

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Horry County

Honorable Robert E. Hood, Circuit Court Judge

ODOM BRYANT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000332

APPENDIX

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ROBERT EDGE - CROSS-EXAMINATION

1 general, Thomas Hatfield had a gunshot wound to the
2 back of his head; you would agree, would you not?

3 A. Yes, sir.

4 Q. Now, didn't he also have -- read that. Didn't he
5 also have an injury to his head other than the gunshot
6 wound?

7 A. According to Dr. Proctor's report he does, yes,
8 sir.

9 Q. I've highlighted, but we can agree that the injury
10 that I'm talking about, other than the gunshot wound,
11 the doctor says it is a blunt force injury to the right
12 head above the ear?

13 A. Yes, sir.

14 Q. And you would agree -- you know Dr. Proctor and
15 know he is a good doctor and you supervise his work, so
16 to speak, you would agree with that finding; would you
17 not?

18 A. Yes, sir.

19 Q. Now, according to his report, and it is the second
20 area I've highlighted, that injury is not a gunshot
21 wound, it is a blunt force trauma to the head, what is
22 the measurement of the size of that injury to the head?

23 A. Well, he says it is 2-by-1 centimeter, and to be
24 honest, I'm not sure how long a centimeter is, but I'll
25 say it is about an inch, inch-and-a-half, and I'm just

ROBERT EDGE - CROSS-EXAMINATION

1 guessing.

2 Q. I guess what I'm trying to support, and I think we
3 can agree upon, Dr. Proctor, it appears from that
4 report, looked at that injury, concluded that it was
5 there, indicated on the report, he gave a measurement,
6 and the measurement for that injury is
7 2-by-1 centimeters, that is how big he says it was; can
8 we agree upon that?

9 A. Yes, sir.

10 Q. Let's move to Mr. Amos Hatfield's report. We can
11 stay on this front page here. You are a supervising
12 authority on that report; you agree on that?

13 A. Yes, sir.

14 Q. And that autopsy of Mr. Amos Hatfield was done by
15 Dr. Proctor; we can agree?

16 A. Yes, sir.

17 Q. Now, working off of the report, you are aware that
18 Amos Hatfield also had a gunshot wound to the back of
19 the head; you would agree with that?

20 A. Yes, sir.

21 Q. Now, according to the report, Mr. Amos Hatfield
22 also had a head wound that was not as a result of the
23 gunshot wound, an independent head wound, according to
24 that report; can we agree upon that?

25 A. Yes, sir.

ROBERT EDGE - REDIRECT EXAMINATION

1 Q. And Dr. Proctor, just like he did in measuring
2 Thomas Hatfield's gunshot wound, he provided a
3 measurement of Mr. Amos Hatfield's wound to the head
4 that wasn't a gunshot wound; can we agree upon that?

5 A. Yes, sir.

6 Q. And the measurement of Amos Hatfield's non-gunshot
7 wound is measured exactly as the same size as the one
8 that Thomas Hatfield has, 2-by-1 centimeters; can we
9 agree upon that?

10 A. Yes, sir.

11 Q. Doesn't that suggest that both of the Hatfields
12 had been recipients of a blunt force trauma injury to
13 their heads along with a gunshot to their head?

14 A. Yes, sir.

15 MR. MUREDDU: No further questions, Your Honor.

16 THE COURT: Redirect?

17 REDIRECT-EXAMINATION

18 BY MR. RICHARDSON:

19 Q. You have been doing this 26 years?

20 A. Yes.

21 Q. When a bullet bounces around in the head, does it
22 cause bruising?

23 A. It can like. Like a .22 or .25, a small caliber
24 usually, bounces around where a larger caliber goes
25 into the bony area.

ROBERT EDGE - REDIRECT EXAMINATION

1 Q. So a projectile that does not exit the head, it
2 could strike a portion of the head causing bruising?

3 A. It is possible.

4 Q. Which is similar to blunt force trauma?

5 A. Yes.

6 Q. We were going over the reports, was there any sign
7 of struggle on the hands or any part of the bodies of
8 Amos or Tommy Hatfield?

9 A. Not that I'm aware of, nor was I made aware of any
10 struggle.

11 Q. And Dr. Proctor would have noted that?

12 A. Yes, sir.

13 Q. So those are --

14 MR. MUREDDU: I would object. He's going beyond
15 the scope of what we covered in cross-examination.

16 MR. RICHARDSON: They brought in the report
17 injuries --

18 THE COURT: Whatever the next question about --
19 you brought up the blunt force trauma, those questions
20 thus far as --

21 MR. MUREDDU: I agree with that.

22 THE COURT: Let's see the next question.

23 MR. MUREDDU: I did not go into defensive wounds
24 or anything like that.

25 THE COURT: All right.

ROBERT EDGE - RECROSS-EXAMINATION

1 Q. Did Dr. Proctor note any fractures to the head?

2 A. Let me go back and review the report.

3 (A brief pause in the proceedings.)

4 A. (Witness examines document.) Yes, sir. On
5 Mr. Thomas, in his case summary, he notes there is
6 evidence of blunt force trauma to the head above the
7 ear with skull fracture, a segment of stone material
8 within the subdermal tissue. Is that what you are
9 talking about?

10 Q. Yes, sir. Anything on Amos?

11 THE COURT: If you could speak into the
12 microphone.

13 A. All right, sir. Mr. Amos Hatfield, he does not
14 note it like he did on the other gentleman. He says
15 there is extensive maceration of brain matter along the
16 projectile path associated with intracranial hemorrhage
17 in that area. I -- your question one more time?

18 Q. Did he note any skull fractures on Amos?

19 A. Not that I see here, sir. Let me back up in one
20 area. (Witness examines document.) Not that I see.

21 MR. RICHARDSON: Thank you.

22 RECROSS-EXAMINATION

23 BY MR. MUREDDU:

24 Q. Let's go back to Thomas Hatfield. Let me
25 reiterate so we understand on Thomas Hatfield. There

ROBERT EDGE - RECROSS-EXAMINATION

1 is a blunt force trauma to the head that is independent
2 of the gunshot wound, so we agree upon that?

3 A. Yes, sir.

4 Q. And it measures 2-by-1 centimeters; can we agree
5 upon that?

6 A. Yes, sir.

7 Q. And I think that we got into depressed skull
8 fracture, that basically -- that is consistent with a
9 blow to the head, isn't it?

10 A. In my opinion.

11 Q. Not a bullet rattling around, and I apologize for
12 being so graphic, folks?

13 A. Yes, sir.

14 Q. And while Amos Hatfield's injury to his head is
15 not as severe as Thomas Hatfield, you would agree that
16 it's not?

17 A. Yes, sir, from reading his report.

18 Q. The non-gunshot injury to his head measures
19 exactly the same as the one to Thomas Hatfield,
20 2-by-1 centimeters; can we agree upon that --

21 A. Yes, sir.

22 MR. MUREDDU: Nothing further.

23 THE COURT: You may step down.

24 MR. RICHARDSON: Your Honor, we ask that Coroner
25 Edge be excused.

STATE RESTS

1 MR. MUREDDU: No objection.

2 THE COURT: You are free to go. State, call your
3 next witness.

4 MR. RICHARDSON: At this junction, the State would
5 rest.

6 THE COURT: All right. Let me see the attorneys
7 for a second.

8 (Whereupon, a bench conference was had.)

9 THE COURT: Ladies and Gentlemen, the State rested
10 their case. Now is the time in the trial where I have
11 to take matters of law with the attorneys, and I'm
12 required to do that outside of the presence of the
13 jury, and I explained to you earlier why we do it that
14 way. Also, given the time of day, I was doing
15 scheduling with the attorneys and we all agree it is
16 time to break for the day, so I'll allow you to go
17 home.

18 Leave your notepads in the jury box, don't take
19 them with you. Be back in the jury room tomorrow
20 morning at 9:15, and we'll try to get started as soon
21 after that as we can. I caution you, do not discuss
22 the case, even among yourselves. Don't conduct any
23 independent investigation in the case, don't read
24 through the newspaper or listen to news accounts,
25 should there be any. I hope everyone has a good

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1 evening, and see you back at 9:15 tomorrow morning.

2 (The jury exits at 5:19 p.m., and the
3 following is heard out of the presence of the jury.)

4 THE COURT: Any motions?

5 MR. MUREDDU: Your Honor, before I make the motion
6 for directed verdict, I think that based on a matter
7 before -- that burglary first degree -- I feel that
8 procedurally, and I'm not trying to get you to revisit,
9 so to speak, because I think you ruled and I think -- I
10 think that if perhaps we are all wrong about this, and
11 I think procedurally I would be required to address, at
12 this time, this pending burglary first indictment out
13 there and try to get the Solicitor to declare now to
14 null pros it with prejudice on the record. If he were
15 to choose not to do that, I think that I would have to
16 or should procedurally make a directed verdict motion
17 based on what would have been presented on that
18 burglary first degree. Now, I know that sounds
19 strange.

20 THE COURT: And I understand, and I don't mean to
21 cut you off. Mr. Richardson, can you dismiss it with
22 prejudice?

23 MR. RICHARDSON: The only situation I can see it
24 not dismissing it, at the conclusion of the final
25 disposition of these charges for trial today, the only

MOTIONS

1 reason I would reserve it to the final disposition is
2 if there was a hung jury, and then this trial is as if
3 it never occurred. I'll state for the record --

4 THE COURT: Well, put it this way. Say you had
5 gone forward with the burglary first charge and you
6 presented no evidence of it at this point in time, and
7 he's making a motion for directed verdict.

8 MR. RICHARDSON: There is nothing on the record
9 with regard to what evidence I would have presented,
10 Your Honor.

11 THE COURT: But that is what his argument is, that
12 the burglary first is based upon these same set of
13 facts and that double jeopardy attaches.

14 MR. RICHARDSON: And I just say that not thinking
15 about anything else, Your Honor.

16 THE COURT: Let's handle it this way, and I don't
17 know the answer to it, but I'll have to do some
18 research and we'll come back first thing tomorrow
19 morning. I'll let you argue a motion to dismiss the
20 indictment to burglary first, and we'll address it at
21 that time. Anything else?

22 MR. MUREDDU: I'll take the other matters at that
23 time so we can break. I think we had enough for today.

24 THE COURT: All right. So we'll address the
25 motions -- so get back -- I have them coming at 9:15.

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1 Let's be here at 9:15 and I'll hear your motions then,
2 so we'll go straight in and bring them at 9:30. Let's
3 go ahead -- and not to pre-rule on any motions or
4 anything, but let me question your client regarding his
5 right to testify so that we can think about it
6 overnight, okay. Place him under oath.

7 (ODOM BRYANT, having been duly sworn,
8 testified as follows:)

9 EXAMINATION

10 BY THE COURT:

11 Q. Your name is Odom Bryant?

12 A. Yes, sir.

13 Q. Mr. Bryant, at this time I'm going to explain to
14 you certain rights you have, and if you do not
15 understand anything I say, let me know. If you want me
16 to explain anything in more detail, let me know; do you
17 understand that?

18 A. Yes, sir.

19 Q. We've now reached the stage of the trial where you
20 may present your defense. You have the right to claim
21 the protection given to you by the Fifth Amendment of
22 the United States Constitution which states, in part,
23 that no person shall be compelled in any criminal case
24 to be a witness against himself. This means that you
25 cannot be required to testify in this case. You have

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1 the right to testify on your own behalf; however, no
2 one can make you testify. This is a personal right,
3 and no one can waive this right except for you.

4 If you do decide to testify, you will be subject
5 to the same rules that govern other witnesses, and you
6 may be examined and cross-examined on any relevant
7 issue in this case. In addition, if you have any
8 convictions involving dishonesty or false statement or
9 crimes punishable by imprisonment for more than one
10 year, and this Court determines that the probative
11 value of admitting this evidence outweighs its
12 prejudicial effect to you, the Solicitor will be able
13 to introduce your record to attack your credibility.

14 At this point in time, are you aware of any prior
15 criminal records that would be used?

16 MR. RICHARDSON: I apologize for not having it in
17 front of me, I'm trying to pop to it now, Your Honor.

18 THE COURT: All right.

19 (A brief pause in the proceedings.)

20 MR. RICHARDSON: I just had this run on Monday
21 morning, make sure we had the most current.

22 THE COURT: Fine.

23 MR. RICHARDSON: It looks like the Defendant has a
24 conviction from 2008 for second degree kidnapping in
25 North Carolina. Also, Your Honor, it looks common law

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1 robbery, and it says guilty to a lesser degree. That
2 is NCIC; I don't know what that means. It is a guilty
3 verdict that likewise is in 2008. It is difficult to
4 read their NCIC, Your Honor. That looks like the
5 extent of it, Your Honor.

6 MR. MUREDDU: That appears to be correct, Your
7 Honor.

8 THE COURT: All right. The second degree
9 kidnapping, that was in North Carolina?

10 MR. RICHARDSON: North Carolina, 2008, Your Honor.

11 THE COURT: I'm trying to think what kind of
12 probative value that would have.

13 MR. RICHARDSON: It carries more than one year,
14 and I think I would be limited -- not asking him about
15 kidnapping itself, but do you have felony convictions,
16 that is the way it was addressed to me --

17 THE COURT: What is the probative value?

18 MR. RICHARDSON: I'm going by the rule I can
19 inquire if he has felony convictions that carry more
20 than a year.

21 THE COURT: I'm not going to allow kidnapping. I
22 think the prejudicial effect would outweigh any
23 probative value. Now, on this robbery, that is a crime
24 of moral turpitude that deals with moral credibility.
25 I'll allow him to do more research. I think if it

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1 turns out he has a conviction for some type of theft, a
2 robbery or fraud or something of that nature, that does
3 involve a moral turpitude, I'll allow that.

4 MR. RICHARDSON: Your Honor, in regards to the
5 rule, I know the protection we've granted -- we just
6 say, Do you have a felony conviction, that way we don't
7 get into specifics.

8 THE COURT: I still think I have to do probative
9 value versus prejudicial effect on that. If it is a
10 crime of moral turpitude that shows dishonesty, it is
11 comes in.

12 MR. RICHARDSON: Yes, sir.

13 THE COURT: I'll let you reargue that tomorrow
14 morning, but at this point in time, I don't see where
15 there is any probative value.

16 Q. (BY THE COURT) Those may be some issues that the
17 State can raise to attack your credibility; do you
18 understand that?

19 A. Yes, sir.

20 Q. If you decide to testify, this decision on your
21 part must be freely, voluntarily and intelligently made
22 with knowledge of the protections given to you by the
23 Fifth Amendment and the consequence of your decision to
24 testify. If you decide not to testify, I will instruct
25 the jurors that they cannot give the fact that you did

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1 not testify any consideration, whatsoever, that there
2 is to be absolutely no prejudice to you because you did
3 not testify. It is left entirely up to you whether you
4 testify. You may talk with your attorney, family and
5 friends or anyone else, but the final decision will be
6 left entirely up to you. You understand what I've
7 explained to you?

8 A. Yes, sir.

9 Q. Do you have any questions about what I've
10 explained to you?

11 A. No, sir.

12 Q. I'm going to go over this with you tomorrow
13 morning again. This will give you tonight to decide
14 whether or not you wish to testify in this case. If we
15 -- when we come tomorrow morning, depending how I rule
16 on these motions that will be argued tomorrow morning,
17 I'll ask you at that time, if the trial proceeds,
18 whether or not you wish to testify in this case, okay?

19 A. Yes, sir.

20 THE COURT: Anything further from the defense?

21 MR. MUREDDU: Nothing at this time.

22 THE COURT: Anything from the State wants to place
23 on the record in that regard?

24 MR. RICHARDSON: No, sir.

25 THE COURT: Anything from the State before recess?

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1 MR. RICHARDSON: No, sir. Depending how you rule
2 on the motions tomorrow, we'll take a slight charge
3 conference?

4 THE COURT: Yeah. Standard. I can't -- if you
5 have any charges you want to get them to me first thing
6 tomorrow morning so I can look at them.

7 MR. RICHARDSON: I assume the mere presence
8 charge?

9 MR. MUREDDU: Yeah.

10 MR. RICHARDSON: That is the only odd one that I
11 envision.

12 THE COURT: You have mere presence, and then you
13 have the circumstantial evidence charge, whether you
14 want to charge the most recent law on that one.

15 MR. RICHARDSON: And I just ask -- I think you did
16 that in the prior trial as well, so you would use that.

17 THE COURT: I have pretty -- well, I have the
18 charge from the Locklear trial, and there is not a
19 whole lot of difference in the charges.

20 MR. RICHARDSON: I'm talking about as far as
21 circumstantial evidence, because I have had a couple of
22 judges place it differently in different places.

23 THE COURT: I have it -- I can tell you where I
24 have it exactly.

25 (A brief pause in the proceedings.)

MOTIONS

1 THE COURT: I charged circumstantial evidence
2 right after the duties of the jury and the trial judge,
3 charge on reasonable doubt, the duties of the jury and
4 trial judge.

5 MR. RICHARDSON: I'm not questioning about the
6 order, but the language used in the circumstantial
7 portion where you put -- I can't remember, but the new
8 language handed down, I believe August or so of 2013,
9 about circumstances must be --

10 THE COURT: Oh, I see. Well, I can go ahead and
11 tell you how I charge it. I say two types of evidence
12 are generally presented during a trial, direct evidence
13 and circumstantial evidence. Direct evidence directly
14 proves the existence of a fact and does not require
15 deduction. It is evidence which immediately
16 establishes the main fact to be proved. Circumstantial
17 evidence is proof of a chain of facts and circumstances
18 indicating the existence of a fact. It is evidence
19 which immediately establishes collateral facts from
20 which the main fact may be inferred. Circumstantial
21 evidence is based on inference and not on personal
22 knowledge or observation. Crimes may be proven by
23 circumstantial evidence. The law makes no distinction
24 between the weight or value to be given to either
25 direct or circumstantial evidence; however, to the

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1 extent the State relies on circumstantial evidence to
2 prove its case, all of the circumstances must be
3 consistent with each other, and when taken together,
4 point conclusively to the guilt of the accused beyond a
5 reasonable doubt.

6 If these circumstances merely portray the
7 Defendant's behavior as suspicious, the proof has
8 failed. The State has the burden of proving the
9 Defendant guilty beyond a reasonable doubt. This
10 burden rests with the State regardless whether the
11 State relies on direct evidence, circumstantial
12 evidence or some combination of the two.

13 MR. MUREDDU: That is the one I would be
14 requesting, Your Honor.

15 THE COURT: Okay. All right. Anything further
16 from the State before we recess?

17 MR. RICHARDSON: No, sir.

18 THE COURT: Defense?

19 MR. MUREDDU: Nothing, Your Honor.

20 THE COURT: We'll be in recess until 9:15 tomorrow
21 morning. Thank you.

22 **(Whereupon, the proceedings for January 14, 2015**
23 **concluded and the following was had on January 15,**
24 **2015.)**

25 THE COURT: All right. State closed yesterday.

MOTIONS

1 We have motions.

2 MR. MUREDDU: At this time, I have two motions for
3 directed verdict, and they are a little different, as
4 we have covered during the course of this trial. The
5 Court is aware that the Solicitor has an indictment out
6 there that arose out of this incident at the Hatfield
7 house. It was indicted as burglary in the first degree
8 charging my client, Odom Bryant, with having committed
9 that offense. The Solicitor has in this trial elected
10 not to bring that charge in front of this jury; it has
11 been held back.

12 To preserve on the record, I think the Court has
13 ruled that it doesn't feel it has jurisdiction or it
14 would be proper for this Court to judicially dismiss
15 that indictment of burglary first degree with
16 prejudice, and since the Solicitor has not voluntarily
17 chosen to dismiss that indictment of burglary in the
18 first degree without prejudice during the course of
19 this proceeding, we would like the record to reflect
20 that we are moving that that charge be a directed
21 verdict -- be granted in that charge as well.

22 Just briefly, the evidence that was presented,
23 even though the Solicitor didn't bring the indictment,
24 the evidence presented was that there was no damage to
25 the door, there was no unlawful entry. As a matter of

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1 fact, the wife of one of the decedents invited and
2 allowed the defendants to come in. There would not
3 have been evidence to support an unauthorized entry on
4 my client's part, that is the element that would have
5 been lacking in that charge of burglary in the first,
6 and I think it is the reason why the Solicitor didn't
7 bring it. I don't think he was trying to trick us or
8 hold back, but I just don't -- I think that he realized
9 that the evidence was lacking in the unauthorized
10 unlawful entry part of that indictment and chose not to
11 do it.

12 So I want that on the record and make a motion for
13 that to be -- that charge to be disposed of, dismissed
14 with prejudice.

15 THE COURT: All right. I note your motion, and
16 I'll deny it. One, I'm denying it on the directed
17 verdict grounds based on the fact that the indictment
18 really is not being called to trial. It very well may
19 be barred by double jeopardy, but I'll allow you the
20 opportunity to file a formal motion to dismiss that
21 with prejudice based on double jeopardy grounds. I
22 won't address it in this trial of this murder case.

23 MR. MUREDDU: Yes, sir. Regarding to the
24 indictment before the Court, two counts of murder, Your
25 Honor, we move for a directed verdict on that. Just

ODOM BRYANT - EXAMINATION BY THE COURT

1 very simply, my client -- the evidence developed was
2 introduced, my client gave a statement of his lack of
3 involvement in this crime, specifically the murder.
4 His lack of participation, knowing participation, that
5 was the evidence that was presented, and the State in
6 anything that they offered did not disprove this. They
7 offered suspicion, they offered suggestion, but that
8 was not disproved, and because of that, we think it
9 should not go to a jury. We move for a directed
10 verdict on those two grounds.

11 THE COURT: Motion is noted, and I'll deny it. I
12 think there is enough to create a jury question.
13 Anything further?

14 MR. MUREDDU: Nothing until the Defendant's
15 advised.

16 THE COURT: Let's put him under oath again.

17 (ODOM BRYANT, having been duly sworn,
18 testified as follows:)

19 EXAMINATION

20 BY THE COURT:

21 Q You are Odom Bryant?

22 A Yes, sir.

23 Q Do you recall the rights that I advised you of
24 yesterday, your right of whether or not to testify or
25 not testify?

ODOM BRYANT - EXAMINATION BY THE COURT

1 A Yes, sir.

2 Q Okay. I'm going to go over that again since
3 you've had an opportunity to consider whether or not
4 you wish to testify in this case overnight, or you had
5 overnight too decide it, but I'll go ahead and go
6 through that charge just like I went through yesterday
7 with you again.

8 A Okay.

9 Q Now, at this time I'm going to explain certain
10 rights you have, and if you do not understand anything
11 I say let me know. If you want me to explain anything
12 in more detail, please let me know; do you understand
13 that?

14 A Yes, sir.

15 Q We have now reached the stage of the trial where
16 you may present your defense. You have the right to
17 claim the protections given to you by the
18 Fifth Amendment to the Constitution of the United
19 States that states in part that no person shall be
20 compelled in any criminal case to be a witness against
21 himself. This means that you cannot be required to
22 testify in this case. You have the right to testify on
23 your own behalf, however, no one can make you testify.
24 This is a personal right, and no one can waive this
25 right except for you.

ODOM BRYANT - EXAMINATION BY THE COURT

1 If you decide to testify, you will be subject to
2 the same rules that govern other witnesses. You may be
3 examined and cross-examined on any relevant issue in
4 this case. In addition, if you have any convictions
5 involving dishonesty or false statement or for crimes
6 punishable by imprisonment for more than one year, and
7 the Court determines that the probative value in
8 admitting this evidence outweighs its prejudicial
9 effect to you. The Solicitor will be able to introduce
10 your record to attack your credibility.

11 Yesterday they raised two convictions, one was a
12 kidnapping, which I will not allow them to attack your
13 credibility on that kidnapping conviction. Another one
14 was a larceny, but as I understand it from the
15 Solicitor's Office, in meetings you have not been able
16 to find out the facts and circumstances of that case or
17 what the conviction was for; is that correct?

18 MR. RICHARDSON: It says it was a lesser included
19 charge of common law robbery, which my understanding
20 underlying facts in South Carolina is it would be a
21 larceny.

22 THE COURT: Based upon their inability to find out
23 the facts and circumstances of that case, I would have
24 to do a balance test, and since they don't have any
25 information, I would not allow them to attack your

ODOM BRYANT - EXAMINATION BY THE COURT

1 credibility on the larceny conviction either.

2 Is there any other charges that you found out
3 overnight that you would be bringing up?

4 MR. RICHARDSON: No, sir.

5 THE COURT: All right.

6 Q (BY THE COURT) So those two prior convictions
7 would not be allowed, or I would rule those
8 inadmissible if you testified; do you understand that?

9 A Yes, sir.

10 Q Now, if you decide to testify, this decision on
11 your part must be freely, voluntarily and intelligently
12 made with knowledge of the protections given to you by
13 the Fifth Amendment of the United States Constitution,
14 and the consequences of your decision to testify.

15 If you decide not to testify, I will instruct the
16 jurors that they cannot give the fact that you did not
17 testify any consideration, whatsoever, and that there
18 is to be absolutely no prejudice to you because you did
19 not testify. It is left entirely up to you whether or
20 not you testify. You may talk with your attorneys,
21 your family and friends or anyone else, but the final
22 decision is left entirely up to you.

23 Now, do you understand what I've explained to you?

24 A Yes, sir.

25 Q Do you have any questions about what I've

ODOM BRYANT - EXAMINATION BY THE COURT

1 explained to you?

2 A No, sir.

3 Q Have you had an ample opportunity to discuss
4 whether or not you wish to testify in this case with
5 your attorney, family, friends or anyone else with whom
6 you wish to speak?

7 A I have.

8 Q And do you wish to talk to your lawyers any more
9 about your right to testify at this time?

10 A No, sir.

11 Q Do you wish to testify in this case?

12 A No, sir.

13 Q Is that your decision?

14 A Yes, sir.

15 Q All right. Anything further that either defense
16 counsel wants to place on the record in that regard?

17 MR. MUREDDU: Your Honor, we just discussed it
18 over and over. We met hours on end, and I agree with
19 his decision, and we are on the same page pursuant to
20 my advice as well.

21 THE COURT: Anything further the State wants
22 placed on the record?

23 MR. RICHARDSON: No, sir, Your Honor.

24 THE COURT: Is there any defense presented in this
25 case?

1 MR. MUREDDU: No, sir, Your Honor.

2 THE COURT: Let's go ahead and take a break. I
3 have the jury charges formulated as we discussed
4 earlier. I will get you a copy before we bring the
5 jury in. What we'll do is I'll give you an opportunity
6 to look over the proposed charges. We'll bring the
7 jury in. I'll let the defense close on the record, and
8 then we'll go into closing arguments, jury charges and
9 deliberations.

10 When you look over the charges, I'll give you an
11 opportunity to raise any objections or challenges to
12 the charges before I charge the jury. After I charge
13 the jury, I'll give you another opportunity, because
14 sometimes charges come across differently when you hear
15 them read versus when you read them on paper, so I'll
16 give you two opportunities to raise objections.
17 Anything from the State before we recess?

18 MR. RICHARDSON: No, sir.

19 MR. MUREDDU: Nothing from the defense, Your
20 Honor.

21 THE COURT: It will take me about ten minutes to
22 get them printed out. I'll give you 10, 15 minutes to
23 look it over and we'll come whack.

24 MR. RICHARDSON: Start closings around quarter
25 after, roughly?

1 THE COURT: Yes.

2 MR. RICHARDSON: Just making sure that everyone
3 has time to do what they need to do.

4 (A recess was taken.)

5 THE COURT: I looked over the instructions and I
6 found a couple typographical errors -- or my law clerk
7 has. I made those corrections, but as far as the
8 challenges, any objections or additional charges from
9 the State?

10 MR. RICHARDSON: None, Your Honor.

11 THE COURT: Defense?

12 MR. MUREDDU: None, Your Honor.

13 THE COURT: As I said, after I charge the jury,
14 I'll give you another opportunity to raise objections,
15 because sometimes it sounds differently when you hear
16 it read versus when you read it.

17 Anything from the State before we bring the jury
18 in?

19 MR. RICHARDSON: State is ready to proceed.

20 MR. MUREDDU: Nothing from defense.

21 THE COURT: We'll bring them in and you can -- go
22 ahead and bring them in -- I'll tell them the State
23 rests and it is time for the defense if they want to
24 present one, and you can say the defense rests, and
25 then we'll go into closing arguments.

THE COURT

1 (The jury enters at 10:29 a.m., and the
2 following is heard in the presence of the jury.)

3 THE COURT: Ladies and Gentlemen, welcome back. I
4 hope everyone had a good evening. I apologize for
5 keeping you in the jury room for so long, but we did
6 have legal matters that we needed to attend to. Please
7 make sure you have your own notepads and no one else's
8 pads.

9 Before we proceed, I need to ask you again, like I
10 did yesterday, is there any member of the jury who over
11 the course of the evening heard any news accounts about
12 the case, read anything about the case, discussed
13 anything about the case or has any information about
14 this case outside the testimony that you have heard
15 during the trial of this case?

16 Very well. When we closed yesterday the State
17 closed their case, now is the time where the defense
18 can present a defense, if they want to do so. Mr.
19 Mureddu.

20 MR. MUREDDU: The defense will rest at this time.

21 THE COURT: All right. Ladies and Gentlemen, the
22 defense has rested their case, so now is the time of
23 trial where the -- where the attorneys will make their
24 closing arguments to you. Just like their opening
25 statements, these closing arguments are not evidence in

CLOSING ARGUMENT - MR. RICHARDSON

1 this case. It is simply the attorney's contention as
2 to what they think the evidence has shown in this case
3 and the law to be applied in this case.

4 If at any time an attorney makes reference to a
5 factual issue that is different from the facts you find
6 them to be, or references the law that is different as
7 I will instruct you at the close of the arguments, you
8 are to disregard that portion of the closing arguments,
9 because these closing arguments are not evidence, it is
10 just their contention as to what the facts are and the
11 law to be applied.

12 Mr. Richardson.

13 MR. RICHARDSON: Liar's motto: If at first you
14 don't deceive, lie, lie again. Certainly the Defendant
15 believed in this motto, because as evidence was
16 uncovered that showed that he participated in the cold
17 blooded, brutal, execution style murders of Tommy and
18 Amos Hatfield, murders in which he anticipated with
19 Sandy Locklear and Nehemiah Evans. As that evidence
20 came to light, he lied upon lie in a vain attempt to
21 escape what he did to get away with murder. In fact,
22 this whole plan, the plan of evil doers began on a
23 basis of lies, not to one another, but what they would
24 project out to the police. It began when Sandy
25 Locklear picked up that phone, one hour after -- over

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1 one hour after she left the defendants in, after she
2 texted them to come on in, the back door is open. She
3 waits that long to call 911 to call and report the
4 crime, because she has to give them time to get away,
5 burn that car and get away.

6 What does she say in the 911 call? Lies. She
7 identifies her attackers, my husband has been shot,
8 I've been raped, don't know where Tommy is, it was a
9 white dude, light-skinned guy, possibly Hispanic. You
10 all look over here, Police, don't look at my
11 codefendant, the man who helped kill my husband. Don't
12 look there.

13 As those lies were uncovered, Sandy Locklear was
14 interviewed, and the lies fell apart, the police didn't
15 believe, and she was charged, and then the police
16 investigation began. They got the cell records
17 statements. They went to Tabor City, Vasco, got
18 Nehemiah James Evans about a week later, and then the
19 Defendant was out for a month. He's had a lot to think
20 about, what he'll say. When the U.S. Marshal Service
21 apprehended him, take him into custody, he only knows a
22 few things. One, he knows what he did. He notices his
23 codefendants have been arrested. He's had a month to
24 think, but he doesn't know what they've said, doesn't
25 know what the police have, but they have enough. They

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1 have two warrants for the murder of Tommy and Amos. So
2 when the police go to question, yeah, he wants to talk.
3 He has got to find a way to explain away, lie away what
4 he did, talk about his crimes. He lies again and again
5 and again, and as each lie contradicts the physical
6 evidence, statements, cell records, Vasco still shots
7 of him having a gun, every time he gets hit, the lie
8 falls to the floor. They even tell you, We know where
9 you are from GPS, he tells another lie again and again.

10 As those lies crumble down under their own weight,
11 there remains one truth. The police did not believe
12 his lies, because there is one truth. On August 19th,
13 2012, Odom Bryant entered into an evil intent with
14 Sandy Locklear and Nehemiah James Evans, for one
15 expressed purpose. They went in that house to kill
16 Amos because they needed the money, and Tommy because
17 he was in the way. When they took that pillow and put
18 it down on Tommy's head and put the gun to the back of
19 his head, 20 feet away from his father, and pulled the
20 trigger, they committed the first murder altogether.

21 When they left Tommy lying there, shot in the
22 head, go over to Amos and he, too, was held down, boom.
23 Shot dead like a dog in a street. His murder is
24 complete. That is the simple truth, folks. Sandy is
25 guilty of murder. Nehemiah is guilty of murder. She

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1 couldn't have done it alone. They were there because
2 it was a part of the plan. The truth is he's a
3 cold-blooded killer. Let your verdict speak the truth.
4 Find him guilty for the murder of Amos Hatfield and the
5 murder of Tommy Hatfield.

6 Now, in a moment the Defendant will have a chance
7 to speak, the defense will have a chance to speak.
8 After that, the judge will talk to you. The judge will
9 instruct you on the law. He will remind you from the
10 time you swore your oath, you, and only you, became the
11 sole judges of every bit of testimony, facts and
12 evidence that was brought here in court that was
13 entered up here at this desk and through that witness
14 stand. You get to judge.

15 You also will be reminded that he is the judge of
16 the law, and as such, he'll give you the law to apply
17 to those facts, to the evidence, to the testimony.
18 He'll talk to you about credibility and a fancy word
19 for believability. How do you believe what someone is
20 telling you? How do you find it credible? One, what
21 is their demeanor like on the stand? What did they
22 sound like? Does what they say make sense? Does it
23 add up to the physical evidence? What is only
24 physically possible? Do they have friends to reward or
25 enemies to punish? You can apply that to the

CLOSING ARGUMENT - MR. RICHARDSON

1 credibility of the Defendant's statement. Does he have
2 friends to reward or enemies to punish? Certainly he
3 wants to save himself. How about everybody else? In
4 judging the credibility, the judge will tell you that
5 you have to take all of what someone says, part of it
6 or none of it. It is up to you. You judge the
7 credibility.

8 The judge will talk to you about direct and
9 circumstantial evidence. He'll tell you that direct
10 evidence is testimony of someone who says I actually
11 witnessed it, I saw Sandy Locklear with a pearl handled
12 pistol, whether it was gold, green, silver, whatever,
13 pearl handled. I saw that. I heard the sounds.

14 Circumstantial evidence is a little different.
15 The judge will instruct you that circumstantial
16 evidence is proof of a chain of facts or circumstances
17 that indicates the existence of yet another fact. It
18 is collateral evidence which immediately establishes
19 facts from which the main fact may be inferred. It is
20 built off of inference, not direct knowledge. I've
21 heard it like being puzzle pieces. Each puzzle piece
22 by themselves, you can't tell a thing, don't know what
23 the picture is. It is those pieces as they snap
24 together that you begin to see a complete picture.
25 Anyone who has done a puzzle knows that even before you

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1 have the puzzle complete, you may be missing pieces,
2 you don't need to look at the box and tell what the
3 picture is, you can see it and fill in those gaps,
4 because that is what those puzzle pieces do. That is
5 circumstantial evidence.

6 The picture in this case is that this Defendant,
7 along with Sandy and Nehemiah, acted together to hold
8 those men down 20 feet apart so Amos could be shot and
9 killed, and you couldn't leave Tommy behind because
10 that is a witness. The judge will talk to you about
11 mere presence and tell you that merely by being present
12 at the crime scene doesn't mean that it is guilty, and
13 that is important because he'll talk to you about the
14 hand of one is the hand of all. He'll tell you when
15 two or more enter together, commit a crime, then the
16 act of one is the act of all. When two people are
17 together committing a crime, acting in concert, then
18 each party is criminally responsible for any action
19 done by anyone else involved in that crime.

20 So it doesn't matter if there is only one gun, one
21 bullet, one trigger, one trigger. When the trigger is
22 pulled, it is as if everyone is involved in that crime
23 has their hand on the gun aiming it, because, indeed,
24 they do. They are all acting as one unit, and the act
25 of one is the act of all, or the hand of one is the

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1 hand of all. While Sandy Locklear may have pointed out
2 the targets, she couldn't have done it by herself. She
3 had her help.

4 The judge will talk to you about murder, that
5 killing of another is malice aforethought. Malice is
6 hatred or ill-will. There can be no more hatred or
7 ill-will in my mind than to put two men on the ground
8 20 feet away from each other, father and son, holding
9 them there while one watches the other being executed.
10 All over an insurance policy?

11 How does the State prove its case. You will hear
12 the judge say "beyond a reasonable doubt." I'm sure we
13 all heard that term on TV, movies, books. But what
14 does it mean? Is it something that the State couldn't
15 reach? No. The judge will tell you to prove a
16 defendant guilty beyond a reasonable doubt, the State
17 must give you evidence that leaves you firmly convinced
18 of the Defendant's guilt. That's all. Firmly
19 convinced of the Defendant's guilt. We do that by the
20 presentation of the competent evidence, the admissible
21 evidence, the relative evidence. That is the State's
22 only job, to give you that evidence that will assist
23 you as triers of fact in rendering a true and just
24 verdict. Our job is not to mislead you, not talking
25 about how many pillowcases, or there is a million guns,

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1 just ignore the fact that Sandy had a gun exactly like
2 the one the Defendant had eight hours later.

3 Our job is to give that competent evidence,
4 admissible evidence, the relevant evidence that will
5 assist you in rendering a true and just verdict. In
6 this case, that verdict is this man is guilty. Let's
7 look at that evidence. We'll begin with the first
8 thing you heard, 911 recordings. I'll remind you that
9 911 recording takes place at 4:00 a.m. Sandy Locklear
10 let him. The last text was about 2:51, I believe.
11 Sandy back to Odom in response, Tell him the door is
12 open. By his own statement, he goes in. Why does she
13 wait an our hour to make a 911 call? She has to give
14 them time, part of the plan. They have to have time to
15 take the car and torch it, got to make sure it was a
16 robbery, rape and murder.

17 So she places that 911 call and she starts out
18 lying, My husband has been shot. Tommy, I don't know
19 where he is. I've been raped. It was a white dude.
20 It was a light-skinned dude, possibly Hispanic. If she
21 wanted the defendant and Nehemiah James Evans be
22 patsies, why not say it is the guy that cuts my grass
23 and his buddy? Because it was all part of the plan.

24 She had to distract the police, you go off on this
25 wild goose chase. When Matt Tindal arrives, there is

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1 tape on the floor, she said I was taped up, and Mr.
2 Mureddu wants to talk about how do you know she was
3 taped up. He said she saw her taking tape off her arm.
4 That wasn't overly important, because they think she's
5 a victim. They don't know that she's fooling them.
6 They don't know that she had two guys helping her out.

7 He puts her in the car as a victim to go get
8 treated. He tells you how he saw Tommy and Amos
9 20 feet apart. Same thing John Martin says. Detective
10 Martin tells you when he comes in, he's processing the
11 crime scene and waits to get a search warrant so he can
12 enter. He walks in in that room. The door is wide
13 opened, and he comes in and he notices they kicked the
14 door in. Someone broke in? There is no damage to the
15 door. Looks like someone let them in. He comes in and
16 he finds Amos face down on the floor behind the
17 breakfast bar. Where is he sitting on the floor, he
18 can't see Tommy. He has one single gunshot to the back
19 of his head, small caliber, a pillow rolled off. Yes,
20 maybe it was moved because John said EMT went in to
21 check on them, they had to check the pulse, so they had
22 to remove the pillows to do so, it is removed.

23 He gets done looking and finds Tommy, likewise, on
24 the floor facing his father, gunshot to the back of his
25 head, pillow in front of him. Mr. Mureddu wants to

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1 talk about if there was a pillowcase or not. We didn't
2 put a blood splatter expert, but anyone that has ever
3 worked with a garden hose, faucet hose knows how water
4 flows outside and knows what happens if it sprays on
5 your pants leg, the water gets blotted all over the
6 place.

7 Folks, that is a blood spray. Look at the exit
8 wound of the bullet before it enters the head of Tommy
9 Hatfield. There was never a pillowcase at the time he
10 was shot. That is what John finds. He finds absence
11 of any break-in. They go back in the bedroom where she
12 was supposed to be raped, and the bed is not that
13 disturbed. So the wheels start turning.

14 They take Sandy in and they talk to her about
15 11 o'clock, begin interviewing her as a victim. Mind
16 you, at the same time the Defendant is at the Vasco
17 service station. If you believe his story, he was so
18 shocked by this crazy lady, the superwoman she was, all
19 by herself that he goes on about his life and goes to
20 Vasco the next morning's, has a gun in his pocket.
21 Folks, he going on so nonchalantly about his life
22 because to his knowledge the plan is working. Of
23 course, they'll believe her story about rape. They
24 won't be looking for Odom Bryant or Nehemiah. They are
25 not Patsies; they are co-conspirators. He know that

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1 she will say it was a white guy, light-skinned,
2 possibly Hispanic. So he's not that worry. He isn't
3 hiding.

4 They talk to her, and as her story crumbles, as
5 the police sees through the lies, it crumbles. They
6 hit her with the cell phone records, and she crumbles.
7 Even if she crumbles, she can't give it fully up,
8 because at the end of the interview, the only people
9 that the police can look for is PooPoo and James.
10 She's still trying to protect them, but the
11 investigation is not complete. They charge Sandy
12 Locklear that night. No doubt she's involved in it.
13 We don't shy away from it. Yes, she wanted Amos dead.
14 Yes, it was about insurance money. She needed his
15 help.

16 You heard testimony about her being 5'6" or so,
17 maybe 160 pounds. She ain't controlling two grown men
18 by herself. So the investigation takes us to Tabor
19 City, we're able to identify Nehemiah James Evans from
20 the still shots. PooPoo is Odom Bryant, and the search
21 is on. They are hitting everything, looking at all the
22 cell records, the stills. Nehemiah is arrested about a
23 week later. The Defendant, they had to use the
24 Marshall service to get him a month later.

25 He had a month to think about what he will say, a

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1 month to worry what the codefendants say. All he knows
2 is they've been arrested. All he knows is they --
3 doesn't know what they said. He has to worry about
4 himself, doesn't know what they said. Yeah, he wants
5 to talk. He knows the police have two murder warrants,
6 so they have something.

7 So he says, yeah, I'll talk. Yeah, I'll waive my
8 rights. I want to tell you. Folks, it took about an
9 hour-and-a-half yesterday to listen to that statement.
10 I made notes, and I may have to look at them in a
11 moment, but the statement will be back with you. If
12 you want to listen to it again, we can play it. But he
13 starts off with lies. They ask, Do you know Sandy
14 Locklear? Man, I barely know the woman. Sold some
15 weed to her, smoked a little with her. By the way, I
16 did see her at Vasco about two months ago. This was in
17 September, and he says, Last time I seen her it was
18 back in July. I can't put myself anywhere near her
19 because I know what we did. How about Sandy, have you
20 ever seen her drive a car? She ain't got no car. She
21 has a burgundy Jeep. Never seen her in a car? No.
22 No. Burgundy Jeep, that is all I know. He puts
23 distance between himself and the car he burned up.

24 All right. Did he have Sandy's cell number?
25 Nope, never had her number. We know that is a lie.

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1 because they were in contact later on. At some point,
2 he says, all right, I'll tell you all the truth. They
3 say, All right, talk to us about Vasco, you know they
4 have good cameras up there. Um, Vasco. Did you have
5 something in your pocket to protect yourself? Let's
6 not talk about that. Was that the gun you used to kill
7 Amos? He waits a beat, few beats. Let's talk about
8 something else, something else. We have the box the
9 gun came in, that tiny little thing. We know what it
10 looked like. We know -- oh, oh, that pearl handled
11 pistol I had, it is chrome and silver, that I had eight
12 hours after the murder took place, that ain't my gun,
13 that is Johnny Hardee's.

14 I guess he wants to send police on a wild goose
15 chase like Sandy did looking for the white guy and
16 light-skinned guy. Distract. Deny. Lie and lie
17 again. But he has to have an explanation. He knows
18 the cameras are good and knows he had a gun. He starts
19 saying, Whoa, I'm done. I'm done talking. I want an
20 attorney. The police say fine, that is fine with us.
21 Cut it off, pack up their stuff and start to walk him
22 out. They are not talking to him. He says -- his
23 wheels start turning. How did you all get everything
24 you have? Evans cut a deal. What? I want to talk
25 some more. I want to talk some more.

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1 Lie, lie again. They say fine, if you want to
2 talk more. He has to explain it away. So let's listen
3 to the story he says now. All right, I know I lied to
4 you before, but believe me this time. Now I'm going to
5 tell you the truth. All right, here's the deal. I
6 know you got me at the house. I know you got me in
7 contact with Sandy Locklear -- and that it is kind of
8 important because at one point he said I never talked
9 to Sandy about any of this. All we did was business
10 transactions before. This was a business transaction,
11 murder for hire.

12 He said he didn't talk to Sandy about it, I was
13 trusting James. But was Sandy texting James? No.
14 Odom Bryant. He says, James picked me up and we are
15 all riding together and James tells me all of this,
16 Sandy doesn't. You saw pictures of the burned up car.
17 The fire didn't shrink it up. I say it would be hard
18 pressed for Sandy to talk to James and Odom not hear
19 anything.

20 But they ride, and they are going there to scare
21 them up. What does that even mean? Sandy didn't tell
22 me anything about Tommy, but he knows that Tommy is
23 using all of his daddy's money. They ride together,
24 and he waits outside. First text goes through maybe
25 about 2:39. It is the Defendant that initiates that

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1 text, Back door open. Sandy responds a few minutes
2 later, The back is open. Defendant sends back, No,
3 it's locked. 2:51, the back is open, you all come on
4 in. The Defendant tells you how they rushed in and
5 that the door was open, and then they find Tommy. He's
6 so scared, he just shrinks to the floor. He tells you
7 at this point -- at one point he says Sandy has a
8 pillow that she's carrying into the kitchen where she
9 is with Amos, and he said Sandy must have been had the
10 gun with her the whole time. She has a nightshirt on,
11 so there is no way to carry a holster, so she must have
12 it in her hand.

13 He said when they burst in, takes Amos down to the
14 floor. Who are they? How many hands does she have?
15 He can't keep the story straight because it didn't
16 happen. But he keeps telling the story. She has him
17 on the floor, and Tommy is over here. Amos is over
18 here with Sandy, and Sandy is freaking out, and Amos is
19 talking at this point. According to him, he's talking,
20 Just take whatever, just leave us alone, I don't know
21 who these people are. They left the door open.
22 According to him adds up to what Sandy said, yet they
23 take this time to walk down the short hallway, he and
24 Nehemiah, and go in the bedroom. Why? I'll tell you
25 why, because he has to distance himself from where the

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1 shots were fired.

2 It is during this time when he's down the hallway
3 that Amos and Tommy don't look at that open door,
4 knowing their attackers have gone down the hallway and
5 into a bedroom in that small, little house, and they
6 don't say, Let's beat feet, run out of the door, go to
7 our neighbor here, let's hop in the car, let's run
8 away? Instead, two grown men decide to stay on the
9 floor. That is what he wants you to believe. While in
10 the bedroom, the Defendant wants you to believe that
11 Sandy Locklear, by his own statement, has gotten up off
12 the floor from off of Amos, and Amos doesn't move, and
13 like a superwoman, she picks up this pillow that she
14 was carrying, strips it of a pillowcase, 20 feet away,
15 takes the gun -- from where, I don't know -- puts it
16 down in the pillowcase, grabs the pillow, put it back
17 to Tommy's head. All the while, Amos doesn't move?
18 She places that gun there and, boom, shoots Tommy, and
19 Amos never gets up to help his baby boy.

20 We know he didn't get up, because he wasn't shot
21 in the chest, wasn't shot in the front. He was shot in
22 the rear. When she's done to the evil deed here,
23 according to the Defendant, she's able to go back,
24 split second, and Amos -- even if he didn't want to
25 help his son, didn't get out the door -- runs back over

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1 and puts Amos to the ground, boom, and is able to shoot
2 him.

3 That is what the Defendant would have you believe,
4 the impractical, improbable, the impossible under the
5 laws of physics that it actually happened. She had to
6 have help, folks. Let's keep on with the story,
7 though. What does he tell you? They hear the first
8 shot while in the bedroom. They look at each other,
9 Oh, my. Oh, my. So they walk down the hallway --
10 walked down the hallway to where they heard gunshots.
11 When they get there, they see Sandy, and somehow he can
12 see through a pillowcase that she has a gun in, and
13 he's able to see that the pistol she has looks exactly
14 like his, exactly like the one he'll have eight hours
15 later. He's able to see through the pillowcase. The
16 reason why he knows the pistol looked like is because
17 it was his. That is how he knows it looks exactly
18 alike. I agree. I know the pistol he had looked
19 exactly like the murder weapon, because he has it a few
20 hours later. That is the murder weapon.

21 When they come out, they encounter Sandy with the
22 gun and the pillowcase and two dead bodies. She's
23 killed two people. They don't rush her, not scared.
24 His words, he looks at her and says, This is bullshit.
25 Is that your reaction when things go to the point where

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1 two people get killed? He doesn't run out. According
2 to him, he walks out. Man, this ain't what I signed on
3 for. He gets in the car. I don't have the keys.
4 Nehemiah, do you mind running back in there where that
5 crazy lady is with that gun and grabbing the keys?
6 Nehemiah says, Sure. He walks back to where the woman
7 has a gun and gets the keys to crank the car and take
8 that Kia away, the rental vehicle that was rented
9 because Sandy didn't want to lose her Jeep. They take
10 the rental car and burn it because it is all part of
11 the plan.

12 They take it and they burn it. He's had a month
13 to think of the story. He's had plenty of breaks. You
14 can listen to the statement, and any time he needs time
15 to think, he'll repeat the question. Did you tape
16 Sandy up? Um, did I tape her up? Tape her up? No.
17 It is a classic delay. He's had a month to think, and
18 when they do hit him with something he didn't think
19 about, like how did you get from that burned car back
20 to Tabor City, his answer is, Man, leave it alone. I
21 told you enough. I think I've told you enough where
22 I'm just innocent. Improbable, impractical, impossible
23 because it is a bunch of lies.

24 Towards the end of the statement, he starts
25 talking about the baseball bat. Why is he burning it

CLOSING ARGUMENT - MR. RICHARDSON

1 up in the car? He talks about Sandy being solely
2 responsible for holding those boys down, being able to
3 force them to the ground, folks. Look at Sandy, not a
4 mark on her. Look at her hands, no bruises. How did
5 she control two grown men by herself? She didn't.
6 Because he lied. The police never asked him other than
7 what were you supposed to get paid for this. I ain't
8 supposed to get paid anything, I had plenty of money in
9 my pocket. Mind you, he cuts grass either Thursday or
10 Friday, possibly Saturday, one day a week, so I can't
11 make too much money. He says he sold weed. He tells
12 you earlier he doesn't really sell weed as much as
13 he'll buy an ounce and sell half just to cover his
14 expenses. So what money is he talking about? Wasn't
15 about the insurance money, that is the word on the
16 street. Police never brought up the insurance money.
17 Do you think the police went to the street and said,
18 hey, everybody, this was about insurance money? Those
19 insurance policies were stored up under Sandy
20 Locklear's bed. She didn't want anyone to know about
21 them. He knows. How? How does he know about the
22 insurance money? Because it was part of the plan. He
23 was doing a killing on consignment.

24 The lies begin to fall apart. As they fall apart,
25 he left one. He's agreed to do this job for a woman he

CLOSING ARGUMENT - MR. RICHARDSON

1 barely knows that all he does is sell weed and smokes
2 with her every now and again, but he has agreed to help
3 his boy James out and go in and break into someone's
4 house to scare them out. Impossible, impractical,
5 improbable. His lies fall apart, because you can't
6 keep up with lies.

7 My father told me when I was a boy, Son, always
8 tell the truth, not because it will set you free or it
9 is the right thing, but because no man is smart enough
10 to keep up with his web of lies. You tell one, you
11 have to tell another and another. You have to remember
12 them all, and you have to weigh out the physical
13 evidence or you'll be proven a liar, so tell the truth.

14 He couldn't. He couldn't tell the truth because
15 it would show you he is guilty, folks. The facts show
16 you he is guilty. Sandy could not have done this by
17 herself. Somebody had to control two men 20 feet
18 apart, and it doesn't matter if Sandy pulled the
19 trigger or Nehemiah, or if Odom held him down or Odom
20 pulled the trigger while Nehemiah held them down, or
21 whoever held them down. What matters is they were all
22 acting together, and we know they were doing that by
23 the 911 call, the efforts she took to hide them, by
24 their knowledge of it, by them going along their normal
25 life eight hours after this murder by the fact that he

CLOSING ARGUMENT - MR. RICHARDSON

1 has the murder weapon on him at Vasco. It happens to
2 look exactly like the gun that he was able to see
3 through a pillowcase.

4 Pack of lies, folks. Web of lies. As it falls to
5 the ground, there remains one truth. Sandy Locklear
6 did get these boys to help her out. She promised part
7 of the insurance money, and that is how he knew about
8 it. When caught, they had to lie, and lie and lie
9 again. As those lies fell apart, the police saw right
10 through them, as should you. The one truth that
11 remains is they worked it all out together. They
12 entered into a plan, a scheme, conspiracy for the money
13 to go in together, all acting as one to kill Amos
14 Hatfield for that insurance money, and Tommy Hatfield
15 because he was there.

16 It was a cold blooded, brutal, execution style
17 murder, and they all took a part of it. While the
18 focus has been on Sandy Locklear at the beginning of
19 the investigation, Nehemiah James Evans, his day will
20 come before another judge and jury, but we're focusing
21 on the his knowledge about the insurance money,
22 whatever efforts Sandy tried to hide him. The truth is
23 he's guilty. Let your verdict speak the truth. Find
24 this cold blooded killer guilty for what he did, the
25 brutal execution murder of Amos Hatfield and Tommy

CLOSING ARGUMENTS - MR. MUREDDU

1 Hatfield. Guilty.

2 THE COURT: Mr. Mureddu.

3 MR. MUREDDU: Thank you, Your Honor. May it
4 please the Court?

5 THE COURT: Yes, sir.

6 MR. MUREDDU: I don't have to tell you that right
7 off the bat that my memory is not nearly as good as
8 Mr. Richardson's is. So I'll have to apologize to you
9 if I'm going to be referring to notes while I talk.

10 Now, I want to start off by revisiting what I --
11 one of the first things I told you all in my opening
12 statement about this case is I told you all that the
13 reason why we're here is because Sandy Locklear killed
14 Amos and Tommy Hatfield. I told you that she was evil
15 enough, tricky enough to get Amos Hatfield to marry
16 her, even though we know through her cousin now that
17 she didn't even let him live in the house that he
18 bought her; that is how tricky she was. I told you
19 that she was tricky enough and did, in fact, trick my
20 client, Odom Bryant. I told you that when you heard
21 this case that the evidence was going to support that
22 from the very beginning. Her trickery and her plan was
23 to have those yard guys take the fall for the murder of
24 her husband and his son that only she could benefit
25 from.

CLOSING ARGUMENTS - MR. MUREDDU

1 What I told you all you would hear in this case,
2 and other than Mr. Richardson's argument, what you
3 heard on the evidence, on the witness stand through the
4 evidence, that is what you heard in this case. I also
5 told you in the opening statement that the Solicitor
6 was going to focus on the lies, the impossibility of
7 what happened, and that is what you heard, and that is
8 what Solicitor Richardson pretty much has argued for
9 about the last hour.

10 Now, I told you that when they presented their
11 case, when they talked about those lies, that it would
12 look suspicious, and that from afar it might make sense
13 that there was no explanation, no other explanation for
14 what happened at the Hatfield house other than those
15 three folks working together.

16 What I asked you in my opening, and what I'm
17 asking you now, I ask you to scrutinize, along with me,
18 the evidence that was presented. Now, while the
19 Solicitor went through some of the logistics or the
20 details of his theory of how Mr. Hatfield and his son
21 were killed, the evidence focused less on forensic
22 evidence or conclusive evidence that it went down --
23 that the killings were done in a manner that proved
24 beyond a reasonable doubt that it was done by a team.

25 You heard him demonstrate and try to reenact one

CLOSING ARGUMENTS - MR. MUREDDU

1 holding him down, one shooting, et cetera, but you
2 didn't hear through evidence, scientific evidence or
3 even testimonial evidence, how exactly it was done.
4 The focus, the total focus, almost the sole focus by
5 the State in their case was basically Odom wove a web
6 of lies. He lied the entire time, couldn't keep up
7 with his lies, and the focus was there is no way that
8 Sandy Locklear, as evil as she is, as cunning as she
9 is, as tricky as she is, there is no way she could have
10 done this alone.

11 Now, I'm going to ask you all to ask why such a
12 focus seemingly through the evidence, seemingly only on
13 the lies, the lies, the impossibility, the
14 improbability of how Odom said it happened. Why was
15 that the primary focus? Before I start getting into
16 it, I want to mention two things that I submit back up
17 or can explain why so much of the focus on lying and
18 why so little focus -- or less focus, I should say, on
19 actual forensic evidence or investigative evidence.
20 The lead detective in this case, the man who was in
21 charge of directing the whole operation, and you heard
22 some about the whole operation from different police
23 officers, not from the lead detective, because he ain't
24 here. You heard them say over and over and over again
25 about the whole operation, the entire police force

CLOSING ARGUMENTS - MR. MUREDDU

1 being directed, and there is no question about that. I
2 don't doubt that. Several police officers testified to
3 that, but the man who was orchestrating it all, the
4 lead detective who was in charge of knowing what
5 everybody was doing, closing all the gaps, didn't
6 testify in this case. I guess there is an assumption
7 that we don't need him. The lies are just too
8 powerful. What he is saying can't possibly be true, so
9 that is not all that important.

10 Another witness, and a more important forensic
11 witness that could offer potentially an alternative
12 explanation, who could offer an alternative way of how
13 one person alone could have done the killings was not
14 called, Dr. Proctor.

15 Now, the coroner, Robert Edge, was called, and I
16 know Mr. Edge well. He is very competent, but he is
17 not a medical doctor. You saw me question him about
18 injuries to the head on both of the Hatfields other
19 than the gunshot wounds. He couldn't really give you
20 all the definitive information on do those injuries
21 mean anything or not.

22 A medical doctor, Dr. Proctor, would be qualified
23 to tell you all, yes, there is a gunshot wound to each
24 Hatfield, but there is a blow to the head on each
25 Hatfield, the exact same size, one very severe, could

CLOSING ARGUMENTS - MR. MUREDDU

1 that have had an impact on or offered some explanation
2 of what actually happened? They didn't choose to focus
3 on that. As a matter of fact, when I tried to get
4 information from the coroner about those blows to the
5 head, which it appears how the injuries came from,
6 particularly because they were the exact same
7 measurements, the Solicitor tried to offer an
8 explanation other than that, about possibly a bullet
9 causing that from internal. Even the coroner was able
10 to rule out, well, it couldn't have been that.

11 Why isn't the lead detective here? Why didn't you
12 hear from him, Detective Frebowitz, and why didn't you
13 hear from the doctor? As I go through the case -- I
14 can't read anyone's mind. What I can tell you is there
15 are some questions out there that could have been
16 answered, that would have been answered one way or the
17 other. They would not have had an accumulative effect
18 of one more piece of the puzzle. Was there a gun lead
19 out there if followed up and potential witnesses that
20 would back his story up on the second gun, or not?
21 That is definitive as to whether or not there was more
22 than one gun, or whether or not the gun that he had was
23 somebody else's, not the one they are arguing that
24 belonged to the Hatfields.

25 A follow-up on that gun lead -- and I'll revisit

CLOSING ARGUMENTS - MR. MUREDDU

1 that a little bit later on -- would have been
2 definitive. They are saying he's lying, that would
3 have proven it. That would have blown it out of the
4 water. None of the detectives you heard from did that
5 investigation.

6 Dr. Proctor, the blow to the head, also that would
7 not have been merely accumulative evidence, additional
8 evidence. A medical doctor could have told you all if
9 those blows to the head were severe enough to
10 incapacitate somebody to the extent to where one person
11 could move freely moved back and north quickly and
12 commit these seemingly impossible crimes by themselves,
13 but the focus of the State was the lies, the lies, not
14 hard evidence that would rule out conclusively or bring
15 in -- answer the question was his story a lie or not.

16 Now, I'm going to do probably what I don't know
17 that anybody would expect, and that is I want to
18 explore the Solicitor's theory for a minute as far as
19 they were working together, there was a plan, insurance
20 money, no other explanation, that is what happened. I
21 want to work through there being a plan in place. What
22 I'm showing you now is if those three folks got
23 together and came up with a plan, does it's undeniable,
24 these would have been the three requirements of the
25 plan. If they are going to get together and plan it,

CLOSING ARGUMENTS - MR. MUREDDU

1 certainly Odom Bryant would have had to have agreed to
2 these parts of the plan.

3 The first part of the plan is -- if there was a
4 plan -- that Odom Bryant is going to agree to be
5 accused of rape. I hope I don't offend any of you
6 ladies, but what man is going to sign up for, you know
7 what, we're going to do, commit a crime and my part of
8 the plan is I get to be accused of rape, that is my
9 part? I'm willingly going to let the female accuse me
10 of raping her. Think about that for a minute. When
11 you break that down, I submit to you that no man is
12 going to sign up for that, but when you break that down
13 to how it plays out, the only benefit that that
14 provides is to the female, not the male. That plan,
15 agreeing to be accused of rape, that is going to put
16 her in the clear even if -- by some way, shape or
17 form -- the police somehow get on his trail and find
18 out that he was there. She gets to walk away Scott
19 free. If she can sell that story of rape, and he and
20 James get to be blamed for another crime on top of two
21 murders, that is what Odom Bryant signed up for as part
22 of the plan, if you believe the Solicitor's theory.

23 Here is another part of the plan, that Odom Bryant
24 would have had to have agreed if they were working
25 together, that -- he's going to agree to execute two

CLOSING ARGUMENTS - MR. MUREDDU

1 people on credit without having been paid a dime.
2 Sandy Locklear doesn't have any money, and there was
3 absolutely zero evidence -- because it didn't occur --
4 but no evidence presented that he was paid anything
5 before the Hatfields were killed. So he's agreeing, if
6 he's going to participate in this evil plan to do two
7 killings on credit, one of which isn't even necessary
8 because Tommy's death doesn't pay no insurance policy,
9 it doesn't benefit anything. Under this plan, he won't
10 only do a killing, which can lead to some money, he'll
11 throw one in on the house, one that doesn't even need
12 to be done, but he's going to do those killings on
13 credit?

14 Now, with the reliance on that, two things are
15 going to have to happen. The first is he's counting on
16 -- because he's doing these on credit -- that she's
17 going to collect on that insurance policy. Folks, we
18 probably all dealt with insurance companies, the reason
19 why they have so much money is getting insurance
20 company to pay full value on an insurance claim, that
21 is a feat in itself; everybody knows that.

22 First, Sandy would have to collect on the
23 insurance money, and then she would have to be a person
24 of her word, even though she's tricked every man she's
25 ever known, that she's not going to renege on the deal.

CLOSING ARGUMENTS - MR. MUREDDU

1 She's going to pay him even though she has that, oh,
2 he's agreed to be accused of rape. She has an ace up
3 her sleeve where I get away with it, police bought my
4 story. She's got a way even if she collects to
5 potentially back out of the deal and pay him anything,
6 because she's got that one. So he would have had to
7 have agreed to kill two men he's never met before
8 without getting paid a dime, relying on he's going to
9 see something in the future.

10 The third part of the plan that would be required
11 -- pardon me -- and this is the important part, because
12 this part is where I'll transition into some of the
13 forensics. The third part of the plan that he would
14 have had to agreed to was he's going to agree to leave
15 numerous pieces of evidence at the scene that could
16 potentially lead -- lead the police to him and show a
17 possible involvement of him having been there.

18 Now, when I talk about -- what I'm talking about
19 when I say the third part of the plan is to leave
20 behind evidence, here is the scenario. One thing I
21 agree with that the Solicitor said, when you look at
22 the text message and the 911 call, you got about
23 2:51 to 4:00 a.m., all right. That is the time window
24 that occurred in this case. Think about it, if they
25 are all in on a plan, and that plan is she'll be tied

CLOSING ARGUMENTS - MR. MUREDDU

1 up, there is no set time frame as far as when or even
2 if the police need to be called in. If it is part of
3 the plan, once they kill the two Hatfields, they have
4 all the time in the world to talk it out, think it out,
5 to make sure that nothing -- stage that scene exactly
6 how they want it.

7 She could have waited until 6:00 a.m., another
8 couple hours to make that call if they are all in it
9 together. So there is plenty of time they can do what
10 they want with that scene. What do we know about that
11 scene? What did I focus on? One of the first things
12 you saw me focus on with the crime scene witness when
13 he was up there about that scene is, first, I'll call
14 it the "tape job that never was." All right. She was
15 never taped up, because there was never any plan. That
16 was all her doing, and I'll get into that in a minute.
17 The tape, where it was positioned, the tape was -- the
18 wadded-up bundle of tape that she was supposed to have
19 been restrained in wasn't in the bedroom where she told
20 them that she was in and eventually broke free, it is
21 in the hallway. What a coincidence, it is not even
22 arm's length from where these rolls of tape had been
23 neatly placed on the shelf.

24 Who, other than somebody who would have an
25 interest in that property, like Sandy Locklear,

CLOSING ARGUMENTS - MR. MUREDDU

1 would -- even if they would tape somebody they would
2 say, Oh, we'll put it on the shelf, we don't want to
3 make a mess? Then, when you are going through the
4 crime scene, if you are part of the thing, you are just
5 going to leave it up there, you wouldn't take that with
6 you. That is one of the things that was left behind,
7 but that is not the crucial thing that was left behind,
8 I would submit. The tape is not telling like the
9 pillows -- I should say the missing pillowcase.

10 Now, they are all in it together. They have
11 plenty of time to sanitize, do whatever they want to
12 the scene, but there is a pillowcase that is missing
13 when the police get there. Nothing else, the
14 pillowcase. Now, the foundation I laid -- and how do I
15 say that so definitively; there was a case on that
16 pillow, and it is gone? I didn't know if you thought I
17 was losing my mind when I was going through the CSI
18 Martin detective about these pillows and the
19 pillowcases and the bedroom style and non-bedroom
20 style. Every single pillow in that house, without
21 exception, was a pillow that would go on the bed had a
22 pillowcase on it. Even one that appeared to have been
23 taken out of the bedroom and was on the couch where
24 Tommy was laying had a pillowcase on it. There is one
25 of those types of pillows in the entire house, one out

CLOSING ARGUMENTS - MR. MUREDDU

1 of seven that didn't have a pillowcase on it.

2 One month after the fact -- again, according to
3 the Solicitor, Odom tried to figure out what the police
4 know. Why would he even bring that up, pillowcase on
5 the pillow, sheets on the bed? We're not talking about
6 a rental unit. There was a pillowcase on that pillow,
7 and it was removed from the scene. The pillows
8 themselves, both of them, two pillows with holes in
9 them were left. They've got plenty of time. If
10 somebody out of the three has concluded that there is
11 something important or bad on that pillowcase or on the
12 pillow itself, we have to remove it. Are you going to
13 take the time to remove the pillowcase and leave the
14 pillow? You are going to take one piece of evidence, a
15 pillow with a case on it, and convert it into two
16 pieces, leave the pillow? They are in a car. They
17 have plenty of time. If they thought the pillow was
18 important, they would have taken the pillow and
19 probably the other one, too.

20 The car got burned up. You saw the car. Pillows
21 would have gone. They would have been gone. They had
22 plenty of time. They weren't acting on haste because
23 it could have been hours before the 911 call was
24 placed. So he would be agreeing to leave the pillows
25 back at the scene, if he was a participant in this

CLOSING ARGUMENTS - MR. MUREDDU

1 crime, if it was a plan, when he could have easily
2 taken it. But he takes a pillowcase along with -- what
3 they would claim -- other items.

4 That doesn't make any sense. That doesn't make
5 any sense as it relates to Odom. Let me tell you how
6 it makes sense for Sandy Locklear to take a pillowcase
7 and leave a pillow. I'm going to do away from the
8 Solicitor's theory of they were all working together.
9 I will do away from what would have been required from
10 a plan between those folks. I'm going to go to what
11 Odom told the police when he finally decided, hey, I
12 got to come clean. Here is the importance of that
13 missing case, and here is how it absolutely points to
14 the guilt of Sandy Locklear acting alone. Sandy
15 Locklear acted alone; she's done the shootings.

16 She's at the scene unexpectedly, and these guys
17 leave. Now, she was crafty enough to trick Amos
18 Hatfield into buying her a house, getting a million
19 dollar policy or some type of insurance policy on her.
20 She was crafty enough to trick him. That was well
21 thought out. That took months of planning.

22 You don't think she had it in her mind, I'm going
23 to get those guys up there, yard guys, tell them
24 whatever I have to say, con them to get them up here,
25 and then I'll do my deed. I'm betting they are going

CLOSING ARGUMENTS - MR. MUREDDU

1 to leave. I have a gun. I can make them leave if I
2 need, and I'll accuse them of rape. And that is
3 exactly what she did. That explains the tie up that
4 never was, all of that stuff.

5 Part of that is that she stuck -- she can't leave
6 the house. For her to report a rape, she has to stay
7 there and con somebody else, con the Horry County
8 Police force. She's got a gun she has to get rid of.
9 One thing they never mentioned, it was semi-automatic
10 gun. I don't know a lot about guns, but two gunshots
11 mean two shell casings discharged. So you have to get
12 rid of two shell casings. She has to get rid of her
13 cell phone, which she did. These are all small items.
14 The .25 caliber gun wasn't but as big as my hand. Cell
15 phone, pillow, pillowcase, remove the pillowcase, now
16 you have a bag you can put the gun in, take the battery
17 out of the phone, smash it, whatever, so it can't be
18 traced or pinned, put the phone in it, put the two
19 cartridges in it, crumple it up, because they are small
20 items.

21 Now, you have them altogether. You can ditch it.
22 Where are they? Out in the country, woods. That is
23 why I went into the wooded area at the Hatfields house
24 and the woods being right closer to the house than the
25 road. All I have to do is gather all of this stuff up,

CLOSING ARGUMENTS - MR. MUREDDU

1 hide this in the woods somewhere, and part of my story
2 is going to be ain't no reason for them to look in the
3 woods because I'm directing the whole thing. I'm
4 directing the police where they need to go and look.

5 If you think about it, she had a safe gap. She
6 told them -- and this is just absolutely ridiculous --
7 she told them that she's bound up, takes her 30 minutes
8 to get away, or some time. She's able to go out of the
9 house, while she's bound up, to the neighbor's yard,
10 and she does that before she places the 911 phone call.
11 Do you know why she did that? Crafty. You know, if
12 they can somehow figure out that I've been out of the
13 house when I had to hide these things, I'll have an
14 explanation. If there is some footprint, somebody is
15 out of the house, blood trail, who knows. Even the
16 most careful person is liable. You know what, I went
17 over to the neighbor's house -- you see those houses,
18 that is probably 50 yards away, hopping and struggling
19 while I'm taped up, rather than getting the phone in
20 the house and calling 911 then. It also helps her
21 explain the time gap. She wasn't leaving anything to
22 chance; it took me 30 minutes to get loose, and I went
23 all the way over to another neighbor's house and back.
24 That is the reason why it was an hour or so when I
25 called 911.

CLOSING ARGUMENTS - MR. MUREDDU

1 So -- and when the Solicitor points out or says,
2 well, you know, she was -- the evidence of the plan of
3 working together was when she gave the description, she
4 gave -- she didn't say two black guys, she said a white
5 guy and Hispanic guy. That is clearly evidence that,
6 you know, trying to get them away -- get the police
7 away from Odom and James, and the only explanation for
8 that is, well, you know, it is part of the plan.

9 Well, Odom and James saw what she did. She got a
10 motive independent of any plan to not put the police on
11 their trail, because if the police hook up with them,
12 they might tell the whole story, rat her out, tell the
13 truth, which ultimately Odom did. So there is a motive
14 for her to send the police away, beyond a plan. Those
15 are two witnesses to the evil deeds she did.

16 Here is another reason why the pillowcase got gone
17 rather than either of the pillows. Like I said, the
18 case will be crumpled up in a small thing containing
19 everything hidden in the woods. You can't hide a
20 pillow in the woods, much less two. So if there was a
21 determination that this pillow was of some importance,
22 and it is the only pillowcase missing, there had to
23 have been -- she can't get rid of all of the pillows.
24 There is no way to hide them, but she can get rid of
25 the pillowcase. Who knows, maybe DNA. Maybe it was

CLOSING ARGUMENTS - MR. MUREDDU

1 the gunshot residue describing exactly how Odom said he
2 saw it done. But she can't get rid of the pillows.
3 She can only get rid of the case. She gets a dual
4 benefit, get rid of the case she finds important, but
5 it will also hold some of this stuff and hide it all in
6 one, all contained together. All I have to do is ditch
7 that.

8 Now, of course, if you are with me on the
9 pillowcase having been taken and that stuff being put
10 in it, of course, it could be argued, well, you know
11 what, that is exactly what Odom and James did, but you
12 have two guys leaving in a car. They have a whole car,
13 they don't need that. Again, if the pillows were
14 important, you get rid of them, both of them. So all
15 you have is the poor Hatfields there, but you don't
16 have any pillows over the head type of thing that
17 evidence could be developed.

18 You can argue that they could have done the same
19 thing I'm telling you she did, which is just taking the
20 case only. He could have taken anything, plenty of
21 time if -- if it was as the Solicitor says it was, they
22 were working together.

23 Since the Solicitor has focused so much on what
24 Odom said in his statement, and rightly so, and since
25 he pointed out rightly so that Odom was untruthful,

CLOSING ARGUMENTS - MR. MUREDDU

1 that he lied to the police at first. They say he lied
2 the whole time. They say the whole thing is a lie, but
3 let's revisit for a minute the interview, the lie. As I
4 said, the Solicitor basically takes the position --
5 both of them did, I think Ms. Wooten did in her opening
6 statement. The way the interview was like this: That
7 Odom was steady lying the whole time, one after
8 another, after another, after another. But, folks,
9 there is another way to look at that interview, the
10 correct way. That interview is basically you can break
11 it into two different parts. For the first 45 minutes,
12 he's correct, Odom is trying to distance himself. He
13 knows that. Oh, my gosh, I'm caught up in this. I was
14 there. The police -- he does what so many others have
15 done, rather than just give it up, he tries to make it
16 go away through a lie. I mean, how many people have we
17 seen do that? A president of the United States, I did
18 not have sex with that woman, took the same path. Try
19 to deny, try to make it go away without having to
20 really tell it like it was. That is human nature. You
21 see it again and again in all shapes and sizes, every
22 situation. That is exactly, unfortunately, what Odom
23 chose to do for the first 45 minutes, he tried to do
24 that, make it go away, but there was an important
25 tipping point, and I want to go into specifically with

CLOSING ARGUMENTS - MR. MUREDDU

1 this, because I want to clear something up now, because
2 you all saw it.

3 You heard Detective Strickland on the stand, and
4 we talked about when I was examining him the first 45
5 minutes, and we talked about cutoff. I asked him a
6 question leading into what was going to be on the
7 second part of that tape, and he blurted out, the
8 sergeant did, He asked if Evans cut a deal. It wasn't
9 lost on you all. We took a break. There was an issue
10 we had to take up.

11 Now, I'm sure that looked suspicious to you all.
12 I'm sure it looked like there was something hiding, and
13 I rarely ever address legal motions or things that
14 happen with a jury, because usually they don't bear on
15 anything. But, basically, you heard through the course
16 of this trial through a bunch of witnesses, the judge,
17 we lawyers being careful to tell these witnesses, you
18 know, the rules of court, you can't really necessarily
19 in certain circumstances say what someone else has
20 said, be careful not to say what somebody else said.
21 That is the big mystery, that is what that break was
22 about. The question of: Was it proper for him to have
23 said that. So no mystery. Nothing to hide.

24 Folks, I want to tell you, I'm glad you heard
25 that, because it is so important in illustrating how

CLOSING ARGUMENTS - MR. MUREDDU

1 that interview went and illustrating the point I'm
2 making, that there were basically -- that interview has
3 two parts, half of it lying, and half of it Odom coming
4 clean. Think about it. When they corner Odom 45
5 minutes and he sees this thing ain't going away, he
6 wants to know, you know what, I wonder what James has
7 told him. I wonder if James is cooperating. What is
8 not said that is going through his mind is, I wonder if
9 James has told them what really happened. So when he
10 came back, the floodgates of truth opened up. That
11 break, that question, that thought of I wonder if James
12 really told them what happened, it was a catalyst for
13 the truth. So when Odom came back, and when that
14 interview resumed, he told you all -- or told the
15 police, I should say, exactly what happened.

16 He's not afraid anymore of what anybody is going
17 to say, particularly James, because he's got the truth
18 on his side. As improbable, as impossible, just that,
19 that they say it couldn't be true, he has the truth on
20 his side, and he knows when he gives up what
21 happened -- I ain't got to worry about James, because
22 if James told them the truth, he'll tell them the same
23 thing. And as far as cutting a deal, did you see James
24 Evans coming and testifying? Did you hear that, it's a
25 bunch of garbage, it didn't work that way? No.

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1 That break, that question about James, that was a
2 catalyst for the truth. As improbable, as impossible
3 as they say it has to be, that's how that interview
4 went down. Not lie, lie, lie, lie throughout the whole
5 time.

6 I told you I would revisit this, and I want to go
7 through what I find would be troubling in this case,
8 particularly for you all, because that man's fate is in
9 your all's hands, and you are balancing that with there
10 are two deaths. It troubles me, but I'm sure that it
11 will trouble you all more, and that is the lack of
12 certain witnesses that happen in this trial.

13 I'll go back to the lead detective. You heard
14 from Strickland and probably five, six police officers.
15 You didn't hear one police officer tell you that that
16 information that Odom gave them, that specific
17 information about the gun he had, you didn't hear from
18 anybody that that lead was ever followed up on, and he
19 gave specific information, Theresa Phillips, that's my
20 connection to Joey Hardee, who is the owner of the gun.
21 Joey Hardee wanted to sell this gun. Theresa Phillips
22 even took a picture of it on her phone, and it will be
23 on her phone, you will be able to see that that's the
24 gun that I had, and it is probably still with Joey
25 Hardee. He tells them that. Two names, easily

CLOSING ARGUMENTS - MR. MUREDDU

1 accessible information. Was the lead ever followed up
2 on?

3 I can tell you after 21 years of being a lawyer
4 and knowing what lawyers have to do, do you think for
5 one minute that if Joey Hardee or Theresa Phillips
6 would have given testimony or had a story conflicting
7 his, proving it is a lie, that you wouldn't have heard
8 from them on this witness stand? I mean, they've got
9 -- and I don't want to hear anybody say, well, maybe
10 they wouldn't cooperate. You have the cousin of one of
11 the defendants cooperating with the police. So you are
12 going to tell me that if Joey Hardee is going to say,
13 That ain't my gun, I don't know what he's talking
14 about, it didn't happen like that, do you think if that
15 was out there or if Theresa Phillips said no, no, no,
16 you don't think that would have heard from them on the
17 stand? That would have conclusively -- conclusively
18 concluded what he said, the whole seven hours later
19 with the gun, it would break it wide open. It makes
20 your job easy. Leaves nothing to chance.

21 You didn't hear it. And this -- if you even want
22 to explore the idea that, well, they are private
23 citizens, maybe there was some -- whatever, what is
24 more troubling about what you didn't hear is Dr.
25 Proctor, a medical doctor. Because I watched the

CLOSING ARGUMENTS - MR. MUREDDU

1 Solicitor reenactment of what he said happened. Guy is
2 holding or somebody is holding down shooting, no other
3 way. What was conveniently absent from his entire
4 presentation, from his entire case, from his entire
5 theory was what about these blows to the head? I mean,
6 if you are going to tell me that one person, man or
7 woman, couldn't restrain or incapacitate two men, one
8 of them is 66 years old, by the way. As I creep closer
9 to 50, that doesn't seem that old to me, but having
10 said that, one person couldn't incapacitate those two
11 guys? No possible way? What if they were clocked in
12 the head with something, something on one of them and a
13 blow so severe that it embedded in his skull and is a
14 piece of evidence in this trial?

15 If we had Dr. Proctor up here, he could give you a
16 medical opinion on could a blow to the head, a specific
17 area of the head, not to say it was targeted, but you
18 can see -- he would be able to see as a medical doctor,
19 well, it was here on the head, the brain works like
20 this -- we would have been able to definitively know if
21 those two blows to the head, which exist -- I ain't
22 making this up, it is in the report -- which we know
23 exists whether or not they would have been of such
24 magnitude to where it would render the person
25 incapacitated for a period of time.

CLOSING ARGUMENTS - MR. MUREDDU

1 But the doctor isn't here, and the coroner didn't
2 know the answer. You know what we do know? Those
3 injuries are to that head, 2-by-1 centimeter on both of
4 them. In the reenactment, that wasn't in his
5 reenactment about someone clocking somebody on the
6 head, but what he is dealing with is speculation, this
7 is what I think happened. What we're dealing with is
8 what the science says. The science says there were
9 significant blows to the head on both of those fellows
10 and the exact same size. Factor that in and then tell
11 me one person couldn't have done it. You can't. You
12 can't. We weren't there. I don't know what happened.
13 They didn't offer any evidence which said what happened
14 other than just arguing, but if that's the way that
15 this trial is going to play out for you, the jury,
16 nobody can come to you and say there is no way in the
17 world one person couldn't have done this. The evidence
18 says otherwise.

19 Like I told you, I've been a lawyer for over 20
20 years, and I've witnessed lots of other lawyers,
21 trials, et cetera. You get experience and see things.
22 I've seen so many other lawyers when they get up in
23 front of a jury and address the issue of reasonable
24 doubt, that what is required to convict someone is
25 proof beyond a reasonable doubt. I've heard other

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1 lawyers present that like it's some holy grail, some
2 unattainable goal that that burden of proof is so high
3 you couldn't possibly convict anybody unanimously in
4 any situation. That is not what I'm arguing at all
5 here today. I'm not saying that that is what is
6 required of the State when they are legally required to
7 prove something beyond a reasonable doubt.

8 What I am saying is what isn't proof beyond a
9 reasonable doubt is Odom's story, it just doesn't add
10 up. It is suspicious. It is unbelievable. It
11 couldn't have happened that way. That ain't proof
12 beyond a reasonable doubt. It is not even close.
13 Proof beyond a reasonable doubt, you, the jury, need
14 certainty. You need sureness. You need reliability of
15 truth beyond any reasonable doubt. Suspicion, it don't
16 add up, it couldn't happen that way, it is a web of
17 lies, that is not -- that just don't cut it. We need
18 more certainty than that.

19 That boy's life is on the line here today. I know
20 the job you all have, I wouldn't want it for a minute.
21 There are two dead men. Somebody needs to answer for
22 that. Somebody needs to be held accountable for that,
23 and the burden has been placed on you all. There is no
24 way that what happened to the Hatfields can be taken
25 back. It is a tragedy. Their lives are over. That

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1 boy's life is in your all's hands.

2 Sandy Locklear murdered the Hatfields. She's the
3 one that has to be held accountable. She's the one
4 that needs to be punished and where the blame lies.
5 That boy is not guilty of murder.

6 THE COURT: Ladies and Gentlemen, all the evidence
7 in this case has been presented to you, and the
8 attorneys have made their closing arguments, and now
9 I'll charge you the law that is to be applied in this
10 case.

11 The indictments in this case -- here are the
12 indictments. These indictments in this case charge the
13 Defendant with two counts of murder. I remind you that
14 the fact that the Defendant was arrested, charged and
15 indicted in this case is not evidence in this case and
16 cannot be considered by you as evidence of guilt in
17 this case, nor does the Defendant's arrest, charge and
18 indictment create any presumption or inference of
19 guilt.

20 These documents are simply the formal written
21 instruments which contain the charges made against the
22 Defendant. They are the formal documents by which this
23 case is brought into this court. As I have stated, the
24 indictments in this case alleges two separate crimes.
25 Each indictment charges a separate and distinct

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1 offense. You must decide each indictment separately on
2 the evidence and the law applicable to it, uninfluenced
3 by your decision as to the other indictment.

4 The Defendant may be convicted or acquitted on any
5 or all of the offenses charged. You will be asked to
6 write a separate verdict of guilty or not guilty for
7 each indictment.

8 The Defendant has pled not guilty to these
9 indictments. That plea puts the burden on the State to
10 prove the Defendant guilty. The person charged with
11 committing a criminal offense in South Carolina is
12 never required to prove his innocence. I charge you it
13 is an important rule of the law that the Defendant in a
14 criminal trial, no matter what the seriousness of the
15 charge may be, will always be presumed to be innocent
16 of the crime for which the indictment was issued,
17 unless guilt has been proven by evidence satisfying you
18 of that guilt beyond a reasonable doubt.

19 This presumption of innocence does not end when
20 you begin your deliberations, but it accompanies the
21 Defendant throughout the trial until you reach a
22 verdict of guilt based on evidence satisfying you of
23 that guilt beyond a reasonable doubt. The presumption
24 of innocence is like a robe of righteousness placed
25 upon the shoulders of the Defendant, which remains with

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1 the Defendant until it is stripped from the Defendant
2 by evidence satisfying you of the Defendant's guilt
3 beyond a reasonable doubt.

4 The presumption of innocence is not a mere legal
5 theory. It is not just a legal phrase. It is a
6 substantial right to which every defendant is entitled
7 unless you, the jury, are satisfied from the evidence
8 of the Defendant's guilt beyond a reasonable doubt.

9 What is a reasonable doubt in the law? A
10 reasonable doubt is the kind of doubt that would cause
11 a reasonable person to hesitate to act. Proof beyond a
12 reasonable doubt is proof that leaves you firmly
13 convinced of the Defendant's guilt. We know very few
14 things in this world with absolute certainty, and in
15 criminal cases the law does not require proof that
16 overcomes every possible doubt.

17 If based on your consideration of the evidence you
18 are firmly convinced that the Defendant is guilty of
19 the crime charged, you must find the Defendant guilty.
20 If, on the other hand, you think a real possibility
21 exists that the Defendant is not guilty, you must give
22 the Defendant the benefit of that doubt and find him
23 not guilty. I remind you that during this trial you
24 and I have certain duties to perform. As the trial
25 judge, my responsibility is to preside over the trial

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1 of this case. I also have the duty to rule on the
2 admissibility of the evidence offered during this
3 trial. You are to consider only the competent evidence
4 before you. If any testimony was ordered stricken from
5 the record in this case during this trial, you must
6 disregard that testimony. You are to consider only the
7 testimony which has been presented from the witness
8 stand, any exhibits which have been made a part of the
9 record in this case and any stipulations of counsel.

10 I have the additional duty to charge you on the
11 law applicable to this case. As the presiding judge, I
12 am the sole judge of the law of this case. Your duty
13 as jurors is to accept and apply the law as I now state
14 it to you. If you have any idea as to what the law is
15 or what the law ought to be, and your idea is different
16 from what I now tell you what the law is, you must
17 disregard your idea of what the law is or ought to be,
18 because you are sworn to accept the law and apply the
19 law as I state it to you.

20 In every case tried in this court before a jury,
21 the jury is the sole and exclusive judge of the facts
22 in a case. A trial judge cannot intimate, state,
23 comment on or make any statement to a trial jury about
24 the facts in a case. Since you, the jury, are the sole
25 facts of the case -- sole judge of the facts in this

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1 case, you are not to infer from what I have said during
2 the progress of this trial in ruling upon the
3 admissibility of evidence or otherwise, or anything
4 that I say now during the course of this instruction to
5 you that I have any opinion about the facts in this
6 case. The law does not allow me to have an opinion
7 about the facts in this case. This is a matter solely
8 for you, the jury, to determine.

9 As jurors, your duty is to determine the effect,
10 value, weight and truth of the evidence presented
11 during this trial. Two types of evidence are generally
12 presented during a trial, direct evidence and
13 circumstantial evidence. Direct evidence directly
14 proves the existence of a fact and does not require
15 deduction. It is evidence which immediately
16 establishes the main facts to be proved.

17 Circumstantial evidence is a proof of a chain of
18 facts and circumstances indicating the existence of a
19 fact. It is evidence which immediately establishes
20 collateral facts from which the main fact may be
21 inferred. Circumstantial evidence is based on
22 inference, and not on personal knowledge or
23 observation. Crimes may be proven by circumstantial
24 evidence. The law makes no distinction between the
25 weight or value to be given to either direct or

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1 circumstantial evidence; however, to the extent the
2 State relies on circumstantial evidence to prove its
3 case, all of the -- all of the circumstances must be
4 consistent with each other, and when taken together,
5 point conclusively to the guilt of the accused beyond a
6 reasonable doubt. If these circumstances merely
7 portray the Defendant's behavior as suspicious, the
8 proof has failed.

9 The State has the burden of proving the Defendant
10 guilty beyond a reasonable doubt. This burden rests
11 with the State regardless of whether the State relies
12 on direct evidence, circumstantial evidence or some
13 combination of the two.

14 Necessarily, you must determine the credibility of
15 witnesses who have testified in this case. Credibility
16 simply means believability. Your duty as jurors is to
17 analyze and to evaluate the evidence and determine
18 which evidence convinces you of its truth. Determining
19 the believability of witnesses who have testified in
20 this case, you may believe one witness over several
21 witnesses, or several witnesses over one witness. You
22 may believe part of the testimony of a witness, and
23 reject the remaining part of the testimony of the same
24 witness. You may believe the testimony of a witness in
25 its entirety, or reject the testimony of a witness in

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1 its entirety. You may consider whether any witness has
2 exhibited to you any interest, bias, prejudice or other
3 motive in this case. You may also consider the
4 appearance and manner of the witness while on the
5 witness stand.

6 Rules of evidence ordinarily do not permit
7 witnesses to testify to opinions or conclusions. An
8 exception to this rule exists for witnesses we call
9 expert witnesses. A witness who by education and
10 experience has become expert in some art, science,
11 profession or calling may state an opinion as to the
12 relevant and material matter in which the witness
13 claims to be an expert, and also may state the reasons
14 for the opinion. You should consider any expert
15 opinion received in evidence in this case, and like any
16 other evidence, give it the weight you think it
17 deserves. If you decide that the opinion of an expert
18 witness is not based on sufficient education and
19 experience, or if you conclude that the reasons given
20 in support of the opinion are not sound, or that the
21 opinion is outweighed by other evidence, you may
22 disregard the opinion entirely. An expert witness'
23 testimony is to be given no greater weight than that of
24 any other witness simply because the witness is an
25 expert. Further, you are not required to accept an

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1 expert's opinion even though it is not contradicted.

2 I instruct you and emphasize that the fact that
3 the Defendant did not testify is not a factor to be
4 considered by you in any way in your deliberations and
5 in your consideration on the question of the guilt or
6 innocence of the Defendant. It must not be considered
7 by you in any manner, whatsoever. A defendant has the
8 Constitutional right to remain silent, and the
9 assertion of this right must not be considered by you
10 in your deliberations. I repeat, under your oath, you
11 are to draw no conclusion, whatsoever, from the fact
12 that the Defendant in this case did not testify.

13 The fact that this defendant did not testify
14 should not even been discussed in the jury room. The
15 burden of proof as I have stated to you is on the State
16 to prove the Defendant's guilt. The Defendant is not
17 required to prove his innocence. The burden of proof
18 remains on the State to prove the Defendant's guilt
19 beyond a reasonable doubt.

20 Now, if a crime is committed by two or more people
21 who are acting together in committing a crime, the act
22 of one is the act of all. A person who joins with
23 another to commit an unlawful act is criminally
24 responsible for everything done by the other person,
25 which happens as a probable or natural consequence of

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1 the acts done in carrying out the common plan and
2 purpose.

3 For example, two people can be guilty of robbing a
4 bank when only one of the two entered the bank, held up
5 the teller and took the money from the bank while the
6 other person acted as a look-out outside the bank and
7 without even entering the bank. If two or more people
8 are together, acting together, assisting each other in
9 committing the offense, the act of one is the act of
10 all, or as it is sometimes said, The hand of one is the
11 hand of all.

12 Prior knowledge that a crime is going to be
13 committed is not sufficient to make a person guilty of
14 that crime. Mere knowledge that another person is
15 going to commit a crime, even if the defendant is
16 present when the crime is committed, is not sufficient
17 to convict the defendant as a principal. Guilt as a
18 principal is shown by actual or constructive presence
19 at a scene as a result of a prior arrangement.
20 Therefore, a finding of a prior arranged plan or common
21 scheme is necessary for a finding of guilt as a
22 principal.

23 The State must prove beyond a reasonable doubt by
24 competent evidence that the theory of the hand of one
25 is the hand of all. A principal in a crime is one who

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1 either actually commits the crime or who is present,
2 aiding, abetting or assisting in the committing of the
3 crime. When a person doesn't act in the presence of
4 and with the assistance of another, the act is done by
5 both. Where two or more acting with a common plan or
6 intent present at the commission of a crime, it does
7 not matter who actually commits the crime, all are
8 guilty; the hand of one is the hand of all.

9 Present at the commission of a crime means to be
10 sufficiently near to aid and abet and assist in the
11 commission of the crime. However, mere presence at the
12 scene of a crime is not sufficient to convict one as a
13 principal on the theory of aiding and abetting.

14 Criminal intent is also a necessary element of any
15 crime, including one prosecuted as the hand of one is
16 the hand of all. There must have been a common design
17 or intent to commit the crime, and the crime must have
18 been committed pursuant thereto with the person aiding
19 and abetting by some overt act.

20 Intent means intending the result which actually
21 occurs, not accidentally or involuntarily. Intent may
22 be shown by acts and conduct of the defendant and other
23 circumstances which you may naturally and reasonably
24 infer intent.

25 Criminal intent must be proven by the State beyond

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1 a reasonable doubt. Criminal intent is always a matter
2 that must be determined by the jury or the
3 circumstances surrounding the situation. There is no
4 way to prove intent to a mathematical certainty. There
5 is no way medical science can dissect a person's brain
6 and determine what the person had in mind, so the law
7 says that criminal intent may be inferred from the
8 circumstances shown to have existed. This is how you
9 make a determination as to whether or not the element
10 requiring intent was present.

11 Criminal intent does not have to be established by
12 direct and positive evidence, but intent may be
13 established by inference in the same way as any other
14 act, by taking into consideration the acts of the
15 parties and all of the facts and circumstances of the
16 case. Criminal intent is a mental state, a conscious
17 wrongdoing. You must determine what the Defendant
18 intended to do based on the circumstances shown to have
19 existed.

20 Mere presence at the scene is not sufficient to
21 prove someone guilty of a crime. A Defendant's
22 presence where a crime is being committed, or mere
23 association with a person who commits a crime, does not
24 make a defendant an accomplice or an aider and abettor
25 of the person committing the crime. The burden is on

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1 the State to prove every element of the crime charged.
2 If you find after reviewing all of the evidence that
3 the State has proved that the Defendant was only
4 present at the scene of the crime, and that they have
5 not proved beyond a reasonable doubt any other
6 participation in the crime, then you must find the
7 Defendant not guilty. The law is that proof of at the
8 scene of the crime is not sufficient to find someone
9 guilty.

10 The Defendant is charged with two counts of
11 murder. To convict the Defendant of murder, the State
12 must prove beyond a reasonable doubt that the Defendant
13 killed another person with malice aforethought. Malice
14 is hatred, ill-will or hostility towards another
15 person. It is the intentional doing of a wrongful act
16 without just cause or excuse and with an intent to
17 inflict an injury or under circumstances that the law
18 will infer an evil intent.

19 Malice aforethought does not require that malice
20 exists for any particular time before the act is
21 committed, but malice must exist in the mind of the
22 Defendant just before and at the time of the act, or at
23 the time the act is committed. Therefore, a
24 combination of the previous ill intent and the act must
25 both exist.

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1 Malice aforethought may be expressed or inferred.
2 These terms "expressed" and "inferred" does not mean
3 different kinds of malice, but merely the manner in
4 which malice maybe shown to exist. Malice aforethought
5 may be shown either by direct evidence or by inference
6 from the facts and circumstances which are proved.
7 Expressed malice is shown when a person speaks words
8 which express hatred or ill-will for another or when
9 the person prepares beforehand to do the act which was
10 later accomplished. For example, lying in wait for a
11 person or any other acts of preparation going to show
12 that the deed was within the Defendant's mind would be
13 expressed malice.

14 Malice may be inferred from conduct showing a
15 total disregard for human life. Inferred malice may
16 also arise when the deed was done with a deadly weapon.
17 A deadly weapon is any article, instrument or substance
18 which is likely to cause death or great bodily harm.
19 Whether an instrument has been used as a deadly weapon
20 depends on the facts and circumstances of each case.
21 The following are examples of instruments which may be
22 deadly weapons: A pistol, a shotgun, rifle, a dirk,
23 dagger, a knife, a sling shot, metal knuckles, razor,
24 gasoline, a fire bomb, Molotov cocktail, light and
25 lighter fluid. A gun may be a deadly weapon even if it

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1 is not operating.

2 There are two possible verdicts which you may find
3 for each indictment in this case. No significance,
4 whatsoever, is to be given to the order in which I
5 state these possible verdicts to you, I simply must
6 state one verdict first and one verdict second. The
7 possible verdicts for each indictment in this case is
8 either guilty or not guilty. As I previously
9 instructed you, each indictment charges a separate and
10 distinct offense, and you must decide each indictment
11 separately on the evidence and the law applicable to it
12 uninfluenced by your decision as to the other
13 indictment.

14 The Defendant may be convicted or acquitted on one
15 or both of the indictments. Ladies and Gentlemen, your
16 verdict for each indictment must be unanimous.
17 Mr. Chandler is foreperson. When the jury agrees on
18 the verdict, you will write the jury's verdict
19 underneath the verdict portion on each indictment then
20 sign your name as foreperson and date the indictment.
21 You can then knock on the door and advise the bailiff
22 when you reached a decision on both indictments that
23 the jury has reached a verdict, and we'll bring you
24 back in the courtroom at that time.

25 Now, you had been allowed to take notes during the

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1 trial of this case. However, please remember that some
2 people are better note takers than others. Some people
3 make recall testimony without taking notes. Juror
4 notes should not be given any greater weight than the
5 recollection of other jurors. The recollections of
6 individual jurors who did not take notes should be
7 considered as reliable as notes taken by any other
8 juror.

9 Now, I'm going to send you to the jury room, but
10 please do not begin your deliberations at this point in
11 time. I have to go over with the attorneys to see if
12 they have any challenges to the laws as I've instructed
13 you. If they do, and I deem they are noteworthy, I'll
14 bring you back in and make additional or corrections
15 that I need to make. If there are no additional
16 charges to be given, the exhibits will be brought back
17 to you, and the bailiff will instruct you that you can
18 begin your deliberations, but please do not begin your
19 deliberations until the bailiff has instructed you to
20 do so.

21 Also, we have ordered lunch for you again today.
22 Now, when lunch gets here, you can do one of two
23 things. If you want to deliberate while you eat lunch,
24 you are permitted to do so. If you want to stop your
25 deliberations, eat lunch and then resume deliberations

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1 when you finish, you can do that as well. The only
2 requirement is that everybody must do the same thing.
3 You can't have some jurors deliberating while others do
4 not. So whatever you want to do, you can do as long as
5 everyone participates either in the deliberation or
6 everyone stops their deliberations while you eat.

7 I'll excuse you back to the jury room. You can
8 take your notepads, but do not begin your deliberations
9 until you are instructed to by the bailiff. Thank you
10 very much.

11 (The jury exits at 12:23 p.m., and the
12 following is heard out of the presence of the jury.)

13 THE COURT: Any challenges to the jury charge by
14 the State?

15 MR. RICHARDSON: No, sir, Your Honor.

16 THE COURT: Any by the defense?

17 MR. MUREDDU: None, Your Honor.

18 THE COURT: Let's make sure we have all of the
19 exhibits.

20 (Whereupon, the court reporter and attorneys
21 confer.)

22 THE COURT: If you could bring out the alternates.

23 (Whereupon, the alternate jurors enter at 12:26
24 p.m. and the following takes place out of the presence
25 of the jury.)

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1 THE COURT: Ms. Lows, Mr. James, this is the part
2 of the trial I hate. As the alternates, since we have
3 our original 12 jurors, your services will not be
4 needed in this case and you are not allowed to
5 participate in the deliberations. I hate it because
6 you sit through the whole trial, we make you pay
7 attention, but since there are still the 12 original
8 jurors, the law says you cannot participate during the
9 deliberations. So I want to thank you for your
10 service, not only in this case, but for this week.
11 This will conclude your services for the week. We've
12 ordered lunch, and you can stay and eat lunch and see
13 what happens, if you want to do that, or if you want to
14 leave, you are at liberty to leave at this time. Do
15 either of you have anything in the jury room.

16 MR. JAMES: No.

17 THE COURT: I'll leave it up to you. They'll
18 provide you a space if you want to stay and eat lunch
19 and then leave, or stay until the end of the trial.
20 You can stay awhile and then leave, you can do whatever
21 you would like to do, but I want to thank you for your
22 services as jurors in this case. If you would -- could
23 you get their notepads? We'll collect those. I want
24 to thank you for yours service, and you are free to go
25 at this time. Thank you.

JURY QUESTION - VERDICT

1 (A recess was taken and the jury begins
2 deliberations at 12:37 p.m.)

3 (The following was heard out of the presence
4 of the jury at 1:21 p.m.)

5 THE COURT: We got a request from the jury that
6 says, May we have computers to listen to interview?
7 I'm assuming we just sent the disk back there?

8 MR. RICHARDSON: We did, Your Honor.

9 THE COURT: Okay. Any objection to just sending
10 something back there for them in the jury room?

11 MR. MUREDDU: No.

12 THE COURT: How will we send it back?

13 MR. RICHARDSON: We may have a boom box so there
14 would be no doubt they couldn't get anything other than
15 the tape, I just want to be sure that the CD will play.

16 THE COURT: That is fine.

17 MS. WOOTEN: I'll get it.

18 THE COURT: Do you want me to send the bailiff to
19 get the disk?

20 MR. RICHARDSON: Please.

21 THE COURT: Tell them we can get it set up for
22 them, but we need the disk. I'll mark this as Court's
23 3 --2.

24 (Court's Exhibit 2 marked.)

25 MR. RICHARDSON: It has one, two, three tracks.

VERDICT

1 THE COURT: So we send that back like that?

2 MR. MUREDDU: Yes, sir, defense would agree.

3 THE COURT: All right. We'll be in recess.

4 MR. RICHARDSON: I'll leave mine up here in case.

5 THE COURT: That's fine. We're in recess.

6 (A recess was taken.)

7 THE COURT: Please be seated. I understand the
8 jury reached a verdict; is that correct?

9 THE BAILIFF: Yes, sir.

10 THE COURT: Anything from the State before the
11 jury comes in.

12 MR. RICHARDSON: No, sir. The State is prepared
13 to go forward.

14 THE COURT: Anything from the defense?

15 MR. MUREDDU: Nothing, Your Honor.

16 A All right. Ladies and Gentlemen, before we bring
17 the jury in, I want everyone to know that regardless of
18 what the verdict is there will be no displays of
19 emotions or outbursts or anything. This is a hard job
20 for the jury, and I don't want the jury to be put in a
21 bad position in this case. I tell you this simply to
22 let you know that if you cannot control your emotions,
23 you need to excuse yourself from the courtroom now
24 because any show of emotions regardless of the verdict,
25 the offender can be held in contempt of court, a

VERDICT

1 year -- up to a year, fine of up to \$1,500 and order to
2 perform up to 300 hours of community service. So if
3 you think there is a chance you won't control your
4 emotions, excuse yourself at this time. Let's bring
5 the jury in. Thank you.

6 (The jury enters at 3:14 p.m., and the
7 following is heard in the presence of the jury.)

8 THE COURT: Mr. Chandler, I understand the jury
9 reached a verdict on both indictments; is that correct?

10 FOREPERSON: Yes, sir.

11 THE COURT: Have you written that verdict on the
12 indictments and signed your name?

13 FOREPERSON: Yes, sir.

14 THE COURT: If you would hand it to the bailiff.

15 FOREPERSON: Yes, sir.

16 THE COURT: I'll ask the Clerk of Court to publish
17 the verdicts.

18 THE CLERK: 2013-GS-26-4317, State of South
19 Carolina, County of Horry versus Odom Bryant on the
20 charge of murder, we the jury unanimously find the
21 defendant guilty.

22 Indictment 2013-GS-26-4318, State of South
23 Carolina, County of Horry versus Odom Bryant on the
24 charge of murder, we the jury unanimously find the
25 defendant guilty. Dated January 15, 2015 signed by the

VERDICT

1 foreperson, Andrew Chandler.

2 Ladies and gentlemen of the jury, if this is your
3 verdict, so signify by raising your right hand. Thank
4 you.

5 THE COURT: Let the record reflect that all jurors
6 raised their right hand. Any polling of the jury by
7 the defense?

8 MR. MUREDDU: None, Your Honor.

9 THE COURT: I want to thank you for your service.
10 That concludes your service as jurors in this case. It
11 concludes your service as jurors in this case. You
12 don't have any other cases, so that will conclude your
13 service this week. You are free to go at this time.
14 If you want, we still have other matters to take care
15 of, you can stay and finish seeing that, you can do
16 that as well. I want to thank you for your service.
17 You have a one-year exemption where you can't serve on
18 jury duty or disqualification you have a three-year
19 exemption, and I hope you don't use it because I need
20 good jurors. I want to thank you for your service.

21 At this time, you are free to go for the remainder
22 of the week. Anyone who has to stay or leave, you can.
23 Any reason why we cannot do sentencing?

24 MR. RICHARDSON: No, sir, Your Honor. The victims
25 prepared some victim impact statements, and I have

VERDICT

1 sentencing sheets prepared.

2 THE COURT: Let me see the sentencing sheets.

3 MR. RICHARDSON: Yes, sir. Let me show them to
4 Mr. Mureddu.

5 THE COURT: If you and your client will stand.
6 Any reason why we should not impose sentence at this
7 time?

8 MR. MUREDDU: None, Your Honor.

9 THE COURT: Anything in mitigation on behalf of
10 your client?

11 MR. MUREDDU: Well, Your Honor, case is heard,
12 jury made the decision, we respect that decision. Odom
13 has altogether, what I would call, a minimal criminal
14 history. I've met with him over the last couple of
15 years numerous times. He's always treated me with
16 respect and dignity, and I've always tried to do the
17 same. I know that he feels that probably the worse
18 thing that ever happened to him in his life was to have
19 gotten involved in this situation and be where he was
20 the night of August the 19th of 2012. He has indicated
21 to me remorse over the situation. I don't know that
22 anything can be said to satisfactorily mitigate this
23 situation. I would only say that there was someone
24 other than him that put the whole thing in motion, and
25 but for that, I don't know that he would have found

VERDICT

1 himself in this situation. Having said that, obviously
2 there is a responsibility that is attached and he
3 doesn't deny that, and he is ready to accept it. We
4 would ask the Court to consider not imposing a life
5 sentence. I understand that the mandatory minimum is
6 30. He understands that. We have discussed that. I
7 understand there are two separate life sentences that
8 he is potentially facing two separate 30 to life, I
9 should say. We would ask the Court to consider giving
10 him the minimum sentence of 30 years on each concurrent
11 knowing full well, and we've discussed that, that is a
12 day-for-day sentence. I don't know the situations like
13 this that either side can find justice, but that would
14 be our request.

15 THE COURT: All right. Mr. Bryant, anything you
16 want to say.

17 MS. BRYANT: I mean, I told the story I had and I
18 have remorse for the family even though they ain't
19 coming back. I mean, I really didn't have no intention
20 of someone being murdered or me knowing someone was
21 being murdered. But, I mean, I'm standing here with my
22 life on the line and two people already gone, and I
23 can't come back from that due to the fact that they
24 found me guilty. I was there. I told my involvement
25 whether they believe me or not. I mean, I got remorse

VERDICT

1 for the victims' family, and I apologize for everything
2 that happened. Other than that, I just ask the Court
3 to have leniency.

4 THE COURT: Thank you. Victims have anything they
5 want to say?

6 MR. RICHARDSON: They do, Your Honor. Do you want
7 me to do the record?

8 THE COURT: No, I will do that in a minute. I'll
9 give the victims an opportunity to speak with if they
10 wish.

11 MR. RICHARDSON: I have short notes from the
12 family, from Sylvia and Amber and Angela.

13 THE COURT: Who are they?

14 MR. RICHARDSON: Sylvia is the sole remaining
15 member of Amos, she's the daughter. Angela -- Denise,
16 they've all sat through this trial.

17 THE COURT: Who is she?

18 MR. RICHARDSON: The niece of Amos Hatfield. I'll
19 start with Sylvia's. She indicates -- they asked me to
20 read their's as they are overcome with emotion.

21 I'm Sylvia Atkins. I'm the sole survivor of Amos
22 Hatfield's family. This horrific crime that has
23 happened on August 19, 2012 impacted my life
24 tremendously. Those three people not only took away my
25 daddy and my brother, but because of their actions

VERDICT

1 resulted me having PTSD and having to be on several
2 medications for the rest of my life, and also having to
3 see a therapist to help me cope with life. I've not
4 been the same. I've not been the wife of a loving
5 husband, John, deserves nor have I been the mother of
6 my children. My daddy and brother only met my
7 grandbaby, Emily, once before their precious lives were
8 taken. They will never get to see our daughter get
9 married, see our son's second baby. Please let justice
10 be served and make this person pay for what he has done
11 and what he has taken away, not only me, but so many
12 others that loved them both so very much. My daddy and
13 brother were very good men who did not deserve this.
14 They deserved to lived their lives. Signed Sylvia
15 Atkins, 1/15/2015.

16 Hello, my name is Amber Atkins. I'm the
17 granddaughter of Amos Hatfield and the niece of Tommy
18 Hatfield. My life changed forever on August 19, 2012.
19 I lost my grandpa, who I adored and was such a huge
20 part of my life. I lost my uncle, someone who always
21 made me laugh. When I was down, he always brought a
22 smile to my face. My grandpa was the kindest man I
23 ever met. He helped anyone in any way he could. He
24 had such a kind heart, and three evil people took
25 advantage of that. For someone to kill innocent people

VERDICT

1 for money truly makes me sick. Odom Bryant didn't even
2 know my grandpa and uncle to participate in such a
3 horrific crime and not even care about who he was
4 hurting. I will never understand. Having to think
5 about how scared they must have been to have two
6 complete strangers in their home at 3:00 a.m. knowing
7 they were going to die breaks my heart. I remember
8 finding out my grandpa and uncle were murdered like it
9 was yesterday. I relive it every single day. My mom
10 and I were going to the house to visit them. I would
11 never have guessed that instead of having seen their
12 sweet smiles and hearing their warm hellos to find out
13 they were brutally murdered. I never got a chance to
14 say goodbye. My life will never be the same. My
15 grandpa and uncle will never go to my wedding. They
16 will never meet my children, and that is what haunts me
17 every single day. My grandpa and uncle will forever be
18 in my heart, and I'll always cherish the memories I
19 made with them. Signed, Thank you, Amber Atkins.

20 Finally, Your Honor: My name is Angela Lovell.
21 Amos was my favorite uncle. He had such a loving and
22 gentle way about him. Tommy, my cousin, was always a
23 jokester and loved to make people laugh. Together they
24 raised a puppy named Shoo-shoo. On August 19, my world
25 and Shoo-shoo's world changed forever. Because of

VERDICT

1 greed, those two men were ripped from our lives. While
2 I'm afraid to trust, Shoo-shoo is afraid of so much
3 more. She's terrified of loud noises. She's terrified
4 of new people, and she's terrified of being left alone,
5 all because of greed. We're not the only ones hurt by
6 this crime, my father has been in fear of the same
7 crime committed to him. His health is fading because
8 of depression from losing his brother in such a brutal
9 manner weighs heavily on his mind. My cousin Sylvia
10 has changed as well as her children. Her father was
11 her world, and he was ripped from her life. She
12 doesn't trust and she has deep bouts of depression.
13 Please put this murderer in jail where he can never do
14 this to another family again. Thank you, Angela Lovell
15 1/15/2015.

16 THE COURT: Prior criminal record?

17 MR. RICHARDSON: Your Honor, what I said in the
18 most recent NCIC, I think we mentioned yesterday in
19 camera, the Defendant has a common law robbery from
20 2008. It reads as trial by judge, verdict guilty to a
21 lesser degree, a sentence that runs current counter
22 08-CR-50928, which is second degree kidnapping, Your
23 Honor. That is also -- sorry, it is a 2008 indictment,
24 it looks like -- disposition was 11/14/2008, attorney's
25 fees, 1,050; comply with all gang-related terms and

SENTENCE

1 conditions, probation revocation 303 days. That is
2 what I show, Your Honor.

3 From the statement he gave to the police, he
4 indicated that at the time of the murder he was on the
5 run for parole. I believe it is proper for the court
6 to take that into consideration, while it was improper
7 for the jury to hear, it is proper for the Court. He
8 was actively evading arrest on a parole at that point,
9 Your Honor.

10 This is a brutal crime. I can't imagine anything
11 worse. It would have been eligible for a capital
12 sentence, although it is not. It would have had the
13 aggravated factor of a double homicide, murder for
14 hire. By the jury's verdict, I believe that the
15 evidence was believed, and that is what the evidence
16 has shown. He was tried and found guilty by a jury of
17 his peers and deserves a life sentence.

18 THE COURT: Mr. Bryant, you have been convicted on
19 two counts of murder by a jury of your peers. Sentence
20 of the Court for each charge is that you be confined to
21 the State Department of Corrections for life.
22 Sentences run concurrently. Credit for any time served
23 thus far. The rules of criminal procedure provide
24 timelines for any post-trial motions. Anything you
25 want to make a motion for at this time?

SENTENCE

1 MR. MUREDDU: Your Honor, at this time, we make a
2 motion to set aside the verdict. Based on various
3 evidentiary issues raised during the course of trial.

4 THE COURT: Motion is noted, and I'll deny that.
5 Anything further at this time?

6 MR. MUREDDU: Nothing from the defense, Your
7 Honor.

8 MR. RICHARDSON: Nothing from the State, Your
9 Honor.

10 THE COURT: Ladies and Gentlemen, let me excuse
11 the jury. That concludes this case and your duty as
12 jurors, and I'll thank you for your service.

13 MR. RICHARDSON: Do I need to make these Court
14 exhibits that I read into the record?

15 THE COURT: Yeah, I guess we might as well put
16 them in there. Anything from the State?

17 MR. RICHARDSON: No, sir.

18 THE COURT: Anything from defense?

19 MR. MUREDDU: Nothing, Your Honor.

20 THE COURT: That concludes this case. Do you have
21 anything else?

22 MR. RICHARDSON: No, sir.

23 (Court's Exhibit 3 marked.)
24
25

1
2 CERTIFICATE OF REPORTER
3

4 State of South Carolina)

5 County of Horry)
6

7 I, Natalie Dahl, Official Court Reporter for the
8 State of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete Transcript
10 of Record of the proceedings had and evidence
11 introduced in the matter of the captioned case,
12 relative to appeal, in the Court of General Sessions
13 for Horry County, South Carolina, on the 12th through
14 the 15th day of January, 2015.

15 I do further certify that I am neither of kin,
16 counsel, nor interest to any party hereto.
17

18 March 11, 2015
19

20
21 

22 Natalie Dahl, RPR

23 Court Reporter
24
25

COUNTY OF Harri

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Plaintiff(s)

VS.

Adam Bryant # 362713
Defendant(s)Submitted By: Adam Bryant
Address: Broad River Correctional Institution
4460 Broad River Road
Columbia South Carolina 29210

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint ☐ NON-JURY TRIAL demanded in complaint
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
☐ This case is exempt from ADR (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI-
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condominium (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☒ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lit Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in
an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature:

Adam Bryant

Date:

5-14-18

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA

County of

Henry

IN THE COURT OF COMMON PLEAS

Odum Bryant # 362713
Full name and prison number (if any) of Applicant

v.

State of South Carolina

18

3141

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional Institution
2. Name and location of Court which imposed sentence Court of General Sessions
3. Name(s) of co-defendant(s) (if any) Sandy Locklear and Nehemiah James Ekins
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2013GS2604317 - Murder

(c) 2013GS 2604318 - murder

(c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

(a) January 15, 2015(b) January 15, 2015

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty _____

(b) after a plea of not guilty ☒ _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

South Carolina Court of Appeals

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. affirmed

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. July 26, 2017

ii. _____

iii. _____

(c) the date of each such result:

i. No. 2017-UP-302

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. _____

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) _____

- (b) _____
- (c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Violation of Due Process
- (b) Ineffective Assistance of Counsel
- (c) Violation of Constitutional Rights

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Court lacked Jurisdiction to Indite
- (b) Fail to properly investigate
- (c) The burden of proof was not on the state but shifted towards me to prove

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No other than listed
- (d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
- i. Direct appeal
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____

- iv. _____
- (c) the disposition thereof:
 - i. Affirmed
 - ii. _____
 - iii. _____
 - iv. _____
- (d) the date of each such disposition:
 - i. July 26, 2017
 - ii. _____
 - iii. _____
 - iv. _____
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
 - i. NO-2017-UP-302
 - ii. _____
 - iii. _____
 - iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

- (a) which grounds have been presented:
 - i. _____
 - ii. _____
 - iii. _____
- (b) the proceedings in which each ground was raised:
 - i. _____
 - ii. _____
 - iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) These are PCR Issues
- (b) _____
- (c) _____
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? Yes
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Dean Muceddu 1300 Professional Dr. Suite 2 Myrtle Beach S.C.
29577
- ii. Reld T. Sheard 164 South Main Street North Floor Greenville S.C.
29601
- iii. _____
- (b) the proceedings at which each such attorney represented you:
- i. Trail Lawyer
- ii. Direct Appeal Lawyer
- iii. _____

19. State clearly the relief you seek in filing this application:

New Trial

20. Are you now under sentence from any other court that you have not challenged?

No

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Horry)

VERIFICATION

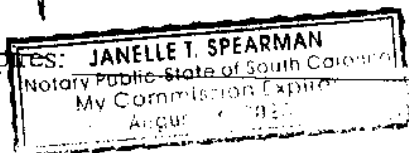
I, Adam Bryant, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Adam Bryant

SWORN to and subscribed before me this 12th day of May, 2018.

Janelle T. Spearman (L.S.)
Notary Public

My Commission Expires:



HORRY COUNTY
2018 MAY 23 PM 1:24
JANELLE T. SPEARMAN
CLERK OF COURT
HORRY COUNTY, SC

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

2018

3141

I, Odom Bryant, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Odom Bryant
Applicant

SWORN or affirmed to and subscribed before me this

14th day of May, 2018.

Janelle T. Spearman
Notary Public

My Commission Expires:



HORRY COUNTY
2018 MAY 23 PM 1:24
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) FOR THE FIFTEENTH JUDICIAL CIRCUIT
)

Odom Bryant,) Case No.: 2018-CP-26-03141
S.C.D.C. No. 362713,)
)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

**RETURN AND
PARTIAL MOTION TO DISMISS**

2018 AUG 22 PM 1:30
HORRY COUNTY
CLERK OF COURT
HORRY COUNTY, S.C.

In response to the application for post-conviction relief filed by Odom Bryant (Applicant) on May 23, 2018, Respondent would show this Court:

I.

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Horry County Clerk of Court. Applicant was indicted at the October 2013 term of the Horry County Grand Jury for two counts of murder (2013-GS-26-04317, -04318).

Underlying Crime

In broad summary, Applicant was convicted for the execution murders of victims Amos and Thomas Hatfield at the behest of Sandy Lee Locklear, Amos' wife, who desired proceeds from a life insurance policy. Locklear called 911 in the early morning hours of August 19, 2012, to report a burglary in progress and a shooting at a residence on Red Bluff Road in Loris. (Tr. 156, ll. 11-21; Tr. 160-61). Arriving minutes later at 4:05 AM, law enforcement scanned the premises and witnessed two men lying face-down through the mobile home's wide-open back door. (Tr. 164, ll. 2-24). Amos was discovered with a single gunshot wound to the back of the head and an additional laceration on his forehead. (Tr. 228, ll. 13-24). A green pillow lay

several inches in front of his head. The pillow was drenched with blood, and it bore a burn mark surrounding a through-and-through circular hole. Taken together, the blood and burn mark indicated that the fatal shot was fired flush against the pillow, which was simultaneously placed against the back of the victim's head. (Tr. 229, ll. 3-10; Tr. 232, ll. 5-20).

A few steps away lay the younger victim Thomas. Thomas was Amos' son. (Tr. 233, ll. 7-15). He lay prone, feet facing the front door to the trailer, with his left arm extended slightly beneath the couch. (Tr. 235, ll. 12-17). His injuries were remarkably similar to his father's in that he sustained a laceration to his forehead and a single gunshot wound to the back of the head. (Tr. 236, ll. 1-17). A heavy, stone-topped coffee table lay to the immediate left of the victim's body, flipped upside down. Tr. 236, ll. 21-23; Tr. 454, ll. 2-9). As with the elder Hatfield, blood spatter and a pillow with a burnt through-and-through hole were found three to four inches in front of his head. (Tr. 236, ll. 8-16; Tr. 237-38).

Hearing a woman's voice calling for assistance, the first responding officer approached a bedroom and found Locklear on the bed in nightclothes. She appeared upset and "didn't seem to know what all was going on." (Tr. 165-66; Tr. 173, ll. 15-20). Locklear otherwise exhibited no obvious signs of a struggle despite her contention that she had been bound with tape and sexually assaulted. (Tr. 214-15). "[S]he was free to move around" when the officers arrived, but one officer did witness Locklear pull a piece of tape off of herself. (Tr. 173-75). After clearing the residence and finding no additional occupants, the officer assisted Locklear from the bedroom to his patrol car. (Tr. 167-68). Law enforcement collected an off-white brassiere and a pair of black "stretched" underwear from the bed. They considered both items damaged and potential evidence of the sexual assault that Locklear alleged occurred in the back bedroom. (Tr. 256-57).

An inspection of the crime scene returned a clump of black tape cast off in the hallway of the mobile home. (Tr. 245-46). Officers also found a similar roll of tape steps away on a shelf above the washer and dryer. (Tr. 247-48). A first aid kit appeared to have spilled out of a toiletry cabinet and across the hallway floor. (Tr. 249-50). But the remainder of the mobile home showed little to no sign of struggle or disarray. No beds were flipped or drawers emptied. (Tr. 251-55). Law enforcement found no signs of forced entry. (Tr. 218, ll. 1-9; Tr. 221, ll. 6-18).

Within hours of the initial 911 call, law enforcement, also located a burned Kia sedan abandoned roadside near Longs, approximately five miles away from the crime scene. (Tr. 278, ll. 16-21; Tr. 367, ll. 11-13). Locklear claimed that her assailant stole her vehicle when he left the scene. (Tr. 367, ll. 3-4). Though completely burned and containing no contents of import to the investigation, the VIN number on the burned sedan indeed matched the Kia on loan to Locklear. (Tr. 279, ll. 11-22; Tr. 281-82). Locklear's car dealership loaned her the Kia while her own vehicle underwent service. (Tr. 370, ll. 6-18).

Law enforcement took Locklear to the hospital as a result of her alleged sexual assault. Afterward, she went to the station to be questioned as a witness and victim. (Tr. 373-74). However, the leads she provided quickly proved false when investigated. (Tr. 375). As a result, Locklear's questioning morphed into an interrogation; she was Mirandized, questioned, arrested, and charged with two counts of murder. (Tr. 376-77). During her interrogation, Locklear provided the names of two potential suspects: Nehemiah James Evans, and a second she knew only by his street name, "PooPoo." (Tr. 377, ll. 7-14).

"PooPoo" was later identified as Applicant. (Tr. 381, ll. 10-16). He assisted in Evans' landscaping business. Together, they cut the grass at Locklear's house. (Tr. 377, ll. 13-23; Tr.

430, ll. 9-10; State's Exhibit 136). Locklear also informed law enforcement that Applicant and Evans frequented the Vasco convenience store near her house to purchase fuel. (Tr. 430, ll. 8-13). That store's surveillance camera footage showed Applicant arriving at the store at 11:06 on the same morning as the murders. (Tr. 431-34).

The investigation revealed that Locklear lived in Tabor City, North Carolina, in a home purchased for her by her husband, Amos. (Tr. 340-41). After hearing about the murders, Faye Hunt, Locklear's cousin and friend, voluntarily informed law enforcement of Locklear's living arrangement and marriage. (Tr. 343). Additionally, Hunt told law enforcement about a life insurance policy that she witnessed Amos hand to Locklear for safekeeping. (Tr. 342, ll. 1-8). Amos then left the Tabor City home that night, and Locklear proclaimed to Hunt that "if that son-of-a-bitch died today [she'd] be a rich bitch tomorrow." (Tr. 342, ll. 9-21). When law enforcement executed a search warrant on the Tabor City home, they located a life insurance policy naming Locklear and Amos' daughter beneficiaries. (Tr. 419-20).

Hunt also pointed out to law enforcement that Locklear offered to sell Hunt's boyfriend a small, pearl-handled pistol about five months prior to the murders. Hunt knew what the pistol looked like because Locklear took it from the top of her refrigerator and showed it to Hunt. (Tr. 344-45). That pistol matched the description of a pistol that Amos' brother, Clayton Hatfield, loaned to Amos several years prior to his murder. Amos never returned that pistol to Clayton. Clayton described the pistol as a white or pearl-handled .25 caliber Lorcin. (Tr. 325-26).

Investigators did not find this pistol or any other firearms in the Hatfield's mobile home during their crime scene investigation. (Tr. 252, line 19). But still frames of Applicant entering a Vasco convenience store hours after the murder revealed a white pistol handle in his upper pants pocket. (Tr. 434-35; State's Exhibits 131 & 132).

United States Marshals took Applicant into custody about a month after the murders. (Tr. 437, ll. 2-10). Once in custody, Applicant provided a voluntary statement which law enforcement audio recorded. (Tr. 440; State's Exhibits 2 & 136). Applicant was not forthcoming at first and in fact asked to stop his interview so that he could talk to a lawyer. (Tr. 463, ll. 13-18; State's Exhibit 136). As law enforcement gathered their items to leave the interview room, Applicant reneged on his invocation of the right to counsel and voluntarily reinitiated the interview after being re-advised of that right. (Tr. 442-44).

Applicant thereafter divulged his participation in the murders. Applicant admitted he knew Evans because they cut grass together, and he met Locklear through Evans' landscaping venture. (Tr. 472; State's Exhibit 136). On the night of the murders, Evans enlisted Applicant's help and the two met up with Locklear. (Tr. 474-75; State's Exhibit 136). Together they went to the Hatfield's mobile home "to scare a dude up"—meaning Thomas—as a favor for Locklear. (Tr. 476-77; State's Exhibit 136). Locklear signaled Applicant to enter the back door of the mobile home through a series of text messages. (Tr. 191-93; Tr. 477-78; State's Exhibit 136). Applicant did not expect any payment for his partaking in the home invasion. (Tr. 478, ll. 21-21; State's Exhibit 136). Additionally, despite bringing a baseball bat along, he did not expect anyone to be harmed. Applicant maintained that he did not know that anyone had a gun when he first entered the mobile home. Applicant was also able to confirm that no one subjected Locklear to sexual assault. (Tr. 479-80; Tr. 484, ll. 2-9; State's Exhibit 136). As to the murders, Applicant stated that Locklear shot the Hatfields while he was in a back bedroom looking through the residence. (Tr. 482, ll. 6-21; State's Exhibit 136). Applicant left quickly after the gunshots, taking nothing but the wooden baseball bat and the Kia in which they arrived. (Tr.

485, ll. 2-10; State's Exhibit 136). Applicant admitted to burning the Kia. (Tr. 485, ll. 11-24; State's Exhibit 136).

Procedural History

Dean N. Mureddu, Esq., and Casey M. Brown, Esq. represented Applicant. Bradley C. Richardson, Esq., and Monica Wooten, Esq., of the Fifteenth Circuit Solicitor's Office, prosecuted the case. On January 12, 2015, Applicant proceeded to trial before the Honorable Benjamin H. Culbertson and a jury. The jury found Applicant guilty as indicted on January 15, 2015. Judge Culbertson sentenced Applicant to imprisonment for concurrent terms of life.

Applicant filed a timely notice of appeal and a direct appeal was perfected by Reid T. Sherard, Esq., who raised the following two issues:

1. Did the trial court err by allowing the State's main witness to reference the status of the case against a conspiracy co-defendant when the evidence was irrelevant and highly prejudicial and when counsel stipulated the evidence would not be admitted, the trial court ruled the evidence would not be admitted, and the defense reasonably relied upon the stipulation and ruling?
2. Did the trial court err by failing to follow the proper Batson procedure and shifting the burden to the defense, and thereafter improperly granting the State's Batson motion, resulting in a member of the venire struck by the defense being on the jury?

The parties proceeded to oral arguments on May 9, 2017. Applicant was represented by attorney Sherard; Caroline M. Scrantom, Esq., of the South Carolina Attorney General's Office, represented the State. By opinion decided July 26, 2017, the South Carolina Court of Appeals affirmed Applicant's convictions. State v. Bryant, Op. No. 2017-UP-302 (S.C. Ct. App. filed July 26, 2017). The Remittitur was issued on August 11, 2017.

II.

In his post-conviction relief application, Applicant alleges he is being held unlawfully for the following reasons:

1. "Violation of Due Process"
 - a. "Court lacked jurisdiction to indict"
2. "Ineffective Assistance of Counsel"
 - a. "Fail to properly investigate"
3. "Violation of Constitution Rights"
 - a. "The burden of proof was not on the State but shifted towards me to prove"

Attached to and incorporated herein are the records of the Horry County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the current application for relief. Respondent reserves the right to amend this Return upon receipt of relevant information.

III.

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases.

Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Applicant alleges, in particular, that his representation was ineffective for failing to adequately investigate his case. In order to prevail upon a claim that counsel did not adequately prepare or investigate a case, an applicant must present evidence of what counsel could have discovered or what other defenses applicant could have requested counsel develop and present had counsel been more prepared. Harris v. State, 377 S.C. 66, 75-76, 659 S.E.2d 140, 145-46 (2008) (citing Jackson v. State, 329 S.C. 345, 353-54, 495 S.E.2d 768, 772 (1998)). Furthermore, an applicant must also present evidence to show how the discoverable matters or defenses would have resulted in a different outcome. Id. (citing Davis v. State, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); Skeen v. State, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. Id., 377 S.C. at 75, 659 S.E.2d at 145 (citing Glover v. State, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)).

Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent respectfully requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant's allegations regarding jurisdiction are without merit. "Circuit courts obviously have subject matter jurisdiction to try criminal matters." State v. Gentry, 363 S.C. 93, 101, 610 S.E.2d 494, 499 (2005). Applicant's vague reference to jurisdiction is not a *prima facie* showing of anything. Therefore, Applicant's allegations regarding jurisdiction, and every part of the application based thereupon, should be summarily dismissed.

V.

Applicant alleges a burden-shifting error on the part of the trial court. This allegation should be summarily dismissed. An application for post-conviction relief does not serve as a substitute for direct appeal, and an issue that could have been raised at applicant's trial or on appeal is not cognizable in an application for PCR. S.C. Code Ann. § 17-27-20(b); Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). Trial court error is not a cognizable claim for PCR. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001); Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997); Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant's allegation could have been raised at trial and thereafter on appeal. Therefore, Applicant's burden-shifting allegation should be dismissed as not cognizable under the Uniform Post-Conviction Procedure Act.

VI.

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth sufficient facts to "support each ground" or to explain with any specificity the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to "*specifically set forth the grounds upon which the application is based.*" S.C. Code Ann. §

17-27-50 (1985) (emphasis added). Namely, Applicant does not indicate what, if anything, Counsel should have investigated regarding his case.

Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

VII.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments *will be opposed by the State at an evidentiary hearing* pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCP; Mangal v. State, 421 S.C. 85, 805 S.E.2d 568 (2017). All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to

request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VIII.

Respondent denies each allegation not expressly admitted, qualified, or explained.

IX.

WHEREFORE, Respondent respectfully requests that this Court grant the State's partial motion to dismiss as set forth in Sections IV and V, above, grant the State's motion for a more definite statement as set forth in Section VI, above, and thereafter convene an evidentiary hearing on the allegations of ineffective assistance of counsel.

Respectfully submitted,

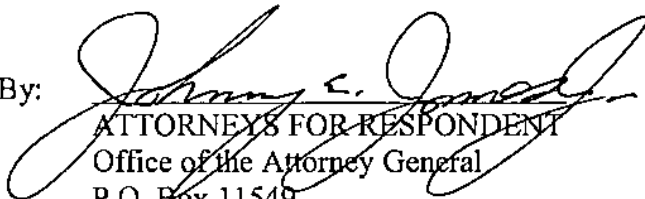
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

21 Aug., 2018

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

ODOM BRYANT, 362713,

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

2018-CP-26-3141

AFFIDAVIT OF SERVICE BY MAIL

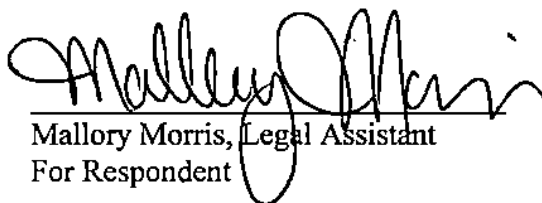
1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the **Return and Partial Motion to Dismiss** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Matthew S. Swilley, Esquire
Swilley Law Firm, LLC
129 S. Coit Street
Florence, SC 29501**

DATED this 21st day of August, 2018.


Mallory Morris, Legal Assistant
For Respondent

HORRY COUNTY
2018 AUG 22 PM 4:30
RECEIVED
CLERK OF COURT
HORRY COUNTY SC



ALAN WILSON
ATTORNEY GENERAL

August 21, 2018

The Honorable Renee N. Elvis
Horry County Clerk of Court
PO Box 677
Conway, SC 29528-0677

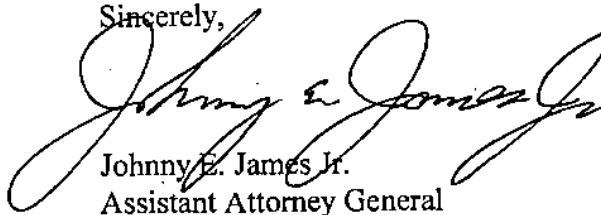
HORRY COUNTY
2018 AUG 22 PM 1:30
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

Re: Odom Bryant, #362713 v. State of South Carolina
2018-CP-26-3141

Dear Ms. Elvis:

Enclosed please find the original **Return and Partial Motion to Dismiss** by the Respondent, in the above-captioned case, for filing in your office.

Sincerely,



Johnny E. James Jr.
Assistant Attorney General

JEJ/tmm

Enclosures

cc: Matthew S. Swilley, Esquire

FORM 5

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

ODOM BRYANT

SCDC # 00362713

IN THE COURT OF COMMON PLEAS

2018-CP-26-03141

Full name and prison number (if any) of Applicant.

v.

State of South Carolina

Amended

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Broad River Correctional Facility
2. Name and location of Court which imposed sentence Horry County Court of General Sessions
3. Name(s) of co-defendant(s) (if any) Sandra Locklear NeNehemiah Evans
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2013-GS-26-04317- Murder
 - (b) 2013-GS-26-04318- Murder
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:

- (a) 1/15/2015- Life Sentence on both counts to run concurrent
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty Yes
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Conviction Affirmed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. 7/26/2017
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished Opinion No. 2017-UP-302
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in

custody unlawfully:

(a) Trial counsel was ineffective for opening the door to an issue that had previously been stipulated by the parties to remain outside of the jury

(b) Trial counsel was ineffective for failing to properly argue the appropriate procedure regarding a Batson v. Kentucky challenge to the jury selection and also failing to articulate a proper race-neutral reason he struck certain jurors

(c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) Trial counsel and the Assistant Solicitor consented on the record to keep out of evidence the status of the codefendant's cases. During trial counsel's cross examination of Brandon Strickland, trial counsel elicited testimony from Strickland that applicant verbally asserted the codefendant "cut a deal" during applicant's interview with law enforcement

(b) After the selection of a jury, the state made a motion pursuant to Batson v. Kentucky and the Court granted the motion after trial counsel did not articulate a reason as to why he struck certain jurors and did not assert to the State had to initially make a prima facie showing as to which of the Defendant's strikes were based on bias.

(c) _____

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? No

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No

(d) any other petitions, motions or applications in this or any other Court? No

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. N/A

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

N/A

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) The grounds are pertaining to ineffective assistance of counsel

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes

(b) your trial, if any? Yes

(c) your sentencing? yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Mr. Dean Nicholas Mureddu

North Myrtle Beach Municipal Court

1015 2Nd Ave S

North Myrtle Beach, SC 29582

ii. Mr. Casey Michal Brown

Goldfinch Winslow LLC

11019 Ocean Highway

Pawleys Island, SC 29585

iii.

Mr. Reid T. Sherard

Haynsworth Sinkler Boyd, PA

PO Box 2048

Greenville, SC 29602

(b) the proceedings at which each such attorney represented you:

i. Trial

ii. Trial

iii. Appeal

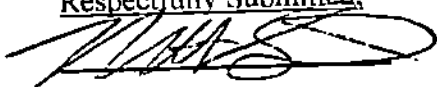
19. State clearly the relief you seek in filing this application:

Reversal of conviction and remand for a new trial

20. Are you now under sentence from any other court that you have not challenged?

No

Respectfully Submitted,



Matthew S Swilley

Attorney for Applicant

October 25, 2021

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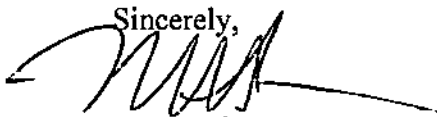
Ms. Renee N. Elvis
Horry County Clerk of Court
P.O. Box 677
Conway, SC 29526

RE: Odom Bryant v. State of South Carolina
2018-CP-26-03141

Ms. Elvis:

Please find the amended PCR Petition of Mr. Harry enclosed with this letter. Please let me know if there is anything else I need to do to effectuate the filing of this Amended Application. Thanks.

Sincerely,



Matt Swilley

MSS/enc.

FILED
HORRY COUNTY
2021 OCT 28 P 3:36
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
2 COUNTY OF HORRY) Case No. 2018-CP-26-3141

3 -----x
4 ODOM BRYANT,)
5 Applicant,)
6 vs.) TRANSCRIPT OF RECORD
7 STATE OF SOUTH CAROLINA,)
8 Respondent.)
9 -----x

October 27, 2021

POST-CONVICTION RELIEF HEARING

B E F O R E:

The Honorable Robert E. Hood, Presiding Judge

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

Matthew S. Swilley, Esq.
Attorney for the Applicant

Chelsey Marto, Esq.
William Ray, Esq.
Attorney for the Respondent

Court Reporter: Bobbi Fisher, RPR
Official Court Reporter III

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E X H I B I T S

(None.)

COURT REPORTER LEGEND

Dash (--)	Indicates an interruption in speech
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Ellipses (...)	Indicates trailing off in speech
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(ph)	Indicates phonetic word
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[Verbatim]	Indicates the word is said as written
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(Indiscernible)	[Transcription] Indicates word(s) is not known due to audio recording quality
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1 P R O C E E D I N G S

2 (Whereupon, the following proceedings started at 3:35 p.m.):

3 THE COURT: All right. Are you Odom Bryant?

4 THE APPLICANT: Yes, sir.

5 THE COURT: All right. Come on in, and you can take your
6 mask off if you want to.

7 Thank you-all for having him here and being on time.

8 All right. We're on the record in 2018-CP-26-3141. This
9 is Odom Bryant against the State of South Carolina.
10 Mr. Bryant is present and represented by Matt Swilley. The
11 State is present and represented by William Ray and Chelsey
12 Marto.

13 All right. Who is getting us started?

14 MS. MARTO: Yes, Your Honor. May it please the Court? I
15 do have a copy of the pleadings, if Your Honor would like them
16 now.

17 THE COURT: Okay.

18 MS. MARTO: Mr. Bryant was indicted October 2013 for two
19 counts of murder and was represented by Mr. Dean Mureddu and
20 Bradley Richardson and Monica Whitten (ph) of the 15th Circuit
21 Solicitor's Office prosecuted the case. It went to trial
22 January 12th, 2015, before the Honorable Benjamin Culbertson
23 and a jury, where he was found guilty as indicted on
24 January 15th, 2015, and was sentenced to life imprisonment.

25 He filed a timely notice of appeal, which was ultimately

1 denied, and his convictions affirmed by opinion decided
2 July 26th, 2017. The remittitur was issued August 11th, 2017.
3 This application was filed May 23rd, 2018, and the State's
4 return, made August 21st, 2018. And with that, I'll turn it
5 over to Mr. Swilley for the amended applications.

6 THE COURT: Okay.

7 MR. SWILLEY: Judge, I amended the pleadings -- or,
8 excuse me, the amended application of trial counsel and the
9 assistant solicitor consented on the record to keep out
10 evidence of the status of the co-defendants' cases; that is,
11 whether or not they had resolved.

12 During trial, counsel's cross-examination of Officer
13 Brandon Strickland, trial counsel elicited testimony from
14 Strickland that Applicant verbally asserted the co-defendant
15 cut a deal during Applicant's interview with law enforcement.

16 And, also, after the selection of the jury, the State
17 made a motion pursuant to *Batson vs. Kentucky*, and the Court
18 granted the motion after trial counsel did not articulate a
19 reason as to why he struck certain jurors and did not assert
20 that the State -- did not assert that the State had to
21 initially make a prima facie showing as to which the
22 defendant's strikes were based on bias.

23 THE COURT: Okay. You may call your first witness.

24 MR. SWILLEY: Dean Mureddu.

25 THE COURT: All right. Come on up, Mr. Mureddu. Thank

1 you for your patience this afternoon. I try to guess how long
2 things are going to go --

3 THE WITNESS: That's okay.

4 THE COURT: It wasn't that we weren't working. I want to
5 make sure you know that.

6 THE WITNESS: That's okay.

7 DEAN MUREDDU,

8 the witness, after having been duly sworn, was examined
9 and testified to as follows:

10 THE CLERK: Please have a seat. State your name for the
11 Court and spell it, please.

12 THE WITNESS: Thank you. My name is Dean Mureddu, and
13 it's spelled M-u-r-e-d-d-u.

14 THE COURT: Are y'all here for Mr. Bryant's case?
15 Everybody in the audience?

16 UNIDENTIFIED SPEAKER: Yes, sir.

17 THE COURT: Okay. Good. I just wanted to make -- we
18 have done a bunch of cases today, so I wanted to make sure
19 you're here on the right one. Okay? Thank you.

20 You're more than welcome to be here. Just make sure your
21 phones are on off or silent, and thank you for being here. I
22 just wanted to make sure you weren't waiting -- I've got some
23 other cases that were scheduled, so I wanted to make sure you
24 weren't waiting on those because we moved those to another
25 date.

1 All right. Whenever you're ready, Mr. Swilley.

2 DIRECT EXAMINATION

3 BY MR. SWILLEY:

4 Q Good afternoon, Judge Mureddu.

5 A You can call me Dean. Good afternoon.

6 Q Sure. Tell me -- briefly state your background as far as
7 your education -- well, just your experience as a prosecutor.

8 A Well, I graduated from law school in 1993 from the
9 Cumberland School of Law in Birmingham, Alabama. I got hired
10 at the Public -- I passed the bar the summer of '93. I got
11 hired -- South Carolina Bar. I got hired at the Public
12 Defender's Office in January of 1994. I was there for about
13 four or five years. Went into private practice as a partner
14 in the Monckton Law Firm, which became Monckton, Hembree,
15 Mureddu, Humphries later on.

16 I practiced 17 years there, and I was working there when
17 I was representing Mr. Bryant. I got Mr. Bryant's case
18 pursuant to a 608 contract with the Public Defender's office.

19 During the course of my -- I think I have been practicing
20 21 years as a trial attorney when I had Mr. Bryant's case. I
21 had been doing felony work and DUI -- clearly or exclusively
22 criminal defense trial work and probably, by the time I got
23 Mr. Bryant's case, litigated somewhere in the neighborhood of
24 somewhere between 40 and 60 cases to verdict and a few murder
25 cases sprinkled in with that, so...

1 Q So this -- you were conflicted to this case as private
2 counsel?

3 A I have been practicing more than 20 years at this
4 point --

5 Q Right.

6 A -- as a trial attorney.

7 Q And you weren't in the Public Defender's Office at this
8 point. You were --

9 A No, no, I was -- I had a few contracts with the Public
10 Defender's Office in the 21 years preceding this. I think
11 back in 2013 is when I started -- got on the 608 list to
12 receive conflict appointments. It was probably shortly after
13 got on -- signed that contract with the Public Defender's
14 Office that I got Mr. Bryant's case.

15 Q Okay. And, Mr. Mureddu, I guess, do you recall when you
16 were first appointed to Mr. Bryant's case?

17 A I would say -- I looked over these. I think -- I know we
18 went to trial in 2015. I think it was sometime in -- I think
19 when I actually received the case, it was, I think, sometime
20 in the summer of 2013, because that was -- that was actually
21 when I started the 608 contract. So I think he had been
22 arrested and in custody for a few months before I actually got
23 appointed to represent him.

24 Q Okay. And when you met with Mr. Bryant, I guess
25 you-all -- I mean, you planned on going to trial in this case

1 probably from the outset; is that correct?

2 **A** Well, what I told Mr. Bryant was, is by the time I got
3 the case -- (hit microphone) sorry about that, Judge. By the
4 time I got the case, it was a few months old. There were two
5 co-defendants, Sandy Locklear and NeNehemiah Evans, and I had
6 pretty much -- I knew Brad Richardson had gotten the case, and
7 Orrie West was -- any time Orrie would give me a case with the
8 Public Defender's Office, particularly serious cases, they
9 usually -- I had a little background on what was going on.

10 So my first -- I knew some -- before I had to chance to
11 meet with Mr. Bryant for the first time, I knew a few things
12 about the case. I always try to, before I meet with the
13 client, at least get some information, even though I don't
14 have full discovery, and find out as much as I can, so when I
15 sit down and introduce myself and we start talking about the
16 case, we got something meaningful to talk about.

17 And I know that, by memory, I knew the theory of the
18 State's case was that this was a murder for hire. They
19 believed that Mr. Bryant was the actual shooter. I can't tell
20 you specifically why they concluded that. But two counts of
21 murder, murder for hire. And in a case like this, I didn't
22 expect -- particularly if they thought that he was the shooter
23 -- that there would be a plea offer, much less a favorable
24 one.

25 So one of the things that I talked with him all along

1 through the course of our representation is is, like, look,
2 you're charged with two counts of murder, which is life
3 imprisonment without parole, and if they don't make you some
4 significant offer, we're probably -- we're going to be going
5 to trial on this case. I mean, you know, I wouldn't -- I
6 think I told him this -- I would tell anyone -- it's like I
7 don't see any reason why you would plead guilty straight up to
8 a murder, particularly a double murder charge, because you're
9 probably going to get life in prison, so you might as well
10 fight it regardless of the evidence. That's the best way I
11 can answer that.

12 **Q** Okay. And, Mr. Mureddu, if you could, at the time that
13 Mr. Bryant went to trial, what were the statuses, I guess, or
14 the dispositions of -- had Ms. Locklear gone to trial before
15 that?

16 **A** Yes. Before we went to trial, Ms. Locklear had been
17 convicted of two counts of murder. NeNehemiah Evans's
18 case was -- they were holding out. They wanted him to
19 cooperate. He ultimately did not cooperate, so his case was
20 pending, and Sandy Locklear had been convicted of two counts
21 of murder. I actually went up and watched a little bit of
22 that. Not much of it but just to kind of see -- keep abreast
23 of what was going on with the other two defendants' cases.

24 **Q** And, based on your recollection, how -- I mean, what
25 led -- based upon your recollection, what led to Mr. Bryant's

1 arrest? How did the police decide to get a warrant on Mr. --

2 **A** Well, after the two individuals were killed, Locklear
3 called the police. She reported a rape. She identified two
4 individuals: Described one as a dark-skinned black male; the
5 other one as a lighter-skin black male.

6 Her story to the police -- she called the police, as I
7 understand it. Said that they burst in, raped her, robbed
8 them, and took off.

9 The police started poking around with her story, and they
10 determined early on that they didn't believe her. And then
11 she started giving little bits of information, and I think she
12 ultimately gave them enough information to identify Mr. Evans.

13 And then Evans, at some point in time, implicated
14 Mr. Bryant, at least to police. He didn't testify in the
15 case.

16 And between the statements, I think probably the
17 strongest evidence -- because Locklear had given so many
18 stories, the strongest evidence that they had, I think, to get
19 an arrest warrant for Mr. Bryant was -- is NeNehemiah Evans
20 saying that, you know, he, Mr. Bryant and Ms. Locklear were
21 there. There was some arranged meeting. And so she -- Evans
22 placed Mr. Bryant at the scene alone with the decedents and
23 Ms. Locklear and basically says that when he -- he walked away
24 from the scene and that's when the two individuals were shot.

25 Basically, Evans placed Mr. Bryant there and -- with

1 other details. So I think that's how they ultimately
2 developed him as a suspect. They interviewed a few other
3 people. There was some surveillance video of Mr. Bryant
4 shortly after the fact -- or not shortly; I mean, within hours
5 after the shooting -- in the area and with a gun that they
6 believed would have been the murder weapon.

7 So they had him in and around the scene independently,
8 and between what Locklear and Evans said, that's how they
9 developed him as a suspect and ultimately arrested him.

10 **Q** As far as the, I guess, forensically, nothing really
11 connected anybody to anything -- or nothing connected
12 Mr. Bryant to the scene, just the statement of NeNehemiah and
13 the circumstantial video?

14 **A** The strongest evidence they had independently of what any
15 co-defendants were saying was -- ultimately when they caught
16 Mr. Bryant, he sat down and interviewed with them. And they
17 had some text -- they had some phone records. They had Sandy
18 Locklear's, one of the co-defendants, the female, who was
19 married to one of the decedents, was texting with someone
20 saying, "Hey, the back door is open" shortly before the
21 murders or the killings.

22 And so they had a phone number of who she was -- they had
23 her number and they had another number. Okay? Well, they
24 confirmed that to be his number through two sources. They
25 talked with someone -- I think they got this information from

1 Evans, that he had a girlfriend, and they called her in, and
2 they were asking her -- I can't remember what her name was --
3 but they were asking the person who was allegedly Mr. Bryant's
4 girlfriend about him and, "Hey, do you have a phone number for
5 him?" And she gave them a number that was the number.

6 And then when he --

7 Q Is -- I'm sorry?

8 A Well, let me --

9 Q Was this from a burner phone?

10 A Excuse me?

11 Q Was this from a burner phone?

12 A I don't know.

13 Q Okay.

14 A I just know that -- and I was looking back over this
15 today. She told the police that -- at least it's in the
16 police report. She told the police that this was Odom
17 Bryant's number.

18 And then -- so when he sat down with the two
19 detectives -- Frebowitz and I can't remember who the other one
20 was -- they did the background, You're, you know, Odom Bryant,
21 date of birth, and all that stuff, and your phone number is
22 XYZ-WXY. And it was that number. And he said, "Yeah, that's
23 my number."

24 And they used that evidence in trial. So the way they
25 established -- I don't remember if they called his -- as a

1 matter of fact, I don't think they did call his girlfriend. I
2 think they established that that phone number that Sandy
3 Locklear was texting shortly before the killings, that that
4 phone belonged to Odom Bryant, and I think that he confirmed
5 that number as his in his statement to the police. So that's
6 independent evidence that we had to live with if his statement
7 came in, which it ultimately did.

8 **Q** Okay. So, based upon your recollection, those were
9 really the two -- was NeNehemiah and then the phone number
10 issue were the two big connectors for Mr. Bryant and the --

11 **A** To me, the strongest evidence I thought they had was --
12 well, I mean -- well, he gave a statement. So -- and three
13 key pieces of evidence in the case, as I saw it.

14 First, they got her -- they got one of the co-defendants,
15 the husband/decedent, texting somebody shortly before the
16 killings, "back door is open, come on in." And they
17 established through his statement and other evidence that that
18 number belonged to him. That's one way they placed him there.

19 You had co-defendant testimony placing him there. But
20 more importantly, when he was ultimately arrested, he admitted
21 being there in the house; that there was an arrangement not to
22 do a killing with Ms. Locklear, but there was an arrangement
23 for him to be there. And he actually placed himself there and
24 says he was there when they were killed. He just says that --
25 he said that he didn't do it and he didn't know that it was

1 going to be done. He was there for a reason other than to
2 kill them.

3 And then, of course, when they had him hours afterwards
4 with a -- on video, in possession of a handgun, that the
5 description was detailed enough to suggest that that may very
6 well have been the murder weapon.

7 So those were the -- that was the three key pieces of
8 evidence against him, in my opinion.

9 **Q** Okay. And, during your investigation, did you ever
10 follow up and try to get any information on that weapon that
11 was on the video? Was it in North Carolina, I think?

12 **A** Well, no -- I can't recall exactly where the -- my
13 understanding is is where the folks were killed was very close
14 to the North Carolina/South Carolina line, and it was kind of
15 in a rural area, and that that was a store that was nearby,
16 probably one of the closer convenience stores or whatever. I
17 don't recall if it was in North Carolina or South Carolina
18 where they had him on video with a gun in his waistband.

19 But, in response to your question, ultimately, later in
20 our meetings and discussions about the case and how we saw the
21 case going, I asked him did he have any information about the
22 gun. He gave me the name of a fellow. He didn't have a phone
23 number for him. And I poked around and tried to find out any
24 information on this, but it was -- that was unsuccessful, so I
25 was never able to verify his story about the gun that he had

1 that was captured on videotape shortly after or hours after
2 the incident.

3 Q Okay. And I think we're going to try to move on from
4 that.

5 When you proceeded to trial, do you recall if there was a
6 *Batson* motion by the State?

7 A Yes, sir.

8 Q Can you talk a little bit about that, what happened and
9 what was the result of the State's *Batson* motion?

10 A Well, that it was granted. You know, the -- I think the
11 allegation was he challenged that we were striking white men
12 from the jury, and, ultimately, you know, I think my response
13 was: If that was done, it was inadvertent. The judge wasn't
14 satisfied with any independent reasons that I gave as to why I
15 struck the jurors that I struck, and the judge made a ruling.
16 I certainly didn't consent to it.

17 Q Certainly. I think you got the trial transcripts from
18 the *Batson* motion. If you look at page 32 from the transcript
19 up there. Initially, I guess, when Mr. Richardson made his
20 *Batson* motion -- well, just tell me, based on your
21 recollection, what did the judge then do?

22 A We had a *Batson* hearing.

23 Q Right. Did Mr. Richardson, I guess, attempt to -- well,
24 let me go back.

25 And what's your understanding of how the procedure of a

1 *Batson* --

2 **A** Well, whichever party alleges a violation, they have the
3 burden of proof. I mean, they have to -- I mean, well,
4 ultimately, they're making an allegation, so -- and then it
5 shifts. And then if a judge determines that they have
6 satisfied the -- I guess the low level of the challenge, then
7 the attorney who is -- whose choice -- jury choices are being
8 reviewed has to give a neutral reason, and if it's based on
9 race or whatever, you have to give a reason other than the
10 improper motive as to why you struck the individual juror.

11 **Q** Okay. Do you believe Judge Culbertson followed the
12 correct *Batson* procedure in this matter?

13 **A** Well, I didn't really review exactly what he did or that
14 part of the transcript. I can remember that, basically, we
15 went down the list, to my recollection, and he was asking me
16 my reasons why I, you know, specifically struck each juror
17 that I struck.

18 And, honestly, it's like -- I have never had a *Batson*
19 motion in all the -- I have never had one even filed against
20 me in all the cases I litigated. I understand, you know,
21 that, if there's a challenge, that they want some type of
22 detailed reason as to why, other than an improper reason to
23 strike somebody.

24 But, whenever I pick a jury, it was always my practice --
25 I just got a feel for what I was looking for, and, you know, I

1 guess I'll be honest and say I do it mostly by feel. I look
2 at the person. You know, I make notes on or they -- do they
3 have a northern accent? Do they have a southern accent? I
4 get an idea of the jury type that I'd like to have, one that I
5 think is friendly, and what kind of -- blue collar, white
6 collar, those type of things.

7 And as you well know, Mr. Swilley, we're all looking for
8 a sympathetic juror. But I do it more by feel than some
9 detailed, scientific processes.

10 **Q** Okay. And, based upon your recollection, what kind of --
11 I mean, were there any kind of specific jurors you were
12 looking for in this scenario? Any specific type of jurors you
13 were looking to putting on or any specifically you were trying
14 to keep off?

15 **A** Well, in general, I find that, in a criminal case, I'd
16 rather have a younger jury, myself. Older people, I think --
17 I think I get a more open mind out of someone who doesn't
18 think that they have lived so much a life that's like, "Oh, I
19 can size this up immediately and I know what happened. This
20 is probably what happened."

21 I'm trying to avoid someone, I think, who doesn't have an
22 open mind, and just, in general, I like to have folks who
23 don't think that they have seen it all when deciding someone's
24 fate.

25 **Q** Yes, sir. And I think, in this situation, if you look at

1 page 32, line 24 through page 34, line -- or line -- excuse me
2 -- line 3. I think it was -- the Court says, "I understand
3 Mr. Richardson's State-raised *Batson* motion under the claim
4 that all of the defense's strikes struck white jurors and all
5 but one were male; correct?" And I think Mr. Richardson
6 responds that that was correct.

7 Was it your understanding that Mr. Richardson was raising
8 that motion because of your strike -- he was alleging that you
9 were striking nothing but white males; is that right?

10 **A** Yes, sir, that's correct.

11 **Q** But I don't think -- do you believe Mr. Richardson made
12 a -- I guess the requisite *prima facie* showing that the strike
13 was based on race or gender?

14 **A** No, I don't think he did. I didn't agree with the
15 judge's ruling.

16 **Q** Okay. Did you -- I guess, did you try to tell Judge
17 Culbertson, "Judge, you know, he can't just say all my strikes
18 are white. He has to make a showing that the strike was based
19 on race or gender before the burden would shift to you for a
20 race-neutral explanation"?

21 **A** Well, whatever it was I said, it wasn't enough to
22 convince him that he was wrong, I can tell you that.

23 **Q** Okay. And let me ask you, Mr. Mureddu, if you had got
24 the first jury instead of the second jury, do you think that
25 would have made a difference?

1 **A** I don't know.

2 **Q** I'm not asking you to speculate. I just --

3 **A** Well, I mean, I -- I'll put it to you like this: I
4 didn't get the jury that I originally wanted.

5 **Q** Right, right. Okay. All right.

6 I'm going to move on to -- in the middle of the trial, I
7 think -- well, I think y'all had come to kind of a stipulation
8 at some point where you and Mr. Richardson had said, okay, we
9 both agree to keep out the dispositions of the co-defendants'
10 cases; correct?

11 **A** What we did was -- yes, you're correct. What we did was,
12 is there was a lengthy statement, and I think he had about an
13 hour and 15 -- somewhere between 45 minutes and an hour and 15
14 worth of statement, and there was a lot of stuff in there that
15 was improper and shouldn't come in.

16 Now, we had a *Jackson* hearing, and the judge ruled
17 that -- and I believed -- I told Mr. Bryant all along that I
18 think that they're going to be able to get your statement in.
19 I think they're going to rule against us in the *Jackson-Denno*
20 hearing.

21 So I was prepared to receive that ruling, so it's like I
22 wanted to get with Mr. Richardson. It's like, look, let's
23 agree on the redactions, you know, if we can. If the judge
24 rules against me, let's agree on the redactions. And that's
25 ultimately what we did.

1 I think the judge had given us enough time to sit down,
2 and I had already prepared "this is what I think shouldn't
3 come in." So I had it ready so when I could give it to
4 Mr. Richardson and say, "Hey, this is what I don't think
5 should come in. Do we have to have a hearing on this, or do
6 you agree?"

7 And so we were able to hammer out an agreement as far as
8 what was going to be redacted from the statement and what was
9 going to be kept out.

10 Q And --

11 A Or, I mean, let in, I should say.

12 Q Yes, sir.

13 As far as what was redacted, none of that ever came in
14 accidentally or unintentionally, did it?

15 A No, no.

16 Q Going back to the -- I guess the stipulation about the
17 status of the case against the two co-defendants, y'all both
18 agreed that the jury shouldn't hear about what was the status
19 of Ms. Locklear and Mr. Evans's case?

20 A Oh, it's -- I'll go further. It's like -- my
21 understanding, unless I were to open the door and that's where
22 we're going to be leading during the course of this hearing,
23 that I knew exactly what parts of -- well, first of all,
24 Locklear wasn't testifying, and we found out -- Mr. Bryant
25 told me he didn't think that Evans was going to testify all

1 along. I told him that was always a risk.

2 Basically when we went to trial, I knew that neither of
3 the co-defendants were testifying, and I knew that -- or I
4 believed that Mr. Bryant's statement was going to come in, and
5 I believed that there were parts of it that I could keep out,
6 which I did.

7 And so I was of the opinion that there was a certain
8 amount of Mr. Bryant's testimony that was -- or his statement
9 that was going to come in and nothing in addition to that in
10 relation to anything he said or did, if that makes any sense.

11 **Q** Right, right.

12 And I guess -- let me ask you -- I don't know if I asked
13 you already, but the theory that you employed during the case,
14 or, I guess, the defense's theory, was essentially what?

15 **A** Well, one of the things I told him early on was, if your
16 statement comes in, you know, unless you testify to something
17 different, then we're going to be rolling with what you told
18 them. And, basically, we went with what he told them.

19 And he never told me that there was anything different
20 than that, so I didn't have any reason to pursue any other
21 thing. And that was that the -- Sandy Locklear, who was
22 married to one of the decedents, lured Mr. Bryant and
23 Mr. Evans to come in and be at the scene, with her all along
24 planning on killing him, her husband -- and it turns out that
25 the stepson was there too -- and to blame it on Mr. Evans and

1 Mr. Bryant.

2 And I think I even, in my opening statement, I went --
3 our theory was, you know, it was the oldest trick in the book.
4 It's like this woman wanted to kill her husband for some
5 insurance policy out there, and she tricked a couple of people
6 to come in there so she could pin it on them. And they were
7 caught unsuspecting. They didn't know what to do. Of course
8 they fled the scene afterwards because they're scared, and
9 then, of course, when the police pick them up, they started
10 with "I don't know anything about anything," at least
11 Mr. Bryant did.

12 And then when confronted with certain evidence, it was
13 like, "Okay, I was there, but I didn't do anything." So that
14 was it, that he was lured and tricked; that he wasn't the one
15 that killed them; and that -- and, I mean, there was even, I
16 felt, a racial component to this in that, okay, you have
17 got -- we're going to describe it as two black males who came
18 in and raped me and they did all the thing and, you know, she
19 was American Indian, and the two decedents were white. Even
20 that, I didn't really go that deep with the jury. If you
21 bring race into the equation, that can either -- that's a big
22 risk. But I think it was -- I think we conveyed a tone that
23 he was set up from the get-go. That was the theory.

24 Q And I think, additionally, I think it was -- I think it
25 was brought forth that she had employed them to scare the

1 son -- I guess the younger decedent -- who was using drugs and
2 did not -- they were just supposed to scare him.

3 **A** Well, what Mr. -- what we were stuck with is what
4 Mr. Bryant told the police was, once he said, "Okay, I was
5 there. Here's what happened."

6 He told the police that Sandy Locklear, married to one of
7 the decedents, the son was living there with them, was doing
8 drugs, mooching off of them, that type of thing, and her
9 husband wouldn't kick the son out, and he was interfering with
10 their marriage. So she got us because I think -- I can't
11 remember if it was Mr. Bryant or Mr. Evans. Somebody cut
12 grass for her, or that's how they knew her, and they were
13 like, "Hey, we want you to come in and scare him." You know,
14 basically come in and say, "Look, you don't leave" or
15 whatever.

16 So Mr. Bryant told the police that, you know, Locklear
17 wanted her to -- him and Evans to come in. And he brought a
18 baseball bat and just to, you know, try to scare the guy out
19 of doing drugs, get out of the house, that type of thing, to
20 make him leave.

21 And then, while they were there -- that's what Mr. Bryant
22 and Mr. Evans expected to have happen. And while they were
23 there inside, that's when Locklear pulls out the gun and kills
24 them both, and they're stuck there in the middle of this
25 scene, and they need to get out of it. That's what he told

1 them.

2 As I said, once I reasonably concluded that that
3 statement was going to come in, my early strategy with him is,
4 unless you want to tell me something different, you know,
5 that's the strategy we're going to be rolling with.

6 **Q** Right. I want to fast-forward a little bit to when you,
7 I guess, cross-examined with Brandon Strickland. Do you
8 recall that?

9 **A** Yes, sir.

10 **Q** Okay. Was he the lead investigator in the case?

11 **A** Well, it was -- Frebowitz was the lead investigator, but
12 this was in and around the time there were some issues going
13 on at the county police, and Frebowitz was a no-show at the
14 trial.

15 But Frebowitz and Strickland interviewed Mr. Bryant. So
16 Frebowitz was not called and was not available. So Strickland
17 became, de facto, the lead voice, you know, they needed.
18 That's how they got his testimony in, or his statement. It's,
19 like, Strickland was present during the interview. But
20 Frebowitz was the lead investigator. He was the one doing all
21 the questioning.

22 **Q** Right. And I think during -- and during the *Jackson v.*
23 *Denno* hearing and then during the testimony, I think, Deputy
24 Strickland testified that Mr. Bryant here said, I guess, two
25 different things as it referenced to Mr. Evans; is that

1 correct? Just going back, I guess, if you want to look at the
2 transcript, on, I guess, transcript page 86, lines 3 through
3 8, I think Strickland --

4 **A** Wait, wait, wait.

5 **Q** I'm sorry.

6 **A** Page 86? Are you sure about that? I got two page
7 numbers. I got 86 and 114. So I have got two sets of pages.

8 **Q** I guess if you look at the actual trial transcripts --
9 you may have the record on appeal up there. Transcript --

10 **A** Oh, okay.

11 MS. MARTO: It's 61 in the record.

12 **A** Oh, wait, wait, wait. I'm on the wrong one. Am I on --
13 record on appeal and on transcript of record. Which one do I
14 need?

15 **Q** Transcript of record.

16 **A** Okay. Now, what page again? I'm sorry.

17 **Q** That would be 86.

18 **A** Okay. Here we go. All right. Okay. I'm with you.

19 **Q** I think, lines 3 through 8, Officer Strickland testified,
20 "He began asking questions about what James had told us, and
21 we told him we weren't going to discuss it and we weren't
22 going to interview him any further. He made a comment to the
23 effect of 'James couldn't deal with it and we told him we
24 would not respond, and he said he wanted to give a
25 statement.'"

1 So I think, at the *Denno* hearing, Mr. Strickland said
2 that Mr. Bryant said something to the effect of that "James
3 couldn't deal with it." But when you go back to the part of
4 the transcript in which -- bear with me a moment. If you go
5 back to the transcript on page 466 --

6 **A** Okay. I'm with you.

7 **Q** -- and if you look at lines 2 through 9, I think this is
8 your cross-examination of Deputy -- or Officer Strickland. If
9 you look at line 8, Deputy -- or Officer Strickland said that,
10 "Mr. Bryant then said 'James cut a deal, didn't he?' That is
11 what he said to me."

12 And, then, at that point, I think you took up a matter of
13 law.

14 **A** That's correct.

15 **Q** Well, let me ask you, Mr. Mureddu, tell me about the
16 significance of that.

17 **A** Oh, this was -- it was a crucial part of the case, and I
18 was very, very careful or attempted to be very, very careful
19 about asking leading questions that were yes-or-no questions.
20 All right?

21 And we had gotten to the point to where -- there were two
22 parts of his statement. There was -- about the first 15
23 minutes of the statement, he was like, "I don't know what
24 you're talking about, I didn't do anything, I wasn't there."
25 Nothing.

1 So then they basically wanted to end the interview. And
2 then there was an off-the-record statement to where they say
3 that Mr. Bryant, as they were leading him back, it's like they
4 said, "Evans cut a deal, didn't he?" That's what they said
5 that he said. And then they said that Mr. Bryant reinitiated
6 the interview.

7 So where I was in my questioning was the transition part,
8 because what I knew I was dealing with was this: We were
9 dealing with 15 minutes of Mr. Bryant not being truthful with
10 law enforcement, and then we were dealing with 45 minutes of a
11 different version of events.

12 So I was questioning Strickland, and I was covering,
13 okay, you know, basically, for the first 15 minutes, he told
14 you one story, and then he started -- then the interview was
15 concluded. And then there was a second interview, and he told
16 you a different story.

17 So we were in that transition period, and that's when I
18 said, you know -- so when he reinitiated the interview,
19 according to him, basically he told you, okay, I was lying and
20 I want to talk again.

21 And then the answer that I expected, "Yes, that's
22 correct," but that's not the answer that the officer gave.
23 The officer blurted out, "Oh, I'll tell you exactly what he
24 told you [verbatim]." And then he blurted out -- he said
25 that, "James cut a deal, didn't he?"

1 Now, that was -- what that officer testified to in
2 response to my question was something that was not supposed to
3 come into the record, and so I objected. I asked the judge to
4 send the jury out, and I made a motion for a mistrial. I was
5 like, "Judge, this was not part of the -- this was not
6 supposed to come in."

7 I asked him -- my question was, he admitted he was lying
8 and said he wanted to reinitiate the interview, and then the
9 officer blurted something out.

10 Well, the solicitor's position was, "Oh, no, no, no, no,
11 defense counsel opened the door to that, and because of that,
12 it should come in."

13 And the judge agreed, denied my motion for a mistrial. I
14 don't think I opened the door; I disagree with that ruling.

15 However, I felt like that that was a crucial part of the
16 case, because it started getting into -- I thought it made it
17 look more nefarious. It's like, "Oh, I'm changing my story
18 not because I'm telling you the truth. I'm changing my story
19 because the co-defendant cut a deal."

20 So I felt like it was a very important point that
21 would -- should have, would have warranted a mistrial. And I
22 made that motion. It was denied.

23 **Q** And I think it's safe to say, I think, you felt like
24 Strickland kind of sandbagged you on that one.

25 **A** I felt like that -- well, I mean, he blurted -- he didn't

1 answer the question I asked him. He blurted out something
2 that should not have been in front of the jury.

3 And, of course, he's a police officer. That didn't shock
4 me, but that's why we have judges and Rules of Evidence. So I
5 thought, "Okay, well," and it's like, "There he went."

6 So I asked the -- you know, I asked the judge to send the
7 jury out and made a motion for a mistrial, and the solicitor
8 argued I opened the door. The judge agreed with the
9 solicitor. I don't think I opened the door, but that was the
10 ruling.

11 **Q** Okay. Just so we're clear, you did not want to elicit
12 that statement that --

13 **A** Absolutely not. And that's not what I asked him.

14 **Q** Gotcha. Very good.

15 Also, I think, Mr. Mureddu, did you renew your motion for
16 a mistrial after Judge John denied it?

17 **A** Judge Culbertson.

18 I mean, I made a motion -- if the question is, did I
19 renew it, I guess at directed verdict -- did I renew it
20 through the course of the trial? Probably not. I really
21 don't remember.

22 I would think that I would have renewed it particularly
23 at the directed verdict stage, but I don't remember how many
24 times. I don't think I ranted and raved about it because,
25 again, you know, once the judge rules, the judge rules.

1 Q Right. Did you -- after he refused the mistrial, did you
2 ask for a curative instruction?

3 A I did not and that's -- again, strategic -- or at least I
4 don't think that I did. I don't remember that. But thinking,
5 I don't think I would have done that even now because it's
6 always a fine line.

7 A curative instruction, does it cure it or does it draw
8 more attention to it? That's a strategic thing. Just like
9 sometimes you'll let hearsay come in, which was -- so I don't
10 think that I asked for a curative instruction, and if I'm
11 correct in that -- I can't remember on the record -- it would
12 have been as a strategic decision that you can't unscramble
13 scrambled eggs. They heard it, and the more that I emphasize
14 it, the worse it gets.

15 Q Bear with me one moment, Mr. Mureddu.

16 All right, Mr. Mureddu. That's all I have for you.

17 A All right. Thank you.

18 CROSS-EXAMINATION

19 BY MS. MARTO:

20 Q Good afternoon, sir.

21 A Hello.

22 Q Thank you for being here and being patient with us.

23 A Yes, ma'am. I'm used to being in court.

24 Q So what was the general trial strategy you used in terms
25 of the narrative you wanted to set for the jury?

1 **A** Sandy Locklear, the wife of one of the decedents, had a
2 premeditated plan to kill her husband. The son happened to be
3 there, so she had to kill him too. She lured Mr. Bryant and
4 Mr. Evans up there to blame it on them, start with, "I got
5 raped by two black men that I don't know" and, you know, that
6 she set them up, thinking, "Hey, do me a favor. I have got
7 some loser son here that won't leave the house. Why don't you
8 try to come and scare him off?" And that he was set up all
9 along. That was our defense strategy, that he had no idea
10 this was going to happen, that he didn't do it, and it was a
11 setup, premeditated murder by Locklear.

12 **Q** And did you discuss this with your meetings with
13 Mr. Bryant?

14 **A** Yes.

15 **Q** How many times, roughly, did you meet with him?

16 **A** Probably in the neighborhood of probably 10 to 12. I
17 mean, there was evidence in the case that's like -- you know,
18 we didn't know if NeNehemiah -- if Evans was going to testify
19 or not. So it's like I remember there were times I would come
20 up and I played -- one time, I played Evans's recording. One
21 time I played Mr. Bryant his. I think I played them -- Sandy
22 Locklear's was long. But there was a lot of evidence in the
23 case that came out.

24 So between first introductions, going through all the
25 evidence. I mean, and literally going through it. You know?

1 It's like I didn't tell him what was in the interview. We
2 listened to it. We sat down, you know, an hour and a half
3 listening to his. Evans was -- so I don't know, but probably
4 close to a dozen. It was, you know, 10 to 12 would be my
5 guess.

6 **Q** And all the evidence in the case that you had at least
7 procured was shared with Mr. Bryant; correct?

8 **A** Yes. And, you know, it's like they even, at one point in
9 time -- I think I gave him some of -- this happens out at
10 J. Reuben all the time, a dime a dozen -- I have been
11 practicing 21 years -- is, you know, many of my clients, I
12 want a full copy of the file.

13 Well, and then, you know, it only takes one time to get
14 burned by that. They had some -- I gave him -- I said, Look,
15 if you have that, there's a good chance that you're going to
16 have a cellmate -- it's going to be a while; I think he was in
17 jail for two years before the case went to trial, or something
18 like that. I said, "If you have that, somebody is going to
19 have access and they're going to call the solicitor's office,
20 and they're going to tell the solicitor, 'Hey, he confessed to
21 me the whole thing.'" So there's always a danger there.

22 And there was actually somebody in his case who called,
23 and I gave him some of the -- I gave him the important stuff.
24 I wanted him to know that he's not just relying on what I'm
25 telling him. It's like, obviously, I would bring my file up

1 there and let him read it, but I think -- you know, if I have
2 a client -- I can't remember if he insisted or not. We had a
3 good relationship, I felt like a good attorney-client
4 relationship.

5 Any time I have someone who just insists, I give them
6 whatever they want. I can't remember how much I gave him, but
7 we went over everything. And, again, at some point in time,
8 the solicitor decided not to call the, quote, "jailhouse
9 snitch," but I shared with him all the evidence through
10 viewing, and I think I even gave him some copies of stuff.

11 Q Did he seem to understand it all too?

12 A Oh, yeah. I mean, we were on the same page.

13 Mr. Bryant -- anyone -- I think he's got some family. He's
14 kind of quiet guy. He's not nearly as boisterous and chatty
15 as I am. But he's very polite.

16 We had conversations. I wanted to make sure that -- he
17 seemed to be an intelligent person as well. So it's like, you
18 know, one of the reasons why I talk so much is kind of like,
19 "Okay, are you with me? Do you understand what's going on?
20 Do you have any questions? Are we on the same page? This is
21 probably what's going to happen. This is what we're doing."

22 So, yeah, we had a good communication, a good rapport, I
23 felt like. Like I said, he's kind of a quiet fellow.

24 Q And so you stated that the main evidence against him was
25 that he was implicated by his co-defendants; correct?

1 **A** No. I felt like the independent evidence -- three
2 things. Okay? He placed himself at the scene during the
3 course of the murder. So, in his statement, they had phone
4 records of him texting -- a phone that he gave them a number
5 saying this was my phone, whether it was a burner or
6 otherwise. He claimed that number, and they were able to link
7 text messages from Locklear to him right before when he and
8 Evans were getting ready to come in.

9 And then the third independent evidence outside of the
10 co-defendants was they had him at a convenience store close by
11 a few hours after the murder. They actually had him in
12 possession of a murder weapon that was -- I mean, there was no
13 murder weapon ever found, so there wasn't any ballistics to
14 say that the weapon that he had was the murder weapon, but
15 they had a very good circumstantial evidence that that weapon
16 that he had in his waistband may very well have been the
17 weapon that was used in the killing.

18 **Q** Is there anything unique about the weapon itself?

19 **A** It was a silver gun with a white handle, pearl handle.
20 And one of the things they -- they actually called the clerk
21 as a witness. They not only introduced -- they had videotape
22 where you could see -- if you looked close enough, you could
23 see a weapon. You could tell it was silver. You could tell
24 it had a white handle. And they actually called the clerk,
25 who testified to him being there, laid the foundation for the

1 video, and even made the comment or testified that Mr. Bryant
2 called it, "My pearl." It's like, you know, you better not be
3 messing with -- "Watch what you say; I got my pearl with me."

4 So, like I say, it had a -- they had evidence of the
5 murder weapon being either a .22 or .25 caliber gun that was
6 consistent with the gun that he had at that convenience store
7 hours after the killings.

8 Q And all of this evidence was brought up at trial;
9 correct?

10 A Yes, yes. They laid the foundation. That's what I was
11 looking for. We were looking for any, you know, any crack to
12 try to -- I kind of had an idea, and I told him what's going
13 to come in, what we may be able to keep out, can we catch a
14 break here or there. And it just -- nothing ever appeared
15 that -- the X factor didn't show up in our favor, I'll put it
16 to you that way.

17 Q Now, concerning the State's *Batson* motion, do you
18 remember -- beyond stating you understood the person's look
19 and appearance and face, do you remember giving any other
20 reasons for why you decided to strike somebody?

21 A No, I don't -- no.

22 MS. MARTO: One moment, Your Honor.

23 BY MS. MARTO:

24 Q So starting with page 33 --

25 A Which transcript?

1 Q The same.

2 A Okay. Transcript of record?

3 Q Yeah.

4 A All right.

5 Q So starting around line 10, you start going down the list
6 of names one by one and start giving reasons for why you
7 decided to strike certain people. Please, to yourself, read
8 or skim that through pages -- the top of page 35, line 4.

9 A (Reviewing document.) All right.

10 Q So do you now recall giving reasons beyond --

11 A Well, I mean, you know, we're taking about, one, the
12 reason I gave was is he said that he was a comptroller. It
13 sounded like a government-affiliated job. Anyone working for
14 the government may have connection to law enforcement. That
15 was a red flag.

16 I referenced another juror that was a white collar female
17 that I struck, and so I was saying that I didn't feel like --
18 you know, I wasn't looking -- I was looking for more blue
19 collar than white collar folks.

20 I mean, obviously, when you have a judge or someone
21 asking why did you do what you did, you have to give a reason.
22 So it's like I gave the reasons, to the best of my
23 recollection, as to what I was thinking at the time as to why
24 I struck them other than race or gender.

25 Q Okay. And that included striking somebody that worked as

1 a security guard --

2 **A** Yes.

3 **Q** And somebody that was a youth pastor?

4 **A** (Shaking head in the affirmative.)

5 **Q** Now, for the *Batson* motion, did you, at least at the
6 time, find anything procedurally improper about how the judge
7 conducted it, or did you just not like the result?

8 **A** I just didn't like the result. I mean, to my
9 understanding, the judge -- I disagreed with the judge's
10 ruling on a few things, but I -- no, if I would have thought
11 that it was conducted improperly, I would have objected to
12 that for appeal. I mean, you know, preserved it. I felt like
13 it was, to the best of my recollection, it was done properly.

14 **Q** And, on the whole, would you say the judge's rulings were
15 more favorable or unfavorable to the defense?

16 **A** I don't -- I think the judge played an even hand on it.
17 I mean, look, the two things that I disagreed with on the
18 judge's ruling -- the *Batson* motion, but more specifically the
19 answer the police officer gave and the judge saying I opened
20 the door. Those are judgment calls. You know? And,
21 ultimately, you know, the judge is following the law, but at
22 some point in time, some of these could go either way.

23 So I didn't think the judge was being unfair, but the --
24 allowing the police officer's what I felt like just blurting
25 out a non-responsive question [verbatim] to the question that

1 I asked and -- that got to a co-defendant cutting a deal, it
2 got into, you know, lawyers being consulted and/or -- I felt
3 like that that was very prejudicial, and that, while no judge
4 wants to grant a mistrial, because you have to start all over
5 again, that that was too important of an issue.

6 But it was a judgment call on the part of the judge, and
7 it got upheld on appeal, so I don't know what they argued on
8 appeal, but if they argued that, the appellate court would
9 have agreed, apparently, with the judge and not with me.

10 **Q** So is it still your contention that you asked a leading
11 as opposed to an open question to the officer?

12 **A** Yes. I mean, it's -- this judge can see it in the
13 transcript. I felt like it was a leading question significant
14 enough to where it didn't warrant "let me tell you what the
15 co-defendant said."

16 **Q** And after the judge declined to grant the motion for a
17 mistrial, do you remember asking about how broad redirect
18 would be in requesting that he find that you didn't open the
19 door?

20 **A** I don't recall. Now that you mention that, I think
21 that -- well, honestly, I don't recall. I don't know if we
22 discussed how broad -- but when you're talking about redirect,
23 I'm going to be limited to what the solicitor asked. I think
24 I was more concerned with what the solicitor could get into
25 on -- well, anyway.

1 Q Do you remember what the judge said to that?

2 A I do not.

3 Q Okay. Would you mind flipping to page -- it would be 415
4 of the record on appeal.

5 A The appellate record?

6 Q Yeah. 469 for transcript.

7 A All right. Okay.

8 Q It would start with line 2 and then go down the page to
9 the very top of the next page. I think around line 5. Would
10 you mind reading that to yourself, please?

11 A All right. (Reviewing document.) Yes.

12 Q So you did ask how broad it would be because you still
13 felt like you didn't open the door even if it wasn't worthy of
14 a motion --

15 A Yes, what you're quoting is me, I guess, debating with
16 the Court as to whether I opened the door or not specifically,
17 and then -- then I asked, "Where do we go from here?" And he
18 said, "I'll address it when you come up. Raise the
19 objection."

20 So, yes, I was concerned about the judge ruling that I
21 opened the door and how much the solicitor was going to be
22 able to get into anything the co-defendant said. The judge's
23 ruling was "we'll deal with it when it comes up based on what
24 objections you make." And then I think Richardson offered
25 some concession that, "Well, I'm not really going to go into

1 it any further than that."

2 MS. MARTO: One moment, Your Honor.

3 No further questions.

4 MR. SWILLEY: No redirect.

5 THE COURT: Thank you.

6 THE WITNESS: Yes, sir.

7 THE COURT: Have a good day.

8 THE WITNESS: All right. (Knocks microphone.) Did it
9 again.

10 THE COURT: Thank you for your patience today.

11 THE WITNESS: Yeah, got to tell the clerk, ask her for --

12 THE COURT: Barbara broke it, so we'll blame Barbara on
13 the microphone. We'll send you a bill. [Laughter]

14 THE WITNESS: Just wondering if I can get up.

15 MR. SWILLEY: I'd call Odom Bryant.

16 THE COURT: Come on up, Mr. Bryant.

17 ODOM BRYANT,

18 the witness, after having been duly sworn, was examined
19 and testified to as follows:

20 THE CLERK: Please have a seat. State your name for the
21 Court and spell it, please.

22 THE WITNESS: Odom Bryant. O-d-o-m B-r-y-a-n-t.

23 DIRECT EXAMINATION

24 BY MR. SWILLEY:

25 Q All right. Mr. Bryant, you were, I guess, appointed

1 Mr. Mureddu through the indigent defense system; is that
2 right?

3 **A** Yes, sir.

4 **Q** If you'd speak towards the mic. Just make sure the --

5 **A** Yes, sir.

6 **Q** Okay. And when you first met with Mr. Mureddu, tell me,
7 did you get to review -- the chance to review all discovery
8 Rule 5 stuff in the case?

9 **A** No, sir, I didn't.

10 **Q** Okay. Tell me about that.

11 **A** Upon me asking them, you know, if I could get a copy of
12 the whole file, he informed me that he only gave me the parts
13 that he felt was important because he didn't want to
14 complicate things in the case.

15 **Q** Okay. Do you believe that, I guess, prevented your --
16 preventing you from having a fair trial?

17 **A** Yes, sir. I know for sure it did.

18 **Q** Tell me in what ways.

19 **A** Okay. To start off with, had he done so, it would have
20 been presented that I never had a preliminary hearing, which
21 South Carolina Rules of Criminal Procedure Rule 2 states that
22 I'm entitled to at least request a preliminary hearing orally
23 or through a form. Right here, I have in my hand where I was
24 never given -- my rights was waived to a preliminary
25 proceeding. Period. I wasn't present or my lawyer wasn't

1 present.

2 Okay? Initially, going through the Rules of Criminal
3 Procedure, any time you break any rules of the court, it
4 basically break the due process. Okay. Next after that, he
5 didn't -- he ain't questioned the indictments. The
6 indictments was never processed through the clerk of court
7 because there's no clock stamp stating nowhere on any of the
8 indictments anything other than 2015 after I lost trial.

9 Upon asking -- upon requesting the court calendars from
10 three different offices, the Court Administration -- I have
11 them right here as well -- the Court Administration, the Clerk
12 of Court's Office, as well as a court reporter, they sent me
13 the documents, and nowhere on the documents was the 25th for
14 having court. Period.

15 So, with that being said, if he would have questioned
16 these things -- if he would have questioned the validity of
17 the indictments during the proper timing, then the Court
18 wouldn't have been able to proceed with the procedures.

19 **Q** And what else do you think Mr. Mureddu didn't do?

20 **A** Okay. He didn't object to the judge's ambiguous jury
21 instructions.

22 **Q** Which one would that be?

23 **A** Okay. I was charged with murder. How can you charge me
24 with the "hands of one, hands of all" stating that, under
25 principal, it relieves the State of the burden of proving

1 murder? It's basically like you just -- you just railroaded
2 me because you used the "hands of one, hands of all," saying
3 that I was a principal to say that I pulled the trigger. Up
4 under the law, that's not right. You can't do that, not from
5 my knowledge from what I have researched.

6 Q Okay. What else?

7 A Okay. He ain't call any testimony of witnesses.

8 Q Who specifically do you believe that he didn't call as a
9 witness in the case?

10 A Theresa Phillips or Joey Hardee.

11 Q Say those names again.

12 A Theresa Phillips or Joey Hardee.

13 Q Joey Hardee?

14 A Yes, sir.

15 Q And tell me why you think that is.

16 A Okay. To start off, where he was at trial, he was asking
17 the -- he was asking the detective did he question anybody --
18 lines -- on page 491 and 492. He was asking the detective if
19 he questioned anybody about the weapon, where he was saying --

20 THE COURT: About what?

21 THE WITNESS: He asked the detective did he question
22 Theresa Phillips or Joey Hardee in regards to our story.

23 THE COURT: Okay.

24 A Okay. He specifically stated because he has told you-all
25 the gun I have, I have it because of my girlfriend, Theresa

1 Phillips. It belongs to her -- her baby daddy, Ronnie Joey
2 Hardee. It is his gun. I have it because he wanted me to
3 sell it for him.

4 If you follow up on these leads and you interview these
5 two people, you are going to know conclusively whether or not
6 that is a lie or whether or not that is their version of
7 events that back up his story. Can we agree upon that?

8 "Yes, sir," was what the detective's answer is.

9 Okay. Amongst me saying that, the reason I'm bringing
10 that up is because he --

11 THE COURT: Who is "he"?

12 **A** Mr. Mureddu presented it as if it was the detective's job
13 to provide a credible defense for me, but that was his job.
14 Had he brung these people before the court, number one,
15 Theresa Phillips' interview would have been presented. I have
16 the police -- I have a copy of the police report. The police
17 report states that they did interview her. After they
18 interviewed her, they sent an uncover confidential informant
19 to try and purchase the weapon that I would have for sale 30
20 days before I even gave a statement.

21 So, therefore, amongst her interview, she told y'all
22 something about a gun, because how else would you -- why else,
23 after y'all interview her, would y'all go and send an uncover
24 confidential informant to try and purchase a weapon that I
25 have for sale? How else would you have knowledge that I had a

1 weapon for sell or I was trying to sell a weapon? How would
2 you have this knowledge prior to me being locked up if I
3 wasn't locked up until 30 days later?

4 Q And that's the weapon that was in the video from the
5 Fasco convenience store in North Carolina that you're
6 referring to?

7 A Yes, sir.

8 Q All right. Anything else that Mr. Mureddu failed to do
9 in your case?

10 A I mean, that pretty much -- that pretty much wrap it up.

11 Q Okay. How many times did you meet with Mr. Mureddu
12 before you went to trial?

13 A Probably seven to -- probably about seven to ten.

14 Q Okay. Anything else about your case that we haven't --
15 anything else that is related to your case that we haven't
16 talked about here today?

17 A No, sir.

18 Q All right. Thank you, Mr. Bryant. Answer any questions
19 the State has.

20 CROSS-EXAMINATION

21 BY MS. MARTO:

22 Q Good afternoon, sir.

23 A Good afternoon.

24 Q So even if you weren't provided a hard copy to take back
25 to your cell with you, were you shown all the discovery during

1 your meetings with counsel, or no?

2 **A** No, ma'am.

3 **Q** What wasn't shown to you? The videos or the reports or
4 anything at all?

5 **A** It was different documents as far as, like, the
6 preliminary hearing and all this stuff. I have a letter right
7 here that was written -- that was typed and sent to
8 Mr. Mureddu, upon which I have a response to this letter which
9 I received the paperwork after I wrote this letter stating
10 that, "in regards of our previous conversation that we had as
11 I awaited trial, whereupon me asking you for my Rule 5, you
12 stated to me that you gave me the parts you felt -- you gave
13 me the parts that you felt were important to keep from
14 complicating the case."

15 So, right there, it's stating that he didn't give me what
16 I asked him for.

17 **Q** So were you shown additional discovery during meetings
18 with counsel that wasn't provided to you to keep?

19 **A** No, ma'am. I never seen the indictments. I never seen
20 the preliminary proceeding. I never even -- I never seen
21 anything about Theresa Phillips' interview.

22 Okay. Prime example: Where I'm speaking about Theresa
23 Phillips' interview, if you present Theresa Phillips'
24 interview and see what was actually said in her interview --
25 because it's not saying exactly what was said in the

1 investigative report. It's not saying what was said in the
2 interview. Okay?

3 If you look at Theresa -- if you listen or look at
4 Theresa Phillips' interview, you'll know conclusively that
5 it's evidence that's missing. Number one. They confiscated
6 her phone. When they confiscated her phone, she said it was a
7 gun in her phone. Upon me speaking with her, she said it was
8 a gun in her phone -- a picture of a gun in her phone. Okay?

9 Right here, I have the gun box that was presented by the
10 victim's family. It had the serial numbers on it. The same
11 way you have got a picture from -- a picture of this gun box
12 with the serial numbers on it, couldn't you retrieve the
13 serial numbers off that gun if it was a picture of the gun?

14 **Q** Okay. So were you not shown anything by Theresa Phillips
15 or you were and you wanted your counsel to bring it forward at
16 trial?

17 **A** It wasn't even presented that they even questioned her.
18 Upon -- before going to trial, he wasn't even presenting that
19 that even questioned her, that they interviewed her. I was
20 telling him to seek her out as well as Joey Hardee.

21 **Q** What were their relations to the case? They weren't
22 co-defendants or --

23 **A** No, ma'am, they wasn't neither one. They was alibi
24 witnesses, because where they're saying that was the murder
25 weapon, I said that gun belongs to Joey Hardee. If you get in

1 touch with Joey Hardee and Theresa Phillips about this gun,
2 then, like he said, you know conclusively whether that was our
3 version of events or if I was lying.

4 THE COURT: I mean, that doesn't make them alibi
5 witnesses. It just gives a context for the gun.

6 THE WITNESS: Okay.

7 THE COURT: There's a big difference between an alibi
8 witness and an explanation as to why you had the gun.

9 THE WITNESS: Okay.

10 THE COURT: Does that make sense?

11 THE WITNESS: Yes, sir.

12 THE COURT: An alibi is, you know, like you're my alibi
13 witness right here that, at 4:45 on Wednesday, I'm sitting at
14 the Horry County Courthouse. Right?

15 THE WITNESS: Yes, sir.

16 THE COURT: I'm not in Murrells Inlet.

17 But whatever happened with the gun, about you having the
18 gun and the story behind the gun, that was the purpose of
19 Theresa Phillips and her daddy. Right?

20 THE WITNESS: Yeah.

21 THE COURT: Not that they said you were somewhere else at
22 the time of the incident; right?

23 THE WITNESS: Yes, sir.

24 THE COURT: Okay. All right. I just want to make sure
25 -- those words have very specific meanings in PCR hearings.

1 THE WITNESS: Okay.

2 THE COURT: I wanted to make sure we were clear on that.

3 THE WITNESS: Okay. I appreciate it.

4 THE COURT: I'm not trying to put words in your mouth.

5 I'm just trying to make sure you understand. Alibi means like
6 that they didn't say you were somewhere else. They just had
7 an explanation as to why you had the gun that neither the
8 police officer nor your attorney investigated. That's what
9 you're saying.

10 THE WITNESS: Yes, sir.

11 THE COURT: And nor did they bring them to court to tell
12 that part of the story.

13 THE WITNESS: Yes, sir.

14 THE COURT: Is that right?

15 THE WITNESS: Yes, sir.

16 THE COURT: Okay. I'm listening to you, I want you to
17 know that. I just want to make sure we're tracking on what
18 you meant by that.

19 THE WITNESS: Yes, sir.

20 THE COURT: Okay.

21 BY MS. MARTO:

22 Q Now, what were you charged with?

23 A Murder.

24 Q And did you know that prior to going the trial?

25 A Yes, ma'am.

1 Q You were informed of those charges?

2 A Yes, ma'am.

3 Q And did you go to trial knowing that a preliminary
4 hearing never took place?

5 A No, ma'am. I didn't know anything about the preliminary
6 proceedings that take place. I asked Mr. Mureddu about the
7 indictments as well, and he said that the State had official
8 indictments. But these indictments that's been presented,
9 nowhere on these indictments is these indictments stamped with
10 a true bill. Nowhere on these indictments are they stamped
11 with a clock stamp from the Clerk of Court until after I blew
12 trial. So how is these documents even official?

13 Q And your attorney explained "hand of one, hand of all" to
14 you; right?

15 A Yes, ma'am. But how can you charge me with the "hands of
16 one, hands of all" when the "hands of one, hands of all"
17 charged me as the principal, not as the shooter?

18 Q Okay. So you were charged as a principal? And you
19 understood that prior --

20 A No, I was charged -- no, I was charged as the shooter,
21 not "hands of one, hands of all." I was charged with murder.
22 That's what the indictments -- that's what the judge charged
23 the jury with. As murder. Period. Not murder and a lesser
24 included offense. Murder. Period.

25 So how can you use the "hands of one, hands of all" to

1 commit me on murder? That's double jeopardy. You're charging
2 me with two different statutes, pretty much, if I'm right with
3 what I'm saying.

4 MS. MARTO: No further questions, Your Honor.

5 MR. SWILLEY: Nothing redirect.

6 THE COURT: Okay. Thank you. You may step down.

7 All right. Any further from the Applicant?

8 MR. SWILLEY: No, Your Honor.

9 THE COURT: From the State?

10 MS. MARTO: No, Your Honor.

11 THE COURT: All right. I'll let y'all know my decision
12 in this one by the end of the week.

13 MS. MARTO: Thank you, Your Honor.

14 (At 4:51 p.m., the above hearing concluded.)

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CERTIFICATE OF COURT REPORTER

State of South Carolina)
)
County of Horry)

I, Bobbi J. Fisher, Registered Professional Reporter
(RPR) and Official Court Reporter for the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the proceedings
had and evidence introduced in the PCR hearing of the
captioned case in the Circuit Court for Horry County, South
Carolina, on October 27th, 2021.

Prepared: April 6, 2022

Bobbi Fisher

Bobbi J. Fisher, RPR

Official Court Reporter III

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STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTEENTH JUDICIAL CIRCUIT

Odom Bryant, #362713,)
 Applicant,)

Case No.: 2018-CP-26-03141

v.)

ORDER OF DISMISSAL

State of South Carolina,)
 Respondent.)

FILED
 HORRY COUNTY
 2022 MAR -9 P
 REBECCAH E. CLYDE
 CLERK OF COURT

This matter comes before this Court by way of Applicant's post-conviction relief application filed May 23, 2018. Respondent made its return on August 21, 2018, requesting an evidentiary hearing be convened. An evidentiary hearing was held on October 27, 2021, at the Horry County Courthouse. Matthew S. Swilley, Esquire, represented Applicant. Assistant Attorney General Chelsey F. Marto represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Counsel, the Honorable Dean Mureddu, Municipal Court Judge, also testified. After reviewing all records and evidence before this Court, this Court finds Applicant cannot meet his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. Findings of fact and conclusions of law are set forth below.

Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Horry County Clerk of Court. In October 2013, the Horry County Grand Jury indicted Applicant for first degree burglary (2013-GS-26-04316) and two counts of murder (2013-GS-26-04317 and -04318). Dean Mureddu and Casey Brown, Esquires represented Applicant. Bradley Richardson and Monica Wooten of the Fifteenth Circuit Solicitor's Office prosecuted the case. On January 12-15, 2015, Applicant proceeded to trial before the Honorable

net

Benjamin Culbertson, circuit court judge, and a jury for the two counts of murder alone. Applicant was found guilty on both counts and Judge Culbertson sentenced Applicant to life imprisonment.

Applicant filed a timely notice of appeal on January 23, 2015, that was perfected by Reid T. Sherard, Esquire, who raised the following two issues:

1. Did the trial court err by allowing the State's main witness to reference the status of the case against a conspiracy co-defendant when the evidence was irrelevant and highly prejudicial and when counsel stipulated the evidence would not be admitted, the trial court ruled the evidence would not be admitted, and the defense reasonably relied upon the stipulation and ruling?
2. Did the trial court err by failing to follow the proper *Batson* procedure and shifting the burden to the defense, and thereafter improperly granting the State's *Batson* motion, resulting in a member of the venire struck by the defense being on the jury?

The parties proceeded to oral arguments on May 9, 2017. Applicant was represented by Attorney Sherard and Caroline M. Scrantom, Esquire, of the South Carolina Attorney General's Office, represented the State. By opinion decided July 26, 2017, the South Carolina Court of Appeals affirmed Applicant's convictions. *State v. Bryant*, Op. No. 2017-UP-302 (S.C. Ct. App. filed July 26, 2017). The remittitur was issued on August 11, 2017.

Summary of Relevant Facts

Applicant was convicted for the execution-style murders of victims Amos and Thomas Hatfield at the direction of Sandy Lee Locklear, Amos' wife, who orchestrated the executions to collect from Amos' life insurance policy. Locklear called 911 early morning of August 19, 2012, to report an ongoing burglary and a shooting. (Tr. 156, 160-61). Arriving minutes later, law enforcement scanned the premises and witnessed two men lying face-down through the home's back door. (Tr. 164). Amos had a single gunshot wound to the back of the head and an additional laceration on his forehead. (Tr. 228). A green pillow lay several inches in front of his head. The pillow was drenched with blood, and it bore a burn mark surrounding a through-and-through



circular hole. The blood and burn mark indicated that the fatal shot was fired flush against the pillow, which was simultaneously placed against the back of the victim's head. (Tr. 229, 232).

Amos' son's, Thomas', body was found several inches away from Amos'. (Tr. 233). Thomas laid prone, and his injuries were remarkably similar to Amos' in that he sustained a laceration to his forehead and a single gunshot wound to the back of the head. (Tr. 235-36). A coffee table laid, flipped upside down, to the immediate left of the victim's body. (Tr. 236, 454). As with Amos, blood splatter and a pillow with a burnt through-and-through hole were found three to four inches in front of Thomas' head. (Tr. 236-38).

Hearing a woman's voice calling for assistance, the first responding officer approached a bedroom and found Locklear on the bed in nightclothes, appearing distraught. (Tr. 165-66, 173). Locklear exhibited no signs of an assault beyond her contention that she was bound with tape and sexually assaulted. (Tr. 214-15). She was not bound when the officers arrived, but one officer witnessed Locklear pull a piece of tape off of herself. (Tr. 173-75). After clearing the residence and finding no other occupants, the officer assisted Locklear from the bedroom to his patrol car. (Tr. 167-68). Law enforcement collected an off-white brassiere and a pair of black "stretched" underwear from the bed. They considered both items damaged and potential evidence of the sexual assault that Locklear alleged occurred. (Tr. 256-57).

An inspection of the crime scene returned a piece of black tape cast off in the hallway and a similar roll of tape on a shelf nearby. (Tr. 245-48). A first aid kit was spilled out of a nearby toiletry cabinet. (Tr. 249-50). The remainder of the mobile home showed little to no sign of struggle or disarray; no beds were flipped or drawers emptied. (Tr. 251-55). Additionally, law enforcement found no signs of forced entry. (Tr. 218, 221).

Within hours of the 911 call, law enforcement located a burned vehicle abandoned

roadside, approximately five miles away from the crime scene. (Tr. 278, 367). Locklear claimed her assailant stole the vehicle when he left the scene. (Tr. 367). Though completely burned and containing no contents important to the investigation, the VIN number on the burned sedan matched the car on loan to Locklear. (Tr. 279, 281-82). Locklear's car dealership loaned her the vehicle while her own was serviced. (Tr. 370).

Law enforcement took Locklear to the hospital because of her alleged sexual assault. Afterward, she went to the station and was questioned, first as a victim and witness and then, as questioning continued, as a suspect post-*Miranda* warnings, because the leads provided proved false when investigated. (Tr. 373-77). After questioning, Locklear was charged with two counts of murder. (Tr. 376-77). During her interrogation, Locklear provided the names of two suspects: Nehemiah James Evans, and a second she knew by his street name, "PooPoo", who was later identified as Applicant. (Tr. 377). Applicant assisted in Evans' landscaping business and, together, they cut the grass at Locklear's house. (Tr. 377, 430). Locklear informed law enforcement that Applicant and Evans frequented the Vasco convenience store near her house. (Tr. 430). The store's surveillance footage showed Applicant arriving at the store at 11:06 on the same morning as the murders with a pearl-handled gun at his waistband. (Tr. 431-34).

The investigation revealed that Locklear lived in Tabor City, North Carolina, in a home purchased for her by her husband, Amos. (Tr. 340-41). After hearing about the murders, Faye Hunt, Locklear's cousin and friend, voluntarily informed law enforcement of Locklear's living arrangement and marriage. (Tr. 343). Additionally, Hunt told law enforcement about a life insurance policy that she witnessed Amos hand to Locklear for safekeeping. (Tr. 342). Amos left the Tabor City home that night, and Locklear proclaimed to Hunt that "if that son-of-a-bitch died today [she'd] be a rich bitch tomorrow." (Tr. 342). When law enforcement executed a search

warrant on the Tabor City home, they located the life insurance policy naming Locklear and Amos' daughter as beneficiaries. (Tr. 419-20).

Hunt told law enforcement that Locklear offered to sell Hunt's boyfriend a small, pearl-handled pistol about five months prior to the murders, which Locklear took from the top of her refrigerator and showed to Hunt. (Tr. 344-45). That pistol matched the description of a pistol that Amos' brother, Clayton Hatfield, loaned to Amos several years prior to the murder. Amos never returned the pistol to Clayton. Clayton described the pistol as a white or pearl-handled .25 caliber Lorcin. (Tr. 325-26). Investigators did not find the pistol or any other firearms in the Hatfield's mobile home during the investigation. (Tr. 252). However, photographs of Applicant entering the convenience store revealed a pearl-handled pistol in his pocket. (Tr. 434-35).

United States Marshals took Applicant into custody about a month after the incident. (Tr. 437). Applicant provided a recorded voluntary statement to law enforcement while in custody. (Tr. 440). Initially, Applicant was not forthcoming and asked to stop the interview so he could talk to a lawyer. (Tr. 463). Shortly thereafter, Applicant voluntarily reinitiated the interview after being re-advised of his right to counsel. (Tr. 442-44).

Ultimately, Applicant divulged his participation in the incident. Applicant admitted he knew Evans because they cut grass together, and he met Locklear through Evans' landscaping venture. (Tr. 472). On the night of the incident, Evans enlisted Applicant's help and the two met with Locklear. (Tr. 474-75). Together they went to the Hatfield's home "to scare a dude up"—meaning Thomas—as a favor for Locklear. (Tr. 476-77). Locklear signaled Applicant to enter the back door through texts. (Tr. 191-93, 477-78). Applicant stated he did not expect any payment for his participation. (Tr. 478). Despite bringing a baseball bat along, he did not expect anyone to be harmed. Applicant maintained that he did not know anyone had a gun when he first entered the

mobile home. Applicant was also able to confirm that no one subjected Locklear to sexual assault. (Tr. 479-80, 484). As to the murders, Applicant stated that Locklear shot the victims while he was in a back bedroom looking through the residence. (Tr. 482). Applicant left quickly after the gunshots, taking nothing but the baseball bat and the Kia they arrived in. (Tr. 485). Applicant admitted to burning the Kia. (Tr. 485).

Current Action before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully because of ineffective assistance of counsel in that:

1. "Violation of Due Process."
 - a. "Court lacked jurisdiction to indi[ct]."
2. "Ineffective Assistance of Counsel."
 - a. "fail[ure] to properly investigate."
3. "Violation of Constitution[al] Rights."
 - a. "the burden of proof was not on the state, but shifted to me to prove."

Applicant, through PCR Counsel, made an amended PCR application on October 25, 2021, alleging:

1. "Trial Counsel was ineffective for opening the door to an issue that had previously been stipulated to by the parties to remain outside the jury."
 - a. "Trial Counsel and the Assistant Solicitor consented on the record to keep out of evidence the status of the co-defendant's cases. During trial counsel's cross-examination of Brandon Strickland, trial counsel elicited testimony from Strickland that applicant verbally asserted the co-defendant 'cut a deal' during applicant's interview with law enforcement."
2. Trial Counsel was ineffective for failing to properly argue the appropriate procedure regarding a *Batson v. Kentucky* challenge to the jury selection and also failing to articulate a proper race-neutral reason he struck certain jurors."
 - a. "After the selection of a jury, the state made a motion pursuant to *Batson v. Kentucky* and the Court granted the motion after trial counsel did not articulate a reason as to why he struck certain jurors and did not assert [that] the State had to initially make a prima facie showing as to which of the Defendant's strikes were based on bias."

At the PCR hearing, Applicant proceeded forward on all claims raised in the amended PCR applications, as well as:

1. Ineffective assistance of counsel for failure to show the discovery to Applicant.
2. Ineffective assistance of counsel for not objecting to the State's shifting of the burden of proof.
3. Ineffective assistance of counsel for waiving Applicant's right to a preliminary hearing without his consent.

All other allegations raised in his initial application and amendments are deemed waived and abandoned and, accordingly, will not be addressed in this order.

Summary of the Testimony

Counsel Testimony

Counsel stated that he has been practicing law since 1993, beginning as a public defender before going into private practice and then taking the bench as a municipal court judge. Counsel stated he exclusively practice criminal defense work, focusing on felonies and DUIs. Counsel stated he was assigned this case the summer of 2013 through a 608 contract through the public defender's office. Counsel stated that he had been practicing law for twenty-one years when he was assigned this case. Counsel testified that Applicant was arrested and in custody for a few months when he took on the case. Counsel stated that he knew Applicant had co-defendants and Counsel had some background on the case. Counsel stated he met with Applicant to get some information on the case.

Counsel stated that the theory of the State's case was that this was a murder for hire where they believed Applicant was the actual shooter of the two victims. Counsel stated that he did not expect there to be any plea offers, much less anything favorable. He stated he spoke with Applicant through the representation about how he was facing life without parole and that it was likely they were going to trial because he would likely be sentenced to life on a double homicide,

even if he pled. Counsel stated that, given the circumstances, he told Applicant it would be wise to fight the case at trial, regardless of the evidence. Counsel testified that one of Applicant's co-defendants, Locklear, was convicted on two counts of murder prior to Applicant's trial. Counsel stated that Evan's case was pending at the time of Applicant's trial because he did not cooperate with the State.

Leading up to Applicant's arrest, Counsel stated that Locklear called the police, reported a rape, and described two black men, whom she said broke into the house and then raped and robbed her before leaving. Counsel testified that the police quickly determined her story did not add up and, after being interrogated, she ultimately gave enough information to identify Evans. Evans implicated Applicant to the police, but did not testify at Applicant's trial. Counsel testified that the strongest evidence the State had was that Evans's statement that Applicant and Locklear made a deal. Counsel testified that Evans placed Applicant at the scene. Counsel testified that there was also surveillance video footage of Applicant shortly after the double homicide in the area with a gun in his waistband believed to be the murder weapon. Counsel stated that he had phone records and confirmed his number. Counsel testified that Locklear was texting him prior to the murders. Counsel testified that Applicant gave a statement. Counsel stated that there were texts between Applicant and the co-defendant prior to killings that the backdoor was open. Counsel testified that Applicant admitted it was his phone number and his co-defendants also placed him there. Counsel testified that Applicant stated he did not do it, or know it would happen, but he was on scene. Counsel stated that he was never able to verify Applicant's story about what happened to the gun.

Counsel stated that the State's motion was granted because he was striking white men. Counsel stated he explained that the striking of white men was inadvertent, but the judge was not

satisfied with his chosen explanation. Counsel stated that the prosecutor made the motion and they had the *Batson* hearing. Counsel stated that he never had a *Batson* motion levied against him before. He stated that the judge was seemingly looking for a detailed reason, but he mostly picks jurors by instinct, based upon their demeanor or background, as opposed to a detailed scientific process. Counsel stated he wanted younger people on the jury because they tend to be more open minded. Counsel stated that the Court found he was striking white men. Counsel stated that he disagreed with the Court's ruling, but could not convince the Court ~~that~~ of his position. Counsel stated that though he did not get the jury he originally wanted, he was unsure whether it would have made a difference in the outcome of the trial.

Counsel stated that Applicant gave a lengthy statement to the police and that a lot of it was inadmissible. Counsel stated that a *Jackson v. Denno* hearing was held, but he could not keep the statement out of evidence at trial. He testified that he told Applicant it would likely be deemed admitted beforehand. Counsel stated he talked to the prosecutor about redactions in the statement and an agreement was reached concerning redactions. Counsel testified that nothing came in accidentally or unintentionally.

Counsel stated that when a defendant's statement is deemed admissible, unless they testify at trial, they would be stuck with the contents of his police statement. Counsel stated that that is what happened in this case. Specifically, Counsel stated that Applicant's narrative was that Locklear lured Applicant and Evans to come in and rough her husband up some. However, once they arrived in the house, they discovered her plan was to kill her husband and his son and to blame the murders on Applicant and Evans. Counsel stated that Locklear wanted to kill her husband over a life insurance policy and that, after the murders, Applicant and Evans did not know what to do, so they fled out of fear and denied everything to the police. Counsel stated that their theory was

that Applicant was set up from the beginning.

Counsel stated that Brandon Strickland was an investigator associated with the case and that the lead investigator was not at trial. Counsel stated that at one point during cross-examination, Strickland stated that Applicant asked "James cut a deal, didn't he?" Counsel stated that this was a critical part of the case and he was being very careful about the questions he was asking. Counsel stated that Applicant was stating he did not know what was going on until he asked if Evans cut a deal. Counsel testified that the investigator spent about fifteen minutes questioning Applicant about not being truthful, and then Applicant provided a different narrative for about forty-five minutes thereafter. Counsel stated that he asked a direct question about reinitiating the interview, asking if Applicant stated he was lying and wanted to talk again. Counsel stated that Strickland essentially blurted out that Evans cut a deal, he objected, and then made a motion for a mistrial outside the presence of the jury. Counsel testified that the prosecutor's position was that Counsel opened the door, to which the Judge agreed. Counsel stated he disagrees with that ruling. Strickland said something that should not have been said but the mistrial was not granted. Counsel did not want this statement to be entered in at trial. Counsel stated that he probably did not renew his motion for mistrial throughout the course of the trial. He stated he thinks he likely did or would have if he remembered, but did not make a big deal when renewing motions because once the judge rules, the matter is decided. He stated he did not ask for a curative instruction, and would not do so now, because that would further draw attention to the statement.

On cross-examination, Counsel stated that his general trial strategy was to show Locklear was wife of a victim and she had a premeditated plan to kill her husband, the son was killed because he was present, and that she lured Applicant and Evans into the plan, setting them up from the beginning. Counsel stated he discussed trial strategy with Applicant between ten and twelve times.

Counsel stated that they were unsure whether Evans would testify against Applicant at trial, but that there was a lot of evidence in the case and all evidence procured was shared with Applicant. Counsel stated that he wanted Applicant to know he did not have to take his word for everything.

Counsel stated that Applicant placed himself at the scene at the time of the murder and phone records consisting of texts between Applicant and Locklear right before the incident. Counsel stated that there was convenience store video footage close by with a gun just after the murder, but no murder weapon was ever found. Counsel stated that the gun was silver and had a pearl handle. Counsel testified that the clerk testified to him being at the convenience store. Counsel stated that the State had evidence that the murder weapon was consistent with the weapon Applicant had at the convenience store. Counsel stated that all of this was brought up at trial.

Counsel acknowledged he gave reasons beyond an instinctual feeling about certain potential jurors, including that one person worked a government-affiliated job, another was an active security guard, and another is a youth pastor. Counsel stated that he was required to give reasons for the strikes, and so he did. Counsel stated that if there was something procedurally improper about how the Judge conducted the *Batson* motion he would have objected. However, Counsel stated that he did not see anything improper about the way he conducted the *Batson* motion and that he just disagreed with the result. Counsel stated that he thought the Judge was fair throughout the trial and that the issues he decided on could have gone either way. He stated he did not believe the Judge was unfair. After being refreshed, Counsel stated he recalled being asked about the scope of redirect examination of Strickland after his motion for a mistrial was denied, but the Judge decided see how everything played out.

Applicant Testimony

Applicant testified that he did not review all of his discovery with Counsel and that Counsel



only gave him what was important. Applicant stated that he met with Counsel seven to ten times. Applicant claimed this prevented him from having a fair trial. Applicant stated that no preliminary hearing was held and his right to a preliminary hearing was waived and no one was present. Applicant stated that nobody questioned the validity of the indictments leading up to trial. Applicant stated that no objection to the jury instructions was made. Applicant claimed that the hand of one, hand of all theory removes the State's burden to prove murder when the theory was that Applicant was the principal. Applicant stated that Counsel was ineffective for failing to call testimony or witnesses Teresa Phillips or Joey Hardy. Applicant claimed that these witnesses could have testified as to where the gun was at the time. He stated that he had the gun because he was going to sell it for them.

On cross-examination, Applicant stated he was not shown discovery, but was given the things that Counsel felt were important to prevent confusing him with too much information. He stated that the Teresa Phillips interview contradicted the investigative report, stating that the interview reflected that evidence was missing. Applicant stated that there was a picture of a gun in her phone and that he had the gun box presented by the victim's family. Applicant claimed she could testify as to where the gun was around the time of the incident, which he claimed created an alibi until the court corrected him. Applicant stated he did not know he could have a preliminary hearing prior to trial, but stated that formal indictments were issued concerning the charges he was convicted of.

Findings of Fact and Conclusions of Law

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. Before this Court are the ~~Spartanburg~~ ^{Horry} County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records,

the trial transcript, direct appeal records, and this PCR action's records. This Court has further had the opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly. Set forth below are the relevant findings of fact and conclusion of law as required by South Carolina Code Annotated Section 17-27-80 (2003).

Ineffective Assistance of Counsel

In a PCR action, the applicant bears the burden of proving allegations contained in the application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant asserts ineffective assistance of counsel as a ground for relief, the applicant must show "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. Ineffective assistance of counsel is governed by the Sixth Amendment, as explained by the United States Supreme Court in *Strickland v. Washington*.

Pursuant to the first prong of the *Strickland* analysis, the applicant must prove defense counsel's performance was deficient. *Id.* at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). To show deficiency, the applicant must prove by a preponderance of the evidence that counsel's actions fell outside of the zone of "reasonableness under prevailing professional norms." *Strickland*, 466 U.S. at 688. *See also* Rule 71.1(c), SCRPC ("The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence."). Reasonableness is determined by the "variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how to best represent a criminal defendant," and the scope of the reasonableness inquiry is limited to facts counsel had available at the time of representation. *Id.* at 689. "Counsel is strongly presumed to have rendered adequate assistance and made all significant

decisions in the exercise of reasonable professional judgment.” *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). Judicial scrutiny of counsel’s performance remains highly deferential towards defense counsel with a strong presumption that counsel acted competently, because competent representation may be executed in virtually “countless” ways. *Strickland*, 466 U.S. at 688-89.

Second, counsel’s deficient performance must have prejudiced the applicant so that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694. The court makes this determination based upon the totality of the evidence. *Id.* at 695. Realistically, this matters “only in the rarest case” because “[t]he likelihood of a different result must be substantial, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86, 111-12 (2011) (quoting *Strickland*, 466 U.S. at 697).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696-97.

Batson Motion

Applicant claims Counsel was ineffective for failing to articulate race-neutral reasons for using peremptory strikes pursuant to *Batson v. Kentucky*, 476 U.S. 79, 106 S.Ct. 1712 (1986). “Under *Batson* ... and later decisions applying *Batson*, parties are constitutionally prohibited from

exercising peremptory challenges to exclude jurors based on race, ethnicity, or sex.” *Rivera v. Illinois*, 556 U.S. 148, 148, 129 S. Ct. 1446, 1447 (2009). *See also Snyder v. Louisiana*, 552 U.S. 472, 128 S.Ct. 1203 (2008); *United States v. Lane*, 866 F.2d 103, 105 (4th Cir. 1989).

At trial, the State raised a *Batson* challenge because Counsel struck all white people, all but one were male, and acknowledged that only one white male and a few white females were not struck. Counsel gave race neutral reasons for striking the individuals he struck, including that one person held a government-affiliated job, another was an active security guard, and another was affiliated with the National Guard. (Tr. 33-35). The State responded with counter examples, to which Counsel admitted that he often strikes individuals based on their demeanor and his instinct about potential jurors. (Tr. 36-38). The Court granted the motion. (Tr. 38).

At the PCR hearing, Counsel testified that the striking of white men was inadvertent, but the judge was not satisfied with the explanation for the striking. He stated that the judge was seemingly looking for a detailed reason, but he mostly picks jurors by instinct, based upon their demeanor or background, as opposed to a detailed scientific process. Counsel stated he wanted younger people on the jury because they tend to be more open minded. Counsel stated that the Court found he was striking white men. Counsel stated that he disagreed with the Court’s ruling, but could not convince the Court of his position. Counsel stated that if there was something procedurally improper about how the Judge conducted the *Batson* motion he would have objected. Counsel stated that though he did not get the jury he originally wanted, he was unsure whether it would have made a difference in the outcome of the trial.

This Court finds Applicant has not established deficiency or prejudice. Concerning deficiency, Counsel provided race neutral reasons for why he struck certain jurors, all of which revolved around their backgrounds and demeanor towards him in the courtroom. The Judge found

the explanations provided insufficient, but this finding is rooted in disagreement concerning what is an appropriate reason, not over whether Counsel provided a race neutral reason at all. Counsel is not required to obtain a favorable decision from a judge to avoid a finding of deficiency, but is required to act reasonably. Counsel did so in providing race neutral reasons for striking the individuals he did, even if the reasons were not accepted by the Court. Thus, this Court finds that Counsel acted reasonable and was not deficient.

Additionally, no prejudice is found. Applicant has not shown that, but for Counsel being unsuccessful in executing his preferred peremptory strikes, the outcome at trial would have been different. Counsel acknowledged at the PCR hearing that he did not know whether it would have made a difference at trial had he been successful in his peremptory strikes. Further, this Court finds there was sufficient enough evidence for Applicant to be convicted at trial, regardless of who the jury members were, which consisted of texts between Applicant and the co-defendant about the door being open, the convenience store footage, that he was implicated by co-defendants, and that Applicant placed himself on the scene at the time of the murder in a police statement. Thus, even if Counsel was deficient, no prejudice is found flowing therefrom. Accordingly, relief is denied on this ground.

Eliciting Inadmissible Statements

Applicant claims Counsel was ineffective for eliciting inadmissible statements. Specifically, Applicant takes issue with this section of the cross-examination of Sargent Brandon Strickland:

Q: So when he reinitiated the interview, according to him, basically, he told you all, okay, I was lying, now I'm going to tell you what really happened, can you sum it up, something like that? Do you want me to say it a different way?

A: I'll say exactly what he told me. He said as we're walking out, he said, James cut a deal, didn't he; that is what he said to me.

(Tr. 466).

Once this statement came in at trial, Counsel requested the jury be excused from the courtroom so he could take up a matter of law. (Tr. 466). Counsel then moved for a mistrial. (Tr. 467). The Court denied the motion, stating Counsel opened the door and it was not hearsay. (Tr. 468-69). The Court found the statement was sufficiently responsive to the question posed, even if it was not a "yes" or "no" answer. (Tr. 469-70). Counsel requested clarification on how much latitude the Court would grant the State on re-direct examination on that issue, to which the Court stated he would deal with the issue as it arose. (Tr. 469-70). The State stated the only question on the issue they would pose on re-direct was whether the Sargent informed Applicant of any information James provided to law enforcement, stating it thought the answer was a no. (Tr. 470). The Court indicated that was fine and Counsel did not object. (Tr. 470).

At the PCR hearing, Counsel stated this was a critical part of the case and that he was intentionally being careful about the questions posed. Counsel stated he asked a pointed question on cross-examination about Applicant's decision to reinitiate the interview asking if Applicant stated he was lying and wanted to talk again. Counsel stated that the Sargent blurted out that Applicant asked if James cut a deal, to which Counsel moved for a mistrial once the jury left the room. Counsel testified that the prosecutor's position was that Counsel opened the door, to which the Judge agreed. Counsel stated he disagrees with that ruling. Counsel stated that he probably did not renew his motion for mistrial throughout the course of the trial. He stated he thinks he likely did or would have if he remembered, but did not make a big deal when renewing motions because once the judge rules, the matter is decided. He stated he did not ask for a curative instruction, and would not do so now, because that would further draw attention to the statement. On cross-examination, Counsel stated he recalled being asked about the scope of redirect examination of

Strickland after his motion for a mistrial was denied, but the Judge decided see how everything played out.

This Court finds Counsel was not deficient. Counsel asked a question he believed was closed and could not open the door to testimony provided if appropriately responded to. Once the witness blurted out the incriminating statement, he acted reasonably in moving for a mistrial and, thereafter, asking how broad the scope on re-direct on this issue would be. He provided an objectively reasonable trial strategy for not requesting a curative instruction; namely, that requesting one would draw more attention to the statement. At the PCR hearing, he stated he did not think the question was improper in retrospect, but stated that the witness's answer was not responsive to the question posed and the Court reached a ruling on the issue he still disagrees with; namely, that he elicited the answer through his question. This Court finds Counsel was not deficient because he asked a question he reasonably thought was closed and took reasonable measures to remedy the situation when the statement was made.

Additionally, even if Counsel was deficient, Applicant was not prejudiced as a result. Co-defendant Locklear identified Applicant by his street name and informed law enforcement he frequented a convenience store, where he was caught on tape with the gun used in commission of the crime. (Tr. 377, 430-34). Locklear's cousin testified at Applicant's trial that the gun in the footage, which had a unique pearl handle, was in Locklear's possession. (Tr. 342-45). Locklear's cousin also testified that Locklear indicated that she came into possession of her husband's life insurance policy and told her "if that son-of-a-bitch died today [she'd] be a rich bitch tomorrow." (Tr. 342).

Additionally, Applicant provided a recorded voluntary statement to police, where he ultimately stated that Evans enlisted Applicant's help "to scare a dude up." (Tr. 474-77). Locklear

signaled Applicant to enter the back door through texts, which were entered into evidence. (Tr. 191-93, 477-78). Despite bringing a baseball bat along, he did not expect anyone to be harmed and maintained that he did not know anyone had a gun when he first entered the home. (Tr. 479-80, 484). Applicant stated that Locklear shot the victims while he was in a back bedroom looking through the residence. (Tr. 482). Applicant left quickly after the gunshots, taking nothing but the baseball bat and the Kia they arrived in, which he admitted to burning the Kia. (Tr. 485).

Thus, this Court finds that, given the other incriminating evidence against Applicant, even if Counsel was deficient for eliciting the statement, Applicant was not prejudiced as a result. There was sufficient enough evidence for the jury to find Applicant guilty even if it was not elicited. Accordingly, because Applicant has not established deficiency nor prejudice, relief is denied on this ground.

Waiver of Preliminary Hearing

Applicant's claim that Counsel was ineffective for waiving the preliminary hearing is without merit. In South Carolina, there is no constitutionally protected right to a preliminary hearing. *State v. Keenan*, 278 S.C. 361, 296 S.E.2d 676 (1982). Additionally, a preliminary hearing is not held if the defendant is indicted by a grand jury or waives presentment before the preliminary hearing occurs. Rule 2(b) SCRCrimP.

Here, Applicant was indicted by the grand jury in October 2013. No showing of Applicant requesting a preliminary hearing before being indicted was made in the PCR hearing or before trial. Accordingly, Applicant has seemingly waived his right to a preliminary hearing and cannot request one now that he has been convicted. Thus, relief is denied on this ground.

Shifting Burden of Proof

Applicant's claim that the State shifted its burden of proof in showing Applicant was guilty

of murder as a principal by raising the claim under the hand of one hand of all theory. “‘Under the ‘hand of one is the hand of all’ theory [of accomplice liability], one who joins with another to accomplice an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose.’” *State v. Thompson*, 374 S.C. 257, 261-62, 647 S.E.2d 702, 704-05 (Ct. App. 2007) (quoting *State v. Condrey*, 394 S.C. 184, 194, 562 S.E.2d 320, 324 (Ct. App. 2002)). “‘A defendant may be convicted on a theory of accomplice liability pursuant to an indictment charging him only with the principal offense.’” *Id.* at 262, 647 S.E.2d at 705 (quoting *Condrey*, 394 S.C. at 194, 562 S.E.2d at 324). Though “[m]ere presence and prior knowledge that a crime was going to be committed, without more is insufficient to constitute guilt”, “‘presence at the scene of a crime by pre-arrangement to aid, encourage, or abet in the perpetration of the crime constitutes guilt as a [principal].’” *Id.* (quoting *State v. Hill*, 268 S.C. 390, 395-96, 234 S.E.2d 219, 221 (1977)). “‘In order to establish the parties agreed to achieve an illegal purpose, thereby establishing presence by pre-arrangement, the State need not prove a formal expressed agreement, but rather can prove the same by circumstantial evidence and the conduct of the parties.’” *State v. Gibson*, 390 S.C. 347, 354, 701 S.E.2d 766, 770 (Ct. App. 2010). *See also Condrey*, 394 S.C. at 193, 562 S.E.2d at 324 (stating that “[a] formally expressed agreement is not necessary to establish the conspiracy” that brings the accomplice to the crime scene).

In similar cases, guilty convictions were sustained if there was sufficient evidence indicating a common scheme or plan, regardless of whether or not the defendant fired the fatal shot. *See Gibson*, 390 S.C. at 355, 701 S.E.2d at 770 (finding sufficient evidence existed indicating the defendant participated in a common scheme or plan with his co-defendant when he agreed to act in concert with his co-defendant who fired the fatal shot when defendant informed co-defendant

of the situation, that the call to pick him up from the bar was not solely for the purpose of removing defendant from the scene, and that defendant was aware of the firearm available for him to retrieve from his co-defendant's car); *State v. Dickman*, 341 S.C. 293, 534 S.E.2d 268 (2000) (finding that enough evidence existed to sustain a murder conviction when the appellant acted with his co-defendant pursuant to a common scheme or plan when appellate told a friend the date the murder would take place, arranged the incident with the co-defendant, retrieved a gun set aside by the co-defendant, and handed the gun to co-defendant, who promptly fired the fatal shot).

Regardless of whether or not Applicant was the shooter, he could still be found guilty as a principal under the hand of one hand of all theory. This is not a burden shifting mechanism, but a way of proving an individual is guilty of the crime charged, regardless of whether or not it is established that he was, in fact, the shooter. Thus, the allegation that the burden of proof shifted from the State to Applicant is meritless. Accordingly, Counsel is not ineffective for failing to object to this and no prejudice is found flowing therefrom. Hence, relief is denied on this ground.

Failure to Show Discovery

Applicant's claim that Counsel was ineffective for failing to show Applicant all the discovery in the case was without merit. Counsel credibly testified that the State had a lot of evidence in this case and that all evidence produced in the case was shared with Applicant. Additionally, though Applicant stated that Counsel did not share all discovery with him, he did not state exactly what was not shown to him or how it would have impacted the trial proceedings. Accordingly, this Court finds that Counsel was not deficient on this ground and no prejudiced flowed therefrom. Thus, relief is denied on this ground.

Conclusion

Based on all the foregoing, this Court finds and concludes that Applicant has not

established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this PCR application must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty days of receipt by counsel of the judgment entry's written notice to secure appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), an Applicant has the right to appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP provides that if the Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate appellate procedures.

IT IS THEREFORE ORDERED:

1. The PCR application be denied and dismissed with prejudice; and
2. Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 2 day of March, 2022.



ROBERT E. HOOD
Presiding Judge
Fifteenth Judicial Circuit



, South Carolina.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Horry

VS.

Odom Bryant

AKA:

Race: Black Sex: male Age:DOB: 11/90 SS#: [REDACTED]

Address:

City, State, Zip: Tabor City, NC 28463DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder

IN THE COURT OF GENERAL SESSIONS

707

INDICTMENT/CASE#: 2013GS2604317A/W#: M974193Date of Offense: 8/19/2012S.C. Code §: 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

SCB68305

Richardson, Bradley C.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed X years
and/or to pay a fine of \$ X; provided that upon the service of X days/months/years and/or payment
of \$ X; plus costs and assessments as applicable*; the balance is suspended probation for Xmonths/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: 1/15/2015☒ 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 the 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

PTUP

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	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$ <u>N/A</u>

_____ days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. 1/15/2015May serve W/E beginning 1/15/2015Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning N/A

\$ _____ paid to Public Defender Fund

Other: _____

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

Clerk of Court/ Deputy Clerk

Court Reporter

Presiding Judge
Judge Code: 2148Sentence Date: January 15, 2015

Melanie Higgins Ward
Natalie Dahl

708

WITNESSES

Neal Frebowitz Horry County Police Department

DOCKET NO. 2013-GS-26-

04317

The State of South Carolina

County of Horry

Bradley C. Richardson
13H02995

COURT OF GENERAL SESSIONS

October, 2013 TERM

ARREST WARRANT NUMBER

M974193

CDR: 0116 16-03-0010, 0020

DOA: 6/15/2013

THE STATE

VS.

ACTION OF GRAND JURY

Odom Bryant

Tabor City, NC 28463

DOB: 0000-00-00

SSN:

ATTORNEY: Mureddu, Dean Nicholas

Foreperson of Grand Jury
Date: *[Signature]*

SEP 25 2013

VERDICT

Guilty

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

Foreperson of Petit Jury

Date: *01/15/15*

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT
MURDER

At a Court of General Sessions, convened on September 25, 2013, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Odom Bryant and/or his Co-Defendant(s) did in Horry County, on or about August 19, 2012, willfully, feloniously, and intentionally kill the victim, Amos Hatfield, with malice aforethought, either express or implied, by means of a gunshot wound, and the victim did die as a proximate result thereof on or about August 19, 2012 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

COURT DATE
PLED GUILTY/TRIAL

2015 JAN 15 PM 4:34

STATE OF SOUTH CAROLINA

COUNTY OF Horry
STATE VS.Odom Bryant

AKA:

Race: Black Sex: Male Age: [REDACTED]DOB: [REDACTED] 90 SS#: 259- [REDACTED]Address: Ridgeland AcresCity, State, Zip: Tabor City, NC 28463DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013GS2604318A/W#: M974194Date of Offense: 8/19/2012S.C. Code §: 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

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SCB68305

Richardson, Bradley C.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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and/or to pay a fine of \$ X; provided that upon the service of X days/months/years and/or payment
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probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 1/15/2015☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
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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 %)		\$
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Clerk of Court/ Deputy Clerk

Court Reporter

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning N/A

\$ _____ paid to Public Defender Fund

Other: _____

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

Presiding Judge

Judge Code: 2148Sentence Date: January 15, 2015

Melanie Huggins Ward
Natalie Parham

Mirjamant Culbertson
2148
January 15, 2015

WITNESSES

Neal Frebowitz Horry County Police Department

DOCKET NO. 2013-GS-26-

04318

711

The State of South Carolina

County of Horry

Bradley C. Richardson
13H02995

COURT OF GENERAL SESSIONS

October, 2013 TERM

ARREST WARRANT NUMBER

M974194

CDR: 0116 16-03-0010, 0020

DOA: 6/15/2013

THE STATE

vs.

Odom Bryant

Tabor City, NC 28463

DOB: 0000-00-00

SSN:

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

SEP 25 2013

VERDICT

GUILTY

ATTORNEY: Mureddu, Dean Nicholas

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

Foreperson of Petit Jury

Date:

01/15/15

clerk chern

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT
MURDER

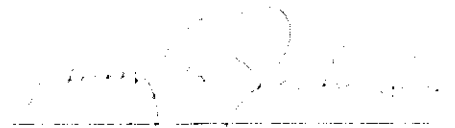
At a Court of General Sessions, convened on September 25, 2013, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Odom Bryant and/or his Co-Defendant(s) did in Horry County, on or about August 19, 2012, willfully, feloniously, and intentionally kill the victim, Thomas Hatfield, with malice aforethought, either express or implied, by means of a gunshot wound, and the victim did die as a proximate result thereof on or about August 19, 2012 in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

COURT DATE
PLED GUILTY/TRIAL

CLERK OF COURT

2015 JAN 15 PM 4:34

ARREST WARRANT

M-974193

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE

12083828

against

Odom Bryant

Address:

Tabor City, NC 28463-

Phone: _____ SSN: _____

Sex: M Race: B Height: 602 Weight: 167

DL State: _____ DL #: _____

DOB: _____ Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Neal Frebowitz - 0584

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Odom Bryanton 6-15-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

PO Box 677

1301 2nd Avenue

Conway, SC 29528

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ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant Neal Frebowitz whobeing duly sworn deposes and says that defendant Odom Bryantdid within this county and state on or about 8/19/2012

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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:

On or about August 19, 2012 at 4:00 AM, Horry County Police responded to Red Bluff Road in the Loris section of Horry County and observed two victim shot to death inside the residence. Investigation including processing of the crime scene and mining electronic and telephonic data disclosed the defendant conspired and materially participated in the crime, specifically forcing entry into the home with the specific intent to commit a crime. During the course and commission of the crime, the victim, Amos Hatfield, a human being; was forced to lie on the ground, their heads were covered with a pillow and were shot, execution style in the back of his head with a small caliber firearm. Moreover, the defendant's cellular telephone was tracked via electronic data to the crime location while text messages were being exchanged from his phone to his co-defendant who identified the defendant as a material participant in the murder. case # 12083828

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address 2560 N. Main StreetConway, SC 29526-Affiant's Telephone (843)915-5350

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 or about 8/19/2012 defendant Odom Bryant

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

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 8/21/2012

Signature of Issuing Judge

Aaron C. Butler

Judge Code: 5022

(L.S.)

Judge's Address J. Reuben Long Detention CenterConway, SC 29526-1071Judge's Telephone (843)915-5145Issuing Court: ☒ Magistrate ☐ Municipal ☐ CircuitORIGINAL 71 Form Approved by
53 Attorney General
April 21, 2003
SCCA 518

ARREST WARRANT

M-974194

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE

12083828

against

Odom Bryant

Address:

Tabor City, NC 28463-

Phone:

SSN: 254-

Sex: M Race: B Height: 6'2 Weight: 170

DL State: NC DL #:

DOB: Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Neal Frebowitz - 0584

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant on 6-15-12 Odom Bryant

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant Neal Frebowitz

being duly sworn deposes and says that defendant Odom Bryant

did within this county and state on or about 8/19/2012

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

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:

On or about August 19, 2012 at 4:00 AM, Horry County Police responded to 1 Red Bluff Road in the Loris section of Horry County and observed two victim shot to death inside the residence. Investigation including processing of the crime scene and mining electronic and telephonic data disclosed the defendant conspired and materially participated in the crime, specifically forcing entry into the home with the specific intent to commit a crime. During the course and commission of the crime, the victim, Thomas Hatfield, a human being; was forced to lie on the ground, their heads were covered with a pillow and were shot, execution style in the back of his head with a small caliber firearm. Moreover, the defendant's cellular telephone was tracked via electronic data to the crime location while text messages were being exchanged from his phone to his co-defendant who identified the defendant as a material participant in the murder. case # 12083828

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address 2560 N. Main Street

Conway, SC 29526-

Affiant's Telephone (843)915-5350

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 or about 8/19/2012 defendant Odom Bryant

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Horry

) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

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 8/21/2012 11:30 AM 12083828

Signature of Issuing Judge

Aaron C. Butler

Judge Code: 5022

(L.S.)

Judge's Address J. Reuben Long Detention Center

Conway, SC 29526-1071

Judge's Telephone (843)915-5145

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

ARREST WARRANT

M-974196

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

THE STATE

12083828

against

Odom Bryant

Address:

Tabor City, NC 28463-

Phone: _____ SSN: _____
Sex: MC Race: B Height: 602 Weight: 170

DL State: _____ DL #: _____

DOB: _____ Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Neal Frebowitz - 0584

Offense: Burglary / Burglary (After June 20, 1985) - First degree

Offense Code: 0079

Code/Ordinance Sec: 16-11-0311

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Odom Bryanton 6-13-13

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

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ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant Neal Frebowitz whobeing duly sworn deposes and says that defendant Odom Bryantdid within this county and state on or about 8/19/2012State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Horry)

in the following particulars:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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:

On or about August 19, 2012 at 4:00 AM, Horry County Police responded to Red Bluff Road in the Loris section of Horry County and observed two victim shot to death inside the residence. Investigation including processing of the crime scene and mining electronic and telephonic data disclosed the defendant conspired and materially participated in the crime, specifically forcing entry into the home with the specific intent to commit a crime. During the course and commission of the crime, the victim, Thomas and Amos Hatfield, were forced to lie on the ground, their heads were covered with a pillow and were shot, execution style in the back of his head with a small caliber firearm. Moreover, the defendant's cellular telephone was tracked via electronic data to the crime location while text messages were being exchanged from his phone to his co-defendant who identified the defendant as a material participant in the murder. case # 12083828

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address 2560 N. Main StreetConway, SC 29526-Affiant's Telephone (843)915-5350

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 or about 8/19/2012 defendant Odom Bryant

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Horry

) as set forth below:

DESCRIPTION OF OFFENSE: Burglary / Burglary (After June 20, 1985) - First degree

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 8/21/2012

Signature of Issuing Judge

Aaron C. Butler

Judge Code: 5022Judge's Address J. Reuben Long Detention CenterConway, SC 29526-1071Judge's Telephone (843)915-5145Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

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ORIGINAL 71 Form Approved by
S.C. Attorney General
June 21, 2003
SCCA 518

716

WITNESSES

Neal Frebowitz Horry County Police Department

DOCKET NO. 2013-GS-26- 04316

C

The State of South Carolina

County of Horry

Bradley C. Richardson
13H02995

COURT OF GENERAL SESSIONS

October, 2013 TERM

ARREST WARRANT NUMBER

M974196
CDR: 0079 16-11-0311
DOA: 6/15/2013

THE STATE

VS.

ACTION OF GRAND JURY

Odom Bryant
[REDACTED]
Tabor City, NC 28463
DOB: 0000-00-00
SSN:

Foreperson of Grand Jury
Date: *[Signature]*

SEP 25 2013

VERDICT

ATTORNEY: Mureddu, Dean Nicholas

Indictment for

BURGLARY, FIRST DEGREE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

Foreperson of Petit Jury
Date:

ND
2/12/15

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT
BURGLARY, FIRST DEGREE

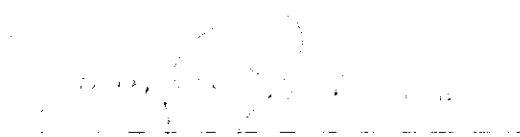
At a Court of General Sessions, convened on September 25, 2013, the Grand Jurors of Horry County present upon their oath:

BURGLARY, FIRST DEGREE

CDR: 0079 16-11-0311

That Odom Bryant and/or his Co-Defendant(s) did in Horry County, on or about August 19, 2012 enter the dwelling of Amos Hatfield without consent and with the intent to commit a crime therein and when in effecting entry or while in the dwelling or in immediate flight, the Defendant and/or Co-Defendant(s) were armed with a deadly weapon and/or the entering or remaining occurred in the nighttime and/or Amos and Thomas Hatfield were killed during the burglary, in violation of Section 16-11-0311(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

**State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit**

Scott R. Hixson
Chief Deputy Solicitor

1301 2nd Avenue
P.O. Drawer 1276
Conway, SC 29528
Phone (843) 915-5460
Fax (843) 915-6461



JIMMY A. RICHARDSON, II
Solicitor

Alicia A. Richardson
Deputy Solicitor

401 Cleland Street
P.O. Box 1688
Georgetown, SC 29442
Phone (843) 545-3169
Fax (843) 545-3268

DISMISSAL/NOLLE PROSSE FORM

TO: Horry County Clerk of Court

FROM: BRADLEY C. RICHARDSON, SENIOR ASSISTANT SOLICITOR

DATE: FEBRUARY 9, 2015

RE: STATE OF SC VS. ODOM BRYANT
CASE NO: 13H02995

2015 FEB 12 AM 8:54
CLERK OF COURT
Horry County

PLEASE BE ADVISED THAT THE CHARGE(S) LISTED BELOW HAVE BEEN DISMISSED OR NOLLE PROSSED (PLEASE PLACE X IN APPROPRIATE COLUMN).

Warrant #	Charge	Indict #	T/B Date	D/M	N/P	DOA
M974196	Burglary, 1st degree	2013GS2604316	9/25/2013		X	6/15/2013

Assistant Solicitor

ORIGINAL