE-INTERVIEW MR. COPE  
7 AGAIN. IT LASTED APPROXIMATELY TWO HOURS.

8 Q AND WHAT WAS YOUR INTENTION; WHAT DID YOU INTEND  
9 TO ACCOMPLISH THAT AFTERNOON?

10 A I INTENDED GET MR. COPE TO TELL US MORE OF THE  
11 TRUTH, TO GO INTO FURTHER DETAILS AND MORE  
12 SPECIFICALLY TO TRY TO GET THE TRUTH.

13 Q WHAT WAS YOUR Demeanor WITH MR. COPE UP TO THIS  
14 POINT? WE TALKED ABOUT HIS Demeanor, WHAT WAS YOUR  
15 Demeanor WITH HIM?

16 A AS YOU SAW IT ON THE TAPE AND PROBABLY A LITTLE  
17 MORE SENSITIVE. THAT MORNING IT WAS A MATTER OF FACT  
18 HE WANTED TO TELL US THE TRUTH SO I JUST LET HIM TALK  
19 AND WE BASICALLY LISTENED. DETECTIVE BLACKWELDER AND  
20 MYSELF JUST LISTENED. WE DIDN'T ASK HARDLY ANY  
21 QUESTIONS. I HAD HIM WRITE THIS OUT, ASKED HIM TO GO  
22 TO THE HOUSE, THEN YOU HEARD THE QUESTIONS I WAS  
23 ASKING HIM THERE AT THE HOUSE. I WAS ACCOMMODATING  
24 TO HIM THE WHOLE TIME. I ASKED HIM ONCE OR TWICE IF  
25 HE NEEDED ANYTHING JUST A DRINK OF WATER OR GO TO THE



1 RESTROOM, THAT SORT OF THING.

2 Q AND HOW WAS YOUR Demeanor IN THE AFTERNOON?

3 A IN THE AFTERNOON I HAD TAKEN HIS STATEMENT AND  
4 COMPARED IT AND TRIED TO LEARN AS MUCH AS I COULD  
5 ABOUT THE AUTOPSY, THE RESULTS OF AMANDA'S AUTOPSY  
6 AND WHAT ACTUALLY OCCURRED TO HER AND WHAT THE  
7 PHYSICAL EVIDENCE SHOWED, AND THAT AFTERNOON I  
8 POINTED OUT TO MR. COPE THE DISCREPANCIES IN WHAT HE  
9 WAS SAYING AND WHAT WE KNEW NOT TO BE TRUE AND  
10 PRESSED HIM TO TELL US MORE OF THE TRUTH.

11 Q HOW LONG DID YOU INTERVIEW HIM THAT AFTERNOON?

12 A OH, WE STARTED ABOUT 1:30, WE HAD SEVERAL  
13 INTERRUPTIONS THERE AND ABOUT, AND WE CONCLUDED THAT  
14 AFTERNOON ABOUT FIVE O'CLOCK.

15 Q ALL RIGHT, SIR. NOW YOU SAID WE STARTED TO  
16 PRESS HIM A LITTLE BIT MORE TO FIND THE TRUTH, AT ANY  
17 POINT IN TIME IN THE AFTERNOON INTERVIEW SESSION DID  
18 YOU OR ANYONE ELSE IN YOUR PRESENCE DID YOU ALLOW  
19 ANYONE TO THREATEN, INTIMIDATE, OR COERCE MR. COPE  
20 INTO CONTINUING THE INTERVIEW?

21 A NO, SIR, HE NEVER WAS THREATENED OR COERCED IN  
22 ANY WAY. I WAS PRESENT EITHER IN THE OFFICE NEXT  
23 DOOR OR WITH HIM DIRECTLY THE WHOLE TIME.

24 Q AFTER THE BREAK DID YOU REVISIT THE ISSUE OF  
25 MIRANDA?

1 A YES, SIR, I DID.

2 Q AND HOW DID YOU DO THAT?

3 A I GOT HIM BACK OUT OF THE JAIL, THAT STARTED AT  
4 1:30, AND I AGAIN REMINDED HIM OF HIS RIGHTS. I READ  
5 THEM TO HIM AGAIN FROM THE CARD IN MY POCKET AND I  
6 WENT A LITTLE FURTHER AND ASKED HIM DID HE COMPLETELY  
7 UNDERSTAND AND HE SAID HE DID. I THEN INFORMED,  
8 IMPRESSED UPON HIM THAT HE HAD THE RIGHT TO REMAIN  
9 SILENT, THAT HE DIDN'T HAVE TO TALK WITH US AT ALL  
10 BUT I'D APPRECIATE HIM NOT TO LIE TO ME AND WASTE MY  
11 TIME.

12 Q ALL RIGHT, SIR. WAS HE INFORMED THAT HE HAD THE  
13 RIGHT TO STOP AT ANY TIME HE WANTED TO?

14 A YES, SIR, IN ALL THE RIGHTS THAT IS INDICATED TO  
15 HIM THAT HE HAS THE RIGHT TO START AND STOP ANY TIME  
16 HE WISHES TO.

17 Q OKAY. NOW DID YOU DISCUSS WITH HIM THAT  
18 AFTERNOON, DID YOU REVIEW AGAIN THE ISSUE OF WHETHER  
19 OR NOT ANY OF HIS SEMEN WAS AT THE SCENE?

20 A YES, SIR, I DID.

21 Q ALL RIGHT. AND PLEASE RELATE TO THE JURY HOW  
22 THAT PORTION OF THE INTERVIEW WENT?

23 A I KNEW THAT THERE HAD BEEN SEMEN, SUSPECTED,  
24 SEMEN HAD BEEN RECOVERED AT THE SCENE, AND I KEPT  
25 PRESSING HIM ON THAT POINT, AND THEN HE FINALLY

1 ADMITTED THAT HE EJACULATED INTO A RAG AND LEFT THE  
2 RAG THERE AT THE HOUSE. I ASKED WHERE SPECIFICALLY  
3 AND HE TOLD ME AND AT THAT TIME I GOT ON THE RADIO  
4 AND RADIOED SOME OTHER CRIME SCENE OFFICERS, HAD THEM  
5 GO BACK TO THE RESIDENCE, AND BY RADIO CONTACT I  
6 INSTRUCTED THEM WHERE TO LOCATE THE RAG WHICH THEY  
7 DID.

8 Q OKAY. I'M SHOWING YOU WHAT'S BEEN MARKED AS  
9 STATE'S EXHIBIT 84 AND I'LL ASK YOU IF YOU RECOGNIZE  
10 THAT DOCUMENT?

11 A THIS IS A CONSENT TO SEARCH FORM THAT MR. COPE  
12 SIGNED WHEN HE TOLD ME THAT HE HAD EJACULATED INTO A  
13 RAG. I ASKED HIM WOULD HE MIND IF WE WENT BACK TO  
14 THE HOUSE AND PICKED UP THE RAG AND AT THAT TIME I  
15 HAD HIM SIGN A CONSENT FORM AT THREE P.M. FOR MY  
16 CRIME SCENES OFFICERS TO GO BACK TO THE HOUSE TO  
17 RECOVER THAT ITEM. THIS IS THE CONSENT FORM THAT HE  
18 SIGNED.

19 Q WAS HE PRESSURED, INTIMIDATED, COERCED IN WAY TO  
20 SIGNING THAT FORM?

21 A NO, SIR, NONE WHATSOEVER.

22 Q WERE THERE ANY PROMISES OF ANY SORT MADE TO HIM  
23 TO INDUCE HIS SIGNATURE ON THAT?

24 A NO, SIR.

25 Q AND IS THAT IN FACT HIS SIGNATURE ON THAT FORM?

1 A IT IS. I FILLED IT OUT, THAT'S MY SIGNATURE AND  
2 ALSO HIS SIGNATURE.

3 Q ALL RIGHT, SIR. NOW WHO DID YOU RADIO?

4 A INVESTIGATOR TODD GARDNER.

5 Q ALL RIGHT.

6 MR. BRACKETT: YOUR HONOR, I OFFER STATE'S  
7 EXHIBIT 84 INTO EVIDENCE AT THIS TIME.

8 MR. MORTON: THAT IS THE SEARCH WARRANT?

9 MR. BRACKETT: CONSENT TO SEARCH.

10 MR. MORTON: NO OBJECTION.

11 MR. GREELEY: NO OBJECTION.

12 THE COURT: ENTERED WITHOUT OBJECTION.

13 (STATE'S EXHIBIT 84 CONSENT TO SEARCH  
14 RECEIVED INTO EVIDENCE.)

15 Q DID YOU HAVE ANY INTERRUPTIONS THAT DAY?

16 A YES, SIR.

17 Q IN THE AFTERNOON?

18 A DURING THE INTERVIEW PROCESS, YES, SIR.

19 Q YES, SIR. DURING THE AFTERNOON INTERVIEW  
20 PROCESS?

21 A YES, SIR.

22 Q WHAT WAS THE NATURE OF THAT INTERRUPTIONS?

23 A AT ONE POINT I RECEIVED A PAGE THAT AN ATTORNEY  
24 B.J. BARROWCLOUGH WAS IN THE LOBBY AND WANTED TO  
25 SPEAK WITH MR. COPE.

1 Q OKAY. WHAT DID YOU DO?

2 A SUBSEQUENTLY I WENT TO THE, I FIRST ASKED  
3 MR. COPE WAS HE, DID HE HAVE AN ATTORNEY AND HE SAID  
4 NO. I ASKED MR. COPE DID HE KNOW AN ATTORNEY B. J.  
5 BARROWCLOUGH. HE SAID NO HE DID NOT. I TOLD HIM  
6 THAT THERE WAS AN ATTORNEY IN THE LOBBY NAMED B.J.  
7 BARROWCLOUGH THAT SAID HE WAS REPRESENTING HIM AND HE  
8 WANTED TO TALK TO HIM. DID HE WANT TO TALK TO US OR  
9 DID HE WANT TO TALK TO MR. BARROWCLOUGH. MR. COPE  
10 SAID THAT HE WANTED TO CONTINUE TALKING TO US.

11 Q NOW DID THAT HAPPEN OVER A PERIOD OF TIME? WERE  
12 THERE SOME PHONE CALLS IN BETWEEN THERE?

13 A YES, SIR, THERE WAS.

14 Q WHO DID YOU SPEAK WITH DURING THAT TIME PERIOD?

15 A I SPOKE WITH YOURSELF AT THE SOLICITOR'S OFFICE.

16 Q ALL RIGHT. AND ULTIMATELY YOU DID INFORM  
17 MR. COPE THAT AN ATTORNEY WAS OUTSIDE?

18 A THAT'S CORRECT I DID.

19 Q ALL RIGHT. AND --

20 A TWICE.

21 Q I'M SHOWING YOU --

22 MR. BRACKETT: MR. MORTON.

23 MR. MORTON: NO OBJECTION.

24 MR. GREELEY: NO OBJECTION.

25 Q WHAT'S BEEN MARKED STATE'S EXHIBIT 8 ASK IF YOU

1 CAN IDENTIFY THAT DOCUMENT?

2 A YES, SIR, THIS IS A PIECE OF PAPER THAT I WROTE  
3 ON THAT SAYS I BILLY COPE DO NOT WISH TO TALK TO MY  
4 LAWYER B. J. BARROWCLOUGH AT THIS TIME AND IT'S  
5 SIGNED BY MR. COPE AT 3:10 P.M. AND BY MYSELF AND  
6 DETECTIVE BLACKWELDER.

7 I HAD MR. COPE THE SECOND TIME THAT I  
8 INFORMED HIM THAT MR. BARROWCLOUGH WAS IN THE LOBBY  
9 AND INDICATING HE WAS HIS LAWYER AND MR. COPE SAID HE  
10 DID NOT WISH TO TALK TO HIM, I PUT THIS IN WRITING  
11 AND HAD MR. COPE SIGN IT.

12 Q ALL RIGHT.

13 MR. BRACKETT: YOUR HONOR, I MOVE STATE'S  
14 EXHIBIT 8 INTO EVIDENCE AT THIS TIME.

15 THE COURT: NO OBJECTION, IT'S ALREADY  
16 BEEN ADMITTED.

17 (STATE'S EXHIBIT 8 NOTE RECEIVED INTO  
18 EVIDENCE.)

19 Q DID MR. COPE EVER ASK FOR AN ATTORNEY DURING  
20 THIS ENTIRE PROCESS THROUGHOUT THE DAY?

21 A NO, SIR, HE DID NOT.

22 Q DID HE EVER ASSERT THAT HE WISHED TO REMAIN  
23 SILENT?

24 A NO, SIR, QUITE THE CONTRARY.

25 Q AT SOME POINT YOU SAID THE INTERVIEW ENDED AT

1 4:55 ALMOST FIVE O'CLOCK.

2 A THAT'S CORRECT.

3 Q WERE THERE ANY OTHER FORMAL STATEMENTS TAKEN BY  
4 YOU FROM MR. COPE?

5 A YES, SIR. DURING THE AFTERNOON INTERVIEW  
6 DETECTIVE BLACKWELDER WAS TAKING HANDWRITTEN NOTES  
7 AND SOMETIME BETWEEN 4:30 AND 4:55 SHE TYPED  
8 STATEMENT FROM HER NOTES.

9 Q ALL RIGHT. WAS A TYPEWRITTEN STATEMENT  
10 PREPARED?

11 A YES, SIR.

12 MR. BRACKETT: THERE IS ONE EXTRANEIOUS  
13 PORTION ON THIS DOCUMENT THAT WILL BE REDACTED, YOUR  
14 HONOR, BY CONSENT, BUT I DO INTEND TO MOVE INTO  
15 EVIDENCE STATE'S EXHIBIT NUMBER 9.

16 MR. MORTON: I HAVE NO OBJECTION, SUBJECT  
17 TO MY EARLIER --

18 MR. GREELEY: NO OBJECTION.

19 THE COURT: OVER DEFENDANT COPE'S  
20 OBJECTION BASED ON THE ISSUES DISCUSSED AT AN EARLIER  
21 TIME AND RULINGS BY THE COURT AND WITHOUT, IT'S  
22 ADMITTED OVER THAT OBJECTION AND IT'S ADMITTED  
23 WITHOUT OBJECTION FROM SANDERS.

24 (STATE'S EXHIBIT 9 TYPED STATEMENT  
25 RECEIVED INTO EVIDENCE.)

1 MR. BRACKETT: THANK YOU, YOUR HONOR.

2 Q I'M SHOWING YOU WHAT'S BEEN MARKED AS STATE'S  
3 EXHIBIT 9 FOR IDENTIFICATION. IS THAT THE  
4 TYPEWRITTEN STATEMENT YOU WERE REFERENCING?

5 A YES, IT IS.

6 Q AND WHOSE SIGNATURE -- DESCRIBE THE FIRST  
7 DOCUMENT.

8 A THIS IS --

9 Q THE FIRST PAGE OF IT?

10 A ---THIS IS THE DOCUMENT THAT MR. COPE WAS GIVEN  
11 A CHANCE TO READ OVER IT, GIVEN A CHANCE TO MAKE ANY  
12 ADDITIONS OR ANY CHANGES IN IT HE WISHED TO, HE  
13 SIGNED EACH PAGE; HE MADE A COUPLE OF CHANGES, TYPO  
14 CHANGES, AND INITIALED THEM, SIGNED HIS OWN INITIALS  
15 AND THEN AT THE END HE SIGNED HIS NAME AND IT WAS  
16 WITNESSED BY, SWORN TO BY DETECTIVE BLACKWELDER AND  
17 WITNESSED BY DETECTIVE TIM AYERS.

18 Q SIMILAR TO THE OTHER STATEMENTS I'LL ASK YOU,  
19 SIR, WERE THERE ANY THREATS, COERCIONS, PROMISES,  
20 INDUCEMENTS OF ANY SORT RELATED TO MR. COPE TO INDUCE  
21 HIM TO SIGN THAT DOCUMENT?

22 A NO, SIR, THERE WERE NOT.

23 MR. BRACKETT: MOVE STATE'S EXHIBIT NINE  
24 IN AND REQUEST TO PUBLISH STATE'S EXHIBIT NINE AT  
25 THIS TIME.



1                   THE COURT: IT'S IN EVIDENCE OVER  
2                   OBJECTION OF DEFENDANT COPE AND NO OBJECTION FROM  
3                   DEFENDANT SANDERS, IT'S IN EVIDENCE AND YOU CAN  
4                   PUBLISH IT.

5                   MR. BRACKETT:  
6                   ON NOVEMBER 29, 2001, JESSICA HAD  
7                   HOMEWORK. I HELPED HER A COUPLE OF HOURS AND THEN I  
8                   GOT FRUSTRATED AND QUIT AND TOOK A BREAK. AMANDA  
9                   SAID I WILL HELP JESSICA. I THEN GOT SOME JOKES OFF  
10                  THE COMPUTER AND I SAID I'M GOING TO LAY DOWN AND  
11                  STUDY FOR MY BIBLE STUDY. AMANDA SAID I WILL HELP  
12                  HER AND I SAID OKAY BUT ALL HOMEWORK STOPS AT ONE AM.  
13                  I SET THE ALARM FOR ONE AM AND IT WENT OFF AND I SAID  
14                  ARE Y'ALL FINISH AND AMANDA SAID YES. I SAID GOOD.  
15                  Y'ALL GET INTO BED. I CALLED AMANDA BACK INTO MY  
16                  BEDROOM TO COME TURN THE LIGHTS OUT AND PUT THE PHONE  
17                  ON THE CHARGER. I TOLD AMANDA TO TURN THE LIGHT OUT  
18                  AND SHE DID. I PUT MY MASK ON AND WENT TO SLEEP. I  
19                  WOKE UP ABOUT THREE AM. I WENT TO THE BATHROOM AND I  
20                  WENT INTO AMANDA'S ROOM. I HAD A HARD ON. I JACKED  
21                  OFF IN THE FLOOR AND USED A BLUE TOWEL TO CLEAN IT  
22                  UP. I STARTED GOING INTO AMANDA'S ROOM ABOUT THE END  
23                  OF OCTOBER THROUGH THE FIRST PART OF NOVEMBER PLAYING  
24                  WITH HER AND RUBBING HER AND FINGERING HER WHILE SHE  
25                  WAS ASLEEP. AMANDA WAS ASLEEP ON HER STOMACH. I

1 THINK THE DILDO INSIDE HER IS WHAT WOKE HER UP. WHEN  
2 SHE WOKE UP I JUMPED ON TOP OF HER TO KEEP HER FROM  
3 TURNING AND LOOKING AT ME, THEN I HEARD HER SAY,  
4 DADDY, HELP ME. I STARTED STRANGLING HER WITH MY  
5 HANDS. AMANDA WAS PULLING AT MY HANDS AND I LET GO  
6 AND STARTED HITTING HER IN THE HEAD AND I WENT BACK  
7 TO STRANGLING HER AND SHE WENT LIMP. I GOT UP, I SAW  
8 THE GREEN STRING ON THE BLANKET AND I WAS THINKING TO  
9 MYSELF THIS WOULD LOOK LIKE SHE STRANGLED HERSELF. I  
10 TOOK THE GREEN STRIP AND I WRAPPED IT AROUND HER  
11 NECK. I WENT STRAIGHT FROM THE WRAP FROM OFF THE  
12 FLOOR AND I WRAPPED IT AROUND HER THROAT. I PULLED  
13 BOTH ENDS TIGHT. I PULLED BOTH ENDS SO IT WOULD BE  
14 GOOD AND TIGHT. HER HANDS WERE ALREADY AT HER NECK  
15 SO I LEFT THEM. I JUMPED UP OFF THE BED AND WENT AND  
16 PUT THE DILDO UP. I WIPED IT OFF FIRST WITH THE BLUE  
17 TOWEL AND THEN PUT IT UNDER THE BED IN THE FLOOR IN  
18 THE BEDROOM. NORMALLY I PUT IT BETWEEN THE MATTRESS  
19 AT THE HEAD OF THE BED BUT IT HAD FALLEN SO I PUT IT  
20 AT THE HEAD OF THE BED ON THE FLOOR WHERE IT WAS.  
21 THEN I FIXED THE DOORS OF AMANDA'S BEDROOM SO THAT  
22 THEY WOULD LOCK. I PULLED THE CLOSET AND THE DOOR  
23 TOGETHER, THAT'S HOW I LOCKED IT. I DID THIS SO THE  
24 KIDS WOULD NOT WAKE UP AND SEE HER BEFORE MORNING. I  
25 GOT BACK IN MY BED, I PUT MY MASK ON, AND WENT TO

1 SLEEP. AND I WOKE UP AT 6:02 ACCORDING TO THE CLOCK  
2 IN MY BEDROOM. I SAT UP AND CALLED AMANDA TWICE  
3 SINCE NOW I KNEW THAT SHE WAS NOT GOING TO ANSWER.  
4 IT WAS LIKE A DREAM. I THOUGHT IT WAS A DREAM. I  
5 DID NOT HEAR FROM AMANDA THOSE TWO TIMES I CALLED  
6 HER, SIR OR YES, SIR. SO I YELLED AT THE TOP OF MY  
7 LUNGS, AMANDA, REAL LOUD. I THOUGHT, I THOUGHT THE  
8 RAPTURE HAD TAKEN PLACE BECAUSE I HAD JUST FINISHED  
9 READING THE LEFT BEHIND SERIES ABOUT ONE MONTH AGO.  
10 I HAD HOPED THE RAPTURE HAD TAKEN PLACE. I WAS  
11 PRAYING IT HAD. I GOT UP AND LOOKED IN ON KYLA AND  
12 JESSICA AND THEY WERE STILL ASLEEP. I WENT TO  
13 AMANDA'S DOOR AND I FORGET I HAD SET THE DOORS SO I  
14 PUSHED ON THE DOORS AND THEY WOULD NOT OPEN. I  
15 KICKED THE DOOR OPEN AND SAW AMANDA LAYING THERE  
16 PURPLE. I WALKED OVER TO HER AND I TRIED TO WAKE HER  
17 AND SHE WAS COLD. I SCREAMED AND I UNWRAPPED THE  
18 CORD THAT I PUT ON HER NECK. KYLA AND JESSICA WALKED  
19 INTO THE ROOM AND KYLA STARTED SCREAMING. JESSICA  
20 SAID DADDY IS SHE DEAD AND I SAID YES, GO AND GET ON  
21 THE COUCH AND PRAY AS HARD AS YOU CAN AND REMEMBER  
22 ONE THING SHE IS WITH JESUS. I RAN TO THE TELEPHONE  
23 WHICH IS EXACTLY IN FRONT OF THE COMPUTER AND I  
24 CALLED 911. I SAID MY DAUGHTER IS DEAD AND SHE IS  
25 COLD AS A CUCUMBER. REALITY HAD NOT SET IN. THEY

1 ASKED ME FIRE OR POLICE OR MEDICAL AND I SAID MEDICAL  
2 AND THE LADY SAID DESCRIBE YOUR DAUGHTER AND I SAID  
3 SHE WAS 11 OR 12. AND THEN I CALLED MY WIFE'S WORK  
4 802-1100 AND I GOT THE ANSWERING MACHINE. THEN I  
5 DIALED 802-1199 AND I DID NOT GET AN ANSWER. I  
6 CALLED MY SISTER-IN-LAW 802-8937. I ASKED HER DID  
7 SHE KNOW ANOTHER NUMBER TO CALL, HER HUSBAND WORKS  
8 THERE ALSO, SHE SAID NO, WHY, WHAT'S WRONG. I SAID  
9 AMANDA IS DEAD THEN I HUNG UP AND CALLED THE NUMBER  
10 AGAIN FOR LEINER. I TOLD THE MALE SUBJECT THAT  
11 ANSWERED THE PHONE THAT HE NEEDED TO HAVE MIKE COPE  
12 BRING MARY COPE HOME IMMEDIATELY AND THAT OUR  
13 DAUGHTER HAS BEEN FOUND DEAD. THE POLICE STARTED  
14 COMING IN THE HOUSE, THE PHONE RANG, AND IT WAS MY  
15 WIFE. SHE WANTED TO KNOW WHAT WAS WRONG. I TOLD HER  
16 THAT I DID NOT WANT TO TELL HER ON THE PHONE BUT SHE  
17 MADE ME TELL HER. I TOLD HER THAT AMANDA WAS DEAD  
18 AND I CALLED MY PASTOR AND SPOKE TO HIS WIFE AND I  
19 TOLD HER AND SHE SAID THE PASTOR WOULD BE RIGHT OVER.  
20 THEN THE POLICE HAD ARRIVED AND SEALED EVERYTHING OFF  
21 AND THE PASTOR COULD NOT GET IN. MY DAD DID COME AND  
22 GET MY GIRLS. NOT UNTIL TODAY 12/30/01 HAVE I  
23 REALIZED WHAT I HAVE DONE. UP UNTIL AFTER TALKING  
24 WITH YOU AND THE OTHER GUY I BLOCKED STUFF OUT. I AM  
25 TELLING THE TRUTH THIS TIME. EVERYTHING I SAID

1 BEFORE NOW IS NOT TRUE. WHEN I PUT MY FINGERS INSIDE  
2 AMANDA I PULLED HER PANTIES, PANTS AND PANTIES DOWN  
3 AND I USED MY TWO FINGERS. I COULD HAVE JAMMED MY  
4 HAND INSIDE HER. I REMEMBER I HAD WATERED DOWN JELLY  
5 ON MY FINGERS. AROUND THE FIRST OF OCTOBER WAS WHEN  
6 I FIRST STARTED MESSING WITH AMANDA AT NIGHT WHILE  
7 SHE WAS ASLEEP AND I WOULD GO INTO HER BEDROOM AND  
8 FINGER HER AND USE A DILDO ON HER. I DID THIS MANY  
9 TIMES. SIGNED BILLY WAYNE COPE. AND THE THIRD PAGE  
10 READS: PERSONALLY APPEARS BEFORE ME BILLY WAYNE COPE  
11 WHO DEPOSES AND SAYS I MAKE THIS STATEMENT OF MY OWN  
12 FREE WILL AND ACCORD WITHOUT REWARD OR HOPE OF  
13 REWARD. I HAVE NOT BEEN MISTREATED OR THREATENED IN  
14 ANY WAY. ALL OF THE ABOVE IS TRUE, THE WHOLE TRUTH,  
15 AND NOTHING BUT THE TRUTH SO HELP ME GOD. I HAVE  
16 READ OR HAD READ TO ME THE ABOVE STATEMENT CONSISTING  
17 OF TWO PAGES AND RECEIVED A COPY OF THE SAME SIGNED  
18 BILLY WAYNE COPE AND IT'S WITNESSED.

19 Q WHAT TIME WAS THAT SIGNED AND EXECUTED BY  
20 MR. COPE?

21 A 4:55 P.M.

22 Q ALL RIGHT. AFTER THAT STATEMENT WAS SIGNED WAS  
23 MR. BARROWCLOUGH STILL PRESENT AT THE POLICE  
24 DEPARTMENT?

25 A YES, SIR, HE WAS.

1 Q WHAT DID YOU DO WITH REGARDS TO MR. COPE AND MR.  
2 BARROWCLOUGH?

3 A I WENT TO THE LOBBY AND BROUGHT MR. BARROWCLOUGH  
4 BACK TO DETECTIVE BLACKWELDER'S OFFICE AND INTRODUCED  
5 THE TWO TO EACH OTHER AND ALSO MR. COPE IN THE  
6 PRESENCE OF MR. BARROWCLOUGH DID HE SIGN THIS  
7 STATEMENT INDICATING THAT HE DIDN'T WISH TO TALK TO  
8 HIM AND HE TOLD MR. BARROWCLOUGH THAT HE DID, THAT HE  
9 JUST WANTED TO GET IT OVER WITH.

10 Q ALL RIGHT. AFTER THAT EXCHANGE DID MR. COPE  
11 HAVE AN OPPORTUNITY TO MEET WITH HIS ATTORNEY MR.  
12 BARROWCLOUGH FOR A PERIOD OF TIME?

13 A YES, SIR, WE LEFT HIM IN THE OFFICE IN THE,  
14 ALONE FOR FIVE MINUTES.

15 Q OKAY.

16 MR. BRACKETT: BEG THE COURT'S INDULGENCE  
17 ONE MINUTE.

18 Q CAPTAIN CABANISS, THROUGHOUT THIS ENTIRE DAY DID  
19 ANYBODY THREATEN MR. COPE?

20 A NO, SIR, THEY DID NOT.

21 Q ANYBODY INTIMIDATE HIM?

22 A NOT WHATSOEVER.

23 Q WAS HE WILLING AND VOLUNTARILY FORTHCOMING IN  
24 MAKING THESE STATEMENTS?

25 A YES, SIR, HE WAS.

1 Q IS IT UNUSUAL IN YOUR EXPERIENCE FOR A DEFENDANT  
2 TO GIVE A VARIETY OF STORIES?

3 A NO, SIR, NOT UNUSUAL AT ALL. IT'S MORE THAN THE  
4 NORM. MOST OF THE TIME DEFENDANTS START BY DENYING  
5 AND SHIFTING BLAME TO SOMEONE ELSE AND THEN FINALLY  
6 COMING AROUND WITH A LITTLE MORE OF THE TRUTH EACH  
7 TIME.

8 Q DO YOU BELIEVE WE STILL HAVE THE WHOLE TRUTH IN  
9 THIS CASE?

10 A NOT FROM MR. COPE, NO, SIR.

11 Q OKAY. THANK YOU VERY MUCH. PLEASE ANSWER ANY  
12 QUESTIONS MR. MORTON MAY HAVE FOR YOU.

13 A YES, SIR.

14 CROSS EXAMINATION BY MR. MORTON:

15 Q WHY DON'T YOU BELIEVE THAT, CAPTAIN CABANISS?

16 A FROM THROUGH THE INVESTIGATION AND PHYSICAL  
17 EVIDENCE THAT'S RECOVERED FROM THE SCENE.

18 Q OKAY. WHY SPECIFICALLY DON'T YOU BELIEVE THAT?

19 A I DON'T BELIEVE MR. COPE ACTED ALONE. I DON'T  
20 BELIEVE HE TOLD US THE TRUTH. I DO NOT BELIEVE HE  
21 WAS ALONE DURING THIS ASSAULT.

22 Q OKAY. SO YOU BELIEVED HE ACTED WITH  
23 MR. SANDERS?

24 A THAT'S CORRECT.

25 Q OKAY. DID YOU BELIEVE THAT WHEN YOU ARRESTED

1 MR. SANDERS FOR CONSPIRACY AND MR. COPE FOR  
2 CONSPIRACY ON NOVEMBER 17, 2003?

3 A YES, SIR.

4 Q AND ON WHAT DID YOU BASE THAT CHARGE FOR  
5 CONSPIRACY ON THAT DAY?

6 A THE TOTALITY OF THE CIRCUMSTANCES, THE  
7 INTERVIEWS, THE STATEMENTS FROM MR. COPE, THE  
8 RE-ENACTMENT ON THE VIDEO, THE PHYSICAL EVIDENCE  
9 RECOVERED AT THE SCENE LINKING MR. SANDERS.

10 Q SO BASICALLY BECAUSE BILLY COPE HAD GIVEN YOU  
11 THESE DIFFERENT, IN YOUR WORDS, DIFFERENT STATEMENTS  
12 AND THE FACT THAT MR. SANDERS' SEMEN WAS FOUND ON HIS  
13 DAUGHTER'S LEG IS THE BASIS FOR THOSE CHARGES?

14 A ALONG WITH OTHER THINGS.

15 MR. GREELEY: OBJECTION, YOUR HONOR, A  
16 MISSTATEMENT OF TACT. I BELIEVE THE EVIDENCE IS  
17 GOING TO TRY TO SHOW PANTS NOT LEG.

18 THE COURT: I SUSTAIN THE OBJECTION.

19 Q ON HER PANTS AND ON HER BREAST?

20 A THAT ALONG WITH OTHER THINGS, YES, SIR.

21 Q WELL, TELL ME WHAT ON NOVEMBER 17 OF 2003 YOU  
22 HAD TO SHOW THAT MR. COPE AND MR. SANDERS HAD  
23 CONSPIRED TO DO THIS?

24 A THE PHYSICAL EVIDENCE, MR. COPE ADMITTING HE WAS  
25 THERE; THE OBVIOUS THAT MR. COPE WAS IN THE HOUSE,



1 THE OBVIOUS THAT THERE WAS NO FORCED ENTRY TO THE  
2 HOUSE, THAT MR. COPE WAS IN CHARGE OF THE DOMAIN;  
3 THAT MR. SANDERS SALIVA WAS FOUND ON AMANDA'S BREAST,  
4 THAT MR. SANDERS' SEMEN WAS FOUND ON AMANDA'S PANTS;  
5 THE KNOWLEDGE THAT MR. COPE TOLD US ABOUT THE HEINOUS  
6 ASSAULT, SEXUAL ABUSE, AND MUTILATION OF AMANDA, LED  
7 US TO BELIEVE THAT THEY ACTED IN CONJUNCTION AND IN  
8 ACCORD.

9 Q WHAT ABOUT THAT LEADS YOU TO BELIEVE THAT THEY  
10 ACTED IN CONJUNCTION?

11 A THE OBVIOUS THAT MR. SANDERS COULD NOT HAVE DONE  
12 THAT ALONE WITHOUT MR. COPE'S KNOWLEDGE AND THE FACT  
13 THAT MR. COPE HAD SUCH KNOWLEDGE AND ACTUALLY  
14 ADMITTED HE PARTICIPATED IN IT.

15 Q AND THAT'S IT?

16 A YES, SIR.

17 Q SEEMS LIKE THE LARGE PART OF Y'ALL'S THEORY WAS  
18 QUOTE NO FORCED ENTRY THAT COULD BE FOUND, DO YOU  
19 AGREE WITH THAT?

20 A I AGREE THAT WAS PART OF IT. THE PART THAT  
21 WHERE MR. COPE WAS OBVIOUSLY LYING AND STAGED THE  
22 CRIME SCENE AND TRIED TO MISLEAD THE INVESTIGATION.  
23 I MEAN, I THINK IT'S ALL A PART OF IT, YES, SIR.

24 Q SO AGAIN LARGE PART OF WHY Y'ALL BELIEVE THIS  
25 CONSPIRACY THEORY IS THAT YOU COULDN'T FIND ANY SIGNS

1 OF WHAT YOU SAY IS FORCED ENTRY?

2 A I SAY THAT IS A PART OF IT. I WOULDN'T SAY IT'S  
3 A LARGE PART. THERE ARE ALSO OTHER FACTORS SUCH AS  
4 WHEN AMANDA WAS BEING BEATEN AND ASSAULTED THERE,  
5 IT'S OBVIOUS OTHERS IN THE HOUSE WOULD HAVE HAD TO  
6 HAVE KNOWLEDGE OF IT.

7 Q JESSICA AND KYLA, FOR INSTANCE?

8 A YES, SIR, JESSICA AND KYLA IN MY OPINION HEARD  
9 THIS WHOLE THING.

10 Q THEY STATED THAT TO YOU?

11 A THEY HAVE NOT STATED THAT TO ME BUT IN MY  
12 OPINION THEY HEARD THIS AND THERE IS NO WAY THIS  
13 COULD HAVE OCCURRED IN THE HOUSE WITHOUT THEM KNOWING  
14 ABOUT IT. IN MY OPINION THEY ARE STILL SCARED OF  
15 MR. COPE.

16 Q SO IF THEY HAVE STATED THAT THEY DID NOT HEAR  
17 ANYTHING, THEY ARE EITHER LYING OR THEY ARE IN YOUR  
18 OPINION AFRAID TO SAY?

19 A THAT'S CORRECT.

20 Q AND THEY'VE BEEN IN DSS CUSTODY FOR ALMOST THREE  
21 YEARS NOW, RIGHT?

22 A THAT'S CORRECT.

23 Q AND THEY HAVE BEEN TOLD THAT THEIR DADDY RAPED  
24 AND MURDERED THEIR SISTER, HAVE THEY NOT?

25 A I HAVE NOT INTERVIEWED THE GIRLS PERSONALLY

1 MYSELF.

2 Q ARE YOU AWARE THAT THEY HAVE BEEN TOLD THAT  
3 THEIR DADDY RAPED AND MURDERED THEIR SISTER?

4 A I'M NOT PERSONALLY AWARE OF THAT, NO, SIR. I  
5 SENT WORD TO MAKE SURE THEY KNEW THAT WE WOULD TAKE  
6 ALL STEPS WE COULD TO MAKE SURE DADDY COULD NOT HURT  
7 THEM.

8 Q WELL, I UNDERSTAND. NOW YOU INDICATED THAT  
9 THERE ARE PARTS OF MR. COPE'S STATEMENT THAT YOU  
10 BELIEVE AND PARTS THAT YOU DON'T BELIEVE AND PARTS  
11 THAT YOU STILL DON'T BELIEVE?

12 A THAT'S CORRECT.

13 Q RIGHT?

14 A YES, SIR. IF YOU'LL NOTICE ON THE VIDEO TAPE HE  
15 ACTUALLY CHANGED STATEMENTS, CHANGED DIFFERENT THINGS  
16 A LITTLE BIT EACH TIME.

17 Q RIGHT. ONE SIGNIFICANT DIFFERENCE THAT IS  
18 APPARENT FROM WHAT HE HAD PREVIOUSLY TOLD -- WELL,  
19 FIRST OF ALL, HE TOLD DETECTIVE WALDROP AND DETECTIVE  
20 HERRING NUMEROUS TIMES ON THE TAPE RECORDING, THAT  
21 HAS BEEN PUBLISHED TO THIS JURY, THAT HE WAS ASLEEP,  
22 THE CHILDREN WERE ASLEEP, AND HE DID NOT KNOW HOW  
23 THIS HAPPENED, THAT HE WENT IN, FOUND THE GREEN STRIP  
24 UNDERNEATH HER BODY, CORRECT? THAT'S ONE STATEMENT  
25 HE TOLD?

1 A IT'S MY UNDERSTANDING THAT HE SAID HE FOUND IT  
2 WRAPPED AROUND HER NECK AND THAT SHE APPARENTLY  
3 STRANGLED HERSELF. HE ORIGINALLY DENIED IT. I WILL  
4 NOT DISPUTE THAT. HE DENIED IT THAT DAY, THAT'S  
5 CORRECT.

6 Q THEN AFTER BEING GIVEN A POLYGRAPH AND AFTER  
7 BEING INTERVIEWED BY DETECTIVE BAKER WHICH WAS NOT IN  
8 WAY TAPE RECORDED, STATEMENT IS THAT HE VIOLATED HER  
9 WITH A BROOM AND CHOKED HER, CORRECT?

10 A THAT'S CORRECT.

11 Q THAT HE CHOKED HER FROM BEHIND WITH TWO HANDS?

12 A I'M NOT COMPLETELY SURE ON THE SPECIFICS.

13 Q THAT HE RAPED HER WITH THESE BROOMS OR WITH A  
14 WOODEN BROOM, CORRECT?

15 A THAT'S MY UNDERSTANDING, YES, SIR.

16 Q OKAY.

17 A THAT'S WHAT HE TOLD US. THAT'S WHAT HE TOLD ME.

18 Q NOW ON THIS VIDEO HE TOLD YOU THAT HE HAD RAPED  
19 HER WITH A BROOM?

20 A YES, SIR.

21 Q COULDN'T FIND A WOODEN BROOM IN THAT HOUSE AT  
22 ALL, COULD YOU?

23 A I DON'T THINK SO, NO, SIR.

24 Q OKAY. THEN THE STORY THAT HE TELLS YOU IS THAT  
25 IT WAS A DILDO, RIGHT?

1 A AS ON THE TAPE AS HE STATED, HE STATED HE PUT  
2 THE DILDO IN HER RECTUM AND THEN HE, WHEN HE ROLLED  
3 HER OVER HE NOTICED THE BROOM WAS IN HER VAGINA.

4 Q OKAY. WHEN YOU GOT BACK, YOU DIDN'T BELIEVE A  
5 LOT OF THAT AND WE'LL GO OVER THAT IN A LITTLE MORE  
6 DETAIL, BUT YOU DIDN'T BELIEVE, JUST DIDN'T BELIEVE  
7 ALL OF THAT? WOULD YOU AGREE WITH ME, YOU'VE STATED  
8 SO PREVIOUSLY, CORRECT?

9 A THE PART I REALLY BELIEVE IS, THAT PART, THAT'S  
10 ONE OF THE PARTS THAT I PROBABLY BELIEVED HIM IN  
11 DOING IS WHEN HE STATED HE WAS PUTTING THE DILDO IN  
12 HER RECTUM AND TURNED HER OVER AND FOUND THE BROOM IN  
13 HER VAGINA.

14 Q SO YOU DID BELIEVE THE PART OF THE BROOM IS YOUR  
15 TESTIMONY HERE TODAY?

16 A CERTAIN PARTS OF IT, YES, SIR.

17 Q WELL, WHICH PARTS OF IT?

18 A WELL --

19 Q WHAT I'M HAVING TROUBLE IS WITH IS, WHY DO YOU  
20 BELIEVE ONE THING AND NOT THE OTHER? WHY DO YOU  
21 BELIEVE THIS AND NOT THAT? IS THERE ANY BASIS IN  
22 FACT FOR YOU DECIDING TO BELIEVE THIS AND NOT THAT.

23 A YES, SIR, THROUGH MY EXPERIENCE AND THROUGH THE  
24 INVESTIGATION, THROUGH HIS BODY LANGUAGE, THROUGH HIS  
25 DEMEANOR, THROUGH SOMETIMES HE'D BE NERVOUS,

1       SOMETIMES -- WHEN HE JUMPED UP ON THE BED AND WHEN HE  
2       STARTED SHAKING HER, SHAKEN VIOLENTLY, NO ONE HAD  
3       EVEN, I HADN'T EVEN THOUGHT OF THAT. I BELIEVED THAT  
4       PART. THE PART WHEN HE SHOWS HOW, HOW VIGOROUSLY  
5       HE'S RAMMING SOMETHING INTO HER QUOTE PRIVATES AS HE  
6       CALLS IT AND THE AUTOPSY RESULTS SHOWING HOW BAD SHE  
7       WAS SEXUALLY MUTILATED TENDS ME TO BELIEVE THAT HE  
8       WAS DOING IT OR HE WAS WATCHING IT.

9       Q       SO YOU BELIEVE --

10      A       WHEN HE SAID HE FELL BACK AND CAME TO HIS  
11      SENSES, I BELIEVE HE OR SOMEONE FELL BACK; THERE ARE  
12      CERTAIN THINGS ABOUT THAT, YES, SIR, I BELIEVE ARE  
13      VERY MUCH BASED IN FACT AND I HAVE MY REASONS AND MY  
14      BELIEFS WHY. THERE ARE LITTLE THINGS THAT I THINK HE  
15      LEFT OUT.

16      Q       YOU BELIEVED THE PART ABOUT THE DILDO THAT HE  
17      TOLD YOU ABOUT THAT AFTERNOON?

18      A       (NO RESPONSE.)

19      Q       ABOUT HIM USING A DILDO ON HER?

20      A       PREVIOUS OR THAT NIGHT.

21      Q       NO, THAT NIGHT?

22      A       YOU KNOW, I HAVE NO REASON TO BELIEVE HE COULD  
23      HAVE STARTED OFF WITH THE DILDO AND MOVED UP TO THE  
24      BROOM. I DON'T KNOW.

25      Q       NOW I DON'T BELIEVE THAT ANYTHING IN THIS

1 STATEMENT IN THE AFTERNOON SAYS ANYTHING ABOUT A  
2 BROOM?

3 A I'M SURE, I MEAN, EVERYTHING THAT HE SAID IN  
4 THOSE SEVERAL HOURS COULDN'T BE PUT ON THOSE TWO  
5 PAGES. DETECTIVE BLACKWELDER DID HER BEST TO ---

6 Q IT COULD NOT BE?

7 A NO, SIR, IT'S NOT.

8 Q IT'S NOT BE. ISN'T THAT IMPORTANT?

9 A WELL, IT'S NOT FEASIBLE. IT'S NOT PRACTICAL  
10 EVERYTHING THAT HE SAID IN THE TWO OR THREE HOURS WE  
11 WERE TALKING.

12 Q WHAT I DON'T UNDERSTAND, CAPTAIN CABANISS, IS  
13 WHY WASN'T IT EASIER TO JUST PLUG IN A TAPE RECORDER  
14 LIKE LIEUTENANT WALDROP AND LIEUTENANT HERRING DID SO  
15 WE WOULD KNOW -- I DON'T UNDERSTAND THAT. CAN YOU  
16 EXPLAIN THAT TO ME?

17 A IN MY 30 YEARS I HAVE NEVER TO MY KNOWLEDGE  
18 TAPED AN INVESTIGATION THAT I CAN REMEMBER. THAT'S  
19 JUST SOMETHING I DON'T DO JUST LIKE DETECTIVE BAKER  
20 SAID HE DIDN'T DO, OR YOU SAID HE DIDN'T DO. I NEVER  
21 TAPED THOSE. IT'S NOT REAL FEASIBLE.

22 Q I UNDERSTAND THAT YOU SAID THAT YOU DON'T DO  
23 THAT?

24 A CORRECT.

25 Q BUT THAT WASN'T MY QUESTION. MY QUESTION WAS

1       WHY NOT?

2       A     AND MY QUESTION -- MY ANSWER, I'M SORRY, SIR,  
3       IT'S NOT FEASIBLE.

4       Q     WHY IS IT NOT FEASIBLE?

5       A     IT'S JUST TO GET THE RECORDINGS TO EVERY TIME  
6       YOU RECORD SOMETHING YOU GOT TO HAVE IT TRANSCRIBED  
7       AND IT'S JUST CREATES A LOT OF ISSUES THERE THAT  
8       HADN'T BEEN ABLE TO ADDRESS.

9       Q     BUT ISN'T THAT IMPORTANT IN A MURDER  
10      INVESTIGATION?

11      A     IT'S NOT SOMETHING THAT'S IMPORTANT ENOUGH THAT  
12      WE DO IT ON EVERY CASE EVERY TIME.

13      Q     WELL, THIS MAN'S LIFE IS HANGING IN THE BALANCE.

14      A     AMANDA'S WAS TOO.

15      Q     I UNDERSTAND THAT. I UNDERSTAND THAT. AMANDA  
16      WANTS TO KNOW THE TRUTH TOO, I BELIEVE, DON'T YOU?

17      A     I BELIEVE AMANDA KNOWS THE TRUTH.

18      Q     I BELIEVE SHE DOES TOO. BUT UNFORTUNATELY THERE  
19      IS NOTHING THAT WE CAN DO RIGHT NOW TO BRING AMANDA  
20      BACK RIGHT NOW, IS IT?

21      A     THAT'S CORRECT.

22      Q     BUT WHAT WE'RE HERE TODAY ABOUT IS THIS MAN'S  
23      LIFE, CORRECT?

24      A     BRINGING JUSTICE TO AMANDA'S KILLER.

25      Q     RIGHT. AND DECIDING WHO THAT IS. THAT'S WHAT



1 YOUR JOB IS, RIGHT?

2 A THAT'S CORRECT.

3 Q AND YOU DON'T BELIEVE IT'S IMPORTANT TO TAPE  
4 RECORD STATEMENTS FROM SOMEONE WHO IS ON TRIAL FOR  
5 THEIR LIFE?

6 A NO, SIR.

7 Q YOU DO NOT?

8 A NO, SIR.

9 Q OKAY.

10 A NOT IN ALL CIRCUMSTANCES.

11 Q OKAY. WELL, IN THIS CIRCUMSTANCE YOU DIDN'T  
12 THINK IT WAS IMPORTANT?

13 A NO, SIR.

14 Q OKAY. YOU ARE INDICATING NOW TO ME THAT THIS  
15 STATEMENT ON DECEMBER THIRD DOES NOT CONTAIN  
16 EVERYTHING THAT YOU AND MR. COPE AND DETECTIVE  
17 BLACKWELDER TALKED ABOUT THAT NIGHT, IS THAT CORRECT?

18 A IT DOES NOT CONTAIN EVERY LITTLE MINUTE THING WE  
19 TALKED ABOUT, THAT'S CORRECT.

20 Q LITTLE MINUTE THINGS LIKE THE BROOM BEING USED,  
21 THAT'S A MINUTE THING?

22 A I'M NOT SURE IF DETECTIVE BLACKWELDER WHEN SHE  
23 TYPED IT UP IF HER NOTES REFLECT IT, I'M NOT SURE WE  
24 ACTUALLY TALKED ABOUT THE BROOM IN THE AFTERNOON ONCE  
25 WE GOT BACK TO THE OFFICE.

1 Q WELL, YOU'RE AWARE, I DON'T KNOW IF YOU ARE  
2 AWARE OF WHAT WE'VE BEEN IN HERE TALKING ABOUT FOR  
3 THE PAST TWO OR THREE DAYS, BUT YOU'RE AWARE THE THAT  
4 THE BROOMS PLAY A SIGNIFICANT PART OF WHAT YOU SAY HE  
5 SAYS HE DID.

6 A THAT'S WHY AT THE SCENE I ACTUALLY TRIED TO GET  
7 HIM TO IDENTIFY OR FIND A BROOM THAT HE INDICATED HE  
8 USED.

9 Q THIS STATEMENT ON DECEMBER THIRD DOESN'T SAY A  
10 WORD ABOUT THE BROOMS, WOULD YOU AGREE WITH ON THAT?

11 A I AGREE IF YOU SAY THAT'S WHAT'S WRITTEN DOWN  
12 THERE. I WILL SAY THAT I'M NOT SURE IN THE AFTERNOON  
13 WHEN WE GOT BACK TO THE LAW CENTER IF THE BROOM WAS  
14 ACTUALLY MENTIONED AGAIN. WE WENT OVER IT PRETTY  
15 GOOD AT THE HOUSE IF YOU WILL NOTICE.

16 Q DON'T YOU THINK THAT'S IMPORTANT, CAPTAIN  
17 CABANISS?

18 A TO WRITE IT DOWN AND SAY IT AGAIN AND AGAIN.  
19 YOU KNOW, I'M SORRY. MONDAY MORNING QUARTER BACKING  
20 IS PRETTY EASY. I CAN SIT DOWN AND THINK OF A LOT OF  
21 THINGS THAT I THOUGHT MAYBE SHOULD HAVE BEEN DONE  
22 THAT WASN'T DONE EXACTLY LIKE I WOULD LIKE TO DO THEM  
23 AGAIN, BUT WHEN YOU DOING THEM YOU DO THE BEST YOU  
24 CAN DO, MR. MORTON.

25 Q I UNDERSTAND. AND WE WOULDN'T HAVE TO BE MONDAY

1 MORNING QUARTER BACKING IF Y'ALL HAD JUST TAPE  
2 RECORDED HIS CONVERSATION, WOULD WE?

3 A NOT, THAT'S NOT MY OPINION.

4 Q THAT'S NOT YOUR OPINION?

5 A NO, SIR.

6 Q YOU RECEIVED A VISIT THAT AFTERNOON FROM PUBLIC  
7 DEFENDER HERE MR. B. J. BARROWCLOUGH?

8 A THAT'S CORRECT.

9 Q AND HE HAD BEEN APPOINTED TO REPRESENT MR. COPE?

10 A THAT'S WHAT I SUBSEQUENTLY FOUND OUT LATER IN  
11 THE AFTERNOON.

12 Q OKAY. THAT DAY WHILE YOU WERE TALKING TO  
13 MR. COPE IN YOUR OFFICE IN GETTING THIS STATEMENT  
14 THAT IS NOT COMPLETE, YOU RECEIVED A KNOCK ON THE  
15 DOOR TO THE DETECTIVE DIVISION?

16 A THE DETECTIVE DIVISION IS SEPARATED BY A HALLWAY  
17 FROM DETECTIVE BLACKWELDER'S OFFICE. I ASSUME THAT  
18 MR. BARROWCLOUGH KNOCKED ON THE DETECTIVE DIVISION  
19 DOOR IF HE KNOCKED ON THE DOOR. I RECEIVED A PAGE  
20 FROM THE SECRETARY IN THE DETECTIVE DIVISION THAT MR.  
21 BARROWCLOUGH WAS IN THE LOBBY WISHING TO SEE.

22 Q THERE WAS A KNOCK ON THE DOOR, IT WAS THIS MAN'S  
23 ATTORNEY, THIS MAN'S ATTORNEY EXPRESSED TO THE  
24 SECRETARY THAT HE WISHED TO SEE HIS CLIENT AT THAT  
25 POINT, CORRECT?

1 A PROBABLY EXPRESSED IT TO ANOTHER DETECTIVE IN  
2 THE OFFICE AREA, YES, SIR.

3 Q THAT INFORMATION WAS RELAYED TO YOU?

4 A THAT'S CORRECT.

5 Q AND AT THAT POINT YOU CALLED THE SOLICITOR?

6 A NO, SIR. AT THAT POINT I ASKED MR. COPE WAS HE  
7 REPRESENTED BY AN ATTORNEY AND HE SAID NO. I ASKED  
8 MR. COPE DID HE KNOW AN ATTORNEY B.J. BARROWCLOUGH  
9 AND HE SAID NO. I ASKED HIM WHY MR. BARROWCLOUGH  
10 WOULD BE IN THE LOBBY INDICATING HE WAS HIS ATTORNEY.  
11 HE SAID HE DIDN'T KNOW. I ASKED MR. COPE DID HE WANT  
12 TO TALK TO TALK TO MR. BARROWCLOUGH. HE SAID NO.  
13 MR. BRACKETT PAGED ME AND THEN I RETURNED  
14 MR. BRACKETT'S CALL.

15 Q DO YOU KNOW, AND WHAT DID Y'ALL TALK ABOUT?

16 A MR. BARROWCLOUGH BEING IN THE LOBBY.

17 Q SPECIFICALLY?

18 A THAT MR. BRACKETT HAD FOUND OUT THAT  
19 MR. BARROWCLOUGH HAD BEEN APPOINTED TO MR. COPE  
20 SOMETIME OVER THE WEEKEND AND HE INFORMED ME OF THAT.

21 Q DID YOU SAY: MR. COPE, YOU GOT AN ATTORNEY IN  
22 THE LOBBY? I THINK WHAT YOUR TESTIMONY IS THAT  
23 YOU'VE, THAT YOU ASKED MR. BARROWCLOUGH TO COME BACK  
24 AND TALK TO HIM?

25 A NO, SIR.

1 Q MR. BARROWCLOUGH HAD KNOCKED ON THE DOOR AND  
2 INDICATED THAT HE WOULD LIKE TO SPEAK TO HIS  
3 ATTORNEY, FAIR TO SAY?

4 A HIS CLIENT.

5 Q I MEAN, MR. BARROWCLOUGH, THE PUBLIC DEFENDER,  
6 THIS MAN'S ATTORNEY, KNOCKED ON THE DOOR AND  
7 INDICATED THAT HE WANTED TO SPEAK WITH HIS CLIENT,  
8 CORRECT?

9 A CORRECT.

10 Q OKAY. AND DID YOU ALLOW MR. BARROWCLOUGH TO  
11 COME BACK AND VISIT WITH HIS CLIENT?

12 A NOT UNTIL AFTER THE INTERVIEW WAS OVER.

13 Q OKAY. AND IN THE MEANTIME YOU DISCUSSED THIS  
14 MATTER OF MR. BARROWCLOUGH WANTING TO SPEAK WITH HIS  
15 CLIENT ON AT LEAST TWO OCCASIONS WITH THE SOLICITOR'S  
16 OFFICE?

17 A THAT'S CORRECT. AT LEAST TWO OCCASIONS WITH  
18 MR. COPE.

19 Q OKAY. WELL, IF YOU HAD TALKED ABOUT IT WITH  
20 MR. COPE, WHY WERE YOU TALKING ABOUT IT TO THE  
21 SOLICITOR, WERE YOU CONCERNED?

22 A THE SOLICITOR'S OFFICE PAGED ME AND I RETURNED  
23 THEIR CALL.

24 Q THEN YOU CALLED THEM LATER?

25 A TWICE.

1 Q OKAY.

2 A TOTAL.

3 Q WHY WERE, AGAIN, WHY WERE Y'ALL DISCUSSING IT?

4 WHY WAS THIS SUCH A CONCERN?

5 A THE FIRST TIME WAS, MR. BRACKETT WAS JUST

6 WANTING TO MAKE SURE THAT I KNEW THAT MR.

7 BARROWCLOUGH WAS IN THE LOBBY. AND THE SECOND TIME

8 WAS TO INFORM ME THAT HE HAD FOUND OUT THAT IN FACT

9 MR. BARROWCLOUGH HAD BEEN APPOINTED OVER THE WEEKEND.

10 Q AND IN ANY EVENT MR. BARROWCLOUGH STAYED THERE

11 FOR QUITE SOMETIME, DID HE NOT?

12 A I'M NOT SURE HOW LONG HE STAYED THERE. NO MORE

13 THAN TWO HOURS TOTAL AND I DON'T KNOW IF HE STAYED

14 THE WHOLE TIME.

15 Q STAYED THERE AT LEAST TWO HOURS?

16 A I'M NOT SURE IF HE STAYED OR NOT. HE WAS OUT

17 THERE ABOUT 3 O'CLOCK THEN HE WAS OUT AT 4:55 WHEN I

18 LET HIM IN.

19 Q IN FACT, HE WAS OUT THERE ABOUT TWO O'CLOCK?

20 A I'M NOT SURE.

21 Q OKAY.

22 A THAT MAY BE CORRECT. I'M JUST NOT SURE.

23 Q OKAY. SO IT MAYBE CORRECT THAT MR. BARROWCLOUGH

24 WAS OUT THERE TO SEE HIS CLIENT AT TWO O'CLOCK AND

25 WAS NOT ALLOWED TO SEE HIM UNTIL AFTER THIS STATEMENT

1 WAS COMPLETED?

2 A THAT'S CORRECT. BUT IT'S ALSO TRUE MR. COPE  
3 KNEW THAT MR. BARROWCLOUGH WAS OUT THERE AND MR. COPE  
4 DECLINED TO TALK WITH MR. BARROWCLOUGH.

5 Q YOU WROTE UP A LITTLE FORM, DID YOU NOT, HAND  
6 WROTE IT?

7 A YES, SIR, I DID.

8 Q AND YOU WROTE IT?

9 A YES, SIR.

10 Q I BILLY COPE DO NOT WISH TO TALK TO MY LAWYER B.  
11 J. BARROWCLOUGH AT THIS SIGNED BILLY COPE 3:10 P.M.

12 A YES, SIR.

13 Q WITNESSED BY DETECTIVE BLACKWELDER?

14 A THAT'S CORRECT.

15 Q YOU WROTE THAT, HE SIGNED IT?

16 A YES, SIR.

17 Q AND YOU WROTE IT IN A FIT OF FRUSTRATION, WOULD  
18 THAT BE FAIR?

19 A NO, SIR.

20 Q YOU DIDN'T SLAM IT ON THE TABLE?

21 A NO, SIR.

22 Q AND SAY YOUR ATTORNEY IS OUT THERE, DO YOU WANT  
23 TO SPEAK WITH THEM? DID YOU MENTION ANYTHING TO HIM  
24 ABOUT THE DEATH PENALTY?

25 A ABSOLUTELY NOT. THERE IS NOT A TABLE IN THAT

1 OFFICE.

2 Q NOT A TABLE IN THE OFFICE?

3 A NOT IN THAT OFFICE, NO, SIR. I NEVER WAS IN  
4 FIT. I NEVER WAS FRUSTRATED.

5 Q YOU NEVER WERE UPSET, NEVER WERE FRUSTRATED?

6 A NO, SIR.

7 Q JUST A NICE MONDAY AFTERNOON. WHILE MR.  
8 BARROWCLOUGH WAITED OUTSIDE TRYING TO TALK TO HIS  
9 CLIENT, IS THAT CORRECT?

10 A I DON'T KNOW HOW NICE THE MONDAY AFTERNOON WAS.  
11 MR. BARROWCLOUGH WAS IN THE LOBBY.

12 Q THIS STATEMENT ON DECEMBER THIRD AT 9:45 AM WHEN  
13 MR. COPE CAME OVER TO TALK TO YOU, THE FIRST THING HE  
14 SAID WAS WHAT I TOLD DETECTIVE BAKER AND LIEUTENANT  
15 HERRING ON NOVEMBER 30 DID NOT HAPPEN?

16 A NO, SIR. THE FIRST THING HE TOLD US WAS HIS  
17 RIGHTS, I ASKED HIM DID HE UNDERSTAND HIS RIGHTS, AND  
18 HE SAID HE DID. THEN THE SECOND THING I ASKED HIM --

19 Q I'M SORRY. GO AHEAD?

20 A THEN THE SECOND THING I ASKED HIM DID HE SEND  
21 WORD THAT HE WANTED TO TALK TO US WHICH HE INDICATED  
22 THAT HE DID.

23 Q WAS ONE OF THE RIGHTS THAT YOU READ HIM THAT HE  
24 HAD A RIGHT TO AN ATTORNEY?

25 A YES, SIR.



1 Q THAT HE COULD STOP QUESTIONING AT ANY TIME AND  
2 TALK TO HIS ATTORNEY IF HE WISHED TO?

3 A ANY TIME HE WANTED TO STOP TALKING, ANY TIME HE  
4 WANTED TO TALK TO HIS ATTORNEY.

5 Q THOSE ARE THE RIGHTS THAT YOU READ HIM?

6 A YES, SIR.

7 Q OKAY. AND WHEN HE CAME OVER THERE THAT MORNING  
8 HE SAID: CAPTAIN CABANISS WHAT I TOLD THEM IS NOT  
9 TRUE. IT DIDN'T HAPPEN THE WAY I TOLD THEM. ISN'T  
10 THAT WHAT HE TOLD YOU?

11 A YES, SIR.

12 Q AND HE TOLD YOU THAT WHAT HE KNEW ABOUT THE  
13 SITUATION WAS WHAT HE HAD TOLD DETECTIVE WALDROP AND  
14 DETECTIVE HERRING ON THE NIGHT OF THE 29; THAT'S WHAT  
15 HE FIRST TOLD YOU WHEN HE CAME OVER THERE ON DECEMBER  
16 THIRD, WASN'T IT?

17 A NO, SIR.

18 Q OKAY. SO YOU DENY THAT WHEN HE CAME OVER THERE  
19 THAT MORNING HE SAID I WANT TO GET THIS STRAIGHT?

20 A NO, SIR. HE SAID HE WANTED TO TELL US THE TRUTH  
21 THEN HE WENT INTO THE STORY ABOUT THE PREVIOUS  
22 GIRLFRIEND.

23 Q SO YOU DENY THAT HE SAID THAT?

24 A DENY THAT HE SAID.

25 Q DENY THAT WHEN HE CAME OVER THERE HE TOLD YOU

1       WHAT I TOLD BAKER AND WHAT I TOLD HERRING DID NOT  
2       HAPPEN?

3       A     NO, HE TOLD US THAT WHAT HE TOLD THEM FRIDAY WAS  
4       NOT THE TRUTH, THAT HE WANTED TO TELL US THE TRUTH,  
5       YES, SIR, HE DID THAT.

6       Q     OKAY.  AND THEN HE WROTE THIS STATEMENT UP AT  
7       9:45?

8       A     HE TOLD US AND THEN I TOLD HIM TO WRITE IT.

9       Q     OKAY.  AND HE WROTE THAT DOWN?

10      A     YES, SIR.

11      Q     AND THEN YOU SAID AND YOU DON'T BELIEVE THIS  
12      STATEMENT?

13      A     NOT IN ITS ENTIRETY, NO, SIR.

14      Q     OKAY.  I WAS ASLEEP IN MY BED.  I HAD A BAD  
15      DREAM ABOUT AN OLD GIRLFRIEND WHO HAD AN ABORTION.  
16      THE THOUGHT OF HER MAKES ME CRINGE.  IN MY DREAM SHE  
17      WAS TELLING ME THAT SHE HAD AN ABORTION WITH YOUR  
18      CHILD AND I TOLD HER NO.  I BECAME, I TOLD HER NO.  I  
19      BECAME SO ENRAGED THAT I GOT OUT OF BED AND ALL I  
20      COULD HEAR WAS THAT LAUGHING SOUND.  DO YOU BELIEVE  
21      THAT?

22      A     NO, SIR.

23      Q     I DO NOT KNOW WHAT CAME OVER ME BUT I SNAPPED  
24      AND I JUMPED ON THE BED AND STRADDLED HER AND I HIT  
25      HER IN THE HEAD AND STARTED CHOKING HER.  DO YOU

1 BELIEVE THAT?

2 A YES, SIR.

3 Q I DID NOT KNOW IT WAS MY OWN DAUGHTER UNTIL I  
4 HAD SHOVED THE BROOM STICK IN HER PRIVATES. I FELL  
5 BACK DRAWING TO MY SENSES AND I REALIZED IT WAS MY  
6 DAUGHTER, DO YOU BELIEVE THAT?

7 A NO, SIR. FROM THE STATEMENTS THAT HE HAD TOLD  
8 US ABOUT THAT HE HAD BEEN DOING THIS MONTHS BEFORE, I  
9 DID NOT BELIEVE ANY OF THAT, NO, SIR.

10 Q I BECAME SO CONFUSED THAT I TRIED RID THE HOUSE  
11 OF ALL THE STUFF IN THE HOUSE THAT WOULD MAKE ME LOOK  
12 GUILTY, DO YOU BELIEVE THAT?

13 A YES, SIR, PARTS OF IT.

14 Q DID YOU FIND, HE TOLD YOU HE THREW THE DILDO  
15 LATER IN THE VIDEO TAPED, SAYS HE USED THE DILDO ON  
16 HER I BELIEVE, NOT IN THE VIDEO BUT LATER WHEN YOU  
17 CAME BACK, HE SAID HE HAD USED THE DILDO ON HER, DO  
18 YOU REMEMBER THAT?

19 A I BELIEVE HE TOLD US HE USED THE DILDO ON THE  
20 VIDEO AND TOLD US HE DIDN'T USE THE JELLY.

21 Q WE'LL GO BACK OVER THAT. HE TOLD YOU HE THREW  
22 THE DILDO OUT IN THE YARD?

23 A I REMEMBER HIM SAYING HE THREW SOMETHING IN THE  
24 YARD.

25 Q OKAY. HE GRABBED THE BROOM AND PULLED IT FROM

1 HER VAGINA AND PULLED HER PANTIES BACK UP AND FELL  
2 BACKWARDS. YOU BELIEVE THAT?

3 A YES, SIR, THE PANTIES ON THE BODY WERE FROM  
4 TALKING WITH THE INVESTIGATORS WAS OBVIOUSLY HAD BEEN  
5 PULLED BACK UP BY SOMEBODY ELSE AND THE PART WHERE HE  
6 WAS RE-ENACTING WHERE HE FELL BACK, I BELIEVE THAT  
7 PART.

8 Q OKAY. AND AGAIN, CAPTAIN CABANISS, WHY DO YOU  
9 BELIEVE THAT? I MEAN, WHAT EVIDENCE, WHAT BASIS IN  
10 FACT DO YOU HAVE TO, FOR INSTANCE, TO BELIEVE THAT HE  
11 WAS, HE WAS USING THIS AND THEN HE FELL BACK?

12 A BECAUSE I BELIEVE THE PERSON THAT WASN'T THERE  
13 WOULDN'T KNOW THAT. I BELIEVE THE AUTOPSY RESULTS  
14 TALK ABOUT HOW BAD SHE WAS ASSAULTED AND HOW BAD SHE  
15 WAS BRUTALIZED, AND HOW THIS JUST WASN'T A SEXUAL  
16 ASSAULT, HOW IT WAS A BRUTALIZATION, AND THE FACT  
17 DURING THE RE-ENACTMENT, YOU SAW IT, WE DIDN'T PUSH  
18 HIM, WE DIDN'T ASK HIM HOW HARD, WE DID ASK HIM IF  
19 IT'S DONE, HOW HE JUMPS UP AND STARTS REALLY RAMMING.  
20 YOU SEE HE PUTS HIS HEART AND SOUL INTO IT. HE'S  
21 SERIOUS ABOUT IT. HE'S RAMMING. IT'S JUST LIKE HE'S  
22 GETTING SOME PLEASURE OUT OF IT THEN JUST TALKING  
23 ABOUT IT AND THEN WHEN HE FALLS BACK AND HE SAYS HE  
24 COMES TO HIS SENSES, ME BEING THROUGH MY EXPERIENCE  
25 AND THE REASONABLE PERSON I AM, I BELIEVE THAT PART.

1 Q WHILE THAT'S REWINDING, LET ME TALK TO YOU ABOUT  
2 THE STATEMENT THAT HE GAVE AFTER THAT. HE SAYS THAT  
3 HE WENT TO THE BATHROOM AND HE HAD A HARD ON AND HE  
4 MASTURBATED IN THE FLOOR AND USED A BLUE TOWEL TO  
5 CLEAN IT UP, DO YOU BELIEVE THAT?

6 A I BELIEVE HE MASTURBATED INTO A RAG. WHETHER HE  
7 WAS IN THE BATHROOM OR WHAT COLOR IT WAS, YOU KNOW, I  
8 CAN'T PICK AND CHOOSE EACH WORD WHAT I BELIEVE AND  
9 WHAT I DON'T. I'M SORRY. SOME OF IT I HAVE NO WAY  
10 OF DETERMINING WHETHER IT IS ABSOLUTELY TRUE EVEN IN  
11 MY OWN MIND.

12 Q OKAY. SO YOU --

13 A THIS HAS --

14 Q ---YOU CAN'T BE SURE?

15 A ON EVERY SPECIFIC DETAIL, NO, SIR, I CANNOT.  
16 THIS WAS THREE YEARS AGO, HE TOLD US NUMEROUS  
17 STATEMENTS THROUGHOUT THE DAY, AND THE VIDEO TAPED.  
18 I'M NOT A HUNDRED PERCENT SURE.

19 Q HAVE YOU LISTENED --

20 A EXCUSE ME.

21 Q TO HIS AUDIO TAPE WITH DETECTIVE WALDROP AND  
22 HERRING?

23 A NO, SIR, I HAVE NOT.

24 Q DO YOU NOT THINK THAT'S IMPORTANT? FOR YOU TO  
25 LISTEN TO THAT?

1 A NO, SIR.

2 Q YOU DON'T THINK THAT'S IMPORTANT?

3 A NO, SIR. I TALKED TO BOTH DETECTIVE HERRING AND  
4 WALDROP.

5 Q OKAY. SO YOU ARE MAKING THESE JUDGMENTS AND  
6 CONCLUSIONS WITHOUT KNOWING ALL THE EVIDENCE, WOULD  
7 THAT BE FAIR?

8 A IT WOULD BE FAIR TO SAY I PROBABLY DON'T KNOW  
9 EVERY SPECIFIC MINUTE DETAIL, THAT'S CORRECT.

10 Q AND YOU DON'T THINK THAT THAT AUDIO TAPE IS  
11 IMPORTANT ENOUGH TO LISTEN TO IN THIS MURDER TRIAL?

12 A NO, SIR.

13 Q OKAY. AGAIN I HAD A HARD ON, I MASTURBATED, I  
14 USED A BLUE TOWEL TO CLEAN IT UP, DO YOU OR DO YOU  
15 NOT BELIEVE THAT?

16 A I BELIEVE PARTS OF IT.

17 Q OKAY.

18 A I BELIEVE HE MASTURBATED AND USED THE TOWEL TO  
19 CLEAN IT UP.

20 Q YOU BELIEVED HE MASTURBATED AND THAT HE USED A  
21 TOWEL TO CLEAN IT UP, RIGHT?

22 A YES, SIR.

23 Q YOU BELIEVE HE MASTURBATED IN THE FLOOR AND  
24 CLEANED UP THE EJACULATE FROM THE FLOOR?

25 A I'M NOT SURE.

1 Q YOU ARE NOT SURE IF YOU BELIEVE THAT OR NOT?

2 A COULD HAVE BEEN INTO THE RAG, COULD HAVE BEEN ON  
3 THE FLOOR, COULD HAVE BEEN ON SOMETHING ELSE.

4 Q OKAY. ANY, I MEAN, WHY DO YOU, YOU'RE JUST NOT  
5 SURE WHAT YOU BELIEVE AS TO THAT IS CONCERNED?

6 A THAT'S CORRECT.

7 Q OKAY. THEN I USED A BLUE TOWEL TO CLEAN IT UP,  
8 DO YOU BELIEVE THAT?

9 A I'M NOT SURE.

10 Q YOU ARE NOT SURE?

11 A NO, SIR.

12 Q WHY AREN'T YOU SURE?

13 A BECAUSE HE COULD HAVE USED ANYTHING TO CLEAN IT  
14 UP. I'M NOT SURE HE CLEANED-- I DON'T KNOW. I HAVE  
15 NO BASIS IN FACT TO TELL YOU WHY I ABSOLUTELY BELIEVE  
16 THAT.

17 Q OKAY. AMANDA WAS ASLEEP ON HER STOMACH AND I  
18 USED I THINK THE DILDO INSIDE HER IS WHAT WOKE HER  
19 UP. DO YOU BELIEVE THAT?

20 A I BELIEVE THAT SHE WOKE UP DURING THE ASSAULT.  
21 I DON'T KNOW IF I PARTICULARLY BELIEVE IT WAS AT THAT  
22 PARTICULAR POINT WITH THAT PARTICULAR OBJECT.

23 Q YOU DO NOT?

24 A I'M NOT SURE.

25 Q OKAY. WHEN SHE WOKE UP I JUMPED ON TOP OF HER

1 TO KEEP HER FROM TURNING AND LOOKING AT ME. YOU  
2 BELIEVE THAT?

3 A I BELIEVE HE JUMPED UP ON TOP OF HER AT ONE  
4 POINT IN TIME BECAUSE HE WAS OBVIOUS HOW HE  
5 SPONTANEOUSLY JUMPED UP ON THAT BED AND TALKING HOW  
6 HE WAS STRADDLING HER AND FROM THE INJURIES ON HER I  
7 UNDERSTAND ARE CONSISTENT WITH THAT.

8 Q DID YOU HAPPEN TO NOTICE AND I'M GOING TO PLAY  
9 THAT AGAIN UNFORTUNATELY. DID YOU HAPPEN TO NOTICE  
10 HOW QUICKLY HE TIRED, BECAME OUT OF BREATH?

11 A I NOTICED HE WAS OUT OF SHAPE AT THE TIME. A  
12 LOT WORSE THAN HE IS NOW, IF THAT'S WHAT YOU ARE  
13 ASKING.

14 Q WELL, I'M ASKING YOU ABOUT THIS TAPE. AND HE  
15 SAID HE JUMPED UP ON HER AND HE STARTED STRANGLING  
16 HER AND HE GAVE OUT IN ABOUT TEN SECONDS, DID HE NOT?

17 A NO, SIR.

18 Q OKAY.

19 A HE DID IT TWICE IF I REMEMBER CORRECTLY.

20 Q OKAY. HE SAID HE STARTED STRANGLING HER WITH  
21 HIS HANDS. YOU BELIEVE THAT?

22 A YES, SIR.

23 Q OKAY. HE INDICATED THAT HE WAS STRADDLING HER  
24 FROM BEHIND I BELIEVE AND STRANGLING HER WITH HIS  
25 HANDS, DO YOU BELIEVE THAT?



1 A AT ONE POINT IN TIME, YES, SIR, I DO.

2 Q OKAY. AMANDA WAS PULLING AT MY HANDS AND I LET  
3 IT GO AND I STARTED HITTING HER IN THE HEAD, CORRECT?

4 A SEE FOR HER TO BE PULLING ON HIS HANDS I BELIEVE  
5 SHE PROBABLY AT THAT TIME HAD ROLLED OVER.

6 Q OKAY. AND --

7 A ---ON HER BACK.

8 Q YOU BELIEVE THAT WHY?

9 A JUST BECAUSE THAT'S A NORMAL REACTION.

10 Q OKAY. AND I'M GOING TO TAKE A GUESS HERE AND  
11 I'M GOING TO, I'M SORRY. YOU THINK THAT THE STAGE  
12 WAS SCENE, THE SCENE WAS STAGED WITH THE GREEN  
13 BLANKET?

14 A YES, SIR.

15 Q YOU BELIEVE, YOU THINK THAT WAS WHAT HE DID?

16 A YES, SIR.

17 Q OKAY. SO YOU THINK WHAT HE DID WAS THAT HE DID  
18 THESE THINGS AND THEN HE STAGED THIS SCENE. HE SAID  
19 I KNOW WHAT I'M GOING TO DO, I'M GOING TO WRAP THIS  
20 GREEN BLANKET AROUND HER AND MAKE IT LOOK LIKE SHE  
21 ACCIDENTALLY STRANGLERD HERSELF?

22 A THE NEXT MORNING, YES, SIR, AFTER IT WAS OVER, I  
23 THINK HE STAGED TRYING TO SHIFT BLAME TO SOMEONE  
24 ELSE.

25 Q WOULD YOU AGREE --

1 THE COURT: LET HIM FINISH HIS ANSWER.

2 Q I'M SORRY. I'M SORRY. GO AHEAD.

3 A I THINK, YES, SIR, THE NEXT MORNING THAT HE DID

4 ATTEMPT TO STAGE THE CRIME SCENE TO MAKE IT APPEAR TO

5 BE AN ACCIDENT.

6 Q OKAY.

7 A TO SHIFT BLAME AWAY FROM HIMSELF.

8 Q AND THAT THE NEXT MORNING THAT HE STAGED THE

9 CRIME SCENE BY USE OF THE GREEN BLANKET, IS THAT

10 CORRECT?

11 A YES, SIR.

12 Q AND ANY OTHER --

13 A ANY OTHER REASONS?

14 Q YEAH.

15 A THE FACT THAT HE HAD SAID THAT HE HAD WARNED HER

16 ABOUT THE GREEN BLANKET IN THE PAST, HOW HE KNEW THAT

17 IT WAS POSSIBLE TO HAPPEN, AND SOME THINGS THAT HE

18 SAID, THE WAY, THE TOTALITY OF THE CIRCUMSTANCES, THE

19 WAY THE CALL WENT IN TO 911, THE WAY THAT, THINGS HE

20 TOLD THE INVESTIGATING OFFICERS, HIS DEemeanOR THAT, I

21 THINK ALL OF THAT APPEARED TO ME INDICATES IT WAS

22 STAGED.

23 Q SO YOUR OPINION IS THAT HE STAGED THE SCENE

24 BECAUSE OF HIS DEemeanOR, BECAUSE WHAT HE SAID ABOUT

25 THE GREEN BLANKET, AND BASICALLY THOSE TWO THINGS?

1 A AND THE THINGS WE FOUND AT THE SCENE. THE WAY  
2 HER PANTS WERE PULLED BACK UP OBVIOUSLY BY SOMEONE  
3 ELSE NOT HER.

4 Q I UNDERSTAND.

5 A THAT SORT OF THING. IT WAS OBVIOUS TO ME THAT  
6 THE CRIME SCENE WAS STAGED AND IN MY OPINION IT WAS  
7 STAGED TO SHIFT THE GUILT AWAY FROM HIM.

8 Q WAS IT A VERY GOOD ATTEMPT IN YOUR PROFESSIONAL  
9 OPINION AS STAGING A SCENE?

10 A IN SOME ASPECTS YES AND IN SOME NO.

11 Q OKAY.

12 A HE DID THE BEST HE COULD WITH WHAT HE HAD TO  
13 WORK WITH.

14 Q SO HE RAPES AND MURDERS HIS OWN DAUGHTER, TELLS  
15 Y'ALL THAT HE RAPES HER WITH A BROOM, THEN HE TELLS  
16 YOU HE DID IT WITH A DILDO, TELLS YOU HE THREW THE  
17 DILDO OUTSIDE. THEN HE STAGES THE SCENE BY WRAPPING  
18 THE CORD AROUND HER NECK, THEN HE WAKES UP THE NEXT  
19 MORNING WITH HER IN HIS HOUSE IN HER BED, CALLS THE  
20 POLICE, VOLUNTEERS ALL OF HIS BODILY FLUIDS,  
21 VOLUNTEERS TO TALK TO YOU, AND YOU THINK THAT THAT IS  
22 SOMEBODY WHOSE TRYING TO STAGE A SCENE?

23 A IT ALL DIDN'T HAPPEN IN THE ORDER THAT YOU SAID  
24 IT HAPPENED IN BUT, BUT FROM MY INDICATION, MY  
25 CONCLUSION IS THAT, YES, HE TRIED TO STAGE THE CRIME

1 SCENE TO MAKE IT APPEAR TO BE AN ACCIDENT TO SHIFT  
2 THE GUILT AWAY FROM HIMSELF.

3 Q AND YOU THINK IT WAS PRETTY WELL DONE?

4 A NO, SIR.

5 Q NO. I WIPED IT OFF, THE DILDO, WITH A BLUE  
6 TOWEL THEN I PUT IT UNDER THE BED ON THE FLOOR IN MY  
7 BEDROOM. YOU THINK THAT'S TRUE?

8 A YES, SIR.

9 Q OKAY. SO YOU BELIEVE HE WIPED OFF THE DILDO  
10 WITH A BLUE TOWEL?

11 A I BELIEVED HE WIPED OFF THE DILDO AND THE  
12 BROOMS. I DON'T KNOW WHAT KIND OF TOWEL AND I DON'T  
13 KNOW WHETHER I BELIEVE IT WAS BLUE OR PINK. I'M  
14 SORRY.

15 Q OKAY. HE SAYS THAT HE WIPED IT OFF WITH A BLUE  
16 TOWEL AND YOU ARE NOT SURE WHETHER YOU BELIEVE THAT  
17 OR NOT?

18 A THAT'S CORRECT.

19 Q OKAY. AND WHY, WHY, EXPLAIN TO ME WHAT YOUR  
20 REASONING IS ON THAT?

21 A BECAUSE I HAVE NO SPECIFIC REASON TO INDICATE  
22 WHY I THINK IT WAS A BLUE TOWEL.

23 Q OKAY. SO YOU, THEN I FIXED THE DOORS IN  
24 AMANDA'S BEDROOM SO THAT WOULD LOCK. I PULLED THE  
25 CLOSET AND THE MAIN DOOR TOGETHER. THAT'S HOW I

1 LOCKED THEM. I DID THAT SO THE KIDS WOULD NOT WAKE  
2 UP AND SEE HER IN THE MORNING. DO YOU BELIEVE THAT?

3 A YES, SIR.

4 Q I SAT UP, CALLED HER TWICE, THOUGHT IT WAS A  
5 DREAM, DO YOU BELIEVE THAT?

6 A I BELIEVE THAT'S FURTHER IN THE STAGING OF THE  
7 CRIME. HE ADMITS THAT HE CLEANED UP, HE ADMITS THAT  
8 HE LOCKED THE DOORS BACK, THEN HE SITS UP IN HIS BED  
9 AND STARTS HOLLERING AMANDA. I BELIEVE THAT'S  
10 FURTHER IN THE STAGING OF MUST HAVE BEEN AN ACCIDENT.

11 Q YOU BELIEVE THAT'S ALL PART OF THE STAGING PART?

12 A YES, SIR.

13 Q OKAY. AND YOU BELIEVE THAT HE WALKED OVER HER  
14 AND TRIED TO WAKE HER AND SHE WAS COLD. HE SCREAMED  
15 AND HE UNWRAPPED THE CORD THAT HE PUT ON HER NECK AND  
16 YOU BELIEVE THAT WAS ---

17 THE COURT: I DON'T BELIEVE THE COURT  
18 REPORTER CAN KEEP UP WITH YOU.

19 MR. MORTON: I'M SORRY.

20 Q I SCREAMED AND I UNWRAPPED THE CORD THAT I HAD  
21 PUT ON HER NECK. YOU BELIEVE THAT?

22 A I BELIEVE THAT, YES, SIR.

23 Q YOU BELIEVE HE PUT THE CORD ON HER NECK?

24 A THE NIGHT BEFORE AND TO STAGE IT AGAIN, YES,  
25 SIR.

1 Q OKAY. THROUGHOUT THE REST OF THIS CONVERSATION  
2 HE SAYS NOT UNTIL TODAY HAVE I REALIZED WHAT I HAVE  
3 DONE?

4 A THAT'S WHAT HE SAID.

5 Q DO YOU BELIEVE THAT?

6 A NO, SIR, I DO NOT BELIEVE THAT.

7 Q UP UNTIL TODAY I HAVE BLOCKED STUFF OUT AND I'M  
8 TELLING THE TRUTH THIS TIME. YOU DON'T BELIEVE THAT?

9 A I BELIEVE HE'S TELLING MORE OF THE TRUTH EACH  
10 TIME, SIR.

11 Q OKAY. WHEN I PUT MY FINGERS INSIDE AMANDA I  
12 PULLED HER PANTS AND PANTIES DOWN. I USED MY TWO  
13 FINGERS. I COULD HAVE JAMMED MY HAND INSIDE HER.  
14 YOU BELIEVE THAT?

15 A YES, SIR.

16 Q OKAY. I REMEMBER I HAD WATERED DOWN JELLY ON MY  
17 FINGERS, DO YOU BELIEVE THAT?

18 A YES, SIR.

19 Q YOU DO BELIEVE THAT?

20 A YES, SIR.

21 Q OKAY. IT DOESN'T SAY ANYTHING ON HERE ABOUT THE  
22 BROOMS THOUGH?

23 A THAT'S CORRECT.

24 Q CORRECT. SO WHAT YOU ARE TELLING US IS THAT ON  
25 THIS TAPE HE TOLD YOU THAT HE USED THE BROOMS AND HE

1 ALSO IN THIS STATEMENT TOLD YOU THAT HE USED THE  
2 BROOMS, IT'S JUST THAT DETECTIVE BLACKWELDER DIDN'T  
3 TYPE THAT DOWN?

4 A NO, SIR, I DON'T REMEMBER IN THE AFTERNOON WHEN  
5 THAT, THE NOTES IN THAT STATEMENT WAS TAKEN, I'M NOT  
6 SURE IF THE BROOMS WERE MENTIONED OR NOT. THEY MAY  
7 HAVE BEEN MENTIONED AND SHE MAY HAVE NOT INDICATED IT  
8 IN THAT STATEMENT. IT MAY HAVE NOT BEEN MENTIONED  
9 THAT AFTERNOON. I'M NOT SURE. AS I SAID THIS IS  
10 THREE YEARS AGO AND HE TOLD, TOOK STATEMENTS FROM HIM  
11 FOR, WE TALKED WITH HIM SIX HOURS, SEVEN HOURS THAT  
12 DAY, DID THE VIDEO TAPE, THERE IS PROBABLY LITTLE BIT  
13 OF DETAILS LEFT OUT HERE AND THERE.

14 Q OKAY. I'M GOING TO ASK CAPTAIN CABANISS TO COME  
15 DOWN AND WATCH PART OF THIS WITH ME AGAIN.

16 (THE VIDEO TAPE IS PLAYED AT 12:52  
17 PM.)

18 THE COURT: MR. BRACKETT, CAN YOU STOP IT.  
19 I THINK MR. BRACKETT WAS GOING TO HAND YOU THAT  
20 REMOTE, YOU STOP IT WHERE YOU WISH, AND ASK HIM  
21 QUESTIONS AT THAT POINT.

22 MR. MORTON: ALL RIGHT, SIR.

23 THE COURT: I DON'T KNOW WHETHER YOU WANT  
24 TO REWIND IT FIRST A LITTLE BIT AND START OVER.

25 Q THE ONLY THING I WANTED TO ASK YOU ABOUT THAT

1 I CAN REMEMBER IS WHEN YOU FIRST WENT IN THE HOUSE HE  
2 DIDN'T HAVE HIS GLASSES?

3 A THAT'S CORRECT, SIR.

4 Q HE HAD BEEN WITHOUT HIS GLASSES FOR THE FOUR  
5 DAYS?

6 A HE INDICATED AT THE HOUSE THE FIRST TIME THAT I  
7 WAS AWARE OF WHEN HE WENT INTO THE HOUSE HE ASKED  
8 COULD HE GET HIS GLASSES AND THERE WE ARE TRYING TO  
9 GET THEM AND DO FIND HIS GLASSES.

10 (PLAYING THE VIDEO TAPE.)

11 Q YOU BELIEVE TWO O'CLOCK?

12 A I BELIEVE THAT HE GOT UP ABOUT TWO O'CLOCK?

13 Q YES.

14 A YES, SIR.

15 (THE VIDEO TAPE IS PLAYED AT 12:55  
16 PM.)

17 Q AS I UNDERSTAND WHAT HE HAD TOLD YOU, CAPTAIN  
18 CABANISS, WAS THAT HE HAD A RELATIONSHIP, TELL ME IF  
19 I'M WRONG, HE HAD HAD A RELATIONSHIP WITH A WOMAN  
20 PREVIOUSLY, DOZEN YEARS BEFORE, THAT SHE HAD HAD AN  
21 ABORTION OR SOMETHING, AND THAT HE WAS UPSET WITH HER  
22 ABOUT THAT AND THIS WAS THE VOICE HE WAS HEARING, IS  
23 THAT BASICALLY RIGHT?

24 A THAT'S CORRECT.

25 (THE VIDEO TAPE IS PLAYED.)



1 Q HE INDICATES HE STRANGLES HER FROM BEHIND?

2 A YES, SIR.

3 Q AND HE SLAMS HIS HEAD DOWN ON THE VIDEO GAME?

4 A HER HEAD, YES, SIR.

5 Q HER HEAD, I'M SORRY, ON THE VIDEO GAME, AND THAT

6 VIDEO GAME THAT HE INDICATES THAT HE SLAMMED HER HEAD

7 DOWN ON WAS STILL IN THE HOUSE, RIGHT?

8 A I BELIEVE IT WAS OVER TO THE RIGHT ON A COUNTER.

9 Q SO FOUR DAYS AFTER THIS CRIME SCENE WAS

10 INVESTIGATED THERE IS STILL A VIDEO TAPE OVER THERE

11 ON THE SIDE OF THE DRESSER, RIGHT?

12 A THE BEST OF MY MEMORY IT WAS NOT A VIDEO TAPE.

13 IT WAS LIKE A NINTENDO.

14 Q GAME.

15 A PLAY STATION, NINTENDO GAME, SOMETHING LIKE

16 THAT.

17 Q IN ANY EVENT IT WAS STILL THERE?

18 A YES, SIR. IT'S RIGHT OVER, LAYING TO THE RIGHT

19 OF THE DRESSER TABLE THERE TO THE RIGHT. HE POINTED,

20 MR. COPE POINTED IT OUT.

21 Q AND ALSO WHAT WAS STILL THERE WAS A WASH RAG

22 UNDER THE BOOK SHELF IN THE HALLWAY THAT HAD

23 MR. COPE'S SEMEN ON IT?

24 A HE DID NOT TELL US THAT UNTIL AFTER WE GOT BACK

25 TO THE STATION AFTER LUNCH.

1 Q I UNDERSTAND. IN ANY EVENT, IT WAS STILL THERE.  
2 WHEN YOU GOT BACK YOU SENT DETECTIVE TODD GARDNER  
3 BACK TO THE SCENE AND HE FOUND THAT RAG?

4 A THAT'S CORRECT.

5 (PLAYS THE VIDEO TAPE AT 01:00 PM)

6 Q THE MOON PART THAT WAS THE BACK WINDOW TO  
7 AMANDA'S ROOM, RIGHT?

8 A THAT'S THE WINDOW FACING THE REAR OF THE HOUSE.

9 Q WHICH WOULD BE THE FACING NORTHWEST?

10 A NORTH, YES, SIR.

11 Q NORTH. OKAY. AT TWO OR THREE O'CLOCK IN THE  
12 MORNING, RIGHT?

13 A THAT'S WHAT HE SAID, YES, SIR. YOU NOTICED I  
14 COULDN'T, HE SAID SHE WAS SCREAMING THERE, DID HE SAY  
15 HE WAS SCREAMING OR SHE WAS SCREAMING?

16 Q I THINK HE WAS HEARING VOICES.

17 A OKAY.

18 (PLAYS THE VIDEO.)

19 Q YOU BELIEVE SHE WAS ON HER STOMACH?

20 A I HAVE NO REASON TO NOT BELIEVE THAT SHE ON HER  
21 STOMACH AT THAT TIME.

22 Q WHERE WAS MR. SANDERS DURING THIS TIME?

23 A YOU WANT MY OPINION?

24 Q YES.

25 A HE WAS STANDING THERE ASSISTING.

1 Q YOU THINK MR. SANDERS WAS STANDING THERE  
2 ASSISTING?

3 A YES, SIR.

4 Q AND WHY DO YOU THINK THIS MAN DIDN'T TELL YOU  
5 ABOUT SANDERS?

6 A MY OPINION?

7 Q YES.

8 A IT DON'T FIT INTO SOME OF THE STORIES THAT HE  
9 WAS TRYING TO MAKE ME BELIEVE. IT DON'T FIT INTO THE  
10 DREAM. IT DIDN'T FIT INTO THE, TO REACH THE VOICES  
11 IN MY HEAD. HOW COULD HE TELL ME THERE IS ANOTHER  
12 MAN? IS HE SUPPOSED TO BE HEARING THEM VOICES TOO AT  
13 THE SAME TIME? IT JUST DON'T FIT INTO THE STORY THAT  
14 HE WAS TRYING TO GET ME TO BELIEVE.

15 Q DOESN'T MAKE SENSE?

16 A THE OTHER, ON THE OTHER REASON --

17 Q DO YOU BELIEVE THAT?

18 A YEAH, HIS STORY DON'T MAKE SENSE.

19 Q RIGHT.

20 A AND THE ONLY OTHER CONCLUSION OR HYPOTHESIS THAT  
21 I'M TRYING MYSELF COME UP WITH AN ANSWER WHY HE  
22 DIDN'T MENTION SANDERS, AS HARD AS IT WAS FOR HIM TO  
23 TELL US HE WAS MUTILATING, BEATING, RAPING, KILLING  
24 HIS OWN DAUGHTER WAS THAT THERE WAS SOMEONE ELSE  
25 THERE WITH HIM HELPING HIM. THAT'S THE ONLY TWO

1 REASONS THAT I CAN COME UP WITH WHY HE DIDN'T TELL  
2 US.

3 Q SO HE'S WILLING TO TELL YOU THAT HE RAPED AND  
4 STRANGLED HIS OWN DAUGHTER BUT NOT SAY ANYTHING ABOUT  
5 THIS MAN?

6 A THAT'S CORRECT.

7 (PLAYS THE VIDEO TAPE.)

8 Q DO YOU KNOW WHETHER THERE WAS ANY BLOOD FOUND ON  
9 THAT VIDEO GAME?

10 A NO, SIR, I DO NOT.

11 (PLAYS THE VIDEO TAPE)

12 Q YOU BELIEVE HE SAID THAT TO HER?

13 A I BELIEVE HE SAID IT TO HERSELF OR THE TWO MAY  
14 HAVE HAD SOME CONVERSATION ABOUT THAT, YES, SIR.

15 Q HOW ABOUT I'LL SHOW YOU YOU BITCH?

16 A YES, SIR.

17 Q TALKING TO HIS DAUGHTER?

18 A HE OR MR. SANDERS ONE I BELIEVE SAID THAT OR  
19 THEY SAID IT TO EACH OTHER.

20 Q WHY DO YOU THINK THAT? YOU THINK HE'S TAKING  
21 THIS RAP FOR MR. SANDERS?

22 A NO, SIR. I BELIEVE HE WAS A VERY ACTIVE  
23 PARTICIPANT.

24 Q YOU THINK MR. SANDERS WAS A VERY ACTIVE  
25 PARTICIPANT?

1 A YES, SIR, I DO.

2 Q AND WHY DO YOU BELIEVE THAT MR. COPE AGAIN IS  
3 NOT SAYING ANYTHING ABOUT MR. SANDERS BECAUSE IT  
4 DOESN'T FIT -- I'M SORRY. YOUR ANSWER?

5 A TWO REASONS THAT I HAVE IN MY MIND ARE THAT IT  
6 DOES NOT FIT INTO HIS STORY ABOUT THE VOICES AND  
7 THINGS IN HIS HEAD. AND THE ONLY THING WORSE IN  
8 DOING THIS TO YOUR OWN DAUGHTER IS HAVING SOMEONE, A  
9 STRANGER IN YOUR HOUSE, HELPING YOU DO IT TO HER.

10 Q AND HE'S WILLING TO PROTECT THIS MAN RIGHT HERE?

11 A HE'S TRYING TO GET OUT OF IT HIMSELF OR LESSEN  
12 THE BLAME ON HIMSELF OR LESSEN THE EMBARRASSMENT FOR  
13 THE WRONG HE'S DONE IN HIS MIND.

14 Q AND HOW DID MR. SANDERS COME TO BE THERE?

15 A INTO THE HOUSE?

16 Q YES, SIR.

17 A MR. COPE LET HIM IN.

18 Q AND HOW DID THAT COME ABOUT?

19 A I'M NOT SURE, SIR.

20 Q YOU ARE NOT SURE?

21 A NO, SIR.

22 Q COINCIDENCE?

23 A I'M NOT SURE, SIR.

24 (PLAYS THE VIDEO TAPE AT 01:09 PM.)

25 Q YOU BELIEVE THAT, THAT HE DIDN'T REMEMBER THAT?

1 A I BELIEVE HE EITHER DID IT OR WATCHED IT BEING  
2 DONE. I DON'T BELIEVE HE MADE THAT UP.

3 (PLAYS THE TAPE VIDEO TAPE.)

4 Q YOU BELIEVE THAT?

5 A YES, SIR.

6 Q DO YOU BELIEVE THAT?

7 A WHEN HE SAID HE WRAPPED THE BLANKET AROUND HER  
8 NECK TO MAKE IT LOOK LIKE SHE HAD STRANGLED HERSELF.

9 Q YOU BELIEVE HE PULLED IT TIGHT?

10 A AT SOME POINT IN TIME I BELIEVE HE PULLED IT  
11 TIGHT, YES, SIR. HE MAY HAVE LOOSENED IT LATER BUT I  
12 BELIEVE, LIKE HE SAID, WHY WOULD HE MAKE THAT UP.

13 (PLAYS THE TAPE.)

14 Q THE DILDO WAS STILL THERE TOO?

15 A NOT AT THAT TIME I DON'T BELIEVE.

16 Q HE SAID THAT HE SAID WASN'T AWARE THAT HE DID  
17 IT. DO YOU BELIEVE THAT?

18 A NO, SIR.

19 (PLAYS THE VIDEO TAPE.)

20 (WITNESS RESUMES THE WITNESS STAND.)

21 Q I JUST GOT A COUPLE QUESTIONS. HOW DID YOU GET  
22 IN THE HOUSE ON THAT DAY?

23 A I'M NOT SURE. ROBIN DAVIS PROBABLY LET US IN.  
24 I'M NOT SURE.

25 Q DO YOU REMEMBER BREAKING IN THE BACK DOOR?

1 A IT'S BEEN THREE YEARS AGO, MR. MORTON. I'M  
2 SORRY. I REMEMBER BEING IN THE BACK YARD.  
3 I DON'T REMEMBER.

4 Q YOU'R BASICALLY SAYING THAT YOU THINK THAT BASED  
5 ON THE FACT THAT YOU COULDN'T FIND ANY SIGNS OF  
6 FORCED ENTRY AND THAT THIS MAN'S SEMEN WAS ON AND  
7 SALIVA WAS ON AMANDA'S BODY THAT YOU THINK THAT THIS  
8 MAN, MR. COPE, ALLOWED THIS MAN IN HIS HOUSE TO  
9 PARTICIPATE IN THIS?

10 A THAT ALONG WITH SOME OTHER THINGS, YES, SIR.

11 Q OKAY. WELL, WHAT OTHER THINGS?

12 A ONE SPECIFIC BEING THAT BLUE BROOM THAT HE  
13 THOUGHT WAS THERE AND WAS OBVIOUSLY CARRIED AWAY FROM  
14 THE SCENE IT APPEARS.

15 Q WHAT EVIDENCE, WHAT EVIDENCE, TALKING ABOUT  
16 EVIDENCE, TALKING ABOUT THIS STUFF RIGHT HERE, CAN  
17 YOU POINT TO?

18 A THAT SHOWS WHAT?

19 Q THAT SHOWS THE TWO OF THEM TOGETHER?

20 A THE FACT THAT MR. SANDERS' SEMEN AND SALIVA WAS  
21 FOUND ON HER CLOTHES AND BREAST --

22 Q I UNDERSTAND THAT.

23 THE COURT: LET HIM FINISH HIS ANSWER.

24 MR. MORTON: I'M SORRY.

25 A THE FACT THAT MR. COPE WAS OBVIOUSLY PRESENT

1 DURING THIS ASSAULT.

2 Q OKAY.

3 A AND MUTILATION.

4 Q OKAY.

5 A AND IT WAS IN HIS HOUSE.

6 Q OKAY.

7 A AND THIS TYPE OF CRIME, THIS BRUTALIZATION  
8 CRIME, ANYONE IN THE HOUSE IN MY OPINION WOULD HAVE  
9 HAD KNOWLEDGE OF IT GOING ON.

10 Q WELL NOW --

11 A AND THE FACT THAT HE TRIED TO STAGE IT AND COVER  
12 IT UP, ALL OF THAT POINTS TO THE FACT THAT --

13 Q THOSE ARE ALL ASSUMING.

14 MR. BRACKETT: YOUR HONOR ---

15 THE COURT: LET HIM FINISH. HE'S GOT A  
16 SLOW PATTERN OF TALK, WE REALIZE THAT AFTER ALL THIS  
17 TIME, WE ALL OUGHT TO KNOW THAT. LET HIM FINISH.

18 A I'M SORRY. I'M THROUGH.

19 Q A LOT OF THAT, CAPTAIN CABANISS IS YOUR OPINION?

20 A THAT'S CORRECT.

21 Q OKAY. MY QUESTION WAS WHAT EVIDENCE DO YOU HAVE  
22 OTHER THAN THE FACT THAT YOU SAY YOU COULDN'T FIND  
23 ANY SIGNS OF FORCED ENTRY -- LET'S TAKE IT STEP BY  
24 STEP. YOU SAID YOU COULDN'T FIND ANY SIGNS OF FORCED  
25 ENTRY, CORRECT?



1 A NO, SIR. I HAD MY CRIME SCENE INVESTIGATORS. I  
2 WAS NOT IN ROCK HILL WHEN IT HAPPENED. I RELIED ON  
3 THEIR EXPERTISE TO TELL ME AND I REITERATED THAT BOTH  
4 ON THE PHONE AND AFTER I GOT BACK TO ROCK HILL.

5 Q YOUR DEPARTMENT?

6 A YES, SIR.

7 Q OKAY. AND THE FACT THAT HIS SEMEN AND SALIVA  
8 WAS FOUND ON AMANDA COPE?

9 A AND HER CLOTHES, YES, SIR.

10 Q OKAY. AND BASED ON THAT AND YOUR OPINION YOU  
11 BELIEVE THAT MR. SANDERS WAS INVOLVED?

12 A YOU'VE SPOKE OF THE PHYSICAL EVIDENCE, THE  
13 CIRCUMSTANTIAL EVIDENCE, AND THERE IS, YOU KNOW,  
14 FACTS THAT I DETERMINED FROM THE INVESTIGATION, ALL  
15 OF THAT, THE TOTALITY OF THE CIRCUMSTANCES LEADS ME  
16 TO BELIEVE THAT, YES, SIR.

17 Q I'M NOT CLEAR ON WHAT THE OTHER CIRCUMSTANCES  
18 ARE?

19 A THE PART --

20 Q LET ME ASK YOU THIS WAY, IF I CAN?

21 A YES, SIR.

22 Q DO YOU HAVE ANYTHING TO SHOW THAT THESE TWO MEN  
23 KNEW EACH OTHER?

24 A NO, SIR.

25 Q DO YOU HAVE ANYTHING TO SHOW THAT THEY WORKED

1 TOGETHER, THAT THEY TALKED ON THE PHONE TOGETHER,  
2 THAT THEY WERE FRIENDS, THAT THEY WERE PEN PALS,  
3 ANYTHING?

4 A MR. SANDERS HAD JUST RECENTLY BEEN IN THE  
5 NEIGHBORHOOD, MOVED INTO THE NEIGHBORHOOD.

6 Q JUST RECENTLY?

7 A RIGHT AROUND THE CORNER FROM MR. COPE.

8 Q RIGHT.

9 A I DO NOT HAVE ANY DIRECT EVIDENCE THAT THEY WERE  
10 FRIENDS.

11 Q OKAY. ANY DIRECT EVIDENCE OF ANY CONTACT  
12 BETWEEN THEM AT ALL?

13 A NO, SIR.

14 Q HE HAD IN FACT JUST MOVED INTO THE NEIGHBORHOOD?

15 A SIX WEEKS I BELIEVE PRIOR.

16 Q TWO BLOCKS DOWN.

17 A I WOULD SAY A BLOCK AND A HALF.

18 Q OKAY. BUT YOU HAVE NO EVIDENCE TO LINK THEM  
19 TOGETHER, PHYSICAL OR KNOWLEDGE OF EACH OTHER OR  
20 FRIENDSHIP OR ANYTHING LIKE THAT?

21 A NO, SIR.

22 Q SO THE CONCLUSION THAT Y'ALL HAD REACHED IS THAT  
23 THIS MAN LET THIS MAN, WAS HE A STRANGER?

24 A I DO NOT KNOW, SIR.

25 Q YOU DON'T KNOW?

1 A NO, SIR.

2 Q YOU CAN'T TELL THIS JURY WHETHER HE WAS A  
3 STRANGER OR WHETHER HE WAS A FRIEND; YOU JUST DON'T  
4 HAVE ANY EVIDENCE?

5 A THAT'S CORRECT.

6 Q WHAT DO THE NEIGHBORS SAY?

7 A SOME PEOPLE IN THE NEIGHBORHOOD THOUGHT THAT  
8 THEY HAD SEEN MR. SANDERS.

9 Q OKAY. WHO IS THEY?

10 A I'M NOT SURE, SIR.

11 MR. GREELEY: OBJECT TO HEARSAY AS TO  
12 ANYTHING IN REGARDS TO MY CLIENT.

13 THE COURT: I SUSTAIN THE OBJECTION.

14 Q DO YOU HAVE A STATEMENT?

15 A NO, SIR.

16 Q SO YOU TALKED TO SOME NEIGHBORS, IS THAT  
17 CORRECT?

18 A I DID NOT PERSONALLY IN MY INVESTIGATION.

19 Q YOU THINK SOMEBODY FROM YOUR DEPARTMENT?

20 THE COURT: JUST LET HIM FINISH HIS  
21 ANSWER. HE'S GOT A SLOW SPEAKING PATTERN. WE ALL  
22 KIND OF OUGHT TO KNOW BY NOW.

23 Q I'M SORRY.

24 A DO NOT HAVE A STATEMENT OR A PERSONAL KNOWLEDGE  
25 OF AN INDIVIDUAL WHO STATES THAT MR. SANDERS KNEW

1 MR. COPE.

2 MR. MORTON: BEG THE COURT'S INDULGENCE.

3 Q THAT'S ALL I HAVE, CAPTAIN CABANISS THANK YOU?

4 A YES, SIR.

5 THE COURT: I BELIEVE WE'LL BREAK FOR

6 LUNCH AT THIS TIME, IT'S 1:30 AND --

7 MR. MORTON: YOUR HONOR, I'M SORRY.

8 THE COURT: YES, SIR.

9 MR. MORTON: I'M SORRY. ARE WE FINISHED  
10 WITH THIS WITNESS?

11 THE COURT: NO, I DON'T THINK SO.

12 MR. MORTON: I APOLOGIZE.

13 THE COURT: I'M GOING TO ASK YOU TO BE  
14 BACK AT, LET'S SAY QUARTER TO THREE, THAT'S A LITTLE  
15 OVER AN HOUR, SO WE'LL SEE YOU BACK AT QUARTER TO  
16 THREE.

17 (THE JURY EXITS THE COURTROOM AT  
18 1:31.)

19 THE COURT: I'M SURE CAPTAIN CABANISS IS  
20 AWARE HE'S NOT SUPPOSED TO DISCUSS THE CASE WITH  
21 ANYONE SINCE HE'S ON THE STAND.

22 MR. MORTON: INCLUDING THE SOLICITOR. I'M  
23 SORRY.

24 THE COURT: INCLUDING EVERYONE.

25 MR. MORTON: YES, SIR.

1 THE COURT: HE'S STILL SUBJECT TO BEING  
2 EXAMINED. ALL RIGHT. THANK YOU.

3 (COURT'S IN RECESS AT 01:32 PM).

4 (COURT RESUMES 02:50 PM)

5 THE COURT: IS THE STATE READY.

6 MR. BRACKETT: YES, SIR.

7 THE COURT: THE DEFENSE.

8 MR. GREELEY: MR. SANDERS IS READY.

9 MR. MORTON: YES, SIR.

10 THE COURT: BRING IN THE JURY.

11 (THE JURY RETURNS TO THE COURTROOM.)

12 THE COURT: MR. GREELEY.

13 MR. GREELEY: MAY IT PLEASE THE COURT.

14 CROSS EXAMINATION BY MR. GREELEY:

15 Q CAPTAIN CABANISS GOOD AFTERNOON.

16 A GOOD AFTERNOON, SIR.

17 Q I WANT TO GO BACK IF YOU WILL. THE SOLICITOR ON  
18 DIRECT EXAMINATION HAD TALKED WITH YOU IN REGARDS TO  
19 STAGING?

20 A YES, SIR.

21 Q AND WHAT HAD YOU LEARNED AND YOUR EXPERIENCE IN  
22 STAGING OF CRIME SCENE. NOW YOU HAVE A LOT OF YEARS  
23 OF EXPERIENCE, CORRECT?

24 A YES, SIR.

25 Q YOU ALSO HAVE TRAINING IN INTERVIEW AND

1 INTERROGATION, IS THAT CORRECT?

2 A YES, SIR.

3 Q AND THERE CAN ALSO BE, I BELIEVE THAT YOU  
4 DEFINED STAGING AS, OFFICIALLY, AS WHEN SOMEONE  
5 ATTEMPTS, AND I WROTE THIS DOWN, SOMEONE ATTEMPTS TO  
6 SHIFT THE GUILT TO SOMEONE ELSE OR TO SOMETHING ELSE,  
7 IS THAT CORRECT?

8 A OR TO LEAD THE INVESTIGATORS IN ANOTHER  
9 DIRECTION.

10 Q CORRECT, DIVERSION, DIVERT?

11 A CORRECT.

12 Q AND A LOT OF TIMES IN INTERROGATION AND  
13 INTERVIEWS OF PEOPLE WHO ARE SUSPECTS IN A CRIME WHO  
14 MAYBE GUILTY OF THAT CRIME THEY WILL ALSO DO THAT  
15 DURING THE INTERVIEW AND THE INTERROGATION IN  
16 DIFFERENT WAYS, ISN'T THAT CORRECT?

17 A YES, SIR, IT IS.

18 Q OKAY. NOW IN REGARDS TO THE SCENE IN THIS  
19 PARTICULAR CASE WE HAVE TESTIMONY FROM DIFFERENT  
20 STATEMENTS THAT MR. COPE PUT A BLANKET SELVAGE AROUND  
21 HIS DAUGHTER'S NECK AND TIGHTENED IT AND I BELIEVE  
22 THAT FROM THE VIDEO, THIS WAS IN AN ATTEMPT TO MAKE  
23 IT LOOK AS IF IT WAS AN ACCIDENT, IS THAT CORRECT?

24 A YES, IT IS.

25 Q AND THAT IS ONE OF THOSE THINGS TO WHERE HE IS

1 TRYING TO DIVERT THE INVESTIGATION AWAY FROM THE  
2 ACTUAL FACTS OF THE CASE, ISN'T THAT CORRECT?

3 A THAT'S CORRECT.

4 Q OKAY. NOW AND HE DID OTHER THINGS SUCH AS THE  
5 CLEANING UP PROCESS. IF SOMEONE IS GOING TO STAGE A  
6 CRIMINAL ACT AS OPPOSED TO LEAVING THE REAL INCIDENT  
7 THAT OCCURRED, THERE CAN BE IN THOSE CIRCUMSTANCES A  
8 CLEAN UP PROCESS, IS THAT CORRECT?

9 A YES, SIR. MR. SANDERS EXCUSE ME, MR. COPE  
10 STATED SEVERAL TIMES THAT HE CLEANED UP.

11 Q HE CLEANED UP?

12 A YES, SIR.

13 Q NOW ANOTHER EXAMPLE OF POTENTIAL STAGING IN THIS  
14 PARTICULAR CASE IS IN HIS FOURTH STATEMENT I BELIEVE  
15 TO YOU IN THE AFTERNOON OF MONDAY, WAS THE WAY THAT  
16 HE SET THE BEDROOM DOORS AND THE CLOSET DOORS, IS  
17 THAT CORRECT?

18 A THAT'S CORRECT.

19 Q AND IT, WOULD IT BE CONSISTENT WITH HIS THOUGHT  
20 PATTERN THAT HE NEEDED TO DISCOVER AMANDA IN HER  
21 CONDITION AS OPPOSED TO HIS LITTLE GIRLS WHO WERE IN  
22 THE OTHER ROOM, AND SO THE DOORS WERE STAGED TO MAKE  
23 SURE THAT THE LITTLE GIRLS WOULD NOT DISCOVER HER  
24 FIRST?

25 A THAT IS A POSSIBILITY, YES, SIR.

1 Q OKAY. AND SO DURING THIS EVENING BEFORE, HE DID  
2 SEVERAL THINGS TO ATTEMPT TO STAGE THE CRIME SCENE,  
3 IS THAT A FAIR STATEMENT?

4 A THE EARLY MORNING, YES, SIR.

5 Q YES, SIR. OKAY. AND THEN THE NEXT MORNING HE  
6 INDICATES HE WOKE, HE AWOKE AND CALLED OUT AMANDA'S  
7 NAME, IS THAT CORRECT?

8 A YES, SIR, THAT'S TRUE.

9 Q OKAY. AND THEN AFTER HE DID THAT HE TESTIFIED  
10 WENT IN, HE DIDN'T TESTIFY, HE GAVE A STATEMENT THAT  
11 HE FOUND AMANDA AND THEN THERE IS A 911 TELEPHONE  
12 CALL WHEREIN, IT APPEARS TO BE HIS VOICE, CALLS AND  
13 INDICATES THAT HIS DAUGHTER IS DEAD AND THAT IT  
14 APPEARS TO HAVE BEEN AN ACCIDENT, IS THAT CORRECT?

15 A THAT'S CORRECT.

16 Q AND SO ONCE AGAIN THIS IS A POTENTIAL, CAN BE  
17 VIEWED AS A DIVERSIONARY TACTIC?

18 A TRYING TO SHIFT THE BLAME FROM THE REAL PEOPLE  
19 AND THWART THE INVESTIGATION, YES, SIR.

20 Q OKAY. NOW LATER IN THE DAY, ALTHOUGH YOU WERE  
21 IN VIRGINIA BEACH, LATER IN THE DAY HE BEGAN TO HAVE  
22 AT LEAST TWO INTERVIEWS ONE THAT WENT LATE INTO THE  
23 EVENING WITH DETECTIVE, THE ONE LATE IN THE EVENING  
24 WAS DETECTIVE WALDROP AND DETECTIVE HERRING. NOW IN  
25 YOUR TRAINING, IN YOUR EXPERIENCE IN INTERROGATIONS



1 AND INTERVIEWS, IS IT SURPRISING TO FIND PEOPLE TO  
2 INITIALLY STATE THEIR INNOCENCE IN THE MATTER?

3 A NO, SIR.

4 Q OKAY. AND IS IT UNCOMMON FOR A PERSON TO BEGIN  
5 TO THEORIZE AS TO WHAT THEY THINK MAY HAVE HAPPENED  
6 OR THAT THEY DON'T KNOW WHAT HAPPENED, IS THAT  
7 UNCOMMON IF THEY ARE STATING THEIR INNOCENCE?

8 A THAT'S NOT UNCOMMON.

9 Q OKAY. NOW IN MR. COPE'S INTERVIEW OF THAT  
10 MORNING AT ONE POINT IN TIME HE EVEN, HE TOLD THE  
11 DETECTIVES AND BROUGHT UP THE ASPECT OF HIS NEXT DOOR  
12 NEIGHBOR AS A POSSIBLE SUSPECT, ARE YOU FAMILIAR WITH  
13 THAT?

14 A VAGUELY, NOT SPECIFICALLY, BUT YES, SIR.

15 Q OKAY. NOW IS THAT AN EXAMPLE OF NOT NECESSARILY  
16 DIVERSION BUT AN EXAMPLE OF ATTEMPTING TO SHIFT THE  
17 GUILT TO SOMEONE ELSE?

18 A IT'S MORE OF DENYING IT AND TRYING TO FIND  
19 QUESTIONS THAT WE'LL BELIEVE THE ANSWERS TO.

20 Q OKAY. AND SO DURING THAT PROCESS OF HIM BEING  
21 INTERVIEWED LET ME ASK -- LET ME GO AND ASK YOU THIS  
22 QUESTION. UNDER THE THEORY OF STAGING AND SHIFTING  
23 GUILT TO SOMEONE ELSE OR DIVERTING THE POLICE MANY  
24 TIMES AND ESPECIALLY IN INTERROGATION SITUATIONS, IS  
25 IT UNCOMMON FOR THE PERSON TO TRY AND HOLD OUT LONG

1 ENOUGH OR DIVERT LONG ENOUGH UNTIL THE POLICE WILL  
2 LEAVE THEM ALONE?

3 A YES, SIR.

4 Q NEED TO GET TO THAT POINT WHERE THE POLICE WILL  
5 LEAVE THEM ALONE AND THEN THEY WILL BE OKAY, IS THAT  
6 CORRECT?

7 A YES, SIR.

8 Q AND IS IT UNCOMMON IN INTERROGATIONS AND  
9 INTERVIEWS FOR PEOPLE WHO ASSERT THEIR INNOCENCE TO  
10 VEHEMENTLY REQUEST A POLYGRAPH?

11 A THAT IS NOT UNCOMMON.

12 Q OKAY. IS THAT A POTENTIAL OTHER DIVERSION  
13 ATTEMPT?

14 A YES, SIR.

15 Q OKAY. AND SO WOULD IT BE A FAIR STATEMENT THAT  
16 BETWEEN THE TIME OF AMANDA COPE'S DEATH AND THE TIME  
17 THAT MR. COPE TOOK THE POLYGRAPH EXAM THAT HE WAS  
18 EXPENDING A GOOD BIT OF ENERGY AND TIME FORMULATING  
19 HIS DIVERSION OR GUILT OF SOMEONE ELSE PLAN OR HOPE?

20 A THAT IS A THEORY, YES, SIR.

21 Q IS IT A FAIR STATEMENT TO SAY THAT DURING THAT  
22 PERIOD OF TIME HE WAS ACTING IN THAT FASHION?

23 A YES, SIR.

24 Q THANK YOU?

25 A YES, SIR.

1 MR. BRACKETT: COURT'S INDULGENCE ONE  
2 MOMENT.

3 REDIRECT EXAMINATION BY MR. BRACKETT:

4 Q CAPTAIN CABANISS WHEN MR. MORTON WAS QUESTIONING  
5 YOU A FEW MINUTES AGO HE HAD ASKED YOU ABOUT CHANGES  
6 IN THE STORY AND YOU HAD STARTED TO ANSWER THAT HE  
7 MADE SOME CHANGES EVEN ON THE VIDEO?

8 A YES, SIR.

9 Q WHAT WERE YOU REFERRING TO?

10 A SOMETIMES MR. COPE EVEN ON THE STATEMENTS THAT  
11 HE GAVE US AND ON THE VIDEO HE COULDN'T, HE MADE SOME  
12 CHANGES, EVEN IN THE SAME STATEMENT NOT FROM MORNING  
13 TO AFTERNOON, BUT EVEN AT THE SAME TIME. ONE  
14 PARTICULAR ON THE VIDEO THAT I REMEMBER WAS WHERE HE  
15 SAID HE DIDN'T HIT HER AND THEN HE SAID HE JUMPED UP  
16 ON THE BED AND HE DIDN'T BEAT HER WITH HIS FISTS AND  
17 THEN LATER HE DID STATE THAT WHILE HE WAS BEATING  
18 HER, SO IT WAS JUST DIFFERENT CHANGES IN THE STORY  
19 THROUGHOUT THE DAY.

20 Q ALL RIGHT, SIR. TURNING YOUR ATTENTION TO THE  
21 STATEMENT THAT YOU WROTE OUT REGARDING THE VISIT FROM  
22 MR. BARROWCLOUGH?

23 A YES, SIR.

24 Q WHY DID YOU DECIDE TO MEMORIALIZE THAT IN A  
25 WRITTEN FORM WITH HIS SIGNATURE ON IT?

1 A TO FURTHER DOCUMENT THE FACT THAT HE DID NOT  
2 WISH TO SEE HIS ATTORNEY, THAT HE WISHED TO TALK,  
3 THAT HE WANTED TO CONTINUE TALKING TO US AND NOT STOP  
4 AND TALK TO HIS ATTORNEY AT THAT TIME.

5 Q ALL RIGHT. AND I UNDERSTAND MR. BARROWCLOUGH  
6 MAY HAVE WANTED TO SEE HIM, BUT DID MR. COPE EVER  
7 INDICATE AT ANY TIME THAT HE WANTED TO SEE MR.  
8 BARROWCLOUGH OR ANY OTHER ATTORNEY?

9 A HE DID NOT AND WE SPECIFICALLY ASKED HIM THAT ON  
10 SEVERAL OCCASIONS AND HE EACH TIME AFFIRMED HE DID  
11 NOT.

12 Q OKAY. MR. MORTON ASKED YOU ABOUT GOING BACK TO  
13 THE HOUSE THAT MORNING?

14 A YES, SIR.

15 Q AND ASKED YOU HOW DID YOU GET INTO THAT HOUSE.  
16 THAT MORNING PRIOR TO LEAVING TO THE HOUSE DID  
17 MR. COPE EXECUTE A CONSENT TO ENTER HIS HOME?

18 A YES, SIR, HE DID. THIS ONE IS SIMILAR TO, IT'S  
19 ON THE SAME FORM AS THE ONE WHERE THE OFFICERS WENT  
20 BACK AND, CRIME SCENE INVESTIGATORS WENT BACK AND  
21 RETRIEVED THE RAG THAT I INSTRUCTED THEM TO ON THE  
22 RADIO, THIS IS THE CONSENT FORM THAT MR. COPE SIGNED  
23 THAT MORNING AT 10:45 AM WHEN WE ACCOMPANIED HIM BACK  
24 TO THE HOUSE.

25 Q AUTHORIZING YOU TO ENTER HIS HOME?

1 A YES, SIR.

2 Q ALL RIGHT.

3 MR. BRACKETT: YOUR HONOR, I ASK THIS BE  
4 MARKED AS STATE'S EXHIBIT 85.

5 MR. MORTON: NO OBJECTION.

6 MR. GREELEY: NO OBJECTION.

7 THE COURT: BE RECEIVED WITHOUT OCCASION.

8 (STATE'S EXHIBIT 85 CONSENT FORM  
9 RECEIVED INTO EVIDENCE.)

10 Q STATE'S 85 IN EVIDENCE. AND FINALLY, SIR, YOU  
11 SEARCHED OR YOUR DEPARTMENT SEARCHED THAT HOUSE  
12 THOROUGHLY. DID YOU EVER LOCATE A BLUE WOODEN BROOM  
13 THAT FIT THE DESCRIPTION THAT YOU WERE BEING GIVEN BY  
14 MR. COPE?

15 A NO, SIR, WE NEVER DID LOCATE THE BROOM THAT  
16 MR. COPE TOLD US ABOUT, SEEMED PERPLEXED THAT WE  
17 COULDN'T FIND. I BELIEVE AT ONE POINT HE THOUGHT WE  
18 DID HAVE THE BROOM, BUT WE NEVER HAVE BEEN ABLE TO  
19 LOCATE THAT BROOM.

20 Q THANK YOU VERY MUCH, CAPTAIN CABANISS.

21 A YES, SIR.

22 RE-CROSS EXAMINATION BY MR. MORTON:

23 Q CAPTAIN CABANISS, FIRST OF ALL I'M GOING TO HAVE  
24 YOU LOOK AT A COPY OF THE WARRANT, THE MURDER  
25 WARRANT?

1 MR. BRACKETT: WHICH ONE?

2 MR. MORTON: THE MURDER WARRANT ON MR.  
3 COPE.

4 MR. BRACKETT: OKAY.

5 A YES, SIR.

6 Q OKAY. ISN'T IT TRUE THAT LEGALLY TO GET A  
7 WARRANT FOR SOMEONE YOU HAVE TO HAVE WHAT WE CALL IN  
8 LEGAL CIRCLES AS PROBABLE CAUSE?

9 A THAT'S CORRECT.

10 MR. BRACKETT: YOUR HONOR, I OBJECT. THIS  
11 EXCEEDS THE SCOPE OF THE REDIRECT AND IT ALSO IS  
12 CALLING FOR A LEGAL CONCLUSION APPARENTLY.

13 THE COURT: WELL, I OVERRULE THE OBJECTION  
14 AT THIS TIME. I DON'T KNOW WHAT THIS IS IN REPLY TO.

15 MR. MORTON: WELL, I'M JUST GOING TO ASK  
16 HIM ONE MORE QUESTION.

17 THE COURT: I KNOW BUT LET ME SEE WHAT THE  
18 QUESTION IS THEN SEE IF YOU OBJECT.

19 Q WHAT IS THE PROBABLE CAUSE ON THIS WARRANT?

20 MR. BRACKETT: YOUR HONOR --

21 THE COURT: I SUSTAIN THE OBJECTION.

22 Q WHAT PROBABLE CAUSE --

23 THE COURT: I SUSTAIN THE OBJECTION.

24 Q MR. CABANISS.

25 A YES, SIR.

1 Q THIS IS A MAN, IN RESPONSE TO MR. GREELEY'S  
2 QUESTION, AND AGAIN YOU HAVEN'T TAKEN THE TIME,  
3 DIDN'T THINK IT WAS IMPORTANT ENOUGH, TO LISTEN TO  
4 THIS THREE AND A HALF HOUR CONVERSATION BETWEEN  
5 MR. COPE AND MR. WALDROP AND MR. HERRING, YOU HAVEN'T  
6 HEARD THAT TAPE?

7 A NO, SIR.

8 Q AND SO YOU DON'T KNOW WHETHER MR. COPE TRIED TO  
9 SHIFT THE BLAME TO ANYBODY ELSE ON THAT TAPE OR NOT,  
10 DO YOU?

11 A ONLY WHAT LIEUTENANT HERRING AND LIEUTENANT  
12 WALDROP TOLD ME.

13 Q OKAY. DO YOU KNOW WHAT'S ON THAT TAPE?

14 A NO, SIR.

15 Q REGARDING ANY KIND OF SHIFTING OF BLAME?

16 A NO, SIR.

17 Q ALL RIGHT. AND DO YOU KNOW HOW MANY TIMES HE  
18 INSISTED ON TAKING THE POLYGRAPH?

19 A NO, SIR.

20 Q OKAY. AND WHAT YOU ARE TELLING US IS THAT  
21 SOMEONE WHO INSISTS REPEATEDLY ON TAKING POLYGRAPH IS  
22 SOMEHOW TRYING TO DIVERT YOU? THAT'S NOT CORRECT, IS  
23 IT?

24 A THE QUESTION THAT I WAS ASKED DOES SOMETIME A  
25 PERSON WHEN TRYING TO DIVERT THE POLICE OFFICER, THE

1 INVESTIGATOR, DO THEY INSIST AND TRY TO PERSUADE YOU  
2 AND INSIST THAT THEY WANT TO TAKE A POLYGRAPH AND MY  
3 ANSWER WAS, IN SOME CASES, YES, THAT IS TRUE.

4 Q WOULD YOU AGREE WITH ME THAT USUALLY WHEN YOU  
5 ARE INTERROGATING SOMEBODY AND ONE OF THE THINGS THAT  
6 YOU ASK THEM IS WOULD YOU BE WILLING TO TAKE A  
7 POLYGRAPH?

8 A YES, SIR, I WOULD.

9 Q AND WOULD YOU AGREE WITH ME THAT MORE OFTEN THAN  
10 NOT PEOPLE THAT GO, NO, I WON'T DO THAT IS AN  
11 INDICATOR TO YOU THAT THAT PERSON MAY NOT BE TELLING  
12 YOU THE TRUTH?

13 A I WOULD SAY EACH CASE DEPENDS ON A CASE BY CASE  
14 BASIS. I'D HAVE TO KNOW THE WHOLE TOTALITY OF THE  
15 CIRCUMSTANCES. I WOULDN'T MAKE A BLANKET STATEMENT  
16 SAYING THAT, NO, SIR.

17 Q WELL, MR. GREELEY ASKED YOU TO MAKE A BLANKET  
18 STATEMENT AND I'M GOING TO ASK YOU TO MAKE A BLANKET  
19 STATEMENT. USUALLY WHEN YOU ARE INTERROGATING  
20 SOMEBODY AND THEY TELL SOMETHING THEY TELL YOU THAT  
21 THEY WENT TO SLEEP, THAT THEY DIDN'T HEAR A THING,  
22 THAT THEIR CHILDREN DIDN'T HEAR A THING, THAT THEY  
23 DON'T KNOW HOW THEIR DAUGHTER GOT RAPED AND MURDERED,  
24 THAT THEY ARE WILLING TO TAKE A POLYGRAPH, IS THAT  
25 MORE INDICATIVE, THEIR WILLINGNESS TO TAKE A



1 POLYGRAPH OF SOMEONE WHO IS AT LEAST VOLUNTEERING TO  
2 YOU TO TRY TO FIND OUT MORE ABOUT THIS CRIME OR  
3 SOMEONE WHO IS NOT? DOES THAT QUESTION MAKE ANY  
4 SENSE?

5 A NO, SIR. I'M SORRY.

6 Q OKAY. PEOPLE WHO VOLUNTARILY, I'LL JUST ASK  
7 THIS QUESTION, PEOPLE WHO VOLUNTARILY SAY I WANT TO  
8 TAKE A POLYGRAPH, IN YOUR EXPERIENCE IS THAT MORE  
9 INDICATIVE OF SOMEONE WHO IS TELLING THE TRUTH OR  
10 SOMEBODY WHO IS TRYING TO HIDE BEHIND SOMETHING?

11 A TRUTH, MR. MORTON, CAN GO BOTH WAYS. I'D HAVE  
12 TO KNOW HOW THE OFFER WAS MADE, THE TOTALITY OF THE  
13 CIRCUMSTANCES, IT COULD GO EITHER WAY.

14 Q OKAY. MR. GREELEY TALKED TO YOU ABOUT STAGING  
15 THE SCENE AND WHAT YOU HAVE TESTIFIED TO EARLIER IS  
16 THAT YOU THOUGHT HE TRIED TO STAGE THE SCENE.

17 A YES, SIR.

18 Q WOULD YOU AGREE WITH ME THAT IF HE TRIED TO  
19 STAGE THE SCENE IT WASN'T GOING TO GET HIM VERY FAR?

20 A I WOULD AGREE WITH YOU IT DIDN'T GET HIM VERY  
21 FAR. THAT WAS A POOR JOB.

22 Q THAT IT WAS A POOR ATTEMPT TO STAGE A SCENE?

23 A AS I STATED EARLIER HE ONLY HAD A LITTLE BIT TO  
24 WORK WITH.

25 Q RIGHT. POSSIBLY HE WAS TELLING THE TRUTH

1 BECAUSE IN ORDER TO BELIEVE THAT HE'S NOT TELLING THE  
2 TRUTH YOU HAVE TO BELIEVE BASICALLY THAT THIS MAN IS,  
3 WOULD YOU AGREE WITH ME, A MANIAC, THAT HE LETS A  
4 STRANGER IN HIS HOUSE TO RAPE AND MURDER HIS OWN  
5 DAUGHTER AND LEAVES HER LYING IN THE BED, TRIES TO  
6 WRAP A BLANKET AROUND HER NECK TO STAGE THE SCENE?  
7 THAT'S WHAT WE HAVE TO BELIEVE HERE.

8 A I DON'T UNDERSTAND THE QUESTION.

9 Q IS THAT WHAT WE HAVE TO BELIEVE IN ORDER TO  
10 BELIEVE THAT HE DID THIS?

11 A WE HAVE TO BELIEVE?

12 Q DO WE HAVE TO BELIEVE THAT HE LETS A STRANGER IN  
13 HIS HOUSE, RIGHT?

14 A I NEVER SAID THEY WERE STRANGERS. YOU DID, SIR.

15 Q WELL, DO YOU HAVE ANY PROOF, AGAIN, THAT, ANY  
16 EVIDENCE, THAT THEY KNEW EACH OTHER AT ALL?

17 A NO, SIR, I DO NOT.

18 Q I'M SORRY.

19 A OTHER THAN THE FACT THAT THEY ACTED TOGETHER  
20 THAT NIGHT AND --

21 Q WELL --

22 A I HAVE NO INDICATION THAT THEY WERE FRIENDS, NO,  
23 SIR. NO EVIDENCE.

24 Q WHAT INDICATION DO YOU HAVE THAT THEY ACTED  
25 TOGETHER THAT NIGHT?

1 A EVERYTHING THAT I HAVE TESTIFIED TO AND THE  
2 FACT --

3 Q I DON'T -- YOU SAY THAT THEY ACTED TOGETHER AND  
4 THAT'S YOUR PREMISE THAT THEY ACTED TOGETHER, BUT DO  
5 WE HAVE ANY PROOF THAT THEY ACTED TOGETHER?

6 A THERE IS NO POSSIBLE WAY THAT THAT CRIME WAS  
7 COMMITTED ON THAT 12 YEAR OLD WITHOUT EVERYONE IN THE  
8 HOUSE KNOWING IT.

9 Q SO JESSICA AND KYLA -- PEOPLE, CAPTAIN CABANISS,  
10 ARE MURDERED IN THEIR HOME IN THIS CITY WITH OTHER  
11 PEOPLE IN THE OTHER ROOM WHO NEVER HEAR A WORD?

12 A NOT IN THE WAY THAT YOUNG LADY WAS MURDERED, NO,  
13 SIR.

14 Q PEOPLE WERE SHOT IN THE HEAD, CORRECT?

15 A WHAT'S THE QUESTION.

16 Q PEOPLE ARE MURDERED IN THEIR HOUSES WHEN OTHER  
17 PEOPLE ARE IN THE HOUSE AND NOBODY EVER HEARS A  
18 THING?

19 A MY ANSWER NOT THE WAY THAT THAT 12 YEAR OLD WAS  
20 BEATEN AND MURDERED THAT NIGHT.

21 Q LET ME ASK YOU THIS: IF MR. SANDERS SNUCK IN  
22 THAT HOUSE THAT NIGHT IN ORDER TO INCAPACITATE AMANDA  
23 COPE, ALL HE WOULD HAVE TO DO WOULD BE TO GO IN THERE  
24 AND (CLAPS HANDS TOGETHER) HIT HER IN THE HEAD. I'M  
25 SORRY.

1 A IF THAT WAS THE CASE HE WOULD NEVER HAVE STAYED  
2 IN THE HOUSE LONG ENOUGH TO PULL HER PANTS BACK UP TO  
3 MAKE IT LOOK LIKE THAT SHE HAD NEVER BEEN ASSAULTED.

4 Q SO HE WOULDN'T HAVE DONE THAT, BUT BILLY COPE  
5 WOULD HAVE LEFT HIS OWN DAUGHTER LYING IN THIS BED  
6 RAPED AND MURDERED AND EXPECTED SOMEHOW TO GET AWAY  
7 WITH IT? DOES THAT MAKE SENSE TO YOU?

8 A IT DON'T MAKE SENSE THAT BILLY COPE FINDING HER  
9 LIKE THAT CALL 911 SAYING HIS DAUGHTER, IT WAS AN  
10 ACCIDENT, SHE HAD STRANGLERD HERSELF, AND STICK TO  
11 THAT STORY FOR A DAY --

12 Q ---UNLESS THAT'S WHAT HAPPENED --

13 THE COURT: WE'RE GETTING BACK TO SAME  
14 PATTERN. LET HIM FINISH HIS ANSWER.

15 Q UNLESS HE THOUGHT THAT'S WHAT HAPPENED?

16 A NO, SIR, HE ---

17 Q WE DON'T HAVE ANYTHING ELSE, CAPTAIN CABANISS WE  
18 DON'T HAVE ANYTHING ELSE, NO PHYSICAL EVIDENCE, TO  
19 PROVE YOUR BELIEF IN WHAT HAPPENED?

20 A YES, SIR, WE DO.

21 Q TELL ME WHAT PHYSICAL EVIDENCE WE HAVE?

22 A AGAIN WE HAVE MR. COPE'S SEMEN THE PANTS LEG.

23 Q NO, MR. SANDERS?

24 A I'M SORRY. YOU ARE CORRECT. EXCUSE ME.

25 MR. SANDERS --

1 Q ALL RIGHT.

2 A GO AHEAD.

3 Q YOU HAVE THAT PHYSICAL EVIDENCE?

4 A THAT'S CORRECT.

5 Q OKAY. BUT WHAT OTHER PHYSICAL EVIDENCE DO WE

6 HAVE?

7 A THE SALIVA ON HER BREAST, MR. SANDERS.

8 Q THIS SAYS MR. COPE DID IT?

9 A THAT'S CORRECT.

10 Q SEMEN SAYS MR. SANDERS DID IT?

11 A THAT'S CORRECT.

12 Q THE SALIVA SAYS MR. SANDERS DID IT?

13 A IT SAYS HE WAS PRESENT AT THE SCENE.

14 Q OKAY.

15 A OKAY. WE HAVE ALL OF MR. COPE'S STATEMENTS.

16 Q OKAY.

17 A ALL OF HIS ADMISSIONS.

18 Q INCLUDING HIS STATEMENT OF THREE AND HALF HOURS

19 THE NIGHT BEFORE?

20 A CORRECT.

21 Q OKAY.

22 A AND INCLUDING THE NEXT DAY WHEN WE HAD THE

23 ACTUAL RE-ENACTMENT THAT NO ONE ASKED HIM, NO ONE

24 SHOWED HIM, AND HE DESCRIBED HOW THE PHYSICAL

25 EVIDENCE FROM THE AUTOPSY, THE HORRIFIC INJURIES THAT

1 WAS DONE TO THIS YOUNG LADY, NOT JUST THAT NIGHT BUT  
2 PREVIOUS NIGHT, BUT HOW SHE WAS KILLED THAT NIGHT,  
3 HOW SHE WAS STRANGLED BY SOMEONE'S HANDS, WE HAVE ALL  
4 THAT INJURIES THAT MR. COPE DEPICTED IN THE VIDEO  
5 TAPE.

6 Q BUT, CAPTAIN CABANISS, HE HAD BEEN TOLD ALL THAT  
7 STUFF, CORRECT?

8 A I DO NOT KNOW ANYONE THAT TOLD HIM HOW HE JUMPED  
9 UP ON THE BED, HELD HER DOWN AND STRANGLED HER AND  
10 BEAT HER.

11 Q AND THAT FACT DOES NOT MATCH THE EVIDENCE, DOES  
12 IT?

13 A MOST OF IT, A LOT OF IT DOES, YES, SIR.

14 Q WHAT DOES?

15 A THE INJURY --

16 Q WHAT ABOUT HIM STRANGLING HER FROM BEHIND  
17 MATCHES THE EVIDENCE?

18 THE COURT: I HATE TO KEEP BUTTING IN, MR.  
19 MORTON, BUT THE ONLY REASON TO ASK A QUESTION IS TO  
20 GET AN ANSWER AND WHEN YOU ASK HIM ONE, GET AN  
21 ANSWER.

22 MR. MORTON: I THOUGHT HE STOPPED, YOUR  
23 HONOR.

24 THE COURT: HE HADN'T EVEN STARTED THAT  
25 TIME.

1                   MR. MORTON: I THOUGHT HE HAD STOPPED AND  
2 I ASKED A QUESTION AND THEN HE STARTED AGAIN.

3                   MR. BRACKETT: IN ADDITION, YOUR HONOR, I  
4 WOULD OBJECT. THIS IS NOT IN RESPONSE TO ANY OTHER  
5 QUESTIONING THAT WAS DONE. IT WAS GONE OVER IN  
6 EXHAUSTIVE DETAIL ON THE ORIGINAL CROSS BUT I SUBMIT  
7 THIS IS CUMULATIVE.

8                   THE COURT: I OVERRULE THE OBJECTION. I'M  
9 GOING TO ALLOW HIM TO, MAKE SURE IT IS IN RESPONSE.  
10 OF COURSE, MR. GREELEY WAS PRETTY BROAD IN HIS, HE  
11 WAS SHORT, BUT IT WAS PRETTY BROAD SO.

12 A I'M SORRY. CAN YOU PLEASE ASK THE QUESTION  
13 AGAIN.

14 Q OKAY. HIS VIDEO?

15 A YES, SIR.

16 Q RE-ENACTMENT OF JUMPING ON AMANDA FROM BEHIND  
17 AND STRADDLING HER AND CHOKING HER FROM THE BACK,  
18 DOES OR DOES NOT MATCH THE EVIDENCE?

19 A HE ALSO, REMEMBER, HE'S TALKING SHE --

20 Q IF YOU CAN ANSWER MY QUESTION THEN EXPLAIN?

21 A IT DOES NOT MATCH FROM THE BEHIND BUT IF YOU  
22 WILL ALSO LET ME EXPLAIN THAT HE TALKED ABOUT WHERE  
23 SHE WAS TRYING TO GRAB HER HANDS OFF OF HIM AND AS I  
24 PREVIOUSLY TESTIFIED I AT ONE POINT I THINK THAT SHE  
25 TURNED OVER AND SHE WAS LAYING FACE UP. HE AGAIN

1 SAID THAT WHEN HE SAYS HE WOKE UP FROM THIS DAZE  
2 NIGHTMARE THAT SHE WAS LAYING ON HER BACK WITH THE  
3 BROOM IN HER VAGINA.

4 Q SO AGAIN, ARE YOU FINISHED? MY QUESTION IS DOES  
5 THE EVIDENCE THAT WHEN HE SAYS IN THAT RE-ENACTMENT  
6 THAT HE SAYS HE JUMPED ON HER FROM THE BACK,  
7 STRANGLED HER FROM BACK WITH TWO HANDS, DOES THAT  
8 MATCH, DOES THAT STATEMENT MATCH THE EVIDENCE?

9 A IN MY OPINION, YES, SIR, IT IS DOES.

10 Q I'M SORRY?

11 A YES, SIR, IT DOES.

12 Q OKAY. AND HOW SO?

13 A FROM THE INJURIES TO HER BODY AND THE WAY THAT  
14 HE RE-ENACTED HOW HE BEAT, STRANGLED, PUSHED THE  
15 BROOM INTO HER THAT NIGHT.

16 Q OKAY. AND AGAIN YOU'RE AWARE, EVEN THOUGH YOU  
17 HAVEN'T HEARD THE TAPE, THAT MR. COPE HAD BEEN TOLD  
18 SHE HAD BEEN BEATEN, STRANGLED, SODOMIZED, HE HAD  
19 BEEN TOLD ALL THAT?

20 A I'M NOT COMPLETELY SURE WHAT ALL HE HAD BEEN  
21 TOLD, BUT I WILL NOT DISPUTE THAT FACT, NO, SIR.

22 MR. MORTON: THAT'S ALL I HAVE, YOUR  
23 HONOR.

24 THE COURT: MR. GREELEY.

25 MR. GREELEY: I HAVE NONE.



1 THE COURT: YOU CAN STEP DOWN AND BE  
2 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU. CALL  
3 YOUR NEXT WITNESS.

4 MR. POPE: THE NEXT WITNESS WOULD BE JAN  
5 BRYSON WHO IS FORENSIC TECHNICIAN THAT RECEIVED THE  
6 EVIDENCE. YOUR HONOR, SHE'S GOING TO BE GOING  
7 EXTENSIVELY THROUGH THE EVIDENCE. I THINK IN THE  
8 JURY'S INTEREST IF I HAD ABOUT TEN MINUTES I CAN GET  
9 IT SQUARED AWAY.

10 THE COURT: LET THE JURY GO TO THE JURY  
11 ROOM SO THEY CAN GET THE THING IN ORDER FOR THIS  
12 WITNESS. LET ME KNOW WHEN YOU ARE READY, MR. POPE.

13 MR. POPE: YES, SIR. THANK YOU, YOUR  
14 HONOR.

15 (THE JURY EXITS THE COURTROOM AT 03:20  
16 PM AND COURT'S IN RECESS AT 03:21 PM.)

17 (COURT RESUMES AT 03:44 PM.)

18 THE COURT: IS THE STATE READY.

19 MR. BRACKETT: YES, YOUR HONOR.

20 THE COURT: THE DEFENSE.

21 MR. WOOD: YES.

22 MR. GREELEY: YES.

23 THE COURT: BRING IN THE JURY.

24 (THE JURY RETURNS TO THE COURTROOM AT  
25 03:45 PM.)

1 THE COURT: CALL YOUR NEXT WITNESS.

2 MR. POPE: THE STATE WOULD CALL JANICE S.  
3 BRYSON TO THE STAND PLEASE.

4 JAN BRYSON, BEING FIRST DULY  
5 SWORN, TESTIFIED AS FOLLOWS:

6 DIRECT EXAMINATION BY MR. POPE:

7 Q MRS. BRYSON, YOU WOULD STATE YOUR FULL NAME AND  
8 SPELL YOUR LAST FOR THE COURT REPORTER PLEASE, MA'AM?

9 A JANICE BRYSON. B-R-Y-S-O-N.

10 Q AND MRS. BRYSON, COULD YOU TELL THE JURY WHERE  
11 YOU ARE EMPLOYED?

12 A SOUTH CAROLINA LAW ENFORCEMENT DIVISION.

13 Q AND HOW LONG HAVE YOU BEEN EMPLOYED WITH SOUTH  
14 CAROLINA LAW ENFORCEMENT DIVISION?

15 A 15 YEARS.

16 Q OKAY. IS THERE ANOTHER NAME THEY GO BY OTHER  
17 THAN SOUTH CAROLINA LAW ENFORCEMENT DIVISION?

18 A YES, SIR, IT'S SLED.

19 Q HAVE YOU BEEN THERE 15 YEARS?

20 A THAT'S CORRECT.

21 Q AND WHAT DID YOU DO IN YOUR CAPACITY AT THE  
22 STATE LAW ENFORCEMENT DIVISION?

23 A I'M FOR EVIDENCE TECHNICIAN IN THE EVIDENCE  
24 PROCESSING DEPARTMENT.

25 Q CAN YOU TELL THE JURY BASICALLY IN JUST EVERY

1 DAY TERMS WHAT IS A FORENSIC EVIDENCE TECHNICIAN;  
2 WHAT DO YOU DO?

3 A WHENEVER THERE IS ITEMS OF EVIDENCE ASSOCIATED  
4 WITH A CRIME THAT IS SUBMITTED TO THE LAB WITH THE  
5 REQUEST FOR HAIR AND FIBER, BLOOD OR SEMEN, IT'S MY  
6 RESPONSIBILITY TO GO THROUGH THAT EVIDENCE AND  
7 COLLECT THE EVIDENCE AND SEND IT TO THE APPROPRIATE  
8 DEPARTMENT.

9 Q OKAY. AND I THINK YOU SAID YOU WORK IN THE  
10 EVIDENCE PROCESSING DEPARTMENT?

11 A YES, SIR.

12 Q IS THAT EXACTLY WHAT IT SOUNDS LIKE, YOU PROCESS  
13 EVIDENCE?

14 A THAT'S CORRECT.

15 Q OKAY. AND THE EVIDENCE YOU RECEIVE, WHERE DOES  
16 IT COME FROM?

17 A A LAW ENFORCEMENT AGENCY.

18 Q OKAY. ARE YOU ASSIGNED A CERTAIN AREA OR HOW  
19 BIG AN AREA DOES THE STATE LAW ENFORCEMENT DIVISION  
20 COVER?

21 A 46 COUNTIES, IS THAT WHAT YOU MEAN.

22 Q YES, MA'AM. YES, MA'AM. SO YOU RECEIVE  
23 EVIDENCE ON DIFFERENT CASES FROM DIFFERENT LAW  
24 ENFORCEMENT AGENCIES?

25 A THAT'S CORRECT.

1 Q CORRECT. AND DURING YOUR WORK DAY WHAT IS IT,  
2 TELL THE JURY, WHAT IS IT YOU PHYSICALLY, OBVIOUSLY  
3 YOU COME TO COURT FOR ONE, BUT WHAT OTHER DAY TO DAY,  
4 IF YOU WERE AT SLED TODAY WHAT IS THE WORK YOU WOULD  
5 ACTUALLY BE DOING?

6 A I WOULD GOING THROUGH DIFFERENT, A VARIETY OF  
7 ITEMS, COLLECTING HAIR, FIBER, AND I PERFORM CHEMICAL  
8 AND SEROLOGICAL TESTING ON STAINS FOR THE PRESENCE OF  
9 BLOOD AND SEMEN.

10 Q NOW DO YOU HAVE A CERTAIN PROTOCOL THAT YOU  
11 FOLLOW, A CERTAIN STEPS THAT YOU TAKE THERE?

12 A YES, SIR, WE HAVE A PROTOCOL MANUAL.

13 Q OKAY. AND WERE YOU TRAINED IN FOLLOWING OR  
14 USING THAT PROTOCOL?

15 A YES, I WAS.

16 Q CAN YOU TELL THE JURY WHAT EDUCATION AND  
17 TRAINING YOU HAVE THAT ALLOWS YOU TO PERFORM THESE  
18 DIFFERENT STEPS AND TESTS THAT YOU INDICATED?

19 A I HAVE AN ASSOCIATE'S DEGREE FROM THE UNIVERSITY  
20 OF SOUTH CAROLINA AND WHILE AT SLED I TRAINED UNDER  
21 COURT QUALIFIED FORENSIC EXPERTS IN THE AREAS OF  
22 SEROLOGY, TRACE AND DNA, AND I'VE ATTENDED NUMEROUS  
23 SEMINARS IN RELATION TO CRIME SCENE INVESTIGATION,  
24 BLOOD SPLATTER RECOGNITION, AND I ALSO TRAINED FOR A  
25 YEAR UNDER THE SENIOR TECHNICIAN IN OUR DEPARTMENT

1 AND SLED IS NATIONALLY ACCREDITED BY THE AMERICAN  
2 SOCIETY OF CRIME LABORATORY DIRECTORS AND IT'S A  
3 REQUIREMENT OF ASCLD EACH ANALYST AND TECHNICIAN BE  
4 CERTIFIED IN THEIR AREAS OF EXPERTISE AND I HAVE BEEN  
5 CERTIFIED IN THE COLLECTION OF HAIR, FIBER, BLOOD,  
6 AND SEMEN.

7 Q OKAY. AND AS FAR AS BEING AT SLED, HOW LONG  
8 HAVE YOU BEEN ASSIGNED PARTICULARLY TO EVIDENCE  
9 PROCESSING?

10 A 8 YEARS.

11 Q OKAY. DO YOU HAVE ANY ESTIMATION AS FAR AS YOUR  
12 ACTUAL CASE WORK HOW MANY CASES YOU'VE DONE OVER  
13 THOSE EIGHT YEARS?

14 A WELL, PROBABLY OVER A THOUSAND AND I'VE PROBABLY  
15 PERFORMED THREE OR FOUR THOUSAND CHEMICAL AND  
16 SEROLOGICAL TESTING.

17 Q OKAY. AND WHEN YOU RECEIVE ITEMS, FOR EXAMPLE,  
18 IN THIS CASE FOR THE JURY HAS SEEN A LARGE NUMBER OF  
19 ITEMS, IN A GIVEN CASE YOU MAY RECEIVE A LOT OR A FEW  
20 ITEMS, IT JUST DEPENDS ON A GIVEN CASE, IS THAT  
21 CORRECT?

22 A THAT'S CORRECT.

23 Q OKAY. HAVE YOU HAD THE OPPORTUNITY IN ADDITION  
24 TO THAT, THE TESTING WORK THAT YOU DO, HAVE YOU HAD  
25 THE OPPORTUNITY TO IN THE PAST TO COME INTO THE COURT

1 AND TESTIFY AS AN EXPERT IN THIS AREA OF FORENSIC  
2 EVIDENCE PROCESSING?

3 A YES, SIR, I HAVE.

4 Q AND YOU'VE BEEN QUALIFIED AS AN EXPERT IN COURTS  
5 IN THIS STATE?

6 A YES, SIR, I HAVE.

7 MR. POPE: YOUR HONOR, AT THIS TIME I  
8 TENDER MRS. BRYSON AS AN EXPERT IN FORENSIC EVIDENCE  
9 PROCESSING.

10 THE COURT: ANY VOIR DIRE?

11 MR. WOOD: NO VOIR DIRE.

12 MR. GREELEY: NO OBJECTION TO THAT  
13 DESIGNATION AS AN EXPERT.

14 THE COURT: WHAT'S THE EXACT FORENSIC?

15 MR. POPE: FORENSIC EVIDENCE PROCESSING.

16 THE COURT: I FIND SHE'S QUALIFIED.

17 Q MRS. BRYSON, IF YOU WOULD, IF YOU COULD JUST  
18 EXPLAIN BRIEFLY TO THE JURY, AND I KNOW IN THIS  
19 PARTICULAR CASE YOU RECEIVED OR AT LEAST PAST THROUGH  
20 TO YOU A LARGE NUMBER OF ITEMS OF EVIDENCE, IS THAT  
21 CORRECT?

22 A THAT'S CORRECT.

23 Q CAN YOU DESCRIBE TO THE JURY, YOU TOUCHED ON IT  
24 EARLIER AS YOU SAID WHEN YOU SAID WHAT YOUR JOB IS,  
25 CAN YOU TELL WHAT YOU ACTUALLY DO WHEN SAY EVIDENCE

1 COMES IN, WHAT IT IS YOU DO, WHAT IT IS YOU ARE  
2 LOOKING FOR, WHAT IS THE PROCEDURE?

3 A WHEN THE EVIDENCE COMES IN I TAKE THAT EVIDENCE  
4 INTO MY CUSTODY AND I PLACE A WHITE PIECE OF BUTCHER  
5 BLOCK PAPER AND I EMPTY THE CONTENTS OF THE BAG ON TO  
6 THAT PAPER AND I SCRAPE IT DOWN FOR HAIR OR FIBER AND  
7 I SAVE THAT PAPER AND TRANSFER IT TO THE TRACE OR DNA  
8 DEPARTMENT. AND WHEN I'M LOOKING FOR SEMEN, I USE AN  
9 ALTERNATE LIGHT SOURCE WHICH WILL FLUORESCENCE STAINS  
10 AND THE ROOM IS DARK AND WE USE PROTECTIVE SIGHT WEAR  
11 AND I CIRCLE THE AREAS THAT FLUORESCENCE AND I GO BACK  
12 AND DO A SPOT TEST LOOKING FOR SEMEN AND BLOOD IS  
13 JUST A VISUAL AND THEN WE USE A THREE STEP CHEMICAL  
14 TEST TO SEE IF THE STAIN MAY BE POTENTIAL BLOOD.

15 Q OKAY. AND WHAT, WHEN YOU TALKED ABOUT THESE  
16 DIFFERENT TESTS COULD YOU TELL THE JURY WHAT IS A  
17 PRESUMPTIVE TEST, WHAT DOES THAT MEAN?

18 A IT MEANS THAT THERE IS A POSSIBILITY THAT THAT  
19 STAIN IS POSITIVE FOR SEMEN OR BLOOD AND I KNOW FROM  
20 THE OUTCOME OF THAT TEST WHETHER I NEED TO FORWARD  
21 THE, TAKE A SAMPLE AND FORWARD IT TO THE APPROPRIATE  
22 DEPARTMENT.

23 Q OKAY. WHEN YOU TALK ABOUT TAKING A SAMPLE, HOW  
24 WOULD THAT OCCUR?

25 A IF THE TESTING THAT I DO IS POSITIVE FOR BLOOD

1 OR SEMEN THAT AREA I'LL CUT IT OUT AND GIVE IT A  
2 NUMBER AND SEND IT TO THE DNA DEPARTMENT.

3 Q OKAY. IF, FOR EXAMPLE, YOU HAVE, YOU SAID THAT  
4 THE FIRST STEP YOU ARE LOOKING FOR HAIRS AND FIBERS,  
5 IF YOU HAVE HAIRS AND FIBERS IN A CASE WHAT  
6 DEPARTMENT DOES THAT GO TO?

7 A NORMALLY IT GOES TO TRACE BUT IT JUST DEPENDS ON  
8 THE EXAMINATION THEY ARE REQUESTING.

9 Q TRACE, THAT'S TRACE EVIDENCE, TRACES OF HAIRS  
10 AND FIBERS, THINGS THAT HAIRS AND FIBERS?

11 A THAT'S CORRECT.

12 Q OKAY. AND IN DOING YOUR PROCESS IF YOU RECEIVED  
13 A NUMBER OF ITEMS OF EVIDENCE, DO YOU OPEN THEM ALL  
14 UP AT ONE TIME?

15 A NO, SIR. I TAKE EACH INDIVIDUAL BAG AND OPEN IT  
16 AT ONE TIME.

17 Q AND YOU SAID BASICALLY ARE YOU LOOKING FOR BLOOD  
18 OR SEMEN, IS THAT CORRECT?

19 A THAT'S CORRECT.

20 Q OKAY. AND ALSO OF COURSE HAIR AND FIBER, IS  
21 THAT CORRECT?

22 A RIGHT.

23 Q AND YOU HAVE A WORK SHEET THAT YOU USE TO KIND  
24 HELP YOU KEEP ORGANIZED IN PROCESSING?

25 A YES, SIR, I DO.



1 Q OKAY. I'M GOING TO SHOW YOU WHAT'S, IF I CAN  
2 HAVE THIS MARKED FOR IDENTIFICATION PLEASE, MA'AM.

3 (STATE'S EXHIBIT 86 WORKSHEET MARKED  
4 FOR IDENTIFICATION.)

5 Q THIS IS STATE'S EXHIBIT 86 FOR IDENTIFICATION.  
6 BY WAY OF EXAMPLE, IS THIS ONE OF THE SHEETS YOU  
7 ACTUALLY DID IN THIS PARTICULAR CASE?

8 A YES, SIR, IT IS.

9 Q OKAY. AND DO YOU ACTUALLY HAVE WHAT'S CALLED A  
10 SLED NUMBER?

11 A THAT'S CORRECT.

12 Q OKAY. AND IS THAT JUST A NUMBER THAT'S ASSIGNED  
13 TO HELP YOU IDENTIFY THAT PIECE OF EVIDENCE?

14 A WHEN THE EVIDENCE COMES IN TO SLED THE EVIDENCE  
15 CONTROL DEPARTMENT ASSIGNED IT A SLED LAB NUMBER.

16 Q OKAY. THANK YOU.

17 MR. POPE: YOUR HONOR, THIS IS STATE'S  
18 EXHIBIT 86 FOR IDENTIFICATION. THIS INVENTORY WORK  
19 SHEET, I'M NOT PUTTING IT IN, IT'S JUST FOR PURPOSES  
20 OF HER EXPLAINING WHAT EXACTLY SHE DOES. MY  
21 UNDERSTANDING FROM BOTH SIDES --

22 THE COURT: ANY OBJECTION?

23 MR. GREELEY: NONE AS TO DEMONSTRATIVE  
24 EVIDENCE. WE UNDERSTAND.

25 Q MRS. BRYSON, CAN YOU SEE THIS?

1 A YES, SIR, I CAN SEE IT.

2 Q DO YOU NEED TO STEP ON DOWN OR ARE YOU  
3 COMFORTABLE WHERE YOU ARE SEEING IT?

4 A I CAN SEE IT. IF I NEED TO I'LL STEP DOWN.

5 Q ALL RIGHT. THANK YOU. I JUST ASK YOU AND THIS  
6 IS ACTUALLY THE FIRST SHEET IN YOUR FILE OF YOUR  
7 SERIES OF SHEETS WHEN YOU DID TESTING, IS THAT  
8 CORRECT?

9 A MY FIRST WORK SHEET.

10 Q OKAY. AND COULD YOU DESCRIBE TO THE JURY JUST  
11 BASICALLY WHAT THESE ITEMS ARE? MAYBE I'D FEEL  
12 BETTER IF YOU'D STEP DOWN AND LET YOU SEE EVERYTHING.

13 A OKAY.

14 Q USE THIS RIGHT HERE. I'M JUST GOING TO ASK YOU  
15 IF YOU CAN EXPLAIN WHAT EACH OF THE COLUMNS IS PLEASE  
16 MA'AM.

17 A THAT'S THE SLED LAB NUMBER THAT IS ASSIGNED TO  
18 THE EVIDENCE WHEN IT COMES IN THE DOOR. THIS IS THE  
19 DAY I PROCESS IT. THESE ARE MY INITIALS AND THE  
20 TECHNICIAN THAT WAS IN THE ROOM WITH ME WHEN I  
21 PROCESSED IT. THAT'S THE VICTIM'S NAME, THE SUSPECT,  
22 THE ITEM NUMBER THAT IT'S ASSIGNED WHEN IT COMES IN  
23 THE DOOR, AND WE TRACK IT BY AN E NUMBER AND THAT'S E  
24 NUMBER ASSIGNED TO THE HEAT SEALED POUCH. AND THESE  
25 WERE THE ACTUAL PANTIES THAT I PROCESSED AND THESE

1 ARE MY NOTES. AND IT WAS POSITIVE, IT WAS A WEAK  
2 POSITIVE, FOR APS WHICH IS ACID PHOSPHATE SPOT TEST  
3 WHICH SUGGESTS THE PRESENCE OF SEMEN. SO I TOOK A  
4 CUTTING, I ASSIGNED IT A NUMBER, AND I DID A DIAGRAM  
5 OF WHERE I TOOK MY CUTTING.

6 Q OKAY. IF YOU'D HAVE SEAT PLEASE MA'AM. YOU HAD  
7 INDICATED THAT THERE BASICALLY THREE OR FOUR  
8 DIFFERENT TESTS YOU USE. FIRST YOU PROCESS FOR HAIR  
9 AND FIBER, IS THAT CORRECT?

10 A THAT'S CORRECT.

11 Q OKAY. AND THEN YOU HAVE THE ALTERNATIVE LIGHT  
12 SOURCE AND THAT'S FOR LOOKING AT THINGS THAT WOULD  
13 FLUORESCENCE, RIGHT?

14 A THAT'S CORRECT.

15 Q NOW WHAT KIND OF THINGS WOULD FLUORESCENCE?

16 A VAGINAL SECRETIONS WILL FLUORESCENCE, URINE,  
17 SALIVA, SEMEN, PERSPIRATION, AND THERE IS SOME FOODS  
18 THAT WILL FLUORESCENCE, DETERGENTS AND FECES AND VOMIT.

19 Q SO IN LOOKING AT THE LIGHT SOURCE THAT'S  
20 REPRESENTED BY LL ON YOUR WORK SHEET, IS THAT  
21 CORRECT?

22 A THAT'S CORRECT. IT MEANS THAT THERE WERE STAINS  
23 THAT I CIRCLED TO GO BACK AND TO SPOT TEST.

24 Q SO YOU LOOKED AT IT WITH THE LIGHT AND THEN YOU  
25 GO BACK AND THE TWO TESTS THAT YOU USE AT THIS STAGE

1        WOULD BE THE APS WHICH IS LOOKING FOR SEMEN, IS THAT  
2        CORRECT?

3        A        THAT'S CORRECT.

4        Q        ALL RIGHT.  AND THE OTHER IS THE PHEM THAT IS  
5        PHENOLPHTHALEIN?

6        A        PHENOLPHTHALEIN, BUT I DIDN'T DO ANY TESTING FOR  
7        BLOOD.

8        Q        ON THIS PARTICULAR ONE?

9        A        THAT'S CORRECT.

10      Q        OKAY.  AND DESCRIBE AND OF COURSE WE'RE GOING TO  
11      LOOK AT SPECIFIC ITEMS, BUT YOU USE THE LIGHT SOURCE  
12      TO SEE IF ANYTHING FLUORESCES, CORRECT?

13      A        THAT'S CORRECT.

14      Q        THEN YOU WOULD CHECK IT FOR THE APS TEST IF IT  
15      FLUORESCED, IS THAT CORRECT?

16      A        THAT'S CORRECT.

17      Q        NOW EXPLAIN TO THE JURY, WHEN YOU ARE LOOKING AT  
18      AN ITEM HOW DO YOU DO THE VISUAL OR OTHERWISE FOR  
19      BLOOD, HOW DO YOU DO THAT?

20      A        I JUST LOOK ON THE ITEM TO SEE IF THERE IS ANY  
21      STAINS THAT MAY APPEAR TO BE BLOOD.

22      Q        SO THE LIGHT, THAT LL, THE LIGHT IS REALLY NOT  
23      INVOLVED IN THE BLOOD COMPONENT OF YOUR TESTING, IS  
24      THAT RIGHT?

25      A        THAT'S CORRECT.

1 Q OKAY. AND IF YOU SEE ANYTHING THAT APPEARS TO  
2 BE BLOOD, THEN YOU DO THE PHENOLPHTHALEIN TEST, IS  
3 THAT CORRECT?

4 A THAT'S CORRECT. BUT THERE MAY HAVE BEEN BLOOD  
5 ON THESE PANTIES AND IT MAY HAVE BEEN HERS AND  
6 NORMALLY WE DON'T COLLECT VICTIM'S BLOOD FOR VICTIMS.

7 Q I GOT YOU.

8 A VICTIM'S BLOOD.

9 Q LET ME ASK YOU FROM A PROTOCOL STANDPOINT DOES  
10 EVERY ITEM WHEN YOU FIRST RECEIVE IT, YOU  
11 AUTOMATICALLY DO EVERY SINGLE TEST? IN OTHER WORDS,  
12 YOU JUST USE, FOR EXAMPLE, YOU DON'T NORMALLY  
13 VICTIM'S BLOOD ON VICTIM'S CLOTHING?

14 A RIGHT.

15 Q THINGS OF THAT NATURE. DO YOU AUTOMATICALLY  
16 TEST EACH ITEM THAT COMES IN OR DO YOU RANK THEM  
17 SOMEHOW OR PRIORITIZE THEM SOMEHOW I SHOULD SAY?

18 A USUALLY WHEN THE EVIDENCE IS SUBMITTED THE LAW  
19 ENFORCEMENT AGENCY FILLS OUT A SHEET REQUESTING WHAT  
20 EXAMS THEY WANT ME TO LOOK FOR.

21 Q OKAY. AND AS A PRACTICAL MATTER IN THIS CASE  
22 YOU DO KIND OF A SERIES OF TESTING. YOU TESTED SOME  
23 OF THE ITEMS THAT YOU RECEIVED AND DID A REPORT AND  
24 SOME OF THE ITEMS YOU MAY NOT HAVE TESTED INITIALLY,  
25 BUT THEN GO BACK AND TEST, IS THAT CORRECT?

1 A THAT'S CORRECT. WE START WITH THE BEST EVIDENCE  
2 FIRST AND WORK OUR WAY DOWN.

3 Q OKAY. AND WE TALKED ABOUT YOUR TESTING BEING  
4 PRESUMPTIVE. THE FACT THAT YOU HAVE BLOOD OR HAVE  
5 WHAT APPEARS TO BE BLOOD OR APPEARS TO BE SEMEN, FOR  
6 EXAMPLE, THAT JUST DIRECTS YOU TO DO WHAT WITH IT?

7 A SEND IT TO THE APPROPRIATE DEPARTMENT.

8 Q OKAY. AND THAT WOULD BEING SEROLOGY, DNA,  
9 WHATEVER THE CASE MAY BE?

10 A THAT'S CORRECT.

11 Q I'M NOW GOING TO REFER YOU TO THE ITEMS IN THIS  
12 PARTICULAR CASE. AND WHILE WE WERE ON A BREAK DID  
13 YOU HAVE AN OPPORTUNITY TO REVIEW THESE ITEMS AND  
14 HAVE A CURSORY LOOK AT THESE ITEMS?

15 A YES, SIR, I HAVE.

16 Q AND WHEN YOU RECEIVE EVIDENCE IN YOUR LAB I  
17 NOTICE SINCE THE TIME THAT WE'VE SPENT THAT ITEMS  
18 HAVE BEEN CUT OPEN HERE IN COURT AND THINGS OF THAT  
19 NATURE, OR PUT IN DIFFERENT ENVELOPES OR RENUMBERED.  
20 WHEN YOU RECEIVED IT THERE AT SLED HOW WAS IT  
21 PACKAGED?

22 A IT'S SECURED.

23 Q OKAY. WHEN YOU SAY SECURED WHAT DO YOU MEAN?

24 A THE HEAT SEALED POUCH IS SECURED AND IT HAS THE  
25 INITIALS OF WHOEVER SUBMITTED THE EVIDENCE.

1 Q OKAY. IF YOU RECEIVE SOMETHING THAT WASN'T  
2 SECURED, YOU KNOW, WAS OPENED OR APPEARED TO BE  
3 TAMPERED WITH OR SOMETHING OF THAT NATURE, WOULD YOU  
4 NOTE THAT AS PART OF YOUR PROCEDURE?

5 A YES, SIR, I WOULD.

6 Q AND ANY OF THE ITEMS THAT YOU RECEIVED IN THIS  
7 CASE AND I KNOW THEY WERE NUMEROUS, DID ANY APPEAR TO  
8 HAVE BEEN ALTERED OR TAMPERED WITH FROM WHAT YOU  
9 COULD OBSERVE IN YOUR INITIAL TESTING?

10 A NO, SIR.

11 Q OKAY. NOW I'M GOING TO ASK YOU, YOU RECEIVED  
12 ITEMS DESIGNATED AS THE VICTIM'S CLOTHING, ALSO A  
13 NUMBER OF ITEMS FROM THE VICTIM'S BED, IS THAT  
14 CORRECT?

15 A THAT'S CORRECT.

16 Q WHEN I SAY DESIGNATE, YOU DON'T PHYSICALLY COME  
17 TO YORK COUNTY AND COLLECT THESE THINGS, IS THAT  
18 CORRECT?

19 A THAT'S CORRECT.

20 Q YOU JUST RECEIVE THEM, KIND OF IN THE BLIND SO  
21 TO SPEAK, YOU JUST RECEIVE THEM AS THEY WERE BROUGHT  
22 TO YOU?

23 A THAT'S CORRECT.

24 Q OKAY. ALSO YOU RECEIVED A NUMBER OF HANDLED  
25 ITEMS, HANDLED AS IN BROOM HANDLES, MOP HANDLES,

1 THINGS OF THAT NATURE, CORRECT?

2 A YES, SIR.

3 Q ALSO SEVERAL OTHER ITEMS FROM THE HOME INCLUDING  
4 TOWELS AND THINGS OF THAT NATURE, IS THAT CORRECT?

5 A YES, SIR.

6 Q AND FINALLY YOU ALSO RECEIVED WHAT WAS  
7 REPRESENTED TO YOU AS THE DEFENDANT'S CLOTHING AND  
8 YOU PROCESSED THAT, IS THAT CORRECT?

9 A THAT'S CORRECT.

10 Q OKAY. I'M GOING TO FIRST CALL YOUR ATTENTION TO  
11 STATE'S EXHIBIT 28 AND I WILL REFER TO YOUR SLED  
12 NUMBER AS SLED 1.14. WOULD YOU LIKE TO PUT ON THOSE  
13 GLOVES NOW?

14 A OKAY.

15 Q OKAY.

16 MR. POPE: WITH THE COURT'S PERMISSION I'M  
17 GOING TO ASK THE WITNESS TO STEP DOWN.

18 THE COURT: CERTAINLY.

19 Q I SHOW YOU WHAT'S BEEN MARKED STATE'S EXHIBIT  
20 28.1 AND IT WAS ORIGINALLY RETRIEVED FROM STATE'S  
21 EXHIBIT NUMBER 28. YOU RECOGNIZE THE SEXUAL ASSAULT  
22 KIT?

23 A NO, SIR. I JUST RECEIVED THE HEAT SEALED POUCH  
24 FROM THE SEXUAL ASSAULT KIT.

25 Q OKAY. SO THIS IS ACTUALLY BROKEN UP AND YOUR



1 PORTIONS ARE SENT TO YOU PRIOR TO YOU DO TESTING ON  
2 THEM?

3 A THAT'S CORRECT.

4 Q AND DID YOU RECEIVE WHAT'S BEEN MARKED AS  
5 STATE'S EXHIBIT 28.1 THE VICTIM'S PANTY?

6 A YES, SIR.

7 Q OKAY. AND COULD YOU TELL THE JURY WHAT TESTING  
8 YOU DID IN THAT PARTICULAR ITEM?

9 A I TESTED THE PANTIES FOR POSSIBLE SEMEN.

10 Q OKAY. AND AGAIN USING THE PANTIES AS A FIRST  
11 EXAMPLE, EXPLAIN TO THE JURY HOW YOU MADE THE  
12 DETERMINATION TO TEST FOR SEMEN AND WHAT STEPS YOU  
13 TOOK TO TEST THOSE PANTIES?

14 A WHEN I'M LOOKING FOR SEMEN I USE THE ALTERNATE  
15 LIGHT SOURCE. THE ROOM IS DARK, AND WE USE  
16 PROTECTIVE EYE WEAR AND I CIRCLE AREAS ON THE PANTIES  
17 THAT FLUORESCENCE AND THEN I GO BACK AND DO A SPOT TEST  
18 USING ACID PHOSPHATE SPOT TEST WHICH TESTS FOR ACID  
19 PHOSPHATES WHICH IS FOUND IN SEMEN. I PUT A SALINE  
20 ON A SWAB AND THEN I GENTLY RUB THE AREA THAT I  
21 CIRCLE AND I DROP A DROP OR TWO OF AP ON THE SWAB AND  
22 IF THE SWAB TURNS A PURPLE COLOR I KNOW THAT THAT  
23 TEST WAS POSITIVE FOR THE PRESUMPTIVE TEST OF SEMEN  
24 AND I KNOW TO CUT THE AREA OUT WHERE I CIRCLED IT AND  
25 SEND IT TO DNA FOR FURTHER TESTING.

1 Q AND IN THIS PARTICULAR CASE, SO WHAT WERE THE  
2 RESULTS OF YOUR INITIAL LIGHT TEST ON THIS PARTICULAR  
3 CASE?

4 A IT WAS POSITIVE. I CIRCLED AREAS THAT  
5 FLUORESCED.

6 Q AND ONCE THEY FLUORESCED WHAT WAS YOUR NEXT  
7 STEP?

8 A TO DO THE SPOT TEST FOR SEMEN.

9 Q WHAT WAS THE RESULT OF THAT TEST?

10 A IT WAS A WEAK POSITIVE SO I TOOK A CUTTING FROM  
11 THE AREA THAT I CIRCLED.

12 Q OKAY. THIS IS MARKED AS YOUR ITEM 1.14, IS THAT  
13 CORRECT?

14 A THAT'S CORRECT. DO YOU WANT ME TO PULL IT OUT?

15 Q YES, MA'AM. I WOULD ASK YOU TO INDICATE WHAT  
16 YOU HAVE AND WHAT YOU OBSERVED?

17 A THESE ARE THE PAIR OF PANTIES THAT I PROCESSED.  
18 THESE ARE ANY INITIALS AND THE ITEM NUMBER.

19 Q I THINK I'M GOING TO ASK YOU IF YOU CAN STEP  
20 DOWN SO THE JURY CAN SEE PLEASE MA'AM. IF YOU'D  
21 INDICATE YOUR MARKINGS ON THERE PLEASE?

22 A THESE ARE THE AREAS THAT I FLUORESCED. WELL, I  
23 FLUORESCED THE WHOLE PANTIES AND THESE ARE THE AREAS  
24 THAT CIRCLE AND I GO BACK AND DO THE SPOT TEST AND IF  
25 IT'S NEGATIVE I WRITE, I WAS TRAINED TO USE AN EQUAL

1 MARK WITH A CIRCLE THAT IT WAS NEGATIVE FOR APS AND  
2 THIS IS THE CUTTING THAT I TOOK AND THIS IS THE ITEM  
3 NUMBER THAT I GAVE IT 1.14.1 AND I SEND THIS AREA  
4 THAT I CUT TO THE DNA DEPARTMENT FOR FURTHER  
5 ANALYSIS.

6 Q OKAY. AND YOU SAID IF IT WAS NEGATIVE YOU DID  
7 AN EQUALS MARK, YOU WERE TRAINED TO DO AN EQUALS  
8 MARK, WHY IS THAT?

9 A I WAS TOLD SO NO ONE COULD GO BEHIND ME AND PUT  
10 A POSITIVE SIGN IN THERE.

11 Q SO IF YOU JUST DID ONE LINE IT WOULD BE A  
12 POSITIVE?

13 A RIGHT.

14 Q OKAY. TELL ME, IF YOU WANT YOU CAN PUT THAT ON  
15 THAT PODIUM IF THAT WOULD ASSIST YOU.

16 A OKAY.

17 Q I ASK YOU WHAT IF ANYTHING DID YOU NOTE, IN  
18 ADDITION TO YOUR TESTING, WHAT DID YOU NOTE ABOUT THE  
19 CONDITION OF THIS ITEM AT THAT TIME?

20 A I NOTED THAT THERE WAS A HOLE IN THE FRONT ABOVE  
21 ON THE CROUCH AREA AND THAT IT WAS A STRONG ODOR OF  
22 URINE AND THAT THE PANTIES WERE SOILED.

23 Q DID YOU SEE --- WHEN YOU SAY SOILED, WHAT DO YOU  
24 MEAN BY SOILED?

25 A THEY WERE DIRTY.

1 Q DID YOU SEE ANY INDICATION OF FECAL MATERIAL  
2 HERE?

3 A I DIDN'T MAKE ANY NOTE OF IT.

4 Q OKAY. THEN YOU SAID THE CUTTING THAT YOU TOOK,  
5 YOU SENT ON UP, YOU SECURED, WHAT DO YOU ACTUALLY DO,  
6 YOU PHYSICALLY MADE A CUTTING, YOU SHOWED THE JURY,  
7 IS THAT CORRECT?

8 A THAT'S CORRECT.

9 Q AND THEN WHAT DO YOU DO WITH THAT ITEM?

10 A I PLACE THE CUTTING IN A GOLD COIN ENVELOPE AND  
11 I WRITE ON THE OUTSIDE THE ITEM NUMBER, THE PANTIES  
12 AND THE SLED LAB NUMBER AND IF THE CUTTING WAS MADE  
13 FOR SEMEN AND THEN I INITIAL THE BACK OF THE ENVELOPE  
14 TAPE IT AND SEAL IT AND GENERATE THIS HEAT SEALED  
15 POUCH TO BE TRANSFERRED TO THE DNA DEPARTMENT.

16 Q OKAY. AND THAT'S WHAT YOU DID IN THIS  
17 PARTICULAR CASE?

18 A YES, SIR.

19 Q OKAY. SO STATE'S EXHIBIT 28.1.1 WOULD ACTUALLY  
20 BE CUTTING FROM PANTIES AND DESIGNATED ON THAT  
21 ENVELOPE AS PANTIES?

22 A YES, SIR.

23 Q OKAY. CALLING YOUR ATTENTION IF YOU WOULD TO  
24 THE NEXT ITEM THAT YOU PROCESSED. DID YOU ALSO HAVE  
25 AN OPPORTUNITY TO PROCESS THE VICTIM'S CLOTHING?

1 A YES, SIR, I DID.

2 Q AND I'M GOING TO CALL YOUR ATTENTION TO STATE'S  
3 EXHIBIT 56. YOU HAD AN OPPORTUNITY TO LOOK AT THIS?

4 A YES, SIR. THIS IS THE BAG I RECEIVED IT IN.  
5 THESE ARE MY INITIALS, THE SLED LAB NUMBER, THE ITEM  
6 NUMBERS, AND THE DATE THAT I PROCESSED THE EVIDENCE.

7 Q OKAY. COULD YOU TELL FIRST STARTING I BELIEVE  
8 WITH THE BLACK PANTS OF THE VICTIM, COULD YOU TELL  
9 THE JURY WHAT YOU DID FROM A LIGHTING SOURCE AND  
10 PRESUMPTIVE TESTING STANDPOINT AND WHAT THE RESULTS  
11 OF THOSE WERE?

12 A I USED THE ALTERNATE LIGHT SOURCE TO FLUORESCENCE  
13 ANY STAINS AND I CIRCLE THE AREAS THAT FLUORESCENCE AND  
14 THEN I GO BACK AND DO A SPOT TEST FOR APS AND IF IT'S  
15 POSITIVE OR NEGATIVE. IF IT'S NEGATIVE I WRITE  
16 NEGATIVE APS BY THAT STAIN, BUT IF IT'S POSITIVE I  
17 TAKE A CUTTING AND I GIVE THIS SUB ITEM NUMBER AND  
18 SEND IT TO THE DNA DEPARTMENT.

19 Q SO THE ITEMS THAT YOU ARE CUTTING WITH APS YOU  
20 ARE LOOKING FOR SEMEN, IS THAT CORRECT?

21 A THAT'S CORRECT.

22 Q SO IF IT WAS VAGINAL FLUID, FOR EXAMPLE, HERE I  
23 IT MAYBE A CIRCLE, BUT YOU WOULD NOT HAVE MADE A  
24 CUTTING, IS THAT CORRECT?

25 A IF IT'S NOT POSITIVE I DON'T TAKE A CUTTING.

1 Q AND THAT WOULD BE POSITIVE FOR SEMEN?

2 A THAT'S CORRECT.

3 Q OKAY. DID YOU ALSO HAVE A DIAGRAM OF THE  
4 CUTTINGS THAT YOU TOOK IN THIS PARTICULAR CASE?

5 A YES, SIR, I DO.

6 Q AND YOUR DIAGRAM WOULD THAT ASSIST THE JURY IN  
7 UNDERSTANDING WHERE THE CUTTINGS IN FACT HAD TAKEN  
8 PLACE?

9 A YES, SIR.

10 Q OKAY. AND THIS ACCURATELY DEPICTS THE AREAS OF  
11 THE CUTTINGS?

12 A THERE ABOUT APPROXIMATELY.

13 Q I MEAN, I DREW THIS CONTEMPORANEOUS WITH MAKING  
14 THESE CUTTINGS?

15 A THAT'S CORRECT.

16 THE COURT: NO OBJECTION, BE ADMITTED  
17 INTO EVIDENCE.

18 MR. POPE: THAT WOULD BE STATE'S EXHIBIT  
19 87.

20 (STATE'S EXHIBIT 87 DIAGRAM RECEIVED  
21 INTO EVIDENCE.)

22 Q IF COULD YOU DESCRIBE HOW MANY CUTTINGS YOU MADE  
23 OUT OF THIS PARTICULAR GARMENT?

24 A I TOOK THREE CUTTINGS THAT WERE POSITIVE FOR THE  
25 PRESUMPTIVE TEST OF SEMEN.

1 Q AND FIRST STARTING WITH 6.1.3 COULD YOU TELL  
2 WHERE THAT CAME FROM?

3 A IT'S ON THE FRONT OF THE PANTS RIGHT HERE.  
4 RIGHT THERE.

5 Q OKAY. AND 6.1.2?

6 A WAS MADE FROM THE BACK OF THE PANTS CLOSE TO THE  
7 HIP AREA. AND 6.1.1 IS FROM THE CENTER OF THE PANTS.

8 Q OKAY. SO YOU HAVE TWO IN THE CENTER AND ONE OFF  
9 THE FRONT?

10 A THAT'S CORRECT.

11 Q IS THAT CORRECT. OKAY. I WANT TO DRAW YOUR  
12 ATTENTION TO ITEMS MARKED STATE'S EXHIBIT 56.1.1,  
13 56.1.2, 56.1.3, WHICH ARE DESIGNATED YOUR 6.1 AND  
14 6.2, AND 6.3.

15 A ALL RIGHT.

16 Q ARE THESE THE CUTTINGS YOU TOOK AND SENT TO THE  
17 DNA LAB?

18 A YES, SIR.

19 Q DID YOU DO THAT IN THE SAME FASHION? IN OTHER  
20 WORDS, THE PIECE THAT'S MISSING FROM THE PANTS WE  
21 SHOWED THE JURY CONTAINED IN THIS ENVELOPE AND WENT  
22 TO DNA?

23 A THAT'S CORRECT.

24 Q OKAY. NOW SUBSEQUENTLY WHEN THEY RECEIVED THEM  
25 UPSTAIRS IN DNA THEY MAY HAVE CUT THEM OR PROCESS

1           THEM FURTHER THAN WHAT YOU DID, THAT WOULD BE  
2           SOMETHING THAT MR. LAMBERT WOULD DISCUSS?

3           A        THAT'S CORRECT.

4                       MR. POPE:   YOUR HONOR, I MOVE STATE'S  
5           EXHIBIT 56.1.1,  56.1.2, AND 56.1.3 INTO EVIDENCE.  
6           ACTUALLY I BELIEVE THESE ITEMS ARE IN AS PART OF 56  
7           WHEN THEY WENT IN INITIALLY, BUT IF THERE IS ANY  
8           QUESTION I WANT TO ADDRESS THAT.

9                       MR. WOOD:   NO OBJECTION.

10                      MR. GREELEY:  YOUR HONOR, I OBJECT.  MY  
11           PREVIOUS OBJECTION TO THAT WHICH HAS ALREADY BEEN PUT  
12           IN THE RECORD, THE SAME GROUNDS.

13                      THE COURT:  OVER OBJECTION OF MR. SANDERS  
14           AND WITHOUT OBJECTION FROM MR. COPE THEY ARE IN  
15           EVIDENCE.

16           Q        NEXT I CALL YOUR ATTENTION IN ITEM 56 TO THE  
17           WHITE SHIRT AND TELL ME WHAT IF ANY INDICATION YOU  
18           HAD FROM THAT TEST?

19           A        IT WAS A LONG SLEEVE SHIRT.  I TOOK ONE CUTTING  
20           THAT WAS WEAK POSITIVE FOR APS AND I TOOK ONE CUTTING  
21           THAT WAS POSITIVE FOR THE PRESUMPTIVE TEST OF BLOOD.

22           Q        CAN YOU TELL THE LOCATION OF THAT?

23                      MR. POPE:  MOVE STATE'S EXHIBIT 88 INTO  
24           EVIDENCE, YOUR HONOR.

25                      MR. WOOD:  WITHOUT OBJECTION.



1 MR. GREELEY: NO OBJECTION.

2 THE COURT: BE RECEIVED WITHOUT OBJECTION.

3 (STATE'S EXHIBIT 88 DIAGRAM RECEIVED  
4 INTO EVIDENCE.)

5 Q REFERRING TO STATE'S EXHIBIT 88 AGAIN IF YOU CAN  
6 TELL WHICH WHAT YOU OBSERVED ON THIS PARTICULAR ITEM?

7 A THIS IS A DIAGRAM THAT I MADE OF THIS SHIRT AND  
8 I MADE A NOTE THAT THERE WAS POSSIBLE URINE AND BLOOD  
9 ON THE BACK AND IT WAS POSITIVE FOR PHENOL BUT I  
10 DIDN'T COLLECT IT, THEN I TOOK TWO CUTTINGS. ONE AT  
11 THE TOP OF THE SHOULDER THAT WAS POSITIVE FOR PHENOL  
12 AND THEN I TOOK A CUTTING THAT WAS POSITIVE FOR THE  
13 PRESUMPTIVE TEST OF SEMEN.

14 Q WHERE WERE THEY LOCATED, ON THE SLEEVE?

15 A THE SEMEN WAS ON THE SLEEVE. IT WAS PROBABLY  
16 CUT BY EMS, SO IT'S HARD.

17 Q THAT WAS GOING TO BE MY NEXT QUESTION. I NOTICE  
18 IT HAD BEEN CUT APPARENTLY FROM CENTER, DID YOU DO  
19 THAT CUTTING?

20 A NO, SIR.

21 Q THAT WAS HOW YOU RECEIVED IT?

22 A THAT'S CORRECT. THIS WAS THE CUTTING 6.3.2 IS  
23 THE CUTTING I MADE FOR PHENOL AND THEN I TOOK A  
24 CUTTING FROM THE SLEEVE RIGHT HERE.

25 Q STEP AROUND SO THEY CAN SEE.

1 A THAT WAS, THIS CUTTING FOR THE PRESUMPTIVE TEST  
2 OF SEMEN AND THESE ARE THE AREAS THAT I CIRCLED THAT  
3 WERE NEGATIVE FOR APS.

4 Q OKAY. LIKEWISE THE CUTTINGS THAT YOU TOOK ON  
5 THAT, OFF OF THAT PARTICULAR GARMENT, 56.3.1 AND 3.2,  
6 LIKEWISE DID YOU SEND THOSE TO THE DNA LAB?

7 A YES, SIR.

8 MR. POPE: YOUR HONOR, AGAIN I MOVE THESE  
9 INTO EVIDENCE.

10 MR. GREELEY: NO OBJECTION.

11 MR. WOOD: WITHOUT OBJECTION, YOUR HONOR.

12 THE COURT: BE RECEIVED WITHOUT OBJECTION.

13 (STATE'S EXHIBITS 56.3.1 & 56.3.2  
14 RECEIVED INTO EVIDENCE.)

15 Q NOW I CALL YOUR ATTENTION FINALLY IN THIS ITEM  
16 THE VICTIM'S BRASSIERE, WHAT TESTING DID YOU DO OR  
17 WHAT DID YOU NOTE ABOUT IT?

18 A IT WAS NEGATIVE FOR LUMINLIGHT MEANING THAT  
19 THERE WAS NO AREAS ON HER BRA THAT FLUORESCED THAT I  
20 NEEDED TO GO BACK AND SPOT TEST.

21 Q I CALL YOUR ATTENTION NEXT TO WHAT'S BEEN MARKED  
22 STATE'S EXHIBIT 55, 55.1, CAN YOU TELL ME WHAT THIS  
23 ITEM IS?

24 A IT'S A SANITY NAPKIN FROM THE VICTIM.

25 Q COULD YOU THE TELL THE JURY THE RESULTS OF YOUR

1 TESTING IN THAT REGARD?

2 A IT WAS NEGATIVE FOR THE PRESUMPTIVE TEST OF  
3 SEMEN.

4 Q OKAY. AND COULD YOU TELL US THE CONDITION AS  
5 FAR AS ANY OTHER MATERIALS ON IT?

6 A I MADE A NOTE THAT THERE WAS A STRONG URINE ODOR  
7 POSITIVE FOR WEAK PHENOL, POSSIBLE FECES ON THE BACK  
8 SIDE AND I EXAMINED THE ENTIRE NAPKIN.

9 Q AND YOU SAID WEAK PHENOL, PHENOL IS CHECKING FOR  
10 BLOOD?

11 A THAT'S CORRECT.

12 Q OKAY. SO IN THIS PARTICULAR SANITY NAPKIN DID  
13 IT APPEAR THAT IT WAS AN EXTENSIVE AMOUNT OF BLOOD ON  
14 THIS ITEM; DO YOU NEED TO SEE IT?

15 A UH.

16 Q BASED ON THE PHENOL TEST?

17 A NO, SIR, THERE IS NOT A WHOLE LOT OF BLOOD ON  
18 HERE.

19 Q OKAY. AND THE FECAL MATTER, YOU SAID THAT  
20 POSSIBLE FECES WAS WHERE ON THE NAPKIN?

21 A I JUST MADE A NOTE THAT THERE WAS POSSIBLE,  
22 WELL, FECES ON THE BACK SIDE.

23 Q OKAY.

24 MR. POPE: YOUR HONOR, THIS IS 55.1.

25 AGAIN 55 IS IN EVIDENCE, BUT JUST TO BE SAFE 55.1 I

1 MOVE INTO EVIDENCE.

2 MR. WOOD: WITHOUT OBJECTION.

3 MR. GREELEY: NO OBJECTION.

4 THE COURT: BE RECEIVED.

5 (STATE'S EXHIBIT NUMBER 55.1 RECEIVED  
6 IN EVIDENCE.)

7 Q NOW ALSO DID YOU HAVE THE OPPORTUNITY IN  
8 RECEIVING THIS EVIDENCE, DID YOU ALSO RECEIVE WHAT'S  
9 BEEN MARKED STATE'S EXHIBIT 29 THAT ARE ANAL AND  
10 RECTUM SWABS, ADDITIONAL SWABS THAT WERE TAKEN AT  
11 AUTOPSY, DID YOU RECEIVE THOSE INITIALLY IN YOUR LAB?

12 A YES, SIR, I DO.

13 Q NOW DO YOU TESTING OF SWABS FOR THE DNA AND  
14 THINGS OF THAT NATURE DOWN WHERE YOU ARE DOING  
15 EVIDENCE PROCESSING?

16 A NO, SIR. I JUST SEND THAT ITEM STRAIGHT TO THE  
17 DNA DEPARTMENT.

18 Q SO 29 YOU RECEIVED IT IN EVIDENCE BUT IT WAS  
19 PROCESSED ON UP TO DNA?

20 A THAT'S CORRECT.

21 Q ALL RIGHT. NOW I WANT TO CALL YOUR ATTENTION TO  
22 STATE'S EXHIBIT 53 WHICH WAS INDICATED ON, AS YOUR  
23 SLED NUMBER SEVEN, PARTICULARLY I WANT TO CALL YOUR  
24 ATTENTION TO 53.8 AND ASK IF YOU CAN TELL ME DID YOU  
25 GET AN OPPORTUNITY TO OBSERVE OR TEST THIS ITEM?

1 A YES, SIR. THAT'S THE GREEN BLANKET AND I WAS  
2 LOOKING FOR SEMEN ON THIS BLANKET AND THESE ARE THE  
3 AREAS THAT I CIRCLED THAT FLUORESCED AND I WENT BACK  
4 AND DID A SPOT TEST ON EACH ITEM, EACH AREA THAT I  
5 CIRCLED, AND ONE CUTTING THAT I MADE THAT WAS  
6 POSITIVE FOR THE PRESUMPTIVE TEST OF SEMEN AND I GAVE  
7 IT A SUB ITEM NUMBER.

8 Q AND SO OF ALL DIFFERENT ITEMS THAT FLUORESCED  
9 THAT YOU CHECKED ULTIMATELY THE ONLY ONE THAT YOU CUT  
10 WAS THE ONE HOLE HERE IN THE CENTER OF THE BLANKET?

11 A YES, SIR.

12 Q AND LIKEWISE WHAT DID YOU DO WITH THAT  
13 PARTICULAR ITEM?

14 A I SENT IT TO THE DNA DEPARTMENT.

15 Q OKAY. MARKED YOUR EXHIBIT 7.8.1 STATE'S  
16 EXHIBIT 53.8.1 YOU SENT THAT ALSO TO THE DNA  
17 DEPARTMENT?

18 A THAT'S CORRECT.

19 MR. POPE: AGAIN I WOULD MOVE THAT ITEM  
20 INTO EVIDENCE, YOUR HONOR.

21 MR. WOOD: NO OBJECTION.

22 MR. GREELEY: THAT'S THE CUTTING?

23 MR. POPE: YES, SIR.

24 MR. GREELEY: NO OBJECTION.

25 THE COURT: BE RECEIVED.

1 (STATE'S EXHIBIT 53.8.1 RECEIVED INTO  
2 EVIDENCE.)

3 Q AND I NOW CALL YOUR ATTENTION TO WHAT WOULD BE  
4 MARKED AS YOUR EXHIBIT 34. DID YOU ALSO RECEIVE A  
5 BOX OF MISCELLANEOUS ITEMS FROM THE VICTIM'S BED?

6 A YES, SIR, I DID.

7 Q AND TELL THE JURY WHAT TESTING YOU WERE ABLE TO  
8 DO ON THAT?

9 A I WAS LOOKING FOR SEMEN ON ALL THE ITEMS THAT  
10 WERE FROM THE VICTIM'S BED.

11 Q OKAY. DID YOU ALSO DO THE HAIR AND FIBER  
12 TESTING ON THOSE ITEMS?

13 A YES, SIR, I DID PROCESS IT FOR HAIR.

14 Q AND WHAT WERE THE RESULTS OF THAT TESTING?

15 A ALL THE ITEMS WERE PACKAGED TOGETHER SO I TOOK,  
16 I COLLECTED THE HAIR FROM ITEMS 34.2 THROUGH 34.21.  
17 34, RIGHT 34.2 THROUGH 34.21.

18 Q OKAY. AND BASICALLY THESE ITEMS THAT ARE LISTED  
19 AS MISCELLANEOUS ITEMS FROM THE VICTIM'S BED, YOU  
20 PROCESSED THESE AND YOU DIDN'T HAVE ANY INDICATION OF  
21 SEMEN, IS THAT CORRECT?

22 A THAT'S CORRECT.

23 Q YOU ALSO PROCESSED IT FOR HAIR, IS THAT CORRECT?

24 A YES, SIR, I DID.

25 Q AND ANY HAIRS THAT YOU RETRIEVED DID YOU FORWARD

1       THEM ON UP TO THE OTHER LABS?

2       A     YES, SIR, I DID.

3       Q     I NOW CALL YOUR ATTENTION TO YOUR EXHIBIT TEN  
4       WOULD BE STATE'S EXHIBIT NUMBER 57.   INDICATED THE  
5       BLUE METAL HANDLE BROOM.

6       A     OKAY.

7       Q     DID YOU RECEIVE THIS ITEM ALSO?

8       A     YES, SIR, I DID.

9       Q     OKAY.   CAN YOU TELL THE JURY WHAT IF ANY  
10      PROCESSING YOU DID ON THIS PARTICULAR ITEM?

11      A     I WAS ALSO LOOKING FOR BLOOD, SEMEN, AND HAIR ON  
12      THIS ITEM.

13      Q     OKAY.   AND WHAT WERE THE RESULTS OF THAT TEST?

14      A     I COLLECTED HAIR FROM THE BLUE BROOM.   IT WAS  
15      NEGATIVE FOR THE PRESUMPTIVE TEST OF SEMEN, AND I  
16      TOOK ONE SWAB THAT WAS POSITIVE FOR THE PRESUMPTIVE  
17      TEST OF BLOOD.

18      Q     COULD YOU TELL THE JURY THE PRESUMPTIVE TEST FOR  
19      BLOOD, YOU HAVE A DIAGRAM OF THAT ALSO?

20      A     OF THE BROOM?

21      Q     YES, MA'AM.

22      A     YES, SIR, I DO.

23      Q     COULD YOU TELL THE JURY WHERE THE POSITIVE WAS  
24      FOR THE PRESUMPTIVE TEST OF BLOOD?

25      A     IT WAS RIGHT HERE ON THE LOWER PORTION OF THE

1 BROOM.

2 Q AND SO ONCE YOU HIT THAT PRESUMPTIVE TEST DID  
3 YOU SEND THAT ON UP TO THE DNA LAB?

4 A THAT'S CORRECT.

5 Q LIKewise, DID YOU DO PROCESSING UP AROUND THE  
6 HANDLE AREA?

7 A I DID.

8 Q OKAY. AND WHAT IF ANY THINGS DID YOU RECOVER  
9 THERE?

10 A I TOOK TWO SWABS. I TOOK A SWAB FROM THE BLACK  
11 TIP OF THE HANDLE AND I TOOK THREE SWABS FROM THE  
12 INSIDE OF THE BLACK TIP AND THE TOP OF THE BROOM  
13 RIGHT HERE.

14 Q OKAY. DID YOU ALSO FORWARD THOSE UP TO THE LAB?

15 A YES, SIR.

16 Q OKAY. IF YOU HAVE ANYTHING THAT APPEARS TO BE  
17 FIBER OR HAIR OR ANYTHING OF THAT NATURE, YOU ALSO  
18 SAID YOU SEND THAT TO THE TRACE LAB OR THE DNA LAB?

19 A THAT'S CORRECT.

20 Q OKAY. AND DID YOU ALSO HAVE SOMETHING THAT MAY  
21 HAVE BEEN A HAIR IN THIS PARTICULAR CASE?

22 A YES, SIR, I DID.

23 Q DID YOU FORWARD THAT UP ALSO?

24 A I SENT IT TO THE TRACE DEPARTMENT.

25 Q I SHOW YOU WHAT'S BEEN MARKED FIRST IS 57.3



1 DESIGNATED THE HAIR FROM THE BROOM, YOUR 10.3, YOU  
2 SAY YOU SENT THAT TO THE TRACE LABORATORY, IS THAT  
3 CORRECT? YOU NEED TO OPEN THAT ITEM TO SEE IT?

4 A YES, SIR, IT IS. I SEE IT IN THERE.

5 Q THE HAIR THAT WAS RECOVERED FROM THE BROOM?

6 A YES, SIR.

7 Q OKAY. AND YOU SENT THAT TO THE TRACE LAB  
8 SUBSEQUENTLY ON TO DNA, BUT AS FAR AS YOU WERE  
9 CONCERNED YOU SENT IT TO TRACE?

10 A THAT'S CORRECT.

11 Q OKAY.

12 MR. POPE: YOUR HONOR, I MOVE 57.3 INTO  
13 EVIDENCE.

14 MR. GREELEY: NO OBJECTION.

15 MR. WOOD: WITHOUT OBJECTION.

16 THE COURT: BE RECEIVED.

17 (STATE'S EXHIBIT 57.3 RECEIVED INTO  
18 EVIDENCE.)

19 Q YOU INDICATED TO THE JURY THAT YOU TOOK SWABS  
20 ONE FOR POSSIBLY BLOOD DESIGNATED AS YOUR 10.4  
21 DESIGNATED HERE AS 57.4?

22 A THAT'S CORRECT.

23 Q AND LIKEWISE YOU TOOK SOME SWABS UP ON THE  
24 HANDLE OF THIS, DESIGNATED YOUR 10.2 AND 10.1,  
25 DESIGNATED HERE AS 57.2 AND 57.1, IS THAT CORRECT?

1 A THAT'S CORRECT.

2 Q OKAY. AND YOU SENT THESE ON TO AGAIN TO THE?

3 A DNA LAB.

4 Q DNA LAB.

5 MR. POPE: YOUR HONOR, I MOVE 57.1, 57.2,

6 57.4 INTO EVIDENCE.

7 MR. WOOD: WITHOUT OBJECTION.

8 MR. GREELEY: NO OBJECTION.

9 THE COURT: BE RECEIVED.

10 (STATE'S EXHIBITS 57.1, 57.2, 57.4

11 RECEIVED INTO EVIDENCE.)

12 Q AGAIN WHEN WE KEEP TALKING ABOUT SWABS IN THESE

13 PARTICULAR CASES CAN YOU TELL THE JURY WHAT ARE WE

14 TALKING ABOUT? WHAT ACTUALLY IS IT?

15 A THE SWABS THAT I TOOK FOR BLOOD I TAKE A, PUT A

16 DROP OF SALINE ON THE SWABS AND I RUB THE AREA THAT I

17 THINK MAYBE BLOOD. I SAVE THAT SWAB AND THEN I GO

18 BACK AND USE ANOTHER SWAB AND SWAB RIGHT BEHIND THE

19 AREA THAT I FIRST SWABBED AND DO THE CHEMICAL TESTING

20 FOR BLOOD AND IF IT COMES UP POSITIVE I SAVE THAT

21 SWAB AND FORWARD IT TO THE DNA DEPARTMENT.

22 Q OKAY. AND THEN WHEN WE TALK ABOUT CUTTINGS,

23 THAT WOULD BE ACTUALLY THE PHYSICAL CUTTING THAT

24 WE'VE DISCUSSED THAT THEY HAD SEEN COME OUT OF THE

25 DIFFERENT ITEM, IS THAT CORRECT?

1 A THAT'S CORRECT.

2 Q OKAY. GOING TO THE BROOM NOW YOU SAY YOU TESTED  
3 FOR SEMEN, WHAT WERE THE RESULTS OF ANY SEMEN TEST?

4 A IT WAS NEGATIVE.

5 Q THEN AS FAR AS THE TESTING FOR THE  
6 PHENOLPHTHALEIN, THE BLOOD, POSSIBLY AT THE VERY  
7 BOTTOM OF THE BROOM, IS THAT CORRECT?

8 A THAT'S CORRECT.

9 Q DID YOU DO ANY OTHER PRESUMPTIVE TESTING ON  
10 THOSE OTHER SWABS THAT WE JUST DISCUSSED?

11 A NO, SIR, I DIDN'T.

12 Q AND WHY WAS THAT?

13 A BECAUSE I DIDN'T WANT TO, THERE IS NOT ANY  
14 CHEMICAL TEST THAT I COULD DO ON THOSE SWABS. WE'RE  
15 LOOKING FOR POSSIBLE DNA.

16 Q SO YOU SEND IT ON UP TO?

17 A THAT'S CORRECT.

18 Q SO BASICALLY YOU DO WHAT TESTING YOU CAN AND YOU  
19 SEND IT UP IF THERE IS SOME QUESTION FOR IT?

20 A THAT'S CORRECT.

21 Q NOW IN ADDITION WAS THIS THE ONLY BROOM THAT YOU  
22 RECEIVED?

23 A NO, SIR.

24 Q IN FACT, YOU RECEIVED WHAT'S BEEN MARKED AS YOUR  
25 NUMBER 20 THROUGH 25, MARKED AS STATE'S EXHIBIT 58,

1 59, 60, 61, 62, AND 63. YOU RECEIVED A NUMBER OF  
2 HANDLED ITEMS INCLUDING MOPS AND BROOMS AND CANES AND  
3 THINGS OF THAT NATURE, IS THAT CORRECT?

4 A YES, SIR.

5 Q AND WHAT TESTING COULD YOU TELL THE JURY ON THAT  
6 AGAIN REFERRING TO YOUR ITEMS 20 THROUGH 25, WHAT  
7 TESTING DID YOU DO ON THOSE ITEMS?

8 A THE BROOM WITH THE RED HANDLE, IT WAS NEGATIVE  
9 FOR PHENOL, BUT I TOOK TWO SWABS FROM THE BROOM AND  
10 TRANSFERRED THE SWABS TO THE DNA DEPARTMENT. THEN  
11 THERE WAS A DUST PAN WITH A LONG HANDLE, IT WAS  
12 NEGATIVE FOR PHENOL AND I TOOK A SWAB FROM THE END OF  
13 THE HANDLE APPROXIMATELY NINE INCHES. AND THEN THERE  
14 IS A YELLOW DUST MOP WITH A WHITE HANDLE SLASH BACK  
15 TIP, IT WAS NEGATIVE FOR PHENOL AND I TOOK A SWAB  
16 FROM THE END OF THAT HANDLE APPROXIMATELY 12 INCHES.  
17 AND THEN THERE WAS A GREEN HANDLED BLACK TIP AT ONE  
18 END AND BROKEN, IT WAS BENT OFF AT ONE END, IT WAS  
19 NEGATIVE FOR PHENOL AND I TOOK TWO SWABS.

20 Q OKAY. AND ANY OF THESE SWABS ON ANY OF THE  
21 BROOMS THAT WE'RE TALKING ABOUT THESE ITEMS, YOUR 20  
22 THROUGH 25, WERE ANY OF THEM POSITIVE FOR BLOOD?

23 A I DIDN'T DO ANY CHEMICAL TESTING ON THOSE SWABS.

24 Q OKAY. AGAIN ON THE SWABS THEMSELVES YOU TESTED  
25 FOR PHENOL ON THOSE FIRST, THOUGH, IS THAT CORRECT,

1 ON THE BROOM?

2 A THAT'S CORRECT.

3 Q OKAY. SO BASICALLY IN LAYMAN'S TERMS YOU GOT NO  
4 INITIAL INDICATION OF ANY BLOOD ON ANY OF THESE  
5 ITEMS, IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q WITH THE EXCEPTION OF THE BASE OF THIS ITEM THAT  
8 WE TALKED ABOUT EARLIER?

9 A THAT'S CORRECT.

10 Q OKAY. BUT YOU STILL TOOK SWABS, SENT THEM TO  
11 DNA TO SEE IF THERE WAS ANY FURTHER PROCESSING THEY  
12 COULD DO?

13 A THAT'S CORRECT.

14 Q NOW I CALL YOUR ATTENTION TO WHAT WOULD BE YOUR  
15 ITEM NUMBER 11 AND IT'S LISTED AS STATE'S EXHIBIT 34.  
16 IT'S LABELED DILDO AND TUBE OF EQUATE LUBRICATING  
17 JELLY?

18 A THAT'S CORRECT.

19 Q COULD YOU TELL THE JURY WHAT IF ANY TESTING  
20 FIRST YOU DID ON THAT LABELED HERE AT 34.1 COULD YOU  
21 TELL THE JURY WHAT DID YOU ON 11.1?

22 A I JUST SWABBED THE ENTIRE ITEM AND SENT THAT  
23 SWAB UP TO THE DNA DEPARTMENT.

24 Q THEN AS FAR AS THE, YOUR 11.2 OUR 34.2 WHAT IF  
25 ANY OBSERVATION OR RESULTS DID YOU GET FROM THAT?

1 A IT WAS A TUBE OF EQUATE LUBRICATING JELLY  
2 SOLUTION AND TWO VERY DILUTED, NO ODOR, CONSISTENCY  
3 OF WATER, AND THERE WAS NO EXAM PERFORMED.

4 Q SO BASICALLY YOU OPENED IT AND LOOKED AT IT TO  
5 SEE WHAT WAS INSIDE?

6 A YES, SIR.

7 Q AND IT WAS DILUTED BUT AS FAR AS ANY TESTING  
8 THERE WAS NOTHING FURTHER THAT YOU DID?

9 A THAT'S CORRECT.

10 Q OKAY. THEN YOU RETAINED THIS AS EVIDENCE?

11 A YES, SIR.

12 Q ON THE SWAB THAT YOU DID FROM ITEM NUMBER ONE,  
13 WHAT DID YOU DO WITH THAT SWAB?

14 A WHICH ONE IS THAT?

15 Q THE SWAB FROM ITEM ONE WHICH IS DESIGNATED  
16 DILDO?

17 A I SWABBED THE ENTIRE AREA OF THE DILDO AND I PUT  
18 THAT SWAB IN AN ENVELOPE AND TRANSFERRED IT TO DNA.

19 Q SO 11.1.1 THAT'S YOUR WRITING, THAT'S YOUR  
20 ENVELOPE?

21 A YES, THAT'S MINE.

22 Q AND 34.1.1 WOULD BE SWAB FROM THAT DILDO, IS  
23 THAT CORRECT?

24 A 11.1.1.

25 Q OKAY.

1                   MR. POPE: 34.1.1 FOR STATE'S EXHIBIT  
2                   PURPOSES I MOVE THAT INTO EVIDENCE.

3                   MR. WOOD: NO OBJECTION.

4                   MR. GREELEY: NO OBJECTION.

5                   THE COURT: IT'S IN EVIDENCE.

6                                 (STATE'S EXHIBITS 34.1.1 RECEIVED IN  
7                   EVIDENCE.)

8           Q        I NEXT CALL YOUR ATTENTION TO WHAT YOUR EXHIBIT  
9                   12, STATE'S EXHIBIT I BELIEVE 64, AND ASK IF YOU ALSO  
10                   RECEIVED THIS ITEM DESIGNATED AS THE BLUE TOWEL?

11           A        YES, SIR, I DID.

12           Q        COULD YOU TELL THE JURY WHAT PROCESSING YOU DID  
13                   AND WHY THE DESIGNATION ON THERE, WHAT RESULTS YOU  
14                   HAD?

15           A        THESE ARE THE AREAS THAT I CIRCLED ON THE TOWEL  
16                   THAT WERE POSITIVE FOR LUMINALIGHT THEN I GO BACK AND  
17                   DO THE SWAB TESTING FOR THE PRESUMPTIVE OF SEMEN AND  
18                   OF THE AREAS I MARK ARE NEGATIVE FOR THE PRESUMPTIVE  
19                   TEST OF SEMEN AND ALSO ON THE BACK.

20           Q        OKAY. SO THE AREA THAT YOU INDICATE WITH THE  
21                   CIRCLE LIT UP BUT THEN WHEN YOU DID THE BLOOD TEST OR  
22                   THE SEMEN TEST NONE OF THEM WERE POSITIVE?

23           A        THAT'S CORRECT.

24           Q        SO THERE WOULD BE NO CUTTINGS THAT WENT ANY  
25                   FURTHER ON THIS ITEM BASED ON THAT PRESUMPTIVE TEST?

1 A THAT'S CORRECT.

2 Q I CALL YOUR ATTENTION TO WHAT YOU HAVE  
3 DESIGNATED AS YOUR ITEM 13 AND 14 AND ASK YOU IF YOU  
4 CAN TELL ME WHAT THOSE ITEMS ARE PLEASE?

5 A ITEM 13 IS A GREEN WASH CLOTH AND ITEM 14 IS A  
6 WHITE WASH CLOTH.

7 Q THAT WOULD BE DESIGNATED AS STATE'S EXHIBIT 65.  
8 I SHOW YOU STATE'S EXHIBIT 65 IS THE GREEN AND WHITE  
9 WASH CLOTH, YOU DEALT WITH THEM SEPARATELY, YOU DEALT  
10 WITH ITEM 13 AND ITEM 14, IS THAT CORRECT?

11 A THEY WERE PACKAGED TOGETHER, YES, SIR.

12 Q AND FIRST ON THE GREEN WASH CLOTH I WOULD ASK IF  
13 YOU COULD INDICATE TO THE JURY WHAT IF ANY TESTING  
14 YOU DID AND WHAT RESULTS OF THAT PARTICULAR ITEM?

15 A THIS AREA THAT I CIRCLED HERE WAS NEGATIVE FOR  
16 THE PRESUMPTIVE TEST OF BLOOD. I WRITE NEGATIVE  
17 PHENOL ON THE WASH CLOTH. THE OTHER AREAS THAT I  
18 CIRCLE WERE FOR THE PRESUMPTIVE TEST OF SEMEN AND  
19 THEY WERE ALL NEGATIVE. AND THIS AREA TOO THAT I  
20 TESTED THAT WAS NEGATIVE FOR THE PRESUMPTIVE TEST OF  
21 BLOOD.

22 Q SO WAS THERE ANYTHING OFF OF THE GREEN WASH  
23 CLOTH THAT YOU WERE ABLE TO SEND FURTHER UP THROUGH  
24 ANY FURTHER TESTING?

25 A NO, SIR.



1 Q OKAY. SO AGAIN THE CIRCLES, DID THEY IN FACT  
2 FLUORESCENCE UNDER THE INITIAL LIGHT SOURCE, IS THAT WHY  
3 THEY ARE CIRCLED?

4 A YES, SIR, THE ONES WITH NEGATIVE APS AND THIS  
5 ONE I CIRCLED BECAUSE THIS IS THE AREA THAT I TESTED  
6 FOR BLOOD.

7 Q OKAY. AND AGAIN SO IT MAY HAVE DRAWN YOUR  
8 ATTENTION BUT NOTHING THAT ULTIMATELY WOULD WARRANT  
9 GOING UPSTAIRS TO DNA?

10 A THAT'S CORRECT.

11 Q AND THE SECOND ITEM IN STATE'S EXHIBIT 65 REFERS  
12 YOUR ITEM 14. IF YOU CAN TELL US WHAT THIS ITEM 14  
13 IS PLEASE, MA'AM?

14 A THIS WAS A WHITE WASH CLOTH. THESE ARE MY  
15 INITIALS AND THE ITEM NUMBER AND I TOOK THE CUTTING  
16 THAT WAS POSITIVE FOR THE PRESUMPTIVE TEST OF SEMEN.  
17 I TOOK THREE CUTTINGS.

18 Q EXCUSE ME.

19 A I'M SORRY.

20 Q SO WHEN YOU INITIALLY RECEIVED THIS WAS THIS ALL  
21 ONE INTACT WASH CLOTH?

22 A YES, SIR.

23 Q SO CAN YOU SHOW TO THE JURY WHERE THESE CUTTINGS  
24 WERE TAKEN FROM HERE?

25 A YEAH 1.14.1 IS THIS AREA HERE. 1.14.2 IS FROM

1 THE EDGE. AND THIS IS THE 1.14.3 RIGHT THERE.

2 Q SO EACH, AGAIN YOU MADE, YOU BASICALLY HAD AN  
3 INTACT WASH CLOTH AND BASED ON YOUR TESTING YOU MADE  
4 CUTTINGS TO SEND ON UP TO DNA, IS THAT CORRECT?

5 A THAT'S CORRECT.

6 Q I'M GOING TO REFER YOU TO NOW AS YOUR 14.1,  
7 14.2, AND 14.3. FOR STATE'S EXHIBIT PURPOSES 65.1,  
8 65.2, AND 65.3. I ASK YOU IF YOU HAD AN OPPORTUNITY  
9 TO LOOK AT THESE ITEMS?

10 A THESE ARE THE ENVELOPES THAT I GENERATED AND  
11 SENT TO THE DNA DEPARTMENT.

12 Q SO THESE WOULD BE THE CUTTINGS THAT HAD BEEN  
13 REMOVED FROM THIS PARTICULAR ITEM?

14 A THAT'S CORRECT.

15 MR. POPE: YOUR HONOR, AT THIS TIME I MOVE  
16 14.1, 14.2, 14.3. I'M SORRY. MADAM COURT REPORTER,  
17 65.1, 65.2, AND 65.3 INTO EVIDENCE.

18 MR. WOOD: WITHOUT OBJECTION.

19 MR. GREELEY: NO OBJECTION.

20 THE COURT: BE RECEIVED WITHOUT OBJECTION.

21 (STATE'S EXHIBITS 65.1-65.3 RECEIVED  
22 INTO EVIDENCE.)

23 Q FINALLY MA'AM, I'M GOING TO BRING YOUR ATTENTION  
24 TO WHAT'S BEEN MARKED STATE'S EXHIBIT 82 DESIGNATED  
25 AS DEFENDANT COPE'S CLOTHES. DID YOU HAVE AN

1 OPPORTUNITY TO PROCESS THE TWO ITEMS DESIGNATED AS  
2 HIS CLOTHING?

3 A YES, SIR, I DID.

4 Q CAN YOU TELL FIRST WHAT PROCESSING YOU DID AS TO  
5 THIS ITEM OF HIS UNDERWEAR?

6 A IT WAS A PAIR OF MEN'S UNDERWEAR. IT WAS 39.1  
7 AND IT WAS NEGATIVE FOR PRESUMPTIVE TEST OF SEMEN AND  
8 NEGATIVE FOR PRESUMPTIVE TEST OF BLOOD.

9 Q OKAY. I NOTICE YOU HAD A NUMBER OF CIRCLES, WAS  
10 THIS AREA THAT, SHOW THE JURY, IS THIS AREAS THAT IN  
11 FACT FLUORESCED?

12 A THESE ARE THE AREAS THAT I MARKED USING THE  
13 ALTERNATE LIGHT SOURCE THAT WERE POSITIVE FOR THE  
14 LIGHT SOURCE AND THEN I WENT BACK AND SPOT TEST ON  
15 EACH AREA THAT I CIRCLED AND THEY WERE ALL NEGATIVE  
16 FOR THE PRESUMPTIVE TEST OF SEMEN.

17 Q OKAY. SO WERE THERE ANY AREAS THAT YOU WERE  
18 ABLE TO, TOOK A CUTTING OUT OF THOSE ITEMS?

19 A NO, SIR, AND I TOOK, IN THIS AREA I TESTED FOR  
20 BLOOD AND IT WAS NEGATIVE FOR BLOOD.

21 Q BUT DID YOU NOTE IN YOUR REPORT ANY OTHER  
22 MATERIAL THAT POSSIBLY COULD HAVE BEEN IN THIS ITEM?

23 A I MADE A NOTE THAT THERE WAS PROBABLY FECES ON  
24 THE ITEM.

25 Q WHERE WAS THAT LOCATED?

1 A I BELIEVE IT WAS IN THE BACK OF THE, IN THE BACK  
2 RIGHT HERE.

3 Q THANK YOU, MA'AM. THEN THE SECOND ITEM, THE  
4 BLACK SWEAT PANTS, WHAT IF ANY TESTING WERE YOU ABLE  
5 TO DO ON THOSE?

6 A I PROCESSED THE PANTS FOR SEMEN AND BLOOD AND I  
7 CIRCLED THE AREAS THAT FLUORESCED AND I WENT BACK AND  
8 DID SPOT TEST AND IT WAS NEGATIVE FOR APS AND THERE  
9 WERE NO VISIBLE STAINS FOR BLOOD, POSSIBLE BLOOD.

10 Q AND SO ON THIS ITEM DID YOU ALSO PROCESS FOR  
11 HAIR AND FIBERS?

12 A YES, SIR, I DID.

13 Q AND DID YOU IN FACT RETRIEVE SOME HAIRS FROM  
14 THESE ITEMS AND SEND THEM TO THE DNA LAB?

15 A YES, SIR, I DID.

16 Q BUT AS FAR AS ANY CUTTINGS, ANY SWABBING OFF OF  
17 ANYTHING THAT MR. COPE'S CLOTHES, THERE WAS NOTHING  
18 TO SEND UP FURTHER, IS THAT CORRECT?

19 A THAT'S CORRECT.

20 Q OKAY. MA'AM, YOU CAN HAVE SEAT AGAIN.

21 MR. POPE: BEG THE COURT'S INDULGENCE.

22 Q MA'AM, I'M GOING TO CALL YOUR ATTENTION BACK TO  
23 THE FIRST ITEM THAT YOU TESTED, ITEM ONE WHICH WAS  
24 THE VICTIM'S PANTIES, I NOTICE THAT IN SOME PLACES  
25 WHERE YOU DESIGNATE, YOU DESIGNATE SOILED AS YOU DID

1 IN THE PANTIES?

2 A THAT'S CORRECT.

3 Q YOU INDICATED I THINK AN ODOR OF URINE OR URINE  
4 SOILED, WHEN YOU SAY SOILED, I NOTICE IN OTHER PLACES  
5 WHEN YOU HAD AN ITEM YOU DESIGNATED FECES, WHEN YOU  
6 SAY SOILED, DO YOU JUST MEAN DIRTY OR WAS THERE AN  
7 INDICATION OF FECES IN THOSE PANTIES?

8 A I JUST MADE A NOTATION THAT THE PANTIES WERE  
9 SOILED, THAT THEY WERE DIRTY, AND THEY DARK AREAS IN  
10 IT.

11 Q LIKEWISE, IN THE PANTS THAT SHE WAS WEARING, IN  
12 ITEM, THE BLACK PANTS ITEM 6.1, YOUR 6.1, STATE'S  
13 EXHIBIT 56, DID YOU NOTE ANY INDICATION OF FECAL  
14 MATERIAL IN THOSE PANTS?

15 A NO, SIR, I JUST MADE A NOTE THAT THERE WAS A  
16 STRONG URINE ODOR.

17 Q NOW EACH OF THE ITEMS THAT WE'VE DISCUSSED IF  
18 YOU SAW SOMETHING THAT WARRANTED FURTHER TESTING YOU  
19 TOOK A SWAB OR DID A CUTTING, IS THAT CORRECT?

20 A THAT'S CORRECT.

21 Q OKAY. NOW THERE WERE SOME ITEMS ON HER BED DID  
22 YOU FIND SOME INDICATION OF BLOOD BUT MAYBE NOT TO  
23 THE EXTENT THAT YOU SENT UP TO DNA LAB?

24 A ANY SPECIFIC ITEM?

25 MR. POPE: BEG THE COURT'S INDULGENCE.

1 Q REFERRING TO YOUR ITEM NUMBER SEVEN WHICH WAS  
2 THE BOX THAT HAD THE GREEN BLANKET AND ALL THE OTHER  
3 ITEMS IN IT, WERE THERE SOME ITEMS THAT MAY TEST  
4 POSITIVE FOR PHENOL OR BE LIKE 7.3 FOR EXAMPLE THE  
5 BLUE AND WHITE SHIRT?

6 A I MADE A NOTE ON MY WORK SHEET OF THE BLUE AND  
7 SHIRT THAT STAINS THAT APPEAR TO BE DILUTED BLOOD AND  
8 IT WAS POSITIVE FOR THE PRESUMPTIVE TEST OF PHENOL.

9 Q WAS IT TO THE EXTENT THAT THERE WAS VOLUME THAT  
10 YOU SENT UPSTAIRS TO DNA ON THOSE ITEMS?

11 A NO, SIR, I DIDN'T COLLECT ANYTHING FROM THAT  
12 ITEM.

13 Q AND THAT WOULD BE BASICALLY THE BOX OF ITEMS  
14 THAT CAME OFF OF THE BED THAT INCLUDED THE GREEN  
15 BLANKET, IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q OKAY. IN YOUR YEARS OF WORKING THESE PARTICULAR  
18 CASES YOU HAVE RECEIVED SOME BLOODY CRIME SCENE  
19 EVIDENCE, IS THAT A FAIR STATEMENT?

20 A THAT'S CORRECT.

21 Q OKAY. WERE THESE ITEMS PARTICULARLY BLOODY  
22 COMPARED TO SAY A SHOOTING OR A STABBING, WAS THERE A  
23 LOT OF BLOOD IN THIS SCENE IN YOUR OPINION?

24 A NO, SIR.

25 Q OKAY. THANK YOU.

1                   MR. POPE:  BEG THE COURT'S INDULGENCE,  
2                   I WANT TO CONFIRM WITH THE COURT REPORTER, WE WENT  
3                   THROUGH A LOT OF NUMBERS MAKE SURE SHE IS COMFORTABLE  
4                   WHERE WE'RE AT.

5                   Q     THANK YOU, MA'AM.  ANSWER ANY QUESTIONS THE  
6                   DEFENSE MAY HAVE.

7                   THE COURT:  MR. WOOD.

8                   CROSS EXAMINATION BY MR. WOOD:

9                   Q     GOOD AFTERNOON, MRS.  BRYSON.

10                  A     GOOD AFTERNOON.

11                  Q     HOW YOU DOING.

12                  A     FINE.  THANKS.

13                  Q     GOOD.  GOOD.  NOW IN ORDER FOR YOU TO TEST AN  
14                  ITEM OF EVIDENCE THAT ITEM OF EVIDENCE HAS TO BE  
15                  SUBMITTED TO YOU BY THE LOCAL LAW ENFORCEMENT AGENCY  
16                  THAT'S INVESTIGATING CASE, IS THAT CORRECT?

17                  A     THAT'S CORRECT.

18                  Q     OKAY.  AND LIKE MR. POPE SAID, YOU DON'T GO OUT  
19                  TO LOCAL LAW ENFORCEMENT AGENCY AND PICK EVIDENCE UP,  
20                  THEY BRING IT DOWN TO SLED FOR YOU TO TEST?

21                  A     THAT'S CORRECT.

22                  Q     AND ALSO WHEN THEY SUBMIT EVIDENCE TO SLED THEY  
23                  FILL OUT A FORM THAT LISTS THE ITEM OF EVIDENCE AND  
24                  ALSO THE TEST THEY WOULD LIKE PERFORMING, IS THAT  
25                  CORRECT?

1 A THAT'S CORRECT.

2 Q AND THAT'S HOW YOU KNOW WHAT TEST TO PERFORM ON  
3 A SPECIFIC ITEM OF EVIDENCE THEY SUBMITTED, IS THAT  
4 RIGHT?

5 A THAT'S CORRECT.

6 Q WE'VE TALKED SOME OF THE ACID PHOSPHATE TEST.  
7 NOW THAT TEST IS PRESUMPTIVE FOR SEMEN BUT THAT TEST  
8 IS ALSO PRESUMPTIVE FOR VAGINAL FLUID, IS THAT RIGHT?

9 A YES, SIR, IT CAN BE.

10 Q AND THAT'S BECAUSE THE VAGINA HAS VAGINAL ACID  
11 PHOSPHATE, THAT IS RIGHT?

12 A I'D ASK THE DNA ANALYST MORE ALONG THOSE LINES.

13 Q IN ORDER TO CONFIRM WHETHER THAT IS IN FACT  
14 SEMEN THERE IS A TEST THAT YOU DO A STEP FURTHER, IS  
15 THAT RIGHT, THE P-30 TEST?

16 A NO, SIR, I DON'T. I JUST DO THE PRESUMPTIVE  
17 TEST WITH ACID PHOSPHATASE AND THEN I FORWARD IT TO  
18 DNA AND THEY DO ADDITIONAL TESTING.

19 Q AND YOU PERFORM TESTS ON EVIDENCE SUBMITTED TO  
20 YOU THAT IDENTIFIES THE SOURCE OF THE MATERIAL, IS  
21 THAT RIGHT, AND BY SOURCE I MEAN WHETHER IT IS SEMEN  
22 OR WHETHER IT'S HUMAN BLOOD, IS THAT ACCURATE?

23 A COULD YOU REPEAT THAT?

24 Q SURE. SURE. YOU GET AN ITEM OF EVIDENCE AND IN  
25 ORDER FOR YOU TO IDENTIFY A SUBSTANCE ON THAT



1 EVIDENCE THERE ARE SPECIFIC TESTS YOU CAN RUN TO  
2 IDENTIFY WHETHER THAT'S SEMEN, IS THAT RIGHT?

3 A THAT'S CORRECT.

4 Q WHETHER THAT'S HUMAN BLOOD?

5 A THAT'S CORRECT. BUT THE TESTING THAT I DO  
6 DOESN'T CONFIRM WHETHER IT IS BLOOD OR SEMEN. IT  
7 SUGGESTS TO ME THAT THAT AREA IS POSITIVE FOR THE  
8 PRESUMPTIVE TEST AND I KNOW TO TAKE A CUTTING OR SWAB  
9 FROM THAT AREA AND SEND IT TO DNA FOR FURTHER  
10 TESTING.

11 Q NOW WHEN YOU PERFORM THESE TESTS IN A LAB YOU  
12 WORE GLOVES, CORRECT?

13 A YES, SIR, I DO.

14 Q AND YOU WEAR GLOVES TO PREVENT CONTAMINATION?

15 A THAT'S CORRECT.

16 Q AND THAT'S BECAUSE THIS TECHNOLOGY IS SENSITIVE  
17 AND IT JUST TAKES A VERY LITTLE AMOUNT OF MATERIAL  
18 FOR YOU TO GET A TEST RESULT, IS THAT RIGHT?

19 A WE WEAR GLOVES IN ORDER TO PROTECT OURSELVES  
20 MORE SO.

21 Q BUT IT DOESN'T HAVE TO BE A PINT OF BLOOD FOR  
22 YOU TO DETECT HUMAN BLOOD. IT COULD BE A LITTLE  
23 SPECK OF BLOOD, ISN'T THAT RIGHT?

24 A I DO THE PRESUMPTIVE TESTING FOR BLOOD. I DON'T  
25 CONFIRM WHETHER IT IS BLOOD OR NOT. AND IT COULD BE

1 JUST A TINY SPECK THAT COMES UP POSITIVE FOR THE  
2 PRESUMPTIVE TEST OF BLOOD.

3 Q NOW DO YOU HAVE A COPY OF YOUR REPORT. IT MIGHT  
4 MAKE IT A LITTLE EASIER IF YOU ARE REFERRING TO THE  
5 REPORT AT THE SAME TIME I AM?

6 A WHICH ONE?

7 Q THE SUPPLEMENTAL REPORT THAT LISTS THE ITEM OF  
8 EVIDENCE THAT YOU TESTED?

9 A YES, SIR, I DO.

10 Q NOW ITEM TEN ISN'T ACTUALLY LISTED ON THERE BUT  
11 ITEM TEN IS THE BLUE HANDLED BROOM WE TALKED ABOUT.  
12 THERE IS A WORK SHEET THAT WENT ALONG WITH THAT.  
13 WOULD THAT HELP YOU OUT TO LOOK AT THAT AT THE SAME  
14 TIME I AM?

15 A ITEM TEN.

16 Q DO YOU HAVE A COPY THAT?

17 A YES, SIR, I HAVE A COPY.

18 Q WE'RE LOOKING AT THE SAME SHEET OF PAPER. NOW  
19 YOU SWABBED, IT'S RIGHT HERE, YOU SWABBED THE END OF  
20 THAT BROOM, RIGHT?

21 A THAT'S CORRECT.

22 Q AND WHEN YOU DID THE PHENOL TEST THAT WAS  
23 NEGATIVE FOR HUMAN BLOOD, IS THAT RIGHT?

24 A NO, SIR, I DIDN'T. ON THOSE SWABS THAT I  
25 COLLECTED FROM THE END OF THE BROOM I DID NOT DO ANY

1 CHEMICAL TESTING ON THOSE SWABS.

2 Q WHEN I'M LOOKING AT YOUR DIAGRAM IT INDICATES  
3 RIGHT UP HERE AT THE TOP THAT'S NEGATIVE FOR PHENOL  
4 AND THAT'S FOR HUMAN BLOOD, IS THAT RIGHT?

5 A RIGHT. THAT'S BELOW THE AREA THAT I TOOK THE  
6 SWAB FROM.

7 Q OKAY. BUT THAT'S STILL UP AROUND THE TOP OF THE  
8 BROOM, RIGHT?

9 A YES, SIR, IT IS.

10 Q AND YOU TESTED TWO AREAS THAT YOU VISUALLY  
11 NOTICED AND THEY WERE NOT HUMAN BLOOD, CORRECT?

12 A THEY WEREN'T POSITIVE FOR THE PRESUMPTIVE TEST  
13 OF BLOOD.

14 Q OKAY. AND IS IT FAIR TO SAY THAT THAT SUBSTANCE  
15 WAS NOT HUMAN BLOOD?

16 A YES, SIR.

17 Q OKAY. NOW GOING BACK TO THE LIST I REFERRED TO  
18 BEFORE YOUR ACTUAL REPORT. GOING RIGHT TO ITEM 20  
19 THAT'S THE BROOM WITH THE RED HANDLE THAT WAS  
20 SUBMITTED TO YOU?

21 A YES, SIR.

22 Q THAT WAS NO BLOOD DETECTED ON RED HANDLE, IS  
23 THAT RIGHT?

24 A THAT'S CORRECT.

25 Q NOW THE DUST PAN THAT WAS SUBMITTED TO YOU,

1 THAT'S ITEM 21?

2 A YES, SIR.

3 Q THERE IS NO HUMAN BLOOD DETECTED ON THE HANDLE  
4 OF THAT DUST PAN, IS THAT RIGHT?

5 A THERE WAS NO BLOOD DETECTED. I DON'T MAKE A  
6 DETERMINATION IF IT'S HUMAN OR ANIMAL.

7 Q GOT YOU. NO BLOOD DETECTED?

8 A NO BLOOD DETECTED.

9 Q THE YELLOW DUST MOP, THE WHITE HANDLE, NO BLOOD  
10 DETECTED, CORRECT?

11 A THAT'S CORRECT.

12 Q THE GREEN HANDLE. THERE IS ACTUALLY A DIAGRAM  
13 THAT GOES ALONG WITH THE TEST YOU PERFORMED ON THE  
14 GREEN HANDLE BROOM, DO YOU HAVE A COPY THAT?

15 A FOR ITEM 23?

16 Q YES, MA'AM. I MAY HAVE A EXTRA COPY IF THAT  
17 WOULD HELP YOU OUT.

18 A I HAVE ONE.

19 Q YOU GOT ONE?

20 A YES, SIR.

21 Q GREAT. NOW NO BLOOD DETECTED ON THAT HANDLE IS  
22 THAT RIGHT?

23 A THAT'S CORRECT.

24 Q AND ALSO AT THIS TIME IT APPEARS THAT VAGINAL  
25 FLUID OR SEMEN WAS DETECTED ON IT, IS THAT CORRECT?

1 A FOR ITEM 23?

2 Q YES. ACTUALLY IT DOESN'T LOOK LIKE YOU  
3 PERFORMED THE AP TEST ON THAT?

4 A I DIDN'T DO ANY PRESUMPTIVE TEST FOR SEMEN ON  
5 THAT ITEM AND IT WAS NEGATIVE FOR BLOOD.

6 Q NEGATIVE FOR BLOOD, ALL RIGHT. WOODEN WALKING  
7 CANE, THAT WAS SUBMITTED TO YOU?

8 A YES, SIR.

9 Q AND NO BLOOD WAS DETECTED ON THAT WALKING CANE,  
10 IS THAT RIGHT?

11 A THAT'S CORRECT.

12 Q AND THERE WAS ANOTHER RED HANDLE THAT WAS  
13 SUBMITTED IN EVIDENCE, THAT WAS TESTED FOR BLOOD AND  
14 THERE WAS NO BLOOD ON THAT RED HANDLE, IS THAT  
15 CORRECT?

16 A THAT'S CORRECT.

17 MR. WOOD: BEG THE COURT'S INDULGENCE.

18 Q THANK YOU SO MUCH. IF YOU'D ANSWER ANY  
19 QUESTIONS MR. GREELEY HAS FOR YOU.

20 A OKAY.

21 CROSS EXAMINATION BY MR. GREELEY:

22 Q AGENT BRYSON, DOES EVERYTHING COME THROUGH YOU  
23 OR ARE THERE SOME THINGS THAT JUST GO DIRECTLY TO THE  
24 DNA LAB AND DO NOT COME THROUGH YOU?

25 A THERE ARE SOME THINGS THAT DO GO STRAIGHT TO THE

1 DNA LAB.

2 Q OKAY. NOW I'M NOT SURE WHERE IT IS, IF I CAN  
3 FIND IT. I DON'T BELIEVE THAT'S THE BOX. LET ME  
4 CHECK MY NOTES. I THINK IT'S THIS ONE. STATE'S  
5 EXHIBIT NUMBER 56. NUMBER 56 THESE WERE THE PANTS I  
6 BELIEVE?

7 A YES, SIR, VICTIM'S PANTS.

8 Q AND YOU MADE THREE CUTTINGS FROM THESE PANTS, IS  
9 THAT CORRECT?

10 A YES, SIR, I DID.

11 Q AND THE FIRST CUTTING THAT YOU MADE -- WELL,  
12 WHEN YOU ANALYZE THESE PANTS THEY HAVE TWO SIDES TO  
13 THE PANTS. OF COURSE, IF YOU ARE GOING TO IRON PANTS  
14 YOU GOT TO IRON ONE SIDE AND THEN IRON ANOTHER SIDE,  
15 IS THAT CORRECT?

16 A THAT'S CORRECT.

17 Q AND WHEN YOU ANALYZE THE PANTS DO YOU DO IT THE  
18 SAME WAY? DO YOU TAKE IT AND PUT IT UNDER THE LIGHT  
19 SOURCE, LOOK AT IT, ANALYZE IT UNDER THE LIGHT SOURCE  
20 ON ONE SIDE OF THE PANTS, MAKE YOUR MARKINGS AND THEN  
21 TAKE THE PANTS AND TURN THEM OVER?

22 A YES, SIR, I DO.

23 Q AND THEN YOU ANALYZE THE OTHER SIDE?

24 A YES, SIR, I DO. OR WE HAVE A ROLL BAR.

25 SOMETIMES I HANG THEM OVER THE ROLL BAR AND PUT THE

1 LIGHT TO THEM THAT WAY.

2 Q OKAY. AND ON THIS PARTICULAR EXAMINATION, YOU  
3 DON'T REMEMBER WHETHER YOU USED THE ROLL BAR ON THIS  
4 OR NOT, DO YOU?

5 A NO, SIR, I DON'T.

6 Q YOU ANALYZE A LOT OF THINGS, DON'T YOU?

7 A YES, SIR.

8 Q OKAY. THIS PARTICULAR EXAMINATION YOU ANALYZE  
9 ONE SIDE AND LET'S JUST SAY FOR PURPOSES HERE THE  
10 FRONT SIDE OF THE PANTS. YOU HAD SOME ITEMS MORE OR  
11 LESS, YOU MARKED THEM, THEN YOU WENT BACK THROUGH  
12 WITH YOUR CHEMICAL TEST?

13 A THAT'S CORRECT.

14 Q AND ON THE FRONT SIDE OF THESE PANTS YOU HAD ONE  
15 LOCATION THAT TESTED POSITIVE CHEMICALLY, IS THAT  
16 CORRECT?

17 A FOR THE PRESUMPTIVE TEST OF SEMEN.

18 Q YES. AND YOU MADE A CUTTING OF THAT FROM THE  
19 FRONT SIDE OF THE PANTS?

20 A THAT'S CORRECT.

21 Q OKAY. AND THEN EITHER THROUGH THE ROLL BAR OR  
22 THROUGH TURNING THE PANTS OVER, YOU FLUORESCED THE  
23 PANTS AGAIN?

24 A YES, SIR.

25 Q AND IN FLUORESCING THE PANTS AGAIN YOU NOTICED,

1 YOU HAD A FEW HITS ON THE FLUORESCENT LIGHT?

2 A YES, SIR.

3 Q OKAY. AND YOU MARKED THOSE ON THE PANTS AND  
4 THEN YOU WENT THROUGH AND YOU DID CHEMICAL ANALYSIS  
5 ON THOSE PARTS THAT YOU HAD MARKED, IS THAT CORRECT?

6 A THAT'S CORRECT.

7 Q AND ON THE PARTS THAT YOU HAD MARKED THERE WERE  
8 TWO PARTS THAT TESTED POSITIVE FOR APS, IS THAT  
9 CORRECT?

10 A I TOOK TWO CUTTINGS FROM THE BACK SIDE OF THE  
11 PANTS.

12 Q RIGHT. AND SO THEY WERE ON THE OPPOSITE SIDE OF  
13 THE PANTS WHERE THOSE TWO CUTTINGS WERE TAKEN, IS  
14 THAT CORRECT?

15 A THEY WERE ON THE BACK SIDE, RIGHT.

16 Q SO YOU HAD ONE CUTTING FROM THE FRONT OF THE  
17 PANTS?

18 A YES, SIR.

19 Q AND YOU HAD TWO CUTTINGS FROM THE BACK OF THE  
20 PANTS?

21 A YES, SIR.

22 Q AND I NOTICED THAT YOU HAD EXAMINED, WHEN YOU  
23 EXAMINED THE PANTS OR OTHER ITEMS LIKE THAT, YOU TURN  
24 THEM RIGHT SIDE OUT?

25 A YES, SIR.



1 Q NOW IN REGARDS TO THE, I'M LOOKING FOR THE BOX,  
2 THE BEDDING?

3 A OKAY.

4 Q YOU RECEIVED A LARGE BOX OR BAG OF BEDDING?

5 A YES, SIR.

6 Q FROM AMANDA'S BED?

7 A RIGHT.

8 Q IS THAT CORRECT. INCLUDED, LET ME -- LET'S SEE.

9 WE HAVE, HERE'S THE BOX I'M LOOKING FOR. THERE WE  
10 GO. NOW YOU RECEIVED OF EITHER A BIG BAG OR A BIG  
11 BOX OF ALL HER BED THAT CAME FROM HER BED, IS THAT  
12 CORRECT?

13 A YES, SIR.

14 Q OKAY. AND YOU DID THE SAME TYPE OF EXAMINATION  
15 WITH HER BEDDING THAT YOU HAD DONE --

16 A YES, SIR.

17 Q ---WITH THE OTHER ITEMS?

18 A THAT'S CORRECT.

19 Q YOU DID A LIGHT SOURCE?

20 A RIGHT.

21 Q ON ALL HER BEDDING. OKAY. AND OUT OF THE  
22 BEDDING YOU ENDED UP MAKING ONE CUTTING FROM THE  
23 BEDDING, IF I AM CORRECT, AND THAT WOULD BE IN  
24 REGARDS TO THE GREEN BLANKET AND I WILL TRY AND  
25 REFRESH YOUR MEMORY WITH THE NUMBER. I WROTE IT

1 DOWN. WELL, YOU REMEMBER YOU MADE THIS CUTTING FROM  
2 THIS GREEN BLANKET?

3 A IT WAS ITEM 7.8.

4 Q OKAY. AND YOU MADE ONLY ONE CUTTING FROM THAT  
5 BLANKET?

6 A YES, SIR.

7 Q OKAY. EVEN THOUGH YOU HAD OTHER HITS UNDER THE  
8 FLUORESCENCE, WHEN YOU FLUORESCED IT, AFTER YOU DID THE  
9 CHEMICAL TEST YOU ENDED ONLY TAKING ONE CUTTING FROM  
10 THAT BLANKET?

11 A YES, SIR.

12 Q THE OTHER BEDDING AND THE OTHER BLANKETS THAT  
13 YOU HAD FROM HER BEDDING YOU DID NOT SEND, YOU DIDN'T  
14 MAKE ANY CUTTINGS OR SEND ON TO, FOR FURTHER ANALYSIS  
15 ON THOSE, DID YOU?

16 A THAT'S CORRECT.

17 Q OKAY. AND YOU FLUORESCED ALL THAT BEDDING,  
18 DIDN'T YOU?

19 A YES, SIR.

20 Q AND THAT'S A COMMON PLACE TO FLUORESCENCE IN A CASE  
21 THAT HAS A SEXUAL ASSAULT ALLEGATION IN IT?

22 A THAT'S CORRECT.

23 Q AND THEN YOU RECEIVED A BOX OF ALL THE ITEMS  
24 THAT WERE ON HER BED?

25 A YES, SIR.

1 Q IS THAT CORRECT? AND THERE WAS A GOOD NUMBER OF  
2 ITEMS, WASN'T THERE?

3 A YES, SIR.

4 Q AND YOU EXAMINED THOSE?

5 A YES, SIR.

6 Q YOU FLUORESCED ALL THOSE ITEMS?

7 A RIGHT.

8 Q AND IF THEY FLUORESCED YOU RAN A CHEMICAL TEST  
9 ON THEM, IS THAT CORRECT?

10 A YES, SIR.

11 Q BUT NONE OF THE ITEMS THAT WERE ON HER BED WERE  
12 PASSED ON FOR FURTHER ANALYSIS, WERE THEY?

13 A OTHER THAN THAT GREEN BLANKET.

14 Q OTHER THAN THE GREEN BLANKET WITH THE ONE  
15 CUTTING?

16 A THAT'S CORRECT.

17 Q THANK YOU, AGENT BRYSON.

18 A OKAY.

19 THE COURT: REDIRECT.

20 MR. POPE: NO, SIR, YOUR HONOR.

21 THE COURT: ALL RIGHT. YOU CAN STEP DOWN  
22 AND BE EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU.

23 MR. BRACKETT: THE STATE WOULD CALL AMY  
24 SIMMONS.

25 MR. MORTON: YOUR HONOR, CAN WE APPROACH.

1 (BENCH CONFERENCE.)

2 THE COURT: WE'LL TAKE A SHORT REFRESHER  
3 BREAK.

4 (COURT'S IN RECESS AT 05:05 PM.)

5 (COURT RESUMES AT 05:17 PM.)

6 THE COURT: STATE READY. THE DEFENDANTS  
7 ARE PRESENT. BRING IN THE JURY.

8 (THE JURY RETURNS TO THE COURTROOM AT  
9 05:18 PM.)

10 MR. BRACKETT: THE STATE WOULD CALL AMY  
11 SIMMONS.

12 AMY SIMMONS, BEING FIRST  
13 DULY SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION BY MR. BRACKETT:

15 Q GOOD AFTERNOON, MA'AM. WOULD YOU PLEASE STATE  
16 YOUR FULL NAME FOR US PLEASE?

17 A AMY COLEMAN SIMMONS.

18 Q WHERE DO YOU LIVE, AMY?

19 A IN ANDERSON, SOUTH CAROLINA.

20 Q OKAY. YOU'VE GOT A SOFT VOICE. I CAN BARELY  
21 HEAR YOU OVER HERE, SO THAT MEANS THESE FOLKS OVER  
22 HERE CAN'T HEAR YOU TOO WELL?

23 A OKAY.

24 Q YOU'LL HAVE TO LEAN FORWARD TO GET TO THE  
25 MICROPHONE BECAUSE THE CHAIR DOESN'T MOVE.

1 A OKAY.

2 Q JUST REMEMBER TO KEEP YOUR VOICE UP SO EVERYONE  
3 CAN HEAR YOU. YOU SAID YOU LIVED IN ANDERSON, SOUTH  
4 CAROLINA?

5 A YES, SIR.

6 Q HOW LONG HAVE YOU LIVED IN ANDERSON?

7 A JUST OVER A YEAR.

8 Q OKAY. PRIOR TO LIVING IN ANDERSON WHERE DID YOU  
9 LIVE?

10 A IN ROCK HILL, SOUTH CAROLINA.

11 Q OKAY. NOW DO YOU KNOW THE DEFENDANT SEATED OVER  
12 HERE MR. BILLY WAYNE COPE?

13 A I DO.

14 Q HOW LONG HAVE YOU KNOWN HIM?

15 A I KNEW HIM FOR ABOUT TWO YEAR PRIOR TO AMANDA'S  
16 DEATH SO ALMOST FIVE YEARS MAYBE.

17 Q AND WHERE DID YOU MEET HIM? WHAT ASSOCIATION  
18 DID YOU MEET HIM THROUGH?

19 A THROUGH CHURCH AT WEST MAIN NAZARENE AND THROUGH  
20 HIS SISTER WHO IS ONE OF MY BEST FRIENDS.

21 Q AND WHAT'S HER NAME?

22 A HER NAME IS SUSAN ARCHIE.

23 Q SHE'S SEATED OVER HERE I BELIEVE?

24 A YES, SIR.

25 Q NOW DID YOU AFTER, DID YOU KNOW MARY SUE COPE AS

1 WELL?

2 A YES, SIR.

3 Q AFTER AMANDA'S DEATH WOULD YOU JUST BRIEFLY  
4 DESCRIBE YOUR RELATIONSHIP WITH MARY SUE, NOT  
5 ANYTHING THAT WAS EVER SAID, BUT JUST TELL US A  
6 LITTLE BIT ABOUT HOW YOU KNOW HER?

7 A MARY SUE AND SUSAN AND MYSELF AND ONE OF OUR  
8 OTHER FRIEND FROM CHURCH WERE JUST A GOOD SUPPORT  
9 SYSTEM FOR EACH OTHER THROUGH CHURCH AND AS FRIENDS  
10 AND MARY SUE SPENT A LOT TIME WITH US AFTER AMANDA'S  
11 DEATH, TAKING TURNS STAYING AT DIFFERENT HOUSES, AND  
12 HAVING MEALS WITH US AND THAT KIND OF THING.

13 Q WHEN DID MARY SUE PASS AWAY?

14 A IN FEBRUARY AFTER AMANDA DIED IN NOVEMBER.

15 Q FEBRUARY OF 2002?

16 A CORRECT.

17 Q ALL RIGHT. NOW DID YOU, AFTER THAT TIME PERIOD,  
18 DID YOU CONTINUE TO HAVE SOME SORT OF  
19 RELATIONSHIP-CORRESPONDENCE WITH THE DEFENDANT  
20 MR. COPE?

21 A I DID. WE HAVE WRITTEN LETTERS BACK AND FORTH  
22 SINCE HE'S BEEN IN JAIL.

23 Q OKAY. NOW THE LETTERS THAT HE WROTE YOU HE  
24 WROTE THEM AND THEY ARRIVED AT YOUR HOUSE?

25 A YES, THEY DID.

1 Q AND DID YOU RESPOND TO SOME OF THESE LETTERS?

2 A YES, SIR, I DID.

3 Q ALL RIGHT. AND DID HE RESPOND TO YOUR LETTERS?

4 IN OTHER WORDS, WAS THERE AN EXCHANGE OF IDEAS AND

5 CONVERSATION AND LETTERS?

6 A YES.

7 Q OKAY. CALLING YOUR ATTENTION TO WHAT'S BEEN

8 MARKED AS STATE'S EXHIBIT 89, 90, AND 91 AND I'LL

9 GIVE THEM TO YOU IN THE REVERSE ORDER AND ASK IF YOU

10 CAN IDENTIFY THOSE ITEMS?

11 A OKAY. THESE ARE LETTERS THAT HE WROTE TO ME.

12 Q OKAY. AND DO YOU RECOGNIZE EACH OF THOSE AS

13 BEING A LETTER YOU RECEIVED FROM HIM?

14 A YES.

15 Q OKAY. PLACE THOSE BACK IN THE ENVELOPE.

16 A (COMPLIES.)

17 Q AND STATE'S EXHIBIT 90, DO YOU RECOGNIZE THAT

18 ITEM?

19 A YES.

20 Q OKAY. WHAT IS THAT?

21 A THIS IS A LETTER THAT I RECEIVED AT MY HOME AS

22 WELL.

23 Q OKAY. AND WHO DID YOU RECEIVE THAT FROM?

24 A FROM BILLY.

25 Q ALL RIGHT. AND HOW DID YOU KNOW IT WAS FROM

1 BILLY?

2 A IT CAME LIKE THE OTHERS IN THE MAIL. IT HAS A  
3 RETURN ADDRESS FROM THE JUSTICE CENTER.

4 Q ALL RIGHT. DO YOU REMEMBER APPROXIMATELY WHEN  
5 YOU RECEIVED THIS LETTER?

6 A WITHOUT LOOKING AT THAT ONE I DON'T WANT TO SAY  
7 THE WRONG DATE. I THINK THAT WAS THE FIRST ONE.

8 Q I WANT TO FIND WHERE MR. POPE PUT THE SCISSORS.  
9 HERE'S THE LETTER AND THE POST MARK, DOES THAT HELP  
10 YOU REFRESH YOUR MEMORY?

11 A THE POST MARK ON THE LETTER IS DECEMBER 2003.

12 Q OKAY. AND WHAT DID YOU DO WHEN YOU GOT THAT  
13 LETTER; WHAT DID YOU DO WITH IT?

14 A I CALLED BILLY'S ATTORNEY TO LET HIM KNOW THAT I  
15 HAD GOTTEN A LETTER THAT CONCERNED ME AND THEN I GAVE  
16 THE LETTER TO HIS ATTORNEY.

17 Q WHICH ATTORNEY DID YOU GIVE IT TO?

18 A THEY WERE A TEAM THERE AT THE TIME I THINK.

19 Q DO YOU REMEMBER WHICH ONE YOU SPOKE?

20 A I THINK I ACTUALLY SPOKE WITH JIM MORTON BUT I  
21 THINK ACTUALLY MAYBE HANDED THE LETTER TO, IF I  
22 REMEMBER CORRECTLY, TO PETE SKIDMORE ONE OF THEIR  
23 INVESTIGATORS, BUT IT WAS AT THEIR OFFICE.

24 Q OKAY. DID YOU KEEP A COPY THAT LETTER?

25 A I DID.



1 Q DID YOU CALL LAW ENFORCEMENT IN REGARDS TO THIS  
2 LETTER?

3 A EVENTUALLY, YES.

4 Q DO YOU REMEMBER WHO YOU CALLED IN LAW  
5 ENFORCEMENT?

6 A I SPOKE WITH CHARLENE BLACKWELDER.

7 Q THIS LADY SEATED HERE?

8 A YES.

9 Q AND WHAT DID YOU TELL MRS. BLACKWELDER?

10 A I LET HER KNOW THAT I HAD A LETTER THAT  
11 CONCERNED ME, THAT I HAD TURNED IT OVER TO THE  
12 DEFENSE ATTORNEYS, AND THAT THEY WOULD GET A COPY TO  
13 HER. THIS WAS A TIME PERIOD LATER AFTER I HAD GIVEN  
14 IT TO THEM.

15 Q WHO WOULD GET A COPY TO HER?

16 A THAT THE DEFENSE TEAM HAD IT AND HAD TOLD ME  
17 THAT IF THEY WERE REQUIRED TO PRODUCE IT THAT THEY  
18 WOULD DO SO, THAT I DIDN'T NEED TO WORRY ABOUT GIVING  
19 IT TO ANYBODY ELSE, THAT THEY WOULD TAKE CARE OF IT  
20 AND DO THE RIGHT THING.

21 Q WHEN, HOW SOON AFTER YOU RECEIVED THIS LETTER  
22 DID THAT HAPPEN?

23 A WHEN CHARLENE BLACKWELDER AND I HAD A  
24 CONVERSATION?

25 Q YEAH, AND YOU GAVE IT TO THE DEFENSE ATTORNEYS

1 AND ALL THAT.

2 A WHEN WE ACTUALLY TALKED ABOUT THAT.

3 Q APPROXIMATELY HOW QUICKLY AFTER RECEIVING THIS  
4 LETTER DID THAT HAPPEN?

5 A MAYBE LIKE FIVE MONTHS AFTER I HAD ANOTHER  
6 LETTER. IT WAS IN MAY I THINK.

7 Q WHEN DID YOU GIVE IT TO MR. MORTON?

8 A SHORTLY AFTER I RECEIVED IT.

9 Q OKAY. AND WHEN DID YOU FIRST SPEAK TO CHARLENE  
10 BLACKWELDER ABOUT IT?

11 A I BELIEVE IN MAY WHEN I ACTUALLY GOT THE OTHER  
12 LETTERS.

13 Q OKAY. DID YOU HAVE -- DID YOU EVER ATTEMPT TO  
14 GET THIS LETTER BACK FROM MR. MORTON?

15 A I DID CALL HIM AND TELL HIM AFTER CHARLENE AND I  
16 TALKED ABOUT THAT SPECIFIC LETTER THAT SHE HAD ASKED  
17 ME TO SEE IF I COULD GET A COPY OR SEE IF I COULD GET  
18 THE LETTER BACK SO THAT IT COULD, THEY COULD GET IT  
19 BECAUSE THEY DIDN'T HAVE IT, AND MR. MORTON SAID THAT  
20 THEY COULD GET IT THROUGH COURT HEARINGS OR  
21 PROCEEDINGS IF THEY NEEDED IT. THAT I COULDN'T GET  
22 IT BACK FROM HIM. HE WOULD TAKE CARE OF IT AND DO  
23 THE RIGHT THING WITH IT.

24 Q BUT THIS IS THE LETTER THAT YOU RECEIVED IN THE  
25 MAIL?

1 A YES.

2 MR. GREELEY: NO OBJECTION.

3 MR. BAITY: NO OBJECTION.

4 THE COURT: ALL RIGHT.

5 (STATE'S EXHIBIT 90 LETTER RECEIVED  
6 INTO EVIDENCE.)

7 Q HOW DID HE SIGN THIS LETTER?

8 A KEEP THE FAITH ALWAYS BILLY TINKER COPE.

9 Q AND WHO IS TINKER; WHAT IS TINKER?

10 A TINKER IS JUST HIS NICKNAME.

11 Q WHAT ARE THE SYMBOLS DRAWN RIGHT UNDERNEATH HIS  
12 NAME?

13 A LIKE A FISH AND CROSSES, RELIGIOUS SYMBOL.

14 Q A CHRISTIAN FISH?

15 A UH-HUH.

16 MR. BRACKETT: YOUR HONOR, I SEEK TO  
17 INTRODUCE STATE'S EXHIBIT NUMBER 90 AT THIS TIME.

18 THE COURT: IT'S ALREADY BEEN ADMITTED  
19 WITHOUT OBJECTION SO IT'S RECEIVED WITHOUT OBJECTION.

20 MR. BRACKETT: AND I WOULD MOVE TO PUBLISH  
21 THE LETTER.

22 THE COURT: OKAY.

23 MR. BRACKETT: DEAR AMY, I NEED TO SEE  
24 YOU IN-PERSON AS SOON AS POSSIBLE. CAN YOU COME TO  
25 ROCK HILL AND SEE ME NEXT WEEK ON MONDAY. I HAD A

1 DREAM LAST NIGHT ABOUT YOU, MARY SUE, AND AMANDA. I  
2 NEED TO TELL YOU WHAT I REALLY DID TO AMANDA BEFORE  
3 IT'S TOO LATE. GOD WILL FORGIVE ME IF I CONFESS TO  
4 ANOTHER CHRISTIAN AND REPENT. KEEP THE FAITH ALWAYS  
5 BILLY TINKER COPE.

6 Q DID YOU, SHOW YOU STATE'S EXHIBIT 89 FOR  
7 IDENTIFICATION AND ASK YOU IF YOU CAN IDENTIFY THAT  
8 FOUR PAGE DOCUMENT?

9 A IT'S, THIS IS ANOTHER LETTER THAT I GOT IN THE  
10 MAIL.

11 Q AND APPROXIMATELY WHEN DID YOU RECEIVE THAT  
12 LETTER?

13 A THIS WAS TOWARDS THE END OF MAY, MAY 20, IS THE  
14 POST MARK.

15 Q OF WHAT YEAR?

16 A 2004.

17 Q THIS YEAR?

18 A THIS YEAR.

19 Q ALL RIGHT. AND WHAT DID YOU, IT ARRIVED LIKE  
20 THE OTHERS DID?

21 A YES.

22 Q OKAY. NOW WHAT, WHO DOES IT APPEAR TO BE FROM?

23 A IT'S SIGNED FROM TINKER. WITH MUCH LOVE TINKER.

24 Q THE BLUE STUFF THAT'S ALL OVER IT WAS THAT THERE  
25 WHEN YOU GOT IT?

1 A NO.

2 Q WHAT DID YOU DO WHEN YOU RECEIVED THAT LETTER?

3 A I AGAIN LET JIM MORTON KNOW THAT I HAD GOTTEN A  
4 LETTER THAT CONCERNED ME. I FAXED HIM A COPY I  
5 BELIEVE, DISCUSSED IT WITH SOMEONE FROM MY CHURCH AND  
6 WITH MY FAMILY, AND TURNED IT OVER TO THE POLICE.

7 Q OKAY. AND DO YOU REMEMBER WHICH POLICE AGENCY  
8 SPECIFICALLY.

9 A ANDERSON SHERIFF'S OFFICE CAME AND GOT IT.

10 Q WHEN THEY PICKED THAT LETTER UP DID THEY PICK  
11 ANY OTHER LETTERS UP FROM YOU AT THAT TIME?

12 A NO.

13 Q WHEN YOU RECEIVED THAT LETTER WHERE DID YOU PUT  
14 IT? WHAT DID YOU DO WITH IT WHILE YOU WERE TALKING  
15 TO FAMILY AND FRIENDS, PEOPLE AT CHURCH?

16 A I KEPT IT IN MY CAR IN MY GLOVE BOX.

17 Q ALL RIGHT. NOW THE LETTER THAT YOU TURNED OVER,  
18 IS THAT IN FACT THE LETTER YOU GAVE TO ANDERSON  
19 COUNTY SHERIFF'S OFFICE?

20 A YES.

21 Q AND DID YOU TURN IT OVER WITH THE ENVELOPE THAT  
22 YOU RECEIVED IT IN?

23 A YES.

24 Q AND THE ENVELOPE THAT'S ATTACHED TO THAT STATE'S  
25 EXHIBIT 89, IS THAT IN FACT THE ENVELOPE THAT THAT

1 LETTER ARRIVED IN?

2 A YES.

3 Q OKAY. WAS IT UNCOMMON FOR THERE TO BE DRAWINGS  
4 ON THE ENVELOPE?

5 A NO, BILLY ALWAYS PUTS DRAWINGS ON THE LETTERS.

6 Q AND HOW ABOUT THE THIRD PAGE IN THERE WITH ALL  
7 THE ALL SQUIGGLY LINES ACROSS IT, WHAT, WAS THAT  
8 TYPICAL FOR HIM TO HAVE THAT?

9 A NO.

10 MR. GREELEY: NO OBJECTION.

11 MR. BRACKETT: SEEK TO INTRODUCE STATE'S  
12 EXHIBIT 89 INTO EVIDENCE.

13 MR. BAITY: NO OBJECTION.

14 THE COURT: BE RECEIVED WITHOUT OBJECTION.

15 (STATE'S EXHIBIT 89 LETTER RECEIVED  
16 INTO EVIDENCE.)

17 MR. BRACKETT: MOVE TO PUBLISH STATE'S  
18 EXHIBIT 89.

19 THE COURT: GO AHEAD.

20 MR. BRACKETT: DEAR AMY, GOD TOLD ME TO  
21 TELL YOU THAT I KILLED AMANDA. I HAVE SECRETLY  
22 QUESTIONED GOD AND I CAUGHT MYSELF PRAISING THE LORD  
23 OVER THE ENDING. I GOT MY FEELINGS HURT WHEN I  
24 TALKED TO MY ATTORNEYS THE STORY WAS NOT GOING TO END  
25 ON A HAPPY NOTE. AMANDA IS IN THE LORD STREETS.

1       STANDING OVER HER I SAW HER SCREAM. MY GIRL WAS  
2       RETURNED TO THE SPOT WHERE SHE BELONGS AND MY ENEMIES  
3       FOLLOW ME SCOFFING. I DON'T KNOW WHICH WAY THAT I  
4       SHOULD TURN. I DIDN'T REALIZE WHAT I DID UNTIL AFTER  
5       PASTOR POWELL TOLD ME THAT SHE WAS DEAD. I JUST WANT  
6       TO KNOW IF GOD WAS TRYING TO SHARE WITH ME BEFORE IT  
7       HAPPENED. PLEASE FORGIVE ME. GOD IS GOING TO REMOVE  
8       IT SOON. I WISH THAT HE HAD CREEPED INTO MY HEAD AND  
9       KILLED ME INSTEAD.

10                       HOW IS BRIAN AND JAMIE. I DON'T KNOW  
11       WHETHER THEY REMEMBER ME OR NOT. I HOPE YOU DON'T  
12       MIND THE DRAWINGS ON THE ENVELOPES. I HOPE THAT YOU  
13       ARE NOT MAD OR ANGRY. I JUST THOUGHT YOU SHOULD  
14       KNOW. PLEASE DON'T STOP WRITING. I HAVE TO GET ON  
15       WITH MY LIFE. I NEED TO TELL YOU THAT A CERTAIN  
16       POLICE WOMAN AS ALWAYS CAME OUT VICTORIOUS. MAY GOD  
17       BLESS YOU WITH COMFORT TODAY. WITH MUCH LOVE TINKER  
18       A SYMBOL OF A FISH THREE CROSSES SIGNED PSALM 37:4.  
19       THEN ON THE THIRD PAGE, THE COVER SHEET, WITH  
20       SQUIGGLES. THIS IS A COVER SHEET TO PREVENT  
21       WANDERING EYES.

22       Q       NOW AT SOME TIME AFTER YOU TURNED THIS OVER TO  
23       THE SHERIFF'S OFFICE DID THE SHERIFF'S OFFICE IN  
24       ANDERSON RETURN TO PICK UP THESE ITEMS?

25       A       YES.

1 Q OKAY. NOW STATE'S EXHIBIT 91 IS WHAT I'M  
2 REFERENCING RIGHT NOW CONTAINS A NUMBER OF LETTERS  
3 AND WHO DID ALL THESE LETTERS COME TO YOU FROM?

4 A FROM BILLY.

5 Q AND WERE THEY IN RESPONSE TO, SOME OF THEM, TO  
6 CORRESPONDENCE HAD YOU SENT TO HIM?

7 A YES.

8 Q DID YOU KNOW THESE TO BE FROM BILLY FOR THAT  
9 REASON?

10 A I BELIEVED THEM TO BE, YES.

11 MR. BRACKETT: YOUR HONOR, I SEEK TO  
12 INTRODUCE STATE'S EXHIBIT NUMBER 91 AT THIS TIME.

13 MR. BAITY: NO OBJECTION, YOUR HONOR.

14 MR. GREELEY: NO OBJECTION.

15 MR. BRACKETT: THESE LETTERS, SO THE  
16 RECORD IS CLEAR, THERE IS ONE POST MARK 7 MAY 2004,  
17 ONE 14 APRIL 2004, ONE 16 JULY 2003. ONE 19 MARCH  
18 2004. ONE IS 8 APRIL 2004. ONE IS POST MARKED 10  
19 APRIL 2004, 14 APRIL 2004, 19 APRIL 2004, 21 APRIL  
20 2004, 23 APRIL 2004, AND ONE IS DOUBLE POST MARKED, I  
21 CAN'T MAKE OUT THE DATE, BUT IT'S GOT A RECTANGULAR  
22 RECEIVED STAMP MAY 24, 2004, RIGHT OVER THE POST  
23 MARK. ALL OF THESE WILL BE CONTAINED WITHIN STATE'S  
24 EXHIBIT 91 AND WE WOULD SEEK TO INTRODUCE THIS INTO  
25 EVIDENCE.



1 THE COURT: WITHOUT OBJECTION IT'S  
2 ADMITTED.

3 (STATE'S EXHIBIT 91 LETTERS RECEIVED  
4 IN EVIDENCE.)

5 Q MA'AM, WAS THIS EASY FOR YOU TO COME HERE TODAY?

6 A NO.

7 Q AND DISCUSS THESE LETTERS?

8 A NO. SUSAN IS ONE OF MY BEST FRIENDS IN THE  
9 WORLD. I LOVE HER. I LOVE THE FAMILY. I LOVE MARY  
10 SUE AND I JUST, YOU KNOW, I DON'T WANT TO BELIEVE  
11 THAT BILLY COULD HAVE HAD ANYTHING TO DO WITH THIS  
12 AND RATHER NOT BE HERE.

13 Q THANK YOU VERY MUCH. PLEASE ANSWER ANY  
14 QUESTIONS MR. BAITY MAY HAVE FOR YOU.

15 CROSS EXAMINATION BY MR. BAITY:

16 Q MA'AM, YOU DIDN'T KNOW BILLY COPE VERY WELL  
17 BEFORE AMANDA'S MURDER, DID YOU?

18 A NO, ONLY FROM CHURCH.

19 Q YOU KNEW MARY SUE HIS WIFE?

20 A YES.

21 Q AND SUSAN ARCHIE?

22 A CORRECT.

23 Q AND YOU SAW MR. COPE WHEN HE ATTENDED CHURCH?

24 A CORRECT.

25 Q THE COPE FAMILY WAS REGULAR ATTENDERS AT CHURCH?

1 A YES.

2 Q THE CHURCH THAT YOU ATTEND?

3 A YES, THEY WERE.

4 Q RIGHT?

5 A YES.

6 Q BUT YOU REALLY DIDN'T HAVE ANY KIND OF PERSONAL  
7 RELATIONSHIP, Y'ALL WEREN'T CLOSE OR INTIMATE OR  
8 ANYTHING OF THAT NATURE?

9 A NOT INTIMATE, NO.

10 Q OR CLOSE IN ANY WAY? AND I MEANT THAT IN THE  
11 BROADER SENSE OF THE WORD?

12 A I MEAN, OUR KIDS DID THINGS TOGETHER. WE HAD  
13 FUNDRAISERS AND SPECIAL EVENTS IN CHURCH, BUT WE KNEW  
14 EACH OTHER FROM CHURCH.

15 Q AND YOU CERTAINLY ---I'M SORRY.

16 A AND THROUGH SUSAN.

17 Q I DIDN'T MEAN TO CUT YOU OFF.

18 A NO, IT'S OKAY.

19 Q YOU CERTAINLY WEREN'T WRITING LETTERS TO HIM  
20 BEFORE AMANDA WAS KILLED?

21 A NO.

22 Q IS THAT RIGHT. AND YOU DIDN'T WRITE HIM ANY  
23 LETTERS UP UNTIL FAIRLY RECENTLY, ISN'T THAT CORRECT?

24 A MAYBE THE PAST YEAR.

25 Q UH-HUH.

1 A YEAR AND A HALF MAYBE.

2 Q OKAY. NOW WHEN AMANDA WAS KILLED YOU AND OTHER  
3 FAMILY/FRIENDS WERE CONTACTED BY THE ROCK HILL POLICE  
4 DEPARTMENT, WERE THEY NOT? WERE YOU NOT?

5 A YES.

6 Q AND THEY WANTED TO KNOW WHATEVER INFORMATION YOU  
7 KNEW ABOUT THE FAMILY, ABOUT MR. COPE, ABOUT THE  
8 CHILDREN, ABOUT MARY SUE?

9 A I TALKED TO PEOPLE FROM THE ROCK HILL POLICE  
10 DEPARTMENT EARLY ON, YES.

11 Q RIGHT. AND THEY TOOK STATEMENTS FROM YOU AND  
12 ASKED YOU A WHOLE BUNCH OF QUESTIONS ABOUT THIS CASE,  
13 DIDN'T THEY?

14 A NEVER GAVE AN OFFICIAL STATEMENT, LIKE A SIGNED  
15 STATEMENT, BUT I'M AWARE OF PEOPLE BEING ASKED  
16 THINGS.

17 Q WELL, YOU WERE AWARE BECAUSE YOU SAW  
18 MRS. CHARLENE BLACKWELDER ASKING YOU AND A NUMBER OF  
19 YOUR FRIENDS ABOUT THE COPE FAMILY?

20 A I DID TALK TO CHARLENE.

21 Q UH-HUH?

22 A IN HER OFFICE.

23 Q YOU TALKED TO HER FAIRLY OFTEN, DIDN'T YOU?

24 A I WOULDN'T SAY FAIRLY OFTEN.

25 Q IT WASN'T JUST ONE TIME?

1 A SHE CALLED WHEN MARY SUE DIED. I MEAN, I TALKED  
2 TO HER IN HER OFFICE. I TALKED TO HER RECENTLY.

3 Q TALKED TO HER ON THE PHONE?

4 A YES.

5 Q SHE CAME AND SPOKE TO YOU RIGHT AFTER AMANDA'S  
6 DEATH, CORRECT?

7 A I SAW HER IN HER OFFICE SHORTLY AFTER THAT, YES.

8 Q AND MARY SUE EVENTUALLY CAME TO LIVE WITH YOU,  
9 DID SHE NOT?

10 A SHE STAYED WITH ME, YES.

11 Q WELL, STAYED IN YOUR HOUSE, LIVED WITH YOU?

12 A YES.

13 Q WHATEVER. AND SHE STAYED WITH YOU IN YOUR  
14 RESIDENCE RIGHT UP UNTIL THE TIME THAT SHE TRAGICALLY  
15 DIED, ISN'T THAT CORRECT?

16 A YEAH, SHE WAS THERE A FEW DAYS BEFORE SHE DIED.

17 Q OKAY. AND SHE DEAD IN A BED IN YOUR HOUSE?

18 A YES.

19 Q AND MRS. BLACKWELDER CAME AND TALKED TO YOU  
20 ABOUT THAT TOO, DIDN'T SHE?

21 A THAT WAS THE FORT MILL POLICE DEPARTMENT.

22 Q OKAY.

23 A THAT.

24 Q ALL RIGHT. BUT BEFORE MARY SUE DIED

25 MRS. BLACKWELDER HAD FREQUENT CONTACT WITH MARY SUE

1 AT YOUR HOUSE?

2 A DO YOU WANT ME TO SAY WHAT MARY SAID TO ME.

3 Q NO, MA'AM. I'M ASKING YOU DID SHE HAVE CONTACT.

4 I TRYING TO FIGURE OUT HOW MUCH CONTACT YOU HAD WITH

5 CHARLENE BLACKWELDER. SO SHE WAS STILL AROUND IN

6 YOUR LIFE, WASN'T SHE? SHE WAS STAYING IN TOUCH WITH

7 YOU?

8 A I MEAN, I SPOKE TO HER ON MORE THAN ONE OCCASION

9 AFTER AMANDA'S DIED, YES.

10 Q AND SHE WANTED TO KNOW EVERYTHING YOU KNEW ABOUT

11 THE FAMILY AND ABOUT BILLY COPE, DIDN'T SHE?

12 A IF I, I THINK SHE WANTED TO KNOW IF I KNEW

13 ANYTHING PERTINENT, YES.

14 Q RIGHT. NOW THIS CONTACT WITH MRS. BLACKWELDER

15 MADE YOU KIND OF UNCOMFORTABLE, DIDN'T IT?

16 A ACTUALLY EARLY ON IN THE INVESTIGATION AND WITH

17 EVERYTHING, YES, I FELT -- I HAD CONCERNS ABOUT THE

18 WAY THE POLICE WERE HANDLING THE INVESTIGATION BASED

19 ON WHAT OTHER PEOPLE WERE TELLING ME AND, YES, I WAS,

20 I WAS UNCOMFORTABLE WITH THE WHOLE SITUATION.

21 Q YOU COMPLAINED---

22 A THAT'S FAIR.

23 Q YOU COMPLAINED TO YOUR GOOD FRIEND SUSAN ARCHIE

24 THAT YOU THOUGHT SHE WAS PUSHING AND PRESSING YOU TOO

25 HARD?

1 A WE DID HAVE CONVERSATIONS ABOUT THE POLICE  
2 DEPARTMENT.

3 Q YOU COMPLAINED ABOUT THAT TO A NUMBER OF PEOPLE?  
4 LELAND?

5 A LELAND, SUSAN, AND I MET TOGETHER. I MEAN WE  
6 WERE GOOD FRIENDS, AND, YES, WE DID HAVE  
7 CONVERSATIONS ABOUT OUR CONCERNS ABOUT WHAT WAS GOING  
8 ON EARLY WITH THINGS, YES.

9 Q AND THE CONTACT AND THE PRESSURE THAT WAS BEING  
10 PUT ON YOU, RIGHT?

11 A UH-HUH, YES.

12 Q AND YOU HAD SOME SPECIAL PRESSURE ON YOU, DIDN'T  
13 YOU?

14 A I DON'T KNOW WHAT YOU MEAN.

15 Q YOU SURE?

16 A SOME SPECIAL PRESSURE?

17 Q YOU HAD --

18 A I DON'T KNOW WHAT THAT MEANS.

19 Q YOU HAD SOME KIND OF PROBLEM --

20 THE COURT: LET HER FINISH.

21 MR. BAITY: I'M SORRY, YOUR HONOR.

22 THE COURT: BEFORE YOU ASK THE NEXT  
23 QUESTION.

24 MR. BRACKETT: PLEASE THE COURT, THIS MAY  
25 BE A MATTER WE NEED TO TAKE UP OUTSIDE, I WOULD ASK

1 FOR A, MAYBE I COULD SPEAK TO MR. BAITY AND CLEAR IT  
2 UP BUT OTHERWISE.

3 THE COURT: LET ME LET THE JURY GO OUT.  
4 WE OUGHT TO PUT THIS ON THE RECORD. TAKE THE JURY TO  
5 THE JURY ROOM JUST FOR A MINUTE WHILE WE RESOLVE IT.

6 (THE JURY EXITS THE COURTROOM AT 05:42  
7 PM.)

8 MR. BAITY: WE WOULD ASK SHE BE EXCUSED AS  
9 WELL, YOUR HONOR.

10 THE COURT: YOU WANT HER EXCUSED?

11 MR. BAITY: I MEAN, SEQUESTERED.

12 THE WITNESS: I WOULD ASK THAT IF IT'S  
13 ABOUT ME I BE ALLOWED TO HEAR IT BUT.

14 THE COURT: WELL, I'M GOING TO LET HER  
15 STAY IN BUT WHAT'S --

16 MR. BRACKETT: I BELIEVE HE'S ABOUT TO GO  
17 INTO SOME CRIMINAL ALLEGATIONS.

18 MR. BAITY: CRIMINAL AND PROFESSIONAL.

19 MR. BRACKETT: I WOULD LIKE TO HAVE THAT  
20 DONE --

21 THE COURT: LET'S HAVE A PROFFER. I'M  
22 GOING TO LET HIM YOU SOME QUESTIONS OUTSIDE THE  
23 PRESENCE OF THE JURY.

24 A YES, SIR.

25 THE COURT: AND FIND OUT WHETHER OR NOT

1 IT'S ADMISSIBLE OR NOT.

2 A OKAY.

3 IN CAMERA TESTIMONY BY MR. BAITY:

4 Q MS. SIMMONS YOU ARE A NURSE, ARE YOU NOT?

5 A YES, I AM.

6 Q AND YOU WERE INVESTIGATED BY THE NURSING BOARD  
7 IN 2003?

8 A MR. BAITY, I'LL ANSWER YOUR QUESTION BUT I WOULD  
9 LIKE TO PREFACE IT BY SAYING THAT I HAVE COOPERATED  
10 FULLY WITH YOU, MR. MORTON, AND YOUR TEAM. I HAVE  
11 BEEN FAIR AND HONEST WITH EVERYBODY AND THAT I AM IN  
12 THIS POSITION BECAUSE OF YOUR CLIENT, NOT MYSELF, AND  
13 I DON'T FEEL THAT ANYTHING ABOUT MY NURSING CAREER OR  
14 MY PERSONAL LIFE HAS ANY BEARING WHATSOEVER WITH  
15 WHATEVER HAPPENED TO AMANDA COPE.

16 MR. MORTON: YOUR HONOR, IF I MIGHT. I  
17 HATE TO INTERRUPT I THINK WE NEED TO HAVE THIS  
18 DISCUSSION OUTSIDE OF HER PRESENCE.

19 THE COURT: YOU ARE TALKING ABOUT HER. I  
20 MEAN, SHE'S GOT THE RIGHT TO, I MEAN HOW YOU GOING TO  
21 HAVE A PROFFER IN HER ABSENCE?

22 MR. BAITY: I'M SORRY.

23 A AND THE LAST CONVERSATION THAT I HAD WITH MR.  
24 MORTON I WAS ASSURED THAT MY CREDIBILITY WOULD NOT BE  
25 ATTACKED AND THAT HE APPRECIATED MY HELP WITH THIS



1 CASE AND SO I WOULD RESPECTFULLY ASK THAT YOU SHOW ME  
2 THE RESPECT THAT I HAVE SHOWN YOU ALL FOR THREE  
3 YEARS.

4 Q MS. SIMMONS, MY QUESTION IS THAT YOU WERE  
5 INVESTIGATED BY YOUR NURSING BOARD RECENTLY, WERE YOU  
6 NOT?

7 A REGARDING?

8 Q WELL, IS THAT TRUE OR NOT? HAVE YOU BEEN  
9 INVOLVED IN AN INVESTIGATION WITH THE DEPARTMENT OF  
10 LABOR, LICENSING, AND WHATEVER LLR STANDS FOR?

11 A NO, I'VE NOT BEEN INVOLVED IN AN INVESTIGATION.  
12 I HAD A SITUATION THAT I MADE, I ENTERED A  
13 STIPULATION INTO WITH THE BOARD OF NURSING. IT WAS  
14 NOT INVESTIGATION. I STIPULATED AND I HAVE RESOLVED  
15 THOSE ISSUES AND I'M PRACTICING IN GOOD STANDING NOW.

16 Q YOU WERE ACCUSED, WERE YOU NOT, OF FORGERY,  
17 FORGING PATIENT RECORDS, WERE YOU NOT?

18 A YES.

19 Q AND YOU WERE ACCUSED OF DIVERTING DRUGS FROM  
20 PATIENTS?

21 A YES, I WAS. THOSE CHARGES ARE PENDING AND HAVE  
22 NOT BEEN RESOLVED.

23 Q AND THIS, THIS FORGERY THAT YOU WERE CHARGED  
24 WITH BY THE BOARD INVOLVED THE SIGNATURE OF SOME OF  
25 YOUR PATIENTS OR THEIR CAREGIVERS OR THEIR FAMILY

1 MEMBERS ON RECORDS?

2 A THAT'S NOT, THAT'S INCORRECT. THE PATIENTS AND  
3 FAMILY MEMBERS SIGNED BUT I DIDN'T DO ON THE  
4 APPROPRIATE BILLING LOGS WITH THE HOME HEALTH  
5 COMPANY.

6 Q AND YOU ADMITTED, DID YOU NOT, IN A STIPULATION  
7 AND PETITION THAT WAS SIGNED IN DECEMBER OF 2003  
8 ABOUT THE TIME YOU STARTED WRITING TO MR. COPE THAT  
9 RESPONDANT ADMITS THAT ON OR ABOUT SEPTEMBER 26,  
10 2003, THROUGH OCTOBER 16, 2003, WHILE AN EMPLOYEE AT  
11 THE HOME HEALTH CARE IN FLORENCE SHE FALSIFIED THE  
12 RECORDS OF 21 PATIENTS AND HER TIME SHEETS RESULTING  
13 IN A COST OF \$4,569 TO HOME HEALTH. SHE ALSO ADMITS  
14 ON SEPTEMBER 19, 2003 THROUGH SEPTEMBER 19---NO, I  
15 GUESS THAT'S ONE DAY, SHE DIVERTED KLONOPIN,  
16 HYDROCODONE, ALPRAZOLAM WHILE EMPLOYED AT BROOKSIDE  
17 NURSING CENTER IN ANDERSON?

18 A I DID ENTER THAT STIPULATION. I HAVE DENIED  
19 THOSE CHARGES IN THE SOLICITOR'S OFFICE. THERE ARE  
20 EXTENUATING CIRCUMSTANCES. THERE IS A CASE FILE A  
21 MILE LONG AND I'LL BE GLAD TO PROVIDE THAT IF  
22 NECESSARY BUT I STILL FAIL TO SEE WHAT THAT HAS TO DO  
23 WITH WHAT HAPPENED WITH BILLY COPE AND AGAIN I WOULD  
24 ASK THAT YOU RESPECT ME AS I HAVE YOU.

25 Q AND YOU TOLD OUR INVESTIGATOR AND YOU TOLD SUSAN

1 ARCHIE AND SOME OTHER FOLKS THAT CHARLENE BLACKWELDER  
2 KNEW ABOUT THESE CHARGES AND TOLD YOU THAT SHE COULD  
3 MAKE THEM GO AWAY?

4 A ABSOLUTELY NOT. THAT'S TOTALLY UNTRUE. THAT IS  
5 ABSOLUTELY UNTRUE.

6 MR. BAITY: YOUR HONOR, I WOULD THINK  
7 THESE ARE PRIOR BAD ACTS WHICH ARE CERTAINLY RELEVANT  
8 AND ARE ALLOWED UNDER THE IMPEACHMENT OF WITNESSES,  
9 THAT WOULD BE RULE 609 SOUTH CAROLINA RULES OF  
10 EVIDENCE AND I QUOTE: BY SHOWING THE WITNESS HAS  
11 BEEN GUILTY OF BAD CONDUCT THAT WAS NOT THE SUBJECT  
12 OF A CONVICTION.

13 A MR. BAITY.

14 MR. BAITY: JUST A MOMENT PLEASE.

15 THE COURT: WHERE ARE YOU ON 609?

16 MR. BAITY: YES, YOUR HONOR. OH, I'M  
17 SORRY 609 SR, SCRE TWO I BELIEVE. I'M READING FROM A  
18 BOOK THAT'S QUOTING THE RULE.

19 THE COURT: I'D RATHER YOU QUOTE THE RULE.

20 MR. BAITY: ALL RIGHT. I WILL, YOUR  
21 HONOR.

22 THE COURT: THAT'S WHAT I'M LOOKING AT. I  
23 DON'T HAVE YOUR BOOK. YOU TALKING ABOUT 608.

24 MR. BAITY: YES, YOUR HONOR, DID I SAY  
25 609. I'M SORRY. 608 SPECIFIC INSTANCES OF THE

1 CONDUCT OF A WITNESS FOR THE PURPOSE OF ATTACKING OR  
2 SUPPORTING THE WITNESS'S CREDIBILITY OTHER THAN  
3 CONVICTION OF A CRIME AS PROVIDED BY 609.

4 I WAS FRANKLY DON'T KNOW WHETHER SHE'S  
5 BEEN CONVICTED. I KNOW THE CHARGES ARE PENDING.

6 A NO, I HAVEN'T.

7 THE COURT: THE STATE.

8 MR. BRACKETT: THE RECORD RUN TODAY SAYS  
9 SHE HAS NOT.

10 A NO, I AM NOT.

11 THE COURT: DOES THE STATE WANT TO DO ANY  
12 QUESTIONING.

13 MR. BRACKETT: YES, SIR.

14 THE COURT: OKAY.

15 IN CAMERA EXAMINATION BY MR. BRACKETT:

16 Q SORRY WE HAVE TO GO THROUGH THIS. WHAT ARE THE  
17 CIRCUMSTANCES? YOU SAID THERE WERE SOME EXTENUATING  
18 CIRCUMSTANCES?

19 A YES.

20 Q WHAT ARE THOSE?

21 A I WAS ACTUALLY A CHARGE NURSE WITH BROOKSIDE  
22 WHEN MEDICATION BECAME MISSING. WHAT HE'S TALKING  
23 ABOUT WITH THE HOME HEALTH SITUATION HAD BEEN  
24 REPORTED TWO YEARS PRIOR, ORDER OF NURSING CHOSE NOT  
25 TO PURSUE IT AFTER I SENT A LETTER OF EXPLANATION.

1 AT BROOKSIDE NURSING CENTER WHEN I FIRST MOVED TO  
2 THIS TOWN, THERE WERE SOME MEDICATIONS THAT WERE  
3 MISSING WHEN I WAS A CHARGE NURSE, NOT EVEN WORKING  
4 IN THE AREA WHERE MEDICATIONS WERE MISSING. DHEC  
5 CAME IN AND DID AN INVESTIGATION. I WAS HELD  
6 RESPONSIBLE. I WAS ADVISED BY AN ATTORNEY TO ENTER A  
7 STIPULATION SO THAT I COULD CONTINUE TO WORK AS A  
8 NURSE WHILE I RESOLVED THE MATTER. I'M A SINGLE  
9 PARENT AND HAVE TO WORK. THE CASE HAS BEEN PENDING  
10 IN ANDERSON COUNTY FOR OVER A YEAR. WE'RE WORKING ON  
11 HAVING THE CHARGES DISMISSED. THERE IS A NURSE  
12 INVOLVED WHO WAS PRESENT AT THE TIME THE MEDICATIONS  
13 WERE MISSING WHO HAS SINCE LOST HER NURSING LICENSE  
14 FOR DIVERTING MEDICATIONS FROM THE SAME FACILITY AND  
15 HAS SOME ISSUES SO I FULLY EXPECT TO BE CLEARED OF  
16 THE WRONGDOING. I'M PRACTICING NURSING WITH NO  
17 PROBLEMS. MY EMPLOYER IS AWARE OF ALL OF THIS. THEY  
18 ARE SENDING MONTHLY REPORTS.

19 Q OKAY. SO YOU ENTERED INTO A STIPULATION SOLELY  
20 TO BE ABLE TO KEEP --

21 A SO I THAT COULD PRACTICE NURSING, CORRECT, AND  
22 FEED MY CHILDREN WHILE I COULD OUT.

23 THE COURT: COULD I SEE THE STIPULATION.

24 MR. BAITY: YES, YOUR HONOR.

25 THE COURT: GO AHEAD.

1                   MR. BRACKETT: I WOULD LIKE TO SEE IT AS  
2 WELL, YOUR HONOR, WHEN YOU ARE DONE. I'M NOT SURE I  
3 HAVE A COPY.

4                   MR. BAITY: THAT'S THE ONLY COPY I HAVE.

5 A       MR. BRACKETT.

6 Q       ONE MOMENT. WHAT DOES DIVERTING MEDICATION  
7 MEAN?

8 A       IT MEANS THAT THERE WAS MEDICATION THAT WAS  
9 MEANT, SCHEDULED FOR A PATIENT OR THERE TO BE  
10 DISTRIBUTED TO A PATIENT AND THAT THAT MEDICATION WAS  
11 FOR NOT GIVEN TO THE PATIENT, USED FOR ANOTHER  
12 PURPOSE, PUT SOMEWHERE ELSE. I WOULD ALSO LIKE TO  
13 ADD TO THAT THAT AS PART OF THAT STIPULATION I WAS  
14 REQUIRED TO UNDERGO AT MY OWN EXPENSE A MENTAL HEALTH  
15 AND ALCOHOL AND DRUG ASSESSMENT WHICH I DID AND WAS  
16 FOUND TO HAVE NO PROBLEMS IN THE MENTAL HEALTH, DRUG  
17 OR ALCOHOL AREA, THEREFORE I WAS NOT REQUIRED TO GO  
18 THROUGH ANY EXTRA COURSES OR ANYTHING WITH THE BOARD  
19 OF NURSING. I WAS CLEARED.

20 Q       AT THE TIME YOU SIGNED THIS STIPULATION WAS YOUR  
21 LICENSE SUSPENDED?

22 A       IT WAS.

23 Q       AS A RESULT OF ACCEPTING THIS STIPULATION YOUR  
24 LICENSE WAS RESTORED?

25 A       IMMEDIATELY RE-INSTATED AND I FOLLOWED EVERY

1 STEP TO CLEAR MYSELF THAT THEY HAVE ASKED ME TO DO.

2 Q AND THAT WAS PART OF THE UNDERSTANDING WITH THE  
3 STIPULATION IS THAT IF YOU ENTERED INTO THIS  
4 STIPULATION AND THEY ACCEPTED IT, YOUR LICENSE WOULD  
5 BE IMMEDIATELY RESTORED AND YOU'D BE ABLE TO GO BACK  
6 TO WORK?

7 A ABSOLUTELY AND I REALLY HAD A HARD TIME DECIDING  
8 WHETHER TO SIGN IT AND DO THAT, BUT AGAIN I'M A  
9 SINGLE PARENT, I HAD TO WORK. I WOULD ALSO LIKE TO  
10 ADD THAT THE DEFENSE KNOWS ABOUT THIS FROM  
11 CONVERSATIONS THAT I'VE HAD IN THEIR OFFICE AND IN  
12 SHARING THINGS AND AGAIN I HAVE SHOWED THEM THE  
13 COURTESY OF NOT DIVULGING THINGS THAT THEY SAID EVEN  
14 THOUGH I HAVE BEEN DIRECTED AT TIMES TO DO THINGS  
15 WERE NOT APPROPRIATE OR PROFESSIONAL, BUT I HAVE NOT  
16 DIVULGED THAT AND I WOULD APPRECIATE THE SAME  
17 RESPECT.

18 Q WELL, MA'AM, LET ME ASK YOU THIS. DID YOU HAVE  
19 COUNSEL DURING THIS TIME PERIOD?

20 A UNOFFICIALLY I SPOKE WITH A FRIEND WHO IS AN  
21 ATTORNEY.

22 Q OKAY. DID THEY GIVE YOU ANY ADVICE REGARDING  
23 THIS ISSUE?

24 A NO, THEY LAUGHED AT IT BASICALLY REASSURED ME  
25 THAT THEY KNEW I DIDN'T HAVE A PROBLEM. THE ONLY

1 PRESSURE AS MR. BAITY REFERS TO IS THE PRESSURE THAT  
2 I'M APPARENTLY GETTING FROM THEM. THEY ARE DIGGING  
3 AT STRAWS HERE I GUESS.

4 Q SO YOU DENY THAT YOU IN FACT DID ANY OF THIS,  
5 YOU SIMPLY SIGNED THIS STIPULATION.

6 A ABSOLUTELY.

7 Q TO RETURN TO YOUR --

8 A ABSOLUTELY, TO GO BACK TO WORK AND HAD THAT  
9 CONVERSATION WITH THE BOARD OF NURSING.

10 MR. BAITY: I HAVE SOME FOLLOW UP  
11 QUESTIONS, JUST A FEW.

12 THE COURT: I'M GOING TO ALLOW IT IN. I  
13 MEAN, SHE'S GOT AN EXPLANATION. MA'AM, I'M SORRY YOU  
14 ARE IN THIS SITUATION BUT YOU HAVE SIGNED IT AND  
15 ADMIT CERTAIN ACTS THAT I FIND FALL UNDER 608 (B) SO  
16 BRING THE JURY BACK IN PLEASE. BUT IT'S LIMITED TO  
17 WHAT'S IN THE STIPULATION.

18 MR. BAITY: YES, YOUR HONOR.

19 MR. BRACKETT: THE FACT THAT A CRIMINAL  
20 CHARGE THAT'S NOT BEEN ADJUDICATED I WOULD OBJECT TO  
21 THAT. THEY CAN GET IN THE ADMISSION.

22 THE COURT: I SAID JUST TO THE  
23 STIPULATION. THAT'S ALL THAT THEY CAN. AT THIS  
24 POINT THAT'S THE ONLY EVIDENCE I FIND OF SPECIFIC  
25 INSTANCE OF CONDUCT UNDER RULE 608 (B).



1 (THE JURY RETURNS TO THE COURTROOM AT  
2 6 O'CLOCK.)

3 MR. BAITY: MAY IT PLEASE THE COURT, YOUR  
4 HONOR.

5 CROSS EXAMINATION CONTINUED BY MR. BAITY:

6 Q MS. SIMMONS, I BELIEVE I ASKED YOU THAT IN THIS  
7 PERIOD OF TIME WHEN YOU WERE WRITING TO MR. COPE THAT  
8 YOU WERE UNDER INVESTIGATION BY THE NURSING BOARD,  
9 ISN'T THAT CORRECT?

10 A I WAS NOT UNDER INVESTIGATION. THERE WAS A  
11 COMPLAINT MADE BUT IT DID NOT GO TO FORMAL  
12 INVESTIGATION.

13 Q WAS THAT COMPLAINT INVESTIGATED BY THE BOARD?

14 A NO.

15 Q ALL RIGHT. AND OF COURSE, YOU ARE A NURSE, IS  
16 THAT CORRECT?

17 A YES, SIR.

18 Q YOU ARE A LICENSED NURSE?

19 A I'M A REGISTERED NURSE.

20 Q A REGISTERED NURSE. AND WHEN THIS COMPLAINT OR  
21 INVESTIGATION OR WHATEVER COMMENCED YOUR LICENSE WAS  
22 SUSPENDED, WAS IT NOT?

23 A YES, IT WAS.

24 Q AND EVENTUALLY YOU ENTERED INTO A STIPULATION  
25 AND PETITION WITH YOUR LICENSING BOARD IN WHICH YOU

1 ADMITTED CERTAIN MISCONDUCT, ISN'T THAT CORRECT?

2 A THAT IS CORRECT, I ENDED A STIPULATION.

3 Q AND SPECIFICALLY YOU ADMITTED THAT IN SEPTEMBER  
4 OF 2003 AND OCTOBER OF 2003 WHILE YOU WERE IN AN  
5 EMPLOYEE AT HOME HEALTH CARE IN FLORENCE, SOUTH  
6 CAROLINA, THAT YOU FALSIFIED THE RECORDS OF 21 OF THE  
7 PATIENTS IN YOUR CARE AND YOUR TIME SHEETS RESULTING  
8 IN A COST OF OVER \$4,569 TO HOME HEALTH CARE?

9 A THAT STATEMENT IS IN THE STIPULATION. I DID NOT  
10 ADMIT TO DOING THAT. I SPOKE WITH A REPRESENTATIVE  
11 FROM THE BOARD OF NURSING AND ENTERED INTO A  
12 STIPULATION. MY LICENSE WAS PLACED ON SUSPENSION  
13 STATUS WHEN THE COMPLAINT WAS MADE. I SPOKE WITH A  
14 REPRESENTATIVE IN REFERENCE TO HOW TO CORRECT THE  
15 PROBLEM AND BE ABLE TO PRACTICE NURSING IMMEDIATELY  
16 AGAIN BECAUSE I'M A SINGLE MOTHER AND NEEDED TO GO  
17 BACK TO WORK. I WAS ADVISED THAT I HAD TWO OPTIONS:  
18 ONE WAS TO LET THE COMPLAINT GO TO A FORMAL  
19 INVESTIGATION AND BE RESOLVED THAT WAY. THE OTHER  
20 WAS TO ENTER INTO A STIPULATION AND PETITION WHICH  
21 REQUIRES THAT YOU NOT BE ABLE TO CHALLENGE ANY OF THE  
22 CHARGES, YOU ADMIT TO THE CHARGES, AND BY SIGNING THE  
23 STIPULATION YOU AGREE THAT YOU WILL DO WHATEVER THE  
24 BOARD OF NURSING ASKED YOU TO DO IN ORDER FOR YOU TO  
25 GO BACK AND SAFELY PRACTICE NURSING AND TO RESOLVE

1 ANY ISSUES THAT THERE MAY BE.

2 Q THE STIPULATION THAT YOU SIGNED SAID THAT YOU  
3 ADMITTED TO THAT CONDUCT?

4 A THAT IS CORRECT. I'M JUST EXPLAINING TO YOU HOW  
5 THAT UNFOLDED UNTIL I KNEW THAT---I'M NOT ADMITTING  
6 TO THAT TODAY. I'M TELLING YOU THAT I ENTERED THAT  
7 STIPULATION AND HAVE BEEN SUCCESSFULLY PRACTICING  
8 NURSING SINCE THAT TIME.

9 Q YOU'VE BEEN ON PROBATION NOW.

10 A I'M ON PROBATION AND SUCCESSFULLY COMPLETING  
11 PROBATION WITH MY CURRENT EMPLOYER'S ASSISTANCE.

12 Q AND IN ADDITION TO FALSIFYING THOSE WRITTEN  
13 RECORDS IN WHICH YOU WERE ABLE TO BE PAID FOR  
14 SERVICES THAT YOU DIDN'T ACTUALLY RENDER, ISN'T THAT  
15 WHAT THAT'S ABOUT?

16 A NO, THAT'S UNTRUE. DID RENDER THE SERVICES,  
17 SIR.

18 Q THEN WHY WOULD YOU ADMIT THAT?

19 A I JUST EXPLAINED TO YOU I WAS A SINGLE PARENT  
20 AND I WAS LOOKING AT WAITING A YEAR FOR AN  
21 INVESTIGATION OR BEING ABLE TO GO BACK TO WORK  
22 IMMEDIATELY.

23 Q WELL, IF YOU WERE INNOCENT THEN WHY WOULD YOU  
24 ADMIT SUCH A THING?

25 A MR. BAITY, IT'S A LITTLE BIT DIFFERENT TO ADMIT

1 TO SOMETHING TO GET YOUR NURSING LICENSE BACK OR TO  
2 ADMIT TO KILLING SOMEBODY IF YOU DIDN'T DO IT, IF  
3 THAT'S WHERE YOU ARE GOING.

4 Q THAT'S NOT WHERE I'M GOING AT ALL. YOU ALSO  
5 ADMITTED IN THIS SAME STIPULATION THAT IN SEPTEMBER  
6 OF 2003 YOU DIVERTED KLONOPIN, HYDROCODONE, AND  
7 ALPRAZOLAM, FORGIVE ME IF I'M MISPRONOUNCING THAT,  
8 WHICH ARE SCHEDULED NARCOTICS, YOU DIVERTED THEM AWAY  
9 FROM YOUR PATIENTS TO YOUR OWN USE --

10 A NO, SIR.

11 Q OR POSSESSION?

12 A NO, SIR. I WAS A CHARGE NURSE AT THE TIME THAT  
13 THE MEDICATIONS WERE MISSING. I WAS HELD RESPONSIBLE  
14 FOR THE CART THAT THE LPN WAS WORKING ON. AS I JUST  
15 EXPLAINED TO YOU PART OF THE BOARD OF NURSING'S  
16 REQUIREMENT WAS THAT I UNDERGO IMMEDIATE DRUG AND  
17 ALCOHOL TESTING. HAIR SAMPLING FOR TESTING,  
18 PSYCHOLOGICAL EVALUATION WHICH I DID, AND PASSED  
19 EVERYTHING.

20 Q WHAT WERE YOU DOING WITH THE DRUGS?

21 A I NEVER HAD THE DRUGS IN MY POSSESSION AND  
22 THAT'S NEVER ALLEGED.

23 Q BUT YOU ADMITTED TO THAT?

24 A I STIPULATED.

25 Q IN THE STIPULATION?

1 A I STIPULATED IN ORDER TO GET MY LICENSE BACK,  
2 YES, I DID.

3 Q WHAT DOES STIPULATE MEAN IN YOUR --

4 A IT MEANS --

5 Q --LEXICON?

6 A IT MEANS THAT YOU AGREE TO IT BUT I AGREED TO IT  
7 WITH THE UNDERSTANDING -- YOU MIGHT WANT TO ALSO  
8 POINT OUT THAT CRIMINAL CHARGES WERE BROUGHT BUT HAVE  
9 NEVER BEEN PROVEN.

10 Q YOU SAID THERE IS CRIMINAL CHARGES AS WELL?

11 A YES, BUT HAVE NEVER BEEN PROVEN.

12 Q ARE THEY STILL PENDING?

13 A THEY ARE STILL PENDING.

14 Q SO IN ADDITION TO THE LICENSING PROBLEMS THAT  
15 YOU HAD WITH YOUR NURSING BOARD WHICH RESULTED AT  
16 LEAST FOR AWHILE IN THE SUSPENSION OF YOUR NURSING  
17 LICENSE, YOU ARE ALSO FACING CRIMINAL CHARGES, ISN'T  
18 THAT CORRECT?

19 A THEY ARE THERE. I HAVE ALL CONFIDENCE THAT I  
20 WON'T HAVE A PROBLEM, AND THIS, YOU KNOW, I HAVE  
21 MOVED ON WITH MY LIFE. THIS IS SOMETHING THAT  
22 HAPPENED, I PUT MY LIFE BACK TOGETHER, AND I'VE MOVED  
23 ON.

24 Q WELL, DID YOU NOT TELL YOUR FRIENDS THAT  
25 CHARLENE BLACKWELDER WAS PUTTING PRESSURE ON YOU

1 ABOUT THIS?

2 A ABSOLUTELY NOT. I HAVE NEVER SAID THAT CHARLENE  
3 HAD ANYTHING TO DO WITH THESE CHARGES. I DON'T EVEN  
4 KNOW THAT SHE WAS AWARE OF THEM.

5 Q AND YOU DIDN'T TELL YOUR FRIENDS SUSAN ARCHIE  
6 AND OTHERS AND OUR INVESTIGATOR --

7 A NO, ACTUALLY --

8 Q ---LET ME GET THE QUESTION OUT?

9 A WELL, SIR, SHE IS SHAKING HER HEAD NO THAT I  
10 DIDN'T HERE IN THE COURTROOM TODAY, SO NO, I DIDN'T.

11 Q DID YOU NOT TELL YOUR FRIENDS THAT CHARLENE  
12 BLACKWELDER TOLD YOU THAT SHE COULD GET RID OF THESE  
13 PROBLEMS FOR YOU?

14 A NEVER.

15 Q IF YOU AGREE TO COOPERATE --

16 A ABSOLUTELY NOT AND SUSAN ARCHIE---

17 MR. BRACKETT: OBJECTION.

18 THE COURT: WAIT. WAIT. WAIT.

19 A IS SHAKING HER HEAD, SHE'S SHAKING HER HEAD IN  
20 THE COURTROOM, SIR, SHE'S SAYING NO RIGHT THERE.

21 THE COURT: WELL, SHE'S ANSWERED THE  
22 QUESTION. SHE SAID NO.

23 MR. BAITY: THANK YOU, YOUR HONOR.

24 Q YOU TOLD YOUR FRIENDS THAT CHARLENE BLACKWELDER  
25 WAS GIVING YOU A LOT OF PRESSURE ABOUT THIS, WEREN'T

1 YOU?

2 A EARLY ON WE HAD CONVERSATIONS REGARDING THE  
3 PRESSURE THAT WE FELT THAT THE POLICE HAD ON  
4 EVERYBODY REGARDING THE INVESTIGATION.

5 Q IT'S YOUR TESTIMONY THAT YOU NEVER SPOKE TO  
6 CHARLENE BLACKWELDER ABOUT THESE PROBLEMS WE JUST  
7 TALKED ABOUT?

8 A NO, I'VE NEVER DISCUSSED THIS WITH HER TO MY  
9 KNOWLEDGE.

10 Q OKAY. SO BASICALLY THIS IS ABOUT THE SAME TIME  
11 YOU STARTED WRITING BILLY WAYNE COPE IN JAIL, DIDN'T  
12 YOU?

13 A IT HAD NO RELEVANCE IN THAT TIME FRAME AND  
14 ACTUALLY I HAD NOT RESPONDED TO HIS LETTERS  
15 PREVIOUSLY BECAUSE I REALLY DIDN'T WANT TO BE  
16 INVOLVED. I STARTED TO FEEL SORRY FOR HIM AND FELT  
17 LIKE HE NEEDED CHRISTIAN SUPPORT.

18 Q WELL, AMY SIMMONS, YOU DID START WRITING TO HIM  
19 ABOUT THIS SAME TIME, DIDN'T YOU?

20 A I CAN'T TELL YOU THAT BECAUSE I DON'T KNOW WHAT  
21 TIMEFRAME. YOU KNOW, IT'S BEEN A LEAST A YEAR AND A  
22 HALF.

23 Q WELL, IF I WERE TO SHOW YOU SOME COPIES OF SOME  
24 OF YOUR LETTERS AND CARDS TO MR. COPE, WOULD THAT  
25 REFRESH YOUR MEMORY?

1 A YES, SIR.

2 MR. BAITY: MAY I APPROACH THE WITNESS.

3 I'M SORRY, YOUR HONOR.

4 Q THERE YOU GO.

5 A THANK YOU.

6 Q TAKE A LOOK AT THAT AND TELL ME WHAT DATES DO

7 YOU SEE ON THOSE LETTERS AND CARDS?

8 A SOME OF THESE AREN'T MINE.

9 Q OH, REALLY.

10 A REALLY.

11 Q OKAY.

12 A YEAH.

13 Q OKAY. HOW MANY OF THEM ARE YOURS?

14 A YOU WANT ME TO GO BACK AND COUNT SPECIFICALLY?

15 Q ARE SOME OF THEM ---

16 A I'M SEEING ONE PAGE THAT'S NOT MINE.

17 Q OKAY. SET THAT ASIDE FOR ME. THANK YOU.

18 A OKAY. (GOING THROUGH THE PAPERS AT 06:05 PM.)

19 THIS PAGE IS NOT MINE. THE REMAINDER OF THE PAGES

20 LOOK LIKE THEY WERE INITIALLY MINE, BUT THEY HAVE

21 BEEN, SOME OF THE LETTERS WRITTEN OVER, HIGHLIGHTED

22 AND IT APPEARS THAT HAVE BEEN FAXED BACK TO YOU FROM

23 A FORENSIC COMPANY, SO I DON'T KNOW WHOSE DONE WHAT.

24 Q OKAY. BUT THOSE ARE YOUR LETTERS? I'M JUST

25 TRYING TO GET ESTABLISHED THAT YOU DID START WRITING



1 MR. COPE SOME LETTERS?

2 A YES, I DID.

3 Q CORRECT?

4 A YES.

5 Q AND THE DATES ON THOSE LETTERS RANGE FROM  
6 FEBRUARY, ACTUALLY YOU SENT A CHRISTMAS CARD TO HIM,  
7 DIDN'T YOU?

8 A I THINK SO, YES.

9 Q CHRISTMAS OF 2003?

10 A YES.

11 Q RIGHT?

12 A YES.

13 Q THAT'S ABOUT THE FIRST THING YOU SENT TO HIM,  
14 WASN'T IT?

15 A I DON'T BELIEVE SO.

16 Q YOU SENT HIM SOMETHING BEFORE THAT?

17 A YES, BECAUSE LOOKING AT THIS CHRISTMAS LETTER  
18 THIS WASN'T LIKE I JUST STARTED WRITING. THESE ARE  
19 NOT ALL THE LETTERS THAT I EVER WROTE. THERE WERE  
20 FAR MORE.

21 Q BUT YOU DID WRITE HIM IN DECEMBER AND YOU WROTE  
22 HIM IN JANUARY AND YOU WROTE HIM IN FEBRUARY AND IN  
23 MARCH?

24 A DO YOU WANT ME TO GO THROUGH EACH ONE?

25 Q NO, MA'AM.

1 A OKAY.

2 Q I'M JUST SAYING GENERALLY YOU'VE SEEN THOSE  
3 DATES IN THERE, HAVEN'T YOU?

4 A I SEE DECEMBER, APRIL, IT LOOKS LIKE THESE ARE  
5 JUST ONE DECEMBER FORWARD.

6 Q OKAY. SO DECEMBER, JANUARY, FEBRUARY. MAY I  
7 HAVE THEM BACK?

8 A I MEAN, I CAN GO THROUGH THEM INDIVIDUALLY. I'M  
9 NOT GOING TO SAY EVERY MONTH IS THERE UNLESS YOU WANT  
10 ME TO GO THROUGH ONE BY ONE.

11 Q THAT'S FINE. AND THESE ARE NOT ALL THE LETTERS  
12 YOU WROTE TO MR. COPE?

13 A NO.

14 Q DID YOU SEE ANY IN HERE BEFORE YOUR TROUBLES  
15 WITH THE NURSING BOARD?

16 A THE THING WITH THE NURSING BOARD HAPPENED FAR,  
17 FAR BACK FROM WHAT YOU ARE REFERRING TO. IT WAS IN  
18 2001.

19 Q WELL YOU SIGNED THIS STIPULATION THAT WE JUST  
20 DISCUSSED IN DECEMBER OF 2003, DIDN'T YOU?

21 A YES, I DID.

22 Q OKAY. SO MY QUESTION IS BEFORE 2003, BEFORE  
23 DECEMBER OF 2003, THIS LAST DECEMBER, YOU -- THERE IS  
24 NOTHING IN HERE SHOWING THAT YOU WROTE MR. COPE ANY  
25 LETTERS?

1 A YOU ARE NOT HOLDING ANY COPIES BUT I'M TELLING  
2 YOU THAT I DID.

3 Q OKAY. ALL RIGHT. BUT YOU WROTE HIM A NUMBER  
4 OF LETTERS?

5 A YES.

6 Q IN DECEMBER, JANUARY, AND FEBRUARY AFTER THAT.

7 A NO MORE THAN WHAT I HAD DONE BEFORE.

8 Q OKAY. AND MR. COPE WROTE YOU BACK, DIDN'T HE?

9 A YES.

10 Q NOW HE HADN'T, YOU TWO DIDN'T REALLY START  
11 CORRESPONDING UNTIL THIS YEAR AND BY THAT I MEAN YOU  
12 WRITE A LETTER AND HE WRITES YOU RIGHT BACK AND YOU  
13 WRITE HIM BACK AND SO FORTH?

14 A NO, THAT'S BEEN MORE LIKE A YEAR, A YEAR AND A  
15 YEAR HALF. I MEAN, THAT'S BEEN FURTHER BACK THAN  
16 THAT.

17 Q DO YOU SPECIFICALLY REMEMBER THAT?

18 A I BELIEVE SO. I MEAN, I KNOW THAT I HAD LETTERS  
19 FROM HIM AS FAR BACK AS TWO YEARS AGO.

20 Q OKAY. BUT YOU SAY YOU STARTED CORRESPONDING  
21 ABOUT A YEAR BACK, IS THAT WHAT YOU SAID?

22 A I COULDN'T TELL YOU THE EXACT DATE. I MEAN, I  
23 DIDN'T KEEP COPIES OF THE LETTERS I SENT HIM. JUST  
24 LIKE I DIDN'T KEEP COPIES OF EVERY LETTER THAT HE  
25 SENT ME.

1 Q BUT ABOUT A YEAR BACK?

2 A I'M NOT TO GOING SAY THAT BECAUSE I'M NOT SURE  
3 WITHOUT HAVING SOMETHING IN MY HANDS. I DON'T WANT  
4 TO GIVE YOU THE WRONG----

5 Q ISN'T THAT WHAT YOU JUST --

6 A I SAID I THINK THAT IT WAS ABOUT THAT TIME  
7 PERIOD TIME, BUT IF YOU WANT TO PINPOINT ME, I'M NOT  
8 GOING TO TELL YOU SOMETHING THAT --

9 Q YOU THINK IT WAS ABOUT A YEAR BACK AND WASN'T IT  
10 ABOUT A YEAR BACK WHEN YOU ADMITTED TO THIS  
11 MISCONDUCT TO THE NURSING BOARD, SEPTEMBER 26,  
12 OCTOBER 16, WASN'T THAT ABOUT A YEAR BACK?

13 A NO, THAT'S NOT A YEAR. THAT'S MORE LIKE 7 OR 8  
14 MONTHS, BUT I MEAN NEITHER ONE HAD ANY BEARING ON THE  
15 OTHER. I WAS TRYING TO BE SUPPORTIVE. SUSAN AND HER  
16 FAMILY ASKED ME TO BE SUPPORTIVE AND ASKED ME TO  
17 WRITE HIM. I ALSO ASKED MY CHURCH MEMBERS TO WRITE  
18 HIM WHICH THEY DID SO WE WERE ALL TRYING TO BE  
19 SUPPORTIVE AT THAT POINT.

20 Q SO IN SEPTEMBER OF 2003 IS WHEN YOU ADMITTED THE  
21 MISCONDUCT TO THE NURSING BOARD?

22 A I'M NOT GOING TO SAY THAT WITHOUT SEEING THAT IN  
23 WRITING. THAT SOUNDS ABOUT THE RIGHT TIMEFRAME BUT --

24 Q WOULD YOU LIKE TO SEE IT?

25 A I SIGNED IT IN DECEMBER.

1 Q I'M ASKING ABOUT THE CONDUCT THAT YOU ADMITTED,  
2 MS. SIMMONS?

3 A I SIGNED THE STIPULATION IN DECEMBER.

4 Q MAY I APPROACH THE WITNESS?

5 A AND I DID NOT ADMIT ANY MISCONDUCT EVER.

6 Q MS. SIMMONS, DOES IT NOT SAY RESPONDENT, THAT  
7 WOULD BE YOU, CORRECT? RESPONDENT ADMITS ON OR  
8 ABOUT SEPTEMBER 26, 2003, THROUGH OCTOBER 16, 2003  
9 SHE FALSIFIED RECORDS OF 21 PATIENTS AND HER TIME  
10 SHEETS, IS THAT NOT WHAT THAT SAYS?

11 A WHAT YOU ARE REFERRING TO, SIR, IS -- NO. NO.  
12 NOT ADMITTING TO YOU TO DOING THAT. THIS DID NOT  
13 ACTUALLY HAPPEN. I'M NOT ADMITTING TO ANY MISCONDUCT  
14 IF THAT'S WHAT YOU ARE ASKING ME TO SAY.

15 Q NO, MA'AM. I'M ASKING YOU WHAT YOU SIGNED.  
16 THAT'S ALL?

17 A I SIGNED THIS STIPULATION IN DECEMBER IS WHAT  
18 I'M TELLING YOU.

19 Q IT'S, IT ALLEGES THAT YOUR MISCONDUCT OCCURRED  
20 IN SEPTEMBER?

21 A ALLEGES, CORRECT.

22 Q DOESN'T IT?

23 A THAT'S WHAT IT ALLEGATIONS AND I'M TELLING YOU I  
24 SIGNED --

25 Q AND THE ALLEGATION WAS ADMITTED BY YOU?

1 A NO, I ENTERED A STIPULATION TO GET MY NURSING  
2 LICENSE BACK.

3 Q ALL RIGHT. THAT'S FINE. SO THIS IS SEPTEMBER  
4 2004, DOESN'T IT?

5 A CORRECT.

6 Q AND SEPTEMBER OF 2003 WOULD BE A YEAR AGO?

7 A AND ACTUALLY THOSE ARE THE WRONG DATES BECAUSE I  
8 DIDN'T WORK FOR THAT COMPANY THEN.

9 Q OKAY.

10 A I MEAN, YOU CAN VERIFY THAT BUT THAT WOULD HAVE  
11 BEEN 2001 OR 2002. I WAS LIVING IN ANDERSON IN  
12 SEPTEMBER OF 2003.

13 Q NOW MR. COPE, AFTER YOU STARTED WRITING HIM  
14 RESPONDED TO YOUR LETTERS WITH LETTERS OF HIS OWN, IS  
15 THAT NOT CORRECT?

16 A HE STARTED WRITING ME FIRST.

17 Q OKAY.

18 A IS THAT WHAT YOU ARE ASKING, WHO WROTE FIRST.

19 Q NO, MA'AM, NOT REALLY, BUT THAT'S FINE.

20 A OKAY.

21 Q AND THESE ARE THE LETTERS, IS THAT CORRECT?

22 A THOSE ARE THE LETTERS THAT I STILL HAD IN MY  
23 POSSESSION WHEN THE ANDERSON COUNTY SHERIFF'S OFFICE  
24 CAME TO MY HOME AND ASKED ME TURN OVER ANY LETTERS  
25 THAT I HAD FROM HIM, YES.

1 Q HOW MANY LETTERS ARE RIGHT THERE?

2 A 11 ARE RIGHT HERE.

3 Q OKAY. YOU KEEP THEM IN ORDER.

4 A I BELIEVE SO.

5 MR. BAITY: I'D LIKE TO HAVE THESE MARKED  
6 INDIVIDUALLY SO I CAN REFER TO THEM AND KEEP THE  
7 RECORD STRAIGHT.

8 THE COURT: BE RECEIVED, BE MARKED WITHOUT  
9 OBJECTION DEFENDANT'S WHATEVER.

10 (DEFENDANT'S EXHIBITS 35 THROUGH 45  
11 LETTERS RECEIVED INTO EVIDENCE.)

12 Q NOW MS. SIMMONS, THE LETTERS THAT WE'VE JUST HAD  
13 MARKED INDIVIDUALLY FROM BILLY TO YOU THOSE WERE  
14 FAIRLY LENGTHY LETTERS, WERE THEY NOT?

15 A SOME OF THEM WERE.

16 Q AND OF COURSE HE WAS RESPONDING TO SOME LENGTHY  
17 LETTERS THAT YOU WROTE TO HIM?

18 A THAT'S FAIR TO SAY, YES.

19 Q HERE'S ONE THAT'S THREE PAGES LONG AND HIS WERE  
20 THREE AND FOUR PAGES LONG, IS THAT A FAIR STATEMENT?

21 A YES. I'VE WRITTEN HIM LETTERS THAT WERE  
22 MULTIPLE PAGES.

23 Q ALL RIGHT. GOOD. ALL RIGHT. AND HE WAS  
24 COMMENTING ON A VARIETY OF SUBJECTS, WAS HE NOT?  
25 RELIGION, HIS PHILOSOPHY OF LIFE, CHILDREN?

1 A YES.

2 Q POLITICS?

3 A YES.

4 Q AND I MEAN EACH LETTER WAS DIFFERENT FROM THE  
5 LAST, WOULDNT YOU SAY THAT'S CORRECT?

6 A SOME OF THEM CONTAINED DIFFERENT THINGS BUT THEY  
7 ALL CONTAIN SOME OF THE SAME THINGS AND SOME OF THE  
8 SAME THINGS THAT WE CONSISTENCY TALKED ABOUT.

9 Q UH-HUH. AND HE BEGAN TO TELL YOU MORE AND MORE  
10 ABOUT HIMSELF?

11 A I THINK THAT'S FAIR, YES.

12 Q AND THE LETTERS BECAME WARMER AND MORE INTIMATE  
13 IN THE BROADER SENSE?

14 A NO, I WOULDNT SAY THAT.

15 Q HE DIDNT SHARE HIS FAITH IN GOD WITH YOU?

16 A I KNEW ABOUT HIS FAITH IN GOD FROM BEING IN  
17 CHURCH WITH HIM. I KNOW THAT HE HAS A STRONG FAITH  
18 IN GOD.

19 Q HE DIDNT TALK TO YOU ABOUT HIS DECEASED WIFE?

20 A HE MENTIONED HER FROM TIME TO TIME IN LETTERS.

21 Q WELL, HE WROTE YOU ONE REALLY LONG LETTER ABOUT  
22 HER, DIDNT HE?

23 A I CANT ANSWER THAT WITHOUT SEEING THE LETTER.  
24 I'M SORRY.

25 Q OKAY. AND HE WAS GETTING MORE AND MORE



1 INTERESTED IN YOU, DON'T YOU THINK THAT'S CORRECT?

2 A NO.

3 Q YOU DON'T THINK HE WAS GETTING SOME FEELINGS FOR  
4 YOU?

5 A ABSOLUTELY NOT.

6 Q AND YOU WEREN'T LEADING HIM ON JUST A LITTLE  
7 BIT?

8 A ABSOLUTELY NOT.

9 Q AND ISN'T IT TRUE THAT WHENEVER YOU GOT A LETTER  
10 FROM BILLY OR WHENEVER YOU HEARD FROM HIM, YOU WENT  
11 AND REPORTED THAT TO CHARLENE BLACKWELDER, DIDN'T  
12 YOU?

13 A THAT IS NOT TRUE.

14 Q DIDN'T YOU TELL OUR INVESTIGATOR THAT YOU BEEN  
15 TALKING TO HER ON A REGULAR BASIS?

16 A NO, I TOLD YOUR INVESTIGATOR THAT I TALKED TO  
17 HERE ABOUT THE LETTERS THAT WERE BEING TURNED OVER.

18 Q OKAY.

19 A AND THAT WAS WHEN YOUR INVESTIGATOR CAME TO MY  
20 TOWN AND CORNERED ME AND ASKED ME, SO, YES, I DID  
21 TELL HIM.

22 Q UH-HUH. AND YOU CAME AND ACTUALLY MET WITH  
23 MR. COPE'S ATTORNEYS, YOU DIDN'T JUST WRITE HIM  
24 LETTERS, BUT YOU CAME AND MET WITH MR. MORTON AND MR.  
25 WOODS AND --

1 A Y'ALL --

2 Q MR. SMITH AND MYSELF?

3 A YOU ALL INVITED ME AND YOU CALLED ME ON MULTIPLE  
4 OCCASIONS AND I MADE MULTIPLE LONG DISTANCE, TWO AND  
5 A HALF THREE HOUR TRIPS AT YOUR REQUEST.

6 Q YOU CAME IN THERE AND YOU WOULD HAVE HOUR LONG  
7 MEETINGS WITH US OR EVEN LONGER?

8 A AT YOUR REQUEST ABSOLUTELY.

9 Q TALK MR. MORTON ON THE PHONE?

10 A WHEN HE CALLED OR I HAD CALLED HIM TO RETURN HIS  
11 CALL ABOUT AN ISSUE, YES.

12 Q YOU WERE VITALLY INTERESTED IN THIS CASE,  
13 WEREN'T YOU?

14 A NO. I FELT I HAD BEEN, I WAS BEING SUPPORTIVE  
15 OF SUSAN, I HAD BEEN ASKED BY HER AND BY HER FAMILY  
16 AND I HAD BEEN ASKED BY YOU ALL TO COME AND DO THIS.

17 Q EVERY TIME YOU HAD A CONVERSATION WITH MR.  
18 MORTON, YOU WOULD TELL CHARLENE BLACKWELDER EXACTLY  
19 WHAT MR. MORTON TOLD YOU?

20 A ABSOLUTELY NOT TRUE. I RESPECTED WHAT WAS SAID  
21 IN THOSE MEETINGS. I DID NOT SHAKE.

22 Q YOU DIDN'T TELL THAT TO OUR INVESTIGATOR OR TO  
23 YOUR FRIENDS?

24 A NO, I DID NOT AND I DID NOT SHAKE YOUR DEFENSE  
25 STRATEGIES OR THINGS THAT YOU HAD ASKED ME TO DO, NO.

1 Q WERE YOU A MOLE?

2 A NO, I WAS NOT A MOLE. I THINK A MOLE IS SELF  
3 PLANTS. I DON'T THINK MOLES ARE INVITED IN AND ASKED  
4 TO PARTICIPATE.

5 Q NOW YOU'VE ADMITTED TO FORGING OR FALSIFYING  
6 PATIENT'S SIGNATURES?

7 A NO, SIR, I HAVE NOT.

8 Q OKAY. SO YOU MIGHT KNOW A THING OR TWO ABOUT  
9 FORGERY, WOULDN'T YOU SAY?

10 A NO, SIR.

11 Q AND WOULD YOU AGREE THAT IT'S NOT ALL THAT  
12 DIFFICULT TO FORGE A PATIENT'S SIGNATURE OR JUST ONE  
13 LITTLE WORD OR ONE LITTLE PHRASE OR SOMETHING OF THAT  
14 NATURE?

15 A I WOULD HAVE NO IDEA BECAUSE I'VE NEVER DONE  
16 THAT.

17 Q BUT IT WOULD BE REALLY HARD TO WRITE A WHOLE  
18 LETTER, WOULDN'T IT?

19 A I HAVE NO IDEA. I HAVE NEVER DONE THAT.

20 Q BECAUSE WHEN YOU ARE FORGING A SIGNAL, I MEAN A  
21 SIGNATURE, YOU JUST GOT ONE LITTLE MODEL THERE AND  
22 YOU CAN PRACTICE THAT AND GET IT RIGHT?

23 A I HAVE NO IDEA.

24 Q IS THAT HOW YOU FALSIFIED THE RECORDS?

25 A I DID NOT FALSIFY ANY RECORDS, SIR.

1 Q BUT WHEN YOU DON'T HAVE A MODEL IT'S KIND OF  
2 HARD TO FORGE, WOULDN'T YOU AGREE?

3 A I HAVE NO IDEA.

4 Q YOU HAVE NO IDEA?

5 A NO.

6 MR. BAITY: YOUR HONOR, I HAVE AN EXHIBIT.

7 MR. BRACKETT: MAY I SEE IT BEFORE IT IS.

8 MR. BAITY: OF COURSE, IT'S A LETTER.

9 Q NOW MS. SIMMONS, I'M GOING TO SHOW YOU WHAT'S  
10 BEEN MARKED AS STATE'S EXHIBIT NUMBER 89. YOU WANT  
11 TO HOLD THAT FOR A MOMENT.

12 A OKAY.

13 Q THANK YOU. AND I'M GOING TO TIP THIS OVER SO  
14 YOU CAN SEE IT. I WANT YOU TO COMPARE THE TWO. IS  
15 THIS NOT A BLOWUP OF THE TWO PAGE LETTER THAT YOU  
16 TESTIFIED JUST A MOMENT AGO YOU RECEIVED FROM BILLY  
17 WAYNE COPE?

18 A I CAN'T SAY IT'S AN EXACT BLOWUP. LOOKING AT IT  
19 AND LOOKING AT THIS, IT APPEARS TO BE.

20 Q OKAY. SO YOU THINK THIS IS A, AN ACCURATE COPY  
21 OF THAT? YOU WANT TO LOOK AT THE SECOND PAGE.

22 A I'M NOT A HANDWRITING EXPERT SO I CANNOT SAY  
23 THAT.

24 Q I REALIZE THAT, BUT THIS WOULD BE A COPY OF  
25 THAT. DOESN'T IT HAVE THE SAME WRITING ON IT?

1 A THIS ONE HAS GOT PURPLE STUFF ON IT NOW BUT.

2 Q IT'S NOT THE SAME COLOR?

3 A RIGHT. AND IT'S A LITTLE BIT HARDER TO SEE BUT  
4 IT APPEARS TO BE BUT AGAIN I'M NOT AN EXPERT.

5 Q YES, MA'AM. I UNDERSTAND. NOW IS THERE  
6 ANYTHING STRANGE ABOUT THAT LETTER THAT JUST SORT OF  
7 PRESENTS ITSELF WHEN YOU LOOK AT IT?

8 A I'M NOT SURE WHAT YOU ARE ASKING ME.

9 Q WELL, I KNOW YOU'RE NOT A HANDWRITING EXPERT BUT  
10 WHEN YOU LOOK AT IT ISN'T IT KIND OF STRANGE TO YOU  
11 THAT IN SOME CASES THE LETTERS ARE STRAIGHT UP AND  
12 DOWN. AND IN OTHER CASES THE LETTERS ARE SLANTED TO  
13 THE SIDE?

14 A I'M NOT SURE WHAT YOU ARE ASKING ME. IF YOU'RE  
15 ASKING IN REFERENCE IN OTHER LETTERS, THIS IS WHAT HE  
16 DID AND HE WOULD WRITE IN CURSIVE SOMETIMES AND IN  
17 PRINT SOMETIMES, IF THAT'S WHAT YOU'RE ASKING.

18 Q I'M NOT ASKING CURSIVE AND PRINT. I'M TALKING  
19 ABOUT THE SLANTS OF THE LETTERS. I MEAN, YOU CAN SEE  
20 SOME OF THESE ARE STRAIGHT UP AND DOWN AND OTHERS ARE  
21 TILTED, WOULD YOU AGREE WITH THAT?

22 A I HAVE NO IDEA WHAT YOU ARE ASKING ME.

23 Q AND WOULD YOU AGREE THAT SOME OF THE WRITING IS  
24 KIND OF HEAVY AND DARK AND THE LETTERS ARE LARGE AND  
25 OTHER PARTS OF THE WRITING ARE KIND OF SMALL?

1 A AS COMPARED TO WHAT? I MEAN, I'M NOT SURE WHAT  
2 YOU ARE ASKING ME.

3 Q AND IN THE SYNTAX OF THE LETTERS, I MEAN IN THE  
4 WORDING OF THE LETTERS, KIND OF STRANGE ISN'T IT. I  
5 MEAN FOR HIM TO BE TALKING IN AND OUT OF THE PRESENT  
6 TENSE AND THEN TALKING ABOUT THIS HORRIBLE CRIME AND  
7 THEN DOWN HERE HOW IS BRIAN AND JAMIE. I MEAN, ISN'T  
8 THAT KIND OF JUXTAPOSITION FUNNY?

9 A I CAN'T --

10 Q ---DON'T YOU THINK?

11 A I CAN'T TELL YOU WHY HE WROTE IT THAT WAY. I'M  
12 NOT IN HIS MIND.

13 Q UH-HUH. THERE IS ALL SORTS OF STRANGE RELIGIOUS  
14 REFERENCES IN HERE?

15 A I DON'T KNOW WHAT YOU MEAN BY STRANGE. HE  
16 REFERENCES GOD.

17 Q OKAY. AMY, I WANT TO GIVE YOU AN OPPORTUNITY TO  
18 TELL THIS JURY EXACTLY WHAT THIS LETTER REALLY IS.

19 A IT'S A LETTER THAT I RECEIVED IN MY MAILBOX.

20 Q I WANT -- I'M GOING TO GIVE YOU AN OPPORTUNITY?

21 A THIS IS.

22 Q THAT LETTER OF COURSE?

23 A I DON'T KNOW ABOUT THAT BUT THIS IS.

24 Q I WANT TO GIVE YOU AN OPPORTUNITY TO TELL THE  
25 JURY THAT YOU FORGED THAT LETTER?

1 A THAT IS ABSOLUTELY LUDICROUS.

2 Q YOU FORGED THAT LETTER BY USING SENTENCES AND  
3 PHRASES FROM MR. COPE'S LETTERS?

4 MR. BRACKETT: PLEASE THE COURT, MAY WE  
5 APPROACH.

6 THE COURT: NO.

7 MR. POPE: WE NEED TO APPROACH THE BENCH,  
8 YOUR HONOR.

9 (BENCH CONFERENCE AT 06:23 PM.)

10 THE COURT: YOU MAY PROCEED.

11 MR. BAITY: THANK YOU, YOUR HONOR.

12 Q MS. SIMMONS, WHAT YOU DID IS YOU FORGED THIS  
13 LETTER AND THE WAY YOU DID IT IS THAT YOU TOOK  
14 SENTENCES AND PHRASES FROM THE LETTERS YOU RECEIVED  
15 FROM MR. COPE AND YOU USED THOSE SENTENCES AND  
16 PHRASES AS A MODEL TO SKETCH IT OUT PERFECTLY, THE  
17 WAY YOU WOULD A SIGNATURE ON A TIME SHEET, OR A, OR  
18 ON A PATIENT RECORD, THE SAME WAY YOU DID THOSE?

19 A NO. MR. BAITY, IF YOU BELIEVE THAT I FORGED  
20 THESE LETTERS I WONDER WHY YOU ASKED ME AND YOUR TEAM  
21 OF LAWYERS ASKED ME TO TEAR THEM UP RATHER THAN GIVE  
22 THEM TO THE POLICE.

23 Q WELL, I'M NOT GOING TO ANSWER ANY QUESTIONS.

24 A THAT'S FINE.

25 Q RIGHT NOW. YOU KNOW THAT'S NOT TRUE THOUGH.

1 A THAT IS VERY TRUE.

2 Q YOU KNOW THAT IS AN ABSOLUTE LIE.

3 A NO, SIR.

4 THE COURT: WHOA, WHOA, WHOA, LET'S DON'T  
5 ARGUE. YOU ASKED A QUESTION AND YOU ANSWER THE  
6 QUESTIONS.

7 MR. BAITY: VERY GOOD, YOUR HONOR.

8 THE COURT: DON'T ARGUE WITH THE WITNESS.

9 Q SO IT'S YOUR TESTIMONY THAT YOU DID NOT USE  
10 PHRASES AND SENTENCES FROM HIS OTHER LETTERS TO  
11 CONSTRUCT THIS FORGERY?

12 A ABSOLUTELY NOT AND I WOULD ALSO LIKE TO SAY THAT  
13 IF I HAD HAD ANY EVIL INTENTION I WOULD NOT HAVE  
14 TURNED OVER THE FIRST CONCERNING LETTER TO YOU AND  
15 YOUR PARTNERS AND GIVEN YOU FIVE MONTHS TO DO THE  
16 RIGHT WRONG WITH IT. I WOULD HAVE GONE STRAIGHT TO  
17 THE POLICE IF I WANTED TO CAUSE TROUBLE.

18 Q WELL, IF YOU WERE A MOLE AND TRYING TO CURRY  
19 FAVOR WITH US YOU MIGHT HAVE DONE THAT, WOULDN'T YOU?

20 A THAT IS ABSOLUTELY NOT TRUE. I DID, AND LET ME  
21 ALSO SAY SINCE YOU ASKED THE QUESTION, NOT ONLY DID  
22 YOU INVITE ME INTO YOUR OFFICES, BUT YOU'VE HAD YOUR  
23 PRIVATE INVESTIGATORS AND SOME OF THE ATTORNEYS IN  
24 THIS ROOM DRIVE TO MY HOUSE TWO AND A HALF HOURS AWAY  
25 AT 11 AND 12 O'CLOCK AT NIGHT TO TRY AND RETRIEVE



1 THESE LETTERS BEFORE THE POLICE DEPARTMENT COULD GET  
2 THERE THE NEXT MORNING, SIR. AND THAT WOULD BE  
3 MR. DAVID WOOD.

4 Q OKAY. YOU WANT TO, COULD YOU STEP DOWN HERE.  
5 COULD WE HAVE THE LIGHTS PLEASE.

6 (THE WITNESS EXITS THE WITNESS STAND.  
7 AT 06:26 PM.)

8 Q NOW MS. SIMMONS, YOU'VE TESTIFIED THAT THESE ARE  
9 LETTERS THAT MR. COPE SENT TO YOU WHILE HE WAS IN  
10 PRISON, IS THAT RIGHT?

11 A I WOULD HAVE TO SEE EACH SPECIFIC ONE. YES, HE  
12 DID WRITE ME LETTERS.

13 Q OKAY. AND THIS ONE, WOULD YOU OPEN THAT LETTER  
14 PLEASE?

15 A SURE.

16 Q WOULD YOU AGREE WITH ME, TAKE A LOOK AT IT AND  
17 BE SURE, WOULD YOU AGREE WITH ME THAT IS A COPY OF  
18 THAT LETTER YOU HOLD IN YOUR HAND RIGHT THERE.

19 A IT APPEARS BUT THERE IS SOME STAMPS AND SOME  
20 MARKINGS ON THIS ONE THAT AREN'T ON THAT ONE. I  
21 DON'T KNOW IF THAT'S --

22 Q OKAY. HERE I WANT YOU TO DO SOMETHING FOR ME.  
23 WOULD YOU COME OVER HERE PLEASE TO THE LETTER.  
24 NOW YOU SEE THAT PHRASE OVER THERE THAT I'VE  
25 UNDERLINED: I HOPE THAT YOU ARE NOT MAD, HURT, OR

1 ANGRY?

2 A UH-HUH.

3 Q DO YOU SEE THAT ANYWHERE IN HERE? WHAT ABOUT  
4 RIGHT HERE?

5 A YEAH.

6 Q HOW ABOUT HIGHLIGHTING THAT ARE FOR ME, JUST  
7 WITH THE HIGHLIGHTER. ALL THE WAY THROUGH IT PLEASE.  
8 THERE YOU GO. COULD WE MAYBE DO IT A LITTLE BIT  
9 BETTER THAN THAT. THERE YOU GO. AND DO YOU SEE THAT  
10 RIGHT UNDER IT, I JUST FELT YOU SHOULD KNOW, DO YOU  
11 SEE THAT ANYWHERE IN THERE. HIGHLIGHT THAT FOR ME?

12 A (COMPLIES.)

13 Q SO THOSE TWO ARE RIGHT TOGETHER IN THAT LETTER  
14 AND THEY ARE RIGHT TOGETHER IN THIS LETTER, ISN'T  
15 THAT RIGHT?

16 A THAT'S CORRECT.

17 Q OKAY. AND DO YOU SEE THAT UP THERE THAT SAYS  
18 PLEASE DON'T STOP WRITING?

19 A UH-HUH.

20 Q WHAT DO YOU THINK RIGHT THERE? IS THAT IN THAT  
21 LETTER TOO?

22 A WELL, IT'S CUT OFF YES BUT I CAN ALSO TELL FROM  
23 LOOKING AT THE LETTERS AND THE MAJORITY OF THE  
24 LETTERS HAVE THE SAME THINGS AND WORDS ALL THE WAY  
25 THROUGH THEM MULTIPLE TIMES SO.

1 Q OKAY. THAT'S FINE. NOW LET'S HAVE IT BACK.  
2 WAIT. I GOT ONE MORE I MISSED IT. RIGHT AT THE  
3 BOTTOM. LET ME SEE THAT PLEASE. WOULD YOU AGREE  
4 THAT THAT PHRASE FITS INTO THIS LETTER, THAT PHRASE  
5 RIGHT THERE, I HAVE TO GET ON WITH MY LIFE, RIGHT  
6 THERE AT THE BOTTOM OF THE LINE. I MEAN OF THE PAGE?  
7 A IT'S IN HERE WHERE?  
8 Q WELL, ISN'T IT AT THE BOTTOM OF THAT LETTER?  
9 A I'M SORRY. IT'S FOLDED.  
10 Q RIGHT THERE?  
11 A YES.  
12 Q ISN'T IT RIGHT AT THE BOTTOM OF THAT LETTER  
13 RIGHT THERE. WHY DON'T YOU HIGHLIGHT THAT FOR ME  
14 TOO.  
15 A (COMPLIES.)  
16 Q OKAY. NOW THANK YOU. HOLD ON. WILL YOU OPEN  
17 THAT LETTER FOR ME PLEASE.  
18 A YES, SIR.  
19 Q WOULD YOU AGREE WITH ME THAT THE FOURTH PAGE OF  
20 THAT LETTER, THAT THIS IS THE FOURTH PAGE OF THAT  
21 LETTER, LOOK AT THE TOP AND MAKE SURE IT IS THE SAME.  
22 JESUS LEFT THE EARTH, SO FORTH, RIGHT?  
23 A THESE ARE ACTUALLY TWO LETTERS IN ONE ENVELOPE.  
24 Q OKAY. WELL YOU FIND THE ONE THAT I'M TALKING  
25 ABOUT THAT SAYS JESUS LEFT THE EARTH AT THE TOP?

1 A NO, SIR. I MUST HAVE THE WRONG ONE.

2 Q I BELIEVE I DO HAVE THE WRONG LETTER SO WE'LL GO  
3 ON TO ANOTHER LETTER. OPEN THIS LETTER FOR ME. YOU  
4 CAN HAVE THE ENVELOPE BACK. DO YOU SEE PAGE SEVEN  
5 THERE. IT STARTS OUT A LONG TIME.

6 A UH-HUH.

7 Q YOU SEE THAT?

8 A I DO.

9 Q OKAY. AND DO YOU SEE WHAT I'VE UNDERLINED IN  
10 THAT LETTER: I WISHED HE HAD CREEPED INTO MY HEAD?

11 A IN MY BEDROOM OR.

12 Q I WISH HE HAD CREEPED INTO MY BEDROOM AND KILLED  
13 ME INSTEAD. I WISHED HE HAD CREEPED INTO MY HEAD,  
14 NOT MY BEDROOM, AND KILLED ME INSTEAD. ISN'T THAT  
15 RIGHT THERE IN THAT LETTER?

16 A I SEE. THAT'S NOT WHAT THIS LETTER SAYS.

17 Q WELL, IT'S ONE WORD OFF, ISN'T IT? I WISH THAT  
18 HE HAD CREEPED INTO MY HEAD AND KILLED ME INSTEAD.  
19 THAT'S ALMOST THE EXACT SAME THING THAT'S UP THERE,  
20 ISN'T THAT RIGHT?

21 A BUT THAT SENTENCE GOES ON BUT YES.

22 Q BUT THAT PHRASE IS IN THERE?

23 A UH-HUH.

24 Q OKAY. I WANT YOU TO HIGHLIGHT THAT ON THERE FOR  
25 ME. LET ME HAVE THAT ENVELOPE BACK PLEASE.

1 A (COMPLIES.)

2 Q WOULD YOU OPEN THAT LETTER PLEASE. IS THIS --

3 DO YOU KNOW THE POST MARK ON THAT DATE?

4 A IF THIS IS THE RIGHT ENVELOPE IT SAYS APRIL 14,

5 2004.

6 Q RIGHT. OKAY.

7 A THERE IS NO DATE ON THE LETTER.

8 Q AND -- WELL, I MEAN, IS IT NOT POST MARKED?

9 A YES. I'M JUST SAYING TO YOU, I DON'T KNOW.

10 THERE IS NO DATE ON THE LETTER.

11 Q ALL RIGHT. NOW DO YOU SEE THAT, IS THAT A COPY

12 OF THAT LETTER RIGHT THERE? COPY OF THAT PAGE?

13 A UH-HUH.

14 Q OKAY. AND THERE IS SOME PHRASES, THERE IS SOME

15 PHRASEOLOGY IN HERE AT THE TOP: AS ALWAYS COMES OUT

16 VICTORIOUS?

17 A UH-HUH. WELL, THIS IS CAME OUT. I DON'T KNOW.

18 Q OKAY. IS THAT ALSO IN THIS LETTER?

19 A YEAH.

20 Q YOU WANT TO HIGHLIGHT THAT FOR ME.

21 A (COMPLIES.)

22 Q AND DOWN AT THE BOTTOM OF THAT PAGE: I CAUGHT

23 MYSELF PRAISING THE LORD. YOU SEE THAT IN THERE?

24 A NOT YET.

25 Q RIGHT WHERE I HAVE IT. IT'S TOWARD THE BOTTOM,

1 MS. SIMMONS.

2 A YEAH.

3 Q OKAY. AND ISN'T THAT RIGHT UP THERE: I CAUGHT  
4 MYSELF PRAISING THE LORD?

5 A UH-HUH.

6 Q OVER. ALL RIGHT. WE CAN DO THAT GO AHEAD AND  
7 HIGHLIGHT I CAUGHT MYSELF PRAISING THE LORD OVER.

8 A (COMPLIES.)

9 Q AND SAYS I QUESTIONED GOD. YOU SEE THAT?

10 A UH-HUH.

11 Q OKAY. AND YOU SEE THAT IN THERE?

12 A RIGHT.

13 Q QUESTION GOD, THERE YOU GO. NOW DO IT GOOD SO  
14 WE CAN SEE. HERE LET ME HELP. ALL RIGHT. AND THEN  
15 OVER THE ENDING, IS THAT IN THERE?

16 A WROTE THE ENDING ONCE.

17 Q HERE IT IS RIGHT THERE, OVER THE ENDING, WANT TO  
18 HIGHLIGHT THAT. YOU SEE IT THERE ON THE LETTER OVER  
19 THE ENDING?

20 A I SEE DIFFERENT THINGS BUT YOU'RE READING WHOLE  
21 SENTENCES THAT AREN'T TOGETHER WHOLE.

22 Q YES, MA'AM, I'M PUTTING TOGETHER THE PHRASE IS  
23 WHAT I'M TRYING TO DO. GO AHEAD AND DO THAT.

24 A (COMPLIES.)

25 Q OKAY. OPEN THAT LETTER PLEASE. YOU SEE THE

1           THING THAT SAYS I HAVE BEEN THINKING ABOUT, I BELIEVE  
2           THAT WOULD BE PAGE TWO, CORRECT?

3           A       REFERRING TO WHERE UP THERE?

4           Q       MA'AM?

5           A       I'M SORRY. I DIDN'T.

6           Q       DO YOU SEE THE PART THAT I'VE UNDERLINED IN THE  
7           EXAMPLE THERE, THAT'S IN THAT LETTER, ISN'T IT?

8           A       IT IS AND IT'S IN MULTIPLE OTHER ONES TOO.

9           Q       HOW IS BRIAN AND JAMIE. I DON'T KNOW IF THEY  
10          REMEMBER ME OR NOT?

11          A       AND THAT'S IN THREE OR FOUR LETTERS.

12          Q       AND I BELIEVE THAT IS RIGHT THERE.

13          A       THAT'S A COMMON PHRASE THAT HE USES A LOT.

14          Q       UH-HUH. SO THAT'S IN THERE TOO, RIGHT?

15          A       UH-HUH.

16          Q       WAS THAT IN THERE?

17          A       YES.

18          Q       THANK YOU. ONE THAT'S POST MARKED 5-7?

19          A       UH-HUH.

20          Q       WOULD YOU OPEN THAT PLEASE. IS THIS THE ONE  
21          THAT HAS THIS BIG WRITING THAT SAYS INTERMISSION ON  
22          IT. YEAH, RIGHT THERE. SEE THAT?

23          A       I DO.

24          Q       OKAY. DO YOU SEE THE PART THAT I'VE GOT  
25          UNDERLINED, GOT MY FEELINGS HURT WHEN I TALKED TO?

1 A I SEE IT.

2 Q DOES THAT SHOW UP IN HERE TOO?

3 A I'M SURE IT DOES.

4 Q I GOT MY FEELINGS HURT WHEN I TALKED TO?

5 A YUP.

6 Q MARK IT GOOD.

7 A (COMPLIES.)

8 Q I WANT TO MAKE SURE THE JURY CAN SEE. THERE YOU

9 GO. HERE'S ANOTHER LETTER. CAN'T FIND THAT. SET

10 THAT ASIDE FOR JUST A MOMENT.

11 MR. BAITY: BEG THE COURT'S INDULGENCE

12 JUST A MOMENT PLEASE.

13 Q YOU RECOGNIZE THIS LETTER?

14 A UH-HUH.

15 Q IS THAT A LETTER YOU RECEIVED FROM MR. COPE?

16 A YES, IT IS.

17 MR. BAITY: I'M SORRY, YOUR HONOR.

18 Q OKAY. HERE WE CAN. LET ME SEE THAT ENTIRE

19 LETTER. DO YOU RECOGNIZE THIS LETTER?

20 A UH-HUH.

21 Q THERE IS THE ENVELOPE?

22 A OKAY.

23 Q ALL RIGHT.

24 A YES.

25 Q OKAY. AND IF YOU LOOK ON THE TOP IT STARTS I



1 CANNOT LIVE A LIE, IS THAT RIGHT?

2 A THIS IS AT TOP OF THE LETTER?

3 Q OR ALONE. I'M SORRY. AND THERE IS SOME PHRASES

4 IN THERE. I HOPE YOU DON'T MIND THE DRAWINGS ON THE

5 ENVELOPES, IS THAT IN HERE?

6 A I KNOW THAT WAS IN A LOT OF LETTERS --

7 Q SO YOU SEE IT IN THERE --

8 A ---AND SAY I HOPE YOU DON'T MIND.

9 Q I HOPE YOU DON'T MIND THE DRAWINGS ON THE

10 ENVELOPES. LET'S MARK THAT ONE PLEASE.

11 A (COMPLIES.)

12 Q AND THE PHRASE MY ATTORNEYS, SEE THAT IN THERE?

13 A PRETTY COMMON PHRASE FOR SOMEBODY IN TROUBLE.

14 Q ALL RIGHT. NOW MARK IT GOOD PLEASE?

15 A (COMPLIES.)

16 Q RECOGNIZE THAT LETTER?

17 A I DO.

18 Q THIS IS A PAGE FROM IT?

19 A YES.

20 Q OKAY. AND YOU RECOGNIZE ANY PHRASES ON THAT? I

21 MEAN, SEE WHAT I UNDERLINED --

22 A IT'S UNDERLINED, YES.

23 Q UH-HUH. HAS ALWAYS CAME OUT VICTORIOUS, RIGHT?

24 WE'VE ALREADY DONE THAT RIGHT?

25 A IT'S ALREADY BEEN IN TWO SEPARATE LETTERS.

1 Q OKAY. WELL, NOW IS THAT WHAT THAT IS?

2 A YOU'VE ALREADY SHOWED ME ANOTHER LETTER WITH  
3 THAT IN IT.

4 Q NO, ACTUALLY THIS IS THE SAME ONE. I CAUGHT  
5 MYSELF PRAISING THE LORD ON THAT TOO, ISN'T IT?  
6 ISN'T THAT IN THERE, SO I ALREADY SHOWED THIS ONE TO  
7 YOU?

8 A I'M SURE BECAUSE IT'S IN MULTIPLE LETTERS.

9 Q WELL, THEN YOU CHECK THAT?

10 A NO, THAT'S FINE.

11 Q THIS IS ONE. I'M SORRY. WE'VE ALREADY GONE  
12 THROUGH THAT ONE.

13 MR. BRACKETT: ARE THESE LETTERS ENDING UP  
14 IN SAME ENVELOPES?

15 A I'VE SEEN SOME OF THEM TWICE.

16 MR. BRACKETT: I SEE SEVERAL OF THEM OUT  
17 OF THE ENVELOPES. I'M NOT SURE.

18 Q DO YOU RECOGNIZE THAT SIGN OFF PHRASE THERE?

19 A I DO.

20 Q DOES THAT NOT APPEAR IN OUR LETTER RIGHT THERE  
21 ON THE SECOND PAGE.

22 A IT MAY BE. IT APPEARS IN MANY OF HIS LETTERS.

23 Q YOU SURE?

24 A I BELIEVE SO, YEAH. YOU DON'T HAVE ALL OF THEM.  
25 THAT'S A STANDARD PHRASE.

1 Q OKAY. I WANT YOU TO JUST GIVE ME ONE SECOND.

2 MR. BAITY: YOUR HONOR, I APOLOGIZE.

3 WE'VE GOT THE EXHIBITS CONFUSED RIGHT NOW.

4 THE COURT: LET ME LET THE JURY GO TO THE  
5 JURY ROOM AND WE WILL TRY TO GET IT STRAIGHT.

6 MR. BAITY: THANK YOU.

7 (THE JURY EXITS THE COURTROOM AT 06:55  
8 PM.)

9 (COURT'S IN RECESS AT 06:55 PM.)

10 (COURT RESUMES AT 07:06 PM.)

11 MR. BAITY: I APOLOGIZE, YOUR HONOR.

12 THEY GOT SHUFFLED A LITTLE BIT FROM THE LAST TIME I  
13 SAW THEM. I THOUGHT WE WERE GOING TO MARK THEM ALL  
14 FOR IDENTIFICATION BEFORE SHE WAS CALLED, BUT I'M  
15 SORRY. I WASN'T READY. I'M READY NOW.

16 THE COURT: THE BIG QUESTION NOW IS ARE  
17 YOU READY?

18 MR. BAITY: I AM READY RIGHT NOW.

19 THE COURT: BRING IN THE JURY.

20 (THE JURY RETURNS TO THE COURTROOM AT  
21 07:07 PM.)

22 MR. BAITY: PLEASE THE COURT AGAIN. I  
23 APOLOGIZE. CAN WE HAVE THE LIGHTS PLEASE.

24 Q MS. SIMMONS, CAN YOU COME DOWN AGAIN. YOU  
25 RECOGNIZE THIS LETTER?

1 A I DO.

2 Q WOULD YOU OPEN IT PLEASE?

3 A (COMPLIES.)

4 Q WOULD YOU AGREE WITH ME THAT THIS IS A COPY OF

5 THE FIRST PAGE OF THAT LETTER?

6 A UH-HUH.

7 Q AND LET'S JUST TAKE A SENTENCE: GOD IS GOING TO

8 REMOVE HIS SERVANT. YOU SEE THAT IN THAT LETTER?

9 A UH-HUH.

10 Q YOU SEE THAT IN HERE ANYWHERE? WHAT ABOUT RIGHT

11 THERE?

12 A YUP.

13 Q MARK IT GOOD SO THE JURY CAN SEE IT. OKAY.

14 LET'S GO ON UPSTAIRS: TO TELL YOU THAT, WHAT ABOUT

15 RIGHT THERE?

16 A TO TELL THAT YOU?

17 Q TO TELL YOU THAT, YES, MA'AM. THAT'S RIGHT

18 THERE, ISN'T IT?

19 A (COMPLIES.)

20 Q OKAY. AND STANDING OVER HER I SAW YOU SCREAM,

21 IS THAT IN THERE?

22 A YES.

23 Q ISN'T THAT RIGHT THERE. FILL THAT IN.

24 A THIS SAYS HER SCREAM. THIS SAYS YOU SCREAM.

25 Q YES, MA'AM, IT'S CLOSE.

1 A JUST LEAVE THE WORD OUT?

2 Q IF YOU WANT. PLEASE DO IT SO THE JURY CAN SEE  
3 IT IF YOU DON'T MIND. OKAY. I DIDN'T REALIZE WHAT  
4 I SAW UNTIL AFTER PASTOR POWELL TOLD ME THAT SHE WAS  
5 DEAD. IS THAT SENTENCE, DOES IT APPEAR IN ITS  
6 ENTIRETY RIGHT HERE IN THE SO CALLED CONFESSION  
7 LETTER?

8 A ACTUALLY NO. THERE IS WORDS THAT ARE DIFFERENT  
9 AT THE END. PARTS OF IT, BUT THERE ARE WORDS THAT  
10 ARE DIFFERENT.

11 Q FEEL FREE TO NOT MARK THOSE?

12 A I MEAN IT'S YOUR BOARD, YOU TELL ME WHAT TO  
13 MARK.

14 Q NO, MA'AM.

15 A BUT IT'S DIFFERENT.

16 Q I WANT YOU TO MARK WHAT'S, THAT SHOWS UP ON THE  
17 LETTER. TOLD ME THAT SHE WAS DEAD. OKAY.

18 A ABOUT THERE.

19 Q OKAY. IF YOU USE THE EDGE IT DOES BETTER LIKE  
20 THAT. INSTEAD OF JUST THE TIP. IF YOU DON'T MIND.

21 A OKAY.

22 Q AND THEN I JUST WANT TO KNOW IF GOD WAS TRYING  
23 TO SHARE WITH ME BEFORE IT HAPPENED. SEE THAT  
24 ANYWHERE IN THERE? WHAT ABOUT RIGHT THERE. I JUST  
25 WANT TO KNOW IF GOD WAS TRYING TO SHARE WITH ME

1 BEFORE IT HAPPENED. USE THE EDGE PLEASE,

2 MS. SIMMONS. THERE YOU GO?

3 A (COMPLIES.)

4 Q ALL RIGHT. CAN I HAVE THAT LETTER BACK.

5 RECOGNIZE THAT LETTER?

6 A UH-HUH.

7 Q TAKE A LOOK AT IT PLEASE. WOULD YOU AGREE THAT

8 THAT'S PAGE THREE OF THAT LETTER?

9 A YES.

10 Q NOW I DIDN'T KNOW WHICH WAY THAT I SHOULD TO

11 TURN.

12 A THIS IS A POEM HE WROTE THAT HE SHARED SEVERAL

13 TIMES.

14 Q UH-HUH. OKAY. I DON'T KNOW WHICH WAY THAT I

15 SHOULD TURN?

16 A IT'S A LITTLE DIFFERENT STILL, DIFFERENT WORDS,

17 BUT YOU TELL ME WHAT YOU WANT HIGHLIGHTED.

18 Q OKAY. DON'T INSTEAD OF DIDN'T?

19 A WELL, I DON'T KNOW HOW DIFFERENT BUT YOU TELL ME

20 WHAT YOU WANT.

21 Q WELL, I'M LOOKING AT LETTERS AND HOW WORDS ARE

22 FORMED, OKAY. ALL RIGHT. WHAT ABOUT MY GIRLS WERE

23 RETURNED TO THE SPOT WHERE THEY BELONG. RIGHT THERE.

24 A MY GIRL.

25 Q JUST LEFT THE 'S' OFF. OKAY. AND THEN TWO

1 OTHER WORDS YOU DON'T SEE A WHOLE LOT OF, SCOFFING  
2 THAT APPEARS IN HERE, DOESN'T IT?

3 A THIS PART ALSO.

4 Q UH-HUH. YOU SAY THAT IN THE LETTER ANYWHERE?  
5 WHAT ABOUT THAT RIGHT THERE?

6 A (COMPLIES.)

7 Q AND MY ENEMIES RIGHT THERE ON THE TOP PART.  
8 RIGHT THERE. MY ENEMIES.

9 A (COMPLIES.)

10 Q OKAY. LET ME HAVE THAT LETTER BACK PLEASE.  
11 RECOGNIZE THIS LETTER?

12 A I DO.

13 Q PLEASE OPEN IT AND TAKE A LOOK AT IT. CAN YOU  
14 FIND THAT IN THERE. I DON'T KNOW WHAT PAGE IT IS.  
15 LOOKS LIKE IT'S PAGE FOUR OF THE LETTER. SEE THAT AT  
16 THE BOTTOM, THE STORY WAS GOING TO END ON A HAPPY  
17 NOTE?

18 A UH-HUH.

19 Q THE STORY WAS NOT GOING TO END ON A HAPPY NOTE.  
20 YOU WANT TO JUST LEAVE THE NOT OUT?

21 A YOU TELL ME. I'M DOING WHAT YOU ARE TELLING ME  
22 TO DO.

23 Q I JUST WANT YOU TO DO, WHAT MATCHES I WANT YOU  
24 TO FILL IN THAT'S WHAT I WANT YOU TO DO.

25 A OKAY. WELL, I HAVE ALREADY HIGHLIGHTED THINGS

1 BEFORE THAT DIDN'T MATCH, SO HOWEVER YOU WANT TO DO  
2 IT.

3 Q OKAY.

4 A (COMPLIES.)

5 Q AND THEN GO TO THE FIRST PART OF THAT LETTER  
6 PAGE ONE WHERE IT SAYS: AMY, JUST PLEASE FORGIVE ME,  
7 RIGHT?

8 A NO. THIS IS THE WRONG LETTER. I THINK WE  
9 ALREADY DID THAT ONE.

10 Q I WILL SET THAT ASIDE FOR THE MOMENT. SEE RIGHT  
11 TOWARD THE END.

12 A OKAY.

13 Q OKAY. GOD TOLD ME?

14 A THERE IS GOD TOLD ME, GOD TOLD ME, GOD TOLD ME,  
15 YEAH.

16 Q RIGHT THERE, RIGHT?

17 A UH-HUH.

18 Q OKAY.

19 A (COMPLIES.)

20 Q HAVE THE LETTER BACK. WOULD YOU PUT THEM BACK  
21 IN THE ENVELOPE SO I DON'T GET THEM MIXED UP PLEASE.

22 A OKAY.

23 Q THANK YOU. THIS LETTER.

24 A OKAY.

25 Q LOOKS LIKE THAT'S ON PAGE 11, A LONG ONE?



1 A OKAY.

2 Q KIND OF AN UNUSUAL PHRASE. I NEED TO TELL YOU  
3 THAT, IS THAT THERE?

4 A WAIT A MINUTE. I NEED TO ALSO TELL YOU, YES.

5 Q ALL RIGHT. HE JUST LEFT ALSO OUT. HIGHLIGHT  
6 THAT PLEASE?

7 A I NEED TO TELL YOU THAT?

8 Q YES, MA'AM.

9 A (COMPLIES.)

10 Q THEN IN THE SAME LETTER A CERTAIN POLICE WOMAN?

11 A YEAH, HE USED THAT SEVERAL TIMES REFERENCING  
12 CHARLENE BLACKWELDER.

13 Q THAT'S FINE.

14 A THAT WAS HIS CODE FOR HER SO HE DIDN'T HAVE TO  
15 SAY HER NAME.

16 Q ALL RIGHT. YOU WANT TO PUT THAT BACK UP. JUST  
17 KIND OF UNDERLINED IT RIGHT THERE INSTEAD OF  
18 HIGHLIGHTED. JUST ONE MOMENT PLEASE. THE LAST ONE.  
19 DO YOU RECOGNIZE THIS LETTER?

20 A I DO.

21 Q IS THAT ONE YOU GOT FROM MR. COPE?

22 A IT IS.

23 Q ALL RIGHT. IS THAT A COPY OF THE FIRST PAGE?

24 A IT APPEARS TO BE, YEAH.

25 Q OKAY. THEN THERE IS A PHRASE I'VE UNDERLINED.

1 PLEASE FORGIVE ME.

2 A I THINK WE DID THAT ONE ALREADY.

3 Q WELL, NO, WE DIDN'T. THERE IT IS.

4 A WE'VE SEEN IT. I GUESS IT'S IN, ANOTHER LETTER  
5 MENTIONED IT.

6 Q NOW WOULD YOU AGREE WITH ME, MS. SIMMONS, THAT  
7 EXCEPT FOR -- THANK YOU.

8 A YOU'RE WELCOME.

9 Q EXCEPT FOR AMANDA IS IN THE LORD STREETS,  
10 VIRTUALLY EVERY OTHER SENTENCE IN THIS LETTER HAS  
11 BEEN HIGHLIGHTED AND A FEW WORDS ARE LEFT OUT HERE  
12 AND THERE?

13 A WITHOUT I KILLED AMANDA, SECRETLY, SOME ANDS,  
14 NOTS, AND IN THE LORD'S STREETS.

15 Q SO ONE TWO?

16 A DON'T.

17 Q YOU WANT TO COUNT?

18 A WELL, SOME OF THE WORDS WE HIGHLIGHTED THAT  
19 WEREN'T, THAT WERE DIFFERENT. I MEAN WE HAVE GO BACK  
20 AND NOT HIGHLIGHT THOSE.

21 Q BUT YOU WOULD ADMIT, WOULD YOU NOT, THAT  
22 VIRTUALLY THE WHOLE LETTER WAS VERY SIMILAR TO  
23 PHRASES THAT WERE FOUND --

24 A AS WERE ALL HIS LETTERS, YES --

25 Q ---AND SOMETIMES --

1 THE COURT: LET'S DO ONE PERSON AT A TIME.  
2 WHEN YOU ASK A QUESTION LET HER ANSWER BEFORE YOU  
3 START.

4 A CAN I SIT A BACK DOWN.

5 THE COURT: AND LET'S TURN THE LIGHTS ON.

6 MR. BRACKETT: CAN WE MOVE THAT EXHIBIT.  
7 IT'S IN MY VIEW.

8 Q ABSOLUTELY.

9 MR. BRACKETT: SHE WAS IN THE PROCESS OF  
10 EXPLAINING THE ANSWER TO THE LAST QUESTION. I ASK  
11 SHE BE GIVEN THE OPPORTUNITY TO FINISH.

12 THE COURT: YOU WANT TO FINISH YOUR  
13 ANSWER, PLEASE MA'AM.

14 A I BELIEVE --

15 MR. BAITY: SIR?

16 THE COURT: I ASKED HER TO FINISH HER  
17 ANSWER.

18 A I BELIEVE YOUR QUESTION WAS DIDN'T A LOT OF THE  
19 STATEMENTS THAT WERE HIGHLIGHTED APPEAR IN HIS  
20 LETTERS AND I ANSWERED YOU YES AND I BELIEVE THOSE  
21 THINGS WERE MULTIPLE LETTERS AND I THINK WE LOOKED AT  
22 SOME OF THE SAME LETTERS; THAT IS TINKER'S STYLE OF  
23 SPEAKING, THAT'S HOW HE SPEAKS, AND HOW HE  
24 COMMUNICATES, SO YEAH, THAT'S VERY SIMILAR TO A LOT  
25 OF THE LETTERS THAT I RECEIVED FROM HIM.

1 Q BUT DO YOU FIND IT A LITTLE STRANGE THAT THE  
2 WHOLE LETTER, I MEAN, JUST GIANT FULL SENTENCES WOULD  
3 BE LIFTED OUT?

4 A NO, I DON'T BECAUSE A LOT OF HIS, AGAIN A LOT  
5 HIS WRITING WAS THE SAME AND ACTUALLY YOU HAD STATED  
6 TO ME EARLIER THAT YOUR THEORY WAS THAT SOMEBODY  
7 INTERCEPTED THE LETTERS IN THE JAIL AND COPIED THEM  
8 AS AN INFORMANT AND A WORKER FOR CHARLENE  
9 BLACKWELDER, SO APPARENTLY YOUR FIRST THEORY IS  
10 SOMEBODY IN JAIL DID IT AND NOW YOU HAVE ANOTHER  
11 THEORY, BUT NO, I THINK HE WROTE THAT.

12 Q BUT WHAT YOU HAD WAS YOU HAD A 11 OR 12 LETTERS  
13 FROM MR. COPE, DID YOU NOT?

14 A I HAD MORE THAN THAT. YES, I HAD A LOT OF  
15 LETTERS.

16 Q A LOT OF LETTERS?

17 A ABSOLUTELY.

18 Q WHICH COULD PROVIDE PERFECT MODELS TO PUT  
19 TOGETHER THE SENTENCES THAT ARE IN THAT LETTER?

20 A THAT I DON'T KNOW BECAUSE I DIDN'T PUT ANYTHING  
21 TOGETHER. CAN I FINISH.

22 Q SURE YOU CAN?

23 A AS YOU KNOW I'VE BEEN SUPPORTIVE OF MR. COPE,  
24 HIS FAMILY, EMOTIONALLY, SPIRITUALLY, FINANCIALLY,  
25 AND I WOULD HAVE NO REASON TO DO ANYTHING BUT SUPPORT

1 HIM. IT WAS VERY DIFFICULT FOR ME TO COME FORWARD  
2 AND DO THIS AND IN FACT LIKE I SAID I GAVE YOU GUYS  
3 SIX MONTHS WITH THE FIRST LETTER NOT EVEN IN MY  
4 POSSESSION BEFORE I MADE THE DECISION TO HAVE TO GO  
5 FORWARD, SO IT'S BEEN A REAL HARD TIME FOR ME.

6 Q YES, MA'AM. ALL RIGHT. NOW IT'S YOUR  
7 TESTIMONY, IS IT NOT, THAT THIS LETTER THAT'S BLOWN  
8 UP OVER THERE THAT SAYS GOD TOLD ME TO TELL YOU THAT  
9 I KILLED AMANDA?

10 A UH-HUH.

11 Q CAME IN THE ENVELOPE THAT IS ATTACHED TO THAT,  
12 IS THAT CORRECT?

13 A THAT IS CORRECT. I PUT THAT, I PUT THE LETTER  
14 WITH THE ENVELOPE IN MY GLOVE COMPARTMENT AND LOCKED  
15 IT IN MY CAR, KEPT IT LOCKED IN MY CAR AND IN MY  
16 POSSESSION AT ALL TIMES BECAUSE I HAD PEOPLE TRYING  
17 TO GET THAT LETTER FROM ME.

18 Q ALL RIGHT. AND MS. SIMMONS, THIS IS THE LAST  
19 LETTER YOU EVER RECEIVED FROM BILLY WAYNE COPE, ISN'T  
20 IT?

21 A THAT I'M NOT SURE OF. THERE MAY HAVE BEEN ONE  
22 AFTER THAT.

23 Q WAS THAT AMONG THE ONES THAT YOU TURNED OVER TO  
24 THE POLICE?

25 A I WOULD HAVE TO LOOK AT THEM TO TELL YOU.

1 Q WELL --

2 A I BELIEVE THERE MAY HAVE BEEN ONE. I COULD BE  
3 WRONG.

4 Q YOU CAN BE LOOKING AT THOSE. SEE IF YOU FIND A  
5 POST MARK AFTER 5-20. LOOK ON THE ENVELOPES AND SEE  
6 IF YOU SEE ANY POST MARKS AFTER 5-20-2004.

7 A I'M LOOKING. BUT SUSAN AND I WERE LOOKING AT  
8 LETTERS AT HER HOUSE SO I MAYBE THINKING OF ONE SHE  
9 GOT.

10 Q WELL, I JUST WANT YOU TO TAKE YOUR TIME.

11 A YEAH, I DID GET ONE AFTER THAT FROM HIM.

12 Q I JUST WANT YOU TO TAKE YOUR TIME--

13 A YES, IT'S HERE.

14 Q ANY OF THOSE -- MA'AM?

15 A I DID RECEIVE ONE MORE.

16 Q OKAY. NOW THIS IS, THIS ONE IS DATED 5-20 OF  
17 2004, IS IT NOT?

18 A YES. THE POST MARK, IT IS POST MARKED 5-20 IS  
19 THAT WHAT YOU ARE ASKING.

20 Q YES, MA'AM?

21 A OKAY.

22 Q HERE, LET'S NOT GET THEM MIXED UP. NOW IS THERE  
23 ANYTHING UNUSUAL ABOUT THAT ENVELOPE?

24 A I'M NOT SURE WHAT YOU ARE ASKING.

25 Q WELL, IS IT JUST A PLAIN ENVELOPE OR DOES IT

1 HAVE SOMETHING UNUSUAL ON IT?

2 A YOU WANT ME TO DESCRIBE THE ENVELOPE FOR YOU.

3 Q YES, MA'AM.

4 A OKAY. IT'S A WHITE ENVELOPE. IT HAS A STAMP IN  
5 THE UPPER LEFT CORNER FROM THE YORK COUNTY DETENTION  
6 CENTER. IT HAS MY NAME AND ADDRESS. IT HAS A  
7 PICTURE ON KIND OF THE LEFT SIDE OF THE ENVELOPE. A  
8 PICTURE ON THE RIGHT --

9 Q PICTURE OF WHAT?

10 A THE FRONT LEFT IS A PICTURE OF A LION.

11 Q UH-HUH.

12 A THE FRONT RIGHT IS A PICTURE OF A CAT.

13 Q UH-HUH.

14 A AND THE BACK IS A PICTURE OF A CAT.

15 Q OKAY. AND IT'S YOUR TESTIMONY THAT THAT LETTER  
16 WAS -- I MEAN, THAT ENVELOPE IS THE ENVELOPE IN WHICH  
17 YOU RECEIVED THE CONFESSION LETTER, IS THAT YOUR  
18 TESTIMONY?

19 A CORRECT. I PUT THE LETTER IN THE ENVELOPE, KEPT  
20 IT IN MY CAR, AND TURNED IT OVER TO THE POLICE THE  
21 WAY THAT IT WAS WHEN I GOT IT.

22 Q YES, MA'AM. AND YOU'RE ABSOLUTELY CERTAIN THAT  
23 THAT IS THE ENVELOPE THAT IT CAME IN, CORRECT?

24 A I TURNED OVER THE ENVELOPE THAT IT CAME IN TO  
25 THE POLICE IN ONE PIECE.

1                   MR. BAITY:   BEG THE COURT'S INDULGENCE ONE  
2   MORE TIME, YOUR HONOR.

3   Q    NOW WOULD YOU AGREE WITH ME THAT ON THAT  
4   ENVELOPE THERE IS A PICTURE OF A LION?

5   A    CORRECT.

6   Q    IT SAYS I AIN'T LYING ON IT, IS THAT RIGHT?

7   A    CORRECT.

8   Q    AND THERE IS A PICTURE OF A KITTY RIGHT THERE?

9   A    CORRECT.

10   Q   ON THE FRONT.   AND ANOTHER PICTURE OF A KITTY ON  
11   THE FRONT, WOULD YOU AGREE WITH ME.

12   A    A KITTY ON THE BACK, CORRECT.

13   Q   ON THE BACK.   SO THIS 5-20 MAY 20, 2004 ENVELOPE  
14   THAT YOU SAY THIS LETTER CAME IN HAS A LION AND TWO  
15   CATS ON IT, WOULD YOU AGREE?

16   A    CORRECT.

17   Q   ALL RIGHT.   NOW WOULD YOU TAKE A LOOK AT THAT  
18   LETTER.   DO YOU REMEMBER RECEIVING THAT LETTER?

19   A    DO YOU WANT ME TO READ ANYTHING SPECIFICALLY.

20   Q    DO YOU RECOGNIZE THE LETTER?

21   A    AS A LETTER THAT I RECEIVED.

22   Q    YES, MA'AM.

23   A    YES.

24   Q    OKAY.   AND DID YOU RECEIVE THIS LETTER BEFORE  
25   YOU GOT THE SO CALLED CONFESSION LETTER?



1 A THAT I WOULDN'T KNOW BECAUSE THERE IS NO DATE ON  
2 THE LETTER.

3 Q OKAY. BUT DOES THIS LETTER NOT MAKE REFERENCE  
4 TO THINGS ON THE ENVELOPE?

5 A IT MAY. HE WRITES LOTS OF KITTENS, LOTS OF  
6 LIONS. HE SENT A LION TO SUSAN THE SAME WEEK.

7 Q BUT DID YOU EVER RECEIVE ANY OTHER ENVELOPES  
8 THAT HAD LIONS AND KITTENS ON IT?

9 A UH-HUH. SO DID OTHER FAMILY MEMBERS.

10 Q WELL, DO YOU HAVE THEM HERE?

11 A I DON'T KNOW WHAT YOU HAVE, SIR. I TURNED OVER  
12 EVERYTHING THAT I HAD WHEN THE POLICE CAME FOR THEM.  
13 YOU HAVE 11 OUT OF PROBABLY 40 OR 50 LETTERS.

14 Q OKAY. BUT WOULD YOU AGREE WITH ME THAT THERE IS  
15 NO LIONS OR KITTIES ON ANY OF THESE?

16 A I'D HAVE TO LOOK. NO, SIR. THERE IS A KITTY  
17 ON THIS ONE.

18 Q BUT THERE IS NOT A LION AND A KITTY, IS THERE?

19 A NO BUT THERE IS A CAT JUST LIKE THE ONE ON THAT  
20 ONE.

21 Q ALL RIGHT. NOW DON'T LOSE THE LETTER. I'M JUST  
22 GOING TO REFER TO IT. GO AHEAD. YOU SEE ANY OTHER  
23 LIONS AND KITTIES ON THERE?

24 A EVERY LETTER HAS A PICTURE. THAT'S A BIRD. A  
25 CAT. CAT IN THE HAT.

1 Q THAT'S A DR. SEUSS CAT, CORRECT?

2 A LOOKS LIKE THAT.

3 Q IT'S NOT A KITTY, BUT ALL RIGHT.

4 A NO, THERE IS A BEAR THAT LOOKS LIKE THE LION

5 FACE BUT IT'S NOT A LION AND THAT'S ALL THAT'S THERE.

6 Q AND SO I HOPE YOU LIKE THE KITTENS AND THE LION?

7 A UH-HUH.

8 Q PLURAL, KITTENS AND ONE LION.

9 A OKAY.

10 Q IS IN THIS OTHER LETTER, CORRECT?

11 A OKAY.

12 Q AND DOES THIS LETTER, IT DOESN'T HAVE A DATE ON

13 IT, BUT DOES IT REFER TO ANY DATE THAT'S COMING UP

14 FOR MR. COPE?

15 A THAT I DON'T KNOW.

16 Q WELL LET ME DRAW YOUR ATTENTION IF I MAY?

17 A OKAY. CAN I READ THE LETTER.

18 Q YOU CAN READ IT ALL YOU WANT.

19 A (READING THE LETTER.) HE TALKS ABOUT HAVING A

20 FAMILY COURT HEARING COMING UP. IS THAT WHAT YOU ARE

21 REFERRING TOO?

22 Q HE DOES, DOESN'T HE?

23 A UH-HUH.

24 THE COURT: WAIT A MINUTE. I HATE TO KEEP

25 INTERRUPTING YOU BUT LET HER FINISH.

1 Q I'M SORRY, YOUR HONOR. HE MENTIONS A FAMILY  
2 COURT HEARING?

3 A CORRECT.

4 Q AND DOES HE SAY ABOUT HOW FAR HE IS FROM THE  
5 FAMILY COURT HEARING?

6 A THIS SAYS I GO TO FAMILY COURT IN LESS THAN  
7 THREE WEEKS.

8 Q IN LESS THAN THREE WEEKS?

9 A UH-HUH.

10 Q OKAY. IF I WERE TO TELL YOU THAT HIS FAMILY  
11 COURT HEARING WAS JUNE SEVEN?

12 A UH-HUH.

13 Q THAT WOULD BE ABOUT THREE WEEKS FROM THAT DATE,  
14 WOULDN'T IT?

15 A YES, BUT I ALSO KNOW THAT THE FAMILY COURT  
16 HEARING WAS NOT DEFINITELY SCHEDULED AND THERE WERE  
17 QUESTIONS ABOUT WHEN IT WAS GOING TO BE AND HE WAS  
18 CONFUSED AS YOU ALL SHARED WITH ME ABOUT WHEN THE  
19 FAMILY COURT HEARING WAS ACTUALLY GOING TO TAKE  
20 PLACE. THAT WAS THE SCHEDULE DATE BUT THERE WAS SOME  
21 DEBATE. AGAIN HE MAY HAVE WRITTEN A LETTER WITH  
22 LIONS OR KITTENS EARLIER THAT I DON'T HAVE, SO I'M  
23 NOT GOING TO ARGUE WITH YOU. YES, THE LETTER TALKS  
24 ABOUT LIONS AND KITTENS, BUT IT ALSO REFERS TO MY CAT  
25 AT HOME, MY PERSONAL CAT, THAT WE HAD SOME

1 CONVERSATION ABOUT, SO THAT'S PART OF IT.

2 Q BUT YOU DON'T, YOU DON'T HAVE A PERSONAL LION AT  
3 HOME --

4 A NO, I DON'T.

5 Q DO YOU? NOW IF I TOLD YOU THAT HE SAYS HE'S  
6 GETTING A FAMILY COURT HEARING IN ABOUT THREE WEEKS?

7 A UH-HUH.

8 Q HE SAYS LESS THAN THREE WEEKS, DOESN'T HE?

9 A YES, HE DOES.

10 Q IF I TOLD YOU THAT MAY 20 IS 18 DAYS AHEAD OF  
11 JUNE 7, THAT WOULD BE ABOUT LESS, A LITTLE LESS THAN  
12 THREE WEEKS, WOULDN'T IT?

13 A SAY THAT AGAIN. IF YOU ARE TELLING ME THAT MAY  
14 20 IS HOW MANY DAYS?

15 Q IS LESS THAN 3 WEEKS.

16 A 18 DAYS.

17 Q JUST SHY OF THREE WEEKS TO JUNE 7 WHICH WOULD  
18 HAVE BEEN HIS FAMILY COURT HEARING DATE, ISN'T THAT  
19 RIGHT?

20 A IF YOU ARE ASKING ME IF YOUR MATH IS RIGHT I  
21 BELIEVE YOU ARE CORRECT.

22 Q OKAY. NOW WHAT THE TRUTH OF THE MATTER IS IS  
23 THAT THAT UNDATED LETTER, MS. SIMMONS, WAS WHAT WAS  
24 MAILED IN THIS ENVELOPE, ISN'T THAT CORRECT?

25 A ALL I CAN TELL YOU IS THAT THE LETTER THAT CAME,

1 THIS LETTER, I TURNED OVER IN THE EXACT ENVELOPE THAT  
2 IT CAME IN TO THE POLICE DEPARTMENT.

3 Q THAT LETTER THAT YOU RECEIVED EARLIER WHICH  
4 REFERS TO LIONS AND KITTIES AND TALKS ABOUT A FAMILY  
5 COURT HEARING LESS THAN THREE WEEKS AWAY?

6 A UH-HUH.

7 Q DATED MAY 20 AND IN TWO AND A HALF WEEKS HE HAD  
8 HIS JUNE 7 FAMILY COURT HEARING, IT CAME IN THIS  
9 LETTER, DIDN'T IT?

10 A NO. ACTUALLY YOU ARE WRONG BECAUSE IT REFERS TO  
11 I HOPE YOU LIKED AND HE WAS WRITING IN THE PAST TENSE  
12 AND WHAT HE ALWAYS DID IS REFER BACK TO THE PREVIOUS  
13 PICTURE, SO NO, IT DIDN'T COME IN THE ENVELOPE WITH  
14 LION AND THE KITTY SAYING I HOPE YOU LIKED. HE WAS  
15 REFERRING BACK TO A PREVIOUS.

16 Q SO HE WOULD BE REFERRING TO A LION AND A KITTY  
17 ON ANOTHER ENVELOPE.

18 A THAT COULD HAVE COME EARLIER, YES.

19 Q AND WE DIDN'T FIND ANY LIONS AND KITTIES ON ANY  
20 OTHER ENVELOPES, DID WE, MS. SIMMONS?

21 A AGAIN, THERE ARE 11 LETTERS THAT ARE LEFT.  
22 THESE ARE THE LETTERS THAT WERE LEFT THAT I COULD  
23 FIND WHEN THE POLICE OFFICERS ASKED FOR ANYTHING I  
24 HAD IN MY POSSESSION THAT HE HAD WRITTEN TO ME.

25 Q IN FACT, YOU FORGED THAT LETTER USING THE MODELS

1 AS WE'VE DEMONSTRATED TODAY, PUT IT IN THIS ENVELOPE  
2 THAT MR. COPE SENT YOU THAT UNDATED LETTER IN, AND  
3 YOU CALLED THE POLICE?

4 A NO, SIR. THAT IS ABSOLUTELY INCORRECT.

5 Q ISN'T THAT EXACTLY WHAT HAPPENED?

6 A THAT IS NOT EXACTLY WHAT HAPPENED. I GUESS  
7 THAT'S YOUR NEXT TRY. THE JAIL, THE JAIL SITUATION  
8 DIDN'T WORK I GUESS SAYING THAT SOMEONE THERE DID IT.

9 MR. BAITY: COURT'S INDULGENCE.  
10 NOTHING FURTHER, YOUR HONOR.

11 THE COURT: MR. GREELEY.

12 MR. GREELEY: MAY IT PLEASE THE COURT.

13 CROSS EXAMINATION BY MR. GREELEY:

14 Q MS. SIMMONS, WE'VE NEVER MET, HAVE WE?

15 A NO, SIR.

16 Q AND I NEVER TALKED WITH YOU ABOUT THIS CASE,  
17 HAVE I?

18 A NO, SIR.

19 Q NOBODY FROM MY OFFICE HAS EVER TALKED TO --

20 A NO, SIR.

21 Q ---YOU ABOUT THIS CASE, HAVE THEY?

22 A NO, SIR.

23 Q THANK YOU, MA'AM. NO FURTHER QUESTIONS.

24 THE COURT: REDIRECT.

25 MR. BRACKETT: JUST BRIEFLY, YOUR HONOR.

1 REDIRECT EXAMINATION BY MR. BRACKETT:

2 Q MAY I HAVE THE STIPULATION THAT YOU WERE  
3 REFERRING TO. THIS STIPULATION THAT HE WAS TALKING  
4 ABOUT EARLIER ON?

5 A YES, SIR.

6 Q WHEN DID THAT GET SIGNED?

7 A THE ACTUAL DATE THAT I SIGNED THIS WITH THE  
8 BOARD OF NURSING WAS DECEMBER 20 OF 2003.

9 Q OKAY. AND IT WAS CONDITIONED ON ACCEPTANCE, WAS  
10 IT NOT, BY THE BOARD?

11 A CORRECT. CORRECT.

12 Q WHEN DID THEY ACCEPT IT?

13 A IT WAS ACCEPTED BY THE BOARD OF NURSING DECEMBER  
14 31, 2003.

15 Q SO AS OF DECEMBER 31, 2003, ALL YOUR PROBLEMS  
16 WITH THE NURSING BOARD WERE GONE?

17 A CORRECT. I'M COOPERATEING WITH THEM FULLY AND  
18 PRACTICING NURSING.

19 Q BUT I MEAN ANY MOTIVE YOU HAD TO GET HELP WITH  
20 THAT OR ANYTHING WAS GONE DECEMBER 31?

21 A ABSOLUTELY. I HAD NO MOTIVE ANYWAY. I WAS  
22 SIMPLY GOING BACK TO PRACTICING NURSING AND AGREEING  
23 TO DO WHAT I NEEDED TO DO TO MOVE ON WITH MY LIFE.

24 Q OKAY. NOW YOU ALSO ARE AN INTELLIGENT LADY,  
25 WENT TO COLLEGE?

1 A I FEEL LIKE I'M PRETTY INTELLIGENT, YES. I HAVE  
2 A BACHELOR'S DEGREE IN NURSING.

3 Q YOU'RE A REGISTERED NURSE?

4 A YES, I HAVE ADVANCED CERTIFICATION.

5 Q NOW THE LETTERS, I DON'T KNOW WHERE THEY GOT TO?

6 A HE TOOK THEM BACK.

7 Q HERE WE ARE. THESE LETTERS HERE, NOT THE  
8 INCRIMINATING LETTER.

9 A CORRECT.

10 Q STATE'S EXHIBIT 89, BUT ALL THESE OTHER LETTERS  
11 THAT ARE NOW HERE PILED UP, THESE LETTERS HERE, DID  
12 WE GET THESE BEFORE OR AFTER THAT?

13 A AFTER.

14 Q OKAY. AND WAS THERE ANYTHING PREVENTING YOU  
15 FROM DESTROYING THOSE LETTERS?

16 A ABSOLUTELY NOT AND NOT ONLY WAS THERE NOTHING  
17 PREVENTING ME BUT THE DEFENSE SUGGESTED THAT I  
18 DESTROY THEM ALL AND THEN AFTER I REFUSED TO DO SO  
19 SUGGESTED THAT I GO TO THE NEAREST FEDERAL EXPRESS  
20 AND OVERNIGHT EXPRESS THEM TO THEM SO THAT THE  
21 PROSECUTION AND THE POLICE DEPARTMENT COULD NOT GET  
22 THEM THE NEXT DAY. WHEN I FAILED TO DO THAT, THIS  
23 WAS ON MAY 25 ON MY SON'S BIRTHDAY, WHEN I FAILED TO  
24 TELL THEM THAT I WOULD SEND THEM FEDERAL EXPRESS, I  
25 SENT ONE OF THEIR ATTORNEYS FROM ROCK HILL TO



1       ANDERSON, WHICH IS A TWO AND A HALF DRIVE, AND I HAD  
2       APPROXIMATELY 16 PHONE CALLS FROM ALL THEIR ATTORNEYS  
3       TRYING TO FIND ME TO INTERCEPT THOSE LETTERS BEFORE  
4       THE POLICE COULD GET THERE SO. NO, I HAD NOTHING TO  
5       HIDE.

6       Q       WE NEVER --

7       A       ---FROM THE POLICE.

8       Q       ---WE NEVER CALLED YOU?

9       A       NO, SIR, THAT WAS FROM THE DEFENSE.

10      Q       OKAY. WHAT'S BEEN YOUR RELATIONSHIP WITH, WHEN  
11      IS THE FIRST DAY YOU EVER MET ME AND TALKED TO ME  
12      FACE-TO-FACE.

13      A       FACE-TO-FACE TODAY.

14      Q       AND HOW MANY TIMES HAVE WE TALKED ON THE PHONE?

15      A       I BELIEVE TWICE.

16      Q       OKAY.

17      A       OTHER THAN A MESSAGE AND WE COULDN'T CONNECT  
18      MAYBE.

19      Q       PRIOR TO TODAY?

20      A       CORRECT.

21      Q       YOU HAVE NO UNDERSTANDING WITH OUR OFFICE?

22      A       NO, SIR.

23      Q       YOU JUST GAVE US THE LETTERS?

24      A       CORRECT.

25      Q       NO FURTHER QUESTIONS.

1 THE COURT: MR. BAITY.

2 RE-CROSS EXAMINATION BY MR. BAITY:

3 Q YOU RESOLVED YOUR PROBLEMS WITH THE NURSING  
4 BOARD, DID YOU NOT, BUT YOU HAVE TOLD THE LADIES AND  
5 THE GENTLEMEN OF THE JURY THAT YOU STILL HAVE  
6 CRIMINAL CHARGES PENDING, IS THAT RIGHT?

7 A THAT IS CORRECT.

8 MR. BAITY: ONE MOMENT PLEASE, YOUR HONOR.

9 Q I'M GOING TO SHOW YOU THIS SAME LETTER THAT  
10 MENTIONS THE FAMILY COURT HEARING BEING IN LESS THREE  
11 WEEKS.

12 A OKAY.

13 MR. BRACKETT: EXCEEDS THE SCOPE OF  
14 REDIRECT.

15 THE COURT: I SUSTAIN THE OBJECTION.

16 MR. BAITY: THAT'S ALL, YOUR HONOR.

17 MR. BRACKETT: I HAVE ONE.

18 THE COURT: NO.

19 MR. GREELEY: I HAVE NOTHING EITHER.

20 THE COURT: WE'RE GOING TO STOP FOR THE  
21 DAY AND WE'LL START BACK 9:30. WE'LL START A LATER  
22 IN THE MORNING. I HAVE ASKED THE CLERK TO HAVE SOME  
23 DOUGHNUTS THERE WHEN YOU ARRIVE. WE WON'T START  
24 UNTIL 9:30. KEEP IN MIND DON'T MAKE UP YOUR MIND AND  
25 DON'T DISCUSS THE CASE AND DON'T CATCH ANYTHING

1 INVOLVING IT THROUGH THE NEWS MEDIA. THANK YOU.

2 HAVE A PLEASANT EVENING.

3 (THE JURY EXITS THE COURTROOM AT 07:38  
4 PM.)

5 THE COURT: MS. SIMMONS, YOU CAN GO AND  
6 STEP DOWN.

7 A OKAY.

8 THE COURT: YOU CAN BE EXCUSED. ANY  
9 REASON THE WITNESS CAN'T BE EXCUSED?

10 MR. BAITY: NO OBJECTION.

11 MR. GREELEY: NO.

12 THE COURT: WE APPRECIATE YOUR TIME, MS.  
13 SIMMONS, THANK YON.

14 A THANK YOU.

15 THE COURT: ANYTHING FROM THE STATE BEFORE  
16 WE STOP FOR THE DAY.

17 MR. POPE: NO, SIR.

18 THE COURT: ANYTHING FROM MR. COPE  
19 DEFENSE.

20 MR. MORTON: NO, SIR, YOUR HONOR.

21 MR. GREELEY: NO, SIR.

22 THE COURT: WE'LL SEE YOU AT 9:30.

23 (COURT'S IN RECESS AT 07:39 PM.)

24

25



1 IN THE CIRCUIT COURT OF YORK COUNTY,  
2 SOUTH CAROLINA .

3 STATE OF SOUTH CAROLINA  
4

5 VERSUS

6 BILLY WAYNE COPE &  
7 JAMES EDWARD SANDERS

8 INDICTMENT NUMBERS: 2002-GS-46-3232-3234  
9 2003-GS-46-1843-1844 2004-GS-46-2614-2618  
2004-GS-46-196-199

10 HEARD AT THE MOSS JUSTICE CENTER,  
11 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON  
12 WEDNESDAY, SEPTEMBER 15TH, 2004, BEFORE THE  
HONORABLE JOHN C. HAYES, III AND A JURY.

APPEARANCES:

13 TOMMY POPE  
14 KEVIN BRACKETT  
15 WILLY THOMPSON  
16 16TH CIRCUIT SOLICITOR'S OFFICE  
17 1675 YORK HIGHWAY  
18 YORK, SC 29745  
19 REPRESENTING THE STATE

20 JAMES MORTON  
21 DAVID WOOD  
22 MICHAEL SMITH  
23 MORTON & GETTYS  
24 1051 OAKLAND AVENUE  
25 ROCK HILL, SC 29732

A. PHILIP BAITY  
POST OFFICE BOX 275  
FORT MILL, SC 29715  
REPRESENTING BILLY WAYNE COPE

LELAND GREELEY  
128 E. MAIN STREET SUITE 102  
ROCK HILL, SC 29732  
REPRESENTING JAMES EDWARD SANDERS

REPORTED BY: JANET M. RICH

1                                   CIRCUIT COURT REPORTER  
2                                   1992 DOWNEY STREET  
3                                   ROCK HILL, SC 29732

4  
5   I N D E X

6                   MOTIONS

7                   IN CAMERA TESTIMONY:

8                   KYL A COPE

9                   DIRECT EXAMINATION   17

10                  CROSS EXAMINATION   29

11                  REDIRECT EXAMINATION 33

12                  JESSICA COPE

13                  DIRECT EXAMINATION   34

14                  CROSS EXAMINATION   52

15                  REDIRECT EXAMINATION 59

16                  RECROSS EXAMINATION 60

17                  SCOTT WORSHAM

18                  DIRECT EXAMINATION   64

19                  CROSS EXAMINATION   104

20                  REDIRECT EXAMINATION 125

21                  THOMAS DARNELL

22                  DIRECT EXAMINATION   132

23                  CROSS EXAMINATION   148

24                  REDIRECT EXAMINATION 153

25                  DR. STEPHEN LAMBERT

                  DIRECT EXAMINATION   158

1 CROSS EXAMINATION BY:  
2 MR. WOOD 211  
3 MR. GREELEY 223  
4 REDIRECT EXAMINATION 243

5

6

7

8

9

10 E X H I B I T S

11			ID	EV
12	D-46-63	PHOTOS	14	
13	S-92	STIPULATION		63
14	S-93	LETTERS	75	77
15	S-94	LETTERS	75	77
16	S-95-99	POSTERS		80
17	S-100	BLOOD SAMPLE		192

18

19

20

21

22

23

24

25

1 (COURT RESUMES AT 09:43 AM ON  
2 WEDNESDAY, SEPTEMBER 15, 2004.)

3 MR. BRACKETT: PLEASE THE COURT, YOUR  
4 HONOR. MR. MORTON HAS JUST SHOWN ME SOME PHOTOGRAPHS  
5 THAT HE SAYS HE INTENDS TO USE IN THE CROSS  
6 EXAMINATION AND I HAVE AN OBJECTION AS TO RELEVANCE.  
7 THEY ARE GOING TO BE MR. THOMPSON'S WITNESSES, SO LET  
8 ME GET HIM. HE'S IN THE LIBRARY.

9 THE COURT: LET MR. THOMPSON SEE THESE.

10 MR. THOMPSON: YOUR HONOR, WE WOULD  
11 OBVIOUSLY OBJECT TO THOSE PHOTOGRAPHS. THEY ARE  
12 OBVIOUSLY COME PRIOR TO THIS.

13 THE COURT: YES, I THINK SO.

14 MR. THOMPSON: AND THEY WOULD HAVE NO  
15 RELEVANCE AS TO WHAT HAPPENED AT THIS PARTICULAR  
16 POINT IN TIME.

17 THE COURT: WHAT ABOUT UNLAWFUL NEGLIGENCE OF  
18 A CHILD? DOES IT NOT HAVE SOME RELEVANCE TO SHOW --

19 MR. THOMPSON: RIGHT, BUT IF HE STARTS  
20 QUESTIONING ON THOSE, YOUR HONOR, THEN WE SHOULD BE  
21 ABLE TO BRING IN WHAT HAPPENED IN 1999 WITH THE  
22 DEFENDANT AND THE UNLAWFUL NEGLIGENCES AS TO THAT  
23 BECAUSE THAT'S WHAT THEY ARE OPENING THE DOOR.  
24 BECAUSE IF THEY WANT TO SAY HE WAS GOOD TO THEM IN  
25 THE PAST, WE CAN SAY NO HE WASN'T.



1 THE COURT: WELL, I THINK THAT'S TRUE. IF  
2 YOU WANT TO SHOW --

3 MR. MORTON: YOUR HONOR --

4 THE COURT: WAIT, JUST LET ME FINISH.  
5 WE'RE KIND OF ON THE HORNS OF A DILEMMA IN A WAY. I  
6 THINK THEY COULD BE RELEVANT ON THE ISSUE HE'S  
7 CHARGED WITH UNLAWFUL NEGLECT OF A CHILD. YOU GOT  
8 PICTURES THERE OF A HAPPY FAMILY ON SOME OCCASION.  
9 YOU GOT PICTURES OF KIDS IN HALLOWEEN COSTUMES, YOU  
10 GOT PICTURES OF A BIRTHDAY CAKE, YOU GOT PICTURES OF  
11 SMILING KIDS WITH CHRISTMAS PRESENTS, I THINK THAT  
12 CAN GO TO SHOW A GENERAL LACK OF NEGLECT ALTHOUGH  
13 HE'S CHARGED WITH THE WAY THE HOUSE WAS ON THAT  
14 PARTICULAR DAY AND THE LACK OF FOOD OR WHATEVER. I  
15 DON'T REALLY KNOW WHAT THE STATE IS GOING TO ARGUE AS  
16 FAR AS ALL THAT BUT JUST BASED ON THE EVIDENCE I  
17 THINK THAT THOSE COULD GO TO SOME MITIGATION. I'M  
18 NOT GOING TO LET THEM ALL IN IF I LET ANY IN, I'LL  
19 LET YOU CHOOSE MAYBE A FEW RATHER THAN USE THEM ALL,  
20 BUT I THINK JUST TO GIVE YOU WARNING THAT IF YOU GO  
21 BACK INTO THE PAST THEN I THINK THAT DOES OPEN THE  
22 DOOR REGARDING ANY, IF YOU ARE GOING TO SAY THIS MAN,  
23 IF YOU WANT TO SHOW PAST GOOD CONDUCT, I THINK THAT  
24 RAISES A SPECTER OF THEM SHOWING THE FLIP SIDE OF  
25 THAT.

1                   MR. MORTON: WELL SO, YOU KNOW, THE  
2 DILEMMA I'M FACED WITH, JUDGE, IS HERE'S THESE LITTLE  
3 GIRLS, HADN'T SEEN THEIR DAD IN THREE YEARS, THEY ARE  
4 TESTIFYING VIA CLOSED CIRCUIT AND THEY'LL BE CALLING  
5 HIM BILLY, AND AM I NOT ALLOWED I MEAN, I CERTAINLY  
6 DON'T THINK ANY DOORS HAS BEEN OPEN THUS FAR BY THEIR  
7 OWN WITNESSES SAYING THAT THEY FOUND BIBLES AND HE  
8 WENT TO CHURCH AND ALL OF THAT STUFF, BUT, YOU KNOW.  
9 IS MR. THOMPSON GOING TO BE, IT'S JUST ALL, I  
10 UNDERSTAND WHAT YOU ARE SAYING, BUT ARE THEY GOING BE  
11 RESTRICTED TO SAYING WHAT THEY SAW AND HEARD ON THAT  
12 NIGHT.

13                   THE COURT: WELL, I THINK, I HAVE RULED  
14 OUT ANY UNLAWFUL NEGLECT AS TO THOSE TWO CHILDREN AND  
15 ANY CRIMINAL SEXUAL CONDUCT. I CAN'T EVEN REMEMBER  
16 IT'S BEEN SO LONG. IS HE CHARGED WITH THAT ALSO ON  
17 THOSE TWO CHILDREN OR JUST UNLAWFUL NEGLECT?

18                   MR. THOMPSON: YES, SIR.

19                   THE COURT: CRIMINAL SEXUAL CONDUCT. YOU  
20 KNOW, YOU RAISE ALL KIND OF ISSUES. I DON'T THINK  
21 THERE IS A DIRECT DOUBLE JEOPARDY ISSUE, BUT IF YOU  
22 IN ESSENCE TRY ALL OF THOSE THINGS IN THIS CASE, I  
23 CERTAINLY THINK SOMEBODY IS GOING TO MAKE A MOTION AT  
24 SOME POINT THAT WELL YOU'VE GONE OVER ALL THOSE.  
25 WHAT DO YOU THINK IS RELEVANT, MR. THOMPSON. LET'S

1 START THERE AND SEE WHAT YOU PLAN TO PRESENT RATHER  
2 THAN ME SPECULATE.

3 MR. THOMPSON: OBVIOUSLY, I PLAN TO  
4 PRESENT THE CONDITIONS OF THE HOUSE ON THAT DAY.

5 THE COURT: CORRECT. THAT'S FINE.

6 MR. THOMPSON: I PLAN TO PRESENT THEIR  
7 TESTIMONY WHAT THEY RECALL FROM THE NIGHT BEFORE AND  
8 THE NEXT MORNING. I WOULD PLAN TO PRESENT THEIR  
9 KNOWLEDGE OF THE, JUST THE HOUSE ITSELF, AND  
10 BASICALLY THAT'S GOING TO BE IT. THE ONLY OTHER  
11 QUESTIONS THAT I THINK MAY CONCERN MR. MORTON WOULD  
12 BE SOMETHING ALONG THE LINES THAT THEY WERE SCARED OF  
13 THEIR FATHER.

14 THE COURT: I DON'T THINK THAT'S RELEVANT.

15 MR. THOMPSON: AND I DON'T UNDERSTAND WHY  
16 THAT WOULDN'T BE.

17 THE COURT: WELL, I DON'T UNDERSTAND WHY  
18 IT WOULD BE.

19 MR. THOMPSON: IT CERTAINLY GOES TOWARDS  
20 JUST THEM HAVING TO TESTIFY, THEM HAVING TO GO  
21 THROUGH ALL THIS STUFF NOW.

22 MR. BRACKETT: IT WAS MY WITNESS, I'M MORE  
23 FAMILIAR, CAPTAIN CABANISS TESTIFIED, HE ASKED  
24 CAPTAIN CABANISS YESTERDAY WHY DIDN'T THE GIRLS HEAR  
25 SOMETHING AND HE SAID THEY ARE SCARED OF THEIR FATHER

1 AND MAYBE THEY ARE AFRAID THAT THEY ARE GOING TO HAVE  
2 TO GO BACK TO HIM AND THAT'S WHY THEY DON'T WANT TO  
3 SAY ANYTHING THAT HE WOULD PERCEIVE NEGATIVELY AND SO  
4 HE'S RAISED THE SPECTER OF THAT.

5 MR. MORTON: I HAVEN'T RAISED IT.

6 MR. BRACKETT: HE'S MADE IT AN ISSUE IN  
7 THIS CASE AND SO WE HAVE TO ADDRESS IT. WE HAVE TO  
8 EXPLAIN TO THE JURY WHY THE GIRLS AREN'T SAYING THEY  
9 HEARD SOMETHING.

10 MR. MORTON: THEY'VE RAISED THE SPECTER OF  
11 IT, YOUR HONOR, AND THAT'S THE ONLY REASON THESE  
12 GIRLS ARE HERE SO THEY CAN COME IN HERE AND SAY THEY  
13 ARE SCARED OF THEIR DAD IN FRONT OF THIS JURY.

14 MR. THOMPSON: THAT'S NOT TRUE.

15 MR. MORTON: THEY ARE THE ONES WHO RAISED  
16 THE SPECTER OF THIS ALL WHOLE THING. THEY ARE  
17 PUTTING THE WHOLE THING TOGETHER AND FOR ME NOT TO BE  
18 ABLE TO, FOR THEM TO GO IN AND SAY, YOU ARE SCARED OF  
19 YOUR DAD -- I MEAN, HOW DO YOU -- THAT'S JUST HIGHLY  
20 PREJUDICIAL.

21 THE COURT: WELL, IT APPEARS TO ME TO BE  
22 MORE OF AN ISSUE FOR CROSS EXAMINATION THAN IT WOULD  
23 FOR DIRECT.

24 MR. MORTON: WELL, JUDGE, CAPTAIN CABANESS  
25 I THINK THE LAST TIME, HE'S A CAPTAIN AT THE ROCK

1 HILL POLICE DEPARTMENT, HE'S NOT A PSYCHOLOGIST.

2 THE COURT: WHAT HE SAYS ISN'T BINDING. I  
3 MEAN, THAT'S JUST HIS OPINION. I'M NOT GOING TO  
4 ALLOW YOU TO GO INTO THAT EXCEPT FOR, LET'S GET A  
5 MARCHING PLANS KIND OF STRAIGHT THEN.

6 MR. MORTON: CAN I OFFER ONE MORE THING  
7 BEFORE YOU GO TO YOUR MARCHING?

8 THE COURT: SURE.

9 MR. MORTON: WILL I BE ABLE TO ASK THEM  
10 IF THEY LOVE THEIR DAD BEFORE THEY WERE TAKEN AWAY  
11 FROM HIM?

12 THE COURT: WELL, THE PROBLEM IS, I DON'T  
13 KNOW WHAT HAPPENED IN THE FAMILY COURT. YOU KNOW  
14 BETTER THAN I DO. IF YOU ASK THAT QUESTION I DON'T  
15 KNOW WHAT KIND OF ANSWER YOU ARE GOING TO GET AND  
16 ALSO IF THEY HAVE TESTIFIED OTHERWISE AT ANOTHER TIME  
17 THEN THE STATE IS GOING TO BE WHIPPING OUT  
18 TRANSCRIPTS AND ALL THIS KIND OF STUFF SAYING WELL, I  
19 HATE TO SEE SOMEBODY IMPEACH A CHILD BECAUSE IT'S  
20 JUST THEY ARE CHILDREN.

21 MR. MORTON: THEY TESTIFIED IN FAMILY  
22 COURT THAT THEY DID.

23 THE COURT: THEY TESTIFIED TO THAT.

24 MR. THOMPSON: THEY ALSO TESTIFIED THEY  
25 WERE SCARED OF HIM SO.

1 THE COURT: SO IF YOU OPEN THAT DOOR I'M  
2 GOING --

3 MR. MORTON: SO I CAN'T ASK THE CHILDREN?

4 THE COURT: I'M NOT SAYING YOU CAN'T. I'M  
5 JUST TELLING YOU IF YOU DO WHAT IS GOING TO HAPPEN SO  
6 YOU GOT TO MAKE THAT DECISION, BUT I'M NOT TELLING  
7 YOU YOU CAN'T ASK IF THEY LOVE THEIR DAD OR ARE  
8 SCARED OF THEIR DAD. IF YOU ASK THAT THE DOOR IS  
9 OPEN, BUT THAT'S --

10 MR. MORTON: SO IF I ASK THE CHILDREN IF  
11 THEY LOVE THEIR DAD BEFORE THIS HAPPENED THEN THAT  
12 OPENS THE DOOR TO THE FACT THAT THEY ARE SCARED OF  
13 THEIR DAD NOW.

14 THE COURT: I THINK IT DOES, YES.

15 MR. MORTON: WELL, I THINK I HAVE THE  
16 RIGHT TO ASK THEM WHAT THEIR FEELINGS WERE TO THEIR  
17 DAD IN 1999 VERSES WHAT HAS TRANSPIRED IN THREE YEARS  
18 SINCE THEY HADN'T SEEN HIM AND NOW THAT THEY ARE  
19 SCARED OF HIM BECAUSE THEY HAD BEEN TOLD THAT HE  
20 KILLED THEIR DAUGHTER AMANDA.

21 THE COURT: THEIR SISTER NOT THEIR  
22 DAUGHTER.

23 MR. MORTON: I'M SORRY.

24 THE COURT: THEIR SISTER.

25 MR. MORTON: THEIR SISTER. I'M SORRY.

1                   THE COURT: WELL, THE PROBLEM HERE IN '99,  
2 IF YOU START ASKING ABOUT '99 THEN THEY ARE GOING TO  
3 ARGUE YOU OPENED THE DOOR AS TO THE UNLAWFUL CONDUCT  
4 IN 1999.

5                   MR. MORTON: WHAT IF THEY GET IN THERE  
6 AND --

7                   THE COURT: I DON'T WANT TO OUTLINE -- I'M  
8 THE REFEREE NOT THE COACH. I'M GOING TO MAKE RULINGS  
9 AND I THINK I'VE RULED THAT THEY GOT, WHERE THEY GOT  
10 TO STICK WITH. I'M NOT TO GOING RULE YET ON WHAT  
11 YOUR CROSS EXAMINATION IS GOING TO BE, AND WE'LL JUST  
12 HAVE TO TAKE IT STEP BY STEP BECAUSE I KNOW THESE ARE  
13 KIND OF MOTIONS IN LIMINE BUT WE'RE GOING TO BE IN  
14 THERE AND THE JURY IS GOING TO BE IN HERE AND IT'S  
15 GOING TO BE A LITTLE AWKWARD BUT IT WILL WORK. BUT  
16 UNTIL I ACTUALLY HEAR WHAT THE QUESTIONS ARE AND THE  
17 ANSWERS ARE, I'M NOT SURE WHERE WE'LL END UP GOING SO  
18 I JUST CAN'T PREDICT.

19                  MR. MORTON: OKAY.

20                  THE COURT: SO ALL I CAN TELL YOU IS  
21 PROFFER WHAT YOU NEED TO PROFFER. WE CAN, BE EASY TO  
22 MAKE A PROFFER, WE'LL JUST TURN THE TV OFF, TURN THE  
23 CAMERA OFF.

24                  MR. MORTON: ALL RIGHT, SIR.

25                  THE COURT: ALL RIGHT. AND MR. THOMPSON,

1 DO YOU FEEL LIKE YOU UNDERSTAND.

2 MR. THOMPSON: YES, YOUR HONOR.

3 MR. MORTON: YOUR HONOR, I WANT TO OBJECT  
4 TO ONE THING. IF THEY ARE CALLING THEIR DAD BILLY  
5 AND I'M PRECLUDED FROM CROSS EXAMINING THEM ABOUT HOW  
6 THAT CAME TO BE AND THE FACT THAT THEY DIDN'T CALL  
7 HIM BILLY BEFORE, YOU KNOW, I THINK I SHOULD BE ABLE  
8 TO AND IF YOU RULE AGAINST ME, YOU KNOW YOU RULE  
9 AGAINST ME, BUT I THINK I SHOULD BE ABLE TO SAY THEY  
10 LOVED THEIR DAD BEFORE THEY WERE TAKEN AWAY AND  
11 STARTED CALLING HIM BILLY.

12 THE COURT: IT'S YOUR CROSS EXAMINATION.  
13 THAT'S ALL I CAN TELL YOU.

14 MR. MORTON: WELL, I'M TRYING, I DON'T  
15 WANT TO OPEN THE DOOR TO THEM GOING INTO THE '99  
16 DETAILS BY ASKING THEM IF THEY LOVE THEIR DADDY IN  
17 '99 I GUESS IS THE ONLY DIRECTION I'M TRYING TO GET.

18 THE COURT: I KNOW AND I'M NOT GOING TO  
19 START --AGAIN I'M NOT GOING TO BE THE COACH. I'M NOT  
20 GOING TO PASS ON EVERY QUESTION YOU PLAN TO ASK. I  
21 THINK I MADE IT, TRIED TO MAKE IT CLEAR AS TO WHERE I  
22 SEE THE GENERAL SCOPE OF DIRECT AND CROSS WITHOUT  
23 QUOTE OPENING THE DOOR END QUOTE. WE'VE SEEN IT OUT  
24 HERE. HE HAD OUR WITNESS YESTERDAY THAT STARTED  
25 BLURTING OUT ALL KINDS OF STUFF THAT WE PRETTY MUCH



1 AGREED AND RULED SOME WASN'T ADMISSIBLE BUT MADE HER  
2 HAPPY TO SAY IT AND SHE SAID IT. I DON'T THINK THE  
3 CHILDREN WILL DO THAT, BUT WE CAN'T STAND HERE FOR AN  
4 HOUR AND OUTLINE WHAT THE CHILDREN ARE GOING TO  
5 TESTIFY TO AND HAVE IT GO, WE CAN'T PLAN THEIR  
6 TESTIMONY.

7 MR. MORTON: YES, SIR BUT WE CAN, I WAS  
8 JUST TRYING TO GET SOME DIRECTION ON WHAT MY SCOPE OF  
9 CROSS EXAMINATION WOULD BE WITHOUT OPENING UP ANOTHER  
10 ISSUE.

11 THE COURT: I CAN'T TELL YOU THAT BECAUSE  
12 ONE QUESTION MAY SOLICIT AN ANSWER AND OF COURSE YOUR  
13 RESPONSE WHEN THEY SAY YOU OPENED THE DOOR WILL BE  
14 THAT'S NOT THE QUESTION I ASKED. IT'S NOT A  
15 COMFORTABLE PLACE FOR YOU. I KNOW. I UNDERSTAND  
16 THAT. THE CHILDREN ARE, YOU KNOW, CHILDREN SAY THE  
17 DARNEST THINGS.

18 MR. MORTON: THANK YOU, YOUR HONOR.

19 THE COURT: AND THE ONLY I GUESS REAL  
20 COMFORT MAYBE REGARDING THE TESTIMONY OF THESE  
21 CHILDREN AT LEAST THEY HAVE MEMORIALIZED THE  
22 TESTIMONY ONE TIME SO AT LEAST YOU CAN PERHAPS  
23 ANTICIPATE SOME OF THE THINGS THEY ARE GOING TO SAY.  
24 AS FAR AS WHERE TO GO ON CROSS, I'VE GIVEN YOU ALL  
25 THE GUIDANCE I THINK I CAN.

1 MR. MORTON: ALL RIGHT, SIR.

2 THE COURT: ANYTHING ELSE. ANYTHING, MR.  
3 GREELEY.

4 MR. GREELEY: NO, YOUR HONOR.

5 MR. BRACKETT: IF, THE MECHANICS  
6 STANDPOINT, YOU SAID IT WOULD BE EASIER TO DO A  
7 PROFFER, I JUST WANT TO MAKE SURE, IF YOU SAY IN  
8 THERE SO WE CAN HEAR IN THERE TURN THE SOUND OFF, ARE  
9 YOU ABLE TO TURN THE SOUND OFF IN HERE.

10 (MAN INDICATES YES.)

11 THE COURT: OKAY.

12 MR. MORTON: I JUST WANTED TO NOTE MY  
13 OBJECTION FOR THE RECORD ABOUT THE PHOTOGRAPHS AND  
14 PROFFER THE PHOTOGRAPHS AND ARGUE THAT THEY DON'T  
15 OPEN THE DOOR TO ANYTHING.

16 THE COURT: YES. ALL RIGHT.

17 MR. MORTON: SO I DON'T KNOW WHERE THOSE  
18 PHOTOGRAPHS ARE. DID I GET THEM BACK. CAN WE HAVE  
19 THESE PHOTOGRAPHS MARKED PLEASE, JANET, AS JUST A  
20 PROFFER.

21 (DEFENDANT'S EXHIBITS 46-63  
22 PHOTOGRAPHS MARKED FOR IDENTIFICATION.)

23 THE COURT: JUST FOR THOSE PARTICIPATING  
24 INCLUDING THE TECHNICIAN, MY LAW CLERK WILL STAY IN  
25 HERE AND IN THE EVENT SOMEONE IN HERE WANTS OUR

1 ATTENTION FOR SOME REASON, I CAN'T REALLY ANTICIPATE  
2 WHY, BUT A LOT OF THINGS HAPPENS IN A TRIAL YOU DON'T  
3 ANTICIPATE, IF YOU'LL JUST STAND AND DO LIKE THAT,  
4 THAT WILL ALERT RICHARDS MY LAW CLERK TO TELL THE  
5 TECHNICIAN TO STOP, AND HE'LL COME TELL US TO STOP  
6 AND THEN WE'LL DO WHATEVER HAS TO BE DONE. SO HE'S  
7 GOING TO BE OUT WALKING TALKING LIAISON BETWEEN THE  
8 COURTROOM AND THE LIBRARY.

9 MR. MORTON: DOES HE GET A ROBE?

10 THE COURT: I GOT ONE FOR HIM. HE SAID HE  
11 WOULDN'T WEAR IT. ALL RIGHT. LET'S BRING IN THE  
12 JURY.

13 (THE JURY RETURNS TO THE COURTROOM AT  
14 10:00 AM.)

15 THE COURT: GOOD MORNING.

16 (THE JURY: GOOD MORNING.)

17 THE COURT: OUR NEXT TWO WITNESSES ARE  
18 GOING TO BE KYLA AND JESSICA COPE AND WE'RE GOING TO  
19 DO IT A LITTLE DIFFERENT. WE'RE GOING TO DO IT BY  
20 CLOSED CIRCUIT TELEVISION. THE GIRLS WILL BE, ALONG  
21 WITH MYSELF AND THE LAWYERS AND OUR CLERK TO SWEAR  
22 THE WITNESSES AND THE COURT REPORTER, WILL BE IN THE  
23 LIBRARY, YOU'LL BE ABLE TO SEE AND HEAR EVERYTHING  
24 THAT GOES ON. THIS IS NOT UNUSUAL WHEN YOU HAVE  
25 YOUNG CHILDREN TESTIFYING AND THAT'S WHY IT'S BEING

1       DONE.  NOW I WILL NOT BE IN HERE.  MY LAW CLERK,  
2       INCIDENTALLY I HAVEN'T INTRODUCED HIM, RICHARDS  
3       MCCRAE FROM FORT MILL, IS GOING TO BE IN HERE SO IF  
4       ANYTHING HAPPENS IN HERE THAT NEEDS TO BE  
5       COMMUNICATED TO US BECAUSE IT'S GOING TO BE, THE  
6       AUDIO IS GOING TO BE ONE WAY FROM THERE TO HERE NOT  
7       BACK, SO IF ANYBODY, IF SOMETHING HAPPENS HERE AND  
8       ANYBODY WANTS US TO STOP FOR A LEGITIMATE REASON,  
9       THEY CAN JUST STAND AND GET RICHARDS ATTENTION AND HE  
10      WILL COME AND WE WILL STOP AND SEE WHAT'S NEEDS TO BE  
11      DONE, THAT WAY WE'LL HAVE SOME COMMUNICATION WITH THE  
12      COURTROOM BUT WE'LL BE IN THERE WITH THE WITNESSES.  
13      ALL RIGHT.  ANYTHING ELSE BEFORE WE GO INTO THE  
14      LIBRARY.

15                   MR. THOMPSON:  NOTHING FROM THE STATE,  
16      YOUR HONOR.

17                   MR. MORTON:  NOTHING, YOUR HONOR.

18                   MR. GREELEY:  NOTHING FROM MR. SANDERS.

19                   THE COURT:  WE'LL GO IN THERE AND GET THE  
20      TV IN AND BARE WITH US JUST A MINUTE.

21                                (THE FOLLOWING PEOPLE ARE ASSEMBLED IN  
22      THE LIBRARY:  JUDGE HAYES, JANET RICH, JAMES MORTON,  
23      LELAND GREELEY, WILLY THOMPSON, ALLISON DEFELICE,  
24      CINDY MEEKS, TECHNICIAN SHAWN STALLINGS, KYLA COPE,  
25      AND APRIL GURGANUS.)

1 THE COURT: IF YOU'D RAISE YOUR RIGHT HAND  
2 PLEASE THE CLERK WILL SWEAR YOU IN.

3 KYLA COPE, BEING FIRST DULY  
4 SWORN WAS EXAMINED AND TESTIFIED AS FOLLOWS:

5 THE COURT: MR. THOMPSON.

6 DIRECT EXAMINATION BY MR. THOMPSON:

7 Q GOOD MORNING, KYLA. HOW ARE YOU THIS MORNING?

8 A GOOD.

9 Q GOOD. KYLA, WHERE DO YOU LIVE NOW?

10 A NORTH CAROLINA.

11 Q NORTH CAROLINA. HOW OLD ARE YOU?

12 A NINE.

13 Q AND WHERE DID YOU GO TO SCHOOL?

14 A BULADEAM.

15 Q AND WHAT GRADE ARE YOU IN?

16 A FOURTH.

17 Q FOURTH GRADE. DO YOU LIKE SCHOOL RIGHT NOW?

18 A YES.

19 Q YEAH. KYLA, DO YOU REMEMBER WHERE YOU LIVED

20 BEFORE YOU LIVED IN NORTH CAROLINA?

21 A SOUTH CAROLINA.

22 Q DO YOU REMEMBER WHERE IN SOUTH CAROLINA?

23 A RICH STREET, ROCK HILL.

24 Q ROCK HILL, OKAY. DO YOU REMEMBER THE STREET?

25 A RICH STREET.

1 Q RICH STREET. CAN YOU TELL ME A LITTLE BIT ABOUT  
2 RICH STREET WHEN YOU LIVED THERE, THE LAST TIME YOU  
3 LIVED THERE. CAN YOU TELL ME I GUESS WAS IT IN 2000  
4 THAT Y'ALL LIVED THERE LAST?

5 A YES.

6 Q RIGHT BEFORE AMANDA DIED, CAN YOU TELL ME WHAT  
7 IT WAS LIKE AT RICH STREET, WHAT THE HOUSE ITSELF WAS  
8 LIKE?

9 A MESSY.

10 Q MESSY. HOW WAS IT MESSY?

11 A IT HAD LIKE BUGS AND ROACHES IN IT AND IT HAD  
12 CLOTHES ALL ON THE FLOORS AND THE BEDROOMS AND THERE  
13 WAS LIKE HOLES IN THE FLOOR IN OUR ROOM AND A HOLE IN  
14 THE WALL, AT THE SPIGOTS IN THE BATHROOM.

15 Q CAN YOU TELL ME THE HOLES THAT YOU ARE TALKING  
16 ABOUT, DID ANYTHING USED TO COME IN AND OUT OF THOSE  
17 HOLES AT ALL?

18 A CATS.

19 Q THE CATS. WERE THEY JUST BIG ENOUGH FOR THE  
20 CATS TO COME THROUGH?

21 A YES.

22 Q HOW MANY CATS DID YOU ALL HAVE?

23 A SIX OR SEVEN.

24 Q SIX OR SEVEN. DID THEY KIND OF COME AND A GO  
25 WHENEVER THEY WANTED?

1 A YES.

2 Q HOW LONG HAD YOU HAD THE CATS?

3 A A COUPLE OF MO--YEARS OR MONTHS, SOMETHING LIKE  
4 THAT.

5 Q OKAY. NOW DO YOU REMEMBER IN THE HOUSE ITSELF  
6 IN AMANDA'S ROOM, WAS ONE OF THE WINDOWS BROKEN IN  
7 THAT ROOM?

8 A YES.

9 Q DO YOU KNOW HOW THAT HAPPENED?

10 A ME AND JESSICA WERE, WHEN WE WERE LIKE PLAYING  
11 AROUND IN THERE AND PLAYING WITH AMANDA, I PUSHED  
12 JESSICA BY ACCIDENT AND SHE FELL INTO THE MIRROR, NOT  
13 MIRROR, BUT WINDOW AND BROKE IT.

14 Q OKAY. DO YOU REMEMBER HOW LONG THAT WAS BEFORE  
15 THE TIME THAT AMANDA DIED THAT THAT HAPPENED?

16 A NOT REALLY.

17 Q OKAY. WAS IT, HAD IT BEEN JUST A COUPLE OF DAYS  
18 OR HAD IT BEEN LONGER THAN THAT?

19 A LONGER THAN THAT.

20 Q LONGER THAN THAT. DID THAT WINDOW GET FIXED UP  
21 IN ANY WAY?

22 A MY MOM PUT PLASTIC OVER IT.

23 Q OKAY. DO YOU KNOW HOW SHE PUT THE PLASTIC ON  
24 IT, HOW SHE MADE IT STICK?

25 A STAPLES.

1 Q SO THE PLASTIC WAS STAPLED ON THAT WINDOW?

2 A YES.

3 Q AND CAN YOU REMEMBER ON THE NIGHT THAT AMANDA  
4 DIED WAS THAT PLASTIC ON THE WINDOW STAPLED UP ON  
5 THAT WINDOW?

6 A YES.

7 Q DO YOU REMEMBER THE OTHER WINDOW IN AMANDA'S  
8 ROOM?

9 A YES.

10 Q DO YOU REMEMBER, DID YOU ALL EVER USE TO OPEN  
11 THAT WINDOW?

12 A SOMETIMES IF IT WAS REAL HOT.

13 Q IF IT WAS REAL HOT. IN NOVEMBER, NOVEMBER 29,  
14 WAS IT HOT THEN?

15 A NO.

16 Q HAD Y'ALL BEEN OPENING THAT WINDOW AT ALL IN THE  
17 LAST FEW DAYS?

18 A NO.

19 Q NO. WAS THAT WINDOW EASY TO OPEN?

20 A NO.

21 Q AND CAN YOU TELL ME WHY?

22 A IT WAS JUST HARD TO OPEN.

23 Q OKAY. HOW ABOUT AMANDA'S DOOR. DO YOU REMEMBER  
24 ANYTHING ODD ABOUT AMANDA'S DOOR TO HER BEDROOM?

25 A IT WOULD SCUFF AGAINST THE FLOOR.



1 Q ALL RIGHT. DID THAT MAKE IT HARD OR EASY TO  
2 OPEN?  
3 A HARD.  
4 Q AND DID YOU HAVE A HARD TIME OPENING THAT DOOR?  
5 A YES.  
6 Q WAS IT NOISY WHEN YOU TRIED TO OPEN AND CLOSE  
7 THAT DOOR?  
8 A YES.  
9 Q IN THE HOUSE, WHERE DID YOU USUALLY SLEEP?  
10 A IN A BEDROOM OUT BESIDE AMANDA'S.  
11 Q OKAY. DID ANYBODY SLEEP WITH YOU THERE?  
12 A JESSICA.  
13 Q ALL RIGHT. DID YOU SLEEP IN SEPARATE BEDS OR  
14 THE SAME BED?  
15 A THE SAME BED.  
16 Q WAS IT A BUNK IN THAT ROOM?  
17 A YES.  
18 Q DID YOU ALL SLEEP ON THE TOP OF THE BUNK OR THE  
19 BOTTOM OF THE BUNK?  
20 A BOTTOM.  
21 Q NOW DO YOU REMEMBER THE BACK DOOR OF THE HOUSE  
22 AT ALL?  
23 A YES.  
24 Q WAS THERE ANYTHING ODD ABOUT THAT DOOR?  
25 A IT WOULD SCUFF AGAINST THE FLOOR.

1 Q DID YOU ALL KEEP ANYTHING NEXT TO THE BACK DOOR?

2 A A FAN.

3 Q WAS THAT ALWAYS AT THE BACK DOOR?

4 A YES.

5 Q WAS THAT DOOR NOISEY IF YOU OPENED IT?

6 A YES.

7 Q NOW KYLA, I'D LIKE TO TALK TO YOU A LITTLE

8 BIT -- WELL, BEFORE I DO THAT. HAVE ANY BROTHERS OR

9 SISTERS?

10 A YES.

11 Q WHAT DO YOU HAVE?

12 A I HAVE THREE BROTHERS AND ONE SISTER AND A

13 SISTER-IN-LAW. ROCKY, JOSH, AND JODY, JESSICA AND

14 LOLA.

15 Q OKAY. AND THAT'S WITH THE FAMILY YOU ARE LIVING

16 WITH NOW?

17 A YEAH.

18 Q BACK IN 2001 WHEN THIS HAPPENED WHO WAS IN YOUR

19 FAMILY THEN?

20 A MARY, BILLY, AMANDA, ME, AND JESSICA.

21 Q AND WAS MARY YOUR MOTHER?

22 A YES.

23 Q AND BILLY, IS THAT BILLY COPE?

24 A YES.

25 Q WAS, WAS THAT YOUR FATHER?

1 A YES.

2 Q AND JESSICA YOU SAID?

3 A YES.

4 Q OR JESSIE. HOW OLD IS JESSIE?

5 A 14.

6 Q THAT'S NOW SHE'S 14?

7 A (NODS HEAD.)

8 Q OKAY. AND WHO WAS YOUR OTHER SISTER THERE?

9 A AMANDA.

10 Q HOW OLD WAS AMANDA BACK THEN?

11 A 12.

12 Q CAN YOU TELL ME THE NIGHT BEFORE AMANDA DIED DO

13 YOU REMEMBER WHAT Y'ALL DID THAT NIGHT?

14 A WELL, WE COME HOME FROM SCHOOL AND I DID A

15 LITTLE BIT OF MY MATH THAT I DIDN'T FINISH IN SCHOOL

16 AND, I DID, I WATCHED TV, AND THEN WE ATE SUPPER AND

17 I WENT TO BED. AND JESSICA AND AMANDA STAYED UP AND

18 AMANDA HELPED JESSICA WITH HER HOMEWORK.

19 Q OKAY. DO YOU REMEMBER WHAT YOUR MOM USED TO DO

20 WHAT SHE DID WORKING BACK THEN?

21 A YEAH, SHE WAS WORKING.

22 Q OKAY. DO YOU REMEMBER WHAT TIME SHE WOULD WORK?

23 A SHE WOULD LEAVE AT NINE O'CLOCK.

24 Q OKAY. AND DID SHE GO TO WORK AT NINE O'CLOCK

25 THAT NIGHT?

1 A YES.

2 Q WHEN DID SHE USUALLY GET BACK FROM WORK?

3 A IN THE MORNING.

4 Q IN THE MORNING?

5 A RIGHT BEFORE WE WENT TO SCHOOL.

6 Q DO YOU HAVE ANY IDEA WHAT TIME THAT WAS?

7 A HUH-UH.

8 Q ALL RIGHT. DO YOU REMEMBER, YOU SAID YOU ATE

9 DINNER THAT NIGHT, DO YOU REMEMBER WHAT YOU ATE FOR

10 DINNER?

11 A NOODLES.

12 Q NOODLES. IS THAT WHAT Y'ALL USUALLY ATE?

13 A YES.

14 Q DO Y'ALL DO ANYTHING WITH THE NOODLES TO MAKE

15 THEM ANY BETTER?

16 A WE WOULD MIX VEGETABLES IN THEM.

17 Q DID Y'ALL HAVE MIXED VEGETABLES IN THE NOODLES

18 THAT NIGHT?

19 A NO.

20 Q OKAY. CAN YOU REMEMBER ABOUT WHAT TIME YOU ATE

21 THAT NIGHT?

22 A AROUND 8.

23 Q AROUND 8. OKAY. AND DI YOU THE EAT WITH YOUR

24 MOM AND DAD THEN AND YOUR WHOLE FAMILY?

25 A MOM WAS, I DON'T THINK SHE ATE, AND WE ATE WITH,

1 AMANDA ATE, ME AND JESSICA AND BILLY ATE.

2 Q OKAY. DO Y'ALL USUALLY EAT THAT LATE AT NIGHT?

3 A YEAH.

4 Q PRETTY MUCH. OKAY. AFTER YOU ATE WHAT DID YOU  
5 DO?

6 A I WENT TO BED.

7 Q YOU WENT TO BED. WHEN YOU GO TO SLEE -- DID YOU  
8 GO TO BED IN YOUR ROOM THAT NIGHT?

9 A YES.

10 Q IN THE BOTTOM OF THAT BUNK BED?

11 A YES.

12 Q DID JESSICA GO TO SLEEP WITH YOU AT THAT TIME?

13 A NO.

14 Q ARE YOU A HEAVY SLEEPER OR A LIGHT SLEEPER?

15 A HEAVY.

16 Q IS IT HARD TO WAKE YOU UP?

17 A NOT REALLY NOW BUT IT USED TO BE.

18 Q USED TO BE. BACK THEN WHEN THIS HAPPENED WAS IT  
19 HARD TO WAKE YOU UP?

20 A YES.

21 Q OKAY. AFTER YOU WENT TO SLEEP THAT NIGHT DO YOU  
22 RECALL HEARING ANYTHING DURING THE NIGHT?

23 A WELL, AFTER JESSICA AND AMANDA WENT TO BED I  
24 HEARD LIKE SOMEONE SCREAM AND LIKE SOMEONE GASPING  
25 FOR AIR.

1 Q OKAY. DID YOU GET OUT OF BED DURING THAT TIME?

2 A NO.

3 Q DID YOU JUST STAY ASLEEP?

4 A NO, I WOKE UP AND THEN I JUST THOUGHT IT WAS A  
5 DREAM AND WENT BACK TO SLEEP.

6 Q OKAY. WHEN YOU WENT TO BED THAT NIGHT, I GUESS  
7 WHEN YOU WOKE UP THINKING IT WAS A DREAM, DID YOU SEE  
8 ANY LIGHTS ON?

9 A NO.

10 Q NO. OKAY. WHAT WOKE YOU UP IN THE MORNING?

11 A JESSICA SCREAMING.

12 Q JESSICA SCREAMING?

13 A UH-HUH.

14 Q DO YOU REMEMBER ABOUT WHAT TIME THAT WAS?

15 A NO.

16 Q NO. WOULD Y'ALL HAVE TO GET UP FOR SCHOOL THAT  
17 MORNING?

18 A YES.

19 Q WHEN DO YOU USUALLY GET UP FOR SCHOOL?

20 A SIX.

21 Q SIX O'CLOCK. WHAT DID YOU DO WHEN YOU HEARD  
22 JESSICA SCREAMING.

23 A I GOT OUT OF BED AND RAN INTO AMANDA'S ROOM.

24 Q IS THAT WHERE JESSICA WAS?

25 A YES.

1 Q WAS THERE ANYONE ELSE IN THE ROOM?

2 A BILLY.

3 Q AND WAS AMANDA IN THERE?

4 A YES.

5 Q WHAT WAS HAPPENING WHEN YOU WENT INTO THE ROOM?

6 A BILLY, I SAID, I SAID, WHAT HAPPENED, WHAT

7 HAPPENED. AND JESSICA SAID AMANDA DIED, AMANDA DIED.

8 AND BILLY SAID GO IN THERE INTO THE LIVING ROOM AND

9 HE COME AFTER US.

10 Q DID YOU CRY THEN WHEN YOU HEARD AMANDA DIED?

11 A YES.

12 Q CAN YOU TELL ME DID YOU NOTICE ANY LIGHTS ON IN

13 THE HOUSE AT THAT TIME?

14 A THE HALL LIGHT WAS ON AND THE LIVING ROOM LIGHT

15 AND BILLY'S ROOM AND AMANDA'S ROOM LIGHT WAS ON.

16 Q DID YOU NOTICE ANYTHING ELSE BEING ON WHEN YOU

17 WENT INTO THE LIVING ROOM?

18 A THE COMPUTER.

19 Q DID YOU SEE WHAT WAS ON THE COMPUTER SCREEN WHEN

20 YOU WENT IN?

21 A NO.

22 Q OKAY. DO YOU REMEMBER HOW MANY PHONES Y'ALL HAD

23 IN THE HOUSE?

24 A ONE.

25 Q ONE. DO YOU REMEMBER WHERE IT WAS?

1 A IT WAS IN BILLY'S ROOM.

2 Q WAS IT A REGULAR PHONE OR A CORDLESS PHONE OR?

3 A A CORDLESS PHONE.

4 Q OKAY. WHAT DID YOU DO AFTER, WHAT DID YOU DO  
5 WHILE YOU WERE OUT IN THE LIVING ROOM?

6 A WELL, WE HAD A COVER ON US AND BILLY CALLED THE  
7 AMBULANCE AND, BUT HE HAD GONE, WENT TO THE COMPUTER  
8 AND SAID THIS WAS AN EASY WAY TO CALL THE AMBULANCE,  
9 AND HE CALLED THE AMBULANCE, OUR PAW-PAW, AND THE  
10 PREACHER.

11 Q OKAY. DO YOU REMEMBER WHAT ORDER HE CALLED THEM  
12 IN?

13 A IT WAS THE AMBULANCE FIRST AND PAW-PAW AND THEN  
14 THE PREACHER.

15 Q OKAY. BUT YOU SAID HE GOT ON THE COMPUTER  
16 FIRST?

17 A YES.

18 Q OKAY. KYLA, WHEN YOU LEFT THAT HOUSE DID YOU  
19 HAVE TO BE TREATED FOR LICE?

20 A YES.

21 Q HAVE YOU HAD THEM FOR AWHILE?

22 A YES.

23 Q THANK YOU, KYLA. IF YOU'LL ANSWER ANY QUESTIONS  
24 THE DEFENSE HAS FOR YOU.

25 THE COURT: WE'LL BE AT EASE JUST A



1           MOMENT.  MR. MORTON AND MR. GREELEY WISH TO GO SPEAK  
2           TO THEIR CLIENTS FOR A MOMENT BEFORE THEY DO CROSS  
3           WE'LL CERTAINLY STAY AT EASE FOR A MOMENT.

4                           MR. MORTON:  THANK YOU, YOUR HONOR.

5                           (COURT IS AT RECESS AT 10:20.)

6                           (COURT RESUMES.)

7                           THE COURT:  MR. MORTON.

8                           MR. MORTON:  THANK YOU.

9           CROSS EXAMINATION BY MR. MORTON:

10          Q        KYL A, I'M JIM MORTON.  WE MET ONE TIME BEFORE,  
11          YOU REMEMBER?

12          A        YES.

13          Q        AND THIS IS ALLISON AND SHE'S MY FRIEND.  AND  
14          YOU REMEMBER I TOLD YOU I HAD A LITTLE GIRL LIKE YOU  
15          TOO, RIGHT?

16          A        YEAH.

17          Q        KYL A, I'M GOING TO SHOW YOU A PHOTOGRAPH,  
18          STATE'S EXHIBIT NUMBER 50, IS THAT YOUR HOUSE, THAT  
19          USED TO BE YOUR HOUSE?

20          A        YES.

21          Q        NOW YOU DIDN'T CALL YOUR MOM MARY AND YOUR DADDY  
22          BILLY BACK IN '99, DID YOU?

23          A        NO.

24          Q        OKAY.  NOW DO YOU REMEMBER YOUR DAD TRYING TO  
25          PUT A, WAS THERE A FENCE BACK HERE IN THE BACK?

1 A YES.

2 Q OKAY. AND I'M POINTING BACK TO WHERE THAT  
3 BUILDING IS IN THE BACK AND THERE IS A LADDER WITH A  
4 RED TOP ON IT RIGHT THERE AND IF YOU ARE LOOKING AT  
5 THAT PICTURE JUST TO THE LEFT, YOU SEE THAT TAPE,  
6 THAT'S YELLOW TAPE THE POLICE PUT UP, BUT RIGHT TO  
7 THE LEFT AS YOU ARE LOOKING AT THAT PICTURE, WAS  
8 THERE A FENCE BACK THERE?

9 A YES.

10 Q AND WAS THERE A LITTLE PATHWAY THAT WENT THROUGH  
11 THERE?

12 A YES.

13 Q OKAY. DO YOU REMEMBER YOUR DAD PUTTING  
14 SOMETHING UP BACK THERE TO TRY AND KEEP PEOPLE FROM  
15 WALKING THROUGH THERE?

16 A NO.

17 Q YOU DON'T REMEMBER THAT. CAN YOU TELL IN THAT  
18 PHOTOGRAPH RIGHT THERE, YOU SEE THE LEAVES, HOW THEY  
19 ARE CHANGED COLORS, CAN YOU TELL IF THAT IS A PATH  
20 RIGHT THERE? DOES THAT LOOK LIKE A PATH TO YOU?

21 A (NODS HEAD.)

22 Q IT DOES?

23 A YES.

24 Q NOW Y'ALL HAD A DOG FOR WHILE TOO, DIDN'T YOU?

25 A YES.

1 Q AND WHAT HAPPENED TO HIM?

2 A HE WAS KEPT ON GETTING, BREAK LOOSE FROM THE

3 CHAIN SO.

4 Q WHAT KIND OF DOG WAS IT?

5 A I DON'T REMEMBER.

6 Q OKAY. WAS IT A BIG DOG OR A LITTLE DOG?

7 A YEAH.

8 Q WHICH ONE BIG DOG?

9 A IT WAS BIG.

10 Q BIG DOG, LIKE A LAB OR SOMETHING LIKE THAT?

11 A YES. AND BILLY TOOK IT TO THE DOG POUND.

12 Q DID HE GET HIT BY A CAR OR SOMETHING?

13 A NO.

14 Q NO. JESSICA, WHEN YOU --

15 A JESSICA. I'M KYLA.

16 Q I'M SORRY, KYLA. OKAY. SORRY. I KNOW LITTLE

17 GIRLS DON'T LIKE TO BE CALLED THEIR SISTER'S NAME.

18 YOU HAD NEVER, YOU SAY THAT YOU HEARD SOMEONE SCREAM

19 THAT NIGHT. WHEN WE TALKED EARLIER DO YOU REMEMBER

20 WHEN WE TALKED EARLIER IN FAMILY COURT, YOU DIDN'T

21 TELL ME THAT AT THAT TIME I DON'T BELIEVE. DO YOU

22 REMEMBER?

23 A HUH-UH.

24 Q YOU DON'T REMEMBER WHETHER YOU TOLD ME THAT OR

25 NOT?

1 A NO.

2 Q OKAY. LET ME SHOW YOU ONE MORE PICTURE. IS  
3 THAT, DO YOU REMEMBER THAT AS AND I'LL SHOW YOU  
4 STATE'S EXHIBIT 42 D AND IS THAT A PHOTOGRAPH OF  
5 YOUR --

6 A LIVING ROOM.

7 Q LIVING ROOM. IF YOU DON'T MIND I'M GOING TO  
8 COME WALK AROUND THERE SO THEY CAN SEE WHAT WE GOT.  
9 THIS IS A PHOTOGRAPH OF THE LIVING ROOM, RIGHT?

10 A YES.

11 Q AND THAT'S THE PHONE RIGHT THERE IN FRONT OF THE  
12 COMPUTER, RIGHT?

13 A YES.

14 Q OKAY. AND ON THIS PREVIOUS PHOTOGRAPH THAT I  
15 SHOWED YOU, WE WERE TALKING ABOUT THIS PATH BACK  
16 HERE, THERE IS A FENCE BACK HERE WITH A PATH, RIGHT?

17 A RIGHT.

18 Q IS THAT RIGHT?

19 A RIGHT.

20 Q OKAY. YOUR ACCENT HAS CHANGED A LITTLE BIT.

21 MR. MORTON: I BEG THE COURT'S INDULGENCE  
22 ONE SECOND, YOUR HONOR.

23 Q THAT'S ALL I HAVE, KYLA. THANK YOU VERY MUCH.

24 THE COURT: MR. GREELEY.

25 MR. GREELEY: YOUR HONOR, I DON'T HAVE

1 ANYTHING FOR KYLA. GOOD MORNING.

2 THE COURT: MR. THOMPSON.

3 MR. THOMPSON: JUST A COUPLE QUESTIONS,  
4 YOUR HONOR.

5 REDIRECT EXAMINATION BY MR. THOMPSON:

6 Q KYLA, DO YOU REMEMBER SEEING THE TRANSCRIPT OF  
7 YOUR TESTIMONY IN FAMILY COURT?

8 A YES.

9 Q AND I'M GOING TO SHOW YOU PAGE 88 ON THAT. IF  
10 YOU COULD JUST LOOK AT THAT HIGHLIGHTED PORTION IN  
11 THE MIDDLE THERE.

12 A (READING.)

13 Q IN FAMILY COURT DID YOU TELL THEM ABOUT HEARING  
14 THAT SCREAM AT NIGHT?

15 A YEAH, I FORGET ABOUT THAT.

16 Q OKAY. NOW HE SHOWED YOU A PICTURE OF A COMPUTER  
17 DESK RIGHT HERE AND IS THAT A PHONE ON THAT DESK  
18 RIGHT THERE?

19 A YES.

20 Q SO DID YOU HAVE MORE THAN ONE PHONE?

21 A I NEVER KNEW ABOUT THAT PHONE.

22 Q OH, OKAY. BUT THE OTHER PHONE YOU RECALL WHAT  
23 THAT ONE WAS?

24 A YEAH.

25 Q HAD YOU USED THE OTHER PHONE?

1 A YEAH.

2 Q AND THAT'S ONE YOU SAID DIDN'T HAVE A CORD?

3 A IT DIDN'T HAVE A CORD.

4 Q ALL RIGHT. THANK YOU.

5 THE COURT: MR. MORTON.

6 MR. MORTON: NO, SIR. I DON'T HAVE

7 ANYTHING ELSE.

8 THE COURT: ALL RIGHT. THANK YOU. WE'LL

9 LET YOU LEAVE AND WE'LL ASK MISS JESSICA TO COME IN.

10 (JESSICA ENTERS THE LIBRARY.)

11 THE COURT: JESSICA, I'M JOHN, AND IF

12 YOU'LL JUST RAISE YOUR RIGHT HAND AND PUT YOUR LEFT

13 HAND ON THE BIBLE, THIS LADY IS GOING TO ADMINISTER

14 AN OATH TO YOU.

15 JESSICA COPE, AFTER BEING DULY SWORN

16 TESTIFIES AS FOLLOWS:

17 DIRECT EXAMINATION BY MR. THOMPSON:

18 Q GOOD MORNING, JESSICA. HOW ARE YOU?

19 A GOOD.

20 Q JESSICA, WHAT'S YOUR WHOLE NAME?

21 A JESSICA NICOLE COPE.

22 Q AND JESSICA, WHAT STATE DO YOU LIVE IN NOW?

23 A NORTH CAROLINA.

24 Q HOW OLD ARE YOU?

25 A 14.

1 Q WHERE DO YOU GO TO SCHOOL?

2 A BULADEAM ELEMENTARY.

3 Q WHAT GRADE ARE YOU IN?

4 A 8TH.

5 Q 8TH GRADE?

6 A YEAH.

7 Q DO YOU LIKE SCHOOL THIS YEAR?

8 A YEAH.

9 Q CAN YOU TELL ME DO YOU REMEMBER WHERE YOU LIVED  
10 AND WHAT STATE YOU LIVED IN BEFORE YOU LIVED IN NORTH  
11 CAROLINA?

12 A SOUTH CAROLINA.

13 Q DO YOU REMEMBER WHERE IN SOUTH CAROLINA YOU  
14 LIVED?

15 A ROCK HILL.

16 Q DO YOU REMEMBER THE STREET YOU LIVED ON THERE?

17 A 407 RICH STREET.

18 Q OKAY. CAN YOU TELL ME BACK IN NOVEMBER 2001,  
19 THE LAST TIME YOU THERE, CAN YOU TELL ME WHAT THE  
20 HOUSE WAS LIKE AT 407 RICH STREET?

21 A IT WAS MESSY. THERE WAS CLOTHES, ROACHES,  
22 GARBAGE ALL ON THE FLOOR.

23 Q OKAY. AND HAD IT BEEN LIKE THAT FOR AWHILE?

24 A UH-HUH.

25 Q IF YOU CAN ANSWER OUT SO WE CAN TAKE YOUR

1 ANSWERS.

2 A YES.

3 Q THANK YOU. CAN YOU TELL ME WHO LIVED WITH YOU  
4 BACK AT 407 RICH STREET?

5 A MARY, BILLY, ME, KYLA, AND AMANDA.

6 Q AND AMANDA. AND ARE KYLA AND AMANDA YOUR  
7 SISTERS?

8 A YES.

9 Q HOW OLD WERE YOU BACK THEN?

10 A I THINK I WAS 11.

11 Q OKAY. DO YOU REMEMBER HOW OLD AMANDA WAS THEN?

12 A 12.

13 Q OKAY. SO KYLA IS YOUNGER THAN YOU?

14 A YES.

15 Q CAN YOU TELL ME A LITTLE BIT ABOUT THE HOUSE  
16 THERE. DO YOU REMEMBER IN AMANDA'S ROOM WAS THERE A  
17 WINDOW THAT WAS BROKEN?

18 A YEAH.

19 Q AND CAN YOU TELL ME DO YOU REMEMBER HOW THAT GOT  
20 BROKEN?

21 A ME AND KYLA WAS JUMPING AROUND AND I FELL  
22 THROUGH IT.

23 Q OH, OKAY. HOW CLOSE WAS THAT TO THE TIME WHEN  
24 AMANDA DIED?

25 A I DON'T REMEMBER.



1 Q WAS IT WITHIN A COUPLE DAYS OR WAS IT LONGER  
2 THAN THAT?

3 A LONGER.

4 Q AND WAS THAT WINDOW FIXED PRETTY QUICK?

5 A YEAH.

6 Q HOW DID IT GET FIXED?

7 A THEY PUT PLASTIC OVER IT.

8 Q DO YOU HOW THEY ATTACHED THE PLASTIC TO THE  
9 WINDOW?

10 A STAPLER.

11 Q A STAPLER. OKAY. DO YOU REMEMBER THE OTHER  
12 WINDOW IN AMANDA'S ROOM?

13 A YES.

14 Q DID Y'ALL EVER USE TO OPEN THAT WINDOW UP?

15 A SOMETIMES WHEN IT WAS HOT.

16 Q WHEN IT WAS HOT. BACK IN NOVEMBER 2001 WAS IT  
17 HOT THEN?

18 A NO, IT WAS PRETTY MUCH COLD.

19 Q OKAY. DID YOU HAVE TO OPEN THE WINDOW AT ALL  
20 DURING THAT TIME?

21 A NO.

22 Q NO. WAS THAT WINDOW EASY TO OPEN?

23 A NO.

24 Q NO.

25 A IT WAS HARD.

1 Q AND IN WHAT WAY WAS IT HARD?

2 A WHEN YOU PUSHED IT UP AND IT WAS HARD TO GET

3 OPEN.

4 Q OKAY. WHEN YOU WOULD SHUT AMANDA'S DOOR DID YOU

5 NOTICE ANYTHING WHEN YOU OPEN OR SHUT HER DOOR?

6 A IT WAS HARD TO SHUT THE DOOR.

7 Q IT WAS?

8 A YES.

9 Q AND WHY WAS THAT?

10 A IT LIKE SCRAPED UP AGAINST THE FLOOR.

11 Q WAS THAT NOISY WHEN IT SCRAPED ON THE FLOOR?

12 A YEAH.

13 Q OKAY. CAN YOU TELL ME THE BACK DOOR IN THE

14 HOUSE, WERE THERE ANY PROBLEMS WITH THE BACK DOOR?

15 A IT WAS HARD TO GET OPEN THE DOOR.

16 Q OKAY. AND WHY IS THAT?

17 A BECAUSE IT WAS SCRAPED AGAINST THE FLOOR TOO.

18 Q WAS THAT DOOR NOISY WHEN IT SCRAPED AS WELL?

19 A YES.

20 Q IF YOU COULD, IF WE COULD JUST GO BACK A LITTLE

21 BIT THE DAY BEFORE AMANDA DIED, CAN YOU TELL ME WHAT

22 DO YOU REMEMBER ABOUT DURING THAT AFTERNOON?

23 A I CAME HOME FROM SCHOOL AND I STARTED MY

24 HOMEWORK.

25 Q DID YOU HAVE A LOT OF HOMEWORK?

1       A     YEAH.

2       Q     WHAT KIND OF HOMEWORK DID YOU HAVE?

3       A     LONG DIVISION.

4       Q     YOU DID?

5       A     (NODS HEAD.)

6       Q     WAS THIS HOMEWORK THAT WAS JUST FOR THAT NIGHT

7       OR HAD IT BUILT UP FOR AWHILE?

8       A     IT HAD BUILT UP FOR AWHILE.

9       Q     AND WAS LONG DIVISION EASY TO YOU?

10      A     NO.    IT WAS HARD.

11      Q     OKAY.  GO AHEAD AND TELL ME ABOUT WHAT YOU DID

12      WHEN YOU STARTED THE HOMEWORK?

13      A     I DIDN'T UNDERSTAND IT, SO I JUST SAT THERE AND

14      TRIED DOING IT AND ABOUT SIX O'CLOCK DURING THAT DAY

15      BILLY HAD STARTED SHOWING ME, AND HE SAID, SHOWED ME

16      ONE PROBLEM AND SAID OKAY NOW YOU GO DO THE REST.

17      AND THEN MOM SHOWED ME AN EASIER WAY TO DO IT AND SHE

18      SAID OKAY LET'S SEE IF YOU CAN DO IT NOW.  AND

19      WHENEVER I WENT INTO THE, SAT DOWN ON THE COUCH,

20      BILLY SAID THAT NO THAT AIN'T RIGHT, JUST CALL MARY

21      STUPID AND ALL BECAUSE SHE DIDN'T FINISH SCHOOL, AND

22      THEN AMANDA SHOWED ME AND WE WENT INTO THE HALLWAY

23      AND FINISHED AND THEN WE ATE.

24      Q     WHEN YOU WORKED ON IT IN THE HALLWAY WHERE DID

25      YOU WORK IN THE HALLWAY ON YOUR HOMEWORK?

1 A IT'S LIKE A LITTLE SEWING MACHINE TYPE DESK AND  
2 WHEN YOU FOLD IT DOWN IT BECOMES A DESK.

3 Q RIGHT.

4 A AND WHENEVER I GOT DONE WITH MY HOMEWORK LATER  
5 THAT NIGHT, ABOUT ONE.

6 Q BEFORE WE GO THAT FAR, YOU SAID THAT AMANDA  
7 STARTED HELPING YOU WITH IT?

8 A YEAH.

9 Q DID Y'ALL TAKE A BREAK TO EAT ANY TIME THAT  
10 NIGHT?

11 A YEAH.

12 Q DO YOU REMEMBER WHEN THAT WAS?

13 A AROUND 8-8:30 SOMEWHERE IN THERE.

14 Q OKAY. AND DID YOUR MOM WORK OUTSIDE THE HOUSE  
15 THEN?

16 A SHE WAS WORKING AT, I CAN'T REMEMBER THE NAME OF  
17 IT, LEINER.

18 Q LEINER HEALTH PRODUCTS. DID SHE HAVE TO WORK,  
19 WHAT TIME OF DAY DID SHE HAVE TO GO WORK?

20 A AT NIGHT. SHE HAD GO ABOUT NINE O'CLOCK AND  
21 COME HOME AT SEVEN.

22 Q OKAY. WHEN YOU ATE THAT NIGHT DO YOU REMEMBER  
23 WHAT Y'ALL ATE?

24 A NOODLES.

25 Q IS THAT WHAT YOU USUALLY ATE?

1 A YEAH.

2 Q DID Y'ALL DO ANYTHING TO DOCTOR UP THE NOODLES  
3 AT ALL?

4 A PUT MIXED VEGETABLES IN IT.

5 Q DO YOU RECALL HAVING MIXED VEGETABLE IN THAT  
6 NIGHT?

7 A NO.

8 Q CAN YOU TELL ME WHEN, GOING BACK TO AMANDA'S  
9 ROOM FOR JUST A MINUTE, WHAT WAS THE CLOSEST LIKE IN  
10 AMANDA'S ROOM?

11 A IT WAS MESSY. IT HAD BAGS OF CLOTHES IN IT AND  
12 STUFF ALL IN IT. I COULDN'T GET IN IT.

13 Q YOU COULDN'T GET IN THE CLOSET?

14 A NO.

15 Q IT WAS THAT FULL OF STUFF?

16 A YEAH.

17 Q OKAY. NOW DID YOUR DAD HELP YOU ANYMORE WITH  
18 YOUR HOMEWORK AFTER DINNER?

19 A NO.

20 Q WHO IF ANYONE HELPED YOU WITH YOUR HOMEWORK  
21 AFTER DINNER?

22 A AMANDA.

23 Q AMANDA DID. HOW LONG DID YOU WORK ON YOUR  
24 HOMEWORK?

25 A NINE TO ABOUT ONE.

1 Q OKAY. AND WHAT MADE YOU STOP AT ONE?

2 A BILLY HAD SAID OKAY GIRLS, TIME FOR BED.

3 Q HAD HE TOLD YOU AHEAD OF TIME THAT ONE O'CLOCK

4 WAS THE TIME YOU HAD TO STOP?

5 A YEAH.

6 Q WHAT DID BILLY DO WHILE Y'ALL WERE DOING THE

7 HOMEWORK?

8 A HE WAS ON THE COMPUTER.

9 Q ALL RIGHT. AND WHEN ONE O'CLOCK ROLLED AROUND

10 WHERE WAS BILLY THEN?

11 A IN THE BED.

12 Q OKAY. NOW HE SLEPT WITH KIND OF A MACHINE,

13 DIDN'T HE?

14 A CPAP MACHINE.

15 Q OKAY. WAS THAT ON BEFORE ONE O'CLOCK?

16 A YEAH.

17 Q SO WHILE HE WAS IN THE ROOM HE HAD THAT ON?

18 A RIGHT.

19 Q OKAY. AND DO YOU RECALL AT ONE O'CLOCK WERE YOU

20 HEARING ANYTHING AT ONE O'CLOCK?

21 A I HEARD THE PHONE RING.

22 Q ALL RIGHT.

23 A AND HE SAID, OKAY GIRLS, TIME FOR BED.

24 Q DID YOU HAVE AN ALARM ON THAT PHONE?

25 A (NODS HEAD.)

1 Q DID BILLY USED TO USE THAT ALARM TO WAKE HIMSELF  
2 UP?

3 A THAT'S THE WAY HE WOKE UP IN THE MORNING.

4 Q OKAY. WHAT KIND OF PHONE WAS THAT? WAS THAT A  
5 PHONE THAT HAD A CORD TO IT?

6 A NO, IT WAS A CORDLESS.

7 Q WHERE DID YOU USUALLY KEEP THE CORDLESS PHONE?

8 A IN HIS ROOM.

9 Q ALL RIGHT. DID HE GET OUT OF BED TO COME TELL  
10 YOU IT WAS TIME TO GO TO BED?

11 A NO.

12 Q DID YOU SEE HIM OUT OF HIS ROOM ANY OTHER TIME  
13 THAT NIGHT?

14 A NO.

15 Q NOW WHEN IT WAS TIME FOR YOU TO GO TO BED AT ONE  
16 AFTER YOU WERE TOLD, WHAT DID YOU AND AMANDA DO?

17 A WE STAYED UP FOR ABOUT 20 MINUTES ALMOST  
18 TALKING.

19 Q OKAY. WHERE DID YOU STAY UP? WHERE DID YOU GO  
20 TO TALK?

21 A AMANDA'S ROOM.

22 Q ALL RIGHT. WHERE IN HER ROOM?

23 A ON HER BED.

24 Q ON HER BED.

25 A UH-HUH.

1 Q WHEN IT WAS TIME FOR Y'ALL TO GO TO BED DID YOU  
2 DO ANYTHING BEFORE YOU WENT TO BED?

3 A CUT OFF THE LIGHT AND TOLD HER GOOD NIGHT AND I  
4 LOVED HER.

5 Q ALL RIGHT. DID Y'ALL GO DOWN ANY OF THE DOORS  
6 OR ANYTHING?

7 A WE WENT AROUND AND SHUT OFF ALL THE LIGHTS AND  
8 MAKE SURE ALL THE DOORS WERE LOCKED.

9 Q OKAY. DID YOU GO TO ANY DOOR IN PARTICULAR?

10 A I LOCKED THE BACK DOOR AND THEN WHEN I CAME BACK  
11 THROUGH THERE I SHUT OFF ALL THE NIGHTS, I SAW AMANDA  
12 SHUT AND LOCK THE LITTLE TURNING THINGY IN THE DOOR,  
13 AND THEN SHE LOCKED THE CHAIN.

14 Q OKAY. THE CHAIN ON THE FRONT DOOR?

15 A (NODS HEAD.)

16 Q AND YOU SAW THAT CHAIN GET LOCKED?

17 A UH-HUH. (NODS HEAD.)

18 Q DID Y'ALL HAVE A CHAIN ON THE BACK DOOR?

19 A NO.

20 Q DO YOU REMEMBER THE BACK DOOR, WAS THAT DOOR  
21 WIGGLY OR DID IT STAY PRETTY MUCH SHUT TIGHT WHEN YOU  
22 SHUT IT?

23 A I DON'T REMEMBER.

24 Q OKAY. HAVE Y'ALL IN THE PAST EVER HAD TO BREAK  
25 INTO THE HOUSE IN ANY WAY?



1 A NOT THAT I KNOW OF.

2 Q OKAY. AFTER Y'ALL DID THAT, DID YOU NOTICE  
3 ANYTHING ELSE, WAS ANYTHING ELSE ON IN THE LIVING  
4 ROOM WHEN YOU WENT TO BED?

5 A NO.

6 Q WAS THE COMPUTER ON?

7 A NO.

8 Q ALL RIGHT. HOW COULD YOU TELL?

9 A A LITTLE GREEN LIGHT ON THE MONITOR AND THE CP  
10 WERE ON.

11 Q THE LITTLE GREEN POWER BUTTON?

12 A YEAH.

13 Q OKAY. SO WHEN YOU WENT TO BED WERE THERE ANY  
14 LIGHTS ON?

15 A NO.

16 Q AND WHERE DID YOU GO TO SLEEP THAT NIGHT?

17 A IN MY BEDROOM.

18 Q AND WAS ANYBODY ASLEEP WITH YOU?

19 A KYLA.

20 Q KYLA. AND Y'ALL SLEEP IN A BUNK BED?

21 A YEAH.

22 Q DO YOU SLEEP IN THE TOP OF THE BUNK BED OR THE  
23 BOTTOM OF THE BUNK BED?

24 A THE BOTTOM BUNK.

25 Q DID YOU HEAR ANYTHING DURING THE NIGHT THAT

1 NIGHT?

2 A NO.

3 Q CAN YOU TELL ME WHAT WOKE YOU UP IN THE MORNING?

4 A I HEARD BILLY SAY AMANDA, AMANDA, WAKE UP.

5 Q AND.

6 A I HEARD HIM RUNNING THROUGH THE HALL.

7 Q RUNNING?

8 A UH-HUH.

9 Q NOT WALKING?

10 A NOT WALKING, RUNNING.

11 Q OKAY. AND WAS THERE ANYTHING UNUSUAL TO YOU AT

12 THAT POINT?

13 A YEAH, HE NEVER RUNS.

14 Q HE NEVER RUNS. HOW ABOUT IN THE WAY HE CALLED

15 AMANDA, WAS THAT UNUSUAL?

16 A YEAH, BECAUSE USUALLY HE SCREAMED IT.

17 Q OKAY. HOW DID HE SAY IT THAT DAY?

18 A IT WAS A LOW VOICE, AMANDA. AMANDA.

19 Q ALL RIGHT. AND THEN HE STARTED RUNNING TO THE

20 BEDROOM?

21 A UH-HUH.

22 Q DID YOU LOOK TO SEE WHERE HE RAN FROM?

23 A YEAH, IT WAS IN THE LIVING ROOM.

24 Q HE RAN FROM THE LIVING ROOM?

25 A UH-HUH.

1 Q DID HE GO INTO AMANDA'S BEDROOM THEN?

2 A UH-HUH.

3 THE COURT: YOU NEED TO SAY YES OR NO IF  
4 YOU DON'T MIND.

5 A YES.

6 Q WHEN YOU, WHEN THAT HAPPENED, WHAT DID YOU DO?

7 A I RAN ABOUT FIVE SECONDS BEHIND HIM AND I SAW  
8 HIM LIKE PICK HER UP HALFWAY.

9 Q UH-HUH?

10 A AND UNWRAP THE COVERS FROM AROUND HER NECK.

11 Q WHAT DO YOU THE MEAN THE COVERS FROM AROUND HER  
12 NECK?

13 A THE, IT'S HARD TO DESCRIBE, THE COVER THAT WAS  
14 HALFWAY BROKEN.

15 Q OKAY. WAS IT FROM A BLANKET?

16 A YEAH.

17 Q WAS IT PART OF THE BLANKET THAT WAS AROUND HER  
18 NECK?

19 A YEAH.

20 Q OKAY. AND YOU SAW HIM UNWRAP THAT?

21 A YEAH.

22 Q DID HE HAVE TO OPEN AMANDA'S DOOR TO GET INTO  
23 THE ROOM?

24 A NO, NOT THAT I KNOW OF.

25 Q DID YOU HEAR IT OPEN?

1 A NO.

2 Q DID YOU HEAR ANY NOISE WHEN YOU RAN INTO THE  
3 ROOM?

4 A NO.

5 Q NO. DID HE STOP AT THE DOOR? DID YOU HEAR ANY  
6 POUNDING OR ANYTHING LIKE THAT?

7 A NO.

8 Q NOW WHAT DID YOU NOTICE, YOU SAID YOU NOTICED  
9 HIM UNWRAPPING THAT FROM AROUND HER NECK, WHAT ELSE  
10 DID YOU NOTICE?

11 A HER FACE WAS BLUE AND HER NECK WAS BLUE.

12 Q OKAY. WHAT -- DID BILLY SAY ANYTHING TO YOU AT  
13 THAT TIME?

14 A HE SAID THAT SHE HAD BEEN DEAD FOR FOUR HOURS  
15 AND SHE HAD SWALLOWED HER TONGUE.

16 Q OKAY. AND IS THAT HOW HE HAD SAID IT? HE SAID  
17 SHE HAD BEEN DEAD FOR FOUR HOURS?

18 A YES.

19 Q WHAT ELSE HAPPENED AT THAT POINT IN THE ROOM?

20 A HE SAID FIRST TO GO GET ON THE COUCH AND WE TOOK  
21 A COVERING AND HE SAID HE WAS GOING TO CALL THE  
22 AMBULANCE AND THE PASTOR AND OUR PAW-PAW.

23 Q OKAY. DO YOU REMEMBER WHEN YOU WERE STILL IN  
24 AMANDA'S ROOM HOW DID YOU REACT WHEN HE TOLD YOU  
25 AMANDA WAS DEAD?

1 A I SCREAMED.

2 Q DID KYLA COME TO THE ROOM?

3 A YEAH.

4 Q WHEN DID SHE COME?

5 A RIGHT AFTER I SCREAMED.

6 Q OKAY. WHAT HAPPENED WHEN KYLA CAME INTO THE

7 ROOM?

8 A SHE SAID WHAT'S WRONG, WHAT'S WRONG. I SAID

9 AMANDA IS DEAD AND SHE SCREAMED.

10 Q OKAY. IS THAT WHEN YOUR DAD TOLD Y'ALL TO GO TO

11 THE LIVING ROOM?

12 A RIGHT BEFORE.

13 Q WHAT DID YOU DO WHEN YOU WENT INTO THE LIVING

14 ROOM?

15 A ME AND KYLA HAD GOT A LITTLE COVER AND WRAPPED

16 THAT UP BECAUSE WE HAD ON A LITTLE SHORT GOWN AND

17 BILLY HAD ON HIS COMPUTER AND HE SAID THAT THE, THERE

18 WAS A WAY ON THE COMPUTER THAT YOU COULD CALL AND IT

19 MAKE EASIER TO CALL THE NUMBER, AND HE GOT ON THAT

20 AND CALLED THE AMBULANCE, THE PASTOR, AND OUR

21 PAW-PAW, AND THE AMBULANCE CAME. THE DOOR WAS

22 ALREADY UNLOCKED.

23 Q THE DOOR WAS UNLOCKED WHEN?

24 A WHEN THEY CAME IN.

25 Q WHEN YOU AND KYLA CAME IN?

1 A YEAH.

2 Q OKAY. AND HOW DID YOU KNOW IT WAS UNLOCKED WHEN  
3 YOU GUYS CAME IN.

4 A WHENEVER I LOOKED AT THE DOOR IT WAS UNLOCKED  
5 AND ALL AND THEN BILLY WENT OVER THERE AND OPENED UP  
6 THE DOOR.

7 Q OKAY. DO YOU REMEMBER ABOUT WHAT TIME IT WAS  
8 THAT YOU WOKE UP THAT MORNING?

9 A SIX.

10 Q IS THAT WHEN YOU USUALLY GOT UP FOR SCHOOL?

11 A YEAH.

12 Q OKAY. JESSICA, FOR A MINUTE GOING BACK TO THE  
13 NIGHT BEFORE, WAS AMANDA'S BED NORMAL, SITTING UP  
14 STRAIGHT AND EVERYTHING THAT NIGHT?

15 A (NODS HEAD.)

16 Q WAS IT LAYING, IF YOU WOULD ANSWER.

17 A OH, YEAH.

18 Q YEAH. WAS IT ON THE FLOOR AT ALL THAT NIGHT?

19 A NO.

20 Q OKAY. CAN YOU TELL ME THE PART OF THE BLANKET  
21 THAT YOU SAW AROUND HER NECK, WAS THAT FROM THE EDGE  
22 OF THE BLANKET?

23 A YEAH.

24 Q HAD THAT EDGE BEEN OFF BEFORE THAT NIGHT?

25 A YEAH.

1 Q OFF THE BLANKET? ABOUT HOW FAR WAS IT OFF THE  
2 BLANKET BEFORE THAT NIGHT?

3 A HUH, HALFWAY I GUESS.

4 Q ABOUT HALFWAY?

5 A YEAH.

6 Q HAD YOUR DAD EVER SAID ANYTHING TO YOU ALL ABOUT  
7 THAT BEING DANGEROUS?

8 A NO.

9 Q HAD YOU EVER HEARD HIM SAYING ANYTHING TO AMANDA  
10 ABOUT IT BEING DANGEROUS?

11 A NO.

12 Q DID HE EVER INSTRUCT ANY OF Y'ALL NOT TO SLEEP  
13 WITH THAT BLANKET?

14 A NO.

15 Q WHOSE BLANKET WAS THAT?

16 A AMANDA'S, SHE KEPT IT ON HER BED.

17 Q HAD SHE HAD IT FOR A GOOD WHILE?

18 A UH-HUH.

19 Q IF YOU CAN ANSWER AGAIN?

20 A OH, YEAH.

21 Q OKAY. DID Y'ALL KEEP IT ANY OTHER PLACES OTHER  
22 THAN AMANDA'S ROOM?

23 A SOMETIMES IT WOULD BE ON THE COUCH IN THE LIVING  
24 ROOM.

25 Q OKAY. BUT AT NIGHT IF AMANDA NEEDED TO USE A

1 BLANKET WHAT BLANKET DID SHE USE?

2 A THAT ONE.

3 Q DID SHE USE IT JUST ABOUT EVERY NIGHT?

4 A YEAH.

5 Q ONE OTHER QUESTION, JESSICA. AFTER YOU LEFT THE  
6 HOUSE OR HOW DID YOU LEAVE THE HOUSE THAT NIGHT? WHO  
7 TOOK YOU THAT NIGHT OR THAT MORNING, THAT MORNING?

8 A OUR PAW-PAW HAD CAME AND GOT US.

9 Q PICKED YOU UP?

10 A UH-HUH.

11 Q DID HE COME PRETTY QUICK AFTER THE AMBULANCE?

12 A YEAH.

13 Q DID YOU HAVE TO BE TREATED FOR LICE AFTER YOU  
14 LEFT THE HOUSE?

15 A YEAH.

16 Q OKAY. THANK YOU, JESSICA. PLEASE ANSWER ANY  
17 QUESTIONS THEY HAVE FOR YOU.

18 THE COURT: WE'LL BE AT EASE JUST A MOMENT  
19 WHILE WE LET MR. MORTON AND MR. GREELEY GO TALK TO  
20 THEIR CLIENTS.

21 (PAUSE AND COURT RESUMES.)

22 THE COURT: MR. MORTON.

23 MR. MORTON: THANK YOU, YOUR HONOR.

24 CROSS EXAMINATION BY MR. MORTON:

25 Q HI, JESSICA.



1 A HI.

2 Q HOW ARE YOU?

3 A GOOD.

4 Q WE SPOKE ONE TIME BEFORE. DO YOU REMEMBER?

5 A YEAH.

6 Q OKAY. YOU'VE GROWN UP EVEN SINCE THEN. YOU

7 WERE I THINK 11 BACK IN 1999, IS THAT RIGHT?

8 A YEAH.

9 Q OKAY. AND BACK THEN YOU DIDN'T CALL YOUR DADDY

10 BILLY, DID YOU?

11 A NO.

12 Q OKAY. AND YOU TALKED ABOUT, I'M JUST GOING TO

13 ASK A COUPLE QUESTIONS. I'M NOT GOING TO ASK YOU TOO

14 MANY.

15 THE COURT: I HATE TO INTERRUPT BUT YOU

16 ASKED ABOUT 1999.

17 MR. MORTON: 2001, I'M SORRY.

18 Q YOU WERE 11 IN 2001 BECAUSE THIS IS 2004. THE

19 OLDER YOU GET YOU LOOSE TRACK OF TIME. YOU HAD

20 TALKED TO, I GUESS, MRS. BLACKWELDER AFTER THIS

21 HAPPENED, DO YOU REMEMBER THAT?

22 A YEAH.

23 Q OKAY. AND DO YOU REMEMBER TELLING

24 MRS. BLACKWELDER THAT YOUR DAD HAD WALKED AND NOT RUN

25 BACK TO AMANDA'S ROOM?

1 A I DON'T REMEMBER.

2 Q YOU DON'T REMEMBER THAT? I'M GOING TO SHOW YOU.

3 MR. THOMPSON: I OBJECT.

4 THE COURT: YEAH, I SUSTAIN THE  
5 OBJECTION.

6 MR. MORTON: OKAY.

7 Q YOU TESTIFIED THAT YOUR DAD WORE A SLEEP APNEA  
8 MACHINE?

9 A YEAH.

10 Q THAT HE WORE ON HIS HEAD?

11 A YEAH.

12 Q AND HE HAD FANS IN HIS ROOM, RIGHT?

13 A RIGHT.

14 Q Y'ALL HAD FANS IN YOUR ROOM TOO?

15 A YEAH.

16 Q NOW THE FAN AND THE APNEA MACHINE YOU COULD  
17 PROBABLY, IF YOU WERE ASLEEP, OPEN THE BACK DOOR OR  
18 OPEN AMANDA'S DOOR IF YOU HAD A SLEEP APNEA MACHINE  
19 ON AND FANS BLOWING, YOU DIDN'T HEAR THAT DOOR  
20 OPENING THAT NIGHT, DID YOU?

21 A WHICH DOOR?

22 Q EITHER DOOR?

23 A NOT THAT I RECALL.

24 Q DO YOU THINK A SLEEP APNEA MACHINE AND FANS  
25 WOULD BE LOUDER THAN THE DOOR SQUEAKING ON THE FLOOR?

1 A NO.

2 Q YOU DON'T THINK SO?

3 A (SHAKES HEAD.)

4 Q YOU HAD NEVER MENTIONED BEFORE ANYTHING ABOUT

5 THE CHAIN BEING PUT ON THE LOCK, HAD YOU?

6 A I DON'T REMEMBER.

7 Q YOU DON'T REMEMBER SAYING THAT BEFORE?

8 A NO.

9 Q NO. WELL, HOW DID THAT, DID SOMEBODY TALK TO

10 YOU ABOUT THAT? WHO DID YOU FIRST MENTION THAT TO,

11 DO YOU REMEMBER?

12 A IT WAS WILLY.

13 Q IT WAS WILLY. AND WHEN WAS THAT? WILLY

14 THOMPSON YOU ARE TALKING ABOUT, THE SOLICITOR?

15 A (NODS HEAD.)

16 THE COURT: YOU GOT TO SAY YES OR NO.

17 A OH, YES.

18 Q WHEN DID YOU MENTION THAT TO HIM?

19 A WE TALKED.

20 Q AND WHEN WAS THAT, JUST PREPARING FOR THIS CASE?

21 A YEAH.

22 Q WITHIN THE LAST MONTH?

23 A UH-HUH.

24 Q YES.

25 A YES.

1 Q THAT WAS THE FIRST TIME YOU MENTIONED THAT TO  
2 WILLY?

3 A UH-HUH.

4 Q OKAY. NOW AMANDA, YOUR DAD THAT NIGHT, NOT  
5 AMANDA BUT YOUR DAD BILLY, HE TOLD Y'ALL TO GO ON THE  
6 COUCH IN THE LIVING ROOM, RIGHT?

7 A YEAH.

8 Q AND HE TOLD YOU TO GO IN THERE AND PRAY AS HARD  
9 AS YOU COULD, DIDN'T HE?

10 A I DON'T REMEMBER.

11 Q YOU DON'T REMEMBER THAT?

12 A NO.

13 Q YOU REMEMBER WHAT TIME YOU ATE SUPPER THOUGH?

14 A YEAH.

15 Q YOU DO REMEMBER THAT?

16 A YEAH.

17 Q AND THAT'S BEEN THREE YEARS AGO, RIGHT?

18 A RIGHT.

19 Q OKAY. AMANDA, Y'ALL DIDN'T GO TO CHURCH THAT  
20 NIGHT I DON'T BELIEVE?

21 A NO.

22 Q IT WAS A WEDNESDAY NIGHT, RIGHT, BECAUSE YOU HAD  
23 SO MUCH HOMEWORK TO DO, RIGHT?

24 A RIGHT.

25 Q AND DID AMANDA PLAY HER VIOLIN THAT NIGHT?

1 A NO.

2 Q OKAY. DO YOU, YOU REMEMBER YOU SAID GOING  
3 AROUND THE HOUSE AND LOCKING THE DOORS, AND DID YOU  
4 MAKE SURE THE WINDOWS WERE SHUT?

5 A UH-HUH.

6 Q DID YOU MAKE SURE THE KITCHEN WINDOW WAS SHUT?

7 A I COULDN'T REACH THAT ONE BECAUSE THE BLINDS.

8 Q OH, OKAY. SO IT WAS OPEN?

9 A I DON'T.

10 Q YOU DON'T REMEMBER?

11 A I DIDN'T LOOK.

12 Q OKAY. DO YOU REMEMBER -- LET ME, I'M GOING TO  
13 IF I CAN GET UP, I JUST WANTED TO SHOW YOU A COUPLE  
14 OF THESE PHOTOGRAPHS, OKAY. AND THIS IS WHAT'S BEEN  
15 MARKED FOR THE COURT AS STATE'S EXHIBIT 42 AND THIS  
16 IS A PHOTOGRAPH OF THE LIVING ROOM, RIGHT?

17 A YES.

18 Q AND THE COMPUTER?

19 A YES.

20 Q AND THE PHONE RIGHT IN FRONT OF IT, RIGHT?

21 A YEAH.

22 Q OKAY. NOW I'M GOING TO SHOW YOU DEFENDANT'S  
23 EXHIBIT NUMBER 50 AND THAT IS THE SIDE OF Y'ALL'S  
24 HOUSE, RIGHT?

25 A RIGHT.

1 Q DO YOU REMEMBER THAT LADDER BEING OUT THERE?

2 A YEAH.

3 Q AND WHAT ELSE WAS BACK HERE TO THE RIGHT JUST TO

4 THE LEFT OF THAT LADDER AS WE LOOKED AT THE PICTURE,

5 WAS THERE A FENCE BACK THERE?

6 A YES.

7 Q WAS THERE A LITTLE HOLE OR GATE IN THE FENCE

8 BACK THERE?

9 A I CAN'T REMEMBER.

10 Q DO YOU REMEMBER YOUR DAD TRYING TO PUT A ROPE OR

11 A CHAIN OR SOMETHING UP THERE TO KEEP PEOPLE FROM

12 WALKING THROUGH?

13 A NO.

14 Q YOU DON'T REMEMBER THAT?

15 A NO.

16 Q AND THIS IS AMANDA'S WINDOW BACK HERE, RIGHT?

17 A RIGHT.

18 Q OKAY. NOW Y'ALL HAD A DOG?

19 A NO.

20 Q YOU DIDN'T HAVE A DOG?

21 A NOT AT THAT TIME.

22 Q YOU DIDN'T HAVE A DOG. DID YOU USED TO HAVE A

23 DOG?

24 A YEAH.

25 Q OKAY. WHAT KIND OF DOG WAS IT?

1 A I DON'T KNOW.

2 Q OKAY. WAS IT LIKE A LAB OR SOMETHING?

3 A I DON'T KNOW.

4 Q DO YOU REMEMBER WHAT HAPPENED TO IT?

5 A YES.

6 Q WHAT?

7 A IT GOT, IT KEPT GETTING LOOSE SO THEY TOOK TO  
8 THE VET OR THE POUND.

9 Q OKAY. DID YOU SAY THAT YOUR DAD, THAT YOU WOKE  
10 UP WHEN YOU HEARD YOUR DAD YELLING JESSICA'S NAME,  
11 YELLING AMANDA'S NAME?

12 A YEAH.

13 Q SO WAS HE SAYING IT LOUD ENOUGH TO WAKE YOU UP  
14 AT LEAST?

15 A JUST THAT, IT WAS LIKE TALKING.

16 Q AND THAT WOKE YOU UP?

17 A (NODS HEAD.) YEAH.

18 Q OKAY.

19 MR. MORTON: THAT'S ALL I HAVE, YOUR  
20 HONOR.

21 THE COURT: MR. GREELEY.

22 MR. GREELEY: JESSICA, I DON'T HAVE ANY  
23 QUESTIONS FOR YOU. THANK YOU.

24 THE COURT: ALL RIGHT. MR. THOMPSON.

25 MR. THOMPSON: JUST A COUPLE, YOUR HONOR.

1 REDIRECT EXAMINATION BY MR. THOMPSON:

2 Q JESSICA, YOU HAD MENTIONED THAT THE KITCHEN  
3 WINDOW THAT THE BLINDS WERE IN THE WAY, THE BLINDS UP  
4 OR DOWN?

5 A DOWN.

6 Q OKAY. IS THAT WHY THEY WERE IN THE WAY?

7 A I WAS TOO SHORT TO REACH IT, SO I JUST DIDN'T  
8 WORRY ABOUT IT.

9 Q OKAY. AND THE DOORS TO YOUR ROOM WHEN YOU WENT  
10 TO BED, WAS THAT DOOR OPEN OR CLOSED?

11 A OPEN.

12 Q AND THE DOOR TO AMANDA'S ROOM WHEN Y'ALL WENT TO  
13 BED?

14 A OPEN.

15 Q I'M SORRY.

16 A OPEN.

17 Q HOW ABOUT THE DOOR TO BILLY'S ROOM?

18 A OPEN.

19 Q OKAY. THANK YOU. NO FURTHER QUESTIONS.

20 MR. MORTON: JUST ONE FOLLOW UP.

21 RECROSS EXAMINATION BY MR. MORTON:

22 Q DO Y'ALL SLEEP WITH THE LIGHT ON?

23 A NONE IN THAT HOUSE THAT NIGHT. WE USUALLY KEPT  
24 THE BATHROOM LIGHT ON.

25 Q RIGHT.



1 A BUT WE DIDN'T THAT NIGHT.

2 Q AND YOU REMEMBER THAT SPECIFICALLY ABOUT THAT  
3 NIGHT?

4 A UH-HUH.

5 Q YOU AND KYLA DON'T SLEEP WITH YOUR LIGHT ON IN  
6 YOUR BEDROOM?

7 A NO.

8 Q OKAY.

9 MR. MORTON: THAT'S ALL I HAVE, YOUR  
10 HONOR.

11 THE COURT: ALL RIGHT. THANK YOU. IF  
12 EVERYBODY WILL JUST REMAIN HERE I'M GOING TO STEP  
13 INTO THE COURTROOM AND WE ARE GOING TO TAKE A BREAK  
14 BUT LET ME GO IN THERE TO DO THAT AND THEN WE'LL GET  
15 BACK IN ORDER.

16 (COURT IS IN RECESS AND THE JURY EXITS  
17 THE COURTROOM.)

18 (COURT RESUMES AT 11:20 AM IN THE  
19 COURTROOM.)

20 THE COURT: BRING IN THE JURY.

21 (THE JURY RETURNS TO THE COURTROOM AT  
22 11:20 AM.)

23 THE COURT: MEMBERS OF THE JURY PANEL,  
24 AGAIN I KNOW YOU SAY WHY DON'T THOSE LAWYERS AND THAT  
25 JUDGE TAKE CARE OF THIS WHILE WE'RE OUTSIDE THE ROOM,

1 BUT THINGS POP UP AND LIKE I USE THE ANALOGY OF A  
2 BASEBALL GAME, SOMETIMES THINGS, YOU THINK  
3 EVERYTHING, SO IT WILL BE A COUPLE MINUTES WHILE  
4 COUNSEL CONFERS, AND THEN WE'LL GO FORWARD.

5 (COURT IS IN A BRIEF RECESS.)

6 THE COURT: MEMBERS OF THE JURY PANEL,  
7 I DON'T REMEMBER WHETHER I TALKED TO YOU ABOUT A  
8 STIPULATION, BUT YOU'VE HEARD YESTERDAY THERE WAS  
9 TALK ABOUT A STIPULATION INVOLVING ONE OF THE  
10 WITNESSES, A STIPULATION IS ESSENTIALLY AN AGREEMENT  
11 BETWEEN INDIVIDUALS OR PARTIES THAT A FACT IS TRUE.  
12 THAT IS, AS I TOLD Y'ALL EARLIER ARE THE SOLE JUDGES  
13 OF THE FACTS AND YOU HAVE TO DETERMINE THE TRUE FACTS  
14 WHERE THERE IS A DISPUTE. HOWEVER, IF THE PARTIES  
15 AGREE UPON A FACT THEN YOU DON'T HAVE TO WRESTLE WITH  
16 WHETHER IT'S A FACT OR NOT, THEY HAVE AGREED ON IT.  
17 THAT'S WHAT A STIPULATION IS. THE PARTIES HAVE  
18 REACHED A STIPULATION. AS I TOLD YOU YESTERDAY, THEY  
19 ARE WORKING ON SOME STIPULATION SO THAT WITNESSES, TO  
20 SAVE TIME, SO AT THIS TIME I'M GOING TO LET THE  
21 SOLICITOR PUBLISH THE STIPULATION AND KEEP IN MIND  
22 THIS IS SIMPLY AN AGREEMENT OF THE PARTIES THAT THESE  
23 FACTS ARE TRUE FACTS.

24 MR. POPE: MAY IT PLEASE THE COURT, YOUR  
25 HONOR. THIS WOULD BE STATE'S EXHIBIT 92 PARTICULARLY

1 REFERENCES THE NUMEROUS LETTERS THAT WERE DISCUSSED  
2 YESTERDAY AS WELL AS SOME ADDITIONAL KNOWN SAMPLES OF  
3 WRITING OBTAINED, MR. COPE'S WRITING. BASICALLY WHAT  
4 THIS TWO PAGE DOCUMENT DOES IS REFERENCES THE CHAIN  
5 OF EVIDENCE OF EACH OF THOSE LETTERS. IN OTHER  
6 WORDS, THERE WAS TESTIMONY CONCERNING TURNING INTO  
7 ANDERSON COUNTY, THIS WILL EXPLAIN THAT: WHAT  
8 HAPPENED, HOW IT WAS RECOVERED BY LAW ENFORCEMENT,  
9 AND HOW ULTIMATELY IT WAS TAKEN TO THE STATE LAW  
10 ENFORCEMENT DIVISION FOR TESTING. YOUR HONOR, IT'S  
11 TWO PAGE DOCUMENT, RATHER THAN WASTE THE JURY'S TIME  
12 READING IT, BUT IN ESSENCE THAT IS WHAT IT DETAILS,  
13 THE TIMES AND DATE EACH TIME EACH DOCUMENT WAS TAKEN  
14 IN THE CUSTODY AND CONTROL OF LAW ENFORCEMENT ONCE  
15 THEY RECEIVED IT AND WHAT STEPS THEY TOOK UNTIL IT  
16 WAS ULTIMATELY TAKEN TO THE STATE LAW ENFORCEMENT  
17 DIVISION.

18 THE COURT: THAT WILL BE AN EXHIBIT AND  
19 YOU WILL HAVE IT IN THE JURY ROOM DURING  
20 DELIBERATIONS. EXHIBIT NUMBER 92. CALL YOUR NEXT  
21 WITNESS.

22 (STATE'S EXHIBIT 92 STIPULATION  
23 RECEIVED INTO EVIDENCE.)

24 MR. BRACKETT: THE STATE WOULD CALL AGENT  
25 SCOTT WORSHAM.

1 SCOTT WORSHAM, BEING FIRST

2 DULY SWORN, TESTIFIED AS FOLLOWS:

3 DIRECT EXAMINATION BY MR. BRACKETT:

4 Q SIR, WOULD YOU STATE FOR THE JURY AND THE COURT  
5 REPORTER YOUR FULL NAME AND SPELL YOUR LAST SO THE  
6 COURT REPORTER CAN GET THAT RIGHT?

7 A MY NAME IS WILLIAM SCOTT WORSHAM. LAST NAME IS  
8 SPELLED W-O-R-S-H-A-M.

9 Q ALL RIGHT. COULD YOU TELL US PLEASE WHERE YOU  
10 ARE EMPLOYED AND IN WHAT CAPACITY?

11 A I'M EMPLOYED WITH THE SLED, SOUTH CAROLINA LAW  
12 ENFORCEMENT DIVISION, IN COLUMBIA, SOUTH CAROLINA, IN  
13 THEIR FORENSIC LABORATORY IN THE CAPACITY OF A  
14 QUESTION DOCUMENTS EXAMINER.

15 Q OKAY. CAN YOU RELATE TO THE JURY SOME OF YOUR  
16 GENERAL WORK AND EDUCATIONAL BACKGROUND?

17 A AS FAR AS EDUCATIONAL BACKGROUND I HAVE A  
18 BACHELOR OF SCIENCE DEGREE WITH A MINOR IN CHEMISTRY  
19 AND MAJOR IN BIOLOGY. I HAVE BEEN EMPLOYED AS A  
20 SCHOOL TEACHER WHERE I TAUGHT HIGH SCHOOL PHYSICAL  
21 SCIENCE, CHEMISTRY, AND BIOLOGY. I ALSO WORKED AS A  
22 CHEMIST WITH THE DEPARTMENT OF AGRICULTURE IN NORTH  
23 CAROLINA. IN 1975 I WAS EMPLOYED AS A FORENSIC  
24 CHEMIST WITH THE NORTH CAROLINA STATE BUREAU OF  
25 INVESTIGATION IN THEIR FORENSIC LABORATORY IN

1 RALEIGH, NORTH CAROLINA.

2 Q OKAY. HOW MANY YEARS HAVE YOU BEEN EMPLOYED AS  
3 AN EXAMINER IN A FORENSIC LABORATORY?

4 A I WAS EMPLOYED THERE IN OCTOBER OF 1975. I'VE  
5 BEEN IN LABORATORIES MOST OF MY LIFE PERFORMING  
6 ANALYSIS ON EVIDENCE THAT COMES IN FROM LOCAL AND  
7 FEDERAL LAW ENFORCEMENT AGENCY THROUGHOUT THE STATE  
8 OF SOUTH CAROLINA AND NORTH CAROLINA.

9 Q AND DURING THIS TIME PERIOD ABOUT HOW MANY TIMES  
10 HAVE YOU TESTIFIED IN A COURT OF LAW?

11 A I WOULDN'T KNOW AN EXACT NUMBER. IT WOULD BE IN  
12 EXCESS OF THREE HUNDRED TIMES I'VE TESTIFIED AS AN  
13 EXPERT IN COURTS.

14 Q FOCUSING YOUR ATTENTION ON ONE SPECIAL AREA,  
15 HAVE YOU EVER RECEIVED ANY SPECIALIZED TRAINING IN  
16 THE FIELD OF QUESTION DOCUMENT EXAMINATION?

17 A YES, I HAVE. UPON BEING EMPLOYED WITH THE NORTH  
18 CAROLINA STATE BUREAU OF INVESTIGATION IN THEIR  
19 FORENSIC LAB UNDERWENT A TWO YEAR IN-HOUSE TRAINING  
20 PROGRAM A PRESCRIBED TRAINING PROGRAM WITH THEM UNDER  
21 THREE DIFFERENT HANDWRITING OR QUESTION DOCUMENT  
22 EXPERTS. IN ADDITION TO TAKING A REGIMENTED COURSE  
23 OF TESTING AND PASSING THAT WITH NORTH CAROLINA.  
24 THEY ALSO SENT ME TO THE UNITED STATES SECRET SERVICE  
25 SCHOOL IN QUESTION HANDWRITING WHERE I SPENT A TWO

1 WEEK COURSE AND PASSED THAT COURSE. IN ADDITION THEY  
2 SENT ME TO THE UNITED STATES POSTAL SERVICE  
3 LABORATORY AND THERE, THIS IS IN DULLES, VIRGINIA,  
4 AND THERE I SPENT A ONE MONTH INTERSHIP IN TRAINING  
5 UNDER THE HEAD OF THE QUESTION DOCUMENTS DEPARTMENT  
6 THERE WITH THE US POSTAL SERVICE LABORATORY. THIS  
7 WAS A ONE-ON-ONE TRAINING FOR A ONE MONTH PERIOD OF  
8 TIME AND IT WAS VERY INTENSIFIED TRAINING. AFTER  
9 COMPLETING THAT I WAS TESTED AGAIN BY THE NORTH  
10 CAROLINA STATE BUREAU OF INVESTIGATION AND ALLOWED TO  
11 START DOING CASE WORK IN QUESTION DOCUMENTS THAT WAS  
12 OVERSEEN BY OTHER EXPERTS AT THE TIME. THEY STARTED  
13 OUT WITH THE BASIC MORE LESS SKILL LEVELED OBVIOUS  
14 HANDWRITING THAT COULD BE IDENTIFIED AND THEN WORKING  
15 INTO THE MORE COMPLEX CASES. THAT'S MY BACKGROUND.  
16 I'VE BEEN DOING DOCUMENTS NOW SINCE CASES I'M ON  
17 SINCE 1994.

18 Q SO ABOUT HOW MANY YEARS WOULD THAT BE THEN?

19 A APPROXIMATELY 12 YEARS NOW.

20 Q OKAY. AND THIS FIELD OF STUDY YOU SAID  
21 SPECIFICALLY INCLUDED THE STUDY OF HANDWRITING AND  
22 HANDWRITING PATTERNS?

23 A YES. WE'RE CALLED REQUEST DOCUMENT EXAMINERS  
24 BECAUSE WE LOOK AT MORE THAN JUST HANDWRITING WHEN WE  
25 LOOK AT DIFFERENT PIECES OF PAPER OR DOCUMENTS,

1           HOWEVER, THE MAJORITY OF THE WORK I LOOK AT INVOLVES  
2           COMPARISON OF HANDWRITING.  HANDWRITING OF AN  
3           INDIVIDUAL COMPARED TO A QUESTION DOCUMENT, A  
4           DOCUMENT THAT HAS HANDWRITING ON IT AND I'M ASKED TO  
5           FORM AN OPINION AS TO WHETHER OR NOT THAT PERSON  
6           COULD HAVE PREPARED THAT DOCUMENT.

7           Q     SO IN THIS TEN YEAR PERIOD HOW MANY OR 12 YEARS  
8           SINCE '92, WHEN YOU FIRST --

9           A     WHEN I FIRST STARTED TRAINING, YES.

10          Q     HOW MANY QUESTION DOCUMENTS HAVE YOU, CASES,  
11          QUESTION DOCUMENT CASES THAT HAVE YOU PERFORMED  
12          EXAMINATIONS ON?

13          A     HUNDREDS.  I WOULDN'T KNOW THE EXACT NUMBER, BUT  
14          I'VE LOOKED AT, I'VE WORKED HUNDREDS OF CASES AND  
15          I'VE LOOKED AT THOUSANDS OF DIFFERENT HANDWRITING  
16          SAMPLES, AND EXAMINED THEM.

17          Q     AND HAVE YOU EVER BEEN QUALIFIED IN A COURT OF  
18          LAW AS A QUESTION DOCUMENT EXAMINER AND SPECIFICALLY  
19          ON THE ISSUE OF EXAMINING HANDWRITING?

20          A     YES.  I'VE BEEN QUALIFIED AS AN EXPERT IN SOUTH  
21          CAROLINA COURTS, FEDERAL COURTS, AND NORTH CAROLINA  
22          COURTS.

23                         MR. BRACKETT:  YOUR HONOR, AT THIS TIME I  
24          WOULD TENDER AGENT WORSHAM AS AN EXPERT IN THE FIELD  
25          OF QUESTION DOCUMENTS EXAMINATION.

1 MR. BAITY: NO OBJECTION, YOUR HONOR.

2 MR. GREELEY: NO OBJECTION.

3 THE COURT: I FIND HE'S QUALIFIED.

4 MR. BRACKETT: THANK YOU, YOUR HONOR.

5 Q WOULD YOU EXPLAIN TO THE JURY THE BASIC  
6 PRINCIPLES OF HOW YOU ARE ABLE TO CONDUCT A  
7 HANDWRITING EXAMINATION; EDUCATE THEM A LITTLE BIT  
8 ABOUT WHAT IT IS YOU DO WHEN YOU ARE CALLED IN IN A  
9 CASE LIKE THIS TO CONDUCT A HANDWRITING EXAMINATION?  
10 A A HANDWRITING EXAMINATION INVOLVES A COMPARISON.  
11 AS I MENTIONED BEFORE IT'S A COMPARISON BETWEEN KNOWN  
12 STANDARDS OF WRITING. THIS IS HANDWRITING THAT CAN  
13 BE IDENTIFIED AS HAVING COME FROM A CERTAIN  
14 INDIVIDUAL AND THEN COMPARING IT BACK TO A QUESTION  
15 WRITING WHICH IS A PIECE OF PAPER NORMALLY THAT WOULD  
16 HAVE HANDWRITING ON IT OR A SIGNATURE ON IT, AND THE  
17 QUESTION IS, DID THIS PERSON REPRESENTED IN THE KNOWN  
18 WRITING AUTHOR OR PREPARER WRITE THE QUESTION  
19 WRITING. I USE A MICROSCOPE FOR DOING THIS  
20 SOMETIMES. I HAVE ANOTHER METHODS OF ANALYSIS THAT I  
21 DO IN DURING MY COURSE WORK. IF I WANT TO ENHANCE OR  
22 ENLARGE OR LOOK AT CERTAIN FEATURES I DO THAT.

23 WHAT IT IS WITH HANDWRITING IS EVERY  
24 PERSON WHO HAS GONE TO SCHOOL HAS PERHAPS SAT DOWN  
25 AND THE TEACHER WILL HAVE THE ABC'S WRITTEN ACROSS



1 THE BLACKBOARD AT THE TOP AND AS YOU LEARN TO WRITE  
2 YOU TRY TO MODEL YOUR HANDWRITING JUST LIKE THE  
3 WRITING THAT YOU SEE ON TOP OF THE BLACKBOARD. YOU  
4 TRY TO MAKE YOUR A'S LIKE THAT THE TEACHER IS MAKING.  
5 YOU TRY TO MAKE YOUR B'S. YOU LEARN YOUR UPPER CASE.  
6 YOU LEARN YOUR LOWER CASE. AND WHAT YOU ARE DOING IS  
7 YOU'RE TRYING TO MODEL YOUR HANDWRITING TO FIT THAT  
8 OF THE TEACHER, BUT EVERYBODY'S HANDWRITING IS  
9 DIFFERENT BECAUSE THEY HAVE DIFFERENT SKILL LEVELS.  
10 THEY PERFORM DIFFERENTLY. THEY ARE NOT AS ARTISTIC  
11 AS OTHER PEOPLE, AND THE TEACHER EVEN AT THAT LOW  
12 LEVEL OF EDUCATION, LIKE FIRST OR SECOND GRADE, CAN  
13 PROBABLY LOOK AT THE PAPERS AND JUST ABOUT KNOW WHICH  
14 STUDENT WROTE THESE ABC'S BECAUSE SHE'S USED TO  
15 SEEING THEM WRITE. ALL RIGHT. WHAT WE DO IN  
16 HANDWRITING IS WE LOOK AT THE FEATURES, WE STUDY  
17 THESE FEATURES THAT THE TEACHER HAS LOOKED IT. AS  
18 YOU PROGRESS IN YOUR HANDWRITING YOUR HANDWRITING  
19 BECOMES MORE SOPHISTICATED AND MORE UNIQUE TO YOU.  
20 YOU INCREASE IN SPEED, YOU DEVELOP CERTAIN WAYS AND  
21 STYLES THAT YOU MAKE YOUR LETTERS. THE WAY YOU LAY  
22 THE WRITING ON THE PAPER, WE LOOK AT THE FORMAT. WE  
23 LOOK AT HEIGHT RATIOS BETWEEN THE LETTERS: HOW HIGH  
24 IS THE H COMPARED TO THE A. THERE ARE MANY DIFFERENT  
25 FEATURES. THE BASE LINE CHARACTERISTICS, THE SKILL

1 LEVEL, ALL THESE GO IN AND ALL THESE FACTORS ARE  
2 CONSIDERED IN MAKING A HANDWRITING OR DOING  
3 HANDWRITING EXAMINATION.

4 Q ALL RIGHT, SIR. DOES A PERSON WHO IS WRITING  
5 ALWAYS WRITE THE SAME WAY?

6 A A PERSON NEVER WRITES THE SAME WAY TWICE. IF  
7 YOU WERE TO TAKE YOUR SIGNATURE OR WRITE A SENTENCE  
8 AND YOU WERE TO DO IT 100 TIMES ON A TABLET, EVERY  
9 SIGNATURE OR EVERY SENTENCE WOULD BE DIFFERENT.  
10 WE'RE NOT MACHINES. WE CAN'T REPRODUCE OUR SIGNATURE  
11 EXACTLY EVERY TIME. IF A HANDWRITING CAN BE, IS  
12 EXACT, THEN WE KNOW IT IS NOT A LEGITIMATE  
13 HANDWRITING BUT RATHER THAN A SIMULATION OR SOMETHING  
14 THAT HAS BEEN PERPETRATED AS A FORGERY TO LOOK LIKE  
15 SOMEBODY'S ELSE HANDWRITING.

16 Q ALL RIGHT. IS IT POSSIBLE WITHIN THE SCIENCE OF  
17 HANDWRITING ANALYSIS, IS IT POSSIBLE IN YOUR OPINION  
18 TO DETERMINE ABSOLUTELY WHETHER OR NOT AN INDIVIDUAL  
19 WROTE A CERTAIN DOCUMENT?

20 A IF I HAVE ENOUGH COMBINATION OF CHARACTERISTICS  
21 COMING TOGETHER AT ONE TIME ON ANY ONE DOCUMENT AND  
22 ALL THESE CHARACTERISTICS CAN BE DEMONSTRATED IN THE  
23 KNOWN STANDARDS STANDS FROM THAT INDIVIDUAL THEN I  
24 CAN REACH A CONCLUSION, AN OPINION, BASED ON MY  
25 EXPERIENCE AND MY TRAINING IN THAT FIELD THAT THIS

1 INDIVIDUAL DID IN FACT WRITE THE QUESTION WRITING OR  
2 I CAN LOWER IT IF I HAVE REASON TO LOWER IT TO A  
3 LESSER OPINION.

4 Q WERE YOU ASKED TO EXAMINE A QUESTIONED DOCUMENT  
5 IN THIS CASE?

6 A YES, I WAS.

7 Q TWO QUESTION DOCUMENTS?

8 A YES.

9 Q I'M SHOWING YOU NOW WHAT HAS BEEN MARKED AS  
10 STATE'S EXHIBIT 89 AND STATE'S EXHIBIT 90 AND THESE  
11 ITEMS ARE IN EVIDENCE, SIR, AND I'LL ASK IF YOU CAN  
12 IDENTIFY THOSE TWO DOCUMENTS. ARE THOSE THE  
13 DOCUMENTS THAT YOU WERE ASKED TO EXAMINE AND  
14 DETERMINE THE AUTHORSHIP OF?

15 A YES, SIR. STATE'S EXHIBIT NUMBER 20 IS A LETTER  
16 THAT I RECEIVED THERE IN THE LABORATORY.

17 Q I'M SORRY. STATE'S EXHIBIT NUMBER?

18 A EXCUSE ME. IT HAS A, LET ME FIND IT. I'M  
19 SORRY. STATE'S EXHIBIT NUMBER 90.

20 Q ALL RIGHT?

21 A IS A SEALED PLASTIC BAG. IT CONTAINS A ONE-PAGE  
22 LETTER AND IT STARTS OUT DEAR AMY AND IT'S SIGNED BY  
23 BILLY TINKER COPE OR A PERSON SIGNING BILLY TINKER  
24 COPE AND ON THE BACK SIDE THERE IS AN ENVELOPE. THE  
25 ENVELOPE WAS ASSOCIATED WITH THIS LETTER WHEN I

1 RECEIVED IT IN THE LABORATORY FOR ANALYSIS. THIS IS  
2 A QUESTION DOCUMENT. THERE IS QUESTION WRITING ON  
3 THIS AND ON THE ENVELOPE THAT WAS SUBMITTED. I SHOW  
4 YOU THE FACE OF THE ENVELOPE. I RECEIVED THIS  
5 ENVELOPE AND THIS LETTER BOTH OF WHICH WERE  
6 QUESTIONED AND I WAS SUBMITTED HANDWRITING SAMPLES TO  
7 COMPARE TO THIS ENVELOPE AND THIS LETTER IN THE  
8 LABORATORY.

9 IN ADDITION, I ALSO RECEIVED STATE'S  
10 EXHIBIT NUMBER 89 WHICH IS A FOUR PAGE LETTER, TWO OF  
11 THE PAGES OF THIS LETTER HAD QUESTION WRITING ON IT.  
12 ONE PAGE OF THIS LETTER CONTAINS A NUMBER OF SQUALL  
13 LINES AND IT HAD PRINTED THIS IS A COVER SHEET TO  
14 PREVENT WANDERING EYES. THE LAST PAGE OF THE FOUR  
15 PAGE LETTER WAS ANOTHER SHEET THAT WAS USED. THIS  
16 WAS USED EVIDENTLY IN AN ATTEMPT TO CONCEAL ANY  
17 WRITING SO YOU CAN'T SEE IT THROUGH THE ENVELOPE. I  
18 WAS ASKED TO LOOK AT THE HANDWRITING ON THIS, IN THIS  
19 LETTER, AND SEE IF I COULD COMPARE IT TO THE KNOWN  
20 WRITING SUBMITTED AND REACH AN OPINION IN THIS CASE.  
21 IN ADDITION TO THAT, THOSE FOUR PAGES, I ALSO  
22 RECEIVED THIS ENVELOPE WHICH CONTAINED THIS LETTER  
23 AND ASKED TO DO HANDWRITING ANALYSIS ON THIS ENVELOPE  
24 TOO.

25 Q AND YOU WERE ASKED SPECIFICALLY TO DETERMINE

1 WHETHER THAT WAS THE HANDWRITING OF BILLY COPE?

2 A I WAS SUBMITTED A KNOWN HANDWRITING SAMPLE FROM  
3 BILLY WAYNE COPE AND ASKED TO MAKE A COMPARISON IN  
4 THIS CASE, YES, SIR.

5 Q WHEN YOU SAY KNOWN HANDWRITING SAMPLE, WHAT  
6 PARTICULARLY DO YOU NEED TO BE ABLE TO MAKE A  
7 COMPARISON IN THIS CASE?

8 A IN THIS PARTICULAR CASE THE INDIVIDUAL  
9 REPRESENTED, THE WRITING REPRESENTED INDIVIDUAL HAD A  
10 HIGH SKILL LEVEL OF WRITING. HIS WRITING HAD A  
11 COMBINATION OF BOTH CURSIVE LONG HAND AS WELL AS HAND  
12 PRINTING. SOMETIMES IT WAS JUST PRINTING, SOMETIMES  
13 IT WAS CURSIVE, SOMETIMES IT WAS A COMBINATION. A  
14 PERSON WITH A HIGH SKILL LEVEL OF WRITING CAN DEGRADE  
15 THEIR WRITING DRASTICALLY AND AS THEY DEGRADE OR  
16 CHANGE THEIR WRITING YOU GET A WIDE RANGE OF WRITING  
17 REPRESENTED. THE BEST WRITING THAT THAT PERSON CAN  
18 DO, A MEDIOCRE WRITING OR LOWER SKILL WRITING MAYBE  
19 REPRESENTED. FOR EXAMPLE, YOU DON'T NECESSARILY  
20 WRITE THE HOUSE PAYMENT THE SAME WAY YOU WOULD WRITE  
21 A TEN DOLLAR CHECK AT WALMART. YOU MAY BE A LESS  
22 LITTLE CAREFUL WITH YOUR HANDWRITING WHEN YOU ARE  
23 DOING A SMALL AMOUNT OF CHECK AS OPPOSED TO A LARGE  
24 PAYMENT ON YOUR MORTGAGE. YOUR HANDWRITING CHANGES.  
25 YOU HAVE A RANGE OF VARIATION. YOU MAY MAKE A SERIES

1 OF R'S, IF YOU HAVE EVER STUDIED YOUR HANDWRITING,  
2 ALL YOUR R'S MAYBE NOT BE THE SAME. YOU MAY HAVE  
3 FOUR OR FIVE DIFFERENT R'S THAT YOU MAKE, NOT JUST  
4 UPPER AND LOWER CASE, BUT DIFFERENT FORMATIONS, SO  
5 THE QUESTION IS WHAT I'M LOOKING FOR AND THE STANDARD  
6 IS WHAT DO I NEED TO COMPARE THE QUESTION WRITING  
7 BACK. I NEED A NICE LARGE VOLUME OF WRITING FROM AN  
8 INDIVIDUAL IN ORDER TO LOOK AT THIS RANGE AND FIND  
9 THAT RANGE THAT'S REPRESENTED ON THESE LETTERS. AND  
10 THEN STUDY THE FEATURES THAT I JUST MENTIONED BEFORE  
11 IN MAKING THAT COMPARISON BEFORE I CAN REACH A  
12 CONCLUSION.

13 Q DID YOU TAKE HANDWRITING EXEMPLARS IN THIS CASE  
14 AND TELL WHAT IS AN EXEMPLAR?

15 A IN THIS PARTICULAR CASE I OBTAINED MY OWN  
16 HANDWRITING STANDARDS IN ADDITION TO THE, A NUMBER OF  
17 LETTERS THAT I RECEIVED IN THE CASE. THE LETTERS, I  
18 HAD 11 I CAN'T REMEMBER, I HAVE TO GO BACK AND CHECK  
19 THE EXACT NUMBER, BUT I HAD A NUMBER OF DIFFERENT  
20 LETTERS, ENVELOPES CONTAINING LETTERS. I HAD 84  
21 PAGES OF WRITING AND I TOOK THAT WRITING AND IN  
22 ADDITION TO THAT I WANTED MY OWN STANDARDS SO I WENT  
23 TO THE DETENTION CENTER HERE AND MET WITH BILLY WAYNE  
24 COPE AND SAT DOWN IN THE PRESENCE OF HIS ATTORNEYS  
25 AND COLLECTED MORE HANDWRITING STANDARDS. I HAD HIM

1 WRITE WHAT I DICTATED TO HIM.

2 Q ALL RIGHT. DID YOU ACTUALLY OBSERVE HIM MAKING  
3 THOSE WRITINGS?

4 A YES, SIR, I DID.

5 Q AND WHAT DID YOU DO AT THE CONCLUSION OF ASKING  
6 HIM TO WRITE VARIOUS THINGS WHAT DID YOU DO WITH THE  
7 WRITINGS HE HAD JUST MADE?

8 A I THEN TOOK THOSE WRITINGS, COMPARED THEM BACK  
9 TO THE WRITINGS ON THOSE 84 PAGES OF LETTERS AND  
10 ENVELOPES THAT I HAD, AND THEN COMPARED ALL OF THAT  
11 TO THE HANDWRITING IN QUESTION ON STATE'S EXHIBIT 89  
12 AND 90.

13 Q ALL RIGHT, SIR. I'VE GOT THREE SEPARATE  
14 ENVELOPES HERE, ONE OF WHICH IS MARKED IN EVIDENCE  
15 ALREADY, THE OTHER TWO ARE NOT. IF I CAN GET THESE  
16 TWO ENVELOPES MARKED.

17 (STATE'S EXHIBIT 93 ENVELOPE MARKED  
18 FOR IDENTIFICATION.)

19 MR. BRACKETT: ALL RIGHT.

20 Q FIRST I WILL SHOW YOU WHAT HAS BEEN MARKED AS  
21 STATE'S EXHIBIT 93 AND ASK IF YOU CAN IDENTIFY THE  
22 CONTENTS OF THAT ENVELOPE?

23 A THIS ENVELOPE IN MY HANDWRITING I'VE WRITTEN  
24 HANDWRITING STANDARDS OF BILLY WAYNE COPE ON JULY 13,  
25 '04 COLLECTED BY AND MY INITIALS SCOTT WORSHAM. AS

1 SOON AS I GET THIS OPEN I CAN IDENTIFY THE CONTENTS.  
2 THE ENVELOPE ALSO CONTAINS MY INITIALS AND THE DATE  
3 THAT I SEALED THE ENVELOPE AND MY SEAL ON THEM. IT  
4 IS IDENTIFIED AS STATE'S EXHIBIT NUMBER 93. AND AS I  
5 ASKED MR. COPE TO WRITE, HE HAD A BLUE BALL POINT  
6 PEN, NOT THE PEN ACTUALLY BUT JUST THE INSERT THAT  
7 WOULD GO INTO THE BLUE BALL POINT PEN, AND THAT'S  
8 NORMALLY WHAT THEY USE TO WRITE LETTERS. AND I  
9 COLLECTED EIGHT PAGES OF WRITING FROM HIM. AND HE  
10 COOPERATED AND GAVE ME ALL OF THE PAGES, ALL THE  
11 WRITING THAT I REQUESTED.

12 Q ALL RIGHT, SIR. SO THOSE ARE WRITINGS YOU  
13 ACTUALLY OBSERVED HIM MAKE?

14 A YES, SIR.

15 Q NOW I'M SHOWING YOU STATE'S EXHIBIT 91 WHICH IS  
16 ALREADY IN EVIDENCE AND JUST ASK IF YOU CAN IDENTIFY  
17 THE CONTENTS OF THAT ENVELOPE?

18 A STATE'S EXHIBIT NUMBER 91 CONTAINS LETTERS AND  
19 ENVELOPES THAT I RECEIVED. I CAN IDENTIFY EACH OF  
20 THESE AS THEY BEAR MY INITIALS AND MY CASE NUMBER.

21 Q DID YOU ALSO USE THOSE ITEMS IN YOUR EXAMINATION  
22 OF THE TWO QUESTION DOCUMENTS YOU REFERENCED EARLIER?

23 A YES.

24 Q ALL RIGHT, SIR. SOME OF THOSE LETTERS ARE OUT  
25 OF THEIR ENVELOPES. STATE'S EXHIBIT NUMBER 94, CAN



1 YOU IDENTIFY THE TWO ITEMS THAT ARE CONTAINED IN THAT  
2 ENVELOPE?

3 A YEAH, STATE'S EXHIBIT 94 IS ANOTHER ENVELOPE  
4 WHICH CONTAINS MORE LETTERS WHICH I RECEIVED THERE AT  
5 THE LABORATORY AT THE SAME TIME, JUST TWO ENVELOPES,  
6 AND AGAIN THERE ARE OTHER LETTERS. EACH LETTER  
7 CONTAINS, TWO OTHER ENVELOPES, EACH ENVELOPE CONTAINS  
8 LETTERS. ALL OF THESE WERE SUBMITTED TO ME AS KNOWN  
9 HANDWRITING FROM BILLY WAYNE COPE.

10 Q ALL RIGHT, SIR.

11 MR. BRACKETT: NOW AT THIS POINT I WOULD  
12 MOVE STATE'S EXHIBIT 93 AND 94 THE EXEMPLARS AND THE  
13 TWO LETTERS THAT ARE IN 94 INTO EVIDENCE AT THIS  
14 TIME.

15 MR. BAITY: NO OBJECTION.

16 MR. GREELEY: NO OBJECTION, YOUR HONOR.

17 THE COURT: BE RECEIVED WITHOUT OBJECTION.

18 (STATE'S EXHIBITS 93 & 94 RECEIVED  
19 INTO EVIDENCE.)

20 Q THE LETTERS THAT WERE, THE 11 LETTERS IN ONE  
21 ENVELOPE AND THE TWO LETTERS IN THE OTHER ENVELOPE,  
22 WERE YOU ABLE TO VERIFY, YOU SAID THOSE WERE THE  
23 KNOWN HANDWRITING SAMPLES, BUT YOU DIDN'T ACTUAL SEE  
24 HIM WRITE THOSE, DID YOU?

25 A NO, I DID NOT.

1 Q WERE YOU ABLE TO VERIFY THOSE WERE IN FACT WERE  
2 HIS HANDWRITING?

3 A YES. I LOOKED AT THE LETTERS WHEN I FIRST  
4 RECEIVED THEM. I HAD NOT GONE TO BILLY WAYNE COPE TO  
5 OBTAIN HANDWRITING SAMPLES FROM MYSELF AND I RECEIVED  
6 THESE IN THE LABORATORY AND I HAD 11 LETTERS WHICH  
7 REPRESENTED APPROXIMATELY 84 TO 87 PAGES IF MY MEMORY  
8 SERVES ME CORRECTLY, AND IN LOOKING AT THOSE LETTERS  
9 I COULD SEE THAT THESE LETTERS WERE OF COMMON  
10 AUTHORSHIP. IN OTHER WORDS, ONE PERSON WROTE ALL OF  
11 THESE LETTERS. ALL RIGHT. BUT TO TESTIFY IN COURT  
12 THIS IS ACTUALLY HANDWRITING FROM AN INDIVIDUAL I  
13 NEEDED MORE. SO YOU THAT'S WHEN I WENT TO BILLY  
14 WAYNE COPE AND OBTAINED MORE HANDWRITING SAMPLES FROM  
15 HIM TO SEE IF I COULD VERIFY AND AUTHENTICATE EACH OF  
16 THESE AS ACTUALLY BEING HIS HANDWRITING AND I DID  
17 THAT AND THESE ARE HANDWRITINGS FROM BILLY WAYNE  
18 COPE.

19 Q ALL RIGHT, SIR. NOW WHAT DID YOU USE OUT OF ALL  
20 THE DOCUMENTS WE'VE JUST GONE THROUGH, THE EXEMPLARS,  
21 THE 11 LETTERS AND ONE ENVELOPE, AND THE TWO LETTERS  
22 IN THE OTHER ENVELOPE TO EXAMINE THE TWO QUESTION  
23 DOCUMENTS THAT ARE AT ISSUE IN THIS CASE? DID YOU  
24 USE ALL OF THEM OR JUST THE EXEMPLARS? WHAT DID YOU  
25 USE?

1       A     I LOOKED AT EACH AND EVERY PAGE OF THE WRITING  
2       AND I CAN USE MANY OF THOSE LETTERS IN MAKING MY  
3       COMPARISON BACK TO THE TWO QUESTION ITEMS.  HOWEVER,  
4       I RELIED MORE HEAVILY ON THE WRITING THAT I OBTAINED  
5       MYSELF FROM BILLY WAYNE COPE.

6       Q     ALL RIGHT, SIR.  NOW WERE YOU AFTER YOUR  
7       EXAMINATION ABLE TO FORM AN OPINION AS TO THE  
8       AUTHORSHIP OF THE TWO QUESTION DOCUMENTS IN THIS  
9       CASE?

10      A     YES, I WAS.

11      Q     ALL RIGHT.  AND HAVE YOU IN ORDER TO PROPERLY  
12      EXPLAIN HOW YOU ARRIVED AT YOUR CONCLUSION, DID YOU  
13      PREPARE ANY DIAGRAMS OR ILLUSTRATIONS THAT YOU COULD  
14      USE THAT WOULD BE HELPFUL IN EXPLAINING YOUR  
15      CONCLUSION TO THE JURY?

16      A     YES, SIR.

17      Q     ARE THEY PRESENT IN THE COURTROOM WITH YOU?

18      A     THEY ARE.

19      Q     ALL RIGHT.

20                   MR. BRACKETT:  YOUR HONOR, I WOULD ASK  
21      THAT, I THINK DEFENSE COUNSEL MAY WANT TO TAKE A LOOK  
22      AT THEM, BUT I ASK THAT, THEY ARE LARGE, WE NEED TO  
23      PULL THEM OUT AND IDENTIFY THEM IN FRONT OF THE JURY  
24      I WOULD ASK DEFENSE COUNSEL COME AND EXAMINE THESE.

25                                   (COMPLIES.)

1 Q I HAVE FIVE POSTER BOARDS HERE, AGENT WORSHAM,  
2 ARE THESE ARE FIVE POSTER BOARDS YOU PREPARED TO  
3 ILLUSTRATE YOUR CONCLUSIONS AND YOUR EXAMINATIONS TO  
4 THE JURY?

5 A YES, SIR, THEY ARE.

6 MR. BRACKETT: YOUR HONOR, I ASK THAT  
7 THESE FIVE POSTERS BE MARKED AND WHILE WE'RE DOING  
8 THAT WE NEED TO SET UP A COUPLE OF EASELS, TO SET  
9 THEM UP.

10 THE COURT: ANY OBJECTION.

11 MR. BAITY: NO OBJECTION.

12 MR. GREELEY: NO OBJECTION, YOUR HONOR.

13 THE COURT: LET ME ASK YOU THIS ARE THEY  
14 JUST FOR ID.

15 MR. BRACKETT: I WOULD LIKE TO PUT THEM IN  
16 EVIDENCE.

17 THE COURT: THEY ARE IN WITHOUT OBJECTION.

18 (STATE'S EXHIBITS 95-99 BOARDS RECEIVED  
19 INTO EVIDENCE.)

20 Q STEP DOWN AND IF YOU NEED TO TAKE ANY OF THOSE  
21 EXHIBITS FEEL FREE TO. THE ACTUAL DOCUMENTS.

22 A (THE WITNESS EXITS THE WITNESS STAND AT 11:54  
23 AM.)

24 Q THESE ARE THE DIAGRAMS YOU PREPARED STATE'S  
25 EXHIBIT 95 THROUGH STATE'S 99. WOULD YOU PLEASE SIR

1 EXPLAIN TO THE JURY EXACTLY HOW YOU GO ABOUT ONCE YOU  
2 OBTAINED THE HANDWRITING EXEMPLARS AND THE KNOWN  
3 STANDARDS, HOW DO YOU GO ABOUT MAKING A COMPARISON  
4 BETWEEN THOSE STANDARDS AND THE QUESTION DOCUMENT  
5 THAT'S AT ISSUE IN THE CASE? HOW DO YOU DO IT?

6 A I LOOK AT THE FEATURES THAT ARE REPRESENTED IN  
7 THE WRITING AS WELL AS HOW IT'S PLACED ON THE PAPER,  
8 THE BASE LINE CHARACTERISTICS WOULD BE REAL OR  
9 IMAGERY, HOW IT ADHERES TO THE BASE LINE. IF YOU  
10 WERE TO WRITE OUT A SENTENCE ON A LINE, HOW YOUR  
11 WRITING ADHERES OR HITS THAT LINE OR WRITING ABOVE  
12 THAT LINE GOES INTO OR DOWN BELOW, WE LOOK AT THOSE  
13 CHARACTERISTICS. IN ADDITION, WE LOOK AT HEIGHT  
14 RATIO. HOW LARGE ARE THE CAPITAL LETTERS COMPARED TO  
15 THE LOWER CASE LETTERS WITHIN THE SAME WORD ITSELF.  
16 THEN WE LOOK, BY LOOKING AT THIS AND ALSO THE SKILL  
17 LEVEL OF THE WRITING, IF WE HAVE ENOUGH OF THESE  
18 COMBINATIONS OF CHARACTERISTICS AND FEATURES COMING  
19 TOGETHER AT ONE TIME THEN WE CAN MAKE A CONCLUSION.  
20 I CAN OFFER AN OPINION BASED ON MY EXPERIENCE AND  
21 TRAINING IN THIS FIELD AND THAT'S WHAT I'VE DONE IN  
22 THIS CASE. FOR EXAMPLE, STATE'S EXHIBIT NUMBER 95,  
23 STATE'S EXHIBIT NUMBER 95 REPRESENTS THREE, EXCUSE  
24 ME, FOUR ENVELOPES. THE ENVELOPES THAT YOU SEE THERE  
25 IS THE EVIDENCE JUST INTRODUCED AS STATE'S EXHIBITS

1        HERE.    ARE JUST ENLARGEMENTS TO MAKE IT EASIER FOR  
2        YOU TO SEE TO COMPARISONS THAT I WAS MAKING IN THIS  
3        CASE.    FOR EXAMPLE, STATE'S EXHIBIT 90 THE ENVELOPE  
4        ITSELF I ENLARGED AND PUT HERE.    YOU STILL SEE THE  
5        PLASTIC BAG AND THE SLED NUMBER HERE.    SOME OF THE  
6        WRITINGS FROM THE ENVELOPES FROM BILLY WAYNE COPE  
7        WERE USED AND I BLEW THOSE UP.    I DO NOT HAVE THE  
8        EXHIBIT NUMBER ON THEM BECAUSE THIS WAS DONE BEFORE  
9        IT WAS INTRODUCED INTO EVIDENCE IN THE CASE.    SO WHAT  
10       I HAVE HERE IS THE KNOWN HANDWRITING OF BILLY WAYNE  
11       COPE ON THESE THREE ENVELOPES IN ADDITION TO THIS ONE  
12       WHICH IS A QUESTION WRITING, STATE'S EXHIBIT NUMBER  
13       90.    EVERYTHING THAT I WILL SHOW YOU IN MY EXHIBITS  
14       WILL COME FROM THE EVIDENCE THAT I HAVE IN THE CASE  
15       AND I CAN DEMONSTRATE THAT IF NEED BE AND SHOW YOU  
16       EXACTLY WHERE IT CAME FROM.

17       Q        ALL RIGHT, SIR.    HOW, USING YOUR ILLUSTRATIONS  
18       AND THE POSTER BOARDS THAT YOU'VE BLOWN UP, WOULD YOU  
19       STEP THE JURY THROUGH AN HANDWRITING ANALYSIS THE  
20       FEATURES AND THE CHARACTERISTICS THAT YOU LOOK FOR  
21       WHEN YOU CONDUCT A HANDWRITING ANALYSIS?

22       A        YES, SIR.    IN MAKING, AFTER BECOMING FAMILIAR  
23       WITH HIS WRITING, AFTER I SAT DOWN AND TRIED TO DRAW  
24       AND SIMULATE HIS WRITING THAT I FOUND AND BECAME  
25       FAMILIAR WITH THE WAY HE MAKES HIS LETTERS I THEN GO

1 IN AND LOOK AT THE QUESTION WRITING. IN LOOKING AT  
2 THE QUESTION WRITING ON THESE THREE, THESE THREE  
3 ENVELOPES OF KNOWN WRITING COMPARING IT BACK TO THE  
4 QUESTION WRITING HERE, THE FIRST THINGS I NOTICE WERE  
5 THE HEIGHT RATIOS IN THE S'S AND THE FORMATION OF THE  
6 S'S. NOTICE HOW HIGH THIS S IS HERE. THAT SIMILAR S  
7 AND I'LL NEVER SAY SAME. I WON'T SAY THE SAME S.  
8 I'LL ALWAYS SAY SIMILAR OR ONE THAT'S REPRESENTED BY  
9 THAT BECAUSE YOU NEVER WRITE THE SAME WAY TWICE. IF  
10 YOU'LL LOOK AT EACH OF THESE S'S THEY ARE ALL  
11 DIFFERENT TO A SLIGHT DEGREE BUT THEY ARE ALL SIMILAR  
12 TO THE S MADE IN SIMMONS.

13 IN ADDITION, I NOTICED THE FORMATION  
14 OF THE M'S, THE SHOULDERS OF THE M'S AND HOW FAR DOWN  
15 THIS LINE IN BETWEEN COMES DOWN. THAT'S ALSO FOUND  
16 IN SIMMONS DOWN HERE ON THESE. THE S AT THE END OF  
17 SIMMONS IN THIS ONE IS SIMILAR TO THE S FOUND HERE.  
18 THE FORMATION OF THE TWO, HAS A LOOP IN IT, EYELET,  
19 THAT'S ALSO FOUND ON THE TWOS REPRESENTED BY THEIR  
20 NORMAL WRITING FROM BILLY WAYNE COPE. THE N'S, SOME  
21 OF THE N'S ARE ALMOST SHOULDERLESS. THOSE SIMILAR  
22 N'S ARE FOUND ALSO HERE AND HERE. SO AS I GO THROUGH  
23 I'M PUTTING TOGETHER FEATURE OF HANDWRITING. HOW  
24 DOES THIS INDIVIDUAL MAKE HIS S'S. WHAT'S THE HEIGHT  
25 RATIO OF THAT S TO THE REST OF THE WORD

1 S-I-M-M-O-N-S. AND I'M COMPARING IT BACK TO THE  
2 KNOWN HANDWRITING STANDARDS. ALSO I LOOK HOW IT'S  
3 LAID OUT. NOTICE THE Y HAS A FLAT BASE. IT'S ALMOST  
4 LIKE A FOUR THAT HAS BEEN ROUNDED OFF. THAT'S FOUND  
5 HERE IN AMY AND SIMILAR Y TO THAT IS FOUND HERE. SO  
6 I KEEP GOING THROUGH. I LOOK AT THE SPACE IN BETWEEN  
7 THIS LINE AND THIS LINE. THE Y COMES DOWN AND  
8 TOUCHES THE FIVE, OKAY. LATER ON WHEN THIS LETTER  
9 WAS WRITTEN OR BEFORE THIS LETTER WAS WRITTEN, THE  
10 SAME CHARACTERISTICS WAS FOUND RIGHT HERE AND RIGHT  
11 HERE. THIS Y IS VERY SIMILAR, THIS Y IS DIFFERENT,  
12 BUT IT'S IN THE SAME WRITING RANGE. I GO THROUGH AND  
13 I LOOK AT EACH AND EVERY ONE OF THESE  
14 CHARACTERISTICSS. DOES HE HAVE A COMMON, HE DOES.  
15 DOES HE PUT 2 PERIODS AFTER HIS SC IN SOUTH CAROLINA.  
16 THAT'S REPRESENTED HERE. IN DOING THIS, IF I HAVE  
17 ENOUGH COMBINATIONS OF DIFFERENT CHARACTERISTICS I  
18 HAVE AN OPINION. I DID NOT CONSIDER THE DRAWINGS.  
19 DRAWINGS CAN BE TRACED OVER OR DRAWINGS CAN BE  
20 SIMULATED BY ANOTHER PERSON VERY EASILY, BUT WRITING  
21 IS VERY HARD TO SIMULATE.

22 UPON DOING THIS I REACHED THE  
23 CONCLUSION IN COMPARING THIS WRITING ON THIS LETTER  
24 AND THE OTHER HANDWRITING STANDARDS THAT I HAD THAT  
25 BILLY WAYNE COPE IN MY OPINION AUTHORED OR PREPARED



1 OR WROTE THIS ADDRESS ON THIS LETTER. IN ADDITION  
2 THIS BW COPE HERE IS ALSO REPRESENTED IN THE KNOWN  
3 WRITING THAT I HAVE IN OTHER STANDARDS AND THAT IS  
4 ALSO HIS WRITING. SO MY OPINION IS HE AUTHORED THIS  
5 ENVELOPE.

6 Q ALL RIGHT, SIR. THAT IS THE ENVELOPE, THE  
7 LARGEST ENVELOPE THAT IS DEPICTED ON STATE'S EXHIBIT  
8 NUMBER 95?

9 A YES, SIR.

10 Q THE ONE THAT SAYS YOU ARE THE BEST. I AIN'T  
11 LION. DID THAT ENVELOPE HAVE A LETTER INSIDE OF IT?

12 A YES, IT DID.

13 Q AND WHAT, YOU HAVE GOT A COPY OF THAT LETTER  
14 BLOWN UP FOR THE JURY?

15 A I DO. INSIDE THAT LETTER, EXCUSE ME, INSIDE  
16 THAT ENVELOPE I FOUND THIS LETTER. IT'S BLOWN UP,  
17 OKAY. AGAIN I HAD TO GO BACK AND COMPARE THE WRITING  
18 FEATURE IN THIS LETTER TO THE KNOWN HANDWRITING OF  
19 BILLY WAYNE COPE. YOU NOTICE IN THE EXHIBIT BEFORE  
20 HOW THE PRINTING WAS VERY NEAT AND VERY SIMILAR, ALL  
21 RIGHT. THAT IS WHAT I WOULD CALL A HANDWRITING  
22 COMPARISON THAT WOULD NOT REQUIRE A GREAT DEAL OF  
23 SKILL TO ANALYZE BECAUSE IT'S READILY SEEN. IT'S  
24 EASY TO SEE THE SIMILARITIES HERE. IN THE OTHER  
25 HANDWRITING IT TAKES A HIGHER DEGREE OF SKILL TO

1 DECIPHER OR PULL OUT HANDWRITING AND THAT'S WHY THEY  
2 HIRE ME, AS PARDON THE EXPRESSION, THAT'S WHY THEY  
3 NEED PEOPLE TRAINED IN THIS AREA TO POINT THEM OUT.  
4 WHAT I HAVE ON STATE'S EXHIBIT 97 IS KNOWN  
5 HANDWRITING EXCERPTS. SO I'LL TAKE PAGE OF WRITING,  
6 I SEE SOMETHING THAT I THINK WILL ILLUSTRATE GOOD FOR  
7 THE JURY, I'LL TAKE THAT OUT AND PULL THAT OUT. ALL  
8 OF THIS IS KNOWN HANDWRITING OF BILLY WAYNE COPE.  
9 THIS IS THE LETTER IN QUESTION THAT WAS INSIDE THE  
10 ENVELOPE. THE ENVELOPE WAS SENT TO DNA FOR  
11 PROCESSING. AND IN MAKING MY EXAMINATION I LOOKED AT  
12 MANY, MANY DIFFERENT FEATURES. I WANTED TO POINT OUT  
13 A FEW ON THIS.

14 FOR EXAMPLE, LET'S START WITH THE  
15 FIRST WORD GOD. NOTICE THE FORMATION OF THE G. IN  
16 THE G, EXCUSE ME ONE SECOND, THE G FORMATION ENDS IN  
17 A ARROW. IF YOU NOTICE THE ARROW IN THE END OF THE  
18 GO BOTH IN THE KNOWN WRITING AND ALSO HERE. NOTICE  
19 THE SIZE OF THE D AND HOW IT IS FORMED. THAT SIMILAR  
20 CHARACTERISTIC IS ALSO FOUND HERE, SO YOU HAVE THE G  
21 AND YOU HAVE A D. BUT SPACING IS IMPORTANT TOO. IF  
22 YOU'LL NOTICE THE O RIGHT HERE AGAINST THE D IS  
23 ABUTTED UP AGAINST OR PUSHED UP AGAINST THE D. THAT  
24 IS ALSO FOUND. THAT'S A WRITING CHARACTERISTIC THAT  
25 WE LOOK FOR BECAUSE IT'S REPEATED IN THE KNOWN

1 STANDARDS. IT'S SOMETHING THIS INDIVIDUAL DOES. SO  
2 YOU ARE NOT JUST LOOKING AT THE LETTERS BUT YOU ARE  
3 LOOKING HOW THEY ARE FORMED, HOW THEY ARE PUT  
4 TOGETHER.

5 THE WORD TOLD. NOTICE THE T CROSS.  
6 AS HE CROSSES HIS T THE CROSS COMES OVER AND CONNECTS  
7 TO THE O IN T-O IN TOLD. THAT IS ALSO FOUND IN THE  
8 QUESTION LETTER. T COMES OVER AND CROSSES OVER THERE  
9 SO IT'S REPRESENTED BOTH IN THE KNOWN WRITING AND IN  
10 THE QUESTION WRITING.

11 THE K IN KILLED IS REPRESENTED HERE IN  
12 NOTED. THIS IS AGAIN KNOWN WRITING FROM HIM. NOTICE  
13 HERE THE I-T. HE MAKES AN I-T. EXCUSE ME  
14 NERVOUSNESS. I HAVE GOT A LITTLE TREMOR. THE BOTTOM  
15 OF THE I COMES OVER ALMOST LIKE A L AND THEN IT'S  
16 DOTTED. IT'S MORE LIKE AN ARCH SHAPE. ALL RIGHT.  
17 THIS SAME CHARACTERISTICS S FOUND LINE 13 OR ONE  
18 SIMILAR TO IT IS FOUND. IF I SAY SAME I MEAN  
19 SIMILAR. AS I SAID BEFORE, NOTHING IS EXACTLY THE  
20 SAME. I'LL FIND IT HERE IN JUST A MOMENT. ALL RIGHT  
21 LET ME COME BACK TO THE IT. I'LL LOCATE THAT FOR A  
22 SECOND. I RECORDED IT ON THE WRONG LINE EVIDENTLY  
23 WHEN I WAS MAKING MY NOTES.

24 ALL RIGHT. THE M'S THAT YOU SEE HERE  
25 IN THE KNOWN HANDWRITING OF BILLY WAYNE COPE NOTICE

1 HOW DEEP THE CHANNEL IS ON THE M BETWEEN THE TWO  
2 SHOULDERS, AN ANGULARITY, HOW SHARP THE PEAKS ARE ON  
3 THAT. LOOK AT THE M IN SCREAM. A SIMILAR M IS FOUND  
4 THERE ALSO.

5 THIS PARTICULAR EXAMPLE OF WRITING  
6 FROM BILLY WAYNE COPE SAYS THE LORD, IT SAYS THE  
7 LORD'S STREET AND THIS IS REPRESENTED IN THE WRITING  
8 AS WELL ON LINE SEVEN. WHAT I POINT OUT HERE ON LORD  
9 STREET IS THE BASE OF THE L HAS ARCH TO IT. ALSO  
10 NOTICE THE SIZE OF THE O AND R AND D AND WHAT HAPPENS  
11 WHEN HE WRITES THIS WORD, THE R COMES UP SLIGHTLY,  
12 RISES UP, AS MORE OF A ROUNDED D AND THEN HE HAS A  
13 VERY ANGULAR S. THAT SAME CHARACTERISTIC IS NOTED  
14 NOT ONLY HERE BUT ALSO HERE IN THE QUESTION, NOT ONLY  
15 IN THE KNOWN, BUT ALSO HERE IN THE QUESTION WRITING  
16 LORD STREET AND HE COMES UP AND SEE THE HEIGHT  
17 CHARACTERISTIC THE R AND THE D AND THE S. IT'S  
18 ALMOST AS IF THEBASE LINE COMES UP AND THEN DROPS  
19 BACK DOWN LIKE THIS.

20 Q HOW MANY DIFFERENT CHARACTERISTICS DID YOU FIND?

21 A WELL, I DIDN'T COUNT BUT THERE IS MANY, MANY  
22 DIFFERENT CHARACTERISTICS THAT I OBSERVED IN DOING  
23 THIS. NOTICE THE S FOR EXAMPLE IN SCREAMS. YOU FIND  
24 THAT IN STREET. YOU FIND IT IN SCREAM. YOU FIND IT  
25 SAW. YOU NOTICE THAT THERE IS A SHOULDERLESS N WHEN

1 HE WRITES THE WORD KNEE AND THOSE N'S IF YOU LOOK  
2 THROUGHOUT AND FOUND THROUGHOUT HERE ON ENVELOPE,  
3 AGAIN ON NOT, IF IT'S FOUND THROUGHOUT THE WRITING.  
4 IT'S DIFFERENT N'S WHERE HE MAKES A SHOULDERLESS N.

5 Q FOR EXAMPLE, MY QUESTION I GUESS IS, YOU JUST  
6 SAID THE LORD'S, THE L, IT COMES UP LIKE THIS, AND  
7 THAT IS DEMONSTRATED ON THE QUESTION DOCUMENT WHERE?

8 A HERE.

9 Q HERE, OKAY, AND THIS IS WHAT YOU SAW HIM WRITE?

10 A YES.

11 Q SO THAT WOULD BE ONE INDIVIDUAL CHARACTERISTIC?

12 A YES.

13 Q UNIQUE --

14 A WELL, THIS WOULD BE SEVERAL BECAUSE YOU HAVE NOT  
15 ONLY THIS BASE LINE BUT YOU ALSO HAVE THE FORMATION  
16 OF THE L, THE HEIGHT RATIO OF THE R TO THE ROUNDED  
17 OFF D THEN THE APOSTROPHE S WHERE THE S IS VERY  
18 ANGULAR.

19 Q OKAY. SO WITHIN THAT ONE EXAMPLE THERE ARE  
20 THREE OR FOUR --

21 A YES.

22 Q ---UNIQUE CHARACTERISTICS TO HIS HANDWRITING?

23 A THEY ARE CHARACTERISTICS WHICH ARE DEMONSTRATED  
24 IN HIS HANDWRITING.

25 Q I SEE.

1 A NOW THEY MAY, YOU MAY FIND SOME OF THESE  
2 CHARACTERISTIC IN OTHER PEOPLE'S HANDWRITING.

3 Q OKAY?

4 A ALL RIGHT, BUT YOU HAVE TO HAVE A, LIKE I SAID,  
5 YOU HAVE TO HAVE ENOUGH COMBINATIONS COMING TOGETHER  
6 AT ONE TIME IN THE WRITING TO MAKE IT UNIQUE TO HIM.

7 Q WHAT ARE THE ODDS THAT YOU ARE GOING TO FIND  
8 THESE CHARACTERISTICS PLUS THESE, THESE, THESE,  
9 THESE, THESE, THESE, AND ALL OF THESE AND ALL OF  
10 THESE IN THE SAME PERSON'S HANDWRITING AND IT NOT BE  
11 BILLY COPE?

12 A WELL, BASED ON OF ALL THE HANDWRITING THAT I  
13 LOOKED AT AND THIS IS MY OPINION THAT BILLY WAYNE  
14 COPE AUTHORED THIS HANDWRITING. IT'S A NATURAL  
15 HANDWRITING, AND THAT'S ANOTHER THING WE LOOK FOR  
16 WHERE IT'S NATURAL OR UNNATURAL WRITING, AND I FOUND  
17 ALL THESE CHARACTERISTICS THAT ARE SEEN HERE IN THE  
18 KNOWN WRITING.

19 Q ALL RIGHT, SIR. LET ME ASK YOU THIS, YOU HAVE A  
20 COUPLE OTHER BOARDS HERE WITH SOME EXEMPLARS, WHAT  
21 ARE THOSE?

22 A THESE ARE JUST FURTHER ILLUSTRATIONS OF THIS  
23 SAME THING. FOR EXAMPLE, WHEN I WAS DOING THIS  
24 PARTICULAR CHART I DIDN'T ILLUSTRATE THE I AND THERE  
25 ARE A LOT OF I'S HERE. THERE IS ONE, TWO, THREE.

1 NOTICE HOW THE FORMATION OF THE I COMES UP OFF THE  
2 LINE AND HAS ALMOST AN ARC SHAPE BOTTOM TO IT. I  
3 WANTED TO FIND OTHER I'S THAT WERE SIMILAR TO THAT.  
4 THROUGHOUT THE KNOWN WRITING TAKEN FROM BILLY WAYNE  
5 COPE SO HERE I HAVE THE I'S. IN ADDITION, I WAS  
6 LOOKING FOR THE T-H COMBINATION ON THAT. AND IF  
7 YOU'LL NOTICE ON THE FIRST LINE OF THIS KNOWN WRITING  
8 THE CROSS FORMS AN H, THEN THERE IS ALMOST CURSIVE  
9 WRITING HERE WHICH IS VERY SIMILAR TO THE WAY THAT IS  
10 WRITTEN ON THE QUESTION.

11 Q THIS AGAIN IS AN EXEMPLAR YOU SAW HIM WRITE?

12 A YES.

13 Q ALL RIGHT, SIR.

14 A THIS IS ONE I COLLECTED FOR MYSELF. THIS ONE I  
15 DON'T NEED. I JUST HAD THAT IN CASE THERE WAS OTHER  
16 QUESTIONS ABOUT IT.

17 Q WHAT DOES IT ILLUSTRATE?

18 A THIS ONE I DIDN'T MARK ANYTHING.

19 Q OKAY.

20 A IN GOING THROUGH, IN LOOKING AT IT, I NOTICED BY  
21 LOOKING AT HIS WRITING I NOTICED THE R. WHEN HE  
22 MAKES HIS R SUCH AS IN REMEMBER, HE'LL DRAG THE TOP  
23 LOOP OF HIS R OVER AND EXTEND IT OVER. HE DOES THE  
24 SAME THING HERE. HE DOES THE SAME THING IN REMEMBER  
25 ON THE QUESTION WRITING AND THIS IS JUST AN AT RANDOM

1 AND IF YOU WANT TO TAKE ANY OTHER DOCUMENT THERE IS  
2 THAT G THAT I POINTED OUT TO YOU AGAIN. THERE IS THE  
3 I I POINTED OUT TO YOU AGAIN. THE BEFORE, LET ME  
4 FIND THAT ONE, NOTICE IN THE QUESTION WRITING ON  
5 BEFORE, TOP OF THE F FORMS ALMOST LIKE AN ARC, LIKE A  
6 STAFF, AND GOING THROUGH THIS WRITING I FIND IT HERE,  
7 HERE THAT'S R AGAIN, SO WHAT I'M DOING IS I'M GOING  
8 THROUGH THE KNOWN WRITING AND I'M LOOKING AT ALL  
9 THESE DIFFERENT CHARACTERISTICS. ARE HIS M'S THE  
10 SAME, ARE HIS C'S THE SAME, ARE HIS N'S THE SAME, THE  
11 T'S ARE THEY RELATED THE SAME, AND THEY ARE. SO THIS  
12 PARTICULAR CASE THAT'S HOW I WAS ABLE TO SAY THAT IN  
13 MY OPINION BILLY WAYNE COPE AUTHORED THE QUESTION  
14 LETTER IN STATE'S EXHIBIT NUMBER 90 AND ADDRESSED AND  
15 WROTE THE ENVELOPE IN STATE'S EXHIBIT 95.

16 Q SO TURNING BACK TO THIS 97 EXHIBIT. YOU HAVE A  
17 TOTAL NUMBER OF ABOUT 16, 15-16 DEMONSTRATIONS OF  
18 UNIQUE CHARACTERISTICS THAT YOU FOUND?

19 A YES.

20 Q ALL RIGHT. WAS THAT ALL YOU COULD FIND?

21 A I'M SURE THERE WERE MORE THROUGHOUT, I SPENT  
22 WEEKS LOOKING AT THIS RIGHT HERE, AND THERE ARE MANY  
23 DIFFERENT CHARACTERISTICS THAT I LOOKING AT. IT'S  
24 JUST DIFFICULT TO GET UP AND DO TWO YEARS EXPERIENCE  
25 IN A SHORT PERIOD OF TIME IN THE COURTROOM. BUT THIS



1 IS WHAT I LOOKED AT AND BASED ON MY EXPERIENCE AND MY  
2 EDUCATION I ARRIVED AT MY CONCLUSION.

3 Q SO YOU FOUND 15 UNIQUE CHARACTERISTICS IN THE  
4 KNOWN WRITING THAT WERE REPLICATED IN THE QUESTION  
5 WRITING?

6 A YES, SIR.

7 Q OKAY. NOW AGENT WORSHAM, HOW ABOUT IF I WANTED  
8 TO REPLICATE THIS MYSELF. IF I WANTED TO DUPLICATE  
9 THE HANDWRITING OF BILLY WAYNE COPE, WHAT'S TO STOP  
10 ME FROM JUST TAKING OUT MY PAD AND PEN AND LOOKING AT  
11 ANOTHER DOCUMENT AND KIND OF USING THAT AS A GUIDE  
12 AND WRITING THIS OUT MYSELF, KIND OF JUST LIKE HE  
13 DOES HERE?

14 A THAT'S KNOWN AS A SIMULATION. IF YOU WANT TO  
15 SIMULATE, MAKE YOUR WRITING LOOK LIKE SOMEBODY ELSE'S  
16 YOU ARE SIMULATING THAT PERSON'S WRITING, YOU ARE  
17 USING IT AS A MODEL. WE'RE TRAINED IN OUR FIELD TO  
18 RECOGNIZE SIMULATIONS. IN DOING A SIMULATION YOU  
19 HAVE TO CHANGE YOUR HANDWRITING, YOUR NATURAL  
20 HANDWRITING, YOU HAVE TO SACRIFICE THE WAY YOU  
21 NORMALLY WRITE TO MAKE IT LOOK LIKE SOMEBODY ELSE'S  
22 WRITING, AND WHEN YOU DO THAT YOU COMMIT CERTAIN  
23 FEATURES IN THE WRITING. LINES, THE WRITE LINE IS  
24 THE LINE THAT THE PEN FALLS THAT YOU CAN LOOK AT TO  
25 SEE IF THIS IS A SIMULATED WRITING.

1 Q WHEN YOU SAY THE WRITE LINE, YOU W-R-I-T-E?

2 A YES.

3 Q OKAY?

4 A W-R-I-T-E. IF I'M WRITING MY NAME, THIS IS MY  
5 WRITE LINE, AND WE LOOK AT THE CHARACTERISTICS IN  
6 THAT WRITE LINE. FOR EXAMPLE, IF SOMEONE WERE TO TRY  
7 TO SIMULATE ANOTHER PERSON'S WRITING, I COULD  
8 PROBABLY DEMONSTRATE THAT BETTER USING THE OVERHEAD.

9 Q OKAY.

10 A LET ME GET A PIECE OF PAPER HERE. WHAT I'M  
11 PLACING UNDER HERE IS JUST A BLANK SHEET OF PAPER FOR  
12 RIGHT NOW AND WHAT I WOULD LIKE TO DO IS HAVE  
13 SOMEBODY WRITE SOMETHING ON THIS, TODAY'S NEWS, AND  
14 THEN I WILL TRY TO SIMULATE THAT WRITING AND I'LL TRY  
15 TO DEMONSTRATE TO YOU WHAT WE LOOK FOR IF A PERSON  
16 TRIES TO SIMULATE ANOTHER PERSON'S WRITING. NOW WHEN  
17 WE DO THIS WE'RE LOOKING AT IT MICROSCOPICALLY. I  
18 TAKE THE DOCUMENT AND PLACE IT UNDER THE MICROSCOPE.  
19 THE FIRST THING WE LOOK FOR IN HANDWRITING IS NATURAL  
20 WRITING. WE LIKE TO IDENTITY NATURAL WRITING  
21 COMPARED TO NATURAL WRITING. IT'S POSSIBLE THAT A  
22 PERSON CAN CHANGE THEIR WRITING SO MUCH IF THEY ARE  
23 INTENTIONALLY TRYING TO DECEIVE SOMEONE THAT YOU WILL  
24 NOT BE ABLE TO IDENTIFY IT SO YOU CAN DISGUISE YOUR  
25 WRITING TO A CERTAIN EXTENT, BUT THERE IS ANOTHER

1 NATURAL WRITING WITHIN THERE THAT IS CROPPING THROUGH  
2 THAT YOU BASE YOUR FEATURES ON AND STILL MAKE AN  
3 IDENTIFICATION OR REACH AN OPINION.

4 Q ALL RIGHT, SIR. DO YOU NEED SOMEBODY TO WRITE  
5 ON THIS?

6 A YES.

7 MR. BAITY: YOUR HONOR --

8 THE COURT: WHY CAN'T YOU DO IT?

9 MR. BRACKETT: ALL RIGHT. I CAN DO IT.

10 MR. BAITY: I THOUGHT HE WAS GOING TO ASK  
11 THE JURY TO DO IT.

12 THE COURT: NO.

13 MR. BRACKETT: NO.

14 (MR. BRACKETT WRITES TODAY'S NEWS ON  
15 THE PAPER.)

16 Q IS THAT WHAT YOU WANTED?

17 A YES, SIR.

18 Q I'M NOT FAMILIAR WITH HIS HANDWRITING. IF I  
19 WERE TO SIT DOWN IN THE LAB AND TRY TO SIMULATE THIS  
20 HANDWRITING WHAT I WOULD HAVE TO DO, IF YOU'LL WATCH,  
21 THE FIRST THING I'M GOING TO DO IS LOOK AT THE T, I'M  
22 GOING TO TRY TO IMITATE RATHER A T LIKE THAT, NOW  
23 THIS IS MY FIRST ATTEMPT. AND OF COURSE I'M A LITTLE  
24 BIT NERVOUS. WHAT I'M DOING IS I'M LOOKING AT HIS S,  
25 HIS APOSTROPHE, HIS Y, THE WAY HE MAKES HIS A, AND

1 THEN I WOULD COME IN WITH NEWS AND IT'S NOT THE WAY I  
2 WOULD NORMALLY MAKE NEWS. ALL RIGHT. SO IF I'M  
3 TRYING TO SIMULATE HIS HANDWRITING, OF COURSE, IT  
4 WOULD BE A LITTLE MORE SMOOTHER WITH A LITTLE MORE  
5 PRACTICE BUT, AND THEN I TOOK THIS SIMULATED WRITING,  
6 LET'S SAY I DIDN'T HAVE HIS WRITING AT ALL, I JUST  
7 TOOK THE SIMULATED WRITING AND I LOOKED AT IT  
8 MICROSCOPICALLY, PULL THAT UP A LITTLE BIT AND SEE IF  
9 YOU CAN SEE IT A LITTLE BIT BETTER, I'M LOOKING AT  
10 THE WRITE LINE, ALL RIGHT. WHAT DO YOU SEE VERY  
11 READILY, FIRST OF ALL, IS THE LINE QUALITY. THE  
12 SMOOTHNESS OF THE LINE, OF THE WRITE LINE ITSELF.  
13 NOTICE HOW SMOOTH AND NATURAL THIS WRITING IS. MINE  
14 IS SLOWER AND HEAVIER BECAUSE I'M TRYING TO CHANGE MY  
15 HANDWRITING TO MODEL IT AFTER HIS. AGAIN YOU SEE  
16 THIS THICK HEAVY WRITING HERE. ON OCCASION WHEN HE  
17 MADE HIS N'S IT'S LIKE AN X HERE. WHAT I HAD TO DO  
18 IS MAKE THAT FORMATION, ALL OF A SUDDEN I REALIZE I  
19 LEFT A LITTLE BIT OFF, SO I WENT BACK AND I PUT ON  
20 WHAT YOU CALL WHAT YOU CAN AN ADD. WHEN WE SEE SLOW  
21 AND HEAVY WRITING LIKE THIS WITH A VERY TREMULOUS  
22 LINE, SEE HOW SMOOTH THIS IS. THIS IS WHAT WE CALL  
23 TREMOR IN THE LINE. THEN WE ARE FLAGGED TO KNOW THAT  
24 THIS IS PROBABLY A SIMULATE'S WRITING AS OPPOSED TO A  
25 NATURAL WRITING. ALSO IF I STOP, IF I'M WRITING

1 ALONG AND ALL OF A SUDDEN I STOP AND LOOK UP AT THE  
2 MODEL AT HIGH POWER I CAN SEE WHAT WE CALL A  
3 HESITATION. IN OTHER WORDS, I'M WRITING IN THE LINE  
4 AND ALL OF A SUDDEN THERE IS A HEAVIER BLOB OF INK IN  
5 THE MIDDLE OF THE LINE WHERE I JUST HESITATED AND TO  
6 LOOK UP TO SEE HOW TO MAKE THAT FORMATION AND THEN I  
7 START WRITING AGAIN. YOU SEE THE HESITATION.  
8 SOMETIMES I'LL PICK THE PEN OFF THE PAPER, LOOK UP AT  
9 THE MODEL, AND THEN CONTINUE MAKING THAT SAME LETTER.  
10 THAT'S A PEN LIFT. WE SEE TREMOR, WE SEE SLOW  
11 WRITING, WE PEN LIFTS, WE SEE HESITATION, WE KNOW WE  
12 HAVE A SIMULATED WRITING. WHEN I EXAMINED THE  
13 WRITING IN QUESTION ON THE ENVELOPE IN STATE'S  
14 EXHIBIT 89 AND STATE'S EXHIBIT 90, THE ORIGINAL  
15 LETTER AND ENVELOPE, I DIDN'T FIND ANY SIGNS OF  
16 SIMULATION. THIS IS NATURALLY WRITTEN.

17 ALSO WE LOOK AT THE PEN PRESSURE. THE  
18 ENDING STROKES SOMETIMES ARE MUCH LIGHTER AND FINER  
19 THAN THE INITIAL HEAVY STROKES AS YOU MAKE THE  
20 FORMATION. SO WHAT I FOUND IN THIS LETTER WHEN I  
21 EXAMINED IT WAS NATURAL WRITING WITHIN THE RANGE OF  
22 MR. COPE'S HANDWRITING STANDARDS.

23 Q ALL RIGHT, SIR. WELL, THEN SUPPOSE I DECIDED IF  
24 THAT'S NOT GOING TO WORK THAT I WANTED TO DO A TRACE  
25 AND I WANTED TO TRACE THIS AND TAKE A KNOWN WRITING

1       SAMPLE, PLACE ANOTHER PIECE OF PAPER OVER IT, AND  
2       TRACE THIS ON TO ANOTHER PIECE OF PAPER, WHAT WOULD  
3       STOP ME FROM DOING THAT OR HOW WOULD WE KNOW THAT  
4       THAT HAD HAPPENED?

5       A       THAT WOULD BE EXTREMELY DIFFICULT TO DO.  IF YOU  
6       WERE TO TAKE A PIECE OF PAPER AND PLACE IT, LET'S SAY  
7       I WANT TO TRACE THIS WRITING ON THIS PAPER, I WOULD  
8       HAVE TO TAKE A PIECE OF PAPER THAT I COULD SEE  
9       THROUGH AND THEN START COPYING THE WRITING AS I BEST  
10      SEE IT THROUGH HERE.  NOW THIS IS BLOWN UP, THIS IS  
11      ENLARGED, SO IT'S MUCH EASIER FOR ME TO TRACE, BUT  
12      NORMAL SIZE WRITING YOU CAN ONLY SEE ABOUT AN INCH  
13      AHEAD OF THAT PENCIL WHERE IT'S GOING AND YOU HAVE TO  
14      KEEP LOOKING, AND THEN YOU ARE GOING TO FIND THINGS  
15      IN THERE THAT YOU CANNOT SEE IN THE TRACE.  ALL  
16      RIGHT.  NOW PICTORIALY THAT LOOKS VERY GOOD.  IN  
17      OTHER WORDS, IT'S, IT LOOKS LIKE A WELL TRACED, ALL  
18      RIGHT, HOWEVER WRITE LINE STILL HAS TREMOR IN IT.  
19      IT'S STILL A VERY HEAVY LINE.

20      Q       SIR, CAN YOU MAYBE PUT IT ON THE PRESENTER OVER  
21      HERE AND WE'LL SHOW IT BECAUSE IT'S A LITTLE SMALL?

22      A       OKAY.  YOU CAN SEE IT MUCH BETTER HERE.  NOW  
23      WHEN I DID THIS TRACING OVER HERE IT LOOKED PRETTY  
24      GOOD, DIDN'T IT.  IT LOOKED MUCH SMOOTHER THAN THAT.  
25      WHEN I WROTE G-O-D IT LOOKED GOOD, BUT THEN WHEN YOU

1 PUT IT UNDER THE MICROSCOPE AND BLOW IT UP WHAT DO  
2 YOU SEE, SEE AGAIN THE TREMOR TO THE LINE, THE  
3 WAVINESS IN THE LINE. ALSO YOU CAN SEE EASILY TELL  
4 THAT THIS HAS BEEN A SIMULATED OR TRACED SIGNATURE.  
5 IT'S NOT NATURALLY WRITTEN. AND IT WOULD BE VERY  
6 DIFFICULT TO DO NOT JUST ONE OR TWO OR THREE WORDS  
7 BUT AN ENTIRE LETTER WOULD BE ALMOST IMPOSSIBLE EVEN  
8 IF YOU TOOK SCANNINGS FROM DIFFERENT KNOWN WRITINGS  
9 OR LETTERS AND PUT THEM ALL TOGETHER AND MAKE A  
10 COMPOSITE LETTER, DIFFERENT SCANS FROM THE KNOWN  
11 HANDWRITING, AND THEN TRIED TO TRACE IT, YOU GET THE  
12 SAME RESULTS. IT WOULD BE ALMOST IMPOSSIBLE TO DO  
13 IT. I COULDN'T DO IT.

14 Q OKAY, SIR. I THINK I'M GOING ASK YOU TO GO  
15 AHEAD AND HAVE A SEAT IF YOU WOULD.

16 (THE WITNESS RESUMES THE WITNESS STAND  
17 AT 12:26 PM.)

18 Q ALL RIGHT, SIR. USING THE PRINCIPLES YOU JUST  
19 DESCRIBED AND THE MANNER YOU JUST DESCRIBED THEM, DID  
20 YOU COME TO, LET ME SEE WHERE DID YOU PUT THEM; AGAIN  
21 USING THE PRINCIPLES YOU JUST DESCRIBED DID YOU  
22 EXAMINE STATE'S EXHIBIT I BELIEVE THAT'S 90. YES.  
23 DID YOU EXAMINE STATE'S EXHIBIT 90, THE LETTER THAT  
24 BEGINS, SMALL LETTER THAT SAYS I NEED TO SEE YOU IN  
25 PERSON AS SOON AS POSSIBLE. DID YOU EXAMINE THAT

1 DOCUMENT TO TRY TO DETERMINE AUTHORSHIP?

2 A YES, I DID. THIS WAS THE SECOND LETTER THAT I  
3 HAD. AND THIS SECOND LETTER I EXAMINED AGAIN IN THE  
4 SAME METHOD I USE ON THE FIRST. WHEN I GOT TO THE  
5 SECOND LETTER AND I CAN PROBABLY SHOW THIS BETTER ON  
6 THE OVERHEAD TOO, BUT THE SECOND LETTER STARTS OUT:  
7 DEAR AMY, I NEED TO SEE YOU AS SOON AS POSSIBLE, THAT  
8 WRITING TO THAT EXTENT RIGHT THERE HAD BEEN  
9 OVERWRITTEN. IN OTHER WORDS, A WRITING HAD BEEN  
10 PLACED AND THEN WROTE OVER IT AGAIN EITHER FOR  
11 EMPHASIS OR WHATEVER PURPOSE I DO NOT KNOW. I DID  
12 NOT IDENTIFY OR TRY TO IDENTIFY THAT PORTION OF THE  
13 WRITING BECAUSE IT WOULD BE EASY TO, FOR SOMEBODY TO  
14 COME IN AND DRAW OVER SOMETHING YOU HAVE WRITTEN,  
15 OKAY, A NUMBER OF TIMES AND DISGUISE THAT WRITING.  
16 SO THIS WAS NOT WHAT I WOULD CALL WRITING THAT WAS  
17 REALLY SUITABLE FOR COMPARISON IN THIS PARTICULAR  
18 CASE, OKAY. YOU GOT TO BE VERY CAREFUL WITH  
19 HANDWRITING. BUT THE REST OF THE WRITING, THERE WAS  
20 ENOUGH NATURAL WRITING IN THE REST OF THE WRITING  
21 THAT I COULD MAKE A COMPARISON ON.

22 IN LOOKING AT THIS WRITING I ARRIVED  
23 AT THE CONCLUSION THAT BILLY WAYNE COPE PROBABLY  
24 WROTE THIS LETTER.

25 Q OKAY. WHAT WAS DIFFERENT ABOUT THE WRITING IN



1 THAT THAT MADE IT IMPOSSIBLE FOR YOU TO SAY CERTAINLY  
2 HE WROTE THAT LETTER?

3 A WHEN COMPARING THIS BACK TO THE KNOWN STANDARDS  
4 OF BILLY WAYNE COPE, THERE IS H IN THIS LETTER ON  
5 HILL, I DID NOT FIND THAT PARTICULAR H. ALSO IN THE  
6 WORD AND, A-N-D, HE WRITES IT AND IT APPEARS TO BE  
7 A-M-D AS OPPOSED TO A-N-D. I DID NOT A-M-D IN HIS  
8 KNOWN HANDWRITING STANDARDS. ALSO THIS WAS WRITTEN  
9 ALMOST EXCLUSIVELY IN LONG HAND, IN CURSIVE. MOST OF  
10 THE STANDARDS THAT I HAVE FROM HIM WERE EITHER A  
11 COMBINATION OF HAND PRINTING AND CURSIVE OR HAND  
12 PRINTING. I DID NOT HAVE A GREAT DEAL BUT JUST A  
13 SMALL AMOUNT OF HAND PRINTING. I SAID HE PROBABLY  
14 WROTE THAT BECAUSE THERE ARE FEATURES AND  
15 CHARACTERISTICS IN THERE THAT I COULD SHOW THAT, TO  
16 COMPARE TO HIS HANDWRITING. I COULD NOT IDENTIFY HIM  
17 AS HAVING WRITTEN THIS LETTER.

18 Q PRIMARILY DUE TO THE LACK OF STANDARDS?

19 A PRIMARILY BECAUSE IT HAD BEEN OVER WRITTEN AND I  
20 DIDN'T HAVE THE LONG HAND AND COULDN'T FIND THESE TWO  
21 FEATURE, YES.

22 Q ALL RIGHT, SIR. NOW THE ITEM MARKED STATE'S  
23 EXHIBIT 89, WERE YOU ABLE TO COME TO A CONCLUSION AS  
24 TO THE AUTHORSHIP OF STATE'S EXHIBIT 89 ALSO  
25 REPRESENTED IN STATE'S EXHIBIT 96, THE LETTER THAT

1       BEGINS:  HERE, AMY, GOD TOLD ME TO TELL YOU THAT I  
2       KILLED AMANDA.  WERE YOU ABLE TO COME TO A CONCLUSION  
3       AS TO WHO WROTE THAT LETTER?

4       A       STATE'S EXHIBIT 89 AS I TESTIFIED BEFORE HAD  
5       FOUR PAGES TO IT.  THE TWO PAGES OF WRITING THAT  
6       STARTS DEAR AMY AND ENDS WITH MUCH LOVE TINK AND THEN  
7       HAS CART DRAWINGS THERE AND REFERENCE TO BIBLICAL  
8       SCRIPTURE, I IDENTIFIED, IN MY OPINION, I DID  
9       IDENTIFY THIS AS HAVING COME FROM BILLY WAYNE COPE  
10      AND THIS IS THE ONE THAT I ILLUSTRATED THAT DOES HAVE  
11      NATURAL WRITING TO IT.  IT'S NOT A SIMULATED WRITING.  
12      IN MY OPINION HE DID WRITE THIS.

13     Q       WHEN YOU --

14     A       GO AHEAD.

15     Q       I'M SORRY.  YOU EXAMINED IT DID IT HAVE THAT  
16     PURPLE STUFF ON IT?

17     A       NO.  THIS LETTER WHEN I RECEIVED IT WAS JUST A  
18     REGULAR WHITE LETTER.  THIS PURPLE STUFF THAT YOU SEE  
19     ON HERE IS NINHYDRIN.  AFTER I FINISH WITH THE LETTER  
20     I PHOTOGRAPH IT AND THEN I HAD IT SENT TO LATENT  
21     PRINTS DEPARTMENT AND THIS PURPLE NINHYDRIN THAT THEY  
22     SPRAY ON THERE HELPS TO DEVELOP PRINTS THAT MIGHT BE  
23     PRESENT ON THE LETTER AND THEY COMPARE THOSE.

24     Q       ALL RIGHT.  WAS THERE ANYTHING ELSE YOU WERE  
25     ABOUT TO COMMENT AS FAR AS --

1       A     YES, SIR.  IN ADDITION TO THESE TWO PAGES OF  
2       WRITING I HAD AGAIN TWO MORE.  THIS IS TWO PIECES OF  
3       PAPER.  THIS IS THE FRONT OF ONE PAGE.  THIS IS THE  
4       FRONT OF THE OTHER PAGE.  AND ON THIS AGAIN, THIS  
5       WAS, ON THE OUTSIDE COVERING AND FOLDED INTO THIS  
6       LETTER WHICH IS PLACED IN THE ENVELOPE, THIS LETTER,  
7       THIS COVER SHEET, IT SAYS, THIS IS A COVER SHEET TO  
8       PREVENT WANDERING EYES AND AGAIN THIS IS HAND PRINTED  
9       AND ITS OVER WRITTEN AND OVER WRITTEN AGAIN AND AGAIN  
10      SO I DID NOT EVEN TRY TO IDENTIFY THAT WRITING.  THEN  
11      THERE IS A SERIES OF SCRAWL LINES THERE TO PREVENT, I  
12      ASSUME, PEOPLE FROM SEEING THROUGH IT.  ON THE BACK  
13      IT WASN'T ANY WRITING JUST A SERIES OF SCRAWL LINES.  
14      THIS IS WHAT YOU SEE FROM THE OTHER SIDE.

15      Q     ALL RIGHT.  ONE MORE QUESTION FOR YOU.  YOU  
16      SAID YOU HAD 14 YEARS EXPERIENCE AND TRAINING IN  
17      HANDWRITING EXAMINATION?

18      A     YES, SIR.

19      Q     ALL RIGHT.  IF I GAVE YOU STATE'S EXHIBIT 96 AND  
20      THE ORIGINAL DOCUMENT THAT YOU HAVE IN FRONT OF YOU  
21      IS STATE'S EXHIBIT 90 OR 89, THE ORIGINAL  
22      HANDWRITING, AND I GAVE YOU A YEAR IF WITH ALL YOUR  
23      EXPERIENCE COULD YOU DO DUPLICATE THIS DOCUMENT SUCH  
24      THAT ANOTHER HANDWRITING EXAMINER WOULDN'T BE ABLE TO  
25      DETERMINE IF IT HAD BEEN FORGED?

1 A NO, SIR, I COULD NOT.

2 Q FIVE YEARS?

3 A I COULDN'T DO THAT, NO, SIR.

4 Q THANK YOU VERY MUCH, AGENT WORSHAM. PLEASE  
5 ANSWER ANY QUESTIONS MR. BAITY MAY HAVE?

6 THE COURT: DOES THE JURY NEED A BREAK AT  
7 THIS TIME. NO, OKAY. GO AHEAD.

8 CROSS EXAMINATION BY MR. BAITY:

9 Q GOOD MORNING.

10 A GOOD MORNING.

11 Q GOOD AFTERNOON, MR. WORSHAM. I'M PHIL BAITY. I  
12 REPRESENT MR. COPE.

13 A YES, SIR.

14 Q I BELIEVE YOU TESTIFIED THAT YOU HAD BEEN  
15 WORKING WITH QUESTION DOCUMENTS SINCE 1994 AND FOR  
16 TWO YEARS BEFORE THAT YOU WERE --

17 A ---TRAINING.

18 Q ---TRAINING. SO FOR A TOTAL OF 12 YEARS YOU'VE  
19 BEEN INVOLVED IN THIS?

20 A YES, SIR.

21 Q OKAY. AND BEFORE THAT I BELIEVE YOU SAID THAT  
22 YOU WERE A CHEMIST?

23 A YES, I WORKED IN THE FORENSIC LAB IN TRACE  
24 EVIDENCE AND THEN I TRANSFERRED OVER TO THE QUESTION  
25 DOCUMENT SECTION WHERE I UNDERWENT MY TRAINING WHILE

1 STILL WITH NORTH CAROLINA LAB.

2 Q THIS WAS IN NORTH CAROLINA?

3 A YES, SIR.

4 Q OKAY. AND I THINK YOU ALSO MENTION THAT YOU DID

5 SOME TEACHING IN HIGH SCHOOL?

6 A YES, SIR.

7 Q HAVE YOU EVER DONE ANYTHING ELSE FOR A LIVING?

8 A I'VE DONE MANY JOBS. A LOT OF TIMES WE DON'T

9 RECEIVE THE PAY WE NEED. I'VE SOLD CARS. I'VE DONE

10 WORK WITH FEDEX FOR AWHILE. I'VE DONE DIFFERENT

11 THINGS PART-TIME.

12 Q BUT I MEAN --

13 A BUT THIS HAS BEEN PREDOMINATELY MY LINE OF WORK

14 IN FORENSIC, YES, SIR.

15 Q WHEN DID YOU SELL CARS FOR A LIVING?

16 A A COUPLE YEARS AGO IN RALEIGH, CAR MAX.

17 Q OKAY. NOW YOU MENTION THAT YOU HAD SOME

18 IN-HOUSE TRAINING IN RALEIGH IN HANDWRITING EXPERTISE

19 AND THEN TWO WEEKS WITH THE SECRET SERVICE AND ONE

20 MONTH INTERNSHIP WITH THE POSTAL SERVICE AND IS THAT

21 THE EXTENT OF YOUR TRAINING IN HANDWRITING ANALYSIS?

22 A YES, SIR.

23 Q OR QUESTION DOCUMENT ANALYSIS I SHOULD SAY?

24 A WELL, OF COURSE, WE ATTEND SEMINARS AND GO TO

25 MEETINGS AND THINGS OF THAT NATURE.

1 Q DO YOU KNOW WHAT I MEAN BY BOARD CERTIFIED?

2 A YES.

3 Q WHAT IS BOARD CERTIFICATION?

4 A BOARD CERTIFICATION, THERE IS A GROUP OF  
5 QUESTION DOCUMENT EXAMINERS WHO WANTED TO HAVE A  
6 STANDARD SET UP FOR QUALIFIED DOCUMENT EXAMINERS TO  
7 HAVE THE OPPORTUNITY TO JOIN THEIR BOARD AND UNDERGO  
8 THEIR TESTING TO BECOME BOARD CERTIFIED, YES, SIR.

9 Q AND WOULD THIS, WOULD YOU AGREE WITH ME, THAT IF  
10 YOU ARE BOARD CERTIFIED YOU HAVE A HIGHER DEGREE OF  
11 EXPERTISE OR YOU DEMONSTRATE A HIGHER DEGREE OF  
12 EXPERTISE THAN SOMEONE WHO IS NOT?

13 A BOARD CERTIFICATION REQUIRES YOU TO HAVE TWO  
14 YEARS TRAINING. IT REQUIRES THAT YOU HAVE BEEN  
15 TRAINED UNDER A RECOGNIZED DOCUMENT EXAMINER, ALL  
16 RIGHT, FOR A TWO YEAR PROGRAM, AND THAT'S WHAT THEY  
17 DO. I'M NOT A BOARD CERTIFIED DOCUMENT EXAMINER.

18 Q MY NEXT QUESTION, I DIDN'T MEAN TO INTERRUPT,  
19 BUT?

20 A OKAY.

21 Q BUT THE TEST THAT YOU TOOK IN RALEIGH I BELIEVE  
22 YOU DESCRIBED THE FBI GAVE YOU, YOU MENTIONED SOME  
23 KIND OF TEST, THAT WAS NOT A BOARD CERTIFICATION  
24 TEST?

25 A NO.

1 Q AND YOU WERE NOT A BOARD CERTIFIED DOCUMENTS  
2 EXAMINER?

3 A NO.

4 Q ALL RIGHT. DURING YOUR 10 OR 12 YEARS OF WORK  
5 IN THIS AREA HAVE YOU EVER APPLIED FOR BOARD  
6 CERTIFICATION?

7 A NO, I HAVE NOT. TOWARD THE END OF MY TRAINING  
8 AND THEN AFTER ABOUT FOUR YEARS EXPERIENCE WORKING  
9 WITH THE STATE BUREAU OF INVESTIGATION I WAS GETTING  
10 READY TO RETIRE AND LOOKING DOWN THE ROAD AT MY  
11 RETIREMENT I DIDN'T CHOOSE TO GO THROUGH BOARD  
12 CERTIFICATION. IT WASN'T REQUIRED BY THE STATE  
13 LABORATORY THAT I WORKED AT NOR IS IT REQUIRED BY THE  
14 STATE LABORATORY THAT I NOW WORK AT. WHAT IS  
15 REQUIRED BY THE STATE LABORATORY WHERE I WORK WITH  
16 SLED IS THAT I HAVE THE QUALIFICATIONS AND THE  
17 TRAINING WHERE IF I CHOOSE TO CAN SUBMIT FOR BOARD  
18 CERTIFICATION IF I SO CHOOSE. I'M A MEMBER OF THE  
19 SOUTHEASTERN ASSOCIATION OF QUESTION DOCUMENT  
20 EXAMINERS. I AFFILIATE WITH THAT GROUP, ASSOCIATE  
21 WITH THAT GROUP, AND ATTEND MANY OF THEIR MEETINGS.  
22 I DID NOT CHOOSE ON MY OWN TO GO FORTH ON MY SECOND  
23 EMPLOYMENT AFTER MY RETIREMENT TO TRY TO GET BOARD  
24 CERTIFICATION BECAUSE THE LABORATORY ITSELF TESTS ME,  
25 CERTIFIES ME, AND OVER SEES MY WORK.

1 Q BUT YOU ARE NOT BOARD CERTIFICATED WITH THEM OR  
2 ANY OTHER ORGANIZATION?

3 A I'M NOT BOARD CERTIFIED QUESTION DOCUMENT  
4 EXAMINER EVEN THOUGH I MEET THE QUALIFICATIONS TO  
5 APPLY IF I SO CHOOSE.

6 Q THANK YOU. SO IN YOUR EARLIER TESTIMONY YOU  
7 MENTION THAT EVERYBODY'S HANDWRITING IS A LITTLE  
8 DIFFERENT AND EACH PERSON WHEN THEY WRITE SOMETHING  
9 THEY WRITE IT A LITTLE BIT DIFFERENT EACH TIME?

10 A YES, SIR.

11 Q OKAY. AND NOTHING IS THE SAME FROM ONE DOCUMENT  
12 TO THE NEXT. IT'S ONLY SIMILAR PERHAPS?

13 A THAT'S CORRECT.

14 Q SO WOULD YOU AGREE WITH ME THAT YOUR WORK IS  
15 REALLY NOT AN EXACT SCIENCE BUT IT HAS A, IT'S  
16 BASICALLY AN OPINION BASED SCIENCE?

17 A YES. THE CONCLUSIONS THAT I REACH ARE MY  
18 OPINION BASED ON THE HANDWRITING AND FEATURES AND  
19 CHARACTERISTICS SUCH AS I DEMONSTRATED.

20 Q AND MR. WORSHAM, YOU MENTION THAT THESE LETTERS  
21 WERE BROUGHT TO YOU, THEY WERE BROUGHT TO YOU IN, OF  
22 COURSE, IN AN UNOPENED FORM, IS THAT CORRECT? EXCUSE  
23 ME. IN OPEN FORM. THEY WERE OPEN, THE LETTERS HAD  
24 BEEN OPENED AND CONTENTS TAKEN OUT OF THEM, AND  
25 EXAMINED BY A NUMBER OF PEOPLE BEFORE YOU GOT THEM,



1 IS THAT CORRECT?

2 A I ONLY KNOW THAT THE ENVELOPES WERE IN FACT OPEN  
3 WHEN I RECEIVED THEM. SOMEONE HAD OPENED AND READ  
4 THE LETTER AND THEY WERE SUBMITTED TO ME IN THAT  
5 CONDITION AND PRIOR TO THAT, I HAD NO KNOWLEDGE OF  
6 WHERE THEY CAME FROM OR HAD EVER SEEN THEM.

7 Q SO YOU DON'T KNOW IF THE ENVELOPE THAT YOU  
8 DESCRIBED ACTUALLY CONTAINED THAT LETTER OR SOME  
9 OTHER LETTER, DO YOU?

10 A THAT'S CORRECT. I DON'T KNOW. I ONLY NOW HOW I  
11 RECEIVED THEM, HOW THEY WERE ASSOCIATED AT THE TIME I  
12 DID RECEIVE THEM.

13 Q OKAY. AND I BELIEVE YOU ALSO MENTION THAT YOU  
14 TOOK SOME HANDWRITING EXEMPLARS FROM MR. COPE?

15 A THAT'S CORRECT.

16 Q AND MR. COPE VOLUNTARILY SUBMITTED AND WAS  
17 COOPERATIVE WITH YOU IN YOUR HANDWRITING EXEMPLAR  
18 REQUEST?

19 A YES, HE WAS. HE WAS VERY COOPERATIVE.

20 Q NOW I DON'T WANT TO GET THEM MIXED UP SO LET ME  
21 SEE IF I CAN FIND THEM. WITH RESPECT TO THE LETTERS,  
22 THE QUESTION LETTERS, THERE IS BASICALLY TWO OF THEM,  
23 CORRECT?

24 A YES.

25 Q AND THIS WOULD BE ONE THAT, WHY DON'T WE CALL

1 THE SMALL LETTER AND THE LARGE LETTER JUST SO WE KEEP  
2 THEM TRACK?

3 A ALL RIGHT. SURE.

4 Q OKAY. WITH RESPECT TO THE SMALL LETTER I  
5 BELIEVE YOUR TESTIMONY IS THAT YOU BELIEVE THAT  
6 MR. COPE PROBABLY WROTE THIS LETTER?

7 A YES, SIR.

8 Q BUT YOU FOUND SOME PROBLEMS WITH IT?

9 A ABSOLUTELY.

10 Q IS THAT CORRECT? LET'S PUT THAT RIGHT THERE.

11 A ALL RIGHT.

12 Q AND YOU WOULD AGREE WITH ME THAT IT HAS EXAMPLES  
13 OF OVERWRITING ON IT?

14 A YES.

15 Q AND THERE WAS SOME DIFFERENCES BETWEEN THAT AND  
16 THE KNOWN SAMPLES THAT YOU HAD?

17 A YES.

18 Q RIGHT. AND YOU DID HAVE SOME SAMPLES OF  
19 MR. COPE'S CURSIVE WRITING IN THE 11 LETTERS THAT YOU  
20 EXAMINED, DID YOU NOT?

21 A YES, SIR, I DID.

22 Q AND IN, ONLY A PART OF THAT WAS CURSIVE, IS THAT  
23 CORRECT?

24 A WELL, COMPLETELY CURSIVE. I HAD COMBINATIONS OF  
25 CURSIVE.

1 Q AND DID YOU SEE ANY OF HIS LETTERS THAT WERE  
2 COMPLETELY CURSIVE?

3 A IN THE ENTIRE LETTER?

4 Q YES, SIR.

5 A NO, SIR.

6 Q WELL, SO THAT'S A DIFFERENCE IN AND OF ITSELF,  
7 ISN'T IT, THAT HERE IS A LETTER THAT'S WRITTEN IN  
8 COMPLETELY CURSIVE LETTERS AND NO OTHER KNOWN SAMPLE  
9 AND I DON'T KNOW HOW MANY PAGES YOU SAID YOU LOOKED  
10 AT, HE NEVER DONE THAT BEFORE IN THE SAMPLES THAT YOU  
11 LOOKED AT, RIGHT?

12 A THERE ARE TWO DIFFERENT FEATURES THAT I DID NOT  
13 FIND, OKAY. OF COURSE, IF YOU ARE GOING HAND PRINT  
14 OR IF YOU WRITE LONG HAND LONG HAND IS CONNECTING THE  
15 LETTERS, SO I WAS ABSENT IN MOST OF THE WRITING MANY  
16 OF THOSE CONNECTIVE STROKES THAT YOU MIGHT SEE ON  
17 THIS LETTER, TO THAT EXTENT YOU ARE ABSOLUTELY  
18 CORRECT. IN ADDITION, AS I TESTIFIED EARLIER, THERE  
19 WAS AN H THERE AND THE SPELLING OF THE A-M-D AS  
20 OPPOSED TO A-N-D, WHEN I SAY M IT'S NOT HIS SPELLING,  
21 IT'S JUST THE WAY HE MAKES THE N IN THAT PARTICULAR,  
22 AT THAT PARTICULAR TIME THAT LOOKS LIKE AN M, I  
23 COULDN'T FIND THOSE AND SO IF I CAN'T FIND IT THEN I  
24 DIDN'T HAVE A LOT OF CURSIVE, I BACKED UP, AND I SAID  
25 THIS IS A PROBABILITY.

1 Q AND DID YOU FIND EXAMPLES OF NOT ONLY  
2 OVERWRITING BUT HEAVY WRITING OR PEN LIFTS OR PEN  
3 STOPS OR TREMOR IN THIS, A COUPLE OF THEM?

4 A IN THIS PARTICULAR ITEM?

5 Q IN THE LITTLE LETTER, SMALL LETTER?

6 A I DIDN'T NOTE ANY PEN LIFTS OR HESITATION OR  
7 UNEVENNESS OF THE LINE. WHEN I GOT TO THE  
8 OVERWRITING I STOPPED AND THEN LOOKED AT THE NATURAL  
9 WRITING THAT WAS THERE AND USED THAT FOR MY  
10 COMPARISON.

11 Q OKAY. AND OF COURSE THE OVERWRITTEN PARAGRAPH  
12 IS WHAT 25 PERCENT OF THE LETTER, WOULD YOU AGREE?  
13 THE FIRST PART OF IT?

14 A THAT'S APPROXIMATELY RIGHT 20-25 PERCENT.

15 Q AND YOU MAKE NO OPINION AS TO THAT BECAUSE THAT  
16 JUST SORT OF TAKES YOUR SCIENCE OUT OF IT?

17 A EXACTLY.

18 Q OR MAKES IT UNRELIABLE, CORRECT?

19 A WE TRY TO BASE OUR HANDWRITING ON THE BEST  
20 EVIDENCE PRESENTED TO US FOR COMPARISON AND WE GO  
21 WITH THAT.

22 Q SO YOU CANNOT CONFIRM OR GIVE YOUR PROFESSIONAL  
23 OPINION THAT MR. COPE DID IN FACT WRITE THAT FIRST OR  
24 THE SMALL LETTER?

25 A NO.

1 Q AND YOU HAVE FOUND SOME DISSIMILARITIES BETWEEN  
2 THAT LETTER AND THE KNOWN WRITING SAMPLES THAT WERE  
3 PROVIDED TO YOU INCLUDING THE EXEMPLARS THAT YOU  
4 ASKED HIM TO EXECUTE WHICH INCLUDED CURSIVE, CORRECT?

5 A THAT'S CORRECT.

6 Q AND WITH RESPECT TO BOTH LETTERS, MR. WORSHAM,  
7 DID YOU CONSIDER THE TYPE OF PAPER THAT IT WAS  
8 WRITTEN ON?

9 A WELL, THERE WERE DIFFERENT TYPES OF PAPER IN THE  
10 LETTER.

11 Q I'M SORRY GO AHEAD.

12 A THERE WERE DIFFERENT TYPES OF PAPERS IN MANY  
13 DIFFERENT LETTERS, SOME WERE YELLOW, SOME WERE WHITE,  
14 SOME WERE SMALLER LIKE THIS, SOME WERE STANDARD SIZE  
15 WRITING AS YOU FIND HERE. IT WASN'T ALL OF ONE TYPE  
16 OF PAPER.

17 Q BUT LET'S TAKE THE LARGE LETTER AND THE SMALL  
18 LETTER IF I MAY. THERE IS THE LARGE ONE, OKAY. YOU  
19 NOTICE THAT THEY ARE BOTH WRITTEN, AM I NOT CORRECT,  
20 ON I GUESS WHAT I WOULD CALL LEGAL PADS, IS THAT  
21 CORRECT? AND THERE IS A TRIPLE LINE LEGAL PAD ON THE  
22 LARGE LETTER?

23 A YES, SIR.

24 Q AND A DOUBLE LINE LEGAL PAD?

25 A YES, SIR.

1 Q ON THE SMALL LETTER?

2 A YES.

3 Q AND IT'S WHITE. BOTH OF THEM ARE WHITE?

4 A YES.

5 Q CORRECT.

6 A THEY WERE ORIGINALLY, YES, SIR.

7 Q OKAY. NOW IN THE KNOWN SAMPLES, THE 11 LETTERS  
8 THAT YOU LOOKED AT, AND I'LL JUST GIVE YOU THE WHOLE  
9 STACK, DID YOU FIND ANY OF THAT KIND OF PAPER IN ANY  
10 OF HIS OTHER LETTERS?

11 A I DIDN'T MAKE A COMPARISON OF THE PAPER. I WAS  
12 LOOKING AT THE HANDWRITING. IN THE STACK THAT HE HAS  
13 GIVEN ME I HAD ONE LETTER OR MAYBE MORE, THERE MAY  
14 HAVE BEEN ANOTHER ONE, THAT WAS OF A SMALLER SIZE.

15 Q DOES IT -- I'M SORRY. GO AHEAD.

16 A GO AHEAD. THIS PAPER THAT'S IN QUESTION THAT I  
17 SAID PROBABLY WROTE AND THIS PAPER HAVE A DIFFERENT  
18 MARGIN. THIS ONE NATURALLY HAS THE DOUBLE RED LINE  
19 RUNNING DOWN THE LEFT MARGIN OF IT. THIS ONE DID NOT  
20 IN FACT HAVE THAT.

21 THIS LETTER HAD BEEN TORN FROM A  
22 TABLET AND IT ATTACHED AT THE TOP AND IT WAS TORN  
23 OUT. I CAN'T MAKE A STATEMENT AS TO HOW THIS ONE  
24 ORIGINATED.

25 Q SO AM I CORRECT, IS IT A TRUE STATEMENT IN

1 SAYING, THAT THE LITTLE LETTER AND THE BIG LETTER ARE  
2 WRITTEN ON PAPER THAT IS NOT THE SAME TYPE OF PAPER  
3 THAT YOU HAD IN YOUR 11 LETTER WRITING SAMPLE?

4 A THERE ARE TWO OTHER LETTERS I BELIEVE IN AN  
5 ENVELOPE, I'D HAVE TO SEE THOSE RIGHT QUICK.

6 Q WHICH WOULD BE SIMILAR TO THE ONE THAT'S IN THE  
7 KNOWN WRITING SAMPLE?

8 A YES.

9 Q MORE OR LESS --

10 A THAT'S CORRECT.

11 Q --TORN OUT OF A PAD AS YOU SAY.

12 A THAT'S CORRECT.

13 Q HAD NO RED MARGIN ON IT, CORRECT?

14 A THAT'S CORRECT.

15 Q CORRECT ABOUT THAT?

16 A UH-HUH.

17 Q ALL RIGHT.

18 A THIS IS THE ONLY PAPER IN THE LETTERS -- EXCUSE  
19 ME. THIS PAPER THAT I FOUND IN THIS LETTER I DID NOT  
20 FIND IN ANY OF THE OTHER LETTERS WHEN I EXAMINED  
21 THEM.

22 THE COURT: LET ME INTERJECT. WE ARE  
23 USING AN AWFUL LOT OF PRONOUNS. WE GOT EXHIBIT  
24 NUMBERS SO WHEN SOMEBODY READS THESE LATER THEY CAN  
25 READ THIS LATER AND PUT IT TOGETHER. I DON'T THINK

1 ANYBODY CAN PUT ANY OF THIS TOGETHER. THE JURY CAN  
2 UNDERSTAND IT BECAUSE IT'S OPENED UP. BUT THIS AND  
3 THIS AND THIS AND THIS.

4 MR. BAITY: YES, YOUR HONOR.

5 THE COURT: IS VERY INAPPROPRIATE UNDER  
6 THESE CIRCUMSTANCES.

7 MR. BAITY: LET'S CLEAR THAT UP FOR THE  
8 RECORD.

9 Q YOU'VE EXAMINED THE DOCUMENTS FROM THE STEAK  
10 OUT, STATE'S EXHIBIT NUMBER 94, AND YOU'VE EXAMINED  
11 THE KNOWN WRITING SAMPLES THAT MR. COPE HAS WRITTEN  
12 THAT YOU USED IN YOUR ANALYSIS AND IT'S CONTAINS IN  
13 STATE'S EXHIBIT 91?

14 A YES, SIR.

15 Q ALL RIGHT. AND YOU'VE EXAMINED STATE'S EXHIBIT  
16 NUMBER 89 WHICH I HAVE BEEN ERRONEOUSLY CALLING THE  
17 LARGE LETTER NUMBER 89, AND YOU'VE EXAMINED THE WHAT  
18 I'VE BEEN CALLING THE SMALL LETTER WHICH IS STATE'S  
19 EXHIBIT 90?

20 A 90.

21 Q ALL RIGHT. AND IN YOUR EXAMINATION YOU DID NOT  
22 FIND A SIMILARITY BETWEEN THE QUESTION DOCUMENTS,  
23 SIMILARITY AS TO THE TYPE OF PAPER, BETWEEN THE  
24 QUESTION DOCUMENTS AND THE KNOWN WRITING SAMPLES?

25 A THAT'S CORRECT. I FOUND A DISSIMILARITY. IT



1 WAS A DIFFERENT TYPE OF PAPER.

2 Q AND DID YOU CONSIDER THAT IN MAKING YOUR  
3 OPINION?

4 A NO, SIR.

5 Q LET ME ASK YOU SOMETHING ELSE IN CONSIDERING, IN  
6 CONSIDERING STATE'S EXHIBIT EXHIBIT NUMBER 89, DID  
7 YOU CONSIDER THE FACT THAT THE SLANTING OF THE  
8 LETTERS VARIED FROM WORD TO WORD OR SENTENCE TO  
9 SENTENCE AND THAT THE SIZE OF THE LETTERS VARIED FROM  
10 WORD TO WORD OR SENTENCE TO SENTENCE? DID YOU  
11 CONSIDER THAT AT ALL?

12 A YES, SIR.

13 Q OKAY.

14 A AND I FOUND THOSE CHARACTERISTICS IN THE KNOWN  
15 WRITING STANDARDS.

16 Q WERE THEY AS PRONOUNCED AS THEY WERE IN 89?

17 A THEY WERE MORE PRONOUNCED IN SOME OF THE  
18 STANDARDS I HAD.

19 Q THIS WAS MORE OF THAT THAN YOU HAD SEEN ANYWHERE  
20 ELSE?

21 A NO. NO.

22 Q WHAT YOU SAW IN 89?

23 A IT WAS MORE PRONOUNCED IN SOME OF THE  
24 HANDWRITING STANDARDS AS OPPOSED.

25 Q DID YOU CONSIDER THE SYNTAX, THE ACTUAL CONTENT,

1 OR THE WAY THE WORDS WERE STRONE TOGETHER? DID YOU  
2 FIND SOME OF THIS WRITING, IS THAT PART OF YOUR  
3 ANALYSIS? DO YOU CONSIDER --

4 A YES, SIR, I DID LOOK AT THAT. SOME OF THE  
5 LETTERS, IF YOU ARE WRITING ON A PIECE OF PAPER AND  
6 IF YOU HAVE THE PAPER ON A FLAT SURFACE AND YOU ARE  
7 WRITING AND YOU ARE SITTING UP PROPERLY, IT'S GOING  
8 TO ADHERE TO THE BASE LINE AND LOOK DIFFERENTLY THAN  
9 IF YOU ARE HOLDING A NOTEBOOK ON YOUR KNEES SITTING  
10 UP ON THE BED AND WRITING A LETTER. OR IF YOU ARE  
11 STANDING IT CAN HAVE A DIFFERENT SLANT AND DIFFERENT  
12 VARIATION IN THE BASE LINE IN THE WAY THE LETTERS  
13 COME TOGETHER. I LOOKED AT THAT AND I DID NOTICE  
14 THAT RIGHT AWAY WHEN I FIRST GLANCED AT THE DOCUMENT  
15 THAT THERE WAS A DIFFERENCE IN THE WAY SOME OF THESE  
16 SENTENCES CAME TOGETHER; HOWEVER, IT WAS, THIS SAME,  
17 THESE SAME CHARACTERISTIC THAT I JUST DESCRIBED ARE  
18 ALSO REPRESENTED IN THE KNOWN WRITINGS FROM BILLY  
19 WAYNE COPE.

20 Q THAT WASN'T MY QUESTION BUT SINCE YOU ARE THERE  
21 LET ME ASK YOU THIS: WHEN YOU SEE A WRITING STYLE IF  
22 I CAN, IF THAT'S A WORD THAT, THAT YOU UNDERSTAND  
23 WHAT I MEAN?

24 A YES, SIR.

25 Q THAT VARIES FROM LARGE LETTERS TO SMALL LETTERS

1 THEN THE SLANTS VARY FROM THE TOP OF THE LETTER TO  
2 THE BOTTOM AND SO FORTH?

3 A YES.

4 Q WOULD THAT INDICATE TO YOU, MR. WORSHAM, THAT  
5 MAYBE THERE WAS SOME PAUSES OR THERE WERE SOME BREAKS  
6 TAKEN DURING THE WRITING OF THAT LETTER?

7 A IT WAS EITHER, IT COULD BE SOME OF THAT OR IT  
8 COULD BE POSITIONING OF THE LETTER. I WASN'T SO MUCH  
9 CONCERNED, EVEN THOUGH I NOTED THAT IMMEDIATELY WHEN  
10 I SAW THAT LETTER, BECAUSE IT'S REPRESENTATIVE IN THE  
11 KNOWN STANDARDS OF WRITING AND WHAT I HAVE IS I HAVE  
12 WRITING FROM AN INDIVIDUAL THAT REPRESENTS THOSE  
13 CHARACTERISTICS AND THAT'S WHAT I USED TO MAKE MY  
14 COMPARISON, THE KNOWN WRITING OF THE INDIVIDUAL TO  
15 THE QUESTION WRITING. IF THOSE CHARACTERISTICS ARE  
16 THERE IN THE KNOWN WRITING, THAT'S WITHIN HIS RANGE,  
17 THAT'S WITHIN HIS WRITING ABILITY, THAT'S WITHIN HIS  
18 SKILL LEVEL, THEN I CAN MAKE A CONCLUSION BASED ON  
19 THAT. I DO NOT THROW IT OUT.

20 Q BUT EVEN IF IT WERE HIS, IT WOULD INDICATE A  
21 CAUSE OR A BREAK OR A REPOSITIONING OF THE PAPER,  
22 OR --

23 A IT COULD.

24 Q ---SOMETHING OF THAT SORT?

25 A IT COULD, YES.

1 Q OKAY. AND WHEN I ASKED YOU A MOMENT AGAIN  
2 SYNTAX, SYNTAX, WHAT I'M TALKING ABOUT AND I  
3 APOLOGIZE FOR BEING VAGUE ABOUT IT, BUT DID YOU READ  
4 THE SENTENCES AND THE ACTUAL CONTENT OF WHAT WAS  
5 BEING SAID AND DID IT SEEM TO BE A LITTLE STRANGE  
6 THAT HE'S TALKING ABOUT MURDERING HIS DAUGHTER IN ONE  
7 SENTENCE AND THEN THE NEXT SENTENCE HOW'S BRIAN AND  
8 JAMIE. THAT'S WHAT I MEAN BY SYNTAX?

9 A YES, SIR. I DID NOTICE THAT, THAT HE COULD BE  
10 TALKING ABOUT SOMETHING THAT WOULD BE EARTH SHAKING,  
11 MIND SHAKING, AND THEN THE NEXT SENTENCE BE OFF ON  
12 ANOTHER TANGENT COMPLETELY UNRELATED LIKE HOW IS  
13 BRIAN DOING OR SOMETHING OF THAT NATURE, JAMIE AND  
14 BRIAN DOING. I DID NOTICE THAT. HOWEVER, IN MY  
15 EXPERIENCE IN EXAMINING LETTERS THAT'S NOT UNUSUAL.

16 Q BUT YOU DIDN'T NOTICE THAT, YOU DIDN'T MAKE ANY  
17 NOTE OF THAT IN HIS EARLIER, IN HIS OTHER WRITINGS,  
18 DID YOU?

19 A DID I NOTICE HIM DOING THE SAME THING IN HIS  
20 OTHER WRITINGS?

21 Q UH-HUH.

22 A I DIDN'T NOTICE THAT, NO, SIR.

23 Q SO THERE IS A DISSIMILARITY RIGHT THERE?

24 A THERE IS, I'M DOING HANDWRITING ANALYSIS.

25 Q WELL, I'M JUST WONDERING IN ADDITION?

1 THE COURT: LET HIM FINISH.

2 A I'M NOT DOING PHRASEOLOGY AND I'M NOT TRYING TO  
3 DEVELOPMENT PERSONALITY. YOU CAN'T LOOK AT  
4 HANDWRITING IN MY OPINION AND DEVELOP ANY KIND OF  
5 PERSONALITY TRAITS BY LOOKING AT THE LETTER. I'LL  
6 STOP THERE.

7 Q ARE YOU THROUGH?

8 A YES, SIR.

9 Q GO ON AS LONG AS YOU WANT. DID, YOU MENTION  
10 THAT WHEN YOU WERE FINISHED WITH DOCUMENTS YOU SENT  
11 THEM OFF FOR FINGERPRINTS, SO IS IT FAIR TO THINK  
12 THAT YOU DID NOT CONSIDER FINGERPRINTS AT ALL IN YOUR  
13 ANALYSIS OF THE AUTHORSHIP OF THIS LETTER?

14 A DID I CONSIDER FINGERPRINT ANALYSIS AS FAR AS  
15 AUTHROSHIP, YES, I DID. I PROTECTED THIS LETTER SO  
16 THAT, FROM CONTAMINATION TO THE BEST OF MY ABILITY  
17 THERE IN THE LABORATORY. I HANDLED IT WITH GLOVES,  
18 OKAY, SO THAT I WOULDN'T TRANSFER ANY OF MY OWN  
19 PRINTS ONTO THAT PARTICULAR LETTER. I KNEW THAT ONCE  
20 THE LETTER WENT TO LATENT PRINTS THAT IT WOULD BE  
21 COATED AND IT COULD RUN SOME OF THE INK AND ALTER  
22 SOME OF THE ORIGINAL LETTERS SO AT THAT POINT I  
23 PHOTOGRAPHED IT TO PRESERVE WHAT I ORIGINALLY HAD AS  
24 BEST I COULD.

25 Q THAT'S NOT MY QUESTION. MY QUESTION IS, IN

1 FORMING YOUR OPINION DID YOU CONSIDER THINGS LIKE  
2 FINGERPRINTS?

3 A IN FORMING --

4 Q EVIDENCE LIKE FINGERPRINTS?

5 A NO, SIR.

6 Q OKAY. DNA?

7 A YES, ON THE ENVELOPE, I KNEW THAT THE ENVELOPE  
8 WAS GOING TO BE PROCESSED FOR POSSIBLE DNA  
9 EXAMINATION AND SO I HANDLED IT ACCORDINGLY.

10 Q YOU HANDLED IT PROPERLY, BUT DID YOU CONSIDER  
11 THAT IN FORMING YOUR OPINION, THAT'S MY QUESTION?

12 A OH, NO, SIR. I DIDN'T KNOW THE RESULTS OF THE  
13 LATENT PRINT EXAMINATION. MY OPINION WAS BASED  
14 STRICTLY ON THE HANDWRITING PERIOD.

15 Q ALL RIGHT. NOW GENERALLY SPEAKING, MR. WORSHAM,  
16 IN CASES OF FORGERY, AND I'M SURE YOU'VE EXAMINED  
17 MANY DIFFERENT KINDS OF FORGED DOCUMENTS, WOULD YOU  
18 AGREE WITH ME THAT IT'S EASIER TO FORGE A SHORT PIECE  
19 OR A SIGNATURE OR A SMALL WRITING AS OPPOSED TO A  
20 WHOLE LETTER?

21 A YES, SIR, IN GENERAL I WOULD AGREE WITH THAT  
22 STATEMENT. IF YOU HAVE A SIGNATURE AND YOU ARE  
23 TRYING TO SIMULATE THAT SIGNATURE, YOU CAN PRACTICE  
24 AND PRACTICE AND PRACTICE THAT SIGNATURE AND YOU MAY  
25 GET IT TO A POINT WHERE THAT YOU CAN PASS THAT

1 SIGNATURE AS THE LEGITIMATE SIGNATURE OF THE  
2 INDIVIDUAL. HOWEVER, DOCUMENT EXAMINER SHOULD BE  
3 ABLE TO EXAMINE THAT AND STILL FIND TRACES OF  
4 SIMULATION ON IT.

5 Q SO IF I WERE TO, WELL, I GUESS GENERALLY  
6 SPEAKING, ISN'T IT TRUE THAT IF THE PERSON WHO IS  
7 TRYING TO SIMULATE THE WRITING HAS A SMALL MODEL TO  
8 GO BY, THAT'S MUCH BETTER THAN JUST TRYING TO SIT  
9 DOWN AND JUST TRY TO IMAGINE HOW OR MIMIC HOW THE  
10 PERSON WOULD WRITE?

11 A YES.

12 Q NOW IF I WERE TO TELL YOU, MR. WORSHAM, THAT I  
13 COULD SHOW YOU A MODEL FOR 95 PERCENT OF THE WORDS  
14 AND SENTENCES IN THAT QUESTION DOCUMENT AND THAT  
15 WOULD BE STATE'S EXHIBIT 89, IF I CAN SHOW YOU  
16 SENTENCES AND PHRASES TAKEN FROM KNOWN WRITINGS OF  
17 MR. COPE, EXHIBIT NUMBER 91, STATE'S EXHIBIT, IF I  
18 COULD SHOW YOU MODELS THAT WHEN PUT TOGETHER WOULD  
19 CONSTITUTE 95 PERCENT OF THAT LETTER, DOCUMENT NUMBER  
20 89, WOULD THAT IN ANY WAY CHANGE YOUR OPINION?

21 A NO, SIR. I NOTICED THAT DURING MY EXAMINATION  
22 IN LOOKING AT THE KNOWN HANDWRITING STANDARDS THAT  
23 THERE ARE MANY PHRASES THAT HAD BEEN REPEATED IN  
24 DIFFERENT LETTERS AND I LOOKED AT THOSE.

25 Q AND SO YOU SAW HIM, YOU SAW EXAMPLES OF HIM

1 REPEATING THESE PHRASES IN THESE KNOWN WRITINGS?

2 A YES. IT WAS SUCH AS --

3 Q HOW? REPEAT?

4 A I CAN'T RECALL EXACTLY OFF THE TOP OF MY HEAD  
5 BUT IT WAS THINGS LIKE THE LORD HAS RETURNED HIS  
6 SERVANT OR THINGS TO THE NATURE OF STANDING OVER  
7 SCREAMING. I SAW HER SCREAM WHILE STANDING OVER HER.  
8 THERE WERE DIFFERENT SENTENCES I FOUND.

9 Q SO YOU NOTICED THOSE SENTENCES IN THE KNOWN  
10 WRITING?

11 A OH, YES.

12 Q DID YOU SEE THEM OVER AND OVER AGAIN OR DID YOU  
13 JUST SEE THEM THE ONE TIME?

14 A THEY ARE ON DIFFERENT LETTERS.

15 Q YOU'VE SEEN HIM SAY, STANDING OVER HER I SAW HER  
16 SCREAM?

17 A WELL, I HAVE TO GO BACK, I DIDN'T --

18 Q ---SEVERAL TIMES?

19 A I DIDN'T COUNT THE NUMBER OF TIMES I SAW THAT  
20 SPECIFIC ONE BUT I DID SEE PHRASES THAT WERE REPEATED  
21 IN THE LETTERS.

22 Q RIGHT. BUT I'M ASKING YOU SPECIFICALLY ON THAT?

23 A I'M TELLING YOU I DON'T KNOW.

24 Q DID YOU CONSIDER THAT IN YOUR, IN FORMING YOUR  
25 OPINION?



1 A YES. I CONSIDER IT TO THE EXTENT THAT IS IT A  
2 SIMULATED SIGNATURE, CAN IT BE SUPERIMPOSED ONE UPON  
3 THE OTHER TO SEE IF IT HAD BEEN COPIED, AND ALSO THEN  
4 I COMPARED IT TO THE KNOWN HANDWRITING STANDARDS.

5 Q DID YOU CONSIDER ANY HANDWRITING SAMPLES FROM  
6 THE RECIPIENT, THE ALLEGED RECIPIENT OF THAT LETTER?

7 A NO, SIR, I DIDN'T GET ANY HANDWRITING SAMPLES.

8 MR. BAITY: THE COURT'S INDULGENCE, YOUR  
9 HONOR. I'M ALMOST THROUGH. NOTHING FURTHER, YOUR  
10 HONOR. THANK YOU VERY MUCH.

11 THE COURT: MR. GREELEY.

12 MR. GREELEY: NOTHING, YOUR HONOR. I HAVE  
13 NO QUESTIONS.

14 THE COURT: REDIRECT MR. BRACKETT.

15 REDIRECT EXAMINATION BY MR. BRACKETT:

16 Q MR. BAITY ASKED YOU ABOUT THE SIMILARITIES AND  
17 PHRASEOLOGY BETWEEN THE TWO LETTERS?

18 A YES, SIR.

19 Q AND YOU SAID YOU CONSIDERED THAT?

20 A I NOTICED THAT WHEN I LOOKED AT THE STANDARDS  
21 AND READ THE LETTERS THAT THERE WERE PLACES IN THE  
22 LETTERS THAT DID REPEAT SOME OF THE PHRASES IN THIS  
23 ONE, YES.

24 Q BUT YOU STILL ARE OF THE OPINION THAT BILLY  
25 WAYNE COPE IS THE AUTHOR OF THE LETTER DEPICTED IN

1 STATE'S EXHIBIT NUMBER 96?

2 A YES, SIR, I AM.

3 Q OKAY. AND WHY IS IT THAT THOSE ITEMS DIDN'T  
4 AFFECT YOUR OPINION? WHAT, WHY DID YOU DISCARD THAT  
5 IN FORMING YOUR OPINION?

6 A I DIDN'T FIND IT TO THE EXTENT THAT UNUSUAL TO  
7 FIND REPEATED PHRASES OF THAT NATURE IN LETTERS OF  
8 THIS TYPE BASED ON MY EXPERIENCE.

9 Q IN ANY OF THESE OTHER LETTERS DID -- BEFORE I  
10 LEAVE THAT ISSUE, MR. BAITY WAS TALKING TO YOU ABOUT  
11 SIMULATING THE HANDWRITING AND HE ASKED YOU IS IT  
12 EASIER TO SIMULATE A SIGNATURE, A SMALL LITTLE PIECE  
13 OF HANDWRITING, WHY IS IT EASIER TO DO THAT THAN  
14 THIS?

15 A IF YOU'RE TRYING TO SIMULATE SOMEBODY'S  
16 SIGNATURE YOU HAVE JUST TWO OR THREE WORDS THAT YOU  
17 HAVE TO REPRODUCE THAT WILL LOOK LIKE THAT  
18 INDIVIDUAL'S SIGNATURE. IF YOU ARE GOING TO DO THE  
19 ENTIRE LETTER IT WOULD -- I JUST DON'T THINK IT CAN  
20 BE DONE WITHOUT BEING DETECTED. IT WOULD TAKE  
21 POSITIONING, ALIGNMENT, SOMEWAY TO PUT IT ON TO THAT  
22 DOCUMENT, AND SOMEBODY WHO COULD, IF POSSIBLE, COPY  
23 THAT LETTER ON TO THE DOCUMENT BECAUSE I HAD ORIGINAL  
24 WRITING ON THIS. I FOUND NO SIGNS OF SIMULATION  
25 WHATSOEVER. I FOUND THIS ODD WRITING WHERE YOU GO

1 FROM A LARGE SIZE WRITING SUCH AS THE TOP OF THE  
2 DOCUMENT TO THE SMALLER SIZE WRITING TO THE WAY IT  
3 CONNECTS AND DISCONNECTS, I FOUND THAT IN THE  
4 STANDARDS. IF IT'S REPRESENTED IN THE STANDARDS IT'S  
5 WITHIN HIS ABILITY TO DO IT, AND THEREFORE, I  
6 JUSTIFIED THAT FACT.

7 Q WHEN YOU ATTEMPTED TO SIMULATE MY HANDWRITING  
8 EARLIER YOU TALKED ABOUT PEN LIFTS, HESITATION MARKS,  
9 LITTLE BLOBS OF INK, AND YOU LOOK AT THOSE  
10 MICROSCOPICALLY, DID YOU SEE ANY OF THOSE, ANYTHING  
11 LIKE THAT AT ALL, ANYWHERE IN THIS DOCUMENT, AND DID  
12 YOU EXAMINE THE ENTIRE DOCUMENT FOR IT?

13 A I LOOKED AT THIS WRITING FOR HOW NATURAL IT WAS.  
14 IN ANY WRITING YOU MIGHT FIND A HESITATION OR A PEN  
15 LIFT, BUT IF YOU FIND REPEATED PEN LIFTS, AND YOU  
16 FIND THAT PEN STROKE OR TREMOR TO THE LINE, THEN YOU  
17 MAKE A STATEMENT THAT'S THIS IS SIMULATED WRITING.  
18 I'M NOT SAYING I DIDN'T FIND ONE HESITATION IN THERE  
19 OR I DIDN'T, DID NOT SEE ONE PEN LIFT OR ANYTHING OF  
20 THAT NATURE. I WASN'T LOOKING THAT. AFTER EXAMINED  
21 AND DETERMINED IT WAS A NATURAL WRITING AND REPEATED  
22 IN THE STANDARD I WAS FINE WITH THAT.

23 Q ALL RIGHT. OBVIOUSLY THIS IS A VERY  
24 INCRIMINATING DOCUMENT, YOU READ THE CONTENT OF IT,  
25 MR. BAITY INQUIRED ABOUT THAT?

1 A YES, SIR.

2 Q AND YOU LOOKED THROUGH ALL THE OTHER LETTERS,  
3 WERE THERE ANY OTHER LETTERS THAT HE TALKED ABOUT THE  
4 VARIATIONS IN THEMES AND SO FORTH AND THE DISJOINTED  
5 NATURE OF THE LETTER, ARE THERE ANY OTHER LETTERS IN  
6 THE KNOWN, THE 11 OR 13 OTHER LETTERS THAT ARE OVER  
7 HERE, THAT DEAL WITH THIS SUBJECT HERE, THAT TALK  
8 ABOUT A CONFESSION OR KILLING HIS DAUGHTER?

9 A OTHER THAN THE TWO THAT I HAD?

10 Q NO, SIR. DOES HE EVER CONFESS IN ANY OTHER  
11 LETTERS OF KILLING HIS DAUGHTER?

12 A NO, HE DOES NOT.

13 Q DOES MOOD AND EMOTION CHANGE THE HANDWRITING?

14 A YES, IT CAN. IF YOU ARE VERY UPSET OR, YOU MAY  
15 WRITE MORE ERRATICALLY OR VERY FAST AND SCRAWL YOUR  
16 SIGNATURE. IT WOULD DEFINITELY CHANGE YOUR  
17 HANDWRITING IN MANY CASES. IF YOU ARE SICK OR IF YOU  
18 ARE AGING, YOUR HANDWRITING CHANGES ALSO, BUT THAT'S  
19 WITHIN THE RANGE OF HANDWRITING. IF I HAVE A SAMPLE  
20 OF YOUR WRITING WHERE YOU ARE WRITING AND YOU ARE  
21 UPSET AND YOU ARE WRITING SCRAWLED AND UPSET AND MAD  
22 LIKE THAT AND THAT'S REPEATED IN THE QUESTION WRITING  
23 THAT I HAVE, THEN I CAN LOOK AT IT AND SAY THAT'S  
24 WITHIN THAT PERSON'S RANGE OF WRITING AND I CAN STILL  
25 MAKE MY COMPARISON.

1 Q ALL RIGHT, SIR. AND OBVIOUSLY AGAIN YOU READ  
2 THE CONTENT OF THIS LETTER AND YOU KNOW, IT'S VERY  
3 INCRIMINATING?

4 A YES, SIR.

5 Q AND YOU KNOW HOW IMPORTANT YOUR TESTIMONY IS IN  
6 THIS CASE AND WHAT IT COULD MIGHT MEAN FOR THE  
7 OUTCOME?

8 A YES, SIR.

9 MR. BAITY: OBJECTION.

10 THE COURT: I SUSTAIN THE OBJECTION. JUST  
11 DISREGARD THAT LAST QUESTION AND ANSWER.

12 Q ARE YOU CERTAIN THAT THIS MAN SEATED OVER HERE  
13 BILLY WAYNE COPE AUTHORED THAT LETTER?

14 A IT IS MY OPINION, YES, SIR.

15 Q THANK YOU, SIR.

16 MR. BAITY: JUST BRIEFLY.

17 RE-CROSS EXAMINATION BY MR. BAITY:

18 Q YOU TOLD US THAT YOU HAVE SEEN IN THE KNOWN  
19 WRITINGS FROM MR. COPE THAT HE REPEATED A FEW PHRASES  
20 FROM TIME TO TIME?

21 A YES, SIR.

22 Q CORRECT. BUT I BELIEVE YOU'VE ALSO TESTIFIED  
23 THAT YOU DON'T RECALL HIM REPEATING STANDING OVER HER  
24 I SAW HER SCREAM EXCEPT THE ONE TIME?

25 A WELL, I DIDN'T SAY THAT. I SAID I DIDN'T COUNT

1 THE NUMBER, I DIDN'T RECORD HOW MANY TIMES I MIGHT  
2 HAVE SEEN THAT PARTICULAR PHRASE, BUT IN GOING  
3 THROUGH THE LETTERS THERE WERE PHRASES THAT WERE  
4 REPEATED.

5 Q WELL, DID YOU EVER SEE IN ANY OF THESE 11  
6 LETTERS, DID YOU EVER FIND A SINGLE LETTER THAT WAS  
7 COMPOSED ENTIRELY OF SENTENCES AND PHRASES FROM  
8 ANOTHER LETTER OR FROM THE OTHER LETTERS, WHERE THE  
9 ENTIRE CONTENT OF THE LETTER, THE ENTIRE CONTENT OF  
10 LETTER WAS COMPOSED OF REPEATED PHRASES AND  
11 SENTENCES?

12 A NO, SIR, I DID NOT.

13 Q AND WOULD YOU FIND THAT A LITTLE UNUSUAL IN ANY  
14 WRITING?

15 A NO, SIR.

16 Q YOU WOULDN'T FIND THAT UNUSUAL?

17 A NO, SIR.

18 Q THANK YOU.

19 MR. BAITY: NOTHING FURTHER, YOUR HONOR.

20 MR. GREELEY: NO, YOUR HONOR.

21 THE COURT: MEMBERS OF THE JURY PANEL,  
22 WE'LL BREAK FOR LUNCH UNTIL 2:15. HAVE A PLEASANT  
23 LUNCH. WE WILL SEE BACK AT 2:15. IT'S A LITTLE OVER  
24 AN HOUR. EVERYONE ELSE REMAIN SEATED.

25 (THE JURY EXITS THE COURTROOM AT 01:07

1 PM.)

2 THE COURT: BEFORE WE BREAK FOR LUNCH AND  
3 I HATE TO SOUND LIKE A SCHOOL MOM, BUT I PITY WHOEVER  
4 HAS TO READ THE RECORD, THIS AND THAT AND HOLDING UP  
5 THINGS TO THE JURY, THE JURY SEES IT. MR. BRACKETT  
6 ON YOUR REDIRECT YOU NEVER MENTIONED THE NUMBER  
7 THERE. THAT'S FINE. I MEAN THAT'S WHY WE PUT  
8 NUMBERS ON THEM. I DON'T KNOW HOW ANYBODY IS GOING  
9 TO BE ABLE TO TELL WHEN THEY READ THIS RECORD WHAT  
10 YOU WERE HOLDING UP IN FRONT OF THE JURY. SO I KNOW,  
11 I HATE TO SOUND LIKE A SCHOOL MOM, BUT I TALKED ABOUT  
12 PRONOUNS AND USE OF PRONOUNS BEFORE, WE ALL KNOW WHAT  
13 THEY RELATE TO. THAT'S THE LAST I'M GOING TO SAY OF  
14 IT. BUT IT WAS JUST SO BLATANT, NOT JUST YOU, BUT SO  
15 EASY BECAUSE THAT'S OUR PATTERN OF SPEECH, BUT I'M  
16 TELLING YOU SOMEBODY READS THIS RECORD, I DON'T KNOW  
17 HOW THEY ARE GOING TO UNDERSTAND WHAT YOU ARE TALKING  
18 ABOUT.

19 MR. MORTON: JUST FOR SCHEDULING PURPOSES  
20 I WAS JUST WONDERING IF WE CAN GET A READ ON HOW MUCH  
21 LONGER OR HOW MANY MORE WITNESSES THEY THINK THEY ARE  
22 GOING TO HAVE AFTER LUNCH.

23 MR. BRACKETT: WE'LL DISCUSS THAT AT LUNCH  
24 BUT WE SHOULD BE ABLE TO FINISH UP TODAY.

25 THE COURT: I GUESS THEIR QUESTION IS

1 SHOULD THEY BE ON DECK?

2 MR. BRACKETT: I WOULD THINK YES.

3 THE COURT: BE ON DECK.

4 MR. MORTON: ALL RIGHT.

5 THE COURT: OF COURSE, WE GOT MOTIONS AND  
6 WE'VE GOT, HAVE SOME PEOPLE ON DECK JUST IN CASE.  
7 THANK YOU.

8 (COURT'S IN RECESS AT 01:09 PM.)

9 (COURT RESUMES AT 02:22 PM AND THE  
10 DEFENDANTS ARE PRESENT.)

11 THE COURT: STATE READY.

12 MR. BRACKETT: YES.

13 THE COURT: THE DEFENSE.

14 MR. MORTON: YES.

15 MR. GREELEY: YES, YOUR HONOR.

16 THE COURT: BRING IN THE JURY.

17 (THE JURY RETURNS TO THE COURTROOM.)

18 MR. POPE: THE STATE CALLS AGENT DARNELL.

19 THOMAS DARNELL, AFTER BEING  
20 FIRST DULY SWORN WAS EXAMINED AND TESTIFIED AS  
21 FOLLOWS:

22 DIRECT EXAMINATION BY MR. POPE:

23 Q IS IT LIEUTENANT DARNELL.

24 A YES, SIR.

25 Q LIEUTENANT, IF WOULD YOU STATE YOUR NAME AND



1 SPELL YOUR LAST NAME FOR THE COURT REPORTER PLEASE,  
2 SIR.

3 A MY FULL NAME IS THOMAS EDWARD DARNELL.  
4 D-A-R-N-E-L-L.

5 Q OKAY. AND WHERE ARE YOU EMPLOYED?

6 A I WORK FOR THE STATE LAW ENFORCEMENT DIVISION IN  
7 COLUMBIA.

8 Q AND WHAT IN CAPACITY?

9 A I'M CURRENTLY SERVING AS THE LIEUTENANT OR THE  
10 SECTION SUPERVISOR FOR THE LATENT PRINT CRIME SCENE  
11 DEPARTMENT.

12 Q AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

13 A ABOUT 22 YEARS.

14 Q AND HOW LONG HAVE YOU BEEN WITH THE STATE LAW  
15 ENFORCEMENT DIVISION?

16 A 14 YEARS.

17 Q HOW LONG HAVE YOU BEEN THE SUPERVISOR OF THE  
18 FINGERPRINT DEPARTMENT?

19 A ABOUT SIX YEARS.

20 Q OKAY. COULD YOU TELL THE JURY DAY-TO-DAY WHAT  
21 YOUR ACTIVITIES CONSIST OF? DO YOU DO ACTUAL TESTING  
22 YOURSELF IN ADDITION TO SUPERVISING?

23 A YES, I DO.

24 Q AND ALSO AS FAR AS SUPERVISING, HOW MANY AGENTS  
25 DO YOU HAVE THAT WORK UNDER YOU?

1 A CURRENTLY HAVE 14 THAT WORK UNDER MY  
2 SUPERVISION.

3 Q OKAY. SLED IS A FAIRLY LARGE AGENCY FROM LAW  
4 ENFORCEMENT STANDPOINT, IS THAT A FAIR STATEMENT?

5 A YES, SIR, IT IS.

6 Q AND YOU HAVE AGENTS IN DIFFERENT DEPARTMENTS IN  
7 THE LAB, IS THAT CORRECT?

8 A YES, SIR.

9 Q LIKEWISE YOU HAVE AGENTS IN THE FIELD OR YOU  
10 KNOW, ALMOST ANYTHING YOU CAN IMAGINE LAW  
11 ENFORCEMENT, YOU HAVE AGENTS ASSIGNED TO THOSE  
12 DIFFERENT AREAS?

13 A THAT'S CORRECT.

14 Q AND AT ONE TIME UNDER YOUR SUPERVISION WAS AN  
15 AGENT CROOKS, JEFFREY CROOKS, WAS HE ASSIGNED UNDER  
16 YOU?

17 A YES, HE WAS.

18 Q IS HE NOW SERVING IN ANOTHER CAPACITY I THINK IN  
19 THE UPSTATE WITH SLED?

20 A YES, SIR. HE IS FIELD INVESTIGATOR IN THE  
21 UPSTATE.

22 Q OKAY. AND ALSO CALL YOUR ATTENTION TO ROD  
23 GREEN, IS HE AN AGENT CURRENTLY WORKING UNDER YOU?

24 A YES, HE IS.

25 Q AND DID YOU SEND HIM ON ASSIGNMENT YESTERDAY I

1 BELIEVE?

2 A YES, I DID.

3 Q OKAY.

4 A LAST NIGHT ACTUALLY.

5 Q OKAY. AND SO HE'S BEEN ON THAT ASSIGNMENT  
6 WORKING ON IN ANOTHER SCENE IN ANOTHER AREA, IS THAT  
7 CORRECT?

8 A YES, SIR.

9 Q OKAY. AS PART OF YOUR DUTIES IN SUPERVISING THE  
10 WORK THAT TOOK PLACE IN YOUR DEPARTMENT, HAVE YOU  
11 REVIEWED THE TESTING THAT WAS DONE IN THIS PARTICULAR  
12 CASE?

13 A YES, I HAVE.

14 Q OKAY. LET ME ASK YOU AS FAR AS YOUR WORK, NOT  
15 SO MUCH FROM A MANAGEMENT STANDPOINT, BUT ACTUALLY  
16 FINGERPRINT WORK, WHAT BACKGROUND, EDUCATION AND  
17 TRAINING HAVE YOU HAD THAT ALLOWS YOU TO ANALYZE  
18 FINGERPRINTS OR REVIEW THE WORK OF OTHERS WHO DO?

19 A TO START WITH I WENT TO THE UNIVERSITY OF SOUTH  
20 CAROLINA, I GRADUATED IN 1982.

21 MR. MORTON: YOUR HONOR, I STIPULATE.

22 MR. GREELEY: I STIPULATE.

23 THE COURT: ALL RIGHT.

24 MR. POPE: TENDER HIM AS AN EXPERT IN  
25 FINGERPRINT ANALYSIS.

1 THE COURT: WITHOUT OBJECTION AND BY  
2 STIPULATION HE IS QUALIFIED.

3 Q LIEUTENANT DARNELL, I CALL YOUR ATTENTION IS IT  
4 YOUR KNOWLEDGE THAT A NUMBER OF ITEMS IN THIS  
5 PARTICULAR CASE WERE SUBMITTED TO YOUR SUBORDINATES  
6 TO DO TESTING IN THIS CASE?

7 A YES, SIR, THAT'S CORRECT.

8 Q NOW YOU ACTUALLY DO TESTING YOURSELF ON  
9 EVIDENCE, IS THAT CORRECT?

10 A I DO.

11 Q IN THIS PARTICULAR CASE THESE ITEMS, IS THERE  
12 SOME ASSIGNMENT PROCESS? THESE JUST HAPPENED TO BE  
13 ASSIGNED TO THESE OTHER INDIVIDUALS?

14 A YES, SIR. BASICALLY HOW IT HAPPENS ONCE THE  
15 EVIDENCE COMES IN FROM THE OUTSIDE AGENCIES IT'S  
16 ASSIGNED BY THE COMPUTER SYSTEM THAT WE HAVE IN OUR  
17 LABORATORY SO IT'S BASICALLY ASSIGNED AT RANDOM.

18 Q AND AS PART OF YOUR PROTOCOL THERE IN THE LAB DO  
19 YOU HAVE A REVIEW PROCESS? IN OTHER WORDS, IF I WAS  
20 THE AGENT AND DID TESTING, DO I THEN HAVE IT REVIEWED  
21 BY YOU OR SUPERIOR OR HOW DOES THAT WORK?

22 A YES, SIR, OUR LABORATORY CONDUCTS A 100 PERCENT  
23 REVIEW ON EVERY CASE, ON EVERY PIECE OF EVIDENCE, AND  
24 EVERY REPORT THAT GOES OUT AND THAT WAS DONE IN THIS  
25 CASE.

1 Q OKAY. I WANT TO CALL YOU, AND AS FAR AS  
2 ACTUALLY RECEIVING EVIDENCE, DID YOU OR YOUR AGENCY  
3 OR YOUR DEPARTMENT, YOU KNOW, THE FINGERPRINT CRIME  
4 SCENE DEPARTMENT, DID YOU GO PHYSICALLY TO THE RICH  
5 STREET LOCATION IN THIS CASE?

6 A NO, SIR, WE DID NOT.

7 Q DID YOU, IN FACT, DOES YORK COUNTY HAVE A  
8 MULTI JURISDICTIONAL FORENSICS UNIT HERE?

9 A YES, SIR, THEY SURE DO.

10 Q OKAY. SO DO YOU NORMALLY AS PART OF YOUR DUTIES  
11 DOES YOUR AGENCY COME UP HERE AND PROCESS THINGS HERE  
12 IN YORK COUNTY OFTEN OR SOMETIMES OR?

13 A WE COME HERE FROM TIME TO TIME BUT WE DON'T COME  
14 HERE LIKE WE USED TO YEARS AGO, BUT WE DO COME HERE  
15 ONCE IN AWHILE.

16 Q AND I CALL YOUR ATTENTION BACK ON THIS  
17 PARTICULAR CASE IN 2001 WERE YOU CALLED HERE TO DO  
18 TESTING PHYSICALLY HERE?

19 A NO, SIR.

20 Q OKAY. SO THE ITEMS THAT YOU RECEIVED CAME  
21 THROUGH THE NORMAL COURSE OF RECEIVING EVIDENCE AT  
22 SLED, IS THAT CORRECT?

23 A THAT IS CORRECT, YES, SIR.

24 Q AND THE JURY JUST, THEY HEARD BRIEFLY ABOUT THAT  
25 YESTERDAY, BUT LAW ENFORCEMENT WOULD COLLECT

1 SOMETHING PACKAGE IT, COULD YOU TELL THEM HOW IT  
2 COMES INTO YOUR DEPARTMENT?

3 A YES, SIR. ONCE THE OUTSIDE AGENCY AND IN THIS  
4 CASE IT WAS ROCK HILL POLICE DEPARTMENT BROUGHT IN  
5 THE ITEMS OF EVIDENCE AND ONCE THEY COME INTO THE  
6 LABORATORY THEY ENTER THE EVIDENCE CONTROL SECTION.  
7 AT THAT POINT A TECHNICIAN WILL ENTER THE INFORMATION  
8 INTO THE COMPUTER SYSTEM AND THEN THE ITEMS OF  
9 EVIDENCE WILL BE ASSIGNED AT RANDOM BY THE COMPUTER  
10 SYSTEM. IN THIS CASE IT WAS INITIALLY ASSIGNED TO  
11 AGENT CROOKS. ONCE THOSE ITEMS HAD BEEN ASSIGNED TO  
12 AN EXAMINER, THAT EXAMINER MAY BE IN A POSITION TO  
13 COME DOWNSTAIRS TO ACTUALLY RECEIVE THE EVIDENCE  
14 STRAIGHT FROM THE LOG IN EVIDENCE CONTROL SECTION IF  
15 THE EXAMINER IS PRESENT. IF THE EXAMINER IS NOT  
16 PRESENT, THEN THE EVIDENCE WOULD JUST SIMPLY BE  
17 SECURED IN THE EVIDENCE VAULT UNTIL SUCH TIME AS  
18 EXAMINER COULD COME AND RETRIEVE THE EVIDENCE.

19 Q BASED ON YOUR REVIEW OF THE ITEMS YOU RECEIVED  
20 HERE, DID THEY APPEAR TO COME IN IN A NORMAL FASHION?

21 A YES, THEY DID.

22 Q I'M GOING TO CALL YOUR ATTENTION NOW TO FIRST TO  
23 AGENT CROOKS' REPORT. AND WHEN SLED, WHEN YOU  
24 RECEIVE EVIDENCE, THE JURY HAS A HEARD A LOT ABOUT  
25 NUMBERS IN THE COURTRROM, WE HAVE STATE'S EXHIBIT 42

1 OR STATE'S EXHIBIT SO AND SO, DO YOU HAVE NUMBERS  
2 THAT YOU ASSIGN TO ITEMS AT SLED SO YOU CAN KEEP UP  
3 WHICH ITEMS YOU HAVE?

4 A YES, WE DO.

5 Q OKAY. AND I'LL CALL YOUR ATTENTION PARTICULARLY  
6 TO WHAT IS LISTED AS YOUR SLED NUMBERS 20 THROUGH 25  
7 THAT ARE DESIGNATED VARIOUS BROOM AND BROOM HANDLES  
8 AND ITEMS SUCH AS THAT NATURE, DO YOU HAVE THAT  
9 REPORT?

10 A YES, SIR, I DO.

11 Q OKAY. AND COULD YOU TELL ME WHERE THOSE ITEMS  
12 TESTED BY AGENT CROOKS FOR POSSIBLE FINGERPRINTS ON  
13 ANY OF THE BROOMS OR BROOM HANDLES?

14 A YES, SIR. IT DOES APPEAR THAT BASED ON HIS  
15 REPORT THAT THESE ITEMS WERE PROCESSED FOR, TO  
16 DETERMINE IF THERE WERE ANY FINGERPRINTS OF VALUE ON  
17 THOSE ITEMS.

18 Q OKAY. AND YOU SAID FINGERPRINTS OF VALUE, COULD  
19 YOU EXPLAIN TO THE JURY WHAT THAT MEANS?

20 A FINGERPRINTS OF VALUE SIMPLY MEANS THAT WE HAVE  
21 TO HAVE, WE BEING FINGERPRINT EXAMINERS, MUST HAVE  
22 CERTAIN, A CERTAIN LEVEL OF QUALITY, A CERTAIN NUMBER  
23 OF CHARACTERISTICS WITHIN A FINGERPRINT TO BE ABLE TO  
24 DETERMINE IF IN FACT IT IS IDENTIFIABLE. QUITE  
25 OFTEN, AS A MATTER OF FACT, MORE OFTEN THAN NOT WE

1       PROCESS ITEMS OF EVIDENCE AND RECOVER FINGERPRINTS  
2       THAT ARE NOT OF VALUE VERSUS THOSE THAT ARE ACTUALLY  
3       OF VALUE.   BUT WHEN I SAY THAT THEY ARE NOT OF VALUE  
4       THAT MEANS THAT THE PRINT IS NOT ABLE TO BE  
5       IDENTIFIED TO ANYONE.   ANYONE WHETHER IT BE SOMEONE  
6       THAT ACTUALLY HANDLED THE ITEM OR YOU KNOW THE FIRST  
7       TIME OR WHETHER SOMEONE HANDLED IT LATER, WE CANNOT  
8       IDENTIFY IT TO ANYONE.

9       Q       OKAY.   AND MAYBE I GOT A LITTLE AHEAD OF MYSELF.  
10       WE ALL KIND OF TAKE FOR GRANTED WE KNOW WHAT A  
11       FINGERPRINT IS.   WE SEE CSI OR WHATEVER, BUT WHAT IS  
12       IT YOU ARE REALLY DOING, WHAT IS THE FINGERPRINT,  
13       WHAT IS IT YOU ARE REALLY LOOKING FOR?

14       A       FINGERPRINTS, IF I COULD SORT OF START AT THE  
15       BEGINNING SOMEWHAT, FINGERPRINTS ARE FORMED DURING  
16       THE 12 WEEK OF GESTATION.   IN OTHER WORDS, ON THE  
17       SURFACE OF YOUR FINGERS, YOUR PALMS, AS WELL AS THE  
18       SOLES ON YOUR FEET, YOU HAVE RAISED PORTIONS OF SKIN  
19       THAT WE REFER TO AS FRICTION RIDGE SKIN.   THAT  
20       FRICTION RIDGE SKIN CONTAINS TINY PORES.   THOSE PORES  
21       EXUDE PERSPIRATION.   WHEN THE SURFACE OF THE HAND  
22       COMES IN CONTACT WITH AN ITEM THAT IMPRESSION MAY OR  
23       MAY NOT BE LEFT BEHIND.   MAY OR MAY NOT BE LEFT  
24       BEHIND MEANS THAT IT DEPENDS ON THE AMOUNT OF  
25       PERSPIRATION THAT MIGHT BE EXUDING FROM YOUR PORES.



1 NOT EVERYONE PERSPIRES THE SAME AMOUNT. IT ALSO  
2 DEPENDS ON THE SURFACE THAT'S TOUCHED, HOW IT'S  
3 TOUCHED, HOW LONG IT'S TOUCHED. IT DEPENDS ON THE  
4 WEATHER. WEATHER HAS AN EFFECT ON FINGERPRINTS. BUT  
5 BASICALLY JUST BECAUSE YOU TOUCH AN ITEM DOES NOT  
6 NECESSARILY MEAN THAT YOU WILL LEAVE A FINGERPRINT AT  
7 ALL. IT ALSO MEANS THAT YOU MIGHT LEAVE A  
8 FINGERPRINT BUT IT MIGHT NOT BE IDENTIFIABLE. YOU  
9 KNOW, WE ALL WATCH TELEVISION AND WE ALL KNOW THAT ON  
10 THESE TELEVISION SHOWS YOU ALWAYS GET FINGERPRINTS  
11 AND YOU ALWAYS IDENTIFY SOMEONE, THAT DOES NOT HAPPEN  
12 IN OUR WORLD, AND THAT'S JUST A SORT OF A  
13 MISCONCEPTION THAT SOMETIMES THE PUBLIC DOES NOT  
14 CLEARLY UNDERSTAND. BUT AS I STATED EARLIER MORE  
15 OFTEN THAN NOT WE ACTUALLY PROCESS ITEMS OF EVIDENCE  
16 AND DON'T GET FINGERPRINTS THAT WE CAN COMPARE VERSUS  
17 GETTING PRINTS THAT WE CAN ACTUALLY COMPARE TO A  
18 KNOWN INDIVIDUAL.

19 Q OKAY. SO IF YOU HAVE, IF YOU GET A FINGERPRINT  
20 OFF OF SOMETHING THEN THAT LET'S YOU KNOW THAT  
21 SOMEHOW SOMEBODY HAS BEEN IN CONTACT, THAT PERSON HAS  
22 BEEN IN CONTACT IF YOU CAN IDENTIFY IT, IS THAT  
23 CORRECT?

24 A THAT'S CORRECT.

25 Q OKAY. IF YOU DO NOT RETRIEVE A FINGERPRINT THAT

1 DOES NOT MEAN SOMEBODY COULD NOT HAVE TOUCHED IT?

2 A THAT'S A FAIR STATEMENT, YES, SIR.

3 Q IN OTHER WORDS, ON THE BROOM, FOR EXAMPLE, YOU  
4 HAD NO FINGERPRINTS THAT YOU COULD MAKE UP OR WORK UP  
5 ON ANY OF THEM, IS THAT CORRECT?

6 A BASED ON THE REPORT ALL THE ITEMS HAD, THE  
7 RESULT WAS THAT THEY WERE NO VALUE FOR  
8 IDENTIFICATION. THERE WAS, THERE WASN'T ANYTHING  
9 THERE WE COULD COMPARE TO ANYONE. IT DOES NOT MEAN  
10 THAT A CERTAIN PERSON OR PERSONS DID NOT TOUCH AN  
11 ITEM. IT JUST SIMPLY MEANS THAT THE PRINTS THAT WERE  
12 THERE WERE NOT OF VALUE FOR COMPARISON.

13 Q OKAY. THANK YOU, SIR. AS FAR AS THOSE ITEMS IN  
14 THIS PARTICULAR CASE OF EVIDENCE AS FAR AS LIKE  
15 PHYSICAL, HARD PHYSICAL, ITEMS LIKE BROOMS AND THINGS  
16 OF THAT NATURE, BASED ON YOUR RECORD IS IT ACCURATE  
17 THAT THE BROOMS ARE THE ONLY THING THAT YOU RECEIVED  
18 FOR FINGERPRINT IDENTIFICATION?

19 A THERE WAS ANOTHER ITEM THAT CAME IN LATER ON,  
20 YES, SIR.

21 Q OKAY. BUT AS FAR AS LIKE CRIME SCENE ITEMS SO  
22 TO SPEAK, THE BROOMS ARE THE ONLY THING YOU RECEIVED  
23 IN THAT REGARD?

24 A YES, SIR.

25 Q AND I'LL CALL YOUR ATTENTION NOW TO THAT LATER

1 ITEM, WAS THAT THE ONE THAT MR. GREEN REVIEWED OR  
2 TESTED, IS THAT CORRECT?

3 A I BELIEVE SO, YES, SIR.

4 Q AND AGAIN I'M GOING TO CALL YOUR ATTENTION TO  
5 YOUR NUMBER AND THEN I WILL CALL THIS STATE'S EXHIBIT  
6 89 WHICH IS THE LETTER WITH THE PURPLE, THE PURPLE  
7 MATERIALS THAT ARE ON THIS LETTER, WHAT IS THIS  
8 PURPLE MATERIAL? HAVE YOU LOOKED, YOU'VE LOOKED AT  
9 THIS BEFORE THE JURY CAME IN?

10 A YES, I HAVE.

11 Q OKAY. WHAT IS THAT PURPLE MATERIAL?

12 A THE PURPLE IS A CHEMICAL PROCESS THAT WE USE  
13 WHEN WE PROCESS POROUS ITEMS FOR THE PURPOSE OF  
14 DETECTING OR ATTEMPTING TO DETECT FINGERPRINTS. IN  
15 THIS CASE WE USE WHAT WE CALL NINHYDRIN. THAT'S  
16 SPELLED N-I-N-H-Y-D-R-I-N. NINHYDRIN IS A CHEMICAL  
17 THAT REACTS WITH THE AMNIO ACIDS THAT ARE IN YOUR  
18 PERSPIRATION. THE AMNIO ACIDS ONCE THEY CAME IN  
19 CONTACT WITH THIS NINHYDRIN IT WILL TURN THE PRINT  
20 PURPLE AT THAT POINT AND THEN WE HAVE TO HAVE THOSE  
21 PRINTS PHOTOGRAPHED FOR PRESERVATION.

22 Q AND THIS PARTICULAR ITEM BASED ON YOUR RECORDS  
23 ITEM 89 WHICH AGAIN I APOLOGIZE, YOUR ITEM 36, IS  
24 THAT CORRECT?

25 A YES, ITEM 36.

1 Q YOU DID RECEIVE THIS IN YOUR LAB OR AGENT GREEN  
2 DID FOR PROCESSING, IS THAT CORRECT?

3 A YES. YES, SIR.

4 Q OKAY. AND IN PARTICULAR YOU WERE ASKED TO  
5 COMPARE THIS ITEM FOR KNOWN PRINTS OF MR. COPE IN  
6 THIS CASE, IS THAT CORRECT?

7 A THAT IS CORRECT, YES, SIR.

8 Q AND DID YOU IN FACT AFTER USING THE NINHYDRIN  
9 REQUEST OR YOUR AGENCY REQUESTED FURTHER PRINTS, IS  
10 THAT CORRECT?

11 A YES, SIR.

12 Q AND BASED ON THE RESULTS OF THAT TESTING WHAT  
13 WERE YOUR RESULTS AS FAR AS IT REGARDS TO MR. COPE ON  
14 THIS PARTICULAR ITEM?

15 A ON, IS THAT STATE'S --

16 Q STATE'S EXHIBIT 89?

17 A ON STATE'S 89 THERE WERE NUMEROUS IDENTIFIABLE  
18 FINGERPRINTS THAT WERE DOCUMENTED AND THEY WERE ALL  
19 FOUND NOT TO BE IDENTIFIED WITH MR. COPE OF THE ONES  
20 THAT WERE IDENTIFIABLE.

21 Q OKAY. AND IF YOU WOULD, WITH THE COURT'S  
22 PERMISSION, IF YOU COULD STEP DOWN. OUR PRESENTER  
23 CAME FROM THE SAME PLACE AS OUR JAM BOX SO I'M NOT  
24 ABLE TO USE IT RIGHT NOW BUT IF YOU WOULD STEP DOWN,  
25 IF YOU COULD SHOW THE JURY FOR EXAMPLE WHAT YOU MEAN

1 BY ONE OF THE IDENTIFIABLE PRINTS AND SOMETHING THERE  
2 BECAUSE I NOTICE THERE IS A NUMBER OF THINGS IN  
3 PURPLE HERE, SOME THAT LOOK LIKE FINGERPRINTS OFF TV  
4 AND SOME THAT LOOK DIFFERENT. CAN YOU EXPLAIN USING  
5 SOME OF THESE AND EXPLAIN TO THE JURY, YOU ARE  
6 PROBABLY GOING TO HAVE TO TAKE OPPORTUNITY TO SHOW  
7 THEM THE DIFFERENCE AND WHAT YOU ARE TALKING ABOUT.

8 A AS YOU CAN SEE ON STATE'S EXHIBIT 89 IT'S QUITE  
9 A LARGE AREA OF PURPLE AND BEAR IN MIND WHAT I STATED  
10 ABOUT THE NINHYDRIN THAT IT REACTS WITH THE AMNIO  
11 ACIDS THEREFORE I WOULD BE ABLE TO SAY THAT THIS  
12 DOCUMENT WAS HANDLED QUITE A BIT JUST BECAUSE OF  
13 AMOUNT OF PURPLE THAT YOU HAVE THERE. THE LITTLE  
14 LABELS THAT YOU SEE HERE, THE ONE INCH LABELS, THOSE  
15 ARE ACTUALLY NEXT TO PRINTS THAT WE DETERMINED TO BE  
16 IDENTIFIABLE. AND THE LABELS ARE THERE BECAUSE WE  
17 HAD TO PHOTOGRAPH THOSE PARTICULAR PRINTS, JUST BELOW  
18 MY THUMB, WE HAD TO PHOTOGRAPH THOSE PRINTS TO BE  
19 ABLE TO PRESERVE THEM AND WE WANTED TO DEVELOP THEM  
20 TO ACTUAL SIZE, OKAY. THAT'S THE PURPOSE OF THE ONE  
21 INCH LABEL. NOW THERE ARE NUMEROUS AREAS AND YOU CAN  
22 SEE PRETTY MUCH ALONG THE EDGE HERE WHERE MY INDEX  
23 FINGER IS YOU CAN SEE LOTS OF OTHERS SMUDGED, WHAT I  
24 WOULD CALL SMUDGED AREAS, OF RIDGE DETAILS OR  
25 FINGERPRINT. AND THESE AREAS WERE ALL DETERMINED TO

1 BE NOT OF VALUE FOR COMPARISON. YOU'VE ALSO GOT SOME  
2 ON THE BACK SIDE OF THE LETTER IN THE VERY BOTTOM  
3 CORNER, QUITE A FEW ACTUALLY, QUITE A FEW AREAS THAT  
4 WERE FOUND NOT TO BE IDENTIFIABLE WHICH DOESN'T  
5 REALLY SURPRISE ME. OFTEN WITH PAPER THAT GETS  
6 HANDLED QUITE A BIT IT'S NOT UNUSUAL TO SEE THAT MUCH  
7 REACTION WITH THE CHEMICAL ONCE WE TREAT IT. PRETTY  
8 MUCH THE SAME, THE SAME ON EVERY OTHER PIECE OF THAT  
9 DOCUMENT.

10 HERE AGAIN YOU CAN SEE THE LITTLE ONE  
11 INCH LABELS THAT ARE MARKING OTHER IDENTIFIABLE AREAS  
12 AND THEN YOU GOT OTHER AREAS ALONG THE EDGE ONCE  
13 AGAIN THAT ARE, ONCE AGAIN, NOT IDENTIFIABLE, MEANING  
14 THAT WE COULD NOT COMPARE THOSE TO ANYONE. THERE  
15 JUST WASN'T ENOUGH QUALITY THERE.

16 Q THANK YOU, SIR. YOU CAN HAVE A SEAT. NOW I  
17 NOTICE ACCOMPANIED TO STATE'S EXHIBIT 89 WAS THE  
18 ENVELOPE I BELIEVE THAT WAS SENT TO DNA, DO YOU HAVE  
19 ANY KNOWLEDGE OF THAT?

20 A NOT FIRST HAND KNOWLEDGE, BUT I KNOW WE DIDN'T,  
21 I'M NOT SURE WE GOT IT IN OUR LAB FOR PROCESSING.

22 Q THAT WAS GOING TO BE MY QUESTION. I NOTICED IT  
23 DOES NOT HAVE THE PURPLE ON IT SO THIS HAS NOT BEEN  
24 PROCESSED WITH NINHYDRIN?

25 A IT DOESN'T APPEAR TO HAVE BEEN, NO, SIR.

1 Q ALL RIGHT. THANK YOU, SIR. MR. DARNELL, FROM A  
2 FINGERPRINT STANDPOINT THE ITEMS THAT YOU RECEIVED  
3 AND YOUR HONOR, I'M GOING TRY TO GIVE STATE'S EXHIBIT  
4 TO THESE NUMBERS TOO, THE ITEMS THAT YOU RECEIVED OR  
5 YOUR DEPARTMENT RECEIVED FOR FINGERPRINT PROCESSING  
6 IN THIS CASE WERE STATE'S EXHIBIT 58, 59, 60, 61, 62,  
7 63 WHICH ARE THE BROOMS. YOU DID NOT RECEIVE WHAT  
8 WOULD BE A STATE'S EXHIBIT, I MEAN YOUR EXHIBIT TEN  
9 WHICH IS STATE'S EXHIBIT 57 YOU DID NOT RECEIVE A TEN  
10 WHICH IS THE BLUE BROOM THAT WAS SWABBED AND SENT TO  
11 DNA, YOU DON'T HAVE ANY REFLECTION OF STATE'S EXHIBIT  
12 TEN?

13 A NO, SIR, I DON'T.

14 Q I'M SORRY SLED NUMBER TEN, STATE'S EXHIBIT  
15 NUMBER 57?

16 A RIGHT, THE FIRST SLED ITEM NUMBER THAT I HAVE IS  
17 ITEM 20 WHICH IS SLED'S ITEM NUMBER.

18 Q AND OF THOSE ITEMS AGAIN NOTHING OF VALUE FOR  
19 IDENTIFICATION?

20 A THAT'S CORRECT, YES, SIR.

21 Q AND THE ONLY OTHER ITEM THAT WAS PROCESSED BY  
22 YOUR DEPARTMENT WOULD HAVE BEEN YOUR ITEM 36 THAT WE  
23 JUST REFERRED TO AS STATE'S EXHIBIT 89, IS THAT  
24 CORRECT?

25 A YES, SIR, IT IS.

1 Q OKAY. AND NONE OF THE ITEMS THERE WERE YOU ABLE  
2 TO IDENTIFY ANY PRINTS ON THAT -- I MEAN, YOU HAD  
3 PRINTS THAT WERE IDENTIFIABLE, BUT YOU COULD NOT  
4 IDENTIFIY THEM WITH ANYBODY, IS THAT CORRECT?

5 A THAT IS CORRECT.

6 Q ALL RIGHT, SIR. ANSWER ANY QUESTIONS THAT MR.  
7 MORTON MAY HAVE.

8 CROSS EXAMINATION BY MR. MORTON:

9 Q LIEUTENANT DARNELL, I'M JIM MORTON.

10 A HOW ARE YOU, SIR.

11 Q IT'S BEEN A LONG TIME. IS IT FAIR TO SAY THAT  
12 IN YOUR EXPERIENCE AS A FINGERPRINT EXAMINER THAT  
13 THERE ARE PLENTY OF TIMES IN BURGLARY CASES WHERE  
14 FINGERPRINTS ARE LIFTED FROM THE ENTRY POINT OR  
15 EXTERIOR OR INTERIOR OF A HOUSE THAT CAN BE  
16 IDENTIFIED?

17 A IF YOU ARE ASKING FOR A PERCENTAGE OF TIME, I  
18 DON'T HAVE THAT, BUT YES, WE HAVE PROCESSED  
19 BURGLARIES WHERE THERE HAVE BEEN PRINTS LIFTED AT THE  
20 POINTS OF ENTRY, YES, SIR.

21 Q NOW YOU WERE NOT ASKED TO COME TO THIS CRIME  
22 SCENE OR YOUR DEPARTMENT WAS NOT?

23 A THAT'S CORRECT, WE WERE NOT.

24 Q Y'ALL, YOUR DEPARTMENT AT SLED AS OTHER CRIME  
25 SCENE DEPARTMENTS AT SLED ARE SOMETIMES CALLED BY



1 LOCAL AGENCIES TO COME OUT AND HELP THEM PROCESS THE  
2 SCENE?

3 A YES, SIR.

4 Q BUT YOU WEREN'T ASKED TO DO THAT IN THIS  
5 PARTICULAR CASE?

6 A NO, SIR, WE WERE NOT.

7 Q OKAY. ABOUT, JUST AS A LITTLE OVERVIEW AND  
8 CORRECT ME IF I'M WRONG, BUT SOME SURFACES ARE BETTER  
9 ABLE TO LIFT IDENTIFIABLE PRINTS FROM THAN OTHERS,  
10 CORRECT?

11 A YES, SIR, THAT IS CORRECT.

12 Q FOR INSTANCE POROUS SUBJECTS, POROUS ITEMS SUCH  
13 AS WOOD OR WINDOW SILLS OR DOORS ARE NOT AS GOOD FOR  
14 LIFTING PRINTS AS SAY PLASTIC OR I MEAN, WOULD YOU  
15 AGREE WITH THAT? THAT WOOD, ANYTHING THAT IS POROUS  
16 IS HARDER TO GET A PRINT FROM THAN SOMETHING THAT IS  
17 POSSIBLY METAL?

18 A IT'S SOMEWHAT DIFFICULT TO TRY AND SAY WHAT  
19 PARTICULAR SURFACE WOULD BE BETTER THAN OTHERS, BUT I  
20 CAN SAY THAT GENERALLY THE SURFACE, IF IT'S A SMOOTH  
21 SURFACE, IF IT'S NOT CORROGATED, IF IT'S NOT  
22 SCRATCHED IN SOME MANNER, IF IT'S A PRISTINE, SMOOTH  
23 CLEAN SURFACE, THOSE TYPES OF SURFACES ARE WHAT YOU  
24 WOULD REFER TO AS THE BEST SURFACES. IN MY YEARS OF  
25 EXPERIENCES I CAN TELL YOU THAT I HAVE DEVELOPED

1 PRINTS ON SURFACES THAT QUITE FRANKLY SURPRISE ME,  
2 BUT SOMETIMES UNTIL YOU ACTUALLY TRY, IT'S DIFFICULT  
3 TO SAY THAT THERE WOULD BE A PRINT THERE OR NOT.

4 Q OFTEN TIMES, FOR INSTANCE, DOOR HANDLES ARE A  
5 METAL SURFACE, BUT TO BE FAIR SOMETIMES WHEN PEOPLE  
6 USE THE DOOR HANDLE, THE FINGERPRINTS BECOME SMUDGED  
7 AND YOU CAN'T IDENTIFY THEM BECAUSE OF THE SMUDGING  
8 CHARACTERISTIC, IS THAT FAIR TO SAY?

9 A YES, THAT WOULD BE FAIR TO SAY ESPECIALLY WITH  
10 DOOR HANDLES AS YOU ARE REFERRING TO. YOU KNOW, AS I  
11 MENTION EARLIER IN MY TESTIMONY THAT WHEN YOU LEAVE A  
12 PRINT IT SOMETIMES DEPENDS ON HOW YOU HANDLE AN ITEM,  
13 HOW LONG IT'S TOUCHED, YOU KNOW, HOW SOMEONE HANDLES  
14 THE ITEM, AND OF COURSE IN DOOR HANDLES THAT'S  
15 SOMETHING THAT WE'D ALL BE TOUCHING AND IT WOULD  
16 CERTAINLY HAVE AN EFFECT ON THE CONDITION OF PRINTS  
17 THAT MIGHT OR MIGHT NOT BE PRESENT.

18 Q BUT SOMETIMES YOU CAN LIFT A PRINT FROM A DOOR  
19 HANDLE OR SCREEN DOOR OR SOMETHING LIKE THAT, IS THAT  
20 FAIR TO SAY?

21 A SOMETIMES YOU CAN, YES, SIR.

22 Q NOW WHAT ABOUT GLASS?

23 A GLASS --

24 Q ---AS A SURFACE?

25 A GLASS IS A GOOD SURFACE. HERE AGAIN IF IT'S

1 NICE, SMOOTH, LACK OF DUST, YOU KNOW, LACK OF GRIT  
2 AND GRIME, THOSE KINDS, GLASS IS ACTUALLY A VERY GOOD  
3 SURFACE IN ANY OPINION. QUITE OFTEN YOU CAN TAKE A  
4 PIECE OF GLASS AND HOLD IT UP IN THE DAYLIGHT AND  
5 SOMETIMES YOU CAN ACTUALLY SEE PRINTS ON THE GLASS.

6 Q WHAT ABOUT PLASTIC? WHAT ABOUT THIS WATER  
7 PICTURE, FOR EXAMPLE? IF, I MEAN, IF I WERE TO GRAB  
8 THIS WATER PITCHER, MY PRINTS, WOULD IT BE FAIR TO  
9 SAY MAYBE SMUDGED ON THERE, AND YOU MIGHT NOT BE ABLE  
10 TO LIFT A PRINT, BUT QUITE POSSIBLY YOU MIGHT BE ABLE  
11 TO LIFT A PRINT.

12 A SURE.

13 Q IS THAT A GOOD, BETTER SURFACE THAN SAY WOOD OR  
14 POROUS SURFACE?

15 A I WOULD SAY IF YOU ARE ASKING ABOUT THAT  
16 PITCHER, I WOULD SAY THAT THAT WOULD BE A GOOD  
17 SURFACE. HERE AGAIN IF YOU CAN COMPARE IT TO WOOD,  
18 IF IT'S A NICE SMOOTH WOOD SURFACE SUCH AS THIS RAIL,  
19 THIS IS ACTUALLY NOT A BAD SURFACE HERE IN MY  
20 OPINION. IF YOU GET A, SOME OLDER WOOD THAT MIGHT  
21 HAVE PAINT ON IT THAT MIGHT BE CHIPPING AWAY, THAT  
22 KIND OF A THING, IT MIGHT NOT BE QUITE AS GOOD AS  
23 THIS TYPE OF WOOD. ACTUALLY THIS ISN'T A BAD SURFACE  
24 FOR PRINTS HERE.

25 Q OKAY. ABOUT WHAT A PLASTIC FLASHLIGHT. HOW

1 WOULD YOU RATE THAT AS SURFACE FROM WHICH TO GET  
2 FINGERPRINTS?

3 A HERE AGAIN IF IT WAS, WITHOUT SEEING THIS  
4 FLASHLIGHT, YOU KNOW, I COULD SAY THAT -- YOU KNOW,  
5 IT COULD BE SUITABLE, YOU KNOW. IT'S SOMETIMES  
6 DIFFICULT, YOU KNOW, TO SAY IF SOMETHING IS SUITABLE  
7 OR NOT WITHOUT ACTUALLY TRYING SOMETIMES, BUT HERE  
8 AGAIN IF IT'S A NICE SMOOTH FLASHLIGHT, I WOULD SAY  
9 IT WOULD BE A FAIR STATEMENT TO SAY IT WOULD BE A  
10 GOOD SURFACE.

11 Q Y'ALL WEREN'T ASKED, I DON'T BELIEVE, TO  
12 FINGERPRINT A RED FLASHLIGHT IN THIS CASE?

13 A NO, SIR. I DON'T THINK WE WERE, NO, SIR.

14 Q HOW ABOUT BATTERIES IN A FLASHLIGHT. WOULD THAT  
15 BE A GOOD SURFACE?

16 A YES, SIR. I HAVE HAD CASES OF MY OWN WHERE I  
17 DEVELOPED PRINTS ON BATTERIES THAT WERE INSIDE  
18 FLASHLIGHTS ONCE WE TOOK THE FLASHLIGHT APART.

19 Q OKAY. ON THIS DOCUMENT 89 I BELIEVE THAT Y'ALL  
20 WERE ABLE TO IDENTIFY SOME PRINTS ON AND WHICH YOU  
21 INDICATED THE PRINTS DID NOT COME BACK TO MATCH  
22 MR. BILLY COPE, IS THAT RIGHT?

23 A YES, SIR. OF THE ONES THAT WERE IDENTIFIABLE  
24 THAT IS CORRECT, YES.

25 Q WERE YOU ASKED TO COMPARE THOSE PRINTS WITH AMY

1 SIMMONS OR WITH ANYBODY ELSE?

2 A WELL, THERE WERE NO OTHER FINGERPRINTS STANDARDS  
3 SUBMITTED. BASED ON THE REPORT AND BASED ON THE  
4 RESULTS THAT I HAVE BEFORE ME I CAN SAY THAT THERE  
5 WERE CERTAIN PRINTS THAT WERE RUN ON OUR FINGERPRINT  
6 COMPUTER FOR THE PURPOSE OF ATTEMPTING TO IDENTIFY  
7 ANYONE ELSE.

8 Q AND DID YOU KNOW THE RESULTS OF THAT?

9 A THERE WERE NO IDENTIFICATIONS EFFECTED BASED ON  
10 THE ENTRIES THAT WERE MADE.

11 Q OKAY. WERE YOU SUBMITTED, WE'VE ALREADY  
12 PROACHED THIS LINE KIND OF IN THIS CASE, BUT WERE YOU  
13 SUBMITTED A PLASTIC DILDO IN THIS CASE TO DO  
14 FINGERPRINTS ON?

15 A NO, SIR, WERE NOT.

16 Q I BELIEVE THAT'S ALL, LIEUTENANT DARNELL. THANK  
17 YOU VERY MUCH.

18 THE COURT: MR. GREELEY.

19 MR. GREELEY: NO, I HAVE NO QUESTIONS,  
20 YOUR HONOR.

21 THE COURT: REDIRECT.

22 MR. POPE: BRIEFLY, YOUR HONOR.

23 REDIRECT EXAMINATION BY MR. POPE:

24 Q MR. DARNELL, YOU WERE ASKED ABOUT ASSESSING  
25 SURFACES AND DIFFERENT ITEMS THAT YOU COULD TEST OR

1 NOT TEST. YOU GO TO CRIME SCENE, BEFORE YOU START  
2 TESTING ANYTHING, WHAT DO YOU DO WHEN YOU ARRIVE AT  
3 THE CRIME SCENE?

4 A WELL, THE FIRST THING I DO WHEN I GET TO A CRIME  
5 SCENE IS I DO A WALK THROUGH AND TRY TO DETERMINE  
6 WHAT MIGHT BE OF VALUE TO US AS PART OF THIS CRIME.  
7 YOU CAN'T GO INTO A SCENE AND BOX EVERYTHING UP. YOU  
8 HAVE TO USE YOUR TRAINING AND YOUR EXPERIENCES TO TRY  
9 AND DETERMINE WHAT MIGHT HAVE BEEN PART OF THIS CRIME  
10 SCENE AND WHAT MIGHT NOT HAVE BEEN PART OF THIS CRIME  
11 SCENE AND THEN YOU MAKE, YOU HAVE TO MAKE THAT CALL  
12 AS A CRIME SCENE EXAMINER AND THEN YOU BEGAN TO  
13 COLLECT THINGS, BOX THINGS UP, BAG THEM UP OR  
14 WHATEVER, AND YOU BRING THEM BACK FOR PROCESSING.

15 Q IF THERE ARE THINGS THAT ARE THERE YOU ASSESS  
16 YOU KNOW LIKE MR. MORTON WAS ASKING ABOUT, DOOR KNOBS  
17 OR DOOR JAMBS OR WINDOWS OR THINGS, IF YOU DECIDED  
18 YOU WOULD ASSESS THEM BASED ON ALL THESE INDICATIONS  
19 YOU SAID ABOUT HOW, WHAT KIND OF SURFACE IT WAS AND  
20 HOW CLEAN IT WAS AND THINGS OF THAT NATURE TO  
21 DETERMINE WHETHER YOU WOULD TEST IT ON THE SCENE?

22 A YES, SIR, ABSOLUTELY. IF I GO TO A SCENE AND I  
23 FIND AN ITEM THAT I FEEL LIKE IS A VERY IMPORTANT  
24 PART OF THIS SCENE, I MAY CHOOSE TO COLLECT THAT ITEM  
25 AND BRING IT BACK TO THE LABORATORY TO PROCESS IT IN

1 A CONTROLLED ENVIRONMENT, AND THEN AGAIN THERE MAY BE  
2 SOME AREAS OF THAT SCENE THAT I MAY CHOOSE TO PROCESS  
3 ON THE SCENE. HERE AGAIN I'M HAVING TO ASSESS THE  
4 SCENE AS IT IS, AS IT APPEARS TO ME ONCE I GET THERE,  
5 AND DETERMINE WHAT MIGHT BE PROBATIVE HERE. JUST AS  
6 AN EXAMPLE, IF A CRIME WAS TO OCCUR IN THIS  
7 COURTROOM, YOU KNOW, I CAN'T GO AROUND AND DUST EVERY  
8 SQUARE INCH OF THIS COURTROOM. I HAVE TO DETERMINE  
9 AND USE MY EXPERIENCES TO DECIDE IN MY OPINION WHAT  
10 IS IMPORTANT AND WHAT IS GOING TO ASSIST IN  
11 ATTEMPTING TO SOLVE A CRIME.

12 Q YOU SAID DUST, I THINK WE KNOW FROM TV BUT WHAT  
13 DO YOU MEAN WHEN YOU TALK ABOUT DUST?

14 A THE FINGERPRINT, THE BLACK POWDER THAT GOES  
15 EVERYWHERE WHEN YOU DUST IT. THE POWDER IS NOTHING  
16 MORE THAN A GRAPHITE TYPE POWDER AND WE TAKE A  
17 FIBERGLASS TYPE BRUSH AND WE DUST A CERTAIN AREA OF  
18 THE SCENE LOOKING FOR FINGERPRINTS. AND JUST KEEP IN  
19 MIND TOO, THAT FINGERPRINTS ARE ABOUT 98 TO 99  
20 PERCENT MOISTURE, SO WE HAVE TO BE REAL CAREFUL  
21 WHENEVER WE GO THROUGH THE SCENE AND DUST FOR PRINTS,  
22 BUT DUSTING IS THE BLACK POWDER THAT WE'RE PROBABLY  
23 ALL SOMEWHAT FAMILIAR WITH.

24 Q EVEN IN THE OLD DAYS THAT IS ACTUALLY WHAT YOU  
25 STILL USE?

1 A BLACK POWDER IS STILL A METHOD OF CHOICE.

2 MR. POPE: BEG THE COURT'S INDULGENCE.

3 Q LET ME SHOW YOU SUB ITEM OF STATE'S EXHIBIT  
4 NUMBER 54, IT APPEARS TO BE A RED FLASHLIGHT  
5 RECOVERED FROM THE HOME, IS THAT THE KIND OF POWDER  
6 THAT YOU WERE TALKING ABOUT?

7 A IT CERTAINLY APPEARS TO BE, YES, SIR.

8 Q OKAY. HAD YOU NO INVOLVEMENT IN RECEIVING THAT  
9 ITEM, IS THAT CORRECT?

10 A NO, SIR, I DID NOT.

11 Q ALL RIGHT. THANK YOU, SIR.

12 A UH-HUH.

13 MR. POPE: NOTHING FURTHER.

14 RE-CROSS EXAMINATION BY MR. MORTON:

15 Q AGENT DARNELL, IN ASSESSING THE CRIME SCENE IF  
16 YOU WERE CALLED TO THE SCENE OF A MURDER AND RAPE AND  
17 I'M GOING TO SHOW YOU AND ASK YOU.

18 MR. POPE: I THINK THERE IS ONE ALREADY  
19 IN. I HAVE NO OBJECTION TO USE THIS FOR  
20 DEMONSTRATIVE PURPOSES BUT I THINK THERE IS ONE  
21 ALREADY IN.

22 MR. MORTON: I THINK THERE IS ONE TOO,  
23 YOUR HONOR. I JUST DIDN'T WANT TO, I CAN TAKE TIME  
24 TO LOOK FOR IT, BUT I JUST ---

25 THE COURT: GO AHEAD AND USE THAT AT THIS



1 POINT.

2 MR. POPE: NO OBJECTION.

3 Q THIS IS A PHOTOGRAPH OF THE BODY OF THE VICTIM.  
4 YOU'LL NOTICE A POCKETBOOK LYING ON THE BED BESIDE  
5 HER. DO YOU THINK THAT POCKET BOOK WOULD HAVE BEEN  
6 SUITABLE FOR AT LEAST TRYING TO GET A PRINT OFF OF  
7 IT?

8 A LOOKING AT THIS PHOTOGRAPH I CAN SAY THAT IT  
9 WOULD PROBABLY BE NOT YOUR BEST SURFACE, BUT IT WOULD  
10 BE A SURFACE THAT IF I, IF YOU ARE ASKING MY OPINION,  
11 I WOULD TRY TO PROCESS IT, BUT IT'S NOT THE, IT'S NOT  
12 YOUR BEST SURFACE. IT APPEARS TO BE A GRAINY VINYL  
13 TYPE SURFACE WHICH QUITE OFTEN DOES NOT RENDER VERY  
14 GOOD RESULTS WHEN FINGERPRINT PROCESSING.

15 Q BUT IF YOU HAD BEEN CALLED YOU WOULD HAVE TESTED  
16 THAT POCKETBOOK YOURSELF?

17 A WITH NOT HAVING MUCH INFORMATION HERE AND JUST  
18 LOOKING AT THIS PHOTOGRAPH AND SEEING WHAT I SEE, I  
19 PROBABLY WOULD HAVE COLLECTED IT AND PROCESSED IT.

20 Q THAT'S ALL I HAVE. THANK YOU.

21 MR. GREELEY: NO, YOUR HONOR.

22 THE COURT: YOU CAN STEP DOWN AND BE  
23 EXCUSED. WE APPRECIATE YOUR TIME. I UNDERSTAND THAT  
24 YOU WANT TO SET SOMETHING UP FOR THE NEXT WITNESS.

25 MR. POPE: I WANT TO LAY HANDS ON THIS

1           THING TO SEE IF I CAN GET IT TO WORK, BUT IF I CAN  
2           HAVE FIVE MINUTES.

3                       THE COURT:   I'M GOING TO LET YOU GO TO THE  
4           JURY ROOM FOR JUST A MINUTE.   THEY TRIED OVER LUNCH  
5           TO GET THIS AND HAD A LITTLE TROUBLE, SO HOPEFULLY  
6           THEY GOT IT WORKING.

7                       (THE JURY EXITS THE COURTROOM AT 03:01  
8           PM AND COURT IS IN RECESS.)

9                       (COURT RESUMES AT 03:14 PM THE  
10          DEFENDANTS ARE PRESENT.)

11                      THE COURT:   WE READY.

12                      MR. POPE:   THE STATE IS READY, YOUR HONOR.

13                      THE COURT:   MR. IVEY, WOULD YOU GET THE  
14          JURY.

15                      (THE JURY RETURNS TO THE COURTROOM AT  
16          03:16 PM.)

17                      MR. POPE:   THE STATE WOULD CALL DR.  
18          STEPHEN LAMBERT TO THE STAND PLEASE.

19                      STEPHEN LAMBERT, AFTER BEING FIRST  
20          DULY SWORN EXAMINED AND TESTIFIED AS FOLLOWS:

21          DIRECT EXAMINATION BY MR. POPE:

22          Q       DR. LAMBERT, IF YOU WOULD STATE YOUR NAME AND  
23          SPELL YOUR LAST NAME FOR THE COURT REPORTER PLEASE?

24          A       STEPHEN J. LAMBERT.   L-A-M-B-E-R-T.

25          Q       AND COULD YOU TELL THIS JURY WHERE YOU ARE

1 EMPLOYED?

2 A WITH THE SOUTH CAROLINA LAW ENFORCEMENT  
3 DIVISION.

4 Q AND WHAT IS YOUR OCCUPATION THERE?

5 A AT SLED I'M A DNA ANALYST AND ALSO A SEROLOGIST.

6 Q COULD YOU TELL THE JURY WHAT IS SEROLOGY? WHAT  
7 IS THAT?

8 A SEROLOGY IS THE STUDY OF BODY FLUIDS  
9 PARTICULARLY FORENSIC SEROLOGY ARE FLUIDS THAT ARE  
10 LEFT AT A CRIME SCENE. THAT'S BLOOD, SEMEN, SALIVA.  
11 WHAT WE DO IS IDENTIFY THOSE FLUIDS AND THEN  
12 DETERMINE IF THERE IS ENOUGH TO DO A DNA ANALYSIS ON  
13 THOSE.

14 Q SO IS IT FAIR TO SAY YOU KIND OF WEAR YOUR  
15 SEROLOGY HAT AT FIRST WHEN YOU FIRST DEAL WITH THE  
16 EVIDENCE AND THEN DNA IF APPROPRIATE EVIDENCE IS  
17 THERE?

18 A THAT'S CORRECT.

19 Q OKAY. IN A GIVEN DAY WHEN YOU ARE NOT STUCK  
20 HERE WITH ME, IN A GIVEN DAY IS YOUR ENTIRE WORK DAY  
21 DEVOTED TO TESTING SEROLOGY DNA EVIDENCE?

22 A YES, SIR.

23 Q OKAY. AND WHAT TYPE OF BACKGROUND OR EDUCATION  
24 AND TRAINING DO YOU HAVE THAT ALLOWS YOU TO PERFORM  
25 THESE TESTS?

1       A     I HAVE A BACHELOR'S DEGREE IN CHEMISTRY. I HAVE  
2       PH.D IN BIOCHEMISTRY FROM THE UNIVERSITY OF SOUTH  
3       CAROLINA IN 1990. AT THAT POINT I BECAME EMPLOYED AT  
4       SLED AND WHEN I BECAME EMPLOYED THERE I ATTENDED THE  
5       FBI'S DNA ANALYSIS CLASS IN QUANTICO, VIRGINIA, THE  
6       FBI ACADEMY. I GOT GRADUATE CREDIT FROM THE  
7       UNIVERSITY OF VIRGINIA FOR THAT CLASS. IT'S A MONTH  
8       LONG CLASS. AFTER THAT I REMAIN ANOTHER THREE MONTHS  
9       AS A VISITING SCIENTIST IN THE FBI'S DNA LAB AND  
10      VALIDATED PROCEDURES THEY USE IN THEIR LABORATORY.  
11      ONCE I CAME BACK TO SLED I WAS TRAINED IN THE  
12      ANALYSIS OF FORENSIC EVIDENCE AND HOW TO DO SEROLOGY  
13      BY THE ANALYST AT SLED LABORATORY. I ATTENDED  
14      NUMEROUS SYMPOSIA AND CLASSES SINCE MY EMPLOYMENT AT  
15      SLED.

16      Q     AND HOW LONG HAVE YOU BEEN WITH SLED?

17      A     SINCE 1990.

18      Q     OKAY. AND HOW LONG HAVE YOU BEEN DOING SEROLOGY  
19      AND DNA?

20      A     I DID DNA EVER SINCE 1990, SO THAT'S GOING ON 15  
21      YEARS NOW. SEROLOGY I'VE BEEN DOING FOR ABOUT THE  
22      LAST 8 YEARS. WE USED TO HAVE TWO SEPARATE  
23      DEPARTMENTS AND WE HAVE COMBINED THEM ABOUT 8 YEARS  
24      AGO.

25      Q     OKAY. IN YOUR TESTING YOU ACTUALLY AND I THINK

1 I JUMPED AHEAD A LITTLE BIT ON THIS. AS PART OF YOUR  
2 JOB WHAT IS THE FORENSIC NATURE OF YOUR JOB? WHAT  
3 DOES THAT MEAN WHEN YOU RECEIVE EVIDENCE FROM LAW  
4 ENFORCEMENT?

5 A WHAT HAPPENS IS THAT DURING THE COMMISSION OF A  
6 CRIME THERE MAY BE BODY FLUIDS LEFT AT THE CRIME  
7 SCENE THAT COULD BE TAKEN WITH THE PERSON WHO COMMITS  
8 THE CRIME OR LEFT DURING THE COMMISSION OF THE CRIME.  
9 WHAT HAPPENS IS THOSE ARE COLLECTED EITHER A RAPE  
10 EXAM AT THE HOSPITAL OR WHEN A CRIME SCENE IS  
11 ACTUALLY PROCESSED BY A CRIME SCENE TECHNICIAN. THEY  
12 COLLECT THOSE SAMPLES, THEY BRING THEM BACK TO SLED,  
13 THEY ARE EXAMINED TO SEE WHETHER OR NOT THEY HAVE A  
14 BODY FLUID ON THEM, AND ONCE WE IDENTIFY THAT BODY  
15 FLUID, WE DO DNA ON IT.

16 Q AND HAVE YOU HAD THE OPPORTUNITY ONCE YOU DONE  
17 TESTING TO ACTUALLY TESTIFY AS AN EXPERT IN COURTS  
18 HERE IN THE STATE OR IN FEDERAL COURT?

19 A YES, IN STATE COURTS.

20 Q OKAY. AND HOW MANY TIMES HAVE YOU TESTIFIED IN  
21 THE PAST AS AN EXPERT IN DNA OR SEROLOGY?

22 A OVER 70 TIMES.

23 MR. POPE: YOUR HONOR, AT THIS TIME I  
24 WOULD TENDER DR. LAMBERT AS AN EXPERT IN FORENSIC  
25 SEROLOGY AND FORENSIC DNA ANALYSIS.

1 THE COURT: ANY VOIR DIRE.

2 MR. WOOD: NO, WE'LL STIPULATE.

3 MR. GREELEY: NO, YOUR HONOR.

4 THE COURT: I FIND HE'S QUALIFIED.

5 Q DR. LAMBERT, IN THE DAYS OF CSI I FEEL LIKE SOME  
6 OF THESE QUESTIONS MAYBE REDUNDANT BUT I'M GOING TO  
7 ASK FOR YOU TO EXPLAIN DNA AND IN CONJUNCTION WITH  
8 THAT, DID YOU ASSIST IN PREPARATION OF A POWERPOINT  
9 THAT WOULD HELP YOU TO EXPLAIN TO THE JURY BOTH THE  
10 STRUCTURE OF WHAT IT IS YOU DO AND ULTIMATELY THE  
11 TESTING IN THIS PARTICULAR CASE?

12 A YES, I DID.

13 Q OKAY.

14 MR. POPE: WITH THE COURT'S PERMISSION,  
15 YOUR HONOR, I WOULD ASK THAT DR. LAMBERT BE ABLE TO  
16 STEP DOWN. THE QUESTIONS I WOULD PROFFER THE  
17 QUESTION THEN WE'LL STEP THROUGH THAT EXPLANATION.

18 THE COURT: THAT WILL BE FINE, YES, SIR.

19 Q DOCTOR, FIRST IF YOU COULD, IF YOU COULD EXPLAIN  
20 TO THE JURY WHAT DNA ACTUALLY IS?

21 A OKAY. DNA STANDS FOR DEOXYRIBONUCLEIC ACID  
22 WHICH IS WHY WE SHORTENED IT DOWN TO DNA. IT'S A  
23 CHEMICAL. IT'S A MOLECULE. IT'S PRESENT IN  
24 VIRTUALLY IN EVERY SINGLE CELL IN YOUR BODY AND IT  
25 CONTAINS WITHIN THAT MOLECULE A CODE THAT'S BEEN

1 DECIPHERED OVER THE LAST 30 OR 40 YEARS THAT ALLOW US  
2 TO READ THE LANGUAGE THAT THE BODY HAS PUT INTO THE  
3 DNA MOLECULE. IT CONTAINS YOUR GENERIC INFORMATION.  
4 YOU GET, IT'S PRESENT IN VIRTUALLY EVERY NUCLEIC CELL  
5 IN YOUR BODY. IT'S NOT IN RED BLOOD CELLS, BUT WE  
6 HAVE PLENTY OF WHITE BLOOD CELLS IN OUR BLOOD STREAM  
7 SO WE ARE ABLE TO GET A DNA PRINT FROM BLOOD. YOU  
8 GET HALF OF IT FROM YOUR MOTHER AND HALF OF IT FROM  
9 YOUR FATHER THE MOMENT YOU ARE CONCEIVED SO EVEN AS A  
10 SINGLE CELL YOU HAVE A COMPLETE DNA MOLECULE AND THAT  
11 MOLECULE IS PASSED ON TO ALL THE REST OF THE CELLS  
12 THAT IN YOUR BODY SO THAT'S COPIED IN EVERY SINGLE  
13 CELL IN YOUR BODY. IT'S PACKAGED INTO A 46  
14 CHROMOSOMES IN THE HUMAN. YOU GET 22 FROM YOUR MOM,  
15 22 FROM YOUR DAD, AND THEN THERE IS THE SEX  
16 CHROMOSOME YOU GET ONE FROM YOUR MOM AND ONE FROM  
17 YOUR DAD AND THAT DETERMINES WHETHER YOU ARE A MALE  
18 OR A FEMALE, SO THOSE ADD UP TO 46.

19 IT'S UNIQUE FOR EVERYONE WITH THE  
20 EXCEPTION OF IDENTICAL TWINS. EVEN BROTHERS AND  
21 SISTERS ARE GOING TO HAVE DIFFERENT DNA FULL BROTHERS  
22 AND FULL SISTERS WILL HAVE DIFFERENT DNA. ONLY  
23 IDENTICAL TWINS HAVE THE SAME DNA BECAUSE THEY START  
24 OUT FROM THAT SAME EGG THAT SPLINTS INTO TWO EGGS AND  
25 THEN FORMS TWO COMPLETE HUMAN BEINGS. THIS IS WHAT A

1 DNA MOLECULE LOOKS LIKE. IT'S KIND OF DIFFICULT TO  
2 TELL FROM THIS PICTURE, BUT IF YOU IMAGINE A LADDER,  
3 JUST A STRAIGHT UP AND DOWN LADDER WITH RUNGS IN IT,  
4 AND IF YOU TAKE THE TOPS OF THAT LADDER AND IT WAS  
5 FLEXIBLE, YOU COULD TWIST IT AROUND ON ITSELF LIKE A  
6 RUBBER BAND, THAT'S KIND OF THE STRUCTURE THAT YOU  
7 GET WITH DNA. IT'S A DOUBLE HELIX.

8 ONE OF THE THINGS ABOUT DNA IS THAT  
9 THE UPRIGHTS VIRTUALLY ALWAYS STAY TOGETHER. THOSE  
10 RUNGS OF THE LADDER WILL COME APART AND IT CAN UNZIP  
11 AND WHAT WE DO IS WE UNZIP THE DNA DURING OUR  
12 ANALYSIS TO DETERMINE A PERSON'S DNA TYPE. THAT'S  
13 PART OF THE PROCESS.

14 Q NOW YOU REFER TO YOUR ANALYSIS AND MENTALLY  
15 TAKING YOU BACK TO YOUR LAB, CAN DNA TESTING BE DONE  
16 ON DRIED STAINS?

17 A YES, A VAST MAJORITY OF THE TESTING WE DO ARE ON  
18 DRIED STAINS. IF YOU GO IN A HOSPITAL AND DO A DNA  
19 TEST THEY ARE PROBABLY GOING TO DRAW IT OUT OF YOUR  
20 ARM AND PERFORM A LIQUID BLOOD OR SOME OTHER SAMPLE  
21 LIKE THAT. AT CRIME SCENES QUITE OFTEN BLOOD  
22 SPLATTER ON THE FLOOR, IT'S ON WALLS, THE SEMEN  
23 STAINS ON THE COMFORTER. IT'S ON WHATEVER. MOST OF  
24 THOSE ARE DRIED, SO WE'RE USED TO WORKING ON DRIED  
25 STAINS. IT'S STILL PRESENT AND ACTUALLY IN A DRIED



1 STATE IT'S A LOT MORE STABLE, BECAUSE WHEN IT IS WET  
2 THERE IS A LOT OF BACTERIA THAT CHEW UP THE DNA  
3 SAMPLE, SO WE ACTUALLY PREFER IT TO BE DRY.

4 Q SO THAT DOESN'T PREVENT YOU FROM BEING ABLE TO  
5 DO TESTING THE FACT THAT IT IS IN FACT DRIED?

6 A NO.

7 Q AND WHAT, YOU TALKED ABOUT BLOOD, IS THERE OTHER  
8 ITEMS THAT WOULD CONTAIN DNA THAT YOU COULD TEST?  
9 OTHER ITEMS THAT YOU WOULD RECEIVE?

10 A CERTAINLY. ANY TISSUE THAT'S IN THE BODY,  
11 THAT'S SKIN CELLS, SALIVA CELLS. WHEN I SAY SALIVA  
12 THESE ARE CELLS OFF THE INSIDE OF YOUR MOUTH THAT  
13 KIND OF SLUFF OFF INTO YOUR SALIVA. THERE WOULD BE  
14 CELLS FROM THE VAGINAL LINING THAT WOULD HAVE DNA IN  
15 THEM, SPERM CELLS, AND THEY ARE ALL GOING TO BE THE  
16 SAME THROUGHOUT THE INDIVIDUAL, A PERSON'S BLOOD IS  
17 GOING TO MATCH THEIR DNA IN THEIR SEMEN. IT'S GOING  
18 TO MATCH THE DNA THAT'S IN THEIR HAIR FOLLICLES THAT  
19 GETS PULLED OUT IN THE HAIR ROOT, AND SO THERE IS A  
20 VARIETY OF SAMPLES WE TEST.

21 Q AND IN YOUR LAB AT SLED HOW LONG HAVE THEY  
22 ACTUALLY BEEN DOING DNA TESTING?

23 A WE'VE BEEN DOING DNA SINCE 1991 WAS THE FIRST  
24 DNA TEST THAT WE DID. IT WAS A SLIGHTLY DIFFERENT  
25 TEST THAN THEN TEST WE DO NOW BECAUSE IT'S PROGRESSED

1 OVER THE YEARS, BUT THE TEST THAT WE DO NOW WE PUT ON  
2 LINE IN PROBABLY 1999-2000.

3 Q AND THE TEST THAT YOU DO NOW, WHAT TYPE OF TEST  
4 IS THAT?

5 A THAT'S THE STR DNA TEST AND STR STANDS FOR SHORT  
6 TANDEM REPEAT. IT'S A PLACE ON YOUR DNA THAT'S VERY  
7 DIFFERENT FROM PERSON TO PERSON. THAT'S THE PART OF  
8 THE DNA THAT WE WANT TO TEST.

9 Q OKAY. AND I CALL YOUR ATTENTION TO THE NEXT  
10 SLIDE. YOU SAID STR IS SHORT TANDEM REPEAT AND THAT  
11 PCR, WHAT IS THAT?

12 A PCR IS THE TOOL BY WHICH WE TEST THOSE STR  
13 PORTIONS OF THE DNA. PCR STANDS FOR POLYMERASE CHAIN  
14 REACTION AND WHAT IT IS A TEST THAT WAS DEVELOPED  
15 BACK IN PROBABLY MID TO LATE 80'S THAT'S ENABLED US  
16 TO LOOK AT A TINY AMOUNT OF DNA WITHOUT LOOKING AT  
17 THE ENTIRE REST OF THE MOLECULE. YOU SEE THE DNA IS  
18 LOCATED IN A CELL. YOU SEE THE CELL NUCLEUS, LET ME  
19 SEE IF I CAN GET MY LASER POINTER TO WORK. DNA IS IN  
20 THE CELL NUCLEUS AND IT'S STORED IN THESE  
21 CHROMOSOMES. YOU'VE PROBABLY SEEN PICTURES OF  
22 CHROMOSOMES BEFORE. IF YOU WERE TO UNRAVEL THE DNA  
23 OUT OF ITS CHROMOSOMES IT WOULD GO ON FOR MILLIONS  
24 AND MILLIONS OF BASE PAIRS IN A SINGLE CHROMOSOME.  
25 WITHIN THIS WHOLE CHROMOSOME THE VAST MAJORITY OF IT

1 FOR EVERYONE IN THIS ROOM IS GOING TO BE THE SAME.  
2 WE'RE ALL PART OF THE HUMAN FAMILY. WE'RE ALL  
3 RELATED TO EACH OTHER ULTIMATELY AND THE VAST  
4 MAJORITY OF THE DNA, EACH CHROMOSOME IS THE SAME, BUT  
5 THERE ARE PARTS THAT MAKE US DIFFERENT AND THOSE ARE  
6 THE PARTS THAT WE WANT TO TEST. WE'LL SAY A  
7 DIFFERENCE RESIDED IN THIS PART OF THE DNA THAT WOULD  
8 BE THE AREA THAT WE'RE GOING TO TARGET FOR PCR SO PCR  
9 IS A TOOLS THAT LET'S US FOCUS IN ON THAT SMALLER  
10 AREA OF DNA AND WITHOUT HAVING TO LOOK AT THE ENTIRE  
11 DNA MOLECULE.

12 Q OKAY. AND THEN LET ME ASK YOU. THIS PCR/STR  
13 DNA TESTING IS THAT UNIQUE TO THE SLED LAB FROM A  
14 FORENSIC STANDPOINT? ARE YOU THE ONLY LAW  
15 ENFORCEMENT LABORATORY THAT DOES THAT TYPE OF  
16 TESTING?

17 A NO. THE FBI DOES THIS TESTING, EVERY SINGLE  
18 STATE LAB IN THE UNITED STATES DOES THIS TESTING NOW.  
19 THE CANADIAN RCMP DOES THIS TESTING. THE EUROPEANS  
20 USE VIRTUALLY THE SAME TESTS THAT WE DO, SO IT'S A  
21 UNIVERSAL TEST AT THIS POINT. EVERYBODY IS DOING THE  
22 SAME TEST.

23 Q LET ME TAKE IT A STEP FURTHER. IS THIS TESTED  
24 USED IN PLACES OTHER THAN FORENSIC AND OTHER THAN LAW  
25 ENFORCEMENT THIS TYPE OF TEST?

1       A     YES.  IT COULD BE USED IN IDENTIFICATION OF WAR  
2       DEAD.  THIS IS THE EXACT SAME TEST THAT THEY WOULD  
3       USE TO IDENTIFY SOMEBODY THAT WAS KILLED ON THE  
4       BATTLE FIELD.  YOU COULD USE IT TO DO PATERNITY  
5       TESTING.  YOU COULD USE IT TO DO MISSING PERSONS  
6       TESTING.  LET'S SAY THEY FIND A SKELETON SOMEWHERE  
7       AND THEY WANT TO COMPARE IT BACK TO MOM AND DAD  
8       BECAUSE YOU GET HALF YOUR DNA FROM YOUR MOM AND HALF  
9       OF IT FROM YOUR DAD, YOU CAN DEVELOP A PRINT FROM A  
10      SKELETON, A PRINT FROM THE PARENTS AND DETERMINE  
11      WHETHER OR NOT THAT PARTICULAR OFFSPRING.

12      Q     ALL RIGHT.  COULD YOU NOW EXPLAIN TO THE JURY  
13      EXACTLY, YOU RECEIVE EVIDENCE JUST LIKE EVERYBODY  
14      ELSE AT SLED, YOU RECEIVE PORTIONS OF EVIDENCE, IS  
15      THAT CORRECT?

16      A     THAT'S CORRECT.

17      Q     OKAY.  AND WE'LL TOUCH ON SEROLOGY AT SOME  
18      POINT, BUT FROM A DNA STANDPOINT WHAT DO YOU ACTUALLY  
19      DO WHEN YOU HAVE A STAIN OR A PIECE OF EVIDENCE THAT  
20      YOU ARE GOING TO ATTEMPT TO IDENTIFY?

21      A     OKAY.  WHEN WE GET EVIDENCE INTO, WELL, I HAVE  
22      ANOTHER SLIDE LATER ON IF I CAN GET TO THAT.  I'LL  
23      TRY AND BACK UP TO IT.  WHEN WE GET AN ITEM AT SLED  
24      WHAT WE'RE GOING TO DO IS WE'RE GOING TO PURIFY THE  
25      DNA FROM THAT ITEM.  LET'S SAY THAT IT'S A CUTTING

1 FROM A CRIME SCENE FROM AN ITEM OF FURNITURE. THERE  
2 IT IS. WE GET BASICALLY TWO KINDS OF SAMPLES THAT  
3 ARE SUBMITTED TO THE LAB. SOME OF THEM MAYBE BLOOD  
4 STANDARDS FROM A VICTIM OR SUSPECT THAT ARE COLLECTED  
5 AT AUTOPSY OR COLLECTED AT THE HOSPITAL. WE ALSO  
6 RECEIVE CUTTINGS THAT MAY HAVE BEEN COLLECTED BY THE  
7 PEOPLE WHO DID THE CRIME SCENE AND SUBMITTED THOSE TO  
8 SLED. THERE COULD BE SWABS TAKEN FROM SWABS OFF THE  
9 WALL. THERE COULD BE SWABS TAKEN FROM A RAPE EXAM,  
10 SO WE'VE GOT THIS MATERIAL WITH BIOLOGICAL FLUID ON  
11 IT. WE'RE GOING TO EXTRACT THE DNA FROM THAT BY  
12 PLACING THIS MATERIAL INTO A SOLUTION THAT'S GOING TO  
13 BREAK DOWN THE CELL WALLS AND OPEN IT UP TO WHERE THE  
14 DNA CAN GO INTO THE LIQUID. ONCE IT GOES INTO THE  
15 LIQUID WE EXTRACT THE DNA FROM ALL THE OTHER STUFF  
16 THAT'S IN THE CELL FROM THE LIPIDS, FROM THE  
17 CARBOHYDRATES AND PROTEINS, GET IT AWAY FROM ALL OF  
18 THAT TO WHERE WE GOT PURIFIED DNA AND THEN WE GOT TO  
19 FIGURE OUT HOW MUCH WE HAVE. WE'RE GOING TO  
20 QUANTITATE IT. IN SOME CASES WE MAY NOT HAVE ENOUGH  
21 TO TEST AND SOME CASES WE MAY HAVE SOME THAT THE  
22 BACTERIA HAVE GOTTEN TO AND THEY CHEWED IT UP TO  
23 WHERE WE DON'T HAVE ENOUGH DNA TO ACTUALLY DO A DNA  
24 TEST ON. BUT ONCE WE DETERMINE THAT WE HAVE GOT  
25 ENOUGH DNA AND IT IS OF HIGH ENOUGH QUALITY WE'RE

1 GOING TO GO ON TO THE NEXT STEP AND THAT'S THE PCR  
2 REACTION WHERE WE ZERO IN ON THAT SPOT THAT MAKES US  
3 DIFFERENT FROM EACH OTHER.

4 Q AND YOU SAY IS THAT WHERE THE AMPLIFICATION THAT  
5 YOU TALKED ABOUT TAKES PLACE?

6 A YES.

7 Q THAT'S WHAT WE KIND OF---

8 A RIGHT.

9 Q WOULD YOU MIND SHOWING THE JURY WHEN YOU TALK  
10 ABOUT AMPLIFICATION?

11 A LET ME BACK UP. THROUGH ALL THESE SLIDES WE  
12 JUST WENT THROUGH. OKAY, THIS IS THE PCR REACTION  
13 AND WHAT HAPPENS, THE WHOLE PURPOSE OF THIS IS TO  
14 AMPLIFY TO MAKE USING THE SAME PROCESSES THAT THE  
15 BODY USES TO START OFF IN A SINGLE CELL AND GROW UP  
16 TO MILLIONS AND BILLIONS OF CELLS, WE ARE GOING TO USE  
17 THE SAME PROCESS THAT THE BODY USES TO MAKE NEW DNA  
18 EXCEPT WE'RE GOING TO DO IT IN A TEST TUBE. WHAT  
19 HAPPENS IS YOU'VE GOT YOUR DNA---

20 Q EXCUSE ME. DOES IT MAKE DIFFERENT DNA WHEN YOU  
21 ARE TESTING?

22 A WHAT IT DOES IS IT MAKES A COPY OF THE PERSON'S  
23 DNA, WE'LL SAY WE'RE DOING A STANDARD, A BLOOD  
24 STANDARD FROM MYSELF FOR INSTANCE. WHAT WE'RE GOING  
25 TO DO IS ZERO IN ON THAT PART OF THE DNA THAT MAKES

1 US DIFFERENT FROM EACH OTHER AND WE'RE GOING TO MAKE  
2 AN EXACT COPY OF MY DNA BUT WE'RE GOING TO MAKE  
3 MILLIONS AND BILLIONS OF COPIES OF THAT SO NOW I END  
4 UP WITH MORE OF THAT COPY OF THE ORIGINAL DNA THAT WE  
5 STARTED OFF WITH SO WHEN I ANALYZE IT NOW ALL I SEE  
6 ARE THE COPIES AND THEN I DON'T SEE UP HERE THE OTHER  
7 DNA. SO WE START WITH A, FOR INSTANCE, A SINGLE COPY  
8 OF DNA AND THIS IS THE PART OF THE DNA THAT WE WANT  
9 TO AMPLIFY AND WE SEPARATE IT OUT ACCORDING TO  
10 DENATURING IT AND TO DO THAT THAT SEPARATES THE  
11 STRANDS. WHAT HAPPENS IS IT'S HEATED UP AND THEY  
12 SPLIT APART. ONCE IT SPLITS APART WE HAVE PIECES OF  
13 DNA ADDED TO THIS MIXTURE, THEY ARE GOING TO SEEK OUT  
14 THOSE SPOTS THAT MAKE US DIFFERENT FROM EACH OTHER.  
15 WHAT THEY DO IS THEY BIND TO THAT DNA AND ONCE THEY  
16 BIND TO IT, THERE IS CHEMICALS THAT ARE IN THIS  
17 MIXTURE THAT ARE VERY SIMILAR TO THE CHEMICALS THAT  
18 WE HAVE IN OUR BODY THAT ARE GOING TO MAKE NEW COPIES  
19 OF DNA. SO YOU SEE WE STARTED OFF WITH A SINGLE COPY  
20 OF DNA UP HERE AT THE TOP AND NOW AT THE END OF THIS  
21 FIRST CYCLE WE'VE GOT TWO COPIES OF DNA. WELL, WE'RE  
22 NOT GOING TO STOP FOR JUST A SINGLE CYCLE, WE'RE  
23 GOING TO CONTINUE, WE'LL SAY WE START WITH ONE, WE GO  
24 THROUGH A SINGLE THERMOCYCLE, WE END UP WITH TWO. WE  
25 GO THROUGH ANOTHER THERMOCYCLE WE END UP WITH FOUR

1 COPIES OF DNA. GO THROUGH ANOTHER THERMOCYCLE WE END  
2 UP WITH 8 COPIES OF DNA. IF WE WERE TO CONTINUE THIS  
3 FOR 32 CYCLES IT'S GOING TO MAKE OVER A BILLION  
4 COPIES OF THE DNA ON THAT WE'RE ORIGINALLY TARGETING.  
5 SO THE FELLOW THAT CAME UP WITH THIS TECHNIQUE WON  
6 THE NOBLE PRIZE FOR DEVELOPING IT.

7 Q OKAY. ONCE YOU HAVE GONE THROUGH THAT CYCLE AND  
8 YOU HAVE GOT ENOUGH OF THE AREA YOU WANT TO LOOK AT  
9 AND YOU GOT YOU SAY THAT MANY COPIES TO LOOK AT, THEN  
10 WHAT IS YOUR NEXT STEP?

11 A THE NEXT STEP IS ONCE WE DEVELOP THIS DNA PRINT  
12 WE'VE ACTUALLY GONE IN AND HAVE DEVELOPED THE  
13 LOCATIONS THAT MAKE US DIFFERENT FROM EACH OTHER, WE  
14 AMPLIFIED THOSE TO WHERE WE CAN LOOK AT THOSE  
15 INDEPENDENT OF THE REST OF THE DNA, SO WE HAVE GOT A  
16 DNA TYPE AT THIS POINT. SO WE'LL GO THROUGH THIS TO  
17 THE POINT WHERE WE DO THE PCR. I PUT THE REQUISITE  
18 CHEMICALS IN THE TUBE, THE DNA THAT I WANT TO AMPLIFY  
19 THAT CAME FROM EITHER THE EVIDENCE OR FROM THE  
20 STANDARD. I'VE GOT THE PRIMERS THAT ARE GOING TO  
21 POINT IT OUT TO WHERE THEY WANT TO MAKE THE NEW  
22 TARGET AND I'VE GOT THE CHEMICALS THAT ARE REQUIRED  
23 TO MAKE NEW DNA, SO THE FIRST CYCLE I'VE GOT A SINGLE  
24 COPY. IT GOES INTO THERMOCYCLER WHICH IS BASICALLY  
25 JUST A HOT GLOB THAT HEATS IT UP, COOLS IT DOWN,



1 HEATS IT UP, COOLS IT DOWN, AND GOES THROUGH THESE  
2 REPETITIVE CYCLES TO MAKE NEW DNA, SO AFTER A SINGLE  
3 CYCLE I'VE GOT TWO COPIES, AFTER 25 TO 30 CYCLES, I'M  
4 GOING TO HAVE MILLION-FOLD INCREASE OF DNA.  
5 THIS IS WHAT WE'VE BEEN AMPLIFYING AND THIS IS THE  
6 TERM THAT WE USED BEFORE, THIS IS SHORT TANDEM  
7 REPEATS. THESE ARE THE PARTS OF THE DNA THAT MAKE US  
8 DIFFERENT FROM EACH OTHER. WE HAVEN'T TALKED MUCH OF  
9 THAT LANGUAGE OF DNA BUT THERE ARE FOUR LETTERS IN  
10 DNA LANGUAGE: A-G-T-C AND THEY APPEAR IN SEQUENCE  
11 ALONG THIS STRAND OF DNA UNTIL ALL OF A SUDDEN WE  
12 REACH THIS POINT WHERE IT'S REPEATED A WORD OVER AND  
13 OVER AGAIN, A-A-T-G, A-A-T-G, AND IT'S REPEATED SEVEN  
14 TIMES, THAT'S WHAT'S REFERRED TO AS A SHORT TANDEM  
15 REPEAT, AND THESE PLACES APPEAR NUMEROUS TIMES  
16 THROUGHOUT THE ENTIRE HUMAN DNA. AND THEY DISCOVERED  
17 THAT THEY ARE VERY DIFFERENT FROM PERSON TO PERSON  
18 BASED ON THE NUMBER OF REPEATS. ON ONE STRAND OF YOUR  
19 DNA, ON ONE OF YOUR CHROMOSOMES YOU MAY HAVE SEVEN  
20 REPEATS. ON THE OTHER CHROMOSOME YOU MAY HAVE EIGHT  
21 REPEATS. YOU MAY HAVE GOT THIS SEVEN FROM YOUR MOM  
22 OR YOUR DAD. YOU GOT THE EIGHT FROM YOUR MOM OR YOUR  
23 DAD. IF WE DID MOM AND DAD'S DNA TYPE WE COULD TELL  
24 WHICH ONE YOU GOT IT FROM, AND SO THIS PERSON'S DNA  
25 TYPE AT THIS SPOT IS A 7-8 AND THEY DIFFER ON ACCOUNT

1 OF THEIR LENGTH. SO WHAT WE WANT TO DO IS LOOK AT  
2 MORE THAN ONE LOCATION. WE MAY BE ABLE TO, MOST OF  
3 THE PEOPLE IN THIS ROOM IF WE JUST LOOKED AT ONE  
4 SPOT, WE CAN PROBABLY TELL, MOST OF US, APART FROM  
5 EACH OTHER. NOW THERE ARE A FEW OF US THAT WOULD  
6 LOOK EXACTLY THE SAME AT ONE SPOT AND IT'S JUST A  
7 COMPLETELY RANDOM THING THAT THE WAY THAT THESE ARE  
8 PASSED ON FROM GENERATION TO GENERATION, SO WE DON'T  
9 WANT TO JUST LOOK AT ONE SPOT. WE WANT TO LOOK AT  
10 MORE THAN ONE SPOT. WE HAVE ONE TEST THAT LOOKS AT A  
11 TOTAL OF NINE LOCATIONS AND THEN ANOTHER TEST ADDED  
12 TO THAT CAN LOOK UP AT 13 LOCATIONS AND THAT'S  
13 IMPORTANT BECAUSE ONCE WE REACH THAT LEVEL OF THE  
14 NUMBER OF SCR'S THAT WE'RE LOOKING AT WE'RE CONFIDENT  
15 THAT THE DNA PRINT THAT WE'RE LOOKING AT WOULD BE  
16 UNIQUE TO THAT INDIVIDUAL.

17 Q SO, DR. LAMBERT, YOU LOOK AT EACH INDIVIDUAL  
18 AREAS AND DECIDE HOW YOURS MAY DIFFER FROM MINE ON  
19 ONE AREA, THEN YOU GO LOOK AT ANOTHER AREA ON  
20 CHROMOSOME AGAIN?

21 A RIGHT.

22 Q OKAY. AND YOU ARE GOING TO, YOU SAID YOU HAD  
23 THE ABILITY TO DO THAT ON HOW MANY DIFFERENT SPOTS  
24 THAT YOU USE?

25 A A TOTAL OF 13. ON SOME OF THESE ITEMS WE DID

1 NINE LOCATIONS, SOME OF THEM WE DO 13, AND THAT JUST  
2 DEPENDS IF IT CAME FROM A VICTIM WE WOULD ONLY DO  
3 NINE. IF WE HAVE A TOTAL OF 13 FROM A SUSPECT WE DO  
4 13.

5 Q OKAY. AND DID YOU BRING SOMETHING TO INDICATE  
6 THE AREAS THAT YOU ACTUALLY LOOKED?

7 A SHOULD BE THE NEXT SLIDE. HERE'S THE DIFFERENT  
8 LOCATIONS ON ALL THE CHROMOSOMES YOU SEE. TOTAL OF  
9 22 CHROMOSOMES. AGAIN WE GOT THOSE TIMES TWO FOR 44  
10 PLUS X AND Y WOULD GIVE US 46, SO THIS IS THE HUMAN  
11 GENOME AS IT WERE. THIS IS AN, ON NUMBER TWO WE'VE  
12 ONE OF THESE LOCATIONS IT'S TURNED T-POX, SO WE TEST  
13 THAT ONE. ON CHROMOSOME NUMBER THREE WE HAVE THE  
14 LOCATION D-3-S-1-3-5-8. ON CHROMOSOME FOUR F-G-A.  
15 SO THEY ARE KIND OF SCATTERED OUT THROUGH THE WHOLE  
16 HUMAN GENOME AND IF YOU WERE TO COUNT THEM UP THERE  
17 SHOULD BE 13. PLUS ON THE X AND Y CHROMOSOMES WE'VE  
18 GOT ANOTHER SPOT THAT WE CAN LOOK AT SO WE CAN TELL  
19 WHETHER OR NOT THE SAMPLE CAME FROM A MAN OR A  
20 FEMALE. THOSE ARE THE SEX CHROMOSOMES AND IF WE HAVE  
21 A SAMPLE NOT ONLY CAN WE TELL ITS DNA PROFILE, BUT WE  
22 CAN ALSO TELL IT'S AMELOGOME PROFILE. THAT'S A-M-E-L  
23 AND THAT TELLS US WHETHER OR NOT IT'S MALE OR FEMALE.  
24 Q OKAY. WHEN YOU ACTUALLY DO THE TESTING AND THE  
25 MACHINE THAT YOU GET RESULTS, HOW DOES THAT DISPLAY

1       OUT TO YOU? IS THERE A COMPUTER SOFTWARE YOU USE?  
2       A     YES, WE DO. WE USE AN INSTRUMENT CALLED THE  
3       GENETIC ANALYZER AND THIS IS WHAT THE FINAL PRODUCT  
4       OF THE ANALYSIS LOOKS LIKE. THIS IS A DNA PROFILE  
5       USING THE PROFILER PLUS KIT WHICH IS A DNA KIT THAT  
6       WE PURCHASED TO DO THIS KIND OF TESTING. WE TAKE THE  
7       SAMPLE THAT WE'VE PURIFIED, WE PLACE IT WITH  
8       CHEMICALS IN THIS KIT, THE PRIMERS, AND THEY ARE  
9       GOING TO AMPLIFY THESE DNA REGIONS, SO AT THE  
10      D-3-S-1-3-5-8 THIS PERSON IS A 15-17. THAT MEANS  
11      THEY HAVE 15 REPEATS ON ONE OF THEIR CHROMOSOMES AND  
12      17 ON THE OTHER CHROMOSOME. THE NEXT IS A 15-18  
13      V-W-A. THIS IS A COMPLETE SEPARATE CHROMOSOMAL  
14      LOCATION. ANOTHER AT F-G-A AND WE'RE ABLE TO DO THIS  
15      IN ONE SINGLE REACTION AND GET ALL OF THIS  
16      INFORMATION AT ONCE. THIS IS ONE, TWO, THREE, FOUR,  
17      FIVE, SIX, SEVEN, EIGHT, NINE LOCATIONS THAT ARE  
18      AMPLIFIED AT ONCE, AND THIS PERSON IS A MALE BECAUSE  
19      THEY ARE X-Y INDIVIDUAL. WE'VE GOT A Y. A FEMALE  
20      WOULD JUST DISPLAY THE X.  
21      Q     ONCE YOU HAVE THESE RESULTS, HOW WOULD YOU PUT  
22      SOME SIGNIFICANCE TO IT? IN OTHER WORDS, YOU HAVE A  
23      RESULT, HOW DO YOU USE THAT FOR IDENTIFICATION  
24      PURPOSES?  
25      A     ULTIMATELY WHAT WE'RE GOING TO DO IS WE'RE GOING

1 TO COMPARE STANDARDS TO EVIDENCE. STANDARDS CAME  
2 FROM AN INDIVIDUAL AND WE KNOW THE ORIGIN OF THOSE  
3 STANDARDS. YOU MAY GET ONE FROM THE VICTIM LOCATED  
4 AT AUTOPSY. YOU MAY GET ONE FROM A VICTIM COLLECTED  
5 AT A RAPE EXAM. FROM A SUSPECT COLLECTED AT THE  
6 HOSPITAL OR AT THE POLICE STATION. THOSE ARE THE  
7 KNOWN STANDARDS. WE'RE GOING TO COMPARE THOSE TO  
8 EVIDENCE. SO IF THIS WAS A PIECE OF EVIDENCE AND IT  
9 DISPLAYED THIS DNA PRINT AND I DEVELOPED A SIMILAR  
10 DNA PRINT THAT MATCHED ON EVERY SINGLE ONE OF THOSE  
11 LOCATIONS, THEN I WOULD DECLARE THAT TO BE A MATCH  
12 BETWEEN THIS EVIDENCE HERE AND THE KNOWN STANDARD.

13 Q OKAY. AND ONCE YOU DETERMINE THAT SOMETHING IS  
14 A MATCH, IS THERE A FURTHER STEP YOU TAKE IN  
15 DETERMINING HOW LIKELY IT IS THAT THAT WOULD MATCH?

16 A THAT'S CORRECT. WE'RE INTERESTED IN CALCULATING  
17 THE FREQUENCY OF THESE DNA PROFILES IN THE  
18 POPULATION. IF WE WERE JUST GOING TO DO ONE OR TWO  
19 OF THESE THEY MAY BE FAIRLY FREQUENT. MAYBE ONE OUT  
20 OF EVERY THOUSAND PEOPLE WOULD HAVE THIS D-3 AND THIS  
21 D-8. SINCE WE'VE DONE A COMPLETE TOTAL OF NINE HERE  
22 THE PROBABILITY OF SELECTING SOMEBODY UNRELATED AT  
23 RANDOM IN THE POPULATION GETS QUITE SMALL. TYPICALLY  
24 THIS WOULD GIVE YOU ESTIMATE IN THE TRILLIONS ALL THE  
25 WAY UP TO QUADRILLIONS OR QUINTILLIONS SO IT WOULD

1 TAKE ONE OUT OF EVERY QUINTILLION INDIVIDUAL WOULD BE  
2 EXPECTED TO HAVE THIS DNA PROFILE IF YOU WERE TO  
3 RANDOMLY PICK SOMEBODY OUT OF THE POPULATION.

4 Q OKAY. AND WHEN YOU SAID LIKE, FOR EXAMPLE, I  
5 WON'T TRY TO ARTICULATE THE V-W-A, IT'S SIMPLE, THAT  
6 WOULDN'T, 15-18?

7 A RIGHT.

8 Q FOR EXAMPLE, SO YOU WOULD KNOW HOW OFTEN SOMEONE  
9 IN THE POPULATION IN ANY OF THE POPULATION WOULD HAVE  
10 15-18.

11 A THAT'S CORRECT.

12 Q FOR EXAMPLE, TWO OUT OF TEN MAY OR WHATEVER THE  
13 CASE MAYBE, IS THAT CORRECT?

14 A THAT'S CORRECT. WHAT HAPPENED IS THERE HAVE  
15 BEEN DATABASES THAT HAVE BEEN COLLECTED OF  
16 INDIVIDUALS AND THEY COLLECT A GROUP OF 200 CAUCASIAN  
17 INDIVIDUALS AND A GROUP OF 200 AFRICAN AMERICAN  
18 INDIVIDUALS, 200 HISPANIC INDIVIDUALS, AND WHAT THEY  
19 DO IS THEY DEVELOP DNA PRINTS ON ALL OF THOSE PEOPLE  
20 AND THEN THEY LOOK AND SEE HOW COMMON THESE PROFILES  
21 APPEAR IN THOSE POPULATIONS AND THEN THE PROBABILITY  
22 LET'S SAY OF THIS APPEARING IN THE POPULATION WOULD  
23 BE ONE OUT OF EVERY TEN PEOPLE WOULD HAVE THAT.

24 WELL, COUPLED WITH PROBABILITY THAT MAYBE ONE OUT OF  
25 EVERY TEN PEOPLE WOULD HAVE THIS ONE, THAT'S ONE

1       TIMES TEN TIMES, ONE TIMES TEN WOULD BE ONE OUT OF A  
2       HUNDRED PEOPLE WOULD HAVE THIS COMBINATION TIMES  
3       ANOTHER TEN WOULD BE ONE IN A THOUSAND PEOPLE AND ON  
4       DOWN THE LINE AND YOU CAN SEE THE --

5       Q       SO THE MORE AREAS THAT YOU LOOK AT, THE MORE  
6       UNIQUE THE PROFILE BECOMES, IS THAT RIGHT?

7       A       THAT'S CORRECT.

8       Q       OKAY.  IN DOING THIS TESTING, I DON'T THINK I  
9       ASKED YOU THIS EARLIER, HAVE YOU GOT ANY FIELD OVER  
10      THE YEARS THAT YOU'VE BEEN TESTING, HOW MANY OF THESE  
11      TESTS YOU PERFORM?

12     A       THOUSANDS AND THOUSANDS.

13     Q       OKAY.  AND HAVE THERE BEEN TIMES IN YOUR  
14      CAPACITY IN DNA TESTING AT SLED THAT YOU'VE ACTUALLY  
15      EXCLUDED INDIVIDUALS BASED ON YOUR TEST?

16     A       YES.

17     Q       OKAY.  IS THAT OFTEN YOU EXCLUDE INDIVIDUALS  
18      BASED ON YOUR TEST?

19     A       MOST OF THE TIME WE INCLUDE THE INDIVIDUAL, BUT  
20      THERE IS NUMEROUS TIMES WE'VE EXCLUDED FOLKS.  THAT'S  
21      PROBABLY TEN PERCENT OF THE TIME THAT INDIVIDUAL'S  
22      EXCLUDED.

23     Q       AND THE STEPS THAT YOU'VE TAKEN THAT YOU  
24      INDICATED YOU TAKE AND TEST THE DNA, IS THAT SET OUT,  
25      YOU DON'T JUST GO IN THE LAB AND SAY TODAY I'LL DO IT

1 THIS WAY AND TOMORROW I'LL DO IT THAT WAY, IS THAT  
2 SET OUT THERE AT YOUR LAB PROTOCOLS THAT YOU FOLLOW?

3 A YES, IT IS. WE HAVE A PROTOCOL THAT HAS BEEN  
4 DEVELOPED IN OUR LABORATORY, WE FOLLOW THAT PROTOCOL.  
5 IT'S BEEN VALIDATED, WE KNOW THAT THIS PROTOCOL  
6 WORKED BECAUSE THERE HAVE BEEN NUMEROUS STUDIES TO  
7 SHOW THAT IT WILL WORK AND IT'S REPRODUCIBLE, AND  
8 FURTHERMORE, WE RUN CONTROLS EVERY TIME WE RUN A TEST  
9 TO ENSURE THAT THE TEST'S PERFORMED CORRECTLY. WE  
10 RUN A PERSON OF KNOWN DNA TYPE. EVERY SINGLE TIME WE  
11 RUN A TEST IF WE GET THE CORRECT TYPE, WE KNOW THAT  
12 THE TEST WORK. WE RUN A CONTROLLED, IT DOESN'T HAVE  
13 ANY DNA IN IT, IF THAT CONTROL GIVES US A DNA  
14 PROFILE, THEN WE'VE GOT A PROBLEM AND WE REPEAT THE  
15 TEST. SO THE COMBINATION OF THE PROTOCOL AND  
16 CONTROLS INSURE THAT WE GET A GOOD QUALITY RESULT.

17 Q AND YOU HAVE CERTAIN PROTOCOLS THAT YOU WORK  
18 WITH THAT, DO YOU ALSO HAVE CONTROLS AS FAR AS FOR  
19 EXAMPLE LIKE YOUR OWN DNA. I ASSUME YOU HAVE DNA  
20 TOO, CORRECT?

21 A YES, SIR.

22 Q IS THERE A TESTING OR PROCEDURE TO MAKE SURE  
23 SOMEHOW THAT YOU DON'T TAINT THE EVIDENCE OR SHOW UP  
24 IN THE EVIDENCE?

25 A THAT'S CORRECT. USING PCR WE CAN AMPLIFY A



1 TINY, TINY AMOUNT OF DNA. IT ESTIMATED ABOUT 150  
2 CELLS IS ALL THAT WE NEED TO GET A DNA PRINT, SO  
3 THAT'S VIRTUALLY SMALLER THAN YOU CAN SEE. I'VE  
4 GOTTEN DNA PRINT DEFINITELY OFF OF THINGS THAT I  
5 CAN'T SEE. SO BECAUSE OF THAT THERE IS A POSSIBILITY  
6 THAT EVEN I COULD CONTAMINATE THE DNA THAT I'M  
7 WORKING WITH. I'VE DEVELOPED MY DNA PRINT. IF I SEE  
8 AN UNKNOWN PATTERN SHOW UP IN A DNA SAMPLE THEN I'M  
9 GOING TO COMPARE THAT BACK TO MYSELF OR OTHER  
10 INDIVIDUALS IN THE LAB TO INSURE THAT THERE IS NOT A  
11 CONTAMINATION EVENT, THAT WHAT REALLY WHAT I'M SEEING  
12 IS THE PROFILE THAT WAS PRESENT ON THAT SAMPLE.

13 Q OKAY. WHAT WE'LL DO NOW IF YOU WOULD CLICK TO  
14 THE NEXT SLIDE. I WANT TO SWAP HATS FOR YOU A SECOND  
15 IF YOU'LL HAVE A SEAT. THANK YOU. GET THE LIGHTS  
16 PLEASE, MA'AM.

17 YOU INDICATED TO THE JURY A LITTLE BIT EARLIER THAT  
18 THERE WERE A NUMBER OF THINGS YOU DO AND ONE OF WHICH  
19 IS SEROLOGY. YOU INDICATED SEROLOGY KIND OF ALMOST  
20 NOW IT'S BECOME KIND OF A PRECURSOR TO THE WORK IN  
21 DNA, IS THAT ACCURATE?

22 A THAT'S CORRECT.

23 Q OKAY. AND AGAIN YOU WERE TELLING THE JURY  
24 SEROLOGY IS WHAT TESTING OF FLUIDS?

25 A OF BODY FLUIDS.

1 Q IN PARTICULAR WHAT IS IT YOU ARE LOOKING FOR AND  
2 STEPS AS FAR AS SEROLOGY, YOU RECEIVE EVIDENCE AS THE  
3 JURY HEARD YESTERDAY, YOU RECEIVE EVIDENCE FROM  
4 EVIDENCE PROCESSING THERE AT SLED, IS THAT CORRECT?

5 A YES.

6 Q NOW SOME EVIDENCE IF IT'S DIRECTLY DNA TYPE  
7 EVIDENCE WOULD COME DIRECTLY TO YOU ALSO, IS THAT  
8 CORRECT?

9 A YES, IT WOULD.

10 Q OKAY. AND WHEN YOU RECEIVE THE EVIDENCE FROM A  
11 SEROLOGY STANDPOINT, NOT AGAIN GETTING INTO DNA YET,  
12 BUT SEROLOGY STANDPOINT WHAT WOULD YOU BE LOOKING  
13 FOR?

14 A FROM A SEROLOGY STANDPOINT, I'VE GOT A STAIN ON  
15 AN ITEM AND I WANT TO DETERMINE WHETHER OR NOT IT  
16 COULD BE BLOOD AND IF IT IS BLOOD IF IT'S HUMAN  
17 BLOOD, SO THERE IS PRESUMPTIVE TESTS THAT WE CAN DO  
18 WITH SEROLOGY THAT WOULD DETERMINE WHETHER OR NOT  
19 IT'S BLOOD. I WANT TO KNOW WHETHER OR NOT IT'S  
20 SEMEN, WHETHER OR NOT IT IS HUMAN SEMEN. WE HAVE A  
21 TEST THAT WE CAN PERFORM TO DETERMINE THE PRESENCE OF  
22 HUMAN SEMEN, SO WE CAN CONFIRM THAT IT IS SEMEN  
23 BEFORE WE GO ON TO DO THE DNA TEST. AND WE HAVE A  
24 THAT'S A PRESUMPTIVE TEST FOR THE PRESENCE OF SALIVA.  
25 WE TEST FOR SALIVARY AMYLASE AND IF THERE IS AN

1 INDICATION OF THE PRESENCE OF SALIVARY AMYLASE AND  
2 THAT IS AN INDICATION THAT THERE WAS SALIVA ON THAT  
3 SAMPLE. THESE ARE THE KIND OF THINGS WE DO IN  
4 SEROLOGY BEFORE IT GOES ON TO DNA.

5 Q AND DID YOU IN FACT GENERATE A REPORT AS TO THE  
6 SEROLOGY COMPONENT OF YOUR WORK?

7 A YES.

8 Q AND DO YOU HAVE THAT THERE WITH YOU?

9 A YES, SIR.

10 Q AND REFERRING NOW TO STATE'S EXHIBIT NUMBER 28  
11 AND WE'LL REFER TO A NUMBER OF EXHIBITS. DID YOU  
12 HAVE AN OPPORTUNITY WHILE THE JURY WAS OUT TO LOOK AT  
13 ACTUALLY MANY OF THESE PHYSICAL EXHIBITS?

14 A YES, I DID.

15 Q OKAY. AND OF COURSE, ON STATE'S EXHIBIT 28  
16 ALREADY IN EVIDENCE IS THE ADULT SEXUAL ASSAULT KIT,  
17 YOU DON'T ACTUALLY RECEIVE THE PHYSICAL KIT IN ITS  
18 ENTIRETY, IS THAT CORRECT?

19 A THAT'S CORRECT.

20 Q OKAY. YOU RECEIVE WHAT FROM IT, CERTAIN ITEMS?

21 A WHEN IT COMES INTO SLED IT CONTAINS ITEMS THAT  
22 GO TO OUR TRACE LAB, IT CONTAINS ITEMS THAT GO TO THE  
23 TOXICOLOGY LAB AND DNA, SO WHEN THE OFFICER BRINGS IT  
24 IN IT'S OPENED UP, THOSE SAMPLES ARE TAKEN OUT, AND  
25 DIRECTED TO THE DIFFERENT DEPARTMENTS AND THIS BOX

1 ITSELF GOES BACK WITH THE OFFICER WHO BROUGHT IT.

2 Q OKAY. AND AS FAR AS THE ITEMS THAT YOU RECEIVE  
3 AND I'M REFERRING TO YOUR REPORT, DO YOU HAVE SLED  
4 NUMBERS AGAIN THAT ARE ATTACHED TO YOUR ITEMS, IS  
5 THAT CORRECT?

6 A YES.

7 Q OKAY. AND OUT OF THE SEXUAL ASSAULT KIT YOU  
8 RECEIVED A NUMBER OF ITEMS AND SOME OF WHICH YOU  
9 CHECKED TO SEE IF SEMEN AND/OR BLOOD WERE PRESENT, IS  
10 THAT CORRECT?

11 A THAT'S CORRECT.

12 Q OKAY. I'M GOING TO CALL YOUR ATTENTION TO  
13 WHAT'S, AND PLEASE THE COURT, THIS WOULD BE ITEMS  
14 CONTAINED IN STATE'S EXHIBIT 28, BUT I WILL REFER TO  
15 YOUR SLED NUMBER FOR A NUMBER OF THESE ITEMS. YOU  
16 RECEIVED ITEM 1.6 VAGINAL, ORAL, RECTAL SMEARS THAT  
17 WERE RETRIEVED BY DR. MAYNARD THE PATHOLOGIST, THAT  
18 IS CORRECT?

19 A YES.

20 Q AND WHAT WERE THE RESULTS OF YOUR TESTING ON  
21 THAT?

22 A WHAT WE'RE LOOKING AT WITH SMEARS, THESE ARE  
23 LITTLE GLASS MICROSCOPE SLIDES. WHEN THEY PERFORM  
24 THE RAPE EXAM THEY TAKE A SWAB FROM A PARTICULAR  
25 ORIFICE, THE ORAL, VAGINAL OR RECTAL ORIFICE, THEY

1 TAKE THAT SLIDE, THE SWAB AND SMEAR THAT ON THE  
2 SLIDE, ALLOW THAT TO DRY, AND SUBMIT IT TO US AND  
3 WHAT WE'RE ABLE TO DO IS USE A STAIN THAT STAINS  
4 SPERM IN SUCH A WAY THAT WE CAN IDENTIFY IT UNDER THE  
5 MICROSCOPE. WE TAKE THE SMEARS, LOOK AT THEM UNDER  
6 THE MICROSCOPE, AND IN THIS CASE I DID NOT SEE ANY  
7 SPERMATOZOA ON EITHER THE VAGINAL, RECTAL, OR ORAL  
8 SMEARS.

9 Q OKAY. ALSO IN THAT SAME PACKAGE DID YOU HAVE  
10 VAGINAL, ORAL, AND RECTAL SWABS AND WHAT ARE THEY?

11 A THOSE ARE JUST THE SWABS THAT ARE TAKEN, Q-TIP  
12 SWABS POINT THAT ARE TAKEN FROM THOSE ORIFICES, THAT  
13 ARE ALLOWED TO DRY, AND THEN THEY ARE SUBMITTED TO  
14 THE LABORATORY.

15 Q WHAT WERE YOUR RESULTS ON THAT?

16 A ON THOSE PARTICULAR SWABS WE WEREN'T PHYSICALLY  
17 LOOKING THROUGH A MICROSCOPE FOR THE PRESENCE OF  
18 SPERM, BUT WE HAVE ANOTHER TEST THAT INDICATES THE  
19 PRESENCE OF SEMEN. ON ALL THREE OF THOSE SWABS NO  
20 SEMEN WAS IDENTIFIED.

21 Q OKAY. ALSO DID YOU HAVE A SPOT, REFERRING TO  
22 YOUR ITEM 1.10, OF SWAB THAT DR. MAYNARD HAD TAKEN OF  
23 SUSPECTED SEMEN?

24 A YES, I DID.

25 Q AND WHAT WAS YOUR RESULT ON THAT TEST?

1 A NO SEMEN WAS IDENTIFIED ON THAT SWAB.

2 Q I'LL REFER YOU TO, AND I BELIEVE THIS DOES HAVE  
3 AN INDIVIDUAL NUMBER, IT'S YOUR ITEM 1.2. I'M SORRY.  
4 1.12?

5 A YES, SIR.

6 Q AND THAT WAS INDICATED AS BITE MARK FROM RIGHT  
7 BREAST. FROM A SEROLOGY STANDPOINT FIRST, AND THAT'S  
8 INDICATED AS STATE'S EXHIBIT 28.4. THE SWAB MARK  
9 FROM THE RIGHT BREAST DID YOU IDENTIFY FROM SEROLOGY  
10 STANDPOINT ANY SUBSTANCE THERE?

11 A YES, I DID. ON THAT ITEM WE TESTED FOR THE  
12 PRESENCE OF SALIVARY AMYLASE AND WE HAVE A TEST THAT  
13 WOULD INDICATE STRONGLY IT'S PRESENCE. IT WAS  
14 POSITIVE FOR SALIVARY AMYLASE BUT SINCE AMYLASE SHOWS  
15 UP IN SEVERAL OTHER BODY FLUIDS IN LOWER AMOUNTS, WE  
16 CAN'T CONCLUSIVELY SAY THAT IT'S SALIVARY AMYLASE,  
17 BUT IT WAS CONSISTENT WITH BEING SALIVARY AMYLASE.  
18 SO IN THAT RESPECT IT WAS CONSISTENT WITH HAVING A  
19 MOUTH OR SALIVA PLACED ON THE BREAST.

20 Q AND ULTIMATELY AS WE'LL DISCUSS, YOU DID FURTHER  
21 DNA TESTING ON THAT ITEM?

22 A YES.

23 Q OKAY. NOW THERE ARE ALSO OTHER ITEMS INCLUDING  
24 YOUR ITEM 1.14.1 CUTTING FROM HER PANTIES, FROM THE  
25 VICTIM'S PANTIES, THAT CAME IN THAT KIT. DID YOU

1 HAVE AN OPPORTUNITY TO TEST THAT ALSO FOR SEMEN?

2 A YES, I DID.

3 Q OKAY. AND WHAT WERE THE RESULTS OF THAT?

4 A NO SEMEN WAS IDENTIFIED ON THE PANTIES.

5 Q OKAY. CALL YOUR ATTENTION NEXT TO YOUR EXHIBIT  
6 2.4 WHICH WOULD BE STATE'S EXHIBIT, PORTIONS OF  
7 STATE'S EXHIBIT 33, THAT IS INDICATED AS THE SUSPECT  
8 KIT FROM MR. BILLY WAYNE COPE, DID YOU RECEIVE ITEMS  
9 FROM THAT ALSO?

10 A YES, I DID.

11 Q OKAY. AND PARTICULARLY I'LL CALL YOUR ATTENTION  
12 TO THE ANALYSIS THAT YOU DID ON THE ITEMS YOU  
13 RECEIVED THERE. THERE WAS NO SEROLOGY ANALYSIS, IT  
14 WAS DNA THAT WAS ULTIMATELY DONE THERE, IS THAT  
15 CORRECT?

16 A THAT'S CORRECT.

17 Q I NOW CALL YOUR ATTENTION TO WHAT'S BEEN MARKED  
18 AND AGAIN, FOR EXAMPLE, HERE THESE ARE MARKED AS  
19 STATE'S EXHIBIT 56.1.1, 1.2, AND 1.3 AND THESE ARE  
20 ACTUALLY AS WE HEARD YESTERDAY CUTTINGS FROM THE  
21 BLACK PANTS OF THE VICTIM, DO YOU EVER ACTUALLY  
22 RECEIVE THOSE BLACK PANTS?

23 A NO, SIR, IN THIS CASE I DIDN'T. JAN BRYSON IN  
24 OUR PROCESSING UNIT PROCESSED THOSE PANTS FOR  
25 POSSIBLE SEMEN STAINS AND SUBMITTED THEM ALL TO OUR

1 LABORATORY.

2 Q SO AT THE POINT YOU RECEIVE THEM AGAIN LOOKING  
3 AT 56.1.3, 1.2, AND 1.1, THIS IS WHAT YOU WOULD  
4 RECEIVE?

5 A THAT'S CORRECT.

6 Q OKAY. SO YOU WOULD ACTUALLY GET THE CUTTING  
7 ITSELF?

8 A YES.

9 Q OKAY. AND WHAT WERE THE RESULTS OF ANY TESTING  
10 YOU HAD ON THE THREE ITEMS, FROM A SEROLOGY  
11 STANDPOINT, ON THE THREE ITEMS CUT FROM THE BLACK  
12 PANTS.

13 MR. GREELEY: OBJECTION, YOUR HONOR, ON  
14 THE GROUNDS PREVIOUSLY STATED IN THIS MATTER.

15 THE COURT: OVERRULED.

16 A ON THE FIRST CUTTING THERE WAS NO SEMEN THAT WAS  
17 IDENTIFIED. IT WAS, LATER DNA ANALYSIS WAS PERFORMED  
18 ON THAT. ON THE SECOND CUTTING SEMEN WAS IDENTIFIED  
19 ON THAT CUTTING.

20 Q AND THAT SECOND CUTTING WOULD BE YOUR NUMBER  
21 6.1.2. WE WOULD BE 56.1.2, IS THAT CORRECT?

22 A THAT'S CORRECT.

23 Q OKAY. AND HOW ABOUT 6.1.3?

24 A NO SEMEN WAS IDENTIFIED ON THAT SAMPLE EITHER.

25 Q LIKEWISE I'LL CALL YOUR ATTENTION TO CUTTINGS



1 THAT YOU WOULD HAVE ALSO RECEIVED FROM MRS. BRYSON  
2 CONCERNING THE PINK SHIRT, YOUR DESIGNATION OF 6.3.1  
3 AND 6.3.2. STATE'S EXHIBIT 56.3.1 AND 56.3.2. FIRST  
4 REFERRING TO THE CUTTING FROM THE PINK SHIRT 56.3.1,  
5 WHAT WAS YOUR RESULTS FROM SEROLOGY IN THAT?

6 A THAT WAS SUBMITTED TO BE TESTED FOR THE PRESENCE  
7 OF SEMEN AND A PRESUMPTIVE INDICATION OF SEMEN IN  
8 PROCESSING, HOWEVER, THERE WAS NO SEMEN IDENTIFIED ON  
9 THAT CUTTING ON THE SHIRT.

10 Q OKAY. AND NOW AGAIN FROM A SEROLOGY STANDPOINT  
11 6.3.2, WHAT WERE THE RESULTS OF YOUR TESTING THERE?

12 A THAT WAS SUBMITTED PRESUMPTIVELY POSITIVE FOR  
13 HUMAN BLOOD. HUMAN BLOOD WAS IDENTIFIED ON THAT  
14 CUTTING.

15 Q OKAY. AND ON THAT PARTICULAR ITEM DID YOU DO  
16 FURTHER DNA TESTING ON THAT ALSO?

17 A YES.

18 Q OKAY. NOW I'M GOING TO REFER YOU TO THE CUTTING  
19 FROM THE GREEN BLANKET AGAIN THAT WAS RETRIEVED BY  
20 MRS. BRYSON AND I HAVE IT AS YOUR ITEM 7.8.1, STATE'S  
21 EXHIBIT ITEM CAME OFF STATE'S EXHIBIT 53, AND WHAT  
22 WERE THE RESULTS IN THE CUTTING FROM THE GREEN  
23 BLANKET THAT YOU TESTED?

24 A ON THAT CUTTING NO SEMEN WAS IDENTIFIED.

25 Q DID YOU ALSO RECEIVE WHAT I BELIEVE TO BE

1 STATE'S EXHIBIT 80 WHICH WAS TWO CUTTINGS FROM THE  
2 MATTRESS FROM THERE AT THE SCENE, DID YOU ALSO DO  
3 TESTING ON THOSE FROM A SEROLOGY STANDPOINT?

4 A YES, SIR. THOSE ARE MY ITEMS 17 AND 18 AND NO  
5 SEMEN WAS IDENTIFIED ON THOSE ITEMS.

6 Q OKAY. NOW I BELIEVE, NOW LOOKING AT THE ITEM  
7 THAT YOU HAVE WITH THAT ONE FINAL EXCEPTION I GUESS  
8 STATE'S EXHIBIT 65, A WHITE WASH CLOTH, YOU RECEIVED  
9 THREE CUTTINGS FROM WHITE CLOTH, IS THAT CORRECT?

10 A YES, THAT'S MY ITEM 14.1, 2, AND 3.

11 Q OKAY. AND FROM THE CUTTING -- BEG THE COURT'S  
12 INDULGENCE. YOUR 14.1, 14.2, 14.3, IS THAT CORRECT?

13 A YES.

14 Q WHICH 65.1, 65.2, 65.3. THE RESULTS OF, THE  
15 SEROLOGY RESULTS OF THE CUTTING FROM THE WHITE WASH  
16 CLOTH WERE WHAT?

17 A IT WAS POSITIVE FOR THE PRESENCE OF SEMEN ON ALL  
18 THREE OF THOSE CUTTINGS.

19 Q THEN DID YOU DO FURTHER DNA TESTING ON THAT?

20 A YES, I DID.

21 Q OKAY. SIR, NOW YOU RECEIVED A NUMBER OF ITEMS  
22 FOR DNA TESTING, IS THAT CORRECT?

23 A YEAH.

24 Q OR YOU RECEIVED THIS NUMBER OF ITEMS BUT THEN  
25 CERTAINLY YOU WENT FURTHER AND DID DNA TESTING --

1 A YES, SIR.

2 Q ---IS THAT CORRECT. YOU INDICATED TO THE JURY  
3 THAT, I GUESS IT'S KIND OF LIKE HANDWRITING AND  
4 FINGERPRINTS, YOU NEED KNOWN STANDARDS TO BE ABLE TO  
5 COMPARE SOMETHING TO, IS THAT CORRECT?

6 A THAT'S CORRECT. TO DETERMINE THE IDENTITY OF  
7 THE ITEM WE HAVE TO HAVE SOMETHING TO COMPARE IT TO.

8 Q OKAY. IN THIS PARTICULAR CASE DID YOU DEVELOP  
9 KNOWN STANDARDS FROM, BEGINNING FIRST WITH IT STATE'S  
10 EXHIBIT 28.12, AMANDA COPE, DID YOU DEVELOP A KNOWN  
11 DNA PROFILE FROM THAT ITEM, YOUR 1.4?

12 A YES, I DID.

13 Q OKAY. AND ALSO STATE'S EXHIBIT 33.4. YOUR ITEM  
14 I BELIEVE LOOKS 2.4, IS THAT CORRECT?

15 A THAT'S CORRECT. THAT'S THE BLOOD STANDARD FROM  
16 BILLY WAYNE COPE.

17 Q OKAY. AND ALSO STATE'S EXHIBIT 100, DID YOU  
18 HAVE AN OPPORTUNITY TO RETRIEVE A BLOOD SAMPLE FROM  
19 THE ITEM THAT WOULD HAVE BEEN DESIGNATED L-O-2-80-56  
20 ITEM NUMBER THREE FOR JAMES SANDERS, DID YOU RETRIEVE  
21 A BLOOD SAMPLE FROM THAT ITEM ALSO OR FROM THE TUBE  
22 THAT'S REPRESENTED BY THIS ITEM?

23 A YES, I DID.

24 Q OKAY.

25 MR. POPE: YOUR HONOR, I BELIEVE 100 WAS

1 FOR IDENTIFICATION, SANDERS SAMPLE, 100 FOR  
2 IDENTIFICATION, I MOVE INTO EVIDENCE ALSO.

3 MR. GREELEY: OBJECTION BASED ON MY  
4 PREVIOUS GROUNDS.

5 THE COURT: OVERRULED.

6 MR. WOOD: WITHOUT OBJECTION, YOUR HONOR.

7 THE COURT: IN WITHOUT OBJECTION FROM COPE  
8 AND OVER OBJECTION FROM SANDERS.

9 (STATE'S EXHIBIT 100 RECEIVED IN  
10 EVIDENCE.)

11 Q CALLING YOUR ATTENTION TO 1.4. YOUR 1.4,  
12 STATE'S EXHIBIT 28.12, ON THAT PARTICULAR ITEM WHAT  
13 IS ACTUALLY PHYSICALLY CONTAINED INSIDE THIS  
14 ENVELOPE?

15 A WHAT WE DO IS WHEN WE RECEIVE A BLOOD TUBE AT  
16 SLED, IT'S JUST LIKE WHEN YOU GO TO THE DOCTOR AND  
17 HAVE BLOOD DRAWN, THEY PUT IT INTO A LITTLE GLASS  
18 TUBE, WHAT WE ULTIMATELY LIKE TO DO IS FREEZE THAT  
19 TUBE. YOU CAN'T FREEZE A LIQUID WITHOUT IT BREAKING  
20 THAT GLASS TUBE, SO WHAT WE DO IS WE TAKE THE BLOOD,  
21 WE PLACE IT ON CLOTH, COTTON SHEETING, WHICH IS  
22 STERILE, AND ALLOW THAT BLOOD TO DRY ON THAT COTTON  
23 SHEETING AND THEN WE FOLD THAT UP AND PLACE IT IN A  
24 COIN ENVELOPE SIMILAR TO WHAT SOLICITOR HAS, AND  
25 WE'RE ABLE TO FREEZE THAT AT THAT POINT. WE CAN'T

1 FREEZE AND PRESERVE LIQUID BLOOD, BUT WE CAN FREEZE  
2 THE CLOTH, SO THAT'S THE FIRST THING WE DO IS WE  
3 PLACE IT ON CLOTH AND YOU SEE THE BLOOD ON THE CLOTH  
4 AND IT'S GOT THE NAME OF THE INDIVIDUAL AND THE CASE  
5 NUMBER ON THE CLOTH TO IDENTIFIED IT.

6 Q I'VE NOTICED EACH OF THESE THREE ITEMS HAS A  
7 PINK OR PURPLE LABEL THAT APPEARS TO HAVE BEEN PEELED  
8 PERHAPS FROM SOMETHING AND PLACED ON HERE, WHAT ARE  
9 THOSE ITEMS?

10 A YES, SIR. YOU SEE THE PURPLE LABEL HERE, THAT  
11 IS EXACTLY WHAT IS ON THE PURPLE TOP BLOOD TUBE,  
12 THAT'S REMOVED. USUALLY WHEN THESE ARE SENT TO THE  
13 LAB, SOMEONE HAS WRITTEN THE NAME OF THE INDIVIDUAL,  
14 MAYBE THE TIME THAT IT WAS DRAWN, AND MAYBE THEIR  
15 INITIALS, SOME IDENTIFYING INFORMATION ON THAT.  
16 SINCE WE'RE GOING TO TOSS THE GLASS TUBE, WE REMOVE  
17 THE LABEL THAT HAS THE IDENTIFYING INFORMATION AND  
18 PLACE THAT ON THE COIN ENVELOPE.

19 Q OKAY. AND SO THESE, THE PURPLE TUBES YOU TALK  
20 ABOUT WOULD COME FROM WHEREVER THE BLOOD DRAW TAKEN  
21 PLACE FROM A SEXUAL ASSAULT KIT OR SUSPECT KIT OR A  
22 DOCTOR BUT THE PURPLE TUBE WOULD BE HOW YOU RECEIVE  
23 IT INITIALLY?

24 A YES.

25 Q AND LIKEWISE FOR BOTH MR. COPE AND MR. SANDERS,

1       THERE IS A SIMILAR ITEM IN EACH OF THESE ENVELOPES?

2       A     YES.

3       Q     THAT REPRESENTS THAT.  ALSO I CALL YOUR  
4       ATTENTION, WE PREVIOUSLY DISCUSSED THIS STATE'S  
5       EXHIBIT 28.4 WHICH IS DESIGNATED AS THE BITE OR SUCK  
6       MARK FROM THE RIGHT BREAST AND YOU INDICATED FROM A  
7       SEROLOGY STANDPOINT THAT THAT WAS CONSISTENT WITH THE  
8       CHEMICAL MAKE UP OF SALIVA?

9       A     IT GAVE A CHEMICAL CHARACTERISTIC THAT'S  
10      CONSISTENT WITH SALIVARY AMYLASE.

11      Q     AND ACTUALLY CONTAINED IN THIS ITEM THERE IS A  
12      PICTURE HERE, IT'S A SWAB THAT WOULD HAVE, THAT YOU  
13      WOULD HAVE DONE YOUR TESTING OFF OF, IS THAT CORRECT?

14      A     THAT'S CORRECT.  WHEN THE, WHEN IT WAS COLLECTED  
15      THAT SWAB WAS MOISTENED WITH STERILE WATER OR SALINE  
16      OR SOMETHING TO GET IT MOIST TO WHERE IT CAN LIFT OFF  
17      THE BODY FLUID.  APPARENTLY THERE WAS A SPOT SEEN  
18      THAT THEY THOUGHT WAS NECESSARY TO COLLECT SO THEY  
19      GOT THE SWAB, COLLECTED THAT, AND NOW THE CELLULAR  
20      MATERIAL IS ON THE SWAB, IT'S DRIED OUT, AND SENT TO  
21      THE LAB FOR ME TO TEST.

22      Q     AND SO I NOTICE LIKE THE END OF THAT SWAB THAT'S  
23      CONTAINED IN IT APPEARS TO BE TORN UP, YOU ACTUALLY  
24      REMOVE PARTS OF IT WHEN YOU DO YOUR TESTING?

25      A     YES.

1 Q NOW I ALSO CALL YOUR ATTENTION AND WE'VE  
2 DISCUSSED THESE ITEMS BRIEFLY ALSO. YOU RECEIVE  
3 WHAT'S MARKED AS YOUR 6, WOULD IT ASSIST YOU IF STEP  
4 DOWN, WITH THE COURT'S PERMISSION.

5 THE COURT: CERTAINLY.

6 A YES, SIR.

7 Q IF YOU WOULD LIKE, YOU CAN PUT YOUR REPORT HERE,  
8 DOCTOR?

9 A OKAY. YES, SIR. THIS IS ONE OF THE CUTTINGS  
10 FROM THE BLACK PANTS. WHAT WE DO IS MAKE WE A SMALL  
11 CUTTING FROM THAT, TAKE A PORTION OF IT, AND TEST IT  
12 FOR THE PRESENCE OF SEMEN AND IF IT'S POSITIVE, THEN  
13 IT GOES ON TO DNA. SOMETIMES SAMPLES ARE  
14 QUESTIONABLE ABOUT THEIR NATURE. IT APPEARS TO BE A  
15 STAIN THAT MAY OR MAY NOT BE SEMEN AND WE GO AHEAD  
16 AND DO DNA ON IT ANYWAY.

17 Q AND OF COURSE THIS ITEM MRS. BYRSON INDICATED  
18 ABOUT RECOVERED FROM THE PANTS, YOU DON'T RECEIVE THE  
19 PANTS, IS THAT CORRECT?

20 A THAT'S RIGHT.

21 Q OKAY. AND THEN SHE HAD EXPLAINED ABOUT MARKING  
22 THE STAIN, THIS SPOT WE SEE THERE, IS THAT WHERE  
23 YOU'VE ACTUALLY REMOVED A PIECE FROM WITHIN THE  
24 CENTER OF THE STAIN?

25 A YES, THAT'S MY CUTTING.

1 Q AND REFERRING, THAT WOULD BE UNDER STATE'S  
2 EXHIBIT 56, YOUR NUMBER 6.1.1, 6.1.2, AND THAT'S A  
3 SIMILAR SITUATION?

4 A YES.

5 Q OKAY. THEN 6.1.3 AGAIN THAT WAS A SAMPLE THAT  
6 YOU TOOK FROM THERE, IS THAT CORRECT?

7 A THREE CUTTINGS FROM THE BLACK PANTS, YES.

8 Q OKAY. NOW REFERRING YOU TO THE PINK SHIRT, YOU  
9 ACTUALLY RECEIVED TWO CUTTINGS FROM THE PINK SHIRT.  
10 I BELIEVE THE FIRST ONE YOU SAID NO SEMEN WAS  
11 IDENTIFIED, IS THAT CORRECT?

12 A THAT'S CORRECT.

13 Q SO AT THAT POINT DID YOU DO FURTHER DNA TESTING  
14 ONCE YOU HAVE THE SEMEN IDENTIFIED?

15 A NOT ON THAT PARTICULAR SAMPLE, NO.

16 Q NOW I REFER YOU NOW TO 6.3.2 THE CUTTING FROM  
17 THE PINK SHIRT AND DID YOU IN FACT DO DNA TESTING  
18 ULTIMATELY ON THAT ITEM?

19 A YES, I DID AND YOU CAN SEE THE TRIANGULAR  
20 CUTTING THAT I MADE ON THE BLOOD SAMPLE TO DO DNA ON  
21 IT.

22 Q AND THAT'S IN THAT AREA?

23 A RIGHT, AND IT WAS IDENTIFIED AS HUMAN BLOOD.

24 Q NOW REPRESENTING THIS ITEM THAT'S IN EVIDENCE AS  
25 STATE'S EXHIBIT 34 I BELIEVE, THE DILDO, DID YOU



1           PHYSICALLY RECEIVE THIS ITEM UP IN DNA?

2           A       NO.

3           Q       WHAT DID YOU ACTUALLY RECEIVE FROM MRS. BRYSON?

4           A       JAN BRYSON MADE A SWAB OF THAT ITEM AND  
5           SUBMITTED THE SWAB FOR DNA ANALYSIS.  THAT WOULD  
6           REPRESENT WHATEVER CELLS WERE ON THE OUTSIDE OF THE  
7           DILDO.

8           Q       OKAY.  AND LIKEWISE THE WHITE WASH CLOTH, YOU  
9           DID NOT PHYSICALLY RECEIVE THE WASH CLOTH ITSELF  
10          WHICH IS STATE'S EXHIBIT 65, MARKED AS YOUR ITEM 14,  
11          YOU WOULD HAVE THE .1, .2 AND .3, IS THAT CORRECT?

12          A       THAT'S CORRECT.

13          Q       OKAY.  AND ON EACH OF THESE YOU TESTED INITIALLY  
14          AND INDICATED THAT IT WAS SEMEN, IS THAT CORRECT?

15          A       YES.

16          Q       OKAY.  AND EACH OF THESE ITEMS DID YOU ALSO DO  
17          DNA TESTING ON THOSE?

18          A       YES, I DID.

19          Q       OKAY.  FINALLY I'M GOING TO CALL YOUR ATTENTION  
20          TO STATE'S EXHIBIT, YOUR SWAB NUMBER IS 35 I BELIEVE,  
21          IT'S UNDER STATE'S EXHIBIT 89, THIS IS FROM THE  
22          ENVELOPES SAYS I AIN'T LYING, DID YOU HAVE AN  
23          OPPORTUNITY TO SWAB THE ENVELOPE SEAL FROM THIS  
24          PARTICULAR ITEM?

25          A       YES, I DID.

1 Q OKAY. AND DID YOU MAKE A COPY OF THIS THAT YOU  
2 HAVE IN YOUR OWN MATERIALS TO RECOGNIZE THIS AS WHAT  
3 YOU ACTUALLY SWAB FROM?

4 A YES, I DID.

5 Q AND IT ALSO HAS BEEN SEALED?

6 A YES, AND I'VE GOT MY INITIALS ON THE EVIDENCE  
7 TAPE.

8 Q OKAY. THANK YOU. BEFORE WE GO INTO THE RESULTS  
9 THE NUMBER OF ITEMS I'LL WALK THROUGH, IS THAT ALL  
10 THE DNA TESTING THESE FEW ITEMS THAT YOU DID IN THIS  
11 ENTIRE CASE?

12 A THERE WERE PROBABLY SEVERAL OTHER ITEMS THAT I  
13 ENDED UP TESTING THAT --

14 Q AS A MATTER OF FACT, YOU RECEIVED A LARGE NUMBER  
15 OF ITEMS IN THIS CASE?

16 A YES, I DID.

17 Q OKAY. NOW YOU HAD INDICATED OF DEVELOPING KNOWN  
18 SAMPLES IN WHICH TO TEST, DID YOU ALSO RECEIVE FROM  
19 LAW ENFORCEMENT OVER A PERIOD OF I GUESS ACTUALLY  
20 YEARS EVEN, DID YOU RECEIVE FOR A PERIOD OF TIME A  
21 NUMBER OF KNOWN INDIVIDUAL SAMPLES FOR YOU TO DEVELOP  
22 PROFILES ON AND TO TEST?

23 A YES, I DID.

24 Q OKAY. LIKewise IN THIS PARTICULAR CASE YOU ALSO  
25 RECEIVED SWABBINGS, NOW YOU DID NOT PHYSICALLY

1 RECEIVE OF THE BROOMS IN THIS PARTICULAR CASE, IS  
2 THAT CORRECT?

3 A THAT'S CORRECT.

4 Q WOULD YOU RECEIVE SWABBINGS FROM MRS. BRYSON?

5 A YES.

6 Q OKAY. AND CALLING YOUR ATTENTION TO, MAKE SURE  
7 I HAVE YOUR RIGHT NUMBER ON THIS, I THINK IT WOULD BE  
8 YOUR 20 THROUGH 25 WHICH I THINK WAS INDICATED A  
9 SWABBINGS FROM THE BROOMS, IS THAT WHAT YOU REFLECT?

10 A I'VE GOT A BROOM AS ITEM 20, 21 IS A DUST PAN,  
11 22 IS A YELLOW DUST MOP, 23 IS A BROOM WITH A GREEN  
12 HANDLE, 24 IS A WALKING CANE, 25 IS A BROOM WITH A  
13 RED HANDLE.

14 Q OKAY. AND THESE ITEMS, YOU NEVER PHYSICALLY,  
15 UNTIL YOU CAME UP HERE TODAY, YOU NEVER SAW THESE  
16 ITEMS UNTIL YOU JUST RECEIVED A SWAB, IS THAT  
17 CORRECT?

18 A THAT'S CORRECT.

19 Q AND OF THOSE ITEMS THAT I AM REFERING TO YOUR 20  
20 THROUGH 25, IN THOSE ITEMS DID YOU DEVELOP ANY DNA  
21 RESULTS OF ANY DNA RESULT SUFFICIENT TO GIVE ANY  
22 PROFILE OR ANY FINDING FROM THOSE ITEMS?

23 A FROM EACH ONE OF THESE ITEMS WHAT WE'RE TRYING  
24 TO DO IS WHEN YOU HANDLE SOMETHING ESPECIALLY IF YOU  
25 HANDLE IT VIGOROUSLY, YOU MAY HAVE EPITHELIAL CELLS

1 OFF YOUR HAND OR DERMAL OFF OF YOUR HANDS THAT WILL  
2 END UP ON THIS ITEM AND IF WE CAN GET ENOUGH OF IT,  
3 WE CAN GET A DNA PRINT. HOWEVER, AN ITEM THAT'S  
4 HANDLED LIKE THAT USUALLY HAS A LOW PROBABILITY OF  
5 GIVING UP DAN. IT USUALLY TAKES SOMETHING A LITTLE  
6 MORE VIGOROUSLY THAN JUST SWEEPING THE FLOOR AND I  
7 WASN'T ABLE TO DEVELOP A FULL PRINT ON ANY OF THESE  
8 BY ANY MEANS AND WHAT PRINTS I WAS ABLE TO GET OFF A  
9 FEW OF THE ITEMS REALLY WASN'T SUFFICIENT FOR  
10 INTERPRETATION.

11 Q OKAY. AND SO ON THAT SWAB THAT WE LISTED THERE,  
12 THERE REALLY JUST WERE NOT ENOUGH RESULTS, I MEAN  
13 THERE IS NO GREAT VOLUME OF FLUIDS OR SEMINAL FLUIDS  
14 OR BLOODS OR ANYTHING THAT YOU COULD DO ANY TESTING  
15 ON THOSE ITEMS?

16 A THAT'S CORRECT.

17 Q NOW I CALL YOUR ATTENTION TO I BELIEVE IT'S  
18 GOING TO BE LISTED AS YOUR ITEM 10.1 AND 10.2 WHICH  
19 ACTUALLY ALSO HAD 10.4 THAT WERE SWABS FROM THE BLUE  
20 BROOM IN THIS CASE WHICH IS INDICATED AS STATE'S  
21 EXHIBIT STATE'S EXHIBIT 57. NOW DID YOU HAVE  
22 SOMEWHAT OF A DIFFERENT RESULT ON THAT PARTICULAR  
23 ITEM?

24 YES, I DID. I GOT A DNA PRINT OFF OF THAT  
25 BROOM THAT WAS CONSISTENT WITH BEING A MIXTURE MORE

1       THAN ONE INDIVIDUAL, POSSIBLY EVEN BEING MULTIPLE  
2       INDIVIDUALS.  IF I WAS TO HANDLE AN ITEM AND THEN  
3       PASS IT AROUND THE ROOM, WE'D ALL GET OUR DNA ON  
4       THAT.  WHEN I DEVELOP A DNA PRINT I'M ABLE TO TELL  
5       THAT MORE THAN ONE PERSON IS ON THAT ITEM.  WE SAW  
6       THIS, THE SPIKES ON THE CHART A MINUTE AGO, YOU GET  
7       ONE FROM YOUR MOM, ONE FROM YOUR DAD, SO TWO IS  
8       USUALLY WHAT WE EXPECT TO SEE.  SOMETIMES ONE IF MOM  
9       AND DAD GIVE YOU THE SAME SPIKE, THE SAME PEAK.  I  
10      CAN TELL I'VE GOT A MIXTURE IF I START SEEING THREE,  
11      FOUR, FIVE PEAKS AND THAT'S WHAT I SAW ON THE BROOM.  
12      I'VE GOT A MIXTURE OF MORE THAN ONE INDIVIDUAL ON MY  
13      ITEM 10.1.  WHAT WE DO ONCE WE DEVELOP PRINTS LIKE  
14      THOSE WE SEE IF AN INDIVIDUAL CAN BE EXCLUDED AS  
15      CONTRIBUTING TO THAT BROOM.  AMANDA COPE COULD NOT BE  
16      EXCLUDED FROM BEING A CONTRIBUTOR OF THAT MIXTURE,  
17      BUT AGAIN SHE WASN'T THE PRIMARY CONTRIBUTOR OF THE  
18      MIXTURE.

19      Q     OKAY.  AND WHEN YOU SAY MIXTURE AT THIS POINT  
20      WAS THERE SEMEN OR BLOOD OR ANYTHING, YOU KNOW, MAJOR  
21      THAT YOU WERE SEEING ON THIS PARTICULAR ITEM?

22      A     THOSE PARTICULAR ITEMS THEY WEREN'T TESTED  
23      FOR -- WELL, JUST A SECOND LET ME MAKE SURE I'M  
24      SPEAKING CORRECTLY.  THOSE WERE JUST SUBMITTED FOR  
25      DNA ANALYSIS.  WHAT THEY DID WAS THEY SWABBED THOSE

1 WITH HOPES OF PICKING UP THE CELLS OFF OF THE BROOM.

2 SO THERE WAS --

3 Q ---THAT COULD BE?

4 A NO BODY FLUID THAT WAS ON IT.

5 Q OKAY. SO WHAT YOU ARE TALKING EPITHELIAL OR

6 SKIN?

7 A DERMAL CELLS, RIGHT.

8 Q AND IN FAIRNESS ALTHOUGH SHE WAS INCLUDED THERE

9 WAS NOT, BASED ON YOUR EXPERIENCE, THE VOLUME OF DNA

10 YOU WOULD EXPECT TO SEE SAY FOR EXAMPLE IF SHE HAD

11 BEEN ASSAULTED WITH THAT BROOM, YOU DIDN'T SEE THAT

12 VOLUME WHEN YOU TALK ABOUT HER BEING A MINOR

13 CONTRIBUTOR?

14 A THAT'S CORRECT. WE'VE BEEN ABLE IN THE PAST TO

15 HAVE ITEMS THAT HAVE BEEN INSERTED INTO A PERSON THAT

16 WE WERE ABLE TO GET A FULL DNA PROFILE, OR STRONG DNA

17 PROFILE FROM THOSE ITEMS, SO THIS WASN'T REALLY

18 CONSISTENT WITH THAT.

19 Q OKAY. JUST AGAIN IN FAIRNESS TO ASK YOU, CAN

20 DNA BE WIPED OFF OR REMOVED IF I CHOOSE TO CLEAN AN

21 ITEM?

22 A CERTAINLY.

23 Q I NOW CALL YOUR ATTENTION I BELIEVE THERE WERE

24 ALSO SOME HAIRS THAT YOU RECOVERED, I THINK THAT WERE

25 RECOVERED FROM MR. COPE'S CLOTHES, I'M REFERRING TO

1 YOUR ITEM 39.2.1?

2 A OKAY.

3 Q I BELIEVE THAT THOSE HAIRS WERE IN FACT, THE  
4 HAIRS RECOVERED FROM MR. COPE WERE CONSISTENT WITH  
5 MR. COPE, IS THAT CORRECT?

6 A THEY MATCHED BILLY COPE, YES.

7 Q AND LIKEWISE YOU HAD A NUMBER OF ITEMS OR HAIRS  
8 THAT WERE RECOVERED I THINK OFF OF AMANDA COPE'S  
9 BODY. I'M REFERRING TO YOUR 1.3.1 AND AN ITEM NUMBER  
10 THREE. AND FROM YOUR RESULTS, THE HAIRS THAT WERE  
11 FOUND ON HER BODY THEY WERE CONSISTENT WITH AMANDA  
12 COPE, IS THAT ACCURATE ALSO?

13 A I GOT DNA PRINTS FROM ITEM 1.3.1 THAT WAS  
14 CONSISTENT WITH COMING FROM AMANDA COPE. FROM ITEM  
15 NUMBER THREE IT WAS ALSO CONSISTENT WITH COMING FROM  
16 AMANDA.

17 Q OKAY. ALSO YOU RECEIVED IN THE SEXUAL ASSAULT  
18 KIT THE FINGERNAIL SCRAPES WHICH IS YOUR 1.11, WERE  
19 THEY ALSO FOUND, THAT WOULD HAVE BEEN TAKEN FROM THE  
20 VICTIM AMANDA COPE'S FINGERNAILS, WERE THEY FOUND TO  
21 BE CONSISTENT WITH AMANDA COPE?

22 A YES, THEY WERE, AND THAT'S NOT UNUSUAL. THE WAY  
23 WE COLLECT THESE SCRAPINGS IS WE SCRAPE UNDER THE  
24 FINGERNAIL HOPING TO COLLECT IF THE VICTIM HAS  
25 SCRATCHED SOMEBODY OR CAME IN CONTACT WITH SOMEBODY

1 COLLECT CELLS FROM WHOEVER THAT PERSON IS. QUITE  
2 OFTEN THEY COLLECT CELLS FROM THE VICTIM SO THAT CAME  
3 BACK TO MATCH HER.

4 Q OKAY. I WANT TO MAKE SURE YOU HAD A FEW ITEMS,  
5 FOR EXAMPLE, THERE WAS A HAIR THAT WAS FOUND ON THE  
6 VICTIM ALSO THAT WAS INSUFFICIENT FOR DNA ANALYSIS SO  
7 THAT MEANS YOU COULD DO NOTHING FURTHER WITH THAT  
8 ITEM, IS THAT CORRECT? I'M REFERRING TO YOUR ITEM  
9 FOUR?

10 A I DIDN'T ATTEMPT DNA ON IT. WHAT HAPPENED TO  
11 ITEM NUMBER FOUR IS THAT IT DID NOT HAVE A ROOT. TO  
12 DO THE TYPE OF DNA TESTING THAT WE DO IS THAT WHEN A  
13 HAIR IS PULLED IT SOMETIMES PULLS UP SOME OF THE ROOT  
14 MATERIAL AND WE TEST THE ROOT. IF IT'S JUST A HAIR  
15 SHAFT, IT DOESN'T HAVE A ROOT, IT'S MAYBE CLIPPED,  
16 CUT, OR BREAKS OFF, I CAN'T DO ANY TESTING ON THAT.

17 Q AND THERE WAS ALSO I THINK THE NEXT ONE WAS A  
18 FIBER, THEY THOUGHT WAS A HAIR, WAS A FIBER, IS THERE  
19 ANY DNA YOU CAN GET FROM A FIBER?

20 A NO, SIR. FIBER IS MAN MADE POLYESTER OR NYLON  
21 OR WHATEVER.

22 Q SO AT THAT JUNCTURE ONCE YOU RECOGNIZE IT BEING  
23 A FIBER, YOU DON'T DO ANY TESTING ON THAT?

24 A THAT'S CORRECT.

25 Q OKAY. I'M GOING TO CALL YOUR ATTENTION NOW TO



1 THE RESULTS, AND I SAY RESULTS YOU GOT A NUMBER OF  
2 RESULTS BACK EXCLUDING ITEMS OR NOT DEVELOPING  
3 PROFILES BECAUSE AN ABSENCE OF MATERIALS TOO, BUT  
4 THERE ARE A NUMBER THAT YOU DID FIND CERTAIN MATCHES  
5 IN THIS CASE, IS THAT CORRECT?

6 A YES, I DID.

7 Q OKAY. I CALL YOUR ATTENTION TO WHAT WOULD BE  
8 YOUR 6.1.2 DESIGNATED AS THE BACK LEFT OF THE PANTS  
9 AND TELL WHAT RESULTS YOU HAD INDICATED SEMEN IF YOU  
10 COULD EXPLAIN THE RESULTS ON THAT ITEM PLEASE.

11 A OKAY.

12 MR. GREELEY: OBJECTION SUBJECT TO MY  
13 FORMAL GROUNDS.

14 THE COURT: OVERRULED.

15 Q ONCE WE IDENTIFIED IT AS SEMEN I PERFORMED DNA  
16 ANALYSIS ON THIS PARTICULAR ITEM. THE DNA PROFILE  
17 THAT WAS DEVELOPED FROM THE SEMEN ON THIS ITEM  
18 MATCHED JAMES SANDERS AND THE PROBABILITY OF  
19 SELECTING SOMEONE AT RANDOM FROM THE POPULATION THAT  
20 WOULD HAVE THAT DNA PROFILE UNRELATED TO HIM IS 1 AND  
21 1.3 QUINTILLION. A QUINTILLION WOULD BE 1.3 FOLLOWED  
22 BY 18 ZEROS, SO IF YOU COUNT OUT IT'S A BILLION,  
23 TRILLION, QUADRILLION, QUINTILLION, SO IT'S AN  
24 EXTREMELY RARE DNA PROFILE AND IT MATCHES JAMES  
25 SANDERS?

1 Q AND UNDERSTAND THAT ONE AND ONE THREE  
2 QUINTILLION, YOU SAY THAT THIS MATCHES HIM, TO FIND  
3 SOME OTHER INDIVIDUAL TO HAVE THE SAME PROFILE YOU'D  
4 HAVE TO GO THROUGH 1 POINT 3 QUINTILLION PEOPLE TO DO  
5 IT --

6 A THAT'S APPROXIMATELY THE ESTIMATE OF HOW  
7 FREQUENTLY THAT PROFILE WOULD APPEAR IN THE  
8 POPULATION

9 Q HOW MANY QUINTILLION ON THE PLANET?

10 A NONE. WE ARE SOMEWHERE BETWEEN SIX AND SEVEN  
11 BILLION RIGHT NOW, SO THIS IS RARER THAN THE  
12 POPULATION OF THE PLANET IN BILLION FOLD. SO YOU CAN  
13 SAY WITHIN A DEGREE OF SCIENTIFIC CERTAINTY THAT THIS  
14 SEMEN ON THOSE PANTS CAME FROM JAMES SANDERS.

15 Q AND NOW I'M REFERRING YOUR ITEM 1.12 THE BITE  
16 MARK TO THE RIGHT BREAST, WHAT IF ANY RESULTS WERE  
17 YOU ABLE TO DETERMINE THERE. I THINK YOU INDICATED  
18 INITIALLY THE CHEMICAL COMPOSITIONS CONSISTENT WITH  
19 SALIVA AND YOU EXPLAINED THE DISTINCTION THERE, BUT  
20 WHAT AS FAR AS DNA WERE YOU ABLE TO DETERMINE.

21 A ON THE --

22 MR. GREELEY: OBJECTION, RENEW MY MOTION  
23 ON PREVIOUS GROUNDS.

24 THE COURT: OVERRULED.

25 A ON THE DNA PROFILE COLLECTED FROM THE BITE MARK

1 FROM AMANDA'S RIGHT BREAST, IN THIS PARTICULAR SAMPLE  
2 WE'RE TESTING FOR CELLS THAT ARE LEFT BEHIND IN THE  
3 SALIVA, SLOUGHED OFF IN YOUR SALIVA YOU HAVE CELLULAR  
4 MATERIAL. IF THE MOUTH COMES IN CONTACT WITH AN ITEM  
5 YOU MAY LEAVE YOUR DNA PRINT THERE. IN THIS  
6 PARTICULAR CASE THAT SALIVA ON HER BREAST MATCHED  
7 JAMES SANDERS IN THE PROBABILITY OF SELECTING AN  
8 UNRELATED INDIVIDUAL AT RANDOM IN THE POPULATION THAT  
9 WOULD HAVE THAT PROFILE IS 1 AND 3.6 QUADRILLION.  
10 NOW THAT'S A DIFFERENT NUMBER THAN THE PREVIOUS  
11 NUMBER BECAUSE I DIDN'T GET A COMPLETE DNA PROFILE.  
12 I GOT MOST OF A PROFILE, ALMOST 100 PERCENT OF A  
13 PROFILE, BUT THERE WERE A COUPLE OF THOSE S-T-R  
14 LOCATIONS THAT DIDN'T COME UP AND THE REASON BEING IS  
15 THAT APPEARED THAT, ESPECIALLY WITH A SALIVA SAMPLE,  
16 THERE IS BACTERIA IN YOUR SALIVA, AND BACTERIA THAT  
17 WOULD CAUSE YOUR DNA TO DEGRADE AND SO THOSE LARGER  
18 S-T-R LOCATIONS WENT AWAY AND I MISSED A COUPLE OF  
19 THEM IN TESTING THAT AND SO THAT'S WHY THE NUMBER  
20 WENT DOWN A LITTLE BIT, BUT WE STILL GOT PLENTY TO  
21 INDICATE THAT JAMES SANDERS WITHIN A DEGREE OF  
22 SCIENTIFIC CERTAINTY WAS THE SOURCE OF THAT SAMPLE.

23 Q NOW AGAIN YOU RECEIVED THE SWAB FROM THE DILDO  
24 AND YOU RECEIVED ACTUALLY PHYSICAL SWABS THAT  
25 INDICATES THAT WAS A MIXTURE, CAN YOU EXPLAIN WHAT

1 YOUR RESULTS WERE IN THAT REGARD?

2 A ON THAT PARTICULAR ITEM I SAW THE MAJOR  
3 CONTRIBUTOR TO THAT ITEM IS A FEMALE THAT I DID NOT  
4 HAVE A BLOOD STANDARD FOR. IT DID NOT MATCH AMANDA  
5 AS THE MAJOR CONTRIBUTOR. AND THERE WAS ALSO THE  
6 PRESENCE OF A MINOR CONTRIBUTOR WHO IS A MALE ON THAT  
7 ITEM THAT WAS CONSISTENT WITH COMING FROM BILLY WAYNE  
8 COPE. THE PROFILE FROM THE FEMALE, SINCE I HAVE  
9 BILLY WAYNE COPE'S PROFILE AND AMANDA'S PROFILE, I  
10 COMPARED THOSE AND SAW THAT IN FACT SHE SHARED PEAK  
11 AT EVERY ONE OF THE S-T-R LOCATIONS WHICH INDICATES  
12 THAT SHE'S THE BIOLOGICAL DAUGHTER OF BILLY WAYNE  
13 COPE. THE MAIN PROFILE ON THIS ITEM WAS CONSISTENT  
14 WITH BEING THE MOTHER OF AMANDA COPE, SO THE MAJOR  
15 PROFILE MATCHED THE FEMALE. AGAIN IT WAS CONSISTENT  
16 WITH BEING THE MOTHER OF AMANDA COPE. THE MINOR  
17 PROFILE MATCHED BILLY WAYNE COPE AS BEING THE FATHER,  
18 BUT BECAUSE WE'RE A COMBINATION OF OUR MOTHER AND  
19 FATHER, IF AMANDA COPE'S DNA PROFILE WAS ON THERE  
20 PRESENT, WE WOULDN'T BE ABLE TO DETECT IT BECAUSE IT  
21 WOULD BE MASKED BY THE MOTHER AND FATHER'S PROFILES.  
22 BUT AGAIN THE MAJOR PROFILE BY FAR WAS THE FEMALE  
23 WHICH WAS CONSISTENT WITH BEING THE MOTHER.

24 Q SO IF YOU HAVE A MIXTURE OF MOTHER AND FATHER  
25 THEN ARGUABLY YOU COULD NEVER DO A TRUE PROFILE OF

1 THE CHILDREN BECAUSE IT WOULD BE WITHIN THAT?

2 A IT DEPENDS ON HOW MUCH THEY DONATED TO THE  
3 SAMPLE. IF THEY WERE MINOR, MINOR CONTRIBUTORS YOU  
4 PROBABLY WOULDN'T BE ABLE TO TELL WHETHER THEY WERE  
5 IN THAT SAMPLE OR NOT. IF THEY WERE MAJOR  
6 CONTRIBUTORS TO THAT SAMPLE THEN WE WOULD BE ABLE TO,  
7 I WOULD HAVE BEEN ABLE TO QUOTE A STATISTIC, BUT THE  
8 MAJOR CONTRIBUTOR WAS CONSISTENT WITH BEING AMANDA  
9 COPE'S MOTHER.

10 Q THANK YOU. I'LL NOW REFER TO YOUR 14.1 THROUGH  
11 3. THE ITEMS CUT FROM THE WHITE WASH CLOTH?

12 A OKAY. ON THESE THREE ITEMS WE IDENTIFIED SEMEN  
13 ON THE WASH CLOTH. DID A DNA PROFILE THAT WAS  
14 MATCHED BILLY WAYNE COPE AND THE PROBABILITY OF  
15 SELECTING AN UNRELATED INDIVIDUAL AT RANDOM FROM THE  
16 POPULATION THAT MATCHED THE SEMEN ON THAT WASH CLOTH  
17 WAS ONE OUT OF EVERY 15 BILLION INDIVIDUALS.

18 Q OKAY. NOW REFER YOU FINALLY TO THE SWAB, YOUR  
19 ITEM 35, THE SWAB FROM THE ENVELOPE FLAP, IF YOU CAN  
20 TELL THE JURY WHAT THE RESULTS IN THE DNA TESTING OF  
21 THAT ENVELOPE FLAP?

22 A OKAY. I RECEIVED THE ENVELOPE, I SWABBED THE  
23 GUMMED AREA OF THE ENVELOPE WITH A Q-TIP TO EXTRACT  
24 DNA FROM THAT. I DEVELOPED A DNA PRINT THAT MATCHED  
25 BILLY WAYNE COPE AND AGAIN THE PROBABILITY OF

1       SELECTING AN UNRELATED INDIVIDUAL AT RANDOM THAT  
2       MATCHED THE DNA PROFILE FROM THE GUM FLAP FROM THE  
3       ENVELOPE IS ONE OUT OF EVERY 300 TRILLION  
4       INDIVIDUALS.

5       Q       YOU CAN HAVE A SEAT PLEASE.

6                       MR. POPE:   BEG THE COURT'S INDULGENCE.

7       Q       GOING BACK, YOU WERE TESTING EPITHELIAL CELLS ON  
8       THE ENVELOPE FLAP BASED ON WHERE YOU SUSPECT TO FIND,  
9       IS THAT CORRECT?

10      A       THAT'S CORRECT.

11      Q       OKAY.   AND THEN GOING BACK, ON THE WHITE WASH  
12      CLOTH YOU TESTED SEMEN ON THAT WASH CLOTH, SO YOU DID  
13      A SEROLOGY TEST FIRST THEN IDENTIFIED THE SEMEN, AND  
14      THEN YOU DID THE DNA TEST, IS THAT CORRECT?

15      A       THAT'S CORRECT.

16      Q       OKAY.   AND LIKEWISE I THINK IT WAS THE ITEM ON  
17      THE BLACK PANTS THAT MATCHED MR. SANDERS, THAT YOU  
18      HAD A SEMEN TEST AND THEN YOU HAD THE DNA RESULT FROM  
19      THAT, IS THAT CORRECT?

20      A       YES.

21      Q       OKAY.   NOW EITHER FROM MR. COPE OR MR. SANDERS  
22      YOU HAD INDICATED HOW YOU RECEIVED ITEMS FROM SUSPECT  
23      KITS; YOU KNOW, THERE MAY BE BLOOD OR HAIRS OR  
24      DIFFERENT THINGS TO GO TO DIFFERENT PARTS AT SLED,  
25      YOU DON'T RECEIVE ANY SEMEN FROM EITHER DEFENDANT IN

1 ANY SUSPECT THAT COULD ACCIDENTALLY TEST FOR SEMEN,  
2 DO YOU?

3 A NO.

4 Q SEMEN DOESN'T COME TO YOU, WHEN THEY COLLECT  
5 BLOOD OR HAIR OR ANYTHING, THEY DON'T COLLECT SEMEN  
6 TO PUT IT ON?

7 A THAT'S CORRECT.

8 Q OKAY. ANSWER ANY QUESTIONS THE DEFENSE MAY  
9 HAVE.

10 THE COURT: MR. WOOD.

11 CROSS EXAMINATION BY MR. WOOD:

12 Q GOOD AFTERNOON, DR. LAMBERT.

13 A GOOD AFTERNOON.

14 Q HOW ARE YOU, SIR?

15 A DOING GOOD.

16 Q GOOD. DR. LAMBERT, IN ORDER FOR TO YOU TEST  
17 ITEMS OF EVIDENCE THOSE ITEMS HAVE TO BE SUBMITTED TO  
18 YOU BY THE LOCAL LAW ENFORCEMENT AGENCY THAT IS  
19 INVESTIGATING THE CASE, IS THAT RIGHT?

20 A UNLESS SLED PERFORMED THE CRIME SCENE,  
21 EVERYTHING COMES FROM THE LOCAL AGENCIES.

22 Q SO IN THIS CASE THE LOCAL LAW ENFORCEMENT AGENCY  
23 DID THE CRIME SCENE IN ORDER FOR YOU TO TEST AN ITEM  
24 THAT LOCAL LAW ENFORCEMENT AGENCY WOULD HAVE TO  
25 SUBMIT THE ITEM TO SLED, IS THAT ACCURATE?

1 A THAT'S CORRECT.

2 Q NOW IF THEY DON'T SEND YOU AN ITEM IN EVIDENCE  
3 THEN IT DOESN'T GET TESTED, IS THAT A FAIR STATEMENT?

4 A THAT'S CORRECT.

5 Q NOW WHEN YOU PERFORM THESE TESTS YOU WEAR  
6 GLOVES, CORRECT?

7 A YES.

8 Q AND DO YOU THAT TO PREVENT CONTAMINATION?

9 A THAT'S CORRECT.

10 Q AND THAT'S ALSO BECAUSE THESE DNA TESTS ARE SO  
11 SENSITIVE IT JUST TAKES A FEW CELLS TO GET A RESULT,  
12 IS THAT A FAIR STATEMENT?

13 A SOMEWHERE AROUND 150 CELLS WILL TYPICALLY GIVE  
14 YOU A RESULT. NOW IF IT'S MIXED IN WITH SOMETHING  
15 WHERE IT IS THOUSANDS AND MILLIONS OF CELLS, YOU MAY  
16 NOT GET A RESULT FROM THAT 150 CELLS BECAUSE THE  
17 MILLIONS OF CELLS WILL WASH OUT THE SMALL AMOUNT OF  
18 DNA.

19 Q NOW THERE IS A LAB TESTS THAT CAN BE RUN DOWN AT  
20 SLED THAT INDICATE THE SOURCE OF THE CELLULAR DNA, IS  
21 THAT CORRECT?

22 A DNA TYPING, RIGHT. WHEN YOU SAY SOURCE DO YOU  
23 MEAN---

24 Q I MEAN SALIVA?

25 A THAT'S CORRECT, THAT WOULD BE SEROLOGY TESTING.



1 Q AND CAN YOU DETECT SEMEN, CORRECT?

2 A YES.

3 Q AND VAGINAL FLUID?

4 A THERE IS NOT A TEST THAT WE PERFORM THAT  
5 SPECIFIC FOR VAGINAL FLUID, NO.

6 Q AND HUMAN BLOOD, RIGHT?

7 A YES.

8 Q AS TO WHAT'S BEEN MARKED STATE'S EXHIBIT 57, THE  
9 BLUE BROOM, I THINK IN YOUR REPORTS IT'S REFERENCED  
10 AS ITEM 10, YOU TESTED A SWAB FROM THIS UPPER PORTION  
11 OF THE BROOM HANDLE, IS THAT RIGHT? RIGHT UP HERE?

12 A THERE WERE THREE SWAB -- EXCUSE ME. THERE WERE  
13 TWO SWABS TAKEN FROM THE BROOM AND ONE HAIR THAT WAS  
14 INSUFFICIENT FOR ANALYSIS. SWAB 10.1 I'M PRETTY SURE  
15 IS FROM THE TOP PART OF THE BROOM. AGAIN I DIDN'T  
16 TAKE THESE SWABS. AND 10.2 AGAIN IS FROM THE UPPER  
17 PORTION OF THE BROOM. ONE WAS FROM THE HANDLE, ONE  
18 WAS FROM THE BROOM ITSELF.

19 Q WHAT IS THE SOURCE OF THE DNA ON ITEM TEN?

20 A I DID NOT ANALYZE TO DETERMINE THE SOURCE OF  
21 THAT DNA.

22 Q BUT IT'S NOT FROM BLOOD, IS THAT FAIR TO SAY?

23 A NO, IF IT WAS BLOOD I WOULD HAVE TESTED IT.

24 Q OKAY. AND IT'S NOT FROM SEMEN?

25 A THAT'S CORRECT.

1 Q SO THE DNA THAT YOU FOUND ON THE BLUE HANDLED  
2 BROOM IS CONSISTENT WITH EPITHELIAL CELLS OR CELLS  
3 FROM SOMEONE'S HAND THAT WOULD HAVE USED THAT BROOM?

4 A THAT'S ONE THING THAT IT WOULD BE CONSISTENT  
5 WITH.

6 Q AND THERE WAS DNA FOUND ON THE WHITE WASH CLOTH  
7 THAT'S UP ON THAT SCREEN. IT WAS CONSISTENT WITH  
8 MR. COPE, CORRECT?

9 A FROM SEMEN ON THAT WASH CLOTH, YES.

10 Q NOW WHEN YOU TESTED THAT WASH CLOTH FOR SEMEN  
11 THAT RESULT DOESN'T INDICATE WHEN THAT SEMEN GOT ON  
12 THE WASH CLOTH, DOES IT?

13 A NO.

14 Q AND IT DOESN'T INDICATE WHAT THE MANNER THAT  
15 THAT SEMEN CAN BE PLACED ON THAT WASH CLOTH, DOES IT?

16 A THAT'S CORRECT.

17 Q AND IN FACT, THE SEMEN COULD HAVE BEEN ON THAT  
18 WASH CLOTH FOR DAYS, WEEKS, EVEN MONTHS, BEFORE  
19 NOVEMBER 29, 2001, CORRECT?

20 A THAT'S CORRECT.

21 Q NOW AS FAR AS THE ENVELOPE YOU'VE DETECTED  
22 MR. COPE'S DNA ON THE FLAP OF THE ENVELOPE, IS THAT  
23 CORRECT?

24 A YES, SIR.

25 Q NOW THAT DNA RESULT THAT DOES NOT INDICATE WHEN

1 MR. COPE'S SALIVA WAS PLACED ON THAT ENVELOPE, IS  
2 THAT RIGHT?

3 A THAT'S CORRECT.

4 Q AND THE FACT THAT BILLY'S DNA WAS ON THAT  
5 ENVELOPE FLAP DOESN'T INDICATE WHO WROTE THE LETTER  
6 THAT WAS PLACED IN THAT ENVELOPE, IS THAT A FAIR  
7 STATEMENT?

8 A I'M JUST TESTING THE DNA. I'M NOT THE  
9 HANDWRITING EXPERT.

10 Q NOW THE LETTER THAT WAS CONTAINED IN THAT  
11 ENVELOPE THAT WAS NOT SUBMITTED TO YOU FOR DNA  
12 TESTING, IS THAT CORRECT?

13 A THAT'S CORRECT.

14 Q AND BECAUSE IT WASN'T SUBMITTED TO YOU, OF  
15 COURSE, YOU COULDN'T TEST IT FOR DNA?

16 A THAT'S CORRECT.

17 Q NOW DR. LAMBERT, IF SOMEONE WERE TO CHOKE  
18 ANOTHER PERSON, VIOLENTLY STRANGLE THEM, LEAVES MARKS  
19 ON THE NECK, COULD A SWAB BE TAKEN FROM THAT BRUISING  
20 AND POSSIBLY THERE BE DNA MATERIAL FROM THE PERSON  
21 WHO DID THE CHOKING ON THAT SWAB?

22 A COULD BE. I'VE NEVER HAD A CASE SUBMITTED IN  
23 THAT FASHION WHERE I RECEIVED EPIDERMAL CELLS OFF OF  
24 ANOTHER PERSON'S BODY BUT IT THEORETICALLY COULD BE.

25 Q IF THAT WAS DONE AND THAT SWAB WAS SENT TO YOU

1 AND YOU TESTED IT AND YOU COULD DETECT DNA, IT WOULD  
2 BE A PRETTY IMPORTANT PIECE OF EVIDENCE, WOULDN'T IT?

3 A IF THAT WAS DETECTED, YES.

4 Q IN THIS CASE THERE WAS NO SWAB SUBMITTED FROM  
5 THE NECK OF AMANDA COPE, IS THAT RIGHT?

6 A THAT'S CORRECT.

7 Q NOW IF SOMEONE WERE INVOLVED IN A VIOLENT,  
8 BRUTAL, BLOODY RAPE THEY MAY HAVE BLOOD OR DNA  
9 UNDERNEATH THEIR FINGERNAILS, IS THAT RIGHT?

10 A DEPENDS ON HOW IT'S COMMITTED BUT THAT WOULD BE  
11 A POSSIBILITY. YOU ARE TALKING ABOUT THE SUSPECT  
12 WOULD HAVE --

13 Q THE SUSPECT, YES, SIR.

14 A THAT WOULD BE A POSSIBILITY IF IT WAS COLLECTED  
15 SOON ENOUGH AND AGAIN IT DEPENDS ON HOW THE RAPE  
16 OCCURRED.

17 Q NOW BILLY COPE'S FINGERNAIL SCRAPINGS WERE NOT  
18 SUBMITTED TO YOU FOR TESTING, IS THAT RIGHT?

19 A I DIDN'T RECEIVE ANY SCRAPINGS FROM BILLY COPE.

20 Q NOW DR. LAMBERT, I'M JUST GOING TO GO THROUGH  
21 SOME ITEMS OF EVIDENCE AND I'M GOING USE THE NUMBERS  
22 ON YOUR REPORT AND ON A COUPLE OF THEM I'M GOING TO  
23 USE THE COURT'S EXHIBIT NUMBER, OKAY, BUT SO THAT YOU  
24 CAN FOLLOW ALONG, I'M GOING TO USE THE NUMBERS RIGHT  
25 OFF OF YOUR REPORT?

1 A OKAY.

2 Q YOU TESTED ITEMS 6.1.1 AND THOSE WERE THE BLACK  
3 PANTS RECOVERED FROM AMANDA COPE, IS THAT RIGHT?

4 A THAT'S CORRECT.

5 Q AND NONE OF BILLY COPE'S DNA WERE ON THE SAMPLE  
6 THAT WAS SUBMITTED TO YOU, IS THAT RIGHT?

7 A THAT'S CORRECT.

8 Q NOW ITEM 6.3.1 THAT WAS A PINK SHIRT THAT WAS  
9 FROM THE VICTIM'S BODY, THAT'S AMANDA SHIRT, NONE OF  
10 MR. COPE'S DNA SHOWED UP ON THAT SHIRT, IS THAT  
11 RIGHT?

12 A THE CUTTING THAT I TESTED WAS 6.3.2 AND IT  
13 MATCHED AMANDA.

14 Q OKAY. THE GREEN BLANKET 7.8.1 THE BEDDING FROM  
15 AMANDA'S BED THAT WAS SUBMITTED TO YOU AND IT WAS  
16 TESTED FOR DNA, CORRECT?

17 A THAT'S CORRECT.

18 Q AND NONE OF BILLY COPE'S DNA WAS ON THAT  
19 BLANKET, IS THAT RIGHT?

20 A THAT'S CORRECT.

21 Q NOW TWO CUTTINGS FROM THE MATTRESS, I BELIEVE  
22 THAT'S ITEM 17 AND 18, THEY WERE TESTED FOR DNA,  
23 CORRECT?

24 A THEY WERE TESTED FOR SEROLOGY AND LET ME REFER  
25 BACK TO THE GREEN BLANKET, DNA TESTING WAS NOT

1 PERFORMED ON THAT, SEROLOGY TESTING WAS PERFORMED,  
2 AND NO SEMEN WAS IDENTIFIED ON EITHER THE BLANKET OR  
3 FROM THE MATTRESS, SO IT DIDN'T GO ON TO DNA.

4 Q AND NONE OF MR. COPE'S BLOOD WAS DETECTED ON  
5 THOSE CUTTINGS, IS THAT FAIR TO SAY?

6 A THAT'S CORRECT.

7 Q GOING TO YOUR ITEM 21.1 AND 20.2, STATE'S  
8 EXHIBIT 58, IT'S A RED HANDLED BROOM, ANY BLOOD  
9 RECOVERED FROM THAT BROOM, SIR?

10 A NO, I THINK IT WAS JUST EPITHELIAL CELLS THAT  
11 WERE RECOVERED.

12 Q 22.1, IT'S A YELLOW HANDLED DUST MOP, STATE'S  
13 EXHIBIT 60, NO BLOOD RECOVERED FROM THAT DUST MOP?

14 A SKIN CELLS WERE WHAT WERE SUBMITTED, SO NO BLOOD  
15 WAS SUBMITTED OFF THAT ITEM.

16 Q AND SO IT'S FAIR TO SAY THAT NO BLOOD WAS  
17 RECOVERED FROM THIS HANDLE, IS THAT CORRECT?

18 A IT WAS EXAMINED IN OUR PROCESSING LAB AND NO  
19 BLOOD WAS FOUND ON IT.

20 Q LET'S LOOK AT ITEM 62, THAT'S -- EXCUSE ME,  
21 STATE'S EXHIBIT 62, THAT'S A WALKING CANE. IT'S YOUR  
22 ITEM 24.1 AND 24.2. SUBMITTED TO YOU AND IT'S FAIR  
23 TO SAY THAT NO BLOOD WAS FOUND ON THIS CANE, IS THAT  
24 RIGHT?

25 A THAT'S CORRECT.

1 Q ITEM 23.1 AND 23.2, STATE'S EXHIBIT 61, FAIR TO  
2 SAY NO BLOOD DETECTED ON THIS ITEM, IS THAT CORRECT?

3 A THAT'S CORRECT.

4 Q LAST ONE, DR. LAMBERT. THAT IS STATE'S EXHIBIT  
5 63, ITEM 25.1 AND 25.2.

6 A NO BLOOD WAS DETECTED.

7 Q THANK YOU, SIR. NOW LET'S TALK ABOUT YOUR ITEM  
8 11.1.1, THAT IS THE DILDO THAT'S IN EVIDENCE?

9 A OKAY.

10 Q NOW YOU CAN'T TELL THE JURY THAT THAT DILDO WAS  
11 EVER PLACED INTO AMANDA COPE'S BODY, IS THAT CORRECT?

12 A THAT'S CORRECT.

13 Q AND THE REASON YOU CAN'T EXCLUDE AMANDA COPE AS  
14 A MINOR CONTRIBUTOR FROM THE SWAB YOU TOOK OFF OF  
15 THAT DILDO IS BECAUSE OF THE MIXTURE OF SOMEONE'S  
16 PARENTS DNA IS ON AN ITEM, NONE THEIR CHILDREN CAN  
17 EVER BE EXCLUDED AS MINOR CONTRIBUTORS, ISN'T THAT  
18 CORRECT?

19 A THAT'S CORRECT, UNLESS THERE WAS AN OBVIOUS  
20 DIFFERENCE IN THE AMOUNT OF THE SAMPLE ON THE ITEM.  
21 AS FAR AS MINOR CONTRIBUTORS, NO, NOT AN EXTREME  
22 MINOR CONTRIBUTOR WE WOULD NEVER BE ABLE TO EXCLUDE  
23 ANY CHILDREN, MALE OR FEMALE.

24 Q FOR EXAMPLE, LET'S SAY MY GRANDMOTHER, MY  
25 GRANDFATHER, THEY WERE FARMERS, AT THE END OF A HARD

1 DAY GRANDPA PUT A PLUG OF TOBACCO, GRANDMA, ALTHOUGH  
2 SHE WOULDN'T WANT ME TO ADMIT IT IN COURT, PUT A  
3 LITTLE SNUFF IN. THEY ARE SITTING ON THE FRONT  
4 PORCH, SPITTOON THERE BETWEEN THEM, BRAND NEW  
5 SPITTOON, NEVER BEEN USED, AND THEY BOTH SPIT IN THAT  
6 SPITTOON, THEY HAD TEN CHILDREN, MY DAD WAS ONE OF  
7 THOSE CHILDREN, IF YOU TESTED THAT SALIVA MY DAD  
8 COULD NOT BE EXCLUDED AS A MINOR CONTRIBUTOR, IS THAT  
9 CORRECT?

10 A ASSUMING HE MATCHED THE MINOR CONTRIBUTOR,  
11 THAT'S CORRECT.

12 Q IN FACT NONE OF THESE TEN CHILDREN, NATURAL  
13 CHILDREN OF THOSE TWO PARENTS, COULD EVER BE EXCLUDED  
14 AS MINOR CONTRIBUTORS TO THAT SALIVA, IS THAT  
15 CORRECT?

16 A THAT'S CORRECT.

17 Q SO IT DOESN'T COME TO A BIG SURPRISE, I MEAN IT,  
18 ISN'T IT A BIG SURPRISE THAT AMANDA COPE CANNOT BE  
19 EXCLUDED AS A MINOR CONTRIBUTOR OF A MIXTURE OF HER  
20 PARENT'S DNA?

21 A THAT'S CORRECT.

22 Q NOW IF ON NOVEMBER 29 OF 2001 MARY SUE COPE HAD  
23 BEEN PREGNANT AND SHE DIDN'T HAVE A CHILD UNTIL  
24 JANUARY FIRST OF 2002, HAD A BABY BOY, THAT BABY  
25 BOY'S DNA, EXCEPT FOR THE FACT THAT HE WASN'T BORN



1 YET, COULD BE NOT EXCLUDED FROM THE MIXTURE OF HIS  
2 PARENTS' DNA, IS THAT FAIR?

3 A FROM A MIXTURE OF THE PARENTS' DNA, THAT'S  
4 CORRECT.

5 Q OKAY. BECAUSE WHEN BOTH PARENTS CONTRIBUTE TO A  
6 SAMPLE PARENTS GIVE DNA TO CHILDREN AND THOSE  
7 CHILDREN CAN'T BE EXCLUDED?

8 A THAT'S CORRECT.

9 Q NOW IF A FOREIGN OBJECT IS STUCK INTO A  
10 MENSTRUATING FEMALE'S VAGINA WOULDN'T IT BE HIGHLY  
11 PROBABLE THAT VAGINAL FLUID OR BLOOD WOULD BE  
12 DETECTED ON THAT OBJECT?

13 A THAT'S CORRECT, UNLESS IT WAS CLEANED AFTER IT  
14 WAS PLACED IN THE INDIVIDUAL. YOU WOULD EXPECT TO  
15 SEE BLOOD.

16 Q NOW DR. LAMBERT, WHAT STEPS WOULD HAVE TO BE  
17 TAKEN TO MAKE A BLOODY BROOM HANDLE THAT HAD BEEN  
18 STUCK IN MENSTRUATING FEMALE'S VAGINA, WHAT STEP  
19 WOULD HAVE TO BE TAKEN TO CLEAN THAT OFF SO THAT YOUR  
20 LAB COULD NOT DETECT DNA?

21 A YOU WOULD PROBABLY HAVE TO USE SOME SORT OF  
22 BLEACH OR DETERGENT ON IT AND CLEAN IT PRETTY VERY  
23 VIGOROUSLY TO REMOVE, AGAIN WE'RE TALKING ABOUT 150  
24 CELLS, AND THOSE ARE MICROSCOPIC, SO YOU'D HAVE TO DO  
25 A PRETTY VIGOROUS JOB OF CLEANING IT UP.

1 Q AND WOULD THOSE SAME STEPS HAVE TO BE TAKEN TO  
2 CLEAN OFF A DILDO THAT HAD BEEN STUCK INTO A  
3 MENSTRUATING FEMALE'S VAGINA?

4 A THAT'S CORRECT.

5 Q NOW WOULD YOU BE ABLE TO TEST THOSE SWABS AND  
6 DETECT THE PRESENCE OF ANY CLEANING SOLUTIONS?

7 A I DON'T TEST FOR THE PRESENCE OF CLEANING  
8 SOLUTIONS.

9 Q NOW, DR. LAMBERT, WOULD YOU AGREE WITH ME THAT  
10 NOT A TRACE OF BILLY COPE WAS FOUND ON HIS DAUGHTER?

11 A THAT'S CORRECT.

12 Q NOT ON HER CLOTHES?

13 A THAT'S CORRECT.

14 Q NOT ON HER BED LINENS?

15 A THAT'S CORRECT.

16 Q ISN'T IT ALSO TRUE THAT JAMES SANDERS' SALIVA  
17 WAS FOUND ON AMANDA COPE'S BODY?

18 A YES, IT WAS.

19 Q AND HIS SEMEN WAS FOUND ON AMANDA COPE'S PANTS?

20 A THAT'S CORRECT.

21 Q AND YOU HAVE INDICATED IN YOUR REPORT THAT THE  
22 PROBABILITY OF RANDOMLY SELECTING AN UNRELATED  
23 INDIVIDUAL HAVING A DNA PROFILE MATCHING JAMES  
24 SANDERS, MATCHING THIS MAN RIGHT HERE, IS 1 AND 1.3  
25 THREE QUINTILLION. NOW THAT TERM QUINTILLION, HOW

1 MANY ZEROS ARE AFTER THAT?

2 A 18.

3 Q 18 ZEROS. IT'S A BIG NUMBER?

4 A YES.

5 MR. WOOD: BEG THE COURT'S INDULGENCE.

6 Q THANK YOU, DR. LAMBERT.

7 THE COURT: JURY NEED A BREAK. ONE SAYS  
8 YEAH, THAT'S ENOUGH. WE'LL TAKE A SHORT BREAK.

9 (THE JURY EXITS THE COURTROOM AT 04:41  
10 PM.)

11 (COURT RESUMES AT 04:54 PM, THE  
12 DEFENDANTS ARE PRESENT, AND THE JURY RETURNS TO THE  
13 COURTROOM.)

14 THE COURT: MR. GREELEY.

15 MR. GREELEY: MAY IT PLEASE THE COURT.

16 CROSS EXAMINATION BY MR. GREELEY:

17 Q MR. LAMBERT, GOOD AFTERNOON.

18 A GOOD AFTERNOON.

19 Q IT'S NICE TO PUT A FACE WITH THE VOICE?

20 A SURE.

21 Q YOU BEGAN WITH SLED IN 1990?

22 A YES, SIR.

23 Q YOU WERE KIND ON THE FRONTIER OF DNA ANALYSIS  
24 WITH SLED THEN, IS THAT CORRECT?

25 A THAT'S CORRECT.

1 Q WHEN DID--- WAS IT 1990 OR 1991 OR 1992 THAT  
2 SLED DEVELOPED THEIR OWN DNA LAB DOWN THERE?

3 A THEY HAD ALREADY STARTED WHEN I WAS HIRED BUT WE  
4 DIDN'T OUR FIRST CASE UNTIL '91 SO I WAS THERE  
5 THROUGH ALL THE VALIDATION AND THE PURCHASE OF  
6 EQUIPMENT AND SET UP OF THE LAB AND THINGS LIKE THAT.

7 Q AND YOU ASSISTED WITH THAT, IS THAT CORRECT?

8 A YES, SIR.

9 Q AND DID YOU HELP WITH THAT FIRST CASE IN '91?

10 A IT WASN'T MY CASE.

11 Q BUT YOU ASSISTED IN SETTING UP OF THEIR LAB?

12 A YES, SIR.

13 Q AND YOU BELIEVE THAT YOU ALSO SPENT TIME AT THE  
14 FEDERAL BUREAU OF INVESTIGATION IN THEIR DNA LAB UP  
15 IN VIRGINIA IN 1990?

16 A AS A VISITING SCIENTIST, YES, PERFORMING  
17 RESEARCH IN THEIR LAB TO DEVELOP TECHNIQUES THAT THEY  
18 ENDED UP USING IN THEIR LABORATORY.

19 Q OKAY. HOW LONG WERE YOU THERE DOING THAT?

20 A THREE MONTHS.

21 Q AND WHEN SOUTH CAROLINA LAW ENFORCEMENT DIVISION  
22 SET UP -- WHEN Y'ALL SET UP YOUR LAB, YOU USED A LOT  
23 OF THE FBI PROTOCOL, DID YOU NOT?

24 A QUITE A BIT OF IT. THERE WAS SOME PLACES THAT  
25 WE DIFFERED FROM THEM, BUT MOST OF IT WAS BASICALLY

1 THE SAME.

2 Q OKAY. THE FIRST SOFTWARE THAT YOU GOT, IT WAS  
3 THE SAME SOFTWARE THAT THE FBI WAS USING, WAS IT NOT?

4 A YES, IT WAS.

5 Q OKAY. NOW YOU WERE FAMILIAR WITH THE SOFTWARE?  
6 WERE YOU FAMILIAR WITH IT; DID YOU WORK WITH IT IN  
7 WASHINGTON?

8 A YES.

9 Q OKAY. ARE YOU FAMILIAR WITH THE ASPECT THAT,  
10 THE NAME OF THE SOFTWARE GIVEN BY THE FBI BACK IN  
11 1990, THEIR CODE NAME FOR THEIR SOFTWARE WAS PC GOD?

12 A THAT'S WHAT I'VE BEEN TOLD. KEITH MUNSON  
13 DEVELOPED IT, KEITH NEVER TOLD ME THAT, BUT THAT'S  
14 WHAT THEY CALLED IT.

15 Q OKAY. AND ARE YOU FAMILIAR WITH THE ASPECT OF  
16 THAT SOFTWARE BACK IN 1990 THAT ACTUALLY THAT  
17 SOFTWARE DID HAVE A OPERATOR OVERRIDE FUNCTION TO IT  
18 IN REGARDS TO RESULTS?

19 A THIS IS -- THAT'S CORRECT. THIS IS ON A TEST  
20 THAT WE DON'T PERFORM ANYMORE THAT I DIDN'T PERFORM  
21 IN THIS CASE, BUT HISTORICALLY SPEAKING, YES.

22 Q SO BACK THEN THE SOFTWARE COULD HAVE BEEN  
23 OVERRIDDEN, THE RESULT COULD HAVE BEEN OVERRIDDEN BY  
24 THE OPERATOR OF A MACHINE BACK THEN?

25 A THAT'S CORRECT. AND WHAT WE DID WE WERE PLACING

1       LOCATIONS, WHEN YOU SAW THIS PICTURE UP HERE OF THE  
2       DNA PRINT YOU SAW PEAKS, BACK THEN WE HAD THOSE PEAKS  
3       WERE EXPRESSED ON A TWO DIMENSION JELL SO YOU SAW  
4       BANDS THAT LOOKED KIND OF LIKE A FOOTBALL AND THE  
5       COMPUTER DID ITS BEST TO INTERPRET THAT TWO  
6       DIMENSIONAL DATA AND PUT THE MARK ON THE BAND AND IF  
7       IT PUT IT IN THE WRONG PLACE WE WOULD MOVE IT TO THE  
8       CENTER OF THE BAND. YOU KNOW, YOU GOT THE FOOTBALL  
9       WITH THE END OF IT, YOU MOVE IT TO THE CENTER OF THE  
10      FOOTBALL. SOMETIMES THE COMPUTER ALGORITHM PUT IT UP  
11      CLOSER TO THE SEAMS THAN IT DID TO THE MIDDLE OF THE  
12      FOOTBALL SO THAT WAS WHY WE HAD THE OVERRIDE BECAUSE  
13      IT WOULDN'T MAKE SENSE TO HAVE THE COMPUTER CALL IT  
14      WRONG.

15      Q     Y'ALL AREN'T USING THAT SOFTWARE ANYMORE, ARE  
16      YOU?

17      A     NOPE.

18      Q     AS TIME GOES ON TECHNOLOGY CHANGES, IS THAT  
19      CORRECT?

20      A     YES.

21      Q     WHEN DID YOU GET THE SOFTWARE THAT YOU USE AT  
22      SLED; WHAT YEAR DID YOU GET THAT?

23      A     WHICH SOFTWARE IS THAT?

24      Q     THE ONE LET'S SAY IN THIS CASE?

25      A     WHICH PARTICULAR SOFTWARE ARE YOU?

1 Q IS THERE A SOFTWARE CALLED GENOTYPER?

2 A GENOTYPER THAT'S CORRECT.

3 Q OKAY.

4 A WE STARTED WITH A MAC VERSION OF GENOTYPER BACK  
5 IN '99 AND HAVE SINCE PURCHASED A, WE WENT TO WINDOWS  
6 NT, WE GOT RID OF THE MAC, AND WE'RE RUNNING WINDOWS  
7 NT AND I THINK THAT'S PROBABLY A 2001-2002 VERSION OF  
8 THE SOFTWARE.

9 Q AND SO YOU GOT 2001 VERSION OF WHAT YOU FIRST  
10 STARTED WITH WITH GENOTYPER IN 1999?

11 A THAT'S CORRECT.

12 Q YOU HAVEN'T UPDATED IT SINCE 2001?

13 A NO.

14 Q IT COSTS MONEY EVER TIME YOU DO THAT, DOESN'T  
15 IT?

16 A YES, SIR.

17 Q THIS CAN BE COMPLICATED STUFF, CAN'T IT?

18 A IT'S COMPLICATED, YES.

19 Q RIGHT. AND THAT'S WHY YOU HAVE YOUR POWER POINT  
20 PRESENTATION TO MAKE IT MORE UNDERSTANDABLE TO FOLKS  
21 WHO ARE NOT EDUCATED AS YOURSELF AND TRAINED AS  
22 YOURSELF, IS THAT CORRECT?

23 A IT MAKES IT EASIER TO VISUALIZE IT, YES, SIR.

24 Q NOW WHAT IS, I MAY SAY THIS INCORRECTLY PLEASE  
25 CORRECT ME IF I DO, ELECTROTHEROGRAM, DID I SAY THAT

1 CORRECTLY?

2 A UH-HUH.

3 Q WHAT IS AN ELECTROTHEROGRAM?

4 A ELECTROTHEROGRAM, WHEN WE SAW SEVERAL SLIDES AGO

5 WE SAW THOSE PEAKS WITH THE 15-17 15-18 THAT'S THE

6 FINAL OUTPUT OF THE DNA. IF YOU HIT THAT BUTTON---

7 Q I WANT TO SEE IF I CAN GO BACK TO IT AND I HOPE

8 I'M GOING IN THE CORRECT WAY.

9 A I CAN'T TELL YOU IF YOU ARE. THERE IT IS.

10 Q THERE IT IS.

11 A THAT IS AN ELECTROTHEROGRAM. THAT'S THE FINAL

12 DATA THAT WE RECEIVE AND THAT'S WHAT THE DNA PRINT

13 LOOKS LIKE.

14 Q AND THAT'S WHAT THE GENOTYPER SOFTWARE DOES, IS

15 THAT CORRECT?

16 A THAT'S CORRECT.

17 Q NOW IF YOU WOULD CAN YOU SEE IT OKAY?

18 A I KNOW WHAT'S ON IT. THAT'S FINE.

19 Q OKAY. THERE IT IS. OVER HERE ON THE RIGHT SIDE

20 OF THIS ELECTROTHEROGRAM, WHAT ARE THESE NUMBERS HERE

21 WHERE IT HAS 1500, 1,000, 500?

22 A ON THE Y AXIS GOING UP.

23 Q YES.

24 A THESE ARE RFU. THAT STANDS FOR RELATIVE

25 FLUORESCENT UNITS MEASURE HOW MUCH INTENSITY OF A



1 PEAK COMES OFF AND IT'S ULTIMATELY THE MEASURE OF THE  
2 QUANTITY OF THE PEAK BECAUSE ASSOCIATED WITH THAT  
3 PEAK IS FLUORESCENCE, SO THOSE RELATIVE FLUORESCENCE  
4 UNITS TELL ME HOW MUCH DNA IS COMING OFF AT THAT  
5 POINT.

6 Q OKAY.

7 A SO THE HIGHER THE PEAK THE MORE DNA.

8 Q AND I NOTICE THAT ON THE RIGHT SIDE HERE ON ALL  
9 OF THESE THAT YOU HAVE SHOWED THE JURY, IT IS SET AT  
10 A MINIMUM OF 500?

11 A JUST FOR THE -- FOR THAT DIAGRAM, YES. IT  
12 DEPENDS ON WHAT YOUR HIGHEST PEAK IS THAT DETERMINES  
13 WHAT THAT SCALE IS SO THAT YOU ARE ABLE TO SEE IT.

14 Q OKAY. SO ON THE ONE ON THE TOP YOU HAVE 1550,  
15 THE ONE IN THE MIDDLE IS A 1,000 AND THAT WOULD BE  
16 BECAUSE THE PEAKS AREN'T AS HIGH?

17 A THE PEAKS IN THE MIDDLE AREN'T AS HIGH AS IT  
18 ADJUSTS THAT SCALE SO YOU CAN SEE THEM.

19 Q AND THE ONE ON THE BOTTOM IS 1500 SO THAT WOULD  
20 BE SIMILAR AS FAR AS PEAK HEIGHT TO THE TOP ONE, IS  
21 THAT CORRECT?

22 A THAT'S CORRECT.

23 Q NOW THE BASE LINE, AND THAT'S MY TERM FOR IT,  
24 I'M NOT SURE WHAT Y'ALL CALL IT, I'M GOING TO CALL IT  
25 THE BASE LINE DOWN HERE, THAT CAN GO UP OR DOWN, IS

1 THAT CORRECT?

2 A YES.

3 Q AND ACTUALLY THE OPERATOR WHO IS RUNNING THESE  
4 PROGRAMS IS ABLE TO SET THE MACHINE TO THE, I THINK  
5 YOU SAID THE Y AXIS OR THE, HOW, WHERE THOSE ARE  
6 SUPPOSED TO--I MEAN NOT WHERE THEY ARE SUPPOSED TO  
7 REGISTER BUT WHAT THE UNIT WILL BE, IS THAT CORRECT?

8 A WHAT IS SET AND THIS IS SET IN OUR PROTOCOL IS  
9 THAT ANY PEAK THAT'S BELOW 75 OF THOSE RELATIVE  
10 FLUORESCENT UNITS HASN'T MEASURED ENOUGH TO WHERE WE  
11 ARE CONFIDENT THAT IT'S A PEAK AND SO WE DON'T CALL  
12 IT. ANYTHING BELOW THAT, IF YOU WERE TO BLOW UP THE  
13 BASE LINE COMPLETELY TO WHERE YOU COULD SEE IT, IT  
14 WOULD LOOK LIKE GRASS, AND IF SOMETHING IS WITHIN  
15 THAT GRASS WE DON'T HAVE ANY CONFIDENCE THAT IT'S A  
16 PEAK. IF IT'S DOWN IN THE 75 RFU RANGE AND BELOW WE  
17 DON'T CALL IT. ANYTHING ABOVE 75 WE CALL IT.

18 Q NOW SUCH AS IN THIS SITUATION AND I BELIEVE, IS  
19 THIS AN ACTUAL ELECTROTHEROGRAM THAT YOU RAN IN THIS  
20 CASE OR IS THIS JUST AN EXAMPLE?

21 A THIS IS AN EXAMPLE.

22 Q ALL RIGHT. HERE YOUR LOWEST LEVEL IS 500, IS  
23 THAT CORRECT, THAT'S SHOWING?

24 A THAT'S CORRECT.

25 Q AND YOU DON'T MEASURE ANY PEAKS THAT ARE BELOW

1 75, IS THAT CORRECT?

2 A THAT'S CORRECT.

3 Q SO IN RUNNING A TEST IF THIS WAS AN ACTUAL TEST  
4 THERE MAY BE MEASURABLE PEAKS BELOW 500 AND BETWEEN  
5 75 THAT YOU WOULD CONSIDERED TO BE MEASURABLE, IS  
6 THAT CORRECT?

7 A IF THEY WERE THERE THEY WOULD SHOW UP.

8 Q OKAY. SO THE BASE LINE WOULD GO DOWN  
9 AUTOMATICALLY?

10 A NO, THEY WOULD BE ABOVE 75.

11 Q THEY WERE ABOVE 75, BUT YOU GOT IT SET AT 500  
12 HERE?

13 A NO, THAT'S NOT A BASE LINE. THE BASE LINE IS AT  
14 THE VERY BOTTOM.

15 Q THE BASE IS AT THE VERY BOTTOM, OKAY. AND SO  
16 THE BASE LINE ALWAYS COMES AT THE VERY BOTTOM?

17 A YES, SIR.

18 Q ALWAYS. OKAY. BUT YOU MENTIONED TO THE JURY  
19 THOUGH BELOW THIS LINE?

20 A BELOW 75 RFU AND YOU CAN'T REALLY SEE 75 ON THAT  
21 SCALE BECAUSE IT'S GOING TO BE DOWN BETWEEN 500 AND  
22 WHERE THE LINE INSECTS WITH THE Y AXIS WHICH WOULD BE  
23 ZERO.

24 Q SO THIS DOESN'T SHOW ANYTHING BELOW 75?

25 A IF IT WAS THERE IT WOULD SHOW UP.

1 Q ANYTHING --

2 A I DON'T THINK I GOT A PEAK ON THE  
3 ELECTROTHEROGRAM THAT'S IN THAT RANGE.

4 Q BUT WOULDN'T WE HAVE GRASS EVEN ON THIS ONE. IF  
5 THIS WAS AN ACTUAL RUN OF SOME CELL OR SOME LOCATION?

6 A IF WE CHANGED OUR Y AXIS TO WHERE IT WAS ZERO TO  
7 100 YOU WOULD SEE WHAT I WAS TALKING ABOUT WITH THE  
8 GRASS. THE FACT THAT IT'S SET WITH ZERO TO 1500  
9 MEANS THAT THAT GRASS HAS GOTTEN MUCH SMALLER BECAUSE  
10 YOU'RE LOOKING AT BUILDINGS INSTEAD OF GRASS.

11 Q OKAY. SO WE CAN'T SEE THE GRASS BUT THE GRASS  
12 EXISTS?

13 A RIGHT.

14 Q AND THE GRASS IS ACTUAL LOCATIONS AS WELL?

15 A NO, NOT NECESSARILY. IT COULD JUST BE, THAT'S  
16 THE BASE LINE AND THIS IS TRUE FOR ANY INSTRUMENTAL  
17 ANALYSIS, YOU HAVE GOT A CERTAIN BASE LINE THAT'S  
18 ASSOCIATED WITH A DETECTOR PICKING UP THESE  
19 FLUORESCENT PEAKS AS THEY COME OFF. WELL, THERE IS  
20 JUST NATURAL CHATTER UNTIL YOU GET THE PEAK AND THEN  
21 THE PEAK IS GOING TO GO UP 500, A 1,000 RFU, THEN IT  
22 GOES BACK DOWN TO WHERE IF YOU HAVE A SAMPLE WITH  
23 ABSOLUTELY NO DNA IN IT, YOU ARE STILL GOING TO HAVE  
24 THE CHATTER.

25 Q OKAY.

1 A THAT'S JUST A FUNCTION OF THE INSTRUMENTAL  
2 ANALYSIS IN THE DETECTOR.

3 Q NOW YOU TALKED ABOUT THESE LOCATIONS AND YOU SAY  
4 THAT YOU LIKE TO COMPARE 9 TO 13 LOCATIONS?

5 A THAT'S CORRECT.

6 Q IS THAT CORRECT? AND 9 LOCATIONS IF IT'S A  
7 VICTIM AND 13 LOCATIONS IF YOU HAVE A SUSPECT?

8 A IT DEPENDS, DEPENDS ON THE NATURE OF THE SAMPLE.

9 Q IS THAT THE STANDARD PROTOCOL FOR SLED?

10 A YES.

11 Q OKAY. AND IN A REGULAR DNA CELL, AGAIN I DON'T  
12 KNOW IF I AM SAYING IT CORRECTLY, IN THAT REGULAR DNA  
13 HOW MANY LOCATIONS ARE THERE?

14 A MILLIONS AND MILLIONS OF LOCATIONS. THERE IS  
15 APPROXIMATELY OF THOSE LADDER RUNGS THERE IS A  
16 BILLION LADDER RUNGS. 99.9 PERCENT OF THOSE LADDER  
17 RUNGS ARE THE SAME FOR EVERYBODY IN THIS ROOM,  
18 EVERYBODY ON THE PLANET, BECAUSE WE'RE ALL HUMANS  
19 WE'RE ALL RELATED TO EACH OTHER, SO WE DON'T LOOK AT  
20 ALL OF THE LOCATIONS.

21 Q SO WE ONLY HAVE 9 LOCATIONS OR 13 LOCATIONS OUT  
22 OF MILLIONS OR BILLIONS THAT ARE DIFFERENT?

23 A NO, NOT MILLIONS, I DON'T KNOW THAT THERE WOULD  
24 BE MILLIONS OR BILLIONS THAT ARE DIFFERENT. I KNOW  
25 THAT THERE IS APPROXIMATELY 30,000 STR LOCATIONS THAT

1       WOULD BE DIFFERENT.

2       Q     OKAY.

3       A     BUT WE LOOK AT 13 OF THOSE AND THE REASON THAT  
4       WE STOPPED AT 13 OR 9 IS BECAUSE WE'RE GETTING NUMBER  
5       THE QUADRILLIONS AND QUINTILLIONS.  WE DON'T NEED TO  
6       GO BEYOND THAT.

7       Q     WELL, YOU'VE PICKED 13 OUT OF, WHAT DID YOU SAY  
8       36,000, THAT Y'ALL DID ON THAT?

9       A     30,000 IS WHAT THE ESTIMATE IS FOR THOSE STRS.

10      Q     SO YOU ARE USING 13 OUT OF 36,000 THAT YOU HAVE  
11      SO IDENTIFIED?

12      A     30,000.

13      Q     30,000.  AND THERE MAY BE MORE --

14      A     COULD BE MORE.

15      Q     ---THAT HAVEN'T BEEN IDENTIFIED?

16      A     COULD BE MORE, COULD BE LESS, I THINK THAT'S AN  
17      ESTIMATE.

18      Q     I MEAN HAS SCIENCE REACHED THE POINT TO WHERE IT  
19      ABSOLUTELY KNOWS HOW MANY ARE THE SAME, HOW MANY ARE  
20      NOT?

21      A     THAT'S PROBABLY STILL UNDER DEBATE SINCE THEY  
22      ARE STILL DOING THE HUMAN GENOME PROJECT AND SORTING  
23      THROUGH ALL OF THAT DATA.  WE KNOW THAT THESE 13 ARE  
24      VERY, VERY DIFFERENT FROM INDIVIDUAL TO INDIVIDUAL.

25      Q     OUT OF THE 30,000 OR SO?

1 A RIGHT.

2 Q AND YOU'VE IDENTIFIED 30,000 THAT ARE DIFFERENT?

3 A THAT'S THE ESTIMATE.

4 Q OKAY. AND SO WHAT YOUR PERCENTAGES ARE BASED

5 UPON WHEN YOU GIVE A RATIO OR A PERCENTAGE OR A

6 PROBABILITY IS IT'S BASED UPON FOCUSING IN ON NINE

7 OUT OF POTENTIALLY 30,000 OTHER SITES?

8 A THAT'S RIGHT.

9 Q IS THAT CORRECT? NOW YOU HAD TALKED ABOUT THE

10 WAY THAT YOU DUPLICATE?

11 A AMPLIFY.

12 Q AMPLIFY. THEN -- WELL, I MEAN, IT'S ESSENTIALLY

13 A DUPLICATION?

14 A THAT'S CORRECT.

15 Q YOU HOPE IT'S A DUPLICATION?

16 A YES, SIR.

17 Q THAT'S THE GOAL?

18 A YES, SIR.

19 Q OKAY. TO ME IT SEEMS SIMILAR TO CLONING, IS IT?

20 A I GUESS IN THEORY AS A COMPARISON IT'S SIMILAR

21 TO CLONING.

22 Q I MEAN YOU ARE TAKING A PART OF A DNA, TAKEN A

23 PART OF DNA AND YOU ARE REPLICATING IT?

24 A THAT'S RIGHT.

25 Q AND THIS IS DONE BY A MACHINE?

1       A     THIS IS DONE IN A TEST TUBE, THE MACHINE JUST  
2       FACILITATES THE CHEMICAL REACTION THAT'S GOING ON IN  
3       THE TEST TUBE.

4       Q     OKAY.  SO THE MACHINE IS THE FACILITATOR, YOU  
5       PUT IT IN A TEST TUBE, AND THEN THE TEST TUBE BEGINS  
6       TO REPLICATE AND I THINK IT'S A THERMOMETER,  
7       WHAT'S --

8       A     THERMOCYCLER.

9       Q     THERMOCYCLER.  AND YOU DO IT IN CYCLES AND EACH  
10      CYCLE IT MULTIPLIES?

11      A     YES, SIR.

12      Q     EXPEDIENTIALY?

13      A     THAT'S CORRECT.

14      Q     OKAY.  AND AFTER YOU MULTIPLY IT EXPEDIENTIALY  
15      YOU'VE GOT THIS VERY LARGE NUMBER OF WHAT YOU BELIEVE  
16      TO BE THE ORIGINAL?

17      A     THAT'S CORRECT.

18      Q     AND IT'S THE SAME IN EVERY WAY?

19      A     IT MIGHT NOT BE THE SAME IN EVERY WAY.  IN  
20      SAMPLES THAT START OFF WITH A SMALL AMOUNT OF  
21      STARTING SAMPLE, LET'S SAY IF YOU'VE GOT A COLLECTION  
22      OF MARBLES THAT ARE IN A BARREL AND YOU'VE GOT FIVE  
23      DIFFERENT COLORS OF MARBLES, AND YOU SCOOP YOUR HAND  
24      IN AND TAKE OUT SOME OF THOSE MARBLES, YOU MAY NOT  
25      GET EVERY SINGLE COLOR OF MARBLE WITHIN THREE OR FOUR



1       SAMPLES AND THAT HAPPENS WITH DNA TOO.  IF IT'S A  
2       SMALL AMOUNT THAT'S LEFT ON AN ITEM AND YOU SAMPLE  
3       THAT, THEN MAYBE ONE OF THESE PEAKS DROPS OUT BECAUSE  
4       WE DIDN'T GET ENOUGH OF THAT PEAK.  SO NOT EVERY  
5       SINGLE TIME YOU ARE GOING TO GET THE EXACT GENOTYPE  
6       OR THE EXACT DNA PRINT OF WHO YOU ARE TRYING TO TEST.  
7       IT DEPENDS ON THE SAMPLE QUANTITY.

8       Q     DO YOU KNOW IF YOU DON'T GET THE EXACT SAMPLE?

9       A     USUALLY IT'S GOING TO BE DOWN ON THE RANGE OF  
10      THAT Y AXIS.  IT WILL BE DOWN BELOW 150 TO 75.  WE  
11      DON'T HAVE A LOT OF CONFIDENCE IN THE NUMBERS IN THAT  
12      RANGE AND WE QUOTE OUR RESULTS ACCORDINGLY WHEN  
13      SAMPLES ARE IN THAT RANGE.

14     Q     BUT YOU DON'T ABSOLUTELY KNOW WHETHER OR NOT YOU  
15     HAVE DUPLICATED IT EXACTLY?

16     A     WHEN IT'S UP IN THE UPPER RANGE WE'VE GOT  
17     CONFIDENCE THAT THE GENOTYPE THAT WE DEVELOP THE DNA  
18     PRINT --

19     Q     RIGHT?

20     A     ON THE ELECTROTHEROGRAM IS THE PERSON'S  
21     ELECTROTHEROGRAM BECAUSE WE REPEAT THESE THINGS OVER  
22     AND OVER AGAIN AND WE GET THE SAME RESULT.

23     Q     AND SO BASICALLY WHEN IT COMES DOWN TO IT, WHAT  
24     YOU USED TO RUN YOUR TESTS IS A COPY OF WHAT YOU ARE  
25     GIVEN IN THE LAB?

1 A THE EVIDENCE THAT'S SUBMITTED TO THE LAB, THAT'S  
2 CORRECT. WE'VE NOW AMPLIFIED THE DNA PROFILE, IT'S  
3 GOT FLUORESCENT TAGS ATTACHED TO IT SUCH THAT WE CAN  
4 GENERATE AN ELECTROTHEROGRAM.

5 Q SO IF YOU RECEIVE BLOOD FROM SUSPECT A AND YOU  
6 BEGAN TO DO THE DNA ANALYSIS OF IT, YOU ARE ACTUALLY  
7 NOT ANALYZING SUSPECT A'S BLOOD, BUT YOU ARE  
8 ANALYZING WHAT THE LAB HAS DONE IN DUPLICATING OR  
9 COPYING HIS BLOOD, IS THAT CORRECT?

10 A IT'S WHAT THE ENZYME HAS DONE IN MAKING NEW DNA,  
11 THAT'S CORRECT, INSIDE THE TUBE.

12 Q NOW IN REGARDS TO, I'M GOING TO TRY AND TAKE IT  
13 BACK, THERE WERE THREE CUTTINGS FROM AMANDA COPE'S  
14 BLACK PANTS THAT YOU RECEIVED, IS THAT CORRECT?

15 A THAT'S CORRECT.

16 Q OKAY. AND CORRECT ME IF I'M WRONG BUT AT THE  
17 TIME WHEN THEY CAME THROUGH SEROLOGY THEY WERE CUT IN  
18 SEROLOGY BY AGENT BRYSON, IS THAT CORRECT?

19 A JAN BRYSON MADE THE CUTTINGS AND SUBMITTED THEM  
20 TO OUR LAB.

21 Q AND THEN SHE SUBMITTED IT TO YOU?

22 A THAT'S CORRECT.

23 Q YOU DIDN'T GET THE WHOLE PAIR OF PANTS, DID YOU?

24 A NO.

25 Q SO SHE MADE THE CUTTINGS AND SUBMITTED THEM TO

1 YOU WITH THE BELIEF THAT IT MAY CONTAIN SEMEN?

2 A SHE DID A PRESUMPTIVE TEST FOR SEMEN WHICH THEY  
3 WERE POSITIVE FOR.

4 Q AND THEY WERE POSITIVE FOR. HOWEVER, ONCE Y'ALL  
5 RAN YOUR TESTS ONLY ONE OF THE CUTTINGS WAS POSITIVE  
6 FOR SEMEN, IS THAT CORRECT?

7 A THAT'S CORRECT.

8 Q OKAY. THE OTHER TWO WERE NOT POSITIVE FOR  
9 SEMEN, IS THAT CORRECT?

10 A THAT'S CORRECT.

11 Q AND IT WAS ON THAT ONE CUTTING THAT YOU COMPARED  
12 TO THE REPRODUCTION OF MY CLIENT'S BLOOD?

13 A THAT'S -- WELL, I DEVELOPED DNA PRINTS FROM EACH  
14 ONE OF THOSE. THE DNA PROFILE DEVELOPED FROM 6.1.2  
15 MATCHED YOUR CLIENT.

16 Q RIGHT?

17 A JAMES SANDERS.

18 Q IT MATCHED THE REPRODUCTION FROM HIS BLOOD THAT  
19 HAD BEEN DONE IN THE FULL DNA TESTING?

20 A THAT'S CORRECT.

21 Q OKAY. NOW IN REGARDS TO SALIVA, I'M NOT SURE  
22 WHERE IT IS, HERE WE GO. IN REGARDS TO THE SALIVA,  
23 IN YOUR DIRECT TESTIMONY YOU DID MENTION TO MR. POPE  
24 THAT YOU HAD A MATCH FOR MY CLIENT IN REGARDS TO  
25 THAT?

1 A THAT'S CORRECT.

2 Q ONCE AGAIN THAT WOULD BE, YOU FOUND A MATCH TO  
3 MY CLIENT'S, THE REPRODUCTION OF MY CLIENT'S BLOOD?

4 A THAT'S CORRECT.

5 Q NOW THERE WAS ALSO, I BELIEVE THAT IT WAS  
6 ACTUALLY FOUND TO BE A MIXTURE SUBSTANCE, IS THAT  
7 CORRECT?

8 A THAT'S CORRECT. IT WAS A MIXTURE BETWEEN HIM  
9 AND AMANDA COPE. IT WAS SWABBED OFF OF HER BREAST,  
10 SO WE WOULD EXPECT TO SEE SKIN CELLS FROM HER. HE  
11 WAS THE MAJOR CONTRIBUTOR TO THAT SAMPLE SO I WAS  
12 ABLE TO CALL IT A MATCH TO HIM.

13 Q OKAY. BUT YOU DON'T KNOW THE SOURCE OF  
14 HER---YOU CAN'T SAY THROUGH ANY SCIENTIFIC STANDARD  
15 OR DEGREE AS TO WHAT THE SOURCE OF HER DNA CELLS WERE  
16 IN THE SALIVA?

17 A IT WAS A MIXTURE OF -- WELL, IT WAS, SALIVA WAS  
18 INDICATED ON THAT SAMPLE.

19 Q RIGHT.

20 A SO OTHER THAN THAT, I'M NOT SURE WHAT THE DNA  
21 CAME FROM. IT COULD BE A MIXTURE OF HER SALIVA IN  
22 THAT TOO.

23 Q IN GENOTYPER OR ANY OF YOUR OTHER SOFTWARE THAT  
24 Y'ALL ARE CURRENTLY USING OR THAT YOU USED IN THIS  
25 CASE, IS THERE AN OPERATOR OVERRIDE FUNCTION LIKE

1       THERE USED TO BE IN THE EARLY 90'S WITH THE FBI?

2       A     YES, WE CAN CLICK OFF A PEAK. LET'S SAY, AND WE  
3       DON'T THE ELECTROTHEROGRAM UP THERE, BUT LET'S SAY  
4       THERE WAS A PEAK THAT FELL IN A PARTICULAR POSITION  
5       RELATIVE TO ANOTHER PEAK. IT'S A PHENOMENON KNOWN AS  
6       STUTTER. IF IT'S A SMALL ENOUGH PROPORTION TO THE  
7       BIG PEAK WE CAN CLICK THAT OFF BECAUSE WE WOULD  
8       EXPECT TO SEE A PEAK THERE BUT IT COULD BE A SPIKE  
9       BECAUSE BY ELECTRONIC DIVERGENCES ONE OF THE THINGS  
10      RUNNING OR A PIECE OF DUST GOING THROUGH THE  
11      CAPILLARY WHEN IT'S RUNNING, WE CAN CLICK THAT OFF.

12      Q     BUT YOU DO HAVE THE CAPABILITY OF ALTERING THE  
13      RESULTS OF THE MACHINE?

14      A     I CAN INTERPRET THE RESULTS THE MACHINE GIVES  
15      US. THE MACHINE IS ONLY AS SMART AS THE MACHINE.  
16      WE'RE TRAINED TO INTERPRET DNA PROFILES SO WE CLICK  
17      OFF THE SAMPLES THAT ARE RUN, YES.

18      Q     OKAY. BUT MY QUESTION WAS: YOU HAVE THE  
19      CAPABILITY OF ALTERING WHATEVER YOU SEE ON THE  
20      MACHINE?

21      A     NOT ALTERING. WE INTERPRET THE DATA.

22      Q     YOU CHANGE THE GRAPH THOUGH, DON'T YOU?

23      A     I CLICK OFF A PEAK, YES, THAT'S CORRECT.

24      Q     AND THAT'S CHANGING A GRAPH?

25      A     YES.

1 Q OKAY. IN TESTING THE BED LINENS NO SEMEN WAS  
2 FOUND IN THE BED LINENS, WERE THEY?

3 A NOT IN THE CUTTINGS THAT WERE SUBMITTED TO ME,  
4 NO.

5 Q NO SEMEN WAS FOUND ON THE CUTTINGS FROM THE  
6 GREEN BLANKET?

7 A THAT'S CORRECT.

8 Q THE ONLY PLACE THAT SEMEN WAS FOUND WAS IN ONE  
9 SPOT ON AMANDA COPE'S PANTS, IS THAT CORRECT?

10 A THERE WAS SEMEN ON THE WASH CLOTH ALSO, BUT WITH  
11 RESPECT TO YOUR CLIENT JAMES SANDERS THE ONLY SEMEN  
12 WAS ON HER PANTS.

13 Q AND THAT WAS IN THAT ONE SPOT ON HER PANTS?

14 A THAT'S CORRECT. WELL, THE OTHER SPOT, JUST TO  
15 CLARIFY, 6.1.1 HAD, JUST A MINUTE, LET ME REFER TO MY  
16 NOTES. I MISSPOKE. 6.1.3 GAVE ME A MINOR DNA PRINT  
17 THAT SHOWED SOME BANDS, SOME PEAKS, THAT WERE SIMILAR  
18 TO JAMES SANDERS, BUT IT WASN'T A COMPLETE PROFILE  
19 AND DIDN'T MAKE A COMPLETE CALL ON THAT SAMPLE, BUT  
20 IT'S CONSISTENT WITH BEING A MIXTURE. I CAN'T  
21 EXCLUDE HIM FROM CONTRIBUTING TO THAT OR HER FROM  
22 CONTRIBUTING TO THAT SAMPLE, BUT IT WASN'T A COMPLETE  
23 PROFILE.

24 Q AND IT WASN'T SEMEN, WAS IT?

25 A NO. IT WAS NOT IDENTIFIED AS SEMEN.

1 Q OKAY. AND IT WAS ON THE BACK OF HER PANTS?

2 A I'M NOT SURE OF THE LOCATION. IT'S 6.1.3.

3 Q OKAY. AND YOU JUST SAID THAT YOU CAN'T EXCLUDE  
4 MR. SANDERS?

5 A THAT'S CORRECT.

6 Q BUT YOU CAN'T SAY THAT THAT IS ACTUALLY HIS  
7 REPRODUCED DNA THAT Y'ALL DID?

8 A THAT'S CORRECT.

9 MR. GREELEY: THAT'S ALL I HAVE.

10 THE COURT: REDIRECT.

11 MR. POPE: JUST BRIEFLY, YOUR HONOR.

12 REDIRECT EXAMINATION BY MR. POPE:

13 Q QUICK ON THE CUTTINGS JUST TO CLARIFY. 6.1.1 IS  
14 DESIGNATED AS CUTTING FROM BLACK PANT FROM BACK  
15 CENTER AND ON THAT ITEM THERE WAS NO SEMEN IDENTIFIED  
16 AND YOU ACTUALLY IDENTIFIED AMANDA COPE ON THAT FROM  
17 THE BACK CENTER OF THE PANTS, IS THAT CORRECT?

18 A THAT'S CORRECT.

19 Q AND 6.1.2 THAT'S IDENTIFIED AS BACK LEFT OF THE  
20 PANTS, THAT WAS THE ONE THAT SEMEN WAS IDENTIFIED TO  
21 MR. SANDERS AND EPITHELIAL CELLS FROM AMANDA COPE, IS  
22 THAT CORRECT?

23 A THAT'S CORRECT.

24 Q AND THEN 6.1.3 I THINK IS THE LAST ONE MR.  
25 GREELEY WAS ASKING YOU ABOUT WAS THE BLACK PANTS FROM

1 THE FRONT LEFT, ON THAT NO SEMEN WAS IDENTIFIED BUT  
2 THAT'S WHERE YOU ARE SAYING THERE WAS A MIXTURE THAT  
3 MR. SANDERS COULDN'T BE EXCLUDED, BUT YOU DIDN'T CALL  
4 IT AND ASSIGN IT NUMBER, A PERCENTAGE NUMBER, OR THE  
5 ONE IN MILLION NUMBERS WE'VE HEARD CONCERNING THOSE,  
6 IS THAT CORRECT?

7 A THAT'S CORRECT.

8 Q OKAY. FINALLY ON THE, MR. WOODS WAS ASKING YOU  
9 ABOUT THE ENVELOPE AND YOU WERE DESCRIBING TO THE  
10 JURY, WHEN YOU RECEIVED THE ENVELOPE YOU DID A SWAB  
11 AND WHERE DID YOU DO A SWAB FROM?

12 A ON THE PORTION THAT YOU WOULD EXPECT TO FIND  
13 SALIVA ON THE ENVELOPE, IT'S ON THE GUM LABEL PART OF  
14 THE ENVELOPE. I JUST TOOK A Q-TIP SWAB AND RAN IT UP  
15 AND DOWN THAT AREA TO COLLECT ANY CELLS THAT THERE  
16 WERE.

17 Q WHY DON'T YOU DO A SWAB OF LIKE THE FLAT BACK  
18 PORTION OR THE FRONT PORTION OR OTHER PLACES THAT  
19 MIGHT NOT HAVE SALIVA?

20 A THOSE WOULD JUST BE PART OF THE ENVELOPE THAT  
21 YOU WOULD EXPECT TO GET CELLS FROM I GUESS IF YOU  
22 HANDLED IT BUT WE HAVEN'T HAD MUCH LUCK IN GETTING  
23 DNA PRINTS OFF OF HANDLED PAPER. IF YOU LICK A  
24 PAPER, ESPECIALLY IF YOU LICK A GUM LABEL, YOU ARE  
25 GOING TO PUT A LOT OF YOUR CELLULAR MATERIAL OFF YOUR



1 TONGUE ON THAT GUM PART, AND WE DON'T HAVE  
2 PARTICULARLY LUCK IN GETTING IT JUST OFF OF PAPER.

3 Q SO THEN FOR EXAMPLE THE LETTER THAT WAS  
4 CONTAINED WITHIN THIS ITEM, THIS IS STATE'S EXHIBIT  
5 89 THAT ALREADY HAS NINHYDRIN ON IT, YOU WOULD MAKE A  
6 DECISION AT THE LAB THAT PERHAPS BASED ON YOUR  
7 RESULTS THAT THAT WOULD GO TO FINGERPRINTING VERSUS  
8 YOU TRYING TO SWAB A SHEET OF PAPER?

9 A THAT'S CORRECT. UNLESS THERE WAS A STAIN ON  
10 THAT THAT LOOKED LIKE IT WAS BLOOD OR SALIVA OR  
11 SOMETHING THAT WOULD ALERT THEM TO SEND IT TO US WE  
12 WOULDN'T DO ANY TESTING ON JUST PAPER.

13 Q DR. LAMBERT, I APPRECIATE YOUR TIME. THANK YOU.

14 THE COURT: MR. WOOD.

15 MR. WOOD: NOTHING FURTHER FROM MR. COPE,  
16 YOUR HONOR.

17 MR. GREELEY: NOTHING FURTHER.

18 THE COURT: YOU CAN STEP DOWN AND BE  
19 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU.

20 MR. POPE: YOUR HONOR, I THINK THAT WILL  
21 BE IT FOR THE DAY.

22 THE COURT: MEMBERS OF THE JURY, WE'LL  
23 STOP FOR THE DAY AND START BACK AT NINE MORNING.

24 THE JUROR: I DON'T BELIEVE IT.

25 THE COURT: HAVE A GOOD EVENING.

1 (THE JURY EXITS THE COURTROOM.)

2 THE COURT: WHERE ARE WE AS FAR AS  
3 SCHEDULING.

4 MR. POPE: YOUR HONOR, WE HAVE ONE  
5 STIPULATION ISSUE OUTSTANDING WITH THE TRACE EVIDENCE  
6 AND WE'VE BEEN TRYING TO WORK BACK AND FORTH ON THAT.  
7 ONCE WE HAVE THAT STIPULATION RESOLVED, OTHER THAN  
8 PROBABLY THE OPPORTUNITY TO CONFIRM WITH THE COURT  
9 REPORTER TO GO THROUGH THE EVIDENCE AGAIN AND MAKE  
10 SURE, AS YOU KNOW SO MANY NUMBERS FLYING AROUND, MAKE  
11 SURE WHAT WE BELIEVE TO BE IN IS IN. I THINK TALKING  
12 TO MY CO-COUNSEL WE'LL REST ONCE WE ADDRESS THOSE  
13 ISSUES, BUT AGAIN ONCE WE GET THIS CLOSE TO EVENING,  
14 WE ALWAYS LIKE TO WAIT TIL THE MORNING TO DO THAT IF  
15 POSSIBLE.

16 THE COURT: MR. MORTON, ANYTHING BEFORE WE  
17 LEAVE FOR THE DAY.

18 MR. MORTON: NO, SIR.

19 MR. GREELEY: NO, YOUR HONOR.

20 THE COURT: WE'LL SEE YOU AT NINE IN THE  
21 MORNING. MR. BRACKETT.

22 MR. BRACKETT: I JUST WANT TO KNOW IF WE  
23 CAN GET THOSE STIPULATIONS WORKED BECAUSE WE NEED TO  
24 KNOW ABOUT THE WITNESSES FOR TOMORROW.

25 MR. MORTON: WE'RE WORKING ON THEM RIGHT

1 NOW.

2 MR. GREELEY: CAN WE MAKE IT 9:15. I HAVE  
3 MY FLIGHT.

4 THE COURT: WE'LL MAKE IT 9:15 BUT THE  
5 JURY, THEY WILL JUST HAVE TO WAIT A FEW MINUTES.  
6 THAT'S MY -- I'M SORRY. WE WON'T START UNTIL 9:15  
7 BUT IF YOU WILL BE HERE AT NINE TO GET THAT WORKED  
8 OUT OR NOW WORK IT OUT. I'LL JUST APOLOGIZE TO THE  
9 JURY. THEY WILL JUST GET HERE EARLY. ALL RIGHT.  
10 THANK YOU.

11 (COURT'S IN RECESS AT 05:28 PM.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25





1	1992 DOWNEY STREET	
	ROCK HILL, SC 29732	
2	I N D E X	
3		
4	MOTION & STIPULATION	
5	MOTIONS	
6	CHARLES HONTS	
7	DIRECT EXAMINATION	41
8	CROSS EXAMINATION	93
9	REDIRECT EXAMINATION	110
10	SAUL KASSIN	
11	DIRECT EXAMINATION	116
12	IN CAMERA EXAMINATION	135
13	DIRECT EXAMINATION	158
14	IN CAMERA EXAMINATION	174
15	DIRECT EXAMINATION	209
16	CROSS EXAMINATION BY:	
17	MR. BRACKETT	247
18	MR. GREELEY	259
19	REDIRECT EXAMINATION	270
20	RE-CROSS EXAMINATION	270
21	B.J. BARROWCLOUGH	
22	DIRECT EXAMINATION	272
23	CROSS EXAMINATION	283
24	REDIRECT EXAMINATION	289
25		



1		I N D E X
2	CHARLENE BLACKWELDER	
3	DIRECT EXAMINATION	292
4	IN CAMERA EXAMINATION	311
5	DIRECT EXAMINATION	312
6	CROSS EXAMINATION	316
7	REDIRECT EXAMINATION	327
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		





	E X H I B I T S			
			ID	EV
1				
2				
3	S-102	STIPULATION		69
4	S-82.1 82.3			8
5	S-57-63	MOPS		8
6	D-64	POLY CHARTS		74
7	D-	CV		116
8	C-9	E-MAIL	269	
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				



1 (COURT RESUMES AT 09:20 AM ON SEPTEMBER 16, 2004.)

2 THE COURT: MR. BRACKETT, ANYTHING BEFORE  
3 WE GET THE JURY IN.

4 MR. BRACKETT: YES, YOUR HONOR. I JUST  
5 WANTED TO GO OVER SOME EVIDENTIARY ISSUES, AND THE  
6 STATE AND THE DEFENSE HAVE ENTERED INTO A STIPULATION  
7 ON A VARIETY OF FACTS WHICH IS CONTAINED IN WHAT IS  
8 NOW MARKED AS STATE'S EXHIBIT 102. IT'S A TWO PAGE  
9 DOCUMENT THAT'S BEEN SIGNED BY THE SOLICITOR, MR.  
10 MORTON FOR MR. COPE, AND MR. GREELEY FOR MR. SANDERS.  
11 WE WOULD PUBLISH THAT TO THE JURY AT THE APPROPRIATE  
12 TIME. THERE ARE ALSO TWO PHOTOGRAPHS THAT WERE  
13 REFERENCED IN CROSS EXAMINATION, THEY'VE BEEN MARKED  
14 82.1 AND 83.1, THE STATE WOULD MOVE TO INTRODUCE  
15 THOSE INTO EVIDENCE AT THIS TIME, THEY WERE  
16 IDENTIFIED BY THE WITNESS, AND I DON'T BELIEVE THAT  
17 THERE WAS ANY OBJECTION.

18 THE COURT: ANY OBJECTION.

19 MR. MORTON: NO, SIR, NO OBJECTION.

20 MR. GREELEY: NO, SIR.

21 THE COURT: THOSE WILL BE IN EVIDENCE.

22 MR. BRACKETT: AND FINALLY ITEMS 57  
23 THROUGH 63 WHICH ARE THE BROOMS AND MOPS THAT HAVE  
24 BEEN TESTED AND TESTIFIED TO, I BELIEVE THE  
25 FOUNDATION HAS BEEN LAID FOR THOSE, AND THE STATE

1           WOULD SEEK TO INTRODUCE THOSE IN EVIDENCE.  THEY ARE  
2           MARKED FOR IDENTIFICATION RIGHT NOW.

3                         MR. MORTON:  NO OBJECTION.

4                         MR. GREELEY:  NO OBJECTION.

5                         THE COURT:  THEY ARE IN EVIDENCE WITHOUT  
6           OBJECTION.

7                         MR. BRACKETT:  SO FINALLY, THAT WOULD  
8           LEAVE EVERY ITEM THAT IS MARKED AS A STATE'S EXHIBIT  
9           IS IN EVIDENCE EXCEPT, 1, 2, 3, 7, 10, 13, 14 WHICH  
10          WERE ALL VARIOUS ITEMS FROM THE PRE-TRIAL HEARING  
11          FROM TWO OR THREE WEEKS AGO, ITEMS SUCH AS WARRANTS,  
12          MR. BAKER'S REPORT, THERE ARE A NUMBER OF DIFFERENT  
13          THINGS THAT WERE NOT, ADMINISTRATIVE ORDER THAT WE  
14          HAD INTRODUCED, THOSE ARE NOT GERMANE TO THIS, SO  
15          THOSE ARE NOT IN EVIDENCE AND THEN ITEM 86 WHICH IS A  
16          EVIDENCE PROCESSING SHEET THAT WAS NOT INTRODUCED  
17          INTO EVIDENCE, BUT TO SHOW MR. MORTON, THOSE ARE THE  
18          ITEMS THAT ARE NOT IN.  EVERYTHING ELSE IS IN.

19                        MR. MORTON:  WE WOULD MOVE TO INTRODUCE  
20          THOSE THINGS FROM THE PREVIOUS HEARING, I WANT TO  
21          MAKE IT A PART OF THE RECORD.

22                        THE COURT:  WE'RE NOT IN YOUR CASE YET.  
23          IF YOU WANT TO MOVE THEM IN EVIDENCE.

24                        MR. MORTON:  I DIDN'T WANT TO, OBVIOUSLY  
25          FOR THE RECORD APPELLATE PURPOSES AND FOR YOUR

1 RULING, I WANTED THE COURTS TO UNDERSTAND THAT YOU  
2 HAD CONSIDERED THOSE THINGS AND RULED AGAINST ME AND  
3 SO FORTH.

4 THE COURT: WELL, I DON'T RECALL ALL OF  
5 THEM TO BE HONEST WITH YOU, BUT MY RULINGS ARE  
6 WHATEVER THEY WERE AND IF YOU WANT TO INTRODUCE THEM.  
7 I KIND OF DON'T KNOW WHERE WE ARE PROCEDURALLY. THEY  
8 HAVEN'T INTRODUCED THEM. THEY WERE INTRODUCED FOR  
9 THE COURT AT AN EARLIER HEARING, SO THEY ARE NOT PART  
10 OF THIS RECORD.

11 MR. GREELEY: BUT THEY ARE PART OF THE  
12 PRE-TRIAL RECORD AND THEY ARE IN EVIDENCE.

13 THE COURT: THEY ARE IN EVIDENCE. THEY  
14 WILL BE IN EVIDENCE. IF THIS CASE GOES UP ON APPEAL  
15 THEY ARE IN EVIDENCE REGARDING MY EARLIER RULINGS,  
16 BUT THEY ARE JUST NOT IN EVIDENCE TO GO TO THE JURY.  
17 IF YOU WANT TO PUT THEM IN EVIDENCE DURING YOUR CASE  
18 YOU CERTAINLY HAVE A RIGHT TO OFFER THEM AND LET THE  
19 COURT RULE AT THAT TIME.

20 MR. MORTON: YOUR HONOR, I UNDERSTAND.  
21 ONE THING THAT WE BROUGHT UP DURING THE TRIAL THAT,  
22 WHEN I RENEWED MY MOTION FOR, TO SUPPRESS THE  
23 STATEMENTS BASED ON LACK OF PROBABLE CAUSE I DON'T  
24 KNOW -- I INTRODUCED EVIDENCE THAT MRS. BLACKWELDER  
25 HAD NOT SERVED THE UNLAWFUL NEGLIGENCE WARRANTS ON MR.

1 COPE IN THE MORNING BUT RATHER LATER IN THE AFTERNOON  
2 WHEN HE RETURNED FROM THE MOSS JUSTICE CENTER PER HER  
3 INCIDENT REPORT, AND I DON'T THINK I ACTUALLY  
4 INTRODUCED HER INCIDENT REPORT. I DON'T KNOW IF  
5 IT'S, IT'S OBVIOUSLY HEARSAY, BUT FOR THE PURPOSES OF  
6 YOUR RULING I WOULD LIKE TO INTRODUCE THAT AS,  
7 IDENTIFY IT IF I COULD.

8 MR. BRACKETT: I THINK I SAW IT IN THERE.  
9 THE BOX TO HER LEFT IS A BOX OF EVERYTHING THAT SORT  
10 OF MARKED AS AN EXHIBIT, EITHER COURT'S EXHIBIT OR  
11 DEFENSE EXHIBIT OR STATE'S EXHIBIT, BUT IN NOT  
12 EVIDENCE TO GO TO THE JURY. I TRIED TO SEGREGATE  
13 THAT OUT AND I BELIEVE I SAW THAT.

14 THE COURT: THAT'S IN THE RECORD.

15 MR. BRACKETT: I BELIEVE IT IS, YOUR  
16 HONOR.

17 THE COURT: MR. GREELEY.

18 MR. GREELEY: I HAVE NOTHING.

19 THE COURT: WHAT DOES THE STATE HAVE THIS  
20 MORNING, THE STIPULATION AND THAT'S IT?

21 MR. BRACKETT: YES, SIR.

22 THE COURT: WE'LL BRING THEM IN AND DO THE  
23 STIPULATION AND THEN I'LL EXCUSE THEM WHILE WE DO  
24 MOTIONS AND THINGS WE NEED TO DO AND THEN WE'LL BRING  
25 THEM BACK IN AND GO FORWARD. ALL RIGHT. BRING IN

1 THE JURY.

2 (STATE'S EXHIBIT 102 STIPULATION, 82.1 &  
3 83.1 PHOTOS, AND 57-63 MOPS AND BROOMS ALL RECEIVED  
4 INTO EVIDENCE.)

5 (THE JURY RETURNS TO THE COURTROOM AT  
6 09:24 AM.)

7 THE COURT: GOOD MORNING. MR. BRACKETT.

8 MR. BRACKETT: PLEASE THE COURT, YOUR  
9 HONOR. AT THIS TIME THE STATE WOULD SEEK TO PUBLISH  
10 STATE'S EXHIBIT 102 WHICH IS A VARIETY OF  
11 STIPULATIONS THAT HAVE BEEN ENTERED INTO BETWEEN THE  
12 DEFENSE AND THE STATE IN THIS CASE OR BOTH OF THESE  
13 CASES. THE STATE, BILLY WAYNE COPE, AND JAMES  
14 SANDERS HEREBY AGREE TO THE FOLLOWING FACTUAL  
15 STIPULATIONS: NONE OF THE ITEMS TESTED FOR  
16 FINGERPRINTS IN THIS CASE YIELDED A MATCH TO EITHER  
17 BILLY WAYNE COPE OR JAMES SANDERS.

18 THE HAIRS RECOVERED FROM BILLY WAYNE  
19 COPE'S CLOTHING IN SUSPECT COLLECTION KIT ARE  
20 CONSISTENT WITH BILLY WAYNE COPE'S KNOWN HAIR  
21 STANDARD. THE HAIRS RECOVERED FROM AMANDA COPE'S  
22 BODY AND ROOM ARE CONSISTENT WITH AMANDA COPE'S KNOWN  
23 HAIR STANDARDS. THESE HAIRS ARE NOT CONSISTENT WITH  
24 BILLY WAYNE COPE OR JAMES SANDERS.

25 ON DECEMBER 21, 2001 -- I'M SORRY.



1 DECEMBER 2, 2001, BILLY WAYNE COPE ASKED A DETENTION  
2 CENTER OFFICER TO CONTACT JERRY WALDROP OF THE ROCK  
3 HILL POLICE DEPARTMENT. HE STATED THAT HE WISHED TO  
4 SPEAK WITH HIM FURTHER. BILLY WAYNE COPE DID NOT  
5 REQUEST TO SPEAK WITH AN ATTORNEY AT THIS TIME.

6 ITEM NUMBER 34.1.1 CONTAINED IN STATE'S  
7 EXHIBIT NUMBER 54 CONTAINED A HAIR FROM A GRAY CLOTH  
8 THAT WAS SENT TO SLED DNA FOR TESTING. ANYTHING THAT  
9 REMAINED WAS NOT TESTED.

10 THE STIPULATION WAS ENTERED INTO BY THOMAS  
11 E. POPE AS SOLICITOR FOR THE 16TH CIRCUIT AND AGREED  
12 TO BY JAMES MORTON ON BEHALF OF BILLY WAYNE COPE AND  
13 LELAND GREELEY ON BEHALF OF JAMES SANDERS.

14 THE COURT: ALL RIGHT.

15 MR. GREELEY: YOUR HONOR, I JUST WANT THE  
16 RECORD TO REFLECT WE ARE JUST CORRECTING A  
17 SCRIBBLER'S ERROR ON THE DATE FROM DECEMBER 21 TO  
18 DECEMBER 2.

19 THE COURT: I NOTICED MR. BRACKETT SORT OF  
20 PAUSED, SO I FIGURED IT MUST BE SOMETHING, A  
21 TYPOGRAPHICAL ERROR. WE CALL THEM SCRIBBLER'S  
22 ERRORS. WE BELIEVE THEY ARE MORE IMPORTANT THAN MOST  
23 PEOPLE, SO WE CALL THEM SCRIBBLER'S ERRORS, BUT IT'S  
24 A TYPO.

25 MR. GREELEY: THAT'S JUST WHAT I LEARNED.

1 I DIDN'T SAY THAT.

2 (LAUGHTER.)

3 MR. BRACKETT: IF THERE WAS A LATIN FOR IT  
4 WE WOULD USE THAT. THAT WOULD BE THE EXTENT OF THE  
5 STIPULATION AND THAT WOULD BE THE STATE'S CASE.

6 THE COURT: ALL RIGHT. NOW THE STATE IS  
7 RESTING, THAT IS, YOU'VE HEARD THE STATE'S EVIDENCE.  
8 NOW I KNOW YOU JUST CAME IN BUT THIS IS LIKE THE  
9 FOOTBALL AND BASEBALL GAME, THIS IS ONE OF THOSE  
10 POINTS WHERE WE HAVE TO TAKE UP MATTERS OF LAW BEFORE  
11 WE PROCEED INTO THE REST OF THE TRIAL, SO I'M GOING  
12 TO LET YOU GO BACK TO THE JURY ROOM WHILE WE TAKE UP  
13 SOME LEGAL MATTERS.

14 (THE JURY EXITS THE COURTROOM AT 09:29  
15 AM.)

16 THE COURT: THE STATE HAS RESTED.  
17 ANYTHING ON BEHALF OF MR. COPE, MR. MORTON.

18 MR. MORTON: YES, SIR, YOUR HONOR. AT  
19 THIS POINT WE MOVE FOR A DIRECTED VERDICT ON ALL THE  
20 CHARGES. TAKING THE EVIDENCE IN THE LIGHT MOST  
21 FAVORABLE TO THE STATE THERE IS NO HYPOTHESIS BY  
22 WHICH THE JURY COULD COME TO A VERDICT ON THE CHARGES  
23 AGAINST MR. COPE.

24 I WOULD SPECIFICALLY ADDRESS THE  
25 CONSPIRACY CHARGE, YOUR HONOR. THE EVIDENCE, AS I

1 REMEMBER THE EVIDENCE, WAS UPON QUESTIONING OF THE  
2 OFFICERS REGARDING WHAT EVIDENCE THEY HAD TO LINK MR.  
3 COPE AND MR. SANDERS, THE EVIDENCE AS I UNDERSTAND IT  
4 WAS THAT BECAUSE THEY COULD NOT FIND ANY SIGNS OF  
5 FORCED ENTRY AND BECAUSE MR. SANDERS' DNA WAS ON HIS  
6 DAUGHTER'S LEG THAT THAT WAS EVIDENCE OF A  
7 CONSPIRACY. I DON'T THINK I HAVE TO TELL THE COURT  
8 THAT OBVIOUSLY A CONSPIRACY REQUIRES AN AGREEMENT, A  
9 MEETING OF THE MINDS. I UNDERSTAND IT CAN BE TACIT,  
10 I UNDERSTAND IT CAN BE IMPLIED, BUT IT CANNOT BE MERE  
11 SPECULATION, IT CANNOT BE CONJECTURE, IT CANNOT BE  
12 JUST BASED ON THESE FACTS. YOU HEARD IN PREVIOUS  
13 TESTIMONY OUTSIDE THE PRESENCE OF THE JURY AT LEAST  
14 FOUR VICTIM WOMEN COME IN THIS COURTROOM AND TESTIFY  
15 THAT IN AND AROUND THIS PERIOD OF TIME IN AND AROUND  
16 THIS SAME AREA, THEIR HOMES WERE ALSO ENTERED, THERE  
17 WERE NO SIGNS OF FORCED ENTRY; THEY WERE SEXUALLY OR  
18 PHYSICALLY ASSAULTED AS WELL. THE FACT THAT THE  
19 POLICE COULD NOT FIND ANY SIGNS OF FORCED ENTRY DOES  
20 IN NO WAY ALLUDE TO THE FACT THAT THERE WAS ANY KIND  
21 OF AN AGREEMENT, ANY KIND OF MEETING OF THE MINDS  
22 BETWEEN MR. SANDERS AND MR. COPE. THERE ARE PLENTY  
23 OF WAYS TO GET IN THAT HOUSE: AS MRS. DAVIS'S WAS  
24 ENTERED A KNOCK ON THE DOOR. THE OTHER WOMEN WHO  
25 TESTIFIED THEY WERE, THERE WERE JUST NO SIGNS OF

1 FORCED ENTRY OF ANY PEOPLE IN THEIR HOUSE. THAT'S A  
2 COMMON WAY FOR PEOPLE TO GET IN THE HOUSE. THE MERE  
3 FACT THAT THERE WAS, THAT THE POLICE SAY THERE WAS NO  
4 SIGNS OF FORCED ENTRY AND HIS DNA WAS ON HER LEG, MR.  
5 SANDERS' DNA WAS ON AMANDA'S LEG, AND THAT MR. COPE  
6 WAS HOME, IN NO WAY, SHAPE, OR FORM CAN IT BE, CAN IT  
7 BE PROVEN, CAN IT BE PROVEN AT THIS STAGE, AT THE  
8 DIRECTED VERDICT STAGE, THAT THERE IS ANY EVIDENCE,  
9 NO EVIDENCE WHATSOEVER TO PROVE AN AGREEMENT, MEETING  
10 OF THE MINDS, CONSPIRACY OF ANY TYPE BETWEEN MR. COPE  
11 AND MR. SANDERS. AND AGAIN WHILE I UNDERSTAND THAT  
12 THE STATE WILL STAND UP AND SAY THAT THERE IS AN  
13 IMPLIED AGREEMENT, THERE IS STILL, THERE HAS TO BE  
14 MORE THAN SPECULATION. THERE HAS TO BE MORE THAN  
15 CONJECTURE. THERE HAS TO BE MORE THAN SUSPICION.  
16 THERE HAS TO BE MORE THAN A THEORY. THERE HAS TO BE  
17 MORE THAN A THING. WE HAVEN'T HEARD ANYTHING, NOT  
18 ONE IOTA, NOT ONE SINGLE PIECE OF EVIDENCE, THAT CAN  
19 LEAD THIS COURT TO CONCLUDE IN MY OPINION THAT THERE  
20 IS ANY TYPE OF A CONSPIRACY BETWEEN MR. COPE AND MR.  
21 SANDERS. I ASKED MR. CABANISS ANY TESTIMONY FROM  
22 ANY, ANY FRIENDS, FAMILY, PHONE RECORDS, E-MAILS,  
23 COMPUTERS, THERE IS NOT EVEN ANY INDICATION,  
24 TESTIMONY, DIRECT, CIRCUMSTANTIAL, OR OTHERWISE THAT  
25 THESE MEN EVER EVEN SEEN EACH OTHER, HAVE KNOWN EACH

1 OTHER, HAVE SPOKEN TO EACH OTHER, AND I DON'T KNOW  
2 HOW IT CAN BE PROVEN THAT THERE WAS AN AGREEMENT  
3 WHICH AS THE HONORABLE RALPH KING ANDERSON WOULD SAY  
4 IS THE NEXUS OF THE CRIME OF CONSPIRACY. THERE HAS  
5 TO BE AN AGREEMENT. THERE HAS TO BE A MEETING OF THE  
6 MINDS, TACIT, IMPLIED, OR OTHERWISE. THERE HAS TO BE  
7 SOME KIND OF MEETING BETWEEN THIS MAN'S MIND AND THIS  
8 MAN'S MIND TO GO IN AND COMMIT CRIMINAL SEXUAL  
9 CONDUCT, AND IT'S IMPOSSIBLE TO PROVE IF YOU CANNOT  
10 PROVE ANY KIND OF CONNECTION BETWEEN THE TWO OTHER  
11 THAN THE FACT THAT MR. COPE WAS AT HOME AND THAT MR.  
12 SANDERS' DNA WAS FOUND ON HIS DAUGHTER'S BODY, SO ON  
13 THOSE GROUNDS, YOU KNOW, I WOULD MOVE AT THIS POINT  
14 AS A DIRECTED VERDICT ON ALL THE CHARGES BUT  
15 OBVIOUSLY MY EMPHASIS IS ON DIRECTED VERDICT AS TO  
16 THE CONSPIRACY CHARGE.

17 THE COURT: I DON'T NEED TO HEAR FROM THE  
18 STATE. I'M GOING TO DENY THE MOTION. I FEEL AS TO  
19 THE MURDER AND THE CRIMINAL SEXUAL CONDUCT AND THE  
20 UNLAWFUL NEGLIGENCE THERE IS AMPLE DIRECT EVIDENCE.

21 MR. MORTON: I DIDN'T MENTION UNLAWFUL  
22 NEGLIGENCE, YOUR HONOR. I WANT TO MAKE THAT PART OF THE  
23 RECORD.

24 THE COURT: I THOUGHT YOU WERE INCLUDING  
25 UNLAWFUL NEGLIGENCE.

1 MR. MORTON: OKAY. THANK YOU.

2 THE COURT: AS TO THE CONSPIRACY I FIND  
3 THAT THERE IS SOME DIRECT EVIDENCE AND SUBSTANTIAL  
4 CIRCUMSTANTIAL EVIDENCE. I THINK THAT YOU RECITED  
5 PRETTY WELL MOST OF THE EVIDENCE, BUT ALSO WE HEARD  
6 THE ONE YOUNG GIRL, ONE OF THEM TESTIFIED YESTERDAY  
7 THAT IN ADDITION TO THE FACTS THAT YOU RELATED THAT  
8 AMANDA HAD CHAINED THE DOOR, AND I'M NOT GOING TO TRY  
9 TO OUTLINE ALL THE EVIDENCE BECAUSE THAT'S NOT MY  
10 JOB, BUT I JUST WANT TO SHOW YOU THAT THERE IS AT  
11 LEAST SOME CIRCUMSTANTIAL EVIDENCE THAT SOMEBODY TOOK  
12 THAT CHAIN FROM WHERE AMANDA HAD IT WITH THE DOOR  
13 CHAINED AND REMOVED THE CHAIN AT SOMETIME OVER THE  
14 NIGHT. AND ALSO THE ONLY EVIDENCE IN THE RECORD IS  
15 THAT MR. COPE WAS PRESENT OVER THE NIGHT AND THERE IS  
16 SOME EVIDENCE THAT MR. SANDERS WAS IN THAT HOUSE  
17 SOMETIME OVER THE NIGHT, SO I FIND AS TO ALL, AS TO  
18 THE MURDER, CSC, AND UNLAWFUL NEGLIGENCE, THERE IS AMPLE  
19 DIRECT EVIDENCE CONCERNING THOSE THREE.

20 AS TO THE CONSPIRACY THERE IS DIRECT  
21 EVIDENCE AND THERE IS SUBSTANTIAL CIRCUMSTANTIAL  
22 EVIDENCE. ALL RIGHT, MR. GREELEY, ON BEHALF OF MR.  
23 SANDERS.

24 MR. GREELEY: ON BEHALF OF MR. SANDERS,  
25 YOUR HONOR, AND IN LIGHT OF YOUR RULING IN REGARDS TO

1 MR. MORTON'S MOTION ESPECIALLY FOR THE CONSPIRACY, I  
2 WON'T BE LONG. YOUR HONOR, THE CASE LAW SAYS OF  
3 COURSE THAT IN A CIRCUMSTANTIAL CASE AND I WOULD  
4 SUBMIT TO THE COURT THAT IN REGARDS TO MR. SANDERS  
5 THIS IS A CIRCUMSTANTIAL CASE.

6 THE COURT: I ALWAYS HATE TO INTERRUPT BUT  
7 I THINK THE DNA IS BEYOND CIRCUMSTANTIAL SO I JUST  
8 THINK THERE IS SOME NON-CIRCUMSTANTIAL, SOME DIRECT  
9 EVIDENCE OF AT LEAST HIM BEING IN THE HOUSE. NOW AS  
10 OPPOSED TO HIM, I GUESS IT IS CIRCUMSTANTIAL AS TO  
11 WHETHER OR NOT WHOEVER LEFT THEIR SEMEN AND DNA IN  
12 THERE ACTUALLY DID ANYTHING ELSE OTHER THAN THAT,  
13 BUT --

14 MR. GREELEY: I WOULD RESPECTFULLY STATE  
15 TO THE COURT THAT I WOULD AGREE WITH THE COURT THAT  
16 THE DNA EVIDENCE MAY BE DIRECT EVIDENCE IN REGARDS TO  
17 THE ASPECT THAT MR. SANDERS AND MISS COPE MAY AT SOME  
18 TIME COME IN CONTACT WITH ONE ANOTHER. THE FACT THAT  
19 THE ALLEGED SEMEN WAS FOUND ON HER PANTS AND SALIVA  
20 ON THE BREAST IS, THESE ARE LOCATIONS OF MOBILITY.  
21 THERE IS NO EVIDENCE, I WOULD SUBMIT TO THE COURT,  
22 THAT EITHER CIRCUMSTANTIALLY PLACES MR. SANDERS IN  
23 THAT HOUSE UNLESS THE ASSUMPTION IS MADE THAT ANY  
24 CONTACT CAME IN THAT HOUSE.

25 THE COURT: I UNDERSTAND WHAT YOU ARE

1 SAYING.

2 MR. GREELEY: OKAY. SO IN LIGHT OF THAT I  
3 WOULD STATE TO THE COURT THAT I SUBMIT THAT THE STATE  
4 WOULD HAVE TO SHOW SUBSTANTIAL CIRCUMSTANTIAL  
5 EVIDENCE AT THIS STAGE IN A LIGHT MOST FAVORABLE TO  
6 THEM WHEREBY MR. SANDERS' GUILT COULD LOGICALLY BE  
7 DEDUCED. IN THE SCHLUP CASE IT TALKED ABOUT HOW YOU  
8 CAN'T TAKE IT TO THE JURY BASED UPON MERE SUSPICION  
9 AND SO I WOULD ASK THE COURT TO GRANT OUR MOTION FOR  
10 DIRECTED VERDICT IN REGARDS TO ALL FOUR INDICTMENTS  
11 WHICH IS 2004-GS-46-196, 197, 198, AND 199 IN THIS  
12 CASE. I WOULD JOIN IN AND REITERATE THE GROUNDS THAT  
13 MR. MORTON STATED IN REGARDS TO THE CONSPIRACY COUNT,  
14 THAT THERE WAS NO EVIDENCE WHATSOEVER OF THESE TWO  
15 MEN HAVING ANY CONTACT, EVEN ASSOCIATION, OR KNOWING  
16 EACH OTHER IN THIS CASE. AND WHEN I TALK ABOUT THE  
17 LIGHT MOST FAVORABLE TO THE STATE I WOULD SUBMIT TO  
18 THE COURT THAT IT HAS TO BE VIEWED, SINCE IN THESE  
19 CIRCUMSTANCES WE HAVE TO LOOK AT ALL THE STATE'S  
20 EVIDENCE IN A LIGHT MOST FAVORABLE TO THE STATE OF  
21 ALL THE STATE'S EVIDENCE. IN DOING A LIGHT MOST  
22 FAVORABLE TO THE STATE I WOULD SUBMIT TO THE COURT  
23 THAT WHAT IS NOT ALLOWED IS TO POINT TO ONE PIECE OF  
24 EVIDENCE AND SAY, WELL, WE'RE NOT GOING TO INCLUDE  
25 ANY OF THE OTHER STATE'S EVIDENCE IN OUR ARGUMENT,



1 WE'RE JUST GOING TO LOOK AT EACH INDIVIDUAL PIECE,  
2 YOU HAVE TO LOOK AT ALL OF THE STATE'S EVIDENCE IN  
3 THE LIGHT MOST FAVORABLE TO THE STATE, AND I WOULD  
4 SUBMIT TO THE COURT THAT IN DOING THAT WHEN YOU  
5 CONSIDER THAT MOST OF THE EVIDENCE IN THIS CASE THAT  
6 THEY'VE PRESENTED SHOWS STATEMENTS OF ONE OF THE  
7 DEFENDANTS AS TO WHAT HE DID, HOW HE CARRIED IT OUT,  
8 AND THE FACT THAT THERE WAS NO PRESENCE EVER  
9 MENTIONED OF MY CLIENT IN REGARDS TO THE ACTUAL CRIME  
10 THAT WAS COMMITTED AND FOR WHICH WE ARE IN COURT  
11 ABOUT; THAT THE SEMEN ON HER PANTS AND THE SALIVA ON  
12 HER BREAST MERELY RAISE A SUSPICION OF MR. SANDERS'  
13 INVOLVEMENT; AND I WOULD SUBMIT TO THE COURT THAT IN  
14 REGARDS TO EACH OF THOSE, THE MURDER WHICH IS  
15 INDICTMENT 196, CRIMINAL SEXUAL CONDUCT TWO COUNTS  
16 WHICH IS THE ANAL PENETRATION AND THE VAGINAL  
17 PENETRATION OF AMANDA COPE WHICH IS 197 AND 198, AND  
18 THE CONSPIRACY WHICH IS 199, I WOULD ASK FOR A  
19 DIRECTED VERDICT IN FAVOR OF MY CLIENT OF NOT GUILTY  
20 ON EACH AND EVERY ONE OF THOSE INDICTMENTS.

21 THE COURT: LET ME JUST ASK THIS,  
22 REGARDLESS OF WHEN IT HAPPENED, IF HE HAD HIS MOUTH  
23 ON HER BREAST, THAT CERTAINLY IS AN ASSAULT, BUT I  
24 MEAN, I DON'T KNOW THAT IT'S CRIMINAL SEXUAL CONDUCT  
25 BECAUSE THERE WAS NO PENETRATION. IF AT ANY TIME HE

1 HAD INTERCOURSE WITH THIS GIRL, IF HE DID, THAT'S  
2 CRIMINAL SEXUAL CONDUCT.

3 MR. GREELEY: IF AT ANY TIME, I AGREE.

4 THE COURT: SO AT LEAST AS TO THOSE  
5 THERE'S PERHAPS MORE CIRCUMSTANTIAL EVIDENCE AS TO  
6 THOSE THAN THERE MAY BE TO THE OTHERS.

7 MR. GREELEY: OKAY. I WOULD SUBMIT TO THE  
8 COURT THAT THERE IS, THE EVIDENCE AS TO PENETRATION  
9 IS NOT IN THIS CASE FROM MY CLIENT. THE REASON BEING  
10 IS BECAUSE BASED UPON THE FACTS THAT THE STATE GAVE,  
11 EVERY ORIFICE OF THE CHILD DID NOT HAVE ANY EVIDENCE  
12 WHATSOEVER OF SEMEN OR OF A SEX, ACTUAL SEX ACT FROM  
13 A PENIS. THE EVIDENCE SHOWS A PENETRATION OF SOME  
14 SORT HERE. IT MAY HAVE BEEN A PENIS, IT MAY NOT, BUT  
15 WHEN WE'RE LOOKING AT THE EVIDENCE AS TO WHAT IT  
16 SHOWS, IT DOESN'T SHOW THAT.

17 IN REGARDS TO THE COURT'S INQUIRY ABOUT  
18 THE BREAST, I AGREE WITH THE COURT. WE HAVE A MINOR  
19 HERE, AND MY UNDERSTANDING OF THE CASE, OF THE  
20 STATUTORY LAW, IS THAT THAT WOULD BE DIRECT EVIDENCE  
21 IF MY CLIENT WAS CHARGED WITH LEWD ACT ON A CHILD  
22 WHICH HE IS NOT IN THIS CASE. WE'RE NOT HERE ABOUT  
23 THAT ALLEGATION. WE'RE HERE ABOUT THE ALLEGATION OF  
24 THE HORRENDOUS PENETRATION OF AMANDA'S ANUS AND  
25 RECTUM AND HER VAGINA WITH SOME OBJECT. AND SO I

1 WOULD SUBMIT TO THE COURT THAT, YES, THE SALIVA WOULD  
2 BE A DIRECT EVIDENCE AS TO A CHARGE OF LEWD ACT IN  
3 REGARDS TO MY CLIENT, BUT WE'RE NOT HERE ON THAT  
4 CHARGE AND YES.

5 THE COURT: MR. BRACKETT, LET ME HEAR FROM  
6 YOU. I'M LOOKING AT THE INDICTMENTS AND THE  
7 ALLEGATIONS ARE THAT THE SEXUAL BATTERY OCCURRED WHEN  
8 JAMES EDWARD SANDERS PENETRATED HER VAGINA IN ONE AND  
9 ANUS IN THE OTHER.

10 MR. BRACKETT: YES, SIR.

11 THE COURT: WHAT EVIDENCE IS THERE OF  
12 THAT?

13 MR. BRACKETT: THE TESTIMONY OF DR.  
14 MAYNARD TAKES CARE OF THIS, YOUR HONOR. HE TESTIFIED  
15 THAT THE BRUISE TO THE BREAST, HE COULD AGE IT BASED  
16 ON THE BODY'S RESPONSE.

17 THE COURT: I'M TALKING ABOUT PENETRATION.  
18 I'M NOT -- GO AHEAD. I'M GOING TO LET YOU GO THROUGH  
19 BUT I'M GOING --

20 MR. BRACKETT: YES, SIR. WELL, HE SAID HE  
21 COULD AGE THE WOUND BY THE BODY'S RESPONSE TO IT.  
22 THAT THE BODY GOES THROUGH A SERIES OF STAGES IN  
23 RESPONDING TO SOME SORT OF ASSAULT TO IT AND AT  
24 CERTAIN POINTS DIFFERENT THINGS HAPPEN. AND HE WAS  
25 ABLE TO MICROSCOPICALLY INSPECT THE VARIOUS WOUNDS

1 THAT SHE RECEIVED AND HE SAID ON A NUMBER OF  
2 OCCASIONS ALL THE WOUNDS, INCLUDING THE SUCK MARK ON  
3 HER BREAST ON WHICH THE SALIVA WAS FOUND, WERE  
4 CONTEMPORANEOUS. NOW WE KNOW SHE WAS IN THAT HOUSE,  
5 THROUGH EVERYBODY'S TESTIMONY, EVEN IF, NOBODY'S  
6 DISAGREED THAT SHE WAS IN THAT HOUSE PRETTY MUCH FROM  
7 ABOUT SIX O'CLOCK THAT NIGHT UNTIL ONE O'CLOCK IN THE  
8 MORNING WHEN SHE WENT TO BED, 1:20 WHEN SHE WENT TO  
9 BED, SO THERE IS NO QUESTION THAT THAT HAD TO HAPPEN  
10 AT SOME POINT THAT NIGHT WHEN HE SAID THAT IT WAS  
11 ABOUT, WITHIN A FOUR HOUR TIME PERIOD THAT THAT HAD  
12 OCCURRED, SO THE SUCK MARK HAD TO BE MADE  
13 CONTEMPORANEOUS WITH THE STRANGLE MARKS AND THE OTHER  
14 INJURIES; THE MASSIVE CONTUSIONS TO HER HEAD, THE  
15 INTERNAL INJURIES THAT SHE EXPERIENCED IN HER  
16 ABDOMEN, ALL THOSE WERE CONTEMPORANEOUS, AND THE JURY  
17 COULD CONCLUDE THAT AND RESPECTING WHAT MR. GREELEY  
18 SAID, YOU DON'T TAKE THE EVIDENCE IN ISOLATION. THEY  
19 COULD BELIEVE SOME THINGS AND NOT BELIEVE OTHER  
20 THINGS. THEY COULD COMPLETELY BELIEVE MR. COPE  
21 DIDN'T KNOW ANYTHING ABOUT IT IN WHICH CASE THE  
22 ENTIRE THING WOULD HAVE HAD TO HAVE BEEN PERPETRATED  
23 BY MR. SANDERS. IF THEY BELIEVE THAT MR. COPE WAS  
24 NOT GUILTY AT ALL, THEN THAT ONLY LEAVES MR. SANDERS  
25 TO HAVE COMITTED THIS CRIME BECAUSE WE DO KNOW,



1 AVOIDING THE QUESTION, MAYBE YOU JUST DON'T  
2 UNDERSTAND IT. MY POINT IS YOU GOT TWO CHARGES  
3 AGAINST HIM INVOLVING PENETRATION.

4 MR. BRACKETT: YES, SIR.

5 THE COURT: IF THEY BELIEVE, IF THEY FIND  
6 MR. COPE GUILTY OF THAT, THAT DOESN'T MEAN HE DIDN'T  
7 DO IT, BUT YOUR ARGUMENT WAS THAT THEY COULD BELIEVE  
8 MR. COPE DID NOT DO IT AND FIND MR. SANDERS, SO  
9 THEREFORE MR. SANDERS HAD TO. ISN'T THE FLIP FOR  
10 THAT, I HATE TO USE THE WORD FLIP-FLOP, WE'RE HEARING  
11 TOO MUCH OF THAT ANYWAY, ISN'T THE FLIP OF THAT IF  
12 THEY FIND THAT MR. COPE DID THE PENETRATION THEN  
13 BASED ON YOUR THEORY THERE IS NO EVIDENCE THAT MR.  
14 SANDERS DID PENETRATION OTHER THAN HE MAY HAVE BEEN  
15 PRESENT.

16 MR. BRACKETT: NO, SIR, I DON'T BELIEVE  
17 THAT COULD BE THE CASE. I THINK THEY COULD PRECLUDE  
18 THE FACT THAT THEY ACTED TOGETHER.

19 THE COURT: ACTING TOGETHER FOR  
20 PENETRATION, THAT'S WHY YOU AND I ARE NOT JIVING.  
21 I'M TALKING ABOUT EVIDENCE OF PENETRATION.

22 MR. BRACKETT: YES, SIR. THE STATE'S  
23 THEORY AND THE STATE BELIEVES THAT THE EVIDENCE SHOWS  
24 THAT THIS WAS ONE ASSAULT THAT OCCURRED ON THIS GIRL  
25 AND IT EITHER HAPPENED WITH THESE GENTLEMEN TOGETHER

1 OR EITHER ONE OF THEM SEPARATELY AND THE JURY COULD  
2 REACH THAT CONCLUSION. THEY EITHER WORKED TOGETHER  
3 OR JUST HE DID IT OR MAYBE HE JUST CAME IN AND  
4 PERPETRATED THE SEXUAL ASSAULT AND LEFT AND THE  
5 MURDER WAS COMMITTED AFTERWARDS. THEY COULD COME TO  
6 A VARIETY OF CONCLUSIONS REASONABLY UNDER THE  
7 EVIDENCE THAT'S BEEN PRESENTED. I DON'T KNOW WHAT  
8 THEY ARE ULTIMATELY GOING TO BELIEVE OR DISBELIEVE.  
9 MY ARGUMENT IS SIMPLY THAT THEY ARE ENTITLED AND  
10 WE'RE ENTITLED IN THE LIGHT MOST FAVORABLE TO THE  
11 STATE TO THE QUESTION, TO ASK THE QUESTION OF, COULD  
12 A JURY CONCLUDE THIS UNDER THE EVIDENCE THAT'S BEEN  
13 PRESENTED, AND IF A JURY COULD REASONABLY COME TO  
14 THIS CONCLUSION THEN WE SURVIVE A DIRECTED VERDICT.

15 THE COURT: I UNDERSTAND THAT. THAT'S WHY  
16 I KEEP ASKING, WHAT EVIDENCE IS THERE OF PENETRATION  
17 OF AMANDA COPE EITHER ANUS OR VAGINA BY MR. SANDERS,  
18 EITHER DIRECT OR CIRCUMSTANTIAL?

19 MR. BRACKETT: THE EVIDENCE IS AS DR.  
20 MAYNARD SAID THAT THE SUCK MARK OCCURRED  
21 CONTEMPORANEOUS WITH THE STRANGULATION AND THE  
22 INJURIES TO HER VAGINA AND TO HER ANUS AND --

23 THE COURT: WELL, I DENY THE MOTION.  
24 OKAY. ANYTHING ELSE BEFORE WE GET THE JURY IN?  
25 WE'LL TAKE A SHORT BREAK SO EVERYONE CAN GET

1 REFRESHED.

2 MR. MORTON: YES, SIR. I WANT AND I THINK  
3 I HAVE TO DO THIS AT THIS TIME. THE COURT EARLIER  
4 DENIED MY MOTION TO INCLUDE THE OTHER BAD ACTS IN  
5 THIS CASE. I WANT TO RENEW THAT MOTION FOR THE COURT  
6 REGARDING THE OTHER BAD ACTS THAT HAVE BEEN  
7 PERPETRATED BY MR. COPE. I BELIEVE THEY ARE MORE  
8 THAN GENERALLY SIMILAR IN NATURE. I BELIEVE THE  
9 EVIDENCE IS REplete WITH THE SIMILARITIES. OBVIOUSLY  
10 IT'S CLEAR AND CONVINCING. I BELIEVE THAT IT MEETS  
11 THE STANDARD OF 404 AND OF LYLE, AND I BELIEVE THAT  
12 WE SHOULD BE ALLOWED IN THE DEFENSE CASE TO INTRODUCE  
13 EVIDENCE THAT MR. SANDERS PERPETRATED THESE OTHER BAD  
14 ACTS OF A VERY CLOSE SIMILARITY OF THESE OTHER  
15 VICTIMS IN AND AROUND THIS SAME AREA IN AND AROUND  
16 THE SAME TIME AS WE PRESENTED TO THE COURT AT THE  
17 BEGINNING OF THIS CASE I BELIEVE BEFORE THE JURY WAS  
18 SWORN.

19 THE COURT: WELL, I DENY THAT MOTION. I  
20 FEEL COMFORTABLE WITH THE RULING THE COURT MADE  
21 EARLIER.

22 MR. MORTON: YOUR HONOR, SECONDARILY, I  
23 WOULD INTEND TO INTRODUCE EVIDENCE BASED ON THE  
24 STATE'S TESTIMONY FROM SEVERAL OF ITS WITNESSES THAT  
25 IT IS VERY UNCOMMON, THAT IT IS VERY RARE, COUPLE OF



1 THE OFFICERS TESTIFIED THAT IN THEIR 28-30 YEARS OF  
2 EXPERIENCE THEY HAVEN'T SEEN CASES IN WHICH THERE WAS  
3 NO SIGNS OF FORCE ENTRY. I HAVE FOUR VICTIMS WHO  
4 LIVE WITHIN A MILE OF AMANDA COPE, WHO WITHIN A SIX  
5 WEEK PERIOD TESTIFIED AND THE EVIDENCE WILL SHOW AND  
6 MRS. BLACKWELDER AND THE INVESTIGATION OF THE ROCK  
7 HILL POLICE WILL SHOW, THAT THERE WAS NO SIGNS OF  
8 FORCED ENTRY INTO THESE WOMEN'S HOUSES.

9 THE COURT: YOU TALKING ABOUT THE SAME  
10 FOUR WOMEN?

11 MR. MORTON: YES, SIR. I HAVE AT LEAST  
12 THOSE FOUR. THAT THERE WERE NO SIGNS OF FORCED  
13 ENTRY, YET SOMEHOW, SOMEBODY ENTERED THIS HOUSE,  
14 ENTERED THEIR HOMES, ENTERED THEIR RESIDENCES, AND  
15 PHYSICALLY OR SEXUALLY ASSAULTED THEM SUCH THAT THAT  
16 TESTIMONY IS CRUCIAL TO THE DEFENSE TO SHOW THAT  
17 THEIR CREDIBILITY IS IN QUESTION BECAUSE THEY ARE  
18 COMING UP HERE SAYING THAT OH, 28-30 YEARS THEY  
19 HADN'T SEEN IT, AND HOW RARE IT IS, BUT WE KNOW OF  
20 FOUR CASES WITHIN A SIX WEEKS IN THAT AREA WHERE NO  
21 FORCED ENTRY WAS FOUND AND I THINK I SHOULD BE ABLE  
22 TO PROVE WITHOUT SAYING IT WAS MR. SANDERS. IF THE  
23 COURT RULES THAT I CAN'T SAY IT WAS MR. SANDERS AS  
24 ANOTHER BAD ACT, JUST AS EVIDENCE THAT THEIR  
25 CREDIBILITY IS IN QUESTION, THAT THEIR TESTIMONY IS

1 SUBJECT TO INTERPRETATION BECAUSE WE CAN SHOW THAT  
2 THIS HAPPENED TO ME TOO: TWO WEEKS LATER, FIVE  
3 BLOCKS DOWN THE STREET, I CAME HOME, THERE WERE NO  
4 SIGNS OF FORCED ENTRY ADMITTEDLY BY THE POLICE, THAT  
5 HAPPENS. IT'S NOT RARE, IT'S NOT UNCOMMON, AND WE  
6 HAVE, WE HAVE AT LEAST FOUR DOCUMENTED CASES OF IT  
7 HAPPENING AT THIS TIME, AND I THINK WE SHOULD BE ABLE  
8 TO SHOW THAT TO REFLECT ON THE CREDIBILITY OF THE  
9 POLICE AND THEIR TESTIMONY THAT THAT JUST DOESN'T  
10 HAPPEN.

11 THE COURT: ANY OBJECTION TO THAT?

12 MR. BRACKETT: YES, SIR.

13 THE COURT: THAT'S ALL I WANTED TO HEAR.  
14 ANY OBJECTION, MR. SANDERS.

15 MR. GREELEY: MY OBJECTION WOULD BE  
16 COUCHED IN TERMS OF---

17 THE COURT: JUST, DO YOU HAVE AN  
18 OBJECTION?

19 MR. GREELEY: YES.

20 THE COURT: ALL RIGHT. I'M NOT GOING TO  
21 ALLOW THAT. NUMBER ONE, I ALREADY RULED BASICALLY ON  
22 THE SAME MOTION ALTHOUGH IN A DIFFERENT CONTEXT BUT  
23 YOU KEEP TALKING ABOUT THE SAME GENERAL AREA, THE  
24 LADY THAT LIVED OUT NEAR EBINPORT SCHOOL I CAN'T EVEN  
25 FIND IN THE SAME GENERAL AREA. PLUS --

1 MR. MORTON: NO, SIR, I WOULD NOT, IF --

2 THE COURT: LET ME FINISH AND THEN YOU CAN  
3 TELL ME WHERE I'M WRONG. SO YOU ARE NOT TALKING  
4 ABOUT HER. OF COURSE, THAT WAS A PATIO DOOR THAT  
5 SHE, APPARENTLY WAS OPEN. ONE LADY, IF I RECALL,  
6 ANSWERED A KNOCK ON THE DOOR WITH AN, OF A REQUEST BY  
7 SHE SAID IT WAS MR. SANDERS TO USE THE PHONE OR  
8 DISABLED CAR OR SOMETHING, THAT'S COMPLETELY  
9 DISSIMILAR TO ANYTHING IN THIS CASE. ONE WAS A GIRL  
10 IN A BOARDING HOUSE THAT WAS OCCUPIED BY A NUMBER OF  
11 INDIVIDUALS AND I DON'T REMEMBER THERE BEING ANY  
12 EVIDENCE THAT YOU PRESENTED THAT ANYBODY SEARCHED  
13 THAT HOUSE FOR ANY FORCED ENTRY, THAT NOBODY KNOWS  
14 HOW IN THE WORLD, WHETHER SOMEBODY LET HIM IN,  
15 WHETHER THERE WAS AN UNLOCKED DOOR, WHETHER HE, THERE  
16 IS JUST NO EVIDENCE ONE WAY OR THE OTHER ON THAT.  
17 AND I CAN'T REMEMBER THE FOURTH ONE. WHO IS THE  
18 FOURTH ONE?

19 MR. MORTON: ALICIA LOWERY WHO CAME HOME.

20 THE COURT: THE DOOR WAS AJAR AND SHE  
21 OPENED THE DOOR AND HE CAME IN.

22 MR. MORTON: YES, SIR.

23 THE COURT: SO I FIND THAT'S DISSIMILAR  
24 TOO. I DENY YOUR MOTION.

25 MR. MORTON: WHICH COULD HAVE HAPPENED

1 AND, I SUBMIT IF I COULD, ANY OF THOSE THINGS COULD  
2 HAVE HAPPENED IN THIS CASE JUST LIKE THEY HAVE IN  
3 THOSE CASES. THOSE CASES WERE ALL QUOTE NO SIGNS OF  
4 FORCED ENTRY JUST LIKE THIS CASE, AND SO I'M NOT  
5 DOING IT TO INTRODUCE EVIDENCE OF GUILT AS TO MR.  
6 SANDERS. I'M INTRODUCING IT TO SHOW THAT WHEN THE  
7 POLICE TESTIFIED THAT THEY DON'T HAVE THAT KIND OF  
8 THING HAPPEN, IT HAPPENED WITHIN THE MONTH OF  
9 DECEMBER SEVERAL TIMES IN THAT SAME AREA.

10 THE COURT: WELL, I DENY, I SUSTAIN TWO  
11 OBJECTIONS FROM BOTH THE STATE AND MR. SANDERS AND  
12 RATHER THAN MAKE AN ADDITIONAL PROFFER I THINK I  
13 REMEMBER MOST OF THE EVIDENCE. I HAD FORGOTTEN MS.  
14 LOWERY BUT I DO REMEMBER NOW. SHE DID COME IN AND  
15 SHE WAS ALONE AND HER DOOR WAS CRACKED OR SOMETHING  
16 AND THAT -- ANYWAY, SO I DON'T THINK YOU NEED TO MAKE  
17 ANOTHER PROFFER. I FIND THE PROFFER YOU MADE  
18 EARLIER, UNLESS YOU HAVE SOMETHING ADDITIONAL, THAT  
19 I'M RELYING ON THAT PROFFER.

20 MR. MORTON: ALL RIGHT, SIR. IN THAT  
21 REGARD I THINK IT IS ESSENTIAL THAT WE BE ABLE TO PUT  
22 THAT EVIDENCE UP, THAT IT WILL HELP US PROVE A MOTIVE  
23 ON MR. SANDERS' PART, THAT WITHOUT BEING ABLE TO DO  
24 THAT THE DEFENSE OF MR. COPE IS SEVERELY PREJUDICED  
25 AND I HAVE TO MOVE FOR A SEVERANCE. I HAVE TO RENEW

1 MY MOTION FOR A SEVERANCE OF THESE DEFENDANTS.

2 THE COURT: WHICH MOTION -- YOU JUST  
3 COUPLED TWO THERE WHICH ARE YOU --

4 MR. MORTON: I'M SORRY. OF COURSE, THE  
5 PRIOR BAD ACT EVIDENCE.

6 THE COURT: I RULED ON THAT AND I RULED ON  
7 THE FORCED ENTRY, BUT IT SEEMED LIKE YOU COUPLED TWO  
8 THERE.

9 MR. MORTON: WELL, I WAS -- I DID. AND I  
10 APOLOGIZE.

11 THE COURT: LET'S MAKE THEM ONE AT A TIME  
12 SO I CAN RULE ON THEM ONE AT A TIME.

13 MR. MORTON: ONE AT A TIME WAS RENEW MY  
14 MOTION FOR A SEVERANCE BASED ON THE JUDGE'S NOT  
15 ALLOWING ME TO INTRODUCE OTHER BAD ACT EVIDENCE  
16 AGAINST MR. SANDERS.

17 THE COURT: THAT MOTION IS DENIED.

18 MR. MORTON: I ALSO MOVE FOR A SEVERANCE  
19 BASED ON THE FACT THAT HIS HONOR WILL NOT ALLOW ME TO  
20 INTRODUCE EVIDENCE OF OTHER CRIMES IN THIS AREA IN  
21 THIS TIME AS HAS BEEN PROFFERED TO SHOW THAT THERE IS  
22 FORCED ENTRY WHICH IS MUCH MORE COMMON THAN THE  
23 POLICE ADMITTED TO. I THINK I SHOULD BE ABLE TO  
24 INTRODUCE THAT TO REFLECT ON THEIR CREDIBILITY. I  
25 THINK IT GOES TO SHOW MOTIVE THAT THIS TYPE THING

1 GOES ON. JUST BECAUSE YOU DON'T FIND FORCED ENTRY  
2 DOESN'T MEAN SOMEBODY HADN'T COME IN YOUR HOUSE AND  
3 PHYSICALLY ASSAULTED AND RAPED YOU WITHOUT POINTING A  
4 FINGER AT HIM. I THINK I SHOULD BE ABLE TO DO THAT  
5 AND IF THE COURT DOESN'T ALLOW ME TO DO IT I MOVE FOR  
6 A SEVERANCE AGAINST MR. SANDERS.

7 THE COURT: THE MOTION IS DENIED. MR.  
8 GREELEY, YOU'VE ALREADY -- ANYTHING FURTHER? I THINK  
9 YOU ALREADY MADE YOUR MOTION.

10 MR. GREELEY: YES, SIR. THIS IS MORE OF A  
11 LOOKING FORWARD MECHANICS THING. GIVEN THE DYNAMICS  
12 OF THIS CASE WHICH HAVE BEEN MOST INTERESTING, OF  
13 COURSE, I'M NOT ENTITLED TO DISCOVERY EXCEPT FROM THE  
14 STATE AND I RECEIVED ALL THE DISCOVERY FROM THE STATE  
15 AND SO UP TO THIS POINT I HAD INFORMATION. I'M NOT  
16 ENTITLED TO DISCOVERY FROM MR. COPE AND HAVE NOT  
17 RECEIVED ANY. I HAVEN'T RECEIVED ANY INFORMATION  
18 THAT THEY MAY HAVE GIVEN THE STATE. THE ONLY REASON  
19 I SAY THIS IS BECAUSE AT SOME POINT IN TIME I AM  
20 GOING TO HAVE TO CROSS WITNESSES AND I DON'T KNOW IF  
21 THERE IS GOING TO BE SOME DOCUMENTARY EVIDENCE, LIKE  
22 FOR AN EXPERT OR WHATEVER, BUT I MIGHT HAVE TO TAKE,  
23 I MIGHT NOT BE JUMPING UP AS QUICKLY AS I HAVE IN THE  
24 PAST AND I MIGHT HAVE TO HAVE A CHANCE TO REVIEW AND  
25 I'M NOT EVEN TALKING ABOUT GIVING THE JURY A BREAK,

1 BUT JUST TO REVIEW AT MY DESK CERTAIN THINGS BEFORE I  
2 GET UP.

3 THE COURT: MR. MORTON.

4 MR. MORTON: YES, SIR. WE GAVE THE  
5 REPORT, WE GAVE THE STATE A REPORT ON THE HANDWRITING  
6 AS TO THE FIRST LETTER. I DON'T KNOW IF WE GAVE MR.  
7 GREELEY A COPY OF THAT OR NOT.

8 MR. GREELEY: NO.

9 MR. BRACKETT: WE DID GET A REPORT AND MY  
10 UNDERSTANDING WAS IS THAT THEY PROBABLY WEREN'T GOING  
11 TO CALL THAT FELLOW AS A WITNESS. I DID NOT PROVIDE  
12 A COPY OF THAT TO --

13 MR. MORTON: WELL, WE ---

14 THE COURT: LET'S DO THIS. DO YOU OBJECT  
15 TO MR. GREELEY HAVING A COPY?

16 MR. MORTON: NO, SIR.

17 THE COURT: WE'LL GET HIM A COPY THE FIRST  
18 OPPORTUNITY.

19 MR. BRACKETT: THAT IS THE ONLY REPORT WE  
20 HAVE RECEIVED FROM ANY EXPERT. WE'LL HAVE THE SAME  
21 ISSUE AS MR. GREELEY, WOULD LIKE A LITTLE TIME TO  
22 DIGEST WHAT'S SAID BECAUSE THIS EXPERT TESTIMONY JUST  
23 CAN'T BE DEALT WITH ON THE FLY.

24 THE COURT: OKAY.

25 MR. MORTON: THAT'S ALL I HAVE.

1 THE COURT: MR. COPE, CAN YOU HEAR ME.

2 MR. COPE: YES, SIR.

3 THE COURT: ALL RIGHT. WE HAVE REACHED  
4 THE POINT IN THE TRIAL WHERE YOU HAVE THE RIGHT TO  
5 PRESENT A DEFENSE IF YOU WISH BUT YOU DO NOT HAVE TO.  
6 YOU ARE PRESUMED INNOCENT OF ALL OF THESE CHARGES AND  
7 THE STATE MUST PROVE EACH ELEMENT OF EACH OF THESE  
8 CHARGES BEYOND A REASONABLE DOUBT BEFORE YOU COULD BE  
9 CONVICTED AND FOUND GUILTY, SO YOU DON'T HAVE PROVE A  
10 THING. BUT YOU HAVE A RIGHT TO PRESENT A DEFENSE IF  
11 YOU WISH. YOU CAN CALL WITNESSES, PLACE THEM ON THE  
12 STAND, AND PRESENT WHATEVER EVIDENCE YOU WISH. YOU  
13 ALSO HAVE A RIGHT TO TESTIFY BUT YOU ALSO HAVE A  
14 RIGHT TO REMAIN SILENT. IF YOU TESTIFY, THE STATE  
15 WILL BE ABLE TO CROSS EXAMINE YOU, MR. GREELEY ON  
16 BEHALF OF MR. SANDERS WILL BE ABLE TO CROSS EXAMINE  
17 YOU, AND THEY WILL BE ABLE TO ASK YOU ABOUT THINGS  
18 THAT ARE RELEVANT TO THE QUESTIONS BEFORE THE COURT  
19 AT THIS TIME; AND ALSO THEY, THE STATE, WILL BE ABLE  
20 TO ASK YOU CONCERNING THREE FELONY CHARGES IN 1999  
21 WITHOUT GOING INTO THE SUBSTANCE, THAT IS, THE  
22 UNDERLYING REASONS FOR THOSE CHARGES. BUT YOU HAVE A  
23 RIGHT TO TESTIFY. YOU HAVE AN ABSOLUTE RIGHT TO  
24 REMAIN SILENT. IF YOU EXERCISE THE RIGHT TO REMAIN  
25 SILENT I WILL TELL THE JURY THAT YOU HAVE EXERCISED



1 THAT RIGHT AND THAT THEY CANNOT USE THAT AGAINST YOU  
2 IN ANY FASHION WHATSOEVER. I WILL TELL THEM THAT YOU  
3 ARE, REMIND THEM THAT YOU ARE PRESUMED INNOCENT AND  
4 THAT THE STATE MUST PROVE YOUR GUILT BEYOND A  
5 REASONABLE DOUBT. I WILL TELL THEM THEY CANNOT  
6 FACTOR IN YOUR EXERCISE OF YOUR CONSTITUTIONAL RIGHT  
7 TO REMAIN SILENT IN ANY WAY IN THEIR DELIBERATION.  
8 THEY CAN'T USE IT IN THEIR OWN MIND, AND THEY CAN'T  
9 DISCUSS IT, THEY CAN'T EVEN MENTION IT IN THE JURY  
10 ROOM THAT YOU HAVE CHOSEN TO EXERCISE THAT RIGHT. DO  
11 YOU UNDERSTAND ALL THAT?

12 MR. COPE: YES, SIR.

13 THE COURT: DO YOU HAVE ANY QUESTIONS  
14 ABOUT IT?

15 MR. COPE: NO, SIR.

16 THE COURT: MR. MORTON, HAVE YOU EXPLAINED  
17 ALL THAT TO HIM?

18 MR. MORTON: YES, SIR. I'M NOT TRYING TO  
19 BE JUDGE, BUT I KNOW IT'S HIS DECISION TO MAKE ABOUT  
20 TESTIFYING.

21 THE COURT: THAT'S MY NEXT BUT I WANTED TO  
22 KNOW IF YOU EXPLAINED IT TO HIM.

23 MR. MORTON: I'M SORRY.

24 THE COURT: THAT'S THE NEXT THING. MR.  
25 MORTON HAS HEARD ME, I ASSUME, DO THIS BEFORE, AND

1 THE NEXT THING THAT I AM GOING TO CALL TO YOUR  
2 ATTENTION IS THAT IS YOUR RIGHT. IT'S NOT MR.  
3 MORTON'S, MR. WOODS' MR. SMITH'S OR MR. BAITY'S.  
4 IT'S NOT YOUR FAMILY'S. IT'S NO ONE BUT YOURS. IT'S  
5 NOT MINE, IT'S NOT THE STATE'S, IT'S NOT MR.  
6 GREELEY'S OR MR. SANDERS. IT IS MR. BILLY WAYNE  
7 COPE'S RIGHT. AND YOU CAN GET WHATEVER ADVICE YOU  
8 WANT. YOU CAN TALK TO ANYBODY, YOU CAN LISTEN TO  
9 ANYBODY, AND YOU CAN DIGEST WHATEVER YOU WISH IN  
10 MAKING YOUR DECISION, BUT ULTIMATELY IT IS BILLY  
11 WAYNE COPE AND BILLY WAYNE COPE'S DECISION ONLY. YOU  
12 UNDERSTAND THAT.

13 MR. COPE: YES, SIR.

14 THE COURT: ALL RIGHT. THANK YOU. I HAVE  
15 TO TALK TO MR. SANDERS ABOUT THE SAME THING AND THEN  
16 WE'LL TAKE A SHORT BREAK AND THEN WE'LL COME BACK.  
17 ALL RIGHT. MR. SANDERS, CAN YOU HEAR ME.

18 MR. SANDERS: YES, SIR.

19 THE COURT: MR. SANDERS, WE'VE REACHED THE  
20 POINT IN THE TRIAL REGARDING YOUR CHARGES JUST LIKE  
21 MR. COPE'S, THAT YOU HAVE A RIGHT TO PRESENT A  
22 DEFENSE IF YOU WISH. YOU DO NOT HAVE TO. YOU ARE  
23 PRESUMED INNOCENT OF THIS CHARGE AND YOU DO NOT HAVE  
24 TO PROVE YOUR INNOCENCE. THE STATE MUST PROVE YOUR  
25 GUILT BEYOND A REASONABLE DOUBT. THE STATE MUST

1 PROVE EACH ELEMENT OR EVERY ELEMENT OF EACH OFFENSE  
2 BEYOND A REASONABLE DOUBT BEFORE YOU COULD BE  
3 CONVICTED AND FOUND GUILTY AS TO A PARTICULAR CHARGE.  
4 YOU DO NOT HAVE TO PROVE ANYTHING. HOWEVER YOU HAVE  
5 A RIGHT TO PRESENT A DEFENSE IF YOU WISH. YOU CAN  
6 CALL SUCH WITNESSES AS YOU WISH TO TESTIFY ON YOUR  
7 BEHALF. YOU ALSO HAVE A RIGHT TO TESTIFY IF YOU WISH  
8 AND YOU ALSO HAVE AN ABSOLUTE RIGHT TO REMAIN SILENT.  
9 IF YOU TESTIFY, DO YOU HAVE ANY PRIOR BAD, I MEAN  
10 IMPEACHMENT.

11 MR. BRACKETT: YES, SIR.

12 MR. GREELEY: YES, WE DO, AND I'M FAMILIAR  
13 WITH THOSE.

14 THE COURT: OKAY. WELL, LET ME MAKE SURE  
15 HE IS FAMILIAR WITH THOSE. THE STATE WILL BE ABLE TO  
16 ASK YOU, IF YOU TESTIFY, THEY WILL BE ABLE TO CROSS  
17 EXAMINE YOU, JUST LIKE YOU'VE SEEN GOING ON HERE WITH  
18 THE OTHER WITNESSES, THEY WILL BE ABLE TO ASK YOU  
19 RELEVANT QUESTIONS RELEVANT TO THE ISSUES BEFORE US.  
20 THEY WILL ALSO BE ABLE TO ASK YOU ABOUT ANY PRIOR  
21 CRIMINAL CONDUCT YOU MAY HAVE AND I NEGLECTED TO  
22 INCLUDE WITH THIS MR. COPE SO I WILL ASK MR. COPE TO  
23 LISTEN AT THIS TIME TOO, THAT IF THE CRIMINAL, PRIOR  
24 CRIMINAL RECORD OF EITHER OF YOU, IF IT IS  
25 INTRODUCED, WILL BE ONLY FOR WHAT WE CALL IMPEACHMENT

1           PURPOSES AND I WILL TELL THE JURY THAT. I WILL TELL  
2           THE JURY THAT THEY CANNOT CONSIDER ANY PRIOR OFFENSES  
3           AS BEING AN INDICATION IN ANY WAY OF YOUR GUILT IN  
4           REGARD TO THESE OFFENSES. THAT THEY CAN USE IT ONLY  
5           REGARDING YOUR CREDIBILITY, YOUR BELIEVABILITY. MR.  
6           COPE, I APOLOGIZE I DIDN'T GO OVER THAT. DO YOU  
7           UNDERSTAND THAT.

8                         MR. COPE: YES, SIR.

9                         THE COURT: OKAY. ANY RECORD IF ANY DO  
10           YOU HAVE ON MR. SANDERS.

11                        MR. BRACKETT: WE HAVE NOT SAT DOWN WITH  
12           MR. GREELEY AND GONE THROUGH SPECIFICALLY THOSE ITEMS  
13           AS OF YET. WE JUST HADN'T GOTTEN TO THAT.

14                        MR. GREELEY: I HAVE A COPY OF HIS RAP  
15           SHEET.

16                        MR. BRACKETT: HE HAS HAD A COPY OF HIS  
17           RAP SHEET AND PRIOR TO HIM ---

18                        THE COURT: HOW AM I GOING TO TELL HIM  
19           WHAT Y'ALL ARE GOING TO ASK HIM THEN?

20                        MR. BRACKETT: WE CAN GET HIS RAP SHEET  
21           OUT NOW.

22                        THE COURT: WELL. MR. SANDERS, WHILE THEY  
23           ARE DOING THAT, AS I JUST TOLD MR. COPE, THAT IF THEY  
24           DO INTRODUCE ANY OF YOUR PAST RECORD IT WILL ONLY BE  
25           FOR WHAT WE CALL IMPEACHMENT PURPOSES; THAT IS, TO

1       SHOW THAT YOU ARE LESS LIKELY TO BE TELLING THE  
2       TRUTH, THAT IS, BELIEVABILITY AS OPPOSED TO SOMEONE  
3       WHO HAS NOT COMMITTED SUCH AN OFFENSE. BUT YOU HAVE  
4       A RIGHT TO REMAIN SILENT, THAT IF YOU EXERCISE THAT  
5       RIGHT TO REMAIN SILENT I WILL INSTRUCT THE JURY, JUST  
6       LIKE I TOLD MR. COPE, THAT THEY CANNOT USE THAT  
7       AGAINST YOU IN ANY FASHION WHATSOEVER. I WILL TELL  
8       THEM THAT YOU ARE PRESUMED INNOCENT OF THESE CHARGES.  
9       THE STATE HAS THE BURDEN OF PROVING YOUR GUILT BEYOND  
10      A REASONABLE DOUBT, AND I WILL TELL THE JURY THAT  
11      THEY CANNOT DISCUSS IN THE JURY ROOM THE FACT THAT  
12      YOU CHOSE TO EXERCISE THAT CONSTITUTIONAL RIGHT, YOUR  
13      RIGHT TO REMAIN SILENT, AND I WILL TELL THEM THEY  
14      CANNOT FACTOR IT INTO THEIR DELIBERATIONS IN ANY WAY  
15      WHATSOEVER. DO YOU UNDERSTAND ALL THAT.

16                   MR. SANDERS: YES, SIR.

17                   THE COURT: DO YOU HAVE ANY QUESTIONS  
18      ABOUT ANY OF IT.

19                   MR. SANDERS: NO, SIR.

20                   THE COURT: MR. GREELEY, HAVE YOU  
21      DISCUSSED THAT WITH HIM.

22                   MR. GREELEY: I HAVE, YOUR HONOR.

23                   THE COURT: YOU BELIEVE HE UNDERSTANDS IT.

24                   MR. GREELEY: I DO.

25                   THE COURT: JUST LIKE I TOLD MR. COPE, MR.

1 SANDERS, IT'S MR. SANDERS' DECISION. IT IS NOT MR.  
2 GREELEY'S, OF COURSE IT'S NOT MR. MORTON'S, MR.  
3 COPE'S, NOR MINE, THE SOLICITOR'S. IT IS JAMES  
4 EDWARD SANDERS' DECISION. YOU CAN GET SUCH ADVICE AS  
5 YOU WISH BUT ULTIMATELY IT'S UP TO YOU TO DETERMINE  
6 WHETHER TO TESTIFY OR NOT. YOU UNDERSTAND THAT.

7 MR. SANDERS: YES, SIR.

8 THE COURT: DO YOU HAVE ANY QUESTIONS  
9 ABOUT ANY OF THAT.

10 MR. SANDERS: NO, SIR.

11 THE COURT: YOU MAY BE SEATED. MR. COPE,  
12 DO YOU HAVE ANY FOLLOW UP QUESTIONS.

13 MR. COPE: NO, SIR.

14 THE COURT: ALL RIGHT, MR. BRACKETT.

15 MR. BRACKETT: WE'RE GETTING A COPY OF THE  
16 RAP SHEET.

17 THE COURT: WE'RE GOING TO TAKE A SHORT  
18 BREAK AND WHEN WE COME BACK, MR. SANDERS, I'LL GO  
19 OVER THOSE IMPEACHMENT OFFENSES AND ALSO ASK EACH OF  
20 YOU AND MR. COPE WHETHER Y'ALL, WHAT Y'ALL INTEND TO  
21 DO. OF COURSE, MR. COPE GOES FIRST, SO REALLY YOU  
22 DON'T HAVE TO TELL ME ANY TIME RIGHT NOW WHETHER YOU  
23 ARE GOING TO EXERCISE YOUR RIGHT TO REMAIN SILENT OR  
24 TESTIFY BECAUSE MR. COPE WILL PRESENT HIS CASE FIRST.  
25 WE'LL TAKE A SHORT BREAK. LET ME KNOW WHEN Y'ALL GOT

1 THAT TOGETHER.

2 MR. BRACKETT: YES, SIR.

3 (COURT'S IN RECESS AT 10:04 AM.)

4 (COURT RESUMES AT 10:17 AM.)

5 THE COURT: COUNSEL AND DEFENDANTS HERE.

6 MR. BRACKETT, DO YOU HAVE THOSE OFFENSES NOW?

7 MR. BRACKETT: YES, SIR, YOUR HONOR.

8 THERE ARE THREE COUNTS OF BREAKING AND ENTERING FROM  
9 1998 AND '99, THEY ARE FROM THE STATE OF NORTH  
10 CAROLINA AND WE HAVE A CERTIFIED CONVICTION FOR  
11 THOSE. AND TWO COUNTS OF BREAKING AND ENTERING  
12 LARCENY FROM 1994. THOSE ARE ALSO FROM NORTH  
13 CAROLINA. AND IN ADDITION TO THAT HE HAS A 1999  
14 CONVICTION IN SOUTH CAROLINA FOR SHOPLIFTING WHICH  
15 ALL OF THOSE WE WOULD SUBMIT ARE ADMISSIBLE.

16 THE COURT: MR. GREELEY.

17 MR. GREELEY: WE UNDERSTAND THAT. WE'RE  
18 NOT CHALLENGING THAT RECORD.

19 THE COURT: MR. SANDERS, YOU UNDERSTAND  
20 THAT IF YOU TESTIFY THEY CAN ASK YOU ABOUT THOSE AND  
21 THEY CAN'T ASK YOU ABOUT THE PARTICULARS OF IT, THEY  
22 CAN'T ASK YOU WHAT YOU DID AND DIDN'T DO; THEY CAN  
23 JUST ASK YOU WERE YOU CONVICTED OF THOSE AND I WOULD  
24 TELL THE JURY THAT IF YOU DO TESTIFY AND THEY DO ASK  
25 THOSE, ABOUT THOSE OFFENSES, THEY CAN SIMPLY USE

1 THOSE IN CONSIDERATION OF YOUR BELIEVABILITY, YOUR  
2 CREDIBILITY, OR TRUTHFULNESS, NOT ANYTHING TO DO WITH  
3 WHETHER OR NOT YOU COMMITTED THESE OFFENSES. DO YOU  
4 UNDERSTAND THAT?

5 MR. SANDERS: YES, SIR, YOUR HONOR.

6 THE COURT: THANK YOU. YOU CAN BE SEATED.

7 MR. MORTON: YOUR HONOR, AND I BELIEVE HIS  
8 RECORD GOES BACK FURTHER THAN THAT. I THINK KEVIN  
9 WAS KIND OF STICKING WITH THE TEN YEAR RULE. IS THAT  
10 CORRECT?

11 MR. BRACKETT: YES, SIR.

12 MR. MORTON: HE HAS OTHER PRIOR  
13 HOUSEBREAKING AND BREAKING AND ENTERING CONVICTIONS  
14 THAT I JUST WANT TO NOT PRECLUDE MYSELF, WE WOULD TRY  
15 TO INTRODUCE THOSE IF HE TOOK THE STAND, IF THE COURT  
16 ALLOWED US TO DO SO, UNDER THE RULES.

17 THE COURT: I NEVER HAD THIS SITUATION TO  
18 BE QUITE CANDID WITH YOU, SO I WILL JUST GO AHEAD AND  
19 TELL MR. SANDERS, YOU UNDERSTAND THAT MR. MORTON IS  
20 NOW TELLING ME ON BEHALF OF MR. COPE THAT HE  
21 UNDERSTANDS YOU HAVE A RECORD THAT EXTENDS BACK  
22 BEFORE 1994 AND THAT HE'S GOING TO ASK THE COURT TO  
23 BE ALLOWED ON HIS CROSS EXAMINATION TO GO INTO THOSE  
24 ADDITIONAL OFFENSES, I HAVEN'T RULED ON THAT YET, BUT  
25 YOU UNDERSTAND THAT HE'S INTENDING TO DO THAT IF YOU



1 TAKE THE STAND. YOU UNDERSTAND THAT?

2 MR. SANDERS: YES, SIR.

3 THE COURT: MR. GREELEY, ARE YOU AWARE OF  
4 THOSE OFFENSES?

5 MR. GREELEY: I AM, YOUR HONOR.

6 THE COURT: ALL RIGHT. MR. MORTON, YOU  
7 READY TO GO FORWARD?

8 MR. MORTON: YES, SIR.

9 THE COURT: ALL RIGHT. LET'S BRING IN THE  
10 JURY.

11 (THE JURY RETURNS TO THE COURTROOM AT  
12 10:20 AM.)

13 THE COURT: MEMBERS OF THE JURY PANEL, THE  
14 STATE HAS RESTED, THAT IS, YOU HEARD THE STATE'S  
15 EVIDENCE. UNDER CERTAIN CIRCUMSTANCES THE STATE  
16 WOULD HAVE A RIGHT TO PRESENT EVIDENCE AT A LATER  
17 TIME CALLED REPLY EVIDENCE, BUT FOR ALL INTENSIVE  
18 PURPOSES YOU HEARD THE STATE'S CASE. SO THEREFORE  
19 THE DEFENSE HAS A RIGHT, BUT NO OBLIGATION, TO  
20 PRESENT A DEFENSE IF THEY WISH SO I'LL CALL ON MR.  
21 BAITY ON BEHALF OF MR. COPE.

22 MR. BAITY: YOUR HONOR, WE WOULD CALL  
23 CHARLES R. HONTS PH.D. TO THE STAND.

24 CHARLES HONTS, BEING FIRST DULY SWORN  
25 TESTIFIES AS FOLLOWS:

1                   MR. BAITY:  MAY IT PLEASE THE COURT, YOUR  
2 HONOR.

3                   THE COURT:  CERTAINLY.  
4 DIRECT EXAMINATION BY MR. BAITY:

5 Q     COULD YOU PLEASE STATE YOUR FULL NAME AND  
6 ADDRESS?

7 A     YES.  IT'S CHARLES ROBERT HONTS.  H-O-N-T-S.  I  
8 LIVE AT 3105 SWEETWATER DRIVE IN BOISE, IDAHO.

9 Q     BY WHOM ARE YOU EMPLOYED?

10 A    BOISE STATE UNIVERSITY.

11 Q    AND IN WHAT CAPACITY ARE YOU EMPLOYED AT BOISE  
12 STATE UNIVERSITY?

13 A    I'M PROFESSOR OF PSYCHOLOGY AT BOISE STATE  
14 UNIVERSITY.

15 Q    ALL RIGHT.  DR. HONTS, WHAT IS YOUR ACADEMIC  
16 TRAINING?

17 A    I HAVE A BACHELOR OF SCIENCE IN PSYCHOLOGY FROM  
18 VIRGINIA TECH AND A MASTER OF SCIENCE ALSO IN  
19 PSYCHOLOGY FROM VIRGINIA TECH AND THEN I WENT TO THE  
20 UNIVERSITY OF UTAH AND DID MY DOCTRINAL WORK AT  
21 UNIVERSITY OF UTAH AND FINISHED THERE IN 1986.

22 Q    YOU'VE BEEN ON BOTH SIDES OF THE COUNTRY.  WHERE  
23 ARE YOU ORIGINALLY FROM?

24 A    I'M ORIGINALLY FROM SOUTHWEST VIRGINIA.  I GREW  
25 UP IN A SMALL TOWN CALLED EAGLE ROCK.

1 Q WHAT KIND OF TRAINING HAVE YOU HAD IN YOUR FIELD  
2 IN ADDITION TO YOUR FORMAL ACADEMIC TRAINING?

3 A WELL, I'VE HAD TRAINING IN SEVERAL RELATED  
4 AREAS, ONE AREA THAT I'VE HAD TRAINING IN IS IN  
5 POLYGRAPH TESTING AND WAS ORIGINALLY TRAINED AS A  
6 POLYGRAPH EXAMINER IN 1976 AND WORKED AS A PRACTICING  
7 POLYGRAPH EXAMINER FOR ABOUT FIVE YEARS BEFORE I WENT  
8 BACK TO GRADUATE SCHOOL. I'VE ALSO RECEIVED TRAINING  
9 IN INTERVIEWING CHILDREN AND ASSESSING CREDIBILITY OF  
10 CHILDREN.

11 Q WHAT POSITIONS IF ANY HAVE YOU HELD IN INDUSTRY  
12 AND OTHER UNIVERSITIES?

13 A WELL, I DID WORK AS A POLYGRAPH EXAMINER FOR  
14 SEVERAL DIFFERENT EMPLOYERS DURING THAT FIVE YEAR  
15 PERIOD AND DID INVESTIGATIONS AND RAN TESTS  
16 PARTICULARLY IN THE OIL INDUSTRY. IN 1980 I WENT  
17 BACK TO GRADUATE SCHOOL AND HAVE HELD ONE SORT OF  
18 ACADEMIC POSITION OR ANOTHER SINCE THEN.

19 I WORKED AS GRADUATE OF RESEARCH AND  
20 TEACHING ASSISTANT AS A GRADUATE STUDENT AND THEN WAS  
21 A POST DOC AT THE UNIVERSITY OF UTAH FOR TWO YEARS  
22 WORKING ON MONEY PROVIDED BY THE U.S. DEPARTMENT OF  
23 JUSTICE. FOLLOWING THAT, THAT WOULD HAVE BEEN 1998  
24 THROUGH 1990, I WORKED FOR THE U.S. GOVERNMENT AT THE  
25 DEPARTMENT OF DEFENSE POLYGRAPH INSTITUTE WHICH IS

1 THE FEDERAL TRAINING CENTER FOR POLYGRAPH EXAMINERS.  
2 WE TRAIN ALL THE U.S. FEDERAL POLYGRAPH EXAMINERS FOR  
3 MILITARY THE SERVICES, THE FBI, THE SECRET SERVICE,  
4 CUSTOMS, TREASURY. I WAS A RESEARCH TEAM LEADER AND  
5 ALSO I GAVE INSTRUCTION AT THE COURSES BOTH BASIC AND  
6 ADVANCED WHILE I WORKED THERE.

7 1990 I WENT TO THE UNIVERSITY OF NORTH  
8 DAKOTA, WAS THERE FOR FIVE YEARS, AND WENT THROUGH  
9 THE RANKS UP TO ASSOCIATE PROFESSOR THERE AND BECAME  
10 TENURED AND WAS A FULL MEMBER OF THE GRADUATE  
11 FACULTY, AND THEN IN 1995 I TOOK A POSITION AT BOISE  
12 STATE UNIVERSITY AND WAS PROMOTED I BELIEVE THE NEXT  
13 YEAR TO FULL PROFESSOR AND HAVE BEEN THERE SINCE.

14 Q WHAT PROFESSIONAL ASSOCIATIONS AND OTHER  
15 ORGANIZATIONS HAVE YOU BEEN INVOLVED IN DURING THE  
16 COURSE OF YOUR CAREER?

17 A I'VE BEEN INVOLVED IN A NUMBER. MY PRIMARY  
18 AFFILIATION IS WITH THE AMERICAN PSYCHOLOGY LAW  
19 SOCIETY WHICH IS A PROFESSIONAL ORGANIZATION OF  
20 PSYCHOLOGISTS AND LAWYERS WHO ARE INTERESTED IN HOW  
21 PSYCHOLOGY AND LAW CAN WORK TOGETHER TO DO REALLY  
22 WHAT WE'RE DOING TODAY AND IN OTHER SETTINGS.

23 I'M ALSO A MEMBER OF THE AMERICAN  
24 PSYCHOLOGICAL SOCIETY WHICH IS A LARGE SOCIETY OF  
25 PSYCHOLOGICAL SCIENTISTS PRIMARILY THOSE PEOPLE WHO

1 DO RESEARCH AND WORK IN ACADEMIC SETTINGS AND OTHER  
2 RESEARCH RELATED SETTINGS AND I'M ALSO A MEMBER OF  
3 THE AMERICAN PSYCHOLOGICAL ASSOCIATION WHICH IS AN  
4 EVEN LARGER ASSOCIATION WHICH ALSO INCLUDES ALL THE  
5 CLINICAL PSYCHOLOGISTS.

6 Q DOCTOR, HAVE YOU REVIEWED ANY JOURNALS IN THE  
7 AREA OF YOUR EXPERTISE OR DONE ANY EDITING OF THOSE  
8 JOURNALS?

9 A I'VE DONE BOTH. I REVIEW QUITE A BIT. ACTUALLY  
10 THIS YEAR I'VE BEEN REVIEWING RATHER EXTENSIVELY,  
11 IT'S BEEN TAKING UP A LOT OF TIME, BUT I HAVE  
12 REVIEWED FOR THE PREMIER JOURNALS IN PSYCHOLOGY; THE  
13 PSYCHOLOGY BULLETIN, THE JOURNAL OF APPLIED  
14 PSYCHOLOGY, JOURNAL OF PERSONALITY AND SOCIAL PSYCH,  
15 APPLIED COGNITION JOURNAL OF EXPERIMENTAL PSYCHOLOGY  
16 GENERAL AND APPLIED, SO IT'S SOMETHING I DO A LOT. I  
17 ALSO REVIEWED GRANTS FOR THE NATIONAL SCIENCE  
18 FOUNDATION AND FOR THE U.S. DEPARTMENT OF DEFENSE AND  
19 FOR SCIENCE CANADA WHICH IS THE CANADIAN EQUIVALENT  
20 OF OUR NATIONAL SCIENCE FOUNDATION.

21 I SERVED AS AN, ON THE EDITORIAL STAFF OF  
22 THE JOURNAL POLYGRAPH WHICH IS THE JOURNAL OF THE  
23 AMERICAN POLYGRAPH ASSOCIATION AND I EDIT A JOURNAL,  
24 AN ON-LINE JOURNAL, THAT IS PUBLISHED ON THE WORLD  
25 WIDE WEB CALLED THE JOURNAL OF CREDIBILITY ASSESSMENT

1 AND WITNESS PSYCHOLOGY.

2 Q HAVE YOU BEEN CONSULTANT TO ANY AGENCIES OR  
3 OTHER SIMILAR INSTITUTIONS?

4 A I HAVE. OVER THE YEARS I'VE CONSULTED WITH  
5 NUMEROUS POLICE DEPARTMENTS, FEDERAL AGENCIES,  
6 FOREIGN GOVERNMENTS. I'VE CONSULTED WITH THE U.S.  
7 AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS. I'VE  
8 DONE WORK WITH THE FBI, THE INSPECTOR GENERALS OF  
9 SEVERAL STATES, SO DONE A VARIETY OF THAT WORK.

10 Q NOW DID ANY OF THIS CONSULTING WITH THESE  
11 GOVERNMENT AGENCIES INVOLVE ANY TYPE OF TRAINING ON  
12 YOUR, THAT YOU RENDERED?

13 A YES, IT HAS.

14 Q AND WHAT WOULD THAT BE?

15 A I'VE DONE INVITED SEMINARS FOR THE U.S. SECRET  
16 SERVICE, FOR THE FEDERAL BUREAU OF INVESTIGATIONS,  
17 CENTRAL INTELLIGENCE AGENCY, NUMEROUS STATES, NORTH  
18 DAKOTA, NEW MEXICO, CANADA. I'VE DONE QUITE A BIT OF  
19 WORK WITH THE ROYAL CANADIAN MOUNTED POLICE. I'VE  
20 TWICE BEEN INVITED TO FOREIGN COUNTRIES OTHER THAN  
21 CANADA. I'VE BEEN TO NORWAY AND SWEDEN AND PUT ON  
22 SEMINARS THERE FOR LAW ENFORCEMENT AND SOCIAL WORKERS  
23 AND PSYCHOLOGISTS.

24 Q AND THE SUBJECT OF THIS TRAINING THAT YOU  
25 RENDERED WHAT WOULD THAT BE?

1 A MOST OF THAT IS ON POLYGRAPH. ALTHOUGH I HAVE  
2 ALSO SPOKEN ON CHILD WITNESSES.

3 Q WHEN YOU ARE TRAINING THESE POTENTIAL POLYGRAPH  
4 EXAMINERS DO YOU TRAIN THEM IN THE SAME METHOD THAT  
5 WAS USED TO ADMINISTER POLYGRAPH TO THE DEFENDANT  
6 BILL WAYNE COPE?

7 A YES, I DO.

8 Q HOW ABOUT RESEARCH PUBLICATION, ARTICLES, BOOKS,  
9 AND THAT SORT OF THING. HAVE YOU DONE ANY  
10 PUBLISHING?

11 A YES, I HAVE.

12 Q IS IT FAIRLY EXTENSIVE?

13 A IT IS.

14 Q AND WOULD IT BE SET FORTH IN YOUR CURRICULUM  
15 VITAE WHICH WE'LL GET TO IN A MOMENT?

16 A IT IS. IF YOU COUNT ALL BOOK CHAPTERS AND  
17 REPORTS AND PEER REVIEW PUBLICATIONS THERE ARE OVER A  
18 HUNDRED.

19 Q AND HAVE YOU DELIVERED ANY PAPERS AT SCIENTIFIC  
20 MEETINGS OF EXPERTS IN YOUR FIELD OR IN THE FIELD OF  
21 POLYGRAPH?

22 A YES, I HAVE, MANY.

23 Q CAN YOU GIVE US A ROUGH IDEA ABOUT HOW MANY?

24 A IT'S WELL OVER A HUNDRED. PROBABLY 120 NOW.

25 Q HOW MANY RESEARCH GRANTS HAVE YOU BEEN AWARDED

1 TO DO RESEARCH IN THE AREA OF POLYGRAPH?

2 A IN THE AREA OF POLYGRAPH ABOUT 15.

3 Q AND THEY'VE ALL DEALT WITH POLYGRAPH  
4 EXAMINATION?

5 A THAT'S CORRECT, ONE ASPECT OF POLYGRAPH  
6 EXAMINATION OR ANOTHER. THE POST DOCTRINAL POSITION  
7 I HAD WAS TO WORK ON DEVELOPING COMPUTER ALGORITHMS  
8 TO SCORE POLYGRAPH CHARTS AND SINCE THEN I HAVE  
9 RECEIVED FUNDING TO DO A FIELD STUDY ON THE VALIDITY  
10 OF POLYGRAPH WITH THE ROYAL CANADIAN MOUNTED POLICE  
11 WHICH CAME THROUGH SCIENCE CANADA, AND I'VE DONE WORK  
12 FUNDED THROUGH THE CIA ON AUTOMATING THE POLYGRAPH  
13 TEST ITSELF AND THROUGH THE DEPARTMENT OF DEFENSE ON  
14 VARIOUS ASPECTS OF THE TEST THAT HAVE TO DO WITH  
15 SOMETHING CALLED OUTSIDE ISSUES.

16 Q CONCERNING TEACHING EXPERIENCE AS A PROFESSOR  
17 AND SO FORTH, COULD YOU TELL US ABOUT YOUR TEACHING  
18 EXPERIENCE AND THE USE OF STATISTICS AND RESEARCH  
19 METHODS?

20 A WELL, I'VE DONE EXTENSIVE TEACHING. I'M TRAINED  
21 AS A SCIENTIST. WHEN WE SAY PSYCHOLOGIST THERE ARE  
22 REALLY TWO KINDS OF PSYCHOLOGISTS. THERE ARE THE  
23 PSYCHOLOGISTS THAT DO THERAPY AND SEE PATIENTS, THEN  
24 THERE IS ALSO A LARGE GROUP OF PSYCHOLOGISTS WHO ARE  
25 SCIENTISTS AND TRAINED TO DO SCIENTIFIC RESEARCH. I



1 AM THE LATTER SO I'M TRAINED TO DO SCIENTIFIC  
2 RESEARCH. I HAD HEAVY TRAINING IN STATISTICAL  
3 METHODS AND RESEARCH DESIGN ISSUES AND I'VE TAUGHT  
4 THAT FOR CLOSE TO 20 YEARS NOW INCLUDING GIVING  
5 COURSES IN RESEARCH METHODS AND STATISTICS AT THE  
6 GRADUATE LEVEL FOR DOCTRINAL CANDIDATES.

7 Q WHAT IS PSYCHOPHYSIOLOGY, DOCTOR?

8 A PSYCHOPHYSIOLOGY IS A SUB DISCIPLINE OF  
9 PSYCHOLOGY THAT INVOLVES STUDYING HOW THE MIND AND  
10 BODY INTERACT. THERE ARE A NUMBER OF THINGS THAT ARE  
11 STUDIED UNDER THE HEADING OF PSYCHOPHYSIOLOGY. THERE  
12 ARE ABOUT A THOUSAND MEMBERS TO THAT SOCIETY NOW AS I  
13 RECALL WORLD WIDE. AND EVERYBODY EXPERIENCES THAT.  
14 WHEN YOU EXPERIENCE SOMETHING THAT CAUSES YOU TO BE  
15 NERVOUS OR AFRAID YOU KNOW YOUR BODY FEELS DIFFERENT  
16 AND PSYCHOPHYSIOLOGISTS STUDY HOW THOSE THINGS RELATE  
17 TO EACH OTHER, SO WE STUDY THINGS LIKE STRESS,  
18 BIOFEEDBACK. ABNORMAL PSYCHOLOGY, HOW THAT CHANGES  
19 YOUR PSYCHOLOGY. HOW STRESS AND THE EFFECTS ON YOUR  
20 BODY CHANGE YOUR HEALTH AND THEN ONE OF THE AREAS  
21 THAT IS STUDIED UNDER PSYCHOPHYSIOLOGY IS IN FACT  
22 POLYGRAPH BECAUSE WE'RE USING PSYCHOPHYSIOLOGICAL  
23 MEASURES TO MAKE INFERENCES ABOUT WHETHER A PERSON IS  
24 TELLING THE TRUTH OR NOT.

25 Q WHAT IS YOUR PARTICULAR SPECIALTY, DOCTOR?

1       A     AS A GRADUATE STUDENT I WAS TRAINED IN  
2       PSYCHOPHYSIOLOGY AND THAT WAS WHERE MY PRIMARY  
3       GRADUATE TRAINING CAME.  SINCE GETTING MY DEGREE I'VE  
4       DRIFTED A LITTLE BIT FROM THAT AND REALLY MORE  
5       IDENTIFY MYSELF MORE WITH PSYCHOLOGY AND LAW SOCIETY,  
6       SO I DON'T GO TO THE PSYCHOPHYSIOLOGY MEETINGS  
7       ANYMORE.  I GO TO THE PSYCHOLOGY AND LAW MEETINGS.  
8       ALTHOUGH I STILL DO A LOT OF PSYCHOPHYSIOLOGY BECAUSE  
9       I'M STILL INVOLVED IN DOING RESEARCH ON POLYGRAPH AND  
10      THINGS RELATED TO POLYGRAPH.

11      Q     AND IN ADDITION TO BEING TRAINED IN  
12      PSYCHOPHYSIOLOGY AND SPECIALIZING IN THAT DO YOU  
13      TEACH IN THAT AS WELL?

14      A     I DO, YES.

15      Q     DO YOU CONDUCT WORK SHOPS ON THAT SUBJECT?

16      A     I CERTAINLY HAVE.  FOR MANY, MANY YEARS WE  
17      CONDUCTED AN ANNUAL WORK SHOP AT THE UNIVERSITY OF  
18      UTAH, I WENT BACK EVEN AFTER I LEFT THERE AND  
19      INSTRUCTED IN THAT, THAT ENDED IN THE EARLY 1990'S  
20      WHEN MY MENTOR RETIRED, SO THERE IS NO LONGER A  
21      POLYGRAPH LAB AT THE UNIVERSITY OF UTAH IN THE PSYCH  
22      DEPARTMENT, BUT I CONTINUE TO GET INVITED TO DO THAT.  
23      I DID ONE AT THE INVITATION OF THE STATE OF NEW  
24      MEXICO A COUPLE YEARS AGO.

25      Q     DOCTOR, HAVE YOU EVER GIVEN ANY COURSES OR

1 LECTURES TO LAW ENFORCEMENT AGENCIES OR TRAINING  
2 POLICE OFFICERS?

3 A I HAVE, YES.

4 Q AND HAS THAT BEEN RELATIVE TO THE POLYGRAPH?

5 A OH, YES, ABSOLUTELY.

6 Q HOW OFTEN HAVE YOU DONE THAT IF YOU KNOW?

7 A OH, OVER THE YEARS QUITE A FEW TIMES. I USED TO  
8 GO EVERY YEAR AND TEACH FOR THE ROYAL CANADIAN  
9 MOUNTED POLICE. I WAS THEIR PRIMARY INSTRUCTOR FOR  
10 THE SCIENCE OF POLYGRAPH AND ALSO HOW TO DO SCORING  
11 OF POLYGRAPH CHARTS. AND THEN AT INVITATION OF OTHER  
12 AGENCIES SO I'VE LECTURED AT THE FBI ACADEMY AND AT  
13 THE INVITATION OF THE SECRET SERVICE AND THE CIA.

14 Q HAVE YOU EVER DONE ANY POLYGRAPH WORK FOR ANY  
15 COURTS OR PROSECUTORS OR LAW ENFORCEMENT AGENCIES OF  
16 ANY TYPE?

17 A I HAVE ALTHOUGH NOT FREQUENTLY. MOST OF THE  
18 TIME I GET CALLS FROM DEFENSE ATTORNEYS ALTHOUGH  
19 THERE ARE NOW SEVERAL JUDGES IN THE STATE OF IDAHO  
20 THAT HAVE ASKED ME TO RUN TESTS WHERE ALL THE PARTIES  
21 HAVE AGREED AND I'VE DONE THAT AND REPORTED DIRECTLY  
22 TO THE COURT. AND IN YEARS PAST, THIS DOES NOT  
23 HAPPENED RECENTLY, BUT IN YEARS PAST I ALSO HAVE DONE  
24 WORK FOR LAW ENFORCEMENT AGENCIES THAT DIDN'T HAVE  
25 THEIR OWN POLYGRAPH EXAMINERS. THAT NOW IS BECOMING

1           MUCH LESS COMMON BECAUSE MOST OF THEM HAVE THEIR OWN  
2           POLYGRAPH EXAMINERS.

3           Q     HAVE YOU EVER TESTIFIED IN COURT, DOCTOR?

4           A     I HAVE.

5           Q     ABOUT HOW MANY TIMES HAVE YOU BEEN QUALIFIED AS  
6           AN EXPERT AND TESTIFIED IN COURT?

7           A     I BELIEVE IT'S IN THE 60S NOW.   THEY ARE ALL  
8           REFLECTED ON MY VITAE.

9           Q     AND THIS IS BOTH IN STATE AND IN FEDERAL COURTS?

10          A     THAT'S CORRECT.

11          Q     ALL RIGHT.   AND HAVE YOU YOURSELF BEEN TRAINED  
12          AS A POLYGRAPH EXAMINER?

13          A     I HAVE, YES.

14          Q     ALL RIGHT.   AND ARE YOU LICENSED AS A POLYGRAPH  
15          EXAMINER?

16          A     I'M PRESENTLY LICENSED IN TWO STATES.   I'M  
17          LICENSED IN THE STATE OF NEW MEXICO AND THE STATE OF  
18          NORTH DAKOTA.

19                   MR. BAITY:   AT THIS TIME, YOUR HONOR, WE  
20          WOULD OFFER DR. HONTS AS AN EXPERT IN PSYCHOLOGY  
21          PARTICULARLY IN THE POLYGRAPH.

22                   THE COURT:   ANY VOIR DIRE.

23                   MR. GREELEY: NO, YOUR HONOR.   AT THIS  
24          POINT I WOULD STATE AN OBJECTION TO THIS BASED UPON  
25          RELEVANCY.   YOUR HONOR, I WOULD ANTICIPATE THAT THE

1 DOCTOR HERE IS --

2 THE COURT: YOU WANT THE JURY TO GO OUT  
3 WHILE WE DISCUSS THAT.

4 MR. GREELEY: THAT WILL BE FINE.

5 THE COURT: LET ME LET YOU GO TO THE JURY  
6 ROOM SO I CAN.

7 (THE JURY EXITS THE COURTROOM AT 10:36  
8 AM.)

9 THE COURT: YES, SIR.

10 MR. GREELEY: YOUR HONOR, I WOULD  
11 ANTICIPATE THAT THIS WITNESS HAS BEEN CALLED ON  
12 BEHALF OF MR. COPE TO TESTIFY AND TO POTENTIALLY  
13 ATTACK THE RESULTS OF POLYGRAPH THAT'S BEEN TESTIFIED  
14 TO BY THE YORK COUNTY SHERIFF'S DEPARTMENT AS WELL AS  
15 TO THE METHODOLOGY THAT MAY HAVE BEEN USED IN THIS  
16 CASE. HOWEVER, THERE IS NOTHING IN THE RECORD AT  
17 THIS POINT IN TIME THAT MAKES THE RESULTS OF THE  
18 POLYGRAPH AT ISSUE, THAT MAKES IT SO THAT IT WAS IN  
19 INCORRECT. THE ONLY PERSON WHO KNOWS KNOWSWHETHER OR  
20 NOT THE RESULTS OF THAT POLYGRAPH SHOWING DECEPTION  
21 WAS INCORRECT IS MR. COPE AND UNTIL MR. COPE TAKES  
22 THE STAND AND TESTIFIES THAT THAT WAS AN INCORRECT  
23 POLYGRAPH AND THAT IT WAS NOT TRUE, THE RESULTS THAT  
24 THEY FOUND ONLY THEN DOES THE ISSUE OF THE RESULTS OF  
25 THE POLYGRAPH AND THE METHODOLOGY BECOME AN ISSUE IN

1 THIS COURT, SO AT THIS POINT IN TIME THIS GENTLEMAN'S  
2 TESTIMONY IS NOT RELEVANT.

3 THE COURT: MR. BRACKETT.

4 MR. BRACKETT: YOUR HONOR, ALSO THE  
5 POLYGRAPH WASN'T ADMITTED FOR THE SUBSTANTIVE TRUTH  
6 OF WHAT THE POLYGRAPH RESULTS WERE. AS A MATTER OF  
7 FACT WE SPECIFICALLY TOLD THE JURY THAT THEY COULD  
8 NOT FIND, THAT THEY COULD NOT USE THE RESULTS OF THE  
9 POLYGRAPH AS SUBSTANTIVE EVIDENCE OF HIS GUILT. IF  
10 THEY WANT TO ATTACK THE POLYGRAPH RESULTS AND SAY  
11 THEY ARE FALSE THEN THEY ARE PUTTING THAT ISSUE INTO  
12 PLAY AND THEN THIS BECOMES A SUBSTANTIVE ISSUE THAT  
13 THE JURY IS GOING TO HAVE TO --

14 THE COURT: MR. BAITY, WHAT IS THE  
15 RELEVANCY AND WHAT IS THE ISSUE THAT THIS --

16 MR. BAITY: WELL, YOUR HONOR, CERTAINLY  
17 THE RESULTS HAVE BEEN PUT IN EVIDENCE AND HAVE BEEN  
18 TESTIFIED TO THAT NOT ONLY THE POLYGRAPH WAS GIVEN TO  
19 MR. COPE BUT THAT THERE WAS AN INDICATION OF  
20 DECEPTION. WE CERTAINLY THINK THAT WE CAN GO INTO  
21 THAT ON THIS AND CERTAINLY WE THINK THAT IS RELEVANT  
22 TO OUR CASE AND TO THIS CASE THAT HE WAS IN FACT  
23 GIVEN A POLYGRAPH AND HE WAS IN FACT INFORMED THAT HE  
24 HAD FAILED THE TEST AND THE EFFECT THAT THAT HAD ON  
25 HIM IN HIS SUBSEQUENT CONFESSIONS AND STATEMENTS.

1                   THE COURT:    BUT THAT'S NOT WHAT THIS MAN  
2                   IS TESTIFYING TO.   HE'S TESTIFYING TO THE TEST AND  
3                   THE ONLY EVIDENCE IN THE RECORD IS HE TOOK THE TEST  
4                   AND HE WAS TOLD HE FAILED.

5                   MR. BAITY:    YES, SIR.   AND THIS MAN IS  
6                   GOING TO TESTIFY THAT, THAT IN HIS BELIEF THAT WHAT  
7                   HE WAS TOLD WAS INCORRECT AND WAS IN FACT NOT  
8                   REFLECTED IN THE STATE'S OWN EXHIBITS, IN THE CHARTS  
9                   THAT WERE PRODUCED, AND WE BELIEVE THAT THAT'S A VERY  
10                  RELEVANT ISSUE IN THIS CASE AND GOES TO THE HEART OF  
11                  MR. COPE'S SUBSEQUENT ACTIONS WITH REGARD TO THE  
12                  CONFESSIONS THAT HAVE BEEN PLACED IN EVIDENCE IN THIS  
13                  CASE.

14                  MR. BRACKETT:   WE PRODUCED NO CHARTS.  
15                  THEY ARE NOT IN EVIDENCE.   WE DID NOT ATTEMPT TO  
16                  BUTTRESS THE VALIDITY OF IT TO SAY THAT IT'S TRUE HE  
17                  FAILED AND THEREFOR HE'S GUILTY.   WE NEVER DID THAT.  
18                  WE SIMPLY DID THAT BECAUSE THEY WERE ATTACKING THE  
19                  VOLUNTARINESS AND AS YOUR HONOR WELL KNOWS, BUT THERE  
20                  ARE NO CHARTS IN EVIDENCE.   WE DIDN'T --

21                  MR. BAITY:    YOUR HONOR, I'VE BEEN TOLD  
22                  THAT THEY ARE GOING TO STIPULATE TO THE CHARTS AND WE  
23                  ALSO MET IN CHAMBERS BEFORE THIS TRIAL STARTED AND  
24                  YOU INDICATED YOU WERE GOING TO LET THE RESULTS IN  
25                  AND THAT ESSENTIALLY THAT WAS GOING TO BE PART OF THE

1 DECISION TO LET IN THE FALSE CONFESSION EXPERT UPON  
2 THESE RESULTS HE HAS RELIED AND WE JUST CERTAINLY  
3 THINK THAT THIS MAN OUGHT TO BE ABLE TO TESTIFY AS TO  
4 HIS OPINION AS TO WHAT WAS STATED BY MR. BAKER. HE  
5 JUST HAS AN OPPORTUNITY TO --

6 THE COURT: BUT I STILL DON'T SEE THE  
7 RELEVANCE AS TO THE UNDERLYING -- HE WAS TOLD  
8 SOMETHING AND THE QUESTION IS DID HE RELY ON THAT OR  
9 DID HE NOT RELY ON THAT OR WAS THAT PART OF THE  
10 EQUATION. WHETHER IT WAS TRUE OR NOT DOESN'T REALLY  
11 MATTER.

12 MR. BAITY: WELL, YES IT DOES, YOUR HONOR,  
13 IT DOES MATTER, AND IT MATTERS IN THAT WE BELIEVE  
14 THAT THE MOTIVE THAT THE POLICE HAD IN MAKING THOSE  
15 STATEMENTS AND WE BELIEVE, WE BELIEVE THAT'S IN  
16 QUESTION. WE ALSO BELIEVE THAT IF MR. COPE HAD BEEN  
17 TOLD SOMETHING OTHERWISE, SOMETHING THAT IS MORE  
18 ACCURATELY REFLECTED IN THE TEST ITSELF THAT HIS  
19 ACTIONS, WE CERTAINLY ARGUE, WOULD HAVE BEEN  
20 DIFFERENT, AND WE THINK THAT IS VERY RELEVANT IF THE  
21 INFORMATION THAT WAS PROVIDED TO HIM WAS INCORRECT.  
22 WE BELIEVE THAT'S EXTREMELY RELEVANT IN HIS THOUGHT  
23 PROCESS AND IN HIS DECISION TO MAKE THESE  
24 CONFESSIONS. WE'RE GOING TO GIVE TESTIMONY IN THIS  
25 CASE ABOUT HOW HE RELIED, I BELIEVE THERE IS



1 TESTIMONY ALREADY IN THIS CASE WHERE MR. COPE  
2 REPEATEDLY REQUESTED THAT HE BE GIVEN A POLYGRAPH AND  
3 THAT HE WOULD RELY ON THAT POLYGRAPH AND HE BELIEVED  
4 IN THAT POLYGRAPH, AND WE HEARD THE THREE AND A HALF  
5 HOUR TAPE, HE REQUESTED POLYGRAPH A DOZEN TIMES. AND  
6 MR. BAKER SAID THAT HE FREELY AND VOLUNTARILY  
7 SUBMITTED TO IT AND THEN HE WAS TOLD THAT HE HAD  
8 FAILED THE POLYGRAPH EXAMINATION. WE'RE JUST SIMPLY  
9 HERE TO LET THE JURY KNOW THAT THE INFORMATION THAT  
10 HE WAS PROVIDED, THAT HE WAS RELYING ON, THAT HE  
11 BELIEVED IN, WAS INCORRECT INFORMATION. WE BELIEVE  
12 THAT'S VERY RELEVANT.

13 THE COURT: WAIT JUST A MINUTE. LET ME  
14 BACK UP. MR. BRACKETT, HOW ABOUT HIS QUALIFICATIONS.  
15 DO YOU OBJECT TO HIS QUALIFICATIONS OR JUST  
16 RELEVANCY?

17 MR. BRACKETT: RELEVANCY AS FAR AS THIS  
18 CASE. HIS QUALIFICATIONS, HE SOUNDS EMINENTLY  
19 QUALIFIED.

20 THE COURT: ALL RIGHT. HOW ABOUT YOU?

21 MR. GREELEY: I WOULD, I BELIEVE THE COURT  
22 WOULD FIND HIM QUALIFIED. YOUR HONOR, IF I MAY ALSO  
23 ADD IN REGARDS TO THE RELEVANCY. MR. BAITY HAS BEEN  
24 TALKING ABOUT HIS CLIENT RELIANCE'S UPON THIS  
25 POLYGRAPH AND HOW THIS IS GOING TO FIT INTO HIS

1 RELIANCE AND MISCONCEPTION, THERE HAS BEEN NO  
2 EVIDENCE IN THIS RECORD THAT HIS CLIENT RELIED ON  
3 ANYTHING AND UNTIL EVIDENCE IS IN THE RECORD THAT HE  
4 RELIED ON THIS, THEN THIS IS NOT RELEVANT, NONE OF  
5 THIS IS RELEVANT, AND THE ONLY PERSON WHO CAN TESTIFY  
6 TO THAT IS THIS GENTLEMAN SEATED HERE.

7 THE COURT: I OVERRULE THE OBJECTION. I'M  
8 GOING TO ALLOW THE TESTIMONY IN. I FIND HE IS  
9 QUALIFIED. I'LL MAKE A FINDING OF QUALIFICATION  
10 BEFORE THE JURY. ALL RIGHT. BRING IN THE JURY.

11 I FIND IT MAYBE RELEVANT. I FIND AT THIS  
12 POINT THERE IS SOME TYING UP TO DO, BUT THERE IS  
13 ALWAYS A CART BEFORE THE HORSE SORT OF WHEN DO YOU  
14 BRING IN WHAT, WHAT GOES FIRST AND WHAT GOES SECOND,  
15 SO BASED ON REPRESENTATION OF COUNSEL THAT IT WILL BE  
16 TIED UP TO SOME FACT THAT IS DEFINITELY AT ISSUE. I  
17 AM FINDING BASED ON THAT IT IS RELEVANT.

18 MR. BAITY: IT WILL BE TIED UP, YOUR  
19 HONOR, COMPLETELY AND MOST CERTAINLY TO YOUR  
20 SATISFACTION.

21 THE COURT: WELL --

22 MR. BAITY: I CERTAINLY HOPE SO.

23 (THE JURY RETURNS TO THE COURTROOM.)

24 THE COURT: ON BEHALF OF MR. COPE,  
25 MR. BAITY HAS OFFERED MR. HONTS AS AN EXPERT WITNESS

1 IN PSYCHOLOGY WITH A SPECIALITY IN POLYGRAPH AND I  
2 FIND HE IS QUALIFIED.

3 MR. BAITY: THANK YOU, YOUR HONOR.

4 DIRECT EXAMINATION CONTINUED BY MR. BAITY:

5 Q DR. HONTS, I'M GOING TO -- MAY I APPROACH THE  
6 WITNESS, YOUR HONOR.

7 THE COURT: CERTAINLY.

8 Q I'M GOING TO ASK YOU TO IDENTIFY THIS DOCUMENT.

9 A YES, THIS IS A COPY OF MY CURRICULUM VITAE THAT  
10 WAS PREPARED ON THE THIRD OF DECEMBER 2004.

11 MR. GREELEY: YOUR HONOR, THE VITAE IS 38  
12 PAGES LONG, THIS IS THE FIRST TIME I'VE SEEN IT, SO.

13 THE COURT: GO AHEAD AND YOU GOING TO  
14 OFFER THAT IN EVIDENCE.

15 MR. BAITY: I WOULD.

16 THE COURT: LET'S LEAVE THAT PENDING IF WE  
17 CAN. I DON'T WANT MR. GREELEY TO BE READING THAT AND  
18 LISTENING TO THE EXAMINATION AT THE SAME TIME BUT.

19 MR. BAITY: WE'LL TAKE IT UP.

20 THE COURT: MR. BRACKETT HAS A COPY TO  
21 REVIEW?

22 MR. BAITY: YES, SIR.

23 THE COURT: ALL RIGHT. WE'LL LEAVE THAT.  
24 I HATE TO LEAVE THINGS PENDING BUT GO AHEAD.

25 MR. BAITY: UNDERSTOOD. THANK YOU, YOUR

1 HONOR.

2 DIRECT EXAMINATION BY MR. BAITY:

3 Q DR. HONTS, DID YOU EXPLAIN THE BASIC POLYGRAPH  
4 TECHNICS AND WHAT POLYGRAPHS ARE ALL ABOUT?

5 A YES. AND THE VERY BASIC IDEA OF THE POLYGRAPH  
6 IS THAT ONE PERSON TELLS A LIE, PHYSIOLOGICAL  
7 RESPONSES OCCUR, AND THAT MAYBE FOR A VARIETY OF  
8 REASONS FOR A VARIETY OF DIFFERENT PEOPLE. I THINK  
9 THAT DIFFERENT PEOPLE RESPOND FOR DIFFERENT REASONS.  
10 IT'S HARDER TO LIE THAN IT IS TO TELL THE TRUTH  
11 BECAUSE IF YOU ARE GOING TO LIE YOU HAVE TO IN YOUR  
12 MIND FORM THAT LIE AND SEPARATE IT FROM THE TRUTH AND  
13 KEEP THOSE TWO THINGS GOING, SO THERE IS A CERTAIN  
14 AMOUNT OF MENTAL WORK THAT GOES ON, AND THAT BY  
15 ITSELF CAN CAUSE YOU TO HAVE PHYSIOLOGICAL RESPONSES.  
16 SOME PEOPLE FEEL GUILTY WHEN THEY LIE. THAT CAN  
17 CAUSE YOU TO HAVE PHYSIOLOGICAL RESPONSES AND MANY, I  
18 THINK MOST ARE, ESPECIALLY IN SOMETHING LIKE A  
19 POLYGRAPH TEST PARTICULARLY ONE BEING ADMINISTERED BY  
20 A POLICE OFFICER, PEOPLE IF THEY ARE LYING OR AFRAID  
21 THEY ARE GOING TO GET CAUGHT, AND SO THAT'S THE BASIC  
22 PREMISE OF THE POLYGRAPH, THAT WHEN PEOPLE LIE, THEY  
23 PRODUCE PHYSIOLOGICAL RESPONSES. THE PROBLEM THAT WE  
24 HAVE WITH THE POLYGRAPH OR ONE PROBLEM THAT HAS BEEN  
25 WORKED ON FOR A LONG TIME, POLYGRAPH'S ACTUALLY BEEN

1        AROUND FOR OVER A HUNDRED YEARS IN ONE FORM OR  
2        ANOTHER, IS THAT IF, WE HAVE AN INNOCENT PERSON AND  
3        WE ASK THEM, DID YOU DO IT, AND THEN WE ONLY ASK  
4        OTHER TRUTHFUL QUESTIONS, SO IS YOUR NAME JOHN, IS  
5        TODAY THURSDAY, ARE THERE LIGHTS ON IN THIS ROOM, YOU  
6        DON'T HAVE TO BE A ROCKET SCIENTIST TO FIGURE OUT DID  
7        YOU COMMIT THE MURDER, DID YOU STEAL THE MONEY FROM  
8        THE SAFE, IS A MUCH MORE IMPORTANT QUESTION THAN IS  
9        TODAY THURSDAY.  AND SO THE VERY EARLY POLYGRAPH  
10       TESTS, FIRST HALF OF THE 20TH CENTURY PRODUCED, WE  
11       BELIEVE PRODUCED, A LOT OF WHAT ARE CALLED FALSE  
12       POSITIVE ERRORS; THAT IS, A LOT OF INNOCENT PEOPLE  
13       WHO TOOK THOSE TESTS FAILED THEM.  ALMOST ALL THE  
14       GUILTY PEOPLE ALSO FAILED THEM OR DECEPTIVE PEOPLE,  
15       BUT A LOT OF THE TRUTHFUL PEOPLE WOULD HAVE ALSO  
16       FAILED THEM AND SO ABOUT 1950 A MAN NAMED JOHN REED  
17       CAME UP WITH AN IDEA FOR SOMETHING CALLED A  
18       COMPARISON QUESTION AND WHAT A COMPARISON QUESTION  
19       DOES IS IT'S PRESENTED TO THE PERSON TAKING THE TEST  
20       AS AN IMPORTANT QUESTION BUT IT'S A QUESTION THAT WE  
21       ASSUME THAT THE PERSON IS LYING TO, SO IT WOULD BE  
22       SOMETHING LIKE, IF YOU TOOK THE MONEY FROM THE SAFE,  
23       WE KNOW THAT DIDN'T HAPPEN BY ACCIDENT, THE PERSON  
24       WHO DID THAT HAD TO PLAN TO DO THAT, THEY HAD TO GO  
25       IN AND OPEN THE SAFE AND TAKE THE MONEY AND HAVE AN

1 ALIBI FOR HOW TO GET AWAY WITH IT, AND THEY DIDN'T DO  
2 THAT BY ACCIDENT. IT'S NOT LIKE THEY FOUND THE MONEY  
3 LAYING ON THE GROUND ON THE STREET, AND THEY'VE DONE  
4 OTHER BAD THINGS BEFORE. IF I WERE TO ASK YOU SAY,  
5 HAVE YOU EVER TOLD A LIE TO SOMEBODY WHO TRUSTED YOU?  
6 YOU HAVEN'T DONE THAT, HAVE YOU? YOU ARE NOT THAT  
7 KIND OF PERSON, ARE YOU? AND IN THAT SITUATION THE  
8 PERSON MANIPULATING AND PRODUCING ANOTHER ANSWER TO  
9 THAT WHEN IN REALITY ALL OF US PROBABLY HAVE TOLD A  
10 LIE TO SOMEBODY WE HAVE TRUSTED OR WE HAVE TAKEN  
11 SOMETHING THAT DIDN'T BELONG TO US OR WE THOUGHT  
12 ABOUT DOING THINGS THAT WOULD BE EMBARRASSING IF WE  
13 HAD TO ADMIT IT, AND SO YOU PUT THE PERSON IN A BIND  
14 AND THE THEORY OF THIS TEST WHICH IS CALLED THE  
15 COMPARISON QUESTION TEST OR SOMETIMES CALLED THE  
16 CONTROL QUESTION TEST IS THAT IF YOU COMMITTED THE  
17 CRIME, SO IN THIS CASE WE HAVE A HEINOUS CRIME, A  
18 MURDER, WE EXPECT THAT THE PERSON WHO COMMITTED THAT  
19 MURDER IS GOING TO REMEMBER HAVING DONE IT, THEY MAY  
20 FEEL GUILTY ABOUT IT, THEY ARE CERTAINLY GOING TO BE  
21 CONCERNED ABOUT GETTING CAUGHT IN IT, BECAUSE THERE  
22 ARE VERY SERIOUS PUNISHMENTS TO BE ASSOCIATED WITH  
23 THAT, THEY ARE GOING TO HAVE TO REMEMBER THAT THEY  
24 DID IT AND THEN KEEP THEIR LIE STRAIGHT AS THEY ARE  
25 TELLING ABOUT IT, SO ALL OF THESE THINGS ARE GOING TO

1 GO ON IN THEIR MIND AND ON A POLYGRAPH THEN WHEN WE  
2 ASK DID YOU DO IT, WE EXPECT TO SEE LARGE  
3 PHYSIOLOGICAL RESPONSES.

4 ON THE OTHER HAND FOR THE PERSON WHO  
5 DIDN'T DO IT, IF THEY'VE BEEN ACCUSED AND NOW BEING  
6 GIVEN A POLYGRAPH, WE ALSO TELL THEM THESE OTHER  
7 QUESTIONS ARE IMPORTANT BECAUSE THEY TELL US ABOUT  
8 YOUR CHARACTER. YOU ARE NOT THE KIND OF PERSON WHO  
9 WOULD HAVE COMMITTED A MURDER, AND WE EXPECT THE  
10 INNOCENT PERSON TO RESPOND TO THE COMPARISON  
11 QUESTIONS AND THAT PULLS THEIR ATTENTION AWAY FROM  
12 THE RELEVANCE, AND SO WE LOOK FOR THIS DIFFERENCE.  
13 WE NEED TO SEE RESPONSE TO SOMETHING, WE WANT TO SEE  
14 RESPONSE TO EITHER THE RELEVANCE OR THE CONTROLS, AND  
15 IF THE PERSON RESPONDS PRIMARILY TO RELEVANCE,  
16 FURTHER DECEPTIVE. IF THEY RESPOND PRIMARILY TO THE  
17 COMPARISON OR CONTROL QUESTION THEN WE INFER THAT  
18 THEY ARE TRUTHFUL ABOUT THE RELEVANCE, SO WE LOOK FOR  
19 THIS DIFFERENCE. AND THAT'S A STRENGTH OF THE TEST  
20 IN THAT IT PROTECTS THE TEST AGAINST, LIKE DRUGS; YOU  
21 CAN TAKE DRUGS THAT WILL ALTER YOUR PHYSIOLOGY BUT IT  
22 ALTERS YOUR PHYSIOLOGY TO ALL THE QUESTIONS. SO WHAT  
23 WE, IF WE DON'T GET A RESPONSE TO ANYTHING, THAT'S  
24 CALLED AN INCONCLUSIVE TEST, WE CAN'T MAKE UP OUR  
25 MINDS ABOUT A DECISION, AND IF YOU RESPOND TO

1 EVERYTHING, THEN IT'S ALSO INCONCLUSIVE. SO WE LOOK  
2 FOR THAT DIFFERENCE IN REACTION AND THAT'S HOW THE  
3 COMPARISON QUESTION TEST WORKS.

4 Q NOW WHEN YOU ARE MEASURING A SUBJECT'S REACTIONS  
5 PHYSIOLOGICAL THINGS ARE CONSIDERED ABOUT THAT PERSON  
6 ARE MEASURED?

7 A YES.

8 Q TESTED?

9 A A TYPICAL POLYGRAPH THAT'S IN USE TODAY MEASURES  
10 THREE PHYSIOLOGICAL MEASURES. IT MEASURES BLOOD  
11 PRESSURE FROM A CUFF ON THE UPPER ARM WHICH IS  
12 EXACTLY THE SAME CUFF THAT YOUR PHYSICIAN USES. A  
13 POLYGRAPH EXAMINER TAKES YOUR BLOOD PRESSURE IN A  
14 LITTLE BIT DIFFERENT WAY BECAUSE WE'RE ASKING A  
15 DIFFERENT QUESTION. YOUR PHYSICIAN WANTS TO KNOW  
16 WHAT YOUR BLOOD PRESSURE IS RIGHT NOW SO IS IT 120  
17 OVER 70 OR 140 OVER 90 OR WHATEVER. POLYGRAPH  
18 EXAMINER ACTUALLY WANTS TO KNOW WHEN I ASK YOU THIS  
19 QUESTION DOES YOUR BLOOD PRESSURE GO UP, DOWN, OR  
20 STAY THE SAME, SO YOU PUT A LITTLE BIT OF PRESSURE IN  
21 IT, USUALLY ABOUT 65 OR 70 MILLIMETERS OF PRESSURE  
22 WITH THE NEWER INSTRUMENTS MAY BE JUST A LITTLE BIT  
23 LESS BUT YOU LEAVE IT ON FOR THAT WHOLE PERIOD OF  
24 TIME THAT YOU ARE ASKING QUESTIONS AND YOU GET A  
25 CONTINUOUS RECORDING THAT SHOWS EACH BEAT OF THE



1 HEART SO YOU CAN LEARN SOME THINGS ABOUT HOW FAST A  
2 PERSON'S HEART'S BEATING, BUT THE IMPORTANT THING IS  
3 TO SEE WHETHER THE BLOOD PRESSURE ITSELF IS GOING UP  
4 OR DOWN.

5 Q I'M SORRY. GO AHEAD.

6 A THE SECOND THING THAT WE MEASURE IS CALLED THE  
7 GALVANIC SKIN RESPONSE OR IT IS SOMETIMES CALLED THE  
8 ELECTRODERMAL RESPONSE, BUT SIMPLY IT IS HOW MUCH  
9 YOUR HANDS ARE SWEATING; AND THERE ARE TWO SENSORS  
10 THAT ARE PLACED USUALLY ON THE PALM SIDE OF TWO  
11 FINGERS AND IT'S QUITE HONESTLY A GLORIFIED OHM-METER  
12 AND IT WORKS JUST THE WAY AN OHM-METER DOES, IT RUNS  
13 A LITTLE BIT OF CURRENT THROUGH THE HANDS AND  
14 MEASURES HOW MUCH RESISTANCE YOUR HAND HAS TO THAT  
15 CURRENT. AND IT, IT'S VERY SENSITIVE AND WHAT  
16 HAPPENS IS THAT IF YOUR HANDS ARE VERY DRY YOUR  
17 RESISTANCE IS HIGH BECAUSE DRY SKIN DOES NOT CONDUCT  
18 ELECTRICITY VERY WELL. IF YOUR HANDS ARE SWEATING A  
19 LOT YOUR RESISTANCE GOES DOWN. AND IT TURNS OUT WHEN  
20 YOUR MIND IS ACTIVE AND WHEN YOU ARE FRIGHTENED OR  
21 AND WHEN YOU LIE YOU PRODUCE SWEATING RESPONSES IN  
22 YOUR HAND AND THESE OCCUR VERY QUICKLY AND THEY ARE  
23 QUITE EASY TO MEASURE.

24 THE THIRD SYSTEM THAT IS MEASURED IS  
25 BREATHING, IT'S RESPIRATION, AND USUALLY THERE ARE

1 TWO SENSORS. THERE IS ONE THAT IS PLACED AROUND THE  
2 UPPER PART OF THE CHEST AND ANOTHER THAT IS PLACED  
3 OVER THE ABDOMEN AND THEN CAPTURED. THERE ARE TWO  
4 KINDS OF BREATHING, THERE IS BREATHING THROUGH THE  
5 DIAPHRAGM WHICH IS PICKED UP MOSTLY BY THE ABDOMINAL  
6 SENSOR, AND THEN THERE IS BREATHING WITH THE CHEST  
7 MUSCLES AND THE RIB CAGE WHICH IS PICKED UP BY THE  
8 UPPER SENSOR AND PEOPLE VARY A LOT ABOUT WETHER THEY  
9 BREATH WITH ONE OR BOTH AT ANY PARTICULAR TIME AND  
10 WHAT WE LOOK FOR, THERE ARE THINGS THAT DECREASE  
11 BREATHING. WHEN, YOU, A PERSON TELLS A LIE AND THEY  
12 GET UNDER STRESS YOU TEND TO TENSE UP AND WHEN YOU  
13 TENSE UP YOU HAVE A PERIOD THAT THE BREATHING IS  
14 SUPPRESSED AND THE MOST EXTREME CASE WOULD BE YOU  
15 STOP BREATHING ALL TOGETHER. I HAVE SEEN CASES WHERE  
16 PEOPLE WOULD JUST FORGET TO BREATH FOR 10-12 SECONDS.  
17 THAT IS A LITTLE UNUSUAL. IT'S MORE FREQUENT THAT  
18 YOU SEE THAT THE BREATHING CYCLE BECOMES MUCH SMALLER  
19 INDICATING A SUPPRESSION AND TENSENESS.

20 Q DOCTOR, HAVE YOU CONDUCTED RESEARCH AND FIELD  
21 STUDIES AND CLINICAL STUDIES IN CONNECTION WITH THOSE  
22 PHYSIOLOGICAL PHENOMENA YOU JUST DESCRIBED?

23 A YES, I HAVE.

24 Q WHO FUNDED THOSE STUDIES?

25 A I'VE RECEIVED FUNDING FROM A NUMBER OF DIFFERENT

1       SOURCES FROM THE U.S. DEPARTMENT OF JUSTICE, FROM  
2       THE U. S. DEPARTMENT OF DEFENSE, FROM SCIENCE  
3       CANADA, THE CENTRAL INTELLIGENCE AGENCY. WHEN I WAS  
4       AT THE UNIVERSITY OF UTAH WE GOT SOME MONEY FROM THE  
5       U.S. SECRET SERVICE.

6       Q     ALL RIGHT. SWITCH GEARS, DOCTOR. CAN YOU TELL  
7       ME WHAT IS MEANT BY A FALSE POSITIVE?

8       A     THERE ARE FOUR POSSIBLE OUTCOMES IN A DIAGNOSTIC  
9       TEST. A TRUE POSITIVE MEANS YOU HAVE WHAT YOU ARE  
10      LOOKING FOR, SO THAT, IN THIS CASE, WOULD BE A  
11      DECEPTIVE PERSON WHO FAILS THE TEST. A FALSE  
12      POSITIVE WOULD MEAN THAT THE DIAGNOSTIC TEST SAYS YOU  
13      HAVE IT BUT YOU DON'T, SO THAT WILL MEAN YOU HAVE A  
14      TRUTHFUL PERSON WHO WE SAID FAILS.

15                    THE OTHER TWO OUTCOMES ARE NEGATIVE AND A  
16      NEGATIVE OUTCOME HERE WOULD MEAN THAT WE SAY YOU PASS  
17      THE TEST AND IN FACT YOU WERE TRUTHFUL AND A FALSE  
18      NEGATIVE WOULD MEAN THAT THE POLYGRAPH EXAMINER SAYS  
19      YOU PASS THE TEST BUT YOU WERE IN FACT LYING.

20      Q     DOCTOR, IS THERE A PARTICULAR TEST KNOWN AS THE  
21      DIRECTED LIE CONTROL TEST?

22      A     THERE IS. IT'S JUST A VARIANT OF THE COMPARISON  
23      QUESTION TEST.

24      Q     THAT YOU'VE ALREADY GONE INTO?

25      A     YES, I HAVE.

1 Q ARE THERE CERTAIN TYPES OF PEOPLE THAT CAN BEAT  
2 A POLYGRAPH?

3 A I DON'T BELIEVE SO. IN SCIENCE WE ALWAYS LOOK  
4 FOR EXCEPTIONS AND SO WE WOULD HAVE TO FIND -- I  
5 CAN'T SAY FOR CERTAIN THAT THERE ISN'T A PARTICULAR  
6 KIND OF PERSON THAT CAN BEAT THE POLYGRAPH, BUT THE  
7 EVIDENCE RIGHT NOW SUGGESTS THERE IS NOT. WE'VE DONE  
8 EXTENSIVE RESEARCH. THERE ARE A NUMBER OF PUBLISHED  
9 STUDIES NOW ON PSYCHOPATHS BECAUSE WE'VE BEEN VERY  
10 CONCERNED ABOUT PSYCHOPATHS AND THE POLYGRAPH.  
11 PSYCHOPATHS ARE PEOPLE INVOLVED IN CRIMINAL ACTIVITY,  
12 THEY ARE PEOPLE WHO LIE ALL THE TIME, AND THE CONCERN  
13 WAS THAT IF YOU ARE A HABITUAL LIAR THAT IT'S NOT  
14 GOING TO HAVE THE PHYSIOLOGICAL RESPONSES ASSOCIATED  
15 WITH IT AND BOTH LABORATORY AND FIELD WORK HAS SHOWN  
16 US IN FACT PSYCHOPATHS ARE JUST AS DETECTABLE AS  
17 ANYBODY ELSE AND ACTUALLY TO ME AS A PSYCHOLOGIST  
18 THAT MAKES SENSE BECAUSE THE KIND OF PROBLEM A  
19 PSYCHOPATH HAS TO DO WITH EMPATHY FOR THE VICTIM BUT  
20 THEY DO UNDERSTAND WHAT THEY HAVE TO LOSE WHEN THEY  
21 TAKE A POLYGRAPH AND SO THERE HAVE BEEN IN FACT A  
22 NUMBER OF VERY FAMOUS PSYCHOPATHS WHO HAVE BEEN GIVEN  
23 POLYGRAPHS AND FAILED.

24 Q LIKewise, CAN PEOPLE BE TRAINED TO BEAT A  
25 POLYGRAPH?

1           A     THAT IN FACT IS POSSIBLE.  A GREAT DEAL OF MY  
2           RESEARCH HAS BEEN FOCUSED ON THAT.  I BEGAN WORKING  
3           ON THAT PROBLEM IN 1981 IN SORT OF A DIFFERENT  
4           SETTING THAN THIS.  WE WERE PARTICULARLY CONCERNED IN  
5           THAT PERIOD OF TIME, IT'S HARD TO REMEMBER BACK THAT  
6           FAR IN SOME WAYS, BUT THE COLD WAR WAS ON HARD AND  
7           HEAVY AT THAT TIME AND OUR GOVERNMENT WAS RELYING  
8           HEAVILY ON THE USE OF POLYGRAPH TO LOOK FOR SPIES AND  
9           AN IMPORTANT QUESTION WAS CAN PEOPLE BE TRAINED TO  
10          BEAT THE POLYGRAPH AND EVADE OUR SCREENING SYSTEM  
11          THAT WAY, AND I BEGAN A SERIES OF STUDIES WHICH IS  
12          ACTUALLY STILL ONGOING, BUT WHAT WE FOUND IS THAT IN  
13          THE LABORATORY SETTING WHERE, WE DO ALL OF THIS IN A  
14          LABORATORY SETTING SO WE KNOW WHO GETS WHAT TRAINING,  
15          WE KNOW WHO DID THE CRIME AND WHO DIDN'T BECAUSE WE  
16          ALL SET IT UP THAT WAY, BUT WE CAN TEACH A PERCENTAGE  
17          OF PEOPLE TO FOOL THE TEST IN THE LABORATORY.  THERE  
18          IS NOT, THERE IS REALLY VERY LITTLE EVIDENCE THAT  
19          THAT HAPPENS OFTEN IN THE REAL WORLD.  IN FACT, THE  
20          NUMBER OF REAL CASES WHERE WE KNOW THE POLYGRAPH HAS  
21          BEEN BEATEN ARE FEWER THAN FIVE THAT I KNOW OF.

22          Q     WHAT ABOUT SOMEONE WHO HAS CONVINCED HIMSELF  
23          THAT HE, THAT HE DID NOT DO THE ACTS THAT HE'S  
24          CHARGED WITH?

25          A     WELL, THAT'S SOMETHING THAT'S OFTEN RAISED ABOUT

1 POLYGRAPH AND I THINK, I THINK THAT A PERSON UNLESS  
2 THAT PERSON IS MENTALLY ILL AND AS A PSYCHOLOGIST  
3 THERE IS A CATEGORY OF MENTAL ILLNESSES THAT INVOLVE  
4 DISTORTIONS OF THOUGHT, SO SCHIZOPHRENIA WOULD BE ONE  
5 OF THOSE, CERTAIN ASPECTS OF MANIC DEPRESSIVE  
6 DISORDER, WHERE PEOPLE ARE NO LONGER IN TOUCH WITH  
7 REALITY AND THEY DEVELOP DELUSIONS THAT THEY  
8 GENUINELY BELIEVE.

9 IN THE ABSENCE OF THAT I THINK THE ANSWER  
10 IS NO. I DON'T THINK YOU CAN CONVINCCE YOURSELF TO  
11 BEAT THE POLYGRAPH. WE ACTUALLY HAVE EVIDENCE ON  
12 THAT. IN OUR LABORATORY STUDIES, WE'VE CONDUCTED A  
13 NUMBER OF LABORATORY STUDIES OVER THE YEARS, AND ONE  
14 OF THE NICE THINGS ABOUT WORKING IN A LABORATORY  
15 SETTING IS YOU GET TO DEBRIEF PEOPLE AFTER THE  
16 POLYGRAPH AND WE TALK EXTENSIVELY WITH THEM ABOUT  
17 WAYS THAT THEY'VE TRIED TO BEAT THE POLYGRAPH AND  
18 PEOPLE DO TRY TO BEAT IT. ABOUT 60 PERCENT OF OUR  
19 LABORATORY SUBJECTS REPORT DOING SOMETHING IN AN  
20 EFFORT TO BEAT THE POLYGRAPH. AND ONE THING THAT  
21 THEY OFTEN TRY TO DO IS CONVINCCE THEMSELVES THEY  
22 DIDN'T REALLY COMMIT A CRIME, THAT THIS IS A  
23 LABORATORY EXPERIMENT, WE'RE PAYING THEM TO BE THERE,  
24 AND THEY ARE JUST UNIVERSALLY NOT SUCCESSFUL AT  
25 PULLING THAT OFF. IT'S ONLY WHEN WE GIVE PEOPLE VERY

1 SPECIFIC TRAINING IN HOW TO MANIPULATE THEIR  
2 PHYSIOLOGY THAT THEY ARE ABLE TO BEAT THE TEST AND  
3 YOU CAN DO THAT BY CONTROLLING YOUR MUSCLE TENSIONS  
4 SO THERE ARE MUSCLES YOU CAN TENSE. YOU CAN TENSE  
5 THE BIG MUSCLES IN YOUR LEG. YOU CAN MAKE YOUR BLOOD  
6 PRESSURE GO UP AND IF YOU ARE VERY CAREFUL ABOUT HOW  
7 YOU DO THAT, DO IT EXACTLY THE RIGHT TIME ON THE  
8 COMPARISON QUESTIONS, WE CAN TRY TO TRAIN SOME PEOPLE  
9 TO BEAT POLYGRAPH.

10 Q ARE POLYGRAPH EXAMINATIONS APPROPRIATE AT ALL  
11 TIMES OR ARE THERE ARE SOME TIMES WHEN THEY ARE  
12 INAPPROPRIATE?

13 A NO, THERE ARE CLEARLY SOMETIMES WHEN THEY ARE  
14 INAPPROPRIATE.

15 Q WOULD A PROPER POLYGRAPH EXAM INCLUDE SOME  
16 PRETEST QUESTIONS TO DETERMINE THAT THE SUBJECT OF  
17 THE TEST IS AN APPROPRIATE PERSON TO BE TESTED?

18 A YES, IT SHOULD.

19 Q AND DOES A TEST REQUIRE SUCH COMPARISON OF THE  
20 CONTROLLED QUESTIONS TO THE RELEVANT QUESTIONS?

21 A IT REQUIRES EXTENSIVE COMPARISON OF THE CONTROL  
22 AND RELEVANT QUESTIONS.

23 Q DOCTOR, IS THERE A TESTABLE SCIENTIFIC  
24 HYPOTHESIS CONCERNING THE POLYGRAPH AND POLYGRAPH  
25 EXAMINATION?

1       A     THERE ARE ACTUALLY SEVERAL.  THE BASIC PREMISE  
2       THAT WE TALKED ABOUT IS TESTABLE.  THAT IS WE CAN ASK  
3       THE SCIENTIFIC QUESTION DO PEOPLE GIVE PHYSIOLOGICAL  
4       RESPONSES WHEN THEY LIE AND THAT'S TESTABLE BY THE  
5       METHODS OF SCIENCE.  AND THEN WE CAN ASK SPECIFIC  
6       MORE ENGINEERING KINDS OF QUESTIONS ABOUT THE VARIOUS  
7       TECHNIQUES.  DOES THIS TECHNIQUE WORK BETTER THAN  
8       THAT TECHNIQUE.  DOES THIS METHOD OF SCORING WORK  
9       BETTER THAN THAT METHOD OF SCORING.  IF WE GIVE  
10      PEOPLE DRUGS DOES THAT ENABLE THEM TO BEAT THE  
11      POLYGRAPH SO THERE ARE MANY SCIENTIFIC QUESTIONS THAT  
12      CAN BE ASKED.

13     Q     AND HAS THIS HYPOTHESIS BEEN TESTED?

14     A     IT HAS, MANY OF THEM HAVE, YES.  BUT THE BASIC  
15     PREMISE OF DO PEOPLE RESPOND WHEN THEY TELL LIES HAS  
16     BEEN TESTED EXTENSIVELY AND PUBLISHED IN PEER REVIEW  
17     JOURNALS AND QUESTIONS ABOUT THE ACCURACY OF THE  
18     COMPARISON QUESTION TEST THAT I DESCRIBED EARLIER  
19     HAVE ALSO BEEN CONDUCTED AND THERE HAVE BEEN MANY  
20     PUBLICATIONS IN GOOD PEER REVIEW JOURNALS.

21     Q     IS THERE AN KNOWN ERROR RATE?

22     A     THERE ARE ESTIMATES OF ERROR RATE AND THEY TEND  
23     TO CENTER AROUND TWO OR THREE PERCENT WITH GUILTY  
24     PEOPLE AND ABOUT TEN PERCENT WITH THE INNOCENT.

25     Q     I BELIEVE YOU'VE ALREADY STATED THIS HYPOTHESIS



1 AND TECHNIQUE HAS BEEN SUBJECTED TO PEER REVIEW AND  
2 PUBLICATION.

3 A IT HAS EXTENSIVE AND IN VERY GOOD JOURNALS.  
4 SOME OF THE JOURNALS THAT I PUBLISH IN, FOR EXAMPLE,  
5 JOURNAL OF APPLIED PSYCHOLOGY AND PSYCHOPHYSIOLOGY  
6 TEND TO REJECT ABOUT 85 TO 90 PERCENT OF THE ARTICLES  
7 THAT ARE SUBMITTED SO THESE ARE NOT PRO FORMA  
8 PUBLICATIONS. THESE ARE PUBLICATIONS THAT HAVE BEEN  
9 PUT UNDER A LOT OF SCIENTIFIC SCRUTINY AND HAVE BEEN  
10 FOUND TO MEET RIGOROUS SCIENTIFIC STANDARDS.

11 Q AND IS THE THEORY UPON WHICH THE HYPOTHESIS AND  
12 THE TECHNIQUE IS IT BASED GENERALLY ON ACCEPTED  
13 PRINCIPLES WITHIN THE SCIENTIFIC COMMUNITY?

14 A I BELIEVE IT IS, YEAH.

15 Q DOCTOR, HAVE YOU HAD AN OPPORTUNITY TO REVIEW  
16 THE CHARTS AND THE SCORING AND THE TEST RESULTS OF  
17 THE POLYGRAPH EXAMINATION THAT WAS GIVEN TO THE  
18 DEFENDANT MR. BILLY WAYNE COPE HERE?

19 A I HAVE.

20 Q I ASK YOU TO TAKE A LOOK AT THIS. CAN YOU  
21 IDENTIFY IT?

22 A YES. THIS IS A PHOTOCOPY OF THE MATERIALS THAT  
23 YOU SENT TO ME, SO THESE ARE THE MATERIALS THAT I  
24 REVIEWED.

25 Q AND WHAT IS YOUR UNDERSTANDING OF WHAT THOSE

1 ARE?

2 A MY UNDERSTANDING IS THAT THIS WAS A POLYGRAPH  
3 THAT WAS ADMINISTERED TO BILLY WAYNE COPE ON, IT'S  
4 IDENTIFIED ON THE CHART, ON NOVEMBER 30, 2001.

5 Q THANK YOU.

6 MR. GREELEY: I HAVEN'T SEEN THESE, SO  
7 I'LL JUST DEFER TO THE STATE BECAUSE THEY KNOW  
8 WHETHER OR NOT IT IS ACCURATE.

9 MR. BRACKETT: THESE WERE THE CHARTS WE  
10 PROVIDED.

11 MR. BAITY: YOUR HONOR, I WOULD MOVE THIS  
12 BEING ADMITTED INTO EVIDENCE.

13 MR. BRACKETT: WITHOUT OBJECTION.

14 MR. GREELEY: SUBJECT TO PREVIOUS  
15 OBJECTION.

16 MR. BAITY: THANK YOU, YOUR HONOR.

17 (DEFENSE EXHIBIT 64 POLYGRAPH TEST IN  
18 EVIDENCE.)

19 Q DR. HONTS, I'M HANDING YOU A, I BELIEVE IT'S A,  
20 13 PAGE DOCUMENT THAT HAS BEEN COLLECTIVELY MARKED AS  
21 DEFENSE EXHIBIT NUMBER 64 AND I ASK THAT YOU REFER TO  
22 THAT IN THE NEXT QUESTIONS I HAVE FOR YOU. DOCTOR,  
23 INCLUDED IN THAT EXHIBIT THAT I JUST HANDED TO YOU,  
24 DOES THAT INCLUDE THE CHARTS MONITORING THE  
25 PHYSIOLOGICAL REACTIONS OF THE SUBJECT OF THIS TEST?

1 A YES, IT DOES.

2 Q AND DOES THAT EXHIBIT ALSO INCLUDE THE SCORING  
3 SUMMARIES AND SHEETS THAT WERE CONDUCTED, THAT WERE  
4 FILLED OUT BY THE POLYGRAPH EXAMINER?

5 A YES, IT DOES.

6 Q ALL RIGHT. AND DOES IT INCLUDE THE RESULTS OF  
7 THE POLYGRAPH EXAMINATION?

8 A IT DOES.

9 Q ALL RIGHT. IS THAT A TYPICAL REPORT THAT YOU'VE  
10 SEEN OF OTHER POLYGRAPH EXAMS?

11 A THE REPORTS ARE VERY BRIEF. USUALLY THERE IS  
12 MORE DETAIL GIVEN IN REPORTS, BUT I'VE SEEN OTHER  
13 REPORTS LIKE THIS BEFORE.

14 Q ALL RIGHT. AND ARE YOU ABLE TO UNDERSTAND IT  
15 AND UNDERSTAND WHAT WENT ON DURING THE EXAMINATION OF  
16 MR. COPE?

17 A TO A DEGREE. SINCE THERE IS NOT A TAPE  
18 RECORDING OF IT OR I WAS NOT PROVIDED A TAPE  
19 RECORDING OF IT, THERE ARE CERTAINLY SOME THINGS I  
20 CAN'T KNOW ABOUT IT, BUT THERE IS SUFFICIENT MATERIAL  
21 TO EVALUATE THE POLYGRAPH RECORDING.

22 Q DO YOU RECOGNIZE THE TYPE OF TEST?

23 A I DO.

24 Q THERE ARE DIFFERENT TYPES OF TESTS?

25 A THERE ARE.

1 Q AND YOU RECOGNIZE THAT AS ONE THAT'S BEEN  
2 ACCEPTED?

3 A I DO.

4 Q IS THERE A PROPER PROCEDURE FOR AN EXAMINER TO  
5 FOLLOW IN CONDUCTING A TEST OF THIS TYPE?

6 A THERE IS.

7 Q AND CAN YOU TELL FROM LOOKING AT THAT REPORT DID  
8 THE EXAMINER, IN THIS CASE IT WOULD BE DETECTIVE  
9 BAKER, FOLLOW THE PROPER PROCEDURE?

10 A I CAN CERTAINLY TELL SOME THINGS ABOUT WHETHER  
11 THE PROPER PROCEDURE WAS FOLLOWED. THERE IS A LIST,  
12 A COMPLETE LIST, OF THE QUESTIONS THAT WERE RUN AND  
13 THEY ARE IN THE PROPER FORM FOR A COMPARISON QUESTION  
14 TEST. THERE ARE THREE RELEVANTS AND THREE COMPARISON  
15 QUESTIONS AND THE FORM OF THE QUESTIONS IS FINE.

16 Q ALL RIGHT. AGAIN NOW I JUST WANT TO MAKE SURE  
17 EVERYONE UNDERSTANDS THE DIFFERENCE BETWEEN THE  
18 RELEVANT QUESTIONS AND CONTROL QUESTIONS YOU ARE  
19 TALKING ABOUT. MAYBE YOU CAN JUST GO OVER THAT  
20 BRIEFLY?

21 A CERTAINLY. THERE ARE THREE RELEVANT QUESTIONS  
22 ON THIS TEST WHICH WENT TO THE ISSUE THAT WAS BEING  
23 INVESTIGATED AND THEY ARE DID YOU CHOKE AMANDA, DID  
24 YOU CHOKE AMANDA CAUSING HER TO DIE, AND WERE YOU IN  
25 THE ROOM WHEN AMANDA DIED, AND SO THOSE WOULD BE

1 CALLED THE RELEVANT QUESTIONS BECAUSE THEY GO  
2 DIRECTLY TO THE ISSUE. AND THEN THERE WERE THREE  
3 COMPARISON QUESTIONS, WHERE THEY INDICATED IT'S  
4 COMPARITIVE QUESTIONS, AND THEY FIT THAT FORM AND I  
5 DON'T KNOW EXACTLY HOW THEY WERE PRESENTED SINCE  
6 THERE WAS NO TAPE RECORDING, BUT THEY WOULD HAVE BEEN  
7 PRESENTED AS CHARACTER QUESTIONS SO THAT THESE ARE  
8 IMPORTANT QUESTIONS TO SHOW YOU ARE NOT THE KIND OF  
9 PERSON WHO WOULD HAVE DONE THIS. AND THEY ARE:  
10 BEFORE THIS SUMMER DID YOU EVER LOSE YOUR TEMPER AND  
11 HURT ANYONE, BEFORE THIS SUMMER DID YOU EVER FORCE  
12 ANYONE TO DO SOMETHING YOU WANTED, AND BEFORE THIS  
13 SUMMER DID YOU HAVE FANTASIES ABOUT FORCING SOMEONE  
14 TO DO SOMETHING AGAINST THEIR WILL, AND THOSE ARE  
15 APPROPRIATE HERE BECAUSE THIS IS AN ISSUE ABOUT FORCE  
16 SO THEY ARE RELATED IN TERMS OF CHARACTER AND THEY  
17 COULD EASILY BE PRESENTED AS, THESE WOULD SHOW  
18 SOMETHING ABOUT YOUR CHARACTER THAT WOULD INDICATE  
19 YOU ARE THE KIND OF PERSON WHO MIGHT HAVE DONE THIS  
20 UNDER THE ASSUMPTION THAT THIS GENTLEMAN PROBABLY HAS  
21 DONE THESE THINGS. HE PROBABLY HAS HAD FANTASIES  
22 ABOUT FORCING SOMEBODY TO DO SOMETHING AGAINST THEIR  
23 WILL AND THAT HE MAY HAVE FORCED SOMEBODY TO DO  
24 SOMETHING THAT THEY DIDN'T WANT TO AND THAT HE MAY  
25 HAVE LOST HIS TEMPER AND HURT SOMEONE WHICH I THINK

1 FAIRLY SAFE WITH MOST ADULT MALES THAT, YOU KNOW, IF  
2 YOU READ THOSE QUESTIONS LITERALLY WE MOST POSSIBLY,  
3 LIKELY HAVE DONE ALL OF THOSE THINGS, SO IT WOULD BE  
4 CALLED A PROBABLE LIE IN THAT SENSE.

5 Q DOCTOR, DO YOU HAVE DISPUTE WITH THE CONTROLLED  
6 QUESTIONS THAT WERE MADE A PART OF THIS TEST?

7 A I DO NOT.

8 Q ALL RIGHT, SIR. NOW CAN YOU COMMENT ON THE  
9 SETTING AS YOU UNDERSTAND IT. WELL, BEFORE I ASK YOU  
10 THAT QUESTION. WHAT ELSE HAVE YOU REVIEWED IN  
11 ADDITION TO THE DOCUMENTS THAT YOU HAVE IN YOUR HAND  
12 IN THAT EXHIBIT?

13 A THE ONLY OTHER THINGS THAT I REVIEWED WAS AN  
14 E-MAIL FROM YOU, THAT YOU CONTACTED ME INITIALLY BY  
15 E-MAIL, AND I ALSO REVIEWED A TRANSCRIPT OF A FAMILY  
16 COURT HEARING WHERE THE POLYGRAPH EXAMINER TESTIFIED.

17 Q THAT WOULD BE DETECTIVE BAKER?

18 A YES, THAT'S CORRECT.

19 Q WERE YOU ABLE TO GAIN ANY TYPE OF INFORMATION  
20 ABOUT THE SETTING THAT THIS POLYGRAPH WAS  
21 ADMINISTERED IN?

22 A I GAINED SOME FROM BOTH OF THOSE SOURCES, YES.

23 Q AND DO YOU HAVE ANY COMMENTS ON THE SETTING AS  
24 IT BEING APPROPRIATE?

25 A WELL, THERE ARE SOME THINGS THAT CAUSED ME SOME

1 CONCERN. ONE, THIS IS VERY, VERY RECENT AFTER THE  
2 CRIME, IT'S THE NEXT DAY, AND IT'S A LITTLE UNUSUAL  
3 TO RUN POLYGRAPHS THAT QUICKLY. I HAVE, IN FACT,  
4 BEEN CRITICIZED FOR RUNNING POLYGRAPH IN A MURDER  
5 CASE A WEEK AFTER THE MURDER BECAUSE IT'S VERY  
6 EMOTIONALLY PARTICULARLY WHEN IT'S A FAMILY MEMBER  
7 AND FROM A POLYGRAPH EXAMINER'S POINT OF VIEW WHAT  
8 YOU HAVE TO THINK ABOUT IS THE TRUTH OF THE PERSON.  
9 YOU DON'T KNOW. WHEN YOU BEGAN A POLYGRAPH TEST YOU  
10 DON'T KNOW, THAT'S WHY YOU'RE RUNNING A POLYGRAPH,  
11 AND A POLYGRAPH EXAMINER, IF THEY DO THEIR JOB  
12 PROPERLY, HAS TO HAVE AN OPEN MIND THAT THIS PERSON  
13 COULD BE TELLING THE TRUTH OR THEY MIGHT NOT BE  
14 TELLING THE TRUTH. IN A SETTING LIKE THIS IF THE  
15 PERSON IS TELLING THE TRUTH, IN THIS CASE A FATHER  
16 WHO HAS DISCOVERED HIS DAUGHTER BRUTALLY MURDERED, IN  
17 SOME WAYS HE'S ALMOST THE VICTIM, AND IF HE IS  
18 TELLING THE TRUTH THAT'S VERY TRAUMATIC, AND IT MAKES  
19 RUNNING A POLYGRAPH VERY DIFFICULT PARTICULARLY THAT  
20 SOON AFTER THE CRIME.

21 I ALSO UNDERSTAND THAT HE WAS INTERVIEWED,  
22 INTERROGATED, LATE INTO THE EVENING AND THERE IS A  
23 LITTLE BIT OF DISPUTE ABOUT THE TIMING WHEN THAT  
24 ENDED BUT IT ENDED IN THE EARLY MORNING HOURS, MAYBE  
25 BETWEEN TWO AND THREE O'CLOCK, AND HE WAS THEN

1 ARRESTED FOR MURDER, AND THEN I ALSO UNDERSTAND THAT  
2 AT AGAIN A VERY EARLY HOUR 4:30 - 4:20 IN THAT  
3 NEIGHBORHOOD HE WAS ACTUALLY BROUGHT BEFORE A  
4 MAGISTRATE AND ARRAIGNED; AND THEN SIX HOURS AFTER  
5 THAT HE'S BEING GIVEN A POLYGRAPH AND HE MAY OR MAY  
6 NOT HAVE SLEPT IN THAT PERIOD OF TIME, BUT IT'S  
7 CERTAINLY DIFFICULT FOR ME TO IMAGINE ANYONE COULD  
8 HAVE SLEPT WELL AND HAVE BEEN RESTED AFTER THAT  
9 PERIOD OF TIME, SO ALL OF THOSE THINGS CAUSED ME  
10 CONCERN. I WOULD NOT HAVE RUN A POLYGRAPH UNDER  
11 THOSE SETTINGS BUT THEN THAT'S A DECISION THAT A  
12 POLYGRAPH EXAMINER HAS TO MAKE.

13 Q IS IT IMPORTANT THAT SOMEONE HAVE A, APPROPRIATE  
14 REST BEFORE THEY ARE GIVEN THE TEST?

15 A WELL, I BELIEVE IT IS. I WOULD LIKE PEOPLE TO  
16 BE FULLY RESTED BECAUSE THE PHYSIOLOGY IS LIKELY TO  
17 BE MORE ACTIVE AND RESPONSIVE AND THEY ARE ALSO  
18 MENTALLY LIKELY TO BE MORE ALERT AND PAY BETTER  
19 ATTENTION TO WHAT'S GOING ON SO I THINK HAVING A  
20 RESTED AND RELATIVELY NOT STRESSED PERSON IS VERY  
21 ADVANTAGEOUS FOR RUNNING POLYGRAPH.

22 Q DOCTOR, IN YOUR OPINION WAS BILLY WAYNE COPE A  
23 PROPER SUBJECT FOR POLYGRAPH EXAMINATION?

24 A WELL, I CAN'T KNOW. I WASN'T THERE AND WE DON'T  
25 HAVE A RECORDING. THAT IS A CALL THAT POLYGRAPH



1 EXAMINERS ARE TRAINED TO MAKE AND DETECTIVE BAKER  
2 DECIDED THAT HE WAS AN APPROPRIATE SUBJECT AND I  
3 DON'T HAVE THE INFORMATION THAT HE BASED THAT ON.  
4 THERE ARE THINGS THAT CAUSE ME CONCERN.

5 Q HAVE YOU HAD AN OPPORTUNITY, AN AMPLE  
6 OPPORTUNITY, TO REVIEW THE CHARTS THAT ARE NOW IN  
7 EVIDENCE IN EXHIBIT NUMBER --

8 A 64.

9 Q 64, HAVE YOU HAD AN OPPORTUNITY TO REVIEW THOSE  
10 CHARTS AND FORM AN OPINION AS TO THEM?

11 A I HAVE.

12 Q HAVE YOU HAD AN OPPORTUNITY TO REVIEW THE  
13 SCORING OF THOSE CHARTS THAT WAS PERFORMED BY  
14 DETECTIVE BAKER?

15 A YES.

16 Q AND DID HE FILL OUT A FORM OR A CHART HIMSELF  
17 INDICATING WHAT HIS SCORES WERE?

18 A HE DID. HE HAD A SCORE SHEET.

19 Q NOW, DOCTOR, JUST BRIEFLY IF YOU WOULD, EXPLAIN  
20 TO THE LADIES AND GENTLEMEN OF THE JURY WHAT GOES ON  
21 IN THE SCORING PROCESS?

22 A OKAY. THAT WILL BE FINE. LET ME TALK ABOUT HOW  
23 MY PROCEDURES WENT.

24 Q ALL RIGHT.

25 A BECAUSE I WAS CONTACTED BY YOU AND THEN YOU SENT

1 ME SCANNED VERSIONS OF THESE VIA E-MAIL AND MY NORMAL  
2 PRACTICE AND I'M CALLED TO DO THIS FREQUENCY TO  
3 REVIEW POLYGRAPHS THAT ARE RUN BY OTHER PEOPLE IS I  
4 LIKE TO LOOK AT THE CHARTS FIRST AND SO THE FIRST  
5 THING I DID WAS TO PRINT THE IMAGES OF THE CHARTS  
6 THAT YOU SENT TO ME AND THEY HAVE STANDARD CHART  
7 MARKINGS WHICH I'M ALWAYS HAPPY TO SEE, SO RELEVANT  
8 QUESTIONS ARE MARKED 'R' AND COMPARISON QUESTIONS ARE  
9 MARKED 'C' SO THAT MAKES IT VERY EASY. SO THE VERY  
10 FIRST THING I DID WAS SCORE THE CHARTS. THE SECOND  
11 THING I DID WAS TO LOOK AT THE QUESTIONS AND THE  
12 THIRD THING I DID WAS TO EXAMINE DETECTIVE BAKER'S  
13 SCORING. I HONESTLY HAD ASSUMED THAT HE HAD FOUND  
14 HIM DECEPTIVE SINCE I WAS CONTACTED BY DEFENSE  
15 ATTORNEY AND BROUGHT IN TO TAKE A LOOK AT THIS. BUT  
16 THEN I SCORED. AFTER I SCORED THEN I LOOK AT HIS  
17 SCORES.

18 Q SO YOU HAVE SCORED THIS TEST BASED ON THE CHARTS  
19 THAT WERE SENT TO YOU?

20 A I HAVE.

21 Q AND OF COURSE YOU HAVE DETECTIVE BAKER'S  
22 SCORING?

23 A I DO.

24 Q HOW DO THE TWO COMPARE?

25 A WELL, THEY DON'T COMPARE VERY WELL AND I DIDN'T

1       ACTUALLY GET TO FINISH THE PREVIOUS QUESTION --

2       Q     I'M SORRY.

3       A     ---YOU ASKED.

4       Q     PLEASE FINISH.

5       A     BECAUSE YOU ASKED ME TO TALK TO YOU ABOUT HOW

6       SCORING IS DONE.

7       Q     YES, SIR.

8       A     AND THE WAY SCORING IS DONE IS THAT YOU GO TO

9       THE ACTUAL PHYSIOLOGICAL RECORDINGS AND THERE ARE

10      RULES AND THE SYSTEM THAT I USE, THERE ARE THREE

11      SYSTEMS FOR SCORING POLYGRAPH CHARTS, THE SYSTEM I

12      USED WAS DEVELOPED AT THE UNIVERSITY OF UTAH. IT'S

13      THE ONE THAT I BELIEVE HAS THE MOST SCIENTIFIC

14      VALIDATION SCIENTIFICOR NUMBER OF PUBLISHED STUDIES

15      ON IT. IT'S A VERY SIMPLE SYSTEM. THERE ARE

16      ACTUALLY 11 DIFFERENT THINGS WE LOOK FOR IN THE

17      CHARTS CALLED CRITERIA. SO, FOR EXAMPLE, WE'LL GO TO

18      THE CHART, I LOOK AT THE FIRST RELEVANT QUESTION,

19      IT'S BRACKETED BY TWO COMPARISONS SO THERE IS ONE

20      RIGHT BEFORE IT AND THEN THERE IS ONE RIGHT AFTER IT.

21      AND THE STANDARD RULE IN THE SCORING SYSTEMS,

22      ACTUALLY I BELIEVE IN ALL THREE SCORING SYSTEMS, NOW

23      IS THAT YOU GO WITH THE STRONGER COMPARISON QUESTION

24      BECAUSE IF THE TEST IS GOING TO MAKE A MISTAKE IT IS

25      THAT THE COMPARISON QUESTIONS DON'T WORK WELL ENOUGH.

1 SO YOU GO TO RELEVANT QUESTION IN THE BLOOD PRESSURE,  
2 FOR EXAMPLE, I ACTUALLY HAVE A PLASTIC RULER MARK  
3 WITH MILLIMETERS THAT I LAY OVER THE CHARTS SO I CAN  
4 LOOK THROUGH IT AND ACTUALLY MEASURE HOW LARGE AN  
5 INCREASE THERE WAS IN BLOOD PRESSURE IN TERMS OF  
6 DEFLECTION ON THE CHARTS. SO I MEASURE THAT AND THEN  
7 THERE ARE RULES. I MEASURE THE TWO COMPARISON  
8 QUESTIONS, I MEASURE THE RELEVANT QUESTION, AND THE  
9 RULE IS THAT YOU HAVE TO HAVE A DIFFERENCE OF AT  
10 LEAST ONE AND A HALF TO ONE TO SCORE IT. SO YOU NEED  
11 SEVEN AND A HALF MILLIMETERS VERSUS FIVE TO MAKE A  
12 SCORING, FOR EXAMPLE.

13 THEN YOU MOVE UP TO THE NEXT CHANNEL WHICH  
14 WOULD BE THE ELECTRODERMAL CHANNEL. YOU DO THE SAME  
15 THING. YOU PUT THE RULER ON IT, YOU MEASURE AND  
16 AGAIN THERE ARE RATIO RULES. HERE IT TAKES A TWO TO  
17 ONE TO GIVE IT A SCORE. AND YOU MOVE ON UP TO THE  
18 BREATHING AND THE BREATHING IS A LITTLE MORE  
19 DIFFICULT IN THAT WE'RE LOOKING FOR PATTERNS IN THE  
20 BREATHING AND I TALKED ABOUT THE FACT THAT WE SCORE  
21 SUPPRESSIONS. THEY CAN OCCUR IN SEVERAL WAYS. YOU  
22 CAN FORGET TO BREATHE, YOU CAN BREATHE MORE SHALLOW,  
23 YOU CAN BREATHE MORE SLOWLY, THE SHAPE CAN CHANGE.  
24 THE BASE LINE CAN CHANGE. ONE THAT THING THAT  
25 ACTUALLY MR. COPE SHOWS FAIRLY FREQUENTLY IS HIS

1 DIAPHRAGM GETS VERY TENSE AND HIS BREATHING PATTERN  
2 ACTUALLY SHIFTS UPWARD EVEN THOUGH THE BREATHING  
3 CYCLES ARE GETTING SMALLER. SO YOU GO THROUGH THAT  
4 VERY SYSTEMATICALLY FOR EACH RELEVANT QUESTION AND  
5 ASSIGN SCORES. SCORES ARE ASSIGNED ON A SEVEN POINT  
6 SCALE. ZERO MEANS THERE IS NO DIFFERENCE AND THAT  
7 COULD BE THE PERSON DIDN'T RESPOND TO ANYTHING OR IT  
8 COULD MEAN THEY GAVE AN EQUAL RESPONSES TO BOTH.

9 A PLUS ONE WOULD MEAN THAT THE CONTROL  
10 QUESTION WAS SLIGHTLY LARGER BUT SCORIBLY LARGER THAN  
11 THE RELEVANT. PLUS TWO WOULD MEAN THERE IS A BIGGER  
12 DIFFERENCE AND PLUS THREE THERE IS A REALLY, REALLY A  
13 DRAMATIC HUGE DIFFERENCE.

14 AND THEN IN THE MINUS DIRECTION THAT MEANS  
15 THAT THE RELEVANCE IS BIGGER SO MINUS ONE MEANS THE  
16 RELEVANT IS JUST BARELY BIGGER. MINUS TWO MEANS IT'S  
17 SIGNIFICANTLY BIGGER. MINUS THREE MEANS IT'S  
18 DRAMATICALLY BIGGER. SO YOU GO THROUGH AND YOU  
19 ASSIGN SCORES IN EACH SPOT ON EACH RELEVANT QUESTION.  
20 IN THIS CASE THE QUESTIONS ARE REPEATED THREE TIMES  
21 SO THERE ARE NINE PLACES THAT YOU COLLECT SCORES.

22 Q SO DOCTOR, USING THE TECHNIQUES YOU JUST  
23 DESCRIBED YOU DID IN FACT SCORE THE CHARTS THAT WERE  
24 PROVIDED TO YOU IN THIS CASE THAT WERE SHOWN IN THAT  
25 EXHIBIT?

1 A I DID.

2 Q AND THEN YOU COMPARED THAT SCORING WITH THE  
3 SCORING THAT WAS RENDERED BY DETECTIVE BAKER?

4 A THAT'S CORRECT.

5 Q I BELIEVE I ASKED YOU EARLIER HOW DID THOSE TWO  
6 SCORINGS COMPARE?

7 A WELL, THEY DIDN'T COMPARE WELL AT ALL.  
8 DETECTIVE BAKER ENDED UP WITH A TOTAL SCORE OF MINUS  
9 15 WHICH WOULD BE A STRONG DECEPTIVE OUTCOME AND I  
10 ACTUALLY ENDED UP WITH A SCORE OF PLUS 12 WHICH IS A  
11 STRONG TRUTHFUL OUTCOME SO I WAS PRETTY SURPRISED TO  
12 SEE THAT LEVEL OF DIFFERENCE IN SCORING.

13 Q IN USING THE CHARTS, DOCTOR, CAN YOU ILLUSTRATE  
14 EITHER ON THE OVERHEAD OR SIMPLY REFERRING TO THE  
15 CHARTS THE POINTS THAT YOU DISAGREE ON?

16 A I COULD CERTAINLY SHOW SOME OF THEM, YES.

17 Q ALL RIGHT.

18 A I THINK USING THE ELMO WOULD PROBABLY BE THE  
19 BEST WAY TO GO.

20 MR. BRACKETT: WE HAD SOME TECHNICAL  
21 DIFFICULTIES YESTERDAY. WE JUST BARELY GOT THE  
22 LAPTOP GOING. I DON'T THINK THIS IS HOOKED UP. WE  
23 HAD TO UNHOOK THIS OVER THE NIGHT.

24 THE COURT: YOU WANT TO TAKE A SHORT BREAK  
25 AND HOOK IT UP FOR US.

1 MR. BRACKETT: YES, SIR.

2 THE COURT: WE'LL TAKE A SHORT BREAK SO WE  
3 CAN UTILIZE THIS.

4 MR. BAITY: THANK YOU, YOUR HONOR.

5 (COURT'S IN RECESS AT 11:19 AM.)

6 (COURT RESUMES AT 11:25 AM.)

7 MR. GREELEY: I WOULD JUST LIKE TO PUT  
8 SOMETHING ON THE RECORD.

9 THE COURT: AS SOON AS MR. SANDERS GETS IN  
10 HERE.

11 MR. GREELEY: OKAY.

12 (DEFENDANTS ARE PRESENT.)

13 THE COURT: MR. GREELEY.

14 MR. GREELEY: YOUR HONOR, I WOULD SUBMIT  
15 TO THE COURT THAT IN JUST THE LAST TESTIMONY THAT WAS  
16 EXHIBITED, THAT WAS PRESENTED BY THE EXPERT IN THIS  
17 CASE WAS A RESULT OF THE POLYGRAPH, HIS RESULT, HIS  
18 SCORE BASED UPON THE GRAPHS. I WOULD MOVE TO STRIKE  
19 AT THIS TIME HIS OPINION AS TO THAT SCORE AND THE  
20 BASIS FOR THAT IS THE SOUTH CAROLINA COURTS HAVE NOT  
21 YET ACCEPTED THE POLYGRAPH AS A SCIENTIFIC ANALYSIS  
22 THAT IS ADMISSIBLE IN COURT, THE RESULTS ARE NOT  
23 ADMISSIBLE IN COURT, AND I WOULD SUBMIT TO THE COURT  
24 THAT WHAT THIS EXPERT JUST DID WAS ESSENTIALLY A  
25 RESULT OF HIS INTERPRETATION OF THE POLYGRAPH, AND I

1 WOULD MOVE TO STRIKE ON THAT BASIS.

2 THE COURT: I DENY THE MOTION. BRING IN  
3 THE JURY. JUST FOR THE RECORD I GUESS I HAVE SOME  
4 QUESTION AS TO MR. SANDERS' STANDING TO MAKE  
5 OBJECTIONS TO THIS LINE OF QUESTIONING BUT EVEN, I'M  
6 ASSUMING THAT HE DOES HAVE STANDING AND MY RULINGS  
7 ARE BASED ON MY ASSUMPTION THAT HE DOES HAVE  
8 STANDING, BUT IF THE MATTER GOES FURTHER I WANT THE  
9 RECORD TO REFLECT THAT I DID FACTOR THAT INTO MY  
10 THINKING.

11 MR. GREELEY: MY POSITION ON STANDING IS  
12 THAT WE HAVE POTENTIALLY FOUR CONFESSIONS FROM MR.  
13 COPE IN REGARDS TO THIS CRIME, NONE OF THEM INCLUDE  
14 MY CLIENT WHICH IS EXCULPATORY TO MY CLIENT.

15 THE COURT: OKAY.

16 (THE JURY RETURNS TO THE COURTROOM AT  
17 11:27 AM.)

18 DIRECT EXAMINATION BY MR. BAITY:

19 Q DOCTOR, I BELIEVE THAT YOU SAID YOU WISHED TO  
20 USE THIS APPARATUS?

21 A YES.

22 Q TO EXPLAIN YOUR FINDINGS HERE AND PLEASE STEP  
23 DOWN.

24 THE COURT: YOU MAY.

25 A THANK YOU.



1                   MR. BAITY: WITH PERMISSION OF THE COURT.

2           A     THE CLEAREST ILLUSTRATION OF WHERE WE DIFFER,  
3           THESE ARE FROM COPIES, THE ORIGINALS WOULD HAVE BEEN  
4           CONTINUAL, OCCURS AT THE FIRST RELEVANT QUESTION ON  
5           THE SECOND CHART. AT THAT POINT DETECTIVE BAKER  
6           ASSIGNED A SCORE OF MINUS FIVE FOR THAT QUESTION AND  
7           I GAVE IT A SCORE PLUS TWO, SO THERE IS A SEVEN POINT  
8           DIFFERENCE, THAT'S THE ONE QUESTION WHERE WE HAVE  
9           GREATEST DIFFERENCE ALTHOUGH WE DIFFER IN MANY  
10          PLACES.

11          Q     DOCTOR, LET ME GIVE YOU A LASER.

12          A     THAT WOULD BE GREAT. THANK YOU VERY MUCH. IF  
13          WE LOOK AT THIS, THE TRACING AT THE BOTTOM IS THE  
14          BLOOD PRESSURE TRACING, AND EACH ONE OF THOSE LITTLE  
15          MOVEMENTS IS A BEAT OF THE HEART JUST TO ORIENT YOU.  
16          THE GRAPH, THE GRID THERE, EACH OF THOSE BARS IS FIVE  
17          SECONDS, SO THAT SORT OF ORIENTS YOU IN TIME, AND  
18          TIME IS MOVING IN THIS DIRECTION. LET ME MOVE THAT  
19          UP A LITTLE BIT SO WE CAN SEE THE QUESTION. SO THERE  
20          WAS A COMPARISON QUESTION ASKED HERE C-4, IT'S  
21          ACTUALLY TYPED OVER ON THE COMPUTER, BUT AT C-4, SAYS  
22          R-5 THEN THAT'S C-6, SO THIS IS THE FIRST RELEVANT  
23          QUESTION, FIRST CONTROL, SECOND CONTROL, AND THIS IS  
24          BLOOD PRESSURE, THIS IS SWEATING IN THE PALM, AND  
25          IT'S TURNED OVER SO THAT IT ACTUALLY REPRESENTS

1 INCREASE SWEATING WHEN IT MOVES UP SO THAT'S A  
2 DECREASE IN RESISTANCE. THEN THESE TWO ARE THE  
3 BREATHING. THIS IS ABDOMINAL BREATHING AND THIS IS  
4 THE THORACIC BREATHING AND UNFORTUNATELY THAT DOESN'T  
5 PROJECT REALLY WELL BUT I THINK WE CAN SEE WHAT WE  
6 NEED TO SEE HERE. DETECTIVE BAKER SCORED THE BLOOD  
7 PRESSURE HERE AS A MINUS ONE AND IF YOU MEASURE THIS  
8 RESPONSE, THIS IS WHAT YOU ARE MEASURING IS RIGHT  
9 HERE, AND IF YOU LOOK AT THE COMPARISON QUESTION WHAT  
10 YOU ARE MEASURING IS RIGHT THERE. I MEAN, TO ME THAT  
11 ONE IS PRETTY EASY TO SEE THAT THERE IS A MUCH LARGER  
12 CHANGE IN BLOOD PRESSURE HERE THAN THERE IS THERE AND  
13 TO ME, AND THAT SCORES OUT, ACTUALLY IF YOU MEASURE  
14 IT IT'S MORE THAN TWO TO ONE SO THAT WOULD SCORE A  
15 PLUS TWO.

16 IN THE SKIN RESPONSE IN THIS CASE THE  
17 ACTUAL RESPONSES TO THE RELEVANT IS MUCH LARGER AND  
18 DETECTIVE BAKER GIVE IT A MINUS THREE, I GAVE IT A  
19 MINUS TWO, SO WE'RE NOT THAT FAR OFF ON OUR SCORING.  
20 IT SHOULD MEASURE FOUR TO ONE, IF YOU ACTUALLY  
21 MEASURE IT DOESN'T QUITE MAKE IT, SO I WAS SORT OF A  
22 STICKLER FOR THE RULES AND DIDN'T GIVE IT THE THREE  
23 BUT IT'S CLOSE. I'LL GIVE HIM THAT.

24 THE MAIN PLACE THAT I ENDED UP WITH  
25 DISAGREEMENTS WITH HIM HAD TO DO WITH THE SCORING IN

1 THE BREATHING AND IF YOU'LL LOOK AT THE PERIOD  
2 FOLLOWING THE RELEVANT QUESTION YOU'LL NOTICE THE  
3 CYCLES ARE PRETTY LARGE AND FAIRLY, YOU KNOW, HE'S  
4 TAKING DEEP RELAXED BREATHS, BUT IF YOU LOOK THROUGH  
5 THE COMPARISON SECTIONS THERE ARE VERY SMALL  
6 SUPPRESSED BREATHS, PARTICULARLY THROUGH HERE. IF  
7 YOU LOOK JUST IN THIS SECTION, THIS DOESN'T PROJECT  
8 VERY WELL, YOU CAN SEE IT BETTER ON THE PAPER, BUT  
9 THESE ARE DOWN AND THERE REALLY IS NOTHING HERE TO  
10 SCORE, SO I GAVE THAT ALSO A PLUS TWO AND HE GAVE IT  
11 A ZERO. AND IF WE GO THROUGH THE CHART SECTION BY  
12 SECTION BY SECTION WE SEE THINGS LIKE THAT.

13                   AGAIN ON, IF WE WERE TO LOOK AT THE SECOND  
14 RELEVANT IN THAT ONE, I HAVE A SCORE OF PLUS ONE AT  
15 THAT SPOT AND DETECTIVE BAKER HAS A SCORE OF MINUS  
16 TWO, SO WE HAVE A THREE POINT DIFFERENCE. ACTUALLY  
17 WE AGREED ON THE SKIN RESPONSE. THIS SKIN RESPONSE  
18 IS MUCH LARGER THAN THIS COMPARISON QUESTION AND WE  
19 BOTH SCORED THAT A MINUS ONE. AND ACTUALLY YOU CAN'T  
20 SEE THE NEXT COMPARISON. THE NEXT COMPARISON IS OVER  
21 HERE. WE BOTH SCORED THIS AS ZERO BUT AGAIN LOOK AT  
22 THAT BREATHING. THAT'S DEEP RELAXED BREATHING.  
23 THERE IS NOT ANY INDICATION OF STRESS THERE BUT THERE  
24 IS A BIG RESPONSE TO QUESTION C-6 SO I GAVE THAT A  
25 PLUS TWO IN THE BREATHING AND THAT'S VERY TYPICAL OF

1 HOW WE DISAGREED IN THE WAY OF SCORING.

2 Q ALL RIGHT. DOCTOR, DID YOU PUT YOUR SCORING  
3 THAT YOU JUST DESCRIBED IN PREVIOUS QUESTIONS IN  
4 WRITTEN FORM?

5 A I DID.

6 MR. BRACKETT: YOUR HONOR, WE PROVIDED A  
7 TREMENDOUS AMOUNT OF DISCOVERY IN THIS CASE AND  
8 REPEATEDLY ASKED FOR RECIPROCAL DISCOVERY AND WERE  
9 NEVER PROVIDED THIS.

10 THE COURT: DO YOU OBJECT?

11 MR. BRACKETT: YES, SIR.

12 THE COURT: I SUSTAIN THE OBJECTION.

13 MR. BAITY: HE'S ALREADY TESTIFIED TO IT.

14 ALL RIGHT. THANK YOU, YOUR HONOR.

15 THE COURT: MR. GREELEY, YOU WANT TO CHIME  
16 IN WITH ANYTHING?

17 MR. GREELEY: I WOULD OBJECT TOO.

18 THE COURT: BOTH OBJECTIONS ARE SUSTAINED.

19 Q DR. HONTS, BASED ON YOUR EXAMINATION OF THE  
20 EXHIBIT, THE CHARTS THAT WE'VE BEEN DISCUSSING TODAY,  
21 HAVE YOU FORMED AN OPINION AS TO MR. COPE'S  
22 PERFORMANCE ON THIS TEST?

23 A YES.

24 Q DO YOU BELIEVE THAT BASED ON THOSE CHARTS THAT  
25 YOU REVIEWED DID MR. COPE'S PERFORMANCE ON THIS TEST

1 INDICATE DECEPTION OR TRUTHFULNESS?

2 A THEY INDICATE TRUTHFULLNESS TO ME.

3 Q IF MR. COPE WAS INFORMED FOLLOWING THIS TEST  
4 THAT HIS PERFORMANCE INDICATED DECEPTION WOULD THAT  
5 BE TRUE OR CORRECT OR WOULD IT BE FALSE?

6 A I BELIEVE IT WOULD BE INCORRECT, THAT HE SHOULD  
7 HAVE BEEN TOLD THAT HE PASSED IT.

8 Q THANK YOU. ANSWER ANY QUESTIONS THE STATE  
9 WOULD HAVE.

10 THE COURT: THE STATE GOES FIRST.

11 CROSS EXAMINATION BY MR. BRACKETT:

12 Q GOOD AFTERNOON, SIR. WELCOME TO SOUTH CAROLINA.

13 A THANK YOU.

14 Q HOW ARE YOU?

15 A IT'S GOOD. IT'S NICE TO BE BACK IN THE SOUTH.

16 Q YES, SIR. EVEN WITH THE HURRICANE WE ARE  
17 HAVING.

18 A EVEN WITH THE HURRICANE.

19 Q YOU SAID YOU RELIED ON AN E-MAIL, A TRANSCRIPT,  
20 AND THOSE CHARTS THAT ARE NOW IN EVIDENCE?

21 A THAT'S CORRECT.

22 Q DO YOU HAVE THAT E-MAIL WITH YOU?

23 A NOT WITH ME HERE, NO.

24 Q NOT WITH YOU NEAR OR HERE?

25 A HERE.

1 Q WHERE WOULD THAT BE?

2 A I MIGHT HAVE IT IN MY BRIEFCASE IN THE CAR.

3 Q ALL RIGHT. I'D LIKE TO SEE THAT E-MAIL IF I  
4 COULD. IF YOU RELIED ON IT IN FORMING HIS OPINION  
5 I'D LIKE TO KNOW ALL THE INFORMATION THAT DR. HONTS  
6 REVIEWED PRIOR TO CROSS EXAMINATION. I DON'T KNOW  
7 WHAT THAT SAYS.

8 THE COURT: HOW LONG WILL IT TAKE TO GET  
9 IT.

10 A CAR'S RIGHT OUTSIDE.

11 MR. BAITY: TAKE HIM TO THE CAR, YOUR  
12 HONOR.

13 THE COURT: DO THAT RATHER THAN TAKE A  
14 BREAK WE'LL JUST SIT IN HERE.

15 MR. BAITY: I MIGHT BE ABLE TO PROVIDE IT  
16 MYSELF.

17 THE COURT: WELL, IF YOU CAN THAT IS THE  
18 QUICKEST WAY.

19 MR. BAITY: YES SIR. I'LL HAVE TO GO TO  
20 THE LIBRARY BECAUSE THAT'S WHERE IT IS.

21 THE COURT: ALL RIGHT. THANK YOU.

22 MR. BAITY: YES, SIR.

23 (COMPLIES.)

24 Q IS THIS THE E-MAIL YOU RECEIVED FROM MR. BAITY?

25 A YES, IT IS.

1 Q OKAY.

2 A (READING THE E-MAIL.)

3 Q ALL RIGHT. SIR, ARE YOU FAMILIAR WITH THE

4 CONTENTS OF THIS E-MAIL?

5 A I AM.

6 Q AND THIS E-MAIL WAS SENT TO YOU TWO OR THREE

7 WEEKS AGO?

8 A YES.

9 Q THAT WAS YOUR FIRST INVOLVEMENT IN THIS CASE?

10 A IT WAS.

11 Q AND WOULD IT BE SAFE TO CHARACTERIZE THIS E-MAIL

12 AS BASICALLY SAYING THE DEFENSE VERSION OF THE CASE?

13 A ABSOLUTELY.

14 Q THIS IS NOT THE STATE'S VERSION?

15 A OH, I WOULDN'T THINK SO.

16 Q OKAY. SO THIS IS PARTIALLY WHAT YOU RELIED ON

17 IN FORMING YOUR OPINION?

18 A PARTIALLY.

19 Q ALONG WITH THIS TRANSCRIPT?

20 A THAT'S CORRECT.

21 Q FROM THE FAMILY COURT HEARING AT SOME OTHER

22 POINT IN TIME?

23 A THAT'S CORRECT.

24 Q AND THOSE DOCUMENTS THERE THAT ARE NOW MARKED IN

25 EVIDENCE, THE POLYGRAPH --

1 A YES, EXHIBIT 64. IT WAS MOSTLY 64. THE CHARTS  
2 THEMSELVES, THEY SPEAK FOR THEMSELF.

3 Q AND WOULD YOU AGREE THAT AS AN EXPERT THAT IN  
4 ORDER TO FORM AN OPINION AND HAVE THAT OPINION BE  
5 VALID THE MORE INFORMATION YOU HAVE THE BETTER YOUR  
6 OPINION IS GOING TO BE?

7 A THAT'S CORRECT.

8 Q THE LESS INFORMATION, THE LESS VALUABLE YOUR  
9 OPINION IS?

10 A THAT'S CERTAINLY TRUE.

11 Q OKAY. NOW YOU HAD INDICATED THAT THERE SEEMED  
12 TO BE A SCARCITY OF INFORMATION ON THE, IN THE FORM  
13 OF NOTES FROM DETECTIVE BAKER, THAT IT WAS KIND OF A  
14 THIN SORT OF REPORT THAT YOU HAD, DIDN'T REALLY HAVE  
15 A WHOLE LOT OF DETAIL?

16 A THE REPORT ITSELF. IT WOULDN'T NECESSARILY BE  
17 NOTES. THE REPORT IS ONE PAGE. IT'S THAT FIRST ONE.

18 Q THIS ONE THAT SAYS POLYGRAPH REPORT WHERE IT  
19 INDICATES THAT HE FAILED?

20 A THAT'S CORRECT.

21 Q THEN THE BULK OF THE REST OF THIS IS ALL REALLY  
22 SCORING INFORMATION, ISN'T THAT RIGHT?

23 A IT'S MATERIAL, YES, THAT WAS GENERATED AS PART  
24 OF THE TEST.

25 Q OKAY. BUT IT DOESN'T REALLY DETAIL ANY OF THE



1 FACTORS SURROUNDING THE INTERVIEW AND ALL THAT SORT  
2 OF THING?

3 A THAT'S CORRECT.

4 Q AND THAT'S IMPORTANT AND YOU SAY IT'S HARD FOR  
5 YOU TO FORM AN OPINION BECAUSE YOU DON'T HAVE THAT  
6 INFORMATION?

7 A THAT IS ALSO CORRECT.

8 Q ALL RIGHT. SO I TAKE IT THEN, SIR, THAT YOU  
9 NEVER WERE SHOWN BY THE DEFENSE THIS FOUR PAGE, ONE  
10 TWO, THREE, FOUR, FOUR PAGE SUMMARY OF THE INTERVIEW,  
11 OF THE REPORT DETAILING ALL THE CIRCUMSTANCES THAT  
12 WAS PREPARED BY MIKE BAKER THAT SAME DAY JUST AFTER  
13 HE ADMINISTERED THE POLYGRAPH?

14 A I HAVE NOT SEEN THIS, NO.

15 Q OKAY. AND THAT WOULD BE IMPORTANT FOR YOU IN  
16 FORMING YOUR OPINION, RIGHT?

17 A I HAVEN'T READ IT YET SO I DON'T KNOW.

18 Q WELL, IF IT CONTAINS ALL THE DETAILS AND THE  
19 CIRCUMSTANCES SURROUNDING THE ADMINISTRATION OF THE  
20 POLYGRAPH THEN IT WOULD BE IMPORTANT, WOULD IT NOT?

21 A IF IT CONTAINS INFORMATION ABOUT THINGS THAT  
22 HAPPENED BEFORE.

23 Q BEFORE THE POLYGRAPH?

24 A BEFORE THE CHARTS WERE COLLECTED.

25 Q AND DURING THE ADMINISTRATION AND THE DETAILS OF

1 THE INTERVIEW AND ALL THAT SORT OF THING AND THE  
2 CIRCUMSTANCES OF THE PREPOLYGRAPH INTERVIEW.

3 A THE PREPOLYGRAPH WOULD HAVE BEEN OF INTEREST TO  
4 ME AND I HAD, THAT WAS DISCUSSED SOMEWHAT IN THE  
5 TRANSCRIPT THAT I READ.

6 Q OKAY.

7 A AND THIS WAS REFERED TO IN THAT TRANSCRIPT.

8 Q YES, SIR. BUT YOU DIDN'T REVIEW THIS?

9 A I HAVE NOT SEEN THAT.

10 Q THE DEFENSE DIDN'T PROVIDE THIS TO YOU?

11 A THEY DID NOT.

12 Q ALL RIGHT. NOW LIKEWISE WHAT MR. BAKER ACTUALLY  
13 SAID IN THIS TRIAL COULD BE VERY SIGNIFICANT?

14 A IT COULD HAVE SOME IMPACT, YES, SIR.

15 Q YES, SIR.

16 A IT WOULDN'T AFFECT MY SCORING OF THE CHARTS.

17 Q NO. WE WILL GET TO THAT IN JUST A SECOND, BUT  
18 IT COULD BE SIGNIFICANT AND YOU AS AN EXPERT AGAIN  
19 COMING BACK TO YOU WANT TO HAVE AS MUCH INFORMATION  
20 AS POSSIBLE TO FORM YOUR OPINION, WHAT HE ACTUALLY  
21 TESTIFIED TO ABOUT THE ADMINISTRATION AND HIS SCORING  
22 AND ALL THOSE DETAILS THAT WOULD BE IMPORTANT TO YOU?

23 A I WOULD LIKE TO HAVE HEARD IT, YES.

24 Q YES, SIR. BUT YOU WEREN'T INVITED TO COME DOWN  
25 HERE TO VIEW THAT TESTIMONY?

1 A I DID NOT HEAR IT, NO.

2 Q THEY DID NOT PROVIDE YOU WITH A SUMMARY OF WHAT  
3 HE SAID?

4 A NO.

5 Q OF COURSE, WE HAVE ALREADY SEEN THEIR SUMMARY OF  
6 THE CASE AND THAT'S ALL DEFENSE ORIENTED, ISN'T IT?

7 A YES.

8 Q SO LIKEWISE JUST DISCUSSING THE CASE WITH  
9 DETECTIVE BAKER WOULD HAVE BEEN OF HELP, RIGHT?

10 A THE MAIN THING THAT WOULD HAVE BEEN OF HELP TO  
11 ME IN EVALUATING THE TEST WOULD HAVE BEEN A TAPE  
12 RECORDING.

13 Q OKAY. WELL, IN THE ABSENCE OF A TAPE RECORDING,  
14 YOU DON'T HAVE ONE, IN THE ABSENCE OF THAT, CALLING  
15 MR. BAKER ON THE TELEPHONE AND ACTUALLY HAVING A  
16 CONVERSATION WITH HIM, EXPERT TO EXPERT SO TO SPEAK  
17 ABOUT HOW THIS POLYGRAPH WAS PERFORMED, THAT WOULD  
18 HAVE BEEN OF USE IN FORMING YOUR OPINION, WOULDN'T  
19 IT?

20 A I DON'T THINK IT WOULD HAVE HELPED MUCH.

21 Q WELL NOW WAIT A MINUTE. YOU JUST SAID THAT IT  
22 WOULD HAVE BEEN OF HELP TO YOU TO HEAR HIS TESTIMONY  
23 BUT IT WOULDN'T HAVE BEEN OF HELP TO YOU TO HAVE A  
24 CONVERSATION WITH HIM WHERE YOU COULD ASK HIM  
25 QUESTIONS?

1 A HIS TESTIMONY IS SWORN.

2 Q YES, I UNDERSTAND THAT. BUT ACTUALLY DISCUSSING  
3 IT WITH HIM AND ASKING HIM QUESTIONS HE WOULD HAVE  
4 HAD TO TELL YOU ONE THING OR ANOTHER AND THEN IF HE  
5 SAID SOMETHING DIFFERENT TO YOU THEN HE CAME IN COURT  
6 AND SAID, YOU COULD HAVE TESTIFIED ABOUT THAT TOO,  
7 RIGHT?

8 A THAT'S POSSIBLE.

9 Q BUT YOU DIDN'T CALL HIM?

10 A I DID NOT.

11 Q ALL RIGHT. LIKEWISE YOU SAID YOU DIDN'T HEAR  
12 ANY OF THE OTHER EVIDENCE, ANY OF THE STATE'S CASE,  
13 YOU HADN'T HEARD THE AUDIO TAPES OF THE INTERVIEW  
14 FROM THE NIGHT BEFORE?

15 A NO.

16 Q YOU HAVEN'T HEARD HIS DEMEANOR, HOW HE WAS  
17 BEHAVING WITH THE POLICE?

18 A NO.

19 Q THE FACT THAT WHEN THEY WERE ASKING HIM HOW HE  
20 REACTED TO THE FACT THAT HIS DAUGHTER HAD BEEN  
21 SEVERELY BEATEN AND RAPED AND SO FORTH HIS REACTION  
22 WAS TO DESCRIBE A CHICKEN SANDWICH DELIVERY TO  
23 LANCASTER?

24 A NO.

25 Q YOU DIDN'T HEAR ABOUT ALL THAT?

1 A I DID NOT.

2 Q OKAY. SO WHEN YOU SAID YOUR OPINION AS REGARDS,  
3 AS REGARDS TO HIM BEING A VICTIM AND BEING DISTRAUGHT  
4 AND NOT BEING A GOOD CANDIDATE REALLY THE BEST WAY TO  
5 KNOW WHAT HIS Demeanor WAS AND WHAT HIS PHYSICAL  
6 CONDITION AND EMOTIONAL STATE WAS WOULD HAVE BEEN TO  
7 ACTUALLY LISTEN TO THOSE TAPES THAT WERE DONE THE  
8 NIGHT BEFORE THEN YOU COULD HAVE HEARD WHAT HIS  
9 Demeanor AND HOW DISTRAUGHT OR NOT DISTRAUGHT HE WAS?

10 A NO, BECAUSE THAT WAS THE NIGHT BEFORE. I'D LIKE  
11 TO KNOW WHAT HAPPENED, THE ONLY THING I WAS ASKED TO  
12 EVALUATE WAS THE POLYGRAPH TEST.

13 Q OKAY.

14 A AND SO THE ONLY THING THAT WOULD HAVE HELPED  
15 THERE WOULD HAVE BEEN TO KNOW WHAT HE WAS LIKE DURING  
16 THE POLYGRAPH TEST.

17 Q OKAY. BUT THE BEST JUDGE OF THAT I THINK YOU  
18 TESTIFIED ON DIRECT, THE BEST JUDGE OF THAT WOULD BE  
19 THE ACTUAL POLYGRAPH OPERATOR?

20 A YES.

21 Q AND THE POLYGRAPH OPERATOR IS TYPICALLY TRAINED  
22 TO OBSERVE FOR THOSE PHENOMENA AND TAKE THEM INTO  
23 ACCOUNT AND MAKE A DECISION?

24 A THAT'S CORRECT.

25 Q AND IN FACT IN THIS CASE WERE YOU AWARE THAT

1       THEY ATTEMPTED TO RUN A POLYGRAPH IN THE MIDDLE OF  
2       THE NIGHT AFTER THE INTERVIEW CONCLUDED?

3       A     YES, ACTUALLY THAT'S IN THE TRANSCRIPT THAT I  
4       READ AND DETECTIVE BAKER, TO HIS CREDIT, REFUSED TO  
5       DO THAT AT 3:30 IN THE MORNING OR WHENEVER THAT WAS.

6       Q     SO YOU HAVE GOOD REASON TO BELIEVE THAT HE WAS  
7       COGNIZANT OF THESE PROBLEMS AND AWARE OF THEM AND WAS  
8       TAKING THEM INTO ACCOUNT AS HE WAS MAKING HIS  
9       DECISIONS AS TO WHETHER TO ADMINISTER THE POLYGRAPH  
10      OR NOT?

11      A     IT SEEMS THAT I HE DID, YES.

12      Q     YES, SIR. YOU SAID THAT THERE WERE TWO, THREE  
13      SYSTEMS FOR SCORING, AND THE ONE THAT YOU USE IS FROM  
14      THE UNIVERSITY OF UTAH?

15      A     THAT'S CORRECT.

16      Q     OKAY. NOW THE OTHER TWO SYSTEMS, YOU KNOW WHICH  
17      SYSTEM THAT HE USED TO SCORE?

18      A     I DON'T KNOW FOR SURE. IT LOOKS LIKE THE U.S.  
19      MILITARY SYSTEM, BUT I DON'T KNOW THAT FOR SURE. THE  
20      THREE SYSTEMS ARE QUITE SIMILAR.

21      Q     OKAY. NOW THE SYSTEM THAT HE USED, OBVIOUSLY,  
22      HE HAS AS MUCH FAITH IN THAT AS YOU HAVE IN YOUR  
23      SYSTEM?

24      A     HE MAY, YES.

25      Q     HE MAY, BUT YOU DON'T?

1 A I DON'T.

2 Q AND LIKEWISE HE -- SO THAT'S A SUBJECTIVE ISSUE  
3 THAT COULD VARY FROM EXPERT TO EXPERT?

4 A NO, I BELIEVE THAT'S A SCIENTIFIC ISSUE THAT  
5 ACTUALLY WE HAVE DATA ON AND THE DATA SHOW THAT THE  
6 UTAH SYSTEM IS THE MOST ACCURATE SYSTEM.

7 Q OBVIOUSLY IT'S NOT CONCLUSIVE BECAUSE WE HAVE  
8 THOSE OTHER TWO SYSTEMS AND THEY ARE STILL IN USE?

9 A WELL, THAT HAPPENS IN LOTS OF AREAS BUT THERE IS  
10 CLEAR SCIENTIFIC DATA ON IT.

11 Q THE MILITARY SYSTEM THAT YOU WERE TALKING ABOUT  
12 THAT'S A DIFFERENT ONE, WHERE IS THAT USED; WHO USES  
13 THAT?

14 A THAT'S USED, THAT'S A SYSTEM TAUGHT BY THE  
15 FEDERAL GOVERNMENT AT THE POLYGRAPH INSTITUTE. I'M  
16 TRAINED IN THAT SYSTEM AS WELL.

17 Q OKAY.

18 A IT'S VERY SIMILAR AND ACTUALLY IF YOU SCORE  
19 CHARTS WITH THE MILITARY SYSTEM AND WITH THE UTAH  
20 SYSTEM THE CORRELATION IS USUALLY VERY HIGH.

21 Q NOW I BELIEVE YOU, IN YOUR PUBLICATIONS THAT YOU  
22 WENT THROUGH YOU DIDN'T MENTION THIS ONE  
23 SPECIFICALLY, BUT IT IS LISTED, YOU SUBMITTED SOME  
24 INFORMATION IN REGARDS TO A CASE THAT WAS PENDING  
25 BEFORE THE SUPREME COURT, UNITED STATES OF AMERICA

1       VERSUS EDWARD G. SCHEFFER?

2       A     YES.

3       Q     IN 1977?

4       A     YES.

5       Q     AND YOU WROTE A, BASICALLY A BRIEF IN SUPPORT OF

6       A POSITION --

7       A     THAT'S CORRECT.

8       Q     ---THAT WAS IN DISPUTE IN THAT CASE.

9       A     I CO-AUTHORED AN AMICUS BRIEF, YES, SIR.

10      Q     AND I'LL SHOW YOU A DOCUMENT AND ASK DO YOU

11     RECOGNIZE THAT AS BEING THE, YOU WILL HAVE TO TURN

12     THE PAGE, THE SECOND PAGE ON THAT WHERE THE BRIEF

13     ACTUALLY STARTS, DO YOU RECOGNIZE THAT AS BEING THE

14     BRIEF THAT YOU SUBMITTED?

15     A     I'VE NOT SEEN THIS FORM OF IT, BUT IT LOOKS THE

16     CORRECT CONTENT.

17     Q     IF YOU WILL JUST TAKE A MOMENT TO REVIEW THAT

18     AND CONFIRM, SATISFY YOURSELF THAT THAT IS IN FACT

19     THE CONTENT OF THE BRIEF THAT YOU SUBMITTED.

20     A     (READS.) IT DOES.

21     Q     ALL RIGHT, SIR.  NOW YOU HAD MENTIONED BEFORE

22     THE DEPARTMENT OF DEFENSE SCORING METHOD AND

23     METHODOLOGY, YOU DISCUSS SOME OF THE DEPARTMENT OF

24     DEFENSE TRAINING METHODS IN THIS, DON'T YOU?

25     A     YES.



1 Q OKAY. AND IS IT FAIR TO CHARACTERIZE YOUR --  
2 THE COURT: KEEP YOUR VOICE LEVEL UP A  
3 LITTLE BIT.

4 Q YES, SIR. ON PAGE THREE OF THIS DOCUMENT.

5 A OKAY.

6 Q THE SECOND FULL PARAGRAPH, SECOND SENTENCE, ARE  
7 YOU WITH ME?

8 A WHAT'S THE PARAGRAPH START WITH?

9 Q THE PRIMARY PROBLEM. THE SECOND SENTENCE,  
10 HOWEVER POLYGRAPH EXAMINERS IN THE UNITED STATES  
11 MILITARY GENERALLY RECOGNIZED RECOGNIZEDAS SOME OF  
12 THE BEST TRAINED EXAMINERS IN THE WORLD.

13 A YES.

14 Q MOREOVER THE UNITED STATES MILITARY POLYGRAPH  
15 PROGRAMS MAINTAIN A HIGH LEVEL OF QUALITY CONTROL  
16 OVER THE ADMINISTRATION OF POLYGRAPH EXAMINATIONS.

17 A IT'S TRUE.

18 Q THESE FACTORS WORK TO ENSURE THAT THE QUALITY OF  
19 POLYGRAPH PRACTICE IN THE UNITED STATES MILITARY IS  
20 QUITE HIGH.

21 A YES.

22 Q YOU ARE REFERRING TO THE DEPARTMENT OF DEFENSE  
23 POLYGRAPH INSTITUTE WHICH IS LOCATED IN FORT JACKSON  
24 HERE IN SOUTH CAROLINA, ISN'T THAT RIGHT?

25 A IT IS NOW, YES.

1 Q YES, SIR. ON PAGE SEVEN OF 18, FIRST FULL  
2 PARAGRAPH AT THE TOP OF THE PAGE, THE SENTENCE  
3 BEGINS, THE RESULTING PHYSIOLOGICAL. I'M RIGHT HERE.  
4 YOU WITH ME?

5 A I AM.

6 Q THE SECOND SENTENCE: INDEPENDENT EVALUATIONS BY  
7 PERSONS WHO HAVE ACCESS TO ONLY THE PHYSIOLOGICAL  
8 DATA ARE USEFUL FOR EVALUATING THE INFORMATIONAL  
9 CONTENT OF THOSE DATA, HOWEVER, THE DECISIONS  
10 RENDERED BY THE ORIGINAL EXAMINERS PROBABLY PROVIDE A  
11 BETTER ESTIMATE OF THE ACCURACY OF POLYGRAPH  
12 TECHNIQUES AS THEY ARE ACTUALLY EMPLOYED IN THE  
13 FIELD. STAND BY THAT STATEMENT?

14 A YES.

15 Q OKAY. NEXT PAGE, BOTTOM PARAGRAPH, YOU WITH ME  
16 THERE?

17 A I AM.

18 Q HIGH QUALITY SCIENTIFIC RESEARCH FROM THE  
19 LABORATORY IN THE FIELD CONVERGE ON THE CONCLUSION  
20 THAT THE QUALITY QUESTION, THAT'S THE CQT WHICH  
21 STANDS FOR?

22 A COMPARISON QUESTIONS.

23 Q COMPARISON QUESTION. IS A HIGHLY ACCURATE  
24 DISCRIMINATOR OF TRUTH TELLERS AND DECEIVERS, AND YOU  
25 SAW NO PROBLEM WITH THE COMPARISON QUESTIONS IN THIS

1 TEST?

2 A NO.

3 Q OKAY. THE RESEARCH RESULTS CONVERGE ON AN  
4 ACCURACY ESTIMATE THAT EXCEEDS 90 PERCENT.

5 A YES.

6 Q MOREOVER ORIGINAL EXAMINERS WHO ARE MOST LIKELY  
7 TO OFFER TESTIMONY PRODUCE EVEN HIGHER ESTIMATES OF  
8 ACCURACY. THERE MAY BE A TENDENCY FOR THE COMPARISON  
9 QUESTION TO PRODUCE MORE FALSE POSITIVE THAN NO FALSE  
10 NEGATIVE ERRORS BUT THIS TREND IN THE CURRENT  
11 LITERATURE IS NOT PARTICULARLY STRONG.

12 A THAT'S TRUE.

13 Q THAT'S A LITTLE BIT AT VARIANCE WITH WHAT YOU  
14 TESTIFIED TO EARLIER, IS IT NOT, REGARDING THE FALSE  
15 POSITIVE BEING HIGHER THAN FALSE NEGATIVE?

16 A NO, THAT'S WHAT I SAID. THERE IS A TENDENCY FOR  
17 IT TO BE MORE FALSE POSITIVE THAN FALSE NEGATIVE AND  
18 THE TREND IN THE CURRENT LITERATURE SO IT IS  
19 REFERENCING THE MOST RECENT STUDIES IS THAT IT'S NOT  
20 PARTICULARLY STRONG. ALTHOUGH IF YOU LOOK AT THE  
21 WHOLE BODY OF LITERATURE THE NUMBERS I GAVE ARE  
22 CORRECT.

23 Q OKAY. NO TENDENCY, NEXT PAGE. NO TENDENCY  
24 TOWARD FALSE POSITIVE ERRORS IS SEEN IN THE DECISIONS  
25 OF THE OTHER EXAMINERS.

1 A THAT WAS TRUE FOR THE DATA AND WE REFERENCED IT.

2 Q YES, SIR. AND THAT WOULD BE MIKE BAKER THE  
3 ORIGINAL EXAMINER IN THIS CASE?

4 A YES.

5 Q YES. THE SCIENTIFIC VALIDITY OF A PROPERLY  
6 ADMINISTERED POLYGRAPH EXAM IN THE REAL LIFE CASE  
7 COMPARES FAVORABLY WITH SUCH OTHER FORMS OF  
8 SCIENTIFIC EVIDENCE, X-RAYS, ELECTROCARDIOGRAMS,  
9 FIBER ANALYSIS, AND IS FAR MORE RELIABLE THAN OTHER  
10 FORMS OF EXPERT TESTIMONY INCLUDING PSYCHOLOGICAL, IS  
11 THAT RIGHT?

12 A YES.

13 Q FINALLY PAGE 15 OF 18.

14 A MY PAGES AREN'T NUMBERED SO YOU WILL HAVE TO.

15 Q AT THE TOP RIGHT HAND CORNER OFF THE INTERNET  
16 PRINTING.

17 A NO, MINE DOESN'T HAVE THAT.

18 Q WELL, IT IS THE SECOND TO THE LAST PAGE.

19 A OKAY. THAT HELPS.

20 Q YES, SIR. IS THAT WRITTEN ACROSS THE TOP,  
21 PROBLEMS ASSOCIATED. THE BOTTOM SECOND TO THE LAST  
22 FULL PARAGRAPH, HONTS, AND THAT WOULD BE YOU, HONTS  
23 AND PERRY.

24 A YES.

25 Q YOU WOULD BE THE HONTS OF THAT?

1 A I AM.

2 Q ALTHOUGH CRITICAL OF THE GENERAL LEVEL OF  
3 TRAINING FOR POLYGRAPH EXAMINERS NOTE THAT THE  
4 DEPARTMENT OF DEFENSE POLYGRAPH INSTITUTE IS  
5 GENERALLY TO BE CONSIDERED THE BEST TRAINING FACILITY  
6 FOR POLYGRAPH EXAMINERS.

7 A YES.

8 Q THE UNITED STATES, IN THE NEXT SENTENCE DOWN,  
9 ALL POLYGRAPH EXAMINERS FOR THE LSI ARE TRAINED AT  
10 DODPI, IS THAT WHAT IT IS CALLED, D-O-D-P-I?

11 A YES.

12 Q DODPI THAT'S THE POLYGRAPH SCHOOL?

13 A YES, THAT'S THE ACRONYM FOR IT.

14 Q YES, SIR. THE UNITED STATES MILITARY POLYGRAPH  
15 PROGRAMS MAINTAIN STRICT GUIDELINES FOR THE  
16 ADMINISTRATION OF POLYGRAPH TESTS AND EVERY POLYGRAPH  
17 IN A CRIMINAL CASE IS REVIEWED BY QUALITY CONTROL OF  
18 THE PROGRAM HEADQUARTERS. EXAMINERS WHO PRODUCE  
19 SUBSTANDARD WORK RECEIVE ADDITIONAL TRAINING OR ARE  
20 REASSIGNED TO OTHER DUTIES.

21 A YES.

22 Q YOU HAVE A LOT OF FAITH IN DODPI?

23 A YES.

24 Q THEY DO GOOD WORK THERE?

25 A GENERALLY, YES.

1 MR. BRACKETT: COURT'S INDULGENCE ONE  
2 MOMENT.

3 Q ONE FINAL QUESTION. OBVIOUSLY YOU DON'T COME  
4 ALL THE WAY FROM BOISE FOR NOTHING.

5 A YES.

6 Q HOW MUCH ARE YOU GETTING PAID AN HOUR?

7 A I CHARGE 200 AN HOUR FOR WORK IN BOISE AND 2400  
8 A DAY WHEN I TRAVEL.

9 Q OKAY. HOW MANY DAYS HAVE YOU GOT IN THIS CASE?

10 A TWO.

11 Q DO YOU MAKE \$5,000?

12 A ROUGHLY.

13 MR. BRACKETT: NO FURTHER QUESTIONS.

14 THE COURT: MR. GREELEY.

15 MR. GREELEY: I DON'T HAVE ANY QUESTIONS.

16 THE COURT: REDIRECT.

17 MR. BAITY: JUST A COUPLE, YOUR HONOR.

18 REDIRECT EXAMINATION BY MR. BAITY:

19 Q DR. HONTS, IF YOU HAD BEEN GIVEN THE INFORMATION  
20 THAT MR. BRACKETT ASKED YOU ABOUT CONCERNING THE  
21 PRETEST SETTING AND THE QUESTIONS THAT WERE ASKED  
22 DURING THAT BY MR. BAKER TO MR. COPE, WOULD THAT HAVE  
23 AFFECTED THE WAY THAT YOU SCORED THIS TEST AT ALL?

24 A NO, NOT AT ALL. IN FACT, THE SCORING WOULD HAVE  
25 BEEN DONE BEFORE I WOULD WANT TO HAVE ACCESS TO ANY

1 OF THAT MATERIAL.

2 Q AND YOU DID OBTAIN A FLAVOR, DID YOU NOT, OF  
3 WHAT DID GO ON BY REVIEWING THE TRANSCRIPT AND BY  
4 REVIEWING THE QUESTIONS, THE PRETEST QUESTIONS, THAT  
5 WERE ASKED?

6 A THAT'S CORRECT.

7 Q AND BY REVIEWING THE CONTROL QUESTIONS?

8 A YES.

9 Q AND I BELIEVE YOU TESTIFIED YOU DIDN'T HAVE ANY  
10 QUARREL WITH THE CONTROL QUESTIONS THAT WERE SELECTED  
11 BY MR. BAKER, IS THAT CORRECT?

12 A I DO NOT.

13 Q WOULD A TAPE RECORDING OR A VIDEO TAPE OR AUDIO  
14 TAPE BEEN A BETTER WAY TO UNDERSTAND THIS INFORMATION  
15 THAN JUST SIMPLY THE SUMMARY FROM THE POLYGRAPH  
16 EXAMINER?

17 A YES, IT WOULD HAVE.

18 Q ARE VIDEO TAPED POLYGRAPHS OR AUDIO TAPE  
19 POLYGRAPHS UNHEARD OF THIS IN INDUSTRY?

20 A ABSOLUTELY NOT. IN MANY PLACES THEY ARE IN FACT  
21 REQUIRED. STATE OF NEW MEXICO WHERE POLYGRAPHS ARE  
22 ADMISSIBLE THAT'S A BASIC REQUIREMENT FOR  
23 ADMISSIBILITY.

24 Q THANK YOU.

25 MR. BAITY: NOTHING FURTHER, YOUR HONOR.

1 THE COURT: MR. BRACKETT.

2 MR. BRACKETT: NO, SIR.

3 THE COURT: ALL RIGHT. WE APPRECIATE YOUR  
4 TIME. THANK YOU. ANY REASON THIS WITNESS CAN'T BE  
5 EXCUSED.

6 MR. BRACKETT: NO, SIR.

7 MR. GREELEY: NO OBJECTION.

8 THE COURT: HAVE A SAFE TRIP BACK. CALL  
9 YOUR NEXT WITNESS.

10 MR. BAITY: YOUR HONOR, MAY WE BRIEFLY  
11 APPROACH.

12 (BENCH CONFERENCE AT 12:00 PM)

13 THE COURT: MEMBERS OF THE JURY PANEL,  
14 WE'RE GOING TO GO AHEAD AND BREAK FOR LUNCH. IT'S 12  
15 O'CLOCK. I'M GOING TO ASK YOU TO BE BACK AT 1:15.

16 (THE JURY EXITS THE COURTROOM AT 12:02  
17 PM)

18 THE COURT: DUE TO THE NATURE OF THE  
19 CONFERENCE I THINK WE OUGHT TO PUT SOMETHING ON THE  
20 RECORD. MR. BAITY.

21 MR. BAITY: YOUR HONOR, IT'S BEEN MY  
22 UNDERSTANDING, PERHAPS IT'S NOT BEEN CLEARLY STATED,  
23 BUT THAT THE CONFERENCE ROOM WAS TO BE USED BY THE  
24 DEFENSE.

25 THE COURT: THE LIBRARY.



1                   MR. BAITY: THE LIBRARY, I'M SORRY. USED  
2 BY THE DEFENSE TO PREPARE ITS CASE AND TO STORE ITS  
3 RECORDS AND FILES AND SO FORTH. YESTERDAY AFTERNOON  
4 I USED THAT ROOM FOR THAT PURPOSE QUITE EXTENSIVELY.  
5 WHILE COURT WAS GOING ON I WAS WORK USING THE PHONE  
6 AND USING THE CONFERENCE TABLE THAT WAS FURTHEST BACK  
7 IN THE LIBRARY, LIBRARYYOUR HONOR. I GOT UP AT ONE  
8 POINT TO GO TO THE RESTROOM AND RETURNED DIRECTLY TO  
9 THAT TABLE AND AN IMPORTANT WORK PRODUCT WAS MISSING  
10 AND I MEAN IT WASN'T A MATTER OF, I DIDN'T GO  
11 ANYWHERE EXCEPT TO THE RESTROOM, IT WASN'T A MATTER  
12 OF ME MISPLACING IT BUT IT IS GONE. IT IS NOT  
13 CRITICAL TO THE CASE AND QUITE FRANKLY I RECREATED IT  
14 AGAIN LAST NIGHT.

15                   THIS MORNING, YOUR HONOR, I HAVE NOTES  
16 THAT WERE PREPARED IN ANTICIPATION OF MY NEXT  
17 WITNESS, HIS DIRECT EXAMINATION, AND I HAVE FOUND A  
18 PORTION OF THOSE NOTES WHICH WERE STORED IN THE  
19 LIBRARY, HOWEVER A PORTION OF THEM ARE MISSING AGAIN,  
20 AND I CAN STATE TO THIS COURT WITHOUT ANY HESITATION  
21 THAT I KNOW THEY WERE THERE, THAT I REVIEWED THEM  
22 THIS MORNING. I REVIEWED THEM RIGHT BEFORE I CALLED  
23 DR. HONTS AND JUST LEFT THEM IN THE LIBRARY, NOT  
24 LAYING OUT, BUT ACTUALLY STORED WITH MY BRIEF CASE  
25 AND I CAN RECREATE THOSE. IT'S NOT A PROBLEM. I

1 HAVE EXTRA COPIES IN MY OTHER FILES. IT WAS JUST  
2 SORT OF A SUMMARY. I HAVE NO IDEA WHAT MAY BE GOING  
3 ON AND I DIDN'T FEEL IT NECESSARY TO REPORT YESTERDAY  
4 WHAT I MENTIONED. BUT I DO FEEL THE NEED TO DO IT  
5 NOW AND I BELIEVE IT'S MADE IT DIFFICULT BUT  
6 CERTAINLY NOT IMPOSSIBLE FOR US TO GO FORWARD AND I  
7 WILL BE PREPARED SHORTLY IF I CAN HAVE 30 MINUTES TO  
8 SIMPLY JOT SOME THINGS DOWN.

9 THE COURT: WELL, YOU INDICATED YOUR BRIEF  
10 CASE WAS MISSING.

11 MR. BAITY: MY BRIEF CASE, WHAT I MEANT TO  
12 SAY WAS MY BRIEF CASE WAS NOT IN THE SAME POSITION  
13 WHERE IT WAS AND THERE IS AND I HAD THE FILE SITTING  
14 ON TOP OF THAT AND THERE ARE SOME THINGS THAT ARE  
15 MISSING FROM THAT FILE, NOT FROM MY BRIEF CASE. THEY  
16 WERE STORED, AS I SAID STORED WITH MY BRIEF CASE.

17 THE COURT: BUT YOUR BRIEF CASE IS NOT  
18 MISSING.

19 MR. BAITY: NO, MY BRIEF CASE IS HERE,  
20 YOUR HONOR.

21 THE COURT: WELL, WE'LL BREAK FOR LUNCH  
22 AND COME BACK AT 1:15 AND HOPEFULLY YOU'LL BE ABLE TO  
23 RECONSTRUCT IT BUT I'M GOING TO MAKE, SEE IF WE CAN  
24 FIND OUT WHAT HAPPENED. OUR CLEANING CREW USUALLY  
25 COMES IN AT NIGHT.

1 MR. BAITY: THIS WAS BEFORE FIVE O'CLOCK

2 THE COURT: MR. MORTON.

3 MR. MORTON: YOUR HONOR, I DON'T HAVE  
4 ANYTHING ON THAT ISSUE. I JUST WANTED TO MENTION ONE  
5 THING. MR. BRACKETT INDICATED THAT WE HAVE PROVIDED,  
6 IN THE SPEAKING OF THE OBJECTIONS, ALL THE DISCOVERY  
7 THAT HAD BEEN PROVIDED TO THE DEFENSE I DIDN'T WANT  
8 TO GET UP AND OBJECT TO ALL THE DISCOVERY THAT THEY  
9 DIDN'T PROVIDE THE DEFENSE UNTIL THIS CASE STARTED.  
10 I WOULD JUST ASK MR. BRACKETT TO REFRAIN FROM THOSE  
11 KIND OF SPEAKING OBJECTIONS TO THE JURY WHICH IMPLIES  
12 TO THE JURY THEY WERE DOING THINGS FOR US THAT WE ARE  
13 NOT DOING FOR THEM.

14 THE COURT: AND I THINK THAT IS  
15 REASONABLE. IF YOU HAVE AN OBJECTION, MAKE THE  
16 OBJECTION, AND IF YOU NEED TO EXPAND ON IT JUST SAY  
17 WELL I NEED TO IT TAKE UP OUTSIDE THE PRESENCE OF THE  
18 JURY BECAUSE SPEAKING OBJECTIONS ARE NOT PROPER. I'M  
19 NOT FINDING -- ANYWAY GO AHEAD.

20 MR. GREELEY: YOUR HONOR, DURING  
21 MR. HONTS DIRECT EXAMINATION MR. BAITY DID HAND ME  
22 HIS VITAE AND I SAT IT OVER HERE AND I HAVE NO  
23 OBJECTION TO HIM PUTTING IT INTO EVIDENCE AT THIS  
24 TIME. SINCE I KIND --

25 MR. BRACKETT: NO OBJECTION.

1 THE COURT: BE RECEIVED WITHOUT OBJECTION.

2 MR. BAITY: THANK YOU, YOUR HONOR.

3 (COURT IN RECESS AT 12:07 PM).

4 (COURT RESUMES AT 1:20 PM AND THE

5 DEFENDANTS ARE PRESENT AND THE JURY RETURNS TO THE

6 COURTROOM AT 1:27 PM)

7 THE COURT: CALL YOUR NEXT WITNESS.

8 MR. BAITY: PLEASE THE COURT, YOUR HONOR.

9 WE CALL SAUL M. KASSIN TO THE STAND.

10 SAUL KASSIN, BEING FIRST DULY SWORN,

11 TESTIFIED AS FOLLOWS.

12 DIRECT EXAMINATION BY MR. BAITY:

13 Q DR. KASSIN, WOULD YOU PLEASE GIVE US YOUR FULL

14 NAME AND ADDRESS?

15 A SAUL KASSIN. S-A-U-L K-A-S-S-I-N.

16 WILLIAMSTOWN, MASSACHUSETTS.

17 Q PLEASE SPEAK UP IF YOU CAN AND UNFORTUNATELY

18 THAT MICROPHONE WILL GET NO CLOSER.

19 A OKAY.

20 Q YOU ARE GOING TO NEED TO PROJECT JUST A BIT.

21 DOCTOR, WHAT IS YOUR PROFESSION AND CURRENT

22 EMPLOYMENT.

23 A I'M A SOCIAL PSYCHOLOGIST AND A PSYCHOLOGY

24 PROFESSOR AT WILLIAMS COLLEGE IN MASSACHUSETTS.

25 Q AND WHERE IS WILLIAMS COLLEGE LOCATED?

1 A IT'S THE NORTHWEST CORNER OF MASSACHUSETTS,  
2 COUPLE OF MILES SOUTH OF VERMONT, JUST EAST OF NEW  
3 YORK.

4 Q COULD YOU GIVE US A SUMMARY OF YOUR EDUCATIONAL  
5 BACKGROUND PLEASE?

6 A I HAVE A PH.D. IN SOCIAL PSYCHOLOGY 1978 FROM  
7 THE UNIVERSITY OF CONNECTICUT. I HAVE HAD A POST  
8 DOCTRINAL FELLOWSHIP AT THE UNIVERSITY OF KANSAS IN  
9 1979. I WAS A VISITING PROFESSOR AT STANFORD  
10 UNIVERSITY 1985. A JUDICIAL FELLOW AT THE U.S.  
11 SUPREME COURT IN 1984. AND I'VE BEEN AT WILLIAMS  
12 COLLEGE EVER SINCE. I'M A PROFESSOR OF PSYCHOLOGY  
13 THERE AND CHAIR OF LEGAL STUDIES.

14 Q AND CHAIR OF?

15 A OF LEGAL STUDIES.

16 Q LEGAL STUDIES. THANK YOU. PRIOR TO BECOMING A  
17 PROFESSOR OF PSYCHOLOGY AT WILLIAMS COLLEGE WHAT  
18 OTHER POSITIONS DID YOU HOLD?

19 A I WAS A, AN ASSISTANT PROFESSOR OF PSYCHOLOGY AT  
20 PURDUE UNIVERSITY AND AGAIN I HAD, FOR ONE YEAR, A  
21 VISITING POSITION AT STANFORD UNIVERSITY.

22 Q COULD YOU DESCRIBE ANY HONORS THAT YOU RECEIVED  
23 DURING THE COURSE OF YOUR CAREER?

24 A I RECEIVED JUDICIAL FELLOWSHIP, A U.S. SUPREME  
25 COURT JUDICIAL FELLOWSHIP. THE TWO POST DOCTRINAL

1 FELLOWSHIPS THAT I DESCRIBED. I'M A FELLOW OF THE  
2 AMERICAN PSYCHOLOGICAL SOCIETY OF, FELLOW OF THE  
3 AMERICAN PSYCHOLOGICAL ASSOCIATION, AND A FELLOW OF  
4 THE AMERICAN PSYCHOLOGY LAW SOCIETY.

5 Q ARE THOSE THE LEADING ASSOCIATIONS IN YOUR  
6 PROFESSION?

7 A YES.

8 Q ARE YOU INVOLVED IN THE REVIEW AND EDITING OF  
9 ANY SCHOLARLY JOURNALS?

10 A I'M AN EDITOR, A CONSULTING EDITOR, ON LAW AND  
11 HUMAN BEHAVIOR WHICH IS A JOURNAL THAT PUBLISHES  
12 RESEARCH IN THE AREA OF PSYCHOLOGY AND THE LAW.

13 Q AND ARE THERE ANY PARTICULAR RESEARCH AREAS IN  
14 WHICH YOU ARE CONCENTRATED IN YOUR PROFESSIONAL LIFE?

15 A YES. I'M A SOCIAL PSYCHOLOGIST. I STUDY SOCIAL  
16 INFLUENCE AND THE AREA IN WHICH I STUDY SOCIAL  
17 INFLUENCE IS LEGAL DECISION MAKING FOCUSING FOR  
18 EXAMPLE ON INTERVIEWS AND INTERROGATIONS.

19 Q ALL RIGHT. WHAT ARE YOUR PRIMARY AREAS OF  
20 PROFESSIONAL FOCUS IN YOUR CAREER?

21 A AGAIN AS A SOCIAL PSYCHOLOGIST MY INTEREST IS IN  
22 SOCIAL INFLUENCE AND SO IN THE AREA OF FORENSIC  
23 PSYCHOLOGY I STUDY POLICE INTERVIEWING TECHNIQUES,  
24 DECEPTION DETECTION, INTERROGATION TECHNIQUES, AND  
25 CONFESSIONS.

1 Q HAVE YOU WRITTEN OR EDITED ANY BOOKS IN YOUR  
2 FIELD?

3 A YES, I'VE WRITTEN AND EDITED SEVERAL BOOKS.

4 Q CAN YOU DESCRIBE SOME OF THOSE PLEASE?

5 A I'M AUTHOR OF AN INTRODUCTORY PSYCHOLOGY  
6 TEXTBOOK, COLLEGE LEVEL TEXTBOOK. I'M ONE OF THREE  
7 AUTHORS ON A SOCIAL PSYCHOLOGY UNDERGRADUATE  
8 TEXTBOOK. I'VE WRITTEN AND EDITED PROFESSIONALLY  
9 SCHOLARLY BOOKS BOTH IN THE AREA OF SOCIAL PSYCHOLOGY  
10 AND MORE SPECIFICALLY IN THE AREA OF PSYCHOLOGY AND  
11 LAW.

12 Q AND HAVE YOU WRITTEN ANY ARTICLES THAT HAVE  
13 APPEARED IN PROFESSIONAL JOURNALS?

14 A YES, A NUMBER OF THEM.

15 Q HAVE YOU TAUGHT ANY COLLEGE LEVEL COURSES  
16 ADDRESSING THE STUDY OF EITHER SOCIAL PSYCHOLOGY OR  
17 INTERROGATION IN STATEMENTS WHICH ARISE FROM AN  
18 INTERROGATION?

19 A YES. WELL, I REGULARLY TEACH SOCIAL PSYCHOLOGY  
20 AND I TEACH A COURSE IN PSYCHOLOGY AND THE LAW. ON A  
21 COUPLE OF OCCASIONS I'VE TAUGHT AN UPPER LEVEL COURSE  
22 ON THE PSYCHOLOGY OF EVIDENCE, SO YES, THAT'S PART OF  
23 MY REGULAR, MY TEACHING AND RESEARCH ARE IN THE SAME  
24 AREAS.

25 Q IN THE COURSE OF YOUR PROFESSION AS A

1 PSYCHOLOGIST SPECIALIZING IN THE AREA OF  
2 INTERROGATION METHODOLOGY, HAVE YOU BEEN CALLED UPON  
3 TO TESTIFY AS AN EXPERT WITNESS IN ANY CRIMINAL  
4 PROCEEDINGS?

5 A YES.

6 Q SUCH AS THIS?

7 A YES, I HAVE.

8 Q WHAT TYPES OF SUBJECTS HAVE YOU TESTIFIED ABOUT  
9 AS AN EXPERT WITNESS?

10 A I'VE TESTIFIED ABOUT INTERVIEWING INTERROGATION  
11 AND CONFESSION AND I'VE TESTIFIED ABOUT EYE WITNESS  
12 IDENTIFICATIONS.

13 Q DOCTOR, HAVE YOU TESTIFIED IN THE COURTS OF THIS  
14 STATE AS AN EXPERT WITNESS?

15 A YES, I HAVE.

16 Q HAVE YOU TESTIFIED IN OTHER STATES OR FEDERAL  
17 JURISDICTIONS AS AN EXPERT WITNESS?

18 A YES, I HAVE.

19 Q HAVE YOU BEEN HIRED AS A CONSULTANT OR EXPERT  
20 WITNESS FOR BOTH PROSECUTION AND DEFENSE?

21 A ACTUALLY I HAVE. I WAS ASKED ONLY ONCE BY THE  
22 PROSECUTION AND WHILE I WAS AGREEABLE TO TESTIFY  
23 ULTIMATELY THEY DIDN'T NEED MY TESTIMONY, BUT, AND I  
24 DON'T TESTIFY A LOT.

25 Q COULD YOU TELL US WHAT STATES YOU'VE BEEN



1 QUALIFIED AS AN EXPERT IN?

2 A CALIFORNIA, WISCONSIN, MILITARY COURT, NEW YORK,  
3 MASSACHUSETTS, CONNECTICUT, SOUTH CAROLINA.

4 Q IS THE SCIENCE OF SOCIAL PSYCHOLOGY A RECOGNIZED  
5 SCIENCE, DR. KASSIN?

6 A YES, IT IS.

7 Q DOES IT HAVE BODY OF WRITTEN REFERENCES AND  
8 STUDIES?

9 A YES. IT'S A SUBSTANTIAL ONE AT THAT.

10 Q AND HAVE YOU PARTICIPATED IN THE CREATION OF A  
11 PORTION OF THAT BODY OF WORK?

12 A YES, I HAVE.

13 Q HAVE YOU CONDUCTED CASE STUDIES AND OTHER FIELD  
14 RESEARCH IN THAT AREA?

15 A IN SOCIAL PSYCHOLOGY?

16 Q YES, SIR.

17 A YES.

18 Q AND HAS THE ISSUE OF POLICE INTERROGATION BEEN  
19 GIVEN ATTENTION TO BY SOCIAL PSYCHOLOGISTS OVER THE  
20 YEARS?

21 A YES, SIR. IN FACT, MORE GENERALLY BY  
22 PSYCHOLOGISTS NOT SOCIAL PSYCHOLOGISTS BECAUSE IT  
23 INTERSECTS WITH A NUMBER OF DIFFERENT AREAS OF  
24 PSYCHOLOGY. IT INTERSECTS WITH CLINICAL PSYCHOLOGY,  
25 WITH DEVELOPMENTAL PSYCHOLOGY WHEN THERE ARE JUVENILE

1 CHILD ISSUES AND IT INTERSECTS IMPORTANTLY WITH  
2 COGNITIVE PSYCHOLOGY AND COGNITIVE PSYCHOLOGISTS  
3 STUDY HOW PEOPLE THINK AND PARTICULARLY COGNITIVE  
4 PSYCHOLOGISTS STUDY MEMORY AND MANY MEMORY  
5 RESEARCHERS HAVE BECOME INVOLVED IN THE STUDY OF  
6 INTERROGATIONS AND CONFESSIONS.

7 Q AND YOU HAVE PERSONALLY CONDUCTED RESEARCH, CASE  
8 STUDIES, AND OTHER TESTING ON --

9 A YES.

10 Q --SUBJECTS AND SOCIAL PSYCHOLOGY?

11 A YES.

12 Q SPECIFICALLY IN POLICE INTERROGATION?

13 A YES.

14 Q AND HAVE YOU PUBLISHED ANY OF YOUR WORK  
15 SPECIFICALLY ON THE SUBJECT OF POLICE INTERROGATION?

16 A YES.

17 Q AND WHAT TYPE OF PUBLICATIONS?

18 A I'VE PUBLISHED, I'VE BEEN PUBLISHING ON THE  
19 TOPIC OF CONFESSIONS NOW SINCE 1980. THESE ARE IN  
20 SCIENTIFIC JOURNALS, JOURNALS SUCH AS THE JOURNAL OF  
21 PERSONALITY AND SOCIAL PSYCHOLOGY, LAW AND HUMAN  
22 BEHAVIOR, THE AMERICAN PSYCHOLOGIST, PSYCHOLOGICAL  
23 SCIENCE. AND I'VE TESTIFIED, I'M SORRY, I PUBLISHED  
24 IN THESE JOURNALS SINCE 1980 ON THIS SUBJECT.

25 Q HAS YOUR PUBLISHED WORK BEEN SUBJECT TO

1 CRITICISM AND PEER REVIEW?

2 A WELL, I DON'T KNOW ABOUT THE CRITICISM PART BUT  
3 PEER REVIEW, I LIKE THAT TERM BETTER, YES. BASICALLY  
4 WHEN YOU SUBMIT A PUBLICATION, WHEN YOU SUBMIT AN  
5 ARTICLE FOR PUBLICATION TO A SCIENTIFIC JOURNAL  
6 TYPICALLY WHAT WILL HAPPEN YOU WILL SEND IN MULTIPLE  
7 COPIES OR SEND IN AN ELECTRONIC COPY, THE EDITOR THEN  
8 SENDS IT OUT TO THREE OR FOUR PEOPLE IN THE FIELD WHO  
9 TYPICALLY REVIEW IT BLIND WHICH IS TO SAY THE AUTHOR  
10 DOESN'T KNOW WHO THE REVIEWERS ARE AND THE REVIEWER  
11 DON'T KNOW WHO THE AUTHOR IS. AND THEY GO THROUGH  
12 THIS VERY INTENSE LEVEL OF SCRUTINY. THE EDITOR THEN  
13 MAKES A DECISION TO PUBLISH OR NOT PUBLISH OR TO  
14 REVISE BASED ON THE REVIEWS THAT COME BACK.  
15 TYPICALLY THE JOURNALS THAT I'VE PUBLISHED IN REJECT  
16 BETWEEN 60 AND 90 PERCENT OF THE ARTICLES THAT ARE  
17 SUBMITTED SO THESE ARE JOURNALS THAT PEER REVIEW IS,  
18 IT SETS A RELATIVELY HIGH STANDARD FOR PUBLICATION.

19 Q WOULD YOU SAY THAT THE SCIENCE AND CASE STUDIES  
20 I'VE JUST TALKED ABOUT ARE GENERALLY ACCEPTED BY THE  
21 SCIENTIFIC COMMUNITY?

22 A YES. AGAIN THESE, I'VE PUBLISHED THESE PAPERS  
23 IN PEER REVIEW SCIENTIFIC JOURNALS FOR YEARS NOW.

24 MR. BAITY: YOUR HONOR, WE WOULD OFFER DR.  
25 KASSIN AT THIS TIME AS AN EXPERT IN THE AREA OF

1 SOCIAL PSYCHOLOGY OF POLICE INTERROGATION.

2 THE COURT: ALL RIGHT. VOIR DIRE.

3 MR. BRACKETT: YES, SIR.

4 CROSS EXAMINATION BY MR. BRACKETT:

5 Q GOOD AFTERNOON, SIR.

6 A GOOD AFTERNOON.

7 Q WELCOME TO SOUTH CAROLINA. HOW ARE YOU?

8 A THANK YOU. GOOD.

9 Q YOU'VE TESTIFIED A COUPLE TIMES BEFORE IN SOUTH  
10 CAROLINA?

11 A YES, I HAVE.

12 Q I BELIEVE IT WAS IN '99 IN THE STATE VERSUS  
13 ERNEST RIDDLE?

14 A THAT WAS A POST CONVICTION RELIEF HEARING I  
15 BELIEVE.

16 Q YES, SIR. BUT THAT WAS THE TIME YOU TESTIFIED  
17 AS AN EXPERT?

18 A YES.

19 Q AND THEN THE OTHER TIME WAS STATE VERSUS WESLEY  
20 MAX MYERS DOWN IN CHARLESTON?

21 A YES, IT WAS ACTUALLY A THIRD OCCASION.

22 Q OKAY. AND IN ONE OF THOSE OCCASIONS YOU WERE  
23 ADMITTED AS AN EXPERT ON BOTH OF THOSE OCCASIONS, IS  
24 THAT RIGHT?

25 A YES.

1 THE COURT: THEY ARE HAVING TROUBLE  
2 HEARING YOU. YOU GOT A SOFT VOICE AND I'M GOING TO  
3 ASK THE WITNESS TO SPEAK UP TOO.

4 Q NOW DR. KASSIN, YOU HAVE PUBLISHED A NUMBER OF  
5 ARTICLES, IS THAT RIGHT?

6 A CORRECT.

7 Q AND INCLUDED IN THAT IS A JOURNAL ARTICLE IN THE  
8 AMERICAN PSYCHOLOGIST IN 1977?

9 A CORRECT.

10 Q AND YOU WERE NOT QUESTIONED ABOUT THIS JOURNAL  
11 ARTICLE IN ANY OF THE OTHER TIMES YOU HAVE BEEN  
12 QUALIFIED AS AN EXPERT IN SOUTH CAROLINA, HAVE YOU?

13 A I DON'T RECALL. I MAY HAVE.

14 Q WELL, YOU DON'T DISPUTE THAT IN THIS ARTICLE YOU  
15 EVEN INDICATED THAT THE AREA OF EXPERTISE THAT YOU  
16 CLAIM TO WANT TO TESTIFY ABOUT TODAY THAT YOU DON'T  
17 BELIEVE THAT, THIS IS WHAT YOU SAID IN HERE, YOU  
18 DON'T BELIEVE THAT IT QUALIFIES AS A SCIENTIFIC FIELD  
19 SUBJECT TO THE REQUIREMENTS OF LAW UNDER DAUBERT, THE  
20 STANDARD THAT WE HAVE TO FIND YOU?

21 A THAT'S NOT EXACTLY WHAT I SAID, BUT I KNOW THE  
22 PASSAGE YOU ARE REFERRING TO.

23 Q LET ME READ THE EXACT WORDS. AS A RESULT OF  
24 THIS NEGLECT THE CURRENT EMPIRICAL FOUNDATION MAY BE  
25 TOO MEAGER TO SUPPORT RECOMMENDATIONS FOR REFORM OR

1 QUALIFY AS A SUBJECT OF SCIENTIFIC KNOWLEDGE  
2 ACCORDING TO THE CRITERIA RECENTLY ARTICULATED BY THE  
3 U.S. SUPREME COURT DAUBERT VERSUS MERRELL DOW  
4 PHARMACEUTICALS INCORPORATED IN 1993?

5 A CORRECT.

6 Q OKAY. YOU GAVE US A LIST OF, AND PART OF THE  
7 REASON FOR THAT IS YOU REALLY CAN'T SAY IF A  
8 CONFESSION IS FALSE OR NOT?

9 A THAT WOULDN'T BE MY PURPOSE TO DO THAT. IT  
10 WOULD NOT BE MY PURPOSE TO HERE TO DO THAT, TO SAY  
11 THAT A PARTICULAR CONFESSION IS TRUE OR FALSE, BUT  
12 MERELY TO TALK ABOUT THE GENERAL PRINCIPLES THAT LEAD  
13 PEOPLE TO CONFESS TO CRIMES THAT THEY DID OR DID NOT  
14 COMMIT.

15 Q I UNDERSTAND BUT THERE IS NO SCIENTIFIC WAY TO  
16 VALIDATE WHETHER A CONFESSION IS TRUE OR FALSE?

17 A IN A PARTICULAR INSTANCE?

18 Q YES.

19 A NO. NO, NOT WITHOUT CONSIDERATION OF OTHER  
20 FACTORS AND OTHER TYPES OF EVIDENCE.

21 Q YES, SIR. YOU COULD BASED ON YOUR TRAINING AND  
22 EXPERIENCE YOU BY YOURSELF JUST LOOKING AT THE  
23 CIRCUMSTANCES CAN'T SAY WHETHER ANY GIVEN ---

24 A NOT ONLY CAN I NOT BUT I ACTUALLY HAVE AN  
25 ARTICLE THAT'S COMING OUT SHOWING THAT PEOPLE CANNOT

1 DISTINGUISH TRUE OR FALSE CONFESSIONS THAT THEY VIEW;  
2 THE AVERAGE PERSON CAN'T DO IT, POLICE OFFICERS CAN'T  
3 DO IT, AND SOCIAL SCIENTISTS CAN'T DO IT, SO YES.

4 Q BUT SOMEBODY HAS TO DECIDE; A JURY ULTIMATELY,  
5 RIGHT?

6 A YES.

7 Q OKAY. NOW IN FACT YOU GAVE US A LIST OF STATES  
8 WHERE YOU ARE, YOU HAVE BEEN QUALIFIED AS AN EXPERT,  
9 CALIFORNIA, WISCONSIN, BUT IF WE WERE IN THE STATE OF  
10 NEW JERSEY YOU WOULD NOT BE ALLOWED TO TESTIFY, WOULD  
11 YOU?

12 A NO, ACTUALLY I HAD A, I WAS OFFERED TO TESTIFY  
13 IN THE STATE OF NEW JERSEY, THE TRIAL JUDGE RULED  
14 THAT I SHOULD BE ALLOWED TO TESTIFY, AND THE APPEALS  
15 COURT RULED THAT I SHOULD NOT.

16 Q THE SUPREME COURT IN NEW JERSEY RULED THAT YOUR  
17 AREA OF EXPERTISE IS NOT AN AREA OF EXPERTISE THAT  
18 THEIR COURTS WOULD RECOGNIZE, STATE VERSUS PATRICK  
19 FREE?

20 A I'M NOT SURE -- I KNOW THE CASE. I'M NOT SURE  
21 THAT WAS THE BASIS OF THEIR RULING.

22 Q OKAY. YOU WERE NOT ALLOWED TO TESTIFY AS AN  
23 EXPERT IN THAT STATE?

24 A THAT IS CORRECT.

25 Q IF WE WERE IN NEW JERSEY YOU WOULD NOT BE

1 TESTIFYING HERE TODAY?

2 A THAT'S RIGHT.

3 Q IN FACT, YOU CAN'T EVEN TESTIFY AS TO THE  
4 PREVALENCE OF FALSE CONFESSIONS AND NOBODY CAN SAY  
5 PREVALENCE OF FALSE CONFESSIONS?

6 A THERE ARE THOSE WHO TRY AND BELIEVE ME THERE IS  
7 NOT A METHODOLOGY FOR DERIVING AN ESTIMATE THAT IS  
8 PRECISE, SO NOBODY KNOWS THE FREQUENCY OF FALSE  
9 CONFESSION. WE HAVE SOME IDEAS. WE KNOW FOR EXAMPLE  
10 THAT IN THE NEW DNA EXONERATION CASES LITERATURE, AS  
11 DNA EXONERATION CASES HAVE COME IN, PEOPLE HAVE BEEN  
12 ASTONISHED TO FIND THAT ROUGHLY 20 TO 25 PERCENT OF  
13 THOSE EXONERATIONS HAD CONTAINED CONFESSIONS WHICH  
14 WERE NOW KNOWN TO BE FALSE IN EVIDENCE, SO THERE ARE  
15 SOME NUMBERS OUT THERE BUT THEY DON'T GIVE US THAT  
16 ONE NUMBER WE'D LIKED TO HAVE, HOW OFTEN IN A YEAR,  
17 FOR EXAMPLE, DOES THIS HAPPEN.

18 Q BECAUSE WE DON'T KNOW HOW MANY CONFESSIONS ARE  
19 ACTUALLY TAKEN IN A YEAR?

20 A WELL, WE KNOW FOR EXAMPLE THAT, WE KNOW FOR  
21 EXAMPLE THAT, FOR EXAMPLE, A RECENT STUDY BY DRIZZON  
22 AND LEO IN WHICH THEY ANALYZED 125 FALSE CONFESSIONS,  
23 KNOWN, DOCUMENTED FALSE CONFESSIONS. THEY ARGUE IN  
24 THAT PAPER REASONABLY THAT THAT 125 IS THE TIP OF A  
25 VERY LARGE ICEBERG AND THE WAY THEY HAVE ARRIVED AT



1 THAT IS WE KNOW THAT AND RESEARCH HAS SHOWN THIS THAT  
2 MORE OFTEN THAN NOT FALSE CONFESSIONS OCCUR IN VERY  
3 LOW PROFILE CASES, NOT IN BIG CASES THAT END UP IN  
4 ARTICLES SUCH AS THEIRS, AND MORE OFTEN THAN NOT  
5 FALSE CONFESSIONS ARE DISCOVERED TO BE FALSE BEFORE  
6 THERE IS EVER A TRIAL AND A RECORD, SO LITTLE  
7 ATTENTION IS PAID; SO THE DNA EXONERATION CASES ARE  
8 STRICTLY POST CONVICTION DNA EXONERATION CASES AND IN  
9 THAT REGARD THEY REPRESENT A SUB-SAMPLE OF WHATEVER  
10 THAT NUMBER IS. IN TERMS WHAT THAT NUMBER IS NOBODY  
11 KNOWS.

12 Q THAT'S THE ANSWER TO MY QUESTION THEN IS NO?

13 A YES.

14 Q OKAY. AND THERE IS A GREAT DEAL OF CONTROVERSY  
15 SURROUNDING THIS FIELD OF EXPERTISE THAT YOU CLAIM A  
16 NUMBER OF ARTICLES HAVE BEEN PUBLISHED IN SCHOLARLY  
17 PUBLICATIONS THAT ARE PEER REVIEWED JUST LIKE YOU  
18 WERE DESCRIBING THAT CONTEST THE VALIDITY OF THIS?

19 A NOT THAT I KNOW OF.

20 Q PAUL CASSELL?

21 A PAUL CASSELL IS PUBLISHING IN LAW REVIEWS THAT  
22 DO NOT, ARE NOT SUBJECT TO PEER REVIEW SCIENTIFIC  
23 STANDARDS, AND I'M MORE THAN HAPPY TO TALK ABOUT SOME  
24 OF THOSE WRITINGS.

25 Q I UNDERSTAND. THERE ARE, THERE IS SUBJECT TO

1           CONTROVERSY?

2           A     IT'S SUBJECT TO CONTROVERSY AMONG LEGAL SCHOLARS  
3           WHICH IS WHY I DON'T WANT TO GET INTO A NUMBERS  
4           SITUATION BECAUSE AMONG RESEARCHERS THERE ISN'T A  
5           CONTROVERSY THAT IT OCCURS, THAT IT OCCURS UNDER  
6           CERTAIN CIRCUMSCRIBED CIRCUMSTANCES, AND THAT IT'S  
7           PREDICTABLE BY KNOWING CERTAIN FACTORS THAT ARE IN  
8           PLACE. AS FAR AS CASSELL IS CONCERNED, HIS WRITINGS  
9           ARE DIRECTED AT TRYING TO ESTIMATE NUMBERS WHICH IS  
10          AGAIN I THINK AN ENTERPRISE THAT IS NOT ONLY -- I  
11          THINK IT'S JUST NOT POSSIBLE. THERE ARE TOO MANY  
12          INVISIBLE CASES OUT THERE THAT WE DON'T KNOW ABOUT.

13                   MR. BRACKETT: YOUR HONOR, I WOULD OBJECT  
14          TO HIM BEING QUALIFIED IN THIS AREA ON TWO GROUNDS.  
15          I DON'T BELIEVE THAT THIS IS --

16                   THE COURT: WELL, DON'T GO -- LET'S TAKE  
17          IT UP OUTSIDE THE PRESENCE OF THE JURY. ALL RIGHT.  
18          MR. GREELEY, DO YOU HAVE ANY VOIR DIRE.

19                   MR. GREELEY: NO, YOUR HONOR, I DO NOT.

20                   THE COURT: I'M GOING TO LET YOU GO TO THE  
21          JURY ROOM JUST FOR A FEW MINUTES WHILE WE TAKE UP A  
22          LEGAL MATTER.

23                                    (THE JURY EXITS THE COURTROOM AT 1:44  
24          PM.)

25                   THE COURT: YES, SIR.

1                   MR. BRACKETT: PLEASE THE COURT, YOUR  
2 HONOR. TWO REASONS: FIRST OF ALL, I DON'T BELIEVE  
3 THIS IS AN AREA OF SCIENTIFIC ENDEAVOR WHICH, BY THE  
4 WITNESS' OWN ADMISSION, QUALIFIES UNDER DAUBERT. I  
5 DON'T BELIEVE THAT, THAT THIS QUALIFIES AS A  
6 SCIENTIFIC AREA THAT IS CAPABLE OF BEING, THAT IS  
7 CAPABLE OF BEING ASCERTAINED WITH ENOUGH CERTAINTY  
8 THAT A JURY SHOULD RELY UPON IT IN FORMING THE  
9 DECISION OF WHETHER TO CONVICT OR ACQUIT IN THIS  
10 CASE. IT IS SIMPLY A HYPOTHESIS THAT IS UNPROVEN AND  
11 THERE IS NO REAL WAY TO PROVE IT. THAT'S THE FIRST  
12 PROBLEM.

13                   AND I SUBMIT THAT, YOU KNOW, THE OTHER  
14 STATES, I DON'T BELIEVE THAT THIS PARTICULAR ARTICLE  
15 WAS POINTED OUT WHERE EVEN THIS WITNESS AGREES THAT  
16 IT DOESN'T MEET THE STANDARDS OF DAUBERT.

17                   THE COURT: HAVE WE ACCEPTED DAUBERT?

18                   MR. BRACKETT: IT'S THE JONES STANDARD BUT  
19 IT IS VERY SIMILAR. I SUBMIT THAT IT'S CLOSE ENOUGH  
20 IF IT DOESN'T QUALIFY FOR DAUBERT I DON'T BELIEVE IT  
21 WOULD QUALIFY UNDER JONES. BUT BE THAT AS IT MAY,  
22 THE SECOND GROUNDS IS REALLY THE HEART OF IT. WE  
23 ISSUED, WE VISITED THIS ISSUE BEFORE WITH THE  
24 PREVIOUS WITNESS. IT'S NOT RELEVANT AT THIS POINT.  
25 HE HASN'T DENIED THE, HE HASN'T DENIED THE

1 CONFESSON, HE HAS NOT STATED THAT THE CONFESSON IS  
2 FALSE. I THINK IT IS GETTING THE CART BEFORE THE  
3 HORSE AND I'M AFRAID THAT ONCE THIS TESTIMONY GETS IN  
4 IF THEY DON'T CALL THE DEFENDANT AS A WITNESS, HE'S  
5 THE ONLY PERSON THAT CAN DECRY THE CONFESSON AS  
6 FALSE SETTING THE STAGE FOR DR. KASSIN TO COME IN IF  
7 HE'S QUALIFIED AS AN EXPERT, AND OUR CONCERN IS THAT  
8 IF THEY WANT TO DO THIS THEN THEY ARE GOING TO HAVE  
9 TO CALL MR. COPE, THE SAME AS THE OTHER WITNESS.

10 AND THE LAST THING I WOULD POINT OUT, EVEN  
11 THE DEFENSE'S OWN EXPERT, THE OTHER EXPERT THAT HAS  
12 TESTIFIED TODAY, IN THE BRIEF THAT I WAS READING TO  
13 HIM, HE INDICATED THAT HE THOUGHT POLYGRAPHS WERE  
14 MORE RELIABLE THAN PSYCHOLOGICAL TESTIMONY AND  
15 POLYGRAPHS ARE NOT ADMISSIBLE.

16 THE COURT: SO YOU WANT US TO TAKE THE  
17 FULL CREDENCE TO WHAT THAT WITNESS TESTIFIED TO.

18 MR. BRACKETT: A PORTION OF THAT.

19 THE COURT: OH, YOU WANT TO PICK OUT THE  
20 PORTION YOU LIKE.

21 MR. BRACKETT: WELL, THAT PARTICULAR  
22 PORTION I AGREE WITH. I THINK THAT IS CORRECT.  
23 THAT'S WHY I POINTED IT OUT TO THE JURY.

24 THE COURT: ALL RIGHT.

25 MR. BAITY: YOUR HONOR, WE'RE NOT A

1 DAUBERT STATE, WE ARE OF COURSE JONES, AND COUNSEL,  
2 HAS BEEN CODIFIED IN RULE 702 AND THERE IS A FOUR  
3 PRONG TEST. FIRST OF ALL THAT THE EVIDENCE WILL  
4 ASSIST THE TRIER OF FACT; THAT THE EXPERT WITNESS IS  
5 QUALIFIED; THAT THE UNDERLYING SCIENCE AND STUDY IS  
6 RELIABLE; AND THAT THE PROBATIVE VALUE OF THE  
7 EVIDENCE OUTWEIGHS THE PREJUDICIAL EFFECT. THIS  
8 WITNESS HAS ALREADY SAID HE'S NOT GOING TO SIT UP  
9 HERE AND SAY THIS IS A FALSE CONFESSION. HE'S NOT  
10 GOING TO TESTIFY IN HIS STEAD. HE IS SIMPLY GOING TO  
11 SAY THAT JUST BECAUSE THIS IS NOT AN EXACT  
12 QUANTIFIABLE SCIENCE WHERE WE CAN GIVE YOU 72 PERCENT  
13 OR 15 PERCENT OR WHATEVER THAT THERE IS NONETHELESS A  
14 RECOGNIZED SCIENCE THAT HAS BEEN GATHERED AND WRITTEN  
15 ABOUT AND PUBLISHED IN RESPECTED JOURNALS SHOWING  
16 INFORMATION THAT IS COMMON TO KNOWN CASES OF FALSE  
17 CONFESSIONS. AND AS HE SAID, THERE HAS BEEN MANY,  
18 MANY CONFESSIONS THAT ARE FALSE CONFESSIONS THAT ARE  
19 INVISIBLE, THAT HAVE NOT BEEN STUDIED, AND IT'S  
20 IMPOSSIBLE TO SAY THAT A CERTAIN PERCENTAGE OR  
21 SOMETHING OF THAT NATURE, IT CANNOT BE QUANTIFIED,  
22 BUT THERE ARE KNOWN CASES OF FALSE CONFESSIONS. THIS  
23 MAN, THIS DOCTOR HERE, HAS COMMITTED MOST OF THE LAST  
24 TWO DECADES TO STUDYING THOSE CASES AND RECOGNIZING  
25 THE HALLMARKS OF KNOWN FALSE CONFESSIONS AND SHOWING

1 THE SIMILARITIES BETWEEN THEM AND THIS IS WHAT HE'S  
2 GOING TO TESTIFY TO. THIS IS WHAT HIS ARGUMENTS HAVE  
3 BEEN ABOUT. HE'S NOT GOING TO SAY THAT THAT IS  
4 FALSE, AND HE'S NOT GOING TO TRY TO USURP THE POWER  
5 OF THE JURY. HE IS SIMPLY GOING TO SAY IN CASE  
6 STUDIES THAT HAVE BEEN STUDIED IN THE AREA OF SOCIAL  
7 PSYCHOLOGY BY HIMSELF AND OTHER DISTINGUISHED  
8 PROFESSORS WE HAVE NOTICED THAT IN CASES WHICH  
9 SUBSEQUENTLY TURNED OUT TO BE FALSE, THESE ARE  
10 HALLMARKS, THESE ARE FACTORS, THESE ARE FEATURES THAT  
11 ARE COMMON IN MOST OF THOSE CASES.

12 THE COURT: LET ME MAKE --

13 MR. BAITY: ---AND THAT COULD ASSIST THE  
14 TRIER OF FACT IN MAKING A DETERMINATION.

15 THE COURT: LET ME LET YOU DO AN  
16 ABBREVIATED PROFFER THEN. I DON'T WANT TO HEAR HIS  
17 WHOLE TESTIMONY, BUT LET ME, ENOUGH TO COVER AND OF  
18 COURSE, NOT IN ARGUMENTATIVE FASHION OBVIOUSLY, BUT  
19 ENOUGH TO COVER THE JONES REQUIREMENTS BECAUSE FIRST  
20 I GOT TO DECIDE THAT THE EVIDENCE WILL ASSIST THE  
21 JURY AND HE'S QUALIFIED AND THAT THE SCIENCE IS  
22 RELIABLE AND THEN OF COURSE PROBATIVE AND  
23 PREJUDICIAL, SO SEE IF YOU CAN, WITHOUT GOING THROUGH  
24 HIS OWN TESTIMONY, ADDRESS THOSE.

25 MR. BAITY: GIVE ME JUST A MOMENT.

1 THE COURT: OKAY. COULD I SEE THAT  
2 ARTICLE THAT YOU ALLUDED TO. ALL RIGHT. GO AHEAD.  
3 DIRECT EXAMINATION BY MR. BAITY:  
4 Q DOCTOR, IS IT TRUE THAT PEOPLE SOMETIMES CONFESS  
5 TO CRIMES THEY DID NOT COMMIT?  
6 A YES.  
7 Q AND HAS THIS FACT BEEN DOCUMENTED AND STUDIED IN  
8 THE COURSE OF YOUR CAREER?  
9 A YES, IT HAS.  
10 Q HOW OFTEN WOULD YOU ESTIMATE THAT THIS OCCURS?  
11 A THERE IS NO WAY TO ESTIMATE, AND AGAIN I DON'T  
12 WANT TO USE THE WORD DISHONEST, BUT ANYONE WHO TRIES  
13 TO DERIVE A FREQUENCY ESTIMATE OF THE PREVALENCE OF  
14 FALSE CONFESSIONS IS SIMPLY TAKING A GUESS, AN  
15 EDUCATED GUESS, AND SO THERE IS NO WAY TO DO THAT.  
16 ON THE QUESTION OF WHERE THIS SCIENCE FITS INTO THE  
17 SCHEME OF PSYCHOLOGY, I THINK I NEGLECTED TO MENTION  
18 EARLIER BUT, AND I SHOULD MENTION IT NOW BECAUSE IT'S  
19 RELEVANT, IS THAT THE AMERICAN PSYCHOLOGICAL SOCIETY  
20 WHICH IS THE SINGLE MOST IMPORTANT GROUP,  
21 ORGANIZATION, FOR THE SCIENCE OF PSYCHOLOGY AS  
22 OPPOSED TO PRACTICING MENTAL HEALTH PRACTITIONERS,  
23 THE AMERICAN PSYCHOLOGY SOCIETY HAS A JOURNAL CALLED  
24 PSYCHOLOGY STUDY IN THE PUBLIC INTEREST. IT'S A VERY  
25 PRESTIGIOUS JOURNAL. THEY PUBLISH IT TWO OR THREE

1       TIMES A YEAR AND EVERY TIME THEY PUBLISH IT IT'S  
2       REPRESENTED BY A SINGLE ARTICLE. AS A MEASURE I  
3       THINK OF THE STATUS OF WHERE THIS LITERATURE NOW  
4       FALLS, I WAS INVITED TO SUBMIT AN ARTICLE FOR THIS  
5       JOURNAL THAT WILL BE PUBLISHED IN 2005, SO MUCH HAS  
6       HAPPENED SINCE 1997 AND 2005 THAT MY, MY CITATION  
7       LIST HAD TO BE CUT. THERE ARE THREE NEW BOOKS  
8       TOTALING THOUSANDS OF REFERENCES OF EMPIRICAL STUDIES  
9       OF INTERVIEWS, INTERROGATIONS, AND CONFESSIONS. IT  
10      HAS CLEARLY ATTAINED A STATUS WITHIN PSYCHOLOGY THAT  
11      HAS EARNED THIS INVITATION TO WRITE FOR THIS VERY  
12      PRESTIGIOUS PAPER. THERE ARE BOOKS BEING PUBLISHED,  
13      THREE BOOKS ALONE IN THE LAST THREE YEARS, THOUSANDS  
14      OF PAGES, THOUSANDS OF REFERENCES, WHAT SOCIAL  
15      SCIENTISTS HAVE DONE IN THIS AREA. THEY'VE ASKED THE  
16      QUESTION HOW CAN IT HAPPEN AND UNDER WHAT  
17      CIRCUMSTANCES AND RESEARCHERS HAVE NOW TRACED THE  
18      PROCESS FROM THE INITIAL INTERVIEW TO THE  
19      INTERROGATION, AND MIND YOU, LOOKING AT PROFESSIONAL  
20      TRAINED INTERROGATION MANUALS THEY ARE  
21      PSYCHOLOGICALLY BASED. IN FACT, THE PRIMARY MANUAL  
22      THAT HAS TRAINED MORE INTERROGATORS IN THIS COUNTRY  
23      AND AROUND THE WORLD THAN ANYONE ELSE WHICH IS THE  
24      INBAU REID MANUAL, NOW IN ITS FOURTH EDITION, HAS A  
25      WHOLE CHAPTER ON THE PSYCHOLOGY OF CONFESSIONS. THEY



1 HAVE A WHOLE CHAPTER ON WHICH THEY RECITED MY  
2 RESEARCH ON FALSE CONFESSIONS. IT'S ATTAINED A  
3 STATUS OF NOT JUST WITHIN THE SCIENCE BUT WITHIN THE  
4 PRACTICING COMMUNITY WHICH IS WHY I GIVE NUMBERS OF  
5 TALKS TO GROUP OF JUDGES, LAW ENFORCEMENT GROUPS,  
6 CRIMINAL JUSTICE GROUPS. I THINK THERE IS NO  
7 QUESTION THAT THERE IS SCIENCE HERE AND THAT THAT  
8 SCIENCE IS RELEVANT TO THE STUDY OF CONFESSIONS. BY  
9 JUST ABOUT EVERY METRIC A SCIENTIST/RESEARCHER HAS  
10 I'VE EXPERIENCED THAT, AS HAVE OTHERS, AND THERE ARE  
11 A NUMBER OF PEOPLE IN THIS AREA. THIS IS NOW A  
12 SUBSTANTIALLY SIZED AREA OF RESEARCH.

13 Q LET ME ASK YOU THIS, HAS THE HISTORY OF THIS  
14 SCIENCE TAKEN ON ANY NEW DIMENSIONS IN THE LAST SAY  
15 DECADE OR THE LAST FIVE OR SIX YEARS?

16 A ABSOLUTELY. IN FACT, THE STUDY OF THE  
17 PSYCHOLOGY OF CONFESSIONS REALLY CAN BE TRACED TO  
18 1908 AND SOME HAS BEEN WRITTEN RIGHT ON THROUGH THE  
19 YEARS, BUT WHAT HAS HAPPENED OVER THE LAST DECADE OR  
20 SO IS THE DNA EXONERATIONS HAVE COME ALONG AND THESE  
21 OF COURSE ARE THE CASES, POST CONVICTION, WHERE  
22 PEOPLE ARE NOW EXONERATED OF CRIMES FOR WHICH THEY  
23 WERE CONVICTED, AND A COUPLE OF SIGNALS THAT CAME OUT  
24 OF THOSE DNA EXONERATIONS BECAUSE WHEN RESEARCHERS GO  
25 BACK AND AUTOPSY THOSE CASES AND ASK THE QUESTION,

1 WHY WAS THIS INNOCENT PERSON CONVICTED IN THE FIRST  
2 PLACE, CLEARLY THE MOST COMMON SOURCE OF ERROR IS EYE  
3 WITNESS MISIDENTIFICATION, THAT WAS NOT A SURPRISE TO  
4 ANYBODY. WHAT ASTONISHED ONE SOCIAL SCIENCE  
5 RESEARCHER AND LEGAL SCHOLAR AFTER ANOTHER WERE THE  
6 NUMBER OF THOSE THAT CONTAINED CONFESSIONS IN  
7 EVIDENCE. THE ASSUMPTION HAS ALWAYS BEEN WE AT LEAST  
8 KNEW THAT THOSE IN PRISON AND ON DEATH ROW WHO HAD  
9 CONFESSED WE AT LEAST KNEW THAT WAS THE GUILTY  
10 SUBGROUP. BUT IT TURNS OUT AS THESE NUMBERS  
11 ACCUMULATE CONSISTENTLY 20 TO 25 PERCENT OF THEM HAD  
12 CONTAINED CONFESSIONS IN EVIDENCE BEGGING THE  
13 QUESTION HOW CAN THAT HAPPEN, WHY WOULD SOMEBODY  
14 CONFESS TO A CRIME THEY DID NOT COMMIT, AND THAT'S  
15 WHERE THAT PSYCHOLOGY RESEARCH WHICH HAS EXISTED FOR  
16 SO MANY YEARS BECAME NEWLY RELEVANT AND ADDITIONAL  
17 RESEARCHERS HAVE BEEN DRAWN INTO THE AREA. IN FACT,  
18 I COMMENT ON MY OWN DAUBERT STATEMENT FROM THE 1997  
19 AMERICAN PSYCHOLOGIST ARTICLE IN THIS PAPER TO BE  
20 PUBLISHED. I PUBLISH IT, I'VE CO-AUTHORED IT, WITH A  
21 BRITISH RESEARCHER BY THE NAME OF GISLI GUDJONSSON  
22 WHO HAS WRITTEN THE HANDBOOKS ON INTERROGATIONS AND  
23 CONFESSIONS IN ENGLAND, AND WHAT WE SAY AT THE VERY  
24 END IS WE COMMENT ABOUT MY DAUBERT QUOTE AND SAY THAT  
25 IN FACT EVERYTHING NOW IS VERY, VERY DIFFERENT ON THE

1 BASIS OF ALL THE NEW DNA EXONERATION CASE STUDIES,  
2 THE WAREHOUSE OF PSYCHOLOGY RESEARCH THAT IS RELEVANT  
3 FROM THE PAST HUNDRED YEARS, AND A WHOLE NEW VARIETY  
4 OF FORENSICALLY SPECIFIC RESEARCH ON INTERVIEWS,  
5 INTERROGATIONS, AND CONFESSIONS AND ALL OF THE BOOKS  
6 THAT HAVE BEEN PUBLISHED SINCE THAT STATEMENT IS JUST  
7 NO LONGER TRUE.

8 MR. BAITY: YOUR HONOR, I WOULD REQUEST  
9 PERMISSION DURING VOIR DIRE HERE TO ALLOW HIM TO READ  
10 A PARAGRAPH FROM THE ARTICLE THAT HE WAS JUST  
11 REFERRING.

12 THE COURT: SURE.

13 Q YOU DO HAVE THAT ARTICLE WITH YOU?

14 A I DO.

15 Q WOULD YOU READ IT INTO THE RECORD?

16 A NOW I SHOULD PREFACE IT BY SAYING THAT THIS  
17 ARTICLE IS IN PRESS, THERE MAY BE SOME CHANGES YET TO  
18 COME, BUT THIS IS THE IN PRESS VERSION.

19 THE COURT: WE ARE MORE INTERESTED IN WHAT  
20 YOU ARE SAYING AT THIS POINT. GO AHEAD.

21 A SHALL I READ IT?

22 Q YES.

23 A OKAY. SEVERAL YEARS AGO KASSIN 1997 SUGGESTED  
24 THAT THE QUOTE THE CURRENT EMPIRICAL FOUNDATION MAY  
25 BE TOO MEAGER TO SUPPORT RECOMMENDATIONS FOR REFORM

1 OR QUALIFY AS A SUBJECT OF SCIENTIFIC KNOWLEDGE. IN  
2 THIS NEW ERA OF DNA EXONERATIONS HOWEVER IT IS NOW  
3 CLEAR THAT SUCH TESTIMONY IS AMPLY SUPPORTED NOT ONLY  
4 BY ANECDOTES AND CASE STUDIES OF WRONGFUL CONVICTIONS  
5 BUT BY A LONG HISTORY OF BASIC PSYCHOLOGY AND AN  
6 EXTENSIVE FORENSIC SCIENCE LITERATURE AS SUMMARIZED  
7 IN SEVERAL RECENTLY PUBLISHED BOOKS SUCH AS  
8 GUDJONSSON 2003, LASSITTER 2004, AND MEMMON (SIC) ET  
9 AL 2003.

10 Q DR. KASSIN, LET ME JUST MAKE SURE THAT WE CAN  
11 UNDERSTAND THE METHODOLOGY, THE CASE STUDIES, THAT  
12 YOU ARE REFERRING TO?

13 A YES.

14 Q HOW DO YOU DETERMINE THAT A FALSE CONFESSION HAS  
15 TAKEN PLACE AND FROM THAT DRAW THESE CONCLUSIONS THAT  
16 YOU'VE TALKED?

17 A NOW, THIS FIELD HAS GROWN SUBSTANTIALLY SO THERE  
18 ARE VARIED METHODOLOGIES THAT RANGE FROM SINGLE,  
19 INTENSE SINGLE CASE STUDIES TO AGGREGATED CASE  
20 STUDIES WHERE YOU LOOK AT COLLECTIONS OF KNOWN  
21 DOCUMENTED CASES TO NATURALISTIC OBSERVATIONS OF LIVE  
22 AND VIDEO TAPED INTERROGATIONS TO STUDIES OF THE  
23 INTERVIEW PROCESS AND THE ABILITY OF PEOPLE INCLUDING  
24 POLICE OFFICERS TO MAKE JUDGMENTS OF TRUTH AND  
25 DECEPTION. SO A NUMBER OF STUDIES BOTH EXPERIMENTAL

1       LABRORTORY BASED AND FIELD STUDIES AS WELL CASE  
2       STUDIES HAVE BEEN PUBLISHED. IN TERMS OF HOW DO YOU  
3       KNOW A FALSE CONFESSION WHEN YOU SEE ONE WHICH IS THE  
4       STARTING POINT THERE HAVE BEEN A NUMBER OF MECHANISMS  
5       OF THIS. IN SOME CASES, FOR EXAMPLE, THERE HAVE BEEN  
6       INSTANCES WHERE SOMEBODY HAS CONFESSED TO A CRIME  
7       ONLY LATER FOR IT TO BE DISCOVERED THAT THE CRIME  
8       NEVER OCCURRED. SO FOR EXAMPLE THERE WAS A WOMAN  
9       WHOSE INFANT BABY HAD DIED. SHE CONFESSED AFTER  
10      EXTENSIVE INTERROGATION TO A SHAKEN BABY SITUATION,  
11      AND WHEN THE AUTOPSY, IN FACT IT WAS WORSE THAN THAT,  
12      SHE ALSO TESTIFIED THAT SHE HAD A FRIEND ADMINISTER  
13      HEROIN TO THIS CHILD FOR CRYING. WHEN THE AUTOPSY  
14      RESULTS CAME IN IT WAS AN EVENT THAT THE CHILD HAD  
15      DIED OF NATURAL CAUSES. THERE WAS NO HEROIN. THAT  
16      THE CONFESSION ITSELF WAS FALSE. WELL, WE KNOW THAT  
17      THE CRIME CONFESSED TO WAS NOT COMMITTED. THAT WAS  
18      ONE MEASURE. ANOTHER VARIETY OF THESE CASES OR CASES  
19      WHERE SOMEONE CONFESSES TO A CRIME THEN IS DNA  
20      EXONERATED OR IN SOME OTHER WAY EXONERATED. FOR  
21      EXAMPLE, SOMEBODY ELSE STEPS FORWARD AND CONFESSES;  
22      FOR EXAMPLE, THERE IS A CASE IN FLORIDA WHERE A MAN  
23      BY THE NAME OF PETER DALLAS NOT ONLY CONFESSES TO  
24      IMPLICATE HIMSELF BUT CONFESSES AND IMPLICATES TWO  
25      OTHERS IN A MURDER. THE THREE OF THEM ARE NOW

1       AWAITING TRIAL AND HAVE BEEN IN JAIL FOR SOMETIME  
2       WHEN ANOTHER CRIME IS COMMITTED AND A SPECIAL  
3       PROSECUTOR GOES AND DISCOVERS THAT THAT PERSON NOW  
4       HAS TAKEN CREDIT OR BLAME OR CONFESSED TO THE  
5       ORIGINAL CRIME AND NOT, AND CAN DO SOMETHING THAT THE  
6       ORIGINAL CONFESSOR COULD NOT, WHICH IS TELL THE  
7       POLICE WHERE THE MURDER WEAPON IS, AND SO HE TOLD THE  
8       POLICE THE WEAPON COULD BE FOUND IN A PARTICULAR  
9       LAKE, THEY FISHED IT OUT OF THE LAKE, BALLISTIC  
10      EVIDENCE SHOWED THAT WAS THE WEAPON OF THE ORIGINAL  
11      MURDER, SO THERE WAS A CASE WHERE WE NOW KNOW THE  
12      ORIGINAL CONFESSION IMPLICATING THE THREE WAS FALSE.

13                    THE COURT:  DO THOSE CASES YOU JUST CITED  
14      POSTDATE OR PREDATE YOUR 1997 ARGUMENT.

15      A       THEY WERE ALL POST.

16                    THE COURT:  THEY ARE ALL POST.

17      A       THESE ARE POST 1997.

18                    THE COURT:  ALL RIGHT.

19      A       AND IT REALLY IS THE DNA EXONERATION LITERATURE,  
20      YOUR HONOR, THAT I THINK HAS STIMULATED THIS  
21      DISCOVERY.

22                    THE COURT:  ALL RIGHT.  WHAT I REALLY  
23      WANTED TO HEAR, ALTHOUGH THAT WAS INTERESTING AND  
24      INFORMATIVE, WAS WHAT'S HE GOING TO TESTIFY TO IN  
25      THIS CASE?  AS FAR AS, I MEAN, MORE THINGS THAN JUST

1 THE UNDERLYING SCIENCE I GOT TO LOOK AT.

2 MR. BAITY: I THOUGHT YOU WANTED TO KNOW  
3 ABOUT THAT. I THOUGHT I'D START WITH THAT. I WILL  
4 CERTAINLY GO ON, YOUR HONOR.

5 Q DR. KASSIN, JUST GIVE ME JUST A MOMENT IF I MAY,  
6 YOUR HONOR. FIRST OF ALL DO YOU INTEND TO TESTIFY TO  
7 THIS JURY THAT THIS, THAT YOU CAN STATE TO A  
8 REASONABLE DEGREE OF SCIENTIFIC KNOWLEDGE THAT THIS  
9 CONFESSION IS FALSE?

10 A NO, AND LET ME TAKE ONE STEP FURTHER, THERE WAS  
11 A FEDERAL CASE U.S. VERSUS HALL 1997 IN WHICH FEDERAL  
12 LAW WAS MADE ABOUT THE BOUNDARIES OF EXPERT  
13 TESTIMONY.

14 THE COURT: LET ME STOP YOU, WE'VE GOT A  
15 JURY OUT, I WANT TO PROFFER, I WANT TO FIND OUT WHAT  
16 HE'S GOING TO TESTIFY. HE'S STILL DEFENDING HIS  
17 SCIENCE. I DON'T WANT TO HEAR ANY MORE ABOUT THAT AT  
18 THIS TIME. I'VE ASKED FOR SOME DIFFERENT KIND OF  
19 INFORMATION. IF YOU'LL JUST ANSWER THE QUESTION AS  
20 ASKED I THINK WE'LL MOVE ALONG.

21 Q DR. KASSIN, WHAT WOULD YOU TESTIFY, FOR EXAMPLE,  
22 ABOUT INTERROGATION TECHNIQUES AND THE HALLMARKS THAT  
23 YOU MIGHT HAVE SEEN IN OTHER FALSE CONFESSION CASES?

24 A WHAT I WOULD TESTIFY TO IS THAT FALSE  
25 CONFESSIONS OCCUR. WHILE WE DO NOT KNOW THE

1 FREQUENCY OF FALSE CONFESSIONS WE KNOW THE REASONS  
2 THEY OCCUR, WE KNOW THEY OCCUR IN THREE TYPES. THERE  
3 ARE THREE TYPES OF FALSE CONFESSIONS THAT BRING  
4 DIFFERENT PSYCHOLOGICAL DYNAMICS INTO PLAY. WE KNOW  
5 THAT TRAINED INTERROGATORS TYPICALLY ENGAGE A TWO  
6 STEP PROCESS IN WHICH THEY FIRST INTERVIEW A SUSPECT  
7 IN ORDER TO MAKE AN INITIAL DETERMINATION OF GUILT OR  
8 INNOCENCE AND I'D LIKE TO TALK ABOUT THE EXTENSIVE  
9 BODY OF RESEARCH ON THAT INTERVIEW AND DECEPTION  
10 DETENTION PHASE OF THE PROCESS AND THEN ONCE THAT  
11 INITIAL DETERMINATION IS MADE, THEY ENGAGE A PROCESS  
12 OF INTERROGATION. THERE ARE A NUMBER OF DIFFERENT  
13 MANUALS. THEY ARE ALL HIGHLY PSYCHOLOGICALLY BASED.  
14 AGAIN THE LEADING MANUAL, THE INBAU MANUAL IN SOME  
15 WAYS SERVES AS A SUMMARY OF ALL THE OTHERS BECAUSE  
16 THE TECHNIQUES ARE VERY, VERY SIMILAR, BUT I WOULD --  
17 Q YOU'LL TESTIFY ABOUT THOSE TECHNIQUES --  
18 A I WOULD TALK ABOUT THOSE TECHNIQUES. THOSE  
19 TECHNIQUES OF SOCIAL INFLUENCE THAT ARE PSYCHOLOGICAL  
20 TECHNIQUES THAT ARE BROUGHT INTO THE INTERROGATION  
21 ROOM AND THE ASPECTS OF TECHNIQUES THAT LEAD PEOPLE  
22 TO CONFESS SOMETIMES GENERALLY TO CRIMES THEY  
23 COMMITTED AND SOMETIMES TO CRIMES THEY DID NOT COMMIT.  
24 Q WOULD YOU TESTIFY TO THE EFFECT, FOR EXAMPLE, OF  
25 INFORMATION CONCERNING THE TAKING OF A POLYGRAPH, THE



1 WILLINGNESS TO TAKE A POLYGRAPH, AND THE EFFECTS OF  
2 BEING INFORMED OF THE RESULTS OF THAT POLYGRAPH MIGHT  
3 HAVE HAD?

4 A YES. MORE GENERALLY THE POLYGRAPH IS ONE  
5 MECHANISM THAT IS SOMETIMES USED AS A PRESENTATION OF  
6 FALSE EVIDENCE AND THE PRESENTATION OF FALSE EVIDENCE  
7 IS IMPLICATED IN NEARLY EVERY FALSE CONFESSION CASE  
8 KNOWN. IT IS A RISK FACTOR. IT'S A RISK FACTOR THAT  
9 THE POLYGRAPH IS OFTEN IMPLICATED IN.

10 Q NOW A MOMENT AGO YOU INDICATED THAT THERE WERE  
11 SEVERAL DIFFERENT TYPES OF FALSE CONFESSIONS?

12 A YES.

13 Q THERE WERE FACTORS IN EACH ONE?

14 A YES.

15 Q NOW WITHOUT GOING INTO A LENGTHY DISCUSSION OF  
16 THAT, WOULD YOU ATTEMPT TO IDENTIFY THE TYPE OF FALSE  
17 CONFESSION THAT MIGHT BE EXISTING IN THIS CASE?

18 A WELL, I, I, I DON'T, I'M NOT RENDERING AN  
19 OPINION ABOUT THIS CASE PRESENTING A FALSE  
20 CONFESSION, BUT THESE ARE THE THREE POSSIBILITIES:  
21 THERE ARE VOLUNTARY FALSE CONFESSIONS, WHAT I CALL  
22 COERCED COMPLIANT FALSE CONFESSIONS, AND COERCED  
23 INTERNALIZED FALSE CONFESSIONS, AND THESE ARE  
24 DIFFERENT TYPES. I WOULD TALK ABOUT THEM IN GENERAL  
25 TERMS. AND AGAIN JUST AS A MEASURE OF HOW IMPORTANT

1           THEY ARE OUT IN THE SCIENCE IS THAT EVEN THE  
2           PROFESSIONAL INTERROGATION MANUAL, THE INBAU AND REID  
3           MANUAL, NOW HAS A CHAPTER USING THAT DISTINCTION SO I  
4           THINK IT'S IMPORTANT TO KNOW HOW DID IT OCCUR AND WHY  
5           THEY OCCUR, FOR WHAT REASONS, AND UNDER WHAT SET OF  
6           CONDITIONS.

7           Q     ALL RIGHT.  AND YOU WOULD EDUCATE THIS JURY WITH  
8           YOUR TESTIMONY AS TO THE TYPES OF DOCUMENTED FALSE  
9           CONFESSIONS THAT YOU'VE STUDIED AND YOU WOULD GIVE  
10          THE JURY THOSE FACTORS THAT YOU HAD SPOTTED AS BEING  
11          COMMON TO THOSE TYPES OF FALSE CONFESSIONS?

12          A     YES.  INTERROGATION IS A SUBJECT OF PROFESSIONAL  
13          TRAINING BASED ON PRINCIPLES OF PSYCHOLOGY AND THE  
14          AVERAGE PERSON JUST DOESN'T KNOW THOSE PRINCIPLES.  
15          IN FACT MOST AVERAGE POLICE OFFICERS UNTRAINED DON'T  
16          KNOW THOSE PRINCIPLES.

17          Q     AND YOU TALK ABOUT CERTAIN TYPES OF  
18          INTERROGATION TECHNIQUES?

19          A     CORRECT.

20          Q     AND CERTAIN TYPES OF QUESTIONS OR TACTICS THAT  
21          COULD BE USED IN SUCH A THING THAT WOULD BRING ABOUT  
22          THESE FACTORS THAT COULD LEAD TO A FALSE CONFESSION?

23          A     CORRECT.

24          Q     BUT YOU'RE NOT GOING TO TESTIFY TO THE ULTIMATE  
25          ISSUE.  YOU'RE GOING TO LEAVE THAT TO THE TRIER OF

1 FACT?

2 A THAT'S A JURY ISSUE, YES.

3 Q DO YOU BELIEVE THE INFORMATION YOU HAVE WOULD

4 ASSIST THEM IN MAKING A DECISION AS TO THE

5 VOLUNTARINESS AND THE TRUTHFULNESS OF THE FALSE

6 CONFESSION?

7 A FROM ALL THE LECTURES I GIVE TO VARIOUS GROUPS I

8 FIND IT HARD TO BELIEVE THAT I WOULDN'T. I MEAN,

9 YES.

10 Q WOULD YOU BE ABLE TO TESTIFY AS TO THE USE OF

11 CERTAIN TECHNIQUES OR THE SETTING IN WHICH THESE

12 CONFESSIONS OCCURRED THAT WOULD HAVE CAUSED YOU SOME

13 CONCERNS VISAVIS YOUR RESEARCH IN THIS SUBJECT?

14 A YES.

15 Q FOR EXAMPLE?

16 A FOR EXAMPLE THE PRESENTATION OF FALSE EVIDENCE.

17 IT IS CLEAR THAT UNDER CERTAIN CIRCUMSTANCES IF YOU

18 HAVE, FOR EXAMPLE, A SUSPECT WHO IS VULNERABLE TO

19 MANIPULATION AS A FUNCTION OF STRESS OR FATIGUE OR

20 SLEEP DEPRIVATION OR DRUG USE AND THAT DEFENDANT,

21 THAT SUSPECT, IS PRESENTED WITH OBJECTIVE, APPARENTLY

22 OBJECTIVE AND APPARENTLY UNIMPEACHABLE FALSE EVIDENCE

23 THE VAST MAJORITY OF FALSE CONFESSION CASES CONTAIN

24 THAT TACTIC IN USE, AND THERE IS NOW A WEALTH OF

25 EXPERIMENTATION AND LABORATORY RESEARCH SHOWING THAT

1 THE PRESENTATION OF FALSE EVIDENCE CAN LEAD PEOPLE TO  
2 CONFESS TO THINGS THEY DON'T DO, IT CAN LEAD PEOPLE  
3 TO HAVE MEMORIES OF EVENTS THAT THEY NEVER  
4 EXPERIENCED THAT NEVER OCCURRED, SO, YES, THERE IS A  
5 WEALTH OF RESEARCH BOTH IN THE SOCIAL PSYCHOLOGY OF  
6 INFLUENCE AND ON INFLUENCES NOT JUST ON  
7 DECISION-MAKING, SHOULD I CONFESS OR NOT, BUT ON  
8 ACTUAL MEMORY.

9 Q AND YOU HAVE CASE STUDIES AND EXAMPLES OF  
10 PRECISELY THAT AT WORK IN CERTAIN DOCUMENTED CASES OF  
11 FALSE CONFESSIONS?

12 A YES.

13 MR. BAITY: YOUR HONOR, I CAN GO FURTHER.

14 THE COURT: MR. BRACKETT.

15 MR. BRACKETT: PLEASE THE COURT, YOUR  
16 HONOR. I DON'T HAVE ANY MORE QUESTIONS FOR HIM.

17 THE COURT: ALL RIGHT. MR. GREELEY.

18 MR. GREELEY: I DON'T HAVE ANYTHING.

19 MR. BRACKETT: YOUR HONOR, I SIMPLY DON'T  
20 THINK THAT THIS IS GOING TO BE SOMETHING THAT IS  
21 GOING TO BE USEFUL TO THIS JURY. THE THINGS THAT  
22 HE'S SAYING CAN BE ARGUED AND ARE WITHIN THE REALM OF  
23 COMMON SENSE. IF HE THINKS THAT THE FACTS ARE IN  
24 THERE SUFFICIENT TO MAKE THAT ARGUMENT TO THE JURY,  
25 IF THEY WANT TO SAY, LOOK, HE'S TIRED -- LOOK, THEY

1 TIED TO HIM -- THEY TOLD HIM THEY HAD ALL THIS  
2 STUFF -- THAT'S SOMETHING THAT THE JURY CAN  
3 UNDERSTAND INHERENTLY. I JUST DON'T BELIEVE THAT  
4 THERE IS ENOUGH, THAT HE'S GIVEN ENOUGH OF A  
5 SCIENTIFIC BASIS TO ESTABLISH FOR THIS JURY USING  
6 SOME OBJECTIVE SCIENTIFIC METHOD BY WHICH THEY CAN  
7 ANALYZE THE CONFESSION IN THIS CASE ANY BETTER THAN  
8 THEY COULD WITH THEIR OWN COMMON SENSE. THAT'S THE  
9 FIRST THING.

10 THE SECOND THING IS I HAVE A PARTICULAR  
11 CONCERN AND I FILED A MOTION IN LIMINE REGARDING  
12 MENTIONING OTHER CASES, THE OTHER FACT SCENARIOS  
13 WHERE SOMEBODY DID CONFESS, THERE ARE THOUSANDS,  
14 HUNDREDS OF THOUSANDS OF CONFESSIONS THAT ARE GIVEN  
15 THROUGHOUT THE COUNTRY AND INVARIABLY THERE IS GOING  
16 TO BE PROBLEMS AND THERE ARE REASONS FOR THEM. WE  
17 CAN'T TRY ALL THESE OTHER CASES. HE CAN GO INTO A  
18 FACT SCENARIO ON ONE CASE AND AM I ALLOWED TO THEN  
19 CALL OVER TO THAT JURISDICTION AND HAVE THEM SEND ME  
20 THE FILE AND MAYBE SUBPOENA A COUPLE PEOPLE FROM  
21 THERE TO COME HERE AND TESTIFY THAT THE FACTS HE GAVE  
22 WEREN'T RIGHT AND THERE MAY BE A MISUNDERSTANDING. I  
23 MEAN, SOME OF THE CASES THAT HE'S GOING TO CITE TO I  
24 SUSPECT ARE CONTROVERSIAL. THERE ARE PEOPLE WHO  
25 STILL BELIEVE THOSE PEOPLE ARE GUILTY AND WE CAN'T

1 TRY ALL THESE OTHER CASES AND THAT'S CONFUSING,  
2 MISLEADING, AND PREJUDICIAL AND UNDER 403 THAT  
3 PARTICULAR ASPECT SHOULD CERTAINLY BE EXCLUDED. I  
4 THINK THAT A JURY CAN CONCLUDE BASED ON THE EVIDENCE  
5 THAT'S IN HERE USING THEIR OWN COMMON SENSE  
6 EVERYTHING THAT THIS MAN CLAIMS THAT HE'S GOING TO  
7 TELL THEM UNDER THE GUISE OF SCIENTIFIC EXPERTISE AND  
8 I DON'T BELIEVE THAT IT'S GOING TO ASSIST THE TRIER  
9 OF FACT BECAUSE IT'S NOT SCIENTIFICALLY RELIABLE.  
10 SECONDLY, IT CERTAINLY ISN'T RELEVANT AT THIS POINT  
11 IN TIME BECAUSE THE CONFESSION HAS NOT BEEN RECANTED,  
12 THE CONFESSION HAS NOT BEEN HELD TO BE FALSE BY THE  
13 DEFENDANT THROUGH HIS OWN WORDS, YOU KNOW, AND IT IS  
14 A GRAVE CONCERN TO THE STATE THAT ALL THIS COMES IN  
15 AND THEN THE DEFENDANT DECIDES HE DOESN'T, ARE WE  
16 GOING TO MOVE TO STRIKE ALL THIS AND --

17 THE COURT: I DO HAVE SOME CONCERN ABOUT  
18 THAT. THERE IS NOTHING IN THE RECORD THAT INDICATES  
19 ANYTHING BUT HE MADE A CONFESSION AND THERE IS  
20 NOTHING TO INDICATE OTHERWISE. OF COURSE, HE HAS A  
21 RIGHT TO REMAIN SILENT AND I'M NOT GOING TO INFRINGE  
22 ON THAT, SO THAT IS KIND OF ALL I CAN SAY ABOUT THAT  
23 OTHER THAN THIS IS SORT OF PUTTING THE CART BEFORE  
24 THE HORSE.

25 MR. BAITY: WELL, I DON'T THINK SO.

1 CERTAINLY BY HIS NOT GUILTY PLEA HE IS DENYING  
2 IMPLICITLY AND EXPLICITLY THE ALLEGATIONS THAT OR THE  
3 STATEMENTS THAT HE MADE. I MEAN, CLEARLY IF HE WERE  
4 EMBRACING THOSE STATEMENTS AND NOT DISPUTING THEM WE  
5 WOULD NOT BE HERE TODAY.

6 YOUR HONOR, WITH RESPECT TO AN EARLIER  
7 STATEMENT OF MR. BRACKETT SAID THAT, ABOUT SPECIFIC  
8 EXAMPLES AND SO FORTH, OUR SUPREME COURT IN THE CASE  
9 OF THE STATE VERSUS WESLEY MAX MYERS AND I CAN HAND A  
10 COPY OF THAT UP IF IT PLEASURES THE COURT. YOUR HONOR,  
11 THIS IS A CASE, IT'S A 2004 CASE, IN WHICH THIS  
12 PARTICULAR WITNESS WAS QUALIFIED BY JUDGE BROWN AND  
13 TESTIFIED AT THE HEARING. NOW THE ISSUE THAT WAS  
14 BROUGHT UP ON APPEAL WAS THE DEFENDANT WAS CONVICTED  
15 DESPITE DR. KASSIN'S TESTIMONY AND THE DEFENSE  
16 APPEALED THE CONVICTION AND BASICALLY COMPLAINED THAT  
17 DR. KASSIN WAS NOT ALLOWED BY JUDGE BROWN TO GO INTO  
18 ANECDOTES OR INTO SPECIFIC CASE STUDIES AND TO GO  
19 INTO OTHER EXAMPLES THAT HE HAS STUDIED IN THE COURSE  
20 OF HIS WORK AND THE SUPREME COURT IN THAT DECISION  
21 SAID NOTHING ABOUT THAT THIS IS, YOU KNOW,  
22 UNRECOGNIZED SCIENCE AND HE SHOULDN'T HAVE BEEN ABLE  
23 TO TESTIFY IN THE FIRST PLACE, AND SPECIFICALLY SAID,  
24 WELL, ONE OF THE CASES HE TESTIFIED ABOUT WAS VERY  
25 RELEVANT AND CERTAINLY SHOULD HAVE COME IN AND THEN

1 QUITE FRANKLY ANOTHER CASE THAT HE TESTIFIED HAD NO  
2 CONNECTION OR, OR NO FACTUAL NEXUS AT ALL TO IT AND  
3 SHOULDN'T HAVE BEEN LET IN BUT HE WAS ALLOWED TO  
4 TESTIFY ON THAT AS WELL, SO IT'S IN A BACKWARDS WAY  
5 BUT THE COURT MORE OR LESS SANCTIONED THE IDEA OF THE  
6 USE OF SOME EXAMPLES BY FALSE CONFESSION EXPERT OR  
7 SOCIAL PSYCHOLOGIST COMMENTING ON POLICE  
8 INTERROGATION, THAT IT MORE OR LESS SANCTIONED THE  
9 USE OF THAT AND MORE OR LESS GAVE THE TRIAL COURT  
10 SOME GUIDELINES AND SAYING IF YOU WANT TO GO INTO  
11 EXAMPLES THAT WOULD BE APPROPRIATE FOR A SOCIAL  
12 PSYCHOLOGIST TO COMMENT ON OTHER CASE STUDIES THAT  
13 HAVE A FACTUAL CONNECTION WITH THE CASE AT BAR, BUT  
14 SHOULDN'T BE GOING INTO SOMETHING THAT'S COMPLETELY  
15 IRRELEVANT. NOW TO ME THAT IS AN IMPLICIT ACCEPTENCE  
16 OF THE SCIENCE OF THIS TYPE TESTIMONY. IT'S AN  
17 IMPLICIT ACCEPTENCE BY THE COURT THAT THIS IS, COULD  
18 BE, COULD ASSIST THE TRIER OF FACT. IT MORE OR LESS  
19 CREATES RULES AND GUIDELINES FOR THIS TYPE OF  
20 TESTIMONY AND I THINK THE COURT CERTAINLY COULD HAVE  
21 SAID, YOU SHOULDN'T HAVE HAD THIS GUY HERE IN THE  
22 FIRST PLACE AND THEY DIDN'T SAY THAT. THEY JUST  
23 SAID, WELL, IT'S OKAY IF HE TESTIFIES TO THIS, HE  
24 SHOULDN'T BE DOING THIS, AND OF COURSE THEY DID NOT  
25 GRANT THE APPEAL BUT THEY DID COMMENT ON THE WAY THAT



1 THE TESTIMONY WAS RECEIVED AND THE APPROPRIATENESS OF  
2 THAT, SO I WOULD CERTAINLY POINT OUT THAT CASE AS  
3 BEING VERY RECENT, A VERY RECENT PRONOUNCEMENT OF THE  
4 SUPREME COURT, NOT ONLY ON THIS SAME SUBJECT BUT ON  
5 THIS SAME WITNESS, YOUR HONOR.

6 MR. GREELEY: YOUR HONOR, IF I MAY.

7 THE COURT: GIVE ME JUST ONE SECOND. IT  
8 LOOKS LIKE THE TRIAL COURT REALLY DOESN'T ADDRESS THE  
9 USE OF CASES ONE WAY OR THE OTHER.

10 MR. BAITY: THE TRIAL COURT?

11 THE COURT: NO, I'M TALKING ABOUT THE  
12 APPELLATE COURT. SAID THAT THE TRIAL COURT, SAID HE  
13 COULDN'T TESTIFY AS TO SPECIFIC CASES AND THEN SAID  
14 HE WENT AHEAD AND TESTIFIED ABOUT THEM ANYWAY AND  
15 SAYS, DR. KASSIN WAS ABLE TO TESTIFY AT LENGTH ABOUT  
16 FALSE AND COERCED CONFESSIONS AND HE WAS ABLE TO  
17 TOUCH BRIEFLY ON THE CONNECTICUT CASE AND KASSIN DID  
18 TESTIFY ABOUT THE SPECIFIC CASES, HE JUST DID NOT USE  
19 NAMES.

20 MR. BAITY: YES, SIR. IN THE FOOTNOTES OF  
21 THAT OPINION, YOUR HONOR, THE COURT DID SAY THAT HIS  
22 REFERENCE TO THE INDIANA CASE SHOULD NOT HAVE BEEN  
23 ALLOWED BECAUSE IT HAD NO CONNECTION TO THE CASE AT  
24 BAR IN THAT CASE. THAT IS IN THERE.

25 THE COURT: WELL, WHAT CASES IS HE---LET

1 ME ASK YOU THIS, ARE YOU PRESENTING TO THE COURT OR  
2 ARE YOU OR ARE YOU NOT PRESENTING TO THE COURT THAT  
3 DR. KASSIN IS GOING TO TESTIFY ABOUT ANY PARTICULAR  
4 CASE?

5 MR. BAITY: I'M SORRY, YOUR HONOR?

6 THE COURT: IS HE GOING TO TESTIFY ABOUT A  
7 PARTICULAR CASE?

8 MR. BAITY: FRANKLY, IN MY DIRECT I DON'T  
9 KNOW THAT HE IS. I HAVEN'T, WE HAVEN'T DISCUSSED  
10 THAT. WE HAVE DISCUSSED THAT HE IS GOING TO TALK  
11 GENERALLY ABOUT THE SCIENCE AND THE METHODOLOGY AND  
12 THE HALLMARKS THAT HE HAS OBSERVED, AND YOUR HONOR,  
13 HE AND I HAVE DISCUSSED THE NECESSITY OF NOT JUST  
14 SPEWING OUT A BUNCH OF ANECDOTES BUT TO SPECIFICALLY  
15 RESPOND TO RELEVANT FACTS AND RELEVANT QUESTIONS. I  
16 DON'T THINK THAT HE'S GOING TO TESTIFY, CERTAINLY NOT  
17 MY PLAN AND I DON'T HAVE IT IN MY NOTES, TO CALL ANY  
18 REFERENCE TO ANY SPECIFIC OTHER CASE. HE'S GOING TO  
19 TALK ABOUT GENERALLY THE SCIENCE THAT IS RECOGNIZED,  
20 CERTAIN HALL, MARKS AND CERTAIN FACTORS THAT ARE  
21 COMMON TO KNOWN CASES OF FALSE CONFESSION.

22 THE COURT: ALL RIGHT. WELL, I'LL FIND  
23 THAT THE EVIDENCE WILL ASSIST THE JURY, THAT HE IS  
24 QUALIFIED. THE UNDERLYING SCIENCE DOES APPEAR IN  
25 THIS POINT IN HISTORY TO BE RELIABLE EVEN THOUGH IN

1 1997 THIS SAME WITNESS SAYS IT WAS NOT. I FIND THAT  
2 THE PROBATIVE VALUE IS NOT OUTWEIGHED BY THE  
3 PREJUDICIAL VALUE BUT THE WITNESS CANNOT TESTIFY  
4 ABOUT PARTICULAR CASES UNLESS THEY ARE ON ALL FOURS  
5 WITH THIS PARTICULAR CASE, AND YOU'VE TOLD ME THAT,  
6 PRETTY MUCH INDICATED THAT YOU DON'T KNOW OF ANY.

7 MR. BAITY: I HAVE NOT, I AM NOT GOING TO  
8 ASK HIM ABOUT THOSE, YOUR HONOR. I DON'T KNOW  
9 EVERYTHING THAT THIS MAN IS GOING TO TESTIFY.

10 THE COURT: I KNOW BUT HE'S HERE  
11 LISTENING, IF HE STARTS GOING INTO THAT, I'M NOT  
12 FINDING FAULT WITH YOU, YOU WANT TO DEFEND YOUR  
13 POSITION, BUT EARLIER WHEN I ASKED WHAT HE WAS GOING  
14 TO TESTIFY IN THIS CASE, HE WENT OFF INTO JUSTIFYING  
15 FROM OTHER CASES AND AGAIN I'M JUST TELLING YOU, IF  
16 HE STARTS DOING THAT I'M GOING TO STOP HIM. I'M NOT  
17 EVEN GOING TO LET THEM OBJECT, I AM GOING TO STOP HIM  
18 AND IF HE GOES, IF HE CAN'T TESTIFY WITHOUT VIOLATING  
19 MY RULES, THEN I'M STOP HIM ENTIRELY.

20 MR. BAITY: YES, SIR, YOUR HONOR. IF I  
21 COULD JUST MAKE ONE POINT, SIR. THERE MAY BE A  
22 FACTOR IN THIS CASE THAT IS PRECISELY THE SAME. IT  
23 MAY NOT BE A CASE WHERE THERE IS TWO DEFENDANTS AND  
24 THE DNA IS ON ONE AND THERE IS A CONFESSION ON THE  
25 OTHER, I MEAN, I DON'T KNOW OF ANY CASES THAT ARE

1           PRECISELY ON ALL FOURS IN THAT REGARD; HOWEVER, THERE  
2           MAY BE CASES WHERE SOMEONE DID MAKE A CONFESSION THAT  
3           CERTAIN TYPE FACTORS ARE IN THAT WOULD MATCH THE  
4           CIRCUMSTANCES THAT ARE IN THIS CASE.

5                         THE COURT:   WELL, LET ME TELL YOU ONE OF  
6           THE CONCERNS THAT I HAVE, HASN'T BEEN ARTICULATED BY  
7           THE SOLICITOR BUT I'M SURE IT'S IN HIS MIND, IF  
8           MR. COPE'S COUNSEL PARADES OUT BEFORE THE JURY A  
9           HORRIBLE STRING OF INJUSTICE, THAT IS ALL OF THESE  
10          INDIVIDUALS WHO HAVE, IN SPITE OF OVERWHELMING DNA  
11          AND BEING IN JAIL WHEN IT HAPPENED, CONFESSED, THEN  
12          THAT PREJUDICIAL VALUE DOES OUTWEIGH THE PROBATIVE  
13          VALUE.   THAT'S NOT GOING TO HELP THAT JURY TO HAVE  
14          ANY, YOU KNOW, INQUIRE MAGAZINE KIND OF, AND AGAIN I  
15          SAY THAT, I DON'T USE THAT, I GUESS I'M TOO  
16          EXPRESSIVE SOMETIMES, BUT TO GO THROUGH A LITANY OF  
17          HORROR CASES, CASES OF HORROR AS TO PEOPLE ON DEATH  
18          ROW WHO ARE SITTING IN THE CHAIR WHEN THE GOVERNOR  
19          FOUND OUT THAT THE DNA AND THIS PERSON HAD CONFESSED,  
20          I'M NOT GOING TO TOLERATE THAT.   SO WITH THOSE  
21          GUIDELINES I'M GOING TO LET HIM TESTIFY.   WE'RE GOING  
22          TO TAKE A SHORT BREAK BEFORE WE DO.   MR. GREELEY.

23                         MR. GREELEY:   I'VE BEEN QUIET.   IF I MAY  
24          JUST --

25                         THE COURT:   YOU CERTAINLY HAVE.

1                   MR. GREELEY: YOUR HONOR, JUST IN REPLY TO  
2 ONE OF THE THINGS MR. BAITY BROUGHT UP, HE MENTIONED  
3 HIS CLIENT HAS PLEAD NOT GUILTY AND ABOUT HOW THAT IS  
4 IN ITSELF AN ASSERTION THAT THE CONFESSION IS FALSE.  
5 I WOULD LIKE TO SUBMIT TO THE COURT THAT'S NOT TRUE.  
6 WHEN A DEFENDANT, I'VE BEEN DOING THIS FOR AWHILE,  
7 WHEN A DEFENDANT ENTERS A PLEA OF NOT GUILTY HE IS  
8 TELLING THE STATE YOU'VE MADE YOUR ALLEGATION, YOU  
9 NEED TO PROVE YOUR ALLEGATION. IT IS NOT AN  
10 AFFIRMATIVE ADDRESS TO ANY PARTICULAR PIECE OF  
11 EVIDENCE THAT THE STATE MAY HAVE AND IT'S NOT EVEN A  
12 CLAIM OF INNOCENCE, IT'S A PLEA OF NOT GUILTY, AND SO  
13 THE FACT THAT MR. COPE HAS ENTERED A PLEA OF NOT  
14 GUILTY DOES NOT AFFIRMATIVELY ADDRESS THE CONFESSIONS  
15 AND THUS DOES NOT BY IMPLICATION MAKE THEM FALSE AND  
16 SO WE STILL HAVE THE RELEVANCY ISSUE.

17                   THE COURT: WELL, I UNDERSTAND THAT, BUT I  
18 BELIEVE THE PLEA OF NOT GUILTY AT LEAST PUTS ALL  
19 THOSE ISSUES INTO PLAY AND I AGREE EXACTLY WHAT YOU  
20 SAY, IT SIMPLY PLACES THE BURDEN ON THE STATE TO  
21 PROVE HIM GUILTY OF THESE BEYOND A REASONABLE DOUBT,  
22 BUT I FIND IT IS RELEVANT. WE'LL TAKE A SHORT BREAK.

23                   MR. BAITY: THANK YOU, YOUR HONOR.

24                   (COURT'S IN RECESS AT 2:19 PM)

25                   (COURT RESUMES AT 2:26 PM)

1 THE COURT: MR. BAITY, YOU ARE TENDERING  
2 HIM AS A, IN SOCIAL PSYCHOLOGY WITH FOCUS ON  
3 INTERVIEWING AND INTERROGATION.

4 MR. BAITY: YES, SIR, INTERROGATION,  
5 THAT'S CORRECT.

6 THE COURT: BRING IN THE JURY.

7 (THE JURY RETURNS TO THE COURTROOM AT  
8 2:30 PM.)

9 THE COURT: MEMBERS OF THE JURY PANEL, I  
10 HAVE FOUND DR. KASSIN TO BE QUALIFIED IN THE AREA OF  
11 SOCIAL PSYCHOLOGY WITH THE FOCUS ON INTERROGATION AND  
12 INTERVIEWS.

13 MR. BAITY: THANK YOU, YOUR HONOR. MAY IT  
14 PLEASE THE COURT.

15 DIRECT EXAMINATION BY MR. BAITY:

16 Q DR. KASSIN, HAVE YOU PREPARED A CURRICULUM VITAE  
17 RECENTLY?

18 A YES, I HAVE.

19 Q I ASK YOU IF YOU RECOGNIZE THAT DOCUMENT AND I  
20 HAVE ALREADY PROVIDED THIS TO COUNSEL?

21 A YES.

22 Q IS THIS YOUR CV?

23 A THIS IS THE C.

24 MR. BAITY: YOUR HONOR, AT THIS TIME I  
25 WOULD OFFER HIS CV INTO --

1 MR. BRACKETT: NO OBJECTION.

2 MR. GREELEY: NO OBJECTION.

3 THE COURT: BE RECEIVED WITHOUT OBJECTION.

4 (DEFENSE EXHIBIT NUMBER 66 CURRICULUM  
5 VITAE RECEIVED INTO EVIDENCE.)

6 Q DR. KASSIN, WHAT AREAS OF SPECIALIZATION SERVE  
7 AS A BASIS FOR THE STUDY OF CONFESSIONS?

8 A EARLY SOCIAL AND COGNITIVE PSYCHOLOGY.

9 Q AND PLEASE SPEAK UP SO WE CAN ALL HEAR YOU.  
10 WHAT IS THE SUBJECT MATTER OF SOCIAL PSYCHOLOGY.

11 A SOCIAL PSYCHOLOGISTS STUDY PERSUASION, WE STUDY  
12 COMPLIANCE, CONFORMITY, OBEDIENCE TO AUTHORITY. WE  
13 STUDY THE WAYS IN WHICH SOCIAL FORCES INFLUENCE  
14 PEOPLE AND THEIR BEHAVIOR.

15 Q AND WHAT IS THE SUBJECT MATTER OF COGNITIVE  
16 PSYCHOLOGY?

17 A COGNITIVE PSYCHOLOGISTS STUDY, THEY ARE THE  
18 PSYCHOLOGISTS THAT ACTUALLY DO STUDY THE MIND. THEY  
19 STUDY THINKING AND LANGUAGE AND MEMORY. COGNITIVE  
20 PSYCHOLOGISTS HAVE STUDIED THE WAYS IN WHICH PEOPLE  
21 PROCESS INFORMATION THEN MAKE DECISIONS ON THE BASIS  
22 OF THAT INFORMATION.

23 Q AND ARE YOU FAMILIAR WITH ALL OF THOSE SUBJECTS?

24 A YES, I AM.

25 Q AND IS THE STUDY OF CONFESSIONS, THE STUDY OF

1 CONFESIONS, AN AREA THAT YOU ARE ALSO FAMILIAR WITH?

2 A YES.

3 Q WHAT WERE YOU ASKED TO DO IN THIS CASE, DR.  
4 KASSIN?

5 A BASICALLY TO DETERMINE WHETHER OR NOT -- IN  
6 LOOKING AT THE MATERIALS WHETHER OR NOT THERE WAS A  
7 RELEVANT SCIENCE THAT COULD BE APPLIED TO HELP  
8 UNDERSTAND THESE MATERIALS AND MY ANSWER WAS YES.

9 Q AND WHAT WERE SOME OF THE MATERIALS THAT YOU  
10 USED AND RELIED UPON IN THIS CASE?

11 A MY PRIMARY MATERIALS WERE THE DEFENDANT'S  
12 STATEMENTS. THERE WERE THREE HANDWRITTEN -- WELL,  
13 TWO HANDWRITING AND, TWO HANDWRITTEN STATEMENTS,  
14 TYPED STATEMENTS, AND THEN THERE WAS AN AUDIO TAPE  
15 ACCOMPANIED BY A TRANSCRIPT AND THE VIDEO TAPE  
16 RE-ENACTMENT, SO ESSENTIALLY THAT WAS THE MAIN  
17 MATERIAL.

18 IN ADDITION I LOOKED AT THE POLICE  
19 REPORTS, I LOOKED PRIOR TESTIMONY FROM DETECTIVES  
20 BAKER, BLACKWELDER, WALDROP, AND I FORGET WHO THE  
21 FOURTH.

22 Q CABANISS?

23 A CABANISS THAT'S RIGHT, CAPTAIN CABANISS. I  
24 LOOKED AT POLICE REPORTS, I LOOKED AT THOSE PRIOR  
25 TESTIMONIES, AND ALL OF THE DEFENDANT'S STATEMENTS.



1 I'M TRYING TO THINK IF THERE WAS ANYTHING ELSE. I  
2 THINK THAT'S IT.

3 Q WERE YOU FAMILIAR WITH THE POLYGRAPH EXAM THAT  
4 WAS --

5 A YES.

6 Q ---GIVEN TO MR. COPE IN THIS CASE?

7 A YES.

8 Q WERE YOU GIVEN A COPY OF THE STATEMENT THAT WAS  
9 GIVEN BY THE POLYGRAPH EXAMINER?

10 A I WAS GIVEN DETECTIVE BAKER'S STATEMENT, THE  
11 PROTOCOL, YES.

12 Q ALL RIGHT.

13 A AS WELL AS HIS TESTIMONY.

14 Q ALL RIGHT. WERE THERE ANY MATERIALS THAT YOU  
15 WOULD HAVE LIKED TO HAVE HAD BUT YOU WERE NOT  
16 PROVIDED?

17 A WELL, THEY WERE NOT AVAILABLE. IN AN IDEAL  
18 WORLD I WOULD HAVE LIKED TO HAVE HAD A VIDEO TAPE  
19 VIDEO OF THE ENTIRE INTERVIEW AND INTERROGATION.

20 Q AND TO YOUR KNOWLEDGE THERE IS NO SUCH THING?

21 A TO MY KNOWLEDGE IT WAS VERY SELECTIVE. THERE  
22 WAS THAT ONE AUDIO TAPE AND THEN SOME OFF TAPE  
23 INTERVIEWS BEFORE AND AFTER AND THEN THERE WAS THAT  
24 ONE VIDEO TAPE RE-ENACTMENT WITH OFF TAPE MATERIAL  
25 BEFORE AND AFTER, SO IT WAS PIECE MEAL.

1 Q ALL RIGHT, SIR. AND YOU RECEIVED THIS  
2 INFORMATION FROM MY OFFICE AND FROM MR. MORTON'S  
3 OFFICE, IS THAT CORRECT?

4 A YES, THAT'S CORRECT.

5 Q AND WE CAME TO VISIT WITH YOU IN MASSACHUSETTS  
6 TO PROVIDE YOU WITH THAT MATERIAL?

7 A YES.

8 Q DID YOU PERSONALLY INTERVIEW THE DEFENDANT BILLY  
9 WAYNE COPE?

10 A NO.

11 Q WHY DID YOU NOT INTERVIEW HIM OR SEEK TO  
12 INTERVIEW HIM?

13 A WELL, IT'S NOT MY ROLE TO JUDGE HIM OR HIS  
14 STATEMENT. IT WAS MY ROLE, I FELT, TO APPLY THE  
15 RELEVANT SCIENCE WHICH DOESN'T REQUIRE MY  
16 INTERVIEWING OF A DEFENDANT BUT SIMPLY TO TALK ABOUT  
17 THE EXPERIENCES. AND THE MATERIALS THAT I RELY ON  
18 ARE NOT FOR EXAMPLE WHAT THE DEFENDANT WOULD TELL ME  
19 HAPPENED, BUT WHAT I CAN DETERMINE HAPPENED FROM  
20 ACTUAL OBJECTIVE MATERIALS, SO THE TAPES AND THE  
21 TRANSCRIPTS AND THE MATERIALS THAT CAN ACTUALLY BE  
22 USED OBJECTIVELY WITHOUT SOMEONE ELSE'S SELF REPORT,  
23 THAT'S THE MATERIAL THAT I RELY ON, AND THAT'S THE  
24 REASON A FULL VIDEO TAPED PROTOCOL WOULD HAVE BEEN  
25 IDEAL.

1 Q DOCTOR, IS IT TRUE THAT SOMETIMES PEOPLE CONFESS  
2 TO CRIMES THAT THEY DID NOT COMMIT?

3 A YES.

4 Q AND HOW OFTEN WOULD YOU ESTIMATE THAT THIS  
5 OCCURS?

6 A CAN'T ESTIMATE. OTHERS HAVE TRIED. I THINK  
7 IT'S NOT POSSIBLE TO DERIVE A NUMBER. PART OF THE  
8 PROBLEM IS THAT WE KNOW MORE ABOUT POST CONVICTION  
9 DNA EXONERATIONS FOR EXAMPLE FOR WHICH PEOPLE HAVE  
10 CONFESSED, WE HAVE COME TO KNOW WHAT THOSE NUMBERS  
11 LOOK LIKE; WHAT WE KNOW LESS ABOUT, SITUATIONS IN  
12 WHICH PEOPLE CONFESS TO CRIMES WHICH THEY DIDN'T  
13 COMMIT AND THEN WERE EXONERATED AND NEVER TRIED AND  
14 THERE IS A WHOLE NUMBER OF THOSE CASES AND WE KNOW  
15 LESS ABOUT VERY, VERY LOW PROFILE CASES THAT NEVER  
16 REALLY REACH MEDIA OR SOCIAL SCIENTIFIC ATTENTION.  
17 SO THERE IS AN INVISIBLE NUMBER OF CASES THAT HAVE  
18 LEAD SOME RESEARCHERS RECENTLY WHO REVIEWED 125  
19 RECENT FALSE CONFESSIONS CASES TO ARGUE THAT THAT  
20 SAMPLE THAT THEY WERE LOOKING AT WAS THE TIP OF A  
21 MUCH LARGER ICEBERG, BUT THEY ACKNOWLEDGED AS I WOULD  
22 THAT NOBODY REALLY KNOWS THE SIZE OF THAT ICEBERG.

23 Q ALL RIGHT. NOW YOU MENTION THE TERM FALSE  
24 CONFESSION, HOW DO YOU KNOW IN YOUR STUDY IN THE  
25 COURSE OF YOUR FOCUS IN YOUR CAREER HOW DO YOU KNOW

1       WHEN A CONFESSION IS FALSE?

2       A     THE ONLY WAY TO KNOW IF A CONFESSION IS FALSE IS  
3       TO KNOW THE FINAL OUTCOME ON A PARTICULAR CASE, SO  
4       FOR EXAMPLE THERE ARE CASES IN WHICH SOMEBODY  
5       CONFESSES TO A CRIME, THEY OFTEN GIVE A VERY DETAILED  
6       CONFESSION OF WHAT THEY DID, AND THEN AT SOME POINT  
7       AFTERWARD IT IS DISCOVERED THAT THAT CRIME WAS NEVER  
8       ACTUALLY COMMITTED IN THE FIRST PLACE.  AND SO THERE  
9       ARE THOSE TYPES OF EXAMPLES WHERE IT TURNS OUT THAT  
10      CRIME NEVER OCCURRED AND THAT PERSON IS RELEASED AND  
11      TYPICALLY NOT TRIED WHICH AGAIN THOSE BECOME PART OF  
12      A POPULATION OF CASES THAT WOULDN'T MAKE IT INTO A  
13      NUMBER.

14                    THEN THERE ARE CASES WHERE A PERSON GIVES  
15      A CONFESSION TO A CRIME, AGAIN OFTEN VERY, VERY  
16      DETAILED CONFESSION TO A CRIME AND OFTEN STATEMENTS  
17      ABOUT WHY THEY DID WHAT THEY DID, ONLY LATER TO FIND  
18      OUT THAT ANOTHER CULPRIT IS APPREHENDED OR STEPS  
19      FORWARD AND GIVES A CONFESSION OR EVIDENCE THAT WAS  
20      NOT OTHERWISE AVAILABLE SHOWING THE INNOCENCE OF THE  
21      FIRST PERSON.  THERE ARE A WHOLE NUMBER OF THOSE  
22      TYPES OF CASES.

23                    THEN THERE ARE A NUMBER OF CASES IN WHICH  
24      SCIENTIFIC EVIDENCE, LIKE DNA, SHOWS IN FACT THAT THE  
25      PERSON WHO GAVE THE CONFESSION, OFTEN A VERY DETAILED

1 STATEMENT, WAS NOT THE CULPRIT, WAS NOT THE  
2 PERPETRATOR. SO THOSE ARE THE METHODS AND THESE  
3 AGAIN ARE CASES THAT HAVE BEEN RESOLVED SO THAT THERE  
4 ISN'T A DISPUTE.

5 Q SO WHEN YOU REFER TO FALSE CONFESSIONS THAT YOU  
6 HAVE STUDIED, THESE ARE THE TYPES OF CASES THAT YOU  
7 HAVE STUDIED, IS THAT WHAT YOU ARE SAYING?

8 A YES.

9 Q THAT HAVE BEEN SHOWN IN THE METHOD THAT YOU JUST  
10 DESCRIBED TO BE UNTRUE OR INCORRECT?

11 A CORRECT.

12 Q ARE THERE DIFFERENT TYPES OR KINDS OF FALSE  
13 CONFESSIONS?

14 A YES.

15 Q COULD YOU EXPLAIN WHAT THOSE ARE?

16 A SEVERAL YEARS AGO AND THIS GOES BACK ABOUT 20  
17 YEARS WHEN I WAS LOOKING INTO THE TOPIC OF FALSE  
18 CONFESSIONS AND THAT WAS THE POINT AT WHICH I  
19 REALIZED IT WAS ABSOLUTELY IMPOSSIBLE TO DERIVE AN  
20 HONEST ESTIMATE OF HOW OFTEN THIS HAPPENS. WE KNOW  
21 IT HAPPENS WITH SOME REGULAR FREQUENCY BUT WE DON'T  
22 KNOW THE SIZE OF THAT FREQUENCY. WHAT I DID DO IS GO  
23 BACK OVER THE PAGES OF HISTORY LOOKING AT ACTUAL  
24 KNOWN CASE STUDIES OF FALSE CONFESSIONS, PEOPLE WHO  
25 WERE FOUND INNOCENT SUBSEQUENT TO CONFESSING, AND I

1 FOUND THAT THEY NATURALLY SERVED THEMSELVES INTO  
2 THREE PILES AND I DID THIS WORK WITH A  
3 PROFESSOR/MENTOR PROFESSOR LAWRENCE WRIGHTSMAN OF THE  
4 UNIVERSITY OF KANSAS AND WHAT WE DISCOVERED WAS THAT  
5 THERE WERE THREE TYPES OF FALSE CONFESSIONS  
6 ESSENTIALLY AND THERE ARE DIFFERENT WAYS YOU CAN  
7 CATEGORIZE; IT'S KIND OF LIKE, YOU KNOW, THE SLICES  
8 OF A PIE, YOU CUT IT IN DIFFERENT WAYS, BUT  
9 ESSENTIALLY WHAT WE FOUND IS THERE ARE A CATEGORY OF  
10 KNOWN VOLUNTARY FALSE CONFESSIONS. THESE SEEM KIND  
11 OF PUZZLING BUT EVERY NOW AND THEN WE COME ACROSS A  
12 CASE AND IT TURNS OUT A SIZABLE NUMBER OF THESE WHERE  
13 PEOPLE CONFESS VOLUNTARILY TO CRIMES THEY DIDN'T  
14 COMMIT. THEY WEREN'T PRESSURED INTO IT, THEY WEREN'T  
15 INTERROGATED FOR LONG HOURS, THEY SIMPLY WALKED IN OR  
16 CALLED IN A CONFESSION. AN EXAMPLE, A HISTORIC  
17 EXAMPLE WHEN CHARLES LINDBERGH'S BABY WAS KIDNAPPED  
18 IN THE 1930'S 200 PEOPLE CALLED IN CONFESSIONS.

19 NOW AS A SOCIAL PSYCHOLOGIST I'M  
20 INTERESTED IN THE SITUATIONS THAT MAKE PEOPLE BEHAVE  
21 AND THE SITUATIONS THAT LEAD PEOPLE TO MAKE CERTAIN  
22 DECISIONS. A VOLUNTARY FALSE CONFESSION SAYS MORE  
23 ABOUT THE CONFESSOR THAN IT DOES ABOUT THE SITUATION  
24 HE'S IN, SO IT TURNS OUT THAT THE REASONS PEOPLE GIVE  
25 VOLUNTARY FALSE CONFESSIONS, SOMETIMES IT'S TO

1 PROTECT SOMEBODY ELSE, SOMETIMES THEY ARE FEELING  
2 GUILTY ABOUT SOMETHING THEY'VE DONE IN THE PAST OR  
3 GUILTY ABOUT MAYBE NOT BEING THERE FOR THE VICTIM IN  
4 THIS PARTICULAR CRIME, SOMETIMES THEY SIMPLY WANT TO  
5 GET ATTENTION. IT'S NOT UNCOMMON FOR PEOPLE TO  
6 CONFESS TO HIGH PROFILE CRIMES THAT ARE ON TV AND IN  
7 THE NEWS AND SO THERE ARE A NUMBER OF DIFFERENT  
8 REASONS AND MY READING OF THOSE CASES TELLS ME THE  
9 POLICE ARE PRETTY GOOD GENERALLY AT BEING ABLE TO  
10 SORT OUT THOSE VOLUNTARY CONFESSIONS THAT ARE FALSE  
11 FROM THOSE THAT HAVE SOME TRUTH TO THEM AND THE WAY  
12 THEY DO THAT IS TO SEEK OUT CORROBORATION. THEY ASK  
13 THEMSELVES QUESTIONS. LET'S LOOK AT THE STATEMENT  
14 THAT'S BEING GIVEN TO ME VOLUNTARILY; IS THAT  
15 STATEMENT CLEAR AND CONSISTENT OR DOES IT CONTRADICT  
16 ITSELF IN ODD WAYS. DOES THAT STATEMENT MATCH THE  
17 ACTUAL KNOWN FACTS OF THE CRIME. AND TYPICALLY  
18 BECAUSE THIS IS COMMON POLICE PRACTICE IN  
19 INTERVIEWING A SUSPECT YOU'D WANT TO KNOW THAT THE  
20 SUSPECT IS ABLE TO PROVE THE GUILT BEHIND THE  
21 ADMISSION THAT I DID IT AND HOW DO YOU PROVE GUILT?  
22 WELL, YOU DON'T TELL THE SUSPECT CERTAIN THINGS ABOUT  
23 THE CRIMES, CERTAIN PRIVILEGED DETAILS SO ONLY THE  
24 PERPETRATOR CAN KNOW THOSE DETAILS AND WHAT POLICE  
25 ARE OFTEN PRETTY GOOD AT DOING WHEN A VOLUNTARY FALSE

1 CONFESSOR COMES IN, AND I'VE SEEN MULTIPLE VOLUNTARY  
2 FALSE CONFESSIONS IN A SINGLE CASE, IS THEY DEMAND  
3 CORROBORATION. THEY ASK A SUSPECT THE CONFESSOR TO  
4 ESSENTIALLY PROVE IT, TO PROVE TO ME THAT YOU WERE  
5 THERE, PROVE TO ME THAT YOU KNOW THINGS THAT NOBODY  
6 ELSE COULD HAVE KNOWN EXCEPT FOR THE PERPETRATOR.  
7 AND SO IN A CASE LIKE THAT THEY DEMAND THAT THE  
8 CONFESSOR GIVE THEM INFORMATION THEY DIDN'T ALREADY  
9 KNOW. OR LEAD THEM TO EVIDENCE LIKE A WEAPON OR  
10 CLOTHING OR A PURSE THAT THEY DIDN'T ALL READY HAVE  
11 AND SO THERE ARE A NUMBER OF THESE CASES OUT THERE.  
12 THEY REALLY ARE THE DOMAIN MORE FOR A CLINICAL  
13 PSYCHOLOGIST WHO STUDIES MENTAL ILLNESS, PEOPLE WHO  
14 HAVE A PATHOLOGICAL NEED FOR FAME OR RECOGNITION OR  
15 ATTENTION THAN A SOCIAL PSYCHOLOGIST, BUT THERE IS  
16 THAT CATEGORY AND IT IS SUBSTANTIAL.

17 THE OTHER TWO CATEGORIES OF CONFESSIONS  
18 THAT -- I HOPE I'M NOT TALKING FOR TOO LONG.

19 Q NO.

20 A ARE THE KINDS OF CONFESSIONS THAT COME FROM  
21 INTERROGATION, POLICE INDUCED TYPES OF CONFESSIONS,  
22 AND HERE THERE WERE TWO TYPES. THE MOST COMMON SENSE  
23 TYPE, PSYCHOLOGICALLY THE TYPE THAT WE ALL COULD  
24 UNDERSTAND, ARE WHAT WE REFER TO IN 1985 AS COERCED  
25 COMPLIANT FALSE CONFESSIONS. COMPLIANCE IS A TERM



1 THAT SOCIAL PSYCHOLOGISTS USE TO DESCRIBE WHAT PEOPLE  
2 SOMETIMES DO WHEN THEY GO ALONG WITH THE CROWD OR  
3 OBEY A COMMAND, PRIVATELY THEY DON'T AGREE WITH IT,  
4 PRIVATELY THEY KNOW WHAT THE TRUTH IS, BUT PUBLICLY  
5 THEY GO ALONG BECAUSE THEY JUST DON'T WANT TO STAND  
6 OUT. THEY DON'T WANT TO BE RIDICULED. COMPLIANCE,  
7 THAT TERM, APPLIED TO COERCED COMPLIANT FALSE  
8 CONFESSIONS, THESE ARE CONFESSIONS WHERE SOMEBODY  
9 MIGHT CONFESS TO A CRIME COMPLETELY KNOWING HE'S  
10 INNOCENT BUT HE'S IN A SITUATION WHERE BECAUSE OF A  
11 COMBINATION OF STRESS AND THE KINDS OF INTERROGATION  
12 TACTICS THAT ARE USED THE SITUATION HAS JUST GOTTEN  
13 SO UNPLEASANT FOR SO LONG THAT THE SUSPECT IS LOOKING  
14 FOR A WAY OUT AND SO HE GIVES A CONFESSION IN THE  
15 HOPE OF TERMINATING A BAD SITUATION OR AVOIDING SOME  
16 THREATENED OR IMPLIED HARM OR TRYING TO GAIN SOME  
17 REWARD, MAYBE GAINING LENIENCY, AND DOES IT KNOWING  
18 THAT HE'S INNOCENT. PRIVATELY HE KNOWS. WE KNOW  
19 THOSE CASES BECAUSE THE MOMENT THE PERSON LEAVES THIS  
20 PRESSURE FILLED SITUATION USUALLY TURNS TO A LAWYER  
21 AND SAYS I CONFESSED BUT I DIDN'T DO IT. AND THOSE  
22 ARE THE KINDS OF STATEMENTS, THOSE ARE THE KINDS OF  
23 CONFESSIONS THAT ARE PROBABLY THE MOST COMMON OF  
24 FALSE CONFESSIONS. THESE WERE EXHIBITED, TO GIVE ONE  
25 EXAMPLE JUST LIKE THAT IN THE RECENT CENTRAL PARK

1 JOGGER CASE. THIS IS A CASE IN 1989.

2 MR. BRACKETT: YOUR HONOR, I OBJECT.

3 THE COURT: I SUSTAIN THE OBJECTION. MOVE  
4 ON.

5 MR. BAITY: YOUR HONOR --

6 MR. MORTON: ONE SECOND.

7 MR. BAITY: YOUR HONOR, COULD WE TAKE UP  
8 SOMETHING OUTSIDE THE PRESENCE OF THE JURY.

9 THE COURT: LET THE JURY GO TO THE JURY  
10 ROOM.

11 (THE JURY EXITS THE COURTROOM AT 02:46  
12 PM.)

13 THE COURT: I THOUGHT I MADE IT CLEAR THAT  
14 I WOULDN'T ALLOW TESTIMONY REGARDING FACTORS IN A  
15 CONFESSION, AND I THOUGHT I MADE IT CLEAR THAT I DID  
16 NOT WANT TESTIMONY THAT, I HATE TO USE SENSATIONAL,  
17 BUT BORDERS ON SENSATIONAL. I DON'T WANT THIS JURY  
18 PUT IN FEAR THAT THEY ARE GOING TO HAVE TO LIVE THE  
19 REST OF THEIR LIVES IF THEY PUT AN INNOCENT MAN IN  
20 JAIL BECAUSE THE JOGGERS AND ALL THIS OTHER STUFF  
21 HAPPENED. I WANT THEM, IF YOU WANT TO HELP THE JURY,  
22 THEN I THOUGHT MY RULING WAS GIVE THEM THE TOOLS, NOT  
23 THE EXAMPLES. I THOUGHT THAT'S WHAT I RULED.

24 MR. BAITY: YES, YOUR HONOR, AND IF I MAY,  
25 THE POINT THAT WE'RE TRYING TO MAKE HERE IS THAT THIS

1 IS A RELATIVELY RECENT SCIENCE THAT'S HEAVILY  
2 DEPENDENT ON CASE STUDY AND THAT THE FACTORS THAT HE  
3 WISHES TO IDENTIFY FOR THE BENEFIT OF THE JURY TO SEE  
4 IF THEY CAN RECOGNIZE THEM IN THIS CASE, ARE  
5 DEPENDENT ON CASE STUDIES AND, WHICH HE WAS  
6 ATTEMPTING TO GO INTO. NOW PERHAPS IT WOULD BE  
7 BETTER NOT TO MENTION THE FAMOUS CENTRAL PARK JOGGER  
8 CASE BUT A CASE IN WHICH, I'M NOT SURE EXACTLY HOW  
9 YOU CAN SAY IT, BUT IF HE JUST DOESN'T PUT A NAME TO  
10 IT BUT JUST SAYS THAT THERE WAS A CASE STUDY THAT, IN  
11 WHICH THIS OCCURRED. THESE ARE CASE SPECIFIC, THESE  
12 ARE CASE STUDIES FROM WHICH THESE FACTORS WHICH ARE  
13 VERY IMPORTANT, WE BELIEVE, IN THIS CASE AND ARE VERY  
14 EXISTENT IN THIS CASE THAT HE HAS LEARNED FROM  
15 WORKING ON OR STUDYING THESE PARTICULAR FALSE  
16 CONFESSION CASES IF I CAN USE THAT TERM. AND I MET  
17 WITH DR. KASSIN IN THE BREAK AND HE BASICALLY SAID HE  
18 DOESN'T KNOW HOW HE CAN ILLUSTRATE OR FULLY  
19 EXPLAIN --

20 THE COURT: THAT'S NOT THE COURT'S  
21 PROBLEM. THE COURT'S PROBLEM IS OR THE COURT'S  
22 SITUATION IS THIS IS SUPPOSED TO HELP THE JURY. ITS  
23 PROBATIVE VALUE HAS TO BE OUTWEIGHING THE  
24 PREJUDICIAL. I THINK YOU ARE CROSSING THE LINE WHEN  
25 YOU MOVE INTO THE SENSATION AND THESE CASES TEND TO

1 BE SENSATION, BUT HE CAN TESTIFY, HE'S SUPPOSED TO BE  
2 AN EXPERT, HE'S SUPPOSED TO BE SMARTER THAN THE REST  
3 OF US OR HE WOULDN'T BE HERE.

4 MR. MORTON: YOUR HONOR --

5 THE COURT: SO HE OUGHT TO BE ABLE TO  
6 TESTIFY AS TO WHAT THE, WHAT FACTORS HE LOOKS AT.

7 MR. BAITY: AND HE'S TRYING, FOR HIM  
8 SIMPLY TO SAY THERE WAS A CLINICAL STUDY AND THIS WAS  
9 THE RESULT, I MEAN, THAT IS ONLY A PORTION OF HIS  
10 SCIENCE, THAT IS A PORTION OF IT, BUT THEN THERE IS A  
11 VERY LARGE PORTION OF IT THAT IS CASE SPECIFIC ON  
12 THESE OTHER CASES THAT HE'S DEALT WITH. NOW MAYBE,  
13 YOU KNOW, YEARS DOWN THE ROAD WE MIGHT HAVE A PURELY  
14 CLINICAL SCIENCE THAT WE CAN PRESENT, BUT THAT'S NOT  
15 WHAT'S GOING ON. WE HAD OUR HANDWRITING EXPERT UP  
16 HERE THE OTHER DAY THAT ILLUSTRATED HOW CERTAIN  
17 THINGS THAT HE'S LOOKING FOR, HE DOESN'T HAVE A  
18 SPECIFIC QUANTIFIABLE SCIENCE THAT HE WAS TALKING  
19 ABOUT, BUT HE CAN STATE HIS OPINION AND HE COULD  
20 DRAW, SOMETIMES WHEN PEOPLE TRY TO DO THIS THEIR HAND  
21 SHAKES AND HE ILLUSTRATED THAT, THIS IS PRECISELY THE  
22 SAME TYPE OF OPINION TESTIMONY THAT DR. KASSIN IS  
23 TRYING TO GET ACROSS.

24 THE COURT: WELL, NOBODY RAISED THE ISSUE  
25 OF PREJUDICIAL VALUE OUTWEIGHING PROBATIVE AND I'M

1 FINDING THAT IT DOES. IF HE CAN'T TESTIFY WITHOUT IT  
2 THEN HE CAN'T TESTIFY.

3 MR. BAITY: YOUR HONOR --

4 THE COURT: I'M NOT GOING TO ARGUE.

5 MR. BAITY: I'M NOT TRYING TO ARGUE. I'M  
6 JUST TRYING TO UNDERSTAND YOUR RULING.

7 THE COURT: MR. MORTON WANTS TO TALK,  
8 ALTHOUGH USUALLY HAVE THE PERSON WHO HAS THE WITNESS  
9 IS THE ONE WHO DEFENDS THAT WITNESS' POSITION.

10 MR. BAITY: YES, SIR.

11 THE COURT: UNLESS --

12 MR. BAITY: I'LL BE HAPPY TO YIELD --

13 THE COURT: YOU CAN'T YIELD TO HIM UNLESS  
14 COUNSEL WAIVES THE RULE IN HIS FAVOR. DO YOU MIND  
15 MR. MORTON SAYING ANYTHING?

16 MR. BRACKETT: YOUR HONOR, I WILL DO  
17 NOTHING THAT WILL ASSIST IN MAKING THIS HAPPEN  
18 BECAUSE IT IS SO TERRIBLE PREJUDICIAL.

19 THE COURT: ALL RIGHT.

20 MR. MORTON: SO HE DOESN'T WANT ME TO  
21 RESPOND.

22 THE COURT: RIGHT AND USUALLY ONE PERSON.

23 MR. MORTON: CAN I --

24 THE COURT: YOU CAN TALK TO HIM. COACH  
25 HIM ALL YOU WANT BUT.



1 SENSATIONALISTIC, BUT SIMPLY TO POINT OUT THAT THERE  
2 WAS A CASE WHERE THOSE NOW KNOWN TO BE FALSE  
3 CONFESSIONS WERE NOT EVER BELIEVED BY THE DEFENDANTS,  
4 THEY CONTESTED THEM THE MOMENT THEY WERE DONE, THE  
5 ARGUMENT THAT THEY SAID IS EVERYONE OF THEM AND THEIR  
6 FAMILIES BELIEVED THEY WERE GOING TO GET A CHANCE TO  
7 GO HOME AFTERWARDS AND THAT'S AN EXAMPLE OF  
8 COMPLIANCE. PUBLICLY THEY WENT ALONG, PRIVATELY THEY  
9 MAINTAINED THEIR INNOCENCE AND THAT'S REALLY ALL I  
10 WANTED TO SAY ABOUT THAT CENTRAL PARK CASE.

11 Q AND ARE THERE OTHER DOCUMENTED INSTANCES OF HAVE  
12 TYPE OF COERCED COMPLIANT FALSE CONFESSION?

13 A YES. WHEN WE SORTED THOSE CASES WE LOOK AT INTO  
14 PILES THERE WERE A NUMBER OF THEM THAT FIT JUST RIGHT  
15 THERE, AND IT GETS AT AN IMPORTANT QUALITY OF  
16 DECISION-MAKING IN THE INTERROGATION ROOM. WHAT A  
17 SUSPECT DOES DECIDING TO CONFESS OR TO CONTINUE  
18 DENIAL IS A DECISION-MAKING PROCESS AND IT'S A  
19 DECISION-MAKING PROCESS LIKE THE ONE THAT  
20 PSYCHOLOGISTS HAVE STUDIED FOR YEARS, AND WHAT WE  
21 KNOW ABOUT THAT IS THAT PEOPLE IN MAKING DECISIONS  
22 ARE PARTICULARLY INFLUENCED BY SHORT-TERM COSTS AND  
23 BENEFITS, SHORT TERM CONSEQUENCES, MUCH MORE SO THAN  
24 DELAYED CONSEQUENCES, SO CONSEQUENTLY, AND THERE ARE  
25 A NUMBER EXPERIMENTS, LABORATORY EXPERIMENTS THAT

1       SHOW PEOPLE PREFER SHORT-TERM BENEFITS AND REWARDS TO  
2       LONG TERM BENEFITS AND REWARDS, SO WHAT THAT TELLS US  
3       IN THE DECISION-MAKING CONTEXT IN THE INTERROGATION  
4       ROOM IS THAT VERY OFTEN PEOPLE WILL CONFESS TO  
5       SOMETHING THEY DIDN'T DO AS AN ACT OF EXPEDIENCE IN  
6       ORDER TO TERMINATE IN THE SHORT RUN A BAD SITUATION  
7       AND WORRY LATER ABOUT THE CONSEQUENCES AND THAT'S  
8       WHAT THESE COERCED COMPLIANT FALSE CONFESSIONS ARE  
9       LIKE.

10      Q       WHEN YOU TALK ABOUT COERCION USED IN THIS  
11      PROCESS, CAN THIS BE, IS THIS ALWAYS OVERT COERCION  
12      OR CAN IT MORE BE SO SUBTLE?

13      A       IT CAN BE SUBTLE AND I DON'T MEAN TO USE THE  
14      TERM COERCION IN A LEGAL SENSE. I SIMPLY MEAN THIS  
15      IS AN INDUCED, A SITUATION IN WHICH THE PERSON IS  
16      UNDER SOME DEGREE OF PRESSURE TO GIVE A CONFESSION  
17      AND HAS TO MAKE A DECISION ABOUT HOW TO RESPOND TO  
18      THAT PRESSURE SO AGAIN I DON'T MEAN IT IN A LEGAL  
19      SENSE, BUT THIS IS NOT VOLUNTARY IN THE SENSE I DON'T  
20      WALK IN AND VOLUNTEER THIS CONFESSION. IT COMES AS A  
21      PROCESS, AS A FUNCTION OF INTERROGATION.

22      Q       COULD YOU TELL US ABOUT THE OTHER TYPE OF FALSE  
23      CONFESSION?

24      A       THE THIRD TYPE WHERE THE COERCED INTERNALIZED  
25      FALSE CONFESSIONS, THESE WERE AT THE TIME IN 1985 A,



1 FOR US, DIFFICULT TO UNDERSTAND AND IN PART THAT THE  
2 PSYCHOLOGY OF MEMORY HADN'T YET CAUGHT UP TO WHAT  
3 THESE CONFESSIONS ILLUSTRATE. THESE WERE CASES WHERE  
4 INDIVIDUALS WOULD NOT ONLY CONFESS TO A CRIME UNDER  
5 THESE INTERROGATION CIRCUMSTANCES, BUT COME TO DOUBT  
6 THEIR OWN INNOCENCE AND THEN ULTIMATELY CONFESS TO  
7 SOMETHING THEY DIDN'T DO AND BELIEVE THAT CONFESSION.  
8 AND THESE ARE CASES AND THEY FOLLOW A VERY  
9 PREDICTABLE SCRIPT AND WITHOUT GETTING INTO SPECIFIC  
10 CASE STUDIES WHAT THEY DEMONSTRATE IS THAT, IF YOU  
11 HAVE AN INDIVIDUAL WHO IS VULNERABLE TO MANIPULATION,  
12 WHOSE MEMORY IS VULNERABLE TO MANIPULATION, AND IT  
13 MIGHT BE THAT WAY BECAUSE THEY ARE SLEEP DEPRIVED OR  
14 UNDER GREAT STRESS OR THEY MAY HAVE BEEN FATIGUED AND  
15 EXHAUSTED OR THEY HAVE BEEN UNDER THE INFLUENCE OF  
16 DRUGS, WHATEVER IT IS THEY ARE NOW VULNERABLE TO  
17 MANIPULATION AND WHEN PRESENTED WITH FALSE EVIDENCE,  
18 AND I MENTION THIS SCRIPT BECAUSE EVERY SINGLE  
19 COERCED INTERNALIZED FALSE CONFESSION FOLLOWS EXACTLY  
20 THE SAME PATTERN OF EVENTS AND THEY RESEMBLE THE  
21 KINDS OF MEMORY IMPAIRMENTS AND MEMORY  
22 RECONSTRUCTIONS THAT WE SEE IN OTHER CONTEXTS. SO  
23 YOU HAVE A PERSON WHO IS VULNERABLE TO MANIPULATION,  
24 PRESENTS THEM WITH APPARENTLY UNIMPEACHABLE OBJECTIVE  
25 EVIDENCE, THAT PERSON NOW HAS TO TRY TO RECONCILE ON

1 THE ONE HAND, I HAVE NO MEMORY, WITH ON THE OTHER  
2 HAND BUT THEY TELL ME AND I BELIEVE IT THAT THERE IS  
3 OBJECTIVE EVIDENCE THAT I DID THIS. SO THEY NOW HAVE  
4 TO RECONCILE THIS EVIDENCE WITH THEIR LACK OF MEMORY.  
5 AT WHICH POINT THEY ENTERTAIN THE IDEA THAT THEY  
6 COMITTED THIS ACT AND NOT HAD A CONSCIOUSNESS, THAT  
7 THEY HAD DISASSOCIATED OR AMNESIC FOR IT, HAD  
8 REPRESSED IT FROM MEMORY, AND DID THIS ACT. OFTEN IN  
9 THESE CASES THEY THEN GO THROUGH A PROCESS OF  
10 IMAGINATION WHETHER THEY TRY TO IMAGINE HOW THEY  
11 WOULD HAVE COMMITTED THIS ACT FOR WHICH THEY HAVE NO  
12 DIRECT MEMORY. THAT IMAGINATIONAL PROCESS ULTIMATELY  
13 RESULTS IN THEIR MAKING A FALSE CONFESSION WHICH  
14 ALWAYS SOUNDS EXACTLY THE SAME, I GUESS I DID. I  
15 MUST HAVE DONE IT. I MUST HAVE DONE IT AND BLOCKED  
16 IT OUT. YOU GET THOSE KINDS OF STATEMENTS IN VERY  
17 TENTATIVELY FRAGMENTARY LANGUAGE. IN THESE CASES  
18 THAT PERSON IS LATER EXONERATED, WE KNOW THAT IN FACT  
19 THEY WERE INNOCENT, YET THEY ALWAYS FOLLOW THAT  
20 PATTERN AND THEY FOLLOW THAT PATTERN, WHAT IS THE  
21 COMMON INGREDIENT IN THEM IS THE PRESENTATION OF  
22 FALSE EVIDENCE THAT PUTS THEM OVER THE EDGE. IT  
23 DISORIENTS THEIR VIEW OF REALITY AND THEY BEGAN TO  
24 QUESTION THEIR OWN MEMORY.

25 Q DOCTOR, ARE THERE DOCUMENTED CASES WHERE THIS

1 INTERNALIZED OR COERCED INTERNALIZED FALSE CONFESSION  
2 HAS OCCURRED THAT YOU HAVE ACTUALLY STUDIED AND  
3 WORKED WITH?

4 A YES. THESE IN FACT WERE THE CASES THAT I  
5 INITIALLY HAD TO LOOK AT WHEN DR. WRIGHTSMAN AND I  
6 CAME UP WITH THIS CLASSIFICATION SCHEME AND SO WE  
7 KNOW THEY EXIST, THEY CONTINUE TO EXIST AND AGAIN  
8 THEY ALL KIND OF RESEMBLE EACH OTHER IN A WAY. WE  
9 THEN TAKE IN THAT PHENOMENA AND BROUGHT INTO A  
10 LABORATORY SITUATION TO SEE IF WE CAN ALTER PEOPLE'S  
11 MEMORY FOR EVENTS OR ACTS THAT THEY DID OR DID NOT  
12 COMMIT AND WE FOUND THAT UNDER CERTAIN, AGAIN CERTAIN  
13 CIRCUMSCRIBED SET OF CIRCUMSTANCES WE CAN DO THAT.  
14 THE REST OF MEMORY RESEARCH HAS ALSO CAUGHT UP  
15 SHOWING THAT WHETHER WE'RE TALKING ABOUT PEOPLE'S  
16 MEMORY OR SOMETHING THEY HEARD, A CONVERSATION, A  
17 WORD LIST, SOMETHING THEY SAW, AN EXPERIENCE THEY  
18 HAD, AN ACT THEY COMMITTED, IT IS POSSIBLE TO GET  
19 PEOPLE TO THINK THEY SAW OR HEARD OR DID SOMETHING  
20 THAT THEY DIDN'T DO, THAT THE EXPERIMENTER KNOWS THEY  
21 DIDN'T DO THROUGH THE SAME KIND OF TECHNICS.

22 Q IS THERE AN EXAMPLE THAT YOU COULD POINT OUT  
23 THAT BARE A RESEMBLANCE TO THIS CASE ON THAT?

24 A WELL, IT'S A FAIR RESEMBLANCE IN THE SENSE THAT  
25 IT TALKS ABOUT THE CREATION OF A FALSE MEMORY. THERE

1 ARE STUDIES, FOR EXAMPLE, BY A COGNITIVE PSYCHOLOGIST  
2 BY THE NAME OF ELIZABETH LOFTIS WHERE SHE HAS A,  
3 SUBJECT'S COME INTO THE LABORATORY AND SHE ARRANGES  
4 SO THAT SOMEBODY IN THEIR LIFE REMINDS OF AN EVENT IN  
5 THEIR LIFE THAT NEVER HAPPENED, LIKE BEING LOST IN A  
6 SHOPPING MALL OR SPENDING TIME IN A HOSPITAL, AND SHE  
7 FINDS THAT AFTER REPEATED INTERVIEWS, AFTER REPEATED  
8 EFFORTS TO REMEMBER SOMETHING THAT WAS PRESENTED TO  
9 THEM THROUGH FALSE EVIDENCE BY SOMEONE IN THEIR LIVES  
10 MANY OF THEM COME TO FORM A MEMORY AND MANY OF THEM  
11 NOT ONLY START TO REMEMBER THAT THAT HAPPENED TO THEM  
12 BUT THEY ACTUALLY EMBELLISH THE DETAILS AND FABULATE  
13 DETAILS CONSISTENT WITH THAT NEW BELIEF. AND SO  
14 THAT'S AN EXAMPLE IN A NON-FORENSIC CONTEXT OF THE  
15 SAME PHENOMENA. YOU GET SOMEONE WHO IS VULNERABLE TO  
16 MANIPULATION, PRESENT THEM WITH FALSE EVIDENCE,  
17 WHETHER THAT FALSE EVIDENCE IS IN THE FORM OF FAMILY  
18 MEMBER OR FRIEND OR SOMETHING ELSE IN A LABORATORY  
19 AND LO AND BEHOLD THEY BEGIN TO THINK THAT THEY  
20 SIMPLY HAD LACKED A MEMORY FOR AN EVENT THAT THEY ARE  
21 NOW TOLD THAT HAD OCCURRED.

22 Q SO IT'S POSSIBLE TO MAKE A PERSON THINK THAT HE  
23 WAS INVOLVED IN SOMETHING THAT HE WASN'T ACTUALLY  
24 INVOLVED IN?

25 A YES.

1 Q HOW DO YOU KNOW THAT CAN, THAT THAT OCCURS? HOW  
2 CAN YOU KNOW THAT? IS THERE A PSYCHOLOGY RESEARCH ON  
3 THAT PARTICULAR?

4 A THERE IS AN AWFUL LOT OF RESEARCH IN A NUMBER OF  
5 DIFFERENT CONTEXTS. AS I SAID IN 1985 IT WAS A  
6 PUZZLING PHENOMENA. WE LOOKED AT THESE AND SAID  
7 THERE IS NOTHING THAT WE KNOW OF IN THE SCIENCE OF  
8 MEMORY TO EXPLAIN HOW THIS CAN HAPPEN. AT THAT TIME  
9 WE THOUGHT THAT MEMORY OPERATED MORE LIKE A VIDEO  
10 TAPE RECORDER AND THAT YOU PROCESSED INFORMATION, IT  
11 LAY DORMANT SOMEWHERE IN THE BRAIN TO BE RETRIEVED AT  
12 A LATER TIME. WE NOW KNOW THAT IN FACT MEMORY CAN BE  
13 CHANGED. IT CAN CONSTRUCTED AND IT CAN BE  
14 RECONSTRUCTED. WHEN WE DEVELOP THAT CLASSIFICATION  
15 SCHEME WE WERE LOOKING AT A WHOLE BUNCH OF CASES LIKE  
16 ONE CASE FOR EXAMPLE AND I GUESS AT THIS POINT.

17 Q AT THIS POINT IT'S FINE.

18 A A CASE BY THE NAME OF, A MAN BY THE NAME OF  
19 PETER RILEY WHO CAME HOME ONE DAY AND HIS MOTHER WAS  
20 DEAD AND HE CALLED THE POLICE AND THEY ARRIVED AND  
21 BROUGHT HIM IN FOR QUESTIONING AND AFTER SEVERAL  
22 HOURS OF QUESTIONING THEY OFFERED TO ADMINISTER A  
23 POLYGRAPH. HE SAID, FINE, I'LL TAKE THE POLYGRAPH.  
24 HE FAILED THE POLYGRAPH AND BEGAN TO DOUBT HIS OWN  
25 MEMORY. ASKED THE QUESTION IS IT POSSIBLE SOMEBODY

1       COULD COMMIT AN ACT LIKE THIS AND NOT BE AWARE OF IT  
2       AND THE DETECTIVE WHO IS INTERVIEWING HIM SAID, YES,  
3       THAT SORT OF THING CAN HAPPEN.  AT WHICH POINT HE  
4       STARTED TO IMAGINE WHAT HE MUST HAVE DONE, TALKED  
5       ABOUT BEING ANGRY AT HIS MOTHER FOR DISCIPLINING HIM  
6       AND OTHER DETAILS, AND ULTIMATELY GAVE A CONFESSION.  
7       IT TURNED OUT THAT THERE WAS EXCULPATORY INFORMATION  
8       AND AFTER TWO OR THREE YEARS IN JAIL HE WAS RELEASED  
9       AND DA'S OFFICE DIDN'T GO BACK TO RETRY CASE.

10               THERE WAS ANOTHER AND I'LL JUST GIVE ONE  
11       MORE CASE BECAUSE IT WAS A VERY CLOSE RESEMBLANCE TO  
12       THIS ONE, OF A 41-YEAR-OLD MAN BY THE NAME OF GARY  
13       GEIGER OF ILLINOIS WHO COMES HOME TO FIND HIS PARENTS  
14       HAD BEEN SLAUGHTERED AND HE CALLS 911.  HE IS THEN  
15       BROUGHT IN FOR INTERROGATION.  HE IS ADMINISTERED A  
16       POLYGRAPH.  AFTER EXTENSIVE INTERROGATION HE'S TOLD  
17       THAT HE FAILED THE POLYGRAPH.  AT WHICH POINT HE  
18       STARTS TO CONCLUDE THAT I MUST HAVE DONE IT AND I  
19       BLACKED OUT.  ULTIMATELY HE CONFESSES TO BRINGING, TO  
20       COMING UP FROM BEHIND HIS PARENTS, YANKING THEIR  
21       HEADS BACK BY THE HAIR, AND SLITTING THEIR THROAT.  
22       IT TURNS OUT THAT THE SURVEILLANCE TAPE LATER PICKED  
23       UP A MOTORCYCLE GANG IN WHICH ONE OF THE MEMBERS WAS  
24       BRAGGING ABOUT THIS PARTICULAR MURDER IN DETAIL AND  
25       KNEW ALL ABOUT IT AND SO HE WAS AGAIN EXONERATED BUT

1       THERE WAS A CASE WHERE HE QUESTIONED HIS OWN MEMORY.  
2       AND WHEN, WHAT'S PUZZLING ABOUT THESE CASES IS WHEN  
3       HE EVEN LEAVING THE SITUATION OF THE INTERROGATION  
4       ROOM AND SPEAKS FOR EXAMPLE TO A LAWYER, THE LAWYER  
5       SAYS, WHAT HAPPENED. HE SAYS, WELL, I DON'T KNOW. I  
6       THINK I MAY HAVE DONE THIS. THEY ARE JUST NOT SURE.  
7       THEIR MEMORY HAS BEEN IMPAIRED IN THIS WAY. YES.

8       Q       WHAT MAKES PEOPLE VULNERABLE TO THIS TYPE OF  
9       MEMORY ALTERATION?

10      A       THE VULNERABILITY CAN BE SOMETHING ABOUT THE  
11      PERSON, IT CAN BE THAT THEY ARE MENTALLY RETARDED AND  
12      HIGHLY SUGGESTIBLE. IT CAN BE THAT THEY ARE YOUNG  
13      AND NAIVE, FOR EXAMPLE, ABOUT CERTAIN TYPES OF  
14      QUESTIONING SITUATIONS. OR IT COULD BE THAT THEY ARE  
15      SIMPLY STRESSED, THEY ARE GRIEF STRICKEN, THEY ARE  
16      FATIGUED, SLEEP DEPRIVATION PLAYS A ROLE, PEOPLE HAVE  
17      DIFFICULTY THINKING CLEARLY, AND OFTEN MAKE SHORT  
18      CITED DECISIONS WHEN SLEEP DEPRIVED. SO THERE ARE  
19      ANY NUMBER OF VULNERABILITY FACTORS. IN SOME CASES  
20      DRUGS ARE INVOLVED, SO THEY VARY. THEY CAN BE ISSUES  
21      PERTAINING TO THE INDIVIDUAL OR THEY CAN BE ISSUES TO  
22      THE SITUATION HE'S IN.

23      Q       ARE THERE CERTAIN TECHNIQUES THAT ARE COMMONLY  
24      USED TO OBTAIN CONFESSIONS?

25      A       YES, THERE ARE. I MEAN THERE ARE PRESCRIBED

1 METHODS OF INTERROGATIONS, NOT ALL TECHNIQUES ARE  
2 IDENTICAL, BUT THEY ALL FIT PRETTY MUCH THE SAME  
3 PATTERN AND AGAIN I WOULD APPEAL TO THE INBAU AND  
4 REID TECHNIQUE WHICH IS THE MOST, I APPEAL TO THAT  
5 BECAUSE IT'S IN SOME WAYS THE MOST ARTICULATE AND THE  
6 MOST ELABORATE PRESENTATION OF WHAT COMMONLY IS USED,  
7 AND BASICALLY IT REQUIRES ISOLATING A SUSPECT AND  
8 THEN CONFRONTING THAT, THIS ALL COMES ONCE A DECISION  
9 IS MADE ABOUT THE SUSPECT'S GUILT AND THAT'S A WHOLE  
10 OTHER PROCESS OF INTERVIEWING. THE TERMS  
11 INTERVIEWING INTERROGATION ARE NOT SYNONYMOUS. AN  
12 INTERVIEW IS A NON-CONFRONTATIONAL, NON-ACCUSATORY  
13 QUESTION AND ANSWER SESSION IN WHICH THE GOAL IS FOR  
14 AN INVESTIGATOR TO DETERMINE WHETHER OR NOT THE  
15 SUSPECT WAS LYING OR TELLING THE TRUTH. IT'S NOT  
16 CONFRONTATIONAL. YOU DON'T PRESSURE THE SUSPECT TO  
17 GET A CONFESSIONS. THE GOAL IS TO ASK QUESTIONS AND  
18 TO OBSERVE THE SUSPECT CLOSELY TO SEE HOW THAT  
19 SUSPECT REACTS TO THOSE QUESTIONS IN ORDER TO MAKE  
20 THAT JUDGMENT. IF THE JUDGMENT, IN THE EYE OF  
21 INTERROGATOR IS THAT THIS SUSPECT IS TELLING THE  
22 TRUTH AND IS PROBABLY INNOCENT, THEY SEND THEM HOME.  
23 IF THE JUDGMENT IS THAT THE SUSPECT IS LYING THEY  
24 LEAD THEM ON TO INTERROGATION AT WHICH POINT  
25 INTERROGATION BECOMES A MULTI-STEP PROCESS AND TO



1 MAKE A LONG STORY SHORT, IT INVOLVES FIRST OF ALL  
2 ISOLATING THE SUBJECT. THESE INTERROGATIONS  
3 TYPICALLY TAKE PLACE IN POLICE STATIONS, NOT OUT IN  
4 THE STREET OR IN THE LIVING ROOM. THIS IS, SO THE  
5 SUSPECT IS ISOLATED FROM ALL THAT IS FAMILIAR. THE  
6 SECOND STEP IS CONFRONTATION, SOMETIMES REFERRED TO  
7 AS THE POSITIVE CONFRONTATION. THE ACCUSATION IS  
8 MADE. WE KNOW YOU ARE GUILTY, WE KNOW YOU DID IT,  
9 AND WE DON'T WANT TO HEAR ANYMORE LIES BECAUSE AT  
10 THIS POINT THE JUDGMENT IS MADE THAT THE PERSON IS  
11 GUILTY. THE PERSON IS LIKELY TO CONTINUE TO MAINTAIN  
12 SOME DENIALS AND THEN THERE ARE TECHNIQUES INVOLVED  
13 FOR RESTRICTING THOSE DENIALS AND NOT ALLOWING THE  
14 PERSON TO MOUNT A DEFENSE. ESSENTIALLY BREAKING THAT  
15 SUSPECT DOWN INTO A STATE OF DISPAIR. THE SUSPECT IS  
16 IN A BAD SITUATION, IT'S UNPLEASANT, HE'S ISOLATED  
17 AND HE'S COMING TO FIND OUT THAT DENIAL IS NOT AN  
18 ADEQUATE ESCAPE HATCH. YOU CONTINUE TO DENY THE  
19 CHARGES THAT IS NOT A MEANS OF ESCAPE. THAT IS  
20 SOMETIMES BUT NOT ALWAYS ACCOMPANIED, THAT TECHNIQUE  
21 OF CONFRONTATION, BY THE PRESENTATION OR INSINUATION  
22 THAT WE HAVE EVIDENCE. THE REID TECHNIQUE, FOR  
23 EXAMPLE, ADVISES TO SOMETIMES IMPLY THAT THERE IS  
24 EVIDENCE EVEN THOUGH YOU MAY NOT HAVE IT. WHAT WOULD  
25 YOU SAY, FOR EXAMPLE, IF YOU KNEW WE HAD DNA MATERIAL

1 TO BE TESTED, THAT BLUFF IS DESIGNED TO SCARE THE  
2 GUILTY PERSON INTO CONFESSION. IT SHOULDN'T HAVE  
3 THAT AFFECT ON THE INNOCENT PERSON. SOMETIMES THAT  
4 PRESENTATION GOES SO FAR AS TO LITERALLY LIE ABOUT  
5 THE EVIDENCE AND TO PRESENT FALSE EVIDENCE. ALL OF  
6 THAT IS DESIGNED TO BREAK THE SUSPECT DOWN INTO A  
7 STATE OF DESPAIR AND HOPELESSNESS, TO BELIEVE THAT  
8 DENIAL IS, I WANT TO GET OUT OF HERE AND DENIAL IS  
9 NOT MY WAY OUT.

10 THE THIRD PROCESS THAT WEAVES ITS WAY IN  
11 AND OUT OF INTERROGATION IS TO PROVIDE A PALATABLE  
12 ALTERNATIVE. LET'S PROVIDE AN ESCAPE HATCH AND SO IN  
13 THE REID TECHNIQUE, FOR EXAMPLE, A FORM OF  
14 MINIMIZATION IS USED. THEY PRESENT WHAT THEY OFTEN  
15 REFER TO AS AN ALTERNATIVE SCENARIO. YOU KNOW WHAT,  
16 IT IS POSSIBLE THAT YOU ARE A GOOD PERSON, WHAT YOU  
17 DID CAME ACCIDENTALLY OR YOU WERE PROVOKED OR YOU  
18 WERE PRESSURED BY YOUR FRIENDS. IN THIS WAY IT  
19 PROVIDES A MORE FACE SAVING ALTERNATIVE, A FORM OF  
20 MORAL JUSTIFICATION, A BETTER EXPLANATION THAT MAKES  
21 FOR A MORE PALATABLE CONFESSION. THAT IS DESIGNED TO  
22 ENABLE THAT SUSPECT AT THAT POINT TO CONFESS TO  
23 SOMETHING THAT DOESN'T SEEM SO BAD AND THOSE ARE THE  
24 PRIMARY STEPS OF INTERROGATION.

25 Q ARE THESE TECHNIQUES COMMONLY USED IN POLICE

1 INTERROGATION?

2 A YES.

3 Q IF SO, HOW DO YOU KNOW THAT?

4 A WE KNOW IT AGAIN FROM THE MANY CASE STUDIES,  
5 BOTH CASE STUDIES OF PEOPLE WHO CONFESS TO CRIMES  
6 THEY DID COMMIT AND CASE STUDIES WHO CONFESSED TO  
7 CRIMES THEY DID NOT COMMIT. RICHARD LEO IN THE LATE  
8 1990'S PUBLISHED A STUDY BASED ON LIVE AND VIDEO  
9 TAPED OBSERVATIONS OF POLICE INTERROGATIONS AND HE  
10 CODED FOUR KINDS OF TECHNIQUES THAT WERE USED. OTHER  
11 RESEARCHERS IN ENGLAND HAVE DONE THE SAME THING IN  
12 BRITISH INTERROGATION ROOMS. THE U.S. SUPREME COURT,  
13 IN FACT, IN MIRANDA IN 1967 CITED AN OLD  
14 OBSERVATIONAL STUDY SHOWING THAT THESE TECHNIQUES  
15 THAT I JUST DESCRIBED ARE COMMON PLACE IN THE  
16 INTERROGATION ROOM. SO WE KNOW FROM OBSERVATIONAL  
17 STUDIES AND ACTUAL CASE STUDIES.

18 Q DOCTOR, ARE THERE BEHAVIORS IN AN INTERVIEW OR  
19 FOR THAT MATTER IN AN INTERROGATION THAT INDICATE A  
20 PERSON'S GUILT?

21 A DEPENDING ON HOW YOU PHRASE THE QUESTION. IT  
22 TURNS OUT IT'S VERY, VERY DIFFICULT TO MAKE THAT  
23 INITIAL DETERMINATION. SOCIAL PSYCHOLOGISTS FOR 40  
24 YEARS NOW HAVE BEEN STUDYING PEOPLE'S ABILITY TO KNOW  
25 WHEN SOMEBODY IS TELLING THE TRUTH OR LYING AND IT

1       TURNS OUT WE'RE NOT VERY GOOD LIE DETECTORS AS HUMAN  
2       BEINGS, EXCLUDING OF COURSE POLYGRAPHS.  ADDITIONAL  
3       RESEARCH SHOWED THAT PEOPLE WHO ARE EXPERTS,  
4       PROFESSIONALS, AT LIE DETECTION, WHO DO IT FOR A  
5       LIVING, CUSTOMS INSPECTORS, INVESTIGATORS,  
6       PSYCHIATRISTS, ARE NOT MUCH BETTER THAN THE AVERAGE  
7       PERSON.  THEIR PERFORMANCE IS SLIGHTLY BETTER BUT  
8       WHAT WE'RE TALKING ABOUT HERE IS A SITUATION WHERE  
9       THOSE JUDGMENTS ARE MADE AT MOST AT ABOUT A 60 TO 65  
10      PERCENT LEVEL OF ACCURACY AND MORE TYPICALLY AT 55  
11      PERCENT LEVEL OF ACCURACY.  IS IT POSSIBLE TO TRAIN  
12      PEOPLE TO BE BETTER JUDGES?  SO FAR THE RESEARCH  
13      SHOWS NO.  IN FACT THE RESEARCH SHOWS THAT PEOPLE WHO  
14      ARE SPECIALLY TRAINED ARE NOT MORE ACCURATE BUT THEY  
15      ARE MORE CONFIDENT IN THEIR JUDGMENT ABILITIES.  AND  
16      THAT RESEARCH IS NOW FOUND IN THE UNITED STATES, IN  
17      CANADA, IN ENGLAND, IN SWEDEN, IN SPAIN, JUST A  
18      NUMBER OF RESEARCH LABS ACROSS THE WORLD HAVE FOUND  
19      THAT PEOPLE ARE NOT GOOD LIE DETECTORS.  THE  
20      PROFESSIONALS ARE NOT ON AVERAGE BETTER THAN THE  
21      AVERAGE PERSON AND PART OF THE PROBLEM IS THAT THE  
22      CUES THEY OFTEN RELY ON ARE NOT DIAGNOSTIC OF TRUTH  
23      AND DECEPTION.

24                   NOW SOMEWHAT DIFFERENT QUESTION PERTAINS  
25      TO WHAT DOES THE LAW ENFORCEMENT COMMUNITY OF TRAINED

1 INTERROGATORS BELIEVE ABOUT CAN I DETERMINE TRUTH AND  
2 DECEPTION AND THERE ARE CERTAIN BELIEFS THAT IN FACT  
3 ARE COMMON PLACE AND THERE MAY BE, HAVING BEEN  
4 TESTED, MAYBE SOME TRUTH TO THEM. FOR EXAMPLE, IF  
5 YOU LOOK AGAIN AT THE REID TECHNIQUE, IN THE INBAU  
6 MANUAL THEY SAY IF YOU OFFER A POLYGRAPH AND IF THE  
7 SUSPECT IS RETICENT TO TAKE THE POLYGRAPH OR  
8 RELUCTANT OR SIMPLY REFUSES TO TAKE THE POLYGRAPH,  
9 THAT'S AN INDICATION THAT HE HAS SOMETHING TO HIDE.  
10 IF HE IS WILLING TO TAKE THE POLYGRAPH, THAT'S AN  
11 INDICATION OF INNOCENCE. IS IT A GUARANTEE? OF  
12 COURSE NOT. BUT THEY INDICATE THAT AS ONE OF A  
13 NUMBER OF CUES THAT CAN BE USED TO DETERMINE IF A  
14 PERSON IS TRUTHFUL OR LYING, BEING EVASIVE OR  
15 COOPERATIVE. SO THERE ARE THOSE KINDS OF CUES.  
16 THERE ARE CUES THAT ARE SUPPOSED TO INDICATE TRUTH,  
17 CUES THAT ARE SUPPOSED TO INDICATE DECEPTION.

18 Q AND THOSE CUES YOU ARE TALKING ABOUT WOULD THAT  
19 NORMALLY COME OUT IN AN INTERVIEW PROCESS AND PERHAPS  
20 LEAD TO INTERROGATION OR PERHAPS LEAD TO A RELEASE OF  
21 THAT INDIVIDUAL?

22 A YES --

23 Q IS THAT THE THEORY?

24 A IN THIS PREINTERROGATION INTERVIEW.

25 Q WELL, JUST CONCENTRATING ON INTERROGATION, ARE

1 CERTAIN TECHNIQUES COMMONLY TAUGHT AND USED BY  
2 POLICE?

3 A YES.

4 Q IN INTERROGATION PRACTICE?

5 A YES.

6 Q HEAR ABOUT THAT A LITTLE BIT?

7 A AGAIN THIS INVOLVES ISOLATING THE SUSPECT,  
8 MAKING A POSITIVE CONFRONTATION OF THE SUSPECT'S  
9 GUILT, SOMETIMES TRYING TO BLUFF THE SUSPECT WITH THE  
10 INSINUATION THAT WE HAVE EVIDENCE THAT COULD BE  
11 TESTED, MAKING IT DIFFICULT IF NOT IMPOSSIBLE FOR A  
12 SUSPECT TO DENY THE CHARGES, AND TO MOUNT A DEFENSE,  
13 AND THEN PROVIDING A PALATABLE FACE SAVING  
14 ALTERNATIVE USING MINIMIZATION TECHNIQUES TO MAKE  
15 CONFESSION REASONABLE DECISION AT THAT POINT IN TIME.

16 Q WHAT'S THE THEORY BEHIND THESE TECHNIQUES?

17 A THE THEORY VERY CLEARLY AND IN FACT THE REID  
18 PEOPLE AND OTHER INTERROGATION MANUALS OFTEN CONTAIN  
19 CHAPTERS IN THEIR BOOKS ON THE PSYCHOLOGY UNDERLYING  
20 THIS INTERROGATION AND THE THEORY IS TO MAKE  
21 CONFESSION APPEAR THE MORE DESIRABLE OUTCOME, THE  
22 MORE DESIRABLE ROUTE TO ESCAPE, AND THE GOAL IS TO  
23 ALTER THE SUSPECT'S CONTINGENCIES, SENSE OF  
24 CONTINGENCIES ABOUT WHAT WILL HAPPEN TO ME IF I DENY  
25 THE CHARGES, WHAT WOULD HAPPEN TO ME IF I CONFESS,

1 AND THE GOAL HERE AND THE NOTION IS, AND IT'S A GOOD  
2 NOTION, IS THAT WITH THIS KIND OF PRESSURE A GUILTY  
3 PERSON WILL CAPITULATE AND CONFESS AND AN INNOCENT  
4 PERSON WILL STEADFASTLY MAINTAIN HIS INNOCENCE.

5 Q WHAT HAPPENED IF THESE TECHNIQUES THAT WE HAVE  
6 BEEN TALKING ABOUT ARE TAKEN TO AN EXTREME?

7 A IF TAKEN TO AN EXTREME, AND THERE IS NO BRIGHT  
8 LINE THAT TELLS US HOW EXTREME IS TOO EXTREME. THERE  
9 IS NO SURGICAL MECHANISM THAT SAYS THIS IS THE RIGHT  
10 AMOUNT OF PRESSURE, BUT WHAT WE DO KNOW IS WHEN  
11 PRESSURE BECOMES EXTREME IN ONE WAY OR ANOTHER NOT  
12 ONLY ARE THE GUILTY PEOPLE CONFESSING BECAUSE IT  
13 TURNS OUT ON AVERAGE GUILTY PEOPLE WHO CONFESS  
14 CONFESS WITHIN THE FIRST TWO HOURS. BUT IF YOU LOOK  
15 AT DRIZZON AND LEO 2004 STUDY OF 125 FALSE CONFESSION  
16 CASES THE VAST MAJORITY OF THOSE PEOPLE WERE  
17 INTERROGATED FOR MORE THAN SIX HOURS. AT THE POINT  
18 AT WHICH YOU START TO BREAK A PERSON DOWN THROUGH  
19 FATIGUE OVER TIME YOU ARE NOT ONLY GETTING GUILTY  
20 CONFESSIONS, YOU ARE NOW INCREASING THE LIKELIHOOD  
21 THAT YOU ARE GETTING SOME INNOCENT CONFESSIONS AS  
22 WELL. DO WE KNOW EXACTLY THE MOMENT THAT HAPPENS?  
23 NO. BUT WE KNOW THAT THERE ARE MARKERS AND THAT TIME  
24 IS ONE OF THOSE MARKERS.

25 Q ARE THERE CERTAIN APPROACHES IN PARTICULAR THAT

1 ARE PROBLEMATIC IN THIS SUBJECT?

2 A THE TWO APPROACHES THAT APPEAR PROBLEMATIC IN  
3 PART BECAUSE THEY JUST APPEAR CONSISTENTLY IN ALMOST  
4 EVERY FALSE CONFESSION CASE IS EXCESSIVE AMOUNTS OF  
5 TIMES. AGAIN AN INTERROGATION THAT RUNS FOR, YOU  
6 KNOW, AND THE REID PEOPLE FOR RECOMMEND THAT AN  
7 INTERROGATION SHOULD RUN AN HOUR OR TWO OR FOUR AT  
8 THE MOST, SO EXCESSIVE AMOUNTS OF TIME IS IMPLICATED  
9 IN FALSE CONFESSION CASES AS IS THE PRESENTATION OF  
10 FALSE EVIDENCE. WITH A PERSON, AGAIN SOMEONE WHO IS  
11 VULNERABLE TO MANIPULATION THAT PRESENTATION OF FALSE  
12 EVIDENCE CAN DISORIENT THEM ABOUT REALITY AND FORCE  
13 THEM SOMETIMES NOT ONLY TO CONFESS BUT TO BELIEVE THE  
14 CONFESSION. SO THE PRESENTATION OF THE FALSE  
15 EVIDENCE IS IMPLICATED AS IS EXCESSIVE ELEMENTS OF  
16 TIME.

17 NOW OTHERS WOULD ARGUE THERE ARE OTHER  
18 TECHNIQUES LIKE MINIMIZATION THAT PUT PEOPLE AT RISK  
19 AND THERE ARE ARGUMENTS TO BE MADE BUT I THINK  
20 MINIMIZATION IN AND OF ITSELF ISN'T GOING TO PUT AN  
21 INNOCENT PERSON OVER THE EDGE.

22 Q HOW DO YOU KNOW IN A PARTICULAR CASE STUDY IF,  
23 WHAT INTERROGATION TECHNIQUES WERE USED? HOW WOULD  
24 YOU KNOW?

25 A WELL, AGAIN IN AN IDEAL SITUATION AND YOU HAVE



1 THIS IDEAL SITUATION VERY OFTEN, YOU HAVE A FULL  
2 AUDIO TAPE OR A FULL VIDEO TAPE OF ALL SESSIONS, FROM  
3 INTERVIEWING ON THROUGH INTERROGATION. THERE ARE A  
4 COUPLE OF STATES, THREE STATES NOW THAT ACTUALLY  
5 MANDATE IT, IT'S MANDATORY. IN MANY, MANY OTHER  
6 JURISDICTIONS IT'S NOT MANDATORY BUT TAKEN ON A  
7 VOLUNTARY BASIS. IN FACT, THERE IS A RECENT STUDY OF  
8 MORE THAN A 100 JURISDICTIONS THAT FULLY VIDEO TAPE  
9 INTERVIEWS AND INTERROGATIONS. SO IN AN IDEAL WORLD  
10 THAT'S THE MATERIAL YOU HAVE. SHORT OF THAT, YOU  
11 HAVE TESTIMONY FROM THOSE WHO DID THE INVESTIGATION,  
12 THOSE WHO DID THE INTERROGATION, SOMETIMES YOU HAVE  
13 TESTIMONY FROM THE DEFENDANT, AND IN CASES WHERE THEY  
14 DISAGREE ABOUT WHAT TRANSPIRED, ESSENTIALLY YOU KIND  
15 OF HAVE TO SAY, OKAY, WE DON'T REALLY KNOW WHAT  
16 HAPPENED IN THOSE CASES. OFTEN POLICE REPORTS  
17 CONTAIN INFORMATION ABOUT WHAT WAS SAID AND DONE,  
18 WHAT TECHNIQUES WERE USED, BUT OF COURSE THOSE ARE  
19 NOT, THAT'S NOT GOOD INFORMATION BECAUSE IT RELIED ON  
20 MEMORY AND MEMORY IS FALLIBLE. SO IN AN IDEAL WORLD  
21 WE HAVE AUDIO TAPES AND VIDEO TAPES.

22 Q IS THERE ANY REASON, ANY PARTICULAR REASON THAT  
23 YOU KNOW OF AN INTERROGATION SHOULD NOT BE TAPED IN  
24 ANY PARTICULAR --

25 A NO. IN FACT, THE SULLIVAN STUDY THAT WAS

1 RECENTLY RELEASED SHOWED THAT IN ALL OF THE  
2 JURISDICTIONS STUDIED THAT HAVE GONE VOLUNTARILY TO  
3 VIDEO TAPING SESSIONS THEY ARE UNIFORMLY HAPPY WITH  
4 IT. IN FACT, IN FACT, THEY FIND THAT IT IS MUCH MORE  
5 BENEFICIAL TO THE PROSECUTION THAN TO THE DEFENSE  
6 BECAUSE THEY GET TO CLEAR AWAY A NUMBER OF FRIVOLOUS  
7 CLAIMS OF COERCION WHERE THERE WAS NO COERCION AND  
8 THE POLICE OFFICERS IN THOSE JURISDICTIONS ARGUE THAT  
9 THEY SPEND A LOT LESS TIME DEFENDING THEIR TACTICS  
10 AND THEY ALSO SAY THAT THEY OFTEN GET INFORMATION  
11 FROM A SUSPECT WHO DOESN'T TECHNICALLY CONFESS BUT  
12 MAKES AN INCRIMINATING PRESENTATION NEVERTHELESS AND  
13 THAT APPEARS ON THAT TAPE. SO THERE ARE A NUMBER OF  
14 REASONS THAT IT SEEMS UNIFORMLY A POSITIVE  
15 DEVELOPMENT.

16 Q WHAT ARE THE WAYS THERE ARE TO RECORD A  
17 CONFESSION?

18 A THE PRIMARY WAY IS TO AUDIO TAPE OR TO VIDEO  
19 TAPE. NOTE-TAKING AGAIN RELIES ON THE FALLIBILITY OF  
20 THE HUMAN MEMORY SO NOTE-TAKING IS NOT NEARLY AS  
21 EFFECTIVE A TECHNIQUE.

22 Q SPECIFICALLY IN YOUR CASE STUDIES HOW DO YOU GO  
23 ABOUT EVALUATING A PARTICULAR CONFESSION?

24 A AGAIN USING WHATEVER INFORMATION IS AVAILABLE  
25 AND ACKNOWLEDGING UP FRONT THAT THERE ARE GAPPING

1 HOLES SOMETIMES IN THAT INFORMATION. THERE ARE SOME  
2 CASES THAT I HAVE LOOKED AT WHERE THERE IS A FULL SET  
3 OF TAPES AVAILABLE SO THAT ANYBODY CAN LOOK AT  
4 EXACTLY WHAT WAS DONE SO THAT THAT FINAL STATEMENT,  
5 THAT FINAL CONFESSION, WHICH IS VERY MUCH LIKE A  
6 HOLLYWOOD PRODUCTION, THAT FINAL AUDIO TAPE OR THAT  
7 FINAL VIDEO TAPE IS THE END PRODUCT OF A PROCESS OF  
8 INFLUENCE. AND YET TYPICALLY WE DON'T HAVE ACCESS TO  
9 SEE THAT PROCESS OF INFLUENCE UNFOLD. NOW WHY IS IT  
10 IMPORTANT? IT'S IMPORTANT TO KNOW WHAT PRECIPITATED  
11 THAT DEFENDANT, THAT SUSPECT, FROM MOVING FROM DENIAL  
12 TO CONFESSION. WHAT WAS THAT TRANSITION POINT? WHAT  
13 PROMPTED THAT TO HAPPEN? AND SECOND AND THIS IS A  
14 PARTICULARLY IMPORTANT DETAIL IS AGAIN BECAUSE SO  
15 MANY FALSE CONFESSIONS CONTAIN VIVID SENSORY DETAILS,  
16 THEY SOUND SO GOOD, THEY SOUND SO REAL, BUT WHAT WE  
17 KNOW IS THAT WHILE OFTEN THEY CONTAIN TRUE  
18 INFORMATION, ACCURATE INFORMATION, A SECOND QUESTION  
19 THAT ONE HAS TO DETERMINE IS WHERE THAT INFORMATION  
20 COME FROM, AND SOMETIMES IT TURNS OUT THE INFORMATION  
21 IS DERIVED FROM SECOND HAND SOURCES. YOU CAN HEAR  
22 SOMETIMES IN THESE TAPES THAT AN ITEM OF INFORMATION  
23 ACTUALLY COMES FROM THE QUESTION NOT THE ANSWER AND  
24 THE ONLY WAY TO GO BACK AND KNOW THAT AND TO TRACK  
25 THE SOURCE OF A DETAIL IS TO HEAR THE PROCESS OF

1 INFLUENCE THAT GAVE RISE TO THAT DETAIL.

2 Q IN THE TYPICAL CASE STUDY THAT YOU PARTICIPATE  
3 IN HOW WOULD YOU NORMALLY KNOW WHAT WEIGHED IN ON IN  
4 A CONFESSION OR IN A STATEMENT AND WHAT TECHNIQUES  
5 WERE USED? I MEAN IF YOU SAY, FOR EXAMPLE, IF YOU  
6 DON'T HAVE A VIDEO TAPE OR A AUDIO TAPE?

7 A WELL, THEN YOU DO THE BEST YOU CAN ON THE BASIS  
8 OF TESTIMONY AND IN POINTS OF AGREEMENT VERY OFTEN,  
9 FOR EXAMPLE, THE POLICE WHO ARE PRESENT AND THE  
10 DEFENDANT WHO IS PRESENT WILL TESTIFY TO THE SAME SET  
11 OF EVENTS, THE SAME SERIES OF EVENTS. IN CASES WHERE  
12 THEY AGREE I ASSUME THERE IS A REALITY BASE TO THAT  
13 AGREEMENT. IN CASES OF DISAGREEMENT PERSONALLY I SET  
14 IT ASIDE AND ACKNOWLEDGE THAT I SIMPLY DON'T KNOW  
15 WHAT HAPPENED ON THAT FRONT. A DEFENDANT MIGHT OFTEN  
16 CLAIM THAT HE WAS THREATENED WITH THE ELECTRIC CHAIR.  
17 WELL, IF THERE IS NO OTHER EVIDENCE FOR THAT THREAT,  
18 THEN TO ME THAT DIDN'T HAPPEN. SO VERY  
19 CONSERVATIVELY POINTS OF AGREEMENT COME THROUGH  
20 POLICE REPORTS AND OTHER INDIRECT FORMS OF TESTIMONY,  
21 POINTS OF AGREEMENT BECOME THE BASIS FOR KNOWING WHAT  
22 HAPPENED.

23 Q DOCTOR, LET ME ASK YOU TO COMMENT ON ONE OTHER  
24 SUBJECT BEFORE WE TURN SPECIFICALLY TO THE COPE CASE.  
25 WHAT ABOUT A CONFESSION THAT IS FILLED WITH VIVID

1       DETAIL, SPECIFIC DETAIL, ISN'T A VERY PERSUASIVE  
2       CONFESSION?

3       A     IT IS VERY PERSUASIVE AND THIS IS THE PROBLEM  
4       WITH IN FACT MAKING A DISTINCTION BETWEEN TRUE AND  
5       FALSE CONFESSIONS JUST BY LOOKING AT THEM.  SEVERAL  
6       YEARS AGO THERE WAS A PSYCHOLOGIST EXPERT WITNESS  
7       CLAIMING THAT HE COULD TELL THE DIFFERENCE BETWEEN  
8       THE TRUE AND THE FALSE CONFESSION.  THE SCIENCE  
9       DOESN'T GIVE US THAT.  WE CAN'T TELL THE DIFFERENCE  
10      BETWEEN TRUE AND FALSE CONFESSION BY LOOKING AT THE  
11      CONFESSION.

12                   NOW PEOPLE CAN MAKE JUDGMENTS BY COMPARING  
13      THE STATEMENT AND COMPARING IT TO THE FACTS OF THE  
14      CASE.  DOES IT, IS THIS A STORY ABOUT WHAT ACTUALLY  
15      HAPPENED OR IS THERE SOME GLARING DISPARITY BETWEEN  
16      THE STORY AND THIS CONFESSION AND THE OTHER EVIDENCE.  
17      DOES THE STORY CONTRADICT ITSELF.  THOSE ARE WAYS IN  
18      WHICH YOU CAN MAKE THAT DETERMINATION, BUT SIMPLY  
19      LOOKING AT A CONFESSION JUST LIKE LOOKING AT A DENIAL  
20      WE CAN'T DO IT AND IN FACT I HAVE GOT A STUDY AGAIN  
21      THAT IS BEING PUBLISHED IN LAW AND HUMAN BEHAVIOR  
22      SHOWING THAT THE AVERAGE PEOPLE INCLUDING LAW  
23      ENFORCEMENT PEOPLE CANNOT TELL TRUE CONFESSIONS FROM  
24      FALSE CONFESSIONS JUST BY LOOKING AT THEM.  SO WHAT  
25      WE NEED TO DO IS GET OUTSIDE OF THAT LOCAL PRODUCTION

1 AND COMPARE THAT CONFESSION TO WHAT ELSE WE KNOW  
2 ABOUT A PARTICULAR CASE AND THAT'S WHY I WOULD NEVER  
3 TESTIFY ABOUT A PARTICULAR CONFESSION BEING TRUE OR  
4 FALSE BECAUSE IT WOULD REQUIRE ME TO DO WHAT A JURY  
5 SHOULD DO WHICH IS TO TAKE THAT CONFESSION AND  
6 COMPARE IT TO OTHER THINGS THAT ARE PRESENTED IN THIS  
7 CASE. SO, FOR EXAMPLE, YOU MIGHT LOOK AT A  
8 CONFESSION AND ASK, OR A SERIES OF CONFESSIONS AND  
9 ASK THE QUESTION, DO THEY CONTRADICT EACH OTHER? ARE  
10 THERE MULTIPLE STATEMENTS THAT CONTRADICT EACH OTHER?  
11 AND MORE IMPORTANTLY YOU LOOK AT THAT SERIES OF  
12 STATEMENTS AND ASK WHETHER THOSE STATEMENTS MATCH THE  
13 ACTUAL FACTS OF THE CRIME. AND VERY OFTEN IN FALSE  
14 CONFESSION CASES THE ANSWER IS YES. IN FACT, WHAT  
15 YOU HAVE IN THESE CASES IS ACCURATE VIVID DETAILS TO  
16 THE CRIME, APPARENTLY THAT ONLY THE PERSON, THE  
17 CULPRIT SHOULD KNOW. BUT THERE IS A SECOND LEVEL OF  
18 ANALYSIS HERE AND THIS AGAIN IS OFTEN DIFFICULT FOR  
19 PEOPLE, PARTICULARLY WITHOUT VIDEO TAPE, IS YOU HAVE  
20 TO QUESTION THE SOURCE OF THAT INFORMATION. IT'S ONE  
21 THING TO DEMONSTRATE THAT A SUSPECT GAVE FACTS ABOUT  
22 A CRIME THAT ARE ACCURATE, THE SECOND QUESTION IS  
23 WHERE DID THOSE FACTS COME FROM. FROM A PERSONAL  
24 EXPERIENCE OR FROM SOME OTHER SECONDHAND INDIRECT  
25 SOURCE.

1                   THERE ARE CASES, FOR EXAMPLE, THAT TO  
2                   EVERYBODY'S PUZZLEMENT CONTAINS DETAILS THEN IT TURNS  
3                   OUT THAT THE SUSPECT IN THAT CASE WAS SHOWN  
4                   PHOTOGRAPHS OR TAKEN TO THE CRIME SCENE OR OVERHEARD  
5                   CONVERSATIONS IN THE POLICE DEPARTMENT THAT CONTAIN  
6                   DETAILS THAT HE OTHERWISE DIDN'T KNOW, AND SO THERE  
7                   ARE SECONDHAND SOURCES OF INFORMATION. SOMETIMES A  
8                   NEWSPAPER ARTICLE, PARTICULARLY A HIGH PROFILE CASE  
9                   THAT'S IN THE NEWS. IT'S IMPORTANT TO BE ABLE AND  
10                  THAT'S WHY VIDEO TAPING IT I THINK IS SO IMPORTANT TO  
11                  BE ABLE TO TRACK THE SOURCE OF THAT INFORMATION.

12                Q     AND YOU'VE BEEN INVOLVED IN CASE STUDIES OF  
13                  CASES WHERE THERE WERE VIVID, DETAILED CONFESSIONS  
14                  THAT TURNED OUT ULTIMATELY TO BE PROVABLE AND  
15                  DOCUMENTABLY FALSE?

16                A     YES.

17                Q     NOW LOOKING AT THIS CASE, DR. KASSIN, HOW DO YOU  
18                  KNOW WHAT WENT ON DURING THE INTERROGATION THAT  
19                  RESULTED IN THESE CONFESSIONS?

20                A     I HAVE TWO POLICE REPORTS FROM NOVEMBER 29 AND  
21                  THEY SIMPLY IN NARRATIVE FORM DESCRIBE THAT HE WAS  
22                  QUESTIONED AND THIS IS WHAT HE SAID AND THIS IS WHAT  
23                  HE DENIED. AND THEN I HAVE THAT AUDIO TAPE AND A  
24                  TRANSCRIPT OF THAT TAPE FROM NOVEMBER 29 THAT  
25                  EXTENDED OVER INTO NOVEMBER 30, THAT THREE AND A HALF

1 HOUR TAPE, IN WHICH HE IS INTERROGATED AND CONTINUES  
2 TO MAINTAIN HIS DENIALS. THAT'S THE TAPE IN WHICH HE  
3 ASKS FOR A POLYGRAPH. THE NEXT STEP, I HAVE THE  
4 WRITTEN REPORT FROM DETECTIVE BAKER WHO ACTUALLY  
5 CONDUCTED THE POLYGRAPH, FOLLOWED BY A STATEMENT FROM  
6 THE DEFENDANT, AND THEN I UNDERSTAND THE DEFENDANT  
7 WAS IN CUSTODY OVER THE WEEKEND, WAS HELD OVER THE  
8 WEEKEND, AND CAME BACK MONDAY DECEMBER THIRD TO  
9 PROVIDE A WRITTEN STATEMENT IN THE MORNING, A VIDEO  
10 TAPED RE-ENACTMENT SHORTLY AFTER THAT, THEN A SECOND  
11 STATEMENT THAT WAS TYPED UP BY DETECTIVE BLACKWELDER  
12 IN THE AFTERNOON; THAT BEING THE FINAL FIFTH, IN SOME  
13 WAYS, FIFTH AND FINAL CONFESSION. THAT'S THE  
14 INFORMATION I HAVE.

15 Q WERE THE TECHNIQUES THAT YOU DESCRIBED EARLIER  
16 IN YOUR TESTIMONY HERE TODAY WERE ANY OF THOSE  
17 TECHNIQUES USED ON MR. COPE?

18 A YES.

19 Q HOW DO YOU KNOW THAT THOSE TECHNIQUES WERE USED?

20 A I HEARD THEM ON THE TAPE. NOW THAT INITIAL  
21 TAPE, THAT INITIAL TAPE OF INTERROGATION ON THE NIGHT  
22 OF THE 29, SLIPPING OVER INTO THE EARLY MORNING OF  
23 THE 30, YOU CAN HEAR THE SEEDS PLANTED OF  
24 INTERROGATION TECHNIQUES. THIS WAS AN INTERROGATION.  
25 HE WAS CONFRONTED WITH ACCUSATIONS OF HIS GUILT. HE



1 WAS NOT BELIEVED WHEN HE DENIED. THERE WAS A  
2 PERSISTENCE TO THOSE CHARGES. THE IMPLICATION WAS  
3 MADE, IT WAS INSINUATED THAT WAS OTHER EVIDENCE,  
4 BLUFFING, BAITING TECHNIQUES WERE USED; YOU KNOW,  
5 WHAT, FOR EXAMPLE, DO YOU THINK WOULD HAPPEN IF WE  
6 WERE TO TEST THE DNA. HE WAS ASKED THOSE KINDS OF  
7 BAITING QUESTIONS. AND THERE WAS AN IMPLICATION OF  
8 MINIMIZATION BEING USED AS WELL. MINIMIZATION AT ONE  
9 POINT THE SUGGESTION WAS THAT THERE WAS POSSIBLY THAT  
10 THIS WAS AN ACCIDENT, SOMETHING THAT ESCALATED OUT OF  
11 CONTROL. AND IN ADDITION TO THAT THERE WAS AT LEAST  
12 THE SEED PLANTED OF A BLACK OUT, THE NOTION THAT  
13 SOMEBODY MIGHT BLACK IT OUT. IN FACT AT ONE POINT HE  
14 RESPONDS VERY QUICKLY BACK TO SAY, I'M AWARE OF WHAT  
15 I DO. IN OTHER WORDS, AT THAT POINT IN TIME HE  
16 WASN'T GOING TO HAVE THAT BLACK OUT IDEA. THE NEXT  
17 MORNING EVERYTHING HAD CHANGED. SO I DO KNOW FROM  
18 THAT EVENING AND THEN OF COURSE I HAVE THE VIDEO TAPE  
19 WHICH ARE BOTH, YOU KNOW, IN A SENSE RECORDINGS, LIVE  
20 CONTEMPORANEOUS RECORDINGS OF STATEMENTS THAT HE WAS  
21 GIVING.

22 Q IS THERE ANYTHING ABOUT THESE TECHNIQUES THAT  
23 YOU KNOW OCCURRED IN THIS CASE THAT CAUSE YOU ANY  
24 CONCERN?

25 A THE PRESENTATION OF FALSE EVIDENCE AND THE

1 EXCESSIVE LENGTH AND THIS IS SOMETHING THAT, BY  
2 OBJECTIVE MEASURES, THE EXCESSIVE LENGTH BECAUSE WE  
3 KNOW THAT IT IS A MARKER OF FALSE CONFESSIONS, THE  
4 EXCESSIVE LENGTH OF CUSTODY AND INTERROGATION. THE  
5 FACT, FOR EXAMPLE, THAT THE VIDEO TAPE REENACTMENT  
6 CAME AFTER HE WAS IN CUSTODY FOR THREE AND A HALF  
7 DAYS. SO CERTAINLY THERE ARE TECHNIQUES THAT ARE  
8 USED. THERE IS A PSYCHOLOGICAL IMPLAUSIBILITY, I  
9 MIGHT EVEN GO SO FAR TO SAY IT'S AN IMPOSSIBILITY IN  
10 WHICH THE STATEMENT HE GAVE ON VIDEO TAPE INTERNALLY  
11 CONTRADICTS ITSELF TO A POINT OF ABSOLUTELY  
12 IMPLAUSIBLE. AND ALL OF THAT IS IN EVIDENCE. AS FAR  
13 AS I'M CONCERNED THAT'S WHAT I CAN ACTUALLY SEE. NOW  
14 THE STATEMENTS DO CHANGE, THEY CHANGE FROM TIME TO  
15 TIME, BUT I CAN ONLY, THE TWO TAPES ARE AGAIN THE  
16 MATERIALS I CAN RELY ON BECAUSE I'M SEEING IT COME  
17 OUT OF HIS MOUTH.

18 Q WHAT YOU SAY THE PRESENTATION OF FALSE EVIDENCE,  
19 SPECIFICALLY WHAT ARE YOU REFERRING TO IN THIS CASE?

20 A WELL, THERE WAS AN IMPLICATION, AN INSINUATION,  
21 DURING THAT THERE MAY BE DNA, BUT THERE WAS NO  
22 PRESENTATION OF FALSE EVIDENCE. THE PRESENTATION OF  
23 FALSE EVIDENCE COMES WITH THE POLYGRAPH. HE VERY  
24 CLEARLY AND ADAMANTLY AND REPEATEDLY ON THE NIGHT OF  
25 THE 29 AND 30 REQUEST THE POLYGRAPH. HE SEEMS IN A

1 NUMBER OF WAYS TO HAVE NO CONSCIOUSNESS OF GUILT. HE  
2 SEEMS IN A NUMBER OF WAYS TO BE CONFIDENT IN HIS OWN  
3 EXONERATION, SO HE ASKED TO TAKE A POLYGRAPH. IN  
4 FACT I THINK HE ASKS FOUR OR FIVE TIMES. FINALLY AT  
5 THE LAST TIME HE ASKED THE QUESTION WAS RAISED TO  
6 HIM, YOU HAVE A LOT OF FAITH IN THE POLYGRAPH, DON'T  
7 YOU AND HE SAID YES. WELL, THAT MADE HIM VULNERABLE  
8 TO MANIPULATION. ESSENTIALLY WHAT HE IS SAYING IS I  
9 TRUST THE RESULT OF THE POLYGRAPH. YOU GIVE ME THE  
10 RESULTS OF THE POLYGRAPH AND THAT WILL TELL YOU THE  
11 TRUTH. THE NEXT MORNING HE WAS ADMINISTERED THE  
12 POLYGRAPH AND TOLD THAT HE FAILED. THAT FEEDBACK,  
13 NOT THE ADMINISTRATION ITSELF, BUT THE FEEDBACK  
14 SHORTLY THEREAFTER THAT YOU FAILED AND NOW THE BURDEN  
15 IS ON HIM TO SOMEHOW RECONCILE HIS LACK OF MEMORY,  
16 HIS BELIEF IN HIS OWN INNOCENCE, WITH THIS APPARENTLY  
17 UNIMPEACHABLE EVIDENCE THAT HE PLACED SO MUCH, BY HIS  
18 OWN ADMISSION, PLACED SO MUCH FAITH IN. HE NOW HAD  
19 TO RECONCILE THOSE TWO AND AT THAT POINT STARTED TO  
20 ASK QUESTION ABOUT IS IT POSSIBLE TO BLACK OUT. VERY  
21 CLASSIC QUESTION THAT A PERSON OFTEN ASKS AFTER THE  
22 PRESENTATION OF FALSE EVIDENCE.

23 Q WHAT ABOUT THE FACT THAT MR. COPE ACTUALLY  
24 REENACTED THE CRIME THAT HE WAS ACCUSED OF?

25 A IT'S ANOTHER, AGAIN THIS IS NOW FOUR - FOUR AND

1 A HALF DAYS OF HIS BEING IN CUSTODY AND HE'S UNDER  
2 ARREST AT THIS POINT, HE GAVE A STATEMENT EARLIER,  
3 APPARENTLY THAT STATEMENT WASN'T SUFFICIENT, SO THEY  
4 WENT IN AND REENACTED. IT'S AN INTERESTING  
5 REENACTMENT. IT DOESN'T MATCH THE FACTS OF THE CRIME  
6 AS THEY ARE NOW KNOWN, BUT MORE IMPORTANTLY IT IS IN  
7 MANY WAYS CONTRADICTORY AND IN FACT AS I MENTION  
8 EARLIER, HE DESCRIBES TRANSITIONS IN HIS OWN MENTAL  
9 STATE THAT ARE SIMPLY NOT POSSIBLE. WHICH IS TO SAY,  
10 THERE ISN'T A PSYCHOLOGY, STUDY, CASE STUDY,  
11 EXPERIMENT, FIELD STUDY, EXAMPLE, OR OTHERWISE TO  
12 DEMONSTRATE THE MEMORY PHENOMENA HE SEEMS TO BE  
13 DESCRIBING. IT'S JUST NOT POSSIBLE.

14 Q WHICH OF THE CATEGORIES OF FALSE CONFESSION  
15 WOULD HAVE CHARACTERISTICS THAT ARE COMMON WITH THIS  
16 PARTICULAR CASE THAT YOU DISCUSSED EARLIER?

17 A THE COERCED INTERNALIZED FALSE CONFESSION HAVE  
18 THE INGREDIENTS WHERE SOMEBODY WHO IS VULNERABLE,  
19 PERHAPS BEING FATIGUED OR SLEEP DEPRIVED IS  
20 CONFRONTED WITH EVIDENCE, FALSE EVIDENCE, THAT PUTS  
21 THEM OVER THE EDGE; THAT THERE IS THEN TALK ABOUT A  
22 BLACK OUT. SOME DISCUSSION ABOUT, WELL, LET'S TRY TO  
23 CONSTRUCT HOW YOU WOULD HAVE DONE IT. IN FACT, HE  
24 WAS ASKED A QUESTION HOW WOULD YOU HAVE DONE IT IN  
25 THE HYPOTHETICAL AND THAT WAS ON TAPE. IT HAS THOSE

1       INGREDIENTS ULTIMATELY RESULTING IN THAT STATEMENT  
2       THEN I MUST HAVE DONE IT. I MUST HAVE DONE IT IS THE  
3       HALLMARK FIRST TRANSITION MOMENT IN THESE COERCED  
4       INTERNALIZED FALSE CONFESSIONS. IT'S NOT A STATEMENT  
5       BASED IN MEMORY. IT'S NOT I DID IT. OH, YEAH, NOW I  
6       REMEMBER I DID IT. IT'S I GUESS I MUST HAVE DONE IT.  
7       THAT IS TO SAY, I DON'T KNOW FOR SURE BUT I INFER IT  
8       MUST HAVE HAPPENED.

9       Q     AND DOCTOR, I'D LIKE YOU TO COMMENT ON THE FACT  
10       THAT AFTER THIS INITIAL CONFRONTATION WITH, AS YOU  
11       SAY, FALSE EVIDENCE FROM A POLYGRAPH AND AFTER THAT  
12       LEAD TO HIS PERHAPS INTERNALIZING, WHAT ABOUT WHEN  
13       TWO OR THREE DAYS LATER HE INITIATED CONTACT WITH THE  
14       POLICE AND SAID I HAVE SOMETHING ELSE TO SAY, I HAVE  
15       MORE TO GO INTO, WHAT, WOULD YOU COMMENT ON THAT?

16       A     WELL, MY UNDERSTANDING AT THAT POINT IS THAT HE  
17       WAS IN CUSTODY AND UNDER ARREST, HAD SPENT THE  
18       WEEKEND ISOLATED IN THE HOLDING CELL, AND KNEW THAT,  
19       IN FACT, HE WAS ARRESTED SUBSEQUENT TO ISSUING THE  
20       DENIALS SO MY GUESS IS HE KNEW AND FELT TRAPPED AND  
21       WAS LIKE MOST SUSPECTS DO AT SOME POINT IN THE  
22       PROCESS LOOKING FOR A WAY OUT, AND CLEARLY WHAT HE  
23       HAD, THE STATE HE WAS IN WAS NOT SATISFACTORY SO HE  
24       WAS LOOKING FOR A WAY OUT. NOW THAT DOESN'T MAKE THE  
25       STATEMENT HE SUBSEQUENTLY GAVE TRUE OR FALSE. IT

1 SIMPLY MEANS HE FELT THE NEED TO CHANGE THE SITUATION  
2 HE WAS IN AND DO SOMETHING DIFFERENT.

3 Q DOCTOR, HOW OFTEN HAVE YOU BEEN ASKED TO TESTIFY  
4 AS AN EXPERT ON FALSE CONFESSIONS?

5 A BETWEEN 800 AND A THOUSAND.

6 Q AND WHY DO YOU SUPPOSE THAT YOU RECEIVE SO MANY  
7 REQUESTS?

8 A WELL, I HAVE PUBLISHED A LOT OF PAPERS IN THE  
9 AREA AND I'VE DONE SO FOR A LONG PERIOD OF TIME SO.  
10 MY WORK IS CITED. I HAVE WRITTEN SOME OF THE REVIEWS  
11 LIKE THAT 1997 CHAPTER.

12 Q AND HOW OFTEN HAVE YOU ACTUALLY AGREED TO  
13 TESTIFY IN A CASE LIKE THIS?

14 A ABOUT 20 OR 25, 30 MAYBE.

15 Q AND THOSE CASES WHERE YOU DID NOT AGREE TO  
16 TESTIFY, WHY DID YOU CHOOSE NOT TO TESTIFY?

17 A WELL, MORE OFTEN THAN NOT THE PHONE CALL I WOULD  
18 RECEIVE WOULD BE FROM A LAWYER WHERE A GUILTY CLIENT  
19 WHERE THERE IS OTHER EVIDENCE TO CORROBORATE THE  
20 CONFESSION, WHERE THE CONFESSION IS TAKEN UNDER  
21 RELATIVELY NON-COERCISIVE CIRCUMSTANCES, AND THE  
22 CONFESSION IN MANY WAYS CORROBORATES ITSELF, SO THEY  
23 SEEM LIKE RELIABLE STATEMENTS SO IN THOSE CASES, MANY  
24 OF THOSE CASES, I SIMPLY SAY NO. IN OTHER CASES  
25 WHERE IT LOOKS LIKE THERE MAY BE SOMETHING WORTH

1 INVESTIGATING BECAUSE I TYPICALLY, I JUST DON'T LIKE  
2 TO SPEND MY TIME IN COURTROOMS. I'D RATHER BE IN THE  
3 RESEARCH LAB, I WILL OFTEN THEN REFER THOSE CASES OUT  
4 AS WELL. SO IN THE VAST MAJORITY OF CASES I SIMPLY  
5 DON'T SEE THE GENERAL PRINCIPLES AND THE SCIENCE  
6 APPLICABLE TO THAT PARTICULAR CASE.

7 Q AND I THINK I ALREADY ASKED YOU THIS BUT WOULD  
8 YOU OR HAVE YOU EVER TESTIFIED FOR THE STATE IN A  
9 CASE WITH A DISPUTED CONFESSION?

10 A I WAS PREPARED TO ONCE AND WASN'T NEEDED.

11 Q ANSWER ANY QUESTIONS --

12 THE COURT: WELL, I DON'T NEED TO HEAR  
13 ANYTHING FROM THE STATE BECAUSE THE QUESTION IS  
14 WHETHER OR NOT WHAT YOU WERE GOING TO ASK IS  
15 ADMISSIBLE SO I'M READY TO RULE. I'M GOING TO ALLOW  
16 THE TESTIMONY IF YOU'LL CONFINE IT TO WHAT HE  
17 TESTIFIED TO AT THIS POINT. I'M GOING TO ALLOW HIM  
18 TO TESTIFY TO WHAT HE TESTIFIED TO, AS LONG AS HE  
19 DOESN'T GO OFF ON A TANGENT, UP TO WHERE YOU ASKED  
20 HIM ANYTHING IN THIS CASE GIVE YOU CAUSE FOR CONCERN.  
21 HE HAD ALREADY GIVEN TECHNIQUES HE HAD SOME CONCERN  
22 ABOUT, BUT I'M NOT GOING TO LET YOU ASK HIM HIS  
23 CAUSES FOR CONCERN. FIRST, IT'S SORT OF A VEILED WAY  
24 OF SAYING THIS IS A FALSE CONFESSION AND HE SAID HE  
25 COULDN'T DO THAT. SECOND, IT'S NOT NECESSARY FOR THE

1 JURY TO HEAR HIS CONCERNS, THAT'S WHAT THEY CAN DO.  
2 THEY CAN ANALYZE, THEY CAN USE THESE TECHNIQUES HE  
3 SAID: BLUFFING, BAITING, MINIMIZING, BLACK OUT, THEY  
4 CAN USE THESE TECHNIQUES WITHOUT HAVING EXPERT  
5 TESTIMONY TO AID THEM. AND IN ESSENCE WHAT HE STATED  
6 IN HIS CAUSES FOR CONCERN ARE SIMPLY A JURY ARGUMENT  
7 THAT'S BETTER LEFT TO COUNSEL. SO I'M GOING TO LET  
8 HIM TESTIFY UP TO THE POINT WHERE YOU ASKED HIM WHAT  
9 GIVES YOU CAUSE FOR CONCERN AND THAT'S IT.

10 MR. BAITY: YOUR HONOR, COULD I NOT ASK  
11 HIM, AND I BELIEVE IT'S VERY IMPORTANT THAT HE BE  
12 ALLOWED TO TESTIFY TO THE TECHNIQUES THAT HE HAS  
13 IDENTIFIED THAT HE CAN ALSO IDENTIFY IN THIS CASE. I  
14 MEAN --

15 THE COURT: I SAID THAT. YOU ASKED HIM  
16 WELL WHAT ABOUT THE COPE CASE. WHAT TECHNIQUES DID  
17 YOU FIND? HE SAID BLUFFING, BAITING, MINIMIZING,  
18 BLACK OUT. I SAID YOU COULD ASK THOSE.

19 MR. BAITY: ALL RIGHT, SIR. I UNDERSTAND.

20 THE COURT: BUT THEN YOU ASKED HIM HIS  
21 CAUSE OF CONCERN AND THAT'S WHY, THAT GIVES ME CAUSE  
22 FOR CONCERN. ALL RIGHT.

23 MR. BRACKETT: PLEASE THE COURT.

24 THE COURT: YES, SIR.

25 MR. BRACKETT: I HAVE NO PROBLEM WITH



1 THAT. HE MENTIONED TWO CASES SPECIFIC, THE RILEY  
2 CASE AND THE, IT BEGAN WITH AN R.

3 A GARY GEIGER.

4 MR. BRACKETT: GEIGER, AND I SUBMIT HE CAN  
5 MAKE THE POINT THAT HE MADE WITHOUT REFERENCING THE  
6 FACTS AND CIRCUMSTANCES.

7 THE COURT: I'LL HAVE HIM LEAVE THOSE  
8 CASES OUT TOO.

9 MR. BRACKETT: THAT IS THE ONLY TWO HE  
10 MENTIONED AS FAR AS I COULD TELL.

11 THE COURT: LET'S TAKE A SHORT BREAK AND  
12 THEN WHEN WE COME BACK WE WILL GET THE JURY IN AND  
13 MOVE ON. DOCTOR, YOU CAN TAKE A BREAK.

14 A THANK YOU.

15 (COURT'S IN RECESS AT 03:34 PM.)

16 (COURT RESUMES AT 03:40 PM AND ALL PARTIES  
17 ARE PRESENT)

18 THE COURT: BRING IN THE JURY.

19 (THE JURY RETURNS TO THE COURTROOM AT  
20 03:41 PM.)

21 THE COURT: MR. BAITY.

22 MR. BAITY: PLEASE THE COURT, YOUR HONOR.  
23 DIRECT EXAMINATION CONTINUED BY MR. BAITY:

24 Q DR. KASSIN, BEFORE WE TOOK A BREAK I BELIEVE WE  
25 WERE TALKING ABOUT VOLUNTARY FALSE CONFESSIONS. GIVE

1 US AN EXAMPLE AND MY NEXT QUESTION WOULD BE, WOULD  
2 THE POLICE BE ABLE TO TELL IF THE STATEMENT GIVEN WAS  
3 A VOLUNTARY FALSE CONFESSION IS, ARE THERE ANY  
4 TECHNIQUES POLICE OFFICERS CAN USE TO FERRET THOSE  
5 OUT?

6 A TYPICALLY WHAT POLICE DO WHEN HANDLING A  
7 VOLUNTARY CONFESSION IS THEY LOOK FOR CORROBORATION.  
8 THEY ASK THEMSELVES THE QUESTION WHETHER OR NOT THE  
9 STATEMENT IS CLEAR AND CONSISTENT AND NOT  
10 SELF-CONTRADICTION, IT DOESN'T JUMP FROM ONE POINT TO  
11 ANOTHER AND CHANGE FACTS WITHIN THE STATEMENT, BUT  
12 THEN MOST IMPORTANTLY THEY DEMAND CORROBORATION.  
13 THEY WANT TO KNOW CAN THIS SUSPECT TELL ME SOMETHING  
14 ABOUT THIS CRIME, THAT IF HE ACTUALLY DID IT HE MUST  
15 KNOW, AND SO ONE LITMUS TEST IS CAN THE SUSPECT TELL  
16 ME SOMETHING I DON'T ALREADY KNOW OR CAN THE SUSPECT  
17 LEAD ME TO SOME EVIDENCE THAT I DON'T ALREADY HAVE  
18 AND THAT IS A FORM OF CORROBORATION. YOU HAVE TO  
19 ESSENTIALLY GET OUTSIDE OF THE STATEMENT ITSELF TO  
20 SEE WHETHER THAT PERSON CAN PROVE THE GUILT  
21 UNDERLYING THAT STATEMENT.

22 Q DOCTOR, YOU HAD BEGUN TO TALK ABOUT VARIOUS  
23 TYPES OF FALSE CONFESSIONS THAT YOU HAVE STUDIED. I  
24 BELIEVE THE FIRST ONE WAS THE VOLUNTARY FALSE  
25 CONFESSION. NOW LET'S GET BACK INTO GOING THROUGH

1        THAT LIST.  I BELIEVE THE NEXT ONE WOULD BE COERCED  
2        COMPLIANT FALSE CONFESSION?

3        A        CORRECT.

4        Q        PLEASE TELL THE JURY ABOUT THAT.

5        A        THE COERCED COMPLIANT FALSE CONFESSION ARE THE  
6        CASES, AND THESE ARE PROBABLY THE MOST COMMON, IN  
7        WHICH SOMEBODY CONFESSES NOT BECAUSE THEY, NOT  
8        BECAUSE THEY, THIS IS AN INNOCENT PERSON CONFESSING  
9        NOT BECAUSE THEY KNOW THEY COMMITTED THE CRIME BUT  
10       BECAUSE THEY ARE TRYING TO PUT AN END TO A BAD  
11       SITUATION EITHER BECAUSE OF THE DEGREE OF STRESS THEY  
12       ARE UNDER OR FATIGUE OR SLEEP DEPRAVATION OR WHATEVER  
13       THEIR STATE MIGHT BE AND AS WELL THE KINDS OF  
14       PRESSURES THAT THEY ARE UNDER.  IF YOU ARE UNDER A  
15       CERTAIN DEGREE OF PRESSURE WHAT PSYCHOLOGISTS HAVE  
16       FOUND FOR YEARS WHO STUDY DECISION MAKING IS THAT  
17       PEOPLE OFTEN BECOME VERY SHORT-SIGHTED.  WE DO  
18       WHATEVER IT TAKES TO GET OUT OF A BAD SITUATION  
19       WHETHER IT'S BECAUSE I NEED SLEEP, I WANT TO CALL MY  
20       WIFE, I'VE GOT TO GET SOME FOOD IN MY BODY, WHATEVER  
21       IT IS I WILL OFTEN DO WHATEVER IT TAKES TO GET OUT OF  
22       A BAD SITUATION.  ARE THERE POSSIBLE NEGATIVE  
23       CONSEQUENCES LATER?  I'LL DEAL WITH THAT WHEN THE  
24       TIME COMES.  AND SO DECISION-MAKING RESEARCH IN ALL  
25       SORTS OF CONTEXTS FOR YEARS HAS SHOWN THAT PEOPLE

1 MAKE DECISIONS BASED MORE ON SHORT-TERM CONSEQUENCES  
2 THAN LONG-TERM CONSEQUENCES AND IN THE INTERROGATION  
3 SETTING THAT'S WHAT THESE FALSE CONFESSORS HAVE DONE  
4 AND THERE ARE CASE AFTER CASE AFTER CASE WHERE THEY  
5 SAY THINGS LIKE I JUST WANTED TO GO HOME. WHY DID  
6 YOU CONFESS IF WE NOW KNOW THAT YOU ARE INNOCENT?  
7 WELL, I JUST WANTED TO GET HOME. ESSENTIALLY GET TO  
8 A POINT WHERE THEY HAVE HAD ENOUGH AND THEY  
9 SURRENDER, THEY KNOW THEY ARE INNOCENT, BUT THEY  
10 SURRENDER. WE KNOW THAT THEY KNOW BECAUSE THE SECOND  
11 THEY GET OUT OF THE PRESSURE OF THE SITUATION AND A  
12 LAWYER ENTERS THE PICTURE THEY SAY TO THE LAWYER I  
13 CONFESSED BUT I DIDN'T DO IT. SO THERE ARE A LOT OF  
14 CASES OF PEOPLE WHO WE FIND OUT LATER THEY ARE  
15 INNOCENT BUT THEY CONFESS JUST TO GET OUT OF A BAD  
16 SITUATION.

17 Q NOW DOCTOR, YOU ARE TALKING ABOUT COERCED  
18 COMPLAINT FALSE CONFESSION, IS THE COERCION IN THAT  
19 TYPE OF CONFESSION, DOES IT HAVE TO BE OVERT AND  
20 PHYSICAL OR CAN IT BE MORE SUBTLE?

21 A NO, IT CAN BE SUBTLE. IT HAS TO DO WITH TIME,  
22 IT HAS TO DO WITH CIRCUMSTANCE, IT HAS TO DO WITH  
23 WHAT THIS PERSON IS BEING DEPRIVED OF, OR THE FACT  
24 THAT THIS PERSON MAY SIMPLY HAVE BEEN IN A ROOM FOR  
25 ENOUGH TIME, DENIAL DOESN'T WORK, NOTHING I SAY SEEMS

1 TO BE WORKING, THERE IS PERSISTENCE, IT SEEMS THAT  
2 THERE IS NOTHING I CAN DO TO EXTRICATE MYSELF FROM  
3 THIS BAD SITUATION. IT BECOMES MORE AND MORE  
4 FATIGUED AS I GET MORE AND MORE WORN DOWN, YOU START  
5 TO DO WHATEVER IT TAKES TO END IT. THEY KNOW THEY  
6 ARE INNOCENT PRIVATELY BUT THEY DO WHAT IT TAKES  
7 OVERTLY TO CONFESS.

8 Q ALL RIGHT. NOW IN ADDITION TO VOLUNTARY FALSE  
9 CONFESSIONS AND THESE COERCED COMPLIANT CONFESSIONS  
10 YOU JUST DESCRIBED IS THERE ANOTHER CATEGORY THAT  
11 YOU'VE PUT FALSE CONFESSIONS INTO?

12 A YES. THERE IS A THIRD AND WHEN WE FIRST  
13 DISCOVERED THIS WAS THE MOST PUZZLING OF THEM ALL.  
14 WE CALLED THEM COERCED INTERNALIZED FALSE CONFESSION  
15 AND OTHERS NOW HAVE USED THE TERM BECAUSE IT'S CLEAR  
16 THERE ARE A NUMBER OF CASES AND THESE, AT THE TIME IN  
17 1985 WHEN WE DISCOVERED THIS, IT IS VERY CONFUSING  
18 BECAUSE WE DIDN'T HAVE THE MEMORY SCIENCE THEN THAT  
19 WE HAVE NOW, AND WHAT WE WERE SEEING WERE CASES WHERE  
20 PEOPLE WHO WERE INNOCENT NOT ONLY DID THEY CONFESS  
21 BUT THEN THEY STARTED TO BELIEVE THAT THEY ACTUALLY  
22 COMMITTED THE CRIME. NOW WE FIND OUT LATER THAT IN  
23 FACT THEY DIDN'T. NOW THESE ARE INTERESTING CASES  
24 BECAUSE WHAT HAPPENS IS PRIVATELY THEY ARE CONVERTED,  
25 THEY ARE PERSUADED ALMOST AS A FORM OF BRAIN WASHING

1 BUT THAT'S NOT A SCIENTIFIC TERM, BUT ESSENTIALLY  
2 WHAT HAPPENS IS PEOPLE WHO ARE IN SOME WAYS  
3 VULNERABLE TO MANIPULATION AND THE WAY THIS HAPPENS  
4 IS VERY PREDICTABLE, THERE ARE A LOT OF CASES JUST  
5 LIKE THIS, YOU GET SOMEBODY WHO IS VULNERABLE TO  
6 MANIPULATION. NOW WHY WOULD THEY BE VULNERABLE? ON  
7 THE ONE HAND IT MIGHT BE SOMETHING ABOUT THEM.  
8 PEOPLE WHO ARE MENTALLY RETARDED, CHILDREN ARE  
9 VULNERABLE, HIGHLY SUGGESTABLE, BUT IT MIGHT ALSO NOT  
10 HAVE ANYTHING TO DO WITH THE PERSON. IT MIGHT BE  
11 THAT THEY ARE IN A BAD SITUATION THAT DOESN'T STOP.  
12 THEY MAY BE SLEEP DEPRIVED. THEY MAY HAVE BEEN THERE  
13 FOR A LONG TIME AND NOT HAVE ANY CONTACT WITH FAMILY.  
14 SO THERE ARE A NUMBER, THEY MAY BE PARTICULARLY  
15 STRESSED, BUT THEY ARE VULNERABLE TO MANIPULATION AND  
16 THEN WHAT HAPPENS, AND AGAIN THESE THINGS FOLLOW A  
17 PREDICTABLE SEQUENCE, BUT IN THESE CASES IF SOMEONE  
18 WHO IS VULNERABLE AND THEN AT SOME POINT IN THEIR  
19 INTERROGATION THEY ARE PRESENTED WITH FALSE EVIDENCE,  
20 THEY ARE TOLD THAT THERE IS OBJECTIVE EVIDENCE OF  
21 THEIR GUILT, SOMETIMES SCIENTIFIC EVIDENCE, OF THEIR  
22 GUILT. AT WHICH POINT THEY HAVE THIS PUZZLE TO  
23 RESOLVE IN THEIR HEADS -- I DON'T REMEMBER DOING  
24 ANYTHING, I'M INNOCENT, BUT THERE IS THIS OBJECTIVE  
25 EVIDENCE THAT TELLS, THAT SEEMS TO SUGGEST THAT I WAS

1 INVOLVED, HOW CAN I RECONCILE THIS EVIDENCE WITH MY  
2 LACK OF MEMORY. NOW FOR PEOPLE WHO ARE VULNERABLE TO  
3 MANIPULATION THAT'S THE POINT AT WHICH AND AGAIN IT'S  
4 ALMOST LIKE A SCRIPT BECAUSE THERE ARE LOTS OF CASES  
5 THAT FOLLOW EXACTLY THE SAME PATTERN, ONCE THEY ARE  
6 CONFRONTED WITH THE DEVASTATING EVIDENCE THAT SAYS,  
7 GUESS WHAT, WE HAVE INDEPENDENT KNOWLEDGE THAT YOU  
8 DID IT, THEY OFTEN THEN START TO ENTERTAIN THE IDEA  
9 AND OFTEN ASK THE QUESTION OF THEIR QUESTIONER, IS IT  
10 POSSIBLE THAT I DID THIS AND DIDN'T REALIZE IT; COULD  
11 I DO IT AND NOT KNOW IT; COULD I HAVE BLACKED IT OUT,  
12 AND IN ALL OF THESE CASES THEY START TO ENTERTAIN THE  
13 IDEA THAT THEY MUST HAVE DONE IT EVEN THOUGH THEY  
14 CAN'T REMEMBER. AT WHICH POINT YOU GET, AGAIN VERY  
15 PREDICTABLY, THIS TENTATIVE, FRAGMENTARY LANGUAGE,  
16 THEY SAY THINGS, THEY DON'T IN THESE CASES, AND AGAIN  
17 THESE ARE PEOPLE WE KNOW LATER ARE INNOCENT, THEY  
18 DON'T SAY I DID IT; I REMEMBER DOING IT. THEY SAY I  
19 MUST HAVE DONE IT, I GUESS I DID IT, BECAUSE THEY ARE  
20 NOT REPORTING FROM MEMORY. THEY ARE REPORTING A  
21 GUESS, THEY ARE REPORTING, THEY ARE REPORTING, WELL,  
22 IF YOU HAVE THIS EVIDENCE AND I DON'T HAVE A MEMORY I  
23 MUST HAVE DONE IT AND NOT HAVE THE MEMORY AND THEY  
24 ALL HAVE THAT IN COMMON. WHAT THEY OFTEN THEN GO  
25 THROUGH IS, WELL THEN TELL US HOW YOU WOULD HAVE DONE

1 IT. THERE IS AN IMAGINATION LIKE EXERCISE WHERE THEY  
2 ARE ASKED HYPOTHETICAL QUESTIONS, OKAY, YOU DON'T  
3 HAVE A MEMORY NOW, BUT HOW WOULD YOU HAVE DONE IT.  
4 OFTEN WHAT THIS RESULTS IN IS YOU GET A COERCED  
5 INTERNALIZED FALSE CONFESSION WHERE NOT ONLY DO THEY  
6 SAY THEY COMMITTED THE CRIME BUT THEY COME TO BELIEVE  
7 IT AND THEY GIVE A VERY DETAILED CONFESSION. THEY  
8 SAY WHAT THEY DID, HOW THEY DID IT, WHO THEY WERE  
9 WITH, WHERE THEY WERE, WHAT TIME IT WAS; IN FACT, IN  
10 ALMOST ALL OF THESE STATEMENTS THEY EVEN GIVE YOU A  
11 STATEMENT ABOUT THEIR MOTIVE. THEY TELL YOU WHY THEY  
12 DID IT. WHY THEY DID IT IS OFTEN PART OF THIS  
13 CONSTRUCTION THAT TURNS OUT TO BE FALSE. AGAIN IN A  
14 NUMBER OF CASES JUST LIKE THIS, THE WAY WE KNOW LATER  
15 THAT IT'S FALSE IS BECAUSE INDEPENDENT EVIDENCE SHOWS  
16 IT WAS IMPOSSIBLE, THEY DIDN'T DO IT, THEY COULDN'T  
17 HAVE DONE IT, BUT, YES, THERE ARE A NUMBER OF CASES  
18 THAT RESULT IN THAT KIND OF MEMORY IMPAIRMENT. AND  
19 PSYCHOLOGISTS, AS I MENTIONED EARLIER IN 1985, WE  
20 COULDN'T QUITE EXPLAIN THIS BUT WE NOW KNOW THAT  
21 THERE ARE A LOT OF STUDIES SHOWING THAT FALSE  
22 MEMORIES ARE IMPLANTED THROUGH VARIOUS TYPES OF  
23 STRATEGIES ALL HAVING TO DO WITH THE PRESENTATION OF  
24 FALSE EVIDENCE.

25 Q WOULD THIS BE SIMILAR TO A SITUATION WHERE



1 SOMEONE SAID COULD I HAVE BEEN DOING IT IN MY SLEEP  
2 OR COULD I HAVE BEEN DOING IT AND DREAMING SOMETHING  
3 ELSE?

4 A YES. IN FACT A NUMBER OF THESE COERCED  
5 INTERNALIZED FALSE CONFESSIONS INCLUDE STATEMENTS  
6 ABOUT HAVING DONE THIS IN A DREAM STATE. AND SO  
7 WHATEVER THE MENTAL STATE IS, I'M DISSOCIATED, I'M  
8 AMNESIC, I'M SLEEPING, I'M SLEEP WALKING, WHAT'S  
9 CLEAR IS THEY DON'T REALLY HAVE A DIRECT MEMORY.  
10 THEY ARE TRYING TO SORT THIS THING OUT AND SO THEY  
11 CAN'T EVEN FULLY SAY I'M INNOCENT. THEY SAY I'M NOT  
12 SURE. SO WHEN A LAWYER THEN ENTERS THE PICTURE THE  
13 FIRST THING THEY SAY IS, WELL, I CONFESSED. WELL,  
14 DID YOU DO IT? I'M NOT REALLY SURE. THEY BECOME  
15 DISORIENTED BY REALITY. WHY? BECAUSE THEY TRUST  
16 THAT THIS INFORMATION THAT IS GIVEN TO THEM IS  
17 RELIABLE AND IN FACT IT'S NOT.

18 Q DOCTOR, HOW DO YOU KNOW THAT THIS CAN OCCUR?  
19 HOW DO YOU KNOW THAT THIS HAS OCCURRED IN THE PAST?

20 A ANY NUMBER OF WAYS. THERE ARE, FIRST OF ALL  
21 THERE ARE ACTUAL CASES, INNUMERABLE ACTUAL CASES  
22 WHERE THIS HAS HAPPENED, WHERE WE HAVE VERY TEXTURED,  
23 DETAILED CONFESSIONS INCLUDING A SUSPECT WHO SAID I  
24 THINK I MAY HAVE DONE IT, I'M NOT SURE, BUT IT LOOKS  
25 LIKE I DID IT, WHO TURNS OUT TO BE INNOCENT. SO WE

1 HAVE THOSE CASE STUDIES. BASED ON THOSE CASE  
2 STUDIES, BECAUSE PSYCHOLOGISTS BECAME VERY INTERESTED  
3 IN WHAT ARE THE CONDITIONS UNDER WHICH YOU COULD  
4 ACTUALLY DO THIS TO A PERSON, AND SO BRING IT INTO  
5 THE LABORATORY AND WE NOW FIND THAT THERE ARE  
6 LABORATORY EXPERIMENTS WHICH FOR EXAMPLE WE CAN GET  
7 PEOPLE TO BELIEVE THAT THEY BROKE A COMPUTER THEY  
8 DIDN'T BREAK, THAT THEY, WE GET PEOPLE TO CONFESS TO  
9 SOME KIND OF CHEATING CRIME THAT THEY DIDN'T COMMIT,  
10 AND IN SOME CASES PEOPLE ARE LEAD TO BELIEVE AND THEY  
11 COME TO BELIEVE THAT THEY WERE STUCK IN A HOSPITAL  
12 ONE NIGHT, THAT THEY GOT LOST IN A SHOPPING MALL AS A  
13 CHILD. THAT IN FACT PSYCHOLOGISTS HAVE FOUND IF YOU  
14 PRESENT PEOPLE WITH FALSE EVIDENCE OF SOMETHING THEY  
15 DON'T REMEMBER AND IT'S FALSE, OVER TIME THEIR MEMORY  
16 STARTS HAVING A WAY OF FILLING IN THE PIECES AND OVER  
17 TIME MANY PEOPLE, NOT ALWAYS, BUT MANY PEOPLE THEN  
18 CONSTRUCT A MEMORY AROUND THIS NEW BELIEF.

19 Q DOCTOR, WHAT MAKES PEOPLE VULNERABLE TO THIS  
20 TYPE OF MEMORY ALTERATION? WHAT SPECIFICALLY MAKES  
21 PEOPLE VULNERABLE TO THAT?

22 A CERTAIN TYPES OF PEOPLE ARE MORE VULNERABLE THAN  
23 OTHERS. YOU CAN IMAGINE, AND THERE ARE A NUMBER OF  
24 CASES LIKE THIS, YOU CAN IMAGINE THAT A SIX, SEVEN,  
25 OR EIGHT YEAR OLD CHILD BEING ASKED A SERIES OF VERY

1 SUGGESTIVE QUESTIONS MIGHT BE VULNERABLE TO THIS TYPE  
2 OF MANIPULATION. SOMEONE WHO LACKS INTELLIGENCE, WHO  
3 IS MENTAL RETARDED, MIGHT BE HIGHLY SUGGESTABLE IN  
4 RESPONSE TO VERY SUGGESTIVE, LEADING QUESTIONS, SO  
5 YOU MIGHT GET IT WITH PEOPLE AS A FUNCTION OF THE  
6 FACT THAT THEY ARE NAIVE. ON THE OTHER HAND, THERE  
7 ARE OTHER PEOPLE WHO ARE NOT DISPOSITIONALLY, IT'S  
8 NOT SOMETHING ABOUT THEM, THEY ARE NOT SOMEONE WHO ON  
9 A NORMAL BASIS YOU WALK UP TO AND SEE THAT THEY ARE  
10 VULNERABLE TO MANIPULATION. BUT YOU KNOW, IF YOU'VE  
11 BEEN THROUGH TRAUMA, IF YOU ARE UNDER A GREAT STRESS,  
12 IF YOU'RE TIRED, FATIGUED, EXHAUSTED, SLEEP DEPRIVED,  
13 WHATEVER, OR IF THE CRIME THAT YOU ARE BEING ASKED  
14 ABOUT OCCURRED AT A TIME WHEN YOU WERE UNDER THE  
15 INFLUENCE OF DRUGS AND THE FIRST THING YOU WOULD  
16 ADMIT IS I REALLY DON'T HAVE A FULL MEMORY, I WAS  
17 DRINKING WITH MY BUDDY, UNDER THOSE CASES AS WELL  
18 THEY ARE VULNERABLE TO MANIPULATION, THEIR MEMORY  
19 BECOMES VULNERABLE TO MANIPULATION, SO THOSE ARE SOME  
20 OF THE CIRCUMSTANCES THAT MAKE INDIVIDUALS  
21 VULNERABLE, SOMETHING ABOUT A PERSON BUT IT CAN ALSO  
22 BE ABOUT SOMETHING WITH THE SITUATION.

23 Q LET'S TURN TO YOUR STUDY OF INTERROGATION  
24 INTERVIEW TECHNIQUES. ARE THERE TECHNIQUES THAT ARE  
25 COMMONLY USED, PARTICULARLY IN A POLICE SETTING, TO

1 OBTAIN CONFESSIONS?

2 A YES, AND WE'VE KNOWN THIS FOR MANY, MANY YEARS  
3 AND IN 1967 THE U.S. SUPREME COURT WANTED TO  
4 INVESTIGATE HOW INTERROGATION TAKE PLACE BECAUSE IT  
5 OFTEN TAKES PLACE BEHIND CLOSED DOORS AND A VERY  
6 SECRETIVE PROCESS SO THEY TURNED TO SOME  
7 OBSERVATIONAL STUDIES THAT WERE DONE, STUDIES THAT  
8 ACTUALLY WENT INTO THE INTERROGATION ROOM AND  
9 OBSERVED WHAT WAS HAPPENING. MORE RECENTLY THERE ARE  
10 OBSERVATIONAL STUDIES HERE AND IN GREAT BRITAIN AGAIN  
11 CORROBORATING WHAT IS DONE IN INTERROGATION.

12 WE KNOW WHAT INTERROGATION LOOKS LIKE IN  
13 MOST CASES BECAUSE WE KNOW HOW PEOPLE ARE BEING  
14 TRAINED TO DO IT. WE KNOW WHAT THE TRAINING MANUALS  
15 ARE, SO PSYCHOLOGISTS IN THIS AREA STUDY THE TRAINING  
16 MANUAL.

17 Q AND DO THESE TRAINING MANUALS TALK ABOUT  
18 INTERVIEWS AND INTERROGATION AND THE DIFFERENCES  
19 BETWEEN THOSE?

20 A YES, AND THEY ARE NOT SYNONYMOUS. AN INTERVIEW  
21 AND INTERROGATION IS NOT THE SAME THING. NOW  
22 SOMETIMES IT SOUNDS LIKE THE WORDS ARE BEING USED  
23 INTERCHANGEABLY BUT IT WOULDN'T BE CORRECT.  
24 ESSENTIALLY, AND LET ME QUOTE THAT THERE IS A SINGLE  
25 BOOK CALLED THE INBAU AND REID MANUAL THAT WAS FIRST

1 PUBLISHED IN 1962, IT'S WHAT THE U.S. SUPREME COURT  
2 CITED IN 1967 AND IT'S NOW IN ITS FOURTH EDITION AND  
3 THEY HAVE TRAINING SCHOOLS AND SEMINARS AND WORKSHOPS  
4 AND THEY ARE RESPONSIBLE FOR TRAINING MORE  
5 PROFESSIONAL INTERROGATORS THAN ANY OTHER  
6 ORGANIZATION, NOW THEY HAVE A VERY SPECIFIC SET OF  
7 STEPS THAT THEY TAKE. THE FIRST THING THEY DO IS TO  
8 DISTINGUISH BETWEEN INTERVIEW AND INTERROGATION. AN  
9 INTERVIEW IS NON-CONFRONTATIONAL. YOU DON'T MAKE THE  
10 ACCUSATION; YOU DON'T TELL THE PERSON YOU THINK THEY  
11 ARE LYING; YOU SIMPLY ASK QUESTIONS TO SEE WHAT THE  
12 SUSPECT KNOWS, AND THEN YOU LET THEM ANSWER AND YOU  
13 OBSERVE THEIR BEHAVIOR. AND THE REASON YOU ARE  
14 OBSERVING THEIR BEHAVIOR IS YOU ARE OBSERVING BOTH  
15 THEIR NON-VERBAL BEHAVIOR AND THEIR VERBAL BEHAVIOR.  
16 WHAT THEY SAY AND HOW THEY SAY IT. AND THE REASON  
17 YOU DO THAT IS YOU ARE TRYING TO DETERMINE IN THIS  
18 PREINTERROGATION INTERVIEW WHETHER YOU THINK THE  
19 PERSON IS TELLING THE TRUTH OR LYING. IS THIS PERSON  
20 TELLING THE TRUTH AND PROBABLY INNOCENT OR LYING AND  
21 PROBABLY GUILTY. THIS INTERVIEW STEP BECOMES A  
22 PIVOTAL CHOICE POINT IN THE LIFE OF A CASE AND I SAY  
23 THAT BECAUSE BASED ON THAT JUDGMENT THAT IS MADE  
24 RIGHT THEN AND THERE, THE DECISION IS EITHER TO SEND  
25 THAT SUSPECT HOME OR TO MOVE ONTO INTERROGATION AND

1 SO THAT BECOMES AN IMPORTANT PROCESS AND THAT'S WHY  
2 IT'S AN IMPORTANT QUESTION TO ASK TO WHAT EXTENT CAN  
3 THEY MAKE THOSE JUDGMENTS ACCURATELY, SO THAT'S THE  
4 INTERVIEW. THE INTERVIEW IS THIS NON-CONFRONTATIONAL  
5 PROCESS. IN FACT THE SUSPECT, FOR ALL PRACTICAL  
6 PURPOSES, FEELS MORE LIKE A WITNESS THAN A SUSPECT.

7 Q SO THE PURPOSE OF AN INTERVIEW IN THESE COMMON  
8 TECHNIQUES WOULD BE TO DETERMINE WHETHER OR NOT YOU  
9 ARE GOING TO HAVE AN INTERROGATION?

10 A CORRECT.

11 Q DO YOU NEED SOME WATER?

12 A I'M GOOD.

13 Q OKAY.

14 A THANK YOU.

15 Q SO HOW IS IT DONE? I MEAN, HOW DOES THIS  
16 DECISION REACH GOING FROM THE INTERVIEW TO THE  
17 INTERROGATION?

18 A WELL, THE TECHNIQUES VARY BUT IN LOOKING AT THE  
19 INBAU AND REID BOOK WHICH IS THE MOST COMMON AND  
20 ALWAYS THE MOST INFLUENTIAL OF THEM ALL THEY  
21 RECOMMEND THAT INTERROGATORS ASK CERTAIN TYPES OF  
22 PROVOKING, PROVOCATIVE BAITING QUESTIONS, AND THEY  
23 ALSO RECOMMEND THAT INTERROGATORS PAY CLOSE ATTENTION  
24 TO CERTAIN NON-VERBAL AND VERBAL CLUES, LIKE A  
25 PERSON'S POSTURE OR EYE CONTACT, WHETHER THEY ARE

1 FIDGETING OR NOT, SO THERE IS A LOT TO IT. BUT ONLY  
2 RECENTLY HAVE WE STUDIED THOSE TRAINING SESSIONS AND  
3 WHETHER THEY ACTUALLY CAN MAKE PEOPLE GOOD LIE  
4 DETECTORS.

5 Q LET ME ASK YOU THIS, ARE THERE THINGS THAT  
6 HAPPEN IN AN INTERVIEW THAT THE SUBJECT OF THE  
7 INTERVIEW MAY SHOW OR EXHIBIT, ARE THERE BEHAVIORS  
8 THERE THAT ARE BELIEVED TO INDICATE A PERSON'S GUILT;  
9 FOR EXAMPLE, IF A PERSON ACTS IN A CERTAIN WAY?

10 A YES.

11 Q WHAT WOULD THOSE BE?

12 A WELL IMAGINE FOR EXAMPLE, AND THIS IS COMING  
13 AGAIN SORT OF RIGHT OUT OF THE MANUAL, IMAGINE FOR  
14 EXAMPLE THAT AN INVESTIGATOR SUGGESTS TO THE PERSON  
15 THAT THEY TAKE A POLYGRAPH. IF THAT INDIVIDUAL SAYS,  
16 SURE, I'LL TAKE A POLYGRAPH, THE REID AND INBAU  
17 PEOPLE SAY THAT'S AN INDICATION OF INNOCENCE. IT  
18 DOESN'T GUARANTEE INNOCENCE BUT IT SUGGESTS TO THEM  
19 THAT THE SUSPECT HAS NOTHING TO HIDE. OR THEY SAY IF  
20 THE SUSPECT STARTS TO BECOME RETICENT AND RELUCTANT  
21 AND SAY, WAIT A MINUTE, I'M NOT SURE I WANT TO DO  
22 THAT. I'M NOT SURE I TRUST POLYGRAPHS. WELL, THAT'S  
23 A PERSON WHO IS AT LEAST SHOWING SOME SIGNS OF BEING  
24 MORE GUILTY AND MORE EVASIVE. AGAIN, IT'S NOT A  
25 GUARANTEE AND THEY'RE VERY CAREFUL TO SAY THERE IS NO

1 ONE INDICATOR THAT TELLS US EVERYTHING. BUT THAT'S  
2 ONE OF THOSE ISSUES.

3 OR FOR EXAMPLE THEY TALK ABOUT THESE  
4 BEHAVIOR PROVOKING QUESTIONS. IMAGINE THEY SAY YOU  
5 HAVE GOT A PERSON BEFORE YOU AND YOU ASK THAT PERSON,  
6 YOU KNOW, WE'VE GOT DNA SAMPLES THAT WE'RE GOING TO  
7 SEND OFF TO THE LAB FOR TESTING, WHAT ARE THEY GOING  
8 TO TELL US? AND THEY SAY PAY CLOSE ATTENTION TO WHAT  
9 THE PERSON, HOW THE PERSON RESPONDS. BECAUSE IF THE  
10 SUSPECT SAYS, NO PROBLEM, I'LL BE FINE, I'LL BE  
11 EXONERATED, YOU'LL SEE I'M INNOCENT, THAT IS AN  
12 INDICATION AGAIN THE SUSPECT HAS NOTHING TO HIDE. IF  
13 THE SUSPECT IS MORE RETICENT, MORE RELUCTANT, STARTS  
14 TO ASK SOME QUESTIONS ABOUT THE TESTS AND THEY WANT  
15 TO KNOW HOW THE TEST IS GOING TO BE DONE AND WHEN  
16 WILL YOU GET THE RESULTS, THAT SUGGESTS A DIFFERENT  
17 MORE EVASIVE MORE GUILTY PATTERN.

18 Q IN YOUR STUDIES OF THESE SPECIFIC CASES  
19 GENERALLY SPEAKING IF SOMEONE IS WILLING TO TAKE A  
20 POLYGRAPH OR APPEARS TO BE UNCONCERNED ABOUT THE TEST  
21 RESULTS OF DNA, IS THAT INDICATIVE THAT THAT PERSON  
22 IS GUILTY OR IS THAT INDICATIVE THAT HE'S MORE  
23 INCLINED TO BE INNOCENT?

24 A IT'S NOT CLEAR FROM RESEARCH ON THE POLYGRAPH  
25 PER SE. IT'S CLEAR THAT INVESTIGATORS ARE TRAINED TO



1 USE THAT AS A DIAGNOSTIC TOOL, LOOK AND SEE HOW THE  
2 PERSON REACTS, AND SO IT'S INTERESTING.  
3 INVESTIGATORS WILL USUALLY USE THE RESPONSE AS A WAY  
4 OF GAUGING THE PERSON'S ABILITY TO BE TRUTHFUL OR  
5 DECEPTIVE, BUT THERE IS OTHER JUST LIKE IT, OTHER  
6 BEHAVIOR PROVOKING QUESTIONS THAT DO SHOW, THAT  
7 RESEARCH DOES SHOW IS DIAGNOSTIC. FOR EXAMPLE, A  
8 PERSON'S WILLINGNESS TO WAIVE THEIR RIGHTS TO SILENCE  
9 AND TO COUNSEL AND TO TALK TO INTERROGATORS. IT'S  
10 INTERESTING WHEN YOU GO BACK AND LOOK AGAIN AT ALL  
11 FALSE CONFESSION CASES, IN THE END WHEN THOSE PEOPLE  
12 ARE INTERVIEWED, INNOCENT PEOPLE WHO GAVE CONFESSIONS  
13 AND THEY ARE INTERVIEWED THEY ARE ASKED, WELL, WHY  
14 DID YOU PUT YOURSELF THROUGH THIS INTERROGATION? WHY  
15 DIDN'T YOU JUST SAY I WANTED A LAWYER? THEY ALL SAY  
16 THE SAME THING: BECAUSE I HAD NOTHING TO HIDE,  
17 I KNEW I WAS INNOCENT, I FIGURED THE MORE I TALKED TO  
18 THEM THEY'D SEE I WAS INNOCENT, SO THAT AIR OF  
19 COOPERATIVENESS IS TYPICALLY TAKEN AS A SIGN OF  
20 INNOCENCE OR AT LEAST ONE SIGNAL OF INNOCENCE AND  
21 I'VE ACTUALLY DONE LABORATORY STUDIES SHOWING THE  
22 SAME THING. AND IT TURNS OUT NOW THAT THERE IS A  
23 SUBSTANTIAL BODY OF RESEARCH SUGGESTING THAT INNOCENT  
24 PEOPLE ARE MORE LIKELY TO WAIVE THEIR RIGHTS THAN  
25 GUILTY PEOPLE ARE. AGAIN THINKING THEY HAVE NOTHING

1 TO HIDE OR FEAR.

2 Q IN THIS INTERVIEW PROCESS THAT MAY TURN INTO  
3 INTERROGATION OR MAY TURN INTO A RELEASE OF THE  
4 SUSPECT, ARE POLICE OFFICERS OR TRAINED  
5 INTERROGATORS, TRAINED INTERVIEWERS, MORE ABLE TO  
6 DETECT TRUTH OR GUILT OR INNOCENCE THAN ANYONE ELSE,  
7 JUST THE AVERAGE PERSON ON THE STREET OR A  
8 PSYCHOLOGIST FOR EXAMPLE?

9 A YEAH, THAT'S A VERY INTERESTING QUESTION.  
10 PSYCHOLOGISTS HAVE TESTED THEMSELVES AS WELL. FOR  
11 MANY YEARS NOW SOCIAL PSYCHOLOGISTS HAVE TESTED  
12 WHETHER PEOPLE ARE GOOD LIE DETECTORS AND THE WAY  
13 THAT RESEARCH WAS DONE IN THE PAST IS YOU BRING  
14 PEOPLE INTO YOUR LAB AND YOU'D INSTRUCT THEM TO TELL  
15 A TRUTHFUL STORY OR LIE ABOUT THEMSELVES AND THEN YOU  
16 SHOW THOSE TAPES TO OTHER PEOPLE WHO DON'T KNOW THEM  
17 AND AFTER EACH TAPE THE OBSERVERS MAKE A JUDGMENT IS  
18 THIS TRUE OR FALSE AND THE EXPERIMENTER OF COURSE  
19 KNOWS WHAT'S TRUE AND WHAT'S FALSE. THOSE KINDS OF  
20 STUDIES FOR YEARS HAVE SHOWN PEOPLE ARE TERRIBLE LIE  
21 DETECTORS. WE'RE AWFUL. NOW I SHOULD, THE  
22 DISCLAIMER IS THAT WE'RE NOT BAD WHEN IT COMES TO  
23 JUDGING LIES WITH PEOPLE WE KNOW VERY WELL, CLOSE  
24 FRIEND, A CHILD, A SPOUSE, BUT IN TERMS OF STRANGERS  
25 WHO WE'VE NEVER SEEN BEFORE WE DON'T KNOW WHAT THEIR

1 UNUSUAL BASE LINE OF BEHAVIOR IS, WE'RE TERRIBLE AT  
2 IT AND TYPICALLY THE ACCURACY RATES ARE AROUND 50 OR  
3 55 PERCENT. NOW KEEP IN MIND 50 PERCENT IS WHAT YOU  
4 GET JUST BY FLIPPING A COIN, SO A 55 PERCENT LEVEL OF  
5 ACCURACY IS NOT A VERY HIGH LEVEL OF ACCURACY. WELL,  
6 AT ONE POINT RESEARCHERS STARTED ASKING THE QUESTION  
7 WHAT ABOUT PROFESSIONALS WHO ARE TRAINED TO MAKE  
8 THESE JUDGMENTS FOR A LIVING AND A PSYCHOLOGIST BY  
9 THE NAME OF PAUL EICHMAN DID A STUDY WHICH HE AND  
10 MARINO SULLIVAN PUBLISHED IN 1991 SHOWING THAT WHEN  
11 THEY TESTED ROBBERY INVESTIGATORS, PSYCHOLOGISTS,  
12 PSYCHIATRISTS, CUSTOMS INSPECTORS, THERE WERE OTHER  
13 GROUPS, SECRET SERVICE AGENTS, THE ACCURACY RATES  
14 WERE ALSO IN THE MID 50'S. THE SECRET SERVICE AGENTS  
15 ACTUALLY TOPPED OUT AT 64 PERCENT, THAT'S THE TOP  
16 GROUP, AND 64 PERCENT IS ABOUT AS HIGH AS YOU EVER  
17 SEE COMING OUT OF THE LABS. IN LABS ALL OVER THE  
18 WORLD PEOPLE SEEM TO BE PRETTY MEDIOCRE LIE DETECTORS  
19 BASED ON WATCHING A PERSON IN AN ISOLATED SITUATION,  
20 SO 50 TO 60 PERCENT LEVEL OF ACCURACY.

21 NOW IF YOU'VE ASKED ME THIS QUESTION I  
22 DON'T KNOW, WHAT ABOUT IN THIS SITUATION, WHAT ABOUT  
23 SOMEBODY WHO INTERVIEWED ABOUT A CRIME HOW GOOD ARE  
24 WE? THERE IS NOW A WEALTH OF RESEARCH, SOME OF IT  
25 THAT I'VE PUBLISHED, OTHERS HAVE PUBLISHED IT IN

1 SWEDEN AND ENGLAND, IN CANADA, IN SPAIN, AND  
2 ESSENTIALLY WHAT IT SHOWS IS THAT PEOPLE HAVE A LOT  
3 OF DIFFICULTY DISTINGUISHING A TRUE DENIAL FROM A  
4 FALSE DENIAL. WE CAN'T TELL IF SOMEBODY IS GUILTY OR  
5 INNOCENT AND TRAINED PROFESSIONALS ARE NOT ANY BETTER  
6 THAN THE REST OF US. THEY ARE MORE CONFIDENT IN THE  
7 JUDGMENTS THEY MAKE BUT THEY DON'T MAKE THOSE  
8 JUDGMENTS AT ANY HIGHER LEVELS OF ACCURACY.

9 NOW YOU COULD ARGUE, WELL, THESE STUDIES  
10 DON'T TAKE ACCOUNT OF THE FACT THAT THEY ARE NOT  
11 DOING THE QUESTIONING IN THOSE SESSIONS. BUT IN  
12 STUDIES THAT ACTUALLY DO THAT IN WHICH THE  
13 PROFESSIONALS ACTUALLY DO THE QUESTIONING, THEY ARE  
14 STILL NO MORE ACCURATE THAN THE AVERAGE PERSON, SO IT  
15 TELLS SOMETHING WE KIND OF HAVE KNOWN ALL ALONG, IT'S  
16 NOT IMPOSSIBLE THAT TRAINING CAN MAKE YOU A GOOD  
17 JUDGE OF TRUTH AND DECEPTION BUT THERE IS JUST NO  
18 EVIDENCE TO SUGGEST, AT LEAST RIGHT NOW, THAT THAT'S  
19 THE CASE. AND IT DOESN'T MEAN THAT EVERYBODY IS BAD  
20 AT IT BUT THERE IS NO SCIENCE TO SUGGEST THAT WE ARE  
21 IN SOME WAYS HUMAN LIE DETECTORS.

22 Q GETTING PAST THE INTERVIEW AND GOING TO THE  
23 INTERROGATION, ONCE THAT DECISION HAS BEEN MADE  
24 WHETHER IT'S BASED ON A FALSE OF SENSE OF ABILITY TO  
25 TELL THE TRUTH OR NOT, ARE THERE CERTAIN COMMON

1 INTERROGATION TECHNIQUES THAT ARE TAUGHT TO POLICE  
2 AND OTHER INTERROGATORS?

3 A YES.

4 Q PLEASE TELL US WHAT THOSE ARE?

5 A AND AGAIN THERE ARE VARIATIONS AND THERE ARE A  
6 NUMBER OF MANUALS ALL OF WHICH I'VE STUDIED BUT THE  
7 MOST INFLUENTIAL OF THEM IS THE INBAU MANUAL AND  
8 ESSENTIALLY WHAT THEY DO IS THEY TALK ABOUT A  
9 MULTI-STEP PROCESS AND WITHOUT GETTING INTO EVERY  
10 STEP BY STEP ESSENTIALLY IT'S A THREE STEP PROCESS.  
11 THE FIRST THING THEY DO IS ISOLATE THE SUSPECT. IT'S  
12 IMPORTANT, ACCORDING TO THE MANUALS, THAT THE SUSPECT  
13 NOT BE SITTING IN HIS LIVING ROOM, IN A DINING ROOM,  
14 IN A PLACE THAT IS COMFORTABLE, IN THE PRESENCE OF  
15 LOVED ONES, IN THE PRESENCE OF THINGS THAT ARE  
16 FAMILIAR, AND SO THE GOAL IS PUT THE PERSON IN A  
17 PRIVATE SPACE SOMEWHERE IN THE POLICE STATION SO THAT  
18 THEY DON'T HAVE ACCESS TO LOVED ONES AND IT'S A VERY  
19 UNFAMILIAR SETTING. THE GOAL IS CREATE ESSENTIALLY  
20 AN UNPLEASANT, SOMEWHAT STRESSFUL ENVIRONMENT SO THE  
21 GOAL IN ISOLATION, AND THEY ARE VERY CLEAR ABOUT  
22 THIS, WE NEED TO RAISE AND INCREASE THE PERSON'S  
23 INCENTIVE TO ESCAPE. IF YOU CREATE A VERY RELAXED  
24 ENVIRONMENT THEN THE PERSON DOESN'T CARE IF THEY ARE  
25 THERE ALL DAY OR ALL NIGHT. BUT IF IT'S A SITUATION

1       THEY WANT TO GET OUT OF AND THEY CAN'T MAKE A PHONE  
2       CALL TO THEIR WIVES AND THEY CAN'T SEE THEIR CHILDREN  
3       AND THEY ARE TIRED AND THEY WANT TO GET SOME SLEEP OR  
4       WHATEVER THE ISSUES MAY BE, IN THAT KIND OF SITUATION  
5       THEY NOW ARE ISOLATED AND NEED TO DO SOMETHING TO  
6       CHANGE THEIR STATE AND THAT'S WHERE THE SECOND  
7       SITUATION COMES IN. THE SECOND PROCESS IS A PROCESS  
8       OF CONFRONTATION. THE INBAU AND REID PEOPLE CALL  
9       FIRST STEP THE POSITIVE CONFRONTATION. THE POSITIVE  
10      CONFRONTATION IS THE STATEMENT, WE KNOW YOU ARE  
11      GUILTY, WE KNOW YOU ARE GUILTY AND WE DON'T WANT TO  
12      HEAR ANYMORE LIES. KEEP IN MIND AT THE POINT AT  
13      WHICH YOU ARE INTERROGATING A PERSON AND MAKING THAT  
14      CONFRONTATION THE INVESTIGATOR HAS ALREADY  
15      DETERMINED, SOMETIMES BASED ON A HUNCH, THAT THIS  
16      PERSON IS GUILTY AND SO NOW THEY INTERROGATE  
17      ACCORDINGLY. THEY PUT ON THAT, THEY PUT ON THE LENS  
18      THAT TELLS THEM WHATEVER I'M SEEING HERE THIS PERSON  
19      BEFORE ME IS GUILTY BECAUSE THAT'S WHAT THEY BELIEVE  
20      IS THE JUDGMENT THEY MADE.

21                   NOW THEY MAKE A POSITIVE CONFRONTATION,  
22      PART OF THE TECHNIQUE IS TO NOT ALLOW THE PERSON TO  
23      MOUNT A DEFENSE. IF THE PERSON STARTS TO MOUNT A  
24      DENIAL, THEY OFTEN WILL INTERRUPT THEM IN  
25      MID-SENTENCE AND NOT ALLOW TO MAKE A FULL DENIAL.

1       THERE IS A PERSISTENCE TO THE QUESTIONING NO MATTER  
2       WHAT THE PERSON SAYS OR DOES THE RESPONSE IS: I  
3       DON'T BELIEVE YOU, YOU ARE NOT BEING COOPERATIVE, YOU  
4       ARE NOT BEING FORTHCOMING, SOMETIMES THAT, THAT  
5       CONFRONTATION IS BOLSTERED, AND YOU CAN TO IMAGINE IF  
6       A PERSON IS BEING PARTICULARLY ADAMANT AND VEHEMENT  
7       IN THEIR DENIALS, I DIDN'T DO IT, THEN HOW DO YOU  
8       EXPLAIN X OR Y. SOMETIMES THERE IS THE INSINUATION  
9       THAT WE HAVE INDEPENDENT EVIDENCE AS A WAY OF HELPING  
10      TO BREAK THAT PERSON DOWN. SO THAT CONFRONTATION IS  
11      DESIGNED ESSENTIALLY TO PUT THAT PERSON IN A STATE OF  
12      DESPAIR. THEY ARE NOW IN A BAD SITUATION, THEY WANT  
13      TO GET OUT OF IT, AND DENIAL IS NOT A WAY OUT. NOW  
14      THEY ARE IN AND THE DENIAL DOESN'T WORK. SO THE  
15      THIRD STEP AND THESE STEPS INTERWEAVE THROUGHOUT THE  
16      INTERACTION, THE THIRD STEP IS WHAT YOU CAN THINK OF  
17      AS MINIMIZATION. MINIMIZATION IS A WAY OF SUGGESTING  
18      AND AGAIN THE GOAL OF INTERROGATION IS TO MAKE  
19      CONFESSION LOOK LIKE THE MORE DESIRABLE THING TO DO,  
20      SELF-SERVINGING THING TO DO. MINIMIZATION IS, I  
21      UNDERSTAND YOU'RE A GOOD PERSON AND IT LOOKS TO ME  
22      LIKE THIS MIGHT HAVE BEEN AN ACCIDENT OR MAYBE YOU  
23      WERE PROVOKED, OR MAYBE YOUR FRIENDS PUSHED YOU INTO  
24      IT. THERE IS A WAY OF PROVIDING THE SUSPECT AND  
25      THERE ARE A NUMBER SPECIFIC WAYS OF DOING THIS THAT

1 ARE OFFERED TO SUGGEST TO THE SUSPECT THAT WE KNOW  
2 YOU ARE A GOOD PERSON AND WHAT YOU DID WAS NOT THAT  
3 BAD AND MAYBE IT WAS JUST AN ACCIDENT, MAYBE YOU WERE  
4 JUST PROVOKED AS A WAY OF PROVIDING A KIND OF FACE  
5 SAVING EXCUSES, SOME MORAL JUSTIFICATION. IT MAY  
6 MAKE IT EASIER FOR THE SUSPECT WHO NOW IS LOOKING FOR  
7 A WAY OUT TO CONFESS TO THIS. THIS ISN'T A  
8 COLD-BLOODED CRIME. THIS IS SOMETHING ELSE. THIS IS  
9 SOMETHING MORE MINIMAL THAN THAT. AND SO THE FINAL  
10 STEP IS TO MAKE CONFESSION MORE PALATABLE BY OFFERING  
11 THE SUBJECT A CHOICE AND THE SUSPECT IS THEN LEAD TO  
12 BELIEVE THAT THIS FACE SAVING ALTERNATIVE IS A WAY TO  
13 GET A CONFESSION AND THE TRANSITION FROM DENIAL TO  
14 CONFESSION TYPICALLY PROCEEDED BY THAT MINIMIZATION.

15 Q NOW ARE THESE TECHNIQUES YOU JUST TALKED ABOUT,  
16 ARE THEY JUST A MATTER OF COMMON SENSE OR IS THERE  
17 SOMETHING BEHIND THEM?

18 A WELL, THEY MAY SOUND INTUITIVE AFTER YOU'VE  
19 HEARD THEM, BUT AGAIN THE REID SCHOOL HAS TRAINED  
20 OVER 150,000 LAW ENFORCEMENT PROFESSIONALS AND  
21 CERTAINLY IT'S THE CASE AND I KNOW THIS FROM LECTURES  
22 THAT I'VE GIVEN TO DIFFERENT PROFESSIONAL GROUPS THAT  
23 THOSE WHO ARE NOT SPECIALLY TRAINED IN HOW TO DO  
24 INTERROGATION DON'T KNOW THIS.

25 Q WHAT IF THESE TECHNIQUES YOU ARE TALKING ABOUT



1 ARE TAKEN TO EXTREME MEASURE?

2 A WELL, IT'S NOT CLEAR. I MEAN, THAT'S THE  
3 IMPORTANT BOTTOM LINE QUESTION BECAUSE THE GOAL OF AN  
4 INTERROGATION AND THE REID PEOPLE SAY THIS, THE GOAL  
5 OF AN INTERROGATION IS CREATE ENOUGH PRESSURE TO GET  
6 THE GUILTY PERSON TO FEEL TRAPPED AND CONFESS, BUT  
7 NOT SO MUCH PRESSURE THAT THE INNOCENT PEOPLE COME  
8 ALONG WITH THEM. SO THE GOAL OF COURSE IS TO HAVE  
9 SOME, TO MAKE IT SURGICALLY PRECISE, CONFESSIONS FROM  
10 THE GUILTY BUT LEAVING THE INNOCENCE UNTOUCHED. THE  
11 PROBLEM IS WHAT HAPPENS WHEN YOU DO STEP OVER THAT  
12 LINE OR WHEN THESE PRESSURE FILLED TECHNIQUES BECOME  
13 EXTREME PRESSURE FILLED AND I CAN'T EVEN BEGIN TO  
14 PRETEND THAT I KNOW WHAT THE LINE IS WHERE THAT  
15 HAPPENS, BUT IN ALL CASES INVOLVING POLICE INDUCED  
16 FALSE CONFESSIONS THEY HAPPEN UNDER EXTREME  
17 CIRCUMSTANCES. THE PERSON HAS BEEN THERE FOR TOO  
18 LONG. IF YOU LOOK AT THE DATA ON TRUE CONFESSIONS,  
19 PEOPLE WHO ACTUALLY CONFESSED WHO ARE GUILTY TO  
20 CRIMES THEY COMMITTED, THEY HAPPEN WITHIN THE FIRST  
21 TWO HOURS OF INTERROGATION, MOST OF THEM HAPPEN  
22 WITHIN TWO HOURS. IF YOU LOOK AT FALSE CONFESSION  
23 ALMOST ALL OF THEM, SOME 80 PERCENT OR SO, OCCUR  
24 AFTER SIX HOURS OF INTERROGATION. AT THE POINT IN  
25 WHICH YOU BREAK A PERSON DOWN AND THEY BECOME

1 FATIGUED AND TIRED, THEY ARE NO LONGER THINKING  
2 CLEARLY. THEY ARE THINKING IN VERY SHORT-TERM TERMS  
3 ABOUT THEIR OWN SITUATION. SO DO WE KNOW WHAT THE  
4 LINE IS? WELL, WE KNOW THAT LYING TO A SUSPECT,  
5 PRESENTING FALSE EVIDENCE MAKES A NUMBER OF PEOPLE  
6 TEETER ON THE EDGE AND HAS PRODUCED NOT ONLY FALSE  
7 CONFESSIONS BUT FALSE BELIEFS ABOUT THINGS THAT NEVER  
8 HAPPENED. AND WE KNOW THAT TIME IS A FACTOR, BUT IN  
9 TERMS OF IS THERE A MAGIC LINE THAT SAYS I CAN  
10 IDENTIFY A PRECISE MOMENT? NO, THERE IS NO WAY TO DO  
11 THAT.

12 Q DOCTOR, WHEN YOU ARE LOOKING AT A SPECIFIC CASE  
13 THAT YOU ARE STUDYING AND YOU'VE DONE A GOOD BIT OF  
14 THIS, HOW DO YOU KNOW EXACTLY WHAT INTERROGATION  
15 TECHNIQUES WERE USED IN ANY PARTICULAR CASE?

16 A IT VARIES. IDEALLY I WOULD HAVE A FULL VIDEO  
17 TAPE THAT BEGINS WHEN THE SUSPECT IS BROUGHT IN FOR  
18 AN INTERVIEW AND RIGHT ON THROUGH INTERROGATION ON A  
19 CONFESSION. SO IN AN IDEAL SITUATION, AND I'VE OFTEN  
20 ENCOUNTERED AN IDEAL SITUATION BECAUSE IN MANY  
21 JURISDICTIONS AND IN SOME STATES THIS IS JUST A  
22 COMMON PRACTICE, SO THE GOAL HERE WOULD BE TO SIMPLY  
23 LOOK AT THE FULL TAPE WHETHER IT IS AN AUDIO TAPE OR  
24 A VIDEO TAPE AND THEN YOU KNOW EVERY ASPECT OF THE  
25 PROCESS THAT WAS USED TO TAPE THE CONFESSION. WHAT'S

1       IMPORTANT TO REALIZE ABOUT A CONFESSION AND THIS IS  
2       WHAT WE NOW KNOW FROM THE STUDY OF FALSE CONFESSIONS,  
3       SOME OF THEM LOOK SO REAL AND SO PERSUASIVE AND THEN  
4       TURN OUT TO HAVE BEEN FALSE THAT WHAT WE NOW REALIZE  
5       IS THAT FINAL STATEMENT THAT COMES AFTER HOURS OF  
6       INTERVIEWING AND HOURS OF INTERROGATION IS A LITTLE  
7       BIT LIKE A HOLLYWOOD PRODUCTION.  IT'S SCRIPTED BY  
8       WHAT IS NOW KNOWN ABOUT THE CASE, IT IS REHEARSED  
9       OVER HOURS OF UNRECORDED INTERROGATION, AND THEN  
10      THERE WE HAVE IT, THE FINAL PRODUCT WHICH LOOKS VERY  
11      COMPELLING.  THE PROBLEM IS UNLESS YOU SEE THE  
12      PROCESS THAT IS USED TO TAPE THAT CONFESSION, YOU  
13      DON'T REALLY KNOW HOW IT GOT THERE AND WHEN I SAY YOU  
14      DON'T KNOW HOW IT GOT THERE I MEAN TWO THINGS: ONE,  
15      YOU DON'T KNOW WHAT HAPPEN, WHAT WAS SAID, AND WHAT  
16      WAS DONE, TO MOVE THAT SUSPECT FROM ADAMANT DENIAL TO  
17      CONFESSION.  AND SECOND, IF IN FACT THE SUSPECT IS  
18      CONFESSING, YOU DON'T KNOW, WHERE DO THE DETAILS COME  
19      FROM?  ONE OF THE PUZZLES OF FALSE CONFESSION IS THAT  
20      OFTEN A CONFESSION THAT IS FALSE CONTAINS A LOT OF  
21      ACCURATE INFORMATION THAT ONLY THE PERPETRATOR SHOULD  
22      HAVE KNOWN AND UNLESS A JURY CAN SEE WHERE THAT  
23      INFORMATION CAME FROM, AND THE ONLY WAY TO KNOW THAT  
24      IS TO WATCH THE WHOLE PROCESS, IT'S CONFUSING TO BE  
25      ABLE TO DISTINGUISH THE TRUE FROM THE FALSE

1 STATEMENT.

2 Q WHAT IS THE ADVANTAGE OF RECORDING AN INTERVIEW  
3 WITH THE SUSPECT, INTERVIEWS OR INTERROGATION?

4 A LOTS OF ADVANTAGES. IT TURNS OUT, BECAUSE THIS  
5 IS A VERY IMPORTANT TOPIC RIGHT NOW, IN THE WAKE OF  
6 ALL THE DNA EXONERATIONS, IN THE WAKE OF SO MANY OF  
7 THOSE EXONERATIONS CONTAINING FALSE CONFESSIONS WHICH  
8 HAS ASTONISHED A NUMBER OF RESEARCHERS, EVEN PEOPLE  
9 LIKE MYSELF DIDN'T THINK THE NUMBER WOULD BE THAT  
10 HIGH, IN THE WAKE OF THAT, ONE OF THE REFORMS THAT  
11 HAS BEEN SUGGESTED IS THE VIDEO TAPING OF THE FULL  
12 INTERVIEW AND INTERROGATION SO JUDGES, JURIES, AND  
13 THE REST OF US CAN KNOW EXACTLY HOW THAT STATEMENT  
14 WAS TAKEN. A RECENT STUDY BY THOMAS SULLIVAN IN  
15 WHICH HE INTERVIEWED PEOPLE FROM ABOUT A HUNDRED  
16 JURISDICTIONS IN WHICH THEY VIDEO TAPED HE ASKED AND  
17 THE PEOPLE HE SURVEYED WERE LAW ENFORCEMENT PEOPLE  
18 WHO HAVE GONE TO THIS PROCEDURE, AND THEY WERE ASKED,  
19 WHAT DO YOU THINK ABOUT THIS? IS IT BENEFICIAL? DO  
20 YOU LIKE IT? ARE YOU SATISFIED WITH THE PROCESS?  
21 THEY WERE ALMOST UNIFORMLY SATISFIED WITH THE  
22 PROCESS. THEY SAID IT WAS BENEFICIAL TO THEM BECAUSE  
23 OFTEN THE DEFENSE WOULD MAKE FRIVOLOUS CLAIMS THAT  
24 THE STATEMENT WAS COERCED WHEN IN FACT IT WASN'T AND  
25 NOW THE JURY AND THE JUDGE GET TO SEE THAT IT WASN'T.

1       OFTEN A DEFENDANT WHO DOESN'T CONFESS BUT GIVES A  
2       DENIAL THAT JUST DOESN'T HANG TOGETHER IS  
3       INCRIMINATING IN THAT WAY OFTEN THAT COMES ACROSS AS  
4       USEFUL.   SO THEY HAVE FOUND IT TO BE A USEFUL  
5       PROCEDURE.   THERE IS NO GOOD REASON AS FAR AS I COULD  
6       TELL FOR NOT VIDEO TAPING AN INTERVIEW, PARTICULARLY  
7       WHEN YOU KNOW THE RECORDING IS AVAILABLE.   IF YOU ARE  
8       GOING TO VIDEO TAPE PORTIONS, AUDIO TAPE AND VIDEO  
9       TAPE PORTIONS OF AN INTERVIEW, SOME INTERVIEWS BUT  
10      NOT OTHERS, WHY WOULD YOU SELECTIVELY RECORD SOME AND  
11      NO OTHERS AND THAT'S THE PROBLEM.   A FULL RECORD IS  
12      WHAT WE NEED.

13      Q       DOCTOR, HOW DO YOU PERSONALLY GO ABOUT  
14      EVALUATING A PARTICULAR CONFESSION IN YOUR MAKING A  
15      CASE STUDY?

16      A       IN RESEARCH, FOR RESEARCH PURPOSES?

17      Q       YES.

18      A       THE WAY WE KNOW THAT A CONFESSION IS FALSE WHICH  
19      IS WHAT MAKES THIS A CASE STUDY OF A FALSE CONFESSION  
20      IS SOMETIMES YOU HAVE A CONFESSION, AGAIN ALL OF  
21      THESE, IT'S REMARKABLE HOW SIMILAR THEY LOOK TO TRUE  
22      CONFESSIONS IN THE SENSE THEY ARE DETAILED WHEN THEY  
23      TALK ABOUT MOTIVES AND WHY I DID THESE THINGS, WHEN  
24      YOU LOOK AT THEM, THEY LOOK REAL, BUT SOMETIMES THEY  
25      TURN OUT TO BE FALSE.   HOW DO WE KNOW?   BECAUSE IT

1       TURNS OUT THAT THE CRIME THAT IS BEING CONFESSED TO  
2       NEVER HAPPENED AND THERE ARE NUMBERS OF INSTANCES OF  
3       PEOPLE THAT CONFESS TO CRIMES AND THEN IT TURNS OUT  
4       THE CRIME NEVER HAPPENED.    SO THE VICTIM MAY HAVE  
5       TURNED UP ALIVE SOMEWHERE AS A REAL LIFE EXAMPLE.  
6       THEN THERE ARE CASES WHERE THE CRIME OCCURRED BUT IN  
7       FACT AFTER THE CONFESSION IS TAKEN THE REAL  
8       PERPETRATOR IS FOUND, SO THERE MAY BE ANOTHER CRIME  
9       AND BALLISTICS EVIDENCE FROM THAT CRIME MAY SHOW A  
10      MATCH TO THE ORIGINAL CRIME AT WHICH POINT THEY GO  
11      AND APPREHEND THIS NEW SUSPECT WHO SEEMS TO KNOW  
12      EVERYTHING THERE IS TO KNOW ABOUT THAT CASE.    SO WE  
13      HAVE SITUATIONS WHERE THE ACTUAL CULPRIT IS  
14      DISCOVERED AND OFTEN THAT CULPRIT CAN LEAD THE POLICE  
15      TO EVIDENCE THAT THEY NEVER HAD LIKE A MURDER WEAPON.  
16      THEN FINALLY THERE ARE CASES WHERE SCIENCE, MOST  
17      COMMONLY DNA IS USED TO EXONERATE A PERSON, SO AN  
18      INDIVIDUAL GIVES A CONFESSION FILLED WITH DETAILS AND  
19      THEN LO AND BEHOLD IT TURNS OUT THAT THE DNA THAT WAS  
20      AT THE CRIME SCENE THAT EVERYBODY THOUGHT WAS THEIRS  
21      BELONGS TO SOMEBODY ELSE AND THERE ARE A NUMBER OF  
22      POST CONVICTION DNA CASES JUST LIKE THAT AND WHAT  
23      THOSE CASES SHOW US IS THAT THE CONFESSION WHICH WAS  
24      TO A STORY ABOUT ONE KIND OF CRIME ISN'T MATCHING UP  
25      WITH THE PHYSICAL EVIDENCE OF WHAT ACTUALLY HAPPENED

1 AND SO THAT BECOMES WORTHY OF CASE STUDY BECAUSE YOU  
2 HAVE TO LOOK AT WHERE THAT STATEMENT CAME FROM NOW  
3 THAT WE KNOW IT'S A STATEMENT TO SOMETHING THAT  
4 DIDN'T HAPPEN THAT WAY.

5 Q SO DOCTOR, IN YOUR TESTIMONY WHEN YOU REFERRED  
6 TO DOCUMENTED CASES OR WHEN YOU REFER TO A PARTICULAR  
7 CASE AS A FALSE CONFESSION, YOUR JUDGMENT THAT THE  
8 FALSE CONFESSIONS YOU TALKED ABOUT ARE TRULY FALSE IS  
9 THAT BASED ON JUST YOUR OPINION OF THE CASE OR IS  
10 THAT BASED ON SCIENTIFICALLY PROVEN OR PROVEN IN  
11 OTHER WAYS THAT YOU JUST DESCRIBED?

12 A THESE ARE PEOPLE WHO WERE EXONERATED, PRISON  
13 DOORS RELEASED, AND THEY WERE SET FREE AND --

14 MR. BRACKETT: YOUR HONOR, I OBJECT.

15 THE COURT: YEAH, I SUSTAIN THE OBJECTION.  
16 DISREGARD THAT QUESTION AND ANSWER. MOVE ON.

17 Q WHAT ABOUT A CONFESSION THAT IS FILLED WITH  
18 VIVID DETAILS, IS THAT ONE THAT MAKES IT LESS LIKELY  
19 TO BE A FALSE CONFESSION?

20 A WELL, AGAIN THE PROBLEM IS IF WE KNEW WHERE THE  
21 DETAILS CAME FROM I COULD GIVE YOU A VERY AFFIRMATIVE  
22 ANSWER. IF YOU WATCHED AN ENTIRE INTERVIEW AND YOU  
23 SAW WITHIN THAT INTERVIEW THAT THE SUSPECT HAS  
24 INDEPENDENT PERSONAL KNOWLEDGE OF THINGS HE COULDN'T  
25 OTHERWISE HAVE KNOWN THAT'S A GOOD CORROBORATION FOR

1        THAT CONFESSION.  HOWEVER, IF WE CAN'T BE CERTAIN  
2        THAT THOSE DETAILS BECAUSE THE ANSWER IS YES, THEY  
3        ARE OFTEN VERY FILLED WITH DETAILS, RIGHT DOWN TO  
4        LIKE I SAID TO MOTIVE INFORMATION, BUT IF YOU CAN'T  
5        BE CERTAIN, IF YOU HAVEN'T SEEN THE FULL PROCESS,  
6        THEN IT'S NOT POSSIBLE TO KNOW WHERE THOSE DETAILS  
7        CAME FROM.  AND IN SOME CASES, FOR EXAMPLE,  
8        DEFENDANTS GIVE VERY TEXTURED STORIES ABOUT CRIME  
9        SCENE, THEY SEEM TO KNOW EVERYTHING ABOUT IT, AND  
10       THEN WE FIND OUT AFTERWARD THEY WERE TAKEN THERE.  OR  
11       THEY SEEM TO KNOW ALL ABOUT THE VICTIM'S INJURIES AND  
12       THEN WE FIND OUT THEY SAW PHOTOGRAPHS.  OR THEY GIVE  
13       A FULL DESCRIPTION OF WHAT HAPPENED DURING THAT CRIME  
14       SCENE AND WE FIND OUT THEY WERE SITTING IN A POLICE  
15       STATION FOR A LONG PERIOD OF TIME OVERHEARING ALL  
16       THIS TALK AND CONVERSATION OR THEY READ NEWSPAPERS.

17                    MR. BRACKETT:  I OBJECT AGAIN.  THIS IS  
18       THE SAME SORT OF THING.

19                    MR. BAITY:  HE IS NOT GIVING A SPECIFIC  
20       EXAMPLE, YOUR HONOR, BUT HE'S TALKING ABOUT CASE  
21       STUDIES THAT HE HAS ---

22                    THE COURT:  I'LL LET HIM GO ON.  
23       OVERRULED.

24       A        ANYWAY, THE POINT IS IT IS POSSIBLE FOR PEOPLE  
25       TO GET INFORMATION ABOUT A CRIME FROM SECONDHAND



1 SOURCES, NOT FROM HAVING BEEN THERE, BUT FROM SOME  
2 OTHER MECHANISM.

3 Q INCLUDING THE POLICE THAT ARE INTERROGATING?

4 A IT'S AMAZING WHEN YOU ACTUALLY THINK ABOUT THE  
5 WAY WE HAVE CONVERSATIONS WITH PEOPLE, OFTEN, WHEN WE  
6 ASK PEOPLE QUESTIONS INHERENT IMPLICIT IN THOSE  
7 QUESTIONS IS INFORMATION. IT'S HARD NOT TO ASK A  
8 QUESTION WITHOUT CONVEYING SOME INFORMATION, AND SO  
9 WE NATURALLY DO THAT. SO SOME OF THAT IS JUST A  
10 NATURAL PRODUCT OF THE WAY PEOPLE HAVE CONVERSATION.  
11 THE PROBLEM IS IF YOU HAVEN'T SEEN THAT CONVERSATION,  
12 IF YOU DIDN'T KNOW EVERY EXPERIENCE THAT THE SUSPECT  
13 HAD GONE THROUGH, YOU CAN'T NECESSARILY KNOW WHERE  
14 THAT FACT CAME FROM. WHICH IS WHY A PARTICULARLY  
15 GOOD RULE OF THUMB THAT THE POLICE USE IN VOLUNTARY  
16 FALSE CONFESSIONS TO KNOW WHETHER A CONFESSION IS ANY  
17 GOOD IS, IS THIS SUSPECT ABLE TO TELL THE POLICE  
18 SOMETHING THEY DIDN'T ALREADY KNOW. TRUE CONFESSIONS  
19 ALMOST ALWAYS DO. AND IS THE SUSPECT, MORE  
20 IMPORTANTLY, IF IT'S AVAILABLE ABLE TO LEAD THE  
21 POLICE TO A PURSE OR A MURDER WEAPON OR SOME OTHER  
22 EVIDENCE THAT THE POLICE DIDN'T OTHERWISE KNOW ABOUT.  
23 IN THAT CASE YOU'VE GOT A SLAM DUNK CORROBORATION OF  
24 THAT STATEMENT. BUT IF YOU CAN'T TRACK THE SOURCE  
25 THEN THOSE DETAILS ARE SIMPLY A SOURCE OF CONFUSION

1 BECAUSE WE NOW KNOW THERE ARE TOO MANY FALSE  
2 CONFESSIONS THAT ARE FILLED WITH DETAILS THAT MAKE  
3 THEM SOUND VERY, VERY CONVINCING.

4 Q NOW LOOKING AT THIS CASE IN PARTICULAR, THIS  
5 CASE WE'RE INVOLVED TODAY, DOCTOR, HOW HAVE YOU COME  
6 TO KNOW WHAT WENT ON DURING THE INTERROGATIONS,  
7 INVESTIGATIONS OF MR. COPE?

8 A I READ POLICE REPORTS FROM NOVEMBER 29 THAT WERE  
9 SENT TO ME. I READ THE TRANSCRIPT AND LISTENED TO  
10 THE AUDIO TAPE OF THE EVENING, FIRST REAL  
11 INTERROGATION THAT IS RECORDED, THE EVENING  
12 INTERROGATION ON AUDIO TAPE AND THEN TRANSCRIPT OF  
13 THE DEFENDANT THAT STARTS ON THE NIGHT OF 29 AND  
14 EXTENDS INTO THE EARLY MORNING HOURS OF THE 30.  
15 THEN I HAVE DETECTIVE BAKER'S POLYGRAPH REPORT IN  
16 WHICH HE REPORTS ON AN ORAL CONFESSION THAT THE  
17 DEFENDANT GAVE, AND THEN I HAVE THE DEFENDANT'S  
18 STATEMENT FOLLOWING THAT WRITTEN REPORT. AND THEN I  
19 GUESS THERE IS THE DEFENDANT, THAT ALL HAPPENS ON A  
20 FRIDAY MORNING, THE DEFENDANT IS THEN LOCKED UP FOR  
21 THE WEEKEND, COMES BACK ON MONDAY, DECEMBER THIRD,  
22 AND GIVES ANOTHER HANDWRITTEN STATEMENT FOLLOWED BY A  
23 VIDEO TAPE REENACTMENT FOLLOWED BY ANOTHER STATEMENT  
24 TYPED UP BY DETECTIVE BLACKWELDER. THOSE ARE THE  
25 STATEMENTS THAT I INVESTIGATED. IN ADDITION TO

1       LOOKING AT THE STATEMENTS THEMSELVES I READ PRIOR  
2       TESTIMONY FROM DETECTIVES BAKER, WALDROP,  
3       BLACKWELDER, AND CAPTAIN CABANISS.

4       Q       IS THERE ANYTHING THAT WAS IN PARTICULAR MISSING  
5       FROM THIS, FROM THE MATERIALS THAT WERE PROVIDED YOU  
6       THAT YOU WOULD HAVE LIKED TO HAVE SEEN BUT YOU  
7       COULDN'T SEE?

8       A       AGAIN IDEALLY THIS COULD HAVE BEEN A LOT EASIER  
9       FOR EVERYBODY HAD THERE BEEN A FULL RECORDING OF ALL  
10      THAT TRANSPIRED FROM THE INTERVIEW/INTERROGATION.  
11      INSTEAD WHAT WE HAVE ARE SELECTED RECORDINGS. WE  
12      HAVE ONE PIECE THAT IS RECORDED THEN OFF TAPE  
13      CONVERSATION. ANOTHER PIECE THAT'S RECORDED AT THE  
14      HOUSE AND THEN MORE OFF TAPE CONVERSATION. SO IN  
15      TRYING TO PIECE IT TOGETHER, IN CASES WHERE THERE IS  
16      AGREEMENT, IF THE DEFENDANT TESTIFIED THAT CERTAIN  
17      THINGS WERE SAID AND DONE AND INVESTIGATORS TESTIFY  
18      CERTAIN THINGS WERE SAID AND DONE THEN THERE ARE  
19      POINTS OF AGREEMENT I WOULD ACCEPT THOSE POINTS OF  
20      AGREEMENT AS A WAY OF KNOWING WHAT HAPPENED. BUT  
21      OFTEN THERE IS A CASE OF DISAGREEMENT AND WHO KNOWS  
22      IN THOSE CASES. MEMORY IS FALLIBLE. PEOPLE DON'T  
23      ALWAYS REMEMBER EVERY DETAIL OF AN EVENT CORRECT AND  
24      SO IT'S DIFFICULT IN THAT WAY.

25      Q       NOW YOU TESTIFIED EARLIER TODAY THAT THERE WERE

1 CERTAIN TECHNIQUES, INTERROGATION TECHNIQUES, THAT  
2 ARE OFTEN USED AND PEOPLE ARE TRAINED AND SOMETIMES  
3 THESE TECHNIQUES CAN BE TAKEN TO AN EXTREME, HAVE YOU  
4 SEEN ANY OF THE TYPE TECHNIQUE YOU TALKED ABOUT THAT  
5 HAVE BEEN, POLICE ARE TRAINED IN AND SO FORTH, THAT  
6 WERE USED IN THIS PARTICULAR CASE?

7 A YES.

8 Q PLEASE TELL US WHAT YOU'VE SEEN?

9 A WELL, THERE IS THE ONE TECHNIQUE THAT CREATES  
10 THE MOST PROBLEMS THAT IS IMPLICATED IN THE MOST  
11 FALSE CONFESSIONS AND THAT IS THE PRESENTATION OF  
12 FALSE EVIDENCE. THIS IS THAT TECHNIQUE THAT AFTER A  
13 PERIOD OF TIME FOR SOME PEOPLE IT SOMETIMES, IT JOLTS  
14 THEIR SENSE OF REALITY SO THEY BECOME UNCERTAIN EVEN  
15 ABOUT THEIR OWN INNOCENCE. IN THAT CASE THE  
16 PRESENTATION OF FALSE EVIDENCE, WHICH IS A WAY OF  
17 MISCHARACTERIZING THE EVIDENCE AND PARTICULARLY IN  
18 THIS CASE THERE IS A MISCHARACTERIZATION OF AN ITEM  
19 OF EVIDENCE THAT THE DEFENDANT UP FRONT, THEY WERE  
20 ASKED, HE WAS ASKED, SO IT LOOKS LIKE YOU HAVE A LOT  
21 OF FAITH IN THIS POLYGRAPH AND HE SAID YES. HE  
22 DIDN'T HEDGE, HE GAVE AN ANSWER THAT WAS PLAIN AND  
23 SIMPLE: YES, I BELIEVE IN THE POLYGRAPH. HE SHOWED  
24 NO FEAR OF ANYTHING TO HIDE AT A POLYGRAPH. THAT IN  
25 SOME WAYS BECAME HIS ULTIMATE SOURCE OF

1 VULNERABILITY. AT THAT POINT ANY POLYGRAPH EVIDENCE  
2 THAT CAME IN THAT SAID TO HIM YOU FAILED WAS GOING TO  
3 SHAKE HIS WORLD. IT HAD TO. HE BELIEVED IN THE  
4 POLYGRAPH AND HE'D BEEN THERE FOR AWHILE. HE'S BEEN  
5 AT THIS TRYING TO DENY HIS INVOLVEMENT NOW FOR CLOSE  
6 TO 24 HOURS.

7 Q WERE THERE ANY OTHER TECHNIQUES THAT YOU SAW  
8 USED IN THE INTERROGATION IN ADDITION TO THIS  
9 PRESENTATION OF THE RESULTS OF THE POLYGRAPH WHICH  
10 MAY NOT HAVE BEEN CORRECT?

11 A THAT'S THE BIG ONE. THE OTHER TECHNIQUES THAT  
12 ARE CLEAR FROM LISTENING TO, FOR EXAMPLE, THE FIRST  
13 INTERROGATION AUDIO TAPE, IT'S CLEAR THEY USED THE  
14 POSITIVE CONFRONTATION. IT IS CLEAR THAT HE WAS  
15 ACCUSED OF GUILT; THAT IN FACT THESE WERE  
16 INVESTIGATORS WHO HAD ALREADY DETERMINED, WITHOUT  
17 HAVING TO GO THROUGH A FULL INVESTIGATION, THEY MADE  
18 A JUDGMENT WITHIN 24 HOURS THAT HE WAS GUILTY AT  
19 WHICH POINT THEY PUT BLINDERS ON, AND AT THAT POINT  
20 ANYTHING HE SAID OR DID BECAME SIMPLY SUPPORT AND  
21 CONFIRMATION FOR WHAT THEY ALREADY BELIEVED. IF HE  
22 DENIED TOO ADAMANTLY, THIS WAS A SIGN OF BEING  
23 EVASIVE. IF HE, WHEREAS THE INBAU PEOPLE WOULD SAY  
24 YOU KNOW HE AGREES TO TAKE A POLYGRAPH, THAT SHOWS HE  
25 HAS NOTHING TO HIDE, MAYBE YOU SHOULD STEP BACK A

1 BIT. IN THIS CASE IT LOOKS AGREED TO TAKE A  
2 POLYGRAPH WAS NOT VIEWED IN THAT LIGHT. HE AGREED TO  
3 WAIVE HIS RIGHTS TO A LAWYER, TO SILENCE, HE AGREED  
4 TO PHYSICAL EXAMINATIONS, HE WAS FULLY COOPERATIVE,  
5 ALL THE INDICIA THAT NORMALLY AN INVESTIGATOR IS  
6 TRAINED TO LOOK FOR TO SUGGEST MAYBE I SHOULD BACK  
7 UP, AND YET DESPITE HIS SHOWING ALL OF THAT, WE BEGAN  
8 WITH A POSITIVE CONFRONTATION; THERE WAS PERSISTENCE,  
9 NO MATTER WHAT HE SAID OR HOW HE SAID IT EVERY DENIAL  
10 WAS DEEMED A LIE. SO FROM HIS STANDPOINT HOW DOES HE  
11 EXTRICATE HIMSELF FROM THIS SITUATION. WHAT DOES HE  
12 HAVE TO DO TO GET OUT OF THE SITUATION IF EVERY TIME  
13 HE SAYS SOMETHING EVEN AS EXTREME AS, I SWEAR TO GOD  
14 THAT DID NOT DO ANYTHING TO MY DAUGHTER, IT'S NOT  
15 BELIEVED. SO THE POSITIVE CONFRONTATION, THE  
16 REFUSALS TO ACCEPT DENIALS, THE PRESENTATION OF FALSE  
17 EVIDENCE, THERE IS A HINT OF MINIMIZATION IN THAT  
18 TAPE AS WELL, THERE IS A STATEMENT THAT SUGGESTS THAT  
19 MAYBE WHAT YOU DID WAS ACCIDENTAL, AND THAT MAYBE IT  
20 JUST ESCALATED, SO YOU CAN SEE THE SEEDS OF ALL THE  
21 INTERROGATION TECHNIQUES BEING PLANTED RIGHT THEN AND  
22 THERE. AND OF COURSE, THIS IS TAKING PLACE NOW  
23 SHORTLY AFTER HE'S BEEN TRAUMATIZED BY WHAT HE HAS  
24 SEEN AND AT NIGHT BETWEEN 10:45 AND 2:30 AM THE NEXT  
25 MORNING. SO AGAIN WHEN YOU TAKE ALL OF THAT INTO

1 ACCOUNT THIS WAS AN EXTREME INTERROGATION.

2 Q HOW OFTEN HAVE YOU BEEN ASKED TO TESTIFY AS AN  
3 EXPERT ON FALSE CONFESSIONS?

4 A ABOUT 7-800 TO A THOUSAND TIMES.

5 MR. BRACKETT: MAY IT PLEASE THE  
6 COURT. I'M GOING TO OBJECT TO THE NEXT LINE OF  
7 QUESTIONING AS IMPROPER SELF-BOLSTERING OF HIS  
8 TESTIMONY IF HE'S GOING TO GO INTO WHY HE DOES OR  
9 DOESN'T TAKE THE CASE. I DON'T THINK THAT'S  
10 NECESSARILY RELEVANT.

11 THE COURT: I SUSTAIN THE OBJECTION.

12 MR. BAITY: COURT'S INDULGENCE. NOTHING  
13 FURTHER, YOUR HONOR. THANK YOU. PLEASE ANSWER ANY  
14 QUESTIONS THE PROSECUTION WILL HAVE.

15 CROSS EXAMINATION BY MR. BRACKETT:

16 Q AFTERNOON.

17 A HI.

18 Q TWO BIG THINGS: TIME?

19 A YES.

20 Q AND PRESENTATION OF FALSE EVIDENCE?

21 A YES.

22 Q THIS WASN'T A PARTICULARLY HEINOUS AMOUNT OF  
23 TIME IN THIS CASE, WAS IT?

24 A UH.

25 Q FOUR HOURS THAT ONE NIGHT, FROM 10:40 UNTIL

1 ABOUT 2:45, THAT'S NOT TOO LONG?

2 A WELL, THIS TIME, THIS WASN'T CONTINUOUS. HE WAS  
3 QUESTIONED EARLIER IN THE DAY AND SUBMITTED TO  
4 EXAMINATION SO HE HAD BEEN WITH THE POLICE FOR MANY  
5 HOURS AND IT'S NOT JUST TIME BUT OF COURSE TIME OF  
6 DAY.

7 Q ARE YOU SURE ABOUT THAT? HE HAD BEEN THERE  
8 TWICE BEFORE FOR ABOUT AN HOUR EACH TIME. ONE TIME  
9 WITH AN ELDERLY GENTLEMAN, OLDER GENTLEMAN DETECTIVE  
10 WHO IS MORE LIKE A GRANDFATHER WHO DID A VERY  
11 INFORMAL, INFORMATIONAL INTERVIEW, DIDN'T EVEN GET A  
12 WRITTEN STATEMENT, JUST GOT A SUMMARY?

13 A RIGHT.

14 Q YOU GOT THAT, RIGHT?

15 A BUT KEEP IN MIND THE INTERROGATION THAT YOU ARE  
16 REFERRING TO DIDN'T PRODUCE A CONFESSION.

17 Q NO.

18 THE COURT: KEEP IN MIND ISN'T AN ANSWER  
19 TO THAT QUESTION. HE ASKED YOU A QUESTION.

20 Q IS THAT A FACT --

21 A THE INITIAL THREE AND A HALF HOUR PERIOD OF  
22 INTERROGATION THAT YOU ARE QUESTIONING ABOUT FROM  
23 10:45 TO ROUGHLY 2:30.

24 Q NO, SIR. I'M TALKING ABOUT EARLIER ---

25 THE COURT: LET ME JUST KIND OF INTERVENE



1 SO WE CAN GET ON TRACK. HE ASKED YOU ABOUT I THINK  
2 SOMETHING ABOUT AN INTERVIEW WITH AN ELDERLY-TYPE  
3 GENTLEMAN AND WAS IT A STATEMENT OR NOT AND NOW HE  
4 DESERVES AN ANSWER. DID THAT HAPPEN, DO YOU KNOW  
5 ABOUT IT, ISN'T THAT THE QUESTION?

6 Q YES, SIR.

7 A I DON'T KNOW THE AGE OF THE PEOPLE WHO WROTE  
8 REPORTS BUT I ASSUME YOU ARE REFERRING TO DETECTIVE  
9 BURRIS?

10 Q YES, SIR.

11 A OKAY.

12 Q YES, SIR. YOU ARE FAMILIAR WITH THAT STATEMENT?

13 A YES.

14 Q IT'S NOT EVEN A STATEMENT. IT'S A SUMMARY OF  
15 THE INTERVIEW?

16 A YES. RIGHT.

17 Q VERY, VERY GENERIC, INFORMATIONAL, GATHERING  
18 SOME INFORMATION?

19 A RIGHT.

20 Q THEN HE GOES HOME?

21 A RIGHT.

22 Q AND THEN HE COMES BACK AT 12:40?

23 A RIGHT.

24 Q AND DOES A VERY SHORT INFORMATIONAL INTERVIEW  
25 AGAIN; AGAIN, NO FORMAL STATEMENT?

1 A RIGHT.

2 Q CORRECT?

3 A RIGHT.

4 Q JUST A BRIEF SUMMARY. DETECTIVE BURRIS,  
5 DETECTIVE HERRING, NON-ACCUSATORY, THEN HE GOES HOME?

6 A UH-HUH.

7 Q AND HE STAYS HOME FROM ABOUT ONE O'CLOCK THAT  
8 AFTERNOON UNTIL ABOUT 10:45 THAT NIGHT?

9 A THAT'S RIGHT.

10 Q WITH HIS FAMILY.

11 A TO ABOUT TEN O'CLOCK.

12 Q HE COULD SLEEP, TAKE A NAP, RELAX. IF HE WAS  
13 TIRED, DISTRAUGHT, GET CONSOLED, WHATEVER?

14 A UH-HUH.

15 Q EAT, RIGHT?

16 A RIGHT.

17 Q THEN FROM 10:45 TO ABOUT 2:45 THEY START REALLY  
18 INTERROGATING HIM?

19 A YES.

20 Q AND THE FIRST HOUR OR SO OF THAT IS REALLY NOT  
21 MUCH OF AN INTERROGATION, IT'S MORE OF AN INTERVIEW,  
22 YOU'LL CONCEDE TO THAT SURELY?

23 A I'M NOT SURE I CAN CUT IT AT AN HOUR, BUT THERE  
24 IS THE ELEMENTS OF INTERROGATION APPEAR EARLY ON.

25 Q WELL, HE TALKS FOR A LONG TIME ABOUT CHICKEN

1 RUNS TO LANCASTER AND CHRISTMAS ORNAMENTS AT  
2 SALVATION ARMY?

3 A RIGHT.

4 Q AND HE RAMBLES ON FOR A LONG TIME?

5 A RIGHT.

6 Q AND THEY LET HIM GO. THEY ARE LISTENING,  
7 HEARING HIM OUT, BEING PATIENT, RIGHT? AND THEN THEY  
8 START TO GET A LITTLE FRUSTRATED, RIGHT?

9 A YES.

10 Q ISN'T THAT A FAIR CHARACTERIZATION --

11 A BECAUSE HE'S CONTINUING TO DENY INVOLVEMENT.

12 Q NOT DENY INVOLVEMENT. HE'S NOT EVEN TALKING  
13 ABOUT THE CASE. ISN'T THAT WHAT THEY SAY ON THE  
14 TAPE, YOU'RE NOT TALKING ABOUT THE CASE, LET'S --  
15 DIDN'T YOU HEAR SEVERAL TIMES LET'S, LET'S TALK ABOUT  
16 AMANDA. ISN'T THAT WHAT YOU HEARD JERRY WALDROP SAY?

17 A YES, I HEARD A LOT OF THAT FOLLOWING FROM HIS  
18 TALKING ABOUT ALL THAT HE KNEW, THE LAST I REMEMBER,  
19 HAPPENED THE NIGHT BEFORE. HE WASN'T BEING EVASIVE.  
20 HE IS SIMPLY TALKING ABOUT THE ONLY TIMEFRAME HE SAYS  
21 HE KNEW ANYTHING ABOUT AND THAT WAS DEFINED AS  
22 EVASIVE.

23 Q WELL, SIR --

24 A I DON'T KNOW WHAT HE WAS SUPPOSED TO --- IF IN  
25 FACT AN INNOCENT MAN WAS BEING INTERROGATED WHAT WAS

1 AN INNOCENT MAN SUPPOSED TO SAY ABOUT HIS INVOLVEMENT  
2 WHEN HE HAD NONE.

3 Q WELL, SIR, COMING BACK TO MY MAIN THRUST OF THE  
4 TIME ISSUE, THE REAL INTERROGATION WASN'T UNTIL 10:45  
5 THAT NIGHT --

6 A THAT'S RIGHT.

7 Q THAT'S WHEN IT STARTED. THE OTHER STUFF IS JUST  
8 SITTING AROUND, HE WENT HOME --

9 A CORRECT.

10 Q THAT'S NOT. SO I MEAN WHEN WE TALK ABOUT  
11 INTERROGATION TIME, REALLY 10:45 TO 2:45, FOUR HOUR  
12 PERIOD?

13 A CORRECT.

14 Q THAT'S WHAT WE'RE TALKING ABOUT.

15 A CORRECT.

16 Q AND THAT'S NOT EXCESSIVE?

17 A THAT'S NOT EXCESSIVE ALTHOUGH AT 10:45 TO 2:45  
18 THE TIME OF DAY IS ANOTHER ISSUE.

19 Q YES, SIR. BUT HE NEVER COMPLAINED AND SAID, I'M  
20 TIRED, CAN I GO TO BED; HE NEVER GAVE ANY INDICATION  
21 ON THAT TAPE, CORRECT?

22 A NO. NO, BUT DOES A SUSPECT HAVE TO COMPLAIN IN  
23 ORDER TO ---

24 THE COURT: LET'S GO BACK JUST A MINUTE.  
25 WE'RE GOING TO MOVE A LOT QUICKER IF YOU QUIT ASKING

1 HIM QUESTIONS AND ANSWER THE QUESTIONS HE ASKS. HE'S  
2 THE ATTORNEY. YOU'RE THE WITNESS.

3 A YEAH. IT WAS THREE AND A HALF, FOUR HOURS.

4 Q NOT EXCESSIVE?

5 A RIGHT.

6 Q OKAY. AND THEN HE'S PUT INTO A CELL AND HE GOES  
7 TO BED, GOES TO SLEEP? YOU AWARE OF THAT?

8 A IT'S NOT CLEAR HOW MUCH SLEEP HE GOT BUT YES.

9 Q WELL ---

10 A AND HE WAS ARRAIGNED AT 4:21 SO THE BED DOESN'T  
11 BEGIN AT 2:30.

12 Q NO, SIR. HE WAS SERVED HIS WARRANT. HE WASN'T  
13 TAKEN IN FRONT OF A JUDGE. DOES THAT HELP YOU  
14 CLARIFY THAT?

15 A THERE IS A THREE O'CLOCK WARRANT AND ARRAIGNED  
16 AT 4:21.

17 Q NO, SIR. THERE WAS NO ARRAIGNMENT. THERE WAS  
18 SERVICE OF A WARRANT. LES HERRING WENT IN AND HANDED  
19 HIM A WARRANT AND SAID YOU ARE UNDER ARREST FOR  
20 MURDER, HERE'S YOUR WARRANT, AND HE GOES BACK TO BED.  
21 THAT WAS LES HERRING'S --

22 MR. BAITY: YOUR HONOR, I AM GOING TO  
23 OBJECT. HE IS NOT ASKING HIM A QUESTION. HE'S  
24 ARGUING WITH HIM I BELIEVE.

25 THE COURT: I THINK HE'S ASKING A

1 QUESTION. HE'S ASKING HIM WHETHER OR NOT HE KNOWS  
2 CERTAIN INFORMATION.

3 Q ARE YOU AWARE OF THAT?

4 A I'M AWARE THAT HE WAS ARRESTED AT THAT POINT.

5 Q OKAY. THEN THAT MAKES A LITTLE BIT OF A  
6 DIFFERENCE IF HE WASN'T TAKEN AND THERE WAS A BIG  
7 LEGAL PROCEEDING AT FOUR O'CLOCK IN THE MORNING, HE  
8 WAS JUST SERVED A WARRANT IN HIS CELL?

9 A YES.

10 Q THAT'S NOT AS BAD AS BEING HAULED INTO A  
11 COURTROOM, BROUGHT BEFORE A JUDGE, AND THEN HE WENT  
12 BACK TO BED, RIGHT?

13 A YES.

14 Q OKAY?

15 A WE DON'T KNOW HOW MUCH SLEEP HE GOT, BUT YES,  
16 SIR.

17 Q WELL REGARDLESS OF THAT, FOUR HOURS. NOW ALL OF  
18 A SUDDEN IT'S NOT HOURS AND HOURS OF INTERVIEWS SO IS  
19 IT SAFE TO SAY TIME ISN'T REALLY THAT MUCH OF AN  
20 ISSUE IN THIS CASE?

21 A NO, BECAUSE THERE IS NOT A CONFESSION THAT COMES  
22 AFTER FOUR HOURS. THE CONFESSION COMES AFTER THAT  
23 ADDITIONAL TIME THE NEXT MORNING WHEN HE NOW GOES  
24 INTO A SECOND SESSION.

25 Q AND THAT'S WHERE WE GET THE PRESENTATION OF

1 FALSE EVIDENCE?

2 A YES.

3 Q IS THAT WHAT YOU ARE CONTENDING?

4 A YES.

5 Q THE POLYGRAPH?

6 A THE POLYGRAPH.

7 Q AND IN FACT YOU'VE BEEN WORKING ON THIS CASE FOR  
8 AWHILE NOW, HAVEN'T YOU?

9 A YES.

10 Q HOW LONG HAVE YOU BEEN ON THIS CASE?

11 A I ESTIMATE SIX MONTHS.

12 Q SIX MONTHS. AND YOU HAD A CONVERSATION WITH MR.  
13 BAITY SOMETIME IN AUGUST AND YOU TOLD HIM WE NEED TO  
14 GET SOMEBODY WHO WILL SAY THAT POLYGRAPH WAS WRONG,  
15 DIDN'T YOU?

16 A I DON'T KNOW IF THE POLYGRAPH IS WRONG OR NOT.

17 THE COURT: WELL, NO, THAT'S --

18 A ABSOLUTELY NOT. NO. THE ANSWER IS NO.

19 THE COURT: ALL RIGHT. JUST ANSWER IT.

20 Q YOU DID NOT TELL MR. BAITY TO FIND AN EXPERT TO  
21 COME IN AND SAY THAT POLYGRAPH WAS WRONG?

22 A CORRECT.

23 Q MAY I HAVE THAT E-MAIL? THE E-MAIL THAT YOU  
24 SENT TO YOUR EXPERT MR. HONTS?

25 THE COURT: HONTS.

1 MR. BAITY: I GAVE IT TO YOU.

2 MR. BRACKETT: I GAVE IT BACK TO YOU.

3 MR. BAITY: I DON'T RECALL RECEIVING IT.  
4 I'LL BE GLAD TO LOOK FOR IT, YOUR HONOR.

5 MR. BRACKETT: I WOULD LIKE TO HAVE THAT  
6 E-MAIL.

7 THE COURT: WE HAVE BEEN GOING ON FOR  
8 AWHILE. WE'LL TAKE A SHORT BREAK WHILE WE FIND THIS.

9 (THE JURY EXITS THE COURTROOM AT 04:36 PM)

10 THE COURT: BEFORE WE TAKE A BREAK,  
11 DOCTOR, I'M NOT CHIDING YOU, BUT YOU'VE TESTIFIED  
12 BEFORE AND THE FORUM HERE, THIS ISN'T A SCIENTIFIC  
13 DEBATE, THE FORUM IS HE ASKS A QUESTION AND YOU  
14 ANSWER IT. IF YOU HAVE AN EXPLANATION AFTER YOU  
15 ANSWER YES OR NO YOU CAN EXPLAIN IT.

16 A OKAY.

17 THE COURT: AGAIN I'M NOT TRYING TO CHIDE  
18 YOU BUT IT APPEARS TO THE COURT THAT WHEN HE ASKS A  
19 QUESTION YOU LAUNCH INTO A DEFENSE OF YOUR ANSWER  
20 BEFORE YOU EVEN ANSWER THE QUESTION, SO ANSWER THE  
21 QUESTION THEN YOU CAN EXPLAIN.

22 A OKAY.

23 THE COURT: ALL RIGHT. WE'LL TAKE A  
24 BREAK.

25 (COURT'S IN RECESS AT 04:37 PM.)



1 (COURT RESUMES AT 04:51 PM)

2 THE COURT: READY FOR THE JURY.

3 MR. BRACKETT: YES, SIR.

4 THE COURT: BRING IN THE JURY.

5 (THE JURY RETURNS TO THE COURTROOM AT  
6 04:51 PM.)

7 THE COURT: ALL RIGHT.

8 MR. BRACKETT: THANK YOU, YOUR HONOR.

9 CROSS EXAMINATION BY MR. BRACKETT:

10 Q SO, DR. KASSIN, DIDN'T YOU TELL MR. BAITY THAT  
11 THE POLYGRAPH IS THE MOST IMPORTANT PIECE OF EVIDENCE  
12 IN THIS CASE BESIDES THE DNA AND THAT HE NEEDED TO  
13 GET AN EXPERT ON THAT ISSUE?

14 A YES.

15 Q YOU DID TELL HIM THAT. AND THIS WAS IN LATE  
16 AUGUST OF THIS YEAR?

17 A THAT SOUNDS RIGHT, YES, SIR.

18 Q OKAY. NOW YOU DIDN'T COME DOWN HERE FOR FREE  
19 EITHER, DID YOU?

20 A NO.

21 Q OKAY. YOU'RE NOT GETTING PAID BY THE WORD, ARE  
22 YOU?

23 A EXCUSE ME?

24 Q YOU'RE NOT GETTING PAID BY THE WORD, ARE YOU?

25 A AM I WORDY?

1 Q NO, BY THE WORD?

2 A NO. NO, I'M NOT.

3 Q HOW MUCH DO YOU GET PAID?

4 A \$425 AN HOUR.

5 Q I'M SORRY?

6 A \$425 AN HOUR.

7 Q \$425 AN HOUR?

8 A YES.

9 Q HOW MANY HOURS HAVE YOU GOT IN THIS CASE, SIR?

10 A PROBABLY 30-35.

11 Q INCLUDING THE TESTIMONY TODAY?

12 A I HAVEN'T GONE BACK TO REDO IT BUT PROBABLY

13 ABOUT THAT AND I DON'T CHARGE EVERY MINUTE AND MY

14 TESTIMONY IS AT THE SAME RATE AS MY PREPARATION.

15 Q SO --

16 A IT'S MY TIME THAT I GET PAID FOR.

17 Q ---AM I GUESSING ABOUT 14 OR \$15,000?

18 A THAT'S PROBABLY HIGH IS MY GUESS.

19 Q WELL, 30 HOURS WOULD BE ABOUT \$13,000?

20 A OKAY.

21 Q ON THE LOW END --

22 A OKAY.

23 Q ---WOULD BE ABOUT 13?

24 A OKAY.

25 MR. BRACKETT: NOTHING FURTHER.

1 THE COURT: ALL RIGHT.

2 CROSS EXAMINATION BY MR. GREELEY:

3 Q PROFESSOR KASSIN, GOOD AFTERNOON.

4 A GOOD AFTERNOON.

5 Q I'M LELAND GREELEY. I REPRESENT MR. SANDERS IN  
6 THIS CASE. JUST BRIEFLY, I WANT TO GO BACK TO THE  
7 SECOND TYPE OF FALSE CONFESSION THAT YOU TALKED  
8 ABOUT, THE COERCED COMPLIANT?

9 A CORRECT.

10 Q OKAY. SEE IF I UNDERSTAND THAT CORRECTLY.  
11 WOULD THAT BE A SITUATION WHERE LET'S SAY A PERSON  
12 WAS ACCUSED OF SOMETHING AND MAYBE THEY WENT AHEAD  
13 AND ADMITTED IT SO THEY COULD GO BACK TO WORK TO FEED  
14 THEIR CHILDREN?

15 A YES.

16 Q IF NOT ADMITTING IT WAS GOING TO KEEP THEM FROM  
17 WORKING?

18 A YES. NOW AGAIN IT STRIKES PEOPLE AS ODD, BUT  
19 MANY FALSE CONFESSORS SAY I CONFESSED IN ORDER TO GO  
20 HOME IF THEY THINK THAT'S WHAT IS GOING TO HAPPEN,  
21 BUT THAT STATEMENT SHOWS THAT MINIMIZATION WORKED,  
22 THAT IN FACT THEY THINK THAT WHAT THEY DID WAS NOT SO  
23 BAD AND WHAT THEY ARE CONFESSING TO IS NOT SO BAD.

24 Q RIGHT. AND THEY HAVE A HIGHER OBLIGATION THAT  
25 THEY FEEL THEY NEED TO DO?

1 A YES.

2 Q SO THEY WILL MAKE THAT CONFESSION SO THAT THEY  
3 CAN, THEY ARE ENABLED TO GO AND MEET THIS OTHER  
4 OBLIGATION THEY THINK IS MORE IMPORTANT?

5 A CORRECT.

6 Q YOU MENTION THAT IN REGARDS TO THE THIRD TYPE  
7 THAT YOU TESTIFIED ABOUT IT'S IMPORTANT TO KNOW AS  
8 MUCH AS YOU CAN ABOUT THE PROCESS?

9 A YES.

10 Q OKAY. AND I BELIEVE THAT THAT'S WHEN YOU TALKED  
11 ABOUT HOW IT WOULD BE NICE IF YOU WERE ABLE TO EITHER  
12 HAVE AN AUDIO RECORDING OR EVEN A VIDEO TAPE  
13 RECORDING OF EVERYTHING?

14 A CORRECT.

15 Q BECAUSE THE MORE INFORMATION YOU HAVE ABOUT THE  
16 PROCESS THE MORE YOU ARE GOING TO BE ABLE TO ANALYZE  
17 IT?

18 A CORRECT.

19 Q AND MORE ACCURATELY, IS THAT CORRECT?

20 A CORRECT.

21 Q AND YOU'VE BEEN ON THIS CASE SIX MONTHS AND  
22 WOULD YOU TELL ME AGAIN WHAT YOU WERE PROVIDED IN  
23 THIS CASE? I KNOW YOU'VE GONE THROUGH IT AT LEAST  
24 THREE TIMES BUT.

25 A IT'S OKAY.

1 Q I WANT TO MAKE SURE THAT I'M NOT MISSING  
2 SOMETHING.

3 A I WAS PROVIDED THE POLICE REPORTS OF THE FIRST  
4 DAYS.

5 Q OKAY.

6 A I WAS PROVIDED THE AUDIO TAPE AND TRANSCRIPT OF  
7 THAT FIRST INTERROGATION SESSION BEGINNING 10:45 P.M.  
8 ON THE 29.

9 Q ALL RIGHT.

10 A I WAS PROVIDED WITH DETECTIVE BAKER'S POLYGRAPH  
11 REPORT IN WHICH HE SUMMARIZES AN ORAL CONFESSION HE  
12 RECEIVED. I WAS PROVIDED WITH MR. COPE'S STATEMENT  
13 THAT HE PROVIDED SHORTLY AFTER THAT. I WAS PROVIDED  
14 WITH A HANDWRITTEN STATEMENT SHORTLY AFTER THAT BY  
15 DETECTIVE BLACKWELDER IN WHICH HE MADE SOME  
16 ADDITIONAL INQUIRY ABOUT A BROOM.

17 Q OKAY.

18 A I RECEIVED THE 9:45 A.M. STATEMENT OF DECEMBER  
19 THIRD, THE VIDEO TAPE THAT FOLLOWED ON DECEMBER  
20 THIRD, THE VIDE TAPE RE-ENACTMENT.

21 Q ALL RIGHT.

22 A AND THE STATEMENT THAT FOLLOWED THE VIDEO TAPE  
23 RE-ENACTMENT THAT CAPTAIN CABANISS AND DETECTIVE  
24 BLACKWELDER HAD TYPED UP.

25 Q SHE TYPED UP.

1 A I ALSO RECEIVED PRIOR TESTIMONY FROM DETECTIVE  
2 BLACKWELDER.

3 Q OKAY.

4 A DETECTIVE BAKER, CAPTAIN CABANISS, AND I KNOW I  
5 AM MISSING SOMEONE.

6 Q OKAY. AND THAT WOULD HAVE BEEN TESTIMONY IN  
7 ANOTHER COURT PROCEEDING?

8 A YES.

9 Q ANYTHING ELSE YOU RECEIVED?

10 A CAN I CHECK?

11 Q YES, PLEASE DO. ANY WRITTEN STATEMENTS, ANY  
12 NOTES?

13 A I DON'T KNOW IF I MENTIONED POLICE REPORTS FROM  
14 BURRIS AND HERRING.

15 Q YOU DID NOT.

16 A THAT I DID RECEIVE, YES.

17 Q YES.

18 A THAT'S IT. AND THEN WHATEVER INFORMATION, I  
19 RECEIVED A LOT OF INFORMATION ORALLY.

20 Q FROM?

21 A FROM ATTORNEYS BAITY AND MORTON.

22 Q SO YOU RECEIVED INFORMATION FROM ATTORNEYS BAITY  
23 AND MORTON?

24 A CORRECT.

25 Q ANY FROM ATTORNEY WOOD?

1 A I DON'T THINK ANY FROM ATTORNEY WOOD.

2 Q AND ANY FROM ATTORNEY SMITH?

3 A NO.

4 Q OKAY.

5 A NO.

6 Q IS THIS YOUR FIRST VISIT TO YORK COUNTY?

7 A I BELIEVE IT IS.

8 Q IT IS. IS THIS YOUR FIRST VISIT ON THIS

9 PARTICULAR CASE?

10 A YES.

11 Q OKAY. NOW WOULD YOU LOOK IN YOUR BRIEFCASE AND

12 TELL ME IF YOU HAVE NOTES FROM THE DATE AND TIME THAT

13 YOU SPOKE WITH MR. COPE?

14 A I DID NOT SPEAK TO MR. COPE.

15 Q SIR?

16 A I DID NOT SPEAK WITH MR. COPE.

17 Q NOW YOU JUST TESTIFIED IT'S IMPORTANT TO KNOW AS

18 MUCH AS YOU CAN ABOUT THIS PROCEEDING AND THIS

19 PROCESS AND THAT'S WHY YOU GOT THAT INFORMATION, IS

20 THAT CORRECT?

21 A CORRECT.

22 Q AND MR. COPE WAS THE CENTRAL ISSUE OF THIS

23 PROCESS, IS THAT CORRECT?

24 A CORRECT.

25 Q AND I BELIEVE THAT YOU SAID IT WAS IMPORTANT TO

1 DETERMINE THE, FIRST OF ALL, IF A PERSON WAS  
2 VULNERABLE, AND SECOND OF ALL WHAT THAT VULNERABILITY  
3 MIGHT HAVE BEEN DERIVED FROM, IS THAT CORRECT?

4 A CORRECT.

5 Q AND YOU MENTION WHETHER A PERSON IS MENTALLY  
6 RETARDED, YOU DON'T HAVE ANY INFORMATION THAT  
7 MR. COPE WAS MENTALLY RETARDED OR IS MENTALLY  
8 RETARDED OR HAS BEEN IN THE PAST?

9 A NO.

10 Q YOU DON'T HAVE ANY INFORMATION MR. COPE WAS  
11 DRUNK DURING THIS PERIOD OF TIME OR INCAPACITATED DUE  
12 TO ILLEGAL NARCOTICS?

13 A CORRECT.

14 Q AND I BELIEVE YOU TESTIFIED ON DIRECT THAT MR.  
15 COPE WAS TRAUMATIZED BY THIS PROCESS, IS THAT  
16 CORRECT?

17 A CORRECT.

18 Q YOU NEVER ASKED HIM, DID YOU?

19 A NO.

20 Q YOU NEVER ASKED MR. COPE IF HE WAS TRAUMATIZED,  
21 DID YOU?

22 A (NO RESPONSE.)

23 Q SIR?

24 A I DID NOT. IT IS ALSO --

25 Q YOU HEARD THAT --



1 MR. BAITY: YOUR HONOR, HE HAS AN  
2 OPPORTUNITY TO EXPLAIN HIS ANSWER.

3 THE COURT: GO AHEAD.

4 A MY OPINION ABOUT THE RELEVANCE OF THE PRINCIPLES  
5 THAT I TALKED ABOUT HAVE NOTHING TO DO WITH MR. COPE.

6 Q WELL, ISN'T MR. COPE THE WHOLE FOCUS OF YOUR  
7 ANALYSIS?

8 A NO.

9 Q AS TO WHETHER HE WAS TRAUMATIZED?

10 A NO. NO. I NEVER DID AN ANALYSIS OF WHETHER HE  
11 WAS TRAUMATIZED. IT WAS NEVER MY INTENTION. MY  
12 INTENTION WAS TO INDICATE WHAT ARE THE SITUATIONAL  
13 FACTORS OF INTERVIEWING AND INTERROGATION THAT PUTS  
14 PEOPLE IN GENERAL AT RISK AND AS A SOCIAL, I'M NOT A  
15 CLINICAL PSYCHOLOGIST, I'M NOT A PSYCHIATRIST. I  
16 DON'T DO TESTING.

17 Q OKAY.

18 A AND I DON'T DO DIAGNOSIS SO THAT WOULD BE  
19 OUTSIDE OF MY REALM. IF I THOUGHT THIS WERE A CASE  
20 WHERE MR. COPE WAS THE ISSUE AND HIS MENTAL STATE WAS  
21 THE ISSUE I WOULD HAVE REFERRED IT TO A CLINICAL  
22 PSYCHOLOGIST.

23 Q BUT YOU TESTIFIED MR. COPE WAS TRAUMATIZED,  
24 CORRECT?

25 A I'M NOT SURE THAT I DID. I THINK I TALKED IN

1 HYPOTHETICAL TERMS ABOUT A PERSON IN THIS CASE MIGHT  
2 BE TRAUMATIZED AND THAT MIGHT BE ONE OF THOSE FACTORS  
3 THAT WOULD MAKE HIM VULNERABLE.

4 Q ALL RIGHT.

5 A NO, BUT I DIDN'T.

6 Q SO YOU DON'T HAVE ANY INFORMATION --

7 A NO.

8 Q ---ABOUT THAT?

9 A NO.

10 Q AND YOU NEVER TALK, IN SIX MONTHS YOU NEVER  
11 TALKED TO MR. COPE AND THEY'VE NEVER OFFERED HIM TO  
12 TALK TO YOU?

13 A I SAID EARLIER I TRY TO RELY ON STRICTLY  
14 OBJECTIVE INFORMATION, EITHER THE TAPES OR SWORN  
15 TESTIMONY. I TRY NOT TO TAKE SELF-SERVING REPORTS  
16 FROM A DEFENDANT AS WORD.

17 MR. GREELEY: THANK YOU. NOTHING FURTHER.

18 THE COURT: MR. BAITY.

19 MR. BAITY: JUST ONE, YOUR HONOR.

20 REDIRECT EXAMINATION BY MR. BAITY:

21 Q DR. KASSIN, I WANT TO SHOW YOU A COPY OF THE  
22 MEMORANDUM THAT MR. BRACKETT MADE REFERENCE TO, TAKE  
23 A MOMENT TO LOOK AT THAT. HAVE YOU EVER SEEN THAT  
24 MEMORANDUM?

25 A THIS IS YOUR E-MAIL NOTE TO PROFESSOR HONTS.

1 Q YES. HAVE YOU EVER SEEN THAT BEFORE?

2 A I DON'T THINK SO.

3 Q ALL RIGHT, SIR. PLEASE TAKE A MOMENT TO SCAN IT  
4 AND PLEASE TELL ME, DOES IT NOT MENTION YOU IN THERE  
5 A FEW TIMES?

6 A YES, IT DOES.

7 Q PLEASE TAKE A MOMENT TO LOOK AT WHAT IT SAYS  
8 ABOUT YOU?

9 A OKAY.

10 Q NOW DR. KASSIN, DO YOU BELIEVE THAT THAT  
11 MEMORANDUM IS A FAIR AND ACCURATE DESCRIPTION OF OUR  
12 CONVERSATION, YOU AND I, THAT WE HAD?

13 A YES.

14 Q CONCERNING THE POLYGRAPH?

15 A YES.

16 Q AND DOES THAT MEMORANDUM INDICATE THAT WE'RE OF  
17 THE SHARED BELIEF THAT THE POLYGRAPH IS A VERY  
18 IMPORTANT PIECE OF INFORMATION IN THIS TRIAL?

19 A YES.

20 Q DOES THAT MEMORANDUM AT ANY TIME SUGGEST THAT  
21 YOU SUGGESTED TO ME THAT I FIND AN EXPERT WHO IS  
22 GOING TO FIND THAT THE POLYGRAPH WAS IMPROPERLY  
23 GRADED?

24 A NO, I WOULDN'T DO THAT.

25 Q DID YOU EVER DO THAT?

1 A NO.

2 Q DOES THAT MEMORANDUM SUGGEST POSSIBLE OR DR.  
3 HONTS AS AN EXPERT IN THE FIELD OF POLYGRAPHS?

4 A YES.

5 Q ALL RIGHT. AND IT DOES FAIRLY SET FORTH OUR  
6 CONVERSATION WITH RESPECT TO DR. HONTS?

7 A YES.

8 MR. BAITY: YOUR HONOR, AT THIS POINT I  
9 MOVE THAT IT BE MOVED INTO EVIDENCE?

10 MR. BRACKETT: OBJECTION, YOUR HONOR. I  
11 THINK THERE IS SOME ISSUES ON THIS.

12 MR. GREELEY: OBJECTION.

13 THE COURT: I SUSTAIN THE OBJECTION. YOU  
14 MAY MAKE IT A COURT'S EXHIBIT.

15 MR. BAITY: THANK YOU, YOUR HONOR.

16 Q DR. KASSIN, IS IT NECESSARY THAT SOMEONE BE  
17 MENTALLY RETARDED OR DRUNK OR MENTALLY INCAPACITATED  
18 IN ANY WAY TO BE, TO FALL VICTIM TO A FALSE  
19 CONFESSION?

20 A NO.

21 Q IS THAT NECESSARY TO THE ANALYSIS OF A  
22 CONFESSION BEING FALSE THAT THE PERSON BE SOMEHOW  
23 MENTALLY IMPAIRED OR ANYTHING SUCH AS THAT?

24 A NO, SOME FALSE CONFESSIONS OCCUR BECAUSE OF  
25 MENTAL IMPAIRMENT. IF THIS WERE A CASE WHERE THAT

1 WAS THE RISK FACTOR I WOULD HAVE REFERRED YOU TO A  
2 CLINICAL PSYCHOLOGIST.

3 (COURT'S EXHIBIT NUMBER NINE E-MAIL  
4 MARKED FOR EVIDENCE.)

5 Q HAVE YOU STUDIED CASES OF FALSE CONFESSION WHERE  
6 THERE WAS NO MENTAL IMPAIRMENT, NO INTOXICATION, NONE  
7 OF THE FACTORS THAT MR. GREELEY WAS ASKING YOU?

8 A YES, THAT IS WHAT SOCIAL PSYCHOLOGISTS STUDY IS  
9 THE WAY IN WHICH WE ARE PROFOUNDLY INFLUENCED BY  
10 SOCIAL SITUATIONS AND FIGURES OF AUTHORITY. THAT'S  
11 WHAT WE STUDY AND IT HAPPENS TO NORMAL ORDINARY  
12 PEOPLE.

13 Q AGAIN YOUR EXAMINATION OF THE MATERIALS THAT  
14 WERE PROVIDED TO YOU TODAY, I BELIEVE I ASKED YOU,  
15 BUT DID NOT INCLUDE AN ANALYSIS OR INTERVIEW WITH  
16 MR. COPE?

17 A NO.

18 Q WERE YOU MORE FOCUSED ON THE TECHNIQUES THAT  
19 WERE USED IN THESE INTERVIEWS?

20 A YES, BECAUSE I'M INTERESTED IN THE GENERAL  
21 PRINCIPLES OF INFLUENCE.

22 Q AND MR. COPE HAD NOTHING TO DO WITH THOSE  
23 TECHNIQUES USED AGAINST HIM, THAT WAS A DECISION MADE  
24 BY THE POLICE?

25 A THAT'S RIGHT.

1 Q DR. KASSIN, HAVE YOU RECEIVED 14 OR \$15,000  
2 FROM, FOR YOUR PAYMENT IN THIS CASE?

3 A NO.

4 Q DO YOU ALWAYS CHARGE THE FULL AMOUNT THAT YOU  
5 COULD IN ANY CASE?

6 MR. BRACKETT: OBJECTION AS TO RELEVANCY.

7 THE COURT: I SUSTAIN THE OBJECTION.

8 MR. BAITY: ALL RIGHT.

9 Q DO YOU TESTIFY FOR A LIVING?

10 A THIS IS, I CAN PROBABLY COUNT STILL ON TWO HANDS  
11 THE NUMBER OF TIMES I HAVE TESTIFIED. I DON'T DO IT  
12 FOR A LIVING. THE CALLS I GET ARE CALLS THAT I  
13 PRIMARILY REJECT AND SEND ELSEWHERE.

14 Q THANK YOU, DOCTOR.

15 RE-CROSS EXAMINATION BY MR. BRACKETT:

16 Q YOU PREVIOUSLY TESTIFIED THAT YOU TESTIFIED  
17 ABOUT 30 TIMES?

18 A NO. I AGREED TO TESTIFY ABOUT 30 TIMES. I'VE  
19 TESTIFIED TEN OR TWELVE.

20 Q ALL RIGHT. NOW THE MEMO THAT YOU WERE SHOWN.

21 A YES.

22 Q OKAY. IN THE PART THAT RELATES TO YOU.

23 A YES.

24 Q WE HAVE RETAINED, ASSOCIATED SAUL KASSIN OF  
25 WILLIAMS COLLEGE TO TESTIFY AS OUR FALSE CONFESSION

1 EXPERT, CORRECT?

2 A CORRECT.

3 Q WE EXPECT THE TRIAL TO BEGIN THE TUESDAY AFTER  
4 LABOR DAY. SAUL SUGGESTED THAT I CONTACT YOU TODAY  
5 FRIDAY, AUGUST 27.

6 A OKAY.

7 Q DR. KASSIN TELLS ME THAT THE POLYGRAPH IS THE  
8 MOST IMPORTANT PIECE OF EVIDENCE IN THE CASE BESIDES  
9 DNA.

10 A OKAY.

11 Q I NEED SOMEONE WHO CAN TESTIFY ABOUT IMPROPER  
12 POLYGRAPH USE. COULD YOU POSSIBLY HELP US.

13 A OKAY.

14 Q ISN'T THAT WHAT THAT SAYS?

15 A YES, SIR.

16 MR. BRACKETT: NO FURTHER QUESTIONS.

17 MR. GREELEY: I DON'T HAVE ANYTHING  
18 FURTHER.

19 THE COURT: NO. NO. THAT'S IT. ALL  
20 RIGHT. THANK YOU. CAN THIS WITNESS BE EXCUSED.

21 MR. BRACKETT: CERTAINLY.

22 MR. GREELEY: NO OBJECTION.

23 MR. BAITY: YES, YOUR HONOR.

24 THE COURT: ALL RIGHT. THANK YOU FOR YOUR  
25 TIME. WE APPRECIATE IT. HAVE A SAFE TRIP HOME.

1 MR. KASSIN: THANKS.

2 THE COURT: CALL YOUR NEXT WITNESS.

3 MR. SMITH: BILLY COPE CALLS B. J.  
4 BARROWCLOUGH.

5 THE COURT: ALL RIGHT.

6 B. J. BARROWCLOUGH, BEING FIRST DULY  
7 SWORN TESTIFIES AS FOLLOWS.

8 DIRECT EXAMINATION BY MR. SMITH:

9 Q GOOD AFTERNOON, MR. BARROWCLOUGH. HOW YOU  
10 DOING?

11 A OKAY.

12 Q GOOD. IF YOU WOULD STATE YOUR FULL NAME FOR THE  
13 COURT REPORTER PLEASE?

14 A BRYSON JOHN BARROWCLOUGH.

15 Q IF YOU WOULD SPELL YOUR LAST NAME?

16 A B-A-R-R-O-W-C-L-O-U-G-H.

17 Q WHAT'S YOUR OCCUPATION, MR. BARROWCLOUGH?

18 A I WORK AS AN ATTORNEY IN THE PUBLIC DEFENDER  
19 OFFICE.

20 Q HOW LONG HAVE YOU BEEN LICENSED AS AN ATTORNEY?

21 A SINCE 1995.

22 Q AND HOW LONG HAVE YOU WORKED IN THE PUBLIC  
23 DEFENDER'S OFFICE?

24 A I STARTED WORKING THERE IN 1995.

25 Q OKAY. SO YOU WERE A PUBLIC DEFENDER IN, ON



1 DECEMBER THIRD 2001?

2 A YEAH.

3 Q AND DO YOU KNOW MR. BILLY COPE?

4 A I MEAN I KNOW WHO HE IS.

5 Q YOU KNOW WHO HE IS?

6 A YEAH.

7 Q HOW SO?

8 A WELL, FROM BEING APPOINTED TO REPRESENT HIM.

9 Q DO YOU KNOW WHEN YOU WERE APPOINTED TO REPRESENT  
10 HIM?

11 A YEAH. CAN I REFER TO MY NOTES?

12 Q SURE. WOULD THAT HELP REFRESH YOUR MEMORY?

13 A YES, IT WOULD.

14 Q OKAY. I BELIEVE THAT THE PUBLIC DEFENDER'S  
15 OFFICE WAS APPOINTED TO REPRESENT HIM ON THE FIRST,  
16 DECEMBER FIRST?

17 A YEAH.

18 Q THAT WOULD HAVE BEEN 2001?

19 A RIGHT.

20 Q AND WHAT CHARGES WERE YOU APPOINTED TO REPRESENT  
21 HIM ON, THIS CASE HERE?

22 A YEAH. I DON'T HAVE THE APPOINTMENT PAPERWORK  
23 WITH ME, BUT I BELIEVE IT WOULD HAVE BEEN FOR A  
24 CHARGE OF MURDER AND STUFF THAT Y'ALL ARE HERE FOR  
25 RIGHT NOW.

1 Q OKAY. WHEN DID YOU FIND OUT ABOUT THAT  
2 APPOINTMENT?

3 A ON THE THIRD, DECEMBER THIRD.

4 Q AND DO YOU KNOW APPROXIMATELY WHAT TIME?

5 A BASICALLY WHAT HAPPENED WAS I HEARD ABOUT IT,  
6 OUR OFFICE HAD HEARD ABOUT THE CASE AND I WENT DOWN  
7 TO THE YORK COUNTY DETENTION CENTER TO TALK TO MR.  
8 COPE AND I FOUND OUT THAT HE HAD BEEN TRANSPORTED TO  
9 THE ROCK HILL POLICE DEPARTMENT, AND SO I REALIZED I  
10 WAS GOING TO HAVE TO GO DOWN THERE TO SPEAK WITH HIM.  
11 AND I CALLED DOWN TO ROCK HILL POLICE DEPARTMENT TO  
12 ASK TO SPEAK TO EITHER DETECTIVE WALDROP OR DETECTIVE  
13 HERRING BECAUSE WHEN I READ ABOUT IT IN THE PAPER  
14 THEY WERE QUOTED IN THE PAPER AS TALKING ABOUT THE  
15 CASE SO I FIGURED THEY MIGHT BE THE ONES TO TALK TO,  
16 OR DETECTIVE DUGAN BECAUSE DETECTIVE DUGAN WAS THE  
17 DETECTIVE WHO HAD SIGNED MR. COPE OUT OF THE  
18 DETENTION CENTER, AND NONE OF THEM WERE AVAILABLE.  
19 SO AT THAT TIME I TOLD THE PEOPLE ON THE PHONE THAT I  
20 WAS APPOINTED TO REPRESENT MR. COPE AND THAT I WAS  
21 COMING TO SEE HIM AND I DIDN'T WANT HIM QUESTIONED  
22 AND I WAS GOING DOWN TO THE ROCK HILL POLICE  
23 DEPARTMENT. NOW AT THAT TIME IS WHEN I WENT, THAT IS  
24 THE TIME WHEN I WENT TO THE CLERK OF COURT'S OFFICE  
25 TO GET COPIES OF THE ACTUAL APPOINTMENT PAPERWORK SO

1 THAT I COULD SHOW WHOEVER I NEED TO SHOW AT ROCK HILL  
2 POLICE DEPARTMENT THAT IN FACT, YES, I REPRESENTED  
3 MR. COPE.

4 Q OKAY. SO DID YOU DRIVE DOWN TO THE ROCK HILL  
5 POLICE DEPARTMENT?

6 A YES, I DID.

7 Q WHAT HAPPENED ONCE YOU GOT THERE?

8 A WELL, I ASKED TO SEE MR. COPE AND THIS WAS AT  
9 ABOUT A LITTLE AFTER TWO IN THE AFTERNOON AND A  
10 SECRETARY CAME OUT AND SAID THAT CAPTAIN CABANISS AND  
11 DETECTIVE BLACKWELDER WERE INTERVIEWING MR. COPE AND  
12 THAT I WAS NOT ALLOWED TO SEE HIM AT THAT TIME. I  
13 ASKED HER TO TELL THEM THAT I WANTED TO SEE HIM AND  
14 SHE SAID THAT CAPTAIN CABANISS WOULD BE OUT IN A  
15 LITTLE WHILE.

16 Q OKAY. SO YOU WEREN'T ALLOWED TO SEE YOUR  
17 CLIENT?

18 A AT THAT --- NO.

19 Q OKAY. SO WHAT DID YOU DO AT THAT POINT?

20 A WELL, THEN I DECIDED TO TRY TO GET THE HELP FROM  
21 THE SOLICITOR'S OFFICE, SO I CALLED UP TO THE  
22 SOLICITOR'S OFFICE. I ASKED FIRST FOR TOMMY POPE  
23 SINCE HE HAS THE MOST CLOUT AND IN ORDER I ASKED FOR  
24 KEVIN BRACKETT AND WILLY THOMPSON. THEY ALL WERE NOT  
25 AVAILABLE. I TALKED TO, I ENDED UP TALKING TO PHIL

1 SMITH. I EXPLAINED THE SITUATION TO HIM AND HE SAID  
2 THAT HE WOULD WORK ON IT.

3 Q MEANING WHAT?

4 A I GUESS WORK ON GETTING ME ACCESS TO MR. COPE.

5 Q OKAY.

6 A I MEAN THAT'S WHAT I TOOK IT TO MEAN.

7 Q OKAY.

8 A THEN I WAITED ABOUT FIVE MORE MINUTES AND THEN I  
9 CALLED BACK AND AT THAT TIME I SPOKE TO TOMMY POPE,  
10 EXPLAINED TO HIM WHAT WAS GOING ON, MADE IT CLEAR TO  
11 HIM THAT WE REPRESENTED MR. COPE AND THAT I WANTED TO  
12 SEE HIM, AND AT THAT TIME WAS WHEN TOMMY TOLD ME THAT  
13 KEVIN BRACKETT WAS IN ROCK HILL ANYWAY AND HE WOULD  
14 COME BY AND STRAIGHTEN THINGS OUT. THEN --

15 MR. BRACKETT: YOUR HONOR, HE'S APPARENTLY  
16 READING FROM HIS NOTES.

17 THE COURT: HE CAN REFRESH HIS MEMORY BUT  
18 NOT READ FROM NOTES.

19 A OKAY. WELL IN ANY EVENT AFTER THAT I WAS  
20 WAITING FOR MR. BRACKETT TO COME BY TO THE POLICE  
21 DEPARTMENT AND.

22 Q WHAT TIME WERE WE TALKING ABOUT NOW?

23 A GETTING LIKE 2:30, BETWEEN 2:30 AND THREE  
24 O'CLOCK. AND I WAS ON THE PHONE WITH MY OFFICE.

25 APPARENTLY MR. BRACKETT HAD TRIED TO CALL ME ON THE

1 CELL PHONE NUMBER THAT I WAS ON BECAUSE I MISSED HIS  
2 PHONE CALL. THEN, OKAY, I CALLED BACK THROUGH THE  
3 SOLICITOR'S OFFICE AND I TALKED TO MERRY COLLINS WHO  
4 WORKS IN THE SOLICITOR'S OFFICE AND SHE SAID THAT  
5 KEVIN WAS ON THE PHONE REGARDING THE COPE SITUATION.  
6 I LATER FOUND OUT THAT HE WAS ON THE PHONE WITH MY  
7 BOSS HARRY DEST. I CONTINUED TO WAIT. AT ABOUT  
8 THREE O'CLOCK DETECTIVE WALDROP CAME OUT OF THE  
9 DETECTIVE DIVISION BECAUSE THIS WHOLE TIME I'M  
10 BASICALLY IN THE WAITING AREA OF THE ROCK HILL POLICE  
11 DEPARTMENT.

12 Q OUT IN THE LOBBY?

13 A RIGHT.

14 Q THE LOBBY AREA?

15 A RIGHT. AND DETECTIVE WALDROP CAME OUT AND SAID  
16 THAT KEVIN BRACKETT AT THAT TIME WAS GETTING READY TO  
17 CALL ME, OKAY. SO I WAITED ABOUT TEN MORE MINUTES,  
18 CALLED KEVIN BACK, I DIDN'T REACH HIM, AND THEN ABOUT  
19 3:15 IS WHEN CAPTAIN CABANISS CAME OUT FROM THE  
20 DETECTIVE DIVISION AND HE HAD WITH HIM A PIECE OF  
21 PAPER THAT BASICALLY SAID THAT I, BILLY COPE, DON'T  
22 WANT TO SEE MY ATTORNEY, SOMETHING ALONG THOSE LINES,  
23 AND IT WAS SIGNED BY BILLY COPE. SO THEN HE GAVE ME  
24 THAT PIECE OF PAPER AND SAID, YOU KNOW, HERE YOU HAVE  
25 THIS, YOU ARE NOT GOING TO SEE HIM. SO I SAID, WELL,

1 YOU KNOW, REALLY, I'M NOT SATISFIED BY THAT. I SAID  
2 JUST LET ME SEE HIM, LET ME ASK HIM. IF HE TELLS ME  
3 TO MY FACE THAT HE REALLY DOESN'T WANT TO SEE ME,  
4 THEN I'LL GO.

5 Q AT THAT POINT HAD YOU HAD ANY PRIOR CONTACT WITH  
6 MR. COPE?

7 A NO.

8 Q HAD YOU SENT HIM A LETTER LETTING HIM KNOW THAT  
9 YOU REPRESENTED HIM?

10 A NO.

11 Q HAD YOU HAD ANY TELEPHONE CALLS WITH MR. COPE?

12 A NO.

13 Q WAS THERE ANY REASON THAT YOU ARE AWARE OF THAT  
14 MR. COPE SHOULD HAVE KNOWN THAT YOU WERE APPOINTED  
15 TO, THAT YOU SPECIFICALLY WERE APPOINTED TO REPRESENT  
16 HIM ON THESE CHARGES?

17 A NOT ME SPECIFICALLY, NO.

18 Q OKAY. SO WHAT HAPPENED AT THAT POINT?

19 A WELL, WHEN I, I SAID THAT, YOU KNOW, I WANTED TO  
20 ASK HIM MYSELF AND CAPTAIN CABANISS SAID HE WASN'T  
21 GOING TO LET ME DO THAT, AND THEN BASICALLY THAT WAS  
22 IT, HE WENT BACK IN, AND CLOSED THE DOOR, AND, YOU  
23 KNOW, I WAS LEFT OUT IN THE LOBBY. AND AT SOME POINT  
24 AFTER THAT -- THERE WAS ALSO A LITTLE CONVERSATION  
25 BETWEEN CAPTAIN CABANISS AND MYSELF AS FAR AS WHAT

1 TIME I HAD GOTTEN THERE, AND THEN I BEGAN DRIVING  
2 BACK TO THIS, THE MOSS JUSTICE CENTER, TO WHERE OUR  
3 OFFICE IS, AND I CALLED TOMMY POPE BACK ONE MORE TIME  
4 JUST TO MAKE IT CLEAR THAT WE DID IN FACT REPRESENT  
5 MR. COPE AND WHEN I GOT BACK TO MY OFFICE IS WHEN I  
6 BEGAN TRANSCRIBING WHAT HAD HAPPENED, YOU KNOW, JUST  
7 IN CASE THE CASE DID END UP GOING TO TRIAL JUST LIKE  
8 IT DID.

9 Q SO YOU WERE DENIED ACCESS TO MR. COPE THAT DAY?

10 A YES.

11 Q WERE YOU EVER ABLE TO VISIT WITH MR. COPE?

12 A RIGHT. WELL, AFTER I GOT BACK HERE AND I WROTE  
13 EVERYTHING DOWN AND NOT MUCH TIME HAD PAST THEN I GOT  
14 A CALL THAT THEY WERE DONE WITH HIM AND THAT I COULD  
15 SEE HIM THEN I GOT BACK IN MY CAR AND DROVE BACK TO  
16 ROCK HILL POLICE DEPARTMENT AND I GOT THERE, I WOULD  
17 GUESS, AROUND FIVE O'CLOCK AND THEN THAT'S WHEN I WAS  
18 ALLOWED TO GO IN AND SEE HIM.

19 Q OKAY. WHAT WAS MR. COPE'S DEemeanOR WHEN YOU  
20 FIRST SAW HIM?

21 A WELL, WHEN I FIRST SAW HIM I WENT IN, THEY LET  
22 ME IN, AND OF COURSE, YOU KNOW, HE HAD GIVEN A  
23 STATEMENT AND I HAD A COPY OF THE PIECE OF PAPER THAT  
24 THEY HAD GIVEN ME THAT HE HAD SIGNED SAYING HE DIDN'T  
25 WANT TO SEE ME, SO MY DEemeanOR AT THAT TIME WAS

1 FRUSTRATED AND ANGRY AND I WENT IN THERE AND I WAS  
2 WAIVING THE PIECE OF PAPER IN MY HAND AND I SAID, I  
3 WAS, I DON'T REMEMBER EXACTLY WHAT I SAID BUT  
4 SOMETHING ALONG THE LINES OF: DID YOU SIGN THIS AND  
5 WHY DID YOU SIGN THIS?

6 MR. BRACKETT: PLEASE THE COURT, YOUR  
7 HONOR, THE ONLY ISSUE THERE IS THE ATTORNEY-CLIENT  
8 PRIVILEGE, I ASSUME BY CALLING HIM THAT HE'S WAIVING  
9 THAT, BUT I THINK THAT IS AN ISSUE THAT NEEDS TO BE  
10 CLEARED UP BEFORE THEY GO INTO ANY CONVERSATIONS THAT  
11 HE HAD WITH HIS CLIENT AT THAT TIME.

12 THE COURT: DOES MR. COPE WAIVE HIS  
13 ATTORNEY-CLIENT PRIVILEGE WITH MR. BARROWCLOUGH.

14 MR. SMITH: YES, SIR, YOUR HONOR.

15 THE COURT: MR. COPE, IS THAT CORRECT?

16 MR. COPE: YES, SIR, YOUR HONOR.

17 THE COURT: ALL RIGHT.

18 Q MR. BARROWCLOUGH, YOU WERE EXPLAINING AT THAT  
19 POINT THAT YOU WERE FRUSTRATED WITH THIS PROCESS AND  
20 NOT BEING ALLOWED ACCESS TO MR. COPE AND I BELIEVE  
21 YOU ASKED A QUESTION TO HIM?

22 A RIGHT. AND, RIGHT, AND SO I WAS WAIVING AND I  
23 SAID, WHY DID YOU THIS? WHY DID YOU SIGN THIS? AND  
24 I WAS UPSET AND HE SAID, WELL, THEY THREATENED ME  
25 WITH THE DEATH PENALTY IF I DIDN'T SIGN IT.



1 Q DID HE SAY WHO THREATENED HIM WITH THE DEATH  
2 PENALTY?

3 A NOT SPECIFIC. HE DIDN'T NAME A NAME.

4 Q BUT HE SAID THAT HE HAD BEEN THREATENED THAT THE  
5 DEATH PENALTY WOULD BE USED IN THIS CASE, IN THE  
6 PROSECUTION OF THIS CASE, IF HE DID NOT SIGN?

7 MR. BRACKETT: OBJECT TO LEADING.

8 THE COURT: YEAH, REPHRASE YOUR QUESTION.  
9 THAT'S A LEADING QUESTION.

10 MR. SMITH: I WAS JUST TRYING TO CLARIFY  
11 HIS RESPONSES, YOUR HONOR.

12 THE COURT: IT'S NOT IMPORTANT WHAT YOU  
13 ARE TRYING TO DO. IT'S A LEADING QUESTION.

14 MR. SMITH: YES, SIR.

15 Q SO WHAT WAS MR. COPE'S RESPONSE TO YOUR QUESTION  
16 AS TO WHY --

17 A HE SAID THEY THREATENED HIM WITH THE DEATH  
18 PENALTY IF I DIDN'T SIGN THAT PIECE OF PAPER.

19 Q AND THAT PIECE OF PAPER BEING?

20 A THE PIECE OF PAPER SAYING HE DIDN'T WANT TO SEE  
21 ME.

22 Q OKAY.

23 A AND THEN --

24 Q GO AHEAD.

25 A WHAT I WAS JUST GOING TO SAY AND THEN, YOU KNOW,

1 I WAS, AFTER THAT I WAS ASKING HIM ABOUT, YOU KNOW,  
2 THE WHOLE GIVING OF THE STATEMENT AND I DID NOT GO  
3 THROUGH THE STATEMENT WITH HIM, BUT, YOU KNOW, JUST  
4 IN ANSWERING YOUR QUESTION ABOUT HIS Demeanor, BY THE  
5 SUBSTANCE OF WHAT HE SAID I COULD TELL HE WAS UPSET,  
6 BUT BY THE, BY HIS ACTIONS HE DID NOT --

7 MR. BRACKETT: OBJECTION --

8 A ACT UPSET.

9 MR. BRACKETT: TO THE CONCLUSIONS, HIS  
10 CONCLUSIONS AND OPINIONS IN THIS REGARD.

11 THE COURT: I'LL STRIKE THE RESPONSE.

12 MR. SMITH: JUDGE, IF I MAY. THE STATE  
13 HAS HAD A NUMBER OF WITNESSES TESTIFY AS TO  
14 MR. COPE'S Demeanor AND APPEARANCE DURING PREVIOUS  
15 INTERROGATIONS.

16 THE COURT: WELL, I OVERRULE MY  
17 OVERRULING. LET HIM ANSWER.

18 MR. SMITH: THANK YOU, YOUR HONOR.

19 A HIS Demeanor WAS CALM. HE DIDN'T SPEAK LOUD.  
20 HE DIDN'T, YOU KNOW, IT WAS THE CONTENT OF WHAT HE  
21 SAID REVEALED THAT HE WAS UPSET, BUT HIS Demeanor WAS  
22 CALM IF THAT MAKES SENSE.

23 MR. SMITH: THANK YOU, MR. BARROWCLOUGH.  
24 I HAVE NO FURTHER QUESTIONS FOR YOU AT THIS TIME BUT  
25 PLEASE ANSWER ANY QUESTIONS THAT THE STATE OR

1 MR. GREELEY MAY HAVE FOR YOU.

2 THE COURT: MR. BRACKETT.

3 MR. BRACKETT: PLEASE THE COURT.

4 CROSS EXAMINATION BY MR. BRACKETT:

5 Q GOOD AFTERNOON, B.J. HOW ARE YOU DOING?

6 A FINE. HOW ARE YOU DOING?

7 Q YOU ARE NOT USED TO SITTING THERE, ARE YOU?

8 A NO.

9 Q YOU'RE USED TO SITTING OVER HERE?

10 A RIGHT.

11 Q YOU ARE A FULL TIME CRIMINAL DEFENSE ATTORNEY?

12 A RIGHT.

13 Q AND THAT'S WHERE YOU NORMALLY ARE?

14 A RIGHT.

15 Q AND OF COURSE, YOU KNOW ME?

16 A ABSOLUTELY.

17 Q WE WORKED TOGETHER FOR YEARS?

18 A ABSOLUTELY.

19 Q ALL RIGHT. THIS WILL BE PAINLESS.

20 A GOOD.

21 Q NOW YOU WERE FRUSTRATED?

22 A YES.

23 Q NO QUESTION?

24 A RIGHT.

25 Q YOU WANTED TO GET IN TO SEE YOUR CLIENT?

1 A YUP.

2 Q AND THOUGH YOU MAY NOT AGREE WITH IT YOU WOULD  
3 AGREE THAT THE STATE OF THE LAW IS IS THAT THE MAN  
4 HAS A RIGHT TO AN ATTORNEY, THE ATTORNEY DOES NOT  
5 HAVE A RIGHT TO A CLIENT, IS THAT CORRECT?

6 A THAT'S WHAT THE LAW SAYS.

7 Q YES, SIR. AND IN FACT, YOU WOULD ALSO AGREE  
8 THAT TYPICALLY -- WELL, I DON'T KNOW WHERE IT'S AT,  
9 IT DOESN'T MATTER, AN ADVICE OF RIGHTS FORM WAS  
10 PROVIDED BEFORE A CONFESSION OR A STATEMENT IS TAKEN?

11 A (NODS HEAD.)

12 Q AND THAT ADVISES THEM OF THAT FACT, THAT YOU CAN  
13 CALL AN ATTORNEY IF YOU WANT TO AND IF YOU CAN'T  
14 AFFORD ONE WE'LL GET ONE FOR YOU. RIGHT?

15 A YEAH.

16 Q OKAY. AND IN FACT, ONE WAS PROVIDED FOR  
17 MR. COPE AND IT'S NOT PROVIDED BECAUSE HE REQUESTED  
18 IT. YOU ARE FAMILIAR WITH THE DCM SYSTEM IN YORK  
19 COUNTY?

20 A YES.

21 Q ONE IS AUTOMATICALLY GIVEN TO ANYBODY, EVERY  
22 TIME SOMEBODY IS PUT UNDER ARREST THEY ARE SCREENED  
23 TO SEE IF THEY QUALIFY?

24 A RIGHT. WHEN BOND IS SET OR NOT SET.

25 Q AND THAT'S THE MECHANISM BY WHICH YOU BECAME

1 INVOLVED, NOT BECAUSE HE EVER ASKED FOR SOMEBODY?

2 A WELL, I WASN'T THERE. I DON'T KNOW.

3 Q WELL, THAT'S HOW THE PAPER CAME TO YOU. IT WAS

4 SIGNED RAY LONG LIKE EVERYBODY ELSE?

5 A RIGHT.

6 Q SO THE MAGISTRATE WHO ALWAYS SCREENS EVERYBODY

7 WAS USING THE SAME SCREENING FORM, RIGHT?

8 A RIGHT.

9 Q OKAY. SO YOU FIND OUT ABOUT THAT ON MONDAY

10 AFTERNOON?

11 A UH-HUH.

12 Q AND YOU WANT TO GO DOWN AND SEE HIM?

13 A RIGHT.

14 Q OKAY. AND YOU CAN'T FIND HIM AT THE DETENTION

15 CENTER SO YOU GO DOWN TO THE ROCK HILL POLICE

16 DEPARTMENT BECAUSE THAT'S WHERE YOU UNDERSTAND HE IS?

17 A RIGHT.

18 Q OKAY. BUT IF HE HAD NEVER ASKED FOR YOU AND

19 NEVER WANTED TO SEE YOU, IT WASN'T IMPROPER TO KEEP

20 YOU WAITING OUT IN THE LOBBY?

21 A (NO RESPONSE.)

22 Q THAT'S JUST WHAT YOU SAID THE STATE OF THE LAW

23 IS. HE HASN'T ASKED FOR YOU --

24 A YOU SAID IMPROPER. I MEAN IT WOULDN'T BE

25 ILLEGAL.

1 Q IT WOULDN'T BE ILLEGAL. SO WHAT THEY DID WAS  
2 COMPLETELY LEGAL? HE HASN'T ASKED FOR ANY LAWYER?

3 A AS FAR AS I UNDERSTAND THE LAW TO BE, YES.

4 Q YES, SIR. AND OF COURSE, IF THE VIDEO  
5 CONFESSION WAS DONE IN THE MORNING, YOUR INVOLVEMENT  
6 CAME AFTER THAT, IT WAS IN THE AFTERNOON, IS THAT  
7 RIGHT?

8 A AT THAT TIME I DIDN'T EVEN KNOW ABOUT THE VIDEO  
9 SITUATION.

10 Q BUT YOU KNOW NOW?

11 A RIGHT.

12 Q OKAY. AND SO YOU CAME INTO THIS CASE AFTER THE  
13 VIDEO WAS ALREADY TAKEN?

14 A THAT'S WHAT -- I UNDERSTAND THAT, RIGHT.

15 Q THIS IS THE AFTERNOON SESSION?

16 A RIGHT.

17 Q OKAY. NOW AT SOME POINT IN TIME YOU'RE TRYING  
18 TO GET IN THERE?

19 A UH-HUH.

20 Q AND CAPTAIN CABANISS COMES OUT, PHONE CALLS ARE  
21 BEING MADE BACK AND FORTH?

22 A YES.

23 Q YOU WERE CALLING ME, ME CALLING HARRY, YOU  
24 CALLING TOMMY, EVERYBODY CALLING EVERYBODY?

25 A RIGHT.

1 Q AFTER ABOUT AN HOUR AFTER YOU ARRIVED THERE  
2 CAPTAIN CABANISS COMES OUT WITH A FORM THAT SAYS: I  
3 BILLY COPE DO NOT WISH TO SPEAK WITH MY ATTORNEY B.  
4 J. BARROWCLOUGH AND HE SIGNED IT?

5 A RIGHT.

6 Q AND THAT'S MORE THAN YOU WERE ENTITLED TO UNDER  
7 THE LAW? ISN'T THAT RIGHT? THEY DIDN'T EVEN HAVE TO  
8 TELL HIM YOU WERE OUT THERE UNDER THE LAW? RIGHT?

9 A I GUESS SO.

10 Q BUT THEY DID, DIDN'T THEY?

11 A (NODS HEAD.)

12 Q OKAY.

13 THE COURT: YOU GOT TO ANSWER WITH WORDS.

14 A YES. YES.

15 Q NOW YOU WENT INTO THE, AT THAT POINT YOU SAID, I  
16 WANT TO SEE HIM WITH MY OWN EYES. LET HIM TELL ME TO  
17 MY OWN FACE, RIGHT?

18 A RIGHT.

19 Q BECAUSE YOU WANTED TO GET WITHIN EAR SHOT OF MR.  
20 COPE, DIDN'T YOU?

21 A YES.

22 Q AND THE REASON YOU WANTED TO GET WITHIN EAR SHOT  
23 OF MR. COPE BECAUSE IF YOU HAD HAD ONE SENTENCE YOU  
24 COULD HAVE SAID TO HIM IT WOULD HAVE BEEN, SHUT UP,  
25 DON'T SAY ANOTHER WORD, ISN'T THAT RIGHT?

1 A IF I WOULD HAVE THOUGHT TO HAVE SAID THAT, YES.

2 Q YES. OKAY. SO YOU GO INTO THE ROOM, EVENTUALLY

3 YOU ARE ALLOWED TO SPEAK WITH MR. COPE?

4 A RIGHT.

5 Q ALL RIGHT. AND YOU FIND OUT HE'S MADE THIS

6 STATEMENT?

7 A RIGHT.

8 Q AND HE'S, IT'S A DAMNING, INCRIMINATING

9 STATEMENT?

10 A RIGHT. I MEAN, I DIDN'T EVEN READ IT THAT

11 THOROUGHLY AT THE TIME BUT I SKIMMED IT, YEAH.

12 Q BUT YOU KNEW IT WASN'T GOOD?

13 A RIGHT.

14 Q HE KNEW IT WASN'T GOOD AND HE KNEW YOU'D KNOW IT

15 WASN'T GOOD, RIGHT?

16 A WELL, I INDICATED THAT IT WAS NOT GOOD TO GIVE A

17 STATEMENT.

18 Q YES. THEN YOU SAID, WHY DID YOU SIGN THIS?

19 A WELL ACTUALLY I DID THAT FIRST. I DID THAT AS I

20 WALKED IN.

21 Q OKAY.

22 A BECAUSE I AM FUMING MAD.

23 Q OKAY. IT WAS OBVIOUS TO HIM THAT YOU WERE

24 UPSET?

25 A IT WAS OBVIOUS TO EVERYONE THAT I WAS UPSET.



1 Q OKAY.

2 MR. BRACKETT: COURT'S INDULGENCE, YOUR  
3 HONOR.

4 Q NOW OF COURSE YOU WEREN'T IN THERE DURING THE  
5 INTERVIEWING, THE INTERROGATION?

6 A NO.

7 Q YOU WERE OUT IN THE HALL?

8 A RIGHT.

9 Q SO YOU DON'T KNOW WHAT WAS SAID TO MR. COPE.  
10 THIS IS JUST WHAT MR. COPE TELLS YOU?

11 A RIGHT.

12 Q AFTER HE'S SIGNED THIS STATEMENT?

13 A RIGHT.

14 Q THAT HE KNOWS ISN'T GOOD.

15 A RIGHT, THAT'S WHAT HE TOLD ME WHEN I ASKED HIM.

16 Q THANK YOU, SIR.

17 THE COURT: MR. GREELEY.

18 MR. GREELEY: I HAVE NO QUESTIONS OF THIS  
19 WITNESS.

20 THE COURT: REDIRECT.

21 MR. SMITH: YES, YOUR HONOR.

22 REDIRECT EXAMINATION BY MR. SMITH:

23 Q MR. BARROWCLOUGH, WERE YOU GETTING THE RUN  
24 AROUND?

25 A THAT'S HOW I FELT.

1 Q NOW MR. BRACKETT MENTIONED THIS FORM THAT YOU  
2 WERE HANDED BY CAPTAIN CABANISS THAT SAID MR. COPE  
3 DIDN'T WANT TO SPEAK TO YOU AT THAT TIME, IS THAT  
4 RIGHT?

5 A RIGHT.

6 Q WAS IT ACTUALLY A FORM?

7 A NO.

8 Q WHAT WAS IT?

9 A IT WAS, I GUESS, A PIECE OF NOTEBOOK PAPER.

10 Q AND --

11 A THAT WAS WRITTEN.

12 Q WAS IT TYPED? HANDWRITTEN?

13 A IT WAS HANDWRITTEN.

14 Q DO YOU KNOW WHO WROTE IT?

15 A AT THE TIME, NO.

16 Q DO YOU KNOW WHO WROTE IT NOW?

17 A I'VE BEEN GIVEN TO BELIEVE THAT CAPTAIN CABANISS  
18 WROTE IT AND MR. COPE SIGNED IT.

19 Q YOU ALSO TOLD MR. BRACKETT THAT YOU WOULD HAVE  
20 ADVISED MR. COPE TO SHUT UP, WHY WOULD YOU HAVE DONE  
21 THAT?

22 MR. BRACKETT: OBJECTION.

23 THE COURT: I OVERRULE THE OBJECTION.

24 A WELL, AS A DEFENSE ATTORNEY ANYBODY GIVING A  
25 STATEMENT, OBVIOUSLY, IT'S GOING TO BE USED AGAINST

1 YOU IN SOME FASHION, BUT TRULY IF I HAD GOTTEN -- THE  
2 QUESTION WAS IF I HAD GOTTEN IN EAR SHOT OF HIM WOULD  
3 I HAVE TOLD HIM TO BE QUIET; MY ANSWER WAS IF I HAD  
4 THOUGHT OF IT. AT THAT TIME I WASN'T EVEN THINKING  
5 ABOUT THAT. I WANTED TO KNOW DID HE REALLY NOT WANT  
6 TO SEE ME. THAT'S WHAT WAS FIRST AND FOREMOST IN MY  
7 MIND AND THAT'S, THAT WOULD HAVE BEEN THE FIRST THING  
8 OUT OF MY MOUTH.

9 Q HAVE YOU SEEN STATEMENTS GIVEN BY DEFENDANTS  
10 USUALLY GET TWISTED AND USED AGAINST THOSE  
11 DEFENDANTS?

12 A YEAH.

13 Q NOW YOU ALSO MENTION SOMETHING BEING IMPROPER.  
14 WHAT'S THE DIFFERENCE BETWEEN IMPROPER AND ILLEGAL?

15 MR. BRACKETT: I OBJECT TO THIS LINE OF  
16 QUESTIONING.

17 THE COURT: I SUSTAIN THE OBJECTION.

18 MR. SMITH: I HAVE NO FURTHER QUESTIONS.

19 THE COURT: RE-CROSS.

20 MR. BRACKETT: NO, SIR.

21 THE COURT: YOU CAN STEP DOWN AND BE  
22 EXCUSED. CAN THIS WITNESS BE EXCUSED.

23 MR. GREELEY: NO OBJECTION.

24 MR. SMITH: YES, SIR.

25 THE COURT: APPRECIATE YOUR TIME.

1 A THANK YOU, YOUR HONOR.

2 THE COURT: CALL YOUR NEXT WITNESS.

3 MR. MORTON: MR. BILLY COPE WOULD CALL THE  
4 STATE'S CHIEF INVESTIGATOR CHARLENE BLACKWELDER.

5 THE COURT: PLEASE COME AROUND AND BE  
6 SWORN.

7 CHARLENE BLACKWELDER, BEING FIRST DULY  
8 SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION BY MR. MORTON:

10 Q MRS. BLACKWELDER, PLEASE STATE YOUR NAME FOR THE  
11 RECORD PLEASE.

12 A CHARLENE BLACKWELDER.

13 Q MRS. BLACKWELDER, YOU ARE THE CHIEF  
14 INVESTIGATING OFFICER IN THIS CASE, CORRECT?

15 A CORRECT.

16 Q AND YOU ARE THE ONE RESPONSIBLE PRIMARILY FOR  
17 THE INVESTIGATION AND THE ARREST OF MR. BILLY COPE,  
18 CORRECT?

19 A CORRECT.

20 Q IN THAT REGARD YOU TALKED TO MR. BILLY COPE, YOU  
21 WERE INVOLVED IN SEVERAL OF THESE INTERROGATIONS,  
22 WERE YOU NOT?

23 A I WAS INVOLVED IN THEM, CORRECT.

24 Q OKAY. AND YOU WERE INVOLVED IN ONE ON DECEMBER  
25 THIRD, YOU WERE THERE AT THE VIDEO RE-ENACTMENT,

1 CORRECT?

2 A CORRECT.

3 Q AND YOU WERE THERE FOR THE 1:30 TO 4:55  
4 INTERVIEW, CORRECT?

5 A CORRECT.

6 Q NOW I BELIEVE THE VIDEO RE-ENACTMENT WAS FROM  
7 UNTIL ABOUT 11-11:30, IS THAT RIGHT?

8 A SOMEWHERE AROUND THERE I BELIEVE, YES, SIR.

9 Q WERE YOU, YOU WERE PRESENT AT THE ROCK HILL  
10 POLICE DEPARTMENT IN BETWEEN 11:30 AND 1:30?

11 A I WOULD ASSUME SO, YES.

12 Q OKAY. WERE Y'ALL TALKING ABOUT THIS CASE DURING  
13 THIS PERIOD OF TIME?

14 A I'M SURE WE PROBABLY WERE.

15 Q OKAY. WERE YOU THERE WHEN MR. BARROWCLOUGH --

16 A YES, I WAS.

17 Q ---CAME. OKAY. WERE YOU THERE AT AROUND TWO  
18 O'CLOCK WHEN MR. BARROWCLOUGH ASKED TO SEE HIS  
19 CLIENT?

20 A I'M SURE -- I'M SURE I WAS AT THE DEPARTMENT,  
21 BUT I'M NOT SURE IF I KNEW THAT MR. BARROWCLOUGH WAS  
22 IN THE LOBBY, NO.

23 Q WELL, I THINK YOU WERE TAKING A STATEMENT FROM  
24 MR. COPE AT THE TIME?

25 A THAT'S CORRECT.

1 Q AND SO DO YOU NOT REMEMBER MR. BARROWCLOUGH  
2 TRYING TO GET IN TO SEE HIS CLIENT ABOUT TWO O'CLOCK?

3 A I WASN'T CONCERNED, NO, SIR, AT THE TIME OF MR.  
4 BARROWCLOUGH BEING THERE. CAPTAIN CABANISS WAS ALSO  
5 IN THE ROOM WITH ME AND I THINK CAPTAIN CABANISS AND  
6 I'M ASSUMING MR. BRACKETT OR SOMEONE FROM THE  
7 SOLICITOR'S OFFICE WORKED THAT ISSUE OUT WITH HIM.  
8 I CONTINUED.

9 Q YOU WEREN'T CONCERNED WITH MR. BARROWCLOUGH  
10 BEING THERE?

11 A NO, SIR.

12 Q YOU DIDN'T THINK THAT IMPORTANT?

13 A NO, SIR.

14 Q WHAT DID YOU THINK IMPORTANT?

15 A GETTING MR. COPE'S STATEMENT. HE HADN'T ASKED  
16 FOR A LAWYER.

17 Q OKAY. BUT HIS LAWYER WAS OUT THERE KNOCKING ON  
18 THE DOOR ASKING TO GET IN, RIGHT?

19 A YES, SIR.

20 Q SO IT'S SAFE TO SAY THAT YOU WERE CONCERNED WITH  
21 GETTING A STATEMENT FROM MR. COPE, CORRECT?

22 A CORRECT.

23 Q NOT PROVIDING HIM ACCESS TO HIS LAWYER?

24 A HE NEVER ASKED FOR A LAWYER, NO, SIR.

25 Q OKAY. DID HE EVEN KNOW THAT MR. BARROWCLOUGH

1 WAS OUT THERE UNTIL 3:10 P.M.

2 A YOU SAID UNTIL 3:10.

3 Q 3:10?

4 A I BELIEVE CAPTAIN CABANISS WHENEVER WE DECIDED,  
5 WHEN CAPTAIN CABANISS WROTE ON THE NOTEBOOK PAPER AND  
6 ASKED MR. COPE DID HE WANT TO TALK WITH MR.  
7 BARROWCLOUGH WHOM WAS OUT IN THE LOBBY, MR. COPE  
8 RELIED, NO, I DO NOT. I WANT TO CONTINUE TO TALK  
9 BECAUSE HE'LL MAKE ME STOP TALKING AND I WANT TO GET  
10 THIS OFF MY CHEST.

11 Q WHY WERE Y'ALL CALLING THE SOLICITOR'S OFFICE  
12 ABOUT MR. BARROWCLOUGH'S --

13 A I DID NOT. MR. MORTON, I DIDN'T CALL THE  
14 SOLICITOR'S OFFICE.

15 Q DO YOU KNOW WHY THAT WAS DONE? WHY THERE WAS  
16 CONTACT?

17 A THERE WAS AN ISSUE ABOUT A LAWYER OF SOME --

18 Q MR. BARROWCLOUGH BEING THERE, RIGHT. AND WERE  
19 YOU ALL ADVISED THAT YOU DIDN'T HAVE TO LET MR.  
20 BARROWCLOUGH IN?

21 A WERE WE ADVISED?

22 Q RIGHT.

23 A I THINK, MR. MORTON, I'M NOT TRYING TO BE  
24 SARCASTIC WITH YOU, BUT WITH ALL DUE RESPECT WE  
25 DIDN'T HAVE TO EVEN ACKNOWLEDGE THAT HE WAS THERE.

1 Q OKAY. NOW YOU REMEMBER DECEMBER 31, 2001?

2 A YES, SIR.

3 Q AND THAT WAS THE DAY THAT Y'ALL FOUND OUT THAT  
4 BILLY COPE'S DNA WAS NOT ON HIS DAUGHTER'S BODY,  
5 CORRECT?

6 A DECEMBER 31. I CAN'T GIVE YOU A SPECIFIC DATE  
7 ON THAT WHEN THEY FOUND IT WASN'T ON HER BODY.

8 Q YOU CAN'T BE SPECIFIC ABOUT WHEN YOU FOUND OUT  
9 THAT --

10 A THAT IT WAS NOT MR. COPE'S DNA?

11 Q RIGHT.

12 A IF MAY I REFER TO MY NOTEBOOK.

13 Q SURE. YES, MA'AM.

14 A I'LL BE GLAD TO TELL YOU. THERE IS A LOT OF  
15 PAPERWORK TO KEEP UP WITH. I CAN'T GIVE YOU THE  
16 DATE, NO, SIR.

17 Q YOU CAN'T GIVE ME THE DATE THAT HAPPENED?

18 A NO, SIR.

19 Q YOU ARE NOT SURE OF THE DATE THAT THE RESULTS  
20 FROM SLED CAME BACK INDICATING THAT MR. COPE'S SEMEN  
21 OR MR. COPE'S SALIVA WAS NOT FOUND ON HIS DAUGHTER'S  
22 BODY? YOU CAN'T BE SURE OF THAT DATE? YOU CAN'T BE  
23 SURE OF THE DATE THAT YOU RECEIVED THAT INFORMATION  
24 FROM SLED?

25 A MR. COPE'S SEMEN.



1 Q MR. COPE'S SEMEN WAS NOT FOUND ON HIS -- IN  
2 OTHER WORDS, MR. COPE'S SEMEN, MR. COPE'S DNA WAS  
3 NOT FOUND ON HIS WIFE'S BODY, CORRECT?

4 A RIGHT.

5 Q AND YOU DETERMINED THAT ON DECEMBER 31 OR SLED  
6 DETERMINED THAT ON DECEMBER 31, 2001.

7 A I THINK IT WAS AUGUST 2002, IF I RECALL  
8 CORRECTLY, SOMEWHERE IN AUGUST.

9 Q WELL, I BELIEVE THAT IN AUGUST OF 2002 IT WAS  
10 DETERMINED THAT'S MR. SANDERS' DNA?

11 A ACTUALLY IT WAS BEFORE THAT DAY BUT WE CAN'T GO  
12 INTO THAT.

13 Q IT WAS BEFORE THAT DAY THAT IT WAS DETERMINED  
14 THAT MR. SANDERS' DNA WAS ON --

15 A THAT'S CORRECT.

16 Q ---AMANDA COPE'S BODY?

17 A YES, SIR.

18 Q BUT I BELIEVE AND, AGAIN TELL ME IF I'M WRONG,  
19 THAT ON DECEMBER 31, 2001, IT WAS DETERMINED THAT IT  
20 WAS NOT MR. COPE'S DNA?

21 A YES, SIR. YOU COULD BE CORRECT ON THAT DATE,  
22 YES.

23 Q BECAUSE I BELIEVE THAT DAY Y'ALL STARTED PICKING  
24 UP OTHER PEOPLE?

25 A CORRECT. THAT'S CORRECT.

1 Q AND ASKING THEM TO SUBMIT TO DNA?

2 A YES, WE DID. TO BE EXACT I BELIEVE WE DID TEN

3 MORE. OVER A SPORADIC PERIOD OF TIME WE --

4 Q PICKED UP SOME MORE PEOPLE?

5 A WE COLLECTED DNA FROM TEN ADDITIONAL SUBJECTS.

6 Q RIGHT. SO ON DECEMBER 31, ON NEW YEAR'S EVE,

7 SAFE TO SAY WHEN THIS REPORT CAME BACK YOU KNEW YOU

8 HAD A PROBLEM?

9 A NO, SIR. WE KNEW THAT THERE WAS ANOTHER SUSPECT

10 INVOLVED.

11 Q OKAY. AND IN FACT ON DECEMBER 31 OF 2001 YOU

12 CONTACTED MR. COPE'S WIFE MARY SUE, CORRECT?

13 A CORRECT.

14 Q AND ON THAT DATE YOU PICKED UP MARY SUE COPE AND

15 YOU FITTED HER WITH A SECRET RECORDING DEVICE?

16 A I DIDN'T DO IT PERSONALLY, NO, SIR, BUT, YES,

17 SIR, SHE WAS.

18 Q ---FITTED WITH A SECRET RECORDING DEVICE?

19 A FITTED WITH A DEVICE, RIGHT. NOT A SECRET

20 RECORDING DEVICE, SHE WAS FITTED WITH A RECORDING

21 DEVICE.

22 Q WHICH WAS --

23 A ---LIKE WHAT YOU HAVE ON NOW.

24 Q WHICH WAS UNKNOWN TO ANYBODY THAT TALKED TO HER,

25 CORRECT?

1 A I KNEW IT, SHE KNEW IT, AND DETECTIVE KITTS KNEW  
2 IT.

3 Q AND SHE WAS INSTRUCTED TO COME HERE TO THE JAIL  
4 WHERE HER HUSBAND WAS INCARCERATED?

5 A IT WAS, ACTUALLY IT WAS HER IDEA TO COME HERE.

6 Q IT WAS HER IDEA?

7 A YES, SIR.

8 Q IT WAS HER IDEA TO WEAR A WIRE, A SECRET WIRE,  
9 AND COME TALK TO HER HUSBAND?

10 A WELL, WE ASKED HER WOULD SHE WEAR, NOT THE  
11 SECRET WIRE, WE ASKED HER WOULD SHE WEAR THE  
12 RECORDING. SHE SAID SHE WOULD BECAUSE SHE HAD SOME  
13 QUESTIONS IN HER OWN MIND THAT SHE WANTED TO ASK HIM  
14 HERSELF.

15 Q RIGHT, AND THE QUESTIONS --

16 A TO HER OWN PEACE OF MIND.

17 Q AND THE REASON THAT SHE HAD A QUESTION WAS, WAS  
18 THAT EVEN ON THAT DATE?

19 A UH-HUH.

20 Q YOU TOLD HER THAT HER HUSBAND'S DNA WAS ON HER  
21 DAUGHTER'S BODY?

22 A NO, SIR. I DON'T RECALL TELLING HER HER  
23 HUSBAND'S DNA --

24 Q YOU DO NOT --

25 MR. BRACKETT: OBJECTION.

1 THE COURT: LET'S LET HER FINISH. WE ARE  
2 STARTING TO GET THIS PATTERN AGAIN.

3 A THANK YOU, SIR. I DON'T DENY TELLING HER THAT  
4 THERE WAS SEMEN AND DNA OR WHATEVER FOUND ON AMANDA'S  
5 BODY, BUT I DON'T RECALL, I DO NOT RECALL, MR.  
6 MORTON, TELLING HER THAT IT WAS MR. COPE'S DIRECTLY.

7 Q YOU DON'T DENY THAT, DO YOU, SITTING HERE UNDER  
8 OATH?

9 A NO, SIR, I CAN'T DENY IT. SHOW ME SOMETHING. I  
10 SEE YOU ARE LOOKING AT SOME PAPERS, SHOW ME SOMETHING  
11 THAT SAYS SHE TOLD ME THAT.

12 Q OKAY.

13 A I'LL BE GLAD TO LOOK AT IT AS WELL.

14 Q OKAY. IN ANY EVENT WHILE I LOOK FOR THAT YOU--

15 A ARE YOU REFERRING TO THE TRANSCRIBED  
16 DOCUMENTATION THAT'S IN HERE FROM THE AUDIBLE WHERE  
17 MRS. COPE WENT DOWN TO THE JAIL.

18 Q I BELIEVE I ASKED YOU THAT IN A PREVIOUS  
19 HEARING?

20 A OKAY.

21 Q WHERE YOU ADMITTED THAT YOU TOLD MARY SUE  
22 COPE --

23 A I HAVE THAT AS WELL. I'LL BE GLAD TO LOOK WITH  
24 YOU. FROM FAMILY COURT OR FROM PRE-TRIAL MOTIONS?

25 Q I'M NOT SURE. I KNOW IT WAS ONE OF THE TWO.

1 LET ME ASK YOU THIS. DID NOT MARY SUE COPE WEAR A  
2 WIRE TO COME TO THE JAIL AT Y'ALL'S INSTRUCTION?

3 A YES, SIR.

4 Q AND WHEN SHE CAME IN, HER HUSBAND DID NOT KNOW  
5 HE WAS BEING RECORDED?

6 A I WOULD ASSUME SO, THAT'S CORRECT.

7 Q NOW YOU KNEW AT THE TIME THAT SHE HAD BEEN  
8 APPOINTED A LAWYER?

9 A SHE HAD?

10 Q THAT HE HAD. I'M SORRY.

11 A YES.

12 Q MR. COPE HAD?

13 A YES, SIR.

14 Q DID YOU KNOW AT THAT TIME THAT INITIATING  
15 CONTACT WITH MR. COPE AFTER HE HAD BEEN APPOINTED A  
16 LAWYER WAS NOT ONLY IMPROPER BUT ILLEGAL?

17 A YES, SIR, BUT I DID NOT INITIATE THAT CONTACT.  
18 SHE DID.

19 Q MRS. COPE DID?

20 A WE ASKED HER, CORRECT.

21 Q YOU ASKED HER TO GO TO THE JAIL TO SEE HER  
22 HUSBAND?

23 A NO, SIR. SHE WAS TALKING ABOUT HER HUSBAND AND  
24 SHE WAS TALKING ABOUT SHE HAD SOME ANSWERS THAT SHE  
25 WANTED TO KNOW HERSELF AND SHE SAID SHE WOULD BE

1 WILLING TO COME TO THE MOSS JUSTICE CENTER TO TALK  
2 WITH HER HUSBAND AND TO WEAR A WIRE TO FIND OUT WHAT  
3 SHE NEEDED TO KNOW AND WE HELPED, WE ASSISTED HER  
4 WITH THE RECORDING.

5 Q SHE SAID SHE WOULD BE WILLING TO COME, IS THAT  
6 WHAT YOU SAID?

7 A YES, SIR.

8 Q WELL, IF SHE SAID SHE WOULD BE WILLING TO COME  
9 WHO ASKED HER TO COME TO BEGIN WITH?

10 A SHE DID.

11 Q WELL, WHY WOULD SHE SAY SHE WOULD BE WILLING TO  
12 COME, WAS SHE ASKED HER, WAS SHE ANSWERING HER OWN  
13 QUESTION?

14 A NO, SIR. SHE WAS WANTING TO COME TO SEE, SHE  
15 HAD NOT GOTTEN TO SEE MR. COPE I BELIEVE PROBABLY  
16 SINCE HE'D BEEN ARRESTED, SO SHE HAD SOME ANSWERS  
17 HERSELF THAT SHE WANTED.

18 Q THE ANSWERS THAT SHE HAD WAS THAT YOU HAD TOLD  
19 HER THAT HER HUSBAND'S DNA WAS ON THE BODY?

20 A I DON'T RECALL TELLING HER THAT.

21 Q DID SHE NOT ASK HER HUSBAND THAT FIRST QUESTION?  
22 THEY SAID YOUR DNA WAS ON MY DAUGHTER'S BODY?

23 A LET'S LOOK AND SEE. I CAN'T, IF SHE ASKED  
24 MR. COPE THAT HERSELF, I WASN'T THERE TO WITNESS  
25 THAT.

1 Q OKAY. WHO WIRED HER UP?

2 A ACTUALLY, HONESTLY MR. KITTS, MARK KITTS. WELL,  
3 I CAN'T SAY FOR SURE. I REALLY DON'T KNOW.

4 Q YOU AND OFFICER KITTS WERE THERE?

5 A YES, SIR.

6 Q PUTTING A WIRE ON MARY SUE COPE?

7 A WE BROUGHT HER HERE TO THE MOSS JUSTICE CENTER.

8 Q YOU BROUGHT HER HERE?

9 A YES, SIR, AT HER REQUEST.

10 Q AT HER REQUEST?

11 A AT HER REQUEST, YES, SIR.

12 Q OKAY. SHE COULDN'T JUST DRIVE OVER HERE BY  
13 HERSELF?

14 A SHE COULD HAVE IF SHE WANTED TO.

15 Q SHE COULD HAVE TALKED TO HER HUSBAND WHENEVER  
16 SHE WANTED TO, RIGHT?

17 A THAT'S CORRECT.

18 Q BUT YOU AND DETECTIVE KITTS BROUGHT HER OVER  
19 HERE AND PUT A SECRET RECORDING DEVICE ON HER?

20 A IF I RECALL CORRECTLY MY CONVERSATION WITH  
21 MRS. COPE, SHE SAID SHE COULD NOT GET IN AND SEE  
22 MR. COPE BECAUSE OF THE VISITATION SCHEDULES HERE AT  
23 THE MOSS JUSTICE CENTER, THERE IS A PROCEDURE THAT  
24 THEY HAVE TO GO BY AND SO SHE WAS NOT ALLOWED TO JUST  
25 COME WALK IN ANYTIME SHE WANTED TO AND TO GO AND SEE

1 MR. COPE.

2 Q YOUR TESTIMONY IS THAT IT WAS HER IDEA AND YOU

3 JUST ASSISTED HER?

4 A YES, SIR.

5 Q OKAY.

6 A THAT'S CORRECT.

7 Q AND YOU ASSIST HER WITH WEARING A WIRE, RIGHT?

8 A YES, SIR. YES, SIR.

9 Q AND YOU TAPE RECORDED THAT CONVERSATION?

10 A IT WAS RECORDED, YES, SIR.

11 Q RIGHT. AND THE FIRST THING SHE SAYS ON THAT

12 CONVERSATION WAS --

13 MR. BRACKETT: OBJECT TO THE HEARSAY.

14 THE COURT: WELL, I'M GOING TO ALLOW IT

15 IN.

16 Q THEY SAY YOUR DNA IS ON HER BODY?

17 A CAN I REFER --

18 Q I'M SORRY. I APOLOGIZE. I'VE GOT IT.

19 A DO YOU HAVE IT, YES, SIR. THIS IS MARY COPE'S

20 CONVERSATION. WHO ELSE WAS IN THE HOUSE.

21 Q RIGHT?

22 A THAT'S HER FIRST QUESTION WHO ELSE WAS IN THE

23 HOUSE. THEN IT SAYS DNA DON'T LIE.

24 Q RIGHT?

25 A THEN IT SAYS THEY FOUND YOUR DNA.



1 Q RIGHT?

2 A THEY ALSO FOUND SOMEBODY ELSE'S AND THEY WANT TO  
3 KNOW WHO IT IS. IT'S YOURS ALONG WITH SOMEONE  
4 ELSE'S.

5 Q NOW THAT'S NOT TRUE, IS IT?

6 A NO.

7 Q BUT WHO TOLD HER THAT?

8 A I DON'T KNOW WHO TOLD HER THAT.

9 Q HOW WOULD SHE HAVE ANY OTHER WAY OF KNOWING THAT  
10 UNLESS YOU OR SOMEONE IN YOUR DEPARTMENT TOLD HER  
11 THAT?

12 A SOMEONE COULD HAVE TOLD HER THAT. I DID NOT  
13 TELL HER THAT, MR. MORTON.

14 Q OKAY. WELL, HOW DID THAT INFORMATION GET OUT  
15 BECAUSE THAT WAS WRONG INFORMATION, WAS IT NOT? WAS  
16 IT NOT?

17 A ON DECEMBER 31 WE DID NOT EVEN HAVE THE  
18 INFORMATION BACK ON MR. SANDERS YET.

19 Q I'M NOT TALKING ABOUT MR. SANDERS. I'M TALKING  
20 ABOUT MR. COPE AND THE FACT THAT SHE WAS LEAD TO  
21 BELIEVE BY YOUR DEPARTMENT THAT HER HUSBAND'S DNA WAS  
22 ON HER DAUGHTER'S BODY?

23 A I CAN'T TESTIFY TO THAT, NO, SIR.

24 Q OKAY. IN FACT, SHE DIED THINKING THAT, IS THAT  
25 RIGHT?

1 A I DON'T KNOW. I CAN'T ANSWER THAT. I CAN'T  
2 ANSWER WHAT MARY COPE WAS THINKING WHEN SHE DIED.

3 Q SHE DIED IN FEBRUARY OF 2002, RIGHT?

4 A YES, SIR, THAT'S CORRECT.

5 Q DID YOU TELL HER DIFFERENTLY BEFORE SHE DIED?

6 MR. BRACKETT: OBJECT TO RELEVANCE.

7 THE COURT: I OVERRULE THE OBJECTION.

8 A HONESTLY I CAN'T RECALL.

9 Q YOU GAVE PREVIOUS SWORN TESTIMONY AT A HEARING  
10 THAT YOU SERVED A WARRANT FOR MR. COPE FOR UNLAWFUL  
11 NEGLECT I BELIEVE AT 9:45 AM ON THE MORNING OF  
12 NOVEMBER 30 OR SOMEWHERE THAT HAD YOU WARRANT SERVED?

13 A THAT MORNING.

14 Q RIGHT.

15 A ON THE 30, YES, SIR.

16 Q I DON'T KNOW IF YOU HEARD THE OTHER DATE BUT YOU  
17 REFERRED TO YOUR INCIDENT REPORT?

18 A YES, SIR.

19 Q WHERE IT SEEMS TO INDICATE OTHERWISE?

20 A WERE YOU REFERRING TO THE SUMMARY OR THE  
21 INCIDENT REPORT.

22 Q WELL, THE SUMMARY I GUESS IS WHAT IT IS?

23 A LET'S LOOK AT IT. CAN YOU SHOW ME EXACTLY WHAT  
24 IT IS YOU ARE ASKING ME. I'M SORRY. I DON'T KNOW  
25 WHAT IT IS YOU'RE ASKING ME.

1 Q I KNOW I'VE GOT IT SOMEWHERE.

2 A I HAVE IT HERE.

3 Q LET'S SEE.

4 A WARRANT WAS OBTAINED ON BILLY WAYNE COPE.

5 Q YOU DON'T HAVE TO READ IT. I'M GIVING YOU THAT

6 SO YOU CAN REFRESH YOUR MEMORY?

7 A YES. YOUR QUESTION AGAIN?

8 Q MY QUESTION IS WHEN YOU ACTUALLY SERVED THE

9 UNLAWFUL NEGLIGENCE WARRANT ON MR. COPE?

10 A IT WOULD HAVE BEEN THE FOLLOWING MORNING THE 30.

11 Q ON THE MORNING OF THE 30?

12 A YES, SIR.

13 Q OKAY. DOES THAT INDICATE THAT? THAT'S YOUR

14 SUMMARY I THINK?

15 A CORRECT. IT DOES.

16 Q IT DOES?

17 A IT DOES.

18 Q DOES IT INDICATE THAT HE WAS SERVED WITH THAT

19 WARRANT WHEN HE CAME BACK FROM THE MOSS JUSTICE

20 CENTER?

21 A NO, SIR.

22 Q IT DOES NOT?

23 A IT WAS BEFORE.

24 Q OKAY. LET ME ASK YOU IF YOU CAN READ THAT TOP

25 LINE RIGHT THERE JUST TO REFRESH YOUR MEMORY.

1 A IT'S JUST THE FORMATION OF THE WAY I WORDED  
2 THINGS, THAT'S ALL. IT SAYS COPE WAS BROUGHT BACK TO  
3 THE ROCK HILL LAW CENTER WHERE HE WAS CHARGED WITH  
4 MURDER.

5 Q OKAY. ALL RIGHT.

6 A HE WAS CHARGED BEFOREHAND. IT'S JUST THE WAY I  
7 WORDED IT.

8 Q OKAY. NOW YOU, AFTER YOU RECEIVED INFORMATION  
9 THAT MR. COPE'S DNA WAS NOT ON HIS DAUGHTER'S BODY  
10 YOU HAD OTHER PEOPLE SUBMIT TO DNA TESTING, CORRECT?

11 A YES, SIR, CORRECT.

12 Q AND DID YOU ALSO GO OUT AND, WHAT OTHER KIND OF  
13 INVESTIGATION DID YOU DO?

14 A A LOT. WE DID INTERVIEWS WITH OTHER WITNESSES  
15 AND I DIDN'T COUNT ALL THE WITNESSES. TALKED TO SOME  
16 OF MR. COPE'S TEACHERS AT YORK TECH. WE TALKED WITH  
17 SOME OF AMANDA'S TEACHERS AT SCHOOL.

18 Q DID YOU TALK TO ANY OF THE NEIGHBORS?

19 A WE DID. I DID ATTEMPT TO TALK WITH SOME OF THE  
20 NEIGHBORS, YES, SIR. I CANVASSED THE AREA MYSELF,  
21 DETECTIVE BURRIS, LIEUTENANT HERRING, WE WENT OUT AND  
22 WE CANVASSED THE NEIGHBORHOOD BUT NO ONE WAS WILLING  
23 TO ACTUALLY TALK TO US.

24 Q OKAY. HAVE YOU BEEN ABLE TO COME UP WITH ANY  
25 KIND OF LINK BETWEEN MR. COPE AND MR. SANDERS?

1 A YES, SIR.

2 Q WHAT WAS THAT?

3 A BASED ON THE TOTALITY OF THE CIRCUMSTANCES AND  
4 HEAR ME OUT -- THE FACT THAT IT WAS MR. BILLY WAYNE  
5 COPE'S HOUSE ---

6 Q LET ME -- I'LL BE GLAD TO HEAR YOU OUT BUT IF  
7 YOU'LL JUST ANSWER MY QUESTION AND THEN YOU CAN  
8 EXPLAIN. HAVE YOU BEEN ABLE TO ESTABLISH ANY KIND OF  
9 CONNECTION BETWEEN THESE TWO?

10 A YES, SIR.

11 Q OKAY. AND TELL ME WHAT THAT IS.

12 A CIRCUMSTANTIAL BUT IF YOU'LL HEAR ME OUT.

13 Q OKAY.

14 A THE FACT THAT IT WAS 407 RICH STREET, THERE WAS  
15 NO SIGNS OF FORCED ENTRY INTO THE HOUSE; WE HAVE  
16 JESSICA TELLING US THAT THE DOORS WERE LOCKED AND SHE  
17 AND AMANDA MADE SURE THE DOORS WERE LOCKED. THE FACT  
18 THAT MR. SANDERS' DNA WAS FOUND IN MISTER -- INSIDE  
19 MR. COPE'S HOUSE ON AMANDA'S BODY; THE INFORMATION  
20 THAT I RECEIVED FROM MARY COPE AND ANOTHER FEMALE  
21 INDIVIDUAL NAMED TERESA GARRISON THAT MR. COPE OFTEN  
22 AT TIMES --

23 MR. MORTON: YOUR HONOR, I DON'T ----

24 THE COURT: YOU ASKED HER.

25 MR. MORTON: I MEAN IF IT'S GOT TO DO WITH

1 JAMES SANDERS, I MEAN, I MEAN, BUT IF SHE'S GOING  
2 INTO, YOU KNOW, HEARSAY STUFF THAT WE DON'T HAVE THE  
3 ABILITY TO CROSS EXAMINE. IF THEY WANT TO COME HERE  
4 AND --

5 THE COURT: WELL, LET ME LET THE JURY GO  
6 TO THE JURY ROOM JUST A MINUTE.

7 MR. MORTON: THAT'S FINE. I DON'T HAVE A  
8 PROBLEM WITH THAT.

9 (THE JURY EXITS THE COURTROOM AT 05:55  
10 PM.)

11 THE COURT: THE PROBLEM, MR. MORTON, IS  
12 YOU ASKED HER THE QUESTION.

13 MR. MORTON: YES, SIR.

14 THE COURT: AND UNDER HER OATH AND BY LAW  
15 SHE'S GOT TO ANSWER IT AND SHE GOT TO A POINT WHERE  
16 YOU DIDN'T LIKE THE ANSWER.

17 MR. MORTON: NO, I DON'T KNOW WHAT THE  
18 ANSWER IS GOING TO BE BUT I MEAN IF SHE'S COMING IN  
19 HERE TALKING ABOUT, I ASKED HER IF SHE WAS ABLE TO  
20 ESTABLISH A LINK BETWEEN MR. SANDERS AND MR. COPE.

21 THE COURT: AND SHE'S TRYING HER BEST TO  
22 TELL YOU. WHY DON'T YOU GO AHEAD AND GIVE US THE  
23 TESTIMONY AND WE'LL SEE BUT IT IS BASED ON HEARSAY  
24 BUT YOU ASKED THE QUESTION.

25 MR. MORTON: I UNDERSTAND. BUT JUST

1 BECAUSE I ASKED A QUESTION DOESN'T MEAN THEY CAN GO  
2 OFF IN ANY KIND OF HEARSAY TESTIMONY. I'M ASKING HER  
3 FOR A DIRECT LINK BETWEEN MR. COPE AND MR. SANDERS.  
4 WERE THEY FRIENDS? ARE THERE TELEPHONE RECORDS.

5 THE COURT: THAT'S WHAT SHE'S GETTING  
6 READY TO TELL YOU. IF SHE HAS TO RELY ON HEARSAY TO  
7 ANSWER IT, YOU ARE THE ONE THAT ASKED THE QUESTION.  
8 YOU WANT TO TELL US WHAT YOU ARE GOING TO SAY.  
9 IN CAMERA TESTIMONY:

10 A THANK YOU, SIR. TO RE-ITERATE THE FACT THAT IT  
11 WAS MR. SANDERS' HOUSE, THERE IS NO SIGN OF FORCED  
12 ENTRY --

13 THE COURT: IT WASN'T MR. SANDERS' HOUSE.  
14 WE KNOW THAT.

15 A I'M SORRY, YOUR HONOR. IT IS MR. COPE'S  
16 RESIDENCE, OKAY. AMANDA AND JESSICA, JESSICA SAID  
17 THAT SHE AND AMANDA MADE SURE THE DOORS WERE LOCKED.  
18 MR. SANDERS' DNA WAS FOUND ON THE BODY OF MISS  
19 AMANDA COPE; THE INFORMATION THAT I RECEIVED FROM  
20 MARY COPE AND FROM TERESA GARRISON WAS THAT MR. COPE  
21 OFTEN FANTASIZED AND, ABOUT HAVING A TWO OR THREESOME  
22 SEXUAL INVOLVEMENTS OR SEXUAL INTERCOURSE IF YOU  
23 WILL; THAT HE HAD TO DO THIS BECAUSE HE HAD A PROBLEM  
24 PERFORMING SEXUALLY AND IN ORDER TO GET AN ERECTION,  
25 EXCUSE ME, THAT HE WOULD HAVE HER OR MS. GARRISON TO

1 TALK OF TWO OR THREE, YOU KNOW, THREESOMES INVOLVING  
2 SEXUAL ACTS AND THAT HE WOULD MASTURBATE AS A RESULT  
3 OF THAT.

4 THE COURT: WELL, SHE DOESN'T HAVE  
5 ANYTHING --- THAT ISN'T A LINK. I SUSTAIN THE  
6 OBJECTION TO YOUR OWN QUESTION I GUESS BECAUSE THAT  
7 DOESN'T ANSWER THE QUESTION.

8 A CAN I FINISH, YOUR HONOR?

9 THE COURT: I THOUGHT YOU HAD. I'M SORRY.

10 A NO, YOUR HONOR. I WAS JUST GOING TO RE-ITERATE  
11 THE FACT OF THE CRIMINAL CONSPIRACY PART OF IT  
12 BECAUSE I KNOW THAT WOULD BE SOMETHING YOU WERE GOING  
13 TO ASK ME NEXT AND WHAT MY REPLY TO THAT WOULD BE THE  
14 MATTER OF FACT BE LIKE MR. MORTON AND I WERE WALKING  
15 DOWN THE SAME ----

16 THE COURT: YOU GOING, YOU ARE TRYING TO  
17 CONVINC ME NOW. THAT'S NOT AN ANSWER.

18 A THANK YOU. YES, SIR.

19 THE COURT: I SUSTAIN YOUR OWN OBJECTION  
20 TO YOUR OWN QUESTION. BRING IN THE JURY. JUST DON'T  
21 GO FURTHER WITH THAT.

22 (THE JURY RETURNS TO THE COURTROOM AT  
23 05:58 PM.)

24 THE COURT: PROCEED.

25 DIRECT EXAMINATION BY MR. MORTON:



1 Q MRS. BLACKWELDER, YOU INDICATED THAT I BELIEVE  
2 WHEN I'VE ASKED YOU THIS UNDER OATH BEFORE WAS IT  
3 POSSIBLE FOR SOMEONE TO COME INTO A HOUSE AND LEAVE  
4 NO SIGNS OF FORCED ENTRY, DO YOU REMEMBER WHAT YOUR  
5 ANSWER TO THAT WAS?

6 A I THINK AFTER WE ARGUED A LITTLE BIT I SAID NO,  
7 SIR.

8 Q IT'S NOT?

9 A CORRECT.

10 Q WHEN IN FACT MRS. BLACKWELDER BETWEEN OCTOBER 23  
11 OF 2001 AND --

12 MR. BRACKETT: OBJECTION.

13 Q JANUARY 12 --

14 MR. BRACKETT: OBJECTION, YOUR HONOR.

15 THE COURT: DON'T ANSWER UNTIL YOU HEARD  
16 THE WHOLE QUESTION.

17 Q UNTIL JANUARY 12 OF 2002 THERE WERE SEVERAL  
18 INSTANCES NEAR AMANDA COPE'S HOME, NEAR MR. SANDERS  
19 HOME --

20 THE COURT: I SUSTAIN THE OBJECTION.

21 WE'VE BEEN OVER THAT, MR. MORTON.

22 MR. BRACKETT: MOVE TO STRIKE. THAT IS --

23 THE COURT: JUST STRIKE -- DON'T, JUST  
24 STRIKE AND JUST DISABUSE FROM YOUR MIND AND DO NOT  
25 CONSIDER TO ANY DEGREE WHATSOEVER ANYTHING

1           ARTICULATED IN THAT QUESTION.

2                       MR. MORTON:   YOUR HONOR, MAY WE APPROACH  
3           THE BENCH?

4                       THE COURT:   NO.   I THINK WE'VE GONE OVER  
5           THIS ENOUGH.   MR. MORTON, YOU KNOW MY RULING.

6           Q       SO YOU DON'T BELIEVE THAT TO BE A FACT, IS THAT  
7           WHAT YOU ARE SAYING?

8           A       I DIDN'T SAY I DIDN'T BELIEVE IT TO BE A FACT.  
9           I'M ANSWERING YOUR QUESTION AND SAID -- YOU SAID.

10          Q       AND WHAT YOU ARE SAYING IS ---

11          A       WOULD YOU ASK ME THE QUESTION AGAIN.

12          Q       OKAY.   ISN'T IT TRUE THAT QUITE OFTEN HOUSES ARE  
13          ENTERED WITHOUT THE CONSENT OF THE HOMEOWNER AND WHEN  
14          YOU INVESTIGATE YOU DON'T FIND ANY SIGNS OF FORCED  
15          ENTRY QUITE OFTEN?

16          A       IN ANSWER TO MY PREVIOUS TESTIMONY, NO, SIR.

17                       MR. MORTON:   BEG THE COURT'S INDULGENCE  
18          ONE SECOND, YOUR HONOR.

19                       THE COURT:   ALL RIGHT.

20          Q       YOU INDICATED PREVIOUSLY I BELIEVE MRS.  
21          BLACKWELDER THAT YOU BELIEVED MR. COPE'S STATEMENT  
22          FROM DECEMBER 3, THAT ONE FROM YOUR INTERROGATION OF  
23          HIM FROM 1:30 TO 4:55?

24          A       I BELIEVE, I THINK I RECALL SAYING I BELIEVED  
25          PARTS OF HIS STORY.   YES, I DID.   YOU ARE CORRECT, I

1 DID.

2 Q AND YOU BELIEVE IN FACT, AND IN THAT STATEMENT  
3 THERE WAS NOT ANY MENTION OF ANY KIND OF BROOM THAT  
4 YOU RECOUNTED?

5 A THERE WAS NOT MENTION ANY BROOM IN THAT PART OF  
6 THE STATEMENT.

7 Q AND SO YOU SAID THAT WHEN HE GAVE YOU THAT  
8 STATEMENT ON THAT AFTERNOON THAT YOU BELIEVED THAT  
9 STATEMENT, RIGHT?

10 A THAT'S CORRECT.

11 Q OKAY. WHICH WOULD MEAN THEN THAT YOU DON'T  
12 BELIEVE THE BROOM STORY, CORRECT?

13 A THERE IS SO MUCH BITS AND PIECES OF MR. COPE'S  
14 STORY, WE CAN DO LIKE YOU IF YOU'D LIKE, LIKE WE DID  
15 WITH CAPTAIN CABANISS, YOU AND I GO OVER IT STEP BY  
16 STEP.

17 THE COURT: LET ME INTERVENE AND I HATE TO  
18 KEEP DOING IT, BUT IF HE ASKS YOU A QUESTION AND YOU  
19 ANSWER THEN YOU CAN EXPLAIN IT. HE ASKED YOU DID YOU  
20 OR DID YOU NOT BELIEVE THE STORY ABOUT THE BROOM.

21 A I DO BELIEVE THE STORY ABOUT THE BROOM, YES.

22 Q OKAY. BUT THAT WASN'T IN YOUR DECEMBER THIRD  
23 STATEMENT THAT YOU TOOK FROM MR. COPE, CORRECT?

24 A THERE WAS NOTHING IN THERE, CORRECT.

25 MR. MORTON: I BEG THE COURT'S INDULGENCE

1 ONE SECOND, YOUR HONOR.

2 Q MRS. BLACKWELDER, JUST A COUPLE QUESTIONS ABOUT  
3 YOUR VISIT WITH MARY SUE COPE TO THE JAIL ON DECEMBER  
4 31, WHO ELSE WAS INVOLVED IN THAT?

5 A DETECTIVE MARK KITTS.

6 Q ANYBODY FROM THE SOLICITOR'S OFFICE?

7 A NO, SIR.

8 Q MR. NEAL INVOLVED?

9 A NO, SIR.

10 Q OKAY. ANYBODY ELSE KNOW ABOUT IT?

11 A OTHER THAN MYSELF AND DETECTIVE KITTS AND  
12 PROBABLY CAPTAIN CABANISS AND NO MORE THAN NEEDED TO  
13 KNOW ABOUT IT.

14 THE COURT: THAT WASN'T AN ANSWER. HE  
15 ASKED ---

16 A I'M SORRY.

17 THE COURT: NO MORE THAN NEEDED. WE DON'T  
18 KNOW WHO THAT INCLUDES. HE WANTS YOU TO NAME NAMES  
19 AND IF YOU KNOW ANYBODY THAT KNEW ABOUT IT, NAME  
20 NAMES.

21 A MYSELF, CAPTAIN CABANISS, LIEUTENANT HERRING,  
22 THAT'S THE MOST THAT I'M AWARE KNEW ABOUT IT.

23 Q THANK YOU VERY MUCH.

24 THE COURT: ALL RIGHT. MR. BRACKETT.

25 CROSS EXAMINATION BY MR. BRACKETT:

1 Q GOOD AFTERNOON, CHARLENE. GOOD EVENING.

2 A GOOD EVENING.

3 Q THE STATEMENT THAT YOU GOT ON THAT DECEMBER 31?

4 A CORRECT.

5 Q MARY SUE CAME UP HERE WITH A WIRE ON?

6 A CORRECT.

7 Q NOW YOU COULD ONLY HEAR ONE SIDE OF THAT

8 CONVERSATION, IS THAT RIGHT?

9 A CORRECT.

10 Q SO IT WASN'T REALLY RECORDING BILLY WAYNE COPE?

11 A CORRECT.

12 Q SHE WAS TALKING TO HIM AS A WIFE AND HE WAS

13 ANSWERING BUT THE TAPE YOU HAVE ONLY HAS HER SIDE OF

14 IT?

15 A THAT'S CORRECT.

16 Q OKAY. AND IN THIS, IN THIS STATEMENT, DO YOU

17 HAVE A COPY OF THIS TRANSCRIPT IN YOUR --

18 A YES.

19 MR. MORTON: YOUR HONOR, MAY WE APPROACH A

20 MINUTE.

21 (BENCH CONFERENCE AT 06:04 PM.)

22 Q THAT STATEMENT THAT MR. MORTON WAS JUST ASKING

23 YOU ABOUT, ASKING YOU WHETHER YOU TOLD MARY SUE COPE

24 THAT HIS SEMEN WAS ON FOUND HER BODY?

25 THE COURT: HIS SEMEN WAS FOUND ON --

1 Q HIS SEMEN WAS FOUND ON AMANDA'S BODY. THAT  
2 MR. COPE'S SEMEN WAS FOUND ON AMANDA'S BODY, THEY  
3 ALLEGE THAT YOU TOLD THAT TO MARY SUE COPE?

4 A NO, I DON'T RECALL TELLING HER THAT.

5 Q AND THEN THEY ASKED YOU TO REVIEW THE TRANSCRIPT  
6 OF THAT TO SEE IF THAT IN FACT DIDN'T THAT INDICATE  
7 THAT THAT'S WHAT YOU TOLD HER?

8 A OKAY. NO, SIR.

9 Q ISN'T IT TRUE THAT THAT SAYS, IT DOESN'T SAY  
10 ANYTHING ABOUT ON HER BODY. IT JUST SAYS THAT THEY  
11 FOUND HIS SEMEN, THEY FOUND YOUR DNA?

12 A CORRECT.

13 Q THAT'S IT?

14 A YES, SIR.

15 Q AND IN FACT YOU HAD FOUND HIS DNA ON THE WHITE  
16 WASH RAG UNDERNEATH THE BOOKCASE?

17 A CORRECT.

18 Q ISN'T THAT CORRECT?

19 A YES.

20 Q SO HIS DNA WAS IN FACT AT THE CRIME SCENE?

21 A YES, SIR.

22 Q AND YOU FOUND THAT AS A RESULT OF YOUR DECEMBER  
23 THIRD INTERVIEW WITH HIM AT THE POLICE STATION?

24 A CORRECT.

25 Q AND THAT WAS AFTER YOU HAD DONE THE VIDEO?

1 A THAT'S CORRECT.

2 Q SO WHILE YOU WERE DOING THE VIDEO, AND LET ME  
3 BACK UP FOR JUST A SECOND. THAT VIDEO, YOU DIDN'T GO  
4 DOWN THERE INTENDING TO REENACT ANYTHING, DID YOU?

5 A NO, SIR.

6 Q DID Y'ALL HAVE ANY IDEA AT ALL THAT HE WAS GOING  
7 TO JUMP ON THAT BED LIKE HE DID AND START  
8 DEMONSTRATING HOW HE STRANGLER HIS CHILD?

9 A NO, SIR.

10 Q NOW WHILE YOU WERE STANDING IN HIS HOUSE IN THAT  
11 HALLWAY LESS THAN TWO FEET FROM WHERE YOU STOOD THAT  
12 RAG LAY UP UNDERNEATH THAT BOOKCASE AND YOU HAD NO  
13 IDEA OF THAT?

14 A THAT'S CORRECT.

15 Q CAPTAIN CABANISS HAD NO IDEA OF THAT?

16 A THAT'S CORRECT.

17 Q NOBODY HAD ANY IDEA OF THAT?

18 A CORRECT.

19 Q EXCEPT BILLY WAYNE COPE?

20 A YES.

21 Q AND LATER THAT AFTERNOON HE TOLD YOU WHERE TO GO  
22 FIND IT?

23 A THAT'S CORRECT.

24 Q HE SAID HE MASTURBATED INTO THAT RAG?

25 A CORRECT.

1 Q AND IN FACT HIS SEMEN WAS FOUND ON IT?

2 A CORRECT.

3 Q THAT WAS A PIECE OF INFORMATION THAT YOU GOT

4 FROM YOUR INTERVIEW OF MR. COPE THAT SHOWS THAT MR.

5 COPE'S STATEMENT LEAD YOU TO NEW EVIDENCE?

6 A YES, SIR.

7 Q ALL RIGHT. NOW THERE HAS BEEN SOME TESTIMONY,

8 DETECTIVE BLACKWELDER, FROM AMY SIMMONS AND YOU'VE

9 BEEN IN THE COURT, RIGHT?

10 A YES, SIR.

11 Q AMY SIMMONS HAS NO CHARGES PENDING IN THIS

12 COUNTY, DOES SHE?

13 A NO, SIR.

14 Q NOT EVEN IN THIS CIRCUIT?

15 A NO, SIR, NOT TO MY KNOWLEDGE.

16 Q NOW YOU COULDN'T HELP AMY SIMMONS WITH ANY

17 CHARGES SHE HAD EVEN IF SHE DID HAVE THEM IN THIS

18 CIRCUIT?

19 A I COULDN'T AND WOULD NOT.

20 Q FLORENCE OR ANDERSON OR WHEREVER THEY ARE, YOU

21 DON'T HAVE ANY AUTHORITY THERE?

22 A NO, SIR.

23 Q DID YOU EVER PROMISE HER ANYTHING FOR HER

24 COOPERATION?

25 A NO, SIR.



1 Q BUT THE FACT OF THE MATTER IS THAT SHE CALLED  
2 YOU IN JANUARY OF THIS YEAR AND TOLD YOU THAT SHE HAD  
3 RECEIVED AN INCRIMINATING LETTER FROM BILLY COPE?

4 A THAT'S CORRECT.

5 Q AND YOU SAID I NEED TO GET A COPY OF THAT?

6 A YES, SIR.

7 Q AND SHE SAID I'LL THINK ABOUT IT BUT I NEED TO  
8 TALK TO MR. MORTON?

9 A YES, SIR.

10 Q AND SOME TIME PAST AND YOU SPOKE WITH ME?

11 A CORRECT.

12 Q I NEVER TALKED TO HER?

13 A CORRECT.

14 Q I WAS TALKING TO YOU AND YOU CALLED HER BACK?

15 A THAT'S RIGHT.

16 Q AND SAID WHEN CAN I GET A COPY OF THAT LETTER?

17 A YES, SIR.

18 Q AND SHE SAID I TURNED IT OVER TO MR. MORTON?

19 A THAT IS CORRECT.

20 Q HE'LL GIVE A COPY TO YOU?

21 A SHE DID.

22 Q DID YOU EVER GET A COPY FROM MR. MORTON?

23 A NO, SIR.

24 Q THAT MONTH?

25 A NO, SIR.

1 Q THE NEXT MONTH?

2 A NO, SIR.

3 Q THE NEXT MONTH?

4 A NO.

5 Q THE NEXT MONTH?

6 A NOT UNTIL I THINK COURT.

7 Q NOT UNTIL IN FACT MS. SIMMONS HAD PROVIDED WITH

8 A COPY OF THE LETTER THAT SHE HAD KEPT?

9 A CORRECT.

10 Q RIGHT AROUND THE TIME THAT THE OTHER

11 INCRIMINATING LETTER CAME IN IN MAY?

12 A YES, SIR.

13 Q YOU WERE PRESENT DURING THE INTERVIEWS ALL DAY

14 ON 12/30 OF 2001?

15 A YES, SIR.

16 Q YOU AND CAPTAIN CABANISS?

17 A CORRECT.

18 Q DID ANYBODY EVER THREATEN MR. COPE TO GET HIM TO

19 MAKE THOSE STATEMENTS?

20 A NO, SIR.

21 Q DID ANYBODY EVER COERCE OR INTIMIDATE HIM TO

22 MAKE ANY OF THE STATEMENTS THAT HE MADE?

23 A NO, SIR.

24 Q WERE THEY ALL MADE FREELY AND VOLUNTARILY?

25 A YES, SIR.

1 Q WAS THERE ANY KIND OF MENTION OF THE DEATH  
2 PENALTY OR ANYTHING OF THAT NATURE?

3 A NO, SIR.

4 Q LET'S TALK A LITTLE BIT ABOUT YOUR FOLLOW UP  
5 INVESTIGATION. YOU FIND OUT SOMETIME IN THE END OF  
6 DECEMBER THAT THE SEMEN AND THE SALIVA FOUND ON  
7 AMANDA COPE'S BODY WAS NOT IN FACT MR. COPE?

8 A THAT'S CORRECT.

9 Q OKAY. AND SO NOW YOU'VE GOT ANOTHER MYSTERY IN  
10 THIS CASE?

11 A CORRECT.

12 Q YOU GOT TO SOLVE IT? YOU GOT TO FIGURE OUT WHO  
13 IT DOES BELONG TO?

14 A CORRECT.

15 Q YOU NOW ALSO KNEW THAT THERE HAD BEEN ANOTHER  
16 PERSON INVOLVED IN THIS CASE?

17 A RIGHT.

18 Q THAT THERE HAD BEEN ANOTHER PERSON INVOLVED IN  
19 HER DEATH AND RAPE?

20 A CORRECT.

21 Q AND YOU UNDERTOOK TO FIND, YOU AND THE ROCK HILL  
22 POLICE DEPARTMENT UNDERTOOK TO LOCATE ANY MALE WHO  
23 COULD POSSIBLY HAVE BEEN THE DONOR OF THE SEMEN AND  
24 THE SALIVA THAT WAS FOUND ON HER?

25 A THAT'S CORRECT.

1 Q ISN'T IT A FACT THAT YOU WERE -- FAMILY MEMBERS?

2 A YES, SIR.

3 Q FRIENDS OF THE FAMILY?

4 A YES, SIR.

5 Q EVEN PEOPLE WHO HADN'T ACTUALLY BEEN IN THE

6 HOUSE WITH HER?

7 A YES, SIR.

8 Q NEIGHBORS WHO WERE WILLING TO, ANYBODY THAT WAS

9 SUSPICIOUS THAT MIGHT HAVE GIVEN IT, YOU EVEN GOT

10 SOME SAMPLES FROM THE PREACHER?

11 A THAT'S CORRECT.

12 Q YOU GOT SOME SAMPLES FROM ALL OF MR. COPE'S

13 FAMILY?

14 A YES, SIR.

15 Q TRYING TO FIND SOMEBODY, TRYING TO FIND OUT WHO

16 THIS MATCHED?

17 A YES, SIR.

18 Q AND YOU EVEN WENT SO FAR AS YOU WERE TRYING TO

19 FIND OUT IF SHE HAD A BOYFRIEND SOMEWHERE?

20 A THAT'S CORRECT.

21 Q WENT DOWN TO SOME SUMMER CAMP WHERE SHE WAS

22 SUPPOSED TO HAVE BEEN AND LIKED SOME BOY AND TRIED TO

23 FIND THE BOY THERE?

24 A CORRECT.

25 Q A LOT OF EFFORT WENT IN TO FOLLOW UP THE

1 INVESTIGATION?

2 A YES, SIR.

3 Q NOW THE, ASK YOU ONE OTHER QUESTION ABOUT  
4 STATEMENT OF 12/3, YOUR OFFICE, IS THAT THE LOCATION  
5 OF THE INTERVIEWS THAT TOOK PLACE AT THE ROCK HILL  
6 POLICE DEPARTMENT?

7 A IT IS.

8 Q OKAY. NOW IT DOESN'T HAVE A TABLE IN IT, BUT  
9 DOES IT HAVE A DESK?

10 A IT HAS A DESK AND TWO WINDOWS AND TWO CHAIRS OR  
11 COUNTING THE DESK, CHAIR, IT WOULD BE THREE.

12 Q SO IT'S A LITTLE BIT LARGER THAN THE AVERAGE  
13 OFFICE.

14 A IT'S PROBABLY 10 BY 12.

15 Q OKAY.

16 A MAYBE.

17 Q YOU DON'T HAVE ANY BRIGHT LIGHTS THAT SHINE DOWN  
18 ON ANYBODY?

19 A NO, SIR.

20 Q NO WHIPS OR HOSES?

21 A NO, SIR.

22 Q THE ROLE OF THE CHIEF INVESTIGATING OFFICER, YOU  
23 HAVE A BIG, BIG CASE, A MAJOR CRIME LIKE THIS, WE'VE  
24 SEEN AND HEARD ABOUT A LOT OF DETECTIVES: HERRING,  
25 WALDROP, KITTS, CABANISS BURRIS, YOU, SOME THAT

1 HAVEN'T EVEN BEEN NAMED, SONNY HUTCHINSON, HE WAS  
2 INVOLVED AT SOME POINT, LOTS AND LOTS OF OFFICERS  
3 INVOLVED IN THIS CASE?

4 A THAT'S CORRECT.

5 Q THERE IS A LOT OF TASKS THAT NEED TO BE  
6 ACCOMPLISHED IN AN INVESTIGATION, ESPECIALLY AT THE  
7 EARLY PHASES OF THE INVESTIGATION, THAT'S WHEN THE  
8 EVIDENCE IS MOST FRESH, THE LEADS ARE HOT, LOTS OF  
9 PEOPLE TO INTERVIEW, LOTS OF PEOPLE TO TALK TO, YOU  
10 ARE GATHERING INFORMATION AS QUICKLY AS YOU CAN?

11 A THAT'S CORRECT.

12 Q THE PRIMARY JOB OF THE CHIEF INVESTIGATING  
13 OFFICER, IT'S NOT AS IF YOU ARE THE ONLY PERSON  
14 WORKING ON THE CASE, THE PRIMARY JOB IS TO COORDINATE  
15 THE INFLOW OF INFORMATION AS THIS INFORMATION IS  
16 COMING IN, TABULATE IT, MAKE SURE THAT IT'S  
17 DOCUMENTED PROPERLY, AND INTO A CASE FILE?

18 A THAT'S CORRECT.

19 Q BUT YOU HAVE SUPERVISORS?

20 A YES, SIR.

21 Q AS THE CHIEF INVESTIGATING OFFICER YOU DON'T  
22 HAVE ANYMORE SAY OVER LIEUTENANT HERRING OR  
23 LIEUTENANT WALDROP OR --

24 A NO, SIR.

25 Q CERTAINLY NOT CAPTAIN CABANISS?

1 A NO, SIR.

2 Q THEY ARE THE ONES WHO CAN SAY WHICH WAY AN  
3 INVESTIGATION IS GOING TO GO?

4 A CORRECT.

5 Q YOUR JOB IS TO MAKE SURE ALL THAT ALL THE  
6 INFORMATION COMES IN, IT IS DISSEMINATED TO THE  
7 APPROPRIATE PEOPLE, IT'S PROPERLY DOCUMENTED, AND  
8 PROPERLY RECORDED AND KEPT IN THE NOTEBOOK SO IT'S  
9 THERE WHEN YOU NEED IT?

10 A YES, SIR.

11 Q IN ANY INVESTIGATION YOU CAN ALWAYS LOOK BACK  
12 AND SEE THINGS THAT YOU WISH YOU HAD DONE DIFFERENT.

13 A A LOTS OF TIMES, YES, SIR.

14 Q ARE YOU COMFORTABLE WITH THIS INVESTIGATION, YOU  
15 DID THE BEST JOB YOU COULD?

16 A YES, SIR.

17 Q THANK YOU VERY MUCH.

18 THE COURT: MR. GREELEY.

19 MR. GREELEY: I DON'T HAVE ANY QUESTIONS.

20 THE COURT: ALL RIGHT. MR. MORTON.

21 REDIRECT EXAMINATION BY MR. MORTON:

22 Q YOU GOT SAMPLES FROM PEOPLE THAT WERE CONNECTED  
23 TO MR. COPE AT THAT TIME, RIGHT?

24 A YES, SIR.

25 Q YOU DIDN'T GET A SAMPLE FROM JAMES SANDERS?

1 A AT THE TIME, NO, SIR. WE DIDN'T GET MR. SANDERS  
2 UNTIL WAY AFTER.

3 Q RIGHT, BECAUSE HE WASN'T CONNECTED.

4 A IT WAS AFTER EVERYBODY ELSE.

5 Q RIGHT.

6 A YES, SIR.

7 Q HE'S STILL NOT CONNECTED.

8 A HE'S CONNECTED, YES, SIR.

9 MR. BRACKETT: OBJECTION, IT'S  
10 ARGUMENTATIVE.

11 THE COURT: SHE ANSWERED.

12 Q MRS. BLACKWELDER, I'M GOING TO SHOW YOU PAGE 829  
13 OF MY TRANSCRIPT WHERE I HAVE EXAMINED YOU AND ASK  
14 YOU TO LOOK AT THAT IF YOU DON'T MIND?

15 A IS THIS FAMILY COURT OR PRE-TRIAL MOTIONS AGAIN?

16 Q I THINK IT'S FAMILY COURT. I'M NOT SURE?

17 A YES, I SEE EXACTLY WHAT YOU ARE SAYING. I STAND  
18 CORRECTED.

19 Q I ASKED YOU IF YOU TOLD MARY SUE --

20 A DID I TELL MARY SUE THAT THEIR DAD'S DNA HAD  
21 BEEN FOUND ON HER DAUGHTER AMANDA.

22 Q TALKING ABOUT THE CHILDREN'S DAD?

23 A AND I SAID YES, SO I STAND CORRECTED.

24 Q AND AGAIN SHE DIED THINKING THAT, DIDN'T SHE?

25 A IF SHE HAD THAT INFORMATION, YES, SIR, SHE DID.



1 THE COURT: MR. BRACKETT.

2 MR. BRACKETT: I DON'T HAVE ANYTHING  
3 ELSE.

4 THE COURT: YOU CAN STEP DOWN.

5 A THANK YOU.

6 THE COURT: WE'LL STOP FOR THE DAY AND  
7 START BACK AT NINE IN THE MORNING. HAVE A PLEASANT  
8 EVENING AND WE'LL SEE YOU AT NINE IN THE MORNING.

9 (THE JURY EXITS THE COURTROOM AT 06:15  
10 PM.)

11 THE COURT: ANYTHING FROM THE STATE?

12 MR. BRACKETT: NO, SIR, YOUR HONOR.

13 THE COURT: MR. MORTON.

14 MR. MORTON: NO, SIR.

15 THE COURT: MR. GREELEY.

16 MR. GREELEY: NO, YOUR HONOR.

17 THE COURT: CAN I SEE COUNSEL JUST A  
18 MINUTE TO SEE WHAT THE SCHEDULE WILL BE LIKE  
19 TOMORROW.

20 (COURT'S IN RECESS AT 06:16 PM.)

21

22

23

24

25





1 1992 DOWNEY STREET  
2 ROCK HILL, SC 29732

3 I N D E X

4		
5	IN CAMERA:	
6	RONALD GURETTE	
7	DIRECT EXAMINATION	17
8	CROSS EXAMINATION	25
9	GEORGIA POPE	
10	DIRECT EXAMINATION	39
11	CROSS EXAMINATION	45
12	REDIRECT EXAMINATION	53
13	RE CROSS EXAMINATION	54
14	JURY PRESENT:	
15	LEILA PHIFER	
16	DIRECT EXAMINATION	58
17	IN CAMERA:	
18	DIRECT	58
19	CROSS	69
20	REDIRECT	70
21	JURY PRESENT CROSS	71
22	RONALD GURETTE	
23	DIRECT EXAMINATION	73
24	VOIR DIRE QUESTIONS	81
25	DIRECT CONTINUED	89

1       IN CAMERA:  
2       DIRECT   130  
3       CROSS    136  
4       JURY PRESENT:  
5       DIRECT EXAMINATION   140  
6       CROSS EXAMINATION   164  
7       FRAN MCGEE  
8       DIRECT EXAMINATION       144  
9       CROSS EXAMINATION BY:  
10      MR. BRACKETT   152  
11      MR. GREELEY    157  
12      REDIRECT EXAMINATION   158  
13      TOMMY BOATWRIGHT  
14      DIRECT EXAMINATION   196  
15      DR. CLAY NICHOLS  
16      DIRECT EXAMINATION   196  
17      CROSS EXAMINATION BY:  
18      MR. THOMPSON    223  
19      MR. GREELEY     241  
20      PETER M. SKIDMORE  
21      DIRECT EXAMINATION   244  
22      GEORGIA POPE  
23      DIRECT EXAMINATION   251  
24      CROSS EXAMINATION   258  
25

1

2

3

4

## E X H I B I T S

5

ID

EV

6

D-67-69

PAPERS

148

7

D-70-72

PAPERS

198

8

D-73-74

DOOR KNOBS

264

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1 (COURT RESUMES ON FRIDAY SEPTEMBER 17, 2004, AT 09:20  
2 AM.)

3 THE COURT: THE STATE READY.

4 MR. THOMPSON: THE STATE IS BUT WE DO HAVE  
5 A MATTER TO TAKE UP BEFORE THE JURY COMES.

6 THE COURT: IS THE DEFENSE READY.

7 MR. MORTON: YES, SIR.

8 MR. GREELEY: YES, YOUR HONOR.

9 THE COURT: ALL RIGHT. MR. THOMPSON, YOU  
10 SAID YOU HAVE A MATTER.

11 MR. THOMPSON: YES, YOUR HONOR. THE  
12 DEFENSE CALLED MR. BRACKETT LATE LAST NIGHT TO LET  
13 HIM KNOW THAT THEY HAD A VIDEO TAPE THEY WISH TO  
14 INTRODUCE AS PART OF THE TESTIMONY OF A CRIME SCENE  
15 EXPERT. WE HAD NOT, OF COURSE, SEEN IT BEFORE OR  
16 HEARD OF IT. THE TAPE, THEY LET US SEE IT JUST A FEW  
17 MINUTES AGO, THE STATE OBJECTS TO THE PRESENTATION OF  
18 THIS TAPE. IT IS AT THE RESIDENCE OF THE COPE'S, IT  
19 WAS TAKEN ON, DATED ON THE TAPE AUGUST 16 OF 2004,  
20 AND IT'S OF THE FRONT DOOR AND IT THEN SHOWS AN  
21 INVESTIGATOR BREAKING INTO THE FRONT DOOR USING A  
22 CREDIT CARD AND THERE ARE A NUMBER OF THINGS  
23 FOUNDATIONAL-WISE THAT I BELIEVE EXCLUDE IT, BUT IN  
24 ADDITION TO THAT, IT'S ALSO A VIOLATION OF THE RULES  
25 OF EVIDENCE AND RECIPROCAL DISCOVERY.



1 THE COURT: OKAY. MR. MORTON.

2 MR. MORTON: FOUNDATIONAL-WISE I DON'T  
3 THINK THERE IS A PROBLEM AT ALL. DISCOVERY I DON'T  
4 THINK IS A PROBLEM AT ALL. QUITE HONESTLY I DIDN'T  
5 EVEN THINK ABOUT THIS BEING THE RESULT OF A REPORT OR  
6 EXAMINATION OR TEST UNTIL ABOUT NINE O'CLOCK LAST  
7 NIGHT WHEN I CALLED MR. BRACKETT AND TOLD HIM THAT  
8 AND OF COURSE, IT'S ABOUT A 30 SECOND VIDEO AT THE  
9 MOST. I THINK THE FOUNDATION CAN BE LAID THAT IT WAS  
10 THE SAME DOOR, THE SAME LOCK; OBVIOUSLY, YOU KNOW, WE  
11 TURNED IT OVER TO THEM WHEN WE REALIZED THAT WE  
12 SHOULD KIND OF LIKE THEY HAVE DONE DURING THE TRIAL  
13 OF THIS CASE WITH FINGERPRINTS, COMPUTER RECORDS,  
14 TAPE RECORDINGS OF THE DEFENDANT, AND SO FORTH. I  
15 DON'T THINK IT'S PREJUDICIAL TO THEM. I MEAN, I  
16 DON'T KNOW THAT THERE IS --

17 THE COURT: WELL, IF IT'S NOT GOING TO BE  
18 PREJUDICIAL TO THEM WHY DO YOU WANT TO PUT IT IN?

19 MR. MORTON: WELL, I DON'T KNOW THAT DOING  
20 IT, YOU KNOW, IN ANY MANNER ANY LATER THAN THEY HAVE  
21 DONE TO US IS ANYMORE PREJUDICIAL THAN IT HAS BEEN TO  
22 US.

23 THE COURT: YOU MEAN TIME WISE?

24 MR. MORTON: YES, SIR.

25 THE COURT: WELL, I HAVE MORE PROBLEM WITH

1 ITSELF, USUALLY REENACTMENTS ARE NOT FAVORED BY THE  
2 COURT UNLESS THEY ARE REENACTMENTS BASED ON THE FACTS  
3 IN EVIDENCE AND THERE IS NO FACTS IN EVIDENCE THAT  
4 INDICATE THAT THIS DOOR WAS OPENED WITH A CREDIT CARD  
5 OR THIS DOOR WAS OPENED IN ANY MANNER WHATSOEVER  
6 OTHER THAN THE FACT THAT IT WAS A CHAIN ON IT AT  
7 NIGHT AND THE CHAIN WAS LOOSE IN THE MORNING. GO  
8 AHEAD.

9 MR. MORTON: WELL, WE CERTAINLY HAVE A  
10 RIGHT TO PRESENT OUR THEORY OF OUR DEFENSE WHICH IS  
11 THAT THAT HOUSE WAS ENTERED WITHOUT LEAVING ANY SIGNS  
12 OF FORCED ENTRY AND HOW EASILY IT CAN BE ENTERED.  
13 THAT HOUSE COULD VERY EASILY HAVE BEEN ENTERED  
14 WITHOUT LEAVING ANY KIND OF ---IF THE JURY DOESN'T  
15 WANT TO BELIEVE IT THEN THEY DON'T HAVE TO BELIEVE  
16 IT, BUT WE CERTAINLY HAVE A RIGHT, I THINK, TO  
17 PRESENT OUR DEFENSE AND OUR THEORY OF THE DEFENSE TO  
18 SHOW HOW EASY THAT HOUSE IS TO ENTER.

19 MR. THOMPSON: IF I MAY, YOUR HONOR. THE  
20 DEFENSE IS WELCOME TO CALL THEIR EXPERT AND SAY I CAN  
21 GET IN THE DOOR WITH A CREDIT CARD. HE CAN'T SAY THE  
22 COPE DOOR. THIS IS THREE YEARS LATER.

23 MR. MORTON: IT'S THE SAME LOCK. IT'S THE  
24 SAME DOOR.

25 MR. THOMPSON: BECAUSE OBVIOUSLY THERE ARE

1           SIGNIFICANT CHANGES TO THAT DOOR.

2                   THE COURT:   LET ME SEE THE VIDEO REAL  
3           QUICK.

4                   MR. THOMPSON:   IN DOING IT, YOUR HONOR, I  
5           WOULD HAND YOU STATE'S EXHIBITS 41 A THROUGH F THE  
6           CLOSE UP PICTURES OF THE FRONT DOOR TAKEN THE DAY OF  
7           THE CRIME.   THE THINGS THAT I WISH TO POINT OUT ON  
8           THE VIDEO ARE STATE'S EXHIBIT 41 E WAS OVAL KIND OF  
9           WASHERS THERE, THAT HAS BEEN ALTERED ON THE DOOR  
10          HERE.   YOU CAN SEE NOW IT'S TURNED COMPLETELY  
11          STRAIGHT, SO THE DOOR HAS BEEN ALTERED IN SOME FORM  
12          OR FASHION IN THAT WAY AND SEE THE DOOR KNOB ITSELF  
13          APPEARS TO BE COMPLETELY DIFFERENT THAN THE ONE ON  
14          THAT DOOR.

15                   THE COURT:   WELL, IF IT'S NOT THE SAME  
16          LOCK THEN THAT ENDS THE INQUIRY.

17                   MR. THOMPSON:   THEN IF ---

18                   THE COURT:   WELL, LET'S LOOK AT IT.   IS IT  
19          NOT THE SAME LOCK?

20                   MR. MORTON:   IT'S THE SAME LOCK.

21                   MR. THOMPSON:   BUT THERE HAS BEEN  
22          OBVIOUSLY ALTERATIONS TO IT IS WHAT I'M POINTING OUT,  
23          YOUR HONOR.   ON THIS PARTICULAR PICTURE --

24                   THE COURT:   LET ME ASK YOU, HAVE THERE  
25          BEEN ALTERATIONS TO IT?

1 MR. MORTON: NO, SIR.

2 MR. WOOD: NO, SIR.

3 MR. THOMPSON: 41-C.

4 MR. WOOD: WHAT'S BEEN ALTERED.

5 MR. THOMPSON: I'M TELLING YOU RIGHT NOW

6 WHAT'S BEEN ALTERED.

7 MR. WOOD: SHOW US.

8 THE COURT: WE WANT THIS ON THE RECORD SO

9 SPEAK UP.

10 MR. THOMPSON: ON STATE'S EXHIBIT 41-C  
11 WHICH SHOWS A CLOSE UP OF THE APSE WHERE THE LOCK  
12 WOULD COME INTO ON THE DOOR, THERE IS A PIECE OF WOOD  
13 AT THAT TIME THAT COMES ALL THE WAY UP THIS WAY, THAT  
14 APSE LOOKS TO BE BEATEN UP VERY SEVERELY FOR ONE  
15 THING IN THIS VIDEO, MORE SO THAN YOU SEE IN THIS  
16 PICTURE. IN ADDITION YOU HAD SOME TESTIMONY OF A  
17 SMALL CRACK IN THE DOOR. YOU CAN SEE HERE THERE IS A  
18 SMALL CRACK HERE. WHEN YOU LOOK AT THIS VIDEO THIS  
19 IS A VERY LARGE CRACK AND THERE IS ANOTHER CRACK THAT  
20 COMES UP COMPLETELY THE OTHER SIDE.

21 MR. SMITH: NO, SIR. WHAT IT IS ---

22 THE COURT: LET ME LOOK AT THE THING.

23 Y'ALL CAN, I'M GOING TO STEP DOWN, AND I'M GOING TO  
24 HAVE THESE IN MY HAND, SO LET ME STEP DOWN, SO I CAN  
25 GET A CLOSE UP.

1                   MR. THOMPSON: THAT IS THE APSE AS YOU CAN  
2                   SEE HERE AND HOW IT LOOKS AS COMPARED TO THE  
3                   PHOTOGRAPH OF IT.

4                   THE COURT: CAN YOU BACK UP JUST A MINUTE.

5                   MR. THOMPSON: SURE.

6                   THE COURT: THAT LOOKS LIKE A NAIL AND  
7                   THIS LOOKS LIKE A SCREW AT THE TOP. SEE THAT LOOKS  
8                   LIKE A NAIL AND THAT LOOKS LIKE A SCREW.

9                   MR. THOMPSON: YOU'LL SEE THIS CRACK  
10                  THAT --

11                  THE COURT: I GOT YOU AND.

12                  MR. WOOD: THAT'S THE SAME NAIL.

13                  MR. THOMPSON: BUT THE CONDITION OF THIS  
14                  AS COMPARED TO THIS, THE FACT THAT THERE IS NO CRACK  
15                  HERE, THERE IS A CRACK GOING UP HERE, AND YOU WILL  
16                  SEE THAT THIS CRACK DOWN AT THE BOTTOM IS MUCH MORE  
17                  PRONOUNCED. YOU CAN SEE WHERE IT ACTUALLY LOOKS LIKE  
18                  IT'S BEEN BROKEN DOWN HERE MUCH MORE SO THAN THAT.

19                  MR. SMITH: THE WHOLE DOOR FRAME HAS BEEN  
20                  BROKEN, IT'S BEEN SPLIT, THAT'S WHY THERE IS THAT  
21                  SMALL PIECE OF WOOD RIGHT THERE HOLDING THE DOOR  
22                  FRAME TOGETHER.

23                  MR. THOMPSON: RIGHT, BUT IT IS SPLIT  
24                  MORE. YOU SAW THAT CRACK WENT ON ALL THE WAY DOWN.

25                  MR. WOOD: WHAT EXACTLY---

1 THE COURT: LET ME JUST LET YOU RUN IT.

2 MR. THOMPSON: OKAY.

3 (PLAYS THE VIDEO TAPE.)

4 THE COURT: ANYTHING ELSE FROM THE STATE.

5 MR. THOMPSON: YES, YOUR HONOR. I WOULD  
6 POINT AGAIN THIS IS THREE YEARS AWAY, THIS IS RENTAL  
7 PROPERTY DURING THAT TIME TO MY UNDERSTANDING, WE  
8 HAVE NO IDEA WHO HAS LIVED THERE, WHAT ALTERATIONS  
9 HAVE BEEN MADE TO THE LOCK. MY PERSONAL EXPERIENCE,  
10 I'VE HAD LOCKS ON MY OWN HOUSE---

11 THE COURT: DON'T GO INTO YOUR PERSONAL  
12 EXPERIENCE.

13 MR. THOMPSON: BUT THE DIFFERENT DOOR NOW  
14 FOR ONE THING ON THE OUTSIDE IT APPEARS TO BE  
15 DIFFERENT. IT APPEARS TO BE ALTERED. THE DOOR FRAME  
16 ITSELF IS NOW CRACKED UP AND DOWN THE LARGE CRACK,  
17 LARGER THAN ANY CRACK THAT YOU SEE IN THE ACTUAL  
18 PHOTOGRAPHS ON THE DAY IT HAPPENED WHICH OF COURSE  
19 WOULD MAKE IT EASIER TO JIGGLE AND EASIER TO TRY AND  
20 BREAK IN THAT DOOR. IN ADDITION THE ACTUAL LOCK  
21 ITSELF ON THE DOOR PART OF IT WHERE THE APSE IS, THAT  
22 OVAL KIND OF WASHER THAT HAD BEEN SCREWED IN IS NOW  
23 IN A COMPLETELY DIFFERENT POSITION THAN IT WAS AT THE  
24 TIME THIS OCCURRED. OBVIOUSLY THAT LOCK HAS BEEN  
25 ALTERED IN SOME FORM OR FASHION, AND EVEN IF YOU

1       COULDN'T SEE ALL THE ALTERATIONS, WHICH YOU CAN, IT'S  
2       BEEN SUCH A LONG TIME, THERE IS NO FOUNDATION TO SAY  
3       THAT THAT LOCK IS IN THE SAME CONDITION AS IT WAS  
4       THREE YEARS AGO AND IT'S OBVIOUS THAT IT'S NOT IN THE  
5       SAME CONDITION FROM THE VIDEO THAT THEY TOOK.

6                   THE COURT:   ALL RIGHT.

7                   MR. MORTON:   IT'S THE SAME LOCK, YOUR  
8       HONOR.   IT'S THE SAME CLASP.   THERE IS NO QUESTION  
9       ABOUT THAT FROM LOOKING AT THE VIDEO AND LOOKING AT  
10      THOSE PICTURES.   IT'S IN THE SAME CONDITION THAT IT  
11      WAS THREE YEARS AGO ESSENTIALLY.   IF THEY WANT TO  
12      ARGUE THAT THERE HAS BEEN MORE WEAR AND TEAR ON THE  
13      DOOR OR SOMETHING LIKE THAT, I THINK THAT'S CROSS  
14      EXAMINATION, BUT THERE IS NO QUESTION THAT THAT IS  
15      THE SAME LOCK, THE SAME LOCK MECHANISM.   YOU CAN TELL  
16      BY LOOKING AT THE VIDEO AND LOOKING AT THOSE  
17      PHOTOGRAPHS THAT WERE TAKEN OF THE CRIME SCENE, IT'S  
18      THE EXACT SAME, AND I THINK, YOU KNOW, WE CERTAINLY  
19      HAVE A RIGHT TO PUT THAT IN.   IF THEY WANT TO ARGUE  
20      THAT THERE IS ANOTHER CRACK IN THE WOOD OR SOMETHING  
21      LIKE THAT, THEN, YOU KNOW, I THINK THAT'S CROSS  
22      EXAMINATION, BUT THAT LOCK AND THAT LOCK MECHANISM IS  
23      THE SAME THAT'S ON THOSE PICTURES.

24                   THE COURT:   WELL, OF COURSE, THERE HAS TO  
25      BE SOME TESTIMONY TO THAT AND ABSENT ANY TESTIMONY TO

1        THAT, THEN I CAN'T LET IT IN ABSENT THAT TESTIMONY TO  
2        BEGIN WITH.  THE SECOND THING THAT I HAD SOME  
3        CONCERNS ABOUT IS JUST THE GENERAL TIME LAG OF  
4        APPROXIMATELY ALMOST THREE YEARS AND JUST,  
5        PARTICULARLY WHEN YOU ARE TALKING ABOUT MECHANICAL  
6        DEVICE AND THE WEAR AND TEAR ON THE LOCK.  I DON'T  
7        KNOW WHETHER OR NOT DURING THIS TIME IT'S BEEN OILED  
8        OR LIQUID WRENCH SQUIRTED IN THERE.  THERE IS JUST  
9        TOO MANY UNKNOWNNS SO AT THIS POINT, UNLESS YOU CAN  
10       HAVE SOME TESTIMONY THAT TAKES CARE OF THOSE  
11       PROBLEMS, I'M GOING TO EXCLUDE IT.

12                MR. MORTON:  WELL, YOUR HONOR, I WILL  
13       POINT OUT FOR THE RECORD THREE YEARS BEFORE THEY TURN  
14       OVER THESE COMPUTER RECORDS AND STUFF TO US TOO AND  
15       WE COULDN'T GO IN THE DAY THAT HE WAS ARRESTED.  WE  
16       WEREN'T EVEN APPOINTED FOR SEVERAL YEARS AND IF THAT,  
17       IF THEY WANT TO ARGUE IT'S BEEN OILED OR IT'S NOT  
18       ESSENTIALLY IN THE SAME CONDITION, I MEAN, THAT'S NOT  
19       TRUE, FIRST OF ALL.

20                THE COURT:  WELL, HOW DO YOU KNOW?  
21       THAT'S --

22                MR. MORTON:  IF I MAY FINISH.  IF IT HAS  
23       BEEN OILED OR SOMETHING, IF THEY WANT TO CROSS  
24       EXAMINE THE WITNESSES ABOUT WHETHER OR NOT SOMETHING  
25       HAS BEEN DONE TO THAT OIL, BUT THE JURY SHOULD BE



1       ABLE TO LOOK AT THAT VIDEO AND LOOK AT THAT LOCK  
2       MECHANISM AND DETERMINE FOR THEMSELF AND THEY HAVE A  
3       RIGHT TO CROSS EXAMINE THEM. THAT'S AN ESSENTIAL  
4       PART OF OUR DEFENSE IS THAT THIS LOCK, THIS DOOR, IS  
5       THE SAME LOCK, IT'S THE SAME DOOR. YOU CAN LOOK AT  
6       THE MARKINGS ALL OVER IT IF YOU WANT TO, IT'S THE  
7       SAME THING.

8                   THE COURT: YOU ARE TELLING ME THAT, BUT I  
9       GOT TO HAVE EVIDENCE IN THE RECORD TO THAT AND YOU'RE  
10      FLIPPING IT ON ITS HEAD. FOR YOU TO GET IT IN, YOU  
11      GOT TO LAY THE FOUNDATION AND YOU GOT TO SATISFY THE  
12      COURT THAT ANY EXPERIMENT WAS DONE UNDER THE EXACT,  
13      REALLY NOT EVEN GOING TO SAY CLOSE, BUT THE EXACT  
14      CONDITIONS THAT EXISTED ON THAT DAY, AND YOU HAVEN'T  
15      LAID A FOUNDATION FOR IT.

16                   MR. MORTON: WE HAVE THE PHOTOGRAPH, WE  
17      HAVE THE VIDEO, OKAY.

18                   THE COURT: AND THAT'S ON ALL THE RECORD.  
19      ALL RIGHT. I'M GOING TO DISALLOW THE USE OF THE --  
20      I'LL REVISIT IT --

21                   MR. MORTON: YOUR HONOR, CAN WE HAVE OUR  
22      CRIME SCENE EXPERT COME IN. WHEN YOU SAY LAY THE  
23      FOUNDATION, ARE YOU SAYING YOU WANT US TO SHOW THAT  
24      EVERY OCCUPANT OF THAT HOUSE FROM NOVEMBER 29, 2001,  
25      UNTIL AUGUST 22, 2004, HAS NOT DONE ANYTHING TO

1 CHANGE THAT LOCK? I'M NOT SURE WHERE, WHAT YOU MEAN  
2 BY THAT?

3 THE COURT: WELL, I THOUGHT I WAS FAIRLY  
4 CLEAR. I'M NOT A COACH AS I HAVE SAID MANY TIMES  
5 DURING THIS TRIAL.

6 MR. MORTON: YES, SIR.

7 THE COURT: ALL I'M SAYING IS YOU HADN'T  
8 LAID THE FOUNDATION. YOU HADN'T SHOWN THAT IT'S  
9 EXACTLY THE SAME. I DON'T HAVE TO TELL YOU HOW TO  
10 PROVE THAT OR WHAT TO PROVE IT. IT WOULDN'T BE FAIR  
11 TO THEM TO TELL YOU WHAT I'M LOOKING FOR.

12 MR. MORTON: ALL RIGHT, SIR.

13 THE COURT: I CAN JUST TELL YOU SOME  
14 EXAMPLES, A COUPLE HAVE BEEN POINTED OUT, THE CRACKS  
15 MAY HAVE BEEN WIDENED, THAT A WASHER MAY HAVE BEEN  
16 MOVED TO SOME DEGREE. AGAIN I DON'T KNOW HOW MANY  
17 TIMES PEOPLE PUT KEYS IN THAT LOCK, I JUST DON'T KNOW  
18 AFTER THREE YEARS.

19 MR. MORTON: I GUESS MY QUESTION IS, OF  
20 COURSE, THERE IS NO WAY TO SHOW HOW MANY TIMES A KEY  
21 HAS BEEN PUT IN THAT LOCK AND HOW MANY TIMES THE DOOR  
22 HAS BEEN OPENED. AND IF YOU WANT US TO TRY AND LAY  
23 THE FOUNDATION BEFORE THE JURY COMES IN WITH OUR  
24 EXPERT WHO IS JUST GOING TO COME IN AND TESTIFY HE'S  
25 LOOKED AT THE PHOTOGRAPHS, HE WENT TO THE SCENE, HE

1 VIDEO THE SCENE, HERE'S THE VIDEO; IT'S THE SAME  
2 LOCK, ESSENTIALLY THE SAME CONDITION IT WAS IN THOSE  
3 PHOTOGRAPHS. I THINK THAT GOES TO THE WEIGHT NOT THE  
4 ADMISSIBILITY. IF THIS WAS OBVIOUSLY SOME OTHER DOOR  
5 OR SOME OTHER LOCK MECHANISM, IT'S THE SAME THING.  
6 YOU CAN TELL BY LOOKING AT THE VIDEO AND LOOKING AT  
7 THE PICTURE.

8 THE COURT: WELL, I'VE RULED. I'M GOING  
9 TO NOT ALLOW IT.

10 MR. MORTON: DO YOU WANT ME TO BRING IT  
11 IN?

12 THE COURT: YOU CAN BRING HIM IN AND PUT  
13 WHATEVER PROFFER YOU WANT AND WE'LL PUT THAT IN AS A  
14 COURT'S EXHIBIT.

15 MR. MORTON: ALL RIGHT, SIR.

16 MR. SMITH: JUDGE, ONE QUICK ISSUE. I  
17 DON'T THINK IT'S THAT IMPORTANT, BUT I JUST WANTED TO  
18 CLARIFY BEFORE WE CALL THE WITNESS, I HAVE A WITNESS  
19 WHO DOESN'T WISH TO SWEAR ON THE BIBLE.

20 THE COURT: YOU CAN AFFIRM.

21 MR. SMITH: SHE CAN AFFIRM.

22 THE COURT: WITHOUT TOUCHING THE BIBLE.

23 MR. SMITH: THANK YOU, YOUR HONOR. MADAM  
24 CLERK, HER LAST NAME IS POPE. THANK YOU.

25 RONALD GUERETTE, BEING FIRST DULY

1 SWORN, TESTIFIED AS FOLLOWS:

2 MR. MORTON: YOUR HONOR, DO YOU ME WANT TO  
3 QUALIFY HIM NOW?

4 THE COURT: I'M GOING TO ASSUME HE'S  
5 QUALIFIED.

6 MR. MORTON: YES, SIR.

7 THE COURT: OR YOU WOULDN'T HAVE BROUGHT  
8 HIM IN AND EXPENDING THE MONEY THAT WE HAVE HEARD  
9 THESE EXPERTS COST. THAT'S NOT A FINAL RULING, BUT  
10 FOR THE PURPOSES OF THIS PRESENTATION AND THIS  
11 PROFFER.

12 MR. MORTON: HE'S ONLY 500 AN HOUR, JUST  
13 KIDDING.

14 IN CAMERA DIRECT BY MR. MORTON:

15 Q MR. GUERETTE, YOU, AT OUR REQUEST, WENT AND  
16 PERFORMED AN EXPERIMENT ON THE DOOR AND THE DOOR LOCK  
17 AT 407 RICH STREET, IS THAT CORRECT?

18 A THAT'S CORRECT.

19 Q OKAY. AND DO YOU REMEMBER ABOUT WHEN THAT WAS?

20 A RIGHT AFTER I GOT IN THE CASE, ABOUT THREE WEEKS  
21 AGO.

22 Q WAS THAT AUGUST, SOMETIME IN AUGUST OF 2004?

23 A YES, SIR.

24 Q AND BEFORE YOU WENT TO THAT HOME, DID YOU HAVE  
25 AN OPPORTUNITY TO VIEW CRIME SCENE PHOTOGRAPHS OF

1 THAT DOOR, THE DOOR LOCK, AND THE LOCK MECHANISM?

2 A YES, SIR, I DID.

3 Q AND YOU'VE VIEWED THE, I GUESS IT'S CALLED A  
4 CLASP, THAT THE LOCK FITS INTO WHEN IT CLOSES?

5 THE COURT: THE STRIKE PLATE.

6 A THE HINGE?

7 Q THE STRIKE PLATE. I'M SORRY.

8 A YES, SIR, THE STRIKE PLATE.

9 Q IN OTHER WORDS --

10 A THE DOOR HINGE.

11 Q OKAY. YOU VIEWED THE --

12 A MECHANISM.

13 Q THE LOCK MECHANISM AND HOW IT LOCKS INTO?

14 A RIGHT.

15 Q OKAY. AND THEN WHEN YOU WENT TO THE HOME, DID  
16 YOU VIEW THAT DOOR, THAT LOCK, AND THAT STRIKE PLATE?

17 A YES, I DID.

18 Q OKAY. AND WAS IT IN ESSENTIALLY THE SAME  
19 CONDITION AS THE PHOTOGRAPHS THAT YOU'VE REVIEWED?

20 A YES, SIR, IT WAS.

21 Q AND HOW DID YOU MAKE THAT DETERMINATION?

22 A BY THE PHOTOGRAPHS AND THE SIDE OF THE DOOR,  
23 YOU'VE GOT THE LOCKING MECHANISM, THE PLATE THAT GOES  
24 ON THERE.

25 Q OKAY. I'M GOING TO SHOW YOU THESE PHOTOGRAPHS

1 AND ASK YOU --

2 MR. MORTON: THESE ARE IN EVIDENCE?

3 THE COURT: THEY ARE IN EVIDENCE.

4 Q ASK YOU TO VIEW THESE PHOTOGRAPHS WHICH ARE  
5 NUMBERED 41 E, CAN YOU DESCRIBE THAT FOR US?

6 A YES, SIR. 41 E IS THE PHOTOGRAPH OF THE DOOR,  
7 FRONT DOOR OF THE RESIDENCE. I DON'T KNOW THE NAME  
8 OF THE STREET OR.

9 Q AND THE, WHAT ELSE DOES THAT DEPICT? AS FAR AS,  
10 GO AHEAD AND THEN DESCRIBE?

11 A WELL, IT DEPICTS THE PLATE, THE, I'M NOT A  
12 LOCKSMITH, THE THING THAT GOES IN AND OUT.

13 Q OKAY.

14 A THE DOOR THING. AND IT ALSO DEPICTS THE BOTTOM  
15 PORTION HERE OF APPARENTLY SOME FORM OF A PLATE TO  
16 HOLD THE SCREW IN PLACE WHICH WOULD HOLD THE DOOR  
17 MECHANISM IN THE DOOR.

18 Q OKAY. NOW I WANT TO SHOW YOU 41 C, STATE'S  
19 EXHIBIT 41 C?

20 A YES, SIR, THAT'S THE DOOR MECHANISM ON THE HOUSE  
21 ITSELF THAT LOCKS THE DOOR IN AND OUT.

22 Q OKAY. SHOW YOU 41 D?

23 A THAT'S THE SAME PHOTOGRAPH AS PREVIOUS ONES.

24 Q OKAY.

25 A THE SAME DOOR, JUST A WIDER.

1 Q GO AHEAD AND JUST TELL US, I DON'T THINK WE NEED  
2 THAT ONE, TELL US WHAT THE REST OF THOSE ARE AND PUT  
3 THE NUMBER, READ THE NUMBER OFF THE BACK IF YOU WILL?

4 A 41 B IS THE SAME PHOTOGRAPH OF THE PLATE ON THE  
5 SIDE OF THE DOOR, CORRECTION, THE FRAME OF THE HOUSE  
6 WITH THE SCREEN DOOR CLOSED. 41 A IS A PHOTOGRAPH OF  
7 THE OUTSIDE OF THE DOOR THE DOOR WAS CLOSED.

8 Q OKAY.

9 A AND 41 IS A PHOTOGRAPH OF THE FRONT OF THE  
10 RESIDENCE AS WELL THE SCREEN DOOR CLOSED.

11 Q OKAY. NOW I'M GOING TO SHOW YOU A VIDEO I  
12 BELIEVE IT'S YOURSELF ENTERING THAT DOOR. NOW WAS  
13 THAT YOU OUT HERE ON AUGUST 2004, RON?

14 A I HAVEN'T SEEN ANYTHING EXCEPT THE DOOR YET. I  
15 KNOW THERE WAS A VIDEO TAPE TAKEN BUT I'VE NEVER SEEN  
16 IT. THAT APPEARS TO BE THE SAME DOOR JAMB.  
17 THAT APPEARS TO BE THE SAME DOOR, THE FRONT DOOR OF  
18 THE RESIDENCE.

19 Q THE SAME PLATE OUT THERE?

20 A THE SAME PLATE THAT HOLDS THE SCREW IN THERE.

21 Q SAME LOCK MECHANISM?

22 A YES, SIR. YOU CAN SEE IT BETTER ON THERE.  
23 THERE IS NO NORMAL PIN THAT GOES IN BEHIND IT. THE  
24 PIN IS STUCK OR IT'S NOT THERE.

25 THE COURT: I DIDN'T CATCH IT. SAY THAT

1           AGAIN, SOMETHING IS MISSING FROM THE DOOR?

2           A     YOU HAVE TO GO BACK.

3                         THE COURT:   NORMAL PIN.

4                         MR. MORTON:   YOUR HONOR --

5                         THE COURT:   I'LL LET HIM TESTIFY BUT HE

6           SAID SOMETHING ABOUT NORMAL PIN.

7                         MR. MORTON:   CAN I INTERRUPT AND ASK HIM

8           WHAT HE'S TALKING ABOUT.

9           A     YOU CAN'T SEE IT ON THOSE.

10          Q     I THINK YOU CAN.

11          A     CAN WE GO UP AND SHOW.

12          Q     SURE.

13                                 (PLAYING THE VIDEO.)

14          A     RIGHT THERE.   SEE RIGHT HERE, THERE IS A LITTLE

15          INDENTATION THERE, ANY LOCKS USUALLY HAVE A PIN

16          BEHIND THAT.

17                         THE COURT:   I UNDERSTAND, YES.

18          A     THAT'S WHERE.

19                         THE COURT:   I SEE WHAT YOU ARE TALKING

20          ABOUT.   THAT'S MISSING ON THAT ONE.

21          A     YES, SIR.   IT'S EITHER MISSING OR STUCK, BUT

22          IT'S NOT WORKING.   I CAN'T TELL FROM THERE.

23          Q     IT'S MISSING ON THE CRIME SCENE PHOTOGRAPHS, IS

24          THAT RIGHT?

25          A     I CAN'T SEE IT ON THE CRIME SCENE PHOTOGRAPHS.



1 THE COURT: WHAT IS HIS ANSWER TO THAT?

2 A I MEAN, I CANNOT SEE IT AND EVEN WITH THE DOOR

3 PIN OPEN YOU SHOULD STILL BE ABLE TO SEE IT. I

4 CAN'T SEE IT ON HERE.

5 Q SO YOUR TESTIMONY IS YOU DON'T SEE THE SAFETY

6 PIN?

7 A I DON'T SEE THE SAFETY PIN. I GUESS THAT'S THE

8 BEST WORD FOR IT. AND I DON'T KNOW IF IT'S, I KNOW

9 IT'S NOT WORKING PUT IT THAT WAY. I DON'T KNOW IF

10 IT'S BROKEN IN THERE BUT IT'S NOT WORKING.

11 Q DO YOU SEE THE SAFETY PIN IN THIS PHOTOGRAPH?

12 A I SEE A PLACE WHERE THE SAFETY PIN CAN BE BUT I

13 DON'T ---

14 Q DON'T SEE THE SAFETY PIN?

15 A I CAN'T TELL IF THE SAFETY PIN IS THERE OR NOT.

16 Q CAN YOU SEE THE SAFETY PIN IN THESE PHOTOGRAPHS?

17 A NO.

18 Q SO IS YOUR TESTIMONY THAT THAT LOCK AND THE LOCK

19 MECHANISM WAS IN ESSENTIALLY THE SAME CONDITION?

20 A YES, SIR.

21 Q AS IT WAS IN THOSE PHOTOGRAPHS?

22 A YES, SIR.

23 Q ANY DOUBT IN YOUR MIND ABOUT THAT?

24 A NO, SIR.

25 MR. MORTON: YOUR HONOR, WE HAVE A --

1 A IF I CAN EXPLAIN SOMETHING RIGHT THERE.

2 Q YES, SIR.

3 A IF YOU CAN STOP IT A MINUTE. THERE IS, THE  
4 FIRST THING I NOTICED WHEN I WENT IN THE DOOR, THERE  
5 IS ABOUT ALMOST HALF AN INCH PLAY FROM THE DOOR, WHEN  
6 THE DOOR CLOSES LIKE THIS UP AGAINST THE MOLDING OF  
7 THE INSIDE OF THE DOORWAY, WHEN I WAS CLOSING THE  
8 DOOR FROM THE INSIDE AND I PULLED IT BACK, JUST  
9 SUBCONSCIOUSLY I GUESS, AND WHEN I DID I NOTICED A  
10 MAJOR PLAY IN IT AND THERE IS ABOUT A HALF INCH PLAY  
11 FROM THE DOOR ITSELF TO WHERE THE LOCK IS. IN OTHER  
12 WORDS, WHEN YOU CLOSE THE DOOR, EVEN THOUGH IT'S  
13 LOCKED FROM THE OUTSIDE, YOU CAN JIGGLE IT AT LEAST  
14 HALF AN INCH WHICH IS A VERY IMPORTANT ISSUE AND  
15 THAT'S WHEN IT STARTED ME THINKING.

16 (PLAYING THE VIDEO.)

17 A HERE IS MY HANDS RIGHT THERE. WHAT I SHOW THERE  
18 IS TWICE I USED MY CREDIT CARD AND PUT IT BETWEEN THE  
19 DOOR JAMB AND THE DOOR ITSELF AND UNLOCKED THE DOOR.

20 MR. MORTON: YOUR HONOR, WE HAVE ANOTHER  
21 WITNESS, ACTUALLY A COUPLE MORE WITNESSES, WHO WOULD  
22 COME IN AND TESTIFY THAT IS THE SAME LOCK, SAME LOCK  
23 MECHANISM. ONE WAS A FORMER RESIDENT AND ONE IS A  
24 LOCKSMITH.

25 THE COURT: I'D HAVE TO HEAR THEIR

1 TESTIMONY TOO. LET'S FINISH THIS PROFFER FIRST.

2 MR. MORTON: OKAY.

3 Q SO MR. GUERETTE, YOUR TESTIMONY, YOUR TESTIMONY  
4 WAS THAT THE, FROM THE PHOTOGRAPHS THAT YOU OBSERVED  
5 WHICH WE HAVE PLACED IN EVIDENCE AND ALL THE  
6 PHOTOGRAPHS YOU OBSERVED AT THE CRIME SCENE AND THAT  
7 LOCK AND LOCK MECHANISM WAS ESSENTIALLY THE SAME AS  
8 IT WAS IN THOSE PHOTOGRAPHS, RIGHT?

9 A YES, SIR.

10 Q AND THE SAME ABSENCE OF A SAFETY PIN?

11 A YES, SIR.

12 Q IS THAT THE SAME AS IT WAS ON THAT VIDEO?

13 A YES.

14 THE COURT: I THOUGHT HE SAID HE COULDN'T  
15 TELL ON THAT PHOTOGRAPH. I THOUGHT HE SAID HE  
16 COULDN'T SEE IT.

17 MR. MORTON: HE SAID THAT THERE WAS NO  
18 SAFETY PIN VISIBLE IN THAT PHOTOGRAPH AND THERE IS NO  
19 SAFETY PIN VISIBLE IN THE THING.

20 THE COURT: THERE ARE A LOT OF THINGS THAT  
21 AREN'T VISIBLE IN THE PHOTOGRAPH.

22 MR. MORTON: BECAUSE IT'S NOT THERE IS  
23 WHAT --

24 THE COURT: OKAY. ALL RIGHT.

25 MR. MORTON: THAT'S WHY IT'S NOT VISIBLE.

1 THE COURT: OKAY.

2 MR. MORTON: SO THAT WOULD BE OUR PROFFER,  
3 YOUR HONOR.

4 THE COURT: YOU WANT TO?

5 MR. THOMPSON: YES, YOUR HONOR.

6 IN CAMERA CROSS BY MR. THOMPSON:

7 Q NOW YOUR EXPERTISE IS IN CRIME SCENE, CORRECT?

8 A CRIMINAL INVESTIGATOR, CRIME SCENE, AND MANY  
9 CRIME SCENES.

10 Q YOU ARE NOT A LOCKSMITH THOUGH, RIGHT?

11 A NO. ALTHOUGH I'VE REPLACED QUITE A FEW LOCKS.

12 Q WELL, I'VE DONE THAT TOO, BUT I'M NOT A  
13 LOCKSMITH EITHER?

14 A NO, I SAID I'M NOT.

15 Q NOW DID YOU GO BACK IN THE SCENE IN 2001 TO LOOK  
16 AT THIS DOOR?

17 A NO, I DIDN'T KNOW ANYTHING ABOUT 2001. I JUST  
18 GOT INVOLVED THREE WEEKS AGO.

19 Q SO YOU WEREN'T IN 2002 OR 2003 EITHER, WERE YOU?

20 A NOPE.

21 Q THE LITTLE THING THAT YOU ARE TALKING ABOUT, THE  
22 LITTLE PIN YOU ARE TALKING ABOUT BEING IN THE BACK OF  
23 THE, OF THIS LOCK I GUESS IN STATE'S EXHIBIT 41 E,  
24 THAT'S THE ONE THAT YOU ARE SAYING YOU DON'T SEE THAT  
25 IN, IS THAT CORRECT?

1 A YES, SIR.

2 Q WHAT'S THAT THING PROTRUDING OUT BEHIND IT RIGHT  
3 BACK HERE IN THE PICTURE?

4 A I DON'T BELIEVE THAT IS IT.

5 Q IS THAT THE PIN YOU'RE TALKING ABOUT?

6 A PARDON?

7 Q BUT IT'S POSSIBLY THE PIN YOU WERE TALKING  
8 ABOUT?

9 A IT'S EITHER POSSIBLY THE PIN OR IT'S A MARK ON  
10 THE DOOR. I THINK IT'S A MARK ON THE DOOR. I DON'T  
11 SEE WHAT YOU ARE TALKING ABOUT.

12 THE COURT: CAN I SEE THAT.

13 (HANDED TO THE COURT.)

14 Q NOW WHEN YOU LOOKED AT THE DOOR YOU TALK ABOUT  
15 THERE BEING A WIGGLE.

16 (LOUD NOISE.)

17 THE COURT: WE NEED TO FIX THIS CHAIR.  
18 THAT'S THE SECOND TIME IT'S DONE THAT. IT'S GOING TO  
19 POP ME UP ONE TIME. (LAUGHTER.) ALL RIGHT. GO  
20 AHEAD.

21 Q WHEN YOU LOOKED ABOUT THE DOOR YOU TALKED ABOUT  
22 THERE BEING A WIGGLE IN THE DOOR ITSELF, BEING ABLE  
23 TO OPEN IT UP ABOUT A QUARTER OF AN INCH, IS THAT  
24 WHAT YOU STATED?

25 A ALMOST HALF AN INCH.

1 Q ALMOST HALF AN INCH, OKAY. A LOT OF THAT HAS TO  
2 DO WITH THE DOOR FRAME ITSELF, DOESN'T IT? AND HOW  
3 IT HOOKS INTO THAT DOOR FRAME?

4 A WELL, IT HAS A LOT TO DO WITH BOTH THINGS  
5 BECAUSE I'VE HAD INSTANCES WHERE I HAD TO REPLACE MY  
6 LOCK WHERE I HAD TO TAKE THAT PLATE THAT'S ON THE  
7 INSIDE OF THE DOOR FRAME, MOVED IT FURTHER INSIDE THE  
8 DOOR, TOWARDS THE DOOR FRAME, SO YOU WOULDN'T HAVE  
9 THAT MUCH OF A PLAY.

10 Q NOW LOOKING AT STATE'S EXHIBIT 41 C. YOU'LL  
11 NOTICE THAT STRIP OF WOOD THAT COMES BEHIND THIS BACK  
12 PLATE, CORRECT? ON THE TOP OF IT, DOES THERE APPEAR  
13 TO BE ANY CRACKING OF ANY SORT ON THAT?

14 A (NO RESPONSE.)

15 Q THERE ISN'T, IS THERE? ON THE TOP OF THAT PIECE  
16 OF WOOD UP ABOVE THIS PLATE?

17 A RIGHT HERE?

18 Q THERE DOES NOT APPEAR TO BE ANY CRACKING, DOES  
19 IT?

20 A NO.

21 Q HOWEVER IN YOUR VIDEO THAT'S CRACKED STRAIGHT UP  
22 THROUGH THE TOP, ISN'T IT?

23 A I DON'T KNOW.

24 Q ALL RIGHT. WELL, LET'S LOOK.

25 THE COURT: HOLD IT JUST A MINUTE. I WANT

1 TO WALK DOWN WHILE YOU ARE PLAYING IT, MR. THOMPSON.

2 MR. THOMPSON: ALL RIGHT.

3 THE COURT: MR. GREELEY, YOU WANT COME UP  
4 TOO.

5 MR. GREELEY: I'LL STRETCH MY LEGS.

6 A I SEE THE CRACK YOU ARE TALKING ABOUT, YEAH.

7 Q OKAY. AS A MATTER OF FACT THERE IS QUITE A  
8 LARGE CRACK THAT COMES UP THROUGH THE TOP OF THAT,  
9 ISN'T THERE?

10 A YES, SIR, THERE IS.

11 Q AND A PLACE WHERE IT LOOKS LIKE SOMETHING WAS  
12 NAILED IN AND IS NO LONGER THERE, ISN'T IT?

13 A NAILED OR SCREWED.

14 Q OKAY. AND ACTUALLY WHEN YOU GO DOWN TO THE  
15 BOTTOM OF THIS AS WELL, NOW THERE IS MAJOR CRACKS  
16 MUCH MORE EVIDENT THAN IN THAT PHOTO, AREN'T THERE?

17 A I DON'T KNOW IF THAT'S NECESSARILY A CRACK OR IF  
18 IT'S A RIDGE IN THE WOOD. IT LOOKS LIKE HERE A RIDGE  
19 IN THE WOOD. IT COULD BE A CRACK. I'M NOT ARGUING  
20 WITH YOU.

21 Q BUT IT'S MUCH MORE PRONOUNCED HERE IN THE VIDEO  
22 THAN IT IS THERE, ISN'T IT?

23 A YES, AND THAT'S A DIFFERENT ANGLE OF COURSE THAN  
24 THIS HERE, BUT IT IS MORE PRONOUNCED LOOKING THAT WAY  
25 BUT SEE RIGHT HERE THE RIDGE.

1 Q UH-HUH.

2 A I CAN'T TELL IF THAT'S A CRACK OR A RIDGE.

3 Q OKAY. NOW LOOKING AT THIS PHOTOGRAPH IF YOU'LL  
4 LOOK AND YOU'LL COMPARE IT AGAINST THIS RIGHT HERE,  
5 WHERE THE WOOD COMES UP AGAINST THE WHITE PART OF THE  
6 DOOR, THE PAINTED PART, THERE IS A GAP IN THE VIDEO,  
7 ISN'T THERE? BUT THERE IS NO GAP IN THAT PHOTOGRAPH,  
8 IS THERE?

9 A NO. LIKE THE JUDGE SAID, THERE IS A LOT OF  
10 THINGS MISSING AND THIS IS A DIFFERENT ANGLE, SO I  
11 CANNOT SEE THE GAP OF THIS PHOTOGRAPH. IF YOU HAVE  
12 ANOTHER PHOTOGRAPH SHOOTING THE SAME WAY.

13 Q YOU ARE SAYING YOU CAN'T SEE THAT GAP, THAT GAP  
14 LOOKS TO BE ABOUT A QUARTER OF AN INCH RIGHT HERE,  
15 YOU CAN'T SEE IT ON THAT VIDEO OR THAT PICTURE?

16 A I CAN SEE IT ON THERE, SIR.

17 Q BUT YOU CAN'T SEE IT IN THAT PHOTOGRAPH?

18 A HUH-UH.

19 Q ALL RIGHT. LET'S LOOK AT STATE'S EXHIBIT 41 B.  
20 DO YOU SEE IT ON THERE?

21 A I SEE WHERE THERE IS A SCREW HERE. SEE THE  
22 SCREW?

23 Q RIGHT.

24 A APPROXIMATELY WHERE THAT HOLE IS.

25 Q WHERE THAT HOLE WAS ON THE TOP, YOU SEE THE



1 SCREW?

2 A RIGHT.

3 Q WHERE THAT HOLE WAS.

4 A RIGHT.

5 Q BUT THAT SCREW HOLE IS NO LONGER THERE IN THE

6 VIDEO THAT YOU TOOK?

7 A NO, AND APPEARS TO BE ANOTHER SCREW OR NAIL

8 RIGHT THERE TO THE RIGHT. I SEE THE RIDGE, BUT I

9 CAN'T --- WHAT I'M TRYING TO EXPLAIN IS, I CAN'T SEE

10 THE CRACK HERE. THAT ANGLE IS TOTALLY DIFFERENT THAN

11 THIS ANGLE. IF YOU HAVE A PHOTOGRAPH SHOWING THE

12 ANGLE THAT CRACK IS PROBABLY THERE. I DON'T KNOW.

13 Q BUT YOU DON'T SEE IT IN THESE PHOTOGRAPHS?

14 A NO, I DON'T BECAUSE IT'S A DIFFERENT ANGLE.

15 Q ALL RIGHT. LET'S LOOK AT SOMETHING ELSE HERE.

16 A I MEAN, IF I COULD POINT OUT THAT WOOD PART

17 RIGHT THERE.

18 Q UH-HUH.

19 A IF YOU LOOK AT THAT IN THE PHOTOGRAPH, I MEAN,

20 THAT'S AN UNUSUAL PART OF THE DOOR. IN OTHER WORDS,

21 YOU DON'T HAVE THAT IN ANY DOORS THAT I, I CAN RECALL

22 UNLESS THE DOOR IS BEING REPLACED AND THAT PIECE OF

23 WOOD, I CAN EXPLAIN THAT ON THAT PHOTOGRAPH.

24 Q PLEASE.

25 A THIS WOOD RIGHT HERE. THIS IS DIFFERENT THAN

1 THE DOOR FRAME. SEE THIS IS A PIECE OF WOOD PUT IN  
2 THERE.

3 Q CORRECT.

4 A WHAT I'M SAYING THIS PIECE OF WOOD APPEARS TO BE  
5 THE SAME PIECE OF WOOD THERE WITH THE EXCEPTION OF  
6 THE SCREW IS MISSING.

7 Q AND THE LARGE CRACK?

8 A THE CRACK COULD BE THERE. I DON'T KNOW.

9 THE COURT: HE'S NOT GOING TO CONCEDE THE  
10 CRACK. MOVE ON TO SOMETHING ELSE.

11 A IT MAY BE THERE. I JUST CAN'T TELL FROM THAT  
12 PHOTOGRAPH.

13 Q YOU'LL ALSO BE ABLE TO SEE FROM THAT PHOTOGRAPH  
14 YOU SEE THE NAIL RIGHT HERE ON THE EXTERIOR AND THE  
15 HEAD OF THAT NAIL ACTUALLY COVERS OVER THE PLATE,  
16 DOESN'T IT? IT COVERS OVER THIS PLATE WHEREAS IN  
17 THIS PICTURE THE HEAD OF THAT NAIL IS BEHIND THE  
18 PLATE, ISN'T IT?

19 A I'D SAY THAT'S A BETTER PICTURE OF HOW THE NAIL  
20 LOOKS FROM THAT ANGLE THAN THIS ANGLE IT LOOKS FROM  
21 HERE. IF YOU LOOK AT THE ANGLE SIDEWAYS, IT'S JUST  
22 THE SAME.

23 Q SO IT'S --

24 A THE SAME NAIL. THE NAIL WASN'T REPLACED.

25 Q YOU ARE SAYING IT'S A MATTER OF ANGLE THEN?

1 A YES, SIR, IT'S VERY MUCH A MATTER OF ANGLES.  
2 THAT'S WHY I CAN'T SEE THAT CRACK IF THE CRACK IS  
3 THERE. WHAT I'M TALKING ABOUT IS THAT WOOD PLATE,  
4 THAT'S VERY UNUSUAL FOR ANY DOOR AND THAT APPEARS TO  
5 BE THE SAME WOOD PLATE THAT'S IN THERE.

6 Q I WANT YOU TO LOOK RIGHT HERE FOR ME. SEE THIS  
7 LITTLE WASHER TYPE THING RIGHT HERE?

8 A UH-HUH.

9 Q IT'S STRAIGHT UP AND DOWN IN THAT PHOTOGRAPHS,  
10 ISN'T IT? OR IN THAT VIDEO. STATE'S EXHIBIT 41 E  
11 THOUGH IT'S TO THE SIDE, IT'S DIAGONAL?

12 A WELL, I THINK IN TWO YEARS --

13 Q OR IS THAT A MATTER OF ANGLE?

14 A I THINK IN TWO YEARS, NO, IT'S NOT A MATTER OF  
15 ANGLE. I THINK IN TWO YEARS I'M SURE THAT DOOR HAS  
16 OPENED AND CLOSED MANY TIMES AND THAT LOCKING OR THAT  
17 PLATE MIGHT HAVE SLIPPED BACK AND FORTH. I DIDN'T  
18 TEST THAT.

19 Q EXACTLY?

20 A ALL I CAN TELL YOU IS THIS PLATE IS THE SAME AS  
21 THAT AND THAT'S VERY UNUSUAL TO HAVE THIS ON A DOOR  
22 LOCK, HAVE THAT ON A DOOR LOCK OR MECHANISM.

23 I MEAN, I'VE NOT SEEN IT BEFORE.

24 Q OKAY.

25 A IT'S A GOOD WAY TO HOLD IT IN WITHOUT HAVING TO

1 REPLACE THE LOCK.

2 Q BUT YOU HIT THE NAIL ON THE HEAD WHEN YOU TALKED  
3 ABOUT YOU DON'T KNOW TWO YEARS AGO. AS A MATTER OF  
4 FACT IT WAS MORE THAN TWO YEARS AGO, IT WAS THREE  
5 YEARS, WASN'T IT?

6 A WHATEVER TIME. I'M NOT ARGUING WITH THE TIME  
7 LIKE I SAID.

8 Q AND THERE IS A LOT OF WEAR AND TEAR ON THE DOOR  
9 IN THAT TIME, ISN'T THERE?

10 A THERE CERTAINLY IS.

11 Q A LOT OF WEAR AND TEAR ON THE LOCK TOO, ISN'T  
12 THERE?

13 A YES.

14 Q AND YOU DON'T KNOW IF THIS DOOR HAS BEEN KICKED  
15 OPEN BY SOMEONE OR PUSHED IN BY SOMEONE OR PRIED IN  
16 IN THE MEANTIME, DO YOU?

17 A NO, SIR, I DON'T.

18 Q AND THAT CAN ALL EFFECT THE LOCK, CAN'T IT?

19 A CERTAINLY, WEATHER CAN EFFECT THE LOCK.

20 Q WELL, LOOK --

21 A I DO KNOW ONE THING, IF THAT DOOR WOULD HAVE  
22 BEEN KICKED IN WITH THAT LOCK THERE, THEY PROBABLY  
23 WOULD HAVE REPLACED THAT LOCK. I MEAN, AS A POLICE  
24 OFFICER, I KICKED IN MANY DOORS AND LOCKS JUST DON'T  
25 STAY INTACT.

1 Q THAT DOOR KNOB RIGHT THERE, YOU CAN SEE IT.

2 THE COURT: COULD YOU HAND ME A PHOTOGRAPH  
3 OF THAT FRONT DOOR KNOB.

4 MR. THOMPSON: YES, SIR. THAT'S WHERE I  
5 WAS GOING 41 E.

6 (HANDLED TO THE COURT.)

7 THE COURT: ALL RIGHT. HERE YOU GO.

8 Q THAT DOOR KNOB IS ALL SHINY AND LOOKING BRAND  
9 NEW, ISN'T IT?

10 A WELL, THERE IT LOOKS LIKE IT, YEAH.

11 Q 41 E, LET'S LOOK AT THAT ONE. IT'S A DIFFERENT  
12 DOOR KNOB, ISN'T IT?

13 A (NO RESPONSE.)

14 Q LOOK AT THE FACE OF THAT DOOR KNOB FLAT AND THE  
15 CASE OF THIS IS ROUND?

16 A CAN I --

17 THE COURT: WAIT JUST A MINUTE. YOU  
18 DON'T HAVE TO RAISE YOUR VOICE. THERE IS NO JURY IN  
19 HERE. GO AHEAD.

20 A YEAH, BUT THE, THAT'S ON THE INSIDE THOUGH. NO,  
21 THAT'S ON THE OUTSIDE.

22 Q SO THERE IS A DIFFERENT DOOR KNOB ON THE  
23 OUTSIDE?

24 A YEAH, THAT ONE IS ROUND AND THIS ONE IS MORE  
25 OVAL.

1 Q SO OBVIOUSLY SOMETHING HAS BEEN DONE WITH THAT  
2 LOCK, HASN'T IT?

3 A NO, SIR. SOMETHING HAS BEEN DONE WITH THE  
4 OUTSIDE DOOR HANDLE, BUT THAT'S NOTHING UNUSUAL TO  
5 REPLACE A DOOR HANDLE AND NOT REPLACE A MECHANISM.  
6 THIS HERE IS THE SAME MECHANISM THAT WAS IN THERE.  
7 WHY WOULD THEY PUT, IF THEY PUT A NEW MECHANISM WHY  
8 WOULD THEY PUT THE PLATES BACK UP THERE TO, I MEAN,  
9 THAT'S JUST -- I AGREE WITH YOU. THE OUTSIDE HANDLE  
10 IS DIFFERENT. BUT THAT'S NOTHING UNUSUAL.

11 Q IN ORDER TO CHANGE THE OUTSIDE HANDLE YOU  
12 ACTUALLY HAVE TO --

13 A NO, SIR.

14 Q TAKE IT OFF, DON'T YOU?

15 A NO, SIR. IF YOU REPLACED IT, NO, SIR, YOU  
16 DON'T --

17 Q ARE YOU LISTENING TO THE QUESTION?

18 A YES, SIR.

19 Q YOU ACTUALLY HAVE TO TAKE OFF OF THE HANDLE?

20 MR. MORTON: IF HE CAN FINISH, YOUR HONOR.

21 THE COURT: HE DIDN'T ANSWER THE QUESTION.

22 LET'S GET IN ORDER. I KNOW HE'S GOT SOME THINGS HE  
23 WANTS TO SAY, BUT DO IT IN RESPONSE TO THE QUESTION.  
24 ASK THE QUESTION AGAIN.

25 Q IN ORDER TO CHANGE THE HANDLE YOU ACTUALLY HAVE

1 TO TAKE THE OTHER ONE OFF, DON'T YOU?

2 A THE OTHER HANDLE, YES, SIR.

3 Q YES.

4 A BUT NOT THE MECHANISM. YOU CAN REPLACE HANDLES

5 ON BOTH SIDES OF THE DOOR AND NEVER TOUCH THAT

6 MECHANISM BECAUSE THEY ARE ALL UNIVERSAL BASICALLY.

7 Q AND I NOTICED YOU JIGGLED THE HANDLE FROM BOTH

8 SIDES OF THAT DOOR AT ONE POINT DURING THIS VIDEO,

9 ISN'T THAT RIGHT?

10 A UH-HUH.

11 Q BUT THE TRUTH IS YOU HAVE NO IDEA WHAT THOSE

12 HANDLES WERE LIKE IN 2001, DO YOU?

13 A I DON'T KNOW IF THEY JIGGLED LIKE THAT, NO.

14 Q AND IN ACTUALITY YOU HAVE NO IDEA WHAT THAT LOCK

15 WAS LIKE IN 2001 OR THAT DOOR OR HOW IT OPENED OR

16 SHUT, DO YOU?

17 A NO, SIR. I NEVER SAID I DID, SIR.

18 ?

19 MR. THOMPSON: NO FURTHER QUESTIONS.

20 THE COURT: BRIEF REDIRECT.

21 MR. MORTON: YOUR HONOR, I DON'T HAVE

22 ANYTHING ELSE. THAT IS OBVIOUSLY THE SAME DOOR LOCK,

23 THE SAME MECHANISM. IF IT WASN'T, WE WOULDN'T BE

24 HERE.

25 THE COURT: WELL, I DISAGREE WITH YOU.

1 I'M NOT GOING TO ALLOW THE VIDEO. I THINK THIS  
2 WITNESS CAN TESTIFY GENERALLY AS TO HOW DOORS CAN BE  
3 ENTERED WITH CREDIT CARDS BUT NOT THIS PARTICULAR  
4 DOOR. THERE ARE QUITE A FEW DIFFERENCES THAT HAVE  
5 BEEN SHOWN AND I KNOW YOUR ARGUMENT WILL BE, WELL,  
6 THAT GOES TO THE WEIGHT, BUT I DON'T BELIEVE IT DOES.  
7 NOBODY EVEN MENTIONED THE WEATHER STRIPPING, WHICH  
8 HAS BEEN, APPEARS TO BE THE SAME WEATHER STRIPPING  
9 AND IS FOUR YEARS OLDER. THERE IS NO TESTIMONY THAT  
10 THERE WAS ANY PLAY IN THE DOOR ON DECEMBER 29, 2001.  
11 NOW THERE IS HALF AN INCH PLAY. I THINK THAT'S VERY  
12 SIGNIFICANT. THE OWN WITNESS TESTIFIED THAT THE LOCK  
13 CAN DETERIORATE WITH THE WEATHER. THE QUESTION OF  
14 THE SAFETY PIN AS IS CALLED IS QUITE FRANKLY  
15 UNRESOLVED. IT APPEARS TO BE FEATURED IN ONE  
16 PHOTOGRAPH, BUT IT'S CERTAINLY MISSING IN THE ONE AT  
17 THE DATE OF THE ENTRY. AGAIN, I KNOW COUNSEL ARGUED  
18 PERHAPS THAT'S A JURY QUESTION, BUT I DON'T BELIEVE  
19 IT IS. I BELIEVE THAT THERE ARE SUBSTANTIAL  
20 DIFFERENCES IN THIS DOOR. THAT THIS IS NOT  
21 ESSENTIALLY THE SAME DOOR. IT'S CERTAINLY NOT, IT'S  
22 THE SAME DOOR, BUT THE CONDITIONS THAT EXISTED IN  
23 AUGUST OF THIS YEAR; ONE THING THE WITNESS MENTIONED  
24 HIMSELF THAT NOBODY HAS COVERED IS THE HINGES. THERE  
25 IS NO TESTIMONY THAT IT EVEN HAS THE SAME HINGES ON



1 IT. THERE IS NO TESTIMONY ABOUT WHETHER IT'S BEEN  
2 OILED OR LUBRICATED; NOTHING ABOUT WEAR AND TEAR ON  
3 THE WEATHER STRIPPING; THERE IS PLAY IN THE HANDLE  
4 AND IN SPITE OF COUNSEL'S REPRESENTATIONS AND RIGHT  
5 VEHEMENT WHEN WE WERE AT THE BENCH, THAT'S A  
6 DIFFERENT DOOR KNOB. I MEAN I CAN TELL THAT AND I'M  
7 NOT A LOCKSMITH, I'M NOT A CARPENTER, AND I'M NOT  
8 VERY BRIGHT, BUT IT'S A DIFFERENT DOOR KNOB. EVEN I  
9 CAN TELL THAT, SO I'M NOT GOING TO ALLOW THAT. HE  
10 CAN TESTIFY GENERALLY AS HOW ENTRY CAN BE GAINED BUT  
11 NOT TESTIFY AS TO HOW ENTRY CAN BE GAINED ON THIS  
12 DOOR BECAUSE THERE ARE TOO MANY DIFFERENCES IN THE  
13 DOOR IN AUGUST OF THIS YEAR. THERE ARE SOME  
14 DIFFERENCES ACTUALLY SHOWN AND THERE IS ABSENCE OF  
15 TESTIMONY THAT THE DOOR IS IN THE SAME IDENTICAL  
16 CONDITION, SO I'M NOT GOING TO ALLOW THE PHOTOGRAPH.  
17 I MEAN, THE VIDEO.

18 MR. MORTON: YOUR HONOR, AND WE MAY WANT  
19 TO PROFFER ANOTHER WITNESS. I UNDERSTAND YOUR  
20 RULING, BUT THE WITNESS WE WOULD PROFFER AS TO MORE  
21 TESTIMONY ABOUT THIS IS NOT HERE SO I'M JUST GOING TO  
22 MOVE THIS OUT OF THE WAY.

23 THE COURT: OKAY. LET'S TAKE A SHORT  
24 BREAK AND THEN WE'LL GET THE JURY IN.

25 (COURT IS IN RECESS AT 10:04 AM.)

1 (COURT RESUMES AT 10:12 AM.)

2 THE COURT: OVER THE BREAK I WAS TOLD WE  
3 HAD ANOTHER PROFFER. LET'S CALL YOUR WITNESS.

4 MR. SMITH: YES, SIR, YOUR HONOR. BILLY  
5 COPE CALLS GEORGIA POPE.

6 GEORGIA POPE, AFTER AFFIRMING TO  
7 TELL THE TRUTH TESTIFIES AS FOLLOWS:

8 DIRECT EXAMINATION BY MR. SMITH:

9 Q GOOD MORNING, MRS. POPE. IF YOU WOULD PLEASE  
10 STATE YOUR FULL NAME FOR THE COURT.

11 A GEORGIA STEVENS POPE.

12 Q AND WHERE DO YOU CURRENTLY LIVE, MRS. POPE?

13 A 2510 FOXHILL COURT, FORT MILL, SOUTH CAROLINA.

14 Q AND WHAT DO YOU DO FOR A LIVING?

15 A I'M A LOCKSMITH.

16 Q HOW LONG HAVE YOU BEEN DOING THAT?

17 A APPROXIMATELY TEN YEARS.

18 Q WHO DO YOU WORK FOR?

19 A CHARLIE'S LOCK AND KEY.

20 Q AND ARE YOU A CO-OWNER OF THAT BUSINESS?

21 A YES, I AM.

22 Q AND WHO ELSE?

23 A MY HUSBAND CHARLES.

24 Q OKAY. NOW EXPLAIN EXACTLY WHAT YOU DO IN YOUR  
25 BUSINESS? WHAT TYPES OF LOCKS DO YOU WORK ON?

1 A MECHANICAL LOCKS, STAND ALONE ELECTRONIC LOCKS,  
2 AUTOMOTIVE, COMMERCIAL, RESIDENTIAL, INDUSTRIAL.

3 Q ARE THERE ANY TYPES OF LOCKS YOU DON'T WORK ON?

4 A HARD WIRED ELECTRONIC SYSTEMS.

5 Q OKAY. NOW YOU SAID YOU'VE BEEN DOING THIS FOR  
6 ABOUT TEN YEARS, WHERE DID YOU GET YOUR TRAINING?

7 A ORIGINALLY FROM MY HUSBAND AND ADDITIONAL  
8 TRAINING AT QUARTERLY MEETINGS OF THE NORTH CAROLINA  
9 LOCKSMITH ASSOCIATION.

10 Q ARE YOU A MEMBER OF THAT ASSOCIATION?

11 A YES, I AM.

12 Q AND HOW LONG HAVE YOU BEEN A MEMBER?

13 A ABOUT 8 YEARS.

14 Q NOW IS THERE ANY TYPE OF CERTIFICATION,  
15 LOCKSMITH CERTIFICATION IN SOUTH CAROLINA?

16 A NO.

17 Q OKAY. NOW YOU SAID YOU OBTAINED YOUR TRAINING  
18 FROM YOUR HUSBAND?

19 A YES.

20 Q WHERE DID HE OBTAIN HIS TRAINING?

21 A HE TRAINED WITH LOCKSMITH IN MARIETTA, GEORGIA.

22 THE COURT: DO ANY OBJECT TO ME, AT LEAST  
23 FOR PURPOSES OF PROFFER, ACCEPTING HER AS A  
24 LOCKSMITH.

25 MR. THOMPSON: NO.

1 MR. GREELEY: NO OBJECTION.

2 MR. SMITH: THANK YOU, YOUR HONOR. THAT  
3 WAS MY NEXT QUESTION OR WHERE I WAS GOING NEXT.

4 Q NOW MRS. POPE, HAVE YOU HAD AN OPPORTUNITY TO  
5 REVIEW SOME PICTURES OF A LOCK AND LOCKING MECHANISM  
6 AND DOOR FRAME?

7 A YES, SIR.

8 Q AND ARE THESE PHOTOGRAPHS THOSE PICTURES THAT  
9 YOU HAVE REVIEWED?

10 A YES, SIR.

11 Q AND FOR THE RECORD THE WITNESS HAS STATED THAT  
12 SHE'S REVIEWED STATE'S EXHIBIT 41 D, 41 E, 41 C, AND  
13 41 B. YOU ALSO HAD AN OPPORTUNITY TO VIEW A VIDEO?

14 A YES, SIR.

15 Q OKAY. I'M GOING TO SHOW THAT VIDEO TO YOU RIGHT  
16 NOW. I'M GOING TO PAUSE IT RIGHT THERE. WHAT YOU  
17 SAW IN THE VIDEO, DOES THAT APPEAR TO BE WHAT'S  
18 DEPICTED IN STATE'S EXHIBIT 41 B AND 41 C?

19 A YES, SIR, SHOWING THE STRIKE PLATE.

20 Q AND IF YOU WOULD, DOES THE STRIKE PLATE IN THE  
21 VIDEO AND THE STRIKE PLATE IN THIS, IN THESE TWO  
22 PHOTOGRAPHS, DO THEY APPEAR TO BE IN SUBSTANTIALLY  
23 THE SAME CONDITION?

24 A YES, SIR.

25 Q DO YOU KNOW WHEN THESE PHOTOGRAPHS WERE MADE AND

1       WHEN THE VIDEOS WERE MADE?

2       A     NO.

3       Q     DO THEY APPEAR TO BE SIMILAR --

4       A     YES.

5       Q     ---IN CONDITION?   DOES THE DOOR JAMB APPEAR TO  
6       BE SIMILAR CONDITION AS IN THE PHOTOGRAPHS THAT YOU  
7       HAVE IN FRONT OF YOU?

8       A     YES.

9       Q     OKAY.  NOW IN THE VIDEO WE HAVE A CLOSE UP SHOT  
10      HERE OF THE DOOR KNOBS, THE FACE PLATE OF THE  
11      LOCKING, OF THE LATCH, AND SOME SORT OF WASHER THAT'S  
12      ATTACHED TO THE FACE PLATE, IS THAT RIGHT?

13      A     YES, SIR.

14      Q     DOES THAT APPEAR TO BE THE SAME FACE PLATE,  
15      LATCH, AND WASHER MECHANISM THAT'S EXHIBITED IN  
16      STATE'S EXHIBIT 41 E?

17      A     YES.

18      Q     CAN YOU, DOES THAT APPEAR TO BE THE SAME?

19      A     YES, SIR.

20      Q     DO YOU NOTICE ANY DIFFERENCES BETWEEN THE  
21      PHOTOGRAPH AND THE VIDEO?

22      A     THE DIFFERENCES, THAT'S A STRAIGHT ON SHOT AND  
23      THIS IS AT AN ANGLE.

24      Q     BUT AS FAR AS THE HARDWARE ITSELF, ARE THERE ANY  
25      DIFFERENCES THERE?

1 A NO.

2 Q AND NOW ARE YOU POSITIVE THAT IT APPEARS TO BE  
3 THE SAME FACE PLATE AND LATCH?

4 A YES.

5 Q AND NOW WHAT ABOUT THE DOOR KNOB THAT WOULD  
6 PROTRUDE TO THE OUTSIDE, DOES THAT APPEAR TO BE THE  
7 SAME ONE?

8 A WELL, I CAN'T SAY SEE THE WHOLE KNOB, BUT THE  
9 ROSETTE AND EVERYTHING ELSE ABOUT IT APPEARS TO BE  
10 THE SAME.

11 Q AND WHAT'S THE ROSETTE?

12 A THIS PEACE AROUND HERE.

13 Q THE RING AROUND THE BASE OF THE DOOR KNOB THAT  
14 ATTACHES TO THE DOOR?

15 A YES.

16 Q THAT APPEARS TO BE THE SAME?

17 A YES.

18 Q DO THE MARKINGS ON THE INSIDE FACING OF THE DOOR  
19 APPEAR TO BE THE SAME AS IN THE PHOTOGRAPH?

20 MR. THOMPSON: YOUR HONOR, I OBJECT AS TO  
21 THE RELEVANCE AND THIS WOULD BE OUTSIDE HER AREA OF  
22 EXPERTISE. SHE'S SIMPLY COMPARING PHOTOGRAPHS TO THE  
23 VIDEO WHICH I BELIEVE WE CAN DO ON OUR OWN.

24 THE COURT: WELL, I'M INCLINED TO AGREE  
25 WITH YOU, BUT I'M GOING TO LET THEM MAKE A PROFFER.

1 I GUESS WHAT YOU ARE SAYING IS THIS DOESN'T TAKE  
2 SCIENTIFIC OR TECHNICAL KNOWLEDGE.

3 MR. THOMPSON: THAT'S CORRECT, YOUR HONOR.

4 Q NOW WE HAVE A BETTER SHOT OF THE DOOR KNOB?

5 A THAT'S A DIFFERENT DOOR.

6 Q THAT'S A DIFFERENT DOOR KNOB. WAS IT THE SAME  
7 DOOR KNOB, IT'S THE SAME DOOR KNOB ON THE OUTSIDE AS  
8 ON THE INSIDE?

9 A NORMALLY, YES. PARTS ARE INTERCHANGEABLE.

10 Q BUT IN THE VIDEO DO YOU HAVE THE SAME DOOR KNOB  
11 ON THE INSIDE AS YOU DO ON THE OUTSIDE IN THIS VIDEO?

12 THE COURT: YOU MEAN THE SAME KIND?

13 MR. SMITH: YES, SIR.

14 THE COURT: IT'S POSSIBLE TO HAVE THE SAME  
15 ONE BOTH PLACES.

16 MR. SMITH: WELL, THAT'S MY QUESTION.

17 Q DO YOU HAVE THE SAME DOOR KNOB ON THE INSIDE AND  
18 THE OUTSIDE IN THIS VIDEO?

19 A I DON'T SEE THE INSIDE.

20 Q OKAY. WELL, IS THAT THE INSIDE DOOR KNOB  
21 THERE?

22 A YES, SIR.

23 Q DOES THAT APPEAR TO BE THE SAME?

24 A YES, THAT'S A COMPLETE SET.

25 Q BUT IS IT THE SAME DOOR KNOB AS THE OUTSIDE? IT

1 APPEARS THAT THERE ARE TWO DIFFERENT COLORS?

2 A THERE ARE TWO DIFFERENT COLORS BUT AS LONG AS  
3 THEY ARE THE SAME BRAND THAT CAN BE USED  
4 INTERCHANGEABLY.

5 Q SO WHAT YOU ARE SAYING IS YOU COULD HAVE AN OLD  
6 DOOR KNOB SET ON YOUR DOOR AND IF ONE HALF OF THAT  
7 BREAKS YOU COULD REPLACE ONLY THAT HALF WITH THE SAME  
8 TYPE DOOR KNOB AS WAS ON THERE BEFORE?

9 A YES.

10 Q IS THAT A POSSIBILITY?

11 A YES.

12 Q OKAY. AND MRS. POPE, IN YOUR PROFESSIONAL  
13 OPINION DOES THIS APPEAR TO BE THE SAME LOCK,  
14 LATCHING MECHANISM IN THE PHOTOGRAPHS THAT YOU HAVE  
15 VIEWED WITH THE LOCKING MECHANISM OR LATCHING  
16 MECHANISM THAT WAS ON THE VIDEO?

17 A YES.

18 Q EVEN THOUGH THE DOOR KNOB MAYBE DIFFERENT IT  
19 APPEARS TO BE THE SAME LATCH?

20 A YES.

21 Q OKAY. PLEASE ANSWER PLEASE ANSWER ANY QUESTIONS  
22 THE STATE MAY HAVE FOR YOU.

23 A OKAY.

24 THE COURT: GO AHEAD.

25 IN CAMERA CROSS BY MR. THOMPSON:



1 Q GOOD MORNING, MRS. POPE. HOW ARE YOU THIS  
2 MORNING?

3 A FINE.

4 Q YOU'RE NOT NECESSARILY WANT BE TO HERE?

5 A NO.

6 Q I WOULDN'T THINK SO. NOW HAVE YOU HAD AN  
7 OPPORTUNITY TO SEE THAT VIDEO BEFORE TODAY?

8 A YES.

9 Q ALL RIGHT. HAD YOU AN OPPORTUNITY TO SEE THOSE  
10 PHOTOGRAPHS BEFORE TODAY?

11 A YES.

12 Q HOW LONG AGO DID YOU SEE THOSE?

13 A ABOUT A WEEK AGO AND THEN LAST NIGHT.

14 Q OKAY. NOW YOU DIDN'T ACTUALLY GO OUT TO THE  
15 HOUSE WHEN THIS VIDEO WAS TAKEN?

16 A NO.

17 Q AND YOU DIDN'T ACTUALLY GO OUT TO THE HOUSE WHEN  
18 THESE PHOTOGRAPHS WERE TAKEN BACK IN 2001, DID YOU?

19 A NO.

20 Q HAD YOU EVER BEEN OUT TO THE HOUSE ON RICH  
21 STREET?

22 A NO.

23 Q I'M SORRY?

24 A NO.

25 Q NO. OKAY. NOW YOU HAD MENTIONED ABOUT THE DOOR

1 KNOB BEING DIFFERENT, RIGHT?

2 A UH-HUH.

3 Q NOW WHEN YOU TAKE OFF A DOOR KNOB AND PUT ON A  
4 NEW ONE, DON'T YOU HAVE TO GET A NEW KEY?

5 A NOT NECESSARILY.

6 Q NOT NECESSARILY BUT --

7 A IF YOU ARE REPLACING THE INSIDE PART, THERE IS  
8 NO KEY HOLE IN IT AND AS LONG AS THE PARTS ARE  
9 INTERCHANGEABLE THE OUTSIDE KNOB WOULDN'T HAVE TO  
10 CHANGE.

11 Q OKAY. WELL, IN THIS ONE, WASN'T IT THE OUTSIDE  
12 KNOB THAT CHANGED?

13 A THE OUTSIDE KNOB IS A BRIGHT BRASS. THE INSIDE  
14 KNOB IS AN ANTIQUE BRASS.

15 Q BUT THE OUTSIDE KNOB IN THE PICTURES HERE, I  
16 BELIEVE THE PICTURE YOU HAVE RIGHT IN FRONT OF YOU.

17 A UH-HUH.

18 Q THAT'S STATE'S EXHIBIT 41 E?

19 A UH-HUH.

20 Q THAT'S NOT THE SAME OUTSIDE KNOB THAT'S ON THAT  
21 VIDEO, IS IT?

22 A NO.

23 Q AND SO IT'S LIKE THEY HAD AT LEAST IF NOT  
24 CHANGED THE KEY, ALTERED THE TRIPPINGS IN THAT LOCK  
25 TO MAKE, FOR THE KEY TO FIT, THE ORIGINAL KEY TO FIT?

1 A IF THEY KNEW IT COULD BE DONE, YES.

2 Q BUT IF THE OUTSIDE DOOR KNOB CHANGED GENERALLY  
3 YOU GOT TO HAVE A NEW KEY?

4 A WELL, WHEN YOU GO BUY AN OUTSIDE KNOB IT COMES  
5 WITH KEYS.

6 Q RIGHT.

7 THE COURT: WHAT HE'S ASKING YOU IS, COULD  
8 YOU USE THE SAME KEY THAT YOU USED IN THE PREVIOUS  
9 DOOR KNOB IN THE SECOND DOOR KNOB OR WOULD YOU HAVE  
10 TO HAVE A NEW ONE? WITHOUT GOING INTO CHANGING ALL  
11 THE LOCKING MECHANISMS. IF YOU JUST --

12 A IF THE TUMBLERS ARE NOT CHANGED, UNLESS YOU  
13 ACCIDENTALLY GET THE SAME KEY, NO.

14 THE COURT: OKAY.

15 Q AND THERE ARE SOME DIFFERENCES I BELIEVE FROM  
16 THE VIDEO AND THE DOOR THAT YOU SAW HERE, AREN'T  
17 THERE?

18 A NOT THAT I CAN SEE.

19 Q ALL RIGHT. LOOK BACK AT THE VIDEO AND I THINK  
20 WE'LL START OUT WITH THIS PHOTOGRAPH RIGHT HERE.  
21 THIS IS STATE'S EXHIBIT 41 C. THIS IS THE TOP OVER  
22 THAT, THE STRIKE PLATE, IS THAT WHAT THAT'S CALLED AT  
23 THE BOTTOM?

24 A YES.

25 Q AND IN THIS PART OF THE VIDEO, ISN'T THAT CRACK

1 ALL THE WAY UP?

2 A I DON'T KNOW.

3 Q THE WOOD ABOVE THAT?

4 A I HAVE NEVER SEEN THE DOOR. I COULD SEE THE  
5 CRACK THERE BUT I DON'T.

6 Q RIGHT. BUT I'M JUST SAYING ON THE VIDEO YOU SEE  
7 HERE, YOU SEE THE CRACK THAT GOES ALL THE WAY UP THE  
8 STRIKE PLATE?

9 A YES.

10 Q AND THAT'S NOT PRESENT IN THE PHOTOGRAPH YOU  
11 HAVE BEFORE YOU, IS IT?

12 A GET THE LINES OFF OF IT.

13 Q I'LL TRY. I'LL REWIND IT SO YOU CAN WATCH IT  
14 JUST PLAY. (PLAYS THE VIDEO.) YOU SEE THAT. YOU  
15 NEED TO SEE IT AGAIN. TALKING ABOUT THIS PIECE OF  
16 WOOD RIGHT IN HERE, THERE IS A CRACK THAT GOES  
17 STRAIGHT UP THROUGH IT, ISN'T THERE?

18 A YES.

19 Q AND THAT'S NOT PRESENT ON THAT PHOTOGRAPH?

20 A NO.

21 Q NOW IF YOU LOOK AT THE BOTTOM OF THIS  
22 PHOTOGRAPH, IT APPEARS TO BE A LITTLE LUMP AT THE  
23 BOTTOM BUT IT APPEARS TO BE NO CRACK THAT GOES ALL  
24 THE WAY THROUGH THE BOTTOM, IS THERE?

25 A NO.

1 Q BUT IF WE LOOK AT THIS VIDEO AND WE LOOK AT THE  
2 BOTTOM, THIS CRACK COMES ALL THE WAY DOWN ALMOST TO  
3 THE VERY BOTTOM, DOESN'T IT?

4 A YES.

5 Q SO THAT'S DIFFERENT THAN WHAT'S IN THIS  
6 PHOTOGRAPH, ISN'T IT?

7 A THE CRACK RIGHT THERE?

8 Q RIGHT.

9 A I DON'T SEE THIS UP HERE.

10 Q CORRECT. THERE IS PART OF ONE, BUT IT DOESN'T  
11 COME ALL THE WAY DOWN THROUGH THE BOTTOM OF THE WOOD,  
12 DOES IT, LIKE THE VIDEO SHOWS?

13 A NO.

14 Q OKAY. AND THIS GAP RIGHT HERE BETWEEN THE WHITE  
15 WOOD AND I GUESS THE FRAMING ON THE INSIDE, DO YOU  
16 SEE THAT GAP ON THE VIDEO?

17 A RIGHT HERE?

18 Q NO. I'M TALKING ABOUT, IF YOU'LL LOOK, WHERE  
19 THE WOOD STOPS, WHERE THE, THAT LITTLE PIECE OF WOOD  
20 STOPS, YOU CAN SEE A GAP. THIS LITTLE BLACK LINE ALL  
21 WAY DOWN THROUGH. YOU SEE THAT ON THE VIDEO?

22 A THERE IS A PIECE OF WOOD. THIS DOESN'T GO DOWN  
23 THAT FAR.

24 Q THIS ONE DOESN'T GO DOWN THAT FAR?

25 A THERE IS THE BOTTOM OF THE PIECE OF WOOD.

1 Q RIGHT.

2 THE COURT: KEEP YOUR VOICE UP SO WE CAN  
3 ALL HEAR YOU.

4 A SIR?

5 THE COURT: KEEP YOUR VOICE UP SO WE CAN  
6 HEAR YOU.

7 A OKAY.

8 Q LET'S LOOK AT STATE'S EXHIBIT 41 B THEN. LET'S  
9 SEE IF THAT ONE HELPS. DO YOU SEE A GAP BETWEEN THE  
10 MOLDING AND THE DOOR ITSELF IN THAT PICTURE THAT YOU  
11 HAVE?

12 A I DON'T THINK I UNDERSTAND WHAT YOU ARE ASKING  
13 THERE.

14 Q ALL RIGHT. WELL, I TELL YOU WHAT, WE'LL SKIP  
15 THAT AND GO ON TO SOMETHING ELSE. IF WE GO AND LOOK  
16 AT THE DOOR, THE LOCKING MECHANISM ITSELF. IF WE  
17 LOOK AT THIS LOCKING MECHANISM RIGHT HERE, YOU SEE  
18 THE LITTLE KIND OF OVAL, I DON'T KNOW WASHER THING,  
19 THAT'S HOLDING IT IN?

20 A UH-HUH.

21 Q IN THIS VIDEO IT GOES STRAIGHT UP AND DOWN,  
22 DOESN'T IT ON THAT VIDEO?

23 A YES.

24 Q BUT IN THE PHOTOGRAPH IT'S KIND OF DIAGONAL A  
25 LITTLE BIT, ISN'T IT?

1 A YES.

2 Q SO THAT'S BEEN MOVED SOMEWHAT BETWEEN THE TIMES  
3 THOSE TWO THINGS HAVE HAPPENED, ISN'T IT?

4 A YES.

5 Q OKAY. THEN IF WE GO, IT'S THE FRONT DOOR KNOB,  
6 ACTUALLY WE'VE ALREADY TALKED ABOUT THE FRONT DOOR  
7 KNOB. YOU TOLD US THAT'S A DIFFERENT DOOR KNOB ON  
8 THIS DOOR?

9 A YES.

10 Q NOW WERE YOU ABLE TO EXAMINE ANY PHOTOGRAPHS OF  
11 THE HINGES OR ANYTHING LIKE THAT ON THIS DOOR?

12 A NO.

13 Q WERE YOU ABLE TO EXAMINE THE WEATHER STRIPPING  
14 OR ANYTHING LIKE THAT TO SEE IF THERE WAS CHANGES IN  
15 IT?

16 A NO.

17 Q WERE YOU ABLE TO ACTUALLY SEE IF THE INSIDE  
18 MECHANISMS OF THE DOOR IN ANY WAY AS FAR AS THE  
19 LOCKING, THE LOCKING ITSELF IS DETERMINED, IF IT  
20 COULD EVEN LOCK AT THAT TIME?

21 A NO.

22 Q SO YOU DON'T KNOW FROM EITHER THE PHOTOGRAPHS OR  
23 FROM THE VIDEO WHETHER THAT WAS AN OPERATIONAL DOOR  
24 OR LOCK?

25 A NO.

1 Q OKAY. AND AS A MATTER OF FACT, A LOT OF THINGS  
2 CAN ALTER A LOCK OVER A PERIOD OF TIME, CAN'T THEY:  
3 WEATHER CAN EFFECT A LOCK?

4 A YES.

5 Q AND JUST THE AVERAGE USE OF SOMEONE GOING IN AND  
6 OUT THE DOOR EVERYDAY EFFECTS THE LOCK?

7 A NOT TO ANY GREAT EXTENT.

8 Q BUT IT DOES EFFECT IT?

9 A IT DOES AFTER YEARS AND YEARS, YES.

10 Q AND THAT LOCK THAT YOU SAW WAS AT LEAST YEARS  
11 OLD AT THE TIME YOU FIRST SEE IT, CORRECT?

12 A YES.

13 Q THANK YOU. I DON'T HAVE ANY FURTHER QUESTIONS?

14 MR. GREELEY: NO QUESTIONS.

15 THE COURT: OKAY.

16 MR. SMITH: YES, SIR, YOUR HONOR, JUST  
17 QUICKLY.

18 REDIRECT EXAMINATION BY MR. SMITH:

19 Q MRS. POPE, DOES THE DOOR KNOB HAVE ANY EFFECT ON  
20 WHETHER SOMEONE CAN BREAK INTO THAT LATCH USING A  
21 CREDIT CARD?

22 A THE KNOB ITSELF DOES NOT.

23 Q YES, MA'AM. THE KNOB ITSELF, DOES THAT HAVE ANY  
24 EFFECT ON WHETHER SOMEONE CAN USE A CREDIT CARD TO  
25 OPEN A DOOR?



1 A NO.

2 Q WHAT'S THE MOST IMPORTANT PART OF SOMEONE USING  
3 A CREDIT CARD TO BREAK INTO A DOOR?

4 A HAVING A SPRING LATCH IN IT.

5 Q SO IT'S THE TYPE OF LATCH THAT MATTERS AND NOT  
6 THE DOOR KNOB, NOT THE HINGES, NOT ANYTHING, NOT ANY  
7 OTHER PART OF THE DOOR, IT'S THE LATCH?

8 A IT'S THE LATCH.

9 Q OKAY. AND IN THE PHOTOGRAPH OR IN THE  
10 PHOTOGRAPHS AND IN THE VIDEO, WERE THE LATCH THE  
11 SAME?

12 A IN THE PHOTOGRAPHS AND THE VIDEO IT SHOWS A  
13 SPRING LATCH ON THE DOOR.

14 Q OKAY. AND THEY APPEAR TO BE THE SAME SPRING  
15 LATCH?

16 A YES.

17 Q THANK YOU, MRS. POPE.

18 RECROSS EXAMINATION BY MR. THOMPSON:

19 Q NOW DOESN'T IT ALSO AFFECT WHETHER YOU CAN BREAK  
20 INTO A DOOR HOW LOOSE THAT DOOR IS ON THE FRAME?

21 A (NO RESPONSE.)

22 Q I MEAN, IF IT'S TIGHT UP IN THE FRAME IT IS A  
23 LOT HARDER TO STICK A CREDIT CARD UP IN IT, ISN'T IT?

24 A YEAH, BUT IF IT'S PLIABLE ENOUGH YOU CAN SLIDE  
25 IT IN, THE CREDIT CARD WILL BEND, CATCH THE BACK OF

1 THE SPRING LATCH, AND PUSH IT IN.

2 Q OKAY. BUT ONE OF THE ELEMENTS OF THAT IS THAT  
3 YOU HAVE TO HAVE THE DOOR PLIABLE ENOUGH FOR ABLE TO  
4 MOVE OPEN ENOUGH, CORRECT?

5 A YES.

6 Q AND YOU SAW THE WAY THE CRACK WENT DOWN IN THE  
7 VIDEO THROUGH THAT FRAME OF THE DOOR, CORRECT?

8 A YES.

9 Q AND THAT COULD VERY WELL MAKE THE DOOR LOOSE AND  
10 NOT SHUT TIGHT?

11 A JUDGING FROM THE SCRUB MARKS ON THE SIDE OF THE  
12 DOOR I WOULD SAY IT PROBABLY DID FIT TIGHT.

13 Q OKAY. THANK YOU.

14 THE COURT: YOU CAN STEP DOWN AND BE,  
15 DON'T BE EXCUSED, JUST YOU CAN STEP OUTSIDE BACK TO  
16 THE WITNESS ROOM.

17 MR. MORTON: THAT'S THEN END OF OUR  
18 PROFFER, YOUR HONOR.

19 THE COURT: THE ONLY THING THAT THIS  
20 WITNESS TESTIFIED TO IS BASICALLY OUTSIDE THE KEEN OF  
21 THE JURORS OR LAY PEOPLE WOULD BE THAT LOCKS AND  
22 PARTS ARE INTERCHANGEABLE AND THAT WOULD ONLY BE  
23 RELEVANT IF I WERE TO ALLOW THE PRIOR WITNESS TO  
24 TESTIFY WHICH I HAVE ALREADY RULED I AM NOT, SO WHAT  
25 ARE YOU CALLING FOR, TO SAY IT'S THE SAME LOCK?

1                   MR. MORTON:  THE SAME LOCK, ESSENTIALLY  
2                   THE SAME THING AND THE THING THAT MATTERS ABOUT THE  
3                   LOCKING MECHANISM IS THE SPRING LATCH AND THAT'S  
4                   REALLY THE ONLY THING THAT MATTERS IS THE FACT THAT  
5                   THAT LATCH DOESN'T HAVE A SAFETY PIN MECHANISM IN IT,  
6                   IN EITHER OF THE PICTURES OR IN THE VIDEO, AND THEN  
7                   THAT'S WHAT MATTERS AS FAR AS BEING ABLE TO GET A  
8                   CREDIT CARD TO GO IN AND OPEN THAT DOOR.

9                   THE COURT:  WELL, I DISAGREE THAT THE  
10                  PICTURES SHOW THAT THAT'S MISSING.  I THINK THERE ARE  
11                  INCONCLUSIVE.  AND EVEN IF THEY DON'T SHOW IT, THERE  
12                  IS NO EVIDENCE THAT IT WASN'T HALFWAY IN, AND IT'S  
13                  JUST AS SPECULATIVE TO SAY WELL IF IT WASN'T SHOWING  
14                  IT WAS A HUNDRED PERCENT IN, IT'S JUST AS SPECULATIVE  
15                  AS SAYING WELL IF IT WASN'T SHOWING IT WAS HALFWAY IN  
16                  AND IT'S NOW STUCK.  THERE IS JUST NOT ENOUGH TO  
17                  ALLOW THIS JURY TO SEE THAT FILM.

18                  MR. MORTON:  I RESPECT YOUR HONOR'S  
19                  OPINION, BUT AGAIN MY FEELING IT GOES TO THE WEIGHT.

20                  THE COURT:  ALL RIGHT.  I'M NOT GOING TO  
21                  ALLOW IT.  ALL RIGHT.  CAN WE TRY AGAIN AND TELL THE  
22                  JURY THREE MINUTES.

23                                   (COURT'S IN RECESS AT 10:38 AM.)

24                                   (COURT RESUMES.)

25                  MR. BRACKETT:  IF THERE IS ANY ADDITIONAL

1 INFORMATION OR EVIDENCE, WE RECEIVED NOTHING. THIS  
2 IS ABOUT THE SECOND OR THIRD TIME THIS HAS HAPPENED.

3 THE COURT: NOW YOU KNOW HOW THEY FEEL.

4 MR. BRACKETT: WELL. (LAUGHTER.) WE  
5 DIDN'T USE THE COMPUTER STUFF. I HEARD THEIR  
6 COMPLAINT ABOUT THAT. BUT IF THERE IS, I'M JUST  
7 SAYING, IF THERE IS, IT WOULD BE NICE TO HAVE IT.

8 THE COURT: YOU READY.

9 MR. MORTON: YES, SIR.

10 THE COURT: MR. GREELEY, YOU READY.

11 MR. GREELEY: I'M READY, YOUR HONOR.

12 THE COURT: ALL RIGHT. BRING IN THE JURY.

13 (THE JURY RETURNS TO THE COURTROOM AT  
14 10:44 AM.)

15 THE COURT: MEMBERS OF THE JURY PANEL, IF  
16 YOU RECALL A FEW DAYS BACK I TOLD THAT YOU WOULD BE  
17 THE JUDGE OF THE CREDIBILITY OF THE WITNESSES WHO  
18 TESTIFY. I'M GLAD I'M NOT A WITNESS BECAUSE MY  
19 CREDIBILITY I'M SURE IS SHOT WITH Y'ALL AT THIS  
20 POINT. (LAUGHTER.) WE HAVE BEEN WORKING SINCE NINE  
21 O'CLOCK TRYING TO GET SOME THINGS IN ORDER AND WE'RE  
22 READY TO GO FORWARD AT THIS TIME. CALL YOUR NEXT  
23 WITNESS.

24 MR. SMITH: THE BILLY COPE CALLS LEILA  
25 PHIFER.

1 LEILA PHIFER, BEING FIRST  
2 DULY SWORN, TESTIFIED AS FOLLOWS:  
3 DIRECT EXAMINATION BY MR. SMITH:  
4 Q IF YOU'LL PLEASE STATE YOUR FULL NAME FOR THE  
5 JURY.  
6 A LEILA PHIFER.  
7 Q IF YOU WOULD SPELL YOUR NAME FOR THE COURT  
8 REPORTER PLEASE?  
9 A L-E-I-L-A P-H-I-F-E-R.  
10 Q MS. PHIFER, WHERE DO YOU CURRENTLY LIVE?  
11 A I LIVE AT EDMORE, SOUTH CAROLINA.  
12 Q AND ARE YOU MARRIED AND DO YOU HAVE CHILDREN?  
13 A I'M A WIDOW AND I HAVE TWO SONS.  
14 Q WHERE DO YOU CURRENTLY WORK?  
15 A UNITED SUPPLY AT WESTINGHOUSE IN CHARLOTTE.  
16 Q AND WHAT DO YOU DO THERE?  
17 A CUSTOMER SERVICE REP.  
18 Q NOW DO YOU KNOW THE COPE FAMILY, BILLY, MARY SUE  
19 BEFORE SHE PASSED AWAY, JESSICA, KYLA, AND AMANDA  
20 BEFORE SHE WAS, BEFORE SHE PASSED AWAY?  
21 A I DO.  
22 Q HOW DID YOU KNOW THEM?  
23 A WE WENT TO CHURCH TOGETHER.  
24 Q AND HOW LONG DID YOU KNOW, HOW LONG HAVE YOU  
25 KNOWN THEM?

1 A AROUND 20 YEARS.

2 Q OKAY. AND WHAT CHURCH DID YOU ATTEND?

3 A WEST MAIN NAZARENE.

4 Q AND OUT OF THE COPE FAMILY WHO WERE YOU CLOSEST  
5 TO?

6 A MARY SUE.

7 Q AND THAT WAS MR. COPE'S WIFE?

8 A YES, SIR.

9 Q WHAT WAS YOUR RELATIONSHIP WITH HER?

10 A WE WERE REAL GOOD FRIENDS AND I HELPED HER GET A  
11 JOB UP THERE WHERE I USED TO WORK AT LEINER.

12 MR. MORTON: YOUR HONOR, I HATE TO  
13 INTERRUPT BUT THERE IS SOMETHING IF --

14 THE COURT: MR. SMITH, MR. THOMPSON  
15 APPARENTLY NOW WANTS TO TALK TO YOU. MR. GREELEY.

16 (BENCH CONFERENCE.)

17 Q SORRY ABOUT THAT, MS. PHIFER. I BELIEVE YOU  
18 WERE TALKING ABOUT YOUR RELATIONSHIP WITH MARY SUE  
19 COPE?

20 A YES, SIR.

21 Q AND I THINK YOU SAID THAT YOU WERE REAL CLOSE  
22 FRIENDS WITH HER. DID YOU SEE AND SPEAK WITH HER  
23 REGULARLY?

24 A YES, SIR, I SEEN HER EVERYDAY AT WORK.

25 Q OKAY. NOW HOW DID YOUR RELATIONSHIP DEVELOP OR

1 WHAT HAPPENED AFTER AMANDA'S DEATH?

2 A MARY SUE COME AND STAYED WITH MY FAMILY AND I.

3 Q OKAY. AND THAT WAS AT YOUR CURRENT RESIDENCE?

4 A YES, SIR.

5 Q NOW WHILE MARY SUE WAS STAYING THERE, DID SHE

6 EVER, DID YOU NOTICE ANY CONTACT THAT SHE HAD WITH

7 THE POLICE?

8 A YES, SIR.

9 Q AND ANYONE IN PARTICULAR FROM THE POLICE

10 DEPARTMENT?

11 A SHE TALKED WITH CHARLENE BLACKWELDER.

12 Q NOW WAS MARY SUE INSTIGATING THE CONTACT WITH

13 MRS. BLACKWELDER OR WAS MRS. BLACKWELDER INSTIGATING

14 THE CONTACT WITH MARY SUE?

15 A MRS. BLACKWELDER WOULD CALL MARY SUE EITHER ON

16 MY PHONE OR EITHER HER CELL PHONE AND TELLING THAT

17 SHE NEEDED TO COME TO THE POLICE STATION.

18 Q WHAT WAS MARY SUE'S REACTION OR Demeanor

19 WHENEVER SHE RECEIVED THESE CALLS FROM

20 MRS. BLACKWELDER?

21 A SHE WOULD GET UPSET.

22 Q DO YOU KNOW WHY?

23 A BECAUSE SHE DIDN'T WANT TO GO DOWN TO THE POLICE

24 STATION BECAUSE SHE WAS SCARED.

25 Q I'M SORRY?

1 A SHE WAS SCARED.

2 Q OKAY.

3 MR. THOMPSON: YOUR HONOR, I AM GOING TO  
4 OBJECT AS TO RELEVANCE.

5 THE COURT: I SUSTAIN THE OBJECTION.  
6 DISREGARD THAT LAST QUESTION AND ANSWER. SHE CAN'T  
7 TELL US WHAT OTHER PEOPLE WERE THINKING.

8 Q DID SHE EXHIBIT SIGNS THAT SHE WAS AFRAID?

9 A SHE WAS WORRIED ABOUT HER CHILDREN.

10 THE COURT: LET ME ASK ANOTHER QUESTION,  
11 MA'AM, YOU CAN'T TESTIFY TO WHAT SHE THOUGHT BECAUSE  
12 THAT'S JUST, OUR RULES DON'T ALLOW IT, AND YOU CAN'T  
13 TESTIFY TO HEARSAY, THAT IS, WHAT OTHER PEOPLE SAID.  
14 SO ANSWER THE QUESTIONS WITH OUR RULES IN MIND.  
15 THANK YOU.

16 MR. SMITH: THANK YOU, YOUR HONOR.

17 Q WHAT WAS, I'LL ASK YOU AGAIN JUST TO CLEAR THIS  
18 UP, WHAT DID YOU OBSERVE MRS. COPE'S DEemeanOR TO BE  
19 AFTER SHE WAS CONTACTED BY MRS. BLACKWELDER? WHAT,  
20 HOW DID SHE APPEAR?

21 A IF I SAY SHE'S NERVOUS THEY ARE GOING TO OBJECT.

22 Q DID SHE APPEAR NERVOUS TO YOU?

23 A YES.

24 Q OKAY. NOW DID THE POLICE EVER COME OUT TO YOUR  
25 HOUSE TO TALK TO MARY SUE?



1 A THEY DID.

2 Q AND WAS THAT MRS. BLACKWELDER?

3 A YES.

4 Q AND WHAT HAPPENED WHEN THEY CAME OUT?

5 A THEY CAME AND PICKED HER UP AND TOOK HER TO THE

6 POLICE STATION.

7 Q OKAY. DO YOU KNOW IF MARY SUE WAS EXPECTING

8 THEM TO COME OUT TO THE HOUSE OR NOT?

9 A THEY WOULD CALL.

10 Q THE POLICE WOULD CALL MARY SUE?

11 A UH-HUH.

12 Q AND HOW MANY TIMES DID THE POLICE OR

13 MRS. BLACKWELDER COME OUT AND PICK MARY SUE UP?

14 A AROUND TWICE.

15 Q WHEN WAS THE FIRST TIME APPROXIMATELY?

16 A SOMEWHERE IN DECEMBER.

17 Q WAS IT NEAR THE TIME OF AMANDA'S MURDER?

18 A IT WAS AFTER AMANDA'S MURDER.

19 Q BUT WAS IT SHORTLY AFTER, WAS IT A LONG WAYS

20 AFTER, DAYS, WEEKS?

21 A IT'S ABOUT A WEEK.

22 Q AND WHAT TIME OF THE DAY DID THEY PICK, DID

23 MRS. BLACKWELDER PICK MARY SUE UP?

24 A THEY CAME IN THE MORNING.

25 Q AND WHAT TIME WAS, DID MARY SUE RETURN?

1 A IT BE AT DARK.

2 Q AND WHAT WAS MARY SUE'S DEMEANOR, WHAT DID YOU  
3 OBSERVE OR HOW DID MARY SUE APPEAR WHENEVER SHE  
4 RETURNED FROM THIS FIRST VISIT WITH MRS. BLACKWELDER?

5 A SHE WOULD BE MENTALLY DRAINED.

6 Q DID Y'ALL HAVE TO DO ANYTHING IN PARTICULAR TO  
7 ASSIST HER WHENEVER SHE GOT BACK?

8 A YES. SHE'D TAKE HER MEDICATION AND SHE WOULD  
9 LAY DOWN.

10 MR. THOMPSON: YOUR HONOR, I OBJECT AS TO  
11 RELEVANCE TO THIS WHOLE LINE OF QUESTIONING.

12 THE COURT: I'M GOING TO ALLOW IT. GO  
13 AHEAD.

14 MR. SMITH: THANK YOU, YOUR HONOR.

15 Q AND I THINK YOU TESTIFIED THAT MRS. BLACKWELDER  
16 CAME OUT ON TWO OCCASIONS AND PICKED MARY SUE UP?

17 A YES, BECAUSE IT HAD SNOWED AND MARY SUE COULDN'T  
18 DRIVE AND THEY CAME OUT IN A VEHICLE THAT WAS A FOUR  
19 WHEEL, HAD FOUR WHEEL DRIVE.

20 Q WHEN WAS THE SECOND TIME THAT MRS. BLACKWELDER  
21 CAME OUT?

22 A (NO RESPONSE.)

23 Q WAS IT AROUND DECEMBER 31?

24 A I KNOW, I KNOW IT'S IN DECEMBER. I JUST CAN'T,  
25 YOU KNOW, RECALL THE EXACT DATE.

1 Q WHEN DID, WHAT TIME OF DAY DID MRS. BLACKWELDER  
2 PICK HER UP?

3 A IT WOULD BE IN THE MORNING TIME.

4 Q WHAT TIME WOULD SHE RETURN?

5 A IT WOULD BE DARK TIME.

6 Q AND THIS SECOND TIME THAT MRS. BLACKWELDER TOOK  
7 MARY SUE, WHAT WAS MARY SUE'S REACTION WHENEVER SHE  
8 CAME BACK THIS TIME?

9 A SHE WAS UPSET BECAUSE SHE HAD BEEN --

10 MR. THOMPSON: OBJECTION, YOUR HONOR.

11 THE COURT: YOU CAN'T TELL US WHY SHE WAS  
12 UPSET. YOU CAN TELL US SHE APPEARED TO YOU TO BE  
13 UPSET.

14 A OKAY. SHE WAS, SHE APPEARED TO BE UPSET BECAUSE  
15 SHE HAD --

16 THE COURT: WELL, YOU CAN'T TELL US WHY.  
17 YOU CAN JUST TELL US THAT SHE APPEARED TO BE UPSET.

18 Q YOU CAN ONLY STATE WHAT YOU OBSERVED. AND WHAT  
19 DID YOU OBSERVE WHENEVER MRS. OR MARY SUE CAME BACK?

20 A I AM SCARED TO SAY BECAUSE I DON'T KNOW IF I AM  
21 DOING IT RIGHT OR NOT.

22 THE COURT: I ASSURE YOU IF YOU'RE DOING  
23 IT WRONG THIS LAWYER OVER HERE IS GOING TO, IF YOU  
24 SEE HIM JUMP UP, JUST STOP. (LAUGHTER.) GO AHEAD.

25 A SHE WAS UPSET BECAUSE SHE HAD TO, SHE HAD WENT

1 TO --

2 THE COURT: YOU CAN'T TELL US WHY SHE WAS  
3 UPSET.

4 MR. SMITH: WE'LL MOVE ON, YOUR HONOR.

5 Q NOW MS. PHIFER, DO YOU ALSO KNOW AMY SIMMONS?

6 A YES, I DO.

7 Q HOW DO YOU KNOW HER?

8 A SHE WENT TO CHURCH WITH US.

9 Q WAS SHE ALSO IN A GROUP OF FRIENDS THAT Y'ALL  
10 HAD?

11 A YES.

12 Q AND WHO ALL WAS IN THAT GROUP?

13 A SUSAN AND MARY SUE AND I.

14 Q AND MS. SIMMONS?

15 A UH-HUH. YES, SIR.

16 Q ARE YOU AWARE OF ANY CONTACT --

17 MR. THOMPSON: OBJECTION, YOUR HONOR,  
18 LEADING.

19 THE COURT: REPHRASE YOUR QUESTION.

20 MR. SMITH: I'M ASKING IF SHE HAD --

21 THE COURT: REPHRASE YOUR QUESTION. ASK  
22 IT A DIFFERENT WAY.

23 Q HAS, WHAT CONTACT IF ANY WAS THERE BETWEEN  
24 MRS. BLACKWELDER AND AMY SIMMONS IF YOU KNOW?

25 A AMY HAD SOME PROBLEMS.

1                   MR. THOMPSON:  OBJECTION, YOUR HONOR, SHE  
2                   IS GOING TO SAY HOW SHE KNOWS BEFOREHAND OR ELSE SHE  
3                   COULD BE TESTIFYING TO HEARSAY.

4                   MR. SMITH:  JUDGE, THAT WAS MY FIRST  
5                   QUESTION, ARE YOU AWARE OF ANY CONTACT BETWEEN AMY  
6                   SIMMONS AND MRS. BLACKWELDER.

7                   THE COURT:  ALL RIGHT.  I'LL LET HIM ASK  
8                   HER THAT, BUT JUST YES OR NO.  ARE YOU AWARE OF ANY  
9                   CONTACT BETWEEN THOSE TWO LADIES?

10                  A     YES, SIR --

11                  Q     OKAY.  WHAT CONTACT DID THEY HAVE THAT YOU ARE  
12                  AWARE OF?

13                  MR. THOMPSON:  I OBJECT AGAIN HOW IS SHE  
14                  AWARE OF IT IS --

15                  THE COURT:  I THINK YOU NEED TO LAY A  
16                  FOUNDATION.

17                  Q     HOW WERE YOU, HOW DO YOU KNOW THAT THERE WAS  
18                  CONTACT BETWEEN MRS. BLACKWELDER AND AMY SIMMONS?

19                  A     AMY WAS AT THE POLICE DEPARTMENT.

20                  Q     YOU OBSERVED THAT?

21                  A     YES.

22                  Q     OKAY.  AND WHEN WAS THAT?

23                  A     BACK LAST YEAR.

24                  Q     WAS, WERE YOU THERE AT THE POLICE DEPARTMENT  
25                  ALSO?

1 A YES, SIR.

2 Q WAS THAT IN RELATION TO THIS CASE OR WAS IT  
3 SOMETHING ELSE?

4 A IT WAS SOMETHING ELSE.

5 Q OKAY. WHAT WAS THAT?

6 A SHE WAS CHARGED FROM --

7 MR. THOMPSON: OBJECTION, YOUR HONOR,  
8 RELEVANCE.

9 THE COURT: I SUSTAIN THE OBJECTION.

10 MR. SMITH: YOUR HONOR, MRS. BLACKWELDER  
11 HAS TESTIFIED THAT THERE HAS BEEN NO CONTACT, AMY  
12 SIMMONS HAS TESTIFIED ALSO THERE HAS BEEN NO CONTACT  
13 OTHER THAN THIS CASE HERE REGARDING THIS CHARGE OR  
14 THESE CHARGES.

15 THE COURT: I'LL LET YOU GO AHEAD.

16 Q TELL THE JURY WHY AMY SIMMONS WAS AT THE POLICE  
17 DEPARTMENT WITH MRS. BLACKWELDER?

18 A SHE WAS BEEN CHARGED --

19 MR. THOMPSON: YOUR HONOR, I OBJECT.

20 THE COURT: I THINK I'M GOING TO LET YOU  
21 GO TO THE JURY ROOM, SO WE CAN HEAR THIS ONE OUT.  
22 THANK YOU.

23 (THE JURY EXITS THE COURTROOM AT 10:58  
24 AM.)

25 THE COURT: GO AHEAD AND DO A PROFFER. I

1 THINK WE'RE HEADING TOWARDS SOMETHING, I CAN'T  
2 CONCEIVE OF IT NOT INVOLVING HEARSAY, BUT LET'S GO  
3 AHEAD.

4 MR. SMITH: YES, SIR.

5 IN CAMERA DIRECT BY MR. SMITH:

6 Q MS. PHIFER, WHY WAS AMY SIMMONS AND/OR WHY WAS  
7 AMY SIMMONS AT THE ROCK HILL POLICE DEPARTMENT  
8 MEETING WITH CHARLENE BLACKWELDER?

9 A SHE GOT IN SOME TROUBLE OVER AT EDEN GARDENS  
10 WHERE SHE WORKED AT.

11 Q WHAT KIND OF TROUBLE WAS THAT?

12 A THAT'S WHERE THEY HAD, ONE OF THEIR PATIENTS  
13 DIED AND THEY TOOK HER DOWN, THEY QUESTIONED HER AND  
14 SHE WENT DOWN AND SHE CALLED SUSAN AND I TO COME DOWN  
15 TO THE POLICE DEPARTMENT BECAUSE SHE WAS SCARED.

16 Q LET ME ASK YOU THIS, YOU SAID THEY QUESTIONED  
17 HER, WHO WAS, WHO WERE YOU REFERRING TO?

18 A SHE, AMY STATED THAT CHARLENE BLACKWELDER AND I  
19 BELIEVE IT WAS CHARLES CABANISS THAT WAS THE ONE  
20 TALKED WITH HER.

21 Q THEY WERE QUESTIONING MS. SIMMONS ABOUT THIS  
22 DEATH AT THE NURSING HOME?

23 A THE DEATH UP AT EDEN GARDENS.

24 Q OKAY. AND MS. SIMMONS WAS A NURSE AT THAT TIME  
25 AT EDEN GARDENS?

1 A CORRECT.

2 Q AND A DEATH OCCURRED THERE?

3 A CORRECT.

4 Q AND SHE WAS BEING INVESTIGATED BY  
5 MRS. BLACKWELDER AND YOU BELIEVE CHARLES CABANISS  
6 ALSO?

7 A YES.

8 Q OKAY. PLEASE ANSWER ANY QUESTIONS THAT THE  
9 STATE MAY HAVE FOR YOU.

10 THE COURT: MR. GREELEY, I'M SORRY. DO  
11 YOU HAVE ANY QUESTIONS. IF YOU DO, I'LL LET YOU GO.

12 MR. GREELEY: NO, I DON'T HAVE ANY  
13 QUESTIONS. I WOULD LIKE TO BE --

14 THE COURT: OKAY.

15 IN CAMERA CROSS BY MR. THOMPSON:

16 Q NOW THE WAY, MS. PHIFER, THE WAY YOU KNEW THIS  
17 WAS BECAUSE YOU TALKED TO AMY?

18 A YES, SIR.

19 Q AND THIS WAS SOMETHING AMY TOLD YOU?

20 A YES, SIR.

21 Q ARE YOU AWARE THAT ACTUALLY NO. -- I'M SORRY.  
22 WHAT PLACE DID YOU SAY THE DEATH OCCURRED?

23 A EDEN GARDENS.

24 Q EDEN GARDENS. ARE YOU AWARE THAT THE DEATH  
25 ACTUALLY OCCURRED AT EBENEZER NURSING HOME AND THE



1           THING AT EDEN GARDENS DIDN'T HAVE ANYTHING TO DO WITH  
2           DEATH?

3           A       THERE WAS A DEATH AT EDEN GARDENS.  MS. SIMMONS  
4           HAD TWO INCIDENTS:  ONE AT EBENEZER AND ONE AT EDEN  
5           GARDENS.

6           Q       OKAY.  THAT SHE TOLD YOU ABOUT?

7           A       YEAH, BECAUSE WE WERE ALL FRIENDS.

8           Q       OKAY.  AND YOU ARE JUST SAYING THAT SHE THEN  
9           SAID THAT SHE TALKED TO CHARLENE BACKWELDER AND  
10          CAPTAIN CABANISS?

11          A       THAT'S WHAT SHE STATED.

12          Q       THANK YOU.

13                    THE COURT:  ALL RIGHT.

14                    MR. SMITH:  ONE MORE QUESTION, YOUR HONOR.  
15          IN CAMERA REDIRECT BY MR. SMITH:

16          Q       MS. PHIFER, WHERE WAS MARY SUE COPE WHEN SHE  
17          DIED?

18          A       SHE WAS AT AMY SIMMONS' HOUSE.

19          Q       THANK YOU.  I HAVE NO FURTHER QUESTIONS.

20                    THE COURT:  ALL RIGHT.  HOW DO YOU, UNDER  
21          WHAT RULE DOES THIS TESTIMONY COME IN?

22                    MR. SMITH:  JUDGE, WE'LL, WE HAVE NO  
23          FURTHER QUESTIONS FOR THE WITNESS.

24                    THE COURT:  BEFORE THE JURY.

25                    MR. SMITH:  YES, SIR.

1 THE COURT: OKAY. ALL RIGHT. BRING IN  
2 THE JURY. YOU CAN. THEY HAVE CROSS. I'M SORRY.  
3 WAIT JUST MINUTE. YOU SAID YOU HAD NO FURTHER --

4 MR. SMITH: I WAS JUST GOING TO SAY THAT I  
5 HAVE NO FURTHER QUESTIONS.

6 THE COURT: ALL RIGHT. BRING IN THE JURY.

7 MR. THOMPSON: YOUR HONOR, WE WOULD ASK TO  
8 STRIKE ALL OF THE MANY ATTEMPTED ANSWERS THAT SHE HAD  
9 TO THESE QUESTIONS THAT WERE NOT PROFFERED AT THE  
10 TIME. AT THE END OF THE QUESTIONING SHE WAS TRYING  
11 TO ANSWER ABOUT A NUMBER OF HEARSAY THINGS.

12 THE COURT: I'LL ASK THEM TO DISREGARD THE  
13 TESTIMONY CONCERNING WHAT HAPPENED AT THE ROCK HILL  
14 POLICE DEPARTMENT.

15 (THE JURY RETURNS TO THE COURTROOM AT  
16 11:02.)

17 THE COURT: MEMBERS OF THE JURY PANEL, I  
18 WANT TO INSTRUCT YOU TO DISREGARD ANY TESTIMONY FROM  
19 MRS. PHIFER CONCERNING ANYTHING THAT HAPPENED  
20 INVOLVING ANYONE AT THE ROCK HILL POLICE STATION.  
21 THANK YOU.

22 MR. SMITH: JUDGE, WE HAVE NO FURTHER  
23 QUESTIONS FOR THIS WITNESS AT THIS TIME.

24 THE COURT: ALL RIGHT. CROSS.  
25 CROSS EXAMINATION BY MR. THOMPSON:

1 Q GOOD MORNING, MS. PHIFER. JUST A FEW QUESTIONS.  
2 NOW YOU AND AMY SIMMONS AND MARY COPE WERE ALL  
3 FRIENDS, RIGHT?  
4 A YES, SIR.  
5 Q KIND OF A CLOSE KNIT GROUP OF FRIENDS?  
6 A YES, SIR.  
7 Q DID A LOT OF STUFF TOGETHER?  
8 A YEAH.  
9 Q RIGHT. OKAY. AND AS A MATTER OF FACT, MARY  
10 COPE NOT ONLY STAYED WITH YOU FOR AWHILE, SHE STAYED  
11 WITH AMY SIMMONS FOR A LITTLE WHILE, TOO, ISN'T THAT  
12 CORRECT?  
13 A CORRECT.  
14 Q OKAY. NOW YOU'VE ACTUALLY VISITED WITH THE  
15 DEFENSE ATTORNEYS A NUMBER OF TIMES, HAVEN'T YOU?  
16 A NO, SIR.  
17 Q YOU HAVEN'T SPOKEN TO THEM ANY NUMBER OF TIMES?  
18 A NO, I HADN'T SEEN THESE PEOPLE ABOUT TWICE.  
19 Q ABOUT TWICE. WAS ANYONE THERE FILMING YOU AT  
20 ANY TIME?  
21 A NO.  
22 Q YOU NEVER WENT INTO ANYTHING WHERE YOU FILMING  
23 WITH DATELINE WITH THEM?  
24 A NO, SIR, I SURE WASN'T.  
25 Q ALL RIGHT. THANK YOU. NO FURTHER QUESTIONS.

1                   MR. GREELEY: YOUR HONOR, I DON'T HAVE  
2                   ANYTHING.

3                   THE COURT: REDIRECT.

4                   MR. SMITH: NO, YOUR HONOR.

5                   THE COURT: YOU CAN STEP DOWN AND BE  
6                   EXCUSED. WE CERTAINLY APPRECIATE YOUR TIME. THANK  
7                   YOU.

8                   A        THANK YOU.

9                   THE COURT: ALL RIGHT. CALL YOUR NEXT  
10                  WITNESS.

11                  MR. MORTON: MR. COPE WOULD CALL RON  
12                  GUERETTE.

13                                RON GUERETTE, BEING FIRST DULY SWORN,  
14                  TESTIFIED AS FOLLOWS:

15                  DIRECT EXAMINATION BY MR. MORTON:

16                  Q        MR. GUERETTE, IF YOU'LL, THAT CHAIR DOESN'T  
17                  SLIDE UP. YOU JUST HAVE TO LEAN UP INTO THAT  
18                  MICROPHONE. TELL US YOUR FULL NAME AND SPELL YOUR  
19                  LAST NAME FOR THE COURT REPORTER IF YOU DON'T MIND?

20                  A        RONALD THOMAS GUERETTE. G-U-E-R-E-T-T-E.

21                  Q        MR. GUERETTE, ARE YOU CURRENTLY A RESIDENT OF  
22                  YORK COUNTY?

23                  A        YES, I AM.

24                  Q        WHERE ARE YOU ORIGINALLY FROM?

25                  A        MAINE ORIGINALLY.

1 Q HOW LONG HAVE YOU BEEN IN THIS AREA?

2 A SINCE 1972.

3 Q OKAY. AND YOU WERE FORMERLY WITH THE CHARLOTTE  
4 POLICE DEPARTMENT?

5 A YES, SIR.

6 Q AND WHEN WERE YOU WITH THE CHARLOTTE POLICE  
7 DEPARTMENT?

8 A FROM I SAID '72. '73 I BELIEVE WHEN I GOT HERE.  
9 LATE '73 EARLY '74 UNTIL 1982.

10 Q OKAY. AND BEFORE THAT WHAT DID YOU DO?

11 A PRIOR TO THAT -- WELL, AFTER HIGH SCHOOL LEAVING  
12 MAINE I WENT IN THE NAVY. AFTER THE NAVY I WAS A COP  
13 IN COLORADO.

14 Q HOW LONG WERE YOU IN THE NAVY?

15 A SIX YEARS.

16 Q AND WERE YOU IN, OVERSEAS ANY OF THAT TIME?

17 A YES, SIR. I WAS IN VIETNAM FOR ALMOST THREE  
18 YEARS.

19 Q OKAY?

20 A PHILIPPINES. I LEFT THE STATES IN '63 AND GOT  
21 BACK IN '69.

22 Q OKAY. AND AFTER YOUR SERVICE IN THE MILITARY  
23 FROM '63 TO '69, WHERE DID YOU GO?

24 A I WENT TO COLORADO. I JOINED THE ARVADA POLICE  
25 DEPARTMENT WHICH IS A SUBURB OF DENVER, AND I WAS

1       THERE FOR ABOUT 12-13 MONTHS.

2       Q     OKAY.  AND DID YOU ALSO, WERE YOU ALSO A MEMBER  
3       OF THE AIR FORCE AT SOME POINT?

4       A     AFTER I LEFT THE ARVADA POLICE DEPARTMENT I  
5       WANTED TO GO BACK IN THE MILITARY.  I WENT IN THE  
6       MILITARY FOR AIR FORCE FOR A COUPLE OF YEARS AND I  
7       WANTED TO GET INTO INTELLIGENCE AND THEY PUT ME BACK  
8       IN METEOROLOGY SO I GOT OUT AND JOINED THE AIR  
9       NATIONAL GUARD AND JOINED THE CHARLOTTE POLICE  
10      DEPARTMENT AT THE SAME TIME.

11     Q     OKAY.  WHAT DO YOU DO CURRENTLY?

12     A     I'M A PRIVATE INVESTIGATOR IN NORTH CAROLINA IN  
13     CHARLOTTE.

14     Q     WHILE YOU WERE WITH THE CHARLOTTE POLICE  
15     DEPARTMENT TELL THE JURY ABOUT YOUR EXPERIENCE WITH  
16     THE CHARLOTTE POLICE DEPARTMENT?

17     A     WELL, AFTER FINISHING ROOKIE SCHOOL, I WENT TO  
18     PATROL JUST FOR A COUPLE OF MONTHS.  AFTER PATROL I  
19     WAS ASSIGNED TO A HOUSEBREAKING SQUAD WHICH IS MYSELF  
20     AND ANOTHER INDIVIDUAL PLAIN CLOTHES, STAKE OUTS,  
21     WATCHING PEOPLE BREAK IN TO RESIDENCES, AND STUFF  
22     LIKE THAT.

23     Q     WHEN YOU SAY WATCHING THEM BREAK IN WHAT DO YOU  
24     MEAN BY THAT?

25     A     WELL, WE HAD IDENTIFIED CERTAIN INDIVIDUALS WHO

1 WERE BREAKING INTO BUILDINGS IN CERTAIN AREAS AND WE  
2 STAKED IT OUT AND WE ENDED UP CATCHING QUITE A FEW  
3 PEOPLE BREAKING INTO THE BUILDINGS, ARRESTING THEM,  
4 TAKING THEM TO COURT. AFTER A COUPLE MONTHS OF THAT  
5 THEN I WAS ASSIGNED TO, WE HAD A RASH OF ROBBERIES,  
6 THERE WAS AN ARMED ROBBERY SQUAD. I WAS PLAIN  
7 CLOTHES AGAIN, STAKES OUT, INTERVIEWING PEOPLE WE  
8 CAUGHT, AND THAT LASTED FOR ABOUT THREE OR FOUR  
9 MONTHS. THEN AFTER THAT I WAS ASSIGNED TO WORK  
10 UNDERCOVER WHICH IS WHAT I HAD DONE IN COLORADO  
11 WORKED UNDERCOVER AND MAINLY IN NARCOTICS. I STAYED  
12 UNDERCOVER FOR QUITE AWHILE. AFTER COMING OUT FROM  
13 UNDERCOVER, I THINK ABOUT IT'S 19 MONTHS TOTAL, I  
14 THEN WAS ASSIGNED BACK TO THE PATROL FOR ABOUT A  
15 MONTH, THEN I WAS ASSIGNED TO THE FRAUD UNIT FOR  
16 ABOUT SIX MONTHS AT WHICH COVERED WHITE COLLAR CRIMES  
17 AND CHECK FRAUD, STUFF LIKE THAT. AFTER THAT I WAS  
18 ASSIGNED TO WHAT WE CALL A STING OPERATION WHICH IS  
19 AN UNDERCOVER OPERATION WHERE WE WENT OUT AND BOUGHT  
20 STOLEN GOODS FROM PEOPLE WHO WERE BREAKING IN, BUYING  
21 AS A STORE FRONT, ENDED UP ARRESTING QUITE A FEW  
22 PEOPLE AFTER ABOUT NINE MONTHS OF THAT WORK. AND  
23 AFTER THE STING OPERATION I WAS ASSIGNED TO THE  
24 HOMICIDE UNIT WITH THE CHARLOTTE POLICE DEPARTMENT,  
25 ONE OF FOUR OF US WHO WERE ASSIGNED AS LEAD

1 INVESTIGATORS FOR THE HOMICIDE UNIT WHICH HANDLED NOT  
2 ONLY DEATHS, ANY TYPE OF DEATHS, ACCIDENTS, SUICIDE,  
3 HOMICIDE, AS WELL AS VIOLENT CRIMES WHICH INCLUDED  
4 RAPES AND ANY VIOLENT CRIMES AND POLICE RELATED  
5 TRAGIC SITUATIONS WHETHER IT'S DELIBERATE OR NOT.

6 Q APPROXIMATELY HOW MANY DEATH INVESTIGATIONS HAVE  
7 YOU INVESTIGATED?

8 A IN THE THREE YEARS WE WERE REAL, REAL BUSY.  
9 ANYWHERE FROM 250 TO 300 DEATH INVESTIGATIONS. NOT  
10 ALL OF THEM WERE HOMICIDES BUT YOU START OUT AS A  
11 DEATH INVESTIGATION AND THEN YOU FIND OUT WHAT  
12 HAPPENS AND.

13 Q SO WHEN THERE IS A DEATH, YOU BEGAN  
14 INVESTIGATING?

15 A RIGHT.

16 Q AND TRYING TO FIND OUT WHAT HAPPENED?

17 A RIGHT. SOME ARE LABELED ACCIDENTS, SOME ARE  
18 LABELED SUICIDES. SOME ARE LABELED HOMICIDES, OR  
19 RELATED.

20 Q NOW AFTER YOUR EXPERIENCE WITH THE HOMICIDE UNIT  
21 THERE IN CHARLOTTE, WHAT DID YOU DO?

22 A WELL, AFTER THREE YEARS IN THE HOMICIDE, WE HAD  
23 A RASH OF BIKER GANG KILLINGS AND I WAS ONE OF TWO  
24 INDIVIDUALS WHO WAS ELECTED TO START WHAT WE CALL AN  
25 INTELLIGENCE DIVISION WHICH WORKS STRICTLY ON



1 MOTORCYCLE CRIMES AND I WORKED THAT FOR A YEAR. AND  
2 THEN I WORKED SIX MONTHS AT THE POLICE ACADEMY AS AN  
3 INSTRUCTOR. I HAD BEEN INSTRUCTING FOR ABOUT TWO  
4 YEARS PRIOR TO THAT.

5 Q YOU HAD BEEN INSTRUCTING FOR A COUPLE YEARS  
6 PRIOR TO THAT?

7 A AT THE CHARLOTTE POLICE ACADEMY I'VE BEEN  
8 INSTRUCTING TWO YEARS BEFORE I WAS ASSIGNED THERE.  
9 WELL, ALMOST TWO AND A HALF TOTAL BECAUSE A TOTAL OF  
10 THREE YEARS I WAS INSTRUCTOR AT THE POLICE ACADEMY.  
11 SIX OF THOSE THREE YEARS I WAS ASSIGNED TO THE POLICE  
12 ACADEMY TO WHERE THAT WAS MY ONLY DUTY. THEN I WAS  
13 ALSO INSTRUCTING AT CENTRAL PIEDMONT COMMUNITY  
14 COLLEGE. I DID THAT FOR ABOUT 8 YEARS BEFORE AND  
15 AFTER LAW ENFORCEMENT. ALSO INSTRUCTED WHAT WE CALL  
16 IN SERVICE TRAINING WHICH ARE NOT ONLY ROOKIES BUT  
17 POLICE OFFICERS WHO HAS BEEN IN THE FIELD FOR AWHILE,  
18 THEY HAVE TO COME IN FOR CONTINUOUS TRAINING AND THEN  
19 WE ALSO AT THAT TIME CERTAIN AREAS AROUND DID NOT  
20 HAVE THEIR OWN ACADEMY, SO WE WOULD TEACH AT NIGHT  
21 MONROE, GASTONIA, BELMONT AREA, LAW ENFORCEMENT  
22 OFFICERS AS WELL SPECIAL POLICE LIKE DUKE POWER  
23 POLICE, AND STUFF LIKE THAT.

24 Q HOW MANY CRIME SCENES HAVE YOU BEEN TO AND  
25 INVESTIGATED?

1 A MANY. WELL OVER 200.

2 Q OKAY.

3 A IF NOT CLOSE TO 300.

4 Q AND HOW MANY, WHAT WAS YOUR, WHAT WERE YOU  
5 INSTRUCTED?

6 A DEATH SCENE, CRIME SCENES.

7 Q DEATH SCENES?

8 A DEATH SCENES, YES.

9 Q OKAY. WHAT WERE YOUR DUTIES AS AN INSTRUCTOR AT  
10 THE POLICE ACADEMY AND LATER AT CPCC?

11 A MOST OF, WELL, I HAD BEEN TO ADVANCED, I MEAN, I  
12 HAD BEEN TO CERTIFICATION COURSE WHICH YOU HAVE TO BE  
13 CERTIFIED BEFORE YOU TEACH TO THE POLICE OFFICERS  
14 GOVERNED BY THE STATE OF NORTH CAROLINA AND AFTER  
15 THAT I STARTED TEACHING AT THE POLICE ACADEMY. MOST  
16 OF MY COURSES WERE INTERVIEWING, INTERROGATION  
17 TECHNIQUES, HOMICIDE INVESTIGATION WAS ONE SPECIFIC  
18 COURSE WE HAD AND OTHER TYPES OF INVESTIGATIONS. AT  
19 ONE TIME I WAS A HOSTAGE NEGOTIATOR AND THEN I USED  
20 TO TEACH THAT COURSE. AS WELL AS JUST LOTS, THERE  
21 WAS TYPE OF COURSE, BUT MOSTLY IT WAS CRIMINAL  
22 INVESTIGATION, INTERROGATION, INTERVIEWING  
23 TECHNIQUES.

24 Q OKAY. HAVE YOU BEEN QUALIFIED AS AN EXPERT IN  
25 THIS COURT, IN YORK COUNTY?

1 A YES, SIR, I CAN'T REMEMBER IF IT WAS THIS  
2 COURTROOM BUT HERE IN YORK COUNTY.

3 Q AS A?

4 A CRIMINAL INVESTIGATOR.

5 Q CRIMINAL INVESTIGATOR. HAVE YOU ALSO BEEN  
6 QUALIFIED IN COURTS AS AN EXPERT IN THE FIELD OF  
7 INTERROGATION AND INTERVIEW TECHNIQUES?

8 A YES, SIR, I HAVE.

9 Q OKAY. WHERE ALL HAVE YOU BEEN QUALIFIED IN  
10 THOSE TWO FIELDS?

11 A WELL, I CAN'T REMEMBER EXACTLY WHAT FIELDS.  
12 I'VE BEEN QUALIFIED AS AN EXPERT IN CHARLOTTE A  
13 NUMBER, SMALL NUMBER OF TIMES. STATESVILLE IN  
14 FEDERAL COURT. HICKORY IN STATE COURTS. BRYSON CITY  
15 FEDERAL MAGISTRATE'S OFFICE UP THERE BY ASHVILLE. A  
16 POST CONVICTION HEARING IN MOBILE ALABAMA FEDERAL  
17 COURT, AND ANOTHER POST CONVICTION HEARING IN WEST  
18 VIRGINIA BECKLEY, IS IT.

19 Q BECKLEY.

20 A BECKLEY, WEST VIRGINIA. THEN OF COURSE  
21 CHARLOTTE, STATESVILLE, HICKORY.

22 Q ALABAMA?

23 A HERE IN SOUTH CAROLINA. MOBILE, ALABAMA.

24 Q AND HERE IN THIS COURT?

25 A HERE IN THIS COURTROOM.

1                   MR. MORTON: YOUR HONOR, AT THIS TIME WE  
2                   WOULD MOVE TO HAVE MR. GUERETTE QUALIFIED AS AN  
3                   EXPERT IN THE FIELD OF CRIMINAL INVESTIGATIONS AND  
4                   CRIME SCENES AND INTERROGATION AND INTERVIEW  
5                   TECHNIQUES.

6                   THE COURT: ANY VOIR DIRE.

7                   MR. THOMPSON: YES, YOUR HONOR.

8                   VOIR DIRE BY MR. THOMPSON:

9                   Q     MR. GUERETTE, YOU TESTIFIED THAT IN YOUR  
10                  EXPERIENCE IN CHARLOTTE WAS FROM 1972 TO 1982, THAT  
11                  NINE YEARS, CORRECT?

12                 A     WELL, IT WAS LATE '73 EARLY '74.

13                 Q     THAT'S WHERE YOU WENT INTO CHARLOTTE AND THEN  
14                  YOU STAYED THERE ABOUT NINE YEARS?

15                 A     I LEFT THERE IN AUGUST OF '82, YES, SIR.

16                 Q     OKAY. AND WHEN YOU WERE THERE, OF COURSE, YOU  
17                  STARTED OFF PLAIN CLOTHES PATROL, LIKE YOU SAID, THAT  
18                  SORT OF THING.

19                 A     WELL UNIFORM PATROL FOR THE FIRST COUPLE OF  
20                  MONTHS AND THEN I WENT TO PLAIN CLOTHES WHICH IS YOU  
21                  WEAR STREET CLOTHES.

22                 Q     AND CHARLOTTE HAS A FORENSIC UNIT, DON'T THEY?  
23                  A CRIME SCENE UNIT THAT GOES OUT DURING CRIMES?

24                 A     WHEN I FIRST GOT ON THEY HAD POLICE OFFICERS WHO  
25                  WERE PATROL OFFICERS WHO HAD BEEN TRAINED AS

1 COLLECTING EVIDENCE.

2 Q ALL RIGHT.

3 A AFTER A PERIOD OF TIME THEN THEY HIRED  
4 CIVILIANS, I CAN'T REMEMBER WHAT THEY CALL THEM, BUT  
5 THEY WERE CRIME SCENE TECHS I GUESS.

6 Q AND THESE CRIME SCENE TECHS WOULD COME IN AND  
7 PROCESS THE CRIME SCENES, CORRECT?

8 A THAT'S CORRECT. THEY WOULD COLLECT THE  
9 EVIDENCE.

10 Q AND YOUR DUTY AT CRIME SCENE WAS AS AN  
11 INVESTIGATOR, WAS IT NOT?

12 A NO, SIR. YES AND NO. I MEAN, WHEN I WENT TO  
13 THE CRIME SCENE, WHEN I WAS ASSIGNED TO IT, THERE  
14 WERE FOUR OF US WORKING HOMICIDES OR DEATH RELATED  
15 INCIDENTS, AND ONE OF US WOULD BE ASSIGNED TO LEAD  
16 INVESTIGATOR FOR THAT PARTICULAR SCENE AND THE LEAD  
17 INVESTIGATOR WAS TO MAKE SURE THAT ALL THE WITNESSES  
18 WERE INTERVIEWED, ALL THE NEIGHBORS WERE INTERVIEWED,  
19 AS WELL AS COORDINATE THE CRIME SCENE TECHS AS TO  
20 WHAT -- IN OTHER WORDS, WE WOULD GO IN BEFORE THE  
21 CRIME SCENE TECHS, LOOK AT THE SITUATION, ANALYZE THE  
22 SITUATION, AND THEN DIRECT THE CRIME SCENE TECH AS TO  
23 WHAT TO COLLECT, WHAT TO LOOK FOR, AND THINGS OF THAT  
24 NATURE.

25 Q SO YOU WOULD KIND OF GIVE THEM AN OVERVIEW OF

1       WHAT HAPPENED IN THE CRIME SO IT COULD HELP THEM TO  
2       LOOK FOR WHAT THEY WERE SUPPOSED TO LOOK FOR,  
3       CORRECT?

4       A       GENERALLY BY THAT TIME WE KNEW A LOT OF THE  
5       THINGS EITHER FROM PAST EXPERIENCE OR OBSERVATIONS AT  
6       THE SCENE AS TO WHAT NEEDED TO BE COLLECTED.  IN  
7       OTHER WORDS, IT WAS YOUR RESPONSIBILITY AS A LEAD  
8       INVESTIGATOR TO MAKE SURE THAT ALL THESE THINGS WERE  
9       DONE.

10      Q       OKAY.  AND YOU ACTUALLY DID THE HOMICIDE  
11      INVESTIGATIONS FOR HOW LONG IN CHARLOTTE?

12      A       ALMOST THREE YEARS.

13      Q       THREE YEARS.  NOW SINCE 1982 YOU'VE ACTUALLY  
14      BEEN IN YOUR OWN INVESTIGATIONS FIRM, CORRECT?

15      A       YES, SIR.

16      Q       OKAY.  AND BASICALLY A PRIVATE INVESTIGATOR,  
17      RIGHT?

18      A       RIGHT.  I MEAN THAT'S WHAT I'VE BEEN.

19      Q       YOU DO THINGS LIKE CATCH CHEATING SPOUSES OR  
20      SOMETHING LIKE THAT IF YOU ARE ASKED TO?

21      A       STEALING, KILLING, CHECKING ON SPOUSES.

22      Q       CHECKING ON SPOUSES, YOU DO ALL THE NORMAL  
23      THINGS A PI DOES, BACKGROUND CHECKS ON SOME PEOPLE,  
24      THINGS OF THAT NATURE, JUST FINDING OUT ABOUT  
25      WHATEVER SOMEONE HIRES YOU FOR, FIND OUT WHAT SOMEONE

1 ELSE IS DOING THAT THEY NEED TO KNOW ABOUT, CORRECT?

2 A I MEAN, THAT'S A GENERAL VIEW OF WHAT WE DO.

3 Q OKAY. NOW WHEN YOU WERE DOING THIS IN THE  
4 POLICE DEPARTMENT DNA WASN'T EVEN A FACTOR BACK THEN,  
5 WAS IT?

6 A WHEN I WAS ON THE POLICE DEPARTMENT, NO, SIR,  
7 DNA WAS NOT A TOOL USED AT THAT TIME IN LAW  
8 ENFORCEMENT.

9 Q ALL RIGHT. AND IT'S BEEN SOME TIME SINCE YOU'VE  
10 ACTUALLY DONE POLICE WORK, IS THAT CORRECT?

11 A I MEAN, I'VE NOT DONE ANY POLICE WORK SINCE I  
12 LEFT THE POLICE DEPARTMENT BECAUSE I CAN'T. I'M NOT  
13 A LAW ENFORCEMENT OFFICER AND YOU CAN'T BE A PI AND  
14 BE A LAW ENFORCEMENT OFFICER, NOT EVEN IN RESERVE.  
15 YOU HAVE TO LET YOUR CERTIFICATION GO. I DON'T  
16 REALLY UNDERSTAND YOUR POLICE WORK. I MEAN, WE  
17 HANDLE MOSTLY CRIMINAL CASES. IT'S NOT POLICE WORK.  
18 IT'S INVESTIGATOR, CRIMINAL INVESTIGATOR WORK.

19 Q INTERVIEWING PEOPLE, THINGS LIKE THAT?

20 A INTERVIEWING PEOPLE. I'VE BEEN TO SOME CRIME  
21 SCENES. SOMETIMES I GET HIRED IMMEDIATELY, SOMETHING  
22 HAPPENS, I GET THE OPPORTUNITY THEN TO GET TO GO TO  
23 THE CRIME SCENE. INVESTIGATE THE CASE, LISTEN TO  
24 TAPE RECORDINGS, AND LISTEN TO INTERVIEWS AND READ  
25 INTERVIEWS AND READ EVERYTHING THAT'S INVOLVED IN

1 WHAT THE POLICE HAVE PROVIDED IN DISCOVERY.

2 Q WHAT SPECIFIC TRAINING DO YOU HAVE IN CRIME  
3 SCENE PROCESSING?

4 A WHEN I WAS A COP IN COLORADO WE HAD A 30 DAY  
5 ACADEMY CLASS. I CANNOT REMEMBER HOW MANY HOURS.  
6 PART OF THAT WAS LIKE ANY NORMAL POLICE OFFICER YOU  
7 GET A SMALL AMOUNT OF TRAINING IN CRIME SCENE  
8 PROTECTION, WHAT TO LOOK FOR, AND THINGS OF THAT  
9 NATURE.

10 BESIDES THAT, WHEN I GOT ON THE  
11 CHARLOTTE POLICE DEPARTMENT IT'S BEEN AWHILE, IT WAS  
12 ABOUT TWO MONTHS ACADEMY CLASS, WE HAD SOME HOURS  
13 THERE IN THE CRIME SCENE PROTECTION, WHAT TO DO, WHO  
14 TO PREVENT FROM GOING INTO THE CRIME SCENE, HOW TO  
15 MARK THE EVIDENCE, HOW TO COLLECT THE EVIDENCE; AT  
16 THAT TIME IN MY LAW ENFORCEMENT CAREER, A LOT OF  
17 TIMES THERE WAS A RESPONSIBILITY OF POLICE OFFICERS  
18 TO ASSIST IN THE COLLECTION OF EVIDENCE. OUTSIDE OF  
19 THAT, I WENT TO HOMICIDE SCHOOL IN LOUISVILLE,  
20 KENTUCKY. I THINK IT'S THE UNIVERSITY, IT'S THE  
21 UNIVERSITY THERE IN LOUISVILLE, KENTUCKY. IT'S A TWO  
22 WEEK HOMICIDE INVESTIGATOR COURSE WHERE I THINK A  
23 COUPLE DAYS, A DAY OR A COUPLE DAYS IS CRIME SCENE.  
24 WHAT TO RECOGNIZE, WHAT TO LOOK FOR, WHAT YOU SHOULD  
25 DO, WHAT YOU SHOULDN'T DO, HOW TO COLLECT THE



1 EVIDENCE, AND THINGS OF THAT NATURE. OUTSIDE OF THAT  
2 I DON'T THINK I'VE HAD ANY.

3 Q AND THAT WAS ALL BACK WHILE YOU WERE A POLICE  
4 OFFICER?

5 A YES, SIR.

6 Q OKAY. WHAT SPECIAL TRAINING HAVE YOU HAD IN  
7 INTERVIEW TECHNIQUES?

8 A ONCE AGAIN THROUGH THE, YOU COVER COURSE WHICH I  
9 USED TO TEACH AT THE CHARLOTTE POLICE ACADEMY THAT  
10 WAS A COURSE ON INTERVIEWING INTERROGATION  
11 TECHNIQUES. THE THINGS TO LOOK FOR WHEN YOU ARE  
12 INTERVIEWING PEOPLE, WHAT TO BE CAREFUL WITH, THE  
13 TYPE OF INDIVIDUALS THAT YOU ARE GOING TO INTERVIEW,  
14 THE REASONS WHY PEOPLE ALLOW SOME INTERVIEW, REASONS  
15 SOME MAY NOT. IT'S BASICALLY A BASIC COURSE ON  
16 INTERVIEW/INTERROGATION TECHNIQUES WHICH THERE IS A  
17 SLIGHT DIFFERENCE BETWEEN THE COLORADO SCHOOL AND THE  
18 CHARLOTTE POLICE ACADEMY. THERE IS A SLIGHT BETWEEN  
19 CHARLOTTE POLICE ACADEMY AND OTHER SCHOOLS, BUT  
20 BASICALLY IT'S THE SAME GENERIC TYPE TEACHINGS OF  
21 THIS IS WHAT YOU LOOK FOR, THIS IS WHAT HELPS YOU  
22 RECOGNIZE SOMEBODY AS YOU ARE INTERVIEWING THEM IF  
23 THEY ARE TELLING YOU THE TRUTH, HOW TO GO ABOUT THE  
24 INTERVIEWS, AND WHAT TO DO AND NOT TO DO. IN THE  
25 INTERROGATION, CORRECTION, IN THE LOUISVILLE KENTUCKY

1 SCHOOL IT'S QUITE A FEW DAYS OF YOU SIT THERE AND  
2 INTERVIEW YOUR CLASSMATES. IT'S MORE FUN THAN  
3 ANYTHING ELSE BUT IT GIVES YOU TECHNIQUE AS TO WHAT  
4 YOU LOOK FOR AND SOME OF THE CLASSMATES ARE TOLD TO  
5 LIE TO YOU, OTHERS ARE TOLD TO BE TRUTHFUL, AND  
6 THINGS OF THAT NATURE. YOU HAVE THAT TYPE OF  
7 TRAINING.

8 I ALSO WENT TO TWO WEEKS, IN THOSE  
9 DAYS USED TO CALL IT BNBD WHICH IS DEA NOW, DRUG  
10 ENFORCEMENT AGENCY. USED TO BE BUREAU OF NARCOTICS  
11 AND DANGEROUS SCHOOLS. I WENT TO A THREE DAY SCHOOL  
12 IN COLORADO AND A TWO WEEK SCHOOL IN GREENSBORO.  
13 THERE WE ALSO HAD SOME INTERVIEWING TECHNIQUES, I  
14 CAN'T REMEMBER HOW MANY HOURS IT WAS, TO WHERE YOU  
15 COULD IDENTIFY INDIVIDUALS WHO BASICALLY INFORMANTS,  
16 WHAT TYPE OF PEOPLE ARE YOU DEALING WITH, WHAT TO TRY  
17 TO FIGURE OUT WHY THEY ARE BEING COOPERATIVE, THINGS  
18 OF THAT NATURE. I'VE DONE A LOT OF SELF-THOUGHT  
19 RESEARCH IN INTERVIEWING/INTERROGATION TECHNIQUES  
20 THAT I HAD TO DO IN ORDER TO TEACH THAT PARTICULAR  
21 COURSE AT CENTRAL PIEDMONT COMMUNITY COLLEGE FOR  
22 WHICH I TAUGHT FOR ABOUT 8 YEARS AND THROUGHOUT THE 8  
23 YEARS YOU HAVE TO READ CONTINUOUS UPDATES ON  
24 TECHNIQUES AND THINGS OF THAT NATURE TO PASS IT ON TO  
25 YOUR STUDENTS. I ALSO HAD TO DO THE SAME THING AT

1 THE POLICE ACADEMY.

2 ADDITIONALLY, WHEN I WAS, THE SIX  
3 MONTHS AT THE POLICE ACADEMY, I HAD TO, CHARLOTTE AT  
4 THAT TIME WAS BELOW STANDARDS ACCORDING TO NORTH  
5 CAROLINA STANDARDS AND I WAS ASSIGNED THE BORING DUTY  
6 OF RESEARCHING A WHOLE BUNCH OF STUFF AND REWRITING  
7 THE TRAINING MANUALS THAT WE WERE USING AS WELL THE  
8 TESTS THAT WE WERE USING. AND OUTSIDE OF THAT,  
9 SINCE I STOPPED TEACHING AT CENTRAL PIEDMONT  
10 COMMUNITY COLLEGE, I'VE HAD TO DO RESEARCH, I USUALLY  
11 GIVE SOMETIMES ONCE, SOMETIMES TWICE A YEAR LECTURES  
12 AT CPCC ON CRIMINAL INVESTIGATIONS AND MOST OF IT IS  
13 INTERVIEWING INTERROGATION TECHNIQUES, SO I ALWAYS DO  
14 SOME RESEARCH AND TRY TO KEEP AN UPDATE BEFORE I GO  
15 IN.

16 Q ALL RIGHT. THANK YOU. NO FURTHER QUESTIONS.

17 THE COURT: MR. GREELEY.

18 MR. GREELEY: I HAVE NO QUESTIONS.

19 MR. MORTON: YOUR HONOR, AT THIS TIME I  
20 MOVE TO QUALIFY HIM AS AN EXPERT IN THE FIELD OF  
21 CRIMINAL INVESTIGATION AND CRIME SCENES AND  
22 INTERVIEWING TECHNIQUES.

23 MR. THOMPSON: YOUR HONOR, I WOULD OBJECT.  
24 HE'S NOT OFFERED ANYTHING THAT WOULD SHOW HIM AN  
25 EXPERT IN CRIME SCENE. CRIMINAL INVESTIGATION I CAN

1 AGREE, YES, THAT'S WHAT HE DOES HE INVESTIGATES IN  
2 MOSTLY CRIMINAL AS HE SAID. HOWEVER, HIS CRIME  
3 SCENES WAS ONLY THREE YEARS OVER 20 YEARS AGO AT THE  
4 CHARLOTTE POLICE DEPARTMENT IN THE HOMICIDE DIVISION  
5 AND HE DIDN'T ACTUALLY COLLECT THE THINGS AT THE  
6 CRIMES SCENES.

7 THE COURT: MR. GREELEY.

8 MR. GREELEY: I JOIN IN THE OBJECTION, BUT  
9 I WOULD OBJECT TO AN OVERALL OF NOT QUALIFYING HIM AS  
10 A WITNESS AND IT'S MY POSITION IS BASED UPON, HE IS  
11 NOT, A LOT HAS CHANGED IN 22 YEARS AND I COUNTED UP  
12 HE HASN'T BEEN INVOLVED IN THIS LINE OF WORK FOR  
13 22 YEARS AND SO I.

14 THE COURT: I FIND HE'S QUALIFIED AS  
15 TENDERED CRIMINAL INVESTIGATION, CRIME SCENE  
16 INVESTIGATION, AND INTERVIEWING AND INTERROGATION  
17 TECHNIQUES.

18 MR. MORTON: THANK YOU, YOUR HONOR.

19 DIRECT EXAMINATION BY MR. MORTON:

20 Q MR. GUERETTE, YOU WERE ASKED BY US TO ANALYZE  
21 THE EVIDENCE AND THE REPORTS, STATEMENTS, ET CETERA,  
22 AS BY US TO GIVE US YOUR EXPERTISE AND OPINION IN  
23 THIS CASE?

24 A YES, SIR.

25 Q AND IN THAT REGARD WHAT HAVE YOU HAD THE

1 OPPORTUNITY TO LOOK AT AS FAR AS THE EVIDENCE IN THIS  
2 CASE IS CONCERNED?

3 A I WAS GIVEN A DISK WITH DISCOVERY, WHAT WAS  
4 GIVEN TO YOU AS DISCOVERY WHICH INCLUDED SOME  
5 REPORTS. I HAVE NOT LOOKED AT A LOT OF THOSE  
6 REPORTS. I JUST LOOKED AT A FEW REPORTS THAT I WAS  
7 INTERESTED IN. I LOOKED AT THE PHOTOGRAPHS, CRIME  
8 SCENE PHOTOGRAPHS, AS WELL AS AUTOPSY PHOTOGRAPHS. I  
9 LOOKED AT SOME TRANSCRIPTS OF SOME PROCEEDINGS, PRIOR  
10 PROCEEDINGS. I LOOKED AT THE, WELL, FIRST THING I  
11 DID IS I HAD MY STAFF TYPE THE TAPES, THREE HOURS OF  
12 TAPES, OF THE FIRST SET OF INTERROGATIONS AND.

13 Q AND THAT WOULD HAVE BEEN THE INTERROGATION BY  
14 MR. WALDROP AND MR. HERRING?

15 A RIGHT.

16 Q OKAY.

17 A AND AFTER THAT WAS TYPED, I SPENT A GOOD AMOUNT  
18 OF TIME LISTENING TO THE TAPE, MAKING SURE THAT  
19 EVERYTHING WAS TRANSCRIBED PROPERLY, WORD FOR WORD,  
20 LISTENING FOR SIGNS, ANY TYPE OF AUDIBLE SOUNDS THAT  
21 MIGHT BE ON THE TAPE, AND THEN ANALYZED THAT  
22 PARTICULAR TRANSCRIPT.

23 Q HAVE YOU ACTUALLY BEEN TO THE SCENE?

24 A YES. I WENT TO THE SCENE ONE TIME, AND CHECKED  
25 THE HOUSE OUT. THIS WAS JUST THREE WEEKS AGO. I GOT

1 INVOLVED THREE WEEKS AGO WAS THE FIRST TIME I GOT  
2 INVOLVED AND WENT TO THE SCENE THEN AND LOOKED AT THE  
3 HOUSE, THE LAYOUT OF THE HOUSE, THE BEDROOMS, KITCHEN  
4 DOORS, WINDOWS.

5 Q DID YOU GO DOWN TO THE POLICE DEPARTMENT AND  
6 LOOK ALL THE EVIDENCE THAT WAS COLLECTED?

7 A I GOT THAT. I WENT TO THE DISCOVERY WHAT THEY  
8 CALL, I GUESS THAT'S WHAT THEY CALL IT HERE, VIEWING  
9 THE DISCOVERY, THE EVIDENCE THAT WAS SEIZED BY THE  
10 POLICE, AND I DON'T KNOW IF I WENT THROUGH ALL OF IT,  
11 BUT WE WENT THROUGH A GOOD PORTION OF IT AND LOOKED  
12 AT ITEMS THAT WERE GIVEN TO US BY THE POLICE  
13 OFFICERS.

14 Q IN YOUR EXPERIENCE AS A CRIME SCENE INVESTIGATOR  
15 HAVE YOU HAD THE OPPORTUNITY TO, IN YOUR TRAINING AND  
16 EXPERIENCE, TO ANALYZE AND DETERMINE THE ABILITY OF A  
17 HOUSE TO BE ENTERED WITHOUT SHOWING ANY SIGNS OF  
18 FORCED ENTRY?

19 A YES, SIR.

20 Q AND WHAT IS YOUR RESEARCH INDICATED TO YOU ABOUT  
21 HOW OFTEN THAT OCCURS?

22 A PROBABLY A THIRD OF YOUR BREAKING AND ENTERINGS  
23 OCCUR WITH, THERE ARE TWO CATEGORY: FORCED ENTRY,  
24 NON-FORCED ENTRY. ABOUT A THIRD OF THE BURGLARIES I  
25 WOULDN'T SAY IT'S ON A NATIONAL WIDE SCALE BUT PRETTY

1 CLOSE TO THAT ARE NOT FORCED ENTRY. IN OTHER WORDS,  
2 NON FORCE, YOU CAN SEE IT AS BEING NON FORCE. IN  
3 OTHER WORDS, USING A CREDIT CARD, USING A DRIVER'S  
4 LICENSE, USING A KEY, ALL OF THESE THINGS ARE  
5 CONSIDERED NON FORCED ENTRY. IF SOMEBODY OPENING THE  
6 DOOR FOR YOU. IF YOU GO TO THE DOOR UNDER A ROUSE,  
7 THAT'S CATAGORIZED AS A NON FORCED ENTRY.

8 YOUR FORCED ENTRY ARE USUALLLY YOUR  
9 VISIBLY FORCED ENTRY WHERE YOU HAVE A WINDOW BROKEN,  
10 DOOR OPEN, I MEAN, YOU KNOW, KICKED IN, THAT TYPE OF  
11 STUFF.

12 Q OPEN WINDOWS WOULD THAT BE NON FORCED ENTRY  
13 TYPE?

14 A THAT WOULD BE CONSIDERED A NON FORCE ENTRY FOR  
15 THAT CATEGORY BECAUSE NO HARD OBJECT WAS USED,  
16 NOTHING WAS DAMAGED, IT DOESN'T LOOK LIKE A FORCED  
17 TYPE ENTRY.

18 Q SO YOU SAY IN ABOUT A THIRD OF THE BREAK INS  
19 THEY ARE CLASSIFIED AS NON FORCED ENTRY IN YOUR  
20 EXPERIENCE, TRAINING, AND IN THE LITERATURE?

21 A YES, SIR. SOME CITIES REPORT 65 PERCENT, SOME  
22 REPORT 72 PERCENT, ROUGH AVERAGE.

23 Q OKAY.

24 A OF THE BURGLARIES ARE OF, LIKE ROCK HILL, I  
25 THINK IN 2002 HAD 700 AND SOME ODD BURGLARIES. I

1           COULDN'T FIND A CATEGORY FOR NON FORCE AND FORCED  
2           ENTRY.  ALTHOUGH I BELIEVE THE FBI KEEP A RECORD OF  
3           THAT.  I'VE SEEN RECORDS OF THAT BETWEEN FORCE AND  
4           NON FORCE BEFORE, BUT I DIDN'T SEE IT ON THE ROCK  
5           HILL WEB SITE.

6           Q     OKAY.  BUT NATIONWIDE IS ABOUT A THIRD?

7           A     ABOUT A THIRD.

8           Q     OKAY.  IF SOMEONE WERE TO TESTIFY THAT THAT  
9           NEVER OCCURS OR VERY RARELY OCCURS THAT BEING NON  
10          FORCED ENTRY ----

11                   MR. THOMPSON:  OBJECTION, YOUR HONOR,  
12          LEADING QUESTION.

13                   THE COURT:  I THINK THAT IS PITTING THE  
14          WITNESS.  I SUSTAIN THE OBJECTION.

15          Q     OKAY.  IN YOUR EXPERIENCE IS THAT A, SOMETHING  
16          THAT NEVER HAPPENS OR RARELY HAPPENS, THAT BEING NON  
17          FORCED ENTRY BURGLARIES?

18          A     IT WOULD BE EXTREMELY UNUSUAL.

19          Q     NO.  NO.  MY QUESTION IS --

20                   MR. THOMPSON:  YOUR HONOR---

21                   THE COURT:  GO AHEAD AND ANSWER THE  
22          QUESTION.

23          A     I DON'T THINK I UNDERSTOOD THE QUESTION.

24          Q     IN YOUR EXPERIENCE.

25          A     RIGHT.



1 Q HOW OFTEN DO BURGLARIES OCCUR WHERE YOU DON'T  
2 SEE SIGNS OF FORCED ENTRY?

3 A I THINK THE SAME QUESTION. I MEAN, WHERE  
4 BURGLARIES OCCUR WHERE YOU DON'T SEE IT?

5 Q YES.

6 A ABOUT A THIRD.

7 Q OKAY.

8 A I MEAN I NEVER KEPT UP WITH IT. I'D SAY 20  
9 PERCENT, 30 PERCENT, SOMEWHERE AROUND THERE.

10 Q OKAY.

11 A I MEAN SOMETIMES PEOPLE LEAVE THE DOOR OPEN.  
12 SOMEBODY WALKS UP AND TWISTS THE LOCK, TWISTS THE  
13 HANDLE, WALKS IN, THAT'S CONSIDERED A NON FORCED  
14 ENTRY.

15 Q OKAY. IN YOUR INVESTIGATION OF THIS CRIME  
16 SCENE, I REALIZE IT WASN'T IN NOVEMBER OF 2001, YOU  
17 WENT AND LOOKED AT THIS HOME?

18 A YES, SIR, I DID.

19 Q AND YOU LOOKED AT THE PICTURES, I GUESS WHAT I  
20 PROBABLY SHOULD DO, YOU LOOKED AT THE PHOTOGRAPHS OF  
21 THE CRIME SCENE AS IT WAS IN NOVEMBER OF 2001?

22 A YES, SIR. I LOOKED AT PHOTOGRAPHS BEFORE I WENT  
23 AND PHOTOGRAPHS AFTER I CAME BACK.

24 Q CAN YOU RENDER AN OPINION AS TO WHETHER THIS  
25 HOUSE WAS SECURE HOUSE?

1 MR. THOMPSON: YOUR HONOR, I OBJECT.

2 THERE IS FOUNDATION.

3 THE COURT: I SUSTAIN THE OBJECTION.

4 MR. MORTON: OKAY.

5 Q MR. GUERETTE, YOU HAVE, YOU HAVE VIEWED THE  
6 EVIDENCE AS FAR AS THE PHOTOGRAPHS, THE REPORTS,  
7 STATEMENTS, BEEN TO THE SCENE, LOOKED AT ALL THE  
8 EVIDENCE, IS THAT CORRECT?

9 A YES, SIR.

10 Q AS FAR AS THE INVESTIGATION BY THE ROCK HILL  
11 POLICE DEPARTMENT IN THIS CASE, WHAT WOULD YOU HAVE  
12 DONE DIFFERENTLY?

13 MR. THOMPSON: OBJECTION, YOUR HONOR,  
14 LEADING QUESTIONS.

15 THE COURT: WELL, I SUSTAIN THE OBJECTION.

16 Q WHAT DID THEY NOT DO THAT YOU HAVE WOULD HAVE  
17 DONE?

18 MR. THOMPSON: OBJECT AGAIN, YOUR HONOR.

19 THE COURT: YEAH, I SUSTAIN THE OBJECTION.

20 Q WHAT SHOULD HAVE BEEN DONE IN YOUR OPINION AS AN  
21 EXPERT IN THE FIELD OF CRIMINAL INVESTIGATIONS  
22 REGARDING THIS CRIME?

23 A WHAT SHOULD HAVE BEEN DONE AT THE CRIME SCENE?

24 Q YES, SIR.

25 A REFERENCE THIS CRIME THAT WAS NOT DONE OR SHOULD

1       HAVE BEEN DONE.

2       Q     WELL, BOTH.

3       A     WELL, THE FIRST YOU DO AS AN INVESTIGATOR YOU GO

4       INTO A CRIME SCENE, THE FIRST THING A POLICE OFFICER

5       RESPONSIBILITY IS TO PROTECT THE CRIME SCENE AND THAT

6       MEANS TO PREVENT PEOPLE FROM WALKING AROUND, PREVENT

7       OTHER PEOPLE FROM GOING IN TO THE RESIDENCE, OR

8       WHEREVER THE SCENE MAYBE. IF IT'S OUT ON THE LAWN,

9       BACK OF A GARAGE, WHEREVER TO PREVENT PEOPLE FROM

10      GOING INTO THE SCENE AND THE SURROUNDING AREAS

11      BECAUSE EVIDENCE HAS BEEN FOUND 10-15 MILES, TWO

12      MILES AWAY, I'M NOT SAYING YOU SURROUND THE WHOLE

13      CITY EVERY TIME THERE IS A CRIME SCENE, BUT YOU

14      SURROUND THE AREA, THE IMMEDIATE AREA, EITHER BY

15      PUTTING A TAPE UP OR SOMETHING LIKE THAT. THEN YOU

16      PREVENT PEOPLE FROM COMING IN A CRIME SCENE. IT'S

17      ONE OF MY BIGGEST FRUSTRATIONS AND IT'S A CONTINUOUS

18      FRUSTRATION FOR LAW ENFORCEMENT WHEN YOU HAVE A CRIME

19      SCENE EVERYBODY WANTS TO SEE THE INSIDE. EVERYBODY

20      WANTS TO SEE WHAT HAPPENED WHERE THEY DON'T EVEN HAVE

21      A REASON TO BE THERE. SO THE MAJORITY OF YOUR CRIME

22      SCENES, A LOT OF YOUR CRIME SCENES, ARE CONTAMINATED

23      BY POLICE OFFICERS BRINGING IN DEBRIS FROM THE STREET

24      OR MAYBE KICKING SOMETHING AS THEY ARE WALKING BY.

25      THE MORE CLUTTERED THE HOUSE IS, THE MORE CAREFUL YOU

1 HAVE TO BE AND COMPARED TO WHAT IT USED TO BE  
2 NOWADAYS PEOPLE WHERE, I CALL THEM BOOTIES FOR A LACK  
3 OF A BETTER WORD, WHEN THEY WALK IN A CRIME SCENE,  
4 THEY WEAR PROTECTIVE GEAR. COVERS ON THEIR SHOES,  
5 SOME PEOPLE WEAR WHITE SMOCKS OR DIFFERENT TYPES OF  
6 PROTECTIVE CLOTHING WHEN THEY GO INTO AND THE REASON  
7 FOR THAT IS BECAUSE THE DNA, BECAUSE OF CONTAMINATION  
8 PROCESS, AND THINGS OF THIS NATURE THAT'S DEVELOPED  
9 OVER THE YEARS AND THESE ARE PRECAUTIONS THAT POLICE  
10 OFFICER HAVE INSTITUTED IN VARIOUS CITIES TO PREVENT  
11 CONTAMINATION.

12 ONCE YOU PROTECT THE CRIME SCENE AND A  
13 LOT OF TIMES NOWADAYS IN A MAJORITY OF THE  
14 COMMUNITIES, I DON'T KNOW WHAT THE PROCEDURES ARE IN  
15 ROCK HILL, BUT THE MAJORITY OF THE COMMUNITIES THE  
16 INVESTIGATOR OFFICER MAKES THE DECISION AS TO HOW TO  
17 GO ABOUT, FIRST INVESTIGATING OFFICER HAS TO OBSERVE  
18 IS EVERYTHING THAT'S HAPPENED IN THAT HOUSE, YOU  
19 DON'T REMOVE ITEMS UNTIL IT'S PHOTOGRAPHED, YOU WALK  
20 AROUND, AND YOU OBSERVE THINGS. YOU OBSERVE THINGS  
21 ON A VICTIM, YOU OBSERVE THINGS IN THE SURROUNDING  
22 AREA, YOU OBSERVE THINGS IN THE HOUSE, THE ENTRIES,  
23 THE EXITS, AND ONCE YOU'VE OBSERVED THAT AND NORMAL  
24 PROCEDURE IS TO TAKE LITTLE TAGS AND MARK WHERE YOU  
25 THINK THE EVIDENCE IS IMPORTANT. THE MAJORITY OF

1 YOUR CRIME SCENES ARE CONTROLLED BY THE INVESTIGATOR.  
2 YOUR CRIME TECHS ARE BASICALLY A HELPER. THEY ARE  
3 COLLECTOR OF THE EVIDENCE. THEY MAY KNOW A LITTLE  
4 BIT MORE ABOUT SOME TECHNICAL ASPECTS OF THE CRIME  
5 SCENE, BUT IT'S GENERALLY INVESTIGATORS SAY SO AS TO  
6 WHAT IS COLLECTED. I MEAN, THERE IS NEVER ARGUMENT.  
7 IF SOMEONE WANTS TO COLLECT IT, YOU CAN COLLECT IT.  
8 THERE IS A RULE OF THUMB, COLLECT AS MUCH AS YOU CAN  
9 BECAUSE YOU NEVER HAVE THE OPPORTUNITY TO GO  
10 RECOLLECT AND IF YOU DO, IT COULD BE CONTAMINATED BY  
11 OTHER MEANS. AND SO IN ANY CRIME SCENE YOU HAVE TO  
12 PROTECT THE SCENE, YOU HAVE TO MAKE SURE THAT ALL THE  
13 ITEMS ARE COLLECTED, AND IT'S PARTICULARLY IMPORTANT  
14 NEXT TO WHERE THE VICTIM IS FOUND IF IT'S A HOMICIDE  
15 BECAUSE WHERE THE ATTACK OR WHERE THE INCIDENT  
16 OCCURRED, WHICHEVER WORD YOU WANT TO USE, THAT'S  
17 PROBABLY THE MOST IMPORTANT AREA. THAT'S WHERE YOUR  
18 CRIME SCENE TECHS WHERE THEY COME IN THERE ONCE,  
19 BEFORE THE BODY IS REMOVED YOU TAKE PHOTOGRAPHS AND  
20 AFTER THE BODY IS REMOVED YOU ALSO COLLECT THE  
21 EVIDENCE. THE NORMAL PROCEDURE WHEN YOU COLLECT A  
22 BODY IS TO TAKE THE BODY AND PLACE IT ON A SHEET.  
23 DON'T TAKE THE WHOLE SHEET, DON'T TAKE EVERYTHING  
24 ELSE, BECAUSE YOU WANT TO BE ABLE TO SEE WHAT  
25 EVIDENCE IS UNDERNEATH THE BODY. YOU WANT TO BE ABLE

1 TO PHOTOGRAPH THE EVIDENCE AS IT STANDS AS THE BODY  
2 WAS FOUND BECAUSE IT'S VERY IMPORTANT AND THEREFORE  
3 YOU WANT TO BE ABLE TO COLLECT EVERY PIECE OF ITEM  
4 AROUND THERE THAT MAY HAVE BEEN TOUCHED BY THE  
5 INDIVIDUALS, THE ATTACKER OR WHATEVER YOU WANT TO  
6 CALL THEM, AND SO THESE ARE VERY IMPORTANT STEPS THAT  
7 YOU SHOULD TAKE AND YOU TAKE THE BODY, PLACE IT IN A  
8 SHEET WHERE IT CATCHES ANYTHING THAT MIGHT COME OFF  
9 THE BODY, OR ANYTHING THAT MIGHT BE UNDERNEATH THE  
10 BODY BECAUSE YOU DON'T ROLL THE BODY OVER AND CHECK  
11 THE BODY OUT HERE AND THERE BECAUSE WHAT YOU ARE  
12 DOING IS YOU ARE CONTAMINATING THE OTHER OBJECTS  
13 AROUND THERE AND THINGS CAN HAPPEN. AND SO THAT'S  
14 THE MAIN PROCEDURE THAT I WOULD HAVE DONE IN THIS  
15 PARTICULAR CASE AND THEN OF COURSE HAVE YOUR CRIME  
16 SCENE TECH TAKE EVERY SINGLE PIECE OF ITEM AROUND  
17 THERE. ITEMS THAT ARE OF IMPORTANCE. EVEN ITEMS  
18 THAT ARE NOT OF IMPORTANCE TO YOU AT THAT POINT.  
19 THEY MAY BECOME OF IMPORTANCE LATER ON. FLASH  
20 LIGHTS, PURSES, ANYTHING THAT WAS ON THE BED, VIDEO  
21 TAPE, STAPLER, ANY OF THOSE ITEMS AND SOME OF THOSE  
22 ITEMS WERE COLLECTED, SOME OF THEM WERE NOT. I  
23 SHOULD SAY IT THIS WAY, SOME I DID NOT OBSERVE IN THE  
24 DISCOVERY. I DON'T KNOW WHAT ALL WAS DISCOVERED.  
25 I'VE NOT GONE THROUGH THE PHOTOGRAPHS AND I CANNOT

1 TELL YOU WELL THIS WAS COLLECTED, THIS WAS COLLECTED,  
2 I KNOW SOME OF THE ITEMS WERE AND SOME WERE NOT, AND  
3 SO ALL OF THESE ITEMS ON THE BED SHOULD HAVE BEEN  
4 COVERED. IT USED TO BE THAT WE USED TO VACUUM THE  
5 CARPET IN AND OUT POSSIBLE EXIT WAYS TO PICK UP ITEMS  
6 THAT MIGHT BE HAIRS, FIBERS, THESE ARE SMALL LITTLE  
7 ITEMS THAT CAN GENERALLY BE PICKED UP BY A VACUUM  
8 CLEANERS. SOMETIMES YOU PICK UP BUGS. NOW WHATEVER  
9 YOU PICK UP IT GIVES YOU THE OPPORTUNITY TO HAVE YOUR  
10 FORENSIC PEOPLE RESTUDY THOSE FIBERS, THE HAIRS. AND  
11 THEN OF COURSE YOU'VE GOT YOUR FINGERPRINT  
12 PROCESSING. EVERY ROOM SHOULD BE CHECKED FOR  
13 POSSIBILITY OF SOMETHING COMING UP LATER ON IN THE  
14 INVESTIGATION BECAUSE LIKE I SAID IT'S HARD TO GO  
15 BACK AND REDO IT ONCE YOU HAVE FAILED TO DO CERTAIN  
16 THINGS. SO THERE ARE MANY THINGS THAT YOU COLLECT,  
17 MANY THINGS THAT YOU DO.

18 IN THIS PARTICULAR CASE I BELIEVE I'D  
19 TAKEN MORE PHOTOGRAPHS OF THE AREA WHERE THE VICTIM  
20 WAS LAYING AFTERWARDS. THERE WAS A LOT OF WHAT I  
21 CALL OUTSIDE PERIMETER PHOTOGRAPHS AND INSIDE  
22 PERIMETER PHOTOGRAPHS MEANING THE DOORS, THE WINDOWS,  
23 THERE WERE MORE PHOTOGRAPHS OF DOORS AND WINDOWS  
24 THERE WERE AND ANY TIME YOU GO INTO ANY CRIME SCENE  
25 IF YOU PREJUDGE, IF YOU ARE QUICK TO JUDGE, AS TO

1       WHAT YOU ARE LOOKING FOR, YOU ARE MAKING A MISTAKE  
2       BECAUSE YOU ARE OVERLOOKING OTHER TYPES OF EVIDENCE.  
3       AND SO IT'S GOOD TO TAKE PICTURES OF YOUR WINDOWS AND  
4       DOORS AND THINGS OF THAT NATURE, BUT YOU ALSO SHOULD  
5       ALSO CONCENTRATE AS MUCH EFFORT ON TAKING PHOTOGRAPHS  
6       AND COLLECTING OTHER ITEMS THAT MAY BE OF SIGNIFICANT  
7       VALUE. IF YOU MAKE YOUR MIND UP IMMEDIATELY THAT HEY  
8       NO ONE BROKE IN THIS HOME, IT'S GOT TO BE INTERNAL, I  
9       THINK YOU ARE OVERLOOKING A LOT OF SITUATIONS. IF  
10      YOU DON'T TRY THE DOOR. IS THERE A PLAY IN THE DOOR?  
11      ARE THE LOCKS IN PROPER CONDITION? ARE THE LOCKS ON  
12      THE WINDOWS? YOU MAY HAVE A LOOK ON THE WINDOW, IT  
13      MAY NOT LOCK. YOU KNOW, ALL THESE LITTLE THINGS ARE  
14      THINGS THAT YOU LOOK FOR INITIALLY BECAUSE YOU HAVE,  
15      IT'S HARD TO GO BACK AND REDO ONCE YOU ELIMINATE  
16      THAT. YOU KNOW, YOU ALLOW FOR SOME HUMAN NATURE TO,  
17      YOU KNOW, SOME PEOPLE TO OVERLOOK CERTAIN THINGS, BUT  
18      THE MORE THINGS ARE OVERLOOKED THE HARDER IT IS TO BE  
19      ABLE TO PUT THIS SCENE BACK TO WHERE THEN EVERYTHING  
20      THAT YOU ARE FINDING ARE CAN BE PASSED ON TO THE JURY  
21      SO A DECISION CAN BE MADE.

22      Q       WHAT ARE YOU LOOKING FOR WHEN YOU GO TO A CRIME  
23      SCENE AS A CRIME SCENE INVESTIGATOR, WHAT ARE YOU  
24      TRYING TO DETERMINE THERE, I MEAN, OTHER THAN THE  
25      COLLECTION OF EVIDENCE AND SO FORTH, AS A CRIME SCENE



1 INVESTIGATOR WHAT IS YOUR DUTY OR WHAT IS YOUR ROLE,  
2 WHAT PIECES OF EVIDENCE, HOW DO YOU DO THAT? WHY DO  
3 YOU, YOU KNOW, ARE YOU TRYING TO DETERMINE HOW THIS  
4 MIGHT HAVE OCCURRED?

5 A OH, DEFINITELY. I MEAN, THAT'S WHAT YOUR JOB IS  
6 IS TO FIGURE OUT WHAT HAPPENED AND ANYBODY WHOSE BEEN  
7 INVESTIGATOR FOR ANY LENGTH OF TIME KNOWS THAT YOUR  
8 PATHS CAN BE TAKEN TWO OR THREE DIFFERENT WAYS. YOU  
9 KNOW. I KNOW VERY LITTLE INVESTIGATIONS WHERE THE  
10 RABBITS HAVE NOT BEEN CHASED. IN OTHER WORDS, A  
11 SIMPLE WAY OF SAYING IT, I KNOW INVESTIGATIONS WHERE  
12 A CERTAIN PIECE OF EVIDENCE MIGHT FIT FOR AWHILE,  
13 THEN ALL OF A SUDDEN IT DOESN'T FIT YOUR THEORIES.  
14 IF YOU DON'T KEEP AN OPEN MIND GOING IN ANY CRIME  
15 SCENE, YOU ARE LIKELY TO OVERLOOK A LOT OF THINGS SO,  
16 AND IT'S HARD TO SIT THERE, GO IN A CRIME SCENE,  
17 ESPECIALLY IF I MAY REFER TO THIS CRIME SCENE AS THIS  
18 CRIME SCENE. THIS CRIME SCENE WOULD BE DIFFERENT  
19 THAN GOING TO A HOUSE THAT WAS CLEAN. THIS CRIME  
20 SCENE WOULD BE DIFFERENT THAN GOING TO A HOUSE WHERE  
21 THERE WASN'T A 12 YEAR OLD LAYING IN BED AND SO YOU  
22 START HAVING EMOTIONS AS YOU ARE GOING THROUGH THESE  
23 CRIME SCENES AND YOU START GETTING YOUR TRAIN OF  
24 THOUGHT AND IF YOU HAVE THE TUNNEL VISION YOU HAVE A  
25 PROBLEM LATER ON. AND ANY CRIME SCENE YOU GO TO YOU

1 SHOULD STAY AS OPEN MINDED AS YOU CAN BECAUSE ALL THE  
2 PHOTOGRAPHS, ALL THE VIDEO TAPES, ALL THE WORK YOU'VE  
3 DONE THERE, IS NOT GOING TO BENEFIT YOU IF YOU  
4 OVERLOOK THINGS BECAUSE YOU WERE GOING ONE DIRECTION  
5 AND NOT THINKING OF SOMETHING ELSE. AND SO WHEN YOU  
6 GO IN A CRIME SCENE ONE OF THE THINGS YOU LOOK FOR IS  
7 WHAT WE CALL IN LAW ENFORCEMENT, BRIEFLY REFERRED TO,  
8 A MO WHICH IS METHOD OF OPERATION. METHOD OF  
9 OPERATION IS DIFFERENT THINGS: HOW DOES SOMEBODY  
10 BREAK INTO A PLACE? HOW DOES SOMEBODY COMMIT A  
11 CRIME? WHAT IS THE UNUSUAL PATTERN? YOU KNOW,  
12 HISTORICALLY LAW ENFORCEMENT WILL SHOW YOU THAT, ANY  
13 LAW ENFORCEMENT OFFICER WILL KNOW THAT HISTORICALLY  
14 CERTAIN PEOPLE COMMIT CERTAIN CRIMES LEAVING CERTAIN  
15 PIECES OF EVIDENCE BEHIND OR ARE OPERATING IN A  
16 CERTAIN PROCEDURE. IT'S VERY IMPORTANT TO TRY TO  
17 IDENTIFY THIS AS YOU ARE GOING INTO THE SCENE AND  
18 SOMETIMES YOU CAN'T ALWAYS IDENTIFY IT. BUT TAKING  
19 THIS SCENARIO YOU HAVE A SCENARIO OF VERY FEW PEOPLE  
20 BEING IN THE HOUSE AND YOU'VE GOT SCENARIO OF SOMEONE  
21 POSSIBLY ENTERING THAT HOUSE BY WHATEVER MEANS. YOU  
22 ALSO HAVE A SCENARIO OF A 12 YEAR OLD LAYING THERE  
23 AND CERTAIN THINGS YOU LOOK AT, CERTAIN THINGS THAT  
24 YOU SHOULD BE ABLE TO IDENTIFY, AND BITE MARKS ON A  
25 VICTIM'S BODY IS UNUSUAL AND IT GIVES YOU A DIFFERENT

1 DIRECTION AS TO WHAT TO LOOK FOR. STRANGULATION IS  
2 AN INDICATION OF CERTAIN THINGS. THAT GIVES YOU A  
3 DIRECTION AS TO WHAT TO LOOK FOR. SO THE TYPE OF  
4 INJURIES THAT AN INDIVIDUAL HAS IS VERY IMPORTANT.  
5 YOU KNOW, THERE ARE SOME CASES WHERE PEOPLE THINK  
6 THAT JUST BECAUSE I HAVE A HOLE IN THEM THEY WERE  
7 SHOT. WELL, THERE HAS BEEN CASES WHERE A KNIFE WAS  
8 USED, SO IF YOU JUST THINK THIS PERSON WAS SHOT AND  
9 YOU ARE ONLY LOOKING FOR A GUN, YOU ARE NOT LOOKING  
10 FOR A KNIFE, THEN YOU ARE MISSING SOMETHING THERE.  
11 SO IT'S, YOU HAVE TO WORK IN COMBINATION WITH YOUR  
12 MEDICAL EXAMINERS, WHAT TO LOOK FOR, YOUR EXPERIENCE  
13 AND LEAVE AN OPEN MIND. YOUR MEDICAL EXAMINER CAN  
14 HELP YOU IDENTIFY SOME OF THE ITEMS THAT YOU ARE  
15 LOOKING FOR, FIND A CERTAIN FRAGMENT INSIDE OR  
16 CERTAIN PIECE OF TOOL INSIDE THE VICTIM THEN YOU GO  
17 BACK OUT AND LOOK FOR IT AND SO THESE ARE ALL THE  
18 THINGS THAT YOU AS A POLICE OFFICER SHOULD LOOK AT AS  
19 YOU ARE GOING IN. THAT'S A PERFECT WORLD. AND  
20 THAT'S WHAT WE TRY TO DO. IF YOU KEEP AN OPEN MIND.  
21 THE PROBLEM WE HAVE A LOT OF TIMES IS POLICE OFFICERS  
22 ARE HUMAN BEINGS AND THEY LOOK AT THINGS AND AFTER A  
23 PERIOD OF TIME THEY MAKE FAST CONCLUSIONS AND THEY  
24 SHOULDN'T DO THAT NO MATTER HOW EXPERIENCED YOU ARE.

25 MR. THOMPSON: YOUR HONOR, I AM GOING TO

1 OBJECT AT THIS TIME. I DON'T REMEMBER WHEN THE LAST  
2 QUESTION WAS ASKED BUT ALL WE ARE GETTING IS THE  
3 NARRATIVE.

4 THE COURT: LET'S STOP HERE AND HE'LL ASK  
5 YOU ANOTHER QUESTION.

6 Q AND YOU BELIEVE CERTAIN CONCLUSIONS WERE MADE  
7 PREMATURALLY IN THIS CASE?

8 A I BELIEVE THEY WERE, YES, SIR.

9 Q WOULD THE BITE MARK AND THE STRANGULATION RAISED  
10 A RED FLAG TO YOU?

11 A IT CERTAINLY WOULD.

12 Q WHY IS THAT?

13 A MY EXPERIENCE THAT'S A SEX CRIME. THAT'S A  
14 VIOLENT, MORE OF A VIOLENT TYPE SEX CRIME THAN A  
15 FATHER GENERALLY CAUSES.

16 Q OKAY. DO YOU UNDERSTAND THE POLICE AND YOU  
17 KNOW, IT WAS A DIRTY CRIME SCENE, IT WAS A HORRIBLE  
18 LOOKING HOUSE, WOULD YOU AGREE WITH THAT?

19 A I WASN'T THERE THE DAY IT HAPPENED, BUT LOOKING  
20 AT THE VIDEO IN MY OPINION IT'S PROBABLY ONE OF THE  
21 WORST CRIMES SCENES I HAVE EVER SEEN FOR CLEANLINESS.  
22 I MEAN I HAVE NEVER SEEN SO MANY BUGS IN ALL MY LIFE.  
23 AND THAT HAS AN AFFECT ON SOMEBODY WHEN YOU WALK IN.  
24 IT HAS AN AFFECT ON ME WHEN I WOULD GO INTO A CLEAN  
25 HOUSE VERSUS A DIRTY HOUSE. AND SO WHEN THINGS LIKE

1 THAT AFFECT YOU AND YOU SEE A 12 YEAR OLD AND YOU  
2 DON'T UNDERSTAND EXACTLY WHAT WENT ON, YOU CAN MAKE A  
3 JUDGMENT CALL THAT'S, SHOULD NOT HAVE BEEN MADE AT  
4 THAT PARTICULAR TIME.

5 Q LET ME TAKE YOU TO THE INTERROGATION IN THIS  
6 SITUATION. YOU ARE AWARE THAT -- FIRST OF ALL,  
7 EXPLAIN TO THE JURY WHAT THE DIFFERENCE IN INTERVIEW  
8 AND INTERROGATION IS AND WHY SOMETIMES POLICE MAKE  
9 THAT DISTINCTION?

10 A WELL, THE TWO WORDS ARE DIFFERENT IN THAT AN  
11 INTERVIEW IS SUPPOSED TO BE A SOFTER APPROACH. IT'S  
12 A PLAY OF WORDS THAT'S BEEN HAPPENING OVER THE YEARS  
13 BETWEEN INTERVIEW AND INTERROGATION. YOU CAN  
14 INTERVIEW SOMEBODY WITHOUT ADVISING THEM OF THEIR  
15 RIGHTS. YOU ARE TO SUPPOSED INTERROGATE THEM, I MEAN  
16 YOU ARE SUPPOSED TO ADVISE THEM OF THEIR RIGHTS  
17 BEFORE YOU INTERROGATE THEM. SO UNFORTUNATELY POLICE  
18 OFFICERS HAVE BECOME GOOD AT EXTENDING THAT INTERVIEW  
19 AND MAKING IT LOOK LIKE AN INTERVIEW VERSUS AN  
20 INTERROGATION. A LOT OF TIMES IT'S STATED THAT IT  
21 WAS AN INTERVIEW. I DON'T CARE IF THE INTERVIEW  
22 LASTS FOUR OR FIVE HOURS, THE FORTUNATE THING HERE IS  
23 WE HAVE A TAPE OF THE, WHAT I CALL AN INTERROGATION.  
24 MAYBE THE FIRST FEW MINUTES WAS AN INTERVIEW BUT THEN  
25 IT LED INTO AN INTERROGATION AND INTERROGATION IS

1 WHERE YOU START CONFRONTING THE SUBJECT WITH THE  
2 FACTS. YOU MAKE THE SUBJECT UNCOMFORTABLE, WHATEVER  
3 THE MEANS IS. INTERVIEW IS GENERAL, WHAT'S YOUR  
4 NAME, WHERE YOU FROM, AND YOU HAVE AN INTERVIEW AND I  
5 ALWAYS USED TO TEACH, YOU HAVE AN INTERVIEW BEFORE  
6 INTERROGATION BECAUSE THAT'S WHERE YOU FIND OUT HOW  
7 IS THAT PERSON REACTING TO ME. IS THAT PERSON  
8 LOOKING AT ME? IS HE LOOKING TO THE DISTANCE? IS HE  
9 PAYING ATTENTION TO MY QUESTIONS? IS HE THINKING OF  
10 SOMETHING ELSE WHILE I'M ASKING A PARTICULAR QUESTION  
11 WHERE HE'S DOESN'T REMEMBER THE QUESTION THAT WAS  
12 ASKED LIKE I DO AT TIMES IN COURT AND SO THESE ARE  
13 THE THINGS THAT YOU LOOK FOR IN AN INTERVIEW. THE  
14 GENERAL MAKE UP OF A PERSON AND WHERE HE COMES FROM  
15 AND HOW MANY, HIS FAMILY AND THINGS OF THAT NATURE.  
16 THEN YOU MOVE INTO THE PHASE OF WHAT HAPPENED AT THE  
17 SCENE. THAT'S WHEN IT BECOMES AN INTERROGATION IN MY  
18 OPINION.

19 Q AND EXPLAIN TO THE JURY SOME OF THE TECHNIQUES  
20 THAT YOU HAVE TAUGHT AND THAT YOU HAVE EXPERIENCED IN  
21 YOUR TRAINING AND YOUR EXPERIENCE AND YOUR TEACHING.  
22 I UNDERSTAND YOU TAUGHT INTERVIEWING AND  
23 INTERROGATION TECHNIQUES?

24 A YES, I DID.

25 Q AND YOU'VE DONE A LOT OF RESEARCH IN THAT FIELD?

1 A I CERTAINLY HAVE.

2 Q OKAY. EXPLAIN TO THE JURY ABOUT INTERVIEWING  
3 AND INTERROGATION TECHNIQUES THAT THE POLICE USE, WHY  
4 THAT IS?

5 A WELL, THERE ARE MANY DIFFERENT THINGS TO EXPLAIN  
6 IN INTERVIEW AND INTERROGATION. AS THE PERSON IS  
7 TALKING YOU ARE NOT ONLY OBSERVING PERSON, WHAT ARE  
8 HIS HANDS, HIS FEET, HIS EYES, IT'S NOT AS  
9 SIGNIFICANT AS IT USED TO BE, BUT THESE ARE THINGS  
10 YOU STILL LOOK AT. A VERY IMPORTANT PART OF THE  
11 INTERROGATION IS LISTENING TO WHAT THE PERSON IS  
12 SAYING AND HOW IS THAT PERSON SAYING BECAUSE YOU  
13 TEACH POLICE OFFICERS CERTAIN PHRASES THAT GIVES YOU  
14 AN INDICATION OF GUILT, CERTAIN PHRASES THAT GIVES  
15 YOU AN INDICATION OF INNOCENCE. CERTAIN PHRASES THAT  
16 YOU MIGHT WANT TO EXPLORE ON TO CONTINUE IN THAT  
17 PARTICULAR DIRECTION.

18 MR. THOMPSON: YOUR HONOR, I AM GOING TO  
19 OBJECT. HE ASKED HIM WHAT TECHNIQUES AND AT THIS  
20 POINT I'M NOT HEARING AN ANSWER TO WHAT TECHNIQUE.

21 MR. MORTON: I THINK HE'S EXPLAINING THE  
22 PROCESS.

23 THE COURT: I'LL LET HIM GO A LITTLE BIT  
24 FURTHER, BUT LET'S TRY TO STICK TO THE QUESTION.  
25 LET'S TRY TO KEEP THE ANSWER IN LINE WITH THE

1 QUESTION. GO AHEAD.

2 Q I'M ASKING WHAT PROCESS AND I THINK YOU WERE  
3 EXPLAINING IT, WHAT TECHNIQUES POLICE OFFICERS ARE  
4 TAUGHT TO USE AND --

5 A WELL, MAYBE I'M CONFUSED WITH THE WORD  
6 TECHNIQUES BUT I MEAN IT'S AN INVESTIGATIVE METHODS,  
7 IT'S TOOLS THAT INVESTIGATOR USES. I OVERLOOKED THE  
8 WORD TECHNIQUE. I MEAN, ALL THAT'S REFERRED TO IS  
9 INTERROGATION TECHNIQUE, I THINK THAT'S JUST A PLAY  
10 OF WORDS TO WHERE IT'S A MANNER AS TO HOW YOU GO  
11 ABOUT INTERVIEWING SOMEBODY, SO IF I'M ON THE RIGHT  
12 PATH I'LL CONTINUE.

13 Q I THINK YOU ARE?

14 A SO YOU LOOK FOR CERTAIN PHRASES THEY SAY,  
15 CERTAIN PHRASES THAT MEAN SOMETHING, AND DURING THE  
16 PERIOD OF THE INTERROGATION SOMETHING MIGHT COME OUT  
17 TO WHERE YOU NEED TO GO BACK TO THE CRIME SCENE TO  
18 EITHER PROVE OR DISPROVE WHAT THE PERSON IS TELLING  
19 YOU. AND SO IT'S NOT AS SIMPLE AS I'M MAKING IT  
20 SOUND, IT'S PRETTY INDEPTH WHEN YOU GET INTO A  
21 CLASSROOM STRUCTURE BECAUSE YOU GO OVER THE EXAMPLES,  
22 YOU GO OVER THE PHRASES THAT MEAN SOMETHING EITHER  
23 WAY AND HOW YOU, ALSO, YOU KNOW, YOU ARE ADVISED A  
24 FALSE CONFESSION, YOU ARE ADVISED OF ONE OF MY  
25 FAVORITE SAYINGS OF DON'T BE THE JUDGE AND THE JURY



1 AND THE REASON I TOLD THAT TO POLICE OFFICERS IS  
2 BECAUSE THEY HAVE A TENDENCY OF WANTING TO REMEMBER  
3 ONLY CERTAIN THINGS AND AS A RESULT THEY DON'T GIVE  
4 THE ULTIMATE INFORMATION TO THE PEOPLE WHO ARE  
5 SUPPOSED TO MAKE A DECISION ON THIS, AND AFTER A  
6 PERIOD OF TIME, AFTER YOU ARE A POLICE OFFICER, IT'S  
7 HARDER TO STRAY AWAY FROM THAT. IT'S EASIER TO  
8 BECOME PROFESSIONAL IN SOME RESPECT OF BEING ABLE TO  
9 IDENTIFY THE DECEITFUL THINGS TO WHERE YOU MAY  
10 OVERLOOK AND REMEMBER ONLY CERTAIN PARTS OF WHAT YOU  
11 WANT TO REMEMBER.

12 Q YOU'VE LISTENED TO THE THREE AND A HALF HOUR  
13 TAPE THAT WAS CONDUCTED BY LIEUTENANT WALDROP I  
14 BELIEVE THE NIGHT BEFORE AND IN YOUR OPINION WHAT,  
15 HOW DID HE CONDUCT THAT INVESTIGATION?

16 A I BELIEVE IT WAS LIEUTENANT WALDROP.

17 Q LIEUTENANT WALDROP?

18 A LIEUTENANT HERRING, LIEUTENANT WALDROP DID MOST  
19 OF IT. I THINK HE DID AN EXCELLENT JOB IN  
20 INTERROGATING. ONE OF THE BEST THAT I HAVE EVER  
21 SEEN. ALTHOUGH NOT ALL, UNFORTUNATELY NOT ALL  
22 CONFESSIONS OR INTERROGATIONS ARE RECORDED. IT'S ONE  
23 OF THE BEST THAT I'VE EVER HEARD. DID A GREAT JOB IN  
24 THAT. I THINK FROM THAT POINT ON IF ANYBODY WOULD  
25 LISTEN TO THAT TAPE AND PAY ATTENTION TO THEIR

1           TEACHINGS IT WAS A TERRIBLE JOB IN ANALYZING WHAT THE  
2           PERSON WAS SAYING AND SO.

3                   MR. THOMPSON:   YOUR HONOR, I OBJECT.  I  
4           DON'T BELIEVE HE HAS THE FOUNDATION TO TELL US THAT.

5                   THE COURT:    I THINK HE WAS ASKING ABOUT  
6           TECHNIQUE.

7                   MR. THOMPSON:   BUT THAT'S NOT WHAT HE IS  
8           TESTIFYING TO AT THIS MOMENT.

9                   THE COURT:    MR. MORTON.

10                  MR. MORTON:   I THINK HE IS.  I THINK --

11                  THE COURT:    I'LL LET HIM GO FURTHER.  I  
12           OVERRULE THE OBJECTION.

13           A        I REALLY WAS COMPLETED.

14           Q        YOU SAID YOU THOUGHT HE DID A GOOD JOB OF  
15           INTERROGATION BUT HE DIDN'T DO A GOOD JOB OF  
16           LISTENING?

17           A        UH-HUH.

18           Q        AND WHAT SHOULD HE HAVE BEEN LISTENING FOR THAT  
19           HE DIDN'T LISTEN FOR?

20           A        WELL, EITHER SIGNS GUILT OR SIGNS OF DECEPTION.  
21           PHRASES THAT PEOPLE MAY USE.  THINGS THAT YOU ARE  
22           TAUGHT AS A POLICE OFFICER TO LOOK FOR THAT SHOWS  
23           DECEPTION OR INNOCENCE.  THINGS LIKE THAT.  I MEAN, I  
24           DON'T KNOW.

25           Q        SPECIFICALLY IN YOUR TRAINING AND EXPERIENCE

1           WHAT ARE YOU TRAINED TO LOOK FOR?  FOR INSTANCE,  
2           INSISTENCE OF A POLYGRAPH?

3                       THE COURT:  I SUSTAIN THE OBJECTION.

4                       MR. THOMPSON:  OBJECTION.

5                       THE COURT:  THAT'S A LEADING QUESTION.

6           Q        IN YOUR TRAINING AND EXPERIENCE SUSPECTS OR  
7           PEOPLE WHO ARE BEING INTERROGATED SOMETIMES ARE ASKED  
8           ABOUT A POLYGRAPH, ABOUT THEIR WILLINGNESS TO TAKE A  
9           POLYGRAPH --

10                      MR. THOMPSON:  I OBJECT.

11                      THE COURT:  THAT'S A LEADING QUESTION.

12           Q        WHAT ARE SOME OF THE THINGS THAT THEY ARE ASKED  
13           TO DO THAT ARE INDICATORS OF EITHER GUILT OR  
14           INNOCENCE AND THE LANGUAGE THAT IS USED AND GO OVER  
15           THAT WITH US JUST FOR A MINUTE?

16                      MR. THOMPSON:  YOUR HONOR, I OBJECT TO  
17           THIS AS WELL.  THIS IS OUTSIDE HIS AREA OF EXPERTISE.

18                      THE COURT:  I'LL ALLOW THE QUESTION.  GO  
19           AHEAD ANSWER THE QUESTION.  IF YOU DON'T UNDERSTAND  
20           THE QUESTION DON'T ANSWER IT.

21           A        WELL, I UNDERSTAND THE QUESTION AND IT'S JUST A  
22           MATTER OF A DIFFERENT WAY OF SAYING IT.  I MEAN, ONE  
23           OF THE MAIN THINGS THAT AS AN INTERROGATOR YOU TRY TO  
24           HAVE THE INDIVIDUAL TAKE A POLYGRAPH TEST AND WHEN  
25           YOU, DEPENDING ON WHO APPROACHES WHO IS SIGNIFICANT.

1       DEPENDING ON WHAT THEY SAY WHEN THEY AGREE TO IT IS  
2       SIGNIFICANT.  DEPENDING ON WHAT THEY SAY AFTER THEY  
3       AGREE TO IT IS VERY SIGNIFICANT.  I MEAN, IT'S WELL  
4       KNOWN THAT AN INNOCENT SUSPECT WILL CONTINUE TO WANT  
5       TO TAKE THE POLYGRAPH TEST.  ALTHOUGH THAT'S NOT A  
6       CLEAR INDICATOR, THERE IS ALSO A LOT OF PEOPLE WHO  
7       KNOW THAT THEY DON'T WANT TO TAKE THE POLYGRAPH TEST  
8       WILL AGREE TO IT AT FIRST, BUT THEN THEY WILL START  
9       COMING WITH UP EXCUSES AFTER THE INITIAL AGREEMENT  
10      I'LL TAKE THE POLYGRAPH TEST, AND THEN VARIOUS  
11      ANSWERS WHICH I CAN GIVE IF THE COURTS WANT ME TO AS  
12      TO WHAT THE INDIVIDUAL SAYS WHERE HE CHANGES HIS  
13      MIND.  IN OTHER WORDS, THEY CHANGE THEIR MIND SHORTLY  
14      AFTER THAT.  SO IT'S LIKE, IT'S NOT ONE SIGNIFICANT  
15      THING, IT'S EVERYTHING THAT HAPPENS DURING THAT  
16      PORTION OF TIME AS TO WHAT COUNTS WHETHER OR NOT IT  
17      MEANS ANYTHING.  BUT IF SOMEBODY IN THIS CASE COPE  
18      ASKED FOR THE POLYGRAPH TEST 13 TIMES, NEVER REFUSED  
19      TO TAKE IT, NEVER STOPPED ASKING FOR IT.  THAT'S  
20      PRETTY SIGNIFICANT IN THAT HE HAS GREAT FAITH IN THE  
21      POLYGRAPH TEST IN ORDER TO WANT TO TAKE THAT  
22      POLYGRAPH TEST.  MOST PEOPLE WILL ASK MAYBE ONCE OR  
23      TWICE AND NOT EVERYBODY THAT'S INTERROGATED IS GIVEN  
24      THE POLYGRAPH TEST.  IT'S USUALLY UNLESS THE SUSPECT  
25      DISAGREES IT'S USUALLY UP TO THE POLICE OFFICER

1           WHETHER TO GIVE THE POLYGRAPH BECAUSE IT'S A MAJOR  
2           INVESTIGATIVE AID TOOL.  THAT'S WHAT IT SHOULD BE  
3           USED FOR AS A TOOL TO TRY TO GET INTO THE PERSON'S  
4           MIND, TO TRY TO GET THE PERSON TO MAKE A CONFESSION.

5           Q       AND YOU'VE LISTENED TO THE TAPE IN THIS CASE OF  
6           THAT INTERROGATION AND THEN THE NEXT DAY YOU ARE  
7           AWARE THAT HE WAS GIVEN A POLYGRAPH TEST AND  
8           INTERVIEWED FOR SEVERAL MORE HOURS AFTER THAT.  LET  
9           ME ASK YOU THIS, ARE POLICE OFFICERS TRAINED TO TAPE  
10          RECORD INTERROGATIONS AND IF SO WHY AND IF NOT, WHY  
11          NOT?

12          A       IT'S ALWAYS MENTIONED AND IT HAS BEEN MENTIONED  
13          EVER SINCE TAPE RECORDERS COME AROUND THAT POLICE  
14          OFFICERS SHOULD RECORD CONVERSATIONS AND THE REASON  
15          THAT I USED TO TELL MY STUDENTS IS IF YOU RECORD THE  
16          CONVERSATION, THERE IS NO SECOND GUESSING OF WHAT THE  
17          SUSPECT SAID, THERE IS NO SECOND GUESSING OF WHAT YOU  
18          SAID, IT'S YOUR PROTECTION FOR AS WELL AS THE  
19          SUSPECT'S PROTECTION, BUT BASICALLY IT'S A PROTECTION  
20          OF THE TRUTH THAT IS HAPPENING AT THAT TIME.  IT'S,  
21          YOU CAN'T HAVE BETTER RECORDING THAN LISTENING TO  
22          SOMEONE'S VOICE OR VIDEO TAPE AND A LOT OF POLICE  
23          OFFICERS, I MEAN POLICE AGENCIES, NOW HAVE ROOMS  
24          WHERE YOU FLIP A BUTTOM IT'S RECORDED.  SOME STATES  
25          ARE COME UP WHERE EVERYTHING HAS TO BE RECORDED AND

1 SO IT'S A SITUATION WHERE IF YOU RECORD THE  
2 CONVERSATION THEN IT'S LEFT UP TO THE PEOPLE WHO HAVE  
3 THE RESPONSIBILITY OF MAKING A DECISION WHETHER OR  
4 NOT THE TRUTH IS BEING TOLD. IF YOU DON'T RECORD IT,  
5 THEN YOU OUGHT TO SUFFER THE CONSEQUENCES OF NOT  
6 BEING ABLE TO OR SUFFER THE CONSEQUENCES OF BEING  
7 CRITICIZED IF SOMEONE IS GOING TO CRITICIZE YOU. AND  
8 A LOT OF PEOPLE WHO RECORD, I'VE HAD A LOT OF CASES  
9 PEOPLE RECORDED AND EVERYTHING WAS FINE. I SEE NO  
10 REASON WHATSOEVER NOT TO RECORD INTERROGATION  
11 TECHNIQUES OR INTERVIEWING TECHNIQUES OR THE  
12 INTERVIEW OR INTERROGATION. MOST OF THE INTERVIEWS  
13 WE DO ARE RECORDED AND YOU DON'T HAVE TO TELL THE  
14 PEOPLE THAT YOU ARE RECORDING IT BECAUSE, I MEAN,  
15 WE'VE USED OUR TAPES OF CLANDESTINE RECORDINGS IN  
16 FEDERAL COURTS AND STATE COURTS IN NORTH CAROLINA, I  
17 DON'T KNOW THE LAW HERE IN SOUTH CAROLINA, BUT YOU  
18 DON'T GENERALLY HAVE TO ADVISE THE PERSON YOU ARE  
19 RECORDING IT OR YOU PUT THE RECORDING IN FRONT OF  
20 THEM AND LET THEM DO IT AND I'VE SEEN CASES WHERE  
21 POLICE OFFICERS HAVE PUT IT IN FRONT, THE GUY SAYS I  
22 WANT IT TURNED OFF, HE TURNED IT OFF, BUT AT LEAST  
23 YOU ARE GIVEN THE OPPORTUNITY TO HAVE THAT MOMENT  
24 RECORDED.

25 Q WHAT'S THE SIGNIFICANCE OF NOT RECORDING IT?

1       A     I HATE TO SAY IT THERE IS ONLY ONE SIGNIFICANCE  
2       IN NOT RECORDING IT, YOU GET TO TESTIFY AS TO WHAT  
3       YOU MAY REMEMBER, AS TO WHAT YOU WANT TO TESTIFY TO.  
4       I HATE TO SAY IT, IT'S SAD, BUT THAT'S WHAT HAPPENS.  
5       IT GIVES YOU THE OPPORTUNITY TO OVERLOOK SOME OF THE  
6       THINGS THAT WOULD BE IMPORTANT FOR SOMEONE TO MAKE A  
7       DECISION WHETHER OR NOT SOMEONE IS TELLING THE TRUTH.

8       Q     WHO DOES THE INTERPRETING IN THOSE SITUATIONS?

9       A     WHERE?

10      Q     WHEN IT DOESN'T RECORD?

11      A     WHEN IT DOESN'T RECORD?    I DON'T KNOW IF  
12      ANYBODY IS QUALIFIED TO DO AN INTERPRETATION AFTER  
13      THAT.    I KNOW I'M NOT.    I LOOKED AT THE STATEMENTS  
14      THAT MR. COPE GAVE WITHOUT A RECORDING AND I CANNOT  
15      MAKE AN INTERPRETATION AS TO WHAT WENT ON DURING THAT  
16      PERIOD OF TIME.    IT'S LEFT UP TO THE JUDGE AND THE  
17      JURY TO TRY TO MAKE A DECISION, BALANCE IT OUT, YOU  
18      KNOW, IS THE PERSON TELLING THE TRUTH, AND IT'S A BAD  
19      WAY TO GO, BUT THAT'S WHAT HAPPENS.

20      Q     AS FAR AS THE TAPE RECORDED INTERVIEW, THE  
21      INTERPRETATION THAT WE HAVE FROM THE TAPE RECORDING,  
22      YOU LISTENED TO THE INTERROGATION SEVERAL TIMES I  
23      BELIEVE.    WHAT CAN YOU TELL US ABOUT THE QUESTIONS  
24      AND ANSWERS OF MR. COPE ON THAT OCCASION AND WHAT  
25      YOUR OPINION TELLS YOU FROM THAT?

1           A     WELL, I LISTENED TO THE TAPE AND I HAD TO  
2           RELISTEN TO SOME PORTIONS OF IT MAYBE 10 TO 15 TIMES  
3           TO UNDERSTAND A PARTICULAR WORD, ET CETERA, SO I CAN  
4           PUT IT IN THE TRANSSCRIPT AND THEN I WENT AND  
5           CONDUCTED AN ANALYSIS ON, FROM MY TRAINING, THE WORDS  
6           OF GUILT OR INNOCENCE.  WHAT I CAN REFER TO PHRASES,  
7           WORDS, THINGS OF THAT NATURE, AND IT'S A LITTLE BIT  
8           EASIER NOW WITH COMPUTERS, BUT YOU CAN JUST PUT  
9           SEARCH AND COME UP WITH CERTAIN WORDS, AND THAT'S  
10          WHAT I DID AND I PREPARED A REPORT OF MY ANALYSIS  
11          FROM MY NOTES TO BE USED BECAUSE I COULD NOT REMEMBER  
12          EVERY SINGLE LITTLE WORD THAT WAS USED OR ANYTHING  
13          LIKE THAT.

14          Q     OKAY.  ARE THERE ANY --

15                         MR. THOMPSON:  YOUR HONOR, I OBJECT AT  
16          THIS TIME.  HE SAID HE HAS A REPORT.  WE'VE NOT SEEN  
17          THE REPORT.  I ASK TO SEE IT AT THIS TIME.

18                         MR. MORTON:  IT'S JUST, IT'S NOT A REPORT,  
19          YOUR HONOR.  IT'S JUST AN ANALYSIS THAT.

20                         THE COURT:  WELL, I'LL ALLOW YOU TO GO  
21          AHEAD AND I'M GOING TO REQUIRE HIM TO GIVE IT TO YOU  
22          PRIOR TO CROSS EXAMINATION.  WE'LL TAKE A SHORT BREAK  
23          BEFORE THAT.

24                         MR. THOMPSON:  YOUR HONOR, I ALSO OBJECT  
25          AT THIS TIME TO THE PSYCHOLOGICAL TESTIMONY AND NOT



1 TESTIMONY AS TO INTERVIEW TECHNIQUES.

2 THE COURT: LET ME HEAR THE QUESTION AND  
3 ANSWERS.

4 MR. MORTON: OKAY.

5 Q TYPICALLY IN AN INTERVIEW LIKE THIS AND  
6 SPECIFICALLY AS TO THIS INTERVIEW, AS FAR AS THE TYPE  
7 OF DENIALS, RESPONSE TIME BETWEEN QUESTIONS AND  
8 ANSWERS, ARE THOSE SIGNIFICANT?

9 A IT'S VERY SIGNIFICANT. YOU KNOW, SOMEONE WHO  
10 DENIES AND CONTINUES TO DENY REPEATEDLY --

11 MR. THOMPSON: YOUR HONOR, I OBJECT. ONCE  
12 AGAIN, THIS IS SOMETHING PSYCHOLOGICAL.

13 THE COURT: I OVERRULE THE OBJECTION.

14 Q GO AHEAD. AS FAR AS THE REPETITIVE DENIALS AND  
15 THE RESPONSES IN BETWEEN THE QUESTION AND DENIALS,  
16 THE LENGTH OF TIME, PAUSES AND THOSE THINGS, CAN YOU  
17 EXPLAIN THE SIGNIFICANCE OF THOSE?

18 A YES, SIR. SOMEBODY WHO IS FIRM WILL SHOW AND  
19 FIRM IN TELLING WHAT'S HAPPENED. SOMEONE WHO USES  
20 VERY LITTLE PAUSES TO TAKE TIME TO THINK AND SOMEBODY  
21 WHO KEEPS DENYING CONTINUOUSLY, TO BE HONEST WITH  
22 YOU, I HAVE NEVER SEEN SO MANY DENIALS IN MY ENTIRE  
23 LIFE. I DON'T KNOW, YOU CAN TAKE MANY CASES  
24 COMBINED, THERE IS A LOT OF DENIALS IN THIS FOUR HOUR  
25 INTERVIEW OF WHAT WORDS AND PHRASES I ACCEPT AS

1       TEACHINGS AS WELL I'VE GOT, YOU KNOW, I'VE DONE  
2       RESEARCH WHERE THESE BOOKS COME FROM, I MEAN WHERE  
3       THESE PHRASES COME FROM, AND SO I'VE RELOOKED AT SOME  
4       OF THOSE AND I COMPILED MY ANALYSIS TO WHERE I COULD  
5       EXPLAIN SOME OF THE WORDS, SOME OF THE PHRASES, AND  
6       SO THESE ARE SOME OF THE THINGS YOU LOOK FOR, NOT  
7       ONLY THE FIRMNESS OF THE PERSON, THE DENIAL. IF THEY  
8       ARE FIRM, IF THEY CAN KEEP DENYING EVEN THOUGH THE  
9       POLICE OFFICER KEEPS INSISTING, THAT'S USUALLY A SIGN  
10      OF INNOCENCE. AND YOU ARE CAUTIONED AS YOU ARE  
11      INTERVIEWING PEOPLE TO LOOK FOR THESE THINGS TO WHERE  
12      YOU NEED TO BE CAREFUL HOW FAR YOU GO BEYOND THAT.  
13      AND OF COURSE THERE ARE ALSO WHAT WE CALL SUGGESTIVE  
14      WORDS, INTERROGATION SUGGESTIVE TECHNIQUES, TO WHERE  
15      YOU MAY SUGGEST SOMETHING TO PEOPLE. DREAM FOR  
16      EXAMPLE WAS MENTIONED I THINK NINE TIMES IN HERE.  
17      AND SO THESE ARE THINGS THAT A SEASONED INVESTIGATOR  
18      WILL LOOK AT AS WELL AS USE TO INTERROGATE PEOPLE.

19      Q     IS THE LENGTH OF TIME IN BETWEEN THE QUESTION  
20      AND THE DENIAL SIGNIFICANT IN YOUR OPINION?

21      A     MOST OF THE TIME IT'S VERY SIGNIFICANT,  
22      DEPENDING ON OF COURSE WHAT THE QUESTION IS, CERTAIN  
23      QUESTIONS REQUIRE MORE THOUGHT THAN OTHERS, SO A LOT  
24      OF IT DEPENDS ON THE TYPE OF QUESTIONS, BUT IT'S VERY  
25      SIGNIFICANT AND NOT ONLY THE AMOUNT OF DENIALS BUT

1 THE WORDING OF THE DENIALS. IF WE'RE REFERRING JUST  
2 TO DENIALS ARE VERY SIGNIFICANT.

3 Q AND WHAT DID YOU FIND SIGNIFICANT IN THIS CASE  
4 ABOUT THE TYPE OF DENIALS THAT MR. COPE IS USING?

5 A IF I MAY TAKE A MOMENT.

6 Q YES.

7 A PROBABLY THE MOST SIGNIFICANT THING WAS  
8 THROUGHOUT THE ENTIRE INTERVIEW --

9 MR. THOMPSON: YOUR HONOR, I OBJECT ONCE  
10 AGAIN. IT IS BEYOND THE SCOPE OF WHAT HE'S QUALIFIED  
11 TO TESTIFY TO. HE'S ASKING HIM ABOUT THE TYPES OF  
12 DENIALS. THAT'S NOT INTERVIEW TECHNIQUES.

13 MR. MORTON: SURE IT IS.

14 THE COURT: I OVERRULE THE OBJECTION.

15 A I'M SORRY.

16 Q GOOD AHEAD.

17 A YOU KNOW, THE TEACHINGS THAT I USED TO HAVE IS  
18 AN INNOCENT SUBJECT WILL USUALLY REMAIN STEADFAST  
19 WITH THE DENIAL ALONE AND WILL FEEL NO NEED TO  
20 EMBELLISH IT AT ALL. THE SUSPECT CONSIDERS I DIDN'T  
21 DO IT TO BE ENTIRETY ADEQUATE.

22 THE COURT: I'M GOING TO SUSTAIN THE  
23 OBJECTION. I THINK WE HAVE GONE OFF THE TECHNIQUE.

24 Q MR. GUERETTE, YOU HAVE TRAINED IN THIS FIELD AND  
25 TAUGHT THIS SUBJECT, IS THIS SOMETHING THAT YOU TEACH

1 POLICE OFFICERS TO LOOK FOR, TO DETERMINE CLUES ABOUT  
2 A PERSON, IS THIS SOMETHING THAT'S TAUGHT IN THE  
3 LITERATURE. LET ME ASK IF YOU RECOGNIZE THIS BOOK  
4 AND IDENTIFY THAT FOR US?

5 A WELL, THIS IS CRIMINAL INTERROGATION. THAT IS AN  
6 OLDER EDITION. I'VE GOT THE FOURTH EDITION, BUT  
7 INBAU AND REID HAVE BEEN AUTHORS MOSTLY WIDELY USED  
8 BY POLICE OFFICERS, CRIMINAL JUSTICE COURSES,  
9 ACADEMIES, AND THINGS OF THAT NATURE AS IT'S  
10 CONSIDERED ONE OF THE BIBLES OF POLICE OFFICER  
11 TRAINING. AND ALL THESE WORDS THAT I'M TALKING ABOUT  
12 ARE TECHNIQUES, IF YOU WANT TO REFER TO IT AS  
13 TECHNIQUES, YOU TEACH IN THE CLASS HOW TO RECOGNIZE  
14 AND YOU RECOGNIZE IT BY THE WORDS, BY THEIR ACTIONS,  
15 AND THESE ARE VERY EFFECTIVE WORDS THAT OVER THE  
16 YEARS HAVE BEEN USED. IN THE PAST 20 YEARS INBAU AND  
17 REID AND DIFFERENT INTERROGATION TECHNIQUES HAVE  
18 DEVELOPED BUT EVEN THE FBI ACADEMY, ALTHOUGH I DIDN'T  
19 GO TO IT, I'VE SEEN SOME DOCUMENTS, THEY USE SOME OF  
20 THE TEACHINGS OF INBAU AND REID, SO PEOPLE MIGHT NOT  
21 REMEMBER THAT PARTICULAR TECHNIQUE. I REFER TO IT AS  
22 THE REID TECHNIQUE BECAUSE IT IS EASIER TO SAY THAN  
23 INBAU AND REID EVERY TIME YOU WANT TO TALK ABOUT  
24 SOMETHING, BUT IT'S AN INTERROGATION TECHNIQUE THAT  
25 CERTAIN WORDS, CERTAIN PHRASES ARE SAID, THAT

1           SIGNIFIES GUILT OR INNOCENCE AND THESE ARE THE WORDS  
2           THAT YOU LOOK FOR, NOT ONLY IN ANALYZING A REPORT  
3           AFTER IT'S DONE, OR RECORDING, BUT THESE ARE WORDS  
4           THAT YOU USE, YOU ARE TRAINED TO USE, AS YOU ARE  
5           INTERROGATING THE PERSON. THAT'S WHY A LOT OF TIMES  
6           YOU HAVE TWO PEOPLE SO ONE CAN LISTEN, THE OTHER ONE  
7           CAN STAY ONE STEP AHEAD. I DON'T KNOW WHO WAS  
8           LISTENING ON THIS CASE BUT I THINK THEY MISSED QUITE  
9           A FEW WORDS THAT SHOULD HAVE BEEN AN INDICATION THAT  
10          THEY WERE GOING DOWN THE WRONG PATH.

11         Q        AND IN YOUR TRAINING AND YOUR EXPERIENCE AND  
12                TEACHING THAT MANUAL, THE BIBLE AS YOU CALL IT, IS  
13                SOMETHING THAT POLICE OFFICERS ALMOST UNIVERSALLY  
14                TAUGHT---

15                         MR. THOMPSON: YOUR HONOR, I OBJECT TO THE  
16                LEADING.

17                         THE COURT: THAT'S A LEADING QUESTION. I  
18                SUSTAIN --

19         Q        DO YOU USE THAT --

20                         MR. THOMPSON: OBJECTION, YOUR HONOR, HE'S  
21                JUST CONTINUING THE QUESTION.

22                         THE COURT: START OVER.

23         Q        MY QUESTION IS: WHAT DO YOU USE TO TRAIN POLICE  
24                OFFICERS IN WHAT TYPE OF RESPONSES TO LOOK FOR? WHAT  
25                ARE THEY TAUGHT?

1       A     YOU USE AN OUTLINE THAT'S BEEN PREPARED BY  
2       EITHER YOURSELF OR SOMEONE ELSE WHO HAS DONE THE  
3       RESEARCH AND IN THAT OUTLINE YOU COVER ALL THESE DOES  
4       AND DON'TS.  NOT ONLY DOES AND DON'TS DURING THE  
5       INTERVIEWING PROCESS OR INTERROGATION, BUT ALSO THE  
6       WORDS TO RECOGNIZE THAT CAN LEAD YOU TO A CERTAIN  
7       DIRECTION.

8       Q     SO IS THAT IMPORTANT TO BE ABLE TO DETERMINE  
9       WHAT WORDS ARE USED?  WHAT WORDS, WHAT ANSWERS ARE  
10      GIVEN?

11      A     I THINK IT'S SIGNIFICANTLY IMPORTANT BECAUSE IF  
12      YOU DON'T PAY ATTENTION TO WHAT THE PERSON IS SAYING  
13      WHY ARE YOU INTERVIEW THEM?  WHY ARE YOU  
14      INTERROGATING THE PERSON?  YOU OUGHT TO JUST SAY I'M  
15      GOING TO PUT YOU IN JAIL NOW AND FORGET IT.  YOU  
16      KNOW, IT'S SO IMPORTANT TO TRY TO DETERMINE WHETHER  
17      OR NOT YOU ARE GOING IN THE RIGHT DIRECTION IN THE  
18      DIRECTION AND WITHOUT IT I DON'T THINK YOU CAN MAKE A  
19      DECISION.

20      Q     AND WERE THERE INDICATIONS IN THIS TAPE  
21      RECORDING THAT WOULD HAVE LED YOU IN A CERTAIN  
22      DIRECTION AND WHY?

23      A     THERE ARE MANY INDICATIONS IN THIS RECORDING  
24      THAT WOULD HAVE SENT ME IN A TOTALLY DIFFERENT  
25      DIRECTION IN TRYING TO LOOK FOR SOMEONE ELSE, NOT

1 TOTAL ELIMINATING MR. COPE, BUT AT LEAST LOOKING AT  
2 OTHER THINGS THAT SHOULD HAVE BEEN LOOKED AT. AND  
3 YOU ALSO HAVE TO TAKE INTO CONSIDERATION SOME OF THE  
4 THINGS THAT WERE STATED THAT WERE LATER FOUND TO BE  
5 INCORRECT, THAT ALSO GIVES YOU AN INDICATION THAT YOU  
6 NEED TO DO SOMETHING ELSE IN THE INVESTIGATION  
7 INSTEAD OF JUST THROWING IT UP IN THE AIR AND SAYING  
8 WELL WE WILL LET THINGS FALL AS THEY DO.

9 Q AND HIS DENIALS WOULD HAVE GIVEN YOU AN  
10 INDICATION OF WHAT?

11 A INNOCENCE.

12 Q OF WHAT?

13 A INNOCENCE.

14 Q AND WHY IS THAT?

15 A BECAUSE THERE IS TOO MANY. NOT ONLY FOR THE  
16 BENEFIT --

17 MR. THOMPSON: ONCE AGAIN I OBJECT. THIS  
18 IS BEYOND THE SCOPE OF WHAT HE'S QUALIFIED TO DO.

19 THE COURT: I SUSTAIN THE OBJECTION.

20 MR. THOMPSON: I ASK IT BE STRIKEN FROM  
21 THE RECORD.

22 THE COURT: HE'S BEEN QUALIFIED TO TESTIFY  
23 TO TECHNIQUE.

24 MR. MORTON: YOUR HONOR, THE OFFICERS IN  
25 THIS CASE HAVE BEEN ASKED THEIR, THEY ARE NO MORE

1 EXPERT THAN HE IS, THEY'D BEEN ASKED HIS OPINION.

2 THE COURT: WELL, I'M BASING MY RULING ON  
3 THE OBJECTION TO WHERE WE ARE NOW.

4 MR. MORTON: ALL RIGHT, SIR.

5 Q AS FAR AS LOOKING AT THE EVIDENCE IN THIS CASE,  
6 YOU HAVE TAKEN A LOOK AT THE EVIDENCE THAT WAS  
7 COLLECTED IN THIS CASE?

8 A YES, SIR.

9 Q YOU'VE TAKEN A LOOK AT THE STATEMENTS THAT WERE  
10 ISSUED IN THIS CASE?

11 A YES, SIR.

12 Q OKAY. AND YOU ARE AWARE --

13 A SOME OF THEM, NOT ALL OF THEM.

14 Q OKAY. STATEMENTS BY MR. COPE, YOU HAVE?

15 A OH, YEAH. YEAH.

16 Q OKAY. AND THERE ARE REFERENCES IN SOME OF THESE  
17 STATEMENTS TO BROOMS BEING USED, DILDOS BEING USED,  
18 THAT KIND OF THING?

19 A RIGHT.

20 Q WOULD YOU LOOK AT THOSE ITEMS IF YOU WERE AN  
21 INVESTIGATOR IN THIS CASE TO TRY TO DETERMINE  
22 EVIDENTARY VALUE OF THOSE?

23 MR. THOMPSON: OBJECT TO LEADING, YOUR  
24 HONOR.

25 THE COURT: I SUSTAIN THE OBJECTION.



1 Q WHAT WOULD YOU HAVE LOOKED AT AS A RESULT OF HIS  
2 STATEMENTS AS FAR AS THE EVIDENCE IN THIS CASE?

3 A WELL, THE FIRST THING I'D LOOK AT IS THE  
4 FINDINGS OF THE SECRETION OR WHATEVER YOU WANT TO  
5 REFER TO IT ON AMANDA'S BODY. I WOULD DEFINITELY  
6 WANT TO KNOW, YOU KNOW, WHERE THAT LEADS ME TO. DOES  
7 IT LEAD ME TO MR. COPE OR DOES IT LEAD ME AWAY FROM  
8 MR. COPE. CONTINUOUSLY MENTIONED THAT IT WAS NOT  
9 GOING TO BE HIS. IT WOULD'VE BEEN NICE, IF I'M A  
10 POLICE OFFICER TRYING TO PROVE THAT HE DID IT, IT HAD  
11 BEEN NICE IF IT HAD COME BACK AS HIS AND THEN I KNEW  
12 I WAS ON THE RIGHT DIRECTION, SO THAT'S ONE OF THE  
13 MAIN THINGS THAT SHOULD BE LOOKED AT.

14 THE ITEMS PARTICULARLY SO IN THE VIDEO  
15 TAPE WHERE HE DID THIS RE-ENACTMENT, THE ITEMS THAT  
16 HE MENTIONED THERE, THE BROOMS, HANDLES, ALL OF THEM  
17 SHOULD HAVE BEEN ANALYZED, EITHER PROVE OR DISPROVE.  
18 THAT'S A POLICE OFFICER'S RESPONSIBILITY NOT ONLY TO  
19 PROVE BUT DISPROVE ALSO WHETHER OR NOT HE HAD  
20 ANYTHING TO DO WITH THE SEXUAL ASSAULT. YOU KNOW,  
21 PEOPLE MAY THINK THE BROOM IS CLEAN BUT I'M NOT THE  
22 TYPE PERSON BUT A FORENSIC PERSON ESPECIALLY IF THERE  
23 IS A HANDLE ON THE PARTICULAR OBJECT OR A CREVICE AND  
24 A MINOR CRACK, THERE IS ALWAYS SOMETHING THAT'S LEFT  
25 BEHIND. IT'S VERY HARD TO CLEAN AN ITEM. IN MY

1 EXPERIENCE I'VE SEEN KNIVES WASHED AND THE FORENSIC  
2 PERSON HAS FOUND ITEMS ON THE KNIFE, IN THE GROOVES  
3 OF THE HANDLE, WHATEVER THE CASE MAYBE, SO YOU JUST  
4 DON'T LOOK AT IT AND SAY NOTHING THERE. YOU HAVE TO  
5 HAVE IT ANALYZED. I'M TRYING TO THINK OF OTHER  
6 THINGS THAT HE SUGGESTED THAT SHOULD HAVE BEEN  
7 INVESTIGATED FURTHER.

8 HE MENTIONED SOMEBODY POSSIBLY HIDING  
9 IN A CLOSET. SOMEONE SHOULD HAVE GONE BACK AND  
10 LOOKED INSIDE THAT CLOSET BECAUSE THAT'S AN MO.  
11 THAT'S AN MO THAT YOU HAVE TO BE CAREFUL FOR AND IF  
12 SOMEBODY HAS BEEN IN THE CLOSET, YOU MAY HAVE SOME  
13 INDICATION, YOU MAY HAVE SOME HAIR, YOU MAY HAVE  
14 OTHER ITEMS IN THAT CLOSET, SO ALL, THESE ARE SOME OF  
15 THE THINGS THAT SHOULD HAVE BEEN DONE AND I KNOW SOME  
16 OF IT WAS DONE. I DON'T BELIEVE ALL OF IT WAS  
17 DONE.

18 Q WHAT ABOUT BLOOD? WOULD YOU HAVE LOOKED FOR,  
19 WHAT WOULD YOU HAVE DONE TO TRY AND DETECT EVIDENCE  
20 OF BLOOD BEING IN THAT HOUSE ON THAT DAY? WOULD YOU  
21 HAVE GONE BACK AND TESTED OTHER ITEMS IN THE HOUSE  
22 AND USED ANY KIND OF OTHER MATERIALS TO TRY AND  
23 DETECT?

24 A WELL --

25 MR. THOMPSON: YOUR HONOR, I OBJECT.

1                   THE COURT: THAT'S A LEADING QUESTION. I  
2                   SUSTAIN THE OBJECTION.

3                   Q       WHAT ELSE WOULD YOU HAVE DONE TO TRY AND CONDUCT  
4                   AN INVESTIGATION OF THIS HOUSE?

5                   A       WELL, I'M TRYING TO THINK OF THE ITEMS THEY  
6                   SEIZED AND I KNOW THEY SEIZED THE BLANKET AND THERE  
7                   IS A PHOTOGRAPH WHERE THERE WAS, WHAT IT LOOKED LIKE,  
8                   AND I DON'T KNOW IF IT'S BEEN TESTED OR NOT, BUT IT  
9                   HAD A RED SUBSTANCE TO IT IN THE BOTTOM OF THE  
10                  BLANKET. THERE IS A PHOTOGRAPH OF WHERE HER HANDS  
11                  WERE BAGGED AND I CAN'T REMEMBER THE PHOTOGRAPH, BUT  
12                  IT'S ONE OF THE PHOTOGRAPHS I'VE SEEN, AND THE FACT  
13                  THAT THE LIGHTS, THERE IS AN ISSUE OF WHETHER THE  
14                  LIGHTS WERE ON OR OFF, I MEAN, I WORKED A MAJOR  
15                  HOMICIDE WHERE THAT WAS A MAJOR ISSUE ON THE LIGHT  
16                  SWITCH ITSELF. IF SOMEBODY IS GOING TO TURN ON THE  
17                  LIGHT, THEY MAY NOT LEAVE BLOOD BUT THEY MAY LEAVE  
18                  SOME OTHER SECRETION TO WHERE LIGHT SWITCHES ARE USED  
19                  DAILY, IT'S NOT SOMETHING WHERE A LOT OF DUST WILL  
20                  GATHER, IT'S SOMETHING THAT SHOULD BE, GO BACK AND  
21                  TEST TO SEE IF THERE IS ANY SUBSTANCE OF DNA  
22                  BELONGING TO SOMEBODY ELSE. I MEAN DNA IS A GREAT  
23                  THING AND POLICE OFFICERS NEED TO USE IT MORE. AND  
24                  IT SHOULD HAVE BEEN USED MORE IN THIS PARTICULAR CASE  
25                  TO ANALYZE CERTAIN PARTS. AND THEN OF COURSE ONCE

1 YOU KNOW A LITTLE BIT BETTER FROM THE MEDICAL  
2 EXAMINER, FROM THE INTERVIEW, THEN YOU HAVE AN  
3 OBLIGATION TO GO BACK TO THE CRIME SCENE AND LOOK FOR  
4 ADDITIONAL EVIDENCE. CHECKING THE DOORS.

5 Q HOW IMPORTANT IS THE ANALYSIS OR THE RESULTS  
6 THAT WERE DONE ON THESE BROOMS AND THE DILDO?

7 A WELL, I THINK IT'S VERY IMPORTANT. IF MR. COPE  
8 WOULD HAVE USED IT, SOME OF HIS DNA WOULD HAVE BEEN  
9 ON IT AND THE MANNER ---

10 MR. THOMPSON: YOUR HONOR, I OBJECT.

11 THE COURT: I SUSTAIN THE OBJECTION. I  
12 THINK WE ARE OUTSIDE HIS EXPERTISE. HE'S HERE FOR  
13 INVESTIGATION.

14 MR. MORTON: BEG THE COURT'S INDULGENCE  
15 FOR ONE SECOND. MAY WE APPROACH THE BENCH, YOUR  
16 HONOR.

17 (BENCH CONFERENCE AT 12:19 PM.)

18 THE COURT: MEMBERS OF THE JURY PANEL, LET  
19 ME LET YOU GO TO THE JURY ROOM JUST FOR A FEW  
20 MINUTES.

21 (THE JURY EXITS THE COURTROOM AT 12:20  
22 PM.)

23 THE COURT: YOU WANT TO MAKE A PROFFER ON  
24 WHAT ISSUE?

25 MR. MORTON: THE ISSUE OF, WHAT THE

1 TRAINING AND THE LITERATURE TEACHES OFFICERS ABOUT  
2 THE TYPES OF DENIALS THAT YOU WOULD BE TRAINED TO  
3 LISTEN FOR AS A POLICE INVESTIGATOR AND WHAT IT SAYS  
4 IN THIS CASE.

5 THE COURT: GO AHEAD AND ASK THE QUESTION.  
6 IN CAMERA DIRECT BY MR. MORTON:

7 Q WHAT ARE POLICE OFFICERS TRAINED TO LOOK FOR AS  
8 FAR AS THE, IN THE INTERROGATION PROCESS THE TYPES OF  
9 DENIALS AND THE WORDS AND THE LANGUAGE THAT'S USED?

10 A WELL, ONE OF THE MAJOR ONES IS A VERY FIRM  
11 DENIAL IS I DIDN'T DO IT OR I DID NOT DO IT. AND  
12 I'VE GOT A LIST OF EVERY TIME THESE WERE USED, BUT IN  
13 COMBINATION WITH THAT IS I DID NOT DO IT, I DID NOT  
14 DO ANYTHING. I DID NOT. I DIDN'T DO ANYTHING. AND  
15 THERE IS A TOTAL RESPONSE THERE IS OF I DID NOTS OF  
16 74, JUST THE WORDS I DID NOT, THERE WERE 74 TIMES  
17 THAT WAS USED, TOTAL OF ALL THE COMBINATIONS IS 142.

18 Q WHAT'S THE SIGNIFICANCE OF THAT VERSUS SOME  
19 OTHER RESPONSE?

20 A IT'S VERY SIGNIFICANT IN THAT THIS IS A SIGN OF  
21 A SUSPECT ANSWERING THE QUESTION THAT YOU SHOULD  
22 CONSIDER FOR THAT PERSON TO BE INNOCENT BECAUSE --

23 Q WHY IS THAT? WHAT WOULD THEY DO IF THEY  
24 WEREN'T? IF YOU BELIEVE, IN OTHER WORDS, IS THERE A  
25 DIFFERENCE IN JUST A SIMPLE I DID NOT OR I DIDN'T DO

1 IT VERSUS AN EXPLANATION OR AN EMBELLISHMENT OR  
2 TRYING TO DO SOMETHING ELSE?

3 A OH, THERE DEFINITELY IS.

4 Q EXPLAIN THAT TO US?

5 A JUST FOR EXAMPLE, WHEN WE TEACH WE TEACH DENIALS  
6 OF GUILTY, DENIALS OF AN INNOCENCE, THAT'S WHAT WE'RE  
7 LOOKING FOR WHEN WE'RE INTERROGATING SOMEBODY AND  
8 SOME OF THE PHRASES OF DENIAL OF THE GUILTY ARE WHY  
9 DO YOU THINK I DID THAT? ARE YOU SURE? HOW CAN THAT  
10 BE? IT DOES? I KNEW THIS WOULD HAPPEN. YOU ARE  
11 JUST OUT TO GET ME. I'M BEING FRAMED. WE'VE ALL  
12 HEARD THAT OVER PERIOD OF TIMES. AS A RULE,  
13 GENERALLY, TYPICALLY, THESE ARE WORDS THAT PEOPLE WHO  
14 HAVE SIGNS OF GUILT USE IN DESCRIBING THEIR ACTIONS.  
15 AND ON THE FLIP SIDE OF THAT YOU'VE GOT OTHER WORDS  
16 OF INNOCENCE: I'M TELLING THE TRUTH. I'M NOT LYING.  
17 I'M NOT LYING. THESE ARE THE BASIC WORDS THAT YOU  
18 ARE LOOKING FOR WHEN YOU ARE INTERVIEWING AND  
19 INTERROGATING SOMEONE. LIKE I SAID BEFORE, IF YOU  
20 DON'T ANALYZE WHAT THE PERSON SAID, WHY ARE YOU  
21 INTERROGATING THEM. IT'S NOT A SIMPLE REASON OF I  
22 WANT TO INTERROGATE THEM BECAUSE I'M HAVING FUN. I  
23 WANT TO INTERROGATE THEM BECAUSE I'M TRYING TO FIND  
24 OUT WHAT HAS HAPPENED HERE AND THIS IS WHAT POLICE  
25 OFFICERS ARE TAUGHT TO MAKE A DECISION ARE WE GOING

1 IN THE RIGHT DIRECTION IN THE INVESTIGATION. IT'S  
2 NOT A DECISION THAT I'M, YOU KNOW, YOU DON'T LOOK AT  
3 IT TO BE ABLE TO SAY HEY I KNOW THIS GUY IS INNOCENT.  
4 WE'RE LOOKING AT IT AS A TECHNIQUE, THINGS THAT  
5 PEOPLE SAY THAT ARE INDICATIONS, AND THE MORE YOU  
6 HAVE THE BETTER IT IS. MORE GUILT, MORE INNOCENCE  
7 STATEMENT, SO EVERY CASE IS DIFFERENT AND JUST IN  
8 THIS PARTICULAR CASE THERE WERE MANY, MANY DENIALS IN  
9 MANY FORMS AND TRY TO BE FAIR, I ANALYZED THE ENTIRE  
10 THING FOR WORDS OF GUILT AND I WASN'T SELECTIVE ABOUT  
11 IT. I WENT THROUGH THE CHAPTERS THAT I'M USED TO.  
12 CORRECTION, THE WORDS I AM USED TO AND I FOUND IT IN  
13 CHAPTERS AS BEING CONCRETE WORDS THAT THE, WHATEVER  
14 YOU WANT CALL THEM, EXPERTS, TEACHERS, PROFESSORS WHO  
15 WRITE THESE BOOKS AS WELL AS POLICE OFFICERS WHO DO  
16 RESEARCH AND HAVE THAT, THESE ARE WORDS THAT ARE VERY  
17 SIGNIFICANT IN ANY INTERROGATION WHETHER YOU ARE  
18 LOOKING FOR THE TRUTH OR YOU ARE LOOKING FOR  
19 INNOCENCE.

20 Q AND YOU SAID YOU WANT TO, WHAT DID YOU FIND?

21 A WELL, I THOUGHT THAT'S WHAT I WAS TALKING ABOUT.

22 Q OKAY. WHAT DID YOU FIND SPECIFICALLY AS TO THIS  
23 CASE?

24 A OH, OH, OH, OH. I'M SORRY. THE PHRASES OF, THE  
25 COMBINATIONS OF I DIDN'T DO IT, ET CETERA, OF COURSE,

1 THE MOST SIGNIFICANT ONE IS THE TERMINOLOGY THAT --

2 Q I GUESS MY QUESTION IS, WERE THERE INDICATIONS  
3 FROM THE LANGUAGE THAT WERE USED, WHAT DID THAT LEAD,  
4 WHAT WERE THE INDICATIONS FROM THE LANGUAGE THAT WAS  
5 USED IN THE DENIALS?

6 A AFTER LISTENING TO THIS TAPE FOR FOUR HOURS THE  
7 INDICATION TO ME WAS: WE'RE ON THE WRONG PATH; WE  
8 SHOULD LOOK ELSEWHERE; WE SHOULD TO TRY TO FIND OTHER  
9 THINGS BESIDES CONCENTRATING ON MR. COPE. THAT'S  
10 WHAT THE INDICATION THAT I RECEIVED AFTER READING  
11 THIS.

12 Q AND THAT'S BASED ON YOUR TRAINING AND EXPERIENCE  
13 TEACHING THIS SUBJECT AND BASED UPON THE FACT THAT,  
14 IS THAT BASED ON THE FACT THAT YOU ARE TAUGHT AND  
15 POLICE OFFICERS ARE TAUGHT WHAT LANGUAGE TO LOOK FOR?

16 A RIGHT. THEY ARE TAUGHT TO LOOK, NOT ONLY LOOK  
17 AT THE LANGUAGE, BUT OTHER SIGNS OF INNOCENCE OR  
18 GUILT EITHER WAY. I MEAN, YOU ARE TRAINED TO  
19 RECOGNIZE CERTAIN PHRASES, CERTAIN ACTIONS THAT  
20 PEOPLE MIGHT DO AND SO YOU ARE TRAINED FOR THAT FOR  
21 THE SIMPLE REASON OF BEING ABLE TO CONTINUE ON EITHER  
22 THE COURSE THAT YOU ARE ON OR GO INTO A DIFFERENT  
23 DIRECTION. AND I MEAN, I DON'T KNOW HOW ELSE TO  
24 EXPLAIN IT.

25 MR. MORTON: THAT'S WHAT I WOULD PROFFER



1 AT THIS TIME, YOUR HONOR.

2 THE COURT: ANY OBJECTION TO THAT?

3 MR. THOMPSON: YES, SIR, YOUR HONOR.

4 THE COURT: I SUSTAIN THE OBJECTION. WHAT  
5 HE WOULD HAVE DONE IS NOT IMPORTANT. THE QUESTION  
6 IS, EXPERT'S TESTIFY AS TO OPINIONS, HE'S TESTIFIED  
7 THAT HE WOULD HAVE DONE SOMETHING DIFFERENT, THAT'S  
8 OF NO MOMENT.

9 MR. MORTON: WELL, IT'S HIS OPINION.

10 THE COURT: HE DIDN'T SAY THAT. HE DIDN'T  
11 SAY IT WAS HIS OPINION.

12 MR. MORTON: IS THAT YOUR OPINION?

13 THE COURT: IT'S TOO LATE NOW, MR. MORTON.  
14 HE'S ALREADY, YOU CAN'T LEAD HIM INTO THE ANSWER.

15 MR. MORTON: WELL, I CAN ASK HIM ---

16 THE COURT: AND YOU ---

17 MR. MORTON: WHAT I WAS TRYING TO DO, YOUR  
18 HONOR, WAS HAVE HIM EXPLAIN WHAT HIS TRAINING AND  
19 EXPERIENCE TEACHES AND IN HIS OPINION WHAT THIS  
20 INTERROGATION SHOWS.

21 THE COURT: WELL, YOU ENDED YOUR PROFFER  
22 AND HE DIDN'T TESTIFY TO HIS OPINION. HE SAID THIS  
23 IS WHAT I WOULD HAVE DONE AND I'M RULING THAT THAT IS  
24 NOT ADMISSIBLE.

25 MR. MORTON: CAN I ASK HIM WHAT HIS

1 OPINION WOULD BE?

2 THE COURT: WELL, NOW CAN YOU, YES. NOW  
3 THAT HE KNOWS --  
4 EXAMINATION BY MR. MORTON:

5 Q BASED ON YOUR EXPERIENCE AND YOUR TRAINING, WHAT  
6 IS YOUR OPINION ABOUT THE RESPONSES IN THIS  
7 INTERROGATION? WHAT DOES IT INDICATE?

8 A BASED ON MY EXPERIENCE, BASED ON MY TEACHINGS,  
9 BASED ON EVERYTHING I LEARNED INTERROGATION,  
10 INTERVIEWING TECHNIQUE MY OPINION IS THAT MR. COPE  
11 WAS VERY FIRM, HE MADE MANY DENIALS. I DID NOT FIND  
12 ANY GUILTY RESPONSES WHATSOEVER AND I CAN PROVE THAT  
13 BY GOING THROUGH THE WORDS AND OF COURSE THESE ARE  
14 WORDS THAT ARE ON TAPE IF NEEDS BE THAT HE STATED  
15 THAT AS A PROFESSIONAL POLICE OFFICER THEY SHOULD  
16 LOOK AT IN ORDER TO COMPLETE THEIR INVESTIGATION OF  
17 THE CRIME TO PREVENT PEOPLE FROM BEING UNLAWFULLY  
18 DETAINED, TO PREVENT PEOPLE FROM WRONGFULLY BEING  
19 ACCUSED, WHATEVER THE CASE MAYBE; THESE ARE THINGS  
20 THAT A POLICE OFFICER HAS THE OBLIGATION TO LOOK AT  
21 TO ANALYZE AND TO MAKE A DECISION FROM THAT POINT ON  
22 AS TO WHAT THE DIRECTION OF THE INVESTIGATION SHOULD  
23 GO.

24 Q AND IN YOUR OPINION WAS THAT DONE?

25 A NO, IT WAS NOT DONE.

1 THE COURT: ALL RIGHT. MR. THOMPSON, DO  
2 YOU HAVE ANY VOIR DIRE OR COMMENT?

3 MR. THOMPSON: YES, SIR.

4 IN CAMERA CROSS BY MR. THOMPSON:

5 Q NOW YOU SAID AN INDICATION OF SOMEONE WHO IS  
6 INNOCENT WOULD BE TO SAY I DIDN'T DO IT, CORRECT?

7 A THAT WOULD BE ONE INDICATION.

8 Q ALL RIGHT. AND IN YOUR EXPERIENCE AS AN  
9 INVESTIGATOR, OF COURSE, THAT WAS 72-82, IN THE  
10 POLICE DEPARTMENT THERE WERE A LOT OF PEOPLE WHO TOLD  
11 YOU THEY DIDN'T DO IT, RIGHT?

12 A (NO RESPONSE.)

13 Q AND THEY WERE STILL GUILTY?

14 A (NO RESPONSE.)

15 Q ISN'T THAT CORRECT?

16 A WELL --

17 THE COURT: WELL, HE'S ASKING, ISN'T THAT  
18 CORRECT? I MEAN THAT IS A YES OR NO ANSWER. HAS  
19 ANYBODY EVER TOLD YOU THAT THEY WERE INNOCENT AND YOU  
20 LATER PROVED THAT THEY WERE GUILTY?

21 A THERE ARE PEOPLE THAT TOLD ME THEY DIDN'T DO IT  
22 AND THEN CHANGED THEIR MIND.

23 THE COURT: I'M NOT ASKING YOU THAT.  
24 THAT'S NOT WHAT HE ASKED. I DON'T BELIEVE. HE ASKED  
25 YOU HAS A SUSPECT EVER TOLD, IF I'M WRONG MR.

1 THOMPSON---

2 MR. MORTON: YOUR HONOR, I'M SORRY.

3 THE COURT: WELL, I'M JUST TRYING TO GET  
4 THIS MAN TO ANSWER THE QUESTION AS I UNDERSTOOD. ASK  
5 IT AGAIN SO I WON'T INTERPOSE MY THOUGHTS ON THE  
6 CASE.

7 Q AS AN OFFICER, WHEN YOU WERE WORKING AS AN  
8 OFFICER, DIDN'T YOU HAVE TIMES WHEN YOU INTERROGATED  
9 SOMEONE AND THEY SAID I DID NOT DO IT, BUT YOU LATER  
10 PROVED THAT THEY DID DO IT?

11 A YES, IF I CAN EXPLAIN.

12 THE COURT: EXPLAIN.

13 A I'M NOT SAYING JUST BECAUSE SOMEBODY SAYS I DID  
14 NOT DO IT AT ONE TIME DOESN'T MEAN THAT THEY DIDN'T  
15 DO IT. WHAT I'M SAYING IS YOU HAVE TO LOOK AT THE  
16 REPETITIOUS, YOU HAVE TO LOOK AT THE TONE OF VOICE,  
17 THE FIRMNESS, AND THE WAY THEY DO IT. YES, I'VE HAD  
18 PEOPLE TELL ME I DID NOT DO IT AND PROVE LATER ON  
19 THAT THEY DID DO IT, BUT THEY CHANGE AND THERE IS NOT  
20 ONLY -- I'M NOT SAYING THAT ALL YOU HAVE IN THIS  
21 WORLD IS SOMEBODY SAYS I DIDN'T DO IT, YOU LET THEM  
22 GO FREE. THAT'S NOT WHAT I'M SAYING. I'M SAYING IS  
23 THESE ARE SOME OF THE THINGS THAT AS A LAW  
24 ENFORCEMENT OFFICER YOU SHOULD LOOK AT, THINGS THAT I  
25 USED TO TEACH, STILL TEACH, AT THE CRIMINAL

1 INVESTIGATION COURSES AT UNCC THAT I TEACH. SO IT'S  
2 NOT A SIMPLE I DIDN'T DO IT. IT'S A COMBINATION OF  
3 THINGS THAT MAKES A DIFFERENCE.

4 Q ALL RIGHT. AND IN THIS CASE MR. COPE DID CHANGE  
5 AND ULTIMATELY SAID HE DID DO IT, DIDN'T HE?

6 A WELL --

7 THE COURT: THAT'S NOT --

8 A HE GAVE A --

9 THE COURT: YOU CAN EXPLAIN YOUR ANSWER,  
10 BUT THAT'S A YES OR NO QUESTION.

11 A WELL, SIR.

12 THE COURT: YES OR NO, THEN YOU CAN  
13 EXPLAIN.

14 MR. MORTON: I DON'T UNDERSTAND WHY WHEN  
15 I'M UP THERE ASKING HIM HE'S NOT ABLE TO GIVE HIS,  
16 WHAT HE ANALYZED IN THIS CASE, HE HAS TO DO IT IN  
17 PHRASE OF OPINION YET WHEN THEY DO IT --

18 THE COURT: WELL, I CAN TELL YOU WHY  
19 BECAUSE THEY ARE ENTITLED, JUST LIKE YOU ARE, TO A  
20 YES OR NO FROM ANY WITNESS AND HE SAID DID HE LATER  
21 CHANGE HIS MIND AND CONFESS, IF THIS MAN DOESN'T KNOW  
22 HE CAN SAY I DON'T KNOW. IF HE KNOWS HE DID, THEN HE  
23 CAN EXPLAIN WELL THE CONFESSION IS FLAWED OR HE CAN,  
24 YOU KNOW, I DON'T KNOW HOW FAR HE CAN GO WITH THAT  
25 BECAUSE HE'S NOT QUALIFIED FOR THAT, BUT I MEAN --

1 I'M NOT TRYING TO PICK YOU OUT OR ANYBODY ELSE OR  
2 THIS WITNESS OUT, BUT TRADITIONALLY WHEN A QUESTION  
3 IS BEING ANSWERED YES OR NO, YOU ANSWER YES OR NO,  
4 AND THEN EXPLAIN YOUR ANSWER. AND I'M NOT SINGLING  
5 HIM OUT. BUT WHEN -- IF HE DOESN'T KNOW, YES OR NO,  
6 OR I DON'T KNOW I GUESS IS THE THIRD ALTERNATIVE, SO  
7 ASK THE QUESTION THEN YOU CAN, MR. GUERETTE, YOU CAN  
8 THEN ANSWER IT AND IF YOU HAVE AN EXPLANATION YOU CAN  
9 GIVE IT, BUT YOU GOT TO ANSWER FIRST.

10 A WELL, SIR, I WAS TRYING TO ANSWER BUT I DIDN'T  
11 GET A CHANCE TO FINISH IT.

12 THE COURT: I NEVER -- OKAY. TRY AGAIN.  
13 ASK HIM THE QUESTION AND SEE.

14 Q DIDN'T HE ULTIMATELY CONFESS AND HE SAY HE DID  
15 DO IT?

16 A WELL, YES, HE DID. THAT'S WHAT -- I SAID WELL  
17 AND I GOT STOPPED BEFORE I COULD FINISH.

18 THE COURT: IF YOU ARE GOING TO START  
19 DEBATING ME WE'RE GOING TO HAVE A LOT OF TROUBLE.

20 A I'M NOT DEBATING ANYBODY. I'M JUST SAYING THAT  
21 IS MY ANSWER WELL YES, HE DID. I WAS TRYING TO THINK  
22 OF WHAT YOUR QUESTION WAS AT THE SAME TIME I SAID  
23 WELL BEFORE I SAID YES. I'M SORRY.

24 Q ARE YOU TRAINED IN PSYCHOLOGY?

25 A NO.

1 Q PSYCHIATRY?

2 A NO.

3 MR. THOMPSON: NO FURTHER QUESTIONS, YOUR  
4 HONOR, BUT WE DO OBJECT.

5 THE COURT: MR. GREELEY, DO YOU HAVE ANY  
6 QUESTIONS?

7 MR. GREELEY: NO, YOUR HONOR.

8 THE COURT: ALL RIGHT. I'M GOING TO ALLOW  
9 HIM TO TESTIFY BUT IF HE GETS INTO WHAT HE WOULD DO  
10 AGAIN, I'M NOT GOING TO ALLOW HIM TO TESTIFY TO THAT.  
11 LET'S TAKE ABOUT A TWO MINUTE REFRESHER BREAK AND YOU  
12 CAN STEP DOWN, MR. GUERETTE, AND USE THE RESTROOM AND  
13 THEN GET THE JURY BACK IN BUT LET'S MAKE IT REAL  
14 SHORT. DON'T DISAPPEAR ON ME.

15 (COURT IS IN RECESS AT 12:33 PM.)

16 (COURT RESUMES AT 12:38 PM.)

17 THE COURT: LET'S BRING IN THE JURY.

18 (THE JURY RETURNS TO THE COURTROOM.)

19 THE COURT: YOU MAY PROCEED.

20 DIRECT EXAMINATION BY MR. MORTON:

21 Q BASED ON YOUR EXPERIENCE, MR. GUERETTE, AND IN  
22 YOUR PROFESSIONAL OPINION IS THERE ANY SIGNIFICANCE  
23 IN THE LANGUAGE OR THE TONE OF MR. COPE'S DENIALS IN  
24 THIS CONVERSATION?

25 A YES, THERE IS.

1 Q AND WHAT IS THE SIGNIFICANCE OF THAT? WHAT DOES  
2 THAT INDICATE TO YOU? AND WHY?

3 A THE ---

4 Q IN YOUR OPINION?

5 A I'M A LITTLE CONFUSED BUT, CAN YOU ASK ME AGAIN  
6 WHAT.

7 Q OKAY. BASED ON YOUR EXPERIENCE AND IN YOUR  
8 OPINION IS THERE ANY SIGNIFICANCE TO BE ATTACHED IN  
9 THE LANGUAGE AND THE TONE OF MR. COPE'S DENIALS?

10 A YES, SIR, THERE IS.

11 Q OKAY. AND WHAT IS THE SIGNIFICANCE OF THAT IN  
12 YOUR OPINION? WHAT DOES THAT CONCLUDE? WHAT DOES  
13 THAT INDICATE TO YOU IN YOUR OPINION?

14 A THE INDICATION OF THE ANALYSIS THAT I DID AND  
15 THE WORDS THAT HE'S USED, THE TONES HE'S USED,  
16 INDICATION THAT HE'S AN INNOCENT PERSON DURING THE  
17 FOUR HOURS OF INTERVIEW INTERROGATION THAT WAS  
18 CONDUCTED, BY THE WORDS THAT WERE USED, AND THE WORDS  
19 WERE NOT USED AS WELL. IN OTHER WORDS, WORDS OF  
20 GUILT THAT WERE NOT USED BY HIM.

21 Q OKAY. PLEASE ANSWER ANY QUESTIONS MR. THOMPSON  
22 MAY HAVE.

23 MR. THOMPSON: I ANTICIPATE THAT THIS  
24 CROSS WILL BE QUITE LENGTHY AND I WOULD LIKE TO SEE  
25 THE REPORT BEFORE I DO CROSS.



1                   THE COURT:   THIS PROBABLY WOULD BE A GOOD  
2                   TIME TO BREAK FOR LUNCH BECAUSE I TOLD HIM HE COULD  
3                   HAVE AN OPPORTUNITY TO REVIEW THE REPORT THAT YOU  
4                   HEARD US MENTION EARLIER SO WE'LL BREAK UNTIL TWO  
5                   O'CLOCK.   SEE BACK AT TWO O'CLOCK.   IT'S A LITTLE  
6                   OVER AN HOUR, QUARTER OF AN HOUR.   HAVE A PLEASANT  
7                   LUNCH.

8                                    (THE JURY EXITS THE COURTROOM AT 12:42  
9                   PM.)

10                   THE COURT:   MR. GUERETTE, SINCE YOU ARE  
11                   UNDER OATH AND ON THE STAND YOU CAN'T DISCUSS THE  
12                   CASE WITH ANYBODY OR OVER THE LUNCH BREAK.   OBVIOUSLY  
13                   YOU CAN GO DOWN AND HAVE LUNCH, YOU DON'T HAVE TO SIT  
14                   THERE WHILE WE'RE AT LUNCH, BUT DON'T DISCUSS THE  
15                   CASE WITH ANYONE.

16                                    (THE JURY EXITS THE COURTROOM.)

17                   MR. GREELEY:   YOUR HONOR, I'LL TAKE IT  
18                   UP WHEN IT'S MY TURN.   YOUR HONOR, IN REGARDS TO THE  
19                   LAST ANSWER BY THE WITNESS, THAT HAPPENED REAL  
20                   QUICKLY AND THE JURY WENT OUT, I WOULD JUST MAKE AN  
21                   OBJECTION TO THE PHRASEOLOGY AND THIS JUST MAY BE  
22                   SEMANTICS, IT WAS MY UNDERSTANDING THAT HE WAS GOING  
23                   TO TESTIFY IT WAS HIS OPINION THE POLICE SHOULD HAV  
24                   GONE ANOTHER WAY AND INSTEAD HE TESTIFIED THAT THE  
25                   INDICATION IS THAT MR. COPE IS AN INNOCENT PERSON AND

1 I WOULD OBJECT TO THAT LANGUAGE AS TO HIM BEING AN  
2 INNOCENT PERSON.

3 THE COURT: OF COURSE, OBVIOUSLY YOU CAN  
4 CROSS EXAMINE HIM. ALL RIGHT, WE'LL BREAK FOR LUNCH  
5 UNTIL WHATEVER I SAID. TWO O'CLOCK.

6 (COURT'S IN RECESS AT 12:44 PM.)

7 (COURT RESUMES AT 2:04 AND THE  
8 DEFENDANTS ARE PRESENT.)

9 MR. MORTON: YOUR HONOR, WE'VE GOT A  
10 WITNESS WHO HAS BEEN HERE ALL MORNING AND WHO IS GOT  
11 CHILDREN PROBLEMS, IT'S VERY, VERY SHORT.

12 THE COURT: I GOT CHILDREN PROBLEMS TOO  
13 AND I DIDN'T GET TO GO HOME.

14 MR. MORTON: WELL, IT'S A VERY, VERY  
15 SHORT.

16 THE COURT: DO ANY OF Y'ALL OBJECT.

17 MR. THOMPSON: NO, YOUR HONOR.

18 MR. GREELEY: NO OBJECTION.

19 THE COURT: ALL RIGHT. BRING IN THE JURY.

20 (THE JURY RETURNS TO THE COURTROOM AT  
21 02:04 PM.)

22 THE COURT: WE HAVE A WITNESS WE'RE GOING  
23 TO TAKE OUT OF ORDER BECAUSE WE'RE NOT THROUGH WITH  
24 MR. GUERETTE, SO IF YOU WANT TO CALL YOUR NEXT  
25 WITNESS AND THEN THIS IS BY AGREEMENT OF THE PARTIES.

1 THIS IS THE WITNESS ON BEHALF OF MR. COPE.

2 MR. BAITY: PLEASE THE COURT, YOUR HONOR.

3 THE COURT: SURE.

4 MR. BAITY: WE WOULD CALL FRAN MCGEE TO  
5 THE STAND.

6 THE COURT: PLEASE COME UP AND BE SWORN.

7 FRAN MCGEE, BEING FIRST DULY  
8 SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION BY MR. BAITY:

10 Q COULD YOU GIVE US YOUR FULL NAME AND ADDRESS?

11 A IT'S HELEN S. MCGEE AND 435 SAIL BOAT DRIVE,  
12 SALISBURY, NORTH CAROLINA.

13 Q MRS. MCGEE, WHAT DO YOU DO FOR A LIVING?

14 A ACTUALLY RIGHT NOW I'M JUST WORKING AT A REAL  
15 ESTATE COMPANY.

16 Q OKAY. AND WHAT DID YOU DO BEFORE YOU WERE  
17 EMPLOYED AT A REAL ESTATE EMPLOYEE?

18 A I WORKED AT THE YORK COUNTY DETENTION CENTER.

19 Q YOU WORKED AT THE YORK COUNTY DETENTION CENTER  
20 IN THIS BUILDING?

21 A YES, SIR.

22 Q AND HOW LONG DID YOU WORK THERE?

23 A FROM '98 UNTIL 2003.

24 Q ALL RIGHT. AND WHAT, IN WHAT CAPACITY WERE YOU  
25 EMPLOYED? WHAT DID YOU DO?

1 A I WAS A CORRECTIONS OFFICER.

2 Q IS THAT OTHERWISE KNOWN AS A GUARD?

3 A YES, SIR.

4 Q OKAY. AND DID YOU HAVE OCCASION TO MEET

5 MR. BILLY WAYNE COPE WHILE HE WAS AN INMATE THERE AND

6 WHILE YOU WERE A GUARD?

7 A YES, SIR.

8 Q OKAY. SO HE WAS IN THE INSTITUTION WHEN YOU

9 WERE WORKING THERE?

10 A YES, SIR.

11 Q DID PART OF YOUR DUTIES EVER INVOLVE HANDING OUT

12 MATERIALS TO INMATES?

13 A YES, SIR.

14 Q AND WHAT TYPES OF THINGS WOULD BE HANDED OUT TO

15 THE INMATES?

16 A THEIR COMMISSARY AND THEIR MAIL.

17 Q THEIR COMMISSARY AND THEIR MAIL?

18 A AND THEIR MAIL.

19 Q WE OBVIOUSLY KNOW WHAT MAIL IS, BUT WHAT WOULD

20 COME FROM THE COMMISSARY?

21 A ITEMS THAT THEY WOULD ORDER WHETHER IT BE FOOD

22 ITEMS OR WRITING MATERIALS, STAMPS, ENVELOPES.

23 Q ALL RIGHT. NOW OTHER THAN ITEMS FROM THE

24 COMMISSARY AND ITEMS THAT THEY RECEIVED IN THE MAIL,

25 WERE INMATES GIVEN ACCESS TO ANY OTHER TYPES OF

1 MATERIALS OR WAS THAT THE ONLY WAY, THE ONLY TWO WAYS  
2 THEY COULD OBTAIN MATERIALS IN THE JAIL?

3 A THE ONLY WAYS THEY CAN OBTAIN IT WAS THROUGH  
4 COMMISSARY OR INDIGENT.

5 Q ALL RIGHT. NOW WHAT WAS AVAILABLE TO THE  
6 INMATES FROM THE COMMISSARY?

7 A FOR WRITING MATERIAL, THEY WOULD HAVE A LEGAL  
8 PAD THAT WAS YELLOW, A SMALL LEGAL PAD THAT WAS A  
9 WHITE PAD.

10 Q I DIDN'T SPECIFICALLY ASK YOU ABOUT WRITING  
11 MATERIALS, WRITING MATERIALS WOULD BE AVAILABLE?

12 A RIGHT.

13 Q WHAT ELSE WAS AVAILABLE THROUGH THE COMMISSARY?

14 A JUST THEIR FOOD, CRACKERS, CHIPS, THINGS LIKE  
15 THAT.

16 Q BUT YOU HAVE ALREADY TOLD US THAT THERE WERE  
17 WRITING MATERIALS THAT WERE AVAILABLE TO INMATES  
18 THEN?

19 A RIGHT.

20 Q NOW WAS THAT THE ONLY WRITING MATERIALS THAT  
21 WERE AVAILABLE TO INMATES?

22 A WAS THE YELLOW PAD.

23 Q I'M JUST SAYING, THE ONES THEY GOT FROM THE  
24 COMMISSARY --

25 A RIGHT, OTHER THAN INDIGENT. UNLESS THEY WERE

1 INDIGENT THEN THEY WOULD GET WHITE COPY PAPER, PRETTY  
2 MUCH LIKE TYPING PAPER.

3 Q ALL RIGHT. NOW IF AN INMATE OBTAINED WRITING  
4 MATERIALS, FOR EXAMPLE, THAT WERE NOT FROM THE  
5 INDIGENT SUPPLY OR THEY WERE NOT FROM THE COMMISSARY,  
6 WOULD THAT BE ALLOWED IN THE RULES OF THE JAIL?

7 A NO, THAT WOULD BE CONTRABAND.

8 Q THAT WOULD CONSIDERED CONTRABAND?

9 A RIGHT.

10 Q AND HOW WAS CONTRABAND TREATED AT THE YORK  
11 COUNTY DETENTION CENTER?

12 A IT WAS REMOVED FROM WHOEVER HAD IT.

13 Q AND WERE THE GUARDS INSTRUCTED TO BE ON THE LOOK  
14 OUT FOR CONTRABAND?

15 A YES.

16 Q I'M GOING TO SHOW YOU, MAY I APPROACH THE  
17 WITNESS, YOUR HONOR, THREE PIECES OF PAPER AND I WANT  
18 YOU TO LOOK AT THOSE AND SEE IF YOU RECOGNIZE THEM?

19 A THIS WOULD BE THE SMALL PAPER, THEN THERE  
20 ARE----

21 Q I'LL ASK YOU ABOUT THEM IN A MOMENT. I JUST WANT  
22 TO KNOW IF YOU RECOGNIZE THEM?

23 A YES.

24 Q ALL RIGHT. AND DO YOU RECOGNIZE THESE AS THE  
25 TYPE OF PAPER THAT WAS AVAILABLE TO INMATES?

1 A YES.

2 Q ALL RIGHT.

3 THE COURT: WAS THAT A YES. I DIDN'T HEAR  
4 AN ANSWER.

5 MR. BAITY: I THOUGHT SHE SAID YES.

6 A YES.

7 MR. BAITY: YOUR HONOR, WE MOVE TO  
8 INTRODUCE THESE AS EXHIBITS.

9 MR. BRACKETT: WITHOUT OBJECTION.

10 MR. GREELEY: NO OBJECTION.

11 THE COURT: BE RECEIVED WITHOUT OBJECTION.

12 (DEFENSE EXHIBIT NUMBER 67, 68, AND 69  
13 PAPERS RECEIVED INTO EVIDENCE.)

14 MR. BAITY: I BEG THE COURT'S INDULGENCE.

15 Q NOW MRS. MCGEE, I'M GOING TO SHOW YOU WHAT'S  
16 BEEN MARKED AS DEFENSE EXHIBIT 67, 68, AND 69. I'M  
17 GOING TO ASK YOU TO TELL ME, WAS THERE ANY OTHER TYPE  
18 OF WRITING MATERIALS AVAILABLE TO INMATES THROUGH ANY  
19 SOURCE OTHER THAN THE THREE THAT ARE SHOWN IN THOSE  
20 EXHIBITS?

21 A TO MY KNOWLEDGE, NO.

22 Q I WOULD SPECIFICALLY ASK YOU REFERRING TO  
23 STATE'S EXHIBIT, STATE'S EXHIBIT 90 WHICH IS ONE OF  
24 THE QUESTION LETTERS, PLEASE TAKE A GOOD CLOSE LOOK  
25 OF THAT?

1 A YES.

2 Q YOU SEE THE TYPE OF PAPER THAT IT IS, DO YOU  
3 RECOGNIZE THAT AS BEING PART OF THAT TYPE OF PAPER?

4 A NO, SIR.

5 Q SPECIFICALLY I WOULD POINT OUT THAT THIS IS, HAS  
6 A RED MARGIN ON THE LEFT, YOU SEE THAT?

7 A YES, SIR.

8 Q DO YOU SEE THAT? DO ANY OF THOSE DOCUMENTS HAVE  
9 A RED MARGIN ON THE LEFT?

10 A NO, SIR.

11 Q AND THIS IS A SMALL PIECE OF PAPER, WOULD YOU  
12 AGREE WITH ME?

13 A YES, SIR.

14 Q AND THIS IS A SMALL PIECE, ARE THEY THE SAME  
15 SIZE?

16 A NO, SIR.

17 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED STATE'S  
18 EXHIBIT 89 AND IT APPEARS TO BE A LETTER IN THERE.  
19 YOU SEE THAT?

20 A YES, SIR.

21 Q ALL RIGHT. AND I'M GOING TO POINT OUT THAT IT  
22 ALSO HAS A TRIPLE MARGIN ON THE LEFT, DO YOU  
23 RECOGNIZE THIS PAPER AS THE TYPE THAT WOULD BE  
24 AVAILABLE TO INMATES AT THE YORK COUNTY DETENTION  
25 CENTER?



1 A NO, SIR.

2 Q HAVE YOU EVER SEEN THIS TYPE OF PAPER BEING  
3 AVAILABLE WITH THE RED MARGINS AND SO FORTH BEING  
4 AVAILABLE FOR INMATES TO USE WHILE AT THE YORK COUNTY  
5 DETENTION CENTER?

6 A NO, SIR.

7 Q AND YOU WERE THERE FOR HOW LONG?

8 A FROM '98 TO 2003.

9 Q SO YOU WERE THERE FROM 2001 UNTIL 2003?

10 A YES.

11 Q IS THAT RIGHT? WHEN DID YOU LEAVE IN 2003?

12 A JULY.

13 Q IN JULY. WOULD HAVE BEEN LAST JULY?

14 A YES.

15 MR. BAITY: COURT'S INDULGENCE, YOUR  
16 HONOR. YOUR HONOR, PERMISSION TO PUBLISH THE  
17 EXHIBITS TO THE JURY.

18 THE COURT: SURE.

19 MR. BAITY: YOUR HONOR, I WOULD ALSO SEEK  
20 PERMISSION TO PUBLISH THESE EXHIBITS TO THE JURY AS  
21 WELL.

22 THE COURT: ALL RIGHT.

23 Q ONE MORE QUESTION, MRS. MCGEE. YOU MENTION THE  
24 MAIL WAS DELIVERED TO INMATES. WAS MAILED DELIVERED  
25 TO INMATES THE SAME WAY THAT ITEMS FROM THE

1 COMMISSARY WERE DELIVERED?

2 A THE OFFICER GAVE THE MAIL OUT AND THEY HAD TO  
3 SIGN FOR IT.

4 Q AND IT WAS DELIVERED TO THEM IN A BAG?

5 A THEIR MAIL?

6 Q YES.

7 A WAS DELIVERED --

8 Q OR COMMISSARY.

9 A THEIR COMMISSARY COME IN A BAG THAT WAS SEALED  
10 AND YOU OPENED IT AND GAVE IT TO THEM IN FRONT OF  
11 THEM AND COUNTED EVERY ITEM, BUT THEIR MAIL COME IN  
12 THE AFTERNOON AND YOU HANDED THEM THEIR MAIL AND THEY  
13 SIGN FOR IT.

14 Q AND HOW NOW WAS MAIL HANDLED? WAS IT JUST  
15 HANDED TO THEM UNOPENED?

16 A BEFORE THEY GOT THE MAIL IT WAS ALREADY OPENED  
17 AND THEN STAPLED BACK TOGETHER.

18 Q AND WHAT WOULD BE THE PURPOSE OF OPENING THE  
19 MAIL THAT WAS GIVEN TO AN INMATE?

20 A THEY CHECK TO MAKE SURE THERE IS NO CONTRABAND  
21 IN THEM.

22 Q AND THAT WAS DONE IN EACH AND EVERY ITEM OF MAIL  
23 THAT CAME IN THERE?

24 A EXCEPT FOR LEGAL MAIL.

25 Q I'M SORRY.

1 A EXCEPT FOR LEGAL MAIL.

2 Q YES, MA'AM. AND DID YOU PARTICIPATE IN THAT  
3 ACTIVITY?

4 A YES, SIR.

5 Q AND WHAT WOULD YOU DO IF YOU FOUND CONTRABAND IN  
6 AN INMATE'S MAIL?

7 A YOU REMOVE IT AND TURNED IT IN TO YOUR  
8 LIEUTENANT.

9 Q THANK YOU. ANSWER ANY QUESTIONS THE PROSECUTION  
10 OR MR. GREELEY MAY HAVE.

11 CROSS EXAMINATION BY MR. BRACKETT:

12 Q HI, FRAN. HOW ARE YOU?

13 A GOOD.

14 Q MR. BAITY WAS ASKING YOU SOMETHING ABOUT THE  
15 COMMISSARY, TALKED TO YOU ABOUT THE COMMISSARY?

16 A RIGHT.

17 Q AND HOW YOU ORDER ITEMS FROM THE COMMISSARY WHEN  
18 YOU WERE IN THE DETENTION CENTER?

19 A RIGHT.

20 Q THERE IS LIKE FOUR OR FIVE DIFFERENT PACKS OF  
21 THINGS YOU CAN GET, RIGHT?

22 A RIGHT.

23 Q PACK ONE CONTAINS CERTAIN THINGS, PACK TWO  
24 CONTAINS CERTAIN THINGS. MOST OF THE TIME THOUGH IF  
25 YOU ARE BUYING A PACK OF SOMETHING, IT'S NOT A WHOLE

1 PAD OF PAPER, YOU GET THREE OR FOUR SHEETS AT A TIME,  
2 ISN'T THAT RIGHT?

3 A SOME OF THE PACKS MAYBE. NORMALLY IT DEPENDS ON  
4 IF YOU ARE, WHICH HOUSING UNIT YOU ARE IN.

5 Q WELL, LIKE YOU COULD FOR A BUCK 95 INDIGENT PACK  
6 THREE FOUR SHEETS OF PAPER, TWO STAMPED ENVELOPES,  
7 ONE AND A HALF OUNCES OF TOOTHPASTE?

8 A RIGHT.

9 Q BUT YOU DIDN'T GET A WHOLE PAD?

10 A THAT WOULD BE WHITE COPY PAPER.

11 Q OKAY. WHAT THE WHITE COPY PAPER WOULD BE WHAT  
12 YOU GET A PAD OF?

13 A YOU WOULD GET THE SHEETS OF.

14 Q OKAY. AND THAT'S WHAT YOU GET IN THESE PACKS?

15 A FOR INDIGENT.

16 Q AND THAT'S THE ONLY WAY YOU CAN GET ANY KIND OF  
17 PAPER, IS THAT RIGHT?

18 A IS TO ORDER IT THROUGH THE COMMISSARY OR RECEIVE  
19 INDIGENT.

20 Q AND FOUR SHEETS OF PAPER WITH A COUPLE OF  
21 ENVELOPES AND SOME TOOTHPASTE OR WHATEVER, THAT COSTS  
22 LIKE A BUCK 95?

23 A RIGHT.

24 Q SO IF YOU WANT PAPER THAT'S A COMMODITY?

25 A RIGHT. WHEN YOU ARE INDIGENT, THEY DO SUPPLY

1 YOU WITH PAPER.

2 Q OKAY?

3 A EVEN IF YOU DON'T HAVE THE MONEY.

4 Q OKAY. BUT INMATES GET VISITS TOO, RIGHT?

5 A RIGHT.

6 Q FROM THEIR LAWYERS?

7 A YES.

8 Q AND THEY CAN ACTUALLY SIT DOWN IN THE CONFERENCE  
9 ROOM AND TALK PRIVATELY, NOT MONITORED BY?

10 A YES.

11 Q ANYBODY ELSE. AND THEY GET, THEY HAVE LEGAL  
12 FILES AND FOLDERS THAT THEY CAN CARRY THEIR LEGAL  
13 PAPERS IN AND THAT SORT OF THING?

14 A YES.

15 Q SO THEY ARE ALLOWED TO CARRY THOSE TYPES OF  
16 THINGS AROUND?

17 A YES, SIR.

18 Q ON THE GRAND SCHEME OF CONTRABAND, ON THE BIG  
19 CONTRABAND SCALE, AT ONE END IS GUNS, KNIVES, DRUGS,  
20 THOSE ARE THE MOST SERIOUS TYPES OF CONTRABAND?

21 A RIGHT.

22 Q THAT'S WHAT YOU ARE REALLY LOOKING FOR?

23 A PRETTY MUCH.

24 Q HOW INTENSIVE WERE YOUR EFFORTS TO KEEP UP WITH  
25 THE FLOW OF PAPER THROUGH THE DETENTION CENTER? IS

1 THAT KIND OF LIKE DOWN LOW ON THE END OF THE SCALE?  
2 YOU DON'T REALLY CARE TOO MUCH -- I MEAN, YOU DO, BUT  
3 YOU ARE MORE CONCERNED ABOUT GUNS AND DRUGS, IS THAT  
4 A FAIR STATEMENT?

5 A THE MAIN WAY WE WOULD CATCH IT IS WHEN THEIR  
6 LEGAL MAIL COME IN, THEY HAD TO OPEN IT IN FRONT OF  
7 US.

8 Q OKAY.

9 A THAT WOULD BE THE MAIN WAY TO CATCH IT, BUT WE  
10 DID WALK AROUND AND CHECK AND MAKE SURE THEY HAD THE  
11 RIGHT PAPER.

12 Q OKAY. WELL, IT'S NOT INCONCEIVABLE, PEOPLE DO  
13 GET DRUGS IN THE JAIL, RIGHT?

14 A YES, SIR.

15 Q AND PEOPLE GET WEAPONS, SHANKS?

16 A YES, SIR.

17 Q IT'S NOT INCONCEIVABLE SOMEBODY COULD HAVE SOME  
18 DIFFERENT PAPER?

19 A NO, SIR.

20 Q OKAY. NOW YOU HAD AN ENCOUNTER WITH MR. COPE  
21 BACK IN DECEMBER OF 2001?

22 A YES, SIR.

23 Q RIGHT AFTER HE CAME TO THE DETENTION CENTER?

24 A YES.

25 Q AND IT'S MY UNDERSTANDING HE CAME, HE FLAGGED

1 YOU DOWN?

2 A YES, SIR.

3 Q AND SAID THAT HE WANTED TO TALK TO YOU?

4 A YES, SIR.

5 Q OKAY. AND HE TOLD YOU THAT HE WAS INTERESTED IN  
6 TALKING TO THE DETECTIVES?

7 A YES, SIR.

8 Q AT THE ROCK HILL POLICE DEPARTMENT AND HE WAS  
9 WONDERING IF YOU COULD TELL HIM HELP THEM OVER THERE  
10 BECAUSE HE WANTED TO TALK TO THEM AND TELL THEM SOME  
11 MORE STUFF?

12 A YES, SIR.

13 Q OKAY. AND THIS WAS, HE VOLUNTEERED THIS, IS  
14 THAT RIGHT?

15 A YES, SIR.

16 Q YOU DIDN'T INSTIGATE IT?

17 A NO, SIR.

18 Q AND HE NEVER ASKED FOR A LAWYER AT ANY POINT IN  
19 TIME?

20 A NO, SIR.

21 Q DID HE SEEM UPSET, SCARED, WAS HIS Demeanor  
22 CALM?

23 A I WOULD SAY HE WAS UPSET.

24 Q OKAY. ANXIOUS TO TALK TO THEM?

25 A PRETTY MUCH, YES.

1 Q EAGER TO TALK TO THEM?

2 A YES.

3 Q OKAY. DID HE SEEM AFRAID?

4 A NO.

5 Q TO TALK TO THEM?

6 A NO.

7 Q OKAY. THANK YOU VERY MUCH.

8 CROSS EXAMINATION BY MR. GREELEY:

9 Q GOOD AFTERNOON.

10 A HELLO.

11 Q I'M LELAND GREELEY. I REPRESENT MR. SANDERS.

12 AT THE YORK COUNTY DETENTION CENTER WHILE YOU WERE

13 THERE THEY WOULD HAVE REGULAR VISITS BY CHAPLAINS, IS

14 THAT CORRECT?

15 A YES.

16 Q OKAY. AND IN SOME OF THOSE VISITS BY CHAPLAINS

17 WITH THE BIBLE STUDIES AND WHATEVER, THE CHAPLAINS

18 WOULD BRING PAPER ON OCCASION, WOULDN'T THEY?

19 A FOR WHATEVER THEY WERE WORKING ON THAT NIGHT.

20 Q RIGHT. AND SO SOME OF THE INMATES WOULD

21 SOMETIMES GET PAPER FROM THE CHAPLAINS FOR WHATEVER

22 THEY WERE WORKING ON THAT NIGHT, IS THAT CORRECT?

23 A NORMALLY THEY HAD TO TURN IT BACK IN TO THEM.

24 Q NORMALLY THEY WERE SUPPOSED TO, BUT THEY HAD

25 ACCESS TO IT, DIDN'T THEY?



1 A YES.

2 Q OKAY. AND IN FACT, MR. COPE VOLUNTEERED FOR AND  
3 BECAME THE CHAPLAIN ASSISTANT OF HIS CELL BLOCK,  
4 DIDN'T HE?

5 A YES.

6 Q THANK YOU.

7 REDIRECT EXAMINATION BY MR. BAITY:

8 Q MRS. MCGEE, DID YOU EVER SEE MR. COPE IN THE  
9 POSSESSION OF ANY TYPE OF PAPER OTHER THAN THE THREE  
10 THAT ARE SHOWN IN EXHIBITS, DEFENDANT'S EXHIBIT 67,  
11 68, OR 69?

12 A TO MY KNOWLEDGE, NO.

13 Q THANK YOU.

14 MR. BAITY: NO FURTHER QUESTIONS, YOUR  
15 HONOR.

16 MR. BRACKETT: NOTHING.

17 MR. GREELEY: NOTHING FURTHER.

18 THE COURT: ALL RIGHT. THIS WITNESS CAN  
19 STEP DOWN AND BE EXCUSED AND NOT SURPRISINGLY WE HAVE  
20 A MATTER TO TAKE UP, SO I'M GOING TO LET YOU GO BACK  
21 TO THE JURY ROOM.

22 (THE JURY EXITS THE COURTROOM AT 02:25  
23 PM.)

24 THE COURT: I DON'T SEE MR. GUERETTE IN  
25 HERE. HE SHOULD NOT BE HERE IN FOR THIS. ALL RIGHT.

1 MR. GREELEY HAD APPROACHED ME AT A BENCH CONFERENCE  
2 AND INDICATED THAT THE REPORT BY MR. GUERETTE HAD  
3 INFORMATION IN IT AS TO THE TRANSCRIPT OR AS TO THE  
4 FOUR HOUR TAPE INTERVIEW ON THE 29 OVER THROUGH THE  
5 30TH, DEALING WITH CERTAIN MATTERS THAT HAD BEEN  
6 EXCLUDED FROM THE TRIAL, IT IS HIS POSITION THAT, AND  
7 I HADN'T HEARD FROM THE STATE, AT LEAST IT IS  
8 MR. GREELEY'S POSITION THAT THAT PARTICULAR ISSUE IS  
9 NOW IN PLAY SO TO SPEAK BECAUSE IT'S MENTIONED IN MR.  
10 GUERETTE'S REPORT, IS THAT CORRECT MR. GREELEY?

11 MR. GREELEY: THAT'S CORRECT, YOUR HONOR.

12 THE COURT: IT'S YOUR MOTION, WOULD YOU  
13 ELABORATE.

14 MR. GREELEY: YES. I HAD NOTICED DURING  
15 THE BREAK I WAS GIVEN THE REPORT AND I'VE NOTICED  
16 THERE WERE THREE REPORTS, THREE ANALYSIS, AND ONE  
17 ANALYSIS NUMBER THREE, AND ON PAGE SIX OF ANALYSIS  
18 NUMBER THREE, I SEE THAT THERE IS A PORTION OF THE  
19 TRANSCRIPT OF THE TAPE THAT THE EXPERT ENTITLES AS  
20 COPE'S DECEITFUL STATEMENTS, AND THEN HE GOES IN AND  
21 HE QUOTES COPE'S DECEITFUL STATEMENTS AND THOSE  
22 DECEITFUL STATEMENTS DEALT WITH THE ASPECT OF THE  
23 MATERIAL ON HIS COMPUTER AND HIM TAKING IT OFF OF THE  
24 COMPUTER AND HE ALSO MAKES A COMMENT ABOUT THE  
25 PORNOGRAPHY BOOKS, THE EXPERT MAKES A COMMENT IN HIS

1 ANALYSIS ABOUT THE PORNOGRAPHY BOOKS AND HOW THEY MAY  
2 HAVE PLAYED A PART AT THAT POINT IN TIME IN THIS  
3 DECEITFUL STATEMENT SO.

4 THE COURT: ANYTHING, THE STATE HAVE A  
5 POSITION ON THIS.

6 MR. THOMPSON: I AGREE THAT THAT'S  
7 CORRECT, YOUR HONOR, AS TO WHAT MR. GREELEY IS  
8 SAYING.

9 THE COURT: MR. MORTON.

10 MR. MORTON: I FEEL LIKE I'M IN A WORLD  
11 WIDE WRESTLING MATCH. FIRST OF ALL, THIS IS AN  
12 INTERNAL DEFENSE ANALYSIS MEMORANDUM PREPARED BY HIM  
13 FOR US TO ANALYZE. IT IS WORK PRODUCT. IT IS NOT  
14 EVEN DISCOVERABLE UNDER THE RULES. UNDER RULE FIVE  
15 EXCEPT AS TO SCIENTIFIC OR MEDICAL REPORTS, THIS  
16 SUBDIVISION DOES NOT AUTHORIZE DISCOVERY IN RESPECT  
17 TO REPORTS, MEMORANDUM OR OTHER INTERNAL DEFENSE  
18 DOCUMENTS MADE BY THE DEFENDANT, HIS ATTORNEYS, OR  
19 AGENTS. IT'S NOT IN EVIDENCE, WE HAVEN'T TRIED TO  
20 INTRODUCE THIS AS EVIDENCE. IT'S HEARSAY. HE'S  
21 NEVER MENTIONED ANYTHING ABOUT, ABOUT THIS PARTICULAR  
22 THINGS, SO IN ORDER FOR THEM TO EXAMINE HIM ON A  
23 REPORT THAT THEY WEREN'T ENTITLED TO IN THE FIRST  
24 PLACE AS TO A MEMORANDUM THAT IS HEARSAY, TO  
25 INTRODUCE CHARACTER, YOU KNOW, IT'S JUST, I THINK THE

1 RULES OF EVIDENCE DISALLOW IT.

2 THE COURT: WELL, I'M GOING TO ALLOW IT IN  
3 FOR A COUPLE REASONS. FIRST EVEN WITHOUT THE REPORT  
4 IT MAY HAVE BEEN REACHED BY ARTFUL CROSS EXAMINATION  
5 AND BOTH OF THESE ATTORNEYS ARE CAPABLE OF THAT.  
6 SIMPLE INQUIRY OF WHAT ELSE BESIDES WHAT YOU TOLD US  
7 DID YOU FIND? DID YOU FIND ANY DECEITFUL, ANYTHING  
8 THAT INDICATED DECEITFUL ON BEHALF OF MR. COPE AND  
9 BEING AN HONEST WITNESS AS HE IS HE WOULD HAVE HAD TO  
10 SAY WELL YES I DID. WHAT IS IT, SO THAT'S ONE  
11 REASON. BUT THE OTHER REASON IS, THIS MAN HAS GIVEN  
12 A LITNEY OF GOLD STARS TO MR. COPE AS TO HIS RESPONSE  
13 AND HIS DOGGED RESPONSE BEING UP FRONT WITH THE  
14 INTERVIEWERS, I THINK, I DON'T REMEMBER THE EXACT  
15 WORD BECAUSE HE TRAILED OFF, BUT MR. GREELEY SAYS HE  
16 EVEN INDICATED AN INNOCENT MAN AND THAT PUTS THE  
17 WHOLE INTERVIEW IN PLAY, JUST LIKE WE DID, THIS IS  
18 VERY SIMILAR TO THE WRESTLING WE DID WITH THE  
19 POLYGRAPH TEST WAY BACK IN AUGUST AS TO HOW THAT  
20 COULD COME IN PLAY, WHETHER IT COULD COME INTO PLAY.  
21 YOU CAN'T JUST, YOU CAN'T HAVE YOUR CAKE, YOU CAN'T  
22 EAT YOUR CAKE AND HAVE IT TOO. IF HE, YOU FOUND SOME  
23 IS DECEITFUL STUFF, THIS JURY IS ENTITLED TO KNOW IT.

24 MR. MORTON: THEY CAN ASK HIM DID YOU FIND  
25 A RESPONSE THAT WAS DECEITFUL AND HE CAN SAY YES, BUT

1       LIKE I POINTED OUT AT THE BENCH, YOUR HONOR, IF HE  
2       HAD SAID ON THAT REPORT THAT HE HAD, HE WAS THE  
3       BIGGEST MASS MURDERER IN THE STATE OF SOUTH CAROLINA,  
4       WE DIDN'T GO INTO THAT AND I DON'T THINK THEY SHOULD  
5       BE ABLE TO INTRODUCE THAT AS SOME KIND OF AN ATTACK.  
6       IF THEY WANT TO ASK HIM IS THERE A RESPONSE ON THIS  
7       TAPE THAT YOU THOUGHT WAS DECEITFUL, HE CAN SAY YES  
8       AND HE CAN BE TRUTHFUL ABOUT IT. BUT IF THEY WERE TO  
9       ASK HIM ABOUT, YOU KNOW, IT'S LIKE I SAY, IS HE A  
10      MASS MURDERER?

11               THE COURT: WELL, I DON'T THINK THEY WILL  
12      ASK HIM THAT. IF THEY DO, YOU CAN OBJECT AND I'LL  
13      SUSTAIN---

14               MR. MORTON: THEN I OBJECT ON THE SAME  
15      REASON AS TO THE PORN.

16               THE COURT: BUT ONE OTHER THING I THINK  
17      YOU ARE OVERLOOKING, MR. MORTON IS, SURE THEY COULD  
18      ASK AND JUST SAY IS THERE ANYTHING DECEITFUL. HE  
19      SAYS YES AND YOU SAY THE INQUIRY STOPS THERE. THAT  
20      IS THERE ANYTHING DECEITFUL, YES, WEIGHED AGAINST,  
21      WELL HE SAID 74 TIMES THAT HE WAS INNOCENT, HE MUST  
22      HAVE BEEN INNOCENT, I MEAN.

23               MR. MORTON: WELL, THAT'S HIS ANALYSIS.

24               THE COURT: OKAY. ALL RIGHT. WELL, I'M  
25      GOING TO ALLOW IT IN. ALL RIGHT. LET'S GET

1 MR. GUERETTE IN.

2 MR. MORTON: YOUR HONOR, I WOULD ASSUME  
3 THEN THAT WE'RE ABLE TO CALL ALL THE OTHER STATE'S  
4 WITNESSES AND IMPEACH THEM ABOUT ALL THEIR REPORTS,  
5 EVERYTHING THEY HAVE CONSIDERED, THAT THEY HAVE  
6 WRITTEN SOMETHING IN THE REPORT THAT THEY DIDN'T  
7 TESTIFY TO -- I DON'T KNOW WHY I'M PRECLUDED FROM  
8 INTRODUCING SWORN STATEMENTS IN THIS COURTROOM BY  
9 VICTIMS WHO HAVE TESTIFIED THAT THEIR HOUSES WERE  
10 ENTERED WITHOUT ANY SIGNS OF FORCED ENTRY AS  
11 EVIDENCED BY HER REPORT, HER REPORTS SAYS THAT, THEN  
12 THEY COME UP HERE AND TESTIFY THAT THAT DOESN'T  
13 HAPPEN.

14 THE COURT: ALL RIGHT. I'M NOT GOING  
15 ALLOW YOU TO DO THAT. WE VISITED THAT ISSUE AND I  
16 KNOW YOU ARE NOT HAPPY.

17 MR. MORTON: I WANT TO BE PAINTED BY THE  
18 SAME BRUSH AND I DON'T FEEL LIKE I AM.

19 THE COURT: WELL, FOR THE RECORD THAT'S  
20 QUITE ALL RIGHT. I WOULD LIKE THE RECORD TO STATE  
21 OUT OF DEFENSE TO MYSELF SINCE MY ABILITY TO HANDLE  
22 THIS CASE IS APPARENTLY BEING QUESTIONED THAT I FEEL  
23 LIKE I, THERE ARE DIFFERENT ISSUES AND CERTAINLY  
24 SEVERAL GROUNDS FOR APPEAL IN THE EVENT THAT YOUR  
25 CLIENT IS FOUND GUILTY. DON'T GET ME WRONG, I DON'T

1 TAKE IT PERSONAL.

2 MR. MORTON: I DIDN'T MEAN IT PERSONAL,  
3 YOUR HONOR.

4 THE COURT: EVERYTHING IS ON THE RECORD  
5 BUT IF YOU FEEL I'M NOT BEING FAIR, THERE ARE AT  
6 LEAST TWO COURTS TO GO THROUGH IF NOT ALL THE WAY TO  
7 THE UNITED STATES SUPREME COURT AND THEY CAN TELL ME  
8 I'M NOT BEING FAIR, BUT I'M TRYING TO PAINT EVERYBODY  
9 IN THE SAME BRUSH AND THAT BRUSH IS THIS BOOK WHICH  
10 IS THE RULES OF EVIDENCE, CASE LAW, INVOLVING EXPERTS  
11 AND TRIALS AND ALL THAT. SO GET THE WITNESS IN.

12 MR. MORTON: THANK YOU, YOUR HONOR.

13 THE COURT: YOU ARE STILL UNDER OATH, JUST  
14 COME UP AND HAVE A SEAT. LET'S BRING IN THE JURY.

15 (THE JURY RETURNS TO THE COURTROOM AT  
16 02:34 PM.)

17 THE COURT: ALL RIGHT, MR. THOMPSON.

18 MR. THOMPSON: THANK YOU, YOUR HONOR.

19 CROSS EXAMINATION BY MR. THOMPSON:

20 Q GOOD AFTERNOON, MR. GUERETTE.

21 A AFTERNOON.

22 Q DO YOU HAVE YOUR CURRICULUM VITAE WITH YOU?

23 A NO, SIR, I DON'T.

24 Q DO YOU HAVE A CURRICULUM VITAE?

25 A I DO.

1 Q OKAY. NOW YOU WERE HIRED BY THE DEFENSE IN THIS  
2 CASE IN AUGUST, CORRECT, AUGUST OF THIS YEAR?

3 A RIGHT, ABOUT THREE WEEKS AGO. I CAN'T REMEMBER  
4 THE EXACT DATE.

5 Q SO YOUR INVOLVEMENT HAS BEEN SINCE THAT POINT IN  
6 TIME?

7 A YES, SIR.

8 Q AND AS YOU SAID, YOU RECEIVED A NUMBER OF THINGS  
9 FROM THEM, CASE FILE AND ALL THOSE THINGS,  
10 CONFESSIONS, SOME TAPES, THINGS OF THAT NATURE?

11 A YES, SIR.

12 Q BUT YOU DID NOT READ ALL THE PAPERS THAT THEY  
13 GAVE YOU, CORRECT?

14 A NO, SIR.

15 Q ALL RIGHT. NOW YOU WOULD AGREE ME, WOULDN'T  
16 YOU, THAT THE FILTHINESS OF THE HOUSE DOES AFFECT THE  
17 WAY YOU CAN COLLECT THINGS DURING A CRIME SCENE?

18 A MAKES IT HARDER AND IT DOES AFFECT IT, YES, SIR.

19 Q AS A MATTER OF FACT BECAUSE A HOUSE IS SO FILTHY  
20 IT MAKES IT HARD TO TELL EXACTLY WHAT'S OUT OF PLACE,  
21 DOESN'T IT?

22 A CERTAINLY.

23 Q AND MOST CRIME SCENES YOU GO IN AND WHILE THERE  
24 MAY BE SOME FILTH IN THE HOUSE THERE IS USUALLY AT  
25 LEAST SOME THINGS THAT ARE OBVIOUSLY OUT OF PLACE,



1       AREN'T THERE?

2       A     THAT IS, GENERALLY THERE IS SOMETHING OUT OF  
3       PLACE, RIGHT.

4       Q     BUT AS YOU SAID IN A FILTHY HOUSE IT MAKES IT A  
5       LOT HARDER TO TELL WHICH THINGS WOULD BE OUT OF  
6       PLACE?

7       A     RIGHT.

8       Q     NOW WHEN YOU TALKED TO OFFICER GARDNER ABOUT HIS  
9       CRIME SCENE WHAT INFORMATION DID YOU GAIN FROM HIM?

10      A     WHEN I SPOKE TO OFFICER GARDNER?

11      Q     THE MAN WHO DID THE CRIME SCENE IN THIS CASE?

12      A     I DIDN'T SPEAK TO MR. GARDNER.

13      Q     OH, OKAY. ABOUT HOW ABOUT OFFICER WILLIAMS, HIS  
14      PARTNER, DID YOU SPEAK WITH HIM EITHER?

15      A     NO, SIR.

16      Q     ALL RIGHT. DID YOU SPEAK WITH LIEUTENANT  
17      HERRING ABOUT THE THREE HOUR INTERVIEW?

18      A     I HAVEN'T SPOKEN WITH ANY POLICE OFFICERS.

19      Q     SO NONE OF THE POLICE OFFICERS?

20      A     NO, SIR.

21      Q     NOT JERRY WALDROP, CHARLENE BLACKWELDER, MIKE  
22      BAKER, CAPTAIN CABANISS, NONE OF THOSE FOLKS?

23      A     I HARDLY KNOW THOSE PEOPLE.

24      Q     AND NO ONE WHO WAS AT THE CRIME SCENE WHO  
25      CONDUCTED THE INVESTIGATION OF CRIME SCENE?

1 A NO, SIR, I DID NOT.

2 Q NOW THERE ARE A NUMBER OF GOOD THINGS TO DO AT A  
3 CRIME SCENE SUCH AS WHEN YOU COME INTO A CRIME SCENE  
4 TRY TO KEEP IT SECURE AT THAT POINT, ISN'T THAT  
5 CORRECT?

6 A THAT IS CORRECT.

7 Q NOW DOESN'T IT BECOME A LITTLE DIFFICULT TO KEEP  
8 A CRIME SCENE OR AT LEAST TO DETERMINE THAT SOMETHING  
9 IS EVEN A CRIME SCENE IF THE INFORMATION YOU HAD WHEN  
10 YOU ARRIVED IS INCORRECT AND THAT IT'S NOT EVEN  
11 INFORMATION----

12 MR. MORTON: OBJECT.

13 THE COURT: I OVERRULE THE OBJECTION.

14 Q DOESN'T IT MAKE IT DIFFICULT TO DETERMINE A  
15 CRIME SCENE IF WHEN YOU ARRIVE THE INFORMATION YOU  
16 HAD IS THAT AN ACCIDENT HAS OCCURRED?

17 A (NO RESPONSE.)

18 Q IF YOU ARE CALLED OUT TO A CRIME SCENE AND THEY  
19 TELL YOU THERE IS AN ACCIDENTAL DEATH?

20 A RIGHT.

21 Q YOU DON'T NECESSARILY THINK IT IS A CRIME SCENE  
22 WHEN YOU COME OUT, DO YOU?

23 A NOT IN THE SENSE OF A CRIME SCENE WORD, BUT IT'S  
24 AN ACCIDENT AND I MEAN, YOU MAY LOOK AT AN ACCIDENT A  
25 LITTLE BIT DIFFERENT THAN THE CRIME SCENE.

1 Q RIGHT. SO THE FIRST THING YOU DO IN AN ACCIDENT  
2 THOUGH IS NOT SECURE THE SCENE NECESSARILY, IS IT?

3 A NO, WELL, I DISAGREE. IF IT'S A, AN ACCIDENT  
4 SCENE WHERE VEHICLES ARE INVOLVED, YES, YOU SURROUND  
5 THE AREA, YOU SECURE THE AREA. IF IT'S AN ACCIDENT  
6 SCENE INSIDE A HOUSE, IT ALL DEPENDS ON THE  
7 OBSERVATION WHEN YOU GO IN.

8 Q WELL, YOU'VE TESTIFIED PARTICULARLY IN THIS  
9 CASE, IN THIS CASE, OF COURSE, THEY ARE SAYING AN  
10 ACCIDENT HAS OCCURRED, THIS GIRL HAS CHOKED  
11 ACCIDENTALLY, CORRECT? THAT'S WHAT THE POLICE FIRST  
12 HEAR, ISN'T THAT RIGHT?

13 A I MEAN IF YOU SAY THAT'S WHAT THEY SAID.

14 Q DID YOU READ THAT IN THE FILE?

15 A I KNOW I DIDN'T READ IT. I THINK I HEARD  
16 SOMETHING IN REFERENCE TO -- WELL, I THINK IT'S IN  
17 BILLY'S INTERVIEW.

18 Q OKAY.

19 A HE MENTIONS ACCIDENT. I BELIEVE THAT'S WHERE I  
20 HEARD IT FROM.

21 Q SO YOU DIDN'T LISTEN TO THE 911 TAPE?

22 A NO, SIR.

23 Q ALL RIGHT. BUT YOU WOULD AGREE WITH ME THAT IF  
24 THE POLICE ARRIVE TO WHAT THEY HEAR IS AN ACCIDENTAL,  
25 CHOKING OF SOMEONE WHERE THEY ACCIDENTAL CHOKED, THE

1 FIRST THING WOULDN'T BE CRIME SCENE AND SECURITY.  
2 INSTEAD IT WOULD BE THE SAFETY OF THAT PERSON,  
3 WOULDN'T IT, TO LOOK AT THE CONDITION OF THIS PERSON?  
4 A YES, SIR, THE SAFETY OF THE PERSON IS ALWAYS THE  
5 FIRST THING YOU DO AT A CRIME SCENE.  
6 Q ALL RIGHT.  
7 A YOU KNOW, TO SEE IF THE PERSON IS STILL ALIVE OR  
8 WHATEVER.  
9 Q BUT YOU HAD SAID EARLIER SECURING THE CRIME  
10 SCENE WAS THE FIRST THING?  
11 A WELL, I'M SORRY. I MEAN THE FIRST THING THAT A  
12 CRIME SCENE OR POLICE OFFICERS ARE TOLD IS TO MAKE  
13 SURE THE VICTIM, YOU KNOW, IS DECEASED. IF THERE IS  
14 ANY CHANCE THAT THE VICTIM IS ALIVE YOU TRANSPORT  
15 HER, AND I MEAN, I JUST FORGOT ABOUT THAT BECAUSE I  
16 PROBABLY MISUNDERSTOOD THE QUESTION.  
17 Q SO IT WOULD BE PROPER FOR THE EMTS AND WHO  
18 ARRIVE TO GO IN AND TRY TO ASSIST THAT PERSON FIRST  
19 THING, WOULDN'T?  
20 A OH, YES, SIR.  
21 Q AND IN FACT THE SECOND THING YOU REALLY NEED TO  
22 DO AT A CRIME SCENE IS GOING TO BE MAKE SURE THE  
23 OFFICERS ARE SAFE, THAT THERE IS A SAFE SITUATION  
24 THERE, CORRECT?  
25 A RIGHT.

1 Q SO THEN CRIME SECURITY COMES AFTER THOSE TWO  
2 ISSUES?

3 A YES OR A COMBINATION OF THEM.

4 Q NOW ONE OF THE OTHER THINGS YOU TALKED ABOUT IN  
5 YOUR TESTIMONY WAS THE BITE MARK AND HOW THAT SHOULD  
6 HAVE TIPPED THEM OFF THAT THIS WAS SOMETHING OF A  
7 SEXUAL ASSAULT, IS THAT CORRECT?

8 A THAT'S RIGHT.

9 Q ARE YOU AWARE THAT THE BITE MARK WAS NOT NOTICED  
10 AT THE SCENE BECAUSE THAT BREAST WAS COVERED UP. IT  
11 WASN'T NOTICED UNTIL THE AUTOPSY LATER THAT DAY?

12 A I DON'T RECALL, THE PHOTOGRAPH SHOW THE BITE  
13 MARKS AND.

14 Q THE AUTOPSY PHOTOS, CORRECT?

15 MR. MORTON: CAN HE FINISH HIS ANSWER,  
16 YOUR HONOR.

17 THE COURT: LET HIM FINISH HIS.

18 A NO, SIR. THE, WELL THE CRIME SCENE PHOTOGRAPHS  
19 IT SHOWS A PORTION OF HER LEFT BREAST WITH THE BITE  
20 MARK ON HER LEFT BREAST ON THE BED.

21 Q LET ME SHOW YOU THOSE PHOTOGRAPHS. I WANT TO  
22 SEE IF YOU COULD POINT THEM OUT TO ME IF YOU WOULD.  
23 THIS IS GOING TO BE STATE'S EXHIBITS 26, 27, 25, AND  
24 24. IF YOU'LL LOOK AT THOSE FOR ME.

25 A I'M REFERRING TO STATE'S EXHIBIT 26. THE NIPPLE

1 OF THE LEFT BREAST, THIS AREA HERE.

2 Q ALL RIGHT. SO THIS AREA HERE YOU ASSUME THAT TO  
3 BE A BITE MARK RIGHT HERE, RIGHT UP HERE?

4 A CLOSE TO THE NIPPLE.

5 Q OKAY. ARE YOU AWARE THAT THE ACTUAL BITE MARK  
6 WAS ON HER RIGHT BREAST?

7 A NO, I'M NOT.

8 Q SO IS THAT A PIECE OF PAPER YOU DIDN'T READ IN  
9 THE PACKET THAT YOU RECEIVED?

10 A I THINK I READ IT BUT I PROBABLY MISTOOK IT.

11 Q OKAY. NOW ONE OF THE OTHER THINGS YOU MENTIONED  
12 TO BE A GOOD THING TO DO IS COLLECT ARTICLES FROM  
13 AROUND THE BED, ISN'T THAT CORRECT?

14 A RIGHT. OR THE AREA OF ATTACK.

15 Q RIGHT. AND IN FACT, THEY DO HAVE A NUMBER OF  
16 ARTICLES IN STATE'S EXHIBIT 54 THAT WERE COLLECTED  
17 FROM AROUND THE BED, DON'T THEY? AND YOU PROBABLY  
18 SAW THOSE WHEN YOU WERE LOOKING AT THE EVIDENCE?

19 A I REMEMBER SEEING THIS BOX AT THE EVIDENCE AND I  
20 BELIEVE THESE ARE SOME OF THE ITEMS THAT WERE ON THE  
21 BED INCLUDING THE FLASHLIGHT AND SOME OTHER PICTURES,  
22 STAPLER.

23 Q IN FACT, THEY ALSO COLLECTED ALL THE BLANKETS  
24 AND EVERYTHING FROM AROUND THE BED, DID THEY NOT?

25 A I CAN'T REMEMBER HOW MANY OF THE BLANKETS. I

1 KNOW THEY COLLECTED THE GREEN BLANKET, I GUESS IT IS  
2 GREEN, AND I THINK THERE WAS ANOTHER BLANKET, BUT I  
3 CAN'T REMEMBER IF ALL THE BLANKETS WERE COLLECTED.

4 Q I'M TRYING TO FIND THE EXHIBIT NUMBER ON THIS.  
5 SEE THE BED SPREAD THAT WAS UNDER HER, IMMEDIATELY  
6 UNDER HER WAS COLLECTED, CORRECT?

7 A THAT BED SPREAD, YES, SIR.

8 Q AS WELL AS STATE'S EXHIBIT NUMBER 66, IF YOU'LL  
9 GLANCE IN THERE. IF YOU'D LIKE SOME GLOVES, I  
10 BELIEVE WE HAVE SOME.

11 A THESE VARIETY OF ITEMS, PAPERWORK, THINGS OF  
12 THAT NATURE, I SAW THIS BAG IN DISCOVERY ALSO.

13 Q AND THOSE WERE COLLECTED FROM AROUND THE BED  
14 TOO, WEREN'T THEY?

15 A I BELIEVE SO.

16 Q DID YOU ALSO NOTE LOOKING THROUGH DISCOVERY THAT  
17 A NUMBER OF PAPERS THROUGHOUT THE HOUSE WERE ALSO  
18 COLLECTED?

19 A THERE WERE SOME PAPERS, YES, SIR.

20 Q AND THERE WERE SOME, I THINK THAT'S A BOX OF  
21 PAPERS FROM MR. COPE'S ROOM AND THERE WERE SOME  
22 PAPERS FROM, NOT COUNTERS, BUT DRESSERS AND THINGS  
23 LIKE THAT AS WELL COLLECTED?

24 A I BELIEVE SO, YES, SIR.

25 Q AND YOU WOULD SAY THAT THOSE ARE ALL GOOD THINGS

1       THEY COLLECTED THESE ITEMS, WOULDN'T YOU?

2       A     OH, YES.

3       Q     NOW SOMETHING ELSE THAT WOULD BE A GOOD THING  
4       THAT THEY DID AT THE CRIME SCENE WAS TO CHECK EVEN  
5       BEFORE THE VICTIM WAS TAKEN AWAY WITH AN ALTERNATE  
6       LIGHT SOURCE, WOULDN'T IT?

7       A     YES, SIR.

8       Q     AND AS A MATTER OF FACT, EVEN AFTER THEY TOOK  
9       HER AWAY, IT'S A GOOD THING THEY WENT BACK AND  
10      CHECKED AGAIN WITH THE ALTERNATE LIGHT SOURCE?

11      A     IT WOULD BE A GOOD THING, YES, SIR.

12      Q     ALL RIGHT.  ARE YOU AWARE THAT THEY DID THAT IN  
13      THIS CASE?

14      A     NO.  I THINK I'M AWARE OF THE LIGHT SOURCE BEING  
15      USED, BUT I CAN'T REMEMBER WHEN IT WAS USED.

16      Q     OKAY.  DO YOU RECALL THAT THE LIGHT SOURCE WAS  
17      ALSO USED DURING THE AUTOPSY?

18      A     I READ THE AUTOPSY REPORT.  I CAN'T REMEMBER IF  
19      IT IS MENTIONED IN THERE OR NOT.

20      Q     AND THE LIGHT SOURCE WAS ALSO USED IN MR. COPE'S  
21      ROOM?

22      A     I'LL TAKE YOUR WORD, IF THAT'S WHAT.

23      Q     SO THOSE ARE SOME OTHER PIECES OF PAPER THAT YOU  
24      MIGHT NOT HAVE READ, CORRECT?

25      A     YEAH, FIRST OF ALL I DIDN'T HAVE TIME TO READ



1 ALL THAT STUFF IN THE THREE WEEKS TIME.

2 Q NOW ANOTHER GOOD THING THAT THEY DID WAS GOOD TO  
3 DO AT ALL CRIME SCENES IS TO CHECK ALL THE DOORS AND  
4 WINDOWS, ISN'T THAT CORRECT?

5 A THAT IS CORRECT.

6 Q AS A MATTER OF FACT, THEY PHOTOGRAPHED THOSE  
7 THINGS AS WELL AND THAT'S A GOOD THING?

8 A YES, SIR, IT IS.

9 Q AND ARE YOU AWARE THAT THEY ALSO SPECIFICALLY  
10 LOOKED AT SUCH THINGS AS DUST AND COB WEBS WITHIN THE  
11 WINDOW ITSELF?

12 A YES, SIR.

13 Q AND THAT'S A GOOD THING?

14 A YES, SIR.

15 Q AND YOU AWARE THAT THEY LOOKED AT THE SCREENS  
16 AND HOW THE SCREENS WERE PUT ON THE WINDOWS?

17 A YES, SIR.

18 Q AND THAT'S A GOOD THING?

19 A YES, SIR.

20 Q ARE YOU AWARE THAT THEY WENT TO EACH WINDOW AND  
21 LOOKED UNDERNEATH TO SEE IF THERE WAS SIGNS OF  
22 SOMETHING BEING SET UP OR A MOVEMENT OF THE LEAVES  
23 AND THOSE SORTS OF THINGS?

24 A YES, SIR.

25 Q AND THAT'S A GOOD THING?

1 A YES, SIR.

2 Q IN ADDITION, IT'S A GOOD THING THAT THEY WENT  
3 INSIDE AND LOOKED AT WHAT WAS ON THE OTHER SIDE OF  
4 THE WINDOW, ISN'T IT?

5 A YES, SIR.

6 Q AND IT'S A GOOD THING THAT THEY LOOKED AT THE  
7 LINES IN THE VARIOUS CURTAINS ON EACH WINDOW, ISN'T  
8 IT?

9 A YES, SIR.

10 Q AND YOU ARE AWARE THAT THEY DID THAT IN THIS  
11 CASE?

12 A YES, SIR.

13 Q IT'S A GOOD THING AS WELL THAT THEY PHOTOGRAPHED  
14 THOSE THINGS, ISN'T IT?

15 A YES, SIR.

16 Q THEY ALSO CHECKED FOR SUCH THINGS AS WHAT MIGHT  
17 BE STACKED IN FRONT OF A WINDOW, ISN'T THAT RIGHT?

18 A I NOTICE SOME PHOTOGRAPHS, I THINK THEY DID.

19 Q AND THE PHOTOGRAPHS INDICATE WHAT'S IN FRONT OF  
20 THE WINDOWS, DON'T THEY?

21 A YES, SIR, SOMETHING.

22 Q AND ARE YOU AWARE THAT THEY LOOKED AS WELL FOR  
23 THE POSSIBILITY OF SOMETHING THAT SOMEONE MIGHT HAVE  
24 TRACKED IN THROUGH ANY OF THOSE AREAS?

25 A CAN YOU BE MORE SPECIFIC ON THAT?

1 Q IF SOMEONE HAD COME THROUGH THOSE WINDOWS OR  
2 DOORS AND THEY CHECKED TO SEE WHETHER THERE WAS  
3 ANYTHING TRACKED IN FROM OUTSIDE ON THOSE AREAS?

4 A I'M AWARE OF, I'M AWARE OF THE WINDOWS ISSUE. I  
5 DON'T KNOW IF THEY CHECKED THE FRONT DOOR AND THE  
6 BACK DOOR. I BELIEVE, I THINK I'M AWARE THEY CHECKED  
7 THE BACK DOOR BECAUSE THERE WAS MENTION ABOUT THE  
8 LEAVES ON THE STEP IN THE BACK. I'M REALLY NOT AWARE  
9 OF THE FRONT DOOR.

10 Q ALL RIGHT.

11 A BUT I MEAN IF YOU SAY THEY DID, I CAN'T DISAGREE  
12 WITH THAT.

13 Q AND THAT'S SOMETHING THAT MAY HAVE BEEN HELPFUL  
14 TO TALK TO TODD GARDNER, ONE OF THE CRIME SCENE  
15 PEOPLE, ABOUT, WOULDN'T IT?

16 A WELL, THAT'S TRUE BUT THESE POLICE OFFICERS ARE  
17 NOT GOING TO TALK TO ME.

18 Q AND THAT'S BECAUSE YOU WORK FOR THE DEFENSE,  
19 RIGHT?

20 A BASICALLY. HI IS THE EXTENT WE GET TO.

21 Q NOW ONE OF THE THINGS YOU SUGGEST IS THAT THEY  
22 SHOULD HAVE FINGERPRINTED THE ENTIRE HOUSE, ISN'T  
23 THAT CORRECT?

24 A I DON'T BELIEVE I SAID THAT.

25 Q YOU DIDN'T SAY THAT ON YOUR --

1 A THE ENTIRE HOUSE?

2 Q YOU SAID -- I'M SORRY. THAT'S WHAT I THOUGHT I  
3 HEARD. DID YOU SAY THEY WERE SUPPOSED TO FINGERPRINT  
4 THE ENTIRE HOUSE?

5 A I, I CANNOT REMEMBER SAYING -- I REMEMBER  
6 TALKING ABOUT FINGERPRINTING, THEY SHOULD HAVE  
7 FINGERPRINTED, BUT IF I SAID THE ENTIRE HOUSE, YOU  
8 KNOW, THAT'S PRETTY BROAD.

9 Q BECAUSE IN ACTUALITY YOU NEVER FINGERPRINT AN  
10 ENTIRE HOUSE IN A CRIME SCENE, DO YOU?

11 A NO, BUT I JUST CANNOT RECALL. YOUR MEMORY IS  
12 PROBABLY BETTER THAN MINE AT THIS POINT. I CANNOT  
13 RECALL SAYING THAT.

14 Q NOW YOU TALKED ABOUT FORCED ENTRIES AND YOU TOLD  
15 US THAT ACTUALLY ONE-THIRD OF ALL CRIMES ARE NOT  
16 FORCED ENTRIES WHEN THEY ARE SOME SORT OF ENTRY INTO  
17 A HOUSE, CORRECT?

18 A YOU MEAN APPROXIMATELY A THIRD, YES.

19 Q DID YOU ABLE TO DERIVE THAT ON YOUR OWN?

20 A I WAS ABLE TO DERIVE ON MY OWN THAT THERE WAS A  
21 CERTAIN PERCENTAGE THAT I'VE HAD EXPERIENCE IN,  
22 ESPECIALLY WHEN I WAS WORKING HOUSE BREAK IN DETAILS.

23 Q OKAY. SO BACK IN 1974?

24 A BE ABOUT '74 OR SO, '74 I GUESS.

25 Q SO YOUR STATISTICS COME FROM ABOUT THEN?

1 A NO. NO. NO.

2 Q WELL, YOU JUST SAID THERE WAS A CERTAIN  
3 PERCENTAGE THAT YOU WERE ABLE TO DETERMINE ON YOUR  
4 OWN FROM BACK THEN, CORRECT?

5 A RIGHT, FROM BACK THEN, BUT I MEAN I'VE ALSO DONE  
6 SOME RESEARCH SINCE THEN AND THE LITTLE RESEARCH I'VE  
7 HAD TIME TO DO IS THEY ARE INDICATING TWO, I MEAN,  
8 ABOUT A THIRD.

9 Q AND --

10 A ABOUT A THIRD OF THE BURGLARIES ARE CONSIDERED  
11 NON FORCED ENTRY VERSUS FORCED ENTRIES AND I MEAN  
12 THAT'S NOT AN EXACT FIGURE. IT'S 60, ONE REPORT WAS  
13 62 PERCENT, THE OTHER ONE WAS ABOUT A THIRD, AND SO  
14 WHATEVER YOU WANT TO TAKE.

15 Q AND THIS IS FROM THE LITTLE BIT OF RESEARCH YOU  
16 DID ON IT?

17 A RIGHT.

18 Q OKAY. BUT YOU DEFINED FOR US WHAT NOT FORCED  
19 ENTRY MEANS, HAVEN'T YOU? AS A MATTER OF FACT, YOU  
20 SAID AN OPEN DOOR IS ONE WAY OF ENTRY NOT BEING  
21 FORCED, JUST WALKING THROUGH AN OPEN DOOR?

22 A RIGHT.

23 Q AND IN ADDITION TO THAT, BEING LET IN NOT  
24 FORCED, CORRECT?

25 A RIGHT.

1 Q GETTING IN BY TRICK, COMING TO THE DOOR --

2 A DECEPTION OF SOME SORT.

3 Q FOR ANOTHER REASON THEY OPENED IT AND YOU PUSH

4 YOUR WAY IN, THAT'S NOT A FORCED ENTRY IN YOUR

5 THINKING?

6 A YOU ARE GETTING CLOSE TO FORCED ENTRY THERE.

7 Q RIGHT. AND ---

8 A DEPENDING ON HOW FAR THEY GO ----

9 Q BUT THE REPORTS YOU ARE TALKING ABOUT?

10 A PARDON?

11 Q BUT IN THE REPORTS THAT YOU ARE TALKING ABOUT

12 THAT'S CONSIDERED NOT FORCED ENTRY, GETTING IN BY

13 TRICK?

14 A YES, SIR.

15 Q GETTING IN BY A KEY IS NOT FORCED ENTRY?

16 A YES, SIR.

17 Q SO THIS INCLUDES A LOT OF THINGS IN THE NOT

18 FORCED ENTRY?

19 A OH, CERTAINLY, AND I THINK I EXPLAINED THAT

20 EARLIER. EVEN THE USE OF A CREDIT CARD OR OTHER

21 OBJECT, TO NOT LEAVE IDENTIFYING MARKS.

22 Q NOW YOU MENTION WHEN YOU WERE A POLICE OFFICER

23 YOU WENT TO A CRIME SCENE THAT THE EVIDENCE TECHS

24 WOULD ACTUALLY COLLECT THE EVIDENCE, CORRECT?

25 A YES, SIR.

1 Q BUT YOU WOULD TELL THEM WHAT TO COLLECT, YOU  
2 WOULD GUIDE THEM ON WHAT TO COLLECT?

3 A I'D GUIDE THEM ON SOME OF IT, NOT NECESSARILY  
4 THE WHOLE THING. I MEAN, YOU WORK AS A GROUP.

5 Q OKAY.

6 A THEY MAY SEE SOME THINGS I DON'T SEE. I MAY SEE  
7 THINGS THEY DON'T. ULTIMATELY, IN OUR JURISDICTION  
8 IT WAS THE LEAD INVESTIGATOR'S.

9 Q AND YOU SAID THAT THROUGH YOUR KNOWLEDGE AND  
10 EXPERIENCE YOU KNEW PRETTY QUICKLY WHAT THINGS THEY  
11 USUALLY HAD TO PICK UP, DIDN'T YOU?

12 A WELL, I KNEW SOME OF THE THINGS DEPENDING ON  
13 WHICH CRIME SCENE I WAS ON. YOU KNOW, YOU GO TO A  
14 SHOOTING, THERE WAS DIFFERENT THINGS YOU LOOK FOR.  
15 YOU GO FOR KNIFINGS, DIFFERENT THINGS, IT'S JUST,  
16 ASSAULT, YOU KNOW, PHYSICAL ASSAULT, AND YOU DON'T  
17 KNOW WHICH WEAPON. I MEAN EVERY CRIME SCENE IS  
18 DIFFERENT, BUT YOU KNOW SOME BASICS WHAT TO LOOK FOR,  
19 WHAT TO COLLECT.

20 Q AND YOU KNOW THOSE THINGS PRETTY QUICKLY  
21 USUALLY, RIGHT?

22 A SOME OF THEM YOU DO.

23 Q NOW LET'S SWITCH GEARS A MINUTE, YOU HAD  
24 MENTIONED ABOUT THE TAPE RECORDING OF INTERVIEWS.  
25 TELL ME WHEN YOU WERE A POLICE OFFICER DID YOU TAPE

1 RECORD ALL YOUR INTERVIEWS?

2 A NO, SIR, AND THERE IS A REASON FOR THAT.

3 Q AND YOU DIDN'T VIDEO YOUR INTERVIEWS BECAUSE  
4 THERE WERE NO SUCH THING AS VIDEO CAMERAS BACK THEN,  
5 RIGHT?

6 A RIGHT. I'M A LITTLE BIT OLDER THAN YOU THINK.  
7 THERE WAS VERY FEW AUDIO RECORDERS AVAILABLE AT THAT  
8 TIME.

9 Q THERE WAS NO TAPE RECORDINGS AVAILABLE IN THE  
10 '70'S?

11 A BIG OLD BULKY ONES. THE CASSETTE TAPES CAME IN  
12 AFTER STARTING MY LAW ENFORCEMENT CAREER. WE USED TO  
13 HAVE THOSE REEL TO REEL TAPES. THAT'S KIND OF BULKY  
14 TO RECORD.

15 Q BUT YOU WERE IN LAW ENFORCEMENT FROM '72 TO  
16 ABOUT WHAT ABOUT '82?

17 A RIGHT, AND AT THE END WE STARTED USING SOME TAPE  
18 RECORDINGS AFTER THE DEPARTMENT RELAXED THE POLICY  
19 BECAUSE THERE WAS A POLICY FOR A LONG TIME BECAUSE  
20 POLICE OFFICERS WERE MISUSING THEM, THAT WE COULD NOT  
21 HAVE TAPE RECORDERS AND POLICE DEPARTMENT WOULDN'T  
22 PURCHASE IT FOR US UNTIL THE LAST FEW YEARS.

23 Q BECAUSE POLICE OFFICERS WERE MISUSING THEM?

24 A WELL, THEY WERE RECORDING THEIR SUPERVISORS AND  
25 THEY DIDN'T LIKE THAT.



1 Q AND YOU STILL DIDN'T USE TAPES IN ALL YOUR  
2 INTERVIEWS, DID YOU?

3 A NOPE.

4 Q AS A MATTER OF FACT, TODAY, EVEN IN YOUR  
5 INVESTIGATOR CAPACITY YOU DON'T TAPE ALL YOUR  
6 INTERVIEWS, DO YOU?

7 A NOT ALL BUT PROBABLY A GOOD, NOT ALL SUBJECTS,  
8 WITNESSES, AND STUFF LIKE THAT ON INTERVIEW BUT WE DO  
9 A LOT OF CORPORATE CRIMINAL INVESTIGATIONS AND WE  
10 RECORD THOSE INTERVIEWS, USUALLY SURREPTITIOUSLY.

11 Q WITHOUT THEIR KNOWLEDGE IN OTHER WORDS?

12 A RIGHT.

13 Q NOW YOU CONSIDER THIS FIRST INTERVIEW AN  
14 EXCELLENT INTERVIEW, DID YOU NOT?

15 A EXCELLENT INTERROGATION.

16 Q EXCELLENT INTERROGATION?

17 A CORRECT.

18 Q BUT YET YOU SAID THAT, I BELIEVE IT WAS THEIR  
19 INTERPRETATION OF THE FACTS, IS THAT WHAT IT WAS THAT  
20 WAS FLAWED?

21 A INTERPRETATIONS OF THE STATEMENTS OR WHAT  
22 MR. COPE WAS SAYING WAS OVERLOOKED IN MY OPINION.

23 Q NOW MAYBE YOU CAN HELP ME WITH THIS, IT'S MY  
24 UNDERSTANDING THAT A GOOD INTERROGATION BUILDS OFF OF  
25 ITSELF, DOES IT NOT?

1 A (NO RESPONSE.)

2 Q IN OTHER WORDS THE INFORMATION YOU ARE GAINING  
3 CONTINUE TO USE THAT IN THE INTERROGATION, DON'T YOU?

4 A TRUE, TRUE, AND I THINK I EXPLAINED THAT.

5 Q AND THAT'S WHAT THEY DID HERE?

6 A (NO RESPONSE.)

7 Q AN EXCELLENT INTERROGATION, CORRECT?

8 A IT WAS AN EXCELLENT INTERROGATION, DID THEY  
9 FOLLOW THROUGH, THEY FOLLOWED THROUGH ON THE DNA.  
10 HIS SUGGESTION THAT THERE WAS NOT GOING TO BE  
11 ANYTHING THERE, THEY FOLLOWED THROUGH ON THE  
12 POLYGRAPH. THEY, I DON'T KNOW IF THEY FOLLOWED  
13 THROUGH ON THE CLOSET. I DON'T THINK, I DIDN'T SEE  
14 ANYTHING IF THEY WENT BACK. THEY COULD HAVE GONE  
15 BACK AND CHECKED THE CLOSET. LIGHTS IS REALLY NOT  
16 MUCH TO FOLLOW THROUGH WITH THE EXCEPTION OF GOING  
17 BACK AND DO A DNA ON THE SWITCHES.

18 Q BUT WHEN YOU WERE A POLICE OFFICER THERE WAS NO  
19 SUCH THING AS DNA AS FAR AS Y'ALL KNEW?

20 A NO, SIR.

21 Q SO YOU HAVE NEVER BEEN EXPERIENCED IN COLLECTION  
22 OF DNA AT A CRIME SCENE, HAVE YOU?

23 A I WAS NEVER EXPERIENCED IN THAT. I WAS NEVER  
24 EXPERIENCED IN COLLECTING BLOOD OR OTHER LIQUIDS.  
25 SOMEBODY ELSE ALWAYS DID THAT.

1 Q NOW YOU MENTIONED WHEN AN INTERVIEW IS TAPED YOU  
2 CAN UNDERSTAND WHAT HAPPENED IN THAT INTERVIEW AND  
3 YOU KNOW ABOUT THE STATEMENT BEING CORRECT OR NOT,  
4 DON'T YOU?

5 A COULD YOU ASK THAT AGAIN PLEASE.

6 Q WHEN YOU HEAR AN INTERVIEW ON TAPE YOU KNOW  
7 WHETHER THE INTERVIEW WAS CORRECT OR NOT, THAT'S WHAT  
8 I BELIEVE YOU WERE TESTIFYING SOMETHING OF THAT  
9 NATURE?

10 A YES, SIR.

11 Q BUT THEN YOU SAID WITHOUT A TAPE THERE IS NO WAY  
12 YOU CAN KNOW IF THE INFORMATION IS VALID, IS THAT  
13 CORRECT?

14 A WITHOUT A TAPE RECORDING OF AN INTERVIEW THERE  
15 IS NO WAY OF DETERMINING EXACTLY THE PROCEDURES, THE  
16 STEPS, EVERY WORD THAT WAS SAID, IMPORTANT WORDS.  
17 PEOPLE'S MEMORIES ARE JUST SO MUCH, THEY CAN ONLY  
18 GATHER SO MUCH AS THEY ARE DOING THE INTERVIEWS,  
19 ESPECIALLY IF THEY ARE DOING THE INTERVIEW.

20 Q CERTAINLY, THAT DOESN'T INVALIDATE---

21 MR. MORTON: YOUR HONOR, I DON'T THINK  
22 HE'S FINISHED WITH HIS ANSWER.

23 THE COURT: LET HIM FINISH HIS ANSWER.

24 A I WASN'T BUT I CAN'T REMEMBER WHAT I WAS GOING  
25 TO SAY AFTER THAT.

1 Q WELL, CERTAINLY THAT DOESN'T INVALIDATE ALL THE  
2 INTERVIEWS YOU DID THAT WERE NOT RECORDED BACK WHEN  
3 YOU WERE AN OFFICER, DOES IT?

4 A NO, SIR.

5 Q AS A MATTER OF FACT, IT DOESN'T INVALIDATE AN  
6 INTERVIEW AT ALL?

7 A WELL INVALIDATE, WHAT DO YOU MEAN? DOES IT MAKE  
8 IT TRUTHFUL FOR NON-TRUTHFUL.

9 Q RIGHT.

10 A DEPENDS ON WHO WRITES IT. DEPENDS ON THE MOTIVE  
11 OF THE PERSON WHO WRITES IT. DEPENDS ON HOW MUCH  
12 INFORMATION IS CONTAINED IN THE STATEMENT VERSUS THE  
13 INTERVIEW. IF YOU'VE GOT THREE HOURS OF THE  
14 CONVERSATION YOU HAVE TWO PAGES OF INTERVIEW, THERE  
15 IS A LOT VOIDS THERE UNLESS THE GUY WAS JUST THINKING  
16 FOR LONG PERIODS OF TIME.

17 Q AND IN FACT, THERE IS LOTS OF INFORMATION ON HIS  
18 INTERVIEW FROM THE NEXT DAY AT THE POLYGRAPH, ISN'T  
19 THERE?

20 A IS THERE A LOT OF INFORMATION ON THE INTERVIEW  
21 THE NEXT DAY AT POLYGRAPH.

22 Q YES.

23 A YOU MEAN WHEN MR --

24 Q DETECTIVE BAKER?

25 A BAKER.

1 Q CORRECT.

2 A I DON'T THINK THERE IS A LOT OF INFORMATION  
3 THERE.

4 Q YOU DIDN'T READ THE SINGLE SPACED LARGE  
5 INTERVIEW REPORT THAT HE HAD DONE AS A RESULT OF  
6 THAT?

7 A WELL, READ I GUESS A SINGLE SPACE, TWO AND A  
8 HALF PAGE REPORT THAT MR. BAKER PREPARED AFTER HE WAS  
9 DONE WITH THE INTERVIEW OF A, IF I REMEMBER  
10 CORRECTLY, A THREE, THREE AND A HALF HOUR INTERVIEW.  
11 IT WAS ONLY THREE PAGES WHERE A FOUR HOUR INTERVIEW  
12 WAS 122 PAGES RECORDED, SO THERE IS A LOT OF STUFF  
13 THERE THAT'S MISSING.

14 Q YOU SAY A LOT OF STUFF THAT IS MISSING. AREN'T  
15 YOU AWARE THAT THERE IS TIME THAT HE WOULD HAVE  
16 ACTUALLY CONDUCTED THE POLYGRAPH?

17 A TRUE.

18 Q AND THERE IS TIME WHERE HE ACTUALLY WOULD HAVE  
19 LOOKED AT THE RESULTS OF THE POLYGRAPH?

20 A TRUE.

21 Q AND THERE IS TIMES WHERE THEY ACTUALLY TOOK  
22 BREAKS DURING THAT TIME AS INDICATED IN HIS NOTES?

23 A TRUE. WHAT HAPPENED TO THE OTHER TWO HOURS?

24 Q AND HE'S DOCUMENTED THAT, HASN'T HE?

25 A HE DOCUMENTED TWO AND A HALF PAGES OF A THREE

1 HOUR STAY.

2 Q AND THAT DOES NOT MAKE THAT AN UNTRUE STATEMENT,  
3 DOES IT?

4 A IT MAKES IT AN INCOMPLETE STATEMENT. I'M NOT  
5 SAYING IT'S UNTRUTH. IT MAKES IT AN IMCOMPLETE  
6 STATEMENT.

7 Q AS A MATTER OF FACT, YOU WERE TALKING ABOUT A  
8 NUMBER OF STATES NOW THAT HAVE GONE TO ALWAYS  
9 RECORDING INTERVIEWS, CORRECT?

10 A RECORDING ALL INTERROGATIONS, YES, SIR.

11 Q AND THAT NUMBER OF STATES IS THREE, IS IT NOT?

12 A TWO OR THREE, RIGHT. IT'S A NEW THOUGHT IN SOME  
13 STATES. IT'S A NEW PRACTICE.

14 Q SOUTH CAROLINA ISN'T ONE OF THOSE STATES?

15 A PARDON?

16 Q SOUTH CAROLINA, IS NOT ONE OF THOSE STATES, IS  
17 IT?

18 A NO.

19 Q NEITHER IS NORTH CAROLINA?

20 A NO.

21 Q OR VIRGINIA?

22 A NOPE. OH, THERE IS A LOT OF STATES THAT'S NOT,  
23 BUT LIKE I SAID THERE IS A LOT OF STATES LOOKING AT  
24 THE ISSUE.

25 Q AND THIS WAS AN INTERVIEW TAKEN IN 2001,

1 CORRECT, NOT IN 2004?

2 A I BELIEVE IT'S 2001.

3 Q NOW FROM THE ITEMS YOU READ ARE YOU AWARE THAT  
4 MR. COPE IMMEDIATELY TOLD ONE OF THE OFFICERS WHO  
5 INITIALLY ARRIVED ON THE SCENE THAT ANYTHING, IS  
6 ANYTHING BAD GOING TO HAPPEN TO ME BECAUSE OF WHAT  
7 HAPPENED TO MY DAUGHTER.

8 A I CAN'T RECALL READING THOSE SPECIFIC WORDS.

9 Q SO THAT MUST BE A DOCUMENT YOU DIDN'T READ?

10 A COULD VERY WELL BE.

11 Q SO YOU CAN HAVE NO OPINION THEN AS TO  
12 TRUTHFULNESS ON THAT ONE?

13 A I HAVE NO OPINION ON ANY STATEMENTS THAT WASN'T  
14 RECORDED BECAUSE I DON'T KNOW ENTIRELY WHAT WENT ON.  
15 I DON'T KNOW THE OFFICERS. I DON'T KNOW THE  
16 CIRCUMSTANCES AND I HAVE NO OPINION TO OFFER ON ANY  
17 OF THOSE.

18 Q WOULDN'T YOU AGREE IN YOUR EXPERIENCE SOMEONE  
19 FROM CRIME SCENES AND INVESTIGATIONS, THAT SOMEONE  
20 WHO COVERS UP PART OF A CRIME SCENE BY SAYING IT WAS  
21 AN ACCIDENT AND NOT A DEATH AN INDICATION OF GUILT?

22 A NO, SIR, I CAN'T SAY THAT BECAUSE IF THAT'S THAT  
23 PERSON'S IMPRESSION, IF THEY ARE NOT TRAINED IN  
24 LOOKING FOR CERTAIN THINGS, THEY MAY THINK IT'S AN  
25 ACCIDENT. THAT DOESN'T NECESSARILY MEAN IT'S GUILT.

1 YOU KNOW, YOU COULD COME HOME FIND YOUR WIFE LAYING  
2 THERE IN BED AND THINK SHE WAS DEAD, DON'T SEE ANY  
3 WOUNDS, AND THEN POLICE COME IN AND THEY FOUND BULLET  
4 HOLES IN HER BODY. SO, YOU KNOW, IT'S, I CAN'T AGREE  
5 WITH THAT.

6 Q NOW YOU HAD MENTION THAT HIS WILLINGNESS TO TAKE  
7 A POLYGRAPH WAS A SIGN OF HIS TRUTHFULNESS, CORRECT?

8 A (NO RESPONSE.)

9 Q OR HIS SUGGESTION THAT HE SHOULD TAKE A  
10 POLYGRAPH WAS A SIGN OF HIS TRUTHFULNESS?

11 A YES, SIR.

12 Q YOU DEALT WITH POLYGRAPH SOMEWHAT WHEN YOU WERE  
13 AN OFFICER, DID YOU NOT?

14 A YES, SIR, I DID.

15 Q AND CERTAINLY SOME PEOPLE DO OFFER TO TAKE A  
16 POLYGRAPH TEST BUT STILL TURN OUT TO BE GUILTY, DON'T  
17 THEY?

18 A TRUE.

19 Q NOW YOU WORK NARCOTICS DURING SOME OF YOUR PRIOR  
20 CAREER, DID YOU NOT?

21 A YES, I DID.

22 Q AND AS A NARCOTICS OFFICER IT WASN'T UNUSUAL TO  
23 COME ACROSS A DEFENDANT WHO YOU SUSPECTED TO HAVE  
24 DRUGS, WOULD IT? NOT AN UNUSUAL THING, THAT'S WHAT  
25 YOU ARE TRYING TO DO?



1 A WELL, WHAT, I MEAN AFTER I ARRESTED THEM?

2 Q NO THAT YOU SUSPECTED TO HAVE DRUGS?

3 A A PERSON.

4 Q YOU SUSPECTED AND YOU SUSPECT THEY HAVE DRUGS,  
5 THAT HAPPENS WHILE YOU ARE A NARCOTICS OFFICER,  
6 DOESN'T IT?

7 A RIGHT. RIGHT.

8 Q AND LOTS OF TIMES YOU'LL ASK THEM, YOU GOT ANY  
9 DRUGS ON YOU, WON'T YOU?

10 A (NO RESPONSE.)

11 Q YOU'LL JUST APPROACH THEM AND START TO TALK TO  
12 THEM ON THE STREET?

13 A WELL, THAT'S A NEW TECHNIQUE THAT POLICE USE AT  
14 YOUR AIRPORTS AND THINGS OF THAT NATURE AND IT'S BEEN  
15 A VERY EFFECTIVE TECHNIQUE THAT SOME POLICE OFFICERS  
16 USE.

17 Q AND IN THAT TECHNIQUE PEOPLE OFTEN DENY AND SAY  
18 NO, I DON'T HAVE ANY DRUGS, AND OFFER THE OFFICER TO  
19 SEARCH THEM, DON'T THEY?

20 A TRUE.

21 Q THE OFFICER TAKES THEM UP ON THAT AND THEY FOUND  
22 DRUGS IN MANY CASES, DON'T THEY?

23 A I DON'T KNOW THE PERCENTAGE BUT THEY DO FIND  
24 DRUGS IN SOME CASES.

25 Q NOW IN THE MURDERS THAT YOU WORKED WHILE YOU

1 DOING THE THREE YEARS WORKING DEATHS, SURELY YOU CAME  
2 ACROSS A MURDER IN WHICH THE MURDER WEAPON WAS NEVER  
3 FOUND, HAVEN'T YOU?

4 A TRUE.

5 Q SO THAT'S NOT THAT UNUSUAL EITHER?

6 A NO, IT'S PROBABLY A LOT MORE TIMES THE MURDER  
7 WEAPON IS MISSING THAN IT IS FOUND.

8 Q NOW YOU WERE QUALIFIED AS AN EXPERT HERE TODAY,  
9 BUT THERE HAVE BEEN IN THE TIMES PAST THAT COURTS  
10 HAVE REFUSED TO QUALIFY YOU AN EXPERT IN THESE SAME  
11 AREAS, HAVEN'T THEY?

12 A (NO RESPONSE.) I DON'T KNOW WHAT YOU ARE  
13 TALKING ABOUT. I KNOW VERY FEW TIMES I'VE BEEN ASKED  
14 TO SPEAK AS AN EXPERT AND I NEVER KNOWN A CASE WHERE,  
15 THAT THERE WAS ONE ISSUE WHERE THE JUDGE WOULD NOT  
16 LET ME GIVE AN OPINION AS AN EXPERT, BUT HE WOULD LET  
17 ME GIVE AN OPINION AND COULD NEVER UNDERSTAND IT, BUT  
18 GIVE MY OPINION AS TO MY EXPERIENCE. HAD BEEN ON THE  
19 STAND QUITE A FEW TIMES ON THAT PARTICULAR CASE AND  
20 IT WAS CERTAIN TOPIC OF THAT PARTICULAR CASE.

21 Q NOW YOUR SERVICES DON'T COME FREE, DO THEY?

22 A NOPE.

23 Q WHAT DO YOU CHARGE FOR YOUR SERVICES?

24 A MY NORMAL FEES IS \$100 AN HOUR BUT FOR COURT  
25 APPOINTED CASES I'VE BEEN DOING FOR YEARS AND I DID

1 IT FOR THIS CASE IS \$50 AN HOUR. I'M CALLED A CHEAP  
2 EXPERT.

3 Q DO YOU HAVE A DIFFERENT FEE WHEN YOU COME INTO  
4 THE COURTROOM DURING COURT AND ACTUALLY TESTIFY?

5 A NO, SIR.

6 Q HOW MANY HOURS HAVE HAD YOU IN THIS CASE?

7 A THREE WEEKS, PROBABLY AT LEAST 120 HOURS, PUT A  
8 LOT TIME IN. I MIGHT NOT GET PAID FOR ALL OF IT. I  
9 DON'T KNOW.

10 Q BUT THAT WASN'T ENOUGH TO READ EVERYTHING IN THE  
11 FILE, WAS IT?

12 A NOT WHEN I SPENT A LOT OF TIME TRANSCRIBING, IT  
13 WASN'T --- THE ANSWER IS NO. BUT I DIDN'T, IT WAS  
14 JUST SO MANY HOURS AND I DID NOT HAVE THE TIME AND  
15 THAT WASN'T THE REASON I WAS HIRED. THE REASON I WAS  
16 HIRED WAS TO LOOK AT THE INTERVIEW, TRANSCRIBE THE  
17 TAPE, AND GIVE MY OPINION AFTER DOING CERTAIN THINGS.

18 Q ALL RIGHT. THANK YOU.

19 THE COURT: BEFORE, I HATE TO SEND YOU OUT  
20 AGAIN, BUT LET ME LET YOU GO OUT FOR JUST A FEW  
21 MINUTES.

22 (THE JURY EXITS THE COURTROOM AT 03:10  
23 PM.)

24 THE COURT: COUNSEL, OUT OF AN ABUNDANCE  
25 OF PRECAUTION ON THIS ISSUE WE DISCUSSED JUST BEFORE

1 THE JURY CAME IN, I WANT TO MAKE SURE I WAS ON FIRM  
2 GROUND. I BELIEVE THAT AS TO THE DISCOVERY UNDER  
3 RULE FIVE B ONE B THAT ASSUMING THAT UNDER RULE FIVE  
4 A ONE C OR D CERTAIN REPORTS WERE REQUESTED BY  
5 DEFENSE FROM THE PROSECUTION THAT THE REPORT AT ISSUE  
6 IS DISCOVERABLE. IN ANY EVENT IT WAS GIVEN OVER TO  
7 COUNSEL. I WANTED TO INCREASE MY COMFORT LEVEL AND  
8 STATE VERSUS SLOCUMB 521 SOUTHEASTERN 507 COMES  
9 PRETTY CLOSE TO BEING ON POINT. IT DEALS, IT CITES  
10 ANOTHER CASE THEREIN DEALING WITH POLYGRAPH WHICH IS  
11 WHAT I PRETTY MUCH RULED IN REGARD TO USE OF  
12 POLYGRAPH IN THIS CASE. BUT IT DOES INDICATE THAT  
13 THE COURT SHOULD ARTICULATE ON THE RECORD, AT LEAST  
14 MY READING OF THIS, THAT 403 EVIDENCE, RULE OF  
15 EVIDENCE 403 ANALYSIS SHOULD BE APPLIED, AND SO I  
16 HAVE APPLIED THAT, AND FIND THAT EVEN THOUGH THERE IS  
17 OF COURSE SOME PREJUDICE, OBVIOUSLY THEY WOULDN'T  
18 WANT IT IN, THAT THIS IS, THE PROBATIVE VALUE DOES  
19 NOT SUBSTANTIALLY OUTWEIGH ANY UNFAIR PREJUDICE TO  
20 MR. COPE AND CERTAINLY DOES NOT CAUSE CONFUSION ON  
21 THE ISSUE. I THINK IT IN FACT CONTRARY WISE IT  
22 CLARIFIES THE ISSUE. I DON'T BELIEVE IT MISLEADS THE  
23 JURY. IT WILL IN FACT DIRECT THE JURY INTO A FULL  
24 AND COMPLETE ASSESSMENT OF THIS PARTICULAR WITNESS'S  
25 TESTIMONY. I DON'T BELIEVE IT CREATES ANY UNDUE

1 DELAY, WASTE OF TIME, OR NEEDLESS PRESENTATION OF  
2 CUMULATIVE EVIDENCE. IT'S CERTAINLY NOT CUMULATIVE.  
3 SO I JUST WANT TO PUT THAT ON THE RECORD IN REGARD TO  
4 ALLOWING CROSS EXAMINATION AS TO THE DECEPTIVE  
5 PRACTICE.

6 MR. BRACKETT: MAY IT PLEASE THE COURT.

7 THE COURT: YES, SIR.

8 MR. BRACKETT: JUST BRIEFLY, I WOULD ALSO  
9 SUBMIT UNDER RULE 705 OF THE RULES OF EVIDENCE,  
10 DISCLOSURE OF FACTS OR DATA UNDERLYING EXPERT OPINION  
11 THAT RULE SAY THE EXPERT MAY IN ANY EVENT BE REQUIRED  
12 TO DISCLOSE THE UNDERLYING FACTS OR DATA ON CROSS  
13 EXAMINATION. I SUBMIT --

14 THE COURT: AND IT DOES, BUT IT KIND OF, I  
15 HAD, WE VISITED THIS ON POLYGRAPH EARLIER.

16 MR. BRACKETT: YES, SIR.

17 THE COURT: AND SO I DON'T WANT TO GO BACK  
18 AND THE SLOCUMB CASE DOES APPEAR TO REQUIRE AT LEAST  
19 IN THAT THE JUDGE DID APPLY A 403 ANALYSIS, SO I WANT  
20 TO MAKE SURE I HAD DONE THAT TO BE COMPLETELY FAIR TO  
21 MR. COPE. ALL RIGHT. LET'S TAKE A SHORT REFRESHER  
22 BREAK BECAUSE I KNOW THE JURY IS GOING TO USE THE  
23 RESTROOMS AND ALL WHEN THEY ARE OUT AND COME IN AND  
24 DO CROSS, ANY OTHER REDIRECT AND RECROSS AND THEN  
25 MOVE ON TO THE NEXT WITNESS.

1 (COURT'S IN RECESS AT 03:13 PM.)  
2 (COURT RESUMES AT 03:19 PM AND THE  
3 DEFENDANTS ARE PRESENT.)  
4 THE COURT: BRING IN THE JURY.  
5 (THE JURY RETURNS TO THE COURTROOM AT  
6 03:19 PM.)  
7 THE COURT: MR. GREELEY.  
8 MR. GREELEY: NO QUESTIONS, YOUR HONOR.  
9 THE COURT: ALL RIGHT. ANY REDIRECT?  
10 MR. MORTON: NO, SIR, YOUR HONOR.  
11 THE COURT: ANY RECROSS.  
12 MR. THOMPSON: NO, YOUR HONOR.  
13 THE COURT: YOU CAN STEP DOWN. THANK YOU.  
14 WE APPRECIATE YOUR TIME.  
15 A ALL RIGHT, SIR.  
16 THE COURT: ANY REASON THIS WITNESS CAN'T  
17 BE EXCUSED?  
18 MR. GREELEY NO.  
19 MR. THOMPSON: HE CAN BE EXCUSED.  
20 THE COURT: YOU CAN BE EXCUSED. CALL YOUR  
21 NEXT WITNESS.  
22 MR. BAITY: YOUR HONOR, WE WOULD CALL  
23 TOMMY BOATWRIGHT TO THE STAND.  
24 TOMMY BOATWRIGHT, BEING FIRST  
25 DULY SWORN, TESTIFIED AS FOLLOWS:

1 DIRECT EXAMINATION BY MR. BAITY:

2 Q PLEASE GIVE US YOUR FULL NAME AND ADDRESS.

3 A STEVE T. BOATWRIGHT. 500 GILL HALL DRIVE,  
4 COLUMBIA, SOUTH CAROLINA.

5 Q MR. BOATWRIGHT, I'M GOING TO ASK YOU TO LEAN A  
6 LITTLE TO YOUR LEFT AND SPEAK INTO THAT MICROPHONE SO  
7 THEY CAN HEAR YOU. ARE YOU HERE TODAY RESPONDING TO  
8 A SUBPOENA THAT WAS SERVED ON YOU OR YOUR BUSINESS?

9 A YES, I AM.

10 Q PLEASE TELL US WHAT BUSINESS YOU ARE IN?

11 A I'M MANAGER FOR SWANSON SERVICES AND WE DO THE  
12 COMMISSARY FOR YORK COUNTY DETENTION CENTER.

13 Q NOW WHAT IS YOUR CAPACITY AT THAT BUSINESS?

14 A I'M THE MANAGER.

15 Q AND THAT BUSINESS IS LOCATED IN COLUMBIA, SOUTH  
16 CAROLINA, IS THAT WHAT YOU SAID?

17 A YES.

18 Q AND GENERALLY WHAT DOES YOUR COMPANY DO?

19 A WE -- INMATES ARE ALLOWED TO ORDER PRODUCTS AND  
20 WE PICK AND PACK THOSE PRODUCTS AND DELIVER TO THE  
21 INMATES.

22 Q NOW EVEN MORE GENERALLY THAN THAT, IS IT FAIR TO  
23 STATEMENT THAT YOUR COMPANY SUPPLIES ARTICLES THAT  
24 FILL THE INMATES ORDERS?

25 A YES.

1 Q THAT THEY MAKE THROUGH THE COMMISSARY AT THE  
2 JAIL THAT THEY ARE IN?

3 A THAT'S CORRECT.

4 Q AND DOES YOUR COMPANY SUPPLY THE YORK COUNTY  
5 DETENTION CENTER?

6 A YES, WE DO.

7 Q DO YOU SUPPLY OTHER DETENTION CENTERS THROUGHOUT  
8 THE STATE?

9 A YES, SIR, I DO.

10 Q DID THE SUBPOENA THAT YOU WERE SERVED WITH ASK  
11 YOU TO BRING ANYTHING WITH YOU?

12 A THE TYPEWRITER MATERIAL WE FURNISH TO THE  
13 INMATES.

14 Q ALL RIGHT. AND DID YOU BRING THAT WITH YOU  
15 TODAY?

16 A I DID.

17 Q AND THESE ARE THE ITEMS THAT YOU BROUGHT WITH  
18 YOU TODAY?

19 A THAT IS CORRECT.

20 Q ARE THESE ITEMS THAT YOU BROUGHT FROM YOUR PLACE  
21 OF BUSINESS PURSUANT TO THE SUBPOENA TODAY?

22 A YES.

23 Q AND ARE THESE THE TYPE ITEMS THAT ARE SUPPLIED  
24 TO INMATES AT THE JAILS THAT YOUR COMPANY SERVES?

25 A THOSE ARE THE ONLY ITEMS SUPPLIED.



1                   MR. BAITY: I MOVE THESE BE ADMITTED INTO  
2 EVIDENCE, YOUR HONOR.

3                   MR. BRACKETT: NO OBJECTION.

4                   MR. GREELEY: NO OBJECTION.

5                   THE COURT: BE RECEIVED WITHOUT OBJECTION.

6                                 (DEFENSE EXHIBITS 70, 71, 72 IN  
7 EVIDENCE.)

8           Q       MR. BOATWRIGHT, HOW LONG HAVE YOU BEEN EMPLOYED  
9 AT SWANSON?

10          A       TWO AND A HALF YEARS.

11          Q       AND HAS SWANSON BEEN THE SUPPLIER OF THE YORK  
12 COUNTY DETENTION CENTER COMMISSARY FOR THAT ENTIRE  
13 PERIOD?

14          A       YES, SIR.

15          Q       HAVE THERE BEEN ANY OTHER AGENCY THAT SUPPLIES  
16 THE COMMISSARY THAT YOU KNOW OF?

17          A       NO, SIR.

18          Q       IS YOUR CONTRACT WITH THEM EXCLUSIVE?

19          A       YES, SIR.

20          Q       ALL RIGHT. NOW I'M GOING TO HAND YOU BACK THESE  
21 ITEMS THAT HAVE BEEN MARKED AS DEFENSE EXHIBIT NUMBER  
22 70 71, AND 72. I'D LIKE FOR YOU TO REFER TO THOSE.  
23 FIRST OF ALL IF YOU COULD SHOW US THE PLAIN WHITE  
24 PIECE OF PAPER. COULD YOU HOLD THAT UP TO THE JURY  
25 AND PLEASE DESCRIBE WHAT THAT PARTICULAR ITEM IS?

1 A THIS IS STRICTLY JUST COPY MACHINE PAPER THAT WE  
2 FURNISH IN INDIGENT PACKS FOR INMATES THAT DON'T HAVE  
3 MONEY, THE COUNTY IS REQUIRED TO GIVE THEM WRITING  
4 MATERIAL AND PENCILS.

5 Q AND THAT IS THE TYPE OF PAPER THAT YOU SUPPLY TO  
6 THE YORK COUNTY DETENTION CENTER FOR THAT PURPOSE?

7 A YES, IT IS.

8 Q ALL RIGHT, SIR. PLEASE PUT THAT ASIDE AND WHAT  
9 ARE THE OTHER TWO EXHIBITS PLEASE. NOW I SEE THAT  
10 YOU ARE HOLDING UP DEFENSE 72, PLEASE EXPLAIN TO THE  
11 LADIES AND GENTLEMEN OF THE JURY WHAT THAT IS?

12 A IT'S WHAT WE CALL IS A LEGAL PAD THAT THEY ARE  
13 ALLOWED TO ORDER. THE ONLY LEGAL PAD WE CARRY.

14 Q ALL RIGHT. AND SHOW THE LADIES AND GENTLEMEN OF  
15 THE JURY EXHIBIT NUMBER 70 AND JUST EXPLAIN WHAT THAT  
16 IS?

17 A IT'S JUST A WRITING TABLET ALSO THE ONLY TABLET  
18 WE CARRY THAT THEY CAN ORDER.

19 Q ALL RIGHT, SIR. NOW FOR THE TIME THAT YOU'VE  
20 BEEN AT SWANSON WHICH I UNDERSTAND TO BE FOR THE  
21 NEXT, FOR THE LAST TWO AND A HALF YEARS, HAS YOUR  
22 COMPANY EVER SUPPLIED ANY TYPE OF PAPER OTHER THAN  
23 THOSE THREE EXHIBITS THAT YOU JUST MENTIONED?

24 A NO, SIR.

25 Q AND YOU ARE ABSOLUTELY CERTAIN OF THAT?

1 A POSITIVE.

2 Q NOW I'M GOING TO SHOW YOU DEFENSE EXHIBIT 67,  
3 68, AND 69 AND ASK YOU TO COMPARE THOSE TO DEFENSE  
4 EXHIBITS NUMBER 70, 72, AND 71 AND TELL ME IF THEY  
5 MATCH UP AND APPEAR TO BE THE SAME?

6 A THEIR WRITING TABLET LOOKS THE SAME. THE LINES  
7 ARE A LITTLE DARKER.

8 Q AND AS TO THE OTHER TWO?

9 A THEY LOOK THE SAME TO ME.

10 Q SO WOULD YOU SAY THAT THE LEGAL PAD DEFENSE  
11 EXHIBIT NUMBER 72 AND DEFENSE EXHIBIT NUMBER 68  
12 APPEAR TO BE MORE OR LESS THE SAME?

13 A YES.

14 Q NOW I WOULD ASK THAT YOU PAY PARTICULAR  
15 ATTENTION TO THIS AND I WOULD ASK YOU TO TELL ME, DO  
16 YOU SEE ANY MARGINS?

17 A NO, SIR.

18 Q DRAW ON EITHER OF THESE DOCUMENTS?

19 A NO.

20 Q THAT WOULD BE EXHIBIT 72 AND 68?

21 A NO.

22 Q HAVE YOU EVER SUPPLIED TO YORK COUNTY DETENTION  
23 CENTER WITH WRITING TABLETS SUCH AS THIS, THIS LEGAL  
24 PAD, THAT HAD A MARGIN OF ANY TYPE, RED, BLUE, OR ANY  
25 OTHER COLOR ON THE LEFT SIDE.

1 A NO, WE HAVE NOT CHANGED THAT SUPPLIER.

2 Q YOU ARE ABSOLUTELY CERTAIN OF THAT?

3 A POSITIVE.

4 Q I'M GOING TO ASK YOU TO TAKE A LOOK AT THE

5 WRITING TABLET. APPEARS TO BE MEAD IN DESIGN, IS

6 THAT BRAND YOU CARRY?

7 A CORRECT.

8 Q YOU EVER CARRY ANY OTHER BRAND?

9 A NO.

10 Q I'M GOING TO ASK YOU TO TAKE PARTICULAR CLOSE

11 ATTENTION, DOES THIS CONTAIN A LEFT MARGIN OR RED

12 MARGIN OF ANY TYPE?

13 A NO.

14 Q HAVE YOU EVER SUPPLIED YORK COUNTY DETENTION

15 CENTER WITH A TABLET SUCH AS THIS THAT HAS A MARGIN

16 ON THE LEFT SIDE?

17 A NO.

18 Q AND ARE YOU ABSOLUTELY CERTAIN OF THAT?

19 A YES.

20 Q AND THIS HAS NO MARGIN ON IT WHATSOEVER AND THAT

21 WOULD BE EXHIBIT NUMBER 69 AND 71?

22 A CORRECT.

23 Q THESE MORE OR LESS THE SAME, CORRECT?

24 A CORRECT.

25 Q AND YOU ARE ABSOLUTELY CERTAIN OF THAT?

1 A YES.

2 MR. BAITY: PERMISSION TO PUBLISH THIS TO  
3 THE JURY, YOUR HONOR.

4 THE COURT: CERTAINLY.

5 Q NOW MR. BOATWRIGHT, I'M GOING TO HAND YOU WHAT'S  
6 BEEN MARKED EXHIBIT NUMBER 90, STATE'S EXHIBIT 90, I  
7 WANT YOU TO CAREFULLY LOOK AT THE WRITING PAPER IN  
8 THAT DOCUMENT. YOU SEE IT?

9 A YES, SIR.

10 Q DOES IT CONTAIN A RED MARGIN?

11 A YES, IT DOES.

12 Q DO YOU RECOGNIZE IT AS THE TYPE OF PAPER THAT  
13 YOUR COMPANY SUPPLIES TO THE YORK COUNTY DETENTION  
14 CENTER?

15 A NO, SIR.

16 Q AND AGAIN I'LL ASK YOU, HAVE YOU EVER IN YOUR  
17 EXPERIENCE AT SWANSON AS THE MANAGER THERE SUPPLIED  
18 PAPER TO AN INMATE SUCH AS THAT?

19 A NO, SIR.

20 Q ALL RIGHT, SIR. AND I'LL SHOW YOU WHAT'S BEEN  
21 MARKED EXHIBIT 89, STATE'S EXHIBIT NUMBER 89, AND  
22 THERE IS A TWO PAGE LETTER IN THERE, I ASK YOU TO  
23 EXAMINE THAT CAREFULLY AND I WOULD POINT OUT, SIR,  
24 THAT HAS A BLUE TINT ON IT THAT I'M NOT REFERRING TO  
25 WHEN I ASK YOU ABOUT IT?

1 A NO. NO.

2 Q LET ME ASK THE QUESTION. DO YOU RECOGNIZE THE  
3 PAPER THAT'S COMPRESSES THAT LETTER AS THE TYPE OF  
4 PAPER THAT YOUR COMPANY HAS SUPPLIED TO THE YORK  
5 COUNTY DETENTION CENTER AT ANY TIME WHILE YOU'VE BEEN  
6 THE MANAGER THERE FOR THE PAST TWO AND A HALF YEARS?

7 A NO, SIR.

8 Q AND YOU ARE ABSOLUTELY CERTAIN OF THAT?

9 A POSITIVE.

10 Q IT HAS A RED MARGIN ON THAT, HAVE YOU EVER  
11 SUPPLIED A RED MARGIN --

12 A NO, SIR.

13 Q PIECE OF PAPER FOR INMATES IN ANY WAY, SHAPE, OR  
14 FORM TO THE YORK COUNTY DETENTION CENTER.

15 MR. BAITY: NOTHING FURTHER, YOUR HONOR.  
16 THANK YOU.

17 THE COURT: STATE.

18 MR. BRACKETT: NO QUESTIONS.

19 MR. GREELEY: NO QUESTIONS.

20 THE COURT: YOU CAN STEP DOWN AND BE  
21 EXCUSED. WE CERTAINLY APPRECIATE YOUR TIME. THANK  
22 YOU.

23 THE COURT: CALL YOUR NEXT WITNESS.

24 MR. BAITY: WE'LL CALL DR. CLAY NICHOLS  
25 AND HE'S IN THE BACK.

1 THE COURT: CERTAINLY.

2 CLAY NICHOLS, AFTER BEING DULY  
3 SWORN TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION BY MR. BAITY:

5 Q PLEASE GIVE US YOUR FULL NAME AND ADDRESS.

6 A CLAYTON L. NICHOLS. N-I-C-H-O-L-S. I LIVE AT 7  
7 KIRKMAN COURT IN COLUMBIA 29202.

8 Q COLUMBIA, SOUTH CAROLINA?

9 A YES, SIR, THAT'S CORRECT.

10 Q ALL RIGHT, SIR. PLEASE GIVE US YOUR PROFESSION  
11 AND CURRENTLY EMPLOYER?

12 A I'M A FORENSIC PATHOLOGIST OPERATING OUT OF  
13 RICHLAND MEMORIAL HOSPITAL IN COLUMBIA.

14 Q AND DOCTOR, WOULD YOU JUST GIVE US THE BENEFIT  
15 OF YOUR EDUCATIONAL AND PRACTICAL EXPERIENCE?

16 A YES, SIR. I RECEIVED MY BACHELOR OF SCIENCE  
17 DEGREE FROM THE UNIVERSITY OF OKLAHOMA IN 1981.  
18 AFTER THAT I ENTERED MEDICAL SCHOOL ALSO AT OKLAHOMA  
19 COMPLETING THAT IN 1985. FOLLOWING THAT I ENTERED A  
20 RESIDENCY PROGRAM IN PATHOLOGY AND FORENSIC PATHOLOGY  
21 AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA IN  
22 CHARLESTON COMPLETING THAT IN 1990. AFTER THAT I WAS  
23 ON THE FACULTY FOR 10 YEARS AS AN ASSOCIATE PROFESSOR  
24 WHERE I TAUGHT PATHOLOGY AND FORENSIC PATHOLOGY TO  
25 MEDICAL STUDENTS, DENTAL STUDENTS, AND PATHOLOGY

1 RESIDENTS, AND FELLOWS. AFTER THAT I LEFT AND WENT  
2 INTO PRIVATE PRACTICE AT RICHLAND PRACTICING FORENSIC  
3 PATHOLOGY. I'M BOARD CERTIFIED BY THE AMERICAN BOARD  
4 OF PATHOLOGY IN ANATOMIC AND FORENSIC PATHOLOGY. I  
5 CURRENTLY HOLD AN UNRESTRICTED LICENSE TO PRACTICE  
6 MEDICINE AND SURGERY IN THE STATE OF SOUTH CAROLINA.

7 THE COURT: I'M GOING TO ASK YOU TO SLOW  
8 DOWN A LITTLE BIT.

9 A I'M SORRY. IN ADDITION, I ALSO TEACH COURSES IN  
10 CHILD ABUSE AT THE NATIONAL ADVOCACY CENTER IN  
11 COLUMBIA.

12 Q DOES PART OF YOUR PROFESSION AND EXPERIENCE  
13 INCLUDE PERFORMANCE OF AUTOPSIES?

14 A THAT IS MY JOB, YES, SIR.

15 Q AND HOW LONG HAVE YOU BEEN PERFORMING AUTOPSIES,  
16 DOCTOR?

17 A DONE MY FIRST AUTOPSY IN 1982 AS A SECOND YEAR  
18 MEDICAL STUDENT.

19 Q AND DOCTOR, HAVE YOU QUALIFIED AS AN EXPERT TO  
20 TESTIFY IN CRIMINAL OR CIVIL PROCEEDINGS IN THE STATE  
21 OF SOUTH CAROLINA?

22 A NUMEROUS TIMES.

23 Q AND HAVE YOU TESTIFIED FOR THE PROSECUTION  
24 BEFORE?

25 A MOST OF THE TIMES I DO.



1 Q AND HAVE YOU TESTIFIED FOR THE DEFENSE?

2 A RARELY, BUT, YES, I HAVE.

3 Q ALL RIGHT, SIR.

4 MR. BAITY: YOUR HONOR, AT THIS TIME I  
5 WOULD OFFER HIM AS AN EXPERT IN FORENSIC PATHOLOGY.

6 THE COURT: ANY VOIR DIRE BY THE STATE.

7 MR. THOMPSON: WITHOUT OBJECTION.

8 MR. GREELEY: WITHOUT OBJECTION.

9 THE COURT: I FIND HE'S QUALIFIED.

10 MR. BAITY: THANK YOU, YOUR HONOR.

11 Q DR. NICHOLS, COULD YOU EXPLAIN TO US THE

12 MATERIALS THAT YOU HAVE BEEN PROVIDED RELEVANT TO

13 THIS CASE FOR YOUR EXAMINATION?

14 A I'VE BEEN PROVIDED THE AUTOPSY REPORT ON AMANDA  
15 COPE. I WAS PROVIDED THE TESTIMONY OF DR. MAYNARD  
16 FROM A FAMILY COURT HEARING. I ALSO RECEIVED A VIDEO  
17 TAPE OF THE CONFESSIONS OF MR. COPE AND ALSO THE  
18 STATEMENTS OF THE CONFESSION. AND THE MICROSCOPE  
19 SLIDES FROM DR. MAYNARD.

20 Q SO YOU ACTUALLY HAD THE MICROSCOPIC SLIDES THAT

21 WERE CREATED FROM THE AUTOPSY?

22 A THAT'S CORRECT.

23 Q AND DID YOU ALSO VIEW THE CRIME SCENE PHOTOS AND

24 THE AUTOPSY PHOTOS?

25 A YES, I DID.

1 Q THEY WERE FAIRLY NUMEROUS, IS THAT CORRECT?

2 A YES, THEY WERE.

3 Q DOCTOR, DID YOU STUDY THE MATERIAL THAT WAS  
4 PROVIDED TO YOU?

5 A YES, I DID.

6 Q AND BY LOOKING AT THAT MATERIAL WERE YOU ABLE TO  
7 DETERMINE FOR YOUR OWN UNDERSTANDING THE LOCATION OF  
8 THE WOUNDS TO THE BODY OF AMANDA COPE?

9 A YES. DR. MAYNARD DID A VERY EXCELLENT JOB  
10 DOCUMENTING THE INJURIES.

11 THE COURT: I'M GOING TO REMIND YOU TO  
12 KINDLY SLOW DOWN A LITTLE BIT. THE COURT REPORTER  
13 HAS TO TAKE THIS DOWN.

14 A THANK YOU.

15 THE COURT: GO AHEAD.

16 Q AND WAS THE PATTERN OF THESE INJURIES, THESE  
17 BRUISES AND INJURIES THAT YOU NOTICED ON THE BODY OF  
18 AMANDA COPE, WERE THEY SUGGESTIVE OF AN ANGLE OF  
19 ATTACK TO THIS YOUNG LADY?

20 A YES, THEY WERE.

21 Q PLEASE TELL US WHAT ANGLE OF ATTACK YOU  
22 CONCLUDED OCCURRED IN THIS?

23 A ALMOST ALL THE SIGNIFICANT INJURIES OCCURRED  
24 FROM THE FRONT, THAT INCLUDE BRUISING TO THE SIDES OF  
25 THE HEAD, THE FACE, THE LIPS, THE CHEST, THE ABDOMEN,

1 AND OF COURSE, THE GENITAL AREAS.

2 Q DOCTOR, THE AUTOPSY REPORT REFERS TO A CAUSE OF  
3 DEATH, ARE YOU FAMILIAR WITH WHAT ITS CONCLUSIONS  
4 WERE?

5 A YES, I AM.

6 Q DO YOU AGREE WITH THOSE CONCLUSION?

7 A YES, I DO.

8 Q AND THOSE CONCLUSIONS WERE STRANGULATION AND  
9 BLUNT TRAUMA, IS THAT CORRECT?

10 A THAT'S CORRECT.

11 Q DID YOU SEE EVIDENCE OF BOTH?

12 A YES, I DID.

13 Q NOW CONCERNING THE STRANGULATION, DID IT APPEAR  
14 TO YOU TO BE BY HAND OR BY LIGATURE OR BY SOME OTHER  
15 MEANS?

16 A A LIGATURE WOULD LEAVE A PATTERN SUCH AS  
17 WHATEVER PATTERN THE LIGATURE WAS. IF A ROPE WERE  
18 USED OR BELT YOU WOULD SEE THE PATTERN OF THAT  
19 LIGATURE ON THE NECK. YOU COULD SEE THAT THERE WAS A  
20 LARGE AMOUNT OF HEMORRHAGE ON THE LEFT SIDE OF THE  
21 NECK AND VERY LITTLE ON THE RIGHT SIDE OF THE NECK.  
22 THIS INDICATES TO ME THAT PRESSURE WAS APPLIED MORE  
23 TO THE LEFT SIDE SUCH AS WITH A RIGHT HAND AND A  
24 THUMB GOING OVER TO THE RIGHT SIDE CAUSING A MINOR  
25 DEGREE OF HEMORRHAGE, SO IT APPEARS TO ME TO BE A ONE

1 HANDED STRANGULATION.

2 Q IS THERE ANY EVIDENCE THAT YOU SAW IN THE  
3 AUTOPSY PHOTOS OR IN ANY OTHER MATERIAL THAT YOU WERE  
4 PROVIDED THAT INDICATED THAT THERE WAS MORE THAN ONE  
5 HAND USED IN THIS STRANGULATION?

6 A NO, ONCE AGAIN, THE PATTERN IS VERY ASYMMETRIC.  
7 YOU HAVE FOUR FINGERS ON ONE SIDE, A THUMB ON THE  
8 OTHER, A LARGE AMOUNT OF HEMORRHAGE WHERE THE GRIP  
9 WAS APPLIED TO THE LEFT SIDE OF THE NECK. A MINIMAL  
10 AMOUNT OF HEMORRHAGE WHERE THE THUMB WAS APPLIED TO  
11 THE OPPOSITE SIDE OF THE NECK.

12 Q DOCTOR, WAS THERE ANY EVIDENCE OF AN ATTACK FROM  
13 THE REAR OF THIS, ON THIS POOR YOUNG LADY?

14 A NO. IN FACT, DR. MAYNARD I BELIEVE SAYS THAT  
15 THE BACK IS UNREMARKABLE. IT'S INTACT. THERE IS NO  
16 EVIDENCE OF BRUISING. IN FACT, EVEN AFTER THE HEAD  
17 WAS EXAMINED, THERE WERE NO INJURIES TO THE SCALP  
18 UNDERNEATH.

19 Q AND DOCTOR, I WOULD ASK YOU IF AN ALMOST 400  
20 POUND MAN LEAPED ON TO THE BACK OF THIS YOUNG LADY,  
21 DO YOU THINK THAT THAT ALONE WOULD HAVE LEFT SOME  
22 TYPE OF MARKINGS ON HER?

23 A ANY ADULT JUMPING ON THE BACK OF A CHILD WOULD  
24 PROBABLY LEAVE SOME DEGREE OF MARK. A 400 POUND MAN  
25 WOULD CLEARLY LEAVE A MARK OF SOME SORT.

1 Q AND DID YOU SEE ANY EVIDENCE OF ANY FIST BLOWS  
2 OR ANY KIND OF POUNDING OR BEATING ON THE BACK SIDE,  
3 PARTICULARLY THE BACK OF AMANDA COPE?

4 A NO, ONCE AGAIN THERE IS NO INJURY TO THE BACK.

5 Q DOCTOR, IN STUDYING THE AUTOPSY REPORT DID YOU  
6 SEE ANY REFERENCE THEREIN OR DID YOU SEE ANY OTHER  
7 EVIDENCE IN THE PHOTOGRAPHS OR ANYTHING ELSE OR IN  
8 THE SLIDES YOU EXAMINED OF ANY FECAL MATTER IN THE  
9 VAGINA?

10 A NO. IN FACT, THERE IS NO REFERENCE TO THAT AND  
11 THERE WAS NO VISCERAL MATTER WHICH WOULD BE  
12 INDICATIVE OF FECAL MATTER IDENTIFIED DURING THE  
13 MICROSCOPE EXAMINATION.

14 Q NOW DOCTOR, IF A, IF AN OBJECT, FOR EXAMPLE A  
15 BROOM, WERE INSERTED FIRST INTO THE ANUS OF THIS  
16 PERSON AND THEN INSERTED INTO THE VAGINA, WOULD YOU  
17 EXPECT TO FIND ANY TRACE OF THAT INSERTION IN THE  
18 VAGINA?

19 A THAT WOULD BE CALLED TRANSFER WHERE FOREIGN  
20 MATERIAL FROM ONE PLACE IS TRANSFERRED TO ANOTHER AND  
21 IN THE CASE WHERE SOMETHING LIKE A BROOM HANDLE IS  
22 USED, YOU WOULD EXPECT SOME DEGREE OF TRANSFER OF  
23 FECAL MATERIAL, YES.

24 Q AGAIN I WOULD ASK YOU, DID YOU SEE ANY EVIDENCE  
25 OF TRANSFER THAT YOU JUST DESCRIBED?

1 A NO, I DID NOT.

2 Q DR. NICHOLS, I'M SURE YOU NOTED DR. MAYNARD'S  
3 REFERENCE TO INJURIES TO THE PANCREAS AND THE SPLEEN?

4 A YES, I DID.

5 Q DID THESE INJURIES AGAIN FROM THE MATERIALS YOU  
6 STUDIED, THE AUTOPSY REPORTS, THE PHOTOS, OF BOTH THE  
7 AUTOPSY AND THE CRIME SCENE, DID THESE INJURIES SHOW  
8 ANY INDICATION OF A DIRECTION OF ATTACK?

9 A ONCE AGAIN THIS APPEARS TO BE A FRONTAL ATTACK,  
10 THAT SINCE THERE ARE NO INJURIES TO THE BACK AND  
11 THERE ARE DEFINITE INJURIES TO THE FRONT OF THE  
12 AMANDA, THAT THIS INDICATES THAT BOTH THE PANCREATIC  
13 INJURY, THERE IS ALSO SOMETHING CALLED A MESSENTERY  
14 TEAR WHICH IS CONNECTIVE TISSUE THAT HOLDS TOGETHER  
15 THE INTESTINES THAT WAS TORN, AND THE SPLINTER  
16 HEMATOMA OR THE SMALL LACERATION TO THE SPLEEN THAT  
17 INDICATES THAT THAT WAS AT LEAST A FRONTAL ATTACK AND  
18 MAYBE PERHAPS A SIDE ATTACK.

19 THE COURT: REMEMBER, SLOW DOWN NOW.

20 A YES, SIR. I APOLOGIZE.

21 Q AND JUST TO MAKE SURE. THOSE INJURIES THAT YOU  
22 SAW CAME EITHER FROM THE FRONT OR THE SIDES, IS THAT  
23 WHAT YOU JUST SAID?

24 A THAT'S CORRECT.

25 Q ALL RIGHT. DR. NICHOLS, I'M SURE YOU SAW IN THE

1       AUTOPSY REPORT A NOTATION OF MILD CHRONIC  
2       INFLAMMATION OF THE VAGINA, DO YOU RECALL THAT?

3       A       YES, I DO.

4       Q       COULD YOU GIVE THE LADIES AND GENTLEMEN OF THE  
5       JURY A DIFFERENTIAL DIAGNOSIS OF THE CAUSES OF THAT  
6       INFLAMMATION?

7       A       WHAT WE'RE TALKING ABOUT HERE IS A TYPE OF  
8       INFLAMMATION KNOWN AS CHRONIC INFLAMMATION THAT'S  
9       CHARACTERIZED BY TWO DIFFERENT TYPES OF WHITE CELLS  
10      KNOWN AS LYMPHOCYTES AND PLASMA CELLS.

11      Q       SLOW DOWN PLEASE.

12      A       PLASMA CELLS.  AND WHAT THIS INDICATES IS A MILD  
13      CHRONIC IRRITATION OF SOME SORT.  PROBABLY BE LISTED  
14      AS CHRONIC VAGINITIS.  THIS COULD BE ANYTHING FROM  
15      FEMININE HYGIENE PRODUCTS TO SOME SORT OF OTHER  
16      CHRONIC IRRITATION PERHAPS EVEN POOR HYGIENE COULD  
17      CAUSE SOMETHING OF THIS NATURE.

18      Q       COULD AN ALLERGY OF SOME TYPE BE THE CAUSE OF  
19      THAT AS WELL?

20      A       AN ALLERGY IS POSSIBLE, BUT I PUT THAT DOWN ON  
21      THE LIST, YES, SIR.

22      Q       NOW COULD SEXUAL ABUSE BE THE CAUSE OF THIS TYPE  
23      OF INFLAMMATION?

24      A       SEXUAL ABUSE WOULD CAUSE NOT CHRONIC IRRITATION  
25      BUT ACCUMULATION OF ACUTE INJURY.  DURING SEXUAL

1 INTERCOURSE HAVING ACUTE INJURY THAT WOULD BE  
2 REPEATED OVER A PERIOD OF TIME WOULD GIVE A DIFFERENT  
3 INFLAMMATORY MIXTURE THAT WOULD CAUSE NEUTROPHILS TO  
4 SHOW UP. THAT IS THE FIRST TYPE OF INFLAMMATORY CELL  
5 AND IT'S THE TYPE OF CELL THAT OFTEN FORMS PUSS AT  
6 THE SITE OF INJURY AND I DIDN'T SEE ANY EVIDENCE OF  
7 NEUTROPHILS HERE OR ANY EVIDENCE OF REPEATED ACUTE  
8 INJURY THAT WOULD INDICATE CHRONIC SEXUAL ABUSE.

9 Q NOW LET ME MAKE SURE THAT YOU UNDERSTAND WHAT MY  
10 QUESTION WAS. DID YOU SEE ANY EVIDENCE OF CHRONIC,  
11 NOW I DON'T MEAN JUST RAPE, BUT OF CHRONIC SEXUAL  
12 ABUSE?

13 A NO.

14 Q THAT WOULD BE SEXUAL ABUSE THAT OCCURRED BEFORE?

15 A NO.

16 Q AND YOU IN FACT SAW A PATTERN OF INFLAMMATION  
17 THAT WOULD BE DIFFERENT FROM CHRONIC SEXUAL ABUSE?

18 A THAT IS CORRECT.

19 Q WITH RESPECT TO AMANDA'S ANUS?

20 A YES.

21 Q DR. MAYNARD ALSO IN HIS AUTOPSY REPORT INDICATED  
22 THAT HE FOUND SOME CHRONIC INFLAMMATION THERE TOO, IS  
23 THAT CORRECT?

24 A YES, SIR.

25 Q AND AGAIN COULD YOU GIVE US A, THE DIFFERENTIAL



1       DIAGNOSIS OF POSSIBLE CAUSE OF THAT INFLAMMATION,  
2       SIR?

3       A       ONCE AGAIN SOME SORT OF CHRONIC IRRITATION,  
4       DEFECATION THAT WAS DIFFICULT, SOMETIMES EVEN  
5       DIARRHEA, AND ONCE AGAIN POOR HYGIENE MIGHT BE CAUSES  
6       OF THIS.

7       Q       NOW DOCTOR, COULD SEXUAL ABUSE, WOULD YOU  
8       BELIEVE THAT SEXUAL ABUSE COULD HAVE CAUSED THAT TYPE  
9       OF INFLAMMATION NOTED?

10      A       NO, ONCE AGAIN IT WOULD BE A DIFFERENT MIXTURE  
11      AND YOU WOULD HAVE THE NEUTROPHILS CELLS BEING  
12      REPEATED WITH THE CHRONIC INFLAMMATORY CELLS, THE  
13      MIXTURE WOULD BE DIFFERENT.

14      Q       AGAIN I WANT TO MAKE SURE THAT WE UNDERSTAND  
15      THIS. I'M NOT TALKING ABOUT THE HORRIBLE THINGS THAT  
16      HAPPENED TO THAT YOUNG LADY ON THE NIGHT IN QUESTION.  
17      I'M TALKING ABOUT THINGS THAT HAPPENED BEFORE THEN.  
18      WAS THERE ANY EVIDENCE THAT ACTIVITY OF THAT TYPE WAS  
19      BEING CARRIED ON?

20      A       NO.

21      Q       AND AGAIN THE INFLAMMATION PATTERN WAS DIFFERENT  
22      FROM WHAT YOU WOULD HAVE EXPECTED IN THAT CASE?

23      A       THAT'S CORRECT.

24      Q       DOCTOR, WITH RESPECT TO THE HYMEN THAT DR.  
25      MAYNARD WAS LOOKING FOR IN AMANDA?

1 A YES.

2 Q I BELIEVE THAT YOU AGREE WITH ME THAT THE  
3 AUTOPSY REPORT STATES THAT THERE WAS NONE FOUND.

4 A THAT'S CORRECT.

5 Q AND NOT ONLY WAS THE HYMEN NOT FOUND BUT NO  
6 REMNANTS AND NO SCARING, WOULD YOU AGREE THAT THAT'S  
7 A FAIR RECITATION OF THE AUTOPSY REPORT?

8 A THAT'S MY UNDERSTANDING, YES.

9 Q DO YOU FIND THAT TO BE NORMAL OR UNUSUAL OR?

10 A NO, THAT IS SOMEWHAT UNUSUAL BECAUSE EVEN THOUGH  
11 HYMEN'S MAYBE RUPTURED AND ESPECIALLY DURING  
12 INTERCOURSE, THAT'S KIND OF THE CLASSIC SIGN OF  
13 VIRGINITY THAT HYMENS DO RUPTURE BUT THE REMNANTS ARE  
14 STILL AROUND. WOMEN WHO GIVE CHILDREN STILL HAVE  
15 HYMENS AND TO SAY THAT NO HYMEN WAS IDENTIFIED WOULD  
16 BE VERY, VERY, VERY UNUSUAL.

17 Q WELL NOW DOCTOR, WHAT COULD ACCOUNT THEN FOR NO  
18 HYMEN, NO SCARING, NO REMNANTS, OR NO NOTHING?

19 A A COUPLE OF THINGS. FIRST OF ALL THE HYMEN IS A  
20 PIECE OF TISSUE THAT VARIES IN ITS APPEARANCE AND  
21 THICKNESS BASED ON THE MENSTRUAL CYCLE. AT TIMES IT  
22 BECOMES VERY INCONSPICUOUS. AT OTHER TIMES IT'S  
23 THICKER AND MORE CONSPICUOUS. AND ALSO THE FACT  
24 THAT, IN ALL HONESTY, THE VAGINAL AREA AMANDA WAS A  
25 MESS AS A RESULT OF HER BRUTAL RAPING AND IT WOULD BE

1           VERY DIFFICULT EVEN FOR ME LOOKING AT IT TO FIND THIS  
2           REMNANT. IT WOULD BE EASY TO MISS AND I WOULD ADMIT  
3           THAT I WOULD PROBABLY MISS IT.

4           Q     YOU BELIEVE IT MIGHT HAVE BEEN MISSED IN THIS  
5           EXAMINATION.

6           A     I BELIEVE IT WAS THERE IT JUST WASN'T  
7           IDENTIFIED.

8           Q     CONCERNING THE TRAUMATIC DAMAGE TO THE VAGINA,  
9           DOCTOR, I BELIEVE THE AUTOPSY REPORT NOTED A SMALL  
10          TEAR IN THE WALL OF THE VAGINA, IS THAT CORRECT?

11          A     YES.

12          Q     NOW THIS SMALL TEAR, JUST THAT PARTICULAR  
13          INJURY, WE'LL GET TO THE OTHERS LATER, BUT JUST THAT  
14          SMALL TEAR IN THE WALL OF THE VAGINA I BELIEVE IT WAS  
15          MAYBE THREE AND A HALF INCHES IF MEMORY SERVES, COULD  
16          THIS BE CAUSED BY A ERECT PENIS?

17          A     IT IS POSSIBLE IT COULD BE CAUSED BY ERECT  
18          PENIS, YES.

19          Q     IN YOUR PRACTICE AND IN YOUR EXPERIENCE IN  
20          INVESTIGATING RAPE CASES HAVE YOU SEEN TEARS OF THIS  
21          TYPE?

22          A     I'VE SEEN TEARS OF THE VAGINA AFTER FORCIBLE  
23          INSERTION OF THE PENIS, YES.

24          Q     AND THEN FURTHER UP INTO THE VAGINAL CAVITY I  
25          BELIEVE THE AUTOPSY REFERS TO OTHER INJURIES TO THE

1 UTERUS AND THE OVARIES, IS THAT CORRECT?

2 A THAT'S CORRECT.

3 Q ALL RIGHT. NOW THOSE INJURIES BASICALLY ARE  
4 BLOOD MASS, IS THAT CORRECT?

5 A YES, THERE IS AREAS OF HEMORRHAGE AROUND THAT  
6 AREA.

7 Q COULD AN INJURY OF THAT TYPE WHICH IS BASICALLY  
8 BLOOD SURROUNDING THE OVARIES AND UTERUS, COULD THAT  
9 BE CAUSED BY AN EXTERNAL BLOW TO THE ABDOMEN?

10 A YES, IT COULD. IN FACT, THERE IS ALREADY  
11 EVIDENCE OF INJURY OF EXTERNAL BLOWS TO THE ABDOMEN  
12 WITH THE TORN MESSENTERY, THE PANCREATIC INJURY.

13 Q SO THE SAME TYPE OF INJURY THAT YOU DESCRIBE AS  
14 PERHAPS BEING THE CAUSE OF THE INJURY TO THE SPLEEN  
15 AND THE PANCREAS, COULD HAVE CAUSED THIS SAME BLOOD  
16 MASS TO APPEAR NEAR THE OVARIES AND UTERUS?

17 A YES, SIR.

18 Q IF, DOCTOR, THESE INJURIES WERE NOT CAUSED BY AN  
19 EXTERNAL BLOW BUT WERE CAUSED BY THE PENETRATION OF  
20 THE VAGINA BY A BROOM OBJECT LET'S SAY?

21 A YES.

22 Q WHAT TYPE OF INJURY WOULD YOU EXPECT; WHAT TYPE  
23 OF, WHAT WOULD YOU EXPECT TO SEE THERE?

24 A IN THE SEVERAL CASES I'VE SEEN WHERE YOU HAVE  
25 VAGINAL OR WE'LL GET TO RECTAL PENETRATION BY AN

1       OBJECT IS OFTEN CATASTROPHIC INJURY.   OFTEN TIMES  
2       THERE IS PERFORATION OF THE VAGINAL WALL WITH  
3       INSERTION OF A FOREIGN OBJECT ALL THE WAY INTO THE  
4       ABDOMEN AND SOMETIMES EVEN HIGHER AND YOU WOULD  
5       EXPECT A LOT MORE DAMAGE THAN WHAT WAS IDENTIFIED  
6       DURING AMANDA'S AUTOPSY.

7       Q     AND DOCTOR, MAKE SURE WHEN YOU SAY PERFORATION  
8       WHAT DO YOU MEAN BY THAT?

9       A     I MEAN THE BROOM STICK WOULD GO RIGHT THROUGH  
10      THE WALL, ALL THE WAY UP INTO HER, NEAR HER LIVER AND  
11      PROBABLY THROUGH IT.

12     Q     ALL RIGHT.   AND DID YOU SEE ANY SUCH WOUND ON  
13      AMANDA?

14     A     NO.

15     Q     IF A 400 POUND MAN WAS VIOLENTLY THRUSTING A  
16      BROOM INTO THIS POOR YOUNG LADY'S VAGINA, IS IT YOUR  
17      TESTIMONY THAT YOU WOULD EXPECT TO SEE THE  
18      PERFORATION OF HER VAGINA?

19     A     YES.

20     Q     AND YOU DID NOT NOTE THAT ON THE AUTOPSY OR ON  
21      THE AUTOPSY REPORT?

22     A     THAT'S CORRECT.

23     Q     CONCERNING THE INJURY TO HER ANUS, DR. NICHOLS,  
24      THE AUTOPSY REPORT ESTIMATED A PENETRATION OF  
25      SOMETHING SIX TO EIGHT INCHES?

1 A YES, SIR.

2 Q INTO HER ANUS, IS THAT CORRECT?

3 A THAT'S CORRECT.

4 Q AND THAT'S NOT AN EXACT MEASUREMENT BECAUSE OF  
5 WHERE IT IS LOCATED?

6 A THAT'S CORRECT. THE ANUS AND RECTUM CURVE  
7 AROUND AND SOMETIMES IT MIGHT BE STRAIGHT DOWN AND  
8 SOMETIMES IT MIGHT BE CURVED AND I CERTAINLY WOULD  
9 ESTIMATE A DISTANCE AS WELL.

10 Q ALL RIGHT, SIR. NOW COULD THIS INJURY BE CAUSED  
11 BY AN ERECT PENIS?

12 A IT'S POSSIBLE, YES. IT'S ABOUT THE RIGHT SIZE.

13 Q NOW IF A 400 MAN HAD VIOLENTLY THRUST A BROOM  
14 INTO THE ANUS, WHAT TYPE OF INJURY WOULD YOU BE  
15 LOOKING FOR IN THAT CASE?

16 A ONCE AGAIN A LOT MORE CATASTROPHIC INJURY, THAT  
17 THE BROOM WOULD CAUSE A LOT OF DAMAGE, AND ONCE AGAIN  
18 THE RISK OF PERFORATION WOULD BE VERY GREAT, AND WITH  
19 THE SIZE OF THE DEFENDANT, I WOULD EXPECT A  
20 PERFORATION.

21 Q DID YOU SEE ANY EVIDENCE OF ANY PERFORATION OF  
22 AMANDA COPE'S ANUS?

23 A NO.

24 Q WAS THAT NOTED ANYWHERE IN THE AUTOPSY REPORT?

25 A NO.

1 Q DOCTOR, IN EVIDENCE, WHAT'S BEEN PLACED IN  
2 EVIDENCE IN THIS CASE IS A FOUR AND A HALF, FIVE AND  
3 A HALF INCH DILDO THAT WAS RECOVERED FROM THE HOME?

4 A YES.

5 Q COULD THAT DILDO HAVE CAUSED THIS DAMAGE?

6 A FOUR AND A HALF TO FIVE AND A HALF INCHES IS NOT  
7 SIX TO EIGHT INCHES, SO IT CERTAINLY WOULD NOT FIT  
8 THE PATTERN.

9 Q AND DOCTOR, THIS WAS AN UP CLOSE ATTACK WOULD  
10 YOU AGREE WITH ME?

11 A YES, RAPE AND BEATINGS SUCH AS THIS --

12 MR. THOMPSON: I OBJECT TO LEADING.

13 THE COURT: I SUSTAIN THE OBJECTION. JUST  
14 REPHRASE YOUR QUESTION.

15 MR. BAITY: YES, SIR.

16 Q WHAT TYPE OF ATTACK WOULD YOU DESCRIBE THIS AS?

17 A THIS IS A VERY PERSONAL ATTACK WHERE THE  
18 ASSAILANT HAS TO BE IN PHYSICAL CONTACT WITH THE  
19 VICTIM.

20 Q AND IN THIS TYPE OF PERSONAL OR UP CLOSE ATTACK  
21 WHAT WOULD YOU BE LOOKING FOR IN THE WAY OF EVIDENCE  
22 AT THE CRIME SCENE OR IN OTHER PLACES THAT WOULD BE  
23 INDICATIVE OF THIS TYPE OF ATTACK?

24 A WHAT YOU WOULD BE LOOKING FOR IS A TYPE OF  
25 TRANSFER OF TRACE EVIDENCE FROM THE VICTIM TO THE

1       ASSAILANT AND FROM ASSAILANT TO THE VICTIM.  THINGS  
2       SUCH AS BLOOD, SEMEN, HAIR, AND POSSIBLY FIBERS WOULD  
3       BE THINGS THAT YOU WOULD NORMALLY LOOK FOR.

4       Q     DOCTOR, IF A MAN WERE TO HAVE MASTURBATED EITHER  
5       INTO A TOWEL OR NOT INTO ONE AND THEN GONE --

6                 MR. THOMPSON:  OBJECTION AS TO LEADING,  
7       YOUR HONOR.

8                 THE COURT:  HE'S GIVING A HYPOTHETICAL.  I  
9       OVERRULE THE OBJECTION.

10                MR. BAITY:  THANK YOU, YOUR HONOR.

11       Q     IF A MAN WAS TO HAVE MASTURBATED INTO A TOWEL OR  
12       NOT INTO A TOWEL AND THEN GONE TO BED LATER?

13       A     UH-HUH.

14       Q     WHAT WOULD YOU EXPECT TO FIND IN HIS UNDERWEAR  
15       THE NEXT DAY?

16       A     YOU'D PROBABLY FIND THE DRIED REMNANTS OF THE  
17       DROPS OR DROPLETS THAT, FROM THE EJACULATION THAT  
18       OFTEN TIMES THERE IS A LEAKAGE OF FLUID FOR AN HOUR  
19       OR SO AFTER A PERSON EJACULATES.

20       Q     DOCTOR, YOU'VE ALREADY SAID THAT YOU AGREED WITH  
21       THE AUTOPSY AND DR. MAYNARD'S REPORT AT THE  
22       CONCLUSION OF THAT DEATH WAS CAUSED BY STRANGULATION  
23       AND BLUNT TRAUMA, CORRECT?

24       A     YES.

25       Q     WOULD IT BE POSSIBLE IN A MURDER THAT CAME AS A



1 RESULT OF STRANGULATION OF THE TYPE THAT YOU NOTED.

2 A UH-HUH.

3 Q AND THE BLUNT TRAUMA THAT YOU NOTED TAKING INTO  
4 ACCOUNT THE WOUNDS THAT YOU NOTED, WOULD IT BE  
5 POSSIBLE THAT AN ATTACKER WHO STRANGLED THIS POOR  
6 GIRL COULD HAVE SILENCED HER IMMEDIATELY?

7 A COMPRESSION OF THE TRACHEA BY HAND WOULD STOP  
8 THE FLOW OF AIR COMING FROM THE MOUTH OVER THE VOCAL  
9 CHORDS INTO THE LUNGS, DURING THE COURSE OF  
10 COMPRESSION OF THE TRACHEA THERE WOULD BE NO EFFORT  
11 TO MAKE A SOUND, IT WOULD BE IMPOSSIBLE BECAUSE THERE  
12 WOULD BE NO AIR FLOW OVER THE VOCAL CHORDS.

13 Q DOCTOR, IF AMANDA WERE, WERE SILENCED IN THAT  
14 WAY AND HIT OVER THE HEAD AND LOST CONSCIOUSNESS FOR  
15 EXAMPLE, COULD SHE, WOULD SHE STILL HAD A HEART BEAT  
16 AFTER THAT?

17 A YES.

18 Q FINALLY, DOCTOR, IS THERE ANY INDICATION IN THE  
19 AUTOPSY REPORT AS TO WHAT THIS YOUNG LADY HAD FOR  
20 SUPPER?

21 A I BELIEVE DR. MAYNARD IDENTIFIED PARTIALLY  
22 DIGESTED RICE, PEAS, AND CORN. EXCUSE ME, CARROTS.

23 Q THANK YOU.

24 MR. BAITY: COURT'S INDULGENCE, YOUR  
25 HONOR.

1 Q PLEASE ANSWER ANY QUESTIONS THE OTHER LAWYERS  
2 WOULD HAVE.

3 CROSS EXAMINATION BY MR. THOMPSON:

4 Q GOOD AFTERNOON, DOCTOR.

5 A GOOD AFTERNOON.

6 Q NOW YOU WOULD AGREE WITH ME THAT IN PERFORMING  
7 THE AUTOPSY THE PATHOLOGIST WHO ACTUALLY PERFORMS IT  
8 IS THERE IS IN THE BEST POSITION TO SEE WHAT'S  
9 ACTUALLY GOING ON WITH THE BODY, IS THAT NOT CORRECT?

10 A OH, ABSOLUTELY AND ONCE AGAIN DR. MAYNARD DID A  
11 VERY GOOD AUTOPSY AND PEOPLE OF YORK COUNTY SHOULD BE  
12 VERY PLEASED TO HAVE HIS SERVICES.

13 Q ALL RIGHT. AND IN ADDITION THE, EVEN WITH  
14 PHOTOGRAPHS IT'S MUCH BETTER TO BE THERE BECAUSE  
15 PHOTOGRAPHS CAN BE HARD TO TELL THINGS ON SOMETIMES,  
16 CORRECT?

17 A YES.

18 Q OKAY. NOW YOU'VE EXAMINED THE PHOTOGRAPHS IN  
19 THIS, RIGHT?

20 A THAT'S CORRECT.

21 Q AND BEFORE I GET INTO THAT THOUGH LET ME TOUCH  
22 THIS JUST BRIEFLY. NOW YOU WERE TALKING ABOUT SOME  
23 OF THE INJURIES AND WHETHER THEY WERE CAUSED FROM THE  
24 FRONT OR THE BACK. NOW THE INJURY TO THE HEAD,  
25 THAT'S MOSTLY WITHIN THE INTERIOR OF THE HEAD, IS IT

1 NOT?

2 A WELL, IT'S TO THE FRONT UP HERE AND TO THE  
3 SIDES, PLUS SHE HAD, I FORGET WHICH SIDE, A BLOODIED  
4 EYE, I THINK THE LEFT, AND A BUSTED LIP.

5 Q BUT THE BLOODY EYE WAS ACTUALLY INSIDE THE EYE?

6 A NO, I THINK IT WAS ON THE OUTSIDE. IF YOU HAVE  
7 A PICTURE, I THINK I CAN REVIEW THAT.

8 Q I BELIEVE WE DO. LET ME. HERE'S SOME THAT ARE  
9 ALREADY IN EVIDENCE STATE'S EXHIBIT 25, 24, 26, AND  
10 27 I BELIEVE. NOW THESE ALL DON'T SHOW HER FACE BUT  
11 SOME OF THEM DO AT THE ACTUAL CRIME SCENE.

12 A HAVE THESE BEEN PUBLISHED TO THE JURY.

13 Q YES, THEY HAVE?

14 A OKAY. NO, THEY HAVE NOT.

15 Q OKAY. SO THE, YOU DON'T SEE?

16 A I MAY POINT TO DR. MAYNARD'S AUTOPSY, SAYS  
17 EXAMINATION OF THE EYE REVEALS A LARGE OF SCLERA  
18 HEMORRHAGE.

19 THE COURT: SLOW DOWN.

20 A UP TO A HALF CENTIMETER IN SIZE.

21 Q AND THAT'S HEMORRHAGE WITHIN THE EYE?

22 A WELL, IT'S A HEMORRHAGE ON THE SURFACE OF THE  
23 EYE MUCH LIKE A BRUISE IS ON THE SURFACE OF THE SKIN.

24 Q ALL RIGHT. SO NOT NECESSARILY ONE YOU WOULD SEE  
25 FROM JUST LOOKING AT HER WITH HER EYES CLOSED?

1 A THAT'S CORRECT.

2 Q OKAY. NOW ISN'T IT POSSIBLE, DOCTOR, THAT OF  
3 COURSE THOSE INJURIES COULD BE CAUSED BY SOMEONE IN  
4 THE FRONT BEING ---

5 A I'M SORRY. WHEN YOU WALKED AWAY I COULDN'T HEAR  
6 YOU.

7 Q ISN'T IT POSSIBLE THAT THOSE INJURIES COULD OF  
8 COURSE BE CAUSED BY SOMEONE ON TOP OF THE PERSON  
9 FACING EACH OTHER SMACKING HER BACK AND FORTH?

10 A HOW DO YOU GET TO THE FRONT OF THE FACE?

11 Q WELL, AS YOU SMACK THE FACE TURNS SOMETIMES ONE  
12 WAY AND THEN --

13 A SO YOU HAVE THESE BIG SMACKS GOING BACK AND  
14 FORTH TO THE FRONT AND SIDES AND THE WHOLE BACK WHICH  
15 IS DIRECTLY IN FRONT OF YOU IS IGNORED.

16 Q NO. NO. I'M TALKING ABOUT WHILE FACING YOU.  
17 I'M NOT SAYING THAT THEY ARE ON THEIR STOMACH?

18 A OKAY.

19 Q THE PERSON THAT YOU ASSAULT IS ON THEIR BACK?

20 A RIGHT, BUT THEN IF THE VICTIM'S ON THE BACK AND  
21 THE PERSON IS ON THE BACK OF THEM.

22 Q NO. NO. I THINK YOU MISUNDERSTAND WHAT I AM  
23 SAYING.

24 THE COURT: JUST START OVER.

25 A OKAY.

1 Q IF THE VICTIM IS LYING ON HER BACK FACING UP?  
2 A OKAY.  
3 Q AND THE ASSAILANT STRADDLES THAT VICTIM, ISN'T  
4 IT CONSISTENT WITH THE INJURIES SHE HAD TO HER HEAD  
5 THAT SOMEONE IS SMACKING HER BACK AND FORTH?  
6 A SMACKING OR PUNCHING, YES, SIR.  
7 Q OKAY. AND DOING THAT WOULDN'T NECESSARILY CAUSE  
8 INJURIES TO YOUR HAND, WOULD IT?  
9 A WHOSE HANDS?  
10 Q THE ASSAILANT'S HANDS?  
11 A IT MAY, YES.  
12 Q IT MAY, BUT IT WOULDN'T NECESSARILY?  
13 A NO.  
14 Q AND SMACKS LIKE THAT WOULD BE RATHER HARD  
15 SMACKS, WOULD THEY NOT?  
16 A THEY WOULD HAVE TO BE HARD, YES.  
17 Q SO THEY WOULD MAKE NOISE WHEN THOSE SMACKS  
18 OCCURRED?  
19 A IF THE SMACKS WERE MADE LIKE THAT, YES.  
20 Q OKAY. NOW THE INJURY YOU HAD MENTIONED THAT, I  
21 BELIEVE THESE INJURIES ARE CONSISTENT WITH AN ASSAULT  
22 FROM THE FRONT, COULD THEY NOT ALSO BE CONSISTENT  
23 WITH, AT LEAST SOME OF THE INJURIES FOR INSTANCE TO  
24 THE SPLEEN, COULD THAT NOT BE CONSISTENT WITH AN  
25 ATTACK FROM THE SIDE OR THE BACK?

1 A I THINK MAINLY THE SIDE AND THE FRONT.

2 Q THE SIDE?

3 A ONCE AGAIN IF YOU PUNCH SOMEBODY IN THE BACK  
4 IT'S GOING LEAVE A BRUISE. THERE IS NO PHOTOGRAPH IN  
5 EVIDENCE OF ANY SORT OF INJURY TO THE BACK AND DR.  
6 MAYNARD EVEN SAID THE BACK IS ENTACT AND  
7 UNREMARKABLE, SO THERE IS NO EVIDENCE OF A BLOW TO  
8 THE BACK.

9 Q RIGHT. BUT NOW SOME OF THE INJURIES THAT YOU  
10 SAID COULD HAVE BEEN CAUSED FROM THE FRONT ON THE  
11 STOMACH.

12 A YES.

13 Q THERE IS NO EXTERNAL BRUISING NECESSARILY THAT  
14 SHOWS THOSE EITHER?

15 A THAT'S CORRECT, BUT IT'S CLEARLY THE SOFT TISSUE  
16 ISSUE THAT SPEAKS TO THAT. THE RIBS DO NOT PROTECT  
17 THAT AREA.

18 Q NOW AS WELL THE INJURIES TO THE HEAD, NOW  
19 SOMEONE'S LYING, THE VICTIM LYING FACE DOWN, COULD  
20 SOME OF THOSE INJURIES TO THE HEAD HAVE OCCURRED FROM  
21 THE SAME TYPE OF ASSAULT, THE PERSON STRADDLING BUT  
22 THIS TIME THE VICTIM FACE DOWN AND THEN SMACKS TO THE  
23 SIDES OF THE HEAD?

24 A WELL, ONCE AGAIN YOU ARE TALKING ABOUT DIRECT  
25 BLOWS TO THE SIDE OF THE HEAD THE BEST TARGET BEING

1 THE BACK OF THE HEAD AND THE BACKS BEING IGNORED AND  
2 THEN SOMEHOW THE EYE AND THE LIP GET BUSTED AS WELL.

3 Q RIGHT, BUT I'M SAYING SOME OF THOSE INJURIES TO  
4 THE HEAD COULD HAVE BEEN CAUSED IN THAT MANNER,  
5 CORRECT?

6 A ONCE AGAIN IGNORING THE BEST TARGET, THAT'S  
7 CORRECT.

8 Q BUT WHAT I'M JUST ASKING YOU THAT, SOME OF THE  
9 THOSE COULD HAVE BEEN CAUSED THAT WAY?

10 A ONCE AGAIN, IGNORING THE BEST TARGET.

11 Q AND AS A MATTER OF FACT THE VICTIM COULD HAVE  
12 BEEN BOTH FACE DOWN DURING SOME OF THE ASSAULT AND  
13 FACE DOWN DURING SOME OF THE ASSAULT, IS THAT NOT  
14 CORRECT?

15 A I DO NOT SEE IT THAT WAY, SIR.

16 Q BUT IT'S POSSIBLE?

17 A I DON'T SEE IT THAT WAY. IF YOU WANT TO SAY  
18 IT'S POSSIBLE, THAT'S ALL THAT IS IS POSSIBLE, AND I  
19 THINK THE EVIDENCE CLEARLY SHOWS THAT THIS IS A  
20 FRONTAL ATTACK.

21 Q NOW YOU HAD MENTIONED AS WELL THE INJURY TO, I  
22 GUESS, RIGHT AROUND THE OVARIES?

23 A YES.

24 Q THAT THAT COULD BE CAUSED FROM THE OUTSIDE  
25 EXTERNAL?

1 A YES, IT COULD.

2 Q NOW THAT WOULD BE A GREAT BLOW THAT COULD COME  
3 DOWN ACTUALLY GOING SOMEWHAT WITHIN THE PELVIS TO  
4 INJURE HER IN THAT FORM OR FASHION, WOULDN'T IT?

5 A I THINK THAT ONCE AGAIN THERE IS EVIDENCE OF  
6 INTERNAL INJURY WITH THE LACERATED MESSENTERY, THE  
7 SPLEEN PROBLEM, PANCREATIC LACERATION, THAT ANOTHER  
8 BLOW WOULD CERTAINLY IN THE LOWER REGION WOULD CAUSE  
9 HEMORRHAGE OF THAT TYPE.

10 Q BUT THAT TYPE OF INJURY COULD ALSO BE CONSISTENT  
11 WITH SOMETHING BEING JAMMED UP HER VAGINA RATHER HARD  
12 AT THE RIGHT ANGLE, WOULDN'T IT?

13 A SUCH AS?

14 Q A BROOM OR ANOTHER, JUST A FOREIGN OBJECT OF  
15 SOME SORT?

16 A WELL, ONCE AGAIN THE EXPERIENCE I HAVE HAD WITH  
17 FOREIGN OBJECTS IS THAT THEY CAUSE A LOT MORE DAMAGE  
18 AND WITH SOMEBODY OF THE SIZE OF THE DEFENDANT WE  
19 WOULD EXPECT A PERFORATION. I WOULD EXPECT A  
20 PERFORATION.

21 Q WELL, WOULDN'T IT BE TRUE THEN THAT ANY  
22 DEFENDANT, NO MATTER WHAT THEIR SIZE, IF SOMEONE IS  
23 IN A POSITION, IN THAT POSITION AFTER BEING ASSAULTED  
24 IN THAT WAY, ANY MALE DEFENDANT WOULD PRETTY MUCH  
25 HAVE THE STRENGTH TO DO THE TYPE OF INJURY THAT YOU



1 ARE DESCRIBING?

2 A YES.

3 Q AND SO IT REALLY MATTERS AS TO HOW MUCH FORCE  
4 THEY USE AS TO WHAT TYPE OF INJURY RESULTS?

5 A TO A DEGREE, YES.

6 Q SO IT'S NOT UNCOMMON OR IT WOULDN'T BE  
7 UNREASONABLE THAT A FOREIGN OBJECT COULD HAVE BEEN  
8 USED LIKE A BROOM AND CAUSE THOSE EXACT INJURIES, IS  
9 IT?

10 A IT'S MY UNDERSTANDING OF HOW THE INJURIES  
11 OCCURRED FROM THE DEFENDANT'S CONFESSION THAT A GREAT  
12 DEAL OF FORCE WOULD HAVE BEEN USED.

13 Q AND THAT'S RELATIVE TO WHAT HE THINKS IS A GREAT  
14 DEAL OF FORCE, CORRECT?

15 A WELL, I BELIEVE HE SAID HE WAS ANGRY. I BELIEVE  
16 HE HAD A BROOM, USING A BROOM AS A WEAPON, AND I  
17 THINK ONCE AGAIN YOU WOULD SEE A LOT MORE DAMAGE AND  
18 LIKELIHOOD OF PERFORATION WOULD BE EXPECTED.

19 Q BUT THERE WAS A LOT OF DAMAGE, WAS THERE NOT?  
20 I?

21 A I'VE SEEN A LOT MORE, SIR.

22 Q I UNDERSTAND THAT.

23 A YES.

24 Q BUT THERE WAS A LOT OF DAMAGE?

25 A WELL, THE DEGREE OF DAMAGE WOULD BE IN EXCESS OF

1           WHAT WAS IDENTIFIED.

2           Q     THAT'S IF HE USED THAT DEGREE OF BRUTE FORCE?

3           A     AS INDICATED IN HIS CONFESSION, YES.

4           Q     NOW AS TO THE ANUS ITSELF, YOU SAW THE

5           PHOTOGRAPH OF THE INTERIOR OF THE ANUS AS IT WAS LAID

6           OUT?

7           A     YES, I DID.

8           Q     AND IT'S PRETTY MUCH THREE INCHES ON UP TO ABOUT

9           EIGHT BRUISED COMPLETELY THROUGHOUT THE ENTIRE ANUS?

10          A     YES.

11          Q     THAT TOO COULD BE VERY CONSISTENT WITH SOMEONE

12          JAMMING A BROOM UP INSIDE OF SOMEONE?

13          A     ONCE AGAIN IF A BROOM WAS USED IT WOULD GO

14          FURTHER THAN THAT, IT WOULD STRAIGHTEN OUT THE COLON,

15          AND YOU'D EXPECT A LOT MORE DAMAGE AND THE LIKELIHOOD

16          OF PERFORATION WOULD BE GREATER.

17          Q     BUT YOU'RE SAYING THAT BASED ON SOMEONE JUST

18          USING ALL THEIR STRENGTH TO DO IT, CORRECT?

19          A     I THINK EVEN HALF THE STRENGTH THE DEGREE OF

20          DAMAGE WOULD BE SIGNIFICANT.

21          Q     ARE YOU TAKING INTO ACCOUNT THAT THIS IS AN 8

22          YEAR OR A 12 YEAR OLD GIRL?

23          A     YES, I AM.

24          Q     AND THAT, ARE YOU AWARE THAT DR. MAYNARD SAID

25          THAT HER VAGINAL WALL ITSELF ONLY WENT THREE OR FOUR

1 INCHES UP?

2 A THAT'S CORRECT.

3 Q SO THE BRUISING WITHIN THE VAGINAL WALL IS  
4 BASICALLY AS HIGH UP AS IT GOES UNLESS AS YOU SAID  
5 YOU SO MUCH EXCESSIVE FORCE THAT YOU TEAR THROUGH  
6 THAT?

7 A BRUISE IT OR A LARGE PENIS BEING SIX TO SEVEN  
8 INCHES IN LENGTH.

9 Q BUT NOW THE LARGE PENIS WOULD NOT DO THE SAME  
10 TYPE OF DAMAGE TO THE ANUS THOUGH, WOULD IT?

11 A WOULD BE SIMILAR DAMAGE, YES. THE ANUS IS LESS  
12 ACCOMMODATING THAN A VAGINAL AREA.

13 Q HAVE YOU STUDIED IN NUMOLOGY?

14 A YES, I HAVE.

15 Q HAVE YOU SEEN DR. MAYNARD'S TESTIMONY FROM  
16 EARLIER IN THIS TRIAL, NOT FROM A PRIOR OCCASION BUT  
17 FROM EARLIER IN THIS TRIAL?

18 A IF THERE IS SOMETHING SPECIFIC YOU WANT ME TO  
19 ADDRESS I'LL BE HAPPY TO.

20 Q WELL, I'M JUST ASKING IF YOU HAD SEEN THAT?

21 A WELL, I DON'T KNOW WHAT PART.

22 Q I'M JUST SAYING FROM EARLIER IN THIS TRIAL HAVE  
23 YOU SEEN ANY OF HIS TESTIMONY?

24 A YES, I HAVE.

25 Q WHAT TESTIMONY HAVE YOU REVIEWED FROM THAT?

1 A I WAS ASKED TO LOOK, LET'S SEE, AREAS OF VAGINAL  
2 INJURY I BELIEVE.

3 Q OKAY. NOW AS FAR AS THE, AS FAR AS THE ANUS IS  
4 CONCERNED, SO YOUR TESTIMONY WOULD BE THAT A SIX OR  
5 SEVEN INCH PENIS COULD CAUSE THE INJURIES THAT  
6 RESULTED THERE AS WELL?

7 A YES.

8 Q NOW DID YOU NOTICE THE AREAS OF, THE AREAS, I  
9 DON'T WANT TO GET THE WRONG TERM, IT'S NOT  
10 NECESSARILY LIVOR MORTIS, BUT THE AREAS THAT SHOW  
11 LIVIDITY?

12 A YES, LIVOR MORTIS, YOU ARE CORRECT.

13 Q DID YOU NOTICE AREAS OF LIVIDITY ON HER BACK?

14 A I DON'T RECALL EXACTLY WHERE THEY WERE, BUT I'LL  
15 BE HAPPY TO REVIEW THEM.

16 Q OKAY.

17 A DR. MAYNARD DESCRIBES LEFT SIDE LIVOR MORTIS.

18 Q I'M SORRY. WHAT WAS YOUR ANSWER?

19 A DR. MAYNARD DESCRIBES FACIAL LIVOR MORTIS WHICH  
20 MEANS THE BLOOD IS SETTLING AROUND THE FACE AND ON  
21 THE LEFT SIDE.

22 Q OKAY. SO THAT'S AN INDICATION THAT SHE WAS FACE  
23 DOWN AT SOME TIME?

24 A FACE DOWN AND ON HER LEFT, YES.

25 Q AS WELL THERE WAS INDICATION OF LIVOR, OF

1 LIVIDITY ON HER BACK AS WELL, CORRECT?

2 A I DON'T SEE ANY INDICATION OF THAT.

3 Q ALL RIGHT. I'LL SHOW YOU A PHOTOGRAPH. THAT  
4 PHOTOGRAPH THERE.

5 A YES, SIR.

6 Q SO THERE IS SIGN OF LIVIDITY ON THE BACK AS  
7 WELL?

8 A NOT ACCORDING DR. MAYNARD.

9 Q I'M ASKING---

10 A AND ONCE AGAIN, HE'D BE THE BEST JUDGE SINCE HE  
11 DID THE INVESTIGATION.

12 Q ARE YOU AWARE THAT HE TESTIFIED THAT THERE WAS  
13 LIVIDITY ON THE BACK?

14 A HE IS NOT DOCUMENTING THAT ON HIS AUTOPSY  
15 REPORT.

16 Q I UNDERSTAND BUT THAT'S NOT MY QUESTION. DOES  
17 THAT APPEAR TO BE LIVIDITY ON HER BACK TO YOU?

18 A YES.

19 Q OKAY. SO THAT WOULD INDICATE SHE SPENT SOMETIME  
20 AFTER DEATH ON HER BACK AS WELL?

21 A YES.

22 Q NOW ARE YOU AWARE THAT DR. MAYNARD TESTIFIED  
23 THAT IT COULD NOT HAVE BEEN A PENIS THAT CAUSED THE  
24 INJURY TO THE ANUS AND ONE OF THE REASONS HE GAVE FOR  
25 THAT WAS THE LATERAL PRESSURE THAT WOULD HAVE BEEN

1 NEEDED TO CAUSE SOME OF THAT BRUISING?

2 A NO, I'M NOT.

3 MR. BAITY: OBJECTION, YOUR HONOR. I  
4 DON'T BELIEVE HE SAID IT COULDN'T HAVE BEEN. I DON'T  
5 BELIEVE THAT'S THE TESTIMONY.

6 THE COURT: WELL, HE'S GOT IT RIGHT THERE,  
7 DON'T YOU?

8 MR. THOMPSON: I DON'T HAVE THAT  
9 PARTICULAR STATEMENT. I'M JUST LOOKING AT NOTES THAT  
10 I HAVE HERE, YOUR HONOR.

11 THE COURT: MEMBERS OF THE JURY, REMEMBER  
12 AS BEST TO WHAT EXACTLY WAS TESTIFIED TO. GO AHEAD.  
13 YOU CAN ASK HIM.

14 Q I GUESS THE QUESTION, ARE YOU AWARE THAT ONE OF  
15 THE REASONS THAT HE FELT THAT THERE WOULD NOT BE A  
16 PENIS WAS THAT BECAUSE OF THE LATERAL PRESSURE NEEDED  
17 TO CAUSE SOME OF THE INJURIES WITHIN THE ANUS?

18 A I THINK THAT AN ADULT SIZE PENIS GOING IN A 12  
19 YEAR OLD ANUS WHICH BY DEFINITION IS LESS  
20 ACCOMODATING THAN A VAGINAL AREA WOULD CAUSE  
21 SIGNIFICANT INJURY INCLUDING THAT DESCRIBED HERE IN  
22 THE AUTOPSY.

23 Q AND YOU UNDERSTAND NO SEMEN WAS FOUND IN THE  
24 AREA, CORRECT?

25 A EXCUSE ME.

1 Q NO SEMEN WAS FOUND?

2 A THAT IS CORRECT.

3 Q AND NO SEMEN WAS FOUND IN THE VAGINA EITHER?

4 A THAT'S CORRECT.

5 Q YOU UNDERSTAND THAT? AND NOW SO FAR WE'VE BEEN  
6 TALKING ABOUT THE POSSIBILITY OF A BROOM. NOW ISN'T  
7 IT POSSIBLE THAT SOME OF OTHER TYPE OF FOREIGN OBJECT  
8 COULD HAVE BEEN USED?

9 A IT'S POSSIBLE, YES.

10 Q AND SO IT'S POSSIBLE THAT THESE INJURIES WERE  
11 NOT BY A PENIS AT ALL BUT RATHER BY SOME OTHER  
12 FOREIGN OBJECT?

13 A YOU'D HAVE TO GIVE ME AN EXAMPLE.

14 Q WELL --

15 A SEE I DON'T HAVE EXAMPLE. WHAT I'VE GIVEN  
16 BASICALLY IS A STATEMENT AND EVIDENCE THAT A BROOM  
17 WAS USED. THERE IS NO EVIDENCE THAT A BROOM WAS  
18 USED. AS FAR AS I KNOW THERE HAS BEEN NO WEAPON  
19 RECOVERED. THERE IS NO INDICATION ----

20 Q I'M NOT ASKING YOU TO TESTIFY AS TO WHAT THE  
21 EVIDENCE IS AS FAR AS THE CRIME SCENE.

22 MR. BAITY: HE CAN TESTIFY, YOUR HONOR, I  
23 BELIEVE AS TO WHAT HE ----

24 THE COURT: I THINK HE'S GONE BEYOND  
25 ANSWERING THE QUESTION.

1 A OKAY.

2 Q NOW I THINK MR. BAITY SUGGESTED THAT SOME OF THE  
3 THINGS THAT CAN CAUSE THE CHRONIC IRRITATION IN BOTH  
4 THE VAGINA AND THE ANUS COULD BE SOMETHING  
5 MASTURBATION OR AUTOEROTICISM, IS THAT CORRECT?

6 A EXCUSE ME?

7 Q SOME OF THE THINGS THAT COULD HAVE CAUSED THE  
8 CHRONIC INFLAMMATION WITHIN HER VAGINA AND HER  
9 RECTUM, SOME OF THOSE THINGS COULD HAVE BEEN BY  
10 MASTURBATION OR AUTOEROTICISM, IS THAT WHAT MR. BAITY  
11 IS ASKING YOU?

12 A I DON'T THINK SO.

13 Q OKAY. AND YOU MENTIONED ABOUT THE FACT THAT THE  
14 HYMEN WAS MISSING, IT'S YOUR OPINION THAT THIS WAS  
15 JUST NOT, HE JUST DIDN'T SEE IT?

16 A YES.

17 Q AND THAT'S BECAUSE OF THE EXTENT OF THE  
18 INJURIES?

19 A YES.

20 Q BUT YOU DIDN'T SEE IT EITHER, DID YOU?

21 A ONCE AGAIN, IT'S NOT THERE AS FAR AS I CAN TELL,  
22 BUT THE ON OTHER HAND, EVEN WOMAN WHO GIVE CHILDREN  
23 HAVE A HYMEN.

24 Q RIGHT. BUT SOMETIMES IT DISAPPEARS COMPLETELY  
25 WITH WOMEN, CORRECT?



1 A NO. IN FACT, I'VE TALKED WITH TWO EXPERTS THAT  
2 SAID THAT IT REALLY DOESN'T DISAPPEAR.

3 Q NOW IF HER HYMEN WAS COMPLETELY INTACT AT THE  
4 BEGINNING OF THIS ASSAULT ISN'T IT LIKELY OR AT LEAST  
5 POSSIBLE THAT SOME OF IT WOULD HAVE BEEN THERE AT THE  
6 AUTOPSY?

7 A THAT IS CORRECT. THAT'S EXACTLY WHAT I MENTION.

8 Q OKAY. BUT STILL WITHOUT HAVING BEEN AT THE  
9 AUTOPSY YOU'RE SAYING THAT YOU DON'T THINK, YOU JUST  
10 THINK HE MISSED THE HYMEN?

11 A I WOULD HAVE MISSED IT. IT'S A BLOODY MESS DOWN  
12 THERE AND I'VE GIVEN SOME OTHER EXAMPLES OF WHY THE  
13 HYMEN MAY NOT BE IDENTIFIABLE, BUT ON THE OTHER HAND,  
14 EVEN WHEN WOMEN WHO HAVE CHILDREN STILL HAVE A HYMEN,  
15 SO EVEN IN A BRUTAL ATTACK SUCH AS THIS, THERE SHOULD  
16 BE REMNANTS IDENTIFIABLE.

17 Q DID YOU EVER TALK DIRECTLY TO DR. MAYNARD ABOUT  
18 THIS?

19 A NO, I DID NOT.

20 Q DID YOU EVER TALK TO HIM ABOUT THE LAX ANAL  
21 OPENING?

22 A EXCUSE ME.

23 Q THE LAX ANAL OPENING OF THE VICTIM?

24 A NO.

25 Q ISN'T IT TRUE THAT THE, THAT EVEN WITH AN ANAL

1       ASSAULT SUCH AS THIS ONE THAT THE INJURIES THAT WERE  
2       CAUSED THAT DAY IT WOULD BE UNLIKELY TO MAKE THE ANUS  
3       STAY COMPLETELY OPEN ON A 12 YEAR OLD CHILD?

4       A     NO, IT'S NOT.  IN FACT, I'VE HAD INJURIES ON  
5       FIVE YEAR KIDS WHERE THE ANUS WAS OPEN AND DILATED AS  
6       A ONE TIME ASSAULT.  IT'S KNOWN AS A PATCHALOUS ANUS.

7       Q     BUT WE'RE TALKING ABOUT A 12 YEAR OLD, MUCH  
8       BIGGER THAN A FIVE YEAR OLD, CORRECT?

9       A     WELL, AN ANUS IS AN ANUS AND WHAT I'M TALKING  
10      ABOUT IS THAT A FORCIBLE PENETRATION OF A SIZABLE  
11      OBJECT INTO AN UNACCOMADATING ANUS WOULD CAUSE IT TO  
12      BE DILATED OR OPENED UP AND WITH THE RESULTING INJURY  
13      IDENTIFIED THAT WOULD BE CONSISTENT WITH A PENIS.

14     Q     NOW EACH ANUS THOUGH AS A DIFFERENT LEVEL OF  
15     TENSENESS?

16     A     SPHINCTER TONE.

17     Q     HER SPHINCTER TONE, CORRECT?

18     A     YES.

19     Q     AND SO ON A YOUNGER PERSON THAT'S ACTUALLY  
20     USUALLY TIGHTER THAN AN ADULT, IS IT NOT?

21     A     NOT NECESSARILY.

22     Q     BUT IF THAT WAS LAX THAT WOULD BE AN INDICATION  
23     OF SOME SORT OF PENETRATION, WOULD IT NOT?

24     A     WELL, OBVIOUSLY THERE WAS PENETRATION AND IT WAS  
25     LAX, YES.

1 Q NOW THE CHRONIC INFLAMMATION YOU ADDRESSED HERE,  
2 YOU MENTIONED SPECIFICALLY IF THERE WAS SEXUAL  
3 INTERCOURSE, THAT THIS ISN'T NECESSARILY THE TYPE OF  
4 CHRONIC INFLAMMATION THAT YOU WOULD HAVE, CORRECT?

5 A THAT'S CORRECT.

6 Q HOWEVER IF SOMEONE'S FINGER WAS USED TO  
7 PENETRATE THAT CHILD JUST A FEW TIMES THAT COULD  
8 CAUSE A IRRITATION, COULD IT NOT?

9 A NO, BECAUSE ONCE AGAIN IN ORDER TO GET TO  
10 CHRONIC INFLAMMATION YOU NEED THE ACUTE INFLAMMATION  
11 AND IF THE, IF IT'S REPEATED TO THE POINT WHERE YOU  
12 ARE LOOKING FOR CHRONIC ABUSE, YOU WOULD SEE A  
13 MIXTURE OF NEUTROPHILS AND PLASMA CELLS AND  
14 LYMPHOCYTES.

15 Q NOW MAYBE WE'RE MISSING THE DEFINITION OF  
16 CHRONIC HERE. BY CHRONIC HOW MANY TIMES DO YOU  
17 CONSIDER CHRONIC?

18 A MORE THAN TWO.

19 Q NOW LET ME ASK YOU THIS, GOING BACK TO RIGOR  
20 MORTIS, IF RIGOR HAD SET IN TO THE POINT WHERE  
21 SOMEONE WAS STIFF SO THEIR HANDS WOULD STAY IN PLACE  
22 LIKE THIS?

23 A YES.

24 Q REACHING UP TO THE NECK. IF YOU PULLED THEIR  
25 HANDS BACK, WOULD THEY POP BACK UP IF YOU DID THAT?

1 A NO, THEY WOULD NOT.

2 MR. THOMPSON: COURT'S INDULGENCE FOR JUST  
3 A MINUTE, YOUR HONOR.

4 Q DOCTOR, IF A 12 YEAR OLD CHILD CAME TO YOUR  
5 OFFICE AND WAS ABSENT A HYMEN WHEN YOU KNEW SHE WAS  
6 BORN WITH ONE JUST A COUPLE YEARS SHE HAD A NORMAL  
7 HYMEN, WOULDN'T YOU HAVE AN OBLIGATION AT THAT POINT  
8 TO REPORT TO DSS THAT THAT OCCURRED WITH THAT CHILD?

9 A ABSOLUTELY. THAT WOULD BE A MANDATORY PELVIC  
10 EXAMINATION AND WORK UP BY DSS, THAT'S CORRECT.

11 Q AND THAT'S BECAUSE THAT'S A SIGN OF SEXUAL  
12 ABUSE, CORRECT?

13 A THAT'S CORRECT.

14 Q THANK YOU. NO FURTHER QUESTIONS?

15 THE COURT: MR. GREELEY.

16 MR. GREELEY: MAY IT PLEASE THE COURT.

17 CROSS EXAMINATION BY MR. GREELEY:

18 Q GOOD AFTERNOON.

19 A GOOD AFTERNOON.

20 Q JUST BRIEFLY, DO YOU KNOW DR. JAMES MAYNARD?

21 A I KNOW OF HIM PROFESSIONALLY.

22 Q HAVE YOU MET HIM?

23 A NO.

24 Q OKAY.

25 A OR IF I HAVE, I DON'T REMEMBER.

1 Q AND I BELIEVE YOU TESTIFIED HE'S BEEN DOING THIS  
2 26 YEARS?

3 A I DID NOT TESTIFY BUT CLEARLY HE'S BEEN THE  
4 FORENSIC PATHOLOGIST IN THE COUNTY FOR MANY YEARS.

5 Q I WANT TO ASK YOU ABOUT ONE AREA THAT, YOU  
6 INDICATED THAT IT'S YOUR OPINION THAT THERE MUST BE  
7 REMNANTS OF THE HYMEN THERE BECAUSE IT'S SO UNUSUAL  
8 NOT TO HAVE THAT?

9 A THAT'S CORRECT.

10 Q AND YOU INDICATED THAT YOU BELIEVE THAT DR.  
11 MAYNARD MISSED IT BECAUSE IT WAS A BLOODY MESS DOWN  
12 THERE?

13 A BLOODY MESS AND/OR UNDER THE HORMONAL INFLUENCE  
14 OF THE MENSTRUAL CYCLE.

15 Q OKAY. NOW YOU AND DR. MAYNARD ARE BOTH FORENSIC  
16 PATHOLOGISTS, IS THAT CORRECT?

17 A I AM. I DON'T KNOW IF HE HAS HIS BOARDS, BUT HE  
18 CLEARLY PRACTICES FORENSIC MEDICINE, YES.

19 Q AND Y'ALL DO INVESTIGATIONS, CORRECT?

20 A THAT'S CORRECT.

21 Q AND IS IT REALLY AN ACCEPTABLE REASON THAT YOU  
22 MAY NOT BE ABLE TO FIND SOMETHING IN AN AUTOPSY  
23 BECAUSE YOU HAVE A BLOODY MESS?

24 A IT DOES HAPPEN, YES, SIR.

25 Q BUT ISN'T THAT WHAT YOU DEAL WITH?

1 A WELL, IT DEPENDS.

2 Q BLOODY MESSES?

3 A IT ALL DEPENDS ON HOW BLOODY THE MESS, AND HOW  
4 BIG OF A PIECE OF TISSUE YOU ARE LOOKING FOR. IF YOU  
5 ARE LOOKING FOR REMNANTS OF SOMETHING THIN AND SMALL  
6 LIKE A HYMEN IT WOULD BE VERY DIFFICULT TO IDENTIFY.  
7 LIKE I SAID I PROBABLY MISS IT TOO IF I WERE ACTUALLY  
8 LOOKING FOR IT.

9 Q BUT YOU DON'T KNOW THAT IT WAS NOT THERE?

10 A WELL, ONCE AGAIN, IF WOMAN GIVE CHILD BIRTH AND  
11 THEY ARE SUPPOSED TO HAVE A HYMEN, THAT HYMEN SHOULD  
12 STILL BE THERE.

13 Q BUT YOU DON'T KNOW THAT IT WAS NOT THERE?

14 A ONCE AGAIN, IT SHOULD STILL BE THERE AT LEAST  
15 REMNANTS OF IT.

16 Q BUT YOU DON'T KNOW THAT IT WAS NOT THERE?

17 A THAT'S CORRECT.

18 Q THANK YOU.

19 THE COURT: REDIRECT.

20 MR. BAITY: NOTHING ON REDIRECT.

21 THE COURT: YOU CAN STEP DOWN.

22 A THANK YOU, YOUR HONOR.

23 THE COURT: THANK YOU. WE APPRECIATE YOUR  
24 TIME. HAVE A SAFE TRIP BACK TO COLUMBIA. ANY REASON  
25 THIS WITNESS CAN'T BE EXCUSED?

1 MR. BAITY: I SO MOVE, YOUR HONOR.

2 MR. THOMPSON: NO.

3 MR. GREELEY: NO.

4 THE COURT: CALL YOUR NEXT WITNESS.

5 MR. MORTON: CAN WE APPROACH THE BENCH,

6 YOUR HONOR.

7 (BENCH CONFERENCE AT 04:20 PM.)

8 PETER M. SKIDMORE, BEING FIRST

9 DULY SWORN, TESTIFIED AS FOLLOWS:

10 DIRECT EXAMINATION BY MR. SMITH:

11 Q PLEASE STATE YOUR FULL NAME FOR THE COURT.

12 A PETER MATTHEW SKIDMORE.

13 Q AND IF YOU WOULD SPELL YOUR LAST NAME FOR THE

14 COURT REPORTER PLEASE?

15 A S-K-I-D-M-O-R-E.

16 Q HOW OLD ARE YOU, MR. SKIDMORE?

17 A 21 YEARS OLD.

18 Q AND WHAT IS YOUR OCCUPATION?

19 A I'M A LICENSED PRIVATE INVESTIGATOR.

20 Q ARE YOU ALSO IN THE MILITARY?

21 A YES, I AM.

22 Q AND HAVE YOU, WHAT'S YOUR SERVICE RECORD BEEN?

23 A SERVED FIVE MONTHS IN IRAQ AND ALSO IN KUWAIT

24 WITH THE ARMY NATIONAL GUARD IN SOUTH CAROLINA.

25 Q JUST RECENTLY. YES, SIR.

1 A I GOT BACK THIS PAST SEPTEMBER A YEAR AGO.

2 Q I'M GOING TO SHOW YOU THIS VIDEO HERE, ARE YOU  
3 FAMILIAR WITH THE CONTENT?

4 A I AM. I SHOT THAT VIDEO.

5 Q YOU SHOT THIS VIDEO?

6 A YES, I DID.

7 Q HAVE YOU HAD A CHANCE TO REVIEW THIS RECENTLY.

8 A YES, I REVIEWED IT YESTERDAY.

9 Q AND DOES IT ACCURATELY REFLECT THE VIDEO THAT  
10 YOU TAPED?

11 A YES, IT DOES.

12 Q OKAY.

13 MR. SMITH: JUDGE, AT THIS TIME WE'D LIKE  
14 TO PUBLISH THIS TO THE JURY.

15 MR. BRACKETT: WHAT IS IT?

16 MR. GREELEY: WE DON'T KNOW WHAT IT IS.

17 THE COURT: LET ME LET YOU GO OUT.

18 THE FOREMAN: TAKE A BREAK.

19 (THE JURY EXITS THE COURTROOM AT 04:23  
20 PM.)

21 THE COURT: ALL RIGHT. WHAT DO WE HAVE  
22 HERE.

23 MR. BRACKETT: YOUR HONOR, WE HAVE ANOTHER  
24 DISCOVERY VIOLATION AND I KNOW, I TOOK WHAT YOU SAID,  
25 WE WORKED REALLY HARD AND AT MANY POINTS MR. MORTON



1 SAID I KNOW THEY HAVE DONE EVERYTHING THEY CAN, I  
2 FEEL LIKE THEY HAVE GIVEN US, WHEN YOU ARE DEALING  
3 WITH MASSIVE VOLUMES OF INFORMATION THERE IS ALWAYS  
4 GOING TO BE A FEW THINGS THAT YOU MISSED; THIS HAS  
5 GONE FROM BEING AN OVERSIGHT TO WILLFUL. THIS IS NOT  
6 ANYMORE, THIS IS NOT A, YOU KNOW, IT'S NOT FUNNY.  
7 I'VE ASKED THEM SEVERAL TIMES AND WE'RE TALKING ABOUT  
8 IT AND EVERYBODY IS LAUGHING ABOUT IT AND THEY KNOW  
9 GOOD AND WELL THEY HAVE IT AND THEY ARE NOT GIVING IT  
10 TO US.

11 THE COURT: LET ASK A QUESTION. WHEN WAS  
12 THIS TAKEN?

13 MR. SMITH: THIS WAS SHOT ON SEPTEMBER 15  
14 TWO, DAYS AGO.

15 THE COURT: OKAY. ALL RIGHT. AND WHY WAS  
16 IT NOT PROVIDED TO, DON'T Y'ALL HAVE RECIPROCAL  
17 DISCOVERY IN THIS CASE.

18 MR. SMITH: YES, SIR. IT'S A SHORT VIDEO.

19 THE COURT: I DIDN'T ASK YOU WHAT IT WAS.

20 MR. SMITH: YES.

21 THE COURT: I WANT TO KNOW WHY YOU DIDN'T  
22 GIVE IT TO THE OTHER SIDE IF YOU TOOK IT IN THE  
23 MIDDLE OF THIS TRIAL.

24 MR. SMITH: WE RECEIVED IT YESTERDAY  
25 OURSELVES, YOUR HONOR.

1                   THE COURT:  TODAY IS TODAY AND YESTERDAY  
2 WAS YESTERDAY.

3                   MR. SMITH:  YES, SIR.

4                   THE COURT:  WHY DIDN'T YOU GIVE IT TO THE  
5 OTHER SIDE.

6                   MR. SMITH:  WE DID NOT TURN IT OVER,  
7 JUDGE.

8                   THE COURT:  I DIDN'T ASK YOU.  I KNOW YOU  
9 DIDN'T.

10                  MR. SMITH:  YES, SIR.

11                  THE COURT:  THEY WOULDN'T BE JUMPING UP  
12 AND DOWN AND TURNING RED IN THE FACE.  MY QUESTION IS  
13 WHY?

14                  MR. SMITH:  AGAIN, WE DIDN'T HAVE THIS  
15 UNTIL THIS MORNING AND WE HAD NOT TURNED IT --

16                  THE COURT:  YOU SAID A MINUTE AGO YOU HAD  
17 IT YESTERDAY NOW WHICH ONE IS IT.

18                  MR. SMITH:  WE GOT IT LAST NIGHT.

19                  THE COURT:  WE GOING TO TAKE A SHORT  
20 BREAK.

21                  MR. SMITH:  YES, SIR.

22                  THE COURT:  I'M GOING TO LET YOU TALK TO  
23 SOMEBODY WHO KNOWS WHAT IS GOING ON AND WHEN WE COME  
24 BACK WE'RE GOING TO GET IT CLEAR.  BUT YOU TOLD ME  
25 TWO THINGS IN ALMOST TWO SENTENCES FOLLOWING EACH

1 OTHER THAT ARE IMPOSSIBLE. YOU EITHER GOT IT  
2 YESTERDAY OR THIS MORNING AND YOU TOLD ME BOTH. NOW  
3 THIS IS SERIOUS.

4 MR. SMITH: WE GOT IT LAST NIGHT, JUDGE.

5 THE COURT: BEFORE I MAKE A RULING I WANT  
6 TO KNOW A LITTLE BIT MORE AND YOU APPARENTLY DON'T  
7 KNOW.

8 MR. SMITH: YES, SIR.

9 THE COURT: SO PUT SOMEBODY UP WHO DOES  
10 KNOW. WE'RE GOING TO TAKE A BREAK, Y'ALL CAN TALK  
11 ABOUT IT, AND FIND OUT AND GET IT STRAIGHT.

12 (COURT'S IN RECESS AT 04:25 PM.)

13 (COURT RESUMES AT 04:32 PM.)

14 THE COURT: WHERE ARE WE?

15 MR. SMITH: JUDGE, I APOLOGIZE FOR  
16 MISSPEAKING EARLIER. I RECEIVED THE TAPE LAST NIGHT  
17 AT APPROXIMATELY NINE O'CLOCK. I PICKED IT UP AT  
18 MR. SKIDMORE'S OFFICE. I REVIEWED IT AT THAT POINT.  
19 WE DID NOT TURN IT OVER TO THE SOLICITOR'S OFFICE  
20 THIS MORNING AND I DON'T HAVE AN EXCUSE OR REASON WHY  
21 WE DID NOT.

22 THE COURT: ALL RIGHT. WELL, TO BEGIN  
23 WITH, I'M GOING TO ASK YOU BEFORE YOU COME BACK ON  
24 MONDAY LOOK AT RULE 407 3.3.

25 MR. SMITH: YES, SIR.

1 THE COURT: AND ALSO WHAT'S THE STATE  
2 POSITION AT THIS TIME FOR IT OR AGAINST IT.

3 MR. BRACKETT: LET ME CONSULT, I JUST SAW  
4 IT. WE WILL TAKE NO POSITION ON IT.

5 MR. GREELEY: I VEHEMENTLY OBJECT.

6 THE COURT: WELL, I'M NOT GOING TO ALLOW  
7 IT IN.

8 MR. SMITH: YES, YOUR HONOR.

9 THE COURT: AND IF THEY ARE, I'M NOT GOING  
10 TO ALLOW IT IN, THAT'S A SANCTION. IF THERE WILL BE  
11 FURTHER SANCTIONS, I'LL DEAL WITH THEM AFTER THE  
12 TRIAL.

13 MR. SMITH: YES, SIR. WE HAVE NOTHING  
14 FURTHER WITH THE WITNESS THEN. WE HAVE NO QUESTIONS  
15 FOR THE WITNESS.

16 THE COURT: MAKE THAT PART OF THE COURT'S  
17 RECORD.

18 MR. SMITH: NO. NO. WE'LL ACTUALLY  
19 WITHDRAW THAT.

20 THE COURT: OKAY.

21 MR. THOMPSON: TO LET THE COURT KNOW FOR  
22 THE RECORD IT'S A VIDEO TAPE BASICALLY GOING FROM THE  
23 COPE'S RESIDENCE TO JAMES SANDERS' RESIDENCE, SO THE  
24 COURT WILL UNDERSTAND WHAT IT COMES DOWN TO IS THAT  
25 INFORMATION IS ALREADY IN EVIDENCE. I BELIEVE THAT'S

1 WITHIN TWO BLOCKS.

2 THE COURT: ALL RIGHT. YOU CAN STEP DOWN.  
3 THANK YOU. MR. IVEY, YOU CAN BRING THE JURY IN.

4 MR. IVEY: ALL RIGHT, SIR.

5 THE COURT: FOR THE RECORD, ULTIMATELY THE  
6 STATE DID NOT REALLY OBJECT BUT IT STILL DID NOT TAKE  
7 IT OUT OF VIOLATION OF RULE OF FIVE JUST BECAUSE THEY  
8 CHOSE NOT TO, TO WITHDRAW THEIR OBJECTION.

9 (THE JURY RETURNS TO THE COURTROOM.)

10 THE COURT: CALL YOUR NEXT WITNESS. THAT  
11 WITNESS HAS BEEN EXCUSED.

12 MR. SMITH: YOUR HONOR, BILLY COPE CALLS  
13 GEORGIA POPE.

14 MR. THOMPSON: I BELIEVE SHE WAS CALLED  
15 EARLIER. I OBJECT AT THIS TIME.

16 THE COURT: WELL, I DON'T KNOW WHAT SHE'S  
17 GOING TO TESTIFY TO.

18 GEORGIA POPE, AFTER BEING DULY  
19 SWORN TESTIFIES AS FOLLOWS:

20 DIRECT EXAMINATION BY MR. SMITH:

21 Q MRS. POPE, WOULD YOU PLEASE STATE YOUR FULL NAME  
22 FOR THE JURY?

23 A GEORGIA STEVENS POPE.

24 Q AND WHERE DO YOU CURRENTLY LIVE?

25 A 2510 FOXHILL COURT, FORT MILL, SOUTH CAROLINA.

1 Q IF YOU'LL SPEAK MORE TOWARDS THE MICROPHONE  
2 THERE JUST TO MAKE SURE THE JURY CAN HEAR YOU.

3 A OKAY.

4 Q WHAT'S YOUR OCCUPATION?

5 A I'M A LOCKSMITH.

6 Q AND HOW LONG HAVE YOU BEEN DOING THAT?

7 A APPROXIMATELY TEN YEARS.

8 Q WHO DO YOU WORK FOR?

9 A CHARLIE'S LOCK AND KEY.

10 Q AND DO YOU OWN THAT BUSINESS, CO-OWN IT?

11 A I CO-OWN IT WITH MY HUSBAND CHARLES.

12 Q AND HOW WERE YOU TRAINED AS A LOCKSMITH?

13 A I WAS TRAINED IN THE VAN WITH CHARLES TEACHING  
14 ME AND BY ATTENDING QUARTERLY MEETINGS OF THE NORTH  
15 CAROLINA LOCKSMITH ASSOCIATION.

16 Q IS THERE ANY TYPE OF LOCKSMITH CERTIFICATION IN  
17 SOUTH CAROLINA?

18 A NO.

19 Q BUT YOU ARE A MEMBER OF THE NORTH CAROLINA  
20 ASSOCIATION OF LOCKSMITHS?

21 A YES.

22 Q AND YOU RECEIVE TRAINING THROUGH THAT  
23 ORGANIZATION?

24 A WE HAVE QUARTERLY MEETINGS WITH TWO DAYS OF  
25 CLASSES OF OUR CHOICE.

1 Q AND WHAT KIND OF CLASSES DO YOU TAKE DURING THAT  
2 TIME? WHAT ARE THOSE CLASSES FOR?

3 A AUTOMOTIVE LOCKS, ELECTRONIC LOCKS, LOCKS IN  
4 GENERAL.

5 Q BUT YOU ARE LEARNING MORE ABOUT LOCKS, IS THAT  
6 RIGHT?

7 A YES.

8 Q OKAY. OKAY.

9 MR. SMITH: JUDGE, AT THIS TIME I WOULD  
10 MOVE THAT MRS POPE BE QUALIFIED AS AN EXPERT  
11 LOCKSMITH.

12 THE COURT: ANY VOIR DIRE?

13 MR. POPE: NONE FROM THE STATE, YOUR  
14 HONOR.

15 MR. GREELEY: NO, YOUR HONOR.

16 THE COURT: I FIND SHE'S QUALIFIED.

17 Q MRS. POPE, HAVE YOU VOLUNTEERED TO BE HERE  
18 TODAY?

19 A YES, SIR.

20 Q WELL, ARE YOU BEING PAID?

21 A YES, SIR.

22 Q FOR YOUR TIME HERE TODAY?

23 A YES.

24 Q HOW MUCH ARE YOU AN HOUR?

25 A \$60 AN HOUR.

1 Q IS THAT YOUR TYPICAL RATE OF PAY FOR SERVICE  
2 CALLS?

3 A YES.

4 Q AND HAS THE FACT THAT YOU'VE BEEN PAID TO BE  
5 HERE TODAY HAS THAT AFFECTED YOUR TESTIMONY IN ANY  
6 WAY?

7 A NO.

8 Q ARE YOU TELLING THE TRUTH?

9 A YES, SIR.

10 Q HAVE YOU EVER BEEN OUT TO 407 RICH STREET?

11 A NO.

12 Q YOU HAVE NEVER BEEN THERE?

13 A NO, SIR.

14 Q I WANT YOU TO TAKE A LOOK AT A COUPLE OF  
15 PHOTOGRAPHS. I BELIEVE YOU ALREADY LOOKED AT THESE.  
16 I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S  
17 41 E, 41 B, AND 41 C AND IF YOU CAN LOOK AT THESE AND  
18 TELL ME WHETHER YOU'VE SEEN THOSE BEFORE?

19 A YES, SIR.

20 Q CAN YOU LOOK AT ALL THREE OF THEM?

21 A YES, SIR, I HAVE SEEN ALL OF THESE.

22 Q YOU'VE HAD A CHANCE TO REVIEW THOSE AND STUDY  
23 THOSE?

24 A YES, SIR.

25 Q OKAY.



1                   MR. SMITH: JUDGE, MAY THE WITNESS STEP  
2                   DOWN.

3                   THE COURT: CERTAINLY.

4                   Q     MRS. POPE, STAND DOWN HERE. I WANT YOU TO POINT  
5                   OUT A COUPLE THINGS ON THESE PHOTOGRAPHS TO EDUCATE  
6                   THE JURY TO DIFFERENT PARTS OF THE DOOR. I'VE GOT A  
7                   LASER POINTER HERE. CAN YOU TELL THE JURY WHAT THIS  
8                   PART OF THE DOOR IS CALLED?

9                   A     THE JAMB.

10                  Q     THAT'S CALL THE JAMB?

11                  A     YES.

12                  Q     NOW WHAT IS THIS PIECE RIGHT HERE CALLED?

13                  A     STRIKE PLATE.

14                  Q     STRIKE PLATE?

15                  A     YES.

16                  Q     OKAY. AND?

17                  A     THAT IS ALSO A STRIKE PLATE.

18                  Q     IS THAT A CLOSE UP OF THE SAME SHOT WE JUST SAW?

19                  A     IT APPEARS TO BE.

20                  Q     OKAY. AND SHOW YOU 41 E. NOW THIS PART IS  
21                  CALLED THE DOOR KNOB, RIGHT?

22                  A     THAT IS THE DOOR KNOB. THAT IS KEY ENTRY.

23                  Q     AND WHAT DOES THAT MEAN?

24                  A     IT MEANS YOU HAVE TO HAVE A KEY TO LOCK AND  
25                  UNLOCK IT.

1 Q NOW WHAT IS THIS PEACE THAT'S PROTRUDING OUT  
2 RIGHT HERE CALLED?

3 A THAT IS THE LATCH.

4 Q OKAY. AND WHAT ABOUT THIS PIECE THAT SURROUNDS  
5 LATCH?

6 A FACE PLATE.

7 Q NOW WHAT IS THAT PIECE RIGHT HERE, THE WASHER  
8 LOOKING PIECE?

9 A PROBABLY WHERE THE HOLE ON THE LATCH HAS GOTTEN  
10 WALLERED OUT AND THEY PUT A SPACER ON IT TO FILL UP  
11 THE HOLE AND TAKE UP SPACE.

12 Q WHEN YOU MEAN WALLERED OUT, YOU MEAN IT'S GOTTEN  
13 LOOSE?

14 A GOTTEN LOOSE ON THE DOOR AND PUT A BIGGER SCREW  
15 AND WASHER TO IT.

16 Q AND THAT WOULD MEAN THE LATCH WAS LOOSE THROUGH  
17 THERE, IS THAT RIGHT?

18 A IT WOULD HAVE BEEN UNTIL THEY PUT THAT ON THERE.

19 Q SO IS IT YOUR OPINION THAT THAT WASHER WAS  
20 PLACED HERE TO TRY TO TIGHTEN UP THE WHOLE LATCHING  
21 MECHANISM?

22 A YES.

23 Q OKAY. IF WE CAN HAVE THE LIGHTS PLEASE. NOW  
24 I'M NOT GOING TO ASK YOU TO STAND BACK UP BECAUSE I  
25 AM GOING TO ASK YOU JUST ONE QUESTION. ARE THERE

1 DIFFERENT TYPES OF LATCHES?

2 A THERE ARE TWO DIFFERENT TYPES, SPRING LATCH AND  
3 A DEAD LATCH.

4 Q AND DO YOU HAVE EXAMPLES OF THOSE HERE TODAY?

5 A YES.

6 Q AND SHOWING THE JURY THESE LATCHES WOULD IT HELP  
7 BETTER EXPLAIN YOUR TESTIMONY?

8 A YES.

9 Q OKAY.

10 MR. SMITH: JUDGE, MAY THE WITNESS  
11 APPROACH THE JURY AND EXPLAIN.

12 THE COURT: CERTAINLY.

13 A THIS LATCH IS A PLAIN SPRING LATCH. WHEN YOU  
14 TURN THE KNOB IT RETRACTS IT, IT GOES BACK OUT. WHEN  
15 THE DOOR CLOSES THIS FALLS INTO THE HOLE ON THE  
16 STRIKE PLATE, BUT YOU CAN STICK SOMETHING THROUGH THE  
17 EDGE OF THE DOOR, CATCH THIS, AND PULL IT LOOSE.

18 THIS AS A DEAD LATCH. THIS PIECE  
19 DROPS INTO THE STRIKE PLATE. THIS PIECE HITS AGAINST  
20 THE EDGE OF THE STRIKE PLATE.

21 Q NOW WHAT EXACTLY IS THAT PIECE CALLED?

22 A IT'S A DEAD LATCH PIN AND THIS PIN IS PUSHED  
23 BACK AGAINST THE EDGE OF THE STRIKE PLATE. YOU  
24 CANNOT STICK SOMETHING IN THERE AND PUSH THIS BACK.

25 Q SO WHEN THE DOOR IS CLOSED THE DEAD LATCH PIN IS

1 DEPRESSED?

2 A WHEN THE DOOR IS CLOSED THIS PIN IS DEPRESSED  
3 AND RESTING AGAINST THE STRIKE PLATE.

4 Q CAN YOU RUN A CREDIT CARD THROUGH THAT TO OPEN  
5 IT UP?

6 A YES. CREDIT CARD, DRIVER'S LICENSE.

7 Q ON THE DEAD LATCH?

8 A NO, NOT ON THE DEAD LATCH BECAUSE THIS IS BACK  
9 AGAINST THE STRIKE PLATE.

10 Q OKAY. IF YOU'LL HAVE A SEAT BACK IN THE JURY  
11 BOX PLEASE. NOW I'M GOING TO SHOW YOU STATE'S  
12 EXHIBIT NUMBER 41 E AGAIN. CAN YOU TELL FROM THIS  
13 PHOTOGRAPH WHAT TYPE OF LATCH IS ON THIS DOOR?

14 A I SEE NO SIGN OF A DEAD LATCH PIN ON THAT LATCH.

15 Q SO WHAT TYPE OF LATCH DO YOU THINK IT IS?

16 A IT'S A SPRING LATCH.

17 Q THAT'S WHAT IT APPEARS TO YOU?

18 A THAT IS WHAT IT APPEARS TO BE.

19 Q OKAY. NOW IF SOMEONE USED A CREDIT CARD TO OPEN  
20 A SPRING LATCH WOULD THERE BE ANY, NECESSARILY BE ANY  
21 SIGNS OF FORCED ENTRY?

22 A PROBABLY BE MORE MARKS ON THE CREDIT CARD THAN  
23 THERE WOULD BE ON THE LOCK.

24 Q ARE THERE ANY OTHER WAYS OF ENTERING A DOOR  
25 WHETHER IT IS A DEAD LATCH OR SPRING LATCH THAN USING

1 A CREDIT CARD THAT WOULDN'T SHOW SIGNS OF FORCED  
2 ENTRY?

3 A PICK THE LOCK.

4 Q IF YOU PICK THE LOCK?

5 A YES.

6 Q ANYTHING ELSE?

7 A THAT WOULD BE ABOUT IT.

8 Q WHAT IF THE DOOR WAS UNLOCKED?

9 A IF THE DOOR WAS UNLOCKED YOU TURN THE KNOB AND  
10 GO IN.

11 Q THAT'S RIGHT. WHAT IF SOMEONE LET YOU IN?

12 A THE SAME THING.

13 Q OKAY. I HAVE NO FURTHER QUESTIONS FOR YOU AT  
14 THIS TIME. PLEASE ANSWER ANY QUESTIONS THAT THE  
15 STATE OR MR. GREELEY MAY HAVE FOR YOU.

16 A OKAY.

17 CROSS EXAMINATION BY MR. POPE:

18 Q MRS. POPE, MY NAME IS TOMMY POPE.

19 A YES, SIR.

20 Q WE'RE NOT ANY KIN TO EACH OTHER I DON'T BELIEVE  
21 AS FAR AS YOU KNOW?

22 A THE POPE NAME STARTED SOMEWHERE.

23 Q OKAY.

24 (LAUGHTER.)

25 THE COURT: SHE'S WILLING TO CLAIM YOU.

1 Q AND ACTUALLY YOU MARRIED INTO THAT CROWD TOO,  
2 DIDN'T YOU?

3 A RIGHT.

4 Q OKAY. WE WERE TALKING A LITTLE BIT OUTSIDE AND  
5 FIRST TALKING ABOUT THE LOCKS AND YOU SAYING A SPRING  
6 LOCK AND YOU SAY THIS APPEARS TO BE?

7 A YES, SIR.

8 Q A SPRING LOCK. NOW WHAT IS THE, I DIDN'T, I'M  
9 SORRY I DIDN'T GET TO SEE THOSE. SO THIS IS LIKE THE  
10 KIND YOU HAVE ON THE INSIDE, BETWEEN LIKE THE  
11 BATHROOM, I MEAN, NOT EVEN BATHROOM, DOORS THAT DON'T  
12 HAVE LOCKS MOSTLY IN YOUR HOUSE?

13 A YES.

14 Q AND THEN THIS ONE IS MORE OF A STANDARD THAT YOU  
15 WOULD HAVE. OF COURSE AND A LOT PEOPLE HAVE DEAD  
16 BOLTS TOO, IS THAT CORRECT?

17 A YES.

18 Q OKAY. AND SO THE QUESTION ON THIS PICTURE  
19 LOOKING IS TRYING TO ASCERTAIN FROM THE ANGLE OF THAT  
20 PICTURE WHETHER THAT PIN IS IN FACT THERE OR NOT?

21 A AND I CAN'T SEE ANYTHING THERE.

22 Q RIGHT.

23 A SEE THAT COMES UP LEVEL WITH THIS WHEN IT'S OUT.

24 Q YES, MA'AM.

25 A IT'S UP LEVEL AND I DON'T SEE ANYTHING ON THERE

1 THAT SHOWS A PIN.

2 Q OKAY. THIS GRAY AREA, AND I'M NOT, YOU TELL ME  
3 WHAT YOU SEE, NOT WHAT I SEE, THIS GRAY AREA RIGHT  
4 THERE, I'M LEANING INTO YOUR LIGHT. YOU WOULD AGREE  
5 THIS PICTURE IS AT ANGLE, WOULD YOU NOT?

6 A YES, IT IS.

7 Q AND NORMALLY WHEN YOU INSTALL, IF YOU WERE GOING  
8 TO DO BETWEEN THESE TWO, WHICH WOULD YOU HAVE PUT ON?

9 A ON A ENTRY LOCK YOU ALWAYS PUT A DEAD LATCH.

10 Q OKAY. AND THAT'S WHAT THIS IS?

11 A YES.

12 Q AND THIS IS A SAFETY MECHANISM?

13 A YES.

14 Q I CAN FEEL RIGHT HERE THAT KEEPS THIS FROM  
15 PUSHING IN?

16 A YES, SIR.

17 Q OKAY. AND THEN NORMALLY YOUR DEAD LATCHES ARE  
18 THE ONES THAT WOULD HAVE KEY LATCHES IN THE FRONT?

19 A YES.

20 Q OKAY. LET ME ASK YOU ONE MORE THING. ON THE  
21 INSIDE OF THE DOOR, OF COURSE, YOU SAID YOU DIDN'T  
22 GET TO GO DOWN TO THE HOUSE? YOU WERE JUST --

23 A NO.

24 Q ---DEALING WITH THE PICTURES, RIGHT?

25 A YES, SIR.

1 Q ON THE INSIDE OF THE DOOR THERE IS ONE OF THESE  
2 THINGS THAT'S, YOU KNOW, WHERE THEY HAVE LIKE A CHAIN  
3 ON THE DOOR JAMB AND THEN IT GOES INTO LIKE A SLIDING  
4 THING ACROSS --

5 A YES.

6 Q WHAT DO YOU CALL THAT? A CHAIN?

7 A A DOOR CHAIN.

8 Q A DOOR CHAIN?

9 A UH-HUH.

10 Q AND WHAT IS THE PURPOSE OF THAT?

11 A YOU CAN OPEN THE DOOR A CERTAIN AMOUNT TO SEE  
12 WHAT'S OUT THERE WITHOUT BEING FULLY VULNERABLE.

13 Q I GOT YOU. LIKE IF I WANTED TO TALK TO YOU BUT  
14 YOU CAN --

15 A YES.

16 Q AND HOW DO YOU UNLOCK THAT LOCK?

17 A YOU CLOSE THE DOOR, SLIDE THE CHAIN OVER, AND  
18 LIFT IT OUT OF ITS SLOT.

19 Q SO IF I GOT THIS DOOR OPEN, IT'S KIND OF A,  
20 THAT'S THE BEAUTY OF THAT I CAN'T SLIDE IT OVER  
21 BECAUSE MY ARM WOULD BE IN THE WAY TO TRY TO --

22 A YES.

23 Q SO IN ORDER TO UNDO THE CHAIN LOCK YOU'D HAVE TO  
24 BE INSIDE OR I'D HAVE TO LET YOU IN, IS THAT CORRECT?

25 A THAT'S CORRECT.



1 Q OKAY?

2 A OR YOU COULD KICK IT IN.

3 Q OKAY. AND IF I KICKED IT IN, ARGUABLY --

4 A YOU'D HAVE TEARING DOWN AND SPLINTERING.

5 Q AND BUST THAT CHAIN OFF?

6 A YES.

7 Q OKAY. THANK YOU. THANK YOU. LET ME ASK THESE  
8 SMART GUYS IF I NEED TO ASK YOU ANYTHING ELSE.

9 A OKAY.

10 Q THANK YOU, MA'AM. THANK YOU, MA'AM.

11 THE COURT: MR. GREELEY.

12 MR. GREELEY: I DON'T HAVE ANY QUESTIONS,  
13 MA'AM.

14 THE COURT: ANY REDIRECT.

15 MR. SMITH: NO, YOUR HONOR.

16 THE COURT: YOU CAN STEP DOWN AND BE  
17 EXCUSED. YOU CAN LEAVE. WE APPRECIATE YOUR TIME  
18 THANK YOU. MEMBERS OF JURY PANEL, WE'LL STOP --

19 MR. POPE: WE HAVE NO OBJECTION TO THEM  
20 GOING IN?

21 THE COURT: LEAVE THEM WITH THE LAWYER AND  
22 THEN WE'LL DECIDE WHAT TO DO WE'LL-STOP, FOR THE  
23 WEEKEND. WE'LL SEE YOU BACK AT NINE ON MONDAY.  
24 WE'RE LOOKING LIKE AND TO BE FAIR TO YOU I WANT TO  
25 TELL YOU THAT WE'LL CONCLUDE PERHAPS AROUND

1 WEDNESDAY. I CAN'T MAKE A COMPLETE PROMISE. AS  
2 YOU'VE SEEN, EVERYTHING I HAVE TOLD YOU HAS TURNED  
3 OUT WRONG. BUT AFTER TALKING WITH THE ATTORNEYS  
4 THAT'S WHERE I THINK WE'RE HEADED. YOU ARE STILL NOT  
5 YET IN A POSITION TO MAKE UP YOUR MIND, YOU ARE STILL  
6 NOT IN A POSITION TO DISCUSS THE CASE AMONG  
7 YOURSELVES, YOU ARE STILL NOT IN A POSITION TO  
8 DISCUSS THE CASE WITH ANYONE OUTSIDE THE COURTROOM,  
9 OR LET ANYONE TALK TO YOU ABOUT IT, AND YOU ARE STILL  
10 NOT IN THE POSITION TO READ ANYTHING, WATCH ANYTHING,  
11 OR LISTEN TO ANYTHING IN THE WAY OF NEWS COVERAGE ON  
12 THIS CASE, SO HAVE A PLEASANT WEEKEND, AND WE'LL SEE  
13 YOU BACK IN THE MORNING AT NINE AM. THANK YOU.

14 (THE JURY EXITS THE COURTROOM AT 04:49  
15 PM.)

16 THE COURT: ANYTHING FROM THE STATE BEFORE  
17 WE STOP FOR THE WEEKEND.

18 MR. POPE: NO, YOUR HONOR.

19 THE COURT: ANYTHING ON BEHALF OF MR.  
20 COPE.

21 MR. MORTON: NO, SIR.

22 MR. SMITH: JUDGE, WE WOULD LIKE TO  
23 INTRODUCE THESE IN EVIDENCE.

24 THE COURT: ANY OBJECTION?

25 MR. POPE: NO OBJECTION, YOUR HONOR.

1 MR. GREELEY: NONE.

2 THE COURT: LET'S GET THEM MARKED.

3 (DEFENDANT'S EXHIBITS 73 AND 74 DOOR  
4 KNOBS RECEIVED IN EVIDENCE.)

5 THE COURT: ANYTHING ELSE.

6 MR. GREELEY: NO.

7 MR. SMITH: NO, YOUR HONOR.

8 THE COURT: WE'LL SEE YOU AT NINE ON  
9 MONDAY.

10 (COURT'S IN RECESS AT 04:51 PM.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA

2 STATE OF SOUTH CAROLINA

3 VERSUS

4 BILLY WAYNE COPE &  
5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS: 2002-GS-46-3232-3234  
7 2003-GS-46-1843-1844  
8 2004-GS-46-2614-2618  
9 2004-GS-46-196-199

10 HEARD AT THE MOSS JUSTICE CENTER,  
11 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON  
12 MONODAY, SEPTEMBER 20TH, 2004, BEFORE THE  
13 HONORABLE JOHN C. HAYES, III AND A JURY.

14 APPEARANCES:

15 TOMMY POPE  
16 KEVIN BRACKETT  
17 WILLY THOMPSON  
18 16TH CIRCUIT SOLICITOR'S OFFICE  
19 1675 YORK HIGHWAY  
20 YORK, SC 29745  
21 REPRESENTING THE STATE

22 JAMES MORTON  
23 DAVID WOOD  
24 MICHAEL SMITH  
25 MORTON & GETTYS  
1051 OAKLAND AVENUE  
ROCK HILL, SC 29732

A. PHILIP BAITY  
POST OFFICE BOX 275  
FORT MILL, SC 29715  
REPRESENTING BILLY WAYNE COPE

LELAND GREELEY  
128 E. MAIN STREET SUITE 102  
ROCK HILL, SC 29732  
REPRESENTING JAMES EDWARD SANDERS

REPORTED BY: JANET M. RICH  
CIRCUIT COURT REPORTER  
1992 DOWNEY STREET  
ROCK HILL, SC 29732

1		I N D E X
2		
3	BILLY COPE	
4	DIRECT EXAMINATION	18
5	CROSS EXAMINATION	153
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 (COURT RESUMES AT 09:05 AM ON MONDAY, SEPTEMBER 20,  
2 2004.)

3 THE COURT: STATE READY.

4 MR. POPE: THE STATE IS READY, YOUR HONOR.

5 THE COURT: DEFENSE.

6 MR. MORTON: YOUR HONOR, WE HAD SOME  
7 ISSUES I THINK COME UP OVER THE WEEKEND.

8 THE COURT: MR. GREELEY, READY.

9 MR. GREELEY: YES, YOUR HONOR.

10 THE COURT: ALL RIGHT. YES, SIR. YOU'LL  
11 NOTICE I DIDN'T KNOW SHOW ANY SURPRISE WHEN YOU SAID  
12 THAT.

13 MR. MORTON: AT THE BEGINNING OF -- WELL,  
14 AS PART OF OUR NORMAL DISCOVERY MOTION AND RULE FIVE  
15 WE HAD REQUESTED ANY WRITTEN OR RECORDED STATEMENTS  
16 MADE BY THE DEFENDANT, I THINK IT WAS FRIDAY A WEEK  
17 AGO, WHAT MONTH ARE WE IN, SEPTEMBER 10, THE  
18 SOLICITOR'S OFFICE GAVE US -- I THINK WE BROUGHT THIS  
19 UP TO THE COURT, A BOX OF TAPES AND CD'S OF  
20 STATEMENTS THAT THEY HAD RECORDED OF THE DEFENDANT  
21 SPEAKING TO HIS FAMILY, TO HIS LAWYERS, TO WHOMEVER  
22 FROM JAIL WHICH WE THINK FALLS UNDER RULE FIVE AS A  
23 RECORDED STATEMENT UNDER RULE FIVE. THEY TOLD US I  
24 THINK FRIDAY ABOUT 6:15. WE BROUGHT IT TO THE  
25 COURT'S ATTENTION I BELIEVE MONDAY. AND THEN LATER

1        THAT WEEK WE IN OPEN COURT ASKED THE SOLICITORS ABOUT  
2        THEIR INTENTION ON USING THESE THINGS AS ANY KIND OF  
3        SUBSTANTIVE OR IMPEACHMENT PURPOSES.  THEY INDICATED  
4        TO THE COURT THAT THEY HAD NOT PLANNED ON DOING THAT.  
5        WE GOT AN E-MAIL YESTERDAY, MR. BAITY DID, HE CAN  
6        ADDRESS THE SUBSTANCE OF THAT E-MAIL, I NEVER HAVE  
7        SEEN IT, ABOUT THE STATE'S POSSIBLY TRYING TO USE  
8        SOME OF THOSE RECORDED STATEMENTS AS IMPEACHMENT  
9        EVIDENCE AGAINST OUR CLIENT IF HE WERE TO TESTIFY  
10       WHICH PUTS US IN A DIFFICULT POSITION BECAUSE BASED  
11       UPON THEIR FAILURE TO PROVIDE IT TO US INITIALLY AND  
12       BASED UPON THEIR REPRESENTATIONS IN THIS COURT WE  
13       HAVEN'T REVIEWED THIS, WE CERTAINLY HADN'T HAD A  
14       CHANCE TO TALK TO OUR CLIENT ABOUT IT, WHICH DOESN'T  
15       ENABLE US TO PREPARE A DEFENSE.

16                    THE COURT:  LET ME HEAR THE STATE'S  
17       POSITION ON THIS.

18                    MR. POPE:  PLEASE THE COURT.  YOUR HONOR,  
19       THIS IS THE ITEMS, THE JAIL PHONE CONVERSATIONS.

20                    THE COURT:  I KNOW WHAT IT IS.

21                    MR. POPE:  THAT WE HAD ADDRESSED  
22       PREVIOUSLY WITH THE COURT.  AS A MATTER OF FACT WE  
23       ADDRESSED IT BEFORE WE CAME OUT HERE AND ADDRESSED  
24       IT, ADDRESSED IT IN CHAMBERS CONCERNING THAT THEY  
25       WOULD IN FACT HAVE KNOWLEDGE.  EVERYTHING I THINK MR.

1 MORTON SAID IS CORRECT. IN GOING THROUGH THE  
2 INFORMATION THIS WEEKEND IN ANTICIPATION OF THIS WEEK  
3 I WAS LOOKING AT, MR. COPE TOLD HIS MOTHER THAT THERE  
4 WAS ONE MORE THING I DIDN'T TELL YOU AND THE MOTHER  
5 SAID WHAT AND HE SAID BECAUSE I DIDN'T REALIZE IT. I  
6 MASTURBATED THAT NIGHT INTO A YELLOW RAG AND THREW IT  
7 IN THE FLOOR UP UNDER THE DRESSER UP UNDER THE BOOK  
8 SHELF AND THERE IS A POSSIBILITY OF WHOEVER SAW ME.  
9 SHE SAID WHO COULD HAVE SAW YOU AND HE SAID ANYBODY  
10 WHO IS IN THE DINING ROOM. IF HE TAKES THE STAND AND  
11 SAYS THAT HE MASTURBATED THAT NIGHT AND THEN GETTING  
12 INTO THIS I WOULD SUBMIT TO BE MOOT, BUT YOUR HONOR,  
13 IF HE SUDDENLY FROM OR NOT SUDDENLY, FROM THE  
14 TESTIMONY AND THE QUESTIONS ELICITED FROM THEIR  
15 EXPERTS IT APPEARS THEY ARE ATTEMPTING TO SAY THAT  
16 THIS DID NOT COME FROM THIS NIGHT WHEN CLEARLY HE  
17 SAID THAT IT WOULD. I SUBMIT THE ITEMS, WE PROVIDED  
18 THE ITEMS FRIDAY A WEEK AGO AND I SUBMIT THAT THEY  
19 WERE NOT DISCOVERABLE REGARDLESS, THEY WERE EQUALLY  
20 AVAILABLE TO THE DEFENSE, THERE ARE STATEMENTS OF  
21 THEIR CLIENT, AND THE REASON I SENT THE E-MAIL OR I  
22 SENT AN E-MAIL TO MR. KEVIN BRACKETT AND I UNDERSTAND  
23 HE FORWARDED IT TO MR. MORTON AND MR. BAITY IS TO  
24 ADDRESS THIS VERY ISSUE WE ARE DOING RIGHT NOW SO IT  
25 WOULDN'T COME UP LATER WHEN I AM CROSSING MR. COPE



1 AND MR. COPEL SAYS NO THAT DIDN'T HAPPEN THAT NIGHT  
2 AND I'M IN DIRECT POSSESSION OF THE MATERIALS THAT  
3 CONTRAVENE THAT.

4 YOUR HONOR, MR. BRACKETT ALSO POINTED OUT  
5 TO ME AND AGAIN I HAD DISCUSSED THIS PREVIOUSLY, THAT  
6 ETHICALLY IF I KNOW SOMEBODY IS ON THE STAND  
7 PRESENTING TESTIMONY UNDER OATH TO BE FALSE AND I  
8 HAVE AN ETHICAL OBLIGATION TO CALL IT, WHETHER IT BE  
9 TO THE COURT'S ATTENTION OR THEIR ATTENTION. WE KIND  
10 OF ADDRESSED THAT HANDWRITING STUFF EARLIER IN THIS  
11 TRIAL AND SO AGAIN WE HAVE IT BEFORE THE COURT AND I  
12 WANT TO BRING IT TO YOUR ATTENTION.

13 MR. MORTON: YOUR HONOR, WHETHER WE COULD  
14 HAVE GOTTEN THE TAPES OR NOT I NEVER KNEW THEY WERE  
15 THERE TO BE QUITE HONEST ABOUT IT AND WE'RE NOT  
16 TALKING ABOUT AN HOUR AND A HALF OF TAPES. WE'RE  
17 TALKING ABOUT, YOU KNOW, 80-90-100 HOURS OF TAPES  
18 THAT WE DON'T KNOW THE CONTENTS OF THOSE TAPES. IT  
19 MAY SAY ONE THING ONE DAY AND THEN SOMETHING ELSE,  
20 CERTAINLY HIS STATE OF MIND, AND, YOU KNOW, TO NOT  
21 HAVE BEEN PROVIDED THAT AND NOT BE ABLE TO TALK TO  
22 OUR CLIENT ABOUT IT PUTS US IN A TENUOUS POSITION AT  
23 BEST.

24 THE COURT: WHEN DID YOU GET THE E-MAIL?

25 MR. MORTON: YESTERDAY AFTERNOON ABOUT

1 THREE O'CLOCK.

2 THE COURT: WELL, LET'S ADDRESS THAT.

3 WHY --

4 MR. BAITY: ACTUALLY IT WAS LATER THAN  
5 THAT. IT WAS FOUR.

6 THE COURT: WHY NOT EARLIER?

7 MR. POPE: YOUR HONOR, I CAME INTO WORK  
8 YESTERDAY AND WHEN I CROSSED THESE MATERIALS I WROTE  
9 AN E-MAIL TO MR. BRACKETT WHO FORWARDED IT TO THOSE  
10 GUYS, BUT AS FAR AS THE DISCLOSURE EARLIER, I POINT  
11 OUT ONE THAT OUR INITIAL CONVERSATION ON THIS ISSUE  
12 WE DIDN'T NEED TO PROVIDE ANYTHING. THAT FRIDAY  
13 WHICH WAS FRIDAY I GUESS TWO WEEKS AGO NOW WE  
14 PROVIDED, IT'S MY UNDERSTANDING AGAIN, THE MATERIALS  
15 ALSO INCLUDE A WRITTEN VERSION. AS THEY'VE  
16 INDICATED, THESE TAPES ARE VOLUMINOUS, BUT THERE IS A  
17 WRITTEN VERSION PROVIDED OF, A TRANSCRIPT OF SORTS,  
18 OF THE VERY MATERIALS THAT WE'RE INDICATED THAT WAS  
19 PROVIDED NOW TWO FRIDAY, TEN DAYS AGO.

20 THE COURT: SO YOU'VE HAD THE TRANSCRIPT  
21 FOR TEN DAYS.

22 MR. BAITY: YOUR HONOR, WHEN THEY GAVE  
23 THIS TO US TWO FRIDAYS AGO THERE WERE A FEW PAGES OF  
24 TRANSCRIPT. I'D SAY 10 OR 12 AND THEN FIVE OR SIX  
25 CDS AND SIX OR SEVEN CASSETTE TAPES. THEY GAVE US TO

1           THEM FRIDAY AFTERNOON AND WE BROUGHT THIS UP ON THE  
2           FOLLOWING MONDAY TO YOUR HONOR AND MR. BRACKETT, I  
3           CAN STILL HEAR HIM SAY, THIS IS NOTHING BUT  
4           SELF-SERVING HEARSAY, WE DON'T INTEND TO USE IT  
5           DIRECT OR ON CROSS AND, YOUR HONOR, WE DIDN'T READ  
6           THE TRANSCRIPT, WE DIDN'T LOOK AT THE CDS. I THINK  
7           THEY ARE IN A BOX EITHER IN MY OFFICE OR MR. MORTON'S  
8           AND THE PROBLEM IS IS THAT HE MAY HAVE SAID WHAT THEY  
9           CHERRY PICKED OUT OF THERE. THEY HEARD THE THINGS,  
10          WE DON'T KNOW IF HE THE NEXT DAY CALLED HIS MOTHER  
11          BACK AND SAID, YOU KNOW, I'VE THINKING ABOUT THAT AND  
12          THAT'S NOT WHAT HAPPENED. WE HAVE NO WAY OF KNOWING  
13          AND THAT'S WHAT THE PROBLEM IS, AND I GOT THE E-MAIL  
14          AT FOUR O'CLOCK AND AGAIN JUST WITH ONE LINE, IT MAY  
15          BE IN THE TRANSCRIPT, IT MAY NOT BE. I'M NOT  
16          ABSOLUTELY SURE.

17                   THE COURT: MR. BRACKETT, WHAT ABOUT THAT  
18          REPRESENTATION?

19                   MR. BRACKETT: THAT IS WHAT I SAID.

20                   THE COURT: I'M NOT GOING TO LET IT IN.  
21          I'M NOT GOING TO LET THEM USE IT FOR IMPEACHMENT.  
22          ALL RIGHT. READY FOR THE JURY.

23                   MR. BAITY: YOUR HONOR, JUST ONE OTHER  
24          MATTER I ASK THE COURT TO REVISIT JUST BRIEFLY. I  
25          THINK WE NEED TO MAKE A RECORD OF IT. THIS HAS TO DO

1 WITH THE GREEN CASE AND THE ADMISSIBILITY OF MY  
2 CLIENT'S PRIOR RECORD. I BELIEVE THAT IT HAS BEEN  
3 MORE OR LESS STATED, I DON'T KNOW IF IT WAS IN  
4 CHAMBERS OR IN THE RECORD, THAT THAT IT WOULD BE  
5 PERMISSIBLE THAT THE JURY FIND OUT THAT MY CLIENT HAS  
6 THREE FELONIES AND I BELIEVE THIS WAS BASED ON THE  
7 GREEN CASE AND I LOOKED AT THAT.

8 THE COURT: COULD YOU HAND ME A COPY OF  
9 THAT.

10 MR. BAITY: I CERTAINLY COULD. THAT IS  
11 THE WESTLAW.

12 THE COURT: ALL RIGHT.

13 MR. BAITY: YOUR HONOR, THE GREEN CASE IS  
14 A PCR CASE WHICH PCR WAS GRANTED TO THE DEFENDANT ON  
15 THE BASIS OF HIS COUNSEL'S FAILING TO OBJECT TO THE  
16 ADMISSION OF A PRIOR CONVICTION AND ESSENTIALLY WHAT  
17 THE CASE STANDS FOR IS THAT IT IS INEFFECTIVE  
18 ASSISTANCE OF COUNSEL FOR DEFENSE COUNSEL TO FAIL TO  
19 OBJECT TO THE ADMISSIBILITY OF A PRIOR RECORD. NOW  
20 IN THAT PARTICULAR CASE, IF I'VE GOT IT RIGHT, I  
21 BELIEVE THERE WAS A SIMILAR CONVICTION, IT MIGHT HAVE  
22 EVEN BEEN A CONVICTION ON THE SAME CHARGES THAT THE  
23 DEFENDANT IN THAT CASE WAS BEING TRIED ON, AND THE  
24 COURT POINTED OUT THAT A SIMILAR CONVICTION IS ALMOST  
25 ALWAYS HIGHLY PREJUDICIAL AND WOULD ALMOST ALWAYS

1       OUTWEIGH THE PROBATIVE VALUE OF THE CASE. I MEAN,  
2       THE PROBATIVE VALUE OF THE EVIDENCE AND IT ALSO  
3       POINTED OUT THAT A CONVICTION ON, IN THE GREEN CASE  
4       WAS A DRUG CONVICTION, AND THEY SAID THAT'S NOT  
5       PROBATIVE OF CREDIBILITY UNDER ANY CIRCUMSTANCES AND  
6       SO IT GOES ON TO SAY THAT THE COURT SHOULD BALANCE  
7       THE PROBATIVE VALUE VERSUS THE PREJUDICIAL VALUE AND  
8       IT GOES INTO A FAIRLY LENGTHY DISCUSSION ABOUT THOSE  
9       ISSUES. NOW IT DOES IN A FOOTNOTE SAY THAT THE  
10      FOURTH CIRCUIT FEDERAL COURT SOMETIMES ALLOWS JUST TO  
11      MENTION THAT IT'S A FELONY OR IT'S A CONVICTION  
12      WITHOUT DESCRIBING WHAT THE CHARGE WAS, BUT IT ALSO  
13      GOES INTO A FAIRLY LENGTHY DISCUSSION OF, YOU KNOW,  
14      WHAT THE CONVICTION WAS ABOUT AND WHETHER OR NOT THAT  
15      CONVICTION IS PROBATIVE OF THE ISSUE OF CREDIBILITY.  
16      THIS IS ABOUT CREDIBILITY AND NOTHING ELSE. AND IT  
17      STATES AND I THINK WHAT WE'RE ON ON ALL FOURS HERE IS  
18      THAT THE PRIOR CONVICTION IN THE GREEN CASE WHICH WAS  
19      A NARCOTIC CASE IS NOT PROBATIVE AT ALL OF  
20      CREDIBILITY AND I WOULD SUBMIT, YOUR HONOR, THAT MY  
21      CLIENT'S CONVICTION OF UNLAWFUL CONDUCT OR UNLAWFUL  
22      NEGLECT OR WHATEVER AGAIN IS NOT PROBATIVE ON THE  
23      ISSUE OF CREDIBILITY. NOW IF THIS WAS A FORGERY CASE  
24      OR IF IT WERE SHOPLIFTING OR ANY TYPE OF CASE THAT  
25      WOULD INVOLVE DECEIT I BELIEVE IT WOULD BE PROBATIVE,

1           WHETHER OR NOT IT WAS MENTIONED IS ANOTHER MATTER,  
2           BUT THIS PRIOR CONVICTION THAT MR. COPE HAS IS NOT  
3           PROBATIVE OF HIS CREDIBILITY AND WE BELIEVE WOULD BE  
4           HIGHLY PREJUDICIAL EVEN IF IT WERE ONLY DESCRIBED TO  
5           THE JURY AS BEING A FELONY AND THEREFORE I THINK THE  
6           MANDATE TO DEFENSE COUNSEL IS THAT TO AVOID PCR YOU  
7           MUST RAISE THIS ISSUE AND ASK THE COURT TO GO THROUGH  
8           THE BALANCING TEST IN THE FOUR OR FIVE POINTS THAT  
9           ARE RAISED IN THE, RAISED IN THE CASE IT TALKS ABOUT  
10          ON PAGE FOUR, WHAT I JUST HANDED UP, YOUR HONOR,  
11          TALKS ABOUT IMPEACHMENT VALUE, THE POINT IN TIME, THE  
12          SIMILARITY BETWEEN THE PAST CRIME AND THE CHARGED  
13          CRIME AND THE IMPORTANCE OF HIS TESTIMONY AND THE  
14          CENTRALITY OF THE CREDIBILITY ISSUE. AGAIN I SIMPLY  
15          SAY THAT IT'S OUR CONTENTION THAT HIS PRIOR  
16          CONVICTION IN 1999 ON UNLAWFUL CONDUCT TOWARDS A  
17          CHILD WHICH IS EXACTLY WHAT HE'S ALSO CHARGED WITH  
18          HERE IS NOT PROBATIVE TO THE ISSUE OF HIS CREDIBILITY  
19          WHATSOEVER AND WOULD BE PREJUDICIAL. THANK YOU.

20                   THE COURT: ALL RIGHT.

21                   THE COURT: MR. BRACKETT.

22                   MR. BRACKETT: BRIEFLY, YOUR HONOR. THE  
23          ANALYSIS UNDER HEADNOTES NINE AND TEN IS THE ANALYSIS  
24          THAT THE COURT MANDATES THAT THIS COURT UNDERTAKE IF  
25          WE WERE TO SEEK TO INTRODUCE THE FACT OF A PRIOR

1 UNLAWFUL NEGLIGENCE CONVICTION. IF WE WERE ATTEMPTING  
2 TO SAY, JUDGE, WE THINK WE SHOULD BE ALLOWED TO CALL  
3 THE JURY'S ATTENTION THAT THE PRIOR CONVICTIONS ARE  
4 FOR UNLAWFUL NEGLIGENCE. IN THIS CASE WE'RE CONCEDED  
5 THAT WE SHOULDN'T. IN THAT CASE YOU BACK DOWN WHAT  
6 IS CONTAINED IN FOOTNOTE NUMBER FIVE WHERE THE COURT  
7 EXPLICITLY REQUIRES OR MAKES REFERENCE TO THE FACT  
8 THAT THE FOURTH CIRCUIT COURT OF APPEALS ALLOWS YOU  
9 TO ASK ABOUT THE GENERAL NATURE, THE GENERAL FACT OF  
10 A CONVICTION. IF WE WERE TRYING TO GET IN THAT THERE  
11 WAS AN UNLAWFUL NEGLIGENCE, YOU WOULD HAVE TO GO THROUGH  
12 THOSE FIVE STEPS, I AGREE. WE CONCEDE THAT WE  
13 WOULDN'T WIN ON THOSE FIVE STEPS, SO WHAT WE'RE  
14 ASKING FOR IS THAT RULE 609 WHICH I CAN UNDERSTAND  
15 WHY THE DEFENDANT DOESN'T APPRECIATE OR THINK IT'S  
16 PROPER TO BE CONVICTED, BUT RULE 609 DOES ALLOW FOR A  
17 PRIOR CONVICTION TO BE USED TO IMPEACH THE CREDIBILITY  
18 OF A WITNESS IF THE CONVICTION CARRIES MORE THAN A  
19 YEAR REGARDLESS OF WHETHER OR NOT IT'S A CRIME THAT  
20 TENDS TO SHOW DISHONESTY OR NOT. RULE 609 LAYS OUT  
21 THE RULES. IF THE SUPREME COURT HAD DECIDED IN GREEN  
22 V STATE THAT 609 WASN'T GOING TO BE APPLICABLE AT ALL  
23 BECAUSE IT'S NEVER FAIR TO IMPEACH A CRIMINAL  
24 DEFENDANT WITH HIS PRIOR CONVICTIONS THEY COULD HAVE  
25 SAID SO BUT THEY DIDN'T. IN FACT, THEY SPECIFICALLY

1 SAID THAT, THEY SPECIFICALLY CALLED TO OUR ATTENTION  
2 TO UNITED STATES VERSUS BOYCE THE FOURTH CIRCUIT  
3 COURT OF APPEALS CASE WHERE YOU ARE ALLOWED TO ASK  
4 ABOUT THE EXISTENCE OF PRIOR CONVICTIONS BUT NOT  
5 THEIR NATURE AND THAT'S WHAT WE ASK THAT WE BE  
6 ALLOWED TO DO IN THIS PARTICULAR CASE.

7 MR. BAITY: YOUR HONOR, IF I MAY BRIEFLY  
8 RESPOND. THE COURT TALKS ABOUT THE FEDERAL RULES AND  
9 THE PRACTICE IN FEDERAL COURT BUT IT GOES TO SAY THAT  
10 SOUTH CAROLINA RULE DOES NOT EXACTLY MIRROR THE  
11 FEDERAL RULE, AND AGAIN THE FOOTNOTE THAT  
12 MR. BRACKETT IS REFERRING TO WHERE IT SAYS, WELL,  
13 MAYBE YOU CAN JUST BRING IN THE FACT THAT THERE WAS A  
14 CONVICTION, IT DOESN'T MANDATE THAT BY ANY MEANS. IT  
15 JUST SAYS THIS IS A TACTIC THAT SOMETIMES IS ALLOWED  
16 IN FEDERAL COURT AND NEVER DOES IT SAY IN THERE THAT  
17 OKAY, WELL, HE HAS THREE FELONY CONVICTIONS. WE JUST  
18 BELIEVE THAT THAT NAKED ASSERTION IS SOMETHING THAT'S  
19 PREJUDICIAL AS WELL. IT SEEMS TO US, YOUR HONOR,  
20 THAT THE BASIC ANALYSIS IN THE VERY FIRST POINT THAT  
21 THE COURT HAS ALREADY OR HAS POINTED OUT IS THIS  
22 BALANCE BETWEEN THE IMPEACHMENT VALUE AND THE  
23 PROBATIVE VALUE OF THE PRIOR CONVICTION. AGAIN WE'RE  
24 NOT, WE'RE TALKING ABOUT CREDIBILITY. WE'RE TALKING  
25 ABOUT THE CREDIBILITY OF THIS MAN AND IS HIS



1 TESTIMONY IMPORTANT AND OF COURSE IT IS, AND THE FACT  
2 THAT HE HAS A FELONY CONVICTION FOR UNLAWFUL CONDUCT  
3 TOWARD A CHILD IS NOT PROBATIVE OF HIS CREDIBILITY.  
4 IT IS PREJUDICIAL. IT MAKES THESE FOLKS THINK THAT  
5 THIS MAN IS A CRIMINAL. IT'S CHARACTER EVIDENCE.  
6 IT'S NOT IMPEACHMENT ON THE ISSUE OF HIS CREDIBILITY  
7 WHATSOEVER. IT'S JUST LIKE A DRUG CONVICTION. IT'S  
8 A BAD THING BUT IT'S NOT APPROPRIATE IN THIS SETTING  
9 AND WE WOULD, AGAIN I FEEL LIKE I HAVE AN OBLIGATION  
10 TO BRING THIS AND OBJECT TO ANY MENTION OF HIS PRIOR  
11 CONVICTION.

12 THE COURT: WELL, I'M GOING TO ALLOW IT  
13 IN. I FIND THAT 609 DOES ALLOW EVIDENCE OF THIS TYPE  
14 OF OFFENSE. I FIND THAT THERE IS A PROTECTION IN  
15 THAT IT CANNOT BE REFERRED TO BY ITS NATURE, AND AS  
16 FAR AS, I MEAN, CREDIBILITY OF COURSE IS A KEY ISSUE  
17 IN THIS CASE. IT'S, NOT ONLY THE CREDIBILITY OF THE  
18 TESTIMONY BUT DIRECTLY THE CORE ISSUE OF THE  
19 CONFESSIONS AND SO CREDIBILITY IS A, WELL, IN A LOT  
20 OF CRIMINAL CASES IT IS A CORE ISSUE, AND I FIND HERE  
21 THAT, I DON'T BELIEVE I HAVE TO GO THROUGH THIS  
22 ANALYSIS BUT JUST AS OBSERVATIONS: THE PRIOR CRIMES  
23 DO HAVE IMPEACHMENT VALUE UNDER RULE 609. THERE IS  
24 NO QUESTION. THEY ARE CERTAINLY VERY, VERY CLOSE.  
25 THEY WERE WITHIN THE TIME LIMITS SET BY THE RULE AND

1 GOSH, IT WAS WITHIN TWO YEARS, IF I REMEMBER  
2 CORRECTLY, OF WHEN THIS ALLEGEDLY OCCURRED. I DON'T  
3 HAVE TO GO INTO THE SIMILARITY OF THESE CHARGES, ONE  
4 OF THE IDENTICAL THINGS, THAT I'M NOT GOING TO LET  
5 THEM INTO THE NATURE OF THE CRIME; THE IMPORTANCE OF  
6 DEFENDANT'S TESTIMONY, WELL, THAT'S KIND OF A HARD  
7 ONE TO WRESTLE WITH. I DON'T KNOW OF ANY CASE WHERE  
8 DEFENDANT'S TESTIMONY WOULDN'T BE IMPORTANT. THAT  
9 ONE KIND OF BOGGLES MY MIND, BUT OBVIOUSLY THE  
10 DEFENDANT'S TESTIMONY IS EXTREMELY IMPORTANT  
11 PARTICULARLY, AGAIN, THAT BOGGLES MY MIND BECAUSE IF  
12 IT WEREN'T, WHY WOULD ANYBODY PUT UP A DEFENDANT TO  
13 TESTIFY WHEN THEY HAVE A RIGHT TO REMAIN SILENT IF  
14 THEIR TESTIMONY ISN'T GOING TO BE IMPORTANT. THE  
15 CENTRALITY OF THE CREDIBILITY ISSUE, AGAIN I THINK  
16 THAT'S A CORE ISSUE HERE, SO I'M GOING TO ALLOW THEM  
17 TO IMPEACH HIM WITHOUT REFERRING TO THE NATURE OF THE  
18 OFFENSE. ANYTHING ELSE?

19 MR. BAITY: SO THAT IMPEACHMENT, COULD IT  
20 JUST BE SIMPLY A CONVICTION, DOES IT HAVE TO DESCRIBE  
21 IT AS A FELONY OR ANY PARTICULAR TYPE? SIMPLY JUST  
22 SAY WERE YOU CONVICTED ONCE BEFORE OR SOMETHING OF  
23 THAT NATURE. FELONY JUST SEEMS TO BE --

24 MR. MORTON: A CHARGE THAT CARRIES MORE  
25 THAN A YEAR OR IS FELONY MANDATED. I DON'T

1 UNDERSTAND THAT.

2 THE COURT: I ALWAYS HAVE A LITTLE TROUBLE  
3 WITH FELONY TOO BECAUSE THAT COULD BE MURDER. WOULD  
4 THE STATE, THESE CARRIES TEN YEARS, DOESN'T IT?

5 MR. BAITY: YES, SIR.

6 THE COURT: THE STATE, HOW DO YOU PLAN TO,  
7 I KNOW YOU'VE ALREADY TOLD ME THAT; WOULD THE STATE  
8 CONSIDER AND I'M JUST ASKING YOU, IS IT NOT TRUE THAT  
9 YOU HAVE BEEN CONVICTED OF THREE OFFENSES FOR WHICH  
10 YOU COULD HAVE RECEIVED IN EXCESS OF ONE YEAR IN  
11 IMPRISONMENT.

12 MR. BRACKETT: LET ME ASK THE STATE.

13 THE COURT: YOU ARE THE STATE.

14 MR. BRACKETT: NO, HE'S THE STATE. I WORK  
15 FOR THE STATE.

16 MR. BRACKETT: ABOUT HOW THIS AS A  
17 COMPROMISE. WE CAN EITHER SAY A CLASS E FELONY OR  
18 CONVICTED OF THREE CRIMES ON EACH WHICH YOU COULD  
19 HAVE BEEN SENTENCED UP TO TEN YEARS, WHICH IS WHAT  
20 THE FACT.

21 THE COURT: WELL, NOBODY -- I DON'T EVEN  
22 KNOW HALF THE TIME I CAN'T REMEMBER A CLASS E FELONY  
23 IS.

24 MR. BRACKETT: YES, SIR, THAT'S WHY THE  
25 SECOND ALTERNATIVE IS PROBABLY MORE PALATABLE.

1                   THE COURT: I'M GOING TO RESTRICT, I AM  
2 GOING TO TAKE A JUDICIAL INTERVENTION AND SEEMS LIKE  
3 I'VE DONE THAT SEVERAL TIMES IN THIS CASE, AND JUST  
4 ALLOW THE STATE TO ASK A QUESTION THAT COMPORTS WITH  
5 THE RULE AND THAT IS ISN'T IT TRUE THAT YOU'VE BEEN  
6 CONVICTED IN 1999 FOR THREE OFFENSES FOR WHICH YOU  
7 COULD HAVE RECEIVED IN EXCESS OF ONE YEAR  
8 IMPRISONMENT.

9                   MR. BAITY: THANK YOU, YOUR HONOR.

10                  MR. BRACKETT: THANK YOU, YOUR HONOR.

11                  THE COURT: ANYTHING FURTHER BEFORE GET  
12 THE JURY IN?

13                  MR. POPE: YES, SIR. THIS COULD BE BRIEF.  
14 I ANTICIPATE THE DEFENSE HAVING A HANDWRITING EXPERT.  
15 WE HAVE AN INITIAL REPORT THAT MR. BAITY HAS BEEN IN  
16 CONSTANT CONTACT WITH ME ABOUT THAT THERE IS MORE  
17 WORK THAT'S BEEN DONE BUT THERE IS NOT A SUBSEQUENT  
18 REPORT, HE TOLD ME THAT FRIDAY, AND I HAD ACCEPTED  
19 WHAT INFORMATION HE GAVE ME. I CAUGHT MR. BAITY AS  
20 HE WAS RUSHING IN TODAY AND JUST TELL HIM I WOULD  
21 LIKE TO SEE THE UNDERLYING DATA THAT THE EXPERT USED  
22 THAT WE DON'T HAVE. YOU KNOW, A LOT OF IT IS  
23 DUPLICATIVE, BUT THERE WAS SOME THAT, THAT I THINK  
24 THEY ONLY HAD IN THEIR CUSTODY AND SO JUST I MENTION  
25 THAT JUST AS HE WAS COMING IN AND SETTING HIS

1 BRIEFCASE DOWN.

2 MR. BAITY: I'LL DO THAT RIGHT NOW.

3 MR. POPE: I WAS JUST THINKING THAT ---

4 THE COURT: THAT WILL BE GOOD.

5 MR. BAITY: YES, SIR.

6 MR. POPE: CHARTS, DIAGRAMS, WHATEVER HE

7 INTENDS TO USE.

8 THE COURT: ALL RIGHT. MR. GREELEY,

9 ANYTHING.

10 MR. GREELEY: NO, YOUR HONOR.

11 THE COURT: ALL RIGHT. READY FOR THE

12 JURY.

13 MR. MORTON: YES.

14 THE COURT: BRING IN THE JURY.

15 (THE JURY RETURNS TO THE COURTROOM AT

16 09:27 AM.)

17 THE COURT: GOOD MORNING.

18 (THE JURY: GOOD MORNING.)

19 THE COURT: CALL YOUR NEXT WITNESS.

20 MR. MORTON: THE DEFENSE CALLS BILLY COPE

21 TO THE STAND.

22 BILLY COPE, BEING FIRST DULY

23 SWORN, TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION BY MR. MORTON:

25 Q GOOD MORNING.

1 A GOOD MORNING.

2 Q HOW ARE YOU?

3 A BLESSED.

4 Q BILLY, I'M GOING TO ASK YOU SOME QUESTIONS AND  
5 I'M GOING TO SPEND A LITTLE BIT OF TIME ABOUT WHO YOU  
6 ARE. I'M NOT GOING TO GO INTO A LOT OF STUFF, BUT I  
7 BASICALLY AND THEN WE'LL GET TO THE NIGHT IN QUESTION  
8 AND WHAT HAPPENED AFTERWARDS. DO YOU UNDERSTAND?

9 A YES, SIR.

10 Q HOW OLD ARE YOU?

11 A 41.

12 Q YOU BORN AND RAISED IN THIS AREA?

13 A I WAS BORN IN CHESTER, RAISED IN ROCK HILL, YES,  
14 SIR.

15 Q OKAY. AND YOU GRADUATED HIGH SCHOOL?

16 A YES, SIR.

17 Q FROM WHERE?

18 A I GRADUATED FROM NORTHWESTERN HIGH SCHOOL IN  
19 1983.

20 Q AND DID YOU ATTEND YORK TECHNICAL COLLEGE AT  
21 SOME POINT AFTER THAT?

22 A YES, SIR. I SPENT FOUR YEARS THERE. I GOT AN  
23 ASSOCIATE DEGREE IN ELECTRONICS ENGINEER AND AN  
24 ASSOCIATE DEGREE IN COMPUTER ENGINEER.

25 Q WHEN DID YOU GRADUATE FROM NORTHWESTERN? I'M

1 SORRY, FROM YORK TECHNICAL COLLEGE IN THOSE DEGREES?

2 A MAY 11 OF 2001.

3 Q OKAY. I'M GOING TO BRIEFLY GO THROUGH, AFTER  
4 HIGH SCHOOL WHAT DID YOU DO?

5 A I WORKED FOR THE HESS STATION ON CHERRY ROAD.

6 Q FOR HOW LONG?

7 A APPROXIMATELY THREE YEARS.

8 Q AND WHAT DID YOU DO THERE?

9 A I WAS A THIRD SHIFT CASHIER, LATER STARTED  
10 TRAINING TO BE THE HEAD CASHIER.

11 Q OKAY. AND WHAT DID YOU DO AFTER THAT?

12 A AFTER THAT I -- A FRIEND OF MINE ASKED ME TO  
13 MOVE TO OMAHA, NEBRASKA, WITH HIM, HIM AND HIS WIFE,  
14 AND I MOVED UP THERE, SPENT ABOUT 4 MONTHS UP THERE.  
15 I WORKED FOR A PLACE CALLED TOP DOG HOT DOG. IT WAS  
16 A RESTAURANT SERVED HOT DOGS. THAT'S WHAT I DONE.

17 Q AND THEN YOU GOT HOME SICK?

18 A HOME SICK, YES, SIR.

19 Q AND CAME BACK HOME?

20 A CAME BACK TO ROCK HILL.

21 Q OKAY. AND YOU WERE SINGLE AT THE TIME?

22 A YES, SIR.

23 Q WHAT DID YOU DO THEN?

24 A AFTER THAT I MET THIS GIRL NAMED TRACY AND KIND  
25 OF MOVED IN WITH HER AS A PLATONIC RELATIONSHIP. SHE

1 HAD A SMALL BOY AND SHE WANTED, SHE NEEDED SOME HELP  
2 TAKING CARE OF IT AND I HELPED TAKE CARE OF IT WITH  
3 HER.

4 Q OKAY. AND HOW LONG DID THAT GO ON?

5 A OFF AND ON ABOUT A YEAR AND A HALF.

6 Q OKAY. SO WHAT DID DO YOU AFTER THAT?

7 A WELL, I'VE WORKED SEVERAL PLACES WITH THE --

8 Q DO YOU HAVE SOME NOTES THERE, THAT YOU HAD FOR  
9 GOTTEN IT?

10 A I DID. I CAN'T. IT'S HARD TO KEEP UP WITH ALL  
11 THE JOBS AND ALL THE DIFFERENT PLACES.

12 Q OKAY. GO AHEAD. TELL US AS BEST YOU CAN.

13 A I WORKED FOR JACKSON'S CAFETERIA FOR AWHILE  
14 WHILE I WAS LIVING WITH TRACY AS A POT WASHER. THAT  
15 JOB DIDN'T LAST LONG. IT WAS A LOT OF WALKING  
16 INVOLVED TO GET BACK AND FORTH TO WORK, SO I STARTED  
17 WORKING FOR THE DINING CARD AROUND CHRISTMASTIME.  
18 THAT WAS IN 1986. THEY ASKED ME TO START WORKING FOR  
19 THEM AT FOR WHAT IT'S WORTH, THAT WAS THE SISTER  
20 COMPANY OF THEIRS, AND I WORKED THERE WITH THEM UNTIL  
21 ORKIN PEST CONTROL CALLED ME AND ASKED ME TO BE A  
22 TERMITE TECHNICIAN. I WENT TO WORK FOR ORKIN PEST  
23 CONTROL FOR A SHORT TIME. WE CAUGHT UP ALL THEIR  
24 WORK AND THEN THEY LAID ME OFF AND SO I FOUND WORK  
25 WITH FASTFARE. I WORKED FOR FASTFARE FOR A SHORT



1 TIME THEN ORKIN PEST CONTROL CALLED ME BACK. I WENT  
2 BACK TO WORK FOR ORKIN PEST CONTROL AND ABOUT, I  
3 GUESS IT WAS ABOUT SIX MONTHS LATER, I HAD AN  
4 ACCIDENT. I LOOKED DOWN AT MY CHECK STUB, I COULDN'T  
5 BELIEVE THE AMOUNT OF MONEY, AND I FLIPPED ONE OF  
6 THEIR TRUCKS, SO THEY FIRED ME FROM THAT, OF COURSE.  
7 AND SO I STARTED WORKING, I WENT TO WORK FOR THE  
8 HANDY PANTRY AND BECAME THE ASSISTANT MANAGER OF THE  
9 HANDY PANTRY. THEY MOVED ME TO FORT MILL AND I  
10 WORKED THERE FOR AWHILE, BUT I STILL LIKED ROCK HILL  
11 SO I DECIDED I NEED, I WAS LIVING IN ROCK HILL AND  
12 GOING BACK AND FORTH TO FORT MILL AND I DIDN'T WANT  
13 TO DO THAT, SO I TOLD THEM, YOU KNOW, I HAD TO QUIT  
14 SO I QUIT WORKING THERE AND I STARTED WORKING FOR THE  
15 HERALD AS AN INSERTER. THEN I GOT A CALL FROM TRACY  
16 AND SHE ASKED ME WOULD I MOVE BACK IN WITH HER  
17 BECAUSE BUT SHE WAS LIVING IN MORGANTON, NORTH  
18 CAROLINA. FROM THERE I, I MOVED UP THERE TO BE WITH  
19 HER AND I STARTED WORKING FOR A PLACE BRENDAN'S  
20 MANUFACTURING AND FAST AND FRESH, THAT WAS, I WAS  
21 WORKING TWO JOBS AT ONCE. ONE WAS ON THIRD SHIFT AND  
22 ONE WAS ON THE FIRST SHIFT AND IT WAS AT THAT TIME  
23 THAT I MET MARY SUE.

24 Q HOW LONG HAD YOU BEEN IN MORGANTON BEFORE YOU  
25 MET MARY SUE?

1 A ABOUT THREE MONTHS.

2 Q OKAY. AND WHERE, AND YOU MET MARY SUE WHILE YOU  
3 WERE IN MORGANTON?

4 A RIGHT. SO I TOLD TRACY THAT I, YOU KNOW, I WAS  
5 GOING, I MOVED OUT AND ME AND MARY SUE BECAME AN ITEM  
6 AND WE STARTED DATING. AND WE WERE, WE HAD PLANNED A  
7 WEDDING OF JULY 18 OF 1988 BUT WE KIND OF GOT FORCED  
8 INTO MARRIAGE AND THERE WASN'T A BABY OR NOTHING LIKE  
9 THAT. IT WAS HER FAMILY DECIDED WELL WE DON'T WANT  
10 YOU TO MARRY HER AND THEN MOVE BACK TO ROCK HILL AND  
11 TAKE OUR DAUGHTER WITH YOU OR OUR NIECE WITH YOU.  
12 THAT'S EXACTLY WHAT HAPPENED.

13 Q BECAUSE SHE WAS LIVING WITH HER AUNT AND UNCLE?

14 A THAT IS CORRECT AND THAT IS EXACTLY WHAT  
15 HAPPENED. WE GOT MARRIED AND MOVED BACK TO ROCK  
16 HILL.

17 Q HOW LONG HAD YOU AND MARY SUE BEEN DATING BEFORE  
18 YOU GOT MARRIED?

19 A TWO WEEKS.

20 Q OKAY.

21 A TWO WEEKS.

22 Q AND Y'ALL GOT MARRIED WHERE?

23 A WE GOT MARRIED IN MORGANTON, NORTH CAROLINA, AT  
24 THE COUNTY COURTHOUSE.

25 Q OKAY. AFTER YOU GOT MARRIED WHAT DID YOU DO?

1 A (NO RESPONSE.)

2 Q HOW DID YOU GET BACK TO ROCK HILL?

3 A WE GOT A BUS. WE GOT ON A BUS AND CAME BACK TO  
4 ROCK HILL. MY MOM SAID WELL, YOU KNOW, WE'LL SEND  
5 FOR YOU, SO THEY SENT THE MONEY BACK TO US AND I HAD  
6 MONEY AND WHAT MONEY WE HAD, WE BOTH GOT ON THE BUS  
7 AND CAME BACK TO ROCK HILL. WE STAYED WITH MOM FOR A  
8 SHORT TIME AND THEN WE MOVED IN WITH DAD FOR A SHORT  
9 TIME. THEN WE FOUND OUR OWN PLACE. I STARTED  
10 WORKING FOR FABRIC RESOURCES. IT WAS A COTTON MILL,  
11 A WEAVE PLANT, AND MARY SUE WAS WORKING WITH MY MOM.  
12 SHE WAS WORKING AT CONSTRUCTION SITE CLEANING  
13 APARTMENTS AND THINGS, AND WE BOTH, WE BOTH HAD MONEY  
14 COMING IN SO WE GOT US A NICE TRAILER TO LIVE IN. WE  
15 WAS LIVING THERE FOR, WE LIVED THERE FOR ABOUT THREE  
16 YEARS AND THEN.

17 Q IN THAT TIME WHAT HAPPENED?

18 A IN THAT TIME.

19 Q WHEN WAS AMANDA BORN?

20 A AMANDA WAS BORN SHORTLY AFTER THAT IN 80--WELL,  
21 SHE WAS BORN RIGHT AFTER WE GOT MARRIED, ABOUT A YEAR  
22 AFTER WE GOT MARRIED. SHE WAS BORN ON APRIL 7. I  
23 MEAN, APRIL 14 OF 1989 AND.

24 Q WHEN WAS JESSICA BORN?

25 A JESSICA WAS BORN ON APRIL 4 OF 1990.

1 Q OKAY. SO ALMOST A FULL YEAR LATER, JUST SHORT  
2 OF A YEAR LATER?

3 A LACKING EXACTLY TEN DAYS BEING.

4 Q OKAY.

5 A THEN AFTER THAT I WENT BACK TO THE HESS STATION,  
6 STARTED WORKING FOR HESS STATION AND BECAME THE  
7 ASSISTANT MANAGER. THE HESS STATION.

8 Q WHICH ONE?

9 A THE ONE ON SALUDA STREET. AFTER I WAS THERE FOR  
10 ABOUT TWO YEARS I SAW AN AD IN THE PAPER WHERE I  
11 COULD MAKE MORE MONEY AS ASSISTANT MANAGER AT THE  
12 CONOCO STATION ON CHERRY ROAD SO I WENT THERE AND GOT  
13 A JOB, I GOT A JOB WITH THEM, AND THEN THE MANAGER,  
14 SHE LOOKED AT ME, SHE LOOKED AT ME AND SAID, YOU ARE  
15 NOT ASSISTANT MANAGER MATERIAL, YOU ARE MANAGER  
16 MATERIAL, SO SHE ENROLLED ME IN THE MANAGER PROGRAM,  
17 AND THEY MOVED ME TO CHARLOTTE TO THE GRAHAM STREET  
18 STATION AS A MANAGER. I STAYED THERE FOR A SHORT  
19 TIME. THEN MY, THE SUPERVISOR SAID, YOU NEED A  
20 BIGGER STORE, SO THEY MOVED ME TO THE WILKERSON  
21 BOULEVARD STORE. I HAD A LACK FOR CATCHING THIEFS IN  
22 A STORE, SO HE ASKED ME TO KEEP AN EYE ON THINGS AND  
23 I WATCHED. I WAS A MANAGER AND CAUGHT MANY PEOPLE  
24 STEALING, SHOPLIFTING IN THE STORE. AND AFTER THE  
25 STORE GOT STRAIGHTENED OUT THEY MOVED ME BACK TO ROCK

1 HILL TO THE CONOCO STATION ON CHERRY ROAD AS A  
2 MANAGER. FOLLOWING AN INSPECTION WE HAD, THEY  
3 DECIDED TO LET GO. THE INSPECTION WASN'T AS GOOD AS  
4 WHAT THEY WANTED AND --

5 Q OKAY. WHERE DID YOU WORK AFTER THAT?

6 A AFTER THAT I WENT TO WORK FOR WALMART AND KYLA  
7 WAS BORN. SHE WAS BORN IN 1994 ON OCTOBER 24.

8 Q OKAY. AND THEN YOU WERE WORKING WITH WALMART,  
9 WHEN DID YOU GO BACK TO SCHOOL TO YORK TECH?

10 A RIGHT AFTER I LEFT WALMART I DECIDED, THIS  
11 RUNNING BACK AND FORTH, ALL THESE JOBS, I DIDN'T WANT  
12 THAT. I WANTED, I WANTED A GOOD STEADY INCOME. I  
13 KNEW I HAD TAKEN SOME ELECTRONICS IN HIGH SCHOOL, SO  
14 I WANTED AND I HAD FRIENDS WHO HAD TAKEN ELECTRONICS  
15 AND COMPUTER PROGRAM THAT'S AT YORK TECH AND THEY WAS  
16 TELLING ME ABOUT IT. I FOUND OUT THAT THE PRESIDENT  
17 HAD CHANGED THE PELL GRANT PROGRAM, SO I TALKED TO  
18 THE PEOPLE AT YORK TECH, I GOT A GRANT, WAS GRANTED A  
19 PELL GRANT, SO I WENT BACK. I WENT BACK TO SCHOOL,  
20 AND ACQUIRED MY DEGREES.

21 Q NOW IN 1999 BILLY, YOU AND MARY SUE Y'ALL HAD A  
22 THREE CRIMINAL CHARGES?

23 A THAT'S CORRECT.

24 Q RIGHT?

25 A YES, SIR, THAT'S CORRECT.

1 Q AND YOU PLEADED GUILTY TO THREE CRIMINAL CHARGES  
2 THAT CARRIED MORE THAN A YEAR?

3 A THAT'S CORRECT.

4 Q AND THAT WAS IN 1999.

5 A THAT'S CORRECT.

6 Q YOU AND MARY SUE?

7 A THAT'S CORRECT. ME AND MARY SUE BOTH.

8 Q NOW IN, AFTER YOU GOT YOUR DEGREES IN 2001, IS  
9 THAT RIGHT?

10 A THAT'S CORRECT.

11 Q AND THAT WAS IN MAY OF 2001?

12 A THAT'S CORRECT. MAY OF 2001.

13 Q OKAY. AND BILLY, LET ME ASK YOU THIS, DURING  
14 CAREER WITH HESS AND WITH FASTFARE AND SO FORTH, DID  
15 YOU, WERE YOU EVER ASKED TO TAKE POLYGRAPHS?

16 A YES, SIR. I WAS ASKED TO TAKE SEVERAL  
17 POLYGRAPHS TWO OF WHICH WAS WITH THE ORKIN PEST  
18 CONTROL.

19 Q IS THIS, THIS WAS THE RESULT OF YOUR EMPLOYMENT  
20 THERE?

21 A THAT'S CORRECT, YES.

22 Q I MEAN.

23 A YES.

24 Q IN ORDER TO GET THE JOB?

25 A THAT'S CORRECT.

1 Q OKAY. AND SO HOW DID YOU DO ON THOSE TESTS?

2 A PASSED THEM. THEY ACCEPTED ME AND HE SAID THEY  
3 HAD NO PROBLEM. I HAD TO BE BONDED.

4 Q OKAY. DID YOU ALSO AS A RESULT OF YOUR  
5 EMPLOYMENT WITH THE VARIOUS HESS STATION AND  
6 FASTFARES, DID YOU RELY ON THE POLICE A LOT?

7 A OH, YES, SIR. IN THE WORK WITH THE CASHIER, AS  
8 A CASHIER, ANY TIME YOU WORK WITH MONEY YOU GOT  
9 PROBLEMS WITH, YOU KNOW, SOME POTENTIAL THIEF OR  
10 POTENTIAL ROBBER. WE ALWAYS HAD COFFEE AND STUFF  
11 LIKE THAT WAITING FOR THE POLICE OFFICERS. WE WOULD  
12 ALWAYS TRY TO KEEP THE POLICE COMING TO THE STORES TO  
13 HELP US AND THERE IS MANY TIMES, I'VE HAD MANY  
14 FRIENDS ON THE POLICE FORCE, SOME TO NAME A FEW LASH  
15 LEROUX WAS A FRIEND OF MINE. OFFICER TINKER WAS A  
16 FRIEND OF MINE.

17 Q THEY WOULD COME AND HELP YOU OUT WHEN YOU NEEDED  
18 IT?

19 A THAT'S CORRECT. I LIVED RIGHT DOWN THE STREET  
20 FROM AN OFFICER. HE WAS A PREACHER. HE CAME BY OUR  
21 CHURCH AND SPOKE SEVERAL TIMES.

22 Q SO IF HAD YOU A DRIVE OFF OR SOME PROBLEM?

23 A ABSOLUTELY.

24 Q OR SOMEBODY RAN OUT OF THE STORE WITH SOMETHING  
25 YOU WOULD CALL THE POLICE?

1 A ABSOLUTELY.

2 Q AND Y'ALL --

3 A THEY WOULD COME RIGHT OUT, TAKE CARE OF WHAT HAD  
4 TO BE TAKEN CARE OF, AND GET THEM A CUP OF COFFEE,  
5 AND LEAVE.

6 Q AND YOU FELT LIKE YOU HAD A GOOD RELATIONSHIP  
7 WITH THEM?

8 A ABSOLUTELY. I TRUSTED THEM.

9 Q OKAY. LET ME TURN YOUR ATTENTION TO, LET ME  
10 TURN YOUR ATTENTION TO RICH STREET?

11 A OKAY.

12 Q Y'ALL HAD A PROBLEM AT RICH STREET WITH BUGS AND  
13 ROACHES?

14 A THAT'S CORRECT, WE DID. WE TRIED ALL SORTS OF  
15 THINGS TO TAKE CARE OF IT. I EVEN HAD THE LANDLORD  
16 TO CALL AN EXTERMINATOR TO COME OUT AND THEY COME OUT  
17 EXTERMINATED THE HOUSE AND IT DIDN'T DO NO GOOD.  
18 THEY, THE EXTERMINATOR EVEN TOLD ME, MR. COPE, YOU  
19 ARE NOT GOING TO GET RID OF THESE ROACHES. THEY ARE  
20 EMBEDDED IN THE WALLS. THEY'VE BEEN HERE FOR YEARS.  
21 WHEN WE FIRST MOVED IN THEY WASN'T OUT, YOU COULDN'T  
22 SEE THEM THAT OFTEN, BUT THEN AS IT STARTED TO WARM  
23 UP AND WE SAW MORE AND MORE OF THEM AND I CALLED THE  
24 LANDLORD AND ASK HIM TO HAVE SOMETHING DONE ABOUT IT  
25 AND HE CAME OUT AND SEEN WHAT WAS GOING ON THEN HE



1 LEFT AND WENT CALLED SOMEBODY. THEY CAME OUT. AND  
2 THEN IT WAS A UP AND DOWN BATTLE. ME AND MY WIFE WAS  
3 CONSTANTLY SPRAYING OR WE HAD A FOGGER. WE SET  
4 FOGGERS OFF ALL THE TIME TRYING TO GET RID OF  
5 ROACHES. WE COULDN'T GET RID OF THEM.

6 Q WHERE WAS MARY SUE WORKING?

7 A SHE WORKED FOR LEINER HEALTH PRODUCTS.

8 Q HOW LONG DID SHE WORK THERE?

9 A APPROXIMATELY FOUR YEARS.

10 Q OKAY. AND SHE WORKED THIRD SHIFT?

11 A THAT'S CORRECT.

12 Q OKAY. YOU HAVE ONE BROTHER AND ONE SISTER,  
13 RIGHT?

14 A THAT'S CORRECT.

15 Q THEY LIVE HERE IN ROCK HILL?

16 A THAT'S CORRECT. MY SISTER LIVES IN EDMORE.

17 Q YOUR MOM AND DAD LIVE IN ROCK HILL?

18 A THAT'S CORRECT.

19 Q WHERE DO THEY WORK?

20 A MY DAD WORKED FOR INMAN CONTAINER, BUT HE'S  
21 RETIRED. MY MOM SHE HASN'T WORKED SINCE SHE HAD HER  
22 STROKE.

23 Q OKAY. SHE WAS DISABLED AS A RESULT OF THAT  
24 STROKE?

25 A THAT'S CORRECT.

1 Q TELL US ABOUT WHAT HAPPENED THE WEEKEND BEFORE  
2 AMANDA GOT KILLED?

3 A ON THE WEDNESDAY NIGHT AFTER WORK I HAD TALKED  
4 WITH MY BOSS AND I ASKED HIM AND ON --

5 Q THIS WAS THANKSGIVING WEEKEND?

6 A THAT WAS THE WEEKEND OF THANKSGIVING. I ASKED  
7 MY BOSS COULD I HAVE THAT WEEKEND OFF BECAUSE WE WERE  
8 GOING TO GO UP TO THE MOUNTAINS TO BE WITH.

9 Q AND YOU WERE WORKING WHERE AT THE TIME?

10 A AT STEAK OUT.

11 Q OKAY. YOU HAD FINISHED YOUR DEGREES.

12 A THAT'S CORRECT.

13 Q AT YORK TECH IN MAY?

14 A RIGHT.

15 Q AND THIS WAS NOW NOVEMBER. AND IN THE MEANTIME  
16 YOU WERE WORKING AT STEAK OUT. WERE YOU WORKING AT  
17 STEAK OUT WHEN YOU WERE AT YORK TECH?

18 A ACTUALLY YES, I WAS. I WAS WORKING AT HESS, I  
19 WAS WORKING AT STEAK OUT, AND I WAS GOING TO SCHOOL  
20 FULL TIME.

21 Q AFTER YOU FINISHED YOUR DEGREES THAT SUMMER YOU  
22 WERE WORKING AT STEAK OUT?

23 A THAT'S CORRECT.

24 Q OKAY. SO YOU ASKED YOUR BOSS IF COULD YOU BE  
25 OFF?

1 A RIGHT. AND HE AGREED TO LET ME GO TO THE  
2 MOUNTAINS. HE DIDN'T WANT TO, WAS RELUCTANT BECAUSE  
3 THE BUSINESS, BUT I TOLD HIM THAT THIS WOULD BE THE  
4 ONLY CHANCE THAT I'D BE ABLE TO GO UP WITH MARY SUE  
5 TO SEE HER FAMILY. SO WE LEFT, WE LEFT OUT ON  
6 WEDNESDAY, WEDNESDAY AFTERNOON, WE RETURNED ON  
7 SATURDAY.

8 Q OKAY?

9 A SATURDAY NIGHT.

10 Q WHAT DID YOU DO BEFORE YOU LEFT?

11 A WELL, WE THOUGHT THIS WOULD BE THE BEST TIME, SO  
12 WE REMOVED STUFF FROM THE CLOSETS AND STUFF FROM THE  
13 WALLS AND WE ACTUALLY SPRAYED THE HOUSE. WE SET OUT  
14 LIKE 8 FOGGERS THAT DAY.

15 Q WHEN YOU SAY FOGGERS YOU MEAN?

16 A ROACH FOGGERS. THE SPRAY, YOU SHAKE THEM AND  
17 SPRAY, SET THEM ON FLOOR AND YOU SPRAY, THEY KILL A  
18 LOT OF ROACHES, AND WE SET THEM OFF, WE GOT A  
19 DIFFERENT BRAND. WE TRIED A DIFFERENT BRAND BECAUSE  
20 WE KNOW THE ROACHES WILL ACTUALLY GET USED TO WHAT  
21 YOU USING ALL TIME, SO WE CHANGED A DIFFERENT BRAND  
22 AT THAT TIME.

23 Q SO IN ORDER TO DO THAT DID YOU PULL THINGS FROM  
24 THE CABINET AND THE DRAWERS?

25 A EVERYTHING WAS PULLED AWAY FROM THE WALLS, OUT

1 OF DRAWERS, CLEANED THE CLOSETS OUT, EVERYTHING WAS  
2 REMOVED SO THAT WE COULD SPRAY, MAKE SURE WE GOT RID  
3 OF THE ROACHES.

4 Q OKAY. AND YOU GOT BACK ON WHEN SATURDAY?

5 A SATURDAY ABOUT FIVE O'CLOCK BECAUSE I HAD TO BE  
6 AT WORK AT SIX.

7 Q WHAT DID YOU NOTICE WHEN YOU GOT BACK?

8 A I NOTICED, FIRST THING I NOTICED WAS THAT MY  
9 BACK DOOR WAS STANDING OPEN. WHEN I FIRST WALKED IN  
10 THE DOOR, WE PUT THE, I UNLOADED THE VAN, PUT ALL THE  
11 STUFF IN THE LIVING ROOM FLOOR, AND I WALKED INTO  
12 THE, INTO THE LIVING ROOM THERE TO THE TELEPHONE, AND  
13 I CALLED MY MOM. AND AS WHILE I WAS TALKING TO HER I  
14 LOOKED OVER TOWARD THE KITCHEN AND I SAW MY BACK DOOR  
15 WAS OPEN AND I SAID MOMMA HOLD A MINUTE AND I LAID  
16 THE PHONE DOWN AND I WENT AND CHECKED. MY BACK DOOR  
17 WAS STANDING OPEN. I THOUGHT AT FIRST THE WINDOW WAS  
18 SO CLEAN IT LOOKED LIKE IT HAD BEEN BUSTED OUT, BUT  
19 WHEN I PUT MY HAND ON IT IT WASN'T, IT WAS STILL  
20 INTACT, SO BUT IT WAS OPEN ABOUT, I GUESS ABOUT 8  
21 INCHES AND I SAID, I WENT BACK TO THE PHONE I SAID  
22 MOMMA, MY BACK DOOR STANDING OPEN, AND SHE SAID, LET  
23 ME LET ME LET YOU GO AND CALL THE POLICE AND I LOOKED  
24 AROUND THE ROOM AND I SEEN ALL THE STUFF THAT WAS  
25 SCATTERED AND ALL THE BUGS LAYING ON THE FLOOR AND I

1 SAID, NO MOMMA, I DON'T THINK THAT IS A GOOD IDEA,  
2 THE HOUSE IS A MESS RIGHT NOW BECAUSE WE GOT ROACHES  
3 AND WE'RE TRYING TO GET RID OF THEM AND WE SPRAYED  
4 AND THERE IS BUGS EVERYWHERE, THERE IS CLOTHES  
5 EVERYWHERE, THERE IS EVERYTHING EVERYWHERE, WE CAN'T  
6 DO THAT.

7 Q OKAY. AND THAT WASN'T JUST BECAUSE OF THE  
8 ROACHES. YOU ARE NOT --

9 A NO.

10 Q YOU ARE NOT CLAIMING THAT YOU AND MARY SUE WERE  
11 THE BEST --

12 A NO, I WAS A PACK RAT. I COLLECT EVERYTHING,  
13 TOYS, BOOKS, AND I HAD ALL MY SCHOOL NOTES. I GOT, I  
14 HAD EVERY SINGLE SCHOOL NOTE I EVER HAD, EVEN LITTLE  
15 PIECES OF PAPER. I KEEP STUFF BECAUSE I THINK  
16 DOCUMENTING STUFF I CAN KEEP UP WITH BUT A LOT OF  
17 TIMES IT GETS MISPLACED, MOVED AROUND, PUSHED AROUND,  
18 SHOVED UNDER STUFF.

19 Q BUT YOU WERE NOT MUCH OF A HOUSE CLEANER?

20 A NO, I WAS NOT.

21 Q HOW ABOUT MARY SUE?

22 A AT FIRST WHEN WE FIRST GOT MARRIED SHE WAS BUT  
23 AS SHE WAS START WORKING, AS SHE STARTED WORKING MORE  
24 AND MORE THIRD SHIFT, SHE BECAME LESS OF A HOUSE  
25 CLEANER.

1 Q WHEN Y'ALL GOT MARRIED HOW MUCH DID YOU WEIGH?

2 A WHEN I GOT MARRIED I WEIGHED 220 POUNDS.

3 Q ALL RIGHT. AND THEN YOU GAINED A LOT OF WEIGHT?

4 A 385 POUNDS.

5 Q 385 POUNDS?

6 A 385 POUNDS. THAT'S A LOT OF EATING OUT. MARY

7 SUE WAS A GOOD COOK TOO SO.

8 Q SO IN 2001 AMANDA WAS 12, JESSICA WAS 11, AND

9 KYLA WAS 7, IS THAT RIGHT?

10 A THAT'S CORRECT.

11 Q OKAY. AND 407 RICH STREET IS ABOUT WHERE OFF OF

12 SALUDA STREET?

13 A IT WAS WITHIN THAT FIRST BLOCK RIGHT THERE AT

14 THE PARKER'S FUNERAL HOME. IT WAS WITHIN THAT FIRST

15 BLOCK ON THE SAME SIDE THAT PARKER'S FUNERAL HOME IS

16 ON.

17 Q YOU MEAN, IF YOU GOT OUT, IF YOU ARE GOING OUT

18 SALUDA STREET TOWARD CHESTER?

19 A THAT'S CORRECT.

20 Q I DON'T KNOW WHAT IT IS NOW BUT IT USED TO BE

21 FOUR LANE THAT KIND OF TURNED INTO TWO THEN, BUT

22 THERE USED TO BE --

23 A YES.

24 Q AN OLD ARMORY BASEBALL PARK OVER THERE ON THE

25 LEFT, USED TO BE A WINN DIXIE OR SHOPPING CENTER OR

1 SOMETHING ON THE LEFT IF YOU ARE GOING OUT, RIGHT?

2 A RIGHT. THERE WAS A PIGGLY WIGGLY THERE TOO AT  
3 ONE TIME.

4 Q THEN RIGHT PAST THERE IS RICH STREET, RIGHT?

5 A THAT'S CORRECT. IT WAS, IT'S THE NEXT STREET,  
6 NEXT STREET DOWN AFTER YOU PASS WHAT USED TO BE THE  
7 VALUE, THE OLD VALUE --

8 Q THE OLD VALUE STATION AND YOU TURN RIGHT.

9 A THAT'S CORRECT.

10 Q TO GO TO YOUR HOUSE, RIGHT?

11 A THAT'S RIGHT.

12 Q AND THEN YOUR HOUSE WAS DOWN ON THE RIGHT?

13 A NEXT TO THE LAST HOUSE ON THAT FIRST BLOCK.

14 Q OKAY. DID Y'ALL HAVE ANY PETS OR ANYTHING?

15 A ABOUT TWO WEEKS BEFORE, BEFORE THAT NIGHT WE HAD  
16 A BLACK LAB. WE CALLED HIM SAMUEL. I WAS AT WORK ON  
17 AFTERNOON.

18 Q HE GOT RUN OVER?

19 A MARY SUE CALLED ME AND SHE SAID, SHE SAID, SHE  
20 WAS CRYING AND I SAID WHAT'S WRONG AND SHE SAID UH  
21 THE, SHE SAID I WAS COMING HOME, SHE SAID, WHEN WAS  
22 THE LAST TIME YOU SEEN THE DOG. I SAID EARLY THIS  
23 MORNING BEFORE I LEFT AND SHE SAID WELL I WAS COMING  
24 IN JUST THEN AND I THINK WE JUST FOUND HIM AT THE END  
25 OF THE ROAD AND SHE CALLED BACK A LITTLE LATER AND

1 SAID HE HAD GOTTEN LOOSE AND HE WAS ON, THEY FOUND  
2 HIM ON THE CORNER OF RICH AND SALUDA STREET, HAD BEEN  
3 RUN OVER, AND I CALLED THE DOG POUND AND TOLD THEM  
4 AND.

5 Q HE STAYED OUTSIDE USUALLY BEFORE HE DIED, RIGHT?

6 A THAT'S CORRECT. AND HE WAS, HE WAS A GOOD  
7 WATCHDOG. WE NEVER HAD NO PROBLEM.

8 Q NOW WAS THERE A PATH BESIDE YOUR HOUSE?

9 A YES, THERE WAS. AS A MATTER OF FACT, THE  
10 POLICE, THE POLICE CAME TO MY HOUSE ONE NIGHT AND  
11 SAID --

12 Q DON'T SAY WHAT IT WAS, JUST SAY IT WAS A PATH,  
13 RIGHT?

14 A YES.

15 Q OKAY.

16 A YEAH.

17 Q AND PEOPLE WENT BACK AND FORTH?

18 A ABSOLUTELY.

19 Q AND DID YOU DO ANYTHING TO TRY AND PREVENT THAT?

20 A I, I DID. I TOOK AN OLD JUMP ROPE AND A PIECE  
21 OF TWINE THAT I HAD AND I TIED IT UP BETWEEN, THERE  
22 WAS A FENCE, THE FENCE TO MY NEIGHBOR'S BACKYARD,  
23 CAME UP TO THE FENCE OF MY, THE NEIGHBOR BESIDE OF  
24 ME, THERE WAS A GAP ABOUT LIKE THIS, AND I TOOK IT  
25 AND I WRAPPED THAT JUMP ROPE AROUND IT AND THEN I



1 TIED OFF THE JUMP ROPE AND STARTED WITH A TWINE SO  
2 THAT IT WOULD PREVENT ANYBODY FROM COMING IN.

3 Q OKAY. NOW THAT DAY ON NOVEMBER 29, HAD YOU  
4 WORKED THAT DAY?

5 A I WORKED THAT MORNING.

6 Q THAT WAS THE DAY YOU TOOK THE DELIVERY TO  
7 LANCASTER?

8 A THAT'S CORRECT. I WORKED, AT FIRST I WENT IN AT  
9 8 O'CLOCK TO DO SALADS AND THINGS FOR THE NORMAL DAY  
10 AND THEN AFTER THE SALADS THEY ALLOWED ME TO TAKE A  
11 LONG DELIVERY SINCE I FINISHED UP MY WORK AND I HAD,  
12 I HAD COMPLAINED THAT I HADN'T BEEN GETTING A LOT OF  
13 DELIVERIES BECAUSE THAT'S WHERE WE MAKE OUR MONEY ON  
14 THE TIPS AND STUFF, SO I ASKED ROBBY IF I COULD GO  
15 AHEAD AND TAKE THIS ONE AND HE SAID ABSOLUTELY. YOU  
16 ARE THERE. WE'LL LET YOU DO IT. TROUBLE WAS I  
17 HADN'T BEEN TO THAT PARTICULAR PLACE IN LANCASTER SO  
18 HE SAID, WELL, I'M GOING TO SEND ANOTHER GUY WITH YOU  
19 BY THE NAME OF, A GUY BY THE NAME OF JAMES CROWLEY  
20 AND SO JAMES --

21 Q I'M GOING TO INTERRUPT YOU BECAUSE TELL WHAT  
22 HAPPENED WHEN AFTER YOU WORKED WHAT TIME DID YOU GET  
23 OFF?

24 A I GOT OFF ABOUT ONE O'CLOCK.

25 Q WERE THE GIRLS IN SCHOOL?

1 A THE GIRLS WERE STILL IN SCHOOL AND THE REASON I  
2 GOT OFF AT ONE IS BECAUSE THE BOSS KNEW THAT I, I DO  
3 HAVE TO PICK THE GIRLS UP AT SCHOOL.

4 Q OKAY. AND WHAT WAS MARY SUE DOING?

5 A MARY SUE WAS IN THE BED ASLEEP.

6 Q BECAUSE SHE WORKED ALL NIGHT?

7 A SHE WORKED THIRD. WHEN I CAME IN MY FRONT DOOR  
8 WAS STANDING OPEN ABOUT THREE OR FOUR INCHES THAT  
9 MORNING.

10 Q THAT AFTERNOON?

11 A I MEAN, WELL, AT ONE O'CLOCK WHEN I COME IN. I  
12 THOUGHT, YOU KNOW, I THOUGHT SHE HAD JUST FORGET TO  
13 SHUT THE DOOR, SO I DIDN'T, YOU KNOW, I EVEN  
14 QUESTIONED HER ABOUT IT.

15 Q NOW DID SHE GOT UP? WAS SHE UP THAT AFTERNOON?

16 A I WOKE HER UP WHEN I CAME IN. WE HAD ACTUALLY,  
17 I HAD ACTUALLY STOPPED BY BURGER KING AND PICKED US  
18 UP, BOTH OF US UP A WHOOPER AND WE SAT DOWN ON THE  
19 COUCH AND ATE A WHOOPER.

20 Q THEN DID YOU PICK THE CHILDREN UP FROM SCHOOL?

21 A WELL, IT WAS A LITTLE BIT LATER I WENT OVER AND  
22 I SET DOWN ON THE COMPUTER AND WAS PROGRAMMING A  
23 VIDEO GAME THAT I WAS TRYING TO WORK ON AND THEN SHE  
24 WENT AHEAD AND GOT DRESSED AND AT THAT POINT SHE CAME  
25 BACK IN THERE AND SAID IT'S TIME TO GET THE GIRLS,

1 AND SO I WENT UP BACK UP TO SYLVIA CIRCLE TO THE  
2 SCHOOL HOUSE AND PICKED UP JESSICA AND KYLA, BROUGHT  
3 THEM BACK TO THE HOUSE, AND SIT BACK DOWN ON THE  
4 COMPUTER BECAUSE THEY GOT OUT LIKE AN HOUR BEFORE  
5 AMANDA DOES AND I DON'T LIKE TO SIT THERE AND WAIT  
6 AND THERE IS LIKE, YOU KNOW, THERE IS A LOT OF PEOPLE  
7 AT SULLIVAN SO I USUALLY WAIT RIGHT ABOUT 330-4,  
8 BETWEEN 3:30 AND FOUR O'CLOCK AND LEAVE THE HOUSE AND  
9 GO GET HER SO THAT WHEN I GET HER THERE IS ONLY JUST  
10 A FEW CARS IN THE PARKING LOT AND I PULL ON IN AND  
11 PICK HER UP AND SHE'S READY.

12 Q DID YOU AND AMANDA GO SHOPPING SOMEWHERE THAT  
13 AFTERNOON?

14 A ACTUALLY WE DID, BUT I THINK I WANT TO ADD THIS  
15 TOO, THERE WAS, SHE FORGET HER VIOLIN THAT DAY, SHE  
16 LEFT IT AT SCHOOL BECAUSE THE TEACHER HAD, HE HAD TO  
17 LEAVE THE SCHOOL HOUSE AND HE HAD LOCKED THE MUSIC  
18 ROOM. SHE SAID, SHE SAID DADDY I LEFT THE VIOLIN AND  
19 I TOLD HER THAT WAS FINE, THAT WAS ONE NIGHT I SAID  
20 WELL, YOU KNOW, WE GOT CHURCH TONIGHT, DON'T WORRY  
21 ABOUT IT, YOU CAN PRACTICE TOMORROW NIGHT, EVERYTHING  
22 WILL FINE, AND SHE SAID OKAY. THEN WE LEFT THERE AND  
23 MARY SUE HAD ASKED ME TO STOP, STOP BY AND PICK UP A  
24 COUPLE OF ITEMS AT THE STORE, SOME SUGAR AND WASHING  
25 POT I BELIEVE IT WAS AND.

1 Q SO YOU DID ALL THAT?

2 A I DID. WE STOPPED, WE STOPPED AND AMANDA SAID  
3 DADDY, DO YOU MIND IF I GO IN AND GET IT. AND I SAID  
4 NO I DON'T MIND, AND TO SAVE TIME I JUST RODE AROUND  
5 AND AROUND IN THE PARKING LOT.

6 Q OKAY. WE'RE NOT GOING --

7 A RIGHT.

8 Q OKAY. SO THAT EVENING?

9 A THAT EVENING, YES.

10 Q WHAT TIME DID MARY SUE HAVE TO BE AT WORK?

11 A MARY SUE HAD TO BE AT WORK, SHE LEAVES THE HOUSE  
12 AT 10 O'CLOCK. SHE HAD TO BE THERE AT 11.

13 Q SO SHE WAS ASLEEP?

14 A THAT'S CORRECT.

15 Q SHE HAD GONE BACK TO BED?

16 A THAT'S CORRECT.

17 Q OKAY.

18 A NO. NO. WHEN I GOT THERE SHE WAS UP.

19 Q SHE WAS UP.

20 A SHE WAS UP, YES.

21 Q I UNDERSTAND, BUT SHE WENT BACK TO BED A LITTLE  
22 LATER AT SOME POINT?

23 MR. POPE: YOUR HONOR, I OBJECT TO  
24 LEADING, JUST ASK A QUESTION.

25 THE COURT: I SUSTAIN THE OBJECTION.

1 MR. MORTON: I'M JUST TRYING TO ASK ---

2 THE COURT: I UNDERSTAND.

3 A SHE, SHE, YOU KNOW, FIXED DINNER AND THEN WE ATE  
4 AND SHE WENT BACK AND GOT IN THE BED AND I WAS  
5 HELPING JESSICA WITH HER HOMEWORK.

6 Q OKAY. TELL US ABOUT THE BAGS AND THINGS THAT  
7 WERE ON THE FLOOR OR SOME OF THEM. THIS WAS THE  
8 WEEKEND AFTER CHRISTMAS, WHAT WERE Y'ALL IN THE  
9 PROCESS OF DOING?

10 A IT WAS THE WEEKEND.

11 THE COURT: WEEKEND AFTER THANKSGIVING.

12 A WEEKEND AFTER THANKSGIVING.

13 Q I'M SORRY. THANK YOU.

14 A IT WAS THE WEEKEND AFTER THANKSGIVING, WE WERE  
15 GETTING PREPARED TO CHANGE OUT THE CHRISTMAS STUFF.  
16 WELL, THE CHRISTMAS STUFF WAS STOCKED UP IN THE  
17 KITCHEN IN BOXES, NOT IN THE KITCHEN BUT IN THE, WHAT  
18 WAS CALLED, WOULD HAVE BEEN CALLED THE LAUNDRY ROOM.  
19 THERE IS FOUR BOXES STACKED UP THAT WAS OUR CHRISTMAS  
20 DECORATIONS. I WAS IN THE PROCESS OF TAKING ALL THE  
21 STUFF OUT OF THE LIVING ROOM, WE WERE GOING TO MOVE  
22 THE COMPUTER TO THE BEDROOM, THERE IS A PIECE OF  
23 PLYWOOD THAT SITS BY MY DOOR, BY THE SIDE OF THE  
24 HOUSE THERE, IT HAS A TRAIN TRACK OR IT HAD A TRAIN  
25 TRACK ON THE OTHER SIDE AND SOME COTTON AND I HAD A

1 LOT OF LITTLE BUILDINGS THAT MOM HAD GIVEN, PEOPLE  
2 HAD GIVEN, AND WE WERE GOING TO SET THAT UP ON THE  
3 DESK, AND WE WAS GOING TO DECORATE THE HOUSE UP FOR  
4 CHRISTMAS. SO WE WERE IN THE PROCESS OF TAKING THE  
5 STUFF OUT, MOVING STUFF AROUND, THAT'S -- AND THERE  
6 WAS BOXES, THERE WAS BAGS IN THE HALLWAY. CONTRARY  
7 TO WHAT'S BEEN SAID, IT WASN'T TRASH. IT WAS OUR  
8 CLOTHES. IT WAS OUR DIRTY CLOTHES THAT WE GOT BACK  
9 FROM THE MOUNTAINS IN. WE, MARY SUE HADN'T WASHED  
10 THEM YET. THEY WERE STILL SITTING IN THE FLOOR.  
11 SOME OF THE CLOTHES THAT WAS IN THE FLOOR WAS OUR  
12 BEDDING AND STUFF LIKE THAT FROM THE TRIP.

13 Q DID YOU HAVE A ROACH PROBLEM DURING THE DAY?

14 A DURING THE DAY, NO, WE DIDN'T HARDLY SEE NO  
15 ROACHES IN THE DAYTIME. IT WAS AT NIGHT. YOU GO  
16 OVER THERE, FLIP ON THE LIGHT AND ROACHES SCATTER  
17 EVERYWHERE. IN THE DAYTIME YOU DIDN'T SEE ROACHES  
18 THAT OFTEN.

19 Q OKAY. WHAT, YOU HELPED JESSICA AND AMANDA

20 HELPED JESSICA WITH HER HOMEWORK THAT NIGHT?

21 A THAT'S CORRECT.

22 Q JESSICA WAS FALLING BEHIND AT SCHOOL?

23 A YES. I HAD GOTTEN A LETTER FROM HER TEACHER AND  
24 SHE SAID, SHE TOLD, SHE HAD TOLD HER, SHE SAID  
25 MR. COPE, SHE SAID, WE ARE NOT GOING TO TOLERATE

1 THIS, YOU KNOW. SHE'S GOTTEN BEHIND LIKE THREE  
2 DIFFERENT DAYS OF THIS LONG DIVISION AND SO I TOLD  
3 HER, I SAID OKAY. YOU ARE GOING SIT DOWN AND YOU ARE  
4 GOING TO DO IT ALL. THEY ALREADY STARTED THREATENING  
5 TO GIVE HER DETENTION AND MAKE HER STAY AFTER SCHOOL  
6 AND IT'S HARD FOR HER TO STAY AFTER SCHOOL BECAUSE I  
7 HAD TO PICK UP AMANDA AND THEN I HAD TO COME BACK AND  
8 PICK HER UP AND THEN COME HOME. SO I TOLD HER, I  
9 SAID, WE CAN'T DO THAT, WE GOT, AND A LOT OF TIMES I  
10 HAVE TO BE WORK AT FIVE, SO AS SOON AS I GET IN FROM  
11 PICKING THEM UP, THEN I HAVE TO TURN AROUND AND GO TO  
12 WORK AND SO.

13 Q SO YOU BEGAN, Y'ALL THAT NIGHT WAS THE NIGHT TO  
14 HELP JESSICA CATCH UP ON HER HOMEWORK.

15 A EXACTLY.

16 Q AND YOU AND AMANDA TRIED TO HELP JESSICA WITH  
17 HER HOMEWORK?

18 A MARY SUE HELP TOO. SHE HELPED ABOUT TWO HOURS  
19 AFTER SHE FIRST COME IN FROM WORK. I MEAN AFTER SHE  
20 FIRST COME IN FROM SCHOOL AND THEN I STARTED HELPING  
21 HER AND IT STARTED GETTING LATE AND I SAID WE'RE NOT  
22 GOING TO MAKE IT TO CHURCH AT THIS RATE, SO I CALLED  
23 THE PASTOR AND HIS WIFE ANSWERED AND I SAID  
24 MRS. POWELL, WE'RE NOT GOING TO MAKE IT TO CHURCH  
25 TONIGHT AND SHE CHEWED ME OUT. SHE SAID YOU GOT TO

1 BE HERE BECAUSE, YOU KNOW, THIS IS QUIZ WEEK AND WE  
2 GOT TO, WE GOT A BIG CHAPTER TONIGHT AND I SAID OKAY  
3 I SAID BUT WE'RE NOT GOING TO MAKE IT BECAUSE JESSICA  
4 HAS GOT A LOT OF HOMEWORK.

5 Q OKAY. SO, SO YOU WORKED ON THE HOMEWORK?

6 A YEAH, WE WORKED ON THE HOMEWORK. MARY SUE  
7 WORKED ON IT TWO HOURS. I WORKED ON IT, I HELPED HER  
8 FOR TWO HOURS, AND THEN I GOT TIRED. AND AMANDA SAW  
9 ME, SHE SAID DADDY, I'LL HELP HER, SO AMANDA STARTED  
10 HELPING HER. I WENT TO THE COMPUTER AND MARY SUE  
11 WENT AND GOT IN THE BED.

12 Q THEN MARY SUE GOT UP AND WENT TO WORK?

13 A AT TEN O'CLOCK.

14 Q WHERE WAS KYLA?

15 A KYLA WAS ALREADY IN THE BED ASLEEP. SHE WENT TO  
16 BED LIKE AT ABOUT 9:30 I THINK. NO, THAT'S WHAT MARY  
17 SUE TOLD ME. SHE SAID KYLA IS ALREADY IN THE BED.

18 Q WHAT TIME DID MARY SUE LEAVE FOR WORK?

19 A SHE LEFT FOR WORK AT TEN O'CLOCK.

20 Q OKAY. AND SO DID Y'ALL TELL HER GOODBYE, WAVE  
21 TO HER GOODBYE?

22 A THAT'S CORRECT. WE ALL WHO WAS UP ME, JESSICA,  
23 AND KYLA ALL THE, THE NORMAL ROUTINE, WE ALL STAND AT  
24 THE DOOR AND WE WAVE AT HER AS SHE LEAVES, AND SHE  
25 LEFT AND THEN WE WENT BACK TO WORK AND I SAT DOWN ON



1 THE COUCH. I TRIED TO HELP JESSICA A LITTLE BIT MORE  
2 WITH HER HOMEWORK AND THEN AMANDA SAID I'LL HELP HER  
3 SOME DADDY.

4 Q OKAY. SO YOU HELPED HER ON UP TO A POINT OR  
5 AMANDA DID AND YOU WENT AND GOT INTO THE BED OR ON TO  
6 THE BED IN YOUR BEDROOM, CORRECT?

7 MR. GREELEY: OBJECTION, YOUR HONOR,  
8 LEADING.

9 THE COURT: I SUSTAIN THE OBJECTION.

10 Q WHAT DID YOU DO THEN?

11 A OKAY. I WENT TO, I WENT OVER TO MY DESK, I  
12 PICKED UP MY BIBLE. I PICKED UP MY QUIZ BOOK, I'M  
13 THE COACH FOR AMANDA'S QUIZ TEAM, AND I PICKED UP THE  
14 BOOK, AND A LIST, A LIST OF THE QUESTIONS THAT WAS  
15 GOING TO BE ASKED. THEN I WENT BACK INTO THE  
16 BEDROOM. I SIT DOWN ON THE EDGE OF THE BED AND READ  
17 THE BIBLE AND READ THE TWO CHAPTERS THAT I HAD TO  
18 READ AND THEN I READ THE QUIZ QUESTIONS. BY THAT  
19 TIME JESSICA AND KYLA HAD ALREADY MOVED FROM THE  
20 LIVING ROOM AND TURNED OUT THE LIGHTS AND MOVED TO  
21 THE HALLWAY AND THEY WERE SITTING IN THE FLOOR IN THE  
22 HALLWAY. AND I SAID, UH, LET'S SEE. THEY WERE  
23 SITTING IN THE HALLWAY AND I WAS SITTING ON THE BED  
24 READING AND I LOOKED AT AMANDA AND SAID, AMANDA,  
25 HONEY YOU ONLY GOT LIKE 8 OR 9 QUESTIONS THIS TIME.

1 Q ALL RIGHT, JUST SKIP THAT. AND HOW MUCH LATER  
2 WERE THEY UP OR WERE YOU UP WHEN THEY WENT TO BED?  
3 A I WAS UP WHEN THEY WENT TO BED. I HAD, I WAS  
4 SITTING ON THE BED, I HAD ACTUALLY SCOOTED UP INTO  
5 THE BED, BUT I WAS SITTING IN THE BED WITH MY BIBLE  
6 IN ONE HAND, I HAD A NOTEBOOK THAT I WANTING TO JOT  
7 DOWN SOME OF THE THINGS THAT HAD HAPPENED THAT DAY,  
8 AND THEN, UH, I SET THE PHONE, I HAD TOLD THE GIRLS,  
9 I SAID, YOU ONLY HAD UNTIL ONE O'CLOCK. I DIDN'T ---  
10 THAT'S NOT NORMAL FOR US. THEY DON'T NORMALLY STAY  
11 UP THAT LATE. NORMALLY THEY ARE IN THE BED AT LEAST  
12 BY 11 O'CLOCK. AND THAT, ON THAT NIGHT, BECAUSE OF  
13 THE HOMEWORK I TOLD AMANDA THAT IT WOULD BE OKAY IF  
14 Y'ALL STAY UP UNTIL ONE O'CLOCK BUT I'M NOT LETTING  
15 YOU STAY UP PAST ONE BECAUSE YOU GOT TO GET THE WORK  
16 DONE AND I DIDN'T WANT HER TO HAVE TO BE STAYING  
17 AFTER SCHOOL. AT ABOUT A FEW MINUTES TO ONE I HAD  
18 SET THE TELEPHONE, I CALLED WAKE UP AND I SAID AND I  
19 SET THE TELEPHONE TO WAKE, YOU KNOW, TO RING OFF AT  
20 EXACTLY ONE O'CLOCK, AND I SET IT ON THE CHARGER. I  
21 MEAN, ON THE SIDE OF THE BED WITH ME. AND THEN AT  
22 ABOUT TWO OR THREE MINUTES UNTIL ONE O'CLOCK I HEARD  
23 THE STAPLER AND I HEARD, I HEARD MY STAPLER STAPLING  
24 PAPERS AND I SAID ARE Y'ALL FINISHED AND AMANDA SAID  
25 YES, SIR, DADDY, AND I SAID GOOD. COME HERE A MINUTE

1 AND SHE CAME INTO THE ROOM AND I SAID WOULD YOU DO ME  
2 A FAVOR AND SHE SAID WHAT'S THAT. I SAID WOULD YOU  
3 CUT MY LIGHT OUT, CUT THE FAN ON, AND THE PHONE  
4 PEEPED OFF AND I SAID WAIT A MINUTE AND I GOT TO SET  
5 IT FOR AND I SET IT FOR SIX O'CLOCK. I SET THE PHONE  
6 DOWN AND THEN IT, THE BATTERY BEEPED AND I SAID WOULD  
7 YOU PUT THIS ON THE CHARGER BECAUSE I DON'T WANT IT  
8 TO GO DEAD TONIGHT BECAUSE I WON'T BE ABLE TO HEAR IT  
9 NOT WITH THE FAN AND WITH THE, WITH MY CPAP MACHINE  
10 ON. SO AFTER THAT I --

11 Q WHY DO YOU WEAR A CPAP MACHINE?

12 A I HAVE SLEEP APNEA. I WAS DIAGNOSED WITH SLEEP  
13 APNEA.

14 Q WHAT IS A CPAP MACHINE?

15 A IT'S A BREATHING MACHINE THAT PUTS AIR INTO YOUR  
16 LUNGS ALL NIGHT LONG. IT, WHAT HAPPENS IS I WILL BE  
17 ASLEEP AND WAKE UP.

18 Q OKAY. AND DO YOU WEAR IT ON YOUR HEAD?

19 A IT'S A MASK THAT FITS ON YOUR HEAD AND IT, AS A  
20 MATTER OF FACT, I THINK I GOT A BRUISE RIGHT THERE  
21 BECAUSE I WEAR IT AND IT'S REAL TIGHT ON YOUR FACE AT  
22 NIGHT AND.

23 Q SO YOU PUT YOUR CPAP MACHINE ON?

24 A I PUT THE CPAP MACHINE ON AND I TAKE A BLANKET,  
25 I GOT, I MEAN A TOWEL OR A SHEET WHICHEVER ONE I HAVE

1 AND I THINK THAT NIGHT I HAD A TOWEL AND I TAKE IT  
2 AND I FOLD IT AND I LAY IT OVER MY FACE AND THEN I  
3 PULLED THE SHEET UP AND COVER BECAUSE I HAD A WHITE  
4 SPREAD ON MY BED AND THE LIGHT COMES THROUGH AND A  
5 LOT OF TIME JESSICA LEAVES THEIR NIGHT ON AND I CAN'T  
6 SLEEP WITH THE LIGHT ON, SO I EVEN DO THAT HERE  
7 TODAY. I PUT THE SHEET, I TAKE AND FOLD MY SHEET UP,  
8 PUT IT OVER MY FACE, AND THEN I PULL MY BLANKET OVER  
9 MY FACE AND I CAN'T SEE NOTHING.

10 Q TELL ME ABOUT THE LOCKS ON THE DOOR?

11 A LOCKS. THE LOCKS ON THE DOORS. WE HAVE A, A  
12 REGULAR LOCK, A REGULAR LOCK SYSTEM WHERE YOU LOCK  
13 AND THEN WE ALSO HAVE A CHAIN LOCK, BUT BECAUSE THE  
14 GIRLS HAVE BEEN TARDY TO SCHOOL BECAUSE OF ME, IT'S  
15 ALL MY FAULT, I WOULD WAKE UP AT, I WOULD BE LATE  
16 GETTING THEM TO SCHOOL BECAUSE MARY SUE WOULD COME  
17 IN, THE CHAIN WOULD BE ON THE DOOR LOCKED, SO WE  
18 COULDN'T GET IN. I MEAN SHE COULDN'T GET IN SO SHE  
19 COME BEAT ON THE DOOR. WELL, YOU CAN'T WAKE ME UP. I  
20 DON'T I HEAR NOTHING. I MEAN, SHE BEAT ON THE SIDE  
21 OF THE HOUSE MANY TIMES TRYING TO GET MY ATTENTION.  
22 SHE ENDS UP GOING TO AMANDA'S ROOM AND BEATING ON THE  
23 WALL AND GETTING AMANDA'S ATTENTION. THE GIRLS AND I  
24 WE KNOW NOT TO PUT THE CHAIN ON THE DOOR BECAUSE MARY  
25 SUE CANNOT GET IN THE HOUSE AND.

1 Q DID JESSICA, DOES SHE GO AROUND PUTTING THE  
2 CHAIN ON THE DOOR?

3 A JESSICA DOES NOT, DID NOT OR DOES NOT LOCK THE  
4 DOORS AT NIGHT, SHE'S AFRAID TO GO THROUGH THE HOUSE.  
5 THAT'S THE REASON SHE SLEEPS WITH HER LIGHT ON. I  
6 HATE TO SAY ANYTHING AGAINST HER, BUT I MEAN, SHE'S  
7 AFRAID TO DO OF THAT.

8 Q AFRAID OF DARK?

9 A SHE WON'T GO FROM ONE ROOM TO THE NEXT AND A LOT  
10 I MEAN EVEN KYLA IS MOORE APT TO GO AND DO IT BEFORE  
11 SHE IS. KYLA FOLLOWS, I MEAN SHE FOLLOWS KYLA AROUND  
12 BECAUSE SHE'S SCARED OF THE DARK.

13 Q WHEN YOU GOT UP THAT MORNING WAS THE CHAIN ON  
14 THE DOOR?

15 A NO, IT WAS NOT.

16 Q SO AFTER AMANDA COMES IN YOUR ROOM AND YOU GET  
17 HER TO PUT THE PHONE BACK ON THE CHARGER?

18 A RIGHT, THEN I ASK HER, YOU KNOW, SHE GIVE ME A  
19 KISS AND TURN, SHE TURNED MY FAN ON, TURNED THE LIGHT  
20 OFF, AND SHE WENT AND GOT IN THE BED.

21 Q SHE KISSED YOU ON THE CHEEK?

22 A SHE KISSED ME RIGHT THERE ON THE SIDE OF MY  
23 FACE.

24 Q AND SHE WENT AND GOT IN HER BED?

25 A YES, SIR.

1 Q WHAT'S THE NEXT THING THAT YOU REMEMBER?

2 A I WOKE UP ABOUT THREE O'CLOCK. THE REASON THAT  
3 I KNOW IT WAS ABOUT, IT WAS ABOUT THREE O'CLOCK IS  
4 BECAUSE THAT'S ABOUT THE SAME TIME I WAKE UP EVERY  
5 NIGHT. I TAKE A BLOOD PRESSURE MEDICINE THAT HAS  
6 DIURETIC IN IT AND THAT MEDICATION WAKES ME UP  
7 BETWEEN 2:30 AND 3 O'CLOCK EVERY NIGHT. I GET UP AND  
8 I HAVE TO GO TO THE BATHROOM.

9 Q DO YOU SLEEP WITH YOUR DOOR OPEN OR CLOSED?

10 A MY DOOR IS, IT'S OPEN. IT WON'T SHUT BECAUSE  
11 THE DRESSER IS PULLED UP AGAINST IT TO KEEP IT FROM,  
12 IT'S NOT A SHUTABLE DOOR. THE DRESSER WAS PULLED UP  
13 AGAINST IT, YOU KNOW, WHEN THE DOOR WOULD COME IT  
14 WOULDN'T BE ABLE TO OPEN.

15 Q SO YOU ALWAYS SLEEP WITH YOUR DOOR OPEN?

16 A MY DOOR IS OPEN, YES, SIR.

17 Q AND WHAT ABOUT KYLA AND JESSICA'S DOOR?

18 A KYLA AND JESSICA'S DOOR WAS OPEN ALSO. THEY  
19 HAVE A FAN IN FRONT OF THEIR DOOR.

20 Q DO YOU HAVE A FAN IN YOUR ROOM TOO?

21 A THAT'S CORRECT.

22 Q HOW MANY FANS DO YOU HAVE?

23 A WE HAD FIVE FANS. WE HAD ONE IN AMANDA'S ROOM.  
24 WE HAVE ONE IN JESSICA AND KYLA'S ROOM. ONE IN MY  
25 BEDROOM, ONE --- TWO IN MY BEDROOM AND ONE IN THE

1 KITCHEN. THE ONE IN THE KITCHEN WE JUST PUT IT THERE  
2 LIKE TWO DAYS, ABOUT TWO DAYS BEFORE THAT BECAUSE WE  
3 HAD A, WE WAS COOKING AND ACTUALLY I WAS COOKING AND  
4 BURNED SOMETHING AND SMOKED UP THE HOUSE SO WE TURNED  
5 THE FAN ON IT TO CLEAN OUT THE SMOKE.

6 Q THAT NIGHT WERE THE FANS IN YOUR ROOM ON OR OFF?

7 A THE FAN IN MY ROOM WAS ON.

8 Q YOU ALWAYS SLEEP WITH THE FAN ON?

9 A I SLEEP THE FAN EVERY NIGHT. I HAVE TO SLEEP  
10 WITH A FAN BECAUSE I CAN'T BREATHE AND THE MACHINE  
11 HAS A HIGH PITCH HUM AND THE MASK WHEN IT'S PUT ON  
12 AND IT'S COVERED UP, WHEN I'M COVERED UP, AND IT  
13 MAKES A SHHH, SHH, SHH, JUST ABOUT THAT LOUD SOUND,  
14 COMING OVER, YOU KNOW, OVER ME AND I CAN'T HEAR, ALL  
15 I CAN HEAR THAT SHHH SOUND. WELL, THE FAN IS TO  
16 DROWN OUT THAT AND IT, AND PLUS IT BLOWS ON THE COVER  
17 AND KEEPS ME KIND OF, MAKES ME FEEL A LITTLE MORE  
18 COMFORTABLE.

19 Q AFTER YOU GOT UP AND WENT TO THE BATHROOM?

20 A YES, SIR.

21 Q WHAT DID YOU DO?

22 A I WENT INTO THE LIVING ROOM. A LOT OF TIMES I  
23 GET UP AND GO TO THE BATHROOM AND THEN SOMETIMES I'LL  
24 READ A BOOK. I'VE BEEN READING THE LEFT BEHIND  
25 SERIES, JUST FINISHED THAT. I MEAN SOMETIMES I'LL

1 READ A BOOK. SOMETIMES I'LL GO TO THE COMPUTER.  
2 SOMETIMES I'LL WATCH TV. IT JUST DEPENDS ON WHAT'S,  
3 WHAT'S ON OR, BECAUSE I CAN'T JUST GO RIGHT BACK TO  
4 SLEEP RIGHT AWAY.

5 Q WERE YOU ACCUSTOMED TO STAYING UP SOME NIGHT ALL  
6 NIGHT?

7 A OH, YEAH, A LOT OF TIMES BECAUSE MARY SUE WORKED  
8 THIRD AND I'D RATHER SLEEP WITH HER DURING THE DAY.  
9 THIS WAS BEFORE I GOT THE JOB THAT MORNING WORKING  
10 SALADS, I ONLY BEEN DOING IT TWO WEEKS AT STEAK OUT,  
11 SO BEFORE THAT, AFTER MY SCHOOLING WAS OVER WITH, I  
12 WAS SLEEPING IN THE BED WITH MARY SUE IN THE  
13 MORNINGS.

14 Q AND YOU WOULD STAY UP ALL NIGHT.

15 A I WOULD STAY UP ALL NIGHT.

16 Q AND WHEN MARY SUE GOT HOME Y'ALL WOULD GET SOME  
17 BREAKFAST?

18 A THAT'S CORRECT.

19 MR. POPE: YOUR HONOR, MR. MORTON IS  
20 TESTIFYING.

21 MR. MORTON: I'M TRYING TO JUST MOVE IT  
22 ALONG.

23 THE COURT: I KNOW BUT THEY ARE LEADING  
24 QUESTIONS.

25 Q SO WAS IT YOUR CUSTOM TO STAY UP ALL NIGHT AND



1 THEN GO TO BED WITH MARY SUE IN THE MORNING?

2 A THAT'S, THAT'S MY NORMAL, THAT WAS WHAT I  
3 NORMALLY DID UP TO TWO WEEKS PRIOR TO THAT.

4 Q OKAY.

5 A I WOULD SIT UP ON THE COMPUTER. I WOULD HAVE  
6 WATCHED TV. I MEAN IT WAS JUST, I MEAN I JUST, WAS  
7 UP. I ALWAYS BEEN A NIGHT OWL BECAUSE ALL MY JOBS  
8 HAVE BEEN THIRD SHIFT.

9 Q WHEN YOU GOT UP --

10 A ALMOST ALL OF THEM.

11 Q ---THAT NIGHT AT THREE O'CLOCK IN THE MORNING?

12 A RIGHT.

13 Q AND YOU WENT INTO THE, YOU WENT TO THE BATHROOM?

14 A THAT'S CORRECT.

15 Q THEN YOU WENT INTO THE LIVING ROOM, RIGHT?

16 A THAT'S CORRECT. AND I SIT DOWN ON THE COUCH.  
17 THE FIRST THING THAT I NOTICED WAS THAT MY LIVING  
18 ROOM LIGHT WAS ON AND THAT WASN'T NORMAL. THE HALL  
19 LIGHT WAS ON WHEN I COME OUT OF THE BATHROOM. THAT  
20 WAS NOT NORMAL. BECAUSE I HAD ASKED AMANDA DID SHE  
21 TURN THEM OFF AND SHE TOLD ME THAT SHE DID. AND YOU  
22 KNOW, ALL THE NIGHTS WERE OUT, AND, BUT, BUT MY  
23 LIVING ROOM LIGHT WAS ON, MY HALL LIGHT WAS ON, AND  
24 THE PORCH LIGHT WAS ON AND I COULDN'T UNDERSTAND  
25 THAT. IT BOTHERED ME A LITTLE BIT.

1 Q HOW LONG --

2 A THEN I THOUGHT MAYBE SHE DIDN'T TURN THEM OFF,  
3 SO I, AFTER A FEW MINUTES I SAT DOWN ON THE COUCH, I  
4 WAS THINKING, I WAS TRYING TO THINK, I HAPPENED TO  
5 LOOK INTO THE, INTO THE --

6 Q DINING ROOM.

7 A DINING ROOM WHERE THE DRYER WAS AT AND I NOTICED  
8 THAT THE DRYER DOOR WAS OPEN AND THE CLOTHES WERE  
9 SCATTERED SO I FIGURED THAT JESSICA AND KYLA HAD WENT  
10 THERE AND PULLED THEIR CLOTHES, I MEAN JESSICA AND  
11 AMANDA PULLED THEIR CLOTHES OUT LOOKING FOR SCHOOL  
12 CLOTHES AND DIDN'T PUT THEM BACK. THEY DO THAT  
13 OCCASIONALLY.

14 Q HOW LONG DID YOU STAY UP THAT NIGHT?

15 A THAT NIGHT PROBABLY ABOUT 30 MINUTES.

16 Q DID YOU MASTURBATE THAT NIGHT?

17 A FOR THE LIFE OF ME I CAN'T REMEMBER. HONESTLY,  
18 I. -- THAT WASN'T, THERE WAS SOMETHING ELSE THAT I  
19 NORMALLY DO AT NIGHT AND I'M KIND OF ASHAMED OF IT,  
20 BUT, BUT I DO MASTURBATE EVERY ONCE IN A WHILE.  
21 FAIRLY OFTEN ACTUALLY.

22 Q WHAT DO YOU DO WHEN YOU MASTURBATE? WHAT DO YOU  
23 MASTURBATE INTO?

24 A USUALLY A WASH CLOTH OR AN OLD T-SHIRT AND I  
25 DON'T JUST TAKE IT TO THE LAUNDRY BECAUSE I'M AFRAID

1 THAT, FIRST OF ALL, THAT SOMEBODY MIGHT GET A HOLD TO  
2 IT, SO FIRST THING I DO IS I'LL HIDE IT, THE NEXT  
3 MORNING USUALLY WASH IT OUT AND THROW IT IN THE.

4 Q AND WHERE DO YOU USUALLY HIDE IT?

5 A I HAVE ONE SPECIAL HIDING PLACE I HIDE UP UNDER  
6 THE BOOK SHELF IN THE HALL. I'VE ALWAYS DONE THAT.

7 Q ALWAYS PUT IT THERE?

8 A YEAH.

9 Q THEN YOU GET IT IN THE MORNING?

10 A THEN I GET IT EITHER TO, I GET UP THAT MORNING  
11 OR IF I KNEW MARY SUE WAS GOING TO WASH CLOTHES. IF  
12 SHE WASN'T GOING TO WASH CLOTHES THEN IT MAY STAY  
13 THERE A COUPLE OF DAYS. AND I JUST CAN'T REMEMBER.  
14 I MEAN, I'VE THOUGHT ABOUT IT AND THOUGHT ABOUT IT  
15 AND I JUST CAN'T REMEMBER WHETHER I DID OR NOT.  
16 SOMETIMES I THINK MAYBE I DID. SOMETIMES MAYBE I  
17 DIDN'T. I REALLY DON'T KNOW. I CAN'T REMEMBER.

18 Q THEN WHAT YOU DID AFTER YOU STAYED UP FOR 30  
19 MINUTES OR SO, WHAT DID YOU DO?

20 A I WENT TO THE COMPUTER AND TRIED TO PLAY THAT  
21 GAME THAT I HAD BEEN WORKING THERE ON AND GOT BORED  
22 WITH IT BECAUSE IT DIDN'T DO RIGHT. IT WAS CALLED  
23 AGES OF EMPIRE AND I WAS TO CREATE MY OWN LITTLE  
24 SCENARIO AND I DIDN'T DO IT RIGHT SO IT MESSED UP AND  
25 I GOT KILLED REAL QUICK AND I GOT MAD AND I SAID WELL

1 NEVER MIND AND I PUT THE COMPUTER UP AND I WENT BACK  
2 AND GOT IN THE BED.

3 Q YOU PUT YOUR CPAP MACHINE ON, RIGHT?

4 A THAT'S CORRECT.

5 Q PULL YOUR COVERS OVER YOUR HEAD?

6 A THAT'S CORRECT.

7 Q SORRY. DID YOU CLOSE THE DOOR?

8 A NO, I DON'T CLOSE MY DOOR. MY DOOR DON'T SHUT.

9 AS A MATTER OF FACT --

10 Q WHAT ABOUT AMANDA'S DOOR?

11 A AMANDA'S DOOR WAS CLOSED WHEN I WENT TO THE  
12 BATHROOM AND THE REASON THAT I REMEMBER THIS IS  
13 BECAUSE I STEPPED OUT OF THE BATHROOM AND KYLA HAS A  
14 TENDENCY TO TAKE THE COVER OFF OF HER AND THEY HAVE A  
15 FAN ON, AND ONE REASON THAT THE FAN IS THERE IS TO  
16 PREVENT ROACHES FROM CRAWLING ALL OVER THE BED AND  
17 CRAWLING ALL OVER THEM, THE FAN'S TURNED ON THEM TO  
18 KEEP THE ROACHES AWAY FROM THEM, AND AT NIGHT, THAT'S  
19 THE MAIN PROBLEM. I KNOW THAT ---

20 Q SO YOU LOOKED IN ON KYLA AND JESSICA?

21 A I JUST, IT WASN'T THAT I LOOKED IN AS I WALKED  
22 TO THE DOOR AS I WAS WALKING OUT OF THE BATHROOM I  
23 COULD PEER RIGHT ACROSS AND I SEEN, OKAY, SHE'S FINE  
24 AND I'M NOT GOING TO WORRY ABOUT THEM.

25 Q WERE THEIR LIGHTS ON?

1 A THEIR LIGHT STAYS ON. THEY ARE AFRAID OF THE  
2 DARK. WELL, SHE'S AFRAID OF THE DARK. KYLA IS NOT.  
3 JESSICA IS.

4 Q JESSICA IS.

5 A JESSICA IS AFRAID OF DARK. THEY DON'T, I DON'T  
6 UNDERSTAND, YOU KNOW.

7 Q SO YOU WOKE UP, YOU WENT BACK TO BED, AND YOU  
8 WOKE UP THAT NEXT MORNING AT SIX O'CLOCK?

9 A THAT'S CORRECT.

10 Q WHEN THE ALARM WENT OFF?

11 A THAT'S CORRECT.

12 MR. POPE: AGAIN, I KNOW MR. MORTON IS  
13 TRYING TO SPEED IT UP BUT HIS CLIENT HAS GOT TO  
14 TESTIFY, NOT MR. MORTON.

15 Q WHEN YOU DID YOU WAKE UP THAT MORNING?

16 A I WOKE UP AT WHAT I THOUGHT WAS SIX O'CLOCK IN  
17 THE MORNING. UH, THE REASON THAT I WOKE UP WAS THE  
18 TELEPHONE, THE TELEPHONE RING, IT WOKE ME UP. THE  
19 ALARM CLOCK WAS ALREADY BUZZING OFF. I CAN'T HEAR  
20 THE ALARM CLOCK BECAUSE OF THE FAN AND THE MACHINE,  
21 BUT I CAN TELL HEAR THE TELEPHONE. IT HAS A DISTINCT  
22 RING AND SO I, I HEARD THE PHONE. I JUMPED UP AND I  
23 JUST, WHAT IT WAS I ROLLED OVER, AND I JUST CALLED  
24 FOR AMANDA. THAT'S THE NORMAL ROUTINE. I CALLED, I  
25 JUST SAID, AMANDA, AND AMANDA USUALLY WILL SAY, SIR.

1 AND I CAN HEAR HER, AND SHE'LL SAY THE SAME WAY, SIR.

2 AND I'LL SAY IT'S TIME TO GET UP. AND SHE'LL SAY

3 YES, SIR. BUT THAT MORNING SHE DIDN'T SAY NOTHING.

4 Q YOU HAD BEEN READING, BILLY, YOU SAID A BOOK

5 ABOUT THE LEFT BEHIND SERIES, WHAT IS THAT?

6 A IT WAS, IT'S A BOOK THAT WAS WRITTEN BY TIM

7 LAHAYE AND JERRY B. JENKINS, IT'S A SERIES OF BOOKS

8 AND IT TALKS ABOUT THE RAPTURE OF THE CHURCH. I HAD

9 THE, I HAD THE VIDEOS OF IT AND I HAD THE BOOKS.

10 I'VE READ ALL THE BOOKS. I THINK THERE ARE STILL TWO

11 LEFT IN THE SERIES THAT I HADN'T READ. I READ THREE

12 I THINK SINCE I'VE BEEN IN THE JAIL.

13 Q SO AFTER AMANDA DIDN'T HEAR YOUR CALL THE SECOND

14 TIME, WHAT DID YOU DO?

15 A THEN I GOT WORRIED AND THEN I STARTED TO THINK

16 ABOUT OVER IN THAT THAT NIGHT I HAD A DREAM ABOUT THE

17 RAPTURE. THAT'S NOT SOMETHING NORMAL FOR ME. I

18 ALWAYS CONSTANTLY THINKING ABOUT THE RAPTURE GOING TO

19 HEAVEN, AND I KNOW THAT, IN MY OPINION, THAT

20 MASTURBATION IS A SIN. I MEAN STRAIGHT, THAT'S MY

21 OWN OPINION, MASTURBATION IS A SIN, AND I'VE ALWAYS

22 BEEN AFRAID THAT --

23 Q YOU WOULD BE LEFT BEHIND?

24 A I WOULD BE LEFT BEHIND AND.

25 Q SO YOU CALLED AMANDA?

1       A     I GOT CONCERNED BECAUSE OF THE DREAM. I THOUGHT  
2       WELL MAYBE, YOU KNOW, MAYBE THE RAPTURE HAS TAKEN  
3       PLACE OR MAYBE I'M JUST LEFT BEHIND AND I GOT UP AND  
4       I STARTED TO WALK, TIP TOE TO THE GIRLS. I KNEW IF  
5       THE GIRLS WERE STILL IN THERE THEN EVERYTHING WAS  
6       OKAY. SO I STARTED WALKING, I TRIPPED OVER THE CHORD  
7       OF MY FAN AND IT CAME UNPLUGGED. IT WAS PLUGGED INTO  
8       THAT PLUG I THINK Y'ALL SAW IT ON THE SCREEN. THERE  
9       WAS A DROP CHORD THAT COME OUT OF THE BATHROOM WHERE  
10      THAT I HAD THE FAN PLUGGED UP IN THERE AT THE BOTTOM  
11      OF THAT DROP CHORD AND THE, I TRIPPED OVER THE CHORD  
12      AND I REMEMBER BECAUSE IT SCARED ME AND THEN I WENT  
13      ON STARTED WALKING AND I TIP TOED INTO THE ROOM AND I  
14      SEEN THEM AND I WAS, I WAS HAPPY THAT THEY WEREN'T,  
15      BUT THEN I COULDN'T UNDERSTAND WHY AMANDA -- I  
16      SCREAMED AMANDA'S NAME AS LOUD AS I COULD. WELL, I  
17      GUESS I WOKE JESSICA UP BECAUSE I STARTED PUSHING AND  
18      BEATING ON THE DOOR, ON AMANDA'S DOOR, AND IT GAVE,  
19      AND AS IT GAVE THERE WAS, THERE IS TWO, THE TWO DOOR  
20      HANDLES, THE DOOR HANDLE THAT'S IN HER CLOSET AND THE  
21      DOOR HANDLE ON HER DOOR, THEY COME AND THEY LOCKED  
22      AROUND EACH OTHER AND I COULDN'T GET THE DOOR OPEN.  
23      I DIDN'T KNOW THAT'S WHAT IT WAS AT FIRST. I THOUGHT  
24      SOMEBODY OR SOMETHING WAS ON THE OTHER SIDE OF IT  
25      HOLDING IT, THAT'S THE WAY IT FELT, AND I WAS PUSHING

1 AND FINALLY I GOT MAD AND I KICKED THE DOOR AND WHEN  
2 I KICKED THE DOOR IT SWUNG THE TWO DOORS OPEN AND  
3 THAT'S WHEN I SEEN AMANDA. AND I MEAN, I SAW, I SAW  
4 UH, A BLUISH PURPLE CHILD LAYING THERE IN THE BED AND  
5 I DIDN'T KNOW WHAT HAPPENED. AND I RAN TO HER AND I  
6 STARTED SCREAMING OH, AMANDA. WHEN I GOT TO HER SHE  
7 WAS LAYING WITH HER HANDS LIKE THIS RIGHT HERE. SHE  
8 WAS LAYING FACE DOWN. HER SHIRT WAS RAISED UP TO  
9 ABOUT WHERE HER NECK, ABOUT HER NECK LINE, AND HER  
10 PANTS WAS UP. HER CLOTHES WAS ON HER. THERE WAS NO  
11 COVER ON HER. AND I TOOK HER AND I ROLLED HER LIKE,  
12 JUST A LITTLE BIT, AND I SEEN THE SIDE OF HER BREAST  
13 RIGHT HERE, AND I REACHED RIGHT HERE AT THIS PART OF  
14 THE SHIRT AND PULLED AND WHEN PULLED, HER HANDS JUST  
15 DROPPED DOWN, AND THAT'S WHEN I SAW THE GREEN THAT  
16 WAS WRAPPED AROUND HER NECK AND I THOUGHT, THE FIRST  
17 THING I THOUGHT WAS THAT SHE HAD GOT CAUGHT IN HER,  
18 IN THE BLANKET THAT I TOLD THEM TIME AND TIME AND  
19 TIME AGAIN NOT TO TAKE TO BED WITH THEM. THAT WAS A  
20 BLANKET THAT WE KEPT ON THE COUCH. I THOUGHT SHE HAD  
21 WRAPPED THAT BLANKET AROUND HER THROAT AND SHE WAS  
22 STRUGGLING TO GET IT LOOSE, THAT'S WHY HER HANDS WAS  
23 LIKE THIS. I NOTICED HER MOUTH WAS PUFFED IN. IT  
24 WAS JUST PUSHED IN AND HER LIPS WERE REAL BIG AND HER  
25 MOUTH WAS OPEN AND ALL I COULD SEE WAS HER TONGUE



1        LIKE THAT HERE.    IT LOOKED LIKE HER TONGUE ROLLED  
2        BACK AND JUST STICKING UP LIKE THAT AND THERE WAS  
3        BLOOD RIGHT DOWN THE SIDE OF HER MOUTH.    AND I  
4        THOUGHT, I DIDN'T, I THOUGHT THAT SHE HAD STRUGGLED  
5        AND THERE WAS A VIDEO GAME IN FRONT OF HER.    I KNEW  
6        SHE LOVED THAT GAME.    IT WAS A LITTLE HAND HELD VIDEO  
7        GAME AND I THOUGHT SHE HAD STRUGGLED BACK AND FORTH  
8        AND TRIED TO GET IT AND BUSTED HER MOUTH.    I DIDN'T  
9        KNOW WHAT HAPPENED.    I WENT STRAIGHT AND, WELL, AT  
10       THAT TIME I WAS HOLDING HER AND I PICKED HER UP AND I  
11       HELD HER AND I SAID OH, AMANDA AND I STARTED CRYING.  
12       AND JESSICA AND KYLA WALKED INTO THE ROOM.    WELL,  
13       ACTUALLY THEY DIDN'T WALK IN THE ROOM, THEY RAN INTO  
14       THE ROOM, AND ALL THIS TOOK PLACE IN JUST A, A MATTER  
15       OF A FEW SECONDS.    IT TAKES A FEW MINUTES TO SAY IT,  
16       BUT IT ALL HAPPENS SO QUICKLY.    I'M HOLDING HER AND  
17       JESSICA WALKS IN THE ROOM AND SHE SAYS DADDY, DADDY,  
18       AND SHE SCREAMS IS SHE, IS SHE DEAD AND I SAID YES.  
19       AND I SAID NOW GO GET ON THE COUCH AND PRAY BECAUSE  
20       NOW AMANDA IS WITH JESUS.    AND WHEN, AFTER HER HANDS  
21       HAD DONE LIKE THAT, I JUST TOOK AND LAID HER BACK  
22       DOWN AND SHE ROLLED OVER ON HER BACK AND SHE WAS LIKE  
23       THIS RIGHT HERE.    AND I RAN.    I SAID I GOT TO CALL  
24       911.    THAT'S THE FIRST THING I DONE, BUT I KNEW FROM  
25       PAST EXPERIENCE THAT YOU HAVE TO BE REAL CALM WHEN

1 YOU TALK TO 911. I USED TO WORK FOR THE RED CROSS.  
2 I WAS, THIS IS BEFORE I WAS OUT OF HIGH SCHOOL. I  
3 WAS A VOLUNTEER FOR THE DIASTER TEAM.

4 Q SO YOU CALLED 911?

5 A AND I CALLED 911. AND I WAS BEING DESCRIPTIVE  
6 TRYING TO EXPLAIN TO THEM WHAT WAS GOING ON.

7 Q IS THAT THE FIRST PERSON YOU CALLED?

8 A THAT WAS THE VERY FIRST PERSON I CALLED. THE  
9 NEXT PERSON AND THEN WHILE I WAS ON THE PHONE WITH  
10 THEM, I TOLD THEM I NEEDED TO GO AND CALL MY WIFE, SO  
11 I STARTED TRYING TO GET IN TOUCH WITH MY WIFE. I  
12 KEPT GET AN ANSWERING MACHINE FROM HER WORK AND SO I  
13 CALLED TAMMY, MY SISTER-IN-LAW, MY BROTHER WORKS  
14 THERE WITH MY WIFE, SO I CALLED HER. I SAID DO YOU  
15 KNOW OF ANOTHER NUMBER. AND SHE SAID NO. SHE SAID  
16 THAT'S THE ONLY NUMBER I KNOW OF AND I GAVE HER THE  
17 NUMBER THAT MARY SUE HAD GIVEN ME TO CALL. I SAID DO  
18 YOU HAVE AN EMERGENCY NUMBER THAT I CAN CALL AND SHE  
19 SAID NO. AND I SAID A GUARD'S NUMBER. SHE SAID NO.  
20 I DON'T HAVE NOBODY ELSE I CAN GIVE YOU THAT YOU CAN  
21 CALL. I SAID WELL. SHE SAID WHAT'S WRONG. AND I  
22 SAID I JUST FOUND AMANDA IN THE BED AND SHE'S DEAD.  
23 AND SHE SCREAMED WHAT. AND AFTER THAT, I SAID LOOK I  
24 CAN'T TALK RIGHT NOW. I'VE GOT TO CALL, I GOT TO  
25 CALL MY MOMMA. I HATED TO DO THAT. THAT WAS THE

1 HARDEST THING I HAD TO DO WAS I CALLED MY MOM. AND I  
2 SAID MOM YOU NEED TO SEND DADDY OVER HERE AND SHE  
3 SAID WHAT'S WRONG AND I SAID I JUST FOUND AMANDA DEAD  
4 IN THE BED. AND SHE SAID, SHE SAID, AND SHE, HER  
5 FIRST WORD WAS, OH DEAR LORD, NO. OH, NO. NO. AND  
6 I SAID, MOMMA, I SAID, PLEASE CALM. I DON'T WANT YOU  
7 TO HAVE ANOTHER HEART ATTACK OR STROKE PLEASE JUST  
8 CALM DOWN. EVERYTHING WILL BE FINE. BUT PLEASE JUST  
9 GET DADDY OVER HERE. HE CAME OVER AND HE GOT THE  
10 GIRLS AND TOOK THEM BACK TO THE HOUSE. THE POLICE  
11 HAD DONE BEEN TO THE HOUSE. THE FIRE DEPARTMENT WAS  
12 ALREADY THERE. THEY, THEY KEPT INTERRUPTING MY PHONE  
13 CALLS WANTING ME TO TALK TO THEM AND I WOULD TALK TO  
14 THEM FOR A FEW MINUTES AND I'D CALL THE NEXT PERSON.  
15 THE NEXT PERSON I CALLED WAS THE PREACHER. I GOT MY  
16 PREACHER TO COME OVER. AND ACTUALLY HE WAS THE  
17 SECOND PERSON OUT OF THE FAMILY MEMBERS AND FRIENDS  
18 THAT CAME. MY DAD WAS THE FIRST PERSON THEN THE  
19 PREACHER GOT THERE, BUT THEY HAD ALREADY PUT THE  
20 YELLOW TAPE UP.

21 Q HOW MANY TIMES IN THE LAST THREE YEARS, BILLY,  
22 HAVE YOU HAD TO TELL THIS STORY?

23 A I'VE HAD TO TELL THIS STORY PROBABLY, I CAN'T  
24 TELL YOU. I MEAN, I'VE TOLD IT TO YOU. I'VE TOLD IT  
25 TO PHIL. I'VE TOLD IT TO MIKE. I'VE TOLD IT TO

1 DAVID. I'VE TOLD IT TO JOHN BLOOM. I TOLD IT TO  
2 CAROL. I'VE TOLD IT TO A BUNCH OF PEOPLE.

3 Q YOU'VE TOLD IT TO --

4 A IT WAS CONSTANTLY. IT WAS JUST --

5 Q YOU TOLD IT TO FAMILY?

6 A I TOLD THE DOCTOR.

7 MR. POPE: OBJECTION TO LEADING, YOUR  
8 HONOR.

9 THE COURT: YES.

10 A I'VE TOLD IT TO MY BROTHER ON THE JAIL PHONES.  
11 I'VE TOLD IT TO EVERYBODY AND.

12 Q LET ME ASK YOU THIS. WHAT ABOUT BEING ON THE  
13 COMPUTER THAT MORNING?

14 A THE COMPUTER, THAT'S, THAT'S ABSOLUTELY NOT  
15 TRUE. I HEARD WHAT EVERY ONE OF THOSE GUYS SAID, AND  
16 IT'S NOT TRUE. I THINK ONE PERSON PICKED UP ON IT  
17 AND EVERYONE WANTED TO TAKE OFF, TAKE OFF WITH THAT.  
18 THAT'S NOT TRUE. I WAS NOT, I HAD DRUG THE PHONE, I  
19 DIDN'T HAVE MY CLASSES ON. I CAN BARELY MAKE OUT A  
20 MAN STANDING THERE WITH MY GLASSES OFF. BUT I COULD  
21 NOT SEE THE PHONE. I DRUG THE PHONE IN FRONT OF THE  
22 COMPUTER AND LOOKED DOWN TO DIAL THE NUMBERS. I  
23 COULD NOT, I COULDN'T SEE THE COMPUTER. I COULDN'T  
24 HAVE SEEN TO GET ON THE COMPUTER AT ALL IF I WANTED  
25 TO. MY GLASSES WERE STILL IN THE BEDROOM.

1 Q DID YOU TELL THE PEOPLE THAT FIRST CAME, WHAT I  
2 CALL THE FIRST RESPONDERS, THAT AMANDA HAD BEEN DEAD  
3 FOR FOUR HOURS?

4 A ABSOLUTELY NOT. I SAID FOR HOURS, NOT FOUR  
5 HOURS. I SAID -- I SAID SHE'S BEEN DEAD FOR HOURS.  
6 THE ONLY REASON I TELL THAT WAS BECAUSE FIRST I HAD  
7 BEEN TRAINED THROUGH THE RED CROSS ABOUT THAT AND I  
8 KNEW THAT SOME PART OF RIGOR MORTIS HAD SET IN WHEN  
9 SHE DROPPED OVER LIKE SHE WAS AND SHE PARTIALLY  
10 STIFF. I KNEW SHE HAD BEEN DEAD AT LEAST AN HOUR AND  
11 I SAID FOR HOURS. I DIDN'T SAY FOUR HOURS.

12 Q WHAT ABOUT HER CLOTHING?

13 A HER CLOTHING WAS ON HER AND I SAID COVER. I  
14 DIDN'T SAY NO CLOTHING. I NEVER, I THINK WHAT HAPPEN  
15 WAS I SAID SHE HAD NO CLOTHES I MEANT NO COVER ON.  
16 AND THEY WENT, AND THEN THE OTHER, THE OTHER PERSON  
17 JUST FOLLOWED SUIT WITH THAT PERSON. THEY GOT BACK  
18 TO THE STATION AND SAID IS IT TRUE THAT SHE SAID THIS  
19 AND I MEAN HE SAID THIS AND THAT'S THE WAY, THAT'S  
20 NOT TRUE. SHE HAD CLOTHES ON WHEN I WENT IN THAT  
21 ROOM.

22 Q WHAT HAPPENED AFTER EVERYBODY CAME OVER THERE?

23 A UH, AFTER EVERYBODY, THERE WAS SO MANY PEOPLE  
24 COMING IN AND OUT OF THE HOUSE, ONE OFFICER WOULD  
25 STOP AND TALKED A FEW MINUTES AND ANOTHER PERSON

1 WOULD STOP AND TALKED TO ME A FEW MINUTES. THE  
2 PARAMEDICS STOPPED ME AND ASKED ME SOME QUESTIONS.  
3 OFFICER JORDAN STARTED TALKING TO ME AND THEN I  
4 COULDN'T TAKE IT NO MORE. I MEAN. I WAS STILL, I  
5 WAS STILL IN A STATE OF SHOCK. I COULDN'T BELIEVE  
6 THAT HAD HAPPENED. YOU KNOW. I DIDN'T KNOW, I  
7 THOUGHT SHE HAD STRANGLERD HERSELF AND EVEN ONE OF THE  
8 OFFICER'S SAID OH, YOU MEAN, YOU THINK SHE KILLED  
9 HERSELF AND I SAID I DON'T THINK SHE HAD NO TENDENCY  
10 OF COMMITTING SUICIDE, IF THAT'S WHAT YOU ARE TALKING  
11 ABOUT. NO, I DON'T THINK THAT. AND HE SAID AND HE  
12 GOES WELL, WHAT DO YOU THINK HAPPENED. AND I SAID,  
13 EXACTLY WHAT I'VE BEEN TELLING YOU. I BELIEVE I  
14 THOUGHT SHE HAD ROLLED AROUND IN HER SLEEP, GOT  
15 CAUGHT AND COULDN'T GET LOOSE, AND HER FINGERS, SHE  
16 JUST COULDN'T GET HER AIR AND SHE DIED AND SHE DIED.  
17 I DIDN'T KNOW ALL THE OTHER STUFF. I DIDN'T KNOW  
18 ANYTHING. THE POLICE STARTED PIECING THINGS  
19 TOGETHER.

20 Q HOW -- DID YOU TAKE THE GREEN STRIP?

21 A I TOOK THAT GREEN WRAP OFF OF HER NECK BECAUSE  
22 JESSICA, JESSICA WAS STANDING THERE. THAT'S WHAT I  
23 WAS DOING WHEN THEY COME IN THE ROOM AND IT WAS  
24 WRAPPED AROUND HER NECK AND THEY EVEN THOUGHT IT.  
25 JESSICA TOLD MY MOM THAT SHE THOUGHT THAT IT WAS,

1        THAT IT WAS HER FAULT BECAUSE SHE WAS GOING TO CUT  
2        THAT OFF A COUPLE DAYS PRIOR TO THAT AND SHE DIDN'T  
3        DO IT AND SHE REALLY FELT LIKE IT WAS HER FAULT FOR A  
4        LONG TIME.

5        Q        AT ONE POINT HOW WERE YOU REACTING THAT MORNING,  
6        DID THE PREACHER HAVE TO TELL YOU TO GET OUT OF WAY  
7        AT SOME POINT?

8        A        LIKE I SAID I HAD, ONE OFFICER EVEN SAID IT, HE  
9        QUOTED, YOU NEED TO COME HOME. MY WIFE CALLED. I  
10       SAID YOU NEED TO COME HOME. AFTER I HAD TALKED WITH  
11       MY WIFE, I CAN'T COULDN'T, I COULDN'T FUNCTION NO  
12       MORE. I WAS, I LAID DOWN ON THE FLOOR AND WAS JUST  
13       CRYING, LAYING UP AGAINST A CHAIR. THE CHAIR THAT  
14       WAS PUSHED UP AGAINST THE WALL THERE IN THE  
15       PHOTOGRAPH, I WAS LAYING AGAINST THAT CHAIR CRYING,  
16       SPRAWLED OUT IN THE FLOOR AND 385 POUNDS, I WAS  
17       LAYING THERE IN THE FLOOR AND MY PASTOR SAID, MY  
18       PASTER WALKED UP AND SAYS YOU NEED TO GET UP.

19                    MR. POPE: YOUR HONOR, I TRIED TO ALLOW  
20       SOME LATITUDE BUT I OBJECT TO HEARSAY AGAIN. WE KEEP  
21       BRINGING OTHER PEOPLE IN, THE MOTHER SAID AND  
22       DAUGHTER SAID AND I TRIED TO GIVE SOME LATITUDE AND I  
23       OBJECT TO HEARSAY.

24                    MR. MORTON: AND I APPRECIATE IT, MR.  
25       POPE.

1 THE COURT: THIS IS PROBABLY A GOOD TIME  
2 TO TAKE A SHORT BREAK TOO. WE CAN STOP FOR A MINUTE.  
3 WE'LL TAKE A SHORT REFRESHER BREAK.

4 (THE JURY EXITS THE COURTROOM AT 10:39  
5 AM.)

6 THE COURT: MR. MORTON, I KNOW YOU ARE  
7 TRYING TO MOVE THINGS ALONG BUT YOU HAVE ASKED AN  
8 AWFUL LOT OF LEADING QUESTIONS. MOST OF THEM HADN'T  
9 BEEN OBJECTED TO.

10 MR. MORTON: I'M SORRY. I'M JUST TRYING  
11 TO LEAD HIM ALONG.

12 THE COURT: BUT WHEN, BUT LET'S, AND ALSO  
13 THERE HAS BEEN A LOT OF HEARSAY. MOST OF IT PROBABLY  
14 DOESN'T GO TO THE TRUE OF THE MATTER ASSERTED SO  
15 PROBABLY NOT THAT, NOT TO SAY NOT IMPORTANT BUT IT  
16 HASN'T BEEN OBJECTED TO. I ANTICIPATE PROBABLY WILL  
17 BE SOME MADE AND OF COURSE IF IT'S HEARSAY I'LL HAVE  
18 TO GRANT THEM SO I AM JUST MAKING THOSE COMMENTS,  
19 EDITORIAL I GUESS.

20 MR. MORTON: I JUST WANT TO EXPLAIN TO  
21 HIM --

22 THE COURT: HE'S NOT SUBJECT TO CROSS  
23 EXAMINATION YET, DO YOU MIND IF HE.

24 MR. POPE: I DON'T THINK IT IS APPROPRIATE  
25 ONCE A WITNESS IS ON THE STAND.



1 THE COURT: OKAY. AGAIN I DON'T WANT TO  
2 BE COACH BUT IF HE GETS INTO HEARSAY IT MIGHT BE  
3 PRUDENT TO JUST STOP HIM.

4 MR. MORTON: STOP HIM BEFORE THEY DO.

5 THE COURT: OKAY. THANK YOU. MR. COPE,  
6 YOU CAN STEP DOWN AND THEY WILL LET YOU USE THE  
7 RESTROOM AND GET SOME WATER.

8 (COURT IS IN RECESS.)

9 (COURT RESUMES AT 10:52 AM.)

10 THE COURT: LET'S BRING IN THE JURY.

11 (THE JURY RETURNS TO THE COURTROOM AT  
12 10:53 AM.)

13 THE COURT: ALL RIGHT.

14 DIRECT EXAMINATION CONTINUED BY MR. MORTON:

15 Q I THINK WE WERE AT THE POINT THAT MORNING, LET  
16 ME ASK YOU, LET ME BACK UP A MINUTE. SEE THESE TWO  
17 LOCKS THAT HAVE BEEN INTRODUCED DEFENSE EXHIBITS 74  
18 AND 73?

19 A YES, SIR.

20 Q DO YOU KNOW WHAT KIND OF LOCKS WERE ON YOUR  
21 FRONT DOOR?

22 A YES, SIR. THIS IS A DEAD LOCK AND THIS IS A  
23 REGULAR LOCK, AND I HAD, AT WALMART I'VE SEEN THE  
24 TWO, THE TWO LOCKING MECHANISM AT WALMART. WE HAD TO  
25 GET A NEW LOCK TO PUT ON THE LOCK BECAUSE I DIDN'T

1 TRUST, YOU KNOW, THE NEIGHBORHOOD AFTER WE MOVED IN  
2 SO I ASKED MY LANDLORD WILL HE PUT NEW LOCKS ON AND  
3 HE ACTUALLY SAID NO, THAT WE COULD GET ANOTHER SET  
4 AND PUT ON, SO WE WENT AND BOUGHT LOCK SET AND PUT  
5 ON. AND I DID NOT PUT A DEAD LOCK. IT WOULD, THE  
6 DEAD LOCK COSTED A LITTLE BIT MORE AND I DIDN'T HAVE  
7 THE MONEY FOR THAT.

8 Q LET ME ASK YOU ABOUT THIS FLASHLIGHT, IS THAT  
9 YOUR FLASHLIGHT?

10 A NO, SIR.

11 Q HAD YOU EVER SEEN THAT FLASHLIGHT BEFORE?

12 A NO, SIR. WHEN I WAS ASKED ABOUT A RED  
13 FLASHLIGHT I THOUGHT ABOUT THE RED FLASHLIGHT, IT'S  
14 NOT A RED FLASHLIGHT, IT'S A PINKISH, HOT PINKISH  
15 FLASHLIGHT THAT WE HAVE, BUT WHEN I SAW THAT ONE  
16 IMMEDIATELY KNEW THAT WAS NOT OUR FLASHLIGHT. I  
17 DON'T KNOW WHERE THAT FLASHLIGHT COME FROM. WE HAD A  
18 HOT PINK ONE AND A BLACK ONE. THEY COME IN A PACKET  
19 EVER READY PUTS THEM OUT WITH TWO EVER READY  
20 BATTERIES. WE GOT THEM AT DOLLAR GENERAL ON SALUDA  
21 STREET.

22 Q BACK TO THAT MORNING, WERE YOU THERE WHEN MARY  
23 SUE CAME HOME?

24 A I WAS. SOMEBODY, I DON'T REMEMBER WHO IT WAS,  
25 SOMEBODY SAID MARY SUE IS HERE AND I THOUGHT, YOU

1 KNOW, I NEED, I DIDN'T EVEN PUT ON MY SHOES. I WAS  
2 STILL STANDING IN MY SWEAT PANTS, MY DAUGHTER'S SWEAT  
3 PANTS.

4 Q BLACK SWEAT PANTS?

5 A I THINK THEY WERE --

6 Q DARK GREEN COLOR.

7 A DARKISH GREEN COLOR, NOT DARK BLACK, I DIDN'T  
8 SAY DARK BECAUSE IT'S BEEN SO LONG.

9 Q THEY ARE THE ONES THAT HAVE BEEN PUT IN EVIDENCE  
10 TODAY OR TWO WEEKS AGO, WHATEVER IT WAS?

11 A YES, SIR, IT WAS THE SAME PANTS.

12 Q AND THAT WAS WHAT YOU WERE WEARING THAT MORNING?

13 A I WAS ALSO WEARING A BLUE SHIRT AND.

14 Q WHEN YOU GOT UP THAT MORNING WHAT WERE YOU  
15 WEARING?

16 A THAT NIGHT, THAT MORNING WHEN I GOT UP THERE WAS  
17 ONLY, JUST MY PANTS IS ALL I HAD ON.

18 Q YOU DIDN'T HAVE A SHIRT ON?

19 A NO, I DIDN'T.

20 Q DIDN'T HAVE ANY SHOES ON?

21 A NO, I DID NOT.

22 Q SO WHEN MARY SUE GOT HOME, WHAT DID YOU DO?

23 A I RAN OUT THE DOOR, CRAWLED UP UNDER THE TAPE,  
24 AND KEPT WALKING AND I MET HER IN FRONT OF THE  
25 NEIGHBOR'S YARD JUST ON THE, BEYOND THE FENCE, AND ME

1 AND HER STOOD THERE AND SHE CRIED ON MY SHOULDERS,  
2 AND WE, WE, I TRIED TO EXPLAIN TO HER WHAT WAS GOING  
3 ON THAT I KNEW AND I TOLD HER THE SAME THING THAT  
4 I 'VE BEEN SAYING ALL ALONG, THAT SHE HAD WRAPPED THAT  
5 GREEN THING HER AROUND THROAT AND IT HAD, SHE HAD  
6 CHOKED HERSELF. I THOUGHT SHE WAS STRUGGLING WITH IT  
7 TRYING TO GET IT OFF.

8 Q AFTER, DID YOU STAY OUTSIDE THEN?

9 A ACTUALLY YES, I DID. AS A MATTER OF FACT,  
10 THAT'S WHERE THE INVESTIGATOR WAYNE JORDAN CAME AND  
11 GOT ME, HE SAID MR. COPE, THEY WOULD LIKE FOR YOU TO  
12 COME DOWNTOWN WITH US TO TALK TO SOME OF THE PEOPLE.  
13 WE WOULD LIKE TO, HAVE AN FORMAL INTERVIEW WITH YOU,  
14 AND I SAID OKAY. SO HE SAID WOULD YOU MIND GOING  
15 BACK IN THE HOUSE AND GET YOUR SHOES AND YOUR SHIRT  
16 ON AND I WENT IN AND I GOT A BLUE SHIRT, A BIG, AS A  
17 MATTER OF FACT, IT WAS BIGGER THAN I WAS, BUT IT WAS  
18 A BLUE SHIRT THAT MARY SUE GOT ME, AND I GOT MY BLACK  
19 SHOES THAT THE VOC REHAB PURCHASED FOR ME AND THE  
20 THINGS COST OVER \$400 AND I MIGHT ADD, I DIDN'T SEE  
21 THEM IN THE PROPERTY. I WAS JUST WONDERING WHERE  
22 THEY GOT TO.

23 Q SO THEY TOOK YOU DOWN TO THE POLICE STATION?

24 A YES, SIR.

25 Q AND DID YOU GO BACK INTO THE DETECTIVE DIVISION

1 AT THAT POINT OR DID YOU SIT IN THE LOBBY FOR AWHILE  
2 OR DID THEY HANDCUFF YOU OR ANYTHING LIKE THAT?

3 A NO, SIR. I JUST GOT IN THE CAR WITH HIM, WE  
4 RODE UP TO THE POLICE STATION. I WAS IN THE POLICE  
5 STATION FOR A SHORT TIME AND THEN I TALKED, THEY PUT  
6 ME IN THIS LITTLE ROOM, I GUESS IT WAS ABOUT TEN BY  
7 FIVE ROOM. A LITTLE SMALL ROOM. ALL THEY HAD WAS A  
8 CHAIR AND A CARPET AND I SAT IN THAT ROOM FOR A FEW  
9 MINUTES AND THEN OFFICER BURRIS COME AND GOT ME,  
10 BROUGHT ME BACK.

11 Q DETECTIVE BURRIS?

12 A DETECTIVE BURRIS COME BACK AND BROUGHT ME TO  
13 THE, TO HIS OFFICE OR TO A OFFICE AND I SAT DOWN AND  
14 HAD A TALK WITH HIM AND I TOLD HIM THE SAME THING. I  
15 DIDN'T KNOW, YOU KNOW, WHAT HAPPENED. HE TOLD ME  
16 THAT.

17 Q YOU ARE NOT SUPPOSED TO SAY WHAT SOMEBODY ELSE  
18 TOLD YOU BUT AS A RESULT OF THAT CONVERSATION.

19 A OKAY.

20 Q WHAT DID YOU DO?

21 A I LEARNED, I LEARNED THAT MY DAUGHTER WAS  
22 POSSIBLY SEXUALLY ASSAULTED. I DIDN'T KNOW THAT.  
23 THEY ASKED ME WOULD I GO DOWNTOWN.

24 Q DOWNTOWN?

25 A I MEAN DOWN TO THE HOSPITAL TO THE.

1 Q PIEDMONT?

2 A TO HAVE A DNA SAMPLE DONE AND I TOLD HIM YEAH,  
3 SURE, I DON'T HAVE NO PROBLEM. I DON'T HAVE NOTHING  
4 TO HIDE. I WILL DO WHATEVER YOU WANT ME TO DO.  
5 DIDN'T MAKE ME NO DIFFERENCE.

6 Q WHAT DID THEY DO? WHAT DID THEY TAKE FROM YOU?

7 A THEY TOOK BLOOD. THEY TOOK PUBIC HAIR. THEY  
8 TOOK HAIR FROM HERE AND HERE. THEY TRIED TO GET SOME  
9 HERE BUT YOU KNOW, THERE IS NONE THERE, AND ALSO THEY  
10 TOOK HAIR FROM MY CHEST. THEY TOOK A PIECE OF FOAM  
11 AND THEY PUT IT IN MY MOUTH AND THEY TOLD ME TO BITE  
12 DOWN ON IT HARD AND I BIT DOWN ON IT AND THEN THEY  
13 TOOK A SWAB, WENT IN MY MOUTH AND GOT A SWABBING FROM  
14 MY MOUTH. AT THAT TIME I DO A LOT, I WATCH A LOT OF  
15 COURT TV AND STUFF LIKE THAT, I WANTED TO LET THEM  
16 KNOW THAT IF THEY FOUND ANY KIND OF SKIN OR ANYTHING  
17 UNDER AMANDA'S FINGERNAILS IT WAS PROBABLY MINE  
18 BECAUSE I HAD HER SCRATCH MY BACK THAT NIGHT. WHILE  
19 WE WERE SITTING ON THE COUCH MY BACK STARTED ITCHING  
20 AND I ASKED HER WOULD SHE SCRATCH MY BACK AND I  
21 RAISED MY SHIRT UP, SHE SCRATCHED MY BACK AND THAT  
22 WAS THE END OF THAT, BUT I DIDN'T WANT TO TAKE NO  
23 CHANCES. I WANTED TO MAKE SURE THEY KNEW EVERYTHING,  
24 THAT I WAS COOPERATING THE BEST I COULD, TELLING THEM  
25 EVERYTHING I KNEW.

1 Q AND DID DETECTIVE BURRIS TAKE YOU BACK TO THE  
2 POLICE STATION?

3 A HE DID TAKE ME BACK TO THE POLICE STATION AND  
4 THEN I WAS, I WAS -- MR. BURRIS TOLD ME TO STEP  
5 OUTSIDE INTO THE LOBBY AND I STEPPED OUTSIDE TO THE  
6 LOBBY AND SAT DOWN AND MY PASTOR WAS OUT THERE. ME  
7 AND HIM HAD A LITTLE BIT OF TALK. HE WAS ASKING ME  
8 HOW I WAS FEELING, THINGS LIKE THAT, TRYING TO  
9 CONSOLE ME, AND THEN AFTER THAT THEY CALLED ME BACK  
10 IN AND I WAS TO TALK WITH LIEUTENANT HERRING.

11 Q HOW LONG, THIS WAS ABOUT 12 I THINK THE  
12 STATEMENT SAID 12:40?

13 A THAT'S CORRECT. IT, I DON'T KNOW EXACTLY HOW  
14 LONG IT LASTED. IT LASTED ABOUT 45 MINUTES I GUESS.  
15 WE SIT AND TALK AND.

16 Q AND THAT WAS YOU AND DETECTIVE BURRIS?

17 A YES, SIR.

18 Q AND LES HERRING?

19 A THAT'S CORRECT, YES.

20 Q OKAY.

21 A YEAH. IT WAS MORE OF ME AND LES HERRING, JUST  
22 BURRIS WAS IN THE ROOM DESCRIBING WHAT I HAD ALREADY  
23 TOLD HIM, AND THEN AFTER THAT THEY TOOK ME, THEY TOLD  
24 ME TO GO BACK IN THE HALL. AT NO TIME DID THEY SAY  
25 YOU ARE FREE TO GO, YOU CAN LEAVE, THEY SAID WOULD

1 YOU PLEASE STEP OUT THERE, WE MAY HAVE FURTHER  
2 QUESTIONS FOR YOU. I STEPPED OUT INTO THE LOBBY AND  
3 SAT THERE FOR MAYBE A COUPLE MINUTES AND MARY SUE  
4 WALKED OUT AND SAT DOWN BESIDE OF ME.

5 Q DID YOU KNOW, REALIZE THAT MAY SUE WAS THERE?

6 A I DID NOT EVEN KNOW MARY SUE WAS THERE. THE  
7 PASTOR DIDN'T GET A CHANCE, I-- HE COULD HAVE TOLD ME  
8 IF HE KNEW BECAUSE I THINK HE BROUGHT HER, IS THE ONE  
9 WHO BROUGHT HER UP THERE, BUT LET'S SEE. SHE LAID  
10 HER HEAD ON MY SHOULDER AND SHE WAS CRYING. SHE SAYS  
11 AND I SAID, I PUT MY ARM AROUND HER AND I HELD HER  
12 AND THEN I WASN'T SURE WHETHER WE WERE, WE COULD  
13 LEAVE OR NOT. I THOUGHT MAYBE THAT ALL I HAD TO WAIT  
14 ON WAS MARY SUE TO COME OUT, SO I WENT TO THE WINDOW  
15 THERE AND I ASKED THAT LADY THAT WAS STANDING AT THE  
16 WINDOW DID SHE MIND, YOU KNOW, TO FIND OUT IF WE  
17 COULD LEAVE AND SHE SAID HOLD ON A MINUTE. WELL, A  
18 FEW MINUTES LATER WE WAS MET BY THIS AFRICAN AMERICAN  
19 LADY. SHE CAME AND GOT US AND BROUGHT US TO THE,  
20 BROUGHT US BACK INSIDE AND SHE SAID UH, FOR THE LIFE  
21 OF ME I CAN'T REMEMBER HER NAME, I'M THINKING ABOUT  
22 ALL THE REPORTS AND ALL THAT HER NAME WAS ANNETTE  
23 DYE. SHE SAID I'M WITH DSS AND WE'RE GOING TO HAVE  
24 TO TAKE YOUR CHILDREN FROM YOU AND SO MARY SUE  
25 STARTED CRYING AND THEN A FEW MINUTES LATER THEY



1 SAID, AFTER WE SIGNED THE PAPERS, THEY TALKED TO US  
2 AND TOLD US THAT THERE WOULD BE A HEARING IN THREE  
3 DAYS AND THEY EXPLAINED TO US THAT IT WAS ALL, YOU  
4 KNOW, BECAUSE OF AMANDA'S DEATH AND THEY DIDN'T KNOW  
5 WHAT WAS GOING ON AND THEY WOULD BE GETTING IN TOUCH  
6 WITH US SOON AND THEY GAVE US THE LITTLE PIECE OF  
7 PAPER THAT STATES YOU HAVE THE COURT APPOINTMENT AND  
8 ALL THAT AND THEN THEY TOLD US TO GO ON BACK OUTSIDE.  
9 AS A MATTER OF FACT, THEY SAID GO BACK OUTSIDE, WE'LL  
10 LET YOU KNOW IF YOU CAN GO, AND ME AND MARY SUE  
11 WALKED BACK OUT AND SET IN THE LOBBY AND A FEW  
12 MINUTES LATER JESSICA AND KYLA CAME WALKING BY THE --

13 Q DOWN THE HALL?

14 A WELL, IT WAS OUT, IT WAS LIKE THEY COME OUT.

15 Q THE BACK?

16 A OF HERRING'S ROOM OR OUT THE BACK BACK THERE AND  
17 THEY COME AROUND INTO, RIGHT BY US, AND AS THEY DID  
18 THEY WERE TRYING TO GET TO US AND THE WOMAN JERKED  
19 THEM AROUND AND JESSICA DID LIKE THIS RIGHT HERE AND  
20 KYLA SAW HER AND PUT HER HAND UP. WELL, THIS, WE  
21 TAUGHT OUR CHILDREN SIGN LANGUAGE AND THIS IS I LOVE  
22 YOU. STANDS FOR I LOVE YOU AND ALL THREE OF THEM  
23 TOGETHER IS I LOVE YOU AND WE TAUGHT THEM THAT AND  
24 THEY BOTH DID THAT AND WE DID IT BACK TO THEM AND  
25 THEN THEY WENT ON BACK OUT THE DOOR. WELL, A COUPLE

1 MINUTES LATER OUT WALKS ONE OF THE POLICE OFFICERS  
2 AND SAYS Y'ALL ARE FREE TO GO. AND WE GOT INTO THE  
3 CAR WITH THE PASTOR AND WE WENT TO THE HOUSE, WENT TO  
4 MY MOM'S HOUSE.

5 Q AND YOU STAYED AT YOUR MOM'S HOUSE?

6 A THE REST OF THE NIGHT. WE DIDN'T, I LEFT FOR A  
7 BRIEF MAYBE 15 MINUTE RIDE DOWN TO WALGREEN'S TO PICK  
8 UP SOME XANAX, SOME MEDICATION. I HAD CALLED THE  
9 DOCTOR AND ASKED THE DOCTOR TO GIVE ME SOME AND MY  
10 COUSIN DEBBIE ASKED ME WOULD SHE MIND IF I RODE WITH  
11 HER AND SHE WOULD TAKE ME AND I TOLD HER I DON'T  
12 MIND. SO I WAS WITH HER, SHOWED HER WHERE IT WAS AT,  
13 WE WENT INTO THE DRIVE THRU AND THEY HANDED ME THE  
14 PRESCRIPTION AND SHE HANDED THEM THE MONEY. THERE  
15 WAS AN EXCHANGE AND WE LEFT AND WENT STRAIGHT BACK TO  
16 THE HOUSE.

17 Q DID YOU TAKE ONE OF THOSE?

18 A I TOOK ONE ABOUT, ABOUT 30 MINUTES LATER. I  
19 DIDN'T, I MEAN, I SAW WHAT IT DONE TO MY WIFE. I  
20 DON'T KNOW WHAT MY WIFE TOOK BUT WHATEVER SHE TOOK IT  
21 KNOCKED HER OUT. AND I DON'T, I DON'T LIKE TO BE  
22 ASLEEP. I DON'T LIKE TO STAY ASLEEP. I MEAN I WANT,  
23 THE FAMILY WAS THERE, AND I WAS TRYING TO STAY WITH  
24 THE FAMILY TRYING, YOU KNOW, TO CONSOLE THE FAMILY,  
25 BE THE FAMILY, I MEAN. SO I DIDN'T IMMEDIATELY TAKE

1 ONE. I WAITED UNTIL ABOUT, I GUESS ABOUT 9-9:30 THAT  
2 I TOOK IT AND I LAID DOWN ON THE COUCH AND I WAS JUST  
3 ABOUT TO GO TO SLEEP WHEN MY MOM SHAKES ME AND SHE  
4 SAYS, SON, THE POLICE ARE OUT THERE. AND I GOT UP,  
5 WALKED TO THE DOOR, AND HE SAID AND IT WAS OFFICER  
6 HERRING AND I MEAN LIEUTENANT HERRING AND LIEUTENANT  
7 WALDROP AND THEY SAID MR. COPE COULD YOU PLEASE STEP  
8 OUTSIDE WITH US FOR A FEW MINUTES. AND I STEPPED  
9 OUTSIDE DOWN PAST THE STEPS OUT OF, I GUESS HEARING  
10 DISTANCE FROM EVERYBODY BECAUSE THERE WAS PEOPLE  
11 STILL SITTING ON MY PORCH, ON MY MOM'S PORCH, AND I  
12 SAID YES, SIR. HE SAID WE'VE LEARNED A FEW MORE  
13 THINGS ABOUT YOUR DAUGHTER, WE'D LIKE FOR YOU TO COME  
14 DOWNTOWN WITH US, AND WE'LL TELL YOU ALL ABOUT IT.  
15 AT THAT TIME I SAID AM I COMING BACK. AND THE REASON  
16 I SAID THAT WAS BECAUSE I NEEDED TO KNOW IF THEY WERE  
17 BRINGING ME BACK OR IF I WAS GOING TO HAVE TO HAVE  
18 SOMEBODY ELSE COME GET ME OR WHETHER I WAS GOING TO  
19 BE THERE FOR AWHILE. I DIDN'T KNOW. BUT SO HE SAID,  
20 HE SAID WELL WE'LL DISCUSS THAT WHEN WE GET TO THE  
21 STATION. AND I SAID OKAY. AND WE GOT INTO THE CAR  
22 AND STARTED ON THE WAY. WELL, THE INTERROGATION OR  
23 THE INTERVIEW STARTED IN THE CAR. THEY WAS ASKING ME  
24 QUESTIONS ABOUT THE BLANKET. THEY WERE ASKING ME  
25 QUESTIONS THAT ABOUT---THEY ASKED, OH YEAH. THEY

1 ASKED ME ABOUT WAS I SURE, TALKING ABOUT THE DOORS  
2 BEING LOCKED AND ALL THAT, THEY WERE SAYING, YOU KNOW  
3 BECAUSE EVEN IN MY INTERVIEW I MENTIONED TO THEM THAT  
4 I HAD CHECKED. I CHECKED THE DOORS. I DID. I WENT  
5 TO THE BACK DOOR. IT APPEARED TO BE LOCKED. I WENT,  
6 AND THE FRONT DOOR WAS LOCKED. I MEAN THIS WAS  
7 WHENEVER I COME IN THERE, I HAD TO UNLOCK THE DOOR TO  
8 OPEN THE DOOR FOR THE POLICE OFFICERS, I MEAN FOR THE  
9 FIRE DEPARTMENT TO COME IN, AND THE POLICE OFFICER  
10 ASKED ME A QUESTION AND I THOUGHT ABOUT THE NIGHT  
11 THAT MY DOOR WAS UNLOCKED AND I WENT TO, WENT TO THE  
12 OR TO THE DINING ROOM AND LOOKED INTO THE KITCHEN AND  
13 SEEN THAT THE DOOR WAS SHUT. AND THE BLIND WAS THAT  
14 WAY SO I COULD SEE THE DOOR WAS LOCKED AND ALL. I  
15 SAID THE DOOR IS LOCKED AND THEN HE SAID, I SAID, I  
16 EXPLAINED TO HIM THAT WE HAD, THAT MY DOOR WAS OPENED  
17 THAT WEEK, THE FOLLOWING WEEKEND.

18 Q THE PREVIOUS WEEKEND?

19 A YEAH.

20 Q BUT YOU TOLD HIM THAT NIGHT THAT YOU THOUGHT  
21 YOUR DOORS WERE LOCKED?

22 A I DID. I DID TELL THEM THAT BECAUSE I REALLY  
23 THOUGHT THAT, BUT IN THE POLICE CAR ON THE WAY OVER  
24 THERE, THEY WERE ASKING ME QUESTIONS ABOUT THAT.

25 Q AFTER YOU GOT TO THE POLICE STATION THEN

1 MR. WALDROP AND MR. HERRING, LIEUTENANT HERRING  
2 STARTED ASKING YOU QUESTIONS, RIGHT?

3 A THAT'S CORRECT.

4 Q AND THEY --

5 A WELL, ACTUALLY IT STARTED, THEM TWO WERE  
6 STANDING IN THE OFFICE. THEY HAD BROUGHT ME IN, THEY  
7 PUT IN THAT SAME LITTLE ROOM AND THEY WENT INTO THE  
8 OFFICE AND MUST HAVE DONE SOME TALKING, THEN OFFICER  
9 I MEAN LIEUTENANT WALDROP CAME AND GOT ME AND BROUGHT  
10 ME BACK IN THE ROOM AND WHILE THEY WERE SITTING THERE  
11 WALDROP AND HERRING STARTED TALKING ABOUT WHETHER  
12 THEY WERE TO TAPE THIS OR NOT AND OFFICER, I MEAN,  
13 LIEUTENANT WALDROP SAID I THINK WE OUGHT TO TAPE  
14 THIS, YOU KNOW. HE SAID I GOT A TAPE RECORDER IN MY  
15 OFFICE. I THINK WE OUGHT TO TAPE THIS. I SAID IT  
16 DON'T MATTER TO ME. I SAID YOU KNOW DO WHAT YOU  
17 WANT. HE SAID YOU DON'T MIND IF WE TAPE. I SAID NO  
18 I DON'T MIND. YOU GO AHEAD. AND HE WENT AND COME  
19 BACK WITH SOME TAPES AND COME BACK WITH THE TAPE  
20 PLAYER, SET IT UP, AND STARTED IT UP AND THE  
21 INTERVIEW WAS EXACTLY WHAT YOU HEARD.

22 Q THEY --

23 THE COURT: EXCUSE ME. MR. IVEY, YOU ARE  
24 CLICK SOMETHING OVER THERE.

25 MR. IVEY: OH, I'M SORRY.

1 THE COURT: GO AHEAD.

2 Q AND THEY INTERVIEWED YOU FOR SEVERAL HOURS,  
3 CORRECT? I'M NOT TRYING TO LEAD. HOW LONG DID THEY  
4 INTERVIEW YOU?

5 A IT WAS OVER THREE HOURS I KNOW THAT. IT WAS  
6 MORE, ALMOST FOUR HOURS. I THINK SOMEWHERE TOWARD  
7 THE END WALDROP SAID SOMETHING ABOUT IT WAS ALL  
8 ALMOST FOUR HOURS.

9 Q OKAY. AND DURING THAT INTERVIEW, AND WE HAVE A  
10 TAPE RECORDING OF IT, THEY BASICALLY ASKED YOU WHAT  
11 YOU HAD HEARD AND WHEN YOU HAD BEEN UP AND SO FORTH?

12 A THAT'S CORRECT.

13 Q AND YOU TOLD THEM WHAT WE HAVE HEARD ON THAT  
14 TAPE?

15 A ABSOLUTELY.

16 Q OKAY. ON THAT TAPE OFFICER HERRING, OFFICER  
17 WALDROP I BELIEVE ASKED YOU SEVERAL TIMES ABOUT THE  
18 HOUSE BEING SECURE AND THAT THERE BEING NO SIGNS OF  
19 ANY FORCED ENTRY, DO YOU REMEMBER THAT?

20 A RIGHT. AND I AGREED WITH HIM BECAUSE I WAS  
21 THINKING I ABOUT THE DOORS. I KNEW THE DOORS WAS  
22 LOCKED AND I AGREED WITH HIM ON THAT POINT BECAUSE I  
23 REALLY THOUGHT THE DOORS, THE HOUSE WAS SECURED. I  
24 THOUGHT IT WAS AN ACCIDENT. I DIDN'T KNOW THAT  
25 SOMEBODY HAD BEEN IN MY HOME. I DIDN'T KNOW THAT

1       SOMETHING HAD DONE HAPPENED TO MY DAUGHTER IN A, IN  
2       THE WAY THAT THEY TOLD ME.  THEY TOLD ME, EVERYTHING  
3       THEY TOLD ME WAS, WAS, WELL, YOU HEARD IT IN THE  
4       TAPE.  IT WAS THERE PIECE BY PIECE.  THEY GIVE THESE  
5       THINGS TO ME, AND I STARTED TO FORMULATE THOUGHTS.  
6       WELL THIS PERSON, WHOEVER COULD HAVE DONE THIS WAS, I  
7       MEAN, I DIDN'T DO IT.  I KNEW THAT.  I KNEW FOR A  
8       FACT I DID NOT DO IT.  I KNEW FOR A FACT THAT I WAS  
9       IN THE BED ASLEEP JUST LIKE I SAID WITH THE MACHINE  
10      ON.  I WOKE UP AT THREE O'CLOCK, WENT TO THE  
11      BATHROOM, DONE EXACTLY WHAT I SAID, EVERYTHING I TOLD  
12      YOU THIS MORNING IS THE TRUTH, EVERYTHING, AND THEN  
13      THEY START, YOU KNOW, THEN I STARTED TO FORMULATE  
14      THIS THOUGHT IN MY HEAD ABOUT WHO, WHO COULD HAVE  
15      DONE WHAT?  I DIDN'T KNOW.  I WAS GIVEN, DO YOU KNOW,  
16      MR. COPE, THAT YOUR DAUGHTER WAS SEXUALLY ASSAULTED.  
17      DID YOU KNOW, MR. COPE, THAT YOUR DAUGHTER, WHAT --  
18      WOULD YOU BE SURPRISED IF I TOLD YOU THAT YOUR  
19      DAUGHTER WAS BRUTALLY BEATEN.  I DIDN'T KNOW THOSE  
20      THINGS.  I WAS STILL IN SHOCK JUST FROM THIS MORNING  
21      WAKING UP AND FINDING HER.  I DIDN'T, I MEAN.  THEY  
22      SAID THEY WERE GOING COME DOWN AND TALK TO ME ABOUT  
23      WHAT HAPPENED TO HER.  THEY DIDN'T SAY THEY WERE  
24      GOING TO COME DOWN AND START ACCUSING ME.  I DIDN'T  
25      KNOW WHAT HAD HAPPENED.  I COULD HAVE, IT DOESN'T

1 MAKE SENSE TO ME BECAUSE THAT'S NOT WHAT I SAW AND  
2 THEN I SAW, THEY KEPT TELLING ME, WELL MR. COPE, WE  
3 HAVE ONE REPORT HERE THAT SAYS YOU DIDN'T TAKE THAT  
4 GREEN THING OFF. I DID TAKE THAT GREEN THING OFF.  
5 THEY SAID WE GOT PICTURES THAT PROVE THAT THAT GREEN  
6 THING WAS NEVER REMOVED FROM HER NECK. I KNEW BETTER  
7 THAN THAT. I TOOK IT OFF. I SAW IT LAYING ON THE  
8 FLOOR. I SAW THE REST OF IT LAYING ON THE BED. I  
9 SHOWED IT TO THE POLICE OFFICER. I POINTED TO IT. I  
10 SAID THAT WAS ON HER NECK. I KNEW IT WAS OFF. AND I  
11 COULDN'T UNDERSTAND WHY THEY KEPT ON AND KEPT ON AND  
12 KEPT ON AND KEPT ON AND I KEPT ON DEFENDING MYSELF  
13 CONSTANTLY. AND FINALLY TOWARD THE END OF IT, I  
14 MEAN, ALL THROUGH IT ACTUALLY I KEPT SAYING, LOOK,  
15 FINE, LET'S TAKE A POLYGRAPH TEST. Y'ALL DID SOME  
16 TESTS ON ME. THEY ARE GOING TO COME BACK NEGATIVE  
17 AGAINST ME. I DIDN'T DO NOTHING, NO.

18 Q IN FACT, ONE TIME THEY ASKED YOU, MR. COPE, IF  
19 THE TEST RESULTS FROM THE HOSPITAL COME BACK AND SHOW  
20 THAT YOUR SEMEN WAS ON AMANDA'S BODY WHAT WOULD YOUR  
21 RESPONSE BE?

22 A MY RESPONSE WAS IT WON'T. IT WILL NOT. THERE  
23 IS NO WAY IT CAN. I DIDN'T DO NOTHING. AND THAT,  
24 THAT BOTHERED ME. I MEAN, I DIDN'T DO NOTHING TO MY  
25 DAUGHTER. I LOVED HER. SHE WAS MY DAUGHTER. SHE



1 WAS MY FIRST BORN. I LOVED MY DAUGHTER. I LOVED ALL  
2 MY DAUGHTERS. I LOVE THE TWO WE LOST. I DIDN'T DO  
3 NOTHING. I DIDN'T DO NOTHING. I DIDN'T DO NOTHING.  
4 AND TO BE TAKEN THROUGH THAT IT BOTHERED ME, IT  
5 BOTHERED ME BAD. AND IT JUST KEPT ON. BUT THAT  
6 WASN'T ALL. I MEAN, IT WAS, AT THE END OF IT THEY  
7 SAID WELL.

8 Q WHAT ABOUT THE POLYGRAPH? DO THEY ASK YOU ABOUT  
9 WHO ELSE COULD HAVE DONE IT AND ALL?

10 A SEVERAL TIMES THEY ASKED ME WHO ELSE COULD HAVE  
11 DONE IT. IF YOU DIDN'T DO IT, I MEAN, THEY JUST  
12 WANT, THEY WANTED TO KNOW WHO DID IT AND I WANTED TO  
13 HELP THEM BUT I DIDN'T KNOW. I REALLY DIDN'T KNOW.  
14 THEY ASKED ME. I MENTIONED MY NEIGHBORS. ME AND  
15 AMANDA WENT TO THE STORE ABOUT, IT MIGHT HAVE BEEN A  
16 WEEK, I CAN'T SAY FOR SURE. IT'S BEEN THREE YEARS  
17 SINCE THIS HAPPENED, BUT ABOUT A WEEK OR SO BEFORE  
18 THAT RANDY CROWDER MY NEXT DOOR NEIGHBOR WAS IN THE  
19 STORE. I DIDN'T KNOW HIS NAME AT THE TIME BUT HE WAS  
20 IN THE STORE AT THE TIME AND HE HAD A CASE OF BEER.  
21 I DIDN'T WANT TO NOT OFFER HIM A RIDE, IT WAS POURING  
22 DOWN RAIN, BUT I FELT UNEASY SO I ASKED AMANDA WILL  
23 SHE SIT IN THE BACK SEAT AND LET HIM SIT IN THE FRONT  
24 SEAT AND SHE SAID SHE WOULD. AND SHE DIDN'T SIT  
25 RIGHT BACK IN BEHIND HIM. SHE WENT ALL THE WAY TO

1 THE BACK OF THE VAN AND SIT AT THE VERY BACK AND THEN  
2 HE --

3 Q YOU GAVE HIM A RIDE HOME FROM THE STORE?

4 A GAVE HIM A RIDE HOME FROM THE STORE.

5 Q AND YOU TOLD THE POLICE THAT.

6 A AND MARY SUE SAID THAT WAS FINE. HE TALKS TO  
7 MARY SUE, HE TALKS TO AMANDA AND ME ALL THE TIME. I  
8 MEAN. HE'S A NEIGHBOR. HE'LL COME TO THE FENCE AND  
9 SAY HEY, HOW IS EVERYTHING GOING. I WASN'T CONCERNED  
10 ABOUT THAT. BUT THEN WHEN THAT HAPPENED I WASN'T  
11 SURE. I SAID, WELL, DID YOU CHECK MY NEIGHBOR OUT.  
12 I MEAN. YOU KNOW, I HEARD THAT THEY TALK ALL THE  
13 TIME. I DIDN'T KNOW. AND I WAS SERIOUS. BUT I KEPT  
14 ON INSINUATING, I MEAN, INSISTING AND INSISTING AND  
15 INSISTING ON THE POLYGRAPH TEST, AND FINALLY HE SAID  
16 WE'LL DO IT.

17 Q WHY WERE YOU INSISTING ON THE POLYGRAPH TEST?

18 A BECAUSE I TRUSTED THEM. BUT ONLY THEM, I  
19 TRUSTED GOD. I KNEW THAT GOD WOULD GET ME OUT. I  
20 KNEW THAT. I DIDN'T DO NOTHING WRONG. I DIDN'T.

21 Q SO YOU KEPT INSISTING ON A POLYGRAPH?

22 A I INSISTED ON A POLYGRAPH BECAUSE I KNEW THAT'S  
23 GOT TO PROVE, THAT'S THE NEXT BEST THING, IT'S GOING  
24 TO TELL THE TRUTH. I TRUSTED THEM. I HAVE HAD TWO  
25 OR THREE BEFORE AND IT DIDN'T BOTHER ME NONE. I SAID

1 YEAH, LET'S DO IT. LET'S DO IT. I'M TIRED OF  
2 WAITING. I AM TIRED OF SITTING HERE. I NEED TO GET  
3 BACK TO MY FAMILY. NO, THEY, INSTEAD THEY GO BACK IN  
4 THE BACK AND THEY ARE GOING TO A FEW MINUTES, THEY  
5 LEAVE ME SITTING THERE. I DIDN'T KNOW THAT THAT DOOR  
6 LEAD OUT, OUT THAT DOOR, LEAD RIGHT OUT OF THE  
7 BUILDING, BUT I DON'T HAVE NO WAY TO GET HOME. IF I  
8 STARTED WALKING THEY WASN'T GOING TO LET ME GO.

9 Q WERE YOU GOING TO DO THAT?

10 A NO. I DIDN'T KNOW THAT WAS A DOOR BUT I  
11 WOULDN'T HAVE DONE IT THAT. I WANTED TO HELP THEM.  
12 I WANTED TO FIND OUT WHAT HAPPENED TO MY DAUGHTER.

13 Q AT ONE POINT ON THAT TAPE THEY SAID, MR. COPE,  
14 WE HAVE A PROBLEM. WE HAVE A SERIOUS PROBLEM. DO  
15 YOU REMEMBER WHAT YOUR RESPONSE WAS?

16 A MY RESPONSE WAS YES, SIR, WE DO. YOU NEED TO  
17 FIND OUT WHO DONE THIS TO MY DAUGHTER. I SAID THAT  
18 SEVERAL TIMES IF I CAN REMEMBER. I INSISTED.

19 Q AFTER, I DON'T KNOW WHAT TIME IT WAS, 2:30 OR 3  
20 O'CLOCK IN THE MORNING, WHAT HAPPENED THEN?

21 A WELL, I GUESS, I CAN'T SAY EXACTLY WHAT TIME IT  
22 WAS. I KNOW IT WAS, IT WAS AFTER THREE. THEY SAID  
23 MR. COPE, WE'RE GOING TO PUT YOU IN A CELL. WE'RE  
24 GOING TO KEEP YOU HERE OVERNIGHT. THE POLYGRAPH  
25 EXAMINER SAID IT WOULD BE BEST IF YOU COME UP THERE

1 TOMORROW, THAT HE'S IN THE BED ASLEEP, AND I SAID,  
2 OKAY. AND HE SAID WE JUST GOING TO KEEP YOU HERE  
3 OVERNIGHT. WE'RE GOING TO SEE THAT THIS WILL COME  
4 BACK NEGATIVE. I WAS LAYING THERE AND I WENT BACK TO  
5 THE CELL. I SAID WELL DO YOU MIND IF I GET A BIBLE  
6 BECAUSE I READ THE BIBLE. I'VE BEEN READING THE BIBLE  
7 FOR A LONG TIME AND I READ THE BIBLE. THAT'S THE WAY  
8 I GET MY COMFORT AND I SAID AND I SAID WOULD YOU MIND  
9 IF I GET A BIBLE AND THEY BROUGHT ME A NEW TESTAMENT  
10 IN THERE. A LITTLE, IT'S I THINK IT SAYS SOMETHING  
11 ABOUT THE HEART ASSOCIATION ON THE FRONT OF IT AND I  
12 TOOK IT AND I OPENED IT UP AND I SAT ON THE BED AND  
13 READ. THEN I LAID BACK AND STARTED READING THE BIBLE  
14 AND THEN OFFICER HERRING, I MEAN, LIEUTENANT HERRING  
15 CAME TO THE DOOR. HE WAS ALONE WHEN HE CAME TO THE  
16 DOOR AND HE SAID, HERE YOU GO, MR. COPE. AND I WENT  
17 WHAT'S THAT. LOOKING, I DIDN'T GET UP AND GO OVER  
18 AND LOOK AT THE PIECE OF PAPER. HE JUST SAID IT'S A  
19 WARRANT. I SAID A WARRANT. HE SAID YES, SIR FOR  
20 YOUR ARREST. HE SAID BUT -- I SAID I'M INNOCENT. I  
21 DIDN'T DO NOTHING WRONG. AND HE SAID I KNOW THAT AND  
22 HE SAID BUT WE HAVE TO GIVE YOU THIS IN ORDER TO HOLD  
23 YOU. AND I SAID, HE SAID, IF WE GO UP THERE AND HAVE  
24 THE POLYGRAPH TEST AND IT COME BACK NEGATIVE, FINE,  
25 WE'LL LET YOU GO, BUT I GOT TO DO THIS TO KEEP YOU

1       HERE.  AND I SAID FINE THEN.  AND I LEFT IT LAYING  
2       THERE ON THE TABLE.  AS A MATTER OF FACT A COUPLE  
3       HOURS LATER WHEN I GOT UP AND EAT BREAKFAST IT WAS  
4       STILL LAYING THERE.  I HAD TO MOVE IT IN ORDER TO GET  
5       MY TRAY.

6       Q     HOW MUCH SLEEP DID YOU GET THAT NIGHT?

7       A     ABOUT TWO, I GOT ABOUT, I LAID DOWN ABOUT  
8       FIVE -- WELL, ACTUALLY THAT WARRANT CAME IN SOMEWHERE  
9       AROUND FOUR O'CLOCK, THAT'S WHAT I WAS SAYING, IT'S  
10      LIKE 30 MINUTES AFTER THAT I CLOSED THE BIBLE AND  
11      LAID IT ASIDE AND I WENT TO SLEEP AND I SLEPT UNTIL  
12      ABOUT 6:30 WHENEVER THEY WERE FIXING TO SERVE  
13      BREAKFAST.  BETWEEN 6:30 AND 7 O'CLOCK SOMEBODY  
14      RAPPED ON MY DOOR AND I ROLLED AROUND SAID AND I SAID  
15      WHAT.  SHE SAID IT'S TIME TO GET UP AND EAT BREAKFAST  
16      AND IT WAS A WOMAN AND SHE HANDED ME THE TRAY AND I  
17      SAT DOWN AND I ATE THE BREAKFAST AND I SET IT BACK  
18      AND I LAID DOWN AND TRIED TO GO BACK TO SLEEP.  ABOUT  
19      9:15 - 9:30 THERE WAS ANOTHER RAP AT THE DOOR AND IT  
20      WAS MISTER, IT WAS LIEUTENANT HERRING.  HE SAID  
21      MR. COPE, I'D LIKE FOR TO YOU TO GO AHEAD AND LET US  
22      GO.  WE'RE GOING TO GO OVER AND TAKE CARE OF THIS  
23      POLYGRAPH AND I SAID OKAY.  SO WE GOT UP.  I MEAN, I  
24      GOT UP, AND I WAS STILL IN MY SAME CLOTHES.  I WAS  
25      STILL IN MY SAME CLOTHES WHEN I WENT IN THAT MAN'S

1 OFFICE.

2 Q SO LIEUTENANT HERRING GAVE YOU A RIDE?

3 A THAT'S CORRECT.

4 Q AND HOW DID YOU RIDE OVER THERE?

5 A WELL, I THOUGHT HE WAS GOING TO AT LEAST PUT  
6 HANDCUFFS ON ME. I MEAN HE SAID WARRANT FOR MY  
7 ARREST AND I THOUGHT HE WAS GOING TO PUT HANDCUFFS ON  
8 ME SO I HELD MY HANDS OUT. HE SAID I'M NOT GOING TO  
9 PUT HANDCUFFS ON YOU. YOU ARE GOING TO SIT IN THE  
10 FRONT SEAT WITH ME. I SAT IN THE FRONT SEAT WITH HIM  
11 ALL THE WAY THERE AND ALL THE WAY BACK. ONLY ON THE  
12 WAY BACK I HAD HANDCUFFS ON. THAT'S THE ONLY  
13 DIFFERENCE.

14 Q AND AFTER YOU GOT TO THE, TO HERE?

15 A WHEN I GOT HERE.

16 Q AT THE SHERIFF'S DEPARTMENT?

17 A YES, SIR.

18 Q WHERE DID HE TAKE YOU?

19 A I WAS FIRST INTRODUCED TO MR. BAKER. MR. BAKER  
20 WAS, HE MET US AT THE FRONT OF THE SHERIFF'S  
21 DEPARTMENT INSIDE AT THE FRONT OF THE SHERIFF'S  
22 DEPARTMENT AND MISTER AND LIEUTENANT HERRING  
23 INTRODUCED ME AND I SHOOK HIS HAND AND THEN HE  
24 TURNED, TOOK ME OFF TO THE SIDE THERE, AND PUT ME IN  
25 A LITTLE HOLDING CELL, LOCKED THE DOOR, AND I SAT

1       THERE. AS A MATTER OF FACT, I WANTED TO GO TO SLEEP.  
2       I ACTUALLY EVEN LAID DOWN AND TRIED TO GO TO SLEEP  
3       AND I MAY HAVE WENT TO SLEEP. THEN A FEW MINUTES  
4       LATER THEY, I GUESS ABOUT BETWEEN 15-20 MINUTES THEY  
5       CAME BACK AND GOT ME. MR. HERRING WENT AND SAT  
6       SOMEWHERE ELSE AND MR. BAKER TOOK ME INTO THIS OTHER  
7       ROOM. THIS ROOM WAS A LITTLE SMALL ROOM. I GUESS,  
8       IT WASN'T REAL BIG, IT HAD A DESK, IT HAD A COMPUTER,  
9       IT HAD A CHAIR, A SPECIAL CHAIR WHICH I RECOGNIZE AS  
10      A POLYGRAPH CHAIR, AND THERE WAS THREE OTHER, THERE  
11      WAS THREE OTHER CHAIRS. THE ONE BEHIND THE DESK THAT  
12      MR. BAKER SAT IN. THEN THERE WAS TWO CHAIRS, ONE  
13      SITTING LIKE RIGHT HERE, THEN THERE WAS ONE RIGHT IN  
14      BEHIND, AND THAT'S WHERE MR. HERRING ACTUALLY STARTED  
15      SITTING AFTER AWHILE, BUT I SAT IN THE CHAIR AND WE  
16      TALKED. HE ASKED ME LITTLE QUESTIONS ABOUT MY, ABOUT  
17      MY HABITS, YOU KNOW, EATING HABITS. DID I EAT  
18      BREAKFAST THIS MORNING. DO I SLEEP. WHAT KIND OF  
19      MEDICATION AM I ON. I EXPLAINED TO HIM THAT I HAVE  
20      HIGH BLOOD PRESSURE. I WAS ON LOWTENSON HTCZ. AND  
21      HE SAID OKAY. WE TALKED ABOUT CPAP MACHINE. HE  
22      EXPLAINED TO ME THAT HE HAD ONE, THAT HE TOO WAS ON,  
23      HAD SLEEP APNEA, AND THEN AFTER THAT, WE STARTED TO  
24      TALK ABOUT THAT NIGHT IN PARTICULAR. WELL, HE TALKED  
25      A LITTLE BIT ABOUT THE FAMILY, TRYING TO GET SOME,

1 GET SOME IDEA ABOUT THE FAMILY, THEN HE STARTED  
2 TALKING ABOUT THAT NIGHT IN PARTICULAR, AND I TOLD  
3 HIM BASICALLY THE SAME STORY. I WENT IN, I FOUND  
4 AMANDA, AND THAT'S THE TRUTH. I CAN'T SAY IT NO  
5 OTHER WAY. IT'S THE TRUTH. I MAY HAVE ADDED TO IT  
6 BECAUSE IT'S SOME THINGS I FORGET ABOUT. AT THREE  
7 O'CLOCK IN THE MORNING I DIDN'T THINK ABOUT THE FACT  
8 THAT I WENT TO THE COMPUTER. I WASN'T AT THE  
9 COMPUTER MAYBE TEN MINUTES. I TRIED TO PLAY THE  
10 GAME, COULDN'T, I SHUT IT OFF. I DIDN'T REALLY  
11 ACTUALLY, I -- WE DON'T SHUT MY COMPUTER OFF. I SHUT  
12 IT OFF OF THE GAME, LEAVE THE COMPUTER ON. MY  
13 COMPUTER STAYS ON 24 HOURS A DAY BECAUSE I GOT  
14 MAINTENANCE PROGRAMS RUNNING ON IT ALL THE TIME.

15 Q SO DID MR. BAKER TALK TO YOU ABOUT WHAT HAD  
16 HAPPENED TO AMANDA?

17 A THAT'S CORRECT.

18 Q WHAT DID HE TELL YOU?

19 A WELL, WE TALKED AND THEN WE TALKED ABOUT THE,  
20 THAT NIGHT IN GENERAL. I TOLD HIM ALL ABOUT. THEN  
21 HE SAID OKAY. THEN HE ASKED ME A QUESTION AND I  
22 LIED. I LIED ON THIS ONE QUESTION BECAUSE IN MY OWN  
23 EYES I DIDN'T LIE BECAUSE IT WASN'T MINE, BUT HE  
24 ASKED ME ABOUT CERTAIN SEX TOYS IN THE HOUSE.

25 Q ABOUT THE DILDO?



1       A     THAT'S CORRECT.  HE JUST ASKED ME DO Y'ALL HAVE  
2       SEX TOYS IN THE HOUSE.  I SAID NO, SIR.  MY, YOU  
3       KNOW, I DIDN'T SAY MY WIFE DOES BUT THAT'S WHAT I WAS  
4       THINKING MY WIFE DOES, BUT I'M NOT GOING TO GET IN  
5       THERE BECAUSE THAT'S NONE OF MY BUSINESS.  THAT'S  
6       HERS.  SO I LEFT THAT ALONE.  AND I SAID NO, SIR, I  
7       DON'T.  AND I DON'T.  HE SAID, HE SAID, OKAY AND HE  
8       PUT THAT DOWN AND HE IS TAKING LITTLE NOTES ON PIECE  
9       OF PAPER ON, I GUESS, ON NOT JUST A PIECE OF PAPER,  
10      BUT SEVERAL PIECES OF PAPER AND THEN AFTER THAT HE  
11      SAID, HE STARTED TO EXPLAINING TO ME ABOUT THE  
12      POLYGRAPH MACHINE.  WELL, I'VE TAKEN A POLYGRAPH  
13      SEVERAL TIMES, SO I KNEW ABOUT THE POLYGRAPH MACHINE,  
14      HE WAS EXPLAINING TO ME ABOUT THE FLIGHT OR FLEE OR  
15      SOME PEOPLE SAY, I MEAN, FIGHT OR FLEE OR IN SOME  
16      CASES, LIKE IN THE CASE IN SCHOOL, WE TALKED ABOUT,  
17      THE FLIGHT OR FIGHT WHICH IS THE EXACT SAME PROCESS,  
18      YOUR BODY TENSES UP, DOES CERTAIN THINGS BECAUSE YOU  
19      DON'T KNOW WHETHER TO EITHER FIGHT OR TO RUN.  AND  
20      YOUR BODY WORKS, THE POLYGRAPH WORKS ON THE SAME  
21      PRINCIPLES AND THAT'S WHAT HE WAS EXPLAINING TO ME.  
22      WELL, I ALREADY KNEW IT.  I WAS WANTING TO GO AHEAD  
23      AND GET THIS POLYGRAPH DONE.  SO WE TALKED.  I WAS A  
24      LITTLE ANXIOUS ABOUT IT BUT, THEN HE SAID OKAY, NOW  
25      I'M GOING TO HOOK YOU UP TO THE POLYGRAPH, SO HE TOOK

1 ME OVER, SET ME UP, HOOKED ME UP. TOLD ME TO SIT  
2 DEAD STILL AND HE SAID TO, YOU KNOW, KEEP MY HANDS, I  
3 HAD TO KEEP MY HANDS LIKE THIS. HE PUT THINGS ON MY  
4 HANDS. HE PUT TWO CHAINS AND THEY HOOK, ONE HOOKS  
5 HERE AND ONE HOOK HAS GOT THIS, IT'S LIKE A TUBE THAT  
6 AND I GUESS IT MEASURES, I DON'T KNOW EXACTLY HOW  
7 THEY WORK, I JUST KNOW THAT IT MEASURES THE BREATHING  
8 AND THEN WHAT, AFTER HE GOT ME SITUATED, I WAS  
9 SITTING UP ON THE POLYGRAPH MACHINE LIKE THIS. I GOT  
10 COMFORTABLE AND HE SAID I'M GOING TO GO THROUGH THE  
11 QUESTIONS WITH YOU FIRST BEFORE WE TURN THIS MACHINE  
12 ON. AFTER THAT I'M GOING TO ASK YOU THE QUESTIONS  
13 AND I'M GOING TO ASK YOU A SERIES OF FIVE TIMES. I  
14 SAID OKAY. I WAS, I WAS SITTING IN THE CHAIR. HE  
15 SAID JUST, YOU CAN BE COMFORTABLE FOR JUST A FEW  
16 MINUTES AND THEN HE STARTED ASKING ME THE QUESTIONS  
17 ONE AT A TIME. AND THEN, AND I DON'T REMEMBER ALL  
18 THE QUESTIONS. I KNOW THERE WAS SOME CONTROL  
19 QUESTIONS THAT I'VE HEARD ABOUT, AND OTHER QUESTIONS  
20 AND I KNOW THOSE ARE THE QUESTIONS THAT WERE ASKED.  
21 AND THEN AFTER THAT HE SAID NOW WE'RE GOING TO START  
22 THE TEST. AS I SIT THERE AND GOT COMFORTABLE, AFTER  
23 ABOUT THE SECOND TIME I STARTED GETTING DROWSY,  
24 REALLY DROWSY. I TOLD HIM, I EVEN EXPLAINED TO HIM,  
25 LOOK, I DIDN'T GET MUCH SLEEP, I'M TIRED, AND I WAS

1       STARTING TO DOZE. HE SAID THAT'S OKAY. YOU KNOW,  
2       WE'RE JUST, YOU KNOW, IT WON'T TAKE THAT MUCH TIME,  
3       JUST KEEP ON, YOU KNOW, AND I SAT THERE, JUST, JUST  
4       AND I WOULD, WELL, TOWARD THE END OF THE THIRD TIME I  
5       ACTUALLY DOZED OFF. AND WHAT GOT MY ATTENTION  
6       WAS--LITTLE DEMONSTRATION, HE, ONE OF TWO THINGS, I  
7       DON'T KNOW WHETHER HE WAS ACTUALLY WITH HIS PAPERS OR  
8       WITH HIS HANDS, BUT HE (CLAPS HANDS.) WE KNOW THE  
9       TRUTH, DON'T WE. (STANDS UP.) THAT GOT MY  
10      ATTENTION.

11      Q     LET ME ASK YOU THIS. BEFORE THAT MR. BAKER  
12      ASKED YOU IF YOU FELT ALL RIGHT TO TAKE THE TEST?

13      A     YEAH, I WAS EAGER TO TAKE THE TEST. I WANTED TO  
14      GET THE TEST DONE BECAUSE IT WOULD PROVE MY INNOCENCE  
15      AND I KNEW THAT. I KNEW IT WOULD PROVE MY INNOCENCE.  
16      BECAUSE I DIDN'T DO NOTHING TO AMANDA. I DIDN'T DO  
17      NOTHING TO HER EXCEPT WHAT I'VE TOLD YOU. SHE KISSED  
18      ME ON THE SIDE OF THE FACE. I DIDN'T DO ANYTHING TO  
19      HER.

20      Q     SO AFTER YOU WENT THROUGH THE TEST A LITTLE BIT  
21      MR. BAKER SAID?

22      A     HE SLAMMED HIS, EITHER HIS HANDS OR HE THREWED  
23      SOME BOOKS DOWN. HE COULD HAVE ACTUALLY LEFT THE  
24      ROOM AND CAME BACK AND THREWED THE BOOK, THREWED THE  
25      BOOKS DOWN AND SAID THAT AND GOT MY ATTENTION BECAUSE

1 I DOZED OFF. OR HE COULD HAVE SLAMMED HIS HANDS  
2 DOWN. I DON'T KNOW. I JUST KNOW THAT WHENEVER I  
3 TURNED AROUND HE WAS STANDING AND HE HAD MADE A LOUD  
4 NOISE. I THOUGHT IT WAS HIS HANDS. AND HE SAID, I  
5 SAID, OH WE'RE THROUGH. HE SAID I DIDN'T NEED TO GO  
6 ALL THE WAY THROUGH IT. HE SAID I MADE IT THROUGH,  
7 WE WENT THROUGH THREE ROUNDS, BUT THERE IS NO SENSE  
8 IN GOING NO FURTHER, WE KNOW THE TRUTH. I SAID WHAT.  
9 HE SAID BOTH OF US, WE KNOW THE TRUTH, DON'T WE.  
10 DON'T WE. AND I SAID UH, WHAT I PASSED. AND HE SAID  
11 NO. HE SAID BUT WE'LL TALK ABOUT THAT IN A MINUTE.  
12 HE WALKED OVER AND TOOK MY HANDS, TOOK THE THING, HE  
13 WASN'T REALLY, YOU KNOW, I MEAN, HE WASN'T REALLY  
14 MEAN OR ROUGH, HE JUST TOOK THEM OFF OF MY FINGERS  
15 AND TOOK, UNHOOKED EVERYTHING AND HE BROUGHT ME BACK  
16 OVER AND SAT ME IN THE CHAIR. HE SAID YOU FAILED. I  
17 SAID THERE AIN'T NO WAY. I KNOW BETTER. I COULDN'T  
18 HAVE FAILED. I COULDN'T HAVE FAILED. I KNEW BETTER.  
19 AND HE TOOK, HE TOOK A PIECE OF PAPER, WHITE PIECE OF  
20 PAPER WITH WRITING ON ONE SIDE, AND HE TURNED IT OVER  
21 LIKE THIS AND HE TURNED TO THE MONITOR AND HE PUT  
22 THAT PIECE OF PAPER ON THE SCREEN OF THE MONITOR AND  
23 HE TURNED THE MONITOR TO ME AND UP IN THE RIGHT HAND  
24 CORNER WAS A GREEN 97 PERCENT. THAT'S ALL THAT WAS  
25 UP THERE. AND I WANTED TO KNOW WHAT WAS BEHIND THERE

1 BECAUSE I COULD SEE SOME RED AND GREEN ALL IN THE  
2 WHITE OF THE PAPER AND I SAID, AND I SAID WHAT'S  
3 THAT. HE SAID DON'T WORRY ABOUT THAT. ALL YOU GOT  
4 TO WORRY ABOUT IS THIS RIGHT HERE AT THE TOP, THAT  
5 MEANS YOU ARE 97 PERCENT A LIAR. AND I SAID I'M NOT.  
6 I DIDN'T DO IT. HE SAID MR. COPE, YOU DID LIE. YOU  
7 LIED. THAT POLYGRAPH DOES NOT TELL A LIE. IT DON'T  
8 LIE. I TRUSTED IT. I TRUSTED HIM. I COULDN'T, I  
9 KNEW IT WASN'T TRUE. THERE WAS NO WAY. I KNEW I  
10 DIDN'T DO IT AND I SIT THERE AND THEN HE COMES OVER  
11 AND SITS DOWN IN THE CHAIR AND HE STARTS TO TALK TO  
12 ME. AND HE GOT A SOOTHING VOICE. HE TALKS NICELY.  
13 HE WAS TALKING REAL NICE, BUT IT WAS THE QUESTIONS HE  
14 WAS ASKING. HE SAID MR. COPE, HE SAID, YOU FAILED.  
15 AND I SAID NO, I COULDN'T HAVE. I COULDN'T HAVE.  
16 AND HE SAID BUT YOU DID. AND I STARTED TO, THE FIRST  
17 THING WAS I COULDN'T BELIEVE THAT, AND THEN HE SAID  
18 SOMETHING THAT WE HADN'T TALKED ABOUT, BUT THE OTHER  
19 TWO POLICE OFFICERS DID TALK ABOUT, AND THAT WAS THE  
20 GREEN WRAP, HE SAID, AND THERE IS SOMETHING ELSE TOO  
21 MR. COPE, THE GREEN WRAP THAT YOU SAY WAS AROUND,  
22 THAT YOU HAD TOOK OFF AMANDA'S NECK, YOU DIDN'T TAKE  
23 IT OFF. WE HAVE A POLICE REPORT THAT SAYS YOU DIDN'T  
24 TAKE IT OFF. MR. HERRING SHOWED ME THE POLICE  
25 REPORT. AND I SAID THAT CAN'T BE THOUGH. I KNOW

1 BETTER. I DIDN'T DO IT. I DID TAKE THE WRAP OFF OF  
2 HER BUT I DIDN'T KILL AMANDA. I DID NOT MOLEST  
3 AMANDA. I DID NOT RAPE AMANDA. I DIDN'T DO NONE OF  
4 THAT TO AMANDA. I WAS IN THE BED ASLEEP. HE SAID  
5 NO, MR. COPE, POLYGRAPH DON'T LIE. POLYGRAPH DOES  
6 NOT LIE. AND I STARTED TO DOUBT, I STARTED TO DOUBT  
7 MYSELF. I STARTED HOW, HOW COULD THAT HAPPEN. I  
8 KNEW BETTER. I THOUGHT. I THOUGHT I KNEW BETTER. I  
9 THOUGHT I KNEW DIFFERENT AND I KNEW THAT I DIDN'T DO  
10 NOTHING TO AMANDA. BUT THEN HE KEPT SAYING, HE SAID  
11 MR. COPE, YOU DID AND EVEN PICTURES DON'T LIE. HE  
12 SAID THEY GOT PICTURES AND THEY ARE BEING DEVELOPED  
13 AND IT'S GOING TO COME BACK AND IT'S GOING TO SHOW  
14 THAT GREEN WRAP IS STILL ON HER NECK. HE SAID IT'S  
15 NOT THERE. IT'S NOT THERE. I DIDN'T DO IT. I TOOK  
16 THE WRAP OFF. IT'S STILL THERE. I SAID, I SAID NO,  
17 IT'S NOT. AND HE SAID YES, IT IS. BUT HE SAID THERE  
18 IS MORE. THERE IS MORE. AND I SAID WHAT. AND HE  
19 SAID YOUR WIFE TELLS US THAT YOU DO INDEED HAVE A  
20 DILDO IN THE HOUSE AND IT'S MISSING. I SAID IT'S  
21 MISSING. HE SAID YEAH, IT'S MISSING. I WENT.

22 Q YOU KNEW --

23 A I STARTED ASKING HIM.

24 Q YOU KNEW YOU HADN'T BEEN AS FORTHCOMING ABOUT  
25 THE DILDO AS WAS THE PERFECT TRUTH?

1       A     I KNEW I HAD LIED TO HIM. IT WAS A LIE BECAUSE  
2       THERE WAS ONE IN THE HOUSE. THAT'S WHAT HE SAID. DO  
3       YOU HAVE, IS THERE A DILDO IN THE HOUSE. NOW IN MY  
4       OWN WAY OF THINKING IT DON'T BELONG TO ME SO IT'S NOT  
5       MINE SO I CAN SAY NO TO IT, BUT IN REALITY AND IN  
6       REAL LIFE, NO, THERE IS NEVER A TIME TO LIE. YOU  
7       DON'T LIE FOR NO REASON. THERE IS NO REASON UNDER  
8       THE SUN FOR TO YOU TO LIE. YOU ARE SUPPOSED TO TELL  
9       THE TRUTH AND SO I TOLD, I TOLD HIM I SAID, IT CAN'T  
10      BE. AND I STARTED MORE AND MORE TO DOUBT EVERYTHING  
11      THAT I HAD BEEN SAYING. AND I HAD STARTED TO  
12      FORMULATE ALL THESE IMAGES IN MY HEAD AND HE SAID,  
13      YOU REALIZE MR. COPE YOUR DAUGHTER WAS MOLESTED, YOUR  
14      DAUGHTER WAS BEATEN, YOUR DAUGHTER WAS, SHE WAS  
15      MURDERED. AND I SAID YES, SIR, I UNDERSTAND THAT,  
16      BUT I DIDN'T DO IT. AND HE SAID YOU DID. YOU AND I  
17      KNOW YOU DID. WE MIGHT BE THE ONLY TWO KNOW IT  
18      BESIDES GOD, BUT YOU KNOW IT AND I KNOW IT. I  
19      STARTED TO DOUBT IT. I STARTED TO DOUBT IT.

20      Q     HOW WERE YOU FEELING AT THAT POINT?

21      A     I STARTED TO DOUBT MYSELF. I FELT WEAK. I FELT  
22      MAYBE I DID. MAYBE I DID. MAYBE THIS IS, I COULDN'T  
23      SAY FOR SURE. I REALLY DID NOT KNOW. THEN HE SAID  
24      THAT GREEN WRAP IS STILL, WAS STILL ON HER NECK, AND  
25      HE KEPT, THEY KEPT BRINGING THAT. IT WASN'T JUST

1 HIM, BUT HERRING SAID THE SAME THING, AND I KNEW  
2 BETTER. BUT I COULDN'T UNDERSTAND -- I STARTED TO  
3 PUT THESE IMAGES IN MY HEAD. THEN I ASKED HIM, HE  
4 SAID, HE SAID DID YOU REALIZE HOW BAD SHE WAS  
5 BRUTALLY RAPED AND I SAID NO. I MEAN, I DON'T KNOW.  
6 I DIDN'T SEE NO SIGNS WHEN I WENT IN THERE.  
7 EVERYTHING WAS FINE. ALL I SAW WAS HER RIGHT BREAST  
8 WAS UNCOVERED AND I PULLED HER SHIRT DOWN. THAT'S  
9 ALL I SAW OF ANYTHING AS FAR AS SEXUAL IN THE ROOM.  
10 I DIDN'T KNOW. I THOUGHT MAYBE SHE STRUGGLED AND I  
11 DIDN'T KNOW HER BRA WAS UNPOPPED. I DIDN'T KNOW NONE  
12 OF THAT. ALL I KNEW WAS THAT MAYBE SHE STRUGGLED AND  
13 SHE PULLED HER BRA AND HER SHIRT AND ALL JUST CAME UP  
14 AND WAS UP AROUND HER NECK STRUGGLING AND THAT'S WHAT  
15 I HAD TOLD HIM. BUT HE KEPT INSINUATING, NO, THAT'S  
16 NOT WHAT HAPPENED, MR. COPE. THAT IS NOT WHAT  
17 HAPPENED. AND I STARTED TO DOUBT EVERYTHING THAT,  
18 THAT I HAD BEEN TELLING HIM.

19 Q WHY DID YOU START TO DOUBT IT?

20 A I FELT VULNERABLE. I LISTENED TO WHAT HE SAID.  
21 I TRUSTED THE MACHINE. IT SAID I WAS A LIAR. I  
22 TRUSTED MY OWN MIND. I TRUSTED MY, MY, MY MEMORY.  
23 BUT I HAD NO MEMORY OF THAT EVER HAPPENING. I KNEW I  
24 DIDN'T DO IT.

25 Q WHAT ABOUT THE GREEN STRIP ON THE BLANKET?



1 A FINALLY I SAID IS IT POSSIBLE THAT I COULD HAVE  
2 DONE THIS AND NOT KNOW ABOUT IT.

3 Q HOW LONG WAS THIS PROCESS GOING ON?

4 A OH, THIS WENT ON, IT WAS A LONG PROCESS. IT  
5 WASN'T NO--IT DIDN'T LAST A LONG TIME BUT IT WASN'T  
6 LIKE --

7 Q WASN'T LIKE ---

8 A LIKE LAST NIGHT. EXCEPT IT WAS LIKE, THIS  
9 PROCESS LASTED PROBABLY 20-25 MINUTES AND HE JUST  
10 KEPT ON, KEPT ON TRYING TO PULL MORE AND MORE OUT OF  
11 ME AND FINALLY I STARTED TO FORMULATE IMAGES. I HAD  
12 BEEN FORMULATING IMAGES, WELL, WHAT WAS SHE RAPED  
13 WITH? WHAT HAPPENED TO HER? I MEAN, HE SAID THE  
14 PATHOLOGIST SAID IT WASN'T A HUMAN PENIS. HE SAID  
15 WHATEVER IT WAS IT WAS HARD AND IT WAS LONG. HE SAID  
16 IT WAS RAMMED UP IN HER. THAT WAS THE WORDS I GOT.  
17 IT WAS RAMMED UP IN HER. SO I STARTED TO FORMULATE  
18 AND I STARTED PUTTING THESE IMAGES INTO MY HEAD.

19 Q WHY WERE YOU DOING THAT?

20 A BECAUSE I DIDN'T HAVE NO MEMORY OF IT. BUT HE  
21 SAID I WAS A LIAR. THE MACHINE SAID I WAS A LIAR.  
22 HE WAS TELLING ME I DID OTHER THINGS. I STARTED TO  
23 FEEL LIKE I DID IT. BUT I DIDN'T HAVE NO MEMORY OF  
24 IT, SO I FORMULATED IMAGES IN MY HEAD. I COULDN'T  
25 THINK ABOUT WHAT WAS IN MY MEMORY BECAUSE THERE WAS

1       NOTHING IN MY MEMORY.  SO I STARTED TO COME UP WITH  
2       THESE IMAGES THAT WAS THERE THAT I COULD GIVE HIM.  
3       AND I SAID WELL, IF THE DILDO IS MISSING, IF THE  
4       GREEN WRAP IS STILL ON HER, I MUST HAVE DONE THIS.  I  
5       MUST HAVE DONE IT AND THIS WENT ON FOR SHORT TIME AND  
6       I SAID, AM I A MONSTER.  DID I--DID I DO THIS.  THEN  
7       I STARTED TO BREAK DOWN.  HE STARTED ASKING ME  
8       QUESTIONS.  WELL, WHAT DID YOU DO WHEN YOU GOT UP.  
9       AND I SAID I GOT UP AND I WENT THROUGH THAT  
10      STATEMENT.  EVERYTHING I TOLD HIM IS THE IMAGES THAT  
11      IS WAS IN MY HEAD.  IT WASN'T SOMETHING I DID.  IT  
12      WASN'T SOMETHING I DID.  IT WASN'T FROM A MEMORY.  IT  
13      WAS FROM THE IMAGES THAT I HAD FORMULATED.  I  
14      COULDN'T THINK STRAIGHT.  I WAS SO CONFUSED BY BEING  
15      TOLD ALL THIS STUFF WITHIN 24 HOURS AFTER IT  
16      HAPPENED.  WELL, 28 HOURS AFTER IT HAPPENED.  ALL  
17      THESE THINGS BEING, I COULDN'T, I CRIED.  I SAID I  
18      CAN'T HANDLE NO MORE.  I DON'T UNDERSTAND.  BUT I, I,  
19      I JUST DIDN'T KNOW AND THEN I JUST STARTED TELLING  
20      HIM EVERYTHING THAT WAS IN MY HEAD.  EVERYTHING THAT  
21      WAS, THESE IMAGES.

22      Q       WHAT DO YOU MEAN BY THAT?

23      A       WELL, I FORMULATED THESE IMAGES IN MY HEAD OF  
24      THE PERPETRATOR MAINLY TO TRY TO HELP THEM TO FIND  
25      OUT WHO IT WAS TO SEE WHAT HAPPENED TO HER AND I

1       STARTED PUTTING THESE THINGS INTO MY HEAD. YOU KNOW  
2       THEY SAID IT WAS LONG. I MEAN HE SAID IT WAS LONG  
3       AND IT WAS RAMMED UP INSIDE HER AND IT WASN'T A HUMAN  
4       PENIS. AND I WENT, THE ONLY THING I COULD THINK OF  
5       WAS A BROOM, AND I SAID BROOM. THIS IS INCREDIBLE.  
6       I SAID BROOM. I COULDN'T REMEMBER. THEN HE SAID  
7       WELL, WHAT COLOR BROOM. I SAID, AND I SAID I DON'T  
8       KNOW. I DON'T KNOW. I DIDN'T SEE THIS. I MEAN ALL  
9       I SAW WAS BROOM, WOODEN BROOM IS ALL I SAID, AND THEN  
10      I GAVE THE CONFESSION. THAT FIRST CONFESSION. IT  
11      WAS PREFABRICATED. IT WAS A LIE. BUT I GAVE IT  
12      BECAUSE IT WAS THE IMAGES THAT IS IN MY HEAD. IT WAS  
13      ALL I HAD TO GO ON AND I GAVE IT. I THOUGHT I HAD  
14      DID IT. I THOUGHT I WAS THE MAN AND IT HURT. IT  
15      HURT ME. THEN I STATED NOT AM I A MONSTER. I AM A  
16      MONSTER. AND I EVEN TOLD LIEUTENANT HERRING WHEN WE  
17      GET BACK TO THE POLICE STATION I WANT YOU TO HELP ME  
18      SO I DON'T HAVE TO PUT WITH EVERYBODY ELSE BECAUSE  
19      THEY KILL CHILD MOLESTERS IN JAIL. I DONE HEARD THE  
20      STORIES AND I WASN'T, I JUST, I KNEW WHAT WOULD  
21      HAPPEN TO ME AND I EXPECTED IT BECAUSE I THOUGHT I  
22      WAS THE PERSON THAT DID IT. I TRULY DID. I THOUGHT  
23      I HAD DONE IT. WE GOT DONE. I EVEN SHOOK HIS HAND  
24      AND THANKED HIM. I WAS RELIEVED I HAD GOTTEN IT OUT  
25      AND NOW MY DAUGHTER'S DEATH COULD BE AVENGED. AND

1 THEN WE GOT IN THE CAR AND WE LEFT. I DON'T REMEMBER  
2 TELLING NOBODY NO JOKES. I WAS RELIEVED. I WAS, I  
3 WAS GLAD TO GET THAT OFF--THE IMAGES OUT OF MY HEAD.  
4 I WAS ABLE TO SAY WHAT HAD BEEN FORMULATING ALL NIGHT  
5 LONG IN MY HEAD. IT STARTED WITH DO YOU REALIZE THAT  
6 SHE WAS BRUTALLY BEATEN. DO YOU REALIZE, I MEAN,  
7 WOULD YOU BE SURPRISED IF I TOLD YOU THAT SHE WAS  
8 BRUTALLY RAPED, SODOMIZED HE EVEN SAID. I DIDN'T  
9 KNOW, SO I GAVE HIM THE EXACT CONFESSION THAT IS IN  
10 EVIDENCE.

11 Q WHEN LIEUTENANT HERRING TOOK THAT STATEMENT FROM  
12 YOU WITH INVESTIGATOR BAKER, HOW DID THEY GO THROUGH  
13 THAT STATEMENT WITH YOU?

14 A WELL, I DON'T KNOW IF IT WAS A CODE OR WHAT IT  
15 WAS, BUT RIGHT IN BEHIND US OVER HERE WAS A DOOR AND  
16 MR. BAKER WALKED UP TAPPED ON THE DOOR A COUPLE TIMES  
17 AND THEN IN WALKED MR. HERRING. MR. HERRING SAT  
18 RIGHT IN BEHIND ME AND MR. BAKER WENT BACK OVER THIS.  
19 SAID OKAY NOW MR. COPE, YOU GOT UP AT 3 O'CLOCK IN  
20 THE MORNING, WHAT HAPPENED AFTER THAT, AND I TOLD HIM  
21 AND HE WROTE IT DOWN. AND IT WAS THE SAME STORY THAT  
22 I HAD JUST, I GAVE THEM IN THE, IN THE, IN HIS  
23 SUMMARY THAT HE --

24 Q THAT YOU HAD BEEN TALKING TO BAKER ABOUT BEFORE?

25 A YEAH, ALL THE STUFF I TOLD HIM HE PUT IT ON THE

1 PAPER AND HE HANDS IT TO ME.

2 Q HOW DID THAT STATEMENT COME ABOUT? DID YOU  
3 WRITE THAT STATEMENT?

4 A NO, SIR, I DIDN'T WRITE THIS STATEMENT. THAT'S  
5 NOT MY HANDWRITING. MR. HERRING SAT IN BEHIND ME AND  
6 AS BAKER TALKED TO ME AND I TOLD HIM THE SAME THING  
7 THAT WE HAD ALREADY TALKED ABOUT, HE WAS TAKING  
8 NOTES, HE ALREADY HAD HIS NOTES OUT, AND THEN HE JUST  
9 SIT THERE AND WROTE IT BEHIND ME. AS A MATTER OF  
10 FACT HE STOPPED ME A COUPLE TIMES AND SAID UH, HOLD  
11 UP A MINUTE, I'M STILL, AS HE WAS WRITING HE WAS  
12 TRYING TO GET ALL THE WORDS DOWN, AND THAT'S WHAT I  
13 GAVE HIM. I WAS RELIEVED.

14 Q HOW DID YOU GIVE HIM THAT STATEMENT THOUGH?  
15 WHAT I'M GETTING AT, WAS THAT A FREE-FLOWING  
16 STATEMENT BY YOU OR WAS THERE SUGGESTIONS MADE OR  
17 QUESTIONS ASKED?

18 A THIS ONE, THIS ONE HERE, THE FIRST ONE WAS, I  
19 WAS, HE, YOU KNOW, BAKER WAS SUGGESTING, YOU KNOW,  
20 TRYING TO HELP ME TO, BECAUSE HE JUST KEPT SAYING I  
21 WAS A LIAR AND, YOU KNOW, THE MACHINE DON'T TELL NO  
22 LIES. THE PICTURES DON'T TELL NO LIE. I DIDN'T  
23 KNOW, YOU KNOW, SO I STARTED JUST TELLING HIM WHAT  
24 WAS IN MY HEAD. HE WAS USING HIS NOTES AND READING  
25 BACK AND SAID NOW MR. COPE, REMEMBER YOU SAID THIS

1 AND YOU SAID THIS, REMEMBER AFTER THIS, AND ALL THE  
2 WAY THROUGH, AND THE WHOLE STATEMENT, YOU KNOW, HE  
3 TOOK IT. I WAS RELIEVED. I WAS RELIEVED BECAUSE I  
4 THOUGHT I WAS THE MAN. I THOUGHT I HAD DONE IT. I  
5 COULDN'T -- I EVEN ASKED HIM, AM I GOING TO FRY FOR  
6 THIS BECAUSE I DIDN'T KNOW. I HONEST TO GOD DIDN'T  
7 KNOW. I KNEW I HAD, I HAD DONE IT. THAT'S WHAT WAS  
8 THERE. AS FAR AS I WAS CONCERNED I WAS THE MAN THAT  
9 DONE THAT. AND I STARTED TO FEEL A LITTLE BETTER.  
10 BECAUSE FIRST THEY WERE LOOKING, THEY WEREN'T HAVING  
11 TO LOOK FOR NOBODY ELSE. I HAD THOUGHT I HAD DONE  
12 IT. AND THEN WE GOT IN THE CAR.

13 Q THE STATEMENT, LET ME GO BACK TO THIS A LITTLE  
14 BIT?

15 A OKAY.

16 Q IT TALKS ABOUT THINGS THAT YOU SAID YOU DID,  
17 THAT YOU HAD AN ERECTION, YOU WENT IN HER ROOM, YOU  
18 MASTURBATED, SHE WOKE UP AND SAID OH GROSS DADDY,  
19 THOSE KINDS OF THINGS, HOW DID THOSE STATEMENTS GET  
20 ON THAT PAPER LIKE THAT? WHAT WAS THE PROCESS BY  
21 WHICH LIEUTENANT HERRING, DID LIEUTENANT HERRING TELL  
22 YOU THAT HE NEEDED TO HEAR THAT FROM YOU.

23 MR. POPE: YOUR HONOR, I OBJECT TO THE  
24 LEADING.

25 THE COURT: YES, I SUSTAIN THE LEADING.

1 Q SORRY. TELL US HOW THAT GOT ON THERE, BILLY?  
2 YOU UNDERSTAND WHAT I'M SAYING?

3 A YEAH, WE FINISHED THE CONVERSATION BAKER AND I  
4 AND BAKER TOLD ME, HE SAID NOW MR. COPE, YOU ARE  
5 GOING TO HAVE TO GIVE HERRING A FORMAL STATEMENT  
6 BECAUSE THIS WAS JUST, THESE ARE JUST MY NOTES, BUT  
7 YOU ARE GOING TO HAVE TO GIVE A STATEMENT THAT YOU  
8 CAN SIGN, AND SO HE WENT BACK THROUGH IT. NOW THE  
9 THINGS THAT WERE SAID IN THIS STATEMENT ARE THE  
10 THINGS THAT I TOLD BAKER AND BAKER JUST REMINDED ME  
11 OF THING CERTAIN THINGS. HE SAID MR. COPE, REMEMBER  
12 YOU SAID THIS OR MR. COPE, REMEMBER THIS PART ABOUT  
13 THE OH GROSS DADDY. HE EVEN MENTIONED THAT AND I WAS  
14 KIND OF CONCERNED ABOUT IT BECAUSE I NEVER SAID  
15 NOTHING TO HIM ABOUT THAT. SO I ASSUME THAT THAT WAS  
16 PART OF WHAT HERRING HAD TOLD HIM FROM THE NIGHT  
17 BEFORE BECAUSE ON THAT VIDEO, I MEAN ON THAT TAPE  
18 IT'S MENTIONED ON THERE THAT I TOLD THEM ABOUT OH  
19 GROSS DADDY.

20 Q IN WHAT REGARD?

21 A THAT REGARD WOULD BE TO MY WIFE. EVERY TIME MY  
22 WIFE AND I WOULD KISS AMANDA WOULD GO OH GROSS DADDY  
23 AND PUT HER HANDS UP OR OH GROSS MOMMA.

24 Q SO, SO WHEN YOU WENT THROUGH THAT STATEMENT THEY  
25 WERE SAYING DO YOU REMEMBER TELLING ME AND SUCH AND

1 SUCH?

2 A IT WASN'T, IT WASN'T WHAT I WOULD CALL COACHING  
3 BUT IT WAS, HE WAS TRYING TO LEAD ME TO HELP ME TO  
4 SAY WHAT I HAD ALREADY TOLD HIM, BUT HE WAS LEADING  
5 ME ON TRYING TO HELP ME TO, WITH THE THINGS THAT I  
6 HAD TOLD HIM ALREADY.

7 Q BUT AGAIN BILLY, YOU THOUGHT AT THE END OF THAT?

8 MR. POPE: YOUR HONOR --

9 THE COURT: THAT'S A LEADING QUESTION.

10 MR. MORTON: I'M SORRY.

11 Q WHAT, HOW LONG WERE YOU OVER THERE WITH

12 MR. BAKER THAT DAY, DO YOU REMEMBER?

13 A UH.

14 Q DO YOU REMEMBER WHAT TIME THAT STATEMENT --

15 A WE GOT --

16 Q WHAT TIME THAT STATEMENT --

17 A WE GOT STARTED A LITTLE LATER THAN WHAT, WHAT  
18 HERRING WANTED. I THINK HERRING WAS GOING TO TRY TO  
19 LEAVE THE STATION BY 9:30. I THINK WE LEFT LIKE 9:45  
20 WE GOT THE STATION IT WAS A FEW MINUTES, JUST A FEW  
21 MINUTES AFTER TEN, AND WE WENT INTO THE ROOM AND THAT  
22 LASTED FROM, IT LASTED UNTIL ABOUT 2:30. THERE WAS,  
23 I CAN'T REMEMBER EXACTLY. CAN I SEE THE STATEMENT  
24 AGAIN.

25 Q THAT'S OKAY. IT'S ABOUT 2:30 AGAIN I'M GOING



1 TO ASK YOU, HOW DID YOU FEEL WHEN YOU LEFT THERE  
2 AFTER ---

3 A I FELT LIKE I WAS THE PERSON THAT DONE IT. I  
4 HAD, I HAD PRETTY MUCH CONVINCED MYSELF THAT I WAS  
5 THE PERSON AND IT WAS ALL BECAUSE OF WHAT THE MACHINE  
6 SAID, IT WAS ALL BECAUSE OF WHAT THE, WHAT HERRING,  
7 WHAT HERRING SAID THE NIGHT BEFORE, WHAT WALDROP SAID  
8 THE NIGHT BEFORE, WHAT BAKER WAS SAYING TO ME ABOUT  
9 THE GREEN, THAT GREEN WRAP IS THE ONE THING I COULD  
10 NOT UNDERSTAND BECAUSE I KNEW I TOOK IT OFF. BUT  
11 THEY SAY THEY HAVE PICTURES. I TRUSTED, I TRUST  
12 POLICE OFFICERS. I NEVER, I NEVER THOUGHT THAT  
13 PEOPLE WOULD LIE TO ME. I NEVER THOUGHT FOR ONCE  
14 THAT PEOPLE WOULD LIE TO ME. I TRUSTED THEM.

15 Q DID YOU TRUST THE MACHINE?

16 A I TRUST --

17 Q THE RESULTS OF THAT MACHINE?

18 A I TRUSTED THE MACHINE MORE SO, I ALSO FELT GOD  
19 HAD LET ME DOWN. I THOUGHT GOD HAD LET ME DOWN AND  
20 THE REASON I SORT OF STARTED TO THINK WAS OKAY, I  
21 DONE IT, AND GOD DON'T WANT NOTHING TO DO WITH ME ANY  
22 MORE. GOD SAYS ALL MURDERS WILL HAVE THEIR PART IN  
23 THE LAKE OF FIRE AND I KNEW THAT. AND I THOUGHT I  
24 MUST HAVE DONE IT. WHY, I MEAN, GOD AIN'T GOING TO  
25 LET THESE THINGS HAPPEN TO ME. I HADN'T DONE NOTHING

1       WRONG.  BUT THEN WHEN I LEFT THERE, I WAS CONVINCED  
2       THAT I HAD DONE IT.

3       Q     SO LIEUTENANT HERRING TOOK YOU BACK TO THE  
4       POLICE STATION?

5       A     YEAH, GOT BACK TO THE STATION AND THEN THAT'S  
6       WHEN I WAS, THEY TOOK MY CLOTHES, TOOK MY SHOES,  
7       THEY TOOK EVERYTHING FROM ME, AND PUT IT IN A BAG AND  
8       THEY TOLD ME I WAS UNDER ARREST AND THAT THE WARRANT  
9       WAS, HAD STUCK.  AND THEN A LITTLE BIT LATER THEY  
10      COME IN THERE WITH FOUR MORE WARRANTS.

11      Q     ALL RIGHT.  SO THEN YOU STAYED AT THE ROCK HILL  
12      POLICE STATION THAT NIGHT?

13      A     I STAYED, YEAH, THAT NIGHT.  I ATE DINNER THERE  
14      AND THEN I READ, I READ THE BIBLE ALL NIGHT, PRETTY  
15      MUCH ALL NIGHT.

16      Q     AND YOU STAYED THERE ALL NIGHT THE NIGHT OF THE  
17      30TH OF NOVEMBER 2001?

18      A     THAT'S CORRECT.

19      Q     AND THEN THEY TOOK YOU BACK TO THE MOSS JUSTICE  
20      CENTER?

21      A     WELL, ACTUALLY THEY WOKE ME UP THE NEXT MORNING  
22      EARLY.  I WAS ARRAIGNED, I MEAN NOT ARRAIGNED BUT I  
23      WAS --

24      Q     TAKEN IN FRONT OF A JUDGE?

25      A     TAKEN IN FRONT OF A JUDGE.

1 Q OKAY.

2 A AND THEN AFTER THAT THEY TOOK ME TO, OFFICER  
3 HARMON COME AND GOT ME AND TOOK ME, STARTED OUT THE  
4 DOOR WITH ME, AND I TOLD HIM I SAID WAIT, WAIT A  
5 MINUTE, I WANT TO TALK TO THE OFFICERS. I MADE A  
6 MISTAKE. I HAD STARTED TO THINK, I DIDN'T HAVE  
7 NOBODY SITTING THERE BEATING ON ME, NO. I DIDN'T  
8 HAVE HIM SITTING THERE CONSTANTLY TALKING TO ME. I  
9 WAS SITTING THERE MYSELF. THAT CAN'T BE RIGHT. THAT  
10 CAN'T BE RIGHT. AND SO I WENT TO, I WENT TO HARMON  
11 BEFORE WE LEFT AND I SAID I WANT TO TALK TO THE  
12 OFFICER. THIS AIN'T RIGHT. I MADE A MISTAKE. AND  
13 HE SAID.

14 Q MADE A MISTAKE --

15 A WHAT I WAS INTENDING WHAT, WHAT MY INTENSIONS  
16 WAS I SAID I MADE A MISTAKE BUT MY INTENTIONS WAS, I  
17 DID MAKE A MISTAKE.

18 Q WHAT DID YOU MEAN BY MISTAKE?

19 A I MADE A MISTAKE. I GAVE A STATEMENT THAT I  
20 DIDN'T DO NOTHING WRONG. I COULDN'T HAVE DONE THAT.  
21 I KNOW BETTER. MY MEMORY IS NOT THERE. THE MEMORY  
22 IS NOT THERE. THERE IS NO MEMORY OF ME DOING THAT  
23 AND I KNEW THAT I DIDN'T DO IT. SO I TRIED TO GET  
24 HIS ATTENTION. AND HE WOULDN'T, HE SAID, HE SAID,  
25 UH, I GUESS, HE SEEMED TROUBLED SO I THINK HE

1 PROBABLY TOOK THAT THE WRONG WAY. HE PROBABLY TOOK  
2 THAT THE WAY HE THOUGHT BECAUSE I SAID I MADE A  
3 MISTAKE.

4 Q SO HE TOOK YOU BACK TO MOSS JUSTICE?

5 A HE BROUGHT ME HERE TO MOSS JUSTICE AND THEY  
6 BOOKED ME IN AND I SAT IN BOOKING. I SAT IN BOOKING  
7 AND I LISTENED TO, I FIRST WHILE I WAS WAITING ON  
8 THEM WHILE THEY WAS BOOKING ME IN THEY WERE ASKING ME  
9 QUESTIONS LIKE DO YOU HEAR VOICES AND I THOUGHT NO I  
10 DON'T HEAR VOICES, BUT I GOT BACK IN THE ROOM AND I  
11 STARTED THINKING, YOU KNOW.

12 Q HOW LONG WERE YOU IN THAT ROOM?

13 A THAT ROOM, I WAS IN THAT ROOM FROM MONDAY  
14 MORNING.

15 Q NO --

16 A TUESDAY MORNING ON THE FIRST OF DECEMBER.

17 Q FIRST WAS ON A FRIDAY?

18 A WAS IT FRIDAY?

19 Q OR SATURDAY.

20 A OKAY. IT WAS FRIDAY. OKAY, YEAH, BECAUSE I  
21 STAYED THE WHOLE WEEKEND.

22 Q OKAY.

23 A AND ON MONDAY MORNING I WAS THERE THAT WHOLE  
24 WEEKEND.

25 Q WAS ANYBODY IN THAT CELL WITH YOU?

1 A NO, THERE IS NOBODY IN THE CELL. IT'S CLOSED  
2 IN. IT'S ABOUT TWICE THIS SIZE OUT. IT'S ABOUT THIS  
3 SIZE. THERE IS A BED ON THIS SIDE AND IT'S HARD  
4 CONCRETE AND THAT'S WHAT I SLEPT ON. THEY GAVE ME A  
5 BLANKET.

6 Q WAS THERE A PAD?

7 A NO PAD, NO NOTHING LIKE THAT. IN BOOKING THEY  
8 DON'T GIVE YOU A PAD TO SLEEP ON. THEY GIVE YOU A  
9 BLANKET, A BIG WHITE BLANKET AND YOU SLEEP ON THE  
10 BLANKET.

11 Q SO YOU STAYED THERE FOR TWO DAYS?

12 A I STAYED THERE FOR ACTUALLY THREE DAYS: FRIDAY,  
13 SATURDAY, AND SUNDAY.

14 Q COULD YOU, DID YOU TALK TO ANY OF YOUR FAMILY OR  
15 DID YOU TALK --

16 A NO, I WAS NOT ALLOWED PHONE CALLS, NO VISITS, NO  
17 NOTHING AT THAT TIME.

18 Q WHAT DID YOU DO FOR THOSE TWO OR THREE DAYS?

19 A I SAT IN THE CELL AND THOUGHT ABOUT WHAT I HAD  
20 SAID. WHAT HAD BEEN GOING ON. WHAT I TRIED TO GET  
21 ACROSS TO HARMON, EVERYTHING. I TOOK EVERYTHING INTO  
22 CONSIDERATION. I STARTED THINKING. I THOUGHT I DONE  
23 MADE A MISTAKE. HOW AM I, I DON'T KNOW HOW TO GET  
24 OUT OF THAT ONE BECAUSE I DONE CONFESSED TO SOMETHING  
25 I DIDN'T DO AND THEY ARE NOT GOING TO BELIEVE ME. SO

1 I STARTED TO FORMULATE MY OWN LITTLE, THE WAY, THE  
2 WAY I, THE WAY I SAID WELL, IF I CAN'T, YOU KNOW, I'M  
3 GOING TO HAVE TO DO SOMETHING. I GOT TO GIVE THEM  
4 SOMETHING DIFFERENT, GIVE THEM A SECOND STORY. THAT  
5 WAS THE THOUGHT THAT WAS IN MY HEAD. I THOUGHT WELL  
6 MAYBE, MAYBE, AND I TRIED TO STAY WITH THE SAME, THE  
7 SAME IDEA. I MEAN I WASN'T SURE WHAT HAPPENED. I  
8 DIDN'T KNOW WHAT HAPPENED. BUT I HAD TO DO  
9 SOMETHING. I WAS SCARED. I WAS SCARED. I DIDN'T  
10 KNOW WHAT TO DO AND I WAS AFRAID AND I WAS LOOKING  
11 FOR A WAY OUT. THAT'S THE TRUTH. AND SO I BEAT ON,  
12 I BEAT ON THE DOOR OF THE JAIL CELL. I BEAT ON THE  
13 DOOR MORE TIMES THAN WHAT HAS BEEN MENTIONED. MANY  
14 TIMES I BEAT AND THEY DIDN'T WANT TO HEAR ME. THEY  
15 WERE BUSY AND THEY WAS BUSY, BUT FINALLY I GOT THE  
16 ATTENTION OF ONE OFFICER. AND I SAID LOOK, I NEED TO  
17 TALK TO OFFICER HERRING, OFFICER WALDROP OR  
18 LIEUTENANT WALDROP, I THINK I SAID OFFICER WALDROP.  
19 AND SHE SAID WHO IS THAT. I SAID HE WORKS AT THE  
20 ROCK HILL POLICE DEPARTMENT. I SAID I NEED TO TALK  
21 TO. SHE SAID WHAT ABOUT. AND I SAID I NEED TO TELL  
22 HIM, BECAUSE I DIDN'T KNOW WHAT ELSE TO SAY, THEY  
23 WASN'T GOING TO LISTEN TO ME. THEY NEVER LISTENED TO  
24 ME BEFORE, SO I SAID I NEED TO TELL HIM WHAT I DID TO  
25 MY DAUGHTER.

1 Q MEANING WHAT?

2 A MEANING THE STORY THAT I HAD MADE UP. THAT WAS  
3 THE WHOLE, I DIDN'T KNOW WHAT TO DO. I WAS CONFUSED.  
4 AND I WAS SAYING, WAIT A MINUTE, I KNOW I DIDN'T DO  
5 THIS, BUT I THOUGHT THAT THE POLICE HAD TO PROVE WHAT  
6 WAS SAID. THEY HAD TO GO BACK THROUGH THE STATEMENT  
7 AND EVERYTHING HAD TO MATCH UP. AND THE WAY THEY  
8 WERE TALKING AND WHAT THEY HAD ALREADY TOLD ME, THAT  
9 STATEMENT MATCHED UP PERFECT. BECAUSE THEY, I TOOK  
10 IT STRAIGHT FROM WHAT THEY SAID. WHAT THEY SAID  
11 THAT'S WHAT I TOOK UP. AND THAT'S WHAT I WROTE. I  
12 WROTE THE WAY THEY TOLD ME THAT IT HAPPENED. I SAID  
13 THAT, THE ONLY THING I DIDN'T KNOW WAS, I SAID WELL,  
14 I, I DON'T KNOW. I WASN'T SURE ABOUT, WELL, THERE IS  
15 A LITTLE PLACES I DIDN'T KNOW ABOUT BECAUSE I DIDN'T  
16 KNOW, BUT I, I THOUGHT WELL WAS IT IN ONE PLACE  
17 BEFORE THE OTHER. I DIDN'T KNOW. SO I JUST MADE UP  
18 THE WHOLE, YOU KNOW, THE STORY. THAT PART I SAID  
19 WELL, I STUCK IT IN HER BUTT FIRST. THAT'S THE  
20 TRUTH, OF THE STORY.

21 Q YOU MEAN THAT'S THE TRUTH OF WHAT YOU TOLD THEM?

22 A OF WHAT I TOLD THEM, YEAH, OF THE STORY.

23 Q ALL RIGHT.

24 A OF THE STORY BECAUSE I DIDN'T KNOW. I ALREADY  
25 HAD ALL THE IMAGES UP HERE, BUT I DIDN'T HAVE THAT

1 ONE. I DIDN'T KNOW IF WHETHER IT WAS THIS, THIS,  
2 WHERE, I DIDN'T KNOW.

3 Q SO OVER THOSE TWO DAYS IN THAT HOLDING CELL YOU  
4 DECIDED TO DO WHAT?

5 A MADE UP ANOTHER STORY.

6 Q WHAT, WHAT?

7 A MADE UP THAT STORY AND I STARTED TO THINK ABOUT  
8 A DREAM.

9 Q WHY DID YOU DO THAT?

10 A BECAUSE I WAS SCARED. I DIDN'T KNOW WHAT ELSE  
11 TO DO. I KNEW I HADN'T DONE NOTHING WRONG, BUT, AND  
12 I WANTED--I DIDN'T KNOW. HONESTLY I DIDN'T KNOW. I  
13 SAID, I GOT TO GIVE THEM ANOTHER STORY. SO I GAVE  
14 THEM A DREAM STORY AND THE RAGE. I KNEW THAT HE SAID  
15 THAT IT WAS RAMMED UP IN HER PRETTY DEEP. SOMEBODY  
16 HAD TO BE ENRAGED FOR THAT. SO I SAID I KNOW I'LL  
17 SAY IT WAS A DREAM. I'LL SAY IT WAS A DREAM I HAD  
18 AND THAT IT WAS ALL A DREAM AND THAT ALL THESE THINGS  
19 HAPPENED AS A RESULT OF A BAD DREAM I WAS HAVING AND  
20 I SLEEPED WALKED AND DONE IT.

21 Q DID YOU THINK THAT WOULD HELP YOU?

22 A I THOUGHT THAT IT WOULD GET ME SOME HELP. I  
23 THOUGHT I WOULD GO TO AN INSANE ASYLUM INSTEAD OF  
24 GOING TO A PRISON AND BE RAPED OR KILLED BY SOMEBODY.  
25 I DIDN'T KNOW. I WAS SCARED. SO I STARTED TO



1 FORMULATE THIS WHOLE DREAM IDEA ON A DREAM ABOUT,  
2 ABOUT HOW I GOT UP AND WALKED AND THE RAGE CAME  
3 BECAUSE OF THE FEMALE THAT WAS INVOLVED, TERESA.  
4 TERESA GARRISON IS THE ONE I WAS TALKING ABOUT. AND  
5 I, ACTUALLY HER NAME WAS TERESA ALMOND, GARRISON WAS  
6 HER MAIDEN NAME. AND I SAID I WAS SO ENRAGED AND  
7 THAT MAKES ME SO ANGRY BECAUSE I LOVE MY CHILDREN AND  
8 TO EVEN THINK ABOUT THE FACT THAT SOMEBODY HAD  
9 ABORTION WITH ONE OF MY CHILDREN THAT MADE ME VERY  
10 MAD AND MY WIFE KNEW THAT. I GOT ANGRY AND I THOUGHT  
11 THAT'S THE ONLY RAGE THAT I COULD COME UP WITH THAT I  
12 COULD DO SOMETHING LIKE THAT. SO I MADE UP THAT  
13 STORY THAT I WAS DREAMING ABOUT HER. SHE, SHE WAS  
14 LAUGHING AT ME, SAYING I HAD THE ABORTION AND YOUR  
15 CHILD, WHICH SHE DID THESE THINGS AND SHE LAUGHED AT  
16 ME AND I SAW ALL THESE IMAGES WHEN SHE DONE TOLD ME  
17 ABOUT IT THE FIRST TIME.

18 Q SO YOU DECIDED THAT THAT'S --

19 A SO I SAID I'M GOING TO TRY TO GET SOME HELP, SO  
20 I TRIED TO GET ME SOME HELP BECAUSE I DON'T WANT TO  
21 GO TO PRISON FOR SOMETHING I DIDN'T DO OR I DON'T  
22 WANT TO DIE FOR SOMETHING I DIDN'T DO. SO I MADE UP  
23 THE STORY. I STARTED LYING AND I LIED THROUGHOUT THE  
24 WHOLE THING.

25 Q THROUGHOUT THE THING WITH DETECTIVE --

1 A YEAH, I'M TALKING ABOUT --

2 Q CHARLES CABANISS?

3 A YEAH, I'M TALKING ABOUT THE FIRST PART OF THAT,  
4 THE FIRST PART WHEN I FIRST WENT IN, WHEN I-- WELL,  
5 LET'S GO BACK. I GOT THE ATTENTION OF THAT OFFICER  
6 AND SHE SAID I'LL GO TALK TO LIEUTENANT WALDEN HERE  
7 AT THE JAIL. HE'S IN THE LIEUTENANT ON ONE OF HER  
8 SHIFTS WAS HER BOSS AT THE TIME, SHE WENT AND TALKED  
9 TO HIM. HE CONTACTED THE ROCK HILL POLICE DEPARTMENT  
10 AND THEY SAID THAT THEY WAS GOING TO, SHE COME BACK  
11 AND TOLD ME AND SHE SAID MR. COPE, THEY SAID THEY ARE  
12 GOING TO COME BACK AND SEE YOU TOMORROW. AND I SAID  
13 OKAY. I SAID AND SO I JUST SAT THERE IN THE JAIL. I  
14 HAD A LITTLE MORE TIME TO THINK THIS STORY THROUGH.  
15 I GOT INTO THE OFFICER DUGAN AND HANOKA. THEY BOTH  
16 CAME AND PICKED ME UP. THEY WERE REAL QUIET, THEY  
17 DIDN'T TALK, NOT LIKE THE OTHER OFFICERS WHO ALWAYS  
18 TALK TO ME IN THE CAR OR IN THE VAN AND EVERYTHING  
19 LIKE THAT. SO I WENT, I SAT IN THE CAR ALL THE WAY  
20 TO THE POLICE STATION, OVER AND OVER TRYING TO FIGURE  
21 OUT WHAT I'M GOING TO SAY, HOW AM I GOING TO SAY IT.  
22 I GOT INTO THE POLICE STATION. THEY BROUGHT ME INTO  
23 THE SALLY PORT AND I WENT IN TO THE POLICE STATION  
24 AND I WAS SITTING THERE. WHILE I WAS SITTING THERE  
25 THEY PUT ME IN A CELL. I SAT THERE FOR I GUESS ABOUT

1 30 MINUTES OR SO, MAY HAVE EVEN BEEN AN HOUR, AND  
2 THEN AN OFFICER COME AND GOT ME AND TOOK ME, MIGHT  
3 HAVE EVEN BEEN CHARLENE BLACKWELDER, I CAN'T  
4 REMEMBER, COME AND GOT ME AND TOOK ME TO CHARLENE  
5 BLACKWELDER'S OFFICE. AND IN THERE WAS OFFICER  
6 BLACKWELDER AND CAPTAIN CABANISS, THEY BOTH WERE  
7 SITTING, THERE WERE, CABANISS WAS STANDING AND SHE  
8 WAS SITTING. SHE SAT DOWN BESIDE ME. THERE WAS  
9 PROBABLY ABOUT 8 INCHES IN BETWEEN OUR CHAIRS. THE  
10 FIRST THING I SAID WAS I THOUGHT I'LL APPEAL ONE LAST  
11 TIME AND SAY I DIDN'T DO IT. AND SO I, I SAID, I DID  
12 NOT DO IT. AND HE SAID AND HIS EXACT WORDS WAS, WE  
13 DON'T BELIEVE YOU. DON'T COME HERE WITH THAT STUFF.  
14 WE DON'T WANT TO HEAR NO MORE ABOUT THAT. AND I  
15 SAID, SO I SAID OKAY AND I STARTED TELLING HIM THAT  
16 STORY.

17 Q THE DREAM?

18 THE DREAM. THE STORY, THE STORY I MADE UP  
19 ABOUT A DREAM. AND I GAVE THAT STORY TO HIM AND  
20 AFTER I GAVE HIM THAT STORY AND HE LOOKED AT ME AND  
21 HE GOES I AIN'T BUYING THIS UNLESS, UNLESS YOU  
22 ACCOMPANY US BACK TO THE HOUSE. I WANT TO SEE HOW  
23 YOU DID IT. YOU ARE GOING TO HAVE TO SHOW ME HOW YOU  
24 DID THIS ON THIS TAPE. THIS DREAM, I WANT TO SEE IT.  
25 SO WE WENT BACK -- WELL, ACTUALLY THEY PUT ME BACK IN

1 A CELL FOR A LITTLE WHILE. THEY WENT AND MADE ALL  
2 THE ARRANGEMENTS AND A LITTLE LATER THEY COME AND GOT  
3 ME AND WENT OVER TO THE HOUSE. WHEN I GOT TO THE  
4 HOUSE, THERE WAS CHARLENE BLACKWELDER, THERE WAS  
5 CAPTAIN CABANISS, THERE WAS, I'M THINKING THE OFFICER  
6 I'M THINKING ABOUT IS TRAVIS MCDANIEL, AND THERE WAS  
7 ONE OTHER, ONE OTHER PERSON I CAN'T REMEMBER WHO IT  
8 WAS, BUT I REMEMBER THEY STARTED THE VIDEO. HE SAID  
9 WE'RE GOING TO BE VIDEO TAPING, MR. COPE. THIS IS  
10 GOING TO BE VIDEO TAPED, DO YOU MIND. I SAID NO, I  
11 DON'T MIND. SO HE STARTED A VIDEO TAPE. AND THEN  
12 WHEN WE GOT THERE, THEY LOOKED AT EACH OTHER AND SAID  
13 WHOSE GOT THE KEY. WHOSE GOT THE KEY TO THE HOUSE.  
14 NOBODY HAD THE KEY TO THE HOUSE. THEY FORGOT THE  
15 KEY. ONE OF THE OFFICERS WALKED AROUND TO THE BACK  
16 OF THE HOUSE. I DON'T KNOW HOW HE GOT IN, I DON'T  
17 KNOW WHAT HE DONE, BUT HE GOT IN THE BACK DOOR OF MY  
18 HOUSE, AND THEY CAME THROUGH THE BACK DOOR. THAT'S  
19 WHY WHEN YOU SEE THE VIDEO YOU SEE MY BACK DOOR  
20 STANDING OPEN IN THAT VIDEO. THEY CAME IN AT THE  
21 BACK DOOR. AND LEFT THE DOOR STANDING OPEN. THEY  
22 CAME AROUND, THEY GOT ME, I WAS SHACKLED AND  
23 HANDCUFFED AND BROUGHT ME IN THE HOUSE. THE FIRST  
24 THING I WANTED TO DO WAS GET MY GLASSES BECAUSE I  
25 COULDN'T SEE NOTHING. I HADN'T BEEN ABLE TO SEE THE

1       WHOLE WEEKEND, EVER SINCE THAT TUESDAY, THAT THURSDAY  
2       MORNING.  ACTUALLY THE LAST TIME I HAD MY GLASSES WAS  
3       WEDNESDAY NIGHT BEFORE I WENT TO BED.  AND I TOOK, I  
4       PUT MY GLASSES ON.  THEY ALLOWED ME TO GET MY  
5       GLASSES, I PUT MY GLASSES ON.  I FELT A LOT BETTER,  
6       BUT I HAD TO GIVE THEM A PERFORMANCE.  THAT'S THE WAY  
7       I FELT.  HE SAID PROVE IT TO ME AND THAT'S WHAT I HAD  
8       TO DO.  I MADE UP THE, THERE WAS SECTIONS IN THERE  
9       THAT I WENT, UH, OR OOPS, NO THAT IN THE TAPE BECAUSE  
10      I ACTUALLY FORGET WHAT I HAD WRITTEN ON THE PAPER.  I  
11      ACTUALLY FORGETTEN WHAT I HAD WRITTEN ON THE PAPER,  
12      SO I HAD TO ADD LIB SOME OF IT.

13      Q       DID YOU THINK THAT BY TELLING THEM THAT DREAM  
14      THAT IT WOULD HELP YOU?

15                   MR. POPE:  YOUR HONOR, I OBJECT.  IF HE  
16      WANTS TO ASK --

17                   THE COURT:  THAT'S A LEADING QUESTION.

18      Q       WHAT DID YOU THINK BY TELLING THEM THIS DREAM  
19      WOULD DO?

20      A       I FELT LIKE THIS WOULD HELP ME GET, GET, I  
21      WOULDN'T GO TO PRISON FOR THE REST OF MY LIFE.  IT  
22      WOULD HELP ME TO, I WOULD GO TO A INSANE ASLUYM, STAY  
23      THERE FOR, FOR A SHORT TIME, GET MY HEAD, THEY WOULD  
24      SAY I GOT MY HEAD STRAIGHT, MY HEAD WAS STRAIGHT.  I  
25      KNEW IT WAS STRAIGHT.  BUT I SAID I GET MY HEAD

1 STRAIGHT AND THEN I'D BE RELEASED TO THE PUBLIC AGAIN  
2 AND EVERYTHING WOULD BE FINE.

3 Q THAT'S WHAT YOU --

4 A I-- THAT WAS A BETTER CHOICE THAN ANYTHING ELSE.  
5 THAT WAS BETTER THAN ANYTHING ELSE THAT I COULD, AT  
6 THAT TIME I COULD THINK OF BECAUSE WHAT I WAS LOOKING  
7 AT WAS EITHER LIFE IMPRISONMENT OR THE DEATH PENALTY  
8 AND I DIDN'T KNOW FOR SURE. THEN I WENT THROUGH THAT  
9 WHOLE THING AND YOU SAW THE VIDEO. I MEAN. AND THEN  
10 AFTER THAT I CAME BACK TO, CAME BACK TO THE POLICE  
11 STATION. AS A MATTER OF FACT, ON THAT DAY SOMETHING  
12 ELSE HAD HAPPENED ANOTHER MURDER. THERE WAS TWO  
13 PEOPLE, A MAN AND WOMAN, WERE KILLED BY A YOUNG BOY  
14 IN CHESTER. OR I'M ASSUMING IT WAS ON THIS SIDE OF  
15 CHESTER. I CAN'T REMEMBER. BUT WHEN THEY WERE  
16 BRINGING ME IN THE CAMERA WERE ALL OUT THERE. AND  
17 THE CAMERA GOT A LOOK AT ME AND THEY SAID OH, THAT'S  
18 MR. COPE, THAT'S MR. COPE. AND HE SAID WE'RE GOING  
19 TO TRY TO GET YOU IN HERE REAL QUICK AND SO THE  
20 POLICE OFFICER TRIED TO RUSH ME IN TO THE SALLY PORT  
21 WHERE THE CAMERA. CAMERA WERE ALL STANDING AROUND  
22 THE POLICE DEPARTMENT. THEY WERE WAITING ON THEM TO  
23 BRING THEM TWO BOYS OR THAT BOY OR WHOEVER IT WAS AND  
24 THAT WAS THE WHOLE IDEA BEHIND. I MEAN, I REMEMBER  
25 THAT PART. AND THEN I GOT BACK --

1 Q LET ME TALK TO YOU ABOUT THE VIDEO?

2 A OKAY.

3 Q ON THAT VIDEO YOU TALK TO CAPTAIN CABANISS AND  
4 CHARLENE ABOUT JUMPING ON YOUR DAUGHTER'S BACK?

5 A YES, SIR.

6 Q WHAT ABOUT THAT?

7 A THAT WAS ALL PART OF THE DREAM. I HAD  
8 ENVISIONED IN MY DREAM THAT IT WAS TERESA. I WASN'T  
9 THINKING ABOUT AMANDA. AND I SAID THAT IN THE DREAM  
10 THAT I WAS TALKING ABOUT TERESA AND WHEN I JUMPED,  
11 AFTER I JUMPED ON HER AND DONE WHAT I SAID IN THE  
12 VIDEO, THEN THE, I SAID I GOT OFF OF THE BED AND I  
13 PULLED HER BRITCHES DOWN AND RAMMED THE BROOM IN HER  
14 AND CAME BACK, FELL, AND IT JARRED MY MEMORY REALIZED  
15 WHAT I HAD DONE. I KNEW ALL ALONG THAT I HADN'T DONE  
16 NONE OF THAT. THAT'S WHAT I, BECAUSE I KNEW I DIDN'T  
17 DO IT, BUT HE SAID PROVE IT TO ME. THAT WAS HIS  
18 WORDS PROVE IT TO ME. PROVE THAT THIS IS WHAT  
19 HAPPENED AND I'LL BELIEVE IT. I THOUGHT THE OTHER  
20 ONE WAS THE REAL THING. I THOUGHT THAT WAS THE TRUTH  
21 BECAUSE THEY GAVE ME THE INFORMATION. I REALLY  
22 THOUGHT THAT THAT WAS TRUE.

23 Q YOU THOUGHT ALL THE OTHER --

24 A ON THAT FIRST CONFESSION I THOUGHT EVERYTHING  
25 THERE WAS THE TRUTH, EVERY BIT OF THAT HAPPENED,

1 BECAUSE THEY GIVE ME THE PIECES OF INFORMATION.  
2 EVERYONE GIVE ME INFORMATION. I DIDN'T GET, I DIDN'T  
3 KNOW ONE THING THAT HAPPENED.

4 Q SO AT THAT TIME DID YOU THINK THAT THAT HAD  
5 HAPPENED AND YOU WERE TRYING TO SAY THAT IT HAD  
6 HAPPENED, YOU STILL BELIEVED THAT YOU HAD DONE IT?

7 A NO. NO, I'M SAYING, AT THAT TIME --

8 Q AT WHAT TIME?

9 A I BELIEVED ALL OF THAT --

10 Q AT WHAT TIME?

11 A AT THE BEGINNING I BELIEVED EVERY BIT OF IT.

12 Q AT THE BEGINNING OF WHAT?

13 A AT THE FIRST CONFESSION. WHEN I LEFT THAT FIRST  
14 CONFESSION I BELIEVED IT. I SAT IN THEMSELVES AND I  
15 KNEW I DIDN'T DO IT. I KNEW I DIDN'T DO IT. AND  
16 THEN I MADE UP THIS STORY BECAUSE I KNEW THAT THAT  
17 FIRST CONFESSION WOULD PROBABLY BE THE ONE THEY WENT  
18 WITH BECAUSE THEY GAVE ME ALL THE INFORMATION.  
19 THAT'S WHAT I WAS GETTING AT. I JUST SUPPLIED THE  
20 MEANS, I MEAN THE, NOT THE MEANS, BUT THE, WHAT  
21 HAPPENED TO THEIR MEANS. THEY TOLD ME WHAT HAPPENED  
22 AND I TOLD THEM HOW IT HAPPENED. I MADE, I DIDN'T  
23 KNOW. IT WAS ONLY WHAT I THOUGHT, SOME, WHAT I  
24 THOUGHT ABOUT WHO COULD HAVE DONE THAT. I PUT THOSE  
25 IMAGES IN MY HEAD BECAUSE I WANTED TO KNOW WHAT



1 HAPPENED TO MY DAUGHTER. I SAID IT MANY A TIMES,  
2 WHAT HAPPENED. I'VE ASKED YOU. I'VE ASKED PHIL  
3 BAITY. I'VE ASKED EVERYBODY WHAT HAPPENED. I STILL  
4 DON'T KNOW EVERYTHING THAT HAPPENED BECAUSE I'VE BEEN  
5 SHIELDED FROM PHOTOGRAPHS AND A LOT OF THAT IS SELF  
6 SHIELDED. I DIDN'T WANT TO SEE THEM BECAUSE IT  
7 BRINGS BACK MEMORIES OF THAT NIGHT.

8 Q OR THAT MORNING?

9 A NO, THAT NIGHT WHEN SHE KISSED ME ON THE SIDE OF  
10 THE FACE. ALL THE MEMORIES BEFORE THAT. I DON'T  
11 LIKE TO PONDER ON THE PAST. I CAN'T. IT ABOUT KILLS  
12 ME. I DON'T HAVE PICTURE. MY FAMILY SENT PICTURES  
13 IN. THEY ARE IN MY PROPERTY. I DON'T WANT TO SEE  
14 THEM. I DON'T WANT TO SEE THEM. I CAN'T HANDLE  
15 THAT. IT HURTS TOO BAD.

16 Q YOU FEEL RESPONSIBLE?

17 A I DO. I DON'T, I DIDN'T DO IT, BUT I FEEL  
18 RESPONSIBLE, TOTALLY RESPONSIBLE BECAUSE WHAT MAN IS  
19 IN HIS HOUSE AND HIS DAUGHTER IS KILLED AND HE HAS NO  
20 EXPLANATION FOR WHAT HAPPENED. HE DOESN'T, HE DIDN'T  
21 HEAR NOTHING. WHAT MAN DOES THAT? I'VE TALKED TO  
22 MANY PEOPLE, I'VE TALKED TO YOU, I'VE TALKED TO PHIL,  
23 AND BOTH OF Y'ALL AGREE I HEAR THINGS THAT HAPPEN IN  
24 MY HOUSE BUT I DIDN'T HEAR IT AND I FELT RESPONSIBLE,  
25 COMPLETELY RESPONSIBLE.

1 Q BEG THE COURT'S INDULGENCE JUST ONE SECOND, YOUR  
2 HONOR.

3 (BENCH CONFERENCE AT 12:29 PM.)

4 THE COURT: WE'LL STOP FOR LUNCH. IT'S  
5 ABOUT 12:30 SO WE'LL COME BACK AT 1:45. THAT IS AN  
6 HOUR AND 15 MINUTES. HAVE A GOOD LUNCH AND WE'LL SEE  
7 YOU AT 1:45. THANK YOU.

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

10 THE COURT: ALL RIGHT. WE'LL BE AT EASE  
11 UNTIL 1:45.

12 MR. POPE: YOUR HONOR, WILL HE BE  
13 SEQUESTERED FROM HIS COUNSEL.

14 THE COURT: RIGHT. SINCE YOU ARE, MR.  
15 COPE, SINCE YOU ARE ON THE STAND YOU CAN'T DISCUSS  
16 YOUR CASE WITH YOUR --

17 A I UNDERSTAND.

18 THE COURT: WELL --

19 A I UNDERSTAND. I'LL BE LOCKED IN THE ROOM. I  
20 WON'T BE ABLE TO SAY NOTHING. I WON'T BE ABLE TO  
21 TALK TO NOBODY.

22 THE COURT: ANYTHING REGARDING THAT, MR.  
23 MORTON.

24 MR. MORTON: I DON'T THINK SO.

25 THE COURT: OKAY. THANK YOU.

1 (COURT'S IN RECESS AT 12:31 PM.)

2 (COURT RESUMES.)

3 THE COURT: IS THE STATE READY.

4 MR. POPE: YES, YOUR HONOR.

5 THE COURT: MR. MORTON AND MR. GREELEY.

6 MR. GREELEY: YES.

7 MR. MORTON: YES, SIR.

8 THE COURT: BRING IN THE JURY.

9 (THE JURY RETURNS TO THE COURTROOM.)

10 THE COURT: YOU MAY PROCEED.

11 DIRECT EXAMINATION CONTINUED BY MR. MORTON:

12 Q MR. COPE, WE WERE TALKING ABOUT THE DEATH OF  
13 AMANDA AND HOW YOU FELT RESPONSIBLE FOR THAT. DO YOU  
14 FEEL RESPONSIBLE FOR IT?

15 A YES, I DO.

16 Q AND WHY IS THAT?

17 A YES, I DO. BECAUSE I'M HER FATHER. I WAS IN  
18 THE HOUSE. I SHOULD HAVE HEARD SOMETHING. I FEEL  
19 LIKE I SHOULD HAVE HEARD SOMETHING. SHE'S MY  
20 DAUGHTER. I FEEL RESPONSIBLE.

21 Q AFTER YOU FINISHED TALKING TO CAPTAIN CABANISS  
22 AND MRS. BLACKWELDER AND AFTER WHAT WE CALL THE VIDEO  
23 RE-ENACTMENT, WHAT HAPPENED?

24 A WELL, I WAS TAKEN BACK, TAKEN BACK TO THE POLICE  
25 DEPARTMENT AND PUT IN A CELL WHERE I HAD MY LUNCH.

1 AND THEN SHORTLY AFTER THAT THEY BROUGHT ME BACK OUT  
2 AND BROUGHT ME BACK IN THAT SAME ROOM. AND THE FIRST  
3 THING THAT WAS SAID ONCE WE GOT BACK IN THE ROOM WAS,  
4 THE COMMENT WAS MADE BY CAPTAIN CABANISS, HE SAID I  
5 DON'T BUY THAT. I DON'T BELIEVE NONE OF IT. I DON'T  
6 BELIEVE THE FIRST ONE. I DON'T BELIEVE THIS ONE. I  
7 DON'T BELIEVE NONE OF THEM. HE SAID AND HE REACHED  
8 OVER TO THE TELEPHONE AND HE PICKED UP THE TELEPHONE  
9 AND HE HELD THE TELEPHONE. HE SAID YOU WHO I'VE BEEN  
10 ON THE PHONE WITH? AND I SAID WHO? HE SAID THE  
11 SOLICITOR. YOU KNOW, TOMMY POPE. AND I SAID WHO?  
12 HE SAID THE SOLICITOR. THE SOLICITOR SAID EITHER YOU  
13 TELL US THE TRUTH THIS TIME, NO MORE GAMES, WE'RE NOT  
14 GOING TO BUY NO MORE OF YOUR GAMES, EITHER YOU TELL  
15 US THE TRUTH OR HE IS GOING TO GO FOR THE DEATH  
16 PENALTY, TAKE WHAT HE'S GOT AND WE JUST GO TO TRIAL  
17 LIKE THIS AND THAT WAS HIS EXACT WORDS OR SOME CLOSE  
18 TO THAT. AND I GOT SCARED. I GOT REAL SCARED.  
19 THERE WAS A LOT OF TALK. THERE WAS, HE SAID YOU  
20 KNOW, MR. COPE, WE KNOW YOU ARE GUILTY. KNOW IT.  
21 YOU KNOW IT, I KNOW IT, THAT POLYGRAPH KNEW IT, ALL  
22 OF THEM KNOW IT; AND MRS. BLACKWELDER WAS SITTING  
23 THERE ACROSS THE TABLE AND SHE WAS SAYING MR. COPE,  
24 WE GOT EVIDENCE THAT YOU DIDN'T UNWRAP HER NECK. WE  
25 GOT EVIDENCE THAT YOU FAILED THE POLYGRAPH TEST. WE

1 GOT ALL THIS EVIDENCE AGAINST YOU. BETWEEN BEING  
2 SCARED OUT OF MY WITS BY THE POLY, BY THE SOLICITOR'S  
3 OFFICE AND TALKING TO CHARLENE BLACKWELDER, THEY WERE  
4 JUST SAYING, I GIVE UP.

5 Q AT SOME POINT CAPTAIN CABANISS, DID YOU STAND  
6 UP?

7 A THERE WAS ONE POINT WHEN WE FIRST COME IN THE  
8 ROOM AFTER HE STARTED TO TELL ME THAT I WAS GUILTY I  
9 STOOD UP AND I SAID I DIDN'T DO IT, AND HE STOOD UP  
10 AND HE HAD A SIDE ARM AND HE HAD HIS SIDE ARM ON THIS  
11 SIDE AND HIS BEEPER ON THIS SIDE AND HE WAS WEARING  
12 HIS BLUE POLICE SHIRT AND I THINK IT SAID SWAT TEAM  
13 OR POLICE OR SOMETHING ON THE BACK AND THAT WAS WHAT  
14 HE WAS WEARING THAT DAY AND I HAD SEEN HIM WALKING  
15 PAST THE CELL, JUST SEVERAL TIMES. AND ONCE TIME I  
16 SEEN HIM IN HIS SUIT AND ANOTHER TIME I SEEN HIM IN  
17 HIS BLUE SHIRT. BUT THIS DAY HE WAS IN HIS BLUE  
18 SHIRT AND THIS WAS THE FIRST TIME THAT I HAD SEEN HIM  
19 SINCE ALL THIS TOOK PLACE. SO I KNEW ABOUT THAT BLUE  
20 SHIRT, YOU KNOW. THAT'S ALL I SAW HIM IN AT THAT  
21 TIME AND I SAID, I STOOD UP AND I SAID I DIDN'T DO IT  
22 AND WHEN HE STOOD UP IT WAS LIKE HE STOOD UP OVER ME  
23 LIKE THAT AND I SAT BACK DOWN REAL QUICK AND I WAS  
24 SCARED OF HIM. I MEAN I WAS SCARED OF HIM. I WAS  
25 SCARED HE HAD BEEN THREATENING ME. HE HAD BEEN

1 TALKING, I MEAN. I GOT SCARED OF HIM. AND THEN WHEN  
2 EVERYBODY TALKING ABOUT THE SAME THINGS OVER AND OVER  
3 AND OVER ADDED THE GUILT THAT I FELT ALREADY, THE  
4 RESPONSIBLE THAT I FELT, OF THE BEING IN THE HOUSE.  
5 I GIVE UP. I SAY, YOU KNOW, IN MY OWN MIND I DIDN'T  
6 SAY OUT LOUD BUT IN MY OWN MIND THE DEATH PENALTY  
7 SOUNDS GOOD, SOUNDS GOOD. I'M TIRED OF THE PRESSURE.  
8 I'M TIRED OF THE, THE JUNK THAT'S BEEN GOING ON, SO  
9 THE DEATH PENALTY SOUNDS REAL GOOD TO ME RIGHT THEN.  
10 BECAUSE I DIDN'T, I GOT TIRED OF THE PRESSURE. I GOT  
11 TIRED OF BEING TOLD WHAT I DID. WHAT I DIDN'T DO. I  
12 KNEW WHAT I DID OR WHAT I DIDN'T DO AND I DIDN'T DO  
13 NONE OF THAT. NONE OF IT. NOT NOTHING. I WAS, LIKE  
14 I SAID BEFORE AND I'LL SAY IT A MILLION TIMES, I WAS  
15 IN MY BED ASLEEP, BUT THE POLICE DEPARTMENT WOULD NOT  
16 TAKE NO FOR AN ANSWER. THEY WOULD NOT TAKE IT.  
17 EVERY TIME I TRIED THAT, WE DON'T WANT TO HEAR THAT,  
18 WE DON'T WANT TO HEAR THAT. MRS. BLACKWELDER: WE  
19 DON'T WANT TO HEAR THAT. MR. CABANISS: WE DON'T  
20 WANT TO HEAR THAT. MR. BAKER: WE DON'T WANT TO HEAR  
21 THAT. EVERYONE SAID THE SAME THING: WE DON'T WANT  
22 TO HEAR WHAT YOU GOT TO SAY, WE KNOW WHAT HAPPENED,  
23 AND YOU KNOW WHAT HAPPENED. SO THAT WAS IT. FORGET  
24 IT. I GIVE UP AND I GAVE COMPLETELY UP. I SAID  
25 FINE. THE DEATH PENALTY DOES SOUND GOOD. WRITE WHAT

1 YOU WANT AND SHE STARTED TALKING TO ME AND I STARTED  
2 TALKING TO HER AND SHE CAME UP WITH THAT LAST  
3 CONFESSION. SOMEWHERE IN THE MIDDLE OF THAT  
4 CONFESSION OFFICER, I MEAN CAPTAIN CABANISS GOT A  
5 PAGE AND HE LEFT THE ROOM. SHE KEPT ON TALKING. WE  
6 KEPT ON TALKING. AND HE CAME BACK IN THE ROOM, GOD  
7 FORGIVE ME, HE WALKED IN ROOM AND HE GOT A PIECE OF,  
8 HAD A PIECE OF PAPER IN HIS HAND AND HE WALKED, HE  
9 JUST STORMS BACK IN THE ROOM AND HE SLAMS IT DOWN ON  
10 THE PAPER AND HE SAYS DAMN. AND I, I LOOKED AT HIM,  
11 SHE LOOKED AT HIM AND HE LOOKED AT HER, SHE PICKS UP  
12 PAPER AND SHE LOOKS AT IT. SHE READS IT. SHE PUTS  
13 IT DOWN. AND SHE LOOKS AT HIM ALMOST LIKE WHAT, WHAT  
14 IS IT, YOU KNOW, AND THEN I SAID WHAT IS THAT. HE  
15 SAID WE'LL TALK ABOUT THAT LATER. AND THEN WE KEPT  
16 ON TALKING. HE KEPT ON TALKING TO ME. AND IT WAS A  
17 CONSTANT BACK AND FORTH. SHE WOULD TALK, HE WOULD  
18 TALK, THEY GOT THEIR CONFESSION JUST ABOUT DOWN TO  
19 THE END OF IT, AND HE SAID UH, MR. COPE, DO YOU KNOW  
20 WHO B. J. BARROWCLOUGH IS. AND I SAID NO, SIR. HE  
21 SAID WELL HE SAYS HE'S YOUR ATTORNEY, HE'S OUT THERE,  
22 DO YOU WANT TO TALK TO HIM? I DIDN'T FEEL NO NEED TO  
23 TALK TO HIM. I DIDN'T CARE NO MORE. IT DIDN'T SEEM  
24 LIKE I WAS GOING TO GET NOTHING DONE. NOBODY DIDN'T  
25 CARE ABOUT ME. EVERYBODY WAS TELLING ME THE SAME

1       THING:  WE DON'T WANT TO HEAR YOU.  I SAID GO AHEAD.  
2       I SAID NO, I DON'T.  ALL I GOT LEFT TO DO IS TO SIGN  
3       THIS.  SO HE LEFT.  I MEAN, HE WAS HAPPY.  AT FIRST  
4       HE WAS REALLY SCARED, YOU KNOW, SORT OF LIKE THE WAY  
5       HE MOVE AROUND THE SHIRT, HE WAS KIND OF SCARED.  
6       THEN HE GOT, HE HAD ASKED CHARLENE FOR A PIECE OF  
7       PAPER AND CHARLENE AND HE SAT DOWN AND HE WROTE OUT  
8       REAL FAST, HE SAID YOU SURE AND I SAID YEAH AND HE  
9       SIGNED.  HE WAS CHEERFUL AFTER THAT.  HE WAS CHEERFUL  
10      AFTER THAT.  I SIGNED IT.  HE SIGNED IT.  HE PUT THE  
11      DATE ON IT AND THE TIME AND HE SAID, HE LOOKED AT  
12      CHARLENE AND HE LEFT, HE WENT OUT AND HE TALKED TO  
13      B.J. BARROWCLOUGH.  NOW IN BETWEEN THAT HE GOT  
14      SEVERAL PAGES, I MEAN.  BECAUSE HE KEPT LOOKING AT,  
15      IT WAS ALMOST LIKE HE KNEW THAT HE HAD TO GET TO HIM  
16      TO TALK TO HIM TO TELL HIM SOMETHING, AND THEN AFTER  
17      THAT HE COME BACK IN AND HE SAID NOW UH, AND CHARLENE  
18      WAS TALKING ABOUT SOME MORE STUFF, AND AFTER WE GOT  
19      THROUGH WITH THE INTERVIEW SHE SAID NOW I'M GOING TO  
20      PUT YOU BACK IN THE CELL.  THIS WAS PROBABLY ABOUT  
21      3:30-15 TO FOUR.  SO THEY PUT ME BACK IN THE CELL AND  
22      I SIT IN THE CELL UNTIL ABOUT FOUR, PROBABLY ABOUT 15  
23      TO FIVE, AND THEY COME BACK IN AND BROUGHT ME BACK IN  
24      AND I SIGNED THE PAPER AND THEN.

25      Q       DID YOU READ THE PAPER?



1 A I DIDN'T. I DIDN'T CARE. SHE HAD ALREADY DONE  
2 TOLD ME, SHE READ ABOUT WHAT SHE WAS WRITING, AND IT  
3 DIDN'T MATTER TO ME. I MEAN, I DIDN'T CARE TO  
4 ANYMORE. HONEST TO GOD I DIDN'T CARE ANYMORE.

5 Q ANYTHING ON THAT STATEMENT ABOUT ANY BROOMS?

6 A NO, THERE WAS NO STATEMENT ON THE BROOM.

7 Q SO SHE GAVE YOU THE STATEMENT?

8 A SHE GAVE ME THE STATEMENT, I SIGNED IT, AND  
9 IMMEDIATELY AFTER THAT MR. CABANISS SAID, B.J.  
10 BARROWCLOUGH IS HERE, HE WANTS TO TALK TO YOU, SO  
11 THEN THEY LEFT OUT OF THE ROOM AND SENT B.J. IN AND  
12 B.J. COMES STORMING IN WITH A PIECE OF PAPER, DID YOU  
13 SIGN THIS, AND SLAMMED IT DOWN ON THE TABLE. I SAID  
14 YES. I SAID THEY FORCED ME, THEY TOLD ME THEY WERE  
15 GOING TO GIVE ME THE DEATH PENALTY, AND THAT WAS THE  
16 TRUTH.

17 Q TALKING ABOUT THE STATEMENT?

18 A TALKING, I WAS TALKING ABOUT THE STATEMENT.  
19 THAT'S WHAT I THOUGHT HE WAS HOLDING IN HIS HAND. I  
20 DIDN'T KNOW HE WAS HOLDING THE OTHER THING AS HE HAD  
21 TESTIFIED, I THOUGHT HE WAS HOLDING THE STATEMENT IN  
22 HIS HAND.

23 Q AND HE WAS HOLDING THE STATEMENT SAYING HE  
24 DIDN'T WANT TO SEE YOU?

25 A YEAH. I GUESS, THAT'S WHAT HE TESTIFIED TO. I

1 THOUGHT IT WAS THE STATEMENT AND HE LAID IT DOWN AND  
2 I TOLD HIM THE TRUTH. I MEAN, AND THEN.

3 Q TOLD HIM WHAT?

4 A I TOLD HIM THAT THEY FORCED, TOLD, THEY FORCED  
5 ME TO SIGN, TALKING ABOUT THE DEATH PENALTY. I MEAN  
6 I DIDN'T CARE NO MORE. HONEST TO GOD I DIDN'T CARE  
7 ANYMORE ABOUT NONE OF IT. I WAS TIRED OF THIS PLACE.  
8 I WAS TIRED OF THE JAIL SYSTEM. I WAS TIRED OF THE  
9 WAY THEY WERE DOING ME IN THERE, SO I, I SIGNED IT  
10 AND GOT OUT OF THERE. THAT'S WHAT I WANTING. I  
11 WANTED OUT.

12 Q WHOSE POCKET BOOK IS THAT?

13 A IT'S MARY SUE'S. THAT WAS ONE, THAT WAS HER  
14 POCKET BOOK, IT WAS ALWAYS KEPT ON THE BOOK SHELF IN  
15 THE HALL ON TOP. MARY SUE DIDN'T CARRY HER POCKET  
16 BOOK TO WORK WITH HER. SHE ALWAYS CARRIED A LITTLE  
17 PURSE WITH HER LICENSE AND A LITTLE BIT OF MONEY TO  
18 GET HER SOMETHING TO EAT ON. AND THAT WAS HER POCKET  
19 BOOK.

20 Q SO THAT POCKET BOOK THAT I SHOWED YOU ON STATE'S  
21 EXHIBIT 68 WAS NOT SOMETHING THAT AMANDA WOULD KEEP  
22 IN --

23 A NO, IT WOULD NOT BE IN HER ROOM. WHEN Y'ALL,  
24 WHEN Y'ALL SHOWED ME THAT PICTURE THE FIRST TIME I  
25 SAID THE SAME THING. I SAID THAT WAS MARY SUE'S

1 POCKET BOOK.

2 Q AND AMY SIMMONS. YOU KNEW AMY SIMMONS SORT OF  
3 FROM, BECAUSE SHE WENT TO THE SAME CHURCH YOU DID,  
4 RIGHT?

5 A WE MET, WE MET AMY, I AM THINKING IT WAS THE,  
6 WHEN I MET AMY, I SHOULD SAY, THE EASTER BEFORE  
7 AMANDA WAS KILLED. THAT'S WHEN I, I'M ALMOST  
8 POSITIVE THAT'S WHEN IT WAS. IF IT WASN'T THAT ONE,  
9 IT WAS THE EASTER BEFORE THAT BUT I DON'T THINK IT  
10 WAS THAT FAR BACK BECAUSE WE HAD A EASTER EGG HUNT,  
11 WE HAD A BIG PARTY, WE WERE TALKING ABOUT THE QUIZ  
12 TEAM. SHE HELPED OUT ON THE QUIZ TEAM BEFORE I TOOK  
13 IT OVER, AND I HAD JUST TOOK IT OVER THAT YEAR, AND  
14 SO IT HAD TO HAVE BEEN THAT EASTER WHEN I MET HER FOR  
15 THE FIRST TIME. WE WAS, IT WAS EASTER PARTY THAT WE  
16 WERE HAVING AT CHURCH IN THE ACTIVITY CENTER.

17 Q WERE Y'ALL CLOSE BEFORE AMANDA DIED?

18 A NO. I DIDN'T REALLY KNOW AMY EXCEPT FOR THROUGH  
19 THE CHURCH. I MEAN, JUST HERE AND THERE. I HAD  
20 HEARD SOME THINGS AND I DIDN'T TRY TO GET IN THE  
21 MIDDLE OF THAT AND IT WAS, SO I LEFT. I REALLY  
22 DIDN'T KNOW AMY. I JUST KNEW HER FROM, LIKE I SAID,  
23 THAT I THINK MAYBE ONE OR TWO ENCOUNTERS IS ALL I  
24 REALLY HAD OF AMY.

25 Q I BELIEVE WHEN MARY SUE PASSED AWAY WAS WHEN?

1 A WAS ON FEBRUARY FIRST OF 2002.

2 Q AND SHE HAD BEEN STAYING WITH FRIENDS, SHE WAS  
3 STAYING WITH AMY I BELIEVE AT THE TIME?

4 A WELL, SHE STAYED WITH LEILA FOR A SHORT TIME AND  
5 THEN LEILA HAD TO HAVE SOME SURGERY AND THEN SHE WENT  
6 AND STAYED WITH AMY. AMY TOLD HER SHE WOULD TAKE  
7 CARE OF HER FOR A FEW DAYS OR SO AND SO SHE WENT AND  
8 STAYED WITH AMY. I DON'T KNOW THIS AT THE TIME, I  
9 DIDN'T LEARN THIS UNTIL THE DAY THAT, I DIDN'T -- I'M  
10 THINKING BACK IF ANYBODY, IF ANYBODY HAD EVER SAID  
11 ANYTHING ABOUT AMY AND MARY SUE STAYING AT AMY'S, MOM  
12 MIGHT HAVE SAID SOMETHING ABOUT IT. I DON'T KNOW.  
13 BUT.

14 Q WHEN DID AMY SUE START WRITING YOU IN THE JAIL?

15 A WHEN DID WHO?

16 Q WHO DID AMY SUE START WRITING. I'M SORRY. WHEN  
17 DID AMY START WRITING TO YOU?

18 A I RECEIVED, OKAY --

19 Q WHEN DID YOU START WRITING HER?

20 A IT STARTED, IT STARTED BACK, I THINK, IN APRIL.

21 Q OF?

22 A OF THAT, LET'S SEE, 2003. AMY WAS OVER AT MOM'S  
23 HOUSE AND I WAS TALKING TO MOM ON THE TELEPHONE AND  
24 MOM WOULD SAY GUESS WHOSE HERE AND I SAID WHO AND SHE  
25 SAID AMY. AND I SAID AMY. I DIDN'T KNOW AMY EXCEPT

1 I KNEW THAT AMY, WAS AMY WAS AT, I MEAN MARY SUE WAS  
2 STAYING AT AMY'S HOUSE. THE PREACHER HAD TOLD ME  
3 THAT WHEN MARY SUE DIED AND SO I SAID WELL LET ME  
4 TALK TO HER. I WANT TO ASK HER A SPECIFIC QUESTION  
5 BECAUSE A FEW DAYS PRIOR TO OR BEFORE MARY SUE'S  
6 DEATH I DREAMED, I THOUGHT, I MEAN, I DREAMED THAT  
7 MARY SUE HAD DIED AND I WANTED TO KNOW IF EXACTLY  
8 WHAT I DREAMED WAS THE SAME THING BECAUSE I DREAMED  
9 THAT SHE WAS LAYING ON THE FLOOR, YOU KNOW, CARPETED  
10 ROOM. I BELIEVE IT WAS GREEN CARPET AND THERE WAS A  
11 WINDOW IN FRONT OF HER AND SOMEBODY WAS STANDING IN  
12 FRONT OF THE WINDOW, BUT I COULDN'T TELL WHO IT WAS  
13 AND I ASKED HER THAT ON THE TELEPHONE. AND SHE  
14 WOULDN'T TALK ABOUT IT. WELL I ASKED HER ANOTHER  
15 QUESTION AND I ASKED HER AND SINCE IT'S ALREADY BEEN  
16 BROUGHT UP, I ASKED HER DID SHE KNOW ANYTHING  
17 CONCERNING THE POLICE COERCEING MARY SUE, YEAH, MARY  
18 SUE, AND SHE SAID SHE DID, SO I JUST LEFT THAT ALONE.  
19 SO I SAID AND MOMMA I SAID, MOMMA I SAID I WANT TO  
20 TALK TO HIM, SO SHE GAVE MOMMA THE PHONE BACK AND  
21 THEN MOM TALK.

22 Q SO Y'ALL TALKED?

23 A I WROTE AMY THE NEXT WEEK, THAT WAS IN I THINK  
24 IN APRIL, AND THAT WAS THE FIRST LETTER AND I WROTE  
25 HER TO HER OLD ADDRESS WHERE HER MOMMA TOLD ME SHE

1 WAS STAYING, AND THEN I WAS TOLD SHE DIDN'T LIVE  
2 THERE NO MORE, SO I ASSUMED SHE DIDN'T GET THE  
3 LETTER. AND THEN ON CHRISTMAS WEEK OF 2003 I  
4 RECEIVED A LETTER FROM AMY AND THAT WAS THE START OF  
5 IT. IT WAS A CHRISTMAS CARD LETTER WRITTEN ON  
6 CHRISTMAS STATIONERY WITH SANTA CLAUS AND ALL THIS  
7 STUFF ALL AROUND IT. THAT WAS THE FIRST LETTER THAT  
8 I RECEIVED FROM AMY. THAT WAS ON CHRISTMAS 2003.

9 Q AND IN BETWEEN CHRISTMAS OF 2003 AND THE END OF  
10 MAY OF 2004 DID YOU AND AMY CORRESPOND BACK AND  
11 FORTH?

12 A WE WROTE. WE WROTE QUITE A BIT. WE DID.

13 Q DID YOU HAVE FEELINGS FOR AMY?

14 A THE TRUTH IS I DID. I STARTED TO HAVE FEELINGS  
15 FOR AMY. HER LETTERS, YOU KNOW, SHE WOULD TALK ABOUT  
16 THINGS THAT HAPPENED AT HOME. I WOULD WRITE BACK AND  
17 TELL HER I WAS PRAYING FOR HER, PRAYING FOR THE  
18 THINGS THAT WAS GOING ON AT HOME. THERE WAS TIMES  
19 WHEN MONEY WAS HARD. THERE WAS TIMES WHEN JAMIE GOT  
20 HURT AND THERE WAS DIFFERENT TIMES AND THAT'S WHAT I  
21 WROTE ABOUT. I WROTE HER ABOUT THAT. THEN I WROTE  
22 HER ABOUT MY OWN FEELINGS AND WHAT I WANTED TO DO  
23 WHEN I GOT OUT OF JAIL. AND I WROTE, LIKE I SAID, I  
24 WROTE QUITE A FEW, YOU KNOW, I THINK WROTE 14 LETTERS  
25 IN ALL THAT I CAN REMEMBER WRITING TO HER. I'VE BEEN

1        SHOWN I THINK 11 AND THERE IS THREE I NOTICED THAT'S  
2        NOT, THAT'S NOT BEEN -- LET ME CHANGE THAT.  THERE IS  
3        THREE ENVELOPES THAT'S MISSING BECAUSE I KNOW.  I  
4        DREW PICTURES ON THE ENVELOPES AFTER THE FIRST, THAT  
5        LETTER YOU ARE HOLDING UP IN YOUR HAND, I STARTED  
6        DRAWING PICTURES ON MY ENVELOPE BECAUSE I DIDN'T  
7        TRUST NOBODY.

8        Q        LET ME DRAW YOU BACK TO THIS FIRST?

9        A        OKAY.

10       Q        THIS IS A LETTER, STATE'S EXHIBIT STATE'S  
11       EXHIBIT 90, THAT I GUESS ALL THIS GOES TOGETHER, THE  
12       LETTER AND ENVELOPE GOES IN THE SAME EXHIBIT.  THIS  
13       IS A LETTER THAT'S DATED, IT'S NOT DATED, AND IT'S IN  
14       AN ENVELOPE ADDRESSED TO AMY SIMMONS AND IT'S POST  
15       MARKED DECEMBER 31.  THERE IS AN ENVELOPE POST MARKED  
16       DECEMBER 31, ENVELOPE POST MARKED DECEMBER 31  
17       ADDRESSED TO AMY SIMMONS  2425 ALLENDALE DRIVE,  
18       ANDERSON, SOUTH CAROLINA, AND HAS A RETURN ADDRESS  
19       THAT'S GOT COPE, GOT YOUR INMATE NUMBER, MOSS JUSTICE  
20       CENTER, NOW IS THAT YOUR WRITING?

21       A        THAT IS MY HANDWRITING.  THAT IS MY HANDWRITING  
22       RIGHT THERE.  I DID WRITE THAT LETTER, THAT ENVELOPE.  
23       I DID NOT WRITE THAT LETTER.

24       Q        OKAY.

25       A        I DON'T KNOW WHERE THAT LETTER COME FROM.

1 Q THIS ENVELOPE DOESN'T HAVE A DATE ON IT. YOU  
2 SEE THE KIND OF PAPER THAT IT IS ON?

3 A YES, SIR.

4 THE COURT: YOU ARE NOT SHOWING HIM THE  
5 ENVELOPE NOW. YOU'RE SHOWING HIM THE LETTER.

6 Q I'M SORRY. I'M SHOWING YOU THE LETTER NOW?

7 A YES, SIR.

8 Q OKAY. AND THE LETTER SAYS: DEAR AMY, I NEED TO  
9 SEE YOU IN-PERSON AS SOON AS POSSIBLE. CAN YOU COME  
10 TO ROCK HILL AND SEE ME NEXT WEEK ON MONDAY. I HAD A  
11 DREAM LAST NIGHT ABOUT YOU AND MARY SUE AND AMANDA.  
12 I NEED TO TELL YOU WHAT I REALLY DID TO AMANDA BEFORE  
13 IT'S TOO LATE. GOD WILL FORGIVE ME IF I CONFESS TO  
14 ANOTHER CHRISTIAN AND REPENT. KEEP THE FAITH,  
15 ALWAYS, BILLY TINKER COPE, WITH THE CROSSES AND THE  
16 FISH. IT'S NOT, DOESN'T HAVE A DATE ON IT. DID YOU  
17 WRITE THAT LETTER?

18 A NO, I DID NOT.

19 Q DO YOU HAVE THAT KIND OF PAPER IN JAIL?

20 A WE DO. WE, YOU SAW THE THREE KINDS. WE DON'T  
21 HAVE, ALL WE HAVE IS THOSE THREE KINDS OF PAPER.  
22 THAT'S THE ONLY KIND WE CAN GET.

23 Q SO YOU TELL THE JURY?

24 A I'M TELLING YOU, I DIDN'T WRITE THAT LETTER. I  
25 DON'T KNOW WHO WROTE IT. I DON'T KNOW WHERE IT COME



1 FROM. I KNOW I DIDN'T WRITE IT. I KNOW I DIDN'T  
2 WRITE IT. THAT'S NOT EVEN MY HANDWRITING.

3 Q AFTER THIS LETTER TURNED UP AND AMY GAVE IT TO  
4 US AND WE GAVE IT TO OUR HANDWRITING EXPERT, WHAT DID  
5 YOU START TO DO WITH THE LETTERS THAT YOU WROTE TO  
6 ANYBODY, TO THE ENVELOPES I SHOULD SAY THAT YOU  
7 WROTE?

8 A AFTER I TALKED WITH YOU AND YOU TOLD ME WHO  
9 RECEIVED THE LETTER AND WHAT ALL WAS GOING ON ABOUT  
10 IT, I DIDN'T TRUST ANYBODY. I DIDN'T TRUST THE JAIL.  
11 I DIDN'T TRUST, I KNOW THAT, YOU KNOW, A LOT OF  
12 THINGS GO ON BEHIND THE DOORS IN THE JAIL AND I DON'T  
13 TRUST NOBODY. SO I STARTED MY OWN LITTLE CODE. I  
14 STARTED DRAWING PICTURES ON THE FRONT OF THE  
15 ENVELOPE.

16 Q AND I'M GOING TO SHOW YOU THESE, WHAT'S MARKED  
17 I'M GOING TO TRY AND, STATE'S EXHIBIT 37, 36. 37 IS  
18 A ROSE I BELIEVE?

19 A YES, SIR.

20 Q 36 IS A POST MAN?

21 A THAT'S CORRECT.

22 Q THIS ONE IS IN JULY SO THERE, JULY 203 SO THERE  
23 WASN'T ANYTHING ON THERE, IS THAT RIGHT?

24 A THAT'S THE INITIAL ONE THAT I WROTE HER AFTER I  
25 TALKED WITH HER ON THE TELEPHONE AT MOM'S.

1 Q 21 OF APRIL OF 2004 IS A?

2 A TEDDY BEAR.

3 Q TEDDY BEAR.

4 A TEDDY BEAR. SHE WASN'T THE ONLY ONE I DREW ONE  
5 OF THOSE FOR. I DREW ONE FOR MY MOM. I DREW ONE FOR  
6 SUSAN ARCHIE MY SISTER AND I ALSO DREW ONE FOR YOU.

7 Q EXHIBIT 42 IS A PHOTOGRAPH, I MEAN NOT A  
8 PHOTOGRAPH, AN ENVELOPE WITH THE DRAWING OF LOOKS  
9 LIKE CAT IN THE HAT?

10 A CAT IN THE HAT AND THAT PICTURE SOME FRIENDS HAD  
11 ANOTHER PICTURE, LET ME SEE ONE OF THOSE ENVELOPES  
12 JUST ONE SECOND, INSTEAD OF HAVING THE PIGLET RIGHT  
13 THERE OR WINNIE THE POOH RIGHT THERE, IT WOULD HAVE  
14 THE CAT IN THE HAT UP THERE IN THE CORNER AND I TOOK  
15 AND DREW THAT LARGER RIGHT THERE AND FROM SOMEONE  
16 ELSE'S PICTURE AND THAT'S HOW I ENDED UP WITH THAT  
17 ONE. THAT WAS THE LAST LETTER THAT I SENT TO AMY  
18 SIMMONS AND THAT LETTER WAS, THAT, THAT PICTURE WAS,  
19 IS EXACTLY WHAT IT SAYS. IT'S A MAN HOLDING, IT'S A  
20 NEWSPAPER MAN HOLDING UP A NEWSPAPER AND IT SAYS  
21 BILLY COPE FOUND INNOCENT OR NOT GUILTY ON THE FRONT  
22 OF THE PAGE.

23 Q AND THAT IS -- YOU HAVE NAMES FOR --

24 A THAT ONE IS CALLED POLLY. IT HAS A LITTLE  
25 PARROT UP IN THE TREE.

1 Q ROSE AGAIN?

2 A ROSE AGAIN. THAT WAS AN EASTER ONE. THAT ONE  
3 THERE IS CALLED TINKER MOUSE IN A BUBBLE. MY  
4 NICKNAME IS TINKER AND THERE IS ACTUALLY TWO TINKER  
5 MOUSE, ONE OF THEM YOU DON'T HAVE THE ENVELOPE FOR.  
6 IT'S A BOX OF CEREAL IN THE CORNER, IT'S GOT A BUSTED  
7 HOLE AND THERE IS A MOUSE RUNNING AWAY FROM THE HOLE  
8 AND THE CEREAL IS POURING OUT. THEN THERE IS ANOTHER  
9 MOUSE IN A MOUSE TRAP AND HE SITTING THERE LIKE THIS  
10 RIGHT HERE, HE DON'T KNOW WHAT'S GOING ON, AND HE'S  
11 GOT ON YCDC UNIFORM.

12 Q IN THOSE LETTERS THAT HAD THOSE DRAWINGS ON  
13 THOSE ENVELOPES ON THE OUTSIDE, WOULD THERE BE A  
14 REFERENCE IN THE LETTER TO THE DRAWING ON THERE?

15 A IN MOST OF, MOST OF THE, IT STARTED LATER ON. I  
16 STARTED TO SAY, WELL, I'M NOT GOING TO JUST CODE IT  
17 THIS WAY, BUT I'M GOING TO CODE IT BY PUTTING  
18 REFERENCE TO THE THING ON THE OUTSIDE OF THE ENVELOPE  
19 INSIDE THE LETTER. WHAT I NOTICED WAS, WELL YOU  
20 HADN'T GOT TO IT YET.

21 Q WHAT DID YOU NOTICE ABOUT THE LAST?

22 A THE LAST LETTER IT'S IN THE RIGHT, IT'S IN THE  
23 WRITE ENVELOPE AND IT SAYS, IT SAYS, I COME UP WITH  
24 THIS IDEA, EXTRA, EXTRA READ ALL ABOUT IT. THE POWER  
25 WAS OFF AT THE JAIL, WE HAD A POWER SHORTAGE, AND WE

1 HAD TO SIT IN OUR CELL, THEY LOCKED US IN OUR CELL,  
2 AND I SIT IN THE CELL AND JUST DREW. I FIRST DREW IT  
3 ON A PIECE OF CARDBOARD AND THEN I LATER PUT IT ON AN  
4 ENVELOPE AND I EXPLAINED TO HER ABOUT BEING STUCK IN  
5 THE CELL FOR.

6 Q I'M GOING TO SHOW YOU, AND I DON'T THINK IT'S  
7 BEEN SPECIFICALLY MARKED, IT'S STATE'S EXHIBIT 91,  
8 THE SLED IDENTIFICATION LETTER IS L-0114271, IT'S TWO  
9 PAGES, JUST AS AN EXAMPLE. THAT IS A LETTER THAT YOU  
10 WROTE TO AMY SIMMONS?

11 A THAT IS THE LETTER THAT I WROTE TO AMY SIMMONS  
12 THAT WAS IN THE SO CALLED SECOND LETTER ENVELOPE.

13 Q OKAY.

14 A AND I KNOW BECAUSE OF THE REFERENCE.

15 Q AND THIS IS YOUR HANDWRITING?

16 A YES, THAT'S MY HANDWRITING. THAT'S MY LETTER.  
17 IT EVEN STATES IN THERE, HOW DO YOU LIKE THE OR I  
18 HOPE YOU LIKE THE LION AND THE KITTIES AND THE REASON  
19 THAT I KNOW THAT IS THE NEXT TO THE LAST LETTER I  
20 WROTE IS BECAUSE THE VERY LAST LETTER I WROTE AND THE  
21 LAST LETTER THAT SHE RECEIVED WAS THE ONE WITH THE  
22 PAPER BOY HOLDING THE NEWSPAPER UP AND THE ONE RIGHT  
23 BEFORE THAT WAS THE ONE THAT YOU ARE HOLDING IN YOUR  
24 HAND RIGHT NOW. THERE WAS NO OTHER REFERENCES TO  
25 LION AND KITTY. APPROXIMATELY IN THAT SAME MONTH,

1 EARLIER IN THE MONTH, SHE MADE REFERENCE TO, IN ONE  
2 OF HER LETTERS TO ME, OF CUTE KITTEN ON THE COUCH,  
3 AND IF YOU READ THE BACK OF MY ENVELOPES AND ON THAT  
4 LETTER IT SAYS SEE C-K-A CUTE KITTEN ARTS. THAT'S  
5 WHERE I GOT THAT FROM AND THAT ONLY COME FROM THE  
6 LETTER THAT SHE WROTE TO ME AND THE VERY LETTER THAT  
7 I WROTE RIGHT AFTER THAT IS THAT ONE RIGHT THERE AND  
8 I WROTE ONE AFTER THAT AND IT WAS THE LAST ONE THAT  
9 SHE GOT AND SHE CALLED I THINK YOU SAID THE ENOCUOUS  
10 LETTER.

11 Q INNOCUOUS LETTER?

12 A INNOCUOUS LETTER.

13 Q BECAUSE IT CAME AFTER THIS. IN OTHER WORDS,  
14 THESE WHICH HAVE BEEN BLOWN UP, THESE ENVELOPES  
15 WRITTEN, STATE'S EXHIBIT 95, THIS ENVELOPE STATE'S  
16 EXHIBIT 95 IS ADDRESSED TO AMY SIMMONS?

17 A THAT'S CORRECT.

18 Q 2425 ALLENDALE ROAD, ANDERSON, SOUTH CAROLINA.  
19 DID YOU ADDRESS THIS ENVELOPE?

20 A I DID ADDRESS THAT ENVELOPE. THAT'S MY DRAWING  
21 AND ON THE BACK YOU GOT THE LITTLE KITTEN RIGHT HERE  
22 WITH MY INITIALS RIGHT THERE AND THEN ON THE BACK OF  
23 THE ENVELOPE IT SAYS, IT HAS ANOTHER LITTLE KITTEN AT  
24 THE BACK PROBABLY RIGHT, RIGHT ABOUT HERE, AND IT  
25 SAYS C-K-A UP UNDER IT.

1 Q AND YOU SENT HER A LETTER IN THAT ENVELOPE?

2 A I DID AND I SEE THAT'S THE LETTER THAT YOU JUST  
3 HELD UP.

4 Q AND YOU LICKED THE ENVELOPE?

5 A I LICKED THE ENVELOPE AND SEALED IT AND HANDED  
6 IT TO THE OFFICER AT ABOUT 15 MINUTES TO 12 ON THE  
7 NIGHT BEFORE, ON THE 19TH OF MAY.

8 Q AND THESE ENVELOPES HERE ARE ALSO YOUR WRITING?

9 A THAT'S CORRECT.

10 Q YOU WROTE, YOU LICKED, YOU SEALED?

11 A THAT'S CORRECT.

12 Q AND THIS ONE IS THE QUOTE INNOCUOUS LETTER THAT  
13 SHE GOT?

14 A CORRECT.

15 Q AFTER MAY WHATEVER 20, RIGHT?

16 A THAT'S CORRECT.

17 Q BECAUSE RIGHT HERE AND I'M SORRY I APOLOGIZE.

18 THEY HAD SCRATCHED THAT OUT AND PUT TWO BECAUSE SHE  
19 HAD MOVED OR SOMETHING?

20 A RIGHT. SHE HAD TOLD ME, SHE MADE REFERENCE TO A  
21 NEW ADDRESS AND SHE NEVER GAVE ME THE NEW ADDRESS SO  
22 I SENT IT, I ALWAYS SEND ALL HER LETTERS TO 2526  
23 ALLENDALE ROAD.

24 Q SEE THIS LETTER RIGHT HERE, STATE'S EXHIBIT 96?

25 A I DO. I DO SEE IT.

1 Q DID YOU WRITE THAT?

2 A NO, I DID NOT. I DO NOT. I RECOGNIZE IT  
3 BECAUSE YOU'VE SHOWED IT TO ME, BUT NO, I DID NOT  
4 WRITE THAT.

5 Q IS THAT YOUR WRITING?

6 A THE WORDS ARE MINE, THE SENTENCES ARE MINE, BUT  
7 THANKS TO SOME GOOD DETECTIVE WORK, PEOPLE HAVE  
8 SHOWED ME HOW THAT LETTER HAD BEEN REPRODUCED BY  
9 TAKING ALL OF MY LETTERS AND REPRODUCING ONE SENTENCE  
10 HERE, ONE SENTENCE THERE, CHANGING A WORD HERE IN THE  
11 SENTENCE, AND PUTTING ANOTHER ONE IN.

12 Q LET ME ASK YOU THIS. DOES THAT LOOK LIKE YOUR,  
13 DO YOU FORM YOUR PARAGRAPHS YOUR SENTENCES, MARGINS?

14 A NO, I DO NOT. OH, YES. MY LETTERS, FIRST OF  
15 ALL ON MY LETTERS, MY LETTERS GO ALL THE WAY ACROSS  
16 THE PAPER BECAUSE PAPER IS SO EXPENSIVE IN THE JAIL  
17 AND WHAT I HAVE TO DO SINCE I'M ON INDIGENT I HAVE TO  
18 GIVE UP A TRAY OF FOOD FOR A NOTE PAD. SOMETIMES TWO  
19 TRAYS OF FOOD, IT DEPENDS ON WHO YOU GET IT FROM, AND  
20 I DON'T WRITE LETTERS WORD WHERE IT'S JUST LOOSE AND  
21 JUST LAID OUT. MY LETTERS GO ALL THE WAY ACROSS AND  
22 I SQUEEZE IN AS MUCH AS I CAN GET IN THE LETTERS.  
23 YOU CAN READ EVERY ONE OF MY LETTERS THAT'S THERE  
24 WITH EXCEPTION OF MAYBE THAT FIRST ONE THAT WAS BACK  
25 IN APRIL BECAUSE I HAD A MORE ABUNDANT SUPPLY OF

1 PAPER AT THAT TIME AND, BUT ALL MY LETTERS,  
2 ABSOLUTELY, I WENT ALL THE WAY ACROSS. I INDENT IN  
3 MY LETTERS. PARAGRAPHS ARE MADE. THERE IS SOME  
4 SENSE TO MY WRITING. A LOT OF THAT LETTER DIDN'T  
5 MAKE NO SENSE IN PUTTING IT INTO WORDS THE WAY THEY  
6 PUT IT, BUT IT'S, I UNDERSTAND HOW COME IT'S LIKE  
7 THAT BECAUSE THEY GOT ALL FROM ME. THEY GOT IT FROM  
8 EVERY ONE OF MY LETTERS EXCEPT FOR, I KNOW OF ONE  
9 WORD AND I THINK THERE IS WAS SOME IDEA ABOUT THE  
10 LORD'S STREETS BUT I FOUND THAT VERY SAME STREET IN  
11 ONE OF MY LETTERS WHEN I WAS TALKING ABOUT SOMETHING  
12 TOTALLY DIFFERENT. WHAT I'M GOING TO DO WHEN I GET  
13 ON THE STREET, THAT'S WHAT IT SAID, AND THEY JUST  
14 ADDED AN 'S' TO IT AND PUT THE LORD'S STREETS. SHE'S  
15 IN THE LORD'S STREETS OR SOMETHING LIKE THAT. I  
16 DIDN'T WRITE THAT LETTER AND I KNEW I DIDN'T WRITE  
17 THAT LETTER. I KNEW I DIDN'T WRITE THE LETTER. THE  
18 DAY THAT Y'ALL BROUGHT IT TO ME AND SHOWED ME, I DO,  
19 SCRIBBLE SOMETIMES, AND THE REASON I DO THAT, LORD  
20 KNOWS I DON'T LIKE TO GET INTO JUDGING PEOPLE, BUT  
21 I'VE HEARD AND SEEN WHERE PEOPLE IN THE JAIL HOLD  
22 YOUR LETTERS UP TO THE LIGHT TO READ YOUR LETTERS. I  
23 DON'T THINK IT'S ANYBODY'S BUSINESS WHAT'S IN MY  
24 LETTERS AND I WROTE AMY, I WROTE AMY MANY, I MEAN 14  
25 LETTERS, 13 LETTERS I THINK IN ALL, AND I'VE ONLY



1 SEEN 11, MAYBE 14 LETTERS, AND I THINK THE REASON  
2 THAT I SAID THAT IS BECAUSE THERE WAS A LETTER IN THE  
3 ENVELOPE THAT THAT FIRST LETTER CAME IN, THAT FIRST,  
4 THAT LITTLE ONE, THERE WAS A LETTER THAT GOES TO THAT  
5 ONE, IT'S MISSING. I DON'T KNOW WHERE, I AIN'T SEE  
6 IT. AND THEN THERE IS THE TINKER MOUSE ENVELOPE,  
7 THERE WAS A LETTER IN IT, THAT'S NOT THERE. AND  
8 THERE WAS ONE MORE ENVELOPE WHERE I HAD TINKER MOUSE  
9 UNDER A GLASS. I HAD THREE, THERE WAS A SERIES OF  
10 THREE TICKER MOUSE. ONE WAS HE WAS CAUGHT IN A TRAP.  
11 THE NEXT, IT WAS ACTUALLY -- YEAH, THAT WAS THE ONE  
12 CALLED TINKER MOUSE. THE OTHER ONE IS THE SOAP  
13 BUBBLES AND BUBBLES GOING UP AND HE'S STUCK IN THERE  
14 GOING, HELP, LET ME OUT. AND THEN THERE IS THE THIRD  
15 ONE WHERE HE IS STUCK UNDER A GLASS WITH THE WORDS  
16 YCDC WROTE AT THE TOP.

17 Q OKAY. LET ME. BILLY, YOU KNOW THIS MAN RIGHT  
18 HERE?

19 A (NO RESPONSE.) UNFORTUNATELY I KNOW HIM NOW.  
20 UNFORTUNATELY I KNOW HIM NOW.

21 Q HOW DO YOU FEEL ABOUT THAT MAN?

22 A THE BIBLE, THE BIBLE SAYS LOVE THY NEIGHBOR AND  
23 LOVE YOUR ENEMIES AND DO GOOD TO THEM, AND SO HELP ME  
24 GOD I'VE TRIED, BUT I HATE HIM. I HATE HIM SO BAD I  
25 CAN'T STAND IT. I SEE HIM WALK PAST ME, WALKING BACK

1 INTO THE JAIL SMIRKING AND YOU KNOW WHAT I DO? I HIT  
2 THE WALL. I CAN'T, I GET SO MAD. PEOPLE SAY CALM  
3 DOWN, CALM DOWN. THE GUARDS SAY CALM DOWN BACK  
4 THERE. I HATE HIM.

5 Q WHY?

6 A AND MY HEAD AND MY HEART CAN'T TAKE THAT BECAUSE  
7 I KNOW WHAT I'M SUPPOSED TO DO TO BE A CHRISTIAN.  
8 BUT THEN YESTERDAY I WAS TALKING TO A BROTHER ABOUT  
9 THIS VERY INCIDENT AND HE SHOWED ME A VERSE IN THE  
10 BIBLE THAT WOULD HELP ME. SAYS IN ECCLESIASTES THREE  
11 AND IT'S THE 8 VERSE IT SAYS THERE IS A TIME TO LOVE  
12 AND THERE IS A TIME TO HATE AND I HATE HIM. I HATE  
13 YOU FOR WHAT YOU DID. DON'T SIT THERE LIKE THAT. I  
14 HATE YOU. MANY TIMES I'VE EVEN TOLD PEOPLE JUST GIVE  
15 ME ONE CHANCE, GIVE ME A MOP WRINGER AND ONE CHANCE.  
16 LET ME IN THE CELL WITH HIM WITH A MOP I WILL BEAT  
17 THE MUD OUT OF HIM. I HATE HIM. I HATE HIM BAD. I  
18 DIDN'T WANT. OH, I HATE THAT MAN.

19 Q WHAT ARE YOU GOING TO DO?

20 A HE DIDN'T JUST TAKE MY DAUGHTER, BECAUSE OF THE  
21 COMPLICATIONS MY WIFE IS DEAD. I DON'T HAVE MY OTHER  
22 TWO GIRLS. I DON'T HAVE, I'M IN HERE. I HATE HIM.  
23 I HATE HIM BAD.

24 Q IF YOU GET OUT WHAT'S THE FIRST THING YOU ARE  
25 GOING TO DO?

1 MR. POPE: OBJECTION TO RELEVANCE.

2 THE COURT: I SUSTAIN THE OBJECTION.  
3 DISREGARD THAT QUESTION. DON'T ANSWER IT. ASK  
4 ANOTHER QUESTION.

5 MR. MORTON: BEG THE COURT'S INDULGENCE,  
6 YOUR HONOR.

7 Q BILLY, PLEASE ANSWER ANY QUESTIONS ANYBODY MIGHT  
8 HAVE.

9 MR. POPE: YOUR HONOR, COULD I HAVE JUST  
10 ONE MINUTE.

11 THE COURT: WE'LL TAKE A SHORT BREAK  
12 BEFORE WE GET INTO CROSS EXAMINATION.

13 (THE JURY EXITS THE COURTROOM AT 02:49  
14 PM.)

15 THE COURT: MR. COPE, YOU CAN STEP DOWN IF  
16 YOU WISH AND GET REFRESHED.

17 MR. COPE: I'M OKAY.

18 (COURT'S IN RECESS AT 02:49 PM.)

19 (COURT RESUMES AT 03:01 PM.)

20 THE COURT: IS THE STATE READY.

21 MR. POPE: THE STATE IS READY, YOUR HONOR.

22 THE COURT: MR. MORTON.

23 MR. MORTON: YES, YOUR HONOR.

24 THE COURT: MR. GREELEY.

25 MR. GREELEY: YES, YOUR HONOR.

1 THE COURT: BRING IN THE JURY.

2 (THE JURY RETURNS TO THE COURTROOM AT  
3 03:02 PM.)

4 THE COURT: MR. POPE.

5 MR. POPE: MAY IT PLEASE THE COURT, YOUR  
6 HONOR.

7 CROSS EXAMINATION BY MR. POPE:

8 Q MR. COPE, I NOTICED WHEN YOU STARTED THIS  
9 MORNING -- BY THE WAY, I AM TOMMY POPE. I'M THE  
10 SOLICITOR HERE. I'VE BEEN TAKING NOTES OF WHEN YOU  
11 ARE TESTIFYING, BUT IF SOMETHING I SAY DIFFERS FROM  
12 THE WAY YOU TESTIFIED, IF YOU'LL CORRECT ME. I GET  
13 TO GOING KIND OF FAST SOMETIMES AND I JUST WANT TO  
14 MAKE SURE YOU UNDERSTAND KIND OF THE GROUND RULES,  
15 YOU UNDERSTAND THAT?

16 A YES.

17 Q OKAY. I NOTICED THAT WHEN YOU STARTED THIS  
18 MORNING THAT YOU HAD SOME NOTES THAT YOU HAD WRITTEN,  
19 COULD I SEE THOSE NOTES?

20 A YOU SURE CAN.

21 Q OKAY. DID YOU ALSO HAVE A LEGAL PAD UP HERE  
22 THIS MORNING?

23 A NO, I DIDN'T.

24 Q THIS IS THE ONLY SHEET?

25 A THAT'S ALL I HAD.

1 Q AND THIS IS JUST IN RELATION TO WHERE YOU WORKED  
2 AT DIFFERENT TIMES?

3 A RIGHT.

4 Q ALL RIGHT. I NOTICED FROM YOUR TESTIMONY THAT  
5 YOU ARE PRETTY GOOD WITH DATES AND NUMBERS?

6 A I TRY TO BE, YES, SIR.

7 Q OKAY. AS FAR AS WHEN YOU TOLD US A LETTER THAT  
8 YOU MAILED AT 12:45 BACK MAY 20 OF LAST YEAR OR THIS  
9 YEAR, IS THAT CORRECT? I'M SORRY 11:45?

10 A 11:45. THE REASON THAT I SAID THAT IS BECAUSE  
11 WE GET LOCKED DOWN AT 12 O'CLOCK AND I MEAN AT 11  
12 O'CLOCK AND OFFICER LEAVES THE BLOCK TO GO TO THE  
13 NEXT BLOCK AT 12 O'CLOCK AND SHE CAME AROUND AND MADE  
14 THAT LAST ROUND BEFORE AND I HANDED HER THE NOTE.  
15 SHE OPENED THE DOOR AND TOOK THE NOTE FROM ME  
16 PERSONALLY HERSELF. THAT'S HOW COME I REMEMBER THAT.

17 Q SO YOU WERE ABLE TO ASSOCIATE EVENTS TO TELL YOU  
18 KIND OF WHAT TIME THINGS HAPPEN, IS THAT A FAIR  
19 STATEMENT?

20 A IN MOST CASES, YES, SIR. I GUESS YOU COULD SAY  
21 THAT.

22 Q AND UNDERSTANDING YOUR EDUCATION, YOU GRADUATED  
23 NORTHWESTERN HERE, IS THAT CORRECT?

24 A THAT'S CORRECT.

25 Q OKAY. AND THEN YOU'VE GOT TWO DIFFERENT DEGREES

1 FROM YORK TECH, IS THAT RIGHT?

2 A THAT'S ALSO CORRECT, YES, SIR.

3 Q WHAT ARE THOSE DEGREES?

4 A ONE IS COMPUTER ENGINEER AND ONE IS ELECTRONIC  
5 ENGINEER. BOTH OF THEM ASSOCIATE DEGREES.

6 Q OKAY. AND I THINK YOU WERE TALKING ABOUT WHEN  
7 YOU HAD THAT LIST YOU WERE TALKING ABOUT YOUR JOB  
8 THAT THEY PRETTY MUCH CONSIDERED YOU MANAGER  
9 MATERIAL, IS THAT YOUR TESTIMONY?

10 A IN SEVERAL OF THE JOBS, YES, SIR. AT THE CONOCO  
11 STATION THAT'S WHERE THAT, THAT'S WHERE THAT MAINLY  
12 HAPPENED AT, YES, SIR.

13 Q NOW IS THAT THE ONE YOU SAID YOU LOST THE JOB  
14 AFTER AN INSPECTION?

15 A YES, SIR.

16 Q OKAY. AND THEN IN THIS PARTICULAR CASE, OF  
17 COURSE THERE HAS BEEN A NUMBER OF LETTERS AND WE'LL  
18 TALK ABOUT THAT A LITTLE BIT LATER, ALSO ARE THERE A  
19 NUMBER OF OTHER MATERIALS THAT YOU HAVE REVIEWED IN  
20 THIS CASE?

21 A I DON'T UNDERSTAND EXACTLY WHAT YOU ARE TALKING  
22 ABOUT.

23 Q OKAY. ARE THERE OTHER DOCUMENTS THAT YOU LOOKED  
24 AT IN THIS CASE?

25 A YES, SIR. I'VE REQUESTED MY MOTION OF DISCOVERY

1 AND I HAVE RECEIVED IT.

2 Q WHEN YOU SAY MOTION TO DISCOVERY, THE JURY MAY  
3 NOT UNDERSTAND?

4 A ALL THE DISCOVERY FROM, THAT WAS FROM YOUR,  
5 INITIALLY FROM YOUR OFFICE. IT WAS GIVEN TO MY  
6 ATTORNEYS, THEY GIVE IT TO ME.

7 Q OKAY. AND THAT WOULD BE ALL THE DOCUMENTS AND  
8 REPORTS, ALL THE DIFFERENT STUFF THAT'S BEEN TALKED  
9 ABOUT HERE, RIGHT?

10 A I WON'T SAY ALL OF THEM, NO, SIR, BECAUSE I A  
11 LOT OF THEM I DIDN'T RECEIVE. I DIDN'T RECEIVE  
12 ANYTHING FROM ANY OF THE STATE'S WITNESSES OTHER THAN  
13 WHAT YOU GAVE MY ATTORNEY THE INITIAL, THE INITIAL  
14 PACKAGE AND I DIDN'T RECEIVE ANYTHING FROM MY  
15 ATTORNEYS AS FAR AS THE, FROM MY, FROM MY WITNESSES  
16 FOR THE MOST PART.

17 Q SO YOU DIDN'T KNOW WHAT YOUR WITNESSES WOULD  
18 TESTIFY TO?

19 A I HAD -- NO, SIR, NOT TOTALLY. NO, SIR, I  
20 DIDN'T. I HAD A GENERAL IDEA, YOU KNOW, WHAT.

21 Q AND HOW DID YOU GET THAT GENERAL IDEA?

22 A THE DIFFERENT, THE DIFFERENT INTERVIEWS WITH MY  
23 ATTORNEYS.

24 Q OKAY. AND I THINK EARLIER YOU HAD MENTIONED  
25 THAT YOU WERE TALKING ABOUT TELLING THE SAME STORY TO

1 A NUMBER OF DIFFERENT PEOPLE AND YOU MENTIONED A  
2 NUMBER OF YOUR ATTORNEYS, IS THAT CORRECT?

3 A YES. I'VE TOLD QUITE A FEW ATTORNEYS.

4 Q AND YOU'VE SAID MR. MORTON?

5 A THAT'S CORRECT.

6 Q MR. BAITY?

7 A THAT IS CORRECT.

8 Q MR. SMITH?

9 A THAT'S CORRECT.

10 Q WHOM AM I FORGETTING? MR. WOOD?

11 A MR. WOOD.

12 Q MR. BLOOM?

13 A THAT IS CORRECT.

14 Q I THINK YOU SAID?

15 A THAT'S CORRECT.

16 Q WHO ELSE?

17 A I TOLD, I STARTED TELLING MY STORY TO DATELINE.

18 Q DATELINE. OF COURSE, THEY ARE NOT ATTORNEYS. I  
19 GUESS THEY HAVE ATTORNEYS?

20 A I DIDN'T SAY ATTORNEYS. I SAID PEOPLE.

21 Q OH, OKAY.

22 A I SAID PEOPLE DIFFERENT PEOPLE. I DIDN'T SAY  
23 DIFFERENT ATTORNEYS. I SAID OF COURSE THERE WAS MY  
24 ATTORNEYS BUT THEN THERE WAS OTHER PEOPLE. I ALSO  
25 STATED CAROL.



1 Q AND WHO IS CAROL?

2 A CAROL GABLE WORKS FOR DATELINE NBC.

3 Q AND YOU'RE ON A FIRST NAME BASIS WITH HER?

4 A I WOULD ASSUME. SHE HAS BEEN TO, YOUR KNOW, SHE

5 CAME ALONG WITH MY ATTORNEYS TO TALK, I MEAN, WE

6 TALK.

7 Q SHE'S BEEN TO VISIT YOU?

8 A YES, SIR.

9 Q WHERE IS THAT AT?

10 A AT THE YORK COUNTY DETENTION CENTER.

11 Q OKAY. AND BEFORE I LEAVE THE ATTORNEYS, WE KNOW

12 THERE WERE OTHER ATTORNEYS, WERE THERE, I THINK, YOU

13 SAID CORNELL STUDENTS OR SOMETHING, WHAT IS THAT?

14 A I NEVER SAID CORNELL STUDENTS.

15 Q THERE WERE CORNELL STUDENTS?

16 A BUT, I NEVER SAID THOSE. YOU, THERE WERE

17 CORNELL STUDENTS WHO COME TO VISIT ME. I DIDN'T

18 ACTUALLY GIVE THEM THE STORY, NO, SIR.

19 Q WHAT DID YOU DISCUSS WITH THEM?

20 A THEY WERE TALKING ABOUT MY FAMILY COURT ISSUE.

21 Q OKAY. OKAY. AND YOU SAY YOU DIDN'T SAY CORNELL

22 STUDENTS. IS IT POSSIBLE YOU SAID THAT IN SOME OF

23 THE WRITINGS WHERE THESE LETTERS THAT YOU ARE

24 REFERRING THAT YOU DISCUSSED CORNELL STUDENTS IN

25 THOSE LETTERS?

1 A ACTUALLY, NO. THE LETTER YOU ARE REFERRING TO  
2 AMY SIMMONS TOLD ME ABOUT THE CORNELL STUDENTS.

3 Q AND YOU MENTIONED IT IN YOUR LETTER?

4 A I DON'T REMEMBER WHETHER I MENTIONED IT TO HER  
5 OR NOT. I KNOW SHE MENTIONED TO ME. I MAY HAVE OF  
6 CORRESPONDED BACK WITH HER CONCERNING IT, BUT I DON'T  
7 REMEMBER EXACTLY WHAT WAS SAID, IF IT WAS SAID. I  
8 MEAN, I'D HAVE TO SEE THE LETTER TO KNOW.

9 Q I UNDERSTAND. AND THE LETTERS THAT WE HAVE  
10 HERE, THESE, YOU'VE HAD A CHANCE TO LOOK AT THESE?

11 A I'VE HAD A CHANCE TO LOOK AT THOSE, YES, SIR.

12 Q AND THESE ARE THE ONES THAT YOU CONFIRMED TO MR.  
13 MORTON THAT YOU DID WRITE, IS THAT CORRECT?

14 A I DID WRITE, YES.

15 Q AND ALL OF THESE ARE LETTERS THAT YOU SENT TO  
16 HER, IS THAT CORRECT?

17 A YES. THOSE ARE THE LETTERS THAT I SENT TO HER,  
18 THAT IS CORRECT.

19 Q OKAY. NOW WHEN YOU TALKED, I THINK YOU ACTUALLY  
20 ULTIMATELY ENDED UP WITH SO MANY ATTORNEYS YOU GAVE  
21 THEM A NAME, DIDN'T YOU?

22 A THE FREEDOM TEAM.

23 Q RIGHT. OKAY. AND THE FREEDOM TEAM, WHEN YOU  
24 WOULD MEET WITH THE FREEDOM TEAM, WHERE WOULD YOU  
25 MEET WITH THEM?

1 A AT THE YORK COUNTY DETENTION CENTER.

2 Q OKAY. AND HOW WOULD YOU MEET WITH THEM? DID

3 YOU GET TO SIT DOWN AND TALK TO THEM?

4 A IT WAS CONTACT VISIT.

5 Q WHAT DOES THAT MEAN?

6 A CONTACT VISIT MEANS THAT I'M BROUGHT FROM THE

7 CELL TO A ROOM AND I'M SIT DOWN WITH THEM AT A, IN A

8 LITTLE, IN A LITTLE ROOM, A LITTLE CUBICLE ROOM,

9 SEATS PROBABLY FIVE-SIX PEOPLE AT THE MOST.

10 Q OKAY. AND SO WOULD THERE BE TIME MORE OF THE

11 FREEDOM TEAM AND Y'ALL HAD ROOM TO SIT IN OR WOULD

12 THERE BE NO MORE THAN FIVE OR SIX THERE?

13 A MORE THAN THE FREEDOM TEAM?

14 Q ON THESE CONTACT VISITS?

15 A ON THE CONTACT VISITS, THE ONLY PERSONS THAT HAS

16 EVER COME TO VISIT ME WERE MY ATTORNEYS, THERE WAS A

17 COUPLE OF ATTORNEYS THAT WERE HELPING THEM THAT CAME,

18 AND THREE OF THE CORNELL STUDENTS.

19 Q OKAY. AND IT WAS CONTACT VISITS THEN?

20 A THAT WAS CONTACT VISIT.

21 Q OKAY.

22 A BUT ALL OF THEM DIDN'T COME AT THE SAME TIME.

23 Q THE ROOM WOULDN'T HOLD THEM ALL?

24 A NO, IT WOULDN'T. NO MORE THAN MAYBE FIVE PEOPLE

25 I THINK THE MOST HAS EVER BEEN TO VISIT ME.

1 Q OKAY. AND WHEN YOU HAVE CONTACT VISITS AND  
2 AGAIN I'M NOT WORRIED ABOUT SPECIFICALLY WHAT YOU  
3 DISCUSSED, BUT YOU WOULD BE TALKING ABOUT YOUR CASE  
4 OR LOOKING AT SOME OF THE DISCOVERY WE WERE TALKING  
5 ABOUT. DID YOU LOOK AT THE DIFFERENT DOCUMENTS WHERE  
6 THEY WOULD ASK IF YOU HAD SIGNED THESE DOCUMENTS AND  
7 THINGS OF THAT NATURE?

8 A I SAW MY MOTION OF DISCOVERY. I SAW WHAT WAS IN  
9 THE DISCOVERY, WHAT THEY BROUGHT ME, I SAW THAT, AND  
10 THEY ASKED ME ABOUT MY STATEMENTS. YES, SIR. I MEAN  
11 THE THINGS THAT WERE IN MY DISCOVERY. I WAS GIVEN A  
12 PACKAGE AND I PUT IT TOGETHER MYSELF AND I KNEW WHAT  
13 WAS IN THAT PACK, YOU KNOW, WHAT WAS IN MY MOTION,  
14 THE DISCOVERY.

15 Q SO YOU UNDERSTOOD THE MATERIALS THAT WERE IN  
16 THERE, IS THAT A FAIR STATEMENT?

17 A FOR THE MOST PART. I DIDN'T UNDERSTAND HOW SOME  
18 PEOPLE GOT SOME OF THE DISCOVERY THEY SAID, BUT YEAH  
19 I.

20 Q YOU MIGHT NOT AGREE WITH IT, BUT YOU UNDERSTOOD  
21 IT?

22 A RIGHT. I UNDERSTOOD WHAT IT WAS.

23 Q AND WHEN YOU WERE IN THERE TALKING WITH THEM  
24 WERE YOU ALLOWED TO TAKE NOTES?

25 A I MAY HAVE BEEN -- I WAS ALLOWED TO TAKE NOTES

1 AT ANY TIME. I'VE NEVER TAKEN NOTES AT ANY OF MY  
2 MOTIONS, AT ANY OF MY VISITS WITH MY ATTORNEYS. I  
3 ALWAYS WENT BACK AND WROTE DOWN SOME THINGS  
4 AFTERWARDS LIKE, YOU KNOW, SOME BRIEF THINGS ABOUT  
5 EACH VISIT. AND I KEPT UP WITH MY VISITS.

6 Q NOW IS THAT PART OF YOUR JOURNAL, KEEPING THOSE  
7 NOTES OF YOUR VISITS IN YOUR JOURNAL?

8 A NO, SIR. THAT'S A PART OF MY LAW BOOK. WHAT I  
9 KEEP ALL THE STUFF ABOUT WHAT GOES ON IN MY CASE.  
10 THAT'S NOT A PART OF MY JOURNAL, NO.

11 Q SO THE JOURNAL THAT YOU ARE WRITING IS SEPARATE,  
12 IS THAT RIGHT?

13 A THAT'S CORRECT.

14 Q OKAY. AND WHEN YOU WERE TALKING TO THEM, WOULD  
15 THEY WRITE THINGS DOWN?

16 A YES, SIR. I THINK ANY ATTORNEY WOULD WHENEVER  
17 THEY COME IN, EVEN EVERY ATTORNEY I HAVE EVER SEEN  
18 HAS COME IN WITH A NOTE PAD AND PIECE OF PAPER AND  
19 STARTED WRITING AS I WAS TALKING.

20 Q OKAY. AND NOW DID YOU GIVE THEM THAT PAPER?  
21 THE NOTE PADS AND PAPER THAT THEY WERE WRITING ON?

22 A NO. THEY BROUGHT THEIR OWN PAPER.

23 Q OKAY. AND THEY BROUGHT NOTE PAD, KIND OF LIKE  
24 WHAT I HAVE?

25 A THAT'S CORRECT.

1 Q HOW MANY TIMES YOU THINK THE DIFFERENT PEOPLE  
2 CAME IN THAT HAD LEGAL PADS THAT MET WITH YOU?

3 A HOW MANY? I'D SAY QUITE A FEW.

4 Q QUITE A FEW PEOPLE AND QUITE A FEW TIMES?

5 A QUITE A FEW LEGAL PADS, YES, SIR.

6 Q NOW THE --- MR. MORTON HAS ALREADY ADDRESSED  
7 THIS. BACK IN 1999 YOU WERE FOUND GUILTY OF THREE  
8 CHARGES, IS THAT CORRECT, THE CARRIED OVER A YEAR?

9 A THAT'S CORRECT. MY WIFE AND I BOTH PLEADED  
10 GUILTY TO THAT, YES.

11 Q BUT NOW WHEN YOU STAND UP, YOU HAVE TO DO IT ON  
12 YOUR OWN; IT'S NOT LIKE YOU DO WHATEVER SHE DOES,  
13 RIGHT? I MEAN, YOU ARE YOUR OWN MAN, IS THAT A FAIR?

14 A RIGHT. BUT WE BOTH WENT IN TOGETHER, WE BOTH  
15 PLEAD TOGETHER. SHE HAD HER ATTORNEY. I HAD MY  
16 ATTORNEY.

17 Q I WANT TO ASK YOU ABOUT THAT TIME. YOUR HOME,  
18 WE'VE TALKED A LOT ABOUT IT AND YOU'VE TALKED A LOT  
19 ABOUT IT TODAY, AS FAR AS THE SITUATION THAT WAS  
20 GOING ON AT YOUR HOUSE BACK NOVEMBER 29 OF 2001.

21 A THAT'S CORRECT.

22 Q AGAIN I'VE TRIED TO TAKE NOTES, BUT IF I'VE MISS  
23 WRITTEN SOMETHING YOU SAID, YOU CORRECT ME, OKAY.  
24 FROM A WORK STANDPOINT, YOU WORKED AT THE STEAK OUT  
25 THERE IN ROCK HILL, IS THAT RIGHT?

1 A THAT IS CORRECT. I WORKED FOR STEAK OUT  
2 APPROXIMATELY FIVE YEARS.

3 Q OKAY. FOR FIVE YEARS?

4 A APPROXIMATELY FIVE YEARS, YES.

5 Q SO WHEN DID YOU START THEN, LIKE THE MID-90'S  
6 LATE-90'S?

7 A '96.

8 Q OKAY.

9 A I WOULD SAY AROUND '96. I WAS STILL GOING TO  
10 SCHOOL. LET'S SEE. IT WAS FOUR YEARS. IT WAS FOUR  
11 YEARS, NOT FIVE. I SAID APPROXIMATELY FIVE. IT'S  
12 FOUR YEARS BECAUSE I STARTED IN '97 RIGHT AFTER I  
13 STARTED WORKING, I MEAN, GOING TO SCHOOL.

14 Q OKAY. AND YOU WERE GOING TO SCHOOL AND SO YOU'D  
15 WORK ABOUT 20 TO 25 HOURS A WEEK, DOES THAT SOUND  
16 RIGHT?

17 A THERE, BUT I WAS ALSO WORKING AT THE HESS  
18 STATION PART-TIME AT NIGHT.

19 Q OKAY. THIS WAS IN '97?

20 A THAT'S CORRECT.

21 Q OKAY. AND YOUR WIFE, WHEN WAS IT THAT SHE  
22 STARTED WORKING THE THIRD SHIFT?

23 A SHE STARTED WORKING THE THIRD SHIFT IN '99.

24 Q OKAY. SO YOU LEFT THE HESS STATION IN '99?

25 A THAT IS CORRECT.

1 Q OKAY. SO AFTER '99 YOU WERE JUST WORKING AT THE  
2 STEAK OUT, IS THAT RIGHT?

3 A THAT'S CORRECT.

4 Q OKAY. AND YOU WOULD WORK DURING THE DAYTIME  
5 HOURS?

6 A IN STEAK OUT, NO, I WOULD WORK UP UNTIL TIME FOR  
7 HER TO GO TO WORK. I WOULD WORK LIKE FOUR O'CLOCK IN  
8 THE AFTERNOON UNTIL THE TIME FOR HER TO GO WORK. I  
9 WORK APPROXIMATELY FOUR, ABOUT FOUR OR FIVE NIGHTS A  
10 WEEK AND THEN ON WEEKENDS I WORK UNTIL CLOSE WHICH  
11 WAS 11 O'CLOCK ON FRIDAY NIGHT AND 12 O'CLOCK ON  
12 SATURDAY.

13 Q OKAY. MARY SUE WORKED JUST DURING THE WEEK  
14 DAYS?

15 A YES, THAT'S CORRECT.

16 Q OKAY. AND SO YOU WOULD GO IN AND YOU SAID YOU  
17 WOULD GET HOME SOMETIME PRIOR TO MARY SUE GOING IN TO  
18 WORK AND SHE WENT IN ABOUT 10:30 OR SO, IS THAT  
19 RIGHT?

20 A SHE WENT, SHE WENT TO WORK AT, SHE LEFT THE  
21 HOUSE AT ABOUT TEN O'CLOCK AND SHE HAD TO BE AT WORK  
22 ABOUT 11. SHE WOULD STOP, GET HER SOMETHING TO  
23 DRINK, SOME CRACKERS OR SOMETHING, AND GO ON TO WORK.

24 Q NOW SHE WORKED, DID YOU SAY IS IT LIGHTNER?

25 A IT'S LEINER.



1 Q LEINER.

2 A L-E-I-N-E-R.

3 Q NOW WHERE IS IT LOCATED?

4 A IT'S A PHARMACEUTICAL COMPANY THAT'S IN FORT  
5 MILL OVER THERE NEXT TO BLACK AND DECKER.

6 Q SO SHE'D LEAVE IN TIME TO STOP AND GET HER  
7 SOMETHING AND LET TO WORK BY?

8 A AND GET ON TO WORK, YES.

9 Q AND HER HOURS WERE FROM ELEVEN UNTIL SEVEN, THAT  
10 IS RIGHT?

11 A THAT IS CORRECT.

12 Q OKAY. NOW I'M CONFUSING AN ISSUE A LITTLE BIT.  
13 AS FAR AS YOU WORKING AT STEAK OUT I UNDERSTAND AT  
14 THIS PARTICULAR NIGHT YOU WERE HOME, WERE YOU THE ONE  
15 WHO USUALLY PICKED THE KIDS UP AT SCHOOL.

16 A I AM THE ONE WHO USUALLY PICKS THE KIDS UP AT  
17 SCHOOL. I COME, WHAT I WOULD DO IS UP UNTIL, UP  
18 UNTIL TWO WEEKS BEFORE THIS HAPPENED, I WAS WORKING  
19 SOME MORNINGS, WORKING DOING THE SALADS. I WOULD  
20 MAKE THE SALADS AND TAKE CARE OF ALL OF THE TOMATO  
21 AND LETTUCE AND STUFF LIKE THAT FOR THE SANDWICHES  
22 AND THINGS. THEN I WOULD LEAVE AND GO HOME AND COME  
23 BACK AT FIVE O'CLOCK FOR THAT SHIFT AND I WOULD WORK  
24 FROM FIVE UNTIL 9:30 - 15 TO TEN SO THAT I COULD GET  
25 HOME JUST IN TIME FOR MARY SUE TO LEAVE AND I WOULD

1 COME IN THE HOUSE.

2 Q SO YOU SAID THAT WAS TWO WEEKS PRIOR TO THAT.  
3 WHAT CHANGE WHERE YOU ACTUALLY STARTED COMING AND  
4 BEING HOME IN THE EVENING?

5 A HE NEEDED SOMEBODY TO WORK THE SALADS AND I  
6 STARTED WORKING. I MEAN, I STARTED COMING IN.

7 Q SO YOU WORKED THE SALADS INSTEAD OF DELIVERY?

8 A NO, I DONE BOTH. I WORKED SALADS AND THEN COME  
9 BACK AT FIVE O'CLOCK AND WORK IN THE AFTERNOON.

10 Q OKAY. I GUESS WHAT I'M TRYING TO UNDERSTAND IS  
11 THIS NIGHT OF THE 29, WHY WEREN'T YOU WORKING THEN?

12 A OKAY. HE ONLY USED ME ON CERTAIN NIGHTS. ON  
13 WEDNESDAY NIGHT THAT WAS CHURCH, THAT WAS OUR CHURCH  
14 NIGHT, AND HE HAD TOLD ME THAT, HE TOLD ME HE WOULD  
15 GIVE ME WEDNESDAY NIGHTS OFF FOR CHURCH.

16 Q OKAY. SO THAT WAS, WAS THAT THE ONLY NIGHT YOU  
17 ARE OFF?

18 A NO, SIR. I WAS OFF ON, I WAS OFF ON SEVERAL  
19 NIGHTS. HE DIDN'T, HE WOULD ONLY USE ME WHEN HE  
20 COULD BECAUSE HE HAD SO MANY DRIVERS AND HE DIDN'T  
21 WANT TO OVERLAP AND I WAS ALREADY WORKING THE  
22 MORNINGS. I WOULD WORK EVERY MORNING FROM 8 O'CLOCK  
23 UNTIL 12 DOING SALADS.

24 Q SO YOU DROPPED THE GIRLS OFF AT SCHOOL AND THEN  
25 GO ON AND DO THE SALADS.

1 A GO ON AND DO THE SALADS EXACTLY, THAT'S CORRECT.

2 Q OKAY. AND YOU ARE STILL, YOU'RE RUNNING ABOUT  
3 20 TO 25 HOURS A WEEK, DOES THAT SOUND RIGHT?

4 A THAT IS CORRECT. SOMEWHERE IN THAT NEIGHBORHOOD.  
5 I.

6 Q NOW AT ONE POINT -- I DIDN'T MEAN TO INTERRUPT  
7 YOU. I'M SORRY. GO AHEAD.

8 A THAT'S OKAY. I.

9 Q AT SOME POINT HE OFFERED YOU MORE HOURS WITH  
10 MORE DELIVERY. YOU COULD MAKE MORE MONEY WITH MORE  
11 DELIVERY, IS THAT RIGHT?

12 A HE DID OFFER ME TO WORK A LITTLE MORE DURING THE  
13 WEEKENDS. HE WORK, HE TRIED TO WORK ME AS MUCH AS HE  
14 COULD, BUT HE ALSO UNDERSTOOD THAT I HAD TO BE HOME  
15 IN ORDER TO PICK THE GIRLS UP FROM SCHOOL AND I ALSO  
16 HAD TO BE HOME FOR WHEN MARY SUE WENT TO WORK.

17 Q OKAY. SO BASICALLY AS FAR AS THE GIRLS, YOUR  
18 RESPONSIBLE FOR TAKING THEM TO SCHOOL, PICKING THEM  
19 UP, AND RESPONSIBLE FOR THEM AFTER SHE GOES TO WORK,  
20 IS THAT A FAIR STATEMENT?

21 A THAT'S CORRECT.

22 Q OKAY. AND AS FAR AS THE GIRLS, YOU HAD BEEN  
23 KIND OF RUNNING THAT SCHEDULE FOR ABOUT THREE YEARS,  
24 DOES THAT SOUND RIGHT? ABOUT THE TIME SHE STARTED  
25 WORKING THE THIRD SHIFT?

1 A NO. THERE WAS ABOUT THREE WEEKS IN THERE THAT  
2 MARY SUE WASN'T, IT WASN'T WORKING. SHE, I'M TRYING  
3 TO REMEMBER. SHE HAD SOME, SOME FEMALE PROBLEMS AND  
4 SHE HAD TO BE OUT OF WORK FOR A SHORT TIME.

5 Q WHEN WOULD THAT HAVE BEEN?

6 A THAT WAS, UH. IT WAS A SHORT TIME BEFORE ALL  
7 THIS HAPPENED BECAUSE SHE HAD JUST GOT BACK TO WORK  
8 GOOD AND WAS GOING, WAS GETTING BACK IN A REGULAR  
9 ROUTINE.

10 Q BUT RIGHT PRIOR TO THEN?

11 A RIGHT PRIOR, YES.

12 Q SHE HAD FEMALE PROBLEMS THAT SHE HAD TO STAY  
13 HOME?

14 A SHE WAS HOME, YES.

15 Q NOW WAS SHE HOME THERE ALL THE TIME THEN? DID  
16 YOU WORK A DIFFERENT SCHEDULE, WERE YOU GONE --

17 A NO, DURING THAT TIME I ACTUALLY WORKED EXTRA  
18 HOURS AT WORK. SHE WAS ABLE TO TAKE CARE OF THINGS  
19 AROUND THE HOUSE. THE ONLY THING WAS I HAD TO BE  
20 HOME EARLY ENOUGH TO GET THE GIRLS, BUT THEN I COULD  
21 WORK AND I COULD WORK UNTIL CLOSE WHICH WAS 11  
22 O'CLOCK ON ANY GIVEN NIGHT.

23 Q SO AT THAT POINT YOU WEREN'T, WITH THE EXCEPTION  
24 OF THREE WEEKS DURING THAT THREE YEAR PERIOD, YOU  
25 WERE THE RESPONSIBLE PARENT AT HOME IN THE NIGHTTIME

1 EXCEPT FOR THAT THREE WEEK PERIOD, IS THAT A FAIR  
2 STATEMENT?

3 A NO, SIR, BECAUSE I WAS ALSO GOING TO SCHOOL AT  
4 THAT TIME. I GRADUATED 2001 AND THERE WAS TIME IN  
5 THERE THAT DURING THE DAYTIME I WENT TO SCHOOL. AS A  
6 MATTER OF FACT, DURING THAT TIME MARY SUE WOULD TAKE  
7 ME TO SCHOOL, TAKE THE GIRLS, WOULD TAKE JESSICA AND  
8 KYLA TO SCHOOL, TAKE ME TO SCHOOL, TAKE AMANDA TO  
9 SCHOOL, AND THEN SHE WOULD COME BACK AFTER ME AND  
10 THEN I TOOK CARE OF THE GIRLS AFTER THAT UNTIL IT WAS  
11 TIME FOR ME TO GO TO WORK.

12 Q OKAY.

13 A AND THAT WENT ON FOR ABOUT, ABOUT TWO AND A HALF  
14 YEARS.

15 Q FROM NIGHTTIME AT TEN O'CLOCK WHEN SHE WENT TO  
16 WORK UNTIL MORNING TIME WHEN BASICALLY IT WAS TIME TO  
17 GO TO SCHOOL, SHE GOT OFF AT SEVEN, SHE WOULD COME  
18 GET YOU ABOUT QUARTER TO 8, DOES THAT SOUND RIGHT, TO  
19 GET THE GIRLS TO SCHOOL, SHE WOULD TAKE YOU TO  
20 SCHOOL, ALL OF YOU TO SCHOOL TOGETHER?

21 A SHE WOULD BE, YEAH, SHE WOULD BE THERE BETWEEN  
22 7:30 AND QUARTER OF 8, YES, SIR.

23 Q OKAY. ALL RIGHT. AND I BELIEVE YOU TOLD DSS  
24 DURING THAT TIME YOU HAD BUILT A ROUTINE OF WHAT TIME  
25 THE GIRLS WENT TO BED, IS THAT CORRECT?

1 A RIGHT.

2 Q AND KYLA GOES TO BED AT?

3 A THEIR NORMAL BED TIMES, YES, SIR.

4 Q 8:30, 9:30, AND 10:30, IS THAT CORRECT?

5 A THAT---YES, THAT'S CORRECT. I HAD TO STOP AND

6 THINK. IF IT WAS 9:30 I MEAN 8:30 --- 7:30, 8:30,

7 OR 9:30 OR 9:30 - 10:30. IT WAS. IT WAS 8:30, 9:30,

8 AND 10:30 BECAUSE I ALWAYS GIVE AMANDA A LITTLE EXTRA

9 TIME TO PLAY HER VIOLIN. SHE WOULD GO INTO THE

10 BEDROOM, CLOSE HER DOOR, AND PRACTICE THE VIOLIN A

11 LITTLE BIT AFTER MARY SUE WENT TO WORK. IT WAS HARD

12 FOR HER TO PRACTICE IN THE HOUSE IF MARY SUE, WHILE

13 MARY SUE WAS SLEEPING.

14 Q I GOT YOU BECAUSE SHE COULDN'T SLEEP?

15 A RIGHT.

16 Q LET ME ASK YOU ABOUT THE SITUATION AT THE HOUSE.

17 YOU TALK A LOT ABOUT THE COMPUTER. YOU HAD A

18 COMPUTER AS YOU COME IN THE DOOR OVER THERE ON YOUR

19 DESK, THE ONE THAT KIND OF BLOCKED THAT OTHER DOOR?

20 A YEAH, THAT WAS, THAT WAS THE ONLY ACTUAL

21 OPERATIVE COMPUTER IN THE WHOLE HOUSE.

22 Q SO THE TWO OTHER COMPUTERS IN THE HOUSE DIDN'T

23 WORK?

24 A THEY DID NOT WORK. THEY WERE, ONE OF THEM WAS

25 MY MOM'S. THE LIGHTNING RUN IN ON THE HARD DRIVE AND

1 BLOW IT AND SHE AND RATHER THAN JUST GETTING ANOTHER  
2 HARD DRIVE AND PUT IN IT, SHE SAID SHE JUST DIDN'T  
3 WANT TO FOOL WITH IT NO MORE, SO I GOT IT AND PUT IT  
4 IN THE CLOSET IN MY BEDROOM. THE OTHER COMPUTER I  
5 PICKED UP OFF THE SIDE OF THE ROAD. IT WAS, IT WAS  
6 SO OLD IT DIDN'T, IT DIDN'T HAVE A HARD DRIVE AS WE  
7 CALL IT. IT USED TAPE DRIVES AND DISK DRIVES AND YOU  
8 DIDN'T, I DIDN'T HAVE THE PROPER DISKS TO RUN THAT.

9 Q SO BASICALLY THAT ONE, WHEN YOU COME IN THE  
10 DOOR, IS THE ONE THAT FUNCTIONED?

11 A THAT'S THE ONLY COMPUTER THAT FUNCTIONED IN THE  
12 HOUSE.

13 Q NOW WAS IT HOOKED UP TO THE INTERNET?

14 A YES, IT WAS.

15 Q OKAY. AND WHAT SERVICE, INTERNET SERVICE DID  
16 YOU HAVE?

17 A RJS ON LINE DOT NET.

18 Q OKAY. AND YOU SAID THAT COMPUTER STAYED ON ALL  
19 THE TIME?

20 A THAT COMPUTER STAYED ON 24 HOURS A DAY.

21 Q NEVER GOT SHUT DOWN?

22 A NO, SIR.

23 Q WHY WAS THAT?

24 A WELL, YOU KNOW, IN THE COMPUTER CLASS WE WERE  
25 TAUGHT THAT IF YOU TURN THE COMPUTER ON AND TURN IT

1 OFF, EACH TIME YOU TURN IT ON IT TAKES A LITTLE MORE  
2 LIFE OF THE COMPUTER BECAUSE IT TAKES SO MUCH ENERGY  
3 TO REBOOT THE SYSTEM UP AND TO RERUN ALL THE SYSTEM,  
4 YOU WEAR OUT THE TRANSISTORS IN A LOT OF THE PARTS,  
5 SO I ALWAYS LEFT MINE ON 24 HOURS A DAY.

6 Q KIND OF LIKE CRANKING YOUR CAR, YOU WEAR YOUR  
7 CAR OUT, RIGHT?

8 A RIGHT.

9 Q SO YOU JUST LEFT IT RUNNING?

10 A WELL, I WON'T SAY I LEFT MY CAR RUNNING, NO.  
11 SIR. BUT I LET THE COMPUTER RUN, YES, SIR.

12 Q OKAY. BUT YOU ALSO SAID THAT YOU HAD SOME  
13 SOFTWARE THAT DID SOME STUFF ON THERE, SOME  
14 MAINTENANCE SOFTWARE OR SOMETHING?

15 A YES, SIR.

16 Q WELL, I THOUGHT THAT'S WHY YOU SAID YOU LEFT IT  
17 RUNNING?

18 A WELL, THERE IS A MAINTENANCE PROGRAM THAT RUNS  
19 IN THE BACKGROUND THAT IS, I THINK IT'S CALLED  
20 WINDOWS ENHANCED, WINDOWS ENHANCED MAINTENANCE  
21 SOFTWARE OR MAINTENANCE UTILITY, THAT'S WHAT IT IS,  
22 SOMETHING LIKE THAT, AND WHAT IT DOES IT HAS VARIOUS  
23 JOBS. IT RUNS A, IT PERIODICALLY SHUTS DOWN THE  
24 SYSTEM AND RUNS A TEST ON ALL THE HARD DRIVE SPACE.  
25 IT DOES QUITE A FEW THINGS TO THE COMPUTER. THERE IS



1 A UTILITY THAT SHUTS IT DOWN AND GETS RID OF UNWANTED  
2 FILES. THERE IS A SYSTEM THAT GOES IN AND CLEANS OUT  
3 THE TRASH CAN, THE VARIOUS TRASH CANS THROUGHOUT THE  
4 COMPUTER, THE PROGRAM. THERE IS, IT GETS RID OF ALL  
5 THE DELETE FILES. IT'S JUST A SYSTEM THAT SET UP AND  
6 I HAD IT, I HAVE IT SET UP TO COME ON AT CERTAIN  
7 TIMES THROUGHOUT THE SYSTEM.

8 Q WHAT TIME DID YOU HAVE IT SET TO COME ON, DO YOU  
9 KNOW?

10 A IT HAS A SET TIME BUT IT DEPENDS ON WHAT'S  
11 RUNNING AND THE PROCESS SO I REALLY COULDN'T STATE A  
12 TIME.

13 Q AND THE THINGS YOU ARE TALKING ABOUT YOU CAN  
14 ALSO DO MANUALLY IF YOU CHOOSE, LIKE EMPTY THE TRASH  
15 AND THINGS OF THAT THE NATURE?

16 A YEAH THOSE THINGS, YEAH, I MEAN --

17 Q YOU KNOW HOW TO DO THEM IS WHAT I'M SAYING?

18 A OH, YES, SIR. YES, SIR, OF COURSE. BUT I  
19 DIDN'T HAVE NO REASON TO WHENEVER THE SYSTEM DID IT  
20 FOR ME.

21 Q RIGHT?

22 A I DIDN'T --

23 Q SO IT TOOK CARE OF TAKING OUT THE TRASH SO TO  
24 SPEAK?

25 A RIGHT. IF I, YOU KNOW, AS I WAS SAYING, IF IT

1 AIN'T BROKE, DON'T FIX IT, SO I MEAN, I JUST LET IT  
2 TAKE CARE OF ITSELF.

3 Q NOW THE TRUTH IS YOU PROBABLY NEEDED ONE OF  
4 THOSE FOR THE HOUSE TOO, DIDN'T YOU?

5 A ACTUALLY I COULD SAY SO, YES, SIR.

6 Q YES, SIR. BECAUSE THE CONDITION IN THE HOUSE, I  
7 THINK YOU INDICATED, YOU WERE A PACK RAT, IS THAT  
8 RIGHT?

9 A I WAS A PAT RAT, YES, SIR.

10 Q AND SO THERE WAS, THERE WAS LOADS OF STUFF, YOU  
11 JUST NAMED TWO THINGS: YOU GOT A COMPUTER OFF THE  
12 SIDE OF THE ROAD AND PUT IT IN THERE?

13 A THAT'S CORRECT, YES, SIR.

14 Q OKAY. AND YOU HAD STUFF IN THE FLOORS, YOU HAD  
15 STUFF IN THE CLOSETS, YOU HAD STUFF IN THE CABINETS,  
16 YOU NAME IT, IT WAS STUFFED IN THERE. YOU HAD MORE  
17 STUFF THAN YOU HAD HOUSE, DIDN'T YOU?

18 A YES, SIR. WELL, YES, SIR. I EVEN HAD BUILDING  
19 OUT BACK THAT HAD A LOT OF STUFF IN IT, BUT THOSE,  
20 BUT THE STUFF, THERE WASN'T ANYTHING IN THE CLOSET AT  
21 THE TIME BECAUSE I HAD TAKEN EVERYTHING OUT OF THE  
22 CLOSET. WE HAD TAKEN MOST OF THE STUFF OUT OF THE  
23 CLOSETS. WE HAD TAKEN MOST OF THE CLOTHES BECAUSE WE  
24 WERE SPRAYING.

25 Q OKAY. AND WHEN YOU TALK ABOUT THE SPRAYING, YOU

1 WERE TALKING ABOUT BEFORE Y'ALL LEFT TOWN FOR THAT  
2 WEEKEND YOU DID THE FOGGERS?

3 A THAT'S CORRECT.

4 Q IS THAT RIGHT?

5 A YEAH. WELL, YES, SIR. IT WAS AROUND THAT TIME,  
6 YES, SIR.

7 Q WELL, I WANT TO MAKE SURE YOU UNDERSTAND. YOU  
8 SAY AROUND THAT TIME?

9 A YEAH, I'M THINKING THAT WAS ACTUALLY, THAT  
10 ACTUALLY WAS DONE ON SUNDAY BEFORE WHILE WE WAS AT  
11 CHURCH BECAUSE WE SPENT SUNDAY AFTERNOON AT MOMMA'S  
12 HOUSE. I'M THINKING THAT HAPPENED ON SUNDAY BECAUSE  
13 THE DOOR, LIKE I SAID, IN MY KITCHEN WAS OPEN AND  
14 THAT WASN'T NO, THAT WASN'T WORKED IN THE HOUSE.  
15 WHEN WE CAME HOME FROM CHURCH, THERE WAS, I WAS THE  
16 LAST ONE, I WAS THE ONE THAT SET THOSE FOGGERS OFF  
17 AND.

18 Q THE LAST MAN OUT HAS GOT TO PULL THE PIN AND GET  
19 OUT THE DOOR?

20 A YOU GOT THAT AND YOU HAD, AND YOU HAVE TO HAVE A  
21 SPECIFIC WAY OF DOING IT. LIKE I STARTED I THINK IN  
22 AMANDA'S ROOM, FURTHEST HOUSE, AND THEN I SAT ONE,  
23 YOU KNOW, ACTUALLY IN BETWEEN AMANDA'S ROOM AND  
24 JESSICA'S ROOM BECAUSE ONE FIRE COVERED BOTH SPACES  
25 IN THERE AND THEN I SET ONE OFF IN THE BATHROOM

1 BECAUSE WE HAD THEM PRETTY BAD IN THE BATHROOM AND  
2 THEN I WOULD SET ONE OFF IN MY BEDROOM, ONE OFF IN  
3 THE KITCHEN, I MEAN THE LIVING ROOM, BUT ACTUALLY I  
4 WOULD GO TO THE KITCHEN FIRST. SET ONE OFF IN THE  
5 KITCHEN, ONE OFF IN THE DINING ROOM, AND ONE OFF IN  
6 THE LIVING AND OUT THE DOOR.

7 Q SO YOU SAID OUT THE FRONT DOOR?

8 A I WENT OUT THE FRONT DOOR, YES, SIR.

9 Q OKAY. AND WHEN YOU COME BACK AT, AND AGAIN I  
10 DON'T WANT TO PUT WORDS IN YOUR MOUTH, BUT THE WAY I  
11 UNDERSTOOD IT YOU SAID WHEN YOU CAME BACK FROM YOUR  
12 TRIP THAT'S WHEN THE DOOR WAS OPEN, RIGHT?

13 A THAT'S TRUE THE DOOR WAS OPEN.

14 Q THE ROACHES WERE EVERYWHERE AND THE FOG POWDER  
15 WAS EVERYWHERE?

16 A THERE WAS, I NEVER SAID THE ROACHES WERE  
17 EVERYWHERE AND FOG WAS EVERYWHERE WHEN WE COME BACK  
18 FROM THE TRIP. I NEVER SAID THAT. WE HAD ROACHES IN  
19 THE HOUSE AT THAT TIME.

20 Q I'M TALKING ABOUT THE DEAD ONES NOW?

21 A THAT WAS, I'M ALMOST POSITIVE THAT WAS SUNDAY  
22 AFTER CHURCH. I MEAN, DURING CHURCH BEFORE CHURCH  
23 BECAUSE IF IT WASN'T THEN IT WAS THE DAY WE LEFT.  
24 BUT I'M THINKING I WAS THE LAST ONE. SEE, I WASN'T  
25 SURE ABOUT WHAT HAPPENED TO THE BACK DOOR. I WASN'T

1 SURE WHETHER SOMEBODY HAD ACTUALLY BROKE IN THE BACK  
2 DOOR OR WHETHER MY DAUGHTERS HAD LEFT IT OPEN AND  
3 SO---

4 Q WHEN THEY WERE TAKING THE TRASH OUT THE BACK?

5 A RIGHT, OUT THE BACK AND I THINK I STATED THAT.  
6 SO I'M, I'M ALMOST, I'M ALMOST POSITIVE THAT WE DONE  
7 THAT WITH THE HOUSE, CLEARING OUT THE HOUSE, ON THE  
8 SUNDAY BEFORE CHURCH. BECAUSE I DID IT ON SATURDAY  
9 AFTER I GOT IN, AFTER I GOT OUT FROM WORK BECAUSE MY  
10 WIFE WAS THERE AT WORK AND I WAS CLEANING OUT, I MEAN  
11 MY WIFE WAS IN THE BED AND I WAS CLEANING OUT THE  
12 CLOSETS IN THE LIVING ROOM AND SUNDAY MORNING WE TOOK  
13 CARE OF ALL THE OTHER STUFF. ON FRIDAY BEFORE, THE  
14 WEDNESDAY BEFORE WE LEFT, I ACTUALLY CLEANED OUT THE  
15 CLOSETS AND WAS PREPARING, THAT'S WHY THERE WAS STUFF  
16 SITTING ON MY BED, STUFF SITTING ON MY DRESSER, STUFF  
17 SITTING ON THE, WE HAD EVERYTHING CLEARED OUT.

18 Q AGAIN YOU HAD EVERYTHING CLEARED OUT BEFORE YOU  
19 WENT ON YOUR TRIP?

20 A BEFORE WE WENT ON THE TRIP, YEAH.

21 Q OKAY.

22 A I'M NOT SURE, I HONESTLY CAN'T SAY, I'VE BEEN  
23 THINKING ABOUT THIS SO LONG I REALLY CAN'T SAY  
24 WHETHER WE ACTUALLY DID IT BECAUSE I REMEMBER THE  
25 GIRLS WOULD HAVE BEEN THE ONES WHO BROUGHT THE TRASH

1 CAN IN, SO I'M THINKING WE DIDN'T SET THE FOGGERS OFF  
2 ON THAT DAY.

3 Q THE DAY THE GIRLS BROUGHT THE TRASH CAN IN?

4 A THAT'S CORRECT.

5 Q SO THE TRUTH OF THE MATTER IS YOU KNOW IT  
6 HAPPENED BUT YOU CAN'T REMEMBER ALL THE SPECIFIC  
7 DETAILS OF WHEN?

8 A I'M ALMOST POSITIVE IT WAS ON SUNDAY.

9 Q AND THAT'S THE SUNDAY BEFORE AMANDA WAS KILLED?

10 A THE SUNDAY BEFORE AMANDA WAS KILLED, RIGHT.

11 Q OKAY. SO GOING BACK TO THE DOORS?

12 A YES.

13 Q THE BACK DOOR I THINK YOU INDICATED OPENS A  
14 LITTLE BIT THEN STICKS, IS THAT RIGHT?

15 A IT DOES STICK, YES, SIR.

16 Q IT'S LIKE THE HOUSE IS OUT OF SQUARE OR  
17 SOMETHING?

18 A ACTUALLY I THINK THE TERM FOR THAT IS ONE OF THE  
19 JACKS IS FELL OUT FROM UNDER THE HOUSE.

20 Q THAT SUPPORT --

21 A THE SUPPORT JACK.

22 Q AND I'M SORRY. I INTERRUPTED YOU.

23 A THAT'S OKAY. I THINK THE SUPPORT JAKE HAS  
24 FALLEN IN SEVERAL PLACES UNDER THE HOUSE.

25 Q ONE OF THE JACKS HAD FALLEN APPARENTLY UNDER

1 AMANDA'S DOOR?

2 A THAT'S CORRECT.

3 Q BECAUSE THE SAME SITUATION, RIGHT?

4 A RIGHT.

5 Q AND YOU COULD EITHER LIFT IT UP BUT YOU GOT TO  
6 LIFT IT UP ENOUGH TO BREAK ENOUGH CONTACT BECAUSE IT  
7 SCRAPES THOSE FLOORS, RIGHT?

8 A THE BATHROOM, I MEAN THE BACK DOOR DOES BUT  
9 AMANDA'S DOOR, YOU JUST, YOU CAN PUSH IT AND IT WILL  
10 PUSH RIGHT ON PAST.

11 Q IT MAKES NOISE WHEN IT SCRAPES?

12 A IT MAKES A LITTLE NOISE, RIGHT.

13 Q BUT YOU DON'T HAVE TO LIFT IT?

14 A I HADN'T EVER TRIED TO LIFT THAT DOOR. I JUST  
15 PUSH THAT DOOR.

16 Q AND IT GOES ON IN?

17 A RIGHT.

18 Q AND THEN YOUR DOOR, DID I UNDERSTAND YOU TO SAY  
19 YOUR DOOR WAS BLOCKED OUT, LIKE BLOCKED OPEN?

20 A IT WAS OPEN, YEAH. IT WAS OPEN.

21 Q IT JUST STAYED OPEN?

22 A IT JUST, IT STAYED OPEN, YES.

23 Q AND OF COURSE THE JURY HAS SEEN THE PICTURES BUT  
24 SOMETIMES IT'S HARD TO VISUALIZE WITH PICTURES. THIS  
25 IS YOUR BEDROOM?

1 A RIGHT.

2 Q OR BETTER YET, YOU'RE IN YOUR BEDROOM?

3 A I'M IN MY BEDROOM, ALL RIGHT.

4 Q BATHROOM IS RIGHT HERE?

5 A THAT'S, YEAH, YOU ARE TALKING ABOUT AMANDA'S

6 ROOM THAT WAY?

7 Q YES.

8 A THE BATHROOM DOOR IS RIGHT THERE.

9 Q SO YOU ARE SITTING ON THE CORNER OF YOUR BED?

10 A RIGHT.

11 Q THE BATHROOM IS RIGHT HERE?

12 A THAT'S CORRECT.

13 Q I'M STANDING LIKE AMANDA'S DOOR?

14 A JUST A LITTLE FURTHER BACK, ABOUT RIGHT THERE IS

15 AMANDA'S DOOR.

16 Q I'M AT AMANDA'S DOOR AND YOU ARE SITTING?

17 A THIS IS MY DOOR RIGHT HERE, YES, SIR.

18 Q OKAY. SO THEN, AND THEN THE JESSICA AND KYLA'S

19 DOOR IS THIS, GOING IN THERE, THEY WOULD BE SITTING

20 WHERE THESE FOLKS ARE AT?

21 A IF WOULDN'T BE QUITE THAT FAR. IF WHERE YOU ARE

22 STANDING IS AMANDA'S DOOR, KYLA AND JESSICA, THEY

23 WOULD BE EVEN WITH THAT, BUT SEE, YOU HAD STEPPED

24 OVER THAT WAY A LITTLE BIT, BUT IF YOU ARE STANDING

25 RIGHT WHERE YOU ARE AT NOW, YEAH, IT WOULD BE EVEN



1 WITH THAT RIGHT THERE.

2 Q OKAY. NOW DOES IT FACE TOWARD YOUR BEDROOM,  
3 TOO?

4 A IT FACES TOWARD THE BATHROOM.

5 Q OKAY. AND THEN YOU COME ON OVER HERE, IT'S LIKE  
6 THAT LITTLE TABLE AND STUFF AND YOU GO IN HERE TO GO  
7 IN THE DEN, IS THAT RIGHT?

8 A WELL, YOU, ACTUALLY YOU CAN COME OUT OF MY ROOM,  
9 TURN BACK, AND IT'S RIGHT THERE. THE, MY DOOR FACING  
10 IS HERE, RIGHT HERE, AND THE LIVING ROOM DOOR FACING  
11 IS HERE, AND THERE IS A WALL RIGHT HERE THAT HAS THE  
12 LIGHT SWITCH ON IT.

13 Q THE LIGHT SWITCH WOULD BE LIKE RIGHT HERE COMING  
14 OUT OF THE DOOR?

15 A YEAH, IN BETWEEN THE TWO.

16 Q SO THE FRONT DOOR IS OVER HERE?

17 A THE FRONT DOOR WOULD BE RIGHT BACK HERE, YES.

18 Q OKAY.

19 A BEHIND THE WALL.

20 Q OKAY. AND WE WERE TALKING A LITTLE BIT ABOUT  
21 THE LOCKS ON THE FRONT DOOR AND YOU'RE TALKING ABOUT  
22 THE DIFFERENT KINDS OF LOCKS?

23 A THAT'S CORRECT.

24 Q AND AT SOME POINT YOU WERE CONCERNED ABOUT IT  
25 BEING LOOSE, SO YOU REPLACED THE FRONT LOCK?

1 A THAT'S CORRECT, I DID.

2 Q AND IF I UNDERSTOOD YOU SAID THAT YOU REPLACED

3 IT WITH THE KIND THAT DOESN'T HAVE A PIN?

4 A THAT'S CORRECT.

5 Q WHAT DID YOU CALL THAT KIND?

6 A IT'S -- I THINK IT'S A DEAD LOCK.

7 Q OKAY. BUT THIS IS A DEAD LOCK?

8 A THAT'S A DEAD LOCK, SIR.

9 Q AND YOU DIDN'T GET THE DEAD LOCK?

10 A NO, SIR.

11 Q AND WHY DIDN'T YOU GET THE DEAD LOCK?

12 A IT COSTED MORE.

13 Q IT COST MORE?

14 A IT WAS LIKE \$8 MORE.

15 Q AND SO YOU SAID YOU COULDN'T AFFORD TO DO THAT?

16 A I COULDN'T AFFORD THAT AT THE TIME, NO, SIR.

17 Q OKAY. LET ME ASK YOU. HOW MUCH DID YOUR

18 INTERNET SERVICE COST?

19 A INTERNET SERVICE WAS 995.

20 Q A MONTH?

21 A A MONTH.

22 Q YOU COULD HAVE DONE ONE MONTH WITHOUT INTERNET

23 AND YOU COULD HAVE HAD ONE OF THOSE LOCKS, COULDN'T

24 YOU?

25 A OH, YEAH, SURE COULD HAVE.

1 Q LET ME ASK YOU ABOUT YOUR TELEVISION. YOU SAID  
2 YOU WERE TALKING ABOUT THAT NIGHT ABOUT THREE O'CLOCK  
3 IN THE MORNING WATCHING TV?

4 A THAT'S CORRECT.

5 Q OKAY. WHAT, DID YOU HAVE CABLE?

6 A NO, WE HAD, AT THE TIME WE JUST HAD REGULAR TV.  
7 WE HAD DIRECT TV.

8 Q SO THAT'S WHAT THE DISH WAS OUT ON THE PORCH?

9 A THAT'S CORRECT.

10 Q SO YOU HAD DIRECT TV?

11 A RIGHT.

12 Q HOW MANY CHANNELS DID YOU HAVE ON DIRECT TV?

13 A I DON'T, I DON'T RECALL EXACTLY HOW MANY IT IS.

14 Q A HUNDRED? A COUPLE HUNDRED?

15 A I GUESS. I COULDN'T STATE EXACTLY.

16 Q MORE THAN \$8 WORTH, RIGHT?

17 A IT WAS I THINK 3495 A MONTH.

18 Q NOW YOU TALKED ABOUT THE ROACHES AND THE THINGS  
19 YOU TRIED TO DO ABOUT THE ROACHES. ACTUALLY DIXIE  
20 EXTERMINATING HAD SENT YOU A CARD TO CONTACT THEM  
21 SOMETIME I THINK ABOUT WHAT 2000, DOES THAT SOUND  
22 RIGHT?

23 A WE HAD DIXIE TO COME OUT AND THEY SPRAYED, THEY  
24 FOGGED MY HOUSE. I MEAN, THEY, THEY USED ONE OF THEM  
25 BIG FOG MACHINES AND SPRAYED MY HOUSE AND THEN FOGGED

1 UNDER THE HOUSE AND FOGGED MY HOUSE. TWO WEEKS LATER  
2 WE STILL SAW A LOT OF ROACHES, SO I CALLED, I CALLED  
3 THE LANDLORD AND HE CALLED THE DIXIE AND THEY CAME  
4 BACK OUT. AND DIXIE SAID THEY WENT IN AND FOGGED, HE  
5 REDID THE THING AGAIN, FOGGED IT, AND SET IT UP. AT  
6 THAT TIME I WAS GOING TO PURCHASE THE \$25 I THINK IT  
7 WAS A MONTH TO HAVE THEM TAKE CARE OF IT, BUT HE  
8 TOLD, THE MAN TOLD ME THAT THE ROACHES WERE EMBEDDED  
9 IN THE HOUSE. HE SAID IT'S GOING TO BE HARD TO GET  
10 RID OF THEM AND HE SAID YOU'LL BE BETTER OFF USING  
11 FOGGERS AND JUST BUYING FOGGERS EVERY ONCE IN AWHILE  
12 AND JUST SPRAYING.

13 Q THAT IS WHAT THE DIXIE EXTERMINATING MAN WAS  
14 TRYING TO SELL YOU \$25 A MONTH SAID?

15 A I WASN'T GOING PAY THE \$25.

16 Q THAT'S MY POINT.

17 A AND I TOLD THEM.

18 Q YOU MADE A CONSCIOUS DECISION NOT TO PAY THAT  
19 25?

20 A I DID BECAUSE IT WASN'T WORKING. I NEVER SAW NO  
21 DIFFERENCE IN THE ROACHES.

22 Q OKAY.

23 A THEY DIDN'T KILL THEM AND I TOLD HIM, THERE  
24 WASN'T NO SENSE IN ME DOING THAT.

25 Q AND DID I UNDERSTAND YOU TO SAY THAT WHEN YOU

1 DID IT YOURSELF YOU CLEANED OUT THE HOUSE OR YOU JUST  
2 TAKING ABOUT TAKING ALL THE JUNK OUT OF THE CLOSETS?

3 A I JUST SAID I CLEANED AWAY FROM THE WALLS AND  
4 CLEANED OUT THE CABINETS, MOVED STUFF AWAY FROM THE  
5 WALLS, BECAUSE THAT'S WHAT, THAT'S WHAT THE  
6 EXTERMINATOR TOLD ME WAS THE BEST WAY TO DO IT.

7 Q AND WHEN YOU RAN THAT, THAT WAS ON THE SUNDAY  
8 BEFORE THAT THURSDAY, IS THAT CORRECT?

9 A THAT'S CORRECT.

10 Q OKAY. AND AT THAT POINT DID YOU HAVE  
11 INFORMATION THAT DSS WAS COMING TO INSPECT YOUR HOME?

12 A WE DID HAVE, WE -- I THINK IF I'M NOT MISTAKEN  
13 MARY SUE TOLD ME THAT DAY, THAT, THE 28 THAT.

14 MR. MORTON: APPROACH JUST A MINUTE.

15 THE COURT: OKAY.

16 (BENCH CONFERENCE AT 03:44 PM.)

17 Q WHEN WE APPROACHED YOU SAID YOU FOUND OUT THAT  
18 DAY AND THEN YOU WERE, YOU GUYS WERE TRYING TO SQUARE  
19 UP THE HOUSE?

20 A WE TRIED TO SQUARE, TRY TO TAKE CARE OF THE  
21 THINGS THAT NEEDED TO BE TAKEN CARE OF. WE DIDN'T  
22 KNOW EXACTLY WHEN THEY WERE COMING. WE KNEW THEY HAD  
23 SAID THEY WERE COMING THAT WEEK, BUT WE GOT WORD, I  
24 THINK MARY SUE TOLD ME ON THE 28 THAT THEY WERE  
25 COMING ON THE FOLLOWING TUESDAY.

1 Q OKAY.

2 MR. MORTON: YOUR HONOR, MAY WE APPROACH  
3 AGAIN.

4 (BENCH CONFERENCE AT 03:45 PM.)

5 Q YOU GUYS ALSO HAD CATS IN THE HOUSE?

6 A NO, WE DID NOT HAVE CATS IN THE HOUSE.

7 Q YOU DIDN'T?

8 A NO, SIR, WE DID NOT. THE POLICE OFFICERS LET  
9 THOSE CATS IN THE HOUSE WHEN THEY LEFT THE DOOR OPEN  
10 IN THE HOUSE THAT DAY.

11 Q OKAY. SO THE CATS NEVER BEEN IN THAT HOUSE?

12 A THE CATS DID NOT COME IN THE HOUSE. IF THEY  
13 COME IN THE HOUSE, WE TOOK THEM BACK OUT OF THE  
14 HOUSE. WHEN THE BACK DOOR WAS OPEN DURING THE TIME  
15 WHILE WE WERE GONE, THE CATS GOT IN THE HOUSE AND WE  
16 GOT THE CATS OUT OF THE HOUSE WHEN WE COME HOME.

17 Q SO THE CATS BASICALLY WOULD COME IN THE HOUSE,  
18 WOULD THEY JUST KIND OF HUNG AROUND THE PORCH OR  
19 SOMETHING AND WAIT TO GET A CHANCE TO COME IN YOUR  
20 HOUSE? DID Y'ALL FEED THEM OR SOMETHING?

21 A THEY WERE OUR CATS, BUT THEY WERE OUT DOOR CATS.

22 Q I GOT YOU. WOULD THEY KIND OF HANG OUT AND IF  
23 THEY GOT A CHANCE, HANG OUT ON THE PORCH OR SOMETHING  
24 AND IF THEY GET A CHANCE THEY WILL TRY TO SLIDE IN  
25 THE HOUSE?

1 A (NO RESPONSE.)

2 Q BECAUSE YOU KEPT SAYING IF THEY COME IN THE  
3 HOUSE I'LL TAKE THEM OUT OF THE HOUSE?

4 A WELL, I MEAN THERE WERE SEVERAL TIMES WHEN THEY  
5 ACTUALLY DID COME IN THE HOUSE. THEY WOULD COME IN  
6 THE HOUSE, MOST OF THE TIME THEY GO TO THE, JUST LIKE  
7 IN THE VIDEO, THEY GO STRAIGHT TO THE BATH TUB AND  
8 START LAPPING AT THE WATER.

9 Q IN THE BATH TUB?

10 A YEAH, IN THE BATH TUB.

11 Q OR THE TOILET?

12 A NO, THE BATH TUB.

13 Q I GOT YOU. THEY DIDN'T HAVE WATER OUTSIDE?

14 A OH, THEY HAD WATER. WE KEPT, WE FED THEM. IF  
15 YOU ARE INSINUATING WE DIDN'T TAKE CARE OF OUR CATS,  
16 NO, WE TOOK CARE OF OUT CATS. WE FED THEM. WE TOOK  
17 CARE OF THEM. THEY STAYED OUTSIDE. ONLY  
18 OCCASIONALLY WHEN THE DOOR WAS LEFT OPEN THEY WOULD  
19 COME IN AND WE WOULD HAVE TO GET THEM OUT OF THE  
20 HOUSE.

21 Q THAT'S BASICALLY WHAT I'M ASKING. THEY GET IN  
22 THE HOUSE BUT YOU DON'T HAVE THEM LIVING IN THE HOUSE  
23 DEFECATING IN THE HOUSE?

24 A NO. THEY DID NOT LIVE IN THAT HOUSE, NO.

25 Q OKAY. WERE THERE ANY CATS IN THE HOUSE THAT

1 MORNING WHEN YOU WOKE UP AND FOUND AMANDA?

2 A THERE WERE NO CATS IN THE HOUSE THAT MORNING  
3 WHEN I FOUND AMANDA. THE DOOR WAS LEFT OPEN WHEN THE  
4 POLICE, WHEN THE POLICE, WHEN THE FIRE DEPARTMENT  
5 CAME IN, EVERYBODY COME IN, THAT DOOR STAYED OPEN THE  
6 WHOLE TIME. THE SCREEN DOOR WAS OPEN. PEOPLE WERE  
7 COMING IN AND OUT OF THE HOUSE. THE CATS CAME IN THE  
8 HOUSE.

9 Q AND THAT'S WHAT I'M ASKING. I UNDERSTAND LAW  
10 ENFORCEMENT, ONCE THEY STARTED WORKING THE CRIME  
11 SCENE.

12 A YEAH.

13 Q THEY COME IN. BUT WHAT I AM SAYING IS WHEN YOU  
14 GOT UP THAT MORNING?

15 A NO, THERE WAS NO CATS IN THE HOUSE.

16 Q I THINK THAT YOU HAD INDICATED THAT THE MORE  
17 THAT MARY SUE WORKED THE LESS SHE CLEANED, IS THAT  
18 RIGHT?

19 A I DIDN'T SAY THE MORE SHE WORKED. I JUST SAID  
20 OVER A PERIOD OF TIME SHE GOT TO THE POINT WHERE SHE  
21 DIDN'T CLEAN AS MUCH AS SHE USED TO CLEAN WHEN WE  
22 FIRST GOT MARRIED.

23 Q AND THE, THE NIGHT WHEN YOU WERE THERE, I THINK  
24 YOU SAID OFTEN TIMES YOU STAY UP ALL NIGHT ON THE  
25 COMPUTER AND WATCH TV AND THINGS OF THAT NATURE,



1 RIGHT?

2 A YES, SIR, I'M LAZY. I'M LAZY. I DON'T CLEAN  
3 HOUSE LIKE I SHOULD HAVE.

4 Q AND OF COURSE THAT'S ONE OF THE ISSUES HERE.  
5 THAT HOUSE WAS, USE THE TERM, IT WAS NASTY, WASN'T  
6 IT?

7 A NASTY, UH. IT WAS MESSED UP, YES, IT WAS. I  
8 WOULDN'T SAY IT'S NASTY-NASTY. NO, I WOULDN'T SAY  
9 THAT, NO.

10 Q IT WAS CLOSE TO NASTY-NASTY, RIGHT?

11 A WELL, IT WASN'T, IT WAS NOT AS BAD AS WHAT I SAW  
12 IN THE VIDEO.

13 Q OH, REALLY?

14 A NO, IT WAS NOT. NOT WHEN I LEFT THERE IT WAS  
15 NOT.

16 Q OKAY. I'M TALKING ABOUT NOW --

17 A IF THAT WAS THE CASE THEN HOW COME THE DISHES,  
18 AND WE SAW THE VIDEO, THE DISHES WERE IN THE DRAINER,  
19 THEY HAD BEEN WASHED AND PUT AWAY.

20 Q RIGHT.

21 A THAT WAS IN THE WINDOW THAT WAS OPEN. EVERYBODY  
22 SAID YOU COULDN'T GET IN THERE BECAUSE THE DISHES  
23 WERE IN THE WAY. THERE WAS A FEW DISHES IN THE OTHER  
24 SINK.

25 Q THE TRUTH IS THAT BACK SINK AND MAYBE THE

1 BATHROOM WERE THE TWO CLEANEST PLACES?

2 A WELL --

3 Q IS THAT A FAIR STATEMENT. YOU CAN EXPLAIN YOUR  
4 ANSWERS BUT IS THAT A FAIR STATEMENT?

5 A I WON'T SAY THAT'S A FAIR STATEMENT. I'LL SAY  
6 THIS, I'LL SAY, AFTER ALL THE TRAMPLING THROUGH WITH  
7 THE POLICE AND EVERYBODY ELSE, MY HOUSE BECAME A  
8 DISASTER ZONE.

9 Q MR. COPE --

10 A I WON'T SAY IT'S TOTALLY OUR FAULT. I WON'T SAY  
11 IT'S TOTALLY THEIR FAULT, BUT OUR HOUSE WAS NOT AS  
12 BAD AS WHAT Y'ALL DEPICTED IN THAT VIDEO.

13 Q OKAY.

14 A IT WASN'T.

15 Q OKAY. AND IN WHAT REGARD?

16 A IN WHAT REGARD.

17 Q YOU TALK ABOUT THINGS BEING OUT PLACE?

18 A IN THE FIRST PLACE I THINK IT WAS KIND OF LOW  
19 DOWN, IF YOU WANT TO KNOW THE TRUTH, THAT THEY WOULD  
20 BRING THE VIDEO CAMERAS IN THERE AT NINE OR TEN  
21 O'CLOCK AT NIGHT WHEN YOU KNOW THE ROACHES ARE OUT.

22 Q YOU THINK LAW ENFORCEMENT PLANNED THAT TO --

23 A I CAN'T SAY THEY PLANNED IT, BUT I DON'T THINK  
24 THAT WAS RIGHT. I DON'T THINK IT WAS RIGHT TO SHOW A  
25 VIDEO WITH THAT LIKE THAT BECAUSE THAT DID NOT DEPICT

1 THE WAY MY HOUSE USUALLY IS.

2 Q LET ME ASK YOU, NINE OR TEN O'CLOCK AT NIGHT  
3 YOUR WIFE IS AT WORK, GOES TO WORK AT TEN, RIGHT?

4 A THAT'S CORRECT.

5 Q THE CHILDREN ARE HOME, RIGHT?

6 A YES, THAT'S CORRECT.

7 Q STUDYING, READING, SLEEPING, THEY ARE THERE IN  
8 THAT HOUSE AT NINE OR TEN O'CLOCK AT NIGHT, THAT'S  
9 TRUE, RIGHT?

10 A THAT IS TRUE, YES, SIR.

11 Q AND THEY WERE IN THOSE SAME CONDITIONS OF THE  
12 BUGS, THEY DIDN'T PUT -- LAW ENFORCEMENT DIDN'T PUT  
13 THE BUGS IN THERE, DID THEY?

14 A NO, SIR, THEY DID NOT PUT -- I TOLD YOU AMANDA'S  
15 ROOM DIDN'T HAVE THAT, HARDLY NO ROACHES IN. AMANDA  
16 SLEPT IN HER BED. THE OTHER IN JESSICA AND KYLA'S  
17 ROOM, IT WAS THE FAN. I THINK I STATED THAT, THAT  
18 THE FAN BLOWING ACROSS THE BED KEPT MOST OF THE  
19 ROACHES AWAY FROM THEM. WE DIDN'T HAVE PROBLEM  
20 EXCEPT AT NIGHT WITH THE ROACHES. THEY WEREN'T REAL  
21 BAD IN THE DAYTIME AND, YES, WE DID TRY TO GET RID OF  
22 THEM MANY TIMES. AND WHEN WE WOULD GET RID OF THEM  
23 OR THINK WE GOT RID OF THEM, THE NEIGHBOR WOULD SPRAY  
24 AND THEN WE WOULD END UP WITH THEM AGAIN. SEEMED  
25 LIKE WE NEVER GOT RID OF THEM. I--- THAT'S JUST, I

1 MEAN, I'M NOT GOING TO SIT HERE AND SAY THAT WAS A  
2 FAIR STATEMENT BECAUSE THAT WASN'T A FAIR STATEMENT.

3 Q LET ME TRY ANOTHER FAIR STATEMENT. THERE WERE  
4 ROACHES PHYSICALLY IN THE FOOD IN THE REFRIGERATOR --

5 A AND THAT HAPPENED BECAUSE THEY OPENED THE  
6 REFRIGERATOR AT NIGHT AND THE ROACHES WERE ALONG THE  
7 SEAL. IT'S GET COOL AROUND THE REFRIGERATOR AND  
8 EVERYBODY KNOWS THAT ROACHES LIKE TO GET AROUND THAT  
9 SEAL. THEY OPEN IT UP, THEY FELL IN ON THE FOOD, AND  
10 CRAWLED ACROSS. THAT DID NOT HAPPEN, THAT WAS NOT  
11 LIKE IN THERE, THEY COULD NOT HAVE LIVED INSIDE THAT  
12 REFRIGERATOR WITH IT SHUT UP AND THE ROACHES IN  
13 THERE.

14 Q SO THE ROACHES WERE AROUND THE RIM OF THE  
15 REFRIGERATOR AND FELL INTO THE REFRIGERATOR?

16 A THAT IS CORRECT.

17 Q OKAY. AND THE ROACHES THAT WERE CRUSHED IN THE  
18 LINER OF THE REFRIGERATOR, NOW LAW ENFORCEMENT DIDN'T  
19 DO THAT?

20 A NO, I WILL, NO, I WILL SAY THAT WAS PROBABLY  
21 DONE BY US BECAUSE THE ROACHES WILL GET IN THE DOOR,  
22 WE WOULD SHUT THE DOOR, OPEN IT UP BECAUSE THAT'S  
23 WHERE THEY LIKED TO BE. YEAH, I WILL ADMIT THAT.

24 Q MR. COPE, YOU AGREE THAT THESE WERE NOT PROPER  
25 CONDITIONS FOR THOSE CHILDREN TO BE IN?

1 A (NO RESPONSE.) I HAVE A PROBLEM WITH PROPER  
2 CONDITIONS. WE TOOK CARE OF OUR GIRLS THE WAY WE HAD  
3 TO TAKE CARE OF OUR GIRLS. WE, THE GIRLS WERE NOT IN  
4 NO DANGER, WE TOOK CARE OF THE GIRLS. THE GIRLS WERE  
5 OUR LIFE.

6 Q I'M SORRY.

7 A THEY WERE OUR LIFE AND --

8 Q MORE SO THAN THE COMPUTER?

9 A MORE SO THAN THE COMPUTER, YES, SIR.

10 Q MORE SO THAN THE TELEVISION?

11 A MORE SO THAN THE TELEVISION, YES, SIR.

12 Q MORE SO THAN THE TELEPHONE?

13 A JUST BECAUSE WE HAD SOME OF THESE LUXURIES OR  
14 THESE THINGS THAT SOME PEOPLE CALL LUXURIES, THIS  
15 HAPPENED, THE ROACHES STARTED TO GET WORSE AND WORSE,  
16 WE TRIED TO TAKE CARE OF THEM. WE SPRAYED, WE BOUGHT  
17 SPRAY. LET ME TELL YOU, YOU TALK ABOUT MONEY, YOU  
18 TALK ABOUT MONEY, WE SPENT A LOT OF MONEY ON FOGGERS.  
19 WE SPENT A LOT OF MONEY ON RAID CANS OF SPRAY. WE  
20 SPENT A LOT OF MONEY ON TRYING TO GET RID OF THE  
21 ROACHES.

22 Q YOU WOULDN'T SPENT 8 BUCKS ON A LOCK, RIGHT?  
23 ACCORDING YOUR TESTIMONY?

24 A I WOULDN'T SPEND \$8 ON A DEAD LOCK. I DIDN'T  
25 SAY ON A LOCK. I SPENT I THINK IT WAS \$11 ON THE

1 OTHER LOCK.

2 Q LET'S TALK ABOUT THAT. THE PURPOSE OF GETTING  
3 THE OTHER LOCK WAS TO MAKE YOUR HOME MORE SECURE,  
4 RIGHT?

5 A THE REASON -- OF COURSE, YEAH.

6 Q OKAY.

7 A AT FIRST I DIDN'T KNOW THE DIFFERENCE BETWEEN A  
8 DEAD LOCK AND A LOCK AT THAT TIME.

9 Q WHEN DID YOU LEARN THAT?

10 A WHEN DID I LEARN IT?

11 Q DID YOU LEARN IT FROM MRS. POPE LAST FRIDAY?

12 A NO. I LEARNED WHAT THE DIFFERENCE BETWEEN A  
13 REGULAR LOCK AND A DEAD LOCK FROM HER, BUT I DID NOT  
14 LEARN WHAT, I MEAN, I DIDN'T KNOW IT WAS MORE SECURE,  
15 MORE, IT DIDN'T SAY THAT ON THE PACKAGE WHEN I WAS  
16 GOING TO BUY IT.

17 Q SO YOU BOUGHT A LOCK LIKE THIS THAT CAME WITH A  
18 KEY?

19 A THAT'S CORRECT.

20 Q OKAY. AND IT WAS A LOCK LIKE THIS. IT  
21 DEFINITELY WAS NOT A LOCK WITH THIS PIN?

22 A NO, I DIDN'T SEE, THERE WAS NO PIN ON IT, AND IT  
23 DIDN'T SAY DEAD LOCK ON THE BOX. IT JUST SAID  
24 STANDARD LOCK.

25 Q OKAY. WITH A KEY ON IT.

1 A WITH A KEY, IS THAT CORRECT. WITH THOSE, THOSE,  
2 IT COME WITH A DOOR HANDLES, THE WHOLE THING.

3 Q THE WHOLE SHOOTING MATCH?

4 A THE DOOR KNOB AND EVERYTHING.

5 Q YOU REPLACED IT TO SECURE YOUR HOME?

6 A YES.

7 Q OKAY. AND YOU ALSO HAD THE CHAIN LOCK ON THE  
8 DOOR, IS THAT CORRECT?

9 A THE CHAIN LOCK WAS ONLY USED WHEN WE WERE ALL  
10 HOME.

11 Q OKAY. AND WHAT WAS THE PURPOSE OF THAT?

12 A WELL, MARY SUE WOULD BE IN THE BED ASLEEP. IF I  
13 WAS ON THE COMPUTER, SOMEBODY KNOCKED ON THE DOOR,  
14 SOMEBODY COULD GO, AMANDA OR EVEN I WOULD GO TO THE  
15 DOOR AND LOOK, OPEN THE DOOR AND LOOK AND SEE WHO IT  
16 WAS. BUT WE DIDN'T USE THE LOCK AT NIGHT BECAUSE  
17 MARY SUE HAD A HARD TIME TRYING TO GET IN THE DOOR  
18 WHEN SHE COME IN, IF I OVERSLEPT, AND THAT HAPPENED  
19 QUITE A FEW TIMES. I MEAN, YOU CAN CHECK BACK ON THE  
20 SCHOOL RECORDS, THEY WERE TARDY BECAUSE OF THAT.

21 Q AND YOU WOULD OVERSLEEP AND SO THEY WOULDN'T GET  
22 TO SCHOOL ON TIME, IS THAT RIGHT?

23 A THAT'S CORRECT.

24 Q SO YOU CHOSE NOT TO EVER, EVER USE THAT CHAIN  
25 LOCK, IS THAT CORRECT?

1 A I DIDN'T SAY I CHOSE NEVER TO EVER USE IT. WE  
2 JUST KIND OF LEARNED OUR LESSON ABOUT USING IT WHEN  
3 MARY SUE WASN'T HOME.

4 Q BECAUSE IT KEPT HER FROM GETTING IN THE DOOR?

5 A BECAUSE IT KEPT, SHE HAD TO COME AROUND, TRY TO  
6 WAKE ME OR WAKE ONE OF US, THE GIRLS WERE LATE. THE  
7 GIRLS HAD TO BE READY TO GO TO SCHOOL BY THE TIME  
8 MARY SUE GOT HERE BECAUSE THEN SHE WOULD COME, I  
9 WOULD KISS HER, I WOULD GET IN THE VAN, THE GIRLS  
10 WOULD GET IN THE VAN, AND WE WOULD LEAVE.

11 Q LET ME ASK YOU THIS. YOU HAVE A SMOKE ALARM IN  
12 THE HOUSE?

13 A SMOKE ALARM?

14 Q YES.

15 A THERE WAS, THERE WAS ONE IN THE HOUSE WHEN WE  
16 MOVED THERE.

17 Q YOU AGREE THAT WOULD BE APPROPRIATE TO PROTECT  
18 YOUR CHILDREN, RIGHT?

19 A THAT WOULD BE APPROPRIATE, YES, SIR.

20 Q OKAY. SO DID YOU HAVE ONE?

21 A I THINK THERE WAS ONE IN THE HOUSE, YES, SIR.

22 Q OKAY. DID YOU SET IT OFF THAT DAY WHEN THE FOOD  
23 BURNED?

24 A NO, SIR. IT WAS, IT WAS IN THE, THE ONE THAT WE  
25 HAVE IT WAS IN THE HALL I BELIEVE.



1 Q OKAY. THE ONE IN THE HALL, WHAT KIND OF NOISE  
2 DID THAT MAKE?

3 A IT MADE A HIGH PITCH WHINE.

4 Q YOU'VE HEARD THAT ONE BEFORE?

5 A OH, I HEARD THAT ONE BEFORE, YES, SIR.

6 Q WHEN DID YOU HEAR IT?

7 A UH, WHEN I TESTED IT TO SEE IF THE BATTERY WOULD  
8 WORK.

9 Q SO YOU DID TEST IT?

10 A OH, YEAH, I'VE TESTED IT SEVERAL TIMES.

11 Q WHERE IS THIS LOCATED?

12 A I'M THINKING THAT'S THE ONE, THERE IS ONE IN THE  
13 HALL THERE. I CAN'T REMEMBER, YEAH, I THINK IT'S IN  
14 THE HALL.

15 Q WHERE IN THE HALL?

16 A I BELIEVE IT'S NEXT TO THE BATHROOM. THAT'S  
17 BEEN THREE YEARS AGO. I CAN'T REMEMBER EXACTLY.

18 Q YOU CAN'T REMEMBER STUFF --

19 A I THINK IT'S RIGHT THERE BETWEEN THE TWO, THE  
20 TWO BEDROOMS IN THE HALLWAY.

21 Q OKAY. SO AT NIGHT WHEN YOUR WIFE WAS GOING TO  
22 WORK FROM TEN O'CLOCK ON, WHAT WAS YOUR  
23 RESPONSIBILITY?

24 A MY RESPONSIBILITY WAS TO MAKE SURE THE GIRL WERE  
25 SAFE.

1 Q OKAY.

2 A AND I DIDN'T DO THAT.

3 Q OKAY. LET'S TALK ABOUT THE OTHER THINGS. YOU  
4 ARE SUPPOSED TO MAKE SURE THEY ARE IN BED AT A  
5 CERTAIN TIME?

6 A OH, YEAH. AMANDA GOES TO BED, JUST LIKE WE  
7 SAID, AT 8:30, 9:30, AND 10:30.

8 Q THAT'S WHAT YOU TOLD DSS HAPPENED?

9 A THAT'S THE NORMAL, THAT'S THEIR NORMAL BED TIME.  
10 THAT'S WHAT I TOLD DSS THAT WAS THEIR NORMAL BED  
11 TIME. I NEVER SAID, MARY SUE NEVER SAID THIS WAS A  
12 NORMAL NIGHT. THEY NEVER ASKED US. I THOUGHT THEY  
13 HAD ALREADY DONE SEEN THE POLICE REPORT. THEY DONE  
14 BEEN TO THE POLICE STATION. I'D SEEN THEM THERE.

15 Q RIGHT.

16 A SO I THOUGHT THEY KNEW THAT THE KIDS DIDN'T GO  
17 TO BED UNTIL 1 O'CLOCK. THEY NEVER ASKED ME ABOUT  
18 THAT. THEY ASKED ME WHAT WERE THE NORMAL BED TIMES  
19 FOR THE GIRLS, AND THAT'S EXACTLY WHAT SHE TESTIFIED  
20 TO IN HERE.

21 Q I BELIEVE, THE JURY CAN DETERMINE WHAT SHE  
22 TESTIFIED TO, BUT YOU ARE TALKING ABOUT THE YOUNG  
23 LADY ON THE TELEVISION?

24 A I'M TALKING ABOUT MS. HERRING, YES.

25 Q AND SHE TESTIFIED SHE ASKED YOU SPECIFICALLY

1 ABOUT WHAT HAPPENED THAT NIGHT?

2 A NO, SHE DID NOT. NO, SHE DID NOT. AND THAT'S  
3 NOT WHAT SHE TESTIFIED TO EITHER. SHE SAID WHAT ARE  
4 THE NORMAL HOURS, NORMAL BED TIME HOURS.

5 Q YOU DO REMEMBER THAT SHE WAS THERE AND OFFICER  
6 HUITT WAS THERE, RIGHT, DO YOU REMEMBER?

7 A OFFICER HUITT, HE GOT THAT THING ALL MIXED UP.  
8 I DON'T KNOW WHERE HE GOT THAT REPORT FROM.

9 Q WHAT REPORT?

10 A THE REPORT THAT HE GAVE. I GOT A COPY OF IT.

11 Q YOU BEEN READING IT?

12 A I READ THAT REPORT, YES, SIR, I DID AND THAT  
13 REPORT IS ALL WRONG.

14 Q SO FOR EXAMPLE THE PART ABOUT AMANDA PRACTICING  
15 HER VIOLIN, YOU NOW TELL US THAT SHE DIDN'T HAVE HER  
16 VIOLIN.

17 A SHE DID NOT HAVE HER VIOLIN THAT NIGHT. IT WAS  
18 LEFT, IT WAS LEFT AT SCHOOL. SHE COME, SHE TOLD ME,  
19 THE FIRST THING WHEN WE GOT IN THE VAN SHE SAID  
20 DADDY, THE VIOLIN, SHE SAID, I COULDN'T GET MY VIOLIN  
21 AND I SAID I'M SORRY. I SAID YOU CAN DO WITHOUT IT  
22 TONIGHT. DON'T WORRY ABOUT IT. EVERYTHING WILL BE  
23 OKAY. YOU CAN GET BY ONE NIGHT WITHOUT IT. SHE DID  
24 NOT HAVE THE VIOLIN. THE VIOLIN WAS LEFT AT SCHOOL.  
25 HER TEACHER HAD TO LEAVE AND GO SOMEWHERE AND THEY

1 LOCKED THE DOOR UP AND THE, MUSIC DOOR.

2 Q SO THE VIOLIN WASN'T EVEN REALLY AN ISSUE IN  
3 THIS CASE?

4 A NO, BUT HE MADE IT AN ISSUE WHEN HE SAID THAT  
5 SHE PRACTICED THE VIOLIN THAT NIGHT. SHE NEVER  
6 PRACTICED THE VIOLIN THAT NIGHT. I NEVER SAID THAT.

7 Q WHEN DID YOU FIRST MET OFFICER HIT?

8 A I WASN'T FINISHED. THEY SAID --

9 Q EXCUSE ME, SIR. I EXTEND YOU THE COURTESY?

10 A I UNDERSTAND.

11 Q I'LL LET YOU EXPLAIN ANY TIME?

12 A OKAY. I UNDERSTAND.

13 Q IF YOU ARE NOT FINISHED, GO AHEAD.

14 A OKAY. OFFICER HIT WAS STANDING THERE WHEN SHE  
15 ASKED ME WHAT THE NORMAL BED TIME HOURS WERE. THAT'S  
16 WHAT HE WROTE DOWN. HE WROTE, HE DIDN'T WROTE, I  
17 DON'T KNOW WHERE HE GOT THAT REPORT FROM. I LOOKED  
18 AT THAT REPORT AND THAT'S NOT WHAT ME AND MY WIFE  
19 EITHER ONE TOLD HER. AND HE WAS JUST STANDING TO THE  
20 SIDE. WHERE HE GOT THAT REPORT WAS FROM HER REPORT  
21 WHEN HE GOT BACK TO THE OFFICE. BECAUSE HE, IT WAS  
22 MENTIONED THAT HE LOOKED AT THE REPORT OR HE HAD THE  
23 REPORT. I HEARD HIM SAY SITTING RIGHT HERE IN THIS  
24 CHAIR THAT HE SAID HE LOOKED AT THE REPORT.

25 Q THE DSS REPORT?

1 A YEAH, THE DSS REPORT.

2 Q AND DID YOU TALK ABOUT THE VIOLIN THAT DAY?

3 A WE DID TRY. SHE SAID --

4 Q THAT'S ALL --

5 A WHAT'S THE NORMAL HOURS AND I TOLD HER THE

6 NORMAL HOURS, THEIR NORMAL HOURS, AND I SAID THE

7 REASON THAT AMANDA STAYS UP FROM TEN, FROM TEN TO,

8 THAT EXTRA 30 MINUTES IS SO AFTER AMANDA, I MEAN

9 AFTER MARY SUE GOES TO WORK, AMANDA CAN PLAY HER

10 VIOLIN AND PRACTICE.

11 Q LET'S TALK ABOUT YOUR HOUSE THAT NIGHT, OKAY?

12 A OKAY.

13 Q WE'VE ALREADY KIND OF TALKED ABOUT THE

14 DIMENSIONS OF THE HOUSE, RIGHT?

15 A THAT'S CORRECT.

16 Q AND DID YOU SEE ANY INDICATION OF ANY WINDOWS

17 THAT WERE AJAR OR BROKEN OR ANYTHING OF THAT NATURE?

18 A WHEN ARE YOU -- YOU SAID THAT NIGHT, ARE YOU

19 TALKING ABOUT THAT MORNING.

20 Q WELL, LET ME ASK YOU THIS. WHEN YOU GO TO BED

21 THAT NIGHT DID, YOU SAID IT YOURSELF, YOU ARE LAZY,

22 DO YOU JUST GO IN AND LET THE GIRLS LOCK UP THE HOUSE

23 AND TAKE CARE OF THE HOUSE?

24 A NO, I DON'T. THE GIRLS WERE THE LAST ONES IN

25 THERE. THEY ARE THE ONE WHO LOCKED THE DOOR AND

1 AMANDA CONFIRMED TO ME THAT SHE LOCKED THE DOOR.

2 Q OKAY. SO AMANDA, AS FAR AS THE CONDITION OF THE  
3 DOOR, AMANDA AND JESSICA WOULD BE IN A BETTER  
4 POSITION TO KNOW ABOUT THE DOOR THAN YOU BECAUSE YOU  
5 WERE IN LAYING IN YOUR BED RIGHT THERE, RIGHT?

6 A BUT I GOT UP --

7 Q YOU CAN ANSWER ME AND THEN YOU CAN EXPLAIN?

8 A YES. YES. WELL, TO A CERTAIN DEGREE. I GOT UP  
9 AT THREE O'CLOCK. THAT CHAIN WAS NOT ON THE DOOR.

10 Q AT THREE O'CLOCK?

11 A AT THREE O'CLOCK THAT CHAIN WAS NOT ON THE DOOR.

12 Q YOU REMEMBER THAT SPECIFICALLY?

13 A YES, I DO BECAUSE I WENT TO THE DOOR.

14 Q FOR WHAT PURPOSE?

15 A THE LIGHT, THE PORCH LIGHT WAS ON.

16 Q OKAY.

17 A I AM THE ONE WHO CUT THE PORCH LIGHT OFF AND I  
18 CUT THE HALL LIGHT OFF AND I CUT THE LIVING ROOM  
19 LIGHT OFF AND I WENT AND I GOT IN THE BED.

20 Q WAS THE BACK DOOR LOCKED?

21 A I DIDN'T CHECK THE BACK DOOR.

22 Q SO THE GIRLS WERE IN CHARGE OF SECURING THE  
23 HOUSE THAT NIGHT?

24 A I WON'T ---

25 Q IS THAT TRUE OR NOT?

1 A NO, SIR, THAT'S NOT TRUE. THEY LOCKED THE DOOR.  
2 WE LOCKED THE DOOR AFTER MARY SUE LEFT AND WENT TO  
3 WORK. NORMALLY THEY DON'T GO BACK TO THE DOOR. THE  
4 DOOR WAS LOCKED AS SOON AS MARY SUE LEFT AND I ASKED  
5 AMANDA WAS IT LOCKED AND SHE SAID YES.

6 Q SO AT TEN O'CLOCK THAT NIGHT YOU GUYS WERE  
7 LOCKED IN FOR THE EVENING?

8 A PRETTY MUCH, YES, SIR.

9 Q OKAY. OKAY. AND WHEN YOU FIRST TALKED TO LAW  
10 ENFORCEMENT YOU DIDN'T TALK ABOUT THREE O'CLOCK,  
11 RIGHT?

12 A NO, SIR, I DIDN'T.

13 Q OKAY. AND THEN I'M GOING TO COME BACK TO THREE  
14 O'CLOCK BUT LET ME ASK YOU, WHERE IS IT THAT YOU TOLD  
15 LAW ENFORCEMENT ABOUT YOU CHECKING THE DOOR AT THREE  
16 O'CLOCK, CHECKING THAT CHAIN LOCK AT THREE O'CLOCK?

17 A I DIDN'T, I SAID I CUT THE LIGHTS OFF.

18 Q I WAS JUST ASKING. YOU'VE BEEN IN THIS  
19 COURTROOM DURING THIS WHOLE TRIAL, HADN'T YOU?

20 A THAT'S RIGHT.

21 Q YOU'VE HEARD EVERYBODY'S TESTIMONY?

22 A THAT'S RIGHT.

23 Q WHEN DID YOU TELL LAW ENFORCEMENT ABOUT THAT  
24 CHAIN LOCK THAT YOU JUST TOLD ME ABOUT?

25 A (NO RESPONSE.)

1 Q IT ABSOLUTELY WASN'T ON. I SAW IT AT THREE  
2 O'CLOCK. WHEN YOU DID TESTIFY TO THAT?

3 A IF YOU ARE INSINUATING THAT I DIDN'T CHECK THE  
4 CHAIN, THAT'S NOT TRUE. I CHECKED THE CHAIN. I  
5 DON'T HAVE, I DIDN'T, WHAT WAS I SUPPOSED TO DO, STOP  
6 AND TELL HER EVERY LITTLE DETAIL, EVERY LITTLE THING?

7 Q SIR, YOUR DAUGHTER WAS LAYING DEAD, YOU HEARD  
8 THAT A THOUSAND TIMES --

9 A I WAS --

10 Q WOULDN'T IT BE APPROPRIATE TO TELL EVERY LITTLE  
11 THING.

12 A I TOLD HER ALL THAT I KNEW AT THE TIME.

13 Q OKAY. SO YOU DON'T KNOW THAT AT THE TIME, IS  
14 THAT YOUR POINT?

15 A WHAT I. -- NO, I DIDN'T. I DIDN'T EVEN REMEMBER  
16 GETTING UP AT THREE O'CLOCK. REMEMBER? YOU JUST GOT  
17 THROUGH SAYING THAT I DIDN'T EVEN TELL IT TO LAW  
18 ENFORCEMENT. BUT THEN AFTER I SIT AND THOUGHT OF IT,  
19 I REMEMBERED I HAD TO GO TO THE BATHROOM.

20 Q OKAY. AND WHEN YOU SAT THERE THEN YOU  
21 REMEMBERED THE CHAIN LOCK?

22 A WHEN I SAT HERE? NO, SIR, I REMEMBERED THE  
23 CHAIN LOCK A LONG TIME BEFORE THAT. BUT, YOU KNOW,  
24 AFTER I TALKED TO MY ATTORNEYS AND AFTER I TALKED TO  
25 EVERYBODY, I DON'T GO BACK AND TALK TO THE POLICE. I



1 DON'T TRUST THEM.

2 Q YOU DON'T?

3 A NO, I DON'T.

4 Q SO YOU TALKED TO YOUR ATTORNEYS AND THAT'S WHEN  
5 YOU MADE THESE DETERMINATIONS, RIGHT?

6 A NO, SIR. I MADE THE DETERMINATION LONG TIME  
7 BEFORE THAT.

8 Q LET ME ASK YOU ABOUT, SO YOU TOLD LAW  
9 ENFORCEMENT FROM THE BEGINNING THAT THE HOUSE WAS  
10 SECURE, IS THAT A FAIR STATEMENT?

11 A I SAID -- YES, SIR, THAT'S TRUE BECAUSE I  
12 THOUGHT, I THOUGHT THAT IT WAS, BUT I DIDN'T CHECK  
13 THE WINDOWS. I DIDN'T CHECK THE DOORS. I MEAN, I  
14 DIDN'T NOTHING ELSE. ALL I CHECKED WAS THE TWO  
15 DOORS.

16 Q AND ---

17 A AND THAT'S EXACTLY WHAT I EXPLAINED TO THEM.  
18 REMEMBER, I SAID I LOOKED AT THE FRONT DOOR AND THEN  
19 I WENT TO THE BACK DOOR. I WENT TO THE KITCHEN DOOR  
20 AND LOOKED IN THERE TO THE BACK DOOR AND IT WAS SHUT.

21 Q RIGHT.

22 A AND LOCKED.

23 Q RIGHT.

24 A THAT'S EXACTLY WHAT I TOLD THEM THAT NIGHT.

25 Q THAT'S WHAT I'M GETTING AT. WE GOT THE BACK

1 DOOR LOCKED, WE GOT THE FRONT DOOR LOCKED, NOW WE'RE  
2 TALKING ABOUT THE WINDOWS, RIGHT?

3 A I DIDN'T LOOK AT THE WINDOWS. I DIDN'T LOOK FOR  
4 THE WINDOWS.

5 Q THAT'S WHAT I, I WANT TO ASK YOU SOME QUESTIONS  
6 ABOUT THE WINDOWS.

7 A OKAY. GO AHEAD.

8 Q FOR STARTERS, OF COURSE YOU'VE SEEN THE TRIAL  
9 AND YOU'VE SEEN THE PICTURES, RIGHT?

10 A I'VE SEEN THE TRIAL. I'VE SEEN THE PICTURES.

11 Q THE INSIDE OF THE HOUSE WAS NOT IN THE BEST OF  
12 SHAPE, YOU AND I ALREADY DISCUSSED THAT, RIGHT?

13 A WE ALREADY DISCUSSED THAT.

14 Q AT WHAT POINT DID YOU GO OUTSIDE AND CLEAN THE  
15 WINDOWS AND CLEAN THE WINDOWS SILLS AND CLEANED THE  
16 HOUSE?

17 A THEY WEREN'T. THEY WEREN'T CLEAN.

18 Q THEY WERE FILTHY, WEREN'T THEY?

19 A THEY WERE FILTHY.

20 Q EVERY SINGLE ONE OF THEM WAS FILTHY?

21 A THAT'S TRUE. THEY WERE REAL FILTHY. I MEAN, SO  
22 THAT, YOU KNOW.

23 Q YOU WOULDN'T WANT TO CLIMB OVER IT IN YOUR WHITE  
24 SHIRT, WOULD YOU?

25 A IT DEPENDS ON WHO I WAS AND WHAT I WAS DOING.

1 Q I GOT YOU.

2 A IF I WAS, IF I WAS A THIEF AND I WAS GOING TO  
3 BREAK IN A HOME, IT WOULDN'T MAKE NO DIFFERENCE  
4 NORMALLY WHAT, I WOULDN'T, IT WOULDN'T HAVE MATTERED  
5 TO ME.

6 Q WELL, THEN YOU'D HAVE ONE CLEAN WINDOW, WOULDN'T  
7 YOU?

8 A WOULDN'T IT HAVE BEEN CLEAN? I DON'T THINK IT  
9 WOULD HAVE BEEN CLEAN. NOT IF IT WAS AS FILTHY AS  
10 WHAT MY MINE WAS.

11 Q AND YOU DON'T THINK IT WOULD HAVE WIPED ANYTHING  
12 OFF OF THAT LEDGE?

13 A NO, I DON'T THINK IT WOULD HAVE BEEN THAT BAD,  
14 NO, I DON'T. THERE WAS TOO MUCH DIRT, TOO MUCH DUST,  
15 TOO MUCH LEAVES, THE WIND WAS BLOWING THAT NIGHT.  
16 THE WIND WOULD HAVE BLEW THE LEAVES BACK.

17 Q WE'RE NOT EVEN TALKING ABOUT LEAVES NOW. WE'RE  
18 TALKING ABOUT GRIME, RIGHT?

19 A WE'RE TALKING ABOUT.

20 Q WE'RE TALKING ABOUT BLACK MILDEW BASICALLY IS  
21 WHAT IT WAS?

22 A I WOULDN'T SAY IT WAS MILDEW, NO.

23 Q YOU DON'T THINK THAT'S WHAT IT WAS?

24 A NO, I DON'T THINK IT WAS MILDEW. I THINK IT WAS  
25 DIRT AND DEBRIS THAT JUST BLEW IT UP ON THE WINDOW.

1       THEM WINDOWS HAVE BEEN LIKE THAT, I MEAN, PROBABLY  
2       SINCE WE'VE BEEN THERE.

3       Q     OKAY.

4       A     THE ONLY THING WE DONE IS CLEAN THE WINDOWS  
5       THEMSELVES, THE GLASSES.

6       Q     I'M SORRY.

7       A     I SAID WE JUST CLEANED THE GLASSES THEMSELVES.

8       Q     OKAY. THAT NIGHT, BETWEEN WHAT YOU KNEW, WHAT  
9       THE GIRLS TOLD YOU THE HOUSE WAS SECURED, WE'RE  
10      SQUARE ON THAT PART, RIGHT?

11      A     I WOULD SAY SO, YES, SIR.

12      Q     OKAY. OKAY. AND THEN AS FAR AS AMANDA'S ROOM,  
13      NOW ONE OF AMANDA'S WINDOWS DID HAVE PLASTIC OVER IT  
14      WHERE KYLA OR JESSICA HAD BOUNCED INTO THE WINDOW,  
15      RIGHT?

16      A     ACTUALLY IT WAS KYLA. KYLA WAS JUMPING, SHE  
17      JUMPED OFF THE DRESSER, JUMPED ONTO THE BED, AND WAS  
18      BOUNCING ON THE BED.

19      Q     WENT STRAIGHT ON IN TO THE WINDOW?

20      A     FELL BACK ON THE WINDOW AND BUSTED IT AND SOME  
21      OF THE BOARDS WERE BUSTED OUT AND THE BED WAS SHIFTED  
22      AROUND, MOVED AROUND. WE TOOK, WE TOOK THE BED APART  
23      AT THAT TIME AND CHANGED IT AROUND BECAUSE SOME OF  
24      THE SLATS ON THE BOTTOM WAS BROKEN AND WE FIXED IT SO  
25      THAT AMANDA COULD USE IT AGAIN AND WE TURNED THE BED

1       SIDE WAYS SO THAT KYLA COULDN'T GET, JUMP TO THE BED  
2       FROM THE DRESSER NO MORE.

3       Q       AND MARY SUE GOT SOME PLASTIC AND USED THE  
4       STAPLER AND BASICALLY FIXED THE WINDOW SO BECAUSE I  
5       MEAN THIS WAS WHAT NOVEMBER NOW, SO THERE WOULDN'T BE  
6       WIND BLOWING IN ON AMANDA, RIGHT?

7       A       I HONESTLY CAN'T SAY THAT SHE USED A STAPLER  
8       BECAUSE I THOUGHT SHE HAD TOLD ME SHE USED TAPE AND  
9       TAPED IT UP. I REALLY CAN'T SAY FOR SURE.

10      Q       I GOT YOU. OF COURSE, YOU LOOKED AT IT, RIGHT?

11      A       I LOOKED AT IT? NO. NO, BECAUSE IT WAS JUST A  
12      COUPLE NIGHTS PRIOR TO THIS HAPPENING THAT SHE  
13      ACTUALLY STAPLED IT UP. SEE THE GIRLS, JESSICA AND  
14      KYLA AND AMANDA, ALL SLEPT IN THE SAME BED FOR A  
15      SHORT TIME UNTIL WE, UNTIL AMANDA GOT TIRED OF NOT  
16      BEING ABLE TO SLEEP WITH THE NIGHT ON AND SHE ASKED  
17      FOR HER ROOM BACK AND MARY SUE WENT IN THERE WHILE I  
18      WAS AT WORK A COUPLE NIGHTS BEFORE THAT AND EITHER  
19      STAPLED OR TAPED, BUT Y'ALL SAY STAPLED. SHE TOLD  
20      ME, I THOUGHT SHE TOLD ME, TAPED IT.

21      Q       BUT YOU SAW IT, RIGHT? YOU SAW IT THAT MORNING,  
22      RIGHT?

23      A       I SAW, I SAW THE PLASTIC, I DIDN'T SEE THE  
24      STAPLES, I DIDN'T SEE THE TAPE, BECAUSE I WASN'T  
25      LOOKING FOR THAT.

1 Q OKAY. LET ME ASK YOU THIS. WHEN DID YOU CLEAN  
2 OUT AMANDA'S CLOSET?

3 A AMANDA'S CLOSET. SHE'S, SHE WAS RESPONSIBLE FOR  
4 CLEANING THAT OUT. A LOT OF HER STUFF WAS OUT AND IN  
5 THE FLOOR OF HER, IN THE FLOOR THERE OF HER CLOSET.  
6 IT WAS BACK OVER IN THE CORNER.

7 Q OKAY. CLEARLY NOBODY COULD FIT IN THAT CLOSET,  
8 COULD THEY?

9 A I WOULDN'T SAY THAT, NO, SIR. I SAY THAT, YES,  
10 SOMEBODY COULD. AND I BELIEVE SOMEBODY DID.

11 Q AND WHY DO YOU BELIEVE THAT?

12 A WHY, WHY ELSE WOULD THE DOOR IN, TO THE CLOSET  
13 BE AJAR SO THAT I COULDN'T GET IN FROM THE DOOR THAT  
14 MORNING?

15 Q COULD SHE HAVE HUNG HER STUFF UP BEFORE SHE WENT  
16 TO BED?

17 A I DON'T THINK SO, NO. I REALLY BELIEVE BECAUSE  
18 OF WHAT HAPPENED, THE WAY IT ALL HAPPENED, THAT'S  
19 EXACTLY WHAT IT WAS. SOMEBODY WAS IN HER CLOSET.

20 Q SOMEBODY HID IN THAT CLOSET. GOT IN SOMETIME  
21 EARLIER --

22 A I TOLD YOU THAT HER, THAT WAS, THAT THE, THE  
23 FRONT DOOR WAS STANDING OPEN.

24 Q NOW WHEN WAS THIS?

25 A THIS WAS WHEN I CAME HOME FROM WORK EARLIER THAT

1 AFTERNOON.

2 Q WAIT A MINUTE. ALL RIGHT. WHEN YOU TESTIFIED A  
3 LITTLE BIT AGO ---

4 A RIGHT.

5 Q YOU SAID THE FRONT DOOR WAS OPEN. WHEN YOU CAME  
6 HOME FROM WORK AND YOUR FAMILY IS ALL THERE AND THE  
7 FRONT DOOR WAS OPEN?

8 A AND I QUESTIONED MARY SUE ABOUT IT, SHE SAID SHE  
9 COULD HAVE LEFT IT OPEN.

10 Q SO YOU THINK MAYBE SOMEBODY GOT IN THAT CLOSET  
11 THEN?

12 A I DON'T KNOW IF THEY GOT IN THEN, BUT I KNOW  
13 THAT I DIDN'T, AFTER I COME BACK FROM GETTING AMANDA  
14 AT FIVE O'CLOCK AND MARY SUE LEFT AND WENT TO THE  
15 STORY, I DIDN'T LEAVE THE HOUSE, AND I CAN'T THINK OF  
16 NO OTHER WAY NOBODY GOT IN.

17 Q OKAY. BECAUSE IT WASN'T BREAKING IN, WAS IT?

18 A I CAN'T SAY THAT. I DON'T KNOW.

19 Q OKAY. LET ME ASK YOU THIS. HAD YOU BEEN IN HER  
20 ROOM THAT WEEK?

21 A HAVE I?

22 Q HAVE YOU BEEN IN YOUR DAUGHTER'S ROOM IN THAT  
23 SMALL HOUSE THAT WEEK?

24 A NO, I HAVE NOT. I DIDN'T GO IN MY DAUGHTER'S  
25 ROOM. THAT WAS HER ROOM. MARY SUE, IF SHE WANTED TO

1       HELP HER CLEAN IT, SHE HELPED HER CLEAN IT, BUT I  
2       DIDN'T GO IN HER BEDROOM, NO, I DIDN'T.

3       Q     SO HOW DID YOU KNOW HER CLOSET WAS EMPTY?

4       A     UH?

5       Q     HOW DID YOU KNOW HER CLOSET WAS EMPTY?

6       A     BECAUSE SHE TOLD ME SHE EMPTIED OUT THE CLOSET  
7       SO THAT SHE COULD, SHE HAD CLEANED OUT HER CLOSET  
8       BECAUSE WE WERE GOING TO, WE WERE SPRAYING.

9       Q     WHO TOLD YOU THAT?

10      A     AMANDA TOLD ME THAT.

11      Q     SO AMANDA TOLD YOU SHE EMPTIED OUT THAT CLOSET,  
12      SO THAT NIGHT WHEN YOU WERE TALKING TO JERRY WALDROP  
13      AND THOSE GUYS, YOU GO, HEY, SOMEBODY COULD HAVE HID  
14      IN THE CLOSET BECAUSE AMANDA HAD EMPTIED OUT THAT  
15      CLOSET, RIGHT?

16      A     NO, THAT'S NOT TRUE.  WHEN I DID THE FOGGERS HER  
17      CLOSET DOOR WAS OPEN.  I COULD SEE IN HER CLOSET.  
18      HER CLOSET, SHE STILL HAD A FEW BAGS IN THE BOTTOM OF  
19      IT, BUT I COULD SEE IN HER CLOSET.  I DIDN'T GO INTO  
20      HER ROOM.  WE PUT, I PUT THE FOGGERS AT THE DOOR, AT  
21      HER DOOR, SO THE TWO OF THEM, HER CLOSET DOOR WAS  
22      OPENED AND HER STUFF WAS OUT LIKE SHE SAID SHE WOULD  
23      DO.

24      Q     HER CLOSET DOOR WAS OPEN?

25      A     YES.



1 Q SO HOW DID YOU GET HER DOOR OPEN IF HER CLOSET  
2 DOOR WAS OPEN? I THOUGHT THEY HUNG UP ON EACH OTHER?

3 A NO. NO. NO. I, THEY, IT'S THE WAY THEY HUNG  
4 UP. THE HANDLES HUNG UP ON THE TWO. BUT YEAH, YOU  
5 COULD OPEN HER DOOR AT ONE TIME AND THEN THE OTHER  
6 ONE WOULD OPEN UP THE OPPOSITE. THEY OPENED LIKE  
7 THIS SO THEY BOTH WOULD OPEN, NOT AT THE SAME TIME,  
8 BUT ONE RIGHT AFTER THE OTHER.

9 Q WHEN YOU TALKED TO DSS YOU TOLD THEM THAT YOU  
10 HAD NOT BEEN IN HER ROOM, YOU DENIED, YOU DON'T EVER  
11 GO IN HER ROOM BASICALLY?

12 A NO, I DON'T GO HER ROOM.

13 Q DO YOU GO IN THE OTHER GIRLS' ROOM?

14 A IN -- I.

15 Q THE OTHER GIRLS' ROOM?

16 A VERY RARELY IF I DO. I THINK I WENT THERE TO  
17 HELP THEM SET THAT DESK UP IN THERE.

18 Q OKAY. THAT'S THE ROOM OVER HERE WE'RE TALKING  
19 ABOUT, RIGHT? AND I'M STANDING IN AMANDA'S?

20 A IN JESSICA, IN JESSICA AND KYLA'S ROOM, YES.

21 Q YOU SLEEP THERE, THE BATHROOM IS THERE, YOU  
22 DON'T GO INTO THIS ROOM MAYBE OTHER THAN FOR ONE TIME  
23 FOR SETTING UP A DESK, AND YOU DON'T GO IN THIS ROOM?

24 A I DON'T GO IN THE GIRLS' ROOM. I RESPECT THEIR  
25 PRIVACY.

1 Q BUT THEIR DOOR'S WIDE OPEN, RIGHT?

2 A YEAH, THEIR DOOR'S, MOST OF THE TIME THEIR DOORS  
3 ARE OPEN, BUT AMANDA CLOSES HER DOOR AT NIGHT BEFORE  
4 SHE GOES TO SLEEP.

5 Q AND YOU MADE TO CLEAR TO DSS THAT YOU DON'T GO,  
6 OR DIDN'T GO --

7 A I DON'T GO INTO THEIR ROOM.

8 Q OKAY. AND DID I UNDERSTAND YOU TO SAY THAT YOU  
9 HAD HEARD THAT AMANDA AND THE NEIGHBOR TALK ALL THE  
10 TIME?

11 A WHAT, WHAT I SAID WAS THE NEIGHBOR BESIDE OF US,  
12 RANDY CROWDER WAS HIS NAME, WOULD TALK TO MARY SUE  
13 AND AMANDA AND JESSICA AND KYLA FOR THAT MATTER FROM  
14 HIS PORCH TO OUR LITTLE STOOP OF A PORCH THERE OR HE  
15 WOULD COME TO THE FENCE AND TALK WHEN THEY WERE OUT  
16 THERE. I THINK THE LAST TIME THEY WERE WASHING THE  
17 VAN AND MARY SUE TOLD ME THAT. AS A MATTER OF FACT,  
18 HE HAD PROMISED HER SOME TOMATOES AND WE NEVER GOT  
19 THEM AND SHE WAS ASKING ABOUT THEM.

20 Q NOW AS A STANDARD COURSE YOU PICKED THE GIRLS UP  
21 AT SCHOOL. YOU, I THINK I UNDERSTAND, YOU MADE TWO  
22 TRIPS, IS THAT RIGHT?

23 A THAT'S CORRECT.

24 Q AND WHEN YOU PICK AMANDA UP FROM SCHOOL, SHE  
25 PRETTY MUCH STAYS WITH YOU UNTIL THE NEXT MORNING?

1 I BELIEVE YOU SAID IN ONE OF YOUR STATEMENTS. IN  
2 OTHER WORDS, I MEAN, YOU WENT DIFFERENT PLACES, I'M  
3 NOT SAYING THAT, BUT SHE'S WITH YOU THERE AT THE  
4 HOUSE, SHE'S NOT GONE VISITING FRIENDS OR WALKING  
5 AROUND THE NEIGHBORHOOD OR ANYTHING OF THAT NATURE.

6 A NO, WE DIDN'T ALLOW HER TO WALK AROUND THE  
7 NEIGHBORHOOD. WE DIDN'T ALLOW HER TO GO OFF ON HER  
8 OWN OR TO, SHE WOULD GO TO FRIENDS HOUSE. SHE WENT  
9 TO LEILA'S HOUSE AFTER CHURCH SEVERAL TIMES. SHE'S  
10 WENT TO, WE GO TO MY MOM'S HOUSE, THINGS LIKE THAT,  
11 BUT YEAH, FOR THE MOST PART, SHE STAYS AT THE HOUSE.

12 Q SCHOOL DAYS PARTICULARLY SHE COMES HOME?

13 A YEAH.

14 Q SO SHE WAS BASICALLY WITH YOU FROM THE TIME SHE  
15 GETS OUT OF SCHOOL TIL THE NEXT MORNING, RIGHT?

16 A WELL, EXCEPT WHEN I'M AT WORK.

17 Q AND WHEN WOULD THAT BE?

18 A WELL, FROM FIVE O'CLOCK IN THE AFTERNOON UNTIL  
19 TEN, UNTIL NINE, ABOUT 9:45.

20 Q UNLESS IT'S WEDNESDAY OR SOME OTHER DAY?

21 A UNLESS IT'S ON WEDNESDAY, THEN WE HAVE CHURCH  
22 AND WE WOULD ALWAYS GO TO CHURCH.

23 Q OKAY. AND YOU INDICATED AMANDA'S DOOR WAS HARD  
24 TO OPEN, IT MAKES NOISE, BUT IT DOESN'T STICK, RIGHT?

25 I JUST WANT TO BE SURE ---

1 A YOU SAID AMANDA'S.

2 Q RIGHT.

3 A NO, IT WOULD STICK. IT DIDN'T MAKE NOISE. IT  
4 WASN'T LOUD LIKE, IT WASN'T LIKE, WHAT WAS LOUD WAS,  
5 I THINK SHE HAD A LOCK OR SOMETHING ON THE BACK THAT  
6 WOULD RATTLE, CLINK, CLINK, CLINK, YOU KNOW, MAKE A  
7 RATTLE WHEN YOU PUSH ON IT, BUT HER DOOR IT MADE A  
8 SCRAPINGNOISE, BUT IT WASN'T LOUD OR NOTHING LIKE  
9 THAT.

10 Q OKAY. AND THAT PARTICULAR NIGHT AND I'VE SEEN  
11 SEVERAL DIFFERENT VERSIONS SO AGAIN I WANT YOU TO  
12 CORRECT ME. THE GIRLS ARE DOING THEIR HOMEWORK. IT  
13 GETS TO BE ONE O'CLOCK, HAD YOU GONE TO BED BECAUSE I  
14 THOUGHT IN ONE OF YOUR STATEMENTS YOU WENT TO BED AND  
15 SET THE ALARM TO WAKE BACK UP, BUT YOU HEAR THE  
16 STAPLER GOING RIGHT BEFORE YOUR ALARM GOES OFF?

17 A NO, SIR, THAT'S NOT WHAT THE, THAT'S NOT WHAT  
18 THE STATEMENTS SUPPOSEDLY, SUPPOSED TO SAY. I DON'T  
19 KNOW. I DON'T EVEN REMEMBER, I DON'T EVEN REMEMBER  
20 SEEING THAT STATEMENT. WHAT I SAID WAS AT 12 O'CLOCK  
21 I GOT UP FROM THE COMPUTER OR SOMEWHERE AROUND ABOUT  
22 12 O'CLOCK, AROUND MIDNIGHT, I GOT UP FROM THE  
23 COMPUTER AND I WENT TO MY BEDROOM WITH MY BIBLE AND  
24 WITH THE QUIZ BOOK, WITH THE, THE NOTE PAD WAS  
25 ALREADY IN THE BEDROOM, THE LITTLE COMPOSITION

1 BOOKLET, AND THEN THERE WAS A LIST OF QUESTIONS THAT  
2 I WOULD HAVE FOR AMANDA. WHAT I WOULD DO IS I WOULD  
3 ASK HER QUESTIONS AND SHE WOULD JUMP UP AND ANSWER  
4 THE QUESTIONS.

5 Q THAT'S AROUND 12 O'CLOCK?

6 A THAT'S WHEN I WENT INTO THE BEDROOM AND I SAT  
7 OPEN THE BED, AT THE FOOT OF THE BED.

8 Q YOU SITTING ON YOUR BED AGAIN.

9 A RIGHT.

10 Q YOU ARE SITTING FACING THE DOOR?

11 A NO, I'M SITTING FACING THE FAN.

12 Q THE FAN AT THE END OF YOUR BED DOWN THERE?

13 A WELL, IF I WAS TURNING, YES, I'D BE FACING THE  
14 BED.

15 Q OKAY. SO YOU ARE FACING THE END WHERE THEY  
16 WERE?

17 A THEY ARE IN THE LIVING ROOM.

18 Q OKAY. THAT'S WHAT I'M SAYING. WHERE ARE THE  
19 GIRLS AT?

20 A OH, THE GIRLS. THEY ARE IN THE HALLWAY.

21 Q SO RIGHT HERE?

22 A THEY COME OUT OF THE LIVING ROOM AND COME TO SIT  
23 IN THE HALLWAY ON THE FLOOR FOR A SHORT TIME THEN  
24 THEY GOT UP AND STOOD AT THE, WE HAD A SEWING MACHINE  
25 SITTING RIGHT THERE IN THE HALL, WE HAD JUST GOT IT.

1 I HADN'T HAD A CHANCE, LIKE I SAID, I WAS CLEANING  
2 OUT THE BEDROOM SO WE COULD PUT SOME STUFF AWAY AND  
3 THAT WAS ONE OF THE THINGS THAT WAS GOING IN THE  
4 BEDROOM AND IT WAS SITTING IN THE HALLWAY, SORT OF  
5 OUT OF THE WAY, AND THEY WERE, THEY WERE SITTING UP,  
6 AT FIRST THEY WERE SITTING IN THE FLOOR. THEN THEY  
7 STOOD UP ON THE SEWING MACHINE AND AMANDA WAS HELPING  
8 HER WITH HER HOMEWORK.

9 Q NOW HOW LONG HAD THAT SEWING MACHINE BEEN OUT  
10 THERE? DID I UNDERSTAND YOU TO SAY THAT YOU ARE  
11 MOVING IT OUT OR SOMETHING?

12 A WE WERE MOVING IT TO OUR BEDROOM. IT WAS, MY  
13 MOM HAD JUST GIVE IT TO MY WIFE AND I.

14 Q HOW LONG HAD IT BEEN OUT THERE?

15 A THREE OR FOUR DAYS.

16 Q OKAY. NOW IS THAT THE SAME TABLE THAT THE RAG  
17 IS UNDER?

18 A NO.

19 Q OKAY.

20 A NO. THAT WASN'T UNDER A TABLE. THAT WAS UNDER  
21 A BOOK SHELF. THAT WAS IN THE, THERE WAS A BOOK  
22 SHELF THERE AND THERE IS A BOOK SHELF HERE, AND IT  
23 WAS UP UNDER, ACCORDING TO THE POLICE DOCUMENTS AND  
24 ALL, WAS UP UNDER SIDE OVER THERE.

25 Q SO THAT'S UNDER THAT BOOK SHELF, THAT RAG IS

1 UNDER THAT BOOK SHELF FACING TOWARDS YOUR BEDROOM?

2 A FACING TOWARDS MY BEDROOM, YES.

3 Q OKAY. OKAY. SO ANYWAY YOU WORK UNTIL ABOUT 12.

4 AT WHAT POINT DO YOU GO TO SLEEP?

5 A I DID NOT GO TO SLEEP UNTIL AFTER THE GIRLS HAD  
6 FINISHED THEIR HOMEWORK. I WAS SITTING UP WORKING ON  
7 THE BIBLE STUDY AND THE COMPUTER PROGRAM. I MEAN THE  
8 QUIZ PROGRAM.

9 Q OKAY. YOU ARE WORKING ON YOUR BIBLE QUIZ  
10 PROGRAM FROM ROUGHLY 12 UNTIL ONE, IS THAT ABOUT  
11 RIGHT?

12 A FROM 12, YEAH, ABOUT 12 TO ONE. WELL, I STOPPED  
13 LONG ENOUGH TO WRITE MY JOURNAL ENTRY OUT FOR THAT  
14 DAY.

15 Q OKAY. NOW YOU TALK ABOUT AN ALARM THEN YOU TALK  
16 ABOUT THE PHONE. LET'S START WITH THE PHONES. WHAT  
17 PHONES DID YOU HAVE IN YOUR HOUSE?

18 A I HAD TWO PHONES. I HAD ONE YOU SEEN IN THE  
19 PICTURE, THAT ONE SIT ON THAT LITTLE TABLE, ACTUALLY  
20 IT'S A STOOL WITH A COVER ON IT, IT SIT RIGHT BESIDE  
21 OF MY DESK.

22 Q THAT'S THE COMPUTER?

23 A RIGHT, RIGHT IN FRONT OF THE COMPUTER.

24 Q OKAY.

25 A AND THE COMPUTER SITS RIGHT THERE, THERE IS A

1 LITTLE TABLE THAT SITS RIGHT HERE BESIDE OF THE DESK  
2 AND IT HAS THE ONE PHONE ON IT. THEN WE HAVE ANOTHER  
3 PHONE IN THE BEDROOM THAT WAS A CORDLESS PHONE THAT  
4 IT HAD A DISTINCT RING TO IT AND IT WOULD RING THE,  
5 WHEN YOU CALLED WAKE UP, IT WOULD RING APPROXIMATELY  
6 FIFTY TIMES AND THAT WOULD GET MY ATTENTION AND I  
7 COULD HEAR IT AND I WOULD WAKE UP. AND I THINK I  
8 ANSWERED YOUR QUESTION.

9 Q DID YOU HAVE AN ALARM IN THERE TOO?

10 A I DID HAVE AN ALARM CLOCK IN THERE.

11 Q BUT YOU USED?

12 A AND IT HAD A LITTLE BEEP, BEEP, BEEP, THAT'S ALL  
13 YOU HEAR.

14 Q KIND OF LIKE A SMOKE ALARM ALMOST?

15 A ALMOST, YEAH.

16 Q RIGHT. AND SO YOU USED THAT ALARM? YOU USED  
17 USE THE ALARM CLOCK AND THE PHONE?

18 A I USED, WELL, I USED THE PHONE IS WHAT I USE.  
19 BUT THE ALARM CLOCK IS JUST A SECONDARY, I HEAR BOTH,  
20 I DON'T HEAR THE ALARM CLOCK UNTIL AFTER I HEAR THE  
21 PHONE.

22 Q AND THE PHONE, IS THAT SOME KIND OF SERVICE YOU  
23 GOT WITH COMPORIUM OR SOMETHING?

24 A IT'S NOT, IS IT A SERVICE?

25 Q IS THAT THE PHONE COMPANY DOES THAT?



1 A YEAH, THE PHONE COMPANY DOES IT.

2 Q SO YOU PAY FOR THAT?

3 A I DON'T, I DON'T KNOW IF THAT WAS A CHARGE OR IF  
4 THAT'S JUST PART OF THE PHONE SERVICE. I CAN'T  
5 REMEMBER.

6 Q I GOT YOU. AT SOME POINT THEN THEY FINISH UP  
7 AND NOW I'M JUST TRYING TO PICTURE, YOU ARE THERE ON  
8 YOUR BED, SO YOU CAN SEE WHATEVER THEY ARE DOING  
9 RIGHT HERE COMING THROUGH THE HALL. YOU CAN SEE  
10 AMANDA'S ROOM, YOU CAN SEE THE OTHER GIRLS' ROOM,  
11 RIGHT?

12 A THAT'S CORRECT.

13 Q OKAY. FROM RIGHT WHERE YOU ARE SITTING?

14 A THAT'S CORRECT.

15 Q AND SO WHAT WAS TAKING PLACE?

16 A OKAY. JESSICA AND KYLA WERE, I WAS SITTING,  
17 LIKE I WAS FACING THE, THE JUDGE'S BENCH THERE AND  
18 THE FAN WOULD BE SITTING RIGHT HERE ON THE DRESSER,  
19 AND THEN I WAS SITTING ON AT THE FOOT OF THE BED LIKE  
20 THIS AND I HAD MY BIBLE AND I HAD MY, THE QUIZ BOOK  
21 AND THE QUESTIONS SITTING RIGHT HERE. AT ONE POINT I  
22 EVEN MADE THE STATEMENT TO AMANDA, YOU ONLY GOT A FEW  
23 QUESTIONS, I THINK 8 OR 9 QUESTIONS THIS TIME.

24 Q YOU TALKING ABOUT THE QUIZ BOOK. YOU ARE NOT  
25 TALKING ABOUT MATH NOW?

1 A IN THE QUIZ BOOK, RIGHT. AMANDA SAID OH, GOOD.

2 I'M TIRED OF ALL OF THESE QUESTIONS AND THEN BUT --

3 Q WHERE WAS SHE WHEN YOU WERE TALKING, YOU WEREN'T

4 SEEING HER. YOU WERE HEARING HER?

5 A NO, I WAS SEEING. SHE WAS STILL SITTING THERE

6 IN THE HALL.

7 Q IN THE HALLWAY?

8 A YEAH.

9 Q OKAY. OKAY?

10 A BECAUSE I LOOKED DIRECTLY IN HER FACE WHEN I

11 TOLD HER THAT.

12 Q ALL RIGHT. THEN AT SOME POINT WHEN YOU HEAR ALL

13 THE STAPLING AND STUFF, IS THAT IN HER BEDROOM?

14 A HER BEDROOM, SHE-- WHAT HAPPENED IS WHEN THEY

15 GOT UP AND I GUESS PROBABLY ABOUT 15 UNTIL THEY GOT

16 UNCOMFORTABLE AND THEY WENT TO HER BEDROOM AND SAT

17 DOWN ON HER BED AND FINISHED---

18 Q YOU COULD SEE HER STRAIGHT ACROSS FROM YOU?

19 A YOU CAN SEE INTO THE ROOM BUT YOU CAN'T SEE IF

20 ANYBODY'S WHERE THEY ARE AT. I SAW THE SHADOWS.

21 Q I GOT YOU.

22 A IN THE ROOM AND I KNEW THEY WERE SITTING ON THE

23 BED DOING THE WORK AND THEN --

24 Q LET ME STOP YOU ONE SECOND. SO AT THAT POINT

25 BOTH AMANDA AND JESSICA ARE IN THAT, IN AMANDA'S

1       BEDROOM?

2       A       THAT'S CORRECT.

3       Q       OKAY.

4       A       THAT'S CORRECT.  AND THEN AT ABOUT TWO OR THREE  
5       MINUTES TIL THE PHONE, I SAID TWO OR THREE UNTIL ONE  
6       BY THE PHONE, NOW I UNDERSTAND THAT THE PHONE HAS A  
7       FIVE MINUTE LEEWAY EITHER, YOU KNOW, THAT IT EITHER  
8       COMES ON OR IT COMES ON AT EITHER FIVE MINUTES AFTER  
9       OR FIVE MINUTES TIL IT RINGS, BECAUSE SO MANY PEOPLE  
10      ARE USING THAT SYSTEM.  SO, YOU KNOW, YOU CAN'T, YOU  
11      DON'T KNOW IF YOU ARE GOING TO BE EXACTLY AT SIX  
12      O'CLOCK OR AT WHATEVER TIME.  AT ONE O'CLOCK WHENEVER  
13      I THOUGHT IT WAS EXACTLY ONE O'CLOCK AND SO I SAID  
14      OKAY, GIRLS, THE PHONE WENT OFF, IT'S TIME TO GO TO  
15      BED.  I HEARD THE STAPLER JUST BEFORE THE ALARM WENT  
16      OFF AND I LOOKED AT AMANDA AND I SAID AMANDA, ARE  
17      Y'ALL DONE AND SHE SAID YES, DADDY, AND JESSICA WAS  
18      GETTING INTO HER BED.

19     Q       COULD YOU SEE THAT --

20     A       I COULD SEE THAT.

21     Q       FROM HER GOING INTO THAT ROOM?

22     A       I COULD SEE, YES.

23     Q       OKAY.

24     A       JESSICA WAS GETTING INTO HER BED AND AMANDA WAS,  
25     SHE WAS AND SHE WAS COMING BACK TOWARDS ME.  I SAID

1 WILL YOU COME HERE A MINUTE AND SHE SAYS YUP.

2 Q SO SHE COMES IN TO WHERE YOU ARE IN THE BEDROOM.

3 A YEAH, AND I SCOOT BACK UP IN THE BED. I ADMIT  
4 I'M LAZY. I SCOOT UP IN THE BED AND I ASK HER WOULD  
5 SHE GO AHEAD AND TURN THE NIGHT OUT FOR ME, TURN THE  
6 FAN ON, AND SHE DID.

7 Q OKAY. SO BEFORE THEY ARE THERE IN THE HALL IS  
8 THAT WHEN YOU ARE LOCKING THE DOORS AND EVERYTHING?

9 A OH, THE DOORS WERE LOCKED. THE DOOR WAS LOCKED  
10 AT TEN O'CLOCK. AMANDA TOLD ME SHE LOCKED -- WHEN  
11 THEY WERE SITTING IN THE HALL SHE TOLD ME THE LIGHTS  
12 WERE OFF AND THE DOORS WERE LOCKED.

13 Q YOU ASKED HER THAT SPECIFICALLY?

14 A SHE TOLD ME. I DIDN'T ASK HER ANYTHING.

15 Q SHE'S SITTING IN THE HALL WORKING ON MATH AND  
16 SHE SAID DADDY THE LIGHTS ARE OUT AND THE DOORS ARE  
17 LOCKED?

18 A NO. NO. SHE SAID DADDY, WE ARE GOING TO SIT IN  
19 HERE AND THE LIGHTS ARE OUT AND THE DOORS ARE LOCKED.

20 Q OKAY.

21 A AND THAT'S WHERE SHE SAT, THEY SAT.

22 Q OKAY. AND THEN AT THAT POINT AT ONE O'CLOCK  
23 THEY GO TO BED, RIGHT? EVERYBODY GOES TO BED?

24 A YEAH, EVERYBODY GOES TO BED. WELL, KYLA OF  
25 COURSE SHE WAS ALREADY IN THE BED ASLEEP.

1 Q OKAY. AND SHE SLEEPS SOLID, RIGHT?

2 A WELL SO DOES JESSICA. THEY BOTH SLEEP PRETTY  
3 SOLID.

4 Q OKAY. AND SO AMANDA GOES ON INTO HER ROOM, DO  
5 YOU EVER GET OUT OF YOUR BED AT THAT POINT?

6 A AT THAT POINT? NO.

7 Q OKAY.

8 A NO. SHE TURNED THE LIGHT OUT. OH, SHE'S  
9 STARTED OUT OF THE ROOM, THE PHONE BEEPED, THE --

10 Q WEAK BATTERY?

11 A THE CHARGER, WEAK BATTERY, AND I ASKED HER WOULD  
12 SHE GIVE ME THE PHONE, SHE HANDED ME THE PHONE AND I  
13 WENT AHEAD AND SET IT FOR SIX O'CLOCK AND TOLD HER TO  
14 PUT IT ON THE CHARGER FOR ME AND SHE PUT IT ON THE  
15 CHARGER.

16 Q OKAY. THE BED IS GOING ACROSS HERE. NOW I'M  
17 CREATING THIS ROOM.

18 A RIGHT.

19 Q NOW YOUR BED IS GOING ACROSS HERE. YOUR CHARGER  
20 IS UP HERE SOMEWHERE?

21 A IT WAS ON THE CORNER, IT WAS ON THE CORNER OF  
22 THE DRESSER, BUT THE THING HAD FELL ON THE FLOOR AND  
23 SHE SAID I CAN'T FIND IT AND I SAID LOOK DOWN ON THE  
24 FLOOR AND SO SHE MOVED THE, OUR DRESSER, OUR DRESSER  
25 HAS TWO DOORS THAT OPEN UP LIKE THIS, AND THEN THE

1 DRAWERS COME OUT, AND ONE OF THE DOORS WAS LIKE THIS  
2 RIGHT HERE, AND THE CHARGER WAS IN BEHIND IT.

3 Q AND THAT'S AT THE FOOT OF YOUR BED?

4 A THAT'S AT THE FOOT OF THE BED.

5 Q OKAY. OKAY. SO SHE GETS UP AND PUTS THE PHONE  
6 ON THE CHARGER AND YOU ARE LAYING IN THE BED OVER  
7 HERE?

8 A I'M ALREADY IN THE BED AND I GET THE MASK AND  
9 PUT IT ON.

10 Q TELL US ABOUT THAT MASK. IT'S A CPAP, IS THAT A  
11 GENERAL NAME OR SOMETHING. IT'S BASICALLY YOU ARE  
12 NOT GETTING ENOUGH OXYGEN IN AT NIGHT, RIGHT?

13 A WELL, WHAT HAPPENS IS, REMEMBER AT THAT TIME I  
14 WAS 385 POUNDS.

15 Q RIGHT.

16 A AT 385 POUNDS IS A LOT OF FAT TISSUE RIGHT HERE  
17 AND WHAT WAS CAUSING IT, IT WAS CAUSING ME NOT TO BE  
18 ABLE TO GET ENOUGH AIR INTO MY SYSTEM AND I WOULD  
19 SNORE, I WOULD SNORE REAL LOUD. I MEAN, SOUNDED  
20 LIKE, TO QUOTE WHAT MY WIFE SAID, A FREIGHT TRAIN,  
21 AND SHE SAID AND SO I HAD A LOT OF PROBLEMS TRYING TO  
22 GET HOME WHEN I WAS WORKING FOR CONOCO, AND I HAD A  
23 LOT OF PROBLEMS ALMOST, ONCE I WAS DRIVING AND ALMOST  
24 WENT OFF THE SIDE OF THE ROAD.

25 Q WAS THAT WHEN YOU LOOKED AT THAT CHECK?

1       A     NO.   NO.   NO.   I WAS, THAT WAS YEARS BEFORE I  
2       EVEN GOT MARRIED, BUT I WAS ON MY WAY HOME AND I FELL  
3       ASLEEP.   I FELL ASLEEP AT THE WHEEL AND I CAUGHT  
4       MYSELF JUST AS I WAS FIXING TO GO OFF THE SIDE OF THE  
5       ROAD.   AND ONE TIME I ACTUALLY DID GO OFF THE SIDE OF  
6       THE ROAD.   IT WAS RED RIVER ROAD RIGHT IN FRONT OF  
7       ALL THOSE PEOPLE AND I WENT OFF THE ROAD AND SLID OFF  
8       INTO, I WAS HEADING STRAIGHT FOR A TREE AND I SLAMMED  
9       ON BRAKES AND TURNED AND THEY STARTED LAUGHING AT ME  
10      ON THE PORCH.

11                               NOW I WAS WATCHING A EDUCATIONAL  
12      PROGRAM ON ETV AND THEY WERE TALKING ABOUT SLEEP  
13      APNEA ITSELF, AND I THOUGHT WELL MAYBE THAT'S THE  
14      PROBLEM.   AND THEN I WENT TO, I HAD TO GO TO THE  
15      HOSPITAL WHEN I WAS WORKING FOR WALMART FOR MY CHEST  
16      STARTED HURTING AND MY WHOLE RIGHT SIDE WENT NUMB ON  
17      ME.   I WAS UP ON A LADDER HELPING A CUSTOMER AND MY  
18      WHOLE SIDE WENT NUMB AND SO I CALLED MY WIFE AND THEY  
19      COME GOT ME AND TOOK ME TO THE HOSPITAL.   WHILE I WAS  
20      IN THE HOSPITAL THEY RUN EXTENSIVE TESTS ON ME TO SEE  
21      WHAT WAS CAUSING THAT AND THE MAN WAS PUTTING  
22      SOMETHING ON MY, HE PUT SOMETHING ON MY, RIGHT THERE,  
23      SOME ELECTRODES AND ALL AND HE ASKED ME TO GO TO  
24      SLEEP AND I DOZED OFF WHILE HE WAS WORKING.   AND WHEN  
25      I GOT UP HE SAID HAVE YOU EVER BEEN TESTED FOR SLEEP

1 APNEA. I SAID WHY. HE SAID YOU WAKE UP QUITE OFTEN  
2 IN YOUR SLEEP. HE SAID YOU WAKE UP A WHOLE LOT AND  
3 SO I SAID NO. I'VE HEARD OF IT BUT I DON'T KNOW  
4 EXACTLY WHAT IT IS, SO I THINK I WOULD HAVE IT TESTED  
5 OUT. WELL, THEY ADMITTED ME IN THE HOSPITAL AND I  
6 WAS, I HAD, THEY HAD TO PUT A OXYGEN THING ON MY  
7 FINGER AND MY WIFE HAD TO SIT BY THE BED THE WHOLE  
8 NIGHT AND IF MY OXYGEN LEVEL GOT TOO LOW, SHE HAD TO  
9 WAKE ME UP TO MAKE SURE I WAS BREATHING, TO MAKE SURE  
10 I WAS OKAY, AND THAT HAPPENED QUITE OFTEN AND SO.

11 Q SO IT IS A MASK THAT GIVES YOU OXYGEN.

12 A YEAH, IT'S A MASK THAT GIVES ME OXYGEN.

13 Q OKAY. AND WHAT SIZE IS THE MASK THAT, THERE IS  
14 DIFFERENT BRANDS, WHAT KIND OF MACHINE IS YOUR CPAP  
15 MACHINE?

16 A I CAN'T REMEMBER THE NAME OF THAT MACHINE. I'VE  
17 HAD IT SO LONG. I CAN'T REMEMBER THE NAME OF IT.

18 Q OKAY. DOES IT FUNCTION PROPERLY?

19 A YEAH, IT FUNCTIONS PROPERLY.

20 Q OKAY. AND IT BASICALLY A MASK, FROM WHAT I  
21 UNDERSTAND, OF COURSE I DON'T HAVE ONE.

22 A RIGHT.

23 Q I KNOW A LOT OF PEOPLE DO, BUT IT'S A MASK AND  
24 IT'S GOING TO MAKE SURE YOU KEEP GETTING SOME OXYGEN,  
25 RIGHT?



1 A RIGHT. IT'S OVER YOUR NOSE AND IT'S GOT TWO  
2 STRAPS. ONE'S AT THE TOP PART OF THE MASK AND ONE IS  
3 ON THIS SIDE AND IT COMES AROUND.

4 Q AND THAT'S TO KEEP YOU FROM KNOCKING IT OFF AT  
5 NIGHT.

6 A RIGHT, THAT WAY KEEPS YOU SO YOU CAN MOVE AROUND  
7 IN YOUR SLEEP.

8 Q IS IT LIKE ELASTIC STRAPS?

9 A NO, SIR.

10 Q WHAT'S THE STRAP MADE OUT OF?

11 A IT'S MADE OUT OF VELCRO.

12 Q SO YOU VELCRO IT BACK HERE?

13 A RIGHT. WELL, ACTUALLY YOU VELCRO IT AT THE  
14 SIDES WHERE, THE WAY IT WORKS IS IS ONE PIECE HAS  
15 GOT, IT'S GOT ACTUALLY FOUR STRAPS, ONE HERE, ONE  
16 HERE AND ONE HERE AND ONE HERE AND YOU BRING THEM  
17 AROUND AND THEY GO THROUGH THIS LITTLE HOLE ON THE  
18 MASK AND THEN THEY ARE VELCROED DOWN ON THE SIDES.

19 Q IT'S TO HOLD IT SO YOU CAN MOVE IN YOUR SLEEP,  
20 RIGHT?

21 A YEAH, IT KEEPS YOU.

22 Q OKAY. AND IT ALSO HAS AN EXHAUST PORT, RIGHT  
23 TOO, THAT LETS BAD AIR OUT SO TO SPEAK, RIGHT?

24 A IT'S GOT A LITTLE WHISPER VALVE IS WHAT I CALL  
25 IT.

1 Q A DIAPHRAGM OR SOMETHING?

2 A RIGHT, AND IT JUST MAKES A HIGH SHHHH-SHHH  
3 SOUND.

4 Q AND WHAT'S THAT, THAT SHH-SHH, IS THAT FROM YOU  
5 BREATHING OUT OR IS THAT THE AIR FROM THE MACHINE?

6 A ACTUALLY IT'S THE AIR THAT'S NOT MAKING IT INTO  
7 MY LUNGS BECAUSE IT'S BEING FORCED OUT SO FAST AND  
8 ALSO THE EXHAUST WHEN I'M BREATHING AND BREATHING  
9 BACK IN THE MASK IT'S BLOWING BACK IN.

10 Q SO THE NOISE THAT IT MAKES WITH THE AIR AND THE  
11 SHHH-SHHH SOUND IS, IT'S NOT LOUD AS THE FREIGHT  
12 TRAIN USED TO BE, RIGHT.

13 A NO. NO.

14 Q OKAY. YOU WERE MUCH LOUDER?

15 A BUT IT STILL KEPT MY WIFE AWAKE AND SO WHAT I  
16 DONE WAS, I ASKED HER LET'S TRY THIS. I TOOK A TOWEL  
17 OR A SHEET AND I WOULD TAKE AND FOLD IT AND PUT IT  
18 OVER MY FACE THAT WAY SHE WOULDN'T HAVE TO HEAR, IT  
19 WOULD MUFFLE OUT A LOT OF SOUNDS FROM HER. SHE  
20 DIDN'T HEAR A LOT OF IT.

21 Q OKAY. SO YOU WOULD WRAP A TOWEL AND NOW WHEN  
22 DID YOU START WRAPPING A TOWEL AROUND?

23 A OH, A LONG TIME AGO TO KEEP HER FROM, YOU KNOW,  
24 WHEN SHE WAS, WHEN SHE WAS HOME NOT HAVING TO HEAR  
25 IT, NOT HAVING TO, BUT IT WASN'T JUST THAT. IT ALSO

1 KEPT LIGHT OUT OF MY FACE.

2 Q SO YOU HAVE A TOWEL AROUND AT THIS PARTICULAR  
3 NIGHT?

4 A YES, SIR. I HAD IT AROUND EVERY NIGHT. I STILL  
5 DO IT TODAY.

6 Q OF COURSE SHE WAS AT WORK, RIGHT?

7 A THAT'S CORRECT.

8 Q BUT YOU HAD A TOWEL AROUND IT TO PREVENT---

9 A I DO IT EVERY NIGHT. IT WAS A REGULAR HABIT.  
10 IT WAS A HABIT. I ALWAYS DO IT.

11 Q OKAY. AND NOW WHEN YOU TALKED ABOUT YOUR  
12 MACHINE YOU NEVER TOLD LAW ENFORCEMENT ABOUT WRAPPING  
13 A TOWEL AROUND YOU?

14 A NO, I DIDN'T. I DIDN'T TELL NOBODY. I STILL DO  
15 IT THOUGH.

16 Q SITTING RIGHT THERE IS THE FIRST TIME WE HEARD  
17 ABOUT A TOWEL BEING WRAPPED AROUND YOUR HEAD TODAY,  
18 THOUGH, RIGHT?

19 A POSSIBLE IT IS THE FIRST TIME YOU HEARD IT.

20 Q OKAY.

21 A I CAN'T SAY THAT IT'S THE FIRST TIME THAT I'VE  
22 SAID IT, BUT IT'S THE FIRST TIME THAT YOU'VE, YOU  
23 PROBABLY HEARD IT. OF COURSE, I'M NOT AROUND YOU  
24 THAT OFTEN.

25 Q OR ACTUALLY AT ALL UNTIL THIS TRIAL, RIGHT?

1 A NOPE, NOT UNTIL THIS TRIAL.

2 Q AND THE --

3 THE COURT: IS THIS A GOOD PLACE TO TAKE A  
4 BREAK, MR. POPE?

5 MR. POPE: YES, SIR, I BELIEVE IT WOULD  
6 BE.

7 THE COURT: LET'S TAKE AN AFTERNOON BREAK.

8 (THE JURY EXITS THE COURTROOM AT 04:36  
9 PM AND COURT IS IN RECESS.)

10 (COURT RESUMES AT 04:49 PM.)

11 THE COURT: BRING IN THE JURY. WHILE THE  
12 JURY IS COMING IN, WE WILL GO UNTIL ABOUT 6:30 OR SO  
13 AND IF WE HAVE TO FINISH UP MR. COPE TOMORROW  
14 CERTAINLY WOULDN'T PRESENT A PROBLEM, BUT I DON'T  
15 WANT TO GO MUCH LATER. I CERTAINLY WANT YOU TO TAKE  
16 ALL THE TIME YOU NEED.

17 MR. POPE: YES, SIR.

18 MR. BAITY: CAN I LET MY OTHER WITNESS GO  
19 THEN?

20 THE COURT: I WOULD SAY YES. YOU CAN HOLD  
21 ME TO THAT THEN.

22 MR. BAITY: THANK YOU, YOUR HONOR.

23 (THE JURY RETURNS TO THE COURTROOM.)

24 THE COURT: YOU MAY PROCEED.

25 MR. POPE: MAY IT PLEASE THE COURT, YOUR

1 HONOR.

2 CROSS EXAMINATION CONTINUED BY MR. POPE:

3 Q MR. COPE, APPROXIMATELY ONE O'CLOCK THE GIRLS GO  
4 TO BED AND YOU GO TO BED. EVERYBODY IN THE HOUSE IS  
5 EITHER ALREADY IN BED OR GOING TO BED, IS THAT A FAIR  
6 STATEMENT?

7 A THAT'S A FAIR STATEMENT, YES, SIR, EVERYBODY  
8 WENT TO BED AT ONE O'CLOCK.

9 Q AND AT THAT JUNCTURE THE HOUSE IS LOCKED AND THE  
10 LIGHTS ARE OUT?

11 A THE LIGHTS ARE OUT AND THE DOORS ARE LOCKED,  
12 YES.

13 Q OKAY. AND THE NEXT THING YOU KNOW YOU WAKE UP  
14 AT THREE O'CLOCK TO GO TO THE RESTROOM, RIGHT?

15 A THAT'S CORRECT.

16 Q OKAY. YOU COME OUT OF YOUR ROOM INTO THIS  
17 BATHROOM, CORRECT?

18 A RIGHT.

19 Q OKAY. AND AT THAT POINT, AMANDA'S DOOR IS OPEN  
20 OR SHUT?

21 A AMANDA DOOR IS CLOSED BECAUSE SHE SHUTS HER DOOR  
22 AT NIGHT.

23 Q OKAY. AND AMANDA'S DOOR WAS SHUT WHEN YOU WENT  
24 TO BED. WELL, OF COURSE, YOUR HEAD WAS UP THAT WAY,  
25 RIGHT?

1 A THAT'S RIGHT.

2 Q SO YOU ACTUALLY, THIS IS THE FIRST TIME YOU'VE  
3 SEEN AMANDA'S DOOR, THAT NIGHT, RIGHT, ONCE YOU WENT  
4 TO BED?

5 A THAT'S CORRECT.

6 Q SO WHEN SHE WENT OFF TO BED YOU DON'T KNOW IF  
7 SHE OPENED OR SHUT IT OR NOT, RIGHT?

8 A BUT THAT'S HER NORMAL PRACTICE IS TO.

9 Q BUT OF COURSE ON THIS PARTICULAR NIGHT YOU  
10 DIDN'T FOLLOW YOUR NORMAL PRACTICE WITH YOUR FAMILY  
11 EITHER, DID YOU?

12 A THAT'S CORRECT. I WAS IN MY BEDROOM, THAT IS  
13 CORRECT.

14 Q OKAY. AND THEN JESSICA AND KYLA, THEIR DOOR WAS  
15 OPEN?

16 A THEIR DOOR STAYS OPEN. THERE WAS A FAN IN FRONT  
17 OF IT.

18 Q THERE IS A FAN IN FRONT OF THEIR DOOR?

19 A YES.

20 Q OKAY. AND YOU WOKE UP AT THREE O'CLOCK, WENT TO  
21 THE RESTROOM, AND THEN DID WHAT?

22 A I WENT TO THE RESTROOM. I, AS I WAS WALKING OUT  
23 OF THE BATHROOM I NOTICED THAT JESSICA HAD A, I MEAN  
24 KYLA HAD A COVER ON HER BECAUSE SHE'S THE ONE, SHE'S  
25 THE ONE WHO KICKS IT OFF OF HER AND I LIKE TO, HER

1 DOOR, HER DOOR IS OPEN.

2 Q RIGHT. YOU ARE COMING---

3 A OKAY.

4 Q ---OUT OF THE BATHROOM AND THEY ARE OVER HERE,  
5 RIGHT?

6 A RIGHT. YOU CAN SEE STRAIGHT ACROSS INTO THEIR  
7 BED ROOM AND THAT'S ALL THAT I NORMALLY CHECK  
8 WHENEVER, AMANDA'S DOOR IS CLOSED, SHE IS FINE.  
9 THAT'S THE WAY IT NORMALLY IS WHEN I GET UP AT THREE  
10 O'CLOCK. I WOULD GO TO, I WALK INTO THE LIVING ROOM.  
11 THE HALL LIGHT WAS ON.

12 Q WHICH LIGHT IS THE HALL LIGHT?

13 A WHERE I WAS JUST STANDING, THAT WAS ON WHEN I  
14 GOT UP.

15 Q IT WAS OFF WHEN YOU WENT TO BED?

16 A IT WAS OFF--- ALL THE LIGHTS WAS OFF EXCEPT FOR  
17 KYLA'S BEDROOM, KYLA AND JESSICA'S BEDROOM LIGHT.

18 Q THEY GOT THE MAIN LIGHT IN THEIR BEDROOM --

19 A RIGHT.

20 Q ----OR A LITTLE LIGHT IN THE BEDROOM?

21 A HUH?

22 Q IS IT THE MAIN LIGHT OR JUST LIKE A NIGHT LIGHT  
23 OR SOMETHING?

24 A NO, IT'S THEIR MAIN LIGHT.

25 Q THAT'S THE ONLY LIGHT THAT WAS ON?

1 A THAT'S CORRECT.

2 Q OKAY. SO NOW AT THREE O'CLOCK YOU GET UP?

3 A THE HALL LIGHT IS ON. THAT'S THE FIRST THING I  
4 NOTICED. I WENT INTO THE BATHROOM, USED THE  
5 BATHROOM, AND COME BACK, WENT INTO THE LIVING ROOM.  
6 THE LIVING ROOM LIGHT WAS ON AND THE PORCH LIGHT WAS  
7 ON AND I THOUGHT THAT WAS ODD BECAUSE AMANDA HAD SAID  
8 SHE CUT THE LIGHTS OFF AND LOCKED THE DOORS.

9 Q LET ME ASK YOU THIS. DID THE GIRLS GET UP  
10 DURING THE NIGHT AND USE THE RESTROOM BEFORE THREE  
11 O'CLOCK?

12 A I WOULDN'T KNOW ABOUT THAT.

13 Q WHY IS THAT?

14 A BECAUSE I DON'T KNOW WHEN, YOU KNOW, IF THEY GET  
15 UP, KYLA, KYLA WET THE BED OCCASIONALLY SO. I  
16 WOULDN'T SAY SHE WOULD. I DON'T KNOW IF JESSICA OR  
17 AMANDA EITHER ONE WOULD GET UP AND GO TO THE  
18 BATHROOM.

19 Q IS IT SOMETIMES SHE WETS THE BED AND YOU'LL HEAR  
20 HER CRYING AT NIGHT? YOU KNOW, LIKE WHERE SHE WET  
21 THE BED, DOES SHE COME AND TELL YOU WHEN SHE WET THE  
22 BED?

23 A NO. NO, SHE DIDN'T. NO, SHE WILL TRY TO HIDE  
24 IT FROM US. SHE WOULDN'T TELL NOBODY ABOUT IT UNTIL  
25 THE NEXT MORNING AND A LOT OF TIMES SHE WOULD TAKE



1 HER SHEETS OFF THE BED.

2 Q OKAY. THE GIRLS EVER HAD NIGHTMARES AND YOU  
3 HAVE TO GO IN AND CHECK ON THEM?

4 A NIGHTMARES.

5 Q IS THERE ANY TIME THE WHOLE TIME YOU WERE  
6 WATCHING THOSE GIRLS FOR THOSE THREE YEARS THEY EVER  
7 WAKE UP AT NIGHT?

8 A I CAN'T, CAN'T RECALL NO NIGHTMARES, NOT THAT I  
9 CAN RECALL, ESPECIALLY WITHIN THAT, THAT THREE YEAR  
10 PERIOD AS I THINK YOU SAID OR ANY TIME THAT I CAN'T  
11 REMEMBER ANY NIGHTMARES. I REMEMBER WHEN AMANDA WAS  
12 YOUNGER, A SMALL CHILD, SHE HAD NIGHTMARES.

13 Q OKAY. WAS THERE EVER A TIME IN THAT THREE YEAR  
14 PERIOD THAT THEY WOULD CALL OUT TO YOU, YOU KNOW, OR  
15 TO BE AFRAID. YOU KNOW HOW YOUR KIDS DO, YOU KNOW  
16 THEY CALL AND YOU KNOW HELP OR DADDY CHECK ON ME OR  
17 WHATEVER?

18 A EVERY ONCE IN AWHILE I WOULD, AMANDA WOULD ASK  
19 ME TO SHUT HER DOOR FOR HER AND IF IT DIDN'T SHUT  
20 OPEN AND THE LIGHT WAS BOTHERING HER.

21 Q LIKE SOMETIME ON INTO THE NIGHT OR SOMETHING?

22 A RIGHT, ESPECIALLY IF SHE, IF IT WAS BETWEEN, IT  
23 WAS BEFORE I WENT TO BED AND IT WAS AFTER SHE WENT TO  
24 BED, IT WAS AS I WAS COMING AROUND TO GO TO BED SHE  
25 WOULD --

1 Q ASK YOU TO SHUT THE DOOR?

2 A YEAH AND I WOULD SHUT THE DOOR.

3 Q I'M TALKING ABOUT ONCE YOU GO TO BED DO YOU EVER

4 HAVE TO TEND TO THEM OR TAKE CARE OF THEM.

5 A I NEVER HAD TO GET UP AND GO TO THEM, NO.

6 Q HAVE YOU EVER HAD TO TALK TO THEM. YOU KNOW HOW

7 SOMETIMES, LIKE MY LITTLE BOY WILL WAKE UP AND HE'S

8 GOING DADDY AND I'M GOING WHAT AND MAYBE YOU NEVER

9 GET UP GET OUT OF BED, WAS THERE EVER A TIME YOU

10 STAYED IN THE BED AND TALKED TO THEM. YOU KNOW,

11 AGAIN THEY NEED SOMETHING OR WANT SOMETHING OR WANT

12 WATER OR WHATEVER THE CASE MAY BE?

13 A I CAN'T THINK OF NO TIME. THERE WAS, THERE WAS

14 TIMES WHEN AMANDA WOULD, LIKE I SAID, AMANDA WOULD

15 CALL ME AND I WOULD GET UP AND GO AND CLOSE HER DOOR

16 FOR HER.

17 Q THAT'S WHAT I AM SAYING.

18 A YEAH. BUT I MEAN THIS WAS BEFORE I WENT TO

19 SLEEP AND IT WAS AFTER SHE HAD SUPPOSEDLY BEEN TO BED

20 AND SHOULD HAVE BEEN ASLEEP IS ABOUT THE TIME I GO TO

21 BED.

22 Q OKAY. ANY TIME AFTER YOU WENT TO BED THAT

23 YOU'VE EVER TAKEN CARE OF YOUR CHILDREN IN THE MIDDLE

24 OF THE NIGHT?

25 A TO GET UP AND TO GO IN THERE TO TAKE CARE OF

1 THEM.

2 Q TEND TO THEM, CHECK ON THEM, DO ANYTHING, HELP  
3 THEM OUT, WATCH OVER THEM IN ANY WAY?

4 A JESSICA GOT SICK ONE TIME AND SHE WAS THROWING  
5 UP AND I WOULD, I WENT IN THE BATHROOM WITH HER AND  
6 HELPED HER WHILE SHE WAS IN THE BATHROOM.

7 Q THAT'S WHAT I AM SAYING. PARENT STUFF?

8 A YEAH. THOSE THINGS, YEAH.

9 Q OKAY. SO IT WASN'T NECESSARILY UNUSUAL. YOU  
10 GOT THREE KIDS IT'S NOT UNUSUAL THAT IN THE MIDDLE OF  
11 THE NIGHT THERE WOULD BE SOME REASON THEY'D NEED YOU?

12 A I WOULDN'T SAY UNUSUAL BECAUSE I HADN'T REALLY,  
13 THAT WAS WHEN JESSICA WAS A LOT YOUNGER AND I HADN'T  
14 REALLY HAD NO PROBLEM SINCE THEN. NO REAL PROBLEMS  
15 WITH HAVING TO GET UP AND GO CHECK ON THEM OR TO SEE  
16 WHAT WAS WRONG WITH THEM OR NOTHING. NOTHING LIKE  
17 THAT AT ALL.

18 Q OKAY. ALL RIGHT?

19 A AND BEFORE THAT MARY SUE WAS HOME, BEFORE THOSE,  
20 THAT THREE YEAR PERIOD MARY SUE WAS HOME AND SHE  
21 WOULD GO WHEN THEY HAD A STOMACHACHE OR SOMETHING  
22 LIKE THAT OR WHATEVER.

23 Q SO DURING YOUR THREE YEAR PERIOD?

24 A I CAN'T THINK OF.

25 Q ---YOU HAD A PRETTY EASY WATCH?

1 A I CAN'T THINK OF MAYBE ONE TIME WHEN JESSICA WAS  
2 SICK THROWING UP, THAT'S THE ONLY THING I CAN THINK  
3 OF.

4 Q YOU HEARD CRYING OR CALLED OUT TO YOU OR  
5 SOMETHING OF THAT NATURE?

6 A NO, SHE JUST STARTED THROWING UP AND I HEARD HER  
7 AND WENT IN THERE TO HER.

8 Q OKAY. NOW YOU GET UP AT THREE O'CLOCK AND AGAIN  
9 YOU'VE TALKED ABOUT THE DIFFERENCES IN THE LIGHTS AND  
10 YOU GO IN AND YOU GET ON THE COMPUTER. AND AGAIN I'M  
11 TAKING YOU OUT OF YOUR ROOM. THE COMPUTER IS --

12 A ACTUALLY NO, I GOT, I SAT DOWN ON THE COUCH. I  
13 WAS PUZZLED BECAUSE OF THE LIGHTS AND I THOUGHT,  
14 WELL, MAYBE AMANDA LIED TO ME, MAYBE SHE DIDN'T CUT  
15 THE LIGHTS OFF, BUT THAT'S NOT NORMAL FOR HER. SHE'S  
16 ALWAYS BEEN A PRETTY TRUTHFUL CHILD AND SO I WENT  
17 AHEAD AND I ASSUMED THAT SHE LEFT THEM ON BY ACCIDENT  
18 OR MAYBE SHE GOT UP, I DIDN'T KNOW. SO I WENT AHEAD  
19 AND WENT ON TO, I SAT THERE ON THE CHAIR AND I LOOKED  
20 INTO THE HALL WAY AND WENT INTO THE DINING ROOM AND  
21 THAT'S WHEN I SAW THE, THE DRYER DOOR WAS OPEN AND  
22 THE LIGHT WAS ON. THAT WAS THE FIRST THING THAT  
23 CAUGHT MY ATTENTION.

24 Q NOW WHICH LIGHT IS THAT, THE DRYER LIGHT?

25 A THE DRYER LIGHT.

1 Q OKAY. SO YOU ARE SITTING ON THE COUCH AND YOU  
2 SEE THE DRYER LIGHT IS ON AT THREE O'CLOCK IN THE  
3 MORNING?

4 A RIGHT.

5 Q OKAY. AND WHAT DID YOU DO THEN?

6 A I SAW THE CLOTHES ON THE FLOOR. I ASSUMED THE  
7 GIRLS HAD WENT IN THERE AND GOT THEIR SCHOOL CLOTHES  
8 OUT OF THE DRYER OR LOOKED FOR UNDERWEAR AND STUFF  
9 LIKE THAT. I WASN'T SURE.

10 Q I GOT YOU.

11 A WHAT WAS IN THERE.

12 Q NOW IS THAT WHEN YOU STARTED PLAYING OR WORKING  
13 ON THAT COMPUTER GAME, THE AGE OF EMPIRE?

14 A I GOT UP AND WENT TO THE COMPUTER AT THAT TIME,  
15 YES, I DID.

16 Q SO YOU ARE SITTING ON THE COUCH, THE TV IS RIGHT  
17 THERE. I TURNED THE HOUSE AROUND NOW. I'M SITTING  
18 ON THE COUCH, THE TV IS THERE AND THE KITCHEN AND THE  
19 DINING ROOM GOES ON THROUGH THERE. YOUR COMPUTER IS  
20 OVER HERE, IS THAT RIGHT?

21 A NO, SIR. IF I'M SITTING ON THE COUCH.

22 Q RIGHT.

23 A AND THE DINING ROOM IS THERE, THE TV WOULD BE  
24 THERE.

25 Q OKAY.

1 A THE COMPUTER WOULD BE OVER THERE.

2 Q OKAY. AND THAT'S --

3 A BUT IT'S FACING, THE COUCH IS FACING THE  
4 COMPUTER.

5 Q I GOT YOU. SO IT'S OVER LIKE AGAINST THE, BE  
6 BACK AGAINST YOUR BEDROOM, THE BACK OF THE COUCH?

7 A THE COUCH, YEAH, THE COUCH, YEAH.

8 Q THE COUCH IS HERE AND THE COMPUTER IS OVER HERE.  
9 SO YOU GET UP AND GO TO THE COMPUTER?

10 A THAT'S CORRECT.

11 Q AND IT'S THREE O'CLOCK IN THE MORNING, RIGHT,  
12 OKAY. AND WHAT WERE YOU DOING ON THE COMPUTER.

13 A I WAS GOING TO PLAY THE AGES OF EMPIRE GAME BUT  
14 WHEN I RUN IT I KILLED REAL QUICK. IT DIDN'T RUN  
15 RIGHT.

16 Q AGE OF EMPIRE, IS THAT THE THING YOU WERE SAYING  
17 YOU WERE PROGRAMMING EARLIER THAT AFTERNOON?

18 A YEAH, WHAT YOU DO IS YOU BUILD, I HAVE WHAT THEY  
19 CALL THE SCENARIO BUILDER AND WHAT YOU DO IS YOU TAKE  
20 THE SCENARIO AND YOU BUILD THE BOARD AND FROM THE  
21 BOARD YOU PUT HOW MANY ANIMALS OR HOW MANY ENEMY YOU  
22 WANT TO FIGHT AND ALL THAT, YOU PUT ALL THAT ON THE  
23 BOARD. YOU PUT HOW MANY PEOPLE YOU WANT. WHAT YOU  
24 HAVE TO DO IS YOU ACTUALLY HAVE TO GET BEYOND THAT  
25 CIVILIZATION LEVEL. YOU MIGHT BE IN IRON AGE AND YOU

1 GOT TO MAKE IT TO THE ROMAN EMPIRE AGE AND --

2 Q NOW YOU WERE DOING THAT AT THREE, YOU WERE  
3 BUILDING AT THREE O'CLOCK OR?

4 A I BUILT IT AT EARLIER, BUT I GOT KILLED REAL  
5 QUICK IN THE SET BECAUSE I DIDN'T FINISH PUTTING MY  
6 PEOPLE ON THERE. I DIDN'T PUT, I PUT TOO MANY  
7 ENEMIES FOR ME, TOO MANY ANIMALS ON A SET, AND I ONLY  
8 HAD THREE PEOPLE. I WAS GOING TO TRY TO SEE HOW FAST  
9 I COULD BUILD MY WALLS AROUND, BUT THEY COME AND  
10 DESTROYED ME REAL QUICK AND THAT WAS THE END OF IT.

11 Q SO THE ONE YOU CREATED THERE AT NIGHT BUT THE  
12 ENEMIES GOT ON YOU BEFORE YOU COULD FINISH THE GAME?

13 A NO, THAT GAME ENDED. IT SAID GAME OVER BECAUSE  
14 I KILLED ALL MY MEN OFF AND I DIDN'T HAVE NOBODY TO  
15 PLAY.

16 Q HOW LONG DID YOU THINK YOU PLAYED THAT GAME?

17 A PROBABLY ABOUT, I WOULDN'T SAY NO MORE THAN  
18 MAYBE, I REALLY CAN'T SAY. PROBABLY.

19 Q YOU LOOSE TIME WHEN YOU GET TO PLAYING GAMES  
20 LIKE THAT?

21 A SOMETIMES BUT NOT ON THIS NIGHT BECAUSE I DIDN'T  
22 GET A CHANCE TO REALLY GET INTO THE GAME. I DIDN'T  
23 GET A CHANCE TO GET STARTED AND PROBABLY MAYBE  
24 TEN-FIFTEEN MINUTES AT THE MOST.

25 Q WHAT AGE DID YOU GET UP TO?

1 A I DIDN'T. I DIDN'T EVEN GET STARTED.

2 Q OKAY. AND THEN, SO AFTER YOU FINISHED THAT,  
3 WHAT DID YOU DO THEN?

4 A I WENT BACK. WELL, I TURNED OFF THE PORCH  
5 LIGHT. WELL, BOTH OF THE LIGHTS, THEY ARE ON THE  
6 SAME SET, I JUST TURNED BOTH THE PORCH AND THE LIVING  
7 ROOM OFF AT THE SAME TIME, WALKED INTO A HALLWAY, CUT  
8 THE HALLWAY LIGHT, AND COME AND GOT IN BED.

9 Q NOW IS THERE SOMETHING IN THE AGE OF EMPIRE THAT  
10 WOULD STIMULATE YOU TO WANT TO MASTURBATE?

11 A NO, SIR.

12 Q OKAY. SO DID YOU MASTURBATE BEFORE YOU PLAYED  
13 AGE OF EMPIRE OR AFTER YOU PLAYED AGE OF EMPIRE?

14 A FIRST OF ALL I SAID I DON'T REMEMBER IF I DID  
15 MASTURBATE THAT NIGHT. I CANNOT REMEMBER IF I DID OR  
16 IF I DIDN'T. I KNOW. I JUST CAN'T REMEMBER. I'VE  
17 BEEN TRYING TO REMEMBER WHETHER I ACTUALLY DID OR DID  
18 NOT THAT NIGHT, SO I REALLY CAN'T SAY.

19 Q IS THE REASON IT WOULD BE BEFORE OR AFTER  
20 PLAYING THE GAME OR THAT REALLY, THE GAME AND  
21 MASTURBATION ARE UNRELATED?

22 A IT DIDN'T HAVE ANYTHING TO DO WITH THE  
23 MASTURBATION. SOMETIMES I GO TO THE COMPUTER,  
24 SOMETIMES I JUST MASTURBATE AND JUST GO BACK TO BED.

25 Q OKAY. AND YOU STAND OUT IN THE HALL?



1 A NO.

2 Q WHEN YOU MASTURBATE.

3 A NO. NO. NO. IT'S EITHER THE BATHROOM OR FOR  
4 THE MOST PART IT EITHER THE BATHROOM OR IN MY  
5 BEDROOM.

6 Q OKAY. AND YOU MASTURBATE PRIMARILY INTO A RAG?

7 A THAT'S CORRECT.

8 Q THEN YOU GOT THAT SPECIAL PLACE UNDER THE BOOK  
9 SHELF THAT YOU STASH IT?

10 A THAT'S CORRECT.

11 Q OKAY.

12 A BECAUSE I DIDN'T WANT THE GIRLS TO GET A HOLD TO  
13 IT OR NOT JUST THE GIRLS BUT MARY SUE OR ANYBODY.

14 Q AND TRUTH IS NOBODY DID GET A HOLD OF IT UNTIL  
15 YOU POINTED LAW ENFORCEMENT TO IT, RIGHT?

16 A YES, SIR. I GUESS. I MEAN.

17 Q IT MUST HAVE BEEN A GOOD HIDING PLACE, WASN'T  
18 IT?

19 A WELL, I MEAN, YOU CAN'T SAY THAT BECAUSE  
20 ACCORDING TO WHERE THE LAW ENFORCEMENT FOUND IT IS  
21 NOT WHERE I PUT IT.

22 Q SO YOU THINK SOMEBODY DISCOVERED YOUR  
23 MASTURBATION HIDING PLACE?

24 A I DON'T KNOW. I DON'T KNOW WHAT HAPPENED THERE.  
25 I KEEP IT ON, I ALWAYS HIDE IT UP UNDER THE BOTTOM OF

1 THE FULL, FULL BOOK SHELF, NOT THE ONE WITH THE LEGS  
2 THAT'S OVER IN THE CORNER. I DIDN'T STICK IT UP  
3 UNDER. I STICK IT ALL THE WAY UP UNDER THE BOOK  
4 SHELF. I NEVER STUCK IT OVER THERE WHERE IT WAS  
5 REPORTED THAT WAS IT FOUND.

6 Q YOU THINK SOMEBODY SAW YOU PUTTING IT THERE?

7 A I DON'T KNOW WHAT HAPPENED.

8 Q WHEN YOU SAY YOU DON'T WHAT HAPPENED AS FAR AS  
9 HOW IT CAME TO BE FROM YOUR HIDING PLACE TO UNDER  
10 THE --

11 A THAT IS CORRECT, I DON'T KNOW HOW, I DON'T KNOW  
12 HOW IT GOT THERE. ALL I KNOW IS THAT'S NOT WHERE I  
13 PUT IT.

14 Q AND YOU TOLD LAW ENFORCEMENT WHERE YOU PUT IT?

15 A I SAID UNDER THE BOOK SHELF. I DIDN'T SAY  
16 WHERE. WE GOT FIVE BOOK SHELVES IN THE HOUSE.

17 Q DID YOU TELL THEM UNDER THE BOOK SHELF IN THE  
18 HALL?

19 A I SAID UNDER THE BOOK SHELF IN THE HALL. THERE  
20 IS TWO BOOK SHELVES IN THE HALL.

21 Q YOU TOLD THEM THAT IN CONJUNCTION WITH YOUR  
22 STATEMENTS, RIGHT?

23 A THAT'S CORRECT, YES, SIR. I TOLD THEM WHILE I  
24 WAS TALKING.

25 Q I'M SORRY, SIR?

1 A YES, SIR. I TOLD THEM WHILE I WAS TALKING.

2 Q OKAY. I WANT TO CALL YOUR ATTENTION NOW TO THAT

3 MORNING?

4 A OKAY.

5 Q WHEN YOU CALLED LAW ENFORCEMENT, WHEN YOU CALLED

6 911 THAT MORNING?

7 A THAT'S CORRECT.

8 Q OKAY. WHEN YOU FIRST GET UP THAT MORNING YOU

9 SIT UP ON THE BED AND YOU CALL OUT AMANDA'S NAME?

10 A NO, I SAID I ROLLED OVER ON THE BED AND CALLED

11 AMANDA'S NAME. I DIDN'T SAY I GOT UP.

12 Q YOU DIDN'T EVEN SIT UP. YOU JUST ROLLED OVER?

13 A I JUST ROLLED OVER AND CALLED AMANDA'S NAME. I

14 DIDN'T GET A ANSWER.

15 Q DID YOU CALL JESSICA AND KYLA?

16 A THAT'S NOT THE NORMAL THING BECAUSE KYLA AND

17 JESSICA NEVER HEAR ME. I HAVE TO GO TO THEM AND

18 ACTUALLY SHAKE THEM SOMETIMES.

19 Q OKAY. BECAUSE THEY SLEEP THAT SOLID?

20 A THEY SLEEP SOLID.

21 Q OKAY. SO YOU CALL AMANDA, RIGHT?

22 A THAT'S CORRECT.

23 Q OKAY. THEN YOU CALL HER AGAIN?

24 A I CALLED HER TWICE, THAT'S CORRECT.

25 Q OKAY. ARE YOU CALLING HER LOUD OR QUIET?

1 A I CALLED, CALLED HER LOUD ENOUGH FOR THEM, SHE'S  
2 HEARD ME IN THE PAST.

3 Q OKAY. AND THEN YOU INDICATED FROM YOUR EARLIER  
4 TESTIMONY THAT YOU TIPPED TOED OVER TO CHECK AND SEE  
5 IF SHE WAS THERE, IS THAT RIGHT?

6 A NO, I TIPPED TOED TO CHECK TO SEE IF JESSICA AND  
7 KYLA WERE IN THE BED BECAUSE OF THE RAPTURE.

8 Q WE'RE GOING TO TALK ABOUT THAT, SO YOU DID TIP  
9 TOE?

10 A YEAH.

11 Q SO YOU CALLED HER NAME LOUD ENOUGH TO WAKE HER  
12 UP, BUT THEN YOU TIP TOE OVER TO SEE IF THE OTHER  
13 GIRLS ARE STILL IN BED, RIGHT?

14 A THAT'S CORRECT BECAUSE I, BECAUSE OF WHAT I  
15 BELIEVED ABOUT THE RAPTURE. IF THE OTHER TWO GIRLS  
16 WAS THERE, THEN I KNOW THE RAPTURE DIDN'T TAKE PLACE.

17 Q WELL, IF THE RAPTURE DID OR DIDN'T TAKE THEM  
18 WHETHER YOU TIP TOE OR NOT IS REALLY OF NO INSTANCE?

19 A NO, I WAS CONCERNED. I WAS NERVOUS. I WAS  
20 AFRAID TO GO IN AND ACTUALLY LOOK BECAUSE I WAS  
21 AFRAID I WASN'T GOING TO FIND THEM.

22 Q WERE YOU AFRAID OF WHAT YOU WERE GOING TO FIND  
23 IN THAT OTHER ROOM?

24 A NO. I DIDN'T KNOW WHAT WAS IN THAT OTHER ROOM.

25 Q OKAY. SO YOU GO AND YOU SEE THEM AND THEY ARE

1 IN THERE SO THE RAPTURE HAS NOT COME SO THEN WHAT DO  
2 YOU DO?

3 A THEN I TURN AND HOLLER AMANDA'S NAME, SCREAM  
4 AMANDA'S NAME REAL LOUD, AND I BEAT ON HER DOOR.

5 Q YOU ARE SCREAMING NOW RIGHT HERE. I'M HER DOOR,  
6 RIGHT, I'M RIGHT HERE, AND HERE'S THE LITTLE GIRL'S  
7 ROOM?

8 A RIGHT AND I'M TRYING TO GET HER DOOR, AND I'M  
9 TRYING TO GET HER DOOR OPEN, YES, SIR.

10 Q OKAY. YOU ARE SCREAMING RIGHT HERE AT THIS  
11 DOOR?

12 A RIGHT.

13 Q WHAT ARE YOU SCREAMING?

14 A AMANDA'S NAME.

15 Q OKAY. SO YOU YELLED IT KIND OF AVERAGE OVER  
16 THERE TWICE, AND THEN YOU COME OUT HERE TIP TOE INTO  
17 HERE AND THEN START SCREAMING RIGHT HERE?

18 A I'M SCREAMING. I'M, I AM TURNED, I LOOK IN, I  
19 PEAK IN ON JESSICA AND KYLA. I SEE THEY ARE THERE  
20 AND I RUN OVER TO HER DOOR AND I PUSH ON HER DOOR AND  
21 SCREAM REAL LOUD HER NAME. I CAN'T, I CAN'T GET HER  
22 ATTENTION. NO, I DON'T HEAR NOTHING FROM HER, AND  
23 THEN I GET REAL WORRIED AND THEN I START PUSHING AND  
24 SHOVING ON THE DOOR AND THE DOOR GIVE BUT IT WON'T  
25 OPEN.

1 Q OKAY. AND THE THING THAT'S CAUSED YOU SO MUCH  
2 CONCERN IS WHEN YOU WAKE UP AND SHE DOESN'T ANSWER  
3 YOU BELIEVE THAT THE RAPTURE MAY HAVE COME?

4 A WELL, I HAD A DREAM ABOUT THE RAPTURE. I  
5 THOUGHT MAYBE MY DREAM WASN'T JUST A DREAM, MAYBE IT  
6 WAS FOR REAL.

7 Q AND IN THAT DREAM AMANDA WENT UP OR WAS CALLED  
8 UP, IS THAT RIGHT?

9 A ALL OF THEM BUT I HEARD AMANDA SAY, I LOVE YOU,  
10 DADDY.

11 Q AND THAT WAS IN THE DREAM THAT NIGHT?

12 A WELL, THAT'S IN MOST OF THE DREAMS, NOT JUST  
13 AMANDA, BUT ALL OF THEM, BUT I DISTINCTLY HEARD  
14 AMANDA'S VOICE THAT NIGHT.

15 Q OKAY. AND SO THAT MORNING AND I THINK MR.  
16 MORTON TOUCHED ON THIS WITH YOU, THAT MORNING YOU  
17 BELIEVED THE RAPTURE MIGHT HAVE COME, BUT YOU ARE  
18 STILL HERE?

19 A WELL, I --

20 Q IS THAT CORRECT?

21 A I THINK I EXPLAINED THAT BY SAYING THAT I WAS  
22 ASHAMED OF MASTURBATION.

23 Q THE NIGHT BEFORE?

24 A I WON'T, I WON'T, I DON'T KNOW WHEN I  
25 MASTURBATED, BUT IT IS NOT, THAT IS MY OPINION

1 MASTURBATION IS A SIN.

2 Q OKAY.

3 A TO ME IT IS ANYWAY.

4 Q SO YOU GET THE DOOR OPEN AND SHE IS LAYING ON  
5 THE BED AS YOU COME IN THE BED, IN THE BEDROOM, SHE'S  
6 THERE IN FRONT OF YOU, IS THAT RIGHT?

7 A SHE'S LAYING ON THE BED, STRAIGHT IN HER BED  
8 JUST LIKE SHE WAS JUST LAYING THERE, BUT HER HANDS  
9 WAS LIKE I SAID. SHE WAS LAYING FACE DOWN ON THE  
10 VIDEO GAME WITH HER HANDS UP LIKE THIS. SHE WAS  
11 DOWN. HER SHIRT WAS RAISED UP AROUND HER NECK.

12 Q OF COURSE AT THIS POINT YOU CAN'T SEE HER HANDS,  
13 RIGHT?

14 A NO, I COULD ONLY, I REMEMBER WHAT HAPPENED WHEN  
15 I ROLLED HER OVER HER HANDS---

16 Q LET'S TAKE IT ONE STEP AT A TIME. WHEN YOU COME  
17 SHE'S LAYING AND SHE'S LAYING ON HER HANDS BUT OF  
18 COURSE ALL YOU SEE IS HER BACK?

19 A ALL I SEE IS ELBOWS WHERE SHE'S LAYING.

20 Q AND HER SHIRT IS UP?

21 A RIGHT.

22 Q WAS HER BRA SNAPPED OR UNSNAPPED?

23 A I CAN'T TELL THAT BECAUSE ALL THAT WAS UP UNDER  
24 THE SHIRT.

25 Q OKAY. AND AS YOU FACE THEN YOU GO, NOW WHICH

1       SIDE OF THE BED DO YOU GO TO?

2       A     I WAS, I COULDN'T GET TO THAT SIDE OF THE BED.

3       Q     WHY IS THAT?

4       A     BECAUSE THERE WAS BAGS OF SHOES AND BAGS OF  
5       CLOTHES AND THERE IS A COMPUTER OVER THERE AND A  
6       COUPLE OTHER THINGS.  I WENT STRAIGHT TO HER BED  
7       RIGHT HERE.

8       Q     NOW WAS ANYBODY IN THAT CLOSET WHEN YOU WENT BY  
9       THAT CLOSET?

10      A     I DIDN'T PAY NO ATTENTION TO THAT CLOSET AT THAT  
11      TIME.

12      Q     HOW BIG IS THAT CLOSET?

13      A     IT'S --

14      Q     BIG AS THIS TABLE?

15      A     IT'S ABOUT, I WOULD SAY IT'S ABOUT THAT SIZE BUT  
16      IT'S, YEAH.

17      Q     AND THE DOOR, IS IT'S BASICALLY JUST A TAD WIDER  
18      THAN THE DOOR, RIGHT?

19      A     WELL, YEAH, I WOULD SAY IT'S JUST A LITTLE BIT  
20      BIGGER THAN THE DOOR, BUT I MEAN.

21      Q     THE DOOR IS OPEN NOW, RIGHT?

22      A     SOMEBODY COULD FIT INSIDE OF IT IF THAT'S WHAT  
23      YOU ARE ASKING, YES.

24      Q     I'M JUST ASKING WHAT YOU SAW?

25      A     WHAT I SAW -- I DIDN'T PAY NO ATTENTION TO THAT.



1 I WAS MORE CONCERNED ABOUT HER.

2 Q OKAY. BUT THE DOOR IS OPEN NOW, RIGHT?

3 A YEAH, BOTH OF THEM WERE FLUNG OPEN, YEAH.

4 Q OKAY. AND THEN YOU GO AND YOU GO AROUND THIS

5 SIDE OF THE BED AND SHE'S FACE DOWN, RIGHT?

6 A SHE'S FACE DOWN STRAIGHT ON HER STOMACH RIGHT

7 JUST LIKE AND I KNELT DOWN THERE AT HER HEAD.

8 Q OKAY. AND WHAT DID YOU DO? DID YOU SIT DOWN ON

9 THE BED?

10 A NO, I DIDN'T SIT DOWN ON THE BED.

11 Q WHAT DID YOU DO?

12 A I SAID I KNELT DOWN.

13 Q YOU KNEELING ON THE FLOOR OR I'M JUST TRYING TO

14 UNDERSTAND WHAT YOU ARE SAYING?

15 A I'M SAYING I GOT DOWN LIKE THIS RIGHT HERE, DOWN

16 HERE TO HER AND I TRIED, I ROLLED HER OVER. WHEN I

17 ROLLED HER OVER, THAT'S WHEN I SAW HER HANDS DROP.

18 Q SO YOU ARE KNEELING DOWN HERE.

19 A RIGHT, BECAUSE I'M GOING TO PUT HER UP HERE TO

20 MY CHEST AND I DID.

21 Q OKAY. WE'LL GET TO THAT.

22 A OKAY.

23 Q YOU ROLLED HER OVER AWAY FROM YOU, RIGHT?

24 A NO. YES, I ROLLED, I PUSHED, I ROLLED HER AWAY

25 TO SEE WHAT WAS WRONG WITH HER BECAUSE I DIDN'T KNOW.

1 Q OKAY. SHE'S FLAT AND WHEN YOU ROLLED HER, YOU  
2 ROLLED HER ALL THE WAY OVER OR YOU ROLLED HER JUST  
3 HALFWAY UP?

4 A I JUST ROLLED HER OVER WITH HER HANDS DROP DOWN  
5 AND THAT'S WHEN I SAW THE GREEN RIGHT THERE.

6 Q LET ME ASK YOU THIS FIRST. YOU ROLL HER OVER,  
7 HER HANDS DROP DOWN, SHE'S NOW LAYING ON HER BACK?

8 A THAT'S CORRECT.

9 Q AND HER HANDS ARE DOWN BY HER SIDE?

10 A RIGHT.

11 Q AND THE FIRST THING YOU SEE IS THE GREEN FROM  
12 THIS BLANKET, IS THAT RIGHT?

13 A THAT'S ABSOLUTELY CORRECT.

14 Q NOW ARE YOU STANDING ON THIS BLANKET AT THIS  
15 POINT?

16 A NO, I'M RIGHT HERE NEXT TO THE BLANKET, NOT ON  
17 THE BLANKET, THE BLANKET IS RIGHT HERE, AND I'M  
18 STANDING RIGHT HERE.

19 Q OKAY.

20 A AT HER. THE BLANKET IS RIGHT HERE ON THE FLOOR  
21 BESIDE HER. I DIDN'T SEE ALL THAT.

22 Q OKAY. YOU DIDN'T SEE THE BLANKET?

23 A NO, I DIDN'T SEE THAT.

24 Q BUT YOU ARE SQUATTING RIGHT HERE AND SHE'S RIGHT  
25 HERE, RIGHT?

1 A THAT'S CORRECT.

2 Q AND THIS IS ROUGHLY PROXIMITY TO THE BLANKET?

3 A THAT'S CORRECT.

4 Q YOU ROLL HER OVER, HER HANDS GO DOWN, AND THAT'S

5 WHEN YOU SEE IT WRAPPED AROUND HER NECK?

6 A WELL, ACTUALLY I SAW HER BREAST AND I PULLED HER

7 SHIRT DOWN. WHEN I PULLED HER SHIRT DOWN IS WHEN I

8 SAW THE GREEN.

9 Q AND YOU INDICATED THAT HER SHIRT WAS UP --

10 A AND I COULD SEE HER RIGHT BREAST AND THAT'S THE

11 ONLY SIDE I COULD, WHEN I ROLLED UP, THAT'S WHAT I

12 SAW.

13 Q LET'S SEE. SHE IS ON BOTTOM, THEN YOU ROLL HER

14 OVER?

15 A RIGHT.

16 Q OKAY.

17 A I DIDN'T ROLL HER ALL THE WAY OVER, NO, SIR.

18 Q THAT'S WHAT I'M TRYING TO UNDERSTAND?

19 A I ROLLED HER ON HER SIDE.

20 Q SO HER SIDE IS NOW FACING TOWARD YOU?

21 A YEAH, I'M HOLDING HER UP AND HER HANDS DROP AND

22 ALL I CAN SEE IS RIGHT HERE.

23 Q HER HANDS DROP TOWARD YOU?

24 A AND I CAN SEE HER BREAST.

25 Q HER HANDS DROP TOWARD YOU?

1 A THEY DROP DOWN LIKE THAT.

2 Q OKAY.

3 A YES.

4 Q AND NOW YOU SEE HER RIGHT BREAST EXPOSED?

5 A THAT'S CORRECT.

6 Q WHICH WOULD BE IN FRONT AND YOU PULLED THAT

7 DOWN?

8 A I PULLED HER SHIRT DOWN BECAUSE I HADN'T EVER

9 LOOKED AT HER BREAST.

10 Q YOU COVERED HER RIGHT BREAST.

11 A I COVERED HER RIGHT, YES.

12 Q YOU DID NOT COVER HER LEFT BREAST?

13 A NO, I DID NOT.

14 Q OKAY. AND SO YOU LEFT HER COVERED, HER BODY

15 COVERED OR SHIRT PULLED DOWN?

16 A I PULLED IT DOWN ON THE SIDE HERE AND THEN SHE

17 ROLLED OVER.

18 Q ROLLED OVER WHICH WAY?

19 A WELL, WHEN I, WHEN I --- AFTER I LAID HER DOWN

20 SHE ROLLED OVER LIKE THIS ON HER BACK. SHE WAS UP

21 AGAINST I THINK IT WAS SOME BOOKS OR SOMETHING UP

22 UNDER HER OR.

23 Q ---ON HER BED?

24 A BLANKET OR PILLOW SOMETHING.

25 Q WHERE WERE HER HANDS AT THAT POINT?

1 A HER HANDS WERE LIKE THIS RIGHT HERE.

2 Q SO HER HANDS WERE BESIDE HER.

3 A THAT IS CORRECT.

4 Q AND YOU COVERED HER RIGHT BREAST?

5 A THAT IS CORRECT.

6 Q OKAY. OKAY. AND YOU NOTE THE GREEN BLANKET,  
7 THIS I THINK IT IS CALLED SELVAGE, THIS IS WRAPPED  
8 AROUND HER NECK.

9 A THAT'S WRAPPED AROUND HER NECK ABOUT FOUR OR  
10 FIVE TIMES.

11 Q AND YOU SAID THAT SEVERAL TIMES?

12 A AND I UNWRAPPED IT MYSELF.

13 Q SO IT WAS WRAPPED AROUND HER NECK FOUR OR FIVE  
14 TIMES?

15 A YES, SIR.

16 Q RIGHT? OKAY. AND THEN YOU UNWRAPPED IT?

17 A I UNWRAPPED IT.

18 Q YOU UNWRAPPED IT?

19 A I WAS HOLDING HER HEAD UP AND DOING LIKE THIS  
20 RIGHT HERE. I MEAN IT WAS FLINGING AGAINST HER HAIR  
21 AND ALL THAT, BUT I UNWRAPPED IT, YES, I DID.

22 Q OKAY. AND HOW DO YOU KNOW THE FOUR OR FIVE?  
23 YOU WERE COUNTING?

24 A I SAID APPROXIMATELY FOUR OR FIVE.

25 Q A BUNCH OF TIMES?

1 A YEAH, IT WAS ABOUT FOUR OR FIVE TIMES. I CAN'T  
2 SAY EXACTLY HOW MANY IT WAS BUT IT WAS A BUNCH OF  
3 TIME.

4 Q IT WASN'T JUST LOOPED AROUND HER NECK?

5 A NO.

6 Q IT WAS AROUND HER NECK?

7 A IT WAS AROUND HER NECK.

8 Q OKAY.

9 A THAT'S WHY I THOUGHT SHE HAD STRANGLERD HERSELF.

10 Q BECAUSE YOU TOLD LAW ENFORCEMENT FROM THE  
11 BEGINNING THAT YOU HAD WARNED HER ABOUT THAT BLANKET.

12 A I HAVE WARNED HER ABOUT THAT BLANKET. I WARNED  
13 ALL OF THEM ABOUT THAT BLANKET BUT PARTICULARLY HER  
14 BECAUSE THAT WAS HER FAVORITE BLANKET.

15 Q OKAY. AND THAT WAS HER FAVORITE BLANKET THAT  
16 STAYED ON THE COUCH BUT SHE'D SLEEP WITH IT?

17 A SHE GOT IT, SHE HAD IT, I CAN'T REMEMBER WHEN IT  
18 WAS. I REMEMBER SOMETIME BACK I TOLD HER DO NOT  
19 SLEEP WITH THE BLANKET NO MORE BECAUSE YOU CAN GET  
20 CHOKED ON IT AND I MEAN, I WAS BEING SERIOUS WITH  
21 HER. I WAS BEING THE PARENT THAT I THOUGHT I WAS  
22 SUPPOSED TO BE. I DIDN'T WANT HER TO GET CHOKED ON  
23 IT.

24 Q AND WAS SHE THE ONE MOST INCLINED OF YOUR THREE  
25 KIDS TO ROLL IN HER SLEEP?

1 A OF THE -- YEAH, AMANDA ROLLED IN HER SLEEP QUITE  
2 A BIT, YEAH.

3 Q SHE WAS THE MOST ROLLING ONE?

4 A THE MOST ROLLING ONE?

5 Q WELL, THAT'S PROBABLY NOT THE BEST ENGLISH?

6 A SHE DIDN'T ROLL EVERY NIGHT, BUT I MEAN, THERE  
7 WAS SOME ROLLING. YEAH, SHE DID ROLL IN HER SLEEP.

8 Q AND YOU TOLD EVERYBODY THAT?

9 A I TOLD THE POLICE THAT, I DID.

10 Q THAT SHE HAD A HISTORY OF ROLLING?

11 A YES, I THINK I TOLD 911 THAT TOO.

12 Q AND YOU BELIEVE THAT SHE ROLLED --

13 A I THOUGHT SHE---

14 Q AT LEAST FIVE TIMES AND WRAPPED THAT AROUND HER  
15 NECK?

16 A BECAUSE WHEN WE WERE LITTLE AS LITTLE KIDS THERE  
17 WAS A BABY THAT WE HEARD ABOUT THAT HAD GOTTEN, THE  
18 CRIB WAS PUSHED UP TOO CLOSE TO THE WINDOW BLINDS AND  
19 THE STRINGS WERE HANDING DOWN, THIS BABY GOT HER/HIS  
20 NECK WRAPPED UP IN IT AND.

21 Q SO YOU HAD SEEN SOMETHING LIKE THAT BEFORE?

22 A I HAD HEARD SOMETHING ABOUT THAT BEFORE. MOMMA  
23 HAD TOLD US WHEN ABOUT IT WHEN WE WAS YOUNGER.

24 Q AMANDA IS 12 YEARS OLD, RIGHT?

25 A THAT'S CORRECT.

1 Q OKAY. THEN YOU CALLED 911 AT THAT POINT, IS  
2 THAT RIGHT?

3 A THAT'S CORRECT.

4 Q OKAY. NOW WHEN YOU LEFT HER ON THE BED HOW IS  
5 SHE LAYING?

6 A SHE WAS LAYING JUST LIKE, JUST LIKE THE  
7 PHOTOGRAPH SHOWED. THAT'S THE WAY I LEFT HER.

8 Q OKAY. AND YOU SAID THAT YOU WERE CALM ON 911  
9 BECAUSE YOU GOT RED CROSS TRAINING, IS THAT RIGHT?

10 A THAT WAS NORMAL PRACTICE, YEAH. I TRIED TO BE  
11 CLEAR AND CONCISE WHEN I TALK ON THE TELEPHONE  
12 PERIOD. BUT YEAH, IT WAS BECAUSE OF THE, BECAUSE OF  
13 THE TRAINING WITH THE RED CROSS.

14 Q AND YOU TOLD THEM ON 911 THAT IT WAS AT TWO  
15 O'CLOCK AND THEN YOU CAUGHT YOURSELF?

16 A I SAID TWO O'CLOCK. I SAID I MEAN ONE O'CLOCK.  
17 THAT'S CORRECT.

18 Q OKAY. NOW YOU TOLD THE FIRST RESPONDERS THAT  
19 SHE HAD BEEN DEAD FOR FOUR HOURS AND YOU DIFFERED  
20 WITH THAT?

21 A NO, I DID NOT SAY THAT.

22 Q OKAY. YOU SAID SHE'S BEEN DEAD FOR HOURS?

23 A I SAID FOR HOURS. I DIDN'T SAY FOUR HOURS.

24 Q OKAY. YOU SAID AGAIN, TELL ME WHAT YOU SAID?

25 A I DID NOT SAY FOUR HOURS. I SAID FOR HOURS.



1 Q FOR HOURS?

2 A FOR HOURS.

3 Q OKAY.

4 A NOT FOUR HOURS.

5 Q OKAY. SHE'S BEEN DEAD FOR HOURS AND THAT WAS

6 BASED ON YOUR RED CROSS TRAINING TOO?

7 A THAT WAS BASED ON THE FACT THAT SHE WAS ALREADY

8 STARTING TO STIFFEN.

9 Q OKAY. AND THEN THE, THE CLOTHING THAT SHE HAD

10 ON AT THAT POINT WAS WHAT? WHAT WAS SHE WEARING?

11 A WHAT WAS SHE WEARING? SHE WAS WEARING A PINK

12 SHIRT AND A BLACK PAIR OF SWEAT PANTS HAS I THINK TWO

13 STRIPES ON THE SIDES.

14 Q YOU SEEN THOSE IN THE COURTROOM TOO?

15 A I SEEN THEM IN THE COURTROOM TOO, THAT IS

16 CORRECT.

17 Q AND SO YOU DISPUTE THAT YOU TOLD THE FIRST

18 RESPONDERS THAT SHE WAS NAKED WHEN YOU FOUND HER?

19 A ABSOLUTELY. I DISPUTE THAT BECAUSE I DIDN'T SAY

20 THAT.

21 Q SO YOU DIDN'T SAY NAKED, YOU SAID SHE DIDN'T

22 HAVE COVERS ON?

23 A THAT'S EXACTLY RIGHT. I DIDN'T SAY NAKED. I

24 SAID SHE DIDN'T HAVE COVERS ON.

25 Q OKAY. YOU DIDN'T SAY SHE DIDN'T HAVE CLOTHES

1 ON. YOU SAID COVERS --

2 A I DIDN'T SAY SHE DIDN'T HAVE CLOTHES ON.

3 Q ALL RIGHT. THEN ONCE YOU CALLED 911 WHERE DO  
4 YOU GO THEN?

5 A I'M STILL ON THE PHONE. I CALLED MY, I TRIED TO  
6 CALL MY WIFE AT WORK AT LEINER.

7 Q AND THAT'S WHEN YOU WERE SITTING AT THE  
8 COMPUTER, YOU WOULD HAVE BEEN THERE?

9 A I'M SITTING AT THE COMPUTER THE PHONE IS SITTING  
10 RIGHT IN FRONT OF ME. THAT'S WHY YOU SEE IT IN THE  
11 ALL THE PICTURES.

12 Q OKAY.

13 A I COULDN'T SEE THE PHONE.

14 Q AND ULTIMATELY, START WITH THAT MORNING, LAW  
15 ENFORCEMENT TALKS TO YOU A LITTLE BIT WHILE YOU ARE  
16 THERE AT THE BEGINNING, RIGHT? THE FIRST RESPONDERS.

17 A THE FIRST RESPONDERS, THE FIRST RESPONDERS COME  
18 UP WHILE I'M ON THE PHONE TRYING TO GET SOMEBODY AND  
19 I GO TO THE DOOR, OPEN THE DOOR, AND LET THEM IN.  
20 AND THEN I GO BACK TO THE PHONE AND WORK AND WELL, I  
21 SHOWED THEM WHERE, I GO IN THERE AND SHOWED THEM  
22 WHERE AMANDA IS AT AND THEN I COME BACK AND I GO ON  
23 THE PHONE AND I GET ON THE PHONE AND THAT'S WHERE I,  
24 I'M STILL TRYING TO GET IN TOUCH WITH MY WIFE.

25 Q YOU ARE TRYING TO CONTACT YOUR WIFE AND

1 DIFFERENT PEOPLE?

2 A MY WIFE. I'M TRYING TO CONTACT --

3 Q AND DIFFERENT ONES, FIRE FIGHTERERS AND  
4 DIFFERENT PEOPLE, COMING UP AND TALKING AND THAT'S  
5 WHEN YOU TOLD THEM THE HISTORY OF HER ROLLING IN HER  
6 SLEEP.

7 A THAT'S CORRECT.

8 Q THAT YOU TOLD HER TO GET RID OF THIS SHEET?

9 A I DIDN'T SAY GET RID OF IT, I NEVER TOLD HER TO  
10 GET RID OF THIS SHEET OR THE BLANKET OR THE SPREAD OR  
11 NOTHING ELSE. WHAT I SAID WAS NOT TO SLEEP WITH THE  
12 SHEET. DO YOU NEED, YOU NEED TO LEAVE THIS ON THE  
13 COUCH. WE USE THAT AS A COVER FOR COVERING AT WHEN  
14 WE WATCH TV AT NIGHT.

15 Q ISN'T THE TRUTH THIS WAS HER FAVORITE BLANKET.

16 A THAT WAS HER FAVORITE BLANKET BUT SHE DIDN'T, WE  
17 DIDN'T ALLOW HER TO TAKE IT TO BED WITH HER. IF SHE  
18 USED IT IT WAS ON THE AND THE SEWING MACHINE SINCE WE  
19 GOT IT, MARY SUE WAS GOING TO SEW THE SELVAGE BACK  
20 ON.

21 Q WHEN YOU SAY YOU DIDN'T ALLOW HER TO TAKE IT TO  
22 BED WITH HER, YOU WOULD HAVE DEALT WITH THAT WHEN YOU  
23 TUCKED HER IN AT A NIGHT?

24 A NO. IT WAS USUALLY ON THE COUCH WHENEVER I WAS  
25 IN THERE ON THE COMPUTER THAT'S HOW I KNEW SHE DIDN'T

1 HAVE IT.

2 Q OKAY. SO IT'S UNUSUAL THIS NIGHT THAT YOU'D BE  
3 LAYING IN BED WHEN SHE GOES TO BED?

4 A THAT WAS UNUSUAL, YEAH, BECAUSE I'M USUALLY ON  
5 THE COMPUTER WHEN SHE GOES TO BED.

6 Q AND WHEN LAW ENFORCEMENT WAS THERE AT THE HOUSE  
7 THAT'S WHEN YOU ASKED THEM DIRECTLY IS ANYTHING BAD  
8 GOING TO HAPPEN TO YOU BECAUSE YOUR DAUGHTER HAS BEEN  
9 FOUND IN THERE STRANGLER BY HER BLANKET, RIGHT?

10 A THAT'S CORRECT. I DIDN'T KNOW, I DIDN'T KNOW  
11 WHAT WAS GOING TO HAPPEN. I DIDN'T KNOW, THEY WERE  
12 STARTING TO PUT UP YELLOW TAPE, THEY WERE TALKING, I  
13 DIDN'T KNOW WHAT WAS GOING ON.

14 Q I MEAN IN YOUR MIND IT WAS AN ACCIDENT, RIGHT?

15 A I THOUGHT IT WAS AN ACCIDENT AND I STILL --  
16 WELL, I WOULD STILL BELIEVE THAT TODAY BUT WE KNOW  
17 DIFFERENT BECAUSE OF THE EVIDENCE.

18 Q OKAY. AND THEN ULTIMATELY DURING THAT DAY YOU  
19 BEGAN A SERIES OF STATEMENTS TO LAW ENFORCEMENT,  
20 RIGHT? I MEAN IN ADDITION TO THE ONES WE JUST TALKED  
21 ABOUT SHOWING UP, ULTIMATELY YOU WENT AND HAD SOME  
22 MORE FORMAL STATEMENTS WHERE YOU WENT AND TALKED TO  
23 LAW ENFORCEMENT, RIGHT?

24 A I TALKED WITH BURRIS.

25 Q AND HERRING AND WALDROP AND HERRING ON INTO THE

1 EVENING?

2 A RIGHT.

3 Q CORRECT? OKAY. AS A MATTER OF FACT, YOU TALKED  
4 TO DSS THAT DAY ALSO?

5 A THAT'S CORRECT. I DID TALK TO DSS.

6 Q AND YOU STATED IN THAT FIRST TAPE THAT YOU  
7 UNDERSTOOD LAW ENFORCEMENT HAD A JOB TO DO IN THIS  
8 CASE, RIGHT?

9 A THAT'S CORRECT.

10 Q OKAY. I MEAN, YOU UNDERSTOOD THAT FROM --

11 A RIGHT.

12 Q AND YOU WERE COOPERATIVE.

13 A AND I THOUGHT THAT'S WHAT THEY WERE DOING UNTIL  
14 THEY STARTED POINTING THE FINGER AT ME.

15 Q SO IT'S OKAY FOR THEM TO DO THE BEST JOB THEY  
16 CAN AS LONG AS THEY ARE NOT POINTING A FINGER AT YOU?

17 A NO. NO, I DIDN'T SAY IT THAT WAY. I'M SAYING I  
18 THOUGHT THEY WERE DOING THEIR JOB BUT THEN THEY  
19 STARTING POINTING THE FINGER AT ME AND THEN I KNEW  
20 THEY WEREN'T DOING THEIR JOB BECAUSE THEY WERE  
21 LOOKING AT THE WRONG MAN.

22 Q OKAY. SO LET ME ASK YOU AT THE BEGINNING YOU  
23 VOLUNTEERED ASSISTANCE?

24 A YEAH, I VOLUNTEERED AND CONTINUED TO VOLUNTEER  
25 AND CONTINUE TO VOLUNTEER.

1 Q OKAY. NOW YOU GAVE THEM ACCESS TO YOUR HOUSE?

2 A THAT'S CORRECT.

3 Q OKAY. YOU SIGNED THESE CONSENTS THAT WE HAVE IN

4 EVIDENCE?

5 A SURE DID. SURE DID.

6 Q SIGNED CONSENTS TO GIVE BODY FLUIDS AND THINGS

7 OF THAT NATURE?

8 A THAT'S CORRECT.

9 Q OKAY.

10 A BECAUSE I, I DIDN'T, I KNEW THEY WASN'T GOING TO

11 FIND NOTHING, I MEAN, ON ME. I KNEW I DIDN'T DO

12 NOTHING.

13 Q THEY WEREN'T GOING TO FIND ANYTHING ON YOU.

14 THEY WEREN'T GOING TO FIND YOUR SEMEN ON AMANDA, WERE

15 THEY?

16 A DID THEY FIND IT?

17 Q I THINK I ASKED YOU. THEY WEREN'T GOING TO FIND

18 YOUR --

19 A I'M TELLING YOU --

20 Q YOU KNEW THAT NIGHT THEY WEREN'T GOING TO FIND

21 IT, RIGHT?

22 A HOW DID I KNOW THAT? I KNEW THAT BECAUSE I KNEW

23 I DIDN'T DO IT.

24 Q WELL, I THINK ALSO BECAUSE YOU MASTURBATED IN A

25 RAG AND HIDE IT, RIGHT?

1 A (NO RESPONSE.) YES, I MASTURBATE IN A RAG AND  
2 HIDE IT, BUT I DIDN'T HIDE IT THAT NIGHT.

3 Q THEY WOULDN'T HAVE --

4 A THAT I KNOW OF.

5 Q OKAY.

6 A SO LET'S DON'T.

7 Q WELL, LET'S DON'T.

8 A I'M JUST TELLING YOU.

9 Q OKAY. SO MAYBE YOU DID, MAYBE YOU DIDN'T?

10 A I CAN'T SAY THAT I DID. THAT'S NORMAL --

11 Q THAT'S A PRETTY IMPORTANT ISSUE, YOU AGREE WITH  
12 THAT?

13 A THAT'S SOMETHING NORMALLY DO AT NIGHT.

14 Q I'M SORRY, SIR.

15 A THAT IS SOMETHING THAT I NORMALLY DO AT NIGHT IS  
16 MASTURBATE. I DON'T KNOW. HOW COULD I SAY WHICH ONE  
17 I DID? WHETHER DID I DO IT THAT NIGHT OR THIS NIGHT.  
18 I CAN'T REMEMBER.

19 Q WELL, SIR, I GUESS --

20 A I DO IT, I DID IT QUITE OFTEN.

21 Q WITH YOUR DAUGHTER BEING FOUND AND THE CONDITION  
22 THAT SHE WAS BEING FOUND, WITH YOU BEING ABLE TO  
23 EXPLICITLY REMEMBER THE AGE OF THE EMPIRE GAME THAT  
24 YOU CREATED, IT MIGHT BE OF INSTANCE THAT YOU WOULD  
25 REMEMBER SOMETHING LIKE THAT. YOU AGREE WITH THAT,

1       WOULDN'T YOU?

2       A     WELL, YEAH, BUT I, I MEAN, I DON'T THINK I DID  
3       BECAUSE I CAN'T REMEMBER DOING IT.

4       Q     OKAY.  SO ULTIMATELY YOU GO AND YOU TALK TO MR.  
5       BURRIS, RIGHT?

6       A     THAT'S CORRECT.

7       Q     OKAY.  AND YOU HAVE BASICALLY, A BASIC STATEMENT  
8       IN WHICH YOU BASICALLY REITERATE WHAT WE'VE HEARD  
9       TODAY, RIGHT?  AS FAR AS WHAT YOU FOUND, WHAT WAS  
10      GOING ON, THINGS OF THAT NATURE?

11      A     CORRECT.  THAT'S CORRECT.

12      Q     OKAY.  AND THEN YOU INDICATED YOU TALKED TO  
13      BURRIS AND HERRING THERE AT THE POLICE DEPARTMENT,  
14      RIGHT?

15      A     THAT'S CORRECT.

16      Q     OKAY.  AND THEN THAT EVENING YOU TALKED TO  
17      WALDROP AND HERRING, RIGHT?

18      A     THAT'S CORRECT.

19      Q     OKAY.  AND YOU WOULD AGREE FROM THAT TAPE, MUCH  
20      LIKE YOU AND I HAVE BEEN DOING TODAY, THEY ALLOWED TO  
21      YOU TALK?

22      A     THAT'S CORRECT.

23      Q     AND SO PART OF THE REASON THAT THAT THING WENT  
24      FOR FOUR HOURS IS THERE WAS A LOT OF EXPLAINING YOU  
25      DID ON A LOT OF OTHER ISSUES, DIDN'T IT?



1       A     FOR FOUR -- NO.  I WOULDN'T SAY THAT, NO, SIR,  
2       BECAUSE EVERY ONE OF THE QUESTIONS I ANSWERED, I  
3       ANSWERED THE QUESTIONS THEY ASKED ME.  IT MIGHT HAVE  
4       BEEN A LITTLE BIT LONGER, I MIGHT HAVE SAID A LITTLE,  
5       A COUPLE WORDS EXTRA OR A COUPLE SENTENCES EXTRA.  
6       NO, I DIDN'T SPEND A WHOLE LOT OF TIME THE FIRST, I  
7       THINK THE FIRST 15 MINUTES WAS THE LONGEST TWO  
8       CONVERSATIONS THAT I HAD.

9       Q     OKAY.  THEN DURING, YOU HAVE THAT CONVERSATION  
10      WITH THEM AND THEN AFTER THAT'S OVER, TALKING ABOUT  
11      WALDROP AND HERRING.

12     A     RIGHT.

13     Q     AFTER THAT'S OVER IN THE MORNING HOURS, YOU ARE  
14      ARRESTED, RIGHT?

15     A     THAT'S CORRECT.

16     Q     AND YOU ARE SERVED A WARRANT FOR AMANDA MURDER,  
17      RIGHT?

18     A     I'M TOLD THAT THEY ARE GOING TO HOLD ME UNTIL  
19      THE NEXT MORNING, THAT'S CORRECT.

20     Q     YOU WERE SERVED A WARRANT---

21     A     THEY DID GIVE ME A WARRANT, BUT HE TOLD ME  
22      EXPLICITLY HIMSELF THAT THAT WOULD, THAT WAS ONLY  
23      UNDER THE CONDITION THAT I FAILED THE POLYGRAPH.  
24      THAT I WOULD BE LET GO IF I PASSED THE POLYGRAPH.

25     Q     WELL, AND LET ME ASK YOU, WHAT WERE YOU WEARING

1 AT THAT TIME?

2 A I WAS WEARING MY CLOTHES. I WAS WEARING MY  
3 CLOTHESS.

4 Q OKAY. AND YOUR CLOTHES BEING WHAT?

5 A BEING THE BLUE SHIRT THAT I HAD ON, A PAIR OF  
6 DARK SWEAT PANTS AND MY SHOES. I HAD A PAIR OF  
7 SHOES, BLACK SHOES, ESPECIALLY MADE SHOES FROM VOC  
8 REHAB.

9 Q IS THAT THE \$400 SHOES?

10 A THAT'S CORRECT.

11 Q IS THAT THE ONES THAT YOU WONDER WHAT HAPPENED  
12 TO THEM?

13 A I WOULD LIKE TO KNOW WHERE THEY AT, YES.

14 Q WELL, YOU THINK LAW ENFORCEMENT TOOK THOSE  
15 SHOES?

16 A I DON'T KNOW WHAT HAPPENED. I THINK THEY MIGHT  
17 HAVE MISPLACED THEM. I'VE HEARD QUITE A BIT OF  
18 MISPLACING OF PROPERTY.

19 Q OF SHOES?

20 A OF PROPERTY.

21 Q I GOT YOU. LET ME ASK YOU THIS, THAT MORNING  
22 WHEN YOU WOKE UP WHEN YOU WERE TALKING TO LAW  
23 ENFORCEMENT AT THE HOUSE, YOU HAD ON, DID I  
24 UNDERSTAND YOU TO SAY YOUR DAUGHTER'S SWEAT PANTS AND  
25 YOUR UNDERWEAR?

1 A NO. I SAID DARK SWEAT PANTS.

2 Q IT'S NOT YOUR DAUGHTER'S SWEAT PANTS?

3 A NO.

4 Q AREN'T THESE IN FACT FEMALE SWEAT PANTS THAT YOU  
5 HAD ON?

6 A THEY MIGHT HAVE BEEN MARY SUE'S.

7 Q OKAY.

8 A I WORE HER SWEAT PANTS OCCASIONALLY. I THINK SHE  
9 GAVE THEM TO ME.

10 Q SO THEY COULD BE FEMALE SWEAT PANTS THEN?

11 A SURE.

12 Q OKAY. AND YOU HAVE THAT AND UNDERWEAR ON,  
13 THAT'S ALL YOU HAD ON AT THE HOUSE?

14 A AT THE HOUSE WHEN EVER?

15 Q WHEN ALL THIS TOOK PLACE?

16 A YEAH, THAT'S ALL I HAD ON.

17 Q AND THEN WHEN YOU, ON DOWN AT THE POLICE STATION  
18 THAT'S THE SAME SWEAT PANTS AND UNDERWEAR THAT YOU  
19 HAD ON?

20 A OF COURSE, IT IS, SIR. THAT'S WHAT I SAID,  
21 THAT'S ALL I HAD ON.

22 Q THAT'S WHAT I WANTED TO MAKE SURE I UNDERSTAND.

23 A SURE.

24 Q SO THAT'S WHAT YOU HAD WHEN YOU WENT DOWN THERE.  
25 AND THEN LET'S SEE, AT FOUR O'CLOCK IN THE MORNING

1           WHEN THEY WENT AND SERVED THE WARRANT ON YOU, THEY  
2           TOOK THOSE PANTS AND THOSE UNDERWEAR FROM YOU AT THAT  
3           POINT AND PUT YOU IN A JUMP SUIT, DON'T THEY?

4           A     NO, THEY DID NOT.

5           Q     ARE YOU SURE ABOUT THAT?

6           A     I'M ALMOST POSITIVE.

7           Q     ALMOST POSITIVE.

8           A     I WOULD SAY I'M POSITIVE BECAUSE THEY DID NOT.

9           Q     TELL ME THE TIME THEY RECOVERED THOSE ITEMS FROM  
10          YOU ON THIS BAG RIGHT HERE PLEASE SIR?

11          A     SAYS 4:10 AM ON 11/31 I MEAN 11/30.  THEY DID  
12          NOT THAT NIGHT.

13          Q     SO THEY LEFT YOU IN, YOU'RE IN THE JAIL AND JUST  
14          YOUR WHITE SWEAT PANTS AND YOUR UNDERWEAR.

15          A     RIGHT.

16          Q     AND --

17          A     AND MY SWEAT PANTS AND MY SHIRT AND MY SHOES.

18          Q     OKAY.  YOU HAD THOSE \$400 SHOES ON THEN TOO?

19          A     YES.

20          Q     OKAY.  AND THEN FRIDAY MORNING COMES AND THEY  
21          GIVE YOU BREAKFAST, RIGHT?

22          A     FRIDAY, THAT'S CORRECT.

23          Q     OKAY.  AND AT SOME POINT LES HERRING IS RUNNING  
24          A LITTLE BIT LATE, BUT YOU END UP LOADING UP OVER  
25          HERE AND COMING TO TAKE YOUR POLYGRAPH, RIGHT?

1 A THAT'S CORRECT.

2 Q WITH MIKE BAKER, RIGHT?

3 A YEAH, THAT WAS ABOUT, I THINK WE LEFT OUT ABOUT  
4 15 TIL OR SOMETHING LIKE.

5 Q 15 TIL WHAT?

6 A I MEAN 15 AFTER NINE, SOMETHING LIKE THAT.

7 Q OKAY.

8 A WE WERE SUPPOSED TO LEAVE I THINK, I THINK HE  
9 WANTED, NO, HE WANTED TO LEAVE AT 9:15. WE LEFT AT  
10 9:30. THAT'S WHAT IT WAS. HE SAID WE'RE RUNNING A  
11 LITTLE BIT LATE, BUT HE WANTED TO GET OVER HERE,  
12 SPEND A LITTLE BIT OF TIME WITH HIM.

13 Q AND YOU WANTED TO GO, RIGHT?

14 A YEAH, I WANTED TO GO. I AIN'T DONE NOTHING  
15 WRONG.

16 Q AND YOU HAD YOUR JUMP SUIT ON THEN?

17 A I DID NOT HAVE A JUMP SUIT ON.

18 Q YOU ARE STILL WEARING THOSE CLOTHES?

19 A YES. I MEAN, THAT'S WHAT I CAN REMEMBER, YES,  
20 SIR.

21 Q COULD IT BE THEY GOT THEM AT FOUR AND YOU ARE  
22 JUST WRONG ABOUT A POINT SUCH AS THE JUMP SUIT?

23 A (NO RESPONSE.) I DON'T THINK SO, NO, SIR.

24 Q OKAY. YOU THINK THAT'S WHAT YOU WERE WEARING?

25 A I THINK, I'M ALMOST POSITIVE I WAS WEARING MY

1 OWN CLOTHES.

2 Q SO YOU COME OVER HERE IN YOUR OWN CLOTHES AND  
3 YOU GO TO THE POLYGRAPH AND HE READS YOU YOUR RIGHTS,  
4 RIGHT?

5 A THAT'S CORRECT.

6 Q AND STATE'S EXHIBIT 11, IS THAT THE RIGHTS FORM?  
7 IF YOU WOULD TAKE A MINUTE AND LOOK AT THAT?

8 A (EXAMINES DOCUMENT.)

9 Q IS THAT THE RIGHTS FORM THAT YOU HAD THAT  
10 MORNING?

11 A THAT'S CORRECT, IT IS.

12 Q OKAY. AND DID YOU SIGN THAT?

13 A I DID SIGN IT.

14 Q AND YOU FREELY CONSENTED TO DO THAT, RIGHT?

15 A RIGHT.

16 Q NOBODY IS THREATENING YOU IN ANY WAY?

17 A THAT'S CORRECT.

18 Q NOBODY IS PROMISING YOU ANYTHING?

19 A NO. I WANTED TO GET THIS OUT. I WANTED TO  
20 PROVE MY INNOCENCE.

21 Q OKAY. SO YOU ARE MORE THAN WILLING TO DO THIS,  
22 YOU, BASICALLY YOU WAIVED ALL YOUR RIGHTS AND SAID  
23 I'M MORE THAN WILLING TO TALK TO YOU, THERE IS NO  
24 THREATS, NO PRESSURE, NO NOTHING, RIGHT?

25 A AT THAT TIME THERE WAS NONE, NO, SIR.

1 Q SO UP UNTIL THAT POINT EVERYTHING THAT WE HAVE  
2 THUS FAR THERE IS NO PRESSURE ON YOU, IS THAT WHAT  
3 YOU ARE SAYING?

4 A WELL, I'M SAYING THAT I, AT THAT TIME WHEN I  
5 SIGNED THAT PAPER I WANTED TO GET, I WANTED TO GET  
6 THE STORY, I WANTED THE TRUTH. I WANTED PEOPLE TO  
7 SEE I WAS INNOCENT AND I WAS TOLD, I WAS TOLD, OVER  
8 REPEATEDLY AND REPEATEDLY AND REPEATEDLY THAT I HAD  
9 DONE SOMETHING THAT I DIDN'T DO.

10 Q YOU WANTED THE POLYGRAPH?

11 A I WANTED THAT POLYGRAPH TEST.

12 Q AND THEY BROUGHT AND GAVE YOU ONE, DIDN'T THEY?

13 A THAT'S CORRECT.

14 Q AND YOU ACTUALLY SIGNED THIS ALSO, YOU TAKE A  
15 LOOK AT THAT, DO YOU RECOGNIZE THAT DOCUMENT?

16 A YES, I SIGNED THAT.

17 Q OKAY. AND WHAT WAS THAT FOR?

18 A THAT WAS THE CONSENT TO POLYGRAPH.

19 Q AND IT SAYS YOU HAVE THE RIGHT TO REFUSE TO TAKE  
20 THE POLYGRAPH, YOU READ THAT, RIGHT?

21 A BUT I WANTED TO TAKE THE POLYGRAPH.

22 Q I UNDERSTAND. I'M JUST TALKING ABOUT THE FORM  
23 NOW. THIS IS STATE'S EXHIBIT 12?

24 A YES, BUT I WANTED TO TAKE THE POLYGRAPH. I WAS  
25 EAGER TO SIGN. I WAS WILLING TO SIGN.

1 Q YOU WAIVED ALL YOUR RIGHTS, LAW ENFORCEMENT,  
2 NOBODY IS THREATENING YOU OR DOING ANYTHING. Y'ALL  
3 ARE ON THE SAME SHEET OF MUSIC AT THIS POINT?

4 A ALL I WANTED TO DO WAS PROVE MY INNOCENCE.

5 Q OKAY. AND SO YOU ARE READY TO DO IT?

6 A I WAS WANTING TO PROVE MY INNOCENCE.

7 Q SO WHEN YOU GAVE THE PRETEST INTERVIEW, YOU  
8 KNOW, HE HAS TO ASK -- OF COURSE, MIKE BAKER WORKS  
9 WITH THE SHERIFF'S OFFICE, RIGHT?

10 A THAT'S CORRECT.

11 Q BECAUSE YOU CAME OVER HERE, RIGHT? IT'S NOT  
12 LIKE HE WAS ONE OF THOSE ROCK HILL FOLKS, RIGHT?

13 A RIGHT.

14 Q SO HE WORKS WITH THE SHERIFF'S DEPARTMENT. HE  
15 DOESN'T REALLY KNOW ANYTHING ABOUT THE CASE OTHER  
16 THAN WHAT LES HERRING TELLS HIM ON THE FRONT END, IS  
17 THAT RIGHT?

18 A WHAT LES HERRING TELLS HIM, YEAH, THAT'S TRUE.  
19 I MEAN.

20 Q I MEAN, HE DIDN'T INVESTIGATE, HE WASN'T  
21 AROUND --

22 A NO, BUT HE HAD TOLD ME HE HAD HEARD SOME STUFF  
23 EARLIER ABOUT THE CASE BEFORE.

24 Q NOW WHEN WOULD HAVE THAT BEEN IF ---

25 A IT WAS EARLIER IN THE DAY HE MENTIONED IT, WHEN



1 I TALKED TO HIM HE HAD MENTIONED THAT HE ALREADY  
2 HEARD SOME OF THE CASE BEFORE HERRING AND HE ALSO, IF  
3 I RECALL CORRECTLY TESTIFIED THAT HE DID.

4 Q THAT HE HEARD THAT MORNING. I'M SAYING HE  
5 WASN'T THERE AT YOUR HOUSE --

6 A NO. NO. HE DIDN'T COME AND INVESTIGATE, NO,  
7 BUT HE DID SAY THAT HE HAD HEARD ABOUT THE CASE  
8 BEFORE HE WAS TOLD.

9 Q OKAY. AND THEN YOU ACTUALLY TAKE THE TEST, THE  
10 POLYGRAPH TEST, FROM MR. BAKER AT ABOUT 11:50 IN THE  
11 MORNING, RIGHT?

12 A I DON'T REMEMBER EXACTLY WHAT TIME IT WAS.

13 Q OKAY. YOU DID THE TALKING, DID THE PRETEST, YOU  
14 TALKED ABOUT DIFFERENT THINGS, YOU TOLD HIM WHAT THE  
15 DEAL WAS, AND THEN YOU TAKE THE POLYGRAPH, RIGHT?

16 A WE, WE TALKED, THAT'S RIGHT. YEAH, I DON'T KNOW  
17 EXACTLY WHAT TIME THE POLYGRAPH WAS TAKEN, BUT, YEAH,  
18 I TOOK THE POLYGRAPH TEST EVENTUALLY.

19 Q OKAY. NOW YOU TOLD HIM AT FIRST THAT YOU DIDN'T  
20 SAY ANYTHING ABOUT GETTING OUT OF BED AT THREE  
21 O'CLOCK AND THEN YOU TOLD HIM, AFTER YOU TALKED A  
22 LITTLE BIT MORE, BEFORE THE POLYGRAPH, AND THEN YOU  
23 TOLD HIM ABOUT GETTING UP, THAT YOU WERE UP AT THREE  
24 O'CLOCK, RIGHT?

25 A I TOLD HIM THAT -- WELL, I DIDN'T REMEMBER ABOUT

1 THE THREE O'CLOCK SO I, THAT WAS WHEN I FIRST STARTED  
2 TO REMEMBER ABOUT THE THREE O'CLOCK.

3 Q OKAY. OF COURSE, YOU DIDN'T SAY ANYTHING ABOUT  
4 MASTURBATION AT THAT POINT, RIGHT?

5 A NO, SIR.

6 Q AND AGAIN AT THIS POINT REALLY HE'S JUST TALKING  
7 TO YOU TO KIND OF GET THE GROUND WORK LAID OUT FOR  
8 THE POLYGRAPH, RIGHT? ISN'T THAT WHY Y'ALL TALK AT  
9 THE BEGINNING?

10 A I DON'T KNOW IF HE WAS DOING THAT OR IF HE WAS  
11 JUST TRYING TO INTERVIEW ME TO GET ALL THE  
12 INFORMATION HE CAN FROM ME.

13 Q OKAY. AND YOU TOLD HIM WHEN YOU WOKE UP AT SIX  
14 O'CLOCK YOU HAD A DREAM OF GOD SAYING COME UP AND  
15 THAT'S ABOUT THE RAPTURE AGAIN, IS THAT RIGHT?

16 A THAT'S RIGHT.

17 Q AND THEN ULTIMATELY HE GIVES YOU THE POLYGRAPH,  
18 RIGHT?

19 A HE DOES GIVE ME THE POLYGRAPH.

20 Q OKAY. AND YOU FAILED THAT TEST, RIGHT?

21 A THAT'S WHAT YOU SAY.

22 Q I DIDN'T SEE IT --

23 A I DON'T TOTALLY BELIEVE THAT.

24 Q YOU DON'T BELIEVE YOU FAILED?

25 A NO, SIR. I BELIEVE IT WAS A TACTIC AND A LIE

1 PLANTED BY ROCK HILL AND SHERIFF'S DEPARTMENT TO TRY  
2 TO COERCE A STATEMENT OUT OF ME.

3 Q OKAY. SO THEY WORKED TOGETHER TO COERCE THE  
4 STATEMENT OUT OF YOU BY TELLING YOU YOU DIDN'T PASS  
5 THE POLYGRAPH?

6 A WELL, HE SAID I DIDN'T PASS THE POLYGRAPH. I  
7 JUST DON'T BELIEVE THAT BECAUSE I HAD NOTHING TO  
8 HIDE. I DIDN'T DO IT.

9 Q OKAY.

10 A I DIDN'T HAVE NOTHING TO DO WITH IT. AND  
11 FRANKLY, I DON'T UNDERSTAND WHY PEOPLE DON'T  
12 UNDERSTAND THAT BECAUSE.

13 Q IN FAIRNESS, YOU CAN SEE YOU'VE TOLD SO MANY  
14 DIFFERENT STORIES THAT THERE MAY BE DIFFICULT FOR  
15 PEOPLE TO KNOW WHAT YOU --

16 A DIFFERENT STORIES. I WOULDN'T SAY DIFFERENT  
17 STORIES. I'VE TOLD, I'VE ADDED, I PROGRESSED TO IT.  
18 I DIDN'T TELL EVERYTHING BECAUSE I DIDN'T REMEMBER  
19 EVERYTHING. MY MEMORY WASN'T ALL BUT I DO KNOW THAT  
20 I DID NOT DO IT.

21 Q OKAY. DO YOU KNOW WHO DID?

22 A NO, SIR. ALL I KNOW IS WHAT THE EVIDENCE POINTS  
23 TO.

24 Q SO AFTER YOU FINISHED THE POLYGRAPH, HE  
25 EXPLAINED THAT THIS COULD NOT HAVE HAPPENED, AND YOU

1 ASKED HIM, YOU SAID COULD I HAVE DONE IT AND NOT  
2 REMEMBER, YOU SAID THAT?

3 A WELL, I MEAN, LIKE I SAID --

4 Q YOU CAN EXPLAIN, SIR. IF YOU'LL JUST ANSWER,  
5 DID YOU SAY THAT?

6 A I SAID IT AND I EVEN TESTIFIED THAT I SAID IT  
7 BUT IT'S THE CIRCUMSTANCES BEHIND IT.

8 Q OKAY. AT THAT POINT YOU SAID COULD I HAVE DONE  
9 IT AND NOT REMEMBERED?

10 A WELL, I MEAN WITH WHAT HE WAS SAYING TO ME IS  
11 TRUE, YES. I MEAN, HE KEPT TALKING TO ME AND KEPT  
12 TELLING ME AND I FAILED IT. HE WAS TALKING ABOUT THE  
13 GREEN WRAP, HE WAS TALKING ABOUT ALL THIS THING, WHAT  
14 ELSE WAS I SUPPOSED TO -- I MEAN, I COULDN'T  
15 CONCENTRATE.

16 Q SO YOUR ANSWER IS YOU DID SAY COULD I HAVE DONE  
17 IT AND NOT REMEMBER IT?

18 A I DID.

19 Q OKAY.

20 A BECAUSE I DIDN'T KNOW. I MEAN, I TRUSTED THE  
21 POLYGRAPH MACHINE.

22 Q OKAY. AND HE SAID NO. HE TOLD YOU, NO, YOU  
23 COULDN'T HAVE DONE IT AND NOT REMEMBER, DIDN'T HE?

24 A HE SAID NO, I DON'T THINK SO.

25 Q OKAY. THEN YOU SAID COULD I HAVE DONE IT IN MY

1 SLEEP, LIKE SLEEP WALKING THING OR A DREAM?

2 A I SAID COULD I HAVE DONE IT IN MY SLEEP. I DID

3 SAY THAT, YES.

4 Q AND HE SAID NO, RIGHT?

5 A HE SAID, ACTUALLY HE SAID I DON'T THINK SO

6 BECAUSE I JUST DON'T THINK THAT'S POSSIBLE.

7 Q BECAUSE YOU WOULDN'T HAVE KNOWLEDGE OF IT, IS

8 THAT RIGHT?

9 A WELL, I MEAN ---

10 Q IS THAT WHAT HE EXPLAINED TO YOU THAT YOU

11 WOULDN'T HAVE KNOWLEDGE OF IT IF YOU HAD DONE IT IN A

12 DREAM OR YOU DONE IT AND NOT KNOWING, THEN YOU

13 WOULDN'T FAIL THE POLYGRAPH BECAUSE YOU WOULDN'T HAVE

14 KNOWLEDGE OF IT, WOULD YOU?

15 A WELL, THAT'S THE TRUTH.

16 Q THAT'S WHAT HE TOLD YOU --

17 A THAT'S BASICALLY -- WELL, WHAT HE TOLD ME WAS:

18 NO, I DON'T THINK SO. AND I SAID WELL, WHAT ABOUT IF

19 I-- I SAID WHAT ABOUT COULD I HAVE DONE IT IN A DREAM

20 OR IN MY SLEEP AND HE SAID.

21 Q HE SAID NO.

22 A HE SAID I DON'T THINK SO. HE DIDN'T SAY NO. HE

23 SAID I DON'T THINK SO.

24 Q OKAY. SO HE TELLS YOU RIGHT UP FRONT, RIGHT

25 AFTER YOU FAILED THE POLYGRAPH, THAT COULD HAVE DONE

1 IT AND NOT REMEMBER IS NOT REALLY AN OPTION. HE SAYS  
2 NO I DON'T THINK SO. SLEEPING AND DOING IT IS NOT AN  
3 OPTION. HE SAID I DON'T THINK SO, RIGHT?

4 A WELL, I MEAN HE WAS TRYING TO MAKE HIS POINT  
5 THAT HE DIDN'T THINK IT COULD HAPPEN, NO.

6 Q DID HE TRY TO GET YOU TO SAY, YOU KNOW, MAYBE  
7 YOU DREAMED IT AND THAT'S HOW IT HAPPENED? HE DIDN'T  
8 DO THAT, DID HE?

9 A WHAT HE SAID WAS EXACTLY WHAT I SAID BEFORE, HE  
10 WAS, WE WENT THROUGH THIS TIME WHERE HE KEPT TELLING  
11 ME ABOUT THE BLANKET, HE KEPT TELLING ME ABOUT THE  
12 POLYGRAPH MACHINE, BEING, CALLING ME A LIAR.

13 Q HE WAS CALLING YOU A LIAR?

14 A I SAID THE MACHINE WAS CALLING ME A LIAR. I'M  
15 NOT A LIAR. I DIDN'T DO IT. I DIDN'T KNOW WHO DID  
16 IT. I DIDN'T SEE WHO DID IT. I WAS IN THE BED  
17 ASLEEP AND I KNEW THAT.

18 Q OF COURSE, WE'VE HEARD YOU SAY THAT FOUR HOURS  
19 ON THE AUDIO TAPE?

20 A YEAH, AND ABOUT SIX HOURS IN HERE TODAY.

21 Q ALL RIGHT. AT SOME POINT AFTER THAT, AFTER YOU  
22 ARE CONFRONTED THAT WHAT YOU ARE SAYING CAN'T BE  
23 TRUE, THEN YOU TELL A DIFFERENT STORY, DON'T YOU?

24 A WHEN I HAD BEEN TOLD OVER AND OVER REPEATEDLY  
25 THAT WHAT I SAID I DID ABOUT THE BLANKET I DIDN'T DO,

1       THEY HAD PICTURES TO PROVE IT, WHAT THE POLYGRAPH,  
2       WHAT I BELIEVED THE POLYGRAPH WOULD SAY WAS NOT WHAT  
3       IT SAID.

4       Q       WELL, LET'S TALK ABOUT THE BLANKET THING FOR A  
5       SECOND. WE KEEP SAYING THEY ARE TELLING YOU YOU  
6       DIDN'T UNWRAP THE BLANKET AROUND HER NECK?

7       A       THAT'S EXACTLY WHAT THEY WERE SAYING.

8       Q       AND YOU WENT IN, YOU KNEW THAT, YOU WEREN'T  
9       ASLEEP, YOU WEREN'T ANYTHING. YOU KNEW YOU WENT IN  
10      AND UNWRAPPED THAT BLANKET?

11      A       THAT'S RIGHT. I KNEW THAT I HAD UNWRAPPED THE  
12      BLANKET.

13      Q       YOU TOLD 911 --

14      A       I POINTED TO IT.

15      Q       YOU TOLD LAW ENFORCEMENT WHEN THEY GET THERE?

16      A       RIGHT. BUT EVERYBODY KEPT TELLING ME THAT IT  
17      WASN'T TRUE, THAT THE BLANKET WAS STILL WRAPPED  
18      AROUND HER NECK. THEY KEPT TELLING ME, YEAH, WE GOT  
19      PICTURES TO PROVE IT. WE GOT A POLICE REPORT THAT  
20      PROVES IT.

21      Q       OKAY. AND SO THAT BEING WRAPPED AROUND HER NECK  
22      WHEN YOU BELIEVED YOU UNWRAPPED IT, SUDDENLY MADE YOU  
23      THINK YOU DID IT?

24      A       IT WASN'T THAT. IT WAS EVERYTHING BUT THAT HAD,  
25      THAT WAS PROBABLY THE BIGGEST PART. THAT'S WHAT THEY

1 KEPT SAYING THE MOST. IS WHAT THEY KEPT TALKING  
2 ABOUT THE MOST.

3 Q THAT IT WAS STILL WRAPPED AROUND HER NECK?

4 A THAT IT WAS STILL WRAPPED AROUND HER NECK.

5 Q OKAY.

6 A AND HE ALSO TALKED ABOUT THE POLYGRAPH MACHINE.  
7 HE TALKED ABOUT THE FACT THAT I LIED ABOUT THE DILDO.

8 Q AND YOU ADMITTED TO LYING ABOUT THAT, RIGHT?

9 A YEAH, I ADMITTED ABOUT LYING ABOUT THAT.

10 Q OKAY. HE SAYS THAT ONCE, AT SOME POINT AFTER HE  
11 CHALLENGED YOUR DIFFERENT THEORIES ABOUT SLEEPING AND  
12 DREAMING AND NOT REMEMBERING, THEN YOU SAID I MUST  
13 HAVE DONE RIGHT IT, RIGHT?

14 A WELL, HE SAID AFTER I THINK HE SAID ABOUT, TEN  
15 OR 15 MINUTES LATER I, I SAID I MUST HAVE DONE IT AND  
16 DON'T REMEMBER. IT WAS ACTUALLY A LITTLE BIT LONGER  
17 THAN THAT AND IT WAS AFTER I HAD BEEN REPEATEDLY TOLD  
18 THE SAME THING OVER AND OVER AND OVER.

19 Q BUT YOU, THE NIGHT BEFORE YOU WERE TOLD, JERRY  
20 WALDROP WAS FIRE AND BRIMSTONE AND YOU MAINTAINED?

21 A BUT IT WAS -- I TRUSTED THE POLYGRAPH. WHAT WAS  
22 THE ONE THING, THE ONE THING THAT I BELIEVED WAS THE  
23 POLYGRAPH WOULD PROVE MY INNOCENCE. I BELIEVE IN  
24 THAT POLYGRAPH. I BELIEVED THAT IT WOULD SHOW THAT I  
25 WAS TELLING THE TRUTH.



1 Q OKAY.

2 A THEN I WAS TOLD A LIE, WASN'T I?

3 Q APPARENTLY NOT.

4 A WELL.

5 Q THE POLYGRAPH IS ACCURATE THEN YOU, TO USE YOUR  
6 WORDS, YOU MUST HAVE DONE IT, RIGHT?

7 A I SAID THAT AFTER HE KEPT ON SAYING THAT ABOUT  
8 THE POLYGRAPH MACHINE AND ABOUT THE BLANKET AND ABOUT  
9 THE DILDO AND ABOUT THE PICTURES AND THE POLICE  
10 REPORT.

11 Q OKAY. BUT YOU DIDN'T SAY I MUST HAVE DONE IT  
12 AND I DON'T KNOW HOW OR WHY OR WHAT HAPPENED. YOU  
13 JUST SAID I MUST HAVE DONE IT, RIGHT, AND THEN YOU  
14 START EXPLAINING, DIDN'T YOU?

15 A I THOUGHT THAT I HAD DONE IT.

16 Q OKAY.

17 A I WAS TOLD THAT.

18 Q OKAY.

19 A OVER AND OVER AND OVER.

20 Q SO NOW AT THIS POINT, BECAUSE IT CHANGES A LOT,  
21 NOW AT THIS POINT IN THE POLYGRAPH, AFTER THE  
22 POLYGRAPH, NOW YOU'VE DECIDED, I MUST HAVE DONE IT,  
23 AND YOU ARE TELLING US IN YOUR MIND YOU HAD AT THAT  
24 POINT BELIEVED YOU DID IT?

25 A WAIT A MINUTE. I SAID -- YES, I BELIEVE THAT.

1 I BELIEVED IN MY MIND, YES.

2 Q OKAY. RIGHT THEN YOU BELIEVED YOU DID IT, SO  
3 THAT'S WHEN YOU STARTED TELLING THAT EVERYTHING I  
4 SAID IS PRETTY TRUE, BUT YOU DID REMEMBER THAT YOU  
5 HAD GONE INTO AMANDA'S ROOM AFTER YOU WENT TO THE  
6 BATH ROOM AT THREE O'CLOCK, YOU TOLD HIM THAT, RIGHT?

7 A AS HE WAS TALKING TO ME, YES, AFTER THAT AND  
8 AFTER I THOUGHT ABOUT ALL THE IMAGES THAT I HAD  
9 STARTED FORMING IN MY HEAD. SOMEBODY HAD TO GO IN  
10 AMANDA'S ROOM AND SO I KNEW SOMEBODY HAD TO GO IN  
11 AMANDA'S ROOM, I KNEW THAT AMANDA'S, HAD BEEN  
12 SODOMIZED BECAUSE JERRY WALDROP ME TOLD ME THAT. I  
13 KNEW EVERY OTHER PIECE OF DETAIL THAT'S MENTIONED IN  
14 THAT REPORT.

15 Q OKAY. WHEN WAS IT THAT LAW ENFORCEMENT DECIDED  
16 THAT YOU HAD A HARD ON AT 3 O'CLOCK IN THE MORNING?

17 A I SAID THAT BECAUSE THAT'S THE ONLY LOGICAL  
18 THING THAT I COULD HAVE THOUGHT OF AT THE TIME. THEY  
19 SAID THEY FOUND A SPOT OF SEMEN ON AMANDA OR THEY  
20 THOUGHT IT WAS A SPOT OF SEMEN. AND THEY HAD ME DO A  
21 TEST SO, AND I MEAN, AND SO I THOUGHT, OKAY, I MUST  
22 HAVE WENT INTO, THE FIRST THING I DONE IS WENT INTO  
23 HER BEDROOM AND JACKED OFF ON HER BED OVER HER, BUT I  
24 DIDN'T.

25 Q BUT YOU DIDN'T?

1 A NO, I DIDN'T.

2 Q BUT YOU TIED THAT IN TO THE I MASTURBATED QUITE  
3 FREQUENTLY AND SO THAT'S WHERE YOU GOT THAT PICTURE  
4 FROM? WHERE DID YOU GET THAT PICTURE FROM?

5 A WHERE DID I GET THAT PICTURE FROM?

6 Q THAT'S WHAT YOU ARE TELLING, ALL THESE PICTURES?

7 A THEY SAID I, THEY SAID, I WAS TRYING TO PIECE  
8 TOGETHER WHAT EVERYBODY SAID ABOUT AMANDA. WHAT WAS,  
9 WHERE SHE WAS RAPED, WHERE SHE WAS HARMED, THE  
10 SODOMY, THE EVERYTHING, I WAS LOOKING AT ALL THOSE  
11 PIECES. I WAS LISTENING TO WHAT EVERYBODY WAS  
12 TELLING ME.

13 Q OKAY. AND YOU STATED --

14 A AND I KNEW I WAS INNOCENT.

15 Q OKAY. YOU KNEW YOU WERE INNOCENT THEN? I  
16 THOUGHT YOU JUST TOLD US THAT YOU THOUGHT YOU DID IT?

17 A I SAID I KNEW I WAS INNOCENT FROM THE BEGINNING.  
18 BY THE TIME THAT HE HAD HOUNDING ME ABOUT THE  
19 MACHINE, ABOUT THE BLANKET, ABOUT THE PICTURES, ABOUT  
20 EVERYTHING.

21 Q NOW THIS IS MR. BAKER HOUNDING YOU?

22 A MR. BAKER.

23 Q THIS IS MR. SOFT SPOKEN MR. BAKER?

24 A AND HE WAS SPEAKING SOFTLY. IT WAS A HOUNDING.

25 YES, SIR, IT WAS A HOUNDING, BUT IT WASN'T A HOUNDING

1       LIKE, LIKE YOU'VE BEEN DOING, OR LIKE SOME OF THE  
2       OTHERS HAVE BEEN DOING.  THAT'S NOT THE WAY HE WAS  
3       HOUNDING.  HE WAS HOUNDING ME LIKE, MR. COPE, YOU  
4       KNOW, WE HAVE PICTURES.  WE HAVE PROOF.

5       Q     SO HE WAS LESS STRIDENT THAN EVEN I'VE BEEN WITH  
6       YOU, RIGHT?

7       A     YES.

8       Q     YOU WOULD ADMIT I'VE BEEN FAIRLY COURTEOUS TO  
9       YOU, HAVE I NOT?

10      A     YES, SIR.  I WOULD SAY YOU'VE BEEN COURTEOUS.  I  
11      MEAN, INTERRUPT ME A COUPLE TIMES, I MEAN.

12      Q     BUT I THINK WE'VE DONE THAT TO EACH OTHER?

13      A     AND I'VE DONE THAT.  I'LL AGREE, YES, SIR.

14      Q     BUT LET ME ASK YOU A QUESTION.  I'LL TRY TO GET  
15      US BACK ON TRACK, YOU TOLD HIM THAT YOU DON'T  
16      REMEMBER EJACULATING BUT YOU MUST HAVE EJACULATED  
17      BECAUSE YOU REMEMBER IT FEELING GOOD, DO YOU REMEMBER  
18      TELLING HIM THAT?

19      A     WELL, I DID TELL HIM THAT BECAUSE FIRST I KNEW  
20      ABOUT THE SPOT OF SEMEN THAT WAS ON AMANDA.

21      Q     OKAY.  YOU TOLD HIM YOU NORMALLY MASTURBATE IN A  
22      WASH CLOTHE BUT YOU HAD NOT BROUGHT THE WASH CLOTH  
23      WITH YOU INTO AMANDA'S ROOM, RIGHT?

24      A     I DID TELL HIM THAT BUT I DON'T NORMALLY GO, I  
25      DON'T NEVER EVER GO TO AMANDA'S ROOM TO MASTURBATE.

1 I ALWAYS GO TO EITHER THE BATHROOM OR MY BEDROOM.

2 Q OKAY. AND YOU SAID YOU DID NOT KNOW WHERE IT  
3 WENT, BUT YOU DIDN'T CLEAN IT UP, RIGHT?

4 A I DIDN'T. I -- THAT'S WHAT I TOLD HIM I DIDN'T  
5 CLEAN IT UP BECAUSE THEY SAID THERE WAS A SPOT OF  
6 SEMEN ON HER.

7 Q AND THESE ARE IMAGES THAT WERE IN YOUR HEAD AND  
8 ALL BOTTLED UP INSIDE, RIGHT?

9 A I DIDN'T SAY THEY WERE ALL BOTTLED UP INSIDE. I  
10 SAID THESE WERE IMAGES THAT WAS IN MY HEAD AND THAT'S  
11 ALL I, THAT'S ALL I KNEW TO GO BY.

12 Q SO COPE STATED IT WAS ALL BOTTLED UP INSIDE ME.  
13 YOU DIDN'T SAY THAT?

14 A I DIDN'T THINK I SAID IT, NO, SIR.

15 Q OKAY. AND THEN --

16 A BECAUSE, I MEAN, HE'S NOT, HE'S WRITING FROM HIS  
17 NOTES AND HE'S ALSO WRITING FROM HIS MEMORY. HE EVEN  
18 STATED THAT.

19 Q WHAT ARE YOU TESTIFYING FROM?

20 A I'M TESTIFYING FROM WHAT I KNOW.

21 Q OKAY.

22 A THE TRUTH.

23 Q OKAY.

24 A THAT NEEDS TO BE BROUGHT UP.

25 Q THAT'S WHAT I'M TRYING TO DO, SIR.

1 A WELL, IT'S OUT ACTUALLY.

2 Q APPARENTLY SO, WE'RE HERE, AREN'T WE?

3 A I --

4 Q OKAY. IT'S BEEN REPORTED THAT AMANDA HAD WOKE  
5 WHILE HE WAS MASTURBATING OVER HER AND SAID OH GROSS  
6 DADDY?

7 A RIGHT, OKAY. WHERE DID HE GET THAT FROM BECAUSE  
8 I DIDN'T SAY THAT.

9 Q YOU DIDN'T SAY THAT?

10 A NO, I DIDN'T SAY THAT. I SAID THAT THE NIGHT  
11 BEFORE. THAT WAS SOMETHING THAT HERRING MUST HAVE  
12 TOLD HIM.

13 Q YOU ARE SAYING YOU SAID THAT THE NIGHT BEFORE ON  
14 THE TAPE?

15 A RIGHT. WHEN WE WERE TALKING ABOUT WHAT MOMMA  
16 DOES. I NEVER SAID THAT ABOUT HER. HE SAID THAT  
17 MUST BE WHERE, WHEN YOU HEARD OH GROSS DADDY. I  
18 NEVER SAID THAT.

19 Q OKAY. YOU NEVER SAID THAT IN THERE WITH HIM?

20 A NO.

21 Q OKAY. SO THE NIGHT BEFORE YOU WHEN YOU TALKED  
22 TO THE OFFICERS ON THAT FOUR HOUR RECORDING, YOU ARE  
23 SAYING THAT'S WHERE THAT CAME FROM?

24 A WHAT I SAID WHEN I TALK ON THE FOUR, ON THE FOUR  
25 HOUR CONVERSATION WAS, WHEN AMANDA, WHEN ME AND MARY

1 SUE WOULD KISS AMANDA WOULD SAY, OH GROSS DADDY.

2 Q ACTUALLY IT'S ON THE TAPE SHE SAYS EW, RIGHT?

3 A SHE SAYS OH GROSS DADDY.

4 Q OKAY. BUT YOU DIDN'T SAY THAT THAT NIGHT BEFORE  
5 AND THAT'S NOT ON THAT TAPE, IS IT?

6 A SHE SAYS EW GROSS DADDY. HE SAID OH GROSS  
7 DADDY, NOT ME.

8 Q OKAY. BUT ON THE TAPE THE NIGHT BEFORE WHEN YOU  
9 WERE EXPLAINING ABOUT SEEING YOUR WIFE KISSING, YOU  
10 SAID AMANDA SAID EW, SO NO WHERE DID OH GROSS DADDY  
11 COME FROM THE NIGHT BEFORE, DID IT?

12 A IT SAYS EW GROSS DADDY.

13 Q YOU ARE SURE ABOUT THAT, SIR?

14 A I KNOW IT SAYS IT.

15 MR. POPE: BEG THE COURT'S INDULGENCE.

16 A BECAUSE SHE SAYS EW, GROSS MOMMA. EW, GROSS  
17 DADDY. EW GROSS. IT'S THERE.

18 MR. POPE: BEG THE COURT'S INDULGENCE.

19 Q MY DAUGHTER DID NOT EVEN, SHE WAS LIKE OOOH WHEN  
20 ME AND MY WIFE WOULD KISS?

21 A THERE IS ANOTHER PLACE ON THERE WHERE IT SAYS OH  
22 GROSS.

23 Q SHE WOULD SAY EW GROSS MOMMA?

24 A OR EW GROSS DADDY. I SAID THAT.

25 Q SO THAT'S WHERE HE GOT THAT FROM?

1 A THAT'S WHERE THEY GOT THAT FROM. I DIDN'T SAY  
2 THAT.

3 Q YOU STATED THAT THAT WAS THE SAME VOICE THAT YOU  
4 HAD HEARD WHEN YOU WERE REFERRING TO THE, SAID THE  
5 SAME VOICE IN THE RAPTURE, THAT'S THE SAME VOICE YOU  
6 HEARD THAT SAID EW GROSS?

7 A WELL, THE SAME VOICE THAT I HEARD IN RAPTURE?  
8 NO, THAT WASN'T. NO, IT WAS THE I LOVE YOU DADDY  
9 PART.

10 Q WHERE DID I LOVE YOU DADDY COME IN?

11 A WELL, I TOLD HIM THAT AND I TOLD EVERYONE THAT.  
12 THAT I HEARD HER SAY OH I LOVE YOU DADDY.

13 Q OKAY. AND THAT WAS IN YOUR DREAM?

14 A THAT WAS IN THE DREAM, YES.

15 Q AND SO OH GROSS DADDY CAME FROM THE NIGHT  
16 BEFORE, RIGHT? THAT'S AMANDA SPEAKING, RIGHT? WHEN  
17 SHE SAYS THAT THAT CAME FROM THAT STATEMENT BEFORE?

18 A RIGHT. IT ALSO COMES FROM THE NOODLES THAT WAS.

19 Q SO MIKE BAKER GOT THAT FROM THERE?

20 A I DON'T KNOW WHETHER HE GOT IT FROM THERE OR  
21 WHETHER HE GOT IT FROM HERRING. I MEAN HERRING  
22 MENTIONED IT A COUPLE TIMES. HE MAY HAVE WROTE IT  
23 DOWN AND TOLD HIM. I DON'T KNOW.

24 Q OKAY. NOW ON 12-3 IN THE STATEMENT YOU GAVE SHE  
25 SAID DADDY HELP ME?



1 A I DID SAY -- I SAID HELP ME BECAUSE THE, I  
2 THOUGHT THAT THAT'S WHAT I HAD HEARD AT FIRST. I  
3 THOUGHT SHE WAS SAYING HELP ME BECAUSE IT BOTHERED ME  
4 A LITTLE BIT THE FACT THAT I WASN'T, I DIDN'T HEAR  
5 NOTHING AND I WASN'T THERE. AND ALL, AND SO I  
6 STARTED TO FORMULATE THE FACT THAT, I SAID SHE SAID  
7 HELP ME DADDY, THAT WOULD MAKE ME FEEL A LITTLE  
8 BETTER. THAT HELP ME --

9 Q THAT MAKE YOU FEEL BETTER IF SHE WAS SAYING HELP  
10 ME DADDY?

11 A WELL, NO, IT WAS--I SAID HELP ME DADDY BECAUSE  
12 AMANDA, IF I KNEW THAT SHE SAID HELP ME DADDY AND  
13 FEAR CAME UPON ME, I WOULDN'T HEAR HER. I MEAN, I  
14 COULDN'T MOVE, I COULDN'T GO TO HER, AND I FELT  
15 DIFFERENT. I SAID THAT. I'VE STATED THAT, I'VE  
16 STATED THAT A COUPLE OF TIMES, BUT IT WASN'T THE  
17 TRUTH. WHAT WAS THE TRUTH WAS, THE OH GROSS DADDY IS  
18 WHAT HE SAID AND I SAID IT SHE SAID---

19 Q WHAT DID AMANDA SAY?

20 A IN MY DREAMS SHE SAID I LOVE YOU.

21 Q OKAY. IN YOUR DREAMS SHE SAID LOVE YOU. WHAT  
22 DID SHE SAY THAT NIGHT?

23 A I DON'T KNOW BECAUSE I DIDN'T HEAR NOTHING.

24 Q OKAY. WHAT ABOUT, YOU'D ALSO INDICATED IN ONE  
25 OF YOUR LETTERS AS FAR AS HEARING HER SAY STUFF, WHEN

1 YOU HEARD THE ANGEL MUSIC, SHE SAID DADDY I LOVE YOU  
2 GOODBYE?

3 A BECAUSE.

4 Q DO YOU REMEMBER THAT?

5 A WHEN MY GRANDMOTHER DIED I WAS, WE WERE GOING,  
6 ME AND MY WIFE AND ALL WERE GOING TO, WE WERE COMING  
7 AWAY FROM THE HOSPITAL, I DIDN'T WANT TO BE THERE IN  
8 THE HOSPITAL WHEN MY GRANDMOTHER DIED. NOW I HEARD  
9 THIS BEAUTIFUL MUSIC AND I HEARD MY GRANDMOTHER SAY  
10 IT IS FINISHED.

11 Q YOU HEARD THAT WHEN YOU HEARD HER STATE IT OR YOU  
12 HEARD THAT IN YOUR MIND?

13 A NO I HEARD THAT AND I LOOKED AT MY GRANDMOTHER  
14 AND I SAID, I LOOKED AT MARK AND I SAID MARK GRANDMA  
15 JUST PASSED AWAY. MARK WAS MY COUSIN. I SAID WHAT  
16 TIME IS IT AND HE TOLD ME IT WAS LIKE I THINK 1:15.  
17 WHEN I GOT BACK TO THE HOSPITAL I SAW MY MOM, MY  
18 WIFE'S, I MEAN MY GRANDMOTHER'S PREACHER SITTING  
19 THERE AND I ASKED HIM. I SAID WHAT TIME DID SHE PASS  
20 AWAY AND HE SAID AT 1:15 AND THAT WAS EXACTLY WHAT  
21 TIME MARK TOLD ME IN THE CAR WHEN THEY WERE LEAVING  
22 THE AWAY FROM THE HOSPITAL. WE WAS CROSSING OVER THE  
23 RAILROAD TRACKS THAT'S WHEN I HEARD IT.

24 Q SO YOU HEARD --

25 A AND I BELIEVE THAT IN MY DREAM I, THAT WAS TAKEN

1 PLACE AT THE RAPTURE THAT I ACTUALLY HEARD THE ANGEL  
2 MUSIC AND THAT AMANDA SAY I LOVE YOU DADDY, BYE.

3 Q NOW THIS IS THE SAME DREAM THAT YOU ARE HAVING?

4 A ABOUT THE RAPTURE.

5 Q THAT NIGHT?

6 A YES.

7 Q OKAY. SO YOU HAD A DREAM THAT NIGHT ALSO. NOW  
8 YOU ARE TALKING ABOUT YOUR GRANDMOTHER?

9 A NO. NO. NO. I'M TALKING ABOUT AMANDA NOW. I'M  
10 TALKING ABOUT THAT NIGHT.

11 Q YOU ARE TALKING ABOUT YOUR GRANDMOTHER, THAT  
12 WASN'T --

13 A NO, THAT WAS NOT A DREAM.

14 Q SO WHEN YOU HEARD AMANDA SAY DADDY I LOVE YOU  
15 AND GOODBYE AND YOU HEARD THE ANGEL MUSIC, THAT WAS  
16 THE NIGHT SHE DIED? THAT WAS AT THE MOMENT SHE DIED?

17 A I DON'T KNOW THAT FOR SURE. I DON'T KNOW. I  
18 KNOW I HAD A DREAM. THE DREAM -- NO, IT COULDN'T  
19 HAVE BEEN BECAUSE I HAD THE DREAM BETWEEN THE TIME  
20 AFTER I GOT UP AT THREE O'CLOCK AND THE TIME THAT I,  
21 SIX O'CLOCK IN THE MORNING, THAT'S WHEN I HAD THE  
22 DREAM ABOUT THE RAPTURE.

23 Q OKAY. SO THE DREAM CAME AFTER SHE WAS DEAD,  
24 BETWEEN TWO AND THREE?

25 A RIGHT.

1 Q OKAY. AND ONCE YOU FINISHED UP AT THE POLYGRAPH  
2 YOU WENT THROUGH A NUMBER OF DETAILS AND YOU'RE  
3 SAYING EACH AND EVERY DETAIL LAW ENFORCEMENT GAVE TO  
4 YOU AND YOU DIDN'T, YOU DIDN'T GIVE THEM ANY DETAILS  
5 ON, ALL THE ISSUES, ALL THE PHRASES, THEY CAME UP  
6 WITH ALL OF THAT?

7 A THEY CAME UP WITH, WHAT THEY CAME UP WITH THEY  
8 TOLD ME, YES, AND I PUT ALL THESE IMAGES INTO MY HEAD  
9 AS TO WHO THAT PERSON COULD HAVE BEEN WHO DONE THAT.  
10 I WAS TRYING TO HELP THEM.

11 Q AND YOU HELPED THEM BY SAYING THAT YOU BECAME  
12 ENRAGED AND JUMPED ON AMANDA AND BEGAN TO BEAT HER,  
13 RIGHT?

14 A I SAID THAT BECAUSE I THOUGHT I WAS THAT PERSON.

15 Q YOU EVEN SHOWED THEM HOW YOU SWUNG YOUR HANDS,  
16 DIDN'T YOU?

17 A I SURE DID. I THOUGHT I WAS THAT PERSON.

18 Q OKAY. AND YOU THOUGHT YOU WERE THAT PERSON FROM  
19 THE END OF THE POLYGRAPH THROUGH SOME TIME THAT  
20 WEEKEND, YOU THOUGHT YOU WERE THAT PERSON, RIGHT?

21 A I THOUGHT I WAS THAT PERSON.

22 Q OKAY. AND YOU TOLD THEM ABOUT HER FACE AND HOW  
23 YOU SLAMMED HER FACE AND HOW HER FACE GOT MESSED UP.  
24 YOU PHYSICALLY DEMONSTRATED AND THEY ASKED YOU EVEN  
25 ABOUT PUTTING THE KNEE, THEY KIND OF SUGGESTED ABOUT

1 PUTTING THE KNEE IN HER STOMACH AND YOU SAID NO, I  
2 STRADDLED HER, RIGHT?

3 A I SAID THAT BECAUSE OF THE WAY, THE WAY THEY  
4 SAID THAT. I HAD, SHE WAS ON HER STOMACH AND I, WHAT  
5 I SAID WAS, I SAID NO I DIDN'T PUT MY KNEE INTO HER  
6 BACK. I PUT MY KNEE, I STRADDLED HER. I DID SAY  
7 THAT, YES.

8 Q AND THEN THEY KIND OF TRIED TO GET YOU TO SAY  
9 YOU DID IT WITH ONE HAND AND YOU SAID NO, I DID IT  
10 WITH TWO?

11 A THEY EVER SAID THAT. THEY ASKED NEVER ASKED ME  
12 IF I DID IT WITH ONE HAND.

13 Q THEY ASKED YOU IF YOU HAD CHOKED HER WITH ONE  
14 HAND AND YOU REPLIED NO, THAT YOU USED TWO HANDS AND  
15 YOU DEMONSTRATED IT WITH YOUR THUMBS AND INDEX  
16 FINGERS.

17 A NO. WHAT THEY SAID WAS, WAS IT ONE HAND OR TWO  
18 HANDS.

19 Q THAT'S WHAT I SAID.

20 A IS WHAT I SAID. THEY ASKED ME DID I DO IT WITH  
21 ONE HAND AND THEY DIDN'T, THEY SAID, DID YOU DO IT  
22 WITH ONE HAND OR TWO HANDS AND THEN I SAID WELL TWO  
23 HANDS LIKE THIS BECAUSE I DIDN'T REALLY KNOW.

24 Q BUT I THOUGHT AT THAT POINT YOU THOUGHT YOU HAD  
25 DID IT, RIGHT?

1       A     I DID.  I DID.  BUT I DIDN'T KNOW HOW SHE WAS  
2       KILLED.  I DIDN'T -- I DIDN'T KNOW IF IT WAS TWO  
3       HANDS OR ONE HAND.

4       Q     OKAY.  AND YOU SAID YOU HELD HER FOR AWHILE.

5       A     I DID HOLD HER FOR AWHILE.

6       Q     I'M TALKING ABOUT CHOKING HER.

7       A     YES, IN MY, IN MY, IN MY VISION WHAT I SAW, THE  
8       IMAGES IN MY HEAD, YES.

9       Q     AND THEN THEY ASKED ABOUT THE BLANKET AND YOU  
10      EXPLAINED HOW YOU WRAPPED IT AROUND HER HEAD?

11      A     I DID SAY THAT BECAUSE I KNEW THE BLANKET WAS ON  
12      HER NECK.  ALL THESE IS THE IMAGES THAT WAS IN MY  
13      HEAD, YES.

14      Q     AND THEY DIDN'T ASK YOU TO DEMONSTRATE, YOU  
15      SHOWED, YOU EVEN WENT AND YOU SHOWED THEM HOW YOU DID  
16      IT, RIGHT?

17      A     I THOUGHT I HAD DID IT.

18      Q     AND YOU SHOWED THEM?

19      A     I THOUGHT I HAD DID IT, SO I MEAN, I DIDN'T HAVE  
20      MUCH CHOICE.  I MEAN, THAT'S THE WAY IT WAS.

21      Q     AND YOU CONTINUED TO CHOKE HER TO SHUT HER UP,  
22      RIGHT?

23      A     I JUST  --IN MY VISION I SAID I KEPT MY HANDS ON  
24      HER FOR AND I KEPT HOLDING HER AND HOLDING HER AND  
25      THEN I WRAPPED THE STRING AROUND HER.

1 Q WAS SHE SCREAMING AT THAT POINT OR WAS SHE JUST  
2 MOANING OR WHAT? YOU KNOW WHEN IT SAYS TO SHUT HER  
3 UP, WHAT WAS HAPPENING THERE?

4 A WELL, SHE WAS ON HER BACK. I DIDN'T REALLY HEAR  
5 HER SCREAMING. I WAS HOLDING HER DOWN AND.

6 Q I GOTCHA. THEN THEY WERE ASKING, NOW AFTER THAT  
7 THEY ASKED YOU ABOUT THE INJURIES TO HER ANUS AND HER  
8 VAGINA, RIGHT?

9 A RIGHT.

10 Q AND THIS WAS AFTER YOU HAD TOLD THEM ALL THIS  
11 STUFF, RIGHT? THAT THEY START ASKING ABOUT HER  
12 SEXUAL INJURIES FOR LACK OF A BETTER TERM, RIGHT?

13 A RIGHT. THIS WAS, HE SAID, HE SAID, THEN WHAT  
14 DID YOU DO? I MEAN, DID YOU -- HE WAS ASKING ME  
15 QUESTIONS ABOUT WHAT INJURIES DID I DO. HOW DID I DO  
16 IT. HE WAS ASKING ABOUT --

17 Q YOU TOLD HIM YOU COULDN'T HAVE DONE SOMETHING  
18 LIKE THAT, RIGHT? THE SEXUAL PART OF IT?

19 A I DID. I---

20 Q AT THAT JUNCTURE YOU TOLD HIM YOU COULDN'T HAVE  
21 DONE SOMETHING LIKE THAT?

22 A RIGHT, I COULDN'T -- BECAUSE I STILL HAD MY OWN  
23 THOUGHTS THAT I JUST COULDN'T HAVE DONE IT, BUT I  
24 MEAN, I WASN'T, ALL I SAW WAS WHAT WAS IN MY HEAD.

25 Q OKAY. A MINUTE AGO YOU WERE TELLING ME AT THAT

1 POINT YOU WERE CONVINCED THAT YOU DID DO IT?

2 A I WAS. I MEAN I WAS CONVINCED, BUT STILL  
3 SOMEWHERE I COULDN'T HAVE DONE THAT. I MEAN, I SAW  
4 IT, IT WAS MY, THEY WERE TALKING ABOUT MY DAUGHTER  
5 THERE.

6 Q OKAY. AND YOU SAID THAT YOU BROUGHT UP THE  
7 WOODEN HANDLE BROOM, RIGHT?

8 A THEY SAID, HE SAID THAT IT WAS RAMMED UP IN HER  
9 DEEP. HE SAID IT WAS LONG AND IT WAS HARD AND THE  
10 PATHOLOGIST SAID THAT IT WAS NOT A HUMAN PENIS.

11 Q RIGHT. AND SO AT THAT POINT YOU SAID THERE WERE  
12 TWO BROOMS IN THE HOUSE. ONE HAD A PLASTIC HANDLE  
13 AND THE OTHER ONE HAD A WOODEN HANDLE, RIGHT? AND  
14 YOU STATED YOU USED THE WOODEN HANDLE ON HER?

15 A I DID SAY I USED THE WOODEN HANDLE.

16 Q OKAY. SO YOU DISTINGUISHED AGAIN, YOU GAVE THEM  
17 THAT IMAGE, RIGHT?

18 A THAT'S WHAT I WAS, THAT WAS THE IMAGE, YEAH.  
19 THAT'S THE ONLY THING I COULD THINK OF. I MEAN, THE  
20 PLASTIC HANDLE, I DIDN'T KNOW. I MEAN, I DIDN'T  
21 KNOW. I JUST ASSUMED THE WOODEN HANDLE BECAUSE IT  
22 WAS, THE WAY THAT, THE WAY HE WAS TALKING THAT IT WAS  
23 LONG AND HARD AND IT WAS DEEP UP IN HER.

24 Q OKAY. AND YOU STATED THAT YOU POKED THE BROOM  
25 IN HER BUTT FIRST, I'M QUOTING HERE, IS THAT RIGHT?



1 A I THINK THAT WAS THE IMAGE IS IN MY HEAD, YES.

2 Q OKAY. AND THEN YOU POKED HER UP FRONT,

3 REFERRING TO HER VAGINA, RIGHT?

4 A THAT'S WHAT I SAID, YEAH.

5 Q WAS SHE ON HER STOMACH OR ON HER BACK WHEN THE

6 BROOM WAS POKED IN HER REAR END?

7 A SHE WAS ON HER STOMACH.

8 Q OKAY. WAS SHE ON HER STOMACH OR HER BACK WHEN

9 SHE WAS POKED IN THE VAGINA?

10 A I NEVER STATED IT. I NEVER SAID IT.

11 Q OKAY. WHAT DO YOU RECALL?

12 A I RECALL I DIDN'T DO IT. I RECALLED THAT WAS

13 IMAGES IN MY HEAD.

14 Q OKAY. THESE WERE IMAGES IN YOUR HEAD.

15 A THESE WERE IMAGES IN MY HEAD. THESE WERE IMAGES

16 THAT I THOUGHT I HAD DONE, SO THESE WERE IMAGES WAS

17 THERE. THESE WERE THE IMAGES THAT I TRIED TO FIND

18 WHAT WAS GOING ON. THEY HAD TOLD ME ALL THE PIECES.

19 Q THEY GAVE YOU ALL THE PIECES?

20 A THEY GAVE ME THE PART ABOUT THE, HER VAGINA,

21 THEY TOLD ME ABOUT HER ANUS, THEY TOLD ME ABOUT

22 HER --

23 Q AND YOU JUST PUT THE PIECES TOGETHER FOR THEM?

24 A I STARTED PUTTING THE PIECES TOGETHER.

25 Q OKAY.

1 A BECAUSE THAT'S WHAT I SAW IN MY HEAD.

2 Q AND YOU STATED TO THEM, THEY SAID WELL, YOU  
3 KNOW, YOU JUST SAID YOU MASTURBATED, RIGHT. THEY  
4 SAID, YOU JUST TOLD US YOU MASTURBATED SO WHY ARE YOU  
5 SEXUALLY ASSAULTING HER NOW IF YOU MASTURBATED OVER  
6 HER AND SHE BASICALLY CAUGHT YOU MASTURBATING, WHY  
7 YOU SEXUALLY ASSAULTING HER NOW, AND YOU SAID, I JUST  
8 WANTED TO PLAY WITH MY DAUGHTER?

9 A I DIDN'T KNOW ANY OTHER REASON TO, FOR THAT, FOR  
10 THAT TO BE. I MEAN, I WAS CONVINCED THAT I DID IT.

11 Q SO AS FAR AS SEXUAL GRATIFICATION, THAT HAPPENED  
12 THROUGH MASTURBATION, IS THAT RIGHT?

13 A IN MY, IN MY -- I WAS CONVINCED THAT I DID IT.  
14 I DIDN'T --

15 Q YOU UNDERSTAND WHAT I'M ASKING?

16 A YEAH, I KNOW WHAT YOU'RE SAYING. WHEN I, WHEN I  
17 SUPPOSEDLY MASTURBATED THAT WOULD HAVE BEEN CORRECT,  
18 BUT I DIDN'T MASTURBATE THAT NIGHT OVER HER.

19 Q OVER HER?

20 A NO, I DIDN'T.

21 Q YOU MASTURBATED INTO A RAG?

22 A I DIDN'T MASTURBATE IN A RAG. I DO NOT KNOW  
23 WHETHER I MASTURBATED OR NOT. I CAN'T SAY. I DO  
24 MASTURBATE IN A RAG EVERY ONCE IN A WHILE.

25 Q OKAY. DID YOU STATE ALSO THAT YOU REMEMBER, YOU

1 DID NOT REMEMBER WHAT YOU DID WITH THE BROOM, RIGHT?

2 A YEAH, I SAID THAT.

3 Q OKAY. AND THAT WAS A WOODEN BROOM, NOT ALL  
4 THESE OTHER BROOMS, RIGHT?

5 A IT WAS JUST WHATEVER I COULD THINK OF. I SAID A  
6 WOODEN BROOM BECAUSE I THOUGHT WE HAD A BROOM IN THE  
7 HOUSE AND I THOUGHT WE HAD A PLASTIC BROOM IN THE  
8 HOUSE. I DIDN'T KNOW WE HAD TEN THOUSAND BROOMS.

9 Q BUT THOSE TEN THOUSAND BROOMS, THEY DIDN'T COME  
10 AND GET YOU TO SAY WHETHER IT WAS THIS ONE OR THIS  
11 ONE, DID THEY? THEY DIDN'T GET YOU TO IDENTIFY ONE  
12 OF THESE, DID THEY?

13 A I JUST SAID WHAT WAS ON, WHAT WAS IN MY HEAD.

14 Q OKAY. AND THEN AT THAT POINT WHEN THAT FINISHES  
15 YOU GAVE A STATEMENT, IS THAT CORRECT?

16 A YEAH.

17 Q GAVE A WRITTEN STATEMENT?

18 A HE WENT YOU WANT TO MAKE A STATEMENT AND I TOLD  
19 HIM THE SAME THING, PRETTY MUCH THE SAME THING. I  
20 KNOW THAT THERE IS--

21 Q AND YOU WERE KIND OF DESCRIBING IT AS, SO IT IS  
22 YOU AND MIKE BAKER AND LES HERRING COMES IN AND LES  
23 IS DOING THE WRITING AND MIKE IS KIND OF ASKING YOU  
24 QUESTIONS AGAIN?

25 A NO, HE IS NOT ASKING ME, HE JUST SAYS OKAY NOW,

1 HE'S TRYING, HE'S MORE OR LESS NOT COACHING BUT HE'S  
2 JUST TRYING TO LEAD ME ON TO SAY EVERYTHING. I SAID  
3 BAKER COULD WRITE IT DOWN EXACTLY LIKE HE HAD IT.

4 Q AND STATE'S EXHIBIT FOUR, YOU TAKE A LOOK AT  
5 THAT. YOU SEEN THAT BEFORE?

6 A YES, I'VE SEEN THIS.

7 Q WHAT IS THAT ITEM?

8 A THIS IS THE VOLUNTARY STATEMENT THAT I GAVE.

9 Q AND YOU GAVE TO HIM, RIGHT?

10 A I GAVE IT.

11 Q BECAUSE AT THAT POINT YOU BELIEVE THAT YOU  
12 COMMITTED THE CRIME, RIGHT?

13 A THAT'S CORRECT.

14 Q OKAY. AND YOU STATED THAT YOU GOT UP AND WENT  
15 TO THE BATHROOM AT THREE O'CLOCK. YOU HAD A HARD ON  
16 AFTER URINATING. WENT IN MY DAUGHTER AMANDA'S  
17 BEDROOM. WHILE IN THE ROOM BEGAN MASTURBATING.  
18 WHILE I'M DOING THIS AMANDA WOKE UP. REMEMBER  
19 HEARING AMANDA SAY OH GROSS DADDY. I THEN JUMPED ON  
20 TOP OF HER, STRADDLED HER, AND I THEN BEGAN TO HIT  
21 HER WITH MY HANDS ON THE SIDE TO THE TOP OF HER HEAD.  
22 SHE WAS STRUGGLING. I GRABBED HER BY THE NECK. I  
23 TOOK HER HEAD AND BEAT IT DOWN ON BED ON TOP OF VIDEO  
24 GAME. SHE SLOWED UP IN HER STRUGGLE AND BECAME LIMP.  
25 I THEN GRABBED THE END OF PART OF THE BLANKET AND

1 WRAPPED IT AROUND HER NECK. I THEN GRABBED A WOODEN  
2 BROOM. I STARTED TO POKE IT INTO HER. I THINK I  
3 POKED IT INTO HER BUTT FIRST AND THEN HER VAGINA. I  
4 THEN WENT BACK INTO MY BED, PUT MY BREATHING MASK  
5 BACK ON AND WENT TO SLEEP. THESE ARE THE IMAGES THAT  
6 COME TO MY MIND?

7 A THAT'S CORRECT.

8 Q THAT'S RIGHT. OKAY. AND YOU SIGNED THAT  
9 PARTICULAR STATEMENT, RIGHT?

10 A THAT'S CORRECT.

11 Q OKAY. AND THEN YOU GO WHERE FROM THERE? YOU GO  
12 BACK TO THE LAW ENFORCEMENT CENTER?

13 A YES, SIR.

14 Q OKAY. AND WHEN YOU GET BACK TO THE LAW  
15 ENFORCEMENT CENTER?

16 A THAT'S WHEN I'M TOLD I'M ARRESTED.

17 Q NOW YOU WERE ARRESTED THE NIGHT BEFORE, RIGHT?

18 A BUT THAT'S WHEN HE SAID THAT IT STUCK. THAT I  
19 WAS FORMALLY ARRESTED. AS A MATTER OF FACT I WORE  
20 HANDCUFFS BACK TO THE POLICE STATION.

21 Q SO THEY DIDN'T PUT YOU IN HANDCUFFS BEFORE?

22 A NO.

23 Q OKAY. AND SO WHEN YOU'RE BROUGHT BACK, THEY  
24 BROUGHT YOU IN HANDCUFFS. OF COURSE, A WARRANT HAD  
25 BEEN SERVED THE NIGHT BEFORE, RIGHT?

1 A THAT'S CORRECT.

2 Q OKAY. AND SO THEN YOU GAVE THAT STATEMENT TO  
3 LES HERRING AND THEN YOU SAID YOU WENT BACK AND READ  
4 THE BIBLE ALL NIGHT LONG?

5 A I READ THE BIBLE, YEAH. I WOULDN'T SAY ALL  
6 NIGHT BUT PRETTY MUCH.

7 Q THAT'S WHAT YOUR TESTIMONY WAS EARLIER?

8 A RIGHT. I SAID PRETTY MUCH ALL NIGHT.

9 Q YOU ATE DINNER THAT NIGHT?

10 A YEAH, I ATE DINNER.

11 Q AND THAT WAS OVER AT ROCK HILL CITY?

12 A THAT'S CORRECT.

13 Q SO AT THIS POINT IN TIME THAT NIGHT IS NOW  
14 FRIDAY NIGHT, YOU HAD THE POLYGRAPH THAT MORNING, AND  
15 WHERE ARE YOU AT THAT NIGHT? DID YOU STILL DO IT  
16 THEN? OR HAVE YOU DECIDED YOU DIDN'T DO IT THEN?

17 A I'M NOT SURE. THAT'S PROBABLY ONE REASON WHY  
18 I'M READING THE BIBLE. I WANT SOME ANSWERS. I WANT  
19 TO KNOW FIRST OF ALL KNOW WHY GOD LET ME DOWN.

20 Q OKAY. GOD LET YOU DOWN ON THIS?

21 A I FELT LIKE GOD DID BECAUSE I KNEW I WAS  
22 INNOCENT.

23 Q OKAY. AND SO THAT NIGHT, YOU GET UP THE NEXT  
24 MORNING AND THE NEXT MORNING YOU WAKE UP AND THEY  
25 FEED YOU BREAKFAST, RIGHT?

1 A YEAH, THEY FEED ME BREAKFAST.

2 Q OKAY. AND THE NEXT MORNING WHERE ARE YOU AT  
3 NOW? HAVE YOU DECIDED THAT YOU DIDN'T DO IT AGAIN OR  
4 DO YOU STILL THINK YOU DID DO IT OR YOU, I'M JUST  
5 TRYING TO UNDERSTAND WHAT YOU ARE TELLING US HERE.  
6 DID YOU, SATURDAY MORNING ARE YOU NOW CONVINCED YOU  
7 DID IT OR YOU THINKING MAYBE YOU DIDN'T DO IT?

8 A I'M, THAT PART OF THE TIME I'M THINKING THAT  
9 MAYBE, THAT I DIDN'T DO IT, THAT I'M STARTING TO  
10 THINK I'M ALL WRONG. THIS IS NOT RIGHT. I DIDN'T DO  
11 IT.

12 Q AND UP UNTIL THIS POINT HAS LAW ENFORCEMENT  
13 FORCED YOU TO DO ANYTHING?

14 A HAVE THEY FORCED ME TO DO ANYTHING? WELL, IT  
15 DEPENDS ON THE WAY YOU USE THE WORD FORCE. I MEAN IF  
16 YOU --

17 Q WHEN THEY TOLD YOU ARE LYING, YOU CONSIDER THAT  
18 FORCE?

19 A (NO RESPONSE.) I WON'T SAY THEY FORCED ME THAT  
20 AWAY. THEY JUST, I MEAN. THEY WORKED WITH MY MIND.  
21 I MEAN MY MIND WAS GONE. I WAS CONVINCED I DID IT.

22 Q OKAY.

23 A AND WHENEVER I WAS CONVINCED, I MEAN, I FELT, I  
24 FELT IN A WAY I WAS FORCED.

25 Q OKAY.

1 A BECAUSE I KNEW I DIDN'T BUT THEY KEPT TELLING ME  
2 LIES THEN THEY TOLD ME THAT THAT WASN'T TRUE ABOUT  
3 THE GREEN BLANKET.

4 Q YOU KNEW THE TRUTH, RIGHT?

5 A I KNEW THAT BUT WHY WERE THEY SAYING PICTURES.  
6 I TRUST THE POLICE OFFICERS.

7 Q OKAY.

8 A I TRUST THEM.

9 Q AND YOU TRUST THE POLICE OFFICERS AND YOU TRUST  
10 THE POLYGRAPH AND THE POLICE OFFICERS AND POLYGRAPH  
11 TELL YOU YOU DID THIS THEN YOU MUST HAVE DONE IT?

12 A THAT'S WHAT.

13 Q OKAY. AND THAT EFFECT --

14 A WAS GOING THROUGH MY MIND.

15 Q AND THAT LASTED UNTIL, WHAT, MAYBE IS IT EVEN 24  
16 HOURS? THAT NIGHT YOU SAY, SO 12 HOURS? WHEN DID  
17 THAT SPELL WEAR OFF THAT LAW ENFORCEMENT PUT ON YOU?

18 A IT WASN'T A SPELL. I MEAN IT WAS, THEY WERE, MY  
19 MIND WAS NOT, WAS NOT WORKING. I WAS BEING TOLD OVER  
20 AND OVER AND OVER. I MEAN.

21 Q OKAY. WHEN YOU WERE LAYING THERE READING THE  
22 BIBLE WHO IS TELLING YOU THAT?

23 A WHO IS TELLING ME WHAT?

24 Q WHO IS TALKING TO YOU ONCE LEAVE THE POLYGRAPH,  
25 WHO IS TALKING TO YOU?



1 A NOBODY I'M STARTED TO PIECE THINGS TOGETHER  
2 AGAIN AND I KNOW I WASN'T WRONG. I WAS TELLING THE  
3 TRUTH. I DIDN'T DO IT.

4 Q SO STARTING THAT NIGHT, OF COURSE, YOU COME BACK  
5 OVER HERE ABOUT WHAT MIDAFTERNOON, COME EAT SUPPER AT  
6 THE ROCK HILL CITY, YOU COME BACK ABOUT MIDAFTERNOON,  
7 IS THAT RIGHT? BECAUSE THE STATEMENT WAS LIKE AT TWO  
8 OR SOMETHING?

9 A I THINK THEY EAT SOMEWHERE AROUND SIX. THE SAME  
10 LIKE THE JAIL HOUSE.

11 Q SO YOU WENT, YOU WERE AT ROCK HILL BY SUPPER  
12 TIME.

13 A BY SUPPER TIME.

14 Q SO SUPPER TIME YOU GO IN AND START READING YOUR  
15 BIBLE IN THERE AND THEN NOBODY IS TELLING YOU  
16 ANYTHING AND NOW YOU ARE THINKING AGAIN YOU DIDN'T DO  
17 IT, FRIDAY NIGHT?

18 A I AIN'T SAYING I'M THINKING I DIDN'T DO IT. I'M  
19 STARTING TO PIECE THINGS BACK TOGETHER.

20 Q PIECE WHAT BACK TOGETHER?

21 A THAT WHAT THEY SAID IS NOT TRUE, ABOUT THAT  
22 POLYGRAPH, THAT MAN LIED ABOUT THE POLYGRAPH. I  
23 WASN'T SURE ANYMORE. I MEAN HE SHOWED ME 97 PERCENT  
24 IN THE GREEN. AT THE TIME I DIDN'T THINK ABOUT IT  
25 BUT GREEN DON'T MEAN BAD. GREEN USUALLY MEANS GOOD.

1 RED MEANS BAD. I SAW RED AND GREEN THERE. I STARTED  
2 TO PIECE THESE THINGS BACK TOGETHER IN MY HEAD. I'M  
3 AWAKE NOW, SOMETHING IS NOT RIGHT.

4 Q IF THAT IS THE CASE HE COULD HAVE NOT EVEN RUN  
5 THE POLYGRAPH, COULDN'T HE? HE COULD HAVE JUST  
6 SHOWED YOU THE GREEN LIGHT AND RED LIGHT AND TOLD YOU  
7 THAT YOU FAILED?

8 A NO, I WOULDN'T SAY THAT BUT.

9 Q WELL, THAT'S MY POINT.

10 A HE TOLD ME I FAILED.

11 Q YOU'RE COLLEGE EDUCATED, RIGHT?

12 A YEAH, I'M COLLEGE EDUCATED.

13 Q YOU ARE A SMART MAN, RIGHT?

14 A (NO RESPONSE.)

15 Q YOU'RE --

16 A I DON'T KNOW IF YOU CALL ME SMART, BUT YEAH, I'M  
17 PRETTY SMART, BUT I TRUSTED THE POLYGRAPH MACHINE. I  
18 TRUST THE POLICE OFFICERS.

19 Q SO YOU TRUST, SO REALLY THAT WAS THE END OF THE  
20 CASE. IF YOU TRUSTED ALL THAT, HOW COME FRIDAY NIGHT  
21 YOU START CHANGING YOUR MIND?

22 A BECAUSE I STARTED TO PIECE BACK TOGETHER, WAIT A  
23 MINUTE, I DID TAKE THE BLANKET OFF OF HER NECK. THEY  
24 CAN'T, THEY AIN'T NO WAY. I DID DO THAT. I DID TAKE  
25 THE BLANKET OFF. I-- THE POLYGRAPH I WASN'T SURE

1 ABOUT. I KNEW THERE WAS SOME RED THERE AND I KNEW  
2 THERE WAS SOME GREEN AND I KNEW THAT THE, IT SAID 97  
3 PERCENT AND IT WAS IN GREEN.

4 Q YOU KNOW WHAT 97 PERCENT EVEN MEANS?

5 A NO, I DO NOT, BUT HE SAID IT MEANT THAT I WAS 97  
6 PERCENT A LIAR.

7 Q I GOT YOU.

8 A AND GREEN, I WASN'T SURE. I STARTED TO  
9 THINKING, OKAY, WELL DOES IT MEAN 97 PERCENT IT WAS  
10 TELLING ME I WAS A LIAR. THAT IT WAS GREEN MEANT  
11 POSITIVE YOU'RE A LIAR OR THE RED MEANT YOU'RE A  
12 LIAR. I WASN'T SURE.

13 Q SO YOU PUT SOME THOUGHT INTO IT?

14 A I STARTED TO THINK ABOUT IT, YEAH, FOR A GOOD  
15 BIT OF TIME.

16 Q BECAUSE YOU KNEW WHAT YOU KNEW?

17 A I KNEW---

18 Q YOU KNEW WHAT YOU KNEW.

19 A I KNEW WHAT I KNEW.

20 Q BECAUSE YOU WERE THERE THAT NIGHT.

21 A THAT I WAS INNOCENT. I KNEW THAT.

22 Q YOU LIVED THAT NIGHT. OKAY. SO THE NEXT  
23 MORNING YOU GET UP, AND I'M TRYING TO GET IT AND MOVE  
24 US ON NOW, AND IT'S SATURDAY MORNING, OKAY.

25 A RIGHT.

1 Q GET UP AND EAT BREAKFAST. YOU HAD ALL NIGHT TO  
2 THINK ABOUT IT AND YOU NOW DECIDED YOU DIDN'T DO IT  
3 AGAIN, RIGHT?

4 A I'M PRETTY MUCH CONVINCED THAT I DID NOT DO IT.

5 Q OKAY. SO AGAIN, I CALLED IT A SPELL, WHATEVER  
6 THEIR EFFECT PRETTY MUCH WORE OFF WHEN THEY PARTED  
7 COMPANY FROM YOU, RIGHT?

8 A IT STARTED WEAR, IT STARTED WEARING OFF BECAUSE  
9 I DIDN'T HAVE SOMEBODY BOMBARDING ME.

10 Q I UNDERSTAND.

11 A SPEAKING TO ME OVER AND OVER AND OVER AND HE  
12 WASN'T TELLING ME THE SAME THINGS.

13 Q YOU GET THE CHANCE TO GET IN THE WORD AND THINK  
14 ABOUT IT AND THINK THINGS OUT, RIGHT?

15 A RIGHT.

16 Q OKAY. AND THEN THE NEXT MORNING, NOW YOU DIDN'T  
17 BELIEVE THAT YOU DID IT AGAIN, RIGHT?

18 A I'M START, YEAH, I'M, I'M STARTING TO THAT I'M  
19 ALMOST CONVINCED THAT I DIDN'T DO IT.

20 Q OKAY. AND THE NEXT MORNING YOU BELIEVE THAT YOU  
21 DIDN'T DO IT AND IS THAT WHEN YOU CALLED LAW  
22 ENFORCEMENT AND SAID HEY COME HERE, I DIDN'T DO IT?

23 A NO, IT'S NOT.

24 Q OKAY.

25 A IT WAS, I SAW HARMON BROUGHT ME BACK OVER HERE

1       AND WHEN HE BROUGHT, BEFORE HE BROUGHT ME HERE, ON  
2       THE WAY OUT OF THE DOOR I WAS TELLING HIM I MADE A  
3       MISTAKE.

4       Q     OKAY.  AND ANYBODY ELSE THAT DAY, THAT MORNING,  
5       DID YOU SEE SOMEBODY AND SAID HEY, YOU KNOW, YOU  
6       DON'T UNDERSTAND.  I CONFESSED TO KILLING MY DAUGHTER  
7       YESTERDAY BUT I DIDN'T DO IT.  WHO DID YOU TELL THAT  
8       TO?

9       A     I DIDN'T TELL IT TO NOBODY BECAUSE I DIDN'T  
10      TRUST THEM NO MORE.

11     Q     YOU DIDN'T?

12     A     THEY'D BEEN LYING TO ME.  NO.

13     Q     OKAY.

14     A     THEY LIED TO ME.

15     Q     SO AT THAT POINT YOU REALLY DIDN'T HAVE ANYBODY  
16      TO TELL, YOU COULDN'T TRUST LAW ENFORCEMENT, RIGHT?

17     A     I --

18     Q     IS THAT A FAIR STATEMENT?

19     A     I DIDN'T TALK TO NOBODY.  I JUST TOLD HARMON I  
20      WANTED TO TALK TO DETECTIVES AGAIN.  I WANT TO TELL  
21      THEM THE TRUTH.  THAT'S THE WAY OUT DOOR BECAUSE I  
22      KNEW WHERE WE WERE HEADING, WE WERE HEADING BACK TO  
23      THE JAIL.  WE WERE HEADING BACK TO THE JAIL.

24     Q     WHAT TIME DID Y'ALL COME OVER HERE THAT DAY?

25     A     IT WAS EARLY IN THE MORNING, ABOUT 8 O'CLOCK I

1 GUESS.

2 Q BUT BEFORE YOU LEFT THERE.

3 A I MADE THAT STATEMENT TO HIM.

4 Q YOU TALKED TO A JUDGE RAY LONG, RIGHT?

5 A I DID TALK TO RAY LONG, YES.

6 Q AND YOU ACTUALLY, WHEN YOU TALKED TO RAY LONG,

7 IT WAS JUST AND RAY LONG IN THAT LITTLE ROOM WITH

8 THAT LITTLE DESK, NOT THE SAME LITTLE ROOM I DON'T

9 GUESS?

10 A RIGHT.

11 Q BUT IN HIS OFFICE?

12 A AND HE TOLD ME WHAT MY CHARGE WAS AND.

13 Q TALKED ABOUT --

14 A SETTING MY BOND.

15 Q AND SO TALK ABOUT BOND AND PAPER WORK AND?

16 A RIGHT.

17 Q OUR SYSTEM AND HOW YOU GET COUNSEL APPOINTED AND

18 ALL THAT STUFF, RIGHT?

19 A I WOULDN'T SAY HE WENT INTO ALL THAT. HE DID

20 SAY, HE DID SAY I'LL SET YOU UP FOR A PUBLIC

21 DEFENDER, HE DID SAY THAT.

22 Q AND YOU WERE ASKING FOR A PUBLIC DEFENDER THEN,

23 THAT WAS PART OF THE PROCESS, RIGHT?

24 A THAT WAS, YES, IT WAS PART OF THE PROCESS.

25 Q SO I MEAN YOU DIDN'T SAY, RAY LONG, THANK GOD

1 YOU'RE HERE, I NEED TO ASSERT MY RIGHTS, YOU DIDN'T  
2 DO THAT, DID YOU?

3 A NO, SIR, I DIDN'T.

4 Q OKAY. AS A MATTER OF FACT, WHEN YOU AND RAY  
5 LONG WERE IN THERE WITH THAT DOOR SHUT YOU DIDN'T  
6 SAY, JUDGE, HE'S TELLING YOU ABOUT YOUR RIGHTS AND  
7 STUFF, AND HE'S GETTING YOU AN ATTORNEY APPOINTED AND  
8 ALL KINDS OF STUFF, RIGHT?

9 A THAT'S RIGHT.

10 Q YOU DIDN'T SAY, JUDGE, YESTERDAY THE DAMNDEST  
11 THING HAPPENED, I CONFESSED TO SOMETHING I REALIZE I  
12 DIDN'T DO AND I PRAYED ABOUT IT ALL NIGHT AND I  
13 THOUGHT ABOUT IT ALL NIGHT, AND NOW I WANT TO TELL  
14 YOU, RAY, WHAT I DIDN'T DO.

15 A WELL --

16 Q YOU CAN EXPLAIN.

17 A OKAY. I'M SORRY.

18 Q YOU DIDN'T TELL ONE WORD ABOUT THAT, DID YOU?

19 A NO, I DIDN'T SAY NOTHING TO HIM BECAUSE I DIDN'T  
20 KNOW HE COULD HELP ME.

21 Q SO THEN YOU GO GET, YOU DON'T SAY ANYTHING TO  
22 RAY LONG ABOUT YOUR KIND OF SPELL WORE OFF, YOU DON'T  
23 TELL RAY LONG ANYTHING ABOUT THAT, IS THAT RIGHT?

24 A IT WASN'T A SPELL BUT NO, I DIDN'T SAY ANYTHING  
25 TO HIM ABOUT THAT. ALL I SAID, I JUST GOT WHAT I

1           NEEDED TO GET FROM HIM AND WE WENT ON OUT THE DOOR.

2           Q       AND HE WASN'T LAW ENFORCEMENT, RIGHT?  THAT WAS

3           A       NEUTRAL JUDGE, RIGHT?

4           A       I DIDN'T KNOW THAT.  HE WAS IN THE POLICE

5           DEPARTMENT.

6           Q       TALKING ABOUT YOUR RIGHTS AND WHAT HE COULD DO

7           FOR YOU, RIGHT?

8           A       HE DIDN'T SAY WHAT HE COULD DO FOR ME.  HE JUST

9           TOLD ME ---

10          Q       YOU APPOINTED YOU AN ATTORNEY, DIDN'T HE?

11          A       THAT'S ALL HE DONE WAS APPOINTED ME ATTORNEY.

12          Q       AND HE WENT THROUGH YOUR BOND?

13          A       AND HE GAVE ME A BOND AND HE TOLD ME THAT HE

14          DENIED MY BOND THAT MORNING.  THAT'S ALL HE SAID.

15          Q       SO THEN YOU PACK UP AND COME ON OVER HERE TO

16          YORK, RIGHT?

17          A       THAT'S CORRECT.

18          Q       AND --

19          A       WELL BEFORE I LEAVE HERE I TELL HARMON ON THE

20          WAY OUT THE DOOR.

21          Q       YOU TELL HARMON?

22          A       THAT I WANTED TO TALK TO THE DETECTIVE BUT HE

23          DIDN'T, HE SAID YOU'LL HAVE TO DO THAT WHEN YOU GET

24          OVER HERE TO CALL THEM AND LET THEM KNOW AND THEY

25          WILL BRING YOU BACK OVER.



1 Q SO YOU WANTED TO TALK TO THOSE FOLKS THAT YOU  
2 COULDN'T TRUST, RIGHT?

3 A I WANTED TO TALK TO SOMEONE. I WANTED TO TALK  
4 TO WALDROP AND I WANTED TO TALK TO HERRING BECAUSE I  
5 TOLD THEM I DIDN'T DO IT AND I DIDN'T DO IT AND I  
6 FIGURED THEY WOULD BE THE ONES TO TALK TO.

7 Q OKAY. SO YOU GET OVER HERE SATURDAY AND YOU ARE  
8 HERE ALL DAY SATURDAY. NOW IN YOUR MIND YOU CLEARLY  
9 HADN'T DONE IT, RIGHT?

10 A NO, I KNEW I DIDN'T DO IT THEN.

11 Q OKAY. AND THEN YOU ARE HERE INTO THE DAY SUNDAY  
12 AT WHICH POINT YOU CALL ONE OF THE LADIES HERE AT THE  
13 JAIL AND KIND OF FLAG HER DOWN AND SAY SOMETHING TO  
14 THE EFFECT THAT YOU WANT TO GO, YOU NEED TO TALK TO  
15 LAW ENFORCEMENT AND YOU WANTED TO TELL THEM ABOUT  
16 WHAT HAPPENED WITH AMANDA, RIGHT?

17 A I DID TALK TO POLICE OFFICER BUT THE REASON, I  
18 MEAN I TALKED TO AN OFFICER IN THE JAIL. ACTUALLY I  
19 TALKED TO SEVERAL OFFICERS. I TALKED TO NUMEROUS  
20 OFFICERS BUT THEY WERE, THERE WAS ONLY TWO OF THEM  
21 THAT HAVE ACTUALLY, WELL, ONE OF THEM ACTUALLY IT  
22 SEEMED LIKE CAME THROUGH. THE OTHER ONE JUST MADE A  
23 STATEMENT AFTERWARDS.

24 Q OKAY. AND NOW THIS, AGAIN THIS IS THE SHERIFF'S  
25 OFFICE HERE, THE JAIL OR DETENTION CENTER OVER HERE

1 YOU ARE TALKING ABOUT NOW, CORRECT?

2 A DETENTION CENTER, THAT'S CORRECT.

3 Q SO THOSE FOLKS WORK FOR THE SHERIFF'S DEPARTMENT  
4 NOT FOR ROCK HILL CITY, RIGHT?

5 A THAT'S CORRECT.

6 Q OKAY. AND ONE OF THEM ACTUALLY LISTENED TO YOU  
7 AND TALKED TO YOU, RIGHT?

8 A YES, SHE.

9 Q WHAT WAS IT YOU TOLD HER? WHAT WAS IT YOU TOLD  
10 HER YOU WANTED TO DO?

11 A SAID I, SAID I WANTED --WELL, I TRIED TO GET HER  
12 ATTENTION. I TRIED TO GET ALL OF THEM'S ATTENTION.  
13 I WANTED TO COME OVER HERE AND I WANTED TO GO BACK TO  
14 ROCK HILL AND TELL THEM I DIDN'T DO IT, BUT THEY  
15 WASN'T LISTENING TO ME. SO I SAID, I NEED TO TALK TO  
16 THE OFFICER WALDROP AND SHE SAID, SHE SAID WHAT'S IT  
17 ABOUT AND I SAID AND I THOUGHT I DONE TRIED  
18 EVERYTHING ELSE, THEY ARE NOT LISTENING TO ME, SO I  
19 SAID I WANT TO TELL THEM WHAT I DONE TO MY DAUGHTER,  
20 WORD FOR WORD.

21 Q WORD FOR WORD THAT'S WHAT YOU SAID?

22 A CLOSE TO IT.

23 Q OKAY. YOU TOLD THEM YOU WANTED TO TELL THEM  
24 WHAT YOU HAD DONE TO YOUR DAUGHTER, OKAY. AND THAT  
25 WAS ON SUNDAY?

1       A     THAT WAS ON SUNDAY AND SHE CAME BACK AND TOLD ME  
2       THAT WAS -- WELL, SHE TOLD ME SHE WAS GOING TO GO  
3       TALK TO LIEUTENANT WALDEN WHO IS HER LIEUTENANT AND  
4       HE TOLD HER THAT, HE TOLD HER THAT HE WOULD CONTACT  
5       THE ROCK HILL POLICE DEPARTMENT. HE CONTACTED THEM  
6       AND TOLD HER THAT THEY SAID THAT IT WOULD BE MONDAY  
7       MORNING BEFORE THEY COULD GET TO ME. THAT WAS ON THE  
8       NEXT DAY. AND SO I SAT IN THE CELL THAT DAY. AND I  
9       STARTED TO, ACTUALLY I STARTED FORMULATING THIS STORY  
10      ON, WHEN I FIRST, AFTER I FIRST GOT OVER TO THE  
11      BLOCK, OVER TO THE CELL OVER HERE.

12      Q     OVER TO HERE?

13      A     OVER TO HERE.

14      Q     HERE AT MOSS JUSTICE?

15      A     MOSS JUSTICE BECAUSE I KNEW I DIDN'T DO ANYTHING  
16      WRONG.

17      Q     SO YOU GOT OVER HERE SATURDAY MORNING SO THAT'S  
18      WHEN YOU START WORKING ON THE NEW STORY, RIGHT?

19      A     RIGHT, SATURDAY MORNING.

20      Q     AND YOUR NEW STORY ISN'T I DIDN'T DO IT, YOUR  
21      NEW STORY IS ABOUT THIS DREAM ABOUT AN ABORTION,  
22      RIGHT?

23      A     THAT'S RIGHT.

24      Q     OKAY. SO WHAT, WHEN YOU SAY YOU KIND OF WORKED  
25      ON THAT OVER THE WEEKEND IN YOUR MIND, HOW DID YOU

1 WORK THAT OUT?

2 A WELL, I WAS TRYING TO COME UP WITH SOMETHING  
3 THAT WOULD HELP ME GET, IT WOULD HELP ME GET MAYBE A  
4 CRAZY INSTITUTION BECAUSE I KNEW I DIDN'T DO IT AND I  
5 DIDN'T WANT TO GO TO PRISON BECAUSE I DIDN'T DO IT.

6 Q RIGHT.

7 A AND I HAD GAVE A CONFESSION TO SOMETHING THAT  
8 WAS IMAGES IN MY HEAD.

9 Q OKAY. AND YOU GAVE A CONFESSION TO THOSE IMAGES  
10 AND THEN THE NEXT DAY YOU START WORKING ON YOUR CRAZY  
11 DEFENSE BASICALLY, RIGHT?

12 A PRETTY MUCH, YEAH. I GUESS. I WANTED OUT. I  
13 WANTED OUT OF THAT.

14 Q SO YOU COME UP WITH THE CRAZY DEFENSE AND YOU  
15 INTERJECT, NOW YOU DON'T HAVE LAW ENFORCEMENT GIVING  
16 YOU IDEAS THEN BECAUSE YOU'RE BY YOURSELF NOW?

17 A I'M BY MYSELF.

18 Q SO YOU ARE HAVING TO COME UP WITH THEM ON YOUR  
19 OWN NOW, RIGHT?

20 A PRETTY MUCH. I TRIED TO USE THE SAME FORMAT  
21 THAT WAS IN THE.

22 Q BUT YOU INTERJECTED THIS LADY, WHAT WAS HER  
23 NAME?

24 A HER NAME WAS TERESA GARRISON. TERESA ALMOND  
25 ACTUALLY.

1 Q NOW YOU SAID THAT YOU DREAMED THAT SHE HAD, THAT  
2 SHE HAD AN ABORTION AND SHE WAS LAUGHING AT YOU.

3 A NO, SHE HAD AN ABORTION AND SHE ACTUALLY DID  
4 LAUGH. I WAS DREAMING AND I SAID I WAS DREAMING  
5 ABOUT WHAT SHE ACTUALLY DID.

6 Q ALL RIGHT. LET ME BREAK IT DOWN A LITTLE BIT.

7 A OKAY.

8 Q YOU TOOK SOMETHING THAT REALLY HAPPENED, SHE HAD  
9 AN ABORTION, THAT'S TRUE?

10 A THAT'S RIGHT. THAT'S CORRECT.

11 Q OKAY. AND SHE WAS LAUGHING ABOUT IT?

12 A RIGHT.

13 Q AND YOU TOOK THAT AND PUT IT IN FOR SOMETHING  
14 YOU TOLD LAW ENFORCEMENT?

15 A A DREAM, THAT'S CORRECT.

16 Q SO YOU TOOK THAT IN YOUR DREAM SO YOU TOOK  
17 THINGS THAT REALLY HAPPENED AND KIND OF FLOWED THEM  
18 INTO A DREAM, WRAPPED IT IN A DREAM KIND OF, RIGHT?

19 A I SEE WHERE YOU ARE GOING. NO, I SEE--- NO, I  
20 DID NOT DO THAT. WHAT I'M SAYING IS I CREATED THIS,  
21 THIS WHOLE DREAM FROM SOMETHING, YES, THAT REALLY  
22 HAPPENED BUT IT HAPPENED FROM ABOUT THREE YEARS PRIOR  
23 TO THAT. NO, ACTUALLY, I'M SORRY. THREE YEARS  
24 BEFORE I GOT MARRIED. ABOUT 15-16 YEARS AGO.

25 Q AND YOU USE THAT, DID I UNDERSTAND FROM YOUR

1 TESTIMONY, YOU USED THAT BECAUSE YOU WANTED SOMETHING  
2 THAT WOULD MAKE YOU ANGRY, DID I UNDERSTAND THAT  
3 RIGHT? THAT MADE YOU ANGRY, THAT REALLY MADE YOU  
4 ANGRY AND YOU WANTED TO USE SOMETHING IN THE DREAM  
5 THAT WOULD MAKE YOU ANGRY?

6 A WELL, THE WAY HE EXPLAINED IT TO ME WAS THAT IT  
7 WAS, IT WAS FORCED AND IT WAS FORCED UP INTO HER REAL  
8 DEEP AND I SAID WELL WHAT COULD CAUSE SOMEBODY TO DO  
9 THAT AND THEN SO I CREATED THE ANGER IMAGE.

10 Q OKAY. SO THE ANGER IMAGE YOU WROTE IN THERE TO  
11 EXPLAIN WHY YOU DID IT, RIGHT?

12 A PRETTY MUCH, YES, SIR.

13 Q OKAY. AND SO YOU WORKED ON THAT, ONCE YOU GOT  
14 OVER HERE, SO SATURDAY AND SUNDAY YOU WORK ON YOUR  
15 MONDAY STORY WITHOUT ANY HELP FROM LAW ENFORCEMENT,  
16 RIGHT?

17 A RIGHT. BECAUSE I WAS, I MEAN, I WAS SITTING IN  
18 THE CELL TRYING TO HELP MYSELF, TRYING TO GET OUT OF  
19 SOMETHING THAT WAS NOT TRUE.

20 Q OKAY. YOU TALKED A LOT ABOUT HELPING YOURSELF  
21 AND GETTING OUT OF STUFF, YOU HEARD YOUR EXPERT  
22 TESTIFY ABOUT THAT KIND OF STUFF, DIDN'T YOU?

23 A I CAME UP WITH THIS, THIS LONG TIME, THIS IS  
24 WHAT HAPPENED TO ME AND I COME UP WITH THIS A LONG  
25 TIME AGO BEFORE, BEFORE EVEN CAME INTO THE PICTURE.

1 I DIDN'T EVEN KNOW WHAT HE WAS GOING TO TESTIFY  
2 ABOUT.

3 Q I GOT YOU. SO YOU CAME UP WITH IT AND THEN THEY  
4 GOT HIM?

5 A OH, SO I JUST HEARD ABOUT IT WHAT THREE DAYS  
6 AGO, FOUR DAYS. NO, TWO DAYS AGO, THREE DAYS AGO. I  
7 HAD THAT MUCH TIME TO SIT DOWN AND FIGURE ALL THIS  
8 OUT, NO, I DON'T THINK SO. IT WAS A LONG TIME.

9 Q WELL, THIS IS THE FIRST --

10 A BECAUSE I KNEW WHAT HAPPENED.

11 Q WELL, YOU ADMIT THAT TODAY IS THE FIRST TIME  
12 WE'VE HEARD THE EXPLANATION OF OH, I REALLY DID  
13 BELIEVE THAT I REALLY DIDN'T BELIEVE THAT I DIDN'T DO  
14 THIS. YOU KNOW, BECAUSE WHEN YOU SHOW UP TO LAW  
15 ENFORCEMENT YOU'RE NOT SAYING, OH, NOW HERE'S MY  
16 CRAZY STORY?

17 A NO.

18 Q YOU ARE SELLING IT FOR WHAT IT'S WORTH, RIGHT?

19 A BECAUSE THAT'S --

20 Q YOU ARE TRYING TO CONVINCING THEM OF THAT, RIGHT?

21 A RIGHT. HE TOLD ME IN THEIR, OFFICER, I MEAN,  
22 CAPTAIN CABANISS TOLD ME HE WOULDN'T BELIEVE IT  
23 UNLESS WE WENT OVER AND PROVED IT. I --

24 Q WE'RE NOT EVEN TO THE HOUSE YET. YOU ARE ARMED  
25 WITH THE CRAZY STORY.

1           A       THE CRAZY STORY, YEAH, I WANTED, I TOLD HIM  
2                   EXACTLY WHAT HAPPENED AND THEN I HAD TO WRITE IT  
3                   DOWN, THAT'S CORRECT.

4                   MR. POPE:   PLEASE THE COURT, YOUR HONOR,  
5                   I'M HEADING INTO.

6                   THE COURT:   IT IS FRIDAY, I THINK THIS IS  
7                   PROBABLY A GOOD PLACE TO STOP FOR THE DAY.  IT'S  
8                   ABOUT 6:30.  WE'LL START BACK AT NINE.  YOU ARE NOT  
9                   YET TO MAKE UP YOUR MIND OR DISCUSS THE CASE OR LET  
10                  YOURSELF BE EXPOSED TO ANY NEWS COVERAGE.  WE'LL SEE  
11                  YOU BACK AT NINE IN THE MORNING.  THANK YOU.

12                                (THE JURY EXITS THE COURTROOM AT 06:27  
13                   PM.)

14                  THE COURT:   ANYTHING FROM THE STATE BEFORE  
15                  WE ADJOURN.

16                  MR. POPE:   NO, SIR, OTHER THAN EXPLAINING  
17                  TO MR. COPE THAT HE'S STILL ON THE STAND.

18                  THE COURT:   OKAY.  ANYTHING FROM THE  
19                  DEFENSE.

20                  MR. MORTON:  YOUR HONOR, THE ONLY THING WE  
21                  WANTED TO DO, I THINK WE MADE THE MOTION ABOUT IT  
22                  EARLIER, I'M NOT QUITE SURE TO BE HONEST, WE WANTED  
23                  TO SEE IF WE COULD GET A PHOTOGRAPH OF THE HOLDING  
24                  CELL HE WAS HELD IN.  IT PROBABLY WOULDN'T TAKE BUT  
25                  JUST A MINUTE.  I DON'T THINK IT WOULD BE TOO



1           INCONVENIENT FOR THEM FOR US TO JUST GET A PHOTOGRAPH  
2           OF AN EMPTY HOLDING CELL THAT HE WAS HELD IN THOSE  
3           FIRST COUPLE OF DAYS.

4                         THE COURT:   MR. GREELEY.

5                         MR. GREELEY:  NOTHING FROM US.

6                         THE COURT:  WHAT'S THE STATE'S POSITION ON  
7           THAT?

8                         MR. POPE:   BEG THE COURT'S INDULGENCE.

9                         MR. BRACKETT:  CAN WE TALK ABOUT IT AND  
10           COME UP WITH AN ANSWER IN THE MORNING.  I HAVE NO  
11           IDEA WHAT THIS HOLDING CELL LOOKS LIKE.

12                        THE COURT:  YOU NEED THE WHOLE NIGHT TO  
13           COME UP WITH AN ANSWER?

14                        MR. BRACKETT:  WE JUST HAD 30 SECONDS TO  
15           HEAR ABOUT IT.

16                        THE COURT:  ALL RIGHT.  YOU ARE STILL ON  
17           THE STAND, MR. COPE AND SO YOUR LAWYERS, OF COURSE,  
18           WOULDN'T BE TALKING TO YOU ABOUT THE CASE.

19           A       CORRECT.

20                        THE COURT:  YOU UNDERSTAND.

21           A       I UNDERSTAND.

22                        THE COURT:  OKAY.  WE'LL SEE YOU BACK AT  
23           NINE IN THE MORNING.

24                                 (COURT'S IN RECESS AT 06:29 PM.)

25



1 IN THE CIRCUIT COURT OF YORK COUNTY, SOUTH CAROLINA

2 STATE OF SOUTH CAROLINA

3 VERSUS

4 BILLY WAYNE COPE &  
5 JAMES EDWARD SANDERS

6 INDICTMENT NUMBERS: 2002-GS-46-3232-3234  
7 2003-GS-46-1843-1844  
8 2004-GS-46-2614-2618  
9 2004-GS-46-196-199

10 HEARD AT THE MOSS JUSTICE CENTER,  
11 1675 YORK HIGHWAY, YORK, SOUTH CAROLINA, ON  
12 TUESDAY, SEPTEMBER 21, 2004, BEFORE THE  
13 HONORABLE JOHN C. HAYES, III AND A JURY.

14 APPEARANCES:

15 TOMMY POPE  
16 KEVIN BRACKETT  
17 WILLY THOMPSON  
18 16TH CIRCUIT SOLICITOR'S OFFICE  
19 1675 YORK HIGHWAY  
20 YORK, SC 29745  
21 REPRESENTING THE STATE

22 JAMES MORTON  
23 DAVID WOOD  
24 MICHAEL SMITH  
25 MORTON & GETTYS  
1051 OAKLAND AVENUE  
ROCK HILL, SC 29732

A. PHILIP BAITY  
POST OFFICE BOX 275  
FORT MILL, SC 29715  
REPRESENTING BILLY WAYNE COPE

LELAND GREELEY  
128 E. MAIN STREET SUITE 102  
ROCK HILL, SC 29732  
REPRESENTING JAMES EDWARD SANDERS

REPORTED BY: JANET M. RICH  
CIRCUIT COURT REPORTER  
1992 DOWNEY STREET  
ROCK HILL, SC 29732

1		I N D E X
2		
3	BILLY COPE	
4	CROSS EXAMINATION	6
5	CROSS BY MR. GREELEY	82
6	REDIRECT EXAMINATION	121
7	MICKEY DAWSON	
8	DIRECT EXAMINATION	144
9	CROSS EXAMINATION	182
10	REDIRECT EXAMINATION	210
11	REXCROSS EXAMINATION	216
12	PETER SKIDMORE	
13	DIRECT EXAMINATION	218
14	IN CAMERA:	
15	JAMES MICHAEL HILL	
16	DIRECT EXAMINATION	222
17	CROSS EXAMINATION	228
18	REPLY TESTIMONY:	
19	SKIP MITCHELL	
20	DIRECT EXAMINATION	235
21	VOIR DIRE	238
22	DIRECT EXAMINATION	240
23	CROSS EXAMINATION	249
24	REDIRECT EXAMINATION	255
25	REXCROSS EXAMINATION	256

## 1 I N D E X

2 CHERYL GOUZMAN  
3 DIRECT EXAMINATION 258  
4 CROSS EXAMINATION 261  
5 GAIL HEATH  
6 DIRECT EXAMINATION 263

7

## 8 E X H I B I T S

9			ID	EV
10	S-103	PHOTO		7
11	D-75	LETTERS		139
12	D-76	PHOTO		140
13	D-77	CV OF DAWSON		149
14	D-78	WRITINGS		178
15	D-79	REPORT		210
16	D-80	VIDEO		220
17	C-13	SANDERS' LETTER		231
18	S-104	POLYGRAM		246

19

20

21

22

23

24

25

1 (COURT RESUMES ON SEPTEMBER 21, 2004 AT 09:05 AM.)

2 THE COURT: MR. GREELEY.

3 MR. GREELEY: YOUR HONOR, I HAVE TWO ITEMS  
4 PRIOR TO THE JURY RETURNING. MR. MORTON SPOKE TO ME  
5 THIS MORNING AT NINE O'CLOCK. THE FIRST ONE INVOLVES  
6 I BELIEVE HIS HONOR WILL REMEMBER IN PRE-TRIAL  
7 HEARINGS WE HAD A LETTER THAT MY CLIENT HAD WRITTEN  
8 TO THE SOLICITOR AND WE HAD SOME DISCUSSION ABOUT  
9 THAT. MR. MORTON INDICATED TO ME THAT HE PROBABLY  
10 WOULD LIKE TO INTRODUCE THAT LETTER INTO EVIDENCE. I  
11 TALKED WITH HIM, TOLD HIM THAT I DID NOT FEEL AT THIS  
12 POINT IN TIME THAT I WOULD HAVE AN OBJECTION TO IT AS  
13 LONG AS EVERYTHING WAS REDACTED EXCEPT FOR THAT PART  
14 THAT HE WANTED TO COME IN, SO I WANTED THE COURT TO  
15 KNOW ABOUT IT AND SO HE AND I WOULD HAVE TO WORK AT  
16 THE BREAK IN REGARDS TO REDACTION OF THAT LETTER.

17 THE SECOND THING THAT HE TOLD ME AT 9  
18 O'CLOCK WAS THAT THERE IS A GENTLEMAN IN THE JAIL BY  
19 THE NAME OF JAMES HILL WHO MR. MORTON TELLS ME THAT  
20 HE BELIEVES TO BE A JAIL HOUSE CONFESSION WITNESS IN  
21 REGARDS TO MY CLIENT. THIS IS THE FIRST THAT I HAVE  
22 HEARD ABOUT MR. HILL. THEY HAVE HAD, HE DID TELL ME  
23 THAT THEY HAVE KNOWN HIM ABOUT HIM FOR MONTHS. IN  
24 REVIEWING IT I DON'T BELIEVE I HAVE EVER REPRESENTED  
25 A JAMES HILL AND I'M GLAD FOR THAT BECAUSE THAT WOULD



1 THE COURT: WAIT JUST ONE SECOND UNTIL WE  
2 GET ORDER IN THE COURTROOM.

3 MR. POPE: MAY IT PLEASE THE COURT.

4 THE COURT: YES, SIR.

5 MR. POPE: THANK YOU.

6 CROSS EXAMINATION CONTINUED BY MR. POPE:

7 Q MR. COPE, YESTERDAY I KEPT TRYING TO KIND OF  
8 CREATE A PICTURE OF, THAT WAS YOUR BED. I WOULD BE  
9 STANDING IN AMANDA'S DOOR. THE GIRLS, THE OTHER  
10 GIRL'S ROOM WAS HERE, AND THEN THERE IS THE DESK,  
11 BOOK SHELVES IN THE HALL, AND THEN THERE IS A VIEW ON  
12 INTO THE DEN AS YOU STEP OUT OF YOUR DOOR, IS THAT  
13 CORRECT?

14 A YES, THAT'S CORRECT.

15 Q THE WAY WE WERE TALKING YESTERDAY?

16 A YES.

17 Q I SHOW YOU WHAT'S BEEN MARKED STATE'S EXHIBIT  
18 103 FOR IDENTIFICATION. ASK YOU TO TAKE A LOOK AT  
19 THAT ITEM.

20 A YES, SIR.

21 Q YOU RECOGNIZE THAT?

22 A I DO RECOGNIZE THAT.

23 Q OKAY. WOULD THAT BE THE VIEW IF I STEPPED OUT  
24 OF YOUR BEDROOM AND LOOKED KIND OF TOWARD THE FRONT  
25 DOOR AND INTO THE DEN OVER IN THAT DIRECTION?



1 A YES, SIR.

2 Q OKAY.

3 MR. POPE: YOUR HONOR, I MOVE STATE'S  
4 EXHIBIT 103 FOR IDENTIFICATION INTO EVIDENCE.

5 MR. MORTON: NO OBJECTION, YOUR HONOR.

6 MR. GREELEY: I HAVE VIEWED THE PICTURE  
7 AND I HAVE NO OBJECTION.

8 THE COURT: BE RECEIVED WITHOUT OBJECTION.

9 (STATE'S EXHIBIT 103 PHOTO RECEIVED INTO  
10 EVIDENCE.)

11 Q MR. COPE, YESTERDAY WHEN WE WERE TALKING YOU HAD  
12 SOME NOTES ON THE STAND, IS THAT CORRECT?

13 A THAT'S CORRECT.

14 Q AND THAT WAS ONE PAGE ABOUT WHERE YOU WORKED  
15 AND --

16 A THAT'S CORRECT.

17 Q ---THAT NATURE. I NOTICED TODAY WHEN YOU CAME  
18 IN YOU HAD A LARGE VOLUME OF WRITTEN MATERIALS. ARE  
19 THOSE MATERIALS YOU REVIEWED IN PREPARATION OF YOUR  
20 TESTIMONY?

21 A IN PREPARATION FOR MY TESTIMONY, NO, SIR. MY  
22 TESTIMONY IS THE SAME. I MEAN I CAN'T SAY THE TRUTH  
23 NO OTHER WAY. MY TESTIMONY IS THE SAME. BUT THAT'S  
24 MY MOTION OF DISCOVERY AND THE NOTES THAT I TOOK  
25 AFTER I COME BACK FROM MY ATTORNEY VISITS.

1 Q SO THAT'S THE, DID YOU REVIEW THOSE NOTES TO  
2 PREPARE YOU TO TESTIFY TODAY?

3 A NO, SIR.

4 Q OR BETWEEN YESTERDAY?

5 A NO, SIR. I DID NOT OPEN THAT BOOK UP TODAY.

6 Q LAST NIGHT YOU DID?

7 A DID NOT.

8 Q HOW ABOUT THE NIGHT BEFORE LAST BEFORE YOU  
9 TESTIFIED?

10 A NO, SIR.

11 Q OKAY. THAT'S WHAT I WANTED TO KNOW. NOW  
12 BRINGING YOUR ATTENTION BACK TO WHERE WE WERE  
13 YESTERDAY THE INCIDENT HAD HAPPENED WEDNESDAY  
14 NIGHT/THURSDAY MORNING, RIGHT? AND THEN YOU WOKE UP  
15 THURSDAY MORNING AND FOUND AMANDA, RIGHT?

16 A YES.

17 Q OKAY.

18 A NO. THAT WAS THURSDAY MORNING, YES, SIR, THAT'S  
19 CORRECT.

20 Q THURSDAY MORNING. AND THEN ON FRIDAY MORNING,  
21 YOU CAME UP HERE AND DID POLYGRAPH, RIGHT?

22 A THAT'S CORRECT.

23 Q OKAY.

24 A I, I WAS JUST GOING TO SAY, YES, SIR. THAT'S  
25 WHAT I DID. I CAME UP HERE. IT WAS ABOUT TEN

1 O'CLOCK I GUESS.

2 Q AND GOT FINISHED UP HERE SOMETIME AFTER TWO  
3 AFTER THE STATEMENT THAT WE TALKED ABOUT YESTERDAY,  
4 RIGHT?

5 A SOMEWHERE BETWEEN, YEAH ABOUT, WELL, LET'S SEE.  
6 IT WAS RIGHT AROUND TWO. WELL, ACTUALLY, NO, IT WAS  
7 ABOUT 2:30.

8 Q AND THEN YOU HEAD BACK DOWN TO ROCK HILL, RIGHT?  
9 WHEN YOU FINISH---

10 A THAT'S CORRECT.

11 Q OKAY. AND YOU WERE TELLING THE JURY YESTERDAY  
12 WHEN YOU LEFT MOSS JUSTICE CENTER OVER AT THE  
13 SHERIFF'S OFFICE THAT FRIDAY AT 2:30 IN YOUR MIND YOU  
14 COMMITTED THIS CRIME?

15 A THAT'S CORRECT.

16 Q OKAY. AND THEN YOU WENT BACK TO ROCK HILL CITY  
17 WHERE YOU SPENT THE NIGHT, CORRECT?

18 A THAT'S CORRECT.

19 Q OKAY. HAD DINNER OVER THERE, RIGHT?

20 A RIGHT. I HAD TIME TO START TO THINK.

21 Q RIGHT. AND AT SOME POINT ONCE YOU HAD TIME TO  
22 START TO THINK AWAY FROM THAT PRESSURE FROM MIKE  
23 BAKER, WAY FROM THAT PRESSURE, YOU STARTED THINKING  
24 YOU GOING, HEY, I REALLY DIDN'T DO THIS, RIGHT?

25 A YES, SIR. I -- THAT'S WHAT I STARTED TO THINK,

1 YEAH, I DID.

2 Q OKAY. SO WHEN DO YOU THINK YOU REALIZED AGAIN  
3 THAT YOU DIDN'T DO IT?

4 A SOMETIME OVER IN THE MORNING. WHILE I WAS  
5 SITTING BECAUSE THAT NEXT MORNING I GOT, THE NEXT  
6 MORNING AT 8 O'CLOCK WHENEVER WE STARTED TO LEAVE OUT  
7 TO COME OVER HERE, I TOLD HIM, HEY, I MADE A MISTAKE.  
8 I NEED TO TALK TO THE DETECTIVES AGAIN.

9 Q SO OVER THE NIGHT YOU DECIDED THAT YOU DIDN'T DO  
10 IT, RIGHT?

11 A THAT'S CORRECT.

12 Q FRIDAY NIGHT, OKAY. AND THEN LET ME ASK YOU  
13 FRIDAY AROUND SUPPER TIME DID YOU STILL THINK YOU DID  
14 IT?

15 A FRIDAY AROUND SUPPER TIME. I WASN'T SURE. I  
16 MEAN, I REMEMBER WHEN MRS. BLACKWELDER CAME IN AND  
17 WAS ASKING ME ABOUT THE BROOM. I WASN'T SURE.

18 Q AND YOU WERE TELLING HER WHICH BROOM AT THAT  
19 POINT?

20 A I SAT IN THE, I SAID IN THE ROOM IT REALLY  
21 DIDN'T START TO HIT ME UNTIL LATER ON THAT EVENING  
22 AFTER I STARTED THINKING ABOUT -- AS A MATTER OF  
23 FACT, I THINK IT WAS THE BROOM THAT STARTED IT. I  
24 DIDN'T DO THAT.

25 Q OKAY. AND SO WHEN YOU TALKED TO MRS.

1 BLACKWELDER AROUND 6:25 SHE WASN'T THREATENING YOU OR  
2 ANYTHING AT THAT POINT, RIGHT?

3 A SHE JUST CAME TO THE DOOR SAID MR. COPE, WAS  
4 THAT A BLUE BROOM OR A RED BROOM.

5 Q AND YOU SAID --

6 A ACTUALLY I THINK SHE HAD THE BROOMS WITH HER AND  
7 SHE SHOWED ME THE BROOMS.

8 Q SHE SHOWED YOU THE BROOMS THERE THAT FRIDAY  
9 NIGHT IN THE HOLDING CELL OR IN THE, AT ROCK HILL?

10 A AT THE CITY. SHE SAID WAS IT THIS RED BROOM OR  
11 THIS BLUE BROOM.

12 Q AND YOU SAID IT WAS DEFINITELY THE BLUE HANDLED  
13 BROOM AND NOT THE DUST MOP, RIGHT?

14 A THAT'S EXACTLY WHAT I SAID, YES, SIR.

15 Q THEN YOU TOLD HER YOU DIDN'T RECALL WHAT YOU DID  
16 WITH THE BROOM AFTERWARDS, BUT YOU ARE TELLING US  
17 THAT SHE HAD THE BROOMS IN HER HAND, RIGHT?

18 A WELL I MEAN, THEY WENT, SHE SAID THEY WENT BACK  
19 AND THEY HAD FOUND THE BROOMS, WENT TO THE HOUSE AND  
20 FOUND BROOMS AND THAT'S WHAT I TOLD HER.

21 Q THEY DIDN'T FIND THE BROOM YOU ARE TALKING  
22 ABOUT, DID THEY?

23 A THE BROOM I'M TALKING ABOUT? I DON'T KNOW WHAT  
24 BROOM IT WAS IF IT WAS A BROOM.

25 Q OKAY. ALL RIGHT. SO SATURDAY MORNING NOW

1 YOU'VE DECIDED YOU DIDN'T DO IT AGAIN, RIGHT?

2 A SATURDAY MORNING, YES, SIR.

3 Q OKAY. AND YOU SAID YOU MADE A MISTAKE, RIGHT?

4 A I TOLD HARMON THAT I MADE A MISTAKE, THAT I  
5 WANTED TO TALK TO THE DETECTIVES.

6 Q YOU WANTED TO TALK TO DETECTIVES. YOU DIDN'T  
7 TELL HIM YOU DIDN'T DO IT OR ANYTHING. YOU SAID I  
8 MADE A MISTAKE, I WANT TO TALK TO THE DETECTIVES,  
9 RIGHT?

10 A RIGHT.

11 Q ALL RIGHT. WHEN YOU WANTED TO TALK TO THE  
12 DETECTIVES AT THAT POINT WAS THAT WHEN YOU KIND OF  
13 WORKED UP YOUR INSANITY STORY, THAT SATURDAY MORNING?  
14 DID YOU HAVE AN INSANITY STORY BY THEN?

15 A NO, SIR. I WAS GOING TO TELL THEM THAT I DIDN'T  
16 DO IT.

17 Q OKAY. THAT'S WHAT YOU WERE GOING TO TELL THEM  
18 SATURDAY MORNING?

19 A RIGHT, THE SAME THING THAT I TOLD THEM BEFORE I  
20 SAID THE INSANITY STORY.

21 Q OKAY. AND THAT'S WHAT I'M TRYING TO GET, WE  
22 KIND OF WENT INTO THIS YESTERDAY, BUT I'M TRYING TO  
23 UNDERSTAND. SO THE INSANITY STORY STARTS WHEN? WHEN  
24 DID YOU START WORKING --

25 A WHEN I GOT BACK OVER HERE TO THE CELL.

1 Q OVER HERE AT MOSS JUSTICE?

2 A IT WAS AFTER THEY STARTED TALKING ABOUT HEARING  
3 VOICES IN THE, IN MY, THEY WERE BOOKING ME IN, THEY  
4 WERE ASKING ME QUESTIONS. THEY ASKED ME ABOUT DO YOU  
5 HEAR VOICES. AT THAT TIME I SAID NO. BUT THEN I GOT  
6 TO BACK TO THE CELL AND I STARTED THINKING ABOUT IT.

7 Q I GOT YOU. OKAY. SO WHEN YOU COME UP HERE THAT  
8 SATURDAY MORNING AND THEY BOOK YOU IN HERE BECAUSE  
9 YOU HADN'T BEEN BOOKED IN OVER HERE YET, RIGHT?

10 A NO.

11 Q BECAUSE YOU WERE IN ROCK HILL'S CUSTODY NOT THE  
12 SHERIFF'S DEPARTMENT, RIGHT?

13 A RIGHT.

14 Q WHEN THEY BOOK YOU IN THEY GOT THAT LIST OF  
15 QUESTIONS LIKE ARE YOU TAKING ANY MEDICINE, ARE YOU  
16 SUICIDAL, DO YOU HEAR VOICES, THEY WERE ASKING ALL  
17 THAT STUFF AND YOU GOT --

18 A I GOT THAT IDEA FROM THERE.

19 Q OKAY. AND SO NOW YOU'RE OVER HERE AND IT'S  
20 SATURDAY AND SUNDAY AND YOU START WORKING THAT  
21 INSANITY IDEA AND YOU SEND WORD BECAUSE IT DOESN'T DO  
22 YOU ANY GOOD TO HAVE AN INSANITY IDEA IF YOU DON'T  
23 TELL IT, RIGHT?

24 A WELL, I TRIED TO GET THEIR ATTENTION AND TELL  
25 THEM LOOK, I WANT TO TALK TO SOMEBODY AT ROCK HILL

1        THAT AND I THINK I KNOW THAT WHEN MRS. HUDDLESTON,  
2        WHO IS NOW MRS. MCGEE, WHEN SHE CAME IN I SAID I WANT  
3        TO TALK TO WALDROP, BUT AT ONE POINT I SAID I WANT TO  
4        TALK TO ANYBODY, ANYBODY.

5        Q        ANYBODY FROM ROCK HILL?

6        A        YEAH, ANYBODY FROM ROCK HILL, BUT NOBODY, THEY  
7        WASN'T LISTENING TO ME AT THE JAIL.  THEY WERE KIND  
8        OF IGNORING ME.  THEY HAVE SO MANY PEOPLE BEATING ON  
9        THE DOOR TO USE THE BATHROOM AND EVERYTHING ELSE.

10      Q        I THINK YOU SAID IT WAS CROWDED THAT WEEKEND,  
11      WASN'T IT?

12      A        IT WAS CROWDED AROUND BUT I WAS THE ONLY ONE IN  
13      THAT CELL.

14      Q        I MEAN AS FAR AS THE NUMBER OF PEOPLE COMING  
15      THROUGH.  FROM WHERE YOU WERE IN THE CELL YOU CAN SEE  
16      THEM BOOKING PEOPLE IN?

17      A        WELL, I SEEN PEOPLE AROUND.  I SEEN A COUPLE  
18      GUYS WALKING BY.  I SEEN ONE GUY GRABBED A BROOM, LIKE  
19      I SAID, AND HE SAID I'M GOING TO USE THIS ON YOU.

20      Q        ON YOU?

21      A        ON ME, YES.

22      Q        I GOT YOU.  NOW WERE YOU THINKING INSANITY AT  
23      THAT POINT OR WHERE WE AT ON INSANITY THOUGHTS?

24      A        I'M STARTING TO, I MEAN, I'M STARTING TO -- I  
25      DON'T WANT TO GO TO PRISON.  I SAW WHAT HE WAS SAYING



1       AND HE WAS TALKING AND HE TOLD ME, HE SAID, I'M GOING  
2       TO USE, HE SAID -- HE WAS IN A BLUE CLOTHES, HE WAS  
3       ONE OF THE CHAIN GANG GUYS, I GUESS, HE WAS WALKING  
4       BY THE BOOKING AND HE HAD A MOP BUCKET IN HIS HAND  
5       AND HE GRABBED THE MOP OR THE BROOM AND WHATEVER IT  
6       WAS AND HE SAID I'M GOING TO USE THIS ON YOU. I'M  
7       GOING TO MAKE SURE I GO BACK TO THE PRISON THAT YOU  
8       AT AND I'M GOING TO USE THIS ON YOU LIKE YOU DID THAT  
9       LITTLE GIRL.

10      Q       THAT'S THE FIRST TIME WE HEARD THAT TOO, RIGHT?  
11      YOU DIDN'T TELL THAT IN YOUR DIRECT TESTIMONY, DID  
12      YOU?

13      A       THAT'S WHAT HE SAID IN THE ROOM.

14      Q       OKAY. AND SO NOW IT'S SATURDAY, NOW IT'S INTO  
15      SUNDAY, AND YOU CALLING AND FINALLY GET AN OFFICER'S  
16      ATTENTION AND YOU TELL HER THAT YOU WANT TO TELL THE  
17      ROCK HILL PEOPLE WHAT YOU DID TO YOUR DAUGHTER?

18      A       WELL, I TOLD THEM, AT FIRST I TRIED TO GET THEIR  
19      ATTENTION TO TELL THEM JUST TO GET SOMEBODY, I WANT  
20      TO TALK TO SOMEBODY, THEY WOULDN'T LET ME. I WANTED  
21      TO COME BACK AND SAY LOOK I DIDN'T DO IT.

22      Q       WAIT A MINUTE NOW. I'M GETTING A LITTLE  
23      CONFUSED. ON SUNDAY I THOUGHT YOU WERE WORKING ON  
24      YOUR INSANITY STORY?

25      A       I WAS WORKING ON MY INSANITY PLEA, BUT DID I NOT

1 SAY, THE FIRST THING I TOLD CABANISS WAS I DIDN'T DO  
2 IT AND THEY DIDN'T LISTEN, SO I USED THE INSANITY  
3 PLEA THAT I SIT THERE AND WORKED UP.

4 Q SO YOU THOUGHT YOU'D GIVE IT ONE MORE SHOT --

5 A ONE MORE CHANCE.

6 Q AND IF THAT DIDN'T WORK YOU HAVE THE INSANITY --

7 A AND I THINK I TESTIFIED THAT I WOULD DO THAT,  
8 YES, SIR.

9 Q OF COURSE, SHE'S TAKING DOWN?

10 A RIGHT.

11 Q OKAY. SO SUNDAY WHAT IS IT YOU TELL HER? WHAT  
12 IS IT YOU TELL HER TO GET YOU IN CONTACT WITH LAW  
13 ENFORCEMENT, MRS. HUDDLESTON?

14 A THAT I DONE SOMETHING, THAT I WANTED TO TELL  
15 THEM WHAT I DONE TO MY, MY KIDS I THINK I SAID OR  
16 CHILDREN OR DAUGHTER.

17 Q DAUGHTERS. TELL THEM WHAT YOU DID TO YOUR  
18 DAUGHTERS?

19 A I SAID DAUGHTER.

20 Q OKAY.

21 A I THINK.

22 Q YOU THINK?

23 A I'M ALMOST POSITIVE. I THINK SHE MIGHT--I HAVE  
24 SEEN THAT. I THINK SHE MISQUOTED THAT. I SAID MY  
25 DAUGHTER.

1 Q OKAY. AND THEN, SO IT WAS ARRANGED, THEY DIDN'T  
2 TALK TO YOU THAT DAY, RIGHT?

3 A NO, THEY DIDN'T TALK TO ME THAT DAY.

4 Q OKAY.

5 A SHE CAME BACK LATER THAT AFTERNOON AND TOLD ME.

6 Q THAT THEY WOULD COME SEE YOU, YOU HAD WORD SO  
7 SOMEBODY WAS COMING TO SEE YOU OR COMING TO GET YOU  
8 MONDAY MORNING?

9 A THAT'S CORRECT.

10 Q OKAY. AND SO JUST TO RECAP FRIDAY YOU GO IN  
11 BELIEVING YOU DIDN'T DO IT, YOU COME OUT BELIEVING  
12 ABSOLUTELY YOU DID DO IT, RIGHT?

13 A WELL, I MEAN IF YOU HAVE SOMEBODY STANDING OVER  
14 YOU TELLING YOU DID IT, YOU DID IT, THE COMPUTER SAYS  
15 IT, AND I WAS BELIEVING IT. I STARTED TO BELIEVE IT.

16 Q THAT'S MY POINT ---

17 A NOW WAIT A MINUTE. SO YEAH, I WAS TOTALLY  
18 CONVINCED I HAD DONE IT. YES, I WAS.

19 Q AND YOU WERE CONVINCED YOU HAD DONE IT AND THEN  
20 THAT EVENING OVER IN THE NIGHT YOU START THINKING YOU  
21 DIDN'T DO IT AGAIN AND THAT SATURDAY MORNING YOU GET  
22 UP AND YOU CLEARLY THINK YOU DIDN'T DO IT, BUT YOU  
23 START WORKING THE INSANITY THING SATURDAY PRETTY MUCH  
24 WHEN YOU GET OVER HERE AND THAT'S THE FIRST TIME  
25 INSANITY EVER CROSSED YOUR MIND, RIGHT?

1 A THE FIRST TIME? I NEVER THOUGHT ABOUT NOTHING  
2 ELSE AT THAT TIME. I WAS CONVINCED I DID IT.

3 Q I UNDERSTAND AND YOU'VE EXPLAINED WHY. WE'RE  
4 GOING TO TALK ABOUT THE INSANITY PORTION, BUT YOU  
5 REALLY CRAZY PORTION YOU THOUGHT AFTER YOU HEARD  
6 BROOM MAN OVER HERE, RIGHT? THAT'S WHEN YOU STARTED  
7 THINKING ABOUT THAT WHEN YOU GOT THE --

8 A THAT AND THE FACT THAT THEY HAD ASKED ME DID I  
9 HEAR VOICES, SO I SAID WELL, THAT'S A GOOD IDEA.  
10 MAYBE THAT'S SOMETHING I CAN LOOK INTO BECAUSE I  
11 DIDN'T KNOW. I KNEW THAT I DIDN'T DO IT BY THAT  
12 TIME. I SIT THERE ALL NIGHT THINKING, READING THE  
13 BIBLE, THINKING, PRAYING, TRYING TO FIND OUT. I  
14 THOUGHT GOD HAD LET ME DOWN.

15 Q SO THEY REALLY PLANTED THAT INSANITY SEED KIND  
16 OF WHEN YOU HAD INTAKE OVER HERE, RIGHT?

17 A THAT'S WHEN, THAT'S WHEN IT MAINLY STARTED, YES,  
18 SIR, WHEN I GOT BACK OVER HERE.

19 Q FRIDAY WHEN YOU TALKED TO MIKE BAKER, WHEN YOU  
20 BELIEVED YOU DID IT, YOU SAID YOU WANTED TO KNOW IF  
21 YOU COULD PLEAD INSANITY AND HE TOLD YOU I CAN'T  
22 ANSWER THAT QUESTION?

23 A WELL, I DID ASK HIM THAT QUESTION AND THAT'S IN  
24 HIS STATEMENT. I DID ASK HIM THAT QUESTION AND HE  
25 SAID NO. BUT THAT WASN'T, THAT'S NOT WHERE THAT

1       STARTED.  THAT I -- I HAD THOUGHT ABOUT THAT BUT IT  
2       WASN'T RIGHT.  THEN HE CONVINCED ME, TOTALLY  
3       CONVINCED ME, THAT I WAS GUILTY.  WHEN HE TOTALLY  
4       CONVINCED ME THEN I DIDN'T CARE ABOUT NOTHING ELSE.

5       Q     HE TOTALLY CONVINCED YOU YOU WERE GUILTY, YOU  
6       ARE SO GUILTY YOU CONFESSED, AND THEN YOU STILL ASKED  
7       ABOUT INSANITY, DIDN'T YOU?

8       A     I'M TELLING YOU, SIR, I DIDN'T DO IT, OKAY.  
9       THAT'S ALL I GOT TO SAY.  I DIDN'T DO THAT.

10      Q     THAT'S YOUR ANSWER?

11      A     THAT'S MY ANSWER.  I DIDN'T DO IT.

12      Q     THEN YOU COME OVER MONDAY AND THE FIRST THING  
13      THEY DO WHEN THEY SIT DOWN IS ADVISE YOU OF YOUR  
14      RIGHTS, CORRECT?

15      A     YOU KNOW, I DON'T REMEMBER THEM ADVISING ME OF  
16      MY RIGHTS.  I REMEMBER SIGNING A FEW PAPERS, BUT I  
17      DON'T EVER REMEMBER SEEING NO RIGHTS PAPER.

18      Q     SHOW YOU STATE'S EXHIBIT FIVE AND I THOUGHT YOU  
19      TESTIFIED ABOUT THIS ON DIRECT.  IF YOU, READ THAT  
20      AND TELL ME IF YOU SIGNED THAT DOCUMENT?

21      A     OKAY.  YES, SIR, I SIGNED THE DOCUMENT, BUT CAN  
22      YOU SHOW ME A DATE.

23      Q     SO YOU DIDN'T SIGN IT THAT MORNING?

24      A     I DON'T THINK I SIGNED IT THAT MORNING, NO.

25      Q     WHEN DID YOU SIGN THIS?

1 A I--LET ME SEE. I DON'T KNOW. I DON'T REMEMBER  
2 SIGNING NO CONSENT FORM WITH HER.

3 Q OKAY. SO MAYBE YOU DIDN'T SIGN THIS ONE, YOU  
4 THINK? YOU THINKING SOMEBODY --

5 A THAT'S MY SIGNATURE.

6 Q YOU THINK SOMEBODY WROTE THAT ON THERE?

7 A BUT WHERE'S THE DATE? I DON'T SEE A DATE ON  
8 THAT ONE.

9 Q WELL, SIR, YOU LIVED IT AND I DIDN'T. DID YOU  
10 SIGN IT THAT DAY?

11 A I CAN'T SAY THAT I DID AND I CAN'T SAY THAT I  
12 DIDN'T. I JUST SAY THERE IS NO DATE ON IT.

13 Q SUBSEQUENT TO THAT DID YOU TELL, DID YOU TELL  
14 CAPTAIN CABANISS THAT I WANT TO REMAIN QUIET, I WANT  
15 AN ATTORNEY BECAUSE I'M INNOCENT?

16 A NO, SIR, I DIDN'T. I DIDN'T HAVE AN ATTORNEY AT  
17 THAT TIME AS FAR AS I KNEW. I WENT TO HIM. I JUST  
18 SAID LOOK, I DIDN'T DO IT.

19 Q OKAY. YOU NOW DECIDED THAT MAYBE YOU DIDN'T  
20 SIGN THIS ONE, YOU DON'T DISPUTE --

21 MR. MORTON: YOUR HONOR, THAT'S NOT WHAT  
22 HE SAID.

23 THE COURT: WELL, I'LL LET HIM ASK THE  
24 QUESTION. IF HE SAYS THAT'S NOT WHAT HE SAID HE CAN  
25 SAY THAT'S NOT WHAT HE SAID.

1 Q MR. COPE, YOU SAY --

2 A I SAID I CAN'T SAY WHETHER I DID OR I DIDN'T  
3 SIGN THAT ONE.

4 Q YOU ARE NOT DISPUTING IN FRONT OF THIS JURY THAT  
5 THROUGHOUT THIS PROCESS AT THE APPROPRIATE TIMES YOU  
6 WERE GIVEN YOUR RIGHTS, WEREN'T YOU?

7 A I DID SAY THAT I WAS GIVEN MY RIGHTS. THE FIRST  
8 TIME I WAS GIVEN MY RIGHTS WAS WITH MR. BAKER.

9 Q RIGHT. THAT'S THE FIRST TIME YOU WERE IN  
10 CUSTODY AND NOT FREE TO LEAVE, RIGHT?

11 A I WAS, ACCORDING TO Y'ALL, ARRESTED BEFORE THAT  
12 BUT I DIDN'T, BUT THEY DIDN'T TELL ME I WAS ARRESTED  
13 UNTIL AFTER I COME BACK.

14 Q BUT YOU ALSO WEREN'T QUESTIONED AFTER YOU WERE  
15 ARRESTED UNTIL YOU WENT TO MR. BAKER, WERE YOU?

16 A I THINK THAT INTERROGATION SAYS, SPEAKS FOR  
17 ITSELF.

18 Q OKAY. WERE YOU ARRESTED THEN?

19 A NO, SIR.

20 Q OKAY. ALL RIGHT. SO REGARDLESS, YOU UNDERSTAND  
21 WHAT YOUR RIGHTS WERE AND YOU KNEW WHAT YOUR RIGHTS  
22 WERE AT THAT TIME: TO HAVE AN ATTORNEY, TO STOP  
23 TALKING AT ANY TIME, NOT TO GIVE A STATEMENT, YOU  
24 KNEW ALL OF THAT, CORRECT?

25 A I KNEW THAT I HAD GIVEN MY RIGHTS, YES, SIR, AND

1 I HAD SIGNED THE RIGHTS PAPER.

2 Q SIR, YOU GOT TWO COLLEGE DEGREES, CORRECT?

3 A THAT'S CORRECT.

4 Q YOU GRADUATED HIGH SCHOOL?

5 A WHAT DOES GRADUATE -- I MEAN, WHAT DOES THAT  
6 HAVE TO DO WITH ANYTHING? I MEAN, I WAS DISTRAUGHT.  
7 MY DAUGHTER HAD BEEN KILLED.

8 Q DID YOU GRADUATE HIGH SCHOOL?

9 A I HAD BEEN TOLD ALL KIND OF INFORMATION.

10 Q DID YOU GRADUATE HIGH SCHOOL?

11 A YES, SIR. I SAID I DID GRADUATED HIGH SCHOOL.

12 Q I THINK --

13 A I THINK I TESTIFIED TO THAT.

14 Q I THINK YOU TOLD THE JURY YOU WATCH COURT TV ALL  
15 THE TIME, YOU KNOW YOUR RIGHTS, YOU HAD YOUR RIGHTS  
16 EXPLAINED TO YOU, THAT'S ALL I'M ASKING. YOU KNEW  
17 AND UNDERSTOOD YOUR RIGHTS, DID YOU NOT?

18 A YES, SIR, I KNEW MY RIGHTS.

19 Q OKAY. AND AT THAT POINT, NOW THIS IS MONDAY  
20 NOW, RIGHT, SO THIS IS INSANITY DAY?

21 A THAT'S CORRECT.

22 Q AND THAT MONDAY YOU WERE GIVEN A SHEET OF PAPER  
23 AND ASKED TO WRITE WHAT HAPPENED, RIGHT?

24 A I WAS GIVEN A SHEET OF PAPER AFTER I TOLD HIM I  
25 DIDN'T DO IT AND HE DIDN'T ACCEPT IT AND THEN I TOLD



1 HIM THAT STORY THEN I WROTE IT DOWN FOR HIM AFTER HE  
2 ASKED ME TO.

3 Q DID THEY ONLY HAVE ONE SHEET OF PAPER?

4 A I DON'T REMEMBER. ALL I KNOW IS THAT'S WHAT  
5 THEY HANDED ME AND THAT'S WHAT I WROTE.

6 Q OKAY. YOU DIDN'T WRITE ANYTHING ON THE BACK,  
7 DID YOU?

8 A NO, SIR.

9 Q NOTHING PREVENTED YOU FROM WRITING WHAT YOU ARE  
10 TELLING US NOW, DID IT?

11 A NOTHING PREVENTED ME FROM TELLING YOU -- I MEAN,  
12 FROM WRITING WHAT I'M TELLING YOU NOW?

13 Q I DID NOT DO IT. I THOUGHT I DID IT FRIDAY, BUT  
14 I DIDN'T DO IT. I REALIZED SATURDAY I DIDN'T DO IT  
15 AND I DID NOT DO IT. I DID NOT DO IT. NOTHING  
16 PREVENTED YOU FROM WRITING THAT, DID IT?

17 A NO, SIR, BUT I DIDN'T DO IT SO I MEAN I CAN ONLY  
18 TELL YOU THE TRUTH.

19 Q YOU DON'T HAVE TO WRITE THAT BECAUSE YOU DIDN'T  
20 DO IT, RIGHT? YOU HAVE TO WRITE IT, RIGHT?

21 A I DIDN'T DO IT.

22 Q SIR?

23 A I DIDN'T DO IT.

24 Q OKAY. BILLY COPE, NOW THIS HAS A DATE, RIGHT?

25 A IT HAS A DATE.

1 Q DECEMBER THIRD 2001 9:45?

2 A THAT'S CORRECT.

3 Q OKAY. WHO WROTE THIS?

4 A I WROTE THAT.

5 Q OKAY. TELL ME WHAT IT SAYS.

6 A SAYS I WAS ASLEEP IN MY BED. I HAD A BAD DREAM  
7 ABOUT AN OLD GIRLFRIEND WHO HAD AN ABORTION. THE  
8 THOUGHTS OF HER MAKES ME CRINGE. IN MY DREAM SHE WAS  
9 TELLING ME THAT I HAD AN ABORTION WITH YOUR CHILD AND  
10 I TOLD HER NO. I BECAME SO ENRAGED THAT I GOT OUT OF  
11 BED, ALL I COULD HEAR WAS THAT LAUGHING SOUND. I DO  
12 NOT KNOW WHAT CAME OVER ME BUT I SNAPPED AND I JUMPED  
13 ON THE BED AND STRADDLED HER AND I HIT HER IN THE  
14 HEAD AND STARTED CHOKING HER. I DID NOT KNOW IT WAS  
15 MY OWN DAUGHTER UNTIL AFTER I HAD SHOVED A BROOM  
16 STICK IN HER PRIVATES. I FELL BACK JARRING ME TO MY  
17 SENSES AND I REALIZED IT WAS MY DAUGHTER. I BECAME  
18 SO CONFUSED THAT I TRIED TO RID THE HOUSE OF ALL THE  
19 STUFF IN THE HOUSE THAT WOULD MAKE ME LOOK GUILTY. I  
20 GRABBED A BROOM AND PULLED IT FROM HER VAGINAL. I  
21 PULLED HER PANTIES AND PANTS UP. I DID NOT KNOW IT  
22 WAS MY OWN DAUGHTER UNTIL I FELL BACKWARDS. THE NEXT  
23 MORNING AT 6:02 WHEN THE ALARM AND PHONE RANG OUT I  
24 WAS HOPING IT WAS A VERY BAD DREAM.

25 Q OKAY. NOW THAT'S YOUR INSANITY DEFENSE?

1 A THAT'S WHAT I TOLD THEM.

2 Q THEN AT SOME POINT IT WAS DETERMINED THAT YOU  
3 WOULD GO TO THE HOUSE, RIGHT?

4 A YEAH. HE SAID HE DIDN'T BELIEVE WHAT I SAID.  
5 THE ONLY WAY HE WOULD BELIEVE IT IS IF I ONLY WENT  
6 THERE AND CONVINCED ME HIM THAT'S WHAT HAPPENED.  
7 HE DIDN'T BELIEVE. HE SAID HE DIDN'T BELIEVE NEITHER  
8 STORY, NONE IT?

9 Q HE DIDN'T BELIEVE YOUR INSANITY?

10 A HE DIDN'T BELIEVE NONE OF IT, THE INSANITY, THE  
11 DREAM, NONE OF IT.

12 Q TELL US HOW YOU CAME UP WITH THIS STORY? TELL  
13 ME HOW YOU CAME UP WITH THIS STORY?

14 A I TOLD YOU THAT I THOUGHT ABOUT THE FACT THAT IT  
15 TOOK A PERSON WHO WAS ENRAGED. I MADE UP THE DREAM  
16 BECAUSE OF AN EX-GIRLFRIEND NAMED TERESA. SHE HAD AN  
17 ABORTION WITH MY CHILD AND IT MADE ME VERY ANGRY AND  
18 I SAID THAT'S THE ONLY KIND OF RAGE THAT COULD DO  
19 SOMETHING LIKE THAT BECAUSE MR. BAKER SAID THAT  
20 WHATEVER IT WAS WAS RAMMED UP IN HER WAS RAMMED UP IN  
21 HER DEEP AND SO, SO I STARTED TO PUT THINGS TOGETHER  
22 IN MY HEAD AND THAT'S THE STORY I CAME UP WITH.

23 Q OKAY. NOW SO YOU NEEDED TO DO SOMETHING THAT  
24 MADE YOU RAGED, RIGHT? YOU NEEDED TO CREATE  
25 SOMETHING THAT MADE YOU ENRAGED AND SHE ---

1 A BECAUSE I'M NOT A, I'M NOT AN ENRAGED PERSON.

2 Q YOU'RE NOT?

3 A I'M NOT A VIOLENT PERSON.

4 Q YOU'RE NOT?

5 A NO, SIR.

6 Q YOU DON'T HAVE A TEMPER?

7 A I HAVE A TEMPER SOMETIMES, YES, SIR, BUT I DON'T

8 HAVE NO, NOT A TEMPER THAT WOULD KILL SOMEBODY.

9 Q AND THE DAMAGE DONE TO IN YOUR DAUGHTER COULD BE

10 DONE BY AN ENRAGED PERSON?

11 A COULD HAVE BEEN, YES, SIR.

12 Q COULD HAVE BEEN DONE BY A DELIBERATE PERSON,

13 COULDN'T IT?

14 A I DON'T KNOW ABOUT THAT. I THINK IT HAD TO BE

15 DONE BY SOMEBODY WHO IS ENRAGED.

16 Q WHAT KIND OF, YOU KNOW, WHAT WOULD MAKE SOMEBODY

17 ENRAGED LIKE THAT?

18 A I DON'T KNOW. I DON'T KNOW. I NEVER REALLY

19 THOUGHT ABOUT THAT.

20 Q YOU THINK AMANDA THREATENING TO TELL HER MOTHER

21 THINGS WOULD ENRAGE SOMEBODY?

22 A AMANDA HAD NOTHING TO TELL.

23 Q SHE DID THAT NIGHT, DIDN'T SHE?

24 A NO, SHE DID NOT. I DONE TOLD YOU, I DIDN'T DO

25 IT. I WAS NOT IN THAT SECTION AT ALL, WAS NO WHERE

1        A        AROUND THESE PEOPLE.

2        Q        WHAT PEOPLE?

3        A        WHOEVER BROKE IN MY HOUSE AND MY DAUGHTER.

4        Q        OKAY.    SO YOU GO TO YOUR HOUSE AND CAPTAIN

5        CABANISS HAD ASKED YOU TO GO SHOW HIM WHAT TOOK

6        PLACE, RIGHT?

7        A        THAT'S CORRECT.

8        Q        OKAY.    AND HE BASICALLY, OF COURSE, THE VIDEO

9        SPEAKS FOR ITSELF?

10      A        THAT'S CORRECT.

11      Q        OKAY.    AND HE BASICALLY GAVE YOU FREE REIGN TO

12      SHOW HIM, RIGHT?

13      A        AND THAT WAS PURE DREAM TOO.

14      Q        WHAT?

15      A        I SAID DREAM AT THE BEGINNING, I SAID THIS IS

16      JUST WHAT I DREAMED.    THIS IS THE IMAGES IN MY HEAD.

17      Q        THAT'S WHAT YOU'VE BEEN SAYING ALL ALONG, RIGHT?

18      A        THAT'S CORRECT BECAUSE THAT'S THE TRUTH.

19      Q        OKAY.    YOU'VE ALWAYS CALLED IT IMAGES OR DREAM,

20      YOU NEVER ACKNOWLEDGED SEEING THAT CHILD'S FACE, HAVE

21      YOU?

22      A        I DIDN'T SEE HER FACE UNTIL WHEN I WENT IN THERE

23      AND WOKE HER UP AND SAW, AND TRIED TO WAKE HER UP AND

24      SAW WHAT I SAW.

25      Q        BECAUSE YOU SAID IF YOU HAD SEEN HER FACE, YOU

1 WOULD HAVE SNAPPED OUT IT, RIGHT?

2 A THAT'S WHAT I SAID IN THE DREAM THING, YES.

3 Q OKAY. SO WHEN WE'RE AT THE HOUSE, THE HOUSE IS  
4 JUST AN EXTENSION OF THIS STATEMENT, THE HOUSE IS THE  
5 DREAM STORY?

6 A THAT'S CORRECT.

7 Q OKAY. AND YOU WERE USING YOUR DREAM THAT YOU  
8 WORKED TOGETHER COUPLED WITH PIECES OF WHAT LAW  
9 ENFORCEMENT SAID, RIGHT?

10 A THAT'S CORRECT.

11 Q OKAY. AND YOU WERE TRYING TO JUST COMPLY WITH  
12 WHAT THEY WERE GIVING YOU AND FIT THOSE THINGS  
13 TOGETHER, RIGHT?

14 A THAT'S EXACTLY WHAT I WAS TRYING TO DO, YES,  
15 SIR.

16 Q OKAY. AND SO WHATEVER THEY SAID WENT WITH YOU  
17 PRETTY MUCH, RIGHT?

18 A I WOULDN'T SAY -- WELL, I MEAN, I TRUSTED THEM,  
19 THEY WERE SUPPOSED TO BE TELLING ME THE TRUTH. I  
20 THOUGHT THEY WERE TELLING ME THE TRUTH. I THOUGHT  
21 THEY WERE TELLING ME EVERY LITTLE PIECE OF DETAIL AS  
22 IT WAS.

23 Q SO IF THEY HANDED YOU THIS BROOM AND SAID WAS  
24 THIS THE BROOM, WHY DIDN'T YOU JUST SAY YEAH, THAT IS  
25 THE BROOM?

1 A BECAUSE I DIDN'T KNOW. I DIDN'T KNOW WHAT BROOM  
2 IT WAS.

3 Q BUT YOU JUST TOLD US YOU ARE COOKING THIS STORY  
4 UP JUST TO MAKE THEM HAPPY?

5 A I WAS COOKING THE STORY UP BUT WHAT WAS I  
6 SUPPOSED TO DO, JUST COME OUT RIGHT AND SAY OH,  
7 THAT'S IT RIGHT THERE?

8 Q IT WASN'T IT, WAS IT?

9 A THERE WAS NO BROOM AS FAR I KNOW.

10 Q NOT IN THAT HOUSE, WAS THERE?

11 A THERE WAS NO BROOM USED.

12 Q IS THAT RIGHT? HOW DO YOU KNOW?

13 A THAT'S CORRECT. I HEARD THE DOCTOR SAY WHAT HE  
14 THINKS HAPPENED AND I BELIEVE THAT.

15 Q OH, YOU DO?

16 A I SURE DO.

17 Q OKAY. BASED ON WHAT?

18 A BASED ON THE FACTS, THE EVIDENCE.

19 Q WHAT FACTS?

20 A WHAT'S THE EVIDENCE, THE FACTS OF THE EVIDENCE.

21 Q WELL, TELL ME. YOU DECIDED THE BROOM WASN'T  
22 USED IN THIS CASE EVEN THOUGH YOU'VE TOLD LAW  
23 ENFORCEMENT THROUGHOUT A BROOM WAS USED, EVEN YOU  
24 SAID A WOODEN BROOM WITHOUT A CAP, RIGHT?

25 A THAT'S CORRECT.

1 Q OKAY. SO YOU THAT, DID THAT COME FROM THE OLD  
2 GIRLFRIEND, SHE USED TO HAVE A BROOM LIKE THAT?

3 A NO, NOT IN MY MIND.

4 Q WHERE DID YOU COME UP WITH A BLUE WOODEN BROOM  
5 WITHOUT A CAP?

6 A HE SAID IT WAS SOMETHING DEEP. I DIDN'T KNOW  
7 WHAT IT WAS.

8 Q OKAY.

9 A I ASSUMED BECAUSE THE, BECAUSE SHE WAS TORN UP I  
10 FIGURED THAT IT WASN'T BROOM WITH A CAP.

11 Q OKAY. AND AFTER YOU GO DOWN TO THE HOUSE, YOU  
12 COME BACK AND YOU GET SOME LUNCH THEN, IS THAT RIGHT?

13 A I WAS GIVEN LUNCH, YES, SIR.

14 Q YOU HAD ABOUT AN HOUR AND A HALF FOR LUNCH,  
15 SOMETHING LIKE THAT? YOU WENT TO ANOTHER PLACE, YOU  
16 DIDN'T HAVE TO SIT THERE AND EAT LUNCH WITH CAPTAIN  
17 CABANISS, DID YOU?

18 A NO. I SAT IN THE HOLDING CELL. I DON'T KNOW  
19 HOW LONG WE WAS IN THERE.

20 Q OKAY. BUT YOU HAD LUNCH?

21 A I DON'T THINK IT WAS NO HOUR AND A HALF THOUGH.  
22 IT PROBABLY ABOUT 45 MINUTES.

23 Q YOU WERE HAVING LUNCH AND YOU WERE AWAY FROM  
24 THEM, RIGHT?

25 A FOR A SHORT TIME, YES.



1 Q TELL THE JURY WHAT YOU ARE THINKING NOW. YOU'VE  
2 GONE TO THE HOUSE, YOU'VE GIVEN THIS STATEMENT THAT  
3 YOU WROTE IN YOUR OWN HANDWRITING, RIGHT?

4 A RIGHT.

5 Q OKAY. AND THEN YOU HAVE GONE TO THE HOUSE AND  
6 DONE THIS VIDEO, RIGHT?

7 A THAT'S RIGHT.

8 Q OKAY. SO NOW YOU ARE BACK AT THE POLICE STATION  
9 BY YOURSELF, WHAT ARE YOU THINKING AS FAR AS THE  
10 INSANITY STORY VERSUS BELIEVING YOU DID IT VERSUS I  
11 DIDN'T DO IT, WHAT ARE YOU THINKING NOW?

12 A I'M THINKING, HE PROBABLY THINKS THAT'S WHAT  
13 HAPPENED BECAUSE I GAVE THE STORY AND I LEFT IT AT  
14 THAT BECAUSE I DIDN'T KNOW.

15 Q SO AT THAT POINT YOU ARE THINKING HE BOUGHT THE  
16 INSANITY STORY EVEN THOUGH YOU ADMIT SOME OF THE  
17 STUFF YOU ARE SAYING ON THAT VIDEO IS INCREDULOUS,  
18 RIGHT, THE WAY YOU TELL IT?

19 A LIKE, WHAT DO YOU MEAN?

20 Q LET'S SEE. YOU'RE DREAMING, BUT YOU THINK  
21 YOU'RE DREAMING BUT YOU WOKE UP, BUT YOU GO IN THERE  
22 BUT YOU ARE REALLY DREAMING, AND THEN YOU WAKE UP IN  
23 THE MORNING AND YOU THINK YOU WERE DREAMING. YOU  
24 KNOW, THAT'S NOT CREDIBLE, IS IT?

25 A IT'S --

1 Q HE DIDN'T BELIEVE THAT, DID HE?

2 A HE DIDN'T -- NO, HE DIDN'T BELIEVE IT BECAUSE HE  
3 TOLD ME HE DIDN'T BELIEVE IT WHEN HE COME BACK.

4 Q THE FACT THAT YOU DREAMED IT, HE DIDN'T BELIEVE,  
5 DID HE?

6 A HE DIDN'T BELIEVE IT WAS A DREAM, NO.

7 Q HE DIDN'T BELIEVE THAT YOU STARTED THE ASSAULT  
8 AND DIDN'T REALIZE THAT IT WAS AMANDA BECAUSE I THINK  
9 YOU SAID SOMEWHERE IF YOU HAD ONLY SEEN HER FACE YOU  
10 WOULD HAVE SNAPPED OUT OF IT, RIGHT?

11 A I SAID THAT IN THE DREAM, YEAH.

12 Q YOU SAID THAT IN THE DREAM?

13 A I SAID THAT IN THE DREAM STATEMENT, IN THE  
14 STATEMENT.

15 Q DREAM STATEMENT?

16 A IT WAS A DREAM, THAT IS CORRECT.

17 Q AND THE DREAM STATEMENT IS THE HANDWRITTEN  
18 STATEMENT?

19 A THAT'S CORRECT.

20 Q SO THEN AFTER LUNCH YOU SIT BACK DOWN WITH THEM,  
21 RIGHT?

22 A THAT'S CORRECT.

23 Q OKAY. AND HE SAYS HE DOESN'T BELIEVE YOU?

24 A HE DOESN'T BELIEVE ME.

25 Q OKAY. AND IN YOUR MIND ARE YOU STILL GOING TO

1       SELL HIM THE INSANITY STORY AGAIN?

2       A     NO-- WELL, THEY DIDN'T BUY IT.  HE SAID HE  
3       DIDN'T BUY IT, SO I DIDN'T KNOW WHAT ELSE TO DO AND  
4       THEN THEY STARTED ON ME ABOUT THE GREEN, THE GREEN  
5       WRAP AND THEY SAID, YOU KNOW, WELL, THE GREEN WRAP  
6       PROVES IT AND THE, AND WE TALKED ABOUT HER CLOTHES.  
7       WE TALKED ABOUT THE, EVERYTHING.  I TALKED ABOUT ALL  
8       THE, ALL THE PIECES OF THE EVIDENCE AND THAT WAS, I  
9       JUST GIVE UP.  I GAVE UP.  I DIDN'T CARE NO MORE.  HE  
10      HAD THREATENED ME AND WHEN HE HAD THREATENED ME, I  
11      MEAN, I DIDN'T CARE NO MORE.  I SAID HEY, MAYBE THE  
12      DEATH PENALTY SOUNDS GOOD IN THIS CASE.

13     Q     SO ONCE HE THREATENED YOU, AS YOU SAY, THEN YOU  
14      BAILED ON THE INSANITY PART, RIGHT?

15     A     WELL, HE DIDN'T BUY IT.

16     Q     SO YOU ARE NOT SELLING IT IF HE AIN'T BUYING?

17     A     I SAID HE DIDN'T BUY IT SO, I MEAN, I DIDN'T  
18      KNOW WHAT ELSE TO SAY.  HE SAID I DON'T BUY IT.  I  
19      DON'T BUY THE FIRST ONE.  I DON'T BUY THIS ONE.  I  
20      WANT TO KNOW WHAT HAPPENED.

21     Q     OKAY.  AT THAT POINT DID YOU -- WHAT ABOUT GOING  
22      BACK TO THE TRUTH AS YOU CALLED IT AND YOU DIDN'T DO  
23      IT?

24     A     I DID.  I HAD BEEN SAYING I DIDN'T DO IT.  I  
25      STOOD UP AND SAID I DIDN'T DO IT.

1 Q DID YOU SAY GIVE ME ANOTHER PIECE OF PAPER, I  
2 WANT TO WRITE OUT ANOTHER ONE?

3 A NO, I DID NOT.

4 Q AND ULTIMATELY THAT AFTERNOON AFTER TALKING TO  
5 HIM, THERE WAS ANOTHER STATEMENT THAT YOU MADE OF  
6 YOUR OWN FREE WILL AND ACCORD, WITHOUT HOPE, REWARD  
7 OR HOPE OF REWARD, AND HAVE NOT BEEN MISTREATED OR  
8 THREATENED IN ANY WAY. ALL THE ABOVE IS THE TRUTH,  
9 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH SO HELP ME  
10 GOD. I HAD READ OR HAD READ TO ME STATEMENT THAT IS  
11 CONSISTING OF TWO PAGES AND RECEIVED A COPY OF THE  
12 SAME. IS THAT YOUR SIGNATURE THERE?

13 A THAT IS, THAT'S MY SIGNATURE.

14 Q YOU REVIEWED THIS DOCUMENT?

15 A I DIDN'T REVIEW IT.

16 Q STATE'S EXHIBIT 9?

17 A SHE READ IT TO ME, YES.

18 Q OKAY. SHE READ IT TO YOU?

19 A AND I SIGNED BOTH PAGES AND.

20 Q OKAY. LET'S TELL THE JURY WHAT THAT ONE SAYS.

21 A ON NOVEMBER 29, 2001, JESSICA HAD HOMEWORK. I  
22 HELPED HER A COUPLE OF HOURS AND THEN I GOT  
23 FRUSTRATED AND QUIT AND TOOK A BREAK. AMANDA SAID I  
24 WILL HELP JESSICA. I THEN GOT SOME JOKES OFF OF THE  
25 COMPUTER AND I SAID I'M GOING TO LAY DOWN AND STUDY

1 FOR MY BIBLE STUDY. AMANDA SAID I WILL HELP HER AND  
2 I SAID OKAY.

3 Q STOP RIGHT THERE, MR. COPE.

4 MR. POPE: BEG THE COURT'S INDULGENCE.

5 Q I'M SORRY, MR. COPE. IF YOU'LL CONTINUE PLEASE,  
6 SIR, FOR THE JURY?

7 A AMANDA SAID I WILL HELP HER AND I SAID OKAY BUT  
8 ALL HOMEWORK STOPS AT ONE AM. I SET THE ALARM FOR  
9 ONE AM AND AT ONE AM IT WENT OFF AND I SAID ARE Y'ALL  
10 FINISHED. AMANDA SAID YES. I SAID GOOD. Y'ALL CAN  
11 GET IN THE BED. I CALLED AMANDA BACK INTO MY BEDROOM  
12 TO COME AND TURN THE LIGHTS OUT AND PUT THE PHONE ON  
13 THE CHARGER. I TOLD AMANDA TO TURN THE LIGHTS OUT  
14 AND SHE DID. I PULLED MY MASK ON AND I WENT TO  
15 SLEEP. I WOKE UP AT THREE AM. I WENT TO THE  
16 BATHROOM. THEN I WENT INTO AMANDA'S ROOM. I HAD A  
17 HARD ON. I JACKED OFF IN THE ROOM AND THEN I USED A  
18 BLUE TOWEL TO CLEAN IT UP OR TO CLEAN UP. I STARTED  
19 GOING INTO AMANDA'S ROOM ABOUT THE END OF OCTOBER  
20 THROUGH THE FIRST PART OF NOVEMBER PLAYING WITH HER  
21 AND RUBBING HER AND FINGERING HER WHILE SHE WAS  
22 ASLEEP. THAT PART WAS STATED BECAUSE SHE ASKED ME  
23 HAD THIS BEEN GOING ON FOR A LONG TIME. I DIDN'T  
24 CARE ANYMORE. I DIDN'T CARE WHAT THEY THOUGHT. THE  
25 DEATH PENALTY SOUNDED GOOD. SO I SAID OKAY.

1 Q SO YOU JUST THREW THAT ONE IN THERE --

2 A JUST DO IT RIGHT NOW. I'VE BEEN GOING ON SINCE

3 OCTOBER.

4 Q OKAY.

5 A I NEVER TOUCHED MY DAUGHTER. NEVER.

6 Q NOW WHERE IS THAT IN HERE?

7 A IT'S NOT. I'M STATING THAT NOW.

8 Q IF YOU WOULD, OKAY. FINGER HER WHILE SHE WAS

9 ASLEEP, IF YOU'LL CONTINUE ON?

10 A AMANDA WAS ASLEEP ON HER STOMACH. I THINK THE

11 DILDO INSIDE HER IS WHAT WOKE HER UP. WHEN SHE WOKE

12 UP I JUMPED ON TOP OF HER TO KEEP HER FROM TURNING

13 AND LOOKING AT ME THEN I HEARD HER SAY DADDY HELP ME.

14 I STARTED STRANGLING HER WITH MY HANDS. AMANDA WAS

15 PULLING AT MY HANDS AND I LET GO AND STARTED HITTING

16 HER IN THE HEAD. THEN I WENT BACK TO STRANGLING.

17 THEN SHE WENT LIMP. I GOT UP, I SAW THE GREEN STRING

18 ON HER BLANKET, AND I WAS THINKING TO MYSELF THIS

19 WOULD LOOK LIKE SHE STRANGLED HERSELF. I TOOK THE

20 GREEN STRIP AND WRAPPED IT AROUND HER NECK. I WENT

21 STRAIGHT FOR THE WRAP FROM OFF OF THE FLOOR. I WENT

22 STRAIGHT WITH THE WRAP FROM OFF OF THE FLOOR AND I

23 WRAPPED IT AROUND HER THROAT. I PULLED BOTH ENDS SO

24 IT WOULD GOOD AND TIGHT. HER HANDS WERE ALREADY AT

25 HER NECK SO I LEFT THEM THERE. I JUMPED OFF THE BED

1 AND WENT AND PUT THE DILDO UP. I WIPED IT OFF FIRST  
2 WITH THE BLUE TOWEL THEN I PUT IT UP UNDER THE BED ON  
3 THE FLOOR IN THE BEDROOM. NORMALLY I PUT IT BETWEEN  
4 THE MATTRESS AT THE HEAD OF THE BED, BUT IT HAD  
5 FALLEN SO I PUT IT AT THE HEAD OF THE BED ON THE  
6 FLOOR WHERE IT WAS. THEN I FIXED THE DOORS IN  
7 AMANDA'S ROOM SO THAT THEY WOULD LOCK. I PULLED THE  
8 CLOSET AND MAIN DOORS TOGETHER. THAT IS HOW I LOCKED  
9 THEM. I DID THIS SO THAT THE KIDS WOULD NOT WAKE UP  
10 AND SEE HER BEFORE MORNING. I GOT BACK IN MY BED SO  
11 I PUT MY MASK ON AND WENT TO SLEEP. THEN I WOKE UP A  
12 AT 6:02 AM ACCORDING TO THE CLOCK IN MY BEDROOM. I  
13 SAT UP, CALLED AMANDA TWICE, SOMEHOW I KNEW SHE WAS  
14 NOT GOING TO ANSWER. IT WAS LIKE A DREAM. I THOUGHT  
15 IT WAS A DREAM. I DID NOT HEAR FROM AMANDA THOSE TWO  
16 TIMES. I CALLED HER. SIR OR YES, SIR. NO I CALLED  
17 HER. I DID NOT HEAR FROM AMANDA THOSE TWO TIMES I  
18 CALLED HER, SIR OR YES, SIR, SO I YELLED AT THE TOP  
19 OF MY LUNGS 'AMANDA' REAL LOUD. I THOUGHT THAT THE  
20 RAPTURE HAD TAKEN PLACE BECAUSE I HAD JUST FINISHED  
21 READING THE LEFT BEHIND SERIES ABOUT ONE MONTH AGO.  
22 I HAD HOPED THE RAPTURE HAD TAKEN PLACE. I WAS  
23 PRAYING IT HAD HAPPENED. I GOT UP AND LOOKED IN ON  
24 KYLA AND JESSICA AND THEY WERE STILL ASLEEP. I WENT  
25 TO AMANDA'S DOOR AND I FORGET I HAD SET THE DOORS SO

1 I PUSHED ON THE DOOR AND THEY WOULD NOT OPEN. I  
2 KICKED THE DOOR OPEN AND SAW AMANDA LAYING THERE  
3 PURPLE. I WALKED OVER TO HER AND TRIED TO WAKE HER.  
4 SHE WAS COLD. I SCREAMED, I UNWRAPPED THE CORD THAT  
5 I HAD PUT ON HER NECK. KYLA AND JESSICA WALKED INTO  
6 THE ROOM AND KYLA STARTED SCREAMING. JESSICA SAID  
7 DADDY IS SHE DEAD AND I SAID YES, GO AND GET ON THE  
8 COUCH AND PRAY AS HARD AS YOU CAN AND REMEMBER ONE  
9 THING SHE IS WITH JESUS. I RAN TO THE TELEPHONE  
10 WHICH IS EXACTLY IN FRONT OF THE COMPUTER AND I  
11 CALLED 911. I SAID MY DAUGHTER WAS DEAD AND SHE'S  
12 COLD AS A CUCUMBER. THE REALITY HAD NOT SET IN.  
13 THEY ASKED ME FIRE, POLICE, OR MEDICAL. I SAID  
14 MEDICAL AND THE LADY SAID DESCRIBE YOUR DAUGHTER. I  
15 SAID SHE WAS 11 OR 12 AND THEN I CALLED MY WIFE'S  
16 WORK. AT 802-1100 AND I GOT AN ANSWERING MACHINE.  
17 THEN I DIALED 802-1199. I DID NOT GET AN ANSWER. I  
18 CALLED MY SISTER-IN-LAW AT 802-8937. I ASKED HER DID  
19 SHE KNOW ANOTHER NUMBER TO CALL LEINER. HER HUSBAND  
20 WORKS THERE ALSO. SHE SAID NO. WHY? WHAT'S WRONG?  
21 I SAID AMANDA IS DEAD THEN I HUNG UP AND CALLED THE  
22 NUMBER AGAIN FOR LEINER. I TOLD THE MALE SUBJECT  
23 THAT ANSWERED THE PHONE THAT HE NEEDED TO HAVE MIKE  
24 COPE BRING MARY COPE HOME IMMEDIATELY AND THAT OUR  
25 DAUGHTER HAD BEEN FOUND DEAD. THE POLICE STARTED



1 COMING IN THE HOUSE AND THE PHONE RANG AND IT WAS MY  
2 WIFE. SHE WANTED TO KNOW WHAT WAS WRONG. I TOLD HER  
3 THAT I DID NOT WANT TO TELL HER ON THE PHONE BUT SHE  
4 MADE ME TELL HER. I THEN TOLD HER THAT AMANDA WAS  
5 DEAD. THEN I CALLED MY PASTOR AND SPOKE WITH HIS  
6 WIFE. I TOLD HER AND SHE SAID THAT THE PASTOR WOULD  
7 BE RIGHT OVER. THEN THE POLICE HAD ARRIVED AND  
8 SEALED OFF EVERYTHING AND THE PASTOR COULD NOT GET  
9 IN. MY DADDY DID COME AND GET MY GIRLS. NOT UNTIL  
10 12/03/01 HAVE I REALIZED WHAT I DONE. UP UNTIL NOW  
11 AFTER TAKING ME, TALKING WITH YOU AND THE OTHER GUY,  
12 I HAVE BLOCKED STUFF OUT. I'M TELLING THE TRUTH THIS  
13 TIME. EVERYTHING I SAID BEFORE NOW IS NOT THE TRUTH.  
14 WHEN I PUT MY FINGERS INSIDE AMANDA I PULLED HER  
15 PANTS AND PANTIES DOWN AND USED MY TWO FINGERS. I  
16 COULD HAVE JAMMED MY WHOLE HAND INSIDE. I REMEMBER I  
17 HAD WATERED DOWN JELLY ON MY FINGERS. AROUND THE  
18 FIRST OF OCTOBER WAS WHEN I STARTED MESSING WITH  
19 AMANDA AT NIGHT WHILE SHE WAS ASLEEP AND I WOULD GO  
20 INTO HER BEDROOM AND I WOULD FINGER HER AND USE A  
21 DILDO ON HER. I DID THIS MANY TIMES.

22 Q MR. COPE, WHILE YOU GOT THAT IN YOUR HAND, YOU  
23 SAID YOU COULD HAVE JAMMED YOUR WHOLE HAND INSIDE  
24 HER, COULD YOU TELL ME WHAT THAT LINE SAYS?

25 A SHE ASKED ME DID I USE MY FINGERS OR MY HAND AND

1 I SAID I REALLY DON'T KNOW. IT COULD HAVE BEEN MY  
2 HAND. AND SHE SAID, SHE SAID OKAY, SO THAT'S WHAT  
3 SHE PUT DOWN.

4 Q YOU JUST TOLD ME I COULD HAVE JAMMED MY WHOLE  
5 HAND INSIDE HER, WHAT DOES THAT DOCUMENT SAY?

6 A I COULD HAVE JAMMED MY HAND INSIDE OF HER.

7 Q OKAY. I WANT TO CALL YOUR ATTENTION NOW TO  
8 WHERE YOU'RE TALKING ABOUT YOUR SISTER-IN-LAW'S PHONE  
9 NUMBER 802-8937?

10 A THAT'S CORRECT.

11 Q WHAT IS THOSE INITIALS RIGHT ABOVE THAT NUMBER?

12 A BW COPE.

13 Q WHAT IS THAT?

14 A THAT'S WHERE --

15 Q WHAT'S THAT TALKING ABOUT?

16 A THAT'S WHERE I SCANNED OVER AND SEEN THE NUMBER  
17 WAS WRONG -- NO, SHE, SHE DID IT. SHE MARKED IT WHEN  
18 SHE WAS READING IT TO ME, SHE MARKED IT AND THEN SHE  
19 TOLD ME TO SIGN IT RIGHT THERE. THERE WAS ANOTHER  
20 PLACE THAT WAS SIGNED BUT IT'S BEEN WHITED OUT RIGHT  
21 NOW.

22 Q OKAY. AND SO THERE WERE PLACES WHERE YOU  
23 INITIALED OR SOMETHING WAS WRONG?

24 A I INITIALED. SHE MARKED IT AND HANDED IT TO ME  
25 AND SHOWED ME WHERE IT WAS AT.

1 Q SO THERE WAS AT LEAST TWO PLACES THAT YOU MARKED  
2 AND CHANGED THAT DOCUMENT?

3 A THAT'S CORRECT.

4 Q I MEAN TO MAKE SURE THAT NOBODY CHANGED IT AFTER  
5 YOU GOT THROUGH WITH IT, RIGHT? DID YOU MAKE ANY  
6 OTHER CHANGES ON THAT? I MEAN YOU CHANGED THE PHONE  
7 NUMBER, YOU CHANGED SOMETHING ELSE, DID YOU MAKE ANY  
8 OTHER CHANGES?

9 A NO, SIR.

10 Q AND SO AT THAT POINT WHEN YOU HAD THAT STATEMENT  
11 THAT WAS THE LAST WRITTEN STATEMENT YOU GAVE?

12 A YES, SIR, BUT IF YOU ALSO NOTICE THAT THAT  
13 CORRELATES A LOT WITH WHAT REALLY HAPPENED UP THE  
14 UNTIL THE POINT THAT WHERE I DON'T KNOW HAPPENED  
15 BECAUSE I WASN'T THERE, SO I FILLED IT IN WITH WHAT I  
16 THOUGHT IT WAS AND I DIDN'T CARE. BUT I KNEW WHAT,  
17 WHAT HAPPENED WHEN I WOKE UP.

18 Q SO PARTS OF THIS IS THE TRUTH?

19 A THE PARTS WHERE I WOKE UP AND WENT IN THERE AND  
20 CHECKED HER IS THE TRUTH.

21 Q OKAY. AND THE PART ABOUT WHEN YOU WENT TO BED  
22 IS THE TRUTH?

23 A AND THE PART WHERE I WENT TO BED IS THE TRUTH.

24 Q OKAY.

25 A BUT THE STUFF IN BETWEEN ANYTHING THAT HAPPENED

1 TO HER, I DID NOT DO IT.

2 Q THE BLUE TOWEL IS NOT THE TRUTH, IS IT?

3 A I'M TELLING YOU I DID NOT DO IT.

4 Q I ASKED YOU, THE BLUE TOWEL IS NOT THE TRUTH, IS  
5 IT?

6 A THE BLUE TOWEL IS NOT THE TRUTH, NO, IT'S NOT.

7 Q IT'S ACTUALLY A WHITE RAG, ISN'T IT?

8 A I DON'T KNOW ABOUT THE WHITE RAG. THE WHITE RAG  
9 WAS, HAD MY SEMEN ON IT. IT DIDN'T HAVE NOTHING  
10 ELSE.

11 Q RIGHT. HAD YOUR SEMEN ON IT FROM THAT NIGHT?

12 A I CAN'T SAY IT WAS THAT NIGHT.

13 Q YOU KNOW WHETHER IT WAS THAT NIGHT OR NOT?

14 A I TOLD YOU I DIDN'T -- I DO NOT KNOW WHETHER IT  
15 WAS THAT NIGHT.

16 Q OKAY. BECAUSE YOU HAD THIS LITTLE SPOT WHERE  
17 YOU HID YOUR RAGS WHEN YOU MASTURBATED?

18 A THAT'S CORRECT.

19 Q AND YOU SAID THE PLACE THAT, THE JURY IS GOING  
20 TO SEE THE PICTURE WHERE IT'S FOUND UNDER THE BOOK  
21 CASE, IT REALLY WASN'T THAT BOOK CASE. IT WAS THE  
22 PLACE --

23 A IT WAS UNDER THE OTHER BOOK CASE, THAT'S  
24 CORRECT.

25 Q OKAY. AND YOU WOULD HIDE THOSE RAGS THERE FOR

1 LONG?

2 A I DON'T KNOW. FOR A, FOR A GOOD LONG TIME.

3 Q HOW MANY RAGS WOULD YOU BUILD UP UNDER THERE?

4 A OH, NONE. I WOULD, THERE WOULD USUALLY BE,

5 SOMETIMES IT WOULD GO TWO OR THREE DAYS BEFORE I

6 WOULD CHANGE THE RAG.

7 Q OKAY. AND SO IT WOULD BE HIDDEN UP UNDER THAT

8 BOOK SHELF?

9 A THAT'S CORRECT.

10 Q RIGHT THERE IN THE HALL, RIGHT HERE IN THE HALL

11 WHERE WE WERE TALKING ABOUT, RIGHT?

12 A THAT'S CORRECT.

13 Q THAT'S WHERE THE BOOK SHELF IS?

14 A YES, SIR.

15 Q AND SO THIS STATEMENT DOESN'T SAY ANYTHING ABOUT

16 THAT NIGHT THAT YOU MASTURBATE, DOES IT?

17 A NO, SIR. I TOLD YOU THAT RAG PROBABLY HAD BEEN

18 THERE A COUPLE OF DAYS. I DIDN'T MAST--I PROBABLY

19 DIDN'T MASTURBATE THAT NIGHT.

20 Q OKAY. WELL, YOU ACTUALLY TOLD US THAT RAG

21 WASN'T EVEN IN THE PLACE WHERE ---

22 A IT'S NOT.

23 Q OKAY.

24 A IT'S NOT IN THE RIGHT PLACE.

25 Q AND THAT PARTICULAR NIGHT, AND OF COURSE, YOU

1 TOLD LAW ENFORCEMENT ABOUT CLEANING UP IN THESE  
2 STATEMENTS, RIGHT? CLEANING UP AND TRYING TO GET RID  
3 OF EVERYTHING OUT OF THE HOUSE, RIGHT?

4 A I DID SAY THAT. YES, I DID.

5 Q SO THE BLUE WOODEN BROOM WASN'T IN THE HOUSE,  
6 WAS IT? THAT NEXT MORNING THE BLUE WOODEN BROOM  
7 WASN'T IN THE HOUSE, WAS IT?

8 A I DON'T KNOW. I MEAN, ALL I KNOW IS WHAT YOU  
9 SAID YOU FOUND.

10 Q OKAY. YOU DON'T KNOW WHERE THE BROOM WAS?

11 A I DIDN'T -- I DIDN'T DO NOTHING. I TOLD YOU  
12 THAT ALREADY.

13 Q OKAY. LET ME ASK YOU THIS. THE RAG THAT THEY  
14 FOUND YOU DIRECTED THEM TO, THAT PART IS TRUE, RIGHT?

15 A YEAH. I KNEW THERE WAS A RAG THERE THAT I HAD  
16 USED PREVIOUSLY.

17 Q AND SO YOU KIND OF GAVE THEM THAT JUST TO KIND  
18 OF SPICE UP THIS STORY A LITTLE BIT?

19 A NO, SIR. I JUST -- IT WASN'T THAT. I JUST KNEW  
20 THAT I HAD THE RAG THERE AND THEN I HAVE BECAUSE I  
21 HAD MASTURBATED SEVERAL DAYS BEFORE MORE OR LESS.

22 Q NOW SEVERAL DAYS BEFORE --

23 A I'M NOT SAYING WHETHER I DID OR NOT. I DO NOT  
24 REMEMBER. THAT'S ALL I'M SAYING.

25 Q ALL RIGHT. YOU'VE TOLD ME THAT SEVERAL TIMES.

1 I UNDERSTAND THAT.

2 A SEVERAL TIMES.

3 Q YOU ARE SAYING, JUST TO MAKE CLEAR.

4 A THAT'S RIGHT.

5 Q SOMETIMES I ASK CONFUSING QUESTIONS. THAT NIGHT  
6 AMANDA'S IN THERE IN HER ROOM AND YOU CAN'T SAY THAT  
7 NIGHT WHETHER YOU MASTURBATED ON THAT RAG OR NOT, YOU  
8 DON'T REMEMBER, THAT'S YOUR TESTIMONY, RIGHT?

9 A I'M SAYING I DON'T REMEMBER WHEN I GOT UP OUT OF  
10 THE BED AND WENT TO THE BATHROOM IF I WENT BACK TO MY  
11 ROOM AND MASTURBATED BEFORE I WENT TO SLEEP.

12 Q I GOT YOU. OKAY. AND THIS STATEMENT IT DOESN'T  
13 TELL ANYTHING ABOUT WATCHING MR. SANDERS, DOES IT?

14 A WATCHING WHO? I DID NOT SEE NO MR. SANDERS. I  
15 DIDN'T EVEN KNOW WHO MR. SANDERS WAS.

16 Q OKAY. IT DOESN'T SAY ANYTHING ABOUT YOU  
17 WATCHING MR. SANDERS AND YOU MASTURBATING IN THE  
18 HALL, DOES IT?

19 A IT DOESN'T SAY THAT BECAUSE IT COULDN'T HAVE  
20 HAPPENED. I DON'T KNOW WHAT HAPPENED.

21 Q OKAY. LET ME ASK YOU. THE SEXUAL ISSUE, YOU  
22 HAD INDICATED THAT YOUR WIFE -- OF COURSE, YOU'VE  
23 INDICATED IN HERE THAT YOU WERE ABUSING YOUR  
24 DAUGHTER, RIGHT?

25 A I INDICATED IN THAT, YES, I DID.

1 Q OKAY. AND YOU EVEN WENT AS FAR AS TELLING WITH  
2 WHAT AND HOW, RIGHT?

3 A I WAS TRYING TO JUICE IT UP BECAUSE I DIDN'T  
4 CARE ANY MORE.

5 Q SO IF YOU DON'T CARE, YOU MINE AS WELL MAKE IT  
6 GOOD, RIGHT?

7 A HE SAID HE WAS GOING TO GO WITH THE DEATH  
8 PENALTY, WHAT ELSE COULD I-- I SAID IT SOUNDS GOOD TO  
9 ME.

10 Q OKAY.

11 A SO.

12 Q SO YOU ARE TRYING TO HELP HIM MAKE SURE HE GOT  
13 THE DEATH PENALTY?

14 A IT DIDN'T MAKE NO DIFFERENCE NO MORE. I DIDN'T  
15 CARE.

16 Q OKAY. THE DILDO WAS ACTUALLY MARY SUE'S, RIGHT?

17 A THE DILDO WAS MARY SUE'S, THAT'S CORRECT.

18 Q OKAY. AND ACTUALLY SHE HAD SOME FEMALE SURGERY  
19 EARLIER SO YOU GUYS WEREN'T HAVING SEX, RIGHT?

20 A NOT REGULARLY, NO. WELL, SHE HADN'T HAD THE  
21 SURGERY AT THAT TIME, NO. IT HAD BEEN EARLIER THAN  
22 THAT.

23 Q OKAY. AND YOU OFTEN TIMES HAD DIFFICULTIES  
24 GETTING ERECTIONS, DIDN'T YOU?

25 A NO, SIR. WELL, SOMETIMES THERE, EVERY ONCE IN A



1           WHILE, YES, SIR.

2           Q        AND OFTEN TIMES MARY SUE AND TERESA, YOU WOULD  
3           TALK ABOUT HAVING A THREE-SOME WITH A MAN OR A WOMAN  
4           IN ORDER TO GET SIMULATED, WOULDN'T YOU?

5           A        I NEVER NOTHING LIKE THAT, NO.

6                       MR. MORTON:   YOUR HONOR --

7                       THE COURT:   LET ME LET THE JURY GO TO THE  
8           JURY ROOM FOR JUST A MINUTE WHILE WE TAKE UP A  
9           MATTER.

10                      (THE JURY EXITS THE COURTROOM AT 09:56  
11           AM.)

12                      MR. POPE:   YOUR HONOR, I MOVE THIS WITNESS  
13           BE EXCUSED.

14                      THE COURT:   WELL, NO, HE'S THE DEFENDANT.  
15           HE CAN'T.

16                      MR. POPE:   WELL, HE CAN'T -- WE NEED TO  
17           APPROACH THE BENCH TO ADDRESS THIS ISSUE.

18                      MR. MORTON:   I MOVE FOR A MISTRIAL.  
19           WHAT'S HE DOING?

20                      THE COURT:   ALL RIGHT.   WHAT WAS THE  
21           QUESTION AGAIN THAT YOU ARE MOVING TO, ON WHAT BASIS  
22           ARE YOU MOVING FOR A --

23                      MR. MORTON:   I'M MOVING FOR A MISTRIAL ON  
24           THE FACT THAT MR. POPE IS NOW BRINGING UP SOME KIND  
25           OF EXTRANEIOUS MATTERS ABOUT MY CLIENT HAVING A

1 THREE-SOME WITH MEN AND WITH WOMEN IN FRONT OF THIS  
2 JURY.

3 THE COURT: WHAT'S THE --

4 MR. POPE: PLEASE THE COURT, YOUR HONOR.

5 THE COURT: HOW DOES THAT GET INTO --

6 MR. POPE: I HAVE A GOOD FAITH BASIS OF  
7 MARY COPE STATED THAT BILLY WOULD ALWAYS TALK ABOUT  
8 HAVING A THREE-SOME WITH A MALE OR FEMALE. THAT HE  
9 WANTED, WHEN HE WANTED SEX, HE WOULD TALK OF  
10 THREE-SOME ACTIVITIES TO GET AN ERECTION AND  
11 MASTURBATE. WE ARE TALKING ABOUT MASTURBATION, WE'RE  
12 TALKING ABOUT ERECTIONS ISSUES, AND IT'S -- I GOT A  
13 GOOD FAITH BASIS FOR ASKING IT.

14 THE COURT: WELL, YOU GOT A GOOD FAITH  
15 BASIS ASKING IT BUT HOW IS IT RELEVANT?

16 MR. POPE: I THINK IT IS RELEVANT---

17 THE COURT: I MEAN I CAN SEE HOW IT'S  
18 RELEVANT BUT BASED ON WHAT'S IN THE RECORD.

19 MR. POPE: YES, SIR.

20 THE COURT: HOW IS IT RELEVANT?

21 MR. POPE: THIS IS EXACTLY HOW IT IS  
22 RELEVANT: THE EVIDENCE INDICATES THAT TWO  
23 INDIVIDUALS WERE INVOLVED THAT PARTICULAR NIGHT  
24 AND --

25 MR. MORTON: THE EVIDENCE DOESN'T POINT TO

1 ANY SUCH THING.

2 MR. POPE: WE GOT HIM CONFESSING TO DOING  
3 IT, YOU GOT HIM, THE SAME CASE THAT YOU'VE HEARD THE  
4 WHOLE TIME, AND THERE IS A CLEAR INDICATION THAT HE  
5 DID IN FACT MASTURBATE THAT NIGHT AND THERE IS A  
6 CLEAR INDICATION THAT HE MASTURBATED WITH THE TIME  
7 FRAMES WHILE WATCHING THIS MAN HAVE SEX WITH HIS  
8 DAUGHTER.

9 THE COURT: ALL RIGHT. BUT THAT'S BASED  
10 ON WHAT NOW? A STATEMENT BY HIS DECEASED WIFE?

11 MR. POPE: RIGHT, TO LAW ENFORCEMENT.

12 THE COURT: HOW DOES THAT GET IN?

13 MR. POPE: SIR?

14 THE COURT: HOW DID YOU GET THAT IN?  
15 THAT'S HEARSAY.

16 MR. POPE: I HAVE GOOD FAITH BASIS FOR  
17 QUESTIONING HIM JUST LIKE MR. MORTON DID EARLIER IN  
18 THE TRIAL AND SAYING, YOU KNOW, WHY WOULD SO AND SO  
19 SAY SUCH AND SUCH AND YOU ALLOWED THAT TO COME IN.  
20 YOU CAN ASK HIM THAT, THAT I MAY BE STUCK WITH HIS  
21 ANSWER, OF COURSE HE'S ALREADY ANSWERED IT, BUT I  
22 HAVE A GOOD FAITH BASIS FOR ASKING IT AND WOULD BE  
23 ALLOWED TO PURSUE IT.

24 THE COURT: ANYTHING ELSE, MR. MORTON?

25 MR. MORTON: I MOVE FOR A MISTRIAL. THIS

1 JURY HAS BEEN PREJUDICED BY THIS OUTRAGEOUS COMMENT  
2 BY THE SOLICITOR IN FRONT OF THIS JURY. IT DOESN'T  
3 HAVE ANYTHING TO DO WITH THIS TRIAL. YOU KNOW,  
4 WHETHER IT COMES FROM A STATEMENT OR ANYTHING, YOU  
5 DON'T BRING THAT UP IN FRONT OF THE JURY 10 DAYS INTO  
6 A TRIAL ABOUT HIM HAVING A SEX WITH MEN AND OTHER  
7 WOMEN AND YOU KNOW. WHAT IF IT HAD SAID A DOG OR  
8 SOMETHING? I MEAN, IT'S RIDICULOUS.

9 MR. POPE: WELL, YOU GOT TO HAVE A GOOD  
10 FAITH BASIS --

11 MR. MORTON: HE'S BEEN PREJUDICED BY IT  
12 AND THIS JURY HAS BEEN TAINTED BY IT AND I MOVE FOR A  
13 MISTRIAL.

14 THE COURT: WELL, I'M GOING TO DENY THE  
15 MOTION FOR A MISTRIAL. I WILL GIVE A CURATIVE  
16 INSTRUCTION.

17 MR. MORTON: YOUR HONOR, I WANT, YOU KNOW,  
18 I MOVING FOR, I AM REALLY MOVING FOR A MISTRIAL.

19 THE COURT: WELL, I HEARD YOU.

20 MR. MORTON: THIS JURY DOESN'T NEED TO  
21 HEAR ALL THAT AND HE NEEDS TO BE ADMONISHED AND THEY  
22 NEED TO BE TOLD THAT THEY ARE NOT TO CONSIDER ANY  
23 SUCH LUDICROUS THING.

24 THE COURT: WELL, THAT'S WHAT I'M GOING TO  
25 DO. IF YOU OVER THE BREAK WILL DRAW UP AND YOU DON'T

1 HAVE TO ACCEPT A CURATIVE INSTRUCTION, BUT IF YOU  
2 WILL, IF YOU WOULD LIKE, IF YOU WILL DRAW UP A  
3 CURATIVE INSTRUCTION. OR WOULD YOU RATHER ME JUST DO  
4 IT? YOU ARE NOT WAIVING YOUR --

5 MR. MORTON: I UNDERSTAND. I'LL BE GLAD TO  
6 DO IT.

7 THE COURT: ---YOUR MISTRIAL. WE'LL TAKE  
8 A SHORT BREAK.

9 MR. MORTON: THANK YOU, YOUR HONOR.

10 (COURT'S IN RECESS AT 09:59 AM.)

11 THE COURT: I HAVE THE CURATIVE  
12 INSTRUCTION AND COMMENTS FROM THE STATE.

13 MR. POPE: YES, SIR, YOUR HONOR. RULE 611  
14 B, SCOPE OF CROSS EXAMINATION, A WITNESS MAY CROSS  
15 EXAMINE ON ANY MATERIAL RELEVANT TO ANY ISSUE IN THE  
16 CASE INCLUDING CREDIBILITY. YOUR HONOR, THIS  
17 PARTICULAR CASE YOU CLEARLY ACKNOWLEDGE YOURSELF YOU  
18 SEE THE RELEVANCE IN THIS PARTICULAR ISSUE. I DIDN'T  
19 CUT IT OUT OF WHOLE CLOTH. IT CAME OUT OF THE  
20 DISCOVERY MATERIALS THAT THE DEFENSE HAS HAD. I GOT  
21 A GOOD FAITH BASIS FOR ASKING IT. THE FACT THAT MR.  
22 MORTON DECIDES TO GET MORE OUTRAGED DOES NOT CHANGE  
23 THE RULES OF EVIDENCE, YOUR HONOR, AND I SUBMIT TO  
24 GIVE -- NOW YOU'VE STRICKEN THINGS BEFORE AND I  
25 RESPECT THE COURT'S DETERMINATION IF YOU CHOOSE TO

1 STRIKE IT, BUT TO GIVE A CURATIVE INSTRUCTION ON THIS  
2 AREA BECAUSE MR. MORTON IS SOMEHOW MORE OUTRAGED WHEN  
3 THIS IS CLEARLY RELEVANT TO THE CASE WOULD IN ESSENCE  
4 BE HAVING YOU COMMENT THAT SOMEHOW THAT QUESTION WAS  
5 IMPROPER AND I SUBMIT TO YOU IT'S NOT IMPROPER, YOUR  
6 HONOR.

7 THE COURT: NOW TELL ME AGAIN, I KNOW THE  
8 QUESTION HAD TO DO WITH THE THREE-SOME, LET'S CALL  
9 IT, AND IT CAME FROM WHAT?

10 MR. POPE: MARY COPE WAS ASKED BECAUSE  
11 OBVIOUSLY THE MASTURBATION ISSUE HAD COME UP, THEN  
12 MARY COPE WAS ASKED ABOUT THEIR SEXUAL SITUATION  
13 BASED ON THE SEXUAL NATURE OF THIS CASE AND SHE  
14 STATED THAT BILLY WOULD ALWAYS TALK ABOUT HAVING A  
15 THREE-SOME WITH A MALE OR A FEMALE; SAID THAT  
16 WHENEVER BILLY WANTED SEX HE WOULD TALK OF A  
17 THREE-SOME ACTIVITIES TO GET AN ERECTION AND  
18 MASTURBATE, SO THAT'S THE QUESTION THAT I POSED AND  
19 OF COURSE HE DENIED IT. BUT I AM CONCERNED -- I  
20 UNDERSTAND MR. MORTON'S OUTRAGE BUT JUST BECAUSE HE'S  
21 OUTRAGED AND THEN WE COME AND SAY SOMEHOW THE  
22 PROSECUTION HAS DONE SOMETHING IMPROPER, WHICH IS  
23 CLEARLY NOT THE CASE, YOUR HONOR. AND MY CONCERN IS  
24 BY GIVING SOME INSTRUCTION MUCH LIKE YOU HAD THEN  
25 SOMEHOW THE SOLICITOR HAS DONE SOMETHING IMPROPER AND

1            THAT'S JUST NOT THE CASE, YOUR HONOR.

2                            THE COURT:    ANYTHING ELSE, MR. MORTON?

3                            MR. MORTON:    YES, SIR, I STILL MOVE FOR A  
4            MISTRIAL AS OPPOSED TO A CURATIVE INSTRUCTION.

5                            THE COURT:    I'M GOING TO, RULE 430 ALLOWS  
6            THE COURT EVEN IF IT IS RELEVANT TO EXCLUDE EVIDENCE  
7            IF ITS PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHED BY  
8            THE DANGER OF UNFAIR PREJUDICE.    I'M GOING TO GIVE A  
9            CURATIVE INSTRUCTION, BUT I'M NOT GOING TO GO INTO AS  
10           MUCH DETAIL AS THE DEFENSE ASKED.    I'M JUST GOING TO  
11           INSTRUCT THE JURY, WITHOUT COMMENTING, TO DISREGARD  
12           THE LAST QUESTION AND ANSWER.    QUESTION BY THE STATE  
13           AND THE ANSWER, OF COURSE HE DENIED IT, SO THE ANSWER  
14           BUT YOU CAN'T HAVE AN ANSWER WITHOUT A QUESTION, SO  
15           I'M JUST GOING TO TELL THEM TO DISREGARD THE QUESTION  
16           AND ANSWER.    ALL RIGHT.

17                           MR. MORTON:    YOUR HONOR AND I'LL ASK THAT  
18            THE COURT, TELL THE JUDGE THAT THEY ARE TO CONSIDER  
19            THE FACTS OF THIS CASE AND THESE ARE NOT THE FACTS OF  
20            THIS CASE.

21                           THE COURT:    WELL, I'M GOING TO TELL THEM  
22            THAT AT THE END.    I'M NOT GOING TO GIVE A MINI  
23            CHARGE.

24                           MR. MORTON:    I WILL -- I'M SORRY.    I WANT  
25            THE RECORD TO REFLECT THAT IT'S MY PROPOSED

1 INSTRUCTION AS SOMETHING THE COURT ASKED ME TO ASSIST  
2 HIM, BECAUSE I'M NOT PROPOSING AN INSTRUCTION, I'M  
3 PROPOSING A MISTRIAL.

4 THE COURT: WELL, I'LL MAKE YOUR FORCED  
5 PROPOSAL OR WHATEVER YOU WANT TO CALL IT, YOUR  
6 PROPOSAL OVER YOUR OBJECTION --

7 MR. MORTON: WELL, YOU ASKED ME TO DO  
8 THAT.

9 THE COURT: I KNOW. I'M JUST TRYING TO  
10 PUT IT IN LANGUAGE THAT SAYS WHAT YOU WANT IT TO SAY.  
11 Y'ALL UNDERSTAND.

12 MR. MORTON: I UNDERSTAND.

13 THE COURT: YOU DIDN'T WANT TO DO THIS,  
14 THIS WAS FORCED, AND YOU DID A GOOD JOB, BUT I'M  
15 GOING TO MAKE IT PART OF THE RECORD AND NOT USE IT.

16 MR. MORTON: OKAY.

17 THE COURT: BRING IN THE JURY.

18 (THE JURY RETURNS TO THE COURTROOM AT  
19 10:19 AM.)

20 THE COURT: MEMBERS OF THE JURY PANEL, THE  
21 LAST QUESTION POSED BY THE STATE AND THE LAST ANSWER  
22 THE RESPONSE THERE TO I'M GOING TO STRIKE FROM THE  
23 RECORD, SO YOU ARE TO DISREGARD AND GIVE NO, NOT  
24 CONSIDER IN ANY FASHION THE LAST QUESTION AND THE  
25 ANSWER BY MR. COPE. THANK YOU.



1 MR. POPE: PLEASE THE COURT, YOUR HONOR.

2 MR. MORTON: AND MY OBJECTION IS NOTED FOR  
3 THE RECORD. CAN WE APPROACH.

4 (BENCH CONFERENCE AT 10:21 AM.)

5 MR. POPE: PLEASE THE COURT, YOUR HONOR.

6 CROSS EXAMINATION CONTINUED BY MR. POPE:

7 Q MR. COPE, WE WERE TALKING ABOUT STATE'S EXHIBIT  
8 NINE?

9 A THAT'S CORRECT.

10 Q OKAY. AND THAT WAS THE LAST WRITTEN STATEMENT  
11 THAT YOU GAVE ON THIS MATTER, IS THAT CORRECT?

12 A THE LAST WRITTEN STATEMENT. YES, SIR, THIS IS  
13 THE LAST STATEMENT, WRITTEN STATEMENT.

14 Q SO THAT MONDAY, ON INSANITY DAY, THE FIRST  
15 STATEMENT YOU GAVE WAS THE HANDWRITTEN ONE THAT YOU  
16 WROTE OUT, RIGHT?

17 A THAT IS CORRECT.

18 Q OKAY. AND THEN OF COURSE WE HAVE A VIDEO?

19 A THAT IS CORRECT.

20 Q OKAY. AND SO THE HANDWRITTEN STATEMENT AND THE  
21 VIDEO ARE UNDER THE INSANITY THEORY, RIGHT?

22 A YES, SIR.

23 Q OKAY. AND THEN THIS STATEMENT DONE IN THE  
24 AFTERNOON KIND OF BAILS ON THE INSANITY THEORY, THIS  
25 IS JUST I'LL TELL EVERYTHING YOU WANT YOU, Y'ALL PUT

1 WHAT YOU WANT HERE, RIGHT?

2 A IT'S NOT A THEORY, SIR, IT'S THE TRUTH.

3 Q SO THAT'S WHERE YOU ARE AT. HERE YOU PUT, YOU  
4 JUST BASICALLY, THIS CONTAINS WHATEVER THEY WANTED TO  
5 PUT?

6 A I, THAT'S CORRECT, YES, SIR.

7 Q AND YOU DIDN'T REALLY HAVE A HAND IN THIS?

8 A I DIDN'T SAY I DIDN'T HAVE A HAND IN IT. THEY  
9 TALKED TO ME, I TOLD THEM, THEY WROTE IT DOWN.

10 Q SO THEY WROTE WHAT YOU TOLD THEM?

11 A YES, SIR.

12 Q OKAY. NOW WE TOUCHED ON THIS YESTERDAY. IN  
13 ALMOST EVERY STATEMENT YOU HAVE YOU HAVE SOMETHING  
14 ABOUT AMANDA SPEAKING, DO YOU RECALL THAT?

15 A YES, SIR, I CAN REMEMBER THAT.

16 Q OKAY. AND AT ONE POINT AND EVEN ON THE VIDEO I  
17 THINK IT'S COME HERE DADDY OR COME, IS IT COME UP  
18 HERE DADDY, COME HERE DADDY, WHAT IS IT SHE IS  
19 TELLING YOU ON THE VIDEO?

20 A (NO RESPONSE.) I DON'T REMEMBER EXACTLY.

21 Q OKAY.

22 A BECAUSE I MEAN I CAN'T REMEMBER ONE TO THE NEXT  
23 BECAUSE IT WAS A LIE. THAT ONE WAS A LIE. ALL OF  
24 THEM WAS A LIE.

25 Q SO DADDY HELP ME WAS A LIE TOO?

1 A THAT'S CORRECT. IT WAS A LIE.

2 Q OKAY. AND OH GROSS DADDY THAT WAS A LIE?

3 A THAT ONE WAS BROUGHT FROM WHAT I SAID EARLIER

4 WHEN THEY WERE, WHEN ME AND HERRING WAS TALKING AND

5 MR. BAKER BROUGHT UP THAT PART.

6 Q SO MR. BAKER, YOU ARE SAYING MR. BAKER GOT IT

7 FROM THAT NIGHT BEFORE WHERE YOU SHOWED ME ON THE

8 SHEET YESTERDAY?

9 A WHEN WE WERE TALKING ABOUT EW GROSS DADDY, YES.

10 Q SO MISTER --

11 A OR EW GROSS MOMMA.

12 Q MR. BAKER WASN'T INVOLVED THAT NIGHT BEFORE?

13 A HE WASN'T INVOLVED, NO, BUT HE GOT THE NOTES

14 FROM MR. HERRING THE NEXT MORNING. HE GOT A LOT OF

15 NOTES AND STUFF.

16 Q SO HE GOT THE NOTES WHERE SHE SAID EW GROSS

17 DADDY?

18 A AND THEY BROUGHT UP OH GROSS.

19 Q ALL RIGHT. AND THEN YOU ALSO HEARD HER VOICE IN

20 THE DREAM. HOW MANY DIFFERENT DREAMS DID YOU HAVE ON

21 THAT NIGHT?

22 A HOW MANY DREAMS, I HAD JUST, THAT I CAN RECALL

23 IS THE ONE THAT I WOKE UP WITH.

24 Q OKAY. AND YOU HEARD HER VOICE IN THAT DREAM?

25 A THAT'S CORRECT.

1 Q OKAY. NOW THE ANGEL MUSIC PART, YOU KNOW, WHERE  
2 YOU HEAR ANGLE MUSIC LIKE AT THE EXACT TIME THAT  
3 PEOPLE DIE AND SHE SAID DADDY I LOVE YOU, GOODBYE,  
4 WAS THAT IN THAT DREAM OR IS THAT SOMETHING YOU  
5 ACTUALLY HEARD?

6 A THAT WAS--IT WAS IN THE DREAM. I THOUGHT IT WAS  
7 THE RAPTURE.

8 Q OKAY. WE'VE BEEN OVER THIS. MASTURBATION, ONE  
9 TIME YOU SAY BLUE TOWEL, THEN YOU SAY NO TOWEL, WHITE  
10 RAG. I THINK WHEN YOU TESTIFIED FIRST YOU SAID YOU  
11 CAN'T REMEMBER THAT NIGHT WHETHER IT WAS A WASH CLOTH  
12 OR OLD T-SHIRT?

13 A I SAID IT DIDN'T, IT JUST VARIED FROM WHATEVER.  
14 IT COULD BE A WASH CLOTH, TOWEL, T-SHIRT.

15 Q OKAY. AND YOU SAID THAT YOU HAD THAT HIDING  
16 PLACE BECAUSE SOMEBODY MIGHT GET A HOLD OF IT, RIGHT?

17 A THAT'S CORRECT.

18 Q SO YOU ARE HIDING IT FROM YOUR FAMILY OR  
19 SOMETHING?

20 A I DIDN'T WANT A, ME AND MY WIFE, YOU KNOW, I  
21 DIDN'T WANT TO MAKE HER FEEL BAD BECAUSE I KNOW, YOU  
22 KNOW, THAT SHE HAVE HAVING PROBLEMS.

23 Q OKAY. AND YOU CALLED IT YOUR SPECIAL HIDING  
24 PLACE?

25 A I DIDN'T SAY IT WAS MY SPECIAL HIDING PLACE.

1 IT'S JUST PLACE WHERE I HID IT.

2 Q THAT'S ALWAYS THE PLACE YOU USED, RIGHT?

3 A YES, SIR.

4 Q OKAY. AS FAR AS THE DILDO, SOME STATEMENTS YOU  
5 SAID YOU USED IT ON AMANDA AND SOMETIMES YOU SAID  
6 ONLY THE BROOM, IS THAT RIGHT?

7 A I THINK THE DILDO AND THE BROOM WERE THE TWO  
8 ITEMS THAT WERE SAID THAT WAS USED, YES, SIR.

9 Q OKAY. SO THAT'S THE ONES THAT YOU USED IN YOUR  
10 STORY?

11 A IN THE STORIES THAT I TOLD AND WHEN I DIDN'T  
12 CARE NO MORE. I JUST SAID WHATEVER WAS ON MY MIND.  
13 I DIDN'T CARE.

14 Q WHATEVER WAS ON YOUR MIND?

15 A THAT'S RIGHT.

16 Q OKAY. AND THEN AS FAR AS THE BROOM, AGAIN  
17 YOU'VE BEEN IN COURT, THERE HAVE BEEN A NUMBER OF  
18 BROOMS AND YOU CONSISTENCY TOLD THEM IT'S A BLUE  
19 WOODEN BROOM WITH NO CAP ON THE END, RIGHT?

20 A I SAID BLUE WOODEN BROOM. I SAID NO CAP ON THE  
21 END BECAUSE SHE SHOWED ME TWO WITH A CAP.

22 Q OKAY. YOU UNDERSTAND NOW ABOUT THE WAY SHE WAS  
23 THERE THAT DAY THAT THE SCENE WAS STAGED. THAT IT  
24 WAS MADE TO LOOK LIKE SOMETHING IT REALLY WASN'T,  
25 RIGHT?

1 A WHAT DO YOU MEAN BY THAT?

2 Q YOU'RE AWARE NOW FROM ALL THAT YOU'VE READ THAT  
3 SHE WASN'T STRANGLER WITH THIS GREEN BLANKET, RIGHT?

4 A I'M AWARE THAT'S WHAT THEY SAID, YES, SIR.

5 Q YOU THINK MAYBE SHE STILL WAS STRANGLER BY THE  
6 BLANKET?

7 A I, ALL I KNEW IS WHAT I SAW WHEN I WENT IN THERE  
8 AND HOW HER HANDS WAS.

9 Q OKAY. AND YOU, OF COURSE, HAVE GIVEN STATEMENTS  
10 ABOUT YOU WRAPPING IT AROUND TO LOOK LIKE SHE WAS  
11 KILLED, RIGHT?

12 A WELL, I MEAN, THAT'S ALL I KNEW SO I PUT DOWN  
13 WHAT I--THE PARTS THAT I KNEW.

14 Q AND OF COURSE HER BRA WAS LOOSE THAT MORNING,  
15 RIGHT?

16 A I SAID I DIDN'T KNOW BECAUSE I DIDN'T SEE HER  
17 BRA.

18 Q OKAY. IT WAS PLACED ON HER, RIGHT?

19 A I DON'T KNOW THAT.

20 Q OKAY. YOU SAW HER BREAST, YOU SAW YOUR RIGHT  
21 BREAST?

22 A I SAW HER RIGHT BREAST WHEN SHE ROLLED OVER AND  
23 HER HANDS DROPPED DOWN, I SAW HER RIGHT BREAST.

24 Q AND, OF COURSE, HER PANTS WERE PULLED UP AND THE  
25 DOCTOR TESTIFIED ABOUT SOMEBODY ELSE BY THE WAY IT

1 ROLLED UNDER, RIGHT?

2 A I GUESS SO.

3 Q OKAY. AND YOU TOLD THEM THAT MORNING OF THE  
4 THIRD THAT I TRIED TO RID THE HOUSE OF ALL THE STUFF  
5 THAT WOULD MAKE ME LOOK GUILTY, RIGHT?

6 A THAT'S CORRECT BECAUSE I HAD BEEN TOLD THINGS  
7 WERE MISSING, I WAS TOLD THAT A DILDO WAS MISSING SO,  
8 AND I HAD ALREADY TOLD THEM IN THAT STATEMENT TO  
9 BAKER THAT I HAD RID THE HOUSE, I PUT, I THREW  
10 STUFF OUT OF THE BACK DOOR.

11 Q OKAY.

12 A ALL RIGHT.

13 Q LET ME ASK A LITTLE BIT ABOUT THESE LETTERS AND  
14 YOUR ART WORK AND STUFF, YOU'VE HAD A CHANCE TO LOOK  
15 AT THESE?

16 A YES, SIR.

17 Q AND THAT'S STATE'S EXHIBIT NUMBER 91. NOW THESE  
18 I THINK YOU TALKED IN DETAIL YESTERDAY, THESE ARE  
19 LETTERS THAT YOU WROTE AND YOU PUT ART WORK ON THE  
20 OUTSIDE OF THE LETTERS, IS THAT CORRECT?

21 A THAT'S CORRECT.

22 Q SO YOU HAD A CHANCE TO LOOK AT THEM, RIGHT?

23 A YES, I'VE HAD A CHANCE TO LOOK AT THEM.

24 Q SO THESE ARE YOUR ENVELOPES?

25 A THOSE ARE MY ENVELOPES.

1 Q YOUR SIGNATURES?

2 A THOSE ARE MY SIGNATURES.

3 Q I SAY SIGNATURES, ADDRESSES?

4 A YES.

5 Q AND THEN THIS WRITING IS ALL YOUR WRITING, IS

6 THAT RIGHT?

7 A YES, SIR. I THINK SO, YES, SIR.

8 Q OKAY. AND THESE WERE ONES THAT YOU JUST SENT TO

9 AMY SIMMONS, IS THAT RIGHT?

10 A YES, SIR.

11 Q AND IF I UNDERSTOOD FROM WHAT YOU SAID

12 YESTERDAY, I THINK THESE ARE DEFENSE EXHIBITS, I

13 THINK WHEN MR. BAITY PUT THEM UP IN THE FIRST PLACE

14 NO LONGER ARE THE LETTERS TIED TO THE PROPER

15 ENVELOPES, THEY'VE BEEN MIXED UP, THAT'S WHAT YOU'VE

16 TESTIFIED TO?

17 A NO, SIR. I SAID THAT THE ENVELOPE THAT THE

18 SECOND CONFESSION LETTER CAME IN IS NOT THE PROPER

19 ENVELOPE FOR THAT LETTER AND IT'S NEVER BEEN REMOVED

20 FROM THE TWO.

21 Q OKAY. AND NOW, BUT I'M SAYING THESE LETTERS,

22 I'M NOT EVEN TALKING ABOUT THOSE LETTERS YET, THESE

23 LETTERS HAVE BEEN MIXED UP TOO, RIGHT?

24 A WELL, I MEAN, THERE HAS BEEN A LOT OF PEOPLE

25 HANDLING THOSE LETTERS.



1 Q FROM THE FIRST DAY WHEN WE HAD TO TAKE A BREAK  
2 BECAUSE THEY WERE SO MIXED UP?

3 A LETTERS HANDLED FROM ONE PLACE TO THE NEXT, YES,  
4 SIR.

5 Q NOW THESE LETTERS ARE LETTERS THAT YOU SENT TO  
6 AMY SIMMONS, RIGHT?

7 A THAT'S CORRECT.

8 Q AND YOU SAID I THINK THERE WAS 13 OR 14 AND  
9 YOU'VE ONLY SEEN 11 OF THEM?

10 A I THINK I'VE SEEN 11, YES, SIR.

11 Q OKAY. NOW THESE WERE LETTERS THAT AMY HAD AND  
12 THEN AMY ALSO SENT YOU LETTERS, RIGHT?

13 A YES, SIR. YES, SIR.

14 Q OKAY. AND WHAT DID YOU DO WITH THOSE LETTERS?

15 A I GAVE THEM TO MY ATTORNEYS.

16 Q OKAY. AND THEN IN ADDITION TO THESE LETTERS TO  
17 AMY, DID YOU SEND OTHER PEOPLE LETTERS TOO?

18 A YES, SIR, I DID.

19 Q I MEAN, LIKE YOUR MOM OR SOMETHING?

20 A YES, I DID.

21 Q WHATEVER, OKAY. HOW MANY DIFFERENT PEOPLE DID  
22 YOU WRITE TO, YOU THINK?

23 A OH, I WROTE TO A GROUP OF CHURCHES. I WROTE TO  
24 SOME CHURCHES. I THINK THERE WAS 27 DIFFERENT  
25 CHURCHES I WROTE TO ASKING THEM FOR PRAYER. I ALSO

1 WROTE TO AMY. I WROTE TO MY MOM. I WROTE TO MY  
2 SISTER. I WROTE TO MY BOSS. AND I WROTE ONE TO MY  
3 COUSIN.

4 Q OKAY.

5 A AND I THINK I ALSO WROTE ONE TO MY WIFE BEFORE  
6 SHE DIED.

7 Q ALL RIGHT. AND THEN WHAT, WOULD ALL OF THEM BE  
8 PRETTY MUCH THE SAME FORMAT. YOU WROTE PRETTY  
9 EXTENSIVELY, DIDN'T YOU?

10 A NO, SIR. I STARTED WRITING WITH THAT FORMAT  
11 THERE WAS ALL THE WAY ACROSS WHEN PAPER BECAME REAL  
12 SHORT WHEN I COULDN'T AFFORD IT. IT WAS USUALLY, I  
13 GUESS IT WAS PROBABLY THE BEGINNING OF THIS YEAR OR  
14 MIDDLE OF LAST YEAR.

15 Q IS WHEN PAPER BECAME SHORT?

16 A IS WHEN IT BECAME HARDER TO GET PAPER.

17 Q HOW DO YOU GET PAPER?

18 A WELL, I USED TO HAVE MONEY COMING IN MY ACCOUNT  
19 I COULD GET PAPER, BUT BECAUSE OF MY HIGH BLOOD  
20 PRESSURE BECAUSE OF MY MEDICATION IT COST ME LIKE \$80  
21 EVERY FIFTY DAYS, A 100 PILLS IS \$80 DOLLARS AND IT  
22 KEEPS ADDING UP ON MY ACCOUNT AND MY MOM COULDN'T  
23 AFFORD TO PAY IT OFF SO I SAID JUST LET IT GO. I'LL  
24 JUST DO WHAT I CAN FOR PAPER AND SO I STARTED, I  
25 STARTED HAVING TO UH SELL TRAYS, YOU KNOW, SELL TWO

1 OF MY TRAYS OF FOOD AND GO HUNGRY.

2 Q WHAT DOES THAT MEAN YOU TRADE OUT A TRAY?

3 A TRADE OUT A TRAY, YEAH.

4 Q YOU TOLD ME I THINK EARLIER YOU WRITE IN A  
5 JOURNAL?

6 A YES, I KEEP A JOURNAL.

7 Q OKAY. AND YOU USE PAPER FOR THAT TOO?

8 A I DO USE PAPER FOR THAT.

9 Q OKAY. AND IN ADDITION YOU SAID AS FAR AS YOUR  
10 DRAWINGS, NOW YOU DRAW THOSE ON PAPER TOO?

11 A I DRAW ON PAPER, YES.

12 Q OKAY. AND I THINK YOU SAID YOU DRAW ON  
13 CARDBOARD SOMETIMES?

14 A YEAH, ON THE BACK OF, ON THE BACK OF CARDBOARD  
15 PAD, THE PAD IT COMES IN, THE PAPER COMES ON.

16 Q LIKE THE LEGAL PAD?

17 A YEAH.

18 Q I GOT YOU.

19 A TYPE OF LEGAL TYPE PAD.

20 Q SO YOU KEPT THE BACK PART OF THE CARDBOARD PART  
21 OF THAT LEGAL PAD AND YOU DRAW ON THAT?

22 A YEAH.

23 Q AND THEN YOU DRAW ON THE LEGAL PAD PAPER TOO?

24 A LEGAL PAD PAPERS, SOMETIMES, NOT OFTEN. USUALLY  
25 IT'S WHITE PAPER FROM INDIGENT PROGRAM.

1 Q I GOT YOU. AND THEN IN THESE LETTERS, I THINK  
2 IN ONE OF THESE, I MEAN YOU TALK ABOUT ALL KINDS OF  
3 STUFF, JUST WHATEVER'S ON YOUR MIND?

4 A USUALLY, USUALLY I'M REFERRING BACK TO WHAT SHE  
5 SAID THEN I WOULD TELL HER HOW I WAS FEELING.

6 Q KIND OF LIKE A PEN PAL KIND OF THING?

7 A YEAH, IT WAS AT ONE POINT, BUT THEN IT SEEMED TO  
8 GET SERIOUS. I EVEN THINK I TOLD HER I STARTED  
9 CARING ABOUT HER IN ONE OF THE LETTERS.

10 Q RIGHT. AND WHEN WAS THAT TAKING PLACE, DO YOU  
11 REMEMBER?

12 A IT WAS TOWARD THE END OF THE LETTERS.

13 Q OKAY. NOW I THINK, WHEN DID THE LETTERS START?

14 A I THINK THE FIRST ONE STARTED, I THINK I SAID  
15 APRIL BUT I MISSPOKE. I THINK IT'S JULY OF 2003.  
16 THAT'S WHEN THE FIRST LETTER STARTED.

17 Q OKAY. AND THEN WHAT MADE YOU REMEMBER THAT WHEN  
18 YOU SAID APRIL AND THEN --

19 A BECAUSE THEY, HE SHOWED ME THE LETTERS YESTERDAY  
20 AND I SAW THE--- HE SAID THAT'S THE JULY LETTER AND  
21 THAT'S HOW I REMEMBER IT WAS JULY AND NOT APRIL.

22 Q I GO YOU. SO STARTED IN JULY OF 2003?

23 A WELL, THAT WAS THE FIRST INITIAL LETTER.

24 Q RIGHT.

25 A THEN THERE WAS LIKE A LONG TIME AFTER THAT

1 BEFORE I WROTE HER AGAIN BECAUSE SHE WROTE ME THE  
2 NEXT TIME FIRST AND THEN I STARTED WRITING HER.

3 Q I GOT YOU. NOW WERE THERE LETTERS TOO THAT YOU  
4 WROTE HER OR DIFFERENT PEOPLE THAT YOU NEVER SENT?

5 A THERE IS SOME LETTERS, YEAH. I WROTE THEM AND  
6 THEN I DIDN'T SEND THEM AND.

7 Q SOMETIMES I THINK YOU SAID IN HERE, OF COURSE  
8 I'LL LET YOU LOOK AT THEM IF YOU NEED TO, BUT  
9 SOMETIMES YOU SAID IN HERE, I WROTE A LETTER AND THEN  
10 TORN IT UP AND FLUSHED IT AND REWRITE IT AGAIN?

11 A I DIDN'T FLUSH --WELL, I DID TEAR SOME OF THEM  
12 UP AND THROW THEM IN THE GARBAGE OR THREW THEM IN THE  
13 OR FLUSH THEM BECAUSE I DON'T LIKE PEOPLE GOING IN MY  
14 STUFF. I DON'T TRUST PEOPLE. I QUIT TRUSTING ANY  
15 KIND OF OFFICIAL, SO I JUST DON'T, I MEAN.

16 Q THAT'S WHAT --

17 A I DIDN'T HIDE, I JUST DON'T WANT ANYBODY TO KNOW  
18 WHAT I SAID IN MY LETTER. IT WAS ACTUALLY EVERY ONE  
19 OF THEM WAS I'M BEGINNING TO FALL IN LOVE WITH YOU.

20 Q I GOT YOU.

21 A AND THAT'S THE TRUTH. I MEAN, I'M SORRY.

22 Q WHAT?

23 A I MEAN.

24 Q WHAT, SORRY?

25 A I'M SORRY THAT I EVEN THOUGHT THAT WAY.

1 Q I'M SORRY. I'M NOT --

2 A THAT I EVEN THOUGHT THAT I LOVED HER. I'M SORRY  
3 BECAUSE OF WHAT I'VE SEEN AS EVIDENCE SHE WAS TRYING  
4 TO SET ME UP.

5 Q OH, OKAY. OKAY. AND YOU'VE SEEN THAT EVIDENCE,  
6 WHEN DID YOU SEE THAT EVIDENCE?

7 A I SAW THAT EVIDENCE SHORTLY, SHORTLY BEFORE IT  
8 WAS SHOWED IN HERE. I CAN'T SAY, PROBABLY A WEEK  
9 BEFORE IT WAS SHOWED IN HERE.

10 Q YOU TALKING WHEN MR. BAITY DID THE THING WITH  
11 TALKING YOUR STUFF?

12 A THAT'S CORRECT.

13 Q I GOT YOU. SO YOU ACTUALLY, YOU TALKED ABOUT  
14 THE SECURITY THING, YOU SAID YESTERDAY THAT SOMETIME  
15 YOU DO DO THE SCRIBBLE THINGS SO PEOPLE, ABOUT NOT  
16 TRUSTING PEOPLE?

17 A I DO, YEAH, BECAUSE I DON'T TRUST PEOPLE TO, YOU  
18 KNOW I MEAN, ESPECIALLY, IT ALL REALLY COMES DOWN TO  
19 WHEN I WRITE MY ATTORNEYS. I DON'T WANT PEOPLE TO  
20 KNOW WHAT I WRITE MY ATTORNEYS ABOUT.

21 Q YOU PUT SOMETHING LIKE AROUND IT, SCRIBBLE, SO  
22 THEY CAN'T HOLD IT UP AND LOOK AT IT LIKE YOU ARE  
23 SAYING?

24 A THAT'S CORRECT.

25 Q OKAY. AND THEN I THINK IN ONE OF YOUR LETTERS

1 YOU END UP EXPLAINING TO AMY HOW YOU DEVELOPED, YOU  
2 TALKED ABOUT THIS YESTERDAY, DEVELOPED YOUR KIND OF  
3 CODE WHERE YOU'LL DRAW PICTURES?

4 A RIGHT.

5 Q AND DRAW PICTURES AND REFERENCE THEM IN THE  
6 LETTER, IS THAT CORRECT?

7 A THAT'S RIGHT.

8 Q THAT'S A SECURITY CODE TOO, SO YOU DID THAT TOO?

9 A THAT'S CORRECT.

10 Q OKAY. YOU WERE TELLING ME, YOU GET LETTERS, YOU  
11 GOT LETTERS FROM AMY, WHAT WAS THE OTHER LADY THAT  
12 TESTIFIED, LEILA?

13 A LEILA, YEAH. I ACTUALLY WROTE LEILA ONE OR TWO  
14 I THINK AND SHE SENT ME TWO CARDS.

15 Q NOW WAS LEILA MEETING WITH YOUR ATTORNEYS?

16 A NO, SHE WAS NOT. NOT TO MY KNOWLEDGE SHE WAS  
17 NOT.

18 Q OKAY. YOU DIDN'T DISCUSS THAT WITH YOUR  
19 ATTORNEY?

20 A NO, I DID NOT.

21 Q WAS AMY MEETING WITH YOUR ATTORNEY?

22 A SHE WAS.

23 Q OKAY. AND WAS THERE A TIME WHEN YOU WERE  
24 CONCERNED THAT LEILA WAS AGAINST YOU?

25 A ACTUALLY THERE WAS.

1 Q ALL RIGHT. AND YOU WROTE AMY ABOUT THAT, RIGHT?

2 A WELL, I THINK SHE STARTED WRITING ABOUT IT  
3 BECAUSE SHE SAID DON'T TRUST NOBODY IN YOUR LETTERS  
4 AND SO.

5 Q AMY TOLD YOU THAT?

6 A YEAH, SHE SAID THAT.

7 Q OKAY. AND LET ME SEE. SO YOU GOT LETTERS FROM  
8 AMY OR SENDING LETTERS TO AMY JULY 2003, IS THAT  
9 RIGHT?

10 A THAT'S CORRECT.

11 Q AND THAT CONTINUED ON UP TO WHEN?

12 A THAT CONTINUED TIL MAY 2004.

13 Q AND SO THE LETTERS THAT YOU ARE TALKING ABOUT  
14 THAT WE DON'T HAVE, WOULD THAT BE AFTER MAY OR  
15 SOMETIME IN BETWEEN?

16 A WHAT LETTERS ARE YOU TALKING ABOUT? THE ONES  
17 THAT I WROTE AND I DIDN'T --

18 Q THE ONES YOU SAID YOU HADN'T SEEN?

19 A OH, THE ONES I HADN'T SENT, YOU MEAN.

20 Q SEEN. I'M SORRY. YOU SAID THERE WAS 13 OR 14  
21 LETTERS BUT YOU --

22 A OH, THOSE WERE WRITTEN, LET'S SEE, THERE WAS ONE  
23 WRITTEN, IT WAS PRIOR TO TINKER MOUSE IN A BUBBLE  
24 BECAUSE THE NAME OF IT WAS CALLED TINKER MOUSE. IT  
25 WAS THE FIRST ONE THAT I STARTED AND THE ONE BEFORE



1 THAT WAS, I'M NOT SURE. THERE WAS TWO LETTERS THAT  
2 DIDN'T HAVE ENVELOPES. I COULDN'T, I THINK THERE WAS  
3 ONE THAT---I THINK THAT WAS THE ONLY ONE THAT I  
4 TESTIFIED TO WAS TINKER MOUSE BECAUSE THE OTHER ONES  
5 WERE, THERE WERE TWO LETTERS THERE WITH NO ENVELOPES.

6 Q IN THIS PACK?

7 A YEAH. AND I NEVER SENT TWO LETTERS IN ONE  
8 ENVELOPE.

9 Q SO LIKE THERE WAS, MAYBE WHEN SHE TURNED THEM IN  
10 THERE IS MORE LETTERS THAN THERE ARE ENVELOPES HERE  
11 IS WHAT YOU ARE SAYING?

12 A TO A CERTAIN DEGREE BUT THEN THERE IS ONE LETTER  
13 THAT'S NOT THERE THAT TALKS ABOUT TINKER MOUSE  
14 BECAUSE I ACTUALLY EXPLAIN TO HER ABOUT TINKER MOUSE  
15 IN THE LETTER.

16 Q OKAY. OKAY. AND NOW YOU ARE SENDING LETTERS TO  
17 HER STARTING IN JULY 2003 ALL THE WAY YOU SAID MAY OF  
18 2004?

19 A ACTUALLY, NO, SIR, I SAID I, I WROTE HER FIRST  
20 LETTER IN, IN 2003. I DID NOT KNOW IF SHE GOT THAT  
21 LETTER OR NOT. THEN IN 2000, IN DECEMBER OF 2003 I  
22 GOT FIRST WORD FROM MY MOM YOU ARE GOING TO RECEIVE A  
23 LETTER FROM AMY AND I SAID OKAY. THEN ABOUT, I  
24 WAITED AND I WAITED AND I NEVER GOT THE LETTER. SO  
25 MOM OR SUSAN CONTACTED AMY AND TOLD AMY THAT I NEVER

1 GOT THE LETTER. SO SHE SAID IN HER NEXT LETTER SHE  
2 WROTE TO ME I DON'T KNOW WHY YOU DIDN'T GET THE  
3 LETTER. I USED THAT ADDRESS YOU SENT ME AND YOU GIVE  
4 OR I WAS GIVEN OR YOU GAVE ME OR SOMETHING. I DON'T  
5 KNOW HOW SHE SAID IT. I SAID AND I SAID, I MEAN THEN  
6 HER LETTER SAID BUT HERE'S ANOTHER ONE INSTEAD AND IT  
7 WAS A CHRISTMAS ONE. THAT WAS THE FIRST ONE IN THE  
8 SERIES THAT STARTED.

9 Q THAT IS THE FIRST --

10 A THAT IS THE FIRST ONE I RECEIVED FROM HER.

11 Q AND THAT WAS DECEMBER OF 2003?

12 A THAT'S CORRECT.

13 Q AND THEN YOU KIND OF BECAME PEN PALS FROM THERE,  
14 IS THAT RIGHT?

15 A THAT'S CORRECT, YES.

16 Q OKAY. AND IN THE LETTERS YOU WROTE YOUR MOM  
17 SPOKE HIGHLY OF HER AND YOU WERE GLAD TO HAVE A TRUE  
18 FRIEND LIKE HER, IS THAT CORRECT?

19 A THAT'S CORRECT.

20 Q OKAY.

21 A BECAUSE I THOUGHT SHE WAS BEING A TRUE FRIEND.

22 Q OKAY. WILL YOU SAY THANK YOU FOR YOUR  
23 FRIENDSHIP FROM MY ATTORNEYS AND MYSELF?

24 A CORRECT.

25 Q OKAY. JUST WANTED YOU TO KNOW THAT I'M GLAD TO

1 HAVE YOU ON MY SIDE?

2 A RIGHT.

3 Q I THINK YOU MADE HER A VALENTINE, RIGHT?

4 A I DID. I DID MAKE A VALENTINE. I DIDN'T SEND  
5 IT FOR A LONG TIME BECAUSE I WASN'T SURE HOW MY  
6 FEELINGS WERE. IT WASN'T FEELINGS IN FEBRUARY. I  
7 JUST WANTED, YOU KNOW, TO SEND, I SEND VALENTINE'S.  
8 I SENT MY MOM CARDS. I SENT EVERYBODY A VALENTINE AT  
9 THAT TIME.

10 Q YOU SAID THAT YOU SENT, WAS GOING TO SEND A  
11 VALENTINE BESIDES I WAS STILL NOT ABLE TO WRITE AT  
12 THAT TIME?

13 A I WASN'T ABLE TO WRITE BECAUSE THE FIRST LETTER  
14 CAME OUT, THAT FIRST LETTER CAME OUT, AND I DIDN'T  
15 TRUST NOBODY AND ACTUALLY TRUTHFULLY NEITHER DID MY  
16 ATTORNEYS OR ANYBODY ELSE IN MY FAMILY. WE WASN'T  
17 SURE WHAT TO TRUST AND THEN THINGS STARTED CHANGE. I  
18 REALLY DON'T KNOW THE BACKGROUND BEHIND IT. ALL I  
19 KNOW IS IT WAS OKAY FOR ME TO START WRITING AGAIN.

20 Q OKAY.

21 A SO I STARTED WRITING AGAIN.

22 Q WHO SAID IT WAS OKAY?

23 A MY ATTORNEYS.

24 Q OKAY. SO WHEN THAT FIRST LETTER, AMY GAVE THAT  
25 FIRST LETTER, LET'S SEE. I THINK IT'S STATE'S

1 EXHIBIT 90. AMY GAVE THAT FIRST LETTER TO YOUR  
2 ATTORNEYS RIGHT THE FIRST OF JANUARY, IS THAT RIGHT?

3 A YES, SOMEWHERE IN THERE.

4 Q OKAY. WHEN DID YOU FIRST SEE IT?

5 A SHORTLY AFTER THAT. AS A MATTER OF FACT,  
6 PROBABLY, IF I HAD MY BOOK, I COULD TELL YOU EXACTLY  
7 WHEN IT WAS.

8 Q OKAY. WHEN YOU SAW IT?

9 A BECAUSE I KEEP UP WITH ALL --

10 Q YOU WANT YOUR BOOK? YOU NEED IT?

11 A YEAH, GO AHEAD.

12 MR. POPE: HE NEEDS HIS BOOK.

13 A HE WANTS TO KNOW WHEN I RECEIVED, WHEN I SAW  
14 THAT LETTER.

15 MR. MORTON: YOUR HONOR, MAY WE APPROACH  
16 THE BENCH.

17 (BENCH CONFERENCE AT 10:45 AM.)

18 A I RECEIVED THE, JANUARY THE 12.

19 Q OKAY. SO JANUARY 12 THAT'S WHEN YOU HAD AN  
20 OPPORTUNITY TO VIEW STATE'S EXHIBIT 90, IS THAT  
21 RIGHT?

22 A THAT'S THE FIRST TIME I SEEN IT, YES, SIR. THEY  
23 HAD IT IN A BAG AND WOULDN'T LET ME TOUCH IT.

24 Q THE DEFENSE DID?

25 A YES.

1 Q OKAY. AND SO AMY, TO YOUR KNOWLEDGE, AMY HAD  
2 BROUGHT THAT TO THEM. SHE HAD RECEIVED IT FROM YOU  
3 AND BROUGHT TO THEM?

4 A THAT'S CORRECT. SHE SAID THAT SHE RECEIVED IT  
5 FROM ME.

6 Q OKAY. AND THEN LET'S SEE, THAT WAS JANUARY, SO  
7 ANYWAY THE PEN PAL THING CONTINUES UNTIL MAY, WHAT  
8 DID YOU SAY, MAY 20 I THINK. YOU GOT THAT DATE?

9 A MAY 20 WAS I THINK WHEN I WROTE THE LAST LETTER,  
10 YES. AND I THINK SHE RECEIVED THAT LETTER THERE THAT  
11 SHE SAYS SHE RECEIVED ON THAT DAY AND THEN THERE WAS  
12 ANOTHER LETTER AFTER THAT THAT I HAD WRITTEN THAT WAS  
13 ACTUALLY I THINK IT WAS ON MAY 19 AND SHE RECEIVED IT  
14 A COUPLE DAYS LATER OR ACTUALLY IT WAS LIKE A WEEK  
15 AND A HALF LATER BECAUSE I THINK IT GOT REDIRECTED  
16 BACK TO THE JAIL THEN AND THEN FOR SOME ODD REASON  
17 INSTEAD OF BEING PUT IN MY PROPERTY LIKE IT WAS  
18 SUPPOSED TO, IT WAS SENT RIGHT BACK TO HER HOUSE.

19 Q KIND OF RETURN AND SPUN BACK OUT?

20 A THAT'S NOT NORMAL. THAT'S NOT NORMAL PRACTICE  
21 FOR THE JAIL. I DIDN'T UNDERSTAND WHY THAT HAPPENED.

22 Q OKAY. AND THEN SO YOU MADE A DECISION TO QUIT  
23 WRITING HER ON THE 20TH?

24 A I DID THE SAME THING WE DID FROM THE BEGINNING,  
25 WE STOPPED TO SEE WHAT WAS GOING ON. I DIDN'T KNOW

1           WHAT HAD HAPPENED. I JUST KNEW I DIDN'T WRITE THAT  
2           LETTER. AND I SAW THE, I SAW THAT LETTER, THE FIRST  
3           TIME I SAW THAT LETTER WAS AT ONE OF MY FAMILY COURT  
4           HEARINGS.

5           Q       SO THAT'S ON IN JUNE SOMETIME, THE FIRST TIME  
6           YOU SAW THAT?

7           A       THAT WAS I THINK A WEEK OR TWO WEEKS, ABOUT A  
8           WEEK BEFORE MY TRIAL.

9           Q       OKAY. BECAUSE THAT SECOND LETTER INSTEAD OF  
10          TAKING IT TO YOUR ATTORNEY SHE BROUGHT IT TO ANDERSON  
11          SHERIFF'S DEPARTMENT, RIGHT?

12          A       I'M NOT SURE WHERE ALL IT WENT. I'VE HEARD SO  
13          MANY STORIES I DON'T REALLY KNOW.

14          Q       WELL, YOU UNDERSTAND YOUR ATTORNEY STIPULATED  
15          THAT'S WHERE IT WENT?

16          A       OKAY.

17          Q       OKAY. THEN WENT TO SLED?

18          A       INITIALLY, I MEAN, EVENTUALLY, YES.

19          Q       DO YOU KNOW WHEN YOUR EXPERT LOOKED AT THE FIRST  
20          LETTER SHE BROUGHT?

21          A       I DO NOT.

22          Q       OKAY. SO WAS THAT THE LAST CONTACT YOU HAD WITH  
23          HER ON THE 19-20?

24          A       THAT LAST LETTER THAT I ACTUALLY WROTE HER WAS  
25          THE LAST TIME I HAD CONTACT WITH HER, YES, SIR.

1 Q AND PRIOR TO THAT, LIKE THROUGH APRIL AND INTO  
2 MAY, I MEAN HECK, SOME DAYS YOU'D SEND AN EIGHT PAGE  
3 LETTER OR LONG LETTERS?

4 A SOMETIMES, YEAH. I THINK THERE WAS 19-20 PAGE  
5 LETTER ONE TIME.

6 Q SOMETIMES YOU WOULD WRITE A LETTER AND COME BACK  
7 AND KEEP WRITING IT, RIGHT?

8 A RIGHT.

9 Q OKAY. I THINK YOU TOLD HER IN ONE OF THE  
10 LETTERS THAT, SOMETHING ABOUT THAT YOUR HANDWRITING  
11 WOULD BE DIFFERENT IN DIFFERENT LETTERS. I THINK YOU  
12 APOLOGIZED FOR THAT?

13 A THAT'S, THAT'S, YEAH BECAUSE THAT'S THE WAY I'M  
14 SITTING OR THE WAY I'M STANDING OR YOU KNOW THE WAY  
15 I, THE WAY I AM. WHETHER I LAID DOWN OR WHETHER I  
16 SIT. A LOT OF TIMES I NOTICED MY HANDWRITING, I  
17 WRITE KIND OF SIDE WAYS WHEN I LAY DOWN OR IF I'M  
18 SITTING UP I WRITE ONE WAY OR IF I'M AT THE TABLE OR  
19 A DESK OUTSIDE MY ROOM I WRITE A DIFFERENT WAY.

20 Q AND YOU TOLD HER ONE TIME, YOU SAID AND THIS IS  
21 IN YOUR, MAKE SURE I TELL YOU THE RIGHT DATE, APRIL  
22 22 LETTER, YOU SAID PLEASE EXCUSE ME IF I HAVE  
23 DIFFERENT HANDWRITING, THAT'S WHAT YOU WERE TALKING  
24 ABOUT?

25 A THAT'S CORRECT, YEAH.

1 Q AND SOMETIMES I NOTICE YOU WRITE, SOMETIMES YOU  
2 PRINT AND SOMETIMES YOU WRITE, SOMETIMES YOU ARE IN A  
3 BIG HURRY BECAUSE IN THE LETTER YOU SAY YOU GOT TO  
4 GET IT OUT BY THE DEADLINE, IS THAT RIGHT, SO  
5 SOMETIMES YOU WRITE FASTER THAN OTHERS TOO, RIGHT?

6 A IF I WANTED A LETTER OUT, THE MAIL GOES OUT BUT  
7 FOR THE LAST TIME AT THE JAIL ON THURSDAY AFTERNOON.  
8 I MEAN THURSDAY NIGHT AT MIDNIGHT, THAT'S THE LAST  
9 TIME WE HEAR FROM THE, YOU KNOW, MAIL IS STOPPED  
10 UNTIL. WE RECEIVE MAIL ON FRIDAY, BUT ANY MAIL WE  
11 GIVE THEM ON FRIDAY IT'S HELD OVER UNTIL SUNDAY,  
12 UNTIL MONDAY MORNING WHEN THE WOMAN COMES IN.

13 Q OKAY. AND SO THERE ARE TIMES WHEN YOU ARE  
14 TRYING TO BEAT THE DEADLINE WHEN YOU WRITE?

15 A SOMETIMES, YES, SIR.

16 Q YOU SAY THAT IN YOUR LETTERS?

17 A YEAH, I MEAN.

18 Q THAT'S ALL I'M ASKING. ACTUALLY THAT MAY 19  
19 LETTER IS WHEN YOU TELL HER ABOUT YOUR CODE ABOUT  
20 DRAWING AND THE MATCHING THE DRAWINGS WHERE YOU SAY,  
21 YOU DO KNOW WHY I DRAW THEM ON THERE, DON'T YOU, AND  
22 YOU EXPLAIN THAT, RIGHT?

23 A THE MAY 19 LETTER.

24 Q YES, SIR. YOU NEED TO SEE IT. WOULD THAT HELP  
25 YOU?



1       A     THAT'S PROBABLY, THAT MAY BE TRUE BUT I HAD  
2       STARTED THE CODE A LONG TIME BEFORE THAT. I THOUGHT  
3       SHE RECOGNIZED IT SO I TOLD HER. I JUST TOLD HER IN  
4       THE LETTER.

5       Q     TOLD HER WHY YOU WERE --

6       A     YEAH.

7       Q     I GOT YOU.

8       A     THAT DIDN'T COME UNTIL LATER ON ANYWAY. I JUST  
9       DONE THE DRAWING AND REALLY TRUTHFULLY TO BE HONEST,  
10      I DIDN'T TRUST THE JAIL. I THOUGHT THAT THE JAIL WAS  
11      ACTUALLY CHANGING MY ENVELOPES BECAUSE I DIDN'T, I  
12      DIDN'T KNOW THAT WAS MY SIGNATURE. I LOOKED AT THE  
13      ENVELOPE AND I SAID WELL, YOU KNOW THAT'S A  
14      SIGNATURE, PEOPLE CAN'T FORGE IT, AND I THOUGHT IT  
15      WAS MY ENVELOPE. I MEAN IT WAS NOT MY ENVELOPE SO I  
16      THOUGHT MAYBE THE JAIL WAS CHANGING THEM OR THERE WAS  
17      SOMEBODY, SOMEBODY WAS, MAYBE ONE OF THE INMATES WAS  
18      GETTING THE MAIL OUT OF THE BOX, OPENING IT UP,  
19      PUTTING ANOTHER LETTER IN.

20      Q     SO YOU TRIED TO BUILD IN DIFFERENT KIND OF FAIL  
21      SAFES IF SOMEBODY FOUND YOUR STUFF, YOU'D BE COVERED?

22      A     WELL, IT WASN'T THAT. I JUST WANTED TO KNOW WHO  
23      WAS DOING IT. I FIGURED I'D FIND A WAY TO FIND OUT  
24      WHO WAS ACTUALLY DOING THIS, YOU KNOW, AND PREVENT IT  
25      FROM HAPPENING.

1 Q KIND OF LIKE A DETECTIVE?

2 A I WOULDN'T SAY A DETECTIVE, NO, SIR. I JUST.

3 MR. POPE: BEG THE COURT'S INDULGENCE.

4 Q MR. COPE, WE'RE GOING TO WRAP IT UP. I ASKED

5 YOU ABOUT, YOU HAD TOLD US AT THE BEGINNING ALL THE

6 PEOPLE YOU TALKED TO. NOW YOU TOLD US ABOUT THE

7 FREEDOM TEAM AND THEN YOU TOLD US ABOUT THE LADY

8 FIRST NAME -- CAROL?

9 A THAT'S CORRECT.

10 Q YOU SAID THAT WAS CAROL, WHAT WAS HER LAST NAME?

11 A GABLE.

12 Q WHERE SHE FROM?

13 A SHE'S FROM ANDERSON, SOUTH CAROLINA, FROM WHAT I

14 HEAR.

15 Q HOW DID YOU COME IN CONTACT WITH HER?

16 A MY ATTORNEYS TOLD ME ABOUT HER.

17 Q OKAY. WHAT'S SHE DO?

18 A SHE WORKS FOR DATELINE NBC.

19 Q YOU HAD CONVERSATIONS WITH HER, RIGHT?

20 A SHE'S THE PRODUCTION MANAGER I THINK.

21 Q OKAY. YOU'VE HAD CONVERSATIONS ON CAMERA WITH

22 DATELINE, RIGHT?

23 A THAT'S CORRECT.

24 Q OKAY. NOW IN ONE OF YOUR LETTERS TO AMY YOU

25 TELL HER ABOUT, AND LET ME JUST MAKE SURE I TELL YOU,

1 THE MARCH 16 LETTER?

2 A OKAY.

3 Q YOU REMEMBER THAT LETTER?

4 A YES, SIR.

5 Q TELL HER ABOUT THE PROPHET COMING TO JAIL?

6 A YES, SIR.

7 Q OKAY. HE SAW YOU ON A TV SHOW HOLDING UP A

8 BOOK?

9 A THAT'S CORRECT. THAT IS CORRECT.

10 Q HE SAW YOU IN A NICE SUIT STANDING BEFORE A

11 LARGE CONGREGATION PREACHING THE WORD?

12 A THAT IS CORRECT, SIR.

13 Q AND HE SAW YOU WITH LOTS OF MONEY?

14 A YES, SIR. THERE WAS A GUY BY THE NAME OF WILLIE

15 MCMULLEN WHO WAS ACTUALLY AN INMATE AND HE CAME UP

16 AND WE WAS TALKING ONE AFTERNOON AND HE SAID

17 MR. COPE, I HAD A VISION ABOUT YOU LAST NIGHT. I

18 SAID YOU DID. HE SAID YES, SIR. I SAW YOU IN THREE

19 STAGES OF YOUR LIFE. HE SAID I SAW YOU, YOU WERE

20 STANDING BEFORE A CONGREGATION PREACHING TO,

21 PREACHING TO A MULTITUDE OF PEOPLE, AND HE SAID THERE

22 WAS, ALSO A TALK SHOW, YOU WERE STANDING, YOU WERE ON

23 A TV TALK SHOW, AND YOU WERE HOLDING UP A BOOK AND I

24 SAID YES AND HE SAID AND I SAW YOU WITH A LOT OF

25 MONEY AND I SAID OKAY. THEN HE GOES, THEN HE SAYS DO

1 YOU KNOW ANYTHING ABOUT THIS. I SAID WELL GOD HAS  
2 CALLED ME TO PREACH. AND I SAID AND I SAID AND YOU  
3 ARE A WITNESS TO THAT. I MEAN YOU'VE SEEN ME HERE IN  
4 THE JAIL AND HE SAID YES, SIR. AND I SAID AND I SAID  
5 I AM WRITING A BOOK. I HAVE BEEN WRITING, IT'S A  
6 JOURNAL. IT'S BEEN MY JOURNAL SINCE THE 26ND DAY OF  
7 JANUARY WHEN I FIRST GOT NOTEBOOK PAPER. TIL THEN I  
8 NEVER HAD NOTEBOOK PAPER. NEVER HAD ANY KIND OF  
9 PAPER. I WAS IN MAX. I COULDN'T GET NOTHING.  
10 DIDN'T KNOW ABOUT THE INDIGENT PROGRAM. DIDN'T EVEN  
11 HAVE A INK PEN. THEN HE SAID OKAY. AND I SAID, HE  
12 SAID AND I ALSO SEE YOU ON A TALK SHOW. AND I SAID,  
13 I SAID AS LONG AS IT WASN'T, I CAN'T THINK OF THE  
14 WOMAN, ONE OF THE RISQUE SHOWS, I SAID AS LONG AS IT  
15 IS NOT SOMEONE LIKE THAT I'M FINE WITH THAT. AND HE  
16 SAID AND OTHER THAN THAT I DON'T KNOW. HE SAID HE  
17 SAID, I SAID OTHER THAN THAT I DON'T KNOW. AND HE  
18 SAID, HE SAID WELL EVERYTHING IS GOING TO GO GOOD FOR  
19 YOU AND I SAID OKAY AND I TOLD HER ABOUT IT. BUT  
20 THAT HAPPENED TWO YEARS BEFORE I WROTE THAT LETTER.  
21 Q YOU TOLD HER THAT, I MEAN, IN THE LETTER THAT  
22 YOU ARE ON TELEVISION AND YOU ARE HOLDING UP THAT  
23 BOOK?  
24 A THAT'S CORRECT.  
25 Q YOU TOLD HIM YOU HAD THAT JOURNAL AND YOU WERE

1 INTENDING TO PUBLISH IT, RIGHT?

2 A I DID TELL HIM THAT.

3 Q AND THAT JOURNAL IS GOING TO TELL WHAT HAPPENED,  
4 RIGHT?

5 A THAT JOURNAL IS THE TRUTH. IT'S, ACTUALLY IT'S,  
6 THE JOURNAL IS ABOUT WHAT HAPPENED IN THIS JAIL, ALL  
7 THE THINGS THAT HAPPENED IN THIS JAIL.

8 Q OKAY. ACTUALLY ONE OF THE LETTERS YOU EXPLAIN  
9 THAT YOU WERE WRITING BOOKS. ONE BOOK IS ABOUT SOME  
10 MAN DYING OF A HEART ATTACK AND THE OTHER BOOK YOU  
11 ARE WRITING WHAT HAPPENED THAT NIGHT --

12 A THAT'S CORRECT.

13 Q AND WHAT'S HAPPENED SINCE?

14 A THAT'S CORRECT.

15 Q SO IN YOUR BOOK ARE YOU GOING TO WRITE A VERSION  
16 OF THE TRUTH THEN?

17 A IT IS THE TRUTH AND IT'S EXACTLY WHAT I'VE BEEN  
18 TRYING TO TELL EVERYBODY. I WANT THE TRUTH OUT. I'M  
19 TIRED OF BEING HOUNDED BY PEOPLE LIKE YOU AND BY  
20 PEOPLE LIKE THE POLICE DEPARTMENT AND EVERYBODY ELSE  
21 AND ALL THE PEOPLE, THE PUBLIC WILL KNOW THE TRUTH,  
22 AND NOW THEY DO KNOW THE TRUTH.

23 Q I THINK YOU ARE RIGHT, SIR. I HAVE NO FURTHER  
24 QUESTIONS.

25 A I --

1 THE COURT: MR. GREELEY.

2 MR. GREELEY: MAY IT PLEASE THE COURT.

3 THE COURT: CERTAINLY.

4 CROSS EXAMINATION BY MR. GREELEY:

5 Q GOOD MORNING, MR. COPE.

6 A GOOD MORNING, SIR.

7 Q I WILL TELL YOU THAT I WILL TRY NOT TO HOUND  
8 YOU, OKAY?

9 A I WILL TRY TO BELIEVE YOU.

10 Q OKAY. LET'S SHIFT GEARS, OKAY. I'M WANT TO GO  
11 BACK AND JUST TALK A LITTLE BIT ABOUT THE DAY BEFORE  
12 AND BASICALLY YOU AND YOUR FAMILY THERE AT THE HOUSE?

13 A OKAY.

14 Q OKAY. NOW YOU'VE ALREADY TESTIFIED THAT ONE OF  
15 YOUR DOWN FALLS IS THAT, THAT YOU WERE LAZY?

16 A I WAS LAZY, YES, SIR. WELL I WAS VERY LAZY.  
17 I'M NOT ACTUALLY LAZY ANYMORE BECAUSE I DON'T HAVE  
18 THE WEIGHT THAT I USED TO. I USED TO WEIGHT 385  
19 POUNDS WHEN I CAME TO JAIL. NOW I EXERCISE A LITTLE  
20 MORE, DO A LITTLE MORE, WORK OUT, THINGS LIKE THAT.

21 Q AND SO NOW YOU ARE NOT LAZY, IS THAT CORRECT?

22 A I WOULDN'T SAY I'M NOT LAZY. I'M NOT AS LAZY AS  
23 I USED TO BE. I HAVE TO CLEAN MY ROOM AND I HAVE TO  
24 DO CERTAIN CHORES AROUND THE JAIL.

25 Q AND I JUST REMEMBER IN SOME OF THE EVIDENCE THAT

1 I'VE SEEN AND STATEMENTS THAT I'VE HEARD, I THINK  
2 MARY SUE WORKED AND YOU HAVE ALREADY SAID SHE WENT IN  
3 AT TEN AND SHE WOULD GET HOME ABOUT 7:30, IS THAT  
4 CORRECT?

5 A WELL, YEAH, THAT'S ABOUT TRUE BY 7:30.

6 Q AND SHE WORKED DURING THE WEEK MONDAY THROUGH  
7 FRIDAY?

8 A THAT'S CORRECT.

9 Q AND THIS, THIS WAS A WEDNESDAY EVENING, THE  
10 EVENING LEADING UP TO THIS INCIDENT?

11 A THAT'S CORRECT.

12 Q AND SO THAT WAS DURING THE WEEK AND SHE WAS  
13 WORKING THAT WEEK, IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q OKAY. AND THAT EVENING IT HAS BEEN DISCUSSED AS  
16 TO WHAT WAS EATEN FOR SUPPER AND I THINK YOU SAID  
17 THAT MARY SUE COOKED SUPPER THAT NIGHT, IS THAT  
18 RIGHT?

19 A SHE DID. SHE COOKED SUPPER, THAT'S CORRECT.

20 Q AND I BELIEVE THAT YOU HAD EVEN SAID THAT A LOT  
21 OF THE CLOTHES WERE OUT AROUND BECAUSE Y'ALL HAD  
22 FOGGED THE HOUSE AND MARY SUE HAD NOT HAD TIME TO  
23 WASH THOSE CLOTHES YET, IS THAT CORRECT?

24 A SOME OF THE CLOTHES. A LOT OF THE CLOTHES WERE  
25 THE CLOTHES WE BROUGHT BACK FROM THE MOUNTAINS WITH

1 US.

2 Q OKAY. BUT MARY SUE HAD NOT HAD TIME TO DO THAT?

3 A NOT ALL OF THEM, NO. I NOTICED SHE HAD GOTTEN  
4 SOME OF THE KITCHEN DONE, HER AND AMANDA I THINK  
5 WORKED SOME IN THE KITCHEN, SOME IN THE BATHROOM, AND  
6 A LITTLE IN THE LIVING ROOM. THE LIVING ROOM LOOKED  
7 A LITTLE WORSE THAN WHAT IT WAS BEFORE.

8 Q AND AMANDA BEING THE OLDEST DAUGHTER WOULD HELP  
9 HER MOTHER FROM TIME TO TIME?

10 A ALL THREE OF THEM WOULD, YES, SIR.

11 Q SO ALL THREE OF THE DAUGHTERS WOULD HELP MARY  
12 SUE IN TRYING TO KEEP UP WITH THE HOUSE AND KEEP UP  
13 WITH THE FAMILY, IS THAT A FAIR STATEMENT?

14 A I WOULD SAY THAT'S A FAIR STATEMENT, YES, SIR.

15 Q OKAY.

16 A THEY HELPED OUT. I MEAN THEY DONE THEIR PARTS.  
17 THEY HAD CHORES THAT THEY HAD TO DO AND THEY TOOK  
18 CARE OF IT. I MEAN, WE DIDN'T HAVE NO PROBLEMS.

19 Q AND I THINK THAT YOU MENTIONED THAT AMANDA WAS  
20 RESPONSIBLE FOR CLEANING HER ROOM AND HER CLOSET, IS  
21 THAT CORRECT?

22 A FOR, FOR, SHE WAS RESPONSIBLE FOR REMOVING THE  
23 CLOTHES AND STUFF OUT OF HER CLOSET SO WE COULD SPRAY  
24 FOR THE ROACHES AND SHE WAS RESPONSIBLE FOR CLEANING  
25 HER ROOM WHICH SHE NEVER DONE THAT. SHE WAS ALWAYS



1 DOING OTHER THINGS. SHE WAS HELPING MOM DO  
2 EVERYTHING ELSE. MOM HELPED HER IN HER ROOM QUITE  
3 OFTEN TOO.

4 Q OKAY. AND I THINK THAT DAY THAT YOU INDICATED  
5 THAT AFTER YOU PICKED UP AMANDA FROM SCHOOL YOU HAD  
6 TO STOP BY THE SCHOOL BECAUSE MARY SUE HAD ASKED YOU  
7 TO GET SOMETHING?

8 A THAT'S CORRECT. WHEN I COME IN FROM WORK THAT  
9 MORNING AND I HAD TALKED WITH MARY SUE SHE SAID  
10 SOMETHING ABOUT PICKING UP SOME WASHING POWDERS AND  
11 PICKING UP SOME, I THINK IT WAS SOME SUGAR OR  
12 SOMETHING.

13 Q OKAY. AND WHEN YOU GOT TO THE STORE YOU ALLOWED  
14 AMANDA TO GO IN AND GET THAT?

15 A AMANDA ASKED ME COULD SHE GO IN AND I TOLD HER I  
16 WOULD LET HER AND THEN I RODE AROUND THE BLOCK. MY  
17 ATTORNEY DIDN'T LET ME FINISH THAT BUT I UNDERSTAND  
18 FOR THE SAKE OF TIME I'M GOING TO FINISH IT NOW, IF  
19 YOU DON'T KNOW MIND.

20 Q GO RIGHT AHEAD?

21 A I WAS, AS I WAS CIRCLING AROUND WE STOPPED. I  
22 SAW THIS CHRISTMAS ORNAMENTS IN THE SALVATION ARMY  
23 WINDOW, A BIG PLAQUE OF SANTA CLAUSE AND A REINDEER.

24 Q AND LET ME SEE IF I CAN ASK IF I HAVE THIS  
25 CORRECTLY, YOU SAW THOSE AND THEY CAUGHT YOUR EYE

1 BECAUSE THEY WERE ORNAMENTS THAT YOU REMEMBERED AS A  
2 CHILD?

3 A THAT'S CORRECT.

4 Q OKAY. AND SO YOU GOT OUT OF THE TRUCK AND YOU  
5 WENT IN TO SEE IF YOU COULD SOMEHOW BARTER WITH THEM  
6 TO ACQUIRE THESE ORNAMENTS THAT WERE SPECIAL TO YOU  
7 AS A CHILD?

8 A NO, I WON'T SAY I --- WELL, FIRST OF ALL IT WAS  
9 A VAN WITH MY, I PULLED INTO THE PARKING LOT. WE  
10 WENT IN, I WENT INTO THE STORE, AND I ASKED THE MAN  
11 HOW MUCH WERE THEY. HE TOLD ME THEY WERE NOT FOR  
12 SALE, THEY WERE STORE PROPERTY, BUT THE THING WAS, I  
13 BEEN IN THE SALVATION ARMY A THOUSAND TIMES OR MORE  
14 AND WHEN YOU GO IN THERE AND THERE IS A STORE, STORE  
15 PROPERTY ITEM THEY HAVE A GREAT BIG PIECE OF TAPE  
16 WRITTEN ON THE BACK AND IT SAYS STORE PROPERTY. THIS  
17 DID NOT. IT HAD A PRICE ON IT. I WAS ACTUALLY GOING  
18 TO PURCHASE THEM. I WANTED TO KNOW IF BOTH OF THEM  
19 WERE THE SAME PRICE. HE SAID THEY ARE NOT FOR SALE,  
20 SO I DIDN'T GET THEM.

21 Q OKAY.

22 A AND WE --

23 Q BUT THEY CAUGHT YOUR EYE BECAUSE THEY WERE  
24 SOMETHING YOU REMEMBERED AS A CHILD?

25 A RIGHT. THERE WAS A CONFRONTATION THERE BETWEEN

1 ME AND HIM AT THAT TIME ALSO AND I WAS A LITTLE UPSET  
2 WITH HIM.

3 Q OKAY. AND THEN YOU WENT BACK TO THE STORE TO  
4 PICK UP AMANDA?

5 A ACTUALLY, NO. SHE CAME INTO, SHE WALKED TO, THE  
6 SALVATION ARMY IS RIGHT BESIDE THE DOLLAR GENERAL  
7 WHERE WE WERE AT, SHE JUST WALKED RIGHT OVER THERE  
8 WHERE I WAS AT.

9 Q OKAY. NOW ALSO THAT EVENING NOW JESSICA WAS  
10 HAVING HOMEWORK PROBLEMS?

11 A THAT'S CORRECT.

12 Q AND SHE WAS IN THE FIFTH GRADE AT THAT TIME, IS  
13 THAT CORRECT?

14 A THAT'S, THAT'S CORRECT.

15 Q AND YOU WORKED WITH HER FOR A LITTLE BIT,  
16 CORRECT?

17 A I WORKED WITH HER FOR TWO HOURS. MARY SUE  
18 WORKED WITH HER FOR TWO HOURS AND AMANDA WORKED WITH  
19 HER FOR TWO HOURS.

20 Q AND EVENTUALLY AMANDA BEGAN TO WORK WITH HER AND  
21 THAT'S WHAT TOOK IT LATE INTO THE EVENING IS BECAUSE  
22 OF HER HOMEWORK, IS THAT CORRECT?

23 A THAT'S, THAT'S CORRECT. WE STARTED, WE STARTED  
24 THE HOMEWORK EARLY. SHE STARTED THE HOMEWORK WHEN  
25 SHE COME IN AND SHE WAS DOING ALL THE OTHER HOMEWORK

1 AND THEN WHEN IT COME DOWN TO THE MATH, YES, SIR, WE  
2 STARTED DOING THAT AND IT DID TAKE A LONG TIME.

3 Q AND WHEN AMANDA BEGAN TO ASSIST JESSICA YOU WENT  
4 TO THE COMPUTER?

5 A THAT IS CORRECT.

6 Q OKAY.

7 A ACTUALLY, NO, SIR. THAT WAS WHILE MARY SUE WAS,  
8 IT STARTED WITH MARY SUE. THEN MARY SUE GOT UP AND  
9 SAID SHE WAS GOING TO BED AND THEN I HELPED AND THEN  
10 AFTER I HELPED, AMANDA SAID SHE WOULD HELP AND THEN I  
11 WENT BACK TO THE COMPUTER.

12 Q AT BED TIME THAT EVENING YOU WERE IN YOUR  
13 BEDROOM?

14 A THAT'S CORRECT.

15 Q AND I BELIEVE THAT THE PHONE RANG AT ABOUT ONE  
16 O'CLOCK OR SO LETTING KNOW THAT IT WAS TIME FOR THE  
17 GIRLS TO GO TO BED, CORRECT?

18 A THAT'S CORRECT.

19 Q AND YOU ASKED AMANDA TO COME TO YOUR BEDROOM TO  
20 CUT OFF THE LIGHT, CORRECT?

21 A CUT OFF THE LIGHT, TURN ON THE FAN, GIVE ME A  
22 KISS, AND THEN THE PHONE, THE PHONE BEEPED AND I  
23 ASKED WOULD SHE PUT IT ON THE CHARGER AFTER I SET IT  
24 FOR SIX AM.

25 Q AND SO YOU DIDN'T HAVE TO GET OUT OF THE BED OR

1 GET OFF OF YOUR BED TO MAKE SURE THAT THEY GOT INTO  
2 BED THAT NIGHT BECAUSE THAT WAS YOUR ROUTINE, IS THAT  
3 CORRECT?

4 A THAT'S CORRECT. THAT IS NOT MY ROUTINE, NO,  
5 SIR. MY ROUTINE IS NORMALLY I SIT UP. I'M USUALLY  
6 IN THE LIVING ROOM AT THE COMPUTER WHEN THEY GO TO  
7 BED.

8 Q OKAY. AND YOU WOULD JUST TELL THEM TO GO TO  
9 BED?

10 A THAT'S CORRECT. I HAD GOTTEN FRUSTRATED WITH  
11 THE COMPUTER, I GOT FRUSTRATED IN TRYING TO HELP HER,  
12 AND I KNEW THAT WE HAD, THIS BEING WEDNESDAY AND  
13 SUNDAY IS WHEN I HELPED HER WITH HER QUIZZING SO WE  
14 HAD THE, I HAD THE CHILDREN QUIZZING ON WEDNESDAY  
15 NIGHT AND I HAD THE TEAM QUIZZING ON SUNDAY  
16 AFTERNOON.

17 Q NOW THE NEXT MORNING I BELIEVE THAT YOU SAID  
18 THAT YOU CALLED FOR AMANDA AND YOU HAVE TESTIFIED  
19 THAT THAT WAS YOUR NORMAL ROUTINE, CORRECT?

20 A THAT WAS MY NORMAL ROUTINE, YES.

21 Q OKAY. YOU WOULD CALL HER FOR HER TO WAKE UP AND  
22 TO GET UP, CORRECT?

23 A THAT'S CORRECT.

24 Q AND AT THE TIME THAT YOU WOULD DO THAT YOU WOULD  
25 NOT HAVE YET GOTTEN OUT OF BED?

1 A NO, SIR.

2 Q OKAY.

3 A I WAS LAZY.

4 Q OKAY. NOW YOU'VE TESTIFIED THAT TWO WEEKS PRIOR

5 TO THIS INCIDENT WAS THE TIME THAT YOU BEGAN TO SLEEP

6 IN THE EVENINGS DURING THIRD SHIFT, CORRECT?

7 A THAT'S WHEN I GOT THE JOB WITH STEAK OUT.

8 Q RIGHT. YOU STARTED DOING THE SALADS?

9 A IN THE MORNING, RIGHT, SALADS.

10 Q SO YOU WERE TRYING TO REST AND GET SLEEP IN THE

11 EVENINGS?

12 A THAT'S CORRECT. NOW I DID HAVE SALADS ONCE

13 BEFORE THEN HE HIRED, HE FINALLY GOT A SALAD PERSON

14 HIRED AND I -- BUT THAT'S WHEN THAT RESTARTED, YES.

15 Q BUT PRIOR TO THAT TWO WEEK PERIOD YOU WOULD STAY

16 AND I BELIEVE YOU TESTIFIED TO THIS, THAT YOU WOULD

17 STAY UP AT NIGHTTIME SO THAT YOU COULD GO TO BED WITH

18 MARY SUE IN THE MORNING WHEN SHE WOULD COME HOME?

19 A THAT'S CORRECT.

20 Q OKAY. AND MARY SUE HAD BEEN WORKING THIRD SHIFT

21 FOR THREE YEARS, CORRECT?

22 A THAT'S CORRECT.

23 Q OKAY.

24 A BUT THAT DIDN'T ALWAYS HAPPEN NOW BECAUSE I WAS

25 ALSO WORKING AND GOING TO SCHOOL.

1 Q RIGHT?

2 A AND WHEN I WAS GOING TO SCHOOL THOSE FIRST, SEE  
3 I HAD ONLY BEEN OUT OF SCHOOL SINCE MAY 11 SO.

4 Q RIGHT. AND SO PROBABLY AT LEAST SINCE MAY 11 IT  
5 WAS YOUR NORMAL ROUTINE UP UNTIL TWO WEEKS PRIOR TO  
6 THE INCIDENT TO STAY UP IN THE EVENINGS SO THAT YOU  
7 COULD GO TO BED WITH MARY SUE?

8 A TO STAY UP FOR MOST PART, YES, SIR.

9 Q OKAY.

10 A I MEAN SOMETIMES I WOULD LAY DOWN AND GO TO  
11 SLEEP AND THAT'S ONE REASON WHY I WOULD HAVE A  
12 PROBLEM HEARING HER OR WAKING UP WITH THE PHONE OR  
13 WHENEVER SHE CALLED BECAUSE I WOULD LAY DOWN, I MIGHT  
14 LAY DOWN ABOUT FOUR OR FIVE O'CLOCK IN THE MORNING  
15 AND I GET SO TIRED I COULDN'T. THAT'S, YOU KNOW.

16 Q AND SO THE CHILDREN I BELIEVE YOU'VE TESTIFIED  
17 THEIR NORMAL, NORMAL BEDROOM TIMES WAS 8:30, 9:30,  
18 10:30.

19 A THAT'S RIGHT.

20 Q THAT'S IN SUCCESSIVE OF AGE?

21 A THAT'S RIGHT.

22 Q OKAY. AND SO IF AMANDA WENT TO BED AT 10:30 AND  
23 LET'S SAY SHE FELL ASLEEP BY 11 O'CLOCK THEN AND IF  
24 YOU STAYED UP, IF YOU STAYED UP THE WHOLE EVENING  
25 UNTIL MARY SUE GOT HOME, YOU HAVE ABOUT 8 HOURS THERE

1 AT THE HOUSE BY YOURSELF?

2 A THAT'S CORRECT.

3 Q OKAY. AND YOU CAN'T LEAVE THE HOUSE BECAUSE YOU  
4 HAVE THE CHILDREN THERE, CORRECT?

5 A THAT'S RIGHT.

6 Q AND SO YOU WOULD SPEND THE NEXT 8 HOURS DOING  
7 VARIOUS THINGS, IS THAT CORRECT?

8 A WORK ON THE COMPUTER, READ, AND SOME, BUT MOST  
9 OF THE TIME ABOUT FOUR O'CLOCK I WAS TIRED, SOMETIMES  
10 EVEN I GO AND LAY DOWN.

11 Q ALL RIGHT. SO YOU WOULD STAY UP UNTIL SOMETIMES  
12 FOUR OR FIVE IN THE MORNING AND THEN YOU WOULD GO TO  
13 BED, CORRECT?

14 A THAT'S TRUE.

15 Q AND THAT'S WHAT WOULD CAUSE YOU TO SLEEP LATE IN  
16 THE MORNINGS SOMETIMES?

17 A SOMETIMES, YES, SIR.

18 Q AND THAT'S WHY THE CHILDREN WERE TARDY FROM  
19 SCHOOL?

20 A THAT'S CORRECT.

21 Q NOW YOU SAID YOU WOULD SPEND TIME ON THE  
22 COMPUTER DURING THE EVENINGS. WOULD YOU SPEND ON  
23 LINE DURING THE EVENINGS?

24 A SOMETIMES, YES, SIR.

25 Q OKAY. AND I BELIEVE YOU WOULD AGREE WITH ME



1 THAT YOU SPENT A GOOD BIT OF TIME ON THE COMPUTER  
2 EITHER DURING THE DAY OR IN THE EVENING OR WHENEVER?

3 A I WAS A COMPUTER PROGRAMMER, YES. I PROGRAM IN  
4 THREE DIFFERENT LANGUAGES. I CREATED A LOT OF  
5 PROGRAM AND A LOT OF GAMES. I MEAN, YOU'VE SEEN THE  
6 DOCUMENTS SHOWING --

7 Q IS IT A FAIR STATEMENT TO SAY THAT IT WAS ONE OF  
8 YOUR PRIMARY INTERESTS?

9 A WELL, YES, SIR. COMPUTERS ELECTRONICS,  
10 ENGINEERING, THAT WAS ONE OF MY, THAT'S MOSTLY WHAT I  
11 DONE WAS WORK ON THE COMPUTER, PROGRAMS, STUFF LIKE  
12 THAT.

13 Q OKAY.

14 A PLAYED GAMES.

15 Q NOW YOU INDICATED, AND I'M NOT GOING TO DWELL A  
16 LONG TIME ON THIS, BUT YOU INDICATED THAT YOU WOULD  
17 MASTURBATE IN THE EVENINGS, CORRECT?

18 A AT NIGHT, YEAH. WELL, EARLY MORNINGS ACTUALLY,  
19 SOMETIME AROUND THREE - FOUR O'CLOCK IN THE MORNING.

20 Q OKAY. AND WOULD YOU DO THAT AFTER YOU HAD BEEN  
21 ON THE COMPUTER?

22 A AFTER I'VE BEEN ON THE COMPUTER?

23 Q YES, SIR.

24 A (NO RESPONSE.) NO MOST OF THE TIME IT WAS---IT  
25 WAS USUALLY AFTER I, ABOUT BEFORE I WENT TO BED.

1 USUALLY I WOULD READ A LITTLE WHILE THEN I WOULD GO  
2 TO BED THEN THAT'S WHEN I WOULD MASTURBATE.

3 MR. MORTON: MAY WE APPROACH THE BENCH.

4 (BENCH CONFERENCE AT 11:13 AM.)

5 Q NOW MR. COPE, I WANT TO TALK TO YOU. YOU HAD  
6 MENTIONED THAT, FOR YOU, YOU BELIEVE THAT  
7 MASTURBATION IS A SIN?

8 A THAT IS CORRECT. I BELIEVE.

9 Q AND THAT --

10 A MY DENOMINATION AND MY -- WELL, MY DENOMINATION  
11 OR WHAT USED TO BE MY DENOMINATION WHICH I FEEL IS NO  
12 DENOMINATION IS THAT, IS ARMENIAN WHICH MEANS WE  
13 BELIEVE THAT SIN IS SIN. YOU KNOW, THERE IS NO SUCH  
14 THING AS A ONCE SAVED ALWAYS SAVED, AS FAR AS I'M  
15 CONCERNED.

16 Q RIGHT. NOW YOUR PRIOR CHURCH WAS CHURCH OF  
17 NAZARENE?

18 A IS THAT CORRECT.

19 Q AND THAT'S JUST ANOTHER WORD FOR THE CHURCH OF  
20 THE JESUS BECAUSE HE WAS THE NAZARENE, JESUS OF  
21 NAZARETH, IS THAT CORRECT?

22 A THAT'S CORRECT, BUT IT WAS A DENOMINATION, YES.

23 Q RIGHT. THIS IS THE ONE THAT YOU GREW UP IN.

24 A I WON'T SAY I GREW UP IN. I GREW UP IN CHURCH  
25 OF GOD, BUT I STARTED GOING TO THE NAZARENE CHURCH

1 PROBABLY ABOUT NINE YEARS PRIOR TO THIS.

2 Q AND IN YOUR BELIEF EVERYBODY SINS, CORRECT? I  
3 MEAN, THAT'S PART OF THE HUMAN CONDITION, CORRECT?

4 A THAT'S CORRECT, YES.

5 Q AND THAT'S THE STRUGGLE THAT THAT BELIEVERS HAVE  
6 IS TRYING NOT TO SIN AND YET STILL DOING IT  
7 SOMETIMES, IS THAT CORRECT?

8 A BUT THE NAZARENE BELIEVE THAT YOU CAN LIVE ABOVE  
9 SIN.

10 Q OKAY.

11 A THEY BELIEVE THAT WITH THE HELP OF THE HOLY  
12 SPIRIT THAT THE HOLY SPIRIT WILL KEEP YOU. JESUS  
13 SAID BE THEREFORE PERFECT EVEN AS YOUR FATHER IS  
14 PERFECT AND I BELIEVE THAT YES, YOU CAN.

15 Q AND THAT WAS, THAT WAS YOUR GOAL?

16 A THAT WAS MY GOAL, YES, SIR.

17 Q AND THAT'S WHY YOU WERE STRUGGLING WITH THE FACT  
18 OF THIS MASTURBATION THAT YOU DOING, ISN'T THAT  
19 CORRECT?

20 A YES, SIR.

21 Q BECAUSE YOU WANTED TO LIVE ABOVE SIN BUT YOU  
22 KEPT GOING BACK AND SUBJECTED YOURSELF TO THE  
23 TEMPTATION OR WHATEVER IT MAY HAVE BEEN, CORRECT?

24 A YES, SIR. I MEAN, YOU KNOW, I'VE COME TO THE  
25 CONCLUSION THAT, YOU KNOW, I CAN'T BELIEVE THAT YOU

1 CAN LIVE ABOVE SIN. YOU HAVE TO DAILY, PAUL SAID I  
2 DIE DAILY, SO I HAVE TO DIE DAILY TO SIN.

3 Q AND WHEN YOU DIE DAILY THE WONDERFUL THING ABOUT  
4 IT IS THAT THERE IS REBIRTH AFTER THAT DYING?

5 A THAT'S CORRECT.

6 Q ISN'T THAT TRUE?

7 A THAT'S CORRECT, YES, SIR.

8 Q AND SO WE HAVE THE POSSIBILITY OF REBIRTH EVEN  
9 THOUGH WE HAVE THIS SIN THAT WE'RE TRYING TO FIGHT  
10 AGAINST, CORRECT?

11 A THAT'S CORRECT.

12 Q OKAY. NOW AND THERE ARE MANY DIFFERENT TYPES OF  
13 SIN, CORRECT? WE KNOW THE TOP TEN.

14 A THERE IS THE SIN OF OMISSION AND THE SIN OF  
15 COMISSION, THAT'S THE TWO TYPES, EITHER YOU KNOW  
16 ABOUT IT OR YOU DON'T KNOW ABOUT IT.

17 Q RIGHT. NOW ONE OF THE SINS IS BEARING FALSE  
18 WITNESS, IS THAT CORRECT?

19 A AND THAT'S ABSOLUTE RIGHT. THAT'S THE NINETH  
20 COMMANDMENT THOU SHALL NOT BEAR FALSE WITNESS AGAINST  
21 THY NEIGHBOR.

22 Q NOW I WANT TO ASK YOU ABOUT THIS A LITTLE BIT.  
23 THE FACT THAT YOU'VE ALREADY TESTIFIED BEFORE THIS  
24 JURY, OKAY?

25 A YES, SIR.

1 Q THAT IN THESE STATEMENTS?

2 A YES, SIR.

3 Q FOLLOWING THE FIRST ONE GIVEN TO DETECTIVE  
4 BAKER?

5 A THAT'S CORRECT.

6 Q THAT YOU LIED?

7 A I LIED.

8 Q NOW YOU WERE BEARING FALSE WITNESS AGAINST  
9 YOURSELF THOUGH, RIGHT?

10 A THAT'S CORRECT.

11 Q OKAY. DO YOU STILL CONSIDER YOU TO HAVE SINNED  
12 FOR THAT?

13 A GOD HAS FORGIVEN ME FOR IT.

14 Q OKAY. SO YOU DO CONSIDER THAT THAT WAS A SIN?

15 A THAT WAS A SIN.

16 Q OKAY. AND SO ONCE AGAIN WE GET, BELIEVERS GET  
17 CAUGHT IN THE TEMPTATION AND HAVING TO BE REBORN FROM  
18 THE SIN, IS THAT CORRECT?

19 A WE HAVE A PROBLEM WITH SIN AND WE HAVE TO ASK  
20 GOD TO FORGIVE US, THAT'S CORRECT.

21 Q OKAY. AND WOULD YOU AGREE THAT MANY TIMES  
22 SINNERS, EVEN THOUGH GOD KNOWS EVERYTHING THAT WE DO,  
23 MANY TIMES SINNERS WANT TO HIDE THEIR SIN, THEY ARE  
24 SHAMEFUL OF IT?

25 A I THINK WITH THE HELP OF THE HOLY SPIRIT, NO,

1 SIR, THAT'S NOT CORRECT. THE HOLY SPIRIT HELP US NOT  
2 TO HIDE IT. HE LETS US KNOW WHAT OUR SIN IS SO WE  
3 CAN GET IT OUT.

4 Q I UNDERSTAND. LISTEN TO MY QUESTION.

5 A I DID. AND I DON'T THINK I, I DON'T THINK THEY  
6 TRIED TO HIDE IT.

7 Q THERE ARE MANY SINNERS. I'M JUST SAYING IN  
8 GENERAL SINNERS?

9 A I CAN'T SAY THAT. I'M NOT MANY PEOPLE.

10 Q OKAY. BUT WOULD YOU AGREE THAT SIN SOMETIMES  
11 CAUSES PEOPLE TO HAVE SECRETS?

12 A SIN CAUSES.

13 Q RIGHT.

14 A SECRETS.

15 Q YES.

16 A NO, SIR. I THINK THE BIBLE PLAINLY SPEAKS  
17 AGAINST SECRETIVE, TO BE OF SECRET LIKE THAT. SO I  
18 CAN'T SAY EVERYBODY AND AGAIN I'M NOT MOST PEOPLE.

19 Q OKAY. BUT YOU HAVE THE SIN OF MASTURBATION  
20 ACCORDING TO YOUR BELIEF?

21 A THAT'S CORRECT.

22 Q AND YOU HAD A SECRET PLACE THAT YOU WOULD PUT  
23 THIS RAG TO HIDE?

24 A I NEVER IT WAS A SECRET PLACE. I TOLD YOU, I  
25 SAID BEFORE THAT WASN'T A SECRET PLACE, JUST A PLACE

1 THAT I PUT IT. THE NORMAL PLACE I PUT IT. IT WASN'T  
2 SECRETIVE.

3 Q WELL, YOUR WIFE DIDN'T KNOW WHERE YOU PUT IT?

4 A NO, SHE DIDN'T KNOW ABOUT IT. I DIDN'T WANT TO  
5 HURT HER FEELINGS.

6 Q I UNDERSTAND. AND THE CHILDREN DIDN'T KNOW  
7 ABOUT IT, DID THEY?

8 A NO, THE CHILDREN DIDN'T KNOW. THEY DIDN'T NEED  
9 TO KNOW ABOUT IT. I MEAN, MY WIFE KNEW I MASTURBATED  
10 BUT I DIDN'T BRAG. I DIDN'T BRING IT OUT HEY, YOU  
11 KNOW, I MASTURBATED TODAY. NO, THAT WAS MY PLACE TO  
12 PUT IT SO SHE WOULDN'T WORRY.

13 Q OKAY. OKAY. BUT YOU DIDN'T PUT IT ON TOP OF  
14 THE BOOK SHELF?

15 A NO, SIR.

16 Q YOU PUT UNDER THE BOOK SHELF?

17 A WHERE THE KIDS COULDN'T GET TO IT. YOU KNOW,  
18 THEY COULDN'T SEE IT. YOU KNOW, THEY DON'T GO UP  
19 UNDER THERE.

20 Q RIGHT. SO THAT THEY WOULDN'T SEE IT AND SO IT  
21 WAS HIDDEN FROM THEM, CORRECT?

22 A IT WAS HIDDEN FROM THEIR EYES, YES, THAT'S  
23 CORRECT.

24 Q OKAY. NOW PEOPLE WHEN THEY COMMIT THE SIN OF  
25 LYING WILL SOMETIMES COMMIT THAT SIN BECAUSE THEY ARE

1 TRYING TO HELP THEMSELVES, IS THAT CORRECT?

2 A I'M NO THEOLOGIAN. I CAN'T SAY WHY PEOPLE SIN.

3 Q OKAY. YOU ARE A THEOLOGIAN?

4 A I SAID I'M NO THEOLOGIAN.

5 Q YOU ARE NO THEOLOGIAN. OKAY. WHEN PEOPLE LIE

6 DO THEY SOMETIMES DO IT TO TRY TO HELP THEMSELVES?

7 WE'LL TAKE IT OUT OF THE CATEGORY OF SIN AND JUST --

8 A I CAN'T, I CAN'T SAY THAT IT'S, THAT IS ALL THE,

9 EVERY TIME THEY LIE THAT'S WHAT THEY ARE TRYING TO

10 DO. NO, I CAN'T SAY THAT.

11 Q I'M NOT ASKING YOU ABOUT --

12 A MAYBE IN SOME CASES MAYBE, YEAH, THAT'S TRUE.

13 Q OKAY. SO YOU AND I AGREE CAN THAT SOMETIMES

14 PEOPLE LIE TO HELP THEMSELVES?

15 A YES, I CAN SAY THAT SOMETIMES, YEAH, MAYBE.

16 Q OKAY. AND IN THIS PARTICULAR CASE WHEN YOU WENT

17 TO, WHEN YOU WENT TO CAPTAIN CABANISS ON MONDAY

18 MORNING?

19 A RIGHT.

20 Q YOU WENT AND I BELIEVE THE TERM YOU USED WAS

21 PREFABRICATION, IS THAT CORRECT?

22 A I THINK I DID SAY THAT, YES, SIR.

23 Q YES, SIR. YOU PREFABRICATED THIS STORY BECAUSE

24 YOU WANTED TO BE PUT TO A HOSPITAL RATHER THAN A

25 PRISON?



1 A I CAN SAY, YEAH, I WAS TRYING TO HELP MYSELF,  
2 YES.

3 Q OKAY. SO IN THIS CIRCUMSTANCE YOU ADMIT YOU  
4 TOLD MANY LIES THROUGHOUT THE COURSE OF THE DAY?

5 A YES, SIR, I WILL ADMIT THAT.

6 Q IN ORDER TO HELP YOURSELF?

7 A I DIDN'T CARE ANYMORE. YOU KNOW. I MEAN I JUST  
8 DIDN'T CARE.

9 Q WELL, THAT HAPPENED AFTER LUNCH, IS THAT  
10 CORRECT?

11 A THE ONES BEFORE THAT, YES. THAT.

12 Q OKAY.

13 A BUT I DIDN'T CARE, YOU KNOW.

14 Q RIGHT. SO YOU TOLD LIES IN ORDER TO HELP  
15 YOURSELF?

16 A I CONSIDER, YES, I DID. I DID.

17 Q ALL RIGHT. AND ONE OF THE THINGS THAT YOUR LIES  
18 DID, IF THEY WERE LIES AS YOU SAY THEY ARE, IS THAT  
19 THEY MISLEAD THE POLICE, CORRECT?

20 A I WASN'T TRYING TO MISLEAD THE POLICE. I WAS  
21 JUST TRYING TO GET A BETTER STORY. I MEAN, I DIDN'T  
22 --- THEY WERE LIES.

23 Q OKAY. BUT THE EFFECT OF IT, WHETHER YOU WERE  
24 TRYING TO MISLEAD THE POLICE OR NOT, THE EFFECT OF IT  
25 WAS FOR THE POLICE TO BE MISLEAD BY YOUR STATEMENT?

1 A I--

2 Q CORRECT?

3 A ---NO, THAT'S NOT CORRECT. THAT WAS NOT THE

4 INTENT. THE INTENT WAS --

5 Q I UNDERSTAND THE INTENT. I'M TALKING ABOUT THE

6 EFFECT?

7 A OKAY.

8 Q OKAY. I WILL SAY YOU DID NOT INTEND TO MISLEAD

9 THE POLICE, OKAY?

10 A I DID NOT INTEND TO MISLEAD THE POLICE.

11 Q BUT THE EFFECT, NOT THE INTENT, BUT THE EFFECT

12 OF YOUR LIES COULD HAVE RESULTED IN MISLEADING THE

13 POLICE IF THEY BELIEVED WHAT YOU WERE SAYING WAS

14 TRUE, ISN'T THAT CORRECT?

15 A MAYBE. I CAN'T SAY FOR SURE.

16 Q THE REASON I ASK THIS YOU HAVE SAID THAT THE

17 POLICE HAVE NOT DONE A GOOD JOB IN THIS CASE,

18 CORRECT, AND YOU DON'T TRUST THEM?

19 A THAT'S CORRECT.

20 Q OKAY. AND --

21 A THEY WERE STILL POINTING THEIR FINGER AT ME. I

22 DIDN'T DO NOTHING WRONG.

23 Q I UNDERSTAND THAT BUT YOU DID TELL THEM YOU DID?

24 A BUT, BUT THAT WAS AFTER THEY HAD DONE STARTED

25 POINTING THE FINGER AT ME AND CONVINCED ME THAT I DID

1 IT.

2 Q BUT ISN'T IT REASONABLE FOR THEM TO BELIEVE THAT  
3 WHAT YOU TOLD THEM WAS TRUE?

4 A FOUR HOURS OF INTERROGATION SHOULD HAVE LED THEM  
5 SOMEWHERE ELSE.

6 Q OKAY.

7 A I DIDN'T DO IT.

8 Q AND SO ---

9 A AND I KEPT REPEATINGLY SAYING THAT.

10 Q AND SO YOU ARE SAYING YOUR ACTIONS THAT DAY OF  
11 LYING TO THEM ON MONDAY SHOULD NOT BE CONSIDERED IN  
12 THE FORMULUA OF THE POLICE ALLEGEDLY BEING MISLEAD IN  
13 THIS CASE?

14 A I CAN'T SAY THAT. I REALLY DON'T KNOW WHAT'S ON  
15 THEIR MIND.

16 Q OKAY. WELL, ISN'T IT TRUE THAT YOU HAVE MADE  
17 ACCUSATIONS THAT THE POLICE DIDN'T DO THEIR JOB AND  
18 THAT THEY HAD CONSPIRED AGAINST YOU?

19 A THAT'S CORRECT, I SAID THAT.

20 Q OKAY. AND YET --

21 A EVIDENCE SHOWS IT.

22 Q DIDN'T THE POLICE HAVE STATEMENTS FROM YOU OF  
23 DOING HORRIBLE, HORRENDOUS THINGS TO YOUR NATURAL  
24 CHILD?

25 A THE STATEMENTS WERE -- YES, SIR.

1 Q OKAY. AND ISN'T IT REASONABLE TO BELIEVE THAT  
2 IT'S UNUSUAL FOR A NATURAL FATHER TO MAKE SUCH  
3 ALLEGED ADMISSIONS OF THESE HORRIBLE ACTS AGAINST  
4 THEIR NATURAL CHILD IF THEY WERE NOT TRUE?

5 A YOU WEREN'T THERE. YOU DON'T KNOW WHAT I WENT  
6 THROUGH.

7 Q UNDERSTAND THAT?

8 A YOU DO NOT KNOW WHAT I WENT THROUGH AT THE, AT  
9 THE MOUTHS OF THESE PEOPLE. YOU WEREN'T THERE. YOU  
10 DIDN'T HEAR IT.

11 Q I UNDERSTAND THAT.

12 A I HAD TO PUT UP WITH A LOT OF ABUSE.

13 Q OKAY. AND SO, AND I BELIEVE THAT YOU TESTIFIED  
14 THAT AT THAT POINT IN THE AFTERNOON TO WHERE YOU GAVE  
15 THE STATEMENT TO DETECTIVE CABANISS YOU SAID NOBODY  
16 CARED ABOUT ME. YOU TESTIFIED TO THAT ON DIRECT, IS  
17 THAT CORRECT?

18 A THAT'S CORRECT.

19 Q OKAY. AND SO YOUR ATTENTION AT THAT POINT IN  
20 TIME WAS ON YOU?

21 A NO, SIR. I WANTED THEM TO FIND WHO DID IT.

22 Q BUT YOU SAID NOBODY CARES ABOUT ME?

23 A WELL, THEY DON'T. I MEAN THEY DIDN'T. THEY  
24 WERE CONCERNED ABOUT, ALL THEY WANTED TO DO WAS TO  
25 DESTROY ME. THAT'S ALL THEY WERE OUT TO DO.

1 Q OKAY. ALL RIGHT. SO THE POLICE WERE OUT TO  
2 DESTROY YOU?

3 A THAT'S CORRECT.

4 Q AND NOBODY CARED ABOUT YOU, CORRECT?

5 A NOBODY CARED ABOUT THE TRUTH, I'LL PUT IT THAT  
6 WAY, AND IT SEEMS THEY STILL DON'T.

7 Q BUT THE FACT THAT YOU DID GIVE, LIE TO THEM IN  
8 STATEMENTS, YOU CAN'T HOLD THEM COMPLETELY  
9 RESPONSIBLE FOR NOT CARING ABOUT THE TRUTH?

10 A I DID SAY LIE. I DID SAY THAT I DID LIE TO  
11 THEM, YES, I DID.

12 Q OKAY. NOW IN THE VIDEO THAT YOU DID AND YOU'VE  
13 SAID THAT THIS WAS THE PREFABRICATION STORY, ALMOST  
14 EVERYTHING THAT YOU SAID ON THAT VIDEO EACH SENTENCE  
15 WAS A LIE THAT YOU MADE UP?

16 A (NO RESPONSE.) THAT WAS THE SAME, YEAH, THAT  
17 WAS A LIE. THAT WAS, PART OF THAT HAD SOMETHING TO  
18 DO WITH WHAT I HAD SAID EARLIER.

19 Q OKAY. BUT --

20 A BUT IT WAS ALL BUILDING AROUND THE DREAM.

21 Q RIGHT. AND BUT ONE OF THE THINGS THAT YOU  
22 TESTIFIED, NOT IN THE VIDEO BUT ABOUT THE VIDEO, IS  
23 THAT YOU HAD TO COME UP WITH AN IDEA THAT WOULD MAKE  
24 YOU ANGRY AND THAT'S WHY YOU CAME UP IN REGARDS TO  
25 THE IDEA ABOUT THE DREAM OF MS. GARRISON I BELIEVE?

1 A RIGHT. I DO HAVE ANOTHER REASON THAT I AM MORE  
2 ANGRY THAN I CAN SAY TOWARD THAT TERM THERE AND I  
3 THINK WE ALL KNOW WHAT THAT IS.

4 Q I UNDERSTAND.

5 A AND I THINK I'M --

6 Q LISTEN TO MY QUESTION NOW. SO WHEN YOU WERE  
7 REENACTING THIS VIDEO OR WHEN YOU WERE ACTING THIS  
8 VIDEO THAT YOU PUT ON, YOU PUT IN YOUR MIND AT THAT  
9 TIME WHAT THIS WOMAN HAD DONE TO YOU, CORRECT?

10 A THAT'S CORRECT.

11 Q AND I BELIEVE THAT IN YOUR OWN TESTIMONY YOU  
12 SAID THAT IS WHAT YOU GAVE YOU THE MOTIVATION TO ACT  
13 IN THE WAY YOU NEEDED TO SHOW THE RAGE THAT WOULD  
14 CAUSE YOU TO DO SOMETHING LIKE THIS?

15 A I NEVER SAID IT DID LIKE THAT, NO, SIR. I SAID,  
16 I SAID I WAS THINKING ABOUT WHAT KIND OF RAGE IT  
17 WOULD TAKE FOR A PERSON TO BE THAT PERSON WHO WOULD  
18 DO SOMETHING LIKE THAT.

19 Q OKAY.

20 A SO I THOUGHT ABOUT THAT RAGE.

21 Q OKAY. AND IT DID MAKE YOU VERY, VERY ANGRY?

22 A YES, SIR. BUT IF YOU ARE INSINUATING THAT MY  
23 ANGER.

24 Q I'M JUST ASKING A QUESTION.

25 A IF YOU INSINUATING THAT MY ANGER THE OTHER DAY

1 WAS BROUGHT OUT BECAUSE OF THAT, I MEAN, YESTERDAY  
2 WAS BROUGHT OUT BECAUSE OF MAYBE WHAT I WAS THINKING,  
3 THAT'S THE FARTHEST THING FROM THE TRUTH.

4 Q NO. I'M TALKING WITH YOU ABOUT TERESA GARRISON.  
5 THAT'S ALL?

6 A RIGHT. BUT I KNOW WHERE THIS IS GOING IT SEEMS  
7 LIKE.

8 Q NOW BUT IN REGARDS TO MS. GARRISON YOU HAD TO  
9 THINK OF SOMETHING THAT WOULD HAVE MADE YOU MAD  
10 ENOUGH, THAT WOULD CAUSE RAGE ENOUGH, TO ACT THAT  
11 WAY, CORRECT?

12 A THAT'S WHAT I STATED, YES.

13 Q RIGHT. IT HAD TO BE REAL LOOKING, RIGHT?

14 A I WOULDN'T SAY IT HAD TO BE REAL LOOKING, BUT I  
15 WAS TRYING TO CONVINCING THE MAN THAT BECAUSE HE SAID  
16 THAT IF I DIDN'T CONVINCING HIM AND I WAS WANTING TO  
17 CONVINCING HIM.

18 Q NOW --

19 THE COURT: MR. GREELEY, WHY DON'T WE TAKE  
20 A BREAK AT THIS POINT.

21 MR. GREELEY: OKAY, I AM AT A BREAKING  
22 POINT.

23 THE COURT: IT LOOKED LIKE YOU WERE AT A  
24 BREAKING POINT. LET'S TAKE A SHORT BREAK.

25 (COURT IN RECESS AT 11:30 AM.)

1 (COURT RESUMES AT 11:39 AM.)

2 MR. MORTON: I JUST WANTED TO MAKE MY  
3 NOTICE ON THE RECORD THAT AT THE BENCH CONFERENCE  
4 AFTER MR. COPE, AFTER MR. POPE'S COMMENT AND AFTER  
5 THE CURATIVE INSTRUCTION WAS READ BY THE COURT THAT I  
6 OBJECTED TO A CURATIVE INSTRUCTION AT ALL AND I THINK  
7 IT'S CLEAR THAT I WANTED A MISTRIAL WHICH WAS DENIED  
8 AND THEN I OBJECTED TO THE SUFFICIENCY OF THE  
9 CURATIVE INSTRUCTION AND THE COURT HAS PUT WHAT I  
10 PROPOSED IN THE RECORD AT THAT POINT.

11 THE COURT: THAT'S CORRECT.

12 MR. MORTON: THANK YOU, YOUR HONOR.

13 THE COURT: BRING IN THE JURY.

14 (THE JURY RETURNS TO THE COURTROOM AT  
15 11:41 AM.)

16 THE COURT: MR. GREELEY.

17 MR. GREELEY: THANK YOU, JUDGE.

18 CROSS EXAMINATION CONTINUED BY MR. GREELEY:

19 Q MR. COPE, I WANT TO GO BACK ON SOMETHING THAT WE  
20 TOUCHED ON ALREADY. IN THE CHRISTIAN TRADITION THERE  
21 IS A VERY BIG PART OF THE CHRISTIAN TRADITION IS THE  
22 ASPECT OF REBIRTH, ISN'T THAT CORRECT?

23 A THAT'S CORRECT.

24 Q AND I BELIEVE THAT YOU'VE ALREADY STATED THAT IN  
25 YOUR BELIEF NOW IS THAT THERE CAN BE MANY INSTANCES



1 OF REBIRTH OF SOMEONE, ISN'T THAT CORRECT? NOT  
2 NECESSARILY SPIRITUALLY BUT TO BECOME ANEW, AGAIN?

3 A I WOULD SAY THAT YOU CAN ONLY BE BORN AGAIN  
4 ONCE, BUT YOU JUST BE RENEWAL.

5 Q EXACTLY. AND I BELIEVE ALSO THE CHRISTIAN  
6 TRADITION TEACHES THAT OUT OF VERY BAD THINGS GOOD  
7 CAN COME AND THAT'S THE HOPE FOR THE FUTURE, IS THAT  
8 CORRECT?

9 A YEAH, JESUS CHRIST IS THE HOPE. HE'S THE GREAT  
10 HOPE.

11 Q AND SO WE HAVE THE HOPE FOR THE FUTURE DUE TO  
12 THESE REBIRTHS, IS THAT CORRECT, AND THE AVAILABILITY  
13 OF THOSE IF WE WILL TAKE ADVANTAGE OF THEM?

14 A YES, SIR. I CAN AGREE WITH THAT.

15 Q MAY I SHOW YOU MY TIE. CAN YOU LOOK AND SEE  
16 WHAT'S ON MY TIE.

17 A (COMPLIES.) ABSOLUTELY.

18 Q WHAT ARE THOSE?

19 A THOSE ARE BUTTERFLIES.

20 Q EXACTLY. THOSE ARE BUTTERFLIES AND THE  
21 BUTTERFLY IS A SYMBOL OF REBIRTH, ISN'T IT? OF BEING  
22 NEW AGAIN? OF LIFE?

23 A ACTUALLY I THINK IT'S A SYMBOL OF CHANGE BECAUSE  
24 YOU USED TO ONCE BE A CATERPILLAR.

25 Q RIGHT.

1 A AND IT CHANGES INTO A MOTH.

2 Q RIGHT.

3 A DOESN'T LAST LONG AND THEN IT DIES.

4 Q RIGHT. BUT IN THAT, IN THAT SCENARIO THERE IS

5 CHANGE?

6 A I CAN'T SAY---

7 Q AND REBIRTH?

8 A I CAN'T SAY IT'S REBIRTH BECAUSE IT WOULD, HE

9 WAS STILL A CATERPILLAR AND HE WAS STILL ALIVE. HE

10 DIDN'T DIE AND THEN COME ALIVE AGAIN. ONLY ONE

11 PERSON HAS EVER DONE THAT EVER.

12 Q BUT THERE IS CHANGE IN REBIRTH, ISN'T THERE?

13 THE OLD DIES AWAY AND YOU BECOME NEW; THAT'S IN THE

14 GOSPELS, CORRECT?

15 A TO SOME DEGREE, YES, SIR.

16 Q OKAY. AND --

17 A AS A MATTER OF FACT WHAT I THINK YOU WERE

18 QUOTING WAS IN, IT'S NOT IN THE GOSPEL, IT'S ACTUALLY

19 IN FIRST CORINTHIANS 5:17. IT SAYS --

20 Q SO PAUL WROTE IT?

21 A YEAH, PAUL WROTE IT.

22 Q OKAY. ALL RIGHT. AND YOU HAD TALKED ABOUT

23 SINCE THIS HORRIBLE ORDEAL THAT YOU'VE GONE THROUGH

24 YOU'VE LOST 200 POUNDS, IS THAT CORRECT?

25 A YES, SIR.

1 Q I MEAN YOU'VE TAKEN ON A WHOLE DIFFERENT LOOK,  
2 CORRECT?

3 A BUT THAT WASN'T MY IDEA. THAT'S, YOU KNOW, THIS  
4 THE JAIL, YOU KNOW, THEY DON'T FEED YOU LIKE I WAS  
5 EATING ON THE STREET.

6 Q I UNDERSTAND. BUT SURELY HEALTH WISE YOU ARE  
7 BETTER?

8 A I CAN SAY, YEAH. YES, SIR, I'M BETTER. I THINK  
9 A LOT OF THAT HAS TO DO WITH, WITH MY EATING HABITS,  
10 WITH THE EXERCISE. ALSO I THINK A LOT OF IT HAVE TO  
11 DO WITH SPIRITUAL. IT'S A SPIRITUAL ASPECT BECAUSE  
12 WHEN I FIRST CAME TO JAIL I WAS PRAYING, ASKING GOD,  
13 YOU KNOW, WHAT'S GOING TO TAKE PLACE. WHAT AM I  
14 GOING TO GO, YOU KNOW. AND AS I STARTED TO, GOD  
15 STARTED SHOWING ME THINGS AND ONE THING WAS IN THE  
16 BOOK OF DANIEL NOW HE, HOW HE WAS GIVEN THE KING'S  
17 MEAT TO EAT AND HE REFUSED IT. HE ASKED FOR PULSE  
18 AND WATER WHICH IS A SOUP, A STEW AND WATER, SO WHAT  
19 I DONE WAS I TOOK MY FOOD ON A DAY-TO-DAY BASIS AND  
20 MADE A SOUP OUT OF IT.

21 Q OKAY.

22 A AND A LOT PEOPLE SAY, YOU KNOW, JENNY CRAIG EAT  
23 YOUR HEART OUT BECAUSE OF THE FACT I'VE LOST THE  
24 WEIGHT AND I DIDN'T HAVE TO HAVE NO JENNY CRAIG DIET  
25 OR ANYTHING ELSE.

1 Q AND YOU'VE HAD THE OPPORTUNITY TO MEET WHAT YOU  
2 REFER TO AS YOUR FREEDOM TEAM, THESE LAWYERS WHO ARE  
3 ACTING IN YOUR INTEREST, IS THAT CORRECT?

4 A WELL, THE HEAD OF MY FREEDOM --

5 Q IS THAT CORRECT?

6 A THAT'S CORRECT TO ONE DEGREE, BUT THE HEAD OF MY  
7 FREEDOM TEAM -- YOU SHOWED ME SOMETHING. CAN I SHOW  
8 YOU SOMETHING.

9 Q NO. JUST GO AHEAD AND ANSWER THE QUESTIONS.

10 A I JUST WANT TO SHOW YOU WHO THE HEAD OF MY  
11 FREEDOM TEAM.

12 Q I HAVE AN IDEA OF WHO YOU BELIEVE.

13 A GOD IS THE HEAD OF MY FREEDOM TEAM.

14 Q OKAY. AND, AND YOU'VE ALSO HAD THE OPPORTUNITY  
15 TO MEET SOMEONE FROM A MAJOR NEWS NETWORK, IS THAT  
16 CORRECT?

17 A THAT CAME ABOUT TOWARD THE END OF LAST YEAR OR  
18 EARLY PART OF THIS YEAR.

19 Q OKAY. SO THAT BEGAN IN DECEMBER OR JANUARY OF  
20 THIS PAST YEAR, CORRECT?

21 A I'M THINKING THAT IT ALL STARTED ON NOVEMBER THE  
22 17.

23 Q AND IN FACT, YOU HAVE A MAJOR NEWS CHANNEL THAT  
24 IS FILMING THIS ENTIRE TRIAL, ISN'T THAT CORRECT?

25 A YES, SIR, BUT THAT'S NOT, THAT'S NOT MY DOING.

1 Q I UNDERSTAND. BUT THEN YOU'VE GIVEN ON CAMERA  
2 INTERVIEWS, CORRECT?

3 A I ATTEMPTED TO. I WILL SAY I ATTEMPTED TO. BUT  
4 I ALSO THINK THAT, YOU KNOW, THEY KNOW THE TRUTH TOO  
5 AND THEY WANT TO SEE IT.

6 Q OKAY.

7 A THEY WANT TO SEE JUSTICE.

8 Q AND SO NBC DATELINE BROUGHT A CAMERA IN AND  
9 ACTUALLY SAT DOWN WITH SOMEBODY TO INTERVIEW YOU ON  
10 CAMERA AND TO TALK, FOR YOU TO TALK WITH THEM ABOUT  
11 THIS, ISN'T THAT CORRECT?

12 A YES, SIR.

13 Q OKAY.

14 A THAT IS CORRECT.

15 Q ALL RIGHT. AND THE, YOU EVEN HAVE TOLD THE JURY  
16 BASED UPON THE CROSS EXAMINATION OF THE STATE THAT A  
17 HAD A FORMER INMATE TO COME IN AND PROPHECY FOR YOU,  
18 IS THAT CORRECT?

19 A I SAID HE CAME IN AND PROPHECY TO ME. I DIDN'T  
20 HAVE HIM COME IN AND PROPHECY ANYTHING.

21 Q OKAY.

22 A HE CAME TO ME THE SECOND DAY AFTER HE CAME TO  
23 JAIL. HE WAS ONLY HERE FOR TWO WEEKS.

24 Q I REMEMBER IN YOUR DIRECT TESTIMONY YESTERDAY  
25 ONE OF THE THINGS YOU SAID THAT YOU, WHEN YOU WERE

1 MAKING THE STATEMENT WAS, YOU SAID I DO NOT DWELL ON  
2 THE PAST. AND IN REBIRTH YOU DON'T DWELL ON THE  
3 PAST, DO YOU, MR. COPE?

4 A NO, SIR, YOU DON'T.

5 Q YOU ONLY LOOK TOWARDS THE FUTURE, IS THAT  
6 CORRECT, WITH HOPE?

7 A NO. BECAUSE I THINK THERE IS, THE BIBLE SAYS A  
8 MAN WHO PUTS HIS HAND TO THE PLOW AND THEN LOOKS BACK  
9 IS NOT FIT FOR THE KINGDOM OF GOD. I THINK WHAT HE'S  
10 TALKING ABOUT HERE, WHAT I UNDERSTAND THE HOLY SPIRIT  
11 TO TELL ME IS, THAT IF I'M STARTING TO WALK WITH THE  
12 LORD AND THEN I TURN BACK TO THE OLD WAYS, THERE IS A  
13 DIFFERENCE BETWEEN LOOKING BACK TO THE OLD WAYS AND  
14 GOING BACK TO THE OLD WAYS AND I BELIEVE IN MY HEART  
15 THAT A PERSON WHO HAS TO LOOK BACK TO SEE WHERE GOD  
16 HAS BROUGHT YOU FROM IN ORDER TO REALIZE WHERE THE  
17 FUTURE LEADS YOU.

18 Q RIGHT. AND YOU DON'T CARE TO GO BACK TO THE OLD  
19 WAYS, DO YOU, MR. COPE?

20 A I DON'T KNOW WHY YOU WOULD SAY THAT.

21 Q NOW --

22 A I DON'T WANT TO GO BACK TO THE 385 POUNDS. I  
23 DON'T WANT TO GO BACK TO THE MASTURBATION.

24 Q NOW IN YOUR STATEMENTS, IN EVERY STATEMENT I  
25 BELIEVE AND EVEN IN YOUR FIRST INTERVIEW, YOU TALKED

1 ABOUT YOUR EXPERIENCE THAT YOU HAD WITH THE DREAM  
2 ABOUT THE RAPTURE?

3 A THAT'S CORRECT.

4 Q OKAY. NOW THE RAPTURE IS A WONDERFUL THING,  
5 ISN'T IT?

6 A BEAUTIFUL THING.

7 Q IT'S PART OF THE SECOND COMING?

8 A IT IS THE SECOND COMING OF THE CHRIST.

9 Q WELL, IT'S PHASE ONE OF THE SECOND COMING, IS  
10 THAT CORRECT?

11 A IT IS THE INITIAL COMING OF CHRIST. I'LL SAY  
12 THAT.

13 Q RIGHT. SOME, SOME BELIEVERS OR SOME THEOLOGIANS  
14 DIVIDE IT, ISN'T IT TRUE, THEY DIVIDE IT INTO TWO  
15 PHASES: YOU HAVE THE RAPTURE AND THEN YOU HAVE THE  
16 TRIBULATION, CORRECT? BUT THE RAPTURE IS A WONDERFUL  
17 THING. WE CAN AGREE ON THAT, ISN'T THAT CORRECT?

18 A RIGHT. I CAN'T SAY THAT IT'S THE RAPTURE THEN  
19 THE TRIBULATION. I THINK IT'S THE INITIAL COMING IS  
20 JESUS CHRIST AND AFTER HE LEAVES THEN THERE IS  
21 TRIBULATION ON EARTH, BUT THEN THE SECOND PART.

22 Q RIGHT?

23 A THAT THEOLOGIAN TALKING ABOUT IS THE OFFICIAL  
24 COMING OF, THE SECOND COMING OF THE LORD, WHICH WHEN  
25 HE STEPS DOWN ON MOUNT ARARAT WHEN THE MOUNTAINS WILL

1 BE SPLIT OPEN.

2 Q THAT'S WHEN HE REUNITES HEAVEN AND EARTH UNDER  
3 HIS GUISE?

4 A THAT'S CORRECT, YES.

5 Q NOW AND THAT'S THE ULTIMATE COMING OF CHRIST BUT  
6 THE BELIEF IN THE RAPTURE IS THAT AT SOME POINT IN  
7 TIME HIS TRUE BELIEVERS?

8 A THAT'S CORRECT.

9 Q ARE GOING TO BE CALLED UP, ACTUALLY NOT EVEN  
10 CALLED UP, I BELIEVE RAPTURE COMES FROM THE GREEK  
11 WORD OF BEING SNATCHED UP, IS THAT CORRECT?

12 A IT COMES FROM THE GREEK WORD THAT MEANS CAUGHT  
13 UP, YES, SIR.

14 Q OKAY. AND SO AT SOME POINT IN TIME AND WE DON'T  
15 KNOW WHERE THAT'S GOING TO BE?

16 A NO, SIR, WE DON'T.

17 Q AT SOME POINT IN TIME JESUS IS GOING TO COME AND  
18 EITHER CALL UP OR SNATCH UP HIS TRUE BELIEVERS INTO  
19 THE HEAVENS TO BE WITH HIM AND THEN TO GO TO HEAVEN  
20 WITH HIM AND AT SOME POINT IN TIME THEY WILL COME  
21 BACK FOR THE FULL SECOND COMING?

22 A WELL, THAT'S --

23 Q IS THAT CORRECT?

24 A THAT'S WHEN WAR ON THE DEVIL AND THE ARCH  
25 ANGELS.



1 Q OKAY.

2 A THE DEMONS, YES.

3 Q AND I BELIEVE THAT THE RAPTURE TALKS ABOUT HOW

4 JESUS WILL CALL UP OR SNATCH UP HIS TRUE BELIEVERS IN

5 THEIR PHYSICAL GLORY, ISN'T THAT CORRECT?

6 A REPEAT THAT ONE MORE TIME?

7 Q HE WILL CALL UP OR SNATCH UP TRUE BELIEVERS IN

8 THEIR PHYSICAL GLORY. WHAT THAT MEANS IS, ISN'T IT

9 TRUE, THAT YOU SEE THE BUMPER STICKER SOMETIMES THAT

10 SAYS IF THE RAPTURE APPEARS THIS CAR WILL BE

11 UNOCCUPIED?

12 A THAT'S CORRECT. AND THE REASON FOR THAT IS

13 FIRST JOHN ONE, I MEAN, FIRST, FIRST JOHN 3:2 SAYS WE

14 WILL SEE HIM AS HE IS BECAUSE WE WILL BE LIKE HIM

15 WHEN HE COMES.

16 Q RIGHT. AND SO THAT MORNING WHEN YOU AWOKE IT

17 WAS YOUR INITIAL THOUGHT AFTER YOU CALLED AMANDA

18 TWICE AND YOU DIDN'T GET AN ANSWER, IT WAS YOUR

19 INITIAL THOUGHT THAT PERHAPS THE RAPTURE HAD

20 OCCURRED?

21 A THAT'S CORRECT, I HAD DREAMED THIS, SO I THOUGHT

22 THAT IT HAD ACTUALLY TOOK PLACE IN MY DREAM, YES.

23 Q ALL RIGHT.

24 A AND THAT IT WAS FOR REAL.

25 Q AND YOU DREAMED IT THAT NIGHT JUST RIGHT BEFORE

1 WAKING UP?

2 A RIGHT. I DREAMED IT RIGHT BEFORE I WOKE UP AND  
3 THAT'S NOT A NORMAL, THAT'S NOT ABNORMAL THING, THAT  
4 HAPPENS QUITE OFTEN. I DREAM ABOUT THE RAPTURE.

5 Q RIGHT.

6 A FOR ONE THING WAS THE MASTURBATION.

7 Q AND HAD THE RAPTURE OCCURRED THAT MORNING IT  
8 WOULD HAVE BEEN A GLORIOUS THING?

9 A IT WOULD HAVE.

10 Q FOR AMANDA?

11 A IT WOULD HAVE BEEN GLORIOUS THING FOR EVERYBODY  
12 WHO WAS PREPARED.

13 Q IT WOULD HAVE BEEN GLORIOUS THING FOR EVERYBODY,  
14 WOULDN'T IT?

15 A YES, SIR, FOR THOSE WHO WERE PREPARED.

16 Q OKAY. ONE OTHER THING. HAD THE RAPTURE  
17 OCCURRED THAT MORNING NOT ONLY WOULD IT HAVE BEEN A  
18 GLORIOUS THING BUT AMANDA'S BODY WOULD HAVE BEEN GONE  
19 AND HER BEDROOM WOULD HAVE BEEN EMPTY?

20 A THAT'S CORRECT, IT WOULD HAVE.

21 Q THANK YOU, SIR.

22 A AND SO WOULD JESSICA AND KYLA. THAT'S WHY I  
23 LOOKED.

24 THE COURT: REDIRECT.

25 MR. MORTON: JUST A COUPLE OF THINGS, YOUR

1 HONOR.

2 REDIRECT EXAMINATION BY MR. MORTON:

3 Q MR. COPE, MR. POPE ASKED YOU ABOUT LETTERS THAT  
4 AMY HAD SENT TO YOU.

5 A THAT'S CORRECT.

6 Q AND I BELIEVE THAT WE HAVE COPIES OF THOSE  
7 LETTERS, BUT I BELIEVE THE SOLICITOR'S OFFICE HAS  
8 THOSE LETTERS, THE ORIGINAL LETTERS, THAT AMY SENT  
9 TO, ARE THEY IN EVIDENCE?

10 MR. POPE: YES, SIR.

11 MR. MORTON: THE LETTERS THAT AMY SENT TO  
12 HIM.

13 Q WE'RE GOING TO GET THE ORIGINAL, MR. COPE, AND  
14 WE'LL INTRODUCE THOSE LETTERS INTO EVIDENCE.

15 A OKAY.

16 Q THIS LETTER THAT IS SIGNED, NOT SIGNED, BUT IS  
17 NUMBER BY SLED 1523, 1524, 1525, 1526, AND 1527, FROM  
18 THE SLED NUMBERS WHICH INDICATE THAT THIS LETTER I'M  
19 GOING TO SHOW YOU INSTEAD OF DIGGING IT OUT, I WOULD  
20 ASK PERMISSION JUST TO SHOW A COPY?

21 MR. POPE: NO OBJECTION.

22 Q THIS LETTER WHICH AND I WON'T HAVE YOU READ IT  
23 ALL, BUT IT REFERS TO HAPPY BELATED MOTHER'S DAY,  
24 CORRECT?

25 A THAT'S CORRECT.

1 Q AND THIS LETTER IS NOT, DOESN'T HAVE DATE ON IT?

2 A THAT IS CORRECT.

3 Q AND IT ALSO REFERS TO WELL COURT COMES UP,  
4 FAMILY COURT IN LESS THAN THREE WEEKS?

5 A THAT IS CORRECT.

6 Q WHICH WAS ON JUNE SEVEN?

7 A THAT IS CORRECT.

8 Q BUT THE ENVELOPE THAT THIS LETTER CAME OUT OF  
9 WHEN SLED RETRIEVED IT, WAS AN ENVELOPE DATED MAY 7,  
10 IS THAT RIGHT?

11 A IT SAYS MAY 7, THAT IS CORRECT.

12 Q OKAY. AND ALL ACTUALITY THIS LETTER WHICH  
13 REFERS TO A HAPPY BELATED MOTHER'S DAY AND FAMILY  
14 COURT COMING UP IN LESS THREE WEEKS SHOULD BE IN THE  
15 MAY 20 ENVELOPE, CORRECT?

16 A THAT IS CORRECT.

17 Q AND THE MAY 20 ENVELOPE IS THE I AIN'T LYING  
18 ENVELOPE?

19 A THAT IS CORRECT.

20 Q AND THE MAY 20 ENVELOPE WAS THE ENVELOPE THAT  
21 AMY SIMMONS SAYS THE FORGED LETTER CAME IN?

22 A THAT IS CORRECT, SIR.

23 Q OKAY.

24 A IT EVEN STATES IT IN THAT LETTER THAT THE  
25 ENVELOPE SAYS RIGHT HERE, WHERE IT ACTUALLY SAYS I

1 HOPE YOU LIKED THE KITTENS AND THE LION. I HOPE, I  
2 DON'T EVEN SAY I HOPED, YOU LIKE I SAID I HOPE AS IN  
3 THIS IS WHAT WAS IN THE ENVELOPE THAT WAS SENT TO  
4 HER. HOW, IF SHE NEVER RECEIVED IT, HOW DO WE HAVE A  
5 COPY OF IT? THAT'S WHAT I'M SAYING. I WAS SET UP.  
6 THERE IS FURTHER PROOF.

7 Q AND THIS ENVELOPE DATED MAY 7, POST MARKED MAY 7  
8 TALK ABOUT HAPPY BELATED MOTHER'S DAY WHICH I BELIEVE  
9 WAS ON MAY 9?

10 A THAT'S CORRECT.

11 Q IT'S ALSO BEEN REFERENCE TO A LETTER THAT YOU  
12 WROTE TO AMY SIMMONS BY MR. POPE IN WHICH YOU  
13 DESCRIBE TO HER IN THE LETTER ABOUT ANOTHER INMATE  
14 COMING TO YOU PROPHECYING AND HAVING SEEN YOU?

15 A YES.

16 Q SOMETHING ABOUT YOU'RE GOING TO BE SELLING BOOKS  
17 AND MAKING LOTS OF MONEY OR SOMETHING LIKE THAT, YOU  
18 REMEMBER THAT?

19 A I REMEMBER THAT, YES, SIR.

20 Q NOW I'M GOING TO SHOW YOU WHAT'S BEEN IDENTIFIED  
21 BY SLED AS 1515 AND I'M NOT SURE WHICH ACTUAL COURT'S  
22 IDENTIFICATION NUMBER IT IS AND READ THOSE LAST, THAT  
23 SENTENCE RIGHT THERE?

24 A I SHARED WITH HIM THAT I AM KEEPING A JOURNAL  
25 AND HOPE TO PUBLISH IT. I TOLD HIM THAT I WAS CALLED

1 TO PREACH AND, AND THE PART ABOUT THE MONEY, I'M NOT  
2 SURE ABOUT SINCE I DON'T CARE ABOUT MONEY.

3 Q THANK YOU. NOW YOU DIDN'T KNOW THAT THEY WERE  
4 GOING TO HAVE COPY OF THESE OR INTRODUCE THESE OR  
5 ANYTHING?

6 A NO, SIR, I DIDN'T.

7 Q OKAY. AND YOU DIDN'T KNOW ANYTHING -- I'M  
8 SORRY.

9 A IF THE TRUTH BE KNOWN I WAS JUST GOING TO SAY  
10 THAT ALSO I PLANNED TO HELP OTHERS WITH WHATEVER  
11 MONEYS THAT I RECEIVE FROM MY BOOKS, IF THAT EVER  
12 HAPPENS.

13 Q NOW EVERYONE WANTS TO WRITE A BOOK AND MAKE A  
14 LOT OF MONEY?

15 A OF COURSE. AND IF IT HAPPENS AND I DO, THERE IS  
16 ACTUALLY TWO THINGS I'M ACTUALLY GOING TO DO. FIRST  
17 I'M GOING TO MARY SUE LOVED TO PLAY THE PIANO, SO I'M  
18 GOING TO SET UP TWO MUSICAL SCHOLARSHIPS WITH, WITH  
19 COLLEGES, ONE IN THE VIOLIN BECAUSE AMANDA PLAYED THE  
20 VIOLIN AND ONE WITH MARY SUE BECAUSE, FOR MARY SUE  
21 BECAUSE SHE PLAYED THE PIANO A LOT. THOSE ARE THE  
22 TWO MAIN THINGS I INTEND TO DO WITH ANY, ANY KIND OF  
23 MONEY THAT I GET.

24 Q DON'T FORGET ABOUT ME.

25 A WELL, YOU'D BE SURPRISED HOW MANY PEOPLE HAVE

1 ACTUALLY SAID THAT, DON'T FORGET ABOUT ME, BILLY.

2 Q BECAUSE ON THE FREEDOM TEAM YOU REALIZE THAT MR.  
3 BAITY AND I WERE APPOINTED TO REPRESENT YOU, RIGHT?

4 A THAT'S CORRECT.

5 Q YOU REALIZE THAT THESE PEOPLE RIGHT HERE ARE  
6 WORKING FOR FREE?

7 A I DO REALIZE THAT. AS A MATTER OF FACT, I CAN  
8 RECALL ON THE 15TH OF, GOD HAS WITH ME FOR A LONG  
9 TIME, I GUESS I'M GIVING MY TESTIMONY SO THIS IS THE  
10 PROPER TIME I GUESS TO DO THIS. I WILL SAY THAT ON  
11 15TH OF DECEMBER OF 2001 I PRAYED AND ASKED FOR A  
12 GOOD ATTORNEY AND I WAS APPOINTED MR. BAITY AND MR.  
13 BAITY HAS BEEN WITH ME EVER SINCE. TWO DAYS LATER I  
14 RECEIVED A LETTER STATING THAT HE WAS MY ATTORNEY.  
15 TWO DAYS AFTER I PRAYED THAT, AND HE HAS BEEN MY  
16 ATTORNEY EVER SINCE THE 17 OF DECEMBER 2001 AND SINCE  
17 THEN GOD HAS MOVED IN NUMEROUS PEOPLE INTO MY LIFE.  
18 I HAVE BEEN INVOLVED IN MANY THINGS IN THE JAIL WHERE  
19 I MET MANY INMATES, 500 OR MORE, A LOT OF THEM HAVE  
20 COME TO KNOW THE LORD.

21 Q DID YOU KNOW WHEN YOU STARTED WRITING, I'M GOING  
22 TO CHANGE THE SUBJECT ON YOU.

23 A ALL RIGHT.

24 Q DID YOU KNOW BEFORE YOU STARTED YOUR WRITING TO  
25 AMY SIMMONS --

1                   MR. POPE: YOUR HONOR, I OBJECT TO  
2 LEADING. IF HE WANTS TO ASK WHAT HE DID.

3                   THE COURT: I SUSTAIN THE OBJECTION.  
4 REPHRASE YOUR QUESTION.

5 Q BEFORE YOU STARTED WRITING TO AMY SIMMONS?

6 A THAT'S CORRECT, YES, SIR.

7 Q DID YOU REALIZE THAT SHE WAS IN TROUBLE?

8                   MR. POPE: OBJECTION, YOUR HONOR, DID YOU  
9 REALIZE.

10                  THE COURT: I SUSTAIN THE OBJECTION.

11                  MR. POPE: ASK HIM WHAT HE DID.

12                  MR. MORTON: THAT'S WHAT I AM GOING TO ASK  
13 HIM. I DON'T KNOW ELSE HOW TO ASK IT.

14 Q DID YOU KNOW THAT SHE WAS IN TROUBLE FOR FORGING  
15 SIGNATURES?

16                  MR. POPE: WHAT DID YOU KNOW, HE KNOWS HOW  
17 TO ASK A QUESTION.

18                  THE COURT: I'LL ALLOW THE QUESTION. GO  
19 AHEAD.

20 Q DID YOU KNOW SHE WAS IN TROUBLE FOR FORGING  
21 SIGNATURES AND DIVERTING NARCOTICS?

22 A NO, SIR. I FOUND OUT ABOUT A, PROBABLY ABOUT A  
23 MONTH, A MONTH AFTER, A MONTH BEFORE THIS TRIAL  
24 STARTED. IF THAT LONG.

25 Q MR. POPE IS VERY ELOQUENT AND ARTICULATE IN HIS



1       QUESTIONS AND HE ASKED YOU ONE TIME THAT YOU GAVE A  
2       STATEMENT THAT THE GREEN, THAT THIS GREEN THING  
3       WRAPPED AROUND HER THAT YOU WRAPPED THIS GREEN THING  
4       AROUND HER NECK TO MAKE IT LOOK GOOD?

5       A     I DIDN'T MEAN, I DIDN'T, TO MAKE IT LOOK GOOD?  
6       I SAID TO MAKE IT APPEAR TO BE AN ACCIDENT AND THAT'S  
7       WHAT I SAID IN ONE OF MY STATEMENTS.

8       Q     THAT'S WHAT YOU SAID TO THE POLICE?

9       A     THAT'S CORRECT.

10      Q     NOW WAS THAT ACTUALLY WHAT HAPPENED?

11      A     NO, THAT'S NOT WHAT HAPPENED.

12      Q     OKAY. HE ALSO TALKS ABOUT YOU WORKING ON YOUR  
13      INSANITY PLEA AND THIS IS YOUR INSANITY DAY AND SO  
14      FORTH; BILLY, THIS PROCESS FROM BEGINNING TO END WITH  
15      THE POLICE I THINK STARTED ON THAT THURSDAY MORNING  
16      AT ABOUT SIX O'CLOCK, CORRECT.

17                   MR. POPE: I OBJECT TO MR. MORTON  
18      TESTIFYING.

19                   MR. MORTON: I'M SORRY.

20      Q     WHEN DID YOU TALK TO THE POLICE THE FIRST TIME?

21      A     THE FIRST TIME? AT MY HOME THAT MORNING.

22      Q     WHEN DID YOU TALK TO THEM THE NEXT TIME?

23      A     ACTUALLY THERE WAS LIKE THREE OR FOUR DIFFERENT  
24      QUICK INTERVIEWS WITH DIFFERENT OFFICERS ASKING ME  
25      AND THIS AND THAT AT THE HOUSE. AFTER THAT I WAS

1 CARRIED DOWNTOWN.

2 Q WHEN DID YOU TALK TO MR. BURRIS?

3 A I TALKED TO MR. BURRIS AS SOON AS I GOT INTO, AS  
4 SOON AS I GOT -- WELL, ABOUT 30 MINUTES AFTER I GOT  
5 INTO THE POLICE STATION.

6 Q WHEN DID YOU VOLUNTARILY GO TO THE HOSPITAL?

7 A SHORTLY AFTER THAT. HE ASKED ME WOULD I GO DOWN  
8 TO THE HOSPITAL AND WOULD I BE WILLING TO DO A DNA  
9 SAMPLE AND I TOLD HIM, YES, SIR.

10 Q WHEN DID YOU COME BACK AND TALK TO MR. HERRING  
11 AND MR. BURRIS AGAIN?

12 A IMMEDIATELY AFTER THAT. I MEAN, THEY SENT ME  
13 OUT INTO THE LOBBY FOR A SHORT TIME. I'M STILL NOT  
14 SURE WHETHER THEY SENT ME TO THE LOBBY FIRST OR  
15 WHETHER I WENT AND TALKED TO HIM AND THEN WENT TO THE  
16 LOBBY OR WHETHER I WENT TO THE LOBBY THEN WAS CALLED  
17 TO HIM. THAT'S ONE THING I JUST CAN'T SEEM TO  
18 REMEMBER EXACTLY. I KNOW I REMEMBER MEETING THE  
19 PASTOR OUT THERE ONE TIME. I REMEMBER MEETING THE  
20 PASTOR OUT THERE AND THEN MY WIFE CAME OUT THERE ONE  
21 TIME SO I DON'T KNOW. I CAN'T REMEMBER AS TO WHETHER  
22 WHEN I COME BACK FROM THE HOSPITAL IF I WAS USHERED  
23 OUTSIDE AND THEN BROUGHT BACK IN OR WHETHER I WAS  
24 BROUGHT STRAIGHT IN AND TAKEN STRAIGHT TO HIS OFFICE.

25 Q AND AFTER YOU TALKED TO MR. BURRIS YOU LATER

1 TALKED IN THE AFTERNOON TO ANOTHER POLICE OFFICER AND  
2 A DSS WORKER WHO CAME TO YOUR HOUSE, IS THAT CORRECT?

3 A THAT IS CORRECT.

4 Q THEN I BELIEVE YOU TALKED --

5 A ACTUALLY I DIDN'T TALK TO THE POLICE OFFICER.  
6 THE POLICE OFFICER STOOD PROBABLY ABOUT AS FAR FROM  
7 HERE AS I AM TO HER. HE STOOD AT THE BOTTOM OF THE  
8 PORCH AND ME AND MARY SUE SIT IN THE CHAIR ON THE  
9 PORCH WITH THE, WITH MRS. HERRING.

10 Q AND THEN LATER THAT NIGHT YOU SPOKE WITH  
11 DETECTIVES WALDROP AND HERRING, CORRECT?

12 A THAT IS CORRECT, YES.

13 Q AND YOU SPOKE WITH THEM FOR ALMOST FOUR HOURS,  
14 CORRECT?

15 A YEAH. I SAY PROBABLY LONGER THAN, LONGER THAN  
16 FOUR HOURS.

17 Q AND DURING THAT INTERVIEW DID YOU, WERE YOU, DID  
18 YOU INSIST ON TAKING A POLYGRAPH?

19 A I INSISTED, I COUNTED I THINK 13 TIMES. I THINK  
20 IT'S ALSO BEEN STATED IN THE RECORD 13 TIMES.

21 Q OKAY. AND THEN THE NEXT MORNING YOU WERE TAKEN  
22 AND SPOKE TO MR. BAKER AND MR. HERRING AGAIN?

23 A THAT IS CORRECT.

24 Q AND YOU GOT OVER THERE ABOUT QUARTER TO TEN, IS  
25 THAT WHAT YOU SAID, OR TEN O'CLOCK?

1 A NO, IT WASN'T MR. BAKER. OH, YEAH, MR. BAKER.  
2 AT THAT TIME, YES. IT WAS, I WOULD SAY WE PROBABLY  
3 GOT THERE ABOUT RIGHT AROUND TEN, RIGHT AROUND TEN  
4 O'CLOCK, YES, SIR.

5 Q AND THAT INTERVIEW LASTED UNTIL 2:25?

6 A THE LEAST 2:25, YES.

7 Q OKAY. AND THEN ON DECEMBER THIRD YOU GAVE A  
8 STATEMENT TO MR. CABANISS AND MRS. BAKER AND, I'M  
9 SORRY, MRS. BLACKWELDER. THAT STATEMENT, STATEMENT  
10 IN THE AFTERNOON, LASTED FROM 1:30 UNTIL FIVE  
11 O'CLOCK.

12 A THERE WAS A SHORT, A SHORT ABOUT 45 MINUTES  
13 WHERE I ATE, ATE LUNCH IN BETWEEN THAT, BUT, YES,  
14 SIR, PRETTY MUCH.

15 Q MR. POPE HAD YOU, MR. COPE, READ THIS STATEMENT?

16 A THAT IS CORRECT.

17 Q OKAY. AND IT TOOK YOU THREE TO FOUR MINUTES TO  
18 READ THIS STATEMENT, RIGHT?

19 A THAT IS CORRECT.

20 Q WAS THIS A THREE OR FOUR MINUTE ORDEAL?

21 A NO, SIR.

22 Q TELL THE JURY WHAT YOU FELT LIKE AND WHAT YOU  
23 WENT THROUGH ON THOSE DAYS WHEN YOU GAVE THOSE  
24 STATEMENTS. HAD YOU EVER HAD YOUR DAUGHTER MURDERED  
25 AND RAPED IN YOUR HOME BEFORE?

1 A NO, SIR, THAT WAS THE FIRST TIME. I DIDN'T---I  
2 WAS SHOCKED. I DIDN'T KNOW WHAT--I--I DIDN'T KNOW  
3 WHAT TO THINK. I DIDN'T KNOW WHAT TO DO. I DIDN'T  
4 KNOW WHAT TO DO SAY. I DIDN'T KNOW HOW TO ACT. I  
5 DIDN'T KNOW ANYTHING. THEN I STARTED GETTING  
6 BOMBARDED WITH QUESTIONS. IT STARTED OUT AS A  
7 INNOCENT INTERVIEW AND I THINK THAT LASTED MAYBE,  
8 MAYBE 30 MINUTES, MAYBE 30 MINUTES, AND THEN IT WENT  
9 INTO AN INTERROGATION. THEY STARTED ACCUSING ME  
10 TALKING ABOUT, DO YOU, I THINK THERE WAS SOME  
11 QUESTIONS IN THERE WHERE THEY SAID DO YOU ACTUALLY,  
12 DO YOU HAVE SOMETHING THAT YOU NEED TO GET OFF YOUR  
13 CHEST. DO YOU, IS THERE, IS THERE SOMETHING THAT THE  
14 LORD NEEDS TO, TO FORGIVE YOU FOR. IS THERE  
15 SOMETHING YOU NEED TO TALK TO THE LORD ABOUT. YOU  
16 KNOW, GOD ALMIGHTY ABOVE IS LOOKING DOWN ON YOU.

17 Q SO HOW DID THAT MAKE YOU FEEL?

18 A DURING THAT INTERVIEW I WAS ANGRY BECAUSE I  
19 HADN'T DONE NOTHING. AND I KEPT STATING THAT. NO,  
20 SIR. NO, SIR. NO, SIR. NO, SIR, I DIDN'T. NO,  
21 SIR. AND I HAD ALL RESPECT FOR AUTHORITIES. I THINK  
22 I COUNTED, OF COURSE, BECAUSE I'M THE ONE WHO  
23 REVEALED IT TO EVERYONE ELSE, 660 -- LORD FORGIVE  
24 ME -- 666 TIMES AND I ASKED, I ASKED YOU AND MR.  
25 BAITY NOT TO USE 666. YOU USED 665 BECAUSE THAT WAS

1 THE, NOT A NUMBER THAT I LIKED.

2 Q OKAY. YOU ARE AWARE THAT ALL THIS EVIDENCE  
3 THAT'S COME BACK, THE BROOMS?

4 A YES. I AM AWARE OF IT, YES, SIR.

5 Q AND YOU ARE AWARE THAT THERE IS NO PHYSICAL  
6 EVIDENCE AT ALL ON THE BROOMS OR ON THE DILDO OR  
7 ANYTHING ELSE?

8 A THAT'S CORRECT, SIR.

9 Q WHY IS THAT?

10 A BECAUSE I DIDN'T DO NOTHING. BECAUSE I DIDN'T  
11 DO NOTHING AT ALL.

12 Q YOU KNOW THIS MAN?

13 MR. GREELEY: OBJECTION, THAT IS OUTSIDE  
14 THE SCOPE.

15 THE COURT: I SUSTAIN THE OBJECTION. I  
16 SUSTAIN THE OBJECTION, MR. MORTON.

17 MR. MORTON: YOUR HONOR.

18 THE COURT: I SUSTAIN THE OBJECTION, MR.  
19 MORTON.

20 Q HAVE YOU EVER SEEN THIS MAN?

21 MR. GREELEY: OBJECTION.

22 THE COURT: I SUSTAIN THE OBJECTION. YOU  
23 WENT OVER THIS ON DIRECT.

24 MR. MORTON: I THINK HE BROUGHT IT UP IN  
25 CROSS.

1 THE COURT: LET'S GET TO IT. HE'S  
2 ANSWERED IT BEFORE I THINK.

3 MR. MORTON: ALL RIGHT.

4 Q HAVE YOU EVER SEEN THIS MAN?

5 A WHEN?

6 Q BEFORE NOVEMBER 29 AND BEFORE YOU CAME TO JAIL?

7 A NO, SIR. BEFORE I CAME TO JAIL I DID NOT, I DID  
8 NOT SEE THIS MAN. AS A MATTER OF FACT, I WAS PLACED  
9 IN A CELL WITH THIS, IN A, IN THE JAIL WITH THIS MAN  
10 IN A ROOM AND DIDN'T EVEN KNOW WHO HE WAS. THAT  
11 HAPPENED IN JUNE OF 2002. I DID NOT KNOW WHO HE WAS.  
12 HE ACTUALLY TOLD ME HE KNEW --

13 MR. GREELEY: OBJECTION, YOUR HONOR.

14 THE COURT: I SUSTAIN THE OBJECTION.

15 MR. GREELEY: IT'S NOT RESPONSIVE TO THE  
16 QUESTION.

17 Q THAT'S GOOD. MR. COPE.

18 A YES.

19 Q ARE THESE LETTERS THAT YOU RECEIVED FROM --

20 A YES.

21 Q ---AMY SIMMONS. AND HOW DO YOU KNOW THAT THEY  
22 ARE LETTERS FROM AMY SIMMONS, DO YOU RECOGNIZE HER  
23 WRITING?

24 A YES, I DO.

25 Q AND DO YOU KNOW THAT THOSE ARE LETTERS THAT YOU

1 RECEIVED FROM HER?

2 A YES, I DO.

3 MR. MORTON: I WOULD MOVE TO INTRODUCE  
4 THESE AT THIS TIME, YOUR HONOR.

5 THE COURT: ANY OBJECTION?

6 A THAT'S THE FIRST LETTER, THE CHRISTMAS LETTER I  
7 WAS TALKING ABOUT. THAT'S THE VERY FIRST LETTER I  
8 RECEIVED FROM HER.

9 THE COURT: ANY OBJECTION?

10 MR. POPE: YES, SIR. I GUESS I WOULD  
11 OBJECT TO THE AUTHENTICITY OF IT. I UNDERSTAND  
12 MR. COPE HAD THESE LETTERS AND GAVE THEM TO THE  
13 DEFENSE THAT WE RECEIVED FROM THEM YESTERDAY. BUT MY  
14 OBJECTION IS AUTHENTICITY. HE'S SAYING THIS IS AMY'S  
15 HANDWRITING. AMY SIMMONS' HANDWRITING AND I'M NOT  
16 SURE HOW TO AUTHENTIC THAT.

17 A THESE ARE THE LETTERS --

18 THE COURT: WAIT. WAIT, MR. COPE. ALL  
19 RIGHT, MR. GREELEY.

20 MR. GREELEY: I HAVE AN OBJECTION, YOUR  
21 HONOR, BECAUSE I HAVE NO INFORMATION ABOUT THE  
22 CONTENT OF THE LETTERS.

23 THE COURT: I SUSTAIN THE OBJECTION.

24 Q MR. COPE, LET ME ASK YOU ABOUT THESE, ABOUT THE  
25 LETTERS.



1 A YES.

2 Q DID YOU--WHEN THIS LETTER, WHEN AMY CALLED  
3 CHARLENE BLACKWELDER AND TOLD HER THAT SHE HAD THIS  
4 LETTER, STATE'S EXHIBIT 96?

5 A CAN I SEE THE ORIGINAL?

6 Q WELL.

7 A WHILE YOU ARE HOLDING THAT UP I JUST WANT TO SEE  
8 THE ORIGINAL TO THAT. YES.

9 Q STATE'S EXHIBIT 89?

10 A YES.

11 Q CORRECT?

12 A THAT'S CORRECT.

13 Q AND YOU WERE ASKED TO GIVE HANDWRITING  
14 EXEMPLARS, WERE YOU NOT?

15 A I WAS.

16 Q AND DID YOU VOLUNTEER TO DO THAT?

17 A OF COURSE, I DID. I STARTED OFF ---CAN I SEE  
18 THE OTHER LETTERS A SECOND.

19 Q WHICH ONES?

20 A THE ONES THAT SHE WROTE ME.

21 THE COURT: WAIT JUST A MINUTE. NOW THE  
22 WAY THIS WORKS, HE'S GOING TO ASK YOU QUESTIONS.

23 A I'M SORRY. I JUST WANTED TO SEE THE ORIGINALS.

24 THE COURT: YOU GOT TO ANSWER QUESTIONS.

25 Q YOU VOLUNTEERED TO GIVE YOUR HANDWRITING

1 EXEMPLARS TO --

2 A I DID.

3 Q AND YOU'RE AWARE THAT WE REQUESTED FINGERPRINTS  
4 BE TAKEN ON THOSE LETTERS, CORRECT?

5 A YES, I'M AWARE OF THAT.

6 Q OKAY. I'M GOING TO SHOW YOU THESE LETTERS FROM  
7 MS. SIMMONS AGAIN.

8 A RIGHT.

9 Q AND ASK YOU TO TAKE A LOOK AT THEM.

10 A THAT'S CORRECT. I SEE THEM.

11 Q DO YOU RECOGNIZE THEM?

12 A I DO RECOGNIZE THEM. I RECOGNIZE THEM AS BEING  
13 THE VERY LETTERS THAT SHE WROTE ME. THERE IS CARDS.  
14 ONE WITH --

15 THE COURT: HE JUST ASKED YOU IF YOU  
16 RECOGNIZE THEM?

17 A YES, I RECOGNIZE THEM.

18 Q HOW DO YOU RECOGNIZE THEM?

19 A I RECOGNIZE THEM BECAUSE THESE ARE THE VERY  
20 LETTERS THAT CAME IN THE VERY ENVELOPES THAT HAD HER  
21 NAME ON THEM.

22 Q ARE THOSE, DO THOSE LETTERS CONTAIN THE CONTENTS  
23 OF THE LETTERS THAT SHE WROTE TO YOU?

24 A THAT IS CORRECT. THESE LETTERS, THESE VERY  
25 LETTERS THAT I HANDED YOU, ALL THE LETTERS THAT SHE

1           WROTE ME.

2           Q     DO THEY CONTAIN THE SUBSTANCE OF WHAT SHE WROTE  
3           YOU?

4           A     YES, THEY DO.

5           Q     OKAY.  CAN YOU TELL FROM LOOKING AT THOSE  
6           LETTERS THAT THOSE ARE THE LETTERS THAT ARE  
7           DISTINCTIVE TO HER?

8           A     YES.  THEY HAVE JAMIE'S NAME ON THEM.  THEY  
9           HAVE--- YES, THEY DO.

10                   MR. MORTON:  YOUR HONOR, I MOVE TO  
11           INTRODUCE THOSE LETTERS, YOUR HONOR, UNDER RULE 901.

12                   THE COURT:  901 B TWO.

13                   MR. MORTON:  AND B FOUR.

14                   MR. GREELEY:  YOUR HONOR, I STILL HAVE MY  
15           OBJECTION.  I HAVE NO IDEA WHAT THE CONTENT IS IN THE  
16           LETTERS.  I'VE NEVER SEEN THEM.

17                   THE COURT:  I SUSTAIN THE OBJECTION.

18                   MR. MORTON:  I'M SORRY?

19                   THE COURT:  I SUSTAIN THE OBJECTION.  MR.  
20           GREELEY HADN'T SEEN THEM.

21                   MR. MORTON:  OKAY.

22                   THE COURT:  HADN'T HAD A CHANCE TO REVIEW  
23           THEM.

24                   (HANDED TO MR. GREELEY.)

25                   MR. GREELEY:  JUST FOR THE COURT TO KNOW,

1           THESE ARE A NUMBER OF LETTERS WITH A NUMBER OF PAGES  
2           AND IT IS GOING TO TAKE ME JUST A FEW MINUTES TO READ  
3           THEM.

4                       MR. MORTON:   YOUR HONOR, THAT'S ALL I HAVE  
5           OF THIS WITNESS.   IF YOU WANT TO DO THAT.

6                       THE COURT:   OVER LUNCH?

7                       MR. MORTON:   YES, SIR.

8                       THE COURT:   ALL RIGHT.   LET'S SEE.   WELL,  
9           YOU MIGHT HAVE SOME RECESS.   WE'LL BREAK FOR LUNCH  
10          THEN.   IT'S 12:20.   LET'S BE BACK AT, LET'S SAY 1:30.

11                                (THE JURY EXITS THE COURTROOM AT 12:20  
12          PM.)

13                       THE COURT:   ANYTHING FROM THE STATE BEFORE  
14          LUNCH?

15                       MR. POPE:   NO, SIR, YOUR HONOR.

16                       THE COURT:   THE DEFENSE.

17                       MR. MORTON:   NO.

18                       THE COURT:   MR. GREELEY.

19                       MR. GREELEY:   NO, YOUR HONOR.

20                       THE COURT:   WE'LL RECONVENE AT 1:30

21          MR. COPE, YOU CAN STEP DOWN.

22                                (COURT'S IN RECESS AT 12:20 PM.)

23                                (COURT RESUMES AT 01:36 PM.)

24                       MR. MORTON:   WE HAD MOVED TO INTRODUCE  
25          THESE LETTERS.

1 THE COURT: ALL RIGHT. ANY OBJECTION?

2 MR. GREELEY: I'VE HAD A CHANCE. I'M  
3 SORRY.

4 THE COURT: ANY OBJECTION, THE STATE  
5 OBJECTS I BELIEVE.

6 MR. POPE: AS TO AUTHENTICITY. I MEAN, I  
7 UNDERSTAND IT COMPORTS, MY CONCERN IS, I DON'T OPPOSE  
8 WHETHER THEY ARE IN OR OUT. MY CONCERN IS I'M NOT  
9 STIPULATING THEY ARE AUTHENTIC.

10 THE COURT: ALL RIGHT. MR. GREELEY.

11 MR. GREELEY: YOUR HONOR, I HAVE HAD A  
12 CHANCE TO REVIEW THE LETTERS OVER LUNCH AND I HAVE NO  
13 POSITION.

14 THE COURT: I THINK UNDER THE RULES THAT,  
15 THEY'VE BEEN MAYBE NOT AUTHENTICATED COMPLETELY, THEY  
16 AT LEAST FALL WITHIN THE RULES, SO I'M GOING TO ALLOW  
17 THEM IN. ALL RIGHT. READY FOR THE JURY.

18 MR. MORTON: YES, SIR.

19 (DEFENSE EXHIBIT NUMBER 75 LETTERS IN  
20 A MANILA FOLDER WITH LETTERS RECEIVED IN EVIDENCE.)

21 (THE JURY RETURNS TO THE COURTROOM.)

22 MR. MORTON: WITHOUT OBJECTION I BELIEVE  
23 THAT WE WANTED TO INTRODUCE THESE PHOTOGRAPHS OF THE  
24 HOLDING CELL THAT MR. COPE WAS IN.

25 THE COURT: YOU WANT TO GET HIM TO

1 IDENTIFY THEM FIRST?

2 REDIRECT EXAMINATION BY MR. MORTON:

3 Q MR. COPE, DO YOU RECOGNIZE THESE PHOTOGRAPHS?

4 A YES, SIR. THIS IS THE FRONT OF --

5 Q ARE THOSE THE HOLDING CELLS --

6 A I THINK IT'S THE ACTUAL SAME HOLDING CELL.

7 THE COURT: ANY OBJECTION?

8 MR. POPE: NO OBJECTION, YOUR HONOR.

9 MR. GREELEY: NO OBJECTION, YOUR HONOR.

10 THE COURT: BE RECEIVED WITHOUT OBJECTION.

11 (DEFENSE EXHIBIT 76 PHOTOGRAPH  
12 RECEIVED INTO EVIDENCE.)

13 THE COURT: THE LETTERS ARE IN SUBJECT TO  
14 MY RULING OVER OBJECTION.

15 MR. MORTON: THAT'S ALL I HAVE.

16 RECROSS EXAMINATION BY MR. POPE:

17 Q JUST QUICKLY, MR. COPE. THE LETTERS MARKED  
18 DEFENSE EXHIBIT 75, WHAT ARE THESE LETTERS? YOU'VE  
19 INDICATED BEFORE THE JURY WENT OUT, DID YOU LOOK AT  
20 THAT AND TELL ME WHAT THOSE ARE?

21 A THESE ARE LETTERS AND CARDS THAT AMY WROTE ME OR  
22 SENT ME. I RECOGNIZE THEM ALL AS SUCH.

23 Q OKAY. AND SO YOU RECEIVED THOSE HERE AT MOSS  
24 JUSTICE CENTER?

25 A YES, SIR.

1 Q IS THIS ALL THE LETTERS THAT SHE WROTE YOU?

2 A THAT'S ALL -- YES, SIR, BECAUSE THAT'S ALL THAT

3 I HAVE. I MEAN I DON'T KNOW IF THAT IS EVERY ONE OF

4 THEM THAT'S BEEN INTRODUCED INTO, YOU KNOW, THE ONES

5 THAT HAVE BEEN INTRODUCED INTO EVIDENCE, THAT'S ALL I

6 GAVE MY ATTORNEY. I CAN'T SAY THAT THAT'S, YOU KNOW,

7 THEY WERE IN YOUR POSSESSION OR IN, IN THE

8 SOLICITOR'S OFFICE POSSESSION AFTER THEY WERE PAST, I

9 MEAN, THEY WERE JUST PAST TO MY ATTORNEY JUST A FEW

10 MINUTES AGO. I CAN'T SAY WHETHER THEY ARE ALL THERE

11 NOW.

12 Q LET ME JUST MAKE SURE I UNDERSTAND, YOU GAVE

13 THEM TO YOUR ATTORNEY WHEN?

14 A SOMETIME BACK AFTER, IF I HAD MY BOOK, I CAN

15 TELL YOU EXACTLY WHEN.

16 Q LET ME GET YOUR BOOK FOR YOU.

17 A ACCORDING TO MY RECORDS JUNE THIRD.

18 Q JUNE THIRD YOU TOOK THESE LETTERS THAT YOU

19 RECEIVED FROM MS. SIMMONS AND GAVE THEM TO YOUR

20 ATTORNEYS, RIGHT?

21 A THAT IS CORRECT.

22 Q AND YOU GAVE THEM ALL OF THE LETTERS YOU'VE

23 RECEIVED FROM MS. SIMMONS?

24 A THAT IS CORRECT.

25 Q OKAY. I'M GOING TO ASK YOU IF YOU'D TAKE A

1 LOOK. I NOTICE THIS HERE ON TOP HERE IT HAS TWO  
2 CIRCLED. IT SAYS FRIEND PERIOD I HAD PHYSICAL  
3 THERAPY THIS MORNING. COULD YOU TELL ME, AND I KNOW  
4 THEY APPEAR TO BE MIXED UP THERE, COULD YOU TELL ME  
5 WHERE SIDE ONE IS TO THAT?

6 A I DON'T SEE PAGE ONE FOR THIS ONE.

7 Q WAS THERE A PAGE ONE FOR THAT ONE?

8 A YES, THERE WAS.

9 Q OKAY. DID YOU TURN THAT OVER TO YOUR ATTORNEY?

10 A I WOULD THINK SO, YES. I MEAN, THEY WERE ALL  
11 PUT BACK IN THE ENVELOPES, PUT BACK IN THE THING. I  
12 WOULD SAY, YES, THEY WERE. I DON'T KNOW.

13 Q SO WITH THE EXCEPTION OF THAT PAGE ONE, THAT'S  
14 EVERYTHING YOU RECEIVED FROM AMY SIMMONS?

15 A WITHOUT GOING BACK TO MY JOURNAL WHICH IS.

16 Q YOU HAVE YOUR JOURNAL THERE WITH YOU?

17 A NO. I DON'T, I AIN'T KEPT UP WITH, THIS IS MY  
18 COURT JOURNAL. THIS WASN'T LETTERS AND STUFF LIKE.  
19 I KEPT THOSE IN MY JOURNAL ABOUT EACH DAY AND THOSE  
20 ARE IN MY ROOM.

21 Q OKAY.

22 A WITHOUT THAT I COULDN'T TELL YOU EXACTLY THAT  
23 THIS WAS THE, FOR A KNOWN FACT, THAT THIS WAS ALL THE  
24 LETTERS. I MEAN, I DON'T KNOW SOME HAS BEEN REMOVED.

25 Q SO YOU GAVE ALL THESE TO YOUR ATTORNEY BUT THESE



1 MAY NOT BE ALL OF THEM, IS THAT CORRECT?

2 A I CAN ONLY SAY THAT THESE HERE THAT ARE SITTING  
3 HERE DOES NOT SHOW ALL OF THE LETTERS BECAUSE OF THAT  
4 ONE PAGE IS MISSING. BUT I MEAN, THAT'S ALL I CAN  
5 SAY.

6 Q THANK YOU, SIR. LET ME ASK YOU REAL QUICK. YOU  
7 TALKING ABOUT YOUR JENNY CRAIG PLAN?

8 A THAT'S CORRECT.

9 Q WHEN YOU WERE BOOKED IN AT THE JAIL YOU GAVE  
10 THEM YOUR HEIGHT AND WEIGHT AND ALL THAT STUFF AT THE  
11 JAIL WHEN YOU ARE BOOKED IN DOWN AT ROCK HILL CITY,  
12 IS THAT RIGHT?

13 A SOMEWHERE AROUND THERE.

14 Q SIR?

15 A I SAY YEAH. YOU MEAN AT THE ROCK HILL CITY.

16 Q RIGHT.

17 A I DON'T REMEMBER GIVING THEM MY WEIGHT AND ALL  
18 THAT.

19 Q DO YOU REMEMBER GIVING THEM HEIGHT 5'11" AND  
20 WEIGHT 330?

21 A NO, SIR. I DON'T EVER REMEMBER TELLING THEM 330  
22 BECAUSE I KNEW I WAS 365.

23 Q I THOUGHT YOU WERE 385?

24 A IT WAS 365.

25 Q OKAY.

1 A THAT'S WHAT THEY HAVE ME HERE AT THE JAIL. 385  
2 IS WHAT I WAS THE LAST TIME I WENT TO THE DOCTOR.

3 Q THANK YOU, SIR.

4 THE COURT: MR. GREELEY.

5 MR. GREELEY: NO QUESTIONS, YOUR HONOR.

6 THE COURT: YOU CAN STEP DOWN, MR. COPE.

7 AT 01:48 PM.

8 THE COURT: MR. MORTON, CALL YOUR NEXT  
9 WITNESS.

10 MR. BAITY: YOUR HONOR, WE WOULD CALL  
11 MICKEY DAWSON TO THE STAND.

12 MICKEY DAWSON, BEING FIRST DULY  
13 SWORN, TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION BY MR. BAITY:

15 Q MR. DAWSON, I'M GOING TO ASK YOU TO PULL THAT  
16 MICROPHONE UP AS CLOSE TO YOU AS YOU CAN AND SPEAK  
17 INTO IT. IT DOESN'T GIVE MUCH AND NEITHER DOES YOUR  
18 CHAIR. COULD YOU GIVE US YOUR FULL NAME AND ADDRESS  
19 PLEASE?

20 A MARVIN H. DAWSON, JR. KNOWN AS MICKEY DAWSON.  
21 I LIVE IN SPARTANBURG, SOUTH CAROLINA.

22 Q MR. DAWSON, WHAT'S YOUR PROFESSION AND CURRENT  
23 EMPLOYER?

24 A I'M A FORENSIC DOCUMENT EXAMINER. I'M, I HAVE A  
25 PRIVATE PRACTICE SINCE MY RETIREMENT FROM THE STATE.

1 Q AND YOU RETIRED FROM WHERE?

2 A THE STATE OF SOUTH CAROLINA. I WORKED FOR THE  
3 STATE OF SOUTH CAROLINA 27 AND A HALF YEARS AS A  
4 FORENSIC DOCUMENT EXAMINER AS A STATE LAW  
5 ENFORCEMENT.

6 Q IS THAT WITH SLED OR STATE LAW ENFORCEMENT?

7 A I WAS WITH SLED ABOUT 16 - 17 YEARS AND THE REST  
8 OF THAT WITH OTHER STATE AGENCIES AS A DOCUMENT  
9 EXAMINER.

10 Q HOW LONG HAVE YOU BEEN A FORENSIC DOCUMENT  
11 EXAMINER?

12 A APPROXIMATELY 30 YEARS.

13 Q AND YOU WERE ENGAGED IN A PRIVATE PRACTICE OR A  
14 PRIVATE BUSINESS OF THE SAME THING?

15 A YES. I'VE HAD A PRIVATE PRACTICE SINCE 1986.

16 Q AND THAT IS LOCATED WHERE?

17 A SPARTANBURG, SOUTH CAROLINA.

18 Q ALL RIGHT. PLEASE GIVE US BRIEFLY YOUR  
19 EDUCATIONAL AND WORK EXPERIENCE?

20 A I'VE UNDERGRADUATE AND GRADUATE DEGREES FROM THE  
21 UNIVERSITY OF SOUTH CAROLINA. MY WORK EXPERIENCE  
22 TRAINING WOULD BE APPROXIMATELY, I WENT TO WORK WITH  
23 SLED IN 1972, SOUTH CAROLINA LAW ENFORCEMENT  
24 DIVISION. SHORTLY THEREAFTER I BEGAN A TWO YEAR  
25 INTERNSHIP WHILE EMPLOYED WITH SLED WITH THE GEORGIA

1 BUREAU OF INVESTIGATION AS DOCUMENT LABORATORY.  
2 AFTER TWO YEAR TRAINING PROGRAM I STARTED THE SLED  
3 DOCUMENT LABORATORY, FORENSIC DOCUMENT LABORATORY.  
4 OVER THE PERIOD OF YEARS I'VE ATTENDED NUMEROUS  
5 TRAINING COURSES, SCHOOLS WITH THE FBI, TREASURY,  
6 SECRET SERVICE, ET CETERA, SHORT COURSES AND SEMINARS  
7 THROUGHOUT THE UNITED STATES. I AM BOARD CERTIFIED  
8 BY THE AMERICAN BOARD OF FORENSIC DOCUMENT EXAMINERS  
9 AND MAINTAIN A CURRENT CERTIFICATION.

10 Q WHAT DOES IT MEAN TO BE BOARD CERTIFIED, MR.  
11 DAWSON?

12 A BOARD CERTIFIED IS A CERTIFICATION PROCESS.  
13 BOARD CERTIFICATION, AS MANY PROFESSIONAL  
14 ORGANIZATIONS HAVE, WHERE THE PARENT ORGANIZATION OR  
15 SPONSORING ORGANIZATION WILL PREPARE A SERIES OF  
16 TESTS KNOWN AS WRITTEN TESTS, PRACTICAL EXERCISES AND  
17 ORAL BOARDS AND IT GUARANTEES INDIVIDUALS THAT  
18 SOMEONE BOARD CERTIFIED HAS MET CERTAIN  
19 QUALIFICATIONS.

20 Q AND IS THAT A PROCESS THAT'S ONGOING?

21 A YES, IT IS.

22 Q AND ARE YOU AFFILIATED WITH ANY OTHER  
23 PROFESSIONAL ASSOCIATIONS OR ORGANIZATIONS?

24 A YES, I AM. I'M A MEMBER OF THE AMERICAN SOCIETY  
25 OF QUESTION DOCUMENT EXAMINERS. DOCUMENT SECTION OF

1 THE AMERICAN ACADEMY OF FORENSIC SCIENCES AND A  
2 CHARTER MEMBER OF SOUTHERN ASSOCIATION OF FORENSIC  
3 SCIENTISTS.

4 Q DO YOU ATTEND THEIR SEMINARS AND CONFERENCES AND  
5 CONVENTIONS?

6 A YES, I DO. IN FACT, I'VE GIVEN PAPERS ON  
7 NUMEROUS OCCASIONS TO THE NATIONAL MEETINGS AND MADE  
8 PRESENTATION OF WORK.

9 Q MR. DAWSON, HOW MANY, HOW MANY QUESTION  
10 DOCUMENTS HAVE YOU EXAMINED DURING THE COURSE OF YOUR  
11 CAREER?

12 A I HAVE NO WAY OF KNOWING. I THINK A  
13 CONSERVATIVE ESTIMATE WOULD BE TEN OF THOUSANDS  
14 REALLY.

15 Q HAVE YOU EVER QUALIFIED AS AN EXPERT IN ANY  
16 CIVIL OR CRIMINAL PROCEEDING?

17 A NUMEROUS TIMES, YES.

18 Q YOU'VE TESTIFIED IN COURT AS AN EXPERT?

19 A APPROXIMATELY 300 TIMES, YES.

20 Q AND IS THAT IN THE STATE OF SOUTH CAROLINA?

21 A STATE OF SOUTH CAROLINA, GEORGIA, NORTH  
22 CAROLINA.

23 Q THE STATE AND FEDERAL COURT?

24 A YES.

25 Q HAVE YOU EVER TESTIFIED FOR THE PROSECUTION OR

1 THE STATE IN THOSE PROCEEDINGS, SIR?

2 A YES, I HAVE.

3 Q AND HAVE YOU TESTIFIED ON BEHALF OF THE  
4 DEFENDANT?

5 A FROM TIME TO TIME, YES.

6 Q WHICH WOULD YOU SAY THAT YOU'VE DONE MORE OF?

7 A I HAVE TESTIFIED FOR THE STATE IN FEDERAL COURTS  
8 MORE THAN FOR THE DEFENDANTS, OF COURSE.

9 Q ALL RIGHT.

10 MR. BAITY: YOUR HONOR, AT THIS TIME WE  
11 WOULD OFFER MR. MICKEY DAWSON AS AN EXPERT IN  
12 FORENSIC DOCUMENT EXAMINATION.

13 THE COURT: VOIR DIRE?

14 MR. POPE: NO, SIR, YOUR HONOR.

15 THE COURT: MR. GREELEY.

16 MR. GREELEY: NO OBJECTION.

17 THE COURT: I FIND HE'S QUALIFIED.

18 MR. BAITY: THANK YOU, YOUR HONOR.

19 Q I HAVE ALREADY PROVIDED A COPY OF HIS CV TO  
20 COUNSEL. DO YOU RECOGNIZE THIS, SIR?

21 A YES, I DO.

22 Q COULD YOU TELL US WHAT IT IS?

23 A IT IS MY CV I PREPARE AND PROVIDE TO INTRODUCE  
24 MYSELF TO CLIENTS.

25 Q ALL RIGHT, SIR.

1                   MR. BAITY: YOUR HONOR, I WOULD MOVE AT  
2 THIS TIME TO HAVE THIS INTRODUCED INTO EVIDENCE.

3                   MR. POPE: NO OBJECTION.

4                   MR. GREELEY: NO OBJECTION.

5                   THE COURT: WITHOUT OBJECTION.

6                                 (DEFENSE EXHIBIT 77 CV RECEIVED INTO  
7 EVIDENCE.)

8           Q       MR. DAWSON, IF YOU WOULD PLEASE GIVE THE LADIES  
9 AND GENTLEMEN OF THE JURY A BRIEF OVERVIEW OF  
10 FORENSIC DOCUMENT EXAMINATION?

11           A       FORENSIC DOCUMENT EXAMINATION AND PRETTY MUCH  
12 RELATED TO HANDWRITING FOR ALL PURPOSES; HOWEVER, IT  
13 DOES COVER MANY, MANY THINGS. HANDWRITING,  
14 TYPEWRITING, MECHANICAL IMPRESSIONS, HAND PRINTING  
15 OBLITERATIONS, ALTERATIONS, WITH WATER SOAKED  
16 DOCUMENTS, CHARRED DOCUMENTS, A LITANY OF PROBLEMS  
17 WHERE SOMEONE MAY HAVE A DOCUMENT WITH A PROBLEM. IN  
18 THIS CASE WE'RE SPEAKING OF HANDWRITING AND HAND  
19 PRINTING. THAT'S A DOCUMENT THAT'S CONSIDERED A  
20 QUESTION DOCUMENT. A DOCUMENT WHICH THERE IS AN ISSUE  
21 AS TO AUTHENTICITY OR AUTHORSHIP. ON THE OTHER SIDE  
22 AS A COMPARISON WE HAVE KNOWN STANDARDS OR KNOWN  
23 EXEMPLARS. THOSE ARE WRITINGS, SIGNATURES, EXTENDED  
24 WRITINGS IN THIS CASE, FROM INDIVIDUALS AND THESE ARE  
25 USED FOR SIDE BY SIDE COMPARISONS AS WELL AS FOR

1 EXAMINATION. IN DOCUMENT EXAMINATION WE'RE LOOKING  
2 FOR UNIQUENESSES OF THE WRITING.

3 A PERSON, FOR EXAMPLE, STARTS WRITING  
4 EARLY. IN SCHOOL SYSTEM THEY USE A COPY BOOK IN  
5 PREPARING PRINTED LETTERS, BLOCK LETTERS. SEVERAL  
6 YEARS LATER THEY BEGAN CONNECTING THOSE LETTERS INTO  
7 CURSIVE WRITING. THROUGHOUT THEIR EDUCATIONAL SYSTEM  
8 THEY DEVELOP PRETTY MUCH A SET PATTERN OF WRITING.  
9 TO A DOCUMENT EXAMINER WE SAY A PERSON'S WRITING  
10 MATURES, IF YOU WOULD, LATE TEENS EARLY 20'S. IT'S  
11 NOT EMOTIONAL AND MENTAL MATURITY. THAT JUST MEANS  
12 THAT THE PERSON HAS SORT OF GOT INTO A PERMANENT  
13 HABIT.

14 A PERSON'S HANDWRITING IS IDENTIFIABLE  
15 BASED UPON OUR SLOPPINESS. HOW WE DEVIATE FROM THE  
16 WAY WE WERE TAUGHT TO WRITE. THEY START MAKING,  
17 PARDON ME, INSTEAD OF A ROUND TEXTBOOK A, AN OBLONG  
18 A. INSTEAD OF A Y EXTENDER COMING DOWN, THE LOWER  
19 PART OF THE Y AND CIRCLING BACK UP, WE MAY ABBREVIATE  
20 IT IN SOME FORM. BUT GENERALLY WE HAVE SOME HABITS  
21 THAT ARE UNIQUE TO OURSELVES AND OURSELVES ONLY. NOW  
22 MANY PEOPLE IN HERE MAY WRITE THE SAME A OR Z OR B OR  
23 N, BUT NO ONE IN THIS ROOM OR CITY WILL HAVE THE SAME  
24 TYPE OF WRITINGS, SAME TYPE OF WRITING, AND SAME  
25 LETTER COMPOSITION. THAT'S WHAT MAKES A PERSON'S



1 WRITING UNIQUE. IN WRITING, WE ALSO IN TAKING THAT  
2 CASE IN WE START LOOKING FOR SOME THINGS. WE TAKE  
3 THE QUESTION DOCUMENT AND LOOK AT THE SUBSTRATE IT IS  
4 ON, THE PAPER IT'S ON. WE EXAMINE THE WRITING  
5 LOOKING FOR NATURALNESS, GENERALNESS, DOES THE  
6 SIGNATURE, DOES THE WRITING FLOW. DOES THE PRINTING  
7 FLOW OR IS IT STILTED. OR DOES IT EXHIBIT  
8 CHARACTERISTICS OF SIMULATION OR CHARACTERISTICS OF  
9 GENUINE WRITING. THEN WE EXAMINE THE SPECIMEN  
10 SIGNATURES, THE KNOWN WRITING, AND WE EXAMINE THOSE  
11 FOR CONSISTENCY TO SEE IF ALL OF THE KNOWN SAMPLES  
12 WERE PREPARED BY COMMON AUTHOR. SO ONCE WE HAVE  
13 LOOKED MICROSCOPE, EXAMINE MICROSCOPICALLY THE  
14 DOCUMENTS AND LOOK FOR CHARACTERISTICS THEN WE START  
15 COMPARING THE TWO AND LOOKING FOR UNIQUE INDIVIDUAL  
16 CHARACTERISTICS. DID A PERSON WRITE THIS OR NOT.  
17 THOSE ARE THE ISSUES.

18 Q THANK YOU. HAVE YOU BEEN ASKED TO EXAMINE SOME  
19 QUESTION DOCUMENTS IN THIS CASE?

20 A YES, I HAVE.

21 Q IF I MAY APPROACH THE WITNESS, YOUR HONOR. I'M  
22 GOING TO ASK IF YOU RECOGNIZE WHAT'S BEEN MARKED AS  
23 STATE'S EXHIBIT -- WELL IT SEEMS TO BE MISSING, BUT I  
24 KNOW IT'S NUMBER 90. HAVE YOU EXPLAINED THAT  
25 DOCUMENT, SIR?

1 A I HAVE.

2 Q THE STATE FOR SOME REASON IT'S MISSING BUT I'M?

3 A I HAVE WHAT'S REFERRED TO AS A DEAR AMY LETTER.

4 I NEED TO SEE YOU IN PERSON. I HAVE MY MARK AS

5 Q-TWO, QUESTION TWO ON THIS DOCUMENT. ALONG WITH

6 THIS DOCUMENT IS AN ENVELOPE TO AMY SIMMONS DATED

7 DECEMBER 31, 2003. I HAVE EXAMINED THAT DOCUMENT.

8 THAT BEARS OR USED TO BEAR ONE OF MY NUMBERS ON IT.

9 YES, I'VE EXAMINED THESE TWO DOCUMENTS.

10 Q ALL RIGHT, SIR. I'M GOING TO ASK YOU IF YOU

11 RECOGNIZE WHAT HAS BEEN MARKED STATE'S EXHIBIT NUMBER

12 89?

13 A STATE'S EXHIBIT 89 IS, YES, I'VE EXAMINED THIS

14 DOCUMENT. IT'S START OFF: DEAR AMY, GOD TOLD ME TO

15 TELL YOU. THERE IS A PAGE ONE AND PAGE TWO OF THIS

16 DOCUMENT. I'VE EXAMINED IT, YES.

17 Q ALL RIGHT, SIR. ARE THESE THE QUESTION

18 DOCUMENTS THAT YOU'VE BEEN ASKED TO EXAMINE IN THIS

19 CASE?

20 A YES, THEY ARE.

21 Q AND WERE YOU PROVIDED ANY MATERIALS IN ADDITION

22 TO COPIES OR THE ORIGINAL -- WELL, FIRST OF ALL, HAVE

23 YOU SEEN THE ORIGINAL OF BOTH OF THOSE LETTERS?

24 A YES, I HAVE.

25 Q AND YOU'VE SEEN COPIES OF THOSE?

1 A COPIES AND ORIGINAL, YES, SIR.

2 Q IN ADDITION TO THE QUESTION DOCUMENTS WHAT  
3 MATERIALS HAVE BEEN YOU PROVIDED FROM ANY SOURCE TO  
4 ASSIST YOU IN YOUR EXAMINATION?

5 A I WAS PROVIDED LETTERS, HANDWRITTEN MATERIAL  
6 FROM A BILLY COPE, AND I WAS PROVIDED LETTERS AND  
7 CORRESPONDENCE FROM AMY SIMMONS I BELIEVE.

8 Q ALL RIGHT, SIR. AGAIN YOU WERE PROVIDED THE  
9 QUESTION DOCUMENTS AS WELL?

10 A YES, SIR.

11 Q ALL RIGHT, SIR. WERE YOU PROVIDED ANY EXEMPLARS  
12 FROM MR. COPE?

13 A YES, I RECEIVED SOME REQUESTED EXEMPLARS. TO  
14 DOCUMENT EXAMINER WE HAVE TWO TYPES OF EXEMPLARS:  
15 COLLECTED WHICH MEANS MATERIAL FROM NORMAL COURSE OF  
16 BUSINESS, AND REQUESTED WHEN YOU ASK AN INDIVIDUAL TO  
17 SIT DOWN AND WRITE FOR THE PURPOSE OF EXAMINATION. I  
18 RECEIVED BOTH TYPES OF EXEMPLARS.

19 Q AND WERE YOU ABLE TO OBTAIN APPROPRIATE AND  
20 DISTINCT COPIES OF THESE MATERIALS AS WELL LOOK AT  
21 THE ORIGINALS?

22 A YES, I DID.

23 Q ARE YOU SATISFIED THAT YOU HAD ALL THE MATERIALS  
24 YOU NEED TO MAKE A PROPER EXAMINATION?

25 A YES, I AM.

1 Q MR. DAWSON, IN GOING ABOUT YOUR BUSINESS HERE,  
2 YOUR EXAMINATION, IS THIS A DIFFICULT CASE?

3 A YES AND NO. IT'S DIFFICULT AND IT WAS EXTENDED  
4 WRITING. NORMALLY A DOCUMENT EXAMINER WILL HAVE A  
5 PROBLEM OF A SINGLE SIGNATURE, SEVERAL SIGNATURES,  
6 MAYBE A HALF SENTENCE OR A SENTENCE. IN A SUICIDE  
7 NOTE OR SOMETHING SEVERAL SENTENCES, BUT THIS IS  
8 EXTENDED WRITING WHICH IS USUALLY MORE DIFFICULT,  
9 MORE TIME CONSUMING AND HAS A LOT MORE VARIATION. WE  
10 ALL HAVE NATURAL VARIATIONAL WRITING AS WELL AS  
11 CERTAIN PATTERNS IN OUR WRITING. HOWEVER AS FAR AS  
12 IDENTIFYING THE PROBLEMS WITH OR PROBLEMS IS RELATIVE  
13 SIMPLE CASE, VERY BASIC, VERY STRAIGHT FORWARD, RIGHT  
14 OUT OF THE TEXT BOOK.

15 Q IN YOUR EXAMINATION DID YOU REFER TO ANY  
16 REFERENCE BOOKS OR ANY LEARNED TREATISE ON THE  
17 SUBJECT OF FORENSIC DOCUMENT EXAMINATION?

18 A YES. I WENT BACK AND REVIEWED SOME OF THE  
19 LITERATURE AS I NORMALLY DO ON CASES FROM TIME TO  
20 TIME.

21 Q IS THERE ANY PARTICULAR PASSAGE OR SPECIFIC  
22 PREMISE THAT YOU LOOKED AT IN THESE LEARNED  
23 DOCUMENTS?

24 A YES. IN FACT I BROUGHT A COUPLE WITH ME, VERY  
25 SHORT QUOTES AS TO SPEAK SPECIFICALLY TO THE ISSUES

1 IN THIS CASE.

2 Q COULD YOU TELL US WHAT'S THOSE WERE AND DESCRIBE  
3 THOSE TO THE JURY?

4 A YES. THERE ARE A HALF DOZEN BASIC TEXT BOOKS IF  
5 YOU WOULD BUT BOOKS IN OUR FIELD BY WELL KNOWN  
6 AUTHORS. ONE ORDWAY HILTON. ORDWAY WAS IN NEW YORK  
7 FOR MANY YEARS. HE MOVED TO ATLANTA AND DIED SEVERAL  
8 YEARS AGO. HE WAS A PROLIFIC WRITER AND RESEARCHER.  
9 HE HAD A NUMBER OF PUBLICATIONS, NUMBER OF BOOKS HE  
10 WROTE. ONE OF THE BASIC THINGS IN THIS CASE IS IF  
11 TWO WRITINGS ARE BY A SINGLE PERSON THEN NO  
12 FUNDAMENTAL DIFFERENCES SHOULD EXIST. CONVERSELY IF  
13 THERE WERE ANY BASIC DISSIMILARITIES THAT CANNOT BE  
14 ACCOUNTED BY FOR LOGICAL COMMON SENSE EXPLANATION,  
15 THEN THE TWO WRITINGS MUST HAVE BEEN PREPARED BY  
16 DIFFERENT WRITERS. IT SAYS IF THAT'S A BASIC  
17 DIFFERENCE THE SAME WRITER DID NOT WRITE IT. AND HE  
18 ALSO POINTS OUT UNDER A FORGERY ISSUES, THE ACTUAL  
19 FORGERY IS PRODUCED NOT BY WRITING PROCESS BUT BY  
20 DRAWING. THAT MEANS A FORGER WOULD BE DRAWING, VERY  
21 FULL FORM, VERY STICK FORM. ONLY THE EXCEPTIONAL  
22 INDIVIDUAL CAN PRACTICE FAST. THE FALSE OF THE FREE  
23 HAND OR A SIMULATED FORGERY, THE TYPICAL FORGE IS  
24 DRAWN WITH A SLOW MEASURED STROKE WHICH IS USUALLY  
25 FILLED WITH POINTS OF HESITATION, UNCERTAIN MOVEMENT,

1 CERTAIN ABRUPT TURNS OR JOGS. THIS CLOSE OF FORGERY  
2 TYPICALLY CONTAINS A UNIFORMLY HEAVY STROKE THAT  
3 LACKS NATURAL SHADING OR PEN EMPHASIS COMMON TO  
4 NATURAL WRITING.

5 THE OTHER ONE I SELECTED FOR THE  
6 BREVITY OF THE EXPLANATION IS CONWAY. MR. CONWAY IS  
7 RETIRED, WAS HEAD POSTAL LABORATORY IN CALIFORNIA, A  
8 VERY WELL KNOWN AND ALSO A PROLIFIC WRITER OF THE  
9 LITERATURE. UNDER THE CHAPTER SIMULATED FORGERIES  
10 THE MOST COMMON INVOLVES USE OF ACTUAL MODEL  
11 DOCUMENT. THE MODEL IS PLACED IN PROXIMITY TO THE  
12 DOCUMENT TO BE FORGED. THAT IS A SIMULATION IS A  
13 FORGERY WHERE YOU HAVE MODELS OF WRITING SIGNATURE  
14 AND YOU START TO SLOWLY DRAW A COPY. THE MODEL. A  
15 STUDIED SIMULATION FROM A MASTER MODEL USUALLY  
16 EMBODIES A SLOW JOINED MOVEMENT, A NATURAL STOP AND  
17 STARTS, AND A LACK OF RHYTHM AND UNCERTAINTY OF  
18 LETTER CONFORMATIONS. TOUCH UP STROKES AND PATCHINGS  
19 ARE COMMON. ALSO BECAUSE THE FORGER BY SITUATION IS  
20 A SEVEREST CRITIC. HE GOES BACK AND PATCHES THINGS  
21 UP.

22 NOW THE LAST REFERENCE WOULD BE THE  
23 VARIOUS STYLES OF, I'M SORRY. THE LAST REFERENCE  
24 SPEAKS TO TWO HANDWRITINGS CANNOT BE DEEMED TO BE THE  
25 WRITING OF ONE AND THE SAME PERSON UNLESS THEY AGREE

1 IN EVERY FUNDAMENTAL ELEMENT AND EMBODY NO BASIC  
2 DIFFERENCES. CONWAY, AS ALL THE AUTHORS POINT OUT,  
3 IS THAT TWO SIGNATURES, TWO WRITINGS IN THIS CASE  
4 MUST AGREE AND THERE IS A SINGLE DIFFERENCE OF MAJOR  
5 CONSEQUENCE THEN IT CANNOT BE OF COMMON AUTHORSHIP.  
6 BUT THE WRITERS ALSO POINT OUT THAT IT'S, IN MANY  
7 TIMES, IT IS YOU HAVE MORE SIMILARITIES THAN  
8 DIFFERENCES AND IT ONLY TAKES ONE SMALL DIFFERENCE TO  
9 STATE THERE ARE TWO WRITERS AND NOT A SINGLE  
10 AUTHOR.

11 Q NOW EXACTLY HOW DID YOU GO ABOUT CONDUCTING THIS  
12 EXAMINATION OF STATE'S EXHIBIT 89 AND OF STATE'S  
13 EXHIBIT 90, PRECISELY WHAT WAS YOUR METHODOLOGY, IF I  
14 CAN USE THAT TERM, WHAT WERE YOU LOOKING FOR IN THIS  
15 EXAMINATION?

16 A IT WAS A STANDARD TYPE OF EXAMINATION. YOU  
17 FIRST LOOK AT THE PAPERS IF THERE IS ANYTHING  
18 UNUSUAL, LOOK AT THE DOCUMENT, YOU VALIDATE, VERIFY,  
19 THAT ALL OF THE KNOWN WRITINGS ARE FROM A COMMON  
20 AUTHOR, COMMON AUTHORSHIP, IN THIS CASE I HAD TWO  
21 INDIVIDUALS AND THEN YOU TAKE THE QUESTION DOCUMENT,  
22 IN THIS CASE THE EXTENDED WRITING, AND START LOOKING  
23 AT THE WRITING. YOU ARE LOOKING FOR NATURALNESS,  
24 FLOWINGNESS AND IN THIS PARTICULAR CASE I DID NOT SEE  
25 THAT. I SAW INSTEAD A VERY HEAVY DRAWN LINE

1       RETOUCHING, PATCHING, PEN STOPS, PEN LIFTS, STOPS,  
2       ALL THE CHARACTERISTICS OF SIMULATION, OR THE  
3       CHARACTERISTICS FORGERY. IN FACT, AS, A TERM USED  
4       FLAGS OF FORGERY AND ALL THE CHARACTERISTICS WERE  
5       THERE INDICATING SIMULATION OR NON GENUINE WRITING.

6       Q     NOW MR. DAWSON, YOU SAID THAT YOU FOUND  
7       CHARACTERISTICS OF SIMULATION, IS THAT IN STATE'S  
8       EXHIBIT NUMBER 90 AND 89, BOTH OF THEM, ONE OF THEM;  
9       WHERE DID YOU FIND THOSE CHARACTERISTICS OF  
10      SIMULATION?

11     A     STATE'S EXHIBIT 89 AND 90, BOTH QUESTION  
12     DOCUMENT PACKAGES CONTAINED CHARACTERISTICS OF  
13     SIMULATION.

14     Q     DID YOU PREPARE ANY EXHIBITS THAT WOULD  
15     ILLUSTRATE THE POINTS THAT YOU'VE JUST TESTIFIED  
16     ABOUT?

17     A     YES, I DID.

18     Q     AND DID YOU BRING THOSE TO COURT TODAY WITH YOU?

19     A     YES, HERE.

20     Q     ARE THESE THOSE?

21     A     YES, SIR.

22     Q     ALL RIGHT, SIR. MAYBE COULD YOU STEP DOWN HERE  
23     AND BRIEFLY EXPLAIN WITHOUT GOING INTO, IF THAT'S ALL  
24     RIGHT WITH THE COURT, BRIEFLY EXPLAIN, IDENTIFY THESE  
25     AS EXHIBITS AND LET'S GET THEM INTRODUCED INTO



1 EVIDENCE, AND THEN YOU CAN GO INTO MORE DETAILED  
2 EXPLANATION?

3 A THESE ARE ENLARGEMENTS, SCANNED ENLARGEMENTS,  
4 EACH OF WHICH IS FROM THE EVIDENCE WE HAVE RIGHT HERE  
5 TODAY EITHER QUESTIONED AND KNOWN. THESE WERE  
6 PREPARED AS A MODEL AND TAKEN AND ENLARGED SO THESE  
7 ARE ENLARGED EXHIBITS INCORPORATING THE MATERIAL I  
8 HAD TO EXAMINE, THE MATERIAL I EXAMINED, AND THESE  
9 ARE TO DEMONSTRATE MY FINDINGS IN THIS CASE.

10 MR. BAITY: OKAY. I MOVE THAT THEY BE  
11 ADMITTED INTO EVIDENCE AT THIS TIME FOR DEMONSTRATIVE  
12 PURPOSES.

13 MR. POPE: NO OBJECTION.

14 MR. GREELEY: NO OBJECTION FOR  
15 DEMONSTRATIVE PURPOSES.

16 THE COURT: BE RECEIVED FOR DEMONSTRATIVE  
17 PURPOSES ONLY.

18 Q ALL RIGHT. MR. DAWSON, WOULD AN EASEL ASSIST  
19 YOU IN ANY WAY?

20 A YES, SIR.

21 Q PLEASE SHOW US ANY CHARACTERISTICS OR SIMULATION  
22 YOU MAY HAVE FOUND, SIR?

23 A THE FIRST CHART REPRESENTS --

24 THE COURT: YES, MA'AM, YOU CAN'T SEE.  
25 THE PODIUM IS IN THE WAY.

1 MR. BAITY: I APOLOGIZE.

2 A THE FIRST CHART REPRESENTS WORDS FROM STATE'S  
3 EXHIBIT 90 I BELIEVE. THIS IS THE DOCUMENT, SHORT  
4 DOCUMENT, WHICH WAS OVERWRITTEN. THE SELECTION OF  
5 WORDS IN THIS PARTICULAR DOCUMENT, WHAT WE'RE LOOKING  
6 FOR UNNATURAL, WE SEE FIRST STARTING WITH THE COME,  
7 C-O-M-E, IF YOU WILL NOTICE HAVE A LINE QUALITY THAT  
8 IS VERY ABRUPT. IT IS NOT SMOOTH. IT DOES NOT FLOW.  
9 YOU SEE A PEN STOP AT THE TOP OF THE C. THERE IS A  
10 PEN STOP AT THE BOTTOM. PEN STOP ON THE RIGHT OF THE  
11 C.

12 GO TO THE O, START WITH INITIAL STROKE  
13 AND COMING DOWN. MANY TIMES A PEN, A BALL POINT PEN  
14 HAS INK ON THE END OF IT, THAT WILL KIND OF COME OFF,  
15 WE HAVE ALL SMEARED BEFORE, WE CALL IT GOOP. IN THIS  
16 CASE UNDER THE MICROSCOPE YOU CAN SEE A LITTLE IN THE  
17 PAPER WHERE IT'S HESITATIONS. THIS IS NOT A  
18 DEFECTIVE PEN.

19 CONTINUE INTO THE BOTTOM OF THE O  
20 THERE IS A PEN STOP. CONTINUE TO THE RIGHT HAND SIDE  
21 OF THE O UP. THE M FORM. THE M FORMATION, INITIAL  
22 STROKE COMES ACROSS AND DOWN AND THEN STOPS. AROUND  
23 IT STOPS. CONTINUES TO THE CENTER POST OF THE M BACK  
24 UP TO THE RIGHT SIDE.

25 THE E IS A STROKE COMING AND YOU HAVE

1 TWO PAUSES AT THE TOP AND AROUND. WHY YOU HAVE  
2 THOSE? THOSE ARE WHEN SOMEONE MAY HAVE A MODEL IN  
3 FRONT OF THEM AND THEY ARE FOLLOWING THAT MODEL AND  
4 STOPPING AND LOOKING TO MAKE SURE THEY HAVE THE RIGHT  
5 RELATIONSHIP OF THE WORDS, THE LETTERS. THE WORD  
6 NIGHT A VERY ABRUPT INITIAL STROKE. A GENERAL  
7 WRITING YOUR PEN HITS THE PAPERS SORT OF FEATHERS.  
8 YOU TOUCH THE PAPER LIGHTLY AND IT FEATHERS. YOU  
9 HAVE AN INITIAL STROKE AND A TERMINAL STROKE. UNDER  
10 SIMULATIONS OF FORGERIES IT'S A CONSCIOUS ACT AND  
11 WHAT HAPPENS THE PEN HITS THE PAPER AND YOU START  
12 YOUR LINE FORM, YOU STOP AND LIFT IT UP, THAT IS THE  
13 BLUNT INITIAL STROKE AND TERMINAL STROKE REFERENCED  
14 IN LITERATURE AND I'VE DEMONSTRATED HERE. THE  
15 INITIAL STROKE COMES DOWN. THERE IS A PEN STOP  
16 COMING UP THE END GOES AROUND.

17 THE I COMES AROUND AND STOPS. THE G  
18 SEVERAL PEN MOVEMENTS AT THE TOP OF THE G COMING  
19 AROUND AND STOP. YOU COME STRAIGHT DOWN AT THE  
20 BOTTOM OF G AND THERE IS PEN STOP. YOU SEE  
21 ABRUPTNESS OF IT. CHANGE DIRECTION COMES DOWN TO THE  
22 BOTTOM OF THE G, THE LOWER EXTENT OF THE G, THERE IS  
23 A PEN STOP THERE. STROKE UP COMES. IT PAUSES  
24 BETWEEN THE G AND THE H AND IT CONTINUES TO THE TOP  
25 OF THE H, COMES BACK DOWN WITH A PEN STOP AT THE BASE

1 OF THE H. A STOP AND LIFT AT THE BOTTOM OF THE H  
2 CONTINUING TO THE I FORM. THAT IS NOT NATURAL  
3 WRITING. YOU DON'T WRITE LIKE THAT.

4 CONTINUING TO THE TELL, T-E-L-L. AS YOU  
5 SEE THE STROKE COMING FROM THE BASE LINE, UP TO TOP,  
6 COME DOWN, AND PAUSE, CONTINUE AROUND, AND THEN SEE  
7 THE PEN LIFT BETWEEN THE T AND THE E. LOOK AT THE  
8 L-L COMBINATION HAVE BLUNT, ALL OF THIS VERY HEAVILY  
9 WRITTEN, NO SHADING OF THE LINES, THERE IS A LOT OF  
10 PRESSURE. CHARACTERISTICS OF SIMULATION.

11 THE I. THE INITIAL STROKE COMES  
12 ACROSS AND YOU CAN SEE THE CHANGE IN DIRECTION OF THE  
13 PEN STOP, MOVES JUST A LITTLE BIT, STOP THERE, THEN  
14 COMES AROUND. SO YOU HAVE A NUMBER OF PEN STOPS AND  
15 PEN LIFT ON THIS PARTICULAR COMBINATION OF THE  
16 LETTERS.

17 CONTINUING THE WORDS FROM THIS  
18 DOCUMENT. YOU'LL FIND THE TWO WORDS CHRISTIAN AND  
19 FIND THE WORD FAITH. THE C, A FALSE START GOING INTO  
20 IT, COMES AROUND AND ROUGH PART OF THE BASE. THE H  
21 COMES DOWN ROLLS AROUND THE LOWER H. THIS LOOKS LIKE  
22 A CHANGE IN PRESSURE BUT UNDER A MICROSCOPIC YOU CAN  
23 SEE A SMALL CAVITY WHERE THE PEN ACTUALLY STOPPED AND  
24 THEN THEY CONTINUED WITH THEIR STROKE GOING UP. THE  
25 R COMES AROUND. THERE IS A PEN PAUSE THERE. AT THE

1 BASE OF THE R YOU CAN ABRUPT CHANGE IN DIRECTION AS  
2 THE PEN STOP THERE. GOING INTO THE I, STOP, AND THE  
3 S. IT LOOKS AS THOUGH THIS IS ACTUALLY DRAWN LETTER  
4 BY LETTER. THE S STARTED AND CAME BACK AROUND. THE T  
5 STOPS BEFORE THE I. THERE IS A PEN LIFT AT THE END  
6 OF I. THE PEN IS TAKEN UP. THE A IS DRAWN IN. THE  
7 PEN IS TAKEN UP. WHERE THE R COMES UP THERE IS A  
8 STOP. CROSS BAR, A STOP, AND COMES AROUND. THAT IS  
9 NOT NATURAL WRIT. THE WORD CHRISTIAN IS DRAWN LETTER  
10 BY LETTER AS YOU CONTINUE ACROSS.

11 FAITH. INITIAL STROKE VERY HEAVY  
12 WRITING PRESSURE, NO SHADING AT ALL, COMES UP AND  
13 STOPS AT THE TOP. SWOOPS DOWN TO THE BASE OF THE F  
14 ACROSS TO THE A. A FORMS IS MADE THERE IS YOUR PEN  
15 STOP AGAIN WE ARE LOOKING FOR. COMES ACROSS TO THE  
16 I. PEN STOP BACK DOWN. THERE IT IS. COMES ACROSS  
17 THE I UP TO THE T BACK AROUND AND THAT'S A STOP RIGHT  
18 BEFORE THE TURN OF THE T AND A PAUSE AT THE BOTTOM OF  
19 THE T AS IF SOMEONE WANTED TO MAKE SURE THEY HAD THAT  
20 FORM EXACTLY LIKE THE MODEL THAT THEY ARE FOLLOWING.  
21 THE H FORM STARTS HERE, GOES UP, COMES DOWN AND  
22 AROUND AND THE PAUSE IN THE BOW OF THE H JUST TO SEE  
23 EXACTLY HOW THE BOW IS GOING. THAT IS NOT NATURALLY  
24 EXECUTED. IT DOESN'T FLOW. THAT'S NOT NATURAL  
25 WRITING.

1                   AND ONE MORE CHART ON THAT PARTICULAR  
2           DOCUMENT.  REALLY, R-E-A-L-L-Y.  VERY HEAVY STROKE.  
3           A FALSE START COMING UP.  THE PEN LIFT, IT'S BEEN  
4           LIFTED AND YOU CAN SEE IT CLOSER LATER.  AND THEN PUT  
5           BACK ON THE PAPER AGAIN AND CONTINUES INTO THE LETTER  
6           FORM.  THERE YOU HAVE THE STOP AT THE E.  GOING OVER  
7           TO THE A, BACK AROUND, STOP AGAIN, AND GOES UP.  PEN  
8           LIFT.  PEN COMES DOWN BETWEEN A LEADING CONNECTING TO  
9           L TO BASE LINE TOP UP TO THE L AROUND AND YOU HAVE A  
10          STOP COMING DOWN TO THE BASE OF THE LINE WITH A VERY  
11          HEAVY BROAD ENDING.  THE SECOND L IS VERY AWKWARDLY  
12          MADE, PEN STOP HERE.  THE Y STOPPED IN THE MIDDLE,  
13          TAKE A LOOK AT IT, COMING UP.  HE TOOK THE LOWER STEM  
14          OF THE Y COME DOWN AND STOP HERE.  ONCE AGAIN WE MAKE  
15          THAT TURN, COMES AROUND TO THE OTHER SIDE, GOT AN  
16          IDEA OF WHAT IT LOOKS LIKE NOW, THEN STRAIGHT UP.  
17          YOU CAN SEE THE TREMOR IN THIS.  THIS IS CALLED  
18          TREMOR FORGER.  GOT CHAPTERS WRITTEN ON IT.  WHEN A  
19          PERSON IS SIMULATING A FORGERY THEY DO NOT WRITE  
20          NATURALLY.  THERE IS VERY SLIGHT TREMOR THAT YOU CAN  
21          REALLY SEE MICROSCOPICALLY, IT'S VERY DIFFICULT TO  
22          SEE WITH THE NAKED EYE UNLESS YOU DO A POOR JOB.  
23          THIS IS SUBTLE TREMOR FORGERY SUCH HAS THE CIRCULAR  
24          MOVEMENT ON THE BASE OF THAT B.  YOU NOTICE THE B  
25          INITIAL STROKE STARTS HERE, THE STOP HERE, STOP

1       THERE, CONTINUES AROUND. LOOK AT THE TREMOR, THE  
2       SHAKINESS OF THE LINES YOU CAN SEE UNDER THE  
3       MICROSCOPIC AND THEY STRAIGHTENED BAR COMING DOWN TO  
4       THE B. YOU SEE QUIVER IN THE BAR. THIS IS TREMOR.  
5       NOW THERE IS ANOTHER TYPE OF TREMOR SOMEONE IS TRYING  
6       TO SIMULATE AN ELDERLY PERSON, YOU SEE ELDERLY A LOT,  
7       AND IF SOMEONE IS TRYING TO SIMULATE A CHECK OR  
8       ENDORSEMENT OF AN ELDERLY PERSON, THEY MAY INJECT  
9       SOME TREMOR INTO IT BECAUSE THEY THINK THE ELDERLY  
10      MAY HAVE PALSEY OR WHATEVER. BUT THIS IS JUST PLAIN  
11      OLD FASHION TEXTBOOK 101 TREMOR OF FORGERY,  
12      SIMULATION.

13                               WE GO TO THE E AGAIN IN THE WORD  
14      BEFORE. INITIAL STROKE A BROAD HEAVY COMING UP STOP  
15      OVER LIFT. HERE'S THE F AGAIN. THE SAME TYPE OF  
16      FORM, VERY SHAKY COMING AROUND. LOOK AT THE POOR  
17      LINE QUANTITY AT THE TERMINAL STROKE OF F. THE O,  
18      THEY HAVE A LITTLE PROBLEM RIGHT THERE DECIDING WHAT  
19      THEY WANT TO DO AND SORT OF GUMPED UP AND COME  
20      AROUND. PEN LIFT, YOU HAVE R-E COMBINATION, AND THEN  
21      YOU HAVE A BREAK IN THE E.

22                               THE WORD GOD. IF YOU'LL NOTICE COMES  
23      AROUND LIKE A C, LIFT ALL TOGETHER, THEN GO BACK AND  
24      HAVE THIS VERY SHAKY LINE AS A CROSS BAR. UP CLOSE  
25      YOU'LL SEE THAT THE O AND D HAVE A LITTLE STRENGTH OF

1 THE HAND BUT IT'S STILL VERY HEAVILY WRITTEN AND THE  
2 MOVEMENTS HAVE JUST A TINY BIT OF SHAKE TO THEM,  
3 QUIVER TO THEM. F, I-F, INITIAL STROKE STARTS UP  
4 HIGH, COMES AROUND, PEN STOP, PEN STOP, THEN WE  
5 CONTINUE ON THERE WHERE THE PEN HIT THE PAPER AND  
6 CONTINUE.

7 SO WHAT I HAVE DEMONSTRATED WITH THIS  
8 DOCUMENT IS THAT YOU HAVE ALL THE CHARACTERISTICS OF  
9 FORGERY OR SIMULATION. HEAVY LINE PRESSURE, PEN  
10 STOPS, PEN STARTS, PATCHING, VERY POOR QUALITY, VERY  
11 DRAWN. IN FACT, ONE OF THE LETTERS WAS ACTUALLY  
12 COMPOSED AS ALMOST A LETTER BY LETTER TO COMPOSE A  
13 WORD. THIS IS WHAT YOU WILL FIND THAT OSBOURNE HAS  
14 IN HIS BOOK MANY TIMES IN FORGERY THEY ACTUALLY  
15 CONSTRUCT LETTER BY LETTER, SO THIS PARTICULAR  
16 DOCUMENT EXHIBITS UP FRONT ON THE FACE  
17 CHARACTERISTICS ASSOCIATED WITH SIMULATION. YOU  
18 REALLY DON'T NEED TO GO MUCH FURTHER ON THIS. THERE  
19 IS NO NEED TO GET VERY COMPLICATED OR FANCY WITH IT.  
20 YOU GOT SIMULATION TO START WITH. SIMULATION IS VERY  
21 DIFFICULT TO IDENTIFY WHO THE FORGER WAS BECAUSE THE  
22 PURPOSE OF SIMULATION IS TO DUPLICATE THE LETTERS,  
23 LETTER FORMS, LETTER COMBINATIONS, TO GET PAST A  
24 GATEKEEPER, TO GET PAST A CHALLENGE SOMEWHERE, SO THE  
25 IDEA IS TO MAKE IT LOOK AS CLOSE TO POSSIBLE AS THE



1 MODEL AND WHEN YOU DO EXTENDED WRITING IT'S VERY,  
2 VERY DIFFICULT. THE POINT BEING THAT NORMALLY YOU  
3 CANNOT TELL WHO DID THE SIMULATION. IF YOU HAVE A  
4 CLOSE POPULATION OF FIVE OR SIX INDIVIDUALS IN  
5 FINANCE OFFICE OR A DOZEN DIFFERENT PEOPLE IN A  
6 SHIPPING AREA, YOU CAN NORMALLY TAKE THE HAND  
7 WRITINGS OF THOSE PEOPLE AND TELL THE INVESTIGATOR  
8 THIS PERSON LOOKS LIKE HE'S A GOOD SUSPECT, GO FOR  
9 IT, BASED ON SUBTLETIES IN IT BECAUSE EVEN IN  
10 SIMULATION PEOPLE A LOT OF TIMES WILL INTERJECT SOME  
11 OF THAT, UNCONSCIOUSLY INTERJECT SOME OF THEIR HABITS  
12 IN MAKING MISTAKES IF YOU WILL, AND A LOT OF TIMES  
13 THOSE MISTAKES YOU CAN PRETTY MUCH FOCUS INTO AN AREA  
14 OF INTEREST, DEVELOP A PERSON OF INTEREST, ALTHOUGH  
15 YOU MAY NOT ACTUALLY IDENTIFY THE PERSON AS THE  
16 WRITER. SO THIS IS THE FIRST STEP ON THIS DOCUMENT  
17 HERE.

18 Q DO YOU HAVE ANY ILLUSTRATIONS OF THE SECOND  
19 DOCUMENT, MR. DAWSON?

20 A YES, I DO. THE SECOND DOCUMENT, STATE'S EXHIBIT  
21 89 I BELIEVE, IS THE AMY GOD TOLD ME LETTER. ON THE  
22 LEFT HAND SIDE I CALLED IT Q-THREE DOCUMENT. MY  
23 Q-THREE FOR REFERENCE WILL ACTUALLY BE STATE'S  
24 EXHIBIT 89. TOOK A COMBINATION OF ANDS AND GODS. UP  
25 CLOSE YOU'LL FIND THERE ARE SOME PEN LIFTS IN HERE

1 BUT MORE IMPORTANTLY YOU SEE THE VERY POOR SHAKY LINE  
2 QUALITY AND THAT'S VERY GROTESQUE IN THE GENRE. THIS  
3 IS ACTUALLY DONE A LITTLE BIT BETTER THAN THIS IS BUT  
4 WHEN YOU LOOK AT IT CLOSELY YOU'LL FIND THAT YOU HAVE  
5 THE SAME BASIC CHARACTERISTICS OF SIMULATION THAT YOU  
6 HAD IN THE FIRST NOTE WE LOOKED AT. YOU LOOK AT HOW  
7 POOR THE WORD GOD IS CONSTRUCTED AT THE BOTTOM. YOU  
8 HAVE DIFFERENT TYPES OF D'S IN THERE. THESE EXHIBITS  
9 EXHIBIT Q-THREE, THE AMY GOD TOLD ME LETTER, ALSO IS  
10 VERY BADLY COMPOSED AND EXHIBITS CHARACTERISTICS OF  
11 SIMULATION AND I WOULD CONSIDER A SIMULATEED  
12 DOCUMENT.

13 Q LET ME MAKE SURE WE UNDERSTAND THAT THIS  
14 QUESTION Q-THREE THAT IS STATE'S EXHIBIT NUMBER 89?

15 A YES, SIR, I'M SORRY.

16 Q ALL RIGHT, SIR. YOU PROBABLY SAID. I JUST  
17 WANTED TO MAKE SURE.

18 A THIS IS STATE'S EXHIBIT 89. THIS IS THE  
19 DOCUMENT WE'RE TALKING ABOUT ON THE COLUMN ON YOUR  
20 LEFT. NOW AS YOU RECALL I ALSO HAD SOME KNOWN  
21 WRITINGS OF INDIVIDUALS. THERE WERE TWO INDIVIDUALS.  
22 ONE IS IN THE MIDDLE AND ONE IS ON THE RIGHT HAND  
23 SIDE. KEEP IN MIND THAT SIMULATIONS ARE DESIGNED BY  
24 PURPOSE TO LOOK LIKE ANOTHER PERSON'S SIGNATURE BUT  
25 SOMETIMES WE INTERJECT SOME OF OUR CHARACTERISTICS IN

1 IT. IN THE, WHAT I CALL K-TWO YOU'LL NOTICE HOW THE  
2 D'S ARE OBLONG. YOU'LL FIND OBLONG D'S OVER HERE.  
3 THE TERMINAL STROKE D COMES AND HOOKS AROUND. YOU'LL  
4 PICK THAT UP IN A COUPLE OF THESE. THE A-N  
5 COMBINATION IS ROUND AND SITS TO THE LEFT OF THE D.  
6 YOU'LL ALSO FIND THIS FORMATION AND THE GENERAL  
7 RELATIONSHIP OF THE LETTERS. TO YOUR RIGHT IS A  
8 WRITER IDENTIFIED AS Q-ONE. NOW THIS IS WHAT NATURAL  
9 SIGNATURE LOOKS LIKE. A NATURAL WRITING LOOKS LIKE.  
10 SMOOTH, FLOWING, AS COMPARED TO THIS. WE HAVE  
11 DIFFERENT SKILL LEVELS. WE HAVE HIGH SKILL WRITERS,  
12 LOW SKILL WRITERS. EINSTEIN IN HIS BRILLIANCE WAS A  
13 LOW SKILL WRITER. BUT THIS IS A GENERALLY ACCEPTED  
14 NATURALLY EXECUTED SKILL LETTER IF YOU HAVE.  
15 ENTIRELY DIFFERENT FROM WHAT WE HAVE HERE AND WHAT WE  
16 HAVE HERE.

17 THE K-ONE WRITER AS YOU'LL NOTE HAS A  
18 DIFFERENT TYPE OF D FORMATION. IT'S A ROUNDER  
19 FORMATION, DIFFERENT WAY OF MAKING THE G, THE CROSS  
20 PART OF THE G. THE PENMANSHIP IS BETTER, THE LINE  
21 QUALITY IS BETTER AND EXHIBITS CHARACTERISTICS OF  
22 NATURALNESS. YOU HAVE MORE AGREEMENT WITH THE K-TWO  
23 WRITER THEN YOU HAVE WITH THE K-ONE WRITER.

24 Q AND WHO IS THE K-ONE WRITER?

25 A THE K-ONE WRITER IS MR. COPE AND THE K-TWO

1 WRITER IS MS. SIMMONS.

2 Q AND YOU WOULD FIND IN THESE COLUMNS, MR. DAWSON,  
3 THIS IS THE QUESTION DOCUMENT, IS THAT CORRECT?

4 A THAT IS CORRECT.

5 Q AND IN YOUR OPINION DOES THIS COLUMN OF THESE  
6 WORDS AGREE OR RELATE MORE TO THE FIRST COLUMN OR THE  
7 SECOND COLUMN THAT YOU COMPARED THEM TO?

8 A TO THE FIRST COLUMN.

9 Q AND THAT WOULD BE, THE WRITER WOULD BE?

10 A THE WRITER WOULD BE MS. SIMMONS, AMY SIMMONS.

11 Q ALL RIGHT, SIR. DO YOU HAVE ANY OTHERS?

12 A LOOKING FOR INDIVIDUAL CHARACTERISTICS, ON THE  
13 LEFT ARE QUESTION WRITINGS OR QUESTION WORDS IF YOU  
14 WOULD. LOOKING AT THE M IN BOTH THE 89 AND 90. THE  
15 M, I JUST SELECTED A FEW. THESE ARE NOT ALL. I  
16 SELECTED A FEW FOR DEMONSTRATION NOT TO LITTER THE  
17 WHOLE PLACE UP. THE M IS ALMOST FOUR POINTS GOING  
18 ACROSS IF YOU WOULD. VERTICAL, VERY RAPIDLY MADE,  
19 AND THE LEFT HAND SIDE IS, COMES UP HIGH TO A POINT,  
20 TO A PEAK, AND THEN GOES INTO THE STANDARD LETTER  
21 FORM. VERY CONSISTENT WITH THE M YOU'LL FIND IN THE  
22 NAME AMY. I BELIEVE THAT'S REMEMBER RIGHT THERE  
23 WHERE YOU HAVE ROUNDED M, NATURAL VARIATIONS THERE.  
24 NOW MR. COPE MAKES AN M SOMEWHAT SIMILAR TO THIS OR  
25 HE STARTS UP HIGH AT 12 O'CLOCK AND COMES DOWN. NOW

1 THIS IS CURSIVE AND THE OTHER PRINTED. IN HIS  
2 PRINTED M, IN HIS CURATIVE M'S STILL HAVE A DIFFERENT  
3 SHAPE AND FORM THAN THESE DO. I JUST FOUND A  
4 SIMILARITY BETWEEN THE M'S OF AMY AND THE M'S IN THE  
5 QUESTION DOCUMENTS.

6 Q DO YOU HAVE ANY OTHER ILLUSTRATION?

7 A YES.

8 Q I CAN TAKE CARE OF THAT.

9 A I WAS ASKED TO EXAMINE A ONE OR TWO PAGE  
10 SENTENCE ON THE BACK OF ONE OF THE DOCUMENTS AND TAKE  
11 A LOOK AT IT AND SEE WHAT I DETERMINED. ON YOUR LEFT  
12 IS THE WORD TINKER, T-I-N-K-E-R, CAME OFF OF THE  
13 QUESTION DOCUMENTS. I'M SORRY. THE WORD TINKER CAME  
14 OFF OF THE NOT QUESTION DOCUMENT. I CONSIDER IT A  
15 QUESTION DOCUMENT. THE WORD TINKER CAME OFF OF THE  
16 NOTE ON THE BACK OF ONE OF THE LETTERS THAT AMY WROTE  
17 MR. COPE. SO THE E-R COMBINATION AND THIS IS A  
18 PRINTED WORD AND THOUGHT WELL IF THEY MAKE E-R  
19 COMBINATION LIKE THAT THAT MAYBE AN INDIVIDUAL  
20 CHARACTERISTIC OF THAT PARTICULAR WRITER. KEEP IN  
21 MIND WE'RE LOOKING AT INDIVIDUAL CHARACTERISTICS.  
22 EVEN THE SIMULATION A VERY DIFFICULT TO FIND SO I  
23 WENT OVER SOME KNOWN WRITING OF AMY AND I SAW DEAR  
24 TINKER, IT'S ONE OF THE LETTER SHE WROTE AND NOTICE  
25 THE E-R COMBINATION IN THE TICKER AS COMPARED TO THE

1 E-R COMBINATION HERE. THE INITIAL STROKE OF THE E  
2 STARTS HORIZONTALLY, MOVES ACROSS INTO MORE OF A  
3 SPEED R IF YOU WOULD. YOU FIND THE SAME E-R  
4 COMBINATION UNDER KNOWN. H-E-R, HER, IS ALSO FROM  
5 AMY'S WRITINGS. I HAVE IDENTIFIED AS Q-2.1 B  
6 DOCUMENTS IN MY FILES. BUT THESE ARE AMY'S WRITINGS  
7 AS WELL AND E-R COMBINATION AGREES QUITE WELL. WHEN  
8 I SAW THAT I THOUGHT, WELL, LET'S TAKE A CLOSER LOOK  
9 AND SEE IF ANY COMBINATIONS OR ARE THERE ANY PATTERNS  
10 TO THE E-R COMBINATION. I TOOK ALL THE QUESTION  
11 DOCUMENTS, STATE'S EXHIBIT 89, STATE'S EXHIBIT 90,  
12 AND THE WRITING ON THE BACK OF AMY'S LETTER WHICH WAS  
13 QUESTION TO ME, AND I PULLED OUT ALL THE WORDS THAT  
14 HAD AN R IN THEM. THAT'S IN QUESTION. ARE THE WORDS  
15 WITH R IN THE QUESTION MATERIAL BEFORE THE COURT  
16 TODAY I THINK PRETTY MUCH ARE, I MAY HAVE MISSED ONE,  
17 IN THIS PARTICULAR BLOCK OF WRITING.

18 TO YOUR LEFT IS THE WRITING OF  
19 MR. COPE THAT CAME FROM PAGE K-1.16 B. TO THE RIGHT  
20 IS MR. POPE K1.17. THE CENTER IS AMY K-2.1. WOULD  
21 YOU HOLD THIS PLEASE. THE POINT OF THIS EXERCISE WAS  
22 TO SEE WHERE I WOULD FIND THE MOST R'S THAT HAD THE  
23 LITTLE HALF GOLD WING COMING UP. IF YOU'LL NOTICE IN  
24 THE QUESTION FOUR LETTER, NOW THERE IS DIFFERENT R'S  
25 IN HERE, REMEMBER THIS IS A COMBINATION OF

1 SIMULATION, COPYING IF YOU WILL, BUT GENERALLY IN ALL  
2 THE QUESTION MATERIAL YOU'LL FIND THAT LITTLE R FORM  
3 ONE WAY OR THE OTHER, PARTICULARLY THE E-R  
4 COMBINATION.

5 COME OVER TO MR. COPE. NOW I HAVE TWO  
6 STYLES OF HIS WRITING HERE TO BE COMPLETELY FAIR. ON  
7 THE RIGHT HAND SIDE IS HIS PRINTING WHEN HE PRINTS  
8 VERY SLOW DISTINCT. ON THE LEFT HAND SIDE IS HIS  
9 PRINTING WHEN HE INTERJECTS A FEW CURSIVE, MORE  
10 RAPIDLY EXECUTED. SO THIS GIVES YOU AN IDEA ALSO OF  
11 HOW GENUINE OR SLOW A WRITING OR A PRINTING SHOULD  
12 LOOK. YOU CAN SEE THE INITIAL STROKES, TERMINAL  
13 STROKES, SHADING. EVEN THOUGH THIS IS A REPRODUCED,  
14 PHOTOCOPY IF YOU WOULD, OF THIS PARTICULAR CHART, YOU  
15 SEE STILL THE NATURALNESS AND THE FLOW, THE CHANGE OF  
16 THE INK FLOWING. LOOK HOW HE MAKES HIS R'S HERE,  
17 COMING UP, DOWN. ON THE OTHER SIDE, HE HAS MORE OF A  
18 VARIATION OF HIS R FORM. THERE IS ONE THAT'S ALMOST  
19 PERFORMED LIKE THIS EXCEPT HAS TENDENCY OF ROUNDING  
20 OFF THE RIGHT HAND EDGE. HE HAS MORE VARIATION OF  
21 R'S OVER HERE.

22 LET'S COME TO THE CENTER OF AMY'S R'S  
23 ARE. HOW WOULD YOU COMPARE THOSE? IN ORDER TO  
24 PREPARE THIS CHART I JUST TOOK ONE PAGE OF PRINT FROM  
25 AMY, TWO PAGES OF PRINTING FROM MR. COPE, AND USED

1 ALL OF THE WORDS IN EACH OF THOSE PAGES HAD R IN IT.  
2 I DID NOT CHERRY PICK FROM DIFFERENT PARTS OF ALL THE  
3 FILES. I JUST TOOK ONE-PAGE EACH AND SAID LET'S SEE  
4 WHAT THE HABITS ARE IN THIS NATURAL WRITING. THIS IS  
5 THE RESULT OF THE CHART. AMY'S R'S AND E-R  
6 COMBINATIONS COMPARED MORE CLOSELY TO THE QUESTION  
7 DOCUMENT, THE DOCUMENTS THAN MR. COPE. WE ALL HAVE  
8 NATURAL VARIATION. WE ALL HAVE A NUMBER OF WAYS TO  
9 MAKE AN R. OUR NATURAL VARIATION OR ACCIDENTAL  
10 LETTER FORMS SO THERE ARE A LOT OF DIFFERENT LETTER  
11 FORMS WE CAN MAKE. WE NORMALLY HAVE ONE OR TWO, BUT  
12 IT'S ALWAYS ONE WE GO TO AS A PRIMARY, BASIS FORM AND  
13 I THINK THIS CHART HERE REPRESENTS THAT FORM.

14 Q DO YOU HAVE OTHER EXAMPLES, MR. DAWSON?

15 A YES, SIR. I ONLY HAVE TWO CHARTS, ACTUALLY I  
16 PUT TOGETHER SIX OR SEVEN, BUT THESE CHARTS REPRESENT  
17 THE STATE'S EXHIBIT 90 WHERE THERE ARE CERTAIN  
18 PHRASES AND WORD COMBINATIONS AND SENTENCES LIKE  
19 CAUGHT MYSELF PRAISING THE LORD. YOU'LL ALSO FIND  
20 CAUGHT MYSELF PRAISING THE LORD IN SOME OF MR. COPE'S  
21 WRITINGS. I GOT THESE FROM THE LETTERS HE SENT AMY  
22 AND THROUGH THE INVESTIGATION THESE LETTERS IN AMY'S  
23 POSSESSION CAME DOWN TO THE DEFENSE SIDE AND THAT'S  
24 HOW I HAD ACCESS TO THOSE. BUT IT WAS POINTED OUT  
25 THAT JUST ABOUT THE ENTIRE LETTER OF THE AMY GOD TOLD



1 ME IS COMPOSED OF DIFFERENT PHRASES, SENTENCES, AND  
2 COMBINATIONS FROM MR. COPE'S LETTERS THAT HE HAD  
3 MAILED TO AMY AND SHE HAD IN HER POSSESSION. IF  
4 YOU'LL LOOK THROUGH HERE THERE ARE A NUMBER OF  
5 DIFFERENCES AS WELL AS SOME SIMILARITIES. JUST FOR  
6 GENERAL PURPOSES I ONCE HAD A, MY PRIMARY INSTRUCTOR  
7 ONCE SAID YOU CAN TELL A PERSON BY THE I DOTS. HOW  
8 MANY PEOPLE HERE WOULD THINK THEY WERE WRITING A  
9 HUSBAND OR SPOUSE'S SIGNATURE HOW TO MAKE THE I DOTS.  
10 THAT'S A VERY SUBTLE THING. THE MAJORITY OF THE I  
11 DOTS IN THE QUESTION MATERIAL, THE Q IS, OKAY, NOTICE  
12 THE I DOTS WHEN YOU GET UP CLOSE YOU'LL FIND ARE JUST  
13 THAT I DOTS. MR. COPE MAKES A SLASH FOR AN I DOT.  
14 IT'S CONSISTENTLYDIFFERENT ALL THE WAY THROUGH THIS.  
15 YOU'LL ALSO FIND THAT IN GENERALLY THE QUESTION  
16 MATERIAL, THE O'S, THE A'S, THE P'S, ARE OBLONG.  
17 GENERALLY MR. COPE MAKES ROUND LETTER FORMS. YOU'LL  
18 FIND THAT IN SOME CASES THE R'S, HERE'S THE E-R. THE  
19 QUESTION SIGNATURE I THINK WE SAW THAT AWHILE AGO.  
20 RIGHT THERE. THERE IS ANOTHER ONE. AND THERE IS A  
21 THIRD ONE. WE ALSO SEE THAT HE HAS A DIFFERENT R  
22 FORM. YOU'LL FIND IN THE QUESTION MATERIAL, YOU'LL  
23 FIND SOME R FORMS THAT VERY MUCH ALIKE, BUT GENERALLY  
24 THEY DIFFER. THE U IS MORE ELONGATED AND DEEPER.  
25 THIS D LOT OF TIMES WILL BE A OBLONG BOLD MOVEMENT,

1 SINGLE. YOU'LL FIND THAT GENERALLY MR. COPE WOULD  
2 MAKE A STAFF AND A CIRCLE ALTHOUGH HE DOES MAKE A  
3 DIFFERENT D FORM TOO. THERE IS JUST SO MANY  
4 DIFFERENCES IN HERE THAT YOU CAN LOOK AT A TEXTBOOK  
5 AND THERE IS ONE MAJOR DIFFERENCE, IT'S NOT A COMMON  
6 WRITER: I DOTS, R'S, D'S. YOU'LL FIND THE, A NUMBER  
7 OF DIFFERENCES IN HERE. SO BASED UPON THE  
8 EXAMINATION OF THE QUESTION KNOWN, I REACHED AN  
9 OPINION.

10 Q MR. DAWSON IN EXAMINING THESE DOCUMENTS AS  
11 YOU'VE ILLUSTRATED AND IN OTHER PLACES, YOU HAVE  
12 REACHED AN OPINION AS TO THE GENUINENESS OF THE  
13 DOCUMENTS THAT ARE COMPRISING STATE'S EXHIBIT NUMBER  
14 90, THIS SMALL LETTER?

15 A YES, SIR.

16 Q AND KIND OF GOT IT SEPARATED HERE BUT, AND THE  
17 STATE'S EXHIBIT NUMBER 89, HAVE YOU FORMED AN OPINION  
18 AS TO THE GENUINENESS OF THESE DOCUMENTS, SIR?

19 A YES, I HAVE.

20 Q COULD YOU TELL THE LADIES AND GENTLEMEN OF THE  
21 JURY WHAT YOUR OPINION IS?

22 A IT IS MOST PROBABLY A SIMULATION. BOTH  
23 DOCUMENTS ARE SIMULATIONS.

24 Q NOW A MOMENT AGO YOU POINTED OUT THE  
25 SIMILARITIES BETWEEN, IN SOME OF THE LETTERING,

1 BETWEEN THE QUESTION DOCUMENTS AND MS. AMY SIMMONS.

2 NOW CAN YOU POSITIVELY IDENTIFY HER AS THE AUTHOR?

3 A NO, I CANNOT.

4 Q ALSO A MOMENT AGO YOU MENTION THAT IF HAD YOU A  
5 KNOWN POPULATION, PERHAPS A SMALL NUMBER OF PEOPLE  
6 THAT MIGHT BE SUSPECTED, FOUR OR FIVE IN A LOADING  
7 DOCK OR TWO OR THREE IN A DOCTOR'S OFFICE, YOU WOULD  
8 MAKE AN INDICATION BASED ON YOUR EXPERIENCE TO  
9 INVESTIGATORS AS WHO TO SUSPECT MIGHT HAVE EXECUTED  
10 THESE DOCUMENTS?

11 A YES, SIR.

12 Q WOULD, IN SUCH A CASE WOULD YOU INDICATE EITHER  
13 MR. COPE OR MS. SIMMONS IN THIS CASE?

14 A SINCE IT'S A SIMULATION AND WE HAVE SEVERAL  
15 INDICATORS I WOULD SAY MRS -- I WOULD TELL  
16 INVESTIGATE PROBABLY TO LOOK MORE CLOSELY AND FOCUS  
17 ON MRS. COPE IN THIS PARTICULAR SITUATION. I'M  
18 SORRY. MS. SIMMONS IN THIS SITUATION. NOT MR. COPE.

19 MR. BAITY: THE COURT'S INDULGENCE, YOUR  
20 HONOR.

21 Q MR. DAWSON, I'M GOING TO SHOW YOU A BLOWUP OF  
22 STATE'S EXHIBIT NUMBER 89. DO YOU RECOGNIZE THIS AS  
23 SUCH?

24 A YES, SIR, I DO.

25 Q ALL RIGHT, SIR. AND OF COURSE YOU ARE FAMILIAR

1 WITH THE WRITINGS THAT MR. COPE SENT TO MS. SIMMONS,  
2 ARE YOU NOT?

3 A YES, I AM.

4 Q AND ARE YOU AWARE I BELIEVE YOU'VE ALREADY  
5 TESTIFIED TO IT THAT A NUMBER OF PHRASES AND  
6 SENTENCES WERE TAKEN FROM HIS KNOWN WRITINGS AND THEY  
7 COMPRISE THE HIGHLIGHTED PORTION OF DEFENSE, EXCUSE  
8 ME, STATE'S EXHIBIT NUMBER 89, IS THAT CORRECT?

9 A YES, SIR.

10 Q AND HAVE YOU EXAMINED -- APPROACH THE WITNESS,  
11 YOUR HONOR, THE SPECIFIC PHRASES THAT WERE TAKEN FROM  
12 MR. COPE'S WRITING?

13 A YES, I HAVE.

14 Q AND UNDERLINED THEM?

15 A I'M AWARE.

16 Q UNDERLINED THEM IN THAT COLLECTION?

17 A YES, SIR.

18 MR. BAITY: MOVE THESE BE ADMITTED INTO  
19 EVIDENCE.

20 MR. POPE: BEG THE COURT'S INDULGENCE. NO  
21 OBJECTION.

22 MR. GREELEY: NO OBJECTION.

23 THE COURT: BE RECEIVED WITHOUT OBJECTION.

24 (DEFENDANT'S EXHIBIT NUMBER 78  
25 RECEIVED INTO EVIDENCE.)

1 Q NOW MR. DAWSON, I'M HANDING YOU WHAT'S BEEN  
2 MARKED DEFENSE EXHIBIT 78 WHICH IS A PORTION OF THE  
3 LETTERS THAT HAVE BEEN, THAT APPEAR IN THE BLOWUP?

4 A YES, SIR.

5 Q I BELIEVE YOU WOULD AGREE WITH ME THAT MORE THAN  
6 95 PERCENT OF THE LETTERS COMPRISED OF WHAT YOU HOLD  
7 IN YOUR HAND, WOULD YOU AGREE WITH THAT?

8 A THAT IS CORRECT, SIR.

9 Q IS THAT A FAIR STATEMENT?

10 A YES, SIR.

11 Q WOULD YOU FIND THAT IN ANY WAY UNUSUAL OR  
12 REMARKABLE?

13 A QUITE FRANKLY I FIND IT BEYOND COINCIDENCE.  
14 IT'S VERY USUAL.

15 Q PEOPLE DO REPEAT THEMSELVES, DO THEY NOT?

16 A THEY DO. NORMALLY IT IS IN A SALUTATION OR A  
17 CLOSING OR POPULAR CLICHE BUT NOT THE ENTIRETY OF,  
18 NOT TO BELITTLE, BUT MUNDANE STATEMENTS OR GENERAL  
19 STATEMENTS.

20 Q AND HAVE YOU EVER SEEN SUCH A PATTERN SUCH AS  
21 THIS IN OTHER WRITINGS OR DOCUMENTS THAT YOU'VE  
22 EXAMINED OR THAT YOU HAVE KNOWLEDGE OF?

23 A NOT TO THAT EXTENT. YOU MAY FIND ONE ONCE IN  
24 AWHILE, IT'S A RARITY, BUT NO, NOT LIKE THAT, NOTHING  
25 LIKE THAT.

1 Q THANK YOU.

2 MR. BAITY: COURT'S INDULGENCE, YOUR  
3 HONOR. I'M ALMOST THROUGH.

4 Q MR. DAWSON, DO YOU BELIEVE THAT THE, THAT BEYOND  
5 THE TECHNICAL EXAMINATION THAT YOU'VE MADE FROM  
6 BLOWING UP AND MICROSCOPICALLY EXAMINING THE LETTERS  
7 AND SO FORTH, DO YOU BELIEVE THAT THERE ARE OTHER  
8 FACTORS THAT A HAND WRITING ANALYSIS SHOULD INCLUDE?

9 A YOU NORMALLY LOOK AT THE DOCUMENT. IT DEPENDS  
10 ON A CASE BY CASE BASIS, IF THERE WAS AN ILLNESS  
11 SOMEWHERE, AN OLDER PEOPLE, WHATEVER, IT DEPENDS ON A  
12 CASE BY CASE BASIS.

13 Q WOULD THE TYPE OF PAPER USED IN THE QUESTION  
14 DOCUMENT BEAR ANY SIGNIFICANCE?

15 A IT MAY BEAR SOME SIGNIFICANCE OR.

16 Q ALL RIGHT, SIR?

17 A OR HAVE SOME MEANING DOWN THE LINE SOMEWHERE,  
18 YES.

19 Q NOW I'M GOING TO SHOW YOU AN EXHIBIT THAT'S  
20 COLLECTIVELY MARKED DEFENSE EXHIBIT 75 AND I WOULD  
21 TELL YOU THAT THESE ARE THE LEAST SOME OF THE  
22 WRITINGS OF AMY SIMMONS AND I WANT YOU TO EXAMINE THE  
23 TYPE OF PAPER THAT IS USED IN THOSE LETTERS PLEASE,  
24 SIR.

25 A YES, SIR.

1 Q ALL RIGHT. PLEASE SET THOSE ASIDE AND LET'S NOT  
2 GET THEM MIXED UP.

3 A I JUST LOOKED AT DEFENSE EXHIBIT 75.

4 Q YES, SIR. AND I'M GOING TO SHOW YOU STATE'S  
5 EXHIBIT NUMBER 91 AND I'D LIKE YOU TO OPEN THAT AND  
6 TAKE A LOOK AT THE TYPE OF PAPER THAT IS USED IN  
7 THOSE WRITINGS AND I WOULD ADVISE YOU THAT THOSE ARE  
8 KNOWN WRITING OF BILLY WAYNE COPE TO AMY SIMMONS AND  
9 TAKE A LOOK AT THE TYPE OF PAPER USED THERE.

10 A I MADE A CURSORY VIEW OF THE DOCUMENT, SIR.

11 Q NOW I'M GOING TO SHOW YOU STATE'S EXHIBIT NUMBER  
12 89, SIR, AND ASK YOU TO TAKE PARTICULAR NOTE OF ITS  
13 COLOR AND THE MARGIN ON THE LEFT, THE TYPE OF PAPER  
14 THAT IT IS, DO YOU FIND ANY PAPER IN STATE'S EXHIBIT  
15 91, MR. COPE'S WRITING, THAT WOULD MATCH THE TYPE OF  
16 PAPER USED IN THIS EXHIBIT?

17 A NO, I DO NOT.

18 Q DO YOU FIND SUCH A DOCUMENT OR SUCH PAPER IN MS.  
19 SIMMONS' LETTERS?

20 A YES, I DO. THE PURPLISH IS A CHEMICAL PROCESS,  
21 I WOULD ASSUME, IS NINHYDRIN TO LOCATE FINGERPRINTS.  
22 ORIGINALLY I CAN RECALL THIS AS BEING A WHITE PAPER,  
23 BLUE LINES, AND THE UNIQUE CHARACTERISTIC IS THERE  
24 ARE THREE RED MARGINS LINES ON THE LEFT HAND SIDE. I  
25 FOUND THERE ARE TWO SUCH SHEETS OF PAPER IN MS.

1 SIMMONS PACKET, PAPER IS VERY SIMILAR, IS WHITE, BLUE  
2 LINES, WITH THREE RED MARGIN LINES ON THE LEFT. I  
3 DID NOT FIND ANY SUCH PAPER IN MR. COPE'S PACKET.

4 Q THANK YOU.

5 MR. BAITY: COURT'S INDULGENCE, YOUR  
6 HONOR.

7 Q MR. DAWSON, PLEASE ANSWER ANY QUESTIONS COUNSEL  
8 WOULD HAVE FOR YOU. THANK YOU.

9 THE COURT: THE STATE.

10 MR. POPE: CAN WE HAVE A BRIEF BREAK, YOUR  
11 HONOR.

12 THE COURT: WE'LL TAKE A SHORT BREAK.

13 (COURT'S IN RECESS AT 02:49.)

14 (COURT RESUMES AT 02:59 PM.)

15 THE COURT: BRING THE JURY IN.

16 (THE JURY RETURNS TO THE COURTROOM AT  
17 02:59 PM.)

18 MR. POPE: MAY IT PLEASE THE COURT, YOUR  
19 HONOR.

20 CROSS EXAMINATION BY MR. POPE:

21 Q DR. DAWSON, YOU INDICATED FROM YOUR RESUME THAT  
22 YOUR RETIRED FROM THE STATE OF SOUTH CAROLINA IN JUNE  
23 OF '99, IS THAT CORRECT?

24 A 2000 I BELIEVE, SIR.

25 Q YOUR RESUME IS INCORRECT? I CAN SHOW YOU THE



1 DEFENSE EXHIBIT.

2 A NO, THIS ONE OF MY OLDER ONES. IT SHOULD BE THE  
3 YEAR 2000.

4 Q OKAY. WHERE WERE YOU WORKING ON -- IS THAT ON  
5 DEFENSE EXHIBIT?

6 A SURE.

7 Q THAT'S 77. WHERE WERE YOU WORKING WHEN YOU  
8 RETIRED THERE?

9 A DEPARTMENT OF SOCIAL SERVICES. I WAS DOING  
10 FORENSIC DOCUMENT EXAMINATION FOR CASE WORK.

11 Q AND YOU BEGAN OUT AT SLED IN '72--

12 THE COURT: MR. POPE, YOU ARE TALKING  
13 DOWN AND SOFT AND I'M SURE THIS LADY MIGHT BE HAVING  
14 A LITTLE TROUBLE HEARING YOU.

15 MR. POPE: MY PAD CAN HEAR ME, YOUR HONOR.

16 Q YOU STARTED AT SLED IN 1972?

17 A THAT'S CORRECT.

18 Q OKAY. AND YOU WERE WITH SLED AND ACTUALLY  
19 INVOLVED IN STARTING THE QUESTION DOCUMENT LAB AT  
20 SLED, IS THAT CORRECT?

21 A THAT'S CORRECT.

22 Q AND YOU WERE AT SLED THROUGH 1988, IS THAT  
23 CORRECT?

24 A THAT'S CORRECT.

25 Q AND THEN YOU WENT TO THE DEPARTMENT OF, DID YOU

1 SAY SOCIAL SERVICES?

2 A YES, SIR. I RETIRED FROM THE DEPARTMENT OF  
3 SOCIAL SERVICES.

4 Q OKAY. SO YOU LEFT IN '88 AND WENT THERE SO YOU  
5 WERE WITH SLED WHAT 16 YEARS?

6 A 16 YEARS.

7 Q OKAY. AND DURING THAT TIME YOU WERE INITIALLY A  
8 ONE MAN SHOW AT SLED AS FAR AS DOCUMENT EXAMINATION?

9 A YES, THAT'S CORRECT.

10 Q OKAY. AND SUBSEQUENTLY YOUR DEPARTMENT EXPANDED  
11 AND I THINK GAIL HEATH WHO IS IN CHARGE OF THE  
12 DOCUMENT EXAMINATION DEPARTMENT, QUESTION DOCUMENT  
13 DEPARTMENT, SHE CAME TO WORK WITH YOU, IS THAT  
14 CORRECT?

15 A LIEUTENANT HEATH, WAS HIRED BY MYSELF AND SLED.  
16 SHE TRAINED AT SLED. SHE IS PRESENTLY CHIEF  
17 EXAMINER, DEPARTMENT HEAD, OF THAT AGENCY, AND SITS  
18 ON THE FRONT ROW, YES, SIR.

19 Q OKAY. AND OF COURSE, SHE'S CERTIFIED, YOU WERE  
20 TALKING BEING CERTIFIED, SHE'S CERTIFIED ALSO, IS  
21 THAT CORRECT?

22 A SHE'S BOARD CERTIFIED AS WELL, YES.

23 Q AND AS FAR AS AT SLED, WHEN YOU WORKED AT SLED,  
24 YOU WERE CALLED UPON TO REVIEW QUESTION DOCUMENTS, IS  
25 THAT CORRECT?

1 A YES, SIR.

2 Q AND YOU CAME AS A SCIENTIST. IN OTHER WORDS,  
3 YOU DIDN'T HAVE FRIENDS TO REWARD OR ENEMIES TO  
4 PUNISH?

5 A THAT'S TRUE.

6 Q AND THE ITEMS THAT WERE TAKEN TO YOU AT SLED  
7 BASICALLY THEY EMPLOY THE SAME TECHNIQUES THAT WE  
8 HEARD BOTH FROM SLED EXPERT AND YOURSELF AS FAR AS  
9 HOW YOU LOOK AT QUESTION DOCUMENT, IS THAT A FAIR  
10 STATEMENT?

11 A SOLICITOR, I THINK I UNDERSTOOD WHAT YOU SAID.

12 Q OKAY.

13 A CAN YOU DO THAT AGAIN PLEASE.

14 Q THE TECHNIQUES THAT YOU EMPLOYED AT SLED, THE  
15 TECHNIQUES THAT ARE EMPLOYED IN ANALYZING THE  
16 QUESTION DOCUMENTS?

17 A YES, SIR.

18 Q ARE THE SAME TECHNIQUES THAT YOU TALKED ABOUT  
19 TODAY? THE SAME TECHNIQUES THAT WERE TESTIFIED TO --

20 A YES, IT INVOLVES A CASE BY CASE BASIS. IT  
21 DEPENDS ON WHAT THE PROBLEM IS.

22 Q OKAY. NOW THE SLED LAB IS ALSO IS IT ASCLAD  
23 CERTIFIED, IS THAT CORRECT?

24 A THAT'S MY UNDERSTANDING, YES.

25 Q AND WHAT IS ASCLAD, DO YOU KNOW?

1 A IT'S A AGENCY THAT CERTIFIES YOUR LABORATORIES,  
2 MOSTLY YOUR LARGER LABORATORIES. VERY FEW PRIVATE  
3 LABORATORIES ARE CERTIFIED IN THAT MANNER.

4 Q IS YOUR LABORATORY CERTIFIED IN THAT MANNER?

5 A NO, IT IS NOT.

6 Q OKAY. AND ONE OF THE REQUIREMENTS OF THE, OF  
7 THAT ACCREDITATION IS THAT THEY HAVE CERTAIN STEPS  
8 THAT YOU HAVE TO TAKE AS FAR AS THE WAY YOU ANALYZE  
9 THE EVIDENCE AND THERE IS A LOT OF PROTOCOL INVOLVED  
10 IN ASCLAD, IS THAT CORRECT?

11 A THAT'S MY UNDERSTANDING, THAT IS CORRECT.

12 Q OKAY. AND WHEN YOU WERE AT SLED IT WASN'T  
13 ASCLAD CERTIFIED, RIGHT?

14 A NO, IT WAS NOT.

15 Q OKAY. AND ONE OF THE REQUIREMENTS IS PEER  
16 REVIEW; CAN YOU EXPLAIN THAT WHAT?

17 A CERTAINLY. PEER REVIEW IS A QUALIFICATION WHERE  
18 YOU HAVE ANOTHER EXAMINER RENEW YOUR WORK. IT'S MY  
19 UNDERSTANDING THAT I DON'T BELIEVE, MRS. HEATH CAN  
20 ANSWER BETTER THAN I, BUT I DON'T BELIEVE ASCLAD HAS  
21 A SPECIFIC. SOME AGENCIES HAVE EVERY CASE REVIEW,  
22 SOME EVERY 10, ONE OUT OF EVERY 20, OR WHATEVER IT  
23 MAY BE.

24 Q AND ONE OF THE ASCLAD REQUIREMENT IS SETTING UP  
25 PROTOCOLS AND THEY APPROVE THEM AND THINGS OF THAT

1 NATURE, IS THAT RIGHT?

2 A I WOULD ASSUME SO.

3 Q OKAY. OKAY. BECAUSE THAT TOOK PLACE AFTER YOU  
4 LEFT, RIGHT?

5 A THAT'S CORRECT.

6 Q OKAY. NOW WHEN YOU WERE AT SLED AGAIN YOUR JOB  
7 WAS TO BE NEUTRAL AND DETACHED AND REVIEW THE  
8 EVIDENCE AND TESTIFY APPROPRIATELY, IS THAT CORRECT?

9 A SOLICITOR, I'VE NEVER TESTIFIED OR WORKED A CASE  
10 I WAS NOT NEUTRAL AND DETACHED.

11 Q OKAY. AND SO AS FAR AS -- NOW WHEN YOU LEFT  
12 SLED AND LEFT STATE RETIREMENT AND RETIRE, YOU WENT  
13 OUT INTO PRIVATE PRACTICE THEN, IS THAT CORRECT?

14 A ACTUALLY I HAD A PRIVATE PRACTICE BEFORE I LEFT  
15 SLED IN 1986. I'VE HAD A CONTINUAL PRIVATE PRACTICE  
16 SINCE THEN.

17 Q YOU SAID IN '86?

18 A YES, SIR.

19 Q OKAY. SO WHEN YOU HAD THE PRIVATE PRACTICE IN  
20 '86 THAT WAS TO SUPPLEMENT YOUR INCOME?

21 A ABSOLUTELY.

22 Q OKAY. YOU ARE NOT GOING TO MAKE YOUR FIRST  
23 MILLION WORKING FOR THE STATE, ARE YOU?

24 A AS YOU KNOW, SIR.

25 Q YES, SIR. AND IN WORKING AS A SLED AGENT WHEN

1 YOU COME TO COURT YOU DIDN'T GET PAID ANY DIFFERENT  
2 FOR COMING TO COURT, DID YOU?

3 A NO, SIR.

4 Q OKAY. SO I GUESS IN SOME FASHION IF THE SLED  
5 FOLKS COULD NOT FIND ANY RESULTS, THEY COULD BE BACK  
6 AT THE OFFICE INSTEAD OF HAVING TO COME TESTIFY,  
7 COULDN'T THEY?

8 A YOU HAVE TO ASK THEM THAT. I HAVE NO ANSWER FOR  
9 THAT.

10 Q BUT YOU WERE AT SLED, YOU HAD TO GO BASED,  
11 TESTIFY BASED ON THE EVIDENCE YOU FOUND, RIGHT?

12 A SOMETIMES. OTHER TIMES I WAS ASKED TO SIT IN  
13 THE COURTROOM.

14 Q OKAY. AND THE ITEMS THAT YOU RECEIVED TO  
15 EXAMINE IN THIS CASE WHEN FIRST DID YOU COME ON THIS  
16 CASE?

17 A IF MY MEMORY SERVES ME CORRECT IT PROBABLY WOULD  
18 BE SOMEWHERE IN MAY OF THIS YEAR, SIR.

19 Q AND WHAT ITEMS DID YOU REVIEW IN MAY OF THIS  
20 YEAR?

21 A A NUMBER OF ITEM WERE SUBMITTED TO ME INITIALLY.  
22 I REQUESTED ADDITIONAL, MADE ADDITIONAL REQUEST, AND  
23 I RECEIVED ADDITIONAL ITEMS THROUGHOUT THE SUMMER.

24 Q OKAY. WELL, LET'S WALK THROUGH, YOU DESIGNATE  
25 THEM AS Q FOR QUESTION?

1 A YES, SIR.

2 Q AND K FOR KNOWN, IS THAT CORRECT?

3 A YES, SIR, I EVEN REFERENCE IN MY REPORT.

4 Q YES, SIR?

5 A MY INITIAL REPORT.

6 Q YES, SIR?

7 A OKAY.

8 Q AND I HAVE A REPORT FROM YOU DATED JUNE SIX OF

9 2004, THAT IS YOUR REPORT, IS THAT CORRECT?

10 A I'M SURE IT IS, SOLICITOR. YES, THAT'S CORRECT.

11 Q OKAY. AND THAT'S ONE OF THE THINGS THAT YOU DID

12 AT SLED TOO, ANY FINDINGS YOU HAD YOU ISSUED A

13 REPORT, IS THAT CORRECT?

14 A THAT'S CORRECT.

15 Q OKAY. AND I NOTICE THAT YOU LOOKED AT Q-ONE AND

16 Q-TWO AND Q-THREE AND THAT Q-ONE WAS AN ENVELOPE

17 WHICH I BELIEVE IS REFLECTED IN STATE'S EXHIBIT

18 NUMBER, STATE'S EXHIBIT 90, IS THAT CORRECT?

19 A I'M QUITE SURE IT IS. YES, SIR.

20 Q OKAY. Q-TWO, WHILE YOU HAVE IN YOUR HAND, WOULD

21 BE THE LETTER THAT'S CONTAINED WITH STATE'S EXHIBIT

22 90?

23 A YES, THAT IS CORRECT.

24 Q OKAY. AND THEN Q-THREE WOULD BE A COPY OF

25 WHAT'S WAS STATE'S EXHIBIT 89, INITIALLY YOU DID NOT

1 SEE THE ORIGINAL, IS THAT CORRECT?

2 A NO, SIR, I DID NOT.

3 Q OKAY. AND THAT INCLUDED, THE COPY YOU SAW  
4 INITIALLY WAS REPRESENTATIVE OF THE FOUR ITEMS IN  
5 THAT PACKAGE, IS THAT CORRECT?

6 A YES, SIR.

7 Q OKAY. NOW IN ADDITION AT THAT TIME THE TIME YOU  
8 FIRST REPORT WHAT ITEMS DID YOU REVIEW AS KNOWN  
9 ITEMS?

10 A IT WAS A PACKET OF ITEMS SUBMITTED TO ME AS THE  
11 KNOWN ITEMS, PHOTOCOPY OF KNOWN ITEMS OF MR. COPE AND  
12 A PACKET SUBMITTED TO ME AS PHOTOCOPIES FROM MS.  
13 SIMMONS.

14 Q WHEN DID YOU BEGIN ON THIS CASE?

15 A I THINK THIS WAS MAY OF THIS YEAR. MY REPORT  
16 SHOULD INDICATE, THAT FIRST SENTENCE.

17 Q SO THAT WAS MAY 21 YOU FIRST RECEIVED DOCUMENT?

18 A THAT SHOULD BE PRETTY CLOSE TO IT, SIR.

19 Q AND HAVE YOU HAD A CHANCE TO LOOK AT STATE'S  
20 EXHIBIT 91 TO DETERMINE IF THOSE WERE THE KNOWNS OF  
21 THE MR. COPE THAT YOU LOOKED AT?

22 A I RECEIVED SO MANY OF THESE, VERY WELL COULD BE,  
23 I RECALL A LOT OF EMPTY ENVELOPES, BUT AS EACH ONE  
24 INDIVIDUALLY, THIS WOULD BE CONSISTENT OF WHAT I  
25 EXAMINED SO.



1 Q OKAY. AND THEN YOU ALSO RECEIVED WHAT YOU SAY  
2 WERE THE KNOWN OF MS. SIMMONS?

3 A YES, SIR.

4 Q AND WHAT ITEMS WAS THAT THAT YOU LOOKED THROUGH?

5 A THE ORIGINALS THAT I FURNISHED YOUR OFFICE LAST  
6 EVENING.

7 Q OKAY. AND SO YOU HAD THESE ORIGINALS IN YOUR  
8 CUSTODY --

9 A YES, SIR.

10 Q ---SINCE MAY?

11 A PROBABLY NOT SINCE MAY. THEY WERE PROBABLY  
12 SUBMITTED TO ME AWHILE BACK. I DO NOT RECALL. MAYBE  
13 AUGUST, MAYBE SEPTEMBER.

14 Q OKAY. AND I NOTICED THERE ARE A NUMBER OF  
15 STICKERS, THIS WOULD BE DEFENSE EXHIBIT 75, THERE ARE  
16 A NUMBER OF STICKERS, ARE THOSE YOUR STICKERS?

17 A YES, SIR.

18 Q AND I NOTE LIKE YOU HAVE K-2 1 B AND THINGS OF  
19 THAT NATURE, IS THAT CORRECT?

20 A THAT'S CORRECT.

21 Q AND THE K-TWO STANDS FOR THE KNOWN WRITINGS OF  
22 AMY SIMMONS, IS THAT RIGHT?

23 A YES, SIR.

24 Q AND I SEE A K-TWO ONE B, CAN YOU TELL ME WHERE  
25 K-TWO ONE A IS?

1 A I WAS THINKING I MAY HAVE A COPY OF IT. A  
2 CURSORY VIEW, SOLICITOR, I DO NOT SEE IT IN THERE.  
3 I'LL BE GLAD TO CHECK MY PHOTOCOPIES AND SEE IF I  
4 HAVE COPY OF IT.

5 Q THANK YOU, SIR. AND SO AT SOME POINT THERE WAS  
6 A Q-TWO ONE A.

7 A YES, THERE WAS. I DID NOT INVENTORY WHEN I  
8 HANDED OVER LAST. I APOLOGIZE. I SHOULD HAVE.

9 Q AND SO THE K-TWO 1 THROUGH 9 EXHIBITS THAT YOU  
10 HAD THE KNOWN WRITING OF MS. SIMMONS, YOU CONFIRMED  
11 WITH HER THAT WAS HER KNOWN WRITING?

12 A NO, SIR, I DID NOT.

13 Q HOW DID YOU DETERMINE THAT WAS HER KNOWN  
14 WRITING?

15 A THEY WERE SUBMITTED TO ME AS THE KNOWN WRITING  
16 OF MS. SIMMONS. THEY WERE ADDRESSED TO HER. THE  
17 WRITING WAS NATURALLY EXECUTED, VERY NORMAL, AND IT  
18 WAS REPRESENTED TO ME BY THE ATTORNEYS THAT THIS WAS  
19 HER KNOWN WRITING.

20 Q AND DO YOU KNOW WHERE THEY RECEIVED THOSE  
21 LETTERS FROM?

22 A I DO NOT REALLY. THE ONLY THING I KNOW ABOUT  
23 THIS CASE IS THAT IT'S SIMULATED WRITING. I DON'T  
24 KNOW THE HISTORY OF HOW IT WAS OBTAINED OR ANYTHING  
25 ELSE.

1 Q OKAY. THE KNOWN WRITINGS, YOUR K-ONE, THE KNOWN  
2 WRITINGS OF MR. COPE, WERE THE LETTERS CONTAINED IN  
3 91, OKAY, DID YOU ALSO REQUEST MR. COPE TO SUPPLY YOU  
4 WRITING?

5 A I DIDN'T, SOLICITOR, BECAUSE THE KEY TO THIS  
6 CASE IS THAT THE SIMULATION AND IT'S PRETTY MUCH BAD  
7 ON THE FACE TO USE A TERM LIKE THAT. IT WASN'T ANY  
8 NEED TO REALLY GET INTO A LOT OF THE TRADITION  
9 EXAMINATION METHODOLOGY. I DID ASK FOR ADDITIONAL  
10 WRITINGS OF BOTH, ORIGINAL WRITINGS OF BOTH, TO MAKE  
11 SURE THAT ALL OF THE FORMS WERE THERE, BUT THIS, THIS  
12 EVIDENCE IS BAD ON THE FACE OF IT.

13 Q SO ONE OF YOUR PROCEDURES IS TO TAKE A KNOWN  
14 WRITING WHERE YOU CAN SIT THERE AND EYE BALL ME AND  
15 ASK ME TO WRITE THINGS, CORRECT?

16 A THAT'S CALLED REQUESTED WRITING WHICH IS  
17 NORMALLY NOT IDEAL, WE PREFER COLLECTIVE WRITING, BUT  
18 REQUESTED WRITING IS, DOES ASSIST FROM TIME TO TIME.

19 Q AND YOU DIDN'T REQUEST ANY WRITING, RIGHT?

20 A NO, I HAD NO NEED TO.

21 Q DID YOU REQUEST ANY WRITING FROM MS. SIMMONS?

22 A NO, I DID NOT.

23 Q WERE YOU AWARE THAT SHE WAS WORKING AND  
24 COOPERATIVE WITH THE DEFENSE?

25 A NO, I WAS NOT.

1 Q OKAY. SO YOU MADE YOUR DECISION BASED ON WHAT  
2 YOU HAD GIVEN TO YOU WITHOUT LOOKING FURTHER, IS THAT  
3 A FAIR STATEMENT?

4 A I MADE A DECISION BASED ON THE FACTS IN FRONT OF  
5 ME, THAT IS CORRECT, AND I REPORT ON THOSE FACTS THIS  
6 MORNING.

7 Q OKAY. AND YOU SAY YOU REPORTED THIS MORNING. I  
8 HAVE YOUR REPORT THAT YOU ISSUED ON JUNE SIX AND IT  
9 DOESN'T REFLECT WHAT YOU TESTIFIED TODAY. DO YOU  
10 HAVE A REPORT OF WHAT YOU TESTIFIED TO TODAY?

11 A NO, I DO NOT BECAUSE OF A LOT OF THIS HAS JUST  
12 CULMINATED IN THE PAST FEW WEEKS AS ADDITIONAL  
13 MATERIAL CAME TO THEM AS THE CASE SORT OF CAME  
14 TOGETHER FROM MY PROSPECTIVE.

15 Q MR. DAWSON, WHEN YOU WERE AT SLED IF YOU DID  
16 ADDITIONAL TESTING YOU PROVIDE'S AN ADDITIONAL  
17 REPORT, DIDN'T YOU?

18 A I DID.

19 Q YES, SIR. AND IN THIS PARTICULAR CASE YOU DID  
20 NOT PROVIDE A REPORT THAT REFLECTS WHAT YOU SAID  
21 TODAY, RIGHT?

22 A THIS REPORT ON MY TESTIMONY TODAY WOULD NOT HAVE  
23 BEEN COMPLETED UNTIL 7:30 THIS MORNING WHEN I HAD MY  
24 LAST CHART MADE AT KINKO'S.

25 Q SO YOU DIDN'T DECIDE UNTIL 7:30 THIS MORNING

1           WHAT YOUR TESTIMONY WOULD BE BEFORE THIS JURY?

2           A     NO, SIR, I SAID MY REPORT WOULD NOT BE FINISHED.  
3           I HAVE HAD, IT'S OBVIOUS THE FIRST TIME YOU EXAMINE  
4           THE ORIGINALS, STATE'S EXHIBIT 89 AND 90, WHAT THE  
5           PROBLEM IS. IT'S NOT NATURAL WRITING. IT'S VERY  
6           STILTED. PEN LIFTS, PEN STOPS, EVERYTHING YOU FIND  
7           IN THE TEXTBOOK FOR SIMULATION. THE REST OF IT IS  
8           JUST EXAMINING THE ORIGINAL WRITING.

9           Q     YES, SIR. AND WHEN DID YOU ISSUE YOUR REPORT  
10          THAT SAID THAT PRIOR TO HERE IN THIS COURTROOM?

11          A     AS I STATED BEFORE, I HAVE NOT ISSUED A REPORT.

12          Q     OKAY. WAS THAT YOUR DECISION?

13          A     I'VE NOT BEEN ASKED FOR A REPORT. THIS HAS BEEN  
14          A CONTINUAL INVESTIGATION AND EXAMINATION FOR ME.

15          Q     SIR, WERE YOU ASKED FOR A REPORT THE FIRST TIME?

16          A     I WAS.

17          Q     OKAY. YOU WEREN'T ASKED FOR A REPORT THIS TIME?

18          A     NO I WAS NOT.

19          Q     THEREFORE THAT'S WHY YOU DIDN'T PROVIDE A  
20          REPORT?

21          A     ALSO AS I TESTIFIED AWHILE AGO I WAS NOT  
22          COMPLETE IN MY EXAM.

23          Q     UNTIL THIS MORNING?

24          A     I HAD LAST PART OF MY TESTIMONY PREPARED THIS  
25          MORNING WHEN I HAD A CHART PREPARED, THAT IS CORRECT.

1 Q SIR, YOU WERE HERE, YOU'VE BEEN HERE SEVERAL  
2 DAYS.

3 A THAT'S RIGHT.

4 Q PREPARED TO TESTIFY?

5 A CORRECT. THAT'S CORRECT.

6 Q AND SO THE REPORT THAT I HAVE FROM YOU SAYS THAT  
7 YOU LOOKED AND YOU SAY THAT THE ENVELOPE IS  
8 MR. COPE'S WRITING?

9 A THAT IS CORRECT.

10 Q OKAY. AND THAT YOU BELIEVED THAT THIS IS A  
11 SIMULATION, THE LETTER THAT WAS CONTAINED IN THE  
12 ENVELOPE, RIGHT?

13 A THAT'S CORRECT.

14 Q OKAY. DID YOU EXAMINE THE ENVELOPE IN STATE'S  
15 EXHIBIT I BELIEVE IT'S GOING TO BE 89?

16 A LET ME TAKE A LOOK AT IT. MAY I HANDLE THIS?

17 Q YES, SIR.

18 A YES.

19 Q AND DID YOU HAVE A RESULT ON THAT?

20 A THAT IS CONSISTENT WITH MR. COPE'S WRITING, YES.

21 Q AND DO YOU HAVE DIFFERENT LEVELS OF CERTAINTY  
22 THAT YOU USE IN, AND I KNOW YOU DON'T KNOW HAVE A  
23 NUMBER LIKE IN DNA WHERE YOU GO ONE IN A TRILLION OR  
24 WHATEVER. DO YOU HAVE CERTAIN LEVELS OF CERTAINTY  
25 THAT YOU USE IN YOUR EXAMINATIONS?

1 A STATISTICALLY OR VERBIAGE-WISE.

2 Q VERBIAGE-WISE?

3 A YES, I DO.

4 Q WHAT ARE THEY?

5 A IN THIS CASE I SAID AS A PROBABILITY THAT HE

6 WROTE THIS. THAT PROBABILITY THAT IS A SIMULATION.

7 Q OKAY. IS THAT, HOW DO YOUR DEGREES WORK ON

8 THAT, WHAT ARE YOUR POSSIBLE REPORTINGS OUT?

9 A YOU HAVE A PROBABLE, AND IDENT, A PROBABLE, SOME

10 REASON TO BELIEVE, AND INCONCLUSIVE. IT'S A SEVEN

11 POINT SYSTEM I USE.

12 Q TELL ME YOUR SEVEN POINTS AGAIN?

13 A YOU WOULD HAVE A ELIMINATION, STRONG REASON TO

14 BELIEVE, SOME REASON TO BELIEVE, INCONCLUSIVE, SOME

15 REASON TO BELIEVE THEY DID. SOME REASON TO BELIEVE,

16 STRONG REASON TO BELIEVE THEY DID, AND

17 IDENTIFICATION.

18 Q AND YOUR PROBABLE IS WHERE IN THERE?

19 A PROBABLE WHICH THE TERM I USED A WHILE AGO IS A

20 TERM USED THROUGH THE ASTM AND PROBABLE WOULD BE THE

21 MID POINT OF IDENTIFICATION.

22 Q OKAY.

23 A OR MID POINT OF A POSITIVE STATEMENT.

24 Q SO BEING THE MID POINT IT'S NOT AN ABSOLUTE BUT

25 IT LEAVES ROOM?

1 A IT'S NOT ABSOLUTE, THAT IS CORRECT, SIR. I  
2 AGREE WITH YOU.

3 Q OKAY. AND AS I UNDERSTAND, I APOLOGIZE I  
4 COULDN'T SEE ALL THE CHARTS WHEN YOU WERE GOING  
5 THROUGH THE CHARTS, YOU FIRST COMPARED TO SEE IF  
6 MR. COPE'S WRITING MATCHED UP WITH THE UNKNOWNNS, IS  
7 THAT CORRECT

8 A THAT WAS THE LESSER PART OF THE EXAM. OF  
9 COURSE, IN SIMULATION, THE IDEA OF A SIMULATION IS  
10 MAKE EVERYTHING AGREE WITH SOMEONE'S WRITING, SO WHAT  
11 YOU ARE LOOKING FOR IN ANY TENDENCIES OF TRENDS OR  
12 UNIQUE INDIVIDUAL CHARACTERISTICS, SO I WASN'T  
13 LOOKING TO SEE IF IT MATCH AS MUCH AS TO SEE WHAT THE  
14 LEVEL OF AGREEMENT.

15 Q MATCH IS PROBABLY A BAD TERM ON MY PART, OKAY.  
16 AND THEN YOU LOOKED AT MS. SIMMONS, YOU WERE ASKED TO  
17 LOOK AND SEE COULD SHE HAVE WRITTEN THIS OTHER,  
18 RIGHT?

19 A I WAS ACTUALLY ASKED INITIALLY TO EXAMINE THEM  
20 AND GIVE A COMMENT ON WHAT I FOUND. I WASN'T ASKED  
21 TO DO THIS, DO THAT, OR DO THE OTHER. IT WAS NEUTRAL  
22 EXAMPLE.

23 Q OKAY. AND YOU GAVE A REPORT, RIGHT?

24 A YES, SIR.

25 Q OKAY. BUT NOW THE ADDITIONAL AMY SIMMONS YOU



1 DON'T REFLECT ANY COMMENTS ON AMY SIMMONS IN THIS,  
2 DID YOU?

3 A NO, I DID NOT HAVE THE MATERIAL. IF YOU'LL  
4 NOTICE I HAD A PHOTOCOPY OR MACHINE COPY OF EXHIBIT  
5 THREE FOR QUESTIONING.

6 Q LET ME MAKE SURE I UNDERSTAND. THE QUESTIONED  
7 TWO. I'M SORRY. YEAH, THE QUESTION-TWO, WHICH IS  
8 THE SMALLER LETTER, DID I UNDERSTAND YOU TO TESTIFY  
9 THAT YOU THOUGHT AMY SIMMONS MAY HAVE WRITTEN THAT  
10 ONE ALSO?

11 A I SAID THAT CHARACTERISTICS CONSISTENT WITH THE  
12 QUESTION LETTER AND AMY SIMMONS.

13 Q OKAY.

14 A I DID NOT BELIEVE I ADDRESSED THE PROBABILITY OF  
15 HER DOING ANYTHING.

16 Q OKAY. SO YOU ARE JUST SAYING THERE IS SOME  
17 CHARACTERISTICS THAT ARE SIMILAR IN HER WRITING?

18 A THAT IS CORRECT.

19 Q THERE IS SOME CHARACTERISTICS THAT ARE SIMILAR  
20 IN MR. COPE'S WRITING ALSO, ISN'T IT?

21 A THERE ARE BUT ONCE AGAIN THEY ARE SIMULATIONS  
22 AND I WOULD EXPECT A TREMENDOUS AMOUNT OF  
23 CHARACTERISTICS, IF YOU WOULD -- MAY I EXPLAIN IT  
24 THIS WAY. IF A, WHEN A PERSON, TO USE THE TERM  
25 LAYMAN, LOOKS AT A WRITING, THEY LOOK AT IT

1 PICTORIALY. YOU SEE A LETTER IN YOUR MAILBOX AND  
2 YOU CAN TELL WHETHER IT CAME FROM AN AUNT, UNCLE,  
3 SON, WHOMEVER, YOU RECOGNIZE THE WRITING. A DOCUMENT  
4 EXAMINER APPROACHES THE PROBLEM DIFFERENTLY. A  
5 DOCUMENT EXAMINER LOOKS AT THE LETTER, THE LETTER  
6 FORMED THE CONSTRUCTION OF IT, AND THEN WHEN  
7 NECESSARY LOOKS TO SEE IF THERE ARE CHARACTERISTICS  
8 CONSISTENT WITH GENUINENESS OR CHARACTERISTICS  
9 CONSISTENT WITH SIMULATION. A DOCUMENT EXAMINER  
10 LOOKS AT IT MORE TECHNICALLY RATHER THAN PICTORIALY.  
11 PICTORIALY THERE IS A TREMENDOUS AMOUNT, A LARGE  
12 NUMBER OF SIMILARITIES, IF YOU WOULD, AND THAT SAYS  
13 OSBORN PUTS THAT IN HIS BOOK, PUBLISHES IN HIS BOOK,  
14 THAT YOU WILL HAVE THOSE SIMILARITIES. YOU HAVE  
15 THOSE LIKENESSES, BUT IT'S THE DISSIMILARITIES THAT  
16 DETERMINES WHETHER YOU HAVE ONE OR TWO WRITERS.

17 Q AND IF YOU HAVE DISSIMILARITIES THEN YOU  
18 EXCLUDE, I THINK WHAT YOU SAID FROM THE BOOK, IF YOU  
19 HAVE DISSIMILARITIES, THEN YOU COULDN'T SAY THEY WERE  
20 THE SAME WRITER, IS THAT CORRECT?

21 A THAT'S TRUE.

22 Q AND DID YOU COMPARE MR. COPE'S WRITINGS TO EACH  
23 OTHER?

24 A I DID.

25 Q OKAY. WERE THERE DISSIMILARITIES IN HIS

1 WRITING?

2 A THERE WERE GENERAL SIMILARITIES AND CONSISTENCY  
3 AND NATURAL VARIATION.

4 Q OKAY. DO YOU TAKE INTO CONSIDERATION THE  
5 WRITING SURFACE OR THE WRITING IMPLEMENT WHEN YOU  
6 TALK ABOUT THE BREAKS AND THE STOPS AND THINGS OF  
7 THAT NATURE?

8 A THERE IS A LOT IN THE LITERATURE AND WRITING ON  
9 THAT, SOLICITOR. NORMALLY ON A SURFACE LIKE THAT WE  
10 HAVE A SURFACE PROBLEM THAT YOU MAY BE SUGGESTING YOU  
11 ARE GOING TO HAVE A WOOD GRAIN DESK AND YOU PICK UP  
12 THE RIPPLES IN THE WRITING WHERE THE PEN GOES ACROSS  
13 THE WOOD GRAIN; WHEN YOU HAVE THAT, YOU HAVE A  
14 PATTERN. IT'S VERY EASILY DETERMINED BY AN EXAMINER.  
15 IN THIS PARTICULAR CASE THESE ARE RANDOM AND THEY  
16 STOP AT A POINT WHERE YOU WOULD EXPECT THEM TO STOP  
17 FOR SIMULATION.

18 Q LET ME ASK YOU THIS, IF I AM WRITING ON THIS  
19 PAD?

20 A YES, SIR.

21 Q I'M HOLDING THIS PAD AND WRITING.

22 A YES.

23 Q AND I SIT DOWN AT THE DESK AND WRITING WITH THIS  
24 PAD?

25 A YES, SIR.

1 Q WOULD YOU EXPECT TO SEE A DIFFERENCE?

2 A PROBABLY, YES.

3 Q OKAY. IF I'M WRITING WITH THIS PEN?

4 A UH-HUH.

5 Q ARE YOU FAMILIAR WITH THESE? HAVE YOU SEEN

6 THESE?

7 A SURE. I HAVE ONE IN MY FILE OVER HERE

8 SOMEWHERE.

9 Q WHAT ARE THESE?

10 A A PEN SUCH AS THIS WAS SUBMITTED TO ME AS  
11 IDENTIFIED, THIS IS THE PEN THAT INMATES USE, THE  
12 TYPE OF WRITING INSTRUMENT INMATES USE, THEY ARE  
13 GIVEN THIS FILLER WHICH IS VERY FLEXIBLE, AND I THINK  
14 PROBABLY WOULD BE DIFFICULT TO WRITE BY AND A  
15 QUESTION I ASKED WAS: WERE ALL OF THE STANDARDS  
16 PROVIDED TO ME BY MRS. COPE, MR. COPE, I'M SORRY,  
17 WRITTEN BY AN INSTRUMENT SUCH AS THIS AND THE ANSWER  
18 WAS YES AND HE'S GOT SOME PRETTY WRITING ON THERE.  
19 IT'S VERY NICE FOR AN INSTRUMENT LIKE THAT.

20 Q OKAY. SO THIS TYPE OF INSTRUMENT AND IT'S  
21 BASICALLY FLEXIBLE ASSUME FOR SECURITY REASONS?

22 A I WOULD HAVE TO ASSUME SO. I'M NOT FAMILIAR  
23 WITH THAT FEATURE.

24 Q AND HE DID IN HIS WRITINGS THAT AGAIN THE JURY  
25 WILL HAVE, HE HAS SOME AS YOU --

1 A VERY NICE, BEAUTIFUL.

2 Q HE HAD SOME SLOPPIER WRITING, DIDN'T HE?

3 A YES, HE DID.

4 Q HE HAD SOME FAST WRITING, DIDN'T HE?

5 A YES.

6 Q HE HAD SOME SLOW WRITING?

7 A ALL OF THIS NATURALLY PREPARED AND ALL OF IT

8 LOOKED GOOD UNDER A MICROSCOPE. IT DID NOT LOOK LIKE

9 THE SIMULATION.

10 Q OKAY. AND HAVE YOU HAD AN OPPORTUNITY TO LOOK

11 AT STATE'S EXHIBIT SIX?

12 A I AM NOT FAM---I DON'T RECALL THIS DOCUMENT,

13 SOLICITOR.

14 Q IS THERE STOPS AND STARTS IN THAT?

15 A I WOULD NOT EXAMINE, WITH ALL RESPECT TO THE

16 COURT, I DO NOT EXAMPLE FROM THE WITNESS STAND. I'LL

17 BE GLAD TO TAKE THIS BACK TO MY LABORATORY IN DUE

18 TIME AND EQUIPMENT TO LOOK AT IT.

19 Q WELL, LET ME ASK YOU THIS, MR. DAWSON, I MEAN

20 EVEN A LAY PERSON CAN SEE THERE IS OVERWRITING HERE,

21 IS THAT A FAIR STATEMENT?

22 A I DON'T GIVE A LAY OPINION, SIR.

23 Q MR. DAWSON, WOULD YOU ACKNOWLEDGE THAT SOMEBODY

24 HAD WRITTEN OVER THE WORD BEDS AND STRADDLED HER?

25 A SOLICITOR, I AGREE WITH YOU. YOU ARE RIGHT.

1 Q THANK YOU, SIR. I GUESS I GOT MY LAY OPINION?

2 A YOU ARE DOING GOOD.

3 Q AND, AND SO AS TO STATE'S EXHIBIT 89 YOU BELIEVE  
4 THIS TO BE A SIMULATION, IS THAT CORRECT?

5 A YES, SIR. AND I ALSO DEMONSTRATED THIS MORNING,  
6 THIS AFTERNOON.

7 Q OKAY. AND YOU BELIEVE THAT PROBABLY MS. SIMMONS  
8 WROTE IT?

9 A NO, SIR, I DID NOT SAY PROBABLY SHE WROTE IT. I  
10 SAID SHE HAS CHARACTERISTICS IN HER WRITING  
11 CONSISTENT WITH THAT. I'VE NOT IDENTIFIED HER AS THE  
12 WRITER.

13 Q WELL THEN, WHAT DID THAT MEAN? WHAT WERE YOU  
14 TELLING US? THAT SHE, IS IT POSSIBLE THAT I COULD  
15 HAVE CHARACTERISTICS SIMILAR TO THAT TOO?

16 A I COULD NOT ELIMINATE YOU AT THIS TIME, NO, SIR.

17 Q OKAY. NOW ON THE FIRST ITEM BASICALLY YOU ARE  
18 SAYING BOTH ITEMS ARE SIMULATION, IS THAT CORRECT?

19 A YES, SIR, BOTH ITEMS HAVE CHARACTERISTICS  
20 CONSISTENT WITH SIMULATION.

21 Q OKAY. IS IT POSSIBLE FOR ME TO WRITE A  
22 SIMULATION MYSELF. IN OTHER WORDS, TO WRITE MY  
23 HANDWRITING DIFFERENTLY?

24 A YOU COULD, THAT WOULD BE CALLED DISGUISE, BUT  
25 THERE ARE ALSO CHARACTERISTICS OF DISGUISE. DISGUISE

1 AS I UNDERSTAND IT HAS CHARACTERISTICS THAT SOMEWHAT  
2 MIMIC THIS BUT IS ENTIRELY DIFFERENT FROM THIS. THE  
3 BOOK SPEAKS VERY MUCH TOWARDS DISGUISED WRITING.

4 Q TELL ME ABOUT DISGUISE. THAT'S ME TRYING TO  
5 MAKE MY WRITING LOOK DIFFERENT?

6 A YES, SIR.

7 Q OKAY. AND YOU SAY THIS DOES HAVE ASPECTS OF  
8 DISGUISE ALSO?

9 A I SAID THIS COULD HAVE CHARACTERISTICS SOMETIMES  
10 ASSOCIATED WITH DISGUISE, BUT THIS IS NOT DISGUISE  
11 WRITING.

12 Q OH, IT'S NOT?

13 A NO, DISGUISED WRITING HAS OTHER CHARACTERISTICS  
14 ASSOCIATED WITH THEM.

15 Q SIMULATED.

16 A SIMULATED HAS ALL THE CHARACTERISTICS OF  
17 SIMULATION. DISGUISE WRITING, DISGUISE WRITING IS A  
18 CLASS ALL OF ITS OWN. DISGUISED WRITING THAT WAS  
19 MENTIONED, NORMALLY YOU'D CHANGE A SLANT SIZE, SPEED,  
20 BUT THE KEY TO DISGUISE WRITING IS THAT YOU WILL  
21 HAVE, BE MORE NATURALLY EXECUTED, NOT NEARLY AS MUCH  
22 TREMOR IN IT, AND YOU MAY ONLY HAVE ONE OR TWO STOPS  
23 IN IT. A PERSON CHANGES DISGUISE BY THE PICTORIAL  
24 EFFECT NOT BY LETTER COMPOSITION. THIS IS CHANGED BY  
25 LETTER CONSTRUCTION, LETTER COMPOSITION.

1 Q THIS, THESE LETTERS?

2 A THIS SIMULATED, YES, SIR.

3 Q OKAY. AND IN THOSE PARTICULAR ITEMS AS I  
4 UNDERSTOOD YOUR EXPLANATION WAS, THAT MR. BAITY --  
5 DID YOU COME UP WITH THE THEORY WHEN THEY HAD WITH  
6 THE CHART OF IT BEING TAKEN FROM ALL THESE LETTERS?

7 A NO, SIR.

8 Q WHERE DID THAT THEORY COME FROM?

9 A I HAVE NO IDEA.

10 Q OKAY.

11 A I WAS ASKED TO LOOK AT IT, TO EXAMINE IT, AND  
12 GIVE MY OPINION ON IT.

13 Q OKAY. AND THE CONSTRUCTION OF THE LETTER, IF I  
14 UNDERSTOOD WHAT YOU WERE SAYING, AGAIN YOU CORRECT ME  
15 IF I'M WRONG, WHAT YOU WERE SAYING THAT SIMULATION  
16 APPEARS TO BE CONSISTENT, BOTH OF THEM ACTUALLY,  
17 APPEAR TO BE CONSISTENT WITH SOMEBODY TAKING THE  
18 KNOWN AND LOOK AT IT AND DRAWING THE PHRASES, IS THAT  
19 CORRECT?

20 A YES, SIR, THAT'S FAIR ESTIMATION.

21 Q AND THAT IS AS TO, I KNOW IT'S KIND OF ODD THE  
22 NUMBERS ARE BACKWARDS, BUT 90 AND 89?

23 A YES, SIR.

24 Q OKAY.

25 MR. POPE: BEG THE COURT'S INDULGENCE.



1 Q MR. DAWSON, YOU ARE NOW RETIRED FROM THE STATE  
2 AND DO THIS JOB FULL TIME, IS THAT CORRECT?

3 A THAT IS CORRECT, YES.

4 Q OKAY. AND I THINK A CHECK OF THE INTERNET TELLS  
5 ME THAT YOU ACTUALLY RUN ADS IN THE BAR MAGAZINE, THE  
6 ATTORNEY MAGAZINE, IS THAT CORRECT?

7 A YES, I DO.

8 Q OKAY. AND HAVE YOU BEEN PAID FOR YOUR WORK IN  
9 THIS CASE?

10 A I'VE BEEN PAID SOME, YES.

11 Q DO YOU INTEND TO BE PAID MORE?

12 A I HAVE NOT FILED A BILL YET.

13 Q DO YOU INTEND TO FILE A BILL?

14 A I DO.

15 Q OKAY. AND HOW MUCH DO YOU CHARGE AN HOUR?

16 A ROUTINE IS 130 AN HOUR.

17 Q 130 AN HOUR. AND HOW MUCH IS IT WHEN YOU ARE IN  
18 COURT?

19 A 175 AN HOUR.

20 Q AND WHAT PERCENTAGE OF YOUR INCOME COMES FROM  
21 DOING THE DOCUMENT EXAMINATION NOW?

22 A I'VE GOT TO ASK MY ACCOUNTANT. I HAVE NO IDEA.

23 Q AND HOW MANY HOURS SINCE MAY HAVE YOU PUT INTO  
24 THIS CASE?

25 A I DO NOT RECALL. I DO NOT HAVE THOSE HOURLY

1 RECORDS. THEY ARE BACK IN MY OFFICE.

2 Q DO YOU HAVE A ROUGH ESTIMATE OF HOW MANY HOURS  
3 YOU WORKED ON THIS CASE?

4 A I WOULD HESITATE TO STATE BECAUSE YOU WORK A  
5 COUPLE HOURS A DAY, HOUR HERE, CONFERENCE HERE, THREE  
6 HOURS A DAY, I REALLY DON'T RECALL.

7 Q YOU WORKING UP TO 7:30 THIS MORNING ON IT, IS  
8 THAT CORRECT?

9 A I WAS UP AT 7:30 THIS MORNING, THAT IS CORRECT.

10 Q UP AT 7:30 OR WORKING UNTIL 7:30?

11 A ACTUALLY I GOT UP 6:30. I HAD COFFEE AND CEREAL  
12 AND WENT TO KINKO'S.

13 Q DID YOU CHARGE THEM FOR THAT BREAKFAST YOU HAD?

14 A NOT YET.

15 Q OKAY. ALL RIGHT. AND THEN SO THE 175 IN COURT,  
16 YOU'VE BEEN HERE SEVERAL DAYS NOW, IS THAT CORRECT?

17 A I HAVE. I'VE BEEN HERE FRIDAY, YESTERDAY, AND  
18 TODAY.

19 Q AND DO YOU CHARGE THOSE ON COURT HOURS?

20 A I CHARGE THOSE ONE COURT HOURS WITH A DAILY  
21 MAXIMUM, THAT IS CORRECT.

22 Q OKAY. NOW OF COURSE YOU DO YOUR WORK THAT YOU  
23 WERE CONTRACTED TO BUT YOU WOULD NOT BE TESTIFYING IF  
24 YOU ACHIEVED THE SAME RESULT AS THE STATE, IS THAT  
25 CORRECT?

1 A I'M SORRY, SIR.

2 Q YOU WOULD NOT BE TESTIFYING, YOU WOULDN'T BE  
3 GETTING COURT HOURS IF YOU HAD THE SAME ANSWER THAT  
4 THE STATE HAD, WOULD YOU?

5 A I HAVE NO IDEA. YOU HAVE TO ASK COUNSEL FOR  
6 THAT.

7 Q OKAY. THANK YOU, SIR.

8 MR. POPE: BEG THE COURT'S INDULGENCE.

9 Q MR. DAWSON, I REALIZE YOU CAN'T KEEP WITH ALL  
10 THE HOURS, YOU GOT THEM AT HOME AND YOU WILL SUBMIT  
11 THEM LATER, RIGHT?

12 A I WILL WHEN THIS CASE IS FINISHED, YES, SIR.

13 Q OKAY.

14 A SOLICITOR, THE PROBLEM I HAVE IS NUMBER ONE I AM  
15 A POOR BUSINESS MAN. NUMBER TWO, I DON'T BILL ALL  
16 THE HOURS I WORK, QUITE FRANKLY. WANT TO KNOW THE  
17 TRUTH ABOUT IT SO I REALLY DON'T KNOW HOW MANY HOURS  
18 I GOT. I PROBABLY GOT A LOT OF HOURS OF WORK I DO  
19 NOT HAVE RECORDED AND I WILL NOT BILL FOR.

20 Q WHAT'S THE MOST HOURS YOU'LL CHARGE IN A DAY?

21 A IT DEPENDS ON HOW MUCH I WORK.

22 Q THANK YOU, SIR.

23 THE COURT: MR. GREELEY.

24 MR. GREELEY: I DON'T HAVE ANY QUESTIONS.

25 THE COURT: MR. BAITY.

1 MR. BAITY: JUST A FEW, YOUR HONOR.

2 REDIRECT EXAMINATION BY MR. BAITY:

3 Q MR. DAWSON, MR. POPE -- APPROACH THE WITNESS,  
4 YOUR HONOR, ASKED YOU ABOUT YOUR REPORT?

5 A YES, SIR.

6 Q IS THAT AN ACCURATE COPY OF YOUR REPORT?

7 A YES, SIR, IT IS.

8 Q IS THIS THE REPORT THAT YOU SUBMITTED TO MR.  
9 MORTON ON JUNE 6, 2004.

10 A YES, IT IS.

11 Q MR. POPE JUST ASKED YOU ABOUT THAT?

12 A HE ASKED FOR THE INITIAL REPORT AND THAT'S  
13 CONSIDERED MY INITIAL REPORT, YES, SIR.

14 MR. POPE: NO OBJECTION.

15 MR. GREELEY: NO OBJECTION.

16 THE COURT: BE RECEIVED WITHOUT OBJECTION.

17 MR. BAITY: THANK YOU, YOUR HONOR.

18 (DEFENSE EXHIBIT 79 REPORT RECEIVED  
19 INTO EVIDENCE.)

20 Q MR. DAWSON, I'M GOING TO HAND THIS BACK TO YOU.  
21 IT'S BEEN MARKED DEFENSE EXHIBIT 79. NOW WAS THAT  
22 REPORT REQUESTED BY DEFENSE COUNSEL?

23 A YES, SIR.

24 Q AND IT WAS TO BE CONSIDERED YOUR FINAL REPORT OR  
25 INTERIM REPORT OR WHAT TYPE OF REPORT WAS IT?

1       A     AS I'VE TESTIFIED, IT WAS AN INITIAL REPORT.  I  
2       GUESS HE WANTED TO GET SOMETHING ON WRITING THAT I  
3       WAS EMPLOYED BY HIM.  I HAVE NO IDEA.

4       Q     AND THAT WAS DATED WHAT?

5       A     JUNE 6, 2004.

6       Q     ALL RIGHT, SIR.  NOW MR. DAWSON, DID THAT REPORT  
7       STATE CONCLUSIVELY ANY OF YOUR OPINIONS WITH RESPECT  
8       TO STATE'S EXHIBIT NUMBER 89 OR STATE'S EXHIBIT  
9       NUMBER 90 THAT WASN'T MARKED THAT WAY BACK THEN, BUT  
10      AS TO THE QUESTION DOCUMENTS 89, THE BIG LETTER, AND  
11      90, THE SMALL LETTER?  DID IT ASK, DID IT STATE YOUR  
12      OPINION AS TO EITHER ONE OF THOSE?

13      A     THE ENVELOPE, THERE IS A STRONG REASON TO  
14      BELIEVE THE WRITER K-ONE BILLY WAYNE COPE WROTE THE  
15      Q-1 ENVELOPE ADDRESSED TO AMY SIMMONS AND WE  
16      TESTIFIED TO, YES, HE DID.  NUMBER TWO, THERE IS A  
17      STRONG REASON TO BELIEVE THAT Q-TWO LETTER IS A  
18      SIMULATION AND NOT THE GENUINE WRITING OF BILLY WAYNE  
19      COPE.

20                                NEXT EXAMINATION OF Q-THREE WHICH IS  
21      STATE'S EXHIBIT NUMBER 89, THE AMY GOD TOLD ME  
22      LETTER, IS INCONCLUSIVE DUE TO THE QUALITY, POOR  
23      QUALITY OF THE MACHINE COPY.  I HAVE ALSO REMARKS  
24      SECTION ON THIS LETTER.  THE ABOVE IS QUALIFIED UPON  
25      ADDITIONAL AUTHENTICATED WRITING OF K-ONE BILLY WAYNE

1 COPE AND HE IS AUTHENTICATED WRITING BECAUSE ALL I  
2 WAS HANDED WAS PHOTOCOPIES, GENERAL WRITING. TWO, I  
3 WOULD NEED TO EXAMINE EXHIBIT Q-THREE, THE AMY GOD ME  
4 LETTER, AND IN OUR LABORATORY SETTING TO COMPLETE  
5 THIS EXAMINATION. I DID NOT HAVE AN ADEQUATE WORK,  
6 EXHIBIT TO WORK WITH. THREE, I AM REQUESTING ALL  
7 CORRESPONDENCE, LETTERS, CARDS, NOTES, ENVELOPES ET  
8 CETERA SENT TO AMY SIMMONS K-TWO BY BILLY WAYNE COPE.  
9 GIVE ME MORE AUTHENTICATED KNOWN WRITINGS OF AMY  
10 SIMMONS. FOUR, ALL EXHIBITS ARE BEING RETAINED IN  
11 DFLD FILE O47 AWAITING FURTHER INSTRUCTIONS. THAT IS  
12 A PRELIMINARY INITIAL REPORT.

13 Q NOW MR. DAWSON, WHEN YOU ISSUED THIS REPORT ON  
14 JUNE 6 OF THIS YEAR, HAD YOU SEEN THE ORIGINAL OF  
15 STATE'S EXHIBIT NUMBER 90?

16 A YES.

17 Q THE SMALL LETTER?

18 A YES, SIR.

19 Q SO CALLED SMALL LETTER?

20 A YES.

21 Q AND IS THAT THE LETTER THAT YOU ISSUED YOUR  
22 OPINION ON AS TO ITS GENUINENESS?

23 A YES.

24 Q AND YOUR OPINION WAS TO ITS GENUINENESS WAS THAT  
25 WAS IT GENUINE OR NOT GENUINE?

1 A SIMULATION; HOWEVER, UNDER REMARKS I STILL ASK  
2 FOR ADDITIONAL WRITING WHICH MEANS I WAS NOT THROUGH  
3 YET.

4 Q YES, SIR. NOW WHEN YOU ISSUED THAT REPORT ON  
5 JUNE SIX HAD YOU SEEN THE ORIGINAL OF STATE'S EXHIBIT  
6 NUMBER 89, OF THE LARGER LETTER?

7 A NO.

8 Q DID THAT BEAR ANY SIGNIFICANCE TO YOUR REPORT?

9 A CERTAINLY. THE REPORT STATES THAT I DID NOT  
10 HAVE, I COULD NOT EXAMINE THREE. I CANNOT EXAMINE  
11 THIS DOCUMENT. IT WAS A POOR PHOTOCOPY. I WANTED TO  
12 SEE THE ORIGINAL.

13 Q NOW AS MR. DAWSON, WOULD YOU ISSUE A REPORT, A  
14 FINAL REPORT, WITHOUT HAVING SEEN THE ORIGINAL?

15 A CERTAINLY NOT.

16 Q AND MR. DAWSON, WHO HAD THE ORIGINAL OF STATE'S  
17 EXHIBIT NUMBER 89, THE LARGE LETTER?

18 A I REALLY DON'T KNOW.

19 Q WELL, DID YOU FINALLY GET TO SEE IT?

20 A YES, I DID.

21 Q AND IN WHOSE POSSESSION WAS IT WHEN YOU FINALLY  
22 SAW IT?

23 A I DON'T RECALL. I THINK I MAY HAVE EXAMINED  
24 THAT UP HERE.

25 Q UP HERE IN ROCK HILL?

1 A YES.

2 Q YOU DID MAKE A TRIP TO GO SEE IT, DID YOU NOT?

3 A I BELIEVE SO, YES.

4 Q IT WASN'T IN MY POSSESSION, WAS IT?

5 A NO, SIR, IT WAS NOT.

6 Q AND MR. MORTON HAVE IT?

7 A NO, I BELIEVE I EXAMINED IT HERE AT THE

8 SOLICITOR'S OFFICE.

9 Q IT WAS IN THE POSSESSION OF THE STATE?

10 A YES, SIR, AS I RECALL.

11 Q NOW YOU DIDN'T GET ALL OF THIS MATERIAL OR

12 ACCESS TO THE ORIGINAL OF THESE DOCUMENTS ALL AT THE

13 SAME TIME, DID YOU?

14 A NO. AS MY REPORT INDICATES IT FILTERED IN UP TO

15 A POINT AND THEN AFTER THAT THEY HAD BEEN CONTINUALLY

16 FILTER AS I REQUEST ADDITIONAL EXHIBITS UP TO LAST

17 WEEK.

18 Q AND DID YOU, IN FACT, CONTINUE YOUR EXAMINATION

19 WHILE YOU WERE WAITING FOR TRIAL?

20 A I DID.

21 Q WOULD YOUR REPORT HAVE BEEN THE SAME TODAY AS IT

22 WOULD HAVE BEEN SAY DAY BEFORE YESTERDAY?

23 A IT WOULD HAVE. I WOULD NOT HAVE HAD AN EXHIBIT

24 THERE. I USED EXHIBIT TO BETTER DEMONSTRATE MY

25 FINDINGS.



1 Q WAS THIS AN ONGOING EXAMINATION, AN ONGOING  
2 PROCESS?

3 A IT WAS.

4 Q AND YOU PREPARED YOUR LAST EXHIBIT WHEN?

5 A THIS MORNING I HOPE.

6 Q MR. DAWSON, ARE YOU PAID FOR YOUR TESTIMONY?

7 A NO, I'M NOT. MY TESTIMONY CAN'T BE BOUGHT. I  
8 MA PAID FOR MY TIME.

9 MR. BAITY: NOTHING FURTHER, YOUR HONOR.  
10 THANK YOU.

11 MR. POPE: BRIEFLY, YOUR HONOR.

12 RE-CROSS EXAMINATION BY MR. POPE:

13 Q MR. DAWSON, YOU SAID I ASKED YOU FOR WHETHER YOU  
14 HAD A INITIAL REPORT?

15 A YES, SIR.

16 Q I ASKED YOU ABOUT ANY REPORTS, DIDN'T I?

17 A YES, SIR.

18 Q AND WE MADE PERFECTLY CLEAR TO THIS JURY THERE  
19 IS SUBSEQUENT REPORT, RIGHT?

20 A THAT IS CORRECT, SIR.

21 Q AND YOUR COUNSEL ASKED YOU ABOUT THE STATE  
22 HAVING THE LETTER, OKAY. YOU RECALL COMING  
23 PHYSICALLY TO HERE, ACTUALLY IN THE JURY ROOM HERE,  
24 WITH YOUR EQUIPMENT ON AUGUST SECOND OF 2004?

25 A THAT'S CORRECT.

1 Q AND YOU ACTUALLY SAT RIGHT IN THAT ROOM WITH  
2 YOUR MICROSCOPE AND DID YOUR WORK WHILE DATELINE  
3 FILMED YOU, DIDN'T IT?

4 A AND YOU WERE THERE, YES, SIR.

5 Q YES, SIR. I WAS SITTING AT THE END OF THE TABLE  
6 WHEN YOU DID THAT WORK?

7 A YES, SIR.

8 Q YES, SIR.

9 A YES, THAT'S CORRECT.

10 Q YOU RECEIVED THE ORIGINAL ON AUGUST SECOND AND  
11 WHAT DID YOU MAKE YOUR DETERMINATION IN THIS CASE?

12 A REVIEWING THE ORIGINAL JUST REINFORCED MY  
13 THOUGHTS THAT IT WAS SIMULATION, REVIEWING THE  
14 ORIGINAL UNDER THE MICROSCOPE WHERE YOU CAN SEE THE  
15 POOR LINE QUALITY, YOU CAN SEE THE VERY DRAWN LOOK,  
16 YOU CAN SEE THE HEAVY LINES, THE LACK OF INITIAL AND  
17 TERMINAL STROKES. REVIEWING AUGUST UNDER THE  
18 MICROSCOPE WHEN I COULD SEE ALL THE PROBLEMS, ALL THE  
19 CHARACTERISTICS OF SIMULATION, THAT JUST REINFORCED  
20 THE CONSISTENCY OF THE PROBLEM, AND IT JUST  
21 REINFORCED EXACTLY LIKE STATE'S EXHIBIT NUMBER 90,  
22 ALL OF IT IS PRETTY MUCH THE SAME.

23 Q AND YOU CONFIRMED THAT TO ME RIGHT THERE THAT  
24 DAY, DIDN'T YOU?

25 A I DON'T RECALL WHETHER I DID. I DON'T RECALL.

1 I MUST SAY I DIDN'T, SOLICITOR. I DO NOT RECALL  
2 DOING THAT. I COULD HAVE.

3 Q THE TRUTH IS YOU DIDN'T AND YOU DIDN'T EXECUTE A  
4 REPORT ON IT AT ALL, RIGHT?

5 A I DID NOT, NO.

6 Q THANK YOU.

7 THE COURT: MR. GREELEY.

8 MR. GREELEY: NO QUESTIONS.

9 THE COURT: CAN THIS WITNESS BE EXCUSED.

10 MR. BAITY: YES, SIR, PLEASE.

11 THE COURT: WE APPRECIATE YOUR TIME.

12 THANK YOU A LOT. WE EXCUSE YOU. FEEL FREE TO LEAVE.

13 CALL YOUR NEXT WITNESS.

14 MR. SMITH: PETER SKIDMORE.

15 PETER SKIDMORE, BEING FIRST DULY

16 SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION BY MR. SMITH:

18 Q GOOD AFTERNOON, MR. SKIDMORE?

19 A GOOD AFTERNOON.

20 Q I BELIEVE YOU'VE BEEN IN THIS POSITION BEFORE?

21 A YES.

22 Q YOU HAVE ALREADY INTRODUCED YOURSELF TO THE  
23 JURY, BUT IF YOU WOULD PLEASE RESTATE YOUR FULL NAME

24 FOR THE COURT AND THE JURY.

25 A PETER MATTHEW SKIDMORE.

1 Q AND MR. SKIDMORE, I WON'T GO INTO A LOT OF  
2 DETAILS BUT WHAT'S YOUR OCCUPATION?

3 A I AM A LICENSED PRIVATE INVESTIGATOR.

4 Q AND WHO DO YOU WORK FOR?

5 A SKIDMORE AND ASSOCIATES.

6 Q OKAY. AND DID YOU COMPLETE A VIDEO TAPE IN THIS  
7 CASE?

8 A YES, I DID.

9 Q AND IS THAT A COPY OF IT?

10 A YES, IT IS.

11 Q WHEN IS THE LAST TIME YOU REVIEWED THAT?

12 A SEPTEMBER 18 I REVIEWED IT.

13 Q WHEN DID YOU ACTUALLY TAPE THE---

14 A SEPTEMBER 18 I TOOK IT.

15 Q YOU MADE IT ON SEPTEMBER 18?

16 A YES, I DID.

17 Q ARE YOU AWARE OF ANY CHANGES OR ADDITIONS OR  
18 DELETIONS THAT HAVE BEEN MADE TO THAT VIDEO TAPED?

19 A I'VE NOT CHANGED IT.

20 Q AND WHAT DOES IT DEPICT?

21 A IT SHOWS RICH STREET AND THE SURROUNDING AREA.

22 Q AND THAT'S IN ROCK HILL?

23 A YES, IT IS IN ROCK HILL, SOUTH CAROLINA.

24 MR. SMITH: JUDGE, I WOULD ASK PERMISSION  
25 TO PUBLISH THAT TO THE JURY.

1 THE COURT: ANY OBJECTION? IT'S NOT IN  
2 EVIDENCE.

3 MR. SMITH: YES, SIR, I MOVE IT INTO  
4 EVIDENCE.

5 MR. BRACKETT: WE'VE SEEN THE TAPE NOW AND  
6 WE HAVE NO OBJECTION.

7 MR. GREELEY: YOUR HONOR, I HAVE SEEN THE  
8 TAPE. I HAVE NO OBJECTION AS LONG AS IT IS PUBLISHED  
9 WITHOUT NARRATION.

10 THE COURT: OKAY. THANK YOU.

11 (DEFENDANT'S EXHIBIT 80 VIDEO TAPE IN  
12 EVIDENCE.)

13 THE COURT: ADMITTED INTO EVIDENCE AND NOW  
14 YOU CAN PUBLISH IT.

15 Q LET ME ASK YOU BEFORE WE PLAY THAT. DO YOU KNOW  
16 WHO LIVED AT 407 RICH STREET ON NOVEMBER 29, 2001?

17 A YES.

18 Q AND WHO WAS THAT?

19 A MR. COPE.

20 Q AND WHAT ABOUT 811 JEFFERSON AVENUE?

21 MR. GREELEY: OBJECTION, HEARSAY.

22 THE COURT: I SUSTAIN THE OBJECTION.

23 (THE VIDEO TAPE IS PLAYED FOR THE  
24 JURY.)

25 Q MR. SKIDMORE, DID YOU MEASURE THE DISTANCE

1 BETWEEN 407 STREET AND 811 JEFFERSON AVENUE?

2 A I DID.

3 MR. GREELEY: OBJECTION, YOUR HONOR. I  
4 HAVE A MATTER FOR THE JURY.

5 THE COURT: BEG YOUR PARDON.

6 MR. GREELEY: I HAVE A MATTER FOR THE  
7 JURY. I OBJECT.

8 THE COURT: I SUSTAIN THE OBJECTION.

9 Q PLEASE ANSWER ANY QUESTIONS THE STATE MAY HAVE  
10 OR MR. GREELEY MAY HAVE FOR YOU.

11 MR. BRACKETT: NO QUESTIONS.

12 THE COURT: MR. GREELEY.

13 MR. GREELEY: NO QUESTIONS.

14 THE COURT: YOU CAN STEP DOWN AND BE  
15 EXCUSED. WE APPRECIATE YOUR TIME. THANK YOU. CALL  
16 YOUR NEXT WITNESS. Y'ALL NEED A BREAK. LET'S TAKE A  
17 BREAK. WE'LL TAKE A SHORT BREAK.

18 (THE JURY EXITS THE COURTROOM AT 04:01  
19 PM AND COURT IS IN RECESS.)

20 (COURT RESUMES AT 04:12 PM.)

21 THE COURT: I UNDERSTAND WE NEED A PROFFER  
22 OF THE NEXT WITNESS. PUT YOUR LEFT HAND ON THE BIBLE  
23 AND RAISE YOUR RIGHT.

24 JAMES M. HILL, BEING FIRST DULY  
25 SWORN, TESTIFIED AS FOLLOWS:

1 THE COURT: HAVE A SEAT UP HERE AND TELL  
2 US YOUR NAME AND WHILE YOU ARE DOING THAT WE'LL BRING  
3 IN THE DEFENDANTS.

4 Q MY NAME IS JAMES MICHAEL HILL.

5 THE COURT: WE'RE JUST GETTING HIS NAME.  
6 ALL RIGHT. THE DEFENDANTS BOTH ARE PRESENT. YOU CAN  
7 GO FORWARD, MR. WOOD.

8 MR. WOOD: PLEASE THE COURT.

9 DIRECT EXAMINATION BY MR. WOOD:

10 Q MR. HILL, COULD YOU PLEASE STATE YOUR FULL NAME.

11 A JAMES MICHAEL HILL.

12 Q MR. HILL, WHERE DO YOU CURRENTLY RESIDE?

13 A PERRY CORRECTIONAL IN PELZER.

14 Q YOU CURRENTLY SERVING A SENTENCE IN THE SOUTH  
15 CAROLINA DEPARTMENT OF CORRECTIONS?

16 A YES, SIR.

17 Q HOW LONG IS THAT SENTENCE?

18 A 18 YEARS.

19 Q AND WHAT WERE YOU SENTENCED TO 18 YEARS FOR?

20 A BURGLARY SECOND.

21 Q WHEN WERE YOU CONVICTED, MR. HILL?

22 A AUGUST 28 OF 2003.

23 Q DO YOU CURRENTLY HAVE ANY PENDING CRIMINAL  
24 CHARGES?

25 A NO, SIR, I DO NOT.

1 Q HAVE YOU BEEN OFFERED ANY PROMISES FOR YOUR  
2 TESTIMONY TODAY?

3 A NO, SIR, I HAVE NOT.

4 Q ANY INDUCEMENTS OR OFFERS OF REWARD?

5 A NO, SIR.

6 Q MR. HILL, IF YOU TESTIFY IN THIS CASE, WILL IT  
7 MAKE YOUR LIFE ANY EASIER ON THE INSIDE OF THE  
8 DEPARTMENT OF CORRECTIONS?

9 A NO, SIR. IF ANYTHING IT WILL MAKE IT MORE  
10 DIFFICULT.

11 Q AND WHY IS THAT?

12 A WELL, I'VE GOT AN 18 YEAR SENTENCE. I'VE DONE  
13 TWO YEARS. I DON'T FEEL LIKE DOING THE REST OF MY  
14 TIME HAVING TO LOOK OVER MY SHOULDER FOR A KNIFE IN  
15 MY BACK FOR MY TESTIMONY HERE TODAY.

16 Q WHAT HAPPENED TO YOUR ARM THERE, MR. HILL?

17 A I WAS JUMPED AT LEE COUNTY.

18 Q DO PRISONS LOOK KINDLY ON PRISONERS OR INMATES  
19 THAT TESTIFY AGAINST OTHER DEFENDANTS?

20 A NO, SIR, THEY DO NOT.

21 Q IS THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
22 A VIOLENT PLACE?

23 A YES, SIR.

24 Q HOLD YOUR ARM UP? WERE YOU CUT?

25 A I WAS STABBED UP. MY LEFT FOREARM WAS BROKEN.



1 I HAD TO HAVE SURGERY TO FIX IT.

2 Q MR. HILL, DO YOU KNOW JAMES SANDERS?

3 A YES, SIR, I DO.

4 Q IS HE HERE IN THE COURTROOM TODAY?

5 A YES, SIR.

6 Q COULD YOU POINT HIM OUT PLEASE?

7 A HE'S SITTING OVER THERE.

8 Q AND HOW DO YOU KNOW MR. SANDERS?

9 A I WAS IN SEGREGATION UNIT WITH HIM.

10 Q AND WHEN YOU WERE IN SEGREGATION UNIT DO YOU

11 RECALL ABOUT WHAT TIME THAT WAS?

12 A THE LATTER COUPLE OF MONTHS OF 2002.

13 Q THE LATTER COUPLE OF MONTHS OF 2002?

14 A I BELIEVE IT WAS AROUND NOVEMBER OR DECEMBER.

15 Q OKAY. DID YOU HAVE OCCASION TO HEAR MR. SANDERS

16 MAKE A STATEMENT ABOUT GETTING AWAY WITH WHAT HE DID

17 TO A LITTLE GIRL IN ROCK HILL?

18 A YES, SIR, I DID.

19 Q WHERE WERE YOU WHEN YOU HEARD IT?

20 A I WAS IN MY CELL.

21 Q IS THERE ANYTHING IN PARTICULAR THAT YOU MIGHT

22 RECOGNIZE ABOUT JAMES SANDERS, ABOUT HIS VOICE?

23 A HE HAD A VERY, HE HAD LIKE AN OLD MAN'S VOICE, A

24 RASPY-ISH VOICE.

25 Q AND YOU HEARD MR. SANDERS TALKING?

1 A YES, SIR, I DID.

2 Q WHAT DID YOU HEAR HIM SAY?

3 A EXCUSE ME. WELL, I HEARD HIM IN CONVERSATION  
4 WITH ANOTHER INMATE.

5 Q WHAT WAS HIS NAME?

6 A I BELIEVE IT WAS HOLLY, BUT I'M NOT SURE. I  
7 TRIED TO STAY TO MYSELF BACK THERE. BUT HE WAS IN  
8 CONVERSATION WITH ANOTHER INMATE AND THEY GOT TO THE  
9 SUBJECT OF CRIMES AND CRIMINAL HISTORY AND THEY GOT  
10 TO JOKING ABOUT THE--THEY GOT JOKING ABOUT THE POLICE  
11 FORCE, ABOUT HOW THEY COULD GET, HOW THEY WEREN'T  
12 DOING THEIR JOBS, THAT IT WAS EASY TO GET AWAY FROM  
13 THEM, TO DELUDE THEM, AND HE MADE THE COMMENT THAT HE  
14 WAS GOING TO GET AWAY WITH WHAT HE DID TO THAT LITTLE  
15 GIRL IN ROCK HILL AND HE WENT ON TO EXPLICITLY  
16 DESCRIBE WHAT HE HAD DONE AND THEN IN GETTING BE AWAY  
17 AND AT THE TIME I DIDN'T THINK NOTHING OF IT.

18 Q BUT WHAT DID HE SAY?

19 A (NO RESPONSE.) HE MADE REMARKS ABOUT, HE MADE  
20 REMARKS ABOUT ORAL AND ANAL SODOMY. HE MADE REMARKS  
21 OF, I BELIEVE, HE SAID SMOTHERING THE CHILD.

22 Q ANY PARTICULAR STATEMENT YOU HEARD HIM SAY ABOUT  
23 WHAT HE DID TO AMANDA COPE, EXCUSE ME?

24 MR. GREELEY: OBJECTION.

25 THE COURT: REPHRASE YOUR QUESTION.

1 Q EXCUSE ME. WHAT DID HE SAY HE DID TO THE LITTLE  
2 GIRL?

3 A HIS WORDS WERE THAT HE FUCKED HER. HE FUCKED  
4 HER GOOD.

5 Q DID YOU KNOW BILLY WAYNE COPE AT THE TIME?

6 A NOT AT THE TIME, NO, SIR. I DIDN'T MEET  
7 MR. COPE UNTIL FOUR OR FIVE MONTHS AFTER AT THAT.

8 Q WHERE DID YOU MR. COPE?

9 A I MET HIM IN F-BLOCK. THE F-UNIT.

10 Q IS THERE ANOTHER NAME THE F-UNIT GOES BY?

11 A LIFE SKILLS.

12 Q IS THAT THE CHRISTIAN BLOCK?

13 A YES, SIR, IT IS.

14 Q WAS THERE ANYTHING THAT HAPPENED WHEN YOU IN  
15 WERE IN THE F-BLOCK ONCE YOU MET MR. COPE THAT YOU  
16 MADE REALIZE THE SIGNIFICANCE OF WHAT YOU HEARD  
17 MR. SANDERS SAY?

18 A NOT AT FIRST BECAUSE LIKE I SAID I TRIED TO STAY  
19 TO MYSELF, AND I OVERHEARD HIM AND MR. KENNEDY,  
20 MICHAEL KENNEDY, TALKING ABOUT BILLY'S CASE AND KENNY  
21 BROUGHT UP THE NAME OF SANDERS AND MENTIONED THAT HE  
22 WAS IN C BLOCK. WHEN HE MENTIONED THE NAME IN  
23 RELATION TO WHAT THEY WERE TALKING ABOUT OF BILLY'S  
24 CASE, ALL OF THAT, WHAT I REMEMBERED IT, JUST, IT  
25 JUST CAME RUSHING BACK. I TOLD BILLY, I WAS LIKE

1 DUDE, YOU NEED TO SIT DOWN, I GOT SOMETHING TO TELL  
2 YOU, AND YOU PROBABLY AIN'T GOING TO LIKE IT, AND I  
3 PROCEEDED TO TELL HIM WHAT I JUST TOLD Y'ALL AND HE  
4 RELAYED THAT TO HIS LAWYERS AND THEY RELATED IT ALL  
5 AND EVENTUALLY THEY GOT BACK TO ME.

6 Q DID YOU HEAR JAMES SANDERS SAY ANYTHING HOW HE  
7 GOT IN THE HOUSE?

8 MR. GREELEY: OBJECTION, LEADING.

9 THE COURT: THAT'S A LEADING QUESTION. I  
10 SUSTAIN THE OBJECTION.

11 Q WHAT IF ANYTHING ELSE DID YOU HEAR JAMES SANDERS  
12 SAY?

13 A HE ALLUDED TO THE FACT THAT HE HAD GOT IN  
14 THROUGH A WINDOW IN THE HOUSE AND THAT HE HAD LEFT  
15 THROUGH THE SAME WINDOW AND PROCEEDED TO GO TO A  
16 ANOTHER INDIVIDUAL'S HOUSE.

17 Q MR. HILL, YOU DON'T WANT TO BE --- DO YOU WANT  
18 TO BE OUT HERE TESTIFYING?

19 A NOT, NOT REALLY, NO.

20 MR. WOOD: THAT'S THE END OF THE PROFFER,  
21 YOUR HONOR.

22 THE COURT: ALL RIGHT. THE STATE.

23 MR. BRACKETT: COURT'S INDULGENCE ONE  
24 MOMENT.

25 CROSS EXAMINATION BY MR. BRACKETT:

1 Q MR. HILL, YOU NEVER TOLD ANYBODY BEFORE TODAY,  
2 THAT'S THE FIRST TIME THE STATE'S HEARING ABOUT THIS,  
3 RIGHT, BEFORE TODAY?

4 A UH.

5 Q YESTERDAY OR ANY DAY PRIOR TO YESTERDAY DID YOU  
6 EVER WRITE A LETTER TO THE SOLICITOR'S OFFICE OR LAW  
7 ENFORCEMENT TO TELL THEM ABOUT THIS INFORMATION?

8 A NO, SIR.

9 Q OKAY. SO NO POLICE OFFICER KNEW ABOUT THIS,  
10 CORRECT?

11 A YES, SIR.

12 Q NO SOLICITOR KNEW ABOUT THIS, IS THAT CORRECT?

13 A YES, SIR.

14 Q OKAY.

15 MR. BRACKETT: NOTHING FURTHER.

16 THE COURT: MR. GREELEY.

17 MR. GREELEY: YOUR HONOR, I WOULD LIKE TO  
18 RESERVE MY RIGHT TO CROSS BUT I WOULD HAVE A MOTION  
19 IN REGARDS TO HIS TESTIMONY.

20 THE COURT: ALL RIGHT.

21 MR. GREELEY: IT'S MY UNDERSTANDING THAT  
22 THEY HAVE MADE THEIR PROFFER AND I WOULD LIKE TO  
23 CROSS EXAMINE IF THE COURT DOES NOT GRANT MY MOTION,  
24 BUT I WOULD MOVE TO HAVE THIS SUPPRESSED AND THE  
25 REASON IS BECAUSE THERE IS NOTHING THAT THIS MAN HAS

1 SAID THAT HAS TIED UP ANY OF THESE ALLEGED FACTS THAT  
2 ALLEGEDLY MY CLIENT SAID TO THIS CASE. THERE IS NO  
3 IDENTIFICATION WHATSOEVER WITH THIS CASE, AND SO  
4 THEREFORE THEY MADE THEIR PROFFER AND I WOULD ASK THE  
5 COURT TO GO AHEAD AND RULE THAT IT IS NOT RELEVANT TO  
6 THIS CASE BECAUSE THERE HAS BEEN NO IDENTIFYING  
7 CHARACTERISTICS. HIS HONOR KNOWS THAT MY CLIENT HAS  
8 MANY, MANY ALLEGATIONS AGAINST HIM IN REGARDS TO  
9 OTHER THINGS, AND SO THERE IS NOTHING THAT MAKES IT  
10 RELEVANT TO THIS CASE.

11 THE COURT: LET ME HEAR FROM MR. WOOD.

12 MR. WOOD: YOUR HONOR, THE FACT THAT JAMES  
13 SANDERS' DNA WAS FOUND ON AMANDA COPE MAKES IT  
14 RELEVANT TO THIS CASE. IT'S THE ONLY LITTLE GIRL WE  
15 KNOW OF WITH JAMES SANDERS DNA WAS FOUND ON.

16 THE COURT: ONLY ONE YOU KNOW OF, THERE  
17 HAS BEEN NO TESTIMONY AS TO TIME, PLACE, OTHER  
18 CIRCUMSTANCES, I SUSTAIN THE OBJECTION. I WON'T  
19 ALLOW THE TESTIMONY. THANK YOU, MR. HILL. YOU CAN  
20 STEP DOWN. ALL RIGHT. READY FOR THE JURY.

21 MR. WOOD: YES, YOUR HONOR.

22 THE COURT: BRING IN THE JURY.

23 (THE JURY RETURNS TO THE COURTROOM AT  
24 04:28 PM.)

25 THE COURT: CALL YOUR NEXT WITNESS.

1 MR. MORTON: MR. COPE RESTS, YOUR HONOR.

2 THE COURT: ALL RIGHT. MR. GREELEY.

3 MR. GREELEY: YOUR HONOR, MR. SANDERS  
4 RESTS.

5 THE COURT: ALL RIGHT. ANY REPLY?

6 MR. BRACKETT: YES, YOUR HONOR, THERE WILL  
7 BE SOME REPLY.

8 THE COURT: IT'S 4:30, CALL YOUR FIRST  
9 WITNESS.

10 MR. BRACKETT: WELL, YOUR HONOR, I NEED  
11 SOME TIME TO PREPARE. SOME OF THESE WITNESSES WE  
12 JUST HEARD FROM, MR. DAWSON, SO FORTH, WE'D LIKE SOME  
13 TIME TO CONSULT AND GET ORGANIZED. I DIDN'T REALIZE  
14 HOW LONG---

15 THE COURT: LET ME SEE COUNSEL AT THE  
16 BENCH.

17 (BENCH CONFERENCE AT 04:30 PM.)

18 THE COURT: MEMBERS OF THE JURY PANEL, THE  
19 STATE NEEDS A FEW MINUTES. THEY WEREN'T QUITE, THE  
20 LAWYERS DON'T ALWAYS HAVE TO TELL HOW THEY ARE  
21 PROCEEDING. IT'S CALLED, THEY GOT CONTROL OF THEIR  
22 OWN CASE. THEY GOT THEIR WITNESSES HERE BUT THEY  
23 NEED TO CHAT WITH THEM A FEW MINUTES, SO WE'LL TAKE  
24 ANOTHER SHORT BREAK.

25 (THE JURY EXITS THE COURTROOM AT 04:32

1 PM.)

2 THE COURT: PRIOR TO COPE COUNSEL RESTING,  
3 IT WAS BROUGHT TO MY ATTENTION AT A BENCH CONFERENCE  
4 THAT THEY DID WANT, COUNSEL OF MR. COPE WANTED TO  
5 INTRODUCE A LETTER THAT MR. JAMES SANDERS WROTE TO I  
6 THINK IT WAS THE SOLICITOR'S OFFICE CONCERNING MR.  
7 GREELEY'S REPRESENTATION, WE DEALT WITH THAT AT AN  
8 EARLIER TIME, AND I HAVE LOOKED AT THE LETTER AND THE  
9 COUNSEL OF MR. COPE HAD INDICATED, THEY WOULD REDACT  
10 THE LETTER AND GET RID OF SOME INFORMATION SET FORTH  
11 THEREIN. THE PART THAT THEY PARTICULARLY WANT IN I  
12 HAVE RULED I'M NOT GOING TO LET IT IN, SO WE'LL MAKE  
13 THAT A COURT'S EXHIBIT, BUT BEFORE I MOVED FORWARD I  
14 WANT TO HEAR AND LET MR. MORTON PUT WHATEVER HE  
15 WISHES ON THE RECORD.

16 MR. MORTON: THANK YOU, YOUR HONOR. THE  
17 PART I WISH TO PUT ON THE RECORD WAS THIS WAS A  
18 LETTER AND I WOULD HAVE IT MARKED FOR COURT  
19 IDENTIFICATION.

20 (COURT EXHIBITS NUMBER 13 LETTER  
21 MARKED INTO EVIDENCE.)

22 MR. MORTON: COURT EXHIBIT 13, YOUR  
23 HONOR, IS A THREE PAGE LETTER. I THINK MR. GREELEY  
24 HAS --

25 THE COURT: I WAS GOING TO PUT THAT ON THE



1 RECORD. HE HAS CONCEDED AUTHENTICITY. THAT'S NOT AN  
2 ISSUE, SO IT'S NOT AN ISSUE WHETHER OR NOT  
3 MR. SANDERS WROTE THE LETTER.

4 MR. MORTON: RIGHT. THANK YOU, YOUR  
5 HONOR.

6 THE COURT: IS THAT CORRECT, MR. GREELEY.

7 MR. GREELEY: THAT IS CORRECT, YOUR HONOR.

8 MR. MORTON: IT IS DATED AUGUST THIRD.  
9 IT'S ADDRESSED FROM MR. SANDERS TO MR. WILLY THOMPSON  
10 OF THE SOLICITOR. IT'S A THREE PAGE LETTER. THE  
11 PART THAT I WANTED TO INTRODUCE IS THAT TOP OF PAGE  
12 TWO THAT MR. SANDERS WROTE THAT MR. GREELEY IS NOT  
13 READY TO TAKE ON THE COPE CASE BECAUSE I NEVER HAD  
14 DISCUSSED ANYTHING WITH HIM ABOUT SOMEONE I HAVE  
15 NEVER SEEN BEFORE. IN MY INTERPRETATION THAT GOES TO  
16 THE, THAT HE'S TALKING ABOUT MR. COPE, THE JURY  
17 SHOULD BE ABLE TO CONSIDER THAT. I DON'T BELIEVE  
18 THAT RELIABILITY OR THE TRUSTWORTHINESS OR THE NEED  
19 TO CROSS EXAMINE IS REALLY AN ISSUE AND FOR THOSE  
20 REASONS AT A BENCH CONFERENCE BEFORE WE RESTED I  
21 MOVED TO INTRODUCE THIS LETTER INTO EVIDENCE.

22 THE COURT: AND MR. GREELEY OBJECTED.

23 MR. GREELEY: YES, I OBJECT.

24 THE COURT: AND THE STATE.

25 MR. BRACKETT: YES, SIR.

1 THE COURT: AND THE STATE OBJECTED.

2 MR. BRACKETT: OBJECTS, YES, SIR.

3 THE COURT: AND I RULE IT INADMISSIBLE. I  
4 FIND IT'S VAGUE. THE PORTION THAT YOU WISH TO  
5 INTRODUCE IS OUT OF CONTEXT, VAGUE, AND EVEN IN  
6 CONTEXT IS SOMEWHAT VAGUE, AND ALSO THAT IT DOESN'T  
7 STAND ALONE. THAT IS, JUST AS YOU SAID, YOUR  
8 INTERPRETATION IS X AND THAT'S WHAT IT IS IS AN  
9 INTERPRETATION. THANK YOU. WE WILL BE AT EASE FOR A  
10 FEW MINUTES.

11 MR. GREELEY: YOUR HONOR, IF I MAY FOR THE  
12 RECORD. I DON'T KNOW IF IT WOULD BE TIME, I WOULD  
13 JUST RENEW MY PREVIOUS MOTIONS FOR A DIRECTED VERDICT  
14 ON BEHALF OF MY CLIENT IN REGARDS TO --

15 THE COURT: I THINK TECHNICALLY THAT  
16 OUGHT TO COME AFTER THE REPLY.

17 MR. GREELEY: AFTER REPLY.

18 THE COURT: UNLESS YOU DECIDE YOU WANT TO  
19 MAKE IT NOW, I WILL BE GLAD TO ----

20 MR. GREELEY: I WANT TO MAKE IT NOW AND  
21 THEN I'M GOING TO MAKE IT AFTER THE REPLY.

22 THE COURT: OKAY. GO AHEAD.

23 MR. GREELEY: I JUST RENEW IT ON THE SAME  
24 GROUNDS FOR THE SAME INDICTMENTS THAT I PREVIOUSLY  
25 MADE. I WOULD SUBMIT TO THE COURT THAT THE EVIDENCE

1 THAT'S BEEN PUT IN SINCE THAT TIME HAS NOT CHANGED  
2 ANYTHING IN REGARDS TO THOSE, MY POSITIONS.

3 MR. MORTON: MYSELF ON BEHALF OF MR. COPE,  
4 YOUR HONOR.

5 THE COURT: WELL, I DENY THE MOTION JUST  
6 AS I DID AT THE END OF THE PRESENTATION OF THE  
7 STATE'S CASE. I DO QUITE FRANKLY THINK THEY ARE  
8 PREMATURE BECAUSE I THINK THEY DON'T COME IN UNTIL  
9 ALL THE EVIDENCE IS IN, AND WE'RE BEING TOLD THAT  
10 THEY ARE GOING TO SCURRY AROUND AND HAVE US THREE  
11 REPLY WITNESSES.

12 MR. BRACKETT: VERY SHORT, VERY SWEET.

13 THE COURT: WE WILL TAKE A FIVE MINUTE  
14 BREAK.

15 MR. BRACKETT: WE MIGHT NEED A LITTLE BIT  
16 MORE, IF WE CAN GET TEN.

17 THE COURT: TEN MINUTE BREAK.

18 (COURT'S IN RECESS AT 04:37 PM.)

19 (COURT RESUMES AT 04:56 PM.)

20 THE COURT: THE STATE READY.

21 MR. BRACKETT: YES, SIR.

22 MR. BAITY: YES, YOUR HONOR, WE'RE READY.

23 THE COURT: BRING IN THE JURY.

24 (THE JURY RETURNS TO THE COURTROOM AT  
25 04:57 PM.)

1 THE COURT: CALL YOUR WITNESS.

2 MR. BRACKETT: THE STATE WOULD CALL AGENT  
3 SKIP MITCHELL.

4 WAYNE MITCHELL, BEING  
5 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

6 MR. BAITY: MAY WE APPROACH THE BENCH.

7 (BENCH CONFERENCE.)

8 DIRECT EXAMINATION BY MR. BRACKETT:

9 Q GOOD AFTERNOON, SIR. HOW ARE YOU?

10 A JUST FINE.

11 Q YOUR FULL NAME IF YOU WOULD FOR THE RECORD.

12 A WAYNE A. MITCHELL.

13 Q AND WHERE ARE YOU EMPLOYED, SIR?

14 A THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION.

15 Q WHAT DO YOU DO FOR THE SOUTH CAROLINA LAW  
16 ENFORCEMENT DIVISION?

17 A I AM THE SUPERVISOR LIEUTENANT IN CHARGE OF  
18 POLYGRAPH.

19 Q OKAY. AND HOW LONG HAVE YOU BEEN THE SUPERVISOR  
20 OVER THE POLYGRAPH DIVISION OF SLED?

21 A APPROXIMATELY FOUR YEARS, GOING ON FIVE.

22 Q OKAY. AND HOW MANY YEARS EXPERIENCE DO YOU HAVE  
23 IN ADMINISTERING POLYGRAPHS?

24 A 25 YEARS.

25 Q CAN YOU GIVE US SOME IDEA OF YOUR BACKGROUND AND

1 TRAINING IN THE ARE OF POLYGRAPH EXAMINATION?

2 A I GRADUATE 1974 BA HISTORY AT THE CITADEL. I  
3 ATTENDED THE CRIMINAL JUSTICE ACADEMY IN 1975. I  
4 ATTENDED THE AMERICAN POLYGRAPH ASSOCIATION  
5 ACCREDITED SCHOOL IN 1979 AND ADVANCED TRAINING FROM  
6 THE DEPARTMENT OF DEFENSE POLYGRAPH INSTITUTE IN '91.

7 Q AND WHERE WAS THE DEPARTMENT OF DEFENSE  
8 POLYGRAPH INSTITUTE LOCATED IN '91?

9 A AT THAT TIME IT WAS IN FORT MCKELLAN, ALABAMA.

10 Q ALL RIGHT, SIT. AND WHERE IS IT LOCATED NOW?

11 A FORT JACKSON, SOUTH CAROLINA.

12 Q THEY JUST ---

13 A THEY MOVED THERE APPROXIMATELY FIVE YEARS AGO.

14 Q ALL RIGHT. APPROXIMATELY HOW MANY POLYGRAPH  
15 TESTS HAVE YOU ADMINISTERED IN YOUR LIFE?

16 A I WOULD ESTIMATE IN THE AREA OF TEN THOUSAND I  
17 SUPPOSE.

18 Q OKAY. AND DO YOU ATTEND TRAINING AND SEMINARS  
19 TO KEEP UP IN THE LATEST DEVELOPMENTS IN THAT FIELD?

20 A YES, I DO. IN FACT, I REQUIRE OF OUR AGENTS, I  
21 WAS RECENTLY PRESIDENT OF SOUTH CAROLINA ASSOCIATION  
22 OF POLYGRAPH EXAMINERS AND ARRANGED TRAINING FOR OUR  
23 EXAMINERS. AT THESE MEETINGS WE WERE BY AND LARGE  
24 DEPARTMENT OF DEFENSE POLYGRAPH INSTRUCTORS THAT  
25 WOULD INSTRUCT US IN THE LATEST TECHNIQUES AND

1 FORMATS AVAILABLE.

2 Q ALL RIGHT, SIR. AND I BELIEVE IT'S ALREADY BEEN  
3 TESTIFIED TO EARLIER BUT THE DEPARTMENT OF DEFENSE  
4 POLYGRAPH INSTITUTE, IS THAT A WIDELY RECOGNIZE---

5 A IT IS. IT IS THE PREMIER TEACHING AND RESEARCH  
6 CENTER FOR POLYGRAPH IN THE WORLD.

7 Q ALL RIGHT. DO YOU ALSO PERSONALLY TRAIN AND  
8 OVERSEE, SUPERVISE THE TRAINING OF NEW INDUCTEES TO  
9 THE WORLD OF POLYGRAPH ADMINISTRATION?

10 A I DO. WHEN WE GET PER SOUTH CAROLINA LAW  
11 40-53-310 POLYGRAPH EXAMINERS ACT EVERY EXAMINER HAS  
12 TO SERVE AN INTERNSHIP FOR A PERIOD, MINIMUM PERIOD  
13 OF UP TO SIX MONTHS AND UP TO 18 MONTHS UPON  
14 GRADUATION FROM THE POLYGRAPH SCHOOL. WE GET A LARGE  
15 PORTION OF THE LAW ENFORCEMENT EXAMINERS THAT  
16 GRADUATE EITHER FROM DODPIE OR SOME OTHER AMERICAN  
17 POLYGRAPH ASSOCIATION ACCREDITED SCHOOL AND WE  
18 OVERSEE THEIR TRAINING. WHEN I SAY THAT I MEAN THEY  
19 CONDUCT THE EXAMINATION BUT IT'S UNDER THE  
20 OBSERVATION FROM US AND ADVISE AND FORMATION OF  
21 QUESTIONS AND GOING OVER THE SCORING AFTERWARDS SO  
22 THAT UPON COMPLETING THEIR INTERNSHIP THEY CAN BE  
23 CERTIFIED AS LICENSED EXAMINERS.

24 Q ALL RIGHT, SIR. APPROXIMATELY HOW MANY PEOPLE  
25 HAVE YOU TRAINED IN THIS MANNER?

1 A FIFTY I SUPPOSE. I REALLY HADN'T PUT A NUMBER  
2 ON IT.

3 Q HAVE YOU EVER BEEN QUALIFIED TO TESTIFY AS AN  
4 EXPERT BEFORE IN STATE AND FEDERAL COURT?

5 A STATE AND FEDERAL, YES, SIR.

6 Q IN THE AREA OF POLYGRAPH?

7 A IN THE AREA OF POLYGRAPH, YES.

8 MR. BRACKETT: YOUR HONOR, AT THIS TIME I  
9 WOULD TENDER LIEUTENANT MITCHELL AS AN EXPERT IN THE  
10 ADMINISTRATION OF THE POLYGRAPH.

11 THE COURT: ANY VOIR DIRE?

12 MR. GREELEY: NONE BY MR. SANDERS AND WE  
13 HAVE NO OBJECTION.

14 MR. BAITY: JUST A LITTLE VOIR DIRE, YOUR  
15 HONOR.

16 VOIR DIRE EXAMINATION BY MR. BAITY:

17 Q GIVE ME YOUR EDUCATIONAL BACKGROUND, WHERE YOU  
18 WENT TO SCHOOL, AND WHAT YOU STUDIED?

19 A IN 1974 THE CITADEL. THE SOUTH CAROLINA  
20 CRIMINAL JUSTICE ACADEMY IN 1975. THE POLICE  
21 TRAINING COURSE. POLYGRAPH SCHOOL IN 1979 FROM,  
22 I DON'T REMEMBER THE TIMES, I THINK IT IS APRIL TO  
23 JUNE. AND THEN IN 1991 DEPARTMENT OF DEFENSE.

24 Q HOW LONG DID THAT LAST?

25 A TWO WEEK.

1 Q TWO WEEKS. ALL RIGHT, SIR. WHAT DID YOU STUDY  
2 AT THE CITADEL?

3 A HISTORY.

4 Q ALL RIGHT, SIR. DO YOU HAVE ANY TRAINING IN  
5 PSYCHOLOGY?

6 A THERE IS A TRAINING COURSE IN THE POLYGRAPH  
7 EDUCATION COURSE ON PSYCHOLOGY, YES.

8 Q HOW MUCH TIME DID YOU SPEND ON PSYCHOLOGY IN  
9 THAT?

10 A IN THAT COURSE IT WAS PROBABLY TWO WEEKS ON THAT  
11 AND THEN I HAD A COUPLE COURSES IN COLLEGE ON THE  
12 BASIC PSYCHOLOGY.

13 Q YOU DON'T HAVE ANY KIND OF DEGREE OR ANYTHING OF  
14 THAT NATURE AND YOU ARE NOT A PSYCHOLOGIST?

15 A NO, I'M NOT.

16 Q ALL RIGHT, SIR. AND OTHER THAN YOUR DEGREE FROM  
17 THE CITADEL, YOU HAVE NO OTHER DEGREES?

18 A NO.

19 Q OKAY.

20 MR. BAITY: BEG THE COURT'S INDULGENCE,  
21 YOUR HONOR.

22 Q MR. MITCHELL, HAVE YOU PUBLISHED ANY WORKS OR  
23 ARTICLES IN ANY LEARNED TREATISES?

24 A NO, I HAVE NOT.

25 Q AND CAN YOU, HAVE YOU WRITTEN ANY BOOKS ON THE



1 SUBJECT?

2 A NO.

3 Q ARE YOU AFFILIATED WITH ANY OF THE PROFESSIONAL  
4 ASSOCIATIONS?

5 A THE AMERICAN POLYGRAPH ASSOCIATION AND THE SOUTH  
6 CAROLINA ASSOCIATION OF POLYGRAPH EXAMINERS.

7 Q AND ARE YOU BOARD CERTIFIED?

8 A YES, SIR.

9 MR. BAITY: NOTHING FURTHER, YOUR HONOR.

10 I HAVE NO OBJECTION.

11 THE COURT: I FIND HE'S QUALIFIED.

12 MR. BRACKETT: THANK YOU, YOUR HONOR.

13 DIRECT EXAMINATION CONTINUED BY MR. BRACKETT:

14 Q NOW YOU SAID ABOUT TEN THOUSAND POLYGRAPH  
15 EXAMINATIONS?

16 A YES, SIR.

17 Q YOU DON'T HAVE TIME TO WRITE ANY BOOKS OR  
18 PAPERS, DO YOU?

19 MR. BAITY: OBJECTION.

20 THE COURT: I SUSTAIN THE OBJECTION.

21 THAT'S A LEADING QUESTION AND LET'S GET TO THE HEART  
22 OF THE MATTER.

23 MR. BRACKETT: YES, SIR.

24 Q NOW WERE YOU ASKED TO REVIEW AND PERFORM A  
25 QUALITY CONTROL ANALYSIS ON A POLYGRAPH ADMINISTERED

1 BY DETECTIVE BAKER IN THE CASE OF STATE OF SOUTH  
2 CAROLINA VERSUS BILLY WAYNE COPE?

3 A I WAS.

4 Q ALL RIGHT, SIR. AND DID YOU GET A CHANCE TO  
5 REVIEW THE ACTUAL RUN SHEET?

6 MR. BAITY: YOUR HONOR, I'M GOING TO  
7 OBJECT TO THIS LINE OF QUESTIONING AS TO THE  
8 POLYGRAPH. THE RESULTS THAT HAVE ALREADY BEEN  
9 INTRODUCED BY THE STATE IN THE CASE IN CHIEF AND I  
10 WOULD LIKE TO BE HEARD ON THAT.

11 THE COURT: LET ME LET THE JURY GO TO THE  
12 JURY ROOM JUST FOR A MINUTE.

13 (THE JURY EXITS THE COURTROOM AT 05:08  
14 PM.)

15 THE COURT: LET'S START BY ASKING THE  
16 STATE TO WHAT NEW MATTER IS THIS IN REPLY?

17 MR. BRACKETT: YOUR HONOR, THE VALIDITY OF  
18 THE RESULTS OF THE POLYGRAPH WERE NOT INTRODUCED, IT  
19 WAS NOT INTRODUCED FOR ITS SUBSTANTIVE VALUE AND IN  
20 FACT THE COURT EXPRESSLY INFORMED THE JURY THAT THEY  
21 SHOULD NOT CONSIDER THE RESULTS. WE NEVER INTENDED  
22 TO ARGUE WHETHER OR NOT HE ACTUALLY PASSED OR FAILED  
23 BECAUSE IT WASN'T RELEVANT. IT WAS ADMITTED, IT WAS  
24 ADMITTED INTO EVIDENCE SOLELY TO DEMONSTRATE THE  
25 CIRCUMSTANCES OF HIS FIRST CONFESSION TO DETECTIVE

1       BAKER.  HOWEVER, WHEN THE DEFENSE PUT ITS CASE UP  
2       THEY ATTACK IT SUBSTANTIVELY, ATTACKED THE VALIDITY  
3       OF THE SCORING IN THIS PARTICULAR ISSUE, AND SAID  
4       THAT THE POLICE SPECIFICALLY MISLEAD MR. COPE SO AS  
5       TO PRESENT TO HIM FALSE EVIDENCE, AND THUS COMPELLING  
6       DRIVING FORWARD THEIR FALSE CONFESSION THEORY.

7                   THE COURT:  ALL RIGHT.  LET ME HEAR FROM  
8       MR. BAITY.  YOU ARE HANDING EVERYBODY A CASE, HAVE  
9       YOU GOT ONE FOR ME?

10                   MR. BAITY:  I GOT ONE FOR YOU, YOUR HONOR.

11                   THE COURT:  ALL RIGHT.

12                   MR. BAITY:  YOUR HONOR, I WOULD DISAGREE  
13       WITH COUNSEL'S CHARACTERIZATION OF MR. BAKER  
14       TESTIMONY.  MR. BAKER MOST CLEARLY SAID THAT HE  
15       INDICATED THAT MR. COPE HAD FAILED THE POLYGRAPH AND  
16       HE WAS TOLD THAT AND THAT CAME OUT DURING THE STATE'S  
17       CASE IN CHIEF AND HE CERTAINLY HAD THE OPPORTUNITY AT  
18       THAT TIME TO PUT IN ANY TYPE OF POLYGRAPH CHARTS OR  
19       ANY OTHER KIND OF INFORMATION OR EVIDENCE THAT HE  
20       USED TO ARRIVE AT THAT CONCLUSION THAT HE HAD FAILED  
21       THE POLYGRAPH WHICH WOULD HAVE JUSTIFIED HIS  
22       STATEMENTS MADE TO MR. COPE, BUT HE CHOSE NOT TO DO  
23       THAT AT THAT TIME.  THE STATE HAS RESTED.  THE STATE  
24       CHOSE NOT TO MAKE IT PART OF THEIR CASE AND CHIEF AND  
25       NOW AFTER MR. COPE HAS CHALLENGED MR. BAKER'S

1        ASSERTION THAT HE HAD FAILED THE POLYGRAPH IT SEEMS A  
2        VIOLATION OF THE RESTRICTION ON REPLY TESTIMONY BEING  
3        LIMITED TO ISSUES RAISED BY THE DEFENSE AND NOT BY  
4        THE PROSECUTION, BEING LIMITED TO NEW MATTERS. I  
5        WOULD CERTAINLY OBJECT TO THEIR PLACING SOME WITNESS  
6        UP HERE TO SIMPLY BOLSTER THE TESTIMONY THAT'S  
7        ALREADY BEEN INTRODUCED IN THE CASE AND CHIEF AND I  
8        WOULD AGAIN I JUST AND I'VE HANDED THIS CASE UP, THE  
9        MCGEHEY CASE. AND YOUR HONOR, MCGEHEY IF I AM  
10       PRONOUNCING THAT RIGHT VERSUS MOSELY IS A CIVIL CASE.  
11       I WON'T TROUBLE THE COURT WITH IT, BUT THERE IS A  
12       CRIMINAL CASE I BELIEVE IT IS STATE VERSUS FARROW AND  
13       I DO HAVE THAT IF THE COURT WISHES TO SEE IT.

14                    THE COURT: LET ME SEE IT.

15                    MR. BAITY: WHERE ESSENTIALLY THE  
16       PRINCIPLES OF REPLY WHICH I BELIEVE WERE MORE OR LESS  
17       FORMULATED ON THE CIVIL SIDE AT LEAST, AT LEAST IT  
18       HAS BEEN IN THE CASE LAW, ARE APPLIED TO THE --

19                    THE COURT: YOU HAND ME THAT.

20                    MR. BAITY: TO THE CRIMINAL SIDE, YOUR  
21       HONOR. AND I'VE GOT SOMETHING FOR COUNSEL AS WELL.  
22       AND AGAIN IT STANDS FOR THE PROPOSITION, YOUR HONOR,  
23       THAT IT HAS TO BE A NEW MATTER AND IT HAS TO BE  
24       SOMETHING THAT WAS BROUGHT UP BY THE DEFENSE AND NOT  
25       BY THEM ON THEIR CASE AND CHIEF, SO THIS ESSENTIALLY

1 GIVES THEM THE SECOND BITE AT THE APPLE AND I OBJECT  
2 ON THOSE GROUNDS.

3 THE COURT: WELL, I'M GOING TO ALLOW IT  
4 IN. THIS IS KIND OF A FINE LINE BUT THIS IS ALSO,  
5 ALTHOUGH POLYGRAPHS ARE NOT PER SE INADMISSIBLE, THEY  
6 ARE ADMISSIBLE FOR CERTAIN REASONS, AND FOR THIS  
7 REASON IT WAS FOR A LIMITED PURPOSE AND I EVEN  
8 INSTRUCTED THE JURY AS TO THAT, THAT IT WAS NOT BEING  
9 OFFERED, AS I RECALL CORRECTLY, IT WAS NOT BEING  
10 OFFERED TO ESTABLISH WHETHER OR NOT HE PASSED OR NOT  
11 BUT SIMPLY BE ALLOWED TO TELL HE TOOK THE POLYGRAPH  
12 AND THAT'S WHAT HE WAS TOLD BECAUSE IT WAS AN  
13 INTEGRAL PART OF HIS CONFESSIONS. HOWEVER, THE  
14 DEFENSE HAS PUT UP A WITNESS THAT DID INTRODUCE NEW  
15 MATTER IN THIS COURT'S OPINION, AND I KNOW IT'S A  
16 FINE LINE, AND IN THIS JUDGE'S OPINION, IN THIS  
17 COURT'S OPINION, THAT WHEN IT WENT DEEPER THAN THE  
18 ISSUE PRESENTED IN THE CASE IN CHIEF CONSTITUTING NEW  
19 MATTER. I'VE ALSO WEIGHED THE PREJUDICIAL EFFECT  
20 AGAINST THE PROBATIVE VALUE AND FIND THAT THE  
21 PROBATIVE VALUE OUTWEIGHS PREJUDICE, SO I'M GOING TO  
22 ALLOW THE REPLY. BRING IN THE JURY. MR. GREELEY, I  
23 DIDN'T HEAR FROM YOU.

24 MR. GREELEY: I HAVE NO POSITION.

25 THE COURT: BRING THEM IN.

1 (THE JURY RETURNS TO THE COURTROOM AT  
2 05:13 PM.)

3 THE COURT: YOU MAY PROCEED.

4 MR. BRACKETT: THANK YOU, YOUR HONOR.

5 DIRECT EXAMINATION CONTINUED BY MR. BRACKETT:

6 Q LIEUTENANT MITCHELL, I WAS IN THE PROCESS OF  
7 SHOWING YOU A FORM AND ASKING YOU IF YOU COULD  
8 IDENTIFY WHAT, FIRST WHAT IS THIS?

9 A THOSE ARE THE ACTUAL, WHAT WE CALL POLYGRAMS OF  
10 THE POLYGRAPH CHARTS, THE INK TRACINGS OF THE  
11 EXAMINATION.

12 Q OKAY. AND WHAT DO THEY, TO THE LAY PERSON THAT  
13 LOOKS LIKE A LOT OF SQUIGGLES, WHAT EXACTLY ARE  
14 THOSE, DO THOSE LINES REPRESENT?

15 A WELL, ACTUALLY YOU'VE GOT IT UPSIDE DOWN.

16 Q WELL SEE.

17 A WE HAVE THE CARDIO TRACINGS AT THE BOTTOM WHICH  
18 ARE BLOOD PRESSURE AND PULSE RATE. ELECTRODERMAL  
19 ACTIVITY WHICH IS THE ELECTRIC ACTIVITY WITHIN THE  
20 BODY AND THEN WE HAVE RESPIRATION OF THE TWO TOP  
21 TRACING.

22 Q ALL RIGHT. AND I BELIEVE YOU IDENTIFIED THIS IS  
23 THE POLYGRAM FOR WHO DOES IT IDENTIFY?

24 A BILLY COPE ADMINISTERED BY M. L. BAKER.

25 Q DOES IT GIVE A DATE?

1 A NOVEMBER 30, 2001.

2 Q ALL RIGHT, SIR.

3 MR. BRACKETT: YOUR HONOR, I WOULD  
4 OFFER THIS AS STATE'S EXHIBIT.

5 THE COURT: OVER OBJECTION.

6 MR. BAITY: YES, YOUR HONOR.

7 THE COURT: MR. GREELEY.

8 MR. GREELEY: NO OBJECTION.

9 THE COURT: ADMITTED OVER OBJECTION.

10 (STATE'S EXHIBIT 104 POLYGRAM RECEIVED  
11 IN EVIDENCE.)

12 Q DID YOU HAVE AN OPPORTUNITY TO EXAMINE THIS  
13 POLYGRAM IN ITS ENTIRETY?

14 A I DID.

15 Q ALL RIGHT, SIR. AND DID YOU ALSO HAVE AN  
16 OPPORTUNITY TO SPEAK WITH DETECTIVE BAKER ABOUT THE  
17 ACTUAL ADMINISTRATION OF THIS POLYGRAPH?

18 A YES, I DID.

19 Q AND WERE YOU ABLE TO ACQUAINT YOURSELF WITH  
20 SUFFICIENT FACTS AND CIRCUMSTANCES TO FORM AN OPINION  
21 AS TO THE, WHETHER OR NOT THE POLYGRAPH ADMINISTERED  
22 TO MR. COPE ON NOVEMBER 30, 2001 BY DETECTIVE BAKER  
23 WHETHER THERE WAS DECEPTION INDICATED OR NOT?

24 A I WAS.

25 Q AND WHAT WAS YOUR OPINION?

1 A THERE WAS RESPONSES INDICATIVE OF ATTEMPTED  
2 DECEPTION IN MY OPINION.

3 Q NOW WHAT SCORING, WHAT IS THE SCORING; THERE ARE  
4 DIFFERENT, IT WAS TESTIFIED TO EARLIER THERE ARE  
5 DIFFERENT TYPES OF SCORING METHODS, I THINK. IS THAT  
6 THE RIGHT WAY TO SAY IT?

7 A THERE ARE. THERE ARE ONLY TWO THAT ARE USED BY  
8 THE DEPARTMENT OF DEFENSE AND ONLY ONE USED BY US.  
9 THERE'S THE, WHAT WE CALL THE THREE POINT SCORING  
10 SYSTEM OR THE SEVEN POINT SCORING SYSTEM. THE SEVEN  
11 POINT SCORING SYSTEM IS A LITTLE MORE SUBJECTIVE  
12 HOWEVER THE END RESULTS ARE THE SAME. THE, I USE THE  
13 THREE POINT SCORING SYSTEM TO REVIEW THESE CHARTS.

14 Q ALL RIGHT. AND BASED ON THAT SCORING SYSTEM YOU  
15 HAVE THE OPINION, WHAT WAS YOUR OPINION?

16 A RESULTS DECEPTIVE. I SCORED IT AS A MINUS SIX.  
17 A MINUS THREE IS WHAT IS NECESSARY TO BE DETERMINED A  
18 DECEPTIVE CHART. MINUS THREE OR LESS WOULD BE  
19 DECEPTIVE. PLUS THREE OR GREATER IS NOT DECEPTIVE.  
20 MINUS TWO TO PLUS TWO WOULD BE INCONCLUSIVE OR NO  
21 OPINION.

22 Q ALL RIGHT, SIR. DID YOU ALSO HAVE THE  
23 OPPORTUNITY TO REVIEW A REPORT ISSUED BY THE  
24 DEPARTMENT OF DEFENSE POLYGRAPH INSTITUTE ON THIS  
25 POLYGRAPH?



1 A YES, I DID.

2 Q AND DID THEY ANALYZE AND DO A QUALITY CONTROL ON  
3 THIS?

4 A THEY DID.

5 Q AND WHAT WAS THEIR --

6 MR. BAITY: OBJECTION.

7 THE COURT: I SUSTAIN THE OBJECTION.

8 MR. BRACKETT: AS AN EXPERT.

9 THE COURT: I SUSTAIN THE OBJECTION.

10 MR. BRACKETT: YES, SIR.

11 Q SIR, IF IN THE MIDDLE OF THAT POLYGRAM  
12 EXAMINATION, I'LL ASK YOU A HYPOTHETICAL QUESTION, OR  
13 ANY POLYGRAPH, NOT NECESSARILY JUST THIS ONE, BUT IN  
14 ANY POLYGRAPH, SUPPOSE RIGHT IN THE MIDDLE OF IT  
15 RIGHT OUTSIDE THE DOOR OF THE ROOM WHERE IT WAS BEING  
16 ADMINISTERED A WOMAN SCREAMED, WOULD YOU BE ABLE TO  
17 DETERMINE OR WOULD THERE BE A SIGNIFICANT DIFFERENCE  
18 ON THAT?

19 A THERE MOST LIKELY WOULD BE AND WHICH CASE SHOULD  
20 THAT OCCUR THAT SPOT WOULD NOT BE SCORED AND A  
21 NOTATION OF OUTSIDE NOISE WOULD BE MADE. BUT IN ALL  
22 PROBABILITY THERE WOULD BE PROBABLY BE A REACTION IF  
23 THAT SHOULD OCCUR.

24 Q OKAY. LIKewise IF SOMEONE FELL ASLEEP, DOZED  
25 OFF IN THE MIDDLE OF THE POLYGRAPH, WOULD THE CHARTS

1 ALSO REFLECT THAT?

2 A OH, YES.

3 Q OKAY. AND HOW WOULD THEY? IN WHAT MANNER?

4 A THE REACTION WOULD BE CONSIDERABLY DEPRESSED.  
5 THERE WOULD BE A SHALLOW BREATHING, THE ELECTRODERMAL  
6 ACTIVITY WOULD BE RELATIVELY FLAT. CARDIO WOULD  
7 SLOW. IT WOULD BE READILY APPARENT IF SOMEONE HAD  
8 FELL ASLEEP.

9 Q ANY INDICATION THAT MR. COPE FELL ASLEEP DURING  
10 THIS, THE MIDDLE OF THIS POLYGRAPH?

11 A NO.

12 Q THANK YOU VERY MUCH, SIR.

13 CROSS EXAMINATION BY MR. BAITY:

14 Q YOU DON'T KNOW FOR A FACT, DO YOU SIR, WHO WAS  
15 TESTED?

16 A NO, I DON'T.

17 Q YOU WEREN'T THERE?

18 A MY OPINION --

19 THE COURT: HE JUST ASKED YOU IF YOU KNOW  
20 WHO, HE ASKED WERE YOU THERE BASICALLY.

21 A NO, I WAS NOT.

22 Q ALL RIGHT, SIR. AND NOW YOU DO WORK FOR THE  
23 STATE LAW ENFORCEMENT DIVISION, CORRECT?

24 A I DO.

25 Q ALL RIGHT. AND YOU WORK -- HOW LONG HAVE YOU

1 WORKED THERE, 25 YEARS?

2 A AT SLED 21.

3 Q 21 YEARS, ALL RIGHT. AND WHEN DID YOU ACTUALLY  
4 REVIEW MR. BAKER'S CHARTS?

5 A AT APPROXIMATELY 12:30 TODAY.

6 Q TODAY. SO YOU'VE HAD ESSENTIALLY THREE AND A  
7 HALF FOUR HOURS TO FORM THIS OPINION?

8 A WELL, THE OPINION WAS FORMED AT THE CONCLUSION  
9 OF THE CHART EVALUATION, THE ANALYSIS OF TEST DATA,  
10 JUST PUTTING NUMBERS ON THE, TO THAT CHART.

11 Q AND YOU MET WITH DETECTIVE BAKER WHEN YOU  
12 EXAMINED THIS REPORT?

13 A I DID, YES.

14 Q DID YOU MEET WITH ANY ONE FROM THE DEFENSE AT  
15 ALL?

16 A NO.

17 Q DID YOU SPEAK WITH DR. CHARLES HONTS BY CHANCE?

18 A I HAVE NOT.

19 Q AND YOU DIDN'T, I MEAN, YOU DID COMPARE YOUR  
20 OWN, YOU DID MAKE YOUR OWN SCORING OF THIS?

21 A I DID A BLIND SCORE. I DID NOT OBSERVE ANYONE  
22 ELSE'S EVALUATION UNTIL I HAD DONE MINE.

23 Q SO YOU WERE NOT AWARE THAT MR. BAKER INDICATED  
24 THAT MR. COPE HAD FAILED THIS BEFORE YOU --

25 A I WAS A INFORMED OF THAT.

1 Q LET ME GET THE WHOLE QUESTION OUT. WERE YOU  
2 AWARE THAT MR. BAKER HAD INDICATED A FAILURE ON THE  
3 PART OF MR. COPE WHEN YOU FIRST GOT INVOLVED IN THIS  
4 CASE?

5 A YES, HE EXPLAINED HIS OPINION.

6 Q ALL RIGHT. AND WERE YOU AWARE THAT DR. CHARLES  
7 HONTS HAD REACHED A DIFFERENT CONCLUSION?

8 A I WAS TOLD THAT, YES.

9 Q ALL RIGHT, SIR. DID YOU COMPARE YOUR SCORING  
10 WITH THAT OF DR. HONTS IN ANY WAY?

11 A I DID NOT.

12 Q DO YOU KNOW OF THE SETTING IN WHICH THIS  
13 POLYGRAPH EXAMINATION WAS CONDUCTED, SIR?

14 A I WAS SHOWN WHERE IT WAS CONDUCTED.

15 Q YOU WERE SHOWN WHERE?

16 A YES.

17 Q YOU WERE SHOWN THE ROOM?

18 A YES, SIR.

19 Q DID YOU EXAMINE THE MACHINE?

20 A I'M SORRY?

21 Q DID YOU EXAMINE THE MACHINE?

22 A NO.

23 Q THE POLYGRAPH MACHINE ITSELF?

24 A NO, I DID NOT.

25 Q SO YOU CAN'T TELL THIS JURY WHETHER YOU KNOW

1 ANYTHING ABOUT THE WAY IT FUNCTIONS AT ALL?

2 A I CANNOT.

3 Q AND ARE YOU AWARE OF THE SETTING BEYOND JUST THE  
4 PHYSICAL LOCATION? DO YOU KNOW ANYTHING ABOUT THE, I  
5 GUESS I WOULD CALL IT, THE HUMAN SETTING? IN OTHER  
6 WORDS, FOR EXAMPLE, DO YOU KNOW HOW MUCH SLEEP  
7 MR. COPE HAD WHEN HE TOOK THIS TEST?

8 A ONLY WHAT WAS IN THE CASE FILE THAT WERE THE  
9 DOCUMENTATION THAT DETECTIVE BAKER HAD PROVIDED BUT  
10 OF MY OWN PERSONAL KNOWLEDGE, NO.

11 Q ALL RIGHT, SIR. AND MR. BAKER INDICATED THAT HE  
12 THOUGHT THAT MR. COPE HAD SUFFICIENT SLEEP, IS THAT  
13 CORRECT?

14 A I BELIEVE SO, YES.

15 Q IF I WERE TO TELL YOU THAT MR. COPE HAD TWO  
16 HOURS SLEEP IN THE 28 HOURS THAT PRECEDED HIS TEST DO  
17 YOU THINK THAT WOULD BE THE APPROPRIATE AMOUNT OF  
18 SLEEP FOR A SUBJECT?

19 A NO, I UNDERSTAND THAT THEIR TEST WERE REQUESTED  
20 AT THREE IN THE MORNING WAS DENIED.

21 Q YES, SIR.

22 A WHICH WOULD BE AN APPROPRIATE --

23 Q THAT'S NOT MY QUESTION. MY QUESTION IS IF I  
24 WERE TO TELL YOU THAT MR. COPE HAD TWO HOURS OF SLEEP  
25 IN THE 28 HOURS PRECEDING THE TEST, I'M JUST ASKING

1 YOU ON THOSE FACTS, WOULD THAT BE AN APPROPRIATE  
2 AMOUNT OF SLEEP FOR A MAN TO HAVE TO BE GIVEN A  
3 POLYGRAPH?

4 A NO, IT WOULD NOT.

5 Q IF I TOLD YOU THAT HE HAD TAKEN A TRANQUILIZER  
6 OR ANTIDEPRESSANT A FEW HOURS BEFORE THE TEST, WOULD  
7 THAT BE AN APPROPRIATE SUBJECT --

8 MR. BRACKETT: OBJECTION.

9 THE COURT: I SUSTAIN THE OBJECTION.

10 Q I'LL MOVE ON. IF I WERE TO TELL YOU THAT  
11 MR. COPE WAS, WAS INTERROGATED BY MR. BAKER AS TO THE  
12 FACTS OF THE CASE PRIOR TO HIS BEING GIVEN A TEST,  
13 WOULD YOU BELIEVE THAT WOULD BE APPROPRIATE?

14 A THAT WOULD NOT BE APPROPRIATE PRIOR TO AN  
15 EXAMINATION.

16 Q NOW YOU SAID THAT THERE WERE TWO METHODS THAT  
17 ARE USED IN SCORING: A THREE POINT SCORING AND A  
18 SEVEN POINT SCORING AND THE SEVEN POINT IS MORE  
19 EXTENSIVE OR MORE DETAILED THAN THE THREE POINT?

20 A NO, THE SEVEN POINT WHEN I SAY IT WAS MORE  
21 SUBJECTIVE, IF A RESPONSE IS THREE TIMES GREATER TO A  
22 RELEVANT THAN SAY TO A COMPARISON THE EXAMINER MAY  
23 SCORE THAT A PLUS OR MINUS TWO OR THREE DEPENDING ON  
24 HOW HE FEELS. ON THE THREE POINT SYSTEM THE GREATER  
25 REACTION GIVES THE SCORE EITHER THE PLUS OR THE

1 MINUS.

2 Q WELL, I MEAN HOW DOES THAT COMPARE TO THE OTHER  
3 SCORING, THAT'S WHAT I'M TRYING TO GET AT?

4 A WELL, IT'S ESSENTIALLY THE SAME. A DECEPTIVE OR  
5 NON-DECEPTIVE CHART BY THE SEVEN POINT SCALE WOULD,  
6 PROBABLY THE NUMBERS WOULD BE A LITTLE HIGHER, BUT  
7 THE END RESULT IS THE SAME. A MINUS 15 IS AS  
8 DECEPTIVE AS A MINUS FIVE.

9 Q AND SO BY YOUR SCORING UTILIZING THIS THREE  
10 POINT SYSTEM YOU FOUND THAT MR. COPE'S PERFORMANCE  
11 WAS A MINUS SIX?

12 A I DID.

13 Q ARE YOU AWARE THAT MR. BAKER'S WAS LOWER THAN  
14 THAT?

15 A YES.

16 Q MR. BAKER'S WAS TWICE AS LOW, WASN'T IT?

17 A YEAH.

18 Q SO YOUR SCORING DOES NOT AGREE WITH MR. BAKER'S,  
19 DOES IT?

20 A WELL, IT DOES. THE END RESULT DECEPTION IS  
21 DECEPTION. THE, IF YOU ASSIGN A FIGURE OF A MINUS  
22 THREE WHICH MAYBE THE APPROPRIATE IF YOU ARE USING  
23 THE SEVEN POINT SCALE, I WOULD JUST GIVE IT A MINUS  
24 ONE SIMPLY BECAUSE THAT'S THE SCORE SYSTEM WE USE.  
25 IF I'D ASSIGNED IT, IF I HAD SCORED THE SAME SEVEN

1 POINT SCALE AS HE DID, I WOULD SAY THE SCORES WOULD  
2 BE ROUGHLY THE SAME.

3 Q SO YOU USED A DIFFERENT SCORING METHOD, DID YOU  
4 NOT?

5 A THE METHOD IS THE SAME. IT'S JUST THE VALUES  
6 ARE A LITTLE DIFFERENT.

7 Q ALL RIGHT, SIR.

8 MR. BAITY: COURT'S INDULGENCE, YOUR  
9 HONOR. NOTHING FURTHER, YOUR HONOR. THANK YOU.

10 THE COURT: MR. GREELEY.

11 MR. GREELEY: NO QUESTIONS.

12 MR. BRACKETT: BRIEFLY, ONE QUESTION.

13 REDIRECT EXAMINATION BY MR. BRACKETT:

14 Q MR. BAITY ASKED YOU ABOUT IF IT, WOULD IT BE  
15 APPROPRIATE TO TEST SOMEBODY WHO HAD BEEN  
16 INTERROGATED; IS THERE A PRETEST INTERVIEW THAT'S  
17 DONE TYPICALLY BEFORE POLYGRAPH?

18 A THERE IS MOST ASSUREDLY A PRETEST INTERVIEW. IT  
19 IS NOT AN INTERROGATION.

20 Q OKAY. IS THAT APPROPRIATE?

21 A THAT IS VERY APPROPRIATE. THAT IS NECESSARY FOR  
22 THE TESTING TECHNIQUE.

23 Q YES, SIR. AND COULD THEY ASK, DO THEY ASK, WHAT  
24 DO YOU ASK IN A PRETEST INTERVIEW?

25 A WELL, YOU WOULD GET THEIR VERSION OF THE STORY



1           AMONG OTHER THINGS, BUT IT IS NOT ACCUSATORY.

2           Q     I SEE.  THANK YOU VERY MUCH.

3                         THE COURT:  MR. BAITY.

4           RE CROSS EXAMINATION BY MR. BAITY:

5           Q     AND THAT WOULD BE MY QUESTION:  IF ACCUSATORY  
6           QUESTIONS WERE ASKED THAT WOULD NOT BE APPROPRIATE,  
7           WOULD YOU AGREE?

8           A     WELL --

9           Q     I MEAN, ISN'T THAT WHAT YOU JUST TESTIFIED?

10          A     NOT TO, ACCUSATORY TO ME IS YOU ARE ACCUSING  
11          SOMEBODY THAT THEY COMMITTED THIS CRIME AS OPPOSED TO  
12          ASKING SOMEONE THEIR VERSION OF WHAT HAPPENED.

13          Q     YES, SIR.  I MEAN, SO IF SOMEBODY ASKED MR. COPE  
14          DID YOU HAVE ANY TYPE OF SEXUAL FEELINGS TOWARD YOUR  
15          DAUGHTER, THAT'S NOT JUST GETTING TO KNOW HIM, IS IT,  
16          OR GIVING HIM HIS VERSION?

17          A     WELL, THAT --

18                         MR. BRACKETT:  OBJECTION, THAT'S OUT OF  
19          THE RECORD.

20                         MR. BAITY:  I DISAGREE.

21                         THE COURT:  I OVERRULE THE OBJECTION.

22          A     I'M SORRY.

23          Q     HE OVERRULED IT.

24                         THE COURT:  GO AHEAD AND ANSWER THE  
25          QUESTION.

1 A REPEAT THE QUESTION.

2 Q IF SOMEONE WERE TO, WERE TO HAVE ASKED A SUBJECT  
3 IN A RAPE OR MURDER CASE, IF THAT SUBJECT, YOU KNOW,  
4 DO YOU HAVE FEELINGS, SEXUAL FEELINGS, TOWARD YOUR  
5 DAUGHTER, WOULD THAT BE AN APPROPRIATE QUESTION IN AN  
6 INTERVIEW?

7 A WELL, THAT WOULD NOT TO ME BE AN ACCUSATORY  
8 QUESTION. AN ACCUSATORY QUESTION, YOU HAVE SEXUAL  
9 FEELINGS FOR YOUR DAUGHTER, DON'T YOU. AS OPPOSED TO  
10 ASKING SOMEONE IF IT'S IN THE REALM OF WHAT'S BEING  
11 INVESTIGATED OR IF THAT'S IN THE NATURE OF THE  
12 TESTING SCENARIO THEN IT MAY BE.

13 Q OKAY. AND IF THE REPORT SAID HE DENIED HAVING  
14 ANY SEXUAL FEELINGS THAT WOULD BE IN RESPONSE TO THAT  
15 TYPE OF AN ACCUSATION, WOULD IT NOT?

16 A IN THE REPORT?

17 Q YES, SIR.

18 A WELL, IT MAY BE BUT IN THE PRETEST INTERVIEW YOU  
19 WOULD CERTAINLY GO INTO A CERTAIN NUMBER OF THINGS IN  
20 A NON-ACCUSATORY MANNER.

21 Q DID YOU NOT READ MR. BAKER'S REPORT?

22 A NOT FULLY, NO.

23 Q SO YOU DON'T KNOW THAT THAT'S IN THERE OR NOT?

24 A NO, I DIDN'T GO INTO THE FULL REPORT.

25 MR. BAITY: NOTHING FURTHER, YOUR HONOR.

1           THANK YOU.

2                       THE COURT:   YOU CAN STEP DOWN AND BE  
3           EXCUSED.   WE APPRECIATE YOUR TIME.

4           A        THANK YOU.

5                       THE COURT:   THANK YOU.   CALL YOUR NEXT  
6           WITNESS.

7                       MR. THOMPSON:   CALL CORPORAL CHERYL  
8           GUZMAN.

9   CHERYL GUNMAN, AFTER BEING  
10          FIRST DULY SWORN TESTIFIES AS FOLLOWS:

11          DIRECT EXAMINATION BY MR. THOMPSON:

12          Q        IF YOU GIVE YOUR FULL NAME AND SPELL IT FOR THE  
13          COURT?

14          A        CHERYL HALE GUZMAN.   C-H-E-R-Y-L H-A-L-E  
15          G-U-Z-M-A-N.

16          Q        CORPORAL, WHERE DO YOU WORK?

17          A        YORK COUNTY SHERIFF'S OFFICE IN THE DETENTION  
18          DIVISION.

19          Q        HOW LONG HAVE YOU WORKED THERE?

20          A        SINCE MAY OF 1993.

21          Q        WHAT ARE SOME OF YOUR DUTIES THERE?

22          A        I AM THE SYSTEM TECHNICIAN.   I MAINLY TAKE CARE  
23          OF ALL THE COMPUTER SYSTEMS, SECURITY SYSTEM, GENERAL  
24          MANAGEMENT SYSTEM.   I ALSO WORK ON THE INMATE  
25          TELEPHONE SYSTEMS AND I'M CROSS TRAINED IN MOST OF

1 THE OTHER ADMINISTRATIVE DUTIES.

2 Q OKAY. AND AS PART OF YOUR DUTIES ARE YOU  
3 FAMILIAR WITH THE DETENTION CENTER POLICIES REGARDING  
4 THE PROVIDING PAPER TO INMATES?

5 A YES, SIR.

6 Q AND WHAT IS THAT?

7 A THEY CAN PURCHASE TABLETS OF PAPER FROM THE  
8 SWANSON COMMISSARY. IF THEY ARE INDIGENT THEY ARE  
9 GIVEN A CERTAIN AMOUNT OF PAPER, WRITING MATERIALS,  
10 EACH WEEK.

11 Q OKAY. AND CAN YOU TELL ME, DO INMATES GET  
12 PAPERS FROM OTHER WAYS?

13 A YES, SIR.

14 Q IN YOUR EXPERIENCE WHAT OTHER WAYS DO THEY GET  
15 PAPER?

16 A THEY HAVE BEEN KNOWN TO GET PAPER WHEN AN  
17 ATTORNEY MAY COME TO VISIT. SOMETIMES THEY WILL HAVE  
18 SOME PAPERS OUT FOR THEM, LEAVE THEM SOME PAPER  
19 BEHIND. THEY CAN GET PAPER IN ATTORNEY MAIL THAT IS  
20 NOT OPENED AND CHECKED IN THE MAIL ROOM. IT'S OPENED  
21 AND CHECKED DOWN IN THE UNIT IN FRONT OF THE INMATE  
22 SO THERE IS A POSSIBILITY GIVEN THAT WAY. OUR  
23 VOLUNTEERS OFTEN TIMES BRING IN PAPER AS PART OF  
24 THEIR SUPPLIES.

25 Q ARE THERE A LOT OF VOLUNTEERS THAT COME TO

1 DETENTION CENTER?

2 A THERE ARE SOMETHING OVER A HUNDRED.

3 Q OKAY. AND DO THEY GENERALLY WORK IN THE LIFE  
4 SKILLS AREA OF THE DETENTION CENTER?

5 A THEY DO WORK IN LIFE SKILLS BUT WE DO HAVE  
6 VOLUNTEERS THAT GO TO ALL THE AREAS, ALL OF THE  
7 HOUSING UNITS.

8 Q ALL RIGHT. AND DO THOSE VOLUNTEERS, ARE THEY  
9 ALLOWED TO BRING PAPER IN WHEN, FOR THE WORK THAT  
10 THEY DO?

11 A YES, SIR, THEY ARE.

12 Q AND IS IT COMMON TO FIND PAPER OTHER THAN THE  
13 PAPER THAT YOU DISTRIBUTE TO THE DEFENDANTS IN THEIR  
14 HANDS?

15 A IT'S NOT UNCOMMON.

16 Q OKAY. AND AS A MATTER OF FACT, YOU HAVEN'T BEEN  
17 THERE 12 YEARS, DO YOU RECALL SOME OF THE PAPER THAT  
18 WAS DISTRIBUTED EVEN BEFORE SWANSON ARRIVED?

19 A YES, SIR.

20 Q AND WAS IT ALWAYS YELLOW LEGAL PADS THAT WERE  
21 DISTRIBUTED?

22 A NO, SIR, I DON'T BELIEVE SO.

23 Q WHAT OTHER KINDS OF THINGS WERE DISTRIBUTED  
24 BEFORE SWANSON?

25 A THERE WERE WHITE TABLETS BEFORE THE YELLOW ONES.

1 Q OKAY. AND IS IT UNCOMMON, WHAT DO Y'ALL DO IF  
2 YOU FIND AN INMATE WITH A FEW PIECES OF PAPER THAT  
3 DON'T APPEAR TO HAVE COME FROM THE DETENTION CENTER  
4 COMMISSARY?

5 A IF IT'S NOT VERY OBVIOUSLY NOT DISTRIBUTED BY  
6 US, IF IT'S SCENTED STATIONERY OR SOMETHING THAT VERY  
7 OBVIOUSLY DID NOT COME FROM THE DETENTION CENTER, IT  
8 WOULD BE CONFISCATED AS CONTRABAND, BUT WE CAN'T TELL  
9 EVERY KIND OF LINED PAPER WHETHER IT'S COME FROM US  
10 OR FROM THE OUTSIDE, SO THAT WOULD BE PROBABLY LEFT  
11 IN PLACE SO THEY COULD USE IT TO WRITE TO THEIR  
12 FAMILIES.

13 Q ALL RIGHT. THANK YOU. NO FURTHER QUESTIONS.  
14 CROSS EXAMINATION BY MR. BAITY:

15 Q DO YOU RECALL, MRS. GUZMAN, WHEN SWANSON FIRST  
16 STARTED SUPPLYING THE COMMISSARY?

17 A WHEN THEY FIRST STARTED SUPPLYING COMMISSARY.  
18 SWANSON HAS BEEN DOING IT A NUMBER OF YEARS. I  
19 COULDN'T GIVE YOU AN EXACT DATE.

20 Q IT'S MORE THAN TWO YEARS, ISN'T IT?

21 A YES, SIR.

22 Q IT'S CERTAINLY BEEN NOT JUST 2004 BUT THE YEAR  
23 BEFORE THAT AT LEAST?

24 A YES.

25 Q CORRECT. AND WHEN YOU HAVE VOLUNTEERS AND

1       REGULAR VISITORS AND PERSONS OF THAT NATURE THAT COME  
2       TO VISIT INMATES, THEY ARE MADE AWARE, ARE THEY NOT,  
3       THAT THEY ARE NOT TO BRING ANYTHING IN THAT'S NOT  
4       AUTHORIZED?

5       A     YES, SIR, THEY ARE.

6       Q     AND IF THEY WERE TO BRING WRITING PAPER IN, IT  
7       WOULD BE CONTRABAND, WOULD IT NOT?

8       A     IF IT WEREN'T, IF IT WERE BROUGHT IN BY A  
9       REGULAR VISITOR, YES, IT WOULD BE. BY VOLUNTEERS  
10      IT'S APPROVED BECAUSE THEY USE IT FOR THEIR CLASSES,  
11      THE BIBLE STUDIES TESTS.

12      Q     WELL, I MEAN ANY PAPER THAT IS NOT GOTTEN  
13      THROUGH THE COMMISSARY AND NOT GOTTEN THROUGH THE  
14      INDIGENT PROGRAM, ANY WRITING PAPER IS CONTRABAND,  
15      ISN'T IT? ISN'T THAT WHAT THAT SAYS IN YOUR  
16      HANDBOOK?

17      A     YES, SIR.

18      Q     AND YOU ARE SWORN AND BOUND TO ENFORCE THAT  
19      HANDBOOK, AREN'T YOU?

20      A     YES, SIR.

21      Q     AND ARE YOU SAYING THAT IT'S PERFECTLY ALL RIGHT  
22      AND IT'S A COMMON PRACTICE THAT YOU JUST SORT OF WINK  
23      AT SOME OF THE CONTRABAND THAT COMES IN THERE?

24      A     NO, SIR.

25      Q     AND IN FACT, IF YOU SEE CONTRABAND YOU ARE

1 SUPPOSED TO CONFISCATE IT, ARE YOU NOT?

2 A YES, SIR.

3 Q AND IF YOU SEE ANY EVIDENCE OF USE OF  
4 CONTRABAND, YOU ARE SUPPOSED TO DO SOMETHING ABOUT  
5 IT, AREN'T YOU?

6 A YES, SIR.

7 Q AND YOU TAKE YOUR DUTY SERIOUSLY, DON'T YOU?

8 A YES, I DO.

9 MR. BAITY: NO FURTHER QUESTIONS.

10 THE COURT: MR. GREELEY.

11 MR. GREELEY: NO QUESTIONS.

12 MR. THOMPSON: NOTHING FURTHER, YOUR  
13 HONOR.

14 THE COURT: YOU CAN STEP DOWN AND BE  
15 EXCUSED. WE APPRECIATE YOUR TIME.

16 MR. POPE: THE STATE WOULD CALL GAIL HEATH  
17 TO THE STAND. AND YOUR HONOR, THIS WILL BE OUR LAST  
18 WITNESS.

19 GAIL HEATH, AFTER BEING DULY SWORN,  
20 TESTIFIED AS FOLLOWS:

21 DIRECT EXAMINATION BY MR. POPE:

22 Q LIEUTENANT HEATH, IS THAT CORRECT?

23 A THAT'S CORRECT.

24 Q COULD YOU STATE YOUR NAME AND SPELL YOUR LAST  
25 NAME FOR THE COURT REPORTER?



1 A OKAY. MY NAME IS BRENDA GAIL HEATH. H-E-A-T-H.

2 Q AND COULD YOU TELL THE JURY WHERE YOU ARE  
3 EMPLOYED?

4 A I'M EMPLOYED BY THE SOUTH CAROLINA LAW  
5 ENFORCEMENT DIVISION COMMONLY REFERRED TO AS SLED.

6 Q AND IN WHAT CAPACITY?

7 A I AM THE SUPERVISING LIEUTENANT OF THE QUESTION  
8 DOCUMENT AND PHOTOGRAPHY DEPARTMENT.

9 Q AND WHAT ACTUALLY IS YOUR JOB DAY-TO-DAY, WHAT  
10 IS IT THAT YOU DO?

11 A MY ACTUAL TRAINING IS IN FORENSIC DOCUMENT  
12 EXAMINATION. I AM QUESTION DOCUMENT EXAMINER BY  
13 TRADE.

14 Q OKAY. AS FAR AS DAY IN DAY OUT AT SLED, OF  
15 COURSE, YOU'RE A SUPERVISOR, RIGHT?

16 A YES, SIR.

17 Q WHAT ARE YOUR ACTUAL DUTIES? YOU ANALYZE  
18 QUESTION DOCUMENTS?

19 A I DO MY OWN CASE WORK AND I SUPERVISE THE CASE  
20 WORK OF ANOTHER EXAMINER. I ALSO HAVE A TECHNICIAN  
21 THAT I SUPERVISE THEIR CASE WORK AND I HANDLE ANY OF  
22 THE ADMINISTRATIVE NEEDS OF THE DEPARTMENT.

23 Q OKAY. CAN YOU TELL THE JURY THE BACKGROUND AND  
24 EDUCATION AND TRAINING THAT YOU HAVE THAT ALLOWS YOU  
25 TO DO THESE EXAMINATIONS?

1       A     YES, SIR.  I HAVE TWO UNDERGRADUATE DEGREES FROM  
2       THE UNIVERSITY OF SOUTH CAROLINA.  I'M A GRADUATE OF  
3       THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.  I'M A  
4       GRADUATE OF THE FEDERAL LAW ENFORCEMENT TRAINING  
5       CENTER.  I COMPLETED A TWO YEAR INTERNSHIP AT THE  
6       SLED FORENSIC LABORATORY WHERE I BECAME PROFICIENT IN  
7       THE USE OF THE EQUIPMENT AND TERMINOLOGY AND  
8       EXAMINATIONS OF CASE WORK.  AND I AM CERTIFIED BY THE  
9       AMERICAN BOARD OF FORENSIC DOCUMENT EXAMINERS.

10      Q     AND HOW LONG HAVE YOU BEEN IN LAW ENFORCEMENT?

11      A     I'VE BEEN IN LAW ENFORCEMENT SINCE 1978.

12      Q     OKAY.  AND HOW LONG HAVE YOU BEEN IN QUESTION  
13      DOCUMENTS?

14      A     I'VE BEEN IN QUESTION DOCUMENTS FOR 20 YEARS.

15      Q     OKAY.  AND THE SLED LAB, YOU SAID YOU SUPERVISE  
16      A NUMBER OF PEOPLE.  WOULD YOU TELL THE JURY, WHAT IS  
17      ASCLAD?  WHAT DOES THAT MEAN?

18      A     ASCLAD STANDS FOR THE AMERICAN SOCIETY OF CRIME  
19      LABORATORY DIRECTORS.  IT IS A BODY OF CRIME  
20      LABORATORY DIRECTORS THAT GOT TOGETHER AND  
21      ESTABLISHED TRAINING REGULATIONS AND PROTOCOLS FOR  
22      CASE EXAMINATIONS THAT COULD BE CONSISTENT THROUGHOUT  
23      THE COUNTRY AND A LOT OF THESE STATE AND FEDERAL  
24      LABORATORY APPLY FOR THIS ACCREDITATION AND IN FACT  
25      SLED WILL BE GOING THROUGH THEIR SECOND

1 RE-ACCREDITATION STARTING THIS COMING SUNDAY.

2 Q SO WHAT WAS THE PROCESS IN WHICH SLED LAB  
3 ACTUALLY GOT ACCREDITED? WHAT DID THAT ACTUALLY  
4 INVOLVE?

5 A OKAY. IT INVOLVES A LOOK AT THE PHYSICAL PLANT,  
6 THE SECURITY OF THE PHYSICAL PLANT, HEALTH AND  
7 TRAINING ISSUES; PROTOCOLS AND PROCEDURES FOR CASE  
8 EXAMINATION, AND POLICIES AND PROCEDURES FOR CASE  
9 EXAMINATION, ADMINISTRATIVE POLICIES AND WRITTEN  
10 RULES AND REGULATIONS ON HOW LABORATORY PROCEDURES  
11 SHOULD PROGRESS.

12 Q AND WERE YOU INVOLVED IN SLED, THE QUESTION  
13 DOCUMENT PORTION OF SLED GETTING ACCREDITED?

14 A YES, SIR, I WAS.

15 Q OKAY. AND IS ACCREDITATION OF THE LAB KIND OF  
16 LIKE BOARD CERTIFICATION OF THE INDIVIDUAL OR IS IT  
17 KIND OF THE SAME THING?

18 A SOMEWHAT SIMILAR, YES, SIR.

19 Q AND YOU ARE BOARD CERTIFIED?

20 A YES, SIR, THAT IS CORRECT.

21 Q HAVE YOU HAD OPPORTUNITY TO COME IN COURT AND  
22 TESTIFY AS FAR AS QUESTION DOCUMENTS IN THE PAST?

23 A YES, I HAVE.

24 Q DO YOU KNOW HOW MANY TIMES?

25 A 139.

1 Q OKAY.

2 MR. POPE: YOUR HONOR, AT THIS TIME I  
3 WOULD TENDER LIEUTENANT HEATH AS AN EXPERT IN  
4 QUESTION DOCUMENT ANALYSIS.

5 MR. BAITY: NO OBJECTION, YOUR HONOR.

6 MR. GREELEY: NO OBJECTION.

7 THE COURT: SHE'S QUALIFIED.

8 Q LIEUTENANT, AS PART OF YOUR DUTIES IN THIS  
9 PARTICULAR CASE DID YOU HAVE, YOUR DEPARTMENT HAVE  
10 THE OPPORTUNITY TO REVIEW CERTAIN ITEMS OR QUESTION  
11 DOCUMENTS IN THIS CASE?

12 A YES, SIR. EVIDENCE WAS SUBMITTED TO ME.

13 MR. BAITY: OBJECTION, YOUR HONOR. AGAIN  
14 MAY WE APPROACH.

15 THE COURT: YEAH, APPROACH.

16 (BENCH CONFERENCE AT 05:39 PM.)

17 Q MA'AM, YOU WERE PRESENT WHEN MR. DAWSON  
18 TESTIFIED TODAY?

19 A YES, SIR, I WAS.

20 Q OKAY. AND HE REFERENCED LETTERS PURPORTEDLY  
21 FROM AMY SIMMONS THAT HE HAD EVALUATED THAT WERE  
22 TURNED OVER TO THE STATE LAST NIGHT?

23 A YES, SIR.

24 Q DID YOU HAVE AN OPPORTUNITY TO DO ANY TESTING ON  
25 THOSE?

1 A NO, SIR, I HAVE NOT SEEN THOSE.

2 Q OKAY.

3 MR. BAITY: NO QUESTIONS, YOUR HONOR.

4 MR. POPE: YOUR HONOR, SUBJECT -- THAT'S  
5 IT. THAT IS ALL THE QUESTIONS.

6 THE COURT: OKAY. ALL RIGHT. THANK YOU.  
7 WE APPRECIATE YOUR TIME. YOU CAN BE EXCUSED.

8 A THANK YOU.

9 THE COURT: THAT WAS THE LAST WITNESS?

10 MR. POPE: YES, SIR.

11 MR. BAITY: NOTHING FURTHER.

12 THE COURT: OKAY.

13 MR. GREELEY: NOTHING FURTHER.

14 THE COURT: ALL RIGHT. MEMBERS OF THE  
15 JURY PANEL, YOU'VE NOW RECEIVED ALL THE EVIDENCE AND  
16 WE'RE AT THE NEXT STAGE OF THE TRIAL, I TOLD YOU  
17 ABOUT THE STAGES, WILL BE THE ARGUMENTS OF THE  
18 ATTORNEYS AND MY CHARGE. OF COURSE, WE'RE NOT GOING  
19 TO START THAT AT QUARTER TO SIX TONIGHT. I'LL ASK  
20 YOU TO BE BACK AT 9:30, NOT NINE O'CLOCK, BUT 9:30.  
21 WE HAVE GOT A LITTLE BIT MORE WORK TO DO TONIGHT, I  
22 HAVE PREPARED MY PROPOSED CHARGE AND GIVEN IT TO THE  
23 ATTORNEYS, I HAVEN'T ASKED THEM, WHEN THEY GOT ALL  
24 THIS OTHER STUFF TO DO TO WORRY ABOUT THAT, SO I'M TO  
25 GIVE THEM OVERNIGHT TO LOOK AT MY PROPOSED CHARGE AND

1 TELL ME WHAT THEY THINK ABOUT IT AND WE'LL DO THAT  
2 BEFORE Y'ALL GET HERE, SO WE'RE GOING TO START AT  
3 NINE AND HAVE YOU COME IN AT 9:30 BUT YOU ARE STILL  
4 NOT YET IN THE POSITION TO MAKE UP YOUR MIND BECAUSE  
5 YOU STILL DON'T HAVE ALL THE TOOLS. DON'T LET ANYONE  
6 DISCUSS THE CASE WITH YOU AND DON'T LET YOURSELF BE  
7 EXPOSED TO ANY NEWS COVERAGE SO WE WILL SEE YOU BACK  
8 AT 9:30. ANYTHING ELSE BEFORE THE JURY IS DISMISSED  
9 FOR THE EVENING.

10 MR. BRACKETT: NO, SIR, YOUR HONOR.

11 MR. GREELEY: NO, SIR.

12 MR. MORTON: NO.

13 THE COURT: THANK YOU. SEE YOU IN THE  
14 MORNING.

15 (THE JURY EXITS THE COURTROOM AT 05:44  
16 PM.)

17 THE COURT: BEFORE WE HEAR MOTIONS I KNOW  
18 THE STATE WANTS TO PUT SOMETHING ON THE RECORD  
19 CONCERNING THAT LAST WITNESS, BUT I DON'T USUALLY  
20 REVISIT MY RULINGS BUT I HAVE THOUGHT A LITTLE BIT  
21 MORE ABOUT THE REPLY TESTIMONY OF THE FIRST WITNESS  
22 AS TO POLYGRAPH, AGAIN I STILL FEEL THAT WAS  
23 ADDRESSING NEW MATTER, IT WASN'T COLLATERAL MATTER,  
24 AND IN ADDITION TO WHAT I SAID EARLIER, MR. COPE  
25 TESTIFIED THAT MR. BAKER SHOWED HIM FALSE RESULTS,

1 LIED ABOUT THE RESULTS, SHOWED HIM SOMETHING IN THE  
2 GREEN AREA, HAD A 97 AND COVERED UP THE REST OF THE  
3 REPORT, SO I FEEL THAT ADDITIONALLY ALLOWED REPLY  
4 TESTIMONY REGARDING THE POLYGRAPH RESULTS. ANY  
5 MOTIONS BY THE STATE? I KNOW YOU WANT TO PUT  
6 SOMETHING ABOUT.

7 MR. POPE: I DON'T HAVE ANYTHING TO PUT ON  
8 THE RECORD.

9 THE COURT: ANYTHING, ANY MOTIONS ON  
10 BEHALF OF MR. COPE.

11 MR. MORTON: WE WOULD RENEW OUR MOTIONS  
12 FOR A DIRECTED VERDICT, YOUR HONOR. I WOULD ALSO  
13 RENEW MY MOTION SPECIFICALLY AS TO THE LACK OF  
14 PROBABLE CAUSE FOR THE ARREST WARRANT AND THE  
15 SUBSEQUENT STATEMENTS THAT WERE TAKEN AS A RESULT  
16 THEREOF. I KNOW THE COURT HAS ALREADY HEARD ME A  
17 COUPLE TIMES ON THIS. MRS. BLACKWELDER TESTIFIED  
18 THAT SHE HAD HER REPORT WHICH I BELIEVE I PUT INTO  
19 THE RECORD THAT THE WARRANT FOR UNLAWFUL NEGLIGENCE WAS  
20 NOT SERVED ON MR. COPE UNTIL AFTER HE RETURNED FROM  
21 THE MOSS JUSTICE CENTER ON DECEMBER 30 WHICH WAS IN  
22 CONTRADICTION TO HER PREVIOUS SWORN TESTIMONY IN THE  
23 HEARINGS THAT WE HAD BEGINNING ON AUGUST 23. ALSO  
24 MR. COPE TESTIFIED THAT HE WAS NOT SERVED UNLAWFUL  
25 NEGLIGENCE WARRANTS UNTIL AFTER HE RETURNED FROM THE

1 MOSS JUSTICE CENTER ON THE 30TH, SO HAVING DISCOVERED  
2 THAT NEW MATTER I THINK THE STATEMENTS SHOULD HAVE  
3 BEEN SUPPRESSED, I THINK THAT NOT TO SUPPRESS THEM  
4 REALLY AT THIS POINT IS PREJUDICIAL TO MR. COPE TO  
5 SUCH AN EXTENT THAT A MISTRIAL IS PROBABLY IN ORDER.

6 THE COURT: YOU ASKING FOR A MISTRIAL OR  
7 DIRECTED VERDICT?

8 MR. MORTON: I'M ASKING FOR A DIRECT  
9 VERDICT. I'M ASKING THAT THE STATEMENTS BE  
10 SUPPRESSED. I'M ASKING BECAUSE THE STATEMENTS, IF  
11 THE COURT WOULD TELL THE COURT, THEY ARE NOT TO  
12 CONSIDER THOSE STATEMENTS, I'M ASKING, I'M -- I  
13 HADN'T GOTTEN TO MY DIRECTED VERDICT MOTION YET. MY  
14 MOTION IS --

15 THE COURT: LET'S TAKE THEM ONE AT A TIME.

16 MR. MORTON: THAT THE STATEMENTS BE  
17 SUPPRESSED BASED ON THE NEW EVIDENCE THAT HAS BEEN  
18 GIVEN TO THE COURT.

19 THE COURT: SO SORT OF IN ORDER THEN AND  
20 I'LL ELABORATE ON PROBABLE CAUSE, I ALREADY RULED ON  
21 THAT AND I DENY YOUR MOTION TO -- WHAT EXACTLY IS IT  
22 YOU ARE ASKING ON THAT? YOU ASK FOR IT TO BE  
23 DISMISSED.

24 MR. MORTON: I'M ASKING THAT THE COURT  
25 INSTRUCT THE JURY THAT THEY ARE NOT TO CONSIDER THOSE



1 STATEMENTS.

2 THE COURT: I'M TALKING ABOUT PROBABLE  
3 CAUSE. YOU TALKING ABOUT THE WHOLE FRUIT OF THE  
4 POISONOUS TREE?

5 MR. MORTON: YES, SIR.

6 THE COURT: WELL, I FIND THAT THERE WAS  
7 PROBABLE CAUSE. I ALREADY RULED ON THAT. AS TO THE  
8 OTHER EVIDENTIARY ISSUES INCLUDING THE STATEMENT, I  
9 STAND BY THE RULINGS THAT I PREVIOUSLY MADE FOR THE  
10 REASONS I STATED ON THE RECORD. NOW AS TO DIRECTED  
11 VERDICT.

12 MR. MORTON: AS TO DIRECTED VERDICT, WE  
13 MOVE ON ALL THE CHARGES AGAINST MR. COPE. IN DETAIL  
14 I MOVE FOR A DIRECTED VERDICT ON THE CHARGE OF  
15 CONSPIRACY. THEY HAVE CHARGED MR. COPE WITH  
16 CONSPIRING WITH MR. SANDERS TO RAPE AMANDA COPE.  
17 THERE IS ABSOLUTELY NO EVIDENCE IN THE RECORD,  
18 ABSOLUTELY NONE, THAT SAYS THAT THESE MEN HAD ANY  
19 KIND OF CONSPIRACY, ANY MEETING OF THE MINDS, ANY  
20 AGREEMENT, WHATSOEVER. THAT TAKEN IN THE LIGHT MOST  
21 FAVORABLE TO THE STATE WOULD ALLOW ANY JURY ANYWHERE  
22 ANY TIME TO SAY THAT THERE WAS CONSPIRACY BETWEEN  
23 THESE TWO MEN. CANNOT JUST BE SUSPICION, CANNOT BE  
24 CONJECTURE, IT CANNOT BE THE FACT THAT THEY DIDN'T  
25 FIND ANY SIGNS OF FORCED ENTRY, AND HIS SEMEN WAS

1 FOUND ON AMANDA COPE'S LEG, THAT DOES NOT RISE TO THE  
2 LEVEL OF A CONSPIRACY AS I UNDERSTAND IT, YOUR HONOR.

3 THE COURT: YOU GOT THE CHAIN LATCH, TOO.  
4 YOU GOT SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE.

5 MR. MORTON: YOUR HONOR, I THINK AS FAR AS  
6 THE CONSPIRACY IS CONCERNED THEY HAVE TO PROVE THAT  
7 THESE TWO MEN HAVE A MEETING OF THE MINDS AND THAT  
8 THEY HAD AN AGREEMENT TO DO THIS TO AMANDA COPE AND  
9 THE FACT THAT JESSICA COPE COMES IN HERE THREE YEARS  
10 LATER AND SAYS THERE IS A CHAIN ON THE DOOR.

11 THE COURT: YOU ARE GOING INTO THE JURY  
12 ARGUMENT NOW. I JUST GOT TO LOOK AT THE ABSENCE OF  
13 EVIDENCE OR THE PRESENCE OF EVIDENCE AND I FIND THAT  
14 AS TO ALL THERE IS DIRECT EVIDENCE AND THERE IS  
15 SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE AS TO ALL CHARGES  
16 REGARDING MR. COPE, SO I DENY YOUR MOTION FOR  
17 DIRECTED VERDICT.

18 MR. MORTON: THANK YOU, YOUR HONOR.

19 THE COURT: MR. GREELEY.

20 MR. GREELEY: YOUR HONOR, I WOULD MOVE FOR  
21 A DIRECTED VERDICT AT THIS TIME ON EACH OF THE FOUR  
22 INDICTMENTS THAT MY CLIENT IS CHARGED AND BEEN TRIED  
23 WITH. I BELIEVE THEY ARE INDICTMENT 2000-196, 197,  
24 198, AND 199. CHARGED WITH MURDER, TWO COUNTS OF  
25 CRIMINAL SEXUAL CONDUCT, ONE COUNT OF CONSPIRACY.

1 THE GROUNDS FOR MY MOTION ARE THE SAME AS THOSE  
2 STATED AFTER THE STATE CLOSED ITS CASE, AND I WOULD  
3 SUBMIT TO THE COURT THAT THE EVIDENCE IS INSUFFICIENT  
4 FOR THIS COURT TO ALLOW THOSE CHARGES AGAINST MY  
5 CLIENT TO GO TO THE JURY AND I WOULD ASK FOR A  
6 DIRECTED VERDICT ON THOSE.

7 THE COURT: I DENY THE MOTION. AGAIN, I  
8 FIND AS MR. SANDERS AND I BELIEVE I ADDRESSED AT THE  
9 END OF THE STATE'S CASE THAT THERE IS DIRECT EVIDENCE  
10 AND I'M NOT GOING TO ELABORATE ON ALL OF IT, BUT JUST  
11 AN EXAMPLE, HIS DNA BEING PRESENT AND THERE WAS  
12 SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE THAT THE DNA WAS,  
13 IN FACT, IT IS MORE LIKE DIRECT, THAT IT WAS PLACED  
14 ON HER AT ABOUT THE TIME OF HER DEATH, SO I DENY THE  
15 MOTION FOR DIRECTED VERDICT. ALL RIGHT. ANYTHING  
16 ELSE WE CAN DO THIS EVENING?

17 MR. MORTON: NO, SIR, YOUR HONOR. IF YOU  
18 WANT TO WAIT TO DISCUSS THE CHARGES IN THE MORNING.  
19 I HADN'T HAD A CHANGE TO LOOK AT THEM.

20 THE COURT: THAT'S WHY I THOUGHT WE WOULD  
21 WAIT AND DO THAT AT NINE, SO, I MEAN, I KNOW Y'ALL  
22 HAD A PRETTY ACTIVE TEN DAYS OR HOWEVER LONG IT'S  
23 BEEN. I'M GOING TO GIVE YOU OVERNIGHT TO TAKE A LOOK  
24 AT THE CHARGE AND GIVE YOU REQUEST OF CHARGE. DO YOU  
25 HAVE ANY REQUEST OF CHARGE. I MAY LOOK REAL QUICK

1       BEFORE I LEAVE THIS AFTERNOON.

2                   MR. GREELEY:   I WANT TO LOOK AT YOURS  
3       FIRST.

4                   THE COURT:   LOOK AT MINE AND HAND ME THOSE  
5       UP A FEW MINUTES BEFORE NINE AND WE'LL RECONVENE AT  
6       NINE.

7                   MR. MORTON:   ARE WE GOING TO TALK ABOUT  
8       THE ORDER?

9                   THE COURT:   WELL, I THINK THE LAW IS  
10       PRETTY CLEAR THAT THE STATE HAS A RIGHT TO CLOSE  
11       WHERE ANY DEFENDANT PLACES EVIDENCE IN THE RECORD AND  
12       I THINK THAT STATE VERSUS CROW AND MAY EVEN BE  
13       ANOTHER CASE BUT.

14                   MR. GREELEY:   YOUR HONOR, IF I JUST MAY BE  
15       HEARD ON THAT.   I DO UNDERSTAND THAT THE STATE VERSUS  
16       CROW A 1972 CASE DOES HOLD THAT IF YOU HAVE JOINT  
17       DEFENDANTS AND ONE OF THEM PUTS EVIDENCE IN THE  
18       RECORD THEN THE STATE HAS THE RIGHT TO CLOSE.  
19       HOWEVER WHERE A DEFENDANT IS TRIED ALONE AND THE  
20       DEFENDANT DOES NOT PUT ANY EVIDENCE IN THE RECORD,  
21       THE DEFENDANT IS GIVEN THE RIGHT TO CLOSE.   IN THIS  
22       PARTICULAR CIRCUMSTANCE IN THIS PARTICULAR CASE WE  
23       HAVE DONE NOTHING TO GIVE UP OUR RIGHT TO CLOSE.  
24       WHAT HAS OCCURRED IS THAT THE STATE HAS CHOSEN TO  
25       BRING THE CHARGES IN A CERTAIN WAY AND THE

1 CO-DEFENDANT WHO IN THIS PARTICULAR CASE HAS BEEN  
2 QUITE ADVERSIAL TOWARDS MR. SANDERS HAS CHOSEN TO  
3 PRESENT EVIDENCE AND SO THERE IS A WAY THAT DUE TO  
4 ACTIONS OF THE STATE AND ACTIONS OF THE VERY  
5 ADVERSIAL DEFENDANT, CO-DEFENDANT, AND NO ACTION ON  
6 OUR PART, WE ARE GIVING UP A SUBSTANTIAL RIGHT THAT  
7 WE WOULD HAVE HAD HAD IT BEEN TRIED TOGETHER.

8 THE COURT: SEPARATE.

9 MR. GREELEY: AND I BELIEVE THE COURT HAS  
10 FOUND THAT THE LAST ARGUMENT CAN BE A SUBSTANTIAL  
11 STRATEGIC ASPECT, AND SO BASED UPON THAT AND BASED  
12 UPON THE CIRCUMSTANCES OF THIS PARTICULAR CASE AND  
13 OUR INACTIVITY OF NOW BEING PRECLUDED FROM THE LAST  
14 ARGUMENT I WOULD ASK THE COURT TO ALLOW MR. SANDERS  
15 TO PRESENT HIS ARGUMENT LAST.

16 THE COURT: I DENY THAT MOTION. I THINK  
17 THE LAW IS CLEAR AND OF COURSE MR. SANDERS HAS  
18 EXERCISED HIS RIGHT TO REMAIN SILENT. THAT WAS YOUR  
19 CHOICE, MR. SANDERS.

20 MR. SANDERS: YES, SIR.

21 THE COURT: OKAY. ALL RIGHT. WELL, IF  
22 YOU'LL HAND ME THE CHARGES A FEW MINUTES BEFORE NINE  
23 WE'LL RECONVENE AT NINE AND YOU WILL LOOK AT THE  
24 LETTER I PUT ON YOUR DESK AND ADDRESS THAT AND ALSO  
25 ADDRESS ANY REQUEST OF CHARGE.

1 MR. BRACKETT: THANK YOU, YOUR HONOR.

2 THE COURT: HAVE A GOOD EVENING.

3 (COURT IS IN RECESS.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1 1992 DOWNEY STREET  
2 ROCK HILL, SC 29732

3 I N D E X

4  
5 MOTIONS 3

6  
7 CLOSING STATEMENTS:

8 MR. MORTON 19

9 MR. GREELEY 46

10 MR. BRACKETT 75

11 CHARGE BY THE COURT 157

12 JURY QUESTION 191

13 JURY VERDICT 195

14 SENTENCE OF THE COURT

15 MR. COPE 205

16 MR. SANDERS 208

17

18

19

20

21

22

23

24

25



1

2

3 (COURT RESUMES ON SEPTEMBER 22, 2004 AT 09:07 AM.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

THE COURT: GOOD MORNING. WE HAVE EVERYBODY, I GUESS EVERYBODY, THAT WANTS TO TALK ABOUT THE CHARGE IS PRESENT. IN ADDITION TO WHAT I HANDED OUT YESTERDAY I HANDED UP, HANDED OUT TODAY WHAT I HAD NEGLECTED TO PUT IN REGARDING THE ADMISSIBILITY OF THE POLYGRAPH TEST AND I HAVE YET TO RECEIVE ANY REQUEST OF CHARGE. DID YOU HAND SOME UP?

MR. THOMPSON: YES, SIR, YOUR HONOR.

MR. SMITH: JUDGE, WE HAVE A NUMBER OF REQUEST OF CHARGE ALSO.

MR. GREELEY: AND MR. SANDERS DOES NOT. I LOOKED AT YOUR CHARGE AND I'M SATISFIED WITH IT.

THE COURT: THE STATE HAS REQUEST OF CHARGE NUMBER ONE. PARENT'S DUTY. WHOSE SPEAKING FOR THE DEFENSE FOR MR. COPE?

MR. SMITH: I'LL BE GLAD TO, YOUR HONOR.

THE COURT: PARENT'S DUTY. STATE'S REQUEST NUMBER ONE.

MR. SMITH: I DON'T THINK WE HAVE ANY OBJECTION TO THAT.

MR. GREELEY: NO OBJECTION FROM MR. SANDERS.

1                   THE COURT:   NUMBER TWO, AND I DID LEAVE  
2                   THIS OUT, THE HAND OF ONE IS THE HAND OF ALL IS AN  
3                   APPROPRIATE CHARGE.   ANY COMMENT.

4                   MR. GREELEY:   YOUR HONOR, IF I MAY.   THE  
5                   HAND OF ONE IS THE HAND OF ALL IS THE PRINCIPLE  
6                   DEALS -- WELL, IT'S THE IDEA OF THE LAW THAT DEALS  
7                   WITH PRINCIPALS.   IT'S MY UNDERSTANDING THAT THE  
8                   THEORY OF THE STATE'S CASE AND WHAT THEY HAVE DONE IN  
9                   THIS CASE AND WHAT THEY ARE ATTEMPTING TO PROVE IS A  
10                  CONSPIRACY WHICH GOES ANOTHER LEVEL AND HAS ANOTHER  
11                  ELEMENT OF PROOF JUST BEYOND THE ASPECT OF A  
12                  PRINCIPAL BEING INVOLVED.   BASED ON THE EVIDENCE THAT  
13                  IS IN THE RECORD AND THE EVIDENCE THAT IS NOT IN THE  
14                  RECORD I WOULD JUST PUT AN OBJECTION ON THE RECORD TO  
15                  THE LAW OF PRINCIPALS BEING CHARGED IN THIS.

16                  THE COURT:   ALL RIGHT.

17                  MR. SMITH:   JUDGE, WE WOULD JOIN IN THAT  
18                  OBJECTION, THE SAME ARGUMENT FOR STATE'S REQUEST  
19                  NUMBER THREE AS WELL.

20                  THE COURT:   LET'S TAKE THEM ONE AT A TIME.  
21                  I'M GOING TO CHARGE NUMBER TWO.   I'M GOING TO CHARGE  
22                  THE HAND OF ONE IS THE HAND OF ALL.   I'M NOT SURE I  
23                  HAVE A PRESENT AIDING AND ABETTING CHARGE, BUT WE'LL  
24                  SEE, BUT IF I CAN FIND THAT, I'LL CHARGE THAT TOO.  
25                  ANY COMMENT BY, MR. COPE'S ALREADY SAID THAT THEY

1 OBJECT TO IT.

2 MR. GREELEY: AND I WOULD OBJECT TO THAT  
3 ON THE SAME BASIS AS I OBJECTED TO NUMBER TWO BECAUSE  
4 I BELIEVE THAT THAT IS A CHARGE THAT GOES TO THE LAW  
5 OF PRINCIPAL AS WELL.

6 THE COURT: YOU ALREADY SAID.

7 MR. SMITH: YES, THE SAME OBJECTION.

8 THE COURT: NUMBER FOUR. ANY OBJECTION.

9 MR. GREELEY: YES, YOUR HONOR, ON BEHALF  
10 MR. SANDERS I WOULD OBJECT TO THE COURT TELLING THE  
11 JURY WHAT THE STATE HAS TO SPECIFICALLY NOT PROVE IN  
12 THIS PARTICULAR CASE BECAUSE I BELIEVE THAT THE  
13 EVIDENCE IS LACKING IN REGARDS TO THAT AND AN  
14 INSTRUCTION TO THE JURY IS GOING TO HELP THEM  
15 OVERLOOK THAT EVIDENCE AND SO I WOULD OBJECT TO THAT.

16 MR. SMITH: WE OBJECT AS WELL, YOUR HONOR.

17 THE COURT: I DON'T SEE ANY CITES FOR  
18 THAT. WHERE DID YOU COME UP WITH THAT?

19 MR. THOMPSON: WELL, YOUR HONOR, SIMPLY,  
20 IT IS SIMPLY JUST NOT AN ELEMENT OF THOSE CHARGES AND  
21 I WOULD ASK THAT THEY --

22 THE COURT: I'M NOT GOING TO CHARGE THAT.

23 MR. THOMPSON: IN THE ALTERNATIVE WOULD I  
24 ASK IT BE CHARGED WITH THE CONSPIRACY CHARGE SINCE  
25 THAT TALKS ABOUT UNITING AND COMBINING AND CONSPIRING

1 BECAUSE IT TELLS WHAT CONSPIRY IS. IT WOULD  
2 STRAIGHTEN OUT THAT HE WOULDN'T NECESSARILY HAVE TO  
3 PROVE THAT THEY KNEW EACH OTHER PRIOR TO THE  
4 CONSPIRACY.

5 THE COURT: WELL, I HAVE ADOPTED SORT OF A  
6 PHILOSOPHY, WHETHER IT'S GOOD OR NOT, TO NOT CHARGE  
7 IN THE NEGATIVE IF IT CAN BE AVOIDED. IN OTHER  
8 WORDS, I CHARGE WHAT THE STATE HAS TO PROVE. AS FAR  
9 AS WHAT THEY DON'T HAVE TO PROVE I DON'T CHARGE THAT.  
10 THAT'S JUST IN MY PRACTICE IN EVERY CASE, CIVIL AND  
11 CRIMINAL, SO I'M NOT GOING TO CHARGE IT.

12 NOW THIS NEXT ONE DOES, HAS BEEN  
13 BANDED ABOUT BY OUR COURTS. WHAT'S THE CURRENT STATE  
14 OF THE LAW ON THAT.

15 MR. THOMPSON: YOUR HONOR, I'LL TELL THE  
16 REASONING BEHIND THE STATE'S REQUEST IN THIS  
17 PARTICULAR CASE, I JUST WANT THAT ONE PHRASE. IF YOU  
18 LOOK A LITTLE FURTHER IN THAT SAME, IN THAT SAME  
19 CHARGE, IT DOES GO ON TO SAY THAT AT THE VERY END OF  
20 IT IT ASSUMES CIRCUMSTANCES ARE TRUE THERE IS A  
21 REASONABLE HYPOTHESIS WHICH DOES NOT INCLUDE THE  
22 GUILT OF THE ACCUSED THE PROOF HAS FAILED, THAT I  
23 THINK IS A LITTLE MORE CLEARER ON LETTING THE JURY  
24 KNOW EXACTLY WHAT THEY ARE LOOKING FOR BECAUSE IF YOU  
25 JUST HAVE IN THE EXCLUSION OF EVERY OTHER REASONABLE

1 HYPOTHESIS, THAT DOESN'T ACTUALLY MEAN EVERY  
2 REASONABLE HYPOTHESIS THAT WOULD INCLUDE GUILT. FOR  
3 INSTANCE, IN THIS CASE THE JURY WOULD HAVE THE OPTION  
4 OF CHOOSING THAT BOTH DEFENDANTS ARE GUILTY OF ALL  
5 CHARGES BY DETERMINING THE NUMBER OF DIFFERENT WAYS  
6 THAT IT COULD HAVE HAPPENED THAT THEY THINK IS  
7 REASONABLE AND THEY THINK THERE IS NO OTHER  
8 REASONABLE WAY THAT THEY WOULD NOT BE GUILTY. AND  
9 WHAT I'M TRYING TO SAY IS, BASICALLY THIS DOESN'T,  
10 THAT ONE PHRASE TO THE EXCLUSION OF EVERY OTHER  
11 REASONABLE HYPOTHESIS DOES NOT TELL THE JURY TO EVERY  
12 OTHER REASONABLE HYPOTHESIS AS IT DEALS WITH GUILT,  
13 THAT PROVES THEM GUILTY OR NOT GUILTY. THEY COULD  
14 HAVE OTHER REASONABLE HYPOTHESIS THAT PROVE GUILT.  
15 IF THEY HAVE MORE THAN ONE REASONABLE HYPOTHESIS THAT  
16 PROVES GUILT, THEY CAN RELY ON EITHER. THEY DON'T  
17 HAVE TO EXCLUDE THE OTHER ONE. WHEREAS IF THEY HAVE  
18 REASONABLE HYPOTHESIS THAT WOULD BE NOT GUILTY THEN  
19 THEY WOULD HAVE TO GO WITH THAT. I THINK THAT'S  
20 ADDRESSED AT THE END OF THAT CHARGE. THIS MAKES IT A  
21 LITTLE MORE CONFUSING BECAUSE IT JUST SAYS---

22 THE COURT: WELL, I KNOW, BUT ISN'T THAT  
23 THE LANGUAGE THAT THE COURT'S HAVE, I KNOW WE'VE GOT  
24 THE GRIPON MORE SHORTER CIRCUMSTANTIAL EVIDENCE  
25 WHICH IS AN OPTION BUT DOESN'T THE COURT IN THE

1 GRIPPON OR MAYBE ONE OF THE FOLLOWING CASES SAY THAT  
2 DOES NOT KICK OUT THE PREVIOUS CIRCUMSTANTIAL  
3 EVIDENCE CHARGE WHICH HAS THAT LANGUAGE IN IT.

4 MR. THOMPSON: THAT'S CORRECT, YOUR HONOR,  
5 BUT I'M NOT ASKING THAT THAT WHOLE CHARGE BE KICKED  
6 OUT. I'M ASKING IT JUST TO BE CLARIFIED, THE SECOND  
7 PART THAT TALKS ABOUT THE REASONABLE HYPOTHESIS AS  
8 REGARDS TO GUILT. THIS DOES NOT MENTION GUILT. WE  
9 HAVE A SPECIFIC CASE HERE THAT DEALS WITH TWO  
10 DEFENDANTS AND THE JURY HAS A NUMBER OF HYPOTHESIS  
11 THAT THEY COULD CHOOSE THAT WOULD LEAD TO GUILT. IF  
12 THEY HEAR THE CONSTRUCTION FROM THE COURT THAT THEY  
13 COME TO ANOTHER REASONABLE HYPOTHESIS, THEY CAN'T  
14 FIND HIM GUILTY, IF THEY THINK, WELL, WE FIND HIM  
15 GUILTY UNDER THIS HYPOTHESIS AND WE FIND HIM GUILTY  
16 UNDER THIS HYPOTHESIS, DOES THAT MEAN WE CAN'T FIND  
17 HIM GUILTY BECAUSE WE HAVE TWO REASONABLE HYPOTHESIS  
18 AS TO HIS GUILT.

19 THE COURT: I SEE WHAT YOU ARE SAYING  
20 BUT --

21 MR. THOMPSON: IT'S CLARIFIED LATER IN THE  
22 SAME THING. I'M NOT ASKING YOU TO TAKE THAT ALL OUT  
23 BECAUSE I THINK IT'S---

24 THE COURT: LET ME HEAR FROM.

25 MR. WOOD: JUDGE, I JUST GOT A CASE USING

1 THAT EXACT LANGUAGE. I HANDED OVER TO MR. THOMPSON  
2 AND MR. GREELEY ALSO. I JUST WANT TO PASS IT UP TO  
3 YOU. IT'S STATE VERSUS EDWARDS AND I HIGHLIGHTED ALL  
4 THE CASES.

5 THE COURT: I QUITE CANDIDLY LIKE THE  
6 SHORTER VERSION, BUT THE COURT HAS LEFT THE DOOR OPEN  
7 FOR THAT LANGUAGE AND I'M GOING TO INCLUDE IT.

8 MR. THOMPSON: ALL RIGHT.

9 THE COURT: ALL RIGHT. NOW TESTIMONY OF  
10 THE CHILDREN. YOU DON'T WANT ME TO CHARGE THAT?

11 MR. THOMPSON: YES, YOUR HONOR. AS TO  
12 RULE 601 THE GENERAL RULES OF COMPETENCY IT SAYS  
13 EVERY PERSON IS COMPETENT TO BE A WITNESS EXCEPT AS  
14 OTHERWISE PROVIDED BY STATUTE OR THESE RULES AND IT  
15 ASSUMES THAT CHILDREN ARE COMPETENT WITNESSES UNLESS  
16 THEY ARE OTHERWISE, SOMETHING OTHERWISE SHOWN  
17 DIFFERENT. THERE WAS NOTHING THAT CONTESTED THEIR  
18 COMPETENCY IN THIS CASE. I THINK THIS PARTICULAR  
19 INSTRUCTION IS ONE WHEN WE HAD THE RULE THAT CHILDREN  
20 UNDER A CERTAIN AGE WERE NOT NECESSARILY DEEMED  
21 COMPETENT AND WE HAD TO SHOW COMPETENCY. THERE HAS  
22 BEEN NO QUESTION REGARDING COMPETENCY WHEN THEY  
23 TESTIFIED IN FRONT OF THE JURY, SO TO BRING ATTENTION  
24 TO A CHILD'S TESTIMONY ABOVE OTHERS AT THIS TIME I  
25 THINK WOULD BE IMPROPER. I THINK IT SHOULD BE AS

1 ANYONE ELSE'S TESTIMONY.

2 THE COURT: ALL RIGHT.

3 MR. SMITH: JUDGE, WE BELIEVE THE CHARGE  
4 IS APPROPRIATE AS THE COURT HAS GIVEN US AND WE WOULD  
5 JUST ASK THAT IT BE KEPT IN.

6 MR. GREELEY: WE TAKE NO POSITION ON THAT  
7 CHARGE.

8 THE COURT: WELL, THIS CHARGE COMES FROM  
9 AMJUR. WE APPARENTLY DON'T HAVE A SOUTH CAROLINA  
10 CASE ON IT.

11 MR. THOMPSON: YOUR HONOR, THE STATE'S  
12 POSITION SINCE IT'S NOT BEEN MADE AN ISSUE BY EITHER  
13 OF THE DEFENSE I THINK IT WOULD BE AN IMPROPER  
14 COMMENT AS TO THE CHILD WITNESSES BY THE COURT.

15 THE COURT: WHAT DO YOU MEAN IT HADN'T  
16 BEEN AN ISSUE.

17 MR. THOMPSON: THEY DID NOT MAKE IT AN  
18 ISSUE, WHEN THEY WERE IN FRONT OF THE JURY AND THEY  
19 QUESTIONED THE GIRLS, THERE WAS NO QUESTIONS AS TO  
20 COMPETENCY OF THOSE GIRLS. NO QUESTIONING OF THE  
21 GIRLS THEMSELVES ABOUT IT, NO PUTTING SOMEONE ELSE UP  
22 ABOUT IT, IT WAS NOT AN ISSUE BEFORE THE JURY.

23 THE COURT: YOU MEAN JUST BECAUSE THE  
24 GIRLS TESTIFIED TO SOMETHING AND THEY COULDN'T REFUTE  
25 IT THAT THEY ACCEPTED IT?



1                   MR. THOMPSON: NO, YOUR HONOR, THEY ARE  
2 NOT CHALLENGING THEIR COMPETENCY THOUGH.

3                   THE COURT: BUT THEY ARE. ALL RIGHT. LET  
4 ME HEAR FROM MR. SMITH.

5                   MR. SMITH: JUDGE, I DON'T BELIEVE THE  
6 CHARGE IS ABOUT THEIR COMPETENCY. IT'S ABOUT THEIR  
7 CREDIBILITY AND WE CERTAINLY QUESTION THEIR  
8 CREDIBILITY. I REMEMBER ONE SPECIFIC LINE OF  
9 QUESTIONING WHERE MR. MORTON QUESTIONED HOW RECENTLY  
10 THE CHILD'S TESTIMONY WAS OR WHEN SHE FIRST TESTIFIED  
11 TO THIS INFORMATION INFERRING THAT IT WAS JUST  
12 RECENTLY CONCOCTED. WE CERTAINLY QUESTION THEIR  
13 CREDIBILITY.

14                  THE COURT: I'M GOING TO LEAVE IT IN BUT  
15 I'M GOING TO DOCTOR IT A LITTLE BIT. ON PAGE 14 I  
16 HAVE MY OLD CHARGE, I APPARENTLY LEFT MY REVISED BUT  
17 IT'S BASICALLY THE SAME, ANYWAY, ON THE CHILD  
18 TESTIMONY I'M GOING TO AFTER IT SAYS OBSERVED AND  
19 REMEMBER FACTS, I'M GOING TO LEAVE OUT THE CHILD'S  
20 ABILITY TO UNDERSTAND AND ANSWER QUESTIONS BECAUSE  
21 THE YOUNG CHILD MAY NOT FULLY UNDERSTAND WHAT IS  
22 HAPPENING HERE. IT'S UP TO YOU TO DECIDE WHETHER THE  
23 CHILD UNDERSTOOD THE SERIOUSNESS OF APPEARING AT THIS  
24 POINT IN THE TRIAL. ALL OF THAT I'M LEAVING OUT.  
25 THAT IS, I'M GOING TO STOP TO WITH THE ABILITY TO

1 REMEMBER FACTS BECAUSE YOU GET DOWN THERE WHERE THE  
2 CHILD UNDERSTANDS THE DIFFERENCE BETWEEN LYING AND  
3 TELLING THE TRUTH, WE USED TO RUN THROUGH THAT AS A  
4 JUDGE AS A GATEKEEPER TO EVEN LET THE CHILD TESTIFY  
5 AND THE COURT HAS NOW BASICALLY PUT THE CHILDREN IN  
6 THE SAME CATEGORY AS OTHER WITNESSES, BUT I DO  
7 BELIEVE THAT IT WOULD BE APPROPRIATE TO CHARGE THAT  
8 SHORT PART THAT I'M SAYING I'M GOING TO CHARGE. ALL  
9 RIGHT. THAT TAKES CARE OF THE STATE'S.

10 NOW THE DEFENSE COPE, AND I DON'T KNOW  
11 HOW MANY TIMES I'VE ASKED THIS, PROBABLY NOT TO YOU  
12 SO, BUT IT REALLY HELPS IF YOU PUT A NUMBER ON THESE  
13 AND PARTICULARLY WHERE IT SAYS DEFENDANT INSTRUCTION  
14 NUMBER AND IT'S BLANK. IT JUST EASIER FOR ME TO  
15 REFER TO THEM BY NUMBER BUT SINCE THERE IS NO NUMBER  
16 WE'LL START WITH THE MERE PRESENCE.

17 MR. SMITH: YES, YOUR HONOR. WE CITED ---

18 THE COURT: LET'S SEE IF THERE IS ANY  
19 OBJECTION FIRST BEFORE YOU DEFEND IT.

20 MR. THOMPSON: I HAVE NO OBJECTION TO MERE  
21 PRESENCE, YOUR HONOR.

22 MR. GREELEY: AND GIVEN THE PRINCIPAL  
23 CHARGE THAT'S GOING TO BE, WE THINK THAT'S GOING  
24 APPROPRIATE.

25 THE COURT: I'M GOING TO CHARGE THAT.

1 NEXT POLICE OFFICERS TESTIMONY, I CAN TELL YOU THAT  
2 MY INCLINATION IS NOT TO CHARGE THAT, BUT DOES THE  
3 STATE OBJECT?

4 MR. THOMPSON: YES, YOUR HONOR, WE DO  
5 OBJECT. I THINK ONCE AGAIN IT CALLS IN --

6 THE COURT: I HAVE NEVER, QUITE OFTEN IN  
7 VOIR DIRE DEFENSE COUNSEL WANTS ME TO ASK QUESTIONS  
8 ALONG THESE LINES, WOULD YOU BELIEVE, I'M NOT GOING  
9 TO CHARGE THIS. I'LL MAKE IT A COURT'S EXHIBIT.

10 MR. SMITH: YES, YOUR HONOR.

11 THE COURT: ALL RIGHT. USE OF CLOSED  
12 CIRCUIT TELEVISION. I DON'T HAVE ANY PROBLEM WITH  
13 THAT.

14 MR. THOMPSON: I DON'T OBJECT TO THAT,  
15 YOUR HONOR.

16 MR. GREELEY: NO OBJECTION FROM  
17 MR. SANDERS.

18 THE COURT: OKAY. AND THE NO REQUEST OF  
19 CHARGE FROM MR. SANDERS NOW. ANYTHING ELSE IN  
20 GENERAL CHARGE THAT NEEDS TO BE CORRECTED OR IS  
21 MISSING. LET ME GO TO THE STATE FIRST.

22 MR. SMITH: YES, SIR.

23 MR. THOMPSON: I DON'T BELIEVE SO, YOUR  
24 HONOR. IN LOOKING AT THE JURY CHARGE ON CONFESSIONS  
25 THOUGH I, THE ONLY THING THAT COMES TO MIND WAS AS I

1 WAS SITTING HERE WOULD BE THAT, OF COURSE, SOME OF  
2 THE STATEMENTS OF THE DEFENDANT WERE ACTUALLY DONE  
3 BEFORE IN AN INTERVIEW SETTING RATHER THAN  
4 INTERROGATION SETTING AND I DON'T KNOW IF THERE  
5 SHOULD BE A CHARGE TO CLARIFY THE DIFFERENCE BETWEEN  
6 WHAT, SO THE JURY UNDERSTANDS YOU DON'T HAVE TO HAVE  
7 YOUR RIGHTS READ TO YOU IN AN INTERVIEW SETTING AS  
8 COMPARED TO AN INTERROGATION TYPE SETTING.

9 THE COURT: I WAS TRYING TO FIGURE OUT  
10 HOW.

11 MR. THOMPSON: THAT COULD BE REMEDIED BY  
12 PUTTING IN SOMETHING LIKE MIRANDA RIGHTS ARE ONLY  
13 REQUIRED DURING CUSTODIAL INTERROGATIONS.

14 THE COURT: WHAT DOES MR. COPE'S COUNSEL  
15 HAVE TO SAY TO THAT.

16 MR. SMITH: JUDGE, WE DON'T NECESSARILY  
17 OBJECT TO THE LANGUAGE THAT MR. THOMPSON JUST  
18 SUGGESTED. THERE WERE I BELIEVE TWO, LET'S SEE, TWO  
19 INTERVIEWS BEFOREHAND IN WHICH MIRANDA WARNINGS WERE  
20 NOT NECESSARY, SO WE WOULDN'T NECESSARILY OBJECT TO  
21 THAT LANGUAGE.

22 THE COURT: ALL RIGHT.

23 MR. GREELEY: WE TAKE NO POSITION, YOUR  
24 HONOR.

25 THE COURT: WE'LL MAKE CHANGES THERE.

1 ANYTHING ELSE. ANYTHING ELSE FROM MR. COPE.

2 MR. SMITH: YES, SIR. I ALSO HANDED TO  
3 THE COURT A CASE STATE VERSUS BILLY RAY WOODS WITH  
4 THE REQUEST THAT THE COURT CHARGE SUSPECION HOWEVER  
5 STRONG DOES NOT SUFFICE TO SUSTAIN A CONVICTION.  
6 IT'S ON PAGE TWO OF TWO, THE LAST SENTENCE OF THE  
7 NEXT TO THE LAST PARAGRAPH. CITED IN STATE VERSUS  
8 HYDER.

9 THE COURT: ANY OBJECTION FROM THE STATE.

10 MR. THOMPSON: NO, YOUR HONOR.

11 MR. GREELEY: WE WOULD JOIN IN THE  
12 REQUEST.

13 THE COURT: ALL RIGHT. I'LL CHARGE THAT.  
14 ANYTHING ELSE FROM MR. COPE.

15 MR. SMITH: NO, YOUR HONOR.

16 THE COURT: ANYTHING FROM MR. SANDERS.

17 MR. GREELEY: NO, YOUR HONOR.

18 THE COURT: HOW ABOUT MY PROPOSED CHARGE  
19 ON ADMISSIBILITY OF POLYGRAPH TEST. ANY COMMENT BY  
20 THE STATE.

21 MR. THOMPSON: NO OBJECTION FROM THE  
22 STATE, YOUR HONOR.

23 THE COURT: MR. COPE.

24 MR. SMITH: NO, SIR, YOUR HONOR.

25 THE COURT: MR. SANDERS.

1 MR. GREELEY: NO, YOUR HONOR.

2 THE COURT: ALL RIGHT. WE'LL TAKE A BREAK  
3 UNTIL TIME. LET ME JUST ASK YOU, THIS FOR LOGISTICAL  
4 PURPOSES, AFTER TAKING AT LEAST TEN DAYS OF TESTIMONY  
5 I GUESS AND SO CERTAINLY I'M NOT GOING TO ASK EACH OF  
6 YOU, ALL OF YOU TO SUM UP IN TEN MINUTES, HOW LONG  
7 DOES THE STATE THINK IT NEEDS?

8 MR. BRACKETT: AN HOUR AND A HALF, MAYBE A  
9 LITTLE MORE.

10 THE COURT: MR. MORTON.

11 MR. MORTON: I DIDN'T PLAN ON GOING QUITE  
12 THAT LONG.

13 THE COURT: AN HOUR? I'M NOT GOING TO  
14 HOLD YOU TO IT. I AM JUST TRYING TO MAKE MY PLANS  
15 FOR --

16 MR. MORTON: PROBABLY AN HOUR.

17 THE COURT: MR. GREELEY.

18 MR. GREELEY: I WOULD THINK NO MORE THAN  
19 AN HOUR TO AN HOUR AND A HALF.

20 THE COURT: OKAY. ALL RIGHT. WELL, WE'LL  
21 TAKE A BREAK PROBABLY AFTER EACH ARGUMENT AND THEN  
22 WE'LL GET TO THE CHARGE. AS SOON AS THE JURY IS HERE  
23 WE'LL GET STARTED.

24 MR. GREELEY: I WAS JUST, I DON'T KNOW,  
25 THERE WAS A MATTER THAT YOU SHOWED US YESTERDAY, A

1 LETTER, ARE WE GOING TO DISCUSS THAT?

2 THE COURT: I CAN'T REMEMBER IT.

3 MR. GREELEY: THE NBC LETTER.

4 THE COURT: OH, YEAH. ANYBODY HAVE ANY  
5 COMMENT ABOUT THE DATELINE REQUEST.

6 MR. GREELEY: I DO.

7 MR. BRACKETT: I HAD JUST STUCK IT IN MY  
8 BOOK. THE ONLY ISSUE REGARDING THIS IS I THINK WE  
9 HAVE SOME GUIDANCE FROM THE LEGISLATURE AND THE  
10 SUPREME COURT ON THIS ISSUE AND IT'S NOT NECESSARILY  
11 IN THE CONTEXT OF A MURDER CASE, BUT I THINK IT GIVES  
12 US AN IDEA OF WHAT THEIR MIND IS ON THIS SUBJECT.

13 16-3-21 IS, IT'S THE STANDARD JURY INSTRUCTION AFTER  
14 A CAPITAL CASE AND YOU KNOW IT'S SAYS CAPITAL CASE  
15 AND THIS IS NOT A CAPITAL CASE, BUT LIKE I SAID WHEN  
16 YOU --

17 THE COURT: I'M GOING TO TELL THEM THEY  
18 DON'T HAVE TO DO ANYTHING. I'M GOING TO TELL THEM  
19 THAT. THIS IS A REQUEST THAT THEY DON'T HAVE TO TALK  
20 TO ANYBODY. THAT IF SOMEBODY ASKS THEM TO TALK AND  
21 THEY SAY THEY DON'T WANT TO AND THE PERSON PERSISTS  
22 THAT THEY REPORT BACK TO ME.

23 MR. BRACKETT: AS FAR AS A JUDICIAL  
24 COMMENT THAT I THINK IS FINE. AS FAR AS THE LETTER  
25 IS CONCERNED IT'S A FREE COUNTRY AND THEY ARE

1 CERTAINLY ENTITLED TO SEND A LETTER TO WHOEVER THEY  
2 WANT AND THOSE PEOPLE ARE ENTITLED TO TALK OR NOT.

3 THE COURT: THE ISSUE IS MORE NOT THAT  
4 THEY INTEND TO SEND IT TO THEM, THEY INTEND TO  
5 DISTRIBUTE IT AFTER THE TRIAL SO THAT THEY WOULD HAVE  
6 THESE INDIVIDUALS AVAILABLE.

7 MR. BRACKETT: THAT MIGHT BE A LITTLE  
8 BIT --

9 THE COURT: THINK ABOUT IT BUT THAT'S.

10 MR. GREELEY: YOUR HONOR, ON BEHALF OF MR.  
11 SANDERS MY POSITION IS IS THAT I WOULD JUST LIKE TO  
12 MAKE SURE THAT THE LETTER, OF COURSE, YOU HAD SAID  
13 AFTER THE TRIAL AND AFTER THE RESULTS, IT'S NOT GIVEN  
14 TO THE JUROR PRIOR TO THEM REACHING THEIR FINAL  
15 DECISION.

16 THE COURT: OF COURSE NOT, NO.

17 MR. GREELEY: AND THE SECOND THING IS THAT  
18 GIVEN THE NATURE OF THIS CASE AND THE WORK THAT THIS  
19 JURY HAS BEEN DOING FOR THREE WEEKS AND THEY HAVE  
20 BEEN VERY ATTENTIVE THE WHOLE TIME AND IT'S QUITE AN  
21 EMOTIONAL MATTER, I WOULD ASK FOR THE COURT TO  
22 REQUIRE THAT THE JURORS NOT BE CONTACTED ON COURT  
23 HOUSE GROUNDS BECAUSE I DON'T KNOW HOW THE JURORS  
24 WOULD FEEL IF THEY ARE APPROACHED IMMEDIATELY AFTER  
25 RETURNING A VERDICT IN THIS CASE AND THEY'VE BEEN



1           RELEASED. I WOULD LIKE TO GIVE THE JURY SOME COMFORT  
2           PERIOD RATHER THAN, SO THAT'S MY POSITION.

3                   THE COURT: ALL RIGHT. ANYBODY ON BEHALF  
4           OF MR. COPE.

5                   MR. SMITH: WE DON'T HAVE A POSITION ON  
6           IT, YOUR HONOR.

7                   THE COURT: ALL RIGHT. I'LL MAKE A FINAL  
8           DECISION DURING THE ARGUMENTS, BUT RIGHT NOW I'M JUST  
9           THINKING ABOUT GIVING THE STATUTORY INSTRUCTIONS FROM  
10          THE CAPITAL AND JUST LET IT GO AT THAT AND LET THEM  
11          IF THEY WANT AS FAR AS DISTRIBUTING A LETTER I'LL  
12          MAKE A DETERMINATION, BUT IT MAYBE BEST FOR ME TO  
13          JUST INFORM THEM THAT PEOPLE HAVE A RIGHT TO TALK TO  
14          THEM AND THEY HAVE A RIGHT TO BE QUIET.

15                  MR. POPE: PLEASE THE COURT, YOUR HONOR, I  
16          THINK FROM YOUR CAPITAL CASE YOU ACTUALLY HAVE THAT  
17          SHEET THAT MATCHES THE STATUTE THAT TELLS THEM THAT,  
18          GIVES THEM A CONTACT NUMBER IF THEY ARE HARASSED,  
19          KIND OF COVERS THE WHOLE THING. I PROPOSE THAT YOU  
20          GIVE THEM A SHEET JUST LIKE YOU DO IN THE DEATH  
21          PENALTY CASE PURSUIT TO 16-3-21.

22                  THE COURT: WELL, WE'RE MOVING INTO.

23                  MR. POPE: IT'S FOR THEIR PROTECTION.

24                  THE COURT: I UNDERSTAND AND SINCE THIS  
25          ISN'T A DEATH PENALTY CASE, I'LL THINK ABOUT THAT,

1 BUT RIGHT NOW MY INCLINATION IS JUST TO GIVE THEM THE  
2 STANDARD, NOT THE STANDARD, BUT THE CHARGE WHICH I  
3 QUITE FRANKLY GIVE IN A NON CAPITAL CASE ANYWAY THAT  
4 EACH SIDE HAS A RIGHT OR ANYBODY HAS A RIGHT TO SPEAK  
5 TO YOU ABOUT THE CASE AND THEY HAVE A RIGHT TO REMAIN  
6 SILENT SO TO SPEAK. LET'S TAKE A SHORT REFRESHER  
7 BREAK AND THEN WE'LL GET THE JURY IN AND WE'LL GET  
8 STARTED. COPE WILL OPENING AND THEN SANDERS AND  
9 THEN THE STATE OR THE STATE GOING TO BE REQUIRED TO  
10 OPEN. DO YOU REQUIRE---

11 MR. BRACKETT: THE STATE WAIVES OPENING ON  
12 THE LAW.

13 MR. MORTON: I WON'T, NO, SIR.

14 THE COURT: YOU REQUIRE THEM.

15 MR. GREELEY: NO, YOUR HONOR.

16 THE COURT: ALL RIGHT. SO IT WILL BE  
17 COPE, SANDERS, STATE. THANK YOU.

18 (COURT'S IN RECESS AT 09:32 AM.)

19 (COURT RESUMES AT 9:40 AM.)

20 THE COURT: IS THE STATE READY.

21 MR. BRACKETT: THE STATE IS READY.

22 THE COURT: COUNSEL FOR COPE READY.

23 MR. MORTON: YES, YOUR HONOR, I GUESS.

24 THE COURT: COUNSEL FOR SANDERS READY.

25 MR. GREELEY: WE ARE.

1 THE COURT: ALL RIGHT. BRING IN THE JURY.

2 (THE JURY RETURNS TO THE COURTROOM AT  
3 09:41 AM.)

4 THE COURT: MEMBERS OF THE JURY PANEL, AT  
5 THIS TIME NOW THE ATTORNEYS WILL MAKE FOR YOU THEIR  
6 CLOSING ARGUMENTS. THE CASE HAS TAKEN ABOUT TEN DAYS  
7 TO PRESENT EVIDENCE SO I DON'T EXPECT, I DO EXPECT  
8 THE ARGUMENTS TO TAKE SOME TIME TO PUT TOGETHER EACH  
9 DEFENDANT'S AND THE STATE POSITIONS. WE WILL TAKE A  
10 BREAK, JUST SO YOU'LL KNOW, BETWEEN THE ARGUMENTS AND  
11 THEN AFTER YOU HEAR THEM YOU WILL HEAR MY CHARGE ON  
12 THE LAW. ALL RIGHT, MR. MORTON.

13 CLOSING STATEMENT BY MR. MORTON:

14 THANK YOU VERY MUCH, YOUR HONOR.  
15 LADIES AND GENTLEMEN, FIRST OF ALL I WANT TO THANK  
16 YOU FOR BEING HERE AND DOING YOUR DUTY. I KNOW THAT  
17 IT'S A DIFFICULT JOB. WINSTON CHURCHHILL SAID THAT  
18 IT'S THE HIGHEST OBLIGATION A CITIZEN CAN PERFORM FOR  
19 THEIR COUNTRY IN TIME OF PEACE. IT'S AN AWESOME  
20 RESPONSIBILITY AND IT'S AN AWESOME DUTY. WE ARE ALL,  
21 MR. BRACKETT AND MR. GREELEY AND MYSELF ARE GOING TO  
22 SPEAK TO YOU FOR AN HOUR OR SO, MAYBE AN HOUR AND A  
23 HALF OR SO. I HAVEN'T TIMED WHAT I'M GOING TO SAY.  
24 I DON'T KNOW THAT THEY HAVE. JUST TO GIVE YOU A  
25 LITTLE OVERVIEW OF WHERE, WE KNOW YOU'VE HEARD THE

1 EVIDENCE, I'M NOT GOING TO GO THROUGH AND TRY TO  
2 SUMMARIZE EVERY LITTLE PIECE OF THE EVIDENCE FOR YOU.  
3 THE EVIDENCE OR LACK THEREOF IS HERE FOR YOU TO LOOK  
4 AT. YOU'LL BE ABLE TO TAKE THIS EVIDENCE BACK TO  
5 YOUR JURY ROOM, YOU'LL BE ABLE TO WATCH THE VIDEOS,  
6 YOU'LL BE ABLE TO LISTEN TO AUDIO RECORDINGS, YOU'LL  
7 BE ABLE TO DISCUSS ALL THIS EVIDENCE BY YOURSELVES  
8 AMONGST YOURSELVES FOR AS LONG AS YOU WANT TO.

9 LIKE I SAY, I KNOW IT'S BEEN A  
10 DIFFICULT TWO WEEKS, IT'S BEEN A DIFFICULT TWO WEEKS  
11 FOR ALL OF US. IT'S BEEN A DIFFICULT THREE YEARS FOR  
12 BILLY COPE, FOR HIS FAMILY, AND I KNOW IT'S GOING TO  
13 BE DIFFICULT ON YOU. I THINK THE MOST FRIGHTENING  
14 THING FOR YOU IS THAT THIS MAN RIGHT HERE, THIS MAN  
15 SITTING IN THE BLUE SHIRT RIGHT THERE, THIS MAN IS AN  
16 INNOCENT MAN. THAT MAN RIGHT THERE IS AN INNOCENT  
17 MAN. I'M PROUD TO BE HERE. I'M PROUD TO REPRESENT  
18 THAT MAN.

19 THE STATE OF SOUTH CAROLINA HAS  
20 CHARGED BILLY COPE ALMOST THREE YEARS AGO WITH THE  
21 RAPE AND THE MURDER OF HIS 12 YEAR OLD, BIBLE QUIZ  
22 TEAM, HONOR ROLL, VIOLINIST AND I'M GOING TO ASK YOU  
23 IN HERE TODAY HOW MUCH SENSE THAT MAKES. YOU PEOPLE  
24 HAVE BEEN CHOSEN, AS ALL JURORS ARE, YOU ARE  
25 REPRESENTATIVES OF THIS COMMUNITY. YOU BRING INTO

1 THIS COURTROOM A LIFETIME OF EXPERIENCE AND VALUES  
2 AND COMMON SENSE. YOU BRING COMMON SENSE. THIS IS A  
3 HEINOUS, HORRIBLE, THING, CRIME, THAT HAPPENED TO  
4 AMANDA COPE. IT DOESN'T GET ANY WORSE THAN THIS. IT  
5 DOESN'T GET ANY WORSE THAN THAT. TO RAPE AND MURDER  
6 YOUR OWN DAUGHTER, AS BILLY COPE STATED, IT TAKES A  
7 MONSTER. IT TAKES A MONSTER. AND IF YOU FIND THAT  
8 THIS MAN WHO WAS TEACHING HIS CHILDREN THE BIBLE, WHO  
9 WATCHED TOUCHED BY AN ANGEL, WHO HAD THE CHRISTMAS  
10 ORNAMENTS OUT, HAD AN HONOR ROLL STUDENT, HE WASN'T  
11 PERFECT. HE AND MARY SUE WERE NOT PERFECT PARENTS.  
12 NOBODY IS PERFECT. THERE IS AN IRISH PROVERB THAT  
13 SAYS EVEN THE BEST OF MEN, EVEN THE BEST OF MEN IF  
14 FORCED TO WRITE THEIR FAULTS ON THEIR FOREHEAD WOULD  
15 PULL DOWN THEIR CAP IN SHAME. BILLY COPE AND MARY  
16 SUE COPE WERE NOT PERFECT PARENTS. THEY WERE POOR  
17 PEOPLE; THEY WERE STRUGGLING; THEY WERE DOING THE  
18 BEST THEY COULD. THEY MADE MISTAKES. YOU DIDN'T  
19 HEAR THE STATE COMING IN HERE TALKING ABOUT BILLY  
20 COPE AND MARY SUE COPE HANGING OUT AT JOE'S BAR AND  
21 GRILL. YOU DIDN'T HEAR THEM COME IN AND TALK ABOUT  
22 THE DRUGS THAT THEY FOUND OR THE LIQUOR THAT THEY  
23 FOUND OR EVEN THE CIGARETTES THAT THEY FOUND. THEY  
24 WEREN'T PERFECT. NONE OF US ARE PERFECT. THEY  
25 WEREN'T PERFECT PEOPLE. BILLY COPE HAD A TREMENDOUS

1 FAITH IN HIS GOD. THIS ISN'T SOME JAIL HOUSE  
2 RELIGION. IT'S NOT SOME JAIL HOUSE RELIGION. BILLY  
3 COPE HAD A TREMENDOUS FAITH IN PEOPLE. HE HAD FAITH  
4 IN PEOPLE. HE TRUSTED PEOPLE. HE WORKED WITH THE  
5 POLICE. HE WAS BELIEVABLE. HE BELIEVED THEM. HE  
6 HAD FAITH IN THEM. HE HAD FAITH IN GOD. AND WHEN  
7 THEY TOLD HIM THAT YOU DID IT, YOU DID IT, NO TWO  
8 WAYS ABOUT IT, WE HAVE EVIDENCE, WE HAVE PICTURES, WE  
9 HAVE MACHINES THAT DON'T LIE, AND YOU DID IT. AND HE  
10 BEGAN TO DOUBT HIS OWN CORE, HIS OWN SELF. HE SAYS,  
11 YOU CAN TAKE THOSE STATEMENTS BACK IN THE ROOM, YOU  
12 CAN TAKE THE STATEMENTS BACK OF THE POLICE AND READ  
13 THEM. COULD I HAVE DONE THIS? I DON'T REMEMBER  
14 DOING THIS. THERE IS NOTHING, NOTHING IN MY MIND,  
15 THAT TELLS ME THAT I DID THIS. OH, YEAH, YOU DID.  
16 YOU DID IT. YOU DID IT. WE GOT PROOF. WE GOT PROOF  
17 THAT YOU DID IT. IT CRUSHED HIM TO HIS VERY SOUL.

18 NOBODY, NOT YOU, NOT ME, I HOPE NOT  
19 YOU, I HOPE NOBODY IN THIS COURTROOM HAS EVER BEEN IN  
20 A SITUATION THAT BILLY COPE WAS IN. MY DAD USED TO  
21 ALWAYS TELL ME WALK A MILE IN SOMEBODY ELSE'S SHOES.  
22 YOU WALK A MILE IN BILLY'S SHOES. HE'S DONE  
23 EVERYTHING HE CAN TO LET YOU KNOW WHO HE IS, WHAT  
24 HE'S ABOUT, WHAT HAPPENED TO HIM, NEVER, NEVER, NOT  
25 ONCE, WHEN GIVEN THE OPPORTUNITY, AS HE SAID, I DON'T

1       WANT TO TALK. NOT ONCE. BECAUSE YOU KNOW WHY?  
2       BECAUSE THIS MAN WANTS THE TRUTH TO COME OUT. HE HAS  
3       VOLUNTEERED. HE HAS GIVEN POLYGRAPHS. HE HAS GIVEN  
4       SAMPLES. HE HAS CALLED THE POLICE. HE HAS WANTED TO  
5       TALK. AND HE HAS. AND HE HAS. HE IS INNOCENT. AND  
6       HE BARED HIS SOUL, HE BARED HIS SOUL TO ANYBODY WHO  
7       WAS WILLING TO LISTEN, AND HE'S BARED HIS SOUL TO YOU  
8       ALL.

9                       THE POLICE, THROUGH THEIR OWN  
10       ADMISSIONS, HAVE TAKEN THIS TO EXTREMES THAT WAS  
11       EGREGIOUS, IT WAS BAD. YOU DON'T HAVE TO TELL A  
12       MAN'S WIFE, KNOWING IT TO BE UNTRUE, THAT HER  
13       HUSBAND'S DNA WAS FOUND ON THEIR DAUGHTER'S BODY.  
14       YOU DON'T HAVE TO DO THAT. THAT'S NOT SOMETHING THAT  
15       WE SHOULD BE PROUD OF. IT'S AN INDICATION OF WHAT  
16       THEY FELT THEY HAD TO DO. CHARLENE BLACKWELDER FELT  
17       SHE HAD TO DO THAT ON DECEMBER 31 OF 2001. SHE FELT  
18       SHE DIDN'T HAVE ENOUGH EVIDENCE AND SHE TOLD YOU  
19       RIGHT HERE ON THAT STAND THAT SHE WIRED MARY SUE COPE  
20       UP SECRETLY UNBEKNOWNST TO THAT MAN RIGHT THERE, THE  
21       MAN'S WIFE. SHE'S LOST HER DAUGHTER, HAD HER OTHER  
22       TWO CHILDREN TAKEN AWAY, HER HUSBAND IS IN JAIL, AND  
23       SHE'S TOLD: WE GOT HIS DNA. HE'S CONFESSED TO US.

24                       CAPTAIN CABANISS, HE'S A CAPTAIN OF  
25       THIS INVESTIGATION, DOESN'T EVEN TAKE THE TIME TO

1 LISTEN TO THE TAPE RECORDED CONVERSATION WITH JERRY  
2 WALDROP AND LES HERRING. DOESN'T EVEN TAKE THE TIME  
3 TO REVIEW THE EVIDENCE. THIS IS A MURDER AND A RAPE  
4 CASE.

5 THOSE THINGS TO ME ARE INDICATIVE OF  
6 THEIR HAVING MADE THEIR MIND UP. THEY MADE THEIR  
7 MIND UP EARLY ON THAT THIS WAS THE MAN. IF THEY HAD  
8 KNOWN ON NOVEMBER 29 AT TEN O'CLOCK AT NIGHT WHEN  
9 THEY PICKED HIM UP, THEY KNEW HE WASN'T COMING HOME.  
10 THEY KNEW HE WASN'T COMING HOME. THEY HAD MADE THEIR  
11 MIND UP THEN AND EVERY DAY, EVERY DAY, SINCE THAT  
12 DAY, THEY HAVE HAD THE POWER TO CHANGE THAT. THEY  
13 HAVE HAD THE POWER, THE DUTY, THE RESPONSIBILITY, THE  
14 OBLIGATION, TO LOOK AT WHAT THEY'VE DONE, AND COME IN  
15 HERE OR THREE YEARS AGO SAY WE MADE A MISTAKE AND  
16 THEY HAVEN'T DONE THAT. WELL, I TRY AND UNDERSTAND.  
17 I TRY AND UNDERSTAND. AND THERE IS A PART OF ME  
18 REALLY THAT, THAT DOESN'T UNDERSTAND THE LACK OF  
19 COMING FORWARD, BUT THERE IS AN UNDERSTANDING OF WHAT  
20 HAPPENED ON THAT DAY AND WHAT THEY WERE FACED WITH  
21 AND WHY THEY DID WHAT THEY FELT THEY HAD TO DO AND AT  
22 THE TIME THEY FELT THEY WERE DOING THE RIGHT THING.  
23 YOU HAVE TO LOOK AT IT FROM THEIR PROSPECTIVE. YOU  
24 HAVE TO LOOK AT IT FROM THEIR PROSPECTIVE. THEY GET  
25 A CALL, EARLY MORNING HOURS, THEY GO TO A FILTHY,



1 NASTY, ROACH INFESTED HOUSE. THEY SEE A BIG FAT GUY  
2 WITH NO SHIRT, NO SHOES, WALKING AROUND. THEY HAVE A  
3 DEAD, RAPED, SODOMIZED, 12 YEAR OLD DAUGHTER, 12 YEAR  
4 OLD GIRL, IN THAT HOUSE. THAT DON'T HAPPEN VERY  
5 MUCH. IT DON'T HAPPEN HERE. IT DOESN'T HAPPEN  
6 ANYWHERE. CAN YOU IMAGINE BEING IN CHARGE, BEING A  
7 POLICE OFFICER, BEING FACED WITH THAT SITUATION?  
8 THEIR OBLIGATION IS TO PROTECT THE PUBLIC. I  
9 UNDERSTAND THAT. THAT'S THEIR DUTY. THAT'S WHAT  
10 THEY ARE SWORN TO DO. THAT'S WHAT THEY ARE SUPPOSED  
11 TO DO. THEY HAVE A RAPED, SODOMIZED 12 YEAR OLD WITH  
12 THIS MAN WHO TO THEM IS NOT SHOWING THE KIND OF  
13 EMOTION THAT THEY THINK HE SHOULD SHOW. OF COURSE,  
14 THEY DON'T KNOW HIM, BUT TO THEM HE'S THE ONLY ADULT  
15 IN THAT HOUSE. HE'S THE ONLY ADULT IN THAT HOUSE.  
16 WHAT IS HE SUPPOSED TO DO? THEY ARE SUPPOSED TO  
17 GO -- LET'S START WITH HIM, LET'S FIND OUT, LET'S  
18 INVESTIGATE THIS THING. REMEMBERING ALL THE TIME  
19 THEY HAVE A DEAD, RAPED, STRANGLED, SODOMIZED, 12  
20 YEAR OLD. I UNDERSTAND THE EMOTIONALLY, I UNDERSTAND  
21 FROM A POLICE PROSPECTIVE, WHY THEY WANTED TO TALK TO  
22 BILLY COPE.

23 ON TOP OF THAT THEY SAY, WE COULDN'T  
24 FIND ANY WAY THAT ANYBODY GOT IN. WE COULDN'T FIND A  
25 WAY THAT ANYBODY BROKE IN THIS HOUSE. HE WAS THE

1 ONLY ONE THERE. JUST BECAUSE YOU CAN'T FIND ANY  
2 SIGNS OF FORCED ENTRY DOESN'T MEAN IT ISN'T EASY TO  
3 GET IN THAT 407 RICH STREET HOUSE. YOU HEARD RON  
4 GUERRETTE TESTIFY THAT A THIRD, NOT A FEW, NOT ONCE  
5 IN AWHILE, NOT A TENTH, BUT FULLY ONE-THIRD IN SPITE  
6 WHAT THEY SAY, DESPITE WHAT THEY SAY, AND WHAT THEY  
7 SAY IS HORSE MANURE, PEOPLE GET IN HOUSES ALL THE  
8 TIME. THIS AIN'T SECURITY SYSTEMS. THIS AIN'T DEAD  
9 BOLT LOCKS. THIS ISN'T CHAIN LOCKS. HAVE NEVER  
10 HEARD A WORD ABOUT A CHAIN LOCK BEING UP UNTIL THE  
11 OTHER DAY. FROM A GIRL, GOD BLESS HER SOUL, GOD  
12 BLESS THEM, 11 YEARS OLD AND SEVEN YEARS OLD, SISTER  
13 WAS MURDERED AND RAPED IN THEIR OWN HOUSE WHILE THEY  
14 SLEPT, JUST LIKE WHILE BILLY COPE SLEPT, THEY DIDN'T  
15 HEAR ANYTHING, AND FOR THE FIRST TIME THEY TELL  
16 MR. WILLY THOMPSON THAT, OH YEAH, I REMEMBER PUTTING  
17 THE CHAIN LOCK UP. NEVER SAID IT BEFORE. IT'S  
18 INCREDIBLE TESTIMONY, INCREDIBLE. IT DON'T TAKE,  
19 LIKE I SAID BEFORE AND I DON'T MEAN TO BE FLIPPANT,  
20 BUT THAT HOUSE YOU CAN GET IN. THESE LOCKS THAT  
21 GEORGIA POPE CAME AND SHOWED YOU THAT DON'T HAVE A  
22 SAFETY PIN, YOU CAN GET IN THAT HOUSE WITH A CREDIT  
23 CARD, A SCREWDRIVER, A DRIVER'S LICENSE, IT DON'T  
24 TAKE MUCH TO GET IN THAT HOUSE, SO THE POLICE WERE  
25 ACTING FROM EMOTION AND FROM A FAULTY PREMISE AND

1       THEY ASKED BILLY COPE WHAT DID HE HEAR, WHAT DOES HE  
2       KNOW, AND HE TOLD THEM.

3                       THEY SAY HE STAGED THE SCENE. I WANT  
4       YOU TO GO BACK AND LISTEN TO HIS TESTIMONY AND JERRY  
5       WALDROP AND LES HERRING ON THE NIGHT THIS THING  
6       HAPPENED. I WANT YOU TO, IF YOU WANT, TO LISTEN TO  
7       HIS TESTIMONY FROM THAT WITNESS STAND AGAIN. HE WAS  
8       TRYING TO HELP SOLVE WHO DID THIS. HE WASN'T TRYING  
9       TO BLAME ANYBODY ELSE. IF SOMEBODY IS TRYING TO  
10      STAGE THE SCENE WOULDN'T IT BE A LOT EASIER TO SAY  
11      OH, MY DOOR WAS CLOSED. MY DOOR WAS CLOSED. HE  
12      DOESN'T SAY THAT. HE REPEATEDLY, REPEATEDLY, WAS  
13      TRYING TO HELP THEM FIND OUT WHO MURDERED HIS  
14      DAUGHTER. DESPITE THEIR FOCUS AND THEIR ATTENTION ON  
15      HIM HE REPEATEDLY SAID I DON'T KNOW. I DON'T KNOW.  
16      I DIDN'T HEAR IT. I FEEL RESPONSIBLE. I FEEL  
17      RESPONSIBLE. I FEEL LIKE IT'S MY FAULT. THIS WAS MY  
18      DAUGHTER. THIS WAS MY FIRST BORN. THIS IS MY  
19      VIOLINIST. THIS IS THE GIRL THAT I WAS SO PROUD TO  
20      HAVE ON MY BIBLE QUIZ TEAM. I WANT TO FIND OUT. I  
21      WANT TO TAKE A POLYGRAPH IF Y'ALL ARE SAYING THAT I  
22      HAD ANYTHING TO DO WITH IT. JERRY WALDROP, THEY  
23      WEREN'T GOING TO TAKE NO FOR AN ANSWER, HE SAID  
24      BILLY, YOU GOT A SERIOUS PROBLEM HERE. WE GOT A  
25      SERIOUS PROBLEM. AND BILLY COPE SAYS, NEVER USED A

1 CUSS WORD, NOT ONCE, WE SURE DO. WE GOT A REAL  
2 SERIOUS PROBLEM BECAUSE SOMEBODY CAME IN MY HOUSE AND  
3 RAPED MY DAUGHTER AND MURDERED HER AND WE NEED TO  
4 FIND OUT WHO IT IS AND I'LL DO ANYTHING YOU WANT ME  
5 TO DO TO FIND OUT. AND HE DID AND HE HAS AND HE  
6 WILL. IS THAT SOMEBODY DIVERTING ATTENTION? IS THAT  
7 SOMEBODY STAGING A SCENE? DOES THAT MAKE SENSE?  
8 DOES IT MAKE SENSE TO YOU THAT THIS MAN GOES IN HIS  
9 DAUGHTER'S BEDROOM OR ALLOWS THIS MAN IN HIS HOUSE?  
10 HE DOESN'T KNOW THIS MAN. NEVER SEEN HIM. NEVER  
11 HEARD OF HIM. NEVER KNEW HIM. A COMPLETE STRANGER.  
12 DOESN'T KNOW HIM TO THIS DAY. EXCEPT WHEN HE WALKS  
13 BY AND SMIRKS AT HIM IN THE HOLDING CELL. WE ASKED,  
14 WE CHALLENGE YOU TO CHALLENGE THE STATE TO SHOW WITH  
15 ALL THEIR RESOURCES, AND WE'RE GOING TO TALK ABOUT  
16 RESOURCES, TO CHALLENGE YOU TO TELL US HOW THIS MAN  
17 KNOWS THIS MAN. WE WANT TO FIND OUT. WE CALLED  
18 CHARLENE BLACKWELDER TO THE STAND. THE STATE OF  
19 SOUTH CAROLINA TRYING TO PROVE THIS CASE TO YOU  
20 BEYOND ANY REASONABLE DOUBTS THAT YOU MAY HAVE, HIS  
21 HONOR WILL TELL YOU WHAT THE LAW IS, THEY DON'T CALL  
22 THEIR CHIEF INVESTIGATING OFFICER SO THAT YOU CAN  
23 HEAR FROM HER. WE DO THAT AND WE DO IT BECAUSE WE  
24 KNOW THAT THIS MAN RIGHT HERE WENT IN THE COPE  
25 HOUSEHOLD THAT NIGHT AND RAPED AND MURDERED AMANDA

1 COPE. HOW DO WE KNOW IT? HOW DO WE KNOW IT?  
2 EVIDENCE DOESN'T GET ANY BETTER. THE EVIDENCE CANNOT  
3 BE ANY STRONGER AGAINST THIS MAN RIGHT HERE. THEY  
4 GOT HIS DNA ON THE POOR CHILD'S BODY. YOU CAN HAVE  
5 EYE WITNESSES AND NOT HAVE A BETTER CASE. EYE  
6 WITNESS, OH YOU DIDN'T SEE WHAT, OH YOU DIDN'T  
7 OBSERVE, OR WHATEVER. THEY GOT HIS DNA ON THIS POOR  
8 LITTLE GIRL'S BODY. CAN YOU IMAGINE? CAN YOU  
9 IMAGINE HOW SHE FELT? WHAT SHE WAS GOING THROUGH?  
10 IT DOESN'T TAKE MUCH TO GO IN AND SUBDUE AND STRANGLE  
11 AND STIFLE AND BEAT AND RAPE A 12 YEAR OLD GIRL.  
12 (CLAPS HANDS.) YOU HEARD DR. NICHOLS. YOU HEARD THE  
13 PATHOLOGIST IN THIS STATE TESTIFY ABOUT HOW THIS  
14 CHILD DIED. SHE DIED BY BEING STRANGLED WITH ONE  
15 HAND FROM THE FRONT. SHE WAS ASSAULTED FROM THE  
16 FRONT. DR. NICHOLS WHO IS A BOARD CERTIFIED FORENSIC  
17 PATHOLOGIST WHO CAME IN HERE AND TESTIFIED THAT WE  
18 WERE LUCKY TO HAVE JIM MAYNARD BUT HE DISAGREED WITH  
19 SOME OF THE THINGS THAT HE SAID. CLAY NICHOLS TAUGHT  
20 OUR STUDENTS TO BE DOCTORS. HE TAUGHT PATHOLOGY. HE  
21 IS A BOARD CERTIFIED FORENSIC PATHOLOGIST WHO  
22 SPECIALIZES IN CHILD ABUSE. AND HE SAID THAT THIS  
23 LITTLE GIRL WAS NOT ATTACKED FROM THE BACK. SHE WAS  
24 ATTACKED FROM THE FRONT; THAT BROOMS NOR DILDOS  
25 PLAYED ANY PART. THAT THE INJURIES SHE SUSTAINED

1 WERE FROM SOMEONE BEATING HER FROM THE FRONT AND  
2 STRANGLING HER FROM THE FRONT. THAT BROOM, TAKE  
3 THESE BROOMS, PULL THEM OUT OF THE BAGS, LOOK AT  
4 THEM, USE YOUR COMMON SENSE. YOU HEARD CLAY NICHOLS  
5 TESTIFY THAT IF THAT LITTLE GIRL HAD BEEN RAPED WITH  
6 A BROOM, YOU HEARD THE DNA EXPERTS, THEIR EXPERTS  
7 TESTIFY, NO DNA, NO BLOOD, NO FLUID, NO NOTHING.  
8 THERE IS A REASON FOR THAT. THERE IS A REASON FOR  
9 THAT, A GOOD SIMPLE EASY COMMON SENSE REASON, AND THE  
10 REASON IS IT DIDN'T HAPPEN.

11 I CHALLENGE YOU, I CHALLENGE YOU, TO  
12 CHALLENGE THE STATE TO COME IN HERE AND EXPLAIN TO  
13 Y'ALL HOW BILLY COPE WITHOUT THERE BEING ANY  
14 EVIDENCE, THERE IS NO EVIDENCE -- THIS ISN'T TV.  
15 THIS ISN'T GUESSING GAMES. THIS IS LIFE AND DEATH.  
16 THIS ISN'T HORSESHOES. THIS ISN'T WELL MAYBE THROW  
17 IT OUT THERE AND SEE WHAT STICKS. THAT'S NOT WHAT IT  
18 IS. THIS IS REAL LIFE AND DEATH. AND THIS IS A  
19 COURTROOM WHERE YOU HAVE AN AWESOME RESPONSIBILITY TO  
20 LOOK AT THE EVIDENCE, TO LISTEN TO THE EVIDENCE, TO  
21 LISTEN TO WHAT THESE PEOPLE HAD TO SAY, WHAT THESE  
22 EXPERTS HAVE TO SAY, AND THE STATE HAS ATTACKED US  
23 FOR HAVING TO PAY EXPERTS TO COME INTO THIS  
24 COURTROOM. WE'RE NOT THE STATE. WE DON'T HAVE THE  
25 RESOURCES. WE'RE NOT PAID. OUR PEOPLE AREN'T PAID.

1       THESE PEOPLE WORK FOR THE STATE.  AND THAT'S THE WAY  
2       THE SYSTEM HAS TO WORK.  THEY SNAP THEIR FINGER AND  
3       THEY GOT SOMEBODY HERE.  AND TO SAY OR TO INSINUATE  
4       THAT WE ARE BUYING TESTIMONY, THAT WE ARE PAYING  
5       THESE PEOPLE THAT YOU HEARD, THESE ARE WORLD, THESE  
6       PEOPLE ARE NATIONALLY IF NOT WORLD RENOWNED EXPERTS  
7       IN THEIR FIELD.  YOU HEARD THEIR CREDENTIALS.  YOU  
8       HEARD DR. HONTS WHO TESTIFIED ABOUT THE POLYGRAPH.  
9       HE IS AN EXPERT ALL OVER THE WORLD.  HE GIVES  
10      SEMINARS AND LECTURES AND PUBLISHES ARTICLES AND  
11      PUBLISHES BOOK FOR THE CIA, FOR THE SECRET SERVICE,  
12      FOR THE DEPARTMENT OF DEFENSE, FOR THE ROYAL CANADIAN  
13      MOUNTED POLICE, FOR FOREIGN COUNTRIES.  SAUL KASSIN,  
14      ONE OF THE MOST PRESTIGIOUS SOCIAL PSYCHOLOGIST FALSE  
15      CONFESSION EXPERTS IN THE WORLD.  THESE PEOPLE DO NOT  
16      GET THEIR PRESTIGE AND THEIR REPUTATION BY JUST  
17      SAYING WHAT THEY THINK WILL HELP.  THEY ARE NOT GOING  
18      TO COME IN THIS COURTROOM IN YORK, SOUTH CAROLINA,  
19      AND RISK THEIR REPUTATION IF IT'S NOT SOMETHING THAT  
20      THEY DON'T BELIEVE.  NOT FOR ME.  NOT FOR BILLY COPE.  
21      NOT FOR ANYBODY AND YOU HEARD THEM TESTIFY.  YOU  
22      HEARD SAUL KASSIN TESTIFY ABOUT FALSE CONFESSIONS.  
23      AND I DON'T CARE WHO IT IS:  YOU OR ME OR ANYBODY  
24      ELSE, IT'S HARD, YOU THINK, GOOD GOSH, YOU KNOW.  HOW  
25      DO YOU, HOW DO YOU CONFESS TO SOMETHING YOU DIDN'T

1 DO? HOW DO YOU CONFESS TO RAPING AND MURDERING YOUR  
2 DAUGHTER IF YOU DIDN'T DO IT? I UNDERSTAND EVERYBODY  
3 HAS THAT QUESTION. I UNDERSTAND THAT. IT HAPPENS  
4 AND IT HAPPENED IN THIS CASE. AND IT HAPPENS AND IT  
5 HAPPENED BECAUSE YOU HAD A GULLIBLE, ALMOST TRUSTING,  
6 BELIEVABLE, FAITHFUL, MAN WHO HAS JUST LOST HIS  
7 DAUGHTER TO A MURDER IN HIS OWN HOUSE. YOU GOT TO  
8 WALK A MILE IN HIS SHOES. AS HE TOLD MR. POPE: YOU  
9 WEREN'T WHERE I WAS; YOU DON'T KNOW WHAT I WAS GOING  
10 THROUGH; YOU DON'T KNOW HOW I FELT. YOU DON'T KNOW  
11 THE PRESSURE THAT I WAS UNDER. YOU DON'T KNOW.  
12 THESE OFFICERS WERE DESPERATE TO SOLVE A CRIME. THEY  
13 THOUGHT THEY HAD THE RIGHT MAN. THEY PUT THE CART  
14 BEFORE THE HORSE. ASK YOURSELVES AGAIN: IF THEY HAD  
15 KNOWN THEN THAT THIS MAN'S SEMEN WAS ON AMANDA COPE'S  
16 LEG, WOULD WE BE HERE TODAY? THE PIECES DON'T FIT.  
17 THE PIECES DON'T FIT.

18 THE EVIDENCE. LOOK AT THE EVIDENCE.  
19 LISTEN TO BILLY COPE. YOU KNOW THERE IS NOT A WHOLE  
20 LOT OF DIFFERENCE IN WHAT THEY SAY BILLY COPE SAYS  
21 AND WHAT BILLY COPE SAYS HE SAYS. THE DIFFERENCE IS  
22 IN THE PROSPECTIVE. THE DIFFERENCE IS IN THE  
23 INTERPRETATION OF WHAT WENT ON. YOU LISTEN TO THESE  
24 TAPES. YOU LISTEN TO BILLY COPE TESTIFY. LIVE  
25 IN-PERSON, HERE I AM. THE VIDEO, EVEN THEY DON'T



1 BELIEVE THE VIDEO. THE VIDEO IS A DESPERATE MAN  
2 TRYING TO MAKE THEM BELIEF HE'S INSANE. HE ADMITS  
3 THAT. THE DIFFERENCE AND WHY WE'RE HERE IS THE  
4 PERSPECTIVES. YOU HAVE TO DETERMINE WHICH IS THE  
5 MOST ACCURATE. DETECTIVE BAKER, BLACKWELDER, AND  
6 CABANISS, THEY DID NOT PROVIDE YOU WITH A TAPE  
7 RECORDED STATEMENT. THEY ARE ALLOWED THE  
8 INTERPRETATION TO YOU. THEY ARE ASKING YOU TO DO  
9 THEIR JOB. TRUST ME IT'S NOT HOW IT'S SUPPOSED TO  
10 WORK. THIS MAN'S JOB RIGHT HERE IS TO PROSECUTE.  
11 MINE IS TO DEFEND MY CLIENT AND MR. GREELEY'S IS.  
12 THE JUDGE'S JOB IS TO TELL YOU WHAT THE LAW IS, TO  
13 TELL YOU WHAT EVIDENCE YOU ARE TO CONSIDER. THE  
14 POLICE'S JOB IS TO INVESTIGATE. THEIR JOB IS TO  
15 INVESTIGATE. YOUR JOB IS TO DECIDE WHAT HAPPENED.  
16 YOU ARE THE JURY. THEY DECIDED TO BE THE JURY. THEY  
17 DECIDED TO BE THE JURY. THEY DECIDED WHAT HAPPENED.  
18 LADIES AND GENTLEMEN, IT CAN'T WORK THAT WAY. IT  
19 CAN'T WORK THAT WAY. OUR COUNTRY WAS BUILT ON A  
20 FOUNDATION OF FREEDOM THAT NOBODY CAN DECIDE WHETHER  
21 ANOTHER PERSON HAS COMMITTED A WRONG OR NOT. NOBODY.  
22 I CAN'T. THEY CAN'T. NOBODY IN THIS COURTROOM CAN  
23 EXCEPT YOU. YOU DECIDE. THEY GATHERED THE EVIDENCE.  
24 THEY GIVE IT TO YOU. YOU DECIDE. BUT WHAT HAPPENED  
25 IN THIS CASE IS THEY DECIDED, THAT'S WHERE THE

1 MISTAKE WAS MADE, THEY DECIDED. THEY ARE ASKING YOU  
2 TO DO THEIR JOB FOR THEM. THEY DECIDED. ONCE THEY  
3 DECIDED ALL THIS ABOUT IS TRYING TO MAKE YOU BELIEVE  
4 THAT WHAT THEY DECIDED IS RIGHT. THEY HADN'T GIVEN  
5 YOU THE EVIDENCE. THEY HADN'T TAPE RECORDED THE  
6 CONVERSATIONS. THE EVIDENCE IS ALL RIGHT HERE. TAKE  
7 IT ALL. WE WANT YOU TO TAKE IT ALL. WE WANT YOU TO  
8 HAVE IT ALL. WE PUT A LOT OF IT IN.

9 AMY SIMMONS. LET'S TALK ABOUT AMY  
10 SIMMONS. WE SHOWED YOU WHAT AMY SIMMONS DID. AND  
11 AMY SIMMONS' LETTERS, GO READ HER LETTERS, SHE TALKS  
12 ABOUT HAVING CONTACT WITH SOMEONE AT THE POLICE  
13 DEPARTMENT. AMY SIMMONS, COULDN'T BE CLEARER, AMY  
14 SIMMONS, AN ADMITTED FORGER, SOMEONE WHO HAS ADMITTED  
15 TO FORGING DOCUMENTS AND SIGNATURES AND DIVERTING  
16 NARCOTICS TO HER OWN USE, SHE TAKES BILLY COPE  
17 LETTERS, SHE TAKES A PHRASE OR A SENTENCE OR TWO OUT  
18 OF EACH ONE, AND SHE MAKES UP THE CONFESSION. SHE  
19 TRIES TO MAKE TWO. THE FIRST ONE: I NEED TO TELL  
20 YOU WHAT I REALLY DID TO AMANDA. YOU HEARD MICKEY  
21 DAWSON TESTIFY, WAS A CLEARLY A SIMULATION AND A  
22 FORGERY. WASN'T ENOUGH. SHE TRIED AGAIN. SHE TRIED  
23 AGAIN BY TAKING PHRASES AND NOT A BUNCH OF REPEATED  
24 PHRASES, GO THROUGH THEM. GO THROUGH THEM. I WANT  
25 YOU TO GO THROUGH THEM. AND SHE GOT THOSE PHRASES

1 AND SHE WROTE THEM OUT LITTLE BY LITTLE ON THAT  
2 FORGED LETTER. YOU CAN TAKE IT BACK THERE AND LOOK  
3 AT IT YOURSELF. LOOK AT THE PAPER. AND AMY SIMMONS  
4 MADE A FATAL MISTAKE. SHE USED PAPER BILLY COPE  
5 DOESN'T GET. THE STATE CAN INSINUATE AND THEY CAN  
6 TRY THAT VOLUNTEERS BRING PAPER IN AND ALL OF THAT.  
7 THIS IS COURT. THIS IS COURT. THIS IS PROOF.

8 THIS IS WHAT THE JUDGE WILL CHARGE  
9 YOU, WHEN WE SAY CHARGE WE MEAN THIS IS WHAT HE WILL  
10 TELL YOU THE LAW IS, THAT WHEN THE STATE RELIES ON  
11 CIRCUMSTANTIAL EVIDENCE YOU MAY NOT CONVICT A  
12 DEFENDANT UNLESS EVERY CIRCUMSTANTIAL RELIED UPON BY  
13 THE STATE IS PROVEN BEYOND A REASONABLE DOUBT. AND  
14 TO LET ME INTERRUPT THERE, A REASONABLE DOUBT IS A  
15 DOUBT WHICH CAUSES A REASONABLE PERSON TO HESITATE TO  
16 ACT. AND ALL OF THE CIRCUMSTANCES SO PROVEN ARE  
17 CONSISTENT WITH EACH OTHER AND TAKEN TOGETHER POINT  
18 CONCLUSIVELY TO THE GUILT OF THE ACCUSED TO THE  
19 EXCLUSION OF EVERY OTHER REASONABLE HYPOTHESIS.  
20 THAT'S THEIR BURDEN. YOU MAY NOT CONVICT A DEFENDANT  
21 UNLESS EVERY CIRCUMSTANTIAL RELIED UPON BY THE STATE  
22 IT PROVEN BEYOND A REASONABLE DOUBT AND ALL THE  
23 CIRCUMSTANCES SO PROVEN ARE CONSISTENT WITH EACH  
24 OTHER AND TAKEN TOGETHER POINT EXCLUSIVELY TO THE  
25 GUILT OF THE ACCUSED AND TO THE EXCLUSION OF EVERY

1 OTHER REASONABLE HYPOTHESIS. IT IS NOT SUFFICIENT  
2 THAT THE CIRCUMSTANCES CREATE A PROBABILITY EVEN IF  
3 IT IS A STRONG ONE. IF ASSUMING THE CIRCUMSTANCES  
4 ARE TRUE THERE IS A REASONABLE HYPOTHESIS WHICH DOES  
5 NOT INCLUDE THE GUILT OF THE ACCUSED, THE PROOF HAS  
6 FAILED.

7 LADIES AND GENTLEMEN, THE STATE RUSHED  
8 TO JUDGMENT, THEY MADE A MISTAKE, AND AS I SAID I  
9 HAVE TRIED TO UNDERSTAND HOW THAT CAME ABOUT. THE  
10 FACT IS THAT THEY RUSHED TO JUDGMENT, THEY MADE A  
11 MISTAKE, THEY DIDN'T KNOW ALL OF THE EVIDENCE, AND  
12 THEY ARE TRYING TO MAKE IT FIT.

13 LOOK AT ALL THE EVIDENCE IN THIS CASE.  
14 FLASHLIGHT. WHERE DID THAT FLASHLIGHT COME FROM?  
15 WHERE DID THAT FLASHLIGHT COME FROM? TODD GARDNER  
16 SAID IT WAS TESTED. TESTED BY WHOM? WHAT WERE THE  
17 RESULTS.

18 THE POCKET BOOK. MARY SUE COPE'S  
19 POCKET BOOK WAS ON AMANDA COPE'S BED. YOU HEARD THE  
20 STATE'S OWN EXPERT, THEY CALL HE'S HERE FROM COLUMBIA  
21 FROM SLED, RELUCTANTLY SAID I THINK I WOULD HAVE  
22 TESTED THAT POCKET BOOK. I WOULD HAVE TRIED TO FIND  
23 SOME PRINTS. THERE WERE THINGS THAT THE POLICE DID  
24 NOT DO BECAUSE THEY RUSHED TO JUDGMENT; THEY MADE UP  
25 THEIR MINDS.

1                   BILLY COPE'S STATEMENTS DO NOT MATCH  
2           THE EVIDENCE.  THEY DO NOT MATCH EACH OTHER.  THERE  
3           IS A REASON FOR THAT.  THERE IS A REASON FOR THAT.  
4           HE WAS MAKING IT UP.  HE WAS TRYING TO PLEASE.  HE  
5           WAS JUST TRYING TO PLEASE.  HE DIDN'T KNOW.  THEY  
6           TOLD HIM YOU DID IT.  WE'VE GOT A PICTURE OF A GREEN  
7           STRIP AROUND HER NECK.  THEY DIDN'T HAVE THAT.  THEY  
8           TOLD HIM HE FAILED THE POLYGRAPH.  HE BELIEVED IN IT.  
9           HE INSISTED ON IT 12 TIMES, 13 TIMES HE WANTED IT.  
10          666 TIMES HE TOLD THEM THE NIGHT BEFORE I DIDN'T DO  
11          IT.  I DIDN'T DO IT.  HE TOLD THEM THEY WERE, HE  
12          PULLED THE STRAP TIGHT.  THAT'S WHAT THEY TOLD HIM.  
13          ASK DR. MAYNARD'S, LOOK AT DR. MAYNARD'S TESTIMONY OR  
14          DR. NICHOLS' TESTIMONY:  ARE THERE ANY LIGATURE MARKS  
15          ON HER NECK?  NO.  THERE IS A REASON FOR THAT.  THERE  
16          IS A REASON THAT BILLY COPE'S STATEMENTS DO NOT MATCH  
17          THE EVIDENCE IN THIS CASE, THERE IS A REASON THAT  
18          BILLY COPE'S STATEMENTS DO NOT MATCH EACH OTHER, HE  
19          WAS TRYING TO HELP WHEN HE TALKED TO MIKE BAKER.  
20          THEY CONVINCED HIM.  HE HAD NO REASON TO DOUBT THEM.  
21          HE PUT HIS FAITH IN THEM.  HE PUT HIS FAITH IN GOD.  
22          HE HAD NO REASON TO DOUBT.  HE DID IT.  AND HE SAYS  
23          COULD I HAVE DONE THIS?  COULD I HAVE DONE THIS AND  
24          NOT REMEMBERED IT?  WHAT DID DR. SAUL KASSIN  
25          TESTIFIED TO YOU WAS CLASSIC, CLASSIC INDICATIONS OF

1 SOMEONE WHO YOU JUST GET BROKEN DOWN AND YOU SAY, I  
2 CAN'T REMEMBER. COULD I? YOU ARE TELLING ME I DID  
3 IT. COULD I HAVE DONE IT? WHAT DID I DO? MY MIND  
4 JUST LEFT ME. MY MIND IS GONE. THEY PUT HIM IN THAT  
5 CELL FOR TWO DAYS BY HIMSELF AND HE SAYS I DIDN'T DO  
6 IT. THEY HAD QUESTIONED BILLY COPE FOR HOURS AND  
7 HOURS AND HOURS. YOU HEARD JERRY WALDROP AND LES  
8 HERRING. IT'S THEIR OBLIGATION TO LET YOU HEAR MIKE  
9 BAKER AND BILLY COPE AND CHARLENE BLACKWELDER AND  
10 BILLY COPE. FOR HOURS AND HOURS AND HOURS THEY PUT  
11 HIM THROUGH THIS. AND HE FINALLY, HE DIDN'T CARE.  
12 HE GAVE UP. THERE WAS NOTHING THAT BILLY COPE COULD  
13 DO. HE WAS HELPLESS. HE WAS DESTROYED. HE WAS  
14 BEATEN. HE NEVER ASKED FOR A LAWYER. THEY WOULDN'T  
15 LET HIM SEE HIS LAWYER. DO YOU THINK FOR ONE MINUTE  
16 THAT BILLY COPE IS IN THAT ROOM WITH CAPTAIN CABANISS  
17 AND CHARLENE BLACKWELDER WITHOUT A LAWYER? THEY JUST  
18 WRITE IT OUT. THEY WRITE OUT WHAT THEY NEED. THEIR  
19 TESTIMONY, THEIR EVIDENCE, DOESN'T MATCH THE  
20 EVIDENCE. THEIR WORDS DO NOT MATCH BILLY COPE'S  
21 OTHER STATEMENTS. THEY DON'T EVEN TALK ABOUT A DIL--  
22 ABOUT A BROOM. THEY DON'T EVEN TALK ABOUT A BROOM.  
23 NOT ON THERE. SO WE GO FROM BROOM TO DILDO TO LET'S  
24 JUST THROW IT UP AND SEE WHAT STICKS. NOT IN THIS  
25 COUNTRY. NOT IN THIS COURTROOM. I CHALLENGE--BLUE

1 TOWEL. BILLY COPE IS GUILTY OF MASTURBATING. HE'S  
2 GUILTY OF THAT. THEY TALK ABOUT A BLUE TOWEL AND HE  
3 WIPED IT UP WITH A BLUE TOWEL. WHERE IS THE BLUE  
4 TOWEL WITH SEMEN ON IT? WHERE IS IT? IT AIN'T  
5 THERE. BECAUSE YOU KNOW WHY? IT DIDN'T HAPPEN. IT  
6 DIDN'T HAPPEN.

7 I CHALLENGE YOU TO MAKE THE STATE TELL  
8 YOU WHAT HAPPENED. I'M ASKING. I'M PRAYING. BILLY  
9 COPE IS. WE KNOW ONE THING, WE KNOW ONE THING FOR  
10 SURE, THIS MAN'S DNA, HIS SEMEN, HIS SALIVA, WAS  
11 FOUND ON AMANDA COPE'S BODY. RAPE CASES DON'T GET  
12 ANY BETTER. DO YOU THINK HE HAD A RELATIONSHIP WITH  
13 HER? WITH THIS 12 YEAR OLD HONOR ROLL STUDENT,  
14 VIOLIN PLAYING, CHURCH GOING LITTLE GIRL? HE RAPED  
15 HER. DO YOU THINK THAT HE RAPED HER? JUST WALKED ON  
16 OFF INTO THE NIGHT? DO YOU THINK AMANDA COPE JUST  
17 LAY THERE? SHE DIDN'T LAY THERE. SHE FOUGHT BACK.  
18 SHE WAS SCARED TO DEATH AND SHE FOUGHT BACK. AND HE  
19 MUFFLED HER AND HE STRANGLED HER AND HE KILLED HER  
20 AND HE LEFT. NOTHING ELSE IN THIS CASE MAKES ANY  
21 SENSE. JUST DOESN'T MAKE ANY SENSE FOR THEM TO SAY  
22 THAT BILLY COPE HAD SOMETHING TO DO WITH THAT IS  
23 ABSURD. HE'S INNOCENT.

24 YOU TAKE YOUR COMMON SENSE BACK IN  
25 THAT JURY ROOM, YOU ASK YOURSELF, YOU HEARD THIS MAN,

1 YOU HEARD HIM ON TAPE, YOU HEARD HIM IN HERE, DOES IT  
2 MAKE SENSE? DOES ANY OF THIS MAKE SENSE THE WAY THEY  
3 WANT TO HAVE YOU BELIEVE IT? THAT THIS MAN JUST GETS  
4 UP IN THE MIDDLE OF THE NIGHT, GOING TO GO IN THERE  
5 AND MASTURBATE AND DAUGHTER IS GOING TO WAKE UP AND  
6 HE'S GOING JUMP ON HER FROM BEHIND, STRANGLE HER WITH  
7 TWO HANDS, RAPE HER WITH A BROOM, PUT HIS CPAP  
8 MACHINE ON, GO TO BED? IT DIDN'T HAPPEN.

9 I KNOW WHAT I'LL DO, I'LL JUST GO ON  
10 BACK IN AND GO TO BED. MY WIFE WILL BE HOME SOON.  
11 MY DAUGHTERS WILL BE UP. WE'LL GET READY TO GO TO  
12 SCHOOL AND I'LL GO IN THERE AND GO, OH, MY GOD,  
13 AMANDA IS DEAD. HE'S GOING TO DO THAT? HE'S GOING  
14 GO IN HIS DAUGHTER'S ROOM AND DO THAT, GET UP THE  
15 NEXT DAY, IF YOU ARE GOING TO STAGE A SCENE WHY DON'T  
16 YOU LEAVE THE BLANKET WRAPPED AROUND THE THROAT? WHY  
17 DO YOU TELL THE POLICE YOU TOOK IT OFF? WHY DO YOU  
18 TELL THEM THE DOOR'S OPEN AND YOU DIDN'T HEAR  
19 ANYTHING, JUST LIKE YOUR DAUGHTERS DIDN'T HEAR  
20 ANYTHING. CALL THE POLICE. HE COOPERATED WITH THEM  
21 EVERY STEP OF THE WAY. YOU INSIST ON BEING TESTED.  
22 YOU INSIST ON TAKING A POLYGRAPH. IS THAT SOMEBODY  
23 WHO IS TRYING TO HIDE? IS THAT SOMEBODY WHO IS  
24 TRYING TO STAGE A SCENE? IF HE DID THAT, HE'S THE  
25 GREATEST CRIMINAL EVER. IF HE DID THAT, IF HE WAS



1       ACTING WHEN HE TALKED TO JERRY WALDROP AND TO LES  
2       HERRING AND TO YOU FOLKS, IF HE'S LYING ABOUT IT ALL,  
3       THEN TOM HANKS AND ROBERT DENIRO MOVE OVER BECAUSE  
4       HE'S THE GREATEST ACTOR THAT'S EVER BEEN. IF HE  
5       PULLED OFF THIS STUNT, HE'S STAGED THIS SCENE, AND HE  
6       VOLUNTEERED AND HE COOPERATED AND HE TOOK EVERY TEST  
7       THEY SAID, BILLY, WHAT IF THE SEMEN COMES BACK TO  
8       YOUR BODY, COMES BACK FROM YOUR GIRL'S BODY AND IT  
9       MATCHS YOU? WHAT DID HE SAY WITHOUT HESITATION, NOT  
10      A DOUBT, WHAT DID HE SAY? IT WON'T. LET'S DO IT.  
11      IT WON'T. I NEVER DID ANYTHING TO MY DAUGHTER.  
12      NEVER DID, NEVER WOULD, NEVER COULD. IT'S MY  
13      DAUGHTER. I LOVE MY DAUGHTER.

14                               AND IF Y'ALL CAN GO IN THAT ROOM AND  
15      TELL ME THAT BILLY COPE WAS ACTING WHEN HE TOLD YOU  
16      HOW MUCH HE HATED THAT MAN, FIND HIM GUILTY. IF YOU  
17      CAN GO IN THAT ROOM AND TELL ME BEYOND A REASONABLE  
18      DOUBT, BEYOND ANY KIND, I DON'T CARE, IF YOU CAN TELL  
19      ME THAT BILLY COPE WHEN HE TOLD YOU THAT HE  
20      STRUGGLED, BECAUSE HE KNOWS WHAT HE'S BEEN TAUGHT,  
21      HE'S BEEN TAUGHT TO HAVE FAITH, HE'S BEEN TAUGHT NOT  
22      TO HATE, IF YOU CAN TELL ME THAT BILLY COPE WAS  
23      ACTING WHEN HE TOLD YOU THAT HE COULDN'T HELP IT, HE  
24      HATED THIS MAN, HE HATED HIM, FOR WHAT HE DID TO HIS  
25      DAUGHTER. THAT AIN'T ACTING. Y'ALL KNOW PEOPLE.

1 Y'ALL KNOW PEOPLE. Y'ALL SEE PEOPLE, LIVE WITH  
2 PEOPLE, THAT'S THE TRUTH. BILLY COPE IS INNOCENT.  
3 BILLY COPE IS INNOCENT. AND YOU PEOPLE AND WE AND  
4 ALL OF US WILL REMEMBER THIS THE REST OF OUR LIVES.  
5 EVERY TIME YOU RIDE BY THIS COURT HOUSE, EVERY TIME  
6 YOU RIDE BY THIS COURT HOUSE, YOU'LL REMEMBER THESE  
7 TWO WEEKS AND YOU'LL THINK: DID I DO THE RIGHT  
8 THING. DID I DO THE RIGHT THING? WE WANT YOU TO  
9 LISTEN TO THE FACTS. WE WANT YOU TO LISTEN TO THE  
10 LAW. I'M NOT GOING TO TELL YOU WHAT THE LAW IS THAT  
11 YOU APPLY. THE JUDGE WILL TELL YOU, THE JUDGE IS  
12 GOING TO TELL YOU, AND HE'S GOING TO TELL YOU THAT  
13 THE LAW SAYS THAT IF YOU HAVE THAT WONDER, IF YOU  
14 HAVE THAT DOUBT, OUR COUNTRY IS NOT GOING TO FALL  
15 APART, OUR COUNTRY WILL FALL APART IF GOOD PEOPLE  
16 LIKE YOU DO NOT FOLLOW THE LAW BECAUSE IT'S WHAT IT'S  
17 ALL BASED ON. IT'S WHAT MAKES US FREE. IT'S WHAT  
18 MAKES US DIFFERENT FROM ANYBODY IS YOU PEOPLE  
19 FOLLOWING THE LAW AND APPLYING IT. THEY WILL GO ON.  
20 WE'LL GO ON. ROCK HILL POLICE DEPARTMENT WILL GO ON,  
21 HOPEFULLY, AND BE BETTER. HOPEFULLY MISTAKES WON'T  
22 BE MADE AGAIN. AND EVERYBODY MAKES MISTAKES, BUT  
23 MISTAKE HAS BEEN MADE IN THIS CASE. YOU PEOPLE NEED  
24 TO HAVE THE COURAGE, AND I KNOW THAT YOU DO, TO SAY  
25 WE'RE NOT GOING TO COMPOUND THIS MISTAKE. THE

1 EVIDENCE ISN'T HERE, IT JUST DOESN'T ADD UP, AND FIND  
2 BILLY COPE INNOCENT OF THESE CHARGES. THANK YOU VERY  
3 MUCH.

4 THE COURT: ALL RIGHT. MEMBERS OF THE  
5 JURY PANEL, WE'LL TAKE A BREAK AT THIS TIME AND IN  
6 THE JURY ROOM YOU WILL BE, IF THEY ARE NOT ALREADY IN  
7 THERE THEY WILL BE BROUGHT IN, WILL BE MENUS FOR  
8 SUBWAY. THAT'S WHAT WE'LL HAVE FOR LUNCH TODAY. IF  
9 YOU'LL JUST MARK IT, THE INSTRUCTIONS ON THERE, WRITE  
10 YOUR NAME AND THEN PUT WHAT YOU'D LIKE AND WE'LL SEND  
11 FOR YOU AFTER WE'VE HAD A BREAK.

12 (THE JURY EXITS THE COURTROOM AT 10:52  
13 AM AND COURT'S IN RECESS AT 10:52 AM.)

14 (COURT RESUMES AT 11:15 AM.)

15 THE COURT: BEFORE WE GET THE JURY IN,  
16 IT'S BEEN CALLED TO MY ATTENTION THAT SOME MEMBERS OF  
17 THE, SOME OF THE SPECTATORS ARE MAKING SOME FACIAL  
18 EXPRESSIONS AND SHOWING EITHER PLEASURE OR DISGUST  
19 WITH INDIVIDUALS AND CERTAIN STATEMENTS BEING MADE,  
20 JUST DON'T DO IT. IT'S NOT PROPER. IF YOU CAN'T  
21 CONTROL YOURSELF YOU SHOULDN'T BE IN THE COURT ROOM.  
22 ALSO I'LL GO AHEAD AND TELL YOU NOW THAT IT MAY NOT  
23 PARTICULARLY APPLY TO YOU WHEN WE GET THERE, BUT WHEN  
24 WE GET TO THE PART OF THE CASE WHERE I CHARGE THE  
25 JURY, THE COURTROOM IS LOCKED DOWN, THAT IS, EITHER

1 IN OR OUT. IF YOU WANT TO LISTEN TO THAT, YOU ARE  
2 CERTAINLY WELCOME TO BE IN HERE. IF YOU DON'T WANT  
3 TO LISTEN TO IT YOU ARE WELCOME NOT TO BE IN HERE,  
4 BUT YOU ARE NOT TO BE COMING IN AND OUT. THERE WON'T  
5 BE ANY INGRESS OR EGRESS TO OR FROM THE COURTROOM  
6 DURING THAT TIME. ALL RIGHT. BRING IN THE JURY.

7 (THE JURY RETURNS TO THE COURTROOM AT  
8 11:17 AM.)

9 THE COURT: ALL RIGHT. MR. GREELEY.  
10 CLOSING STATEMENT BY MR. GREELEY:

11 MAY IT PLEASE THE COURT. GOOD  
12 MORNING. (THE JURY: GOOD MORNING.)  
13 IT'S BEEN QUITE A RIDE. YOU KNOW SOMETIMES THERE ARE  
14 TIMES TO BE QUIET AND NOT TO SAY MUCH AND OTHER TIMES  
15 IT'S TIME TO SPEAK AND MY JOB IN THIS CASE, WHICH I  
16 ACCEPT, IS TO BE MR. SANDERS' ADVOCATE AND AS HIS  
17 ADVOCATE I'VE BEEN QUIET, BUT NOW THE TIME HAS COME  
18 AS HIS ADVOCATE FOR ME NOT TO BE. I ASK THAT YOU BE  
19 PATIENT WITH ME. THIS IS THE LAST TIME I'M GOING TO  
20 HAVE AN OPPORTUNITY TO SPEAK TO YOU ON HIS BEHALF.  
21 ONCE I FINISH I'M DONE AND IF I FORGET SOMETHING I  
22 CAN'T BRING IT BACK AND I CAN'T SAY IT TO YOU AND SO  
23 I'M GOING TO TRY AND TAKE MY TIME AND SPEAK TO YOU  
24 ABOUT THIS COMPLICATED HORRENDOUS CASE.

25 THE FIRST THING I WANT TO TALK TO YOU

1 ABOUT IS I'M GOING TO TALK TO YOU A LITTLE ABOUT THE  
2 LAW. IT'S NOTHING THAT'S EXCITING AND SUSPENSEFUL.  
3 IT'S THE BASICS OF THIS CASE BECAUSE AT THE END OF  
4 THIS HIS HONOR IS GOING TO CHARGE YOU THE LAW AND  
5 THERE IS A GOOD BIT IN THERE THAT YOU ARE GOING TO  
6 HAVE TO LISTEN TO AND YOU ARE GOING TO HAVE TO TAKE  
7 IT ALL IN AND LISTEN TO IT AND ALTHOUGH IT MAY NOT BE  
8 THE MOST EXCITING PART OF THE CASE IT'S ONE OF THE  
9 MOST IMPORTANT BECAUSE THIS IS A COURT OF LAW AND YOU  
10 NEED TO UNDERSTAND WHAT THE LAW IS IN THIS CASE  
11 BECAUSE WHAT YOU ARE SUPPOSED TO DO IS TO APPLY WHAT  
12 YOU'VE HEARD AND SEEN OVER THE LAST TWO AND A HALF  
13 WEEKS TO THE LAW AND AFTER THAT YOU ARE TO DISCUSS IT  
14 AND SEE IF YOU CAN REACH A UNANIMOUS VERDICT BECAUSE  
15 THE COURT IS GOING TO TELL YOU WHATEVER VERDICT YOU  
16 REACH IN THIS CASE HAS TO BE UNANIMOUS.

17 BEFORE I GO INTO SOME OTHER LAW I WANT  
18 YOU TO UNDERSTAND WHAT MY CLIENT IS ACCUSED OF. YOU  
19 WILL HAVE THESE BACK IN THE JURY ROOM WITH YOU. THEY  
20 ARE NOT EVIDENCE. THEY ARE NOT CONSIDERED EVIDENCE.  
21 THESE ARE JUST THE CHARGING PAPERS OF THE STATE.  
22 THESE GIVE NOTICE TO MR. SANDERS AS TO WHAT THE STATE  
23 IS GOING TO TRY AND PROVE AGAINST HIM. AND THERE ARE  
24 FOUR INDICTMENTS THAT MR. SANDERS HAS BEEN CHARGED  
25 WITH. AND I WANT YOU TO UNDERSTAND THE SUBSTANCE OF

1 THE FOUR AND WHAT THE FOUR ACTUALLY ARE TALKING ABOUT  
2 FACTUALLY IN THIS CASE.

3 THE FIRST ONE IS INDICTMENT NUMBER 196  
4 AND MR. SANDERS IS ACCUSED OF MURDERING IN THIS AND  
5 OF COURSE THE FACTUAL CIRCUMSTANCES THAT THEY ARE  
6 ACCUSING HIM OF IS THE ACTUAL MURDER OF AMANDA COPE.

7 THE SECOND AND THIRD INDICTMENTS IS  
8 197 AND 198. AND 197 HAS TO DO WITH THE DAMAGE THAT  
9 WAS DONE TO AMANDA'S VAGINA BECAUSE YOU SEE WITH  
10 CRIMINAL SEXUAL CONDUCT, ONE OF THE ELEMENTS, ONE OF  
11 THE REQUIRED ELEMENTS THAT THEY HAVE TO PROVE IF  
12 SOMEBODY IS ACCUSED OF THAT, IS SEXUAL ASSAULT OR  
13 SEXUAL BATTERY, SEXUAL BATTERY. IT'S ACTUALLY  
14 DEFINED IN LAW WHAT SEXUAL BATTERY IS, AND ONE OF THE  
15 KEY ELEMENTS OF A SEXUAL BATTERY IS PENETRATION AND  
16 THE COURT WILL PROBABLY INSTRUCT YOU THAT PENETRATION  
17 IS REQUIRED HOWEVER SLIGHT BUT PENETRATION IS  
18 REQUIRED. AND SO MR. SANDERS HAS BEEN CHARGED WITH  
19 THE PENETRATION OF AMANDA'S VAGINA AND THAT WOULD BE  
20 THE DAMAGES THAT YOU HAVE SEEN AND HEARD ABOUT.

21 INDICTMENT NUMBER 198 IS OF THE SAME  
22 TYPE BUT IT DEALS WITH PENETRATION OF AMANDA'S ANUS  
23 AND SO THOSE ARE THE SPECIFIC FACTS THAT MR. SANDERS  
24 IS ACCUSED OF IN THESE INDICTMENTS.

25 THE FOURTH IS CRIMINAL CONSPIRACY AND

1 THIS IS WHERE THE STATE IS ATTEMPTING TO TIE ALL OF  
2 THIS STUFF TOGETHER AND WHAT THEY ACCUSE MR. SANDERS  
3 OF IN THIS INDICTMENT IS HAVING AN AGREEMENT WHETHER  
4 IT BE EXPRESSED OR IMPLIED WITH MR. COPE TO COMMIT  
5 THE SEXUAL BATTERIES AGAINST AMANDA COPE. IT'S NOT A  
6 CONSPIRACY TO COMMIT MURDER. IT'S AN ALLEGED  
7 CONSPIRACY TO HAVE THIS SEXUAL PENETRATION WITH  
8 AMANDA COPE AND AN AGREEMENT BETWEEN THE TWO. SO YOU  
9 SEE, THESE ARE THE SPECIFIC CHARGES, NOTHING ELSE, NO  
10 OTHER CHARGES, THESE. THAT THEY HAVE SPENT QUITE  
11 AWHILE ATTEMPTING TO PROVE IN REGARDS TO MR. SANDERS.

12 SOME OF THE OTHER LAW THAT THE JUDGE  
13 IS GOING TO TALK WITH YOU ABOUT THAT IS VERY  
14 IMPORTANT, ONE IS THAT THERE ARE A LOT OF CHARGES IN  
15 THIS CASE. MR. SANDERS HAS FOUR. I BELIEVE MR. COPE  
16 MAY HAVE FOUR OR FIVE. BUT YOU ARE TO TREAT EVERY  
17 CHARGE OF EVERY DEFENDANT SEPARATELY, SEPARATELY, IN  
18 REACHING A VERDICT. YOU ARE TO CONSIDER EACH CHARGE  
19 OF EACH DEFENDANT SEPARATELY. AND THE JUDGE WILL  
20 ALSO CHARGE YOU THAT IF YOU FIND ONE DEFENDANT NOT  
21 GUILTY OF CONSPIRACY, IT WILL BE NECESSARY TO FIND  
22 THE OTHER ONE NOT GUILTY OF CONSPIRACY. THAT MAKES  
23 SENSE. THAT'S LOGICAL. THAT'S NOT HARD BECAUSE YOU  
24 HAVE TO BOTH OF THEM FOR A CONSPIRACY.

25 THE JUDGE IS ALSO GOING TO CHARGE YOU

1 ON CIRCUMSTANTIAL EVIDENCE AND DIRECT EVIDENCE, AND  
2 I'M GOING TO GET TO THAT IN JUST A MINUTE, A LITTLE  
3 BIT MORE OF AN EXPLANATION. I'M GOING TO USE THAT IN  
4 SOMETHING ELSE THAT I'M GOING TO TALK ABOUT. HE'S  
5 ALSO GOING TO CHARGE YOU, AS MR. MORTON TOLD YOU,  
6 REASONABLE DOUBT, WHAT DOES IT MEAN? WHAT DOES IT  
7 MEAN? I SUBMIT YOU ARE GOING TO HEAR A DEFINITION  
8 THAT THE COURT WILL GIVE YOU AND IT'S THE ONE THAT  
9 MR. MORTON TALKED ABOUT. REASONABLE DOUBT IS ANY  
10 DOUBT THAT WILL CAUSE A REASONABLE PERSON TO HESITATE  
11 TO ACT.

12 NOW WHEN WE CHOOSE A JURY WE TRY AND  
13 CHOOSE REASONABLE PEOPLE. THERE IS AN ASSUMPTION  
14 THAT THE JURY WILL CONSISTENT OF REASONABLE PEOPLE  
15 AND MOST JURIES THAT I HAVE SEEN DO CONSISTENT OF  
16 REASONABLE PEOPLE AND SO WHAT THAT DEFINITION I  
17 SUBMIT TO YOU MEANS IS THAT IF YOU FIND SOMETHING IN  
18 THE CASE THAT CAUSES YOU TO HESITATE TO ACT, HESITATE  
19 TO CONVICT, YOU THEN MUST RESOLVE THAT IN FAVOR OF  
20 MR. SANDERS AND FIND HIM NOT GUILTY. YOU NOTICE THAT  
21 THE DEFINITION DOES NOT SAY THAT WHICH CAUSES A  
22 REASONABLE PERSON NOT TO ACT? IT SAYS THAT WHICH  
23 CAUSES A REASONABLE PERSON TO HESITATE TO ACT AND SO  
24 THE STANDARD, THE HINGE PIN, IS THE HESITATION.

25 NOW THAT I HAVE TALKED WITH YOU ABOUT



1 THE LAW YOU MAY HAVE A BETTER UNDERSTANDING AS TO  
2 WHAT I MENTIONED TWO AND A HALF WEEKS AGO IN MY  
3 OPENING. THAT ACTUALLY THE STATE IS ALWAYS ON TRIAL  
4 IN ANY CRIMINAL CASE AND THE REASON IS IS BECAUSE  
5 THEY HAVE THE BURDEN OF PROOF. THEIR PROOF IS ON  
6 TRIAL. THEIR CASE IS ON TRIAL. A DEFENDANT IN THIS  
7 COUNTRY DOES NOT, IS NOT, REQUIRED AT ALL TO PRESENT  
8 ANYTHING AND THAT'S ONE OF THE VERY, VERY, VERY MOST  
9 IMPORTANT ASPECTS OF OUR LAW AND YOU ARE GOING TO  
10 HEAR A JURY CHARGE FROM THE JUDGE THAT IN NO WAY CAN  
11 YOU CONSIDER, EVEN DISCUSS, DISCUSS BEING THE OUTWARD  
12 ACTION, CONSIDER BEING THE MENTAL ACTION THAT YOU  
13 KEEP TO YOURSELF, YOU WANT TO BE TRUE TO YOUR OATH,  
14 IN NO WAY CAN YOU DISCUSS NOR CONSIDER IN ANY  
15 CRIMINAL CASE THE FACT THAT A DEFENDANT HAS REMAINED  
16 SILENT AND HAS PRESENTED NO EVIDENCE. IT'S NOT THE  
17 DEFENDANT'S JOB. IT'S NOT THEIR REQUIREMENT. AND SO  
18 YOU CAN'T DO THAT.

19 I WANT TO TALK TO YOU A LITTLE BIT  
20 ABOUT YOUR ROLE AS A JUROR. IT'S A VERY DIFFICULT  
21 ROLE. YOU WILL HAVE TO GO BACK AND YOU WILL HAVE TO  
22 DISCUSS AND DELIBERATE AMONGST EACH OTHER, BUT EACH  
23 ONE OF YOU IS A SEPARATE JUROR. EACH ONE OF YOU HAS  
24 COMMON SENSE. EACH ONE OF YOU HAS LIFE EXPERIENCE.  
25 EACH ONE OF YOU WILL AND SHOULD CONTRIBUTE YOUR IDEAS

1 AND YOUR THOUGHTS TO THE WHOLE GROUP. HOWEVER, NONE  
2 OF YOU, NONE OF YOU, ARE REQUIRED IF YOU HAVE GOTTEN  
3 TO THE POINT TO WHERE YOU HAVE A STRONG OPINION, YOU  
4 ARE NOT REQUIRED TO UNLOAD THAT JUST FOR THE PURPOSE  
5 OF A UNANIMOUS VERDICT. THE JURY IS TO DISCUSS, THE  
6 JURY IS TO DELIBERATE, THE JURY IS TO LOOK OVER THE  
7 FACTS AND TO CONTRIBUTE, BUT YOU ARE NOT REQUIRED TO  
8 JUST GIVE UP ANY STRONG OPINION THAT YOU MAY HAVE  
9 BECAUSE YOU MIGHT BE IN DISAGREEMENT WITH EVEN A  
10 MAJORITY OF THE REST, SO THAT IS VERY IMPORTANT. I  
11 WANT YOU TO REMEMBER THAT. I'M GOING TO GET A CUP OF  
12 WATER. OKAY.

13 NOW I WANT TO TALK ABOUT THE  
14 INTERESTING STUFF IN THIS CASE. I WAITED A LONG TIME  
15 TO TALK ABOUT IT, NOW I GET TO TALK ABOUT IT, SO I'M  
16 GOING TO TALK TO YOU ABOUT IT. THE FIRST THING RIGHT  
17 OUT OF THE SHOOT I'M GOING TO TALK TO YOU ABOUT IS  
18 DNA. YOU'VE HEARD DNA EVIDENCE. I'M NOT GOING TO  
19 SIT UP HERE AND I'M NOT GOING TO TELL YOU DON'T  
20 BELIEVE THE DNA EVIDENCE, OKAY. I WOULD BE A FOOL IF  
21 I GOT UP HERE AND I TOLD YOU THAT BECAUSE WE HEAR SO  
22 MUCH ABOUT DNA NOW. DNA DOES THIS. DNA THAT. WE  
23 PUT A LOT OF TRUST, WE PUT A LOT OF STOCK INTO IT, SO  
24 I'M NOT GOING TO TALK ABOUT IT VERY LONG. I WILL SAY  
25 THIS, JUST FOR YOUR CONSIDERATION, REALIZE THAT IT IS

1 A DEVELOPING SCIENCE AS ALL SCIENCE IS, REALIZE THAT  
2 ACCORDING TO THE TESTIMONY WE HAVE 30 TO 36,000  
3 DIFFERENT UNIQUE SITES IN DNA, AND REALIZE THAT THEY  
4 ARE ONLY USING NINE NOW, AND THAT ALL THEIR RESULTS  
5 AND ALL THEIR CONCLUSIONS ARE BASED ON THE NINE OUT  
6 OF THE 30 OR 36,000. THE TECHNOLOGY HAS NOT REACHED  
7 THE POINT WHERE WE CAN ANALYZE AND COMPARE THE NINE  
8 TO THE OTHER 30 OR 36 TO SEE WHAT IF ANY CHANGES OR  
9 DIFFERENCES IT WOULD MAKE. BUT GIVEN THE CURRENT  
10 STATE OF TECHNOLOGY WE ONLY DEAL WITH NINE AND SO  
11 THAT'S WHY THE NUMBERS GETS SO BIG WHEN THEY TALK  
12 ABOUT ONE IN A MILLION BECAUSE OF THE EXPEDIENTIAL  
13 EFFECT OF JUST NINE NUMBERS, BUT THEY DON'T COMPARE  
14 THE EXPEDIENTIAL EFFECT OF THE NINE NUMBERS AGAINST  
15 THE OTHER 30 OR 35,000 AND SO THE TECHNOLOGY STILL  
16 HAS A WAYS TO GO. BUT PERHAPS IT'S HEADED IN THE  
17 RIGHT DIRECTION AND THAT'S GOOD THING. THAT'S A GOOD  
18 THING.

19 AND ALSO AN INTERESTING SIDE I WOULD  
20 SUBMIT TO YOU THAT WAS JUST RECENTLY DISCOVERED BY ME  
21 IS THE WAY THEY USE CLONING. I DIDN'T REALIZE THAT  
22 BUT ACTUALLY IT IS A CLONING SYSTEM SO THAT WHEN THEY  
23 SAY THEY TEST SOMEBODY'S BLOOD THEY ARE NOT ACTUALLY  
24 TESTING THAT BLOOD THEY ARE TESTING A REPRODUCTION OF  
25 THAT BLOOD MILLION OF TIMES AND THAT IS JUST

1 INTERESTING. THAT'S SOMETHING FOR YOU TO THINK  
2 ABOUT. I'M NOT GOING TO SIT HERE AND TELL YOU DON'T  
3 BELIEVE THE DNA, THINGS LIKE THAT, BECAUSE GUESS  
4 WHAT, I DON'T HAVE TO. I DON'T HAVE TO. I CAN  
5 ACCEPT THE DNA AND IT DOESN'T CHANGE THINGS. SEEMS  
6 ODD, DOESN'T IT? SEEMS ODD.

7 THROUGHOUT THIS CASE ALLEGEDLY WHEN  
8 MR. SANDERS' DNA WAS FOUND EVERYTHING CHANGES,  
9 EVERYTHING CHANGES. OKAY. ALL OF A SUDDEN THE  
10 STATE'S THEORY CHANGED, OKAY. WE'VE GOT THIS OTHER  
11 PERSON. THEY ARE SAYING, OH, THERE IS THIS OTHER  
12 PERSON WHO WAS IN THE HOUSE. WHAT ARE WE GOING TO  
13 DO? BECAUSE WE GOT MR. COPE AND I SUBMIT TO YOU THEY  
14 GOT MR. COPE AND I'LL TALK TO YOU MORE ABOUT THAT IN  
15 A MINUTE. BUT WHAT ABOUT THIS OTHER PERSON? AND SO  
16 YOU'VE HEARD THE TESTIMONY, YOU HEAR THE STATE'S  
17 THEORY, AND I'M GOING TO TALK ABOUT THEIR THEORY.  
18 AND WE'VE GOT THIS DNA THAT MR. MORTON KEPT SAYING  
19 YOU CAN'T HAVE BETTER EVIDENCE. YOU CAN'T HAVE  
20 BETTER EVIDENCE. WELL, YEAH, YOU CAN. YOU CAN.  
21 IT'S NOT THE END OF IT. IT'S NOT THE END ALL. THERE  
22 IS SOMETHING THAT EVERYBODY, OTHER THAN MR. GREELEY,  
23 HAS BEEN IGNORING AND I'M GOING TO TELL YOU WHAT THAT  
24 IS, ALL RIGHT. WHEN THE JUDGE GIVES YOU THE CHARGE  
25 ON, AND THIS IS WHERE THE CIRCUMSTANTIAL EVIDENCE

1 PART COMES UP I TOLD YOU I WAS GOING TO TALK ABOUT IN  
2 A MINUTE, OKAY, HERE IT COMES. THE JUDGE IS GOING TO  
3 GIVE YOU CIRCUMSTANTIAL EVIDENCE CHARGE AND  
4 CIRCUMSTANTIAL EVIDENCE CHARGE IS JUST WHAT MR.  
5 MORTON PUT UP THERE, OKAY, AND IF YOU HAVE A CASE  
6 THAT IS SOLELY CIRCUMSTANTIAL EVIDENCE AGAINST  
7 SOMEBODY, NO DIRECT EVIDENCE, THEN THAT CASE, THAT  
8 EVIDENCE, HAS TO PROVE THE DEFENDANT GUILTY TO THE  
9 EXCLUSION OF EVERY OTHER REASONABLE HYPOTHESIS, IDEA,  
10 HYPOTHESIS. A FACT NOT TESTED TRUE TO THE EXCLUSION  
11 OF EVERY OTHER HYPOTHESIS. ALL RIGHT. WELL, THIS IS  
12 WHY I WANTED TO SHOW YOU THE INDICTMENTS AND WHAT  
13 MR. SANDERS IS CHARGED WITH. MR. MORTON SAID YOU  
14 DON'T GET ANY BETTER THAN THAT. I SUBMIT TO YOU IN  
15 THIS CASE IF YOU ACCEPT THE DNA, WHICH I EXPECT YOU  
16 TO DO, NOT BEING A FOOL, IF YOU ACCEPT THE DNA THE  
17 DNA IS NOT DIRECT EVIDENCE OF MR. SANDERS'  
18 INVOLVEMENT. IT'S NOT DIRECT EVIDENCE. LET ME SHOW  
19 YOU. MR. EVIDENCE, NOT MR. EVIDENCE, MR. SANDERS IS  
20 CHARGED WITH TWO COUNTS OF CRIMINAL SEXUAL CONDUCT  
21 ONE INVOLVING THE VAGINA OF AMANDA COPE, ONE  
22 INVOLVING THE ANUS OF AMANDA COPE, AND IT'S AN AWFUL  
23 THING TO SAY AND IT'S DIFFICULT FOR ME TO TALK ABOUT  
24 AND IT'S HARD FOR ME TO HEAR THAT, BUT THIS IS WHY  
25 WE'RE HERE AND THE WHOLE CASE IS TOUGH. IF

1 MR. SANDERS' DNA HAD BEEN FOUND IN OR AROUND THE  
2 OUTSIDE OF AMANDA COPE'S VAGINA THAT WOULD BE DIRECT  
3 EVIDENCE TO THE CHARGE BECAUSE THE CHARGE IS, HAS TO  
4 DO WITH PENETRATION. IF IT WAS FOUND ON OR AROUND  
5 AMANDA COPE'S ANUS THAT WOULD BE DIRECT EVIDENCE BUT  
6 IT WAS NOT. IT WAS NOT. SO YOU SAY WELL SO WHAT.  
7 THE SEMEN AND THE SALIVA WERE FOUND -- THE SEMEN,  
8 LET'S TAKE THEM ONE AT A TIME, THE SEMEN WAS FOUND ON  
9 THE PANTS OF AMANDA COPE. THE SALIVA WAS FOUND ON  
10 THE BREAST OF AMANDA COPE. IF MR. SANDERS WAS  
11 CHARGED IN THIS CASE WITH A CRIMINAL STATUTE THAT WE  
12 HAVE IN SOUTH CAROLINA CALLED LEWD ACT ON A CHILD  
13 THEN THE DNA WOULD BE DIRECT EVIDENCE OF THAT  
14 OFFENSE, BUT HE'S NOT CHARGED WITH THAT. HE'S NOT  
15 CHARGED, THAT CHARGE, THAT POTENTIAL CHARGE IS NOT  
16 INVOLVED IN THIS CASE. IT'S NOT INVOLVED IN THIS  
17 CASE. IT'S NOT BEFORE YOU. SO THE DNA, CONTRARY TO  
18 WHAT THE STATE AND MR. MORTON AND THE FREEDOM TEAM  
19 HAVE BEEN GOING ON FOR SIX MONTHS, DOES NOT PLACE  
20 MR. SANDERS IN THE HOUSE AT THE TIME OF THIS  
21 INCIDENT.

22 NOW I'M NOT A FOOL. THERE IS  
23 SOMETHING ELSE. MR. BRACKETT IS GOING TO HOLLER  
24 ABOUT IT SO I'M GOING TO DEAL WITH IT NOW. YOU  
25 REMEMBER DR. MAYNARD WHO TALKED ABOUT THE BITE MARK,

1 THE ALLEGED BITE MARK, WHAT THEY BELIEVED TO BE A  
2 BITE MARK, AND HE EVEN ADMITTED ON THE STAND THAT IT  
3 WAS NOT OF THE SAME NATURE, NOT OF THE SAME NATURE OF  
4 INJURIES AS THE OTHER INJURIES THAT HAVE BEEN  
5 BESTOWED ON AMANDA THAT NIGHT, BUT HE BELIEVED THAT  
6 IT WAS AT APPROXIMATELY THE SAME TIME. BUT THEN HE  
7 DEFINED APPROXIMATELY. AND IF AMANDA COPE DIED AT  
8 TWO AM, AND SEE THERE IS SOME WINDOW THERE ANYWAY,  
9 BUT THAT'S AN ESTIMATE, THEN WE'VE GOT A WINDOW OF  
10 ABOUT FOUR HOURS, EVEN IF, EVEN IF WE TAKE WHAT THE  
11 PATHOLOGIST SAID COMPLETELY, WE GOT A WINDOW OF ABOUT  
12 FOUR HOURS THERE. IF HE WAS RIGHT THAT THE BRUISE  
13 WAS A RECENT BRUISE, IF HE WAS RIGHT, AND THEN YOU  
14 REMEMBER SINCE IT WAS NOT A WOUND THAT WAS OF THE  
15 SAME NATURE AS THE OTHER WOUNDS, YOU REMEMBER HE  
16 TESTIFIED AND HE SAID THAT IT COULD HAVE TAKEN A  
17 LITTLE LONGER FOR THE, I CAN'T REMEMBER THE NAME OF  
18 THEM, BUT THE LITTLE THINGS THAT COME TO FIX, IT'S  
19 KIND OF LIKE THE FIRST RESPONDERS, HE SAID IT COULD  
20 HAVE TAKEN A LITTLE BIT LONGER, SO THAT OPENS UP THE  
21 WINDOW OF A TIMEFRAME OKAY. SO YOU SEE THE DNA  
22 EVIDENCE IS MERELY CIRCUMSTANTIAL EVIDENCE AND IT  
23 DOES NOT PLACE MR. SANDERS IN THE HOUSE. AMANDA COPE  
24 BEFORE SHE DIED WAS MOBILE. HER PANTS WERE MOBILE.  
25 YOU REMEMBER HE TESTIFIED THAT HE BELIEVED AND THERE

1 WAS NO EVIDENCE TO CONTRADICT THIS, HE TESTIFIED THAT  
2 HE BELIEVED THAT SHE HAD NOT BATHED IN TWO DAYS. NOW  
3 HE ALSO TESTIFIED, NO HE DID NOT TESTIFY BUT IT CAME  
4 OUT IN EVIDENCE, THAT THESE WERE NOT PAJAMAS. THESE  
5 WERE NOT, HE HAD USED THE TERM BED CLOTHES, AND I  
6 ASKED HIM ABOUT THAT: YOU MEAN THE CLOTHES SHE HAD  
7 ON IN THE BED. AND HE SAID THAT'S CORRECT. BUT THEY  
8 WEREN'T BED CLOTHES. THESE WERE THE CLOTHES THAT SHE  
9 HAD WORN ALL DAY. THESE WERE THE CLOTHES THAT SHE  
10 HAD WORN ALL DAY. SO YOU SEE JUST THE PRESENCE OF  
11 DNA ON HER BREAST AND ON HER PANTS DO NOT PLACE  
12 MR. SANDERS IN THE HOUSE.

13 WHAT ELSE DOESN'T PLACE MR. SANDERS IN  
14 THE HOUSE? I'M NOT GOING TO GO INTO IT, YOU'VE HEARD  
15 IT, WE'RE ALL TIRED OF IT, BUT THERE WAS NO EVIDENCE  
16 OF FORCIBLE ENTRY, NONE. NO EVIDENCE OF FORCIFUL  
17 ENTRY WHATSOEVER AND THAT WAS FROM MR. COPE'S MOUTH  
18 IN AGREEMENT WITH DETECTIVE WALDROP ON THAT FIRST  
19 NIGHT. NO EVIDENCE WHATSOEVER OF FORCIBLE ENTRY, SO  
20 WE DON'T HAVE EVIDENCE OF SOMEBODY FROM THE OUTSIDE  
21 COMING IN. THIS IS ANOTHER REASON THAT THE STATE HAS  
22 A THEORY ABOUT CONSPIRACY BECAUSE ALL THE DOORS WERE  
23 LOCKED AND THERE WAS NO EVIDENCE OF FORCIFUL ENTRY  
24 AND SO WHAT THEY ARE GOING TO ARGUE TO YOU IS THAT  
25 MR. COPE WENT TO THE FRONT DOOR AND LET MR. SANDERS



1       COME IN.  AND I'M GOING TO TALK TO YOU ABOUT HOW THAT  
2       THEORY REALLY THEIR, THEY ARE TRYING HARD, I GIVE  
3       THEM CREDIT FOR THAT, BUT IT DOESN'T MAKE IT BECAUSE  
4       THEY'VE GOT THIS STRANGE CASE BUT IT DOESN'T MAKE IT.  
5       BUT THERE IS NO FORCIBLE ENTRY SO THAT'S ALL I'M  
6       GOING SAY ABOUT THAT.  WE'VE HEARD ENOUGH ABOUT  
7       FORCIBLE AND NOT FORCIBLE.

8                       YOU REMEMBER WHEN I CROSS EXAMINED THE  
9       PATHOLOGIST AND I HAD TO ASK HIM QUESTIONS THAT  
10      SOMETIMES COULD BE EMBARRASSING, AT LEAST STUFF IN  
11      OUR CULTURE WE DON'T LIKE TO TALK ABOUT A LOT, SEX,  
12      THINGS ABOUT SEX, BUT SOMETIMES IT'S IMPORTANT TO  
13      TALK ABOUT THOSE ESPECIALLY WHEN THEY CAN BE CENTRAL  
14      TO AN ISSUE SUCH AS THIS.  ALL RIGHT.  NOW ACCORDING  
15      TO THE STATE, I'M SURE THAT THEY ARE GOING TO ARGUE,  
16      THAT MR. SANDERS' SEMEN GOT ON AMANDA COPE THAT NIGHT  
17      IN HER BEDROOM ON HER PANTS.  THEY HAVE TO ARGUE  
18      THAT.  IT'S CONSISTENT WITH THEIR THEORY.  THAT'S WHY  
19      I ASKED THE PATHOLOGIST ABOUT THE CIRCUMSTANCES OF  
20      EJACULATION.  OKAY.

21                      YOU REMEMBER THEY TOOK A LIGHT IN  
22      THERE THAT MORNING, THEY WENT BACK LATER THAT MORNING  
23      THEY TOOK ANOTHER LIGHT OR THE SAME LIGHT BUT THEY  
24      DID IT TWICE, WHEN THEY ESPECIALLY FOUND OUT THAT  
25      THIS WAS GOING TO BE A SEX CASE, THEY WENT BACK AND

1       THEY DID IT TWICE.  THEY DID A LIGHT DOWN AT SLED ON  
2       THE BED LINENS.  THEY HAD DONE A LIGHT AT LEAST THREE  
3       TIMES ON THE EVIDENCE IN THIS CASE.  NOW WHY DIDN'T  
4       MR. SANDERS SHOW UP ANYWHERE ELSE?  WHEN YOU THINK  
5       ABOUT THE PHYSICAL ACTIVITY OF EJACULATION AND WHAT  
6       OCCURS, WHY IS THERE ONE SPOT ON THE BACK OF HER  
7       PANTS IF IT HAPPENED IN THE HOUSE?  WHY IS IT ON THE  
8       BED SPREAD?  IT'S NOT ON THE BED SPREAD.  IT'S NOT ON  
9       THE FLOOR.  IT'S NOT ANYWHERE ELSE.  IS THAT  
10      CONSISTENT?  IS THAT CONSISTENT WITH THE EVIDENCE?  
11      IS THAT CONSISTENT WITH COMMON SENSE?  THE LIGHT AT  
12      LEAST ON THE SECOND OR THIRD TIME WOULD HAVE PICKED  
13      UP ANOTHER OR TWO MORE UNKNOWN SPOTS IF MY CLIENT HAD  
14      EJACULATED IN THE BEDROOM.  SOMEWHERE IN THAT HOUSE,  
15      EITHER ON THE RAGS TESTED OR ON THE BED OR ON THE  
16      FLOOR, IT WOULD HAVE SHOWN UP AGAIN BUT IT DIDN'T.  
17      AND SO YOU SEE THAT'S EVIDENCE THAT HE WASN'T IN THE  
18      HOUSE.  HE WAS NOT IN THE HOUSE.  SO WE GOT NO  
19      BREAKING AND ENTERING.  WE GOT NO FORCED ENTRY.  WE  
20      HAVE GOT NO DIRECT EVIDENCE THAT HE WAS EVER IN THAT  
21      HOUSE.  AND I AGREE WITH MR. MORTON THERE IS NO  
22      EVIDENCE THAT THESE TWO MEN EVER KNEW EACH OTHER.  
23      THERE IS NO EVIDENCE WHATSOEVER OF ANY CONTACT  
24      BETWEEN THEM.  THE RECORD IS DEVOID OF IT.  THE  
25      RECORD IS DEVOID OF ANY CONSPIRACY EVIDENCE BETWEEN

1       THEM.  REMEMBER YOU HAVE TO LOOK AT EACH CHARGE AND  
2       THE RECORD IS DEVOID OF ANY CONSPIRACY EVIDENCE ABOUT  
3       THEM.  AND SO THAT DOESN'T PLACE HIM IN THE HOUSE.

4                   WHAT DO WE KNOW?  WE'VE HEARD A LOT  
5       ABOUT THE EVENING THAT NIGHT.  WE'VE HEARD A LOT FROM  
6       MR. COPE ABOUT THE EVENING THAT NIGHT.  WE HEARD A  
7       LITTLE BIT FROM THE LITTLE GIRLS ABOUT THE EVENING  
8       THAT NIGHT.  WHAT WE LEARNED FROM AT IS AT 8 O'CLOCK  
9       OR AROUND 8 O'CLOCK THEY ALL ATE DINNER.  AMANDA ATE  
10      DINNER, BLESS HER HEART, WE KNOW THAT FROM THE  
11      AUTOPSY.  OKAY.  SHE DID.  SHE ATE DINNER.  AND THE  
12      NEXT TIME WE HEAR ABOUT AMANDA IS WHEN SHE BEGINS  
13      WORKING WITH JESSICA'S HOMEWORK AT 10:30 WHICH WOULD  
14      HAVE HAPPENED TO BE UNTIL BED TIME.  OKAY.  AND WE  
15      DON'T HEAR ANYTHING ELSE ABOUT HER THAT NIGHT.  THERE  
16      IS NO SPECIFIC EVIDENCE ANYTHING ABOUT HER IN THIS  
17      TIME PERIOD.  I MEAN THAT'S WHAT WE HAVE AND THAT'S  
18      WHAT WE DON'T HAVE.  OKAY.

19                   ONE OF THE INTERESTING THINGS IS IS  
20      SHE PICKS UP AND STARTS HELPING JESSICA AT 10:30 AND  
21      MARY SUE LEFT FOR WORK AT TEN AND CONTRARY TO  
22      MR. COPE'S TESTIMONY, DO YOU THINK HE WAS REALLY HELP  
23      WITH HOMEWORK THAT NIGHT?  I SUBMIT TO YOU HE WAS  
24      NOT.

25                   NOW I'VE TALKED TO YOU ABOUT THE

1 ALLEGED EVIDENCE AGAINST MY CLIENT. THE DIRECT,  
2 ACTUALLY THE CIRCUMSTANTIAL EVIDENCE AGAINST MY  
3 CLIENT, I'VE TALKED TO YOU ABOUT HOW IT DOES NOT PUT  
4 HIM IN THE HOUSE. I'VE TALKED TO YOU ABOUT HOW IT  
5 DOES NOT PUT HIM WITH THESE INDICTMENTS AS TO THESE  
6 ACTIONS. AND I'VE TALKED TO YOU ABOUT THE ABSENCE OF  
7 EVIDENCE THAT SHOULD HAVE BEEN THERE HAD HE BEEN IN  
8 THE HOUSE. NOW I'M GOING TO TALK TO YOU ABOUT SOME  
9 OF THE REST OF THE CASE. AND I'M GOING TO SHOW YOU  
10 HOW THE STATE IS NOT GOING TO BE ABLE TO PROVE THEIR  
11 THEORY OF MY CLIENT BEING IN THE HOUSE.

12 CONSPIRACY. YOU KNOW, I DON'T KNOW IF  
13 Y'ALL KNOW GARRISON KEELER. GARRISON KEELER IS A MAN  
14 WHO DOES A RADIO SHOW FROM MINNESOTA AND HE'S A STORY  
15 TELLER, MODERN DAY STORY TELLER AND HE'S VERY GOOD  
16 AND I REMEMBER WHEN I'M THINKING ABOUT THIS CASE AND  
17 I'M THINKING ABOUT MR. COPE AND I'M THINKING ABOUT  
18 MR. COPE'S STATEMENT TO THE POLICE, I THOUGHT I'M  
19 GOING TO TALK ABOUT THAT BECAUSE IT REMINDED ME OF  
20 THAT. GARRISON KEELER DID A CD ONE TIME IT WAS  
21 CALLED A PRETTY GOOD NIGHT AT CARNEGIE HALL AND HE  
22 WAS AT CARNEGIE HALL DOING A SHOW AND ONE OF HIS  
23 THINGS WAS TALKING ABOUT GOSPEL MUSIC AND HOW WE NEED  
24 MUSIC GOSPEL AND HE SAID THE REASON WE NEED GOSPEL  
25 MUSIC IS BECAUSE WE DON'T HAVE GUILT ANYMORE. HE

1 SAID THERE IS NO GUILT. HE SAYS THERE IS JUST  
2 PSYCHOLOGY. PSYCHOLOGY HAS BECOME HELPING US TO  
3 EXPLAIN WHAT WE DO RATHER THAN GUILT AND HE SAID  
4 SOMETHING IN THAT THAT IS APPLICABLE TO THIS CASE AND  
5 EXPLAINS MR. COPE'S ACTIONS THAT WEEKEND. HE SAID  
6 GUILT IS THE GIFT THAT KEEPS ON GIVING. AND THAT'S  
7 EXACTLY WHAT HAPPENED IN THIS CASE WITH MR. COPE.  
8 GUILT IS THE GIFT THAT KEEPS ON GIVING. WE DON'T  
9 NEED THE PSYCHOLOGY, WE DON'T NEED MR. KASSIN, OKAY.  
10 LET'S GET BACK TO THE BASICS. WE DON'T NEED EXPERTS  
11 TO GIVE AN EXPLANATION. LET'S GET BACK TO THE  
12 BASICS, OKAY. AND WHAT ARE THE BASICS IN THIS CASE?  
13 THE BASICS IN THIS CASE IS AND THE OTHER THING, IN  
14 THE LIVING ROOM THAT MR. COPE CAN DENY BUT CAN'T GET  
15 RID OF IS THIS: WE HAVE A NATURAL FATHER WHO GAVE A  
16 CONFESSION, AN ADMISSION, SOON AFTER THE EVENT, OF  
17 HORRIBLE DESPICABLE AND MURDEROUS ACTS ON HIS 12 YEAR  
18 OLD DAUGHTER. WE'RE NOT TALKING ABOUT SOMEBODY WHO  
19 MIGHT BE CONFESSING TO A DRUG CHARGE. WE'RE NOT  
20 TALKING TO SOMEBODY WHO MIGHT BE CONFESSING BECAUSE  
21 THEY EMBEZZLED MONEY AND DEFRAUDED A BANK. THINK OF  
22 IT, GET BACK TO THE BASICS, FORGET THE EXPERTS; IS  
23 THAT LIKELY FOR A FATHER TO NOT ONLY GIVE THE  
24 STATEMENT BUT TO BE ABLE TO SAY THE THINGS HE SAID  
25 AND TO ACT OUT THE THINGS HE DID IF HE DOESN'T KNOW

1 ANYTHING ABOUT IT? IF HE WASN'T INVOLVED? IF HE  
2 DIDN'T DO IT? FATHER'S DON'T DO THAT. FATHER'S  
3 DON'T SAY THAT THEY PUT A DILDO IN THEIR 12 YEAR OLD  
4 DAUGHTER IF THEY DIDN'T DO IT. FATHER'S DON'T SAY  
5 THAT THEY WRAPPED THEIR HANDS AROUND HER NECK AND  
6 CHOKED THE LIFE OUT OF HER IF THEY DIDN'T DO IT.  
7 IT'S GOT NOTHING TO DO WITH EXPERTS. HE DENIED IT  
8 FOR THE FIRST FEW HOURS -- 666 TIMES -- BUT GUILT IS  
9 THE GIFT THAT KEEPS ON GIVING. REMEMBER WHAT HE SAID  
10 TO DETECTIVE BAKER WHEN HE TOLD DETECTIVE BAKER THE  
11 FIRST INCIDENT? HE WAS RELIEVED. HE WAS RELIEVED.  
12 A FATHER WILL NOT BE RELIEVED UNLESS HE'S ABLE TO  
13 UNLOAD HIS GUILT ESPECIALLY IN A CASE LIKE THIS. BUT  
14 GUILT IS THE GIFT THAT KEEPS ON GIVING. AND SO HE  
15 CAME BACK AND HE WAS IN A CELL OVER THE WEEKEND AND  
16 HE THOUGHT AND THE GUILT IS STILL THERE. IT KEPT  
17 GIVING BECAUSE HE HADN'T TOLD EVERYTHING. HE HADN'T  
18 TOLD EVERYTHING SO HE CAME BACK ON MONDAY AND HE TOLD  
19 MORE. AND HE TALKED ABOUT A DREAM. HE TALKED ABOUT  
20 A DREAM AND THIS IS IMPORTANT. HE TALKED ABOUT A  
21 DREAM IN REGARDS TO MS. GARRISON. HE TALKED ABOUT  
22 THAT BECAUSE HE COULDN'T ADMIT THE RAGE THAT HE HAD  
23 FOR HIS DAUGHTER THAT NIGHT. AND SO HE PERSONIFIED  
24 IT TO MS. GARRISON. BUT WHAT HE TOLD THAT DAY ON THE  
25 VIDEO, MOST OF IT IS TRUE, MOST OF IT IS TRUE AS HE

1 REMEMBERS IT TO BE. MR. MORTON SAYS OH, WELL, IT  
2 DOESN'T MATCH UP WITH THE EVIDENCE. IT DOES WELL  
3 ENOUGH. IT DOES WELL ENOUGH. AND THEN CAPTAIN  
4 CABANISS, OF COURSE, DOES NOT BELIEVE THE DREAM  
5 STORY, WHO WOULD BELIEVE THE DREAM STORY, AND SO THEY  
6 COME BACK AND SAID DON'T BELIEVE IT AND AT THAT POINT  
7 IN TIME HE BEGINS TO INCLUDE EVERYTHING ELSE BECAUSE  
8 IT WAS TRUE. IT WAS TRUE. HE HAD BEEN HAVING A  
9 RELATIONSHIP WITH HIS DAUGHTER. I SUBMIT TO YOU THE  
10 EVIDENCE SHOWS THAT, THAT COMBINED WITH HIS  
11 ADMISSION, AND A FATHER DOES NOT ADMIT TO SUCH THINGS  
12 IF THEY ARE NOT TRUE, SO THEY WERE HAVING A  
13 RELATIONSHIP. AND HE WAS USING THE DILDO AND HE WAS  
14 USING THE DILDO THAT NIGHT AND HE WAS MASTURBATING  
15 THAT NIGHT. REMEMBER THIS IS A MAN THAT USED TO STAY  
16 UP FOR THREE YEARS ALL NIGHT, HE WAS USED TO BEING UP  
17 AT NIGHT AND IT HAPPENED THAT WAY. AND SOMETHING  
18 HAPPENED AND HE ENDED UP KILLING AMANDA AND HE ENDING  
19 UP SEXUALLY MUTILATING AMANDA. THAT'S ANOTHER  
20 DISTINCTION I WANT YOU TO REMEMBER AND BE AWARE OF.  
21 THEY INDICATE THAT MY CLIENT ALLEGEDLY WENT IN THE  
22 HOUSE FOR THE PURPOSE OF SEXUAL GRATIFICATION, RAPE,  
23 OKAY. AND RAPE IS VIOLENT, BUT WE'RE TALKING ABOUT A  
24 DIFFERENT ACT THAN WHAT OCCURRED TO HER. BLESS HER  
25 HEART, SHE WAS SEXUALLY MUTILATED THAT NIGHT. IT HAD

1           NOTHING TO DO WITH SEXUAL GRATIFICATION. IT HAD TO  
2           DO WITH PUNISHMENT. AND THAT DISTINGUISHES THE CASE.  
3           THAT DISTINGUISHES THE CASE.

4                           NOW YOU CAN BELIEVE MR. COPE WHO SAYS  
5           THEY WERE MEAN TO ME. NOBODY WOULD LISTEN TO ME.  
6           REMEMBER WHAT HE SAID? NOBODY, THIS WAS ON MONDAY  
7           WHEN HE WAS WITH CAPTAIN CABANISS, HE INDICATED THAT  
8           NO ONE CARED ABOUT HIM. THREE DAYS, FOUR DAYS, FIVE  
9           DAYS AFTER THE EVENT OF HIS DAUGHTER NOBODY CARED  
10          ABOUT HIM BECAUSE PEOPLE WERE ASKING HIM HARD  
11          QUESTIONS AND THEY WERE TALKING TO HIM HARD AND  
12          MR. CABANISS ONE TIME STOOD UP, WHICH WOULD CAUSE ANY  
13          385 POUND MAN TO COWER AND ADMIT TO DOING HORRIBLE  
14          THINGS TO HIS DAUGHTER THAT HE NEVER DID. HOG WASH.  
15          HE TALKED ABOUT HOW HE COULDN'T TAKE THE PRESSURE AND  
16          HE GAVE UP. I SUBMIT TO YOU THAT'S NOT PRESSURE.  
17          MR. COPE COULDN'T TAKE THE PRESSURE. MR. COPE  
18          DOESN'T KNOW WHAT PRESSURE IS. THAT'S NO PRESSURE.  
19          THAT'S NOTHING LIKE THE PRESSURE OF TWO LITTLE GIRLS  
20          WHO ARE REQUIRED TO HUDDLE IN THEIR BED AT NIGHT,  
21          EVERY NIGHT, WITH A FAN ON TO KEEP THE COCK ROACHS  
22          OFF OF THEM. THAT'S PRESSURE. THAT'S PRESSURE.  
23          WHAT ELSE IS PRESSURE? A YOUNG GIRL WHOSE BECOMING A  
24          TEENAGER WHO MIGHT BE AN HONOR STUDENT, WHO LIVES IN  
25          FILTH AND COMES HOME TO IT EVERYDAY AND PROBABLY



1 DOESN'T GET THE ATTENTION FROM HER DAD BECAUSE HE'S  
2 ON THE COMPUTER UNTIL SHE GOES TO BED AT NIGHT. AND  
3 SHE'S AN HONOR STUDENT AND THE PRESSURE IS IS THAT  
4 SHE KNEW THE DIFFERENCE. SHE KNEW THE DIFFERENCE OF  
5 WHERE SHE WAS LIVING AND THE CONDITION SHE WAS LIVING  
6 IN. THAT'S PRESSURE. NOT HE'S BEING TALKED TO.  
7 BECAUSE YOU SEE WITHIN FOUR OR FIVE DAYS AFTER AMANDA  
8 DIED ONCE AGAIN THE WORLD TURNS ON MR. COPE, HE'S THE  
9 MAN, HE'S THE IMPORTANT ONE, AND HE'S BEEN THE  
10 IMPORTANT ONE FOR THE PAST THREE YEARS. YOU KNOW HE  
11 SAYS HE DOESN'T LIKE TO LOOK BACK BUT SOMETIMES YOU  
12 HAVE TO TIE UP STRINGS BEFORE YOU CAN GO FORWARD AND  
13 THERE ARE SOME SPRINGS HERE.

14 LET ME ASK YOU THIS: THE STATE IS  
15 GOING TO SAY, THE STATE IS GOING TO SAY OF COURSE  
16 THAT MY CLIENT WAS LET IN BY MR. COPE, THEY WENT  
17 THROUGH THE HOUSE, MR. COPE ALLOWED MY CLIENT TO HAVE  
18 HIS WAY WITH HIS DAUGHTER AND THEY ARE PROBABLY GOING  
19 TO SAY THAT MR. COPE ENDED UP KILLING AMANDA BECAUSE  
20 SHE SAID SHE WAS GOING TO TELL HER MOMMA. THAT'S  
21 THEIR THEORY. THERE ARE SEPARATE THEORIES IN THIS  
22 CASE. OKAY. AND IT'S BECAUSE WE DON'T HAVE A VIDEO  
23 RECORDING TO SEE THE WHOLE EVENT, OKAY. THAT'S GOING  
24 TO BE THEIR THEORY AND THEY ARE GOING TO ARGUE THAT  
25 TO YOU, ALL RIGHT. FIRST OF ALL I WANT YOU TO THINK

1 ABOUT THIS: WOULD MR. COPE HAVE BROUGHT A STRANGER  
2 INTO THAT RANCID HOUSE. SECOND OF ALL, MR. COPE WAS  
3 HAVING A RELATIONSHIP WITH HIS DAUGHTER, HE WAS A  
4 HAVING A LURID RELATIONSHIP WITH HIS DAUGHTER. I  
5 SUBMIT TO YOU HIS DAUGHTER HAD TAKEN THE PLACE OF HIS  
6 WIFE. DO YOU THINK HE WOULD HAVE JUST ALLOWED  
7 SOMEBODY TO COME IN AND TO BE WITH HIS DAUGHTER? NO.  
8 ABSOLUTELY NOT. THAT'S BEYOND THE SCOPE OF REASON IF  
9 YOU LOOK AT IT AND YOU ANALYZE IT. HE'S NOT GOING TO  
10 ALLOW THAT TO HAPPEN BESIDE THE FACT THAT HE'S GOT A  
11 WITNESS, OKAY. SEE MR. COPE KEPT SECRETS. HE KEPT  
12 SECRETS JUST LIKE HE KEPT THE RAG UP UNDER THE BOOK  
13 SHELF. HE KEPT SECRETS AND THIS WAS A SECRET THAT HE  
14 HAD WITH HIS DAUGHTER. HE'S NOT GOING TO INTRODUCE A  
15 THIRD PARTY INTO IT.

16 THE THIRD THING IS THIS: DO YOU  
17 REMEMBER CAPTAIN CABANISS' TESTIMONY AND TALKED ABOUT  
18 AND MR. MORTON TRIED TO DIVERT THE GUILT AWAY FROM  
19 YOU, TRY TO DIVERT THE POLICE, AND I ASKED CAPTAIN  
20 CABANISS AND HE ANSWERED IN THE AFFIRMATIVE, FOR A  
21 DAY AND A HALF MR. COPE SPENT A LOT OF TIME AND  
22 ENERGY ATTEMPTING TO DIVERT THE FOCUS AWAY FROM HIM.  
23 NOW LET'S HYPOTHESIZE AND SAY THAT MY CLIENT WAS IN  
24 THE HOUSE WITH MR. COPE JUST AS THE STATE IS GOING TO  
25 ARGUE. MR. COPE FIRST OF ALL WOULD HAVE BEEN, IF MY

1 CLIENT HAD EJACULATED IN HOUSE, MR. COPE WOULD HAVE  
2 SEEN THAT, AND YOU KNOW HE KNEW ABOUT DNA, WATCHES  
3 COURT TV, TOLD THE POLICE THERE WON'T BE ANY DNA. OF  
4 COURSE THERE WASN'T GOING TO BE ANY. HE KNEW THAT.  
5 HE HAD FOUR HOURS. I'LL TALK ABOUT THAT IN A MINUTE.  
6 BUT HE WOULD HAVE SEEN MY CLIENT EJACULATE, HE WOULD  
7 HAVE KNOWN THAT THERE WAS DNA IN THE HOUSE, HE WOULD  
8 HAVE KNOWN THAT MY CLIENT WAS FROM THE NEIGHBORHOOD,  
9 AND DID YOU SEE THE INDICTMENT OF THE NEIGHBORHOOD  
10 THAT THEY SHOWED YESTERDAY? WHY DID THEY SHOW THAT?  
11 WHY DID THEY SHOW THAT? I SUBMIT TO YOU THEY SHOWED  
12 IT BECAUSE THEY WANT TO SHOW WHAT KIND OF A BAD  
13 NEIGHBORHOOD IT IS. THE KIND OF NEIGHBORHOOD THAT  
14 MR. COPE DIDN'T WANT TO LIVE IN AND YOU SAW THE FOCUS  
15 OF THE VIDEO. SO THROUGH HIS VIDEO HE INVITES THE  
16 NEIGHBORHOOD THAT HE WAS LIVING IN AND AS YOU AND  
17 EVERYBODY ELSE KNOWS THE PROBLEM WASN'T WITHOUT THE  
18 HOUSE, THE PROBLEM WAS WITHIN THE HOUSE, SO ONCE  
19 AGAIN HE'S TRYING TO DIVERT. BUT HE WOULD HAVE HAD  
20 SOMEBODY IN THE NEIGHBORHOOD, HE WOULD HAVE HAD DNA  
21 THERE. WHAT BETTER DIVERSION WOULD HE HAVE HAD? IF  
22 THE STATE IS CORRECT MR. COPE WOULD NOT HAVE A SPENT  
23 A DAY AND A HALF TALKING TO THE POLICE IF HE KNEW  
24 THAT MY CLIENT ALLEGEDLY WAS IN THE HOUSE BECAUSE IT  
25 WOULD HAVE BEEN VERY, VERY EASY FOR HIM TO DIVERT THE

1 ATTENTION AWAY FROM HIM. BUT HE NEVER DID.

2 NOW THE STATE WILL PROBABLY SAY HE  
3 DIDN'T DO THIS BECAUSE HE DIDN'T WANT TO ADMIT THAT  
4 HE HAD BROUGHT SOMEBODY ELSE IN THE HOUSE TO HAVE SEX  
5 WITH HIS DAUGHTER, OKAY. YOU GIVE A STATEMENT  
6 SEXUALLY ABUSING YOUR DAUGHTER, PUT A BROOM STICK IN  
7 HER AND KILLING HER, THE OTHER ALLEGATION DOESN'T  
8 EVEN COME CLOSE, OKAY. IT'S A NICE TRY, IT'S WHAT  
9 THEY GOT, THEY HAVE TO ARGUE IT, BUT IT DOESN'T GET  
10 THERE. THAT'S NOT IT. THAT'S NOT IT. SO YOU SEE  
11 THE THEORY ABOUT THE CONSPIRACY IS NOT GOING TO MAKE  
12 IT. IT'S NOT GOING TO FAIL. IT'S GOING TO FAIL  
13 BECAUSE THERE IS TOO MANY HOLES, THERE IS TOO MANY  
14 UNANSWERED QUESTIONS AND REMEMBER THE STATE HAS TO  
15 PROVE EACH DEFENDANT GUILTY OF EACH CHARGE BEYOND A  
16 REASONABLE DOUBT AND THEY HAVE TO PROVE EACH ELEMENT  
17 BEYOND A REASONABLE DOUBT, OKAY.

18 YOU KNOW MR. COPE TALKED YESTERDAY OR  
19 THE DAY BEFORE ABOUT WHAT HE THOUGHT ABOUT SO THAT HE  
20 COULD DO THE VIDEO CONVINCINGLY. OKAY. AND HE SAID  
21 I HAD TO THINK OF SOMETHING THAT WOULD MAKE ME ANGRY  
22 ENOUGH TO BE ABLE TO DO THAT. WELL, MR. COPE RIGHT  
23 THERE HAS TOLD YOU THAT IF HE GETS ANGRY ENOUGH HE  
24 CAN USE A BROOM AND HE CAN KILL SOMEBODY. HE HAD TO  
25 THINK OF SOMETHING, OKAY. BUT HE POINTED IT OUT, AND

1 YOU REMEMBER IN OPENING STATEMENT I SAID WHAT, AND  
2 THIS IS THE CENTRAL ISSUE, OKAY, WHAT REASON WERE THE  
3 ACTIONS AGAINST AMANDA SO EXTREME? WHAT REASON WERE  
4 THE ACTIONS AGAINST AMANDA SO EXTREME? AND I SUBMIT  
5 TO YOU I ACTUALLY THOUGHT THAT I WAS GOING TO STAND  
6 UP HERE AND GIVE YOU THE IDEA FOR THE FIRST TIME. I  
7 THOUGHT ABOUT IT LONG BEFORE COURT. THAT'S WHY I HAD  
8 IT IN MY OPENING. BUT MY CREATIVITY HAS BEEN  
9 PREEMPTED IN THIS CASE. YOU KNOW WHAT THE ANSWER IS?  
10 RAGE. RAGE. AND WHO GAVE US THE ANSWER TWO DAYS AGO  
11 ON THE STAND? BILLY COPE. HE SAID HE HAD TO THINK  
12 OF SOMETHING THAT WOULD MAKE HIM ENRAGED. HE  
13 UNDERSTOOD THIS WAS NOT JUST A SEXUAL ASSAULT. HE  
14 UNDERSTOOD AND HE SAYS HE GOT THAT IDEA BECAUSE OF  
15 WHAT THE POLICE HAD TOLD HIM. NO, HE GOT THAT IDEA  
16 BECAUSE HE WAS THERE AND HE WAS THE ONE WHO WAS  
17 ENRAGED. HE WAS THE ONE WHO WAS ENRAGED. AND HE DID  
18 THIS TO HIS DAUGHTER. HE DID IT.

19 YOU KNOW MR. COPE HAS TALKED A LOT  
20 ABOUT HIS RELIGION AND THAT'S A GOOD THING. RELIGION  
21 HELPS US WHEN WE STRUGGLE. AND HE'S TALKED A LOT  
22 ABOUT HIS FAITH AND THAT'S A GOOD THING. BUT YOU  
23 SEE, IT CAN ALSO HELP EXPLAIN THINGS. MR. COPE HAS A  
24 NEW LIFE, HE HAS A NEW LIFE, AND HE TALKED ABOUT THAT  
25 YESTERDAY AND HE SEES IT AS A NEW LIFE AND MR. COPE

1 DOESN'T LIKE TO LOOK BACK. AS HE SAID THE DAY BEFORE  
2 YESTERDAY IN HIS DIRECT, BUT SOMETIMES TO TIE UP  
3 STRINGS YOU HAVE TO LOOK BACK BEFORE YOU CAN MOVE  
4 FORWARD AND ALL THE STRINGS HADN'T BEEN TIED UP YET  
5 AND SO HE CAME BEFORE YOU NOT WHOLE. THERE IS ONE  
6 PARTICULAR THING IN THIS CASE THAT PROVES BEYOND A  
7 REASONABLE DOUBT THAT MR. COPE KNEW AMANDA WAS DEAD,  
8 IT PROVES BEYOND A REASONABLE DOUBT THAT HE KNEW SHE  
9 HAD BEEN DEAD FOR SOMETIME, AND I'M NOT EVEN TALKING  
10 ABOUT THE STATEMENT OF THE DAUGHTER WHO SAID DADDY  
11 SAID SHE HAD BEEN DEAD FOR HOURS. WE CAN TALK  
12 SEMANTICS ALL YOU WANT TO, IT JUST SO HAPPENED SIX  
13 O'CLOCK A LITTLE AFTER SIX IS ABOUT THE TIME THAT  
14 THEY THOUGHT SHE HAD DIED TOO, BUT THAT'S NOT IT.  
15 MR. COPE HAD A DREAM THAT NIGHT AND HE SAYS HE HAD A  
16 DREAM ABOUT THE RAPTURE AND WE DISCUSSED THE RAPTURE  
17 YESTERDAY AND WE DISCUSSED THE THEOLOGY OF THE  
18 RAPTURE AND IN EVERY STORY THAT HE'S EVER TOLD HE'S  
19 TALKED ABOUT THE RAPTURE AND SEE WITH THE RAPTURE,  
20 WHEN PEOPLE ARE TAKEN UP TO HEAVEN TO BE WITH JESUS  
21 THEY ARE SNATCHED UP AND THIS IS A THEOLOGY, A  
22 THEOLOGICAL BELIEF OF A CERTAIN GROUP OF CHRISTIANS  
23 AND IT'S THE TRUE BELIEVERS AND IS THE CHILDREN WHO  
24 HAVE NOT REACHED THE AGE OF ACCOUNTABILITY WHO ARE  
25 SNATCHED UP AND THE WAY THEY ARE SNATCHED UP IS NOT

1 JUST SPIRITUALLY. THEY ARE SNATCHED UP SPIRITUALLY  
2 AND PHYSICALLY AND EVEN IF THEY HAD PREVIOUSLY DIED  
3 THEIR BODY WILL BE RAISED TO BE WITH CHRIST, OKAY.  
4 MR. COPE SAYS HE WENT TO SLEEP THAT NIGHT AND HAD A  
5 DREAM. I DON'T THINK HE DID. I SUBMIT TO YOU HE  
6 KILLED HIS DAUGHTER, HER BODY WAS IN THE BEDROOM, HE  
7 CLEANED UP, AND HE LAID BACK DOWN AFTER HE CLEANED UP  
8 AND HE PRAYED. HE DIDN'T GO TO SLEEP. HE PRAYED  
9 BECAUSE HE HAD A PROBLEM. HE HAD BECOME ENRAGED, HE  
10 HAD DONE AN AWFUL THING TO HIS DAUGHTER, AND HE HAD A  
11 PROBLEM. AND SO HE PRAYED FOR THE RAPTURE. THAT'S  
12 WHY HE WAS SO OBSESSED WITH THE RAPTURE THAT MORNING  
13 BECAUSE YOU SEE IF GOD HAD GIVEN HIM HIS PRAYER  
14 AMANDA AND HER BODY WOULD HAVE BEEN TAKEN TO HEAVEN  
15 AND IT WOULD NOT HAVE BEEN IN THE BEDROOM AND HE  
16 WOULDN'T HAVE TO DEAL WITH IT. THAT TELLS THE TRUTH  
17 OF THIS CASE. THAT TELLS THE TRUTH. HE KNEW THAT  
18 SHE WAS IN THE BEDROOM, HE KNEW THAT SHE WAS DEAD,  
19 AND WHEN HE AWOKE HE WAS HOPING THE RAPTURE HAD TAKEN  
20 PLACE, HE HAD PRAYED FOR IT, AND IF YOU NOTICE HE  
21 SAYS HE SCREAMED AFTER HE SAW HIS OTHER TWO CHILDREN  
22 AND THE REASON WAS BECAUSE HE KNEW HER BODY WAS STILL  
23 THERE AND HE WAS GOING TO HAVE TO DEAL WITH IT. HE  
24 DID IT. HE DID IT ENRAGED AND WHAT WE DON'T KNOW IS  
25 WHY. HE'S NEVER SAID. PROBABLY WILL NEVER SAY. THE

1 QUESTION IS WHAT DID HE LEARN THAT NIGHT WHEN HE WENT  
2 IN TO HAVE HIS RELATIONSHIP WITH HIS DAUGHTER AFTER  
3 THE OTHER TWO GIRLS HAD GONE TO BED? WHAT DID HE  
4 LEARN FROM HER OR WHAT DID HE UNCOVER THAT THREW HIM  
5 INTO A RAGE THAT CAUSED HIM NOT ONLY TO KILL HIS  
6 DAUGHTER, BUT AS A SIGN OF HIS ANGER TO SEXUAL  
7 MUTILATE HER? I ASK THAT YOU FIND JAMES SANDERS NOT  
8 GUILTY ON ALL THE CHARGES IN THIS CASE. THANK YOU.

9 THE COURT: ALL RIGHT. MEMBERS OF THE  
10 JURY PANEL, WE'LL BREAK FOR LUNCH. IT SHOULD BE HERE  
11 FAIRLY SOON AND IF IT IS WE'LL TAKE A LITTLE BIT OF  
12 TIME AND WE'LL COME BACK. HAVE A PLEASANT LUNCH.

13 (THE JURY EXITS THE COURTROOM AT 12:20  
14 PM.)

15 THE COURT: WE'LL BE AT EASE SUBJECT TO  
16 CALL TO COURT WHICH I IMAGINE WILL BE AROUND 1:30.

17 (COURT'S IN RECESS AT 12:20 PM.)

18 (COURT RESUMES AT 1:32 PM.)

19 THE COURT: IS THE STATE READY.

20 MR. BRACKETT: THE STATE IS READY.

21 THE COURT: MR. MORTON, YOU READY.

22 MR. MORTON: YES, YOUR HONOR.

23 MR. GREELEY: YES, YOUR HONOR.

24 THE COURT: BRING IN THE JURY.

25 (THE JURY RETURNS TO THE COURTROOM AT



1 01:33 PM.)

2 THE COURT: ALL RIGHT, MR. BRACKETT.

3 CLOSING STATEMENT BY MR. BRACKETT:

4 HOW CAN THIS BE? WE'VE BEEN IN TRIAL NOW  
5 FOR 11 DAYS AND BOTH OF THESE MEN ARE INNOCENT? YOU  
6 JUST HEARD MR. MORTON VERY PERSUASIVELY AND  
7 PASSIONATELY (POUNDS ON THE RAIL) HE'S INNOCENT; HE'S  
8 INNOCENT. MR. GREELEY (POUNDS) HE DIDN'T PROVE IT,  
9 FOLKS. HE'S GUILTY. MY GUY IS INNOCENT. VERY  
10 ARTFUL. VERY ENTERTAINING. BUT LADIES AND GENTLEMEN  
11 OF THE JURY, LET'S IN THE WORDS OF JERRY WALDROP,  
12 LET'S TALK ABOUT AMANDA. LET'S TALK ABOUT THE FACTS  
13 AND THE EVIDENCE. LET'S TALK ABOUT THE TRAGEDY THAT  
14 HAPPENED AT 407 RICH STREET. LET'S STEP THROUGH IT  
15 PIECE BY PIECE, EVERY BIT OF EVERY BIT, AND DECIDE  
16 EXACTLY WHAT HAPPENED.

17 I'M NOT GOING TO -- THIS IS A VERY  
18 EMOTIONAL CASE, A 12 YEAR OLD IS DEAD AND RAPED AND  
19 MY CHEST TIGHTENS EVERY TIME, I'VE BEEN LIVING THIS  
20 CASE FOR THREE AND A HALF YEARS, IT'S HARD AND IT'S  
21 HARD FOR YOU AND I APPRECIATE THAT. I DO. I CAN'T  
22 DELIVER A SUMMATION TO DO JUSTICE BY THIS GIRL  
23 WITHOUT GETTING EMOTIONAL. I CAN'T SHOW YOU THIS  
24 EVIDENCE WITHOUT IT PROVOKING AN EMOTIONAL REACTION  
25 IN YOU, BUT I WANT YOU TO UNDERSTAND SOMETHING, I

1 DON'T WANT YOU TO DECIDE THIS CASE ON PASSION OR  
2 EMOTION OR BECAUSE IT'S A HORRIBLE CASE AND A  
3 HORRIBLE THING HAPPENED TO A LITTLE GIRL.  
4 I DON'T WANT YOU TO DO THAT MOSTLY BECAUSE YOU DON'T  
5 NEED TO. YOU CAN DECIDE THIS CASE ON REASON AND  
6 LOGIC, BUT I'M GOING TO HAVE TO SHOW YOU SOME  
7 TERRIBLE, TERRIBLE THINGS. I'M GOING TO HAVE TO SAY  
8 SOME HORRIBLE THINGS AND I WANT YOU TO UNDERSTAND UP  
9 FRONT, I'M SORRY AND I KNOW HOW IT AFFECTS YOU. JUST  
10 BEAR WITH ME. JURY SERVICE ISN'T EASY. THIS WASN'T  
11 EASY FOR AMANDA. SHE SUFFERED THROUGH THAT. Y'ALL  
12 CAN SUFFER THROUGH IT A LITTLE MORE WITH ME JUST FOR  
13 A LITTLE WHILE. JUST FOR A LITTLE WHILE.

14 THE FIRST THING I WANT TO TALK TO YOU  
15 ABOUT, MADAM CLERK, IF YOU WOULD. (THE LIGHTS ARE  
16 DIMMED.) I TOLD YOU THIS CASE WOULD BE DECIDED USING  
17 REASON AND LOGIC. THE FIRST THING I THOUGHT ABOUT,  
18 WHAT DO I EVEN USE TO CONVINCE PEOPLE? WHAT DO WE DO  
19 WHEN WE HAVE A SITUATION LIKE THIS? YOU SIT BACK AND  
20 YOU SAY, OKAY, WHAT ARE ALL THE THINGS THAT COULD  
21 HAVE HAPPENED; WHAT ARE ALL THE POSSIBILITIES IN THIS  
22 CASE; BASED ON THE EVIDENCE THAT WE HAVE, WHAT COULD  
23 HAVE HAPPENED IN THIS CASE? THE FIRST THING THAT  
24 COULD HAVE HAPPENED REALISTICALLY, NOT NECESSARILY  
25 PROBABLY, BUT I'M GIVING YOU EVERYTHING OKAY, MAYBE

1 COPE CAUGHT SANDERS IN THE HOUSE ASSAULTING HIS  
2 DAUGHTER? MAYBE COPE AND SANDERS BOTH ASSAULTED  
3 AMANDA INDEPENDENT OF ONE ANOTHER AND UNBEKNOWNST TO  
4 EACH OTHER? AND LADIES AND GENTLEMEN, I'LL SAY IT, I  
5 DIDN'T COUNT THIS AS A SERIOUS POSSIBILITY, UNTIL MR.  
6 GREELEY'S CLOSING ARGUMENT I DIDN'T THINK ANYBODY  
7 WOULD VENTURE TO MAKE THIS ARGUMENT BECAUSE IT'S  
8 ABSURD AND I'LL DEAL WITH THAT MOMENTARILY. MAYBE  
9 COPE DID IT BY HIMSELF? MAYBE SANDERS DID IT BY  
10 HIMSELF? AND THAT'S REALLY THE THRUST OF MY ARGUMENT  
11 RIGHT THERE, THAT'S WHAT I HAVE TO DEAL WITH RIGHT  
12 THERE, BECAUSE THAT IS COPE'S DEFENSE: HE'S PUTTING  
13 IT ON ALL SANDERS, SO I HAVE TO PROSECUTE COPE  
14 BECAUSE, LADIES AND GENTLEMEN, SANDERS IS BOUGHT AND  
15 PAID FOR. MR. SANDERS' DNA, HIS SEMEN, IS ON A DEAD  
16 12 YEAR OLD GIRL. HIS SALIVA IS HER ON BREAST OVER A  
17 BRUISE THAT IS ROUGHLY THE SAME AGE AS THE CHOKE  
18 MARKS THAT KILLED HER. MR. SANDERS IS GUILTY. THERE  
19 IS NO QUESTION ABOUT THAT. THAT CANNOT SERIOUSLY BE  
20 DISPUTED, NOT WITH A STRAIGHT FACE. THE FINAL  
21 POSSIBILITY IS COPE AND SANDERS DID IT TOGETHER.

22 NOW BEFORE I MOVE ON AND GO THROUGH EACH  
23 OF THESE POSSIBILITIES ONE BY ONE, THE ONE THING I  
24 WANT TO TELL YOU, MR. MORTON LAID DOWN THE GAUNTLET,  
25 MR. BRACKETT, I CHALLENGE YOU TO TELL ME WHERE THESE

1 TWO PEOPLE MET. I CHALLENGE YOU TO TELL ME HOW LONG  
2 THEY'VE KNOWN EACH OTHER. I CHALLENGE YOU TO GIVE ME  
3 A HISTORY OF THEIR RELATIONSHIP. WHEN YOU LISTEN TO  
4 THE JUDGE CHARGE YOU ON CONSPIRACY, LISTEN VERY  
5 CAREFULLY, BECAUSE YOU ARE GOING TO HEAR A LOT OF  
6 THINGS, YOU ARE TO GOING HEAR A LOT OF TALK ABOUT AN  
7 AGREEMENT, A MEETING OF THE MINDS, TO COMMIT A CRIME  
8 AND SOME ACT IN FURTHERANCE OF THAT CONSPIRACY.  
9 THOSE ARE THE THINGS YOU ARE GOING TO HEAR. LET ME  
10 TELL YOU WHAT YOU ARE NOT GOING TO HEAR: YOU ARE NOT  
11 GOING TO HEAR THE JUDGE TELL YOU AND THE STATE MUST  
12 PROVE WHERE AND WHEN THEY MET, HOW LONG THEY HAVE  
13 KNOWN EACH OTHER, WERE THEY GOOD FRIENDS OR CASUAL  
14 ACQUAINTANCES. NO. WE DON'T HAVE TO PROVE THAT. WE  
15 DON'T HAVE TO PROVE THAT THEY KNEW EACH OTHER. IF I  
16 CONVINCED YOU THAT MR. COPE IS GUILTY BEYOND A  
17 REASONABLE DOUBT AND I SUBMIT BY THE TIME I SIT DOWN  
18 I WILL HAVE DONE THAT, IF MR. GREELEY HASN'T ALREADY,  
19 AND I CONVINCED YOU THAT MR. SANDERS IS GUILTY, AND I  
20 SUBMIT THAT BY THE TIME I SIT DOWN I WILL CONVINCED  
21 YOU OF THAT, IF MR. MORTON HAS NOT ALREADY, THEN THEY  
22 HAD TO DO IT TOGETHER. THEY CAN'T BOTH BE GUILTY OF  
23 THESE CRIMES AND NOT HAVE DONE IT TOGETHER. THEY  
24 COULDN'T HAVE BOTH BEEN STANDING IN THE ROOM DOING  
25 THE SAME THING AND NOT KNOWN; THAT'S JUST ABSURD. IF

1       THEY ARE BOTH GUILTY THEN THEY DID IT TOGETHER.  THEY  
2       HAD TO CONSPIRE.  OKAY.

3                   NOW I'LL GIVE YOU AN EXAMPLE BECAUSE THIS  
4       CASE IS SO CONVOLUTED WITH FACTS LET ME GIVE YOU A  
5       VERY STRAIGHT FORWARD SIMPLE EXAMPLE OF WHAT I AM  
6       SAYING THAT WILL ILLUSTRATE THE POINT.  SUPPOSE  
7       SOMEBODY BROKE INTO A FAMOUS MUSEUM AND CUT OUT A  
8       PICTURE, SAY THE MONA LISA, AND THEY RUN AWAY AND  
9       WITHIN FIVE MINUTES, THE GUY, WHO IS ON VIDEO TAPE,  
10      IS CAUGHT WITH THE RAZOR BLADE STILL IN HIS POCKET  
11      THAT HAS THE LITTLE PAINTS CHIPS ON IT THAT ARE  
12      CLEARLY BELONGING TO THE MONA LISA.  NO QUESTION  
13      ABOUT IT, THIS IS THE SAME GUY, HE'S ON VIDEO, DOZENS  
14      OF PEOPLE SAW HIM, AND HE ADMITS, YEAH, IT WAS ME,  
15      BUT HE DOESN'T HAVE THE PAINTING.  FIVE MINUTES LATER  
16      SPEEDING AWAY IN A CAR ANOTHER GUY IS PULLED OVER FOR  
17      SPEEDING AND INSIDE INSIDE OF A PLASTIC OR A  
18      CARDBOARD TUBE ROLLED UP IS THE MONA LISA.  SUPPOSE  
19      THAT THERE IS NO WAY TO PROVE HOW THESE TWO PEOPLE  
20      EVER KNEW EACH OTHER, CAN THERE BE ANY DOUBT THAT  
21      THEY WERE ACTING TOGETHER?  CAN THERE BE ANY REAL  
22      DOUBT?  THAT'S WHAT WE HAVE HERE.  THEY ARE BOTH  
23      CAUGHT INDEPENDENT OF ONE ANOTHER AND I DON'T KNOW  
24      HOW THEY KNEW EACH OTHER.  BUT RAPE ISN'T THE KIND OF  
25      CRIME THAT YOU SIGN AN AGREEMENT, WRITE OUT A

1 CONTRACT AND SAY, JAMES SANDERS PARTY OF THE FIRST  
2 PART WILL MEET WITH BILLY COPE THE PARTY OF THE  
3 SECOND PART AND MEET AT TWO O'CLOCK IN THE MORNING AT  
4 407 RICH STREET FOR THE PURPOSE OF COMMITTING RAPE  
5 AND WE'RE GOING TO FILE THAT DOWN AT THE COURT HOUSE.  
6 RAPE IS A SECRETATIVE CRIME. RAPE ISN'T SOMETHING  
7 YOU DO ON THE STREETS. RAPE IS SOMETHING YOU DO  
8 AFTER YOU'VE DRAWN THE CURTAINS AND CLOSED THE DOOR.  
9 WHEN YOU RAPE SOMEONE YOU DON'T WANT OTHER PEOPLE TO  
10 KNOW ABOUT IT. I DON'T KNOW WHAT KIND OF  
11 RELATIONSHIP THESE TWO MEN HAD. I DON'T KNOW THE  
12 EXTENT OF IT. WAS IT FRIENDSHIP, AN  
13 ACQUAINTANCESHIP, SOMETHING MORE PERSONAL THAN THAT?  
14 I DON'T KNOW. I DON'T KNOW. I DON'T HAVE TO KNOW.  
15 ALL I HAVE TO DO IS SATISFY EACH OF YOU THAT EACH ONE  
16 OF THEM IS GUILTY AND IF THEY WERE BOTH GUILTY THEN  
17 THEY HAD TO DO IT TOGETHER. SO LET'S RUN THROUGH THE  
18 POSSIBILITIES.

19 IF COPE CAUGHT SANDERS IN THE HOUSE, COPE  
20 WOULD HAVE KILLED SANDERS, WE WOULD HAVE A KILLING ON  
21 OUR HANDS, AND SANDERS WOULD BE DEAD. ASSUMING COPE  
22 IS INNOCENT, RIGHT, ISN'T THAT WHAT WOULD HAVE  
23 HAPPENED? ANY NORMAL FATHER WALKS IN, FINDS SOMEBODY  
24 RAPING HIS DAUGHTER, KILLING HIS DAUGHTER, DOING  
25 SOMETHING LIKE THAT, IN HIS BEDROOM WITH HIS

1 DAUGHTER, NOT THEN NECESSARILY DOING SOMETHING, AT  
2 TWO O'CLOCK IN THE MORNING, THERE IS GOING TO BE SOME  
3 BLOOD ON THE FLOOR. HE WOULD HAVE CALLED THE POLICE.  
4 HE WOULD NOT HAVE HAD ANY REASON TO LEAVE HIM OUT OF  
5 THE CONFESSION AT THAT POINT. THERE REALLY WOULD  
6 HAVE BEEN NO CONFESSION. IT WOULD HAVE BEEN A  
7 STATEMENT. THAT'S NOT A REASONABLE POSSIBILITY.  
8 COPE AND SANDERS ACTED INDEPENDENTLY OF EACH OTHER.  
9 LADIES AND GENTLEMEN, MR. GREELEY VERY ARTFULLY TRIED  
10 TO LAY THIS ARGUMENT OUT. IT WAS CLEVER. ONE  
11 FALLACY THOUGH, ONE LITTLE SMALL PROBLEM, HE HAD TO  
12 STRETCH THE TIME BACK EARLY IN THE EVENING, SEVEN  
13 O'CLOCK, SIX O'CLOCK. THE PATHOLOGIST SAID SHE DIED  
14 BETWEEN TWO AND FOUR, SO MR. GREELEY FIRST HAD TO  
15 ASSUME THAT SHE DIED AT TWO, THE EARLIEST POSSIBLE  
16 TIME BY THE PATHOLOGIST'S RECKONING. THEN HE SAID  
17 THE BRUISE COULD NOT HAVE BEEN ANY OLDER THAN FOUR  
18 HOURS, THAT MEANS NO MORE THAN TEN O'CLOCK. AT TEN  
19 O'CLOCK MARY COPE WAS LEAVING FOR WORK, THEY HAD  
20 EATEN DINNER AT 8:30, THEY WERE IN THE HOUSE, AND  
21 AMANDA WAS JUST ABOUT TO START HELPING JESSICA WITH  
22 THE HOMEWORK WHICH SHE DID UP UNTIL THE TIME THEY  
23 WENT TO BED ABOUT 1:15. IN ADDITION TO THAT,  
24 REMEMBER THE TAPES THAT WE HAD TO SUFFER THROUGH, THE  
25 FOUR-HOUR LONG AUDIO TAPES OF DRIBBLE, REMEMBER ONE

1 OF THE THINGS THAT MR. COPE SAID, AND THIS IS ONE OF  
2 THOSE LITTLE INNOCUOUS QUESTIONS THAT WAS ASKED OF  
3 HIM SO HE REALLY HAD NO REASON TO LIE ABOUT THIS, IT  
4 WASN'T REALLY PERTAINING TO THE CASE IT WAS JUST ONE  
5 OF THOSE GENERAL QUESTIONS THAT THEY THREW OUT, DO  
6 YOU LET THE KIDS RUN AROUND THE NEIGHBORHOOD? THIS  
7 WAS RIGHT AROUND THE TIME HE SAID HIS MOM WAS  
8 CONCERNED ABOUT THE NEIGHBORHOOD AND CONCERNED ABOUT  
9 THE KIDS RUNNING AROUND THE NEIGHBORHOOD; HE SAID NO,  
10 I DON'T. WE ARE PRETTY MUCH A HOME BODY FAMILY. WE  
11 STAY AT HOME, WE WATCH SEVENTH HEAVEN AND CHRISTMAS  
12 SHOWS, AND BASICALLY SIT AROUND AND READ THE BIBLE.  
13 THAT'S WHAT HE WAS SAYING. SO EVEN HE ADMITTED WHEN  
14 IT DIDN'T MATTER THAT THE KIDS DON'T GO OUT, SO SHE  
15 WASN'T GOING TO GO OUT AT TEN O'CLOCK AT NIGHT. SHE  
16 WASN'T. BUT EVEN IF YOU BELIEVE THAT, WHAT'S HE  
17 REALLY SAYING? WHAT'S MR. GREELEY SAYING? OH, NO,  
18 JAMES SANDERS DIDN'T SEXUALLY ASSAULT HER AT TWO  
19 O'CLOCK IN THE MORNING. HE SEXUALLY ASSAULTED HER  
20 EARLIER. WHAT KIND OF DEFENSE IS THAT? YOU REALLY  
21 THINK LIGHTENING HIT THIS CHILD TWICE IN THE SAME  
22 NIGHT? IF YOU DO SEND MR. SANDERS HOME. I SUBMIT  
23 THAT'S ABSURD. THAT IS NOT A REALISTIC POSSIBILITY.  
24 AND NEITHER IS COPE ACTED ALONE FOR THE SIMPLE REASON  
25 THAT MR. SANDERS' SEMEN AND SALIVA IS ALL OVER THIS



1 POOR CHILD.

2 SANDERS ACTED ALONE. OKAY, THAT'S MR.

3 COPE'S CURRENT EXPLANATION. THAT'S THE LATEST

4 VERSION OF THE COPE SPIN ON WHAT HAPPENED IN THIS

5 HOUSE THAT NIGHT. MR. SANDERS BROKE IN AND DID THIS

6 BY HIMSELF AND THIS IS WHAT THE MAJORITY OF MY

7 CLOSING ARGUMENT IS GOING TO BE FOCUSED ON. I'M

8 GOING TO CONVINCING YOU THAT MR. COPE WAS GUILTY TOO IN

9 ADDITION TO MR. SANDERS. (PLAYING THE 911 TAPE.)

10 IT'S A WHITE HOUSE. I'LL LEAVE THE LIGHT ON.

11 PEPPERONI, MUSHROOM, SAUSAGE, AND GREEN PEPPERS, IS

12 HE ORDERING A PIZZA? LISTEN TO THAT GUY. THIS IS

13 WHAT THIS MAN SAID TO 911 WHILE HIS DAUGHTER IS

14 LAYING THERE IN THE BED. YOU SAW HER. THAT'S WHAT

15 HE JUST WALKED OUT OF. THAT'S WHAT HE JUST WALKED

16 OUT OF. THAT'S HIS CHILD. THAT'S HIS LITTLE GIRL,

17 HIS FIRST BORN. SHE IS LAYING IN THERE LOOKING LIKE

18 THAT, THAT'S EXACTLY WHAT HE JUST SAW, WALKED OVER

19 AND PICKED UP THE PHONE AND HEARD AND SAID JUST WHAT

20 YOU JUST HEARD. (POUNDS ON THE RAIL.) SHE IS DEAD.

21 SHE'S COLD AS A CUCUMBER. NO, THERE IS NO POINT IN

22 TRYING TO DO CPR. YOU DON'T HEAR HIM GOING, OH, MY

23 GOD. PLEASE. PLEASE. HURRY. BRING SOMEBODY TO

24 HELP HER. PLEASE HELP MY CHILD. THAT'S WHAT A

25 FATHER WOULD SAY. IF HE COULD EVEN GET THAT MUCH

1       OUT.  AND THAT'S WHAT THE POLICE KNEW.  THEY KNEW  
2       THAT.  AND THEY WANT TO BLAME THEM BECAUSE THEY WERE  
3       SUSPICIOUS OF HIM AT FIRST.  Y'ALL GOT COMMON SENSE.  
4       WHAT WOULD Y'ALL, WHAT WOULD ANY REASONABLE PERSON  
5       THINK HEARING THAT TAPE, SEEING THAT PICTURE, THOSE  
6       POLICE OFFICERS WALKED IN, THEY SAW THE SAME THING.  
7       OF COURSE THEY WERE WONDERING ABOUT HIM.  HE EVEN  
8       ACKNOWLEDGED IN ONE OF THOSE LETTERS IN EVIDENCE THAT  
9       HE WROTE TO HIS OLD BOSS, I'LL REFER TO IT AGAIN  
10      LATER, HE SAYS, I'M NO DUMMY.  I KNOW THE FIRST  
11      SUSPECT IS GOING TO BE IN THE HOUSE.  HE'S NO DUMMY.  
12      YOU SAW HIM TESTIFY.  HE IS NO DUMMY.  HE'S CAGEY.  
13      HE KNEW THAT THE POLICE, THE FIRST SUSPECT WAS GOING  
14      TO BE IN THE HOUSE, OF COURSE, HE DID, AND OF COURSE  
15      THE POLICE ARE GOING TO LOOK AT HIM.  HE'S THE ONLY  
16      GUY IN THE HOUSE.  YOU HEARD DETECTIVE WALDROP SAY HE  
17      WALKED AROUND THAT HOUSE AND LOOKED AT THE SAME  
18      WINDOWS TODD GARDNER TESTIFIED ABOUT.  THEY KNEW.  
19      THEY WERE LOOKING AT THE SITUATION, THEY ARE  
20      REASONABLE PEOPLE, OF COURSE THEY ARE GOING TO TALK  
21      TO HIM.  THEY CAN'T FAULT HIM FOR THAT.  SO THE CLOUD  
22      OF SUSPICION FORMED OVER BILLY COPE, BIG DEAL.  DID  
23      YOU HEAR THAT TAPE?  SO THEY TALKED TO HIM.  AND HE  
24      GAVE A NUMBER OF STATEMENTS AND WE WILL GO THROUGH  
25      THOSE IN DETAIL.

1                   AT THE SCENE WHAT DOES HE SAY? IT WAS AN  
2 ACCIDENT. THERE WAS AN ACCIDENT. SHE ROLLED AROUND.  
3 SHE HAS A HISTORY OF ROLLING YOU KNOW. HAS A HISTORY  
4 OF ROLLING? SHE'S 12 YEARS OLD FOR GOD SAKES. SHE  
5 HAS A HISTORY OF ROLLING? LADIES AND GENTLEMEN, KIDS  
6 DO CHOKE ON THINGS. THEY, TODDLERS CHOKE ON THINGS.  
7 MR. COPE TESTIFIED HE HEARD ABOUT A KID WHO HUNG ON A  
8 BLINDS CORD. YEAH, THAT HAPPENS TO TODDLERS, TO  
9 INFANTS, AND THE REASON THAT THAT KILLS THEM, IT'S  
10 NOT THE FACT OF A LONG PIECE OF CORD OR FABRIC,  
11 THAT'S NOT WHAT KILLS YOU. IT'S THE FACT THAT ONE  
12 END IS NAILED OR SCREWED IN THE WALL AT THE TOP AND  
13 THEIR FEET DON'T REACH THE BOTTOM AND GRAVITY IS  
14 PULLING THEM DOWN AND THE NAIL IS HOLDING THE CORD  
15 UP, THAT'S WHAT KILLS THEM. YOU CAN'T JUST KILL  
16 SOMEBODY WITH A CORD. LADIES AND GENTLEMEN, YOU  
17 COULD SLEEP ON A PILE OF ROPES, YOU COULD USE A BUNCH  
18 OF ROPES AS A PILLOW AND NOT CHOKE TO DEATH. AND A  
19 12 YEAR OLD COULD TOO. IF IT GETS AROUND YOUR NECK  
20 YOU ARE GOING TO WAKE UP AND YOU ARE GOING TO PULL IT  
21 OFF, BUT IT'S NOT GOING TO CHOKE YOU SO MUCH THAT YOU  
22 WOULD EVEN WAKE UP BECAUSE NOBODY IS PULLING ON THE  
23 ENDS. IT'S NOT NAILED IN ANYWHERE AND GRAVITY IS NOT  
24 PULLING IT DOWN. IT'S ABSURD. EVEN IF I LAID THIS  
25 OUT RIGHT NOW AND I ROLLED AROUND AND TRIED TO ROLL

1 IT AROUND MY NECK, SHE'D ROLL OFF THE BED BEFORE IT  
2 GOT WRAPPED AROUND HER NECK. THAT'S STUPID. BUT  
3 THAT'S WHAT HE TELLS THE POLICE AND HE WONDERS WHY  
4 THEY ARE SUSPICIOUS. WHY? WHY WERE THEY SUSPICIOUS  
5 OF ME? POOR BILLY. POOR BILLY. THEY DID THIS  
6 BECAUSE HIS HOUSE LOOKED LIKE A MESS. POOR BILLY  
7 NOTHING. THEY DID IT BECAUSE THE STORY DIDN'T ADD  
8 UP. RIGHT FROM THE VERY BEGINNING IT LOOKED  
9 SUSPICIOUS, FROM THE TAPE, FROM THE FIRST THINGS HE  
10 SAID, HISTORY OF ROLLING, WARNED HER ABOUT THAT  
11 BLANKET, NOT ACCORDING TO JESSICA, THAT WAS NEWS TO  
12 HER, NEVER HEARD THAT BEFORE. WHY WOULD TIFFANY  
13 BARNETTE AND JASON DILLON BOTH SAY THAT -- NAKED WHEN  
14 I FOUND HER. YOU KNOW WHAT IT WAS? HE WAS MAKING  
15 HIS STORY UP AS HE WENT ALONG AND HE TOLD THAT TO THE  
16 FIRST PEOPLE AND THEN HE THOUGHT BETTER OF IT AND HE  
17 DECIDED TO CHANGE HIS STORY. THAT DIDN'T MAKE SENSE.  
18 HE'S STILL TRYING TO FIGURE OUT WHAT'S THE BEST ANGLE  
19 ON THIS THING. I GOT TO WORK THIS WITH THE POLICE.  
20 DEAD FOR FOUR HOURS. TIFFANY BARNETTE SAID DEAD FOR  
21 ABOUT FOUR HOURS. ABOUT AIN'T FOR. FOR HOURS, FOUR  
22 HOURS, THIS ISN'T THE FIRST TIME HE MAKES THIS  
23 MISTAKE. THAT TAPE, WHEN WAS THE LAST TIME YOU SAW  
24 HER, SIR? ABOUT TWO. UH, ABOUT ONE. ABOUT FOUR  
25 HOURS EARLIER.

1                   AND THEN FINALLY, ANYTHING BAD GOING  
2                   TO HAPPEN TO ME BECAUSE MY DAUGHTER IS DEAD? WHY  
3                   WOULD A FELLOW THINK THAT? HE JUST FOUND HIS  
4                   DAUGHTER DEAD. NOW LET'S JUST IMAGINE FOR JUST A  
5                   SECOND, IF YOU CAN, IF YOUR IMAGINATION IS THIS GOOD  
6                   THAT BILLY COPE IS IN FACT INNOCENT AND HE'S STANDING  
7                   THERE, HE JUST FOUND HER, HE IS ALL DISTRAUGHT AND  
8                   UPSET OR WHATEVER, AND HE IS THINKING OF HIMSELF; IS  
9                   ANYTHING BAD GOING TO HAPPEN TO ME. YOU KNOW WHAT  
10                  HE'S REALLY THINKING: Y'ALL CATCHING ON TO THIS YET?  
11                  ARE YOU BUYING IT? IS THIS WORKING? GOOD ENOUGH?  
12                  YEAH. ALL THE OFFICERS SAID SAME DEMEANOR. HE TRIED  
13                  TO TESTIFY HE WAS LAYING ON THE FLOOR CRYING. NO  
14                  OFFICER HEARD HIM LAYING ON THE FLOOR CRYING. THEY  
15                  SAW HIM TYPING ON THE COMPUTER, TALKING ON THE  
16                  TELEPHONE; NO, THIS WASN'T A MAN WHO JUST FOUND HIS  
17                  DAUGHTER DEAD. THIS WAS A MAN WHO KNEW SHE HAD BEEN  
18                  DEAD FOR SOME PERIOD OF TIME AND HAD BEEN WORKING ON  
19                  HIS STORY, CLEANING UP THE SITUATION, STAGING THE  
20                  CRIME SCENE, FIXING IT UP SO THAT AT SIX O'CLOCK WHEN  
21                  THE ALARM WENT OFF HE COULD YELL OUT AND WAKE HIS  
22                  KIDS UP AND START HIS SHOW.

23                         SO DETECTIVE BURRIS TAKES HIM BACK TO THE  
24                         ROCK HILL POLICE DEPARTMENT AND TALKS TO HIM. THIS  
25                         IS INFORMATIONAL, NON-CONFRONTATIONAL, HE SAID SO.

1 ALL THEY ARE DOING IS INTERVIEWING ME. THEY ARE  
2 TALKING TO ME. HE'S NOT UNDER ARREST. NOW THE JUDGE  
3 IS GOING TO CHARGE YOU ABOUT THE STATEMENTS THAT HE'S  
4 MADE AND YOU NEED TO UNDERSTAND SOMETHING, THIS IS A  
5 POINT OF LAW, IF YOU ARE NOT UNDER ARREST YOU DON'T  
6 NEED YOUR MIRANDA WARNING. YOU HAVE THE RIGHT TO  
7 REMAIN SILENT, ANYTHING YOU SAY CAN AND WILL BE USED  
8 AGAINST YOU, ALL THIS STUFF YOU SEE ON TV, THAT ONLY  
9 APPLIES ONCE YOU ARE PLACED UNDER ARREST OR  
10 QUESTIONED. YOU COULD BE ARRESTED AND NOT QUESTIONED  
11 AND YOU STILL DON'T NEED MIRANDA WARNINGS. THE ONLY  
12 TIME YOU GET IT IS WHEN YOU ARE IN CUSTODY, YOU'RE  
13 NOT FREE TO LEAVE, AND THE POLICE ARE QUESTIONING  
14 YOU. BEFORE YOU CAN ASK QUESTIONS UNDER THOSE  
15 CIRCUMSTANCES THAT'S WHEN YOU GET THE RIGHTS READ TO  
16 YOU. HE WASN'T IN CUSTODY. HE WAS SITTING AT THE  
17 POLICE DEPARTMENT GIVING AN INTERVIEW TO MR. BURRIS  
18 SEATED OVER HERE, THIS NICE GENTLEMAN WHO YOU HEARD  
19 FROM, NOT UNDER ARREST, ASKED HIM WHAT HAPPENED.  
20 YOU'D EXPECT THAT FROM THE POLICE, WOULDN'T YOU?  
21 HE'S RIDING THAT ACCIDENT STORY. THAT'S WHAT  
22 HAPPENED. BUT HE DOES START THE VERY FIRST SEEDS OF  
23 HIS BACK UP, THE BACK UP PLAN. IN CASE PLAN A FALLS  
24 THROUGH PLAN B. YOU KNOW I SLEEP WITH THIS CPAP  
25 MACHINE, IT MAKES A LOT OF NOISE, SO THAT'S THE FIRST

1 TIME WE HEAR ABOUT THAT. ALSO SHE'S SCRATCHED MY  
2 BACK. IN CASE YOU FIND ANY OF MY DNA UNDERNEATH HER  
3 FINGERNAILS, LIKE MAYBE SOMEBODY WOULD IF THEY WERE  
4 FIGHTING FOR THEIR LIFE, SHE SCRATCHED MY BACK AND  
5 THAT'S HOW IT GOT THERE. THAT'S A LITTLE BIT ODD,  
6 DON'T YOU THINK? WHAT'S HE THINKING WHEN HE SAYS  
7 THAT?

8 STATEMENT TO BURRIS AND HERRING, AGAIN  
9 INFORMATIONAL, NOT UNDER ARREST, NO MIRANDA, HE'S  
10 JUST SITTING OUT IN THE LOBBY AND THEY NOTICE HIM OUT  
11 THERE AND SAID LET'S ASK HIM A FEW MORE QUESTIONS, WE  
12 GOT A LITTLE MORE INFORMATION, LET'S ASK HIM ABOUT  
13 THIS. SAME BASIC STORY. NEITHER OF THESE STATEMENTS  
14 DOES HE MENTION GETTING UP AT THREE O'CLOCK IN THE  
15 MORNING AND THAT'S SIGNIFICANT, THAT PIECE OF  
16 INFORMATION PLAYS ALL THE WAY THROUGH THIS ENTIRE  
17 CASE, DIDN'T GET AND DOESN'T SAY ANYTHING ABOUT  
18 GETTING UP AT THREE O'CLOCK IN THE MORNING AND YOU  
19 CAN BET THEY ARE ASKING HIM, THEY WANT EVERY DETAIL,  
20 THEY DON'T WANT HALF THE STORY, JUST A LITTLE BIT,  
21 JUST TELL ME WHAT, YOU KNOW, THEY ARE ASKING HIM,  
22 GIVE US THE DETAILS, EVERY SINGLE THING, WHAT  
23 HAPPENED LAST NIGHT, WHAT HAPPENED THIS MORNING FROM  
24 THE TIME YOU WOKE UP, GIVE ME EVERY SINGLE DETAIL,  
25 AND THIS IS THE FIRST PLACE HE STARTS TALKING ABOUT

1 THE RAPTURE. AND THIS IS THE FIRST PLACE HE STARTS  
2 HAVING TO TALK ABOUT KICKING THE DOOR IN. NO MENTION  
3 OF THAT ON THE SCENE. NO MENTION OF THAT TO MR.  
4 BURRIS AT 8 O'CLOCK THAT MORNING AT THE POLICE  
5 DEPARTMENT. NO MENTION OF IT AT ALL. HE CHANGES THE  
6 BED TIME A LITTLE ABOUT FROM 12:30 TO ABOUT ONE, AND  
7 HE STILL BELIEVES THAT IT WAS AN ACCIDENT. HOW DO  
8 YOU THINK THIS HAPPENED, SIR? OH, I THINK IT WAS AN  
9 ACCIDENT. SHE ROLLED AROUND. HE'S STILL RIDING THIS  
10 STORY BECAUSE HE HADN'T QUITE BEEN SHOOK OF IT YET.  
11 THEY HAVEN'T GIVEN HIM ENOUGH INFORMATION TO BACK HIM  
12 OFF OF IT SO HE IS STICKING WITH THE ACCIDENT THEORY.  
13 HE DID SAY, AND HE'S THE BEST JUDGE OF THIS BECAUSE  
14 HE'S THE GUY THAT ACTUALLY LIVES THERE AND HE'S THE  
15 ONE WITH THE FANS IN HIS ROOM AND THE SLEEP MACHINE  
16 AND SLEEP APNEA AND ALL THAT OTHER STUFF, HE SAYS HE  
17 CAN'T BELIEVE HE DIDN'T HEAR ANYTHING. JOIN THE  
18 CREW. NOBODY ELSE CAN EITHER. CAN'T BELIEVE I  
19 DIDN'T HEAR ANYTHING. AND THEY TOLD HIM THEN, WE'RE  
20 GOING TO GET BACK IN TOUCH WITH YOU AFTER THE AUTOPSY  
21 RESULTS COME IN. HANG TIGHT, ONCE WE HAVE SOME MORE  
22 INFORMATION WE'LL BE IN TOUCH.

23 NOW THE THREE O'CLOCK INTERVIEW WAS REALLY  
24 NOT TO LAW ENFORCEMENT AT ALL. IT WAS TO DSS.  
25 JESSICA'S ASLEEP BY 10:30, AMANDA ASLEEP BY 11:30,



1 THAT'S AN HOUR AND A HALF OFF. YOU KNOW HE'S NOT  
2 TELLING DSS THE TRUTH. WHAT'S HIS MOTIVE TO LIE  
3 ABOUT THIS? SHE WAS VERY CLEAR ON THAT POINT. SHE'S  
4 THE LADY THAT TESTIFIED FROM, AND OFFICER HUITT  
5 TESTIFIED AS WELL, BUT SHE'S THE ONE WHO TESTIFIED  
6 FROM MOBILE, ALABAMA, VIA THE TELEVISION, WHAT SEEMED  
7 LIKE A YEAR AGO, SHE WAS QUESTIONED ABOUT THAT. THEY  
8 TRIED TO HIT HER, SHE WOULDN'T SHAKE. NO, SIR. WHY  
9 DO I CARE WHAT HE NORMALLY DOES? SHE WAS KILLED LAST  
10 NIGHT. I NEED TO KNOW WHAT HAPPENED LAST NIGHT.  
11 ASLEEP BY 10:30. AND HE EVEN THREW IN THAT SHE  
12 PRACTICED HER VIOLIN BEFORE SHE WENT TO BED. AFTER  
13 MOM LEFT SHE PRACTICED HER VIOLIN FOR AWHILE BEFORE  
14 SHE WENT TO BED. COMPLETELY DIFFERENT STORY,  
15 COMPLETELY DIFFERENT.

16 THE OTHER THING THAT WAS INTERESTING ABOUT  
17 THIS IS THAT HE TOLD HER THAT HER ARMS WERE FOUND  
18 HERE, LIKE THIS, AND WHEN HE TOOK THEM OUT AND PUSHED  
19 THEM DOWN THEY AUTOMATICALLY CAME UP AS IF SHE WAS IN  
20 AN ADVANCED STATE OF RIGOR MORTIS. REMEMBER WHAT DR.  
21 MAYNARD TESTIFIED ABOUT RIGOR MORTIS; IT'S A  
22 STIFFENING OF THE BODY, IT LASTS FOR ABOUT 24 HOURS,  
23 IT STARTS AFTER ABOUT FOUR HOURS AND PEAKS AT ABOUT  
24 24, AND THEN STARTS TO SUBSIDE AND THE BODY RELAXES  
25 AGAIN. AT ITS MAXIMUM YOUR BODY IS TOTALLY STIFF AND

1 IF YOU HAD DONE THAT IT WOULD HAVE COME BACK UP, BUT  
2 THAT'S A PICTURE THAT WAS TAKEN AT ABOUT 6:15 OR SO  
3 BY INVESTIGATOR JORDAN WITH HIS DIGITAL CAMERA  
4 SHORTLY AFTER EMS TRIED TO PUT THE LIFE PACK ON HER  
5 JUST TO RUN TO SEE IF THERE WAS ANY HOPE OF A PULSE.  
6 WHY AREN'T HER ARMS RIGHT HERE? HE EMBELLISHED THE  
7 STORY. WHAT DID SHE SAY? WHAT DID SHE SAY ABOUT  
8 MRS. COPE'S DEMEANOR -- MOM, THE ONE WHO WAS WORKING  
9 THIRD SHIFT AND WASN'T IN THE HOUSE THAT NIGHT, SHE  
10 WAS OVER AT LEINER OVER THERE UP NEAR BLACK AND  
11 DECKER, CAROWINDS BOULEVARD AND PLEASANT ROAD, ABOUT  
12 20 OR 30 MINUTES FROM RICH STREET, WHAT DID SHE SAY?  
13 MRS. COPE WAS HYSTERICAL AND SHE LISTENED TO THE  
14 DETAILS OF WHAT HAPPENED AS IF SHE HEARD THEM FOR THE  
15 FIRST TIME. HE WAS CALM. THAT'S HOW SOMEBODY REACTS  
16 WHEN YOUR CHILD, THAT'S HOW YOU REACT WHEN YOU LOSE A  
17 CHILD. HIM ON THE OTHER HAND, NO, SIR.

18 NOW HERE'S THE, THIS IS THE STATEMENTS TO  
19 WALDROP AND HERRING, THIS IS 10:45, WE FAST FORWARD,  
20 AND BEAR IN MIND FROM THE TIME THEY LEFT HERRING AND  
21 BURRIS AT 12:40 HE'S ON HIS OWN, HE'S ON HIS OWN  
22 UNTIL 10:45 EXCEPT FOR THE BRIEF TIME WHEN DSS COMES  
23 TO SEE HIM, BUT THEY GO TO HIS HOUSE, HE DOESN'T HAVE  
24 TO GO TO THE POLICE DEPARTMENT, THAT WAS AT THE PORCH  
25 OF HIS, ON THE PORCH OF HIS MOTHER'S HOUSE AT THREE

1 O'CLOCK. SO HE'S ON HIS OWN THAT WHOLE TIME. DID HE  
2 SLEEP? DID HE EAT? WHO KNOWS WHAT HE DID. BUT HE  
3 WASN'T IN CUSTODY, HE WASN'T BEING INTERROGATED FOR  
4 HOURS AND HOURS, AND THEY WERE TURNING ON THE KLIEG  
5 LIGHTS AND SPEAKING WITH A GERMAN ACCENT AND BEATING  
6 HIM WITH A PHONE BOOK. IT WASN'T NONE OF THAT. HE  
7 WASN'T EVEN THERE AND DO YOU THINK MR. BURRIS AND MR.  
8 HERRING HAD THAT IN THEM? THEY DIDN'T DO THAT. THE  
9 QUESTIONS THAT THEY WERE ASKING DON'T EVEN INDICATE  
10 THAT. THE SUMMARIES WHICH YOU HAVE IN EVIDENCE THEY  
11 WERE JUST TRYING TO GET SOME INFORMATION. HE HADN'T  
12 EVEN BEEN INTERROGATED YET. 10:45 HE MET MR.  
13 WALDROP. NOW THAT'S WHERE THE INTERROGATION STARTED.  
14 AFTER ABOUT AN HOUR IT STARTED, BUT HE WAS REALLY  
15 ONLY INTERROGATED FOR ABOUT THREE HOURS NOT FOUR  
16 BECAUSE THE FIRST HOUR, REMEMBER THE CHICKEN RUN, THE  
17 SALVATION ARMY, ALL THAT STUFF, THAT INTERVIEW WENT  
18 THAT LONG BECAUSE THIS MAN RAMBLES. HE DID IT ON THE  
19 STAND WHEN HE WAS IN HERE -- YAK, YAK, YAK, WANT TO  
20 TALK ABOUT ANYTHING BUT WHAT WE NEED TO TALK ABOUT  
21 AND THAT AROUSED MR. WALDROP AND MR. HERRING'S  
22 SUSPICION AS WELL. WHAT DID HE SAY TO THEM? HE WAS  
23 RAMBLING, HE WAS UNEMOTIONAL, YOU HEARD THIS ON THE  
24 TAPE, YOU DON'T NEED TO, THIS ONE WAS RECORDED, YOU  
25 DON'T NEED TO TAKE ANYBODY'S WORD FOR IT, IT'S THERE.

1 YOU HEARD IT. HE AGREES THERE WAS NO SIGN OF A BREAK  
2 IN. DID HE SEEM LIKE THE KIND OF GUY WHO WAS GOING  
3 TO BREAK TO YOU? LISTENING TO THAT TAPE DID HE SEEM  
4 LIKE THE KIND OF GUY WHO WAS JUST, COULD EASILY BE  
5 PUSHED AROUND? HE'S NO MARSHMALLOW. HE HUNG IN  
6 THERE. THEY WERE HITTING HIM WITH THE HIGH HEAT AND  
7 HE DIDN'T BREAK. WALDROP DID PRESERVE THE TAPES.  
8 THEY ATTACKED HIM. NOW YOU HAD THOSE TAPES IN YOUR  
9 DESK. YOU DIDN'T BRING THOSE TAPES AND PUT THEM INTO  
10 EVIDENCE. SO WHAT? YOU HEARD HIM, DIDN'T YOU? THEY  
11 WERE PRESERVED. NOBODY DISPUTED THAT THE CONTENTS  
12 WERE ACCURATE, NOT MR. COPE, NOBODY, SO WHAT WAS THE  
13 WHOLE POINT OF THAT? HE KEPT THEM IN HIS DESK, SO  
14 WHAT. LET'S LISTEN TO A LITTLE BIT OF IT. (PLAYING  
15 THE TAPE.)

16 IF I TOLD YOU YOUR DAUGHTER HAD BEEN  
17 BEATEN SEVERELY. (PLAYS THE TAPE.) WHAT'S HE SAY?  
18 IF I TOLD YOU YOUR DAUGHTER HAD BEEN BEATEN SEVERELY  
19 WHAT WOULD YOUR REACTION BE? WHAT WAS HIS REACTION?  
20 IT WAS TO TELL THEM ABOUT HIS VISIT TO THE SLEEP  
21 APNEA DOCTOR. NOW REMEMBER THIS GUY SUPPOSEDLY STILL  
22 THINKS IT IS AN ACCIDENT. THIS IS ALL NEWS TO HIM,  
23 SO HE'S JUST HEARING FOR THE FIRST TIME THAT HIS  
24 DAUGHTER HAS BEEN BEATEN SEVERELY AND HIS REACTION  
25 IS: WELL, YOU KNOW, I GOT THIS SLEEP APNEA AND I, I

1 WAKE UP 90 TIMES A MINUTE AND MY HEART STOPS BEATING  
2 AND I WENT AND SAW DR. JEFFREY COX. DID I EVER TELL  
3 YOU ABOUT DR. COX? YEAH, HE GAVE ME THIS MACHINE  
4 THAT I WEAR. HIS IMMEDIATE REACTION IS TO TELL THEM  
5 ABOUT HOW COME HE COULDN'T HEAR NOTHING THAT NIGHT.  
6 NOT -- OH, MY GOD. WHAT ARE YOU TALKING ABOUT?  
7 BEATEN SEVERELY. I THOUGHT IT WAS AN ACCIDENT.  
8 CRUMBLLED INTO A POOL OF TEARS. HE DIDN'T DO THAT.  
9 HE KNEW SHE HAD BEEN BEATEN SEVERELY.

10 HOW ABOUT THIS? (PLAYS THE TAPE.)  
11 THAT'S THE WAY YOU GET TO THE TRUTH. THIS IS ABOUT  
12 THREE QUARTERS OF THE WAY THROUGH THAT TAPE. THEY  
13 WANT TO SAY THAT THEY WERE COERCEING HIM, THEY WANT  
14 TO SAY THAT BILLY WAS BEING COERCED AND PRESSURED  
15 INTO GIVING A FALSE CONFESSION TO RAPING AND KILLING  
16 HIS DAUGHTER, EVEN BILLY SAYS I UNDERSTAND. THIS IS  
17 WHAT YOU GOT TO DO. THIS IS EXACTLY WHAT YOU GOT TO  
18 DO. HE DOESN'T SOUND LIKE HE'S THE VICTIM OF ANY  
19 COERCION OR PRESSURE OR INTIMIDATION. THINK ABOUT IT  
20 FROM THIS PROSPECTIVE: HOW WOULD A FATHER REACT TO  
21 THIS KIND OF INTERVIEW? OKAY. AND I WANT YOU TO USE  
22 YOUR COMMON SENSE AND THINK ABOUT IT. YOU HAVE TO  
23 KIND OF PUT YOURSELF, YOU HAVE TO KIND OF THINK ABOUT  
24 THE QUESTIONS BEHIND THE ISSUES, ALL RIGHT. A GUY  
25 WALKS INTO AN INTERROGATION ROOM UNDER THESE

1 CIRCUMSTANCES AND HE'S INNOCENT, ASSUME FOR THE SAKE  
2 OF ARGUMENT THAT HE'S INNOCENT, WHAT IS HIS WHOLE  
3 OUTLOOK GOING TO BE? FIRST, HE'S GOING TO BE TOTALLY  
4 DISTRAUGHT. HIS DAUGHTER IS RAPED AND KILLED. HE'S  
5 TOTALLY DISTRAUGHT. WHAT HIS DAUGHTER IS DEAD AND HE  
6 DOESN'T KNOW ABOUT IT, ASSUME HE REALLY DIDN'T KNOW  
7 AT THAT POINT, BUT HE'S STILL, HIS DAUGHTER IS DEAD,  
8 HE'S GOING TO BE TOTALLY DISTRAUGHT, TOTALLY  
9 OVERWHELMED WITH GRIEF. HE'S GOING TO WANT TO HELP.  
10 HE'S GOING TO TRY TO GET WHAT LITTLE INFORMATION HE  
11 CAN. BUT WHEN THE POLICE START SAYING, DID DO YOU  
12 IT? ANYTHING YOU WANT TO TELL ME? YOU GOT ANYTHING  
13 YOU NEED TO SAY? ANYTHING TO GET OFF YOUR CHEST?  
14 WHAT WOULD A NORMAL FATHER'S REACTION BE AFTER A  
15 COUPLE OF TIMES? NO, I GOT NOTHING ELSE TO SAY. NO,  
16 I GOT NOTHING ELSE TO TELL YOU. YOU SAY THAT ONE  
17 MORE TIME I'M COMING OVER THIS DESK. YOU BETTER GET  
18 YOUR BUTT OUT OF THERE AND GO FIND THE GUY THAT DID  
19 THIS. I AIN'T GOING TO LISTEN TO THIS FOR ABOUT  
20 ANOTHER FIVE SECONDS. I DON'T WANT TO HEAR ANY MORE  
21 ABOUT HAVE I GOT ANYTHING, WHY DON'T YOU GET OFF YOUR  
22 BUTT AND GO FIND THE GUY WHO DID IT, AND I AIN'T  
23 GOING TO HEAR ANYMORE OF IT. HE'D GONE TO JAIL, A  
24 NORMAL FATHER WOULD HAVE GONE TO JAIL THAT NIGHT BUT  
25 IT WOULDN'T FOR MURDER, IT WOULD HAVE BEEN FOR

1 JUMPING OVER THE DESK AND BEATING JERRY WALDROP OVER  
2 THE HEAD BECAUSE YOU WOULDN'T PUT UP WITH THAT.

3 WHAT DOES THE GUILTY GUY, THOUGH, WHAT'S  
4 HIS ATTITUDE? WHAT'S HIS OWN SITUATION WHEN THE  
5 GUILTY MAN WALKS INTO THE INTERROGATION ROOM? HE  
6 KNOWS HE'S GUILTY. HE'S GOT TO BE ON THE DEFENSIVE.  
7 HE'S GOT TO CONSTANTLY BE THINKING ABOUT THE ANGLES.  
8 WHAT ARE THEY SAYING? JUST LIKE HE WAS ON THE STAND  
9 OVER HERE. REMEMBER -- I KNOW WHAT YOU ARE GETTING  
10 AT. I KNOW WHAT YOU ARE INSINUATING. I KNOW WHAT  
11 YOU ARE TRYING TO SAY. HE WAS CONSTANTLY ONE STEP  
12 AHEAD, LISTENING TO THE QUESTION, CONSTANTLY FIGURING  
13 THE ANGLE, FOR FOUR HOURS HE DID THE SAME THING AND  
14 HE AVOIDED TALKING ABOUT THE SUBJECT. HE AVOIDED  
15 TALKING ABOUT THE SUBJECT BECAUSE THE LAST THING HE  
16 WANTED TO DO WAS TALK ABOUT WHAT HAPPENED BECAUSE AS  
17 LONG AS HE'S AVOIDING THAT SUBJECT HE'S ON SAFE  
18 GROUND. IF YOU ARE TALKING ABOUT CHICKEN RUNS TO  
19 LANCASTER, GOING TO THE SALVATION ARMY, OR THE DOLLAR  
20 GENERAL TO BUY SUGAR, YOU CAN'T GET TRIPPED UP THERE.  
21 YOU CAN'T ACCIDENTALLY SAY SOMETHING THAT IS GOING TO  
22 INCRIMINATE YOU OR AROUSE THEIR SUSPICION. IT'S ONLY  
23 WHEN YOU ARE TALKING ABOUT WHAT HAPPENED YOU MIGHT  
24 ACCIDENTALLY HAVE A SLIP OF THE LIP AND SAY TWO  
25 INSTEAD OF ONE. THAT YOU MIGHT SAY, I GOT UP TO GO

1 TO THE BATHROOM AROUND THREE. OH, I DIDN'T SAY THAT  
2 BEFORE, DID I? OH, I JUST WENT IN TO USE THE  
3 BATHROOM AND I WENT STRAIGHT TO BED. I LOOKED IN ON  
4 THE OTHER KIDS AND, YOU KNOW, THEY KICK THE BLANKET  
5 OFF OF THEMSELVES SO I JUST WANTED TO MAKE SURE THEY  
6 ARE COVERED UP BECAUSE I'M SUCH A GOOD DADDY. THAT'S  
7 WHAT WENT ON IN THAT INTERVIEW AND THESE GUYS, 30  
8 YEARS EXPERIENCE, LES HERRING 25-26 YEARS OF  
9 EXPERIENCE, FIFTY PLUS YEARS BETWEEN THE TWO OF THEM,  
10 HOW MANY PEOPLE YOU THINK THEY HAVE INTERVIEWED?  
11 THEY KNOW WHAT THEY ARE LOOKING FOR. THEY KNOW  
12 EXACTLY WHAT THEY ARE LOOKING FOR AND THEY SAW IT.  
13 NO GRIEF, NO SORROW, NO EMOTION, NORMAL, FLAT, CALM  
14 DEMEANOR, ONLY THINKING ABOUT HIMSELF, AND AVOIDING  
15 THE SUBJECT. DON'T WANT TO TALK ABOUT HOW SHE DIED.  
16 HE SAID, I KNOW IT WON'T MATCH ME. ALL  
17 RIGHT. THERE IS TWO REASONS THAT SOMEONE COULD KNOW  
18 THAT THE SEMEN ON HIS DAUGHTER WOULDN'T MATCH HIM,  
19 TWO REASONS: THE FIRST ONE, THEY DIDN'T DO ANYTHING.  
20 THEY KNOW THEY ARE INNOCENT. THEY DIDN'T HAVE  
21 ANYTHING TO DO WITH IT. I KNOW IT WON'T MATCH ME.  
22 BUT JUST AS STRONG A POSSIBILITY: THEY COULD KNOW  
23 THAT THEY WERE STANDING 6 TO 8 FEET AWAY MASTURBATING  
24 INTO A WASH RAG. IF YOU KNOW THAT YOU EJACULATED  
25 INTO A RAG AND THREW IT UP UNDERNEATH A BOOKCASE AND



1 YOU WERE STANDING SOME FEET AWAY FROM HER, OF COURSE,  
2 YOU ARE GOING TO BE ABLE TO SAY THAT WITH CONFIDENCE,  
3 TO BRING IT ON, IT AIN'T GOING TO MATCH ME BECAUSE I  
4 WAS MASTURBATING OVER THERE INTO THAT RAG WHICH IS UP  
5 UNDERNEATH THE BOOKCASE WHICH HE KNEW AT THAT TIME  
6 HE'S TALKING TO WALDROP AND HERRING THAT NIGHT, HE  
7 KNEW THAT THAT WAS THERE. OF COURSE HE COULD SAY  
8 THAT WITH CONFIDENCE. THE DEFENSE TROTS THAT OUT  
9 LIKE IT'S SOME PROOF POSITIVE THAT THIS MAN IS  
10 INNOCENT. HE TOLD THEM THAT SEMEN IS GOING TO MATCH  
11 SOMEONE ELSE. YOU WAIT AND SEE. HE KNEW THAT IT WAS  
12 GOING TO MATCH SOMEONE ELSE BECAUSE HE KNEW SOMEONE  
13 ELSE WAS IN THERE BECAUSE HE KNEW HE LET THEM IN AND  
14 HE KNEW HE LET THEM OUT. (PLAYS THE TAPE.) NOT  
15 GOING TO BE MINE. NOT GOING TO MATCH.

16 THEY TRIED TO GIVE HIM A POLYGRAPH  
17 THAT NIGHT. DETECTIVE BAKER FOLLOWED PROCEDURE. NO,  
18 I'M NOT GOING TO GIVE HIM A POLYGRAPH. HE'S BEEN  
19 INTERROGATED FOR FOUR HOURS, IT'S TOO LATE IN THE  
20 NIGHT, BRING HIM BY IN THE MORNING, WE'LL TAKE CARE  
21 OF IT THEN. TEN O'CLOCK IN THE MORNING HE COMES BY.  
22 EVEN THEIR GUY SAYS THAT EVERYTHING THAT DETECTIVE  
23 BAKER DID DURING THE POLYGRAPH, EVERYTHING WAS RIGHT,  
24 EVERYTHING. NO PROBLEMS WITH THE POLYGRAPH  
25 PROCEDURE, THE QUESTIONS WERE PROPER, EVERYTHING WAS

1 RIGHT, JUST THE SCORING WAS OFF. THAT'S ALL THAT HE  
2 SAYS. BUT AS FAR AS HIS PROCEDURES, WHAT HE DID, THE  
3 PRETEST INTERVIEW, THE INFORMATION THAT HE GOT FROM  
4 HIM, ALL, EVERYTHING HE DID UP TO THAT POINT WAS NO  
5 PROBLEM. MR. BAITY, WHEN WE PUT SKIP MITCHELL UP  
6 FROM SLED, ONE OF OUR VERY LAST WITNESSES ON REPLY,  
7 REMEMBER HIM, MR. BAITY STOOD UP AND SAID, WOULD IT  
8 BE PROPER TO GIVE A POLYGRAPH TO A MAN WHO SLEPT ONLY  
9 TWO HOURS, ONLY TWO HOURS? WOULD IT? SKIP SAID NO,  
10 OF COURSE NOT. BUT WAIT A MINUTE. ABOUT OH, THREE  
11 OR FOUR HOURS BEFORE WHEN MR. COPE WAS ON THE STAND,  
12 BY HIS OWN ADMISSION, HE SAID HE SLEPT FOR FIVE.  
13 REMEMBER. SLEPT FROM ABOUT 4:30 TO 6:30, GOT UP, ATE  
14 BREAKFAST, WENT BACK TO BED AND SLEPT UNTIL 9:15 OR  
15 9:30 ABOUT FIVE HOURS. DIDN'T ASK SKIP MITCHELL  
16 THAT BECAUSE THAT'S PROBABLY ENOUGH. I SUBMIT IT'S  
17 PLENTY. WHO ELSE DO WE KNOW WAS OUT THERE THAT NIGHT  
18 SERVING THE WARRANT ON HIM BEFORE HE FELL ASLEEP IN  
19 HIS CELL -- LES HERRING, WHO'S SITTING OVER THERE  
20 NEXT TO MR. BURRIS, AND WHAT DID LES SAY? HE WENT  
21 HOME AFTER THAT AND HE WAS BACK AT THE STATION AT 8  
22 O'CLOCK, AN HOUR AND 15 MINUTES OR AN HOUR AND A HALF  
23 BEFORE BILLY WOKE UP. BUT MR. HERRING WAS THERE ALL  
24 DAY DOING HIS JOB. HE MANAGED TO GET HIM DOWN THERE,  
25 GET THE POLYGRAPH, WRITE-UP A STATEMENT, GET SOME,

1 YOU KNOW, TAKE CARE OF BUSINESS, DRIVE HIM BACK TO  
2 ROCK HILL POLICE DEPARTMENT, HE WAS ABLE TO DO HIS  
3 JOB ON LESS SLEEP THAN BILLY HAD.

4 "THESE ARE THE IMAGES THAT COME INTO MY  
5 MIND." LADIES AND GENTLEMEN, MR. COPE WAS PLANTING  
6 THE SEEDS OR FLIRTING WITH A MENTAL DEFENSE FROM THE  
7 VERY BEGINNING. THE WAY HE GAVE THAT CONFESSION,  
8 IT'S HARD, REMEMBER WHAT DETECTIVE BAKER SAID, HOW  
9 HARD WOULD IT BE TO SAY THAT; YOU ARE GUILTY, YOU  
10 KNOW YOU DID IT, YOU FEEL LIKE YOU HAVE TO CONFESS,  
11 IT'S BOTTLED UP INSIDE OF HIM, BUT IT'S STILL HARD.  
12 YOU DON'T WANT TO JUST GIVE SOME COOL RECOUNTING OF  
13 IT. YOU WANT PEOPLE TO LIKE YOU, YOU WANT PEOPLE TO  
14 UNDERSTAND YOU, AND THAT'S, THAT'S REALLY HOW  
15 DETECTIVE BAKER GOT THE CONFESSION IN THIS CASE. IT  
16 WASN'T BECAUSE OF SOME HIGH PRESSURE TACTIC. IT WAS  
17 QUITE THE OPPOSITE. HE TALKED TO HIM AND LET HIM  
18 UNDERSTAND, WHATEVER YOU HAVE TO SAY, MR. COPE, IT'S  
19 GOING TO BE ALL RIGHT. I'M NOT GOING TO HATE YOU.  
20 YOU JUST NEED TO TELL ME THE TRUTH. I UNDERSTAND.  
21 IF YOU HAVE SOMETHING YOU NEED TO SAY I UNDERSTAND,  
22 GO AHEAD AND LET IT OUT AND THAT'S WHAT BILLY COPE  
23 RESPONDED TO AND THAT'S WHY HE TOLD WHAT HE DID. BUT  
24 HE STILL JUST CAN'T BRING HIMSELF TO JUST SAY IT  
25 LIKE, YEAH THEN I DID THIS, THEN I DID THAT. HE HAS

1 TO COUCH IT IN THESE TERMS THAT MAKE IT SEEM LIKE  
2 MAYBE HE WASN'T QUITE RIGHT BECAUSE HE'S WORRIED  
3 ABOUT THE CONSEQUENCES OF WHAT HE'S SAYING TOO. ANY  
4 NORMAL PERSON WOULD. THE STRONGEST INSTINCT ANY  
5 PERSON HAS IS FOR SELF-PRESERVATION. YOU WORRY ABOUT  
6 WHAT'S GOING TO HAPPEN TO YOU. ESPECIALLY WHEN YOU  
7 ARE IN A SITUATION LIKE THIS AND YOU KNOW YOU DID  
8 SOMETHING WRONG. SO HE COUCHED IT AND HE ASKED MR.  
9 BAKER THAT DAY, IS THERE ANYWAY I COULD PLEAD  
10 INSANITY. DETECTIVE BAKER SAID, I CAN'T TELL YOU  
11 THAT. IT WAS ON HIS MIND. HE TOLD HIM HE  
12 MASTURBATED USUALLY INTO A RAG BUT NOT THAT NIGHT.  
13 HE SAID HE USED A BROOM TO ASSAULT HER. WE'LL TALK  
14 ABOUT THAT A LITTLE BIT MORE. NO ONE HAD SUGGESTED A  
15 FOREIGN OBJECT TO HIM. I ASKED MR. BAKER THIS  
16 SPECIFIC QUESTION, DID YOU KNOW ENOUGH TO KNOW, DID  
17 YOU KNOW ENOUGH ABOUT THE SEVERITY OF THE INJURIES TO  
18 HER VAGINA AND TO HER ANUS TO KNOW THAT A FOREIGN  
19 OBJECT HAD BEEN USED, HAD YOU BEEN MADE AWARE OF THE  
20 AUTOPSY RESULTS TO THAT EXTENT, AND DETECTIVE BAKER  
21 SAID NO. ALL I KNEW THAT GENERALLY IT WAS A SEXUAL  
22 ASSAULT. HE DID NOT KNOW. YOU HEARD THE TAPE FROM  
23 THE NIGHT BEFORE WHERE THEY WERE INTERROGATING HIM.  
24 NO CONVERSATION BEFORE THE TAPE STARTED, NO  
25 CONVERSATION AFTER THE TAPE ENDED, EVERYBODY AGREES

1 THAT TAPE REPRESENTS WHAT WAS TOLD TO HIM. THEY  
2 MENTION THAT SHE WAS SEXUALLY ASSAULTED, THEY SAID  
3 SEVERELY SEXUALLY ASSAULTED AND THEY SAID SODOMIZED,  
4 BUT NOBODY SUGGESTED THAT IT WENT 8 INCHES UP INTO  
5 HER RECTUM. NOBODY SAID THAT. HE'S THE FIRST ONE  
6 THAT BROUGHT OUT THAT A FOREIGN OBJECT WAS USED TO  
7 PERPETRATE THIS ASSAULT. HE'S THE FIRST ONE WHO SAID  
8 IT. SAYS HE WAS ENRAGED BY HER SAYING, GROSS DADDY.  
9 I AGREE WITH MR. GREELEY, HE WAS ENRAGED. HE WAS  
10 EXTREMELY ANGRY AND THIS IS NOT A CRIME OF, THE  
11 SEXUAL ASSAULT TO HER ANUS AND TO HER VAGINA, THE  
12 DAMAGE THAT WAS DONE, THAT REFLECTS A CERTAIN LEVEL  
13 OF RAGE AND ANGER AND HATRED ON THE PART OF THE  
14 PERSON WHO DID THAT TO HER. THEN HE THANKED HIM FOR  
15 HELPING HIM GET IT OFF OF HIS CHEST AND OFFERED HIS  
16 HAND TO DETECTIVE BAKER. I THANK YOU. I APPRECIATE  
17 THAT. AND THEN TOLD A COUPLE OF JOKES TO DETECTIVE  
18 HERRING ON THE WAY BACK TO THE ROCK HILL POLICE  
19 DEPARTMENT. NO THREATS, COERCION, PROMISES, OR  
20 ANYTHING OF THAT NATURE. HE WAS READ HIS RIGHTS.  
21 YOU'LL HAVE THE RIGHTS FORM IN THERE. YOU ARE GOING  
22 TO HAVE TO FIND THAT THE STATEMENT WAS MADE AFTER HE  
23 HAD BEEN READ HIS RIGHTS AND PROPERLY INFORMED OF HIS  
24 MIRANDA RIGHTS AND THAT WAS IT VOLUNTARY. THERE IS  
25 NOTHING TO SUGGEST THAT THIS STATEMENT WAS

1 INVOLUNTARY EXCEPT THE DEFENSE EXPERTS WHO WE'LL GET  
2 TO A LITTLE BIT LATER.

3 THAT WEEKEND HE GOES BEFORE JUDGE RAY  
4 LONG. NOW IF HIS VERSION OF EVENTS WAS RIGHT, WHAT  
5 DO YOU THINK HE SHOULD HAVE SAID TO JUDGE LONG? HE  
6 DIDN'T SAY ANYTHING TO HIM BUT HE DIDN'T THINK HE  
7 COULD HELP HIM. THIS IS THE FIRST NON-POLICE OFFICER  
8 HE'S SEEN. HE'S BEEN DEALING WITH POLICE OFFICERS UP  
9 TO THIS POINT. THE MAN IS A JUDGE. WHAT DO YOU MEAN  
10 WHAT DO YOU THINK HE COULD DO TO HELP YOU. IF YOU  
11 HAD BEEN INTIMIDATED, COERCED, PRESSURED, HASSLED,  
12 AND FORCED INTO MAKING THESE STATEMENTS, THAT'S THE  
13 PERFECT PERSON, THAT'S WHY THEY HAVE TO BE BROUGHT IN  
14 FRONT OF A MAGISTRATE WITHIN 24 HOURS, WITHIN A  
15 REASONABLE PERIOD OF TIME AFTER THE ARREST, IS TO  
16 GUARANTEE THAT THEY HAVE THE OPPORTUNITY TO GO IN  
17 FRONT OF SOME NEUTRAL DETACHED PERSON WHO IS NOT A  
18 PART OF THE POLICE, THAT'S THE WHOLE REASON HE WAS  
19 BROUGHT IN FRONT OF HIM, AND HE DIDN'T SAY A WORD TO  
20 JUDGE LONG, NOT A SINGLE WORD. DIDN'T THINK IT WOULD  
21 BE WORTH IT. DIDN'T THINK HE COULD HELP. DIDN'T  
22 THINK IT MATTERED.

23 SUNDAY, DECEMBER SECOND IN THE EVENING  
24 HOURS HE GOES AND CALLS OVER FRAN MCGEE. YOU  
25 REMEMBER FRAN MCGEE TESTIFIED, SHE WAS THE DETENTION

1 CENTER OFFICER, HE CALLS HER OVER, SAYS I NEED TO  
2 SPEAK WITH DETECTIVE WALDROP. DETECTIVE WALDROP, THE  
3 MAN HE CLAIMS IS INTIMIDATING HIM, HE ASKED TO SPEAK  
4 TO THAT GUY. HE'S THE ONE WHO INITIATED THE CONTACT,  
5 HE'S THE ONE THAT STARTED THE CONVERSATION WITH HIM,  
6 AND NEVER ASKED HER FOR AN ATTORNEY, NEVER SAID I  
7 NEED HELP, NEVER SAID, PLEASE HELP ME, I'M BEING  
8 INTIMIDATED AND HARASSED; AND HERRING CONFIRMED THAT  
9 IN FACT HE DID GET A CALL THAT NIGHT SAYING COPE  
10 WANTED TO TALK TO HIM AT THE JAIL. SO THEY BRING HIM  
11 OVER. MONDAY, DECEMBER THIRD, CABANISS AND  
12 BLACKWELDER INTERVIEW HIM, THREE STATEMENTS ARE  
13 OBTAINED. AGAIN HE'S READ HIS RIGHTS, THE FORM IS  
14 FILLED OUT PROPERLY, HE SIGNS IT, YOU CAN LOOK. IF I  
15 CAN GET THIS THING TO WORK. I'M HAVING TECHNICAL  
16 DIFFICULTIES. IF YOU LOOK ON THAT FORM AT THE TOP,  
17 IT WAS SUPPOSED TO HIGHLIGHT IT, AT THE VERY TOP,  
18 RIGHT IN HERE, IF YOU WISH YOU MAY ANSWER QUESTIONS  
19 WITHOUT THE PRESENCE OF A LAWYER AND YOU MAY STOP  
20 ANSWERING ANY TIME YOU DESIRE UNTIL A LAWYER IS  
21 PRESENT. I HAVE READ OR HAD READ TO ME THE STATEMENT  
22 OF THE RIGHTS ABOVE SHOWN ABOVE. I UNDERSTAND WHAT  
23 MY RIGHTS ARE AND I'M WILLING TO MAKE A STATEMENT.  
24 AND MY COMPUTER HAS TOTALLY FROZEN UP, MR. SMITH.  
25 ANYWAY, THEY INTERVIEW HIM AND HE COMES IN THE FIRST

1       THING IN THE MORNING, THEY READ HIM HIS RIGHTS, HE  
2       SIGNS ACKNOWLEDGING THAT HE UNDERSTANDS WHAT HIS  
3       RIGHTS ARE, AND THEY BRING HIM INTO THE ROOM WHERE  
4       DETECTIVE BLACKWELDER AND CABANISS ARE AND THEY ASK  
5       HIM: YOU WANTED TO US SEE, RIGHT. HE ACKNOWLEDGES  
6       YES. AND THEY SAID WHAT HAVE YOU GOT TO SAY. HE  
7       SAYS I'VE GOT A LITTLE BIT MORE INFORMATION I NEED TO  
8       TELL YOU. I WAS CRAZY. I WAS OUT OF MY HEAD. I WAS  
9       A LUNATIC. AND NOW THE INTERESTING THING IS IS THAT  
10      THE WAY HE'S DEALING WITH THAT NOW IS HE'S SAYING HE  
11      FELT LIKE HE HAD NO CHOICE, AND WE'LL TALK ABOUT THIS  
12      IN A LITTLE MORE DETAIL, BUT LADIES AND GENTLEMEN, IF  
13      YOU'VE JUST MADE THAT STATEMENT TO DETECTIVE BAKER ON  
14      FRIDAY, WHAT ARE THE ODDS THAT YOU ARE GOING TO GO IN  
15      AND COMPOUND IT BY MAKING A VIDEO, STANDING IN YOUR  
16      DAUGHTER'S ROOM WHERE YOU FOUND HER DEAD FOUR DAYS  
17      BEFORE, WHAT ARE THE ODDS THAT YOU ARE GOING TO DO  
18      THAT? IS THAT REASONABLE? IS THAT WHAT A REASONABLE  
19      PERSON WOULD DO? NO, SIR. NO, MA'AM. THAT'S NOT  
20      WHAT A REASONABLE PERSON WOULD DO. A REASONABLE  
21      PERSON WOULD NOT GO TO THE POLICE AND TELL THEM THAT  
22      HE WAS CRAZY, MAKING IT UP, SOLELY FOR ANY OTHER  
23      REASON THAN HE'S TRYING TO GET ON THE CRAZY TRAIN.  
24      HE'S TRYING TO GET ON THE CRAZY TRAIN AND HE'S TRYING  
25      TO TELL THEM NOW I'M INSANE AND THAT'S MY NEW



1 DEFENSE. HE STAYED ON THE CRAZY TRAIN ALL DAY LONG.  
2 NOW THEY ASKED CAPTAIN CABANISS WHEN HE WAS ON THE  
3 WITNESS STAND, THEY ASKED HIM, THEY SAID, ALL RIGHT,  
4 EXPLAIN TO ME IF YOU CAN WHY IT IS HE DIDN'T MENTION  
5 SANDERS. AND CAPTAIN CABANISS ANSWERED THE QUESTION  
6 VERY WELL. HE ASKED HIM, CABANISS TOLD HIM; WHY  
7 DOESN'T HE MENTION SANDERS? TWO REASONS: THE FIRST  
8 THING IS AS BAD AS IT IS TO DO THIS TO YOUR DAUGHTER,  
9 IT'S EVEN WORSE TO GET UP AND ADMIT THAT YOU SERVED  
10 YOUR DAUGHTER UP TO ANOTHER MAN WHILE YOU STOOD THERE  
11 WATCHING. THAT IS HORRIBLE. I SUBMIT THAT IS WORSE.  
12 MR. GREELEY SAYS, OH, NO, THAT'S NOT WORSE. THAT'S A  
13 LOT WORSE.

14 THE OTHER PROBLEM WITH IT IS, THE  
15 OTHER PROBLEM WITH IT IS THAT HOW CAN HE SAY I WAS  
16 CRAZY, HOW CAN HE SAY I WAS INSANE, AND I INVITED  
17 THIS OTHER GUY OVER TOO. HE WAS INSANE, WE WERE BOTH  
18 INSANE TOGETHER, WE WERE BOTH ON THE CRAZY TRAIN.  
19 THAT DOESN'T MAKE ANY SENSE AT ALL. THE REASON, THE  
20 REASON THAT HE COULDN'T TELL THEM ABOUT SANDERS IS HE  
21 CAN'T BE CRAZY AND INVOLVED WITH ANOTHER PERSON.  
22 INSANE PEOPLE DON'T KNOW THAT WHAT THEY ARE DOING IS  
23 WRONG. YOU CAN'T INVITE SOMEBODY OVER TO COMMIT A  
24 CRIME WITH YOU AND ONE OF THEM BE CRAZY AND THE OTHER  
25 ONE NOT. THAT'S CRAZY.

1                   NOW WE'RE BACK. THE COMPUTER IS WORKING.  
2                   THERE IS THE STATEMENT THAT HE WROTE OUT AT 9:45. I  
3                   WAS ASLEEP IN MY BED. I HAD A BAD DREAM. THIS IS  
4                   THE OLD CRAZY STORY. I WAS NOT IN MY RIGHT MIND. I  
5                   HAD A DREAM. I HEARD LAUGHING VOICES. I AM NOT  
6                   GOING TO GO THROUGH THAT WHOLE TAPE WITH YOU. YOU  
7                   CAN GO BACK, YOU'LL HAVE THE VIDEO TAPE, IF YOU WANT  
8                   TO WATCH IT YOU CAN HAVE A TV BACK THERE AND YOU CAN  
9                   WATCH IT AS MANY TIMES AS YOU CAN. MR. GREELEY WAS  
10                  ABSOLUTELY RIGHT ON THIS POINT. LADIES AND  
11                  GENTLEMEN, NO MAN WOULD EVER SAY THAT IF HE WASN'T  
12                  GUILTY. I DON'T CARE HOW MANY PEOPLE YOU BRING DOWN  
13                  FROM MASSACHUSETTS OR BOISE OR ANY OTHER PLACE, NO  
14                  MAN IN HIS RIGHT MIND IS GOING TO SAY I MOLESTED AND  
15                  KILLED MY DAUGHTER UNLESS HE DID IT. THERE IS  
16                  ABSOLUTELY NO, IT DEFIES COMMON SENSE, IT DID NOT  
17                  HAPPEN THAT WAY.

18                  CAPTAIN CABANISS SAID I BELIEVED PART OF  
19                  WHAT HE WAS SAYING, BUT HE WASN'T TELLING ME THE  
20                  WHOLE TRUTH. HE WAS TELLING THE TRUTH ABOUT KILLING,  
21                  HE WAS TELLING THE TRUTH ABOUT RAPING, BUT HE HAD TO  
22                  CONFORM THE DETAILS OF THE CRIME TO MATCH HIS CRAZY  
23                  PERSON STORY. FOR EXAMPLE, SHE WAS ON HER BACK. IF  
24                  I HAD SEEN HER, IF I HAD SEEN HER FACE I WOULD HAVE  
25                  CRUMBLED. CAN YOU SEE THAT GUY CRUMBLING? ANYWHERE

1 IN ANY OF THIS EVIDENCE? CAN YOU EVER SEE HIM  
2 CRUMBLING? CAN'T REMEMBER WHAT I DID WITH THE BROOM.  
3 HE NEVER DID I.D. THE BROOM. REMEMBER IN THE VIDEO,  
4 GO BACK AND WATCH, AT THE VERY END THEY BRING IN A  
5 SERIES OF BROOMS FOR HIM TO LOOK AT, GO BACK AND FAST  
6 FORWARD TO THAT POINT AND LOOK THROUGH, YOU MIGHT NOT  
7 HAVE TO. HERE'S ONE CLIP. (PLAYS PART OF THE  
8 VIDEO.) LISTEN. HE LOOKS PRETTY CERTAIN ABOUT THAT.  
9 THAT'S NOT THE KIND OF THING THAT HE'S MAKING UP AS  
10 HE GOES ALONG, THAT'S NOT PART OF THE ACT, THEY ARE  
11 ASKING HIM QUESTIONS, IF HE'S CRAZY AND HE'S JUST  
12 RIDING ALONG WITH WHATEVER THEY WANT TO SAY LIKE HE  
13 SAID, WHY DIDN'T HE JUST PICK UP ONE OF THESE BROOMS  
14 THAT'S IN EVIDENCE OVER HERE AND JUST GO, YEAH, IT  
15 WAS THIS BROOM. YEAH, THAT LOOKS LIKE THE RIGHT ONE.  
16 THEY SHOWED HIM EVERY BROOM AND MOP THAT THEY COULD  
17 FIND IN THAT HOUSE AND HE SAID, NO, THAT'S NOT IT,  
18 THAT'S NOT IT, IT WAS A WOODEN BROOM. IT WAS A BLUE  
19 WOODEN BROOM. IT WAS A BLUE WOODEN BROOM THAT DIDN'T  
20 HAVE A CAP ON IT. EARLIER IN THE VIDEO, I DON'T HAVE  
21 THAT CLIP ON HERE, THERE IS A SECTION WHERE HE'S  
22 DESCRIBING, YOU KNOW, LIKE THE LITTLE SWIVEL WIRE  
23 THAT GOES ON TOP OF IT, HE'S SAYING THAT IT DIDN'T  
24 HAVE THAT ON IT, IT WAS JUST A PLAIN BLUE WOODEN  
25 BROOM. HE'S VERY SPECIFIC ABOUT THIS. IT WASN'T IN

1 THAT HOUSE. THAT BLUE BROOM WAS NOT IN THAT HOUSE.  
2 NONE OF THOSE HAVE THE DNA, NONE OF THE BROOMS IN  
3 EVIDENCE, THE STATE IS NOT GOING TO CONTEND FOR ONE  
4 SECOND, THAT ANY OF THE BROOMS THAT WERE IN EVIDENCE  
5 ARE THE ONES THAT HE USED. THAT IS NOT WHAT WE ARE  
6 SAYING. THE ONE THAT HE USED WAS CARRIED OFF BY  
7 SOMEBODY ELSE I SUBMIT TO YOU. THE ONE THAT HE USED  
8 WASN'T IN THAT HOUSE BECAUSE SOMEBODY ELSE TOTTED IT  
9 OFF, BROKE IT INTO A COUPLE OF PIECES, THREW IT IN A  
10 FIELD OR SOMEBODY ELSE'S GARBAGE CAN, THAT BROOM  
11 WASN'T USED. YOU COULDN'T HAVE CLEANED IT OFF.  
12 REMEMBER WHAT THE GUY SAID FROM THE DNA LAB, YOU ONLY  
13 NEED 140 CELLS. YOU KNOW, IF YOU TOOK BLEACH AND  
14 Poured RAW BLEACH OVER IT AND SCRUBBED, YEAH, YOU  
15 COULD PROBABLY OBLITERATE ANY TRACE OF DNA ON IT, BUT  
16 IT'S ALSO EASIER JUST TO TOT IT OFF AND PUT IT  
17 SOMEWHERE WHERE NO ONE WOULD THINK TO LOOK FOR IT AND  
18 THAT'S WHAT HAPPENED TO THE BROOM. THERE WAS A  
19 BROOM. I SUBMIT THAT HE DIDN'T MAKE THAT UP. THAT  
20 WAS SOMETHING TRUE. HE KNEW THAT IT WAS A FOREIGN  
21 OBJECT. HE KNEW THAT IT WAS A LONG FOREIGN OBJECT  
22 THAT HAD TO CAUSE THE DAMAGE TO HER BECAUSE HE WAS  
23 THERE AND HE SAW WHAT HAD HAPPENED.

24 HE GIVES A LONG STATEMENT, THE FINAL  
25 STATEMENT THAT HE GAVE TO LAW ENFORCEMENT, THE

1 TWO-PAGE TYPED STATEMENT. YOU'LL HAVE ALL THESE  
2 STATEMENTS BACK WITH YOU IN EVIDENCE AND YOU'LL BE  
3 ABLE TO LOOK AT THEM ALL. ON THE TYPED STATEMENT HE  
4 SAYS BASICALLY HE NEVER REALLY, HE SAYS THIS IS WHEN  
5 I JUST GAVE UP, JUST SAID WHATEVER THEY WANTED TO  
6 HEAR, BUT IN REALITY THERE IS A FEW MENTIONS IN  
7 THERE, THERE IS A FEW PLACES IN THERE WHERE HE TALKS  
8 ABOUT "THESE ARE IMAGES" AND "THIS IS WHAT I SAW," HE  
9 LEAVES ENOUGH IN THERE. ALL OF HIS CONFESSIONS HE  
10 ADMITS TO STAGING THE SCENE, ALL OF HIS CONFESSIONS  
11 HE TALKS ABOUT WRAPPING THE THING AROUND HER NECK,  
12 ALWAYS ADMITS TO RAPING, ALWAYS ADMITS TO KILLING.  
13 THE INTERVIEW. WHAT DID DR. KASSIN,  
14 THEIR EXPERT WHO I'LL TALK TO YOU ABOUT IN JUST A  
15 MINUTE, WHAT DID HE SAY? A TRUE CONFESSION SHOULD  
16 LEAD POLICE TO NEW EVIDENCE THAT THEY DIDN'T KNOW  
17 ABOUT. THAT IS THE HALLMARK OF A TRUE CONFESSION.  
18 ALSO IT SHOULD CONTAIN DETAILS KNOWN ONLY TO THE  
19 GUILTY PARTY AND NOT LEARNED THROUGH OTHER MEANS.  
20 WHAT ABOUT THAT? WELL, WE CERTAINLY DIDN'T KNOW  
21 ABOUT THAT UNTIL HE CONFESSED. AS MATTER OF FACT,  
22 WHEN THEY WERE MAKING THAT VIDEO WE JUST SAW, THEY  
23 WALKED RIGHT BY THAT. THEY WALKED RIGHT THROUGH THE  
24 HALLWAY WHERE THAT RAG LAY UNDERNEATH THAT BOOKCASE.  
25 RIGHT THERE AT THE TIME BILLY COPE STOOD THERE

1 KNOWING THIS WAS THERE. BUT HE ONLY TOLD THEM ABOUT  
2 IT LATER WHEN CAPTAIN CABINESS AND CHARLENE  
3 BLACKWELDER BROUGHT HIM BACK TO THE POLICE STATION  
4 AND SAID WE AIN'T BUYING THE CRAZY TRAIN STORY,  
5 BUDDY. THAT'S JUST NOT THE WAY IT HAPPENED. YOU ARE  
6 GOING TO HAVE TO DO BETTER THAN THAT. DURING THAT  
7 INTERVIEW IS WHEN THAT BECAME APPARENT. YOU WANT  
8 SOME NEW EVIDENCE THAT THE POLICE DIDN'T KNOW ABOUT,  
9 THERE IT IS, HIS WASH RAG WITH HIS SEMEN ALL OVER IT.

10 I DON'T ENJOY SHOWING YOU THESE  
11 PICTURES, LADIES AND GENTLEMEN. THESE ARE HARD TO  
12 LOOK AT, BUT LOOK WHAT HAPPENED TO THAT CHILD. THEY  
13 WANT TO SAY THAT A PENIS DID THAT. THEY WANT TO SAY  
14 THAT A MAN STUCK HIS PENIS IN THAT CHILD AND DID  
15 THAT? LADIES AND GENTLEMEN, THAT DIDN'T HAPPEN. IF  
16 THAT HAD HAPPENED THE PENIS WOULD BE IN FAR WORSE  
17 SHAPE, THEY SWABBED INSIDE OF THERE LOOKING FOR SOME  
18 KIND OF DNA, BUT THEY FOUND NONE. THAT PENIS WOULD  
19 HAVE BEEN TORN UP, IT WOULD HAVE LEFT BLOOD INSIDE OF  
20 HER, AND THEY WOULD HAVE FOUND IT AND THEY WOULD HAVE  
21 BEEN ABLE TO IDENTIFY IT. THAT WAS A FOREIGN OBJECT,  
22 LADIES AND GENTLEMEN. LOOK AT THIS PICTURE HERE, I  
23 HATE TO SHOW YOU THESE THINGS, BUT YOU NEED TO LOOK  
24 AT IT. YOU NEED TO LOOK AT IT BECAUSE THIS IS WHAT  
25 SHE WENT THROUGH. IS THE OPENING, ALL THE WAY UP

1       INSIDE OF THERE, THE BRUISING THAT WAS DONE. DR.  
2       MAYNARD SAID NO PENIS COULD DO THIS. WHY DID HE SAY  
3       THAT? WHAT DID HE SAY? BECAUSE THE LATERAL  
4       PRESSURE, THE LATERAL PRESSURE FROM THE OBJECT THAT  
5       WAS INSERTED INSIDE THERE; WHAT HE MEANS IS AND WHAT  
6       HE WAS SAYING, IT WAS TORQUED LIKE THIS AT AN ANGLE  
7       AND THE TIP OF A PENIS IS TOO SOFT TO CAUSE THE  
8       DAMAGE THAT WAS DONE ALL THE WAY UP HERE. THERE IS  
9       NO WAY THAT A PENIS COULD DO THAT. NOW THEIR EXPERT  
10      SAID A PENIS COULD DO THAT. I WANT YOU TO LOOK AT  
11      THAT PHOTOGRAPH JUST FOR ONE MORE SECOND BECAUSE  
12      THOSE ARE DR. MAYNARD'S HANDS, THOSE ARE DR.  
13      MAYNARD'S HANDS, LADIES AND GENTLEMEN, WHEN HE PICKED  
14      THAT UP AND TURNED IT OVER HE SAW THE UNDERSIDE OF  
15      THAT. WHEN HE PROBED IT AND CUT INTO IT HE SAW  
16      INSIDE OF WHAT ACTUALLY WAS IN THERE. HE COULD PICK  
17      IT UP, TURN IT AROUND, AND LOOK AT IT FROM EVERY  
18      ANGLE. WHAT, WHAT DID DR. NICHOLS SEE WHEN HE TURNED  
19      OVER THE PHOTOGRAPH THAT HE BASED HIS OPINION ON? HE  
20      SAW THAT. HE SAW NOTHING. DR. MAYNARD, A FINE, A  
21      FINE, FINE FORENSIC PATHOLOGIST ACCORDING DR.  
22      NICHOLS, HE DIDN'T HAVE WHAT DR. MAYNARD HAD. DR.  
23      MAYNARD WAS THERE. DR. MAYNARD LIVED IT. DR.  
24      MAYNARD DIDN'T READ ABOUT IT. DR. MAYNARD DIDN'T  
25      HEAR ABOUT IT FROM SOMEBODY ELSE. DR. MAYNARD DIDN'T

1       SEE PICTURES OF IT. DR. MAYNARD HELD IT IN HIS HANDS  
2       AND LOOKED AT IT AND HE SAID NO PENIS DID THAT AND  
3       THAT WAS A FOREIGN OBJECT, LADIES AND GENTLEMEN.  
4       THAT CHILD WAS BRUTALIZED.

5                   LET'S TALK ABOUT THE CRIME SCENE. THE  
6       WINDOWS, THE DOORS, THE HOUSE PROCESSING, AND THE  
7       STAGING. FIRST THE WINDOWS. TODD GARDNER TESTIFIED.  
8       THEY TOOK PICTURES OF EVERY SINGLE WINDOW. THEY  
9       SHOWED YOU EVERY SINGLE WINDOW FROM BOTH SIDES. WHAT  
10      DOES THAT TELL YOU? WHAT CAN YOU DEDUCE FROM THAT?  
11      THEY KNEW THAT DAY, THEY KNEW THAT DAY HOW IMPORTANT  
12      THIS ISSUE WAS. THEY DIDN'T JUST SAY, WE LOOKED  
13      AROUND, WRITE IT IN A REPORT. THEY SAID, YOU KNOW  
14      WHAT, THIS HOUSE IS SECURE. NOBODY BROKE INTO THIS  
15      HOUSE. NOBODY BROKE INTO THIS HOUSE. WE BETTER  
16      DOCUMENT THIS BECAUSE SOMEBODY, SOMEBODY ONE DAY IS  
17      GOING TO COME TO US AND SAY, WELL YOU DIDN'T TAKE  
18      PICTURES TO SHOW US, DID YOU? YOU DIDN'T BRING ANY  
19      OF THIS TO US FOR US TO SEE WITH OUR OWN EYES, SO HE  
20      WENT AROUND TO EACH AND EVERY WINDOW AND PHOTOGRAPHED  
21      EACH AND EVERY ONE FROM THE INSIDE AND FROM THE  
22      OUTSIDE. HE LOOKED AT THE GROUND. HE LOOKED AT THE  
23      SIDE OF THE HOUSE TO SEE THERE IS ANY INDICATION THAT  
24      SOMEBODY COULD HAVE BROKE INTO THIS HOUSE. ANYTHING  
25      INDICATION WHATSOEVER. NO WINDOW WAS ENTERED, LADIES



1 AND GENTLEMEN. THEY ARE NAILED IN. BOTH WALDROP AND  
2 GARDNER TESTIFIED TO THAT. THERE IS DUST, THERE IS  
3 LEAVES, THERE IS COBWEBS, NAILS, SCREWS, PLASTIC OVER  
4 A COUPLE OF THE WINDOWS OR ONE OF THE WINDOWS, AND  
5 THE SCREENS ARE ALL INTACT AND THE SCREENS ARE EITHER  
6 NAILED IN, STAPLED IN; LADIES AND GENTLEMEN, NOBODY  
7 WENT THROUGH ANY OF THE WINDOWS. NOBODY. TODD  
8 GARDNER WAS ADAMANT.

9 THAT LEAVES US WITH THE DOORS. JESSICA  
10 TOLD YOU SHE LOCKED THE DOOR, LOCKED, AND THE FRONT  
11 DOOR WAS LATCHED WHEN THEY WENT TO BED. NOW THE  
12 FRONT DOOR, ACCORDING TO JESSICA, THAT MORNING WAS  
13 UNLATCHED WHEN SHE WENT INTO THE LIVING ROOM AND SHE  
14 WAS, SHE LEFT OUT OF AMANDA'S ROOM BEFORE BILLY COPE  
15 DID, SHE WALKED OUT AND SAT ON THE COUCH WITH KYLA,  
16 REMEMBER. SHE SAID SHE LOOKED AT THE DOOR AND THE  
17 FRONT DOOR WAS UNLATCHED THE NEXT MORNING. IT WAS  
18 LATCHED THE NIGHT BEFORE, UNLATCHED. NOW MR. MORTON  
19 WANTS TO SAY, WELL, NOBODY EVER TOLD, NOBODY EVER  
20 SAID ANYTHING ABOUT THAT BEFORE. SHE TOLD YOU. WHO  
21 ELSE MATTERS? WHO IS MAKING THE DECISION IN THIS  
22 CASE? SHE TOLD YOU, SHE SAT THERE UNDER OATH AND  
23 SAID THAT DOOR WAS LATCHED. THE DOORS WERE LOCKED.  
24 COPE IN HIS STATEMENTS SAYS HE SPECIFICALLY ASKED  
25 AMANDA IF THE DOORS WERE LOCKED BEFORE HE WENT TO

1       BED. SHE SAID YES.

2                   THERE IS A BACK DOOR. THIS IS WHAT COPE  
3       HAD TO SAY ABOUT IT. (PLAYING THE TAPE.) NO WAY  
4       ANYBODY COULD HAVE GOTTEN THAT BACK DOOR BECAUSE OF  
5       THE STUFF THAT WAS IN FRONT OF IT. AND THERE IS A  
6       PICTURE OF THE BACK DOOR AS IT WAS WHEN THEY FOUND  
7       IT, THAT FAN IS RIGHT IN FRONT OF THE BACK DOOR, AND  
8       THAT GARBAGE CAN IS RIGHT NEXT TO IT, AND HERE FROM  
9       THE VIDEO IS BILLY COPE AT THE BACK DOOR SHOWING YOU  
10      HOW HARD IT IS TO CLOSE AND THE NOISE THAT IT MAKES.  
11      (PLAYS THE VIDEO.) NICE OF HIM TO MOVE THE FAN BACK  
12      OVER TO WHERE HE PUT IT THE NIGHT BEFORE. THAT'S  
13      WHERE WE FOUND IT, THAT'S WHERE HE SAID, HE DIDN'T  
14      HAVE ANY PICTURES OF THE BACK DOOR AT THE TIME HE DID  
15      THAT. HE KNEW THE FAN WAS THERE BECAUSE HE LIVED  
16      THERE, BUT THAT'S WHAT HE SAID HE DID AND THAT'S WHAT  
17      THE POLICE PICTURE SHOWS THEY FOUND. HE PUT THAT FAN  
18      BACK OVER THE DOOR. YOU GOT THE TESTIMONY OF JESSICA  
19      THAT THEY WERE LOCKED AND LATCHED.

20                   ALL THE DOORS IN THE HALLWAY WERE OPEN,  
21      THE THREE DOORS THAT MATTER, HIS DOOR, KYLA AND  
22      JESSICA'S, AND AMANDA'S WERE OPEN WHEN SHE WENT TO  
23      BED. NOW I WANT YOU TO WATCH AS MR. COPE GOES INTO  
24      AMANDA'S ROOM. (PLAYS THE VIDEO.) IT'S HARD TO OPEN  
25      LIKE THAT. GUESS HOW HARD IT IS TO CLOSE. THAT DOOR

1 WAS OPEN BEFORE THEY WENT TO BED, CLOSED WHEN THEY  
2 WOKE UP IN THE MORNING. THAT'S IMPORTANT. YOU SEE  
3 THAT LITTLE BULLETIN BOARD THAT WAS ON THERE, IT WAS  
4 BANGING BACK AND FORTH AS HE TRIED TO SHOVE THE DOOR  
5 OVER THE UNEVEN GROUND, YOU'LL HAVE A CHANCE TO SEE  
6 IT AGAIN BECAUSE I AM GOING TO SHOW YOU THIS VIDEO IN  
7 JUST A SECOND. THE OTHER ISSUE YOU CAN SEE IN THIS  
8 VIDEO HE JUST SHUT THE CLOSET DOOR. REMEMBER ON THE  
9 STAND HE TOLD YOU, HE STILL BELIEVES TODAY, AMAZINGLY  
10 ENOUGH, THAT SOMEBODY WAS HIDING IN THAT CLOSET ALL  
11 DAY LONG WAITING FOR THE RIGHT MOMENT TO SPRING OUT  
12 AND ATTACK POOR AMANDA. THAT'S HIS STORY AND HE'S  
13 APPARENTLY STICKING TO IT. NOW WHAT DID HE SAY ABOUT  
14 THAT CLOSET? BECAUSE JESSICA SAID SHE COULDN'T FIT  
15 IN THE CLOSET. IT WAS PACKED. COULDN'T GET IN  
16 THERE. A CHILD COULDN'T GET IN THERE. HOW COULD A  
17 FULL GROWN MAN SUPPOSED TO HIDE IN THERE? DIDN'T  
18 HAPPEN. HE SAYS OH, NO, THE CLOSET HAD BEEN EMPTIED  
19 BECAUSE WE HAD SET OFF THOSE FOGGERS AND THE CLOSET  
20 WAS EMPTY. SEE THAT IN JUST A SECOND. OFFICERS  
21 TESTIFIED ABOUT THE CONDITIONS OF THE DOORS, TOOK  
22 PICTURES, THEY KNEW IT WAS IMPORTANT, NO SIGN OF  
23 FORCIBLE ENTRY, AND HE AGREED TO IT AT THE START OF  
24 HIS INTERVIEW.

25 THE LATCHING MECHANISM, TALK ABOUT THAT

1 FOR JUST A SECOND. MRS. POPE, THE MOST CREDIBLE  
2 EXPERT WITNESS CALLED BY THE DEFENSE IN THIS CASE,  
3 MRS. GEORGIA POPE FROM CHARLIE'S LOCK AND KEY IN FORT  
4 MILL. GOD BLESS HER. I BELIEVE EVERY WORD SHE SAID.  
5 LADIES AND GENTLEMEN, I SUBMIT YOU SHOULD TOO. THIS  
6 IS A REGULAR BATHROOM LATCH. IT IS EASY TO OPEN.  
7 ANYBODY CAN OPEN THAT. THAT IS NOT A FRONT DOOR  
8 LATCH. THAT'S WHAT GOES ON THE INTERIOR DOOR IN THE  
9 HOUSE. THIS, ON THE OTHER HAND, HAS A SAFETY  
10 MECHANISM ON THAT. SEE THAT. THAT IS WHAT PREVENTS  
11 ANYBODY FROM BEING ABLE TO USE A CREDIT CARD OR SOME  
12 OTHER TYPE OF OBJECT LIKE A PUTTY KNIFE SAY, IN THE  
13 HANDS OF A THREE YEAR OLD SAY, FROM OPENING THIS  
14 THING. THAT'S A SAFETY LATCH. THAT IS THE FRONT  
15 DOOR OF THE COPE HOUSE. THAT IS THE LOCATION WHERE  
16 THE SAFETY LATCH SHOULD BE. LET'S TAKE A CLOSE LOOK  
17 AT IT. THAT IS WHERE THE SAFETY LATCH IS. YOU WILL  
18 HAVE THIS PHOTOGRAPH, HERE IT IS, STATE'S EXHIBIT  
19 41-E. IT IS VAGUE, IT IS FAINT, BECAUSE IT WASN'T  
20 TAKEN AT A STRAIGHT ON ANGLE, BUT IN THIS PHOTOGRAPH  
21 YOU WILL BE ABLE TO SEE WHEN YOU LOOK THAT IT HAS A  
22 SAFETY LATCH ON IT.

23 LET ME DO SOMETHING HERE. I'M NOT  
24 SURE WHERE THAT VIDEO IS. I WANT TO TAKE YOU BACK.  
25 WATCH THIS VIDEO AGAIN. HE OPENS THE DOOR THEN AFTER

1 HE OPENS THE DOOR LOOK AT THE CLOSET BEFORE HE CLOSES  
2 THE DOOR. (PLAYS THE VIDEO.) IT DOESN'T LOOK EMPTY.  
3 YOU CAN SEE THE CLOTHES HANGING ON THE DOOR. YOU CAN  
4 SEE CLOTHES HANGING ON THE BAR INSIDE. IF YOU HAVE  
5 ANY FURTHER QUESTIONS GO BACK AND LOOK AT THE VIDEO,  
6 LOOK THROUGH THE VIDEO, AND YOU WILL SEE IT FOR  
7 YOURSELF. THIS IS KIND OF A GRAINY PICTURE BECAUSE  
8 WE HAD TO CAPTURE IT FOR DIGITAL PROJECTION SO IT'S  
9 NOT THE SAME QUALITY AS THE VIDEO THAT YOU ARE GOING  
10 TO HAVE IN THE EVIDENCE ROOM, YOU CAN GO BACK AND  
11 LOOK AT THAT AGAIN YOURSELF. THEN THROUGH THE DOORS.

12 NOW LET'S TALK ABOUT THE HOUSE PROCESSING.  
13 TODD GARDNER SAID THE PLACE WAS FILTHY. NO QUESTION  
14 ABOUT THAT. YOU SAW THE VIDEO YOURSELF. COCK  
15 ROACHES RUNNING EVERYWHERE. THE PLACE WAS  
16 DISGUSTING. IT WAS NOT FIT FOR A CHILD TO LIVE  
17 THERE. THERE IS NO QUESTION THESE CHILDREN WERE  
18 NEGLECTED BASED ON THAT VIDEO ALONE. YOU DIDN'T NEED  
19 ANY OTHER TESTIMONY. BUT EVEN MR. COPE SAID IN HIS  
20 FIRST INTERVIEW WITH DETECTIVE BURRIS, WE DON'T HAVE  
21 VISITORS OVER BECAUSE OF THE ROACH PROBLEM, THEY'LL  
22 PICK THEM UP AND CARRY THEM OFF TO THEIR LAIR, SO NO  
23 VISITORS WILL COME TO VISIT US. SO I SUBMIT TO YOU  
24 THERE IS NO QUESTION HE'S GUILTY OF NEGLECT. THE  
25 FILTH AND DISARRAY MADE IT DIFFICULT FOR THEM TO

1       PROCESS THIS SCENE. YOU GO INTO A NORMAL HOUSE, A  
2       NORMAL CLEAN HOUSE, WHEN MAGAZINES ARE THROWN OFF THE  
3       COFFEE TABLE, DOORS, DRAWERS ARE PULLED OUT, AND  
4       CLOTHES ARE FLUNG ON THE FLOOR, YOU CAN SAY, THIS  
5       HOUSE HAS BEEN RANSACKED. A BURGLAR HAS BEEN IN HERE  
6       AND TOSSED IT. IT'S EASY TO SEE WHERE YOU SHOULD  
7       DUST FOR FINGERPRINTS. BUT IF YOU WALK THROUGH THE  
8       HOUSE AND IT IS FILTH AND GRIME AND DIRT AND ROACHES  
9       AND CLOTHES AND GARBAGE EVERYWHERE, HOW ARE YOU  
10      SUPPOSED TO KNOW WHERE TO DO ANYTHING BECAUSE THE  
11      WHOLE PLACE LOOKS LIKE IT'S BEEN A CRIME SCENE. SO  
12      YOU DO THE BEST YOU CAN. YOU FIND OUT FROM THE  
13      DOCTOR, SHE WAS RAPED, THIS WAS A SEXUAL ASSAULT, SO  
14      YOU GO BACK AT 8 O'CLOCK, AND YOU USE THE ALTERNATE  
15      LIGHT SOURCE. THEY DID THE BEST THEY COULD UNDER THE  
16      CIRCUMSTANCES AND THEY COLLECTED ALL THE IMPORTANT  
17      EVIDENCE I SUBMIT TO YOU. THEY COLLECTED EVERYTHING  
18      THAT POSSIBLY COULD BE CONNECTED WITH THE CRIME.  
19      UNDER THE CIRCUMSTANCES OF THIS PARTICULAR HOUSE AND  
20      THIS CRIME SCENE THEY DID AN OUTSTANDING JOB AND HAVE  
21      NOTHING TO BE ASHAMED OF. DID THEY MISS SOMETHING?  
22      THEY DID. THEY MISSED THE PURSE. THE PURSE THAT  
23      WOULD HAVE SOLVED EVERYTHING. IF ONLY WE WOULD HAVE  
24      GOTTEN THE PURSE. OH, MY GOD, THE CASE IS RUINED  
25      BECAUSE WE DIDN'T GET THE PURSE. LADIES AND

1 GENTLEMEN, THIS IS A CRIME SCENE, THERE IS A CHILD  
2 DIED ON THE BED, FIREFIGHTERS, EMS, ALL THESE PEOPLE  
3 COME THROUGH, THAT PICTURE WAS TAKEN VERY EARLY ON IN  
4 THE PROCESS, THEY DIDN'T HAVE ACCESS TO THAT PICTURE.  
5 THEY DIDN'T KNOW THAT THE PURSE HAD FALLEN ON THE  
6 GROUND, SO WHEN THEY PICKED ALL THE LINENS UP AND  
7 CAREFULLY FOLDED THEM OVER HER BODY TO CAPTURE  
8 EVERYTHING THAT COULD POSSIBLY BE ON THAT BED, THE  
9 PURSE HAD FALLEN OFF, THEY DIDN'T REALIZE IT. SO IT  
10 WAS LEFT BEHIND ON THE FLOOR. THAT IS NOT FATAL TO  
11 THE STATE'S CASE. IT IS NOT NEGLIGENCE. IT IS NOT  
12 AN OVERSIGHT. IT IS ONE OF THOSE THINGS THAT HAPPENS  
13 AND WHEN YOU HAVE SOMEBODY WHOSE GOT TWO AND A HALF  
14 YEARS TO SIT BACK AND NITPICK EVERY DECISION THAT YOU  
15 HAVE TO MAKE IN TWO SECONDS WHEN YOU ARE STANDING IN  
16 A CRIME SCENE OR TWO MINUTES OR TEN MINUTES, OF  
17 COURSE, THEY ARE GOING TO COME BACK AND FIND THINGS  
18 THAT THEY WOULD HAVE DONE DIFFERENTLY IF ONLY THEY  
19 HAD BEEN THERE TO DO IT.

20 THEY SECURED THE CRIME SCENE. THEY MADE A  
21 BIG DEAL ABOUT IT. LADIES AND GENTLEMEN, THE FIRST  
22 16 PEOPLE ON THAT LIST WERE EMS, FIREFIGHTERS, FIRST  
23 RESPONDERS WHO WERE SECURING THE SCENE, AND FIVE  
24 MEMBERS OF THE COPE FAMILY INCLUDING AMANDA. NOW  
25 THEY WANT TO SAY IT'S A HERD OF BUFFALO TRAMPLING

1 THROUGH THERE. NO. THOSE ARE PEOPLE THAT NEED TO GO  
2 IN THE SCENE. EVEN THEIR OWN INVESTIGATOR AGREED  
3 WITH THAT. HOW DO YOU KNOW WHAT YOU ARE GETTING  
4 INTO? YOU GOT TO HAVE POLICE OFFICERS IN THERE,  
5 PATROLMAN, THE FIRST GUYS WHO SHOW UP, YOU DON'T KNOW  
6 WHAT YOU ARE WALKING INTO. YOU CAN'T -- FIREFIGHTERS  
7 ARE RELUCTANT TO GO INTO A CRIME SCENE. DILLON  
8 TESTIFIED YOU WANT TO HAVE THE POLICE THERE. YOU  
9 DON'T KNOW WHAT YOU ARE WALKING INTO. YOU WANT TO  
10 HAVE PEOPLE THERE IN CASE IT'S A BAD SITUATION AND  
11 YOU NEED HELP. THEY WATCHED THE CLOCK, THEY WATCHED  
12 THAT HOUSE, THE POSTED GUARDS ON IT OVERNIGHT UNTIL  
13 THEY COLLECTED ALL THE EVIDENCE THAT THEY SAW FIT  
14 THAT POSSIBLY COULD HAVE ANYTHING TO DO WITH THIS  
15 CASE. THE ONLY REAL PIECE OF EVIDENCE THAT THEY  
16 COLLECTED AFTERWARDS WAS THE RAG THAT ONLY BILLY COPE  
17 KNEW ABOUT.

18 NOW THE CRIME SCENE BEING STAGED IS A HUGE  
19 ISSUE FOR MR. COPE. IT'S A BIG, BIG PROBLEM. THE  
20 REASON IT'S A BIG PROBLEM IS BECAUSE MR. SANDERS  
21 REALLY HAS NO MOTIVE TO CLEAN UP THE SCENE. HE HAS  
22 NO MOTIVE TO MISDIRECT THE POLICE. IF HE IS TRULY A  
23 STRANGER AND HE KNOWS THAT NOBODY IS GOING TO  
24 NATURALLY SUSPECT HIM WHY DOES HE CARE? SO IF --  
25 WE'LL GO THROUGH THIS A LITTLE BIT AND LET'S TALK



1 FIRST, BEFORE I GET TO THE GIST OF IT, LET'S TALK  
2 ABOUT HOW THE CRIME SCENE WAS STAGED. ANAL AND  
3 VAGINA AREAS CLEANED UP. REMEMBER THE PICTURE THAT I  
4 SHOWED YOU BEFORE THAT I AM NOT GOING TO SHOW YOU  
5 AGAIN, DR. MAYNARD TESTIFIED THAT THERE WOULD HAVE  
6 BEEN MORE FECES AFTER THAT ASSAULT, FECAL MATTER  
7 WOULD HAVE COME OUT, YOU CAN SEE SOME AND YOU'LL HAVE  
8 THE PICTURES BACK THERE, IF YOU CAN BARE TO LOOK AT  
9 THEM, AND I SUBMIT YOU HAVE TO, IF YOU NEED TO DO  
10 JUSTICE IN THIS CASE EVERY PIECE OF EVIDENCE NEEDS TO  
11 BE LOOKED AT, YOU CAN SEE A SLIGHT STAIN UP AROUND A,  
12 PATCHY BROWN AREAS AROUND HER ANUS, AROUND HER RECTAL  
13 OPENING. THERE WAS MORE THERE AND IT WAS CLEANED  
14 OFF. DR. MAYNARD SAID I'M NOT THE ONE WHO CLEANED  
15 THIS. THIS IS HOW I FOUND IT. THIS IS HOW I FOUND  
16 IT. SOMEBODY PUT THE CLOTHES ON HER. YOU SAW THE  
17 PICTURES OF HER PANTS, THEY'D BEEN ROLLED UP AT THE  
18 TOP, THAT'S NOT HOW PEOPLE PUT THEIR CLOTHES ON.  
19 SOMEBODY ELSE PUT THE CLOTHES ON HER. HE ADMITTED TO  
20 THAT. THE BLANKET EDGING WAS PLACED AROUND HER  
21 THROAT, WE GOT THAT FROM HIM, IT WAS OFF BY THE TIME  
22 THE POLICE GOT THERE. THE DOOR TO THE ROOM WAS  
23 CLOSED.

24 THEY HAD THE LETTER, I MENTIONED THIS  
25 EARLIER, HE'S NO DUMMY, I KNEW I WAS THE FIRST

1 SUSPECT IN THE HOUSE. I WAS ONLY THE ADULT IN THE  
2 HOUSE. WHY ARE CRIME SCENES STAGED? CAPTAIN  
3 CABINESS TALKED ABOUT THIS, MISDIRECT THE POLICE.  
4 THE PERSON WITH A MOTIVE TO MISDIRECT THE POLICE --  
5 BILLY WAYNE COPE. HE KNEW THAT HE WOULD BE A NATURAL  
6 SUBJECT. HE'S THE ONE WHO HAS TO STAGE THE CRIME  
7 SCENE. HE'S THE ONE WHO HAS TO MISDIRECT THE POLICE.  
8 HE'S THE ONE WHO STAYED BEHIND TO CLEAN UP THE MESS.  
9 IF SANDERS DID THIS ALONE, THINK ABOUT IT, AND HE'S  
10 TRULY A STRANGER, WHY WOULD HE GO TO ALL THIS EXTRA  
11 TROUBLE. HE'S STANDING IN THIS HOUSE BY HIMSELF IN  
12 THE MIDDLE OF THE NIGHT. COPE IS SLEEPING IN HIS  
13 ROOM, TWO LITTLE GIRLS ARE SLEEPING IN THEIR ROOM,  
14 AND HE DECIDED TO STICK AROUND, CLEAN UP HER ANUS,  
15 AND DO WHAT WITH THE RAG I DON'T KNOW, PUT HER  
16 CLOTHES BACK ON HER, WRAP THIS THING AROUND HER NECK,  
17 AND CLOSE THE DOORS BEFORE HE GOT OUT OF THE HOUSE?  
18 HOW MUCH EXTRA TIME WOULD HE HAVE TO STAY IN THE  
19 HOUSE? IF HE FINISHED HIS BUSINESS AND HE WAS  
20 OPERATING ALONE, WHAT WOULD THE FIRST HE WOULD DO?  
21 GET OUT. I DON'T CARE. NOBODY IS GOING TO SUSPECT  
22 ME, I DON'T KNOW THESE PEOPLE, SO I'M GONE. THE  
23 PERSON WHO DID THAT WASN'T CONCERNED ABOUT TIME AND  
24 THEY WEREN'T CONCERNED ABOUT ANYBODY WALKING IN ON  
25 THEM, THEY WEREN'T CONCERNED ABOUT ANYTHING. THEY

1 FELT COMFORTABLE. AND AT THE SAME TIME, IF YOU DID  
2 ALL THIS, HE HAD TO KNOW THE SEMEN WAS ON HIM. HE  
3 EJACULATED ON HER PANTS.

4 LET'S TALK ABOUT MR. SANDERS FOR JUST A  
5 SECOND BECAUSE THAT'S ONE QUINTILLION ON 300  
6 QUADRILLION REASONS WHY MR. SANDERS IS GUILTY AND IF  
7 THAT AIN'T ENOUGH ON HER BREAST THAT'S THREE  
8 QUADRILLIONS 600 TRILLION, BEAR IN MIND THERE IS ONLY  
9 SEVEN BILLION PEOPLE IN THE WORLD, YOU WOULD HAVE TO  
10 GO THROUGH THE ENTIRE POPULATION OF THE EARTH A  
11 MILLION TIMES BEFORE YOU FOUND ANOTHER PERSON THAT  
12 MATCHED MR. SANDERS' DNA. NOW HE TALKED ABOUT THEY  
13 ONLY USED NINE SPOTS. THEY ONLY USE NINE BECAUSE  
14 THEY COULD KEEP GOING, HE SAID WE COULD USE 10, 12,  
15 15, 20 BUT YOU ONCE YOU REACH ONE QUADRILLION, SEE  
16 EACH SPOT HAS A SPECIAL FORMULA; HOW OFTEN DOES THIS  
17 PARTICULAR TYPE OF DNA END UP AT THIS SPOT? IT ONLY  
18 ENDS UP IN THAT SPOT FOR 1 IN 100 PEOPLE. HOW OFTEN  
19 DOES THIS TYPE END UP IN SPOT TWO? 1 IN 50. THIS  
20 ONE? 1 IN 10. 1 IN 5, 1 IN 25, 1 IN 30. WHEN YOU  
21 ADD UP 100 TIMES 50 TIMES 25 TIMES 10 TIMES 2 TIMES  
22 30 TIMES 75, OVER NINE TIMES, THAT'S WHEN YOU START  
23 GETTING TO THOSE KIND OF NUMBERS. SO WHAT YOU WANT TO  
24 USE ANOTHER TWO, THREE SPOTS, FOUR SPOTS, FIVE SPOTS,  
25 AND GET THE NUMBER UP UNTIL I HAVEN'T GOT ENOUGH ROOM

1 ON THE WALL FOR THE ZEROS. IT'S MR. SANDERS. THAT'S  
2 HIS SEMEN. THIS IS A RAPE. THIS IS A SEXUAL  
3 ASSAULT. HIS SALIVA IS ON HER BREAST. IT HAD TO BE  
4 WITHIN FOUR HOURS. AT THE EARLIEST IT WAS TEN  
5 O'CLOCK. SHE DIED NO EARLIER THAN TWO. FOUR HOURS  
6 BEFORE WOULD HAVE BEEN TEN. SHE WAS DOING HER  
7 HOMEWORK WITH JESSICA. MOM WAS LEAVING AT TEN  
8 O'CLOCK. DON'T YOU THINK MOM WOULD HAVE SAID HEY,  
9 WHERE'S AMANDA? THEY DIDN'T LET THE KIDS PLAY OUT  
10 THERE. THIS IS NOVEMBER: IT'S DARK, IT'S COLD, TEN  
11 O'CLOCK ON A SCHOOL NIGHT, SHE WASN'T OUT RUNNING THE  
12 STREETS, LADIES AND GENTLEMEN. THAT DIDN'T HAPPEN.  
13 SHE WAS INSIDE THAT HOUSE. SANDERS CAME IN LATER.  
14 SANDERS CAME IN AFTER THE KIDS HAD GONE TO BED AND  
15 SANDERS CAME IN WHEN COPE OPENED THE FRONT DOOR AND  
16 TOOK THE LATCH OFF THAT JESSICA AND AMANDA HAD PUT ON  
17 BEFORE THEY WENT TO BED. NO QUESTION DNA IS WIDELY  
18 KNOWN AND ACCEPTED MEDICAL DIAGNOSES, TRUSTED FOR  
19 THAT. PATERNITY TESTS. SOLDIERS WHO REMAINS ARE  
20 FOUND IN VIETNAM; THEY WANT TO KNOW IS THIS CERTAIN  
21 PERSON WHO HAS BEEN LISTED AS MISSING IN ACTION, IF  
22 THEY HAVE A DNA SAMPLE FROM A HAIR BRUSH OR A  
23 TOOTHBRUSH OR SOME SORT OF PARTICLE THEY CAN IDENTIFY  
24 SOLDIERS REMAINS USING DNA. NO QUESTION, THAT'S  
25 ABSOLUTELY BEYOND DOUBT.

1                   AGAIN THEY HAD DINNER AT 8:30, REMEMBER  
2                   THE TESTIMONY ABOUT THAT, AMANDA WAS THERE FOR  
3                   DINNER. MOM LEAVES AT TEN. THEY WENT TO BED BETWEEN  
4                   1 AND 1:15. SHE DIED BETWEEN TWO AND FOUR AM. ALL  
5                   THE WOUNDS WERE CONTEMPORANEOUS. ALL THE WOUNDS TO  
6                   THIS CHILD OCCURRED AT THE SAME TIME. THE LATCH WAS  
7                   OFF THE DOOR. MR. GREELEY SIMPLY HAS TO PUSH THIS  
8                   BACK TOO FAR. HE'S GOT TO GO BACK TO 7 O'CLOCK, 6  
9                   O'CLOCK, THAT DOESN'T WASH. THAT WON'T WASH. AND IT  
10                  DOESN'T MAKE ANY SENSE THAT SHE'D BEEN SEXUALLY  
11                  ASSAULTED TWICE IN ONE NIGHT AND COME BACK TO THE  
12                  HOUSE AND NOT SAID ANYTHING ABOUT IT TO ANYBODY.  
13                  COPE SAYS HE NEVER LETS THE KIDS OUT TO PLAY. MOM IS  
14                  THERE UNTIL TEN. SHE DIDN'T GET STRUCK TWICE THAT  
15                  NIGHT. SHE GOT STRUCK ONCE BY TWO PEOPLE. THEY  
16                  DIDN'T FIND ANY FECES ON THE BED. IF SHE HAD BEEN  
17                  LAYING ON THE BED AND ATTACKED IN THAT FASHION  
18                  WOULDN'T YOU EXPECT THERE TO BE SOME FECES ON THE  
19                  BED. NONE WERE FOUND ON THE BED. THAT WAS CLEANED  
20                  UP TOO OR SHE WAS ON TOP OF SOMETHING THAT WAS  
21                  SUBSEQUENTLY THROWN OUT. THE TWO HANDS ARE ONE FOR  
22                  THE CHOKING, TWO HANDS ARE ONE. DR. MAYNARD SAID IT  
23                  COULD BE ANY NUMBER OF THINGS. HE COULD HAVE USED  
24                  TWO HANDS; HE COULD HAVE USED ONE HAND. CHRONIC  
25                  SEXUAL ASSAULT. NO HYMEN. THERE WAS A HYMEN IN '99;

1 NO HYMEN NOW. WHAT DO THEIR EXPERT SAY? NO CHANCE.  
2 I WOULD HAVE MISSED IT. NO WAY. MAYNARD IS THE BEST  
3 JUDGE OF THAT. THIS IS A SEXUAL ASSAULT. HE WASN'T  
4 LOOKING FOR A HYMEN. THAT'S WHAT HE WOULD HAVE BEEN  
5 GOING TO TRY TO FIND, A HYMEN OR ANY PART OF THE  
6 HYMEN, HE FOUND NONE. SAID THAT OTHER THINGS COULD  
7 HAVE CALLED THIS: TAMPONS, DOUCHING, OR ALLERGY. HE  
8 SAID HE SAW NO NATURAL, NO SIGNS OF ANY NATURAL CAUSE  
9 FOR ANY OF THESE CHRONIC INFLAMMATION THAT HE SAW.  
10 SHE HAD A PAD ON. SHE WASN'T USING TAMPONS. DO YOU  
11 THINK SHE WAS DOUCHING? IS THAT A REALISTIC? THEY  
12 THREW THAT OUT LIKE IT WAS A POSSIBILITY. LADIES AND  
13 GENTLEMEN, I SUBMIT THAT IS ABSURD. DEFINITELY NO  
14 HYMEN. THE DAMAGE WAS IN THE RECTAL CANAL AS WELL.  
15 DO YOU THINK IT IS A COINCIDENCE THAT BOTH HER  
16 RECTUM, SHE WAS ASSAULTED IN THIS ASSAULT, BOTH HER  
17 RECTUM AND HER VAGINA BOTH HAD SIGNS OF CHRONIC  
18 INFLAMMATION. LADIES AND GENTLEMEN, HE SAID HE HAD  
19 BEEN MOLESTING HIS DAUGHTER FOR SOMETIME. HE'D BEEN  
20 MOLESTING HIS DAUGHTER FOR SOMETIME, SINCE ABOUT  
21 EARLY OCTOBER WHEN HE STARTING SLIPPING IN THERE AND  
22 USING THE DILDO AND FINGERING HER.

23 THE SIMMONS LETTERS. I'M NOT GOING TO GO  
24 THROUGH THIS FOR TOO LONG, BUT LADIES AND GENTLEMEN,  
25 I SUBMIT THOSE LETTERS ARE LEGITIMATE. YOU GO BACK

1 AND LOOK AT THEM YOURSELF. OUR EXPERT SAYS HE  
2 PROBABLY AUTHORED THE FIRST ONE, CAN'T SAY POSITIVELY  
3 BECAUSE OF THE OVERWRITING AND THE LACK OF THE  
4 CURSIVE STANDARDS ON THAT FIRST LETTER. HE DOESN'T  
5 HAVE ENOUGH EXAMPLES OF HIS WRITING IN CURSIVE TO SAY  
6 CONCLUSIVELY IT WAS HIS. HE SAYS HE DEFINITELY WROTE  
7 THE SECOND LETTER. HE COULDN'T DUPLICATE THOSE. HE  
8 KNOWS WHAT A HANDWRITING EXPERT IS GOING TO BE  
9 LOOKING FOR AND HE COULDN'T EVEN DO THAT KIND OF  
10 FORGERY. HE HAS NO WAY OF DOING THAT. AND THEY SAID  
11 SHE'S BEEN CONVICTED, SHE'S A KNOWN FORGER. LADIES  
12 AND GENTLEMEN, WHAT SHE SAID WAS SHE ALTERED SOME  
13 TIME RECORDS, ALTERED SOME TIME RECORDS, THAT'S NOT  
14 LIKE SHE IS SOME MASTER FORGER TURNING OUT HUNDRED  
15 DOLLAR BILLS. SHE'S A NURSE AND SHE'S BEEN AND THEIR  
16 EXPERT SAYS THAT THIS NURSE FROM ANDERSON, SOUTH  
17 CAROLINA, COULD DO WHAT HE HIMSELF WITH 12 YEARS  
18 EXPERIENCE IS INCAPABLE OF DOING IF I GAVE HIM A YEAR  
19 TO DO IT. THEIR EXPERT COULDN'T EVEN SAY THEY  
20 DEFINITELY WERE FORGERIES. THEY SAID THEY WERE  
21 PROBABLY FORGERIES. THAT'S ALL THEY COULD BRING  
22 THEMSELF TO SAY. DOTTING THE I'S. GO BACK AND LOOK  
23 AT THE KNOWN LETTERS OF BILLY COPE. HE SAYS BILLY  
24 COPE DIDN'T USE A DOT, HE USED A SLASH, GO LOOK AT  
25 THE LETTERS AND YOU'LL SEE SOME DOTS.

1                   THE FIRST LETTER COMES IN DECEMBER 2003  
2                   TURNED IT OVER TO JIM MORTON. HE DIDN'T GIVE IT TO  
3                   THE POLICE UNTIL MAY OR JUNE. HE HELD ON TO THAT  
4                   LETTER ALL THAT TIME. NOW HE WRITES THIS LETTER,  
5                   ASSUME THAT HE DOESN'T WRITE THE LETTER JUST FOR THE  
6                   SAKE OF ARGUMENT, ASSUME HE DID NOT WRITE THE FIRST  
7                   LETTER, HE KNEW ABOUT THE FIRST LETTER BACK IN  
8                   JANUARY. IF HE THOUGHT SHE WAS FORGING THESE LETTERS  
9                   AND HE THOUGHT SHE FORGED THE FIRST LETTER WHY WOULD  
10                  HE CONTINUE TO WRITE TO HER OVER THE NEXT FOUR OR  
11                  FIVE MONTHS? IT DOESN'T MAKE SENSE. SHE SAID THEY  
12                  TOLD ME TO DESTROY THE LETTERS.

13                   THE PAPER THAT IT IS WRITTEN ON,  
14                  LADIES AND GENTLEMEN, THE DETENTION CENTER I SUBMIT  
15                  TO YOU HAS RULES AND THEY ARE GOING TO SAY WE FOLLOW  
16                  OUR RULES BUT IN THE GRAND SCHEME OF THINGS PAPER  
17                  AIN'T HIGH ON THE LIST OF CONTRABAND. THEY ARE NOT  
18                  GOING TO GO TO TOWN TRYING TO FIND EVERY SCRAP OF  
19                  PAPER OUT THERE. THEY ARE LOOKING FOR GUNS, DRUGS,  
20                  KNIVES, THINGS THAT COULD BE USED TO HURT PEOPLE.  
21                  PAPER -- THAT'S WAY DOWN HERE ON THE LIST. WHY WOULD  
22                  SHE KEEP THOSE OTHERS LETTERS? IF SHE USED THEM WHY  
23                  WOULD SHE TURN THEM OVER? IF SHE USED THOSE TO MODEL  
24                  WHY WOULD SHE TURN THEM OVER? IT DOESN'T MAKE SENSE.  
25                  AND WHAT DID SHE USE AS A MODEL FOR THE FIRST LETTER



1 IF SHE FORGED THAT? NOBODY SAYS THAT THAT WAS  
2 WRITTEN ON ANYTHING. WHAT DID SHE USE FOR THAT? WHY  
3 GIVE THE FIRST ONE TO MORTON? WHY NOT JUST GIVE IT  
4 TO THE POLICE? I NEED TO CONFESS TO YOU, WHY NOT  
5 HAND THAT OVER TO THE POLICE? SHE GAVE IT TO JIM  
6 MORTON. COPE'S SISTER, WHO IS SITTING OVER HERE, AND  
7 NODDED ENTHUSIASTICALLY WITH HER A COUPLE OF TIMES  
8 DURING HER TESTIMONY SAID, SHE'S HER BEST FRIEND, WHY  
9 WOULD SHE DO THIS? WHAT IS HER MOTIVATION? THIS  
10 LETTER, IT'S IN THE BAG OF ADMITTED COPE LETTERS, IT  
11 STARTS OUT: HOPE THIS LETTER FINDS YOU IN THE BEST  
12 OF SPIRITS AND FINEST OF HEALTH. ON THE BACK, PART  
13 THREE LATER, I'M GOING TO TELL YOU ALL OF THE LETTER  
14 WHEN I'M READY TO MAKE ALL RIGHT BY AMANDA. I KNOW  
15 YOU WILL FORGIVE AND STAND BY ME. TINKER. THAT  
16 SEEMS TO GO ALONG WITH WHAT THE FIRST LETTER SAID.  
17 YOU DON'T NEED THE LETTERS TO CONVICT THIS MAN.  
18 HE'S, HE'S GOT PLENTY OF EVIDENCE. IF YOU DON'T  
19 THINK THE LETTERS, IF YOU ARE WORRIED ABOUT THEM, AND  
20 YOU GOT TWO EXPERTS SAYING, ONE SAYING ONE THING ONE,  
21 I DON'T CARE. I THINK, I SUBMIT TO YOU THE LETTERS  
22 ARE GENUINE, I SUBMIT THAT NOBODY COULD FORGE THAT,  
23 GO BACK AND LOOK AT THE HANDWRITING ON THE LETTERS  
24 AND COMPARE IT TO BILLY'S, MAKE YOUR OWN JUDGMENT.  
25 LOOK FOR DOTS VERSUS SLASHES IF IT MEANS ANYTHING TO

1 YOU IF IT IS THAT IMPORTANT. THE LETTERS I SUBMIT  
2 ARE AUTHENTIC, I SUBMIT HE WROTE THEM, I SUBMIT HE  
3 HAS A GUILTY CONSCIOUS, AND HE WANTS SOMEBODY TO  
4 UNDERSTAND AND ACCEPT HIM JUST LIKE HE DID WITH MR.  
5 BAKER THAT DAY.

6 WHAT DID JESSICA TESTIFY TO? THE DOORS  
7 WERE LOCKED AND LATCHED. SHE ALSO SAID THAT HE WAS  
8 ASLEEP AT ONE AM AND WEARING THE CPAP, SHE COULD HEAR  
9 IT. REMEMBER, THEY ARE DOING THE HOMEWORK, THE PHONE  
10 RINGS, IT WAKES HIM UP, AND HE YELLS OUT TO THEM, ARE  
11 Y'ALL GOING TO GO TO BED NOW? WASN'T SO LOUD WITH  
12 THAT CPAP MACHINE THAT HE COULDN'T HEAR THE PHONE  
13 RINGING. SAID SHE COULDN'T FIT IN AMANDA CLOSET,  
14 NEVER HAD ANY WARNINGS ABOUT THE BLANKET, AMANDA  
15 SLEPT WITH IT EVERY SINGLE NIGHT, IT WAS HER FAVORITE  
16 BLANKET. SAID THAT THAT MORNING AT SIX O'CLOCK HE  
17 DIDN'T SAY AMANDA, AMANDA, LIKE HE SAID. HE SAID  
18 AMANDA, AMANDA, AND THEN CAME RUNNING, NEVER RAN, BUT  
19 HE WAS RUNNING THROUGH THE HALLWAY AND WHERE WAS HE  
20 RUNNING FROM? HE WAS RUNNING FROM THE LIVING ROOM,  
21 NOT HIS BEDROOM. SHE SAID HE CAME FROM THE LIVING  
22 ROOM. HE'D BEEN UP FOR A GOOD WHILE.

23 LET'S TALK ABOUT THE DEFENSE CASE.  
24 REMEMBER THE SCENE FROM THE WIZARD OF OZ, WHERE THEY  
25 ARE UP AT THE EMERALD CASTLE AND THEY ARE TALKING TO

1 THE WIZARD AND THEY GOT THE BROOM AND NOW THE SCARE  
2 CROW WANTS HIS BRAIN AND THE LION WANTS THE COURAGE  
3 AND ALL OF THAT AND THE WIZARD SAYS I'M NOT GOING TO  
4 GIVE YOU ANY OF THAT, AND THEN TOTO RUNS OVER AND  
5 GRABS THE CURTAIN AND PULLS IT BACK AND THEN YOU SEE  
6 THE REAL WIZARD AND HE'S WORKING THE MACHINERY BACK  
7 THERE, THAT'S WHAT HAPPENED HERE.

8 THIS WAS A VERY INTERESTING CROSS  
9 EXAMINATION, THE FIRST TWO DEFENSE WITNESSES THAT WE  
10 HAD, YOU'LL RARELY GET A GLIMPSE, A PEEK, INTO THE  
11 MACHINERY OF HOW A CASE LIKE THIS IS PUT TOGETHER BUT  
12 YOU GOT TO SEE IT HERE. REMEMBER MR. HONTS, WHAT DID  
13 YOU RELY ON? HE SAYS, COPE PASSED THE POLYGRAPH  
14 TEST. THEY USED THE MILITARY METHOD FOR SCORING. SO  
15 I GET UP AND I SAY, WHAT DID YOU RELY ON? HE SAID, I  
16 RELIED ON THE E-MAIL. SO I GOT TO TAKE A LOOK AT THE  
17 E-MAIL. HE AGREES MOST OF THE E-MAIL WAS JUST THE  
18 DEFENSE VERSION OF THE CASE. THEIR SPIN ON HOW THIS  
19 THING TOOK PLACE. THEN WE TALKED TO HIM ABOUT HIS  
20 PRIOR ARTICLE WHERE HE TALKS ABOUT DODPIE AND HOW  
21 GREAT DODPIE IS AND THE MILITARY SCORING IS THE BEST  
22 IN THE WORLD. REMEMBER THAT. AFTER JUST SAYING THE  
23 MILITARY SCORING, I LIKE THE UTAH SYSTEM. YOU KNOW  
24 UNDER THE UTAH SYSTEM MY CLIENTS ARE NOT TO  
25 DECEPTIVE. THEN HE HEADS BACK TO IDAHO WITH \$5,000

1           IN HIS POCKET.

2                         THEN MR. KASSIN TAKES THE STAND NOW.

3           REMEMBER MR. KASSIN SAID THERE WERE TWO THINGS, TWO  
4           THINGS, THE LENGTH OF THE INTERROGATION AND THE  
5           PRESENTATION OF FALSE EVIDENCE. THE POLYGRAPH, THE  
6           MOST IMPORTANT THING. SO HE SAYS THAT'S WHAT PEOPLE  
7           NEED TO LOOK AT, THESE TWO THINGS. WELL, HE AGREES  
8           ON CROSS EXAMINATION THE LENGTH OF POLYGRAPH OR THE  
9           LENGTH OF THE INTERROGATION REALLY WASN'T THAT LONG,  
10          IT HAPPENED LATE AT NIGHT, BUT IT REALLY WASN'T THAT  
11          LONG. THEN I ASKED HIM, ISN'T IT TRUE THAT YOU TOLD  
12          MR. BAITY THAT HE NEEDED TO GO FIND HIM AN EXPERT  
13          THAT COULD TESTIFY THAT THE POLYGRAPH WAS FALSE AND  
14          THAT YOU RECOMMENDED HE CONTACT MR. HONTS, AND HE  
15          SAID, WHAT? NO, SIR, I DIDN'T DO THAT. AND I SAID  
16          MAY I SEE THE E-MAIL PLEASE. AND MR. KASSIN WAS  
17          FORCED TO SAY IN FACT I DID TELL MR. BAITY TO CALL  
18          MR. HONTS. YES, THAT'S TRUE. IN FACT I DID TELL HIM  
19          THAT WE NEEDED SOMEBODY TO TESTIFY TO IMPROPER  
20          POLYGRAPH USE IN THIS CASE. MR. HONTS WAS HIRED SO  
21          THAT MR. KASSIN COULD COME IN HERE AND SAY WHAT HE  
22          HAD TO SAY. MR. KASSIN KNEW I CAN'T GIVE YOU AN  
23          OPINION THAT THIS IS A FALSE CONFESSION UNTIL FIRST  
24          WE GET SOMEBODY TO COME IN AND SAY THE POLYGRAPH WAS  
25          BAD. SO PROFESSOR POLYGRAPH AND CAPTAIN CONFESSION

1       SHOW UP HERE IN YORK COUNTY WITH THEIR SONG AND DANCE  
2       AND START TALKING ABOUT HOW IT'S ALL VERY SUSPICIOUS  
3       AND YOU SHOULD BE CAREFUL. LADIES AND GENTLEMEN,  
4       THIS WHOLE THING WAS COOKED UP. HE KNEW HE COULD  
5       COUNT ON MR. HONTS FROM IDAHO TO COME HERE AND SAY  
6       THAT SO HE SENT MR. BAITY OVER TO SEE HIM BECAUSE HE  
7       KNEW THAT NO MATTER WHAT THAT POLYGRAPH LOOKED LIKE  
8       MR. HONTS FOR FIVE GRAND IS WILLING TO COME TO YORK  
9       COUNTY AND SAY ABSOLUTELY THAT'S A BAD POLYGRAPH, HE  
10      PASSED. MR. KASSIN HEADS BACK TO MASSACHUSETTS  
11      13-\$15,000 MORE THAN WHEN HE GOT HERE. WHAT DO WE  
12      THINK OF THAT? THEY HAD NO IDEA BEFORE THAT E-MAIL  
13      WAS SENT WHETHER THE POLYGRAPH WAS GOOD OR NOT. THEY  
14      DIDN'T CARE. THE ONLY THING THAT MATTERED WAS  
15      GETTING SOMEBODY DOWN HERE TO SAY THAT IT WAS BAD SO  
16      CONFESSION KASSIN COULD SAY THE CONFESSION WAS  
17      SUSPECT. HONTS, HE CLEARLY DIDN'T KNOW WHAT HE WAS  
18      TALKING ABOUT, THE MILITARY SCORING SYSTEM IS NOT TO  
19      BE TRUSTED, THE UTAH SYSTEM, THAT WAS, THERE IS NO  
20      QUESTION, HE'S TOTALLY CONTRADICTED ON THAT POINT.  
21      THE WHOLE THING WAS MADE UP OUT OF THIN AIR AND IF IT  
22      ISN'T A FALSE CONFESSION, LADIES AND GENTLEMEN, IT  
23      MUST BE A TRUE ONE. YOU KNOW THAT'S ONE OF THE  
24      BEAUTIFUL THINGS ABOUT MY JOB, I REALIZED AS I WAS  
25      TALKING ABOUT IT, I GOT THE FALSE CONFESSION EXPERT

1 TO CONFESS. HOW BEAUTIFUL IS THAT? THIS GUY WAS  
2 BROUGHT INTO COURT AND HE DENIED SOMETHING AND THEN  
3 WHEN CONFRONTED WITH THE TRUTH HE WAS FORCED TO  
4 CONFESS JUST LIKE MR. COPE WAS WHEN HE MET MR. BAKER.  
5 WHAT WOULD THEY BE SAYING IF THAT HAD BEEN OUR E-MAIL  
6 FROM CHARLENE TO STEVE LAMBERT: WE REALLY NEED SOME  
7 DNA ON THIS GUY. OH, MY GOD, YOU WOULD NEVER HEAR  
8 THE END OF IT. WE WOULDN'T EVEN BE STANDING HERE  
9 TODAY.

10 HOW ABOUT THE REST OF THEIR EXPERTS?  
11 WELL, I DON'T HAVE ALL THE E-MAILS THAT WERE SENT TO  
12 HIRE THESE PEOPLE, BUT LADIES AND GENTLEMEN, I SUBMIT  
13 TO YOU THAT THAT EXPERIENCE WITH MR. HONTS AND MR.  
14 KASSIN WAS A STINK BOMB AND THE STINK LANDED ON EVERY  
15 SINGLE ONE OF THEIR EXPERTS WITH THE EXCEPTION OF  
16 MRS. POPE. GOOD MRS. POPE. OTHER THAN THAT I SUBMIT  
17 TO YOU IT CAUSED HIM TO QUESTION THE VALIDITY AND  
18 CREDIBILITY OF EVERYONE SINGLE ONE OF THE EXPERTS  
19 THAT THEY CALLED. RON GUERRETTE, WHAT DO WE KNOW  
20 ABOUT HIM? 120 HOURS, 50 BUCKS AN HOUR, OVER \$5,000,  
21 AND HE DIDN'T EVEN KNOW WHAT BREAST SHE WAS BITTEN  
22 ON, HE HADN'T READ THE REPORTS, HADN'T CALLED  
23 ANYBODY, HADN'T DONE ANYTHING. I DON'T KNOW WHAT HE  
24 DID FOR 120 HOURS. HE SHOULD HAVE AT LEAST READ THE  
25 FILE, WOULDN'T YOU EXPECT, FOR 120 HOURS AT 50 BUCKS

1 AN HOUR. SEEMED CONFUSED. THINK BACK. BETWEEN  
2 GUERRETTE VERSUS CABANISS AND BAKER; WHO IS THE REAL  
3 INVESTIGATOR? WHO IS THE PERSON WHO SEEMED TO KNOW  
4 WHAT THEY WERE TALKING ABOUT, TO GIVE YOU GOOD  
5 ANSWERS, KNEW THE EVIDENCE, UNDERSTOOD THE FACTS AND  
6 CIRCUMSTANCES OF THIS CASE. GUERRETTE, HE AIN'T FROM  
7 HERE, HE'S NOT FROM HERE, AND I'LL TALK ABOUT THE  
8 WINN DIXIE TEST IN JUST A SECOND. NICHOLS, HE'S  
9 AMAZING. DIDN'T ASK HOW MUCH HE IS PAID, BUT I CAN  
10 IMAGINE IT WAS A FAIR AMOUNT TOO. TALKED ABOUT HOW  
11 COMPETENT MAYNARD WAS AS LONG AS IT WASN'T ANY OF THE  
12 CRUCIAL ISSUES. IN THOSE CASES, MAYNARD WAS WRONG OR  
13 MAYNARD MADE A MISTAKE. ON THESE SPECIFIC ISSUES,  
14 EVERYWHERE ELSE, ON THE STUFF THAT DON'T MATTER,  
15 MAYNARD'S THE MAN, BUT AS FAR AS THE HYMEN AND  
16 WHETHER IT WAS A PENIS OR A FRONTAL OR ANY, THEN  
17 MAYNARD REALLY IS A LITTLE CONFUSED ON THOSE ISSUES.  
18 BLOODY MESS. THE WHOLE AUTOPSY IS A BLOODY MESS.  
19 MR. GREELEY GOT UP AND SAID, WHAT DO YOU MEAN A  
20 BLOODY MESS. HE SAID HE COULDN'T FIND THE HYMEN  
21 BECAUSE IT WAS A BLOODY MESS. LADIES AND GENTLEMEN,  
22 THERE IS NO AUTOPSY THAT'S NOT A BLOODY MESS. YOU  
23 ARE CUTTING INTO A HUMAN BEING, BUT DR. MAYNARD, HE  
24 WAS UNDER NO TIME CONSTRAINTS, HE TOOK HIS TIME AND  
25 SAID, THERE WAS NOT ONLY NO HYMEN, THERE WAS NO TRACE

1 OF A HYMEN.

2 I CALL YOUR ATTENTION TO A RULE FROM  
3 THE U.S. NAVY BECAUSE I THINK IT'S A GOOD ONE. THE  
4 LOWEST RANKING OFFICER ON A SHIP, COULD BE A ENSIGN,  
5 IF HE IS THE RANKING OFFICER ON THE SHIP AND THE SHIP  
6 IS IN BATTLE AN ADMIRAL DOES NOT HAVE THE RIGHT TO  
7 RADIO IN TO THAT ENSIGN AND GIVE HIM ANY ORDERS  
8 BECAUSE THE GUY WHO IS ACTUALLY ON THE SCENE IN THE  
9 MIDDLE OF THE BATTLE IS IN THE BEST POSITION TO MAKE  
10 THE DECISIONS AS TO HOW THAT BATTLE SHOULD BE  
11 CONDUCTED BECAUSE HE'S IN THE BEST POSITION TO ASSESS  
12 THE SITUATION AND NO GENERAL OR ADMIRAL CAN TELL HIM  
13 DIFFERENT. I SUBMIT TO YOU THAT RULE SHOULD APPLY  
14 WITH MOST IF NOT ALL OF THEIR EXPERTS. OUR PEOPLE  
15 WERE LOOKING AT THE ACTUAL AUTOPSY, NOT AT A  
16 PHOTOGRAPH. OUR PEOPLE WERE LOOKING AT THE HOUSE AS  
17 IT WAS THAT DAY, NOT AT A PHOTOGRAPH OF THE HOUSE.  
18 OUR PEOPLE WERE TALKING TO THE WITNESSES AND  
19 INTERVIEWING MR. COPE, OUR PEOPLE WERE ON THE GROUND  
20 IN THE MIDDLE OF THE FIGHT, NOT READING ABOUT IT FROM  
21 A HUNDRED MILES AWAY ON AN E-MAIL OR LISTENING TO  
22 SOME AUDIO TAPE AND GETTING SOME DEFENSE SPIN ON WHAT  
23 HAPPENED. OUR PEOPLE WERE INVOLVED, OUR PEOPLE WERE  
24 IN THE MIDDLE OF IT, AND OUR PEOPLE ARE IN THE BEST  
25 POSITION TO TELL YOU WHAT HAPPENED. OUR PEOPLE ARE



1 ALSO, NONE OF THEM, GOT QUESTIONED ABOUT HOW MUCH  
2 MONEY THEY GOT PAID BECAUSE YOU KNOW WHAT THEIR  
3 PAYCHECK DOESN'T CHANGE FROM CASE TO CASE. THEIR PAY  
4 CHECK DOESN'T CHANGE BASED ON THE RESULTS THAT THEY  
5 SUBMIT TO THIS COURT. THEIR PAYCHECK STAYS THE SAME  
6 WHETHER THE RESULTS ARE POSITIVE OR WHETHER THE  
7 RESULTS ARE NEGATIVE. OUR GUY FROM SLED, HE DIDN'T  
8 COME IN HERE AND SAY, OH THE FIRST ONE IS DEFINITELY  
9 A MATCH. HE SAID I CAN'T TELL YOU. HE SAID I CAN'T  
10 TELL YOU. I DON'T HAVE ENOUGH ON THAT FIRST LETTER.  
11 OUR PEOPLE TELL THE TRUTH. OUR PEOPLE TELL YOU WHAT  
12 THEY FIND BECAUSE IT MAKES NO DIFFERENCE TO THEM. IT  
13 MAKES NO DIFFERENCE TO THEM. THEY STAND TO GAIN NO  
14 MORE OR LESS, UNLIKE SAY MICKEY DAWSON, WHO SPENT  
15 THREE DAYS STANDING AROUND HERE WAITING TO TESTIFY.  
16 IF HIS RESULTS WEREN'T GOOD, HE WOULDN'T HAVE STOOD  
17 AROUND HERE FOR THREE DAYS, 8 HOURS A DAY TIMES 3 IS  
18 24 AT A \$175 AN HOUR, THERE IS ALMOST ANOTHER \$5,000  
19 HE GOT BECAUSE HIS RESULTS WERE POSITIVE. IF THEY  
20 HADN'T BEEN GOOD FOR THEM HE WOULDN'T HAVE EVER SAT  
21 AROUND HERE FOR 24 HOURS AT 175 BUCKS AN HOUR. HE  
22 DOESN'T HAVE A STAKE IN THIS? HE'S ALWAYS NEUTRAL  
23 AND DETACHED? \$5,000. LADIES AND GENTLEMEN, PLEASE.  
24 THE WINN DIXIE TEST. WHO OUT OF ALL  
25 THEIR EXPERTS ARE YOU GOING RUN INTO AT THE WINN

1 DIXIE? GEORGIA POPE. MR. KASSIN'S GOT HIS \$15,000  
2 AND HE'S MAKING HIS PAYMENT ON HIS BOAT OR WHATEVER  
3 IT IS HE DOES. HONTS IS BACK IN IDAHO. DO THEY CARE  
4 ABOUT WHETHER JUSTICE IS DONE IN YORK COUNTY? DO  
5 THEY CARE WHETHER JUSTICE IS DONE BY AMANDA OR  
6 WHETHER THIS MAN IS GUILTY OR INNOCENT? I SUBMIT  
7 THEY DON'T. THEY CARE ABOUT THE CHECK THEY ARE  
8 GETTING.

9 WHAT DID BILLY COPE SAY? HE TOLD THEM THE  
10 TRUTH THURSDAY NIGHT AND FRIDAY. FALSE POLYGRAPH  
11 PLUS PICTURE OF GREEN EDGING, NO CHOICE BUT TO  
12 CONFESS, HE BELIEVED HE'D DONE IT. IS THAT  
13 BELIEVABILITY THAT THOSE TWO THINGS COULD CAUSE A MAN  
14 TO SAY GOSH, I FAILED THE POLYGRAPH AND YOU SAY YOU  
15 HAVE A PICTURE OF THE GREEN BLANKET STILL AROUND HER  
16 NECK. WELL, OKAY THEN I RAPED AND KILLED MY  
17 DAUGHTER, ALTHOUGH I DIDN'T, YOU KNOW, BUT I'LL SAY  
18 IT IF THAT'S WHAT YOU SAY YOU GOT. LADIES AND  
19 GENTLEMEN BILLY COPE, YOU SAW HIM TESTIFY, WHAT BILLY  
20 COPE WOULD HAVE SAID WAS, SHOW ME THE PICTURE. YOU  
21 SAY YOU GOT THIS PICTURE, I KNOW I TOOK THAT OFF OF  
22 HER NECK, YOU SAY YOU GOT A PICTURE, WHERE IS THE  
23 PICTURE? THE BILLY COPE YOU SAW OVER THERE SPARRING  
24 WITH THE DEFENSE, SPARRING WITH THE STATE AND MR.  
25 GREELEY, HE WOULD HAVE ASKED TO SEE THE PICTURE. YOU

1 SAY YOU GOT IT, SHOW IT TO ME. HE DIDN'T. HE  
2 CONFESSED BECAUSE HE'S GUILTY. SO I STARTED TO  
3 BELIEVE THAT I DID IT, THEN LATER I REALIZED THAT I  
4 HADN'T, SO I DECIDED I NEEDED TO SAY I WAS CRAZY TO  
5 EXPLAIN THE FIRST CONFESSION. THEN I DIDN'T SAY  
6 ANYTHING ABOUT IT TO JUDGE LONG AND TOOK THE STORY  
7 OUT FOR A TEST DRIVE WITH CABANISS ON MONDAY. HE  
8 WASN'T BUYING IT AND THEN HE JUST GAVE UP AND SAID  
9 WHATEVER THEY WANTED TO HEAR. HE ADMITTED THAT HE  
10 DIDN'T WANT TO TALK TO BARROWCLOUGH. THEY STARTED TO  
11 RAISE THAT ISSUE: THEY KEPT HIM FROM HIS ATTORNEY.  
12 HE TOOK THE STAND AND SAID I TOLD THEM I DID NOT WANT  
13 TO SPEAK TO MR. BARROWCLOUGH. I AGREE WITH THAT. HE  
14 SAID THAT. AND MR. BARROWCLOUGH POINTED OUT THE LAW  
15 OR AGREED THAT THE LAW IS, MR. BARROWCLOUGH DOES NOT  
16 HAVE A RIGHT TO A CLIENT. THE CLIENT HAS A  
17 CONSTITUTIONAL RIGHT TO AN ATTORNEY. SO NO, NOTHING  
18 IMPROPER WAS DONE ON MONDAY. THEY DID MORE THAN THEY  
19 HAD TO. THEY DIDN'T EVEN NEED TO TELL MR. COPE THAT  
20 BARROWCLOUGH WAS OUT IN THE HALLWAY. THEY COULD HAVE  
21 JUST SAID WE'RE NOT TELLING HIM, COOL YOUR HEELS,  
22 WE'LL BE IN TOUCH. THEY DID MORE THAN THEY HAD TO.  
23 THEY SAID THERE IS A GUY OUTSIDE WHO IS AN ATTORNEY  
24 WHO WANTS TO TALK TO YOU. DO YOU WANT TO TALK TO  
25 HIM? HE SAID HE WANTED TO JUICE IT UP, THE STORY.

1 HE SAID THAT'S WHY I TOLD THEM ABOUT THE RAG I REALLY  
2 WANTED TO MAKE IT BELIEVABLE. I WANTED THEM TO  
3 BELIEVE IT. MR. MORTON IN HIS CLOSING ARGUMENT SAID  
4 HE WAS JUST TRYING TO PLEASE THEM. HE WAS TRYING TO  
5 PLEASE THEM. PLEASE THEM? I RAPED MY DAUGHTER. I  
6 KILLED HER. YOU LIKE ME NOW? ARE WE BUDDIES? WHO  
7 IS YOUR BUDDY? I RAPED HER. PLEASE THEM? PLEASE.

8 WHAT NEW INFORMATION DID WE GET FROM MR.  
9 COPE ON THE STAND? IN THE EVER CHANGING COPE SAGA  
10 WHAT DID WE FIND OUT? THE FRONT DOOR WAS OPEN THAT  
11 DOOR MORNING, THAT AFTERNOON WHEN I CAME BACK FROM  
12 DOING SOMETHING OR WHATEVER IT WAS HE DOES DURING THE  
13 DAY, I CAME HOME AND I REMEMBER THE FRONT DOOR WAS  
14 CRACKED OPEN. REMEMBER HE TOLD YOU THAT. THIS IS  
15 THE SOUND OF MR. COPE TELLING THAT FACT TO HERRING  
16 AND WALDROP DURING THE INTERVIEW. (SILENCE.) AIN'T  
17 THERE. HE NEVER TOLD ANYBODY THAT UNTIL HE TOLD US  
18 IN COURT THE OTHER DAY. HE NEVER SAID THAT AND THEY  
19 WERE ASKING HIM, REMEMBER, WHAT'S YOUR THEORY? HOW  
20 DO YOU THINK THIS HAPPENED? THERE WAS A GUY IN THE  
21 CLOSET. THAT'S WHAT HAPPENED. DUDE IN THE CLOSET.  
22 HE WAITED THERE ALL DAY, 10-12 HOURS, I DON'T KNOW,  
23 HE JUST HUNG OUT UNTIL IT GOT DARK AND QUIET AND THEN  
24 CAME OUT AND LEAPED ON HER. THAT'S WHAT HAPPENED.  
25 THAT'S WHAT I THINK HAPPENED. WELL, EXCUSE ME BUT IF

1 YOU CAME HOME AND FOUND YOUR FRONT DOOR OPEN AND THEN  
2 LATER ON YOUR DAUGHTER IS DEAD AND KILLED AND YOUR  
3 THEORY IS SOMEBODY WAS HIDING IN CLOSET AND THE  
4 POLICE ARE ASKING YOU ABOUT IT, DON'T YOU THINK THAT  
5 WOULD BE A GOOD TIME TO TELL THEM THAT THE FRONT DOOR  
6 WAS OPEN? I THINK IT WOULD. HE DIDN'T TELL THEM  
7 BECAUSE HE JUST MADE IT UP. WENT INTO THE LIVING  
8 ROOM, READ A BOOK, AND PLAYED COMPUTER GAMES FOR 30  
9 TO 45 MINUTES. FIRST TIME ANYBODY'S EVER HEARD OF  
10 THAT ON THE STAND THE OTHER DAY, NOBODY, NEVER SAID  
11 THAT BEFORE. AS A MATTER OF FACT HE WAS SPECIFICALLY  
12 ASKED ABOUT THAT. THERE IS THE VIEW FROM THE HALLWAY  
13 INTO THE LIVING ROOM. LET'S HEAR WHAT MR. COPE HAD  
14 TO SAY AND THIS IS WHEN THEY ARE ASKING HIM,  
15 REMEMBER, WHEN YOU WOKE UP THAT MORNING DID YOU  
16 NOTICE UNUSUAL? YEAH, I DID. THE LIGHT WAS ON IN  
17 THE LIVING ROOM AND THE DINING ROOM DOOR WHICH IS TO  
18 THE LEFT AFTER YOU GO THROUGH THERE, TO LEFT, THE  
19 DINING ROOM DOOR WAS CLOSED. WE NEVER CLOSE THAT  
20 DOOR. YOU REMEMBER HE SAID THAT. (PLAYS THE TAPE.)  
21 THE DOOR WAS SHUT AND THE LIGHT WAS ON SO HE IS A  
22 TALKING ABOUT WHAT HE FOUND AT THE, AT SIX O'CLOCK IN  
23 THE MORNING. NOW LISTEN TO THIS WHEN THEY ASK HIM  
24 THIS QUESTION. (PLAYS THE TAPE.) I DON'T KNOW. I  
25 DIDN'T GO THAT WAY. I DIDN'T GO INTO THE LIVING

1 ROOM. IT'S ON THE TAPES. THEY ASKED HIM: WHEN YOU  
2 GOT UP TO GO TO THE BATHROOM AT THREE O'CLOCK IN THE  
3 MORNING, WAS THAT DINING ROOM DOOR SHUT? I DON'T  
4 KNOW. I DIDN'T GO THAT WAY. I DIDN'T EVEN GO INTO  
5 THE LIVING ROOM. THEY ARE SPECIFICALLY ASKING HIM  
6 ABOUT IT, BUT LO AND BEHOLD THIS WHOLE SITTING ON THE  
7 COUCH READING FOR 30 MINUTES AND PLAYING HIS GAME ON  
8 THE COMPUTER FOR 15 OR SO MINUTES, THAT JUST TOTALLY  
9 SLIPS HIS MIND. HE'S UP FOR 45 MINUTES IN THE MIDDLE  
10 OF THE NIGHT AND THE FIRST TIME ANYBODY HEARS ABOUT  
11 IT IS ON THE STAND HERE. CAN'T REMEMBER IF HE  
12 MASTURBATED. LADIES AND GENTLEMEN, YOUR DAUGHTER IS  
13 DEAD AND RAPED, I THINK YOU'D REMEMBER EVERY SINGLE  
14 DETAIL AND HE SITS ON THE STAND AND SAYS, I REALLY  
15 CAN'T REMEMBER WHETHER IT WAS THAT NIGHT OR NOT THAT  
16 NIGHT. THAT IS IMPLAUSIBLE. WHEN HE WOKE UP NO CATS  
17 IN THE HOUSE. SOMEBODY ELSE BROKE IN, LEAVES THE  
18 DOOR OPEN FOR A PERIOD OF TIME, REMEMBER, ALL THE  
19 CATS TRYING TO GET IN, NEVER SAID ANYTHING ABOUT ANY  
20 CATS. IN FACT, NO CATS, THERE WERE NO CATS IN THE  
21 HOUSE. AND HE ALSO BELIEVED THAT IF YOU CRAWL  
22 THROUGH THOSE GRIMY WINDOWS THAT WOULDN'T LEAVE ANY  
23 TRACE.

24 I'VE TALKED ABOUT HOW HE THOUGHT HE WAS  
25 COERCED WITH THE PHOTO OF THE GREEN BLANKET AROUND

1 HIS NECK, HE WOULD HAVE ASKED TO SEE THAT PICTURE.  
2 THERE IS NO QUESTION ABOUT IT, HE'S VERY CAGY, HE  
3 KNEW HOW TO HANDLE HIMSELF ON THE STAND, HE WAS  
4 PREPARED, HE COUCHED IT AND HE SAID, I KNOW WHERE YOU  
5 ARE GOING. I KNOW WHAT YOU ARE INSINUATING. I KNOW  
6 WHAT YOU ARE GETTING AT. REMEMBER, COULDN'T SEE THE  
7 PHONE WITHOUT MY GLASSES. COULDN'T SEE ANYTHING  
8 WITHOUT MY GLASSES. COULDN'T EVEN MAKE OUT THE  
9 NUMBER. COULD BARELY SEE YOU. IS THAT YOU, MR.  
10 MORTON? I THINK THAT'S YOUR VOICE FROM THE STAND.  
11 IF I HAVEN'T GOT MY GLASSES I CAN'T SEE ANYTHING. I  
12 HAVE TO GO LIKE THIS TO DIAL THE PHONE. I COULDN'T  
13 SEE NOTHING. BLIND. BUT THAT FIRST NIGHT WHAT DID  
14 HE SAY HE DID IN THE CELL? HE READ HIS BIBLE. HE  
15 DIDN'T HAVE HIS GLASSES. HE PUTS THE TOWEL OVER HIS  
16 FACE TO LESSEN THE NOISE FROM MARY SUE. WOULDN'T  
17 THAT LESSEN THE NOISE FOR HIM TOO? WOULDN'T THAT  
18 INCREASE THE LIKELIHOOD THAT HE WOULD HAVE HEARD  
19 SOMETHING? HE, EVEN TODAY, EVEN IN THIS COURTROOM  
20 ADMITS THAT HE SHOULD HAVE HEARD SOMETHING AND ADMITS  
21 THAT ON OTHER NIGHT HE HEARD JESSICA THROWING UP AND  
22 HE GOT UP TO SEE IF HE COULD HELP HER. JESSICA SAYS  
23 HE HEARD THE PHONE RING AT ONE. YOU HEARD THE DOOR.  
24 (PLAYS THE TAPE.) THINK HE'D HEARD THAT IN THE  
25 MIDDLE NIGHT? IN A QUIET HOUSE.

1                   (PLAYS THE TAPE.) ANOTHER LOOK AT THE  
2 CLOSET. BILLY COPE HAS ALWAYS BEEN OUT FOR BILLY  
3 COPE AND NOW HE COMES INTO COURT AND SAYS EVERY TIME  
4 I EVER SAID ANYTHING THAT INCRIMINATES ME I WAS  
5 EITHER LYING, DELUDED, PRESSURED, ALL THAT STUFF IS  
6 NOT TRUE. THE GOOD STUFF, I DIDN'T DO IT, THAT'S THE  
7 STUFF I WANT YOU TO BELIEVE. NO MAN COULD SAY THIS  
8 STUFF, LADIES AND GENTLEMEN. NO MAN COULD SAY THIS,  
9 IF YOU DIDN'T DO THIS YOU WOULD NEVER ADMIT TO IT.  
10 BEATEN, TORTURED, BROKEN BONES, LEFT IN SOLITARY  
11 CONFINEMENT FOR 6, 8, 10 MONTHS, A YEAR, PEOPLE LIKE  
12 JOHN MCCAIN AND POWS IN NORTH VIETNAM NEVER BROKE AND  
13 SIGNED CONFESSIONS THAT THEY HAD COMMITTED WAR  
14 CRIMES, BUT MIKE BAKER AND HIS POLYGRAPH MACHINE IN  
15 AN HOUR AND A HALF HAS FORCED THIS MAN TO SAY THAT HE  
16 RAPED AND KILLED HIS DAUGHTER WHEN HE DIDN'T DO IT?  
17 LADIES AND GENTLEMEN, I SUBMIT TO YOU BILLY COPE IS  
18 GUILTY, THERE IS NO QUESTION ABOUT IT, ALL THE  
19 EVIDENCE SHOWS THAT. HE STAYED IN HIS DAUGHTER'S  
20 ROOM STILL NOT SHOWING ANY EMOTION. THAT'S THE FIRST  
21 TIME HE'S EVER BEEN IN THERE SINCE THIS CRIME HAS  
22 HAPPENED AND HE'S ABSOLUTELY EMOTIONLESS AS HE WALKS  
23 INTO THAT ROOM.

24                   THE DEFENSE ARGUMENT WE HAD TO CALL  
25 CHARLENE. CHARLENE DIDN'T REALLY ADD ANYTHING.



1 WE'RE GOING TO WASTE YOUR TIME. WE'RE NOT, SHE  
2 DIDN'T SAY ANYTHING NEW THAT WASN'T REPEATED BY OTHER  
3 WITNESSES. WE HAD TO CALL HER. SHE IS THE CHIEF  
4 INVESTIGATING OFFICER. WHAT DOES THAT MEAN? SHE'S  
5 THE ONE WHO IS RESPONSIBLE FOR MAKING SURE ALL THE  
6 EVIDENCE IN THE FILE GETS TOGETHER PROPERLY. THIS IS  
7 LIFE AND DEATH MR. MORTON SAID. LADIES AND  
8 GENTLEMEN, THIS IS NOT A DEATH PENALTY CASE. THIS IS  
9 A REGULAR MURDER TRIAL. THERE HAS BEEN A DEATH,  
10 AMANDA COPE'S, BUT THIS IS NOT A DEATH PENALTY TRIAL,  
11 AND I WANT YOU TO UNDERSTAND THAT FROM THE BEGINNING.  
12 DON'T GET CONFUSED ABOUT THAT. HE ASKED WHY WASN'T  
13 THERE DNA ON THE BROOM. WE TALKED ABOUT THAT A  
14 LITTLE BIT. NONE OF THESE BROOMS WERE THE ONE USED.  
15 I SUBMIT THE BROOM THAT WAS USED WASN'T IN THE HOUSE.  
16 HE SAYS THAT THE DNA AND MR. GREELEY SAID, YOU KNOW,  
17 IT'S ALL CIRCUMSTANTIAL EVIDENCE. CIRCUMSTANTIAL  
18 EVIDENCE. LADIES AND GENTLEMEN, CONFESSIONS ARE NOT  
19 CIRCUMSTANTIAL EVIDENCE. A CONFESSION IS DIRECT  
20 EVIDENCE OF GUILT, SO THE CIRCUMSTANTIAL EVIDENCE  
21 RULE THAT HE PUT UP THERE DOESN'T APPLY. IF YOU  
22 BELIEVE THE CONFESSION THAT'S IT, HE'S GUILTY, END OF  
23 STORY. AND THE DNA? IT IS CIRCUMSTANTIAL EVIDENCE  
24 OF A SEXUAL ASSAULT. IT IS DIRECT EVIDENCE OF HIS  
25 PRESENCE IN THE HOUSE THAT DAY, COUPLED WITH THE FACT

1 OF THE LATCH, AND THE TESTIMONY ABOUT THE HOUSE NOT  
2 BEING BROKEN INTO. I SUBMIT IT IS DIRECT EVIDENCE OF  
3 HIS PRESENCE, COUPLED WITH EVERYTHING ELSE, IT IS  
4 OVERWHELMING CIRCUMSTANTIAL EVIDENCE OF A CONSPIRACY  
5 BETWEEN THESE TWO MEN. I TOLD YOU AT THE BEGINNING  
6 IF THEY ARE BOTH GUILTY INDEPENDENT OF ONE ANOTHER  
7 AND IF I SHOW YOU AND CONVINCED YOU THAT THEY ARE EACH  
8 GUILTY THEY HAD TO BE WORKING TOGETHER.

9 MR. GREELEY ASKED YOU WHERE, WHAT  
10 HAPPENED? HOW COME THERE WASN'T ANYMORE SEMEN IN  
11 THIS ROOM? WELL, THAT ASSUMES ONE THING THAT WE KNEW  
12 WHEN THE PANTS WERE WHEN HE EJACULATED. I SUBMIT  
13 THAT THEY WERE OFF HER BODY. HE COULD HAVE  
14 EJACULATED DIRECTLY ON TO THE PANTS. HE MAY, HIS DNA  
15 WAS FOUND IN TWO SPOTS ON THAT, A COMBINATION ON ONE  
16 SIDE AND A LARGE GLOB ON THE OTHER SIDE. I SUBMIT,  
17 LADIES AND GENTLEMEN, THAT HIS DNA COULD HAVE GOTTEN  
18 ON THERE, HE COULD HAVE HELD THAT, HER PANTS UP TO  
19 HIS PENIS AS HE EJACULATED AND IT ALL COULD HAVE  
20 GOTTEN RIGHT ON THE PANTS FROM THAT FASHION. WE  
21 DON'T KNOW EXACTLY HOW THIS WENT DOWN. ALL WE CAN  
22 TELL YOU IS HIS SEMEN WAS NOT ANYWHERE ELSE IN THAT  
23 ROOM, BUT IT WAS ON HER PANTS. NOW WHERE HER PANTS  
24 WERE WHEN HE EJACULATED IS A DIFFERENT QUESTION.

25 HE DOESN'T DISPUTE THE DNA

1 ESSENTIALLY, SAYS HE DIDN'T SEXUALLY ASSAULT HER THAT  
2 TIME, MAYBE HE DID IT EARLIER. IS THAT A DEFENSE?  
3 THE KIDS WEREN'T ALLOWED TO GO OUT, WE WENT THROUGH  
4 THAT. REASONABLE DOUBT THE KIND OF DOUBT THAT CAUSES  
5 A REASONABLE PERSON TO HESITATE TO ACT. THAT'S NOT  
6 THE FULL DEFINITION. YOU ARE GOING TO HEAR THE FULL  
7 DEFINITION FROM THE JUDGE. IT'S A DOUBT THAT LEAVES  
8 YOU, IF IT'S EVIDENCE BEYOND A REASONABLE DOUBT  
9 LEAVES YOU FIRMLY CONVINCED OF THE PERSON'S GUILT. IT  
10 IS THE KIND OF EVIDENCE THAT LEAVES YOU FIRMLY  
11 CONVINCED AND I DON'T WANT TO YOU MISTAKE HESITATION  
12 WITH DELIBERATION. YOU ARE EXPECTED TO DELIBERATE.  
13 THE FACT THAT YOU ARE DISCUSSING SOMETHING IS NOT A  
14 HESITATION. EVERYBODY, THERE ARE CHAIRS IN THERE FOR  
15 A REASON, YOU HAVE TO SIT DOWN, THERE IS OVER 200  
16 EXHIBITS YOU'RE GOING TO HAVE TO GO THROUGH, YOU HAVE  
17 TO SIT DOWN AND GO THROUGH EVERY SINGLE ONE OF THEM.  
18 IT'S GOING TO TAKE SOME TIME. DON'T CONFUSE  
19 DELIBERATION WITH HESITATION.

20 IF SANDERS DID IT ALONE WHAT ELSE WOULD  
21 HAVE TO BE TRUE? THERE IS NO SIGN OF FORCED ENTRY,  
22 NO SOUND IN THE NIGHT, NO NOISES AS HE MAKES HIS WAY  
23 THROUGH THE HOUSE, NOTHING REPORTED STOLEN, NO CATS.  
24 HE ARRIVES IN THE HALLWAY, HE HAS TO MAKE A DECISION;  
25 HE SEES COPE AND THE TWO GIRLS, HE CAN ATTACK AMANDA,

1 BUT WHAT IF HE DOES? HE LEAVES HIMSELF EXPOSED. SHE  
2 MIGHT GET LOOSE AND SCREAM. HE IS IN A TINY LITTLE  
3 DIRTY HOUSE THAT'S CLUTTERED, NO ROOM TO MANEUVER,  
4 COPE LOOKS HUGE LAYING IN THAT BED. KIDS OR COPE  
5 MIGHT WAKE UP TO USE THE BATHROOM, THEY DON'T EVEN  
6 NEED TO SCREAM, THEY COULD JUST GET UP. HIS BACK  
7 WOULD BE TO THE DOOR DURING THE ATTACK. HE WOULDN'T  
8 EVEN BE ABLE TO SEE COPE BEARING DOWN ON HIM. HE  
9 WOULDN'T HAVE DONE THAT. THE BED CAME OFF OF ITS  
10 FRAME. JESSICA AND HE SAID THE BED WAS ON ITS FRAME.  
11 HOW MUCH NOISE DO YOU THINK THAT MAKES WHEN THE BED  
12 WAS KNOCKED OFF OF ITS FRAME? AND THE STRUGGLE TOOK  
13 PLACE ACCORDING TO MAYNARD, A STRUGGLE TOOK PLACE IN  
14 THAT BED AS SHE FOUGHT FOR HER LIFE. SHE WAS A HIGH  
15 RISK TARGET. SANDERS WOULD NOT HAVE WALKED INTO THAT  
16 HOUSE AND ATTACKED HER IN THAT BED BY HIMSELF. HE  
17 WOULDN'T HAVE DONE IT. THEY TOOK THEIR TIME WITH  
18 THIS. THE ONLY WAY WE KNOW SANDERS WAS THERE, THE  
19 ONLY WAY HE WOULD HAVE DONE IT IS IF HE WOULD HAVE  
20 HAD COPE STANDING THERE WITH HIM SO THAT THERE WASN'T  
21 ANY DANGER OF GETTING CAUGHT, NO DANGER WHATSOEVER,  
22 AND LADIES AND GENTLEMEN, I DON'T KNOW WHAT THOSE  
23 GIRLS HEARD, I DON'T KNOW WHAT THEY HEARD IN THEIR  
24 ROOM, WHETHER THEIR DOOR WAS CLOSED. I SUBMIT  
25 CHARLIE CABANISS IS RIGHT, THOSE GIRLS ARE TERRIFIED.

1 IF THEY WERE AWAKE AND THEY HEARD WHAT HAPPENED AND  
2 IT WAS COPE AND SANDERS, WHAT DO YOU THINK IS GOING  
3 ON IN THOSE GIRLS HEADS EVEN TODAY? EVEN TODAY.  
4 THEY ARE SITTING OVER THERE LISTENING TO THEIR SISTER  
5 DIE, WHAT DO YOU THINK IS GOING ON IN THEIR HEADS? I  
6 DON'T KNOW WHAT THOSE GIRLS HEARD. I SUBMIT TO YOU  
7 THERE IS A VERY GOOD CHANCE THEY HEARD EVERYTHING AND  
8 THEY JUST DON'T WANT ANY PART OF IT AND DON'T WANT TO  
9 SAY. WE DON'T KNOW ALL THE DETAILS OF THIS HORROR  
10 SHOW.

11 DR. MAYNARD SAID IT WAS A BRUTAL BEATING,  
12 NOISE SHOULD HAVE BEEN MADE, THE RAPE TOOK TIME. HE  
13 HAD TO DO ALL THESE THINGS TO STAGE THE SCENE. IF  
14 SANDERS WAS DOING THIS BY HIMSELF WHY WOULD HE TAKE  
15 SUCH A RISK? WHY WOULD HE CLEAN IT UP? WHY WOULD HE  
16 STAY IN THE HOUSE THAT LONG? WHAT DID HE DO WITH THE  
17 RAGS? WHY REDRESS HER? WHY WRAP THE BLANKET AROUND  
18 HER NECK TO MAKE IT APPEAR AS IF IT WERE AN ACCIDENT?  
19 AND THIS IS SOMETHING VERY CRITICAL. IF SANDERS DID  
20 THIS BY HIMSELF, LADIES AND GENTLEMEN, WHAT ARE THE  
21 ODDS THAT AS HE STOOD IN THE ROOM, HE'S RAPED HER AND  
22 KILLED HER AND HE'S STANDING THERE THINKING TO  
23 HIMSELF, OKAY, I GOT TO STAGE THIS TO TRY TO MAKE IT  
24 LOOK LIKE AN ACCIDENT. WHAT ARE THE ODDS THAT HE'S  
25 GOING TO GO AND REACH FOR THIS SAME BLANKET THAT COPE

1 SUPPOSEDLY WARNED HIS DAUGHTER ABOUT, WHAT ARE THE  
2 ODDS HE'S GOING TO SETTLE ON THIS SAME FLIMSY REASON,  
3 THIS SAME FLIMSY EXCUSE, TO TRY TO MAKE IT LOOK LIKE  
4 AN ACCIDENT. IT'S UNBELIEVABLE THAT A 12 YEAR OLD  
5 COULD EVER CHOKE HERSELF, YET IN ORDER FOR SANDERS TO  
6 DO THIS BY HIMSELF YOU HAVE TO BELIEVE THAT BOTH  
7 SANDERS AND COPE, INDEPENDENT OF ONE ANOTHER, BOTH  
8 DECIDED THAT THAT WAS A GOOD WAY FOR SOME CHILD TO  
9 KILL HERSELF ACCIDENTALLY AND THAT'S JUST INCREDIBLE.  
10 NO REASON A PERSON COULD CONCLUDE THAT.

11 THE FINAL POSSIBILITY, LADIES AND  
12 GENTLEMEN, MR. SANDERS WAS LET INTO THAT HOUSE BY MR.  
13 COPE AND TOGETHER THEY ATTACKED AND BRUTALIZED THAT  
14 CHILD IN THE BED. THEY DON'T KNOW WHERE THIS  
15 FLASHLIGHT CAME FROM THE DEFENSE SAY. WELL, YOU  
16 WOULDN'T BE SITTING ON THIS JURY IF YOU WEREN'T 12  
17 YEARS OLD AT ONE POINT IN YOUR LIFE. EVERYBODY WHO  
18 HAS EVER BEEN 12 KNOWS YOU GOT TO KEEP A FLASHLIGHT  
19 BY YOUR BED BECAUSE THERE IS MONSTERS OUT THERE, IT'S  
20 SCARY, AND IT'S DARK, YOU WANT TO TURN ON THE LIGHT.  
21 I SUBMIT THIS IS AMANDA'S FLASHLIGHT. I ALSO SUBMIT  
22 TO YOU, LADIES AND GENTLEMEN, YOU'LL HAVE A PICTURE,  
23 ALTHOUGH I DON'T THINK YOU WILL FORGET IT, THIS IS  
24 THEIR DAY IN COURT, SANDERS AND COPE, THIS IS A  
25 PICTURE SHE HAD ON HER BED. THIS IS AMANDA COPE IN

1 LIFE. I SUBMIT TO YOU, LADIES AND GENTLEMEN, THERE  
2 IS ONE THING FOR SURE THAT MR. COPE HEARD THAT NIGHT,  
3 AS HE AND MR. SANDERS BRUTALIZED THIS CHILD AND I  
4 SUBMIT TO YOU HE SHOULD SIT SOMEWHERE AND THINK ABOUT  
5 IT AND MR. SANDERS AS WELL FOR A LONG, LONG TIME TO  
6 HEAR THE VOICE OF HIS DAUGHTER, HEAR THE VOICE OF  
7 AMANDA COPE IN HIS HEAD SAYING HELP ME, DADDY. HELP  
8 ME, DADDY. SHE SAID THAT THAT NIGHT. TO THE MAN WHO  
9 SWORN UNDER THE LAW OF THIS STATE AND THE LAWS OF  
10 NATURE TO PROTECT AND DEFEND HIS CHILD AND KEEP HER  
11 SAFE FROM HARM AND HE LET HER DOWN. IT WAS THAT MAN  
12 RIGHT THERE, JAMES SANDERS AND BILLY WAYNE COPE, IT  
13 WAS THOSE FACES THAT THAT CHILD SAW AS SHE DIED IN  
14 HER BED THAT NIGHT AND TODAY IS THEIR DAY OF  
15 JUDGMENT. TODAY IS THE DAY THEY ARE GOING TO BE HELD  
16 ACCOUNTABLE. IT'S BEEN A LONG TIME COMING. THIS  
17 CASE HAS BEEN A HEAVY BURDEN, IT'S A HEAVY BURDEN ON  
18 US, IT'S A HEAVY ON BURDEN ON YOU, AND I APPRECIATE  
19 IT. I REALLY DO. I APPRECIATE YOUR TIME. I KNOW  
20 YOU WILL DO JUSTICE FOR THIS GIRL. I KNOW YOU WILL  
21 RETURN A VERDICT THAT SPEAKS THE TRUTH, THAT'S WHAT  
22 VERDICT MEANS, TO SPEAK THE TRUTH. NO 25 CPAP  
23 MACHINES OR A HUNDRED FANS COULD DROWN OUT THE TRUTH  
24 OF THIS EVIDENCE AND THESE MEN BRUTALIZED AND HURT  
25 THAT CHILD, THEY DID UNSPEAKABLE THINGS TO HER, TODAY

1 IS THE DAY THEY PAY. THANK YOU.

2 THE COURT: BEFORE I CHARGE YOU AND  
3 BEFORE, OF COURSE, YOU CAN'T START DELIBERATING UNTIL  
4 I CHARGE YOU SO WHEN YOU GO BACK NOW WE'LL TAKE A  
5 BREAK, DON'T DISCUSS THE CASE YET. WHEN WE COME BACK  
6 I'LL CHARGE YOU THE LAW THEN YOU'LL HAVE THE CASE IN  
7 YOUR HANDS FOR YOUR CONSIDERATION.

8 (THE JURY EXITS THE COURTROOM AT 03:31  
9 PM AND COURT'S IN RECESS.)

10 (COURT RESUMES AT 03:40 PM.)

11 THE COURT: I BELIEVE EVERYONE IS BACK  
12 NOW. MR. MORTON MENTIONED OVER LUNCH HE WANTED TO  
13 ADDRESS A CHARGE ONE MORE TIME. YOU WANT TO DO THAT  
14 AT THIS TIME.

15 MR. MORTON: YES, SIR, AND I APOLOGIZE.  
16 ONE THING WAS IN YOUR HONOR'S REQUEST OF CHARGE YOU  
17 TALK ABOUT TYPES OF DEADLY WEAPONS. I DON'T THINK  
18 THERE IS ANY DISPUTE IN THIS CASE THAT IF THERE WAS,  
19 IF SHE WAS BEATEN TO DEATH IT WAS FROM A HAND. I  
20 DON'T THINK THERE HAS BEEN ANY OTHER KIND OF MENTION  
21 OF ANY OTHER KIND OF EVIDENCE AND THEREFORE IF YOU  
22 START TALKING ABOUT DEADLY WEAPONS IT WOULD BE  
23 CONFUSING TO THE JURY.

24 THE COURT: BEFORE YOU GO TOO FAR, WHAT I  
25 HAVE IS I'M STRIKING OUT ANYTHING DEALING WITH, I'M



1 GOING TO SAY INFERRED MALICE MAY ALSO ARISE WITH THE  
2 USE OF A DEADLY WEAPON OR ANY ARTICLE, INSTRUMENT, OR  
3 SUBSTANCE WHICH IS LIKELY TO CAUSE DEATH OR GREAT  
4 BODILY HARM. WHETHER AN INSTRUMENT HAS BEEN USED AS  
5 A DEADLY WEAPON DEPENDS ON THE FACTS AND  
6 CIRCUMSTANCES OF A CASE. NOW LEAVING ALL THIS ABOUT  
7 GUNS. I'M ONLY GOING TO CHARGE HAND OR FIST AND THEN  
8 DOWN TO THE ORDINARY OBJECTS MAY BECOME DEADLY  
9 WEAPONS. I WAS LEAVING OUT BB GUN, SHOTGUN, RIFLE.

10 MR. MORTON: YOUR HONOR, I THINK THE  
11 COMMENT ON THE FIST OR THE HAND WOULD BE A COMMENT ON  
12 THE FACTS. I DON'T THINK THAT NEEDS REALLY TO BE  
13 CHARGED. I DON'T THINK IT WAS ANY DISPUTE AS TO WHAT  
14 IT WAS AND TO CHARGE THAT, I'M AFRAID THEY WOULD  
15 CONSIDER THAT A COMMENT ON THE FACTS BY YOU.

16 THE COURT: OKAY. YOU ARE ON RECORD ON  
17 THAT. I'M GOING TO CHARGE IT THOUGH. I THINK THAT'S  
18 A CHARGE AND HAS TO DO WITH MALICE. IT HAS TO DO  
19 WITH INFERENCE OF MALICE SO IF WE LEAVE IT OUT THEN  
20 THEY ARE MISSING A PART OF THE CHARGE THAT IN WHICH  
21 THEY COULD CONCLUDE THAT THIS ACTION IS MALICE. THEY  
22 COULD INFER, OKAY.

23 MR. MORTON: I RESPECTFULLY DISAGREE WITH  
24 YOU.

25 THE COURT: ALL RIGHT.

1                   MR. MORTON: THE SECOND, I'VE GOT PAGE  
2 THREE ON YOUR PRESUMPTION OF INNOCENCE. SECOND  
3 PARAGRAPH, CHARGE YOU IT'S IMPORTANT RULE OF LAW THE  
4 DEFENDANT IN A CRIMINAL TRIAL NO MATTER WHAT THE  
5 SERIOUSNESS IS PRESUMED TO BE INNOCENT OF THE CRIME  
6 FOR WHICH THE INDICTMENT WAS ISSUED UNLESS GUILT HAS  
7 BEEN PROVEN, I THINK THAT'S FINE. ONE, TWO, THREE,  
8 FOUR, FIFTH LINE DOWN, ACCOMPANIES THE DEFENDANT  
9 THROUGHOUT THE CRIME AND INURES TO A DEFENDANT'S  
10 BENEFIT EVEN AS YOU DELIBERATE UNTIL, I THINK I  
11 SHOULD BE CHARGED TO UNLESS.

12                   THE COURT: UNTIL YOU REACH A VERDICT  
13 GUILTY IF YOU DO.

14                   MR. MORTON: IF YOU UNLESS IS, I WANTED  
15 POINT OUT UNLESS WAS USED PREVIOUSLY USED IN THE LAST  
16 PARAGRAPH TOO AND I WOULD ASK THE COURT TO INSERT  
17 UNLESS IN PLACE OF UNTIL.

18                   THE COURT: I DON'T HAVE ANY PROBLEM WITH  
19 THAT. ANYTHING ELSE?

20                   MR. MORTON: NO, SIR. THANK YOU.

21                   THE COURT: LET'S BRING IN THE JURY.  
22 ANYTHING FROM THE STATE REAL QUICK.

23                   MR. THOMPSON: NO, YOUR HONOR.

24                   THE COURT: MR. GREELEY.

25                   MR. GREELEY: NO, YOUR HONOR.

1 THE COURT: THANK YOU.

2 (THE JURY RETURNS TO THE COURTROOM AT  
3 03:44 PM.)

4 JURY CHARGE BY THE COURT:

5 MEMBERS OF THE JURY, FIRST LET ME  
6 THANK YOU FOR THE ATTENTION AND YOUR PATIENCE.  
7 YOU'VE BEEN VERY PATIENT WITH ME. THIS HAS BEEN A  
8 QUITE A LENGTHY -- WELL, I HATE TO SAY LENGTHY BUT IT  
9 HAS CONSUMED SOME TIME AND YOU RECEIVED A LOT OF  
10 EVIDENCE. I THINK YOU RECEIVED ABOUT TEN DAYS OF  
11 EVIDENCE SO I APPRECIATE YOUR PATIENCE AND YOUR KIND  
12 ATTENTION. NOW THESE TWO MEN, MR. COPE AND MR.  
13 SANDERS, ARE CHARGED IN SEPARATE INDICTMENTS WITH  
14 MURDER, CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE  
15 AND THERE ARE TWO COUNTS AGAINST EACH OF THEM AS TO  
16 CRIMINAL SEXUAL CONDUCT ONE DEALING WITH ANAL  
17 PENETRATION AND ONE IS WITH VAGINAL, AND THEY ARE  
18 ALSO CHARGED BOTH CRIMINAL CONSPIRACY. ADDITIONALLY  
19 MR. COPE IS CHARGED WITH UNLAWFUL NEGLECT TOWARDS A  
20 CHILD.

21 THE FACT THAT THE DEFENDANTS HAVE BEEN  
22 ARRESTED, CHARGED, AND INDICTED IS NOT EVIDENCE IN  
23 THIS CASE. YOU CANNOT AND MUST NOT CONSIDER AS  
24 EVIDENCE OF GUILT THE FACT THAT THEY HAVE BEEN  
25 ARRESTED, CHARGED, AND INDICTED. IT IS DOES CREATE

1 ANY PRESUMPTION OR INFERENCE OF GUILT. THE  
2 INDICTMENT IS SIMPLY A FORMAL WRITTEN DOCUMENT, AND  
3 YOU'LL HAVE THESE BY THE WAY IN YOUR JURY ROOM WITH  
4 YOU, THEY ARE NOT EVIDENCE. THEY ARE THE PAPERWORK  
5 BY WAY OF WHICH THESE CASES HAVE BEEN PROCESSED  
6 THROUGH OUR COURT SYSTEM. THEY ARE FORMAL DOCUMENT  
7 WHERE THE UNANIMOUS VERDICT WILL ULTIMATELY BE SIGNED  
8 ON BEHALF OF THE JURY BY THE FOREMAN. THE  
9 INDICTMENTS ALLEGE SEVERAL DIFFERENT OFFENSES AGAINST  
10 EACH OF THE DEFENDANTS. EACH INDICTMENT CHARGES A  
11 SEPARATE AND DISTINCT OFFENSE. YOU MUST DECIDE EACH  
12 INDICTMENT SEPARATELY ON THE EVIDENCE AND THE LAW  
13 APPLICABLE TO THAT INDICTMENT UNINFLUENCED BY YOUR  
14 DECISION AS TO ANY OTHER INDICTMENT EXCEPT AS TO THE  
15 CONSPIRACY CHARGE. THE VERDICT AS TO CONSPIRACY  
16 WOULD AUTOMATICALLY BE NOT GUILTY AS TO ONE IF YOU  
17 FIND ONE OR BOTH THE DEFENDANTS NOT GUILTY OF  
18 CRIMINAL SEXUAL CONDUCT. THAT IS, THERE COULD NOT BE  
19 A CONSPIRACY TO COMMIT CRIMINAL SEXUAL CONDUCT IF YOU  
20 FIND THAT THEY ARE, ONE OR BOTH, ARE NOT GUILTY OF  
21 CRIMINAL SEXUAL CONDUCT. YOUR VERDICTS MAYBE FOR  
22 CONVICTION OR ACQUITAL ON ANY OR ALL OF THE OFFENSES  
23 CHARGED AND AT THE END I WILL GO OVER THE INDICTMENTS  
24 AND TELL YOU, MR. FOREMAN, HOW YOU ENROLL THE VERDICT  
25 OF THE JURY AND WILL BE A SEPARATE VERDICT ON EACH

1 INDICTMENT.

2 I CHARGE YOU THAT THE FACT THAT THERE  
3 ARE IN FACT TWO DIFFERENT DEFENDANTS IN THIS CASE  
4 CHARGED WITH THOSE OFFENSES MAKES NO DIFFERENCE. THE  
5 EVIDENCE AND THE LAW AS TO EACH DEFENDANT SHOULD BE  
6 CONSIDERED SEPARATELY AND INDIVIDUALLY AS TO EACH.  
7 YOUR VERDICT DOES NOT HAVE TO BE THE SAME FOR BOTH  
8 DEFENDANTS. THE FACT THAT YOU MAY FIND ONE DEFENDANT  
9 GUILTY OR NOT GUILTY SHOULD NOT CONTROL YOUR VERDICT  
10 AS TO THE OTHER DEFENDANT AGAIN EXCEPT THAT YOU  
11 CANNOT FIND ONLY ONE GUILTY OF THE CONSPIRACY;  
12 HOWEVER, WHERE MORE THAN ONE PERSON IS CHARGED WITH A  
13 CRIME IF THE EVIDENCE WARRANTS IT EXCEPT ON THAT AS  
14 TO CONSPIRACY YOU MAY CONVICT ONE AND ACQUIT THE  
15 OTHER OR YOU MAY ACQUIT BOTH OR YOU MAY CONVICT BOTH.  
16 THIS DEPENDS UPON YOUR VIEW OF THE TESTIMONY AND THE  
17 EVIDENCE AND APPLYING THE LAW. YOU MUST TAKE EACH  
18 DEFENDANT AND CONSIDER THE EVIDENCE AS TO THAT  
19 DEFENDANT AND THESE INSTRUCTIONS AND WRITE A SEPARATE  
20 VERDICT AS TO EACH INDIVIDUAL DEFENDANT.

21 AS TO THESE CHARGES BOTH DEFENDANTS  
22 HAVE ENTERED PLEAS OF NOT GUILTY TO ALL OF THE  
23 INDICTMENTS. THESE PLEAS PLACE ON THE STATE THE  
24 BURDEN OF PROOF; THAT IS, THE BURDEN OF PROVING THE  
25 ELEMENTS ON EACH INDICTMENT AS TO EACH DEFENDANT

1 BEYOND A REASONABLE DOUBT. ANYONE CHARGED WITH AN  
2 OFFENSE IN OUR SYSTEM IS NOT REQUIRED TO PROVE  
3 THEMSELVES INNOCENT.

4 IT IS IMPORTANT RULE OF LAW THAT ANY  
5 DEFENDANT CHARGED WITH ANY OFFENSE IN OUR JUDICIAL  
6 SYSTEM NO MATTER HOW SERIOUS IS PRESUMED INNOCENT OF  
7 THAT CHARGE UNTIL SUCH TIME AS THE STATE IF IT CAN  
8 HAS PROVEN THAT PERSON'S GUILT TO YOUR SATISFACTION  
9 BEYOND A REASONABLE DOUBT.

10 THE PRESUMPTION OF INNOCENCE IS NOT A  
11 MERE LEGAL THEORY OR A MERE LEGAL PHRASE. IT IS A  
12 SUBSTANTIAL RIGHT. IT IS A RIGHT WHICH ATTACHES TO  
13 AN INDIVIDUAL AT THE TIME OF THEIR ARREST, REMAINS  
14 WITH THEM AS THEIR CASE IS PROCESSED THROUGH OUR  
15 COURT SYSTEM, AND THE PRESUMPTION OF INNOCENCE INURES  
16 AS TO THEIR BENEFIT EVEN AS YOU DELIBERATE. THE  
17 PRESUMPTION OF INNOCENCE IN EACH DEFENDANT'S FAVOR IS  
18 REMOVED IF AND WHEN AND ONLY IF AND WHEN YOU AS THE  
19 TRIERS OF FACT FIND THAT THE STATE HAS PROVEN THAT  
20 INDIVIDUAL'S GUILT AS TO A PARTICULAR INDICTMENT  
21 BEYOND A REASONABLE DOUBT.

22 PROOF BEYOND A REASONABLE DOUBT IS  
23 PROOF THAT LEAVES ONE FIRMLY CONVINCED OF SOMEONE'S  
24 GUILT. THERE ARE VERY FEW THINGS IN OUR WORLD THAT  
25 WE CAN KNOW WITH ABSOLUTE CERTAINTY AND THE LAW DOES

1 NOT REQUIRE THAT IN THIS TYPE CASE. IF BASED ON YOUR  
2 CONSIDERATION OF THE EVIDENCE YOU ARE FIRMLY  
3 CONVINCED THAT A DEFENDANT IS GUILTY AS TO AN OFFENSE  
4 YOU MUST FIND THAT DEFENDANT GUILTY. ON THE OTHER  
5 HAND, IF YOU FIND THERE IS A REASONABLE POSSIBILITY  
6 THAT A DEFENDANT IS NOT GUILTY YOU MUST GIVE HIM THE  
7 BENEFIT OF THAT DOUBT AND FIND HIM NOT GUILTY.

8 A REASONABLE DOUBT HAS BEEN DESCRIBED  
9 AS THE KIND OF DOUBT THAT WOULD CAUSE A REASONABLE  
10 PERSON TO HESITATE TO ACT. REASONABLE DOUBT MAY  
11 ARISE FROM THE EVIDENCE PRESENTED IN THE CASE OR FROM  
12 THE LACK OF EVIDENCE IN THE CASE. SUSPICION HOWEVER  
13 STRONG DOES NOT SUFFICE TO SUSTAIN A CONVICTION.

14 WE HAVE IN OUR LAW A CONCEPT CALLED  
15 THE HAND OF ONE IS THE HAND OF ALL AND IT STATES THAT  
16 TWO OR MORE PEOPLE ARE TOGETHER, ACTING TOGETHER,  
17 ASSISTING EACH OTHER IN COMMITTING AN OFFENSE, THE  
18 ACT OF ONE IS THE ACT OF ALL OR AS IT IS SOMETIMES  
19 SAID THE HAND OF ONE IS THE HAND OF ALL. GUILT AS A  
20 PRINCIPAL AS TO AN OFFENSE IS SHOWN BY ACTUAL OR  
21 CONSTRUCTIVE PRESENCE AT THE SCENE AS A RESULT OF  
22 PRIOR ARRANGEMENTS. THEREFORE A FINDING OF PRIOR  
23 ARRANGED PLAN OR COMMON SCHEME IS NECESSARY FOR  
24 FINDING ONE GUILTY AS A PRINCIPAL UNDER THIS DOCTRINE  
25 OF THE HAND OF ONE IS THE HAND OF ALL. THE STATE

1       MUST PROVE BEYOND A REASONABLE DOUBT AND BY COMPETENT  
2       EVIDENCE THE THEORY OF THE HAND OF ONE BEING THE HAND  
3       OF ALL. A PRINCIPAL IN A CRIME IS ONE WHO ACTUALLY  
4       COMMITTS THE CRIME OR WHO IS PRESENT AIDING, ABETTING,  
5       OR ASSISTING IN COMMITTING THE CRIME. WHEN A PERSON  
6       DOES AN ACT IN THE PRESENCE OF AND WITH THE  
7       ASSISTANCE OF ANOTHER, THE ACT IS DONE BY BOTH.  
8       WHERE TWO OR MORE ACTING WITH A COMMON PLAN OR INTENT  
9       ARE PRESENT AT THE COMMISSION OF A CRIME IT DOES NOT  
10      MATTER WHO ACTUALLY COMMITTS THE CRIME, ALL ARE  
11      GUILTY. THE HAND OF ONE, AS I SAID, IS THE HAND OF  
12      ALL. PRESENT AT THE COMMISSION OF A CRIME MEANS TO  
13      BE SUFFICIENTLY NEAR TO SO AS TO BE ABLE TO AID,  
14      ABET, AND ASSIST IN THE COMMISSION OF THAT CRIME.  
15      HOWEVER, MERE PRESENCE AT THE SCENE OF A CRIME ALONE  
16      IS NOT SUFFICIENT TO CONVICT ONE AS A PRINCIPAL ON  
17      THIS THEORY OF AIDING AND ABETTING.

18                   ADDITIONALLY INTENT IS A NECESSARY  
19      ELEMENT FOR THERE MUST HAVE BEEN A COMMON DESIGN OR  
20      INTENT TO COMMIT A CRIME AND THE CRIME MUST HAVE BEEN  
21      COMMITTED PURSUANT THERETO WITH THE PERSON AIDING AND  
22      ABETTING BY SOME OVERT ACT. INTENT MEANS INTENDING;  
23      THAT IS, INTENDING THE RESULT WHICH ACTUALLY OCCURS.  
24      IT DOES NOT MEAN ACCIDENTALLY OR INVOLUNTARY. INTENT  
25      MAYBE SHOWN BY ACTION AND CONDUCTS OF A DEFENDANT AND



1 OTHER CIRCUMSTANCES IN WHICH YOU MAY NATURALLY AND  
2 REASONABLY INFER TO INTEND. THE STATE MUST PROVE  
3 THESE ELEMENTS BEYOND A REASONABLE DOUBT.

4 AS TO AIDING AND ABETTING, A PERSON  
5 WHO IS PRESENT AT THE SCENE OF A CRIME AND  
6 INTENTIONALLY OR THROUGH A COMMON PLAN AIDED,  
7 ABETTED, OR ASSISTED IN THE COMMISSION OF THAT CRIME  
8 THROUGH SOME OVERT ACTS IS GUILTY AS AN ACCOMPLICE.  
9 TO BE LIABLE AS AN ACCOMPLICE THAT PARTY MUST HAVE  
10 KNOWLEDGE OF THE PRINCIPAL'S CRIMINAL CONDUCT AND AS  
11 I HAVE SAID MERE PRESENCE OF THE SCENE OF THE CRIME  
12 IS NOT SUFFICIENT TO ESTABLISH GUILT AS AN  
13 ACCOMPLICE. INTENTIONALLY MEANS WILLFULLY INTENDING  
14 THE RESULT WHICH ACTUALLY OCCURS NOT ACCIDENTAL OR  
15 INVOLUNTARY.

16 IF YOU FIND FROM ALL THE EVIDENCE THAT  
17 A DEFENDANT WAS MERELY PRESENT AT OR NEAR THE SCENE  
18 OF THE ALLEGED CRIME ON THE DATE IN QUESTION, YOU  
19 INSTRUCTED THAT SUCH PRESENCE AT OR NEAR THE SCENE OF  
20 THE CRIME ALONE WOULD NOT SUPPORT A FINDING OF GUILT.  
21 AS I SAID MERE PRESENCE CAN ONLY CREATE A SUSPICION  
22 AND YOU CANNOT FIND ONE GUILTY BECAUSE OF SUSPICION.  
23 MERE PRESENCE AT OR NEAR THE SCENE OF A CRIME DOES  
24 NOT OF ITSELF PERMIT AN INFERENCE TO BE DRAWN BY YOU  
25 THAT THE DEFENDANT HAD KNOWLEDGE OF ANY CRIMINAL PLAN

1 WHICH MIGHT HAVE BEEN FORMED. NOR DOES MERE PRESENCE  
2 SUPPORT AN INFERENCE OF INTENT TO ENGAGE IN OR TO AID  
3 CRIMINAL CONDUCT.

4 NOW DURING THIS CHARGE, DURING THIS  
5 TRIAL AS I TOLD YOU WHEN WE STARTED, I AM THE SOLE  
6 JUDGE OF THE LAW AND YOU MUST TAKE, ACCEPT, AND APPLY  
7 THE LAW AS I CHARGE IT TO YOU. THIS IS TRUE EVEN IF  
8 YOU THINK I CHARGE YOU THE LAW IN ERROR OR EVEN IF  
9 YOU THINK THE LAW SHOULD BE DIFFERENT. BY LAW A  
10 JUDGE, A TRIAL JUDGE IN A CASE, IS NOT ALLOWED TO  
11 FORMULATE OR TO EXPRESS TO A JURY ANY OPINION ON THE  
12 CASE. IF YOU HAVE INFERRED FROM ANYTHING I HAVE SAID  
13 OR DONE OR IF YOU NOW INFER ANYTHING THAT I SAY OR DO  
14 TO BE AN INDICATION OF AN OPINION OF MINE ON THE  
15 FACTS YOU WOULD BE WRONG BECAUSE I CANNOT FORMULATE  
16 OR EXPRESS TO YOU ONE. YOU ARE THE SOLE JUDGES OF  
17 THE FACTS IN THIS CASE. IT IS SOLELY UP TO YOU TO  
18 EXAMINE THE EVIDENCE AND GIVE TO THE EVIDENCE THE  
19 VALUE, THE EFFECT, THE WEIGHT, AND THE TRUTH YOU  
20 BELIEVE THE EVIDENCE SHOULD HAVE. IN DOING THIS YOU  
21 CAN BEEN BELIEVE ONE WITNESS AS OPPOSED TO SEVERAL,  
22 SEVERAL WITNESSES AS OPPOSED TO ONE. YOU MAY BELIEVE  
23 ALL, PART, OR NONE OF A WITNESS' TESTIMONY. USE YOUR  
24 COMMON SENSE, YOUR SENSE OF LOGIC, YOUR SENSE OF  
25 REASON, YOUR EXPERIENCES IN LIFE IN ANALYZING THE

1 EVIDENCE. AS JUDGES OF THE FACTS YOU OF NECESSITY  
2 MUST JUDGE THE CREDIBILITY, THAT IS, THE  
3 BELIEVABILITY OF THE WITNESSES WHO HAVE TESTIFIED.  
4 IN ASSESSING CREDIBILITY OR BELIEVABILITY YOU USE  
5 THOSE THINGS I HAVE JUST DISCUSSED, YOU USE THOSE  
6 THINGS THAT YOU IN YOUR DAY TO DAY LIFE FIND AS BEING  
7 INDICATION OF TRUTHFULNESS. YOU CAN USE CERTAIN  
8 EVALUATORS WHEN YOU LOOK AT CREDIBILITY: A WITNESS'  
9 Demeanor, how they act on the stand; are they  
10 hesitant or straight forward. you may consider the  
11 opportunity a witness had to know those things about  
12 which the witness testified. you can determine  
13 whether a witness and evaluate whether a witness has  
14 any bias or prejudice; that is, whether they wish to  
15 help or hurt one side or the other. and you can look  
16 at consistencies or inconsistencies within their  
17 testimony.

18 NOW AS TO A WITNESS'S CRIMINAL RECORD  
19 IF A WITNESS HAD SUCH, THE ISSUE OF CRIMINAL RECORD  
20 CANNOT BE USED IN ANY WAY TO DETERMINE ONE'S GUILT AS  
21 TO THE OFFENSES FOR WHICH THEY ARE NOW CHARGED. YOU  
22 CAN ONLY CONSIDER ONE'S PAST CRIMINAL RECORD IN  
23 DETERMINING THE TRUTHFULNESS OF THAT WITNESS, THAT  
24 IS, ON THE ISSUE OF CREDIBILITY.

25 NOW THERE ARE TWO TYPES OF EVIDENCE

1 WHICH ARE GENERALLY PRESENTED IN A TRIAL AND THAT IS  
2 DIRECT AND CIRCUMSTANTIAL EVIDENCE. DIRECT EVIDENCE  
3 IS THE TESTIMONY OF A PERSON WHO CLAIMS TO HAVE  
4 ACTUAL KNOWLEDGE OF A FACT SUCH AS AN EYE WITNESS.  
5 IT IS EVIDENCE WHICH IMMEDIATELY ESTABLISHES THE MAIN  
6 FACT TO BE PROVEN. CIRCUMSTANTIAL EVIDENCE IS PROOF  
7 OF A CHAIN OF FACTS AND CIRCUMSTANCES INDICATING THE  
8 EXISTENCE OF A FACT. IT IS EVIDENCE WHICH  
9 IMMEDIATELY ESTABLISHES COLLATERAL FACTS FROM WHICH  
10 THE MAIN FACT MAY BE INFERRED. CIRCUMSTANTIAL  
11 EVIDENCE IS BASED ON INFERENCE AND NOT ON PERSONAL  
12 KNOWLEDGE OR OBSERVATION. THE LAW MAKES ABSOLUTELY  
13 NO DISTINCTION BETWEEN THE WEIGHT OR VALUE TO BE  
14 GIVEN TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE.  
15 NOR IS A GREATER DEGREE OF CERTAINTY REQUIRED OF  
16 CIRCUMSTANTIAL EVIDENCE AS OPPOSED TO DIRECT  
17 EVIDENCE.

18 YOU SHOULD WEIGH ALL OF THE EVIDENCE  
19 IN THIS CASE. AFTER WEIGHING ALL OF THE EVIDENCE IF  
20 YOU ARE NOT CONVINCED OF THE GUILT OF A DEFENDANT AS  
21 TO A PARTICULAR CHARGE BEYOND A REASONABLE DOUBT YOU  
22 MUST FIND THAT DEFENDANT NOT GUILTY. WHERE THE STATE  
23 RELIES ON CIRCUMSTANTIAL EVIDENCE YOU MAY NOT CONVICT  
24 A DEFENDANT UNLESS EVERY CIRCUMSTANCE RELIED ON BY  
25 THE STATE IS PROVEN BEYOND A REASONABLE DOUBT AND ALL

1 THE CIRCUMSTANCES SO PROVEN ARE CONSISTENT WITH EACH  
2 OTHER AND TAKEN TOGETHER POINT CONCLUSIVELY TO THE  
3 GUILT OF THE ACCUSED TO THE EXCLUSION OF EVERY OTHER  
4 REASONABLE HYPOTHESIS. IT IS NOT SUFFICIENT THAT THE  
5 CIRCUMSTANCES CREATE A PROBABILITY EVEN IF IT BE A  
6 STRONG ONE. ASSUMING THE CIRCUMSTANCES ARE TRUE  
7 THERE IS A REASONABLE HYPOTHESIS WHICH DOES NOT  
8 INCLUDE THE GUILT OF THE ACCUSED THEN THE STATE'S  
9 PROOF HAS FAILED.

10 NOW IN THIS CASE YOU HAVE HAD SEVERAL  
11 WITNESSES WHO HAVE TESTIFIED AS EXPERTS. GENERALLY  
12 ONE CAN ONLY TESTIFY AS TO SOMETHING THEY'VE SENSED  
13 WITH ONE OF THEIR FIVE SENSES. IT'S USUALLY SIGHT OR  
14 SOUND OR IT COULD BE TASTE, TOUCH, OR SMELL. BUT  
15 WHERE ONE HAS CERTAIN TRAINING, EXPERIENCE,  
16 KNOWLEDGE, THAT PERSON CAN GIVE AN OPINION. NOW  
17 OPINIONS BY EXPERTS ARE GIVEN TO ASSIST YOU. THEY  
18 ARE NOT BINDING ON YOU. YOU ARE TO LOOK AT THE  
19 TESTIMONY OF AN EXPERT JUST LIKE YOU LOOK AT THE  
20 TESTIMONY OF ANY WITNESS. YOU USE THOSE SAME FACTORS  
21 I WENT OVER: JUDGE THE CREDIBILITY, ALL THE THINGS I  
22 DISCUSSED EARLIER. ALSO AS TO AN EXPERT AND AS TO  
23 THAT EXPERT'S OPINION YOU CAN LOOK AT THE EXPERT'S  
24 QUALIFICATION; THAT IS, WHETHER OR NOT YOU ARE  
25 CONVINCED THAT PERSON HAD THE EXPERTISE, EVEN THOUGH

1 I ALLOWED THEM TO TESTIFY, IT'S STILL UP TO YOU TO  
2 DETERMINE WHETHER OR NOT THEY HAD THE EXPERTISE TO  
3 REACH THAT OPINION AND YOU CAN ALSO EXAMINE THE  
4 REASONS THEY GAVE FOR THAT OPINION. YOU MAY ACCEPT  
5 OR REJECT IN WHOLE OR IN PART AN EXPERT'S OPINION.  
6 AS I TOLD YOU, EXPERT'S OPINIONS ARE SIMPLY EVIDENCE  
7 TO BE CONSIDERED BY YOU WITH ALL THE OTHER EVIDENCE  
8 AND THEIR OPINION IS NOT BINDING ON YOU. YOU ARE THE  
9 SOLE DETERMINERS OF THE FACTS IN THIS CASE.

10 NOW I INSTRUCT YOU AND EMPHASIZE TO  
11 YOU THE FACT THAT MR. SANDERS CHOOSE TO EXERCISE HIS  
12 CONSTITUTIONAL RIGHT TO REMAIN SILENT IS A FACT WHICH  
13 MAY NOT BE CONSIDERED BY YOU IN ANY FASHION IN YOUR  
14 DELIBERATION. YOU MAY NOT DISCUSS, CANNOT EVEN  
15 MENTION, IN THE JURY ROOM THE FACT THAT MR. SANDERS  
16 EXERCISED THAT CONSTITUTIONAL RIGHT TO REMAIN SILENT.  
17 YOU CANNOT EVEN FACTOR INTO YOUR OWN DETERMINATION AS  
18 TO THE ISSUES IN THIS CASE. ANYONE CHARGED WITH ANY  
19 OFFENSE HAS A CONSTITUTIONAL RIGHT TO REMAIN SILENT.  
20 THE EXERCISE OF THAT RIGHT DOES NOT ALLEVIATE THE  
21 STATE FROM ITS BURDEN OF PROOF. THAT IS, AS I TOLD  
22 YOU EARLIER, MR. SANDERS IS PRESUMED INNOCENT OF  
23 THESE CHARGES AND HE NEED NOT PROVE ANYTHING. THE  
24 BURDEN IS ON THE STATE TO PROVE HIS GUILT BEYOND A  
25 REASONABLE DOUBT AND THE FACT THAT HE CHOSE TO REMAIN

1 SILENT CANNOT BE USED IN ANY FASHION BY YOU.

2 NOW DURING THIS TRIAL YOU'VE HEARD  
3 TESTIMONY FROM CHILDREN. WHERE A WITNESS IS A CHILD  
4 YOU MUST DETERMINE THE SAME THING THAT YOU DO WITH  
5 OTHERS, JUST LIKE I JUST DISCUSSED, YOU MUST  
6 DETERMINE WHETHER THEIR TESTIMONY IS BELIEVABLE. YOU  
7 MAY CONSIDER THOSE THINGS WHICH I HAVE MENTIONED AND  
8 YOU CAN ALSO CONSIDER AS TO CHILDREN THEIR AGE, THEIR  
9 ABILITY TO OBSERVE AND REMEMBER THE FACTS, AND THEIR  
10 ABILITY TO UNDERSTAND AND ANSWER QUESTIONS. THE USE  
11 OF CLOSED CIRCUIT TELEVISION FOR PRESENTING CERTAIN  
12 TESTIMONY IN THIS CASE DOES NOT IMPLY ANYTHING ABOUT  
13 THE WITNESS'S CREDIBILITY OR ABOUT ANYTHING IN THIS  
14 CASE FOR THAT MATTER. THEREFORE YOU SHOULD PAY NO  
15 ATTENTION AND SHOULD NOT DISCUSS THE USE OF CLOSED  
16 CIRCUIT TELEVISION FORMAT. THEIR TESTIMONY EVEN IS  
17 TO BE TREATED AS THOUGH THEY WERE PRESENT AND  
18 TESTIFIED HERE IN YOUR PRESENCE.

19 NOW YOU'VE HEARD DISCUSSIONS OR  
20 MENTIONED QUITE FREQUENTLY CONFESSION AND INTERVIEWS.  
21 I'M NOW GOING TO CHARGE YOU THE LAW THAT YOU WILL  
22 APPLY IN DETERMINING WHETHER OR NOT TO ACCEPT OR  
23 REJECT A CONFESSION OR A STATEMENT. THIS CHARGE  
24 APPLIES TO ONLY CONFESSIONS AND STATEMENTS GIVEN  
25 DURING CUSTODIAL AN INTERROGATION BY LAW ENFORCEMENT.

1 NOW I HAVE ALREADY RULED AND ALLOWED INTO EVIDENCE  
2 CERTAIN STATEMENTS BUT YOU ARE THE FINAL DETERMINERS  
3 OF WHETHER OR NOT TO ACCEPT THAT STATEMENT FOR ANY  
4 PURPOSE. IN ORDER TO DO THAT YOU MUST FIRST  
5 DETERMINE THAT, YOU MUST CONSIDER THESE FACTORS.  
6 FIRST, DID THE DEFENDANT IN FACT MAKE A STATEMENT.  
7 SECOND, PRIOR TO MAKING THE STATEMENT WAS HE WARNED  
8 OF HIS CONSTITUTIONAL RIGHTS.  
9 THIRD, DO HE KNOWINGLY AND INTELLIGENTLY WAIVE HIS  
10 CONSTITUTIONAL RIGHTS.  
11 AND FOURTH WAS THE STATEMENT GIVEN VOLUNTARILY.  
12 AGAIN THE FACT THAT I HAVE ADMITTED THE STATEMENT  
13 INTO EVIDENCE IS NOT TO BE CONSIDERED BY YOU IN ANY  
14 WAY WHATSOEVER. THE STATE MUST PROVE THOSE ELEMENTS  
15 BEYOND A REASONABLE DOUBT BEFORE YOU CAN CONSIDER THE  
16 STATEMENTS AS EVIDENCE FOR ANY PURPOSE WHATSOEVER  
17 EVEN THOUGH I HAVE ALLOWED IT IN THE RECORD.

18 NOW FIRST DID THE DEFENDANT MAKE THIS  
19 STATEMENT. IF YOU CONCLUDE THAT HE, AND THE  
20 STATEMENT OF COURSE HERE THE ONLY ONES ARE THOSE OF  
21 MR. COPE, IF YOU DETERMINE THAT HE DID IN FACT NOT  
22 MAKE A STATEMENT, THEN OF COURSE YOU COMPLETELY  
23 DISREGARD THE ALLEGED STATEMENT. IF YOU CONCLUDE  
24 THAT HE DID NOT MAKE A STATEMENT THEN YOU CANNOT  
25 CONSIDER IT TO ANY DEGREE WHATSOEVER. IF YOU FIND



1 THAT HE DID IN FACT MAKE A STATEMENT, ANY ONE OR ALL  
2 OF THOSE UNDER CONSIDERATION, YOU MUST DETERMINE  
3 WHETHER OR NOT HE WAS WARNED PRIOR TO MAKING THE  
4 STATEMENT OF HIS CONSTITUTIONAL RIGHTS. WHEN AN  
5 INDIVIDUAL IS TAKEN INTO CUSTODY OR OTHERWISE  
6 DEPRIVED OF THEIR FREEDOM OF ACTION IN ANY  
7 SIGNIFICANT WAY BY POLICE OR LAW ENFORCEMENT, THEN HE  
8 MUST BE WARNED OF THEIR CONSTITUTIONAL RIGHTS PRIOR  
9 AND BEFORE ANY CUSTODIAL INTERROGATION OR CUSTODIAL  
10 QUESTIONING OCCURS. HE MUST BE WARNED THAT, HE OR  
11 SHE, A DEFENDANT MUST BE WARNED THAT THEY HAVE THE  
12 RIGHT TO REMAIN SILENT, THAT ANY STATEMENT THAT THEY  
13 MAKE CAN AND WILL BE USED AGAINST THEM IN A COURT OF  
14 LAW; THAT THEY HAVE A RIGHT TO SELECT A LAWYER OF  
15 THEIR CHOICE, BUT IF THEY DO NOT HAVE THE MONEY TO  
16 HIRE AN ATTORNEY OR THE RESOURCES TO EMPLOY AN  
17 ATTORNEY, THE COURT WILL APPOINT AND PROVIDE AN  
18 ATTORNEY TO REPRESENT THEM WITHOUT COST OR EXPENSE TO  
19 THEM IF THEY SO DESIRE. NEXT THEY MUST BE ADVISED  
20 THAT THEY HAVE THE RIGHT TO CONSULT A LAWYER BEFORE  
21 ANSWERING ANY QUESTION OR MAKING ANY STATEMENTS, AND  
22 THAT THEY HAVE A RIGHT TO HAVE THE LAWYER PRESENT  
23 WITH THEM AT ALL TIMES DURING ALL INTERVIEWS AND ALL  
24 INTERROGATIONS. IF YOU DETERMINE THESE  
25 CONSTITUTIONAL WARNINGS WERE NOT GIVEN TO MR. COPE

1 PRIOR TO AN INTERROGATION AND TAKING OF A STATEMENT  
2 OR THAT HE WAS NOT AFFORDED THE OPPORTUNITY TO  
3 EXERCISE THESE RIGHTS, YOU MUST COMPLETELY DISREGARD  
4 THE STATEMENT AND YOU CANNOT CONSIDER THE STATEMENT  
5 AS EVIDENCE IN ANY MANNER WHATSOEVER. IF YOU FIND  
6 THAT MR. COPE DID IN FACT MAKE A STATEMENT AND IF YOU  
7 CONCLUDE THAT THESE CONSTITUTIONAL WARNINGS WERE IN  
8 FACT GIVEN TO HIM AND THAT HE WAS AFFORDED AN  
9 OPPORTUNITY TO EXERCISE THESE CONSTITUTIONAL RIGHTS  
10 THEN YOU MUST DETERMINE WHETHER HE KNOWINGLY AND  
11 INTELLIGENTLY WAIVED THOSE CONSTITUTIONAL RIGHTS.  
12 BEFORE YOU COULD CONSIDER ANY STATEMENT AS EVIDENCE  
13 IT MUST BE PROVEN BY THE STATE BEYOND A REASONABLE  
14 DOUBT THAT MR. COPE, AFTER BEING GIVEN HIS  
15 CONSTITUTIONAL WARNINGS, KNOWING AND INTELLIGENTLY  
16 WAIVED THESE CONSTITUTIONAL RIGHTS AND AGREED TO  
17 ANSWER QUESTIONS AND MAKE A STATEMENT. THEREFORE, IF  
18 YOU FIND THAT MR. COPE DID NOT KNOWINGLY AND  
19 INTELLIGENTLY WAIVE HIS CONSTITUTIONAL RIGHTS THEN  
20 ANY ANSWER GIVEN BY HIM OR ANY STATEMENT MADE BY HIM  
21 CANNOT BE USED AGAINST HIM AND YOU MUST COMPLETELY  
22 DISREGARD ALL THE TESTIMONY CONCERNING SUCH  
23 STATEMENT. IF YOU FIND THAT MR. COPE DID MAKE THE  
24 STATEMENT AND IF YOU CONCLUDE THAT THE WARNINGS WERE  
25 IN FACT GIVEN TO HIM AND THAT HE WAS AFFORDED AN

1 OPPORTUNITY TO EXERCISE THESE RIGHTS AND IF YOU  
2 FURTHER FIND THAT HE KNOWINGLY AND INTELLIGENTLY  
3 WAIVED THESE RIGHTS, THEN YOU WOULD CONSIDER WHETHER  
4 THE STATEMENT WAS IN FACT GIVEN VOLUNTARILY. THE  
5 WORD VOLUNTARILY MEANS THAT THE STATEMENT WAS THE  
6 EXPRESSION OF MR. COPE'S OWN FREE WILL AND NOT  
7 INDUCED BY PRESSURE, FORCE OR FEAR, OR THE INFLUENCE  
8 OR THE HOPE OR PROMISE OF SOME BENEFIT OR REWARD OR  
9 EXTRACTED BY THREATS, COERCION, OR INTIMIDATION. A  
10 STATEMENT IS NOT VOLUNTARY AND MAY NOT BE USED  
11 AGAINST MR. COPE UNLESS IT IS THE PRODUCT OF AN  
12 ESSENTIALLY FREE AND UNCONSTRAINED CHOICE BY HIM. IF  
13 THE STATEMENT IS VOLUNTARY AND IF HE HAS WILLED TO  
14 MAKE THE STATEMENT, IT CAN BE USED AGAINST HIM. IF  
15 THE STATEMENT IS INVOLUNTARY, THAT IS, IF IT'S NOT  
16 VOLUNTARILY GIVEN, IT CANNOT BE USED AGAINST HIM.  
17 THE TRUE TEST TO BE APPLIED IS WHETHER SUCH STATEMENT  
18 IS FREELY, VOLUNTARILY, AND UNDERSTANDINGLY AND  
19 WITHOUT COMPULSION OR INDUCEMENT. IN DETERMINING  
20 WHETHER OR NOT THE ALLEGED STATEMENT WAS VOLUNTARY  
21 YOU MAY CONSIDER ALL THE FACTS AND CIRCUMSTANCES  
22 SURROUNDING THE TAKING OR THE MAKING OF THE STATEMENT  
23 CONCERNING AND RELATING TO THE VOLUNTARY OR  
24 INVOLUNTARY CHARACTER THEREOF AND YOU MAY CONSIDER  
25 ALL THE EVIDENCE IN THE CASE IN REACHING THE ULTIMATE

1 CONCLUSION AS TO THE VOLUNTARY OR INVOLUNTARY  
2 CHARACTER OF ANY SUCH STATEMENT. THE ULTIMATE  
3 QUESTION TO BE RESOLVED BY YOU WITH RESPECT TO  
4 ALLEGED STATEMENT IN ADDITION TO THE QUESTION OF  
5 WHETHER OR NOT HE IN FACT MADE IT IS WHETHER OR NOT  
6 HIS CONSTITUTIONAL RIGHTS WERE OBSERVED AND HE  
7 KNOWINGLY AND INTELLIGENTLY WAIVED THOSE RIGHTS.  
8 THAT IS, WAS THE STATEMENT THE EXPRESSION OF  
9 MR. COPE'S OWN FREE WILL MADE WITHOUT COMPULSION OR  
10 INDUCEMENT BUT REPRESENTING INSTEAD AN ESSENTIALLY  
11 FREE AND UNCONSTRAINED CHOICE BY HIM. OR WAS IT THE  
12 PRODUCT OF AN OVERBORNE WILL OR PRODUCT OF HIS WILL  
13 BEING OVERBORNE.

14 WITH REGARD TO THE ALLEGED STATEMENT I  
15 INSTRUCT YOU THAT THE STATE MUST PROVE BY EVIDENCE  
16 EACH AND EVERY REQUIREMENT THAT I HAVE INSTRUCTED YOU  
17 AND THAT PROOF MUST BE LIKE ANYTHING IN THIS CASE  
18 PROVEN TO YOU BEYOND A REASONABLE DOUBT. ABSENT ANY  
19 OF THE REQUIREMENTS ABOVE WHICH I HAVE INSTRUCTED YOU  
20 THE ALLEGED STATEMENT MUST BE DISREGARDED IN ITS  
21 ENTIRETY AND AFFORDED NO EVIDENTIARY WEIGHT. ON THE  
22 OTHER HAND, IF YOU FIND BEYOND A REASONABLE DOUBT HE  
23 MADE A STATEMENT, THAT HE DID IT AFTER RECEIVING THE  
24 REQUIRED CONSTITUTIONAL WARNINGS, THAT HE GAVE THE  
25 STATEMENT KNOWINGLY AND INTELLIGENTLY AND WAIVED HIS

1       CONSTITUTIONAL RIGHTS, THEN YOU MAY CONSIDER HIS  
2       STATEMENTS TOGETHER WITH ALL THE OTHER EVIDENCE IN  
3       THE CASE AND GIVE ANY SUCH STATEMENT SUCH WEIGHT AND  
4       VALUE AS YOU CONCLUDE IT IS ENTITLED TO.

5                    IN THIS CASE THE FACT THAT MR. COPE  
6       SUBMITTED TO A POLYGRAPH TEST WAS ADMITTED FOR A  
7       LIMITED PURPOSE. I TOLD YOU THAT AT THE TIME. IN  
8       YOUR DELIBERATION THE POLYGRAPH MAYBE ONLY CONSIDERED  
9       AS TO THAT LIMITED PURPOSE. THE RESULTS OF THE  
10      POLYGRAPH TEST ITSELF MAY NOT BE CONSIDERED IN  
11      DETERMINING MR. COPE'S GUILT OR INNOCENCE.

12                   NOW MR. COPE AND MR. SANDERS ARE  
13      CHARGED WITH MURDER. THE STATE MUST PROVE BEYOND A  
14      REASONABLE DOUBT THAT ONE OR BOTH OF THE DEFENDANTS,  
15      LET ME STATE IT THIS WAY. TO FIND A DEFENDANT EITHER  
16      OR BOTH GUILTY OF MURDER YOU MUST FIND THAT THEY  
17      KILLED ANOTHER PERSON WITH MALICE AFORETHOUGHT.  
18      MALICE IS DEFINED BY OUR LAW AS HATRED, ILL WILL, OR  
19      HOSTILITY TOWARD ANOTHER PERSON. MALICE SPRINGS FROM  
20      DEPRAVITY, FROM A HEART DEPRAVED OF SOCIAL DUTY, AND  
21      FATALLY BENT ON MISCHIEF. IT IS THE INTENTIONAL  
22      DOING OF A WRONGFUL ACT WITHOUT JUST CAUSE OR EXCUSE  
23      AND WITH AN INTENT TO INFLICT INJURY OR UNDER  
24      CIRCUMSTANCES THAT THE LAW WOULD INFER AN EVIL  
25      INTENT. MALICE AFORETHOUGHT DOES NOT REQUIRE MALICE

1       EXIST FOR ANY PARTICULAR TIME BEFORE THE ACT IS  
2       COMMITTED, BUT MALICE MUST EXIST IN THE MIND OF A  
3       DEFENDANT JUST BEFORE AND AT THE TIME OF THE ACT  
4       BEING COMMITTED. THEREFORE THERE MUST BE A  
5       COMBINATION OF THE PREVIOUS EVIL INTENT AND THE ACT  
6       ITSELF. MALICE AFORETHOUGHT MAY BE EXPRESS OR  
7       INFERRED. THESE TERMS EXPRESSED AND INFERRED DO NOT  
8       MEAN DIFFERENT KINDS OF MALICE BUT MERELY THE MANNER  
9       IN WHICH MALICE MAY BE SHOWN TO EXIST; THAT IS,  
10      EITHER BY DIRECT EVIDENCE OR BY INFERENCE FROM FACTS  
11      AND CIRCUMSTANCES WHICH ARE PROVEN.

12                   EXPRESS MALICE IS SHOWN WHEN A PERSON  
13      SPEAKS WORDS WHICH EXPRESS HATRED OR ILL WILL FOR  
14      ANOTHER OR WHEN THE PERSON PREPARED BEFOREHAND TO DO  
15      THE ACT WHICH WAS LATER ACCOMPLISHED. FOR EXAMPLE,  
16      LYING IN WAIT OR MAKING OTHER ACTS OR PREPARATION  
17      GOING TO THE DEED WHICH WAS WITHIN THE DEFENDANT'S  
18      MIND, THIS WOULD BE EXPRESS MALICE.

19                   INFERRED MALICE MAY ARISE WHEN A DEED  
20      IS DONE WITH A DEADLY WEAPON. A DEADLY WEAPON IS ANY  
21      ARTICLE, INSTRUMENT, OR SUBSTANCE WHICH IS LIKELY TO  
22      CAUSE DEATH OR GREAT BODILY HARM. WHETHER AN  
23      INSTRUMENT HAS BEEN USED AS A DEADLY WEAPON DEPENDS  
24      ON THE FACTS AND CIRCUMSTANCES OF EACH CASE. A HAND  
25      OR FIST IS NOT NORMALLY CONSIDERED A DEADLY WEAPON.

1       HOWEVER, UNDER SOME CIRCUMSTANCES DEPENDING ON THE  
2       MANNER AND MEANS OF ITS USE, WOUNDS INFLICTED AND  
3       OTHER RELEVANT FACTS, THE HAND OR FIST MAYBE  
4       CONSIDERED A DEADLY WEAPON. IT IS FOR YOU TO DECIDE  
5       IN THIS CASE BEYOND A REASONABLE DOUBT WHETHER OR NOT  
6       A HAND OR A FIST IS TO BE CONSIDERED A DEADLY WEAPON.  
7       ADDITIONALLY ORDINARY OBJECTS MAY BECOME DEADLY  
8       WEAPON WHEN THE FACTS SHOW THAT THEY HAVE BEEN USED  
9       TO INFLICT SERIOUS BODILY HARM OR DEATH.

10                   NOW BOTH DEFENDANTS ARE CHARGED WITH  
11       CONSPIRACY. THE STATE MUST PROVE BEYOND A REASONABLE  
12       DOUBT THAT AS TO EACH HE COMBINED ONE OR MORE PERSONS  
13       FOR THE PURPOSE OF COMMITTING AN UNLAWFUL ACT. THERE  
14       MUST BE A MUTUAL UNDERSTANDING OR AGREEMENT OR COMMON  
15       INTENTION AND PLAN. MERE PASSIVE KNOWLEDGE OF OR  
16       CONSENT TO CRIMINAL CONDUCT OF ANOTHER IS NOT ENOUGH  
17       TO MAKE A PERSON A CONSPIRATOR. IT MUST BE GUILTY  
18       KNOWLEDGE AND PARTICIPATION. SIMILARLY, THE MERE  
19       FACT THAT A DEFENDANT MAY HAVE ASSOCIATED WITH  
20       ANOTHER PERSON OR MEET WITH ANOTHER PERSON AND  
21       DISCUSSED COMMON AIMS AND INTERESTS DOES NOT  
22       NECESSARILY ESTABLISH PROOF OF THE EXISTENCE OF A  
23       CONSPIRACY OR THAT A DEFENDANT WAS INVOLVED IN A  
24       CONSPIRACY. ON THE OTHER HAND, IT IS NOT NECESSARY  
25       THAT THE AGREEMENT BETWEEN THE TWO BE A FORMAL ONE.

1 NO REQUIREMENT BEING RIGHT. IT'S NOT REQUIRED THAT  
2 THE INDIVIDUALS HOLD A MEETING AND EXPRESSLY STATE  
3 THE TERMS OF THEIR COMMON PLAN. NOR NEED THE  
4 AGREEMENT EVEN BE STATED IN WORDS BETWEEN THEM. THE  
5 AGREEMENT OF THE CRIMINAL CONSPIRACY MAY COME INTO  
6 BEING THROUGH AN IMPLIED MUTUAL UNDERSTANDING. THE  
7 WILLFUL, INTENTIONAL, AND KNOWING ADOPTION BY TWO OR  
8 MORE PERSONS OF A COMMON PLAN IS SUFFICIENT. OVERT  
9 ACTS NEED NOT BE SHOWN TO ESTABLISH CONSPIRACY. A  
10 CONSPIRACY MAYBE SHOWN BY CIRCUMSTANTIAL EVIDENCE AND  
11 BY THE CONDUCT OF THE PARTIES. IN ORDER TO CONVICT A  
12 DEFENDANT OF CONSPIRACY THE STATE MUST PROVE BEYOND A  
13 REASONABLE DOUBT NOT ONLY THAT A DEFENDANT KNEW OF  
14 THE UNLAWFUL CONDUCT BUT THE DEFENDANT AGREED TO  
15 COMBINE WITH THE OTHER PERSON FOR THE PURPOSE OF  
16 ACCOMPLISHING THE UNLAWFUL CONDUCT.

17 NOW AS TO THE CHARGE OF CRIMINAL  
18 SEXUAL CONDUCT. THE DEFENDANTS ARE BOTH CHARGED WITH  
19 TWO COUNTS OF CRIMINAL SEXUAL CONDUCT IN THE FIRST  
20 DEGREE. ONE DEALING WITH ANAL PENETRATION AND ONE  
21 WITH VAGINAL PENETRATION. THE FIRST ELEMENT WHICH  
22 THE STATE MUST PROVE AS TO THESE CHARGES BEYOND A  
23 REASONABLE DOUBT IS THAT A DEFENDANT ENGAGED IN  
24 SEXUAL BATTERY WITH THE VICTIM. A SEXUAL BATTERY IS  
25 SEXUAL INTERCOURSE, CUNNILINGUS, FELLATIO, ANAL



1 INTERCOURSE, OR ANY INTRUSION HOWEVER SLIGHT INTO ANY  
2 PART OF A PERSON'S BODY OR OF ANY OBJECT INTO THE  
3 GENITAL OR ANAL OPENINGS OF ANOTHER PERSON'S BODY  
4 EXCEPT WHEN THE INTRUSION IS ACCOMPLISHED FOR  
5 MEDICALLY RECOGNIZED TREATMENT OR DIAGNOSTIC  
6 PURPOSES. IF YOU FIND THAT THE STATE HAS NOT SHOWN  
7 BEYOND A REASONABLE DOUBT THAT SEXUAL BATTERY  
8 OCCURRED, YOU WOULD STOP DELIBERATING AND YOUR  
9 VERDICT WOULD BE NOT GUILTY. IF YOU FIND THAT A  
10 SEXUAL BATTERY DID OCCUR, THEN YOU MUST DECIDE  
11 WHETHER THE STATE HAS PROVEN BEYOND A REASONABLE  
12 DOUBT WHETHER THE DEFENDANTS USED AGGRAVATED FORCE TO  
13 ACCOMPLISH THE SEXUAL BATTERY. AGGRAVATED FORCE  
14 MEANING THE USE OF PHYSICAL FORCE OR PHYSICAL  
15 VIOLENCE OF A HIGH AND AGGRAVATED NATURE TO OVERCOME  
16 THE VICTIM. YOU MUST CONSIDER THAT OR WHETHER THE  
17 VICTIM SUBMITTED TO A SEXUAL BATTERY WHILE THE VICTIM  
18 WAS ALSO THE VICTIM OF FORCIBLE CONFINEMENT. AND YOU  
19 MUST FIND THOSE ELEMENTS BEYOND A REASONABLE DOUBT  
20 BEFORE YOU COULD CONVICT EITHER OR BOTH OF THE  
21 DEFENDANTS AS TO THOSE CHARGES.

22 AS TO THE FOURTH CHARGE WHICH APPLIES  
23 ONLY TO MR. COPE IS THAT OF UNLAWFUL CONDUCT TOWARD A  
24 CHILD. THE STATE MUST PROVE BEYOND A REASONABLE  
25 DOUBT THAT MR. COPE HAD CHARGE OR CUSTODY OF THE

1 CHILD IN QUESTION, WAS THE PARENT OR GUARDIAN OF THE  
2 CHILD OR RESPONSIBLE FOR THE CARE AND SUPPORT OF THE  
3 CHILD. A PERSON RESPONSIBLE FOR A CHILD'S WELFARE  
4 INCLUDES THE CHILD'S PARENTS. IN ORDER TO CONVICT  
5 MR. COPE OF UNLAWFUL NEGLECT OF A CHILD IN ADDITION  
6 TO FINDING THOSE ELEMENTS THAT I JUST DISCUSSED THE  
7 STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT  
8 MR. COPE EITHER PLACED THE CHILD AT UNREASONABLE RISK  
9 OF HARM AFFECTING THE CHILD'S LIFE, PHYSICAL OR  
10 MENTAL HEALTH OR SAFETY, OR UNLAWFULLY OR MALICIOUSLY  
11 DID OR CAUSE TO BE DONE ANY BODILY HARM TO THE CHILD  
12 SO THAT THE LIFE OR HEALTH OF THE CHILD IS ENDANGERED  
13 OR LIKELY TO BE ENDANGERED. A CHILD IS A PERSON  
14 UNDER THE AGE OF 18 YEARS.

15 NOW IN THIS CASE YOUR VERDICTS MUST BE  
16 UNANIMOUS, ALL 12 JURORS MUST AGREE ON A VERDICT ONCE  
17 THE VERDICT IS DETERMINED UNANIMOUSLY, AND THE  
18 FOREMAN IS AUTHORIZED TO WRITE THE VERDICT ON YOUR  
19 BEHALF. YOUR VERDICT CANNOT BE BASED ON PASSION,  
20 PREJUDICE, PUBLIC OPINION, SYMPATHY, OR MATTERS  
21 OUTSIDE THE RECORD.

22 WHILE YOU ARE DELIBERATING IF YOU WANT  
23 TO HAVE ANY PART OF MY CHARGE READ BACK TO YOU LET ME  
24 KNOW. IN OUR STATE WE DO NOT AT THIS TIME SEND A  
25 WRITTEN CHARGE IN THE JURY ROOM. IF YOU WANT ME TO

1 GO OVER ANY PART OR ALL OF THE LAW, LET ME KNOW AND I  
2 WILL BRING YOU BACK OUT AND HERE IN THE COURTROOM I  
3 WILL CHARGE YOU ANY PART OR ALL OF THE LAW YOU WISH  
4 ME TO GO OVER. WE CAN HAVE TESTIMONY REPLAYED IF YOU  
5 WISH. YOU WILL HAVE THE EXHIBITS IN THE JURY ROOM  
6 WITH YOU. WE WILL SEND IN AN AUDIO OR BOOM BOX TYPE  
7 PIECE OF EQUIPMENT AND WE WILL SEND IN THE MONITOR SO  
8 THAT YOU CAN WATCH IF YOU WISH ANY VIDEOS. BUT YOU  
9 WILL HAVE THE EVIDENCE WITH YOU IN THE JURY ROOM.

10 NOW WHEN YOU FIRST GO INTO THE JURY  
11 ROOM IN A FEW MOMENTS DON'T START DELIBERATING  
12 BECAUSE I HAVE TO GO OVER MY CHARGE WITH THE  
13 ATTORNEYS. IF I HAVE MADE AN ERROR IN MY CHARGE I'LL  
14 HAVE TO BRING YOU BACK OUT AND CORRECT IT. IF I HAVE  
15 NOT, I WILL SEND IN THE EXHIBITS, THE INDICTMENTS,  
16 AND THE BAILIFF WILL INSTRUCT YOU TO DELIBERATE.  
17 WHEN YOU HAVE REACHED A UNANIMOUS VERDICT KNOCK ON  
18 THE DOOR AND TELL THE BAILIFF AND WE'RE NOT STARTING  
19 ANOTHER MATTER SO WE WILL BE ABLE TO SEND FOR YOU  
20 PROMPTLY. IF YOU HAVE ANY QUESTIONS THAT YOU WISH ME  
21 TO ADDRESS WRITE THEM ON A PIECE OF PAPER, MR.  
22 FOREMAN, SEND THEM OUT BY WAY OF THE BAILIFF. HE  
23 WILL GIVE THEM TO ME. I WILL CONSULT WITH COUNSEL.  
24 THEN I WILL RESPOND TO THE QUESTION. IT MAY BE THAT  
25 I CAN WRITE AN ANSWER ON THE NOTE ITSELF. IT MAY BE

1 THAT I HAVE TO BRING YOU BACK IN HERE IN THE  
2 COURTROOM AND ADDRESS YOUR QUESTION HERE IN OPEN  
3 COURT.

4 NOW ON THESE INDICTMENTS, AS I TOLD  
5 YOU, THEY ARE NOT EVIDENCE. THEY ARE THE PAPER WORK  
6 BY WAY OF WHICH THE CASE IS PROCESSED THROUGH OUR  
7 COURT SYSTEM AND THE PLACE WHERE I SAID EARLIER,  
8 MR. FOREMAN, THAT YOU WILL ENROLL THE UNANIMOUS  
9 VERDICT OF THE JURY. IF YOU WILL LOOK ON THE BACK OF  
10 THE INDICTMENT YOU WILL SEE THE WORD VERDICT AND FOUR  
11 LINE BENEATH IT, A PLACE FOR YOU TO SIGN ON THE  
12 BOTTOM AND TO PUT THE DATE, TODAY'S THE 22 AND JUST  
13 PUT THE DATE AND THERE SIGN IT AND YOU'LL WRITE THE  
14 JURY'S VERDICT AS TO A PARTICULAR INDICTMENT ON ONE  
15 OF THE LINES ABOVE.

16 IF THE STATE HAS FAILED AS TO A  
17 PARTICULAR INDICTMENT TO PROVE THE GUILT OF A  
18 DEFENDANT AS TO THAT INDICTMENT BEYOND A REASONABLE  
19 DOUBT YOUR VERDICT WOULD BE TWO WORDS NOT GUILTY. IF  
20 ON THE OTHER HAND THE STATE HAS PROVEN THE GUILT OF A  
21 DEFENDANT AS TO A PARTICULAR INDICTMENT BEYOND A  
22 REASONABLE DOUBT THEN YOUR VERDICT WOULD BE ONE WORD  
23 GUILTY.

24 NOW I'M GOING TO LET YOU GO IN THE  
25 JURY ROOM AND DON'T START DELIBERATING UNTIL YOU HEAR

1 FURTHER FROM ME. THE ALTERNATES JUST STAY IN HERE  
2 PLEASE.

3 (THE JURY EXITS THE COURTROOM AT 04:21  
4 PM.)

5 THE COURT: THE TWO OF YOU, WE'LL BE WITH  
6 YOU IN JUST A MINUTE. ANY EXCEPTIONS FROM THE STATE.

7 MR. THOMPSON: YOUR HONOR, THE ONLY THING  
8 I NOTICED THAT I DIDN'T HEAR THE CHARGE AS TO THE  
9 PARENTS DUTY.

10 THE COURT: YOU ARE RIGHT. I GOT IT AT  
11 THE BOTTOM OF THE PILE AND I DID NOT CHARGE IT. WHEN  
12 I SAW IT, RATHER THAN GO AHEAD AND CHARGE OUT OF  
13 PLACE AND EMPHASIZE IT, I DECIDED THAT THE CHARGE AS  
14 GIVEN WOULD STAND LIKE IT IS, SO I'M AWARE THAT I  
15 LEFT THAT OUT AND FOR THE RECORD I MADE A  
16 CONSCIENTIOUS EFFORT WHEN I REALIZED IT NOT TO STICK  
17 IT AT THE END AND GIVE IT UNDUE NOTICE.

18 MR. THOMPSON: THE ONLY OTHER THING I  
19 NOTICED AS WELL, YOUR HONOR, WAS IN THE CHARGE AS TO  
20 MALICE, I DID NOT HEAR THE LINE THAT MALICE MAY BE  
21 INFERRED FROM CONDUCT SHOWING TOTAL DISREGARD FOR  
22 HUMAN LIFE. I THINK YOU SKIPPED STRAIGHT INTO THE  
23 CAN BE INFERRED BY A DEADLY WEAPON.

24 THE COURT: ARE YOU SAYING I LEFT OUT  
25 WHAT?

1                   MR. THOMPSON: I THINK IT WAS THE SENTENCE  
2                   THAT MALICE MAY BE INFERRED FROM CONDUCT SHOWING A  
3                   TOTAL DISREGARD FOR HUMAN LIFE. IT WOULD BE ON PAGE  
4                   12.

5                   THE COURT: OH, I LEFT THAT OUT ON THAT  
6                   PURPOSE.

7                   MR. THOMPSON: OKAY.

8                   THE COURT: I DID LEAVE THAT. YOU ARE  
9                   RIGHT AND I LEFT THAT OUT ON PURPOSE. OKAY. ALL  
10                  RIGHT. MR. MORTON, ON BEHALF OF MR. COPE.

11                  MR. MORTON: YOUR HONOR, AS FAR AS THE  
12                  VOLUNTARINESS OF THE STATEMENT IN ABOUT JUST ABOUT  
13                  THE LAST PARAGRAPH THAT YOU CHARGED REGARDING  
14                  VOLUNTARINESS OF THE STATEMENT YOU SAID THAT ON THE  
15                  OTHER HAND IF YOU FIND BEYOND A REASONABLE DOUBT THAT  
16                  THE DEFENDANT MADE A STATEMENT THAT THE DEFENDANT BE  
17                  GIVEN THE REQUIRED CONSTITUTIONAL WARNINGS BEFORE  
18                  INTERROGATION AND THAT THE DEFENDANT KNOWINGLY AND  
19                  INTELLIGENTLY WAIVED HIS CONSTITUTIONAL RIGHTS. YOU  
20                  LEFT OUT THE PHRASE AND THEREAFTER GAVE A VOLUNTARY  
21                  STATEMENT AND I DIDN'T HEAR YOU READ THE LAST  
22                  SENTENCE, AND I MAY BE WRONG, THE STATEMENT MAY BE  
23                  CONSIDERED BY YOU TOGETHER WITH ALL THE EVIDENCE --

24                  THE COURT: I AM PRETTY SURE I SAID THAT  
25                  LAST PART. I MAY HAVE LEFT OUT THAT PARTICULAR

1 LANGUAGE BUT I ALREADY SAID IT ABOUT FOUR TIMES AND  
2 SO I'M NOT GOING TO GO BACK AND RECHARGE IT.

3 MR. MORTON: ALL RIGHT, SIR. AND I DIDN'T  
4 HEAR, UNLESS IT CAME UP LATER, I DON'T THINK YOU SAID  
5 INITIALLY ABOUT UNANIMITY.

6 THE COURT: I SAID IT. I'M ALMOST  
7 POSITIVE I SAID IT MORE THAN ONCE. ALL RIGHT. ALL  
8 RIGHT. ANYTHING.

9 MR. GREELEY: YOUR HONOR, WE HAVE NO  
10 ADDITIONS, CORRECTIONS, OR OBJECTIONS TO YOUR CHARGE.

11 THE COURT: ALL RIGHT. CHECK THE EVIDENCE  
12 AND THE INDICTMENTS. NOW THERE SOME AMENDED  
13 INDICTMENTS AND I THINK PULLED OUT ALL THE AMENDED  
14 ONES AND PUT THEM OVER HERE. I'M SENDING IN THE  
15 AMENDED ONES BUT CHECK AND MAKE SURE THE INDICTMENTS  
16 ARE RIGHT AND CHECK.

17 MR. BRACKETT: IF WE COULD APPROACH  
18 FOR ONE MOMENT.

19 THE COURT: YEAH.

20 (BENCH CONFERENCE AT 04:24 PM.)

21 THE COURT: MR. NEIL AND MRS. THOMAS, I'M  
22 GOING TO LET YOU STAY WITH US EVEN THOUGH YOU ARE THE  
23 ALTERNATES AND NOT PARTICIPATING IN THE DELIBERATIONS  
24 AT THIS TIME, THIS HAS BEEN A LONG TRIAL AND IN THE  
25 EVENT WE MAY NEED AN ALTERNATE DURING THE

1 DELIBERATIONS WE'D LIKE TO HAVE YOU AVAILABLE, SO THE  
2 BAILIFFS WILL TAKE YOU DOWN TO THE OTHER JURY ROOM,  
3 IT'S UNLOCKED, THEY WILL PROVIDE COKES AND WHATEVER  
4 ELSE YOU MIGHT WANT WHILE YOU ARE THERE AND  
5 MAGAZINES, SO IF YOU'LL TAKE THEM DOWN TO THE OTHER  
6 JURY ROOM, MR. IVEY.

7 MR. IVEY: ALL RIGHT, SIR.

8 (THE ALTERNATE JURORS EXIT THE  
9 COURTROOM.)

10 THE COURT: IF YOU'LL CHECK THE EVIDENCE  
11 AND MAKE SURE IT IS IN ORDER AND THE INDICTMENTS LIKE  
12 I SAID AND CHECK THE INDICTMENTS CLOSE BECAUSE THERE  
13 WERE SEVERAL THAT WERE AMENDED. I THINK I GOT THEM  
14 ALL AND I THINK I GOT THE RIGHT ONES. WE'LL BE AT  
15 EASE PENDING HEARING FROM THE JURY.

16 (COURT'S IN RECESS AT 04:25 PM.)

17 (COURT RESUMES AT 04:30 PM.)

18 MR. GREELEY: HIS OBJECTION IS IN REGARDS  
19 TO HIS CLIENT, IT DOES NOT AFFECT MINE, SO HIS  
20 PRESENCE IS NOT NECESSARY.

21 THE COURT: YOU WAIVE MR. COPE'S PRESENCE?

22 MR. MORTON: YES.

23 THE COURT: WHAT'S THE PROBLEM.

24 MR. MORTON: YOUR HONOR, ON CRIMINAL  
25 SEXUAL FIRST DEGREE I KNOW IT'S A MINOR THING BUT



1 THIS IS A MAJOR CASE, IT INDICATES THAT BILLY WAYNE  
2 COPE DID IN YORK COUNTY ON OR ABOUT NOVEMBER 29  
3 COMMIT THE CRIME OF CRIMINAL SEXUAL CONDUCT, WAS WITH  
4 MORE OF THE FOLLOWING, THAT BILLY WAYNE COPE USED  
5 AGGRAVATED FORCE TO ACCOMPLISH THE SEXUAL BATTERY, TO  
6 WIT, BILLY WAYNE COPE FORCIBLY CONFINED AMANDA COPE  
7 TO CAUSE HER TO SUBMIT TO THE SEXUAL BATTERY. THE  
8 NEXT PHRASE IS THE PHRASE I OBJECT TO: THE SEXUAL  
9 BATTERY OCCURRED WHEN BILLY WAYNE COPE PENETRATED  
10 AMANDA COPE'S ANUS WITH A FOREIGN OBJECT. I THINK  
11 THE PHRASE THE SEXUAL BATTERY OCCURRED WHEN SHOULD BE  
12 DELETED FROM THE INDICTMENT AND SHOULD START WITH  
13 JUST, JUST LIKE THE OTHER TWO HAVE.

14 THE COURT: I SEE WHAT YOU ARE SAYING BUT  
15 I MEAN AT THIS STAGE I'M NOT GOING TO MAKE ANY  
16 CHANGES IN THE INDICTMENT.

17 MR. MORTON: OKAY. THE INDICTMENT NUMBER,  
18 BOTH OF THE INDICTMENTS THAT I AM COMPLAINING ABOUT  
19 ARE IN REFERENCE TO THE CRIMINAL SEXUAL CONDUCT FIRST  
20 DEGREE.

21 THE COURT: ALL RIGHT. UNLESS THE STATE,  
22 YOU AGREE TO TAKE THAT PART OUT.

23 MR. BRACKETT: MR. THOMPSON IS IN CHARGE  
24 OF THAT. I'M NOT EVEN SURE I --

25 MR. THOMPSON: IT DOESN'T MATTER TO ME,

1 YOUR HONOR.

2 THE COURT: IF IT DOESN'T MATTER LETS TAKE  
3 IT OUT. THAT WILL BE ONE LESS THING.

4 MR. THOMPSON: THAT WILL BE FINE.

5 THE COURT: BY CONSENT THAT PART WILL BE  
6 DELETED AND TAKEN OUT SOMEHOW.

7 (COURT RESUMES AT 05:02 PM AND  
8 DEFENDANTS ARE PRESENT.)

9 THE COURT: IT'S BEEN CALLED TO MY  
10 ATTENTION THAT IN MY SUMMING UP PARAGRAPH OF MY  
11 CONFESSION CHARGE I APPARENTLY DROPPED A SENTENCE.  
12 IT STARTS OFF STATEMENT GIVEN VOLUNTARILY AND THEN I  
13 GO DOWN, I THINK I LEFT OUT, WELL, IT WON'T TAKE TOO  
14 LONG SINCE IT'S BEEN RAISED, I DON'T WANT PCR ISSUES  
15 AND ALL OF THAT, SINCE IT'S BEEN RAISED.

16 MR. THOMPSON: I WOULD ASK THAT IF WE'RE  
17 GOING TO BRING THEM BACK IN IF WE COULD ALSO READ THE  
18 PARENTS DUTY CHARGE.

19 THE COURT: I'M NOT GOING DO THAT BUT  
20 THANK YOU FOR ASKING. BRING IN THE JURY AND THE  
21 ALTERNATES.

22 (THE JURY RETURNS TO THE COURTROOM AT  
23 05:05 PM.)

24 THE COURT: MEMBERS OF THE JURY PANEL, I  
25 HADN'T FORGOTTEN ABOUT YOU, BUT WE HAVE TO BEFORE WE

1 SEND IN THE EXHIBITS, MAKE SURE THAT EVERY ONE IS  
2 THERE AND NOTHING IS IN THERE THAT SHOULDN'T BE AND  
3 AS MANY AS WE'VE HAD IT'S TAKEN A LITTLE WHILE,  
4 THAT'S WHAT WE'VE BEEN DOING. WE HADN'T JUST  
5 FORGOTTEN ABOUT YOU. BUT I WANTED TO FOLLOW UP, I  
6 LEFT, PERHAPS DROPPED A WORD OR SO WHEN I HAD GIVEN  
7 YOU MY LAST PART OF MY CHARGE REGARDING THE  
8 VOLUNTARINESS OF A STATEMENT. I WENT THROUGH, HAD TO  
9 BE GIVEN CONSTITUTIONAL, WHAT WE CALL MIRANDA  
10 WARNINGS, THE RIGHTS, HE HAD TO WAIVE THOSE RIGHTS,  
11 THAT HE HAD TO CONSIDER A STATEMENT THAT HAD TO BE  
12 GIVEN FREELY AND VOLUNTARILY. SO LET ME JUST SUM UP  
13 WITH REGARD TO THE ALLEGED STATEMENT OF MR. COPE I  
14 INSTRUCT YOU THAT THE STATE MUST PROVE BY EVIDENCE  
15 EACH AND EVERY REQUIREMENT AS TO WHICH I INSTRUCTED  
16 YOU EARLIER. SUCH PROOF MUST BE BEYOND A REASONABLE  
17 DOUBT BEFORE YOU MAY CONSIDER THE ALLEGED STATEMENT  
18 AS OR CONFESSION AS EVIDENCE IN THIS CASE. ABSENT  
19 ANY OF ONE REQUIREMENTS ABOUT WHICH I HAVE INSTRUCTED  
20 YOU, THE ALLEGED STATEMENT MUST BE DISREGARDED  
21 COMPLETELY AND YOU WILL AFFORD NO EVIDENTIARY WEIGHT  
22 WHATSOEVER TO IT OR ANY PART OF IT. ON THE OTHER  
23 HAND, IF YOU FIND BEYOND A REASONABLE DOUBT THAT MR.  
24 COPE MADE THE STATEMENT, THAT HE WAS GIVEN THE  
25 REQUIRED CONSTITUTIONAL WARNINGS BEFORE

1 INTERROGATION, THAT HE KNOWINGLY AND INTELLIGENTLY  
2 WAIVED HIS CONSTITUTIONAL RIGHTS AND THEREAFTER GAVE  
3 A VOLUNTARY STATEMENT, THE STATEMENT MAYBE CONSIDERED  
4 BY YOU TOGETHER WITH ALL THE OTHER EVIDENCE IN THE  
5 CASE AND GIVEN SUCH WEIGHT AND SUCH VALUE AND SUCH  
6 EFFECT AS IN WHOLE OR ANY PART THEREOF TO WHICH YOU  
7 CONCLUDE IT IS ENTITLED. SO I WILL LET YOU GO BACK  
8 IN THE JURY ROOM NOW AND SEND IN THE EVIDENCE AND THE  
9 INDICTMENTS. STILL DON'T START DELIBERATING UNTIL  
10 YOU GET THOSE. THE ALTERNATES WILL GO BACK TO THE  
11 OTHER JURY ROOM.

12 MR. IVEY: ALL RIGHT.

13 THE COURT: OTHER THAN THE PARENTS DUTY,  
14 ANYTHING ELSE FROM THE STATE.

15 MR. THOMPSON: NOTHING.

16 THE COURT: ANYTHING FROM MR. COPE.

17 MR. MORTON: NO, SIR, YOUR HONOR.

18 MR. GREELEY: NO, YOUR HONOR.

19 THE COURT: WE'LL SEND IN THE EXHIBITS AND  
20 VERDICT FORM AND TELEVISION AND THE BOOM BOX AND  
21 WE'LL BE AT EASE. COULD I SEE COUNSEL JUST FOR A  
22 MINUTE.

23 MR. POPE: YES, SIR. I WAS JUST GOING  
24 TO PUT ON THE RECORD THAT MR. SANDERS INDICTMENTS  
25 WERE AMENDED SIMILAR TO MR. COPE INDICTMENTS.

1                   MR. GREELEY: THAT IS CORRECT AND THAT WAS  
2 WITH MY CONSENT.

3                   THE COURT: OKAY.

4                   (COURT'S IN RECESS AND THE JURY BEGINS  
5 DELIBERATIONS AT 05:08 PM.)

6                   (THE JURY RETURNS TO THE COURTROOM AT 7:45  
7 AND THE REQUESTED TESTIMONY WAS READ BACK BY THE  
8 COURT REPORTER AND THE JURY EXITED AND CONTINUES  
9 DELIBERATING.)

10                  THE COURT: FOR THE RECORD, THAT WAS FOR  
11 LOGISTICAL PURPOSES I DIDN'T REFERENCE THE NOTE.  
12 PRIOR TO THE READING BACK OF THE TESTIMONY BUT WE HAD  
13 PRIOR TO THAT TIME RECEIVED A NOTE ASKING FOR A  
14 PORTION, ACTUALLY ASKED FOR, THE INITIAL NOTE I  
15 BELIEVE ASKED FOR DR. MAYNARD'S TESTIMONY INVOLVING  
16 THE BITE MARK, TIME FRAME BASICALLY, AND WE SENT BACK  
17 A NOTE ASKING THAT BE MORE SPECIFIC. THE NOTE SPEAKS  
18 FOR ITSELF, ALL THE COUNSEL HAS SEEN IT, SO THAT  
19 TESTIMONY IS READ BACK IN RESPONSE TO THAT NOTE.  
20 ANYTHING FROM THE STATE AT THIS POINT?

21                  MR. THOMPSON: NO, YOUR HONOR.

22                  MR. BAITY: NOTHING FROM US.

23                  MR. GREELEY: NOTHING FROM MR. SANDERS.

24                  THE COURT: WE'LL BE AT EASE.

25                  (COURT'S IN RECESS AT 07:54 PM AND

1 JURY NOTE MARKED COURT EXHIBIT NUMBER.)

2 (COURT RESUMES AT 08:18 PM.)

3 THE COURT: THE COURT REPORTER HAS FOUND  
4 THE TESTIMONY THAT THE JURY WANTS AT THIS TIME AND I  
5 BELIEVE EVERYBODY HAS HAD A CHANCE TO LOOK AT THE  
6 NOTE, IS THAT CORRECT?

7 MR. BRACKETT: THAT'S CORRECT.

8 MR. BAITY: YES, SIR.

9 MR. GREELEY: YES, SIR.

10 THE COURT: ALL RIGHT. BRING IN THE JURY.

11 (THE JURY RETURNS TO THE COURTROOM AT  
12 08:18 PM.)

13 THE COURT: I BELIEVE WE HAVE IT CUED UP.

14 (THE REQUESTED TESTIMONY IS PLAYED FOR THE  
15 JURY.)

16 THE COURT: RETURN TO THE JURY ROOM AND  
17 LET US KNOW IF YOU NEED ANYTHING ELSE.

18 (THE JURY EXITS THE COURTROOM AT 08:29  
19 PM.)

20 THE COURT: ANYTHING FROM THE STATE.

21 MR. BRACKETT: NO, SIR, YOUR HONOR.

22 MR. BAITY: I COULDN'T, I DON'T HEAR WELL  
23 BUT SHE WAS MAKING ADJUSTMENTS AT THE BEGINNING OF  
24 THAT AND IT WAS BOOMY AND I COULDN'T MAKE IT OUT.  
25 NOW I'M NOT THE PROPER JUDGE HERE BUT I COULDN'T

1 UNDERSTAND BUT ABOUT EVERY SECOND OR THIRD WORD TO BE  
2 HONEST WITH YOU. I GUESS THE JURY WOULD HAVE  
3 COMPLAINED BUT I'M NOT REAL SURE THEY UNDERSTOOD. I  
4 SAW A COUPLE OF THEM STRAINING SO PERHAPS. I WOULD  
5 ASK THAT THE COURT INQUIRE IF THEY FULLY UNDERSTOOD  
6 AT LEAST THE INITIAL PORTION OF THAT TAPE.

7 THE COURT: WELL, IT WAS, SOME OF IT WAS  
8 PRETTY HARD TO HEAR. I TRIED TO WATCH THE JURY, IT'S  
9 KIND OF HARD TO TELL IF SOMEBODY IS HEARING OR NOT,  
10 BUT THAT WAS ONE PARTICULAR REASON OF COURSE I  
11 USUALLY MAKE SOME COMMENT TO THE SAME EFFECT THAT I  
12 TOLD THEM IF THERE IS ANYTHING ELSE THEY WANTED TO  
13 HEAR AND THEY DIDN'T SAY THEY WANTED TO HEAR THIS  
14 AGAIN. IF THEY WANT TO HEAR ANYTHING ELSE THEY WILL  
15 LET US KNOW. ANYTHING FROM MR. GREELEY.

16 MR. GREELEY: NOTHING FROM MR. SANDERS.

17 THE COURT: ALL RIGHT. THANK YOU. WE'LL  
18 BE AT EASE.

19 (COURT'S IN RECESS AT 08:30 PM.)

20 (COURT RESUMES AT 09:47 PM AND ALL THE  
21 PARTIES ARE PRESENT.)

22 THE COURT: COUNSEL AND THE DEFENDANTS ARE  
23 PRESENT. I UNDERSTAND THE JURY HAS REACHED A  
24 VERDICT. I WOULD LIKE TO, THERE ARE QUITE A FEW  
25 SPECTATORS AND THAT'S FINE, BUT IF ANYBODY IS HERE

1 AND I HAVE NO IDEA OF COURSE WHAT THE VERDICT IS, BUT  
2 IF THERE IS ANYBODY HERE WHO CANNOT CONTROL THEIR  
3 EMOTIONS I SUGGEST YOU GO AHEAD AND LEAVE AT THIS  
4 TIME BECAUSE WHATEVER THE VERDICT IS, IF WE HAVE ANY  
5 KIND OF OUTBURSTS OR SHOWING OF EMOTIONS TO THE  
6 EXTENT THAT IT WOULD DISRUPT THE COURT WHICH WOULD  
7 MEAN JUST ABOUT ANYTHING THEN I WILL HAVE TO HAVE YOU  
8 PLACED IN THE HOLDING CELL BECAUSE YOU'LL BE IN  
9 CONTEMPT OF COURT. SO IF YOU COULDN'T CONTROL YOUR  
10 EMOTIONS DON'T STAY IN FOR READING OF THE VERDICT.  
11 ALL RIGHT. BRING IN THE JURY.

12 (THE JURY RETURNS TO THE COURTROOM AT  
13 09:50 PM.)

14 THE COURT: MR. FOREMAN, I UNDERSTAND THE  
15 JURY HAS REACHED VERDICT.

16 MR. FOREMAN: YES, YOUR HONOR.

17 THE COURT: IF YOU'LL HAND UP THEM TO THE  
18 BAILIFF. HE WILL HAND THEM UP TO ME.

19 (THE VERDICT IS HANDED TO THE COURT AT  
20 09:51 PM.)

21 THE CLERK: 2002-46-3232 THE STATE OF  
22 SOUTH CAROLINA VERSUS BILLY WAYNE COPE CHARGED WITH  
23 MURDER VERDICT IS GUILTY SIGNED BY THE FOREPERSON AND  
24 DATED SEPTEMBER 22, 2004.

25 DOCKET NUMBER 2002-GS-46-3432 THE



1 STATE OF SOUTH CAROLINA VERSUS BILLY WAYNE COPE  
2 INDICTED FOR CRIMINAL SEXUAL CONDUCT VERDICT IS  
3 GUILTY SIGNED BY THE FOREPERSON AND DATED TODAY'S  
4 DATE.

5 2002-GS-46-3233 THE STATE OF SOUTH  
6 CAROLINA VERSUS BILLY WAYNE COPE CRIMINAL SEXUAL  
7 CONDUCT VERDICT IS GUILTY SIGNED BY THE FOREPERSON  
8 AND DATED TODAY'S DATE.

9 2004-GS-46-200 THE STATE OF SOUTH  
10 CAROLINA VERSUS BILLY WAYNE COPE INDICTMENT FOR  
11 CRIMINAL CONSPIRACY THE VERDICT IS GUILTY SIGNED BY  
12 THE FOREPERSON AND DATED TODAY'S DATE.

13 2004-GS-46-2614 THE STATE OF SOUTH  
14 CAROLINA VERSUS BILLY WAYNE COPE INDICTED FOR  
15 UNLAWFUL CONDUCT TOWARDS A CHILD VERDICT IS GUILTY  
16 SIGNED BY THE FOREPERSON AND DATED TODAY'S DATE.

17 LADIES AND GENTLEMEN OF THE JURY, IF THIS BE YOUR  
18 VERDICTS PLEASE SAY SO BY RAISING YOUR RIGHT HAND.  
19 LET THE RECORD REFLECT ALL JURORS AFFIRM THIS  
20 VERDICT.

21 2004-GS-46-196 THE STATE OF SOUTH  
22 CAROLINA VERSUS JAMES EDWARD SANDERS FOR MURDER THE  
23 VERDICT IS GUILTY SIGNED BY THE FOREPERSON DATED  
24 TODAY'S DATE.

25 2004-GS-46-198 THE STATE OF SOUTH

1 CAROLINA VERSUS JAMES EDWARD SANDERS INDICTED FOR  
2 CRIMINAL SEXUAL CONDUCT FIRST DEGREE THE VERDICT IS  
3 GUILTY SIGNED THE FOREPERSON AND DATED TODAY'S DATE.

4 2004-GS-46-197 THE STATE OF SOUTH  
5 CAROLINA VERSUS JAMES EDWARD SANDERS FOR CRIMINAL  
6 SEXUAL CONDUCT FIRST DEGREE THE VERDICT IS GUILTY  
7 SIGNED BY THE FOREPERSON DATED SEPTEMBER 22, 2004.

8 2004-GS-46-199 THE STATE OF SOUTH CAROLINA  
9 VERSUS JAMES EDWARD SANDERS FOR CRIMINAL CONSPIRACY  
10 THE VERDICT IS GUILTY SIGNED BY THE FOREPERSON DATED  
11 TODAY'S DATE.

12 LADIES AND GENTLEMEN OF THE JURY, IF  
13 THESE BE YOUR VERDICTS PLEASE SAY SO BY RAISING YOUR  
14 RIGHT HAND. LET THE RECORD REFLECT ALL JURORS AFFIRM  
15 THESE VERDICTS.

16 THE COURT: ANYTHING FROM THE STATE BEFORE  
17 THE JURY IS DISMISSED.

18 MR. BRACKET: NOTHING FROM THE STATE, YOUR  
19 HONOR.

20 THE COURT: ANYTHING.

21 MR. MORTON: WE REQUEST THE JURY BE  
22 POLLED.

23 THE COURT: ANYTHING ON BEHALF OF  
24 MR. SANDERS.

25 MR. GREELEY: GIVEN MR. COPE'S REQUEST,

1 NO.

2 THE COURT: MEMBERS OF THE JURY, THE CLERK  
3 IS GOING TO ASK YOU A QUESTION ABOUT YOUR VERDICT AND  
4 SORT OF CONFIRMATION OR IF IT'S NOT YOUR VERDICT OF  
5 COURSE YOU WON'T CONFIRM IT. IT'S CALLED POLLING OF  
6 THE JURY. SO IF YOU WILL LISTEN TO THE QUESTION AND  
7 FOLLOW THE INSTRUCTIONS GIVEN AND RESPOND  
8 APPROPRIATELY TO THE QUESTION POSED TO YOU. ALL  
9 RIGHT, MADAM CLERK.

10 (THE JURY IS POLLED AND ALL AFFIRM THE  
11 VERDICT.)

12 THE COURT: ALL RIGHT. ANYTHING ELSE FROM  
13 THE STATE.

14 MR. BRACKETT: NOTHING FROM THE STATE.

15 THE COURT: ANYTHING BEFORE THE JURY IS  
16 DISMISSED ON BEHALF OF MR. COPE.

17 MR. MORTON: NO, SIR.

18 THE COURT: ANYTHING.

19 MR. GREELEY: NO, YOUR HONOR.

20 THE COURT: ALL RIGHT. I WANT TO AGAIN  
21 THANK YOU FOR YOUR TIME AND YOUR PATIENCE. IT HAS  
22 BEEN A LONG TRIAL. YOU HAVE THE RIGHT TO REFUSE TO  
23 DISCUSS THIS CASE WITH ANYONE, BUT YOU HAVE A RIGHT  
24 TO DISCUSS THE CASE WITH ANYONE IF YOU WISH. THAT  
25 IS, THERE IS NO PROHIBITION AGAINST SOMEONE ASKING

1 YOU ABOUT THIS CASE, BUT THERE IS NO REQUIREMENT THAT  
2 YOU RESPOND TO THEM OTHER THAN TO SAY I DON'T WANT TO  
3 TALK ABOUT IT. THAT'S YOUR CHOICE. IF SOMEONE WERE  
4 TO ASK YOU TO DISCUSS THE CASE WITH YOU AND YOU TELL  
5 THEM YOU PREFER NOT TO IF THEY PERSIST IN TRYING TO  
6 DISCUSS THE CASE WITH YOU CALL THE CLERK OF COURT'S  
7 OFFICE AND REPORT THAT AND HOPEFULLY GIVING THAT  
8 PERSON'S NAME. I'M NOT GOING TO REQUIRE YOU TO STAY  
9 FOR THE SENTENCING, IT HAS BEEN A LONG TRIAL,  
10 HOWEVER, IF ANY OF YOU WISH TO BE HERE FOR THE  
11 SENTENCING WHEN YOU LEAVE YOU CAN COME BACK AROUND  
12 AND I'LL ASK THE BACK COUPLE ROWS BE CLEARED IF ANY  
13 OF YOU WISH TO BE HERE FOR THE SENTENCING. LIKE I  
14 SAID I'M NOT GOING TO REQUIRE YOU TO STAY BUT YOU CAN  
15 COME AROUND TO THE FRONT AND COME IN AND SIT OUT  
16 THERE.

17 NOW I DO HAVE, MY CLERK HAS SOMETHING  
18 TO HAND TO YOU ON THE WAY OUT AND BUT I THINK THEY  
19 WANT YOU TO LEAVE YOUR BADGE AND AGAIN THANK YOU FOR  
20 YOUR TIME ON BEHALF OF EVERYONE INVOLVED AND THE  
21 COUNTY. ALL RIGHT. YOU MAY BE DISMISSED.

22 (THE JURY EXITS THE COURTROOM.)

23 (THE ALTERNATE JURORS ENTER THE  
24 COURTROOM AND ARE EXCUSED.)

25 THE COURT: ANYTHING ON BEHALF OF THE

1 STATE AT THIS TIME, NOT FOR SENTENCING BUT ANY KIND  
2 OF MOTIONS.

3 MR. BRACKETT: NO, SIR.

4 THE COURT: ON BEHALF OF MR. COPE.

5 MR. MORTON: WE RENEW ALL OUR MOTIONS WE  
6 MADE AT THE DIRECTED VERDICT STAGE AND AT THE END OF  
7 THE STATE'S CASE.

8 THE COURT: MOTIONS ARE DENIED. MR.  
9 GREELEY.

10 MR. GREELEY: YOUR HONOR, I WOULD --

11 MR. MORTON: WE MAKE A MOTION FOR A NEW  
12 TRIAL.

13 THE COURT: THAT MOTION IS DENIED.

14 MR. GREELEY: YOUR HONOR, IF I WOULD LIKE,  
15 IF I MAY, TO INVOKE RULE 29 OF SOUTH CAROLINA  
16 CRIMINAL RULES OF PROCEDURE AND ALLOW US TEN DAYS TO  
17 FILE OUR POST TRIAL MOTIONS WITH THE COURT. THAT  
18 RULE PROVIDES US UP TO TEN DAYS FROM THE TIME OF  
19 SENTENCING. IN THE ALTERNATIVE I WILL RENEW MY  
20 MOTIONS FOR A DIRECTED VERDICT.

21 THE COURT: THIS CASE HAS TAKEN A GOOD  
22 WHILE, AND I WANT TO GO THROUGH, I DON'T WANT TO  
23 DEFER SENTENCING, SO I'M NOT GOING TO GRANT YOU TEN  
24 DAYS.

25 MR. GREELEY: IT'S MY UNDERSTANDING THE

1           RULE SAYS TEN DAYS FROM THE IMPOSITION OF SENTENCE.

2                   THE COURT:   RULE 29.

3                   MR. GREELEY:   YES.   RULE 29 (A) EXCEPT FOR  
4           MOTIONS FOR NEW TRIAL BASED ON AFTER DISCOVERED  
5           EVIDENCE POST TRIAL MOTIONS SHALL BE MADE WITHIN TEN  
6           DAYS AFTER IMPOSITION OF SENTENCING, SO SENTENCING  
7           CAN GO FORWARD.   IT ALSO ALLOWS FOR THE COURT TO  
8           RETAIN JURISDICTION.

9                   THE COURT:   WELL, I'LL GRANT THE MOTION  
10          THEN.   ALL RIGHT.

11                  MR. GREELEY:   THANK YOU.

12                  THE COURT:   SO YOU CAN FILE MOTIONS UP TO  
13          TEN DAYS.   ALL RIGHT.   YOU WANT TO BRING THE  
14          DEFENDANTS AROUND, JUST DO IT ONE AT A TIME.   WE'LL  
15          DO MR. COPE FIRST.   DO YOU HAVE SENTENCING SHEETS.

16                  MR. THOMPSON:   YES, YOUR HONOR.

17                  MR. POPE:   MAY IT PLEASE THE COURT, AT THE  
18          APPROPRIATE TIME MEMBERS OF MARY SUE'S FAMILY ARE  
19          PRESENT AND WOULD LIKE TO ADDRESS THE COURT AT THE  
20          APPROPRIATE TIME.

21                  THE COURT:   ALL RIGHT.   FIRST, MR. COPE,  
22          YOU OF COURSE HAVE BEEN FOUND GUILTY OF THESE CHARGES  
23          MURDER, CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE  
24          TWO COUNTS, AND CONSPIRACY AND UNLAWFUL NEGLIGENCE.   I'M  
25          GOING TO HEAR FROM YOUR ATTORNEY IN A MINUTE AND I'M

1 GOING TO HEAR FROM YOU BUT FIRST I AM GOING TO HEAR  
2 FROM THE STATE TO SEE IF THEY HAVE ANYTHING TO TELL  
3 ME AS FAR AS, I ALREADY KNOW ABOUT YOUR PRIOR RECORD,  
4 I'M GOING TO CONFIRM THAT I HAVE GOT THE RIGHT  
5 INFORMATION. I BELIEVE IT'S THREE COUNTS OF UNLAWFUL  
6 NEGLECT IN '99 WITH YOU AND YOUR WIFE, YOUR LATE WIFE  
7 BEING THE DEFENDANTS. BUT I'M GOING TO ASK THE STATE  
8 TO TELL ME ANYTHING IT WISHES AT THIS TIME REGARDING  
9 SENTENCING AND I'LL HEAR FROM THE VICTIMS AT THIS  
10 TIME. THE VICTIM SURVIVORS.

11 MR. BRACKETT: PERHAPS WE'LL DO THE  
12 VICTIMS FIRST AND THEN I CAN MAKE A FEW COMMENTS  
13 AFTER THAT.

14 MR. POPE: YOUR HONOR, THIS WOULD BE MACK  
15 AND VICKIE DAVIS. MACK BEING M-A-C-K AND VICKIE  
16 V-I-C-K-I-E. DAVIS. AND MR. DAVIS WAS MARY SUE'S  
17 FATHER SO HE WOULD BE THE GRANDFATHER OF THE GIRLS  
18 AND VICKIE IS THE STEP-GRANDMOTHER.

19 THE COURT: I'M GOING TO ASK YOU TO SPEAK  
20 A LITTLE LOUD BUT I HEARD. YES, SIR.

21 MR. DAVIS: YOUR HONOR, I AM PLEASED  
22 TO BE HERE AND GET CLOSURE AFTER NEARLY THREE YEARS  
23 NOT ESPECIALLY FOR ME BUT FOR MY TWO GRANDDAUGHTERS  
24 IN NORTH CAROLINA AND REMEMBER THE NIGHT, THE SWEET  
25 MEMORIES THAT I HAVE OF AMANDA. AS HAS BEEN BROUGHT

1       OUT ABOUT HER BEING A VIOLIN PLAYER, I'M SURE THAT  
2       SHE'S PLAYING IN A DIFFERENT LAND TONIGHT.  AND A LOT  
3       OF PEOPLE ASK ME MR. DAVIS, HOW DO YOU MAKE IT.  BY  
4       THE GRACE OF GOD.  YOU LOSE A DAUGHTER, YOU LOSE A  
5       GRANDDAUGHTER 28 WEEKS APART, THAT'S A LOT ON A MAN.  
6       BUT I BEGIN TO THINK OF MY GRANDDAUGHTERS IN NORTH  
7       CAROLINA AND THEY LOST THEIR MOMMA, THEY LOST A  
8       SISTER, AND AS OF TONIGHT I WOULD LIKE TO THANK THE  
9       COURT, FOR EVERYONE THAT'S HAD A PART OF IT, EVERYONE  
10      ELSE, THE PROSECUTION, DETECTIVES, STATE, EVERYONE  
11      THAT'S HAD A PART, I WOULD LIKE TO THANK YOU, THAT WE  
12      MAY GET CLOSURE AND MOVE ON FOR OUR GRANDDAUGHTERS  
13      SAKE.  MY HOPE IS THAT THEY PROSPER, THAT THEY WILL  
14      BE GREAT, THEY WILL BE ABLE TO PUT THIS BEHIND THEM,  
15      AND BE ABLE TO LOOK FORWARD AND HAVE A GREAT LIFE.  
16      THANK YOU FOR YOUR TIME, SIR.

17                   THE COURT:  THANK YOU.  MRS. DAVIS.

18                   MRS. DAVIS:  I JUST WANT TO SAY, YOUR  
19      HONOR, THAT I DIDN'T LOOK AT THE PICTURE THAT WERE  
20      PUT UP THERE OF AMANDA, WE DIDN'T CHOOSE TO VIEW HER  
21      BODY, AND I WISH THAT EVERYBODY IN THIS COURTROOM  
22      TONIGHT INSTEAD OF HAVING A VISION OF AMANDA LIKE SHE  
23      WAS FOUND THAT MORNING, HAVING THE VISION OF THE FOUR  
24      YEAR OLD GIRL THAT GOT TO SPEND TWO WEEKS WITH US ONE  
25      SUMMER, A BEAUTIFUL CHILD, WE TOOK AND BOUGHT HER NEW



1 CLOTHES. SHE GOT TO PICK OUT CLOTHES, LOVING CHILD,  
2 WOULD NEVER HURT ANYBODY. SHE WOULD NEVER HURT  
3 ANYBODY AND HOW ANYBODY COULD EVER HURT HER IS WHAT  
4 YOU CAN'T UNDERSTAND. AND THIS IS NOT ABOUT ME.  
5 IT'S HURT ME AND I'VE WATCHED MY HUSBAND GET UP AT  
6 NIGHT AFTER NIGHTMARES OF THE VISIONS OF THINGS WE  
7 HEARD THAT WAS DONE TO THAT CHILD THAT NIGHT AND NO  
8 TELLING HOW MANY OTHER NIGHTS SHE SUFFERED AT THE  
9 HANDS OF HER OWN FATHER. I JUST ASK YOUR HONOR THAT  
10 YOU GIVE THEM TO THE FULL EXTENT OF THE LAW THE  
11 PUNISHMENT. I'VE HEARD ABOUT POOR OLD BILLY IN JAIL  
12 FOR THREE YEARS. POOR OLD AMANDA AND NO TELLING HOW  
13 MANY TIMES SHE SUFFERED AT HIS HAND. THAT'S WHERE MY  
14 HEART IS TONIGHT. AND I KNOW THAT SHE'S WALKING ON  
15 STREETS OF GLORY. SHE NEVER HAD NOTHING IN THIS LIFE  
16 BUT SHE HAS IT ALL TONIGHT AND NOBODY CAN EVER TAKE  
17 IT AWAY FROM HER. I JUST THANK EVERYBODY. EVERYBODY  
18 HAS BEEN NICE TO US DOWN HERE AND I WISH Y'ALL WELL  
19 AND I HOPE WE CAN ALL GET THIS BEHIND US. IT WILL  
20 ALWAYS BE A PART OF OUR LIFE BUT IT WILL GIVE US SOME  
21 CLOSURE AND THE OTHER TWO GIRLS I THINK IT IS GOING  
22 TO MAKE THEM FEEL SAFER AND GIVE THEM SOME CLOSURE TO  
23 WHERE THEY CAN GO ON IN THEIR LIVES. THANK YOU, YOUR  
24 HONOR.

25 THE COURT: THANK YOU. ALL RIGHT.

1 MR. BRACKETT, ANYTHING ELSE?

2 MR. BRACKETT: YES, YOUR HONOR. I KNOW  
3 YOU ARE FAMILIAR WITH THE FACTS OF THE THREE UNLAWFUL  
4 NEGLECTS FROM 1999. THOSE CHILDREN AT THAT TIME WERE  
5 OF COURSE LIVING UNDER SQUALID CONDITIONS; NO  
6 BATHROOM, USING BUCKETS TO GO TO THE BATHROOM AND  
7 BOTTLES OF URINE PILED UP IN THE HOUSE. IT WAS EVERY  
8 BIT AS DEPLORABLE OR MORE THAN THE CIRCUMSTANCES AT  
9 407 RICH STREET. TWO YEARS LATER WHILE ON PROBATION  
10 FOR THAT OFFENSE, MR. COPE HAS HIS CHILDREN LIVING IN  
11 THE SAME TYPE OF CIRCUMSTANCES, HE OBVIOUSLY DIDN'T  
12 LEARN FROM HIS FIRST EXPERIENCE IN THIS COURTROOM. I  
13 CAN'T ADD ANYTHING MORE. YOU'VE HEARD ALL THE FACTS  
14 AND CIRCUMSTANCES OF THIS CASE. I'VE BEEN  
15 PROSECUTING FOR 13 YEARS, THERE IS ONLY ONE CASE THAT  
16 IS AS BAD AS THIS ONE AND ALL THAT TIME THE CASE OF  
17 BABY JARRELL AND OF COURSE THIS CASE TAKES A TOLL ON  
18 EVERYBODY WHO HAS TO WORK WITH THESE FACTS AND  
19 CIRCUMSTANCES AND DEAL WITH THIS TRAGEDY. THIS, I  
20 CAN'T CONCEIVE OF A MORE HORRENDOUS SET OF FACTS. I  
21 CAN'T CONCEIVE OF A MORE HORRIBLE WAY FOR A CHILD TO  
22 DIE THAN AT THE HANDS OF HER FATHER UNDER THESE  
23 CIRCUMSTANCES AND THE BRUTALITY OF THIS ATTACK CAN  
24 ONLY LEAVE TO ONE SENTENCE IN A CASE LIKE THIS AND  
25 THE STATE BELIEVES THAT MR. COPE SHOULD BE SENTENCED

1 TO PRISON FOR THE REMAINDER OF HIS NATURAL LIFE  
2 WITHOUT POSSIBILITY OF PAROLE.

3 THE COURT: ALL RIGHT. MR. MORTON, I'LL  
4 BE GLAD TO HEAR FROM YOU, ANYONE ELSE, AND THEN MR.  
5 COPE.

6 MR. MORTON: YOUR HONOR, WE TOO RESPECT  
7 AMANDA, JESSICA AND KYLA, THE THREE CHILDREN WHO  
8 BILLY COPE LOVED VERY MUCH WITH ALL HIS HEART. BILLY  
9 COPE IS INNOCENT, WILL NEVER EVER QUIT FIGHTING TO  
10 SHOW THAT HE'S INNOCENT.

11 THE COURT: ALL RIGHT. MR. COPE, I'LL BE  
12 GLAD NOW TO HEAR FROM YOU IF YOU HAVE ANYTHING YOU  
13 WISH TO SAY.

14 MR. COPE: I JUST WANT TO SAY, YOUR HONOR,  
15 THAT I'M INNOCENT. I'M INNOCENT. I DIDN'T DO  
16 ANYTHING. THAT MAN BROKE IN MY HOME, KILLED MY  
17 DAUGHTER, I DIDN'T DO ANYTHING. MY HOUSE WAS A MESS,  
18 YES, SIR, THAT IS THE TRUTH. BUT NO, SIR, I DIDN'T  
19 KILL MY DAUGHTER. I DIDN'T KILL MY DAUGHTER.

20 THE COURT: ALL RIGHT. SENTENCE FOR  
21 MURDER IS LIFE IMPRISONMENT. SENTENCE ON CRIMINAL  
22 SEXUAL CONDUCT FIRST DEGREE 2002-3234 IS THE  
23 INDICTMENT NUMBER AND THAT'S FOR 30 YEARS AND THAT IS  
24 CONSECUTIVE TO THE LIFE SENTENCE. THE OTHERS ARE ALL  
25 TO RUN CONCURRENTLY TO THE LIFE SENTENCE. THE

1 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE ON 3233  
2 IS FOR 30 YEARS, CONSPIRACY FIVE YEARS, UNLAWFUL  
3 NEGLECT TEN YEARS. YOU'LL BE GIVEN CREDIT FOR THE  
4 TIME YOU HAVE SERVED WHILE YOU WERE AWAITING TRIAL.  
5 YOU UNDERSTAND THAT, MR. COPE?

6 MR. COPE: YES, SIR.

7 THE COURT: ALL RIGHT.

8 MR. MORTON: THANK YOU, YOUR HONOR.

9 THE COURT: BRING MR. SANDERS AROUND.

10 MR. GREELEY, IF YOU AND MR. SANDERS WILL SIGN THOSE  
11 SENTENCE SHEETS.

12 MR. POPE: WHILE THEY ARE SIGNING THAT TOO  
13 I WANT TO CALL TO THE COURT'S ATTENTION MARY SUE'S  
14 SISTER ANN AND HER HUSBAND THOMAS ARE HERE ALSO.  
15 THEY DID NOT WISH TO SPEAK, BUT THEY HAVE BEEN  
16 PRESENT WITH THE FAMILY AND I JUST WANTED TO  
17 ACKNOWLEDGE THAT THEY WERE NOTIFIED.

18 THE COURT: I'M SORRY. I DIDN'T MEAN TO  
19 PASS OVER THEM.

20 MR. POPE: IT WAS MY FAULT.

21 THE COURT: MR. THOMPSON.

22 MR. THOMPSON: MAY IT PLEASE THE COURT.  
23 AS TO MR. SANDERS' PRIOR RECORD. HIS FIRST FELONY  
24 CONVICTION BEING IN NORTH CAROLINA 1981 FOR RECEIVING  
25 STOLEN GOODS. THEN HE'S IN SOUTH CAROLINA 1983

1 BREAKING AND ENTERING, A SECOND COUNT OF BREAKING AND  
2 ENTERING, A THIRD COUNT OF BREAKING AND ENTERING. A  
3 FOURTH COUNT OF BREAKING AND ENTERING. THEN IN '99  
4 SHOPLIFTING.

5 THEN THERE WAS A NORTH CAROLINA RECORD  
6 OUT OF MECKLENBURG COUNTY. IN 1992 TWO COUNTS OF  
7 BREAKING AND ENTERING FELONY AND LARCENY. IN 1994  
8 BREAKING AND ENTERING FELONY. ANOTHER COUNT OF  
9 BREAKING AND ENTERING FELONY AND FELONY LARCENY. IN  
10 2001 BREAKING AND ENTERING FELONY. ANOTHER COUNT OF  
11 BREAKING AND ENTERING FELONY. ANOTHER COUNT OF  
12 BREAKING AND ENTERING FELONY.

13 AS YOU KNOW, YOUR HONOR, HE WAS  
14 RELEASED JUST MONTHS BEFORE THIS CRIME OCCURRED FROM  
15 HIS INCARCERATION IN NORTH CAROLINA.

16 THE COURT: ALL RIGHT. ANYBODY WISH TO  
17 SPEAK, THE VICTIM?

18 MR. POPE: NO, SIR. I THINK WE'LL STAND  
19 ON WHAT THEY'VE ALREADY SAID, YOUR HONOR.

20 THE COURT: ANYTHING ELSE FROM THE STATE.

21 MR. THOMPSON: YOUR HONOR, AS WELL WITH  
22 MR. SANDERS THE STATE WOULD ASK THAT HE AS WELL  
23 BECAUSE OF THE NATURE OF THE CRIME AND THE FACTS OF  
24 THIS CASE ALONG WITH HIS PRIOR RECORD THAT HE RECEIVE  
25 A LIFE SENTENCE AS MR. COPE WITH LIFE IMPRISONMENT

1 WITHOUT POSSIBILITY OF PAROLE.

2 THE COURT: MR. GREELEY, I'LL BE GLAD TO  
3 HEAR FROM YOU THEN FROM MR. SANDERS.

4 MR. GREELEY: YOUR HONOR, WITH ALL  
5 RESPECTS TO THOSE PRESENT, WE WILL NOT MAKE A  
6 PRESENTATION AT THIS TIME AND THE COURT CAN PROCEED  
7 TO SENTENCING.

8 THE COURT: MR. SANDERS, ANYTHING YOU WANT  
9 TO SAY AT THIS TIME.

10 MR. SANDERS: YES, SIR. I REALLY WANT TO  
11 SAY THAT I'M INNOCENT OF THESE CHARGES AND I KNOW I  
12 WAS RAILROADED BEFORE I EVEN COME IN THIS COURTROOM  
13 TODAY. THAT'S WHY I TRIED TO GET MY LAWYER TO HAVE  
14 THIS COURT, THIS CASE TRIED AT ANOTHER STATE BECAUSE  
15 I KNOW I WAS GOING TO GET RAILROADED FOR SOMETHING I  
16 DID NOT DO.

17 THE COURT: ANYTHING ELSE YOU WANT TO SAY?

18 MR. SANDERS: NO, SIR.

19 THE COURT: ALL RIGHT. MR. SANDERS,  
20 SENTENCE ON INDICTMENT FOR MURDER 2004-196 SENTENCE  
21 IS LIFE IMPRISONMENT. SENTENCE ON THE CONSPIRACY TO  
22 COMMIT CRIMINAL SEXUAL CONDUCT IS FIVE YEARS AND  
23 THAT'S TO RUN CONCURRENT WITH THE MURDER CHARGE.  
24 SENTENCE ON CRIMINAL SEXUAL CONDUCT IN THE FIRST  
25 DEGREE ON 2004-197 IS CONSECUTIVE TO THE SENTENCE FOR

1 MURDER AND THE SENTENCE ON THE CRIMINAL SEXUAL  
2 CONDUCT IN THE FIRST DEGREE ON 2004-198 IS FOR 30  
3 YEARS. YOU UNDERSTAND THAT?

4 MR. SANDERS: YES, SIR.

5 THE COURT: ALL RIGHT. THANK YOU.

6 ANYTHING ELSE FROM THE STATE AT THIS TIME.

7 MR. BRACKETT: DID YOU ANNOUNCE THE  
8 SENTENCE ON ALL FOUR AND DID I HEAR 35 AND LIFE.

9 THE COURT: BRING HIM IN BACK IN.

10 APPARENTLY I DIDN'T. I THINK I DID. MR. SANDERS,  
11 I'M TOLD THAT PERHAPS I DIDN'T ANNOUNCE ALL THE  
12 SENTENCES SO I'M GOING TO GO THROUGH THEM AGAIN. THE  
13 SENTENCE ON MURDER IS LIFE IMPRISONMENT. CONSPIRACY  
14 IS FIVE YEARS. THOSE ARE TO RUN CONCURRENT. ON  
15 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE ON  
16 INDICTMENT 2004-197 THAT IS FOR 30 YEARS AND THAT'S  
17 CONSECUTIVE TO THE MURDER SENTENCE. AND THEN ON THE  
18 OTHER CRIMINAL SEXUAL CONDUCT 2004-198 THAT IS FOR 30  
19 YEARS CONCURRENT. THANK YOU. ANYTHING ELSE BEFORE  
20 WE.

21 MR. BRACKETT: NO, SIR.

22 MR. POPE: NO, SIR, YOUR HONOR.

23 THE COURT: ALL RIGHT. COURT IS

24 DISMISSED. THANK YOU.

25 (COURT IS ADJOURNED.)