

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

WAKE COUNTY

FILE NO. 91-CRS-71728

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STATE OF NORTH CAROLINA,

Plaintiff,

vs.

GREGORY FLINT TAYLOR,

Defendant.

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NORTH CAROLINA INNOCENCE

INQUIRY COMMISSION

HEARING

At Raleigh, North Carolina

September 4, 2009

9:12 a.m.

Reported by: Ira Anderson

ORIGINAL



## A P P E A R A N C E S

For NC Innocence Kendra Montgomery Blinn, Esq.

Inquiry Commission: Michael R. Epperly, Esq.

Sharon Stellato

Grace Wallace

Juanita Betts

STATE OF NORTH CAROLINA

INNOCENCE INQUIRY COMMISSION

P.O. Box 2448

Raleigh, NC 27602

Commissioners Charles L. Becton, Esq.

THE BECTON LAW FIRM

Suite 100

Trade Road

Durham, NC 27705

Ms. Mc Chilton

Executive Director

NC COUNCIL FOR WOMEN/

DOMESTIC VIOLENCE COMMISSION

422 North Blount Street

Raleigh, NC 27601

## A P P E A R A N C E S (CONTINUED)

Commissioners: Sean P. Devereux, Esq.  
DEVEREUX & BANZHOFF  
The Jackson Building  
Suite 1100  
22 S. Pack Square  
Asheville, NC 28801  
Ms. Jackie Greenlee, Ph.D.  
Director, Organizational Devt.  
GUILFORD TECHNICAL COMMUNITY  
COLLEGE  
P.O. Box 309  
Jamestown, NC 27282  
Mr. Heath Jenkins  
Chief of Police  
STANLEY POLICE DEPARTMENT  
P.O. Box 279  
Stanley, NC 28164  
William D. Kenerly, Esq.  
District Attorney  
State of North Carolina  
19C Prosecutorial District  
232 N. Main Street  
Salisbury, NC 28145

## A P P E A R A N C E S (CONTINUED)

Commisioners: Ms. Barbara Pickens  
Criminal Justice Consultant  
220 Margaret Hoffman Drive  
Mount Holly, NC 28120

Presiding: Quentin T. Sumner  
Senior Resident  
Superior Court Judge  
P.O. Drawer 1215  
Rocky Mount, NC 27801

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## S T I P U L A T I O N S

It is hereby stipulated and agreed between the parties to this action, through their respective counsel of record:

1. The continuance of the hearing of the North Carolina Innocence Inquiry Commission may be taken on September 4, 2009, beginning at 9:12 a.m. at the North Carolina Judicial Center located in Raleigh, North Carolina, before Ira Anderson, Notary Public.

2. Said hearing shall be taken for the purpose of discovery or for use as evidence in this above-entitled action or for both purposes.

3. Any objections of any party hereto as to notice of the taking of said deposition or as to the time or place thereof or as to the competency of the person before whom the same shall be taken are deemed to have been met.

4. Objections to questions and motions to strike answers need not be made during the taking of this deposition but may be made for the first time during the progress of the trial of this case, or at any pretrial hearing held before any judge for the purpose of ruling thereon, or at any other hearing of said case at which said deposition might be used,

1 except that an objection as to the form of a question  
2 must be made at the time such question is asked or  
3 objection is waived as to the form of the question.

4 5. That the original of this hearing will be  
5 mailed first class postage to the appropriate party.  
6 Notice of filing is hereby waived.

1 JUDGE SUMNER: Thank you very much and  
2 welcome back this morning. We are going to  
3 resume this hearing at the point where we ended  
4 it yesterday.

5 MS. MONTGOMERY-BLINN: Thank you, your  
6 Honor.

7 JUDGE SUMNER: Just a few housekeeping  
8 matters, I guess, before we get too far afield.  
9 Let me remind all Commissioners that the press  
10 is here, as you know, and there are hot mikes in  
11 this room, so even your casual comments to  
12 another during breaks and other times are being  
13 recorded. So I pass that on to you. I know  
14 that you wouldn't say anything out of the way or  
15 untowards, but just be careful because we are  
16 live, as they say.

17 Another matter being I trust that you all  
18 have had an opportunity to read your homework  
19 last night. If anybody is not up to snuff, as  
20 they say, I will take a break and let you get up  
21 to par and read it. But I'm assuming everybody  
22 has done what we all said we would do.

23 (NO AUDIBLE RESPONSE.)

24 JUDGE SUMNER: There being no negative



1                   comments, Kendra.

2                   MS. MONTGOMERY-BLINN: Thank you, your  
3 Honor. One thing that I'm not sure I made clear  
4 to all of you yesterday is that all of the  
5 interviews that we do, even the phone  
6 interviews, are recorded. We record everything  
7 that we do. We try to get as much as we can  
8 into transcripts, some of the transcripts were  
9 drafts, so all of the interviews that  
10 Ms. Stellato testified about yesterday are  
11 recorded. If anybody wanted to hear any  
12 portions of them, they are more than welcome to.  
13 I've got them. We can get them. We can play  
14 the audio. So please just keep that in mind.  
15 We were just trying to truncate for you and have  
16 her summarize, but if you want a hearing of  
17 them, we've got them. We try very hard to  
18 record every single thing that we do.

19                  And Commissioners, at the end of the day  
20 one of you asked me for a map of locations, so  
21 we have that for you. We got that prepared for  
22 you last night. I'm going to go ahead and get  
23 those handed out. Thank you, Ms. Wallace. And  
24 I think what I will do is remind you all that we

1           were in the middle of Ms. Stellato's testimony  
2           about the Craig Taylor interviews, and I'll ask  
3           Ms. Stellato to explain those maps to you during  
4           her testimony. I think they are fairly self-  
5           explanatory, but she can walk it through for  
6           you. And so at this time I will re-call  
7           Ms. Stellato.

8                       (MS. STELLATA TAKES THE WITNESS  
9           STAND.)

10                   MS. MONTGOMERY-BLINN: May I approach  
11           the witness, your Honor?

12                   JUDGE SUMNER: Yes, you may.

13                   MS. MONTGOMERY-BLINN: Your Honor, is  
14           the witness still under oath or does she --

15                   JUDGE SUMNER: Yes, she is still under  
16           oath. Thank you.

17                   MS. MONTGOMERY-BLINN: Okay. Thank  
18           you.

19  
20           EXAMINATION BY MS. MONTGOMERY-BLINN:

21           Q. All right. Ms. Stellato, did you and  
22           Ms. Wallace and Mr. Epperly work together last  
23           night to get a map created that shows at least  
24           some of the locations that have been testified

1 about?

2 A. Some of the locations, yes.

3 Q. All right. And all of the Commissioners have a  
4 copy of that map. Would you please just walk us  
5 through it and tell us where all of these things  
6 are and what this means?

7 A. Sure. If you look at the very bottom in the  
8 middle of the map marked number 1, you will see  
9 the cul-de-sac. It's actually not -- it doesn't  
10 look like a cul-de-sac in this, in this map, but  
11 right there at the end of South Blount Street is  
12 the cul-de-sac where the victim was found.  
13 Number 2, which is approximately in the middle  
14 of the page on the corner of Cabarrus and  
15 E Street is where Eva Kelly's home was.  
16 Number 3, which is near the top of your map, is  
17 where the victim's home was at 902 South Blount  
18 Street, and above that at number 4 is where  
19 Craig Taylor's home was. I believe it's 995  
20 South Blount Street.

21 The area around number 5 in one of the  
22 interviews is where Craig tells us that he was  
23 dealing drugs on the night of September 26,  
24 1991, and 6, 7, and 8, as best we could number,

1 is The Block area. The Block is actually bigger  
2 than a block, it's about two blocks, but we do  
3 know that those three areas surround it. And  
4 number 9 is a stop that Craig Taylor made for  
5 drugs that he's pretty sure of the location on  
6 the night of the murder. And number 10 is where  
7 he also knows that he bought drugs on the night  
8 of the murder.

9 Q. Okay. Ms. Stellato, we were ready to discuss  
10 the third interview that you conducted with  
11 Craig Taylor. Have you got that with you or do  
12 you need me to hand it up to you?

13 A. I have it with me, thank you.

14 Q. All right. So the date of this interview is  
15 June 2, 2009?

16 A. It is.

17 Q. Okay. And is this again at Lumberton  
18 Correctional Institute?

19 A. Yes, it is.

20 Q. And again, who all is present for this  
21 interview?

22 A. Grace wallace and Craig Taylor.

23 Q. And yourself?

24 A. And myself.

1 Q. Are there any guards in the interview room?

2 A. No, there are not.

3 Q. And what kind of interview room are you in?

4 A. We are in the same location that I spoke about  
5 at the end of interview one and all of interview  
6 two, a room that the guards commonly do reports  
7 in.

8 Q. Okay. And do you remember if Craig Taylor is  
9 handcuffed?

10 A. He is handcuffed.

11 Q. Okay. And what was his demeanor at the start of  
12 this interview?

13 A. I would describe his demeanor as calm.

14 Q. Okay. Now, on -- and what we'll do is just,  
15 again, walk through this interview like we did  
16 with the others.

17 MS. MONTGOMERY-BLINN: Commissioners,  
18 if you have any questions and I go past  
19 that page, just please stop and ask your  
20 questions.

21 Q. On page 380 you ask him if he is -- well, first  
22 off, why did you go back for this third  
23 interview?

24 A. At that point we were continuing to gather

1 information regarding Craig Taylor and we, I  
2 realized at that point that he may have some  
3 information about the murder, so I wanted to go  
4 back and talk to him again.

5 Q. Okay. And did you also bring any materials with  
6 you to collect the DNA sample?

7 A. I did, yes.

8 Q. Okay. And what did you bring with you?

9 A. DNA swabs.

10 Q. Okay.

11 A. A DNA swabbing kit and the evidence log.

12 Q. Did you have a court order to obtain  
13 Mr. Taylor's DNA or were you planning just to  
14 ask him if he would give it voluntarily?

15 A. I was planning to ask if he would volunteer.

16 Q. Okay. Now, on page 30 you ask him if he is  
17 right-handed or left-handed. why do you ask him  
18 that question?

19 A. The victim had injuries to the right side of her  
20 head when she was found, and I was just trying  
21 to determine whether he was right-handed or  
22 left-handed.

23 Q. And he tells you that he is both?

24 A. Yes.

1 Q. Okay. And you ask him what kind of car he drove  
2 and he replies, an '89 5.0 Mustang. Why did you  
3 ask about the car?

4 A. The interviews that we were conducting at that  
5 time had a bunch of, a bunch of witnesses who  
6 had seen different cars, from Andy Manuel's car  
7 that we knew about to a dark colored vehicle.  
8 And then I had spoke with Lournette Perry on  
9 June 12 and June 15 regarding --

10 Q. So it was actually after this interview you  
11 spoke to her?

12 A. Right, that was after. I was trying to  
13 determine what kind of car he drove at that  
14 time. And then I later spoke with Lournette  
15 Perry and asked her if she was familiar with  
16 that vehicle.

17 Q. And what did she say?

18 A. She said that she was familiar with a black  
19 Mustang GTO that would bring the victim home  
20 late in the evening, but she did not know who  
21 drove the car.

22 Q. Okay. And on page 381 he tells you that the  
23 police interviewed him around -- he's now  
24 talking about the original police interview.

1 A. Uh-huh (yes).

2 Q. And he says the timing was that the sun had come  
3 up. He says 6:00-something, close to 7:00, is  
4 that right?

5 A. That he was interviewed by police?

6 Q. That's what he said?

7 A. Yes.

8 Q. And what does the police interview time state,  
9 if you remember?

10 A. It is between 7:25 and I believe it's later,  
11 approximately 7:45, 7:50, but after 7:00 a.m.

12 Q. After 7:00. And did the police officer testify  
13 that they discovered the body after 7:00?

14 A. Yes, they did.

15 Q. And you start asking Mr. Taylor about a whole  
16 lot of different people.

17 A. Uh-huh (yes).

18 Q. And are you just, again, asking names here to  
19 see what it might spark, where the conversation  
20 might go?

21 A. Correct.

22 Q. And does he know the majority of the people you  
23 ask him about?

24 A. He does know the majority of them, yes.



1 Q. Okay. And you ask him, one of the people you  
2 ask him about is George Murray. Why do you ask  
3 him about that person?

4 A. George Murray was one of the names in the, that  
5 we discussed yesterday regarding an informant  
6 who had stated that George Murray was driving a  
7 vehicle that the victim had got into on the  
8 night of the murder, and I was trying to  
9 determine if he knew anyone by that name.

10 Q. Is that the Virginia car theory?

11 A. Yes.

12 Q. Okay. On page 382 he talks about sort of the  
13 area that he was selling drugs and he says he'd  
14 walk up five, six, or seven blocks, maybe ten  
15 blocks around?

16 A. Uh-huh (yes).

17 Q. And so is he just giving you -- are you just  
18 trying to get the location where he sells drugs?

19 A. I was trying to determine the location that he  
20 sells drugs and also whether he drove or walked,  
21 and I think that it depended on the evening and  
22 the, and how far.

23 Q. Okay. And that's where the location that is on  
24 this map comes from?

1 A. Correct.

2 Q. Okay, but it really is a radius, is what he's  
3 telling you?

4 A. The -- during the interviews it is in a radius  
5 of approximately -- he says ten blocks. I  
6 believe when we looked at it, it was  
7 approximately eleven blocks.

8 Q. Okay. And you just continue to ask him about  
9 people, and at this point I think you're showing  
10 him some photographs sometimes?

11 A. Yes, I am.

12 Q. And do the photographs have people's names on  
13 them?

14 A. No, they don't.

15 Q. And where do you get the photographs from?

16 A. Primarily through DOC's website.

17 Q. Okay. So the same, a lot of the same  
18 photographs that we've been using in the  
19 PowerPoint?

20 A. All of the same photographs.

21 Q. Now, on page -- so you continue to show him  
22 pictures of people, and then on page 385 at the  
23 bottom you start talking to him about Jacquetta  
24 and her then-boyfriend, James Gist. Is that who

1           you're talking about?

2           A.    That is who I'm talking about, yes.

3           Q.    Okay. In here you, you know, you start talking  
4           to him and saying that Jacquetta was in love  
5           with James. Where do you get that information  
6           from?

7           A.    In the, in the evidence that the police  
8           collected from her home, Lournette Perry's home,  
9           there were several photographs and letters and  
10          things of that nature from her mom and her  
11          family, and in there there were also two cards  
12          that she had written to James Gist while he was  
13          in the Wake County jail. I'm not sure how those  
14          cards got returned to her, but they were opened  
15          and not returned through the mail. But in both  
16          of those she professes his love, her love for  
17          him and stating that she wants to be with him.

18          Q.    Okay. And he, so he actually thinks that you're  
19          trying to trick him there?

20          A.    Yes, he does.

21          Q.    He says, this is tricky stuff or trickery stuff,  
22          he says?

23          A.    Correct.

24          Q.    Okay. And then he uses that phrase again at the

1 bottom of page 386. You're talking about that  
2 and he says, you can't control who you catch  
3 feelings for. He says that again on, what, 386?

4 A. On the bottom of page 386, yes.

5 Q. Okay. And then on the top of page 387 is when  
6 he tells you that he had feelings for Jacquetta?

7 A. Uh-huh (yes). He tells me that he had feelings  
8 for her, as well as telling me that he spent  
9 time with her and her four children.

10 Q. Okay. And he talks about that?

11 A. Yes, he does.

12 Q. Okay. And on the top of page 388 --

13 A. I'm sorry, if I could go back just one second.

14 Q. Yes, please.

15 A. When he's talking, the reason that he's talking  
16 about the children is he states that he wishes  
17 he could go back -- excuse me, that's 388 --  
18 that he wishes he could go back every day, back  
19 to that day.

20 Q. And that's when he's talking about her children?

21 A. Yes.

22 Q. Okay. Now, again he starts talking about -- let  
23 me see. Okay. So you ask him again, you told  
24 me that you did not rape her that night. And he

1           says, stand by it 100 percent. And you ask, did  
2           you have sex with her that night? And he denies  
3           that.

4           A. He denies it by saying I would have if things  
5           had gone different. And then he states he would  
6           have if she didn't have had Johnny with her.

7           Q. Okay. And then you start to talk to him about  
8           Johnny and -- Johnny Beck, right --

9           A. Uh-huh (yes).

10          Q. -- is who we're talking about?

11          A. Uh-huh (yes).

12          Q. And at this point you confront him because he  
13          previously told you that he had jumped Johnny  
14          Beck in jail, and since then you had interviewed  
15          Johnny Beck and we did he say about that?

16          A. We had not interviewed Johnny Beck at that time.

17          Q. Okay.

18          A. We were trying to locate Johnny Beck still. I  
19          told him that I had spoken to Johnny Beck and  
20          that I hadn't heard anything about a fight  
21          between the two of them. And he -- we'd talk  
22          about it for a little while and he backs off of  
23          it somewhat and says it was actually all the  
24          guys on their block had jumped on Johnny Beck

1           and that he had participated. He stated that a  
2           lot of the people in the jail knew Johnny Beck.

3       Q.    Okay.

4       A.    Excuse me, knew the victim.

5       Q.    And then you later interviewed Johnny Beck and  
6           you asked about that. What does Mr. Beck, what  
7           did he say then?

8       A.    He states that there was never an incident, that  
9           he has never been hit or in a fight while in  
10          jail or prison.

11      Q.    Okay. And then he does talk about selling drugs  
12           to Johnny Beck and says that he did sell him  
13           drugs. I don't know if regularly is the right  
14           word or at least had before.

15      A.    Yes. He does state that he has sold drugs to  
16           Johnny Beck. Johnny Beck denies -- at one point  
17           he states that Johnny Beck traded a VCR and  
18           other household items for drugs, and Johnny Beck  
19           states that he had a wife and children and never  
20           took items from the home, that he did buy drugs  
21           with cash, but that he was a dealer himself and  
22           does not recall buying any from Craig Taylor.

23      Q.    Okay. So he doesn't recall or he denies?

24      A.    He doesn't recall.

1 Q. Okay.

2 A. He denies knowing him and later states, he could  
3 know me, a lot of people knew me, but he denies  
4 specifically remembering ever purchasing drugs  
5 from him.

6 Q. Okay. Tell us right now in this part of the  
7 interview, what is Craig Taylor's demeanor?

8 A. He -- I would describe his demeanor as still  
9 calm. He never is looking directly at me, but  
10 that's his behavior throughout the first, second  
11 and third interview. He looks at me  
12 sporadically when we are speaking.

13 Q. Okay. So he is not turned around, as we talked  
14 about before?

15 A. He generally is turned to the side with his legs  
16 out to the side as opposed to under the table  
17 and will look at me sporadically.

18 Q. Now, on page -- let's go ahead and go to page  
19 392. And you ask him, at the bottom of 392 you  
20 ask him if he knew whether she was menstruating  
21 at the time.

22 A. Yes, I do.

23 Q. And why are you asking that?

24 A. There was blood found in the, on the victim,

1           inside of her underwear, as well as when they  
2           did the rape kit, they found blood, and I was  
3           trying to determine whether or not he knew if  
4           she was menstruating at that time.

5       Q.   And does he indicate if he knew?

6       A.   No, he does not.

7       Q.   He doesn't know?

8       A.   He said he doesn't know anything about that.

9       Q.   Okay. And then on the next page, about two-  
10           thirds of the way down you say, you're talking  
11           about a number of different things and then you  
12           say, are you still angry with Jacquetta?

13      A.   Yes, I do.

14      Q.   And he says, to a certain degree, is that right?

15      A.   That's correct.

16      Q.   Okay. So you start talking about that with him  
17           for a little while and explore that?

18      A.   About his anger toward the victim.

19      Q.   His anger?

20      A.   Yes.

21      Q.   And then on page 394 --

22      A.   At that point we're talking about whether or not  
23           he trusts me.

24      Q.   Okay. And what is his demeanor like now? Is it



1 the same or --

2 A. I would describe it as the same.

3 Q. Okay. And then on page 395, it looks like you  
4 talk to him for a long time and you tell him, I  
5 will not let them harm you, and then you talk to  
6 him about aggravating and mitigating factors and  
7 explain roughly how that works --

8 A. Correct.

9 Q. -- and how a jury might think about that. And  
10 then you move into -- I'm on page 397 now.

11 A. Okay.

12 Q. You say, you talk to him about DNA now. You  
13 start talking to him a little bit about DNA and  
14 asking him if he'll let you take his DNA?

15 A. Yes, I do.

16 Q. And at some point you tell him -- let's see --  
17 so you start talking about that on 397, and then  
18 on, somewhere on 398 you say, Detective Howard  
19 from the Raleigh Police Department can come and  
20 get it. What are you talking about here?

21 A. I'm not talking about -- I don't know a  
22 Detective Howard. At that point we're talking  
23 about getting DNA and whether or not he is  
24 willing to consent to me obtaining DNA.

1 Q. Okay. So you're just bluffing here or just  
2 talking?

3 A. I'm bluffing, yes.

4 Q. Okay. And Detective Howard, that name is just a  
5 name from somebody who originally investigated  
6 the case and doesn't work with --

7 A. Detective Howard does not work there any longer  
8 and --

9 Q. So that's just a name that came to your head as  
10 you were talking?

11 A. Yes. I do not know him.

12 Q. Okay. And the person that you testified about  
13 yesterday that we talked to in the Raleigh  
14 Police Department --

15 A. Detective Lynch?

16 Q. -- was Detective Lynch?

17 A. Yes.

18 Q. Okay. All right. And then on page 398 he  
19 says -- you're talking about the DNA and he  
20 says, I'm saying I was a gambler and rolling  
21 dice.

22 A. Uh-huh (yes).

23 Q. And then on page 401 he lets you swab him  
24 voluntarily?

- 1 A. Yes, he does.
- 2 Q. Okay. So he says, go on up and swab me.
- 3 A. Yes.
- 4 Q. And that's when you do, you do that?
- 5 A. I do swab him, yes.
- 6 Q. Okay. Now we're on page 402.
- 7 A. Okay.
- 8 Q. And he says -- at the bottom of 402, will you
- 9 read that, just that last little block to us?
- 10 A. Are you speaking, there is a part of me --
- 11 Q. The only thing going to come out of this.
- 12 A. Okay. The only thing going to come out of this
- 13 is two people get free. The victim's family, it
- 14 ain't going to be right. Okay, yeah, now we
- 15 know, we got the killers locked up, okay, I'm
- 16 still not, it's still not going to bring her
- 17 back or whoever else, bring them back. I mean,
- 18 lock them up and throw away the key. I'm saying
- 19 that's where he's supposed to be at.
- 20 Q. And that's Craig Taylor talking --
- 21 A. Talking about --
- 22 Q. -- and he's talking about himself?
- 23 A. He's talking about himself, yes.
- 24 Q. Okay. And I'm sorry, that was Craig Taylor

1           talking, not you talking? You're just --

2       A.   That was Craig Taylor speaking.

3       Q.   All right. Then on page 403 you talk for a long  
4           time, and then at the very end of what you say,  
5           you say, do you know what Jacquetta's injuries  
6           were that night? If you don't know, you don't  
7           want to see these, you know what they were?

8       A.   Uh-huh (yes).

9       Q.   And at this point do you have some photographs?

10      A.   I do have photographs of the victim.

11      Q.   And you don't show them to him?

12      A.   I do not show them to him. He will not look at  
13           them.

14      Q.   And then he says what?

15      A.   Regarding the injuries, he states that the  
16           injuries -- I ask him if he knows where the  
17           injuries of the victim came from and he says,  
18           multiple different things on parts of her body,  
19           on parts of the body.

20      Q.   Okay. And you have not told him this before?

21      A.   No, I have not.

22      Q.   And you have not shown him the -- or you -- he  
23           has not looked at the photographs, at the very  
24           least?

1       A.    I have not told him how the victim died or what  
2            her injuries were and, to my knowledge, he has  
3            not seen any photos of the victim.

4       Q.    Okay.  And as far as you know, the photos that  
5            we passed around yesterday are the ones that the  
6            police showed him?

7       A.    He has not seen any photo other than the  
8            interview one when he tells me that he was shown  
9            a photo of the victim, which I believe is the  
10           photo we passed around yesterday.

11      Q.    Okay.  But we don't know for sure what photos  
12            the police showed him, but their records show  
13            that's what they show?

14      A.    Correct.

15      Q.    Okay.  And then again on page 404 you talk about  
16            the photos and you don't show them.  What is his  
17            demeanor like now at this point?

18      A.    At this point he is no longer half facing me.  
19            He is, his body is still turned to the side, but  
20            his head is turned to the wall and it's resting,  
21            he's resting his forehead against the wall.  He  
22            will not look at the photos.

23      Q.    Okay.  All right.  On page 406 --

24      A.    Okay.

1 Q. -- down at the bottom you're talking about  
2 whether she cared for him or not and you say,  
3 did she tell you that she cared about you? And  
4 he says, no, I guess I probably took it the  
5 wrong way, possessed, that's all. Is he talking  
6 about himself being possessed, if you can tell?

7 A. Yes, he is. He goes on a little bit in that  
8 conversation to talk about his impression that  
9 she had feelings for him and he's talking about  
10 he was possessed with her, I believe.

11 Q. And he continues to talk about that for a while  
12 and on into 407, and he talks about, he says, I  
13 just jumped to conclusions, and he's talking  
14 about the way that she felt?

15 A. He's talking about the way that he believed she  
16 felt.

17 Q. Okay. He's telling you he jumped to conclusions  
18 about how she felt and he's not sure?

19 A. Correct.

20 Q. Okay. All right. So you talk about that for a  
21 while, and then it looks like you talk for a  
22 long time, and then on page 409 you ask him  
23 again about the DNA and you say, is it going to  
24 match you? And he says, if it's accurate it

1           should match me. And then he says, so are we  
2           done?

3                   Is he ending the interview?

4       A.    Yes, he is.

5       Q.    Okay.

6       A.    I believe by stating, are we done, that he was  
7           ending the interview.

8       Q.    Okay. And what is his demeanor now?

9       A.    He's very calm, quiet.

10      Q.    Okay.

11      A.    I think he wanted to leave.

12      Q.    He ends that interview?

13      A.    Yes.

14      Q.    Okay.

15                   MS. MONTGOMERY-BLINN: Commissioners,  
16           any questions about interview three that I  
17           have not covered?

18                   MR. DEVEREUX: I have a question. On  
19           page 394 you, at the bottom, Sharon, the  
20           last paragraph, you tell him, actually, you  
21           do have to talk to me. I'll tell you that,  
22           in fact, if you were to get the guard and  
23           say that you don't want to talk to me, you  
24           still have to talk to me?

1 A. Correct.

2 MR. DEVEREUX: why did you tell him  
3 that?

4 A. I go on to say that you do not have to answer  
5 me, so if he wants to just time there, there's  
6 nothing that I can do to make him answer me.

7 Q. Is this one of those things that you were  
8 telling about, us about that you read it and you  
9 think on a transcript it's, you're reading it  
10 and thinking, oh, why did I say that, or --

11 A. I think the way, I think the way that -- yes.  
12 Of course, when it's written on paper, the way  
13 that it comes across, it does appear that in the  
14 beginning I'm telling him that he has to talk to  
15 me. I do, however, think I clarify it by saying  
16 that he doesn't have to answer my questions.

17 Q. In other parts of all of the interviews do you  
18 tell him he doesn't have to talk to you?

19 A. Yes, I do.

20 MR. DEVEREUX: At one point in the  
21 interview before that you told him that --  
22 he asked for a lawyer and you tell him that  
23 if you tell me that you were involved, I  
24 don't want to waste the lawyer's time if



1           you didn't have anything to do with this,  
2           but if you tell me that you were involved  
3           I'll see to it that you get a lawyer, and  
4           he says, I was involved. Did you ever make  
5           an effort to call the attorney that had  
6           represented him on the charges that he was  
7           in custody for?

8       A.    No, I did not.

9           MR. DEVEREUX: Okay. And on page 408,  
10          about a third of the way down, you tell  
11          him, I do have leverage, pull, doing what I  
12          do --

13       A.    Excuse me, a third of the way down?

14          MR. DEVEREUX: Maybe a little more  
15          than a third.

16       A.    Okay. (Witness examines document.) Okay.

17          MR. DEVEREUX: And he mentions that in  
18          his letters to you later about you having  
19          pull. What did you mean when you told him  
20          that?

21       A.    Actually, I clarify that statement as well with,  
22          I can't make it all go away for you. I would be  
23          lying. You know, you would know I was lying if  
24          I told you, hey, don't worry, everything is

1 going to be okay, just say that you did it.

2 So I was trying to clarify -- in his  
3 letter, I don't recall if it's the first or the  
4 second letter, I believe that when he is  
5 referencing that he is speaking about getting a  
6 doctor for him.

7 MR. DEVEREUX: Okay. That's all.

8 Q. And Ms. Stellato, you talked to him later on  
9 about giving his aunt the information to try to  
10 get him a doctor. What are you talking about  
11 there?

12 A. This interview happens before we actually have  
13 the recorded phone calls from DOC that he was  
14 making. In a subsequent interview he's talking  
15 to his aunt on the telephone about a kidney  
16 issue he's having and he is stating that he  
17 doesn't believe he's getting the correct medical  
18 care. I ask him about it when I come and I tell  
19 him that I will provide his aunt with a phone  
20 number if they are not getting him the proper  
21 medical care, and I did.

22 Q. And what -- who do you give -- what agency do  
23 you give her the phone number for?

24 A. Prisoner Legal Services.

1 Q. Okay.

2 MR. DEVEREUX: That's all I have.

3 MS. MONTGOMERY-BLINN: Commissioners,  
4 any more questions?

5 (NO AUDIBLE RESPONSE.)

6 MS. MONTGOMERY-BLINN: Okay.

7 Q. All right, let's move on to interview four.

8 MS. MONTGOMERY-BLINN: Commissioners,  
9 I will remind you again that we changed the  
10 date of this interview to July 30, 2009. I  
11 mean, we didn't change the date, it was  
12 just a typo at the top of the interview.

13 Q. Okay. Will you set this interview up for us  
14 again? Is it the same location?

15 A. Yes, it is in the same location as the end of  
16 the first, the second and third interview.

17 Q. Okay, that same little room. And who is there?

18 A. Myself, Craig Taylor, and Grace Wallace.

19 Q. Okay. And are there guards in the room for this  
20 interview?

21 A. There are not.

22 Q. And go ahead and tell us -- it looks like you  
23 start this interview with telling him that we've  
24 got some preliminary DNA results, is that right?

1 A. Correct.

2 Q. And do you actually have those with you?

3 A. At that point we had preliminary DNA results --  
4 I'm sorry. I don't recall if I had it with me  
5 or not.

6 Q. Okay.

7 A. We did so much testing, particularly from  
8 approximately January until currently, and I  
9 don't recall if I had them with me or not.

10 Q. Okay.

11 A. I've never showed him DNA reports, if that's  
12 what you mean.

13 Q. Right, okay. Well, yeah. Later on you talk  
14 about it and ask, do you want to see them, or  
15 don't you want to know, and he says no, right?

16 A. Right; right.

17 Q. Okay. So you come, do you come in there  
18 expecting him to want to know what those results  
19 are?

20 A. I come in expecting him to want to know whether  
21 or not DNA matches him.

22 Q. And he actually doesn't?

23 A. No.

24 Q. You say, don't you want to know, and he says no?

1 A. Correct.

2 Q. Or something like that, which we'll get to in a  
3 minute.

4 A. He said, I believe he says he already knows.

5 Q. Okay. And that comes up in the interview.

6 Okay, so talk to us about you've waited two  
7 months now between, almost two months -- your  
8 last interview with him was June 2 and now we're  
9 on July 30. Why do you wait so long?

10 A. The first three interviews that I conducted with  
11 him happened, I guess, within about a two- or a  
12 three-week period, again, interview number two  
13 being that I thought he had contacted us. And  
14 at that point when he ended the interview on the  
15 third interview, I felt like he needed a cooling  
16 off period and that I needed to gather more  
17 information.

18 Q. Okay. And during that time, those two months,  
19 are you out doing a lot of investigative work?

20 A. During that time we conducted numerous  
21 interviews, yes.

22 Q. Okay. And that's when you found out about  
23 Larnette Perry, what you said earlier about the  
24 car, that she says there was a black Mustang

1           that dropped the victim off?

2       A.    At that time I had spoken to her, yes.

3       Q.    Okay. And have you been showing his photograph  
4           to other people?

5       A.    Uh-huh (yes). We obtained his, actually four  
6           photographs from DOC and showed them to several  
7           people that we interviewed to see whether or not  
8           they would recognize him.

9       Q.    Okay. Now, in this interview you do not tell  
10          him that this interview is recorded. In the  
11          other interviews is the recorder right there on  
12          the table?

13      A.    In the other interviews the recorder is on the  
14          table. In this interview it is not on the  
15          table.

16      Q.    Okay. Where is the recorder?

17      A.    The recorder is with Grace wallace.

18      Q.    Okay. Is it in her pocket?

19      A.    Yes, it is.

20      Q.    Okay. And now on -- so you actually tell him on  
21          page 410, you tell him about that, the car, that  
22          Laurnette Perry describes his car?

23      A.    Yes, I do.

24      Q.    Okay. And what is his demeanor here now?

1       A.    He was, I would say, at interview four, in my  
2            opinion, more receptive. He seemed to be  
3            listening more intently than he had in the past.

4       Q.    Okay. What about his behavior made you say that  
5            he was listening intently or more perceptive?

6       A.    He was just speaking more -- you know, he was  
7            quicker to answer things. He didn't seem  
8            surprised that I had returned. In my opinion,  
9            his actions didn't look as though he was  
10           surprised that I had returned and he just seemed  
11           to be listening a little bit more.

12      Q.    Okay. So you talked to him about the phone  
13            calls that he's been making out of prison?

14      A.    Yes, I do.

15      Q.    And just for clarification, are you, you were  
16            listening now or you are getting recordings of  
17            the phone calls he's making out of prison?

18      A.    At that point we had, from -- excuse me -- from  
19            May 14 until July 30, at that time or  
20            thereabouts, we had obtained the phone records,  
21            his phone records from the Division of Prisons.

22      Q.    Okay. And the Department of Corrections always,  
23            as far as you know, always records phone calls  
24            made from inmates?

1 A. I was told that they record all of the phone  
2 calls made from inmates.

3 Q. And then you were able to or the Commission was  
4 able to obtain a court order to access the  
5 recordings of those phone calls?

6 A. By providing his DOC number.

7 Q. Okay. And then on -- let's see, you talk about  
8 that for a while. On page 415 you finally get  
9 his street name. He tells you his street name.  
10 What is his street name?

11 A. His street name is Ninja.

12 Q. Okay. And then again you start -- again you  
13 start showing him more photographs of people.  
14 And on page 415 you show him a photograph of  
15 somebody and it takes him a while to identify  
16 that person. Who is that?

17 A. The photograph that I show him, I believe it  
18 takes him approximately a minute all total, and  
19 I would have to look at that. But the  
20 photograph I show him is of Johnny Beck, who he  
21 stated in the first, second, and third interview  
22 that he knows.

23 Q. Okay. And what photograph of Johnny Beck are  
24 you showing him?



1       A.    We had photographs of Johnny Beck from DOC.  
2            There were three photographs, one from 1991 when  
3            he was arrested for something other than this,  
4            and then two more.

5       Q.    Okay.  So you're showing him all three of those  
6            at once?

7       A.    And I would say that they were -- yeah, they are  
8            all on one page.  I would say that they are  
9            probably over a 20-year period.

10      Q.    Okay.

11      A.    That's just a guess.

12      Q.    And on page -- so we go through the photos and  
13            you're talking with him a little bit more about  
14            just people and who he might know in those  
15            photos.  And then on page 419 he tells you that  
16            he looked somebody up on the computer?

17      A.    Uh-huh (yes).

18      Q.    Oh, he looks his son up on the computer, right?

19      A.    On 419 he's talking about Tanika Stewart's son.  
20            Again, he has expressed that he believes that  
21            person to be his son.

22      Q.    Okay.

23      A.    And he -- there was some information that that  
24            person had been charged with the murder and he's

1           telling me that he looked him up and didn't find  
2           that information.

3       Q.    Okay. And did you later confirm whether or not  
4           he has Internet access in the Department of  
5           Corrections?

6       A.    They do not have Internet access.

7       Q.    They do not?

8       A.    No.

9       Q.    Okay. And -- but their case managers have  
10          access to computers, is that right?

11      A.    Yes, they do; uh-huh (yes).

12      Q.    And so then from there on you talk about his  
13          family for a long time. He talks about his  
14          family.

15      A.    Yes.

16      Q.    And just go through that and all the people in  
17          his family. And then it's on page 423 that you  
18          say -- I'll let you get there.

19      A.    (Witness examines document.)

20      Q.    You ask him why he has not asked about the DNA.

21      A.    Yes.

22      Q.    And what does he say?

23      A.    He says -- I ask him if it should be on -- if  
24          it -- is it supposed to be on there, and he

1 states, it should be on there; what did I tell  
2 you last time, it should be on there.

3 Q. Okay. He says, it's supposed to be on  
4 everything because, I mean, I don't know. And  
5 you say, it's supposed to be on there. And  
6 that's when he says, what did I tell you last  
7 time, it should be on there?

8 A. Correct.

9 Q. And then you ask him, are you surprised that  
10 somebody has come in to talk to you about this  
11 18 years later? And he says, sure enough did.

12 A. Yes.

13 Q. And do you take that to mean he is surprised?

14 A. He is surprised. I take that to mean he is  
15 surprised.

16 Q. All right. Now we're on page 424 and this is  
17 what we just talked about a minute ago, that you  
18 talked to him about the doctor and you tell  
19 him --

20 A. Correct, what we were speaking about.

21 Q. Okay, and he talks about that after this, the  
22 pull, this is what Mr. Devereux was asking  
23 about. And then you say, you need to have her  
24 call someone, okay? I know who she needs to

1 call. I'm going to call her and I'm going to  
2 tell her who she needs to call.

3 And you did call her and give her Prison  
4 Legal Services' number?

5 A. Yes, I did.

6 Q. Okay. On page 425, that same page, you ask him,  
7 do you believe Johnny Beck and Gregory Taylor  
8 killed Jacquetta, right?

9 A. Yes, I did.

10 Q. He says nope?

11 A. He says nope.

12 Q. Nope. And then -- so you talk about that for a  
13 while -- I'm sorry, that was page 426.

14 A. Okay.

15 Q. And then you start to talk to him about being  
16 jealous and he says -- I'm on page 427 now -- he  
17 says, I'm always a jealous person. And then  
18 he's talking about that for a while and he says,  
19 again he says, nobody controls -- and you  
20 actually finish that one for him -- who you have  
21 feelings for, so that's the can't catch who you  
22 have feelings for.

23 A. Uh-huh (yes).

24 Q. And he says, exactly --

1 A. Uh-huh (yes).

2 Q. -- and love hurts and love kills, is that right?

3 A. That's correct. At that point it's actually, I  
4 believe, near the bottom of page 426 and then on  
5 to where we're talking about, he had started  
6 talking about the victim and the feelings he had  
7 for her and, yes, he's talking about the  
8 feelings that he had for Jacquetta Thomas.

9 Q. Okay. And then on page 428 he starts talking  
10 about what happened that night?

11 A. On 428 he starts talking about the murder, yes.

12 Q. Okay.

13 MS. MONTGOMERY-BLINN: Now,  
14 Commissioners, I am going to play a portion  
15 of this for you. The portion I'm going to  
16 play starts on, just for the interest of  
17 time, starts at the top of page 432, is the  
18 part where I'm going to play. But if you  
19 want any more, let me know.

20 Q. But, Ms. Stellato, can you just walk us through  
21 up to that page 432, what he's saying about that  
22 night?

23 A. Okay, from 428 to 432?

24 Q. Yeah, give us from 428 all the way through 431.

1     A.    Okay.  As you were just talking about, he was  
2           talking about the feelings prior to that that he  
3           had had for the victim.  On page 428 he is  
4           stating that he didn't argue with her that  
5           night, and he's also stating -- at that point  
6           this is where he's discussing whether or not the  
7           victim followed Johnny Beck to Greg Taylor's  
8           vehicle.  Earlier he had stated that he had seen  
9           her with Johnny Beck and now he is exchanging,  
10          he's talking to me that he felt like, or that it  
11          was her common practice to exchange sex for  
12          crack, which he refers to as a trick.  He is  
13          stating at that point that she followed them  
14          out, and I'm asking him if he followed them in  
15          his car.  He says that she did not in the --  
16          excuse me, that she did.  And then as I'm  
17          continuing to ask him questions about that,  
18          going on more, he's, I think, he, well, he is  
19          making inconsistent statements about that.

20     Q.    Okay.

21     A.    He goes on to say that he doesn't know if she  
22           was in the vehicle with them, that he did see  
23           her follow Johnny Beck out, and that when he  
24           came back, quote, he says he saw her walking

1 behind him and that she was already high when  
2 she came up the first time, and he doesn't know  
3 if she got in the car. When he came back she  
4 was standing on the sidewalk.

5 I asked him if he was jealous and if he  
6 believed or knew if the victim was having sex  
7 with Johnny Beck or Greg Taylor and he states,  
8 there wasn't enough time, no.

9 Q. Okay.

10 A. He also states that he, on page 431, that he  
11 commonly gave the victim a ride home, that he  
12 didn't like to see her walk home. This is when  
13 I asked him about Lournette Perry stating that  
14 she had seen a black Mustang.

15 Q. Okay.

16 A. At that point we're talking about whether or not  
17 she got in the vehicle and he states, Lournette  
18 Perry already told me. And I asked him if he  
19 brought her home that night, and he states no.

20 Q. He says no, I didn't bring her home that night?

21 A. Yes.

22 Q. But he says she got in the vehicle?

23 A. Yes.

24 Q. Okay. And he says he is jealous and possessive?

1       A.    At the bottom of page 431 he says that that  
2            pretty much sums me up, jealous and possessive,  
3            and that it didn't seem like she cared about  
4            him.

5       Q.    Okay.

6                   MS. MONTGOMERY-BLINN: Commissioners,  
7            before I play this portion of audio, any  
8            questions about the interview up to page  
9            432?

10                   (NO AUDIBLE RESPONSE.)

11                   MS. MONTGOMERY-BLINN: No questions?  
12            The audio is about 20 minutes. Do you want  
13            to take a break or are we ready to go right  
14            into the audio?

15                   JUDGE SUMNER: Let's go on.

16                   MS. MONTGOMERY-BLINN: Okay.

17                   MR. DEVEREUX: Kendra, I know you've  
18            got it queued up. Would it be possible to  
19            go back when you play it, play the stuff  
20            that Sharon was just talking about?

21                   MS. MONTGOMERY-BLINN: Sure,  
22            absolutely. It will --

23                   MR. DEVEREUX: Unless everybody else  
24            doesn't want to listen to it. Maybe back



1 as far as 428?

2 MS. MONTGOMERY-BLINN: We definitely  
3 can. It's just there are such long pauses,  
4 that was, that was why I was -- because it  
5 will take a long time but, I mean, of  
6 course we can. It might take me a minute  
7 to get it queued back to there. Can you  
8 tell me exactly where on 428 you want to  
9 start it and we'll get it queued up and  
10 maybe take a five-minute recess while I do  
11 that?

12 MR. DEVEREUX: Well, why don't you go  
13 ahead and play what you have, you got, and  
14 if I want to hear more --

15 MS. MONTGOMERY-BLINN: I'm very happy  
16 to do it. I'm just saying it will take me  
17 a couple of minutes to get it ready to do.

18 MR. DEVEREUX: Let's go ahead and  
19 listen to what you've got.

20 JUDGE SUMNER: We'll give you an  
21 opportunity during executive session to do  
22 that.

23 MR. DEVEREUX: Right. It's just, I  
24 think what she was just talking about is

1 very important, I'd like to hear it at some  
2 point today.

3 JUDGE SUMNER: We can arrange that.

4 MS. MONTGOMERY-BLINN: Okay, yeah, I'm  
5 very happy to play it. I just made the  
6 decision based on time is all, but it's  
7 not --

8 MR. DEVEREUX: Can I ask Sharon a  
9 question just to get some context?

10 MS. MONTGOMERY-BLINN: Of course;  
11 absolutely.

12 MR. DEVEREUX: Sharon, a couple of  
13 interviews ago at 388 --

14 A. 388?

15 MR. DEVEREUX: Yeah, way back.

16 a. Okay.

17 MR. DEVEREUX: I'm not even sure which  
18 interview it was.

19 MS. MONTGOMERY-BLINN: Interview  
20 three.

21 MR. DEVEREUX: You -- he's -- you're  
22 asking if he would have had sex with her  
23 that night and he says, if she didn't have  
24 Johnny with her, right?

1       A.    I asked her, did you try to have sex with her  
2            that night, and he says, I would have.  And I  
3            asked him, if things had gone different, if  
4            things hadn't gone different?  And he states, if  
5            she didn't, if she didn't have Johnny with her.

6                   MR. DEVEREUX:  And I'm still confused.  
7            I'm not asking for your closing argument at  
8            this point, but --

9                   MS. MONTGOMERY-BLINN:  I don't give  
10           you a closing argument.

11                   MR. DEVEREUX:  -- but just some notion  
12           that the evidence seems to support Craig  
13           seeing her go in the direction, go in the  
14           direction of Beck.  He has it in his head  
15           that if she's getting drugs from somebody,  
16           she's probably going to have sex with him.  
17           Is there evidence to support the notion  
18           that he actually gets in his car?  I'm  
19           trying to figure out how everybody ends up  
20           in the cul-de-sac.  It seems --

21       A.    I understand.  He, Craig Taylor -- you  
22            understand how Johnny Beck and Greg Taylor end  
23            up in the cul-de-sac?  You are asking how --

24                   MR. DEVEREUX:  I got that part, yeah.

1 A. Okay. In the beginning when he's speaking to  
2 me, he's saying that she got in a car --

3 MR. DEVEREUX: Right.

4 A. -- in the white Pathfinder.

5 MR. DEVEREUX: Right.

6 A. When I'm asking him to clarify that and asking a  
7 lot of questions, he's becoming inconsistent.  
8 As that time goes on, the way that I'm  
9 understanding it is that Johnny Beck, in his --  
10 what he is telling me is Johnny Beck came up,  
11 purchased drugs from Craig Taylor --

12 MR. DEVEREUX: Right.

13 A. -- turned around -- three rocks for \$50 --  
14 turned around and walked away, and that  
15 Jacquetta Thomas was following Johnny Beck out.

16 MR. DEVEREUX: On foot?

17 A. On foot, correct. Greg Taylor is parked on the  
18 side of the road and Johnny Beck gets into that  
19 vehicle.

20 MR. DEVEREUX: Right.

21 A. And he's stating, Craig Taylor is stating that  
22 he does not believe they had time to have sex,  
23 nor does he know at that point --

24 MR. DEVEREUX: Have sex right there at

1                   that spot?

2       A.     Yes.

3                   MR. DEVEREUX:   Okay.

4       A.     But he has backed off whether or not she got in  
5             the vehicle.

6       Q.     Is he saying that he saw her following and then  
7             he walked, Craig Taylor walked around the block  
8             and when he came back she was still there?

9       A.     Yes; yes.

10               MR. DEVEREUX:   Okay.   And all that's  
11             happening on --

12       A.     Do you want to go over -- I mean, we can just  
13             verbally go over 428 to 432 again without  
14             playing it.

15               MR. DEVEREUX:   Okay, but I'm just  
16             trying -- I think this will mean more, the  
17             tape will mean more if I got it in my head.

18       A.     Right, I understand.

19               MR. DEVEREUX:   All that where Craig  
20             sees her going in the direction of Taylor  
21             and Beck is on the map on Bloodworth, where  
22             Craig Taylor says he sold drugs?

23       A.     Craig Taylor states that he -- yes.   I do not  
24             know what area -- I know that Greg Taylor and

1 Johnny Beck state they stopped at three  
2 different areas to purchase drugs.

3 MR. DEVEREUX: 6, 7 and 8?

4 A. No, sir, 9 and 10; 6, 7 and 8 is an area called  
5 The Block. They additionally say that they were  
6 in the area called The Block, somewhere in that  
7 area, but I don't know if it's 6, 7, or 8, just  
8 somewhere in that area.

9 MR. DEVEREUX: All right.

10 A. And then as you can see, 5 is a little bit above  
11 diagonal of 6.

12 MR. DEVEREUX: Right.

13 A. And that is where Craig Taylor is stating he  
14 sold drugs that night.

15 MR. DEVEREUX: And that's where he  
16 sees them together?

17 A. Yes, sir; I believe so, yes, sir.

18 MR. DEVEREUX: Okay. And is there  
19 evidence to support the assertion that he  
20 does follow them?

21 A. There -- I -- in that area I don't know if they  
22 purchased drugs directly from him. I don't know  
23 if he followed them. I know that he stated that  
24 he saw the victim, as I said, walking after

1 Johnny Beck and that he went around the block  
2 and came back and that the victim was still  
3 there.

4 MR. DEVEREUX: Okay; all right. I've  
5 got it, thank you.

6 A. You're welcome.

7 MS. MONTGOMERY-BLINN: More questions,  
8 Commissioners?

9 (NO AUDIBLE RESPONSE.)

10 MS. MONTGOMERY-BLINN: Okay. I'm  
11 going to play the start of page 432 and  
12 then I'm going to play it all the way  
13 through on 435 where he says the last  
14 question. So we're going to stop there on  
15 435, although you are more than welcome to  
16 hear the end. I think she just talks about  
17 calling his family. So that's where I  
18 planned to stop, but I'll be happy to play  
19 any additional portions that Commissioners  
20 do request. And it's about 20 minutes.

21 (THEREUPON, THE PROCEEDINGS WENT OFF  
22 THE RECORD WHILE THE AUDIO RECORDING WAS  
23 PLAYED.)  
24

1 Q. Ms. Stellato, how was that recording made?

2 A. Digital, digital recording by devices that the  
3 Commission has.

4 Q. And who was present when that recording was  
5 made?

6 A. Grace Wallace, myself, and Craig Taylor.

7 Q. And did you see Ms. Wallace making that  
8 recording or turning the recorder on?

9 A. Yes, I did.

10 Q. Okay. And did you see her turning it off?

11 A. Yes, I did.

12 Q. And did you come back to the office and see it  
13 or participate in it being uploaded onto this  
14 digital format?

15 A. I believe I uploaded it.

16 Q. Okay. And having listened to that, was that a  
17 fair and accurate recording of your interview  
18 that day?

19 A. Yes, it was.

20 Q. And do you recognize the two voices on that  
21 recording?

22 A. Yes, I do.

23 Q. And who are they?

24 A. Myself and Craig Taylor.



1 Q. Okay. What was Mr. Taylor doing during those  
2 long pauses, or what was his demeanor during  
3 what we just heard?

4 A. During most of the pauses he was crying,  
5 breathing heavily, shaking his head, during --

6 Q. You say shaking his head. What do you mean?

7 A. He would, he would place his hands like this  
8 (indicating) and shake his head. When I would  
9 ask him specific questions, he would cry and  
10 shake his head. At times he was drumming -- you  
11 can hear a little bit in the tape -- he was  
12 drumming his hands on the table. He was  
13 swallowing hard, and at times he was, in some of  
14 the audio you can hear at times he was sighing.

15 Q. Okay. Was he looking at you?

16 A. Yes. He was looking at me the whole time.

17 Q. Was that unusual for him to be looking at you  
18 compared to your experience in the past with  
19 him?

20 A. It was unusual for him to be looking at me.

21 Q. And then when we stopped the recording had he  
22 stopped answering questions?

23 A. Right near the end there I say that I'll only  
24 ask him two questions. I actually ask him one

1           and then another, and then the last one is the  
2           third one, as to where he left her, and he did  
3           not answer.

4       Q.    Okay.

5       A.    At that time he stopped answering. I didn't ask  
6           after he didn't answer me.

7       Q.    Okay. So he stopped answering?

8       A.    Yes.

9       Q.    And then the last page-and-a-half is you talking  
10          to him about talking to his family?

11      A.    Talking to his family.

12      Q.    He wants you to give them a call?

13      A.    Yes, he does. He wants me to tell them.

14      Q.    And do you do that?

15      A.    I call his aunt and I -- he gave me permission  
16          to call his aunt and his mom. When I called his  
17          aunt, his mom and her live close together, and  
18          she actually came in the home.

19      Q.    Okay. So did you speak to them?

20      A.    I spoke to the aunt first and the mom second.

21      Q.    Okay.

22      A.    He had already spoken to his mom.

23      Q.    Okay. And did you give the aunt the phone  
24          number for Prison Legal Services?

1 A. Yes, I did.

2 Q. And is that the end of your interviews with  
3 Mr. Craig Taylor?

4 A. That is the last time I talked to Craig Taylor  
5 over interviews, yes.

6 Q. Okay.

7 MS. MONTGOMERY-BLINN: Commissioners,  
8 do you have any more questions about these  
9 four interviews?

10 MR. DEVEREUX: Sharon, when you say he  
11 was crying, I mean, sobbing crying, tears  
12 streaming down crying, or --

13 A. He was not sobbing crying. At times when he's  
14 breathing heavily, when he's talking about the  
15 details, I wouldn't describe it as sobbing  
16 crying, I would describe it as tears running  
17 down his face. But the breathing heavily I  
18 would not describe as sobbing, per se.

19 MR. DEVEREUX: Do you all know about  
20 any mental health history that --

21 A. Yes, we do. We have actually a huge box, about  
22 a copy size --

23 MR. DEVEREUX: Of Craig?

24 A. Yes; yes. We have all his mental health and

1           medical records.

2                   MS. MONTGOMERY-BLINN: We're going to  
3           go through that.

4                   MR. DEVEREUX: Okay, great. That's  
5           all I have.

6                   MS. MONTGOMERY-BLINN: I would ask  
7           that Ms. Stellato be released from  
8           testimony?

9                   JUDGE SUMNER: Thank you, ma'am.

10                   (MS. STELLATO IS DISMISSED FROM THE  
11           WITNESS STAND.)

12                   MS. MONTGOMERY-BLINN: All right. So last  
13           night, Commissioners, you had some reading  
14           materials to go over, and one of the things that  
15           was in there that is not on this slide, but was  
16           just excerpts from the media coverage of this  
17           case, and that was simply so you could see what  
18           had been written about the ways that the victim  
19           had been killed. Does anybody have any  
20           questions about those?

21                   (NO AUDIBLE RESPONSE.)

22                   MS. MONTGOMERY-BLINN: You also had  
23           correspondence and phone calls, so let's talk  
24           briefly about the correspondence. There was,

1 after the last interview that you just heard  
2 that Ms. Stellato conducted with Mr. Taylor, he  
3 wrote her a letter. You have that letter and  
4 you were able to read that last night. And she  
5 took some time and ultimately the Commission sat  
6 down and we responded to that letter. You have  
7 her response. And then he wrote her another  
8 letter and you have that one. And in that  
9 letter he says, tell Greg that I'm very sorry  
10 that he had to spend 16 years in prison for a  
11 crime he's never committed. I can't make up for  
12 the 16 years he's lost, but thanks to my  
13 confession he has a new start at freedom.

14 And you have the entirety of that letter  
15 that was provided to you last night. We never  
16 did respond. Ms. Stellato and no one from our  
17 Commission ever responded to that letter, so  
18 that's the last correspondence we have from him.  
19 As far as we know he has not followed up on that  
20 letter in anything that we've received.

21 Any questions about the letters?

22 (NO AUDIBLE RESPONSE.)

23 MS. MONTGOMERY-BLINN: The other thing that  
24 was in your reading packet was phone calls. As

1 Ms. Stellato testified, the telephone calls made  
2 out of the Department of Corrections by inmates  
3 are recorded. We were -- we made a motion and  
4 received a court order to obtain access to the  
5 recordings of those telephone calls starting  
6 with the time that we had begun interviewing  
7 him, and we could periodically get a CD sent to  
8 us of those phone calls from the Department of  
9 Corrections.

10 We were able to transcribe a number of the  
11 phone calls for you and you've got those and you  
12 went through those last night. I was going to  
13 play a portion of one of the phone calls for  
14 you, but we'll be happy to play any of the phone  
15 calls that you would like or that you would ask  
16 me to play. On the phone call made on August 1,  
17 2009, the phone call to his mother, that was the  
18 portion that I was going to play for you. It  
19 will take me just a minute to get it queued up  
20 on here. If you would like to take just a  
21 couple of minutes while I get it queued up and  
22 be in recess for a few minutes, I'll have it  
23 queued up.

24 JUDGE SUMNER: We'll just sit here.

1 MR. BECTON: What date? Which one?

2 MS. MONTGOMERY-BLINN: The one that we're  
3 going to play is August 1, 2009. It's at the  
4 very bottom of page 2. We're not going to play  
5 the whole thing unless you would like it.  
6 August 1, 2009 phone call to his mother.

7 MR. DEVEREUX: Is that the one that starts  
8 at 7:16 p.m.?

9 MS. MONTGOMERY-BLINN: Yes, it starts at  
10 7:16 p.m. I'm going to begin playing the  
11 recording at the very bottom of page 2 with the  
12 line where his mother says, but don't you think  
13 you did something like that you should have come  
14 forward? And that's the line I'm going to start  
15 with, and then unless anybody requests something  
16 different, and I can play any phone calls that  
17 you would like.

18 (THEREUPON, THE PROCEEDINGS WENT OFF  
19 THE RECORD WHILE THE AUDIO RECORDING WAS  
20 PLAYED.)

21 MS. MONTGOMERY-BLINN: All right. So as  
22 you've already heard a little bit, we tried to  
23 do as much factual corroboration as we could of  
24 some of the things that Craig Taylor was talking

1           about or some of the other things that he  
2           mentioned. We did contact the Raleigh Police  
3           Department because he talked about that other  
4           murder, the murder of the possibly homeless man,  
5           and you already heard testimony about that. The  
6           Raleigh Police Department was very cooperative  
7           and tried very hard to help us find it. They  
8           were not able to find that. They just felt that  
9           they did not have enough location details at  
10          least at this time, so we don't know. That may  
11          or it may not exist.

12                 Laurnette Perry said that she saw a similar  
13          car, a black Mustang, that the victim was  
14          regularly dropped off in in the early morning.  
15          She did not know who drove it. Craig Taylor  
16          told us that he drove a black Mustang at the  
17          time of the murder.

18                 We talked to a number of people and showed  
19          them pictures of Craig Taylor to see if they  
20          recognized him or did not. Many people did  
21          recognize him, were able to confirm that he was  
22          a drug dealer. Tanika Stewart, James Gist,  
23          Sharon Ricks, they all recognized him and  
24          confirmed that he was a drug dealer. Nobody



1       said anything about him particularly with the  
2       victim.

3               We received a court order to obtain copies  
4       of all of Mr. Taylor's medical records and  
5       psychological records from the Department of  
6       Corrections. We have a whole banker's box full  
7       of those. We did send all of the psychological  
8       records and at least portions of the medical  
9       records to an expert on the reliability of  
10      confessions, and he'll be coming in, and he did  
11      review all of those. The portions that appear  
12      to be at least the most significant, although I  
13      don't claim to be a psychologist and know  
14      exactly, but it did confirm his medical status.  
15      He talks to Ms. Stellato about his medical  
16      status. It did confirm that. It's hard to tell  
17      exactly what diagnosis he had and exactly when.  
18      He talks about the diagnosis changing. All we  
19      can tell from the records is he does have those  
20      diagnoses, but it's very hard to tell -- the  
21      records switch back and forth -- at the exact  
22      moment that he was diagnosed.

23             At one point in the medical records they  
24      talk about he tells the medical staff that he

1       wants to confess to two murders, and he tries to  
2       confess to two murders. And they, you know,  
3       they note that in the records but they don't  
4       contact any authorities about that.

5               His IQ was in the normal range. He -- the  
6       medical records and psychological records  
7       confirm that he does have anger control  
8       problems. They talk about him having aggression  
9       and having lots of anger, and he does have a  
10      number of different mental health diagnoses, but  
11      they vary. Sometimes they diagnose him one way  
12      and sometimes another way, so there is not  
13      anything that I can consistently say is a  
14      diagnosis across the board for the entire time  
15      that he is in prison, but they do come and go.  
16      At one point he is diagnosed paranoid  
17      schizophrenic, but then at a later time they re-  
18      diagnose him as other things, so it's not  
19      something straight across the board. But they  
20      do a lot of medical and psychological  
21      evaluations of him. Anybody who wants to see  
22      any of those records, we've got the box. We'll  
23      pull through anything that you'd like. If you  
24      want to look at them during recess or if the

1           Commissioners want to take them back into a room  
2           and go through them, they certainly can.

3           We also consulted with the medical  
4           examiner. This is Dr. Radisch, who conducted  
5           the original autopsy report back in 1991. We  
6           talked with her about the possibility that a bat  
7           was used and a pocketknife. She's going to be  
8           here to testify today so I will let her answer  
9           those questions directly to you.

10          We talked to another expert on crime scene  
11          reconstruction as well and had him take a look  
12          at all the crime scene photos before we said  
13          anything to him about what Craig Taylor had told  
14          us. And same thing, we actually consulted with  
15          Dr. Radisch before we had ever met with  
16          Mr. Taylor, with Craig Taylor, and talked to  
17          her, and then re-consulted with her after  
18          meeting with Craig Taylor.

19          Another expert on crime scene  
20          reconstruction took a look at all the photos,  
21          gave us opinions, then we talked to him about  
22          the evidence from Craig Taylor. He will be here  
23          to testify today. He's actually next to  
24          testify.

1           And then we talked to an expert on the  
2           reliability of confessions, a law school  
3           professor from Northwestern, and he will be here  
4           today. He reviewed all of the files that had  
5           anything to do with Craig Taylor and most of the  
6           other factual parts of the files and those  
7           records, the psychological records that we  
8           talked about. And he was able to form an  
9           opinion and he'll be able to talk with you about  
10          that today and give you some thoughts on that.

11          And now I am ready to take a short recess  
12          and call the crime scene reconstruction expert.

13          JUDGE SUMNER: All right. At ease.

14          (THEREUPON, THERE WAS A SHORT RECESS.)

15          JUDGE SUMNER: Ms. Blinn, are you ready?

16          MS. MONTGOMERY-BLINN: I am, your Honor,  
17          thank you. Before I call in Mr. McCann are  
18          there any questions any Commissioners have for  
19          me or anything thus far that we need to answer  
20          questions about? Did you have one, Mr. Devereux?

21          MR. DEVEREUX: Oh, I'm sorry, I did. The  
22          medical condition, is that going to come out  
23          of -- I don't want to go into a lot of detail,  
24          but he was HIV positive, is that --

1 MS. MONTGOMERY-BLINN: Uh-huh (yes).

2 MR. DEVEREUX: It has been confirmed?

3 MS. MONTGOMERY-BLINN: That has been  
4 confirmed. We cannot tell the -- in the DOC  
5 medical records they switch between HIV and AIDS  
6 very frequently, so we can't tell at what point  
7 that diagnose has changed, but they seem to use  
8 those words interchangeably.

9 MR. DEVEREUX: Okay. When he attempts --  
10 you mention that he attempted to discuss two  
11 homicides with the -- was it with the  
12 correctional --

13 MS. MONTGOMERY-BLINN: Why don't we just  
14 find that one and see if we can --  
15 (Ms. Montgomery-Blinn confers with Ms.  
16 Stellato). I had previously prepared those to  
17 hand out and forgot. Thank you, Ms. Stellato.  
18 Ms. Wallace will pass that around.

19 MR. DEVEREUX: And then finally on the -- I  
20 realize that the psychiatric records,  
21 psychological records are extensive, but was  
22 there medication prescribed for him? Do you  
23 know that?

24 MS. MONTGOMERY-BLINN: Ms. Stellato can

1 answer that question.

2 MS. STELLATO: There was medication  
3 prescribed for him on several different  
4 occasions, on several different occasions, and  
5 normally it would go about a month and he would  
6 come back and he would not be taking his  
7 medication. So at all of the times that they  
8 diagnosed psychosis, he would not continue the  
9 medication at all, and that's why eventually he  
10 was diagnosed paranoid schizophrenic for  
11 approximately six years, but eventually they  
12 removed that diagnosis because he wasn't taking  
13 the medication.

14 MR. DEVEREUX: Right. But he was -- they  
15 did prescribe anti-psychotic medication and he  
16 took it for some period of time?

17 MS. STELLATO: Very often, yes.

18 MR. DEVEREUX: Sharon, they -- it was --  
19 nothing developed out of this, this attempt  
20 to --

21 MS. STELLATO: No, sir, there is no  
22 remaining records indicating if they, if they  
23 contacted anyone or what the results of that  
24 was. It's not ever discussed here.

1 MR. BECTON: This is a 7/2/96 date? 1996?

2 MS. MONTGOMERY-BLINN: May I see it?

3 MR. BECTON: Second page, I believe, is  
4 7/2/96 or --

5 Ms. Stellato: It is, yes.

6 MS. MONTGOMERY-BLINN: Any more questions  
7 before we start talking about Mr. McCann?

8 (NO AUDIBLE RESPONSE.)

9 MS. MONTGOMERY-BLINN: All right, I will be  
10 presenting Mr. McCann or asking, I'll be asking  
11 the Commission to consider him as an expert in  
12 crime scene analysis. He also does some  
13 criminal profiling work and that's really more  
14 based on behavioral theories and a less well  
15 research science. It's usually used more during  
16 an investigation as opposed to a trial, so I'm  
17 not asking him to testify about that. Only one  
18 time prior has he testified about psychological  
19 conditions, and that was about rape trauma  
20 syndrome. However, if the Commission decides  
21 that they want to ask him about that and venture  
22 into that ground, that is certainly fine with  
23 me. I'm not planning to ask him about that.  
24 I'll leave that up to the Commission if you

1 decide that you want to. I'm going to ask him  
2 specifically about findings that he made based  
3 on the physical evidence that he was able to  
4 view, the photographs, the physical evidence of  
5 things.

6 You've had his CV handed out to you just  
7 like for the other experts so that I can qualify  
8 him a little bit more quickly. And we are now  
9 ready for Mr. McCann.

10  
11 THEREUPON,

12 LARRY MCCANN,

13 Having first been duly  
14 Sworn, was examined and  
15 Testified as follows:

16 EXAMINATION BY MS. MONTGOMERY-BLINN:

17 Q. All right. Mr. McCann, state your name for us  
18 and please spell it.

19 A. My name is Larry McCann, M-c-C-a-n-n.

20 Q. All right. And where are you employed,  
21 Mr. McCann?

22 A. I am employed at the Academy Group,  
23 Incorporated.

24 Q. And tell us what the Academy Group is.



1 A. The Academy Group is composed of former FBI,  
2 U.S. Secret Service, and Virginia State Police  
3 criminal investigators and psychological  
4 profilers. It's a forensic behavioral science  
5 consulting firm.

6 Q. Okay. And where is it located?

7 A. It's located in Manassas, Virginia.

8 Q. All right. Now, how long have you been working  
9 with the Academy Group?

10 A. Been there ten years.

11 Q. All right. Tell us first about your educational  
12 background.

13 A. I'm a 1970 graduate of Bridgewater College,  
14 bachelor's degree in psychology. Did some  
15 master's work at the American University in  
16 Washington, D.C. A graduate of the Northern  
17 Virginia Police Academy, the Virginia State  
18 Police Academy, the Virginia Forensic Science  
19 Academy, the Armed Forces Institute of  
20 Pathology, the basic forensic pathology, and the  
21 Armed Forces Institute of Pathology, advanced  
22 forensic pathology. A graduate of the FBI  
23 Police Fellowship, the blood spatter workshop at  
24 the Minnesota Forensic Science Laboratory, the

1 University of Virginia course in management of  
2 forensic and technical services, various FBI  
3 National Academy courses in interpersonal  
4 violence, death investigation, applied  
5 psychology. I also attended the University of  
6 Virginia School of Law in psychiatry and  
7 criminal law and I've attended countless  
8 assorted in-services over the years.

9 Q. Okay. Now tell us more about your work  
10 experience. Were you with the Virginia State  
11 Police Department?

12 A. (Witness examines document.) Yes, I just don't  
13 want to leave anything out.

14 Q. Oh. Well, we've got your CV so highlights are  
15 okay.

16 A. All right. I was with the Virginia State Police  
17 for 26 years, worked as a special agent in  
18 violent crimes for 19 years, and I was in law  
19 enforcement for a total of 29 years before my  
20 retirement.

21 Q. And since then you've been with the Academy  
22 Group?

23 A. Yes, ma'am.

24 Q. And with the Virginia State Police Department

1           you've been with a number of different violent  
2           crimes groups within that?

3       A.    Yes, ma'am.

4       Q.    Okay. And did you help develop some national  
5           guidelines for crime scene investigation?

6       A.    Yes, I did.

7       Q.    And is that something that is now currently  
8           used?

9       A.    Yes. Let me get you the year on that one. In  
10           1997 United States Attorney General Janet Reno  
11           asked me to assist the U.S. Department of  
12           Justice with a technical working group dealing  
13           with the subject of crime scene investigation.  
14           During the course of this involvement with the  
15           Department of Justice I co-authored a book  
16           titled "Crime Scene Investigation, a Guide For  
17           Law Enforcement." This was published in January  
18           of 2000 and it established the national  
19           guidelines for crime scene investigation in the  
20           United States.

21      Q.    And have you been doing consultation work since  
22           then or is that what you do with the Academy  
23           Group?

24      A.    That's what I do with the Academy Group, but

1           when I was with the State Police I was called  
2           upon to assist various police departments around  
3           the world, Canada, the UK, the Netherlands,  
4           Australia. I assisted them as they would call  
5           upon me.

6       Q.    Okay. And you consulted in over 2,000 homicide  
7           cases?

8       A.    Yes, ma'am.

9       Q.    Okay. You consulted in the Norfolk Four case  
10          recently in Virginia?

11      A.    Yes, ma'am.

12      Q.    And you have testified before in court?

13      A.    Yes, ma'am.

14      Q.    And you've testified as a blood stain pattern  
15          analyst, a crime scene analyst, and a crime  
16          scene analyst and reconstruction expert, is that  
17          correct?

18      A.    Yes, ma'am.

19      Q.    It looks like a combined total of well over 20  
20          times?

21      A.    Yes, ma'am.

22      Q.    And that is both in state and federal court?

23      A.    Yes.

24                           MS. MONTGOMERY-BLINN: At this time,

1                   your Honor, I would ask that the Commission  
2                   consider Mr. McCann as an expert in crime  
3                   scene analysis?

4                   JUDGE SUMNER: He is deemed to be  
5                   qualified.

6       A.    Thank you.

7       Q.    Mr. McCann, did you review the case of State  
8            versus Gregory Taylor on behalf of the Innocence  
9            Inquiry Commission?

10      A.    Yes, ma'am, I did.

11      Q.    How were you contacted in this case?

12      A.    It was a telephone call to our headquarters from  
13            Michael Epperly, and then headquarters called me  
14            and asked me to contact Michael, and I did. And  
15            we had numerous conversations and then various  
16            materials I asked for and received and I  
17            examined them.

18      Q.    Okay. You said you spoke to Mr. Epperly. Who  
19            else have you spoken to about this case?

20      A.    I have spoken with you and with Sharon Stellato.

21      Q.    Okay. Those are the only people you've talked  
22            to about this case?

23      A.    Yes, ma'am.

24      Q.    Okay. And what is it that you were asked to do

1 by the Innocence Inquiry Commission in this  
2 case?

3 A. Well, I was asked to review the physical  
4 evidence and review it in light of some current  
5 information, so what I did is I performed a two-  
6 phase examination of the evidence. The first  
7 phase was a crime scene analysis and  
8 reconstruction of the physical evidence, the  
9 crime scene photographs, the autopsy report, the  
10 laboratory reports, the police reports  
11 concerning the crime scene search, area maps,  
12 information about the victim. And then after I  
13 had in my mind what happened, then I was  
14 provided information -- well, you asked me  
15 questions and I answered the questions, and then  
16 later I was provided information from Craig  
17 Taylor to compare to my conclusions.

18 Q. So before you even heard about Craig Taylor had  
19 you made conclusions and looked at the  
20 photographs and the autopsy, all those things  
21 you're talking about in the first phase?

22 A. Yes, ma'am, before I ever had any information  
23 from Craig Taylor.

24 Q. Okay. Now, at any time were you given any

1           indication about a desired result of your review  
2           from the Commission staff?

3       A.   No. My understanding is seeking the truth,  
4           which is what I feel my job is, is to seek the  
5           truth, and you weren't looking for anything in  
6           particular, just what happened and how does it  
7           compare to this statement.

8       Q.   Did Commission staff ever talk to you and say,  
9           here's what we think happened?

10      A.   No.

11      Q.   Did Commission staff ever talk to you and say,  
12           we hope you'll say this is what happened?

13      A.   Oh, no; no.

14      Q.   Did you --

15      A.   Matter of fact, I specifically said, if I write  
16           a report, you're not allowed to tell me what to  
17           say.

18      Q.   Okay. And did anybody try to tell you what to  
19           say?

20      A.   No, ma'am.

21      Q.   Okay. Did you ever get the impression or have  
22           any feeling that a decision on whether or not  
23           you would be called to testify at this hearing  
24           would be based on your report or what your

1 conclusions were?

2 A. No. I was told that whatever conclusions I  
3 reached, that I would be called to testify.

4 Q. Okay. Were you actually told about the hearing  
5 and planning to come down before you had ever  
6 even reached any conclusions at all, before you  
7 had even reviewed the reports?

8 A. Yes, ma'am. I had it penciled in before I ever  
9 received any materials.

10 Q. All right. So let's talk about that first phase  
11 then of your review. This is before you knew  
12 anything about what the Commission's  
13 investigation detailed, you only had the police  
14 investigation, the autopsy report, those  
15 photographs. Will you list briefly for us your  
16 conclusions that you made and then let's go  
17 through each one in more detail?

18 A. Certainly. I reached seven conclusions: first  
19 of all, that the victim was beaten with a wooden  
20 two-by-four building stud; that the two stab  
21 wounds inflicted on the victim were perimortem.

22 Q. What does perimortem mean?

23 A. Perimortem means around the time of death. And  
24 that she was beaten at the location in which she



1 was found. I also concluded that the offender  
2 would have the victim's blood on him, on the  
3 offender; the two-by-four would have had the  
4 victim's blood on it; and that the offender took  
5 the two-by-four when he left; that a small  
6 pocketknife inflicted the two stab wounds and  
7 would not have had much blood on it. The  
8 offender's vehicle would possibly have had the  
9 victim's blood on exterior panels and probably  
10 on interior surfaces. Another conclusion was  
11 that the Nissan Pathfinder was not involved in  
12 this incident. And the last conclusion was that  
13 the homicide was staged to look like a sexual  
14 assault had occurred.

15 Q. Okay, let's go ahead and go through those  
16 conclusions now in a little bit more detail.

17 A. Okay. The conclusion concerning that the victim  
18 was beaten with a two-by-four revolved around  
19 the shape and the size of the wounds. The shape  
20 and size of most of the wounds fit the  
21 configuration of a two-by-four. What I'm  
22 talking about here is parallel. Do you have  
23 another --

24 MS. MONTGOMERY-BLINN: May I approach

1 the witness, your Honor?

2 JUDGE SUMNER: Yes, certainly.

3 A. Thank you.

4 Q. You're welcome, and I do have your photos if you  
5 need them.

6 A. I will be looking at them.

7 Q. Let me know when you're ready.

8 A. If you look at a two-by-four, you see that the  
9 lines on a two-by-four, the edges of a two-by-  
10 four are parallel and they are slightly  
11 radiused. They have -- they're not sharp, they  
12 are not sharp edges. This two-by-four here,  
13 it's even got more radius to it. The lines are  
14 less distinct. So what I was seeing is parallel  
15 lines with one-and-a-half inches between them.  
16 The short dimension of a two-by-four is one-and-  
17 a-half inches. The long dimension is three-and-  
18 a-half inches.

19 Before I go any further, can I talk about  
20 laceration versus cut?

21 Q. Please do.

22 A. Okay. In reading the autopsy report and in  
23 talking about wounds to people, it's important  
24 to understand the difference between a

1 laceration and a cut. A laceration is tearing  
2 of the skin, it's tearing of the skin caused by  
3 blunt trauma. If this were to strike me, the  
4 skin would stretch and stretch and stretch until  
5 it could no longer stretch and then it would  
6 rip, it would tear. That's a laceration. It  
7 produces ragged wound edges, bruised and crushed  
8 margins, and bridging. This is one of the  
9 important aspects of it. Bridging is -- the  
10 skin is, the skin is torn, but the vessels, the  
11 nerves that go across that area are intact.  
12 There may be undermining or a pushing up of  
13 skin. If I'm struck by an object and it comes  
14 in at this angle you can see where the skin  
15 would bunch up indicating the directionality of  
16 the force.

17 An incised wound is different. We usually  
18 think of incised wounds as cuts.

19 Q. May I interrupt you really quickly and just --  
20 you might have said it. Is blunt force trauma  
21 something that can cause lacerations?

22 A. Well, blunt force trauma does cause lacerations  
23 or can cause. It depends on how hard you're  
24 hit.

1 Q. Right.

2 A. I mean, I'm not lacerating myself now, but if I  
3 was hit hard enough, certainly. It can cause  
4 laceration, blunt force trauma.

5 Q. Okay, thank you.

6 A. It's a tearing of the skin. Now, an incised  
7 wound or a cut is a clean division of the skin  
8 and the underlying tissues. It's a nice clean  
9 division so the margins, the edges of the wound  
10 are almost always free of damage and the lower  
11 structures are cut. So you can tell the  
12 difference by looking at the wound. If all the  
13 way to the base of the wound all of the  
14 structures are broken, are cut, we have a  
15 laceration, and if the margins are sharp and  
16 they are not crushed, they are not abraded, we  
17 have a cut. We have a cut.

18 when you're speaking about cuts and stabs,  
19 you need to know the difference between a cut  
20 and a stab. A cut is an incised wound on the  
21 skin that is longer on the surface than it is  
22 deep. A cut is longer on the surface than it is  
23 deep. A stab is deeper than it is longer on the  
24 surface. That's the difference. A stab is

1 deeper than wide. A cut is wider than deep.

2 okay, so that's the difference between  
3 laceration and cut, and they are both described  
4 in the autopsy report. I thought it was  
5 important to talk about that.

6 How did I get the conclusion of a two-by-  
7 four? If we can look at autopsy photograph  
8 number 2.

9 MS. MONTGOMERY-BLINN: Commissioners,  
10 Mr. McCann has indicated he'd like to use a  
11 number of photographs for his testimony.  
12 Most of them were used at trial and are in  
13 your report, but not all of them, and they  
14 are not numbered in the way that he is  
15 referring, so he has asked me to make them  
16 available on the PowerPoint, and I'm going  
17 to do that. They are very graphic. They  
18 are the autopsy photographs.

19 Q. And just let me know when you need me to change  
20 the --

21 A. Certainly. In this photograph of the victim's  
22 back you can see the victim's head. We are  
23 looking at the victim's shoulder, the right  
24 shoulder here. We're going to talk about --

1           this is a distance indicator, two centimeters.  
2           we're going to talk about these wounds right  
3           here (indicating), and we're going to talk about  
4           this cruciate, this cross-shaped wound right  
5           here, and they are both on the victim's right  
6           shoulder and right back. All right, can we go  
7           to 2E, please?

8       Q.   Let me ask you just really quickly to clarify in  
9           the photo. The white patches of skin that you  
10          see, is that skin slippage?

11      A.   Yes. These white patches of skin, this is, this  
12          is called skin slippage. This is where the skin  
13          slips and falls off the body. It's early stage  
14          decomposition of the body.

15      Q.   It's not something that was inflicted in the  
16          murder?

17      A.   No. This is caused because she was, the victim  
18          was at the scene in the sun. She was there too  
19          long and decomposition started. That's what  
20          causes this.

21      Q.   Okay.

22      A.   All right, now this photograph, this is the  
23          right shoulder, and I'm looking particularly at  
24          this, this area right here (indicating). Now,

1           that area right there is approximately three  
2           centimeters in length, which is approximately an  
3           inch-and-a-half, which is the short dimension of  
4           a two-by-four. Now, what we see here is we see  
5           the edges of the weapon, the edges of the, what  
6           I'm calling a two-by-four. We're seeing the  
7           edges right here and right here. What we're  
8           also seeing is abrasion right here between the  
9           two lines. This is a flat object impacting with  
10          the shoulder. This is not a rounded object. If  
11          this were a rounded object such as this baseball  
12          bat, what you would have is called tramlines,  
13          like railroad tracks or a tram. You would have  
14          parallel lines with blanching between them with  
15          a white area, a less abraded area between them.  
16          What happens when the round surface strikes, it  
17          forces the blood away from the center, so the  
18          center now blanches but it leaves parallel  
19          lines, tramlines. We don't see that in this  
20          photograph. We don't see tramlines on our  
21          victim anywhere, no tramlines, no blanching.

22               All right, the next one, please.

23          Q.    (Ms. Montgomery-Blinn displays next photograph.)

24          A.    This is her back. This is the right upper back,

1 and this distance here is two centimeters. Two  
2 centimeters is approximately three-quarters of  
3 an inch. What we're seeing here is an object --  
4 may I go up to the screen?

5 JUDGE SUMNER: Yes, sir.

6 A. What we're seeing here is an object that is  
7 coming in like this and puncturing the skin, and  
8 over here we have abrasion, we have a sharp  
9 edge, and we have undermining. The object, as  
10 it penetrates the skin, these areas of the skin  
11 now come up and rub against it and abrade,  
12 leaving this. What we have here is a line which  
13 is the back, which is one of the edges of the  
14 object, one of the edges of the two-by-four. So  
15 what you've got here is this wound, this  
16 penetrating wound, perforating wound, is caused  
17 by an object striking like this with a sharp  
18 edge, with a sharp edge. And this undermining  
19 is caused because either the weapon moved a  
20 little bit or the victim moved a little bit and  
21 undermined the skin in that area.

22 We also have the sharp edge that I was  
23 talking about indicative of the two-by-four. We  
24 don't have any rounded edges. There are no



1 rounded edges on this wound. Okay, also talking  
2 -- well, talking about size here, the next  
3 photograph, please.

4 Q. (Ms. Montgomery-Blinn displays next photograph.)

5 A. The size of the wound gives you an indication of  
6 the weapon. This laceration right here is one-  
7 and-a-half inches in length, gives you an  
8 indication of the size of the weapon that was  
9 used.

10 Q. Mr. McCann, will you just explain what the  
11 longest cut that goes across that head is just  
12 so that everybody understands?

13 A. Yes. These are lacerations. These are blows to  
14 the victim. This is an artifact -- this is a  
15 cut. This is an artifact of the autopsy where  
16 the scalp is reflected so you can go inside the  
17 cranial vault and examine the brain and the  
18 underneath of the skull. So the vertical cut is  
19 exactly that, it's a cut, it's an artifact,  
20 didn't have anything to do with the assault on  
21 this woman. It's a result of the autopsy.

22 Q. Thank you.

23 A. All right. And the next photograph, please.

24 Q. (Ms. Montgomery-Blinn displays next photograph.)

1       A.    One of my conclusions was that the stabs --  
2            there were two stab wounds to the victim -- that  
3            the stabs were perimortem, right around the time  
4            of death, and that's because this stab wound  
5            right here caused very little blood flow, very,  
6            very little blood flow from this. Her blood  
7            pressure is down, it's just not pumping out of  
8            this tiny little wound.

9            The next one -- before we go there, the  
10           next photograph is -- I don't really know if you  
11           want the camera on for this. It's full frontal  
12           of the victim.

13       Q.    We had the camera away.

14       A.    Okay, okay, just -- okay, that's fine. Oh,  
15            yeah.

16       Q.    Let's just wait a minute, let the -- the camera,  
17            I understand, is not filming the PowerPoint.

18                    (NO AUDIBLE RESPONSE.)

19       Q.    Okay, good, I'm getting confirmation.

20       A.    Okay. I just wanted to know your opinion.

21                   MS. MONTGOMERY-BLINN: Ms. Batts, will  
22            you just follow them out and make sure that  
23            they're okay?

24       Q.    Are you ready for the next photograph,

1 Mr. McCann?

2 A. Yes. The next photograph is an indicator that  
3 she was beaten right there at the scene, the  
4 multitude of the varying size blood stains all  
5 around her body and the, this discontinuous  
6 blood stain here from the hand and from the  
7 head, there's a gap in it right there which  
8 shows me that this hand has been, has moved  
9 quickly from that location to this location, and  
10 we can talk about that later if you wish. But  
11 there is this discontinuous bleeding pattern and  
12 there is this multitude of blood stains. You  
13 wouldn't have the fine blood staining around the  
14 body if she had been beaten somewhere else.

15 Okay, we can take that one off.

16 Q. Okay. Are you done with the photos for a little  
17 while?

18 A. For a few moments, yes.

19 Q. Okay. I'm just going to go ahead and try to  
20 figure out how to turn the -- maybe.

21 A. Okay. Conclusion concerning the number of  
22 offenders, the offender or offenders would have  
23 been covered with blood. The large number of  
24 blood stains on the pavement immediately around

1 the victim and the nature of the powerful  
2 beating wounds that she received suggest a great  
3 likelihood that the offender or offenders would  
4 have the victim's blood on himself and his  
5 clothing. What happens is when blood pools and  
6 then it is struck, the blood shatters or  
7 spatters, is the term, and it goes in all  
8 directions. The photograph you will see in a  
9 few moments shows that, but we'll get to that in  
10 a moment.

11 Also about the two-by-four, it would have  
12 been covered with the victim's blood and the  
13 offender took it with him. It was not found at  
14 the scene. The dogs didn't even find it, so it  
15 was gone from the scene.

16 About the knife -- a knife was used -- it  
17 would have been small sized. The breast wound  
18 measures five-sixteenths of an inch. Well, this  
19 is your typical Swiss army knife that you can  
20 buy anywhere. This is the largest blade on this  
21 Swiss army knife and the maximum width of this  
22 blade is five-sixteenths of an inch. So this is  
23 just a tiny little knife that inflicted these  
24 two wounds, one five-sixteenths of an inch, one

1       three-eighths of an inch. well, three-eighths  
2       of an inch is six-sixteenths of an inch, so all  
3       it would take was a little bit of movement and  
4       you've got the extra sixteenth of an inch. Just  
5       the sizes of those two stab wounds are  
6       indicative of a tiny little knife. The knife  
7       would have had very little blood on it and the  
8       offender took it with him. It wasn't found at  
9       the scene.

10               Now we can go to the next photograph,  
11       CCBI-188, please.

12       Q.   That one?

13       A.   There we go, that one. About the offender's  
14       vehicle, if the offender's vehicle would have  
15       been within about ten feet of this beating,  
16       there should, there should have been stains,  
17       blood stains on the exterior panel, panels of  
18       that vehicle. And there are blood stains.  
19       Right here is one tiny blood stain that I can  
20       see in this photograph. I am sure there are  
21       others because if this one is over here, I know  
22       there's going to be some more in this area. You  
23       just can't see them in these photographs. You  
24       can see the ones that are close, but you don't

1 find these smaller ones in the photographs. So  
2 if that vehicle had been within ten feet of her,  
3 there's a high possibility, a high probability  
4 there would have been blood on the exterior of  
5 that vehicle. And since the victim -- excuse  
6 me, since the offender and the two-by-four both  
7 had blood on them, there is a very high  
8 probability that the inside of the offender's  
9 vehicle would have had blood in it. There  
10 should have been blood on the inside of the  
11 offender's vehicle because of the two-by-four  
12 having blood, the offender took the two-by-four,  
13 and the offenders got blood on them.

14 About the Nissan Pathfinder, I concluded  
15 that Pathfinder didn't have anything to do with  
16 this incident. The only blood was on the  
17 outside and can be explained by the vehicle  
18 driving through the victim's blood and splashing  
19 and casting blood onto the underside of that  
20 vehicle. There was no blood inside the  
21 Pathfinder even though the blood-covered two-by-  
22 four was taken from the scene, and there was no  
23 blood inside the vehicle even though the  
24 offender would have had blood on them. Also,

1           there was, from the photographs of that vehicle  
2           at the area there seemed to be no attempt to  
3           extricate the vehicle.

4           The homicide final conclusion was that this  
5           homicide was staged to look as if it involved a  
6           sexual assault.

7       Q.    Would you like to wait to discuss that or talk  
8           about that part now?

9       A.    We can wait to talk about that.

10      Q.    Okay. All right. Are you done with the  
11           photographs right now or not?

12      A.    Well, there was --

13      Q.    No, you're right, okay.

14      A.    -- another thing about a baseball bat.

15      Q.    All right. So after you made these  
16           conclusions -- these are the conclusions that  
17           you made before I spoke to you about our  
18           investigation, is that correct?

19      A.    That's right. The conclusions we've just talked  
20           about were made before any information was  
21           revealed to me concerning Craig Taylor.

22      Q.    Okay. Then we gave you a list of questions  
23           before we even told you about Craig Taylor, but  
24           just asked you, you know, was the victim killed

1 at the scene or deposited there, those types of  
2 things. One of the questions that we asked you  
3 was could a baseball bat have been used to beat  
4 the victim. And your answer?

5 A. My answer is no, a baseball bat could not have  
6 been used to beat this victim. The next  
7 photograph, 1719.

8 Q. (Ms. Montgomery-Blinn displays the next  
9 photograph.)

10 A. This is the inside of the victim's skull. This  
11 area here is the right side of the victim's  
12 skull. I say no, a baseball bat could not have  
13 been used to beat the victim because the  
14 injuries show the victim was beaten by an object  
15 with parallel sides that form 90-degree angles  
16 and had radiused edges. This is a two-by-four.  
17 One dimension of the object was an inch-and-a-  
18 half. If a baseball bat had been used to  
19 produce the depressed fracture of this victim's  
20 skull -- and you have to understand, skulls are  
21 very hard, very hard. And to push the skull in,  
22 to push the skull in like this -- this is coming  
23 at you -- to push this skull in like this would  
24 have taken a tremendous amount of energy. Now,



1           this is concave. If this were a baseball bat,  
2           this would be convex. The skull would have been  
3           pushed in and would have, would have taken on  
4           the shape of the object that hit it. But this  
5           is concave. This is two blows to the head from  
6           a sharp object. Okay.

7       Q.   Do you feel that that could have been made, that  
8           particular injury could have been made by a two-  
9           by-four?

10      A.   Yes.

11      Q.   Okay.

12      A.   Yes; yes, I do.

13      Q.   Are you done with that photograph?

14      A.   Well, I say it could be made from a two-by-four  
15           because on the outside of the scalp are the  
16           lacerations which produced the crushing injury  
17           to the skull in the same place.

18               Yes, ma'am, I'm done with the baseball bat;  
19           yes, ma'am.

20      Q.   Okay. Are you completely done with the  
21           photographs?

22      A.   Yes; yes, ma'am.

23      Q.   May I remove the photographs?

24      A.   Yes, ma'am.

1 Q. Thank you. If you need to re-refer to them,  
2 please just let me know.

3 A. Thank you.

4 Q. All right. Now, after the Commission talked to  
5 you about their investigation or after we  
6 explained our investigation to you and talked  
7 with you about some of the things that we had  
8 uncovered and the statements that Craig Taylor  
9 had made, did any of your conclusions change?

10 A. Slightly. One conclusion slightly changed.  
11 Since there were two weapons involved, a two-by-  
12 four and a small knife, and especially since the  
13 knife was used right around the time of death, I  
14 was of the opinion that there was a possibility  
15 there were two offenders present because two  
16 weapons generally indicate two offenders.

17 Q. And after we spoke with you about Craig Taylor  
18 did you -- what did you think then? Did your  
19 conclusions change or did they remain?

20 A. Well, my conclusions confirm his information.

21 Q. Okay. Are you of the opinion that there only  
22 could have been two offenders?

23 A. There -- well, when you see two weapons, there's  
24 a likelihood of two offenders.

1 Q. Okay.

2 A. Yes, there could have been two offenders because  
3 we saw two weapons used. That's what we usually  
4 see.

5 Q. Okay. And does that refute what Craig Taylor  
6 stated to us, what we told you about what Craig  
7 Taylor stated?

8 A. Well, that -- yeah. If Craig Taylor said -- I  
9 understand Craig Taylor said he was there by  
10 himself with the victim.

11 Q. And could that be consistent as well with the  
12 evidence, what he stated?

13 A. Yes, it could be consistent, especially because  
14 of his statement about the stab wounds. Yes, he  
15 could have done, he could have done the beating  
16 and done the stabbing himself, certainly.

17 Q. And is that because the stab wounds were not  
18 inflicted at the same time as the beating?

19 A. Right. The beating, the beating occurred, and  
20 right at the time of death, just before, just  
21 after, moments before or after, she was stabbed.

22 Q. Okay, all right, please go ahead. You just said  
23 a minute ago that your opinions confirmed some  
24 of the information from Craig Taylor. Can you

1 talk with us about that?

2 A. Certainly. My opinions confirm the information  
3 from Craig Taylor as follows: that the victim  
4 was beaten at the location where she was found;  
5 that the victim was beaten with a wooden bat,  
6 which is a slang term for two-by-four.

7 Q. Would you please talk about that a little bit  
8 more?

9 A. It's my knowledge that a leftover piece of two-  
10 by-four is sometimes on occasion referred to as  
11 a bat. That's been my -- that's been -- just  
12 from personal experience I've heard that.

13 Q. Was that information provided to you by myself  
14 or any member of the Commission staff?

15 A. No -- oh, about Craig Taylor saying --

16 Q. Did we suggest to you that a bat could also mean  
17 a two-by-four?

18 A. No; no.

19 Q. Okay. Were we actually skeptical of that?

20 A. You were very skeptical of that, yes.

21 Q. Okay. Please continue.

22 A. Okay. Craig Taylor stated he had the victim's  
23 blood on him. Craig Taylor stated he took the  
24 bat away from the scene. Craig Taylor mentioned

1 the stab wounds to the victim. Craig Taylor  
2 stated he made the scene look like a sexual  
3 assault and the Nissan Pathfinder had nothing to  
4 do with this incident. My conclusions really do  
5 not refute anything in his statement, but there  
6 is an inconsistency in that he uses the word bat  
7 and the weapon that was used was a two-by-four.  
8 But again, my knowledge is that that's an  
9 occasional slang term for a leftover piece of  
10 two-by-four.

11 Q. Is it your understanding that Craig Taylor said  
12 bat and not baseball bat?

13 A. That's my understanding, that he used the word  
14 bat, yes, ma'am.

15 Q. But did not actually say baseball bat?

16 A. That's correct.

17 Q. Okay. All right. Now, you've talked to us a  
18 little bit about that you felt that the scene  
19 looked like it was staged or that there were  
20 elements of staging. Can you talk with us just  
21 about the physical elements of staging, what you  
22 saw in those photographs that historically have  
23 been concluded or others have talked about  
24 staging?

1       A.    Staging refers to what we see occasionally.  
2            It's a crime scene in which someone, most often  
3            the offender, arranges the scene or commits  
4            certain acts to have the scene convey a  
5            motivational intent other than the original  
6            motive. It's an effort to mislead the  
7            investigators. And when this is done, the  
8            people that do it do it with their understanding  
9            and the way they think a, let's say, sexual  
10           assault should appear. But I've seen so many of  
11           these that you can, you can see the clues.

12               And what I saw here, the elements of  
13           staging that I saw here, the elements of making  
14           this look like something other than it was, was  
15           her partial nudity. The victim's slacks and  
16           panties were lowered to expose her pubic region,  
17           but not sufficiently low to permit penetration.  
18           Her clothing was pulled down and the bra was  
19           pushed up, but it was not removed. The slacks  
20           were not removed. The panties were not removed.  
21           The blouse was open and the bra was askew. And  
22           one other sign of staging is her left arm, her  
23           left arm is in symmetry with the right arm, and  
24           you can see where it's skipped where it was

1           bleeding, bleeding, bleeding, and then it moves  
2           a little bit. And there was what could have  
3           been finger marks on her wrist, as if somebody  
4           had picked her up, picked her hand up and then  
5           moved it so that now her body is in a  
6           symmetrical position. Those are the physical  
7           evidence pieces of staging that I saw.

8       Q. All right. Mr. McCann, what about -- you had  
9           talked to me at one point, when you look at the  
10          photograph from her head all the way down, that  
11          her legs are not in perfect line straight up,  
12          that they are shifted to the side. What does  
13          that indicate to you?

14      A. Her legs, as you look from if you were standing  
15          in the cul-de-sac at her head and you looked  
16          down the long axis of her body, her legs were a  
17          little askew, a bit askew to her left. This is  
18          somebody either dragging the body -- and there  
19          were other indications that the body was dragged  
20          because the blouse was bunched up behind her  
21          head -- it's an indication that someone was  
22          pulling her pants, dragging her body, and then  
23          just dropped her right there. She doesn't --  
24          she didn't push her legs over like that,

1           somebody else did that.

2       Q.   And you're saying that is consistent with the  
3           staging as they were pulling the pants down,  
4           that the body would have been dragged some short  
5           distance?

6       A.   There is a possibility that the body would have  
7           been moved a short distance as the pants were  
8           being pulled down, yes.

9       Q.   Okay.

10                       MS. MONTGOMERY-BLINN: Commissioner  
11                       questions?

12                       MR. KENERLY: Mr. McCann, talk to me  
13                       about the relationship between this scene  
14                       being staged versus a crime committed in a  
15                       rage by someone that says they blacked out.  
16                       Staging seems premeditated --

17       Q.   Staging --

18                       MR. KENERLY: -- and cold-blooded and  
19                       not the act of somebody in a rage to me,  
20                       but you're the expert.

21       A.   Yes, staging is premeditated. It's a thought to  
22           make it look like something else. And in a rage  
23           you don't remember things. I mean, you're mad,  
24           but you don't remember things sometimes in a



1           rage. So I'm not putting it beyond the realm of  
2           possibility that it was, that there was a little  
3           bit of premeditation, but that it was forgotten.  
4           But you're exactly right in that premeditation  
5           is involved when you stage a scene, when you  
6           rearrange it to make it look like something  
7           else.

8       Q.   Is it -- I'm sorry.

9                   MR. KENERLY: The -- what you  
10           described as drag marks -- and I'm sorry, I  
11           can't quote the autopsy report for the  
12           length of those -- but my recollection is  
13           they would be more, seemed to me, at least,  
14           to be more extensive than what you've  
15           described, that is, what would be involved  
16           in pulling her slacks down.

17    A.   The blouse had ridden up her back and was, a lot  
18           of it was bunched behind her neck, and there  
19           were some parallel abrasions on the left  
20           shoulder that didn't appear to have been  
21           inflicted by any weapon, appeared to be more  
22           dragging on the pavement. But the distance  
23           which she was possibly dragged would have been a  
24           very, very short distance, maybe a foot at the

1 maximum.

2 MR. KENERLY: And the weight of her  
3 body alone you think would cause the drag  
4 marks?

5 A. The marks on her shoulder could have been in the  
6 scuffle. I mean, she defended herself. She  
7 didn't go peacefully. This lady defended  
8 herself. You can see the defensive injuries to  
9 her arms. When you see -- well, it was the left  
10 hand, I believe, that had the tremendous  
11 laceration between the fingers and the  
12 lacerations on the arms. These are defense  
13 wounds. She's trying to defend herself. And  
14 the wound, the abrasions, the parallel abrasions  
15 on the left shoulder could be a function of  
16 squirming or a function of dragging.

17 MR. DEVEREUX: Mr. McCann, can you say  
18 anything at all about the origin of the  
19 two-by-four? I mean, is there any reason  
20 to believe that it was available at the  
21 scene, just something spontaneously picked  
22 up? That's probably a hard -- it is a hard  
23 question.

24 A. well, no, what you usually see is if you plan,

1           if you have a plan to do something, you take  
2           your weapon with you, but if you don't have a  
3           plan then you use whatever is available. That's  
4           why you see so many people beaten with fists and  
5           stomped, is because there is no plan and they  
6           use what is available. If there is a  
7           screwdriver laying on the floor of the vehicle,  
8           a screwdriver will be used, whatever is  
9           available. And it seems to me in this instance  
10          that there was a little piece of two-by-four  
11          available, I mean, longer than this  
12          (indicating), but I don't know how long. Long  
13          enough that whoever was swinging that two-by-  
14          four could get a lot of force into it.

15                   MR. DEVEREUX: You have examined the,  
16                   all the photos, a number of photographs of  
17                   the scene --

18    A.   Yes. sir.

19                   MR. DEVEREUX: -- with an eye toward,  
20                   after reaching these conclusions. Was  
21                   there lumber laying around anywhere? I  
22                   mean, I wasn't looking for that when I  
23                   looked at them.

24    A.   I didn't see any. I didn't see any, so my

1           thought would be that it was just something in  
2           the offender's vehicle that just happened to  
3           have. But, you know, it's -- well, I didn't see  
4           any in the scene, no, sir.

5                       MS. MONTGOMERY-BLINN: Commissioner  
6           has a couple.

7                       MR. BECTON: Mr. McCann, when you said  
8           that any vehicle within ten feet of the  
9           beating would have had blood on it, you  
10          meant if it were parked there at the time  
11          of the beating?

12       A.   Yes, yes, excuse me. That's what I meant. If  
13           there were a vehicle parked within ten feet of  
14           this lady when she was beaten, there should have  
15           been some blood on the exterior surfaces of that  
16           vehicle. Not necessarily a lot, but if you look  
17           for it, it should have been there.

18                      MR. BECTON: Did you do any  
19           examination or review any reports of what  
20           may have been blood underneath, on the  
21           bottom of the Nissan?

22       A.   Yes, sir. Yes, sir, I did see some reports  
23           about blood underneath the wheel well and on the  
24           frame of the Nissan. Yes, sir, I did see those,

1           and that's consistent with splashing, spattering  
2           blood, and consistent with blood being on a tire  
3           and being cast off as the tire rotates.

4                       MR. BECTON: But this vehicle -- do  
5           you know whether that vehicle -- the  
6           vehicle was still there the next morning,  
7           right?

8    A.   Yes, sir. The area --

9                       MR. BECTON: So if the vehicle got  
10          blood on it from the scene, it was before  
11          getting stuck?

12   A.   Yes. But what I'm saying is if a vehicle was  
13          parked within ten feet, was parked within ten  
14          feet of this beating, there should have been  
15          blood on exterior surfaces. My understanding  
16          from reading the reports concerning the Nissan  
17          is that the blood is underneath. It's on the  
18          frame and it's up in one of the wheel wells.

19                      MR. BECTON: We don't know if that is  
20          human blood or not. But I'm saying if it's  
21          human blood from the scene, that would have  
22          had to have gotten there before the vehicle  
23          got stuck?

24   A.   Yes; yes, sir. Yes.

1 Q. Mr. McCann, you talked just a minute ago about  
2 the premeditation required in staging a scene.  
3 Could that come -- the staging happened after  
4 the beating or at least after some of the  
5 beating, is that what you believe?

6 A. That's when the staging would have occurred, not  
7 before the beating for sure but, you know, it  
8 could have been afterward or as an afterthought,  
9 as an afterthought to this incident.

10 Q. Okay. So after the rage of the beating, the  
11 staging happens?

12 A. Yes.

13 Q. If you can say it. If you can't --

14 A. Well, it depends on the blood on her clothing,  
15 and my understanding is that the blood on the  
16 victim's pants was on the inside of the  
17 clothing, which that's hard to explain unless it  
18 came from the offender dripping her blood on her  
19 clothing as the clothing was pulled off.

20 Q. Or what about if somebody did the beating, left,  
21 and then returned, would that also be consistent  
22 with staging?

23 A. Oh, coming back to the scene --

24 Q. Uh-huh (yes).

1 A. -- as an afterthought and doing this?

2 Q. Uh-huh (yes).

3 A. Yeah, that's -- staging could occur then.

4 Q. Okay. And then you mentioned the wound that's  
5 here on her fingers.

6 A. Yes.

7 Q. Is that a laceration or a cut?

8 A. That's a laceration.

9 Q. Was that caused by a knife or a blunt force  
10 object?

11 A. That was caused by blunt force.

12 Q. Okay. So this is actually a tearing of the  
13 fingers apart, not a cutting?

14 A. Correct.

15 Q. Okay.

16 A. If you look at the wound you can see it has all  
17 the indications of a laceration. The edges are  
18 abraded, the edges are rough. This is not a  
19 cut. This is a defensive wound. She's throwing  
20 her hands up, she's throwing her arms up and she  
21 is struck.

22 Q. Okay. But it's not that a knife is going  
23 between her fingers. It's an object such as a  
24 two-by-four or something like that?

1 A. Yes, ma'am.

2 MR. BECTON: Would the infliction of  
3 the wounds that you have described from the  
4 weapon, in your opinion, was used, would  
5 that have caused a noise?

6 A. No.

7 MR. BECTON: Not even a thumping  
8 noise?

9 A. You wouldn't hear it 50 feet away. You might  
10 hear the skull crack, but probably not.

11 MR. BECTON: Well, that's my only  
12 question. If you are in a truck that is  
13 stuck where this truck was, could you have  
14 heard the blows that likely inflicted the  
15 wounds that you have described?

16 A. No. That was, that was -- I don't know how far  
17 away it was, but it was a hundred yards, two  
18 hundred yards away, from looking at the  
19 photographs. I don't have a scale there. But  
20 no, you wouldn't have heard them.

21 MR. BECTON: Not even at night when --

22 A. No.

23 MR. BECTON: -- sound travels?

24 A. Not unless she was screaming or there was an



1 argument. You might have heard that but, no,  
2 you wouldn't have heard this beating.

3 MR. BECTON: Okay.

4 A. Huh-uh (no).

5 Q. But you could have heard her screaming if she  
6 was?

7 MR. BECTON: May have.

8 Q. May have.

9 A. In that distance you may have, sure.

10 MR. DEVEREUX: The only knife wounds  
11 then are the two stabs in the breast area?

12 A. There is one stab in the right breast and there  
13 is a stab to the right neck. Neither one of  
14 them caused -- I couldn't even find in the  
15 autopsy photographs the neck wound. I mean, we  
16 looked. The investigators were on the phone and  
17 we were looking and we might have found it, but  
18 I'm not convinced we ever even found it in the  
19 complex wounds that were on her neck. But those  
20 are the only two stab wounds.

21 MR. DEVEREUX: And because the one  
22 that you showed us the slide of is  
23 perimortem --

24 A. Yes, sir.

1                   MR. DEVEREUX: -- that is consistent  
2                   with the beating occurring, resulting in  
3                   loss of blood pressure, followed by the  
4                   stabbing?

5       A.    Yes, sir.

6                   MR. DEVEREUX: So that one person  
7                   could have done it. It's not a  
8                   simultaneous attack by two people  
9                   necessarily, but could just as well have  
10                  been one person doing both in sequence?

11      A.    Yes, sir, could have been.

12                  MR. DEVEREUX: The bat notion, I  
13                  understand there's skepticism about that.  
14                  Did you listen to the tape --

15      A.    No, sir.

16                  MR. DEVEREUX: -- of Taylor?

17      A.    No, sir, I didn't.

18                  MR. DEVEREUX: It's hard to  
19                  understand. It's not as clear as it  
20                  appears on the transcript.

21      A.    No, I didn't listen to it. I was provided  
22                  with -- we just talked about it on the phone.

23                  MR. DEVEREUX: Okay. How significant  
24                  -- I've seen weapons -- well, just let me

1 ask this as a question, not an assertion.  
2 people fashion clubs out of all sorts of  
3 things. Have you seen two-by-fours that  
4 have been altered into a weapon, more of a  
5 weapon?

6 A. No, I don't recall that I have seen that. No, I  
7 don't recall.

8 MR. DEVEREUX: Okay. I mean, what  
9 caused you to -- where did you hear that a  
10 two-by-four has been called a bat?

11 A. From my father-in-law, who is a carpenter. I  
12 can remember working with him years ago and he  
13 said, hey, hand me that bat. And I'm looking  
14 around and there was a little piece of two-by-  
15 four he just wanted. He needed a little short  
16 piece of two-by-four for something we were  
17 building. So I've heard it from him. I've  
18 heard it from another fellow that does some  
19 carpentry on occasion. But I asked two people  
20 that are now in the carpentry business and they  
21 had not heard this, so it's Eastern Shore  
22 Maryland slang, maybe, but not -- nobody in the  
23 Richmond, Virginia area where I live had heard  
24 this phrase, this word, this slang term.

1 MR. BECTON: Do you know what a two-  
2 by-four is called in Jamaica?

3 MR. DEVEREUX: Bats?

4 MR. BECTON: I'm just asking.

5 A. In Jamaica? In Trinidad a small piece of two-  
6 by-four is called a bat.

7 Q. Mr. McCann, can you reference that?

8 A. I found that on the Internet and I can't give  
9 you the site but, you know, I don't hold a whole  
10 lot of credence in everything I find on the  
11 Internet, but I did find that. But Jamaica, no,  
12 I don't know. Trinidad, that's what it said.

13 MR. DEVEREUX: A cricket bat has a  
14 square head, is a bat, is more like a two-  
15 by-four than a round bat.

16 MR. JENKINS: May I ask a question?  
17 I'm not sure -- you mentioned that we  
18 wanted to go into the behavioral part of  
19 this, the witness or the witness  
20 testifying, but does the stab wounds and  
21 the location where the stab wounds are tell  
22 you anything at all about the offender?

23 A. Do you want to go into the behavioral side of  
24 it?

1 MR. JENKINS: I think it --

2 JUDGE SUMNER: I think it would be an  
3 appropriate question. You may answer that.

4 A. Okay, thank you, sir. If you really want to  
5 finish somebody off, if you really want to  
6 finalize the death of someone that has still got  
7 some little pulse, you can stab them in the  
8 heart or you can stab them in the neck. A stab  
9 to the right breast, that doesn't, that doesn't  
10 stop the heart from beating. But when you start  
11 to stab the neck, yeah, there is a high  
12 possibility that a stab wound to the neck could  
13 kill someone, could finalize this person's life.

14 Q. Mr. McCann, was the victim's throat cut?

15 A. No. It was a small, a very small stab wound.

16 Q. On the side of the neck?

17 A. On the side of the neck, as is indicated in the  
18 autopsy diagram, neck wound of three-eighths of  
19 an inch.

20 Q. What about the wounds that were right here, all  
21 the wounds here (indicating)?

22 A. Those were -- that was blunt force trauma. That  
23 was blunt force trauma from an object with  
24 radiused edges like a two-by-four.

1 Q. How confident are you that somebody did not take  
2 a knife and cut her throat?

3 A. Well, I'm pretty confident in this. These  
4 wounds, they had abraded edges. The wounds to  
5 her neck had abraded edges. These wounds --  
6 this is a very complex wound to her neck. I  
7 mean, it's many, many blows, but these are blows  
8 to the neck. This is not a cut.

9 MR. BECTON: Could you tell if the  
10 person was standing or lying on the ground  
11 at the time the blows to the neck were  
12 struck?

13 A. No, I couldn't tell that. The --

14 MR. BECTON: Nothing about the angle  
15 suggested upward motion or downward motion  
16 or --

17 A. The laceration of the chin, that one, the  
18 laceration to the chin came in at such a strange  
19 angle that it looked more to me like the victim  
20 was lying down. But after one or two of those  
21 blows, I'm sure the victim would have been lying  
22 down if she wasn't already down because the  
23 whole, the whole, the entire neck area was just  
24 crushed. It was crushed, as a matter of fact.

1 The autopsy report says it was crushed and not  
2 cut.

3 MS. MONTGOMERY-BLINN: More  
4 Commissioner questions? okay. At this  
5 time --

6 MR. BECTON: I have a question.

7 MS. MONTGOMERY-BLINN: Oh, yes,  
8 please.

9 MR. BECTON: From your review of the  
10 scene or the photographs or whatever you  
11 reviewed, is there any evidence of any tire  
12 tracks making a circle around the body?

13 A. There were some, a tire track, segments of tire  
14 track that were developed using Luminol, which  
15 just makes the blood fluoresce in the dark. You  
16 can see it in the dark. And the sketch, if I  
17 can look at the sketch again, do you mind if I  
18 take a --

19 MR. JENKINS: Yes, sir.

20 MR. BECTON: Please.

21 A. Okay. I have a sketch and I can see where --  
22 now, these numbers on the sketch -- do you have  
23 this, sir?

24 MR. BECTON: Yes, we do.

1       A.    Okay.  These numbers on the sketch are  
2           discontinuous portions of tire track that  
3           fluoresced using Luminol, so the conclusion was  
4           made in blood.  And I can see where the pattern  
5           is like this and it goes onto the dirt, the  
6           gravel path that goes out to the billboard and  
7           goes out to the area where the Nissan was stuck.  
8           And the Nissan did indeed have blood underneath  
9           the wheel well and underneath on the frame of  
10          the vehicle.  So, yeah, it looks to me like the  
11          vehicle drove through here.

12                       MR. BECTON:  Does that mean the body  
13                       was there at the time the Nissan drove  
14                       through there?

15       A.    Yes; yes, it does.

16       Q.    Is that assuming that that is blood and human  
17           blood?

18                       MR. BECTON:  If the blood on the  
19                       Nissan is human blood.

20       A.    Well, yeah; yeah.  Yes, sir.

21                       MR. BECTON:  And blood from the victim  
22                       at that scene?

23       A.    Yes.  Well, if it's her blood, then she was  
24           there when the vehicle drove through it, yes.



1 MR. BECTON: Can you tell if the  
2 tracks were there before a body was there?  
3 Is blood over the tracks or is tracks over  
4 the blood?

5 A. Oh, I couldn't tell. What you're, I think what  
6 you're asking me is in the pool of blood was a  
7 track, a vehicle, a tire mark seen?

8 MR. BECTON: Right.

9 A. I didn't see one. I did look and I did not -- I  
10 was unable to see one.

11 MR. DEVEREUX: Mr. McCann, given the  
12 mention of the wounds and the blood that  
13 you can see or what is left of it that you  
14 can see in the pictures taken the next  
15 morning, if a vehicle has driven through  
16 that, over her or through that, wouldn't  
17 you expect to see a lot more blood in the  
18 track than just a trace that shows up on  
19 Luminol? Wouldn't the tire have left a  
20 much more pronounced bloody tread?

21 A. I don't know how long each of these is. I don't  
22 recall reading how long, the length of this, but  
23 no, I wouldn't expect it to be very long, the  
24 track, the dotted line, so to speak. I wouldn't

1 expect each piece to be very long at all.

2 MR. DEVEREUX: But wouldn't you see  
3 a -- I mean, assuming -- this is just a  
4 layman's notion, I suppose, but you have a  
5 victim and you have considerable blood, it  
6 looks like at least where her hand, in that  
7 area. If a truck drives through that, it  
8 seems like it would be a smear or a -- I  
9 mean, it would be pretty clear that that's  
10 what had happened.

11 A. I looked for that, a tire mark in the blood  
12 itself.

13 MR. DEVEREUX: Right.

14 A. I looked for that and I couldn't find it, but I  
15 did look for that.

16 MR. DEVEREUX: Okay. The other thing  
17 is, if there is enough blood on the tires  
18 to leave any sort of indication, even one  
19 that is susceptible to Luminol detection --

20 A. Yes, sir.

21 MR. DEVEREUX: -- would you not expect  
22 a pronounced blood on the tires still? I  
23 realize it drove through the sand,  
24 apparently, but wouldn't you -- it would be

1                   pretty clear -- wouldn't there be blood on  
2                   the tires?

3       A.   No, not necessarily. I wouldn't expect that.  
4           It's the same as, well, it's analogous to  
5           driving through a puddle of water that is gone  
6           very quickly.

7                   MR. DEVEREUX: Okay.

8                   MS. MONTGOMERY-BLINN: More  
9                   Commissioner questions?

10                   (NO AUDIBLE RESPONSE.)

11                   MS. MONTGOMERY-BLINN: At this time,  
12           your Honor, I would ask that Mr. McCann be  
13           released from his subpoena? And I am able  
14           to break in the presentation, if you'd  
15           like.

16                   JUDGE SUMNER: Thank you very much,  
17           Mr. McCann.

18       A.   Thank you. It's been an honor to appear before  
19           this group. Thank you.

20                   (MR. MCCANN IS DISMISSED FROM THE  
21           WITNESS STAND.)

22                   MS. MONTGOMERY-BLINN: Your Honor, I do  
23           next intend to call the medical examiner. would  
24           you like to break for lunch?

1 JUDGE SUMNER: Let's take about a five-  
2 minute break.

3 MS. MONTGOMERY-BLINN: Do you want lunch or  
4 do you want a five-minute break?

5 JUDGE SUMNER: His expected testimony is  
6 how long -- her's, excuse me?

7 MS. MONTGOMERY-BLINN: Probably half an  
8 hour, at least half an hour.

9 JUDGE SUMNER: Let's take an early lunch  
10 then, 40 minutes.

11 (THEREUPON, THE LUNCHEON RECESS WAS  
12 TAKEN.)

13 JUDGE SUMNER: We are back in session.

14 MS. MONTGOMERY-BLINN: Thank you, your  
15 Honor. One of the Commissioners asked me at the  
16 recess if I would be able to provide the  
17 Commission some photographs of the crime scene  
18 area. We have a number of aerial surveillance  
19 photographs that we collected and I think most  
20 of them are kind of just up in the area, but I  
21 think I can try my best to show what it was that  
22 you all were asking to look at. And this is  
23 going to be a hard one to pass around, but I  
24 will do my best, or maybe I'll walk around and

1 show it to you. (Ms. Montgomery-Blinn and  
2 Mr. Becton display map for Commissioners.)

3 This is the cul-de-sac right there. This  
4 is Hammond Road up here. This is the entrance  
5 and exit road from the cul-de-sac. And I've got  
6 a couple more that I'll pass around that might  
7 show it as well, too.

8 MR. DEVEREUX: Can you point out where the  
9 Pathfinder ended up?

10 MS. MONTGOMERY-BLINN: This is the outlet  
11 road right here, and this is the billboard up  
12 here, so somewhere in that area.

13 MS. STELLATO: If you --

14 MS. MONTGOMERY-BLINN: I'm going to send  
15 those around in just a minute, too. Well, this  
16 picture is actually from -- isn't this picture  
17 from --

18 MS. STELLATO: 1988.

19 MS. MONTGOMERY-BLINN: 1988. So this was a  
20 topographic photo from 1988. They can reproduce  
21 the old ones from 1988.

22 MS. CHILTON: I know Hammond Road is there.

23 MS. MONTGOMERY-BLINN: This is Hammond  
24 Road, this is Blount Street.

1 MR. JENKINS: And the Pathfinder was to the  
2 left, my left?

3 MS. MONTGOMERY-BLINN: This is that dirt  
4 outlet road right here that they are talking  
5 about. Now, this road, I don't know that that  
6 was there. Sharon, will you come up here just  
7 to make sure I'm accurate? I would not want  
8 to --

9 (MS. STELLATO COMPLIES.)

10 MS. MONTGOMERY-BLINN: And we've got a  
11 little bit smaller one we're going to pass  
12 around, but I think this puts them in context.

13 MS. PICKENS: Did you say this was from '88  
14 or '98?

15 MS. MONTGOMERY-BLINN: '88.

16 MS. PICKENS: '88, okay.

17 MS. STELLATO: So Blount Street, it's  
18 actually pronounced Blount instead of Blount,  
19 and it runs all the way up here, yes, as you  
20 were saying. And then when it comes up here, we  
21 have another map, it actually intersects and  
22 then kind of turns over some railroad tracks,  
23 right. So when you're driving back through  
24 here, there's one cutoff road right here and

1           that was there at the time of the --

2           MS. PICKENS: City Farm Road?

3           MS. STELLATO: Yes, exactly. And this is  
4           pretty accurate to how it was in 1988 or 1991.  
5           There was a trucking company right here. The  
6           Purina plant you can kind of barely see down  
7           here. This, I think, is something in the aerial  
8           photo because that is not a path. It never was  
9           that I am aware of. This is the little path  
10          right here where the Pathfinder went. Over here  
11          you can kind of see a billboard right there, and  
12          that's where it was. And then if you look at  
13          these photos --

14          MS. MONTGOMERY-BLINN: Thank you.

15          MS. STELLATO: -- with that, it kind of  
16          shows you exactly where the truck is in  
17          reference to Hammond Road.

18          MS. MONTGOMERY-BLINN: The photo behind her  
19          is just a closer up, we'll pass it around. You  
20          can see the cul-de-sac, outlet road, Hammond  
21          Road.

22          MR. DEVEREUX: Are we back on the record?

23          JUDGE SUMNER: We are.

24          MR. DEVEREUX: Can I -- is this a good time

1 to ask sort of a general question about that --

2 MS. MONTGOMERY-BLINN: Sure. I'll try and  
3 answer.

4 MR. DEVEREUX: Was that any kind of a  
5 hangout or is it a place that was frequented by  
6 people doing drugs or --

7 MS. MONTGOMERY-BLINN: We asked the police  
8 officers that and they did testify a little bit  
9 about that at trial, that it was an industrial  
10 area, a warehouse area. There was a lot of  
11 debris in the cul-de-sac, beer cans, cigarettes,  
12 that kind of thing, no large-scale dumping is  
13 what they said. And then you asked the officers  
14 and what did they say during those interviews?

15 MS. STELLATO: That it could be an area  
16 that a prostitute would take someone or  
17 something like that, because after you go down  
18 that road and you get into the cul-de-sac, at  
19 that time it was very dark and there was nothing  
20 else there in the woods area. On the other side  
21 of Hammond there were project homes, Housing  
22 Authority homes all around that area. So if you  
23 ever look at the map, to the right is where  
24 E Street and all of the stuff took place, and



1           then on the other side of Hammond were project  
2           areas as well as above it. So I think at that  
3           time and still today it was somewhat of a known  
4           to be a drug using area.

5           MS. GREENLEE: (Inaudible.)

6           JUDGE SUMNER: Keep your voice up,  
7           Ms. Greenlee.

8           MS. MONTGOMERY-BLINN: You just have to say  
9           it so everybody can hear. You can ask the  
10          question and answer, just everybody needs to be  
11          able to hear.

12          MS. GREENLEE: Oh, okay. I was just asking  
13          is this the same road as this?

14          MS. STELLATO: Yes. It doesn't look like  
15          it because of the path, but it is. If you see  
16          the turn in the path, this is where the  
17          billboard was, and as we were talking about,  
18          this is Hammond Road up here.

19          MR. BECTON: It looks like what you  
20          said might be a path, looks like an  
21          easement. You can see a transit on State's  
22          Exhibit Number 1, so it looks like it's,  
23          maybe it's cut low because it looks like an  
24          easement, a utility easement.

1 MS. MONTGOMERY-BLINN: Uh-huh (yes).

2 MR. BECTON: But it's cut low over there.

3 MS. MONTGOMERY-BLINN: Right. That makes  
4 sense.

5 MS. CHILTON: Kendra, is there lighting on  
6 that street?

7 MS. MONTGOMERY-BLINN: What the officer  
8 testified about at trial was that there was no  
9 lighting right around the cul-de-sac, no street  
10 lights right there. There was lighting from the  
11 billboard and then the buildings that were up  
12 around had lighting in their parking lot, the  
13 ones that you could see kind of up in that,  
14 around there. And then once you start walking  
15 down the street, on down Blount there is some  
16 lighting, but not in the, no physical lighting  
17 right in the cul-de-sac.

18 Is that the information that the Commission  
19 was looking for in relation to that question?

20 JUDGE SUMNER: I think that satisfies.

21 MS. MONTGOMERY-BLINN: All right. The  
22 state is ready to call Dr. Deborah Radisch and  
23 we'll get her CV passed around for you all. I  
24 will just remind the Commission as she is coming

1 in, she was the original medical examiner that  
2 did this autopsy report and testified at trial.

3  
4 THEREUPON,

5 DEBORAH RADISCH,

6 Having first been duly

7 Sworn, was examined and

8 Testified as follows:

9 EXAMINATION BY MS. MONTGOMERY-BLINN:

10 Q. What is your name?

11 A. Dr. Deborah Radisch.

12 Q. Would you please spell your last name for us?

13 A. R-a-d-i-s-c-h.

14 Q. Thank you. Where are you employed, Dr. Radisch?

15 A. I am employed at the Office of the Chief Medical  
16 Examiner in Chapel Hill.

17 Q. How long have you been working there?

18 A. I've worked there for the majority of the past  
19 25 years.

20 Q. Okay. Did you have any employment history  
21 before that?

22 A. Not other than just residency training.

23 Q. Okay.

24 A. Excuse me. Well, during that time I did work in

1 private practice in Henderson, North Carolina.

2 Q. What kind of doctor were you in private  
3 practice?

4 A. I was an anatomic and clinical pathologist.

5 Q. Okay. Have you always been a pathologist for  
6 your whole career?

7 A. Yes.

8 Q. Tell us about your educational background,  
9 please.

10 A. I graduated from the University of North  
11 Carolina at Chapel Hill in 1976 with a bachelor  
12 of science degree in medical technology. I then  
13 attended and graduated from Bowman-Gray School  
14 of Medicine of Wake Forest University,  
15 graduating in 1980 with my medical doctor  
16 degree. And then I pursued post-graduate  
17 residency training in anatomic, clinical and  
18 forensic pathology back at North Carolina  
19 Memorial Hospital and in the Office of the Chief  
20 Medical Examiner in Chapel Hill.

21 Q. Okay. And have you been conducting autopsy  
22 examinations during your entire career?

23 A. Yes, I have.

24 Q. Okay. And have you testified before in court?

1 A. Yes, I have.

2 Q. About how many times do you think you have  
3 testified?

4 A. Probably about 200 or so times.

5 Q. Okay. And when you testify, do you usually  
6 testify as an expert?

7 A. Yes, I do.

8 Q. And is that in the field of forensic pathology?

9 A. Yes, generally.

10 Q. Generally forensic pathology?

11 MS. MONTGOMERY-BLINN: Your Honor, I  
12 would ask that the Commission accept  
13 Dr. Radisch as an expert in the field of  
14 forensic pathology?

15 JUDGE SUMNER: She is qualified, thank  
16 you.

17 Q. Dr. Radisch, do you know if you conducted an  
18 autopsy report on Jacquetta Thomas in 1991?

19 A. Yes, I did.

20 Q. Okay. And have you had an opportunity to look  
21 over that autopsy report and the accompanying  
22 photographs?

23 A. Yes, I have.

24 Q. And do you remember testifying at trial or do

1           you know if you testified at trial on that case?

2       A.    I know that I did, and I just have faint  
3           recollection.

4       Q.    Okay. Did you look over your trial testimony  
5           transcript?

6       A.    Yes, I did.

7       Q.    Okay. Now, you said you have a faint  
8           recollection of the trial. Do you have any  
9           recollection of conducting the autopsy report or  
10          examination?

11      A.    I do, some parts of it, yes.

12      Q.    In looking at the autopsy report, the  
13           photographs, and your testimony, does that help  
14           refresh any of your recollection?

15      A.    Yes.

16      Q.    Okay. In looking at all of those items, do you  
17           continue to believe that the diagnoses and the  
18           things that you found, your findings, were  
19           correct?

20      A.    Yes.

21      Q.    Do you have any reason to make any amendments,  
22           changes or anything looking over the autopsy  
23           report?

24      A.    No.

1 Q. Okay. Were you contacted by somebody in the  
2 Office of the North Carolina Innocence Inquiry  
3 Commission?

4 A. Yes.

5 Q. And was that Ms. Sharon Stellato?

6 A. Yes, it was.

7 Q. And did you meet with her a couple of times?

8 A. Yes.

9 Q. And did she ask you to review your report and  
10 talk with her about it?

11 A. Yes.

12 Q. And did you do so?

13 A. Yes, I did.

14 Q. Okay. And looking at your report and the  
15 photographs, may I ask you a couple of  
16 questions?

17 A. Yes.

18 Q. Do you have your report with you?

19 A. Yes, I do.

20 Q. Okay. And if you need any of your photographs,  
21 just let me know and I'll hand them up to you.

22 One of the things that was noted in the  
23 photographs that, was that there were white  
24 patches on the victim's body. Can you tell us,

1 is that skin slippage?

2 A. Yes, it is. Those are places where the law  
3 enforcement had placed adhesive stickers with a  
4 scale on it and had not removed them before the  
5 body was sent to our office, and probably  
6 because the body was outside in a warm  
7 environment and the skin started slipping, and  
8 when we removed many of those tags the skin came  
9 off with it.

10 Q. So you are confident those are not part of the  
11 injuries that caused her death, that those  
12 happened later on as part of the autopsy report  
13 and the examination?

14 A. As part of the law enforcement investigation,  
15 yes.

16 Q. Right, okay. One of the things that you noted  
17 in the autopsy report was that there was cocaine  
18 in the victim's body --

19 A. Yes.

20 Q. -- and you noted that the level of cocaine was  
21 potentially lethal?

22 A. Yes.

23 Q. Can you talk with us about that a little bit?

24 A. I can give you just some ballpark information.



1 The concentrations of cocaine and the metabolite  
2 benzoylecgonine together come to a .402  
3 milligrams per deciliter. That's the same as a  
4 4.02 milligrams per liter, which is how we  
5 record or report these levels today. In  
6 general, if you have no other competing cause of  
7 death, then a concentration over 1.0 would be  
8 considered or very well could be considered a  
9 lethal concentration.

10 Q. Okay. And does that depend on somebody's  
11 tolerance and how long? I mean, does it depend  
12 on a lot of other factors as well?

13 A. It depends on a lot of other factors with the  
14 decedent, and because of that, even smaller  
15 concentrations, lower concentrations could also  
16 be fatal. It's not a clear-cut cutoff. But  
17 that's more or less what we use to start, you  
18 know, in conjunction with the investigation and  
19 the autopsy report.

20 Q. Does the amount of cocaine or anything about  
21 what you found in the cocaine give you any  
22 indications about how long prior to her death  
23 the victim had used cocaine?

24 A. The fact that cocaine was still detectable in a

1 postmortem specimen would indicate that that  
2 would have happened close to the time of death.  
3 Cocaine will metabolize or break down into the  
4 body into several compounds, but benzoylecgonine  
5 is one of the main compounds. And so you could  
6 start off or you would start off with all  
7 cocaine, but it would eventually all go to  
8 metabolite and have zero cocaine and whatever  
9 amount of metabolite. We have both here, so it  
10 would imply -- I can't tell you. I can't give  
11 you an hours figure or anything --

12 Q. Right.

13 A. -- but imply that that happened close to the  
14 time of death.

15 Q. Are you able to say, are we talking about 15  
16 minutes or a matter of hours or --

17 A. I can't tell you that.

18 Q. Okay.

19 A. And because there is also metabolism that takes  
20 place after death.

21 Q. Okay. Now, can you say, is there any  
22 possibility that she died from a cocaine  
23 overdose and then the injuries were inflicted?

24 A. I don't believe so.

1 Q. Okay. What was her cause of death?

2 A. Her cause of death was blunt trauma injuries of  
3 the neck and the head.

4 Q. Okay. Now, will you very briefly just tell us  
5 the difference between a laceration and a cut?

6 A. A laceration is an injury which is caused by a  
7 blunt object, either by being struck by a blunt  
8 object or striking some part of your body  
9 against a blunt object, say a wall or a floor or  
10 a road or something like that. It's basically a  
11 tear. A stab wound or a sharp force injury is  
12 an injury that is caused by some sort of sharp  
13 force object like, with a cutting edge like a  
14 knife or a piece of glass or something that  
15 would have a sharp cutting edge. So the  
16 characteristics of the two wounds are different  
17 looking at their edges and other parts of the  
18 wounds, the skin around the wound, and then they  
19 imply that a different instrument was made in  
20 each case, different class of instrument.

21 Q. And you've said that these were, the bulk of  
22 these wounds were lacerations?

23 A. Most of them were lacerations, although there  
24 were some where it was difficult to say clearly

1           one or the other.

2           Q.    Okay.  Were there also some stabbing wounds?

3           A.    There were some puncture wounds and some of what  
4                I called shallow incised wounds which could have  
5                been cut wounds, just very, like, say with the  
6                tip of a knife or something like that.

7           Q.    The injuries to the victim's throat and neck  
8                area, where types were those?

9           A.    The external injuries of the throat and neck had  
10                general characteristics of lacerations or tears,  
11                and the lacerations were, especially the one at  
12                the bottom of the chin and then these irregular  
13                ones across the front of the neck.  There had  
14                been some drying of the skin edges so that made  
15                it difficult to assess.  However, the injuries  
16                on the inside of the neck were more consistent  
17                with blunt force injuries.  Her airway, the  
18                Adam's apple part of her airway was completely  
19                crushed and there was even a fracture of the  
20                spine, of the part of the spine right behind the  
21                airway.

22          Q.    Was her throat slit?

23          A.    It was -- it appeared to be cut, but again,  
24                there is an unusual overlap here.  I see -- and

1           it's hard to describe, but the characteristics  
2           of both. It wasn't, it wasn't what I have seen  
3           that would represent like a pure slit throat,  
4           you know. It wasn't a clean cut across her, the  
5           throat.

6       Q.   Like a knife being drawn across her throat, it  
7           was not consistent with that?

8       A.   It had jagged edges and sort of irregular edges,  
9           not --

10      Q.   So that is consistent with the tearing you  
11          describe, the blunt force?

12      A.   It still looks like, in reviewing my report and  
13          reviewing the photographs, it's almost a  
14          combination. So then you start thinking about  
15          some type of object that might be sharp, but not  
16          really sharp, you know, maybe a dull knife or  
17          something like that.

18      Q.   Okay. But the major wounds that you're talking  
19          about, those you're saying are tears?

20      A.   Yes.

21      Q.   Okay. And then the smaller ones that are in the  
22          middle of the neck could potentially be a dull  
23          knife?

24      A.   Yeah, fine cuts or something like that.

1 Q. Okay. But the big, the big ones on the neck are  
2 the lacerations?

3 A. Yes.

4 Q. Okay. How about the injuries to the victim's  
5 head?

6 A. On her head there were three lacerations, and I  
7 describe them, I believe, as sort of having  
8 sharp edges, but still lacerations with areas of  
9 abrasions or skin, just where the top layer or  
10 layers of skin have been scraped away along  
11 their edges. One -- well, there were two, but  
12 they were more or less in the same line, in the  
13 same plane on the, kind of towards the right  
14 side of the back of her head and then towards  
15 the right temple. Those two were separated by  
16 about an inch-and-a-half of intact scalp, and  
17 those injuries actually were associated  
18 internally with severe skull fractures of the  
19 skull of the right side of her head, again, sort  
20 of complex almost crushing fractures where small  
21 pieces of bone were even impacted into the brain  
22 underneath the fractures. And the sutures or  
23 the areas where the separate bones of the skull  
24 are knit together as we age, those were

1           separated by the force of whatever this blow  
2           was. There was an additional laceration sort of  
3           in front of and behind the ear extending onto  
4           the back of the right earlobe. Again, it almost  
5           had some -- it had -- it was -- I called it a  
6           laceration, but it had sharp edges for a  
7           laceration. And then I noted that, not  
8           specifically on her head, but there was a small  
9           puncture type wound of her neck, the right side  
10          of her neck.

11        Q.    On the right side?

12        A.    Yes, ma'am.

13        Q.    The time of death on the autopsy report, can you  
14              tell us about that, how you would arrive at that  
15              time of death?

16        A.    I don't --

17        Q.    Or I don't know if you have it.

18        A.    I don't put a time of death on the autopsy  
19              report. There might be a medical examiner  
20              investigation report which I don't believe I  
21              filled out.

22        Q.    Okay.

23        A.    I didn't have a copy of that to review though.

24        Q.    Were you able to determine a time of death in

1           this case?

2       A.   Not just from doing the autopsy. That would be  
3           information taken from the investigation.

4       Q.   Okay. You said the -- okay, the investigation  
5           by the medical examiner. This was not filled  
6           out by you?

7       A.   I don't believe so. I think it was Dr. Spock.

8       Q.   Okay. Now tell us, how hard is it to determine  
9           a time of death or how accurate can that be?

10      A.   It's not, certainly not as accurate as portrayed  
11           on television and it has -- there are a lot of  
12           variables involved. You have to take into  
13           account the investigative information. For  
14           instance, you wouldn't want to look at a body  
15           and be misled and say somebody was dead at  
16           10 o'clock and then later on you find out, you  
17           know, well, they were seen at 10 o'clock or at  
18           noon or whatever. So you have to take all the  
19           information into account.

20               The typical parameters that we might use  
21           for that sort of determination would be how  
22           stiff the body is, how warm the body is or how  
23           cool the body is, that types of things, but of  
24           course, those -- you encounter variables with



1           those based on the environment where the body is  
2           placed or is after death, whether or not the  
3           body has been refrigerated overnight when the  
4           pathologist sees the body. That's one reason  
5           why we wouldn't be in the best position to  
6           determine that. And even if things are ideal,  
7           there is still variation, probably hours  
8           variation one way or another sometimes in  
9           determining that. It's not a precise  
10          measurement.

11        Q.    So it's a very, very large window?

12        A.    It certainly can be.

13        Q.    And do you think or do you remember talking to  
14               Ms. Stellato and saying it's really a six- to  
15               twelve-hour window?

16        A.    It could be that much, yes.

17        Q.    Okay. And you said -- which injury caused the  
18               victim's death, the head injuries or the neck  
19               injuries, if you know?

20        A.    Either one of those injuries alone would have  
21               been sufficient to cause her death. I believe  
22               that they were inflicted at or near the same  
23               time and, because of that, I wouldn't want to  
24               pick one over the other, so I combined them in

1           this case.

2           Q.   Okay. Now, do you have an opinion about whether  
3               or not a baseball bat could have inflicted the  
4               blunt force trauma injuries to the victim?

5           A.   In my opinion that's possible, yes.

6           Q.   Okay. What about a two-by-four or a piece of  
7               lumber?

8           A.   That's possible.

9           Q.   Okay. What about any other type of swung wooden  
10              object?

11          A.   If it -- yes, if it's a heavy blunt object in,  
12               you know --

13          Q.   Can you opine anymore about the blunt force  
14               injuries? And if you can't, you can't. I don't  
15               want to push you or ask you to do more than you  
16               feel comfortable with.

17          A.   well, there is nothing specific on any of these  
18               injuries. There is not a pattern that would  
19               point to a particular instrument, you know, one  
20               over another. I would -- I mean, what you --  
21               the two that you have suggested are both in the  
22               category of a heavy blunt instrument that could  
23               cause these types of injuries, especially, you  
24               know, depending on, you know, how they're, how

1           the body is struck and how, which part of the  
2           instrument is applied to the body.

3       Q.    Okay.

4       A.    So it would be something in that category. That  
5           doesn't narrow it down, though, to a particular  
6           instrument.

7       Q.    Okay.

8                       MS. MONTGOMERY-BLINN: May I approach  
9           the witness, your Honor, and show her a  
10          photograph?

11                     JUDGE SUMNER: Yes.

12       Q.    And Dr. Radisch, I'm not asking you to show this  
13           photograph to the Commissioners, but just to  
14           take a look at it and tell me if you do  
15           recognize it.

16       A.    Yes, I do.

17       Q.    What do you recognize it to be?

18       A.    This is a photograph taken at the time of  
19           autopsy which shows the inside of the skull, the  
20           base of the skull. So this is when the skull  
21           cap is -- well, the scalp has been reflected  
22           forwards and backwards. The skull cap has been  
23           removed and the brain has been removed and the  
24           dura. This tough fibrous lining over the brain

1 has been removed. And this is to demonstrate  
2 the skull fractures.

3 Q. And can you see a large depression there in the  
4 skull --

5 A. I can --

6 Q. -- a sort of horseshoe-shaped depression?

7 A. Yes.

8 Q. Okay.

9 MS. MONTGOMERY-BLINN: May I approach  
10 the witness, your Honor?

11 JUDGE SUMNER: Yes, you may.

12 Q. This -- is that a depression right there  
13 (indicating)?

14 A. Yes.

15 Q. Okay. And what -- is that -- do you think that  
16 was made by a blunt force trauma?

17 A. No, that's normal anatomy of the skull.

18 Q. Okay. Can you tell us what normal anatomy of  
19 the skull means?

20 A. well, that's -- this is a depression in the base  
21 of the skull which would hold a sinus or a  
22 large, like a vein that carries blood around the  
23 brain. So this is just -- everybody would have  
24 one of these at the base of their skull.

1 Q. Okay. So that is actually not what you -- you  
2 don't believe that is an injury to the victim?

3 A. That depression is not, but there are fractures  
4 overlying it and to the right side of it that  
5 are in this photograph.

6 MS. MONTGOMERY-BLINN: Commissioners,  
7 do I need to put that photograph up so she  
8 can show you which one she's pointing to or  
9 not?

10 MR. DEVEREUX: That would probably be  
11 helpful.

12 MS. MONTGOMERY-BLINN: Okay. I'm  
13 going to put some autopsy photographs up.

14 Q. Dr. Radisch, I think if you will bear with me I  
15 can put a photograph that we're talking about up  
16 there.

17 MS. MONTGOMERY-BLINN: I'd ask the  
18 cameras to please pan away.

19 Q. Is that the same photograph that I just handed  
20 you or does it appear to be an accurate  
21 representation?

22 A. Yes, it does.

23 Q. Dr. Radisch, would you mind approaching the  
24 screen and just pointing to me, because I am not

1 clear on what you're talking about as normal and  
2 where the wounds are.

3 A. All right. Well, this, this is what you pointed  
4 to and this is normal. This is -- it's a round,  
5 kind of rounded, just a depression in the skull.  
6 However, what we are trying to show in this  
7 photograph is this linear fracture here and all  
8 these small fractures. They are difficult to  
9 see at this resolution, but these are all small  
10 fractures on the right side of the skull on the  
11 head. And what is also shown here is -- again,  
12 it's kind of difficult to appreciate, but this  
13 is a fairly smooth edge here. It's a cut. This  
14 is the saw cut that we made. However, this is  
15 all irregular over here. This is where the  
16 suture or this, these places where the bones  
17 knit together -- they all start off, when you're  
18 baby you have soft spots and there are lots of  
19 different bones in the skull. They eventually  
20 knit together as we age. This just sort of came  
21 apart. This is not a cut. This is a fracture,  
22 I guess you would say along this weak spot that  
23 happened as a result of this trauma to the head.

24 Q. would you just orient us and try to tell us what

1           part of --

2       A.    Okay.

3       Q.    -- what part of the skull?

4       A.    Right.

5       Q.    I'm sure you instantly recognize it.  However, I  
6           do not know where that would be on my own skull,  
7           if you can try to tell me.

8       A.    Okay.  What we have, this would be the back of  
9           the head here.  The body is lying on the autopsy  
10          table, so this is the back of the head where I'm  
11          pointing on my head.  This is the front, so  
12          where I'm pointing on my head, the forehead.  
13          This is the scalp.  So first of all, the scalp  
14          has to be cut and then peeled forward and peeled  
15          back.

16      Q.    Okay.

17      A.    Then the saw cuts from basically across the  
18           front here and across the back here.  So then  
19           you can pick up this piece of bone like what  
20           people would call a skull cap, remove that.  
21           Then there is dura overlying the brain.  That is  
22           cut.  The brain is removed.  And then there is  
23           dura that also lines the base of the skull, so  
24           now what we're seeing is the base of the skull

1 with the dura removed. This is the foramen  
2 magnum. This is where the spinal cord goes from  
3 the brain down to the rest of the spinal cord  
4 through the spine in the back. So this is the  
5 back. So --

6 Q. Okay.

7 A. -- it's hard to tell 3-D, but it comes up under,  
8 kind of under your ears. This is the part that  
9 is around over your ears and this is the part  
10 that is over your eyes at the base of the skull.

11 Q. Okay. Thank you. You may sit down, thank you.

12 MS. MONTGOMERY-BLINN: Commissioners,  
13 I'd like to remove this photograph. Do you  
14 have any questions about it before I do?

15 (NO AUDIBLE RESPONSE.)

16 Q. All right. So the other injuries that you talk  
17 about, the puncture wounds, the -- I'm not sure  
18 if you call them stab wounds, the puncture  
19 wounds I think is what you said. Do you have  
20 any opinion about what kind of instrument could  
21 have caused those?

22 A. Those generally would be some sort of sharp  
23 force injury, although just like, just to be  
24 complete, you know, a puncture wound, I don't



1 know why I thought of this, but the first -- you  
2 know, if somebody stuck a paperclip in you and  
3 made a puncture wound, or anything, a nail,  
4 something like that. But these, you know, most  
5 of the time in our experience or in my  
6 experience these are caused by like the tip of a  
7 knife, you know. So you can use a knife to stab  
8 in, puncture, slice, shallowly cut, that sort of  
9 thing.

10 Q. Do you think they could be consistent with a  
11 pocketknife?

12 A. Yes, with a tip on it, yes. That would actually  
13 travel through the skin.

14 MS. MONTGOMERY-BLINN: Commissioner  
15 questions?

16 MR. KENERLY: Dr. Radisch, good to see  
17 you again. The cocaine that Ms. Thomas had  
18 in her system, do you have any opinion on  
19 what effect that would have had on her  
20 mental or physical faculties before she was  
21 attacked?

22 A. I don't have an opinion. I don't know how any  
23 level of cocaine would have affected this  
24 particular person.

1 MR. DEVEREUX: Dr. Radisch, a previous  
2 witness has told us that he rules out a  
3 baseball bat in favor of a two-by-four,  
4 given those two choices, because of what he  
5 described as the parallelism of the wounds,  
6 lacerations, laceration wounds. And he was  
7 also able to correlate the wounds to the,  
8 what he described as the radiused edges of  
9 a two-by-four, the rounded edges of a two-  
10 by-four. Are you seeing that in the  
11 pictures that you've --

12 A. Well, I haven't done a one-to-one comparison or  
13 tried one or the other. I would believe that,  
14 again, you know, it depends on where the force  
15 is applied, you know, applying it. I'm sure  
16 whoever this was explained that this was, you  
17 know, the, the skull, obviously the head is  
18 rounded so that the, even the two lacerations on  
19 the right side of the head could clearly, I  
20 believe, were caused by one blow. But I think  
21 that would also depend on which part of the --  
22 you know, if you said it were -- if you say it  
23 was a baseball bat, which part of the bat  
24 actually struck the head, because it's wider at

1 the end and then it tapers down. You might get  
2 an area where it tapers that would match up to  
3 the edge of a two-by-four. So --

4 MR. DEVEREUX: Are you seeing -- as I  
5 understood it, he also described -- and it  
6 was the parallelism, I guess, as you could  
7 detect the effect of edges that were  
8 parallel as opposed to a taper on a bat.  
9 Is there anything about those pictures that  
10 makes you think that the straight edges,  
11 that you can see the imprint of the  
12 straight edges?

13 A. I'm not sure I understand what parallel we're  
14 talking about in this case. Maybe I'm not clear  
15 on that.

16 MR. DEVEREUX: Kendra, do you remember  
17 the first picture that was shown?

18 MR. KENERLY: The injury to her right  
19 shoulder.

20 MS. MONTGOMERY-BLINN: I can put the  
21 PowerPoint, that PowerPoint up in  
22 particular and let the Commissioners ask  
23 questions, those pictures that were used  
24 earlier. Is that what you'd like to see?

1 MR. DEVEREUX: Yeah.

2 MR. KENERLY: Yes.

3 MS. MONTGOMERY-BLINN: Okay.

4 Ms. Thomas, I'm going to put some more  
5 photos up. And I'll just, I'll stand here  
6 and move the photos as you all ask me to,  
7 Commissioners.

8 MR. DEVEREUX: Is there anything about  
9 those wounds that make you, that incline  
10 you toward a two-by-four as opposed to a  
11 bat, baseball bat?

12 A. No, although, again, I think, in reviewing this  
13 photograph, I'm not even sure that the -- again,  
14 I'm not even sure that the wound to the right of  
15 the label -- this is upside down so it's hard  
16 for me to see, but to our right of the label,  
17 below the one that is cross-shaped, I'm not even  
18 sure -- that may or may not be blunt force  
19 injury. I think it's very difficult to tell.  
20 That could have some cutting characteristics.  
21 So that might not --

22 MR. BECTON: Kendra, the closeup is  
23 2E; E.

24 MR. DEVEREUX: Well, that's the one --

1           that's the cruciate.

2                   MR. BECTON: That's the one she just  
3           finished talking about. The one before  
4           that --

5                   MR. KENERLY: Yeah.

6    A.   To me, now, if we're just taking this particular  
7           one in isolation and saying do you think this  
8           one would have been caused by a baseball bat, I  
9           would have said, I would find something else.  
10          You know, we do have -- this is basically an  
11          abrasion. This is an abrasion. And whether  
12          it's caused by the rough edge of some type of  
13          board or even scraping along a rough surface, I  
14          don't know that I could get any more specific  
15          than that. But if you were just to say, we  
16          think this was caused by one blow of a baseball  
17          bat, it would, I wouldn't say that that would be  
18          consistent with that.

19                   MR. DEVEREUX: The other witness also  
20           described a phenomenon that he termed  
21           bunching which, again, my understanding is  
22           not very sophisticated, but I took it that  
23           that is indicative of a straight edge in  
24           the sense that it will push the skin or

1 push the tissue in a way that a rounded  
2 edge would not and it would leave evidence  
3 of that. Are you seeing any of that?

4 A. Well, I'm not --

5 MR. DEVEREUX: Not necessarily in that  
6 photograph, but -- well, start with that  
7 one, I guess.

8 A. Well, I'm not familiar with that term, but I  
9 think I know from your description what you  
10 mean. But the, basically that the edge would  
11 catch on the skin and kind of pile the skin up  
12 ahead of it.

13 MR. DEVEREUX: Right, that's how I  
14 understood it.

15 A. I don't know that I would -- you know, on this  
16 one I don't know that I could say that  
17 specifically.

18 MR. DEVEREUX: But that, but there are  
19 characteristics of that one that incline  
20 you toward a straight edge rather than a  
21 bat, rather than a rounded edge?

22 A. If it's even inflicted by an object, yes, more  
23 likely than a bat, yes.

24 Q. Dr. Radisch, did you testify or talk to somebody

1 at one point about potentially thinking that was  
2 road rash or caused by scraping along the  
3 pavement?

4 A. I believe that was in my trial testimony, yes.

5 Q. And do you still think that that's a possibility  
6 for this?

7 A. I think it could be a possibility. It's an  
8 abrasion so it's just in the area where the top  
9 layer or layers of skin have been scraped off.  
10 In this there appears that there could be a  
11 rectangular pattern to it on the bottom edge of  
12 it, but whether that is from, you know, the  
13 actual object itself or whether it's from this  
14 bunching, I can't tell that.

15 MR. DEVEREUX: In the autopsy picture  
16 of the brain itself there was discussion  
17 about the characteristics of a bat, in  
18 other words, that there would be some  
19 convexity or concavity left by the rounded  
20 edge of a bat. You would see a different  
21 pattern, presumably, with a more straight  
22 edge. Is there enough there for you to  
23 distinguish between the two in that --

24 A. In my experience, I mean, I've seen people who I

1 know have been struck with baseball bats and  
2 there is nothing that is going to give a clear-  
3 cut necessary convexity to the skull fracture or  
4 injury. It's -- because you still are, you're  
5 still dealing with a relatively broad surface.  
6 Even though there is a curve to it, it's not a  
7 sharp curve, it's not a gentle curve, and so it  
8 doesn't necessarily leave a pattern. And --

9 MS. STELLATO: Dr. Radisch, would it  
10 help you to look at a baseball bat?

11 A. No.

12 Q. Would it? I mean, if it would help you, I'll be  
13 more than happy to hand you one.

14 MR. DEVEREUX: It would help me.

15 MS. MONTGOMERY-BLINN: It would help  
16 you? All right. May I approach the  
17 witness, your Honor?

18 JUDGE SUMNER: You may.

19 A. We'll find out.

20 Q. We have some objects here that, if they help  
21 illustrate your testimony, please feel free to  
22 use them.

23 A. Well, for instance, I mean, this is a gentle  
24 curve and, you know, I mean, there is not a lot



1 of difference between, you know, that, this and  
2 this as far as the width goes. So if you just  
3 hit it glancing on the side of your head, I  
4 mean, if you're just hitting it, you know,  
5 hitting it with one spot -- I mean, if you get a  
6 good blow, you know, with, you know, in a  
7 certain part of the head, you might, you might  
8 get more of this pattern. But I don't think  
9 that there is anything distinctive, in my  
10 experience, with a baseball bat other than it is  
11 a, it can be used as a heavy blunt object --

12 MR. DEVEREUX: Okay.

13 A. -- and cause crushing injuries.

14 MR. DEVEREUX: What about blanching?

15 Is that a term that --

16 A. In what context?

17 MR. DEVEREUX: As the characteristic  
18 of a rounded edge?

19 A. I am not familiar with that.

20 MR. BECTON: What about tramlines, is  
21 that characteristic of a rounded object or  
22 bat?

23 A. It can be, yes, if you mean, by that you mean  
24 like an injury that is going to do central

1           clearing and then peripheral bruising along the  
2           edges, basically where the blood has been  
3           squeezed out. That can be a rounded object.  
4           But you have to have the edges, you know, you  
5           have to have the whole side of it, I think, to  
6           create that. If it's just a portion of it, it's  
7           not going to do that.

8                   MR. BECTON: Did you see any tramlines  
9                   on any part of the skull or on any part of  
10                  the body that you examined?

11       A.     No.

12                   MS. PICKENS: Dr. Radisch, are you  
13                   often called upon in your forensic work to  
14                   make a determination as to what weapon was  
15                   used in blunt force trauma? Is that part  
16                   of the expectations of you as a forensic  
17                   pathologist?

18       A.     Yes.

19                   MS. PICKENS: And how difficult is it  
20                   to always make a correct opinion on what  
21                   object was used?

22       A.     Well, it can be difficult and sometimes you can  
23               just get down to a class of an injury such as,  
24               you know, a blunt object. I mean, there are

1           some things that just aren't going to leave  
2           specific things. Other things like the head of  
3           a hammer leave pretty specific crescentic  
4           lacerations on the scalp, say, and nice  
5           depressed circular skull fractures on the skull.  
6           That's easy. A crushing skull fracture or a  
7           linear skull fracture, that's a little bit more  
8           difficult, very more general.

9                   MS. PICKENS: So in this case it's a  
10           lot more difficult to determine the actual  
11           weapon because of what you just said?

12   A.   Yes, I think so.

13                   MR. BECTON: But the injuries you  
14           observed were consistent both with blunt  
15           trauma from an object like a baseball bat  
16           or a two-by-four?

17   A.   I would say yes.

18                   JUDGE SUMNER: Just to follow up very  
19           quickly, you would not rule out either one  
20           of those items as probably being the  
21           instrument used to cause the injuries?

22   A.   I couldn't rule either one out by what I've  
23           seen, that's correct.

24                   MR. DEVEREUX: Do you lean toward one

1                   or the other? I'm asking you to do our job  
2                   for us.

3       A.     No.

4                   MR. JENKINS: Approximately how many  
5                   times was she struck?

6       A.     well, I believe that the two lacerations that I  
7               describe, as I said before -- and I didn't say  
8               this in the report, per se -- I believe that's  
9               one blow and, because of the curve of the head  
10              or whatever, or maybe some bunching, whatever,  
11              part of that, that little space between the  
12              scalp that is uninjured, just didn't get  
13              injured. And then, of course, there is another  
14              blow or injury below the ear, and then at least  
15              one severe blow to the neck, and then a variety  
16              of other injuries. But I would say even -- and  
17              then there are injuries on the arms as well, so  
18              there's lots more than two, but two main minimum  
19              devastating injuries.

20                   MR. DEVEREUX: Coming from the same  
21                   direction, apparently?

22       A.     well, it's possible that, you know, if  
23               somebody --

24                   MR. DEVEREUX: Assuming that she

1                   stayed in --

2       A.     Right, I mean --

3                   MR. DEVEREUX:  -- stationary?

4       A.     Right, that you have to control, if somebody, if  
5               two people are standing in the same position.  
6               But certainly a blow to the, to -- you know, if  
7               somebody is just standing face-to-face and  
8               applies a blow, say, to the right side of her  
9               head, they can also apply a blow to the neck,  
10              standing in the same position, under the right  
11              circumstances.  But that doesn't mean that  
12              that's how it happened, either.

13                   MR. DEVEREUX:  Sure.

14                   JUDGE SUMNER:  Did you detect any  
15                   wounds that you would term or call  
16                   defensive in nature?

17       A.     Well, if, in the broad category, if you want to  
18               define wounds on the extremities as defensive  
19               wounds, there was the wound of her, I believe it  
20               was her left palm, she had a wound of her left  
21               arm and then a wound of her right forearm as  
22               well.  So it's possible that those could be  
23               considered defense-type wounds.

24                   MR. KENERLY:  Does the -- completely

1           apart from all that, one of the diagnoses  
2           is something I can't pronounce, but I would  
3           guess at sarcoidosis.

4       A.    Sarcoidosis.

5           MR. KENERLY: Does that condition have  
6           any effect at all on what happened to this  
7           lady?

8       A.    No.

9           MR. KENERLY: I don't know what that  
10          is.

11       A.    It's -- well, we really don't know what causes  
12           it, but it is, what is seen is these, a  
13           particular type of inflammation, and I saw that  
14           in her lungs. It's something, what looks like  
15           tuberculosis, but it's not caused by the  
16           bacterium that causes tuberculosis. It's  
17           probably some immune-mediated disease. That had  
18           no bearing on her ability to survive these or --

19           MR. KENERLY: Or her ability to resist  
20           or anything?

21       A.    No, there is no indication of that.

22           MS. MONTGOMERY-BLINN: Further  
23           questions, Commissioners?

24           (NO AUDIBLE RESPONSE.)

1 MS. MONTGOMERY-BLINN: I would ask  
2 that - oh.

3 MR. JENKINS: I just had one. You  
4 were referring to the defensive wounds on  
5 the palm and the forearms. Were you also,  
6 or did you see any defensive wounds between  
7 the fingers from the photos that you saw?

8 A. That was the one on the palm, right. It kind of  
9 went -- well, I call it the palm here, but  
10 between, in the web space of the fingers on the  
11 left hand. Sorry, that's the one I meant.

12 MR. MONTGOMERY-BLINN: Further  
13 questions, Commissioners?

14 (NO AUDIBLE RESPONSE.)

15 MS. MONTGOMERY-BLINN: Okay. I ask  
16 that Dr. Radisch be released from her  
17 subpoena and thank her for coming today.

18 JUDGE SUMNER: Thank you very much.

19 A. Thank you.

20 (DR. RADISCH IS DISMISSED FROM THE  
21 WITNESS STAND.)

22 MS. MONTGOMERY-BLINN: All right.  
23 Commissioners, the next witness that I have for  
24 you is, who I will ask you to consider an expert

1 on the reliability of confessions. His CV has  
2 been handed out. Just like with the other  
3 experts, I will go through his CV relatively  
4 quickly and ask that as I go through it the  
5 Commissioners ask any questions that they have  
6 as well. And at this time the Commission calls  
7 Professor Steven Drizin.

8 (THEREUPON, A DISCUSSION WAS HAD OFF  
9 THE RECORD WHICH WAS NOT REPORTED BY THE  
10 COURT REPORTER.)

11 MS. MONTGOMERY-BLINN: Professor  
12 Drizin, will you have a seat right there,  
13 please?

14  
15 THEREUPON,  
16 STEVEN DRIZIN,  
17 Having first been duly  
18 Sworn, was examined and  
19 Testified as follows:

20 EXAMINATION BY MS. MONTGOMERY-BLINN:

21 Q. What is your name?

22 A. Steven Drizin.

23 Q. Will you please spell your last name?

24 A. D-r-i-z-i-n.



1 Q. Thank you. How are you employed, Mr. Drizin?

2 A. I am currently employed as a clinical law  
3 professor at Northwestern University School of  
4 Law in Chicago.

5 Q. Okay. And tell us about your education  
6 background?

7 A. I graduated in 1983 with a BA at Haverford  
8 College. I then went directly to Northwestern  
9 Law School and graduated with a JD in 1986.

10 Q. And what has been -- have you done legal  
11 research since you have been a law professor?

12 A. Yeah, extensive amounts.

13 Q. And what has been the focus of your research?

14 A. Most of my work over the last decade or 15 years  
15 has been on police interrogations and false  
16 confessions. Prior to that most of my work was  
17 in the juvenile justice area.

18 Q. Have you published articles?

19 A. Yes.

20 Q. On police interrogations and false confessions?

21 A. Several.

22 Q. Okay. Have you published a book?

23 A. I co-edited a book that was published last week.

24 Q. Congratulations.

1 A. Thanks.

2 Q. Have you collected and analyzed data on  
3 confessions that were proven to be false by DNA  
4 testing?

5 A. And also not by DNA testing. In 2004 I  
6 published an article in the North Carolina Law  
7 Review called "The Problem of False Confessions  
8 in the Post-DNA World." And that article  
9 documented and analyzed the largest ever sample  
10 of proven false confessions, 125 proven false  
11 confessions. Most of these false confessions  
12 occurred within the previous ten-year period  
13 between 1994 and 2004. Some of them were  
14 earlier, but the overwhelming majority were in  
15 the post-DNA age, which is essentially 1990,  
16 1989.

17 Q. Okay. And was that article actually cited by  
18 the U.S. Supreme Court in a decision, in a  
19 recent decision?

20 A. In the case of Corley vs. United States in April  
21 of this year they cited the article.

22 Q. Congratulations again. Have you done public  
23 speaking?

24 A. Lots.

1 Q. Okay. Have you testified before legislative  
2 committees and task forces?

3 A. I have.

4 Q. Have you lectured to defenders, judges,  
5 prosecutors, and police officers?

6 A. I've lectured to all of those groups. I've only  
7 lectured once or twice to police officers, but I  
8 am scheduled to present at the International  
9 Association of Chiefs of Police Conference in  
10 Denver in October.

11 Q. Okay. Have you lectured in the United States,  
12 Japan, and Canada?

13 A. Yes.

14 Q. Okay. And you've testified at juvenile trials  
15 and clemency proceedings, is that right?

16 A. Yes.

17 Q. Okay. And have you been qualified during that  
18 testimony as an expert?

19 A. Yes.

20 Q. Do you usually testify for the Defense?

21 A. I've only testified four times. Each time was  
22 for the Defense.

23 Q. Okay. When you are doing these reviews are you  
24 usually reviewing police interrogations and

1           tactics?

2       A.   Almost always.

3       Q.   Okay. Do interrogations conducted by somebody  
4           other than a police officer differ significantly  
5           from police interrogations?

6       A.   Sometimes they do, sometimes it depends on the  
7           training of the person who is conducting the  
8           interview. But generally the way you analyze  
9           the reliability of the resulting confession is  
10          going to be the same regardless of who conducts  
11          the interview.

12                   MR. MONTGOMERY-BLINN: Your Honor, I  
13                   would ask that Professor Drizin be accepted  
14                   as an expert in the reliability of  
15                   confessions?

16                   JUDGE SUMNER: He is qualified. You  
17                   can continue.

18       A.   Thank you.

19       Q.   Professor Drizin, do you have an opinion  
20           regarding the reliability of Craig Taylor's  
21           confession made to Sharon Stellato?

22       A.   Yes. I think it's reliable.

23       Q.   You think it's reliable?

24       A.   (Witness nods head affirmatively.)

1 Q. How were you contacted in this case?

2 A. I believe you contacted me.

3 Q. And when I talked with you and people talked  
4 with you from our office, did you get the  
5 impression that, or did we tell you or give you  
6 an impression that we were asking for you to  
7 come up with a specific result in your analysis?

8 A. Not at all. You couldn't have been clearer that  
9 you wanted me to come up with my opinion and  
10 whatever, wherever the chips fell, that's where  
11 they fell.

12 Q. Okay. Did you have any indication about whether  
13 the result of your review would affect whether  
14 or not you would testify in this hearing today?

15 A. No. I was always led to believe that I was  
16 going to testify regardless of what I came up  
17 with.

18 Q. Okay. What information and/or materials did you  
19 review in forming your opinion in this case?

20 A. I started with a review of the entire trial  
21 record. That was the first batch of documents  
22 that I received. After receiving the trial  
23 record I asked to see the entire police file,  
24 which included all of the police reports that

1           were prepared in connection with the original  
2           investigation and all the summaries of the  
3           interviews that the police conducted in the  
4           original investigation. I also asked to and  
5           received, asked for and received copies of any  
6           newspaper coverage of the original murder and  
7           subsequent trial in this case. I reviewed the  
8           medical examiner's report. I reviewed the  
9           reports that were generated by Ms. Stellato of  
10          her interviews with Craig Taylor. I reviewed  
11          letters that Craig Taylor had written after he  
12          confessed in this case, and I reviewed and  
13          listened to interviews -- or excuse me, phone  
14          conversations that Craig Taylor made after he  
15          had confessed in this case with family members  
16          and loved ones. I should say that in addition  
17          to reading the interviews that Ms. Stellato  
18          conducted of Craig Taylor, I also listened to  
19          all of the tapes.

20        Q. Did you have the entire audio of all four  
21           interviews?

22        A. I did.

23        Q. And you had transcripts that were provided to  
24           you as well as the audio?

1 A. I did.

2 Q. And you listened to every second of those  
3 interviews?

4 A. At least once and some occasions more than once.

5 Q. Okay. And did you also review some of Craig  
6 Taylor's psychological records?

7 A. I did. I reviewed an extensive array of his  
8 psychological records, all of which were when he  
9 was incarcerated.

10 Q. Upon what facts or how is it that you come to --  
11 what is the basis of your opinion that this  
12 confession is reliable? Can you just walk us  
13 through what were the things that you considered  
14 to be useful and how you drew the conclusions  
15 from those? And if you'd like to look at your  
16 notes, that's perfectly fine.

17 A. The first thing that I do when I'm asked to  
18 analyze the reliability of a confession is to  
19 get a sense of the strength of the evidence  
20 against the person who made the confession, and  
21 also to get a sense of the strength of the  
22 original case that was presented at trial. I  
23 want to know as much as I can about the factual  
24 circumstances, in this case of Jacquetta

1 Thomas's death, because I want to test those  
2 factual circumstances against the confession to  
3 see if there is a fit between what Mr. Taylor  
4 confesses to and the objectively knowable facts  
5 of the crime.

6 I also want to analyze any interrogation  
7 transcripts or recordings of the interviews with  
8 Mr. Taylor because I'm looking to see whether or  
9 not there is any psychological coercion that was  
10 used in order to get him to confess. I'm also  
11 looking to see whether or not the facts that are  
12 in his final confession came from him or were  
13 otherwise suggested to him either by the  
14 interrogator or could have been available to him  
15 from other sources like the news media. So I  
16 began in this particular case by reading the  
17 entire trial record and by reading the entire  
18 police file to get a sense of, as best as you  
19 could tell, what the sort of ground truth was  
20 with regard to the murder of Jacquetta Thomas.

21 Q. When you're talking about the ground truth  
22 you're talking about the facts such as the  
23 medical exam, which is blunt force trauma?

24 A. Time of death, place of death, location of



1       wounds, you know, people that were interviewed  
2       in connection with this, trying to put together  
3       a time line of the victim's and the alleged  
4       perpetrator's events on the night of the murder.

5       Q.    Okay.

6       A.    And the reason to look for whether or not there  
7       is any psychological coercion has two purposes.  
8       One is is that it relates to the question of  
9       whether or not the confession is ultimately  
10      going to be admitted into court, whether it's  
11      voluntary or involuntary. That wasn't my  
12      primary concern here. My primary concern was  
13      the second reason, which was to see whether or  
14      not Ms. Stellato or anybody else had  
15      contaminated the final account of Mr. Taylor,  
16      Mr. Craig Taylor, through leading or suggestive  
17      questions, by showing him crime scene photos or  
18      other pieces of evidence that were gathered in  
19      the course of the investigation.

20            So that's the way I generally analyze the  
21      confessions. When I looked at the interviews  
22      that were done of Mr. Taylor, I found that for  
23      the most part they were extremely skillful  
24      interrogations that resulted in the confession

1 that was built largely on the basis of building  
2 rapport with Mr. Taylor. Over a period of four  
3 interviews Ms. Stellato was able to get him to  
4 talk about highly personal matters, including  
5 his sexually transmitted disease, including  
6 other crimes that he had committed, including  
7 his feelings about the victim and his own family  
8 members, and that made it easier for him to  
9 trust her and ultimately to confess to her.

10 There were two places during the interview  
11 that concerned me and they occurred in the last  
12 interview, and they concerned a promise or what  
13 appeared to be a promise that Ms. Stellato would  
14 make sure that Craig Taylor did not get the  
15 death penalty. When we look at psychologically  
16 coercive tactics, what we're looking for are  
17 tactics that either imply leniency if somebody  
18 confesses or threaten harm if somebody doesn't  
19 confess. And in a lot of false confession cases  
20 there are very explicit threats that the suspect  
21 or the subject will get the death penalty if he  
22 does not confess.

23 I looked very closely at the way in which  
24 those statements were made by Ms. Stellato, and

1 after looking at them I realized two things.  
2 One is that every time she said it, and it was  
3 only, I believe, on two occasions, it was  
4 immediately qualified with language that  
5 suggested that her role was going to be to  
6 present to the judge all of the positive things  
7 she could about Craig as a mitigating witness if  
8 the State were to seek the death penalty against  
9 him. So it wasn't really a promise that he  
10 would not get the death penalty, it was more a  
11 promise that she would do everything in her  
12 power to prevent him from getting the death  
13 penalty. And then I look how, look to how Craig  
14 took that statement, and there are a number of  
15 places, especially in his phone calls and in his  
16 letters, where he says things like, do you think  
17 I will get the death penalty, which indicates to  
18 me that he didn't take it as a promise, he took  
19 it as, you know, evidence on her part that she  
20 would go to bat for him.

21 The second somewhat troubling promise was a  
22 promise that she would get Craig or get help,  
23 help Craig get a doctor. That concerned me  
24 because Craig was, Craig has HIV. It had become

1 full-blown AIDS and clearly he has concerns  
2 about the medical care he is getting while he's  
3 in prison. But those concerns were allayed for  
4 me because when you listen to the way he  
5 describes the events to his relatives, his loved  
6 ones, it's clear that the reason he confessed  
7 had little or nothing to do with any suggestions  
8 that he would not get the death penalty or that  
9 he would get a doctor. It had to do with  
10 feeling guilty about the fact that Gregory  
11 Taylor and Johnny Beck, who he believed was  
12 still in prison, had spent the last 18 years of  
13 their lives in prison. He talks about wanting  
14 to clear his conscience and he talks, he talks  
15 very specifically about the harm that these men  
16 suffered and that their families suffered  
17 because of his failure to come forward earlier.

18 so after looking at whether or not there  
19 was psychological coercion, the next thing you  
20 do is you look at the actual confession itself  
21 and you want to see whether it was contaminated  
22 in any way by outside information, either by  
23 newspaper articles or other information that  
24 could have been transmitted to him at the time

1 of the crime, or by Ms. Stellato either  
2 accidentally, in most cases, or sometimes  
3 deliberately by showing him crime scene photos  
4 or giving him other information about the crime.

5 what I found when I did that analysis was  
6 that Ms. Stellato was very careful not to show  
7 him crime scene photos that would enable him to  
8 fill in the blanks. From what I could tell, she  
9 showed him one photograph which represented one  
10 wound on the victim's hand. The victim's  
11 serious and major wounds were to her head and to  
12 her neck and also some cuts to her breast area.  
13 The wound to the hand was relatively minor and  
14 didn't figure into his confession. But it's  
15 clear that she is consciously not trying to  
16 contaminate the resulting confession that he's  
17 going to give.

18 with regard to the newspaper articles, you  
19 know, those were 18 years earlier. Some  
20 information in those newspaper articles does end  
21 up in his confession, but I think it would be  
22 unusual that he would be refreshing his  
23 recollection based on newspaper articles that  
24 occurred 18 years before. And the gist of what

1           made this confession reliable to me was not in  
2           newspaper articles. would you like me to talk  
3           about the reasons why I think this is reliable?

4       Q.   Yeah. Can I ask you just really quickly  
5           about -- I believe when you and I spoke before  
6           you mentioned a couple of places where, when  
7           Ms. Stellato interviewed him, she gave him the  
8           opportunity to back off from the admissions or  
9           clarify them as failed memory or those  
10          circumstances. Did you take those into  
11          consideration?

12      A.   I did. I was just looking at those while I was  
13          waiting today. And especially on the interview,  
14          beginning in the interview of May 19 and again  
15          on June 2, she gives him numerous opportunities  
16          to say, you know, if you didn't do this, just  
17          tell me you didn't do it, Craig. And he doesn't  
18          back off of saying that he was involved. In the  
19          earlier interrogations he was giving off every  
20          indication that he had more information than he  
21          was willing to impart and that he was somehow  
22          involved, and she gave him numerous times to say  
23          he had nothing to do with it, and he didn't take  
24          advantage of those. He continued to insist

1 throughout this process that the other two men  
2 were absolutely innocent and that, first, that  
3 he knew more about this than he was willing to  
4 let on, then that he was involved and nobody  
5 else was involved, and then finally he gave a  
6 confession that contained some details that only  
7 the true perpetrator in this case would have  
8 known.

9 Q. Do you find any significance to the fact that  
10 there is a month between the third interview and  
11 the fourth and final interview?

12 A. I find a lot of significance.

13 Q. Can you talk about that?

14 A. One of the difficulties that Ms. Stellato had in  
15 this interrogation is that Craig, while he was  
16 in custody, was not in control -- she didn't  
17 have control over him the way that a police  
18 officer would have control over a suspect during  
19 a regular interrogation. In other words, there  
20 were guards that were constantly talking to him  
21 in between these interviews, there were inmates  
22 that were giving him advice, and during these  
23 periods of time he was consulting or talking to  
24 his family members. So there were numerous



1 people giving him advice, all of which were  
2 essentially telling him, get a lawyer, don't say  
3 anything, you know, essentially undermining the  
4 opportunity for Ms. Stellato to get a  
5 confession. So the fact that there was a one-  
6 month period between the third and the fourth  
7 interview is significant because in the face of  
8 all that other pressure he still came forward  
9 and confessed.

10 Q. Okay. And I think you said you were -- will you  
11 talk about, if you have not -- are you ready to  
12 talk about the phone calls and the letters, or  
13 were you going to talk about something else  
14 first?

15 A. Well, let's talk about those later. Let's talk  
16 about the interviews first, because the phone  
17 calls and the letters, I think, are powerful  
18 corroboration, if you will, of the reliability  
19 of his confession.

20 when you look at his confession, what I  
21 look for is to see whether he is revealing facts  
22 that are consistent with the objectively  
23 knowable evidence of the crime, that were not  
24 public or not published in any newspaper



1 article, that fill in gaps that even the police  
2 didn't know at the time of the investigation,  
3 and there are several instances of these kinds  
4 of facts. Ideally I would have liked to have  
5 seen more, but it was pretty clear that Craig  
6 gave about as much as he was going to give in  
7 that fourth interview.

8 But the facts that I want to key in on are  
9 as follows: The single most important fact that  
10 Craig provided that was not known by the police,  
11 not released in the press, and not in any way  
12 suggested to Craig by the Commission  
13 investigators was that Jacquetta was killed by a  
14 beating with a baseball bat. That fact was  
15 never released in any kind of press accounts.  
16 In fact, the press account suggested that the  
17 victim had been stabbed, at least the early  
18 press accounts, and even some of the original  
19 investigators on the scene had thought that she  
20 had been stabbed and that her throat had been  
21 cut when, in fact, the fatal blows were,  
22 according to the medical examiner, inflicted by  
23 a blunt object or a blunt object with a second  
24 weapon being used that had, that could explain

1 some of the sharper knife edge wounds on the  
2 victim. In fact, when the medical examiner  
3 testified she even used the words baseball bat  
4 or brick as the kind of heavy object or object  
5 with weight that would have been needed to  
6 inflict the fatal blows on Ms. Thomas.

7 Not only does Craig come up with the word  
8 bat on his own, he also explains what he did  
9 with the bat after the killing. He says he put  
10 the bat into two-ply, I think, Hefty bags and he  
11 stored the bat in his couch for a night and then  
12 he disposed of the bat the next day in a  
13 Dumpster. The fact that the bat was taken from  
14 the scene explains also, is consistent with the  
15 fact that no weapon was found at the scene.

16 The second critical fact that came very  
17 early on in Craig's interrogations was his  
18 insistence that the victim had not been raped.  
19 It was very strange. That's the first thing he  
20 says, is his insistence that the victim had not  
21 been raped. Now, he eventually confesses that  
22 he staged the crime scene to make it look like  
23 the victim had been raped, that he pulled down  
24 her pants, that he tore open her blouse to make

1           it look like the victim had been raped, which is  
2           consistent with the crime scene evidence in a  
3           couple of ways. One is the victim has a small  
4           abrasion on one of her shoulders which would be  
5           consistent with what might happen if you're  
6           pulling someone's pants down and their back is  
7           dragged a bit on the asphalt. The other way it  
8           is consistent is that clearly nobody had sex  
9           with this victim on the asphalt because she did  
10          not have serious bruising on her back that one  
11          would expect from the kind of activity that  
12          would be engaged in on asphalt during the course  
13          of sexual intercourse.

14        Q.    Professor Drizin, can I just ask, you are  
15              drawing these conclusions from the autopsy  
16              report that you reviewed, is that correct?

17        A.    That is correct.

18        Q.    Okay.

19        A.    There is also no significant blood on her pants,  
20              which suggests that the victim's pants may have  
21              been pulled down after she had already been  
22              killed. Craig talks about returning the, to the  
23              crime scene about 15 minutes later to pick up  
24              the bat. This was never pushed with him, but

1           it's conceivable that he may have pulled her  
2           pants down at that point in time after her  
3           blood, which he says was on him, may have begun  
4           to dry.

5       Q.   And, Professor Drizin, can I again just clarify?  
6           And you drew that conclusion from the CCBI  
7           report --

8       A.   That's correct.

9       Q.   -- is that correct?

10      A.   That's correct.

11      Q.   Okay. Please go ahead.

12      A.   Craig also volunteers that the victim was  
13           stabbed. He does so after he was asked about a  
14           knife. He volunteers that the victim was  
15           stabbed. He says, you're wondering about the  
16           stab wounds, aren't you? He says he had a knife  
17           and that the knife had blood on it and that he  
18           carried a small pocketknife with him at all  
19           times. Then he says that, you know, for  
20           whatever reason, he says that when he gets mad  
21           he blacks out and he can't say exactly how he  
22           cut her or whether he cut her. But the knife  
23           wounds -- and this again is something that the  
24           medical examiner would know better than me --

1 but from what I read in the medical examiner  
2 reports, these knife wounds were made with a  
3 small, dull-edged knife. I don't know whether  
4 he sharpens his pocketknife or not, but the size  
5 of the wounds and the fact that they were from a  
6 dull-edged knife are consistent with the kinds  
7 of knife wounds that the victim had.

8 Before Craig confessed he told  
9 investigators that Jacquetta's injuries came  
10 from multiple things on different parts of her  
11 body. This was completely volunteered. There  
12 was no suggestion or contamination. And in  
13 fact, the medical examiner's testimony was that  
14 either the victim had been killed with a blunt  
15 instrument that had a very sharp edge or with  
16 two separate instruments, one that would explain  
17 the knife wounds, the other that would explain  
18 the blunt force trauma to her head. And the  
19 prosecutor's theory, in fact, at trial was that  
20 there were two different weapons used, not one  
21 weapon used.

22 The fact that Craig says that he returned  
23 to the crime scene to pick up the bat may also  
24 explain why some of the wounds may have been

1 inflicted postmortem and why the police did not  
2 find the murder weapon. We talked about that.  
3 The bruises on the victim are consistent with a  
4 crime of rage, a state which Craig used to  
5 characterize his actions repeatedly during his  
6 conversations. And when I say they are  
7 consistent with a crime of rage, I mean, this  
8 was over overkill. There were a number of blows  
9 inflicted on this victim over a period of time  
10 with multiple instruments, and that is somewhat  
11 consistent with his testimony.

12 Q. Professor Drizin, just to clarify, when you talk  
13 about overkill, you are drawing that from the  
14 autopsy report that says she was killed from  
15 these other wounds and there were additional  
16 wounds as well as the CCBI report, is that  
17 right?

18 A. And from the crime scene photos --

19 Q. Okay.

20 A. -- I mean, that were taken, you know, shortly  
21 after she was found.

22 Q. Okay, go ahead.

23 A. The other reason why the confession is, I  
24 believe is reliable has to do with the fact that

1 after Craig confessed he had numerous telephone  
2 calls with family members and he wrote two  
3 letters to Ms. Stellato, and in those letters  
4 there are additional affirmations of his earlier  
5 confession and there is never a recantation of  
6 his confession. When he's talking to his loved  
7 ones he talks about how he's going to have to go  
8 back to court, how he was involved in a murder,  
9 you know, some 20 years ago. They talk about  
10 the victim and the mother doesn't know who the  
11 victim is. They talk about the evidence being  
12 powerful and all pointing at him, about how he  
13 needs to get some spiritual help from his ex-  
14 girlfriend and his aunt. So we're talking about  
15 someone who, throughout the course of the  
16 interrogation, leaks out information, more  
17 information, more information that suggests he  
18 is involved. Then he finally confesses, and  
19 then he continues to affirm that confession on  
20 multiple occasions, knowing full well that all  
21 of his phone calls are monitored and all of his  
22 letters are being looked at.

23 JUDGE SUMNER: Excuse me. Mr. Drizin,  
24 we are going to take a break here, about 15

1                   minutes, all right?

2       A.     Sure.

3                   (THEREUPON, THERE WAS A SHORT RECESS.)

4                   JUDGE SUMNER: Yes, ma'am.

5       Q.     Professor Drizin, before you continue, one point  
6             of clarification that the court reporter has  
7             asked me. Can you spell State v. Corley?

8       A.     It's Corley, C-o-r-l-e-y versus United States.

9       Q.     Thank you.

10            Now, let's see, where were we? You were  
11            talking about, I think you were mostly through  
12            talking about the letters and the phone calls  
13            and the significance of those. Can you please  
14            continue?

15       A.     Yeah. During the break I looked back at one  
16            thing that I had made a note of before I came in  
17            today, and that is, it's an example both of the  
18            way in which Ms. Stellato gave him several outs,  
19            but it's also a pretty telling thing about  
20            Craig's mind-set that goes to the reliability of  
21            the confession. On the May 19, 2009  
22            Ms. Stellato says, Mr. Taylor, I know all the  
23            other things you've told me about, but don't say  
24            you did this if you didn't, though. I know that



1           you are saying what will it matter, it will all  
2           be in together, but I need to know if you were  
3           really involved and not taking the fall for it.  
4           And Craig says, I don't take no fall for no  
5           crime I do not commit, I don't commit, which is  
6           saying that if he's going to confess to this  
7           crime, he's not going to confess to a crime he  
8           didn't commit. And that was totally unprompted  
9           and that struck me, because you don't see that  
10          very often in interrogations.

11        Q.    Okay. And you've seen a lot of interrogations  
12            in your time?

13        A.    Too many.

14        Q.    Do you have any more conclusions or anything  
15            else to tell us about your review and the review  
16            of the phone calls, the letters, and the actual  
17            interviews?

18        A.    I don't think so.

19        Q.    Okay. And can you please state your ultimate  
20            opinion about the reliability of the confession  
21            of Craig Taylor?

22        A.    I think it's a reliable confession. I think it  
23            contains facts that only the true perpetrator  
24            would know that were not released into the

1 public domain. I think the reasons for  
2 confessing are reasons that you typically see  
3 associated with guilty people, that is, a belief  
4 that the evidence against them is going to come  
5 back and nail them for the crime, and feelings  
6 of guilt or remorse or conscience over the fact,  
7 in this particular case, that an innocent  
8 person, two innocent people, he thought, had  
9 been locked up for 18 years.

10 Q. Are you able to assign any degree of certainty  
11 to your conclusions?

12 A. No. I think ultimately the degree of certainty  
13 has got to be decided by a jury in this case.

14 Q. Okay.

15 MS. MONTGOMERY-BLINN: Commissioner  
16 questions?

17 JUDGE SUMNER: I've got one. The fact  
18 that he is sick, in his mind he's dying of  
19 AIDS, does that factor at all into this  
20 confession, that perhaps he is taking the  
21 opinion that, hey, I'm on the way out, why  
22 not do this, why not say I did it even if I  
23 didn't do it?

24 A. You know, it does factor into it, but I think it

1 factors into it in a different way. I think  
2 that -- I mean, he knew he was going to, he knew  
3 he had HIV. He knew he was eventually going to  
4 die from it. He did learn that it had become  
5 full-blown AIDS. That was significant. But I  
6 think that his confession had more to do with  
7 wanting to get right with God or to get this off  
8 of his conscience before he died than it did  
9 trying to, you know, falsely accept  
10 responsibility for something he didn't commit.  
11 And there are parts of the interrogation where  
12 Ms. Stellato even begins to talk to him about  
13 redemption and about getting right with God and  
14 he seems to be thinking along those terms as  
15 well.

16 Q. Does he call his mother and ask her to save him  
17 in one of those telephone calls?

18 A. I believe so, yes.

19 Q. And is that also, is that cumulative to what  
20 you've just been talking about?

21 A. I think so, yeah. I mean, I think, I think he  
22 was coming to grips with the fact that he was  
23 going to die and I think he wanted to confess to  
24 this crime because he had committed it and

1 because he was feeling guilty about the fact  
2 that two other people had been locked up for  
3 that long.

4 MR. BECTON: Can guilt tripping be a  
5 factor in your equation explaining why  
6 someone would plead guilty, or do you say  
7 you can't guilt trip somebody who is not  
8 guilty?

9 A. I think it's hard to guilt trip somebody who is  
10 not guilty. Now, people do falsely confess and  
11 they do enter false guilty pleas.

12 MR. BECTON: That was my  
13 next question. Go ahead.

14 A. But they usually do so when they are manipulated  
15 by highly coercive police interrogation tactics  
16 into, one, thinking that nothing they can say is  
17 going to change the interrogator's mind about  
18 their innocence or guilt and, two, they are  
19 induced to confess by promises of leniency or  
20 threats of harm. In those cases that are false  
21 confessions, you know, almost every case the  
22 false confessor recants his confession almost  
23 immediately after the police officer leaves the  
24 room, certainly by the time he first meets with

1 an attorney. In this case he is constantly  
2 affirming his confession, not only to  
3 Ms. Stellato, but to loved ones.

4 MR. BECTON: Were you convinced as  
5 Taylor seemed to have been convinced at one  
6 point that Sharon had done a wonderful job  
7 and thoroughly investigated and that all  
8 the evidence was pointing toward him?

9 A. I was. I think that, yeah, I was very convinced  
10 of that and I think that it was very skillful  
11 the way she led him to believe that even though  
12 she may not have actually had all of that  
13 evidence.

14 MR. BECTON: I'm saying is that enough  
15 to have guilt tripped him?

16 A. No; no.

17 JUDGE SUMNER: And that, that's more  
18 of the situation of false confessions where  
19 the person confessing doesn't have any  
20 control, the interrogator has all the power  
21 and all the control, and you don't find  
22 that to be the facts in this situation, is  
23 that what you're saying?

24 A. I don't; I don't. I mean, I don't see that

1 because there were a lot of other people who had  
2 influence over Craig while this process was  
3 playing out, including guards, fellow inmates,  
4 and family members.

5 MR. BECTON: It's asserted that there  
6 were guards, family members, and other  
7 inmates telling him all along to get a  
8 lawyer. What is the source of that?

9 A. Well, I don't know if they were saying get a  
10 lawyer, but they were telling him not to  
11 confess, and there are points in the transcripts  
12 where he is talking about why he didn't want to  
13 open up in front of the guards and how he was  
14 getting advice from people within the  
15 institution. I may be reading in too much about  
16 the inmate piece of this, but I know that guards  
17 were talking to him.

18 MR. BECTON: I thought that he was  
19 worried about guards telling inmates that  
20 he killed somebody, and he's in jail and  
21 can be harmed. Do you have any information  
22 from, that any inmate, any guard, or any  
23 family member told him to get a lawyer?

24 A. If you give me a second, I'll look. I can look

1 at the interviews. (Witness examines document.)  
2 I don't have any specific information that any  
3 specific guard or inmate told him to get a  
4 lawyer, but I am pretty sure there were  
5 conversations in which he was talking about how  
6 he was getting advice from people within the  
7 institution.

8 MR. BECTON: I think one of the family  
9 members may have said something like that  
10 though.

11 MR. KENERLY: Professor, certainly he  
12 asked for an attorney repeatedly in the  
13 early going. What effect does that have on  
14 your opinions about the reliability of his  
15 statement?

16 A. You know, it doesn't have that much effect on  
17 the opinion about the reliability. I mean, it  
18 clearly shows to me that this is someone who  
19 felt that he was in jeopardy and he needed the  
20 help of counsel. As a person who has done  
21 defense work, I'm a little troubled by the fact  
22 that he wasn't given an attorney and, you know,  
23 you know, I can't predict how that's going to  
24 affect the ultimate admissibility of any of

1           these statements that he gave. But to me he  
2           started asking for an attorney once he started  
3           down the road to confessing, and to me, that, if  
4           anything, that's more evidence that his  
5           confession is reliable as opposed to unreliable,  
6           because he was on the verge of confessing.  
7           There are these long pauses where he is clearly  
8           contemplating, you know, how am I going to  
9           answer this question without, you know, totally  
10          implicating myself. There is discussion about  
11          pleading the Fifth Amendment. People don't  
12          plead the Fifth Amendment unless they have a  
13          reason to be worried that what they say is going  
14          to incriminate them. So I'm troubled by the  
15          fact that he repeatedly asked for an attorney  
16          and he wasn't given one, but I don't think it  
17          affects my opinion about the reliability.

18               MR. KENERLY: What about his original  
19               denial and this elaborate statement he gave  
20               to the police the same day that the body  
21               was found and then his early denials in  
22               Ms. Stellato's interviews of having  
23               anything to do with this, what is the  
24               impact of those on his reliability?



1 Q. The early denials are standard. When police  
2 interview and interrogate guilty suspects there  
3 is always a long period of denials before the  
4 suspect will change his mind and decide to open  
5 up and admit to the crime. What makes this  
6 unusual to me is that when you see false  
7 confessions, what you see is police officers are  
8 trained to interrupt denials, to not allow a  
9 suspect to assert their story of innocence, to  
10 essentially overwhelm the suspect by not  
11 allowing the suspect to assert their innocence.  
12 In this case Ms. Stellato was giving him every  
13 opportunity to back out of the road down the  
14 path to asserting his guilt. There wasn't a lot  
15 of overbearing activity on her part. It was  
16 much more, like I said, it was more based upon  
17 rapport building.

18 With regard to his very first statements to  
19 the police, when you read all of the interviews  
20 in this case, you look at that interview and it  
21 does jump out at you as being different, out of  
22 the norm. The description he gives of Greg  
23 Taylor is unlike any description anywhere else  
24 in the police reports.

1 MR. BECTON: Refresh my recollection.

2 A. He describes Greg Taylor as someone who was  
3 wearing colorful jam shorts --

4 MR. BECTON: And a top, a tank top.

5 A. -- and a red tank top, which is, which is  
6 bizarre when you compare it to what everyone  
7 else said he was wearing that night. And, you  
8 know, so you sort of flag that interview and you  
9 say, you know, this is bizarre. But that  
10 doesn't make him a suspect, it just was bizarre.

11 JUDGE SUMNER: So you attach no  
12 significance to the fact that he told  
13 Ms. Stellato initially that the victim had  
14 been shot twice? You discount that  
15 entirely?

16 A. I don't discount it entirely. What happened  
17 when he did that is he was right on the verge of  
18 confessing and he asked for a cigarette break,  
19 and then he went out and he had a cigarette.  
20 And I have no idea whether there was any  
21 conversation between him or a guard, but when he  
22 came back in, he came up with this story about  
23 being shot. Now, like any good interrogator,  
24 Ms. Stellato immediately confronted him with

1           that, told him that it was a lie, told him not  
2           to waste my time, said, Craig, if you didn't  
3           have anything to do with it, just tell me you  
4           didn't have anything to do with it, but don't  
5           lie to me, don't insult my intelligence. And he  
6           backed off of his story very quickly. And so I  
7           don't place a lot of weight on that. I think  
8           that was his effort to sort of, you know, make  
9           it look like he was confessing and to get her  
10          off his back, but he quickly backed off of it.  
11          I don't think he, I don't think, I don't think  
12          he ever thought that she was going to believe  
13          that.

14        Q.    Professor Drizin, do you recall him actually  
15              telling her when she said, why do you say that,  
16              that he was trying to throw her off?

17        A.    If it was in the interview, I recall, yeah.

18        Q.    Okay.

19        A.    I remember it.

20                   MR. DEVEREUX:  Professor, I understand  
21                  that the Craig Taylor piece of this is  
22                  important, but what we are really here to  
23                  decide is whether Greg Taylor has been  
24                  telling the truth for 18 years. And I know

1           you weren't asked to consider that, but  
2           talk to us a little bit about the fact that  
3           you have two co-Defendants who did not know  
4           each other well, were separated pretty  
5           quickly after this happened and have  
6           remained separated, and for 18 years  
7           they've both denied that either one of them  
8           was involved, and they have also resisted  
9           incredible invitations, incredibly  
10          attractive invitations to testify against  
11          the other, and as far as I know both of  
12          them have continued to say not only I  
13          didn't do it, but Johnny didn't do it and  
14          Greg didn't do it. What does that mean to  
15          you?

16        A. To me that is remarkable. You know, in Greg  
17        Taylor's case, I mean, this is a man who at that  
18        point in time, you know, his appeal, at various  
19        points in time his appeals have been lost. You  
20        know, he knew that he was going to be spending  
21        the rest of his life in prison. He had  
22        opportunities to just admit that he was there  
23        and put, blame the, blame his, you know,  
24        original co-Defendant because the police were

1 suggesting to him from the beginning that it was  
2 the co-Defendant that had done the killing, and  
3 he didn't take advantage of that opportunity.  
4 And believe me, a lot of men would have jumped  
5 at that. You see it all the time. So, you  
6 know, I think that is a remarkable testament to  
7 his innocence that he didn't accept any kind of  
8 a deal that would require both to admit his own  
9 guilt or to implicate another innocent person.

10 MR. DEVEREUX: Let me back up a second  
11 then and -- I mean, I find Craig Taylor's  
12 testimony to be very persuasive, his  
13 statements and what you have said about  
14 him. What leaves me a little worried is  
15 did anywhere along the line in the prison  
16 medical/psychological records was his IQ  
17 recorded in there anywhere?

18 A. It's recorded on several occasions. It's -- you  
19 know, it's hard for me to read these records,  
20 some of them, but I've seen it listed anywhere  
21 from the 80 range to the 96 range. I've never  
22 seen it 75 or below, which would be what we  
23 consider mental retardation.

24 MR. DEVEREUX: And we are told -- we

1           haven't reviewed -- the records are  
2           available to us and we, you know, we have  
3           been talked to about it, but apparently he  
4           carried a significant, perhaps incorrect,  
5           but a diagnosis of paranoid schizophrenia,  
6           again, the kitchen sink diagnosis in prison  
7           many times, but was given and apparently  
8           responded to anti-psychotic medication not  
9           just once or twice, but over a period of  
10          time, and you've seen that. You have  
11          reviewed those records. What do you make  
12          of that? Should we be concerned about  
13          that?

14        A.   Well, you know, I looked at those records and  
15           what I decided was I'm not qualified to really  
16           say how those affect the reliability of his  
17           confession. There is pretty good research that  
18           says that juveniles and the mentally retarded  
19           are vulnerable to false confessions and that  
20           certain kinds of mental illness which have,  
21           which also have qualities of suggestibility and  
22           compliance to them might predispose someone to  
23           falsely confess. There is not a lot of research  
24           on psychopathology and whether that makes

1           somebody more or less likely to falsely confess,  
2           so I don't feel competent to really, to really  
3           say anything about that.

4                   MR. DEVEREUX: And then my last  
5           question -- I'm a criminal Defense  
6           attorney, so we, generally I'm representing  
7           the Craig Taylors of this world. And, you  
8           know, a phenomenon that I'm sure you have  
9           seen and we see is somebody that's got  
10          nothing to lose particularly, maybe wants  
11          the limelight once again before they,  
12          they're dying, they are forgotten in  
13          prison, even as simple as you get out to a  
14          local jail if you're being tried for  
15          something, you're not stuck in Lumberton  
16          Correctional anymore, you get to go home to  
17          Raleigh for -- I mean, there are lots of  
18          reasons why people --

19       A.    Yeah.

20                   MR. DEVEREUX: -- do this kind of  
21          thing. I mean, that's certainly, weighed  
22          against everything else, that's not a major  
23          factor, but it struck me that the remorse  
24          that he felt and expressed over and over

1           again was remorse for Greg Taylor and  
2           Johnny Beck. Not misplaced, I mean, they  
3           certainly deserve to be felt sorry for  
4           under the circumstances, especially Greg.  
5           But rarely does he talk -- I mean, he  
6           killed this woman that he loved, if he is  
7           to be believed, and he doesn't say much  
8           about that, and I don't understand -- I  
9           mean, you know, tell us about that in terms  
10          of the validity of the confession.

11       A.   I mean, he does say if he could take it back, if  
12           he could to back whatever it was, 20 years, he  
13           wouldn't do it again. He does talk about how he  
14           feels badly about her kids because he had a  
15           relationship with her kids. With regard to his  
16           relationship with her, you know, all he talks  
17           about is how, you know, how deep it was and how,  
18           you know, he couldn't really put it into words,  
19           and how -- I think he says things like, you  
20           know, you just can't explain why you have  
21           feelings towards certain kinds of people. They  
22           are uncontrollable. But you're right, he  
23           doesn't have a lot of, you know, expressions of  
24           remorse for, you know, overt expressions of



1           remorse for killing her. The --

2                   MR. DEVEREUX: Do you believe that he  
3                   sees a woman that he's known since they  
4                   grew up together in Halifax Court,  
5                   presumably they've stood on that corner and  
6                   plied their respective trades for years.  
7                   What is it about the fact that she's maybe  
8                   going off with another guy this particular  
9                   night, why would that set him off to the  
10                  degree that it set him off?

11       A. You know, when I began I said I wish that there  
12       was more that we could have gotten out of him  
13       before the interview ended, and there, that's an  
14       area that I would have liked to have heard more  
15       from him about. We really don't get a good  
16       explanation of what ticked him off. I mean,  
17       there was a fight or some kind of a minor  
18       argument the night before. He was upset about  
19       her perhaps leaving with this guy Johnny and  
20       thinking that maybe they were going to have sex  
21       together, but like you said, she did that every  
22       night of her life right in front of him. We  
23       don't really have a good explanation for why on  
24       this particular night he lost it. So I don't

1 know, I don't know how to answer that other than  
2 to say, you know, I would have liked to have  
3 seen more.

4 MR. JENKINS: A quick question. Judge  
5 Sumner spoke to it briefly. In regards to  
6 your study of false confessions, have you  
7 had an occasion to look at false  
8 confessions that were made because someone  
9 was trying to aid other prisoners or help  
10 with their sentence or help with that type  
11 of situation?

12 A. I've never seen a false confession on that  
13 basis. Now, there are cases where people will  
14 make false confessions to protect loved ones.  
15 They will confess to a crime that their wife  
16 committed or that their child committed in order  
17 to do their time or to protect them, but I  
18 haven't seen it where someone has falsely  
19 confessed to save another prisoner. It's  
20 possible that there are cases out there where  
21 that has occurred.

22 One other thing I want to say because it  
23 was a good point that you raised. There are a  
24 class of false confessions that we call

1 voluntary false confessions. They are usually  
2 from extremely mentally ill people who, in the  
3 wake of a high profile crime, will walk into a  
4 police station and will say, you know, I killed  
5 O.J. Simpson's wife, or like John Mark Carr, I  
6 killed JonBenet Ramsey. In the wake of these  
7 cases police officers get deluged with, for lack  
8 of a better term, crackpots who want to get  
9 attention and insert themselves in a police  
10 investigation.

11 What is different to me about Craig's case  
12 is that there is initial resistance on his part  
13 to confessing. This is not someone who, you  
14 know, from the get-go is saying, you know, I'm  
15 going to do this, I'm going to confess, I'm  
16 going to come forward and spill the guts. He  
17 has to be brought to a place where he feels  
18 comfortable to confess, and that happens over  
19 time. There are these long pauses where you can  
20 just tell that he's thinking about wanting to  
21 confess but, you know, is holding back and he's  
22 thinking about what it's going to mean if he  
23 confesses. That's very different from the  
24 voluntary false confessor who doesn't care at

1 all what's going to happen to him, he just wants  
2 to inject himself into a high profile  
3 investigation.

4 MR. JENKINS: And Taylor didn't come  
5 to Ms. Stellato in the way a false, a  
6 volunteer would. He didn't volunteer in  
7 the first place.

8 A. No; no.

9 MR. JENKINS: Okay.

10 MR. BECTON: I take it there's nothing  
11 about a profile you could draw up of him  
12 based on his statements and what you've  
13 read to suggest that he was a false  
14 confessor in any way?

15 A. There is nothing that I could do that would  
16 suggest he was a false confessor. I mean, I  
17 don't feel qualified enough to assess his mental  
18 illness to really say, you know, whether that  
19 would have had a role in it. I don't know  
20 enough about the fact that he learned that he  
21 was dying and what role that might have had in  
22 it. All I can say is that the way in which this  
23 confession evolved, in my experience, is more  
24 consistent with the way in which you see true

1 confessions evolve than with false confessions.

2 Q. Professor Drizin, if I could refresh your  
3 recollection, Mr. Becton had asked you  
4 questions, and if you turn to -- do you have the  
5 Craig Taylor third interview, June 2, 2009 up  
6 there?

7 MS. MONTGOMERY-BLINN: If not, may I  
8 approach the witness, your Honor?

9 JUDGE SUMNER: Yes, ma'am.

10 Q. Please take a look at page 394 and page 400 and  
11 see if that helps refresh your recollection  
12 about the question that Mr. Becton was asking  
13 you about guards speaking to Mr. Taylor.

14 A. I knew I saw this somewhere. (Witness reviews  
15 document.)

16 Q. And if you will also look at page 400.

17 A. (Witness examines document.) Yeah. The  
18 conversation on page 400 is the one that I was  
19 remembering about officers talking to him and  
20 sort of suggesting to him that he didn't have to  
21 cooperate. But, yeah, this does refresh my  
22 recollection. Maybe it wasn't quite as specific  
23 as them giving Craig advice, but clearly he was  
24 hearing it from, hearing from the guards about

1 his conversations with Ms. Stellato.

2 Q. okay.

3 MS. MONTGOMERY-BLINN: More  
4 Commissioner questions?

5 (NO AUDIBLE RESPONSE.)

6 MS. MONTGOMERY-BLINN: Okay. I would  
7 ask that Professor Drizin be released and  
8 thanked for his services.

9 JUDGE SUMNER: Thank you.

10 A. Thank you.

11 (PROFESSOR DRIZIN IS DISMISSED FROM  
12 THE WITNESS STAND.)

13 MS. MONTGOMERY-BLINN: The Commission  
14 would like to just briefly re-call Larry  
15 McCann.

16 MR. JENKINS: Kendra, may I ask a  
17 question?

18 MS. MONTGOMERY-BLINN: Of course.

19 MR. JENKINS: This is a follow-up to  
20 the question that I just asked. Was there  
21 anything in the staff's investigation that  
22 would lead anyone to believe that Craig's  
23 confessing was motivated by any other  
24 outside source at all?

1 MS. MONTGOMERY-BLINN: No.

2 (MR. MCCANN TAKES THE WITNESS STAND.)

3 MS. MONTGOMERY-BLINN: Is Mr. McCann  
4 still under oath?

5 JUDGE SUMNER: Still under oath.

6 MS. MONTGOMERY-BLINN: Okay.

7

8 EXAMINATION BY MS. MONTGOMERY-BLINN:

9 Q. Mr. McCann, after you provided your testimony --  
10 and you were sequestered before you testified.  
11 You had not been watching the hearing  
12 proceedings, is that correct?

13 A. That's correct.

14 Q. And you have not spoken with any other experts  
15 about this case?

16 A. That's correct.

17 Q. But you did stay and you did watch Dr. Radisch  
18 testify?

19 A. Yes, I did.

20 Q. And did you, did you want to make a correction  
21 in your testimony?

22 A. Yes. I found an error in my testimony, and if  
23 we could show the photograph.

24 Q. You would like that photograph?

1 A. Yes. And this is an autopsy photograph. I'm  
2 not arguing with the medical examiner. I'm  
3 agreeing with her on a point that she made, and  
4 I'll show it to you in just a moment. She  
5 mentioned that this is an anatomical process in  
6 the base of the skull and she was absolutely  
7 correct and I was wrong. I just want you to  
8 know that, that when I looked at this photograph  
9 I incorrectly noted something. I just wanted  
10 you to know that I was wrong, she's correct.

11 MR. BECTON: That's the point about  
12 whether it was convex or concave?

13 A. Yes, sir; yes, sir, that's correct. That is an  
14 anatomical process and not a wound that you're  
15 seeing there. That's all.

16 JUDGE SUMNER: And we certainly  
17 appreciate you bringing that to our  
18 attention also. Thank you.

19 A. Thank you, sir.

20 Q. Thank you.

21 MR. DEVEREUX: Now, do we follow up  
22 with that? Does that have any bearing on  
23 the certainty of your opinion that this  
24 injury was caused by a two-by-four as



1                   opposed to a bat?

2       A.   No, I am absolutely convinced it was a two-by-  
3           four, not a bat, no. I just wanted to bring  
4           that to your attention.

5                   MR. DEVEREUX: Sure.

6       A.   Anything else?

7       Q.   Thank you, Mr. McCann.

8       A.   Thank you.

9                   JUDGE SUMNER: Thank you very much.

10      A.   Thank you, sir.

11                   (MR. MCCANN IS DISMISSED FROM THE  
12                   WITNESS STAND.)

13                   MS. MONTGOMERY-BLINN: All right. Juanita,  
14           will you let Ms. Thomas in? We're done looking  
15           at autopsy photos again.

16                   Okay, Commissioners, do you have any  
17           questions up to this point of me or the  
18           Commission staff?

19                   (NO AUDIBLE RESPONSE.)

20                   MS. MONTGOMERY-BLINN: Okay. On  
21           August 5, 2009 we went to the Lumberton --  
22           I'm sorry, not Lumberton. Ms. Stellato,  
23           what correctional institution was  
24           Gregory -

1 MS. STELLATO: Johnston.

2 MS. MONTGOMERY-BLINN: Johnson County or  
3 the Johnston Correctional Institution where  
4 Gregory Taylor is housed, is currently house in  
5 the North Carolina Department of Corrections.  
6 We received permission to bring a videotape  
7 recorder in there and conduct a video deposition  
8 of Gregory Taylor. Present were myself,  
9 Ms. Stellato, Grace Wallace, Gregory Taylor and  
10 Mr. Taylor's attorney, Mike Klinkosum, and that  
11 was the attorney that has been assigned through  
12 our, assigned by Indigent Defense Services as a  
13 result of our proceedings.

14 We conducted this video deposition for  
15 three-and-a-half hours. It was very lengthy. I  
16 conducted the deposition, I questioned  
17 Mr. Taylor for three-and-a-half hours. This was  
18 after Craig Taylor had had all four interviews  
19 with Ms. Stellato, so he had at this point had  
20 all four interviews with Ms. Stellato and we  
21 were talking about calling a Commission hearing,  
22 and I knew that I would need to get out and have  
23 a deposition of Gregory Taylor. We did not tell  
24 people outside of our Commission staff about

1 Craig Taylor's statements at this time because  
2 we wanted to make sure that Gregory Taylor had  
3 not heard about them before we told him about  
4 them. So Gregory Taylor's attorney, Mike  
5 Klinkosum, did not know. He knew that we were  
6 doing a video deposition and that we had an  
7 update afterwards, but he did not know what that  
8 update was, and Gregory Taylor did not know what  
9 that update was.

10 The deposition, as I said, was  
11 extraordinarily lengthy -- or maybe not  
12 extraordinarily, but it was pretty long. We  
13 went through every single detail of the night.  
14 I asked him to tell us that whole evening from  
15 the time that he got off work all the way up  
16 until his wife had come up and he came back to  
17 collect his vehicle in every single detail. And  
18 he did in extreme detail, and he was consistent  
19 with the other statements that he has made, the  
20 ones that you've seen to the police officers.  
21 He was consistent throughout in those  
22 statements. He gave it in more detail than he  
23 had ever given before, but he did not make any  
24 inconsistent statements.

1 I pushed him very hard to get him to make  
2 some admissions and he consistently maintained  
3 his complete innocence as well as Johnny Beck's  
4 complete innocence, and I pushed him quite hard  
5 on this. And I will walk through what he said  
6 with you in brief format. Any part of it that  
7 you would like to hear or see, please let me  
8 know. I am going to play the end portion of it  
9 for you.

10 He told us that he got off of work and he  
11 went to some friends' houses, and he went  
12 through the details of where he had been, who he  
13 had been with. And at around 11 o'clock p.m. he  
14 went to Kentwood and he bought some cocaine, and  
15 that's where Johnny Beck joined him and got in  
16 his vehicle. He had known Mr. Beck before, they  
17 had done drugs before. Although they were not  
18 particularly close, particularly good friends,  
19 they had hung around and done drugs together  
20 before. They parked off Method Road and smoked  
21 two rocks around 11:30 p.m. They then went to  
22 Sawyer Road and purchased some more cocaine  
23 around 11:30 -- 11:40 or 12 o'clock, and we  
24 actually passed a map over to him and had him

1 mark this on a map, and he did. That's where he  
2 drew that little arrow right there (indicating)  
3 that shows him driving up Sawyer Road, and he  
4 actually put a little star there and said, four  
5 rocks, \$80, his initials, Greg Taylor there. He  
6 was not really confident about all the other  
7 locations. He knew where they were and he was  
8 not completely confident that it was exactly in  
9 that part of the block, but he felt like that  
10 was a pretty close estimate. That is indeed in  
11 the locations that Johnny Beck was showing us,  
12 and on the maps that have been passed around --  
13 I'm sorry, not Johnny Beck, Craig Taylor was  
14 showing us -- and on the maps that are passed  
15 around, he was selling within that radius, very  
16 close within that radius.

17 The procedure for the purchase and for many  
18 of their purchases was that Greg Taylor drove  
19 his truck, his white Pathfinder, and he stayed  
20 in it. He would stay in the truck and he talked  
21 about that being because he was Caucasian, this  
22 was an African-American, predominantly African-  
23 American drug area, and he didn't feel that it  
24 would be safe or that people would assume he was

1 an undercover cop if he went out and bought the  
2 drugs, and Johnny Beck would go out and buy the  
3 drugs, and that happened during all the  
4 purchases that night and this one off of Sawyer  
5 Road. He says they drove past a group of  
6 people. He was not sure if the group was men,  
7 women or a mixed group. He just knows it was a  
8 group of people. And he waited in the truck,  
9 Gregory Taylor waited in the truck about 50  
10 yards away. Johnny Beck got out of the truck  
11 and went to buy the drugs. He did not see any  
12 women approach Johnny Beck, but he doesn't know  
13 for sure if they did or did not. He did not see  
14 it.

15 They then went to Johnny Beck's brother's  
16 house -- and he does not know who Johnny Beck  
17 bought the cocaine from. He did not see this.  
18 He was in his truck. They went to Johnny Beck's  
19 brother's house to smoke the cocaine. They left  
20 around after 2 o'clock in the morning. He was  
21 not positive of that exact time, but sometime  
22 around then. They planned to drop Johnny Beck  
23 back off at home, but as they were going through  
24 downtown they decided to purchase some more

1 cocaine. They bought somewhere in a location  
2 that Johnny Beck directed him to. Gregory  
3 Taylor did not know exactly where this location  
4 was. He said Johnny Beck was telling him, turn  
5 here, stop here, and knew that part of town  
6 better than he did.

7 Then after they bought that cocaine they  
8 were trying to head back towards Johnny Beck's  
9 house, and Gregory Taylor says he took a left  
10 and Johnny Beck said, you should have taken a  
11 right there, and he ended up at some point in  
12 the cul-de-sac, and he thinks it was around 2:15  
13 or 2:30 in the morning he ended up in that cul-  
14 de-sac. When they got into the cul-de-sac he  
15 says that he pulled around in the cul-de-sac and  
16 he provided a diagram -- not during this  
17 deposition, he had provided it a long time ago  
18 before. He provided it to his attorneys during  
19 the Motion for Appropriate Relief, I believe,  
20 before the Commission even had this case. But  
21 we had it with us and he did use it to  
22 illustrate his testimony. Ignore the light  
23 diagram. That's not what he was talking about.

24 But he's using this diagram and he tells



1 us, yes, I pulled in the cul-de-sac in my truck,  
2 circled around the cul-de-sac, came out this  
3 way. Here's the dirt road. He says he noticed  
4 it on his way in. This is roughly where he  
5 believes that the body was now based on the  
6 photographs, but he said he did not know or see  
7 the body at the time. Pulls around here, stops  
8 his truck right here at the entrance to the cul-  
9 de-sac so that they could watch, and they were  
10 going to smoke the cocaine and wanted to be able  
11 to see if anybody was coming through the cul-de-  
12 sac.

13 He says -- at this point I pushed him  
14 really hard about whether the body was there or  
15 not because he says now, what he does say now is  
16 that he thinks the body could have been there.  
17 He doesn't know. And he told the police and was  
18 adamant with the police that there was no body  
19 there when he pulled into the cul-de-sac. He  
20 now says that he body could have been there. I  
21 pushed him extremely hard on this, saying, you  
22 know, is that what you remember, are you now  
23 changing it, do you now remember it. And he  
24 said, no, this is just what he assumes now that



1 he has read all the testimony, sat through the  
2 trial and seen all of the evidence, that he  
3 assumes that the body was there and they just  
4 did not see it. He cannot remember whether his  
5 lights were on and off at this time. He does  
6 not remember turning his lights off. He told  
7 the police that he thought he had his lights on.  
8 what he says now is he does not remember turning  
9 his lights off but he might have out of habit.  
10 He would think he would have cut them off as he  
11 came around. He knows that he didn't have them  
12 on here because they were watching to see if  
13 anybody came.

14 They smoked there for -- he can't remember,  
15 he thinks at one point they might have backed up  
16 a little bit as they were pulling around up  
17 there, but he wasn't sure about that. They  
18 smoked a little bit at the entrance to the cul-  
19 de-sac and they threw out the baggies of crack  
20 after they smoked, and these were blue baggies.  
21 He remembered that because it was unusual to  
22 have them be blue. The police did find blue  
23 baggies at that location. That was testified  
24 about at trial.

1           And then he got paranoid and he said that  
2           smoking cocaine always made him paranoid. He  
3           got paranoid and he decided he wanted to drive  
4           up that path and back up into the woods, and so  
5           he did. And this is the radius that he drew on  
6           that diagram and he confirmed that when we, when  
7           we deposed him, that he drew up and went up that  
8           path right there.

9           They went up there and smoked for about 20  
10          or 30 minutes. At one point when he was up  
11          there he said he thought maybe he saw headlights  
12          go around the cul-de-sac but he really just  
13          doesn't know. I pushed him very hard on this  
14          and he just does not know. He does not know if  
15          anybody else went through the cul-de-sac. His  
16          memory is very vague about that. He didn't  
17          think that anybody did, but he would not swear  
18          to it. Not that I asked him to swear to it. He  
19          said that there was a possibility headlights  
20          went around, he just didn't know.

21          He commented then that, to Johnny Beck that  
22          he wanted to four-wheel and pulled his truck  
23          forward, and then just immediately got stuck in  
24          the mud. So he didn't go out four-wheeling all

1        around that area, immediately got stuck when he  
2        tried. They tried for maybe 15 or 20 minutes to  
3        get the truck out. He said that they did not  
4        try very hard to get the truck out. They didn't  
5        bother taking the jack out. There was a jack in  
6        the car. They didn't bother taking the jack out  
7        and jacking it up. They tried a little bit.  
8        They tried to rock it and then they just figured  
9        it would be easier to come back and get the  
10       truck the next day. So they walked out down the  
11       dirt path and out of the cul-de-sac on foot.

12       When they walked out into the cul-de-sac  
13       Johnny Beck saw the body first, commented on it.  
14       Gregory Taylor thought that perhaps it was a  
15       roll of carpet and then thought that it was a  
16       body. He said that he got the impression that  
17       it was a black female because he could see that  
18       the body had no clothes on, but he said, when I  
19       pushed him on this, it was just an impression.  
20       He really didn't know. It wasn't that he made a  
21       conclusion, but just from that quick glance he  
22       thought perhaps that, but he did not know for  
23       sure.

24       As they were walking out of the cul-de-sac

1 and down the road, all the way out of the cul-  
2 de-sac, down the road, Johnny Beck said, don't  
3 look back, and of course Gregory Taylor does  
4 look back, and they are out up on the road, and  
5 he felt like he saw a person with longish blonde  
6 hair and red-and-white clothing on. That person  
7 was not in the cul-de-sac, that person was out  
8 on the road. He talked about this person to  
9 police. He never said that the person -- in the  
10 police interviews, we went back through them --  
11 was standing over the body. He just says out  
12 there or just says there. When we asked him to  
13 clarify about this he says, no, the person  
14 wasn't standing over the body. They were  
15 already out on the road. The person was on the  
16 road maybe to the entrance of the cul-de-sac.  
17 When pushed he says he's not even really sure  
18 that he saw a person there or not. He was high,  
19 they were walking out, it was so far away. He  
20 just doesn't know, but he, at the time, felt  
21 like maybe they had seen a person.

22 He thinks that this is around or right  
23 before 4 o'clock p.m. He then said a person  
24 named Barbara Avery agreed to give them a ride

1       for money, so they walked up at a station and  
2       saw -- and she drove by and they were able to  
3       flag her down and said they'd give her money or  
4       drugs for a ride. She took them to the house on  
5       E Street and they went in and did drugs there,  
6       and he describes some more activities there. He  
7       does remember seeing two white women there with  
8       blonde hair. He later identified one of those  
9       women as the lady named Eva Kelly that testified  
10      against him at trial. He had not seen her  
11      before and did not know her name at the time.  
12      And then Barbara Avery dropped Johnny Beck off  
13      at Kentwood and took him to a gas station and  
14      left him there to call his wife.

15             I then asked him if he knew Craig Taylor  
16      and showed him a photograph of Craig Taylor, the  
17      older photograph of Craig Taylor, and used his  
18      street name, and he said he didn't know who this  
19      person was and wasn't familiar with that name.  
20      I told him what Craig Taylor had told the police  
21      in the police report, that he had sold drugs to  
22      him and seen him with the victim. Gregory  
23      Taylor continued to deny that and denied knowing  
24      Craig Taylor.

1           Then I talked to him about DNA and told  
2           him -- and this was -- at this time we still  
3           didn't have the final DNA results that you've  
4           heard about today. We were just getting the  
5           preliminary DNA in. I told him that he could  
6           not be excluded from the victim's clothing. I  
7           pushed him quite hard and for a long time to see  
8           if he would say that he had either been with the  
9           victim earlier that night, or what I really  
10          pushed him about was on the way out of the cul-  
11          de-sac did he touch the victim, maybe just look  
12          in her pockets to see if she had any money, did  
13          Johnny Beck go through the pockets, did they go  
14          and look at it. I even asked him did they rub  
15          their hands over her, did they go anywhere, and  
16          he consistently maintained they never touched  
17          her, never went closer than 10 or 15 feet from  
18          her, and that Johnny Beck did not either. I  
19          tried to get him to say that Johnny Beck had  
20          done it and he would not do it. He continued to  
21          deny it. I told him that this was his last  
22          chance to say that he had just done something  
23          really minor, some type of accessory crime, and  
24          that if this DNA matched him he'd never be able

1 to back up and say that again, and he wouldn't  
2 do it. And then that's pretty much the end of  
3 the deposition there. We were all kind of  
4 exhausted and tired by it. And I'm going to see  
5 what I've forgotten. (Ms. Montgomery-Blinn  
6 examines documents.)

7 MR. BECTON: I have a question.

8 MS. MONTGOMERY-BLINN: All right. Yes,  
9 sir?

10 MR. BECTON: Did you say that the time --  
11 it was after 4:00 when he was with Barbara, that  
12 that was the only time he was in the house on E  
13 Street?

14 MS. MONTGOMERY-BLINN: Yes, sir.

15 MR. BECTON: He thinks he was there at that  
16 time and this is after 4:00 as opposed to 12:30,  
17 three or four hours earlier?

18 MS. MONTGOMERY-BLINN: That's right. We  
19 concluded the deposition, ended the deposition,  
20 and then gave him the case update about what  
21 Craigory Taylor had to say. Any questions  
22 before I play that part for you?

23 MR. DEVEREUX: Has he said, or Mike Dodd or  
24 anybody ever said why he didn't testify at



1 trial? I know that's a dumb -

2 MS. MONTGOMERY-BLINN: No, they -- no,  
3 absolutely not, because they had a Motion for  
4 Appropriate Relief about it. They had an  
5 Ineffective Assistance of Counsel Motion for  
6 Appropriate Relief and that was one of the main  
7 claims, was why didn't he testify at trial.  
8 And, you know, it's summarized in your brief,  
9 Mike Dodd testified and said that he felt that  
10 if he had testified at trial, then the evidence  
11 of the two DWI's on his record would have come  
12 out, and then there was no convictions but he  
13 felt that the State would get into some kind of  
14 fights and disputes that he might have had with  
15 his wife and he didn't want the jury to hear  
16 about that. Of course the Defense said, well,  
17 they've already heard that he was out smoking  
18 cocaine all night, what difference would that  
19 make? And then the Defense attorney asserted at  
20 the Motion for Appropriate Relief that Gregory  
21 Taylor had wanted to testify at trial and Mike  
22 Dodd said, we talked about it, I recommended he  
23 not testify, and he agreed with that. That's  
24 all that I know about that.



1 MR. BECTON: It was ineffective.

2 MS. MONTGOMERY-BLINN: Are there any more  
3 questions?

4 (NO AUDIBLE RESPONSE.)

5 MS. MONTGOMERY-BLINN: Okay. I am going to  
6 play this portion of the video for you.

7 JUDGE SUMNER: Off the record.

8 (THEREUPON, THE PROCEEDINGS WENT OFF  
9 THE RECORD AS THE VIDEOTAPE WAS PLAYED.)

10 MS. MONTGOMERY-BLINN: Then we go through  
11 all the procedures about what a Commission  
12 hearing means, what it doesn't mean, that it's  
13 nothing final. We go through all of that  
14 information with him, which I'm happy to play if  
15 you want to. We don't talk any more about the  
16 confession.

17 JUDGE SUMNER: No questions?

18 MS. MONTGOMERY-BLINN: If you could turn  
19 the lights off, please. I need this light off  
20 in order for the PowerPoint to work, please.  
21 Not that one, this one, these three here. Can  
22 you turn that other one back on? Thank you.

23 All right. At this time by statute the  
24 family members and the victim's next-of-kin have

1 a right to make a statement to the Commission  
2 and they have asked that this be closed to the  
3 public.

4 JUDGE SUMNER: At this point in the session  
5 we are going to exclude all members of the  
6 press, all members of the public who are with  
7 us. We will call you back when we resume the  
8 public portion of this hearing. Thank you.

9 MS. MONTGOMERY-BLINN: Your Honor, may our  
10 intern stay?

11 JUDGE SUMNER: I don't think so.

12 MS. MONTGOMERY-BLINN: Okay.

13 JUDGE SUMNER: I'm sorry, yes, yes. I  
14 apologize. I thought we had another session,  
15 another part of this. You are welcome to stay.

16 MS. MONTGOMERY-BLINN: All right. The  
17 victim's daughter would like to address the  
18 Commission first. You can come up here if you'd  
19 like to. You can do whatever you are  
20 comfortable with.

21 JUDGE SUMNER: Let the record reflect that  
22 at this point the members of the general public  
23 as well as staff have been excluded from this  
24 part of this hearing.

1 MS. MONTGOMERY-BLINN: Will you just tell  
2 the Commission your name and then go ahead.

3 MS. PHARR: Yes, Sierra Pharr.

4 JUDGE SUMNER: Excuse me. I'm sorry.

5 MS. PHARR: My name is Sierra Pharr, I am  
6 the victim's third child. I was five at the  
7 time she was murdered and now I'm twenty-two. I  
8 have never actually seen a picture of my mother  
9 until today and actually, unfortunately, it was  
10 because of, well, the picture showed that she  
11 was bludgeoned and stabbed to death. This  
12 process has been saddening and nerve-racking. I  
13 honestly believe that Mr. Gregory Taylor isn't  
14 100 percent innocent. I also surely do believe  
15 he didn't act alone. I believe drugs were a  
16 factor and drugs are known to be powerful and  
17 draw people out of their character and make poor  
18 choices. Poor choices will always end in  
19 consequences. For Mr. Gregory Taylor choices,  
20 he should now and forever spend the rest of his  
21 life in prison whether he acted as a participant  
22 in the murder, he looked on, or he was just  
23 there. At the end of the day I feel as if a  
24 better investigation should have been conducted

1 in '91. All parties should have been convicted  
2 and we wouldn't be here today.

3 And my opinion on the confession of  
4 Mr. Craig Taylor is that it was his way of  
5 having control because he said that, you know,  
6 his feelings kind of meant more than what my mom  
7 wanted doesn't mean that he acted on it, but  
8 after his confession was more so of his way of  
9 kind of being possessive and controlling, kind  
10 of having, you know, his shine or his light,  
11 because from my understanding he's had that  
12 illness for a while and it seems like more of  
13 the confession is coming out after the  
14 continuous interviews, consistent interviews.  
15 And I do ask that all decisions made upon today  
16 are truthful, mindful and unbiased.

17 MS. MONTGOMERY-BLINN: Thank you, ma'am.

18 JUDGE SUMNER: Thank you.

19 MS. MONTGOMERY-BLINN: The victim's sister  
20 would also like to be heard by the Commission.

21 Please tell the Commission your name and  
22 then whatever you would like.

23 MS. LITTLEJOHN: My name is Yolanda Thomas  
24 Littlejohn. I am the -

1 MS. MONTGOMERY-BLINN: Can you speak up?

2 JUDGE SUMNER: I'm sorry, speak  
3 louder.

4 MS. LITTLEJOHN: Yolanda Thomas Littlejohn,  
5 I am the victim's sister. Let me first say, I  
6 am, I in no way am going to belittle anything  
7 that her daughter has said. She's her daughter.  
8 I have never lost a mother so I have no idea  
9 what it was like to grow up without one.

10 with that being said, I grew up with my  
11 sister. I loved her dearly, but I understood  
12 who she was, I understood how she lived her  
13 life. And it was poor choices that she made  
14 that her life ended the way that it did. That  
15 didn't make it right for anyone to take her  
16 life. You know, it didn't make it right for  
17 Mr. Greg Taylor to be doing drugs that night. I  
18 will say that she lived the life that she loved  
19 and she loved the life that she lived. And  
20 although it broke all of our hearts for her to  
21 die such a tragic death, I have never ever  
22 believed that Mr. Greg Taylor was the one that  
23 did this. And I say that because growing up  
24 here in Raleigh, growing up in the atmosphere

1 sometimes that we did live in and knowing at  
2 what point in her life she made the choices to  
3 deal with people who made bad choices, then I  
4 can understand.

5 I was not surprised of Mr. Craig Taylor's  
6 confession, and I say that because of, again,  
7 environment, atmosphere, and that is what we  
8 grew up around. Although we did not live in the  
9 projects, we went to school with these people,  
10 and these were the people that she decided to  
11 hang around and ultimately live around because  
12 of choices of having kids and being unemployed,  
13 high school dropout, now she was in the  
14 projects. So it was -- I could have easily been  
15 the same, but by my own choices I didn't.

16 I have always felt like he deserved a  
17 chance to be heard again. And when I was first  
18 approached by the Innocence Commission I can  
19 tell you, no, initially I didn't want to deal  
20 with it because I didn't want it to be reopened.  
21 As a parent now and I have kids, and I would,  
22 even having raised her daughter for some time, I  
23 can't imagine what it would be like for me not  
24 to be here. I can only imagine what it's like

1       for Mr. Greg Taylor's mom and dad and everything  
2       that he lost. Again, his poor choices to do  
3       drugs, but I don't believe he had anything to do  
4       with her death. I believe it was environment, I  
5       believe it was the people in that environment,  
6       and I understand because I know how many years  
7       she was in that environment. But we loved her  
8       in spite of. We could not change it, we could  
9       stop it. We loved her. That will never change.  
10      We have always been there for her kids the best  
11      that we could.

12             I guess all I'm saying is please take  
13      everything that you've heard from every witness  
14      statement, be it 1991 or to the present, take  
15      every witness statement. Again, we didn't live  
16      with these people, but we grew up and we went to  
17      school with these people and it was choices that  
18      she made. And that's it.

19             MS. MONTGOMERY-BLINN: Thank you so much.

20             JUDGE SUMNER: Thank you.

21             MS. MONTGOMERY-BLINN: Your Honor, all I  
22      have to do now is give you your standard of  
23      review and closing and then it will be time for  
24      you to move into deliberation. Do you want the



1 media to come back in for those final remarks  
2 that I have about the standard of review?

3 JUDGE SUMNER: They are entitled to hear  
4 the last portion of the public part of this  
5 hearing.

6 MS. MONTGOMERY-BLINN: Okay. It will only  
7 be just a couple of minutes.

8 JUDGE SUMNER: Okay.

9 MS. MONTGOMERY-BLINN: Because you know I  
10 don't get closing arguments.

11 JUDGE SUMNER: Right.

12 MR. JENKINS: can I ask -- I know you don't  
13 give a closing argument, but obviously you and  
14 Sharon have thought about this a long time. If  
15 we had some questions not dealing directly with  
16 facts but just conclusions that you all might  
17 have reached about the facts, can you answer  
18 those questions?

19 MS. MONTGOMERY-BLINN: I don't know. That  
20 would be up to the Commission. Usually Judge  
21 Sumner does ask me to stay in during your  
22 deliberations.

23 MR. JENKINS: Okay.

24 MS. MONTGOMERY-BLINN: We try so hard to



1 keep our opinions out of it and try not to draw  
2 conclusions.

3 MR. JENKINS: All right.

4 MS. MONTGOMERY-BLINN: So it might be hard  
5 for us -

6 MR. JENKINS: well, for example, I don't  
7 know whether this is an opinion or a fact  
8 question, but it's coincidental that everybody  
9 ended up, that, you know, people ended up at the  
10 same place on E Street and ended up in the cul-  
11 de-sac. That's something that I would want,  
12 well, I say deliberate about that, but I would  
13 be also very interested in the opinion of people  
14 that have lived with this case a lot longer than  
15 we have or for the thoughts that you all have on  
16 that subject.

17 MS. MONTGOMERY-BLINN: I think what I would  
18 prefer to do is let you discuss in deliberations  
19 if you want to bring us in and ask us those  
20 questions, I'm just not comfortable answering  
21 them, at least not without the entire Commission  
22 asking me. I try really hard not to do that.

23 JUDGE SUMNER: we'll take that under  
24 advisement.

1 MS. MONTGOMERY-BLINN: I'm sorry. Are we  
2 ready to resume?

3 JUDGE SUMNER: Yes, ma'am.

4 MS. MONTGOMERY-BLINN: Okay.  
5 Commissioners, this is it evidence that I have  
6 to present to you. Your standard of review  
7 according to North Carolina General Statute 15A-  
8 1468 is if five or more of the eight voting  
9 members of the Commission conclude that there is  
10 sufficient evidence of factual innocence to  
11 merit judicial review, the case shall be  
12 referred to the Chief Justice for appointment of  
13 a three-judge panel. I believe -- and you are  
14 welcome to pose any other alternatives -- that  
15 you have three main choices here: To find that  
16 there is sufficient evidence of factual  
17 innocence to merit judicial review and refer the  
18 case to the three-judge panel; to decide that  
19 there is not sufficient evidence of factual  
20 innocence to merit judicial review and the  
21 investigation would be closed; or to continue  
22 this hearing and direct us to conduct further  
23 investigation into this case, bring in  
24 additional witnesses, whatever it is that you

1           should choose.

2           And now I will turn it back over to Judge  
3           Sumner for deliberations. While you are  
4           deliberating, if you would like me to put that  
5           other slide back up, I'll be more than happy to.  
6           And I shall sit down and turn it over to Judge  
7           Sumner.

8           JUDGE SUMNER: All right, thank you. Once  
9           again, this portion of this hearing will be  
10          closed to the public and all staff with the  
11          exception of Ms. Montgomery-Blinn. And we're  
12          going to take a break before we start.

13                        (THEREUPON, A SHORT RECESS WAS TAKEN  
14                        AND DELIBERATIONS WERE HAD FROM 4:45 P.M.  
15                        THROUGH 6:17 P.M.)

16          JUDGE SUMNER: The Innocense Inquiry  
17          Commission hearing is now resumed and it is now  
18          open to the public at this point. The  
19          Commission members have had an opportunity to  
20          deliberate in private as the Statute requires.  
21          The floor is now open for a motion from the  
22          Commission as to the status of the matter of  
23          State of North Carolina vs. Gregory Flint  
24          Taylor. Do I hear a motion at this point?

1 MR. JENKINS: So moved.

2 JUDGE SUMNER: All right. I've heard a  
3 motion to move that the Commission find that  
4 there is sufficient evidence of factual  
5 innocence to merit judicial review of this case  
6 by a three-judge panel. Second to that motion?

7 MS. PICKENS: Second.

8 JUDGE SUMNER: Properly seconded by Sheriff  
9 Pickens. I'll require -- a Statute calls a poll  
10 vote from each Commissioner. I'll start on my  
11 right with Ms. Chilton.

12 MS. CHILTON: Yes.

13 MS. PICKENS: Yes.

14 MR. JENKINS: Yes.

15 MR. BECTON: Yes.

16 MS. GREENLEE: Yes.

17 MR. DEVEREUX: Yes.

18 MR. KENERLY: Yes.

19 JUDGE SUMNER: Chair votes yes also. It is  
20 referred to a three-judge panel. Let me say  
21 before we conclude this proceeding that the  
22 Commission members wish to extend to the staff,  
23 the Commission, our sincere thanks for the hard  
24 work, the diligence, and the manpower extended

1 in this matter. Thank you very much for your  
2 efforts. On a personal note, I understand that  
3 Grace is getting married. We also want to  
4 extend you our best, sincere appreciation, for  
5 your upcoming marriage.

6 MS. WALLACE: Thank you.

7 JUDGE SUMNER: All right. That having been  
8 said and done, is there any further -- one  
9 second, we're still in session. Just one  
10 second, folks. One second, folks, please,  
11 please. Any further matters for the attention  
12 of this Commission before we conclude or  
13 adjourn?

14 MS. PICKENS: Judge, I would like to make a  
15 motion that we adjourn for the day and then we  
16 thank the staff for their wonderful job. This  
17 has been a two-year investigation on their part,  
18 a lot of hours, a lot of diligence, and we hope  
19 that justice will be served.

20 JUDGE SUMNER: Thank you. No second -- all  
21 those in favor just stand, media's included.

22 (THEREUPON, THE HEARING CONCLUDED AT

23 6:19 P.M.)  
24

NORTH CAROLINA  
CABARRUS COUNTY

C E R T I F I C A T E

I, Ira Anderson, Court Reporter and Notary Public, the officer before whom the foregoing proceeding was conducted, do hereby certify that the proceeding was taken by me to the best of my ability and thereafter transcribed under my supervision; and that the foregoing pages, inclusive, constitute a true and accurate transcription of the proceeding.

I do further certify that I am neither counsel for, related to, nor employed by any of the parties to this action in which this proceeding was conducted, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereof, nor financially or otherwise interested in the outcome of the action.

This the 4th day of September, 2009.

A handwritten signature in black ink, appearing to read 'Ira Anderson', is written over a horizontal line.

Ira Anderson, Notary Public  
Notary Public No. 20022840073

**CERTIFICATION  
NULL AND VOID IF  
ENVELOPE SEAL IS BROKEN**