Volume III of III

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Chester County

Honorable Daniel D. Hall, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES HAROLD BALDWIN,

APPELLANT.

APPELLATE CASE NO 2019-001923

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBIT NOS. 1 (DEFENDANT INTERVIEW), 2 (DEFENDANT INTERVIEW), 3 (DEFENDANT INTERVIEW), 5 (911 DISC), 10 (PHOTOGRAPH), 15 (PHOTOGRAPH), 30 (PHOTOGRAPH), 41 (PHOTOGRAPH), 73 (PHOTOGRAPH), 74 (PHOTOGRAPH), 100 – 102 (PHOTOGRAPHS), 104 AND 105 (PHOTOGRAPHS), 109 (PHOTOGRAPH), 111 (PHOTOGRAPH), 126 (PHOTOGRAPH), 153 (PHOTOGRAPH), 187 AND 188 (PHOTOGRAPHS) 195 (PHOTOGRAPH) AND 197 (FACEBOOK PHOTOGRAPH).

artifact from cutting with the saw. The saw cut is right here -- this saw cut is right here if I look from the back, and then the fracture runs right here. And what I think has happened is they actually extended the fracture by saw cut, and so -- and when they pop the top they pull this fracture more. So that's the basis. It's very thin, the bone is very thin here, it's extremely thin over the orbital plates so they're easily fractured. A lot of people will get an orbital plate fracture. Boxers get them a lot. They get punched in the eye and just the pressure on their eye, it doesn't damage the eye but it creates enough pressure that it actually fractures the orbital plate above the eye.

Q Thank you, Doctor. Have a seat. Doctor, do you have an opinion to a reasonable degree of medical certainty as to whether the science in this case would allow you to categorize this as a homicide?

A No, sir. I have an opinion and I would say the science doesn't let you do that.

MR. JORDAN: Thank you, Doctor. Please answer any questions that counsel may have for you.

THE COURT: Ladies and gentlemen, let's take a ten minute break. I instruct you not to have any conversation about the case while we're out. We will take a ten minute break, everyone remain seated while this panel is excused.

(The jury left the courtroom.)

THE COURT: All right. We will take a ten minute break. Dr. Beaver, you're under oath, which means you can take a break, just don't discuss any of your past testimony or your future testimony with your lawyers or anyone else during the break.

THE WITNESS: Yes, sir, Your Honor.

(A recess was taken.)

THE COURT: Is the State ready to proceed?

MS. LIVELY: State is ready, Your Honor.

THE COURT: Defense?

MR. JORDAN: We are, yes, sir.

THE COURT: Let's bring the jury in.

(The jury returned to the courtroom.)

THE COURT: All right. Thank you, ladies and gentlemen. I believe we are in cross examination. Solicitor?

MS. LIVELY: Yes, Your Honor, thank you.

CROSS EXAMINATION

BY MS. LIVELY:

Q Dr. Beaver, I'm going to go back through some of your testimony and just make sure that I have everything down based on what you were testifying to. So we can agree that the cause of death is blunt force trauma to the head.

A Yes.

Q Along with the accompanying blood, the subarachnoid

hemorrhage that was also present, that would have also inflicted -- not inflicted, but help cause her death as well, too.

A Yeah. Those are all blunt force injuries, subarachnoid hemorrhage, subdural hemorrhage, skull fracture, that's all part of blunt force trauma to the head, yes.

Q I just want to kind of break it down for the jury to understand that it wasn't -- because I know you talked a lot about the fracture, so I wanted to make sure we added in all the injuries that she suffered.

A Correct.

Q Okay. Then you mentioned a hat band, and you actually used Mr. Jamieson to explain that. You said that you would expect an injury from a fall but not from a blow to the head, which would be above the hat band; is that right?

A Correct. A fall close to the head tend to fall outside the hat band distribution.

Q Okay. But then again you said that doesn't prove anything, it just suggests it; is that correct?

A Correct. There's nothing definitive about it.

Q Okay. And also if it were that that complex laceration that she had came from an inflicted blow, that could also be the reason for where that actual injury is on her head, correct?

A I'm not sure I understand the question.

Q You made it sound like a hat band would be the area where you would expect someone to -- if they fell to injure themselves.
A Correct.
Q Okay. So what I'm asking is, is isn't this also a place where if someone was to hit a person with an object that they would also have this type of an injury?
A No. It's not my -- as I said, the blow to the head comes outside of the hat band distribution, so I would expect it to be higher up on the head, not in that hat band distribution. I think that falls pretty much -- if I'm interpreting the photographs correctly I think it falls pretty much in the hat band distribution.
Q Well, you also talked about whenever boxers get occipital fractures to their eye area, so that's obviously a blow that someone gives to their head.
A Right. That's in boxing and it's designed to hit the face, so --
Q Sure. But if someone wanted to hit her in the face and hit her there, then that would cause that injury, correct?
A If somebody wanted to do that I suppose it would.
Q Okay. Thank you. And you actually stated that there was something curved or irregular that caused that complex laceration to her head, correct?
A Yes.

Q And you said it was possible that she could have gotten it from falling into that stocking holder.
A Correct.
Q Or, going back to what I just said, if someone intentionally hit her with a stocking holder.
A I think I stated that I wouldn't favor that over the fall because of the hat band distribution. So my same thing, I -- there's nothing specific about the injury that tells you that it was a fall or a blow. The only thing that we have to even provide any guidance at all is the hat band distribution. So, yes, your hypothetical could it be from a blow? Yes. Could it be from a fall? Yes.
Q Okay. That's all I was asking, it could be from either one. Thank you. And then you had a -- your actual final conclusion was that within a reasonable degree of medical certainty the manner of is death is accident.
A Yes.
Q Okay. But we were just now talking about how the actual mechanism could be one or the other, which -- what I was just talking about, the blow to the head or a fall.
A Right. So I believe when I was talking about the cause and manner of death, I also stated the problem between cause and manner of death. Where cause of death is pretty easily found by observation of the injuries, manner of death becomes a little more complex, because you have to take into

consideration the circumstances of death. You have to take into consideration the scenario and the scene. And so in this case we have a scene and a scenario that match up and match the facts of the autopsy. So I would not favor constructing a new scenario and try to twist the facts into it.

Q Okay. Fair enough. And you said therefore that you made that conclusion because it was consistent with a fall from a ladder.

A Correct, yes.

Q Okay. And if I told you that there is opinion that that was an altered scene regarding the ladder being in the Christmas tree, would that cause you concern as a forensic pathologist?

A No, I looked at that. When I first looked at this case I looked at that photo, and everything in that photo -- to me it would be very difficult for even an expert to reconstruct it to make it fit with the scenario, and I don't see that as an altered scene. So whoever said that I don't agree with their opinion.

Q You don't agree with that opinion that it's an altered scene?

A No.

Q But -- and I'm going to keep asking you this, so I apologize, but every time you say it's consistent with a

fall from a ladder, it is also consistent with a beating or an inflicted blow to the head, correct? And I'm not saying it's probable because I know you're going to disagree with me on that.

A What's consistent? The injuries are consistent, or what's consistent?

Q Her injuries.

A And once again I will keep saying the injuries are nonspecific and they don't tell you whether it's blows or a fall. There's no proof there. There's no proof that it was blows, there's no proof that it was a fall.

Q Okay. Thank you, Dr. Beaver, because that was the thing next thing I was going to go to in your actual testimony. You specifically say that these are nonspecific injuries so they could be from a blow to the head or they could be from a fall. Is that a fair restatement of what you said?

A Yes.

Q And you have -- you had a question about agonal period right before someone actually passes away. And you said that you felt that it wouldn't be scientifically proper for you to give a timeline regarding how long of a period that would be from the time of the injury until she passed. Did I hear that correctly?

A I'm confused, because I did give a timeline.

Q Well, about four hours I think is what you had said. I'm sorry, let me restate it. There is a mention that she would have died within minutes, and you said that you felt that that was not -- that you were not going to give a timeline regarding that, maybe it would be four hours or somewhat more.

A So let me restate so I will clear everything up for both of us. I did make a timeline, and the timeline was from zero to four hours. What I did say is that I can't place her on that timeline with any scientific certainty. And there's nothing about the injuries, there's nothing about the subdural hematoma, there's nothing about the subarachnoid hemorrhage that would allow somebody to scientifically place her at a point on that timeline.

Q Okay. Fair enough, and I understand. I do remember the four hours because I had made a note of that in regards to your basis of a timeline. Well, let me ask you this, with the type of injuries that she suffered, would she have been walking, talking, and able to communicate?

A Just based upon the injuries?

Q Yes.

A I don't know. She could have, she might not have, I don't know. And there's nobody that can look at those injuries and scientifically tell you this person had to be unconscious or had to be comatose. I have seen people with

injuries worse than those conscious in the emergency room. So you can't say -- you take each person individually and each set of injuries become individual, so I don't think science is at the point where we can say based upon those injuries that person has to die in 30 minutes. That's not possible in this case.

Q Well, just like being symptomatic, let's say for instance with the type of bleeding that she had on her brain and the subdural hematoma, would she have still been conscious?

A I don't know. She could be conscious, yes. She could be conscious and articulate and mobile, and in fact, there's other evidence that suggests that.

Q Okay. Well, in your experience in regards to especially subarachnoid hemorrhage, which is the bleeding all around the bridging veins and around the brain, typically what is one of the first symptoms that happens with subarachnoid hemorrhaging?

A Well, symptoms can be varied. And they can vary from seizure, you could have a seizure, you could have a headache, and that's probably the first symptom is a headache.

Q And that's it?

A Well, then the symptoms going all of the way up to being in a coma. But you asked me the first -- I believe

the first symptom and that's a headache.
Q The first symptom is a headache. Do you recall giving a presentation for the coroner's association regarding blunt force trauma to the head?
A I do.
Q And do you recognize your slide?
A Yes, that is my slide.
Q And it has nothing to do with the brain in this case so I just want to make sure I throw that out there. What is the first thing that you put on there as a symptom of subarachnoid hemorrhage?
A I'm sorry, I can't --
Q It should be right in front of you. Touch the screen.
A Associated with loss of consciousness seizure activity may result from non-traumatic process.
Q So loss of consciousness.
A Yes.
Q And that was my question, Dr. Beaver, and you didn't mention that in any of the symptoms. So loss of consciousness is one of top ones for a subarachnoid hemorrhage, correct?
A When it's seizure. Loss of consciousness and seizure. I think I did mention seizure, I'm sorry that I forgot loss of consciousness.
Q No, that's fine. I just wanted to make sure I was

clear about that. So this is going to be a picture of the brain and all of the blood. So is that a significant amount of blood?

A It's not as much as was in my picture, but any amount of blood in the brain is significant.

Q Is significant, correct.

A In my view.

Q Right, okay. And that's the subarachnoid hemorrhage. So that's not even the actual subdural hematoma that you were talking about earlier where you were talking about that clotted area, correct?

A Correct. This is -- if you had to ask me about the subarachnoid hemorrhage I would say qualitatively this is not that severe.

Q It's not that severe?

A No. And you saw the brain that I put in my picture was a confluent thick sheet of subarachnoid hemorrhage. This is patchy, it's mostly present just in the sulci. Not a huge, not -- I wouldn't call it severe, I would probably call this moderate. And for the subdural hemorrhage, it was 30 milliliters and that's small, so not a big subdural. You can see this like thick sheet of -- it even -- you can't even see the brain underneath it it's so thick.

Q Okay. But you don't say severe subarachnoid hemorrhage means associated with a loss of consciousness.

A No. But I show them the worse case scenario.
Q Okay. All right. And there's a lot of -- there was a lot of talk about how you handle the bodies and how that can really affect artifact, meaning something that one of the pathologists would have actually done to the body and then said could have possibly been an injury, but that it was actually not there beforehand; is that right? Is that what artifact is, like they're introducing something into the scenario with the body?
A I think I understand the question. Artifact is something that's introduced after the fact. And it can be introduced by anyone, the technician doing the autopsy, the doctor performing whatever they are doing, and also people embalming the body and handling the body.
Q And do you think that by actually transporting a body in the back of a pickup truck, that could cause some problems with how a body would be later autopsied?
MR. JORDAN: Your Honor, I entertain an objection. I have a matter to take up outside the presence of the jury.
THE COURT: All right. Ladies and gentlemen, I'm going to allow you to go back to your jury room briefly, don't discuss anything you've heard. Everyone remain seated while this jury is excused.
(The jury left the courtroom.)
THE COURT: Mr. Jordan, I will be glad to hear from

you.

MR. JORDAN: Your Honor, where I think the solicitor is going with this is when Dr. Beaver was in the Florida Keys he was asked by a sheriff to sign off on the death of a young man by the name of Noah Cullen (phonetically.) And Noah Cullen went down in a sailboat off the Florida Keys, and it was a suspected homicide/suicide, and the sheriff asked him to sign on the medical certificate saying it was accidental because it was political and he refused, and as a result this particular sheriff attempted to sabotage his career. After leaving the Keys he has been vetted by the State of West Virginia and also by the State of South Carolina.

THE COURT: Well, we're not -- we vetted his qualifications, we've determined he's an expert and he is qualified to testify as an expert. I will be glad to hear you on anything else.

MR. JORDAN: Your Honor, I don't know how far she's going to go down that road with regard to unbased allegations, but under Rule 608, Your Honor, extrinsic evidence is not admissible. And any specific incidents of conduct of a witness for purposes of attacking credibility other than a conviction of a crime cannot be proved by extrinsic evidence, and so we would contend that this is extrinsic evidence. It is also, Your Honor, discretionary

with the Trial Judge, and Your Honor still has to do a 403 balancing test as to whether or not the prejudicial impact outweighs the probative value. And so if she's going to go down this road with these allegations with the sheriff that he was crossways with in the Keys then I would ask that she proffer it now, let the Court rule and administer the balancing test under 403.

THE COURT: All right, thank you. Solicitor, do you want to be heard?

MS. LIVELY: Yes, I do, Your Honor. I mean, at least I very carefully started to go down that path, because this obviously goes toward his credibility, but I just didn't throw out there like the defense about Randall Black supposedly having naked pictures that he showed to the defendant yesterday whenever that was an issue. What I'm doing is, you bring someone here, you qualify them as an expert, their credibility and believability, bias, and all of those things are extremely important for the State to be able to explore. Everything that I have on this witness is stuff that -- I've got the minutes from Florida where they actually decided not to reappoint him unanimously. He's got this on rebuttal in that particular thing where he is talking about how he admitted to driving a body around in the back of a flat bed truck and he gave a justification for doing it. And there's several other matters, Your Honor,

regarding this. And it seems to me that when you choose to bring in an expert witness then you take along with them whatever possible baggage they bring with them in regards to their past as a medical examiner. These are not things that happened just as a personal individual, these are things that happened in his job as a chief medical examiner in Florida. There was an audit, which I received from the clerk of court's office, which is actually filed online, you can pull it off, where he used thousands of dollars for his own personal use out of county monies while he was their chief medical examiner. So that goes to his moral turpitude and to his credibility in the office of chief medical examiner and as a forensic pathologist.

THE COURT: All right. Let's proffer your testimony.

MS. LIVELY: Yes, sir.

THE WITNESS: I would like the opportunity to respond at some point if that's appropriate.

THE COURT: You're a witness, you've been subpoenaed as a witness, which means that you are required to answer the questions of the either attorneys. Once you have answered their question you will have an opportunity to explain.

MS. LIVELY: Dr. Beaver, let's just jump right into what happened down in the Keys. Do you recall whenever you actually began? You were appointed, I think, by the Governor to be chief medical examiner down in Marathon Key.

THE WITNESS: It was a one man shop. I think it was June of 2014, it was just me, my secretary and a technician when I could find him.

MS. LIVELY: Okay. And so while you were there you did not -- it ended up that you did not get along with the sheriff; is that correct?

THE WITNESS: That's generous, yes, that's correct. I did not get along with the sheriff.

MS. LIVELY: And I'm just going to lay it out here. So the two of you did not get along, but there were some other issues that came up that were problematic during your tenure regarding nonpayment to funeral home directors, being laid --

THE WITNESS: Unsubstantiated.

MS. LIVELY: Okay. Being late on signing death certificates.

THE WITNESS: Not possible. It's an electronic system, I filed them with the state on the state's time. People made allegations, never substantiated them. Prove it.

MS. LIVELY: Okay. And then the inappropriate use of an uncovered pickup truck for a body removal and transportation to the morgue.

THE WITNESS: Can I explain?

MS. LIVELY: That's what we're here for.

THE WITNESS: So my office is in Marathon and it's less

than half a mile from the site where this person died. The person who died is a middle aged woman, she's the professor of surgery at a VA hospital in Ohio, Columbus, Ohio. She is on vacation with her husband and two teenage -- preteen children, and they are adopted daughters. I get called to the scene and I respond, and I can get there in like less than five minutes from my office. I come to the scene, the parking lot is full of cars, lots of people with guns walking around, lots of the people on vacation standing around wondering what's going on. I go up to the room. In the room is the victim's advocate for the sheriff's office, a couple of detectives and the husband. This is a small vacation condo. The double bed that she's laying in is literally right next to the door. If you walked in the front door and you turn immediately to your right you're facing the bed and she's laying there. So the husband asked me to get the body out as soon as possible because the daughters were down at the pool and they were going to come back and he didn't want them to see us, he didn't want them to see all the stuff that was going on. I discussed it with the victim's advocate with the detectives, I said, "We can transport this body, but if we wait for the transport service, they are out Key Largo, it will be three hours, and in the funeral homes did the transports. So I would call the funeral home to come and transport the body, it was

three hours. I told him it would be three hours, and he said unacceptable. So I said, "I can transport this body. It's going to be on a gurney, it will be in a shroud, it will be covered, it will be transported exactly the same as if it was going into the back of the beat-up old van that this funeral company uses except it's going to be in the bed of my truck and I don't have a cover." The husband said, "Do it, please, just do it." And the victim's advocate said, "Yes. We should get this body out of here before those girls come back and before we have any other problems here." The detective agreed to it. We all agreed. It was a committee decision. So I said, "I'll do it." And we went down -- I went, got the body, loaded it in my truck and took it to my office directly. It was not a flat bed truck as you stated, it's a pickup truck. It has a box and it's pretty high up off the ground so most people can't even see in the back of it. The transport took less than five minute from there to my office. Now, if this was some horrendous event that I had done something horribly wrong, I would think the husband would sue me but he never did because he wanted me to do that. He asked me to do that. And, of course, all of the people that the sheriff was aligning against me asked the FDLE, and the FDLE actually ruled that I had done nothing wrong. Maybe it wasn't exact -- the seemly thing but it was perfectly fine the way I transported

the body. There was nothing wrong with that. Now, as to your artifact question, yeah, it would be a problem introducing artifact if I didn't know how it was handled, but I knew how that body was handled. It was in my control the entire time. If a body is out of my control I have no idea what happens to it, I have no idea how it's handled. So I think that answers that question.

MS. LIVELY: Okay. And so your office coming under fire over more than one report that your staff and yourself was transporting corpses in the back of --

THE COURT: Let me do this, Solicitor, under Rule 608 the Court has to decide whether -- it's in the Court's discretion about instances of conduct other than convictions of a crime provided in Rule 609 may be admitted in the discretion of the Court if it is probative for truthfulness or untruthfulness. I haven't heard anything yet so far that goes to the issue of truthfulness or untruthfulness.

MS. LIVELY: Well, Your Honor, under the circumstances I still am asking him about that, because he has testified about bodies and how they're pulled onto --

THE COURT: I understand. But that -- in the Court's view that does not go to the issue of truthfulness or untruthfulness, and we're not going to spend the rest of our time trying a case in Florida and some facts in the case in Florida. Clearly the rules do not allow that, and that's

the rule for extrinsic evidence that trials are not to devolve into a trial within a trial, so we're not going to go down that path on the pickup truck issue. What is the other issue?

MS. LIVELY: Okay. I understand that in regards to truthfulness. What about if I ask him the hypothetical if he threw a body in the back of a pickup truck --

THE WITNESS: Throw -- wait a minute.

THE COURT: Hold on a minute. You're couching it that he threw it in the back of a pickup truck -- I'm not going to allow anything in on the pickup truck issue.

MS. LIVELY: Okay. The other thing that I have on him that there was a 2008 complaint from whenever he was actually -- he testified about going to Texas Tech. University, a complaint was filed with the Texas Medical Board against him.

THE COURT: And was he convicted of a crime?

MS. LIVELY: He was not convicted of a crime. The allegations were fraudulent practice of medicine outside the scope of his license, falsifying government records, autopsy reports, conspiracy to commit fraud and tampering with the courts.

THE COURT: Well, obviously I assume that there was no official action taken on those or he wouldn't have been able to be qualified as an expert and been hired by the many

places he has been since then, is that a fair view of it?

MS. LIVELY: Well, Your Honor, I don't --

THE COURT: Do you have a result of all of that?

MS. LIVELY: I just know that he does not have his license in Texas anymore and he said that on the stand.

THE COURT: Well -- anything else?

MS. LIVELY: Yes, sir.

THE WITNESS: Can I explain about that?

THE COURT: No. You haven't been asked a question.

MS. LIVELY: Your Honor, there was an audit while he was the Marathon Key Chief Medical Examiner, and this does go to the moral turpitude issue and for truthfulness. We have an accounting where he actually would spend funds through the medical examiner's report, and then after spending those funds he would say that that for -- for instance, 25,965 was spent during a 13 month period to rent, furnish and maintain an apartment in Marathon, Florida. However, when the bookkeeper went through everything they determined that he actually rented it out to other visiting doctors. So he was lying about that money so that he could -- he was basically double-dipping. Then we have where he used the office to pay his own legal fees. He also used the funds in the office to purchase a truck for $29,212 while he was at the medical examiner's office, and he claims that was because they were to allow him to get equipment and

supplies, however those items, Your Honor, were not approved ahead of time by the auditor or anyone in the county and he went ahead and did it. There was no provision in his contract, so he went outside of his contract and used the funds the way that he saw hit. He had all of these expenses that were not authorized by contract and he was using those funds in such a way which were basically breach of contract and violating the rules of the office.

THE COURT: Well, we're not here to determine what the rules of the office were of a Marathon Key Medical Examiner's Office, and we're certainly not here to examine the terms of the contract of his employment. If that's where we're heading then I find that under Rule 608 that specific instances of contact of a witness for the person attacking or supporting a witness' credibility other than the conviction of a crime as provided in Rule 609 may not be proven by extrinsic evidence. They may, however, in the discretion of the Court if probative and truthfulness or untruthfulness be inquired to on cross examination of the witness, if one, concerning the witness' character for truthfulness or untruthfulness; or two, concerning the character for truthfulness or untruthfulness of another witness, and that's not the particular case here. I find that in each of these instances I'm not going to allow under Rule 608. One, I find that it's extrinsic evidence, it goes

beyond the meaning of 608B. However even if -- well, I find on these particular instances that that extrinsic evidence is not admissible for specific conduct under 608B. All right. Anything else on that?

MS. LIVELY: That was it.

THE COURT: All right. Let's bring the jury back in.

(The jury returned to the courtroom.)

THE COURT: All right. Thank you, ladies and gentlemen. We are ready to resume. Solicitor?

FURTHER CROSS EXAMINATION

BY MS. LIVELY:

Q Only one last question, Dr. Beaver. Would you agree that the only other witness other than the defendant as to what actually happened to Judy Baldwin that night is dead?

A Yes, ma'am.

MS. LIVELY: Okay. Thank you, no further questions.

THE COURT: Any redirect?

MR. JORDAN: No, Your Honor.

THE COURT: All right. Thank you, you can step down. Ladies and gentlemen, I know you feel like a yo-yo but we do have a matter that we need to take outside of your presence, we knew that after we finished with this witness and we have just finished with this witness, we need to take up a matter so I'll allow you to go back in your jury room and we'll have you back in just a few moments.

(The jury left the courtroom.)

THE COURT: I think we're at the point when I had met with the attorneys before the last break and inquired about where we would be heading after Dr. Beaver finished testifying and I was informed that this would be an appropriate time to talk to Mr. Baldwin about his right to testify, so Mr. Baldwin, if you would stand. And you have been placed under oath earlier in regards to your desire to testify in the case, that you had plenty of time to talk to your lawyer and -- your lawyers about whether you should or should not testify in this case?

THE DEFENDANT: Yes, sir.

THE COURT: Have you had plenty of time to do that?

THE DEFENDANT: I have talked to them, yes, sir.

THE COURT: Do you need anymore time to talk to them about whether you should testify in this case or not?

THE DEFENDANT: No, sir.

THE COURT: Do you want to testify?

THE DEFENDANT: No, sir.

THE COURT: All right. Thank you, you can be seated. All right. Mr. Jamieson, who's your next witness?

MR. JAMIESON: We had a couple of other witnesses that we thought we might call, Your Honor, my information is they're not here, so with that we will rest.

THE COURT: All right. With that the defense has

indicated they're resting. Solicitor, any rebuttal witnesses?

MS. LIVELY: No, Your Honor, none from the State.

THE COURT: All right. Then the record is clear that the defense has rested their case, the State has no rebuttal witnesses. It's ten after 4:00, what I'm going to do is I am going to bring the jury back and then tell them that the State has rested, the defense has rested, there will be no other evidence presented in the case. I am going to ask them to be back at 9:00 in the morning and we'll do argue and charge in the morning, and I'll talk to y'all about that as soon as we release the jury. Let's bring the jury in.

(The jury returned to the courtroom.)

THE COURT: Ladies and gentlemen, thank you for your patience, however while you were out the -- well, let's do it this way just to be sure the record is clear. Mr. Jamieson, do you have any other witnesses?

MR. JAMIESON: No, Your Honor.

THE COURT: And so is the defense resting?

MR. JAMIESON: We are, Your Honor.

THE COURT: All right. And Solicitor, does the State wish to call any rebuttal witnesses?

MS. LIVELY: No, Your Honor.

THE COURT: All right. Ladies and gentlemen, the defense has indicated that they have presented all of the

evidence that they're going to present to you in this case, the State has indicated they have no rebuttal witnesses. So we've now reached a point in the trial where you have heard all of the evidence that you're going to receive in the case. What we're going to do next is there will be closing statements, which I would imagine will take a few hours in the case, plus I'm going to charge you on the particular charge and so we're not going to do that until tomorrow morning, we don't want you to be under any time constraints and the lawyers be under any time constraints. So I'm going to allow you to leave for the evening. Even though you have heard all of the evidence in the case I remind you again, do not discuss the case with anyone between now and tomorrow. Don't be doing any independent research on any issues, places or talking, just because all of the evidence is in that doesn't free you up to even discuss it among yourselves or with anyone else. You'll be given that opportunity once the lawyers have made their closing statements and the Court has charged you on what the applicable law is, so with that I'm going to allow you to leave. I will tell you that we should -- I anticipate that we'll be providing you lunch in your jury room tomorrow, I would -- as a general rule you can't bring food in the courtroom -- I mean into the building, however if you've got a particular dietary issue and you need to bring your own lunch with you do that. Now,

it may mean practically that the bailiffs might look in your bag whenever you bring it in, but if you have a particular dietary issue then you need to bring your lunch with you do that before you come tomorrow morning. So with that I'm going to allow you to leave for the evening, everyone remain seated while this jury panel is excused.

(The jury left the courtroom.)

THE COURT: Anything further from the State?

MS. LIVELY: Not from the State, Your Honor.

THE COURT: From the defense?

MR. JAMIESON: No, Your Honor.

(Court recessed for the day and resumed at 9:00 a.m, On Tuesday, November 5, 2019.)

THE COURT: All right. Is the State ready?

MS. LIVELY: State is ready, Your Honor.

THE COURT: Defense ready?

MR. JAMIESON: We are, Your Honor.

THE COURT: All right. Let's bring the jury in.

(The jury return to the courtroom.)

THE COURT: All right. Thank you, ladies and gentlemen, we appreciate your promptness. We're now ready to begin the last part of the trial this morning. The State will have an opportunity to address you with their closing argument, then the defense will have an opportunity to present closing argument, and then the State will be given

the opportunity for a response once the defense finishes, after that then I will charge you or read you the appropriate law that's going to apply in this case and then you will be allowed to go back and begin deliberations. So with that, Ms. Lively?

MS. LIVELY: Thank you, Your Honor. All right. Finally, after I think it's been seven days, it's been a long road, but it has been a lot longer road for the family of Judy Orr, her friends, and those who've had to endure the type of just unbelievable unknowns about the death of a loved one. So what do you do as a family member, what do you do as a friend when you just want to get answers and nothing makes sense? And if you remember whenever I started this case, I told you the devil is in the details, and the reason why that comment is so important is because but for those details and the defendant manipulating every scene, alternating every scenario, but for that he probably would have gotten away with it. Because the truth never changes, ladies and gentlemen, it's the easiest thing to remember, it's because it's what happened. But what I'm going to tell you and show you is what you've already heard, so if there's anything that I present to you today that you don't recall being the way it was, if you want to rehear any testimony, don't take my word for it, we have everything for you. You have gotten everything that the Court has said you need to

make a decision in this case, and it's our position that everything points to only one conclusion, and that is he killed Judy Baldwin on the night of December 14th of 2016. He did it because he lost control of his life and his ability to do the things that he wanted to do, have a relationship with Teri King, have his bike club and go wherever he wanted. They were kicking him out. Judy was confronting him. Her friends knew it, the pastor knew it, everyone knew this was going on. He lost control. He attacked her on the night of December 14th, 2016, and we're going to prove that to you and we have proven that to you, and I'm going to take you through it. So the first thing that you need to think about is murder. What does that mean? There was some mention about homicide, and, you know, whether homicide means the same thing as murder, what we have here is the State has to prove a certain type of crime, and that is that there was some type of malice or intent to harm and kill a person. So when you're hearing all of this talk about accident, there's no accident in this case, none, because when you put everything together accident doesn't make sense, even with their own witnesses, and I'm going to break that down for you. So let's talk about important dates before the murder took place. We know that in May of 2016 a life insurance policy was taken out on Judy Baldwin with the defendant as the beneficiary, we find this out

through the SLED agent. Then September 2016 we know, because Pastor Hinson said about two or three months before she died he remembers, she comes to him and says enough to know that something was going on with their marriage, so what does he do? He counsels her, "Talk to him, communicate with your husband." We're already seeing -- and remember, family members are saying "I'm noticing by the end of September close to the time whenever she died that things weren't right." Then defendant post a photo on his Facebook page with Sheriff Underwood. And let me be very clear about this, the fact that the Chester County Sheriff's Office back in 2016 failed to do their duty for that family is on them, so don't hold that against the family at all, but it is something you have to consider as to why things were not done, and you can't ignore that fact. November 5th of 2016, celebration for Randall Black's nephew, this was at the VFW. And if you remember he said he's close with Jamie, they would go to dinner, he would hang out with Judy and him all of the time, him and Kay, you know, that was a normal thing for them to do. They rode bikes together. These people were tight. So he steps outside with him and Jamie, the defendant says "Hey, what do you think about Teri King? Would you sleep with her?" He says, "No. Well I am and I can't stop." November 24th. Awkward Thanksgiving with the defendant and the family. Josh Orr, when he testified, he

told you it was just odd, you could feel the tension in the air. Then, this is really important, this is the weekend before Judy is killed, December 10, 2016, they have that biker club party. Remember, Randall and Kay said when she got there she had been crying, it was obvious, and that's just not the kind of person Judy was. At some point Teri is also there, Teri King, she leaves and as soon as she leaves the defendant is ready to go, so they leave. By the time Randall and Kay leave Judy has been calling, there's been another problem. December the 11th. Judy keeps Randall and Kay up all night, she's hysterical. The defendant doesn't come home until later that morning, Judy is texting everyone. Even Teri King got on the stand and said, "Yeah, I missed a text from her that night," because she knew where to look for him. December 12th. There was a Christmas pageant that is on a Monday, and that was the same day that Randall Black went with Kay over to their house and said, "You know, we don't feel good about what's going on with our bike club anymore, we're pulling out, everybody wants out. We're not comfortable with how the money is being handled, we're not comfortable with things and gossip going on." So about 12 out of, I don't know, 20, I don't remember exactly how many he said, pulled out. That's not much of a bike club anymore, and you're still counting the people in it are the defendant, Teri King, and Judy. So he is losing that

thing in his life that is his recreation, that is his release, that is his access to Teri King. And then Tuesday before the murder, it's quiet. So let's talk about his investigative knowledge and why that's important. He actually tells Officer Rikard from the highway patrol that he had nine years at the Columbia Police Department, ten years at Chester County dispatch, 911, and then he worked at York Police Department, that's a lot of experience. And think about this, too, which is something that hit me, when you talk to EMT's and fire and rescue and people who work dispatch, what is one thing that they probably know like the back of their hand? The quickest way to get from one place to another in the county they work for ten years, the best way to get help for a person you love to make sure that they are not suffering, continuing to bleed and then ultimately die. What makes sense? What's reasonable? All right. Something that I really want you to pay attention to, and y'all have been paying attention this whole week because I have watched and I know it's a lot of information, but one thing that I want you to kind of really focus in on, because I think this is what is going to really seal it for all of you in regards to what was going on that night on the 14th, the timeline. The defendant cannot get away from the timeline and the gap of time when Judy was beaten up until the time he calls 911 at 11:04 p.m. And you're going to

hear the different times, and I've broken it down when you get to it, but I want you to think about, because when you look at what we're looking at now, 11:04 the 911 call comes in from the defendant, that's late. What have they been doing? The last thing that we know happens where she's still alive is that 7:13 p.m. phone call with her sister. So the next thing, we have about a four hour gap there but we have no idea what he's doing, but I will give you exactly what he was doing. So we have this timeline, all of these individuals are showing up. Now that you know everything you know with this particular case --

(Break in proceedings.)

MS. LIVELY: Let me put -- I thought that it would play the audio, hold on. I apologize. I'm sure this doesn't shock y'all either, it's always something.

(Break in proceedings.)

MS. LIVELY: But now that you know and you've heard everything in this case from the -- you know, the EMS showing up, fire showing up, South Carolina Highway Patrol, listen to what he says in this 911 call.

(The 911 call was played.)

MS. LIVELY: So she's not doing anything. She's not breathing. She's thrown from the vehicle. This man with 22 years of experience, ten of these being dispatch, he knows when he tells dispatch that she's been thrown from the

vehicle what's going to happen, and that is it's a motor vehicle collision, highway patrol is going to show up, fire is going to show up. But at that time until highway patrol, you remember said, "This doesn't look right, it doesn't fit," that is when he calls his supervisor, Jeff Wade and he says, "Call Chester County investigators," and then and only then did this become something other than a motor vehicle collision. So timeline for the night at Piedmont. The thing that's so important about this, too, is remember, this is all within just very brief hours of Judy being attacked and killed. So everything that's being said at this point, has he been able to formulate whether it is going to fit with the facts of the case. How is he going to make it fit what the evidence is going to show? And he knows this. So here is what's going on. He's actually at Piedmont, who's the first person that gets there? And understand this, he already knows his wife is dead in a creek, he hasn't called Chris Orr, he hasn't called Josh Orr, he hasn't called Kay Black, he didn't call Randall Black, he calls Teri King, and when she gets there she asked him, "Should I call the Orr boys? Should I call the boys? No, they're at work." So we don't want to inconvenience her sons to tell them their mother has just died? That goes towards his intent, ladies and gentlemen, that tells you what his mind is thinking, his malice, his uncaring. 12:22 a.m., very important detail.

And I highlight this because he tells the doctor -- when you go into a hospital the reason why a doctor can say this is what the patient told me is because, "Where are you hurting? We need to fix it. What kind of treatment do you need? Tell me what happened." That's why they ask these questions. And the reason why they were at the trauma hospital was because someone had died, the passenger had died, and whenever that information is relayed that they actually had a death from a car accident then they go to a higher level hospital, which is what PMC is. So Dr. Miller, if you remember, he says, "I asked him, did you have loss of consciousness? No. Did you have pain, head pain? No." This is before any morphine or any mind alternating drugs or Hydrocodone or anything is given to him, this is within a little more than an hour that he calls 911. He's not intoxicated, he's not high on drugs, but what we do know is he's saying, "I did not lose consciousness." And he doesn't realize when he says that that he's going to have to take it back. Chris Reynolds arrives, he gets consent from the defendant to enter the Oakwood home. Because at that point when he finally gets on the scene with highway patrol he learns that the defendant said to someone in the ambulance, I think it was Winburn with highway patrol, "Oh, I was taking her to the hospital because she fell at the house." So he shows up at the hospital, he gets consent from the

defendant to enter the home without a search warrant, 12:47 a.m. Now, here is the critical thing, at 2:43 a.m., by this time the defendant has been given some medicines, he'd also already had a CAT scan to determine whether or not he had any type of neurological damage or head injuries or anything like that, no trauma noted, which is what Dr. Miller told you. But at 2:43 a.m, what does he tell Rikard? He's lost consciousness. "When I woke up I was in the creek," meaning he was in the jeep in the creek, "I hit my head, it's killing me." He's starting to control the narrative already. He realizes "I need to let them know I don't know how she got out of that vehicle," because none of it is making any sense at this point, he realizes this. You don't lose consciousness and then say you don't -- you didn't lose consciousness and then remember that you lost consciousness, that's not how it works. That's a big deal. "I don't remember what happened because I was out." No, he explained everything to the doctor. He says, "When I found Judy she was up under the front of the jeep." And there's been a lot of testimony and we've had expert information about this, and Rikard knows to ask him, "How did the blood get on the front bumper? There's a lot blood here, there's blood in the seat, it's saturated." And in that interview he says, "It might have been for me trying to pick her up." And you'll see pictures of the seat, how bloody she was on

the right side, so if she was curled up up against the bumper from what the State is telling you, he placed her there because she did not get up and walk out of that vehicle. He placed her there to make it look like she had been ejected from that jeep and that blood that is saturated into that seat had saturated her hair, had saturated her shirt was what was leaning up against that jeep. Did he drop her while he was trying put her there? Was he trying to hurry? Was he worried even though he chose to be on the darkest road in Chester County in the middle of the night so no one would see him setting up this scene, but he had time to get it right, and that's what he did. And then he said when she fell at the house he was outside in the detached garage, it was maybe three or four minutes and then he came back in and he found her at the hearth. So the important detail on this is obviously he changes his story, he's changed it in two big ways. First of all, "Oh yeah, I did get knocked out so I don't know what happened," and then, "The blood got on the front of the jeep because Judy -- I was trying to picked her up, it must have been from me." He's starting to try to explain away the evidence. So I told you he -- Teri King arrives, he doesn't call Josh or Chris, Teri stays with him. Now, I'm not going to play the interview with Corporal Rikard because I told you the important points, but if you want to hear it, remember

anything you want to hear you're entitled to hear so I'm just going to skip through that. So the MAIT Team. These guys came in and took tons of photos, documentation of everything, and remember, they're not the ones who process a scene so they're not going to swab for DNA, they're not going to do that kind of stuff. But what they are going to do is they're going to document things that they have in their wheelhouse and that is, was there damage to the vehicle? Does it make sense based on what we're seeing? So they document all of that, that is what they do. So what they do in this particular case by getting their MAIT Team to show up is, "Guess what, there's a black box in your car." So these black boxes are great. I know when we hear stuff like that we think about airplanes and that's kind of what -- even the first time I heard that's what was going on I was thinking that's -- you know, that's exactly what came to mind. So what does that accident reconstruction tell us? We had Trotter, who was just -- knows his stuff. He got up there and told you about what you can expect to be actually captured in that EDR whenever there is an event by the vehicle. And trust me, I don't like all of the physics and everything, but when you listen to what this means, it really helps you to understand. It shows you how the defendant staged this accident in order to set it up that Judy was ejected from the vehicle to explain the severe

injuries that she had to her head, because he was already thinking in his mind, "I'm not going to be able to explain this away from a little fall off of the stepladder, this is not going to work." So our MAIT Team, what do they do? There was no event to trigger the black box. It means it didn't hit anything, it wasn't rough enough to register. The vehicle never got over five miles per hour when driving down the embankment. So if you remember he has statements of, "I swerved off the right side of the road, then I had to jerk back over and I almost hit the guardrail, I don't think I hit it, I almost did, totally lost control, there was a big impact, it was gigantic." Nothing. The vehicle never rolled over, which would have explained how the passenger door might have swung all of way open hyperextended pulling the strap to the point of where it was, and how Judy could have been thrown out. But without that then we look at the black box for what really happened, and the black box said nothing happened, he was in complete control, there's no way Judy was ejected from the vehicle. And the only damage to the vehicle was the plastic shield on the front and the dent from when that passenger door, I contend, whenever he got to the bottom of that creek he looked over, he knew she was dead, her blood saturating that seat he gets out, walks around, pulls her out, he's getting blood all over the place now, he's having to get her out and that door keeps falling

back on him, so he sits her back -- and he has got plenty of time, it's pitch black out there, he grabs that jeep door, and those hinges on there, this is not metal, these are just the straps, there's wires in it and things like that, so with enough strength he pulls that door around so he can get her out. And by that time he'd already tried to get her out and had blood on his hands, that's where her blood comes from on that door and it smeared. It's not just someone grabbing to get out because she was dead by that time, ladies and gentlemen, and he knew it. So there's the passenger strap that I'm talking about for the door where it's hyperextended, and then the blood saturated seat. Here is the thing, when you're talking about -- and I'll get to this in a minute, too, in regards to the different defense witnesses, there's 4-foot-11 right here, this is little Judy, and you saw her sister get on the stand and testify, she was just an inch taller than her. So this is her laying in that seat leaned back with the right side of her head with that complex laceration bleeding, saturating that seat, which is what you're seeing. She bled out in that jeep, that's why there's so much blood there. He placed her in that seat, then he went inside and set the scene for the first attempt to show an accident. Remember, even their expert said that ladder, it was an altered scene, because obviously she had bled in places where that ladder was now

standing and tilted, you know, very awkwardly into the tree. So he already started to stage the scene, put her in that jeep and let her bleed. He goes into the bathroom, washes up, gets those bloody clothes off that he has on. He could have taken a shower, ladies and gentlemen, because remember what I told you, the last time we know she makes any kind of contact with anyone who can confirm that she's alive is her sister at 7:13 p.m. So she could have sat there and bled in that seat three to four hours. So why? Why did he kill her? It's all about control. It's all about wanting what you don't have. He stayed out all night from the Christmas party, the bike members were resigning, they're getting out of it. She finally stood up to him, Judy stood up to him and said, "This is not going to happen anymore, Teri King cannot be a part of our lives." It was making her hysterical. It was making her a different person with her family. Then remember, he was also going to Kentucky. There was a lot of talk about packing up a bunch of toys and things to take to Kentucky, and originally the defendant wanted Teri King to go but she wouldn't because she had a new job, but there was no indication that his own wife was ever going, it was because he didn't want her to go. So first responders. They said "We are responding to a motor vehicle collision," you heard the 911, it's with an ejection. The defendant knows how everybody is going to

show up. Then the defendant says to T. Melton, who actually says he knows the defendant, he's known him through 911 dispatch, defendant said that he took her out of the water. But whenever they got there she was actually face up still in the creek, eyes swollen shut, severe laceration to the head, the defendant had blood on him. Now, John Faulkner, he didn't say a whole lot, but what he did say, which I thought that you did understand the importance of it, was that raccoon eyes means that the person has a traumatic injury to their head, probably a skull fracture. He said, you know, when you see that you know that they're in bad shape. So when you think about it, and you heard what the expert said, the medical experts, how quickly blood will flow into that area because of the way that the bone is around the eyes, that the eyes will get swollen shut pretty quickly with that because that's where the blood is flowing. So here is what I can tell you, the defendant is very aware of that. The defendant knew when he saw her eyes starting to swell shut after he had beaten her and she was bleeding heavily, his own words, blood was everywhere, her eyes started to swell shut like that, he knew she had a traumatic injury. And that laceration, it speaks for itself, but that laceration is not going to explain the swelling of her eyes. What explains that is what the medical doctors tell you, and even this EMT, who's been doing this for years, and that

means she had some type of either skull fracture or major brain injury. So another person he says that I didn't lose consciousness, Tyanne Perry, first person on the scene. What are you going to do? Tell these people what's hurting, right? Okay. Well, back and shoulder pain. Head hurt? No. Loss of consciousness? No. Once again this is right after he calls 911. He's not controlling the narrative yet. Remember, he changes this whenever he starts to be interviewed by highway patrol when he says, "Oh yeah, I did lose consciousness." Lieutenant Thomasson goes to -- he's looking -- he's from Chester County and he's like, gosh, this was a rough ride, somebody got thrown out, the vacuum cleaner didn't even fall in the back of the car. All of the cleaning supplies are still sitting straight up, didn't make sense, but he's not an investigator, he said he left that to Chris Reynolds. He went to the house and did see lots of blood, stayed there while Reynolds was at PMC, didn't tape off the scene, he said that's an investigator decision. But he said it looked like someone tried to clean up. Smears but no other blood on the way to the bedroom. So here is some more witnesses that we have, the medical witnesses. So I've already told about the history, he denied having loss of consciousness. Sergeant Rickard goes in there. Highway patrol in the interview, and I've told you he is now changing the story within five hours to fit the evidence,

then we have Lance Corporal Winburn and we have this picture. Look at that. You cannot -- if you tried to get more detail from a tire track you couldn't get it. And this is from someone who supposedly was going 55 to 60 miles per hour down a country road with no shoulder who lost control. That did not happen, ladies and gentlemen. So the observations of Judy, what he observed, Winburn. Never seen bruising like that at a fatality. All of the color had drained from her body. Injury to her head did not match someone being ejected. No damage to the vehicle. Every single one of the highway patrol said that except for the plastic under plate. He noticed the passenger seat was leaned back saturated with blood to the point he said he got a stick and touch the seat and blood would ooze out. That is where all of her blood went other than where you saw it around the mantle when he attacked her. He said that the tread mark from the jeep tire shows a low rate of speed. So his documentation on the report, the very first thing he does, he goes into the ambulance and he said, "Okay. Were you the driver? Yes." He's doing a checklist. "Were you wearing your seatbelt? Yes. Was the passenger wearing her seatbelt? Yes." Bla bla bla. He's going through and he's listing all of this stuff. Weather was clear, not raining, getting foggy later through the night. Then it's the first time they're hearing of a fall. And remember, later on

there's a lot of questions back and forth from people, "Was she wearing her seatbelt? We don't understand. How does she get ejected? I don't know. I don't know." Well, he can't answer that for sure, because if she had on her seatbelt she wouldn't be out of the vehicle and he knows that. So then we have Lance Corporal Brian Trotter, he's the one that I told you got up, gave all of these conclusions regarding what was going on with the EDR. Conditions that initiate recording of the actions of the vehicle mean sudden or abrupt breaking input, sudden or abrupt turning input, rapid deceleration of the vehicle. Impact or impacts of the vehicle among others. What was there? Nothing. No event. Nothing. There was no evidence that he swerved off the road. There was no evidence that there was a violent avoidance maneuver, and despite multiple statements by the defendant that he lost consciousness because his maneuvering to avoid a head on collision was so violent, nothing. So when there was nothing that's actually registering, what they were able to tell you within a reasonable degree of scientific certainty is that the vehicle at that point as it's being controlled by the driver does not get over or register over five miles per hour. He had complete control in his plan. Then Trotter said the detail quality of tire marks work like a fingerprint. Remember, he was talking about whenever you -- if you just

kind of mash your finger on there it will -- the ridges -- you can't see it, kind of get smudged, but whenever the tire comes off and it is so perfectly imprinted into the dirt because there's no backing getting squirrely, that he was -- that was one of his statements, "The back end got squirrely on me," that didn't happen. So we have no evidence that she was thrown out of the windshield, side window, no rollover, nothing. He had complete control the whole time. And he didn't lose consciousness because he knew what he was doing, he drove it all the way down to the bottom, got it to where he needed it to be and put his plan into motion. So let's talk about the undisputed injuries medically. So this 4-foot-11, this is the top of her head, okay? I'm 5-9 so she's a tiny little thing. Blunt force trauma to the head. Subdural hematomas, that is a fancy word for contusions to the brain, clotting of the blood on the blain. Subarachnoid hemorrhaging, that's the pictures -- it's kind of hard to look at, it's when your brain is actually completely exposed and you can see the blood all of the way around the brain itself. And Dr. Beaver in his presentation told you one of the first things that happens with a subarachnoid hemorrhage is loss of consciousness, so she would have been out, and that's exactly what Dr. Ross, the State's expert witness, said, she would have been out within minutes. Still bleeding, not dead yet, but she would have been unconscious.

Complex laceration over the right eye, it's a very vascular area, she would have bled heavily. So we've got Dr. Stone, the first autopsy. The first autopsy confirms there was brain swelling, four by three inch hemorrhage under the laceration. That means that where that cut was, that complex cut, there was a four by three inch hemorrhage under that. Remember, that's like a contusion, that's inside. Then you've got a three and one half inch hemorrhage in the back of the scalp. Remember, Dr. Ross told there were two impacts, two impacts to her head, not just one from a fall. 24 centimeter skull fracture. Dr. Stone confirms this and so does Dr. Ross. And it's interesting whenever you look at it, and you can decide for yourselves, the defense is trying to say that there's some type of artifact during the autopsy based on how the body is moved around, how the saw is used and all of that stuff. You know, being a Monday quarterback is easy to do when you're there looking at the body, looking at the skull, looking at the injuries, documenting it, measuring it for yourself, you have to the best way of knowing what those injuries are to that person, and we've got two people documenting it within 24 to 48 hours of her death. Looked like three possible sights of impact, definitely two. Would have to have fallen from a significant height to suffer that kind of a skull fracture. He does not draw a conclusion in regards to a manner of

death because this is a complex case, he needs more information. Here is the laceration to her head. Complex, shows multiple impacts, it's not connecting, that's a severe injury. Now, Dr. Ross, she's a board certified forensic pathologist. She did the second autopsy, and she said doing the second autopsy does not hinder her ability to be able to look at the skull, the injuries. She doesn't have to go through all of the organs at that point because she's not doing this for tissue samples, there's no claim that she's been poisoned or something like that. What we're looking at are the injuries that were there from the original autopsy to her head. We are now at this point trying to figure out, okay, we kind of all agree to a cause of death, blunt force trauma to the head, we need to figure out how it happened, because what the defendant is saying happened doesn't fit the injuries, the level of injuries, so she takes it. And here is the thing that was interesting, too, is that the defense kept saying she changed her report, she changed her report. What she did was she had a cause of death, then she put for manner of death pending investigation. So it's not like she had accident and then changed it because Coroner Tinker went and told her to or because the solicitor's office went and told her to or anyone, it was pending investigation, which means exactly what it says, "I need more information." And when she got it everybody was

feeling that this is what was going on in regards to the York Pathology Dr. Stone, didn't make sense, didn't fit, and then we've got the board certified forensic pathologist, you know, just one step up from a regular pathologist who will take this information and will put it together and make sense of it, that's what Dr. Ross did. She also had the measurements at that time of the step stool ladder. Because when you say someone falls off a ladder you don't know if they're on some six foot construction ladder or what they're talking about. And guess what? The sheriff's office didn't take the ladder, so we don't have the ladder. But he did measure it, and the top of the ladder just where the handle was was 51 inches, okay? And that's actually testimony in evidence. And we have Judy who is 59 inches, okay? So just kind of -- so we've got the top handle of the ladder is about right here, so then that means you've got the platform and then you've got two rungs. So you see, it's not a big construction ladder that we're talking about, this is a utility step stool that people use in their homes. And when she had that information she saw the massive injuries to her skull, she saw the subdural hematomas, the subarachnoid hemorrhage, guess what? She wouldn't have been able to walk, talk, make purposeful movements. It took significant force to inflict these injuries to her. It was the manner of death, homicide. And the ridges of the stocking holder

are consistent with that complex laceration. And when I'm looking at my phone it's not because I'm looking for anything but I'm timing myself, I don't want to get too long-winded. I want to make sure that I hit on everything because it's all so important, but I also want to make sure that you understand everything that has come out in this case and how it fits. So we've got -- let's talk about the defense. He agrees, Dr. Beaver, symptoms would be unconsciousness from the hemorrhaging, this would be in minutes and death resulting quickly thereafter, and even Dr. Beaver said within zero to four hours of agonal breathing until she would die. Injuries between the scalp and skull. I already said the four by three inch area of scalp hemorrhage under the complex right forehead laceration, so where she had that laceration, that's where the blood collected and has subdural hematoma. That's not an artifact or something somebody gets from ripping the scalp off like Dr. Beaver said, it doesn't make any sense. We can see where the injury is underneath, you can see the -- where the laceration pressed down on her skull, on her scalp, it's right there. You can judge the credibility of each one of these experts, judge the credibility of Dr. Ross, Dr. Stone, but also look at the evidence and look at what makes sense, what's reasonable. There's the injury, that's where he hit her with a stocking holder and that's

where she has a subdural hematoma. There were other impact sites. A four by three area of scalp hemorrhage and a three and one half inch area of scalp hemorrhage in the left occipital region, that's in the back where she had another impact. They're not making this up. These pictures are not something that you want to think about, but they are evidence of her injury and of the attack on her. Then this is a subarachnoid hemorrhage causing loss of consciousness. All that blood around the brain is from where your veins have been torn, they feed your brain with oxygen and blood, and when they tear you're not getting what you need to survive and you are out. So manner of death, homicide, it makes sense. Fractured skull, multiple impacts. The injuries she suffered within a reasonable degree of medical certainty were likely the result of an attack or beating to her head. And that red line that you see around, that is the flow of the actual fracture on her head. And there it is, I've circled it, 24 centimeter skull fracture, a hinge fracture. It was so significant that Dr. Ross said it was like it was on a hinge. So let's talk about the State witnesses, there were several. I'm going to go through them as quickly as I can and try to hit on the points and remind you, because you may see some names on there and be like I don't even remember who some of these people are, and in all fairness you've heard from a lot of people. So I'm going to

remind you kind of the high points of what they provided for you in this case and why each one of them was so significant, some in small ways and some in large. Terry Tinker. He wanted to get it right. Does he know Judy Orr Baldwin? Yes, he does. He worked with her husband before he died, knows this family very well, but he's also been doing this long enough to know whenever highway patrol says, "She wasn't ejected from this vehicle, we might have a murder here, something doesn't look right," his antennas go up. And even remember what the defense expert said, the CSI guy said, "You know, you treat every death like a homicide when you show up until you can prove otherwise, otherwise you miss important facts and evidence you need to get justice for that dead person." He said, "You know what, I'm treating this as an investigation, let's at least do that. Let's do an investigation." Chester County Sheriff's Office. Go to the first autopsy, they're standing back there, Chester County, looks like it could have been from falling off a ladder. "Works for me, my job is done, close up the file, let's get out of here, I don't know anything else I have to do." Yeah. Coroner Tinker was not happy with that and it's a good thing. He goes to a specialist, Dr. Ross. Still no final conclusion but he says, "You know what, we're going to keep pushing forward here, this family deserves to have answers, and we also don't want to let

someone get away with murder." Yeah, he knows the family. He said, "Look, I was suspicious about what was going on with the sheriff's office and why they would not just do their job." It's a small community in Chester. Tinker knows the judge there, likely he's going to know many of the deceased people that he shows up on scenes, it's got to be a horrible job. And was there a conflict of interest? And this is how he explained it, he said, "You know, maybe I should have pulled myself out but I wanted to be sure that at least the sheriff's office was doing their job first and get SLED in there to do an investigation before I pulled out, otherwise nothing was going to happen." And yeah, he was mad, and yeah, he was butting heads with the sheriff clearly, but it doesn't change the facts of what is going on here. And then he finds this. We have a picture of Sheriff Alex Underwood and the defendant less than months, what was it, September 30th, 2016, in a photo together and he posted on his page. Now, you've heard from Phillip Perry saying that he knew that the chief deputy would go hunting with the defendant. You heard from Chris Reynolds, "I had to take everything up to the chain of command." And in one of statements of defendant at the very end when he is talking to Chris Reynolds he says, "I need to talk to your sheriff about something." This is when Chris Reynolds says, "I'm going to turn off the audio, we're not recording you

anymore." And then he says, "Yeah. I'm hearing one of your detectives are saying this is a criminal investigation, I need to talk to your sheriff about that." Chain of command. He admitted he didn't do a good job, could have done better. He kept saying in his interview, "This an accident," over and over again, "She fell, that's how she died." He said, "I got on the ladder and put a star on the top of the tree and some balls." He had no issues with the ladder. He is taller and bigger than his wife but it doesn't have the screws pulled out and him fall and have some horrific fall, but when she supposedly gets on there all of the sudden we have a defect. I contend to you that is not reasonable. So then the defendant is fed information from Chris Reynolds about the scene, he gives him a way out. There's blood on the bathroom floor. And y'all can listen to this if you want to, I just actually pulled out pieces, "But there's no blood on her face at the creek. How does the blood on the bathroom floor get there? Was she laying down? Oh, yeah, yeah, she was laying down." Well, you heard the expert yesterday say there's no indication she was ever laying down in the bathroom, it would be obvious with that blood stain. "Did you wipe the blood off of her face at the creek? Because we think she was still alive and got out and walked around and then fell into the creek, but that doesn't make sense because she doesn't have any blood on her face.

Jamie, did you wipe her face off? Because obviously if she would have been still been bleeding there would be flow going out of her face but we don't understand, help us understand that. You have to have wiped off her face, didn't you? You know, yeah, I think I did. When I was holding her I think I wiped it off of my hand." Unbelievable. Helping him control the narrative. So Kay Black, Judy's best friend, she said that she would never climb the ladder even to clean. Judy loved the defendant but there were changes in 2016. She noticed Teri would start staying over at Judy's house on the weekend. Bike club members saw things that they didn't like, money is missing without receipts, all of these things that you heard, the Christmas party and then the way that they found out regarding how or what happened to Judy. Randall Black. He says Teri King called him early that morning, it was around 3:00 a.m., and said there was a car accident and Judy didn't make it, and that's it. He said he noticed that before that the defendant and Teri had been touchy/feely, he had problems with that. He confirmed all of these things are going on. There are problems in this perfect marriage despite what the defendant said. Then we had Pastor Keith Hinson. He doesn't have anything to gain in this case whatsoever, none of these people do, but what he tells you is that obviously she confided in him about concerns with

their marriage and he told her to communicate. Their marriage was not perfect. He said they never argued, that absolutely is untrue. Rodney Wright, the nephew who came into the house to get the dog, he walks in there and he tells you immediately "I wasn't prepared for what I saw, I thought she just fell off a bladder. There was so much blood someone should have called 911. I was shocked." He tried to get the sheriff's office to let him come and meet with them and tell them what he saw, ask them what's going on, what happened, nothing. They were very dismissive, he was never interviewed by law enforcement. He found more blood in the bathroom. He is walking through a crime scene at this point, and this is his aunt who has died, they haven't taped it off, and he also says, "The ladder is upright when I get there." The only person that had been there between the time that the defendant left and staged or altered the ladder and put it into the tree was the sheriff's office, Chris Reynolds. And we have two people that said that when they went there after the sheriff's office and saw the ladder it was standing upright, it was not in the tree. Mary Ann Wilkes confirms that she talked to her sister at 7:13 p.m. Just like when you have a cell phone and you're looking at it and you're like, "Oh my God, I just talked to that person last night, I can't believe they died, I can't believe they were in an accident," and

you go back and look at your phone, it's 7:13 p.m. Boy, it sure would be nice to have some phone records. It's a good thing she took the time to look, but we already know that there's no phone records that we have from the night of this particular event because the sheriff's office did not get them. After the funeral she asked the defendant, "Come to the house, this looks bad, we're family. No, I think I'll stay here and eat some fish." It shows his intent. Tammy Jacobs, the neighbor. She said Judy was finished with a Christmas tree, this is important, it was done. He staged the entire situation in regards to there still needing to be work done on the tree. She said they talked everyday. She called the defendant to find out what happened. Everybody was confused, they weren't getting any answers from anyone. He told her the next day she was ejected out of the vehicle. Jesse McWaters, the great niece. She was very close. She's a college student, young girl that came, she said she would go and spend time with them on the weekends. They would go to dinner in Rock Hill all the time, every time she would go he never took Old Richburg Road, he would jump on Number 9 and get on 77, that's just what he did time and time again. And she started to notice Judy wasn't calling her as much, went from speaking two times a day to once a week. She was shocked, it didn't make sense as to how she could have died. Troy Lalli, he's the one that has High Gloss. He says that

the defendant showed up and wanted to get some stuff out of the jeep, so he calls highway patrol and says, "Hey, you know what, I can't just let you in there, it's locked, I have to make sure it's okay for you to go in there and get whatever you need." He said that while he was on the phone and he goes -- walks back over there he' already in the jeep removing items, he's getting what he wants. Then he said that the defendant offered to sell him the jeep. The damage done to the jeep, he confirms that was done by his tow truck driver, and he said, "I know he thought I was going to be mad at him because he caused that damage because law enforcement, highway patrol said, 'Do not put the key -- or turn it on, put it in reverse because that will mess up the event data recorder. We have to preserve this evidence.'" Highway patrol did it right, and that's the only reason why we know that that accident was not an accident. And also said the T-top to the driver's side was unlatched but it wasn't broken. So if it was from him hitting his head so hard -- first of all he had on his seatbelt so that shouldn't happen, but also there had to have been something broken, unless once again he was manipulating it and opened it. No one else touched it, it was documented as being open at the scene. Teri King. All right. Teri King, she had a relationship with the defendant. She claims Judy was her best friend. That is the kind of best friend that no one

wants. She would stay overnight at their house, would go on bike trips with no other women present, which is fine, but when you get too close and these problems start to happen, Judy knew, Judy knew what was going on and that's when she confronted him about it. She said that on the day of the 14th she was supposed to talk to them around 7:00 because they were going to talk about packing up the toys. I think there was something about whose truck was going to go where to Kentucky and all of this stuff, she was wasn't going to go but she said she was going to talk to them. He texts her and says, she said on the stand, "Judy cut herself." She said in another statement, "She fell so it's going to be late," she can't really remember. She said it probably would have been -- it takes her 35 to 40 minute to get home so it probably would have been about 5:35 or 5:40. She says then about 30 minutes later he texts her and says, "She's going to need stitches so I'm taking her to the hospital." Okay. And then after that he -- about 30 minutes later she said, "We've had a wreck." He doesn't say Judy's dead, doesn't say anything like that, says, "I'm at the hospital, come to the hospital." She offers to call the boys and that doesn't happen. He tells her and Justin while Reynolds is standing there, Chris Reynolds, Reynolds says, "Y'all are going to need to clean up the house." So Teri and Justin leave, go to the house and clean up the scene. Jamie got

home that morning, he says to Teri, "I want the tree taken down." His wife hasn't even been dead for 12 hours and he wants the tree down. Teri gets on the ladder, the infamous ladder that no longer exists, she said there was not a problem with that ladder. He told her to get off when she got to the second step, but she didn't see any problem with it, she didn't have any issues with it. So we've got proof of their relationship. Statements to Randall Black back in November of 2016. Judy believed enough that something was going on she went to her own pastor to get guidance. Texting back and forth on the 10th and 11th, the weekend before she's killed. And then January 30th of 2017 the defendant moves in with Teri, they are living together in a trailer, the two of them. So believe what you want but use your common sense, he was in there, they were texting one another back and forth, "You better not be talking to any men," you heard her admit that that was some of the things that he would send to her. "Boy you make my happy. I miss you." So SLED comes in and we have Agent Grant who is having to come back in and recreate everything to try and put together the pieces of what happened with Judy, and that's not an easy thing to do, ladies and gentlemen, I mean it's just on and on and on trying to get this thing pieced together. You still don't have full cooperation from the sheriff's office and you're also going into a crime scene

that the detective let the son and girlfriend go and clean up before he even got home from the hospital. And remember, she said when she got in there the ladder was standing straight up, too. So no statement from witnesses, no ladder, so they do the best they can. We've got SLED DNA that comes in. Dawn Claycomb takes hundreds of photos of everything, processed the jeep and she actually does the swabs. They also do swabs from stains in the home, and you'll see, those are the stains that tested positive for Judy Baldwin. So here is what we're talking about, ladies and gentlemen. Stain A, which is right there above the mantle, okay, that was Judy's blood. Stain O, way up here, okay, this is above the door -- French door and above the iron, Judy's blood. Q, Judy's blood. And you can't even see it in this photo, P, all the way up, Judy's blood. Confirmed by SLED, no question. And here again you can see where A, S is Judy's blood, high above the mantle, not from someone who was falling down. Even the blood spatter guy said there is blood that's either being cast off or thrown from an object. Well, we know that this is her blood. Now, here is her in the creek, and as you can see, it's really important to notice here is -- I was asking questions about whether or not there was blood on her arm, blood on her -- running down her face, blood in her hair, and oh no, no, no, no. I mean, there was no blood on her right arm, all of the

blood was here on the shoulder, that just didn't make any sense, and that the hair being saturated would have nothing no do with it, that was from their defense expert. So here is what we have here. That picture, not from where her hair is in the water at that point, but look at that point of impact right below her ear, that is blood. Remember, whenever you saw in the seat that coagulated blood that was right there in the corner of the seat where a 4-foot-11 woman with the seat laying back would be laying, whether I had my head like this or like that, all of the argument about that, the bottom line is this, you can see the coagulated blood in her hair, that is not water, that is blood. Her left arm where the defense expert said, "I remember seeing her left arm, there was some little spot of coagulated blood on her left arm," it's submerged in the creek, so that's not true. So I asked about, "Well, what about her right arm? She is laying over in the seat bleeding, saturated the seat. No, no, there's no blood there." So why? Why wouldn't there being any blood there? No blood. It's because it's all going down her back. It's all going down here through -- into the seat, and she had stopped bleeding by then, because if she was still bleeding that arm that is not in the creek that is not wet would have blood on it. So the attorney for the defense, he comes in late in the game and -- well, he was called early on but

late in the regards to the ladder. So he says basically, "I can't tell you that's even the same ladder. I can't tell you that he may have manipulated it and pulled that screw out himself." So that's the end of that. Les Powell. Same thing. Saw the ladder folded up and leaning on the wall in garage at Oakwood residence, this would have been before the defendant moved out. First time he saw it folded out was six months later at the lawyer's office, and he's like, "Hallelujah, it's going to exonerate my friend." But he also agreed that he could have damaged the ladder, the defendant could have. "I was not told Judy had died from falling off the ladder." The defendant told him she was thrown from the vehicle. Blood pattern analysis. The biggest thing with the blood pattern analysis, the language that Mr. Gardner uses and the language that I was trying to use obviously didn't work out, because what I wanted to do was try to get it to where it would be easier to understand what does that really mean. So after I realized that he wasn't going to necessarily give me an easier understanding I said, "Okay, here is the thing. Can you agree there are two explanations, someone directed violence towards Ms. Baldwin or she could have fallen against it, the stocking holder? Yes. The scene with the ladder was altered, it was moved after she was injured. Yes." Okay. Diluted blood in the sink, the defendant was in the bathroom, he interacted

with the scene, there was no assaultive behavior in the bathroom, she did not lie down in the bathroom even though the defendant says that she did. There was a smear of a bloody object. There's no evidence she was removed from the living room to the bathroom, no drag marks or smears. Someone bleeding that profusely, the reason why that didn't happen is because he took her through where the hardwood floors are in the house around out to the garage where the jeep was, which is where he put her so she could bleed. He could clean up the hardwood floors, he could not clean up that carpet, that's why he did that. He says, "Always treat a death scene as a homicide until you know otherwise. The crime scene investigation in this case was trash," I actually had that in quotes. So if you put trash in you're going to get trash out. So I contend that the conclusions that he could give us at best give us a conclusion that she was either killed with a blunt force object, struck more than once, or we just don't know. And here is that blood. And then there's also -- he's not a doctor, he's saying her head would be up, she would be bobbing around and everything. And I tried to say, "Well, what if they're only going about five miles per hour?" And, you know, these are the kind of things, use some logic here. Here is the seat leaned back, that's where she was laying. Forensic pathologist for the defense. He agreed he never made his

own measurements, personal observations as to injuries, he only reviewed what they gave him. But everything that he had to say was it's an artifact, if he couldn't explain it, "Oh, that had to have happened from the way they handled the body." Hat band injury. Expect an injury from a fall, not from a blow to the head, which would be above her head and not above her eye. I just put a bunch of question marks there, because when I tried to say, "Well, what about when you're talking about injuries that boxers get?" And he was like, "Well, no, but if you're doing a fall it would be -- she would have had to have been hit on top of the head, or she would have been here at the hat band, so if someone was hitting her it would have to be up here." I'm like, "Well, what if he's standing right in front of her and punches her in the eye? No, it doesn't work that way." So you can weigh the credibility of the witnesses, but he does say that doesn't prove anything, it just suggests it anyway. Within a reasonable degree of medical certainty he says it's an accident. He basis that on the fact that it's consistent with a fall from a ladder, but he also admits it's also consistent with a beating or an inflicted blow to the head, yes, so then you could conclude it was a murder. He's choosing the facts to follow to draw his conclusion. Then I said, "You know, there's some indication or evidence that the leaning ladder was altered so the injury would have

happened from some other mechanism and not from falling the way the ladder looked. Oh, I disagree with whoever said that, they're wrong." Well, the expert that was just sitting in the chair right before you, Dr. Beaver, was the one that said that. And he said the agonal period between death would be zero to four hours. So in the defendant's own words, ladies and gentlemen, the devil is in the details. I'm telling you, he has these stories to try and push this investigation out to where he would get away with murder. I've told you what he said at the hospital, six days later at the sheriff's office he went to Chicken King for supper, home around 7:30. Well, the day after, "We ate supper at 5:30 and 6:00." Went to the shop, came back in three or four minutes later and she had fallen from the tree. Judy wanted to finish the tree. He put the star on it, used the ladder, no problems, put the ladder up and leaned it against the wall, went outside to the shop to put up tools, came in, Judy was on the floor. "She fell back over, I picked her up. She wanted to lay down, I said no. Got down the steps to get in the jeep, I dropped my bath cloth," she's talking to him. "Sat her on the front of the jeep." Another way he's going to try to explain how blood gets on the front of the jeep, changing his story. And then the wreck. Couldn't find her anywhere, back and forth, back and forth. She was laying near the creek instead of now in

front of the jeep. She probably walked around the jeep and bled on it. Thank you, Detective Reynolds, for interjecting that possible excuse as to why there's blood on the front of the jeep. Back in the house. "Did you go into the bathroom first? There's blood in the bathroom but no blood between the mantle and bathroom. I need you to explain to me, defendant, why there's no blood between and there's blood on the floor. Well, she laid down in the bathroom, we cleaned it up. I even sat her on the vanity chair while she was in there." The first time we're hearing all of this and he never says it again. He says that he's going to stop the video recording. There's blood in the jeep, I'm on the outside, giving him an explanation, explaining wiping the blood off her face. "Explain that, because if she was still bleeding we would need to see blood coming down her face. Oh, yeah, I was holding her, I might have wiped the blood off her face with my hand." And at the end he says, "I need to talk to your sheriff. We were a perfect relationship, never argued." Then at the end -- and I'm getting really close and I apologize because I know this is a lot, "Judy cooked that night," this was after he was arrested on August 15, 2018, "She cooked that night." This is the first time we've ever heard cooked. "Went upstairs to do paperwork while Judy was cleaning the house, she's fanatic about it. What kind of paperwork were you doing? Working

on a grant." It's the first time we're hearing of a grant. "Top of the Christmas tree was crooked, I got the ladder out to fix it," another change in story. Again, got on the ladder, no issues, went all the way to the third step. She's putting boxes in the attic while he puts tools in the shop, he's outside for about 15 minutes, he sees her on the floor trying to get up, "I go to pick her up and we both fall." Where is that coming from? That is kind of a big deal. "She couldn't get up on her own. I couldn't stop the bleeding. I'm talking to her. She's on her knees and I'm standing behind her." Very important. She is on her knees and he's standing behind her, because at that point he's remembering something that happened and there are just little seeds of the truth in some of what he says. He is standing over her and that is him impacting her, that's where the cast off blood is coming from, he's hitting her while she's down, and she's already bleeding by that point. Remember, she has to be bleeding by that point. He gets the shoes out of the closet, and he says he puts her on the front bumper again, seats reclined, her head is hurting, on and on and on. He chooses Richburg Road. "How long were you at the house before the fall? Fifteen minutes to an hour. It was foggy, raining, wet. I lost control. When I woke up I figure it had thrown her out, couldn't find her." Confirmed she was dead. The ladder. "Well, it burned up

and I threw the pieces away. I was spending time with Teri for the grant for the motorcycle club." This is the motorcycle club that was being dissolved basically. "You called Teri in the ambulance. I don't remember but it doesn't mean I didn't." Judy upset with the time you're spending with Teri. "Yeah, I know she was upset with the time I'm spending on the grants." You don't remember calling people but don't call Chris or Josh to tell them, "Teri called all of them," but we know she didn't. Here is what happened, ladies and gentlemen. They have an argument and it's about Teri. She says, "It's over, you stop with her or you leave." He hits her in an argument, maybe she turns away from him, they're at the mantle, clearly that's where the blood is, he grabs it, he hits her, she goes down, he hits her again and again. There's blood everywhere. He then puts her in the jeep, reclines it, she's totally unconscious, leaves her there to bleed and then it's the oh crap moment, "How am I going to play this off? And that's where we have the altered crime scene, where we have the ladder leaning into the Christmas tree going a very bizarre way, away from where she would have hit herself on top of blood that was already on the floor from him hitting her. Claims his plan is to drive her to the hospital but wants to be sure she is dead, so he takes a back route down Old Richburg Road slowly, intentionally and methodically while

he listens for her agonal breathing knowing that she's on the verge of death, looking at the swelling in her eyes knowing she has got a traumatic injury, and also knowing at that point I better come up with another way to explain her injuries because she has major injuries to her head. He does the fake car accident, says she's thrown from the jeep, manipulates the door as to how she could have gotten out, she has to have a way out of the jeep, gets to the bottom of the creek, pulls her door open, his blood is on the door, transfer from holding Judy, saturated seat, touching her saturated seat, moving her out of the jeep. Ladies and gentlemen, if you look at the reasonable total picture of what happened, what you see is the inevitable plan of the defendant to do away with his wife so he can do what he wanted. That's it. That is the only thing that makes sense. This was not an accident. Even the defense experts agree that it could have been an attack. Even the blood spatter guys said there's evidence of more than one impact with an object. She didn't hit the mantle and then hit it intentionally again, she was beaten. The evidence is clear, it is convincing. It is circumstantial, and you know why? Because the only other person that can tell us what happened is dead, she's gone, and he made sure to mess up every opportunity for you to get the information as clearly as you could, so we brought it to you, and it is ugly at times but

it makes sense. Use your common sense. He murdered her, he did it with malice, he intended to do it so he can move in with his girlfriend, which is what he did. So look at the circumstantial evidence. If you are convinced it's consistent, it's what makes sense, then that is guilty beyond a reasonable doubt. Ill-will, hostility towards a person, the intentional doing of a wrongful act without just cause and with the intent to inflict injury. He hit her, stood over her and hit her again until she was unconscious, and then he left her in the jeep to die. She wanted the perfect house. She was small in stature, large in life. I told you that whenever we started, everybody loved her, and she stood up to the man who was supposed to love her back and he took it all away. His multiple stories are lies, they're not reasonable, they don't fit, and when they don't fit he changed them. He attacked her, he killed her and he is guilty of murder. And I'm asking you to review this evidence, use your common sense and come to the only reasonable conclusion about what happened to her that night. Thank you so much for listening.

THE COURT: All right, thank you. Ladies and gentlemen, we'll take a ten minute break before we hear from the defense. Again, do not discuss anything about the case that you've heard or seen during the break, we'll have you back in here in about ten minutes, refresh yourselves.

Everyone remain seated while this panel is excused.

(The jury left the courtroom.)

THE COURT: Could we have the lights back on? Ladies and gentlemen, we'll take a ten minute break. However, once we come back and the jury is in here and the defense begins their opening, no one will be allowed to come in or out of the courtroom, so if you want to be in here for the next part you need to be here in ten minutes seated in your seat.

(A recess was taken.)

THE COURT: State ready?

MS. LIVELY: Yes, Your Honor.

THE COURT: Defense ready?

MR. JAMIESON: We are, Your Honor.

THE COURT: Let's bring in the jury.

(The jury returned to the courtroom.)

THE COURT: Ladies and gentlemen, the defense can do their closing. Mr. Jamieson?

MR. JAMIESON: Thank you, Your Honor. Ladies and gentlemen, thank you for being here. I know it has been a long trial, I'll try not to prevail on your patience anymore than we have to. I have to say that was quite a tail, that was quite a tail. It's good to see that the State is staying true to form. Throughout this process they have mischaracterized things, they've told you half-truths, they've asked you to assume. They've done everything they

can to misrepresent the facts in this case, and that's what you do when you don't have any evidence, when you don't have the evidence, you try the people. If you believe that story what you have to believe simultaneously is that my client is a criminal genius, a mastermind, and he's a complete fool. Because you have to believe that he staged all of these events, but then didn't use these staged events. You decide if that makes sense to you. Now, what the State has to prove in this situation is they have to prove that my client murdered Judy Baldwin. And murder is the intentional killing of another person with malice aforethought, and the Judge is going to instruct you that they have to prove every single element of that beyond a reasonable doubt. Now, reasonable doubt is the kind of doubt -- our supreme court has defined it, it's the kind of doubt that would cause a reasonable person to hesitate to act. It's the kind of doubt -- if they're beyond a reasonable doubt what they've done is they have firmly convinced you of my client's guilt, and I submit to you that after having sat here for seven days they have not done that. Now, that's not just an idea, it's not just a theory, it's the bedrock of our justice system. It's an important constitutional right and my client is entitled to the benefit of the doubt. And the reason it's that the way is for two reasons; one, the State has tremendous resources at their disposal, but the most

important reason why that's important is because our justice system is set up in such a way that we don't want to convict someone when they're innocent, we don't want to wrongly convict someone, that's why he gets the benefit of the reasonable doubt. Now, they have to prove beyond a reasonable doubt, they have to go above and beyond that, and I submit to you that they have not done that. Let's talk about doubt in this case. In my property over there is my favorite book, and it's a compilation of the stories of Sherlock Holmes, you may or may not be familiar with him, but he was a fictional detective. And I'm not talking about Robert Downey, Jr., if you have seen that movie completely disregard that, but Sherlock Holmes has a saying throughout his cases, he was the person that they called in when they -- when the other people couldn't prove the case they would call him in, and his theory and his method of operating was this, he says, "It's a capital mistake to theorize before you have all of facts. It clouds your mind and you find yourself twisting the facts to suit your theory." Now granted, Sherlock Holmes is a fictional character, but if you think about it the scientific method, which is what every scientist is trained with, is based on that idea. You don't take the facts and twist them to suit a theory, you get the facts and it leads you to a theory. And what happens when scientists fail to do that? An

example of that would be the bad drugs that we have where they put some drug on the market and then we find out later that it hurts people or kills people, they have abandoned the scientific theory when that happens and that's the result of that. And that's exactly what the State has done and that's what they're hoping you will do, they're hoping you're going to assume, they're hoping you're going to assume that a lot of witnesses equals proof. It doesn't. It depends on what the witnesses said and whether they were credible. They want you to assume that a lot of exhibits equal proof, and it doesn't. It depends on what those exhibits show you. It's not your duty to assume, it's your duty to determine the facts in this case. Don't fall into that trap. Don't assume that what they told you is the truth. I'm going to go over some of the testimony but I'm not going to do it like she did, because the plain fact of the matter is evidence is not what I say it is and it's certainly not what she says it is, evidence is what you heard from the stand and what you see in the exhibits. You can take any statement made by any person and you can pick out little tiny parts of that statement and you can mischaracterize the substance of what they said and she did a decent job of that if you accept that on the face. You heard the testimony, you saw the evidence, it's not your job to assume, it's your job to make the State prove their case

beyond a reasonable doubt. We don't have to prove anything, and the Judge will tell you we don't have to prove anything. Let's talk about the MAIT Team. Now, apparently the State's theory is that my client staged this accident somehow to cover up a crime, and the MAIT Team did spend a lot of time investigating this case and proving that Judy was not killed in this accident. What's the problem with that? Well, the problem with that is that nobody ever says she was killed in the accident. If you'll remember my client was telling anybody that would listen that night that she fell at home, she got hurt and they were on the way to the hospital. He told the medics at the scene, he told Winburn, he told -- certainly told Rikard in a long recorded interview the night that this happened, that my wife was not hurt in this accident. The MAIT Team arrived and saw Judy Baldwin lying there with severe injuries and the injuries didn't match the accident, so they went into their normal process to prove that the injuries didn't occur in the accident. Nobody ever said that they did. My client certainly never said that they did. There again, he's either a criminal mastermind, he staged that accident, carefully planned and staged that accident, and then he's a fool because he didn't tell a single person that my client -- my client never told a single person that she died in that accident. You can't have it both ways. What's the point of going to all of the

trouble to stage that accident and then not use what you staged, not tell a single person that? It might be a little different if he had told somebody that and then they expressed some disbelief and he changed his story, but that's not what happened. That night in the hospital in his hospital room he told Rikard in a recorded interview, and, of course you can listen to that if you choose to, "My wife fell at home, she was badly injured and I was taking her to the hospital." In fact, there's only one person, one person that said Judy Orr died in this accident or was badly injured in this accident and that was Josh Orr, and he did that in a civil suit and he did that for money. He's the only person who ever said that. Now, she talked to you about the black box, she mischaracterized that completely, because not a single person on this stand testified that that block box showed he was driving five miles an hour and nobody testified to that. What they told you was the black box didn't record anything, that's what you can conclude from that, it didn't record anything, and there's a lot of different reasons why it might not record anything. The black box is there primarily for the purpose of telling airbags when to deploy, and that's what the troopers all told you, and the airbags didn't deploy in this accident, and airbags don't always deploy in every accident. That doesn't have anything to do with the severity of the

accident or the speed of the accident, it has to do with where impacts occur. Now, the next people you heard from was Judy's family and friends, and it's clear from their testimony that they're hurting, they're sad, they're grieving and they want somebody to blame, and that's a normal human emotion, it is. This was a tragic loss by all accounts, including my client's accounts. Judy was a fine person. But it's not your job to -- their guilt or their grief or their loss, that's not your job, but I understand how they feel and I'm sure you do, too. It was also clear from their testimony that my client was never accepted in their family, not really, he never was a real part of their family, and that certainly got worse after the accident. But I tell you what the family and the friends never did tell you, they never did tell you a single incident, not one in five years, of my client raising his voice to her, shouting at her, putting his hands on her, pushing her, shoving her, hitting her, they never told you that, and don't you think they would have if they could have? That wasn't in his character and they weren't able to testify to that. Now, they told you that they didn't like the way that he handled the notification of the family, and that they didn't like the way that he handled the funeral arrangements and the time after the funeral, and he probably could have handled that better, but what I want you to keep in mind is

that he also suffered a loss. He loved Judy Baldwin and everybody says that he did, and he lost her and he was suffering and he was upset, and he probably wasn't thinking as clearly as should have about funeral arrangements and notifying family and being cognizant of other people's feelings. I think he should get a little bit of consideration for that. Now, they brought Randall Black here to tell you a story about my client admitting an affair, and you remember the circumstances of that story. He says he's at a retirement party for a Marine and Jamie Baldwin just approaches him out of the blue, pulls him out of the meeting and starts off with he's having an affair with Teri King, and I submit to you that that circumstance just doesn't make sense, that's just not the way those kind of conversations come up. People don't make conversations like that out of the blue, and I was careful to ask him, "Was there any lead up to that? Were y'all discussing that? No, he just told me." And then they brought Kay Black to talk to you, and Kay Black told you that they were fighting four days before Judy died. They may have been, that doesn't have anything to do with what happened four days later. I can tell you from experience I'm married, I suspect many of you may be, sometimes you argue. You may have a good marriage, I do, but me and my wife don't see eye to eye on every single issue all the time, and I'm sure

Jamie and Judy didn't see eye to eye on every single issue every time, but that does not mean that he killed her. Kay Black also told you a significant detail because it fits in with the State's narrative, she told that Judy wouldn't climb a ladder, absolutely wouldn't climb a ladder because she had a childhood defect, she had something wrong with her legs that prohibited her from doing that. Did you hear a single family member confirm that? Not one. Not one. Don't you think if that was true one of them would have got up here and said, "Yeah, you know, she had this problem and from an early childhood she couldn't climb a ladder." Not one of them said that. When you listen to a story like that think about whether it passes the common sense test. Now, we know that telling a lie is bad, but at least when a liar tells you a lie they tell you the lie and they take a chance that they're going to be found out. What's worse than telling a lie is half-truths, because when a person tells you a half-truth they hope you're going to assume it's true, but if they get caught then they can pretend, "Well, I just didn't tell you all of it, I hadn't got around to all of it yet." I submit that's worse than a lie and that's what the State's case is made on. It's made on half-truths, assumptions, innuendo, character assassination, and I'll give you some examples of that as we go along. Now, the next person you heard from was Coroner Tinker, and he's here

in the courtroom today, he's been here everyday, that's not the way a fact witness behaves. Fact witnesses come give their testimony and leave. You don't see Dr. Ross here, you don't see Ross Gardner here, you don't see Dr. Beaver here. Terry Tinker had a personal stake in this. He knew Judy Baldwin her whole life, he knew her husband, they socialized together. He had a personal stake in this thing. And when he went down do that creek and saw that it was Judy Baldwin he came back up on that bridge and told Chris Reynolds, "This is murder." That's before any investigation had been done, it was before the MAIT Team had finished, it's certainly before anybody had gone to the house. His mind was made up, and he was going to have it that way. Now, you heard him criticize the sheriff's department for not bringing in an independent agency because he perceived they had some personal interest in this, he did exactly the same thing. His personal interest was certainly a lot greater than theirs but he didn't recuse himself, he didn't let somebody else handle it, he handled it because he was going to make happen what happened. Scheduled an autopsy the very next day, and Dr. Stone did his autopsy and he was not able to rule out that this was an accident, Terry Tinker wasn't having that so he scheduled a second autopsy with Dr. Ross and guess what she found? The same thing, couldn't rule out an accident. In fact, even after she changed her report and

even after she got up here on the stand we asked her could you say to a reasonable degree of medical certainty that this was not an accident, and she said no. No. But when he didn't get what he wants from the pathologist he started calling, he called SLED in January trying to get them involved. What he didn't realize was they couldn't come in without the sheriff's permission, so once he found that out he went to work on the sheriff. And he told you he called his good friend, Judge Gibbons, to try to pressure them into doing what he wanted them to do. That's his characterization, "My good friend, Judge Gibbons." He called SLED over and over again, he orchestrated meetings, he pressed and pressed and pressed until he got what he wanted, which is what he said on the bridge that night, "This is murder," without any substance to that, without any investigation, without anything. Terry Tinker is the epitome of a small town bullying politician, he's going to get his way and if he doesn't get his way he's going to pressure to bear until something happens. He didn't let Chester County finish their investigation, he was calling SLED in January. He didn't let Chester County finish their investigation, he called his good friend, Judge Gibbons, in March. What else did he do? Well, he forced them to get a search warrant to get a pathologist report. Dr. Stone told you that the only person who does that is Terry Tinker.

Chris Reynolds said that that has never happened before and it has never happened since. Do you think he had a personal stake in this? And you heard from Dr. Ross, and Dr. Ross conducted an autopsy in December and she changed her report nine months later, and she told you that the explanation for that nine month break in time was that she wanted more information, but she didn't get any other information. Chester County Sheriff's Office said that they reached out to her seven times, seven times to try to bring her the stocking holder, to try to bring her measurements and to try to bring the height of the mantle and the height of the ladder and she didn't return their calls. Remember, when SLED met with her the first time, when Kristen Grant met with her the first time she had already changed her report. Dr. Ross told you on the stand that she had changed her report in the past at the request of the State, and in fact, she told you that 99 percent of her income comes from the prosecution, 99 percent. Now, she admitted on cross examination that she couldn't rule out an accident and that's the truth, she cannot, nor can anyone else. Getting back to those half-truths. What did she say on cross examination? She put in her handwritten notes that Judy Baldwin had a thin skull, an abnormally thin skull. Now, when you have somebody that's died from a fall and had a skull fracture, don't you think that might be important

information? The only way we found that out is I subpoenaed her handwritten notes, had I not done that you never would have heard that information. Half-truths. Finally, the sheriff of Chester County bows to political pressure and SLED gets involved, and they redo the scene at the house and they redo the jeep. They take a lot of photos, they're here, they took swabs, what did that show? It showed that Judy Baldwin bled at the house and bled at the jeep. We already knew that. They conducted a bunch of interviews and those interviews gave you innuendo and character assassination but not proof, not evidence. A little bit of information that they left out until cross examination was was Jamie Baldwin's DNA fingerprints or any evidence of any kind found on that stocking holder, it was not. Judy Baldwin's blood was there but Jamie Baldwin's DNA was not there, his fingerprints was not there, his blood was not there, and the most probable explanation for that is he never touched that stocking holder, otherwise it would have been there. She touched it, her DNA was there. If he had beaten her like the State contends he would have touched it just at the same time that she did. Hers is there, his is not. And then, of course, Kristen Grant comes and presents what she hope is going to be a bombshell, that there was an insurance policy taken out just before Judy's death, of course, on cross examination she has to admit Judy took it

out. There's no proof that Jamie even knew that the insurance policy existed. Is that presenting a fair and balanced picture to you or is that shading the truth just like Dr. Ross did? Now, she also, if you listened to the third interview, she asked my client about calling Mr. Moorhead, and if she knew Mr. Moorhead, she told him, "I'm going to call him, he's not going to tell a lie, he'll tell the truth, is he going to support your story?" She didn't even bother to call Mr. Moorhead. When I asked her about that she said, "Well, he had my number, he could have called me." She questioned my client about a man by the name of Ellis Beam, and I asked her if she called Mr. Beam, it must have been important, she's asking my client about it, "No, no I didn't bother." The truth is that was a butt dial and she knows that. SLED re-did their investigation, they had the case longer than Chester County Sheriff's Office did. Of course, Chester County Sheriff's Office is involved throughout the process because you see him in the final interview, you see Chris Reynolds in the final interview with my client, and that's after he's been charged. But they had the case longer than Chester County Sheriff's Office did and they did not turn up one bit of definitive proof that my client hurt Judy Baldwin. Now, they brought Teri King here to testify, and Teri King they hoped was going to support their theory that she had an

affair with Jamie Baldwin, but she was very clear with you that she didn't have an affair with Jamie Baldwin. She didn't have an affair before Judy died and she didn't have an affair after she died. They took some texts and provided them out of context and said, "I love you." She explained that, and I submit to you that her explanation makes perfect sense, she says that to her friends, a lot of people do that, it doesn't mean they're having sex with them. The other thing she told you, which also makes a whole lot of sense, is that Judy used the ladder all of the time. Of course, the State's witnesses are not going to tell you that because it doesn't fit their theory if she's up on a ladder and she falls and she died accidently and they're not going to tell you that. But you think about that. She held up a piece of pipe of how tall Judy was, if you're 4-feet-11 and you don't use a ladder, you don't have any upper cabinets in your house. My wife is 5-2 and we keep a ladder right beside the refrigerator, because if we don't keep it there she can't get anything out of the cabinet. Judy Baldwin climbed the ladder, she climbed it all of the time, that's the reason they had it there. If they didn't have it there what is it doing there? Now, they tried their best to say that Chester County didn't do a good, and did they do a good job? Not a great job. Even the defense's expert said they didn't do what they could have done. And after having done

this for a long, long time I can tell you that there's not any perfect investigations. SLED didn't do a perfect investigation either, there aren't any, people make mistakes. But Chris Reynolds stays involved in this case to the very end, he's there at the very last interview that they conducted with my client, and on cross examination Kristen Grant had to admit that he never did anything to impede their investigation, he never did anything to misdirect their investigation, he never did anything to stop their investigation. He tells you that nobody at the Chester County Sheriff's Office ever charged my client with a crime, and that in his opinion the evidence was insufficient to charge my client, and that never changed. Now, they brought you this photo off of Facebook, and what that's supposed to show is that my client is intimate friends with the sheriff and because of that Chester didn't investigate this case. Look at where my client is. And think about Facebook, is every picture on Facebook somebody that's intimate friends with somebody, or is this really just a publicity photo that politicians do all of the time? But Chris Reynolds told you that nobody ever ordered him to hold back on this investigation, nobody ever ordered him to not investigate, to not charge my client. And we also brought you Phillip Perry who told you the same thing and he was in the chain of command. There's no evidence whatsoever

that Chester County stopped investigating this case or misdirected the investigation because somebody was personal friends with Mr. Baldwin. Once again, she mischaracterized the evidence and said that Phillip Perry testified that my client fished and hunted with the chief deputy. You heard his testimony, he was up there about three minutes and he did not say that. In fact, the only purpose we brought him here for, the only thing that we questioned him about was whether or not anybody had told him not to investigate, or whether he had told Chris Reynolds not to investigate. Now, you heard from my client, he didn't testify but you heard four hours of interviews with him conducted by trained investigators. And I think it's important for you to think about some of the details about that, but I also think it's important for you to understand the underlying facts there. And again, this goes back to my client either being a criminal mastermind or a fool. When Chris Reynolds approached him at the hospital he said, "Sure, go look at the house, please do, let me tell you where the hidden key is so you can get in." If he's supposed to be that smart about criminal procedure, don't you think he would know that he doesn't have to do that? He volunteered for an interview with Rikard the night of the accident and he told the same sequence of events that night, "My wife climbed up on a ladder and when I came back in the house she had fallen and

hurt herself." And he described the efforts that he made to try to help her, staunch the blood, get her to the hospital. He didn't have to give that interview but he did because he didn't have anything to hide, and in that interview he didn't say not one time that we were in this terrible accident and she was injured in that accident and that's how all of this happened. No. No, he didn't tell it. And I'm going to show you a few pictures here, you've seen them over and over and over again, but they show the scene that night, and I submit to you that they're consistent with what he said. He said she fell at the mantle and that's where the blood is. He said that she was decorating a Christmas tree and there's the boxes. He said that he took her into the bathroom and tried to stop the blood flow and there was blood in the sink and there was blood in the bathroom, and that's where he got the rag to try to stop her bleeding and all of that is consistent with what he has said every single time when he has been interviewed. Now, when Chris Reynolds interviewed him just a few days after Judy was buried he told him the same story, no mention there of this happening in the accident, she was injured in an accident, none of that. What he told Chris Reynolds is the same thing he told him the night of the accident, "She fell at home, go look, take my key, go look." And Chris Reynolds tried to trick him, and police do that and frankly they're entitled to do

that, he went out of the room, came back in and told him, "Well, I turned off the tape, it's just me and you talking." Now, you know he didn't do that because you keep seeing the interview. He tried to let Mr. Baldwin put down his guard and tell him something that he shouldn't have told him but he didn't do that, he told him the same sequence of events even when he thought the tape was off. He told him about going out to the garage and there's a picture of the garage and you can see that's all from the house. He told him about the accident, and there is a picture of the jeep, its final resting place, that let's you know -- he said it was foggy that night, that's a picture of the fog and the visibility that was present. He said he got her out of the water, he obviously made a mistake, it's dark, it's foggy and he didn't get her completely out of the water. He told the detective and everyone else that she was sitting in that seat bleeding and that's what that shows you. And there's the rag that she was using to stop the flow of blood. And there's blood on the door of the vehicle and there's the rag again, and every bit of that is consistent with what he said, not once, not twice, three times, and when Kristen Grant and Chris Reynolds interrogated him the third time for two hours he told them exactly the same thing. They confronted him with inconsistencies, they confronted him with the rumors, they confronted him with Teri King and his

story remained the same. I have here in my notes that there were minor inconsistencies, and, of course, there were, and the solicitor was kind enough to give you a long list of them, and I would ask you to just think about that. Do you think for a second that if you recorded a story today and then told it two years later that there wouldn't be a few minor changes that had occurred? You might misremember something here or there about details about whether you cooked or whether you bought fish two years later? Does that tell you anything at all except that we're all human, and over the course of time we might not remember every single detail? But what's important is if it's the truth, if it's the truth the substance doesn't change, and it doesn't change here. Now, I would like you to compare and contrast the State's case with the defenses's case. We certainly could have kept you here another five days with a parade of witnesses to tell you what a fine man Jamie Baldwin is. We could have brought his family and his friends. We could have brought the guy that ran Kentucky Missions to tell you about how Jamie Baldwin gathered toys for children and took them to Kentucky over and over again. We could have brought you a room full of people to do that. It's not proof, it's just not proof of anything that's relevant. It might be proof that he's a nice guy but that's not what we're here about, we're not here about whether he's

a nice guy, what we're here about is whether he killed his wife. So what we brought you were fact witnesses, not witnesses that are staying in here everyday because they have a personal stake in the case but people who came and said what they had to say and left. We brought you Mr. Moorhead, who is an attorney in Anderson, he doesn't know Jamie Baldwin. Jamie Baldwin consulted with him about a case. He has no reason to protect him, he has no reason to tell anything that isn't true, and he told you that in December or January he saw this ladder and that it had a defect, in fact, that's the whole reason they were meeting. He told you that the fasteners on the left side of the ladder were pulled through and that allowed the step to drop down, and he couldn't remember exactly whether it was the second step or the top step, but he had no reason to tell you that if it wasn't true. Les Powell told you the same thing, that in December or January he saw this ladder not the way the solicitor told you, six months later, in December or January he saw this ladder and the step was defective and that it would drop down a quarter of an inch or a half of an inch, and I would submit to you if you're standing on that ladder and that happens it's going to cause you to lose your balance. Now, he was a friend of Jamie's and he did tell you that they had a good relationship and that he had socialized with them and he'd never seen any

problems and he'd never heard anything about an affair, but the details of the ladder are exactly consistent with what Mr. Moorhead told you. The ladder was defective, and a couple of other people climbed on it and they didn't notice that defect, but they're not as short as Judy, they don't have to go as high on a ladder as she would have to go to do the same thing and that's the reason for that. Now, we brought you Dr. Beaver, and you heard his testimony, and Dr. Beaver is an extremely well qualified pathologist, he has been a medical examiner in multiple states. He teaches forensic pathology, in fact, he teaches forensic pathology at the Medical University of South Carolina, and he told you that he works for the prosecution and the defense. In fact, most of his job now is doing autopsies for the prosecution. And what he told you was that the medical evidence to a reasonable degree of medical certainty was that she had an accident, and that if he had done this autopsy he would have ruled it an accident. He's done more than 10,000 autopsies. He doesn't know Jamie Baldwin, he doesn't have any reason to mischaracterize the evidence in favor of Jamie Baldwin, he testifies for both the State and the prosecution, unlike Dr. Ross who only testifies for the prosecution. He told you that the evidence was simply not consistent with an attack. Was it possible? Yes, it was possible, but it wasn't consistent. You had to twist the facts to make it suit an

attack. He told that Dr. Ross' testimony about her being unconscious within 30 seconds was just simply not true. And, in fact, he related to you that he's been in the emergency room with people who have had similar or even worse injuries and four hours later they're talking and interacting with people and then they die. And there's nothing about this scene that supports Dr. Ross' testimony. If you believe she was unconscious within 30 seconds, you have to believe that she was transported around this scene by my client, the man who's had six back surgeries by the way, you have to believe that, just like when she tried to get Ross Gardner to say that he could have staged that scene at the front of the jeep. Yeah, well, he would have had to put her over his shoulder and hold her in place while she bled. Does that make a lick of sense? No. Ross Gardner said that there was not one bit of evidence to show that she was dragged, transported, moved about this residence or the jeep, not on her own power. And he told you that when she tried to get him to say it could be staged or manipulated he said, "Well, if you want to say the martians have landed theory then I suppose that's possible," and I think that's a pretty good characterization of it. Dr. Beaver said that the evidence was consistent with her being alive at the scene and in the jeep and even after the crash. Why did he tell you that? Because when people are dead they're not

actively bleeding. To be actively bleeding like you saw at the front of that jeep, blood pooled in this fairing, which, of course, didn't come down until after the accident, and the blood all over the front of that jeep and, of course, there are better pictures of it, for that to happen you have to be alive and actively bleeding. The way Candice presented Dr. Beaver's testimony was a complete mischaracterization of what he said. He said that Dr. Ross was wrong, that there is absolutely nothing about these injuries that would indicate that she was unconscious in 30 seconds and dead within five minutes, and, in fact, we know that that didn't happen. He said that the timeline was zero to four hours, and neither he nor anybody else could tell you exactly in that timeline when Judy Baldwin died. But what we could say is she was alive at the scene, we could say she was alive in the jeep, both he and Mr. Gardner testified to that. And again, if something doesn't just pass the common sense factor it just doesn't. You know that if somebody is unconscious and they're being tossed about in a vehicle that there's going to be blood all over the place, and that's simply not the case here. Her head wasn't moving, and the reason her head wasn't moving is she was sitting in that seat and she was conscious and she was controlling her movements, that's what the evidence shows. Now, you can present a scenario if you want to but science

just doesn't lie, that's not what science does. What Mr. Gardner said was there was no evidence here consistent with an attack. Could it have happened? Yes, he says, but it's not consistent. And the reason he said that is because when she was bleeding she was right up on the mantle within a few inches and she was facing the mantle and the cast off passed through the blood spatter and that's not consistent with an attack. So he said there was a real issue with the spacial evidence there, she couldn't have been standing that close and be attacked. So Dr. Beaver disagrees with the idea of an attack, he admits that it's possible but very unlikely, that the most reasonable scenario is that she was injured in an accident when she hit this Christmas ornament, a Christmas ornament that doesn't have any evidence whatsoever that my client ever touched it. Couple of other things that Dr. Beaver said that I thought was interesting, and of course, Candice tried to put that down because it didn't fit her theory, and that was he said that the injury to the back of her skull was very likely to have been caused during the course of either the autopsy or postmortem handling of the body. And what you should note about that is, and you will have Dr. Stone's report back there, he didn't notice a second fracture, he didn't note it, it's not in his report and the reason is it wasn't there. Dr. Beaver told you that the injuries there were likely postmortem, that he had seen

experienced pathologists overlook that on several occasions and that's what happened here. He also told you that when you see injuries that are in and below the hat line that those are most consistent with a fall, that's experience of 10,000 autopsies, and that when you see injuries from an attack, they're typically above the hat line. I submit to you that the scientific evidence in this case matches my client's version of the events, and the reason it does is simple, it's the truth. Dr. Gardner -- I mean, Ross Gardner says it matches, Dr. Beaver says it matches, that's because it does. And even Janice Ross had to admit she couldn't rule out an accident here. Now, one thing else you might want to wonder about is Candice tried to dispute the blood spatter evidence. Wonder why she didn't bring a SLED expert for that purpose? We know they have them because Dr. Ross -- I mean, Dr. Gardner trains them, we know they have blood spatter experts, she didn't bring one and the reason she didn't bring one is because it doesn't fit her version of events. That's why you didn't hear from a SLED blood spatter expert because they didn't have anybody that was willing to get up here and twist the scientific evidence to suit the theory that they're putting forward for you. So what is the upshot of all of this? The upshot of all of this is what the State has to prove is guilt beyond a reasonable doubt, and one of the ways, in fact, the primary

way that they're attempting to do that is with circumstantial evidence. And the Judge is going to charge you about circumstantial evidence, and what he's going to tell you is to the extent that the State relies on circumstantial evidence, all of the circumstances, not some, not most of them, all of the circumstances have to be consistent with each other, and when taken together point conclusively to the guilt of the accused beyond a reasonable doubt, and if those things do not happen the proof failed. The proof failed. If all of the circumstances are not consistent with each other and conclusively point to guilt the truth failed, and I submit to you that that's exactly what happened here. The scientific evidence simply does not match the State's version of the case. You heard Dr. Beaver and Dr. Ross' testimony, I'm not going to beat you over the head with that, but the science doesn't lie, the science is what it is. She asked you -- she asked Mr. Gardner how much did you get paid? "$4,500. They don't pay me for my opinion, they pay me for my time." Of course he's going to be paid for his time, but that doesn't change the science. Unlike the State, science doesn't give you half-truths, it doesn't give you innuendo and it doesn't give you character assassination, it gives you the facts. Now, I've told you what reasonable doubt is, it's the kind of doubt that would cause a reasonable person to hesitate to act, and if they

prove their case beyond a reasonable doubt you have to be firmly convinced of my client's guilt, not kind of convinced, firmly convinced. Now, it's your job to evaluate the credibility of witnesses, and the way you do that is the same way you do it in your everyday life, if what somebody is telling you doesn't make sense it might not be the truth. If a person has a reason to tell you something, if they have a bias or a prejudice or they have some reason to shade the facts you probably shouldn't trust it, that's the way you evaluate the credibility of witnesses, and when you're back there in the jury room every juror has the right to say no. If the State has not proved their case every one of you has the power to say no. More importantly than that, every one of you has the duty and the responsibility to say no if you're not firmly convinced, that's your responsibility and it's a heavy responsibility, I understand that, but that's the role you're given. Now, I submit to you the State hasn't proved their case, they want you to assume, and I'm going to tell you a little about assuming, and it's a true story. Back when I was a police officer I got a call to go to a person who wasn't paying a cab and I was going to be the backup officer, and when I got there the officer was there talking to a man in the back of the cab and the guy was cursing and screaming and he wanted to go back to the bar and he wasn't going to pay the cab until the cab took

him back to the bar. The cab had taken him to his house but he wasn't going to get out. And so Ed stood there for awhile and he talked to him and he tried to reason with him, you know, with a drunk that just doesn't work as well, so finally he'd had enough. He reaches in the back of that cab and he grabs the guy by his lapels and he pulls him out and he pushes him up against the quarter panel of the car he was in, the taxi cab, and that guy just went to the ground like a stack of spaghetti. He made an assumption. The cab driver leaned over the seat said, "Just a minute, his wheelchair is in the trunk and I'll get that out for you." That's what happens when you assume, you make mistakes. It's not your job to assume, it's not your job to accept the half-truths and the misrepresentations, it's your job to determine the facts, and we're confident that after you look at the evidence there will be one conclusion, and that is that my client is not guilty. This was a terrible tragic accident. Thank you.

THE COURT: Thank you, Mr. Jamieson. Solicitor?

MS. LIVELY: I know that each one of y'all have listened during this whole time and you know every piece of evidence in this case that the State has presented to you and has been given to you without a filter with these witnesses. Each one that Mr. Jamieson mentioned had a personal stake in it and they finally had their chance to

come in here and talk about it, and it was because the sheriff's office didn't do their job. Ladies and gentlemen, the expert witnesses in this case, when you look at what their opinions are see what it is that's different about what they're telling you, and what that is is that if you cannot say within a reasonable degree of medical certainty 100 percent, that's why they don't say 100 percent, that this was not an accident then you have to put all of the other evidence together that you have, which is what we've brought you. Even the science, ladies and gentlemen, in this particular case very clearly, depending on who has come up in front of you and talked to you about what happened, what they personally observed, it's all based on bringing together the stories that the defendant has told to so many different people four and five times. The blood spatter expert, yes, I was asking him these questions, but the thing that you need to realize is when I asked those questions of the expert witness he responded to what the science said, and that is that she had multiple impacts, there was blood spatter, there was something that happened at that mantle. There was an altered scene. I didn't use that term, I said staged, he says altered. And I know that y'all are ready to take this case and to weigh all of the evidence. And remember, when Dr. Ross testified, yes, she testifies for the State but she doesn't get paid any extra if she finds

something is an accident or it's a homicide, but her credibility for her dozens of years that she's been doing this to take the time and to get it right is what she did. She said within a reasonable degree of medical certainty she was attacked, she had multiple impacts, she died as a result of those impacts. Clearly that's what happened. You have Dr. Stone who agrees but did not come to the manner of death. So when you have all of this information and you go back there, we don't have to prove everything to 100 percent certainty, that is unrealistic. We don't have a video recording of what happened, one of the people that was there is dead, so what we have to do is put together all of the evidence so that it makes sense to each of you and it leaves you firmly convinced of his guilt. He attacked her, it caused her death, whether it was in minutes, we know she was unconscious within minutes, she bled out in that jeep, he faked that car accident, and the evidence does support that that is exactly what happened to her that night. He cannot take back all of the lies and the details that should lead each one of you to believe that and be just firmly convinced of his guilt beyond a reasonable doubt. He had malice, he had intent, and he killed her. Thank you for your attention.

THE COURT: Thank you. Ladies and gentlemen, as I instructed you earlier the next step is I'm going to charge

you or read to you the applicable law of the case, but before we do that you've been in here a little more than an hour, about an hour and 15 minutes, I'm going to allow you to take a quick ten minute break, refresh yourselves, then we'll have you right back in here. Again, do not discuss the case. Everyone remain seated while the jury panel is excused.

(Jury left the courtroom.)

THE COURT: All right. Before we break, the lawyers had met in my office earlier this morning and we discussed jury instructions. I have provided the attorneys with a copy of the instructions that I intend to read to the jury, and I believe, Mr. Jordan, you had some issues with some of the instructions and you wished to put that on the record, I will be glad to hear from you.

MR. JORDAN: Yes, Your Honor. Our first concern with regard to your charge was that on the reasonable doubt, the charge goes beyond the language in State versus Manning and we would just object to that and would like to put that on the record.

THE COURT: All right, thank you. I note your objection, however I'm going to charge the reasonable doubt that I normally use and is a regular part of our normal instructions, however I did add on page seven the one line the State must prove every element of the crime of beyond a

reasonable doubt. What's your other?

MR. JORDAN: Yes, Your Honor. We had objected to your charge on intent, we thought it contradicted your charge on murder and malice. The charge on intent refers to negligence, which we think impermissibly lowers the standard of proof that the State has to that of a civil case. And so we think it contradicts another part of your charge, it would be confusing for the jury and also lowers the standard.

THE COURT: Thank you. Again, I note your objection, however I'm going to charge the standard charge on intent as well as the intent language in the murder charge.

MR. JORDAN: Your Honor, the third one I believe you changed, it was that concerning inferred malice from a deadly weapon, and, of course, that contradicts State versus Burdette.

THE COURT: I think we all agreed that was improper, very clearly improper based on recent case law --

MR. JORDAN: And I think you changed that.

THE COURT: -- and I have removed that from the charge.

MR. JORDAN: And, Your Honor, I believe you indicated that you've added the language about proof of each element beyond a reasonable doubt.

THE COURT: Yes, I just stated that.

MR. JORDAN: And our only other request, Your Honor,

was that charge under State versus Cherry and State versus Lawless, suspicion implies a belief or opinion based on guilt based upon facts and circumstances which do not amount to proof and we have requested that charge.

THE COURT: All right, I note your objection. I believe that the language in the circumstantial -- in the direct and circumstantial evidence part of the charge correctly states what the law is on that.

MR. JORDAN: And, Your Honor, your charge on circumstantial evidence I think correctly states the State versus Logan language so we did not have an objection to that.

THE COURT: All right, thank you. All right. We'll take a quick ten minute -- no more than -- this will be less than ten minutes.

(A recess was taken.)

THE COURT: Ladies and gentlemen, again I thank you for your promptness. As I stated to you earlier this morning we're now going to do the last part of what you'll hear today and this is called the charge to the jury, which simply means I'm going to read you the appropriate instructions and law that I'm required to do. I am, in fact, going to send this -- what I read to you back to the jury room and you'll have it with you with all of the other evidence and material that goes back with you, so listen

very carefully, I'm going to go through this charge to you. I remind you, ladies and gentlemen of the jury, that during this trial you and I have certain duties to perform. As the trial judge it is my responsibility to preside over the trial of this case and I also have the duty to rule on the admissibility of the evidence offered during the trial. You are to only consider the competent evidence before you. If there was any testimony ordered stricken from the record in the case during the trial you must disregard that testimony. You are to consider only the testimony which has been presented from this witness stand and any exhibits which have been made a part of the record in this case. I have the additional duty to charge you the law applicable to this case. As the presiding judge I am the sole judge of the law of the case and it is your duty as jurors to accept and apply the law as I now state it to you. If you already have any idea what the law is or what the law ought to be and it does not agree with what I now tell you the law is you must abandon this idea, because you are sworn to accept the law and apply the law exactly as I state it to you. In every case tried in this court before a jury, the jury becomes the sole and exclusive judge of the facts in the case. A trial judge cannot intimate, state, comment on or make any statement to a trial jury about the facts in the case. Since you, the jury, are the sole judge of the facts in this

case you're not to infer from what I have said during the progress of this trial and ruling upon admissibility of evidence or otherwise, or anything that I say now during the course of this instructions to you that I have any opinion about the facts in this case. The law does not allow me to have an opinion about the facts in this case, this is a matter solely for you, the jury, to determine. As jurors it is your duty to determine the effect, value, weight and truth of the evidence presented during this trial. The indictment charges the defendant, James Harold Baldwin, Jr., with murder. I remind you that the fact that the defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of guilt. This document is simply the formal written instrument which contains the charge made against the defendant, it is the formal document by which this case is brought into this court. The defendant has pled not guilty to this indictment, and that plea puts the burden on the State to prove the defendant guilty. A person charged with committing a criminal offense in South Carolina is never required to prove his own innocence. I charge you that it is an important rule of law that the defendant in a criminal trial, no matter what the seriousness of the charge may be, will always be presumed to be innocent of the crimes

for which the indictment was issued unless guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt. This presumption of innocence does not end when you begin your deliberations but it accompanies the defendant throughout the trial until you reach a verdict of guilt based on the evidence satisfying you of that guilt beyond a reasonable doubt. The presumption of innocence is like a robe of righteousness placed about the shoulders of the defendant which remains with the defendant until it has been stripped from the defendant by evidence satisfying you of the defendant's guilt beyond a reasonable doubt. The presumption of innocence is not a mere legal theory, it is not just a legal phrase, it's a substantial right to which every defendant is entitled unless you, the jury, are satisfied from the evidence of the defendant's guilt beyond a reasonable doubt. So what is a reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. The State has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases where you were told that it's only necessary to prove that a fact is more likely true than not true such as the greater weight or preponderance of the evidence. In criminal cases the State's proof must be more powerful than that, it must prove every element of a crime beyond a

reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. If based on your consideration of the evidence you're firmly convinced that the defendant is guilty of the crime charged you must find the defendant guilty. If on the other hand you think there is a real possibility that the defendant is not guilty you must give the defendant the benefit of the doubt and find him not guilty. There are two types of evidence which are generally presented during a trial, direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial -- does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence, however, to the extent the State relies on circumstantial evidence all of the circumstances must be consistent with each other, and when taken together point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious the

proof has failed. The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence or some combination of the two. Necessarily you must determine the credibility of witnesses who have testified in this case. Credibility simply means believability. It becomes your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth. In determining the believability of witnesses who have testified in this case you may believe one witness over several witnesses, or several witnesses over one witness. You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or reject the testimony of a witness in its entirety. You may consider if any witness has exhibited to you any interest, bias, prejudice or other motive in this case. You may also consider the appearance and manner of a witness while on the witness stand. The rules of evidence ordinarily do not permit witnesses to testify to opinions or conclusions, an exception to this rule exists for witnesses we call expert witnesses. A witness who by education and experience has become an expert in some art, science, profession or calling may state an opinion as to relevant

and material matters in which the witness claims to be an expert and may also state the reasons for the opinion. You should consider any expert opinion received into evidence in this case, and like any other evidence give it the weight you think it deserves. If you decide that the opinion of an expert witness is not based on sufficient education, experience, or if you conclude that the reasons given in the support of the opinion or are not sound, or that the opinion is outweighed by other evidence you may disregard the opinion of the entire -- an expert witness' testimony is to be given no greater weight than that of other witnesses simply because the witness is an expert. Further you are not required to accept an expert's opinion even though it is not contradicted. I instruct you and emphasize that the fact that the defendant did not testify is not a factor to be considered by you in any way in your deliberations and in your consideration on the question of the guilt or the innocence of the defendant. It must not be considered by you in any manner whatsoever. A defendant has the constitutional right to remain silent, and the assertion of this right must not be considered by you in your deliberations. I repeat, under your oath you are to draw no conclusion whatsoever from the fact that the defendant in this case did not testify. The fact that this defendant did not testify should not even be discussed in the jury room.

The burden of proof, as I've stated to you, is on the State, the defendant is not required to prove his innocence. The burden of proof remains on the State to prove the defendant's guilt beyond a reasonable doubt. In order to establish criminal liability criminal intent is required. For example, a mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty. There's no way medical science can dissect a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present. It's not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact by taking into consideration the act of the parties and all of the facts and circumstances of the case. Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the defendant intended to do based on the circumstances shown to have existed. Criminal intent

can arise from action or a failure to act. It may arise from negligence, recklessness or an indifference to duty or to consequences that is considered by the law to be the equivalent of criminal intent. There has been evidence presented that witnesses have made prior statements which are not consistent with the witness' present testimony. You may use this evidence to decide whether to believe the witness. You may also use evidence of the earlier contradictory statements to determine the truth of those statements. It is up to you to decide whether to believe the earlier statements or the testimony given at trial. If a witness is shown to have knowingly testified untruthfully concerning any material matter you may consider this in determining whether to trust the witness' testimony. As to other matters you may reject all testimony of that witness or give all or part of the testimony the weight you think it deserves. A statement alleged to have been made by the defendant has been admitted into evidence in this case. While the Court has determined that the statement or statements is admissible, I instruct you that you make the ultimate decision of whether or not the defendant made the statement. If the defendant did make the statement you must determine whether the statement was made by the defendant voluntarily and of his own free will. This means that the statement was not caused by pressure, force, fear, threats,

coercion or intimidation or by hope or promise of leniency or a reward of any kind. In determining whether the statement was voluntary you should consider both the characteristics and the details of the question. Some of the factors that you must consider are, one, the age of the defendant; two, the defendant's education or lack of education; three, the defendant's mental ability or capacity; four, the defendant's I.Q. or intelligence; five, the defendant's background and environment; six, the place and length of detention; seven, the nature of the questioning; and eight, the advice or lack thereof to the defendant of his constitutional rights including but not limited to the right to remain silent, that any statement can be used again him in a court of law. The right to have a lawyer present, that if he could not afford a lawyer the lawyer would be appointed to represent him without any cost, and that he could stop making a statement at anytime. You must carefully consider all of the surrounding circumstances before you give any weight to any alleged statements. The State has the burden of proving beyond a reasonable doubt that the alleged statement was voluntary, if you determine it was you may give the statement any further consideration that you deem proper. You must decide what weight, if any, should be given to the alleged statement. If you determine that the alleged statement was not free and -- was not the

free and voluntarily statement of the defendant you should not consider the statement at all. The defendant is charged with murder. The State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought. Malice is hatred, ill-will or hostility towards another person. It is the intentional doing a wrongful act without just cause or excuse, and with an intent to inflict an injury or under circumstances the law will infer an evil intent. Malice aforethought does not require that malice exists for any particular time before the act is committed, but malice must exist in the mind of the defendant just before and at the time the act is committed, therefore there must be a combination of the previous evil intent and the act. Malice aforethought may be expressed or inferred. These terms, express and inferred, do not mean different kinds of malice but merely the manner in which malice may be shown to exist as either by direct evidence or by inference from the facts and circumstances which are proven. Expressed malice is shown when a person speaks words which express hatred or ill-will for another, or when the person -- when the person -- hold on just a second. Let me repeat that. Express malice is shown when a person speaks words which express hatred or ill-will for another, or when the person prepared beforehand to do the act which was later accomplished. For example,

lying in wait for a person or any other acts of preparation going to show that the deed was within the defendant's mind would be expressed malice. Malice may be inferred from conduct showing a total disregard for human life. During your deliberations -- I'm going to send what I've read to you, a copy of the instructions to you and you can refer to them to guide your decision making. You must consider the jury instructions as a whole and not follow some and ignore others. At the end please return the instructions that I send back to you along with -- after your verdict is rendered. Under the constitution of this state the jury verdict must be unanimous, unanimity is mandated, every single juror must agree on the jury verdict. There cannot be any split or divided vote in any form or fashion such as 11 to one, ten to two or nine to three. Madam Forelady, as the foreperson you're required to sign the jury verdict. The verdict form that I'm going to send back to you is very simple, it has the heading and we have to list the potential verdicts just in some order, but the way they're listed and the order here has nothing to do with the importance of one or the other, but the verdict form simply says -- there's a blank line, "We, the jury, find the defendant, James Harold Baldwin, Jr., not guilty of murder," or blank line, "We, the jury, find the defendant, James Harold Baldwin, Jr., guilty of murder." Madam Forelady, once you reach a unanimous

verdict you would need to check the appropriate box, sign your name and date it, once you do that you knock on the door, let the bailiff know that you've reached a verdict, if you would keep the verdict form in your hand, and when you come back here in the courtroom I will ask that you pass that -- if you've reached a verdict, you would pass it to the bailiff and he would pass it up to the Court. In just a few minutes I'm going to let you go back to your jury room, I would ask that you not start deliberating until we send back all of the pieces of evidence that have been introduced in the case. So even when you go back there don't start discussing the case until one of the bailiffs hands you the verdict form, the instructions and the evidence that will be coming back to you. There should be a pad and pen in the jury room, if you have any questions for the Court you can simply write those on a piece of paper, knock on the door, hand it to the bailiff and he'll bring it to the Court's attention. You all must -- all 12 of you must be present whenever deliberations are going on. If somebody steps out of the room or goes to the restroom, Madam Forelady, you must stop deliberations. No deliberations unless all 12 jurors are in the jury room at the same time. With that we'll take up a few questions for the lawyers involved in the case, assemble everything that comes back to you and we'll bring that back to you, and as soon as you do that you

can be begin deliberating. I think we have provided -- Lancaster County has provided you with Chic Fil A sandwiches for your lunch. So with that, I'm going to allow you to go back to your jury room, don't start deliberating until we send information back. If the three alternates, if you would just stand right over -- come right over here behind -- you're not in trouble, you just don't need to go back, if you would stand right over by this chair and we'll talk to you in just a moment. The remaining 12, you're excused to the jury room.

(The jury left the courtroom.)

THE COURT: I'm going to allow y'all to just step right outside the door, if you would just stand right outside this door and I will have you back in here in just a moment. You do not go in the jury room, just stand right outside the door here.

(The alternates left the courtroom.)

THE COURT: All right. Anything further as far as instructions from the State?

MS. LIVELY: Not from the State, Your Honor.

THE COURT: Anything from the defense?

MR. JORDAN: None other than we would just renew our exceptions.

THE COURT: I note your prior objections, they're made part of the record.

(The alternate jurors were dismissed.)

(The jury began deliberations and returned with a Verdict.)

THE COURT: All right. Thank you. The Court has been informed by the bailiffs that the jury has indicated that they have reached a verdict. Let me be sure again that everyone here understands that you need -- if you're not able to control your emotions you need to leave now, but the Court expects that whatever the verdict is that what goes in here inside this courtroom will be done orderly. All right. Let's bring the jury in.

(The jury returned to the courtroom.)

THE COURT: All right, thank you. Madam Forelady, has the jury reached a verdict?

THE JUROR: Yes, we have, Your Honor.

THE COURT: Do you have the verdict form?

THE JUROR: I do.

THE COURT: If you would hand it to the bailiff. And you can put -- you can leave those right there. Mr. Clerk, if you would publish the verdict.

THE CLERK: Yes, sir. Case 2018-GS-12-733, State of South Carolina, County of Chester versus James Harold Baldwin, Jr. We, the jury, find the defendant, James Harold Baldwin, Jr., guilty of murder. Dated November 5th of 2019, Cynthia Stephens, foreperson. Ladies and gentlemen, if this

be your verdict say so you all by the raising of your right hands.

(All jurors raised their right hands.)

THE CLERK: Let the record reflect all jurors raised their right hands.

THE COURT: All right, thank you. Anything further from the State?

MS. LIVELY: Not from the State, Your Honor.

THE COURT: From the defense?

MR. JAMIESON: No, Your Honor.

THE COURT: All right. Do you have a verdict -- do you have a sentencing sheet?

MS. LIVELY: I apologize, I ran down here, Your Honor, if you would give me --

THE COURT: Hold on just a second. If you'll have somebody bring a sentencing sheet down here I want to talk to the jury while they're in here.

MS. LIVELY: Yes, sir.

THE COURT: Ladies and gentlemen of the jury, you have completed your service in this case. I want to commend you on what I have observed to be very diligent attention to the this case, the seriousness nature of the case for the entire seven days that you served as jurors and the Court certainly appreciates that, the citizens of this county and citizens of Chester County appreciate that as well. You're going to

be discharged from your service here in just a few minutes, when you leave you are free to talk to anyone about the case, however you're not required to talk to anybody. Sometimes the lawyers involved will want to talk to you and get information from you, you can do that if you want. It's certainly legal and proper for them to attempt to contact you and talk to you but you don't have to talk to them, you can -- that's up -- that's left up to you. Sometimes if -- obviously the media has been here through most of this trial, if they want to talk to you they can. On the other hand you're not required to talk to them or to anybody else, that's a decision that you can make individually. In just a few moments when we get all of the paperwork in here the Court will have sentencing. Do y'all want -- let me do it this way, normally I would discharge the jury and you can leave, come around and sit in the courtroom, we've got a courtroom sort of full. If you want to leave, you are free to leave, if you want to stay you can stay, just stay where you are. Once we finish sentencing the deputies will escort you out if you want to do that.

(Some jurors left, some stayed in the jury box.)

THE COURT: All right. Mr. Baldwin, if you'll remain standing. Solicitor, anything else you need to put on the record?

MS. LIVELY: No, Your Honor, I believe that the State

has fully presented this case. We do have one of the children of Judy Orr who would like to make a victim impact statement at the appropriate time.

THE COURT: All right, thank you. Certainly victims and victim's family under our law have a right to speak to the Court and so at this time I will be glad to hear from any of the victim's family.

MS. LIVELY: Yes, sir, Your Honor. They've actually just asked one of the sons, Chris Orr.

THE COURT: I'll be glad to hear from Mr. Orr. Mr. Baldwin, you can have a seat, you can sit down. Mr. Orr, if you would tell me -- just for purposes of the record if you would tell me your name.

SPEAKER: My name is Chris Orr.

THE COURT: Yes, Mr. Orr, I'll be glad to hear from you.

SPEAKER: Before you make a sentencing I want you to give him the max, because through all of this we've had to be so strong, me and my brother and our family because we didn't have no else, but the coroner, Candice, SLED and everybody that finally started to listen to us. Me and my brother knew that our mama would have called and she would have spoke to us that night. I'm sure she begged for her life and I'm sure she wanted to call me, I was right there. I could have -- me and my kids go can throw a baseball and

hit her roof in our yard. I have six kids that will never get to see my mother again. My brother had a son and his daughter (sic) has two kids that my mama loved, too, it wasn't just us. It was six, seven, eight, nine grandkids that my mama -- and I know she would want to be there for them. And in sentencing -- we had to go through this with my dad when he passed away. And my brother, this is after my mom died, he named his son Todd, Jackson Todd, and I had -- me and my wife had our last daughter since all of this happened and we named her Judy Faye and she never got to meet them because of that son of a gun right there. There's a lot of stuff that the jury didn't know about this guy that they wasn't allowed to hear, there's a lot more to this and he deserves death, he doesn't deserve to breath the air anybody on this room breathes. That's all I've got to say, Your Honor.

THE COURT: All right, thank you. Solicitor, anything else?

MS. LIVELY: Not from the State, Your Honor.

THE COURT: All right. Mr. Jamieson and Mr. Jordan, I will be glad to hear from you and your client.

MR. JAMIESON: Your Honor, we'll file post-trial motions at the appropriate time within ten days. We would like to point out to the Court, Mr. Baldwin is near 60 years old and he has no criminal record, he has no record of any

kind of behavior like this in the past. Any substantial sentence that the Court imposes will in effect be a life sentence for him. We would ask the Court to consider his age and his record and the fact that he served his community in law enforcement in fashioning the sentence.

THE COURT: All right, thank you. Mr. Baldwin, anything you wish to say? Anything you wish to say? You're not required to speak but you have an opportunity to speak.

THE DEFENDANT: Sir, this whole thing from Judy's sister, brother, her sons, her grandkids, I mean, I don't know what to say. She fell from a ladder, I was trying to get her to the hospital. I loved my wife more than anybody in this room, we had a great relationship. I'm just -- I don't know right now, I just --

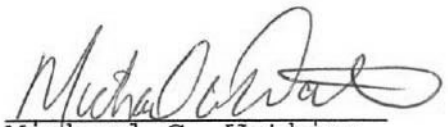
THE COURT: All right, thank you. The Court has great respect for this system that we have, it's not perfect, however the Court has great confidence in the jury's attention to detail this week and the decisions they've reached. On indictment 2018-GS-12-00733, State versus James Baldwin, charged on that indictment with murder, convicted by a jury of the crime of murder, the sentence of the Court is he be committed to the department of corrections for a determinant term of life. This is a life sentence. Thank you.

(End of trial proceedings.)

I, the undersigned, Michael C. Watkins, Official Court Reporter for the Sixth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings had and evidence introduced in the trial of the captioned case relative to appeal in Court of General Sessions for Chester County, South Carolina, on the dates of October 28th to November 5th, 2019.

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

March 25, 2020



Michael C. Watkins

Court Reporter

NEWBERRY PATHOLOGY ASSOCIATES, P.A.
185 Executive Drive, P. O. Box 839
Newberry, S. C. 29108
Phone: (803) 276-0201
1-888-446-9898
Fax: (803) 276-0208

NECROPSY REPORT: **FA16-988**
NAME: **JUDY BALDWIN**
TYPE OF AUTOPSY: Complete

AGE: **53** RACE: **WHITE** SEX: **FEMALE** D.O.B.

PROSECTOR(S): **JANICE E. ROSS, M.D.** COUNTY: **CHESTER**

DIED on **12/14/2016** AUTOPSIED on **12/16/2016** at **9:30 AM**

FINAL NECROPSY DIAGNOSIS:

1. **RE-AUTOPSY**

2. **STATUS POST-AUTOPSY AND EMBALMING**

3. **BLUNT FORCE INJURY OF THE HEAD:**
   - **A. SKULL FRACTURE**
   - **B. SUBARACHNOID HEMORRHAGE**
   - **C. HISTORY OF SUBDURAL HEMATOMA**

MANNER OF DEATH: **PENDING INVESTIGATION**

PROBABLE CAUSE AND MECHANISM OF DEATH — INTERVAL

SUBARACHNOID AND SUBDURAL HEMORRHAGES — **MINUTES**

DUE TO: **FRACTURED SKULL** — **MINUTES**

DUE TO: **BLUNT FORCE INJURY OF THE HEAD** — **MINUTES**

Date Mailed Out: 12-19-16

CASE HISTORY

This 53-year old white female was found with trauma to her head by her husband at her residence. He alleged that she was climbing a ladder to trim the Christmas tree and apparently fell and hit her head on the mantle which was next to the tree. He allegedly then put her in the car to transport her to the hospital, not the local one but one approximately 25 miles away. During that transport he alleged that he went off the road to avoid another vehicle and came to a stop near water. He then stated that when he woke up from the accident that he found his wife out of the vehicle. She was pronounced dead on 12/14/2016 and an autopsy was performed in Rock Hill, South Carolina on 12/15/2016. She was brought to this prosector after being embalmed for a re-autopsy.

The body was brought to this prosector for autopsy.

EXTERNAL EXAMINATION: The body is received nude. She measures 59 inches in height and weighs an estimated 175 pounds. Her hair is brown. The eyes are brown. There is contusion of the left eye and there is contusion of both left and right upper and lower eyelids. The teeth are natural and in fair repair. Above the right eyebrow are two lacerations of the scalp which have a partial arc shape and triangular shapes. There is abrasion around the edges of the laceration.

Examination of the neck is unremarkable.

Examination of the chest shows possible contusion over the right shoulder without pattern. There is a Y-shaped incision over the chest and abdomen.

Further examination of the abdomen shows an oblique linear scar in the right upper quadrant. A short linear horizontal scar is beneath the umbilicus and a horizontal scar is present over the symphysis pubis.

Examination of the upper extremities shows two small circular contusions measuring ¼ inch in greatest dimension of each anterior left and right upper arms. There is abrasion which is nonpatterned over the posterior right elbow. There is a somewhat stippled horizontal linear abrasion across the posterior right wrist. There is a small contusion over the posterior left lower forearm without pattern. It is somewhat oval shaped and measures up to 1 inch in greatest dimension.

Examination of the lower extremities shows few circular to oval shaped contusions of the right tibia and just below the left knee without pattern.

COPY

Examination of the back shows a tattoo over the right shoulder of a heart shape and the word "Forever". In the base of the lower back is a butterfly and leaves. The genitalia are those of an adult female.

DISSECTION: The usual Y-shaped incision is made. The panniculus of the chest and abdomen shows no further contusion. The abdominal cavity, pleural cavities and pericardial sac contain no excessive fluid. The structures of the anterior neck maintain symmetry. The hyoid bone is intact. The trachea and larynx are patent. The strap muscles are without contusion.

DESCRIPTION OF INTERNAL ORGANS

THYROID: The dissected thyroid gland tissue weighs 20 grams. It maintains symmetry of its reddish-brown firm parenchyma.

HEART: The dissected heart tissue weighs 170 grams. The myocardium and valves seen are unremarkable.

LUNGS: The dissected lung tissue altogether weighs 320 grams. The arterial trees and tracheobronchial trees seen are patent. The parenchyma is purplish-pink and soft.

LIVER: The dissected liver tissue weighs 960 grams. Sections show purplish-gray parenchyma.

GALLBLADDER AND DUCTS: The gallbladder is not identified.

SPLEEN: The sectioned spleen weighs 60 grams. Its capsule is smooth and glistening. Sections show purplish-red parenchyma.

PANCREAS: The dissected pancreas weighs 90 grams. It maintains its usual yellowish-tan nodular parenchyma.

ADRENALS: Unremarkable.

KIDNEYS: The right kidney tissue weighs 100 grams. The left kidney weighs 70 grams. Their capsules strip with ease to show smooth cortical surfaces. Sections show the usual cortical medullary ratios bilaterally. The ureters and urinary bladder seen are without significant pathology. The uterus, fallopian tubes and ovaries are not identified. The bladder is mpty.

GI TRACT: Unremarkable. The stomach is empty.

DESCRIPTION OF INTERNAL ORGANS, Continued:

MUSCULOSKELETAL SYSTEM: The skull is fractured.

CENTRAL NERVOUS SYSTEM: The brain tissue weighs 1000 grams. Sections show the gray and white matter in the usual anatomic design with areas of subarachnoid hemorrhage. There is a linear fracture across the occipital bones and fracture across the orbital plates bilaterally to form a "hinge" type fracture.

COPY

Judy Baldwin

Report by: J.E. Ross, M.D

CASE SUMMARY

This autopsy was done upon the request of and after due authorization by the Chester County Coroner in the Newberry County Memorial Hospital Morgue on 12/16/2016 at approximately 9:30 AM.

Autopsy findings include status post-autopsy, embalming, and blunt force injury of the head (skull fracture, subarachnoid hemorrhage and history of subdural hematoma).

Sections of all organs demonstrate the before mentioned findings. Specimens are drawn for toxicological analysis. If a positive analysis is submitted to this prosector, an amended opinion may be necessary.

It is the opinion of this prosector after review of the history and autopsy findings on this victim that the cause of death is subarachnoid and subdural hemorrhages, due to fractured skull, due to blunt force injury of the head.

The manner of death is pending investigation.

Janice E. Ross, M.D.
Forensic Pathologist

12-17-16
Date Signed

JER:ajg
12/17/2016

COPY

NAME OF DECEDENT: JUDY BALDWIN **DATE: 12/16/2016**

AUTOPSY NUMBER: FA16-988 RACE: White AGE: 53 SEX: Female

PATHOLOGIST(S): Janice E. Ross, M.D.

Date of Death: **12/14/2016** County of Death: Chester

CAUSE OF DEATH

32. PART I. Enter the chain of events-diseases, injuries, or complications-that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.

Approximate interval: Onset to death

IMMEDIATE CAUSE (FINAL) a. **SUBARACHNOID AND SUBDURAL HEMORRHAGES** — **MINUTES**

Due to (or as a consequence of):

b. **FRACTURED SKULL** — **MINUTES**

Due to (or as a consequence of):

c. **BLUNT FORCE INJURY OF THE HEAD** — **MINUTES**

Due to (or as a consequence of):

d. _____

Due to (or as a consequence of):

PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in PART I.

33. WAS AN AUTOPSY PERFORMED? ☒Yes ☐No

34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? ☒ Yes ☐No

35. DID TOBACCO USE CONTRIBUTE TO DEATH?
☐Yes ☐Probably
☐No ☒Unknown

36. IF FEMALE:
☐Not pregnant within past year
☐Pregnant at time of death
☐Not pregnant, but pregnant within 42 days of death
☐Not pregnant, but pregnant 43 days to one year before death.
☐Unknown if pregnant within the past year.

37. MANNER OF DEATH
☐ Natural ☐ Homicide
☐ Accident ☒ Pending investigation
☐ Suicide ☐ Could not be determined

38. DATE OF INJURY (Mo/Day/Yr) (Spell Month)

39. TIME OF INJURY Approx

40. PLACE OF INJURY (eg., Decedent's home, construction site, restaurant, wooded area)

41. INJURY AT WORK? ☐ Yes ☒ No

42. LOCATION OF INJURY:
Street and Number: State: **South Carolina** City or Town: County:
Apartment Number: Zip Code:

43. DESCRIBE HOW INJURY OCCURRED:

44. IF TRANSPORTATION INJURY, SPECIFY:
☐ Driver/Operator
☐ Passenger
☐ Pedestrian
☐ Other (Specify)

Janice E. Ross, M.D. DeathCert1 12/16/2016 10:47:33 am

Forensic Pathologist
Title

Newberry Pathology Associates
185 Executive Dr., Newberry, SC 29108

_____

_____
Title

Newberry Pathology Associates
185 Executive Dr., Newberry, SC 29108

Date Signed 12/16/2016

AMENDED

NEWBERRY PATHOLOGY ASSOCIATES, P.A.
185 Executive Drive, P. O. Box 839
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Phone: (803) 276-0201
1-888-446-9898
Fax: (803) 276-0208

NECROPSY REPORT: **FA16-988**
NAME: **JUDY BALDWIN**
TYPE OF AUTOPSY: Complete

AGE: **53** RACE: **WHITE** SEX: **FEMALE** D.O.B.

PROSECTOR(S): **JANICE E. ROSS, M.D.** COUNTY: **CHESTER**

DIED on **12/14/2016** AUTOPSIED on **12/16/2016** at **9:30 AM**

FINAL NECROPSY DIAGNOSIS:

1. **RE-AUTOPSY**

2. **STATUS POST-AUTOPSY AND EMBALMING**

3. **BLUNT FORCE INJURY OF THE HEAD:**
   - **A. SKULL FRACTURE**
   - **B. SUBARACHNOID HEMORRHAGE**
   - **C. HISTORY OF SUBDURAL HEMATOMA**

MANNER OF DEATH: **HOMICIDE**

PROBABLE CAUSE AND MECHANISM OF DEATH — INTERVAL

SUBARACHNOID AND SUBDURAL HEMORRHAGES — **MINUTES**

DUE TO: **FRACTURED SKULL** — **MINUTES**

DUE TO: **BLUNT FORCE INJURY OF THE HEAD** — **MINUTES**

08/01/2017 AMENDED

Date Mailed Out: 8-3-17

COPY

AMENDED CASE SUMMARY

This autopsy was done upon the request of and after due authorization by the Chester County Coroner in the Newberry County Memorial Hospital Morgue on 12/16/2016 at approximately 9:30 AM.

Autopsy findings include status post-autopsy, embalming, and blunt force injury of the head (skull fracture, subarachnoid hemorrhage and history of subdural hematoma).

Sections of all organs demonstrate the before mentioned findings. Specimens are drawn for toxicological analysis. If a positive analysis is submitted to this prosector, an amended opinion may be necessary.

It is the opinion of this prosector after review of the history and autopsy findings on this victim that the cause of death is subarachnoid and subdural hemorrhages, due to fractured skull, due to blunt force injury of the head.

The manner of death is homicide.

NOTE: The manner of death is amended by this prosector after further information to include the fact that the "ladder" used was a step-stool. Also reviewed were the photographs from the first autopsy and more information about the scene of death. The fractured skull was due to significant force which does not match the incident explanation previously given.

Janice E. Ross, M.D.
Forensic Pathologist

8-2-17
Date Signed

JER:ajg
12/17/2016
08/01/2017 AMENDED

COPY

1134

NAME OF DECEDENT: JUDY BALDWIN **DATE: 12/16/2016**

AUTOPSY NUMBER: FA16-988 RACE: White AGE: 53 SEX: Female

PATHOLOGIST(S): Janice E. Ross, M.D.

Date of Death: **12/14/2016** County of Death: **Chester**

CAUSE OF DEATH	Approximate interval: Onset to death
32. PART I. Enter the chain of events-diseases, injuries, or complications-that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.	
IMMEDIATE CAUSE (FINAL) a. **SUBARACHNOID AND SUBDURAL HEMORRHAGES**	**MINUTES**
Due to (or as a consequence of):	
b. **FRACTURED SKULL**	**MINUTES**
Due to (or as a consequence of):	
c. **BLUNT FORCE INJURY OF THE HEAD**	**MINUTES**
Due to (or as a consequence of):	
d.	
Due to (or as a consequence of):	

PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in PART I.	33. WAS AN AUTOPSY PERFORMED? ☒Yes ☐No
	34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? ☒ Yes ☐No

35. DID TOBACCO USE CONTRIBUTE TO DEATH?	36. IF FEMALE:	37. MANNER OF DEATH
☐Yes ☐Probably	☐Not pregnant within past year	☐ Natural ☒ Homicide
☐No ☒Unknown	☐Pregnant at time of death	☐ Accident ☐ Pending investigation
	☐Not pregnant, but pregnant within 42 days of death	☐ Suicide ☐ Could not be determined
	☐Not pregnant, but pregnant 43 days to one year before death.	
	☐Unknown if pregnant within the past year.	

38. DATE OF INJURY (Mo/Day/Yr) (Spell Month)	39. TIME OF INJURY Approx	40. PLACE OF INJURY (eg., Decedent's home, construction site, restaurant, wooded area)	41. INJURY AT WORK? ☐ Yes ☒ No

42. LOCATION OF INJURY:	State: **South Carolina**	City or Town:	County:
Street and Number:	Apartment Number:		Zip Code:

43. DESCRIBE HOW INJURY OCCURRED:	44. IF TRANSPORTATION INJURY, SPECIFY: ☐ Driver/Operator ☐ Passenger ☐ Pedestrian ☐ Other (Specify)

Janice E. Ross, M.D. DeathCert1 12/16/2016 10:47:33 am Forensic Pathologist Title — Newberry Pathology Associates, 185 Executive Dr., Newberry, SC 29108

_____. _____ Title — Newberry Pathology Associates, 185 Executive Dr., Newberry, SC 29108

Date Signed 12/16/2016

Calls Kay Black Phone

TypeDirDateContactsDurationStatusFavServiceCarrierIn2016-12-09 00:47:52 +0000 Judy Baldwin

(803) 385-781300:00:00MissedAndroidOut2016-12-09 02:21:59 +0000 Judy Baldwin

(803) 385-781300:26:18AndroidIn2016-12-11 04:09:51 +0000 Judy Baldwin

(803) 581-644100:00:00MissedAndroidIn2016-12-11 04:34:40 +0000 Judy Baldwin

(803) 385-781300:00:00MissedAndroidIn2016-12-11 04:51:54 +0000 Judy Baldwin

(803) 385-781300:00:00MissedAndroidOut2016-12-11 05:20:16 +0000 Judy Baldwin

(803) 385-781300:05:07AndroidIn2016-12-11 05:26:46 +0000 Judy Baldwin

(803) 581-644100:39:33AndroidIn2017-02-03 19:57:04 +0000 Chris Reynolds

(803) 209-435700:01:34AndroidIn2017-02-21 18:56:29 +0000 Chris Reynolds

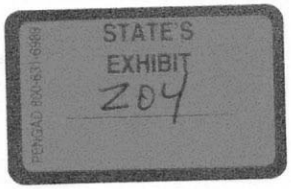
(803) 209-435700:00:00MissedAndroidOut2017-02-21 20:25:32 +0000 Chris Reynolds

(803) 209-435700:00:00CancelledAndroidIn2017-07-20 21:32:20 +0000 (803) 615-

604800:00:00MissedAndroidOut2017-07-20 21:35:28 +0000 (803) 615-

604800:03:01AndroidOut2017-08-07 15:05:00 +0000 (980) 253-

903800:00:52AndroidOut2017-08-14 21:30:20 +0000 (980) 253-



WITNESSES

K. Grant

K. Winburn

ARREST WARRANT NUMBER/DOA

Direct Indictment 2018GS12733

ACTION OF GRAND JURY

TRUEBILL

Foreperson of Grand Jury

Date: 8/14/18

VERDICT

Cynthia Stephens

Foreperson of Petit Jury

Date: 11/5/19

DOCKET NO. 2018-GS-12- 733

The State of South Carolina

County of Chester

CLERK OF COURT
CHESTER CO S.C.

2018 AUG 14 PM 3:21

FILED

1136

COURT OF GENERAL SESSIONS

AUGUST TERM 2018

THE STATE
vs.

James Baldwin

Indictment for

Murder

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

INDICTMENT

At a Court of General Sessions, convened on August 14, 2018, the Grand Jurors of Chester County present upon their oath:

MURDER

That James Baldwin did in Chester County on or about December 14, 2016, feloniously, willfully and with malice aforethought kill/murder, Judy Orr Baldwin, by means of inflicting or causing to be inflicted severe blunt force trauma to her head, and that the said victim did die as a proximate result thereof, in violation of the common law of South Carolina and §16-3-10, *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Randy E. Newman, Jr., SOLICITOR

1138

STATE OF SOUTH CAROLINA)
COUNTY OF Chester)
STATE VS.)
James Baldwin)
AKA:)
Race: [redacted] Sex: [redacted] Age: [redacted])
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: [redacted])
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2018GS1200733
A/W#: 2018GS1200733
Date of Offense: 12/14/2016
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Murder / Murder

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐SERIOUS ☒MOST SERIOUS ☐Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

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

ATTEST:
Lively, Candice | 12123 SC Bar# | Defendant | Jamieson, Phillip Attorney for Defendant | 69431 SC Bar#

WHEREFORE, the Defendant is commited 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 _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference. This is a LIFE sentence. OOH
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on 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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 61.6 (Public Def/Probation)	$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	$
3% to County (if paid in installments)		$ 128.75
TOTAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Mike Watkins
Court Reporter: Mike Watkins
Presiding Judge Daniel O'Hall
Judge Code: 2753
Sentence Date: 11-5-19

SCCA/217 (07/2016)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
May 03 2021
SC Court of Appeals

s/David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 3rd day of May, 2021.