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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Clifton Newman, Circuit Court Judge

Indictment No. 2009-GS-40-5780

State of South Carolina

Respondent,

v.

Myron Samuels

Appellant,

RECORD ON APPEAL

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Attorney for Appellant

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INDEX

ORDERS:

Sentencing Sheet 1

PLEADINGS:

Samuel's Notice of Appeal, February 7, 2011 2

TRANSCRIPTS:

Trial Transcript of January 12 through 18, 2011 pages: 28-37, 65-149, 156-170, 178-268, 311-334, 368-422, 505-508, 576-592, 599-603 8

Sentencing Transcript of January 27, 2011 pages: 8-9, 43-47 315

OTHER MATERIALS OR DOCUMENTS:

Arrest Warrant 323

Bail Proceeding Form 325

Indictment 326

Judgment 327

Verdict Form from January 18, 2011 330

THE STATE OF SOUTH CAROLINA
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Indictment No. 2009-GS-40-5780

State of South Carolina

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Myron Samuels

Appellant,

RICHLAND COUNTY
FILED
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JEANETTE W. McBRIDE
C.C.P. & G.S.

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FEB 07 2011
SC Court of Appeals

PROOF OF SERVICE

I hereby certify that I have served the following upon the State of South Carolina by depositing a copy of it to be hand delivered, on February 7, 2011, addressed to Assistant Solicitor, Fifth Circuit Dolly Justice Garfield, its attorney of record, 1701 Main Street, Suite 302, Columbia SC 29201.

NOTICE OF APPEAL
JUDGMENT

Respectfully submitted,

William A. Hodge
Griffin LLC
P.O. Box 999
Columbia, South Carolina 29202
(803) 744-0800
Attorney for Appellant

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND) 2009-GS-40-05780

State of South Carolina,

Plaintiff,

vs.

Myron Samuels,

Defendant.

TRANSCRIPT OF RECORD

January 12 - 18, 2011
Columbia, South Carolina

B E F O R E:

THE HONORABLE CLIFTON B. NEWMAN, JUDGE; and a jury.

A P P E A R A N C E S:

DOLLY JUSTICE GARFIELD, ASSISTANT SOLICITOR
ANDREW R. ROGERS, ASSISTANT SOLICITOR
Attorneys for the Plaintiff

JAMES M. GRIFFIN, ESQ.
WILLIAM A. HODGE, ESQ.
Attorneys for the Defendant

DEBORAH M. McCURDY, RPR
Official Court Reporter

THE COURT: All right, ladies and gentlemen, those of you who were not selected in this case, I believe this is the only courtroom that we'll be doing a trial in this week. You never know what might happen with the case. It may end short. If so, we might be prepared to do another case tomorrow. If it doesn't happen, then we'll be through with you all for this week since we will only be working a few days here this week, three days.

But if you all will go downstairs and get further instructions from the jury coordinator. That is what I need you to do at this time.

Thank you very much.

(WHEREUPON, the remaining jury panel was excused from the courtroom at 2:57 p.m.)

THE COURT: All right. Other matters before the jury is sworn? Mr. Griffin?

MR. GRIFFIN: Yes, sir, Your Honor. At this time, on behalf of the Defendant, Myron Samuels, we would move to either dismiss or strike portions of this indictment that charges Mr. Samuels with assault with intent to kill in violation of Section 17-25-30.

The indictment specifically reads that: Myron

Samuels did, in Richland County, on or about April 14th, 2009, with malice aforethought, commit an assault with intent to kill upon the victim, then it says: Patricia Speaks and/or Carla Daniels, in violation of the statute.

Your Honor, this singular indictment frankly charges two separate offenses, and I think the word is multiplicitous, but it is like having a murder charge and allowing the jury to select which one of the victims a Defendant murdered.

It is -- the State has to elect on this count whether the victim is Patricia Speaks or the victim is Carla Daniels, or they bring two separate counts and perhaps we get a severance. But combining two victims under the label of one victim and having the jury select between the two as they deliberate as to which person they choose collectively to determine was assaulted upon with intent to kill is -- it violates a lot of my client's constitutional rights, but preliminary to be charged with one offense, to go to trial with one offense. It is -- how would the jury -- I mean, they get to add up between themselves how many decided that Mr. Samuels -- how many of them believe beyond a reasonable doubt that he assaulted

one victim, and then how many of them believe beyond a reasonable doubt that he assaulted the other victim. You add them up, you get 12 votes, and if he is guilty you never know of what charge he is guilty of.

And so at this point in time, Your Honor, we move to strike the indictment -- move to dismiss the indictment in the entirety, or in the alternative to have the State elect which one of the two victims it wishes to go forward with trial and strike the reference to the other victim.

Thank you.

THE COURT: What says the State?

MS. GARFIELD: Your Honor, the indictment is obviously a piece of paper that puts the Defendant on notice of what he is being tried with.

All of the discovery reflects two victims, Patricia Speaks and Carla Daniels. In the original arrest warrant -- the Defendant was served with it -- was for one count of assault with intent to kill. In the body of that arrest warrant, both victims are listed.

The Defendant has always been on notice he possibly could be tried for causing crimes to both of these individuals.

Your Honor, if -- I don't know if it is a legal argument, but had we proceeded on two separate indictments, we would still be proceeding with the exact same witnesses and the exact same act for the jury. The jury can either decide whether or not they believe Carla Daniels was the victim or Patricia Speaks was a victim or both were victims.

And we would ask you to deny the motion at this time.

And I have a copy of the warrant if you would like to see it.

THE COURT: Any response?

MR. GRIFFIN: Your Honor, the issue is not notice. It is how many offenses are being charged in one count. And here it is clearly two offenses. In order to commit the offense of assault, you need a victim. And here they allege the victim is one or both folks. And so either -- and the way it is pled is there are two offenses pled in one count. And it violates my client's right being a singular charge being presented to Grand Jury.

I presume the Grand Jury -- who knows how the Grand Jury came down on this indictment, Your Honor. Was it one or was it both? And so frankly

we believe that the indictment itself is insufficient. It hasn't been properly presented to the Grand Jury as two charges combined into one to allow the Grand Jury to then reach their verdict and return a true-bill. And to this a day we don't know and we can't know how the Grand Jury voted, did some vote for Ms. Daniels and some vote for Ms. Speaks. They combined two separate offenses.

So, first, I think the indictment should be dismissed in its entirety. Secondly, they are requiring him to go to jail having a jury pick and choose between the two and then some choose one and some choose the other, and it violates my client's right to due process, equal protection of laws, and have a jury return a unanimous verdict if the State proves its evidence beyond a reasonable doubt as to the charge.

Thank you.

THE COURT: Any response by the State?

MS. GARFIELD: Your Honor, we believe this Defendant was on notice. As I said, he has been on it since he was served with the arrest warrant with both victims listed in the body of the arrest warrant.

THE COURT: Concerning the question raised as

to the means of knowing what the -- whether or not there is a unanimous verdict by the jury, if the indictment allows the jury to decide that he is guilty of assaulting Patricia Speaks or Carla Daniels, how would that affect the requirement of the jury being required to render a unanimous verdict?

MS. GARFIELD: I think that is something they decide in the jury room. They decide an and/or situation. They may all unanimously decide that both victims are victims, or they may decide just one. And that is something that can be fashioned in your instruction.

THE COURT: And he can be sentenced only on one count of that, one count, but the jury can decide whether he is guilty of assaulting either of them -- either/or?

MS. GARFIELD: Yes.

THE COURT: But counsel says what if six believe that he is guilty of assaulting one and then six believes that he is guilty of assaulting the other, which would mean that six do not believe that he assaulted one and six do not believe that he assaulted the other, would you have a unanimous verdict under that scenario?

MS. GARFIELD: And I don't believe so. And that is what I believe your instruction would cure. Just like if you had two indictments and only six believed on one and six believed on the other, that would not be unanimous as well. It would have to be unanimous.

THE COURT: So at the end of this case I would need to tell them what -- that as to any victim -- that once -- they first decide who the victim is, then they must decide a unanimous verdict as to that victim?

MS. GARFIELD: Yes, sir.

THE COURT: And as far as presenting the evidence during the course of the trial, does the State plan to specify what victim he assaulted?

MS. GARFIELD: Yes, sir. It is two -- this happened at the same time, but it is two different acts to each victim, both involving a handgun.

THE COURT: Say it again. How did it happen again?

MS. GARFIELD: All three individuals, including the Defendant, were at this residence when the altercation ensued between the females and the Defendant where the Defendant -- the State will allege -- armed himself with a handgun and

threatened both victims with a handgun. That's it.

THE COURT: And the rationale for having it as an and/or indictment is what?

MS. GARFIELD: Just to explain some background on this case, initially neither victim wanted to prosecute. Weeks passed and Ms. Daniels came forward and indicated to law enforcement she did want to prosecute.

With that being said, clearly both should have been listed as victims, so that is why law enforcement chose to just charge him with one count, only Ms. Daniels would proceed, but legally both individuals were victims.

And that is the way the State has proceeded with this case throughout, even though Ms. Speaks has now come forward and indicated she clearly was a victim in this crime, and she has been cooperative and willing to testify. She never indicated she wasn't a victim, she just didn't want to prosecute.

THE COURT: All right. Anything else, Mr. Griffin?

MR. GRIFFIN: Well, in addition to the arguments I have already made, her -- the State's suggestion that this Court can cure a

multiplicitous indictment by telling the jury to consider the charges separately in one count, I mean, (a), first, I don't think you can do that through a jury instruction; but, secondly, it is -- no Grand Jury was instructed as such. And Mr. Samuels has a right to have his charge presented to the Grand Jury.

What happened was two charges were presented to the Grand Jury under one count. And the Grand Jury was then left to decide amongst themselves how they wanted to allocate the votes. We don't know what happened there. And so there were no -- no instructions would have been given on that, Your Honor.

So you have got the indictment issue, presenting to a Grand Jury; and then secondly you have got the problem with proof and then having the jury sever a singular indictment in their deliberations, which creates a tremendous room for error.

That's all.

THE COURT: All right. The State v. Gentry says that: The Court must consider whether the offense is stated with sufficient certainty and particularity to enable the Court to know what

judgment to pronounce and the Defendant to know what he is called upon to answer, and whether he may plead an acquittal or a conviction thereon; and, secondly, whether it apprises the Defendant of the elements of the that is intended to be charged.

I find that under the standard of State v. Gentry the indictment is sufficient, and I deny the motion to quash the indictment.

MS. GARFIELD: Thank you, Your Honor.

THE COURT: The Court has looked at the indictment with a practical eye in view of all the surrounding circumstances and consider those circumstances along with what has been presented to me at this point in determining this matter. I find it is sufficient.

Anything else before we bring the jury out?

MR. ROGERS: Your Honor, if we can have a couple of minutes so that I may use the restroom before you call the jury?

THE COURT: All right.

MR. ROGERS: Sir?

THE COURT: Go ahead.

MR. ROGERS: Yes, sir.

MR. GRIFFIN: Can I follow him along, Your Honor? I had coffee at lunch as well.

Deferred Sentence per J. Newman 1-18-11.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS

STATE VS. Myeon Samuels

AKA:

Race: B Sex: M Age:

DOB: SS#:

Address:

City, State, Zip

DL# SID#

INDICTMENT/CASE#: 09 -GS-40- 5780

ANW#: K612670

Date of Offense: April 14, 2009

S.C. Code §: 16-17-25-0030

CDR Code #: 0009

SENTENCE SHEET

JEANETTE W. McBRIDE C.C.P. & G.S.

2011 FEB -9 PM 3:11

RICHLAND COUNTY FILED

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS TO: Assault of a High & Aggravated Nature

in violation of § 16-17-25-0030 of the S.C. Code of Laws, bearing CDR Code # 0009

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant initial)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

D. Gaylord 13433 — Solicitor, SC Bar #

Myeon Samuel — Defendant

James Griffin — Attorney for Defendant

9985 — SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of time served ~~days/months/years and/or payment of $_____~~; plus costs and assessments as applicable*; the balance is suspended with probation for 3 ~~months~~/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

Fine		
14-1-206 (Assessments 107.5%)		$
14-1-211(A)(1) (Conv. Surcharge)	$100	$
14-1-211(A)(2) (DUI Surcharge)	$100	$
56-5-2995 (DUI Assessment)	$12	$
56-1-286 (DUI Breath Test)	$25	$
5.13 (Public Def/Prob)	$500	$
3.3, 1B TP (Law Enforce. Funding)	$25	$
3.7, 1B TP (Drug Court Surcharge)	$100	$
0-21-114(BUI Breath Test Fee)	$50	$
56-5-2942(J) (Vehicle Assessment)	$40/ea	$
0.11 TP (SCCJA Surcharge)	$5	$
to County (If paid in installments)		$
TAL		$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corps. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐

Fine may be pd. In equal, consecutive weekly/monthly pmts. Of $ _____ Beginning _____

$ _____ paid to Public Defender Fund

Other: First 6 months intensive, Anger Management, No contact with victim, 200 hours of Community Service

☐ Appointed PD or appointed other counsel, §35.13 TP, requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Jeanette W. McBrideger

Court Reporter: B. McCurdy

Presiding Judge: C. Weeks

Judge Code: 2129

Sentence Date: January 27, 2011

CERTIFIED COPY

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SOUTH CAROLINA

CA/217 (06/2009)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Roger M. Young, Circuit Court Judge

Indictment No. 2009-GS-40-5780

State of South Carolina

Respondent,

v.

Myron Samuels

Appellant,

NOTICE OF APPEAL

Myron Samuels appeals the conviction and sentence entered in this case for assault of a high and aggravated. The sentence was imposed by the Honorable Clifton Newman on January 27, 2011. A copy of the judgment is attached.

February 7, 2011

Respectfully submitted,

James M. Griffin
P.O. Box 999
Columbia, South Carolina 29202
(803) 744-0800
Attorney for Appellant

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SC Court of Appeals

RICHLAND COUNTY
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JEANETTE W. McBRIDE
C.C.P. & G.S.

Other Counsel of Record

Dolly Justice Garfield
Assistant Solicitor, Fifth Circuit
1701 Main Street, Suite 302
Columbia, S.C. 29201

RICHLAND COUNTY
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2011 FEB -9 PM 3:12
JEANETTE W. McBRIDE
C.C.P. & G.S.

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	INDICTMENT NO.: 2009-GS-40-5780
	)	
The State of South Carolina	)	VERDICT FORM
	)	
vs.	)	
	)	
Myron Samuels,	)	
	)	
Defendant.	)	
	)	

RICHLAND COUNTY
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2011 FEB -9 PM 3:11
JEANETTE W. McBRIDE
C.C.P. & G.S.

We, the jury, by unanimous consent find the Defendant Myron Samuels:

(A) As to Patricia Speaks:

_____ Guilty of Assault with Intent to Kill

_____ Guilty of Assault of a High and Aggravated Nature

__✓__ Guilty of Simple Assault

_____ Not Guilty

(B) As to Carla Daniels:

_____ Guilty of Assault with Intent to Kill

__✓__ Guilty of Assault of a High and Aggravated Nature

_____ Guilty of Simple Assault

_____ Not Guilty

Columbia, South Carolina
January 18, 2011

Robert W. Smith
Foreperson

CERTIFIED TRUE COPY
OF ORIGINAL FILED
J.C.
RICHLAND COUNTY
SOUTH CAROLINA

Deferred Sentence per J. Newman 1-18-11

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
STATE VS.
Myron Samuels
AKA:
Race: B Sex: M Age:
DOB: SS#:
Address:
City, State, Zip
DL# SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 09 -GS-40- 5780
A/W#: K612670
Date of Offense: April 14, 2009
S.C. Code §: 16-17-25-0030
CDR Code #: 0009

SENTENCE SHEET

JEANETTE W. McBRIDER C.C.P. & G.S.
2011 FEB -9 PM 3:11
RICHLAND COUNTY FILED

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS
TO: Assault of a High & Aggravated Nature
in violation of § C/L §17-25-0030 of the S.C. Code of Laws, bearing CDR Code # 0009
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant Initial)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

DJ Gaffield 13433 — Solicitor — SC Bar #
Myron Samuel — Defendant
James Griffin — Attorney for Defendant
9935 — SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 ~~days/months~~(years) or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of time served ~~days/months/years and/or payment of $_____~~; plus costs and assessments as applicable*; the balance is suspended with probation for 3 ~~months~~(years) and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☑ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
Set by SCDPPPS _____
Recipient: _____

Fine		$
14-1-206 (Assessments 107.5%)		$
14-1-211(A)(1) (Conv. Surcharge)	$100	$
14-1-211(A)(2) (DUI Surcharge)	$100	$
56-5-2995 (DUI Assessment)	$12	$
56-1-286 (DUI Breath Test)	$25	$
5.13 (Public Def/Prob)	$500	$
3.3, 1B TP (Law Enforce. Funding)	$25	$
3.7, 1B TP (Drug Court Surcharge)	$100	$
0-21-114(BUI Breath Test Fee)	$50	$
56-5-2942(J) (Vehicle Assessment)	$40/ea	$
0.11 TP (SCCJA Surcharge)	$5	$
to County (if paid in installments)		$
TAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. Or Job Corps. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol Testing ☐
Fine may be pd. In equal, consecutive weekly/monthly pmts. Of $ _____ Beginning _____
$ _____ paid to Public Defender Fund
Other: First 6 months intensive, Anger Management, No contact with victim, 200 hours of community service
☐ Appointed PD or appointed other counsel, §35.13 TP, requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Jeanette W. McBrider
Court Reporter: B. McCurdy
Presiding Judge: C. Newman
Judge Code: 2127
Sentence Date: January 27, 2011

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DEPUTY CLERK OF COURT
RICHLAND COUNTY, SOUTH CAROLINA

CA/217 (06/2009)

RICHLAND COUNTY
WITNESSES

(S) REESE - CRD

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2011 FEB -9 PM 3:11

JEANETTE W. McBRIDE
C.C.P. & G.S.

ARREST WARRANT NUMBER

K612670

ACTION OF GRAND JURY

TRUE BILL

DEC 17 2009

Foreperson of Grand Jury
Date:

VERDICT

Guilty of Assault of a High and Aggravated Nature as to Carla Daniels and Simple Assault as to Patricia Speaks

Foreperson of Petit Jury
Date: Jan 18, 2011

DOCKET NO. 2009-GS-40-5780

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

DECEMBER TERM 2009

87

THE STATE
vs.

MYRON SAMUELS

Indictment for

ASSAULT WITH INTENT TO KILL
SC Code: 17-25-30
CDR Code: 768
Class MIS-EXM

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____ hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

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RICHLAND COUNTY, SOUTH CAROLINA

A This table right here in the middle of the picture.
Q Thank you.
MR. ROGERS: One moment, Your Honor.
(Pause.)
MR. ROGERS: Your Honor, permission to publish these pictures to the jury?
THE COURT: You may.
(Exhibits published to jury.)
Q Thank you ma'am. I have no further questions at this time. Answer any questions opposing counsel may have.
MR. HODGE: May it please the Court?
THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. HODGE:
Q Good morning, Officer Medlock. My name is William Hodge. I, along with my co-counsel, Jim Griffin, represent Myron Samuels. And I just have a few quick questions for you.
Do you know when the original call was sent in the night of this incident?
A Approximately 8 -- some was sent in about 8:10 to 8:12, somewhere in that.
Q And you responded at 8:23 is when you arrived on the scene; is that correct?

A (Nods affirmatively.)
Q When you got there, there were only two people at the residence; correct?
A That I can remember.
Q And you received all the information that you have conveyed to the jury today from those two people that were on the scene; is that correct?
A Yes.
Q They are the ones that filled you in on what happened?
A Yes, sir.
Q You were not there when all of this went down, were you?
A No, I was not.
Q So they are the ones, whichever one it may be, they are the ones that told you where the gun came from?
A Yes, sir.
Q They are the ones that told you who went and got the gun?
A Yes.
Q One or both or either of those women told you that Myron Samuels took the gun and pointed it at Patricia Speaks first; correct?
A Yes.
Q And that he pulled the trigger while pointing it at

Patricia Speaks first?
A Correct.
Q And then after pointing the gun at -- pulling the trigger, he then struck her somehow; correct?
A Correct.
Q Now, you have testified that he struck her with the gun. Is that how you remember it?
A That is what I was told.
Q Do you -- when you do an initial report, do you write up an incident report?
A Yes.
Q Did you write up an incident report regarding this incident?
A Yes, sir.
Q When did you write up that incident report?
A I write when we're done with the call so we can clear that call. That's what we call it. And then you go about your business and you go to the office and write the report out and it is sent to the approving supervisor.
Q I'm going to show you what is marked as Defendant's 1, which is for identification for now. Do you recognize that?
A Defendant's you said subject --
Q No, do you recognize this document itself?

A Yes, sir, I do.
Q What is that document?
A This is a Columbia Police Department incident report for any crime.
Q And that is your incident report; correct?
A Correct.
Q This is your incident report from the night of April 14th; correct?
A Correct.
Q And you are the one that typed this up?
A Yes.
Q Is this what was told to you the night of the incident, what is in that?
A Correct.
Q And those are your words taken from what they told you; correct?
A Correct.
Q Now, we were just discussing Patricia Speaks. You have her listed as Victim Number 1; correct?
A Correct.
Q And in this incident report that you prepared you say that Myron Samuels pointed the gun at Victim Number 1, pulled the trigger and struck the victim in the face; correct?
A Correct.

Q Following that, you described how he struck her in the face; do you not?
A Correct.
Q You say he struck her with an open hand causing her to fall to the ground; is that correct?
A Correct.
Q That is what was told to you the night of April 14th?
A That's correct.
Q And you know you can refer to that. I know this has been quite a while so I understand some confusion.

Right after that you say that Myron Samuels pointed the gun at -- I have Victim Number 2, who is Carla Daniels; correct?
A Correct.
Q And you say that he pulled the trigger while pointing the gun at her?
A Correct.
Q And this is the -- in order that it was told to you?
A Correct.
Q This is how -- they then told you that the safety was on; is that right?
A Uh-huh; that's correct.

Q And then it goes on to tell you about the whole marriage and that situation; right?
A Yes, sir.
Q You didn't receive any written statement that night?
A No, I did not.
Q You didn't issue a BOLO that night, a "Be On the Look Out"?
A No, I did not.
Q You did not issue an APB, "All Points Bulletin," for Myron Samuels that night?
A No, I did not.
Q You know nothing about the background of why these women were upset, why they were there; do you?
A No.
Q You did not make an arrest; correct?
A Correct.
Q You did not request an arrest warrant that night?
A No.
Q You simply turned it over for a follow-up investigation; is that correct?
A Correct.
Q Now, these pictures that you have been shown and entered into evidence, you did not take these pictures; did you?

A No, I did not.
Q So these pictures were not taken the night of the incident; correct?
A I do not know.
Q Well, they weren't taken by you; correct?
A No, they were not.
Q Were any other officers with you when you --
A Not at the time. I don't know if any other officer showed up later on.
Q Have you seen these pictures since -- other than till today?
A No.
Q This is the first time you have seen these pictures?
A Yes.

MR. HODGE: Beg the Court's indulgence.

(Pause.)

MR. HODGE: Your Honor, we'd like to move this incident report into evidence as Defendant's 1.

THE COURT: State's position?

MR. ROGERS: No objection from the State.

(WHEREUPON, Defendant's Exhibit No. 1 was marked for identification and received into evidence.)

Q Thank you.

MR. ROGERS: Brief redirect.

THE COURT: Yes, sir.

REDIRECT EXAMINATION

BY MR. ROGERS:

Q And I think you said that when you met with the victims that night, they were very upset?

A Yes, sir.

Q Is that fair? Was it easy for you to speak with them?

A Not at first, but they did --

Q How -- what did you have to do to be able to speak with them in-depth?

A Firmly calm them down.

Q Approximately how much time did that take you?

A Approximately three minutes or so.

Q And after you completed your job that night, after you left the scene, did you refer this case for further investigations?

A Yes, sir, I did.

Q And is that standard procedure within your department?

A Yes, sir, my supervisor made that decision that night.

Q Thank you, ma'am. No further questions.

THE COURT: Anything else?

club, that we actually had kids that wanted to read. One way we were able to fund the banquet was we asked sponsors to buy a book a month to give us $12 to $15 a month, depending on what year it was. And we used that money to buy a book so a child would have a book in their own home library. And we took a portion of it to support the funding of the banquet and other activities on our campus. And at that time Dr. Samuels offered -- he just sat down and wrote a check and offered to do whatever he could for the book club.

He texted me and spoke to me a few times over the summer. And I think it was in August of that year he contacted me. I told him that I did have a degree in education and I was looking for an adjunct position. I have worked approximately 31 and a half years, and at that time I think it had been 28 and a half years, so I was eligible for state retirement, and I was looking for another type of employment, and I was really hoping to find a position as an adjunct.

Long story short, he contacted me and said SC State College had a position that I qualified for, and we started talking back and forth about that position.

Q Now, at this time were you still married?
A I was separated at that time.
Q And were you dating any other people at that time?
A I had dated briefly two to three other people.
Q Did you continue to have conversations or contact with Mr. Samuels?
A Yes.
Q And just if you will explain to the jury how did you relationship continue to develop?
A It developed after he told me about the job because he would call me and tell me, you know, this is what you need to do, this is who you need to talk to, I know these people. And it just kind of grew from there.
Q And did your relationship ever become romantic?
A Yes.
Q And if you would explain to the jury about when did it become romantic.
A I know it was sometime towards the end of that year, but I can't give you an exact date.
Q So we're looking at the end of 2007?
A Sometime around September, maybe the end of August. I can't remember the specific date.
Q Carla, were you still living in your same home?
A Yes.

Q Out in the southeast area?
A Yes.
Q Where was Mr. Samuels residing?
A Orangeburg.
Q And how would you characterize the visits between the two of you?
A We went out more than we stayed in. And when he came to stay at my house he did not spend the night. That was not negotiable with me.
Q And why did you not want him to spend the night with you, Carla?
A Because my daughter was a teenager. My son was also a teenager, but it was just the idea that I did not want her to think that it was okay. And so that was definitely an issue, but that was just my rule. So I would see him more out.
Q And did your relationship ever become serious?
A I thought it was a serious relationship. He introduced me to people as his wife. We went different places together and he introduced me that way. He said that he wanted to marry me and that when my children were grown, you know, that that would be the next step in our relationship. I thought it was a monogamous relationship. I thought it was leading -- I thought it was a

committed relationship. I thought it was leading to marriage, and if not marriage a long-term monogamous relationship. And either one of those was fine.

Q And you continued to date him all the year 2008?

A Yes.

Q And in early 2009 did you become suspicous of anything in the relationship?

A Yes.

Q And can you just share with the jury what made you become suspicious?

A In March of 2009 I got a phone call from Myron's phone with another voice. It turned out to be Ms. Speaks. And she told me --

Q Did you know that at the time?

A This was in March.

Q Right. Did you know who was on the other line?

A No, I didn't. That's why I said it turned out to be.

Q But you didn't know that at the time?

A No, I did not know that at the time.

Q Okay.

A In fact, the phone call was very upsetting, very unnerving.

And one of the things I do is I am an

evaluator for schools, and I was out of town in Charleston, South Carolina. And I was getting ready to give an evaluation.

And I got this phone call that more or less said that this -- I am with this person and, you know, we are very much engaged.

And I asked who was it.

And she said, this is Patricia.

And then later on she called and said that, you know, they had been together a very long time.

Q Let me stop you a second just to share with the jury some more details. You were in Charleston the morning of the call?

A Yes.

Q About what time of the morning would you say you got this phone call?

A Around maybe 6:00 o'clock. I know it was well before 7:00 o'clock in the morning because I had to be where I was going by 7:00. And it was coincidentally again one of those mornings when it actually snowed.

Q In Charleston?

A In Charleston. It was freezing rain and sleet.

Q And you got --

A I left --

Q I'm sorry.
A I'm sorry. I left early because I didn't know what I was going to have to do with my car and actually, you know, get to the school by 7:30.
Q Had you come from Columbia or did you spend the night in Charleston?
A I was spending the night in North Charleston.
Q So now you are traveling to the school that you are doing an evaluation for?
A Yes.
Q And your cell phone rings?
A Yes. And it shows up by -- you know, I had his name in my phone, so it showed up, Myron Samuels.
Q And that is at which time you answered the phone?
A Yes.
Q And you heard this voice on the other end?
A Yes.
Q And again explain to the jury what this voice says.
A It said that, I want more sex.

And she called Myron by name.

And he asked, who is on the phone? Who are you talking to?

And she said, oh, just someone.

And then I heard dogs barking and the phone went dead.

And then maybe not 15 minutes later I got another phone call, and she said -- and I don't remember the exact words -- something like, Myron and I are together or -- I'm not sure if she said, we're engaged, or that came up later, but she let me know that they had a serious relationship.

And I said, who is this? Because I didn't have any idea about that.

And she said, this is Patricia.

Q And did you know the name Patricia?

A No.

Q Had you ever heard Myron speak of anyone named Patricia at this time?

A I'm not sure when Myron first introduced the name Patricia, but at that point, no.

Q And what did you do in response to receiving the phone call from your -- what you feel was your exclusive boyfriend and this female were doing?

Q I had about 200 people waiting to hear this report, and I went to the school and I gave the report. It was the fastest one I have ever done in my life. And I shook all through it.

And as soon as it was finished, I got on the highway and I drove back to Orangeburg. In fact, I had made a lunch appointment with a friend that

lives in Charleston, and I didn't realize that until I was at Myron's office and he called and said, well, you know, I'm going to meet you at what time? I forgot all about that. But when I came back he told me that -- I'm sorry, did you want me to tell you?

Q Sure. What did you do when you went to Orangeburg?

A I got back into Orangeburg. I don't think I spent an hour on the highway. I know it wasn't. I drove all kind of speed records. And he told me that Patricia was someone that he had grown up -- they had gone to church together and she was younger than he was and that she had always had a crush on him and that he felt sorry for her because her husband was -- not -- sorry, not her husband, but because her father was 100 years old and he was very, very ill, and that she was estranged from her daughter and her mother, and that she was not very attractive, that she was not -- she did not have the looks that he found attractive, but that because she more or less hero-worshipped him and in some kind of way they had, you know, gotten back in touch with her, he felt the need to help her. And he was very convincing.

Q Carla, did you buy his story?

A I did.
Q And after that what did you -- how did your relationship continue?
A The way he described Ms. Speaks and from what he had told me about what he finds attractive, I really believed him. And so we continued our relationship.

And I think I either saw him that night or the night after that. And then -- I'm very fuzzy about the dates, but I think that was in March -- and then the thing came up after the phone calls.
Q After you continued the relationship with Myron, after you bought his story --
A Yes.
Q -- did you ever hear from Patricia Speaks again, or a person named Patricia?
A Yes. And that's what I'm trying to remember, because it gets kind of confusing, because she also sent -- and I think it was she must have sent it that week -- or sometime in March she sent a copy of a marriage license.
Q Was this by mail or how did you receive a copy of this?
A Via e-mail.
Q And who did the e-mail come from?

A It came from Ms. Speaks.
Q And this was a copy of a marriage license for who?
A For Myron and Ms. Speaks.
Q And, again, this was the first you heard from Patricia since this phone call?
A Yes.
Q And once you received this marriage license -- Richland County?
A Yes.
Q Once you received this marriage license, what did that prompt you to do, Carla?
A That day I was at work. And that is why I'm trying to tell you, I'm not very sure about the dates, because I think I'm telling you this happened in April.

When I saw the marriage license, I just basically became -- I got up from my desk and I went to my boss and I just said, I have an emergency, I have to leave. And I went to Orangeburg.

Q And where were you working at that time?
A Eau Claire High School.
Q And you received this e-mail containing a marriage license?
A Yes.

Q The man you are dating?
A I'm sorry -- that is what I was trying to get straight, okay. I went to Orangeburg to see him when I actually saw the marriage certificate. I'm sorry. But I did go to Orangeburg when I saw the marriage license and he did explain that away too. That was in March too.
Q And how was that explained?
A He said it was a joke. He said it was just a stupid joke. And he -- you know, I'm admitting I was incredibly stupid. He again told me, you know, it was just a stupid joke.
Q Did you love him at the time, Carla?
A Very much.
Q Did you want this relationship to work?
A Very much.
Q Did you want to believe him?
A I did. I really did.
Q So you had a copy of a marriage license between the Defendant, Myron Samuels, and Patricia Speaks?
A Yes.
Q And you believed that this was a joke?
A Yes.
Q And after that is there anything else that caused you concern?

A Well, one thing that he did do to make his story believable about the marriage license was he sent Ms. Speaks an e-mail that he cc'ed me on, and he said: You are one stupid bitch. You are never going to get anything from me. You shouldn't have done it.

And, you know, I assumed that that was the end of that, because if someone had called me that and sent it to somebody else, then I would have thought, well, you know, that was the end of that relationship.

But that is how he made me believe that that was just, you know, a joke and that she just -- but he did send me that e-mail, a copy of it.

Q Just to back up just so the jury understands. Did you and Myron often travel together?

A We went various places together, I wouldn't say often, but we went to Myrtle Beach at the end of January.

Q That was the last trip you two would have taken together?

A Yes, sir.

Q Besides Orangeburg?

A Yeah, uh-huh. Well, we have taken other trips together, yes.

Q Okay. So after you received the carbon copy of this e-mail and you read the contents from Mr. Samuels to Patricia, was there anything else?
A I never read it to Patricia. I'm just saying he sent that to me.
Q Right. You received a carbon copy of it?
A Right.
Q Right. And after you read the content --
A Uh-huh.
Q -- did anything else happen unusual between you and Mr. Samuels to cause you concern?
A Not in March.
Q Okay. And did anything happen in April?
A In April I, you know, had some down time. And I was just, you know, going through my e-mails and stuff and just doing some other stuff. And so I went to Richland One's website and I clicked on the marriage licenses thing. And there appeared a date. I clicked in Myron's name, and there appeared a date.

And because he -- and the reason I did it was because I wasn't seeing him as often as I had been. And I had kind of attributed that to, you know, having all this other mess going on and phone calls and whatever.

And, you know, and that was kind of like okay with me, but still it was just kind of different because there wasn't communication as often as it was before that.

But, anyway, the marriage license -- the marriage license now had a date for a marriage.

Q And what website are you looking at? Just explain to the jury.

A Richland County has a website that you can go on and find almost any kind of business that Richland One conducts. And the marriage license now had a date for a ceremony that took place sometime in March. And that is what I started referring to earlier when I was a little confused when I was speaking. And it gave a date in March.

And at that time I became very, very upset, very agitated. And that is when I went to my boss and said, I have an emergency, I have to leave.

Q And where did you go?

A I went to Orangeburg.

Q And who was in Orangeburg?

A I went to Myron's house, and he was there.

Q And did you confront him with the marriage date between him and Patricia Speaks?

A Yes, I did.

Q And what was his explanation?
A He said it didn't take place. And I'm like, Richland County doesn't make mistakes like that.

He is like, this is a mistake.

And I'm like, it can't be a mistake.

And so anyway, so we went back and forth about it. Long story short, he bet me. He said, well, bet me $500 I'm not mistaken.

Well, I had gotten to know by this time, I thought I had gotten to know Myron very well, and he did not bet on things he wasn't pretty sure he was going to win.

And when he said, you know, bet me $500, and he said, well, I'll bet you double or nothing, just because of how he is with money, I figured, you know, well, maybe this is a mistake. And, again, I did want, you know, to believe him.

Well, the other thing--

Q What did he tell you to do?
A He told me to go to Patricia's house.

And I said, I can't go to her house, you know, I don't know that lady, and all that other kind of stuff.

But he said, go to her house.

The other thing --

Q Just to interrupt you. At that time had you ever met Patricia?
A No.
Q You had only had the phone conversation?
A That was two very, very short phone conversations.
Q And the e-mail?
A And the e-mail.

But what I started to say was, the other reason I was so upset was because the night before or two nights before I had asked him if he wanted to go with me to a party that my neighbor was having.

And about 5:30 that morning he text me that he couldn't go. And I spoke to him sometime during the day. You know, he said, no, I can't go to the party. Well, he had broken the, you know, the date for the party.

And then, you know, I go to Orangeburg and say, okay, well, you still can't go to the party with me?

And he said, no, I got something later, I just can't go to the party.

And so --

Q And it was your neighbor's party beside your house?
A No, it was in the Vista.

Q Okay.
A And so my daughter and my neighbor's daughter were at the school event that night. It was a game. And so I left -- I left work. You know, he told me this stuff.

I really -- you know, when he told me he was -- you know, he would bet me money, and I even -- he even had me write out a statement, you know, saying if I'm wrong about this, and I put on the statement the date and everything, you know, I'll pay you this hundred dollars. I mean, that is how he just convinced me, you know, you are going to owe me this money.

I'm like, you know, it will be worth the money, it will be worth the hundred dollars. It is worth more than that if you are not married to her, okay?

Q And did you want to believe it, Carla?
A Yes. That's what I'm telling you, I said, it is worth more than that. You know, I said, I would bet you more than that, I don't have more than that to bet. You know, at that time I had a son that was in Claflin, I had a daughter getting ready to graduate from high school.

So I got -- my daughter was gone. I had

already told, you know, my neighbors. You know, I had already RSVP'd that the two of us would be attending the party. And, you know, Eva's husband had met Myron, you know, and that is who was going with me, so, you know, I'm embarrassed, but, anyway, I didn't want to sit in the house by myself because all this stuff happened, you know, the breaking of the date, the marriage license is now a marriage certificate, you know, the denial, you know, just, you know, just so firm that you bet me money. So I just, you know, got dressed, put on my clothes, and I went to go to the party.

And from where Ms. Speaks lives and where I live, if I have to come straight down Leesburg, and she only lives a few blocks if you make a turn off of Leesburg. And I had the address because of the marriage certificate. You know, something, my intuition just said, just go by and see if his car is there. Maybe that is the some thing that he had to do.

Q And at this time you are highly suspicious?

A Yes.

Q And did you go by Ms. Speaks' home?

A I did.

Q And when you got to the home, whose car did you

observe?
A His. He was at that time driving a state vehicle, and it was in her yard.
Q And, Carla, what did you do?
A I parked in the street because this was not my house and I was very uncomfortable. And it was in April. And the weather was very nice. And I had my windows down. And I left my purse in the car. The only thing I had in my hand was my keys. Because I wanted Myron to come outside. And I just wanted -- there is a saying, you know, when you need to prove, you know, to yourself that somebody is doing something or you are going to have an argument about it, you are supposed to touch that person, you know, that way they can't lie. It is whole a bunch of (blue stones), and all that kind of stuff.

But, anyway, I just wanted, you know, just wanted to come out and say, I'm tired of this, you know, I wanted to believe you, I just, you know, but I need peace, I need peace in my mind, you know.

So, anyway, I knocked -- I didn't knock on the door, I rang the doorbell. And he came to the door.

And I asked him, I said, you know, step outside.

And he said, huh-uh, huh-uh, come on in.

I said, Myron, I don't want to go in this lady's house.

He said, I told you to come on in, I told you to come by.

I said, no, I just want you to step out.

And he took my arm, it was like my elbow is like this. No, no, no, come on in the house, come on in the house. You need to talk to Patricia. You need to talk to Patricia.

And in the back of my mind, because I did love Myron at this time, I loved who I thought he was, I thought, well, you know, maybe, maybe, you know, what he did was tell the truth, maybe she just, you know, has this fantasy and he feels like he has to help her or something.

So I walked in the house.

And he hollers, Pat, Pat, you've got company. Pat, you've got company.

And she came out of the back of the house. And she said, who are you?

And I said, I'm Carla Daniels.

And she said, why are you here?

Q Is this the first time you had ever laid eyes on Patricia Speaks?
A Yes.
Q Is this the first time she had ever seen you that you were aware of?
A Yes.
Q And what did she respond to you?
A Why are you here?

And I said, Myron said that I needed to ask you were you married. And I said, there is a Richland One's website that is showing that the two of you got married.

And she said, that is a mistake. And then she said, well, if Myron told you to come in, sit down. So, I sat down.

And I was very uncomfortable. And I said, I really didn't mean to come into your house. You know, I said, I really just wanted Myron to just, you know, just say, you know, yes, I'm with this woman. You know, I just really just wanted to see him say, I'm finished.

I said, I left my car unlocked and my purse is in there. I said, I'm not even parked in your yard, I'm on the curb.

And, you know, she asked me, she said, well,

when did you meet Myron?

And I said, May of 2005. And I said, well, when did you meet Myron?

And she said -- I know she said 2006, and I think she may have said August of 2006.

And then she hollered at him. Well, she didn't holler, but in a loud voice she said, you told me you weren't dating anyone.

And he just did like a little sheepish thing, like that.

And then she said, well, we need to talk.

And I said, yes, we do.

And --

Q Did you ever leave the residence?

A I did. And that is when I said, I left my windows down and my purse in the car, I need to go and lock my car.

Q Do you remember what date this is?

A It was April 14th.

Q About what time of day?

A I know it was after 6:00 and it may have been after 7:00, because the party either started at 6:00 or it started at 7:00, and I was making sure I wasn't going to be one of the first people that was there.

Q This was April. Was it still light outside?

MR. ROGERS: No, sir.

THE COURT: You may step down, ma'am.

(Witness steps down.)

THE COURT: Next witness.

MS. GARFIELD: The State calls Carla Daniels.

THE COURT: May the officer be excused? When the witness steps down, the witness is excused.

MS. GARFIELD: Thank you, Your Honor.

(Witness excused.)

THE BAILIFF: Place your left hand on the Bible, raise your right hand, and face the clerk.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you shall give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

THE CLERK: Thank you. Please have a seat in the witness stand, and state your full name for the record.

THE WITNESS: Carla Daniels.

CARLA DANIELS,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. GARFIELD:

Q Good morning, Ms. Daniels.
A Good morning.
Q Ms. Daniels, if you will share a little bit of information with the jury about yourself. Where are you from?
A I'm from Beaufort, South Carolina.
Q You have to --
A Beaufort. I'm from Beaufort.
Q I have met with you before, I know you can be loud.
A Yes.
Q What brought you to Columbia?
A I came to go to USC and stayed.
Q What did you study while at the university?
A First English education and then library science.
Q And do you have a family?
A I have two children.
Q And have you ever been married?
A Yes, sir.
Q How long were you married?
A Twenty-six years.
Q And were you married while living in Columbia?
A Yes.
Q And where did your education go to? How far along did you go in it?
A I have a doctorate from the University of Sarasota.

Q Should we be calling you Dr. Daniels?
A No, ma'am.
Q Carla okay?
A Yes, ma'am.
Q Okay, Carla. And your doctorate is in what field exactly?
A Education. Education doctorate.
Q And what do you do for employment currently?
A I'm an elementary school librarian/media specialist with Richland School District One.
Q Specifically, Carla, what school do you work in?
A H.B. Rhame Elementary.
Q How old are your children?
A Twenty-one and 18. I have a 21-year-old son and an 18-year-old daughter.
Q Is the 18-year-old still living with you?
A She's at Winthrop this year. She's a freshman.
Q And where do you live in Richland County?
A Southeast Richland County about a mile and a half -- seven miles down Leesburg Road, about a mile and a half off that.
Q And you live there currently alone?
A Yes.
Q Back in early 2009 who were you living with?
A My daughter lived with me.

Q And is that the same location you are currently in?
A Yes.
Q And when did your -- if you don't mind me asking, this is a very personal case, you have to share a lot of personal things with the jury -- when did your marriage end?
A It ended in 2007.
Q And can you just briefly explain to the jury what caused the ending of your marriage?
A There were two or three main contributing factors to the end of my marriage. One was my husband was very seldom home. The second was he was not financially taking care of me or my children. And the third was one day my daughter got ready to go to school in the morning and there had been a huge ceiling fan on the second floor that was hanging and hanging -- and long story short, there were a lot of things that needed to be done around the house, and that particular morning she got up, closed her door, went into the bathroom, and this huge 8-foot big ceiling fan just shattered. And that was just the end of that.
Q This was something he was supposed to be paying attention to?
A My husband had a general contractor's license.

Q And did y'all separate shortly thereafter?
A Yes. I said, this is not working. You don't want to be home. You don't take care of the bills. You are not spending time with us.
Q And how long were married?
A Twenty-six years.
Q And at that time, Carla, where were you working?
A Eau Claire High School.
Q In the -- still in the field of education obviously?
A Yes. High school media specialist at that time.
Q Now, I want to bring you to the Defendant, Myron Samuels. Can you share with the jury how you came to know Myron Samuels?
A I, at that time, sponsored a student book club. And for our end of the school activity, we traditionally had a banquet where we would invite a speaker. And that year we decided that we would invite graduates of Eau Claire who had done good, made good. And instead of having one speaker, we wanted to have several speakers. And the topic was supposed to be how reading and how books helped them get to where they were.
And someone at that school that was an alumni

suggested I ask Dr. Samuels to speak because, according to them, he earned a doctorate and he was in a position at South Carolina State that had authority and prestige.

Q And about what time of year was this?

A This was May of 2007.

Q 2007?

A I'm very bad with dates.

Q That's okay. Take your time. Are you nervous today?

A Very nervous. I'm very nervous about having to explain personal things and I'm very nervous about being in front of people. I don't speak in front of people very well.

Q Carla, just take your time. And if you need a minute, just let us know, okay?

So did Mr. Daniels -- I'm sorry, Mr. Samuels come speak to your book club banquet?

A He did.

Q And was that your first contact with Mr. Samuels?

A Yes, it was.

Q And, please, if you can just briefly explain how your relationship with Mr. Samuels developed from there on.

A He said that he was very impressed with the book

A It was very much daylight.
Q And did you go to your car?
A I did.
Q What did you do in the car?
A I rolled the windows up and I locked it and I got my cell phone and I came back with my cell phone and my keys.
Q And you walked back in the living room?
MS. GARFIELD: Actually, Your Honor, may I approach the witness?
THE COURT: Yes.
Q I show you what has been introduced as State's Exhibit Number 1. Can you stand up for me and just show the jury actually --
(Witness stands.)
Q I am going to show you State's Exhibit Number 1 and 4. Can you show the jury where you went? Looking at State's Exhibit 4, where did you go once you came back in?
A I sat on the couch.
Q Okay. And where was Patricia?
A On the side of the room.
Q Okay. And where was Myron?
A When he called us two stupid bitches, he was right there.

Q Sitting in that chair?
A Yes.
Q And Patricia was standing?
A For a while she was standing by the fireplace and for a while she stood over here.
Q Okay. I show you State's Exhibit Number 1 so the jury can better see. Does that reflect the fireplace in that photograph?
A Yes.
Q And is that where Patricia was?
A Initially when I came in Patricia was between the far side of the room from where I came in over here on this side of the room.
Q Okay.
A And close to the fireplace. When she told me to sit down when I initially came in she was standing in front of the fireplace.
Q Okay. Thank you. Okay, just take your seat.
(Witness seated.)
Q And so, Carla, you came back into the living room after locking your car door. What ensued between the three of you?
A When it was apparent that Patricia and I were talking and trying to find out, you know, what we were to each other, it became very apparent to me

that Patricia's relationship was much more sustained, they spent much more time together than Myron and I spent together.

So at this point, you know, I said, well, you know, that is fine, I got to understand this, that is okay.

And then Ms. Speaks said something to the effect of, well, don't think you are the only one.

And I said, huh?

Because, she said, yes, I know Myron texts you and, you know, calls you four or five, maybe six times a day, she said, but he does that with at least two other women.

And I'm thinking -- and I think I said out loud -- I want to hear.

About this time is when he says, you know what, y'all are two stupid bitches.

And I said, you never talked to me like that before and you are never going to get a chance to talk to me like that again. You know, that's it.

So, anyway, I said -- by this time Patricia, Ms. Speaks, had let me know, you know, that she's a nurse, a nurse practitioner, or whatever it is like that.

And I said, you know, are you sure about that,

because I thought I was in a monogamous relationship and I was having unprotected sex with Myron.

And, you know, she said that she was too. And then now there are two other women in this mix. And so I'm thinking about I got a child that is in Claflin and I'm basically sole support, and I have a daughter that is getting ready to go to college too.

So I said, well, you know, just being honest, you know, South Carolina has this AIDS epidemic and it is in our age bracket and I'm scared to death, you know.

So I said, we probably need to let these other women know that they need to get tested because I would want somebody to tell me.

And so Patricia said, well, I got the phone numbers right here.

And I said, well, I guess, you know, one of us should call them because I really would want somebody to tell me. I'm thinking about, you know, what am I going to do, but if I get -- you know, but if I do have it then I need to get it treated sooner than later.

So Patricia, you know, gives me the numbers

and I took my cell phone and I started trying to dial. And I was so nervous I couldn't even dial my phone.

Q Carla, where is Myron?

A Myron is just sitting on the other room -- you know, on the other side of the room. He is not doing anything.

But as soon as I -- and Patricia had to give me her phone. Patricia dialed the numbers on her phone and she gave it to me.

And I think the woman's name I spoke to was Felicia. And I started -- I said something like, my name is Carla Daniels and I have been dating Myron. And from what I have been told by another lady that is dating him, I understand that you have too. And the two of us know that we have had unprotected sex with Myron. And I was told that, you, know, your relationship is similar in nature and I wanted to let you know.

And I got to the part of, you know, about, I think we all need to get tested.

And then I feel a presence on my forehead. And I looked up. And there was a gun right here on my forehead. And I don't know how it got there because I was looking at the phone and talking into

the phone like this, until I felt the gun on my forehead.

Q Who had the gun on your forehead, Carla?

A Myron was standing in front of me. And he looked like a completely different person. If you are old enough to remember the Incredible Hulk, his body literally transformed. His face was just contorted. It was blown up. And his eyes were just really, really big. And his color changed. And it was like this part of his body just did like that.

And at that point I just kind of shrunk into the chair -- the couch like this. And as I moved, that gun moved on my forehead like this. And I just -- just basically did like that.

And then Patricia starts screaming, Myron, that gun is loaded! That gun is loaded! Myron, you are scaring me Myron! That gun is loaded! And she said that several times.

And then he hollered, you want some of this? You want some of this? And some other kind of stuff.

And she was, Myron, you are scaring me, you are scaring me.

And she picked up the phone and she called

9-1-1.

And at some point, and I'm not sure exactly where because I really just -- all I'm thinking is, you know, I don't believe this. I mean, it was like I was outside of my body but I was paralyzed.

And sometime -- when he started waving the gun around, and then he pointed it at her and asked her did she want some of that.

And then he got his dog and he ran to the door. And then Patricia, who was definitely not paralyzed, ran to the door also.

And she said, Myron, give me my gun. Myron, give me my gun. And she said, I want my gun.

And so they started tousling. And I was looking this way because that was the way the door was. And I knew she needed help, but I just -- you know, I just sat back on the couch. And I watched the tousle.

And, you know, and in just a little while Patricia was thrown to the floor. And she made a noise when she hit the floor. And Myron left.

Q Were you scared, Carla?

A I was so scared I didn't even ask her did she need any help. I didn't walk to her. I just stayed there basically like this on the couch.

Q Did you find any of this funny?
A Did I find it funny?
Q Uh-huh?
A No, I didn't find it funny.
Q Were you afraid for your life?
A I had never been more afraid for my life ever.
Q At any point did the police come?
A The police came afterwards.
Q Did you -- did Myron leave?
A Myron left. When he got to the door, Patricia, you know, told him she wanted her gun. Like I said, they tousled. And then he left there.
Q And a police officer came to the house?
A Yes.
Q And when the police officer got there, how many people were in the room?
A The two of us.
Q Two being you and Patricia?
A Yes.
Q And did you share with the police officer what had happened?
A Yes.
Q And did you give her any statement at that time?
A Yes.
Q Did you give any written statement to her that

night?
A No.
Q At any time later did you come in contact with the investigator of the Columbia Police Department, Kevin Reese?
A Yes, I did.
Q Is Investigator Reese here in the courtroom?
A Yes.
Q And did you provide him a statement of what happened?
A Yes.
Q And did you tell him that you wished to press charges against Mr. Samuels?
A Initially I told him I did not wish to press charges.
Q In fact, the statement you gave Mr. -- Investigator Reese didn't have all the details in it that you just shared with this jury; did it?
A No, it didn't.
Q Please explain to the jury why you left out significant details in that first statement.
A Because -- for two reasons. One, I was embarrassed, but that was not the main reason. The main reason was, during the course of that night Myron called me and texted me a total of eight

times.

And in those phone calls and texts, he called me stupid, he called me a bitch. I was afraid of him because I had seen what he did to me, and I wasn't sure what he might do. But on top of that, at the point in our relationship when I really did believe he was going to marry me, he had asked to take nude photos of me, and I let him. And he, in those phone calls and text messages, threatened to give them to my co-workers and my family.

Q How did that make you feel, Carla?

A It made me feel very much afraid and very, very much embarrassed.

Q In fact, did you tell Investigator Reese you did not wish to pursue the charges?

A I did.

Q And at any time, Carla, did you change your mind?

A I changed my mind within -- and that was another reason why I -- I know now that when I told him I did not want to press charges, I was also in a state of shock. I went to my doctor and he told me I was suffering from post-traumatic stress disorder and that I really didn't need to be making decisions at that time.

But, anyway, within two weeks, I think it was

more like a week, I contacted Investigator Reese's office and told him that I did want to press charges.

Q What was one of the main things that changed your mind?

A My daughter was one of the main things that changed my mind.

Q Explain that to the jury.

(Pause.)

Q Take your time.

A After this happened I couldn't eat, and I couldn't sleep. And I asked my doctor for some medicine and he gave me a generic form of Zoloft. And I just functioned. I didn't do anything, I just functioned.

And one day my daughter came home and she said, Mom -- (Pause.) -- you have always been my hero and you have always told me that you would take care of me and you have always told me you have to do what is right whether you want to or not.

She said, and if Myron had done this to me you would be moving heaven and earth to make sure that you got justice for me. And you let that man almost kill you and take you away from me. And

there is nobody that would take care of me the way you would. And you are just sitting there and letting him do it. And it is not right.

And she was right. I didn't raise her to be like that, and I didn't want her to see me being like that.

MS. GARFIELD: Your Honor, may I approach?

THE COURT: Sure.

(Ms. Garfield hands a tissue to witness.)

A Thank you. This is extremely embarrassing.

Q Carla, after you had this discussion with your daughter, did you contact Investigator Reese?

A I did.

Q And did you share with him that you wished to prosecute?

A I did.

Q Did you provide a second statement to Investigator Reese?

A Yes, I did.

Q And in that statement were there more details in it than the first statement?

A Yes.

MS. GARFIELD: May I approach, Your Honor?

THE COURT: Yes.

Q This incident location, Carla, is that in Richland

County?
A Yes.
Q I show you what have been marked as State's Exhibits 6, 7, 8, 9 and 10, specifically Number 7. Do you recognize this photograph?
A Yes.
Q And what is this a photograph of?
A That is the gun. At least I think that is the gun.
Q And, Carla, show -- do you recall anything he specifically did with that gun while pointing it to your head?
A He pulled the trigger. I could actually see the trigger going back.

And Patricia was hollering, that gun is loaded, Myron! Myron, that gun is loaded!

MS. GARFIELD: Your Honor, may I publish State's Exhibit Number 7 to the jury?

THE COURT: Yes.

(Exhibit published.)

Q Carla, did you have any knowledge of guns?
A Very little. I have a gun, but I don't know much about guns. And mine is a very old gun. And it doesn't have a clip.
Q It doesn't have a --
A It doesn't have a clip, you know, you put bullets

in it.

Q Now, after the police came and left, did you have any contact, further contact with Patricia Speaks?

A I did.

Q Can you explain to the jury what that contact entailed?

A Yes. After the police left, Patricia called some friends, and three ladies came over. And she explained that Myron had keys to her house and she was afraid.

So my daughter was at the game, I told you about, and by this time I wasn't in any shape to go to a party. So, you know, I told her I would wait with her until her friends came.

And it got later and later, and her friends did not come back. So when it got close to 10:00 o'clock I went home and I called her back because she was really afraid, you know, she was exhibiting, you know, signs of being afraid, you know, visibly agitated, you know, just moving around.

And I said, Patricia, did your friends come back? And she said no.

So I said, well, you know, I figure just like I knew where she lived, you know, she probably knew

where I lived.

So I said, do you know where I live? And she said, yes.

And I said, well, I guess you just need to come over to my house.

And she said, I can't do that.

And I said, well, yes, you can. I went to your house.

Q And did she come to your house?

A She did. And she -- we sat on each end -- one end of my couch and she sat on the other end of my couch and we stayed up all night long. Nobody went to bed.

And that is when I was telling you I was getting all these phone calls and text messages anyway.

In the morning she called a locksmith and, you know, made arrangements to get her locks changed. And I took a shower. I didn't want to be home by myself, so I went to work. I didn't get any work done. And, in fact, I worked three weeks for free that year because I didn't get my paperwork done. I needed to get it done. But, anyway, yes.

Q After that evening that you and Patricia stayed up pretty much all night talking, did you have any

other contact with her?
A Periodically I had contact with her when she would want to know, you know, if anything was happening with the case. I spoke to her at length two or three times, when the golf ball incident --
Q Okay. And yesterday is the first time you have seen a Patricia in -- since when?
A I think I saw Patricia once, sometime right after all that. But, I mean, it has been way over a year. Way, way over.
Q This incident occurred almost --
A Yes.
Q -- almost two years ago this April?
A Uh-huh.
MS. GARFIELD: Beg the Court's indulgence.
(Pause.)
Q Carla, do you see the man in the courtroom that you thought you were having a monogamous relationship with?
A Yes.
Q Do you see the man in the courtroom that put a gun to your head?
A Yes.
Q Can you please identify him for the record?
A That is Myron Samuels.

MS. GARFIELD: Your Honor, may the record reflect the victim has identified Myron Samuels for the record?

THE COURT: Be more specific, please.

Q Can you please describe what Mr. Samuels is wearing?

A An orange tie and a gray suit.

MS. GARFIELD: Your Honor, may the record reflect Ms. Daniels has identified Mr. Samuels?

THE COURT: It has.

MS. GARFIELD: Thank you.

Q Please answer any questions Defense counsel may have.

THE COURT: Let's stand for a moment before cross-examination.

(Pause.)

THE COURT: All right.

CROSS-EXAMINATION

BY MR. GRIFFIN:

Q Good morning, Ms. Daniels.

A Good morning.

Q Early at the beginning of your testimony I believe you stated that you began dating Mr. Samuels in 2007?

A Yes.

Q Do you recall saying that?
A Yes.
Q And then later on in your testimony when you were talking about having a conversation with Ms. Speaks, you said that you told her that you began dating Mr. Samuels in May of 2005.
A I'm sorry.
Q When was it?
A 2005. I'm not very good at dates. And I'm very nervous right now.
Q And at the beginning of your testimony you said that you were separated in May of -- or May of 2007 when you started dating. My question is when you started dating Mr. Samuels, were you married and living with your husband?
A When I started dating Myron Samuels I was living in the house with my husband, and he had made arrangements to get one of our rental units ready to rent, but it did not go with the plan. But to answer your question, my husband was in the house.
Q Okay. Now, you met Mr. Samuels when he was invited to speak at Eau Claire High School?
A Yes.
Q For the Book Club year end --
A Celebration, yes, sir.

Q -- celebration. And he was one of a few folks who were invited there who had done good, as I believe you characterized it?
A Correct.
Q Mr. Samuels at the time was -- held a position at South Carolina State; correct?
A He held a position. And one particular reason we wanted him is because we had been told that he had a doctorate, and since we were in the business of education, we thought it would be a really good thing for our young males to see a black man who had obtained a doctorate. Of course we found out that he didn't.
Q And the person who contacted him to speak, do you know who that was?
A Actually it was suggested that I contact him as the speaker.
Q So you contacted --
A As a sponsor of the club.
Q And you contacted him?
A I did.
Q Upon whom's suggestion?
A Upon Mr. Adams' suggestion, who was also a co-sponsor of the Book Club who was basing it on another co-worker, whose name is Edith Stewart.

Q And Mr. Daniels had previously been a graduate of Eau Claire; correct?
A Mr. Samuels?
Q Mr. Samuels?
A Yes.
Q And he was student body president at Eau Claire; was he not?
A I'm not sure.
Q And you indicated at some point in time you believed that you were in a monogamous relationship with Mr. Samuels; correct?
A Yes.
Q Now, at the beginning of your relationship you were a married woman; correct?
A I was a married woman who was not having any kind of relationship with her husband, and had not for several --
Q And as a married woman did you believe you were in a monogamous relationship with Mr. Samuels, an unmarried man?
A Yes. Mr. Samuels and I did not start our relationship as a sexual relationship. It started out as a friendship.
Q Friendship. Well, it became sexual at some point in time; did it not?

A It did become sexual.
Q While you were married and living with your husband; correct?
A No. By that time -- I'm not exactly sure about dates, as I told you, and I'm very nervous right now, but my husband and I had a conversation after the ceiling fan fell that this is not working. And I'm sorry, I didn't know I was going to have to remember what month that was in.
Q You and I have not had an opportunity to speak before today; have we?
A No.
Q And I didn't ask you any questions about any ceiling fan; did I?
A No.
Q And I didn't ask you questions about when you got a divorce from your husband; did I?
A No.
Q Those are questions that were asked of you by the State, and you answered those; did you not?
A Yes.
Q And now what I'm doing is following up on your answers; correct?
A And I'm trying to answer you.
Q So I'm just trying to understand this

characterization of your relationship with Mr. Samuels as being monogamous with you.

A I wasn't --

Q Were you cohabitating with your husband at the time --

A I was not cohabitating with my husband. And when I had sex with Mr. Samuels I was not having sex with anyone else, including my husband.

Q So you and Mr. Samuels were friends for some two years before you had a sexual relationship?

A No, I got -- after my husband moved out I got a legal separation before I got my divorce. I got a legal separation as soon as I was able, and I think it was like maybe -- however many months you have to wait to get a legal separation. My husband was gone, you know, sometime in 2005.

Q And so when you told Ms. Speaks, then, that you had began seeing Mr. Samuels in 2005, you were wanting her to believe that the relationship was sexual; were you not?

A By the time Ms. Speaks and I spoke, it was a sexual relationship. She asked me when I met him.

Q So the question wasn't when you became involved with Mr. Samuels, it was when you simply met him?

A That was what I took it to be.

Q And you said in 2005?
A I said in -- I think I said in 2005. Whatever I said, it was a year before she and he started dating.
Q And it is your testimony that you did not -- you were not aware of Mr. Samuels having a relationship with Ms. Speaks until sometime in March of 2009; correct?
A Yes.
Q And I just want to be clear about this. Is it your testimony that you believe from some point in time after May -- well, in 2005, I don't know when your relationship became sexual, but at that point in time forward you believed it was completely monogamous all the way up until you learned about Ms. Speaks?
A Yes.
Q And was that one year, two years, three years?
A About three. Three and a half.
Q Three. So sometime ago?
A I'm sorry?
Q You would have begun a sexual relationship sometime in 2006?
A It was sometime in 2005. I think it was 2005.
Q The year you met him?

A Yeah, it was the year I met him, yes.
Q Now, you indicated that you had a couple of -- or you learned of Ms. Speaks' relationship with Mr. Samuels initially from a phone call from Ms. Speaks?
A Yes.
Q Using Myron's cell phone; correct?
A Yes.
Q And you believe that was sometime in March of 2009?
A Yes.
Q And that you were disturbed by that. You finished your business in Charleston, you traveled to Orangeburg and met with Mr. Samuels.
A Yes.
Q And had a conversation with him. And at that point in time you knew this was no longer -- well, you knew it was not a monogamous relationship; correct?
A Yes.
Q And I believe you said that you went ahead and spent the evening that evening or maybe the following evening with him?
A Yes.
Q And when you say you spent the evening with him -- I don't want to embarrass anybody, but did you mean that y'all were intimate?

A Yes, we were intimate, but we did not have unprotected sex.
Q And then -- and was that the last time you were intimate with Mr. Samuels before April 14th?
A No.
Q Well, you had mentioned that he had not -- communication had backed off, and he had not been talking to you as much as previously?
A True.
Q I think you also said that you got an e-mail from Ms. Speaks or some form or fashion with a marriage license; is that right?
A Yes.
Q And that was the second time you went and confronted Mr. Samuels about Ms. Speaks?
A Yes.
Q And were you intimate again when you went down to confront him about the marriage license?
A I was intimate with him after that. I'm not sure if I was intimate with him when I confronted him.
Q And then you learned on a website some information that made it appear that there had actually been a consummated marriage. Is that what I understood you to testify about?
A That was on April 14th.

Q It was on the date of April 14th?
A That's when I learned of it. That's --
Q You learned of this website on the date of April 14th?
A Yes.
Q Is that right?
A That's when I got -- that's when I saw the date that they had gotten married, according to the website.
Q And you saw that website. The day that you saw the website was April 14th?
A Yes.
Q And that is the same day that you went to Ms. Speaks' residence; correct?
A Yes.
Q Well, then help me understand at what point in time on the 14th did you meet up with Mr. Samuels to discuss this?
A I left my job during the day.
Q So on the 14th you left your job during the day?
A Yes.
Q Then traveled directly to Orangeburg?
A Yes.
Q And met with Mr. Samuels about the information that you had gleaned from the website?

A Yes.
Q And he told you that there had been no marriage, he was not married to Ms. Speaks?
A Yes.
Q And during this conversation, that is when he offered to place a bet or wager with you that -- financially -- that he had not been married?
A Yes.
Q And I believe you and he did wager a hundred dollars on that?
A Yes.
Q And he signed -- either he or you or someone wrote out a document and --
A He insisted I write it out.
Q You wrote it out?
A Yes.
Q And you signed it?
A Yes.
Q And it said, if you are not married I'll pay you a hundred dollars?
A Glad to give you a hundred dollars.
Q And your testimony here earlier today, you felt like that would be worth a hundred dollars?
A At that particular point in time I thought it would have been.

Q That would be worth a hundred dollars because the man that you know by then had been not in a monogamous relationship with you, although you were led to believe you were, that man had gotten a marriage license with another woman; yet, you were still -- believed it was worth a hundred dollars minimum to learn he wasn't married so you would have a hope to continue on with this relationship? Is that -- was that your state of mind?
A That was my state of mind at that time. I'm not proud of it, but, yes, that was my state of mind.
Q And up until then he was friendly towards you?
A Yes.
Q He was a gentleman to you?
A Yes.
Q He never engaged in any threatening conduct towards you; is that correct?
A Yes.
Q He was not violent towards you; is that correct?
A Yes.
Q You never witnessed him being violent towards anyone in your presence?
A I had never witnessed him being violent, it was him being rude.
Q Rude. You did not know him to carry a handgun?

A I thought he did carry a handgun. He alluded to it.
Q And you yourself had a weapon?
A That I left in my house in the closet.
Q What kind of weapon did you leave?
A I have a .38.
Q And you keep that at home?
A Yes.
Q A .38 would be a pistol?
A Yes.
Q And Mr. Samuels, he was aware that you kept a .38 at your house for personal protection?
A I had mentioned it.
Q And you -- so you went to Orangeburg and confronted Mr. Samuels. Then did you just go back to work?
A I did.
Q And after you got back to work, you had plans to go to a party in the Vista with Mr. Samuels?
A He had canceled the plans to go with me that morning. And when I spoke to him that afternoon he again stated that he could not go with me to the party that afternoon.
Q So he canceled the plans in the morning. That caused you to search the website, or in response to that you searched?

A I'm not sure if it was in response to that or for what reason. I don't remember now exactly why I did, but I did.
Q And then you had plans to go to this party that you were headed towards, but as you are traveling along the route, Ms. Speaks' residence is not too far of a detour from where -- from your home to the Vista --
A Yes.
Q -- is my understanding?
A Yes.
Q Then you got her address from the website?
A I got it from the address on the marriage license.
Q And the marriage license was provided to you by Ms. Speaks?
A Yes.
Q And had you been to that address before?
A Yes.
Q And what was the purpose of you going to that address previously?
A After I got the marriage license I just wanted to see where she lived.
Q And how many times did you drive by Ms. Speaks' house?
A The once was sufficient.

Q Were you looking for Mr. Samuels' car when you were driving by Ms. Speaks' house on the one prior occasion?
A Actually I'm not sure what I was looking for, but I did want an idea of what the neighborhood looked like, because I had no idea what she looked like or anything else.
Q So you had been there on one night -- one time previously. And you then on the night of the 14th you stopped there. And your testimony is you stopped on the curb, not in the yard, and your windows were down?
A Uh-huh.
Q And you took the key and went to the door; right?
A Yes.
Q And the purpose of your going there was to confirm that Mr. Samuels was not married?
A Actually I wanted closure. I wanted not to be told any more lies that I would actually believe because I wanted to believe him. I wanted just to have some peace. At that point all I wanted was some peace.
Q Well, now, isn't closure a different state of mind than one of trying to put this issue out of the way so you can continue on with this relationship with

a man that you love?

A I can't -- all I can tell you is I by that time knew that Myron was not who he said he was, but I still had very strong feelings for him and I knew I needed to resolve those feelings some kind of way because I was very upset.

Just about the time, you know, I would think that, you know, things were, you know, straightened out, you know, he sends this woman this text, I mean, this e-mail that said, you know, this is not the kind of relationship you are claiming it is.

I mean, he -- Myron can be very convincing and very charming. And I wanted to be charmed and I wanted to be convinced.

But on that particular night, I just needed to know whatever it was I needed to know.

Q Well, did you then have a change of mind from earlier in the day when you had agreed to pay $100 so that you -- it was worth it to you?

A I would have paid him the $100. I think I would have. And he knows that is the kind of person I am. If I say I am going to do something I probably would. There is a pretty good chance I'm going to do it.

Q I think you misunderstood my question. My question

is, your state of mind when you agreed to pay it was it would have been worth it to you?

A My state of mind is my mind was confused. I know that I wanted a relationship with who I wanted him to be. And at that point I wasn't sure who that was. And because I wasn't sure who that was and because it had been an up-and-down kind of thing, it was wearing on my nerves.

Q And then by the end of the afternoon or evening you show up wanting closure?

A I wanted an end to however it was going to end. If it was going to be, well, you know, this woman is the way he had described her and he really is just going out of his way to be extra nice, for him to be extra nice to her, and she is making up the romantic attachment, then that is one thing.

If it is, well, you know, he is spending time at my house and he is with me, then that is an end of it.

Q The closure then would be either close off your relationship or for him to -- and/or for him to close off this relationship with Patricia?

A Yes.

Q Is that the closure you were looking for?

A Yes.

Q So it was an ultimatum you came to deliver?
A I didn't come to deliver any ultimatum. I just needed to have things firmly in mind.
Q And Myron invited you into the -- Ms. Speaks' residence?
A Myron said, you have an open invitation. You can ask her. We are not married. It is not that kind of relationship.
Q And then when you knocked on the door or rang the doorbell, he came to the door?
A He came to the door.
Q And he invited you in?
A He invited me in. And he actually took my arms like this and escorted me in, because I really did not want to go in.

And as he kept saying, no, come on in, come on in, you need to talk to Patricia.

I really in the back of my mind thought, well, then if he really wants me to come in here, you know, maybe he just wants to say it in front of her.

Q Well, and so you went in and you had an initial brief conversation with Patricia, and then you went back to your car?
A Yes.

Q Because you had left the windows open?
A Yes. And it wasn't even in the driveway, it was on the curb.
Q And you left your purse in the car?
A Yes.
Q And when you first saw Patricia, was she clothed? Did she just get out of the shower? Did she have a robe on? Do you remember?
A She had on clothes.
Q And then you went back in after you -- did you bring your purse back in?
A I did not.
Q You still left your purse in the car?
A Yes. I had my cell phone and my keys.
Q And you rolled your windows up, I take it, and locked the door?
A Yes.
Q And when you go back in, Mr. Samuels, Myron, and Ms. Speaks were in the den waiting on you? Is that where they were?
A Yes.
Q And you began this conversation?
A Yes.
Q Just from the time you got there, after going to your car and getting back in, to the time

Mr. Samuels leaves, just give me, if you can, your best estimate, five minutes, 10 minutes, 20 minutes?

A You asked me how long we were in the house without Mr. -- I'm sorry, ask me again, please.

Q The second time you entered the residence?

A Yes.

Q From that moment until Mr. Samuels leaves with his dog and the gun, about how long was that time frame?

A I can't give you a recollection. It may have been 20 minutes, it may have been an hour. I don't know.

Q The subject matters that were discussed during that period of time were to the extent of Mr. Samuels' relationship with Ms. Speaks?

A Yes.

Q And then the extent of the relationship with you and Mr. Samuels?

A Yes.

Q And those discussions were between you and Ms. Speaks. And Myron, Mr. Samuels, was seated over quietly; was he not?

A He was not quiet when he called us two stupid bitches and said, I'm going to enjoy this.

Q And how far in the conversation was it when he made that comment?
A When it became apparent that we were not going to yell and scream at each other when we started asking each other questions.
Q That y'all were asking?
A It was fairly close towards the beginning of the conversation.
Q And when he leveled that insult to you, you responded in -- what were your exact words, please?
A If it is not my exact words they were very, very close. I said, you have never spoken to me like that and you will never get a chance to speak to me like that again, or you never will again.
Q You never will, you will never get a chance, or something along those lines?
A Yes. I think it was, you have never spoken to me like that and you never will again.
Q And the manner in which you were going to insure that he would never be able to speak like that to you again was what? What was in your mind?
A I'm finished. I'm done.
Q Finished with the relationship?
A I'm done. Evidently it wasn't a relationship to start with. Reality finally kicked me in my head.

Q There was no relationship to start with?
A It wasn't what I thought it was to start with. And I did not want what it was.
Q And so at that point in time the relationship was done?
A Yes.
Q And you had your closure at that point in time?
A Yes.
Q Yet, following that, you and Ms. Speaks started to contact other women that Ms. Speaks suspected that Mr. Samuels had some relationship with?
A I thought that out of the need for everybody to be healthy they needed to know that if they had had unprotected sex with Myron, he had had unprotected sex with other women. There is an AIDS epidemic that is claiming an awful lot of people. If you go to church, they even talk about it in church how you need to be aware and you need to be careful and you need to be tested.

And just like I do have two children -- well, one child now and an adult -- you know, I didn't know anything else about these women except that if I had been one of them I would have wanted somebody to tell me.

Q You felt that they would have wanted to know?

A Yes, I did.
Q And so there was a phone call placed to someone named Felicia?
A I think it was Felicia.
Q And did you speak to Felicia?
A Yes, I did.
Q And she denied having a relationship with --
A She did. I put that in my statement. I wasn't trying to hide it.
Q And then at some point in time while you were talking to Felicia you, I believe you testified you felt some presence above your forehead?
A I felt a gun on my forehead.
Q Felt the gun on your forehead?
A Yes.
Q What part of the gun did you feel on your forehead?
A The part that shoots the bullet.
Q So you felt the barrel of the gun on your forehead?
A That is the part that shoots the bullet.
Q And in what direction then was the gun pointed when you felt it on your forehead?
A He stood in front of me like that.
Q And what -- and you would call that he was pointing the gun at you?
A It was on my forehead. I don't understand what you

mean.

Q Which way was the gun pointing, Ms. Daniels? Is that a hard question?

A It was pointed at me. It was on my forehead. It wasn't pointed at me, it was on my forehead.

Q And did it stay on your forehead the whole time?

A Yes.

Q And you showed some photographs and you were -- pointed out to the jury that you saw the trigger be depressed?

A I did.

Q While the gun is on your forehead?

A Yes.

Q So the gun is here and you are able to see the --

A I'm looking up and I can see the finger going back like this.

Q And how far did the trigger get depressed?

A I can't tell you how far. I just saw the finger going back. And I don't know because I don't know that much about guns. I just know the finger started here and it went back and it took the trigger with it.

Q So there was a finger in the trigger -- I mean, pressing against the trigger?

A Yes.

Q And Mr. Samuels' finger obviously?
A Yes.
Q And Mr. Samuels, what you observed, had pulled the finger towards itself and brought the trigger along with it?
A Yes.
Q You can't say with any specificity just how hard he pulled the trigger back, is that what I understand?
A I saw it going back. I don't know whether it went back a quarter inch or more than an inch, but I saw it moving backwards.
Q Did it appear that he had pulled the trigger all the way back as far as it would go?
A I don't know how far he pulled the trigger back.
Q Was that the first time you had seen the gun?
A Yes.
Q Is that the first time you had seen Mr. Samuels with a gun that night in the house?
A That night?
Q Yes?
A Yes.
Q Did you -- where was Ms. Speaks when this was happening?
A On this side of me.
Q On your right side?

A Yes.
Q And you are sitting on the couch?
A Yes.
Q And I'm going to show you Exhibit Number 1, State's Exhibit Number 1, and the couch facing the fireplace, and she is standing on the side -- I guess would that be closest to the entryway, the front door, or would that be close to the kitchen?
A I came in a door on that side. She was on this side.
Q Okay. And do you know -- let's see if I can get a better angle. Is this a better angle?
A Yes. She was right over there in this area, right on this side.
Q In front of the stereo?
A I'm not sure if the stereo was there, but she was on that side.
Q And did at some point in time she take some dogs and try to put them away because they were barking?
A That was when I first came in the house.
Q So when you had the gun -- excuse me, when the gun was pointed at your forehead, pressed against your forehead, she was -- she had a clear view of -- was there anything to your knowledge that would have obstructed her vision?

A I don't know. I saw Myron towering over me.
Q And had Myron slapped or hit or struck Ms. Speaks by this time?
A He did that on his way out.
Q After he pointed the gun at you?
A And after he pointed it at her.
Q So today your testimony is that he pointed the gun at you first?
A That was --
Q Ms. Speaks second?
A That was my testimony then. I don't know how it got transposed. That was my testimony on both statements that I gave. And that was what I told the officer who came to the scene. I don't know how it got changed.
Q We'll get to your statements in a few moments, Ms. Daniels, but were you interviewed by the reporting officer, Starr Medlock? Mattlock? Medlock?
A She did speak to both of us.
Q Okay. And did she speak to anyone else besides you two?
A No.
Q And you were here in the courtroom when she testified?

A Yes.
Q And based upon her investigation and interviewing you and Ms. Speaks, she reports that Mr. Samuels points a gun at Ms. Speaks first; does she not?
A That is what she said.
Q Now, how soon after Mr. Samuels exited the premises did it take Ms. Mattlock -- Officer Mattlock to show up?
A It seemed like a very, very, very long time.
Q It seemed like a long time?
A Yes, it did. I remember her commenting why was it taking so long.
Q But certainly the events of what just occurred were fresh in your mind on the evening of the 14th when you met with the investigating officer?
A Yes. And I told her what I just told you. And the sequence I just told you.
Q I'm sorry?
A I told her what I just told you, and the sequence I just told you.
Q And then at some point in time later you -- well, let me -- were you asked that night if you wanted to press charges?
A I don't remember if I was asked that night or not, but I do know when Officer Reese called me three

days later he asked me.

Q And three days later you indicated you did not wish to press charges?

A Yes.

Q And then Officer Reese also asked you to prepare a statement; did he not?

A Yes.

Q Is that a yes?

A Yes.

Q And you typed up a statement; did you not?

A Yes.

Q And did you ever give that statement to Officer Reese?

A I did.

Q Did you give it to him at around the time you prepared it or was it much later?

A I didn't meet with him until much later.

Q So much later --

A I don't remember --

Q Excuse me?

A I don't remember how I got that statement to him. I do know I gave him a second statement when I met with him.

Q Do you know if you ever gave him the first statement?

A I gave him two statements. I was suffering from post-traumatic stress disorder. My therapist told me that there are going to be things that I don't remember exactly how they happened.

MR. GRIFFIN: Your Honor, I would ask the witness to answer the questions and not give her doctor's opinion.

THE COURT: The objection is sustained.

A I'm just trying to explain to you that there are some things I don't remember very well. And by this time I was taking medication for anxiety, so my memory is not very, very good.

Q All right. Well, now you shared the first statement with Ms. Speaks. Do you remember doing that?

A Yes.

Q And she shared her statement with you?

A She did not.

Q Oh, she did not?

A No.

Q It was a one-way street and you gave her yours and she didn't --

A I just said, I do not want to be embarrassed about my job, I am just going to say something general.

Q No, no, my question is the very first statement,

did you give a copy of that statement to Ms. Speaks?

A I gave a copy of what I said I was going to give to Officer Reese to Patricia Speaks, yes.

Q And did she give you a copy of the statement she was going to give?

A She did not.

Q Ms. Daniels, I am going to show you what I marked as Defendant's Exhibit Number 2, and I'm saying this for the record, just for identification purposes at this point in time, a document and ask if you can identify that?

A Yes.

Q Can you identify that document, ma'am?

A Yes.

Q Is that document the first statement that you typed up?

A Yes.

Q And you provided that to Ms. Speaks?

A I think I did.

MR. GRIFFIN: Your Honor, we would move Exhibit Number 2 into evidence at this time.

THE COURT: What says the State?

MS. GARFIELD: I would ask him what grounds. This is her statement.

THE COURT: The State objects to it coming in?
MR. GARFIELD: At this point, yes, sir.
THE COURT: The objection is sustained.
Q Ms. Speaks, in this Exhibit Number 2, my question --
MR. GRIFFIN: And the statement, Your Honor, is for impeachment purposes.
Q -- did you make mention anywhere in Exhibit Number 2 that Mr. Samuels pointed a gun at you?
A I did not.
Q Did you make mention anywhere in Exhibit Number 2 Mr. Samuels pulled the trigger of a gun?
A I did not.
Q You do make mention in Exhibit Number 2 that Mr. Samuels pointed a gun at Ms. Speaks, do you not?
A You asked did I say in the statement that he pointed a gun at Patricia?
Q Well, and you may not have.
A May I see my two statements or may I see the statements that I --
Q Sure. We'll get to those in a minute. But on the statement of April 17th, do you not say that Mr. --
A Is this the statement that I gave to Investigator Reese, is what I'm asking you?
Q You had testified previously you gave that

statement to Ms. Speaks.
A No, I'm asking you now. I'm asking you now is this the statement that I gave to Investigator Reese?
Q Ms. Daniels, the rules do not permit me to testify.
A Okay.
Q I ask you questions.
A May I see the statement that I gave to Investigator Reese?
Q Yes, you may, but after you answer my question.
A I'm not sure of the answer to your question.
Q On the statement marked as Defendant's Exhibit Number 2 for identification purposes, did you not simply state that Myron was waving a gun around?
A I'm not sure that I gave this statement to Investigator Reese is what I'm trying to tell you. If you would let me see the two statements that I did give I could tell you if that was the statement that I gave Investigator Reese.
Q My first question was, did you give that statement to Ms. Speaks?
A I'm not sure what I gave to Ms. Speaks.
Q So now you are not sure if that is the statement you gave Ms. Speaks?
A I'm not sure.
Q All right. All right, I show you what I marked for

A Yes, I do.
Q You do have it there with you?
A I do.
Q Now, this statement, Exhibit Number 2, was perhaps not given to Investigator Reese, but you did give it to the Solicitor, Ms. Garfield; did you not?
A I don't remember giving it to Ms. Garfield.
Q Well, here is what I want to ask you about the statement. Do you not say in the -- and I don't know if you can see here where I'm pointing, and you have the original there -- but that last lengthy paragraph of the statement, do you not say in the statement dated April 17th, 2009, three days after the incident that, at this point Myron began waving a gun around.

Is that how you characterize Mr. Samuels' conduct, waving a gun around?

A That is what I put in that statement that I typed, but that is not the statement that I gave and signed as my official statement.
Q All right. This is a statement you typed up?
A I typed it up, but I did not plan it to be my official statement.
Q You -- this statement is dated April 17th. Was that the date you typed it up?

A I'm not sure. I don't remember that now.
Q And then you also typed up in the statement, did you not: I can't remember what he said, what I said, I just know that I was tense and I think in a state of shock. Patricia told Myron to leave.
A I was in a state of shock.
Q Did Patricia tell Myron to leave?
A Patricia did tell Myron to leave. But what I'm confused about is that is not the statement that I signed as my official statement, so I don't understand why it is being read in court.
Q Did you not type up in this statement, Ms. Daniels, that Patricia followed and told Myron to give her back her gun?
A I did type it, but again --
Q And did that happen?
A Did what happen?
Q Did Patricia follow Myron and say, give me back my gun?
A She did.
Q Okay. And then you say he didn't; is that correct? Mr. Samuels did not give the gun back; correct?
A He did not.
Q You said, I just sat on the couch; was that correct?

A Yes.
Q And you said, Myron went to the door to leave. Patricia followed him and said, give me back my gun.
Again, that is a correct statement; correct?
A What you have read is correct, but, again, I don't understand why it is being read in court when it is not my official statement. I typed it, but that doesn't --
Q And in the statement it goes on to say, somehow Patricia fell on the floor. I don't know if she lost her balance struggling with Myron for her gun or if he pushed her or shoved her or what.
You typed that; did you not?
A I typed that. And the reason why I did not turn that in as my official statement is because I wasn't comfortable saying something that was not true, which is why I didn't sign that.
Q You also said, I just stared from the couch, and from the angle I was watching I could not tell. I did not get up to help her. When Myron left I think I went to help her, I'm not sure.
Is that what happened?
A I know I did not go to help her.
I also said in the statement that I did give

that on April 17th I had not stopped to eat in three days. And I now know that I really was in a state of shock.

Q Now, you -- let me get this out of the way right quick. I believe you testified earlier that it wasn't long after you had told Investigator Reese that you did not wish to press charges that you called back and said, I have changed my mind?

A Yes.

Q And your testimony earlier was, I believe it was a week or maybe two weeks?

A I'm sure it was not as long as it took to actually speak to Investigator Reese, to actually go into his office and give the statement. And I know it was not a month, it may have been three weeks, it may have been two weeks, it may have been one week. I don't think it was one week.

Q You think it was longer than one week?

A I think it was. By that time I was taking Zoloft after the fact.

Q Yes, ma'am. Now, the document that you asked for earlier, I believe, and I'm going to show you is Defendant's Exhibit Number 4. Take a look at that and please let us know if that is the quote, official statement, that you delivered to

Investigator Reese.
(Pause.)
Q Is Exhibit 4 the official statement you gave to Investigator Reese?
A Yes.
Q And using this document to refresh your recollection, what was the date that you prepared Exhibit Number 4?
A I signed it on the 17th.
Q Does it have a different date at the top?
A No.
Q It does not?
A This one?
Q Yes, ma'am?
A I don't see a different date on it. Oh, I'm sorry, 5/20, excuse me.
Q Do you believe you would have prepared this statement on May the 20th?
A Yes.
Q The day you prepared it?
A Did I prepare it on the date that I typed it?
Q Would you have placed the date on the document on the day you prepared the document?
A Probably. I think so.
Q And do you think that you prepared the document,

having looked at it, on May 20th, 2009?
A I think I prepared it at the preparatory meeting with Investigator Reese.
Q And do you recall the date the meeting you had with Investigator Reese was?
A I think it was the 6th -- June the 17th, because that is when I signed it.
Q So you signed the statement some over two months after the incident; correct?
A Yes. I contacted his office, I'm almost sure it was in April, and it was after the event had happened. And right at that particular time when I called I was told when I called back to see why I hadn't, you know, heard from him that there had been a huge murder investigation and that he was busy with that investigation. And I called several times, you know, asking why it was taking so long, because it felt like it was taking a long time.
Q Now, in the official statement that you gave to Investigator Reese that you signed on June the 17th, you did not say in that statement that Mr. Samuels pulled the trigger; did you?
A No, I didn't. But he did.
Q And this was after you had had this heartfelt conversation with your daughter?

A And at that particular time my daughter did not actually know that Myron had actually pulled the trigger on the gun. And I was trying to keep that from her because she was traumatized. She is also in counseling.
Q And on the document, the official statement you gave to Investigator Reese, you again used the same verbiage, the same language as Exhibit Number 2, that Myron began waving a gun around; correct?
A He -- yes.
Q And then -- and nowhere in this statement that you gave to Investigator Reese do you say that Myron pointed the gun at your forehead; do you?
A I didn't say that in my statement, but I told him that when we were speaking.
Q Rather what happened was is that Myron placed the gun in front of your forehead?
A He put the gun on my head.
Q According to your statement. Did he just place it -- that he placed the gun above my eyes. Is that what happened?
A Are you asking me what happened or are you asking me what I wrote?
Q I'm asking you what happened.
A He put the gun on my head and he pulled the trigger

and I watched the trigger going back.
Q Now I'm asking you why would you give Mr. -- Investigator Reese an official statement that says something different?
A Because I was not given any direction as to how to prepare the statement, just to write what had happened. I did not prepare it after he specifically asked me that question.
Q Were you given direction to come and testify here today that he put the gun and pointed it to your head and pulled the trigger?
A No.
Q Were you given direction for that?
A No, I wasn't.
Q Well, then what is the difference?
A The difference was at the time I really did not think about putting that in it. I was in a state of denial that that incident was as serious as it was.
Q You were in denial two and a half -- two months later?
A About a month later, because, as you said, the date on it was 5/20.
Q And then when you had a chance to modify it --
A And when I was talking to him I told him exactly

what happened.

Q And then -- well, let me go back. On the 14th, on the night that you say Mr. Samuels placed a gun, waved it around, pointed it at you, on that night you did not believe that Myron Samuels was trying to kill you; correct?

A Oh, I believed it when I felt the gun on my head.

Q You believed it that night?

A I believed it.

Q So instantaneously you believed that he was trying to kill you?

A I knew that I was in danger. And it was so -- the feeling was so all-consuming that I literally could not move except to turn my head and shrink into that couch. I just knew that there was a really good possibility that I was not going to leave there alive.

Q Isn't it true that at the time you did not grasp the concept that he intended to kill you?

A I grasped it on one level, but not on another level. I don't know how to explain that any better than that. When that gun was on my head I was scared. I was very, very, very, very scared. And I was scared because I kept hearing, Myron, that gun is loaded! That gun is loaded!

Q And it wasn't until some month or so afterwards that you had convinced yourself through counseling or otherwise that he actually truly intended to kill you?
A It wasn't through counseling or whatever. It was my physician told me that when I realized what was happening, you know, I was going to be upset about it.
Q Now, Investigator Reese asked you to prepare another statement explaining why you originally declined to press charges and then what was the reason you changed your position on that?
A Yes.
Q Did he not?
A Yes, he did.
Q And Exhibit Number 3 I marked for identification purposes, is that your statement given for those reasons?
A Yes.
Q And you delivered that to Investigator Reese?
A Yes.
Q On June 17th, 2009?
A Yes.
Q Okay. And did you not tell him in this statement that, at the time on the 14th, you had not yet

grasped the concept that, Myron truly wanted to kill me?

A Uh-huh.

Q Did you -- and was that true on the 17th when you made the statement on the 14th you had not grasped the concept that, Myron was truly trying to kill me?

A It was like my brain was in a dichotomy. It was like half of it knew that it was very, very serious, and another half of it was trying to pretend that nothing had happened.

Q And on the 17th of June you, in your official statement you say, I now know -- I now know Myron truly meant to kill me, and that if the safety had not been on I would be dead?

A Uh-huh.

Q Is that right?

A Yes.

Q And that is something that over a period of a month or so you had convinced yourself that he had -- that he tried to kill you?

A What I said to you just now, it is like my brain was in two different places, like part of it said, okay, this is what really happened; and the other part said, no, that is not what really happened.

And I was trying to live in the part that said, no, that is not really happening, that did not really happen, so I could get through the days.

And it came to a point when I just decided, you know, you got to deal with this. This is what happened.

Q Well, certainly there had been nothing that transpired in the relationship up to that date that Mr. Samuels would have wanted to kill you for; right? I mean, there is nothing that you had had some ongoing dispute with him over anything; right?

A I can't speak into what was going on in his mind when he did that.

Q Well, you weren't fearful for your life when you showed up at Ms. Speaks' residence; were you?

A No.

Q Then you also tell Investigator Reese on the 16th of June that, with the benefit of hindsight I now know that I was in denial as to the seriousness and intent of his action?

A Yes.

Q So only after hindsight? Now --

A I may not be as good with words as I need to be, especially when I put them on paper.

Q Now, what happened between April 17th and then

June -- April 14th or 17th and then June of 2007 with regard to your relationship with Mr. Samuels?

A After April the 14th?

Q Yes, ma'am?

A I didn't have a relationship with him after April 14th.

Q Well, he had asked you for the payment of the bet; right?

A Right.

Q And he asked for his belongings back from you?

A Right.

Q And you had asked for your belongings back from him; right?

A When he kept asking me for his belongings back, I thought, being the kind of person he was, if I said, well, give me back what I gave you, that would be the end of it.

And then it occurred to me that he may have been looking for a way to continue the relationship on some level, and so I decided the best thing to do is not have any contact with him whatsoever.

Q Now, on the --

A I asked him not to contact me again.

Q On the night of April 14th, did you speak to one Diaz Chavis?

A I did.
Q And Diaz Chavis is friends of Mr. Samuels; is he not?
A Yes.
Q And you and Ms. Speaks called Mr. Chavis?
A And asked -- at that time something the officer said, and I don't remember exactly what it was, gave me the impression that law enforcement was going to look for him, and I suggested that Mr. Chavis try to get in touch with Myron so they could go on and find him. I don't remember exactly what she said, but it gave me that impression.
Q Did you not tell Mr. Chavis that this had been blown out of proportion and that Ms. Speaks was really upset?
A I never said it was blown out of proportion. I never said that.
Q Did you tell him that you still had hopes of having a relationship with Mr. Samuels?
A No, I did not. I told him that it was very obvious that, you know, I was the minor player in the relationship, and I was finished with that.

I suggested that he try to get in touch with Myron because something the officer said was that they were going to look for Myron.

Q Yes, ma'am.

MR. GRIFFIN: Your Honor, I understand the Court's prior ruling. Just for the record, I would like to offer into evidence Exhibits 3 and 4. I'm not sure if the State has changed their position.

MS. GARFIELD: No objection at this time.

THE COURT: Admitted without objection.

(WHEREUPON, Defendant's Exhibit Nos. 3 - 4 were marked for identification and received into evidence.)

MR. GRIFFIN: Thank you. That's all the questions I have.

THE COURT: Redirect?

MR. GRIFFIN: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. GARFIELD:

Q Carla, after this incident, you wrote some notes down personally as to what happened. When did you further contact Investigator Reese?

A I'm sorry?

Q When did you contact Investigator Reese after you made that statement?

A You mean after the 16th?

Q Yes, ma'am.

A I don't remember.

(Witness steps down.)

THE COURT: Call your next witness.

MS. GARFIELD: The State calls Patricia Speaks.

THE COURT: Come forward, please.

THE BAILIFF: Ma'am, place your left hand on the Bible, raise your right hand, and face the clerk, please.

(Witness complies.)

THE BAILIFF: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE BAILIFF: If you would take the stand, and state your full name for the record, please.

THE WITNESS: Patricia Speaks.

PATRICIA SPEAKS, after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. GARFIELD:

Q Ms. Speaks, just to share with the jury, where are you from?

A I'm from Columbia.

Q Have you lived here all of your life?

A Yes, I have.

Q And are you married?
A I am not.
Q Do you have family?
A I do. I have a mother and father, and I have a 19-year-old daughter.
Q And do they reside here in Columbia?
A My daughter is at college, and my parents live here in Columbia.
Q And please share with the jury a little bit about your educational background. Where did you go to high school?
A Sure. I am a graduate of Cardinal Newman High School here in Columbia. And I received my bachelor of science degree in nursing from the University of South Carolina. I also received my master's degree from the University of South Carolina. And I have -- I am a Ph.D. candidate at the University of Arizona in Tucson, Arizona.
Q And when are you expected to be granted a Ph.D.?
A December of this year.
Q And where are you employed?
A I am currently employed with the state. I am a nurse practitioner and practice here in Columbia.
Q Do you hold any other type positions?
A I still hold a position as a professor at the

University of South Carolina where I teach nursing. But I am only part-time there.

THE COURT REPORTER: I'm sorry, could you speak up, please?

Q You are very soft-spoken.

THE COURT: Move the mic -- pull the mic a little closer to you.

A I am a associate professor at the University of South Carolina. I am part-time at this time while I work on my doctorate. And that is in nursing.

Q And are you teaching this semester?

A No, I'm not.

Q You are working on your doctorate presently?

A Yes, I am.

Q Patricia, to take you a little back, how do you know the Defendant, Myron Samuels?

A From church back in the 1980's. When I was a teenager we attended the same church. And he was also attending the same church here in Columbia. And we knew each other at that time. He was at that time going to South Carolina State University getting his undergraduate degree.

Q So at the time you met him you were a teenager?

A I was.

Q Do you know approximately what age?

A Originally I was in high school when I first met him, and I just started attending that church. And then we ran back into each other when I became an undergraduate at the university. And he had just completed his graduate -- undergraduate studies at South Carolina State.

Q When you met him you were in high school?

A That is correct.

Q And the Defendant was in college?

A That is correct.

Q So he is some years older than you?

A Yes, he is.

Q Then you went on to college?

A That is correct.

Q At -- here at the University of South Carolina?

A Correct.

Q Not here, but in Columbia?

A Correct.

Q And then did you -- you ran into Mr. Samuels again?

A Correct.

Q What was he doing at the time?

A He was working as an assistant manager for Bojangles', and I was working part-time at the library.

Q And at that time what was the nature of your

relationship?
A We were friends. And that particular summer, which I think was my sophomore year at USC, we went out and dated a couple of times.
Q And when did that relationship end?
A That summer he left and moved back to Orangeburg and I think he went back to graduate school to get his master's degree.
Q And did you ever have any further contact with Mr. Samuels?
A We lost contact. He mailed me a couple of letters over the course of that fall. And then we lost contact with each other until 2006, when I ran back into him.
Q Did you subsequently ever marry?
A I did. I got married in 1987.
Q And is that the father of your daughter?
A That is correct.
Q And how long were you two married?
A We were married up until 1993, when I divorced.
Q And how old was your daughter?
A My daughter was born in 1991.
Q So she was a young child, two years old?
A She was quite young when I divorced.
Q What was your custody arrangement?

A I had sole custody, but he had visitation every other weekend.
Q So you were essentially a single mother and working and in school?
A Correct.
Q When at any time did you ever come into contact with Mr. Samuels again?
A It was not until 2006. I started teaching as a professor at South Carolina State in 2005, the Fall of 2005. I ran into him at the Student Life Center in 2006. I was sitting with colleagues at that time eating and saw him. And he sat with us and we talked very briefly. And at that time we just talked, said hello, nice to see each other, and he left. And I went back to the area which I was teaching and lecturing.
Q Were you living here in Columbia?
A I was living and commuting to Orangeburg.
Q What were you teaching?
A Nursing. Medical surgical nursing to students.
Q And after this encounter at the Student Life Center, did you ever have any other contact with Mr. Samuels?
A It was a while later. He happened to be driving through the campus and I was getting out of my car

and I ran back into him. And he stopped and we exchanged phone numbers. And he started to call me. And we talked on the phone occasionally. And eventually he asked if we wanted to have lunch together, and we had hamburgers --

THE COURT REPORTER: I'm sorry, I can't hear you.

Q You are very, very quiet.

A We ended up having lunch together. We had hamburgers from Wendy's.

Q And from this lunch together did the relationship develop?

A It took a while. It wasn't -- that would have been 2006. So going into 2007 we started to -- he enjoyed playing golf. I had an interest in golf, and we started -- I started meeting him at the golf course because he had played golf for many, many, many years. He wanted to teach me his experience in golf. And so we started playing golf together. And from that point we developed a friendship that became more than a friendship.

Q Patricia -- do you go by Pat?

A Yes, I do.

Q Pat, through the development of this friendship into a relationship, where were you living?

A I was living in my home on Saturn Lane.
Q And that is here in Columbia?
A That is here in Columbia.
Q In Richland County?
A Yes.
Q And where was Mr. Samuels living?
A In Orangeburg.
Q So throughout your relationship you two were living apart?
A Oh, yes.
Q And at that time your daughter was living with you?
A Yes.
Q And about what age would she have been then?
A She was 16, 17 years old. She was in high school.
Q Would you play golf at just one place or other places?
A Initially we played in Orangeburg, and then we started going to golf courses throughout South Carolina. He enjoyed playing in Santee, so we would go there. We went down to Hilton Head and played. We played throughout different areas in South Carolina.
Q As your relationship began to get more serious, what was your understanding as far as if he was seeing other women?

A He told me that he was not. That was one of the first questions that I asked, if he was dating anyone.

I asked him if he was still married. And he told me that his -- he was divorced from his wife. I knew his wife previously. And he said that he was divorced and he was not dating anyone or seeing anyone. And I believed him.

Q And that was all through the years 2007?

A Yes, sir.

Q 2008?

A Correct.

Q And at least for those two years you thought the two of you were seeing each other?

A That is correct.

Q At any point in time, specifically around the beginning of 2009, did you have any reason to believe he was seeing other women?

A I became suspicious towards the end of 2008. He was --

Q Share with the jury why.

A Okay. Even when we would go out, he would have a tendency that when his cell phone would ring he would step out of the restaurant or wherever we were.

One incident we were going I believe to Beaufort to play golf, or somewhere out of town, and he had to stop by the Michelin Tire place. And I remember this specifically because it really raised an eyebrow. There were just times that when his phone would ring, either his private phone or his business phone, that he would step out of wherever we were and he would go someplace private to answer the phone.

And so it began to, for me, to be very suspicious that something wasn't right. And I asked questions. And he would always just kind of in his own way act very, you know, non-chalant, oh, stop asking me those questions, or, you know, are you jealous, and so forth. He had a way of being very humorous about questions related to that.

On some occasions he would leave his cell phone either on the chair or something, and I would see certain numbers that would consistently pop up all the time. And they were not state numbers. So it just raised an eyebrow to me that there is something -- there was something that wasn't right. And that started in 2007.

Q 2007?

A 2008, excuse me. By January 2009 he asked me to

babysit his little dog. And he said that he needed to go out of town. And I did. And he left that Friday, left the dog with me. And he -- his phone was one of those type of phones that it accidentally will call the last number. And so on this particular day he accidentally called the last number, which happened to be my number. And I heard a female voice and him talking. And he was supposed to be out of town on business.

And I probably listened for a good ten minutes. And it wasn't business. It was a lady's voice. And they were making plans for having dinner and, you know, what they were going to do for the day, and so forth, and so forth. So I listened for about ten minutes. I hung up.

And then I text him back and said, okay, I understand exactly what is going on. And he immediately cut his cell phone off.

And I took his dog back to Orangeburg and left him in the kennel they had up there and text him that, you know, we really have to have a serious talk because obviously this is not going to work.

And the next day he showed up at my house. I was at USC actually in my office working on the weekend. My daughter called and said, Myron is at

the house, rang the doorbell. And I gave my daughter directions not to answer the door. And he left.

I came home, and probably within an hour he showed back up. And I asked him who he was with and what was going on. And he was not forthcoming with me as far as what was going on.

And that was really the beginning of me starting to realize that this was not going to work with him. He was not honest.

Q Did you later determine who was that female in that conversation?

A Yes.

Q Who?

A It was later on that -- after having the conversation with Ms. Daniels that I realized that it was Ms. Daniels that he had taken to Myrtle Beach that weekend.

Q Pat, while you may not be proud to admit this to the jury and complete strangers, based on this activity occurring, what did that prompt you to do as far as his cell phone is concerned?

A It prompted me to look in his cell phone and to see who he was calling. And that is unfortunately what I did. I looked in his cell phone and I saw

consistent numbers, one being Carla Daniels' number.

And what was really interesting about it was that Myron had the tendency to call at 4:00 or 5:00 o'clock in the morning every morning to me while he was also calling Carla. So he called me at 5:00 o'clock and he would call Carla at 5:15 in the morning. So it was consistently where he was doing the same thing with both of us. And there were a couple of other numbers in which he was doing the same thing.

And when you ask him about it, he would make a -- you know, just say negative type of comment about it, and that was it. He wouldn't give you a forthcoming answer about what was going on.

Q Did you make any documentation of those numbers?

A I did. I wrote the numbers down. And that is what prompted me -- soon after the incident in January, and I threatened I was not going to see him anymore, he explained to me that he was not going to see Carla anymore, or he didn't actually give me the name, but that she was someone that he could not quote/unquote, get rid of, that she was someone from his past that he was trying to get rid of and he did not -- she couldn't get a hint to leave him

alone, is how he explained it to me.

And he -- I, at the point, you know, questioned it, but I said, okay. So that prompted me at that point of the day that -- one night to call her number from his phone. She answered the phone. And to let her listen to him talk while I was there. And it was a conversation in which was related to sex, so that she could hear that he actually was having a relationship with someone else.

THE COURT: Solicitor, we're going to break now.

Ladies and gentlemen, we're going to break for about an hour. Please do not discuss the case while you are in the jury room. And we'll resume in about an hour.

Please go to the jury room.

(WHEREUPON, the jury retires to the jury room at 12:01 p.m.)

THE COURT: All right, ma'am, during the break you cannot discuss your testimony with anyone. And we will -- you can step down. And we'll take about a one-hour break.

(Witness steps down.)

(Lunch break.)

THE COURT: There is a jury complaint about the easel, they want to see everybody, the judge, the participants and all, so they don't want anything blocking their view.

And the witness, you need to speak up or speak into the mic. It works well when you are speaking into the mic, or close to it. Try to do that for us.

Bring them on.

(WHEREUPON, the jury came into open court at approximately 1:14 p.m.)

THE BAILIFF: Your Honor, the jury is present.

THE COURT: All right, very good. Welcome back.

Mr. Foreman, how is the jury doing?

THE FOREMAN: Everybody is doing fine.

THE COURT: Very good. All right. you may proceed.

MS. GARFIELD: Thank you, Your Honor.

DIRECT EXAMINATION CONTINUES

BY MS. GARFIELD:

Q Pat, I believe we left off with you had just shared with the jury how you had called Carla back in January of 2009.

A That is correct.

Q And I will ask you to speak in the microphone, okay? Everybody is having a hard time hearing.

And if we could just go back to that time when you testified, just explain again what your purpose is for making that phone call?

A Again, I made the phone call. At the time I wasn't sure who the person was, but I had suspicion that he was not being faithful to me. And he had been stepping out with the phone calls, suspicious phone calls. And I noticed that there were specific numbers that were coming up on his -- both his private phone as well as his business phone consistently.

And I finally on one occasion decided to call the number. And I called that number and left the number -- or when the phone rang I just allowed the phone to resume or continue to stay open while there was a conversation ensued between Myron and I. And at the time Myron was discussing sex. And the person on the other end would hear what was going on.

Q Is that the only phone call you made to Carla?

A Soon after that on the same night, if I remember, or the same day, I called back and I said that, you need to leave him alone because he and I are

dating.

And this was under the understanding that when I had asked Myron on several occasions about these suspicious phone calls, he had told me that there was a person that was calling him and -- or a person that he knew that he had dated in the past that would not leave him alone.

And I took it upon myself, whether that be right or wrong, to tell her to leave us alone.

Q Did you have any other contact with Carla?

A Yes, I did.

Q And before you go into that, I guess I should ask you this. At any time did you and Myron discuss marriage?

A Let me explain that. Probably back in the Fall of 2008 he was in Columbia and we had had a discussion about pawn shops. And I had expressed that I wasn't that familiar with pawn shops.

And so while he was in Columbia he said, let's go to the pawn shop and let me show you the things that they have in pawn shops.

So we went to a pawn shop that was located on Assembly Street. And we went in. Actually, we went to two pawn shops. And we went in to the pawn shop and he said, you know, look around. So we

looked around.

And then he said, pick out something. So I went to the jewelry. And I actually was looking at necklaces. And he was over in the ring section. And he said, come over here and look at some rings. And so I went over there and looked at rings. It happened to be the section that were actually pawned engagement rings.

And he said, pick out something. And I said okay.

And so we started looking. I didn't pick out anything. He eventually asked the person that was serving us about a specific ring. And the man pulled it out. And he asked me to try it on. I tried it on. It was too big. He asked me if I liked it. I said, yes, I like it. And he bought it for me.

Q What kind of ring?

A It was a solitaire ring that was what could -- what most people would consider an engagement ring. It was too big for my finger and it had to be sized. And at the pawn shop they did not size rings. So Myron told me that I would need to take it somewhere to get it sized.

So he purchased the ring. The ring was close

to $3,000. And at that time left with the ring. He put it on his MasterCard, Visa, whatever it was he put it on.

And walking out I said, okay, what is this supposed to mean?

And he shrugged his shoulders and he said, well, I don't know. Think of it as a friendship ring.

I said, okay.

And so that is how it initially started.

Soon after that, he -- at the time I also thought that he was -- he had his doctorate and he was co-teaching -- or not teaching -- co-teaching, but he -- there was a course that I taught at USC in which he -- excuse me. There was a course at USC regarding African-American culture in which he was asked to lecture with me as a guest lecturer. And so he had done that in 2008 in February.

MR. GRIFFIN: Excuse me, Your Honor, I hate to interrupt. The question was did they get a marriage license or engaged and --

A Well, this is pertinent.

THE COURT: Just a moment, ma'am. When there is an objection you must stop talking.

MR. GRIFFIN: I just object on relevance and

responsiveness and -- that's okay.

MS. GARFIELD: Your Honor, this leads up to the engagement issue.

THE COURT: All right, you may continue. The objection is overruled.

MS. GARFIELD: Thank you.

A At the time when we went -- when he came to teach or to lecture with me at this particular time in February of 2009, he came to USC College of Nursing.

And after the lecture he said -- he told me that, let's go to the courthouse and let's get a marriage license.

And I said, does this mean that we are engaged? Does this mean that we are getting married?

And he said, well, what do you think?

And so I said, okay, well, let's do that, because I really didn't think he was serious about it.

So he told my colleagues that were around at the time that we were going to the courthouse and that we were going to get a marriage license.

And we left the College of Nursing at USC and we came here. And --

Q And did you go to Probate Court?
A We did.
Q Did you obtain a marriage license?
A We did.
Q And after you obtained a marriage license, did y'all begin to plan a wedding?
A No, we did not.
Q And at any time did you share with anyone, specifically Carla, about the marriage license?
A I did.
Q And will you explain to the jury how you conveyed this information to her?
A I e-mailed her a copy of the marriage license.
Q And was there any other contact after that with Carla?
A I e-mailed her a copy of the marriage license and then -- I can't remember.
Q Okay. And did you ever receive any sort of e-mail correspondence from Mr. Samuels where Carla was carbon copied?
A Yes.
Q And can you please relay to the jury what was discussed in that e-mail?
A Apparently after I e-mailed her a copy of the marriage license, she must have questioned him

about it.

He then e-mailed both of us, calling us the "B" word. And that was relayed back to me, along with -- well, it was cc'd to me and e-mailed to her as well.

Q And how did you react to that?

A I do not remember at this time how I reacted to it.

Q Did you and Myron continue to date each other?

A We went to a function at one of the local hotels together for Valentine's Day. He stated that he was not seeing Carla and that he was focusing on me and that things were done between them.

Q Did you believe him?

A I had my reservations, I really did.

Q Did you stay with him?

A And I was starting at that point to really question him, and I was starting to slowly back off from him at that point. There were just things that was not making sense to me. And I was starting to slowly back off of him.

And what I mean by slowly backing off of him, we were not as close, we were not going out as much. My school work, because I was taking a full load of courses for my doctorate, and I used that as an excuse during the week not to see him.

Unfortunately, he was -- and is or was the type of person that did not take no for an answer. So often times he would just pop up at my house or pop up even though he did not have an invitation.

Q All right. I'll take you to the incident date that we're here in court for, April 14th, 2009. Did you and Myron have plans for that evening?

A I was working in my yard, and I had been working in my yard for the spring, and I kind of do a lot of planting, at least I had at that time.

And he called me on my cell while I was outside and he said that he was coming to my house. And I said okay. I had not seen him in a while, and I said, that's fine.

So I told him I was outside working. And he said, that's fine, I'll be there in, however long.

Q And did he arrive at your home?

A He did. When he arrived I was just walking in the house. I still had on the my dirty clothes from being outside cleaning up my yard from the winter months preparing for the spring.

Q And did you two make any plans for the evening?

A As I recall we were supposed to go out to dinner.

Q Do you remember what day of the week this was?

A I cannot remember the day.

Q And did you proceed to start getting ready for dinner, or what did you do?
A He came in the house. I told him to have a seat in the den. And I proceeded down my hallway into my bedroom so that I could take a shower and change and prepare for us to go get something to eat.
Q And at any time did anyone else come to the house?
A Yes.
Q Okay. And if you can relay to the jury in your perspective of what occurred.
A As I was preparing to take a shower, I heard the doorbell ring. I yelled out to him, and he was in the den I assume at that point, he could answer the door. I assumed it was my neighbor two doors down. She -- well, I was expecting to get some perfume and stuff from her, and I had already talked to Ms. Potts while I was out in the yard. She was supposed to bring it up. So at any rate I thought it was her. But at any rate I yelled to him to answer the door.

And the next thing that I know he said, you've got company. So I threw back on my shirt and went in the den. And there was this lady standing between my kitchen and my den. I did not recognize her. And I was a bit confused, so I said, can I

help you?

And the lady then proceeded to say something to the effect of, I need closure, I just need closure.

And I looked at Myron thinking, who in the world has he let in my house.

And she then said -- and I said, who are you?

And that is when she introduced herself as Carla Daniels.

And I looked at him, I looked at her, I looked back at him, and I said, what is going on?

And he shrugged his shoulders, had this goofish-looking grin on his face.

And she then said, I just need to know if you all are married.

And again being confused, I told her no, we're not married. And looked at him. He still wasn't saying anything. And that was pretty much it at that point.

And I asked her at some point, are you all dating or seeing each other?

And she said, yes, we've been seeing each other for a few years now.

And I said, well, I have been seeing him, you know, for the past year and a half as well.

And then I said, I think we need to sit down and talk.

And she then said that she needed to go to her car. And she went to her car.

I told him, Myron, I said, I don't know what is going on, but I'm going to get to the bottom of what is going on at this point.

She came back in the house. I offered her a seat --

Q I am going to interrupt you for just one second. At this point, is this the first time you had physically seen Carla Daniels?

A Yes.

MS. GARFIELD: Your Honor, may I approach the witness?

THE COURT: Yes.

Q I am going to show you some photographs at this point. And if you could just stand up and point to the jury where you would be, where Myron would be and where Carla would be. And this is State's Exhibit Number 1.

A Okay.

Q And hold it where everybody can see it.

A I was -- she was standing right here in the entryway to my den. And I was standing here next

to the entryway in my den as well. And Myron was standing here, along side this wall at this point when I entered into my den and she was standing there.

Q If you would just look through any of these pictures that are able to show that.

A Yes, this is much better.

Q And that is State's Exhibit Number 2.

A This shows my den and it shows where she was standing, which was the entranceway, this is my kitchen, leading into my kitchen. This is where she was standing, right between the entranceway of my kitchen and my den. I was standing on this side of my den, and Myron was standing here alongside this wall at this point.

Q Okay. And at that point she indicates to you she needs to go to her car?

A Yes.

Q Did she give you any particular reason of why she needed to go to her car?

A I don't recall at this point.

Q But she does leave the house?

A She does leave the house for just a few minutes.

Q And does she come back?

A Yes, she does.

Q And then when she comes back in the home, is she welcome by you at this point?
A Yes.
Q Now, when she comes back into the home what do y'all do?
A I offered her a seat on my couch, I sit on the fireplace loft, and Myron sits in my wingback chair.
Q Okay. And I am just going to show you another picture so you can orient the jury. State's Exhibit Number 3. Can you demonstrate to the jury where all of these parties involved would be located?
A She sat here on this couch right along here. I sat -- this is my fireplace. I sat here. And there is a wingback chair that is here, and he sat there.
Q And you are all seated?
A We're all seated at this point.
Q And at that time is the conversation taking place between you and Carla Daniels?
A Yes.
Q And would you please relay to the jury -- summarize the conversation.
A She began to explain that she had had a long-term

relationship with Myron Samuels that had lasted for a few years.

I explained to her that we had also had a relationship for about a year and a half, close to two years.

And she explained that she thought that it was an exclusive relationship.

I explained that I thought ours was an exclusive relationship.

We -- I also explained to her that I suspected that we were not the only two women that he was involved with based on the fact that he was getting multiple phone calls from many other women, or at least two other women that I was aware of, based on the different phone calls or numbers that were coming into the phone continuously.

And that me being a nurse practitioner, that I was very concerned about sexually transmitted diseases and that we all needed to be checked.

And at that point, after she explained to me that they -- that she was the lady that had actually gone to Myrtle Beach with him in January of that year and that their relationship had continued up to that particular day and that she had seen him on that particular day.

I told him to get out of my house. He did not move. He stayed there.

Q After you revealed this information to Carla about the other women, did y'all attempt to contact the other women?

A Yes.

Q And how did y'all go about contacting these other women?

A I had in my bookcase a sheet of paper with phone numbers.

MS. GARFIELD: May I approach the witness, Your Honor?

THE COURT: Yes.

Q I'll show you State's Exhibit Number 4. And you can just show the jury the bookcase you are referring to and where the list was located.

A The list was located -- this is my bookcase here, and the list was located above here.

Q And you retrieved the list?

A Yes, I got it from there. I walked over from my fireplace, got it from there, and I walked over and handed it to Carla.

Q And she was still remaining on the couch?

A Yes.

Q And after you gave Carla that list, what did you do

next?
A At that point it was -- at that point I believe was about the time that Carla decided that she wanted to contact at least one of the women that was on the list and let her know that, you know, that she was probably involved with someone who had had multiple sexual partners. And that is what she did.
Q And at that time how was Myron reacting?
A Myron's attitude at that time was very cocky. He sat there with his legs crossed. He had a smirk on his face. He had his hand like this, and he was just -- he had a grin on his face as though he was enjoining the whole situation.
Q At any time during this did he become upset?
A Once Carla attempted to contact the lady, that is when his attitude changed.
Q And will you share with the jury what he did next?
A At that point -- at that point he -- there is a basket that is located on the sofa chair that is located where my stereo is. He grabbed the gun that was hidden behind that sofa chair and he jumped up, went to Carla screaming, you stupid "B," using the actual word.
He pointed the gun at her head, and the only

thing I could think of was, oh, my God, and I said, the gun is loaded. The gun is loaded, put the gun down.

And at that time I can remember that Carla began to squinch, her face just turned absolutely red.

And I grabbed the cordless phone and I dialed 9-1-1 immediately asking for help and told the 9-1-1 respondent that there was a man in my house who had a gun and that I needed someone to come immediately to my house.

And at some point in time he then looked at me and he pointed -- came over to me. At that time I was standing up near my stereo. And he said, do you want some of this too, pointing the gun at me. It wasn't at my head, but it was pointed at me.

And he said, do you want some of this too. And he pointed the gun at me. And he then again called us "B's."

He grabbed up his dog and proceeded out from the den into my kitchen and out that door.

Carla was still sitting on the couch just kind of scrunched up. And me, I ran behind him because I wanted my gun back, for whatever stupid reason, but I did.

And he turned around as he was walking out the door and he pushed me across my head and knocked me down to the floor, to my floor, and proceeded on out and left.

I got up, went back into the den, and I called 9-1-1 again, because they had not shown up.

Q Pat, let's talk about the gun. You referred to it as "my gun." Is it your gun?

A It is.

Q Is it registered to you?

A Yes, it is.

Q Where did you keep this gun in your house?

A I kept it in my den located in a basket that has flowers and leaves and stuff located on the sofa table.

MS. GARFIELD: May I approach the witness, Your Honor?

THE COURT: Sure.

Q I'm just going to show you State's Exhibit Number 4 again. And can you just show the jury where you kept your weapon?

A There is a bookcase and there is what I sometimes refer to as a bookcase here because I always keep books here, and in there is a basket where I keep flowers. And I hid it in there. I have always

hidden it in there, at least for the past several years.

Q I will show you State's Exhibit Number 5. Can you just explain to the jury what that is a photograph of?

A This is the bookcase. Well, this is a sofa table in which I have books, and the basket which I had hidden the gun, and that is where I kept it.

Q Was the gun loaded?

A The gun was loaded.

Q And was Myron aware you had a gun?

A Yes. He was aware that I had a gun. And the reason why he was aware of it was -- again, I was in school, or in school for my doctorate, and I purchase books every semester for school, plus I teach, and so I have a lot of interest in books.

And he has looked at books on my bookshelf. And on that shelf I also keep books. And at one point in time several months prior to he was going through looking through the books and he went to grab the basket, and I told him, don't, don't grab that basket like that because I keep my gun in there. Then he had pulled it out and so he knew that the gun, I'm sure he --

THE COURT REPORTER: I'm sorry. I'm sorry, I

didn't hear you.
A I'm sorry. He knew that the gun was kept there.
Q Pat, I'm going to show you five other photographs. First State's Exhibit Number 6. Do you recognize this photograph?
A Yes, I do.
Q And can you just show it to the jury? It has already been marked into evidence, moved into evidence. And explain to the jury what this is photograph of.
A This is a picture of the gun that I purchased back in 1993. And this is the weapon that Myron used on the night of April 14th.
Q I'll show you State's Exhibit 7. Can you explain to the jury what that photograph reflects?
A This is the actual weapon that I have had for several years. This is the weapon that he used.
Q I show you State's Exhibit 8. Can you explain to the jury what that reflects?
A This is the clip that holds the bullets that go into the gun that he used against Carla and I on that night.
Q Was the clip in the gun that night?
A Yes, it was.
Q Thank you. And I show you State's Exhibit Number

9. Can you please explain to the jury what that is a picture of?

A That is a picture of the safety key that I keep separate from the gun, along with at the bottom part of the clip of the gun with one bullet, and this is a shell casing that is located above that.

Q And finally, State's Exhibit Number 10. If you can please explain to the jury what that is a photograph of.

A That is the safety for the gun.

Q And was the safety on the gun on that evening?

A Yes, it was.

Q Thank you. Now, once he had left the location, he physically had possession of your gun?

A Yes, he did.

Q And at that time did law enforcement eventually arrive to your home?

A It took a while, but, yes, they did. One person.

Q One person?

A (Nods affirmatively.)

Q And you were in the courtroom this morning. Was that who arrived at your home, Officer Medlock?

A I don't remember her face, but I remember the name.

Q Okay. And you were interviewed by her?

A Yes. She took a statement from me.

Q As well as Carla?
A Yes.
Q Were y'all interviewed together or separately?
A I can't remember.
Q And at any time after that did you eventually speak with another law enforcement officer, specifically Investigator Reese?
A Yes, I was contacted by Investigator Reese soon after that.
Q At the time of this incident did you want to prosecute Myron?
A No.
Q And explain to the jury why you did not want to prosecute.
A There were several reasons. One of the reasons was that back in December, January -- December of 2008, January of 2009, my father was diagnosed with metastatic prostate cancer. My father was close to 100 years old at the time, he was 99 getting ready to turn 100. And I'm an only child.

My mother, although she is 19 years younger, we're the only two people that can care for my dad. Because of the stage of cancer that he had, his oncologist felt as though that the length of time that he had was not very long.

And with me being in school full-time and in a doctorate program that is halfway across the nation in the west, in Tucson, Arizona, with me holding a full-time job, being a single mom and taking care of an elderly parent that was dying of cancer, I felt as though that it was not in my best interest to try to pursue this. That that was one reason.

The other reason was I was extremely embarrassed. I did not want my colleagues at the university to know that I was involved in this type of incident. I was extremely embarrassed that my church would find out about it. And I -- it was just a very embarrassing situation.

And knowing him as I did, I felt as though it was in my best interest to let it slowly go away and that he would go away and get out of my life and that that would be the best way to handle it. There was a fear factor there, and I felt as though the best way to handle it was to let it just go away.

Q Did you get a -- give a statement to Investigator Reese?

A I did.

Q And were there -- were you as detailed in your statement to Investigator Reese as you are being

here today to the jury?
A No.
Q And were you ever asked by Investigator Reese subsequently to give another statement?
A I was.
Q Were you more detailed in that statement?
A I was.
Q Pat, after this incident of April 14, 2009, when was the next time you saw Myron Samuels?
A I -- a week after -- a week to two weeks after the incident I left to go to Salt Lake City, Utah. I had a presentation there, secondary to my research at the University of Arizona.

Because of all the stress that was going on with this incident, along with what was going on in my life with my parents, and so forth, I came back home. I went to work and started feeling very, very ill. I left work, drove myself to Providence Hospital, and subsequently had a seizure and ended up actually falling in the emergency room, busting my head open suffering a concussion and having to have several stitches in my face and ended up in the hospital for a week after all of this happened.

When I woke up, Myron was standing over me. I suspect that because I drove myself to the hospital

and because me knowing the hospitals as I do, what they generally will do is they will go through your stuff and see if there is an emergency number, or what have you. And in my pocketbook in my addresses I have him as an emergency person to contact. When I woke up he was there. So that was the first time that I saw him.

And he hung around the hospital for a couple of days. And, unfortunately, because of everything that had happened, I was not in any shape physically because of what had happened, and because I have no sisters and brothers, my daughter was young, there was no one else, so I left it "as is."

He did try to be calm. And he used his mom -- or got his mom to drive his car and he drove me home. And severed ties at that point.

Several weeks later he contacted me and said he wanted to speak with me. This would have been in May. And he wanted to get with me and talk with me about everything that had happened.

And I met with him at the golf course in Orangeburg. And at that point he, if I remember correctly, he had been playing in a tournament. I waited for him. And we talked for a period of

time. He never discussed any of this specifically, but I guess non-specifically in his own way he tried to apologize.

I did ask about my gun, and he never did really answer the question about the gun.

At some point in time the gun appeared. I had a bag in any car that I always kept books and I'm always trying to find a moment to study, or what have you. When I got home and took my bag out, the gun was in that bag.

MS. GARFIELD: Your Honor, may I approach the witness?

THE COURT: Yes.

Q And the gun you are referring to is the gun that is in those photographs?

A That is correct.

Q I'm going to show you what has been marked as State's Exhibit Number 12 for identification purposes. Do you recognize the contents of this box, Pat?

A Do you want me to take it out?

Q Sure.

A Yes.

Q And is that the gun that was used night of April 14th, 2009?

A Yes, it is.
Q Is that the gun that you found in your bag after coming back from the Orangeburg golf course?
A Yes, it is.
Q Is that the gun in the photographs?
A Yes, it is.
Q Thank you. At that time did you notify Investigator Reese?
A I don't remember.
Q At some point photographs were taken of the gun; correct?
A Oh, yes. Yes.
Q And was that done because you notified law enforcement?
A Yes.
Q And did you at any time have dinner at his home afterwards, after this incident?
A Oh, absolutely not.
Q And this conversation you had with him, that took place at the golf course?
A It did.
Q And to go back a minute, you said that you, when you were in your home on April 14th, you called 9-1-1?
A Yes.

Q And you actually made two phone calls to 9-1-1; is that correct?
A That is correct.
Q Pat, I'm going to show you State's Exhibit Number 11 that has been marked for identification. I believe you are familiar with this. It is a DVD?
A Yes.
Q And did you previously listen to this DVD?
A Yes, I did.
Q Can you explain to the jury what the contents of this DVD are -- include?
A The contents of that DVD is actually my voice with the 9-1-1 calls for help on the night of April the 14th where I was asking for help when Myron was at my house pointing the gun.

And when we didn't get a response the first time, a second phone call asking for help after he had knocked me down, and we needed to get help desperately at the house.

Q And, Pat, you heard both of these phone calls?
A Yes, I have.
Q And you can identify your voice on the phone calls?
A I can.

MS. GARFIELD: Your Honor, at this time may I publish these phone calls for the jury?

THE COURT: We are going to take a break first, and then resume.

Ladies and gentlemen, we are going to take a break. This break will probably be about 45 minutes. You are not required to stay in the jury room, if you just want to leave and come back in about 40 minutes, that is fine, but I have to do some other things for about that period of time. So we are going to break.

One admonition is that you are not to be around for anyone to have any -- who has a connection with this case would be, which would mean the front hallways or the courtroom, so -- but if you want to leave you can leave and come back in 45 minutes. Otherwise, you can stay in the jury room. Mr. Foreman, y'all make that decision and confer with the bailiffs.

We will be in recess for 45 minutes.

Please do not discuss the case.

(WHEREUPON, the jury retires to the jury room at 1:58 p.m.)

THE COURT: Okay, I have to go down to the State Grand Jury. And I say 45 minutes. So I'm going to be rushing down to make sure they don't keep me there, and hopefully that will be

sufficient.

Ma'am, you can step down. Please do not discuss your case or talk with -- not your case, but this case, or talk with anyone about your testimony.

THE WITNESS: Okay.

(Witness steps down.)

THE COURT: We'll be in recess for that span of time.

(Break.)

THE COURT: You may bring the jury.

(WHEREUPON, the jury came into open court at approximately 2:48 p.m.)

MR. GRIFFIN: Your Honor, can we approach briefly on scheduling?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE BAILIFF: Your Honor, the jury is present.

THE COURT: All right, thank you very much. Welcome back.

You may proceed.

MS. GARFIELD: Thank you, Your Honor. At this time the State would like to introduce State's 11

into evidence and publish to the jury.

THE COURT: What says Defense?

MR. GRIFFIN: No objection.

THE COURT: It is admitted.

(WHEREUPON, State's Exhibit No. 11 was marked for identification and received into evidence.)

MS. GARFIELD: Can I ask Mr. Rogers to assist me, as I'm not computer literate.

(Exhibit played for the jury.)

MS. GARFIELD: Just pause right there.

Q Pat, is that your voice on the 9-1-1 tape?

A It is.

Q And that is you calling asking for help?

A Yes.

Q And who are you referring to as having the gun in their hands?

A Myron Samuels.

Q Thank you.

MS. GARFIELD: Mr. Rogers, would you please play the second phone call?

(Exhibit played for the jury.)

MS. GARFIELD: Thank you.

Q Pat, would you like some water?

A No, I'll be okay. I'm sorry.

MS. GARFIELD: May I approach, Your Honor?
THE COURT: Yes.
(Hands witness a tissue.)
Q Pat, what was your state of mind at the time of that call?
A I was scared. I was shocked. It was unbelief. I had never been in that type of situation before and I would never want anyone to ever, ever have to go through that. I couldn't believe it.
Q Did you fear for your life?
A Yes. Yes, I did.
Q Did you fear for Carla Daniels' life?
A Yes.
Q And when he pushed you to the ground, did you sustain any injuries?
A I did to my face. He hit me.
Q Share with the jury the nature of that injury.
A He hit me in my face. And he hit me to the left side of my face. I fell. I have hard tile floors in my kitchen. And I fell on my left side. And I had a slight bit of blood coming, I'm not sure, a little cut somewhere on my face at that time.
Q After this incident did you have any further contact with Carla?
A Yes. After the incident she invited me to her home

that night. I was afraid. I was afraid he was going to come back. I wasn't sure what he was going to do. He had my gun. And after much persuasion -- I was a bit hesitant, but after much persuasion I decided to go down there. And we sat and we talked.

Q And after that did you and Carla ever share any time together?

A I spoke with her on a couple of occasions on the phone, but we did not have any contact face-to-face, that I can remember.

Q And was that since April of 2009?

A That was since April of 2009.

Q And specifically contact with the Defendant, you shared with the jury that you met him at a golf course and he came to Providence Hospital, whether I have got those in reverse order, was there ever any other contact between you and the Defendant?

A There was contact if you are speaking about leaving things at my house that resulted in me having to get a restraining order.

MR. GRIFFIN: Objection, Your Honor. Relevance.

THE COURT: The objection is sustained.

MS. GARFIELD: Thank you, Your Honor.

Q Have you had any face-to-face contact with Mr. Samuels?
A No.
Q Have you had any contact from the Defense counsel?
A Yes.
Q And can you explain what that contact is?
A Sometime after, I believe it was June after he was indicted on these charges, or whatever it is called, his attorney contacted me asking me if I would be a witness for the Defense.

At that point in time I thought it was smart to begin to keep records of things that were happening, so instead of calling the Defense attorney I sent an e-mail to the attorney informing him that not only would I not be a witness for the Defense, I did not want to have any contact with either he nor with Myron Samuels.

MS. GARFIELD: Beg the Court's indulgence.

(Pause.)

Q Pat, do you see the individual in the courtroom that armed himself with your gun and waved it around your home on April 14th, 2009?
A Yes, I do.
Q And can you please describe for the record where he is sitting and what he is wearing?

A He is the gentleman that is in the middle to my right. He is wearing a dark gray suit with a light orange top, wearing glasses.

Q And is this the man that you saw with a gun to Carla Daniels' head?

A He is.

Q And is this the man that pointed a gun at you?

A He is.

Q And is this the man that pushed you down in the floor?

A He is.

MS. GARFIELD: Your Honor, may the record reflect that this witness has identified the Defendant for the record?

THE COURT: Yes.

Q Ms. Speaks, are you telling the truth this afternoon?

A Yes, ma'am, I am.

Q Thank you. Please answer any questions Defense counsel may have.

THE COURT: Yes, sir.

MR. GRIFFIN: May it please the Court? Thank you.

CROSS-EXAMINATION

BY MR. GRIFFIN:

Q Ms. Speaks, it is true that I contacted you and you chose not to speak with me; correct?
A That is correct.
Q And today is the first day that I have ever had the opportunity to ask you any questions about this matter; correct?
A That is correct.
Q Thank you. You and Mr. Samuels were I guess engaged to be married; were you not?
A That is a very complicated question, as I tried to answer earlier.
Q Well, let me --
A He did not ask me to marry him, if that is your question.
Q He gave you an engagement ring worth some $3,000?
A That is correct.
Q He went to this courthouse and obtained a marriage license with you?
A That is correct.
Q You had a key to his home?
A That is correct.
Q He had a key to your home?
A That is correct.
Q Y'all had not yet planned a wedding date, but those other matters that I just spoke of had occurred;

right?
A That is correct.
Q And sometime in February 2009 you learned that Mr. Samuels had had some relationship with Ms. Daniels or some other person that perhaps you did not know her name at the time?
A That is correct.
Q And you confronted Mr. Samuels about that?
A That is correct.
Q And was it after you had confronted him that you got the wedding -- I mean, the engagement ring or the diamond ring?
A No.
Q Before that?
A The engagement ring was purchased sometime in the latter part of 2008, and by February I had given him the ring back.
Q You returned the ring to him?
A Yes, I did.
Q After you had learned about Ms. Daniels?
A That is correct.
Q And at that point in time you knew that it was -- that Mr. Samuels and you were no longer in an exclusive relationship?
A That is correct.

Q And you continued to see him, though; did you not?
A Not as frequently as I had. I had started to wean off of seeing him. I wasn't seeing him as frequently.
Q And even following the April 14th, 2009 incident you continued to see him; correct?
A Not as frequently, but, yes, I did see him.
Q And you mentioned one occasion where you met him at a golf course in Orangeburg; correct?
A That is correct.
Q And that wasn't the only time you visited with him; correct?
A During the period of time --
Q Following April 14th, 2009?
A I met with him -- or he saw -- he came to the hospital, that is correct.
Q And did you celebrate your birthday with him in 2009?
A I met with him at the golf course around my birthday, if I remember correctly. That would have been the end of May. That was after I was out of the hospital.
Q And did you spend the evening with him at his residence?
A No, I did not.

Q Your testimony is you never spent the evening with him after April 14th, 2009?
A That is correct.
Q The -- when -- in June of 2009 you were requested to come to police headquarters and give a statement to Officer Reese; were you not?
A That is correct.
Q And were you with Mr. Samuels on the day that you came to give a statement to Officer Reese?
A No.
Q Y'all were not --
A Not that I can remember, no.
Q Do you know that you came down on the same day?
A No, not that I know of.
Q You didn't know that?
A That we came down on the same day?
Q You met with Detective Reese on the same day?
A No, I wasn't aware of that.
Q When you learned in February of '09 that Mr. Samuels was seeing another woman, you got upset about that; did you not?
A Yes, I did.
Q And, in fact, you got so upset about that that you threatened to shoot him; did you not?
A That is not correct.

Q Did you send him an e-mail stating that if he saw any other women that violated these rules that you had set with him, that would result in "a cap in your ass exclusive"?

A Yes; but that was not a threat to kill him, no.

Q Did you threaten to shoot him in the buttocks, Ms. Speaks?

A I did not use the word "shoot."

Q What does "a cap in your ass exclusively" mean?

A I don't know. I don't remember the e-mail.

Q Let's see if I can refresh your recollection. I show you what I have marked as Defendant's Exhibit Number 5 for identification purposes and ask if you can identify that document?

A This was an e-mail, if I recall, back in March when he had promised me that he would no longer be seeing anyone. And this was sort of like a -- this was sort of like a contract, I guess you could say, in which he agreed that he would no longer see anyone else, that it would be an exclusive relationship in which he was not seeing anyone and I would not.

Q And his failure to abide by this contract --

A Failure to abide. And I will read it.

"Failure to abide by these rules will result

in a cap in your ass exclusively."

This was not a threat. This was actually a tease, in other words.

Q What is "a cap in your ass"?

A I don't -- I cannot explain to you what I meant. All I know that was in this particular instance it was him -- me teasing him about him not being exclusive. As I said earlier, you are to have an exclusive -- you are to have exclusive sex with Patricia Speaks only.

Q Now, in the lingo of an everyday world and the music language today, a cap means a shot, shooting someone; does it not?

A I cannot speak for what is the lingo for 20-year-olds. I'm a 40-year-old.

Q Well, as a 40-year-old you use the phrase, "a cap in your ass exclusively." I'm asking you under oath to tell this jury what you meant by it.

A Under oath I can say that I am not sure what I meant except to explain to him or to tell him, as I said, you are to adhere to your oath. And it was a contract.

Q And if he violated that contract --

A Uh-huh.

Q -- what is the consequences?

A "Failure to abide by these rules will result in a cap in your ass exclusively."
Q And you are telling this jury under oath that you didn't understand the phrase "cap in your ass" to mean back in March 2nd, 2009, that a gunshot to Mr. Samuels' buttocks?
A I am not going to say that because that is not what I meant. And I'm not a violent person.
Q Okay.
A So you're not going to get that out of me because that is not what I meant.
Q It would be reasonable to assume that is what you meant; isn't that correct?
A But you can't assume that because that is not what I meant.
Q What did you mean?
A It meant just what I said, that it was a contract and it was something that was in jest. That is all.
Q Now, this contract you say in this e-mail does not require his signature; correct?
A Right.
Q You are imposing this contract, according to your e-mail, because his signature was obtained when Mr. Samuels started making love to you?

A Correct.
Q So this contract that you drew up without his signature and the penalty of punishment is a cap in his ass if he does not -- if he violates these rules of having only an exclusive relationship with you. That is what you told him back in March 2nd, 2009; is that right?
A That is correct.
MR. GRIFFIN: Your Honor, I would like to move into evidence Exhibit Number 5 if there is no objection. She testified to the contract between herself and the Defendant.
THE COURT: You move it in?
MR. GRIFFIN: Yes, sir.
THE COURT: Don't make arguments. Move it into evidence, which you have done.
MR. GRIFFIN: I apologize.
MS. GARFIELD: If I can ask, it is being admitted under what rule?
THE COURT: The State objects?
MS. GARFIELD: Yes.
THE COURT: And the basis for the admission?
MR. GRIFFIN: That is --
THE COURT: The legal basis, not the factual basis.

MR. GRIFFIN: Well, it is a -- she testified it is an agreement between her and the Defendant. It is the terms of the relationship that she had with him. She has testified --

THE COURT: That is the factual basis. What is the legal basis for the admission of the document?

MR. GRIFFIN: Well, she has identified it. It is authentic. And it is not hearsay. It is a contract. It is not being offered for the truth of the matter asserted, it is a separate contract.

THE COURT: What says the State?

MS. GARFIELD: Judge, it is not a contract. It is an e-mail between two individuals, one who found out her long-term boyfriend had been -- had not been exclusively seeing her, and she sent an e-mail in jest. Also she testified it is not a prior inconsistent statement. It is not a business contract. I just object on legal grounds. I don't have any problem with the entirety of those e-mails being read into the record, but I object to it being admitted for any legal purpose.

THE COURT: It will be admitted for identification purposes only. If I can see the document?

MR. GRIFFIN: Yes, sir.
THE COURT: It will be marked for identification purposes.
(WHEREUPON, Defendant's Exhibit No. 5 was marked for identification only.)
MR. GRIFFIN: Would you like for me to continue?
THE COURT: Yes, sir.
BY MR. GRIFFIN:
Q Ms. Speaks, approximately a week later do you recall sending Mr. Samuels another e-mail where you essentially apologized for going too far?
A A week from when?
Q A week after the March 2nd, 2009 e-mail do you recall spending Mr. Samuels a second e-mail where you apologized to him for going too far?
A No. I would like to see the e-mail.
Q Sure. I show you what I have marked as Defendant's Exhibit 6 for identification.
MS. GARFIELD: Your Honor, if I can have a clarification at this time. If he is going to go into these personal e-mails written by this witness during his cross-examination, I would just ask they be read in their entirety.
MR. GRIFFIN: Your Honor, I tried to move them

in evidence.

MS. GARFIELD: I don't understand how they can come in. It is not -- it is clearly hearsay.

THE COURT: All right, what is the question for the witness?

MR. GRIFFIN: Just -- I had asked her if she sent a second e-mail. And she asked to see it. I have shown it to her to see if it refreshes her recollection. That is the question.

THE COURT: All right. And what is the response to the question? What is the response to the question, ma'am, yes or no?

A This particular e-mail is not in response to that e-mail. This particular e-mail was an e-mail that was in response to -- he was angry that I had gone through his phone. Okay. This had nothing to do with anything else. And I had gone through his phone and I had found out his little secrets about seeing other women. And so this -- this is only parts of multiple e-mails corresponding back. Unfortunately, I did not keep all of the e-mails. And he only gave me part of the e-mails. But if you saw all of the e-mails you will see that these e-mails were related to -- he had gone through my phone and he had called a long-time friend of mine

named Lonnie Stuckey who I have known for multiple years. He called him and threatened him.

Lonnie Stuckey called me and said, who is this person calling me?

Q Excuse me. If you would just answer my question, I would appreciate it.

MS. GARFIELD: Your Honor, she is trying to answer the question.

MR. GRIFFIN: The question is did it refresh her recollection, and she is going on.

A But this goes back to this e-mail. And if you had followed the information you would understand what this e-mail is all about.

Q Well, did you send him the e-mail on March 9th, 2009?

A I did send him this e-mail.

Q And did you in the e-mail essentially tell him that that you are going to leave this world?

A I did say that. But it was not the gist of what you are alluding to.

Q Well, certainly you would understand if someone received an e-mail from another person that, I'm leaving this world, means the gist would be that they are contemplating suicidal thoughts?

A That is not true, because if you knew the

conversations that Myron and I had during this period of time and all of the e-mails, he knew exactly what I was talking about.

Q Well, what were you talking about when you told Myron on March 9, 2009, you were going to leave this world?

MS. GARFIELD: Objection, Your Honor.

THE COURT: The objection is overruled.

A I was speaking in terms of the fact that he and I and this relationship had to be re-evaluated, as I had alluded to earlier in my testimony. And that I was not going to put up with this foolishness and that I was going to re-evaluate our relationship. I was going to evaluate our relationship. I was evaluating everything because I had too many -- too many stressors in my life.

And when I spoke about leaving this world, and leaving this world -- let me see what I said exactly.

"I am leaving this world. I have called Arizona and dropping my classes. I am going to sleep now."

I was speaking in terms of that I was leaving, getting myself together, getting him out of my life, as I had said earlier.

It had nothing to do with me committing suicide. I had an elderly father that I was responsible for and I would never commit suicide because I had a young child that I had to live for.

And if you knew the conversations that Myron Samuels and I had had along with the conversations or other e-mails, it would be very clear what I was speaking about.

Q And you were dropping your classes in Arizona?

A Which I ended up having to do because I ended up in the hospital and I had to complete my classes that summer.

Q And when you said you ended up in the hospital, that was after the April 14th incident?

A That is correct.

Q And there were a number of stressors in your life in March and April; were there not?

A Yes.

Q You spoke of your father's unfortunate diagnosis of metastatic cancer?

A That is correct.

Q You have had -- you were trying to do doctorate studies and working at the same time?

A That is correct.

Q You had -- you had an extremely unfortunate

incident with your daughter where she made some very bad decisions, and you were dealing with that?

A That is correct.

Q And all of that was going on at the time you sent the e-mail saying to Mr. Samuels that, I'm going to leave this world?

A And that was all the reason for me to be here, because I needed to take care of my father and I needed to take care of my daughter, and I also had a contract with the university to complete my doctorate. I had no intention of doing anything suicidal, and I was not suicidal. I had no intentions at all.

Q Now, the -- you mentioned that you had a daughter that you wanted to live for. And this would go completely out of character. Your daughter lived with you; is that correct?

A That is correct.

Q You said under oath?

A That is correct.

Q And how old was your daughter at the time in April of 2009?

A She would have been 17.

Q Seventeen years old? And was she home during the day or say when this -- if not school or when she

is on vacation and you are working, are there times she is home alone; is that correct?

A At the time she was staying with my parents.

Q But then but she would come over and visit and stay at your house?

A There were times, yes.

Q And this gun that you have -- there has been -- there are photographs being introduced, and there is Exhibit 12, which is for identification purposes. Is it your testimony that you kept this weapon in the den? You kept your weapon in the den?

A That is correct.

Q And if your daughter was there, with friends over, the weapon was in the den?

A It had the safety on it.

Q And when you say safety, you mean this key; do you not?

A There on the side of that gun you have an "F" and an "S." When you turn it to "S" that means that the safety is on it.

Q And what you are turning is a key to the gun to the "S"; correct?

A That's right.

Q And just confirm for me that I have done that, if

you don't mind.
A You have it on Fire.
Q Oh, I'm so sorry. Can you put it on "S" for me, please?
(Pause.)
Q Is it on "S"?
A Yes.
Q Now, when it is -- and when you spoke earlier about the weapon having the safety on, that is what you were talking about, what you just did; correct?
A I believe so, yes.
Q And in order to get the safety off, someone would have to have the key; correct?
A That is correct.
Q And where did you keep the key?
A Up in the bookcase.
Q In a separate location from the weapon?
A (Nods affirmatively.)
Q Is that correct?
A Right.
Q And with the safety on "S," you cannot depress the trigger, can you? The trigger locks; does it not?
A That is correct. It still makes a sound, but you cannot --
Q Don't point it to the jury. So you can't push the

-- you can't depress the trigger on "S"?
A It makes a sound, but you cannot depress it all the way.
Q And that is the way it was on April 14th, 2009?
A That is correct.
Q It was on "S" and you could not pull the trigger?
A That is correct.
Q And you were aware of that?
A That is correct.
Q And that is how you keep the weapon stored, on "S"?
A That is correct. That is what I was trained to do and taught to do.
Q So from what you knew, Mr. Samuels did not have the ability to pull the trigger to shoot the gun at anyone; did he?
A What I would say to that is that when you have a gun pointed you are not thinking about safety, you are thinking about a gun barrel pointed at somebody's head. You are not thinking in terms of whether the safety is on or whether it is not, particularly if you are not someone that is familiar with weapons. And I'm not familiar with weapons, although I have had a weapon for a long period of time.
So when you are in a situation, a panic

situation, the only thing I could think of was, this man has a gun pointed at this woman's head. And, oh my God, it is loaded. I was not thinking at that time that it was safety on it or it was able to fire.

Q Well, but from your testimony today we know that he did not have the ability to fire the weapon?

A At this time I know that he did not.

Q And you are saying that you didn't realize it, you were just in a panic, you didn't think about it back on April 14th, is that --

A That is correct.

Q And he never pulled the trigger while pointing the gun towards you; did he?

A Not that I can remember, no. He did point it at me, but I cannot remember him pulling the trigger.

Q But he couldn't have pulled the trigger; could he? The safety --

A He could have pulled it.

Q Pulled on it? It was --

A Pulled on it, but he could not have pulled it and actually be successful with it.

Q Right. He could have pulled on the trigger, but he couldn't have pulled the trigger?

A But also keep in mind, he did not know that the

safety was on it.
Q I understand. Now, but Mr. Samuels was leaving with your gun; right?
A That is correct.
Q And you chased after him while he had your gun; correct?
A That is correct.
Q And you wouldn't have done that had you thought he was going to shoot you and kill you; would you?
A Again, when you're in a situation like that, I don't think you really are thinking. And at the time I thought, he has my gun, I need to get my gun back before he hurts somebody. And so I ran after him thinking that -- it was a poor decision, but at the time again I was in a panic mode, and I just responded.

Thinking back, the smart thing would have been when he first pulled the gun to run out of the house. I couldn't even do that. I did have the wisdom to dial 9-1-1, but I did not have the wisdom to run out of the house either.
Q Well, hindsight is 20/20, and we know in hindsight there is no ability to pull the trigger, only to pull on it; right?
A That is correct.

Q And you said earlier that when he was leaving you tried to get the gun from him; is that correct?
A I yelled at him to give me back my gun. I did not try to pull the gun away from him. He was in such a rage, there was no way I was going to grab at him, but I ran behind him and yelled, give me my gun back. He turned around.
Q And did he have a dog in his hand?
A He did.
Q So he had his dog?
A Uh-huh.
Q And right hand or left hand?
A I don't remember.
Q And the gun --
A The gun was in his pocket.
Q So the gun was in his pocket?
A Yes.
Q And he -- and you were coming towards him and he was going away from you; right?
A He was going out the door.
Q And you were coming after him?
A Correct.
Q And he pushed you away from him?
A Yes.
Q And you fell down to the floor?

A That is correct.
Q And when you fell you hurt one -- left or right side, but you hurt one side of your body?
A I fell on my left side, if I remember correctly.
Q But you didn't get any bruises on your face; did you?
A It was slight on the left side of my face. He hit me in the face.
Q Did you take photographs of it?
A No, I did not.
Q Did the officers take pictures of it?
A No.
Q Did you show the officers the bruises on your face?
A I -- I -- no, I don't think I did.
Q And then you called 9-1-1 for the second time?
A I did.
Q And we heard the second call -- and we heard the first call?
A Right.
Q In the second call you are -- seem to be a lot more emotional than you were in the first call. Do you agree with that?
A I agree.
Q And --
A That was after he had pushed me down at that point.

Q And he had left the premises?
A He had left the premises.
Q With your gun?
A With my gun.
Q Which you wanted back?
A Yes.
Q Now, the -- and you did get it back eventually; did you not?
A I did.
Q He gave it back to you?
A Well, he put it in my little bag. I was not aware until I got home that he had done so.
Q Now, when Ms. Daniels first arrived, you were back in your bedroom; were you not?
A That is correct. I was preparing to take a shower.
Q And then you went to -- you went to take a shower. You were advised that someone, a guest was there to see you, and then you met Ms. Daniels for the first time?
A That is correct.
Q And after a brief conversation, she went to her car; right?
A That is correct.
Q And did you -- where was the gun at that point in time, when she leaves to go to her car?

A It was where it always is.
Q It was in the basket?
A That's correct.
Q Where was the gun when Officer Reese came to inspect?
A I had moved the gun and placed it in a box and it was hidden in my closet, I believe.
Q In what room?
A In the spare bedroom.
Q So it wasn't in the den at the time Investigator Reese shows up in your home?
A That is correct.
Q And had you ever fired this weapon before?
A No, it had never been fired.
Q Had you ever fired it before Investigator Reese inspects it?
A No, it had not been fired.
Q Did you buy it new?
A I did.
Q And in 1993, is that when you bought it?
A That is correct.
Q And you never fired it?
A That is correct.
Q And do you know why there would be a spent shell from the gun?

A I have no idea.
Q You mentioned in -- I think earlier in something I read that you went to get the cordless telephone from the cabinet at one point in time when Ms. Daniels first arrived or when she went outside. Do you recall doing that?
A That is correct, because I wasn't sure what was happening and so I had my cordless phone in the den just in case. You know, I wasn't sure what kind of person Ms. Daniels was at the time, and therefore just in case something were to happen or she wanted to start some type of altercation, I would be able to call for help, and so I had my cordless phone next to me.
Q Okay. And were you holding it in your hand at the time when she came back?
A If I recall, my cordless phone was on my stereo.
Q And your -- State's Exhibit 5, does that show a picture of your stereo?
A It does.
Q And the cordless phone that you retrieved, was it on that stereo?
A I believe so, if I recall correctly.
Q And right beside the stereo is the basket where you -- where the gun was; is that correct?

A That is correct, hidden.
Q And when did you go to that area to get the cordless phone? Was it as Ms. Daniels walks to her car?
A If I remember correctly, yes. Or it may have been during the time that she was wanting to call one of the -- Myron Samuels' girlfriends. I can't remember at this point. I don't remember when the phone was retrieved. I don't remember.
Q Now, after you called 9-1-1 the second time, did you make any other phone calls?
A No.
Q Did you call Mr. Diaz Chavis?
A That was done later on in the evening after I went to Carla Daniels' home.
Q You went to Carla's home, and then you called Mr. Chavis?
A I can't remember if Carla called or I did, but the police officer had mentioned something about looking for Myron Samuels because he had my gun, what have you. And I don't remember if it was Carla or I who called Diaz. Diaz is considered a fraternity brother and a good friend of his.
Q And you had had Mr. Chavis' number because you were planning to stay with him and his wife when you

traveled to Atlanta for some job interview?
A We had spoken several times, he and -- his wife and I had spoken, so I had --
Q And so you called Mr. Chavis because you were looking for Mr. Samuels?
A Well, I knew that in that short period of time he would not have been in Atlanta yet.
THE COURT REPORTER: I'm sorry, you are going to have to speak up.
A I'm sorry. At that period of time I don't think he would have made it to Atlanta, but if I remember or recall correctly, them being best friends, it would have been that he would have contacted Mr. Chavis.
Q You wanted Mr. Chavis to contact Mr. Samuels or you expected that Mr. Samuels would contact Mr. Chavis?
A We were asking that Mr. Chavis contact Mr. Samuels so that he would contact the police.
Q You were trying to get word to Mr. Samuels?
A To contact the police and to get my gun back.
Q And did you speak with Mr. Chavis or did Ms. Daniels speak with Mr. Chavis?
A I believe Ms. Daniels did.
Q But you had the number and you gave the number to Ms. -- you dialed the number and gave the phone to Ms. Daniels?

A That's my recollection, yes.
Q And then when you were in the hospital Mr. Samuels came to your aid?
A He showed up.
Q And his mother came to your aid?
A She showed up.
Q And you have known Mr. Daniels since -- y'all went to the same church here in Columbia?
A Mr. Daniels?
Q Excuse me, Mr. Samuels. You went to the same church here in Columbia?
A We did.
Q And did you go to the same school? Did you go to Eau Claire?
A No, I did not. I attended Cardinal Newman High School.
Q Now, you mentioned that -- about how Mr. Samuels was contacted in the emergency room. Do you recall calling Mr. Samuels?
A I do not. I had a seizure and I subsequently fell and passed out or was knocked out. I had a concussion. I did not call anyone. I was not able to because I was knocked out.

When I woke up they were -- I had -- they were suturing -- the emergency doctor was suturing my

face. And he was standing over me. So I have no recollection of that at all.

As a nurse I know that often times in those circumstances they will go through your personal effects and call.

Q So that is what you think happened?

A I believe so.

Q But someone called him?

A Yes.

Q Now, there is a document that is in evidence, Defendant's Exhibit Number 2, which is a typewritten statement of Ms. Carla Daniels.

Do you recall Ms. Daniels sending that to you?

A I do recall this.

Q Okay. And she delivered a copy of that statement to you; correct?

A I believe this occurred when my father was in the hospital.

Q And the reason she gave you that statement is because y'all were trying to get your stories straight; right?

A That is incorrect.

Q Well, for what reason did she give you that statement?

A Carla at that point in time was afraid and she was

not sure as to whether or not she wanted to prosecute. I had made my decision at the onset that I was not. I was done with Myron. And knowing the kind of person that he was and having known him for more than 20 years, I knew that the best way to get rid of him out of my life was to slowly wean myself away, because he was not the kind of person that you could just call on the phone and say, goodbye, don't come to my house anymore, leave me alone. He was the kind of person that, because he couldn't have me, he would continue to aggravate me. And Carla was afraid, and so was I. So at this point Carla left this with me.

Q She is afraid so she leaves her statement with you; is that right?

A That is correct.

Q And up until August -- excuse me, April 14th, 2009, in your --

A Keep in mind -- I'm sorry. Keep in mind my statement I had already turned in to the police, so there was no corroboration. By the time she had given me this I had already turned in my first statement.

Q And what date did she give you that statement?

A I can't tell you, but mine had already been turned in.
Q What is the date of Exhibit Number 2?
A April 17th.
Q Ms. Speaks, I show you what I have marked as Defendant's Exhibit Number 7 for identification purposes and see if that refreshes your recollection as to when you prepared the statement to be delivered to Detective Reese.
A Okay.
Q And what date did you prepare the statement to be delivered to Detective Reese?
A This is dated April 20th.
Q And you would not have prepared it before then; correct?
A This is the date that is on here, that's correct.
Q And is that the day you prepared it?
A I would imagine so, or at least that is the date that it was delivered, yes.
Q You dated Mr. Samuels for five years?
A No. About a year and a half.
Q Oh, you just dated him for a year and a half?
A Yes.
Q And you had known him for --
A For -- I knew him in the 1980's. And then we lost

sight of each other. I got married; he got married. And ran back into each other 2006.

Q And what you knew of him before when you dated previously and what you knew of him when you were dating him and what you knew of him when you were growing up in the same church, he had never exhibited any violence towards you; correct?

A That is correct.

Q He had never exhibited any violence towards anyone that you know of?

A That is correct. But he did make a statement to me that if I ever dated anyone else while I was dating him that there would be repercussions. He reminded me of that.

Q The -- on the night of April 14th, 2009, when he supposedly pointed a gun at Ms. Daniels, there was nothing to prevent him from striking her in the head with the gun; was there?

A I can't speak to his mindset and what his decisions as to what he chose to do and what he chose not to do, sir.

Q Well, my question to you is, if he was bent on causing violent injury to you or her, there was nothing that would have prevented him from doing so on April 14th, 2009; was there?

A Again, I cannot speak to what he chose to do and what he chose not to do. I can only speak to what actually he did.
Q He is larger than you; is he not?
A I'm sorry?
Q He is a larger person than you are?
A Yes, he is.
Q Do you believe he would be probably stronger than you?
A Well, obviously, when he knocked me down.
Q And had he wished to impose violent injury upon you, do you think he would have been able to do that on August 14th?
A He did, by knocking me down.
Q While you were running after him?
A I was not running after him at that point. I was at the door.
Q Following him?
A He did not have to turn around and hit me and knock me down to the floor.
Q And the injury that you sustained, it is some sort of scratch or bruise to the eye that you did not even show the police officer?
A That is correct.
Q And bruise to the side of your body that you --

A I never said I had bruises to the side of my body.
Q So you had no bruises to the side of your body?
A No. I said I fell on my left side.
Q And it just hurt?
A Uh-huh.

MR. GRIFFIN: That's all I have, Your Honor. Thank you.

THE COURT: Redirect.

MS. GARFIELD: Thank you, Your Honor.

MR. GRIFFIN: Excuse me, Your Honor, before I finish up.

THE COURT: Yes, sir.

MR. GRIFFIN: I don't know if you had a chance to review the exhibit.

THE COURT: The objection is sustained as to the admission of this document.

MR. GRIFFIN: Thank you.

REDIRECT EXAMINATION

BY MS. GARFIELD:

Q Pat, I'm going to be real brief. I know you have been up there a long time.

Mr. Griffin first spoke to you about -- you said you had already given a statement to Investigator Reese?

A That is correct.

Q And he showed you a copy of that just momentarily ago?
A That is correct.
Q And the contents of that statement, are they consistent with what you testified to today?
A Yes, it is.
Q In fact, you have actually testified with more detail today; is that correct?
A That is correct.
Q And you indicated that the date on that statement is what again?
A The date that is written or typed on here is April 20th. That is the date that I submitted it.
Q And that would be the year 2009?
A 2009.
Q Pat, you were also provided a copy of, I believe it AI Defense Exhibit 2, the statement that Carla Daniels gave you?
A That is correct.
Q And what is the date of that statement?
A The date of the statement is April 17, 2009.
Q Can you recall when Carla Daniels gave you that statement?
A It was after I had submitted my statement to Investigator Reese. This was after that.

Q So you had already written your statement?
A I had already submitted mine because I left to go to Salt Lake City the day after I went to Columbia Police Department and left my statement downstairs with the police -- or Investigator Reese.
Q The copy that Carla shared with you you did not obtain until after your statement had already been submitted?
A That is correct.
Q Okay. Thank you.
MR. GRIFFIN: Oh, I'm sorry, I thought you were done.
Q And on that night, April 14, 2009, that evening, you were scared for your life?
A Oh, yes, I was.
Q There has been a lot of talk about the safety on this gun. You knew the safety was on?
A I knew that I kept the safety on because my daughter was at the house or would stay at the house, yes.
Q It was common for you to have the safety on?
A Yes.
Q Did Myron Samuels know that?
A No, he did not.
Q Did Carla Daniels know that?

A No, she did not.
Q Thank you. I have nothing further.
MR. GRIFFIN: Your Honor, may I have a very brief on the statement --
THE COURT: Yes, sir.
MR. GRIFFIN: -- that was asked about.

RECROSS-EXAMINATION

BY MR. GRIFFIN:
Q Ms. Speaks, you were asked if the statement you gave to Investigator Reese was consistent with your testimony here today, although perhaps you left some details out. Do you have that in front of you?
A The statement that I gave to Investigator Reese?
Q Dated April 20th, 2009?
A Yes, sir.
Q In fact, you left every detail out pertaining to Mr. Samuels pointing a gun at anyone, Mr. Samuels having a gun, Mr. Samuels -- isn't that correct? You don't even mention --
A That is correct. I stated things began to become more intense and obviously at that point emotions were high, things become very fuzzy at that time.
Q And in your statement to Investigator Reese, a commissioned law enforcement officer, you don't

even mention a gun, do you?
A To law -- to --
Q To Investigator Reese, dated April 20, 2009, you do you even mention a gun?
A In this particular statement I do not.
Q So it is not like you left some details out, you left everything except -- regarding the gun, and that was completely omitted from your statement; is that correct?
A That is correct.
Q And not only was that omitted, there is no reference that Mr. Samuels struck you, it is that you fell down as you were trying to reach and grab for him; correct?
A In attempting to grab at him I landed on the floor. I was truly emotionally traumatized at that point, is what I said.
Q So, again, it is not like you are missing details, it is that you didn't tell in your statement that he struck you, knocked you down, or anything; correct? You fell down, according to your statement?
A Keep in mind that --
Q Just please answer my question. You fell down according to your statement; correct?

A But my second statement is much more detailed.
Q Okay. April 20th. Fell down according to the statement you gave Investigator Reese?
A I did, yes.
Q Thank you. That's all I have.

THE COURT: You may step down, ma'am.

(Witness steps down.)

THE COURT: Ladies and gentlemen, I am going to have you step out just a few minutes so you can stretch, and we'll come back in a few minutes.

(WHEREUPON, the jury retires to the jury room at 3:48 p.m.)

THE COURT: We will be at ease for a few minutes.

(Break.)

THE COURT: I understand the Defense wants to introduce a character witness out of order.

MR. GRIFFIN: Yes, Your Honor.

THE COURT: And the State's position to them wanting to introduce a character witness out of order?

MS. GARFIELD: Your Honor, we leave it in Your Honor's discretion.

THE COURT: All right, we will allow it under the circumstances, the way the trial is going. So

we'll allow it.

Bring them on.

(WHEREUPON, the jury came into open court at approximately 4:04 p.m.)

THE BAILIFF: Your Honor, the jury is present.

THE COURT: All right, thank you.

Ladies and gentlemen, I have allowed the Defense to call the next witness out of order. The State hasn't finished presenting its case, but to accommodate a witness's schedule we will allow the Defense witness out of order.

You may proceed.

MR. GRIFFIN: Thank you, Your Honor. The Defense would John Smalls.

Mr. Smalls, would you come around, please?

THE BAILIFF: Place your left hand on the Bible, raise your right hand, and face the clerk, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you shall give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Thank you. Please have a seat in

the witness stand, and state your full name for the record.

THE WITNESS: My name is John E. Smalls.

JOHN E. SMALLS,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GRIFFIN:

Q Mr. Smalls, will you please tell the jury what you currently do?

A I am the Senior Vice President of Finance, Facilities and MIS at South Carolina State University.

Q And how long have you held that position?

A Eight years.

Q And prior to that what did you do?

A I spent 20 years with the South Carolina Commission on Higher Education where I also was the Vice President of Finance, Facilities and MIS.

Q And when did you go to -- when did you leave the Commission on Higher Education to go to South Carolina State?

A September 2003.

Q 2003?

A Yes.

Q And seated -- do you see the Defendant, Myron

THE BAILIFF: Your Honor, the jury is present.

THE COURT: Thank you, sir.

I think we are ready to press on now.

You may proceed with cross-examination.

MR. GRIFFIN: May it please the Court?

CROSS-EXAMINATION

BY MR. GRIFFIN:

Q Officer Reese, I want to begin with the timeline that you provided during your testimony.

And I just want to first -- do you have your notes, the summary of your investigation, your handwritten notes before you there?

A I do.

Q Okay. Feel free to refer to those during your testimony. But according to the timeline that is on the wall there, on June 24th, 2009 you had an opportunity to interview Ms. Patricia Speaks; is that correct?

A That's right.

Q Isn't it also true on that same day that you interviewed Myron Samuels?

A That's correct.

Q And you interviewed Myron Samuels because it is part of your investigative duties; correct?

A Uh-huh.

Q And you contacted Mr. Samuels and asked him if he would come in to give an interview?
A Right.
Q Did you not?
A Right.
Q And he voluntarily came in to meet with you on June 24th, 2009; did he not?
A That's right.
Q And he provided you a statement?
A When he came in he had a statement that he had already prepared. And he also provided another statement while he was there.
Q I am going to just write up here so that we'll know, on June 24th, interview with Myron Samuels.
Now, what time was the interview with Myron Samuels on June 24th?
A I don't recall the time, but it was in the morning sometime.
Q Do you have -- do you have it in your investigative notes?
A Around 10:00 o'clock. The statement itself was taken at 10:12 a.m.
Q And roughly what time on the 24th did you receive a statement from Ms. Speaks?
A 3:00 o'clock in the evening.

Q In the afternoon?
A Yes.
Q 3:00 p.m.?
A Uh-huh.
Q Now, following up on the 24th, after your interview you went to her house to inspect the firearm; did you not?
A Twenty-sixth.
Q On June 26th, a couple of days later?
A Right.
Q And at that -- and is that the first time you had seen the firearm?
A That's right.
Q On the night of April 14th, 2009, the date of the incident, you understood from your investigation that Mr. Samuels had taken a firearm from the residence and that Ms. Speaks did not have it?
A That's right.
Q And so the Reporting Officer Medlock didn't have it -- it wasn't there for her to take into custody as evidence on the 14th; correct?
A Are you asking me was the gun there when she got there?
Q Correct? From your investigation?
A Yes. No. From my investigation, it was not.

Q Now, on the 26th the gun was there?
A Right.
Q And Ms. Speaks identified that as being the gun?
A Right.
Q And did you take the gun into evidence on the 26th?
A No.
Q What does it mean to take a piece of -- take something into evidence? When you take something into evidence, what do you do as an investigating officer?
A I take it and have it brought into the evidence room as evidence to use in the case.
Q And then there is a chain of custody for that piece of evidence that is documented as to what happens to it along the way; is that correct?
A Right.
Q And the reason for that is to be sure that when you come to court establish that no one has tampered with the evidence from once -- the date it was investigated or analyzed or examined by an officer; is that correct?
A Sometimes, yes.
Q Well, after the 26th, when was the next time you saw this weapon that is put into evidence in this trial?

A Yesterday.
Q The day after the jury was selected?
A Right.
Q And that is State's Exhibit 12.
And so from June 26th, 2009 up until yesterday, you can't account for what has happened to the weapon, if anything?
A No, I can't.
Q Now, when you went to seize the weapon, or examine the weapon, excuse me, when you went to examine the weapon, where was it located?
A I don't know. Ms. Speaks brought it to me.
Q Well, when you were interviewing Ms. Speaks, did you interview her in the den of her home?
A In the den.
Q And did she have to leave the den to go retrieve the weapon?
A Yes, but I don't -- I'm telling you I don't know where she went to get it. She went somewhere in the house to get it.
Q Okay. And you examined the weapon then on the 26th; correct?
A Right.
Q And the information that has been provided you up to that point was, and even on the 26th, that the

weapon had never been fired before; correct?
A I believe that's right.
Q Now, when you examined it you found that there were -- the safety was not engaged, it was off; correct?
A That's right.
Q The clip to the gun was not in the gun; correct?
A No, not by my notes it was not.
Q According to your notes; is that correct?
A That's right; it is not.
Q And I know you investigate a lot of cases. And one way that you keep track of things, you take notes; right?
A Uh-huh.
Q And you are relying on those notes today to refresh your recollection; is that fair?
A Right.
Q Now, just for the -- is this the clip -- is this the clip for the gun?
A Yes, it is.
Q And there are no bullets in this clip today; correct?
A No.
Q And the way a gun works, or this one, you would put the correct caliber guns into this clip and depress

it down and it holds -- do you know how many it holds?

A Caliber of bullets, however many holes you see on a magazine is how many bullets it holds.

Q Okay. Six?

A Six.

Q Six bullets. Now, but there weren't six bullets in the clip when you examined the gun on the 26th at Ms. Speaks' residence; correct?

A There were four.

Q There were four bullets.

And you also saw a spent shell casing; is that correct?

A Right.

Q Now, explain to the jury what a spent shell casing is?

A When you fire a bullet in a gun it spits out the head of the bullet. The shell casing is the cup, if you will, that holds the gun powder.

And once the bullet is fired, the head of the bullet and that shell casing separates.

Q Okay. And was the -- where was the shell casing located?

A I don't remember. All I know is there were -- all I know was there was a shell casing. I put that in

my notes.
Q And --
A Not in the gun, if that is what you are asking me.
Q I understand. Was it -- did she present the shell casing to you? Was it in a box or --
A I think she brought the box out and we looked at the -- in the box. And there was the gun in the box. The shell casing was in the box, I believe.
Q And did you examine the barrel of the gun to see if it appeared the gun had been fired?
A It would normally -- normally when you -- certainly when you fire a gun, a lot of times you are going to get the gun powder residue, the gunshot residue. There was none.
Q And if someone -- and you can fire a gun and then clean it and eliminate the gun powder residue; is that correct?
A You could.
Q And that is -- and that is a good practice if you own a firearm after you use it to clean the residue out of the barrel; correct?
A Uh-huh.
Q And do you know -- and, again, from the 14th to the 24th -- I mean, there is -- the firearm was in someone's custody other than the Columbia Police

Department?
A Right.
Q Of 2009?
A Right.
Q Now, you talked about in your testimony of safety mechanisms. I want to go over that with you. And this -- and this is the key to the safety; correct?
A Right.
Q And you talked about how it goes in and you turn it and then it prevents the key from being activated; correct?
A You mean the trigger?
Q You're right, I'm sorry, the trigger.
A Yes. It should.
Q And we're going to get to this in a minute, but over the break we were able to get the key to this lock so that we can get you to show the jury what you are talking about as to how there is more play in the trigger when this red locking mechanism is not in here.

But was that your testimony, is that once this is fully activated, that there is more play in the trigger than there is when it is situated like this?
A With the clip in it.

Q With the clip in it?
A (Nods affirmatively.)
Q Okay. And then --
A Without the bullets in.
Q Excuse me?
A Without the bullets.
Q Right. And so we've got this key lock. And you'll agree as it is now, I mean, there is still a little bit of play, but not much?
A Right.
Q And you can hear a clicking noise?
A Right.
Q Now, what happens is that when you remove this red lock, this -- what do you call the sleeve here? What would you call that? I'm not a gun person, so help me out. This?
A That is the chamber port that you are talking about.
Q Right.
A And you cock it back with the hammer.
Q Now, when this, I guess chamber port slides up all the way, the trigger actually moves up a little further with it when the hammer goes up?
A Yes. It would have to.
Q Okay. And but -- and so when the play -- so when

this is not in there, the trigger moves up a little bit, but it still can't come past where it is right now with the mechanical safety lock; correct?

A I'd have to see.

Q Okay. Well, let's see.

MR. GRIFFIN: Your Honor, with the Court's permission, I would ask that he -- he is a trained law enforcement officer -- to unlock the red lock. I'll keep it in his hands, not mine.

THE COURT: Yes, sir. All right.

MR. GRIFFIN: Thank you.

Q Here is the key. And here is the clip, with no bullets.

A All right. What is it that you wanted me to do?

Q Well, what I would like for you to do is be sure that the key lock is on safe.

A Okay.

Q And activate it how -- put the --

A Would you like both safeties on it or --

Q I think it would probably be safer if both safeties are on it, yes, sir. That they are both on safe.

(Pause.)

A Done.

Q Okay. Now, having removed this and the key lock on safe, how far can you activate the trigger?

A (Indicates.)
Q A little more play?
A Right.
Q Is there any -- I have a ruler here. Can you possibly measure it for me on a ruler, if you can give your -- just --
A How about if I let you measure it?
Q Okay. I would be happy to. Well, let's see. There is a -- if we go from I guess the -- can you see this?
A No.
Q Well, does it go a half an inch?
A No, it doesn't appear to go a half an inch.
Q Does it go a quarter of an inch?
A I don't know, I really can't see that far. When you -- since you are asking me about when I examined the gun.
Q Yes, sir.
A I didn't have a ruler. What I did was I listened and watched how far it would go back. I didn't use a ruler or anything else to measure.
Q Was it about the same it is now?
A Uh-huh.
Q That is a yes?
A Yes, sir.

Q Even without the clip in it. Well, lets --
A Turn it around.
Q The key lock is on safe; correct?
A Right.
Q Will you put the clip in for me, please?
A Okay.
Q And are both safety mechanisms on safe?
A Right.
Q Can you drop the clip out with the safety mechanisms on safe?
(Pause.)
A Done.
Q And explain to the jury how you go about dropping the clip.
A That button right there. Press it in. It releases the locked clip.
Q Let me ask you: Can you pull the, whatever, the chamber back when it is on --
A When it is locked?
Q Yes, sir.
A No, sir.
Q You can pull it some; can you not?
A You can pull it some.
Q But not all the way back?
A No.

Q If you will take the -- well, all right. Well, let me -- can you pull it back and -- on key safe and where you can see inside the chamber?
A Not with it locked in safety. You have to take the safeties off of it.
Q Well, let me take a look at it. I mean, if -- I mean, you can see a little bit in there, but not much?
A That would be very dangerous to do.
Q Very dangerous?
A Right.
Q We don't want to be dangerous.
And can you -- do you need -- can you put the red lock back on it now? I'm done with those questions.
(Witness complies.)
A It is done.
Q Thank you.
You mentioned earlier according to your timeline you did not get the opportunity to review this file -- or actually it says it wasn't assigned to you until April 16th, 2009.
And what was the first information provided to you regarding this matter?
A From who?

Q From whomever that you got the information from. Who provided you the initial information?
A Are you talking about the parties of the case or --
Q I'm talking about your first knowledge of this case.
A Sergeant Babin.
Q And then was your next step to review the incident report?
A Right.
Q And then -- and do you have that -- and you have got that in front of you as Defense Exhibit Number 1? Is that up here?
A The incident report?
Q The incident report, yes. Okay, that is Defendant's Exhibit Number 1?
A Right.
Q Now, then you contacted Ms. Speaks and Ms. Daniels on the 16th as well, on that same day?
A I didn't make contact with them. They didn't answer the phone, so I left messages. They called back. I got in my notes that the same day they both called back.
Q They called you back on the same date?
A Uh-huh.
Q And you asked from them, and we asked them to

provide you written statements of what happened, even though one or both of them said they did not wish to prosecute the case?

A Right.

Q And you got a written statement from Ms. Patricia Speaks; did you not?

A I did. I'm looking for the date. But I did get -- she was the first person that gave me the statement on the 20th.

Q Okay. And Defendant's Exhibit Number 7 marked for identification purposes, that is the statement; is it not?

A That's right.

Q And you would agree that -- I think you testified earlier that the statement, Exhibit Number 7, conflicts with or is not consistent with the incident report?

A Not totally, no.

Q Well, and the jury has heard about the statement, but you also explained reasons why perhaps the incident report narrative would not be correct, that Officer Medlock may have incorrectly typed out the narrative or been mistaken in her narrative of her investigation?

A Right.

Q And another possibility clearly is that, as Officer Medlock testified, that those were the matters, that she recorded them accurately, and that was what was said by Ms. Speaks and Daniels on the 14th. That is possible; correct?
A That is possible.
Q And if she, Officer Medlock, had recorded those accurately on the 14th and you received an incident -- I mean, excuse me, a statement from Ms. Speaks on the 20th that is not consistent with Officer Medlock's narrative, it is also possible that someone could have given a false police report; correct?
A Are you speaking intentionally?
Q I'm speaking intentionally.
A I think that would be highly improbable, but it is possible.
Q And that is a criminal offense to provide a false statement to the police?
A Yes.
Q Now, when you met back with Ms. Speaks on the 24th of June, didn't you advise her in some way that, you know, that perhaps she could have some problems if she didn't come forward and tell the truth?
A Well, on the -- let me take you back to the 20th.

I didn't meet with her on the 20th. She dropped the statement off and I got it. I did meet with her on the -- that was April 20th -- but I did meet with her on April 24th.

Q June 24th; right?

A Yes, I'm sorry, June.

Q And do you recall telling her words to the effect that: This is not about you, but it could be?

A Right.

Q And what did you mean by that?

A I had received information from Ms. Daniels that the two of them were married and she was leading to the notion that Ms. Speaks would not cooperate or tell the truth. And that is what I meant.

Q Now, in your testimony here today you provided information to the jury that -- the reasons you recalled Ms. Speaks saying she did not originally want to prosecute this matter. Do you remember giving that testimony?

A Right.

Q Now, is there anywhere in your notes where those points that you mentioned to this jury are recorded so that you could look back two years later, a year and a half later, and refresh your recollection?

A No, I didn't write it down, I just remember it.

Q But you did sit here during her testimony and you heard her say that to this jury; correct?
A Yes, but I wasn't -- what I said in the courtroom today wasn't relying on what I heard from the State.
Q You are relying upon your independent memory of what she said back in April 20th, 2009?
A Right.
Q And you were not even unable -- I mean, you are not able to tell us frankly how many cases you investigate or how many files you have open, but it is a lot?
A I said -- I'm -- I'm -- I don't think anybody ever is going -- ever going to be able to tell you everything you want to know. I just took an oath to tell the truth, and I'm telling you the truth. That is what I remember her telling me on that day.
Q On the 16th when you called Ms. Samuels -- excuse me, Ms. Daniels and Ms. Speaks, did you try to get in touch with Mr. Samuels, Myron Samuels?
A No.
Q When was the first time you ever tried to get in touch with Myron Samuels?
A I'm not sure, but it would have been sometime just prior to the 24th to set up some time for him to

come in and talk with me.

Q So there is no significant delay from the time you contacted him, I mean, not months or weeks, it was just a few days after you contacted him and he came on in?

A Right.

Q And from your review of the investigative file when you took over there, at no point in time on the 14th or the 15th was there an effort to reach out to contact Mr. Samuels by anyone within your office; is that correct?

A No. And that is not uncommon. These were the two victims. And I needed to hear what the two victims said before I heard what the person said that was complaining -- that they were complaining on. And you are looking at different time frames here. If I had the time to sit down and call each one of them every day, I probably would have done that. But, unfortunately, other cases did not permit that kind of time. I got around to it when I could. I got around to the rest of them when I could.

Q I understand. Now, you sort of triaged them. You put your cases in priority, and this was not the highest priority of matters you were working on at the time; is that right?

A Not when you are working on murder cases, no. That takes priority.
Q And then on -- in fact, on May 10th of 2009, you issued a closing report that both victims say they do not wish to pursue this matter, the case is "x" clear; is that correct?
A It was clear before that, I think. That is just when I got around to writing it up as clear. It was just sitting on my desk. There was still no response up until that point. Nothing else to do but clear it out.
Q And do you have that in front of you?
A What?
Q The document where the case was "x" clear?
A Yes, I do.
Q And what date was the document "x" cleared? I mean, what date was the investigation "x" cleared?
A It was "x" cleared on the 10th of May.
Q Well, in addition it was a -- there was -- there is a requirement of approval of the clearing of a case. What was the date of the approval?
A The 14th of May.
Q Now, what does "x" clearing mean?
A If you look at the bottom, these are guidelines from the State Law Enforcement Division.

Individual police officers or investigators don't have anything to do with that. We just have to follow the rules. "X" clearing could be a number of reasons that you "x" clear a case. "X" clear is nothing else but exceptional clear.

You can clear a case because the offender had died. You can clear a case because no prosecution and the Solicitor's Office didn't want to prosecute. You can clear a case out. You can clear a case out if the victims decline to cooperate. Those are some of the reasons.

Q And in this case because the victims declined to cooperate?

A Right.

Q And then on May 20th, 2009 you spoke to Ms. Daniels; did you not?

A Right.

Q Okay. And certainly you wouldn't have -- and you mentioned that, and you heard her, there had been some information provided to you that she had been trying to get in touch with you, but you wouldn't have "x" cleared the case on the 20th and had it approved on the 14th of May had she been trying to contact you wanting to reopen the case?

A If -- if -- I didn't -- she had been trying to

contact me I think through a couple of other investigators.

The fact of the matter is she never made contact with me, even when I tried to call her back several times.

The last information I had from her was that she didn't wanted to prosecute, and that was it. There was just nothing else to do except close it out.

Q So did you attempt to contact her after the 20th when you spoke with her? Did you try to follow-up and contact her again?

A On the 20th when she said -- when she called and said she wanted to pursue the case.

Q Right. Now, on the timeline, I'm sorry, April 14th -- excuse me, April 16th -- you called the victim. I'm confused. I'm confusing everybody and myself. But on April 16th, 2009, you spoke with Ms. Daniels; right?

A April what?

Q 16th, 2009?

A Right.

Q And you asked her to give you a statement; correct?

A I asked her -- I called both of them. I didn't get any answers. I left messages. They called me

back. Each one of them said at that point, I don't want to do anything about it, I don't want to pursue it.

And I asked each one of them, well, write me a statement and explain to me why you don't want to pursue it.

Q And you received one from Ms. Speaks but never received that statement from Ms. Daniels until after you had "x" cleared the case?

A Right.

Q And so, Officer Reese, isn't it true then that the reason this case is being prosecuted is because Ms. Daniels has changed her mind?

A I think that would be fair to say.

Q All right. Thank you.

MR. GRIFFIN: That's all the questions I have, Your Honor.

THE COURT: Yes, sir?

MR. ROGERS: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. ROGERS:

Q Investigator, is it uncommon based on your experience in these matters for a victim to change their mind about prosecuting the cases?

A No. The truth of the matter is, we have had --

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GRIFFIN:

Q Mr. Samuels, where are you from?

A I'm from Columbia, South Carolina.

Q Were you born and raised here?

A Yes, sir.

Q Where did you go to school?

A I attended Carver Elementary, W.A. Perry Middle School, and graduated from Eau Claire High School.

Q And what year did you graduate from high school?

A 1978.

Q Do you still have family here in Columbia?

A Yes, sir. My father lives here, my mother lives here, my brother lives here, and my sister lives here.

Q And your mother, is she in good health?

A No, my mother is not in good health. My mother is a double-mastectomy diabetic, and she is not in the best of health. Neither is my father, for that matter.

Q Does her health prevent her from coming to this trial?

A Pretty much, yes. She doesn't get around very well.

Q Are you close to your mother?
A Pretty reasonable, yes. I mean, we are in contact, not regularly, but, yes, we have a very good relationship.
Q There is a gentleman sitting over here on the front row. His name is Mr. Wright?
A Yes.
Q Who is he?
A Mr. Wright is a former high school teacher of mine and has become a lifelong friend and mentor and advisor, all of those good things.
Q And behind him is Ms. Stewart. Who is she?
A Ms. Edith Stewart is a childhood friend who I have maintained a wonderful friendship with over the years, both she and her family. We attend the same church. And she is probably like my sister at this point.
Q And we're going to cover a lot of ground today, but the jury has heard about you coming back to Eau Claire to speak to a book club. Did Ms. Brown-Stewart make those arrangements with you?
A I think so. We -- if I recall correctly, I think the initial call may have come from Ms. Stewart in terms of what was going to happen, would I be available or make myself available to attend.

Q After high school what did you do?
A I immediately attended South Carolina State University or College at that time.
Q And did you graduate?
A Yes, sir, I graduated in 1982.
Q And after graduating what did you get your degree in?
A Political science and history.
Q And after graduating from State College at the time, what did you do?
A Went to work immediately after graduation and worked in retail and then fast food management with Bojangles' for a period of two years prior to going back to school to get my master's.
Q And I think we heard from Ms. Speaks that perhaps you were working at Bojangles' when y'all first started dating?
A That is correct. Approximately 1984 maybe.
Q And was she in high school or had graduated from high school at that time?
A She was -- I'm not sure. I think she was -- I'm not sure if she was a sophomore. I'm not sure in college or just where at the time. I think she was -- I'm not sure. I think she was in college. If she was 19, she was probably in college.

Q She is a few years younger than you?
A She is five years younger than I am.
Q And did you attend the same church with her growing up?
A Yes.
Q What church was that?
A Second Nazareth Baptist Church on Elmwood Avenue.
Q Was that a church that you were actively involved with as a child?
A Yes, sir.
Q And adult?
A Until I -- you know, when I been in Columbia, yes -- while I was in Columbia.
Q After your stint in retail and with management of Bojangles', you said you went back to school?
A Yes, sir.
Q And where did you go back to school?
A South Carolina State.
Q And what did you go back to school to study?
A Get a master's in education.
Q And did you obtain a master's in education?
A Yes, sir.
Q Were you working your way through college at the time?
A Yes, sir. It is typically for -- well, I guess not

all, but for graduate students to have employment opportunity. Employment opportunities are -- some are on campus. And during my master's I was working as a residence hall director. And prior to graduating that, I was offered a full-time position, which was an athletic ticket manager.

Q And that was back when you were a graduate student seeking your master's?

A Yes, sir.

Q And once you were -- did you obtain your master's in education?

A I have my master's in education, yes, sir.

Q And after you obtained your master's in education, what did you do?

A Well, I worked for a year or two, and then in the Fall of 1988 I left Orangeburg and went to Iowa State to pursue a doctorate in higher education in student services.

Q Iowa State University?

A Iowa State University in Ames, Iowa.

Q The state climate is a little different in Ames, Iowa than it is in South Carolina; is that correct?

A It is comfortable cold as it is right now.

Q How long were you in Iowa?

A For a period of about 15 years.

Q You went there to get a doctorate in what field of study?
A Higher education with emphasis in student services.
Q When you -- have you ever been married?
A Yes, I have.
Q When did you get married?
A I got married December 17th, 1988.
Q Was that before of after you moved to Iowa?
A I moved to Iowa the Fall of 1988 and came back in December for my wedding.
Q And then -- are you still married?
A No, I'm not.
Q When did you get a divorce?
A 1996.
Q And then did you and your wife move to Iowa together?
A Yes. She came down to Iowa and got her doctorate and she completed her doctorate, yes.
Q And how many years of study did you devote to your doctorate degree?
A Off and on. I was fortunate or unfortunate enough to be employed and pretty much had to be employed just to support me and my wife, ex-wife Valerie at the time. And so I was working and taking less of a full load over the years.

Q Did you obtain your doctorate degree?
A I did not finish. I -- probably 95 percent I successfully completed my dissertation, which is the research paper that you needed to do. And at the time of my defense there were requests to make additional studies or additional data research, and that would have required me to stay an additional semester, and I had a job pending at the time. This was September '02. And I chose not to back away from accepting that job. I moved back to South Carolina State and I just got away from it and never completed the additional requirements, but technically I'm a Ph.D. all but the dissertation and all but the corrections made at that time.
Q But you do not hold a doctorate degree?
A No, I do not.
Q Now, you mentioned you got a job back at South Carolina State. What was that job?
A That job was athletic business manager/ticket manager, but athletic business manager primarily.
Q And how did you learn of that job or opportunity?
A I'm not really sure, but I got a call from someone and we were talking about South Carolina State and South Carolina State was enlisting ticket officers,

and business was going through a transition and they were having some unfavorable audits at the time and they had some personnel changes. And I then got in contact with then the vice president of finance, Dr. Wilbur Shuler. And as coincidence as it may be, Dr. Shuler first hired me in 1987 as a ticket manager. And so it was a very easy conversation for us to have.

Consequently, he subsequently, I guess, he made an offer, if you want to come back we need you, you know, we can do it.

And as the case would have it, I accepted it and came on back and began work September 16th, 2002 was my first day back.

Q September 16th, 2002?

A Yes, sir.

Q And you moved back to South Carolina?

A Moved back to Orangeburg.

Q You moved to Orangeburg?

A Yes, sir.

Q And were you married when you moved back?

A No. I got divorced in 1996.

Q So you were a single man in 2002. I guess you were early 40's when you moved?

A I was born in 1960.

Q So you were 42?
A Yes, sir.
Q When you moved back?
A Well, 41. My birthday is November.
Q All right. And since September 16th, 2002 until presently, have you been employed by South Carolina State?
A Yes, sir.
Q Now, currently your job status is what?
A I -- since my arrest I have been under suspension without pay.
Q As a result of the arrest in this case?
A Right.
Q But you are still technically an employee of South Carolina State?
A Yes, I am.
Q As of the date of your arrest what was your job title at South Carolina State?
A Director of Campus Services.
Q And what does that mean?
A Campus Services, I work for the Vice President of Finance. And Campus Services are those units that provide services to students or -- primarily to the students, but to the university at large. They would include the book store, the dining hall, I

did manage ground maintenance, property inventory, and I was overseeing the copier contract, which was I think at the time about a $1.4 million contract.

Q Did you also have any involvement overseeing the on-campus post office operation?

A And the post office. The post office was included under my operation, yes, sir.

Q And in that capacity as Director of Campus Services did you have the responsibility for overseeing the financial affairs of the units underneath your operation?

A Yes, sir, primarily -- well, primarily the financial and -- because I was working with the Vice President of Finance and, you know, one of the things that we wanted to insure, that we balanced our books and everything was in order.

Q And the jury heard yesterday from Mr. Smalls?

A Yes, sir.

Q Was he the Vice President of Financial Affairs?

A He wasn't initially. Dr. Wilbur Shuler was, and Dr. Shuler initially hired me in September '02. And in the transition I think we terminated the president and had an interim president. Mr. Smalls came in September '03. So he came one year after I was there.

Q And then -- the jury heard he was your director supervisor?
A Direct supervisor.
Q All right. I skipped over one point. I want to go back to it very briefly. When you were at South Carolina State as an undergraduate, were you a member of the ROTC?
A Yes, sir.
Q What is ROTC?
A ROTC is Reserved Officer Training Corps.
Q And in that capacity did you have firearm training?
A Yes. ROTC, we deal with various weapon training and how to assemble, disassembling, handling, safety, et cetera. I was also in ROTC in high school for three years and a member of the rifle team as well.
Q That also reminds me, when you were in high school were you the student body president?
A Yes, I was.
Q Moving forward to your employment at South Carolina State. After 2002, did at some point in time you become reacquainted with Patricia Speaks?
A Yes, I did.
Q And just briefly tell the jury the circumstances of your reacquaintance with Ms. Speaks.

A From my recollection it was the Summer or late Summer of 2006 maybe. And I didn't recognize her at the time, but Ms. Speaks and two other ladies, professors came into the dining hall to eat, and I was visiting the dining hall. The dining hall was one of the units, service units that I kept my eye on and looked at, and I just happened to be there.

And Dr. Wilson, Gwen Wilson at the time, came over where I was and said, I need you to come to our table. I think you know someone.

And so I went to the table and, lo and behold, Patricia was sitting there. And that is how we made the initial reconnection, if you will.

Q Okay. And did you immediately start dating with her or --

A No, sir. No, sir.

Q What transpired after your first reacquaintance with Ms. Speaks?

A Well, I was trying to -- I mean, when I saw who she was, I was trying to regather my thoughts of who she was, and because at the time back then when we first -- Patricia was -- she and I had a very good -- good friendship. And so, you know, I was just recollecting those thoughts and saying, oh, wow, you know, it has been so many years. So that

was just it.

Q And did you see her subsequent to that?

A Some time passed and, you know, one of the things that I do constantly is, you know, drive around the campus and monitor what is going on, being Campus Services is my job, so, you know, I can't do my job -- I don't do my job very well sitting behind a desk, so it requires me to get in the field, so to speak.

And I happened to see her and stopped, and I guess we got contact information and made plans beyond that, or maybe I called her. We got in contact after that. But I saw her sometime and got the phone number and we went from there.

Q And you -- I want to back up and ask you, just generally describe briefly your first introduction to Ms. Carla Daniels. When did that occur?

A I would imagine May of 2005 when I went to Eau Claire for the program. And she was there being the -- she was coordinating the program. And that is when I first saw her, first met her.

And then after the program we continued to talk about what she was doing and what was going on, because I was interested in the space, and I thought it was a very good -- what she was doing

was very good.
Q And what was she doing?
A She was encouraging, you know, basically encouraging students to read. And, you know, I guess the book club was asking -- was providing students with books so that they would be motivated to read them. I just -- I am an advocate of, you know, please read.
Q And I think she testified that you contributed to their -- financially to what -- to the book club?
A Yes, sir. Without hesitation.
Q Without hesitation?
A Without hesitation.
Q That sort of gets me to the point, were you financially dependent on anyone in 2002 but yourself?
A No, sir.
Q Have you been financially dependent upon anyone since 2002 but yourself?
A No, sir.
Q When did you first become just generally romantically involved with Ms. Daniels?
A Mr. Griffin, I really can't tell you a specific date. When I met Ms. Daniels I guess in 2005 she was married. Our conversation beyond that point

got to get into to that she was not happy in her marriage. I think what introduced a personal relationship with Ms. Daniels and I was she was married, she needed a friend and, you know, she just needed to get out of her marriage.

Well, I have been through a divorce. I understand how that feels. And I was, hey, you need to talk to someone, talk -- you know, I mean, I'll be your friend. You know, I'm at a distance, but I understand what being there for somebody going through a hard time means.

Q And that was the first -- I mean, that is how the relationship developed?

A From a personal standpoint. Before it was, you know, a -- she was a person who was at Eau Claire who was in the capacity helping students at Eau Claire. And I had an attachment to that.

Q And, Mr. Samuels, at some point in time were you romantically involved with both women, Ms. Speaks and Ms. Daniels?

A At some point in time I was romantic with both of them at the same time. I mean, not literally at the same time, but --

Q And is that something you are proud of?

A Of course not.

Q And in the course of maintaining a romantic relationship with each of the other, did you mislead either one of them?
A Mislead them how?
Q Well, I mean, were they fully -- was each fully aware of the other's involvement?
A I don't discuss personal intimate business with anyone.
Q You kept it from -- you kept the extent of the relationship from them?
A It is not my practice to discuss intimate business. That is just --
Q Now, over the course of time did you become more seriously involved with Ms. Speaks than you were with Ms. Daniels?
A Ms. Daniels and I had a very good friendship. Ms. Daniels was an intelligent and wonderful person, a wonderful friend, very good colleague. Bright. We talked about a lot of different things and she is very talented. She is a writer. She is an editor. I would use her to assist me with various reports. And it got to the point where there was a report that Mr. Smalls had to deliver to someone. We actually hired her to edit it for us. So she had -- she has very good skills, very good talent.

And, moreover, being a friend to me while she was going through a divorce, being a single parent, had two teenage children, it was my -- you know, I was a good friend. I wanted to be a good friend and assist her with whatever I could.

Patricia, on the other hand, as we began to reconnect, had a little more -- was more significant and more personal, because we had an initial introduction I think in '84 or '85, whatever it was. And the things that we talked about just had a more common -- had a more common bond. We came from the same place. Patricia's parents lived on -- live on Chestnut Street. I once lived on Chestnut Street. We attend the same church. We talked about certain things. And I think, you know, pretty much -- I mean, I don't know, I can speculate that if we didn't reconnect that relationship at that time that we were having would have maintained and could have grown similar to, you know, what was happening prior to the incident.

Q And there has been some testimony about taking Ms. Speaks to buy a diamond ring.

A Yes. And we talked about, me and Ms. Speaks, over a long conversation, we talked about our future.

And one of the things that we talked about in the future was ready to relocate from South Carolina. And that was -- would have been the time Gianna, her daughter, would be going to college. Her parents are elderly and ill. And so it wasn't immediate available to us, but in time that was a possibility. She had never lived anywhere else but Columbia. I'm ready -- I was ready to leave or expressed interest to leave and to go somewhere else. She had enrolled in school in Arizona and liked and visited Arizona and offered that as a possibility. And so we talked about possibilities. And we were very serious about that. And I was very serious about that.

Q And when you bought her a ring valued at a thousand dollars, was that a heartfelt gesture of --

A I don't have the kind of resources to just be casual. And the ring was -- the ring was acceptable to her, you know, being that we were at the pawn shop, but the ring was acceptable to her and was of significant cost, but without hesitation for what it was a symbol of, you know, hey. And I think she called it a friendship ring, or whatever we called it, it is still, you know, let's just, you know, let's just think about the possibilities

and where this is going, or could have gone.

Q And then at some point in time thereafter you and she got a marriage license?

A And that conversation developed, Mr. Griffin, where I did not remember the process of what it took to get married or getting a marriage license, and we talked about that. And I, you know, I wanted to know what that was. In conversation we did that. And we came to the courthouse after we were -- did a lecture at USC. And basically it was, you know, let me see what the process was.

And we came to the courthouse, and the process was very easy, very quick, and it just so happened we executed that process and got a marriage license issued.

In fact, she paid, so -- I didn't have the money at the time or I would have paid for it because I didn't want to shirk my responsibility, but it was just, you know, wow. Okay, this is what we -- you know, and I was growing towards and getting comfortable with it and letting that possibility grow on me.

Q Now, when you got the marriage license, had you had a wedding date set?

A No, sir. We had not talked about a wedding. And

the fact of the matter is it was -- in hindsight it was premature because we were not ready to get married yet.

Q And what did you understand from getting a license how long it was good for?

A My understanding that a marriage license is good for two weeks. If you don't execute it, it becomes automatically invalid.

Q And then when you plan a wedding, you get a date, you need to get another license?

A Right.

Q That is how you understood it at the time?

A Yes, sir.

Q Did there -- obviously, did there come a point in time when Ms. Speaks learned of your relationship with Ms. Daniels?

A Yes, sir. My understanding is that the weekend of January 28th, 29th or so, Ms. Daniels invited me to go to Myrtle Beach for a time share presentation. And so she just happened to go to the place where my time share was, and I wanted to check on it, and so I agreed to go with her.

Q And somehow or another Ms. Speaks learned that you were out of town with another woman?

A Right.

Q And did that create issues between -- in your relationship with Ms. Speaks?
A Of course.
Q And did she get angry with you?
A Of course.
Q And when she got angry with you, how did she express her anger?
A Very hurt, very disappointed.
Q And did you talk through it with her?
A Yes, sir. Yes, sir.
Q All right. I'm sorry, it is up here. Excuse me.
Mr. Samuels, I am going to show you what has previously been marked for identification purposes as Defendant's Exhibit Number 5.
And don't read it to the jury, but tell me just generally what that document is.
A It says: Directive from me -- to me from Patricia.
Q Is it an e-mail?
A It is an e-mail. And it is an e-mail that Patricia apparently sent from her office at USC.
Q She sent it to you?
A She sent it to me.
Q And what did you view that e-mail as?
A A very serious, strong directive which was eye-opening and -- but more importantly, a "Wow."

Q Did it cause you concern for your safety?
A I didn't know at the time that Patricia would have that mindset. And it was you know, "Wow."
Q And did it concern you?
A Yes.
Q And did you forward it to Mr. Chavis?
A Yes.
Q And does it contain a threat if you don't do certain things?
A Yes, it does.

MR. GRIFFIN: Your Honor, I would move Defendant's Exhibit Number 5 into evidence at this time through this witness.

MS. GARFIELD: Objection on the same grounds, Your Honor.

THE COURT: May I see the exhibit?

MR. GRIFFIN: Yes, Your Honor. It goes to the Defendant's state of mind. It is not being offered for the truth of the matter asserted.

THE COURT: Objection sustained.

A Mr. Griffin --
Q Did you continue seeing Ms. Speaks after receiving a copy of the e-mail?
A Yes.
Q And up to that point what -- did you have a key to

her home?
A Yes.
Q Did she have a key to your home?
A Yes.
Q Did y'all have dogs that you cared --
A She had a dog, I had a dog, yes.
Q And when she would go out of town you would care for her dog?
A Yes.
Q Vice versa?
A Yes, sir.
Q And are you free to come and go in her home?
A Yes.
Q And was she free to come and go in your home?
A Absolutely.
Q But you lived distances apart; correct?
A Yes, sir.
Q Were you co -- were you living with her, you know, weekly, daily, or how frequently would you spend overnight?
A How frequently?
Q Just in general?
A No set pattern, because of the fact that she had a teenage daughter at home and very reluctant to what examples we set or exposed the daughter to. So I

really don't -- can't recall -- I may have. I mean, but it was not -- I don't recall spending the night too many nights there when Gianna was home, just because -- just the impression that we would have given or may have give.

Q You -- and when you received this threatening e-mail, was this after Ms. Speaks had learned of Ms. Daniels?

A Yes. And I kind of understood her hurt and anger and disappointment. That e-mail was dated March 2nd. And Ms. Daniels and I's visit to Myrtle Beach was February 1 -- January 31st, or whatever. And so that e-mail resulted from conversations that Patricia and I was having in terms of affection and the subject matter of that e-mail was, "Sowing Your Oats."

And the nature of our talk was: Myron, it is time to grow up. And we need to -- it is time for you to make a decision. If you want to do certain things you need to just put, you know -- there are certain things you need to do in order to enter into a committed relationship. If we are going down this path, you know, you need to do that.

Q And then after some period of time passed, did you receive another e-mail from her that you believed

to be some suicide threat or concerns of you that she would perhaps harm herself?

A Yes, sir. There is an e-mail that I received from her seven days later, March 9th, in fact. And one of the things that happened after -- well, I'm not sure exactly when, but what happened, I'm not sure exactly when it happened, but Patricia took the marriage license and broadcast it to anybody that she felt she needed to tell, including personal and professional friends. And I thought that was not necessary to do. And I had some strong disagreement with her by doing that.

Her reaction was, I'm -- she was sorry and she apologized. And I think the e-mail that you are asking about came about March 9th.

Q And I am going to show you what is marked as Defendant's Exhibit Number 6 and ask you if that is the e-mail.

A This is the e-mail. And the first line said: Yes, Myron, you're right, I went too far.

Q And did you view that e-mail as, you know, as a suicide threat by Ms. Speaks?

A The e-mail is a full-length page, but there is some very concerned statements in there. One of the statements says: My life is over. And then she

says: I'm leaving this world. And she says: I'm going to --

MS. GARFIELD: Objection, Your Honor. He is reading the e-mail that I have objected to being in evidence, unless it is read in its entirety.

THE COURT: What says the Defense?

MR. GRIFFIN: Your Honor, we would move the e-mail into evidence at this time. It was delivered to him. It goes to his state of mind.

THE COURT: Can I see the exhibit?

(Pause.)

THE COURT: Ladies and gentlemen, let's stand for a moment.

(Pause.)

THE COURT: All right. The objection is sustained.

Q Mr. Samuels, you did receive two e-mails from Ms. Speaks March 2nd that she had previously testified about as well as the one --

A Yes.

Q Those were delivered to you and you read them?

A Yes, sir.

Q And after receiving the second e-mail, were you -- and I don't want you to read the contents -- I don't want you to repeat the contents of the

e-mail, but at that point were you concerned for her safety?

A. Oh, absolutely.

Q. What type of -- did Ms. Speaks -- was she having other stressors in her life that you were aware of at this time?

A. Oh, absolutely. Very significant.

Q. In general what were they?

A. Her father was ill. And her daughter at the time was acting up. Her daughter had gotten pregnant and had --

Q. We don't really need to go into all the details, but that was a major concern?

A. She was -- Ms. Speaks was fighting with her mother. And her mother had accused me of actually impregnating her daughter.

Q. Did you?

A. No, sir. Ms. Speaks threatened to sue her mother. And it was a trying time. It was not -- it was a trying time. A trying time.

Q. A trying time for Ms. Speaks?

A. Well, me as well. Me as well. I mean, I was with her, and her children were my children. And, yes, we were there together on that. And it was not -- those were not bright days.

Q Let me go back and ask you about Ms. Daniels. Did you have a key to her home?
A No, sir. Never had.
Q Did she have a key to your home?
A No.
Q Now, was she free to come and go in your home?
A No. No.
Q Were you free to come and go in her home?
A No.
Q You had a different type relationship with Ms. Daniels than Ms. Speaks?
A Absolutely.
Q Did you discuss -- after the Myrtle Beach trip, did you -- do you recall having any romantic involvement with Ms. Daniels after you went to Myrtle Beach and Ms. Speaks had learned of that?
A Not romantic, no. I don't recall being romantic with Ms. Daniels, but we maintained -- we still talked. And we talked about what was going on with me and Patricia. And I shared that with her. And shared with her -- I don't know how much, but I shared a lot because, again, Ms. Daniels was a friend. And on many things I confided in her and she confided in me and we would talk, and I considered her as a confidante. And, you know, I

trusted she was understanding of where I was going in my life, because when the tables were turned she discussed things, intimate things with me about her marriage and her family. And, you know, I was a friend then with no expectations of, you divorce your husband and I'm stepping in. She didn't divorce her husband to be with me. That was never -- I mean, that was never part of the landscape at all.

Q Now, on April 14th, 2009, do you recall Ms. Daniels coming to visit you?

A Yes, sir.

Q Where were you when she came to visit?

A I was at home.

Q And roughly what time of day was it when she --

A It had to be late afternoon because I was at home. And if it was not at 5:00 or after 5:00 it was near 5:00 o'clock because -- I don't remember for sure, but if I went by the house, I went by the house to, you know, one, to check -- to get my mail or to check things because I was in route to go see Patricia.

Q You had planned to come to Columbia to see Patricia that evening?

A Right. Yes.

Q And what was the purpose of Ms. Daniels' visit to your home on the 14th?
A She confronted me and shared with me that the Richland County Probate Office, I guess, website, had indicated that Patricia and I had actually had a wedding date and that was, "Wow. Really."
Q Did you assure her that was not true?
A Right.
Q And was she satisfied with your answer?
A No.
Q Did you offer for her to go visit Ms. Speaks to talk to her about that?
A Not that I recall.
Q Did you give her a friendly wager to try to convince her that it was not true, that you were not married?
A Yes. If you challenge me and, you know, I know I'm right, you know, and I proved her right, then, yes, it was a friendly wager. And we talked about, you know, bet me a hundred dollars.
Q And did she actually draw up --
A Yes, sir.
Q -- a piece of paper?
A A promissory note. If you are not married I will pay you a hundred dollars.

Q And then did she leave your house?
A Yes. She left my house.
Q And what did you do?
A I finished whatever business I was taking care of at home and came to Columbia to go to Patricia's.
Q Now, before we get into the confrontation at Patricia's home, I want to ask you, before April 14th, 2009, were you aware that Patricia had this handgun which is in evidence?
A I seen the handgun once before and Patricia shared it with me and she showed it to me, for one reason, and I was aware of that and other guns, at least one other gun that Patricia had, and maybe others because of what she said to me, that she had to confiscate or take her father's guns because he still would like to shoot at squirrels or something, so she had the gun in the house.
Q And then did you have an understanding as to where she kept the pistol in her house?
A No, sir.
Q Did -- when you saw it, where was it?
A When I saw it the first --
Q The time she showed it to you?
A The very first time it was in her hand. I mean, she had it. I don't recall where she got it from,

but we were -- she talked about she had a handgun and she showed it to me.

Q And did you go over with her how to operate it and --

A Well, she indicated she had some training, but she -- either she didn't know how to release the clip or something of that nature, and that was about the extent that I showed her how to release the clip.

Q Release the clip meaning the thing that holds the bullets that goes up in the handle?

A Yes, sir.

Q And so you had activated that previously?

A Yes, sir.

Q And did you have an understanding where she kept this shotgun or --

A The shotgun -- there was a shotgun under the bed at one point in time, in which we talked about removing it and putting it somewhere else because her dog -- and the dogs played under the bed, and whatnot. But the shotgun is the only place that I have known where a gun was or would be.

Q Did you ever know her to store a gun in a flower basket beside the stereo?

A No. That wouldn't -- that would not -- I didn't --

that never was possible because Gianna -- I mean, for one, it is too easy to get to. Anybody have handguns, you don't put a gun anywhere where teenagers, company of teenagers would be able to get to it.

Q I understand what you are saying that you shouldn't, but my question is --

A No. No, that gun --

Q -- were you aware whether she did store a gun there or not?

A No. No. I was not aware that the gun was stored there on a permanent basis, no.

Q And we are looking at the basket beside the stereo?

A Right. No, sir.

Q Did that basket stay there for -- beside the stereo?

A I -- I don't recall. I don't --

Q Backing up on the 14th, you leave Orangeburg to come to Columbia to go to Ms. Speaks' house?

A That's correct.

Q And did you bring your dog?

A Yes, always.

Q And were you planning to spend the evening or you just take your dog whenever you travel?

A It just depends. It never -- it just depends. I

mean, I don't know. It varies. It just depends on when -- if I decide to leave early or if I -- if there was an opportunity I stayed or times that I did stay and times that I went back home. It just -- it never --

Q But you had not packed an overnight bag or anything like that?

A No.

Q And --

A I didn't on a regular basis pack a bag.

Q Now, when you got to Ms. Speaks' house, what was she doing?

A I don't -- I don't really recall. I mean, she testified she was in the yard, but I don't -- I can't -- I don't really recall exactly what she was doing.

Q Do you remember someone coming to the door?

A Of course.

Q And where was Ms. Speaks when someone came to the door?

A She had indicated to me that she was going to take a shower. So she was back in her bedroom when someone came to the door.

Q And who came to the door?

A Carla Daniels.

Q And what was your reaction when you saw Ms. Daniels?
A In disbelief.
THE COURT REPORTER: I'm sorry?
A In disbelief.
Q And had you expected her to show up?
A Absolutely not.
Q And did you invite her in?
A No. I -- my comments to Ms. Daniels was, you know, what do you want and why -- what are you doing here?
And her response was, you know, I need to speak with Patricia. She was insistent about it.
Q Did you notify Patricia she had company?
A Yes. After she insisted about it, I was, okay, you want to talk to Patricia. And I notified Patricia, you have company.
Q And did -- then what happened after?
A Patricia came in and introduction and, you know, I'm Carla Daniels. And, you know, I come here, I want to know if you and Myron are married. That was the initial conversation.
And, you know, the response is no.
And I think Patricia then, you know, well, who are you, and et cetera. And so at some point in

time, Patricia said, well, you know, come on in and sit down.

Q And did Carla come in and sit down?

A Before she came to sit down, she excused herself to go -- leave the house and go to her car -- go back to her car.

Q And when Carla left to go to her car, what did Patricia do?

A Patricia went and got a gun.

Q Where did she retrieve the gun from?

A I'm not exactly sure where the gun came from, but she had a gun. She had the gun.

And I asked, what are you doing with that?

And her response was, I'm not sure what this lady is going to do, what she is bringing here.

And I was like, okay.

Q And did you see, what did she do with the gun?

A She put it behind the stereo. In my mind I think she put it behind the stereo or on that table.

Q Exhibit 5, can you point to the -- is the stereo that you are talking about in Exhibit 5?

A Yes, it is. So the gun was either behind the books or -- I don't recall it being in the back, but it was in this general area. It was definitely placed back there.

Q And did you -- was it there when you first got to Ms. Speaks' house that night?
A I don't think so. I don't recall. But when I saw the gun, Patricia inserted the clip and then placed it in this area behind the books or the basket or somewhere. I'm not sure exactly where.
Q You saw Patricia insert the clip?
A Yes, sir.
Q And put the gun somewhere behind the stereo?
A Yes, sir.
Q Is there any doubt in your mind that is what happened?
A Absolutely not.
Q You are telling the truth?
A I am telling the truth.
Q Then what happened?
A Patricia sat down and -- on the fireplace and Carla sat down on the couch, and they talked. I sat in the chair, the wingback chair, and listened. And they talked.

And I -- I was hopeful that where Patricia and I was at the time, that we were going to have on adult conversation and probably Carla would have her say and Patricia would indicate to her where we were and we would resolve this matter. And that

Carla would be out of my life and leave me alone, understanding that I am moving forward with Patricia.

And --

Q Is that what you had hoped would happen or that is what you thought was going to happen?

A That is what I thought was going to happen. Because Patricia knew of Carla, so when Carla introduced her, this was -- if this was April, I mean, it was not like Patricia -- I mean, she was familiar with who Carla Daniels was and what, you know, what relations we had, we were having or had had, and that she was somebody in contact with me.

And to go back to, you know, the March 2nd e-mail, it was all part of the process with me to exclude friends who would have intimate involvement out of my life. Because, you know, it is time to make this full and total commitment.

And because Patricia had already expressed communication with Carla and others, I was confident that that is what she was going to do at that time.

Q And how did the conversation go?

A They talked about when they met me and what the two of them would share their backgrounds and their

relationship and how they knew me, and et cetera, and the dates and places, you know, how I do this, how I have done that and did we sleep together, and so forth, so on.

Q Now, the jury has heard testimony about that you were seated in a wingback chair?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q And is the Exhibit 4, is that the -- does that depict the wingback chair?

A Yes, this is the chair that I was sitting in.

Q And the jury has heard testimony that Patricia retrieved a list of phone numbers from the bookcase. Do you recall that occurring?

A Yes. Well, I don't recall exactly, but I do know that when the conversation between Carla and her that, you know, well, maybe we need to call others.

Patricia indicated, you know, I have his phone records and, you know, I think we need to bring everybody to the table. Or those are my words, not her words. But pretty much, you know, we need to -- let's just go ahead and bring everybody to the table.

Q And did Ms. Speaks or Ms. Daniels actually start

dialing the phone?
A They did. And they called, you know, Felicia Braxton, who was my colleague at Clark Atlanta University, who I talked to very regularly, or did, because we talked about various things and meet at conferences. We were, you know, professional friends.
Q But were you romantically involved with her?
A No, absolutely not.
Q And she held the same position in her school?
A At the university. Yes, sir.
Q And while -- and who was talking to Ms. Felicia, was it Carla Daniels or --
A Right.
Q And --
A I think -- and I don't know -- I don't know -- I mean, I don't know if Felicia -- if Patricia got on the phone or gave the phone to Carla. I don't recall.
Q Was Patricia getting excited?
A Very much so.
Q And what was she doing?
A Well, Patricia, at the time that the idea came to begin making calls, she had in my estimation heard enough from Carla about, you know, what I was doing

and how, you know -- and that she became very disappointed in me and, how could you, why would you do this and, you know, I'm just sick of this, I'm tired of this. That was her expression.

And --

Q And --

A -- you know, at that point in time it became -- you know, I guess she knew, she started getting up, got up, you know. Everybody was seated up until this point. And started moving around the room and, you know, raising her voice and getting excited.

Q Did she go over by the bookcase and the stereo?

A Yes, sir.

Q And was she excited when she was over there?

A Yes, sir.

Q And what were you thinking when she has this excitement and telling -- learning that you were -- perhaps had done things that she didn't approve of, you are being a scoundrel, or whatever you want to call it, what were you thinking about her as she is standing over there by the bookcase?

A Well, prior to, based on Patricia's introduction to me, I was real concerned about what Carla could possibly do.

Q Did you know Carla had a gun?

A Yes, I did. And Carla, in my mind, followed me to Patricia's house. Patricia picked up on it. There is something needed to be concerned about, that she showed up. It was -- if this was April, it was almost February, March, it was two and a half months that Carla had very good knowledge that Patricia and I had a serious relationship. And so there was concerns. I mean, to the point that even when I had to -- we took Patricia's daughter's car and I took it to Orangeburg, Carla knew that I had the car and was driving it. So she had very good awareness of how deeply I was involved with Patricia.

And so we were just -- I mean, Patricia pointed out, you know, I don't know what this woman could possibly do.

So that was the first concern, did Carla come there being hurt or being concerned and could possibly do something. And that to me was reasonable, a reasonable concern.

So when I was in there, of course I was making sure I was watching, that she didn't make any sudden moves or do something. That was first.

Q They described you as sitting there quietly, but you were keeping a wary eye?

A Very attentive. Very attentive, right. When Patricia began getting excited, my concerns turned to Patricia. And I had this knowledge that Patricia was hurt. She went and got a gun. She had pretty much threatened me.

And my mindset, it is time to get out of here. It is time to get out of here.

Q So what did you do?

A Well, I grabbed Patricia's gun to make sure she didn't get it or use it.

And I said to Carla as I was, you know, walking from here to the back of the house or, you know -- and I am, you know, at this point very disappointed, disappointed of what was happening.

And I said the "F" and, you know, Carla, you know, you had no business coming here. You know, you are doing -- you are stirring up some stuff. This is how people get hurt. People get -- this is how people get hurt. You know, you come to somebody's house, confront them about some stuff that, you know, you are not being an adult about.

And, yes, I raised my voice. And that was the nature of my, you know, my message to Carla.

And, you know, what I said to her -- she didn't realize that she could have walked in on a

particular situation that Patricia was -- had a gun to respond to, if not to protect herself, she definitely could have initiated the fact.

Q Mr. Samuels, you grabbed the gun?

A I grabbed -- I grabbed the gun.

Q Did you do anything to disarm the gun?

A Yes. The first thing -- the first thing that I have always done is that, you know, if you are handling a gun, transporting it or whatever, you know, to disarm it. So, I mean, I immediately took -- separated the clip from the gun.

Q Now, earlier today we saw Investigator Reese push a button and the clip fall --

A Right.

Q -- to the ground?

A Right. I --

Q Fairly rapidly. Is that the action you took?

A I separated -- when I grabbed the gun, I separated the clip from the gun.

Q What did you do with the clip?

A I may have put it in my pocket or something. And I had the gun. And I had the gun in my hand.

Q Well, raise your hand. I'm not sure the jury can see your hand. You had the gun in your open hand?

A I had the gun in my hand, open gun in my hand.

Q And were you using your hand in an animated fashion?
A In gesture, right. Absolutely.
Q Mr. Samuels, did you intentionally point the gun at anyone's head in a threatening manner?
A That was not my intent and, no, I did not intentionally point the gun at anybody and try to shoot somebody or do harm to anybody.
Q Mr. Samuels, tell the jury, you took the weapon, pointed it at Ms. Daniels' forehead and pulled on the trigger?
A No. Absolutely not. I got the gun, separated the clip from it, and as I was standing up -- you know, I was expressing my disappointment in Ms. Daniels, let her know what she really did and could possibly do.

And, you know, it was my intent to make sure that this thing did not escalate and get excited where people would get out. And my intentions and what I did was take that gun and make sure Patricia didn't go get it and do something with it. I was going to make sure no one -- that this gun would not get involved.

And, you know, Officer Reese said, I understood what could happen in a situation like

that. I was aware. Because we were -- we had began the evening thinking what Carla may do. And we didn't know. If a person has come there, she is hurt, she has got the e-mail, phone calls from Patricia. We didn't know. We just didn't know.

And what I wanted to do because, you know what, this conversation is not going to benefit anybody anymore. I sat there. And we have had our say. It was time for me to go.

And I took that gun to make sure that, one, Patricia wouldn't do anything to anybody, including myself, which she had indicated that she possibly would/could do.

The other is to make sure she didn't do anything to herself, which she had indicated, possibly my life is over, I'm tired, I'm leaving this world. And so it was time for me to go.

And I have always known when a situation starts getting heated, you know, separate yourself, you know, don't just stand there and let it come to a boil.

And so, you know, this is my intent to make sure that that environment stayed safe, that whatever was said had been said, and there was -- it was time to end it.

Q Mr. Samuels, were you -- did you try to kill Carla Daniels?
A Never.
Q Did you want to kill Carla Daniels?
A Absolutely not.
Q Tell the jury, did you have a reason to try to kill or want to kill Carla Daniels?
A No. Carla Daniels and I was friends, even up to the point. I mean, we talked to each other at 5:00 o'clock. There was no need to -- Carla Daniels and I had -- I don't recall ever having a disagreement, or a conflict, for that matter. None. There was no malice between us.
Q And were you financially dependent or would you be financially obligated to Carla Daniels if the relationship broke off?
A No, sir, not at all.
Q Had the relationship ended?
A No, sir, not at all.
Q Well, had your relationship ended with Carla Daniels?
A Sir?
Q Had your relationship ended with Carla Daniels as of September -- I mean, April 14th, 2009?
A Not completely.

Q But --
A There was never going to be -- it was never to be any -- it was friendship, if that is what you mean. Either the day after or two days later we talked and shared e-mails with each other.
Q And we'll get -- but you continued to communicate with Ms. Daniels?
A Yes.
Q After this fight?
A Yes.
Q After this evening?
A Yes.
Q Now, when you grabbed the gun and dropped the clip, were your intentions to stay there and continue the conversation or exit the premises?
A Mr. Griffin, there is only one process as I was grabbing the gun, I may have paused and having said my piece with regards to how disappointed I was as to what was occurring and what had occurred. And I continued to walk towards the back door to leave.

I wasn't standing around and in somebody's face and confronting them or wanting to do harm. I was disappointed, but I don't think I was at the point of anger or definitely didn't have any intent of confronting or physically violating anybody or

injuring anyone.

Q. Did you turn to Ms. Speaks, point the gun at her and say, you want some of this too?

A No, sir. I didn't -- I don't -- I didn't even use those words. Those words don't make sense to me. I wouldn't have said that. Those are not appropriate.

What I may have said to Patricia was, be quiet. You know, you have done your part in this as well. I mean, I may have said something to her, but never -- it wasn't in a confrontational manner or confronting her or --

Q Myron, did you call them stupid bitches?

A My words would have been they were acting like stupid bitches. I didn't call them stupid bitches.

The point of coming in and comparing notes and talking about things, you know, I said to them, now I'm disappointed, it is amazing that the two of you -- and in my mind thinking, you know, you are bright, intelligent ladies, and you are sitting here and you are acting like, you know, but --

Q And you --

A -- I wouldn't directly call them stupid bitches. I don't do that. But I did say that you were acting -- that they were acting like that they

didn't have good sense.

Q And do you regret using that phrase towards them?

A Well, I regret it in the sense, but I don't regret it in the sense that, you know, the situation, one, did not have to get to that point. I mean, Carla did not have to come there to get closure, as she said. And she had enough. She had talked to Patricia. She had gotten the e-mail. She had evidence. She was presented the marriage license. And she had evidence that she -- you know, that I was spending a lot of time with Patricia. I didn't go somewhere with her that night. I was at Patricia's. She had every indication to just leave me alone. And there was not a need to come there.

And so that heightened my senses to, why would she even come there and be there and when she went to go back to the car, there is a possibility that she could have gone and gotten a weapon, a weapon that I know that she have.

And so that was a concern. I mean, I couldn't bury my head and pretend like that I didn't. And, moreover, when I know and saw that, you know, Patricia had her gun present in the room, I had to be concerned about that as well.

I didn't have a gun. I don't have a gun. I

don't own a gun. But I know what guns do.
Q On the -- as of April 14th, 2009, did you view whatever you owned and possessed, that Patricia had full access to use and borrow as she saw fit?
A Of course.
Q And did you feel the same way about what she owned?
A Of course.
Q That is the kind of relationship?
A Right. The privilege was granted to each of us, you know, by having keys to the home and keys to the car. Yes.
Q Did you take the gun from the house?
A Yes, sir.
Q Did Patricia try to stop you from leaving the house with the gun?
A Absolutely.
Q Well, why didn't you leave her the gun when you left?
A I was not going to leave that gun with Patricia. First of all, I didn't want her -- from where I was sitting, I had to make sure that Patricia didn't ever get the gun to direct it at Carla.
Then, two, at the time that Patricia was getting upset with me, I had to make sure that Patricia didn't direct the gun towards me.

Thirdly, my concern was that Patricia, at the end of the day, wouldn't do something to herself.

Q What do you understand the phrase to mean, "a cap in your ass"?

A I am going to shoot you in your butt.

Q Did you understand that phrase to mean "shoot you in the butt" on March 2nd, 2009, when you received the e-mail?

A Yes, I did.

Q Did you understand that that phrase meant "shoot you in the butt" on April 14th, 2009, when Patricia is excited and looking at you like, you hadn't told me the whole story in your relationship with Ms. Daniels?

A Absolutely. More so then.

Q And as you are leaving the door -- leaving Patricia's house, I guess your butt would have been exposed, would it not?

A Yes, sir.

Q When you are leaving the house, did you have -- did you leave your dog behind?

A No, sir. No, sir.

Q How did you get your dog?

A Well, I'm not sure exactly where he was, but he was around. Patricia's dog was around, my dog was

around. They have fun and have access. But whatever I was doing, I had to get my dog. So I went to -- got my dog, went to the door, I had to open the door, grabbed my dog.

And at the time Patricia was pulling on me, give me my gun, give me my gun.

Q And where was her gun at the time?

A I don't know if I seen -- I mean, she -- I heard her say I put it in my pocket, but I don't know if it was still in my hand or just where, but if it was in my hand and I had the dog and I had to open the door. I don't know.

Q You just don't have a clear recollection of --

A Exactly what -- you know, no, I don't.

Q Did at any point in time after you had dropped the clip out of the handle and put it in your pocket, did you ever re-engage the clip?

A Never. Never.

Q Did you reach around and slap or hit Ms. Speaks when you are leaving?

A No.

Q Did she fall down?

A She did fall. And I think she fell when she was pulling on me and I was trying to get loose. And she said I hit her in the face. And if I did hit

her in the face it was inadvertently as I was pushing her off of me to try to get out of the door myself, and she was pulling on me or trying to stop me demanding that I gave her the gun. But I never turned to hit her or intentionally hit her. If I hit her, it was very inadvertently, but it was all because she was tugging at me trying to make me stop and give her back her gun.

Q Did you try to kill Patricia Speaks on the evening of April 14th, 2009?

A No, sir, I did not.

Q Did you want to kill Patricia on April 14th, 2009?

A No, sir.

Q Were you financially dependent or financially obligated to Patricia Speaks on April 14th, 2009?

A No, sir, not at all.

Q Were you in love with her?

A Absolutely.

Q After you left that evening, what did you do?

A I went home. I got up the next day and went to work.

Q As best you can recall, when is the last time you -- or when was the next time you saw or spoke to Patricia?

A If it wasn't Wednesday, it was probably Thursday.

Q And what kind of conversation did you have?
A Very remorseful. And trying to put it together. Hey. How are you? Hey. What is going on?
Q When you left on the 14th, were you running from the police?
A No, sir, I went straight home.
Q Did anybody try to -- any policeman try to call you or get in touch with you?
A No, sir.
Q When is the first time you ever heard from the police about this incident, contact you?
A Maybe Monday. Maybe Monday prior to -- June 24th was a Wednesday, I think it was. Probably that Monday. Maybe Tuesday. Monday or Tuesday of that week.
Q And did you make arrangements to come right down?
A Yes. Now, prior to that, I guess when I talked to Patricia Thursday or Friday and she shared with me what was being processed with that, somehow Officer Reese's name came up and he was the investigator, and that he needed to investigate the incident.

I tried myself to contact Officer Reese to, you know, to give my story and what role did I play. So either the week after the incident I made a call or two calls to Officer Reese to try to say,

it necessary to bring it to the Court's attention, I will just ask you to ask her if she can still be fair, and move on.

THE COURT: Well, she said she went to the same church and she doesn't know them. So I'm not going to ask her anything. I'll just leave her on the jury and let it be.

All right.

MR. GRIFFIN: Your Honor, over the weekend we have looked at the charge. We have an additional -- the charge that we -- we did not submit it, they had submitted, did not include the definition for aggravating circumstances for ABHAN.

Your Honor probably has a standard charge, but we pulled the standard charge from the charge book from Judge Anderson.

And then we did -- we have a proposed verdict form that we would submit. I am still troubled how the jury is going to be instructed on burden of proof when there are essentially two victims going under one count. The State offered during -- in opposition to my motion that they would present the Court a cure to any problems through your charge. And I haven't seen a proposed charge from the State. And I don't think it is possible and I

continue to object. But the jury verdict form that we have proposed has a interrogatory attached to it that says, if you found the Defendant Samuels guilty of any of the above defenses, which would be assault with intent to kill and then the two lesser included, do you unanimously find the Defendant Samuels assaulted...and then Patricia Speaks, yes or no; Carla Daniels, yes or no.

That would just preserve the issue for an appeal for me and on behalf of Mr. Samuels in the event that the jury does return a guilty verdict.

I don't know what the burden of proof charge is going to be, Your Honor, but I'm still troubled by the prospect of the jury being able to have six for one and six for the other and end up with 12.

THE COURT: The verdict form that we have prepared is that they must find beyond a reasonable doubt first as to Ms. Samuels and secondly as to Ms. -- not Ms. Samuels, Ms. Daniels -- and then secondly as to Ms. Speaks.

So as to each Defendant the jury must find beyond a reasonable doubt that he committed the offense.

MR. GRIFFIN: As to each victim.

THE COURT: As to each victim. Not jointly,

but they must consider: Do you find -- We, the jury, by unanimous consent, as to Patricia Speaks, guilty or not guilty, or guilty of a lesser included; and the same as to Carla Daniels.

MS. GARFIELD: It is and/or?

THE COURT: No. A, as to Patricia Speaks, they make a decision; B, as to Carla Daniels they make a decision. It must be unanimous as to each.

MR. GRIFFIN: And is the proposed form broken down by assault with intent to kill, ABHAN, and simple?

THE COURT: It says: We, the jury, by unanimous consent, find the Defendant, Myron Samuels, as to Patricia Speaks, guilty of assault with intent to kill, guilty of assault of a high and aggravated nature, guilty of simple assault, and not guilty; B, as to Carla Daniels, guilty of assault with intent to kill, guilty of assault of a high and aggravated nature, guilty of simple assault, or not guilty.

MR. GRIFFIN: And finding guilt as to either victim, then the Court would take it that he is found guilty of the indictment?

THE COURT: Yes, sir. And of course it can't be sentenced --

MR. GRIFFIN: Except for one.

THE COURT: -- but one -- on one conviction, even if they find him guilty as to both victims, he still cannot be sentenced but to one count.

MR. GRIFFIN: Yes, sir, Your Honor.

THE COURT: If you all prefer your verdict form, if you all agree.

MR. GRIFFIN: No, sir, that's fine.

MS. GARFIELD: Your Honor, I also was going to ask what circumstance of aggravation would be instructed as well.

THE COURT: It would include the use of a deadly weapon, intent to commit a felony, the infliction of serious bodily injury, the great disparity of ages, including the condition of the parties, difference in genders of the parties, taking indecent liberties or familiarities with a female through the use of force, the purposeful infliction of shame and disgrace.

MR. GRIFFIN: That is the same one I was going to propose.

THE COURT: Those are merely examples of circumstances of aggravation.

MS. GARFIELD: Your Honor, may I review your verdict form?

He is trying to dupe you too. Don't let him.

THE COURT: Ladies and gentlemen, you have heard the arguments. We are going to take 20 minutes so that you can get something to eat. We'll take a 20-minute break. Please do not discuss the case. It will be 20 minutes and we'll come back at that time.

Please go to the jury room.

(WHEREUPON, the jury retires to the jury room at 1:17 p.m.)

THE COURT: All right, we'll break for 20 minutes.

(Lunch break.)

THE COURT: When the charge starts people cannot come and go. Have someone at the back door.

All right, bring them on.

(WHEREUPON, the jury came into open court at approximately 1:43 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you, sir.

JURY CHARGE

THE COURT: Members of the jury, you have heard the testimony, evidence, and the arguments for the State and the Defendant. I will now explain to you the law that applies to this case.

Under the constitution and laws of South Carolina, you are the finders of the facts in this case. I do not have the right to pass upon the facts or even to express any opinion that I might have as to them because this is a matter solely for you, the jury, to determine.

And as jurors, then, it is your duty to determine the effect, the value, the weight, and the truth of the evidence presented during this trial.

You are also the judges, the sole judges, of the credibility, that is, the believability of the witnesses who have testified and of the evidence in this case.

In passing upon the credibility you may take into consideration many things, such as the demeanor or the manner of testifying, whether the witness had reason to be biased or prejudiced, whether a witness's testimony was contradicted on the one hand or supported and corroborated on the other hand.

You may believe a small portion of a witness's testimony and disregard the larger, or vice versa. You may believe one witness against many or many against one.

All these things you will consider bearing in mind that you should give the Defendant the benefit of any reasonable doubt.

It becomes your duty as jurors to analyze and to evaluate the evidence and determine that evidence which convinces you of its truth.

There has been evidence presented that witnesses have made prior statements which are not consistent with the witness's present testimony. You may use this evidence to decide whether to believe the witness.

You may also use evidence of the earlier contradictory statement to determine the truth of those statements.

It is up to you to decide whether to believe the earlier statements or the testimony given at trial.

If a witness is shown to have knowingly testified untruthfully concerning any material matter, you may consider this in determining whether to trust the witness's testimony as to other matters.

You may reject all testimony of that witness or give all or part of the testimony the weight you think it deserves.

There are two types of evidence which are generally presented during a trial: Direct evidence and circumstantial evidence.

Direct evidence is the testimony of a person who claims to have actual knowledge of a fact, such as an eyewitness. It is evidence which immediately establishes the main facts to be proved.

Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.

It is evidence which immediately establishes collateral facts from which the main fact may be inferred.

Circumstantial evidence is based on inference and not on personal knowledge or observation.

The law makes absolutely no distinction between the weight or the value to be given either direct or circumstantial evidence, nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

You should weigh all of the evidence in this case. After weighing all of the evidence, if you are not convinced of the guilt of the Defendant beyond a reasonable doubt, you must find the Defendant not guilty.

Evidence of good character and good reputation may in and of itself may create a doubt as to guilt and should be considered by the jury, along with the other evidence, in determining guilt or innocence of the Defendant.

The weight you give to that testimony, like all other testimony in this case, is for you to determine and decide in your good judgment.

Now, as the trial judge it is my responsibility to preside over the trial of this case and to rule upon or pass upon the admissibility of the evidence offered during this trial. You are to consider only the testimony which has been presented from this witness stand, together with any exhibits which may have been made a part of the record.

I have the additional duty to charge you the law applicable to this case. And as the presiding judge, I am the sole judge of the law of this case.

It is your duty as jurors to accept and apply the law as I now state it to you and then reach your verdict.

And finally I charge you in this regard that you should not be concerned with what you think the law ought to be, but what I charge you the law is;

Now, the fact that the Defendant was arrested, charged and indicted is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of guilt.

This indictment is simply the formal written instrument which contains the charge made against the Defendant. The indictment is a formal document by which the case is brought into court.

The Defendant has pled not guilty to the charge in this indictment, and that plea puts the burden on the State to prove the Defendant guilty.

A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent.

I charge you that it is an important rule of the law that the Defendant in a criminal trial, no matter what the seriousness of the charge may be, will always be presumed to be not guilty of the crime for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

This presumption of innocence does not end when you begin your deliberations, but it accompanies the Defendant throughout the trial

until you reach a verdict of guilt based on evidence satisfying you of that guilt beyond a reasonable doubt.

The presumption of innocence is like a robe of righteousness placed about the shoulders of the Defendant which remains with the Defendant until it has been stripped from the Defendant by evidence satisfying you of the Defendant's guilt beyond a reasonable doubt.

The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is a substantial right to which every Defendant is entitled unless you, the jury, are satisfied from the evidence of the Defendant's guilt beyond a reasonable doubt.

The State must prove the Defendant guilty beyond a reasonable doubt. So what is a reasonable doubt in the law?

A reasonable doubt is a doubt which makes an honest, sincere, conscientious juror in search of the truth in the case to hesitate to act.

Proof beyond a reasonable doubt must therefore be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own

affairs.

Proof beyond a reasonable doubt can also be described as proof that leaves you firmly convinced of the Defendant's guilt.

Now, there are very few things in this world that we know with absolute certainty. And in criminal cases the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence, you are firmly convinced of the Defendant's guilt, then you must find him guilty.

If, on the other hand, you think that there is a real possibility that he is not guilty, you must then give him the benefit of the doubt and find him not guilty.

The Defendant is charged with assault with intent to kill Patricia Speaks and/or Carla Daniels.

In order to prove assault with intent to kill, the State must prove beyond a reasonable doubt that the Defendant, with malice aforethought, unlawfully attempted or offered to commit a violent injury upon another person and had the present ability to complete the attempted injury.

An assault is the intentional creation of a

reasonable fear of immediate bodily harm. It is not necessary that the attempted injury or harm actually take place.

For example, if I walk up to you and when we are within arm's reach I draw back to hit you, that is an assault.

Malice is hatred, ill-will or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will infer an evil intent.

Malice aforethought does not require that malice exist for any particular time before the act is committed, but malice must exist in the mind of the Defendant just before and at the time the act is committed. Therefore, there must be a combination of the previous evil intent and the act.

Malice aforethought may be express or inferred. These terms, express or inferred, do not mean different kinds of malice, but merely the manner in which the malice may be shown to exist, that is, either by direct evidence or by inference from the facts and circumstances which are proved.

Express malice is shown when a person speaks words which express hatred or ill-will for another, or when the person prepared beforehand to do the act which was later accomplished.

For example, lying in wait for a person, or any other act of preparation going to show that the deed was within the Defendant's mind would be express malice.

Malice may be inferred from conduct showing a total disregard for human life. Inferred malice may also arise when the deed is done with a deadly weapon.

A deadly weapon is any article, instrument or substance which is likely to cause death or great bodily harm. Whether or not an instrument has been used as a deadly weapon depends on the facts and circumstances of each case.

If facts are proved beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would be simply an evidentiary fact to be considered by you, the jury, along with the other evidence in this case and you may give it the weight you decide it should receive.

A specific intent to kill is not an element of

assault with intent to kill, but there must be a general intent to commit serious bodily injury.

Intent means intending the result which actually occurs, not accidentally or involuntary.

Intent may be shown by acts and conduct of the Defendant and other circumstances from which you may naturally and reasonably infer intent.

Evidence of the character of the assault, the character of the instrument used, the manner in which it was used, the purpose to be accomplished, and the resulting wounds or injuries may be considered in determining the intent with which the assault was committed.

Intent may also be inferred when it is demonstrated that the Defendant voluntarily and willfully commits an act, the natural tendency of which is to destroy another life.

If you find that the State has failed to prove that the Defendant is guilty of assault with intent to kill Patricia Speaks and/or Carla Daniels, you must then decide whether the State has proved that the Defendant is guilty of committing an assault of a high and aggravated nature upon Patricia Speaks and/or Carla Daniels.

Assault of a high and aggravated nature

contains all of the elements of assault with intent to kill except malice aforethought.

In addition, the State must prove beyond a reasonable doubt a circumstance of aggravation.

Circumstances of aggravation include: The use of deadly weapons -- the use of a deadly weapon; the intent to commit a felony; the infliction of serious bodily injury; a great disparity between the ages or physical condition of the parties; a difference in the genders of the parties; the taking of indecent liberties or familiarities with a female through the use of force; or the purposeful infliction of shame and disgrace. These are merely examples of circumstances of aggravation.

If you find that the State has failed to prove that the Defendant is guilty of committing an assault of a high and aggravated nature upon Patricia Speaks and/or Carla Daniels, you must then decide whether the State has proved that the Defendant is guilty of committing a simple assault upon Patricia Speaks and/or Carla Daniels.

Simple assault contains all of the elements of assault of a high and aggravated nature except the circumstances of aggravation.

Of course, ladies and gentlemen, you cannot find the Defendant guilty of any offense unless you are convinced beyond a reasonable doubt based on the evidence that he is in fact guilty of that offense.

In order to establish criminal reliability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness or criminal negligence.

Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation.

There is no way to prove intent to a mathematical certainty. There is no way medical science can dissect a person's brain and determine what the person had in mind. So the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present.

It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as with

any other fact, by taking into consideration the acts of the parties and all of the facts and circumstances of the case.

Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the Defendant intended to do based on the circumstances shown to have existed.

Criminal intent can arise from action or failure to act. It may arise from negligence, recklessness or indifference to duty or to consequences that are considered by the law to be equivalent to criminal intent.

Now, Mr. Foreman, and ladies and gentlemen of the jury, you have been selected by both the State and the Defendant to be fair and impartial jurors. It is your duty, then, by your joint deliberations to determine the truth in this case, giving the Defendant the benefit of every reasonable doubt on each and every issue, and from the facts which you determine to be true, you take and apply the law which I have just given you and thus arrive at a verdict which speaks the truth in this case.

I have told you the standards you have to apply to the charge of assault with intent to kill and the lesser included offenses of assault of a

high and aggravated nature and simple assault.

I will give you a copy of these instructions in written form. During your deliberations you may refer to the instructions to guide your decision-making. You must consider the instructions as a whole and not follow some and ignore others. Please return the instructions to the Court at the time your verdict is rendered.

You have heard the evidence, and now you have heard the law. Whatever your verdict, Mr. Foreman, you will indicate it by checking the verdict form, either checking not guilty, guilty of assault with intent to kill, guilty of assault of a high and aggravated nature, or guilty of simple assault.

Now, the verdict form is structured, since there are two alleged victims, the verdict form is structured such to ask you -- first it says: As to Patricia Speaks, we the jury, by unanimous consent, find the Defendant, Myron Samuels, as to Patricia Speaks, guilty of assault with intent to kill; guilty of assault of a high and aggravated nature; guilty of simple assault; or not guilty. You will check one as to Patricia Speaks.

Then as to Carla Daniels, (B): Guilty of assault with intent to kill; guilty of assault of a

high and aggravated nature; guilty of simple assault; not guilty.

And you will sign and date the verdict form, remembering whatever your verdict is must be a unanimous verdict.

So therefore, Mr. Foreman, you are to remember that -- and all of you must remember that although the foreperson is the only juror who writes the verdict, it is not his alone. The verdict has to be a unanimous verdict. And, Mr. Foreman, you are not authorized to write the verdict until all have agreed as to what the verdict should be.

Ladies and gentlemen, I'm now going to send you to your jury room, but do not begin to discuss the case until you have received a copy of this jury charge, the verdict form, and the exhibits.

Once you receive these things, that will be your signal to begin your deliberations.

As relates to the 9-1-1 call or calls, if you want to listen to any of those things, you will knock on the door and you will have to come back in the courtroom to listen to that.

But once you begin your deliberations you will deliberate until you have reached a verdict, at which time you will knock on the door, advise the

bailiff, and we will bring you out to receive your verdict.

Now, we have selected 13 of you, and the first 12 jurors will be the ones deliberating unless there is any one of you who cannot continue with the deliberations. If any one of you cannot continue, please let me know at this time by raising your hand.

(WHEREUPON, there was no response.)

THE COURT: All jurors are in good shape, so therefore the 13th juror, the alternate, will remain while the others go to the jury room. And I ask that you do that at this time.

Wait for the things that I just mentioned, and that will be your signal to begin your deliberations.

And, Mr. Foreman, you will preside over those deliberations.

(WHEREUPON, the jury retires to the jury room at 2:09 p.m.)

THE COURT: All right, if you will stay right there for a moment, ma'am.

Any additions or exceptions from the State or the Defense?

MS. GARFIELD: Judge, did you go over the

THE COURT: Mr. Foreman, if you will stand for me, please.

(The Foreman complies.)

THE COURT: Mr. Foreman, have you reached a verdict?

THE FOREMAN: Yes, Your Honor, we have.

THE COURT: Is it unanimous?

THE FOREMAN: Yes, sir.

THE COURT: All right. If you will pass it up.

(Verdict handed to bailiff, then to clerk, then to the Court.)

(The Court views the verdict.)

THE COURT: And the Defendant will rise.

(Defendant complies.)

THE COURT: Madam Clerk, you may publish the verdict.

THE CLERK: Yes, sir.

Indictment 2009-GS-40-5780. The State of South Carolina versus Myron Samuels.

We, the jury, by unanimous consent, find the Defendant, Myron Samuels, as to Patricia Speaks: Guilty of simple assault.

As to Carla Daniels: Guilty of assault of a high and aggravated nature.

Signed Number 252, Foreperson. January 18th, 2011.

Mr. Foreman, was this your verdict and the verdict of the entire jury?

THE FOREMAN: Yes, it was.

THE CLERK: Thank you.

THE COURT: All right, thank you very much.

Any additional polling requested?

MR. GRIFFIN: Yes, Your Honor, I would request polling.

THE COURT: Madam Clerk, if you would individually poll the jurors according to their juror numbers.

THE CLERK: Ladies and gentlemen of the jury, I'm going to ask you two questions related to your verdict. Please answer yes or no to both questions as I call your number.

Number 252, was this your verdict?

JUROR 252: Yes.

THE CLERK: Is it still your verdict?

JUROR 252: Yes.

THE CLERK: Number 281, was this your verdict?

JUROR 281: Yes.

THE CLERK: Is it still your verdict?

JUROR 281: Yes.

THE CLERK: Number 166, was this your verdict?
JUROR 166: Yes.
THE CLERK: Is it still your verdict?
JUROR 166: Yes.
THE CLERK: Number 74, was this your verdict?
JUROR 74: Yes.
THE CLERK: Is it still your verdict?
JUROR 74: Yes.
THE CLERK: Number 116, was this your verdict?
JUROR 116: Yes.
THE CLERK: Is it still your verdict?
JUROR 116: Yes.
THE CLERK: Number 42, was this your verdict?
JUROR 42: Yes.
THE CLERK: Is it still your verdict?
JUROR 42: Yes.
THE CLERK: Number 85, was this your verdict?
JUROR 85: Yes.
THE CLERK: Is it still your verdict?
JUROR 85: Yes.
THE CLERK: Number 34, was this your verdict?
JUROR 34: Yes.
THE CLERK: Is it still your verdict?
JUROR 34: Yes.
THE CLERK: Number 185, was this your verdict?

JUROR 185: Yes.
THE CLERK: Is it still your verdict?
JUROR 185: Yes.
THE CLERK: Number 181, was this your verdict?
JUROR 181: Yes.
THE CLERK: Is it still your verdict?
JUROR 181: Yes.
THE CLERK: Number 94, was this your verdict?
JUROR 94: Yes.
THE CLERK: Is it still your verdict?
JUROR 94: Yes.
THE CLERK: Number 288, was this your verdict?
JUROR 288: Yes.
THE CLERK: Is it still your verdict?
JUROR 288: Yes.
THE CLERK: The jury has been polled, Your Honor.
THE COURT: Thank you very much.
Any post-trial motions?
MR. GRIFFIN: Yes, Your Honor. At this time we would make a motion for a new trial or a judgment of acquittal. And we would note that the -- I understand the jury's verdict -- I have issues with regard to one count charged verdicts for separate offenses. And for that reason we

would request a mistrial.

THE COURT: All right. Well, first, this is an issue that we have discussed from the beginning of the trial.

And the fact that the State indicted the Defendant with one count of assault with intent to kill stating that the assault was with intent to kill the victim Patricia Speaks and/or Carla Daniels, and I found that the indictment sufficiently put the Defendant on notice as to the allegation and that it complies with State versus Gentry as being specific enough.

And, further, that the verdict form will be fashioned in such a way as to make clear the jury's finding, and in this case it is abundantly clear in that the jury considered each alleged -- each victim individually as instructed to and found a verdict as it relates to Speaks and one as it relates to Carla Daniels.

Of course the Defendant cannot be sentenced for multiple offenses stemming from a single count indictment, but the one for which he can be sentenced on would be the assault of a high and aggravated nature considering that that is the more serious of the two.

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND) 2009-GS-40-5780

THE STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
VS.) TRANSCRIPT OF RECORD
)
MYRON SAMUELS,)
)
DEFENDANT.)
)

JANUARY 27, 2011
COLUMBIA, SOUTH CAROLINA

B E F O R E:

THE HONORABLE CLIFTON NEWMAN, JUDGE

A P P E A R A N C E S:

DOLLY JUSTICE GARFIELD, ESQUIRE, ASSISTANT SOLICITOR
ANDREW R. ROGERS, ESQUIRE, ASSISTANT SOLICITOR
ATTORNEYS FOR THE STATE

JAMES M. GRIFFIN, ESQUIRE
WILLIAM A. HODGE, ESQUIRE
ATTORNEYS FOR THE DEFENDANT

ELIZABETH B. HARRIS, CVR
CIRCUIT COURT REPORTER

14, 2009. I ask that you consider giving him the maximum penalty allowed by law. Thank you.

THE COURT: Thank you.

MS. GARFIELD: Your Honor, just for the record, Investigator Reese wanted to be present today. He has been called to work a double homicide. He's asked me to keep him posted as to what happens, and that's all from the state.

THE COURT: All right, Mr. Griffin.

MR. GRIFFIN: Thank you, Your Honor. Initially, I just want to put a matter of law on the record, and I don't want to belabor, but I just want to preserve it for appeal if necessary. But the -- Mr. Samuels was indicted on a one-count indictment that's ---

THE COURT: Is there any point in doing that, Mr. Griffin? The record is abundantly clear that you objected to the indictment.

MR. GRIFFIN: Yes, sir.

THE COURT: You moved to quash the indictment; you made repeated objections throughout the trial as to the manner the case was indicted. Is there any point in rehashing all that this morning?

MR. GRIFFIN: No. No, sir. The other point is the statutory maximum that Mr. Samuels is looking at. It's our position under the rule of leniency since there were two

victims and one count, that the maximum should be the lesser of the two as opposed to the ten year, and it'd be thirty days. Just simple, simple assault. That's all.

THE COURT: Say that again.

MR. GRIFFIN: The maximum would be for the simple assault charge, Your Honor. That's the only reason I raise it. Just to preserve that issue, not, not to re-argue the, the other matters.

THE COURT: All right. So. All right, proceed.

MR. GRIFFIN: The, Your Honor, with regard to the sentencing, obviously the court has within its discretion a broad range of options: incarceration up to ten years, or probation, or now a suspended term of imprisonment suspended upon time served with, with -- followed by probation, or anywhere in between. And we'd ask, following his conviction, that the court consider probation because of his -- that this offense was out of character, and the court rightly stated that the court was aware of what happened on the night of April the 14th but did not know much more beyond that about Mr. Samuels's character and asked to -- for us to present information on that.

Since then, Your Honor, we've gathered some twenty-three letters from folks of all walks of life who, who've written the court to attest to Mr. Samuels's character. These letters come from folks who have

It's in effect two counts in one, a single-count indictment: a simple assault conviction which carries thirty days, and assault of high and aggravated nature, which carries up to ten years. Of course, had he been convicted of the other offense, the penalty would have been the same. But the elements of the offense, the elements are different. And the jury, on the one hand, could have believed the victims' testimony and -- but concluded that it was impossible for the crime to have occurred because the safety on the gun, that would negate an essential element of that offense. And then on the other hand, with the difference in gender, any, almost any type of assault involving a male and female could be assault of a high and aggravated nature. We don't know, we don't what the jury decided other than the offense that the jury decided. We don't know who the jury believed.

I'm not one to hesitate to incarcerate someone who I believe should be incarcerated, where society needs to be protected, but I don't believe Mr. Samuels is one of those folks. In one -- a person can destroy their lives and -- their life in an instant through a lot of different means. It just takes one moment, one bad choice, and an entire life can be down the drain. And there are plenty, many young men and women serving long prison terms for those indiscretions and bad choices where they never get an

opportunity to right the ship. But in so many instances, the court cannot afford to take a chance on them, either because of the cries of the victim, complaints by society, or just the fact that those decisions may come back to haunt them like the man that I had over in Lee County.

But a man must be measured or should be measured, a life should be measured by something greater than a ten minute, five, ten minute confrontation that pops up out of the blue, and that's going to be the guiding force of the sentence that I impose on Mr. Samuels here today.

SENTENCE OF THE COURT:

THE COURT: So, Mr. Samuels, the sentence of the court then is that you be committed to the State Department of Corrections for a period of ten years, provided that upon the service of time served, the balance is suspended for probation for a period of three years. As a special condition of probation, you are required to perform two hundred hours of community service.

And, Ms. Davis, you want to have this community service catered toward something meaningful?

PROBATION AGENT: May it please the court? Unfortunately, due to the nature of his charge, he's not eligible for public service.

MR. GRIFFIN: It's a, it's a non-violent offense.

THE COURT: Assault, aggravated assault.

PROBATION AGENT: I'll have to check. There's certain offenses that the Department won't let the offenders do. I'll have to check with the supervisor to see if they'll let him do it.

THE COURT: Well, that will be a, that will be a condition of probation, whether it's through the Department or outside of the Department.

MR. GRIFFIN: Yes, sir.

THE COURT: Call on Coach Jeffries if necessary. Have him be the community service person if the probation department can't do it.

MR. GRIFFIN: Yes.

THE COURT: And if you let me know about that, follow up on that.

Two hundred hours of community service, and this issue of no contact with the victim, victims, I have that issue to come up quite a bit. Sometimes I have it come up with the husband and wife and various people. I will make that a condition of the probation: no contact with the victims.

Do you have intensive supervision anymore, or has that been done by the wayside, too?

PROBATION AGENT: No, sir. We do have intensive supervision.

THE COURT: Okay, with state budget cuts and everything, so we'll provide -- what is intensive

supervision anyway? Tell us what that is, intensive supervision.

PROBATION AGENT: That's where he's required to report every two weeks to the probation office.

THE COURT: As opposed to monthly?

PROBATION AGENT: As opposed to monthly.

THE COURT: And any other features of it?

PROBATION AGENT: And he is regard to pay, I think it's $20 a week for that versus $50 a month for the period of intensive. So, if you ordered six months of intensive, he would to pay ---

THE COURT: Yes. The first six months will be intensive supervision, and further order anger management counseling, and for what period does the Department typically have, carry that? How long does that go for, anger management?

PROBATION AGENT: It just depends on what program we can get him in. I think it's, like, several different agencies that they can refer him to for anger management.

THE COURT: All right, and the program that she mentioned, are you familiar with any other independent form of ---

MR. GRIFFIN: No, sir.

THE COURT: --- counseling treatment, whatever might fit this situation?

MR. GRIFFIN: I'm not exactly, Your Honor. I mean, there are certain private therapies, but we'd be happy to participate at the direction of the probation office, whatever standing programs they have.

THE COURT: We'll leave that as an option, the private therapy that you might be -- that may be coordinated, subject to the court's approval.

MR. GRIFFIN: Okay. Yes, sir.

THE COURT: And that's the sentence of the court.

MS. GARFIELD: Thank you, Your Honor.

MR. GRIFFIN: Thank you, Your Honor.

THE COURT: Good luck to you, sir.

DEFENDANT: Yes, sir. Thank you.

(COLLECTION OF LETTERS MARKED INTO EVIDENCE AS COURT'S EXHIBIT NUMBER 1.)

(COLLECTION OF CERTIFICATES MARKED INTO EVIDENCE AS COURT'S EXHIBIT NUMBER 2.)

--- END OF TRANSCRIPT OF RECORD ---

ARREST WARRANT

K612670 K-612670 0910728

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of COLUMBIA

THE STATE

against

MYRON SAMUELS

Address: 447 LOMBARDI COURT
COLUMBIA SC 00000

Phone: _____ SSN: _____

Sex: M Race: B Height: 6 00 Weight: 220

DL State: _____ DL#: _____

DOB: 11/30/1960 Agency ORI#: SC0400100

Prosecuting Agency: CITY OF COLUMBIA

Prosecuting Officer: REESE/J HARRIS

Offense: AWIK

Offense Code: MAC

Code/Ordinance Sec: COMMON LAW

This Warrant is CERTIFIED FOR SERVICE in the ☐ County/ ☑ Municipality of COLUMBIA. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Myron Samuels on July 07, 2009.

A S Bell
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of) **AFFIDAVIT**
COLUMBIA)

Form Approved by S.C. Attorney General April 21, 2003 SCCA 618

Personally appeared before me the affiant INV K E REESE who being duly sworn deposes and says that defendant MYRON SAMUELS did within this county and state on 04/14/2009 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of COLUMBIA) in the following particulars:

DESCRIPTION OF OFFENSE: AWIK COMMON LAW

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE DEF DID COMMIT THE CRIME OF AWIK AND IN THAT ON 04/14/09, BETWEEN THE HRS OF 7:40 PM AND 8:05 PM WHILE AT 1936 SATURN LANE IN THE CITY LIMITS OF COLUMBIA, SC. HE ENGAGED IN A VERBAL & PHYSICAL ALTERCATION WITH VICTIMS PATRICIA SPEAKS AND CARLA DANIELS. WHILE DOING SO THE DEF ARMED HIMSELF WITH A LODED HANDGUN. HE GRABBED VICTIM DANIELS BY THE HAIR AND PUT THE GUN TO HER HEAD AND PULLED THE TRIGGER. VICTIM SPEAKS WAS SCREAMING TO THE DEF THAT THE GUN WAS LOADED. DEF THEN POINTED THE GUN AT VICTIM SPEAKS AND CURSED.

Signature of Affiant Kevin E Reese

Affiant's Address #1 JUSTICE SQUARE COLUMBIA, SC 29201

Affiant's Telephone 5453500

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
COLUMBIA)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 04/14/2009 defendant MYRON SAMUELS did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of COLUMBIA) as set forth below:

DESCRIPTION OF OFFENSE: AWIK COMMON LAW

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 06/30/2009

_____ (L.S.)
Signature of Issuing Judge

Judge Code: 403883

Judge's Address CITY OF COLUMBIA, SC MUNICIPAL COURT, P.O. BOX 644, 29202

Judge's Telephone _____

Issuing Court: ☐ Magistrate ☑ Municipal ☐ Circuit

DEFENDANT COPY

323

CONTINUATION WARRANT K612669

NAME MYRON SAMUELS

ADDRESS 447 LOMBARDI COURT
COLUMBIA, SC

CITY/STATE/ZIP

M B 600 220
SEX RACE HGT WGT

SWORN TO AND SUBSCRIBED BEFORE ME

ON 6/30/2009 L.S.

MINISTERIAL RECORDER

JUDGE CODE 403003

CITY OF COLUMBIA
MUNICIPAL COURT
P O BOX 644
COLUMBIA, SC 29202

DESCRIPTION OF OFFENSES: AWIK COMMON LAW

SPEAKS WAS STRUCK IN THE FACE AND KNOCKED TO THE FLOOR AS SHE TRIED TO GET THE GUN BACK FROM THE DEF. THE DEF LEFT THE RESIDENCE WITH THE GUN.

SIGNATURE OF AFFIANT: INV K.E. REESE

AFFIANT'S ADDRESS 1 JUSTICE SQUARE
COLUMBIA, SC 29201

AFFIANT'S TELEPHONE (803) 545-3500

324

K602670

CRIMINAL CHARGING DOCUMENT NO.

BAIL PROCEEDING
FORM I

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE
☐ COURT OF GENERAL SESSIONS
☐ MAGISTRATE COURT
☑ MUNICIPAL COURT OF COLUMBIA

STATE OF SOUTH CAROLINA

v.

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

MYRON SAMUELS

NAME OF DEFENDANT

Offense Charged: D.U.I.

IT IS HEREBY ORDERED

I

That the above named defendant be released from custody on his own recognizance without surety on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court, and not depart the State without permission of the court and be of good behavior.

II

That the above named defendant be released from custody upon a recognizance without surety executed by him.

Appearance Recognizance Without Surety

On the 1 day of JULY, 2006, personally appeared before the undersigned judge the defendant named above who acknowledged himself indebted to the State of South Carolina, in the sum of $25,000.00 dollars, to be levied on his real and personal property for the use of the State, if the defendant shall fail in performing the conditions of the Order.

III

That the defendant will notify the court promptly if he changes his address from the one contained in this Order and will comply with the following other conditions of release: NO CONTACT WITH VICTIM

IV

That the defendant shall appear at (check one):

☑ the term of COURT OF GENERAL SESSIONS beginning on 24 AUG 06 at 9 o'clock, A.M. at RICHLAND COUNTY COURTROOM 3-A and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of ☐ MAGISTRATE COURT ☐ MUNICIPAL COURT beginning on _____ at _____ o'clock, ___M. at _____

If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SIGNATURE OF DEFENDANT

SIGNATURE OF JUDGE

449 LOMBARDI COURT
ADDRESS

ORANGEBURG SC 29118 803.375.5124
CITY/STATE/ZIP TELEPHONE

DATE

247-23-1392
SOCIAL SECURITY NUMBER DRIVER'S LICENSE OR ID NUMBER

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED
Original Copy For The Trial Court – Copy For The Defendant

Form Approved by SC Attorney General
Section 17-15-40
September 5, 2006

SCCA/510 (Revised 9/2006)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on December 16, 2009, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That Myron Samuels did in Richland County on or about April 14, 2009, with malice aforethought commit an assault with intent to kill upon the victim, Patricia Speaks and/or Carla Daniels, in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

W. Barr

WARREN B. GIESE, SOLICITOR

THE STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT NO.: 2009-GS-40-5780

The State of South Carolina

vs.

Myron Samuels,

Defendant.

VERDICT FORM

We, the jury, by unanimous consent find the Defendant Myron Samuels:

(A) As to Patricia Speaks:

_____ Guilty of Assault with Intent to Kill

_____ Guilty of Assault of a High and Aggravated Nature

✓ Guilty of Simple Assault

_____ Not Guilty

(B) As to Carla Daniels:

_____ Guilty of Assault with Intent to Kill

✓ Guilty of Assault of a High and Aggravated Nature

_____ Guilty of Simple Assault

_____ Not Guilty

Columbia, South Carolina
January 18, 2011

Robert White
Foreperson

CERTIFIED TRUE COPY
OF ORIGINAL
RICHLAND COUNTY
SOUTH CAROLINA

Deferred Sentence per J. Newman 1/18/11

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
STATE VS. Myron Samuels
AKA:
Race: B Sex: M Age:
DOB: SS#:
Address:
City, State, Zip
DL# SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 09 -GS-40-5780
AW#: K612670
Date of Offense: April 14, 2009
S.C. Code §: C/L 17-25-0030
CDR Code #: 0009

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS
TO: Assault of a High & Aggravated Nature
In violation of § C/L 17-25-0030 of the S.C. Code of Laws, bearing CDR Code # 0009
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant initial)
The plea is: ☐Without Negotiations or Recommendation, ☐Negotiated Sentence, ☐Recommendation by the State.

ATTEST:

DJ Gaylord 13433 — Solicitor / SC Bar #
Myron Samuel — Defendant
James Griffin — Attorney for Defendant
9985 — SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of time served ~~days/months/years and/or payment~~ of $_____; plus costs and assessments as applicable*; the balance is suspended with probation for 3 ~~months~~/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: $ _____ plus 20% fee: _____ $ _____

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

Fine		$
14-1-206 (Assessments 107.5%)		$
14-1-211(A)(1) (Conv. Surcharge)	$100	$
14-1-211(A)(2) (DUI Surcharge)	$100	$
56-5-2995 (DUI Assessment)	$12	$
56-1-286 (DUI Breath Test)	$25	$
5.13 (Public Def/Prob)	$500	$
3.3, 1B TP (Law Enforce. Funding)	$25	$
3.7, 1B TP (Drug Court Surcharge)	$100	$
0-21-114(BUI Breath Test Fee)	$50	$
56-5-2942(J) (Vehicle Assessment)	$40/ea	$
1.11 TP (SCCJA Surcharge)	$5	$
to County (if paid in installments)		$
TAL		$

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corps. _____

May serve W/E beginning _____
Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. Of $ _____ Beginning _____
$ _____ paid to Public Defender Fund

Other: First 6 months intensive, Anger Management, No contact w/ the victim, 200 hours of community service

☐ Appointed PD or appointed other counsel, §35.13 TP, requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Jeanette W. McBride
Court Reporter: D. McCurdy

Presiding Judge: C. Newman
Judge Code: 2127
Sentence Date: January 27, 2011

CA/217 (06/2009)

CERTIFIED COPY
SOUTH CAROLINA

WITNESSES

✓ (S) REESE - CPD

ARREST WARRANT NUMBER

K612670

ACTION OF GRAND JURY

TRUE BILL

DEC 17 2009

Foreperson of Grand Jury
Date:

VERDICT

Guilty of Assault of a High and Aggravated Nature as to Carla Daniels and Simple Assault as to Patricia Speaks

Foreperson of Petit Jury
Date: Jan 18, 2011

DOCKET NO. 2009-GS-40-5780

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

DECEMBER TERM 2009

87

THE STATE
vs.

MYRON SAMUELS

Indictment for

ASSAULT WITH INTENT TO KILL
SC Code: 17-25-30
CDR Code: 768
Class MIS-EXM

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY OF ORIGINAL FILED
RICHLAND COUNTY, SOUTH CAROLINA

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND	)	INDICTMENT NO.: 2009-GS-40-5780
The State of South Carolina	)	VERDICT FORM
vs.	)	
Myron Samuels,	)	
Defendant.	)	

We, the jury, by unanimous consent find the Defendant Myron Samuels:

(A) As to Patricia Speaks:

_____ Guilty of Assault with Intent to Kill

_____ Guilty of Assault of a High and Aggravated Nature

✓ Guilty of Simple Assault

_____ Not Guilty

(B) As to Carla Daniels:

_____ Guilty of Assault with Intent to Kill

✓ Guilty of Assault of a High and Aggravated Nature

_____ Guilty of Simple Assault

_____ Not Guilty

Columbia, South Carolina
January 18, 2011

Foreperson

CERTIFIED TRUE COPY
OF ORIGINAL
RICHLAND COUNTY
SOUTH CAROLINA

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Clifton Newman, Circuit Court Judge

Indictment No. 2009-GS-40-5780

State of South Carolina

Respondent,

v.

Myron Samuels

Appellant,

CERTIFICATE OF COUNSEL

The undersigned counsel certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

James M. Griffin
Lewis, Babcock & Griffin L.L.P.
P.O. Box 11208
Columbia, SC 29211
803-771-8000

Attorney for Appellant

May 17, 2012

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Clifton Newman, Circuit Court Judge

Indictment No. 2009-GS-40-5780

State of South Carolina

Respondent,

v.

Myron Samuels

Appellant,

PROOF OF SERVICE

I, Jaime Harmon, the undersigned employee of Lewis Babcock & Griffin L.L.P, attorney for Appellant, do hereby certify that I have served a copy of the foregoing **Record on Appeal** by causing a copy of same to be deposited in the U.S. Mail, proper postage prepaid addressed as follows:

Christina J. Catoe
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

Jaime Harmon

Columbia, South Carolina
May 17, 2012