

4 NELSON SPILLERS,

5 having been called to testify for the
6 State, after having been duly and legally
7 sworn, testified as follows:

8 DIRECT EXAMINATION:

9 BY MR. CULPEPPER,

10 Of Counsel for State:

11 Q. Deputy Spillers, would you state your name and
12 address, please sir?

13 A. Deputy Nelson Spillers, Rt. 1 Box 85, Eros.

14 Q. You're a Deputy Sheriff of Jackson Parish?

15 A. That's correct.

16 Q. Were you a Deputy Sheriff on February 21st,
17 of 1981?

18 A. Yes, I was.

19 Q. In that capacity, did you have an occasion to
20 investigate an incident involving Linda Faye
21 Davis over at Chatham?

22 A. Yes sir.

23 Q. Were you the primary investigating officer in
24 this matter, Mr. Spillers?

25 A. Yes I was.

26 Q. Which other officers were involved to some
27 extent in the investigation?

28 A. Okay, it'd be the City Marshall of Chatham,
29 Alfred Richardson and Deputy Lavelle Jones.

30 Q. Okay, at some point was something reported to
31 you to go investigate it?

4 at the Davis resident.

5 Q. Okay, what did you do after being notified?

6 A. Okay, we went to the residence of Linda Faye

7 Davis and found the scene.

8 Q. OKay, who was there when you got there?

9 A. Nancy Hardy.

10 Q. Nancy Hardy?

11 A. Yes sir.

12 Q. Okay, Linda Faye Davis was not there at that time?

13 A. No sir.

14 Q. Was T. D. Davis there?

15 A. He arrived a short time later, yes sir.

16 Q. OKay, tell me what you saw at the residence of

17 Linda Faye Davis? First, tell me is the residence

18 of Linda Faye Davis that you went to located

19 in Jackson Parish?

20 A. Yes sir, it is.

21 Q. Okay, what did you physically see at the residence?

22 A. Okay, when we arrived, the - uh - bedroom of

23 the house, the bed was unmade and there signs of

24 struggle and a lot of blood was observed on the

25 walls and on the bed, on the floor, the room had

26 been rummaged through pretty well. The back

27 window of the house had been broken into.

28 Q. Okay, did you take some photographs at some time

29 that morning? Mr. Spillers?

30 A. Yes I did.

31 Q. You take the photographs yourself?

ask you if you can identify these photographs
as being the photographs that you took and
whether they accurately depict or show what you
saw there at the house and where in the house
these photographs were taken, please sir?

Would you first look at these - photographs and
tell me if they are in fact the photographs that
you took?

A. Yes sir, these are the photographs I took.

Q. Do they accurately show what you saw that day
or that morning at the house?

A. Yes sir.

Q. Okay, let's look at "State exhibit 6" and
would you tell me where in the house that
photograph was taken?

A. Okay, that's in the bedroom - the master bedroom
of the house.

Q. Okay, now based upon your investigation, was
that the bedroom that whatever happened happened
in?

A. Yes sir.

Q. Okay, I show you "State exhibit 7", can you
tell me where that photograph was taken?

A. Okay, this was taken in the back bedroom of
the house where entrance was gained through the
window.

Q. Okay, and that - what does that - that's the
photograph of a bed in that bedroom is that

4 A. Showing the feet print of the person when he
5 climbed in the window.

6 Q. Okay, I show you "State exhibit 8" where was
7 that photograph taken?

8 A. Okay, this is back in the master bedroom.

9 Q. The same one as "State exhibit 6", is that
10 right?

11 A. Yes sir.

12 Q. Okay, show you "State exhibit 9" where was
13 that photograph taken?

14 A. That again was in the master bedroom.

15 Q. Okay, "State exhibit 10"?

16 A. Okay, that's also in the master bedroom.

17 BY MR. CULPEPPER,

18 Of Counsel for State: I'd like to offer,
19 introduce and ask to be filed into evidence
20 "State exhibit 6, 7, 8, 9, and 10" being
21 photographs identified by Deputy Spillers.

22 BY MR. STOKES,

23 Of Counsel for Defendant: We would have no
24 objection to the offering.

25 BY THE COURT: Let the documents be filed.

26 BY MR. CULPEPPER,

27 Of Counsel for State: Ask that the jury
28 be given an opportunity to review these
29 five photographs, Your Honor.

30 BY THE COURT: So ordered.

31 BY MR. CULPEPPER,

4 A. Yes I did.

5 Q. Would you tell us what physical evidence you

6 secured?

7 A. Okay, we secured the blankets off the bed, the

8 pillow cases, the bed sheets, and her garments

9 that were left at the scene.

10 Q. Okay, now what did you eventually do with these

11 items?

12 A. Okay, they were transported to the North Delta

13 Crime Lab in Monroe.

14 Q. Okay, did you have an occasion just this

15 morning to go and get them back from the crime

16 lab?

17 A. Yes sir, that's correct.

18 Q. And they've been in your possession - prior

19 to going to the crime lab, they've been in

20 your possession after you picked them up this

21 morning at the crime lab, is that correct?

22 A. Yes sir, that's correct.

23 Q. And you presently have those items in your

24 possession, is that right?

25 A. Yes sir.

26 Q. Okay, would you remove these items and identify

27 them for the jury, the items that were secured

28 from the house that night or that morning,

29 I guess?

30 A. This is the blanket off the bed.

31 BY THE COURT: You're going to have to - what

4 she can pick it up on the machine there.

5 BY MR. CULPEPPER,

6 Of Counsel for State:

7 Q. Okay, you have pulled out or removed from one
8 of these bags a green blanket, I guess, I can't
9 ever tell the difference a blanket and quilts,
10 that's a blanket, I guess, isn't it?

11 A. That's correct.

12 Q. Okay, and that was the one that was on the bed
13 in the bedroom in question, is that correct?

14 A. Yes sir, that was on the bed.

15 Q. Okay, put this back in this sack and we would
16 like to offer, introduce and ask to be filed
17 in evidence this particular blanket and ask
18 that it be marked for identification on the
19 bag in question as "State exhibit 11".

20 BY MR. STOKES,

21 Of Counsel for Defendant: We would have
22 no objection.

23 BY THE COURT: Let it be filed.

24 BY MR. CULPEPPER,

25 Of Counsel for State:

26 Q. Okay, would you get something else?

27 A. Okay, this is the lower - the bottom sheet of
28 the bed.

29 Q. Okay, you have removed the bottom sheet that
30 you took off the bed, is that correct?

31 A. That's correct.

in your possession:

4 A. Yes sir, the top sheet of the bed.

5 Q. Okay, did you remove anything else from the
6 bed?

7 A. Yes sir, the two pillow cases.

8 BY MR. CULPEPPER,

9 Of Counsel for State: We would ask that
10 these items collectively be identified
11 as "State exhibit 12" and be placed back
12 in the bag. I think the jury probably
13 can see from where they are.

14 A. The blanket was on the bed also.

15 BY MR. STOKES,

16 Of Counsel for Defendant: We would have
17 no objection to the offering, may it please
18 the Court.

19 BY THE COURT: Let it be filed.

20 BY MR. CULPEPPER,

21 Of Counsel for State:

22 Q. You have removed a quilt, that's a quilt isn't
23 it?

24 A. Yes sir.

25 Q. Where did this quilt come from?

26 A. This was on the very top of the bed. This
27 was the top cover to the bed.

28 Q. Again in the bedroom in question, is that right?

29 A. Yes sir, that's correct.

30 Q. Deputy Spillers, did you also secure the clothing
31 that was worn by Ms. Davis?

4 Q. Okay, and you have those clothing in your
5 possession at this time?

6 A. Yes sir.

7 Q. What do they consist of, would you open that
8 and show to the jury what clothing she was
9 wearing?

10 Q. You have removed from that bag a night gown
11 that she was wearing at the time of this
12 incident, is that correct?

13 A. Yes sir, that's correct.

14 BY MR. CULPEPPER,

15 Of Counsel for State: Ask that the
16 night gown be marked for identification
17 as "State exhibit 14" and ask that it
18 be filed into evidence?

19 BY MR. STOKES,

20 Of Counsel for Defendant: May it please
21 the Court, we would - even though no
22 foundation was laid, make no objection
23 to the offering.

24 BY THE COURT: Let it be filed.

25 A. Here's another part of her night gown.

26 BY MR. CULPEPPER,

27 Of Counsel for State:

28 Q. Okay, you have removed from another bag the
29 remaining part of her night gown that was
30 removed from her, is that correct?

31 A. Yes sir.

and offer it into evidence?

BY MR. STOKES,

Of Counsel for Defendant: We would have
no objection, Your Honor.

BY THE COURT: Let the exhibit be filed.

BY MR. CULPEPPER,

Of Counsel for State:

Q. You also have in your possession a bag for
evidence of the under clothes or panties removed
from the victim, is that what's in this bag
here?

A. Yes sir, they were found behind the door of the
bedroom.

Q. Okay, you found them behind the door of the
bedroom and they were placed in this particular
bag, is that right?

A. Yes sir.

BY MR. CULPEPPER,

Of Counsel for State: We would ask that
the panties be introduced into evidence
as "State exhibit 16" and would ask that
they be filed?

BY MR. STOKES,

Of Counsel for Defendant: We would have
no objection.

BY THE COURT: Let them be filed.

BY MR. CULPEPPER,

Of Counsel for State:

outside the window in the mud there where the
subject gained entrance.

Q. Okay, and you have those plaster cast in your
possession, do you not?

A. Yes sir.

Q. Okay, now were you able to make any match with
any shoes of the defendant with the plaster cast?

A. No sir.

Q. Tell us what -- did you make an effort to make
some match?

A. Yes sir, we -uh- with permission of his grand-
mother, we went and searched the house and never
recovered a pair of tennis shoes that vaguely
would match the tennis shoes that were wore.

Q. Okay, did you recover any tennis shoes or what
shoes did you find in the house?

A. There was one pair of tennis shoes, yes sir.

Q. Okay, but it was a tennis shoe track apparently
is that right?

A. Yes sir.

Q. But it did not match the tennis shoes found
in the house?

A. No sir.

Q. Okay, what else did you do in connection with
your investigation, did you run - were you able
to get any finger prints off of anything?

A. Yes sir, two partial finger prints were obtained.

Q. Were they enough to make any match with any thing?

investigation?

A. Okay, we - when we searched his - where he was staying, we recovered his - no, we searched the residence where he was staying. We never recovered the clothes that he was supposed to have been wearing, the clothes that -

Q. Did you recover some clothes or was some clothes taken from him when he was arrested or what?

A. Yes sir, his clothes he was arrested in were taken. They were supposed to be the ones he was wearing that night when he was last seen.

Q. Okay - okay, but you never recovered any clothes that would - that you could associate with the person who was in the house, is that correct?

A. That's correct.

Q. Okay - but he had some clothes that were - indicated to you that what he was wearing the night before that were recovered by the Sheriff's office, is that right?

A. That's correct.

Q. Okay, I'm going to show you a shirt and a pair of jeans and ask you if this is the clothing that was represented to you that he had worn the night before?

A. This is the shirt we recovered when he was arrested.

Q. Okay, was that the shirt he was wearing when he was arrested?

3 wearing when he was arrested, is that correct?

4 A. That's right, yes sir.

5 Q. Okay, did you make any investigation - you
6 said something about the clothes that he
7 was wearing the night before, did you make any
8 investigation to try to determine what type
9 clothes he was wearing the night before or
10 what type clothing the person who came into
11 the house was wearing?

12 A. Yes sir, the information we had was the person
13 who came in the house was supposed to have
14 been wearing a dark colored pullover sweater
15 and when we searched the house we was never
16 able to recover the sweater.

17 Q. You never found a dark colored - a dark pull-
18 over type sweater in the possession of the
19 defendant, is that correct?

20 A. That's correct.

21 Q. But these are again just the clothes that he
22 was wearing at the time of the arrest?

23 A. Yes sir, that's correct.

24 BY MR. CULPEPPER,

25 Of Counsel for State: I'd like to offer,
26 introduce and ask to be filed into evidence
27 as "State exhibit 17" these jeans and
28 shirt?

29 BY MR. STOKES,

30 Of Counsel for Defendant: We would have no
31 objection.

4 Q. What else, if anything, did you do in the
5 investigation?
6 A. Well after he was arrested we advised him of
7 his rights and we finger printed him and -
8 Q. Okay, you arrested him - on what basis did you
9 arrest him?
10 A. Okay, arrest warrant was obtained by Mr. T. D.
11 Davis before we arrived at the scene.
12 Q. Okay, so on the basis of that arrest warrant
13 Michael Anthony Williams was arrested, is that
14 right?
15 A. Yes sir, that is correct.
16 Q. Did you arrest him?
17 A. Yes sir.
18 Q. Where was he when he was arrested?
19 A. He was at the residence of Elizabeth Beck,
20 his grandmother.
21 Q. In Chatham?
22 A. Yes sir.
23 Q. About what time of day was this when he was
24 actually arrested?
25 A. 9:45 A. M.
26 Q. 9:45 A. M.?
27 A. Yes sir.
28 Q. Tell us about the arrest, what you did at the
29 time of the arrest?
30 A. Okay, along with Deputy Jones and Ayres and
31 City Marshall Richardson, we entered the house

4 for at that time?

5 A. Yes sir, that is correct.

6 Q. Okay, what happened after he was placed under
7 arrest?

8 A. Okay, we put him in the back of my police car
9 and went back to the scene to secure some more
10 evidence that I'd left and at that time he
11 escaped from the back of my car, opened the
12 door and escaped.

13 Q. Okay, did you capture him?

14 A. Yes sir, we - short chase on foot we captured
15 him within a quarter of a mile of where he ran.

16 Q. Okay, what did you do at that point?

17 A. Okay, we arrested him and placed him in the car
18 and we transported him to the Sheriff's office
19 in Jonesboro.

20 Q. Okay, now anything else that you did in this
21 investigation that you can recall?

22 A. We obtained statements from Linda Faye Davis
23 while she was in L.S.U. Medical Center in
24 Shreveport.

25 Q. Okay - you get statements from anybody besides
26 her or was she the only person you got statement
27 from?

28 A. She was the only person that we got the statement
29 from.

30 Q. Did you find any witnesses to the actual incident
31 besides Linda Faye Davis?

verily where Michael Anthony Williams had been

at that time of the day or morning?

A. Okay, he was supposed to have been home that -
in that morning. His grandmother said that he
had come in about 11:00 o'clock that night and
as far as she knew he didn't leave the house.

Q. Okay did you determine who else if anybody was
at the house, was just he and the grandmother
there or did your investigation show that some-
body else was there?

A. He and his grandmother and his little sister,
I believe, I can't recall her name was supposed
to be at the house.

Q. How old is the little sister?

A. I think she's sixteen.

Q. Sixteen years old, okay, they were the three
based upon what his grandmother told you were
there? at the house?

A. Yes sir, but we did observe that the window
of his bedroom had the screen off and the
window was up, easily accessible to leave in
the night.

Q. Okay, anything else you discovered during the
investigation that would be pertinent to these
proceedings?

A. No sir.

BY MR. CULPEPPER,

Of Counsel for State: That's all the
questions I have of Deputy Spillers.

3 the Court, on behalf of the defendant
4 prior to start of trial, I have a witness
5 Frederick Lewis who came in from Chatham.
6 I don't see him in the Courtroom and I
7 would as that when he arrives he be placed
8 under the rule.

9 (Jury returns to jury box after a recess for
10 lunch)

11 BY MR. CULPEPPER,

12 Of Counsel for State: The State would waive
13 the polling of the jury, Your Honor.

14 BY MR. STOKES,

15 Of Counsel for Defendant: The defense would
16 waive the polling of the jury.

17 BY THE COURT: Alright, then we may proceed.

18 CROSS EXAMINATION:

19 BY MR. STOKES,

20 Of Counsel for Defendant:

21 Q. Deputy Spillers, I have a couple of questions
22 or answer to lots that I'd like to ask you. The
23 first one - about what time did you arrive at
24 Linda Davis' residence, do you know that?

25 A. In the vicinity of 8:45.

26 Q. And when you did so who was present?

27 A. Nancy Hardy is the only one I remember being
28 present at the house. She opened it up and let
29 me in.

30 Q. Now you earlier indicated to us, I believe, that
31 you at one point in your investigation went to

3 whole house or search - what did you ask permission

4 to search, if anything?

5 A. The house - to look for those clothes.

6 Q. And she gave you that permission?

7 A. That is correct.

8 Q. Okay, you didn't have to get a warrant or
9 anything?

10 A. No sir, she gave me her permission.

11 Q. Did you ask Michael Williams what clothing he
12 had on when he went to church that Friday night?
13 Do you recall?

14 A. I don't recall.

15 Q. You told us earlier that when searched Michael
16 Williams' bedroom you found his window up, did
17 you find any evidence that you could see of
18 someone having climbed in or out of the window
19 recently?

20 A. Not recently, just the fact that the window
21 screen was off and the position that it -

22 Q. The window was open?

23 A. Yes.

24 Q. How wide was the window - wide open or -

25 A. Yes, one of those wide open.

26 Q. In the course of your investigation, how many
27 pairs of shoes did you look at in attempting
28 to match them with the - with the foot prints
29 that you found?

30 A. We only found one pair of tennis shoes in the
31 house of Michaels.

3 that you found?
4 A. No sir.
5 Q. Did you look at the shoes Michael was wearing
6 at the time of his arrest?
7 A. Yes sir.
8 Q. Were they tennis shoes?
9 A. No sir, they were leather type shoes.
10 Q. They didn't match the type of shoes - the type
11 of foot print that you found?
12 A. No sir - no sir.
13 Q. Did you examine Michael Williams' person for
14 scratches or cuts or anything like that?
15 A. Yes we did.
16 Q. What did you find, if anything?
17 A. Found no scratches or abrasions of any kind.
18 Q. No bruises?
19 A. No sir.
20 Q. In connection with your investigation, I believe,
21 you've already shown the jury some clothing that
22 you seized from Mr. Williams or took, in the
23 course of your investigation or looking at that
24 clothing, did you observe any blood on it?
25 A. No sir.
26 Q. Did you actually take physical possession of the
27 clothing?
28 A. Yes sir.
29 Q. At what time did you take physical possession of it?
30 A. The day he was arrested and placed -
31 Q. Shortly after - I'm talking about hours after

or so.

4 Q. At the time you arrested him, were you the officer
5 that handcuffed him? Or do you remember?

6 A. Even though they were my handcuffs that were used,
7 I believe City Marshall Richardson handcuffed
8 him.

9 Q. In the course of your arrest of Michael Williams,
10 did it appear to you that his shirt or his pants
11 or any other part of his clothing had been recently
12 washed?

13 A. No sir.

14 Q. I believe you indicated that your investigation
15 showed that the attacker came in through the
16 spare bedroom window, is that right?

17 A. That's correct.

18 Q. And I want to be sure of this point, you took
19 some plaster cast of foot prints that you saw
20 at the bottom of the window on the outside of
21 the house, correct?

22 A. That is correct, yes sir.

23 Q. Do you have those plaster cast with you?

24 A. Yes sir, do you want them?

25 Q. Yes, if you would, please sir? Deputy Spillers,
26 can you tell us, were you the one that actually
27 poured the plaster?

28 A. Yes I was.

29 Q. Since that time, who has had those foot prints,
30 whose had possession of those casts?

31 A. They've been locked up in the evidence locker in

locker?

A. Yes they have.

Q. So until you brought them - from the time you took them until the time you brought them to Court today, they've been in your custody?

A. Yes sir.

Q. Okay, -

BY MR. STOKES,

Of Counsel for Defendant: At this time, Your Honor, I would ask that the evidence be marked "Defense 1" and "Defendant's 2" and would offer it into evidence.

BY MR. CULPEPPER,

Of Counsel for State: No objection, Your Honor.

BY THE COURT: Let it be filed.

BY MR. STOKES,

Of Counsel for Defendant:

Q. In the course of your investigation, did you - into this matter, did you have occasion to go into the master bedroom as you called it of Linda Davis' house?

A. Yes I did.

Q. Okay, you testified earlier that you took some pictures, is that correct?

A. Yes sir.

Q. Did you notice anything unusual about the room?

A. Other than the fact that the struggle and the blood and the - condition of the bed.

what appeared to you to be blood?

A. On the walls, above the bed, at the foot of the bed and all over the bed.

Q. How about any on the dresser?

A. None on the dresser, no.

Q. Okay, would it be a fair statement that blood was all over the bedroom? Would that be a fair statement?

A. Just in the portion of where the bed was actually.

Q. Okay, so around the bed, blood was very evident? You earlier talked about some finger prints, who- did you attempt to secure some finger prints?

A. Yes sir.

Q. Okay, I believe you said earlier that you were unsuccessful with lifting any finger prints, is that right?

A. That's correct.

Q. What areas did you try to lift finger prints from, do you remember?

A. The window where entrance was gained and in certain spots in the bedroom where he was supposed to have rummaged through the dresser.

Q. Okay, what kind of - did - do you have any explanation of why there wouldn't have been finger prints? I mean, were the surfaces not such that there to conducive to leaving good prints?

A. There just wasn't any there. The surfaces were ideal for finger prints but there wasn't any there.

3 A. Correct.

4 Q. Did Michael Williams make any statement to you
5 as to where he was at the time of this attack?

6 A. Yes, he indicated that he was at home.

7 Q. What if anything did you do to check out his
8 assertion that he was at home?

9 A. I checked with his grandmother and she advised
10 that a little before 11:00 or a little after she
11 had let him in and that her knowledge he didn't
12 leave that night.

13 Q. Did you talk with his sister, Michael Williams'
14 sister?

15 A. No sir, I didn't - she - well I did talk with
16 her, but what I mean is she didn't know. I don't
17 even think she knew when he came in. She must
18 have been asleep.

19 Q. Is there any doubt in your mind that the plaster
20 cast - that the maker of the foot print that
21 you took a plaster cast of was the attacker?

22 A. No sir, the feet - those prints belong to who
23 entered the house.

24 Q. Okay, Deputy Spillers, I believe you've already
25 testified that in the course of your investigation
26 certain evidence was turned over the Northwest
27 Louisiana Crime Lab, is that correct?

28 A. Yes sir.

29 Q. I show you this copy of a document marked
30 evidence transfer receipt and ask you if you've
31 ever seen the original of that document?

What evidence was transferred to the crime lab?

A. Well everything listed here was transported to the crime lab.

Q. Okay, do you know where the original receipt is, do you have it?

A. I believe it's with Mr. Culpepper over there. I brought it in this morning when I - when the stuff was re-released to me.

Q. Deputy Spillers, I show you this piece of paper which I received from Mr. Culpepper, do you recognize it?

A. Uh huh -

Q. Is it the original evidence receipt?

A. I would assume so, yes sir.

Q. Okay, can I have the copy of it that I gave you? So to the best of your knowledge that's the original receipt that you got for the evidence that you turned over to the crime lab?

A. This one?

Q. Uh huh -

A. Or that one?

Q. Well I'm talking about that one you've got in your hand, I've taken back from you the copy that I had and had first given you. I'm talking about that one that you have in your hand now?

A. Okay, the receipt that I had got for these articles at the time I believe are in my car - the original.

Q. Okay - okay, let me ask you if you could keep that? Now, you've already told the Court and the jury

4 and tell me or just tell me from your memory,
5 it doesn't really matter, what if any evidence
6 from Michael Williams did you take over to the
7 crime lab? Did you take any evidence that you
8 had taken?

9 A. Other than his clothes, we took hair samples
10 from him.

11 Q. Okay, what kind of hair?

12 A. Well head hair and pubic hairs we obtained from
13 him and they were taken to the crime lab.

14 Q. Had Mr. Williams given that to you voluntarily?

15 A. Yes sir.

16 Q. Was a rape kit utilized in the course of this
17 investigation?

18 A. Yes it was.

19 Q. Do you know what items from the rape kit were
20 turned over the crime lab?

21 A. The whole kit was turned over to the crime lab.

22 Q. Do you know what the kit contained?

23 A. Basically - was samples taken from the victim.

24 Q. Okay, what samples of what is what I'm trying to
25 get from you, what samples of what were taken
26 to the crime lab through the use of the rape kit?

27 A. Okay, there were head hair and pubic hairs and
28 vaginal swabbings and washings that were taken
29 from the victim at the time she was admitted to
30 the hospital.

31 Q. Okay, and you took these items over to the crime

4 Of Counsel for Defendant: I have no
5 further questions at this time.

6 REDIRECT EXAMINATION:

7 BY MR. CULPEPPER,

8 Of Counsel for State:

9 Q. Deputy Spillers, let me ask you this, you
10 talked about the samples of hair that were
11 voluntarily given by the defendant in the
12 Sheriff's office, did the defendant voluntarily
13 give the Sheriff's office a blood sample?

14 A. No sir, he didn't.

15 BY MR. CULPEPPER,

16 Of Counsel for State: Okay, that's all
17 the questions I have.

18 RECROSS EXAMINATION:

19 BY MR. STOKES,

20 Of Counsel for Defendant:

21 Q. Tell me about the circumstances, were you the
22 one - did anyone make a request of him to give
23 a blood sample?

24 A. I did, yes sir.

25 Q. How did you make the request, do you recall what
26 you said to him?

27 A. I don't recall the - basically I asked him-
28 we needed a blood sample and he would have to
29 give it to us voluntarily.

30 Q. What did he indicate to you, did he say, yes, no ?

31 A. No, he didn't.

4 asking him?

5 A. No sir.

6 Q. To give such a sample?

7 A. No sir, just basically that we did need the
8 sample and it would have to be obtained
9 voluntarily from him.

10 Q. How about a saliva sample, did you ask him to
11 furnish that?

12 A. No sir, because see that went hand in hand with
13 the blood sample. In the rape kit it has provisions
14 for both of those.

15 Q. Okay, so you asked him about the blood and he
16 said no, you didn't ask him about the saliva?

17 A. Not to my knowledge, no sir.

18 Q. And you don't remember the words you used in
19 asking him about the blood?

20 A. Not exactly, no sir.

21 Q. Do you remember sort of the words you used?

22 A. Well basically that we needed to obtain a
23 sample from him, that it would have to be
24 voluntarily.

25 Q. He shake his head or did he answer no?

26 A. I believe he answered no, I'm not for sure
27 of that.

28 Q. Was anyone with you when you asked him for the
29 sample?

30 A. I believe Officer Richardson was.

31 Q. That's Officer Coot Richardson?

A. Not to my knowledge, no sir.

Q. Where did - where did you ask - make this request of him?

A. In the Sheriff's office.

Q. In one of the investigating rooms?

A. Correct, yes sir.

Q. How soon after that was the arrest - how long after the arrest did you make the request? Was it right away or ?

A. Well it was from the time we had that time transporting him from Chatham over here within 45 minutes.

Q. Okay, can you look - do you know whether or not any part of the rape kit included any blood from the victim, is that part of the rape kit?

A. I believe it was, yes sir.

Q. In the course of your investigation, did Michael Williams ever - ever make any other request of you for any particular kind of test of any type that you remember?

A. Not that I know of, no sir.

Q. Okay, what other officers besides yourself were handling this investigation for the Sheriff's office?

A. We had several assisting officers, but I was in charge of the investigation.

Q. Okay - who were the assisting officers?

A. Deputy Jones, Deputy Ayres and City Marshall Richardson and Deputy Mike Crockett.

4 BY MR. STOKES,

5 Of Counsel for Defendant: I have no
6 further questions.

7 BY MR. CULPEPPER,

8 Of Counsel for State: I have no further
9 questions of Deputy Spillers.

10 BY THE COURT: Alright, you may be excused.

11 -----
12 WITNESS EXCUSED
13 -----

14 BY MR. CULPEPPER,

15 Of Counsel for State: Your Honor, I might
16 state that the State has here today Deputy
17 Sheriff Mike Crockett, and Deputy Sheriff
18 Lavelle Jones who assisted in the investigation
19 and the State does not intend to call these
20 two Deputy Sheriffs, their testimony will
21 be similar or cumulative to Mr. Nelson's
22 who was the primary investigator. They are
23 here, at an appropriate time if Mr. Stokes
24 wants to call them to testify, ask them
25 something, fine. They are present but the
26 State does not intend to call them. Cause
27 I think that their testimony again will not
28 add anything to what has already been said.
29 At this time I would call Linda Faye Davis.

30 LINDA FAYE DAIVS,

31 having been called to testify for the State,