

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Colleton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM C. SANDERS,

APPELLANT

APPELLATE CASE NO. 2021-001536

RECORD ON APPEAL

LARA M. CAUDY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

AMBREE M. MULLER
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR APPELLANT

ISAAC MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit

101 Hampton St.
Walterboro, SC 29488
(843) 779-8716

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 45 (AUDIO/VIDEO DISK OF DEFENDANT’S INTERVIEW)**

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF COLLETON

4 State of South Carolina,

5 vs. Transcript of Record
6 2019-GS-15-00426
7 2019-GS-15-00427

8 William C. Sanders,
9 Defendant.

10 December 13, 2021
11 Walterboro, South Carolina
12 Volume I of IV

13 B E F O R E:

14 The HONORABLE ROBERT BONDS

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

16 Ceth Utsey, Solicitor
17 Julie Kate Keeney, Solicitor
18 Matthew Walker, Representing the Defendant

19

20

21

22

SHARON G. HARDOON, CSR
Official Circuit Court Reporter, III

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1 MR. UTSEY: Your Honor, State vs.
2 Sanders. This is number one on the trial docket.
3 He comes before you on 2019-GS-15-00426 for
4 attempted murder, and 427 for possession of a
5 weapon during a violent crime.

6 Your Honor, we do have some pretrial
7 motions in this. The first one that I would like
8 to take up is a 404(b) motion.

9 May I approach with the copy of the
10 motion and a case for, Your Honor?

11 THE COURT: Yes, sir.

12 MR. UTSEY: Your Honor, a brief
13 background, I guess, about the case: The incident
14 occurred on April 24th of 2019, around 9:00 p.m.
15 that night. Mr. William Sanders and his
16 girlfriend at the time, Miss Channita Kelly -- they
17 had actually broken up -- but they were standing
18 outside in the yard on Bodison Memorial in
19 Colleton County. Miss Channita Kelly was then shot
20 in the back with a shotgun. Of course, the State
21 alleges that is Williams Sanders that did this.

22 Prior to this April 24th incident, there
23 was an incident on April 14th, 10 days prior, Your
24 Honor. Mr. William Sanders was arrested for
25 domestic violence of a high and aggravated nature

1 regarding Channtha Kelly. On that night of
2 April 14th, he slapped her, he pointed a gun at
3 her and said, I'll bury you. The cops came,
4 arrested Mr. Sanders, and he got out of jail the
5 next day.

6 From that next day on April 15th, he got
7 out of jail, he called Channtha Kelly everyday. So
8 we would also be seeking to admit that testimony
9 that he called her everyday up until the incident.

10 Additionally, Your Honor, as part of the
11 404(b), which I don't really know if this is
12 404(b), but earlier that day on April 24th, 2019,
13 the incident date, Mr. William Sanders came up to
14 our office, spoke with our victim advocate,
15 Tiffany Swinton, and asked that the restraining
16 order or no-contact provision be dropped between
17 them.

18 THE COURT: I'm sorry. What was that?

19 MR. UTSEY: Your Honor, on April 24th,
20 earlier that day around lunch, Mr. William Sanders
21 came to our office and asked that the no-contact
22 order be dropped between him and Channtha Kelly,
23 the victim. This is like nine hours for before
24 the shooting incident.

25 THE COURT: All right.

1 MR. UTSEY: And, of course, as Your Honor
2 is aware, 404(b) is evidence of other crimes,
3 wrongs, or acts. It's not admissible to prove the
4 character of a person in order to action in
5 conformity therewith. It may, however, be
6 admissible to show motive, identity, common scheme
7 or plan absent of accident or intent.

8 Here, what I would say, Your Honor, is
9 the April 14th incident should be admitted because
10 of motive and intent. On April 14th, he
11 slapped -- Mr. William Sanders slapped the victim
12 Channta Kelly, pointing a gun at her and said,
13 I'll bury you. And then 10 days later we allege
14 that he shot Channta Kelly in the back with a
15 shotgun after she broke up with them. And these
16 also occurred -- both incidents occurred at the
17 same location, [REDACTED] Bodison Memorial.

18 I do have a case, Your Honor, that I
19 think is very on point. That is what I handed up.
20 It is State v. Sweat. It is almost -- it's almost
21 identical.

22 And basically here -- what happened in
23 State v. Sweat is, they lived together for
24 approximately nine years. That would be Robin
25 Sweat and Mr. Sweat. They have two children

1 together. In October of 2001, she reported Sweat
2 for criminal domestic violence. While he was in
3 jail for that offense, she had moved in with her
4 brother at that time. And he stayed in jail for
5 around 45 days. So the incident occurred in
6 October of 2001. He stayed in jail for 45 days.
7 He then bonded out. Eleven days after he got out
8 of jail, he then went to her brother's house and
9 invaded the house. Completed a home invasion.

10 In this case, the court ruled because of
11 motive and intent the court did allow the prior
12 evidence of the October incident, which was
13 approximately a month and a half before the
14 December incident, to be entered into evidence.
15 Specifically, the court said the October incident
16 was relevant as a suggested motive and intent
17 intended to make the State's version of the case
18 more probable. While not strictly necessary to
19 the State's case, it was logically related to why
20 Sweat went to the house that night and to what his
21 intentions were once he got there. And the court
22 found that the trial judge did not abuse her
23 discretion by allowing the October incident into
24 evidence.

25 Also, Your Honor, Mr. Sweat made an

1 argument that the October incident was too remote
2 in time from the December crime to have probative
3 value. The court here said, to the contrary, the
4 incident occurred two months before the December
5 attack. Here we have an incident that occur
6 10 days before the attack.

7 So the incident occurred April 14th with
8 Mr. Sanders hitting her, being arresting for
9 domestic violence, and pointing a gun at her and
10 saying I'll bury you, and then we have an incident
11 10 days later. So it is much closer in time than
12 this case that I found.

13 Also, Your Honor, just a small minor
14 point additionally, and this was Steve Knight's
15 favorite argument, but as part of res gestae --

16 THE COURT: I won't hold that against
17 you.

18 MR. UTSEY: Yes, Your Honor.

19 As part of res gestae, I do believe, and
20 I truly do believe this, that it is appropriate
21 and tells the whole story to the jury. The fact
22 that they were breaking up, they were going
23 through problems, he hit her on the head on the
24 14th, pointed a gun at her, said I'll bury you,
25 called her everyday until the 24th, and then shot

1 her on the 24th. This does give the jury a full
2 picture and not just a snapshot, and I do believe
3 it would complete the story of the crime for the
4 jury when Mr. Sanders is on trial, and it would
5 make sense to the jury.

6 That is all I have for the court for the
7 motion, Your Honor.

8 THE COURT: All right.

9 MR. UTSEY: Oh, and I'm sorry,
10 Your Honor, one last thing: Also, in
11 Mr. Sanders's defense, or at least that he told
12 Miss Kelly Patrick when he was in the interview
13 was that it was a drive-by shooting. He claims a
14 drive-by shooting occurred with the person in a
15 white trunk, same truck he's driving, or he was
16 driving, but a drive-by shooting occurred.

17 So I guess that issue here too is the
18 fact Mr. Sanders is saying, I did not do it. And
19 the 404(b) evidence goes toward motive and intent
20 in completing this act.

21 Thank you, Your Honor.

22 THE COURT: Mr. Walker.

23 MR. WALKER: Thank you, Your Honor. I
24 obviously disagree with the State's position on
25 these matters. I refer to the first incident, and

1 then the shooting which has been called for trial
2 and the second incident, they are unrelated. And
3 actually, we have the benefit of, having tried
4 this before and knowing what the testimony will
5 be, the sole purpose of the first incident
6 testimony, contrary to what the State alleges,
7 alleged the propensity of my client to be the
8 person who shot Miss Kelly.

9 You know, if it were in question about my
10 client's motive to come to the house that day or
11 his intent to come into the house that day,
12 perhaps that would be an argument. But we have
13 Miss Kelly's trial testimony where my client
14 called to come and get some tools out of the trunk
15 of the car, and also maybe to pick up some fish
16 that was dropped off for some food, but he came
17 over there and did those things and was with her
18 for about an hour and then an argument took place
19 and the State alleges my client shot Miss Kelly.

20 It was a contained event. There is no
21 allegation from anyone that Mr. Sanders was angry
22 at Miss Kelly or seeking revenge of some sort. In
23 fact, the State mentioned that he had come to the
24 solicitor's office that day -- my client is not
25 particularly literate -- asking questions about

1 the contact order and how to go about -- seeking
2 legal advice as to how to get that lifted, will
3 they get in trouble if they were seen out in
4 public together. Both the victim's advocate and
5 the sheriff's deputy said he was in a good mood,
6 not angry, not seeking anything.

7 So really they're trying to bring in
8 these prior bad acts, which are charged. They
9 have not been tried that my client denies. Again,
10 in looking at the case that was handed up to
11 Your Honor by the State, the trial judge -- go to
12 page 3, the right-hand column, the trial judge
13 says that it's relevant because it's the intent of
14 the person, or Mr. Sweat, in going there that
15 evening -- his motive in going there that
16 evening.

17 THE COURT: Were are you reading from,
18 Mr. Walker?

19 MR. WALKER: I am reading from law
20 analysis subsection A, motive and intent, in the
21 State vs. Sweat.

22 THE COURT: Actually, I'm on that page
23 doing some circling myself.

24 MR. WALKER: I quoted from the paragraph
25 on the right-hand side.

1 THE COURT: On the right-hand side, I see
2 the paragraph. Yes, sir, go ahead.

3 MR. WALKER: The trial court stated, I
4 don't think you can isolate this incident, and
5 started a continuum. It shows his intent in going
6 there that evening and his motive in going there
7 that evening.

8 So we know from the victim's testimony,
9 my client's motive and intent in going there that
10 evening. The State is trying to, kind of,
11 bootstrap some sort of -- he had some, sort of,
12 ongoing malicious plan or intent or common scheme,
13 and that's just not the case in this particular
14 case.

15 THE COURT: All right. Hold on. Hold
16 on, Mr. Walker. I wasn't paying attention because
17 I was looking. You're talking about, "I do not
18 think ...," that language?

19 MR. WALKER: Yes, Your Honor. About
20 three lines down.

21 THE COURT: Yeah, that's on page 4 on
22 mine.

23 MR. WALKER: I apologize, Your Honor.

24 THE COURT: That's all right. That's why
25 I thought I was losing it.

1 MR. WALKER: I should have cited the
2 subheadings.

3 THE COURT: All right. Go ahead.

4 MR. WALKER: Again, you know, this
5 evidence would be, perhaps, relevant if the motive
6 and intent were speculation, the theory of the
7 case were that he had somehow -- I mean, I have
8 another case, a client, was charged with DVHAN and
9 then actually -- it's alleged that he just walked
10 up and murdered the ex-girlfriend in the car, and
11 that would be a case where the priors would be
12 relevant.

13 But here we got no intervening threats.
14 We just have, really, a desire to continue the
15 relationship. We have an hour of contact between
16 the two parties at the incident. And, you know,
17 that could be a one-off. You can have an hour of
18 conversation, get in a fight and shoot somebody.
19 That happens more often than it should, but you
20 don't need the previous incident to explain it,
21 and you don't need the previous incident to
22 explain why my client is there because the victim
23 tells you why he's there. You know he's there to
24 get tools out of his car -- and she's living in
25 his house -- to get tools out of his car and to

1 get some food that was dropped off. And then they
2 spent quite a bit of time together before the
3 shooting.

4 So it's not a lying in wait. It's not,
5 I'm coming to get revenge. These really are only
6 serving to put propensity -- my client's character
7 and propensity to be violent before the jury
8 instead of listening to the testimony of
9 Miss Kelly and my client's testimony and believe
10 them in between them.

11 As to the State, you know, it's, kind of,
12 trying to mix the two things because, if these
13 facts were part of the res gestae, we wouldn't
14 really have any of this prior bad-act nonsense.
15 You wouldn't be able to tell the story of what
16 happened in that shooting without the facts that
17 they're trying to do, and you can't. You don't
18 need to know of his prior information to say, hey,
19 he came by, they've been having some relationship
20 problems, he came by to get his tools, get his
21 food. They talked for an hour or so and that
22 developed into a heated argument and he shot her.
23 That's a complete telling of the sorry from the
24 testimony that we've heard. And all this
25 speculative, kind of, revenge or relationship

1 problems kind of being an going issue as far as
2 culminating this, I think are really just
3 prejudicial and really propensity driven.

4 THE COURT: All right.

5 MR. WALKER: I think I covered it.

6 THE COURT: Anything in reply?

7 MR. UTSEY: Yes, Your Honor. Very
8 briefly.

9 Like Mr. Walker said, we did have a
10 little bit of already trying this one time, but --
11 and she did testify William Sanders told her, on
12 the April 14th incident, he said, I will bury you
13 in this backyard, and pointed a gun at her, which
14 goes directly -- and then he shot her 10 days
15 later. So -- and he's claiming that it was a
16 drive-by. And I would say that directly
17 correlates to the incident 10 days later when
18 Channata Kelly was actually shot.

19 Thank you, Your Honor.

20 THE COURT: All right. I'm going to take
21 that under advisement and we'll get back with you
22 probably in just a little bit.

23 MR. WALKER: It would be helpful to the
24 court to provide you with the victim's testimony.
25 You can read it. I don't think --

1 THE COURT: I don't know that I need
2 that, but I do want to think about it.

3 What else we got, Solicitor?

4 Hold on. Hold on. Hold on.

5 I've got a -- are my parties from a minor
6 settlement here? Wrongful death.

7 MR. SALZMAN: Yes, sir. It's a wrongful
8 death settlement.

9 THE COURT: Yes, sir.

10 Guys, let me get you all to step down for
11 a minute.

12 MR. UTSEY: Yes, sir.

13 This is something that had been continued. I
14 scheduled for 12:30.

15 (Off the record.)

16 THE COURT: All right. Mr. Utsey, what
17 else we got?

18 MR. UTSEY: Your Honor, I would like to
19 move on the body cam of the responding officer,
20 Larry Colson. I believe Mr. Walker wants it
21 muted, is going to be his argument, Your Honor. I
22 do have that for the Court, if you would like to
23 view it.

24 THE COURT: Yeah, I'm going to need to
25 view it. Talk to me, Mr. Walker, what we got?

1 MR. WALKER: Basically, the responding
2 officer comes on scene. Obviously, the scene is
3 irrelevant, and, perhaps, even where the victim is
4 talking to the officer at lot. The rest of the
5 video is hearsay going on in the background
6 between witnesses there, on the police radio you
7 can hear my client's name is called, that sort of
8 thing. So there's, kind of, hearsay in that.
9 It's certainly prejudicial and not probative of
10 anything, and so I think watching it -- just
11 watching the scene unfold gives the jury the
12 information they need to get. If they need any
13 other information, those people will be able to
14 testify. And that clears out any of the hearsay
15 problem.

16 THE COURT: How long is this case going
17 to take to try?

18 MR. WALKER: I believe we'll be done
19 Wednesday afternoon or Thursday morning at the
20 latest.

21 THE COURT: All right.

22 MR. UTSEY: Yes, sir, Your Honor. Wednesday
23 afternoon.

24 THE COURT: You all got the experience
25 having tried this before.

1 MR. UTSEY: Yes, sir.

2 THE COURT: So that's why I actually put
3 more stock into your estimates as a result.

4 (Body camera video played.)

5 MR. UTSEY: I think that's where I'm
6 going to stop it, Your Honor.

7 THE COURT: All right. Mr. Walker, what
8 specifically are you making reference to, sir? Is
9 there a specific --

10 MR. WALKER: Well, basically, the young
11 man in the picture is Larry Elbert. Basically,
12 they're asking who did it, where did he go, what's
13 he driving, who was it? Obviously, things that
14 are prejudicial to my client and are hearsay on
15 that video. I suppose if they showed it after
16 Mr. Elbert testified, that would alleviate a lot
17 of that. And the other lady says a couple things.
18 Not as much as the young boy. But really,
19 basically, what would be trial testimony being
20 elicited by the officer on that video. And it's
21 not necessary for the jury to understand the scene
22 or the severity of the injuries at the scene. You
23 know, they can see everything that happened. All
24 the talking is who did it, where is he, what's he
25 driving, which should all be testimony from the

1 stand, not from a body cam video.

2 MR. UTSEY: Your Honor, I'll leave
3 everything in this body cam as an excited
4 utterance. It was literally right after the event
5 happened.

6 Larry Jenkins, the boy in the video, is
7 testifying. Larry Colson, the officer with the
8 body camera is testifying. And what they say can
9 be cured through cross-examination.

10 I mean, to me this is the definition of
11 excited utterance. There is no better information
12 that the jury can see than what happened right
13 after the event took place.

14 THE COURT: All right. Well --

15 MR. UTSEY: I'm sorry, Your Honor.

16 THE COURT: You don't have to say any
17 more. I'm going to rule in your favor.

18 MR. UTSEY: Okay.

19 THE COURT: All right. Unless you want
20 to talk me out of it.

21 MR. UTSEY: No, sir. There is one thing
22 in that six minutes where on the radio the
23 officer -- Larry Colson is walking back to this
24 car and the radio comes on, and I think it might
25 be an officer or the sheriff's office says, they

1 had a prior assault and battery on April 14th,
2 which would go back to the 404(b) motion, Your
3 Honor, just to let Your Honor know.

4 THE COURT: All right. Number 1, I
5 didn't hear. Number 2, I hadn't made a decision
6 on that.

7 MR. UTSEY: Yes, sir.

8 THE COURT: Quoting Mr. Knight, nothing
9 shows res gestae like that does.

10 And I'm going to tell you, Mr. Walker, I
11 think that's -- I mean that's showing exactly what
12 happened. I question whether he was actually
13 asked or volunteering this information, and I have
14 a feeling that every stitch of hearsay that may
15 exist on that video, if at all, that is an excited
16 utterance will be addressed through the witnesses.

17 So I'm going to deny your motion. I
18 think that the six minutes, or however long the
19 solicitor played, I think that's all very
20 admissible in this case.

21 If there is some mention about the prior,
22 I didn't hear that. But if that's the case,
23 dependant on my ruling, that needs to be
24 redacted.

25 MR. UTSEY: Yes, sir.

1 THE COURT: All right. What else?

2 MR. UTSEY: Your Honor, the next motion I
3 have is jail calls. Your Honor, I believe
4 Mr. Hale -- well, he's gone back for lunch.

5 Your Honor, there are two jail calls, and
6 the first one occurred that we would like to enter
7 on April 28th, 2019, if Your Honor would like to
8 listen to that. And the second one occurred on
9 October 17th of 2020. Permission to play for the
10 Court.

11 THE COURT: How about the jail calls,
12 Mr. Walker? What's up?

13 MR. WALKER: Well, slightly differences
14 of argument for the two. One, of course, is
15 custodial statement. I think voluntary has to be
16 established. You know, I'd say for both, more
17 prejudicial than probative. Calls in question on
18 this first one. I would say the second one is
19 wildly inappropriate, but we're not to that one
20 yet.

21 THE COURT: All right. Well, let me go
22 ahead and hear it then.

23 MR. UTSEY: Your Honor, the relevant part
24 of this phone call that I want to enter is at five
25 minutes and 20 seconds. However, the first minute

1 does tell, especially for Court's information, it
2 does tell where it's being recorded and that good
3 stuff.

4 THE COURT: You're going to play that?

5 MR. UTSEY: Yes, sir. I'm going to play
6 the first minute, but then I would like to skip
7 the five minutes and 20 seconds.

8 THE COURT: I don't have a problem with
9 that. Mr. Walker?

10 MR. WALKER: I think playing the first
11 part in front of the jury is, kind of, like
12 bringing the defendant in in chains and a jumpsuit
13 saying he's in the jail and it's prejudicial.

14 THE COURT: Well, as long as you're not
15 going to object to him not playing that, if I
16 decide to let it in. That's fine. I agree with
17 you Mr. Walker. We'll skip over the warning. He
18 knows he had a warning. What I don't -- I don't
19 want you to argue that he didn't know he had a
20 warning in there, or something along those
21 lines.

22 MR. WALKER: I wouldn't argue that to the
23 jury.

24 THE COURT: That's fine.

25 MR. UTSEY: Yes, sir.

1 (Jail phone call Number 1 played.)

2 MR. UTSEY: And that's all I'd like to
3 play, Your Honor.

4 THE COURT: Mr. Walker? I heard
5 something about a lawyer and bond. I don't think
6 that's appropriate. Now, there may be some other
7 stuff in there, but I heard -- what's your
8 position on the lawyer and bond comment?

9 MR. WALKER: Again, I don't think it's
10 appropriate as casting his legal representation
11 and stuff before the jury. And it isn't probative
12 or anything to the jury. And, of course, getting
13 a lawyer, getting a bond, again, indicating that
14 he's in jail making the call.

15 THE COURT: Solicitor, let me hear you on
16 that.

17 MR. UTSEY: Yes, sir. Your Honor, it is
18 in the middle of what he's saying -- and I might
19 have been playing it too loud, to be honest,
20 because I couldn't really hear it. But what he
21 says was -- at five minutes 20 seconds he says, I
22 might have f'd up. As long as I stick to my
23 story, I'm good. And it goes on and talks about
24 that. Talk about that in the middle of that he
25 says the sentence about if I can get a lawyer then

1 I can get a bond.

2 THE COURT: That needs to come out.

3 MR. UTSEY: Yes, sir.

4 THE COURT: Anything dealing with a
5 lawyer or a bond, or -- I don't want to get into
6 any of that.

7 MR. UTSEY: Yes, sir. That would be, I
8 guess, the one thing that would come out. Yes,
9 sir.

10 THE COURT: Well, that's the one thing
11 I'm ordering to come out.

12 MR. UTSEY: Yes, sir.

13 THE COURT: The rest of it, I'm going to
14 overrule your objection, Mr. Walker, and I'll
15 allow in whatever it was he played. Certainly you
16 can make some hay with what you heard or didn't
17 hear, quite frankly, on that.

18 MR. WALKER: Yes, sir.

19 THE COURT: What else?

20 MR. UTSEY: Your Honor, the second jail
21 call --

22 MR. WALKER: I'm sorry. Just on the last
23 one, just so I -- from when to when are we
24 omitting?

25 MR. UTSEY: Five minutes and 20 seconds

1 to, I have written down, six minutes and 30
2 seconds, which I will go back and double check,
3 but I am taking out the lawyer part and the bond
4 part.

5 MR. WALKER: Okay, thank you.

6 MR. UTSEY: The second jail call is from
7 October 17th, 2020. I would like to play starting
8 at one minute and 55 seconds.

9 THE COURT: All right.

10 (Jail call 2; one minute 55 seconds to two
11 minutes 25 seconds.)

12 MR. UTSEY: That's what I would like to
13 play to that. When he said, did you call that
14 girl, and then he says who. And he says, that
15 girl you shoot, and he says no. He says -- I'm
16 sorry, Your Honor. He says -- the person says,
17 that says that same one you shoot. He says, I
18 ain't call her. Why you say that? Saw her the
19 other day in town.

20 And the reason I want that in, Your
21 Honor, is because it's a lack of denial that he
22 shot someone.

23 THE COURT: So who asked the question?

24 MR. UTSEY: I believe it's his dad.

25 THE COURT: And you said, the girl you

1 shoot? His dad?

2 MR. UTSEY: Yes. That same one you
3 shoot. He said, I ain't call her.

4 THE COURT: Mr. Walker?

5 MR. WALKER: You have a third party, who
6 I'm not sure who it is, maybe it's his dad,
7 maybe it's not, saying my client shot somebody
8 on -- that's hearsay beyond hearsay. And,
9 frankly, I don't see how you can allow somebody
10 who's not testifying to say that statement by
11 somebody not testifying in court. But even if --
12 forsaken the State's argument --

13 THE COURT: Well, it's kind of like,
14 somebody says that girl you shot, and he didn't
15 say anything?

16 MR. UTSEY: He says --

17 THE COURT: It's almost -- go ahead.

18 MR. UTSEY: I'm sorry, your Honor.

19 THE COURT: No. Go ahead.

20 MR. UTSEY: He says -- the person on the
21 line says, you call that girl, what did she say?
22 He says, who? He says, that same one you shoot.
23 He says, I ain't call her.

24 MR. WALKER: There is only one person
25 he's accused of shooting, so that statement,

1 whether true or not, would identify the person who
2 the person on the phone is talking about. So that
3 gets them to the next step in the conversation.
4 He's is not trying to litigate what happened in
5 this phone call. But what they're trying to get
6 is the third party saying, oh, you shot
7 Channta Kelly, who -- I don't even know who it is,
8 but we have no knowledge of that.

9 THE COURT: Well, to me, it also gets
10 into this whole -- you know, he could have said,
11 well, yeah -- no, I didn't shoot her, or as
12 opposed to being silent and almost -- I don't like
13 the way -- it starts trickling into him being able
14 to you -- know kind, it's kind of -- it's almost
15 like the fact that he made -- we're asking the
16 jury to comment on the response that he made.

17 MR. WALKER: That he didn't deny that he
18 actually shot her.

19 THE COURT: I'm sorry.

20 MR. WALKER: The argument they're wanting
21 to make is that, well, he didn't deny he shot her
22 when that was the identifier by this third person.
23 But in the context of phone call --

24 THE COURT: All right. Solicitor, I'm
25 going to exclude that one.

1 MR. UTSEY: Yes, sir.

2 THE COURT: I think that it runs real
3 less to punishing him for the manner in which he
4 answered that call.

5 Number 2, it starts getting into playing
6 games as to what he meant as it relates to and the
7 way he responded to the caller. I just think it
8 allows for too much speculation. I think it gives
9 some reference to the fact that he -- I think it's
10 basically asked -- it's being offered just to say,
11 he didn't deny it, so he did it, and I think
12 that's improper. So I'm going to deny that.

13 MR. UTSEY: Yes, sir.

14 THE COURT: What else we got?

15 MR. WALKER: Your Honor, just on the jail
16 call issue, based on your rulings, could we,
17 perhaps, establish some warning for authentication
18 of the jail call that you admit so that we're not
19 saying it's a jail call by whoever is admitting
20 it. And, you know, I'm happy to defer. I'm happy
21 to offer some suggestions.

22 THE COURT: Why don't you all just
23 stipulate that it's a call?

24 MR. UTSEY: Your Honor, I can call
25 Officer Hale. He is head of business records from

1 the jail.

2 THE COURT: I think what he's -- you're
3 not objecting to that, right?

4 MR. WALKER: I'm objecting to, I work for
5 the sheriff's department and I came into
6 possession of a recorded phone call.

7 THE COURT: Right. But you're not --
8 right. And as a result of that, you're not going
9 to object and say these aren't authentic.

10 MR. WALKER: Oh, no, Your Honor. I don't
11 want any authentication to come out that, oh, I
12 got these through my job at the jail.

13 MR. UTSEY: All right. So how do you
14 want to address authentication?

15 MR. WALKER: Well, you know, where are
16 you employed? Sheriff's department. Did you --

17 MR. UTSEY: Your Honor, Mr. Hale is
18 currently employed with the Colleton County
19 Sheriff's Office. He is head of the records at
20 the Colleton County Detention Center. He pulled
21 these phone calls himself because he has access
22 with Mr. Sanders's inmate ID, which is how he
23 looks up the calls. But an inmate has to put an
24 inmate ID number, which is how we found out these
25 are from Mr. Sanders. He pulled these two calls

1 from our office.

2 If there's anything else Mr. Walker would
3 like to know, we can put him on the stand.

4 MR. WALKER: Again, I stipulate it's a
5 call from Mr. Sanders.

6 THE COURT: Right.

7 MR. WALKER: And I don't want it coming
8 in that these came out of the jail, and that's all
9 of his qualifications.

10 MR. UTSEY: I see what you're saying.

11 THE COURT: Yeah, yeah.

12 MR. UTSEY: This is a call -- I will
13 stipulate this is a call Mr. Sanders made.
14 However, the way I get it in is -- I mean, unless
15 Matt agrees to admit it, the way I get it in is
16 through Hale.

17 THE COURT: You either admit that it's
18 coming in without all the hoopla, or, if he
19 opposes, then he gets the hoopla as to how he got
20 a hold of it. You understand what I'm saying?
21 Either this is -- it's been agreed, it's been
22 stipulated to that this is a conversation that the
23 defendant participated in or was involved in, or
24 this is recorded conversation of the defendant.
25 If you agree to that, then fine. If you don't

1 agree to that, then we'll let Mr. Hale say this is
2 how we got it and they'll authenticate it, and,
3 depending on what the testimony is, then I may
4 allow that in.

5 MR. WALKER: I absolutely agree with what
6 you suggested as a stipulation. My concern is, is
7 when Officer Hale is brought to the stand, where
8 you work --

9 THE COURT: He won't come to the stand.

10 MR. WALKER: He --

11 THE COURT: He won't come to the stand.

12 MR. UTSEY: I will not call him to the
13 stand if Mr. Walker stipulates.

14 THE COURT: It will be a stipulation.
15 You'll stipulate -- the parties -- Ladies and
16 Gentlemen, the parties have stipulated that this
17 is a call that the defendant participated in, or
18 made, or whatever you-all can agree to. Is that
19 okay?

20 MR. WALKER: Absolutely, Your Honor. My
21 concern was, Officer Hale's background.

22 MR. UTSEY: We will draft a stipulation
23 for Your Honor.

24 THE COURT: Right. If you-all stipulate,
25 then we don't have to call Hale.

1 MR. WALKER: I'll stipulate to the
2 authenticity and the true nature of it. I still
3 object to it coming in.

4 THE COURT: I understand that. I
5 understand that.

6 MR. WALKER: Yes, sir.

7 THE COURT: What else? We got anything
8 else?

9 MR. UTSEY: Yes, sir, Your Honor. We
10 have Jackson v. Denno hearing with interview with
11 the defendant. Kelly Padgett conducted. She is
12 here for purposes of testimony for Your Honor.

13 THE COURT: All right. You want to call
14 her?

15 MR. UTSEY: Yes, sir. The State calls
16 Kelly Padgett.

17 THE COURT: All right. Hold on one
18 second. Hold on one second.

19 (Off the record.)

20 All right. So the jury comes in at 2:00?

21 THE CLERK: Yes, sir.

22 THE COURT: Do you-all keep them
23 downstairs, or what do you-all do at 2:00? Do
24 you-all bring them up here, or what do we do?

25 THE CLERK: When they check them in,

1 they'll send them upstairs.

2 THE COURT: All right. If they're going
3 to check them in and bring them upstairs then
4 let's go ahead and knock this out right now.
5 Otherwise, I was going to take a break. I don't
6 mind -- I don't want them milling around. They're
7 going to have to come somewhere. They're going to
8 send them up here, so let's go ahead.

9 MR. UTSEY: Yes, sir.

10 The State calls Kelly Padgett.

11 THE CLERK: Raise your right hand for me.
12 Do you affirm that the testimony you're about to
13 give the court shall be the truth so help you God?

14 JUROR 47: Yes, ma'am.

15 THE CLERK: State your name again for the
16 record, and spell your last name, please.

17 JUROR 47: My name is Kelly Padgett,
18 P-a-d-g-e-t-t.

19 WHEREUPON:

20 KELLY PADGETT,
21 after having been sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. UTSEY:

24 Q Miss Padgett, can you tell me, who do you work
25 for?

1 A I'm currently employed as an investigator
2 with the 14th Circuit Solicitor's Office.

3 Q Okay. And where did you work on April 24, 2019?

4 A I was employed with the Colleton County
5 Sheriff's Office.

6 Q What was your position with the Colleton County
7 Sheriff's Office?

8 A I was a sergeant investigator.

9 Q And what were some of your duties as a sergeant?

10 A Some of my duties included responding to
11 crime scenes, interviewing witnesses, victims,
12 suspects, obtaining arrest warrants, conducting
13 search warrants, preparing case files, that sort
14 of thing.

15 Q All right. And can you tell us, just briefly, how
16 you got involved in this case on April 24, 2019?

17 A Yes, sir. So due to the nature of the call,
18 which included a female, Channita Kelly, being shot
19 in the back, several members of the criminal
20 investigations division were called out to respond
21 to the scene to assist with the investigation. I
22 wasn't at my residence during that time. It was
23 about 9:30 at night when I signed back on duty and
24 responded to the incident location on
25 Bodison Memorial in Colleton County.

1 Q Okay. And what did you do after you responded to
2 the incident location?

3 A So I was only there for a short amount of
4 time, probably ten minutes or less. I met with
5 some of the investigators who were already on
6 scene. My supervisor at that time,
7 Captain Stallings, instructed me to respond to the
8 sheriff's office, which I did, in order to obtain
9 a search warrant. And the reason for that was
10 because, during the time that other officers were
11 already on scene at Bodison Memorial, it was
12 discover that Mr. Sanders had been there and had
13 actually gone to his father's residence which was
14 located at [REDACTED] Jacksonboro Road also in
15 Colleton County. And so I was instructed to go
16 back to the sheriff's office to obtain a search
17 warrant for the father's residence.

18 Q All right. So you then went and got a search
19 warrant. Tell me what you did after that.

20 A Yes. So I obtained the search warrant. I
21 responded to Judge Henderson's residence here in
22 town. The search warrant was signed. It was
23 provided to another officer who took the search
24 warrant to the father's residence on
25 Jacksonboro Road where the search warrant was

1 conducted.

2 In the meantime, with all that happening,
3 Mr. Sanders had been brought back to the sheriff's
4 office and placed in an interview room that audio
5 and video recorded. And after the search warrant
6 was obtained, I then responded back to the
7 sheriff's office where I interviewed Mr. Sanders
8 post Miranda.

9 Q So you interviewed Mr. Sanders at the
10 Colleton County Sheriff's Office, correct?

11 A That's correct.

12 Q And who was present during that interview?

13 A It was myself and Mr. Sanders.

14 Q Okay. And was Mr. Sanders in custody at that
15 time?

16 A He was detained, yes.

17 Q Okay. Did it appear that Mr. Sanders was under
18 the influence of any drugs or alcohol to the extent
19 that it would impair his ability to understand what
20 was going on during this interview?

21 A No.

22 Q Okay. And did you know of any physical or mental
23 disabilities to the extent that it would impair his
24 ability to understand what was going on during this
25 interview?

1 A No. I asked him if he could read and write,
2 he said a little bit. And I explained to him that
3 once we went over the Miranda Rights form, if
4 there was anything he didn't understand, just let
5 me know and I would try and explain it to him in a
6 way that he did understand.

7 Q Okay. And did you know Mr. Sanders's level of
8 education at the time?

9 A Yes. That was one of the questions on the
10 Miranda Rights form. I believe he said he
11 completed the 11th grade.

12 Q Okay. And during the interview, did you threaten
13 or coerce Mr. Sanders in any way?

14 A No, sir.

15 Q And did you promise anything in exchange for his
16 statement to you?

17 A No, sir.

18 Q Was he ever denied access to food or drink during
19 this interview?

20 A No, he wasn't.

21 Q Was he ever denied access to the bathroom during
22 this interview?

23 A No, he wasn't.

24 Q And before you began the interview, you gave
25 Mr. Sanders -- or read and got him to sign the Miranda

37
1 waiver form for the Colleton County Sheriff's Office;
2 is that correct?

3 A That's correct.

4 MR. UTSEY: May I approach the witness,
5 Your Honor?

6 THE COURT: Yes, sir.

7 BY MR. UTSEY:

8 (STATE EXH. 1, Miranda Warning and Waiver
9 Form, was marked for identification.)

10 THE COURT: 1.

11 BY MR. UTSEY:

12 Q Miss Padgett, do you recognize that?

13 A Yes, I do.

14 Q What is that?

15 A This is Miranda Warning and Waiver Form that
16 was utilized by the Colleton County Sheriff's
17 Office that I read and Mr. Sanders and myself
18 completed.

19 Q Okay. Did Mr. Sanders sign that form?

20 A Yes, he did.

21 Q Is that a fair and accurate copy of the Miranda
22 form from that night?

23 A Yes, it is.

24 Q Okay. Did you also read him his Miranda rights
25 that night?

1 A Yes, I did.

2 Q And you provided that form to him which he signed,
3 correct?

4 A That's correct.

5 MR. UTSEY: Your Honor, at this time, the
6 State would like to move Court's Exhibit 1 into
7 evidence for the purposes of this hearing.

8 THE COURT: Mr. Walker?

9 MR. WALKER: No objection.

10 THE COURT: No objection. Admitted
11 without objection.

12 (STATE EXH. 1, Miranda Warning and
13 Waiver Form, was admitted into evidence.)

14 MR. UTSEY: Yes, sir. May I approach the
15 witness, Your Honor?

16 THE COURT: Yes, sir.

17 BY MR. UTSEY:

18 Q Miss Padgett, can you tell me what that disk is I
19 just handed you?

20 A Yes, sir. This is a disk that contains the
21 interview that was conducted with Mr. Sanders that
22 I conducted. I recognize it. It's got my
23 initials and date on there.

24 Q And did you review that disk before today?

25 A Yes, I did.

1 Q And did I ask you to put your initials on it?

2 A Yes, you did.

3 Q And was that a fair and accurate copy from the
4 interview from that night on April 24, 2019?

5 A Yes, it is.

6 MR. UTSEY: Your Honor, at this time, the
7 State would like to admit the disk just for the
8 purposes of this hearing, Your Honor.

9 THE COURT: Any objection?

10 MR. WALKER: No objection.

11 THE COURT: Admitted without objection.

12 (STATE EXH. 2, Disk of Interview; Sanders,
13 was marked and admitted into evidence.)

14 MR. UTSEY: Your Honor, permission to
15 play the interview with Miss Padgett and the
16 defendant for the court.

17 THE COURT: Any objection?

18 MR. WALKER: It's a long interview.

19 MR. UTSEY: It is a long interview. We
20 have picked out times that we disagree with,
21 Judge, but I just didn't know if you wanted --

22 THE COURT: I'll tell you what,
23 Gentlemen, we need to take a break. Were going to
24 need to get the jury. They're going to be coming
25 in here at 2:00. I'll tell you what we'll

1 probably do -- probably what we'll do is, we'll
2 come back 2:00, we'll pick the jury. I won't
3 swear them in. Send them home. And then we'll
4 spend the rest of the afternoon -- I'll be able to
5 think about this bad act. We'll be able to play
6 this video and not be rushed. You-all won't be
7 rushed about making an open statement and we won't
8 keep the jury waiting.

9 Is there any problem with that from the
10 defense?

11 MR. WALKER: No, Your Honor.

12 THE COURT: When I ask you-all, you-all
13 know that if you did have a problem or a
14 suggestion, let me know. Okay? I'm not here to
15 -- you understand that, Mr. Walker?

16 MR. WALKER: Absolutely, Your Honor.

17 THE COURT: All right. Any problem with
18 that?

19 MR. UTSEY: No, sir, Your Honor.

20 THE COURT: So we're going to take a
21 break, come back up here at 2:00, we'll qualify
22 the jury, we'll select the jury, and go from
23 there. This probably will be the only case we'll
24 try this week, so we'll go from there and see.
25 All right.

1 MR. UTSEY: Yes, sir.

2 THE COURT: See everybody back at 2:00.

3 (A recess was taken from 1:23 p.m. to 2:26 p.m.)

4 (Roll call at 2:26 p.m.)

5 THE COURT: Ladies and Gentlemen, thank
6 you for being here. Thank you for honoring your
7 summons. I know jury service is a great sacrifice
8 on everyone's part, particularly this time of
9 year. The good news is, this will be a one-week
10 term of court. And, quite frankly, I will do
11 everything I can to minimize your time here this
12 week.

13 I am a resident judge, live here in town,
14 and I've been assigned by the chief justice of
15 South Carolina Supreme Court to preside over a
16 term of general sessions or criminal court here in
17 Colleton County this week.

18 Now, the law requires, Ladies and
19 Gentlemen, there are certain questions qualifying
20 questions that I have to ask you, and these
21 questions determine your general eligibility to
22 serve. State law requires that I ask them. And
23 folks, quite frankly, some of the questions are
24 very personal in nature, and you may not want to
25 stand and disclose this information in the

1 presence of your fellow jurors. After each
2 question, Ladies and Gentlemen, if any juror needs
3 to respond, I'm going to ask you to stand. If you
4 do not want to stand, that's fine. At the end of
5 the process, I'll give you a chance to come
6 forward, speak privately with me and the clerk.
7 Don't want to cause any embarrassment. So if you
8 don't want to stand, just make a mental note and
9 remember to come forward at the end when I ask you
10 to do so. And, Folks, it's very important and
11 it's absolutely essential that we have accurate
12 information. Again, these are very important
13 matters that are before the court today, important
14 to the State of South Carolina, and important to
15 the defendant, so I appreciate your anticipated
16 cooperation.

17 Ladies and Gentlemen, is any member of
18 the jury panel not a citizen of the United States?
19 If so, please stand.

20 (No response.)

21 All right. Is any member of the jury
22 panel not a resident and citizen of Colleton
23 County, South Carolina? If so, please stand.

24 (No response.)

25 All right. Is any member of the jury

1 panel unable to read, write, speak, or understand
2 the English language? If so, please stand.

3 (No response.)

4 We're off to a great start. Okay, next,
5 does any member of the jury panel have less than a
6 6th grade education or its equivalent? If so,
7 please stand.

8 (No response.)

9 All right. Is any member of the jury
10 panel, because of mental or physical infirmity,
11 unable to render efficient jury service this week?
12 If so, please stand.

13 (No response.)

14 All right. Ladies and Gentlemen, this
15 next question has got a couple parts, so I'll
16 repeat it at least once, probably twice. Has any
17 member of the jury panel been convicted by guilty
18 plea or trial in a state or federal court of
19 record of a crime punishable by imprisonment for
20 more than one year and your rights have not been
21 restored by pardon or amnesty?

22 Hold on one second, sir. I'll be with
23 you in one second.

24 Punishment by more than one year means
25 that you could have received a sentence of more

1 than one year regardless of what sentence you may
2 have actually received.

3 I'm going to repeat that. Has any member
4 of the jury panel been convicted by guilty plea or
5 trial in state or federal court of record by a
6 crime punishable by imprisonment for more than one
7 year and your civil rights have not been restored
8 by pardon or amnesty?

9 And, again, Folks, punishable by more
10 than one year means that you could have received a
11 sentence of more than one year regardless of what
12 sentence you actually may have received. If so,
13 please stand.

14 Yes, sir. Come on up, sir.

15 Number?

16 JUROR 208: 208, Donald Smalls.

17 THE COURT: Mr. Smalls?

18 JUROR 208: Yes, sir.

19 THE COURT: You've been convicted of
20 something?

21 JUROR 208: I was in trouble. And I've
22 been here before. The judge let me go.

23 THE COURT: What have you been in trouble
24 for?

25 JUROR 208: It was an incident that -- it

1 was trouble that me and co-worker we were in
2 trouble.

3 THE COURT: Did you plead guilty or were
4 you found guilty of something?

5 JUROR 208: My lawyer, I think -- I don't
6 know if I pled guilty, but anyway they put me
7 on --

8 THE COURT: Probation?

9 JUROR 208: Yes, sir, probation.

10 THE COURT: They put you on probation.
11 How long were you on probation?

12 JUROR 208: I think it was two. Two,
13 maybe. I really don't know.

14 THE COURT: All right. Assault and
15 battery of a high and aggravated nature?

16 JUROR 208: That's what they said.

17 THE COURT: All right. Sir, that's going
18 to make you ineligible to serve. I'm going to
19 excuse you, sir, from the trial of this case.

20 This is Mr. Smalls, Donald Ray Smalls,
21 Sr. 208. Senior.

22 We are going to excuse you, Mr. Smalls.
23 Thank you. You're free to go, sir.

24 All right. Ladies and Gentlemen, is any
25 member of the jury panel a clerk or deputy clerk

1 of court, constable, sheriff, or other
2 commissioned law enforcement officer, probate
3 judge, county commissioner, magistrate, or other
4 county officer, or employed within the walls of
5 any courthouse? If so, please stand.

6 (No response.)

7 THE COURT: Is there any member of the jury
8 panel who has previously served on jury duty in
9 circuit court, and that's not city court, or
10 magistrate's court, or federal court, during this
11 calendar year? If so, please stand.

12 (No response.)

13 All right. Has any member of the jury panel
14 served as a member of Colleton County grand jury
15 during the past several years? If so, please stand.

16 Come on up, sir.

17 Thank you. Your juror number? Number 194.
18 Yes, sir. Mr. Sanchez, did you serve on the Colleton
19 County grand jury?

20 JUROR 194: No. I came here probably
21 about four years.

22 THE COURT: Okay. And was that for a
23 term of court on this?

24 JUROR 194: Yes.

25 THE COURT: Okay.

1 JUROR 194: Just for this.

2 THE COURT: But that wasn't the grand
3 jury? Was it the grand jury?

4 JUROR 194: I don't think so.

5 THE COURT: All right. The grand jury,
6 because you have to come back every other month,
7 come back for three hours in the day versus the
8 one week term of week.

9 JUROR 194: Correct.

10 THE COURT: Maybe you served, maybe you
11 didn't.

12 JUROR 194: Yes, that's correct.

13 THE COURT: That's great. Thanks for
14 letting me know that. Right now, that's not going
15 to effect your ability to serve this week. Thank
16 you for letting me know.

17 JUROR 194: Yes, sir.

18 THE COURT: All right. Miss Sanchez,
19 thank you.

20 Again, Ladies and Gentlemen, if there's a
21 question or if you have a question, we want to err on
22 the side of being complete and making sure at the end
23 that we have accurate information.

24 All right. Ladies and Gentlemen, we're
25 now going to move to jury exemptions. State law

1 provides for several exemptions to jury service.

2 An exemption does not mean that you're not
3 qualified to serve. It simply means that you have
4 a right to say I choose not to serve.

5 For those of you, Ladies and Gentlemen,
6 who are 65 years of age or older, you may be
7 exempted from jury service. Now, if you are 65 or
8 older, we'd love to have you. But if you are 65
9 or older and you wish to exercise your exemption,
10 that is you choose not to serve, if that applies
11 to you and you wish not to serve, please stand.

12 All right. Yes, ma'am. Your juror number.

13 JUROR 115: 115.

14 THE COURT: 115? Come on, ma'am. I'm
15 sorry.

16 Your number?

17 JUROR 115: 115.

18 THE COURT: Okay. You're 65.

19 JUROR 115: 65.

20 THE COURT: Well, congratulations. Let
21 me ask you this: Do you want to be excused this
22 week? If you're 65, you don't have to serve.
23 Now, I'd love for you stay and serve, but that's
24 up to you. Whatever you want to do.

25 JUROR 115: I want to be excused.

1 THE COURT: You want to be excused.

2 All right. I'm going to excuse Miss
3 Hamilton, number 115. You're your free to go.
4 Thank you.

5 THE DEPUTY: Give the officer the badge
6 at the door.

7 THE COURT: Have a good Christmas.

8 Anybody else 65 or older and desires to be
9 excused?

10 (No response.)

11 THE COURT: All right. Ladies and
12 Gentlemen, another exception concerns prior jury
13 service. No person is required to serve as a
14 juror more often than once every three calendar
15 years. Therefore, if any member of the jury
16 panel has served on jury duty during the last two
17 calendar years, you may be exempt from service
18 this week if you choose to be exempted. Please
19 note that this exemption does not apply if your
20 service was in magistrate court, city court, or
21 federal court. So if this exemption applies to
22 you and you wish to be exempted, please stand.

23 (No response.)

24 THE COURT: All right. Ladies and
25 Gentlemen, persons who have served as grand jurors

1 in the last five calendar years may also be exempt
2 from jury service. If any member of the jury
3 panel served on the grand jury during the last
4 five calendar years, you may be exempt from
5 service this week if you choose to be. If that
6 applies to you and you wish to be exempted, please
7 stand.

8 (No response.)

9 THE COURT: All right. Ladies and
10 Gentlemen, the next exemption deals with you who
11 have legal custody of young children. And please
12 listen very carefully to the exemption. It's got
13 several parts, all of which must apply for you to
14 be exempted on that basis. You may be exempt from
15 jury service if you have a child under the age of
16 seven years, you have legal custody of your child
17 or children, you have the principal care, custody,
18 and control of your child or children, and you're
19 unable to makes arrangements for the adequate care
20 of your child or children while performing jury
21 duty. If all of those requirements, Ladies and
22 Gentlemen, apply to you, then you may be exempted
23 on this basis. If this exemption applies to you
24 and you wish to be exempted, please stand.

25 Yes, sir. Come on up. What is your

1 number?

2 JUROR 25: 25.

3 THE COURT: 25. Yes, sir.

4 JUROR 25: Well, I have a six-year-old
5 and he goes to Walterboro Christian Academy and I
6 get off work early to go pick him up.

7 THE COURT: Well, let me ask you this:
8 Who takes him in in the morning?

9 JUROR 25: She does. My wife.

10 THE COURT: And so let me just ask you --
11 I mean, where does she work?

12 JUROR 25: She works at Beaufort Memorial
13 Hospital. She works onsite.

14 THE COURT: I'll tell you what I'm going
15 to do, I'm not going to excuse you for that. But
16 now, if you want me to transfer you, I can
17 transfer you until, say, in the summer, that's not
18 going conflict with that. Whatever you want to
19 do. I mean, as far as school, I mean, you may
20 want to serve and get it over sooner rather than
21 later. But if you want to transfer to this
22 summer, I'll do it.

23 JUROR 25: I'll do it in the summer.

24 THE COURT: All right. When do we have
25 court here this summer?

1 THE CLERK: June, July. We'll have a
2 term in June and a term in July.

3 THE COURT: You want a term in June or
4 you want a term in July. We'll probably be here
5 together. Which one you want? I'll give you
6 either one.

7 JUROR 25: June.

8 THE COURT: We'll put him down in June,
9 Number 25. That's fine. Thank you.

10 Number 25, you will get a notice, sir.
11 Okay. Now, I'll tell you this: When you get the
12 notice, you need to be sure that you make plans.
13 They won't let you transfer again. Okay, good
14 luck. Have a great Christmas.

15 Number 25 is going to be transferred to
16 our June term of court, and make sure that he gets
17 notice for that. He will serve that week.

18 All right. Ladies and Gentlemen, if
19 you're the primary caretaker of a person 65 years
20 or older and you're unable to provide adequate
21 care for the person while performing jury service,
22 you may be exempt from jury duty. If this
23 exemption applies to you and you wish to be
24 exempted, please stand.

25 (No response.)

1 THE COURT: All right. Ladies and
2 Gentlemen, if you're the primary caretaker of a
3 severely disabled person who is unable to care for
4 himself or herself and cannot be left unattended
5 and you are unable to provide adequate care for
6 the person while performing jury service, you may
7 be exempt from jury duty. If this exemption
8 applies to you and you wish to be exempted, please
9 stand.

10 (No response.)

11 THE COURT: All right. Ladies and
12 Gentlemen, the exemption involves those of you who
13 may be attending school at this time or working in
14 some capacity with a school. If this exemption
15 applies to you and you wish to be exempted, we'll
16 transfer you or your service to another term of
17 court and which time will not conflict with your
18 school responsibilities. So is there any member
19 of the jury panel who is a full-time student,
20 school teacher, school crossing guard, school bus
21 driver, or serves in any other school function,
22 who is unable to serve on jury duty this week, and
23 as a result of that school involvement and wishes
24 to be transferred to another week that doesn't
25 conflict with your school schedule? If that

1 applies to you, please stand.

2 Come on up, ma'am.

3 THE CLERK: Juror Number 126.

4 THE COURT: Sure, come on up. Come right
5 around here. Hey, ma'am.

6 JUROR 126: Hi.

7 THE COURT: Yes, ma'am.

8 JUROR 126: So I am an student at George
9 Washington University, and I have to attend class
10 Tuesdays and Thursdays. My academic year is going
11 to end in June.

12 THE COURT: In June? Then we'll put you
13 in for July. How's that?

14 JUROR 126: Okay.

15 THE COURT: So we'll get you a notice and
16 they'll notify you to come back in July. Thank
17 you. You're excused, and have a great holiday.

18 JUROR 126: Thank you.

19 THE COURT: All right. Miss Hughes,
20 Number 126, is going to be transferred to our July
21 term of court.

22 THE CLERK: Yes, sir.

23 THE COURT: Thank you.

24 THE CLERK: Juror 157.

25 THE COURT: Okay. You want to be

1 transferred to another term of court.

2 JUROR 157: I guess, it's just a really
3 bad week.

4 THE COURT: All right. Then what I'll do
5 is, I'll just transfer you to a week in -- June or
6 July? Which one do you want?

7 JUROR 157: Probably July.

8 THE COURT: We will transfer you to a
9 week in July.

10 JUROR 157: All right.

11 THE COURT: Thank you. She's going to be
12 transferred to a term in July. She's a teacher.

13 Yes, ma'am, come on up.

14 THE CLERK: Juror 168.

15 THE COURT: Hey, ma'am. Come around
16 right here. We just need to get on the record.
17 Yes, ma'am.

18 JUROR 168: I work for department of
19 disabilities in Hampton and we only have, like,
20 two weeks left. This is the final two weeks to
21 get prepared to go out and to go home.

22 THE COURT: Let me ask you this. When is
23 going to be a better time in the summer?

24 JUROR 168: The next session, because
25 this next --

1 THE COURT: So when is that? When is a
2 good time for you? You tell me.

3 JUROR 168: Anytime after this month.

4 THE COURT: So this is a bad month.

5 JUROR 168: Yes.

6 THE COURT: I guess what I'm asking is,
7 would you rather be in the spring or summer, June
8 or July, or would you rather be in March? I don't
9 know. You tell me.

10 JUROR 168: March or spring. Whatever.

11 THE COURT: All right. Do we have a term
12 of court -- when is our term of court in the
13 spring?

14 How about June; is that all right?

15 JUROR 168: That's fine.

16 THE COURT: And our number?

17 JUROR 168: 168.

18 THE COURT: 168, thank you. You will get
19 a notice.

20 All right. 168 is going to be
21 transferred to the June term of court. All right,
22 thank you.

23 Any member of the jury panel who is
24 employed with the Department of Corrections at a
25 penitentiary and like to be exempted? Please

1 stand.

2 (No response.)

3 THE COURT: All right. Ladies and
4 Gentlemen, is there any juror who performs
5 services for a business, commercial, or
6 agricultural enterprise which are so essential to
7 the operating of the enterprise that, if you were
8 required to perform jury duty, the enterprise
9 would have to close or stop functioning? If so,
10 and you wish to be exempted, please stand.

11 And, Ladies and Gentlemen, I want to let
12 you know something, I was self-employed for many
13 years as an attorney. And so to that extent, if I
14 wasn't working, then there was nobody there
15 overlooking the staff and the running of the
16 business. So I understand what it is to be
17 self-employed.

18 And so that having been said, just being
19 self-employed is not going to create an exemption
20 as it relates to jury service. But, again, if
21 there is a juror who performs services for a
22 business, commercial, or agricultural enterprise,
23 which those services are so essential to the
24 operation of the enterprise that if you were
25 required to perform jury duty, the enterprise

1 would have to close or stop functioning, if so,
2 and you wish to be exempted, please stand.

3 All right. Come on up, ma'am.

4 THE DEPUTY: Number 38.

5 THE COURT: Hey, ma'am.

6 JUROR 213: I'm a technician for Great
7 Creek Ventures, LLC, and I do a lot of cleaning.
8 An inspection is coming up on Wednesday.
9 Everything has to be perfect.

10 THE COURT: Well, listen, that's no
11 problem. The next question that I was going to
12 ask is, is there any reason that this is a
13 particular bad week for somebody. And so what
14 you're telling me is that this is a particular bad
15 week. What I want to know is, if I transfer you
16 to a term of court in June, would that be better?

17 JUROR 213: I'll give my boss notice.
18 Like, lots of notice.

19 THE COURT: All right. We're going to
20 transfer her, Number 213, Miss Smoak to the June
21 term of court.

22 THE CLERK: June 10th. We will send a
23 notice.

24 THE COURT: All right. Number 213 is
25 going to be transferred to the June term of

1 court.

2 THE BAILIFF: Juror 91.

3 THE COURT: All right. Yes, sir. What's
4 your juror number?

5 JUROR 63: 91.

6 THE COURT: 91.

7 JUROR 63: And Friday, we have my dad
8 going to the hospital for an MRI for something. I
9 can't be here.

10 THE COURT: On Friday?

11 JUROR 63: On Friday.

12 THE COURT: We should be finished by
13 Friday. So I guess what I'm asking is, I don't
14 mind transferring you to another term of court,
15 but you're already here today and we -- I'll tell
16 you what I'm going to do.

17 I'm going to excuse him from service this
18 Friday.

19 THE CLERK: Okay.

20 THE COURT: You want to get ahead and
21 serve this week if I can make sure you ain't going
22 to be tied up on Friday?

23 JUROR 63: That's fine.

24 THE COURT: That's great. I appreciate
25 that. So you just remain with us.

1 JUROR 63: All right.

2 THE COURT: He's going to remain with us,
3 and we'll talk about Friday.

4 THE BAILIFF: 63.

5 THE COURT: Hey, sir. Yes, sir. What's
6 going on.

7 JUROR 63: I need to be at work. I mean,
8 it's not work, but I mean --

9 THE COURT: What now?

10 JUROR 63: I said, I said I need to be at
11 work. It's not working without me. Everything
12 shut down.

13 THE COURT: What do you do?

14 JUROR 63: I install cabinets.

15 THE COURT: You install cabinets.

16 JUROR 63: Yes.

17 THE COURT: Who do you work for?

18 JUROR 63: I'm self-employed. I'm
19 self-employed.

20 THE COURT: Where is your project right
21 now?

22 JUROR 63: Beaufort/Hilton Head.

23 THE COURT: When do you want to come
24 back? You're not getting out of jury service.

25 JUROR 63: That's fine.

1 THE COURT: What week? You tell me. You
2 pick.

3 JUROR 63: Any time next month, really.

4 THE COURT: What is our next term of
5 court.

6 THE CLERK: January 10th.

7 THE COURT: Hold on. January 10th. What
8 I want you to do is, when you give me the week,
9 then you can make arrangements to make it happen.
10 So, I guess, that's what I'm asking. That's
11 pretty quick.

12 JUROR 63: I'll be able to make that
13 work.

14 THE COURT: You don't want it later?

15 JUROR 63: It don't need to be later.

16 THE COURT: January 10th is good?

17 JUROR 63: That would be fine.

18 THE COURT: As opposed to saying February
19 sometime.

20 JUROR 63: No, that's fine.

21 THE COURT: All right. January 10th.

22 All right, sir. We're going to continue you.

23 You'll get a new notice. It's coming up January
24 10th. I hope you get caught up.

25 JUROR 63: So I'm good to go?

1 THE COURT: You're good to go. And your
2 number again?

3 JUROR 63: 63.

4 THE COURT: 63. Juror number 63 is going
5 to be transferred to the January 10th term of
6 court.

7 All right. Ladies and Gentlemen, that
8 concludes the statutory list of qualifications and
9 exemptions for jury service. It may be that
10 you're qualified and no exemption applies to you
11 but jury service this week would constitute an
12 extreme hardship on you for a particular reason.
13 I cannot permanently excuse a qualified juror from
14 service, but under extreme and compelling
15 circumstances, I may excuse a juror from this term
16 of court and transfer the juror to another term of
17 court, particularly those jurors who may have not
18 been previously transferred. Please understand
19 that general inconvenience is not a sufficient
20 reason to transfer you to another term of court.
21 To justify a transfer to another term of court,
22 service this week must present some type of
23 extreme hardship to you.

24 Now, Ladies and Gentlemen, this is also
25 now the chance for those of you who did not

1 respond earlier to any questions I asked and those
2 of you who have a compelling reason to request a
3 transfer of your jury service to another week to
4 come forward. So if you believe you're
5 disqualified or exempt from jury service or if you
6 have any questions about whether you are
7 disqualified or exempt, or if you want to be
8 transferred to another term of court, please come
9 forward at this time.

10 Hey, sir. Come on up.

11 THE CLERK: 232.

12 THE COURT: Yes, sir.

13 JUROR 47: I'm currently involved in --
14 I'm a defendant in criminal case.

15 THE COURT: Okay. You're a defendant in
16 a criminal case?

17 JUROR 47: Kind of, yes, sir.

18 THE COURT: Juror number, sir?

19 JUROR 47: 232.

20 THE COURT: 232. Mr. Walker?

21 MR. UTSEY: He has pending charges,
22 Your Honor. David Matthews is his attorney.

23 JUROR 232: I did ask early today
24 regarding information about the charges being
25 dismissed.

1 THE COURT: Let me ask you this: What is
2 the current charge that you have right now? Do
3 you know?

4 JUROR 232: Yeah. Originally for
5 insurance --

6 THE COURT: That's all right. Okay, let
7 me ask you this? Have you ever been charged in a
8 criminal matter before, sir?

9 JUROR 232: No, sir.

10 THE COURT: Okay. Hold on, hold on, hold
11 on. One of them has been dismissed. Hold on one
12 second, sir. Let me take a look at this.

13 JUROR 232: Yes, sir.

14 THE COURT: All right. Sir, how about
15 stand right over there for one second.

16 What is the State's position on this
17 witness? Or on this juror? Excuse me.

18 MR. UTSEY: I believe he should be
19 excused, Your Honor, because he's represented by
20 the Public Defender's Office. They're trying the
21 case. Our office is the one prosecuting.

22 THE COURT: So he is presently being
23 prosecuted by you, sir? By your office?

24 MR. UTSEY: Yes, Your Honor.

25 THE COURT: And is it your understanding,

1 do you know, is your office representing him?

2 MR. WALKER: They represent them.

3 THE COURT: All right. What's your
4 position, sir?

5 MR. WALKER: I believe he's a qualified
6 juror at this point.

7 THE COURT: I understand that. I
8 understand that. He is presently represented by
9 your office?

10 MR. WALKER: (Witness nods head up and
11 down.)

12 THE COURT: I'm going to disqualify him.
13 I'm going to release him.

14 Sir, come on back up.

15 I'm going to excuse you from service on
16 this case. So you're going to be excused from
17 jury service this week, and you're free to go.
18 Good luck with these charges. All right.

19 JUROR 232: Thank you, sir.

20 THE COURT: Thank you, sir.

21 All right. Yes, ma'am.

22 THE DEPUTY: 47.

23 THE COURT: All right. Hello.

24 JUROR 47: My husband has -- because of a
25 health issues he's had this year, he has some

1 short-term memory issues.

2 THE COURT: Yes, ma'am.

3 JUROR 47: He's got a stress test
4 scheduled for Wednesday in Charleston.

5 THE COURT: All right.

6 JUROR 47: And I don't trust him to get
7 there by himself.

8 THE COURT: I certainly understand that.
9 You need somebody to go with him to the stress
10 test.

11 JUROR 47: And I need to remember what
12 the doctor tells him.

13 THE COURT: All right. What I'm going to
14 do, ma'am, is, I'm going to transfer you to
15 another term in -- you want January or you want
16 June? Either one.

17 JUROR 47: June.

18 THE COURT: All right. Number 47,
19 Miss Chapman, we're going to transfer her to June
20 also.

21 Yes, ma'am. You're excused. Have a good
22 Christmas.

23 THE COURT: Come on up, sir. Hey, sir.

24 JUROR 38: Well, my wife have airline
25 tickets to fly to Chicago to visit our three sons.

1 We're leaving for Christmas.

2 THE COURT: When are you supposed to be
3 leaving?

4 JUROR 38: It's like we're leaving
5 Friday. I can give you today through Thursday, no
6 problem.

7 THE COURT: All right. We will have you
8 out of here before Friday.

9 JUROR 38: Okay, good.

10 THE COURT: We'll be finished Thursday.

11 JUROR 38: The whole thing is, I can you
12 through Thursday. You know, the wife and I, we
13 got to go see the sons.

14 THE COURT: We will have you out of here
15 by Friday. What is your number?

16 JUROR 38: 38.

17 THE COURT: Thank you. Number 38 is
18 going to remain with us.

19 THE DEPUTY: 55.

20 THE COURT: Sir, come on 'around right
21 here. Yes, sir. What's going on?

22 JUROR 55: I'm in the middle of moving.
23 I had to drive here last night to be here today.
24 I'm trying to get finished up and set up in
25 Alabama.

1 THE COURT: Okay. Well, what you're
2 telling me is, basically, you're in the middle of
3 moving, right? Came back because you had a
4 summons to be here.

5 JUROR 55: Yes, sir.

6 THE COURT: And so with the process of
7 moving and everything going on, it's a particular
8 bad week for you; is that right?

9 JUROR 55: Yes, sir.

10 THE COURT: All right. I'm going to
11 excuse Mr. Craven from service this week. All
12 right, good luck.

13 Mr. Craven is going to be excused from
14 service this week and he says he's moving.

15 Come on up, ma'am. Number 162, yes,
16 ma'am.

17 JUROR 162: I'm acquainted with the
18 defendant. I know his family. I just don't
19 feel --

20 THE COURT: What will happen is this.
21 I'm asking about that at the appropriate time, and
22 so you will be able to respond. Okay, thank you
23 for letting me know.

24 JUROR 162: No problem.

25 THE COURT: Yes, ma'am.

1 Hey, ma'am. You're number 99. Yes, ma'am.

2 THE COURT REPORTER: Your Honor, I'm not
3 hearing anything.

4 THE COURT: I'm sorry. She told me she's not
5 too good of a reader. My response was, where do you
6 work? She said, Food Lion. And my next question was,
7 what do you do at Food Lion?

8 JUROR 99: I work in the meat
9 department.

10 THE COURT: In the meat department? Let
11 me tell you what, there ain't going to be a whole
12 lot of reading, if any, that's going to be
13 required for jury service this week. Okay?

14 JUROR 99: Okay.

15 THE COURT: If there is an issue or
16 something that's confusing, if you get selected on
17 the jury, you let me know. But, ma'am, I'm going
18 to tell you right now, when it comes to working in
19 the meat department and wrapping and pricing and
20 logging in and checking all that stuff, which I
21 know you do there, right, you will be a great
22 juror. Thank you very much.

23 JUROR 99: All right.

24 THE COURT: She will remain with us.

25 Hold up right here.

1 JUROR 128: I have a son who is waiting
2 for MUSC right now. I have to be accessible by
3 phone for depression and anxiety.

4 THE COURT: So you have a son that is at
5 MUSC right now?

6 JUROR 128: Well, waiting to be put in
7 there. There's no open beds, so I just have to be
8 accessible by phone.

9 THE COURT: Well, all right. I'll tell
10 you, ma'am, what I'm going to do is, I'm going to
11 continue you to another term of court.

12 JUROR 128: Okay, that's fine.

13 THE COURT: You're not -- there will be
14 times, if you were selected, you just wouldn't
15 have access. I understand needing to be there so
16 you can get him where he needs to be.

17 JUROR 128: This is the second week.

18 THE COURT: So what we'll do is, we'll
19 transfer you to another term of court in June.
20 Okay?

21 JUROR 128: That's fine.

22 THE COURT: Your number, ma'am?

23 JUROR 128: 128.

24 THE COURT: All right. Number 128 is
25 going to be transferred to the term of court in

1 June.

2 Okay. Come around right here, ma'am.

3 Yes, ma'am.

4 JUROR 237: We don't have enough
5 employees to just cover my shift. I might have
6 shift issues.

7 THE COURT: Well, I understand the
8 situation you're in, the problem is, that's not
9 going to qualify as a reason to exempt you from
10 jury duty. Now, that having been said, you know,
11 if this week is a particularly bad week, I can
12 transfer you to another week. But what I would
13 tell you is this, this is going to be a one-week
14 term of court.

15 JUROR 237: Okay.

16 THE COURT: Number 2, I believe that we
17 will for certain be finished -- your service will
18 be finished by end of the day, Thursday.

19 And, Number 3, if you are not selected on
20 this jury -- you may not be selected at all this
21 week and be done. So it could be that this is a
22 good week. But if you want me to transfer you, I
23 will transfer you to another week. Whatever you
24 want to do.

25 JUROR 237: No. I'll do it this week.

1 THE COURT: If you don't get selected on
2 the first jury, you're home free. If not, you
3 will be out of here by Thursday. I'll do
4 everything I can to minimize your down time if
5 you're selected on this jury. All right?

6 JUROR 237: Yes, sir.

7 THE COURT: Your number again?

8 JUROR 237: 237.

9 THE COURT: All right. Number 237 is
10 going to stay with us. Thank you, ma'am.

11 THE BAILIFF: 202.

12 THE COURT: Hello. Yes, ma'am.

13 JUROR 202: I work in a doctor's office.
14 There's two people. One who does the scheduling
15 and the other is in training, but she's not caught
16 up. It's just me. I'd like to be moved to a
17 later time.

18 THE COURT: When do you want to come?

19 JUROR 202: Whenever.

20 THE COURT: I mean, do you want to
21 come --

22 THE CLERK: We have February 7th.

23 THE COURT: How about February 7th.

24 JUROR 202: That's fine.

25 THE COURT: All right. Number 202, we're

1 going to transfer you to the February 7th term of
2 court.

3 JUROR 202: Okay.

4 THE COURT: Thank you, ma'am.

5 THE DEPUTY: 65.

6 THE COURT: Hey, ma'am.

7 JUROR 65: I have a three- and
8 five-year-old. My five-year-old is in pre-care,
9 and I'm really the only one that can take her to
10 and from school for right now.

11 THE COURT: You have a three- and a
12 five-year-old?

13 JUROR 65: A three- and a
14 five-year-old.

15 THE COURT: Do you have custody of your
16 children?

17 JUROR 65: I do.

18 THE COURT: All right. Do you work
19 outside the home?

20 JUROR 65: No, sir.

21 THE COURT: Okay. Who's watching them
22 right now?

23 JUROR 65: I actually got my mother to
24 watch her today.

25 THE COURT: And so is your mom not

1 available to watch them this week while you're
2 serving jury duty?

3 JUROR 65: No.

4 THE COURT: Then I'm going to excuse you,
5 ma'am. Your number is.

6 JUROR 65: 65.

7 THE COURT: Number 65 is going to be
8 excused.

9 JUROR 65: I can do it when she gets out
10 of school.

11 THE COURT: Well, the reason I'm quick to
12 say that is because of the three- and
13 five-year-old.

14 JUROR 65: I just didn't want to get in
15 trouble.

16 THE COURT: As long as you tell me the
17 truth, you ain't getting trouble. If they're
18 three and five, you can claim, you know, an
19 exemption if you want to be exempt. Now, if you
20 want to serve and there's a better time and
21 somebody could watch them, you know, this summer
22 or whatever, that's fine too. But you're entitled
23 to say, Judge, I got a three-year-old and a
24 five-year-old. I don't have anybody to care for
25 them. I want to be exempted. If that's what you

1 want to do, that's fine. You want to do that?

2 JUROR 65: Yes, sir.

3 THE COURT: You want to claim your
4 exemption?

5 JUROR 65: Yes, sir.

6 THE COURT: She's going to claim her
7 exemption.

8 THE CLERK: Okay.

9 THE COURT: Thank you.

10 THE DEPUTY: 103.

11 THE COURT: Hey, sir. Come on up.
12 What's up?

13 JUROR 103: I don't have an exemption,
14 just a question. So Thursday -- I'm a teacher.
15 It's not dire. I can still serve.

16 THE COURT: I'm not following. So you're
17 a student and you want to do something for
18 Thursday? Why don't we just transfer you to a
19 term that doesn't conflict with school.

20 JUROR 103: It's the last week of school.
21 I can take the rest of the week off.

22 THE COURT: Well, now, I can't help you
23 on that.

24 JUROR 103: At least I tried.

25 THE COURT: Listen, if you want to get

1 transferred, I'll transfer you. If you do not
2 want to be transferred, then I will not transfer
3 you. I will lay at your feet. You're a teacher.
4 If you want to be transferred, I'm going to
5 transfer you. You're not going to blame this on
6 me. All right? So you make the call. You make
7 the call.

8 JUROR 103: I'm good with being here, so
9 I get a break on this one.

10 THE COURT: All right. So you're going
11 to stay with us?

12 JUROR 103: Yes, sir.

13 THE COURT: Thank you very much.

14 THE BAILIFF: 193.

15 THE COURT: All right. Come up on. Yes,
16 ma'am.

17 JUROR 30: This is really a bad time.

18 THE COURT: All right.

19 JUROR 30: Can you schedule me for
20 another time?

21 THE COURT: All right. When do you want
22 to come?

23 JUROR 30: Next year.

24 THE COURT: All right. You want to come
25 in July?

1 JUROR 30: Is there another month I can
2 come?

3 THE COURT: All right. June?

4 JUROR 30: June.

5 THE COURT: All right. And that's 193,
6 Miss Salley.

7 JUROR 30: Yes.

8 THE COURT: We're going to transfer you
9 to a June term of court. Thank you. Good luck,
10 Miss Salley.

11 THE DEPUTY: 30.

12 THE COURT: Hey, sir. The local --
13 what's going on, Mr. Brock?

14 JUROR 30: I know the defendant.

15 THE COURT: You know who?

16 JUROR 30: I know him.

17 THE COURT: You know the defendant?

18 JUROR 30: Yes.

19 THE COURT: All right. That is exactly
20 what you're supposed to be doing, but I'm going to
21 ask questions more specific about this specific
22 case, which is in just a few moments. That will
23 give you an opportunity to talk about that. Thank
24 you very much, Mr. Brock.

25 THE DEPUTY: 176.

1 THE COURT: All right. Hey, sir come on
2 up. What's up?

3 JUROR 176: I wasn't quite sure. I have
4 an arrest record. I wanted to make sure I was
5 doing the right thing. I have been charged with
6 DUI about 30 years ago.

7 THE COURT: Okay.

8 JUROR 176: I had a charge against me
9 about 12, 13 years ago maybe. That was pretrial
10 intervention for that. I think the charges were
11 dropped.

12 THE COURT: What pretrial intervention?
13 Where was that?

14 JUROR 176: Those charges were dropped.

15 THE COURT: Here? Where was that?

16 JUROR 176: That was here.

17 THE COURT: Okay. Solicitor, do you
18 have -- I'm sorry. Your name?

19 JUROR 176: Norton.

20 THE COURT: This is Mr. Norton.

21 MR. UTSEY: What is your number, sir?

22 THE COURT: Number sir?

23 MR. UTSEY: 176?

24 JUROR 176: 176. I also had, about 8
25 years ago, a charge of simple possession and

1 paraphernalia.

2 THE COURT: Of marijuana?

3 JUROR 176: Yeah.

4 MR. UTSEY: Your Honor, I have two
5 convictions for trafficking marijuana.

6 THE COURT: Well, congratulations, sir.
7 You're eligible to serve. Solicitor, that's your
8 understanding?

9 MR. UTSEY: Yes, sir. That's correct.

10 THE COURT: Certainly that's your
11 understanding?

12 MR. WALKER: He's certainly eligible.

13 THE COURT: Great, thank you. Thank you
14 for letting us know. Yes, sir, you are.

15 Are there some other members?

16 MR. UTSEY: Yes, sir. There are.

17 THE COURT: Could juror 160, 1-6-0, come
18 forward, please. Let me ask you this: Is this
19 you, Miss Mitchell? Let me ask you something, are
20 you convicted of drug possession?

21 JUROR 160: Yes.

22 THE COURT: So juror 160 is going to be
23 excused.

24 All right. Juror 224? Could juror 224 come
25 around here? Are you Mr. Jerrod Sweat?

1 JUROR 224: Yes, sir.

2 THE COURT: All right. Mr. Sweat, let me
3 ask you something: You got some kind of criminal
4 conviction in the past?

5 JUROR 224: Speeding.

6 THE COURT: Hold on one second. Let me
7 tell you what I got. Some type of aggravated --
8 it says first offender. This says felony, First
9 Offender Act. So what is that?

10 JUROR 224: It was an act in Georgia. I
11 was going -- she shot me in the back, and they put
12 a bunch charges on me. And my lawyer got First
13 Offender Act. I have my right to vote back.

14 THE COURT: Let me ask you about this:
15 What about this aggravated assault and a
16 three-year confinement?

17 JUROR 224: That was a charge --
18 something she swept through the court system.
19 I've been working to get it dropped from more
20 serious charges.

21 THE COURT: Sir, I'm going to have you
22 stand right over there for a second while I talk
23 to these two gentlemen.

24 Sir, I'm sorry. Come here for one
25 second. Let me ask you: Under the First Offender

1 program, do you serve any time? What do you do?

2 JUROR 224: Yes.

3 THE COURT: How much did you do?

4 JUROR 224: My lawyer, he plead and I did
5 three years.

6 THE COURT: You served three years?

7 JUROR 224: Yes, sir.

8 JUROR 224: Twenty-four months in
9 Georgia, First Offender Act.

10 THE COURT: So what does the
11 First Offender Act get you after you serve that
12 time?

13 JUROR 224: It got me my right to vote
14 and right to carry a firearm.

15 THE COURT: All right. Thank you. Stand
16 right over there for a second and let me talk to
17 these two gentlemen.

18 All right. This gentleman says that his
19 charges were all wrapped in a first offender's
20 program in Georgia. He said he did end up serving
21 a total time of, it sounds like to me, three
22 years. However, he says that in Georgia, under
23 the first offender's program that he gets his
24 right to vote back, carry a gun. I'm not familiar
25 with it. Do you know anything about it? If you

1 don't, otherwise I'm inclined to err on the side
2 of not excluding him.

3 MR. UTSEY: I am not aware of that,
4 Your Honor.

5 THE COURT: Do you know anything about
6 that, sir?

7 MR. WALKER: I have heard of it, but I
8 don't know the details of -- the status of the
9 person.

10 THE COURT: I mean, if somebody wants to
11 do the research -- I mean, I just don't think we
12 are going to be able to do that.

13 Sir, come on back. Sir, I absolutely
14 believe you when you're telling me that you
15 entered the first offender's program in Georgia.

16 JUROR 224: Uh-huh.

17 THE COURT: The problem is that this is
18 showing up on a South Carolina rap sheet, for lack
19 of better words.

20 JUROR 224: Exactly.

21 THE COURT: And so what happens is, as
22 it's listed in South Carolina -- if I look at
23 these charges as listed in South Carolina, you
24 would be precluded from service.

25 JUROR 224: Exactly.

1 THE COURT: So what happens is, as a
2 result of this, I've got to err on the side of
3 caution. To that extent, I'm going to have to
4 excuse you from service this week, sir.

5 JUROR 224: Okay. Thank you.

6 THE COURT: Thank you for being here. I
7 appreciate it very much.

8 All right. Juror 239, please join me up
9 here for one second. Do I have Number 239? Here
10 he comes? Mr. White?

11 JUROR 58: Uh-huh.

12 THE COURT: Hey, sir. Back in 2015, did
13 you pick up a charge for assault and battery 2nd
14 degree and you were given a six-month sentence
15 suspended to probation?

16 JUROR 58: Yes.

17 THE COURT: All right. Mr. White, that's
18 going to render you ineligible to serve this week.

19 JUROR 58: Okay.

20 THE COURT: So I'm going to have to
21 excuse you from service on this jury.

22 JUROR 58: Okay.

23 THE COURT: Thanks. Have a great
24 Christmas.

25 JUROR 58: All right. Bye-bye.

1 THE COURT: All right. Is there anybody
2 else? Okay.

3 (Off the record.)

4 THE COURT: All right. Ladies and
5 Gentlemen, I'm going to find the jury panel
6 qualified. And so at this time, Solicitor, are
7 you ready to call your case?

8 MR. UTSEY: Yes, Your Honor.

9 THE COURT: All right. Go ahead, sir.

10 MR. UTSEY: Thank you, Your Honor.

11 The State calls William Sanders,
12 indictment number 2019-GS-15-0426 for attempted
13 murder, and 2019-GS-15-0427 for possession of a
14 weapon during a violent crime.

15 THE COURT: Thank you, Solicitor.

16 All right. Ladies and Gentlemen, there
17 are some additional -- or some questions,
18 basically, that I need to ask you before we
19 proceed with the trial of this case.

20 Now, Ladies and Gentlemen, I want you to
21 know that the indictments that the solicitor made
22 reference to, and I'm going to read those
23 indictments to you, but I want you to know, Ladies
24 and Gentlemen, these indictments are not evidence.
25 These indictments are merely charging documents,

1 or, basically, paperwork that gets this matter
2 into court, into where we are today.

3 So, Ladies and Gentlemen, indictment
4 number 2019-GS15-00427 charges that in
5 Colleton County, South Carolina on or about April
6 24, 2019 the defendant William Cornelius Sanders
7 did possess a firearm visibly, displayed what
8 appeared to be a firearm, or visibly displayed a
9 knife during the commission of an alleged violent
10 crime, to wit attempted murder, and that this is
11 in violation of South Carolina code of law section
12 16-23-4-90.

13 Counsel, approach.

14 Do you have any objection as to how I
15 just read that indictment? What I didn't do is
16 put in there that he was "convicted of." Some
17 people have a problem with that. Do you
18 understand what I'm asking?

19 MR. UTSEY: Yes, sir.

20 THE COURT: The indictment -- the
21 indictment, when you read it, indicates, it says,
22 "convicted of."

23 MR. UTSEY: Right.

24 THE COURT: And some folks raise some
25 Cain about that, and I understand that.

1 And so what I want to know right now, as
2 I read that document, does anybody have any
3 objection to the way that indictment has been
4 read?

5 MR. UTSEY: I have no objection, Your
6 Honor.

7 MR. WALKER: I have no objection.

8 THE COURT: Just the way it's written, it
9 makes it sounds as if somebody has already
10 committed the crime.

11 MR. UTSEY: Yes, sir.

12 THE COURT: All right. Thank you,
13 gentlemen.

14 All right. Again, Ladies and Gentlemen,
15 indictment 2019-GS-15-00426 in Colleton County,
16 South Carolina on or about April 24, 2019, the
17 defendant William Cornelius Sanders did, with
18 intent to kill and with malice aforethought,
19 attempt to wilfully kill Channta Charia Kelly all
20 in violation of Section 16-3-29 of the
21 South Carolina Code of Laws.

22 Now, again, Ladies and Gentlemen, this
23 isn't evidence. This is merely a charging
24 document that is paperwork. A document that gets
25 this matter into court.

1 Now, Ladies and Gentlemen, this is the
2 case of the State of South Carolina vs.
3 William Sanders. And, first of all, let me do
4 this: I'd like to go ahead and if I could have
5 the solicitor introduce himself and whoever may be
6 assisting him in this matter, please.

7 MR. UTSEY: Yes, sir. Thank you,
8 Your Honor. Good afternoon, you-all. My name is
9 Ceth Utsey. I'm the assistant solicitor with the
10 14th judicial circuit, which is Colleton, Hampton,
11 Allendale, Beaufort, and Jasper. I have
12 Julie Kate Keeney, who is also an assistant
13 solicitor with our office and she will be sitting
14 with me during the trial. Thank you.

15 THE COURT: All right, thank you.

16 And, Mr. Walker, could you please
17 introduce yourself, sir, and your client.

18 MR. WALKER: Thank you, Your Honor. Good
19 afternoon. My name is Matthew Walker. I'm
20 pleased to represent William Sanders. My office
21 is here in Walterboro. Thank you.

22 THE COURT: All right. Is any member of
23 the jury panel related by blood, connected by
24 marriage, has a close personal business
25 relationship, a social relationship, or has ever

1 been represented by Mr. Utsey or any member of the
2 14th Judicial Circuit Solicitor's Office? If so,
3 please stand.

4 All right. Ma'am, come on right up here.

5 THE COURT: Yes, ma'am.

6 THE DEPUTY: 58.

7 THE COURT: Hey, ma'am. Come around
8 right here. Yes, ma'am.

9 JUROR 58: I know Ceth.

10 THE COURT: You know Ceth. Your Number
11 58.

12 JUROR 58: Number 58. Your name is
13 Miss Crosby?

14 JUROR 58: Yes.

15 THE COURT: How are you related?

16 JUROR 58: My brother is married to his
17 sister.

18 THE COURT: Your brother is married to
19 his sister.

20 MR. UTSEY: Her brother is my
21 brother-in-law.

22 THE COURT: Sister-in-law. Let me ask
23 you this, ma'am: The fact that you are related
24 through marriage to Mr. Utsey, do you believe that
25 that could make it a little difficult for you to

1 be fair and impartial, fair to the State, but also
2 to the defendant, could that make it difficult?

3 JUROR 58: It could, maybe.

4 THE COURT: Maybe?

5 JUROR 58: Yeah.

6 MR. UTSEY: Let me just ask you this: I
7 asked for an honest answer. I gave you this
8 opportunity. So would your answer be, I'm not
9 sure that I can be fair in this case because of
10 that relationship?

11 JUROR 58: Yes.

12 THE COURT: I'll excuse you from service
13 on this jury.

14 JUROR 58: Okay, thank you.

15 THE COURT: Come on up, ma'am.

16 THE DEPUTY: 172.

17 THE COURT: Come around here. Yes,
18 ma'am.

19 JUROR 172: So, me and my husband are
20 friends with Ceth's parents.

21 THE COURT: Okay.

22 JUROR 172: And my daughter and Ceth's sister
23 are friends, and he's friends with my daughter.

24 THE COURT: Okay. Let me ask you this?
25 The fact that you are friends with his parents,

1 the fact that your daughter is friends with him,
2 or with his wife, do you think that would affect
3 your ability to be fair and impartial in this
4 case; that is, be fair to the State and be fair to
5 the defendant?

6 JUROR 172: No, it would not.

7 THE COURT: It would not. So you would
8 be able to be fair despite that friendship?

9 JUROR 172: Yes.

10 THE COURT: Okay. Thank you very much.

11 THE DEPUTY: 45.

12 THE COURT: All right. She'll remain
13 with us.

14 Yes, ma'am.

15 JUROR 45: I don't know Mr. Sanders, but
16 he's my step-father's uncle.

17 THE COURT: What I'm going to do is this:
18 My very next question, I'm going to ask if anybody
19 knows him, then you get to you come up then. All
20 right? You're fine.

21 All right. Ladies and Gentlemen, is
22 anybody -- any member of the jury panel -- anybody
23 related to any member of the jury panel through
24 blood or marriage, have any type of social
25 acquainance, ever been represented by any member

1 of the public defender's office? If so, please
2 stand.

3 (No response.)

4 THE COURT: All right. Ladies and
5 Gentlemen, any member of the jury panel related by
6 blood or marriage, close personal friends, have
7 any type of business relationship with the
8 defendant, Mr. William Sanders? If so, please
9 stand.

10 All right. You-all come on up.

11 THE DEPUTY: Number 30.

12 THE COURT: Hey, sir. So who is it you
13 know? Mr. Sanders?

14 JUROR 30: Yeah.

15 THE COURT: How do you know Mr. Sanders?

16 JUROR 30: We went to school together.

17 THE COURT: You went to school together.

18 Let me ask you this: The fact that you know
19 Mr. Sanders and you went to school with him, do
20 you think that would affect your ability to be
21 fair and impartial in this case, be fair to the
22 State and be fair to Mr. Sanders?

23 JUROR 30: I think I have a conflict of
24 interest.

25 THE COURT: You think there's a conflict

1 of interest. Sir, in that case, I will excuse you
2 from service of this trial this week. You can go
3 right back and have a seat. I'm sorry, your juror
4 number?

5 JUROR 127: 30.

6 THE COURT: All right. Number 30 is
7 going to be excused from service.

8 THE DEPUTY: 45.

9 THE COURT: Come on up. That didn't take
10 long. All right. And, ma'am, your number is?

11 JUROR 45: 45.

12 THE COURT: You told me you know
13 Mr. Sanders. How?

14 JUROR 45: Yes. Not personally, but he's
15 my stepfather's his uncle.

16 THE COURT: He's your stepfather's uncle.
17 Let me ask you this: The fact that Mr. Sanders is
18 your stepfather's uncle, do you think that that
19 would affect ability to be fair and impartial in
20 this case?

21 JUROR 45: I also know Miss Kelly. I
22 used to worked with her. It's been a few years
23 ago.

24 THE COURT: Well, the fact that you
25 worked with Miss Kelly, do you think, given all

1 those factors that that would make it difficult
2 for you to be fair and impartial in this case,
3 ma'am?

4 JUROR 45: Yes.

5 THE COURT: Yes?

6 JUROR 45: I would just be -- I don't
7 know if it would be a conflict.

8 THE COURT: Well, I mean, it's not
9 necessarily a conflict of interest. What I want
10 to know is this: When you walk in the courtroom,
11 you bring your life experiences. Okay? So what I
12 want to know is this, if you can be fair, bring
13 it. And if you can't be fair, there's nothing
14 wrong with that. You bring your life experiences
15 into court. So my question to you is: Do you
16 think you can be fair or is it going to be tough
17 to be fair in this case?

18 JUROR 45: No.

19 THE COURT: No, what?

20 JUROR 45: I can be. Yes, I can be fair.
21 No, I don't think it's going to be hard.

22 THE COURT: All right, great.

23 THE DEPUTY: 162.

24 THE COURT: Come on up, ma'am. Hey.
25 Yes, ma'am.

1 JUROR 162: I know Mr. Sanders, and I'm
2 acquainted with Miss Kelly. I worked with her. I
3 watch little kids.

4 THE COURT: You know the victim in this
5 case?

6 JUROR 162: I do. I went to school with
7 her.

8 THE COURT: Okay. Let me ask you this:
9 The fact that you know the victim and the fact
10 that you know Mr. Sanders, do you think that's
11 going to make it tough for you to, kind of, remain
12 fair and impartial in this case given the
13 relationship that you have with each one of them?

14 JUROR 162: I have two separate
15 relationships with them. I, kind of, feel like
16 I'm --

17 THE COURT: Caught in the middle?

18 JUROR 162: Yes.

19 THE COURT: You think it would be tough
20 to serve on this jury?

21 JUROR 127: I do.

22 THE COURT: I'm going to excuse you.

23 JUROR 127: Okay.

24 THE COURT: I'm going to excuse Juror
25 162.

1 THE BAILIFF: 112.

2 THE COURT: Who do you know?

3 JUROR 112: I know Mr. Sanders.

4 THE COURT: How do you know Mr. Sanders?

5 JUROR 112: Childhood friend.

6 THE COURT: Childhood friend. Have
7 you-all remained friends?

8 JUROR 112: Yes, sir.

9 THE COURT: All right. Let me ask you
10 this: The fact that you've been childhood friends
11 with Mr. Sanders -- or the fact that you were a
12 childhood friend with Mr. Sanders and that you're
13 still a friend of Mr. Sanders, do you think that's
14 going to make it hard, sir, to be fair and
15 impartial in this case, be fair to the State and
16 fair to Mr. Sanders?

17 JUROR 112: I think it would.

18 THE COURT: You think it would?

19 JUROR 112: Yes, sir.

20 THE COURT: All right. I'm going to
21 excuse you from service. Juror 112 is going to be
22 excused from service in this case.

23 I got a couple of other questions I'm
24 going to ask. I'm probably going to ask two or
25 three of these questions at one time. If these

1 questions apply to you, then just come on up and
2 we will go and I will ask you to come forward. I
3 will tell you that, before COVID, a lot of times
4 we would ask these questions where you stand, but,
5 quite frankly, again, some of these questions are
6 rather personal in nature, and so I just want to
7 let you know I appreciate you waiting and being
8 patient as we go through this process. Again,
9 it's a very important case to everybody involved.
10 Thank you.

11 All right. Is any member of the jury
12 panel related by blood or marriage to someone who
13 is or has been in the past employed by any law
14 enforcement agency? Is any member of the jury
15 panel now, or have you ever been employed by any
16 law enforcement agency? Does any member of the
17 jury panel contribute to any organization whose
18 primary purpose is to support of law enforcement
19 or victim's advocacy; for example, State Trooper's
20 Association, the Sheriff's Association, MAAD,
21 SAAD, CODA? If any member of the jury panel --
22 has any member of the jury panel or family member
23 ever been the victim of an assault? Has any
24 member of the jury panel seen any media coverage,
25 any television coverage, anything on the Internet,

1 read anything on the Internet about this case? If
2 so, please stand.

3 If any of those questions apply to you,
4 please come forward and I'm happy to talk to you.
5 So any member of the jury panel related by blood
6 or marriage to someone who is or has been in the
7 past employed by any law enforcement agency? Any
8 member of the jury panel, now, or have you ever
9 been employed by any law enforcement agency? Any
10 member of the jury panel contribute to any
11 organization whose primary purpose is to support
12 law enforcement or victim's advocacy? Again,
13 that's like MAAD, SAAD, Trooper's Association,
14 Sheriff's Association. Any member of the jury
15 panel or any family member ever been a victim of
16 assault? And, has anybody heard anything read any
17 type of print media, social media, anything about
18 this case involving Mr. Sanders? If that applies
19 to you, please come forward.

20 All right. Come on up.

21 THE BAILIFF: 127.

22 THE COURT: Hey, sir. What you got?

23 JUROR 127: I have a cousin who is a
24 deputy with the county.

25 THE COURT: With the Sheriff's Office?

1 JUROR 127: Yeah.

2 THE COURT: What's his name?

3 JUROR 127: Hmm...

4 THE COURT: Close personal friend.

5 JUROR 127: Driggers. I also have a
6 cousin who is a bailiff.

7 THE COURT: Here?

8 JUROR 127: Yes, sir.

9 THE COURT: What's his name or her name?

10 JUROR 127: Driggers as well.

11 THE COURT: Let me ask you, the fact that
12 you have a cousin who is in law enforcement here
13 in the county and a cousin who is a bailiff here
14 at the courthouse, is that going to affect your
15 ability to be fair and impartial in this case,
16 sir? That's going to make it difficult for you to
17 be fair to the State and also fair to Mr. Sanders?
18 That's what I want to know, sir.

19 JUROR 127: No, sir.

20 THE COURT: All right, thank you. 127
21 will remain with us.

22 THE BAILIFF: 88.

23 THE COURT: How you doing? What do you
24 got?

25 JUROR 88: I've donated to the sheriff in

1 the past when he ran over the years.

2 THE COURT: You donated to the sheriff in
3 the past. Actually, that question wasn't asked,
4 but that's a good question. That's fine. Listen,
5 I'm impressed. Let me ask you this: The fact
6 that you contributed to the Sheriff's campaign in
7 the past, is that going to affect your ability to
8 be fair and impartial in this case?

9 JUROR 88: No.

10 THE COURT: Thank you. He will remain
11 with us.

12 THE DEPUTY: 23.

13 THE COURT: Hey, ma'am. Good to see you.
14 What's going on?

15 JUROR 23: My niece is over the
16 jailhouse.

17 THE COURT: Your nice is Wanda Taylor?

18 JUROR 23: Yes.

19 THE COURT: All right. So let me just
20 ask you this: The fact that your niece is
21 Wanda Taylor and I think she basically works for
22 the Sheriff's Department and at the jail, let me
23 ask you, ma'am, is that going to make it difficult
24 for you to serve in this case and be fair to the
25 State and fair to the defense? Do you think

1 that's going to put you in a difficult situation
2 given that relationship?

3 JUROR 23: Not because of that situation.

4 THE COURT: Well, let me ask you that.
5 That's not a question that I've asked yet. The
6 question that was asked on the list is, have you
7 been a victim of an assault?

8 JUROR 23: Yes. And also this case is
9 all over the place. I know her as well.

10 THE COURT: All right. So what you're
11 telling me is that you know the victim who has
12 been assaulted in this case.

13 JUROR 23: Yes.

14 THE COURT: And --

15 JUROR 23: And I have been --

16 THE COURT: Hold on. And that you have
17 been a victim. Let me ask you this: The fact
18 that you've been a victim in the past, do you
19 think that could affect your ability to be fair
20 and impartial in this case, that that would be
21 something that would make it difficult for you?

22 JUROR 23: Yes. And also --

23 THE COURT: You don't have to tell me
24 anymore.

25 JUROR 23: And also, this girl is staring

1 at me.

2 THE COURT: All right, ma'am. I'm not --
3 I'm not -- for right now, because you've been a
4 victim --

5 JUROR 23: Yes.

6 THE COURT: -- and it could be difficult
7 for you, I'm going to excuse from service this
8 week. Number 23?

9 JUROR 23: Yes.

10 THE COURT: Number 23 is going to be
11 excused.

12 JUROR 23: Thank you.

13 THE DEPUTY: 114.

14 JUROR 114: How you doing?

15 THE COURT: I'm doing great. What's
16 going on?

17 JUROR 114: A couple things. For one,
18 the first lady of my church is employed with the
19 police department.

20 THE COURT: The first lady of your
21 church, that's the pastor's wife?

22 JUROR 114: Yeah.

23 THE COURT: Okay. That's all right. So,
24 what church is that?

25 JUROR 114: Grace Fellowship Church.

1 THE COURT: Phil Taylor.

2 JUROR 114: Yes.

3 THE COURT: Let me ask you this: The
4 fact that Wanda Taylor is employed with the
5 sheriff's office, you think that's going to affect
6 your ability to be fair and impartial in this
7 case?

8 JUROR 114: Honestly, I do.

9 THE COURT: Honestly, you don't?

10 JUROR 114: I do not think it will affect my
11 ability to be fair and impartial.

12 THE COURT: You think you can be fair and
13 impartial?

14 JUROR 114: I do.

15 THE COURT: Is there something else you
16 wanted to tell me?

17 JUROR 114: Yes. Actually, two other
18 things. So you asked if anybody been assaulted
19 before? My mom, she's been a victim of domestic
20 violence.

21 THE COURT: All right. Let me ask you
22 this, sir: The fact that your mom has been a
23 victim of domestic violence in the past, you think
24 that that experience is going to affect you or
25 make it difficult for you to be fair and impartial

1 in this case, sir? That's what we're asking.
2 Everybody just wants a fair jury. We want the
3 jury to be fair to the defendant. We want a jury
4 to be fair to the defense.

5 JUROR 114: Am I -- if domestic violence
6 is part of THIS case.

7 THE COURT: Well, the reality of it is,
8 you're not allowed to ask it, but I'll tell if
9 you, you're telling me that you think -- let's
10 assume it did involve domestic violence in this
11 case, do you believe it would be difficult for you
12 to serve?

13 JUROR 114: Yeah, I do.

14 THE COURT: I'm going to excuse you from
15 service this week. What I really appreciate, a
16 good juror coming forward and giving sensitive
17 information to us. It makes this a fair process.
18 I appreciate it very much. You can have a seat.
19 I'm going to excuse you.

20 THE DEPUTY: 11.

21 THE COURT: Hey, sir. What's up?

22 JUROR 11: So I used to work for the
23 department of corrections. My dad is retired law
24 enforcement, and my step-dad is currently law
25 enforcement.

1 THE COURT: All right. The fact that you
2 got some other folks that work with the department
3 of corrections, do you think it would be difficult
4 for you to be fair and impartial in this case,
5 both fair and impartial to the State and to the
6 defense?

7 JUROR 11: No.

8 THE COURT: Great. You can stay with us.
9 Number 11 will stay with us. Thank you, sir.

10 THE DEPUTY: 227.

11 THE COURT: Hey. Yes, ma'am.

12 JUROR 227: My father, my uncle, my
13 grandmother and my aunt have all been in law
14 enforcement.

15 THE COURT: Where?

16 JUROR 227: My uncle is at the law
17 enforcement training center.

18 THE COURT: Let me ask you this: The
19 fact that you got some family who have been in law
20 enforcement in the past, and at least one that you
21 tell me is in law enforcement now --

22 JUROR 227: My uncle.

23 THE COURT: -- is that going to affect
24 your ability to be fair and impartial in this
25 case, sit and listen to the evidence that the

1 solicitor presents and listen to the evidence as
2 far as what are the facts come out, what they may
3 present? You don't have to, but I want to know.
4 Do you think you can be fair and impartial to both
5 the State and to the defendant?

6 JUROR 227: To be completely honest, I am
7 very partial to family.

8 THE COURT: All right. I'll excuse from
9 the service of this case. Your number?

10 JUROR 227: 227.

11 THE COURT: All right. 227 is going to
12 be excused from the service of this case.

13 THE DEPUTY: 156.

14 THE COURT: All right. Hey, ma'am. Come
15 on up.

16 JUROR 156: My brother is with the Colleton
17 County Police Department. My step-son is also an
18 officer there, and my sister's daughter is with the
19 police department.

20 THE COURT: Holy mackerel. It's all in
21 the family.

22 JUROR 156: Yes, sir.

23 THE COURT: Let me ask you this: The
24 fact that you got some family members who are in
25 law enforcement in Colleton, do you think that

1 will affect your ability to be fair and impartial
2 in this case?

3 Any witnesses?

4 MR. UTSEY: There the could be from the
5 Colleton County Police Department.

6 THE COURT: All right. I'm going to
7 excuse you from service in this case, ma'am. Your
8 number? 156 is going to be excused from service
9 in this case.

10 THE DEPUTY: 91.

11 THE COURT: Hey, buddy. Welcome back.
12 Who is it that you know, or what's up?

13 JUROR 91: Mr -- whoever that was. He's
14 my cousin. We go to the same church.

15 THE COURT: Who is that?

16 JUROR 91: He's an officer in one of the
17 schools.

18 THE COURT: Let me ask you this: The
19 fact that you got a cousin or a relative that's an
20 officer in one of the schools, is that going to
21 affect ability to be fair and impartial in this
22 case?

23 JUROR 91: Oh, no, sir.

24 THE COURT: Thank you. Just take a
25 seat.

1 THE DEPUTY: 237.

2 THE COURT: Yes, ma'am.

3 JUROR 237: Okay. You asked if I was
4 related to someone convicted?

5 THE COURT: No, ma'am. Nobody's been
6 convicted of anything.

7 JUROR 237: You asked anybody that I'm
8 related to.

9 THE COURT: Yes, ma'am. In other words,
10 are you related by blood or marriage or committed
11 to somebody who's involved in law enforcement?

12 JUROR 237: I just want to make -- I got
13 it wrong.

14 THE COURT: No, no. You're fine. The
15 question was -- you got the question. Hold on.
16 The question was any member of the jury panel
17 related by blood or marriage to someone who is or
18 in the past been employed by law enforcement?
19 Does that apply to you?

20 JUROR 237: Uh-huh.

21 THE COURT: Hold on. Any member of jury
22 panel now or in the past been employed by a law
23 enforcement agency?

24 JUROR 237: No.

25 THE COURT: All right. Have you ever

1 given to any type of law agency, given to the
2 Sheriff's Association, or Mothers Against Drive
3 Driving, anything like that?

4 JUROR 237: No, sir.

5 THE COURT: All right. Any reason you
6 can't be fair and impartial in this case?

7 JUROR 237: I don't know.

8 THE COURT: Hold on. You're not sure
9 about that?

10 JUROR 237: I don't know.

11 THE COURT: I guess what I'm asking is,
12 if you think forward now, is there any reason why?

13 JUROR 237: I thought it was if we had
14 anybody related with the law.

15 THE COURT: Do you have somebody related
16 with the law?

17 JUROR 237: My dad.

18 THE COURT: Your dad, yes, ma'am. What
19 is that? Okay, all right. I understand your
20 question right now. It took me a minute.

21 JUROR 237: Yes, sir.

22 THE COURT: What you're telling me is,
23 maybe your dad has some charges against him.

24 JUROR 237: Yes, that's it.

25 THE COURT: Where?

1 JUROR 237: Right now -- I know it
2 happened in Spartanburg. He's been there since
3 October.

4 THE COURT: Let me ask you this: The
5 fact that your dad has some type of run-in with
6 the law and presently may be in jail, does that
7 affect your ability to be fair and impartial in
8 this case?

9 JUROR 237: No, sir.

10 THE COURT: All right. I'm going to have
11 you stay with us.

12 JUROR 237: Okay.

13 THE DEPUTY: 148.

14 JUROR 148: My cousin is a police officer
15 in Dallas, Texas.

16 THE COURT: Let me just ask you, sir:
17 The fact that your cousin is a police officer in
18 Dallas, Texas, is that going to affect your
19 ability to be fair and impartial in this case?

20 JUROR 148: No.

21 THE COURT: Number 148 will remain with
22 us. Thank you, though, for letting us know
23 that.

24 All right. Ladies and Gentlemen, just
25 one or two more questions: Any member of the jury

1 panel, your immediate family currently or
2 previously been prosecuted by the 14th Judicial
3 Circuit Solicitor's Office? And, again, the 14th
4 Circuit Solicitor's Office prosecutes in the
5 counties Allendale, Beaufort, Colleton, Hampton,
6 and Jasper. If that applies to you, please come
7 forward. All right.

8 Yes, sir. Come on up.

9 THE DEPUTY: Yes, sir.

10 JUROR 127: I don't know the status, but
11 my brother-in-law currently has an open case.

12 THE COURT: Your brother-in-law has what?
13 He's a defendant in the case? He is here in
14 Colleton?

15 JUROR 127: Yes, sir.

16 THE COURT: Okay. So it's your
17 understanding that he may be being prosecuted by
18 the solicitor's office.

19 JUROR 127: Yes. By the county, or
20 whoever does that.

21 THE COURT: Let me ask you this: Do you
22 know what he was charged with?

23 JUROR 127: Child pornography.

24 THE COURT: Let me ask you this: Is he
25 represented by anybody? Does he have a lawyer?

1 JUROR 127: Yes, but I don't know who
2 that is.

3 THE COURT: Do you know if it's the
4 public defender's office?

5 JUROR 127: I think he's out of
6 Charleston.

7 THE COURT: All right. Let me ask you
8 this, sir: The fact that you have a
9 brother-in-law that may have some charges pending
10 against him here in Colleton County, is that going
11 to affect your ability to be fair and impartial in
12 this case, sir?

13 JUROR 127: No.

14 THE COURT: No, you don't know, or no?

15 JUROR 127: No.

16 THE COURT: Okay. Great. You can stay
17 with us. Number 127 is going to remain with us.

18 THE DEPUTY: 91.

19 THE COURT: 91, this is the last trip.

20 Yes, sir. All I want to know is, do you
21 have any family member who's been prosecuted by
22 the solicitor's office? You understand what I'm
23 saying? In other words, for instance, if that
24 applied to me, I would walk up and say, hey,
25 Judge, my brother was prosecuted by the

1 solicitor's office for a failure to stop for a
2 blue light. My question to you is: Do you have
3 somebody who you know, or a relative who has been
4 prosecuted at the solicitor's office?

5 JUROR 91: My little brother, he was
6 prosecuted. He ended doing rehab for drug
7 possession of marijuana.

8 THE COURT: All right.

9 JUROR 91: They gave him rehab. My dad,
10 he was prosecuted for assault with a deadly
11 weapon.

12 THE COURT: Okay. Let me ask you this.

13 JUROR 91: That's my stepfather. I don't
14 remember. He got sent away.

15 THE COURT: Let me ask you this: The
16 fact that you got some family members who have
17 been prosecuted by the solicitor's office in the
18 past, is that going to affect your ability to be
19 fair and impartial in this case?

20 JUROR 91: No, sir.

21 THE COURT: All right. You can remain
22 with us. Juror Number 91 will remain with us.

23 THE DEPUTY: 22.

24 THE COURT: Come on up. Yes, ma'am.

25 JUROR 22: I'm not sure if this is

1 correct, but I wanted to be sure. My almost
2 22-year-old son does have a case pending with Miss
3 Margie Bright representing him from back when he
4 was in high school.

5 THE COURT: Okay. And so she's
6 representing him in a case --

7 JUROR 22: -- four years ago.

8 THE COURT: It's a case that is pending
9 in general sessions court?

10 JUROR 22: I really don't have any idea.
11 It's been years since we've heard anything.

12 THE COURT: Would it be fair to say
13 you're not sure whether your son --

14 JUROR 22: It's my son that does not live
15 with me anymore. He's grown now.

16 THE COURT: So based on your son, who
17 does not live with you, he's represented by
18 Miss Bright, he may have some charges that are
19 being prosecuted by the solicitor's office; is
20 that fair?

21 JUROR 22: I believe so. Yeah, I don't
22 know who brings that.

23 THE COURT: Well, typically, it would be
24 the solicitor who takes it to a big court case.
25 But you're telling --

1 JUROR 22: It's not anything.

2 THE COURT: In that case, you're not
3 sure -- so the question is whether or not you got
4 a family who has been prosecuted by the
5 solicitor's office. And what you're telling me
6 is -- I appreciate you coming forward. What
7 you're telling me is, you're not sure if you do or
8 don't, but you want to err on the side of caution
9 and come forward. Is that accurate?

10 JUROR 22: Yes. You know, I wanted you
11 to know.

12 THE COURT: That's fine. Number 22 is
13 going to remain with us. Thank you.

14 JUROR 22: Thank you.

15 THE DEPUTY: Number 1.

16 THE COURT: Number 1? Hey, sir.

17 JUROR 1: I just wanted to disclose my
18 step-cousin that got arrested and convict of
19 breaking and entering.

20 THE COURT: And do you know, was he
21 prosecuted by the solicitor's office?

22 JUROR 1: It was Colleton County.

23 THE COURT: And so let me just ask you
24 this, sir: The fact that you have some family
25 member who may have been prosecuted by the

1 solicitor's office in the past, do you think that
2 would prevent you from being fair and impartial in
3 this case?

4 JUROR 1: No. I'm okay with it.

5 THE COURT: Yes, sir. Thank you.
6 Number 1 will remain with us.

7 All right. Ladies and Gentlemen --
8 Ladies and Gentlemen what I've got now, I got a
9 list of potential witnesses in this case. Now,
10 there are several names that are lifted here, and
11 I want you to know not all of these witnesses will
12 probably be called. But, because there's a
13 possibility, I'm going to name them. And what I'm
14 going to do is, I'm going to name them in a group.
15 So I'm going to go through 7 or 8 or 9 of them in
16 this case, and if you recognize any of those
17 names, I'm going to need you to come forward. All
18 right? And, again, I'm sorry. I know this takes
19 time, but I promise it's a process that is
20 extremely important.

21 And so these are potential witnesses in
22 this case: Marilyn Sanders, Richland County,
23 South Carolina; Keisha Sanders, Richland County,
24 South Carolina; Victoria Sanders, Colleton County;
25 Keen Sanders, Colleton County; Martha Dodd,

1 Colleton County; Tiffany Swinton, Colleton County
2 Solicitor's Office; Doretha Grant, Colleton County
3 Sheriff's Office; Phillip Driggers, Colleton
4 County Sheriff's Office; Michael Green, formerly
5 of the Colleton County Sheriff's Office.

6 All right. Ladies and Gentlemen, do you
7 know any of those individuals, if you're connected
8 by blood or marriage, related in any way, if
9 you're a close personal friends or acquaintances
10 with any of those individuals, I'd ask you to come
11 forward.

12 THE DEPUTY: 127.

13 THE COURT: Yes, sir. Who do you know?

14 JUROR 127: Driggers.

15 THE COURT: That's your cousin.

16 JUROR 127: Yeah.

17 THE COURT: All right. The fact that
18 Mr. Driggers is your cousin and I think -- is
19 Mr. Driggers yours?

20 MR. WALKER: He's on my witness list. I
21 don't think it's going to be a problem.

22 THE COURT: Let me ask you: The fact Mr.
23 Driggers is on the witness list, let me just ask
24 you, do you think you can be fair and impartial in
25 this case?

1 JUROR 127: Sure.

2 THE COURT: All right. I'm going to have
3 you remain with us.

4 All right. Ladies and Gentlemen, just a
5 few more names. Just a few more names. Ladies
6 and Gentlemen, anybody related by blood, connected
7 by marriage, close personal friends, acquaintances
8 with, have any kind of business relationship with
9 Channta Kelly, Walterboro, South Carolina; Johnny
10 Mae Kelly, Colleton County, South Carolina; Larry
11 Jenkins, Colleton County, South Carolina; John
12 Phillips, Colleton County Fire Rescue; Larry
13 Colson, Cottageville Police Department; Kelly
14 Padgett, 14th Circuit Solicitor's Office; Jason
15 Chapman, Colleton County Sheriff's Office; Angela
16 Stallings, Colleton County Sheriff's Office; Steve
17 Bazzle, Colleton County Sheriff's Office; Brian
18 Varnadoe, Colleton County Sheriff's Office; David
19 Long, Colleton County Sheriff's Office; Amanda
20 Murdaugh, Colleton County Sheriff's Office;
21 Doretha Grant, Colleton County Sheriff's Office;
22 Jennifer Nates with the South Carolina Law
23 Enforcement Division; Bethany Davidson with
24 South Carolina Law Enforcement Division;
25 Jamie Hall with South Carolina Law Enforcement

1 Division; Charlotte Pitts, formerly with the South
2 Carolina Law Enforcement Division; Dr. Christian
3 Graf, Trident Medical Center; Tiffany Swinton,
4 Beaufort County Sheriff's Office; Gary Hale,
5 Colleton County Sheriff's Office?

6 So anybody related by blood, connected by
7 marriage, close personal friends, acquaintances
8 with, have any the kind of business relationship
9 with any of these names that I just called? If
10 so, please come forward.

11 Is there a second page with one more name
12 on it? One more name, I'm told. Kimberly
13 Eberson, Colleton County Sheriff's Department.

14 Yes, sir. Number 1. Yes, sir.

15 JUROR 1: Jason Chapman, I went to school
16 with him.

17 THE COURT: All right. The fact that you
18 went to school with Jason Chapman, sir, would that
19 affect you in any way from being fair and
20 impartial in this case?

21 JUROR 1: No.

22 THE COURT: All right. Thank you. You
23 can have a seat.

24 THE DEPUTY: 114.

25 THE COURT: Hey, sir. Who do you know?

1 JUROR 114: Channta Kelly and Johnnie
2 Kelly.

3 THE COURT: I want to excuse you. You
4 are excused. I'm going to let you go here. I'm
5 going to give the jury instructions. I'll excuse
6 you from this service. Thank you, though.

7 THE BAILIFF: 56.

8 JUROR 56: I know Jason Chapman from the
9 Colleton Medical Center and David Long is married
10 to a cousin of my husband.

11 THE COURT: Let me ask you this: Because
12 of those relationships that you just disclosed to
13 me, do you think that is going to affect your
14 ability to be fair and impartial in this case?

15 JUROR 56: I can be fair.

16 THE COURT: All right. Thank you.

17 THE BAILIFF: 88.

18 THE COURT: Yes, sir.

19 JUROR 88: I wanted to let you know I had
20 three or four calls through the school district.
21 I'm fine.

22 THE COURT: Let me just ask you, the
23 names that I called out, you're not related.

24 JUROR 88: No. I just knew them.

25 THE COURT: You know them generally

1 through your work with the school system?

2 JUROR 88: Just around the community.

3 THE COURT: Okay. Just around the
4 community?

5 JUROR 88: Yes, sir.

6 THE COURT: Let me ask you this: The
7 fact that you know some of these individuals
8 through your job and also just having lived here,
9 do you think that affect your ability to be fair
10 and impartial in this case, sir?

11 JUROR 88: No, sir.

12 THE COURT: Thank you. Yes, sir.
13 Appreciate it.

14 All right. Any additional voir dire from
15 the State?

16 MR. UTSEY: No, Your Honor.

17 THE COURT: From the defense? Anything
18 else we need to ask?

19 MR. WALKER: No, Your Honor.

20 THE COURT: All right. Ladies and
21 Gentlemen, what's going to happen next is this:
22 The clerk is going to, basically, go and -- what's
23 going to happen -- Counsel, approach.

24 We are going to have them come forward.
25 This is a criminal case, right?

1 MR. UTSEY: Yes, sir.

2 THE COURT: So we're just going to have
3 the clerk randomly pull them up, bring them up,
4 have them bring their stuff. We're going to go
5 five strikes each, put 12, and two alternates.
6 And on the alternates, do we do two and one?

7 MR. UTSEY: Two and one.

8 THE COURT: Two and one on the
9 alternates. Is that all right?

10 MR. UTSEY: Yes, sir.

11 THE COURT: That's great. Thank you,
12 gentlemen.

13 Ladies and Gentlemen, what I'm going to
14 do is, the clerk is going to -- basically, the
15 computer is going to randomly select names. When
16 you hear your name called, or your number --
17 you're going to be calling names, Madame Clerk, or
18 numbers?

19 THE CLERK: Names.

20 THE COURT: Names. When you have your --
21 hear your name called, what I need you to do is
22 get your stuff and come forward. And, at that
23 point, basically I want you to turn and face the
24 attorneys right where she is. And, at that point,
25 then the attorneys, each will be able to decide

1 whether or not to strike or seat someone. There
2 could be any number of reasons they do. Who knows
3 what will happen. And what we're going to do is,
4 we're going to pick a jury of 12 individuals and
5 we're going to have two alternates, two alternate
6 jurors.

7 Once the jury is selected, then I'm going
8 to dismiss the 12 jurors and alternates and I'm
9 going to have them come back in the morning. The
10 rest of you are home free. Okay? When I say
11 that, I say that tongue in cheek. What I'm going
12 to do is have you call back tomorrow after 6:00.

13 For right now, Madame Clerk, if you're
14 ready.

15 THE CLERK: We're trying to figure it
16 out.

17 THE COURT: All right. They're trying to
18 put the names together. The computer sometimes
19 takes a bit longer than one would expect. But as
20 soon as they have that, we will be in a position
21 to pick the jurors and we'll start this trial
22 tomorrow morning.

23 THE CLERK: Thomas D. Humphries, 127.
24 What say you for the State?

25 MR. UTSEY: Please seat this juror,

1 Your Honor.

2 THE CLERK: What say you for the
3 defendant?

4 MR. WALKER: Please excuse the juror.

5 THE CLERK: Please have a seat.

6 Number 54, Trudy Crapse. What say you
7 for the State?

8 MR. UTSEY: Please seat this juror.

9 THE CLERK: What say you for the
10 defendant?

11 MR. WALKER: Please seat the juror.

12 THE CLERK: Ma'am, you can have a seat in
13 the jury box, please.

14 Juror 148, James W. Lloyd. What say you
15 for the State?

16 MR. UTSEY: Please seat this juror.

17 THE CLERK: What say you for the
18 defendant?

19 MR. WALKER: Please seat the juror.

20 THE CLERK: Please have a seat in the
21 jury box.

22 Juror 88, Johnny P. Frank. What say you
23 for the State?

24 MR. UTSEY: Please seat the juror.

25 THE CLERK: What say you for the

1 defendant?

2 MR. WALKER: Please excuse the juror.

3 THE CLERK: Juror Number 1,

4 Robert W. Adams. What say you for the State?

5 MR. UTSEY: Please seat this juror.

6 THE CLERK: What say you for the

7 defendant?

8 MR. WALKER: Please swear the juror.

9 THE CLERK: Please have a seat in the

10 jury box.

11 Juror 107, Isaac Graham, Sr. What say

12 you for the State?

13 MR. UTSEY: Please seat this juror.

14 THE CLERK: What say you for the

15 defendant?

16 MR. WALKER: Please seat the juror.

17 THE CLERK: Please have a seat in the

18 jury box.

19 Juror 69, Angela S. Douglas. What say

20 you for the State?

21 MR. UTSEY: Please seat this jury.

22 THE CLERK: What say you for the

23 defendant?

24 MR. WALKER: Please swear the juror.

25 THE CLERK: Please have a seat in the

1 jury box.

2 Juror Number 32, Keisha M. Brown. What
3 say you for the State?

4 MR. UTSEY: Please seat this jury.

5 THE COURT: What say you for the
6 defendant?

7 MR. WALKER: Please swear the juror.

8 THE CLERK: Please have a seat in the
9 jury box.

10 Jury 201, Amanda B. Sherman. What say
11 you for the State?

12 MR. UTSEY: Please present this jury.

13 THE COURT: What say you for the
14 defendant?

15 MR. WALKER: Please seat the juror.

16 THE CLERK: Please have a seat in the
17 jury box.

18 Juror Number 150, Sonya R. Manigo. What
19 say you for the State?

20 MR. UTSEY: Please seat this jury.

21 THE CLERK: What say you for the
22 defendant?

23 MR. UTSEY: Please seat the juror.

24 THE CLERK: Please have a seat in the
25 jury box.

1 Juror Number 28, Jennifer L. Bresch.

2 What say you for the State?

3 MR. UTSEY: Please seat this juror.

4 THE CLERK: What say you for the

5 defendant?

6 MR. WALKER: Please seat the juror.

7 THE CLERK: Please have a seat in the

8 jury box.

9 Juror Number 22, Melissa D. Beach. What
10 say you for the State?

11 MR. UTSEY: Please seat this juror.

12 THE CLERK: What say you for the

13 defendant?

14 MR. WALKER: Please excuse the juror.

15 THE CLERK: You may return to your

16 seat.

17 Juror 139, Thomas Klich. What say you
18 for the State?

19 MR. UTSEY: Please seat this juror.

20 THE CLERK: What say you for the

21 defendant?

22 MR. WALKER: Please seat the juror.

23 THE CLERK: Please have a seat in the

24 jury box.

25 Juror Number 103, David S. Givens. What

1 say you for the State?

2 MR. UTSEY: Please seat this juror.

3 THE CLERK: What say you for the
4 defendant?

5 MR. WALKER: Please seat the juror.

6 THE CLERK: Please have a seat in the
7 jury box.

8 Juror Number 223, Joseph A. Strickland.
9 What say you for the State?

10 MR. UTSEY: Please excuse this juror.

11 THE CLERK: You may return to your seat,
12 sir.

13 Juror Number 70, Sarah L. Downey. What
14 say you for the State?

15 MR. UTSEY: Please seat this juror.

16 THE CLERK: What say you for the
17 defendant?

18 MR. WALKER: Please excuse the juror.

19 THE CLERK: You may return to your
20 seat.

21 Juror Number 99, Dequaina Gethers. What
22 say you for the State?

23 MR. UTSEY: Please seat this juror.

24 THE COURT: What say you for the
25 defendant?

1 MR. WALKER: Please excuse the juror.

2 THE CLERK: You may return to your

3 seat.

4 Juror Number 172, Sonya P. Nettles. What say

5 you for the State?

6 MR. UTSEY: Please seat this jury.

7 THE CLERK: Does the defendant have any

8 strike for cause?

9 MR. WALKER: Please seat the juror.

10 THE CLERK: Please have a seat the jury

11 box.

12 That is the 12 jurors. We will now select

13 the alternates. Jury Number 86, William K. Fowler.

14 What say you for the State?

15 MR. UTSEY: Please seat this juror.

16 THE CLERK: What say you for the

17 defendant?

18 MR. WALKER: Please excuse the juror.

19 THE CLERK: You may return to your seat,

20 sir.

21 Juror Number 38, Francis M. Burns. What

22 say you for the State?

23 MR. UTSEY: Please seat the juror.

24 THE CLERK: What say you for the

25 defendant?

1 MR. WALKER: Please seat the juror.

2 THE CLERK: Please have a seat in the
3 jury box.

4 Juror 179, Thomas W. Patrick. What say
5 you for the State?

6 MR. UTSEY: Please seat the juror.

7 THE CLERK: What say you for the
8 defendant?

9 MR. WALKER: Please excuse the juror.

10 THE CLERK: You may return to your seat.

11 Juror Number 45, Caroline N. Castro. What
12 say you for the State?

13 MR. UTSEY: Please excuse this juror.

14 THE CLERK: You may return to your seat,
15 ma'am.

16 Juror Number 20, William J. Barrineau.

17 MR. UTSEY: Please seat this juror.

18 THE CLERK: What say you for the
19 defendant?

20 MR. WALKER: Please excuse the juror.

21 THE CLERK: Now you may return.

22 MR. UTSEY: Your Honor, may I approach?

23 THE COURT: Yes, sir.

24 (Off the record.)

25 THE CLERK: Juror Number 76, Luther

1 Erwin, III. Juror Number 76?

2 MR. UTSEY: Please seat this juror.

3 MR. WALKER: Please seat the juror.

4 THE CLERK: You may have a seat in the
5 jury box.

6 Judge, that is your 12 jurors and two
7 alternates.

8 THE COURT: Hold on one second.

9 Counsel, approach.

10 (Off the record.)

11 THE COURT: Thank you. Madame Clerk,
12 what I want to do is, I want a third alternate,
13 just with everything we got going on. So if we
14 just go and we're going to have one more
15 alternate, please.

16 THE CLERK: So the State gets --

17 THE COURT: It's two and one, yes,
18 ma'am.

19 THE CLERK: Yes, sir.

20 Juror Number 171, William R. Myers, Jr.
21 What say you for the State?

22 MR. UTSEY: Please excuse this juror.

23 THE CLERK: You may have a seat.

24 Juror Number 91, Taiy'rawn Fryar. What
25 say you for the State?

1 THE COURT: I think he's already burned
2 one. His strikes have been called.

3 MR. UTSEY: Your Honor, may I approach?

4 THE COURT: Yes, sir.

5 MR. UTSEY: Thank you.

6 THE COURT: Yes, sir.

7 MR. UTSEY: Your Honor, can we get a
8 strike on this same issue.

9 THE COURT: Well, what happened is, when
10 you agreed to do a third alternate, then it goes
11 back to two and one, and you burned your strike.

12 MR. UTSEY: One strike.

13 THE COURT: Yes, sir.

14 MR. UTSEY: Then we just move on,
15 correct?

16 THE COURT: You will be asked if you have
17 a strike for cause. So if you have a reason for
18 cause, then I'm happy to hear from you, sir.

19 MR. UTSEY: Yes, sir. Thank you,
20 Judge.

21 THE CLERK: Does the State want to strike
22 for cause?

23 MR. UTSEY: No.

24 THE CLERK: What say you for the
25 defendant?

1 MR. WALKER: Please seat the juror.

2 THE CLERK: You may have a seat in the
3 jury box.

4 THE COURT: All right. Thank you,
5 Madame Clerk.

6 All right. Anything from the State
7 concerning jury qualification or jury selection?
8 Any motions or matters that need to be taken up by
9 the State?

10 MR. UTSEY: No, Your Honor.

11 THE COURT: All right. And anything from
12 the defense?

13 MR. WALKER: No.

14 THE COURT: All right. Ladies and
15 Gentlemen, thank you so much for being here.
16 Thank you so much for your willingness to serve.
17 What I'm going to do at this time is, I'm going to
18 ask that the bailiff show you to your jury room.
19 The jury room is where you will report back
20 tomorrow. I'm going to ask you to come in at
21 10:30 tomorrow morning. And you may say, well,
22 why are you starting at 10:30? Believe me, we
23 will be here a lot earlier working on several
24 different matters so that we can try to be ready
25 to go at 10:30 and be mindful of your time.

1 In the meantime, what I would ask you is
2 this: Number 1, do not discuss this case with
3 anyone. Do not discuss it amongst yourselves. Do
4 not discuss it with a spouse, a son, a daughter, a
5 mother, a father, or anyone else. That is not
6 your job and you'd be violating the oath that you
7 took earlier and the oath that I will give to you
8 tomorrow right before we start. Do not talk with
9 anyone about this matter. Throughout the week you
10 will hear me remind you, do not deliberate, do not
11 talk amongst yourselves about this matter.

12 The only time you're going to do that is
13 at the conclusion of this case when I tell you to
14 commence or begin your deliberations. But before
15 then, you are not to deliberate. You are not to
16 talk to your fellow jurors about this matter. You
17 can talk about whatever you want. You can talk
18 about the Kansas City/Oakland game yesterday.
19 Okay? I don't care. But not this case.

20 Number 2, do not, under any circumstance,
21 go to the Internet, go to Google, go to Snapchat,
22 Facebook, Instagram, whatever they are. Don't do
23 any research on this matter. That includes the
24 lawyers, the judge. You are not to be doing
25 research of any kind. The only evidence is going

1 to come from this witness stand, from testimony,
2 or exhibits, and it's from that and the law that I
3 instruct you that you to make your decision. So
4 do not look elsewhere tonight or do any
5 researching or things of this nature. That's
6 inappropriate and will be violating your oath.

7 Any objections, any additions as it
8 relates to the instructions that I've given the
9 jury from the State?

10 MR. UTSEY: No, Your Honor.

11 THE COURT: From the defense?

12 MR. WALKER: No, Your Honor.

13 THE COURT: All right. One other thing,
14 Ladies and Gentlemen, when you come back tomorrow
15 morning, I would like it if you-all could select a
16 foreperson. The foreperson doesn't get any
17 special powers, other than when the jury has got a
18 question, the foreperson has to write it down,
19 give it to the bailiff who will then give it to
20 me. The foreperson will also make certain that
21 when it's time to tell deliberate that everybody
22 gets an opportunity to speak their mind. Okay?
23 That's the job of the foreperson, not to basically
24 make a decision for the jury on his or her own.
25 It's really administerial, writing down and

1 relaying information that the jury may have or a
2 question that may arise and bringing it to my
3 attention.

4 The only thing that I would tell you is,
5 my alternates cannot be the foreperson. Okay? So
6 my foreperson has to be one of the first 12 that
7 were selected and not one of the three alternates.

8 So I'll ask you-all if you could go and
9 try to elect a foreperson, write that name down on
10 piece of paper, give it to the bailiff when you
11 finish that, and then we'll be ready to proceed at
12 10:30. Okay?

13 All right. Thank you-all very much.
14 Have a great evening. Thank you. You-all can go
15 with the bailiff right this way.

16 Sir, you need to go with the jurors right
17 over there and then you will be discharged, and I
18 will be discharging the -- or you will be free to
19 leave for the day and I'll see you in the morning.
20 I'll speak to these folks very quickly.

21 (Jury exits the courtroom.)

22 All right. Ladies and Gentlemen, thank
23 you so much, again, for honoring your subpoena. I
24 know it's been a long afternoon, but, again,
25 it's a very important case. So with that having

1 been said, you will be free all day tomorrow.

2 There's a juror information line.

3 Is that 549-1775?

4 THE WITNESS: Yes, sir.

5 THE COURT: 549-1775. You should have
6 that on the card. All I need you to do is to call
7 back tomorrow after 6:00 and they will leave
8 instructions as to when you need to come back or
9 it may be call back Wednesday after 6:00. With
10 that having been said, thank you. Call back
11 tomorrow after 6:00. I hope everybody has a good
12 day tomorrow.

13 (Jury panel is excused with instructions.)

14 THE COURT: All right. I know we've got
15 several other matters that we need to take up.
16 That's why I had the jury coming in at 10:30
17 tomorrow morning, because it's after 5:00 and I'm
18 not up to hearing a bunch of motions where I might
19 have to think about things right now.

20 So what I'd like to do is start at
21 nine o'clock tomorrow morning. That should give
22 us -- do you think that would give us enough time,
23 Solicitor, if we start at nine o'clock.

24 MR. UTSEY: Starting at nine o'clock, I
25 think will give us enough time. The interview is,

1 like, 40 minutes. The interview is 40 minutes.
2 That would be same thing with you sitting down and
3 watching the interview.

4 THE COURT: That's fine. We'll start at
5 nine o'clock. That should be all right. So I'll
6 look to see everyone at nine o'clock.

7 Is there anything else before we break
8 for the evening, Solicitor?

9 MR. UTSEY: There's one more thing that I
10 just have to say. It's been weighing on my mind
11 in regards to a 404(b) motion, Your Honor, if I
12 may.

13 THE COURT: Yes, sir.

14 MR. UTSEY: One sentence: Channita Kelly
15 is going to testify, as she did previously, that
16 he called her -- William Sanders called her
17 everyday and begged for her back during those 10
18 days. And then she said, no, of course, every
19 day. She broke up with him and said, no, I'm
20 done, on the day that he allegedly shot her. So I
21 just wanted to add that. Thank you, Your Honor.

22 THE COURT: All right. Counsel, if
23 there's anything you want to submit to my clerk
24 tonight, feel free to.

25 MR. WALKER: Would the Court be

1 interested in Miss Kelly's testimony?

2 THE COURT: Well, you can send the
3 testimony, any case law. He gave me a brief and a
4 case. Anything you want to give me, don't send to
5 it me. Send it to her.

6 MR. WALKER: Yes, sir.

7 THE COURT: I promise you, I'll get it.
8 But it's best to go to her.

9 MR. WALKER: Thank you, Your Honor.

10 MR. UTSEY: Thank you, Your Honor.

11 THE COURT: When I say "her" for the
12 record, I mean Miss Main, my law clerk. She does
13 a fine job.

14 All right. So anything else before we break
15 for the evening from the State?

16 MR. UTSEY: No, sir, Your Honor.

17 THE COURT: From the defense.

18 MR. WALKER: No, Your Honor.

19 THE COURT: I'll see everybody back at
20 nine o'clock tomorrow morning.

21 MR. UTSEY: Yes, sir.

22 (Court adjourned at 5:10 p.m.)

23

24

25

CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions for Colleton County, South Carolina.

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

June 7, 2022



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF COLLETON

4 State of South Carolina,

5 vs. Transcript of Record
6 2019-GS-15-00426
7 2019-GS-15-00427

8 William C. Sanders,
9 Defendant.

10 December 14, 2021
11 Walterboro, South Carolina
12 Volume II of IV

13 B E F O R E:

14 The HONORABLE ROBERT BONDS

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

16 Ceth Utsey, Solicitor
17 Julie Kate Keeney, Solicitor
18 Matthew Walker, Representing the Defendant

19

20

21

22

SHARON G. HARDOON, CSR
Official Circuit Court Reporter, III

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1 THE COURT: All right. Are you ready to
2 proceed, or is your client coming? Where are we?

3 MR. WALKER: I'm ready to proceed, Your
4 Honor.

5 THE COURT: All right. In regard to the
6 404(b) issue and the prior domestic violence or
7 DVHAN charge, I want you to know that I'm not
8 going to allow that into evidence. I'm not going
9 to allow the charge.

10 And what I would say is this: You know,
11 is it relevant evidence, the fact that the charge,
12 the violation of the -- of the no contact, the
13 allegations that he went to the solicitor's office
14 and tried to have that dropped or the no contact
15 dropped, I do think under 401, it's relevant. But
16 to that extent, now I think I then got to go and
17 look at -- under the 404(b) and look at and, kind
18 of, analyze, really, quite frankly, the
19 prejudicial effects, if any, and whether those
20 prejudicial effects -- because all evidence is
21 going to be prejudicial to some extent or another.
22 Whether the prejudicial effects in this case
23 outweigh the probative value.

24 I understand basically the State -- and
25 also, as it relates to admissibility, the State

1 argument concerning the acts going toward motive
2 and intent.

3 You know, I'm torn by the fact that
4 oftentimes I think that the closer -- the closer
5 the acts are in proximity, and the closer that the
6 allegations of the act and the allegations of the
7 case here, the closer and more substantial they
8 are, I think there's a higher degree of prejudice
9 that potentially exists in that case. And, as a
10 result, I think that there's additional scrutiny
11 that I've got to take into consideration.

12 And I do believe that, in this case,
13 given the timeliness of the allegations, given the
14 relationship the defendant has had with the
15 victim, I just think that the prejudicial effect
16 in this case outweighs the value as it relates to
17 this evidence.

18 Now -- now, that having been said, I do
19 believe that it is proper -- and one of the
20 things -- I'll be honest, I'm a little bit at a
21 disadvantage because, you know, some of the case
22 law that I looked at dealt with testimony that was
23 proffer, and there wasn't any proffered testimony
24 as it relates to the clear and convincing standard
25 as it relates to this evidence. That's another

1 reason that I'm taking some of that into
2 consideration as I look at and evaluate. I just
3 think, at this point, I'm inclined not to let the
4 charge in.

5 However, I do believe that it is
6 appropriate, if the evidence is going to relieve
7 this, because I don't know. I did review some of
8 the information. I'm sure Mr. Walker gave you a
9 copy of it. It came in almost early this morning
10 as opposed to late last night. But I've reviewed
11 it this morning. And so what I would say is this:
12 I think that testimony as to a prior event --
13 there was some type of prior event that occurred
14 10 days or 12 days earlier. And I think testimony
15 as it relates to that event, depending on what it
16 is, is relevant.

17 But saying somebody is charged with
18 something, I don't know that that's going to be
19 appropriate. And so, as it relates to an event or
20 something that happened or that, in fact, even law
21 enforcement was contacted, I don't have a problem
22 with that. I think that's relevant. I think that
23 that is permissible under the rules as it relates
24 to an event.

25 As it relates to the -- she can certainly

1 testify if he threatened her. I don't know if --
2 I don't know what the testimony is going to be.
3 If law enforcement was called, I think that's
4 fair -- I think that's fair game.

5 Beyond that, getting into what law
6 enforcement did, or charges that came up, I think
7 that becomes unduly prejudicial under the analysis
8 and for the reasons that I've set forth.

9 As it relates to him continuing to
10 contact her, I think it's completely permissible
11 for her to testify that she -- that the contact
12 was unwarranted, that she didn't want him to call,
13 that she told him not to call, or whatever the
14 testimony may be. I don't know what that
15 testimony is. But, certainly -- but to then get
16 into the fact that he's violating an order or some
17 type of bond requirement, I think for the reasons
18 that I set forth earlier that that would not be
19 admissible, and I think that the unfair prejudice,
20 basically, would outweigh any benefit there.

21 And, again, when we talk about the unfair
22 prejudice, of course, we're talking about the real
23 weight or the real possibility of a jury making a
24 decision or basing a decision upon something other
25 than this incident and this in this case.

1 And so for those reasons, that's going to
2 be my ruling.

3 I understand that the State may not agree
4 with my ruling. I'm happy to have the State put
5 anything they want on the record. But I want to make
6 sure that the State understands what my ruling is as
7 we move forward.

8 Mr. Utsey?

9 MR. UTSEY: Yes, sir. Thank you,
10 Your Honor. That's what I -- I'm just trying to
11 make sure I understand it, Judge. So I know that
12 she will -- she will not -- Channita Kelly will be
13 the one testifying about this event that happened
14 10 days prior.

15 THE COURT: Yes, sir.

16 MR. UTSEY: She will not be allowed to
17 talk about that law enforcement came and arrested
18 him that night and can't mention any kind of
19 arrest, nothing like that. I'm going to tell her
20 not to.

21 THE COURT: She can testify that she
22 called law enforcement.

23 MR. UTSEY: Okay. She just can't
24 testify --

25 THE COURT: She can testify that law

1 enforcement showed up. She can't testify that law
2 enforcement arrested him.

3 MR. UTSEY: Okay.

4 THE COURT: Took him to jail, violated
5 bond requirements, those types of things.

6 MR. UTSEY: Okay.

7 THE COURT: I think that's fair. I don't
8 think that's unfairly prejudicial. I think the
9 bad act -- I think when it gets into this arrest
10 and the bond, that's when I think that it ends up
11 in a situation where a jury could definitely go
12 and I think it could be real unfair prejudice to
13 Mr. Walker's client in that situation.

14 MR. UTSEY: Yes, sir, Your Honor.

15 And also, her prior testimony, for
16 example, she said, and he was, like, oh, I'll bury
17 you in this backyard, and when I go pull it out,
18 talking about the gun from the shirt, and said,
19 "B," I'll bury you in this backyard. She can
20 testify to that. Okay. I completely understand
21 your ruling. Thank you, Your Honor.

22 THE COURT: Absolutely. All right.

23 Mr. Walker, anything that you want to
24 state? You may not agree with my ruling, maybe
25 you agree with part of it, but not all of it. I'm

1 happy to hear from you if you want to put anything
2 on the record. But I also want to make sure that
3 you understand my ruling. And, of course, also I
4 want to make it clear that in the event that the
5 defendant were to testify, if any door is opened,
6 if he touches any line, I mean, have at it as it
7 related to the DV charge, and all the things that
8 I'm excluding.

9 MR. WALKER: Thank you, Your Honor.

10 I'll go in reverse order. Certainly, if
11 Miss Kelley testifies that something happened or
12 occurred, I don't believe we'd be opening the door
13 for Mr. Sanders to say that it did not occur.

14 THE COURT: Correct.

15 MR. WALKER: But, you know, we're talking
16 about his arrest or violation and things, we
17 understand that. I will caution him as to that.

18 THE COURT: Right. The fact that he
19 denies is not going to open the door. But if he
20 gets up there and says, no, the cops have never
21 been involved in anything we've done, that's --
22 and that's just one example. There's probably a
23 lot of other examples that are a lot more subtle
24 than that, but, yes, sir.

25 MR. WALKER: Thank you, Your Honor. And

1 as to -- I understand your ruling. Certainly it
2 is very prejudicial to hear that the police
3 arrived and, kind of, made a fact determination on
4 the scene that he was the aggressor and arrested
5 him, but we would certainly --

6 THE COURT: All right. Now, you
7 understand I'm not allowing that.

8 MR. WALKER: I do. I do, Your Honor.
9 And certainly we agree with that part of the
10 court's ruling. My motion would be on the --
11 would have been on all of the prior bad acts as
12 being unrelated to the events that's been charged.

13 I think it's fair to tell them that there
14 have been arguments, altercations, physical --
15 that it's a tumultuous relationship. But I think
16 getting into the details of any specific incident
17 before the shooting is problematic.

18 Especially -- of course, you haven't had
19 the proper testimony. It's in the trial
20 transcript from previously, but Miss Kelley says
21 that this prior -- you know, the State's theory of
22 the case and the briefs and argument, again, is
23 she's breaking up with him, he doesn't want this
24 to happen. He's angry about that and snapped and
25 shoots her.

1 The argument on this 10-day prior event,
2 according to Miss Kelley, is because of multiple
3 issues. It wasn't about a break up. It was
4 about, she says, him being angry that she did not
5 get into sexual activity with him, and there was a
6 verbal altercation and then him leaving in the
7 truck with some of her items that were in the
8 truck and then her becoming angry that he had left
9 with those items, which I think were some clothes
10 and maybe, you know, some sort of gift card, or
11 something. And then she, kind of, contacting him,
12 you need to bring these back right now, and him
13 coming back, and then the altercation, verbal.
14 And then, according to her, escalated to a threat.
15 You know, it's just really, kind of, a fight,
16 which is then not part of this narrative that
17 we're trying to reach now where she's saying he's
18 begging me to get back with him, I said no, and I
19 heard the shot.

20 That's why the details, I think, are more
21 prejudicial than probative versus just saying,
22 hey, you know, we had an altercation 10 days
23 before and leaving it at that. Or he threatened
24 me 10 days before and leaving it at that.

25 THE COURT: I understand your argument.

1 I'm going to allow that. I think that's
2 appropriate for cross-examination, and I just --
3 I'm going to deny you on that. And I also -- one
4 other thing, and I was looking for this
5 language -- thank you, Mr. Walker -- as it relates
6 to the unfair prejudice again. Basically, a
7 tendency would lead the jury or lead the fact
8 finder to a tendency to suggest a decision on an
9 improper basis, and so -- as it relates to some
10 case law as to what unfair prejudice is.

11 So I know no one is happy with my ruling,
12 but I think everybody understands my ruling. I
13 will say that, depending on testimony, it may be
14 that my ruling deviates ever so slightly. And so
15 I want you-all to know -- I mean, you know what to
16 bring up or not bring up. But as it relates to,
17 for instance, how far these details go and things
18 that you brought up, Mr. Walker, you certainly
19 could bring that to my attention at that time.
20 Okay?

21 MR. WALKER: Yes, sir.

22 THE COURT: All right. Do you-all want
23 to go ahead and recall our witness as it relates
24 to -- do we need to play the video?

25 MR. UTSEY: Jackson v. Denno, Your Honor.

1 THE COURT: Yes, sir.

2 MR. UTSEY: The State calls Kelley
3 Padgett.

4 (COURT EXH. 1, Video, was marked for
5 identification.)

6 THE COURT: All right. Miss Padgett,
7 we're going to continue with your testimony.
8 You're still under oath. Okay?

9 THE WITNESS: Yes, sir.

10 MR. UTSEY: Thank you, Your Honor. May
11 it please the court?

12 THE COURT: Yes, sir.

13 MR. UTSEY: Your Honor, actually I
14 believe I was done asking Miss Padgett questions.

15 THE COURT: Okay.

16 MR. UTSEY: I was going to play this and
17 then we took a break because it was a long
18 interview.

19 THE COURT: All right. Go right ahead.
20 Let me ask you, gentlemen, are there any portions
21 of this that you-all agree to -- are there
22 specific portions that -- have you-all --

23 MR. WALKER: We had brought up some
24 times, but I think based on your ruling, we need
25 to have a discussion --

1 MR. UTSEY: Yes, sir.

2 MR. WALKER: -- as to what we agreed and
3 disagreed about, because I think that does affect
4 some of our discussions, what your ruling was just
5 then.

6 THE COURT: Okay.

7 MR. WALKER: And I think also there's two
8 issues, you know, we have the first issue of
9 voluntariness and the second issue.

10 THE COURT: All right. You want to go
11 ahead, Solicitor, and play the video?

12 MR. UTSEY: Yes, sir, Your Honor.

13 THE COURT: That would be great.

14 MR. WALKER: I will suggest -- there is a
15 lot of dead space in the video.

16 MR. UTSEY: I am going to skip to 47
17 minutes into the video.

18 (Video played at 47:52 to 1:27).

19 MR. UTSEY: I was going to stop right
20 here, Your Honor.

21 THE COURT: So you were stopping it
22 around --

23 MR. UTSEY: 1:27, Your Honor.

24 THE COURT: 1:27, all right.

25 All right, Solicitor?

1 MR. UTSEY: Thank you, Your Honor. So
2 the times that I marked down that need to come
3 out -- and I believe -- yes, sir. You want to
4 argue the --

5 THE COURT: Let's argue -- would that be
6 appropriate to -- let's go ahead and argue the
7 voluntariness issue. Because, depending on what
8 that ruling is, that may negate any of that. And
9 so we can have voluntariness issues at this point.
10 I'm happy to hear from you.

11 MR. UTSEY: Yes, sir. Thank you, Your
12 Honor. I was wondering if Mr. Walker would like
13 to cross Miss Padgett.

14 THE COURT: Thank you, Solicitor.

15 Yes, sir.

16 MR. WALKER: Briefly, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. WALKER:

19 Q Mr. Simmons was under arrest when this interview
20 was conducted; is that correct?

21 A Yes, sir. He was detained at that time.

22 Q And are you the one that detained him?

23 A No, sir.

24 Q Who detained him?

25 A I don't know for sure which officer detained

1 him. I know he was transported back to the
2 sheriff's office by Sergeant Green with the
3 sheriff's office.

4 Q Was Sergeant Green the one who put him in the
5 interview room?

6 A As far as I know, yes, sir.

7 Q Do you know what other officers interacted with
8 Mr. Sanders before he was placed in the interview
9 room?

10 A It would have been the officers who were on
11 scene on Jacksonville Road.

12 Q This interview occurred around midnight?

13 A Yes, sir.

14 Q And he was not free to leave?

15 A He was not.

16 MR. WALKER: I don't have any further
17 questions.

18 THE COURT: All right. Any redirect?

19 MR. UTSEY: No, Your Honor.

20 THE COURT: Okay. Yes, sir.

21 MR. UTSEY: Thank you, Your Honor. As
22 far as to the voluntariness of the statement goes,
23 as Your Honor viewed the video, Miss Padgett read
24 him Miranda rights. She went through the Miranda
25 form with him. She read him all of the rights and

1 got him to initial beside it. She was not -- she
2 didn't yell at him. She was not, I guess,
3 coercive in any way or threatening towards him.
4 She simply asked him, do you want to talk to me,
5 and she actually left the room. She came in,
6 asked that first, and then left the room and went
7 and got that Miranda form after he said yes.

8 She gave him water, provided it in the
9 interview. That would be all the state has,
10 Your Honor.

11 THE COURT: All right. Mr. Walker.

12 MR. WALKER: Thank you, Your Honor. I
13 suppose we could make the argument that due to the
14 late hour, due to Mr. Sanders not being free to
15 leave and due to his admitted lack of education
16 and reading ability that that would render the
17 interview involuntary.

18 THE COURT: All right. When a defendant
19 is advised of his Miranda but chooses to make a
20 statement anyway, the burden is on the State to
21 prove by a preponderance of the evidence those
22 rights were voluntarily waived. I think in this
23 case we got to look to the totality of the
24 circumstance.

25 And, Mr. Walker, I understand -- I did

1 notice that he was handcuffed. But as it relates
2 to the limited education, from my observation, he
3 not only was actively listening to the questions
4 or the statements that she was reading him, he was
5 simultaneously placing his initials, and I believe
6 for almost every one of the individual questions
7 or statements that he's initialed, he was going
8 uh-huh or yes or, in my opinion, giving a positive
9 response; to wit that he understood that question.

10 I just don't see that the questioning
11 that she gave him overrode his free will, forced
12 him to make this statement, and I think that -- I
13 think that the statement was made voluntarily when
14 you look at the entire -- when you look at the
15 totality of the circumstances in this case.

16 So I'm going to find that the statement
17 is, in fact, voluntary -- was voluntarily made.
18 There are some things that I think are going to
19 need to come out of that statement. And I'm happy
20 to hear from you gentlemen now, and there may be
21 some things that I'm going to -- that you may
22 bring up or may not bring up, but there are some
23 things that concern me concerning -- as it relates
24 to the statement.

25 Solicitor, I'm happy to hear from you

1 concerning the potential redactions.

2 MR. UTSEY: Yes, sir.

3 Miss Padgett, you can step down.

4 THE COURT: Step down. Thank you.

5 MR. UTSEY: Your Honor, so the redactions
6 that I have that are definitely coming out are the
7 times 56:52 through 57:07.

8 THE COURT: And what was that, and --
9 what was that?

10 MR. UTSEY: He says -- or why aren't you
11 -- or Kelley says, why aren't you supposed to be
12 there? He says, went to the judge. They then
13 mentioned the word restraining order. Every time
14 the word "restraining order" was mentioned, I
15 tried to take those times out.

16 THE COURT: All right. Mr. Walker, would
17 you agree with that?

18 MR. WALKER: Yes, Your Honor.

19 THE COURT: Yes, sir. Go ahead,
20 Solicitor.

21 MR. UTSEY: 57:56 through 58:15, I have,
22 "Why was there a restraining order." "Me and her
23 got into it." The restraining order thing was
24 mentioned again, Your Honor.

25 THE COURT: Mr. Walker, do you agree with

1 that?

2 MR. WALKER: I do agree with that. I had
3 that actually as part of a -- kind of just as a
4 whole, and it goes to my earlier objection about
5 there's a whole -- that is encapsulated in, kind
6 of, a whole description of the prior incident. So
7 my motion would have been to exclude all testimony
8 at that time period related to the prior incident,
9 which is the CDV 10 days before.

10 THE COURT: I understand that. I'm not
11 going to agree with that, but I note your
12 objection for the record.

13 MR. UTSEY: Your Honor, the next time
14 would be 1:01:28 through is 1:01:37. He says,
15 "Been to see judge about restraining order. They
16 going to say I did it."

17 THE COURT: Okay. Mr. Walker, do you
18 agree with that?

19 MR. WALKER: I do, Your Honor.

20 THE COURT: Yes, sir. Go ahead.

21 MR. UTSEY: 1:03:40 through 1:03:50, I
22 have the time written down, Judge, but I didn't
23 write why. He must have said the words
24 "restraining order," which I just wrote the time
25 down. 1:03:40 through 1:03:50. Or something must

1 have been said about it.

2 THE COURT: I picked up all about the
3 cocaine in the house all around 1:04. That's what
4 I had noticed. Or what I have written down here,
5 she called the police 1:02.

6 Mr. Walker, let me hear from you.

7 MR. WALKER: So I, kind of, had starting
8 at 1:02:37 to 1:06 there was a ton of stuff in
9 there. Of course, I had marked that as also a
10 discussion of the prior incident. The cocaine was
11 in there. I'm not exactly sure what date they're
12 referring about. I was -- I couldn't tell. That
13 didn't necessarily hurt us too much either way. I
14 wasn't so worked up about the cocaine. I do know
15 I had around 1:04, I don't know if Mr. Utsey had
16 this time down, but where he says -- talking about
17 the prior incident, she called the cops or had me
18 locked up.

19 THE COURT: That may be what it is, and
20 that should not be admissible pursuant to my
21 ruling.

22 MR. UTSEY: I have 1:04 through 1:04:10
23 on that.

24 THE COURT: All right. If that's the
25 language, yes, sir, that would be appropriate.

1 As it relates to the cocaine nobody has a
2 strong feeling one way or the other?

3 MR. WALKER: No, Your Honor.

4 THE COURT: All right, fine.

5 MR. WALKER: The more cocaine the merrier.

6 THE COURT: You guys are getting along.
7 That's fine with me. All right. Go ahead,
8 Solicitor.

9 MR. UTSEY: Your Honor, if Your Honor
10 wouldn't mind, I'd like to play 1:03:40 through
11 1:04:50. I was going to see what I wrote that
12 down for.

13 MS. KEENEY: I'll pull that up.

14 MR. UTSEY: All right. Moving on.
15 1:16:03 through 1:16:08. Got shells from when
16 they locked me up the other night. It's what
17 William Sanders says in those five seconds.

18 THE COURT: Mr. Walker?

19 MR. UTSEY: I had that in our times. I
20 was listening and I wrote that when I heard it.

21 MR. WALKER: What is it?

22 MR. UTSEY: Got shells -- he's talking
23 about -- at this time, she's talking about the GSR
24 on his hands and he says, got shells from when
25 they looked me up the other night.

1 MR. WALKER: Yeah.

2 THE COURT: All right. Mr. Walker, what
3 about at 1:16, why do people say?

4 MR. WALKER: I definitely have clued them
5 in and I objected to that.

6 THE COURT: Okay.

7 MR. WALKER: 1:16:50 to, like, 1:17:20.

8 THE COURT: All right. Well, I guess --
9 and I'm sorry. I need to come back and let you
10 put that on the record. I didn't mean to
11 interrupt.

12 Go ahead, Solicitor.

13 MR. UTSEY: Yes, sir. Thank you, Your
14 Honor. And then I have 1:18:20 to 1:18:25, and
15 that would be something said about law enforcement
16 right there.

17 MR. WALKER: Restraining --

18 THE COURT: Domestic violence, lock me
19 up. Something along those lines.

20 MR. UTSEY: Yes, sir. Yes, sir.

21 THE COURT: 1:18. Yes, sir.

22 MR. UTSEY: And that's all I have on my
23 list, Judge.

24 THE COURT: I have something at 1:19, law
25 enforcement got called because of something. What

1 was that?

2 MR. WALKER: I actually said he's
3 discussing several incidents. He called the
4 police on her several -- had called the police on
5 her several times and she called the police on him
6 one time.

7 MR. UTSEY: I took that as he called --
8 he was talking about the DSS issue and he called
9 DSS on her.

10 MR. WALKER: Well, he's discussing, kind
11 of, a relative frequency of a problem starting,
12 and he says, I've had to call the police on her
13 three times. He said, she's only called me the
14 one time and had me locked, saying I pointed a gun
15 at her. So that's what that conversation is.

16 THE COURT: Well, let me ask you this:
17 Solicitor, what you just gave me, those would be
18 the parts base upon my ruling that you believe
19 should be redacted; is that right?

20 MR. UTSEY: Yes, sir, Your Honor.

21 THE COURT: And that's what you got.

22 Mr. Walker, now, I'm happy to hear from
23 you as it relates to -- and you don't have any
24 objection as to what he's saying needs to be
25 redacted, as I understand it.

1 THE COURT: That's is correct. Now, I'm
2 happy to hear from you on what additional
3 information you think needs to be redacted, sir,
4 if any?

5 MR. WALKER: Thank you, Your Honor. And
6 forgive me if I repeat something we've already
7 recovered. I had originally objected, and I feel
8 like -- let me just consult with Mr. Utsey one
9 second, sir.

10 THE COURT: Yes, sir.

11 MR. UTSEY: Your Honor, for the record,
12 we did just listen to 1:03:40 to 1:03:50, which is
13 what I had a concern about earlier. I'm going to
14 argue that that does come in pursuant to your
15 ruling, Your Honor. He says the police came, and
16 then they talked about the gun, but they did not
17 talk about an arrest or a restraining order. I
18 believe Mr. Walker understands that as well.

19 THE COURT: I know he may not agree.

20 MR. UTSEY: Yes, sir.

21 THE COURT: You would oppose that based
22 on your prior objections, sir.

23 MR. WALKER: Yes, Your Honor.

24 THE COURT: I'm going to overrule that.
25 I believe it's consistent with my ruling, sir.

1 (Recording played 51:10 through 51:24.)

2 MR. WALKER: So at 51:24, it's starting a
3 little bit before that in response to a question
4 right about 50:56 of why he's not supposed to be
5 at the house. At 51:24, he says, "I couldn't go
6 there." Of course, that eludes to prohibition on
7 being at the residence.

8 THE COURT: I think that should stay out.
9 I'll let the jury draw their own inferences from
10 that. We'll take that out. I think he's not
11 supposed to be there, that comment runs too close
12 to my ruling.

13 MR. UTSEY: Yes, sir.

14 THE COURT: So I don't want him to say --
15 I don't think she should -- you know, why weren't
16 you there? Well, I wasn't supposed to be there.
17 I don't think that's appropriate. I think that's
18 too close to --

19 MS. KEENEY: I didn't hear her ask that
20 question. He heard him say, I'm not supposed to
21 be there.

22 MR. UTSEY: 50:56 for the record.

23 (Recording played at 50:56.)

24 MR. WALKER: Just the part where he is
25 not supposed to be there. I had objected to the

1 solicitor about starting on 57:30 and 57:56 to
2 around 58:20 Just a discussion about the prior
3 incident. I understand the Court's ruling, but
4 for the record, I object to that portion coming
5 in.

6 THE COURT: I understand.

7 MR. WALKER: We took out 1:03:30.

8 COURT REPORTER: Counsel, I am not
9 hearing all the numbers.

10 MR. UTSEY: I'm sorry.

11 MR. WALKER: So the last thing I said was
12 I had objected discussion of the prior incident
13 beginning around 57:30 going through 58:20. And
14 consistent with the judge's earlier ruling, I
15 understand that will be coming in. I would object
16 for the record.

17 We've already talked about another issue
18 that's been settled.

19 And then, again, I had objected broadly
20 to discussions with the prior incident starting
21 about 1:02:30 through 1:06:50. Within that time
22 period, the judge has already ruled discussion at
23 1:04 about being carried to the jail as
24 inadmissible. I object to the general discussion
25 of the whole prior incident. I believe the

1 Court's already ruled on that.

2 THE COURT: All right. That's fine. I
3 note your objection for the record, sir. What
4 else?

5 MR. WALKER: At 1:16:30, Detective Kelley
6 asked why the gunshot residue shows that you shot
7 a gun tonight. I would object to that statement
8 by Kelley. They did not, at that time, have any
9 gunshot residue test and it's a conclusionary
10 statement.

11 THE COURT: Solicitor?

12 MR. UTSEY: Your Honor, when an
13 investigator is interviewing a defendant, or a
14 cop, they can lie to the defendant to try to get a
15 statement. They can tell the defendant one thing
16 to try to get him to admit something. They
17 definitely can do that.

18 And, Judge, I will admit. I don't have a
19 case on me. I just know they can tell a defendant
20 that they have evidence in this one instance for
21 them to make an admission.

22 THE COURT: All right. Let me ask you:
23 So your objection, Mr. Walker, is the fact she
24 made the statement, tell us why you shot her?

25 MR. WALKER: No. The objection is,

1 Detective Kelley had a discussion, "Do you
2 understand forensics? You know about gunshot
3 residue? He said, "Yes, they swabbed my hand."
4 She says, "Well, why does the GSR show that you
5 shot a gun tonight." And he says, "Well, I don't
6 know why it would show that." That's basically
7 testimony the jury could hear that -- and they
8 have the GSR expert coming to testify. They did
9 detect GSR.

10 THE COURT: All right. I'm going to
11 allow that. I'm going to overrule your objection,
12 sir?

13 MR. WALKER: Thank you, Your Honor.

14 I think you asked me and then you
15 deferred discussion, Your Honor, one the 1:16:50
16 to 1:7:20-something. She asked, "Why did they say
17 you shot them," and, again, similar to the --

18 THE COURT: Well, I'm happy to hear from
19 you, Solicitor. But I think that's hearsay. I
20 think that's trying to get hearsay in through the
21 statement when you ask somebody, why are people
22 saying this.

23 Do you have anything that you want to put
24 on the record as it relates to that, sir?

25 MR. UTSEY: Your Honor, I'd just like to

1 say that, again, kind of the same thing as the
2 GSR. I think she was trying to get him to make a
3 statement about it, Judge.

4 THE COURT: Well, I understand she's
5 trying to make a statement, but what she's doing
6 is, she's just stolen hearsay. She couldn't get
7 on the stand and say that. So now what happens
8 is, when that's coming in, that's coming in right
9 through the questioning of the statement. And I
10 don't know what the case is, but I've read it
11 because it came up in Georgetown. I mean, this
12 court has admonished judges for letting that in.
13 I'm not going to let hearsay, a question that she
14 couldn't answer or respond to on the stand, I
15 can't let that come in.

16 MR. UTSEY: Yes, sir.

17 THE COURT: So as it relates to that, I'm
18 not letting her get into, "Why do people say..."
19 I don't think it's appropriate for, "Why did
20 Chantelle tell us that he shot her." I think for
21 the purposes of your argument, Solicitor, and the
22 statement, I understand why. And maybe that can
23 lead to something else, maybe it could lead to
24 something that's admissible. But as it relates to
25 that coming in, I don't think that's appropriate.

1 And there was another one about the
2 nurse, about did the nurse say that she told the
3 nurse that -- when she was being air-vaccated, I
4 think that is inappropriate hearsay testimony that
5 is basically -- she wouldn't be able to testify to
6 it on the stand, and so I'm not going to let that
7 come in.

8 I understand it's part of a plea strategy
9 as it relates to asking those questions. I'm fine
10 with that. But you can't now go and just ask
11 those questions in front of a jury, in my opinion.

12 Now, I'm happy to hear from you again for
13 the record. I'm assuming, Mr. Walker, you don't
14 have a problem with that, do you?

15 MR. WALKER: As far as the nurse as well?

16 THE COURT: Yeah.

17 MR. WALKER: That was two down on my
18 lift.

19 THE COURT: Okay.

20 MR. UTSEY: Your Honor, just for the
21 record, I would like to get the times to make sure
22 I'm not messing this up.

23 THE COURT: Going ahead. I'm sorry,
24 Mr. Walker. I didn't mean to cut you off.

25 MR. WALKER: The times I had written down

1 for the, "Why do they say you shot...", and stuff,
2 I have beginning 1:16:50 to 1:17:23. And then the
3 nurse I have written down as 1:20:50 to 1:21:30.
4 I would hope before you play this stuff, you will
5 double check all these. But those are the two
6 times as to those issues that I have.

7 THE COURT: Would we be able to play --
8 is this going to be after lunch when we would play
9 this?

10 MR. UTSEY: Yes, this would probably be
11 after lunch.

12 THE COURT: Because we come in, bring the
13 jury -- let the jury come in in just a few
14 minutes, opening instructions, and then have
15 you-all open. And then what would be your first
16 witness?

17 MR. UTSEY: Now, this witness.
18 Miss Padgett would definitely be after lunch,
19 Judge.

20 THE COURT: I don't want to pressure
21 you-all. I want you-all to be able to take your
22 time and get it right.

23 MR. UTSEY: Yes, sir.

24 THE COURT: Not that you wouldn't get it
25 right. Don't get me wrong.

1 MR. WALKER: And then I had initially
2 indicated to him that I objected to everything
3 from 1:18:25 to the end of the tape. So right at
4 1:18 is an immediate discussion of the restraining
5 order, which we included and discussed a little
6 bit earlier.

7 MR. UTSEY: Yes.

8 THE COURT: All right.

9 MR. WALKER: I think 1:18:15, she locked
10 me up, he called her and called the police, that
11 whole discussion we talked about, who called the
12 police more times on who. Again, that's, kind of,
13 getting into prior bad acts and things. I just
14 didn't want any of it to come in. I don't know
15 that we've had a ruling on that necessarily.

16 And then the last time at 1:19, she
17 called on me in the defendant's shed and that sort
18 of thing. I objected because of discussions of
19 prior -- both the restraining order and the prior
20 acts.

21 THE COURT: The restraining orders and
22 the bad act -- the restraining order, I think
23 that's out. The bad act, I think that's subject
24 to your objection and my ruling that I made
25 earlier, correct?

1 MR. WALKER: I believe so, Your Honor.

2 THE COURT: All right.

3 MR. WALKER: I guess the other issue
4 would be -- well, I mean --

5 THE COURT: So you're objecting to
6 everything to the end?

7 MR. WALKER: Yes, Your Honor.

8 THE COURT: So are you objecting to the
9 comment about, "Do you love her," and then, "If it
10 was somebody I love, I wouldn't have left," and
11 things of that nature. Is that included in your
12 objection?

13 MR. WALKER: Well, I'll go ahead and
14 include it now. Yeah, through the end. I didn't
15 want anything else for the jury. I mean, I think
16 that's -- you know.

17 THE COURT: All right.

18 MR. WALKER: I know it's, kind of, an
19 appeal to emotion, or something like that. But
20 again, they can say all kinds of stuff in the
21 interview.

22 THE COURT: That's the problem. I
23 understand that it's appropriate to say that in
24 the interview, Solicitor. And I understand why
25 they're saying it, because I think it ultimately

1 could lead them to additional information or
2 things or statements that are -- that would be
3 admissible. But let me hear from you,
4 Solicitor.

5 MR. UTSEY: Your Honor, I just would say,
6 the fact the she asks, "Do you love her?" That's
7 not a hearsay statement. That's her asking him a
8 question and him responding. She's not using any
9 kind of hearsay for that. She's just responding,
10 "Do you love her?"

11 MR. WALKER: Her statement is following
12 his response.

13 THE COURT: And I agree with you,
14 Solicitor, I think that's correct.

15 What I do think, though, is, I think it
16 becomes argumentative for her to go and say, hey,
17 if I love somebody, I'd be sitting there, or I
18 would be out on the ground helping them, or
19 whatever the situation is. I think that's
20 inappropriate.

21 I think as it relates to, "Do you love
22 her, yeah, okay. But I think beyond that when you
23 start saying, well, if you love somebody then why
24 did you run? Why did you leave? I just think
25 that becomes argumentative.

1 MR. UTSEY: I think her statement
2 about -- again -- yes, I agree with Your Honor. I
3 think her statement about, "If I love someone, I
4 wouldn't leave." But I think her asking him, "Why
5 did you leave," is relevant. That's just asking
6 for -- why did you leave the scene after a
7 shooting?

8 THE COURT: Well, yeah, but that's really
9 not what that was intended to do. She asked him
10 earlier in the interview why he left, and he
11 basically said I left because I hauled boogie
12 because I didn't want to get killed. He said that
13 earlier in the statement as I recollect. That was
14 not the first time that she asked him. I believe
15 that's the case. I don't think that's the first
16 time she asked him why he left. Now, what's
17 happened is, she's asked him the set-up question,
18 "Do you love her," and then, oh, gosh, why would
19 you go and leave somebody you love? I don't know.
20 Mr. Walker?

21 MR. WALKER: I agree, Your Honor. I
22 mean, you know, if I want to ask him why did he
23 leave again, leave out all the love stuff and make
24 it a why did you leave question. But I agree that
25 she's setting up and forming that back and forth.

1 It's not something I would do. I don't believe
2 you because it's not what I would do.

3 THE COURT: Solicitor, let me hear from
4 you. Anything else? I haven't made my mind up.
5 I'm just thinking.

6 MR. UTSEY: I believe if we take out the
7 statement where Kelly Padgett makes the statement
8 about her own beliefs and said, I would not leave,
9 that cures her asking him why did he leave, why
10 did he go to his Dad's house. I believe that
11 should all come in.

12 THE COURT: What was the -- I can't
13 remember --

14 MR. UTSEY: And maybe I need to listen to
15 it again, Judge, so we can go through it.

16 THE COURT: The question as I recollect
17 is, "Why did you leave if you love her?" I think
18 that's inappropriate. I'm not going to allow that
19 that in.

20 If he wants to ask, did he love her, I
21 think that's fine. But a question beyond that
22 when it gets into, why did you leave if you love
23 her, I think that's inappropriate. I think it's
24 prejudicial. It's baiting. It's just --

25 MR. UTSEY: Do we have a time stamp for

1 that statement?

2 THE COURT: It looks like maybe around
3 1:25, 1:25:30, somewhere in that range.

4 Now, Solicitor, there was something you
5 talked about going to dad's house. Now, I didn't
6 remember that in that section. And now that may
7 be -- that I may allow, sir. If you-all want to
8 play that.

9 MR. UTSEY: It may be on our side. We
10 can just listen to it again to make sure.

11 THE COURT: All right. Well, you-all can
12 do that. Can we do that during lunch?

13 MR. UTSEY: Yes, sir.

14 THE COURT: Because that would be about
15 the only thing.

16 MR. UTSEY: Yes, sir.

17 THE COURT: If there was some discussion,
18 "Do you love her," and then there was some other
19 discussion about him going to his dad's house,
20 that may be admissible. But the question, "Did
21 you love her," then, "Why did you leave, if you
22 love her," I think that's inappropriate. And then
23 "I wouldn't leave somebody I love," I think that's
24 inappropriate also.

25 But if there's some other language in there,

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1 Solicitor, you-all look at that during lunch and we'll
2 address that.

3 Is there anything else?

4 MR. WALKER: As to that video, no,
5 Your Honor.

6 THE COURT: Is there any other pre-trial
7 matters that we need to take up?

8 MR. UTSEY: Yes, sir, Your Honor.

9 THE COURT: All right. What's that?

10 MR. UTSEY: That would be the testimony
11 of Mr. Jason Chapman.

12 THE COURT: Right.

13 MR. UTSEY: Regarding the general use of
14 shotguns. He is not -- in this case, Judge, there
15 was not a shotgun found. However, the shotgun
16 pattern in the victim's back is that tight
17 (indicating), which, I guess, would indicate close
18 range. However, Jason Chapman cannot testify to
19 any of that.

20 But what I do want Jason Chapman to
21 testify is a general use of shotguns and how they
22 work to the jury. He can testify about patterns.
23 Obviously, he cannot make any opinions as to this
24 case. But I would like the jury to know how
25 shotguns work. If you shoot somebody, or if you

1 shoot a target from here to that picture, it's
2 going to be like this. If you go 30 yards away,
3 it's going to be like that.

4 And that's what I would like Jason
5 Chapman to testify generally about, is the use of
6 shotguns. He will not make an opinion as to this
7 specific case because they did not find the
8 shotgun. And that would be what I would be asking
9 for.

10 MR. WALKER: My objection -- my early-on
11 objection was that they were seeking to elicit an
12 opinion to say the range that the shot was fired.
13 We've come to an agreement, as Mr. Utsey said,
14 they're not going to seek some sort of an opinion.

15 I say, generally, they're still, kind of,
16 trying to get there by -- I think it's, kind of,
17 general knowledge that the closer you are to
18 something, a shotgun -- the wider the pattern the
19 further away. There's been no real -- they don't
20 have the shotgun that was used, so we don't know
21 the barrel length or choke settings. They really
22 don't, I think, measured pattern that they -- I
23 think that measured it on a shirt, but there's no
24 specific detail. And I question to what extent or
25 what value this would be.

1 But other than trying to bootstrap in
2 some sort of opinion testimony as to --

3 THE COURT: Well --

4 MR. WALKER: -- this had to be a close
5 range, there's no testimony, or there's no
6 physical or expert testimony.

7 THE COURT: You know, I don't see
8 Mr. Chapman in the courtroom. But that having
9 been said, let me just tell you, I mean, I think
10 Mr. Chapman, if he takes the stand, can testify
11 about his general experience concerning shotguns.
12 He's certainly -- I'm assuming, and I think if he
13 takes the stand, he would be able to testify as to
14 his experience with shotguns. I think it could be
15 helpful to a jury to -- some jurors may -- it
16 would be hard to believe in this community that
17 folks don't have a general idea about the fact
18 that, particularly a shotgun, that multiple
19 projectiles come out. I don't know that he's
20 testifying as to what gauges, or how many, or how
21 fast they're going.

22 But I think some jurors could make --
23 conceivably would not know that a shotgun would
24 potentially discharge multiple projectiles. I
25 think it's possible that jurors in this

1 community -- maybe in Charleston -- we got a lot
2 of people moving into Colleton County, believe it
3 or not. But I think that it's possible that some
4 people would not understand the nature of a
5 pattern, and that is that a shotgun would have a
6 tendency to spread out the further away.

7 I don't think he's going to talk about
8 how close or how tight, or things of this nature,
9 getting into mathematical formulas. But I think
10 that -- I think that that, in its most general --
11 I think the testimony of that nature would be
12 helpful -- could be helpful to jurors who are not
13 familiar with that -- with what I would call the
14 general operation of a shotgun, and I think it
15 would allow -- it would assist those potential
16 jurors rather than have them, perhaps, relying
17 upon what other jurors might say or think or do.

18 So keep him tight as it relates to that,
19 Mr. Walker. I understand that, but I think I will
20 allow him to talk in general about those types of
21 issues.

22 Are those the issues you're trying to
23 talk about, sir?

24 MR. UTSEY: Yes, sir. Just disbursement
25 in general, shotgun pellets, just like he

1 mentioned, Judge.

2 THE COURT: All right. But you're trying
3 to get -- we're not going to get into how far
4 away.

5 MR. UTSEY: He will not say, in this
6 case, based on the pattern, he was 10 feet away.
7 He will not say any of that.

8 THE COURT: All right. We'll take that
9 up as we get to it. I note your objection for the
10 record.

11 MR. UTSEY: Thank you, Your Honor.

12 THE COURT: Anything else?

13 MR. UTSEY: Yes, sir. The next issue is
14 a chain of custody issue, which I don't really
15 think is an issue. I'm just bringing it to the
16 Court's attention. Charlotte Pitts used to work
17 at SLED. She was part of the chain of custody.
18 She is no longer working there. I do not have
19 her. I have everybody else, which they will
20 mention her name, but I'm just letting the court
21 know.

22 THE COURT: Any probable with that?

23 MR. WALKER: No, Your Honor.

24 THE COURT: All right. Go ahead.

25 MR. UTSEY: Your Honor, and also --

1 that's it for pretrial. I did just want to let
2 the court know that I plan on calling
3 Angela Stallings twice; once would be to get the
4 911 call in. She's head of records. She's head
5 of dispatch. She does everything at the sheriff's
6 office. But I'm going to call Angela Stallings
7 first to get the 911 call in.

8 THE COURT: All right.

9 MR. UTSEY: Later on in the
10 investigation, I will call her back.

11 THE COURT: All right. Are we
12 sequestering witnesses in the case?

13 MR. UTSEY: Your Honor, the only one -- I
14 would ask that Miss Channita Kelly, the victim, be
15 allowed inside the courtroom.

16 THE COURT: Of course.

17 MR. UTSEY: Otherwise, I have no --

18 THE COURT: I don't know if he's asking
19 for that.

20 MR. WALKER: I'm not.

21 THE COURT: I just want to make sure
22 that's just something that I want to make sure we
23 don't get into and it's like somebody wanted to
24 sequester witnesses.

25 MR. WALKER: No, I don't.

1 THE COURT: Then that's not an issue.

2 MR. UTSEY: Yes, sir.

3 THE COURT: Anything else?

4 MR. UTSEY: No, sir, Your Honor.

5 THE COURT: All right. Anything else,
6 Mr. Walker?

7 MR. WALKER: I have a brief question.

8 THE COURT: What I want to do is, I want
9 to take a break and let's try to be back in here
10 at five to 11:00 so we'll get a jury in here at
11 11:00. I'll give them my introductory charges and
12 then we'll move straight in opening. Okay?

13 MR. WALKER: Yes, Your Honor.

14 MR. UTSEY: Yes, sir.

15 THE COURT: Thank you. We'll be at ease
16 for a few moments.

17 (A break was taken from 10:47 a.m. to 10:55 a.m.)

18 DEPUTY: All rise.

19 THE COURT: Thank you. Be seated.

20 All right. And by the way, for the
21 record, folks, the case that I was making
22 reference to is State v. Washington. That's a
23 Court of Appeals case, 2020, and it basically
24 talks about the interrogation method may have been
25 the proper interrogation method, but every word

1 that he uttered during the out-of-court interview
2 was inadmissible hearsay.

3 So, for the record, that's -- I'm making
4 reference -- I reference cases to the Brewer and
5 to the State vs. Washington.

6 All right. Anything before we bring the
7 jury in from the State?

8 MR. UTSEY: No, Your Honor.

9 THE COURT: All right. And anything from
10 the defense?

11 MR. WALKER: Just housekeeping, Your
12 Honor. Did Your Honor make the supplemental
13 argument filing that I sent to Your Honor last
14 night part of the court's file?

15 THE COURT: I'm happy to. All right. Go
16 ahead and get the jury.

17 (Jury enters the courtroom at 10:57 a.m.)

18 THE COURT: All right. Ladies and
19 Gentlemen, good morning. I hope everybody had a
20 pleasant evening. Before we begin, the first
21 matter of business is going to be for the clerk of
22 court to administer an oath to you. Madame
23 Clerk.

24 THE CLERK: Yes, sir. Good morning,
25 everyone. If I could have everyone please stand.

1 Raise your right hand. Do you swear or affirm you
2 shall well and truly try and a true deliverance
3 make between the State of South Carolina and the
4 defendant at the bar whom you have been charged
5 and a true verdict render according to the
6 evidence and the law so help you God?

7 JURY PANEL: I do.

8 THE CLERK: Thank you. You may be
9 seated.

10 THE COURT: All right. Thank you.
11 Ladies and Gentlemen, Juror Number 1, Mr. Adams, I
12 understand that you have agreed to serve or was
13 elected to serve as foreperson, and
14 congratulations. What I would ask, sir, I would
15 ask that you actually sit in that seat each time
16 that we come into the jury room and that my
17 alternates sit generally toward the end. You
18 don't switch now if that's not the case. But if
19 they would sit towards the end right back there,
20 that would be excellent.

21 I'm going to go ahead and mark this as
22 Court's Exhibit Number 1, indicating that Juror 1,
23 Mr. Adams, is going to serve as our foreperson.

24 Any objection from the State?

25 MR. UTSEY: No, Your Honor.

1 THE COURT: From the defense?

2 MR. WALKER: No, Your Honor.

3 (COURT EXH. 2, Foreperson, was marked for
4 identification.)

5 THE COURT: All right. Ladies and
6 Gentlemen, we are about to try the case of the
7 State of South Carolina vs. William Cornelius
8 Sanders. And before we begin this trial, I want
9 to tell you that this trial will probably be
10 different from what you might expect. Many folks
11 don't have the opportunity to attend an actual
12 court session as you're doing now, and may think
13 that from watching TV, movies, reading books that
14 trials are always full of high drama, intense
15 action, riveting circumstances. And while all of
16 those things may be true at times, this trial is
17 not for entertainment. It's a fundamental part of
18 our democracy, and it's often slow, it is often
19 deliberative and it's often repetitive. The exact
20 opposite of what you see on TV. The exact
21 opposite of what you read in books. The exact
22 opposite of what you might see in the movies.

23 This courtroom is a place of honor. It's
24 dedicated to the protection and preservation of
25 citizen's rights through what many have called the

1 greatest justice system ever created. The
2 attorneys appearing before you, Ladies and
3 Gentlemen, are advocates for their parties that
4 they represent. But first and foremost, they are
5 officers of this court and they are sworn to
6 uphold the integrity and fairness of our judicial
7 system and you should expect these attorneys to be
8 professional, competent, and ethical in their
9 representation of their client's interest.

10 Ladies and Gentlemen, you also are
11 expected to be reasonable, professional, and
12 ethical.

13 Now, what I say is not intended -- or is
14 intended at this point, Ladies and Gentlemen, to
15 give you a general introduction to the trial of
16 this case. These remarks are not a charge on the
17 law. I'll instruct you on the applicable law to
18 the case at the end of the trial before you retire
19 to consider your verdict. This is merely an
20 explanation of the procedure that we will follow
21 in the trial of this case so you will better
22 understand what's happening.

23 Now, Ladies and Gentlemen, I want you to
24 know, I do not want folks to take notes during
25 this trial. You're absolutely fine. I saw you

1 taking notes and there's nothing wrong with that
2 at all because I hadn't told you not to do that.
3 Let me tell you, some judges allow it, some judges
4 don't. My general practice is not to allow the
5 taking of notes at trial for a couple of reasons.

6 Number 1, oftentimes the note taker
7 writes something down that is wrong and then
8 there's a tendency sometimes to give additional
9 weight to a note as opposed to what someone's
10 individual memory might be.

11 The other thing is that, when you take
12 notes, I find that taking notes can be distracting
13 sometimes to the note taker him or herself.

14 Because one of the things that you're
15 going to need to do is going to be very important.
16 Folks, you've got to look at and observe the
17 witnesses in this case. You've got to look at and
18 observe their credibility, their demeanor, their
19 believability, and sometimes taking notes can
20 interfere with one's ability to do that.

21 So what I would ask is that you not take
22 notes, but that you pay close attention, try not
23 to let your minds wander, listen to the witnesses,
24 from there that's where the evidence is going to
25 going to come from, and exhibits that may be

1 entered into evidence, and then the law that I
2 instruct you, that's what you're going to then go
3 and base your decision on when you retire to
4 deliberate. All right?

5 Now, Ladies and Gentlemen, the defendant
6 is charged by an indictment filed in this case
7 with the crimes of attempted murder and possession
8 of a weapon during a violent crime. The elements
9 of these crimes will be explained to you later.
10 The indictment is simply the charge by which the
11 case is brought into court and is not in any sense
12 evidence of any of the allegations it contains.

13 The defendant has pled not guilty to the
14 indictment, and the State, therefore, has the
15 burden of proving each of the elements of the
16 indictments beyond a reasonable doubt, and it will
17 be your duty, Ladies and Gentlemen, to decide
18 whether the State has met that burden.

19 Your purpose as jurors is to find and
20 determine the facts. You are the sole judge of
21 facts. If at any time I make any comment
22 regarding the facts, Ladies and Gentlemen, you
23 must disregard it. You determine the facts in the
24 testimony you hear and the other evidence
25 introduced in this court, and it's up to you to

1 determine the inferences which you feel may be
2 properly drawn from the evidence. It's especially
3 important that you perform your duty of
4 determining the facts diligently and
5 conscientiously, because ordinarily, Ladies and
6 Gentlemen, there is no way to correct an erroneous
7 determination of facts by a jury.

8 On the other hand with equal emphasis,
9 folks, the same law that makes you the judges of
10 the facts makes me the judge of the law. The law
11 as given by the court is the only law you may
12 consider. You must accept and follow it even
13 though you may disagree with it. I cannot tell
14 you what the facts are, and you cannot disagree
15 with me about what the law is or what you think
16 the law should be. Your job is to take the law as
17 I give it to you and apply it to the facts as you
18 find them from the testimony of witnesses and
19 other evidence that is introduced. And after
20 doing that, you will render your verdict under
21 your solemn oath that you just took as a juror.

22 Now, Ladies and Gentlemen, I talked about
23 this yesterday, until I advise you begin your
24 deliberations, you must not discuss this case with
25 anyone, including your fellow jurors, friends,

1 family members, anyone involved in the case. This
2 includes discussions face to face, those by
3 telephone, email, text, blogs, or any other method
4 of communication. You may not use a computer,
5 cellular phone, or other electronic device with
6 communicating capabilities at any time while in
7 the courtroom or during deliberations. During
8 breaks for meals or overnight, if necessary, you
9 may use these devices; however, you may not at any
10 time use the devices to get or send information
11 about the case. This includes information -- we
12 talked about this briefly yesterday. This
13 includes information about a party, a witness, an
14 attorney, a court officer, news accounts about the
15 case, research or any topics raised, any topics
16 that you think would be helpful in deciding the
17 case, or any testimony presented by any witness.

18 During the trial, you are not to read, listen
19 to, or watch any news reports about the case. This
20 includes anything that may be in the newspapers, on
21 the Internet, radio, or television. You must not
22 consider anything you may have read or heard about
23 this case outside the courtroom whether for or during
24 this trial, folks.

25 After the case is submitted to you, you

1 must discuss it only in the jury room with your
2 fellow jurors. The attorneys and parties in this
3 case have been advised that they are not to talk
4 to you at all. So if you see somebody in the hall
5 and you say hello or waive and they don't respond,
6 they're not being unfriendly. They're following
7 my instructions to them. I want you to know
8 that.

9 Ladies and Gentlemen, it's important that
10 you keep an open mind and not decide any issue in
11 the case until all the evidence has been
12 presented, the parties have made their closing
13 arguments, and I've instructed you on the law in
14 this case. It's your solemn responsibility to
15 determine whether the State has proven the
16 defendant guilty beyond a reasonable doubt, and
17 your verdict must be based solely on the evidence
18 as it's presented to you in this trial and on the
19 law as I will instruct you during and at the close
20 of the trial.

21 In just a moment, the solicitor will make
22 what's called an opening statement in which the
23 solicitor will explain to you the issues in the
24 case or, at least, what the solicitor thinks the
25 issues are in the case.

1 The attorney for the defendant may also
2 make an opening statement, although he is not
3 required to do so.

4 Ladies and Gentlemen, what the attorneys
5 tell you during their opening statements is not
6 evidence. It is only their contention as to what
7 the issues are. The evidence in this case will
8 be, again, presented to you by the testimony of
9 sworn witnesses from the witness stand and/or
10 exhibits that may be introduced into evidence.

11 From time to time during trial, you may
12 hear one of the lawyers say something like, Your
13 Honor, I believe we have a question of law or a
14 matter of law to discuss with you, or, Your Honor,
15 may we approach the bench, or sometimes I might
16 find it necessary to excuse you from the courtroom
17 for a short while while the attorneys and I can
18 discuss a matter of law. And the reason for that
19 is that you are the judge of the facts, and
20 sometimes, when I'm discussing the law with the
21 attorneys, it may be necessary for me to make some
22 comment as to the facts in connection with my
23 ruling. Now, I'm not supposed to tell you what I
24 think the facts are and I'm not going to do that,
25 so I will excuse you from the courtroom while

1 these discussions take place so that in no way you
2 will be influenced by anything I might say or do
3 in connection with the facts.

4 In determining what the facts are in this
5 case, you decide whether or not the testimony of
6 the witness is believable. It would be my
7 responsibility to rule as a matter of law as to
8 whether certain testimony is admissible or not,
9 but once the testimony is admitted, whether or not
10 you believe it, that's solely for you to
11 determine, Ladies and Gentlemen. You the members
12 of the jury.

13 In deciding whether to believe a witness,
14 you have the right to consider the interest of any
15 witness, the bias of any witness, the prejudice of
16 any witness, the opportunity for the witness to
17 have seen the matters about which he or she is
18 testifying, and the way the witness acts on the
19 stand which we talked about just a moment ago.
20 You have a right to consider anything that is in
21 the record that will help you evaluate the
22 testimony of the witnesses.

23 That means that it's your duty, Ladies
24 and Gentlemen, to pay close attention to the
25 witnesses, observe the witnesses, listen to the

1 witnesses, and pay close attention to the
2 attorneys and the court. Please don't let your
3 thoughts wander, but give strict attention to the
4 testimony in this case so at the end of all the
5 testimony, after the arguments of counsel, and the
6 charge of the law by the court, you will then be
7 in a position to determine what the facts are and
8 to apply the law to those facts and thus render a
9 verdict.

10 It is your added duty, Mr. Foreman, to
11 preside in the jury room and be the jury's
12 spokesmen here in court. It will also be your
13 duty to write the verdict, but I'll give you
14 further instructions about that at the conclusion
15 of the case.

16 Now, in order to preserve everybody's
17 rights, I want to give the parties an opportunity
18 to object to anything. Any objections or
19 additions as it relates to the instructions that
20 I've given the jury from the State?

21 MR. UTSEY: No, Your Honor.

22 THE COURT: From the defense?

23 MR. WALKER: No, Your Honor.

24 THE COURT: All right. That having been
25 said, we will now begin the trial of the case.

1 Solicitor.

2 MR. UTSEY: Thank you, Your Honor. May
3 it please the Court and Mr. Walker?

4 THE COURT: Yes, sir.

5 OPENING STATEMENTS

6 MR. UTSEY: Good morning, you-all.

7 JURY PANEL: Good morning.

8 MR. UTSEY: On April 24, 2019, William
9 Sanders, seated right over there had been in a
10 relationship with Channta Kelly who you will hear
11 from seated right there in the second row with a
12 black mask on. They had been in a relationship
13 for around eight months, nine months.

14 Now, on April 24, 2019, that evening,
15 let's say around seven, eight o'clock, they were
16 at Bodison Memorial in Colleton County, that is
17 the house of William Sanders. They were at his
18 house in the yard.

19 And Channta Kelly had broken up with him
20 10 days prior to that. You're going to hear about
21 that, too. You're going to hear that during that
22 10 days, William Sanders tried to contact her
23 every day and get back together with her.

24 So, on this date, April 24, 2019, both of
25 them were standing out in the yard together.

1 Channata Kelly, again, told him, I'm done, I don't
2 want to be with you. And you will hear testimony
3 from Channata, when it was just them two out in the
4 yard, she turned around to walk back into the
5 house and you're going to hear testimony from her
6 that she saw her hands, heard a gunshot, and was
7 falling to the ground into the dirt.

8 And what did William Sanders do after he
9 shot her? He gets in his truck, he pulls out of
10 the driveway and goes to his dad's house, while
11 her 11-year-old son, Larry, runs out of the house,
12 puts a towel over her back and holds pressure
13 there until EMS get there to literally save her
14 life.

15 She was then flown to Trident Medical
16 Center, and she was in the hospital for a couple
17 months trying to recover. She was in a wheelchair
18 for a year.

19 And Mr. Sanders was interviewed by the
20 sheriff's office. You're going to see the
21 interview. And Mr. Sanders claims it was a
22 drive-by and they were driving a white truck which
23 happens to be the same white truck Mr. Sanders
24 drives. He also has a white truck. But he tells
25 the cops that it was a drive-by.

1 When it was just them two out in the
2 yard, Channnta sees him leave the house, and Larry
3 her son, 11-year-old son, also runs out of the
4 house to save her life and sees William Sanders
5 leaving the house.

6 You're going to hear from Mr. Sanders in
7 that interview that he was scared. That's the
8 reason he left. Channnta's 11-year-old son sat
9 right there and held a towel on her back.

10 So, I guess -- there's going to be a lot
11 of evidence. This case is going to go into
12 tomorrow, I know.

13 The first thing you're going to hear is a
14 911 call where Channnta's family comes outside.
15 Obviously, they're applying pressure to her back.
16 They even call the cops to get there to save
17 Channnta. You are going to hear that. You are
18 going to see Larry Colson's body cam, who is the
19 officer from Cottageville who was the first to
20 arrive on the scene. Now, I want you-all to watch
21 this body cam because I truly believe the body cam
22 is some of the most important evidence because
23 it's showing you what happened right after it
24 happened. And watch Larry Colson's body cam when
25 he walks up. And, you know, you can see the video

1 on his chest. And watch the body cam and listen
2 and look and see Larry and Channta's mom standing
3 beside her while she's laying in the dirt bleeding
4 from a shotgun wound, and you can see what
5 happened right after the incident.

6 You're also going to hear from the
7 sheriff's office. You're going to hear from a lot
8 of investigators. After the shooting occurred,
9 obviously they get called out to the scene.
10 Investigator's come for a shooting. You're going
11 to see several pictures from the scene. You're
12 going to see pictures from William Sanders's dad's
13 house where he went after the shooting about a
14 mile or two miles down the road. You're going to
15 see pictures of Williams Sanders's truck parked in
16 the woods behind the house. You are going to hear
17 from witnesses from SLED who conducted -- or who,
18 I guess, analyzed a GSR kit that the sheriff's
19 office took. And GSR stands for gunshot residue.

20 Officer's take this kit whenever they
21 want to see if somebody's fired a gun, and they
22 swab their hands and they can see if someone has
23 fired a gun. You're going to hear from the SLED
24 witnesses who are going to come down and testify
25 to that so they can tell you the results of what

1 was on William Sanders's hands.

2 The main thing, you-all, I just want you
3 to pay attention. This case is very important to
4 me and Channnta. And this case is very important
5 to Mr. Sanders too. It is my job, because I work
6 for the State of South Carolina, it's my job to
7 prove beyond a reasonable doubt that William
8 Sanders attempted to kill Channnta Kelly. And
9 beyond a reasonable doubt means that you have to
10 be firmly convinced that William Sanders
11 did this.

12 Now, I charged him with two crimes. I
13 charged William Sanders with attempted murder and
14 the judge is going to explain what attempted
15 murder means, but basically, you-all, we all know
16 what attempted murder means. It means when one
17 person unlawfully attempts to kill another person.
18 That's attempted murder with malice. And also I
19 charged him with possession of a weapon during a
20 violent crime, which means he was using a weapon
21 when he attempted to kill Channnta Kelly. So you
22 can't find him guilty on possession of a weapon
23 during a violent crime unless you find him guilty
24 on the attempted murder.

25 And, you-all, another thing, I just want

1 you to use your common sense. Listen to the
2 facts, use your common sense. Watch the videos.
3 Look at the pictures. William Sanders left her
4 laying in the dirt and he went to his dad's house
5 for her 11-year-old son to put a towel on her to
6 save her life, and you are going to hear testimony
7 from this witness that tells you that. Just use
8 your common sense. That's all that I ask.

9 Thank you, you-all, for listening, and
10 I'm fully convinced, after you-all hear the
11 evidence, you will find William Sanders guilty of
12 attempted murder and possession of a weapon during
13 a violent crime.

14 Thank you.

15 THE COURT: All right, Solicitor. Thank
16 you.

17 Mr. Walker.

18 MR. WALKER: Thank you, Your Honor. May
19 it please the Court?

20 THE COURT: Yes, sir.

21 OPENING STATEMENTS

22 MR. WALKER: Good morning. Mr. Utsey did
23 a pretty good job of laying out what the evidence
24 in the case is. You are going to hear from
25 between 15 and 20 witnesses. Most of them, as he

1 said, law enforcement, doing what they're supposed
2 to do, gathering evidence, making sure that they
3 can prove to you beyond a reasonable doubt each
4 and every element of the crimes charged. A lot of
5 that is -- it's just background work gathering
6 evidence, things like that. It's necessary for
7 them to do it, it's necessary for you to hear
8 about it, but it doesn't help you answer the
9 question you're ultimately here for. And while
10 the shooting that day is unfortunate and is what
11 brings us here as the underlying event, you're
12 here because everyone charged with a crime is
13 constitutionally entitled to a trial by jury. You
14 are here for Mr. Sanders.

15 You are only going to hear from three
16 people that were present when the shooting
17 happened. Even though there's 15 to 20 witnesses.
18 Only three of them were actually there. And
19 that's really ultimately -- that testimony is
20 where you need to look to make your decision.

21 Mr. Utsey affirmed and took on the burden
22 and acknowledges that it's there for him to prove
23 to you each element of the offenses charged beyond
24 a reasonable doubt, meaning that if you have
25 doubts as to what the State's witnesses say

1 happened, then you should acquit.

2 You're going to hear from Miss Kelly that
3 Mr. Williams shot her, and I don't think we have
4 to get up there and say to you that she's lying
5 about that. I think she believes that. It might
6 even be reasonable for her to believe that. But
7 Mr. Sanders will tell you someone else shot her.
8 And, ultimately, that's going to be your decision.
9 You know, whoever shot her intended to murder her.
10 Intent is an element. She was shot. It's not a
11 made up crime, or anything like that. Whoever
12 shot her, shot her with a weapon. So those are
13 things the State has to prove, but they're not
14 really in dispute. The ultimate issue is, did
15 William shoot her or did someone else shoot her?

16 If, after you heard all the testimony,
17 you think that what William told you possibly
18 happened, then that's an acquittal.

19 Please give your attention to the State's
20 witnesses. Thank you.

21 THE COURT: All right. Thank you,
22 Mr. Walker.

23 Solicitor, you can call your first witness.

24 MR. UTSEY: Yes, sir. Thank you, Your
25 Honor. The State calls Angela Stallings.

Testimony of Angela Stallings

208

1 THE COURT: Come around, Miss Stallings.

2 THE CLERK: Raise your right hand. Do you
3 swear the testimony you're about give will be the
4 truth so help you God?

5 THE WITNESS: Yes, ma'am.

6 THE CLERK: Take a seat. Say your name
7 and spell your last name for the record.

8 THE WITNESS: Angela Stallings,
9 S-t-a-l-l-i-n-g-s.

10 MR. UTSEY: Thank you, Your Honor. May
11 it please the Court?

12 THE COURT: Yes, sir. Your witness.

13 WHEREUPON:

14 ANGELA STALLINGS,
15 after having been sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. UTSEY:

18 Q Miss Stallings, can you tell me, who do you work
19 for?

20 A The Colleton County Sheriff's Office.

21 Q How long have you worked for the Colleton County
22 Sheriff's Office?

23 A A total, approximately 15 years.

24 Q And what's your position with the Colleton County
25 Sheriff's Office?

Testimony of Angela Stallings

209

1 A Currently, I'm captain over the
2 administrative services.

3 Q Okay. And can you tell me some of the duties as
4 captain over administrative services?

5 A Yes, sir. I am over the records division,
6 hiring, training, equipment, supply, civil
7 process, court security, and the 911 communication
8 center.

9 Q Okay. As being in charge of 911 communication
10 center, you're also in charge of keeping the records
11 for the sheriff's office and all the 911 calls that
12 come in, correct?

13 A That is correct.

14 Q Were you in charge of this on April 24th of
15 2019?

16 A Yes, sir, I was.

17 Q And are all these recordings kept in the order
18 course of business with the Colleton County Sheriff's
19 Office?

20 A They are.

21 MR. UTSEY: Your Honor, may I approach
22 the witness?

23 THE COURT: Yes, sir.

24 (STATE EXH. 1, 911 call, was marked for
25 identification.)

Testimony of Angela Stallings

210

1 BY MR. UTSEY:

2 Q Miss Stallings, I'm handing you what has been
3 marked as State's Exhibit 1. Can you tell me what
4 that is?

5 A This is a copy of the 911 call involving this
6 incident.

7 Q Okay. And tell me how you know that?

8 A It has my initials and date on it.

9 Q Did you watch it before today?

10 A I listened to it, yes.

11 Q Yeah, I'm sorry. Listen to it.

12 Is that a fair and accurate recording of the
13 phone call that came in that night on April 24, 2019?

14 A Yes, sir. It is.

15 MR. UTSEY: Your Honor, at this time the
16 State would like to admit State Exhibit Number 1
17 into evidence.

18 THE COURT: Any objection?

19 MR. WALKER: No, Your Honor.

20 THE COURT: So admitted without
21 objection.

22 MR. WALKER: Thank you, Your Honor.

23 (STATE EXH. 1, 911 call, was entered into
24 evidence.)

25 MR. UTSEY: Thank you, Your Honor, May I

Testimony of Angela Stallings

211

1 approach?

2 THE COURT: Yes, sir.

3 MR. UTSEY: May I have permission to
4 publish to the jury, Your Honor?

5 THE COURT: Yes, sir.

6 (911 call played in its entirety.)

7 BY MR. UTSEY:

8 Q Miss Stallings, was that the only 911 call that
9 came in that night to the sheriff's office?

10 A Yes, sir.

11 Q And you were also involved in this case as an
12 investigator at the time too, correct?

13 A That is correct.

14 Q I will be asking you about that later.

15 MR. UTSEY: Your Honor, I have no further
16 questions at this time.

17 THE COURT: All right. Thank you. Any
18 questions, Mr. Walker?

19 MR. WALKER: No, Your Honor.

20 THE COURT: All right. You can be
21 excused. Thank you so much.

22 THE WITNESS: Thank you.

23 THE COURT: Solicitor, call your next
24 witness.

25 MR. UTSEY: The State calls Larry

Testimony of Larry Colson

212

1 Colson.

2 THE CLERK: Raise your right hand. Do
3 you solemnly swear to tell the truth, and nothing
4 but the truth so help you God?

5 THE WITNESS: Yes.

6 THE CLERK: Have a seat in the witness
7 stand. State your name and spell your last name,
8 please.

9 THE WITNESS: My name is Larry Colson,
10 C-o-l-s-o-n.

11 WHEREUPON:

12 LARRY COLSON,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. UTSEY:

16 Q Mr. Colson, who do you work for?

17 A The Cottageville Police Department.

18 Q How long have you worked for the Cottageville
19 Police Department?

20 A Now, going on three years.

21 Q Okay. And where were you working before
22 Cottageville Police Department?

23 A I worked Laurens County Sheriff's Office, as
24 well as the St. George Police Department.

25 THE COURT: Mr. Colson, I need you to

Testimony of Larry Colson

213

1 speak up just a little, or get a little closer to
2 that mic for me, okay?

3 THE WITNESS: Yes, sir.

4 THE COURT: Thank you, buddy.

5 BY MR. UTSEY:

6 Q So total, Mr. Colson, have you been in law
7 enforcement?

8 A Going on five years.

9 Q And where were you working on April 24th of 2019?

10 A With the Cottageville Police Department.

11 Q And what was your position with the Cottageville
12 Police Department?

13 A At the time, a private.

14 Q And tell me some of your normal day, just everyday
15 things you did as a private?

16 A Traffic enforcement, area patrols, answering
17 calls for service, things of that nature.

18 Q Okay. And on -- I guess, were you working on
19 April 24, 2019, around 8:30 that night?

20 A Yes, sir, I was.

21 Q And can you tell me what happened around 9:00 that
22 night?

23 A I was patrolling and dispatch put out a call
24 for service for all officers in reference to a
25 shooting that took place on Bodison Memorial,

Testimony of Larry Colson

214

1 which is right outside of Cottageville.

2 Since I was one of the closer officers, I
3 responded out to see if I could assist the county and
4 that's basically what happened that night.

5 Q Okay. And that was on [REDACTED] Bodison Memorial,
6 correct?

7 A Correct.

8 Q And that is in Colleton County, correct?

9 A Yes, sir, it is.

10 Q So you responded and you were the first one on
11 scene?

12 A Yes, sir.

13 Q Tell me what happened when you arrived and you
14 pulled up?

15 A When I pulled up -- well, when I was on
16 Bodison Memorial approaching [REDACTED], I could see an
17 elderly black female standing in the yard waiving
18 me down, so I pulled into the driveway and got out
19 of my patrol vehicle and approached the house. I
20 noticed an elderly black female standing there, a
21 younger black child, as well as a black female
22 laying on the ground.

23 As I approached, they stated that she had
24 been shot. I made sure that the shooter wasn't still
25 on the scene for the protection of myself as well as

Testimony of Larry Colson 215

1 the others on scene. Once I found out he already left
2 the scene, I cleared the scene for medics to come in
3 and I started to render aid to the best of my
4 abilities until EMS had arrived.

5 Q Tell me -- you said, there was a child on scene.
6 Tell me his name.

7 A I believe it's Larry.

8 Q Okay. And what was the elderly lady's name?

9 A Johnnie Mae.

10 Q And the person laying on the ground, what was her
11 name?

12 A Channnta Jenkins.

13 Q Okay. And when you walked up to the scene and you
14 saw them standing there, could you see a gunshot wound
15 on Channnta Kelly?

16 A Yes, sir.

17 Q Tell me -- I guess, where was it?

18 A It was in her lower back region.

19 Q Okay. And that's when you decided to, I guess, go
20 and get aid and start applying pressure to her back?

21 A Yes, sir. When I first got out of my
22 vehicle, my main concern was safety of the scene.
23 Once I realized the scene was safe for EMS and
24 everybody to respond, I went back to my vehicle
25 and got some gloves and tried to render aid the

1 best I could.

2 Q Okay. Looking at her wound, could you identify
3 what kind of gun shot her?

4 A To me, it looked like a shotgun wound.

5 Q Why did it look like a shotgun wound to you?

6 A I've been hunting my entire life and shot
7 many deer, so I know what a shotgun wound looks
8 like. And the placement of the pellets, that's
9 just what I believed it was at the time.

10 Q So there were multiple pellets that were in her
11 back?

12 A Yes.

13 MR. UTSEY: May I approach the witness,
14 Your Honor.

15 THE COURT: Yes, sir.

16 (STATE EXH. 2, Body cam; Colson, was marked
17 for identification.)

18 BY MR. UTSEY:

19 Q Mr. Colson, I'm handing you what has been marked
20 as State's Exhibit 2. Can you please tell me what
21 that is?

22 A That is a CD with the body cam footage on it
23 from myself that night.

24 Q And did you review that before today?

25 A I have.

Testimony of Larry Colson

217

1 Q And did you initial it?

2 A I did.

3 Q Okay. And is this CD a fair and accurate copy of
4 your body cam from that night?

5 A Yes, sir, it is.

6 MR. UTSEY: And, Your Honor, at this time
7 I would like to admit what has been premarked as
8 State's Exhibit Number 2 into evidence.

9 THE COURT: Any objection, Mr. Walker?

10 MR. WALKER: I renew my earlier
11 objection.

12 THE COURT: All right. Subject to your
13 previous objections, sir, go ahead, sir,
14 Solicitor.

15 MR. UTSEY: Thank you, Your Honor.

16 THE COURT: Admitted.

17 (STATE EXH. 2, Body cam; Colson, was marked
18 and admitted into evidence.)

19 MR. UTSEY: May I approach, Your Honor?

20 THE COURT: Yes, sir.

21 MR. UTSEY: Mr. Walker.

22 THE COURT: Yes, sir.

23 MR. WALKER: My objection is to the
24 sound.

25 THE COURT: For the record, remind me,

Testimony of Larry Colson

218

1 Mr. Walker, your objection is to the sound at all,
2 and that was we talked about yesterday because you
3 thought the witness would testify, so you didn't
4 need to hear it.

5 MR. WALKER: Before the witness
6 testifies, it would be hearsay.

7 THE COURT: I understand. Thank you,
8 sir.

9 MR. UTSEY: Permission to publish to the
10 jury?

11 THE COURT: Yes, sir, Solicitor.

12 (Body cam of Officer Colson played.)

13 BY MR. UTSEY:

14 Q All right. Mr. Colson, how long did you stay on
15 scene at [REDACTED] Bodison Memorial?

16 A I stayed approximately 30, 35 minutes until
17 they started to wrap-up their investigations.

18 Q Okay. And where did you go from there?

19 A I responded with the deputies to an address
20 off Jacksonboro road.

21 Q Why did you respond with deputies to an address on
22 Jacksonboro Road.

23 A Because they believed they had the individual
24 accused of shooting Miss Jenkins at that location.

25 Q Okay. And who had you-all developed as a suspect

Testimony of Larry Colson

219

1 at that time?

2 A William Sanders.

3 Q Okay. And so tell me what you did at the
4 Jacksonboro address?

5 A Basically, I just stood at the back of the
6 house and just watched the back of the house while
7 they were trying to locate Mr. Sanders.

8 Q And so you stayed on scene until they located
9 Mr. Sanders; is that correct?

10 A That is correct.

11 Q And you sat in the backyard at that time?

12 A Yes, sir.

13 Q Okay.

14 MR. UTSEY: I have no further questions,
15 Your Honor.

16 THE COURT: All right. Counsel, do you
17 have any questions? Mr. Walker?

18 MR. WALKER: Just briefly, Your Honor.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. WALKER:

22 Q I just want to ask you briefly about, kind of, the
23 layout that we saw there. When you got there, you
24 parked your car in the driveway; is that correct?

25 A That is correct.

Testimony of Larry Colson

220

1 Q And were there other vehicles in the driveway?

2 A Yes, sir. I believe there was a car and an
3 SUV in the driveway.

4 Q Okay. And those were both in front of the house.

5 A That is correct.

6 Q Were they side by side?

7 A Pretty much, for the most part.

8 Q Was the car closer to the house or was the SUV
9 closer to the house?

10 A The car was closer to the house.

11 Q So, house, car, SUV, and then what's on the other
12 side of the SUV?

13 A The road.

14 Q How far would you say it is from the side of the
15 SUV furthest from the house to the road?

16 A From the SUV to the road, probably 10, 15
17 feet.

18 MR. WALKER: Thank you. No further
19 questions.

20 THE COURT: All right. Solicitor, do you
21 have any redirect?

22 MR. UTSEY: No, Your Honor. I would ask
23 that Mr. Colson be excused.

24 THE COURT: All right. Mr. Colson, thank
25 you for being here, sir. If you are here pursuant

1 Testimony of John Phillips
2 to a subpoena, you are excused and free to go

3 THE WITNESS: Yes, sir.

4 MR. UTSEY: The State calls John
5 Phillips.

6 THE CLERK: Raise your right hand. Do
7 you solemnly swear to tell the truth, and nothing
8 but the truth so help you God?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Take a seat in the witness
11 stand and spell your last name for the record.

12 THE WITNESS: John Phillips,
13 P-h-i-l-l-i-p-s.

14 WHEREUPON:

15 JOHN PHILLIPS,
16 after having been sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. UTSEY:

19 Q Mr. Phillips, can you tell us, who do you work
20 for?

21 A Colleton County Fire Rescue.

22 Q And how long have the worked for Colleton County
23 Fire Rescue?

24 A Approximately five years now.

25 Q Okay. What is your position with the Colleton
County Fire Rescue?

Testimony of John Phillips

222

1 A Fire fighter, paramedic.

2 Q And can you tell me the duties of a firefighter,
3 slash, paramedic.

4 A Most of the time, we work on one of the
5 county's ambulances providing advance life support
6 to the resident and people who are traveling
7 through Colleton County.

8 Q And tell me just day-to-day, what are you doing in
9 those ambulances?

10 A We provide ALS, which is anything from
11 providing oxygen to administering drugs to
12 delivering cardiac medication to interpreting
13 cardiac dysrhythmias.

14 Q Okay. So you-all's job is to get the patient to
15 the hospital as quickly as possible, correct?

16 A Yes, sir.

17 Q And you-all provide treatment on the way to the
18 hospital; is that correct?

19 A Yes, sir.

20 Q And were you working in -- or working there on
21 April 24, 2019?

22 A Yes, sir.

23 Q Can you tell me what happened that night around
24 9:00 p.m.

25 A Approximately, around 9:00 p.m. when we were

Testimony of John Phillips

223

1 dispatched to a possible shooting at

2 [REDACTED] Bodison Memorial Drive.

3 Q And is that in Colleton County?

4 A Yes, sir.

5 Q All right. Go ahead. I'm sorry, Mr. Phillips.

6 A Upon getting out of the truck and answering,
7 we were told by dispatch to stand by and wait for
8 law enforcement to clear the scene. Once we went
9 en route, we got close to the scene until law
10 enforcement cleared the scene. Once law
11 enforcement cleared the scene, we proceeded in.

12 Upon arriving on scene, I notice two police
13 officers, one standing in front of the patient, one
14 kneeling at the back of the patient. I got out and
15 approach the scene. Went to the victim, kneeled down
16 in front her and started asking the officers what was
17 going on.

18 The officer behind me was holding some sort
19 of cloth, it looked like it was covered with blood, to
20 the patient's back. He removed it, and there was a
21 gunshot wound to the back, what appeared to be a
22 shotgun wound because it had a large center wound
23 about an inch diameter, numerous smaller wounds around
24 it.

25 After that, I applied a trauma dressing to

Testimony of John Phillips

224

1 the patient's back, told my partner to go ahead and
2 get us a long spine board and C-collar for this
3 patient, because we got to get this patient off the
4 scene as quickly as possible because that's a
5 life-threatening injury.

6 Q Tell me real quick what trauma dressing is.

7 A Oh, trauma dressing is just a big medical
8 dressing. It's sterile so that it can absorb any
9 kind of blood or any kind of body fluid.

10 Q Okay.

11 A And also to protect the actual wound too.

12 Q Go ahead. Mr. Phillips.

13 A Once that was applied, and I told my
14 partner -- I started looking to see if there were
15 any more wounds on the patients. I cut the
16 patient's clothing off, examined the rest of her
17 back. My partner came back with the long spine.
18 We put it behind her. We rolled the patient onto
19 the long spine board, started securing her, and,
20 at that point in time, we started looking at the
21 front to see if there were any more wounds. I
22 noticed one exit wound that appeared to be about
23 three or four inches above the naval with a --
24 what appeared to be a shotgun pellet that rolled
25 out as we rolled her over.

Testimony of John Phillips

225

1 Q Okay. So you actually saw a shotgun pellet roll
2 out of her as you-all rolled her over onto the spine
3 board; is that correct?

4 A Yes, sir.

5 Q All right. Go ahead, Mr. Phillips.

6 A And then just about an inch above her naval,
7 I noticed what appeared to be shotgun pellet still
8 under the skin in the patient, still in the
9 patient.

10 Once we had noticed that, we secured the
11 back board, got her over to the stretcher, got her
12 into the back of the truck. We started making a
13 full assessment on the patient, checking her
14 airway, make sure she was breathing, level of
15 consciousness, putting her on oxygen,
16 administering IVs.

17 At about that time, I was notified the
18 helicopter was flying overhead. Do you want to
19 fly this patient? Due to the life-threatening
20 injuries and potential vitals organs that are
21 underneath where that shotgun blasts hit, I
22 decided, yes, this patient needs to be flown.

23 Once we got her in the back of the truck and
24 continued the assessment, they started en route to the
25 actual helicopter scene. In less than a minute, we

1 were at the scene.

2 A few minutes later, the flight crew from the
3 helicopter got into the unit with us. We gave them
4 patient turnover. During that time we noticed that
5 the patient had lost sensation in her lower
6 extremities and could not move her legs, so we also
7 gave that over to the flight crew. We helped them
8 package her up, getting her ready for getting her out
9 to the helicopter. We moved her to the helicopter,
10 threw her in the helicopter and then they took off.

11 Q Okay. So it was your decision -- or, I guess,
12 after looking at her injuries, you decided immediately
13 she needs to be flown out of here?

14 A Yes, sir.

15 Q And why did you decide she needed to be flown,
16 because of the injuries were life-threatening?

17 A Yes, sir.

18 (STATE EXH. 3, Photo, was marked for
19 identification.)

20 (STATE EXH. 4, Photo, was marked for
21 identification.)

22 (STATE EXH. 5, Photo, was marked for
23 identification.)

24 (STATE EXH. 6, Photo, was marked for
25 identification.)

Testimony of John Phillips

227

1 MR. UTSEY: May I approach the witness,
2 Your Honor?

3 THE COURT: Yes, sir.

4 BY MR. UTSEY:

5 Q Mr. Phillips, I'm handing you what has been
6 premarked as State's Exhibit 3 through 6. Can you
7 tell me what those are, please? You can just tell me
8 if you recognize those.

9 A Yes, sir. Those appear to be pictures of the
10 scene after we were getting ready to load the
11 patient onto the helicopter.

12 Q Have you reviewed all the photos that I've handed
13 you?

14 A Yes, sir.

15 Q And are those a fair and accurate depiction of the
16 scene that night when you-all were loading the patient
17 on the helicopter?

18 A Yes, sir.

19 MR. UTSEY: Your Honor, at this time, I'd
20 like to admit State's Exhibit 3 through 6 into
21 evidence.

22 THE COURT: All right. Any objection
23 from the defense?

24 MR. WALKER: No, Your Honor.

25 THE COURT: All right. Admitted without

Testimony of John Phillips

228

1 objection.

2 MR. UTSEY: Thank you, Your Honor.

3 (STATE EXH. 3, Photo, was entered into
4 evidence.)

5 (STATE EXH. 4, Photo, was entered into
6 evidence.)

7 (STATE EXH. 5, Photo, was entered into
8 evidence.)

9 (STATE EXH. 6, Photo, was entered into
10 evidence.)

11 May I approach the witness?

12 THE COURT: Yes, sir.

13 MR. UTSEY: Permission to publish to the
14 jury, Your Honor.

15 THE COURT: Yes, sir.

16 BY MR. UTSEY:

17 Q Mr. Phillips, can you tell me what is going on
18 right there in State's Exhibit 3?

19 A This is the point after we come out of the
20 ambulance. We have a flight crew with us from the
21 helicopter. We're packaging this patient, making
22 sure that we can get them on the helicopter
23 without causing any damage to the helicopter or
24 other damage to the patient.

25 Q Okay. And State's Exhibit 4, can you tell me what

Testimony of John Phillips

229

1 that is?

2 A It appears to be the helicopter getting ready
3 to depart for the hospital.

4 Q State's Exhibit 5?

5 A This is me and my partner in the back of the
6 actual ambulance working on the patient getting
7 ready to start some IVs and finish assessing the
8 patient.

9 Q Okay. So after treating her and looking at her
10 injuries, would you consider them to be
11 life-threatening, Mr. Phillips?

12 A Yes, sir.

13 MR. UTSEY: I have no further questions,
14 Your Honor.

15 THE COURT: All right. Thank you.
16 Mr. Walker, do you have any questions?

17 MR. WALKER: No questions for this
18 witness, Your Honor.

19 THE COURT: All right. If you're here
20 pursuant to a subpoena, you are released from that
21 subpoena. Thank you so much, sir.

22 THE WITNESS: Thank you, sir.

23 THE COURT: Solicitor?

24 MR. UTSEY: Yes, sir.

25 THE COURT: Go ahead.

Testimony of Jason Chapman

1 MR. UTSEY: The State calls

2 Jason Chapman.

3 THE CLERK: Raise your right hand. Do
4 you solemnly swear to tell the truth, and nothing
5 but the truth so help you God?

6 THE WITNESS: Yes, ma'am, I do.

7 THE CLERK: Have a seat right there and
8 state your name and spell your last.

9 THE WITNESS: Good morning, sir.

10 THE COURT: Good morning.

11 THE WITNESS: My name is Captain Jason
12 Chapman, C-h-a-p-m-a-n.

13 WHEREUPON:

14 CAPTAIN JASON CHAPMAN,
15 after having been sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. UTSEY:

18 Q Mr. Chapman, obviously we can probably all figure
19 out who you work for, but you can state it for the
20 record?

21 A Sure. Colleton County Sheriff's Office.

22 Q And how long have you worked for the
23 Colleton County Sheriff's Office?

24 A I've been with the sheriff's office since
25 January 1st of 2013.

Testimony of Jason Chapman

231

1 Q And where did you work before that?

2 A City of Walterboro.

3 Q Okay. And how long did you work there?

4 A Around 16 years. This coming February will
5 be 25 years.

6 Q Okay. And did you work for the Colleton County
7 Sheriff's Office on April 24, 2019?

8 A Yes, sir, I did.

9 Q And what was your rank at that time?

10 A Captain.

11 Q Can you tell me what your duties are as captain of
12 the sheriff's office?

13 A Currently, I am over all the investigations,
14 special operations, which include search and
15 rescue, SWAT team. I'm also the lead firearms
16 instructor for the sheriff's office. I'm
17 certified in firearms like handgun, long gun, less
18 than lethal, distraction devices. Everything that
19 we use inside SWAT.

20 Q Okay. Were you working on April 24th of 2019?

21 A I was called out, yes, sir.

22 Q Okay. And can you tell me what happened when you
23 were called out around 9:00?

24 A I was notified by dispatch of a shooting that
25 had just occurred at 217 Bodison Memorial, I

1 believe it was. I was advised there was one
2 victim that was currently on the ground injured.
3 At that time, didn't know other than possible
4 gunshot and that the suspect was at large.

5 Q Okay. And 217 Bodison Memorial in
6 Colleton County?

7 A Yes, sir, it is.

8 Q And can you tell me what happened after that?

9 A So typically from that point in time, based
10 on the information given, I gauged a response from
11 the investigative division on whether or not we
12 need one detective or multiple detectives. I was
13 listening to the radio kind of thinking, basing my
14 response off of the telephone call from dispatch,
15 which was, the scene was still active, the suspect
16 was still missing, so I did an alert on the team
17 and had everybody come out that was available.

18 Q Okay. And who did you-all develop as a suspect?

19 A Based on the information from the scene, they
20 developed Mr. Sanders.

21 Q And can you tell me his first name?

22 A William.

23 Q Do you see Mr. William Sanders in this courtroom
24 today?

25 A Yes, sir. He's seated next to Mr. Walker at

Testimony of Jason Chapman

233

1 the defendant's table.

2 Q And can you tell me, what is he wearing?

3 A Khaki shirt -- correction. Khaki jacket,
4 button up blue shirt and a blue face mask.

5 Q Thank you, Mr. Chapman.

6 MR. UTSEY: Your Honor, please let the
7 record reflect that Captain Chapman has identified
8 Mr. William Sanders.

9 THE COURT: All right. So noted.

10 BY MR. UTSEY:

11 Q All right, Mr. Chapman. So that night you-all had
12 developed Mr. Sanders as a suspect. Tell me what
13 you-all decide to do at that point.

14 A Because the suspect was not on scene and
15 based on the information provided to us from the
16 individuals at the scene, we determined that
17 Mr. Sanders may possibly be at a separate address.
18 Which, if I'm correct, I believe was
19 [REDACTED] Jacksonboro Road, which is right around the
20 corner from the incident location.

21 So we not only had to process the scene where
22 the victim was shot, but we actually had to go and
23 look for the alleged suspect, Mr. Sanders. So we did
24 a division where we sent part of our team to the
25 Bodison Memorial address to actually process there,

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1 and then the other half of the team to look for

2 Mr. William Sanders at the Jacksonboro Road address.

3 Q How far would you say the Jacksonboro Road address
4 is from the [REDACTED] Bodison Memorial location?

5 A Per the file, less than a mile, probably.

6 Q Okay. And so you went to the Jacksonboro address;
7 is that correct?

8 A That's correct.

9 Q Tell me what you did when you got there,
10 Mr. Chapman.

11 A When we go there, I located a vehicle
12 matching the description provided by witnesses at
13 the scene. We were told a white F-150 pickup
14 truck, and we found a vehicle matching that
15 description behind the residence. It was parked
16 in a manner that, to us, was suspicious being that
17 it was basically shoved up into the woods way
18 behind the residence. Not like someone would park
19 their car if they were just returning home.

20 And once we located that vehicle there,
21 Captain Stallings and I talked and we broke Detective
22 Padgett off from the original crime scene and she went
23 to secure a search warrant based on the information
24 that was given to us from the original scene and the
25 location of the vehicle that matched that at a

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possible suspect's house.

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MR. UTSEY: Your Honor, may I approach
the witness?

THE COURT: Yes, sir.

(STATE EXH. 7, Photo, was marked for
identification.)

(STATE EXH. 8, Photo, was marked for
identification.)

(STATE EXH. 9, Photo, was marked for
identification.)

BY MR. UTSEY:

Q Mr. Chapman, I'm handing you what has been marked
as State's Exhibit 7, 8, and 9. Do you recognize
those?

A Yes, sir.

Q How do you recognize those?

A Number 7 is a picture of the vehicle that we
located behind the residence.

Number 8 is a different angle of the same
vehicle parked behind the residence.

And number 9 is a picture showing the path
that the vehicle drove when it went by the residence
around the shed, around several parked cars to the get
to the back.

Q And are those pictures a fair and accurate

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1 depiction of the scene from that night of

2 Mr. Sanders's truck?

3 A Yes, sir.

4 MR. UTSEY: Your Honor, at this time I
5 would like to move State's Exhibits 7, 8, and 9
6 into evidence.

7 THE COURT: Any objection?

8 MR. WALKER: No, Your Honor.

9 THE COURT: All right. Admitted without
10 objection.

11 MR. UTSEY: Thank you, Your Honor.

12 (STATE EXH. 7, Photo, was entered into
13 evidence.)

14 (STATE EXH. 8, Photo, was entered into
15 evidence.)

16 (STATE EXH. 9, Photo, was entered into
17 evidence.)

18 MR. UTSEY: May I approach?

19 THE COURT: Yes, sir.

20 MR. UTSEY: Permission to publish to the
21 jury, Your Honor?

22 THE COURT: Yes, sir.

23 BY MR. UTSEY:

24 Q All right. Mr. Chapman, can you tell me what that
25 is?

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1 A Again, that was the vehicle that was located
2 by myself and my detectives behind the residence
3 of [REDACTED] Jacksonboro Road. It matches the
4 description that was provided to us by the team
5 that was on Bodison Memorial --

6 Q Okay.

7 A -- as a possible suspect vehicle.

8 Q And can you tell me what that light is?

9 A That's the actual lights from the residence
10 that it was parked behind?

11 Q Okay.

12 A So looking at that angle, you're looking past
13 the vehicle towards the residence or towards
14 Jacksonboro Road.

15 Q All right. Can you tell me what that is?

16 A Again, you're looking at the left side of the
17 taillights of the vehicle we were just discussing.
18 I guess, that's an old gold F-250 other 350 Ford
19 pickup. It was just a junk vehicle but it was
20 parked in the yard as well.

21 Q Okay. And State's Exhibit Number 9, can you tell
22 me what that is?

23 A Sure. The structure on the left or in the
24 left-hand side of the picture is a shed that was
25 behind the residence on Jacksonboro Road. You can

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1 see, kind of, like a driveway right down the
2 center of the photograph. It looks like it heads
3 right towards that middle vehicle, or a vehicle to
4 the left. It's just a driveway. It goes off of
5 Jacksonboro Road to the right of the residence.
6 It goes around the residence. It goes by the shed
7 and gets to that tailgate on that red looking
8 pickup. It actually bears to the left, and then
9 straightens up. And then it goes a short
10 distance, which is where we found the work truck.

11 Q Okay. So the work truck was found down this
12 driveway and back in the woods?

13 A That's correct.

14 Q All right. Mr. Chapman, earlier I think you had
15 mentioned that you were at the residence on
16 Jacksonboro Road. Can you tell me what happened at
17 that residence?

18 A We made contact with the homeowners, which
19 was Mr. Williams's -- Mr. William Sanders's
20 family.

21 Q Okay.

22 A As well as himself. We advised him of our
23 intention to seek a search warrant. Obviously, we
24 can't without a warrant, so we told him our
25 intentions were to seek a warrant, to present it

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1 to the judge. We told them if the warrant was
2 approved, that we would be executing a warrant as
3 soon as it was approved and signed.

4 They were very patient with us. They came
5 out on the porch. They waited for us to type the
6 warrant, to present the warrant to the judge. The
7 judge did approve the warrant and did sign the
8 warrant. Sergeant Padgett was the one who took care
9 of that, and then sent that warrant back to the scene
10 where we then executed the search warrant on the
11 property.

12 Q Okay. And was William Sanders at that house on
13 that property?

14 A He was.

15 Q Okay. And did you-all detain him before the
16 search warrant or after search warrant?

17 A We detained him prior to the warrant, and he
18 was transported to headquarters so he could be
19 interviewed by Detective Padgett.

20 Q Okay.

21 A He was not present while we executed the
22 warrant.

23 Q Okay. And -- all right. So during the search
24 warrant, you-all executed the search warrant that
25 night, correct?

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1 A That's correct.

2 Q All right. Can you tell me, what did you find
3 when you executed that search warrant?

4 A We didn't find much pertaining to the actual
5 search. Obviously, we were only allowed to look
6 for what is specifically mentioned inside the
7 warrant. At that point in time, we were looking
8 primarily for what was described to us as a
9 shotgun.

10 Q Okay.

11 A So we were looking for a shotgun or a weapon
12 similar to a shotgun and ammunition that would fit
13 that type of weapon. We located a couple of
14 pieces, some firearms in a closet. They were
15 obviously -- I wouldn't say very old, but they had
16 not been touched in very long time. They were
17 covered in dust. They were in the back of a
18 closet.

19 We located a pair of pants that were in the
20 room that Mr. Sanders was in, and they appeared to be
21 wet around the cuff at the bottom. They were taken in
22 simply as precaution in case they were to contain any
23 type of DNA or gunshot residue.

24 And we took digital photographs of
25 everything. We took measurements as far as the

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1 vehicle that was located behind the residence, and
2 then we took the actual vehicle itself.

3 Q Okay. And did you-all search the property outside
4 of the house that night, too, for a firearm?

5 A We did what we call a search, so the inside,
6 the outside around the residence, the sheds, the
7 outhouses, the structures, the other abandoned
8 cars. Essentially everything that was on that tax
9 map ID.

10 Q And did you find any guns on the property?

11 A We did not find any other guns other than the
12 ones I previously mentioned which were the ones in
13 the closet that, obviously, were not used in this
14 situation.

15 Q And did that property also have a pond?

16 A It did.

17 Q And did you-all search the pond?

18 A Not that night.

19 Q Okay.

20 A We sent a team out about a day or two later
21 based on the proximity of the abandoned truck
22 behind the residence and the pond, the pond was
23 just to the left of the driver's side door. So we
24 sent a dive team from SLED and DNR, but that was
25 not done that evening.

1 Q Okay.

2 MR. UTSEY: May I approach the witness,
3 Your Honor?

4 THE COURT: Yes, sir.

5 (STATE EXH. 11, Aerial picture; Crime scene,
6 was marked for identification.)

7 (STATE EXH. 12, Picture; Victim's shirt, was
8 marked for identification.)

9 BY MR. UTSEY:

10 Q Mr. Chapman, I'm handing you what has been marked
11 as State's Exhibit Number 11 and 12, do you recognize
12 those?

13 A I don't, sir.

14 Q Can you tell me what those are?

15 A 11 is an aerial picture taken from a drone of
16 the initial crime scene, and 12 is a picture of
17 the victim's shirt with a scale on it.

18 Q Are those pictures a fair and accurate depiction
19 of the crime scene and the shirt, Miss Kelly's
20 shirt?

21 A They are.

22 MR. UTSEY: Your Honor, at this time, the
23 State would like to admit State's Exhibit 11 and
24 12.

25 THE COURT: Any objection, Mr. Walker?

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1 MR. WALKER: No objection.

2 MR. UTSEY: May I approach the witness,
3 Your Honor?

4 THE COURT: Yes, sir.

5 (STATE EXH. 11, Aerial picture; Crime scene,
6 was entered into evidence.)

7 (STATE EXH. 12, Picture; Victim's shirt, was
8 entered into evidence.)

9 MR. UTSEY: Permission to publish to the
10 jury, Your Honor?

11 THE COURT: Yes, sir.

12 BY MR. UTSEY:

13 Q All right. Mr. Chapman, I'm going to get you to
14 go through these photos with me. First one, when was
15 this photo taken?

16 A This photo was taken the following morning.

17 Q Okay.

18 A So, you know, we process late into the
19 evening.

20 Q And this photo was taken where?

21 A This is [REDACTED] Bodison Memorial. This was the
22 actual incident location where the victim was
23 shot.

24 Q Okay. Do you mind actually stepping down for me,
25 Mr. Chapman, and coming down here so you can point for

1 me?

2 A Sure.

3 Q Can you tell me -- just describe the scene, too,
4 for the jury.

5 A So the residence in the background is the
6 residence that sits on the piece of property where
7 we responded that evening. The three vehicles
8 depicted here, here, and here (indicating) are all
9 going to the picture that we're actually using as
10 reference. This vehicle and this vehicle were on
11 the scene that night. And, as far as we could
12 tell from family members and from body cam video
13 and pictures we took at the scene, they had not
14 been moved.

15 This vehicle is actually my department
16 vehicle. It was placed in as close of a position as
17 we could recreate based on statements from the
18 witnesses, body cam footage, pictures from the crime
19 scene. And we placed those back in that area simply
20 so we could work towards locating any physical
21 evidence; evidence of projectiles, casings, tire
22 tracks, and so forth.

23 Q And tell me this: So your vehicle, Mr. Chapman,
24 your truck is parked there.

25 A Yes, sir.

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1 Q You're using that as what you think
2 William Sanders's truck would be; is that correct?

3 A That's correct. Again, that was based on the
4 crime scene, body cam footage, and statements from
5 the individuals that were on scene.

6 Q Okay. But your truck, that is just an educated
7 guess, correct?

8 A That is correct. That is correct.

9 Q So can you point out to the jury what cars do not
10 matter at all in this?

11 A This vehicle did not play a part. These two
12 vehicles did not play a part. This vehicle was on
13 scene during the incident, but an old abandoned
14 vehicle.

15 Q Do you remember where -- can you point out where
16 Channta Kelly was laying when she was shot?

17 A She was in this area right here by the
18 stairs.

19 Q Okay. So right in front of stairs is where
20 Channta Kelly was?

21 A Right.

22 Q When you-all looked over the scene, did you-all
23 find any pellets anywhere on the porch or anything
24 like that, any damage?

25 A No, sir, we did not.

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1 Q Did you-all find any damage to the two vehicles
2 that parked in front of your truck?

3 A No, sir, we did not.

4 Q Did you-all -- were there any windows busted?

5 A No, sir.

6 Q You can sit back down, Mr. Chapman.

7 All right. Mr. Chapman, I'm going to get you
8 to talk about State's Exhibit Number 12. Can you tell
9 me what that is?

10 A Yes, sir. So that is the shirt that was cut
11 off of the victim by fire rescue the night of the
12 incident. The holes that you see inside that
13 scale are the entrance for projectiles where we
14 passed through the clothing and into the victim's
15 body.

16 The scale that's there is just for reference.
17 It wasn't part of the scene. We simply placed that on
18 there so that we could isolate what we were looking at
19 and give you basic measurements.

20 Q So that evidence scale on there is not
21 specifically for this type -- I mean, you can use it
22 for anything, right?

23 A It is a scale that we use in processing, but
24 it's not specific just to gunshot wounds. It's
25 just a measurement scale.

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1 Q And you did this so that you could get a
2 measurement of the pattern of pellets, correct?

3 A That's correct.

4 Q Okay. And, Mr. Chapman, can you tell the jury
5 about some of your experience in firearms?

6 A Yes, sir. I was brought up around firearms
7 my entire life. Avid hunter. I participated in
8 multiple competitions as far as firearms related.
9 Some of those were with law enforcement while I
10 was with the City of Walterboro. Some of those
11 were done outside of law enforcement. I've been a
12 certified arms instructor through the
13 South Carolina Criminal Justice Academy for
14 20 years. I have trained probably hundreds of
15 cadets and recruits both inside our agency and at
16 the academy for basic firearms.

17 Q Okay. And I'm guessing you've definitely been
18 around shotguns your entire life.

19 A I have.

20 Q Can you explain what a shotgun is to the jury.
21 I'm sure most of them know, but do a basic definition
22 of a shotgun.

23 A So South Carolina's basic definition of a
24 shotgun is a weapon that is either made or remade,
25 manufactured or remanufactured. The primary

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1 intention is to be fired from the shoulder. It
2 uses the explosive inside of a fixed shell to
3 propel either a number of ball shots or a single
4 projectile down a smooth bore barrel with each
5 pull of the trigger. And that's essentially
6 South Carolina's definition of a shotgun.

7 Q And you say smooth bore barrel, can you tell me
8 what that means?

9 A Sure. So shotguns typically have what they
10 call smooth bore barrel. Pistols, shotguns,
11 things like that, they have what we call a rifle
12 barrel. The barrel actually has grooves that are
13 cut. Different types of rifles, different types
14 of handguns will have more grooves or less
15 grooves. The grooves are intended to spin the
16 projectile as they exit the barrel which actually
17 gives you better accuracy for longer distance.

18 If we think back to, like, the Civil War when
19 they were shooting just like a big ball. They came
20 out -- as soon as the ball came out the end of the
21 gun, it was wildly inaccurate. You have weather
22 conditions, the wind, humidity, tree branches,
23 anything in the world that it could hit. So when they
24 started rifling different guns it helped it create
25 accuracy distance.

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1 Shotguns are more or less a short distance
2 weapon and they're made from disbursement of many
3 balls projectiles. So if you rifle the barrel in a
4 shotgun and you shoot multiple projectiles out of
5 that, it will cause the pattern to V, and you lose
6 your accurately. So it's just like the inside the
7 cannon. It's just smooth. And when a round is fired
8 inside that weapon, it's nothing more than the firing
9 pin hitting a primer. The primer creates an electric
10 charge that ignites the powder, or accelerant. The
11 accelerant heats up and expands and it pushes on a
12 plastic insert called a wadding.

13 And because it heats up, that wadding
14 actually swells and seals that shell against the
15 inside of the barrel. And what it's doing is, it's
16 not allowing the gas to escape anywhere but out. The
17 expansion of that gas then pushes that wadding which
18 is then pushing all of the shot out of the shotgun
19 shell.

20 So as it travels down that smooth barrel,
21 when it hits the barrel, it's one mass.

22 Q So you're talking about -- you said, it's one
23 mass. You mean, all the pellets that come out of the
24 barrel is one mass.

25 A All the pellets that come out, as far as when

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1 it first exits that barrel, they're one mass. And
2 then like we talked before, wind, velocity,
3 everything else starts to work on those pellets
4 the further away they go and they will begin to
5 expand the further out. And eventually the
6 pattern gets so wide and the energy runs out on
7 the pellets until they fall to the ground.

8 Q Okay. So the farther distance you are away, the
9 more the pellets spread out, generally in shotguns, in
10 general; is that correct, Mr. Chapman?

11 A That is correct.

12 Q The shotgun was not found in this case; is that
13 correct?

14 A A shotgun was not found.

15 Q Okay.

16 MR. UTSEY: Your Honor, I have no further
17 questions for Mr. Chapman.

18 THE COURT: All right. Mr. Walker, do
19 you have any questions for this witness?

20 MR. WALKER: Very briefly.

21 CROSS-EXAMINATION

22 BY MR. WALKER:

23 Q Good morning.

24 A Good morning, sir.

25 Q Or afternoon.

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1 A Yes, sir. It is, afternoon.

2 Q You were with the group of folks when Mr. Sanders
3 was taken into custody, correct?

4 A Yes, sir.

5 Q Did he give you or any other officers on scene any
6 trouble?

7 A No, sir.

8 Q Let me see if I can figure out how to work this
9 thing. I'm showing you State's Number 11. I just
10 want to touch on a couple of things and go over that
11 testimony again. You said the gray sedan and this SUV
12 were present in the same locations the night of the
13 shooting, correct?

14 A That's correct.

15 Q And this truck is your truck.

16 A That is correct.

17 Q And so, actually, that's your best guess as to
18 where Mr. Sanders's truck would have been?

19 A Just a guess, yes, sir. An estimated guess
20 based on testimony and the evidence on scene.

21 Q And educated guess.

22 A Just an educated guess, that's correct.

23 Q So you took into account the video footage that we
24 just watched?

25 A Yes, sir.

1 Q The body cams you took into account, the tire
2 tread impressions in the ground?

3 A That's correct.

4 Q And the statements of the people that were on
5 scene?

6 A That is correct.

7 Q And these vehicles, these three vehicle here were
8 not present?

9 A That is correct.

10 Q The solicitor asked you a number of questions
11 about shotgun patterns. We saw a shotgun pattern in
12 that shirt?

13 A Yes, sir.

14 Q Now, the evidence marker that is in that
15 particular shirt, that's not a specific firearms
16 related marker?

17 A No, sir. That is, in general, just a scale
18 we use for processing crime scenes. We could have
19 been marking fingerprints or a glove, anything.

20 Q Is the purpose of that marker to allow you, in
21 photographs, to identify the scale or size of an
22 object? Give it some reference?

23 A Exactly. It would be just like laying a
24 dollar bill down next to a picture. Just for
25 reference.

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1 Q And we talked, in general, that when a shotgun is
2 fired, it's firing shots versus a slug or a single.

3 A Right.

4 Q And generally the farther away from the barrel the
5 wider the pattern.

6 A That is correct.

7 Q The pattern could be affected by the type of
8 ammunition, correct?

9 A It can be affected by a multitude type of
10 ammunition. Two and three quarter, three inch,
11 three-and-a-half inch, the length of the barrel,
12 whether or not there were any chokes in the
13 weapon.

14 As a very conservative rule of thumb, what we
15 are taught, is that you can average one inch per
16 spread.

17 Q Let me stop you there. I'm just asking about the
18 factors that affect the spread.

19 A Yes.

20 Q Which is -- you've already mentioned -- I asked
21 ammunition. You also mention length of barrel, choke
22 --

23 A All of those.

24 Q -- how it's adjusted. You mentioned earlier the
25 weather --

1 A Exactly.

2 Q -- can affect that. And you are not -- law
3 enforcement was not able to retrieve a weapon in this
4 case and examine the factors specifically to the gun
5 used in this case?

6 A We did not retrieve a weapon.

7 Q Now, also, in shotguns generally, there are, I
8 guess, different firing mechanisms. Would that be
9 fair to say? I shouldn't say that. That is confusing
10 to say.

11 They are loaded and cycled in different ways;
12 is that correct?

13 A They create a multitude, yes, sir.

14 Q Could you go through what you understand -- I
15 count four different ways that they might be cycled.

16 A So you may have a single shot, which we would
17 consider like a bore barrel where you load one
18 single round and close the breach, and either you
19 pull the hamper or pull the trigger. That would
20 be a single. You have what we call a pump so you
21 manually move the arm and usually under the belly
22 of firearm and you would create the cycling by
23 pumping the handle back towards you one time to
24 open the breach, pushing the handle forward after
25 that to close round into the breach and seal it

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1 off. You would pull the trigger. And then you
2 have to repeat that again for the casing to come
3 out.

4 So in both of those first two we talked
5 about, the casing is not going to come out unless you
6 break the barrel back open or if you cycle another
7 round using the pump.

8 You also have what they call a
9 semi-automatic, which they may be fed through the
10 belly of the weapon or be magazine fed. And once you
11 have one round and load it from charging handle, it
12 would automatically kick a shell out with each pull of
13 the trigger until the gun is empty. Those would be
14 your basics. There are double barrel breach, things
15 like that. Those would be your three basics.

16 Q Thank you.

17 MR. WALKER: I don't have any further
18 questions.

19 THE COURT: Any redirect, Solicitor?

20 MR. UTSEY: No, Your Honor.

21 THE COURT: All right. Mr. Chapman, if
22 you're here pursuant to a subpoena, you are
23 released from that subpoena. Thank you so much,
24 sir.

25 THE WITNESS: Thank you, Your Honor.

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1 THE COURT: Counsel, approach.

2 MR. UTSEY: Yes, sir.

3 THE COURT: Is this a good stopping
4 point?

5 MR. UTSEY: Yes, sir.

6 MR. WALKER: Yes, sir.

7 THE COURT: All right. We're going to
8 take a break. Thank you.

9 All right. Ladies and Gentlemen, we're
10 going to stop for lunch now. I'd ask that you be
11 back in your jury room at 1:45. It's basically a
12 little past 12:30, so if you'll be back in your
13 jury room at 1:45 we will continue with the trial
14 of the case.

15 Now, remember, no research and no talking
16 about the case. You can talk with your fellow
17 jurors about anything you want to, but don't talk
18 with any jurors, don't talk with any friends,
19 family members, don't talk about the case, and
20 I'll see you back at 1:45.

21 Anything from the State concerning my
22 instructions to the jury?

23 MR. UTSEY: No, Your Honor.

24 THE COURT: Anything from the defense?

25 MR. WALKER: No, Your Honor.

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1 THE COURT: Thank you-all. Have a good
2 lunch.

3 (Jury exits the courtroom at 12:34 p.m.)

4 THE COURT: All right. Jurors have left
5 the courtroom. Anything before we break for lunch
6 from the State?

7 MR. UTSEY: No, Your Honor.

8 THE COURT: Anything from the defense?

9 MR. WALKER: No, Your Honor.

10 THE COURT: I'll see you-all back here
11 right at 1:45. Okay?

12 MR. UTSEY: Yes, sir.

13 THE COURT: Thank you.

14 (A break was taken from 12:36 p.m. to 1:44 p.m.)

15 THE DEPUTY: All rise.

16 THE COURT: Thank you. You can be
17 seated.

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

20 MR. UTSEY: Yes, Your Honor. We went
21 through the interview at lunch, myself and
22 Mr. Walker. We agree to all of the times that are
23 to be taken out of the interview with the
24 defendant and Kelly Padgett, except for one. It's
25 the one -- I do want to put the times on the

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1 record, Your Honor, just so we can have it for the
2 record.

3 THE COURT: All right.

4 MR. UTSEY: We agree to start the
5 interview at 47 minutes and 40 seconds. We will
6 be taking out 51 minutes 20 seconds through 51:30.
7 56:52 through 57:07. 57:56 through 58:16. 59:45
8 through 59:55. One hour, one minute, and 22
9 seconds and 1:01:37. 1:03:58 through 1:04:11.
10 1:16:03 through 1:16:09. 1:16:40 through 1:17:23.

11 Your Honor, on 1:16:40 through 1:17:23,
12 we agree through that part that that should be
13 out. However, Mr. Walker would like through
14 1:17:46 out as well.

15 THE COURT: All right. Refresh my
16 memory. I don't remember what 1:17:46 is.

17 MR. UTSEY: Mr. Walker, why do you want
18 that out?

19 MR. WALKER: That is, I believe, a
20 continuation of -- that other 20 seconds, my
21 client is continuing to respond.

22 THE COURT: Let's play it. Let's play
23 it, okay?

24 MR. UTSEY: Yes, sir. Yes, sir.

25 MR. WALKER: That whole section,

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1 Investigator Kelly says, why would they say you
2 shot her? And then this is the whole series of
3 his responses to that question.

4 MR. UTSEY: I am starting the recording,
5 Your Honor, at 1:16:45.

6 THE COURT: All right. Does that give us
7 enough context, 1:16:45, Mr. Walker?

8 MR. WALKER: I believe that it does.

9 (Interview played.)

10 MR. UTSEY: That's what we agreed comes
11 out. That all comes out.

12 THE COURT: Is that correct?

13 MR. WALKER: Yes, Your Honor.

14 MR. UTSEY: The next 23 seconds,
15 Mr. Walker also wants out.

16 THE COURT: All right. Give me the next
17 23 seconds.

18 (Interview played.)

19 MR. UTSEY: That's the next 23 seconds,
20 Your Honor.

21 THE COURT: All right. So what's your
22 objection?

23 MR. WALKER: Well, the jury wouldn't have
24 heard the previous 40-something seconds giving
25 that phrase of context. It's just going to pop on

1 them.

2 THE COURT: Okay. Are they going to hear
3 why this X, Y, and Z say, you shot her? Are they
4 going to hear that?

5 MR. WALKER: Not on this interview.

6 THE COURT: Okay. I'm hearing things --
7 all right. So I'm hearing it, but the jury is not
8 going to hear that.

9 MR. WALKER: Correct.

10 THE COURT: All right. Because I think
11 that's improper.

12 MR. WALKER: Right.

13 THE COURT: Okay.

14 MR. WALKER: This response they want in
15 is in response to that inquiry.

16 THE COURT: Play it again. I'm sorry.

17 MR. UTSEY: Yes, sir.

18 (Interview played.)

19 THE COURT: Stop it right there. Is that
20 in or out?

21 MR. UTSEY: This is out.

22 THE COURT: Keeping going. I'm with you.

23 (Interviewed played.)

24 MR. UTSEY: This is where we disagree.

25 THE COURT: All right. So all that's

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1 right.

2 MR. UTSEY: Yes, sir. That's correct.

3 THE COURT: And now the disagreement is
4 over what's about to take place.

5 MR. UTSEY: The next 22 seconds.

6 THE COURT: All right. All right.

7 MR. UTSEY: That's it, Your Honor.

8 THE COURT: All right. I'm not going to
9 let that in.

10 MR. UTSEY: Yes, sir.

11 THE COURT: As it relates to, I guess,
12 basically his response to the question, which was
13 how is she going to, "I shot her." That's what
14 you got an objection to, Mr. Walker?

15 MR. WALKER: Yes, Your Honor.

16 THE COURT: I'm going to keep that out of
17 this. But certainly as it relates to -- depending
18 on whether or not he takes the stand. And, of
19 course, you certainly can talk to your client --
20 your victim. And if your victim takes the stand,
21 then she certainly can talk about how and what she
22 observed.

23 But as it relates to the video, I just
24 don't think that's -- I don't think -- I think
25 it's unduly prejudicial. I think that it takes --

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1 it takes a snippet of a response to underlying
2 questions that I believe are not appropriate. So
3 I'm going to rule that that should not come in.
4 Okay?

5 MR. UTSEY: Yes, sir.

6 MR. WALKER: Yes, sir. 1:17:46.

7 MR. UTSEY: I'll pick up there. We have
8 one more, Your Honor. We agree to 1:20:50 and
9 1:21 -- between 1:20:50 and 2:12:30 coming out.
10 We also agree to 1:25:01 to 1:26:30 coming out.
11 However, I wanted to play it 1:26:30 to 1:27:55,
12 and Mr. Walker wants it to stop at 1:25:01. Is
13 that correct?

14 MR. WALKER: Yes. Can we do that?
15 That's the one we were just talking about.

16 MR. UTSEY: Oh, I'm sorry, Madame Court
17 Reporter. 1:18:10 through 1:19:02. We also
18 agreed to come out.

19 MR. WALKER: And then we agreed to
20 1:20:50 to 1:21:30 is out.

21 MR. UTSEY: Correct.

22 MR. WALKER: And then I believe that we
23 should cut it at 1:25.

24 MR. UTSEY: Mr. Walker believes we should
25 cut it at 1:25 and be done. And I believe -- I

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1 agree to take out 1:25:01 through 1:26:30;
2 however, I believe 1:26:30 through 1:27:55 should
3 be played.

4 THE COURT: All right. Well, let's play
5 that.

6 MR. UTSEY: Yes, sir.

7 THE COURT: Kind of help narrate for me
8 where --

9 MR. UTSEY: I'll start 1:25:01, Your
10 Honor.

11 MR. WALKER: The 1:25:01 that we're
12 cutting out is the whole, "If you love her, why
13 did you leave?"

14 MR. UTSEY: If you love them.

15 THE COURT: Okay. Okay, go ahead.

16 (Interview played.)

17 MR. UTSEY: This is what I want played,
18 Your Honor, the next minute and 20 seconds after
19 this.

20 THE COURT: So what you want played,
21 you're playing now?

22 MR. UTSEY: Yes.

23 THE COURT: And, at a minimum, you don't
24 want this in.

25 MR. WALKER: We have agreed to cut what

1 you just heard.

2 THE COURT: Okay, good, good. You-all
3 agree to that.

4 MR. UTSEY: Yes, sir.

5 THE COURT: I love people who agree. All
6 right. Go ahead. I'm listening.

7 MR. UTSEY: This is where I want to start
8 playing.

9 (Interview played.)

10 MR. UTSEY: I think that's it, Judge.

11 THE COURT: All right. So Mr. Walker,
12 why do you not want that? Why do you want to
13 exclude that, sir?

14 MR. WALKER: I don't know that it's
15 relevant to any issue before the Court. Again,
16 with the edit, it just, kind of, jumps into that.

17 THE COURT: With the what? I'm sorry.

18 MR. WALKER: With the edit, it, kind of,
19 jumps to that. And, you know, I'm also somewhat
20 worried that they're going to hear, "I'm not going
21 to say anymore," and then maybe draw some
22 inference on his assertion of ending and not
23 talking anymore.

24 THE COURT: What about just taking out
25 him saying, "I'm not going to say anymore"? But

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1 before they could react, he said, "I'm not going
2 to say anymore," and before I can do anything he
3 starts going into that.

4 MR. WALKER: Yes, Your Honor. I mean, I
5 think that would substantially cure the worst of
6 any issue with that.

7 THE COURT: All right. But now -- okay.
8 But your other issue is that, he does, sort of --
9 I mean, all of a sudden, we just jump into
10 something about money.

11 MR. WALKER: Right. It's just, kind of,
12 random.

13 THE COURT: Well --

14 MR. WALKER: It was cleaner if we just
15 cut it where I wanted to cut it.

16 THE COURT: I understand that, sir. I
17 understand that. But it's just -- Solicitor, let
18 me hear from you on that.

19 MR. UTSEY: Yes, sir, Your Honor.

20 THE COURT: And I know what I said was,
21 at a minimum, I think we could cut out the fact
22 where he says, "I don't want to say anymore." He
23 had a concern about that, and I understand that.

24 But my question to you, sir, is, he
25 starts talking about money, and so I guess that's

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1 what Mr. Walker is objecting to. It's, kind of,
2 coming out of nowhere talking about money. Is
3 that it, sir?

4 MR. UTSEY: Your Honor --

5 THE COURT: Hold on. Hold on. I just
6 want to make sure I got that right.

7 MR. WALKER: Yes, Your Honor. It doesn't
8 make a lot of sense in the context of what we
9 heard before, and there hasn't ever been, really,
10 an allegation that there was a monetary motive
11 related to the shooting. You know, I'm going to
12 withdraw the objection to the money part. So, I
13 mean --

14 THE COURT: I'm not trying to force
15 you.

16 MR. WALKER: I mean -- you know, he said
17 it. I don't think it's -- as I said, I don't
18 think it's particularly relevant, but it's out
19 there. And it might be an issue I want to take up
20 with Kelly on the stand or my client on the stand.

21 THE COURT: All right.

22 MR. WALKER: I'm not going to jump up and
23 down about it.

24 THE COURT: So you're withdrawing your
25 objection but for the removal of the part where he

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1 said that he didn't want to talk anymore.

2 MR. WALKER: Yes, sir.

3 THE COURT: Mr. Utsey.

4 MR. UTSEY: Your Honor, I guess the main
5 reason I want it in is because at 1:26:30 he
6 says -- William Sanders says, "I was scared and
7 shaky." That's the main reason I want that whole
8 clip in, because he says, "I'm scared and shaky,"
9 and I want the jury to know that.

10 THE COURT: Well, he's -- Number 1, I
11 didn't hear that at all in what you just played
12 me.

13 Number 2, he's saying he's withdrawing
14 his objection to what -- I mean, I don't know that
15 you-all -- are you-all talking about the same
16 parts?

17 MR. WALKER: I don't think so,
18 Your Honor.

19 THE COURT: You-all aren't talking about
20 the same thing.

21 MR. UTSEY: Let me play it.

22 THE COURT: All right.

23 MR. WALKER: I think the scared and shaky
24 was in the part we had talked about where, "If you
25 love her, why did you leave?" I thought we

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1 agreed. I thought we were arguing about 1:26:34.

2 (Interview played.)

3 MR. WALKER: I do object to that.

4 THE COURT: You do object to what?

5 MR. WALKER: The scared and shaky
6 language.

7 THE COURT: Why do you object to that?

8 MR. WALKER: Because there is no context
9 to it. If we've done the edit we agreed on, the
10 jury just hears "I was scared and shaky," which
11 the State would argue is because he shot someone
12 and not on the tail end of the explanation of why
13 he was in fear for his life and leaving the scene.

14 THE COURT: Well, I'm having trouble
15 understanding how this is supposed to flow. And I
16 understand that it's difficult and we're doing
17 this on the fly, but what is the last thing that
18 you-all agreed is admitted before it gets to
19 scared and shaky part? Because I hear these
20 questions about I love you, and I think all of
21 that is going to be out. You-all agreed to that.
22 I think that's appropriate. It should be out.

23 So how do we get from there to the scared
24 and shaky, is what I'm trying to figure out?

25 MR. WALKER: In my mind, that is part of

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1 the "I love you," because that's literally a
2 response to that series of questions. I think --

3 MR. UTSEY: Your Honor?

4 THE COURT: Yes, sir.

5 MR. UTSEY: I'll agree to take it out if
6 I can ask Kelly Padgett, did you ask him why he
7 left? Yes. Did he say he was scared? Yes.
8 Because that's what he says on the video. And
9 I'll agree to cut it out.

10 MR. WALKER: I think he can ask those
11 questions.

12 THE COURT: All right.

13 MR. UTSEY: I'm fine with cutting it out
14 and stopping at 1:25.

15 THE COURT: All right. Now, let me ask
16 you this: What about the rest of it? He said he
17 withdraws his objection to the rest of it, but for
18 the one little snippet where it says -- when he
19 says, "I don't want to talk anymore," but he
20 continues to talk. If we take that snippet out,
21 then you can have that one if you want it.

22 MR. UTSEY: I'm not worried about it,
23 Your Honor. I'll take it out at 1:25.

24 THE COURT: All right. Do you have an
25 agreement or understanding at least from the

1 State?

2 MR. UTSEY: Yes, sir.

3 THE COURT: Mr. Walker?

4 MR. WALKER: Yes, Your Honor.

5 THE COURT: All right. Good. Are we
6 ready to bring the jury in?

7 MR. UTSEY: Yes, sir. Let's get the jury
8 in here, please.

9 (Jury enters the courtroom at 2:08 p.m.)

10 THE COURT: All right. I hope you had a
11 good lunch. I think we are ready to proceed.

12 Solicitor, you can call your next witness,
13 sir.

14 MR. UTSEY: Thank you, Your Honor. The
15 State calls David Long? All right.

16 THE CLERK: Raise your right hand. Left
17 hand on the Bible. Do you solemnly swear to tell
18 the truth, the whole truth, and nothing but the
19 truth so help you God?

20 THE WITNESS: Yes, ma'am.

21 THE CLERK: Have a seat and spell your
22 last name.

23 THE WITNESS: David Long, L-o-n-g.

24 WHEREUPON:

25 DAVID LONG,

1 Testimony of David Long
2 after having been sworn to tell the truth,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. UTSEY:

6 Q Mr. Long, how are you doing?

7 A Wonderful.

8 Q Who do you work for?

9 A Colleton County Sheriff's Office.

10 Q How long have you worked there?

11 A I started in 1986, went to 1996. Left from
12 there, went to DNR. Retired from DNR and came
13 back in 2012 to current.

14 Q So you've been there a while?

15 A Yes, sir.

16 Q And you've already retired once, Mr. Long?

17 A Yes.

18 Q Congratulations. Tell me, what's a normal day,
19 you just working in the sheriff's office?

20 A I'm in criminal investigations. We work all
21 investigations that the road passes on forward to
22 us. We work special operations. We do all the
23 boating, all the ATVs, anything outside that the
24 road patrol does not handle.

25 Q Okay. So what is your official position with the
 sheriff's office?

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1 A I'm a lieutenant and CID in charge of special
2 operations and SWAT.

3 Q Tell me what CID means.

4 A Criminal Investigations.

5 Q Were you working for the sheriff's office on
6 April 24, 2019?

7 A Yes, sir.

8 Q And take me -- or please tell the jury what
9 happened that day?

10 A We had completed our day of work. We were at
11 home. We are subject to call-out all the time. I
12 was called out to a shooting on
13 Bodison Memorial.

14 Q About what time was that, Mr. Long?

15 A I don't remember the exact time.

16 Q And where is Bodison Memorial located?

17 A It is near Round O.

18 Q Okay. Is that in Colleton County?

19 A It is.

20 Q All right. And tell me what happened?

21 A The call was a shooting that occurred. They
22 asked for the investigations team to come out.
23 Several went to the location where the shooting
24 actually took place. As I was in en route, I was
25 informed that the vehicle that the suspect was

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1 driving had been located and I diverted to that
2 scene.

3 Q Where was that scene where the vehicle was
4 located?

5 A It was on Jacksonboro Road. The [REDACTED] block,
6 I believe.

7 Q Okay.

8 MR. UTSEY: May I approach the witness,
9 Your Honor?

10 THE COURT: Yes, sir.

11 BY MR. UTSEY:

12 Q And I'm going to hand you what's been marked as
13 State's 7 and 8. It's already been entered into
14 evidence.

15 Mr. Long, can you hold up picture number 7
16 for the jury? They've already seen it on the big
17 screen. Can you tell just us what's going on right
18 there?

19 A This is the truck the suspect was driving, a
20 white Ford pickup that we were asked to be on the
21 look out for. One of the officers who was in the
22 area located this vehicle on Jacksonboro Road. I
23 instructed him to pull what he had. Other
24 officers were on the way to assist him. This
25 truck was parked down the pathway beside the

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1 house, off into the woods. It run over trees and
2 cinder block.

3 Q Okay. So it was parked behind the house, kind of
4 in the woods, correct?

5 A Hastily parked behind the house.

6 Q Okay. Did it look like somebody would usually
7 park there to you?

8 A No, it was -- it had driven over trees, over
9 small sapling and little pines, and they were
10 wedged all up under it.

11 Q And can you look at exhibit number -- I can't see
12 it.

13 A 8.

14 Q 8, thank you, sir. Can you please show the jury
15 Number 8, and please tell them about that picture as
16 well?

17 A Number 8 is down this same right-hand side of
18 the house. This gold vehicle you see in the
19 picture had been there for quite sometime. Trees
20 had grown up through the bumper. There was debris
21 in the back as if they were just being stored
22 there. The white truck you see in this photograph
23 pulled around the pines.

24 THE COURT: Hold on. Can you step down,
25 because I know from the angle it's going to be

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1 tough for some of the jurors to see.

2 THE WITNESS: Okay.

3 THE COURT: There you go. Yes, sir.

4 Thank you.

5 THE WITNESS: This white vehicle was the
6 suspect vehicle we were looking for. It was
7 parked diagonally behind the gold Ford pickup here
8 in the photo. The gold Ford pickup in the photo
9 has trees growing up through the bumper. The tire
10 was flattened. There was nothing underneath it.
11 It had been there some great deal of time. In the
12 back of this truck was all types of debris and
13 things, such as garbage and things people would
14 throw away or take to the dump. It had been there
15 for quite sometime. No grass growing under or
16 anything.

17 The white truck you see here had driven
18 over saplings and was parked near the hood of this
19 gold truck. This white truck was sitting on a
20 cinder block.

21 BY MR. UTSEY:

22 Q Thank you, Mr. Long. And --

23 A Just a second. I don't know if they were
24 able to see this.

25 Q Yeah, yeah.

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1 A This is the first exhibit he had, 7. This is
2 the white Ford pickup. And you can see in this
3 one, the gold truck and house is up in front of
4 it. This truck is a good 60 or more feet beyond
5 -- I'm sorry -- 60 more yards beyond the house
6 parked. The gold truck is barely seen in this
7 photograph. It is up in this corner right here.
8 This is the defendant's white truck that we were
9 looking for. And you can see the trees around the
10 tires and stuff where, if you open the door, it's
11 going to hit the tree where he drove it into the
12 woods.

13 Q Thank you, Mr. Long.

14 So you-all found the truck at the residence.
15 Tell me what you did after that.

16 A I found a truck at the father's house, I
17 believe it is.

18 Q Yes. Yes, it is.

19 A We identified that as the vehicle we was
20 looking for. We attempted to make contact inside
21 the house. There was a large plate glass window
22 in front of the house. I could see an elderly
23 gentleman sitting in that room. We knocked on the
24 door. It took him a few minutes to get to the
25 door. I'm not sure of medical condition. He

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1 wasn't in a rush to get to the door.

2 When we got to the door, we asked him if the
3 defendant Mr. Sanders was there and he said yes. We
4 told him we needed for him to step outside so we could
5 speak to him.

6 Q Okay. And when Mr. Sanders stepped out, what did
7 you do at that point?

8 A At that point, we took Mr. Sanders -- we
9 detained him. And I went to my truck and got a
10 GSR kit and did a gunshot residue test on
11 Mr. Sanders.

12 Q Okay. And can you explain what a gunshot residue
13 kit is?

14 A A gunshot residue kit is provided to us by
15 SLED. It's a test tool. Inside of this kit are
16 small vials. The cap of the vial has an
17 adhesive-type film to it where it picks up items
18 that are on the surface of the skin. With a
19 gunshot residue kit, you detach the lid from the
20 vial and you swab an individual's hands that you
21 believe may have shot a firearm, or to eliminate a
22 person who has not fired a firearm.

23 Q Okay.

24 A This test is established by the gun powder
25 blowing out of the gun. Every gun that has a

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1 breaching mechanism of any type, which just about
2 all firearms, has gaps where gas and fumes come
3 out. These small particles are contained in that
4 gas and they expand out of that gun. Your hands
5 are the closest, nearest things to these breaches
6 in this firearm where particles can be expanded
7 and stick to your skin.

8 Q And so you take this vial and you basically just
9 stick the hands --

10 A They're labeled. They're labeled palm right,
11 palm left, back of hand right, back of hand left.
12 And you swab the hand to attach anything on the
13 hand, any type of debris, to the those vials, seal
14 them back up, and have them analyzed.

15 MR. UTSEY: May I approach the witness,
16 Your Honor?

17 THE COURT: Yes, sir.

18 MR. UTSEY: Your Honor, I'm handing the
19 witness what has been premarked as State's Exhibit
20 46.

21 (STATE EXH. 46, Gunshot residue kit, was
22 marked for identification.)

23 BY MR. UTSEY:

24 Q Mr. Long, can you tell what that is?

25 A It's unopened. Shall I open it?

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1 Q No, sir. You don't have to open it.

2 A This is the gunshot residue kit that I sent
3 to SLED.

4 Q How do you know that you sent it to SLED?

5 A I can assure you, if I'm able to look at the
6 seal on it --

7 Q All right. You can open it up.

8 A It is the same type of the one I sent. I can
9 tell you in just a second if it is the exact one.
10 This is a gunshot residue kit that was provided to
11 us by SLED that has my initials on the seal right
12 here, DJL. Those are my initials on that side and
13 on this side. This side has been broken where
14 SLED's lab, forensic people opened it up to
15 analyze the vials that I put in there. The little
16 brown cap that you see in there are the ones that
17 have the adhesive surface on them and snap to this
18 vial. The plastic vial is labeled left hand,
19 right hand, front, back.

20 Q Okay. So once you perform that test, then you put
21 it in the package, Mr. Long; is that correct?

22 A I seal it back up like this. And there's
23 also an information form that goes with this.

24 Q Okay.

25 A It has on it -- SLED wants a synopsis of why

1 you're sending them this.

2 Q Okay.

3 A So it has the defendant's name, if you had
4 one, or subject's name, if you had one. The date
5 and time of the event that the GSR is applied and
6 tested. In there, also, it asks if you know the
7 caliber or anything that they can specifically
8 look for. Once you fill all that out, then this
9 entire kit goes to the SLED for them to analyze.

10 Q Okay. So once you fill out the piece of paper and
11 swab the hands, you put it in the kit and tape it up;
12 is that correct?

13 A Seal it up, yes, sir.

14 Q Why do you seal it up?

15 A To establish the integrity that no one else
16 tampers with it. Also in this kit, I failed to
17 mention, there's a set of gloves that come with
18 it.

19 Q Okay.

20 A You apply the gloves to yourself before you
21 ever do anything with this kit. So that if I had
22 fired a gun a day or so before, it's a possibility
23 that I could contaminate that kit if I was not
24 wearing the gloves, which in my video we were -- I
25 was.

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1 Q That night you were wearing gloves, right?

2 A To apply this.

3 Q Yes, to apply the GSR kit. And so after you
4 finish with the GSR kit, you sealed it to maintain the
5 integrity of the item, correct?

6 A Yes, sir. I didn't want anything else to get
7 in it.

8 Q And tell me what you did with it after you sealed
9 it?

10 A Detective Varnadoe was right there with me.
11 I asked him to place this in his patrol car. He
12 has a Charger. I have a truck. I didn't want to
13 set this in my toolbox, so I asked him to stick it
14 in a safe place in his car where he had already
15 collected a couple of other items of evidence, I
16 believe.

17 Q So you gave that kit to Mr. Varnadoe, who is also
18 an investigator.

19 A Sealed it just like it is.

20 Q Sealed it.

21 A Yes, sir.

22 Q That night, did you ever go to 217 Bodison
23 Memorial?

24 A I did not.

25 Q Okay.

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1 MR. UTSEY: I have no further questions,
2 Your Honor.

3 THE COURT: All right. Mr. Walker, do
4 you have any questions of this witness?

5 MR. WALKER: No questions, Your Honor.

6 THE COURT: All right. Mr. Long, thank
7 you very much.

8 THE WITNESS: Yes, sir.

9 MR. UTSEY: Your Honor, the State would
10 next call Angela Stallings.

11 THE COURT: All right. Officer
12 Stallings, I remind you you're still under oath.
13 WHEREUPON:

14 ANGELA STALLINGS,
15 after having been sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. UTSEY:

18 Q Miss Stallings, just very briefly, can you tell us
19 who do you work for again?

20 A The Colleton County Sheriff's Office.

21 Q And you were working on April 24, 2019; is that
22 correct?

23 A I was.

24 Q Okay. And can you tell me -- just, I guess, tell
25 me what happened that day.

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1 A As Lieutenant Long had stated, we had worked
2 our day at five o'clock. 5:00 p.m. was the end of
3 our normal shift. At the time, I was off duty.

4 During this incident, in 2019, my role was a
5 little bit different with the sheriff's office. I was
6 still a captain with the sheriff's office. But, at
7 the time, I was captain over the 911 communications
8 center and I was captain over the criminal
9 investigations division. It was later when my role
10 was changed.

11 When the incident came out, based off of the
12 type of incident that occurred, the chain of command
13 was notified and the 911 center contacted me to let me
14 know that a shooting incident had taken place. They
15 provided me a brief description of what had
16 transpired, the information that they had.

17 At that time, I told them to notify the
18 on-call investigator, and also advise them that I
19 would respond to the incident as well.

20 So, at that time, I got ready and left from
21 my residence to Round O to Bodison Memorial to the
22 incident location of the shooting itself.

23 Q Okay.

24 A On Bodison Memorial.

25 Q And is [REDACTED] Bodison Memorial Drive in

1 Colleton County?

2 A It is. It's in the area that's considered
3 Round O, just outside of Cottageville.

4 Q Okay. And can you please tell us what happened
5 when you arrived at Bodison Memorial?

6 A When I arrived on scene, other officers had
7 arrived prior to my arrival. The Cottageville
8 Police Department was on the scene, and some
9 officers from our road division was on the scene.

10 While en route, we had gotten more
11 information on the suspect and suspect's vehicle. So
12 I had instructed some of the officers that weren't
13 responding to be in the area attempting to locate the
14 vehicle in question and the suspect.

15 Upon my arrival, the scene was taped off and
16 secured with crime scene tape. Myself and Sergeant
17 Mark Urella began photographing and processing the
18 crime scene. Upon my arrival, the victim had already
19 left and been transported to the hospital.

20 Q When you said you began processing the crime
21 scene, can you just tell us, briefly, what processing
22 the crime scene means?

23 A Yes, sir. When I process a crime scene, I
24 try to go in a specific order. That's just the
25 way I like to process a crime scene. I would

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1 start off with overall photographs. So I would do
2 overalls, the larger picture that shows the
3 overall picture. And then, as I would find the
4 item of interest, we would mark them with
5 placards, and I would do -- you do distance
6 photographs to try and give you an idea of where
7 it's located at in a crime scene. And then you do
8 close-up photos to show you exactly what the items
9 is in question that's being collected at that
10 time.

11 Q Okay. Did you know -- at the time, when you-all
12 were processing the crime scene, who was the suspect
13 at that time?

14 A At the time of the call when dispatch
15 notified me, the suspect name they had been given
16 was William Sanders.

17 Q Okay. Was William Sanders at the house when you
18 went there, Miss Stallings?

19 A He was not.

20 Q Where was William Sanders, do you know?

21 A Initially, when I got on scene, he had not
22 been located. But that's when the officers that
23 were in the area patrolling, a short time later he
24 was located on Jacksonboro Road, which is
25 approximately two to three miles from the incident

1 location.

2 Q But you never went to Jacksonboro Road that night.

3 You just stayed at Bodison Memorial?

4 A After processing Bodison Memorial --

5 Q Okay.

6 A -- I stopped by Jacksonboro Road.

7 Q Okay.

8 A I never went onto the scene of it.

9 Q Okay.

10 A Because I left and came back to the office to
11 assist Detective Padgett.

12 (STATE EXH. 13, Photo, was marked for
13 identification.)

14 (STATE EXH. 14, Photo, was marked for
15 identification.)

16 (STATE EXH. 15, Photo, was marked for
17 identification.)

18 (STATE EXH. 16, Photo, was marked for
19 identification.)

20 (STATE EXH. 17, Photo, was marked for
21 identification.)

22 (STATE EXH. 18, Photo, was marked for
23 identification.)

24 (STATE EXH. 19, Photo, was marked for
25 identification.)

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1 (STATE EXH. 20, Photo, was marked for
2 identification.)

3 (STATE EXH. 21, Photo, was marked for
4 identification.)

5 (STATE EXH. 22, Photo, was marked for
6 identification.)

7 (STATE EXH. 23, Photo, was marked for
8 identification.)

9 (STATE EXH. 24, Photo, was marked for
10 identification.)

11 MR. UTSEY: May I approach the witness,
12 Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. UTSEY:

15 Q Miss Stallings, I'm handing what has been
16 premarked State's 13 through 24. Can you please go
17 through those photos for me and tell me if you
18 recognize those?

19 A Yes, I do.

20 Q How do you recognize those?

21 A I took these photos.

22 Q Okay. And what are those photos of?

23 A Exhibit Number 13 --

24 Q Actually, I'm sorry. I'm going to show it on
25 there.

Testimony of David Long

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1 A All right. Exhibit Number 13 is the shirt
2 that the victim was wearing that was cut off by
3 fire rescue.

4 Exhibit 14 is placard number 1. It's another
5 angle of the shirt the victim had been wearing.

6 Exhibit Number 15 was a few feet further back
7 from where the shirt was located to give you a general
8 idea of where the victim was at the time of fire
9 rescue arrival.

10 Exhibit Number 16 is a photo of the residence
11 from the driveway of Bodison Memorial.

12 Exhibit Number 17 is a pipe that we found
13 that was on top of the hood of one of the vehicles.
14 At the time we didn't know if it was important or not,
15 so we documented it and photographed it.

16 Exhibit Number 18 is what appears to be a
17 weathered, used shotgun shell.

18 Number 19 is another shotgun spent shell
19 casing.

20 Number 20 is another shotgun shell.

21 21 is what we believed to be tire
22 impressions, fresh tire impressions from the front
23 yard.

24 22 is another angle of the tire impression.

25 23 is the shoes that the victim had on at the

Testimony of David Long

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1 time of the incident.

2 And then 24 is -- I believe, it was a shirt.
3 Some type of fabric clothing that was used to help
4 apply pressure to the victim.

5 Q All right. And are all those pictures a fair and
6 accurate depiction of the scene that night at Bodison
7 Memorial?

8 A They are.

9 MR. UTSEY: May I approach the witness,
10 Your Honor?

11 THE COURT: Yes, sir.

12 MR. UTSEY: Your Honor, at this time, I
13 would like to admit what was premarked State's
14 Exhibit 3 through 24 into evidence.

15 THE COURT: Any objection, Mr. Walker?

16 MR. WALKER: No, Your Honor.

17 THE COURT: All right. Admitted without
18 objection.

19 (STATE EXH. 13, Photo, was entered into
20 evidence.)

21 (STATE EXH. 14, Photo, was entered into
22 evidence.)

23 (STATE EXH. 15, Photo, was entered into
24 evidence.)

25 (STATE EXH. 16, Photo, was entered into

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1 evidence.)

2 (STATE EXH. 17, Photo, was entered into
3 evidence.)

4 (STATE EXH. 18, Photo, was entered into
5 evidence.)

6 (STATE EXH. 19, Photo, was entered into
7 evidence.)

8 (STATE EXH. 20, Photo, was entered into
9 evidence.)

10 (STATE EXH. 21, Photo, was entered into
11 evidence.)

12 (STATE EXH. 22, Photo, was entered into
13 evidence.)

14 (STATE EXH. 23, Photo, was entered into
15 evidence.)

16 (STATE EXH. 24, Photo, was entered into
17 evidence.)

18 MR. UTSEY: May I publish to the jury?

19 THE COURT: Yes, sir.

20 BY MR. UTSEY:

21 Q All right. Miss Stallings, give me a more
22 detailed description of State's Exhibit 13, please,
23 for the jury, please?

24 A Yes, sir. 13, this is the victim's shirt
25 that she was wearing at the time of the incident.

Testimony of David Long

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1 It was marked with placard number 1. Fire rescue
2 cut it off of her when they arrived on scene to
3 provide aid.

4 Q Can you tell me what this is in the top of the
5 upper corner?

6 A That is a stepping stone that goes to the
7 front of the residence, and I believe that's like
8 a mat that you would have outside your front
9 door.

10 Q Okay. State's Exhibit 14.

11 A This is just another photo of the shirt.
12 It's a little closer. I believe -- can I step
13 down and look at it.

14 Q Yes, ma'am. Come on.

15 A In this photo, right here in the center, is a
16 small round silver item that was a pellet that
17 came from the shotgun shell.

18 Q Okay. That was a pellet laying on the shirt --

19 A Yes.

20 Q -- from the victim, Channita Kelly?

21 A Yes.

22 Q All right. Thank you, Miss Stallings. Exhibit
23 Number 15, can you tell me what that is, Miss
24 Stallings?

25 A This is a shot of the same area, but it's a

Testimony of David Long

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1 little further out. Just to the right of the
2 front of the car is the victim's shirt on the
3 ground just at the base of the steps.

4 Q So that would be right here?

5 A Correct. And that's the front of the
6 residence.

7 Q Okay. And Number 16, Miss Stallings?

8 A This is the shot from the driveway. Looking
9 at the photo back to your right is Jacksonboro
10 Road. And at the front of the residence, you get
11 your police car on the left, the Tahoe, and then
12 you have the blue car in the center, the victim
13 was just on the other side of that in front of the
14 residence when she was found on the ground.

15 Q And State's Exhibit Number 17.

16 A 17, this is the pipe that was on the hood of
17 that blue vehicle. At the time, we weren't sure
18 if it was involved or not, so it was marked as a
19 potential piece of evidence.

20 Q And State's Exhibit 18.

21 A This is a shell casing that was found inside
22 the -- or in the front yard of the residence. On
23 the end of it to the left, that's the end of the
24 shell where the firing pin hit. You can see where
25 it's rusted, so it appeared to have been there for

Testimony of David Long

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1 a while. It appeared to be weathered.

2 Q Okay. So you determined after looking at the
3 shell that it could not have been used because of
4 weathering on it?

5 A Correct.

6 Q State's Exhibit Number 19, Miss Stallings.

7 A That's another shell casing that was in the
8 front yard.

9 THE COURT: Hold on one second. Let me
10 get you some water.

11 THE WITNESS: Thank you.

12 THE COURT: She's already beat you to it.
13 Take your time.

14 THE WITNESS: 7 is another shell casing
15 that was found in the front yard of the
16 residence.

17 BY MR. UTSEY:

18 Q And could you-all determine if this shell casing
19 was used in the shooting?

20 A Typically, when a shotgun shell comes out of
21 a shotgun after being fired, it's still somewhat
22 round and this one has been mashed down. So, from
23 my experience, I would say this one had been there
24 for a while.

25 Q Okay. And State's Exhibit Number 20.

Testimony of David Long

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1 A This is another shotgun shell that was found
2 in the yard that appeared to have been there for a
3 while.

4 Q And State's Exhibit Number 21.

5 A 21 is a photograph of a tire impression. And
6 the dirt portion is where the vehicle -- the tires
7 went in the yard as it was -- there was an overall
8 photo.

9 Q Yes, ma'am.

10 A And that is just a close-up where it appeared
11 the vehicle had pulled out of the yard.

12 Q When you say "vehicle," what vehicle do you
13 mean?

14 A The suspect's white Ford pickup truck.

15 Q Number 22.

16 A And that's another angle of the tire
17 impression pulling out of the yard.

18 Q And Number 23.

19 A That was the victim's shoes that she had
20 on.

21 Q Number 24.

22 A And that was the piece of clothing or fabric
23 that was used to apply pressure to the victim's
24 wound.

25 Q Thank you, ma'am.

Testimony of David Long

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1 All right. So you took the photographs.

2 Tell me what you did with all the evidence and what
3 you found in the evidence and photographs.

4 A Once we photographed the items, we packaged
5 them individually. The detective Varnadoe took
6 possession of the evidence when he returned to the
7 office because, initially, I was going to
8 Jacksonboro Road to see if they needed any
9 assistance. When I got there, they did not. They
10 had the situation and scene under control, so I
11 then returned back to the office and was available
12 to Detective Padgett, if she needed any
13 assistance. That's pretty much most of what I did
14 that night.

15 In the following days, I believe it was the
16 next day, I assisted with obtaining a search warrant
17 for the suspect's vehicle and we also went back to
18 Bodison Memorial in the daylight to check the scene
19 again and see if there was anything we missed.
20 Checked the front of the residence to look for any
21 bullet holes to see if any of the residence had been
22 struck.

23 Q And I'm going to show you a picture of that right
24 now, Miss Stallings. I'm showing you what has been
25 marked as State's Exhibit Number 11. This is a part

1 of the residence.

2 Miss Stallings, did you ever find any, I
3 guess, damage to the vehicles from a shotgun?

4 A We did not.

5 Q Did you find my damage to the front porch of the
6 house?

7 A We did not.

8 Q Okay. So there was no damage done to any of the
9 vehicles or the front porch or the house itself?

10 A No, sir.

11 Q Was there any damage done to any of the windows?

12 A No, sir.

13 Q And you-all took this photograph with a drone; is
14 that correct?

15 A We did, yes, sir. That is correct.

16 Q And these two vehicles here and here (indicating),
17 those were there the night of the shooting, correct?

18 A That's correct.

19 Q Okay. And you-all never moved those vehicles, is
20 that correct, Miss Stallings?

21 A We did not.

22 Q Okay.

23 A And also if I may?

24 Q Yes, ma'am.

25 A The black pickup truck --

Testimony of David Long

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1 Q Okay.

2 A That is next to the black SUV --

3 Q Yes, ma'am.

4 A -- is one of our vehicles and we positioned
5 it in that position because that was the
6 approximate location of where -- from the
7 information we received, that was the approximate
8 location of the suspect's vehicle during the
9 incident.

10 Q Okay. So that was you-all's educated guess about
11 where you-all guess Mr. Sanders's vehicle was at the
12 time, correct?

13 A Yes.

14 Q All right. Miss Stallings, you said that you
15 helped Miss Padgett with a search warrant.

16 A That's correct.

17 Q Can you tell us what that search warrant was
18 for?

19 A It was for the suspect's ford pickup truck,
20 to search it to attempt to locate any possible
21 evidence that could aid in the investigation.

22 Q Okay. And where did you-all search that pickup
23 truck?

24 A The night of the incident, the vehicle was
25 secured and towed to the sheriff's office and was

Testimony of David Long

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1 secured in our evidence bay, and had been placed
2 in the evidence bay and maintained until the
3 search warrant was signed, and then the vehicle
4 was processed inside the evidence bay.

5 Q And did you assist with the search on the vehicle,
6 Miss Stallings?

7 A I was in there while it was being processed,
8 but I didn't really do a whole lot of the
9 processing. But I was there when it was being
10 processed.

11 Q Okay. And then I forgot to ask you a question.
12 When you-all were at the crime scene, [REDACTED] Bodison
13 Memorial, when you-all went back the next day, did
14 you-all find any shotgun shells on the road?

15 A We did not.

16 Q Did you-all actually search the road at the house?

17 A I did.

18 Q Did you-all search the ditches beside the road and
19 just around the road?

20 A Yes, sir, I did.

21 Q And you did not find my shotgun shells?

22 A I did not.

23 MR. UTSEY: I have no further questions,
24 Your Honor.

25 THE COURT: All right. Mr. Walker, do

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1 you have any questions for this witness, sir?

2 MR. WALKER: I do, Your Honor.

3 THE COURT: All right.

4 CROSS-EXAMINATION

5 BY MR. WALKER:

6 Q Good afternoon.

7 A Good afternoon.

8 Q Mr. Utsey just asked you if you searched the road
9 and ditches for shotgun shells, and you answered that
10 you had not found anything.

11 A That's correct, yes, sir.

12 Q But if a shotgun is a breach loading shotgun, you
13 would not expect -- the shell is not ejected until the
14 breach is opened or broken.

15 A If it is a pump shotgun.

16 Q I'm talking about a single-shot breach-loading
17 shotgun where you feed the round into the rear.

18 A A single-shot shotgun, no, sir. It would not
19 expel the round.

20 Q Some action by the operator would have to take
21 place for the spent round to be ejected?

22 A If it's single shot, yes, sir.

23 Q And then you also alluded to a pump shotgun.
24 Again, that requires action by operator for the spent
25 shell to be --

1 A That's correct.

2 Q After firing, the operator would pump the shotgun,
3 eject the spent round and then load a fresh round.

4 A That's correct.

5 Q If they didn't do that, the spend round would just
6 stay in the barrel?

7 A That's correct.

8 Q So only if they -- a semi-automatic or rarely an
9 automatic shotgun were used would you expect the spent
10 round to be expelled without any action by the
11 operator.

12 A It was a semi-automatic, correct. It would
13 expel on its own. If it's a pump action or a
14 single shot, it would require the user to
15 manipulate the firearm.

16 Q Thank you.

17 MR. WALKER: No further questions.

18 THE COURT: Any redirect, sir?

19 MR. UTSEY: No, sir. May this witness be
20 excused?

21 THE COURT: You may be excused.

22 THE WITNESS: Thank you.

23 MR. UTSEY: The State calls
24 Brian Varnadoe.

25 THE CLERK: Raise your right hand, left

Testimony of Brian Varnadoe

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1 on Bible. Do you solemnly swear to tell the truth,
2 the whole truth, and nothing but the truth so help you
3 God?

4 THE WITNESS: I do.

5 THE CLERK: Take a seat in the witness
6 stand, state your name for the record, and spell
7 your last name.

8 THE WITNESS: Name is Brian Varnadoe,
9 Colleton County Sheriff's Office. Last name is
10 V-a-r-n-a-d-o-e.

11 WHEREUPON:

12 BRIAN VARNADOE,
13 after having been sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. UTSEY:

16 Q How long have you worked for the sheriff's office,
17 Mr. Varnadoe?

18 A Approximately eight years.

19 Q And what's your position with the sheriff's
20 office?

21 A I'm a sergeant with the Colleton County
22 Sheriff's Office in CID, Criminal Investigations
23 Division.

24 Q How long have you been in law enforcement?

25 A I've been in law enforcement about eight

Testimony of Brian Varnadoe

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1 years, eight and a half.

2 Q Tell me what you did before that?

3 A In 2013 -- or previously I worked in the
4 South Carolina Department of Corrections for 18
5 years.

6 Q Okay. So tell me your day-to-day duties as a
7 sergeant with the sheriff's office?

8 A The day-to-day investigations, it can be
9 investigating thefts, larcenies, homicides,
10 attempted murder, murder. Whatever needs to be
11 investigated as far as that goes.

12 Q Okay.

13 A I'm also a member of the SWAT team, so any
14 special operations that occur.

15 Q And were you working on April 24, 2019?

16 A I was called out, but I had worked earlier in
17 the day and got called back in the evening.

18 Q And can you tell me what happened that evening?

19 A In the evening, I was called out. Like I
20 said, I was a member of CID SWAT, so they called
21 that we had a shooting on Bodison Memorial and
22 wanted us to respond.

23 Q And is Bodison Memorial, 217 Bodison Memorial
24 located in Colleton County?

25 A It is.

Testimony of Brian Varnadoe 303

1 Q All right. You responded to the scene that night.

2 Can you tell me what you did there?

3 A Once I got on the scene, I assisted my
4 captain, at the time Captain Stallings. Anything
5 she needed. Securing the crime scene. It was
6 dark, so grabbing lights, trying to process
7 evidence on the scene.

8 Q Okay. So you helped her set up tape, placards --

9 A Things like that.

10 Q Stuff like that.

11 A Correct.

12 Q All right. So tell me what you did -- or I guess,
13 how long did you stay at the crime scene, did you
14 remember that?

15 A Maybe 30 minutes. Maybe.

16 Q And then tell me what you did after that,
17 Mr. Varnadoe?

18 A I was instructed to go to the Jacksonboro
19 Road, [REDACTED] block.

20 Q Okay. And why were you instructed to go to
21 Jacksonboro Road?

22 A One of our men at the sheriff's office had
23 located the suspect's vehicle at the dad's
24 house.

25 Q And who did you-all develop as a suspect?

Testimony of Brian Varnadoe

304

1 A William Sanders.

2 Q All right. Can you please point to
3 William Sanders for me in the courtroom?

4 A (Indicating).

5 Q Can you tell me what he's wearing, please?

6 A Big guy wearing a tan jacket and blue shirt,
7 black male with a blue mask on.

8 Q Thank you, sir.

9 MR. UTSEY: Your Honor, please let the
10 record reflect that Mr. Varnadoe has identified
11 Mr. William Sanders.

12 THE COURT: All right. So reflected.

13 BY MR. UTSEY:

14 Q All right. So you stated you went to Jacksonboro
15 Road. How far away is that from Bodison Memorial?

16 A A mile and a half, two miles. It's not very
17 far.

18 Q Okay. And so tell me what you did when you got to
19 the Jacksonboro Road address?

20 A I responded out there. Kind of had a
21 perimeter set up. We had some officers around
22 back. Officers around front. We didn't know if
23 the suspect, or anyone else inside the house, was
24 armed in relation to the cause -- the shooting.
25 So we treated it as such.

Testimony of Brian Varnadoe

305

1 I helped set up the perimeter. I think

2 Captain Chapman made contact with Mr. Sanders's dad at
3 the front door, and then he appeared and we took him
4 into custody.

5 Q Okay. And where was his truck parked at the
6 house?

7 A Behind the house in the woods.

8 Q Okay. So you-all took him into custody. Tell me
9 what happened after you-all took him into custody.

10 A On scene?

11 Q Yes, sir.

12 A I took him into custody in the front door.
13 He came out the front door. No forced used. We
14 brought him back to our vehicles. Lieutenant Long
15 administered a GSR test kit on his hands, which is
16 common practice.

17 Q Can you tell me, what does GSR stand for?

18 A Gunshot residue.

19 MR. UTSEY: May I approach the witness,
20 Your Honor?

21 THE COURT: Yes, sir.

22 (STATE EXH. 46, GSR kit, was marked for
23 identification.)

24 BY MR. UTSEY:

25 Q Mr. Varnadoe, I'm handing you what has been

1 premarked as State's Exhibit 46.

2 A That's a GSR kit.

3 Q And do you recognize that GSR kit?

4 A I do.

5 Q How?

6 A Well, first of all, I see the crime scene
7 tape.

8 Q Okay.

9 A The tape we put on here. It has his initials
10 on here and the date, and it also has the case
11 number on the front.

12 Q Okay. Is that the same GSR kit that you took from
13 the scene at Jacksonboro that night that you took back
14 to the sheriff's office?

15 A That's correct.

16 Q And what did you do with it once you got it back
17 from the sheriff's office?

18 A It goes in the evidence box.

19 Q Okay. And the whole time you had possession of
20 it, did you change it in any way?

21 A No.

22 Q Did you alter it? Did you tear the tape? Did you
23 tamper with it?

24 A No.

25 Q Okay. And then you took it back to the Colleton

Testimony of Brian Varnadoe

307

1 County Sheriff's Office and you put it in an evidence
2 locker?

3 A That's correct.

4 MR. UTSEY: May I approach the witness,
5 Your Honor?

6 THE COURT: Yes, sir.

7 (STATE EXH. 47, GSR Kit, was marked for
8 identification.)

9 (STATE EXH. 48, Victim's shirt, was marked
10 for identification.)

11 BY MR. UTSEY:

12 Q All right. Mr. Varnadoe, I'm handing you what has
13 been marked as State's Exhibit Number 47. And let me
14 see if I can find it. 48.

15 MR. UTSEY: Miss Sherry, do we have any
16 gloves?

17 THE CLERK: Here you go.

18 MR. UTSEY: Thank you.

19 BY MR. UTSEY:

20 Q Mr. Varnadoe, can you tell me about State's
21 Exhibit Number 47? Do you recognize that? And I'll
22 pull it out for you.

23 A This?

24 Q Yes, sir. Do you recognize State's Exhibit 47?

25 A Yes, sir, I do.

Testimony of Brian Varnadoe

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1 Q How do you recognize that?

2 A I saw a package in there with small
3 projectiles, casings, things of that nature.
4 Excuse me, the glove is kind of small.

5 Q I apologize.

6 A You want me to bust that open?

7 Q Yes, sir, if you don't mind.

8 A Just for the record, that's my initials on
9 the tape.

10 Q Yes, sir. Thank you, Mr. Varnadoe.

11 A Do you want me to take it out?

12 Q Yes, sir.

13 All right. So can you tell me, is that the
14 pellet that was recovered from the crime scene that
15 night?

16 A Yes.

17 Q And you-all collected it and put it into that bag,
18 Mr. Varnadoe?

19 A That's correct.

20 Q And then you took it back to the sheriff's
21 office?

22 A I did.

23 Q And that was the pellet collected on the t-shirt
24 of the victim, Channta Kelly, correct?

25 A Yes.

Testimony of Brian Varnadoe

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1 THE COURT: Put that in his hand and let
2 him walk down in front of jury and let them see
3 that, please.

4 MR. UTSEY: Yes, sir.

5 (Published to the jury.)

6 MR. UTSEY: Your Honor, at this time I
7 would ask that State's Exhibit 47 be submitted
8 into evidence.

9 THE COURT: Any objection, Mr. Walker?

10 MR. WALKER: No objection. All right.

11 (STATE EXH. 47, GSR kit, was entered into
12 evidence.)

13 BY MR. UTSEY:

14 Q Mr. Varnadoe, can you show me State's Exhibit
15 Number 48, please? Actually, before you show it to
16 me, can you look at it and tell me what it is?

17 A This is Miss Kelly's shirt.

18 Q And that was collected from the scene of
19 [REDACTED] Bodison Memorial?

20 A Yes.

21 Q Did you submit that shirt to the Colleton County
22 Sheriff's Office?

23 A I did.

24 Q Did you tamper with the shirt or change it in any
25 way once you collected?

Testimony of Brian Varnadoe

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1 A No.

2 MR. UTSEY: Your Honor, at this time, I
3 ask that State's Exhibit 48 be admitted into
4 evidence.

5 THE COURT: Any objection, Mr. Walker?

6 MR. WALKER: No.

7 THE COURT: So admitted.

8 (STATE EXH. 48, Victim's Shirt, was entered
9 into evidence.)

10 BY MR. UTSEY:

11 Q Mr. Varnadoe, do you understand using the scissors
12 and cutting open the bag and showing us the shirt,
13 please?

14 A You want me to open it?

15 Q Yes, sir. If you want to show it and open it up.
16 Can you show us where the shotgun pellets went
17 through, if you can identify that?

18 A Right here (indicating).

19 Q Can you show us down here too, Mr. Varnadoe?

20 THE WITNESS: May I step down?

21 THE COURT: Yes, sir. Please step
22 down.

23 THE WITNESS: Yes, sir. (Indicating.)

24 MR. UTSEY: Thank you, Mr. Varnadoe.

25 BY MR. UTSEY:

Testimony of Brian Varnadoe

311

1 Q Mr. Varnadoe, I'm going to show you what's been
2 marked as State's Exhibit 11 real quick. Can you tell
3 me what that is?

4 A That's the aerial photograph taken by a drone
5 of the crime scene on Bodison Memorial, [REDACTED]

6 Q All right. And you-all went back to
7 [REDACTED] Bodison Memorial the next day after the shooting
8 happened, correct?

9 A That's right.

10 Q And did you-all search the roadway in front of the
11 house?

12 A The roadway, yes, sir.

13 Q Did you-all find shotgun shells?

14 A Not out there, no, sir.

15 Q Did you-all find any damage to the vehicles that
16 were on the scene that night?

17 A None of the vehicles were damaged.

18 Q Did you find any damage to the porch, or the
19 windows, or the house, anywhere?

20 A No, sir.

21 Q And these two cars were cars that were on scene
22 when you went there, correct?

23 A That's right. They were there.

24 MR. UTSEY: May I have the Court's
25 indulgence, Your Honor?

Testimony of Brian Varnadoe

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1 THE COURT: Yes, sir.

2 MR. UTSEY: Thank you. I have no further
3 questions, Your Honor.

4 THE COURT: Mr. Walker, do you have any
5 questions, sir?

6 MR. WALKER: Briefly, Your Honor.

7 THE COURT: Your witness.

8 CROSS-EXAMINATION

9 BY MR. WALKER:

10 Q Good afternoon.

11 A Afternoon.

12 Q You said you were present when the defendant was
13 taken into custody; is that correct?

14 A That's correct.

15 Q You said no force was used. Does that mean he was
16 cooperative?

17 A That's correct.

18 Q You didn't see him give anybody any problems?

19 A Correct.

20 MR. WALKER: No further questions.

21 THE COURT: Any redirect, Solicitor?

22 MR. UTSEY: No, sir.

23 THE COURT: Thank you very much, sir.

24 Mr. Varnadoe, you are excused.

25 THE WITNESS: Thank you, sir.

Testimony of Steve Bazzle

313

1 MR. UTSEY: Your Honor, the State would
2 call Steve Bazzle?

3 THE COURT: All right.

4 THE CLERK: Raise your right hand. Do
5 you solemnly swear to tell the truth, and nothing
6 but the truth so help you God?

7 THE WITNESS: Yes, ma'am.

8 THE CLERK: Remove your mask and state
9 and spell your name for the record.

10 THE COURT: Remove your mask for the purpose
11 of your testimony. That's no problem at all, Mr.
12 Bazzle.

13 THE WITNESS: My name is Steve Bazzle,
14 B-a-z-z-l-e.

15 WHEREUPON:

16 STEVE BAZZLE,
17 after having been sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. UTSEY:

20 Q Can you tell us where you work, Mr. Bazzle.

21 A I work for the Colleton County Sheriff's
22 Office.

23 Q What's your position with the Colleton County
24 Sheriff's Office?

25 A I'm the evidence custodian.

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1 Q All right. And were you evidence custodian on --
2 or during April of 2019?

3 A Yes, sir.

4 Q And can you tell us some of the duties of evidence
5 custodian?

6 A As an evidence custodian, we maintain the
7 chain of custody and the integrity of the evidence
8 that is submitted by the officers and the
9 investigators. Our department is set up with a
10 temporary locker system where the officers have
11 24-hour access to a secured location, then I come
12 in and I remove the items from the temporary
13 custody, log them into the computer system and put
14 them in the main evidence room in a permanent
15 location where they stay until they either go to a
16 lab for analysis or either come to court.

17 Q So you make sure nobody touches the evidence,
18 pretty much?

19 A That's correct.

20 MR. UTSEY: Your Honor, may I approach
21 the witness?

22 THE COURT: Yes, sir.

23 BY MR. UTSEY:

24 Q Mr. Bazzle, I'm handing you what is marked as
25 State's Exhibit 46. Can you tell me what that is?

Testimony of Steve Bazzle

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1 A That is the GSR kit that they've been
2 referring to as a gunshot residue kit.

3 Q Okay. Is that the gunshot residue kit that was
4 used to test Mr. Sanders's hands?

5 A Yes, it is.

6 Q Tell me what you did with that kit once it went
7 into evidence.

8 A Once Officer Varnadoe turned it into the
9 temporary storage, I logged it out and logged it
10 into the system, and then set what we call a
11 pre-log, logging in the information into the SLED
12 computer which is required before we deliver the
13 items up there. Then I transported it to the SLED
14 lab in Columbia and submitted to their lab.

15 Once it was completed, I also picked it back
16 up from the lab and returned it back to the evidence
17 locker where it stayed until today.

18 Q Okay. So the whole time you had it and took it to
19 SLED, you never opened that plastic box right there.

20 A No, sir.

21 Q Did you ever remove the tape at all?

22 A No, sir.

23 Q Did you ever tamper with it at all?

24 A No, sir.

25 Q Did you change it in any way when you had

Testimony of Steve Bazzle

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1 possession of it?

2 A No, sir.

3 Q And you dropped it off at the SLED lab for them to
4 test for gunshot residue, correct?

5 A That's correct.

6 Q And once they are done testing it, they then call
7 you back, Mr. Bazzle, and you go back and get it?

8 A Every time I go up there, I'm dropping stuff
9 off and I'm bringing stuff back. So it, kind of,
10 cycles around. Unless it's something we had
11 tested and we need it right back, then I make a
12 special trip up there to get it.

13 MR. UTSEY: Your Honor, I have no further
14 questions for Mr. Bazzle.

15 THE COURT: All right. Mr. Walker, any
16 questions of Mr. Bazzle?

17 MR. WALKER: I do not, Your Honor.

18 THE COURT: All right. Mr. Bazzle, thank
19 you, sir. You are excused.

20 THE WITNESS: Thank you, Your Honor.

21 MR. UTSEY: Your Honor, the State would
22 call Kelly Padgett.

23 THE COURT: All right.

24 THE CLERK: Raise your right hand. Do
25 you solemnly swear to tell the truth, and nothing

Testimony of Steve Bazzle

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1 but the truth so help you God?

2 THE WITNESS: I do.

3 THE COURT: Counsel, approach.

4 MR. UTSEY: Yes, sir.

5 THE COURT: Hold on one second.

6 Is this the witness that's going to be by
7 tape?

8 MR. UTSEY: Yes, sir.

9 THE COURT: So this is going to be an
10 hour?

11 MR. UTSEY: Yes, sir.

12 THE COURT: All right. Then why don't we
13 take an afternoon break and bring them back.

14 MR. UTSEY: Yes, sir.

15 THE COURT: All right. Ladies and Gentlemen,
16 I think this witness may be a little lengthy, and so
17 what I'd like to do is, it's a few minutes at 3:00,
18 I'd like to have you back in here at 3:20 and then
19 we'll commence with her testimony. So we'll be at
20 ease. You can go back to the jury room. Don't talk
21 about the case. No research on the case. We'll get
22 you back here in about 15 minutes, about 3:20.

23 Thank you.

24 (Jury exits the courtroom at 3:04 p.m.)

25 THE COURT: All right. I thought that

Testimony of Steve Bazzle

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1 would be a good time to take a break. Is there
2 anything we need to take up from the State before
3 we take a break?

4 MR. UTSEY: No, Your Honor.

5 THE COURT: From the defense?

6 MR. WALKER: No, sir.

7 THE COURT: See you back here about 3:20.

8 (A break was taken from 3:05 p.m. to 3:24 p.m.)

9 THE COURT: Thank you. Be seated.
10 Anything from the State before we bring the jury
11 in?

12 MR. UTSEY: No, Your Honor.

13 THE COURT: Anything from the defense?

14 MR. WALKER: No, Your Honor.

15 THE COURT: All right. Let's get the
16 jury, please.

17 (Jury enters the courtroom at 3:24 p.m.)

18 THE COURT: All right. Ladies and
19 Gentlemen, we're doing a little better. I think I
20 told you 3:20 and we are only five minutes late.
21 To that extent, I apologize. We'll try to do
22 better and be mindful of your time. I think we
23 are ready.

24 Solicitor, call your next witness.

25 MR. UTSEY: Yes, sir. The State calls

Testimony of Steve Bazzle

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1 Kelly Padgett.

2 THE COURT: Thank you.

3 WHEREUPON:

4 KELLY PADGETT,

5 after having been sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. UTSEY:

8 Q Can you spell your last name for the court
9 reporter, Miss Padgett?

10 A Good afternoon. It's Kelly Padgett,
11 P-a-d-g-e-t-t.

12 Q Who do you work for?

13 A I'm currently employed as an investigator
14 with 14th Circuit Solicitor's Office.

15 Q All right. And where did you work before that?

16 A Prior to that, I was employed as a special
17 agent with the South Carolina Law Enforcement
18 Division, known as SLED, assigned to Lowcountry
19 region investigative services. And before that,
20 for 14 years, I was employed with the
21 Colleton County Sheriff's Office. Prior to me
22 resigning from that position, I was assigned to
23 the criminal investigations division where I
24 worked as a sergeant investigator.

25 Q And were you working at the Colleton County

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1 Sheriff's Office on April 24, 2019?

2 A I was.

3 Q All right. And your rank was a sergeant at the
4 time at the Colleton County Sheriff's Office?

5 A Yes, sir.

6 Q What were your duties as a sergeant with the
7 Colleton County Sheriff's Office?

8 A So some of my duties -- I was assigned to the
9 investigates division, so I would respond out to
10 crime scenes. I would interview witnesses,
11 victims, suspects, collect evidence, process crime
12 scenes, obtain arrest warrants, conduct search
13 warrants, prepare case files, that sort of
14 thing.

15 Q Okay. And so you were working on April 24, 2019;
16 is that correct?

17 A I had worked earlier in that day. At the
18 time this call came out, I was actually off duty
19 at my residence, and I signed back on duty to
20 respond to the incident location due to the nature
21 of the call.

22 Q And where was the incident location?

23 A It was located at [REDACTED] Bodison Memorial in
24 Colleton County.

25 Q And tell me what happened when you arrived at

Testimony of Steve Bazzle

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1 [REDACTED] Bodison Memorial, please.

2 A So I was only there for a short period of
3 time, maybe ten minutes, if that. I met with my
4 supervisor at that time, Captain Stallings, and
5 some other investigators who were on scene. They
6 had been processing the crime scene already prior
7 to my arrival. The victim was not there upon my
8 arrival.

9 I was instructed, at that point, to respond
10 back to the sheriff's office because it had been
11 determined, at that point, that Mr. William Sanders
12 was at his father's residence at [REDACTED] Jacksonboro
13 Road, which is also in Colleton County, and I was
14 instructed to obtain a search warrant, type a search
15 of warrant and take it to one of the local judges to
16 obtain a signature for the father's residence on
17 Jacksonboro Road.

18 Q And what was the search warrant for?

19 A So the search warrant was basically for
20 anything of an evidentiary value, any type of
21 firearms, clothing, any weapons, as well as the
22 vehicle that Mr. Sanders had been driving.

23 Q Okay. And then that was -- that's what I was
24 going to ask you.

25 All right. So tell me what happened after

Testimony of Steve Bazzle

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1 you got the search warrant, Miss Padgett?

2 A So after the search warrant was obtained, it
3 was handed off to another officer who took the
4 search warrant to Jacksonboro Road. I, myself,
5 never went to Jacksonboro Road that night.

6 Instead, after I obtained the judge's signature, I
7 then responded back to the sheriff's office where
8 Mr. William Sanders had already been placed in an
9 interview room that was audio/video recorded, and
10 I responded back there to conduct an interview
11 with Mr. Sanders.

12 Q Okay.

13 MR. UTSEY: May I approach Miss Padgett,
14 Your Honor?

15 THE COURT: Yes, sir.

16 (STATE EXH. 45, Disk; Interview audio and
17 video, was marked for identification.)

18 (STATE EXH. 49, Miranda Warning and Waiver
19 form, was marked for identification.)

20 BY MR. UTSEY:

21 Q Miss Padgett, I'm handing you what's been marked
22 as State's Exhibit Number 45 and 49. Can you please
23 tell me what those are?

24 A Number 45 is a disk that includes the
25 recorded interview, audio and video interview that

Testimony of Steve Bazzle

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1 was conducted with Mr. Sanders.

2 Number 49 is a Miranda Warning and Waiver
3 form that we utilized at the Colleton County Sheriff's
4 Office. It was read to Mr. Sanders and it was filled
5 out by Mr. Sanders and myself.

6 Q Okay. So you conducted an interview with
7 Mr. Sanders that night around 12:30, 12:00 a.m. After
8 all this happened, you conducted an interview with him
9 at the sheriff's office; is that correct?

10 A That's correct.

11 Q And when you-all were in the interview room, did
12 you read him his Miranda rights?

13 A Yes, I did.

14 Q Did you go through each one of those rights with
15 him, Miss Padgett?

16 A Yes, sir.

17 Q Can you read them for the jury, please?

18 A Sure. So they are numbered 1 through 5.
19 Number 1, you have the right to remain silent;
20 number 2, anything you say can and will be used
21 against you in a court of law; number 3, you have
22 the right to talk to an attorney and have your
23 attorney present with you while you're being
24 questioned; 4, if you cannot afford an attorney,
25 one will be appointed to represent you before any

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1 questioning, if you wish; and, 5, you can decide
2 at any time to exercise these rights and not
3 answer any questions or make any statements.

4 Q Okay. Did he sign and agree to speak with you and
5 waive those rights?

6 A Yes, he did.

7 Q Okay. And during that interview, did you ever
8 threaten him, Miss Padgett?

9 A No, sir.

10 Q Did you ever coerce him into speaking to you?

11 A No.

12 Q Is that Miranda form a fair and accurate copy of
13 the Miranda form that you and Mr. Sanders signed the
14 night of April 24, 2019, in the earlier morning hours
15 of April 25th?

16 A Yes, it is.

17 MR. UTSEY: Your Honor, at this time, I
18 ask to admit State's Exhibit Number 49 into
19 evidence.

20 THE COURT: Any objection, Mr. Walker?

21 MR. WALKER: No, Your Honor.

22 THE COURT: Okay.

23 MR. UTSEY: Thank you, Your Honor.

24 (STATE EXH. 49, Miranda Warning and
25 Waiver form, was entered into evidence.)

Testimony of Steve Bazzle

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1 BY MR. UTSEY:

2 Q As far as the other exhibit I gave you,
3 Miss Padgett State's Exhibit Number 45, can you tell
4 me what that is?

5 A Yes, this is a disk of the interview that was
6 conducted at the sheriff's office.

7 Q Did I ask you to review that before today?

8 A Yes.

9 Q And did you review it before today?

10 A Yes, I did.

11 Q Is that a fair and accurate copy of the interview
12 that night that you had about Mr. William Sanders at
13 the sheriff's office?

14 A Yes, it is.

15 MR. UTSEY: Your Honor, at this time, I'd
16 ask to admit State's Exhibit 45 into evidence.

17 THE COURT: Any objection?

18 MR. WALKER: Renew my previous
19 objections.

20 THE COURT: All right. Subject to the
21 previous objections we discussed, I'll admit it.

22 MR. UTSEY: Thank you, your Honor.

23 (STATE EXH. 45, Disk; Interview audio and
24 video, was marked for identification.)

25 MR. UTSEY: May I approach the witness,

1 Your Honor?

2 THE COURT: Yes, sir.

3 MR. UTSEY: Permission to publish to the
4 jury, Your Honor?

5 THE COURT: Yes, sir.

6 MR. UTSEY: And, Your Honor, pursuant to
7 the Court's orders, I will be starting at
8 47 minutes 40 seconds.

9 THE COURT: Yes, sir. Correct.

10 MR. WALKER: Yes, Your Honor.

11 THE COURT: Thank you.

12 (Redacted interview video played.)

13 BY MR. UTSEY:

14 Q All right. Miss Padgett, real quick. You showed
15 him, Mr. Sanders, a map in that interview -- or you
16 got him to draw you a map; is that correct?

17 A Yes, sir.

18 Q Okay.

19 MR. UTSEY: May I approach the witness,
20 Your Honor?

21 THE COURT: Yes, sir.

22 (STATE EXH. 44, Diagram by Sanders, was
23 marked for identification.)

24 BY MR. UTSEY:

25 Q Miss Padgett, I'm handing you what's been marked

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1 at State's Exhibit 44, can you tell me that is?

2 A Yes, sir. This is a diagram that I asked
3 Mr. Sanders to draw for me during the interview.

4 Q And is that a fair and accurate copy of the
5 diagram that Mr. Sanders actually drew for you in the
6 interview?

7 A Yes, it is.

8 MR. UTSEY: Your Honor, I would ask that
9 State's Exhibit 44 be entered into evidence.

10 THE COURT: Any objection, Mr. Walker.

11 MR. WALKER: No objection.

12 THE COURT: All right. Submitted without
13 objection.

14 MR. UTSEY: Thank you, Your Honor.

15 (STATE EXH. 44, Diagram by Sanders, was
16 marked for identification.)

17 MR. UTSEY: May I approach the witness,
18 Your Honor?

19 THE COURT: Yes, sir.

20 MR. UTSEY: Permission to publish to the
21 jury, Your Honor.

22 THE COURT: Yes, sir.

23 BY MR. UTSEY:

24 Q All right. Miss Padgett can you actually come
25 down here for me?

1 A Yes, sir.

2 Q All right. This is the map that Mr. Sanders drew
3 of [REDACTED] Bodison Memorial; is that correct?

4 A That's correct.

5 Q All right. Can you show me where the home is on
6 this map?

7 A So it indicates right here.

8 Q Okay. And show me where the car is -- or just
9 tell me what the vehicles are in that picture.

10 A I asked him to draw the diagram, so, again,
11 he drew the home. And each of these rectangles
12 represents the vehicles that would have been
13 parked in the yard. This rectangle represented
14 Mr. William Sanders's vehicle that was parked in
15 the yard. And this area here represents
16 Bodison Memorial, the roadway itself. This would
17 have indicated where the driveway was to the
18 residence and the arrow here pointing in this
19 direction represents going towards
20 Jacksonboro Road.

21 Q What does that arrow mean? That arrow on the
22 roadway pointing in that direction, what does that
23 mean?

24 A Mr. Sanders indicated during the interview
25 that that was the direction that the truck -- that

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1 was in the drive-by shooting left going in that
2 direction.

3 Q And that direction also is where Mr. Sanders's
4 home is, correct?

5 A His father's.

6 Q Yes. I'm sorry. His father's home.

7 A That's correct.

8 Q You can have a seat. Thank you, Miss Padgett.

9 MR. UTSEY: Your Honor, I'm going to play
10 back over to the interview real quick.

11 THE COURT: Yes, sir.

12 (Redacted interview video played.)

13 THE COURT: All right.

14 BY MR. UTSEY:

15 Q All right. So after the interview took place with
16 Mr. Sanders, Miss Padgett, tell me what you did after
17 that.

18 A So, at this point, it was well after
19 1:00 a.m. and we ended up leaving the sheriff's
20 office that morning, early morning hours and
21 signed back on duty later that same day.

22 Myself, along with some other investigators,
23 responded back out to Bodison Memorial to view the
24 crime scene in the daytime.

25 Q Okay. I am going to ask you one question about

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1 that interview you had with Mr. Sanders that I forgot
2 to ask you. Did you ask him why he left the house
3 that day?

4 A Yes, I did.

5 Q And what was his response to that?

6 A He said he was scared.

7 Q He said he was scared?

8 A Yes.

9 Q That's why he left when it happened?

10 A Yes.

11 Q Okay.

12 All right. And then so, after the interview,
13 you went back out to [REDACTED] Bodison Memorial, and can you
14 tell me what you did, Miss Padgett.

15 A So we just looked at the crime scene in the
16 daytime, looking for any -- anything that we may
17 have missed as far as evidence goes.

18 Q Okay. And I'm not going to show you that picture
19 I've already showed you-all. The picture of the
20 overview of the house with the cars at
21 217 Bodison Memorial, did you find any damage to any
22 of the vehicles out there?

23 A No.

24 Q Did you find any damage to the house?

25 A No.

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1 Q Did you find any shotgun shells laying on the road
2 from an alleged drive-by?

3 A No, sir.

4 Q And so tell me -- tell me after that what
5 happened, Miss Padgett?

6 A So then the next day after an additional
7 search warrant had been obtained for Mr. Sanders's
8 white Ford 150, remember that was the truck that
9 was brought back to the sheriff's office the night
10 of the incident and then held in a processing bay
11 since that night.

12 An additional search warrant was obtained
13 throughout the search of the vehicle itself, and
14 myself, along with a couple of other investigators,
15 actually processed that truck.

16 The processing, again, just means taking all
17 the pictures, the outside, inside, locating anything
18 that might be evidentiary value. Taking close-up
19 pictures of those pieces of evidence if they are
20 found, and then collecting those pieces of evidence
21 and submitting them into the evidence room.

22 MR. UTSEY: May I approach the witness,
23 Your Honor?

24 (STATE EXH. 25, Photo, was marked for
25 identification.)

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1 (STATE EXH. 26, Photo, was marked for
2 identification.)

3 (STATE EXH. 27, Photo, was marked for
4 identification.)

5 (STATE EXH. 28, Photo, was marked for
6 identification.)

7 (STATE EXH. 29, Photo, was marked for
8 identification.)

9 (STATE EXH. 30, Photo, was marked for
10 identification.)

11 (STATE EXH. 31, Photo, was marked for
12 identification.)

13 (STATE EXH. 32, Photo, was marked for
14 identification.)

15 (STATE EXH. 33, Photo, was marked for
16 identification.)

17 (STATE EXH. 34, Photo, was marked for
18 identification.)

19 (STATE EXH. 35, Photo, was marked for
20 identification.)

21 (STATE EXH. 36, Photo, was marked for
22 identification.)

23 (STATE EXH. 37, Photo, was marked for
24 identification.)

25 (STATE EXH. 38, Photo, was marked for

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1 identification.)

2 (STATE EXH. 39, Photo, was marked for
3 identification.)

4 (STATE EXH. 40, Photo, was marked for
5 identification.)

6 (STATE EXH. 41, Photo, was marked for
7 identification.)

8 (STATE EXH. 42, Photo, was marked for
9 identification.)

10 (STATE EXH. 43, Photo, was marked for
11 identification.)

12 BY MR. UTSEY:

13 Q Miss Padgett, I'm handing you what has been marked
14 as State's Exhibit Number 25 through 43. Do you
15 recognize those?

16 A Yes, sir, I do.

17 Q How?

18 A These were pictures that were taken at the
19 time that the search warrant was conducted of
20 Mr. William Sanders's vehicle.

21 Q Okay. And are those pictures a fair and accurate
22 copy from, I guess, of the pictures that were taken of
23 Mr. William Sanders's vehicle that day?

24 A Yes, they are.

25 MR. UTSEY: Your Honor, at this point,

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1 the State would like admit State's Exhibit 25
2 through 43.

3 THE COURT: Any objection?

4 MR. WALKER: No, sir.

5 THE COURT: They are admitted without
6 objection.

7 (STATE EXH. 25, Photo, was marked for
8 identification.)

9 (STATE EXH. 26, Photo, was entered into
10 evidence.)

11 (STATE EXH. 27, Photo, was entered into
12 evidence.)

13 (STATE EXH. 28, Photo, was entered into
14 evidence.)

15 (STATE EXH. 29, Photo, was entered into
16 evidence.)

17 (STATE EXH. 30, Photo, was entered into
18 evidence.)

19 (STATE EXH. 31, Photo, was entered into
20 evidence.)

21 (STATE EXH. 32, Photo, was entered into
22 evidence.)

23 (STATE EXH. 33, Photo, was entered into
24 evidence.)

25 (STATE EXH. 34, Photo, was entered into

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1 evidence.)

2 (STATE EXH. 35, Photo, was entered into
3 evidence.)

4 (STATE EXH. 36, Photo, was entered into
5 evidence.)

6 (STATE EXH. 37, Photo, was entered into
7 evidence.)

8 (STATE EXH. 38, Photo, was entered into
9 evidence.)

10 (STATE EXH. 39, Photo, was entered into
11 evidence.)

12 (STATE EXH. 40, Photo, was entered into
13 evidence.)

14 (STATE EXH. 41, Photo, was entered into
15 evidence.)

16 (STATE EXH. 42, Photo, was entered into
17 evidence.)

18 (STATE EXH. 43, Photo, was entered into
19 evidence.)

20 MR. UTSEY: Permission to publish, Your
21 Honor?

22 THE COURT: Yes, sir.

23 BY MR. UTSEY:

24 Q All right. Can you tell me what State's Exhibit
25 is?

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1 A That's a picture of the front of
2 Mr. Sanders's vehicle.

3 Q Where is that vehicle?

4 A It's in the processing bay at the Colleton
5 County Sheriff's Office.

6 Q All right. State's Exhibit Number 26, can you
7 tell me what that is?

8 A It's a side-view of the truck.

9 Q 27?

10 A Inside view of the truck.

11 Q 28?

12 A So that's on the floor board. It's like a
13 car line pick-up pass for Larry Jenkins, which is
14 Channata Kelly's son for, like, school pick-up.

15 Q 29?

16 A So that's one of the, like, the handles from
17 one of the doors. Inside you can see some shotgun
18 shells.

19 Q And where are -- the shotgun shells are inside the
20 door, Miss Padgett?

21 A Yes, sir. I believe so. As far as like
22 handle that you would grab on to to the door,
23 there are some shotgun shells in there.

24 Q Okay. State's Exhibit Number 30?

25 A Some more shotgun shells, like the center

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1 console area of the truck.

2 Q 31?

3 A I believe those are from the glove box. More
4 shotgun shells.

5 Q 32?

6 A Close-up shot of the previous picture.

7 Q State Exhibit Number 33, Miss Padgett.

8 A Just a close-up shot of one of the shotgun
9 shells.

10 Q State's Exhibit Number 34?

11 A It's another shotgun shell. I believe that's
12 in, like, one of the pocket areas of one of the
13 doors.

14 Q State's Exhibit 35?

15 A That's a couple of spent shotgun shells from
16 the cup holder.

17 Q 36?

18 A More shotgun shells, or at least one in that
19 picture.

20 Q 37?

21 A The box of shotgun shells.

22 Q 38?

23 A Another view of the box of shotgun shells.

24 Q What kind of shotgun shells does this box say,
25 Miss Padgett?

Testimony of Steve Bazzle

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- 1 A Twelve-gauge shotgun shells.
- 2 Q 39?
- 3 A More shotgun shells from the door handle.
- 4 Q 40?
- 5 A That's from the bed of the truck
- 6 miscellaneous tools.
- 7 Q 41?
- 8 A Another picture of box of shotgun shells, is
- 9 12-gauge.
- 10 Q 42?
- 11 A Do you mind if I step down because I can't
- 12 actually see what I'm looking at?
- 13 Q Not at all. Do you see -- yeah, come on,
- 14 Miss Padgett. Do you see a box of shotgun shells in
- 15 that picture?
- 16 A Yes, sir. A box of shotgun shells in the
- 17 middle there.
- 18 Q Thank you, ma'am. One more, Miss Padgett, real
- 19 quick. Can you tell me what that is?
- 20 A Another box of shotgun shells.
- 21 Q Thank you, ma'am.
- 22 All right. After you-all went through the
- 23 truck, searched the truck, you-all did not find the
- 24 gun used to shoot Channta Kelly, is that correct?
- 25 A No, sir.

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1 Q And did you find a gun at all in this truck?

2 A No, sir.

3 Q Okay. And you also conducted a search warrant on
4 his father's house, is that correct, Miss Padgett?

5 A That's correct.

6 Q What did you find in his father's residence?

7 A So the reason for going back to the father's
8 residence is because the SLED dive team had been
9 contacted. As it was mentioned earlier, there was
10 a pond. I'll describe it as a pond area in the
11 backyard, so the dive team was asked to respond to
12 dive that pond area. We thought there may have
13 been a possibility that the shotgun had got thrown
14 into the pond area, but the dive team didn't have
15 any luck locating the shotgun.

16 Q Okay. So after the dive team completed their dive
17 and did not find a shotgun, can you tell us what else
18 you did?

19 A So we also searched inside the residence
20 again. At that point, there were several other
21 guns that were collected from the residence. It
22 included both short and long guns. Mostly rifles
23 and shotguns. But as was the previous testimony,
24 those were older guns. Some of them were actually
25 broken and rusty.

Testimony of Steve Bazzle

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1 Q Okay. So you could tell from the shotguns that
2 you collected from the residence that they were not
3 used recently, is that correct? Or, is that fair to
4 say?

5 A Yes, that's a fair statement.

6 Q All right. And what did you do after that,
7 Miss Padgett?

8 A So a couple days afterwards, it would have
9 been, I believe, on May the 3rd, I responded to
10 Trident Medical Center to the ICU. That's where
11 the victim had been in ICU since the incident.
12 She had had several operations trying to get her
13 healthy after being shot. I went there on that
14 day to get just, sort of, an initial statement
15 from her. But because of her medical condition,
16 she was still heavily medicated and in a
17 considerable amount of pain. She kept asking for
18 the doctors and nurses to come in to help her.

19 But I did get an initial statement from her
20 about what had taken place, so I told her that I would
21 get back with her when she was feeling much better.

22 And so actually a couple of months went by
23 and it was around July the 10th I believe it was. The
24 victim had been released from the hospital. She was
25 in a wheelchair at that time and staying at a

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1 relative's house, and I went there and got a more
2 detailed statement from her when she was more
3 coherent.

4 Q Okay. So you talked to Miss Channtha Kelly, the
5 victim in this case, twice?

6 A Yes, sir.

7 Q After speaking with her, did you ever hear any
8 more information about a drive-by?

9 A No, sir.

10 Q Okay. So the only information you heard about the
11 drive-by was from the defendant William Sanders; is
12 that correct?

13 A That's correct.

14 Q Through your investigation, you never talked to
15 any witnesses that mentioned a drive-by?

16 A No, sir.

17 Q And can you point out Mr. William Sanders for me,
18 please?

19 A Yes, sir. Mr. Sanders is sitting at defense
20 table. He is wearing a khaki jacket, blue shirt,
21 and blue mask.

22 Q Is that the man you interviewed on the night of
23 April 24th, 2019?

24 A Yes, sir.

25 MR. UTSEY: Your Honor, please let the

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1 record reflect that Miss Padgett has identified
2 Mr. Sanders.

3 THE COURT: So noted. Thank you.

4 MR. UTSEY: Thank you, Your Honor.

5 THE COURT: Yes, sir.

6 MR. UTSEY: May I have the court's
7 indulgence, Your Honor.

8 THE COURT: Yes, sir.

9 BY MR. UTSEY:

10 Q Miss Padgett, one last question for you: During
11 that interview in your interview with William Sanders,
12 did he ever ask how Channita Kelly was doing?

13 A No, sir.

14 MR. UTSEY: No further questions.

15 THE COURT: All right. Mr. Walker, do
16 you have questions, sir?

17 MR. WALKER: I do, Your Honor.

18 THE COURT: You're witness, sir.

19 MR. WALKER: Thank you. May I approach
20 the court reporter, Your Honor?

21 THE COURT: Yes, sir.

22 (DFT. EXH. 1, Two spent shotgun shells; was
23 marked for identification.)

24 (DFT. EXH. 2, Different angle of two spent
25 shotgun shells; was marked for identification.)

Testimony of Steve Bazzle
CROSS-EXAMINATION

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BY MR. WALKER:

Q Good afternoon.

A Good afternoon.

Q I want to start with the interview that we all watched with Mr. Sanders. In that interview you made a number of representations or statements to him that were not true, correct?

A That is correct.

Q Is that interview technique that you're taught?

A Yes, sir, it is.

Q What is the purpose of lying to someone you're interviewing?

A To catch them in a lie.

Q So you're trying to interject facts that would get them to change their story?

A That's a fair statement.

Q And also through repetition to see if they're changing their story?

A Yes, sir.

Q You did tell Mr. Sanders in that interview that Miss Sanders was badly hurt and had been helicoptered to medical treatment?

A Yes, sir.

Q So he was aware of that?

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1 A Yes, sir.

2 Q I'm going to hand you what has been marked as
3 Defendant's 1 and 2, as well as what's already been
4 admitted as State's Number 35. Could you look at
5 what's been marked as Defense Number 1 and do you
6 recognize that?

7 A Yes, sir. It's two spent shotgun shells. I
8 believe these would have been collected from the
9 search warrant when we searched Mr. Sanders's
10 truck.

11 Q Can you look at Defense Number 2?

12 A Yes, sir. It's a different angle of the same
13 -- or what appears to be same spent shotgun
14 shells.

15 Q And that's from the search that you conducted?

16 A As far as I remember, yes, sir.

17 Q That's a fair and accurate representation of the
18 shells?

19 A Yes, it is.

20 MR. WALKER: At this time, defense would
21 move Defense 1 and 2 into evidence.

22 THE COURT: Any objection?

23 MR. UTSEY: No objection.

24 THE COURT: Admitted without objection.

25 (DFT. EXH. 1, Two spent shotgun shells, was

Testimony of Steve Bazzle

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1 entered into evidence.)

2 (DFT. EXH. 2, Different angle of two spent
3 shotgun shells, was entered into evidence.)

4 BY MR. UTSEY:

5 Q And could you just hold up Defense 1 and 2 to the
6 jury so we can see what we're talking about?

7 A (Complies.)

8 Q Thank you. And then what's previously been marked
9 as State's 35, can you hold that -- can you look at
10 that and see if you recognize that?

11 A Yes, sir. This was the picture of two spent
12 shotgun shells that were located in the cup holder
13 of the truck.

14 Q So Defense 1 and 2 were found in the cup holder of
15 the defendant's truck, correct?

16 A I believe that's a fair statement, yes,
17 sir.

18 Q All right, thank you.

19 (DFT. EXH. 3, Drone picture of crime scene,
20 was marked for identification.)

21 BY MR. WALKER:

22 Q I am going to hand you what has been marked as
23 Defense Exhibit 3, as well as what's already admitted
24 as State's Exhibit Number 11. Do you recognize
25 Defense Number 3?

Testimony of Steve Bazzle

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1 A Yes, sir.

2 Q Can you tell us what that is?

3 A So, this was a picture of drone -- or the
4 picture that was taken from the drone that was the
5 aerial footage from the crime scene that
6 indicated, at the time, the best of the
7 investigator's ability of where the vehicles and
8 Miss Kelly, the victim, would have been positioned
9 at the time of the incident.

10 Q And was that prepared as part of your investigator
11 report?

12 A Yes.

13 Q Does that show a different angle of same view
14 depicted in State's Number 11?

15 A Just a different angle.

16 Q Right.

17 A Yes, sir.

18 MR. WALKER: At this time, we would move
19 Defense Number 3 into evidence.

20 THE COURT: Any objection?

21 MR. UTSEY: No objection, Your Honor.

22 THE COURT: Admitted without objection.

23 (DFT. EXH. 3, Drone picture of crime scene,
24 was marked for identification.)

25 BY MR. WALKER:

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1 Q If you could just hold up Defense 3 and show it to
2 the jury.

3 A (Complies.)

4 Q Thank you.

5 Now, I'd like to ask you about your
6 interviews with Miss Kelly. The incident we're here
7 about occurred on April the 24th, correct?

8 A Yes, sir.

9 Q And your first interview with Miss Kelly was on
10 May the 3rd; is that right?

11 A Yes, sir.

12 Q You said she was heavily medicated when she gave
13 you statements regarding this case; is that correct?

14 A Yes, sir, as far as I know.

15 Q Is it true to say that she was hallucinating
16 during that interview?

17 A I'm not sure I can testify that she was
18 hallucinating, but she kept calling for doctors
19 and mentioning that there were -- I think at one
20 point she said that someone was waiting for her
21 downstairs, or something like that.

22 Q Was she claiming to see things in the room that
23 you did not see?

24 A I don't recall her saying that she saw things
25 in the room. I remember specifically she said

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1 someone was waiting downstairs or something along
2 those lines.

3 Q Was she reaching to things in the room that you
4 could not see?

5 A I don't recall.

6 Q Okay. Do you recall giving prior testimony in
7 this matter?

8 A Yes, sir.

9 Q I'm going to hand you a document and ask you to
10 read from the -- on page 109, to yourself, Line 2 to
11 Line 18.

12 A (Complies.)

13 Q Thank you. Now, having a chance to refresh your
14 memory, do you recall Miss Kelly seeing things that
15 weren't there during the first interview you conducted
16 with her?

17 A Yes, sir.

18 Q Was she acting paranoid?

19 A Yes, sir.

20 Q Of things in the room?

21 A Yes, sir.

22 Q Did she ask you to try to help her essentially
23 escape from the hospital at that time?

24 A Yes, sir, at one point she did.

25 Q But she was still severely injured and not

Testimony of Steve Bazzle

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1 properly been discharged from the hospital?

2 A That's correct.

3 Q And, to be clear, she wasn't expressing these
4 fears in regards to Mr. Sanders?

5 A No, sir.

6 Q So you next interviewed Miss Kelly in July the
7 10th of that year, correct?

8 A Yes, sir.

9 Q Some two-and-a-half months after the incident?

10 A That's correct.

11 Q I believe you even used the word coherent. But
12 that was the first coherent conversation you had with
13 Miss Kelly regarding this incident?

14 A Yes, sir.

15 MR. WALKER: I don't have any further
16 questions.

17 THE COURT: All right. Is there any
18 redirect?

19 MR. UTSEY: Just briefly, Your Honor.

20 THE COURT: Yes, sir.

21 REDIRECT EXAMINATION

22 BY MR. UTSEY:

23 Q Miss Padgett, the first time you interviewed
24 Miss Kelly she was in the hospital for a gunshot wound
25 to the back, correct?

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1 A Yes, sir.

2 Q She was on a lot pain meds, correct?

3 A Yes, sir.

4 Q And she was literally trying to fight for her
5 life, correct?

6 A That's right.

7 MR. UTSEY: No further questions.

8 THE COURT: Anything else, Mr. Walker?

9 MR. WALKER: No, Your Honor.

10 THE COURT: All right. Counsel,
11 approach.

12 All right. So where are we with the next
13 witness? Or what's going on?

14 MR. UTSEY: I was going to call
15 Larry Jenkins.

16 THE COURT: How long is that going to
17 take?

18 MR. UTSEY: Four or five minutes.

19 THE COURT: How many more witnesses do
20 you think you got?

21 MR. UTSEY: I got Larry --

22 THE COURT: All right.

23 MR. UTSEY: And then I'll be done for the
24 day.

25 THE COURT: Yes, sir. I understand.

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1 Thank you, ma'am. You can step down.

2 Solicitor, call your next witness.

3 MR. UTSEY: The State calls

4 Larry Jenkins.

5 THE CLERK: Raise your left hand right

6 hand, left on Bible. Do you solemnly swear to

7 tell the truth, and nothing but the truth so help

8 you God?

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Take a seat on the witness

11 stand. State your name again and spell your last

12 name.

13 THE WITNESS: Larry Jenkins,

14 J-e-n-k-i-n-s.

15 THE COURT: Mr. Jenkins, you're going to

16 have to speak up. I want to make sure everybody

17 hears you. Okay? Get as close to that mic as you

18 can. If anybody has any problem hearing, let me

19 know. Okay, thank you-all.

20 WHEREUPON:

21 LARRY JENKINS,

22 after having been sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. UTSEY:

25 Q All right. Larry, can you tell me, what grade are

1 you in currently?

2 A Ninth.

3 Q And what is your favorite subject in school?

4 A Math.

5 Q And tell me what you want to be when you grow
6 up?

7 A I don't know yet.

8 Q Okay. All right. So, in April of 2019 -- I'm
9 going to take you back to April, okay? Tell me --
10 well, I guess, first tell me who your mom is.

11 A Channta Kelly.

12 Q Okay. And in April of 2019, where did you live,
13 Larry?

14 A [REDACTED] Bodison Memorial Drive.

15 Q Okay. Is that in Colleton County?

16 A Yes, sir.

17 Q And tell me how old you were at the time?

18 A Twelve.

19 Q Twelve, okay. Who else lived with you at
20 [REDACTED] Bodison Memorial?

21 A My mother, my sister, my two brothers, my
22 grandma, and Mr. Sanders.

23 Q Okay. And how do you know Mr. Sanders?

24 A He was my mom's boyfriend at the time.

25 Q How long you had you-all lived -- or how long had

Testimony of Larry Jenkins

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1 you-all lived there, Larry?

2 A A couple months. Not that long.

3 Q Okay. Can you point out to Mr. Sanders in the
4 courtroom? Do you see him?

5 A Yes, sir.

6 Q Can you tell me what he's wearing, Larry?

7 A A beige jacket, a blue shirt, and blue mask.

8 MR. UTSEY: Your Honor, please let the
9 record reflect that Larry has identified
10 Mr. Sanders.

11 THE COURT: Yes, sir.

12 BY MR. UTSEY:

13 Q And so you-all lived in the house, Larry. And
14 everything was good for a while, right?

15 A Yes, sir.

16 Q Tell me again, did Mr. Sanders and your mom fight
17 any?

18 A Yes, sir. But not in front of us. It was in
19 the room. We could hear, but it wasn't like right
20 in front of us.

21 Q So they usually keep it out of sight so you-all
22 never see it, correct?

23 A Yes, sir.

24 Q All right. So I'm going to take you back to
25 April 24, 2019, and tell me what grade were you in at

Testimony of Larry Jenkins

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1 that time, Larry?

2 A Eighth.

3 Q Okay.

4 A Wait. Seventh.

5 Q Seventh, okay. So you were in seventh grade. I'm
6 going to take you back to that afternoon. So just
7 start with that afternoon, Larry. Tell me what you
8 were doing?

9 A At first, I was at my aunt's house.

10 Q Okay.

11 A And then my mom came and picked me up because
12 she wanted to spend some time with us.

13 Q Okay.

14 A So we went grocery shopping, and then we went
15 to [REDACTED] Bodison Memorial.

16 Q So all got some groceries and you pulled back up
17 to the house where you-all lived, correct?

18 A Yes, sir.

19 Q And then -- go ahead, Larry. I'm sorry to
20 interrupt you.

21 A After that, I took the groceries in the
22 house. And not long after that, Mr. Sanders
23 came.

24 Q Did you actually see him pull up in the yard?

25 A Yes, sir.

Testimony of Larry Jenkins

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1 Q Tell me, what was he driving when he pulled up in
2 the yard?

3 A A white Ford.

4 Q Go ahead, Larry.

5 A My mom told me to go in the house because him
6 and her are going to have a conversation. So I
7 went in the house and I was watching TV for a
8 little bit.

9 Q Who else -- when you-all were in the house, who
10 all was in the house with?

11 A Me, my grandmother, my uncle, and my two
12 brothers.

13 Q Who else was outside of the house at that time?

14 A Mr. Sanders and my mother.

15 Q Did you see anybody else outside of the house at
16 that time?

17 A No, sir.

18 Q All right. Go ahead, Larry.

19 A Okay. So I was watching TV. Then I got
20 after a while, I got bored so I asked my mother
21 for her phone.

22 Q So you went outside. After a while of watching
23 TV, you went outside to your mom --

24 A Yes, sir.

25 Q And Mr. Sanders, correct?

1 A Yes, sir.

2 Q Go ahead, Larry.

3 A I asked her for her phone. She told me to
4 give her a second, so then I went back inside.
5 And then, I'd say 20 minutes later, I went back
6 outside to ask again, and she gave it to me. And
7 then I went back inside.

8 Q Okay. Tell me what happened when you were in
9 inside, Larry. And let me ask you this real quick:
10 When you went back inside, who was out in the yard at
11 that time?

12 A Mr. Sanders and my mother.

13 Q And that was it?

14 A Yes, sir.

15 Q No one else in sight.

16 A No, sir.

17 Q Go ahead, Larry?

18 A And then about a couple minutes later, I
19 heard a gunshot.

20 Q How many gunshots did you hear?

21 A One.

22 Q Just one?

23 A Yes, sir.

24 Q What did you do when you heard it?

25 A I ran outside and I saw my mother on the

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1 ground, and then I saw Mr. Sanders in the truck
2 out of the corner of my eye.

3 Q Where did you see William Sanders and his truck?

4 A It was on the left side of the yard going
5 down the road.

6 Q And he was leaving going down the road?

7 A Yes, sir.

8 Q And where was your mom at this time?

9 A She was on the ground in front of the
10 stairs.

11 Q She was on the ground in front of the stairs.

12 A Yes, sir.

13 Q Did you see -- did you see any other cars besides
14 Mr. Sanders -- cars or trucks besides Mr. Sanders's
15 leaving and going down the road?

16 A No, sir.

17 Q And how many seconds would you say were you out of
18 that house -- to get to your mom, how many seconds did
19 it take for you to get from the living room watching
20 TV, wherever you were Larry, to outside and open the
21 front door?

22 A Probably about three -- not much. Three or
23 two seconds.

24 Q As soon as you heard the shot, you jump up and you
25 run straight outside, right?

- 1 A Yes, sir.
- 2 Q And that's the time you saw William Sanders in his
3 truck?
- 4 A Yes, sir.
- 5 Q You saw him leaving?
- 6 A Yes.
- 7 Q And your mom was on the ground.
- 8 A Yes, sir.
- 9 Q Tell me what happened after that, Larry.
- 10 A I went and I got beside her and she kept
11 asking me for water, so I ran inside to get some
12 water. And by the time I came with water, my
13 grandmother was outside too. She slapped it out
14 my hand. She told she couldn't have it. She
15 could choke on it. So she told me that she was on
16 the phone with the dispatcher. She told me to get
17 something to a place to her back. So I ran inside
18 the house to find something to put on her back.
- 19 Q And that was a towel, Larry; is that correct?
- 20 A Yes, sir.
- 21 Q And you stayed with your mom the entire time?
- 22 A Yes, sir.
- 23 Q Until EMS got there; is that right?
- 24 A Yes, sir.
- 25 Q Did you see where she was shot at, Larry?

Testimony of Larry Jenkins

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1 A Yes, sir, in her back.

2 Q Larry, can you step down for me real quick. I'm
3 going to get you to look at this photo for me. Can
4 you show me where you saw William Sanders leaving that
5 night?

6 A Right here.

7 Q Okay. That's about where you saw his truck on the
8 road?

9 A Yes, sir.

10 Q Okay. You can go and sit down.

11 Tell me how life was after that, Larry.

12 A I was wondering if my mom was going to be
13 okay in the hospital.

14 Q How long was she in the hospital for, do you
15 remember?

16 A For like two months.

17 Q Okay. Where did you-all stay? Were you with your
18 grandmother at that time?

19 A Yeah, we stayed with my aunt.

20 Q Okay. With your aunt?

21 A Yes.

22 Q And where are you living at now, Larry?

23 A I don't know the address, but --

24 Q You don't have to tell me the exact address.

25 A It's Orchid Road.

Testimony of Larry Jenkins

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1 Q And you live with your dad up there now?

2 A Yes, sir.

3 Q And when did you move up there with him?

4 A The middle of last summer.

5 Q Okay. Larry, were you scared at all when you ran
6 outside and sat there and took care of your mom while
7 she was bleeding?

8 A Not really. It was just impulse.

9 Q It was just impulse to take care of your mom?

10 A Yeah.

11 Q How much do you love your mom?

12 A A lot.

13 MR. UTSEY: I have no further questions,
14 Your Honor.

15 THE COURT: All right. Any
16 cross-examination, Mr. Walker?

17 MR. WALKER: Yes, Your Honor.

18 THE COURT: Okay.

19 CROSS-EXAMINATION

20 BY MR. WALKER:

21 Q Good afternoon. I just want to just, kind of,
22 cover the same ground Mr. Utsey did, but maybe a
23 little slower.

24 So on the day that we're here about, how did
25 you get back to house that day?

Testimony of Larry Jenkins

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1 A My mom and came got me from my aunt's.

2 Q Okay. And then once she picked you up, what did
3 you guys do?

4 A Went to the grocery store.

5 Q From the grocery store to where?

6 A To [REDACTED] Bodison Memorial.

7 Q Once you got there with the groceries, what did
8 you do?

9 A I took them in the house.

10 Q Were the staying at your aunt's or
11 Bodison Memorial?

12 A I would stay the night at my aunt's, but I
13 was mostly at my mom's.

14 Q Was your mom staying with you at this time?

15 A No.

16 Q Do you know why she wasn't staying with you?

17 A Yes.

18 Q She wasn't allowed to stay with you; is that
19 correct?

20 A No.

21 Q Did you know that at the time or you learned that
22 since then?

23 A Yeah, I knew.

24 Q So you get back with the groceries, what do you do
25 when you get back to the house?

Testimony of Larry Jenkins

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1 A I take them inside. And then I was outside
2 just talking with my mom. And then Mr. Sanders
3 came and she told me to go inside so they could
4 talk.

5 Q How long were you home, just hanging out with your
6 mom before Mr. Sanders arrived?

7 A Ten, fifteen minutes.

8 Q Then you went inside, you said, and you watched
9 television?

10 A Yes.

11 Q Do you remember what you were watching?

12 A No, sir.

13 Q Do you remember, did you watch a whole show?

14 A It was like -- it was a movie. It was in
15 between a movie, and then I went outside and asked
16 her for her phone.

17 Q Why did you need the phone?

18 A I was just bored.

19 Q So you just wanted to play on the phone?

20 A Yeah.

21 Q Did you get the phone?

22 A Not at that time.

23 Q So when you asked for the phone and you didn't get
24 it, then what did you do?

25 A I went back inside, and then I finished up

Testimony of Larry Jenkins

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1 the movie.

2 Q Okay. And then you tried again for the phone?

3 A Huh?

4 Q And then you tried again for the phone?

5 A Yes.

6 Q Did you get the phone that time?

7 A Yes, sir.

8 Q And then where did you go?

9 A I went back inside.

10 Q Okay. And did you go back outside again?

11 A No, sir.

12 Q Not until you heard the gunshot?

13 A Yes.

14 Q So you were playing on the phone until you heard
15 the gunshot?

16 A Yes.

17 Q Do you remember, did your grandmother or your
18 uncle go outside anytime in there?

19 A They were, but I ran passed them.

20 Q You ran passed them?

21 A Yeah, I ran passed my grandmother. And my
22 uncle was putting my brothers in the room.

23 Q You're talking about once the shooting occurred,
24 right?

25 A Yeah.

1 Q I'm just asking -- you know, we talked about going
2 in and watching TV, going out to get the phone, kind
3 of, would you say a 45-minute to hour period, is that
4 fair?

5 A Yes.

6 Q Do you remember in that 45-minute to an hour
7 period, did your uncle go outside with your mom or
8 grandmother go outside with your mom?

9 A No, sir.

10 Q So as far as you know, you're the only person that
11 went outside during that lull before things happen?

12 A Yes, sir.

13 Q Do you remember if anybody else came to the house?

14 A No, sir.

15 Q Certainly nobody came in the house?

16 A No, sir.

17 Q How old is your uncle?

18 A At the time or now?

19 Q Either one.

20 A I think at the time he was, like, 49.

21 Q Okay. So definitely a grown man.

22 A Yes, sir.

23 Q I believe you said it was just your uncle, your
24 grandmother, and your siblings?

25 A Yes.

Testimony of Larry Jenkins

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1 Q Did your uncle come outside?

2 A No, sir. He was at the door. He didn't come
3 outside.

4 Q And again, I'm asking once the shooting happened.
5 He never came out?

6 A No, sir.

7 Q You testified that, when you came out -- let me
8 put this up, and then I'll ask a question.

9 THE COURT: I think we need more light.

10 MR. WALKER: Or maybe it's reacting to
11 the light.

12 THE COURT: That's what I think it is.

13 Madame Clerk, can you -- there we go.

14 BY MR. WALKER:

15 Q I think that will work for my questions. Can you
16 see that picture all right?

17 A Yes, sir.

18 Q Now, you said when you came out of the house, you
19 found your mother there; is that correct?

20 A Yes, sir.

21 Q And you said you saw Mr. Sanders's truck here on
22 the road?

23 A It was, like, in the corner. It was, like,
24 the end of it.

25 Q Like here (indicating)?

1 A Yes.

2 Q Okay. Let me switch. I've been pointing to
3 State's 11. Let's go to State's Number 3, which is a
4 little bit of a wider angle shot. I'll go as far back
5 as I can. So you're saying here on State's 11, it
6 would probably be about -- about here on Defense 3?

7 A It was further.

8 Q So he's further down the road here you think?

9 A Like, right before the bushes.

10 Q Okay.

11 A So, like, a little bit in front of the parked
12 car there.

13 Q Here (indicating)?

14 A Yeah.

15 Q Okay. Again, looking at, a little better picture
16 there for what we're talking about. State's 11, is
17 that how the cars were arranged when you were going in
18 and out of the house asking for the phone and that
19 sort of thing, is that about an accurate
20 representation of where everything was parked?

21 A The truck was a bit closer to the ditch.

22 Q So it was parked there, but closer to the road?

23 A Yes.

24 Q Okay. But other than that, that's a pretty
25 accurate depiction of where everything was parked?

Testimony of Larry Jenkins

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1 A Yes.

2 Q When you went outside during that hour period
3 watching TV and getting the phone, where did you see
4 Mr. Sanders?

5 A He was in the driver's side of his truck.

6 Q So the truck was parked as this truck is,
7 pointing, I guess, to the right of the picture?

8 A Yes, sir.

9 Q And so he was inside the truck. Window down, I
10 suppose?

11 A Uh?

12 Q The window open or closed?

13 A It was down.

14 Q So he's in the truck with the doors closed and the
15 window down?

16 A Yes, sir.

17 Q And where was your mother?

18 A She was beside of the door talking.

19 Q Like, up against the truck?

20 A She wasn't that close. She was just standing
21 there.

22 Q Well, was she, I guess, on the side of her car
23 there?

24 A No. She was like a couple feet away.

25 Q So it was kind of in between the two vehicles?

1 A Yes.

2 Q And just talking to Mr. Sanders?

3 A Yes.

4 MR. WALKER: Beg the court's indulgence.

5 Thank you. I don't have any more questions.

6 THE COURT: Do you have any redirect,
7 Solicitor?

8 MR. UTSEY: Yes, very briefly.

9 THE COURT: Madame Clerk, can you turn
10 the lights up for me?

11 THE CLERK: Sure.

12 THE COURT: Thank you. Go ahead,
13 Solicitor.

14 MR. UTSEY: Thank you. May it please the
15 court?

16 REDIRECT EXAMINATION

17 BY MR. UTSEY:

18 Q Larry, I just got a couple questions for you. You
19 said your uncle was at the house too, right?

20 A Yes, sir.

21 Q Your twin bothers; is that right?

22 A Yes, sir.

23 Q And your grandmother?

24 A Yes, sir.

25 Q Did all run when they heard the gunshot or just?

1 William Sanders?

2 A Just him.

3 MR. UTSEY: No further questions.

4 THE COURT: Anything in reply?

5 MR. WALKER: No, Your Honor. No further
6 questions.

7 THE COURT: All right, good. Sir, thank
8 you very much you can step down.

9 All right. Ladies and Gentlemen, that's
10 going to conclude the business today as far as
11 testimony. I'm going to ask that you come back
12 tomorrow at 10:00 a.m. Be in the jury room at
13 10:00 a.m. and we will continue with the trial of
14 this case.

15 In the meantime, of course, no research
16 about this matter on the Internet or anywhere
17 else. No talking with fellow jurors, or anyone
18 else, concerning this matter. If anybody
19 approaches you, wants to talk to you about this,
20 they won't leave you alone, you tell them you
21 can't talk about it, they won't leave you again,
22 you let the bailiff know, he'll let me know, and
23 we'll take care of that. They won't bother you
24 again. I promise.

25 So with that, I hope you have a good

1 evening. We'll see everybody back at ten o'clock.

2 Any exceptions for additions to what I've
3 instructed the jury from the State?

4 MR. UTSEY: No, Your Honor.

5 THE COURT: Defense?

6 MR. WALKER: No, Your Honor.

7 THE COURT: Have a great evening. See
8 you back at ten o'clock tomorrow morning.

9 (Jury exits the courtroom at 4:55 p.m.)

10 THE COURT: Anything from the State
11 before we break for the evening?

12 MR. UTSEY: No, Your Honor.

13 THE COURT: Anything from the defense?

14 MR. WALKER: No, Your Honor.

15 THE COURT: So will the testimony take
16 most the day tomorrow?

17 MR. UTSEY: I have Miss Channta Kelly,
18 the doctor from Trident who saw Channta Kelly when
19 she went there, which that testimony should be
20 relatively short. And then two chain witnesses
21 from SLED and the SLED analyst. So I think we'll
22 be done -- I really think we'll be done by lunch.
23 12:00 or 12:30, Your Honor, the State rests.

24 THE COURT: And then what I'm considering
25 is, I guess what we'll is -- we'll finish tomorrow

1 and then argue and charge Thursday morning. Is
2 that -- what do you say, Mr. Walker?

3 MR. WALKER: I'm fine with that,
4 Your Honor?

5 THE COURT: Mr. Utsey?

6 MR. WALKER: I'm fine with that.

7 THE COURT: Do you think we can do it
8 tomorrow? I don't know. I just have a feeling --
9 I don't want to be sending them to start
10 deliberating at 5:00.

11 MR. UTSEY: I do not think we want to
12 close after three o'clock, honestly.

13 MR. WALKER: And I think we'll be pushing
14 3:00 by the time --

15 THE COURT: I think that's appropriate.
16 So what we'll do is, we'll plan on trying to
17 wrap-up all the testimony tomorrow and then we
18 will have a charge conference. We'll have a
19 charge conference. She'll send you charges and a
20 verdict form and then we will have charge
21 conference Thursday morning, probably early. Say
22 around 9:00. And then hopefully at 10:00 go ahead
23 and argue and charge.

24 Does that meet with the State's approval?

25 MR. UTSEY: Yes, sir, Your Honor.

1 THE COURT: Mr. Walker?

2 MR. WALKER: Yes, Your Honor.

3 THE COURT: So we'll see you-all -- we
4 got a minor settlement in here at 9:15.

5 All right. I've also been instructed that if
6 there's specific language that you like to see in the
7 jury charge, you need to get that to my boss, okay?

8 MR. UTSEY: Yes, sir, Your Honor.

9 MR. WALKER: I understand.

10 THE COURT: Before 11:47.

11 MR. WALKER: I do not anticipate that.

12 THE COURT: And it doesn't have to be
13 tonight. It can be tomorrow, but sooner rather
14 than later would be good. Okay?

15 MR. UTSEY: Yes, sir.

16 THE COURT: Thank you-all. See everybody
17 tomorrow morning.

18 (The trial was adjourned at 5:10 p.m.)

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CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, III for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions for Colleton County, South Carolina.

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

June 7, 2022

Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

1 STATE OF SOUTH CAROLINA
2 IN THE GENERAL SESSIONS
3 COUNTY OF COLLETON

4 State of South Carolina,

5 vs. Transcript of Record
6 2019-GS-15-00426
7 2019-GS-15-00427

8 William C. Sanders,
9 Defendant.

10 December 15, 2021
11 Walterboro, South Carolina
12 Volume III of IV

13 B E F O R E:

14 The HONORABLE ROBERT BONDS

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

16 Ceth Utsey, Solicitor
17 Julie Kate Keeney, Solicitor
18 Matthew Walker, Representing the Defendant

19

20

21

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SHARON G. HARDOON, CSR
Official Circuit Court Reporter, III

1 THE COURT: Let's go on the record.
2 Let's have order.

3 THE DEPUTY: Order in the court.

4 THE COURT: All right. Solicitor, we are
5 on the record now. So what is it that we wanted
6 to take up here before we get the jury in?

7 MR. UTSEY: Yes, sir. Thank you, Your
8 Honor. It is the William Sanders recorded phone
9 call the State and defense stipulated to. And
10 Your Honor asked us to take parts out about him
11 being in jail or getting a bond, which I have
12 taken out. And now want the Court to listen to it
13 to see if it meets with the Court's approval.

14 THE COURT: I think counsel for the
15 defendant wants to hear it also, the redacted
16 version; is that correct?

17 MR. WALKER: Yes, your Honor.

18 THE COURT: All right. Let's go ahead
19 and play that.

20 MR. UTSEY: Yes, sir.

21 (Redacted phone call played.)

22 MR. UTSEY: That's the full phone call,
23 Your Honor.

24 THE COURT: The solicitor took out what
25 you-all agreed to, correct?

1 MR. WALKER: Yes, Your Honor.

2 THE COURT: Does that meet with your
3 approval, sir?

4 MR. WALKER: Yes, Your Honor.

5 THE COURT: Thank you, Solicitor.

6 MR. WALKER: We also prepared a
7 stipulation regarding the phone call. We'll give
8 that to the Court.

9 THE COURT: Oh, yes. I forgot about
10 that. That was, you-all were going to stipulate
11 that that was a phone call that he made.

12 MR. WALKER: Yes, Your Honor.

13 MR. UTSEY: Yes, Your Honor. And I do
14 have a stipulation, if I could read it out to the
15 Court.

16 THE COURT: Yes, sir.

17 MR. UTSEY: On April 28, 2019, the
18 defendant William Sanders made a recorded call,
19 which is State's Exhibit Number 51.

20 THE COURT: Does that meet with your
21 approval?

22 MR. WALKER: It does, Your Honor.

23 THE COURT: That sounds great. Thank you,
24 gentlemen.

25 MR. UTSEY: Yes. And we do have one

1 additional matter that I would like to take up
2 before Miss Kelley testifies. I believe
3 Mr. Walker has a video recording of Miss Kelley on
4 Facebook or some type of social media. I couldn't
5 tell. And I believe it is not relevant to today's
6 proceedings. She says nothing about
7 William Sanders in this recording. She's not even
8 talking about the case, so I do not believe it
9 should be played at trial, Your Honor. Thank
10 you.

11 THE COURT: Well, let me ask you this:
12 Counsel, you got some type of recording?

13 MR. WALKER: Yes, Your Honor.

14 THE COURT: This is a video or audio or
15 both?

16 MR. WALKER: It is video recording.

17 THE COURT: A video recording. And where
18 did you find this recording?

19 MR. WALKER: I was actually forwarded it
20 by family members of my client.

21 THE COURT: All right. So have you shown
22 the recording to the solicitor?

23 MR. WALKER: I have.

24 THE COURT: When did you come into
25 possession of the recording, sir?

1 MR. WALKER: I've had it for quite some
2 time.

3 THE COURT: So I guess my next question
4 is: Has the solicitor been aware of this
5 recording for quite sometime?

6 MR. WALKER: He has not.

7 THE COURT: He has not.

8 MR. WALKER: No, Your Honor.

9 THE COURT: All right. When was the
10 solicitor made aware of this recording, sir?

11 MR. WALKER: This morning.

12 THE COURT: Let me ask you: Why is he
13 getting this recording -- shouldn't there have
14 been -- is it not reciprocal discovery here?

15 MR. WALKER: I don't believe that it's
16 covered under reciprocal Rule 5, Your Honor. I
17 showed it to him this morning as a courtesy.

18 MR. UTSEY: That is correct, Your Honor.
19 It's not covered under reciprocal Rule 5.

20 THE COURT: All right. I was dealing
21 with civil matters just a few moments ago. I got
22 to jump back into the pool here, or get into the
23 other pool.

24 All right. How long is it?

25 MR. WALKER: Three, four minutes.

1 THE COURT: Well, I think I need to
2 listen to it.

3 MR. WALKER: I will say, Your Honor, I
4 don't believe -- it would only become relevant
5 based on the responses of Miss Kelley. I don't
6 believe it's initially relevant. So it would not
7 be my intention to lead off with it. Certainly,
8 you would want to watch it anyway.

9 THE COURT: I'm sorry?

10 MR. WALKER: Certainly, you would want to
11 watch it anyway. But just so you know where I'm
12 coming from, I think based on her response, she
13 may open some doors that might make it relevant.

14 THE COURT: All right.

15 MR. WALKER: That's why I have it.

16 THE COURT: All right. Let's go ahead
17 and play it.

18 (Facebook Video played; Channita Kelly.)

19 THE COURT: All right. Is that it?

20 MR. UTSEY: Yes, sir, Your Honor.

21 THE COURT: All right. Mr. Walker, I
22 think the solicitor said he objected. What was
23 your objection, Solicitor?

24 MR. UTSEY: Your Honor, it is not
25 relevant at all. She never mentions -- she's not

1 even talking about William Sanders. We don't know
2 what date she even did this video on. We don't --
3 I believe somebody even commented on the video I
4 saw, WTF, what is going on? The people watching
5 the video don't even know what's going on. I
6 didn't hear any -- any sort of facts related to
7 State vs. William Sanders or Channata's case at
8 all. And, I mean, that would be my main
9 objection, Your Honor, is it's not related at
10 all.

11 THE COURT: I mean, I guess -- I don't
12 really see how -- how is it relevant? Or I don't
13 want to necessarily get into your trial strategy,
14 per se, but, I mean, I guess there's some -- is
15 this the woman that he had a new girl? I don't
16 understand anything or how it's related right now.
17 There's nothing that unfolded for me that would
18 make it related or relevant.

19 MR. WALKER: So her testimony in the last
20 trial did not say this. So I don't necessarily
21 know that she would, but I want to be prepared if
22 she says, I'm the sort of person that gets in
23 arguments. I don't have any beefs with anybody.
24 Saying, you know, kind of, with the internalized
25 argument with the solicitor's office to the jury

1 that, you know, there couldn't be anybody else
2 that would want to do a drive-by shooting or that
3 she's not the sort of person that would anger
4 anybody enough to shoot her; and, therefore, it's
5 the only way, you know, it could be an issue.

6 You know, so really, if she -- it's
7 really just more if she represents your character
8 to be one way, then I have an example of her
9 character as another. She didn't represent her
10 character that way before. But if she does now,
11 then I have that available.

12 THE COURT: So, kind of like, I'm a very
13 peaceful person who gets along with everybody, and
14 then all of a sudden you got this video that shows
15 that she's upset at somebody. I mean, is that
16 what this is really --

17 MR. WALKER: Yes Your Honor.

18 THE COURT: That's all that's showing,
19 right?

20 MR. WALKER: Correct.

21 THE COURT: So we don't know the person
22 she's upset at.

23 MR. WALKER: She says it on the video,
24 it's Miss Brown.

25 THE COURT: Does Miss Brown have anything

1 to do with this case?

2 MR. WALKER: I understand we don't know
3 who it is. But there's an identifiable person
4 that she has an ongoing beef with. So if she were
5 to say, I don't have beefs with anybody, that
6 would contradict that.

7 THE COURT: So, for instance, let me make
8 sure I understand. Let's say -- let's say that I
9 go on Facebook and I just rant about a former -- a
10 buddy of mine and just call him every name in the
11 book because I'm mad at him because he didn't take
12 me offshore fishing. But if I'm on trial, and
13 then I say that, hey, I'm a peaceful dude that
14 gets along with everybody. Basically, you want to
15 be able to show that I'm not necessarily always
16 peaceful. I lose my temper. Is that basically
17 all it is?

18 MR. WALKER: I would say it's more than
19 she's losing her temper. She's calling out a
20 specific person about a specific incident and
21 saying -- my take on it is that, this other lady
22 wanted to fight her and she only held back because
23 other people were present.

24 THE COURT: All right. What we're going
25 to do is this: A, it may not even become an

1 issue; B, if it becomes an issue, then we're going
2 to take it up then. All right?

3 MR. UTSEY: Yes, sir.

4 THE COURT: If it becomes an issue, we'll
5 send the jury out, and then I may want further
6 argument or I may step down and take a look at
7 something. There's no need to do that now when we
8 don't know if it's going to be an issue.

9 MR. UTSEY: Yes, sir.

10 THE COURT: Is that okay with the State?

11 MR. UTSEY: Yes, sir, Your Honor.

12 THE COURT: Mr. Walker?

13 MR. WALKER: I think that's
14 appropriate.

15 THE COURT: All right. Thank you. Is
16 there anything else before we bring the jury in
17 from the State?

18 MR. UTSEY: No, Your Honor.

19 THE COURT: Mr. Walker?

20 MR. WALKER: No, Your Honor.

21 THE COURT: Okay, great. If we can bring
22 the jury in, that would be great. Thank you.

23 (Jury enters the courtroom at 10:04 a.m.)

24 THE COURT: All right. Mr. Foreman,
25 Ladies and Gentlemen, good morning. And I believe

1 Testimony of Christian Graf, M.D. 385
2 the State is ready to continue with its case.

3 Solicitor, you can call your next witness.

4 MR. UTSEY: Thank you, Your Honor. The State
5 calls Dr. Graf.

6 THE CLERK: Raise your right hand, left
7 on the Bible. Raise your right hand. Do you
8 solemnly swear to tell the truth, and nothing but
9 the truth so help you God?

10 THE WITNESS: Yes.

11 THE CLERK: State your name again for the
12 record and spell the last name.

13 THE WITNESS: Can I take my mask off.

14 THE COURT: Yes, sir, please.

15 THE WITNESS: Christian Graf.

16 WHEREUPON:

17 CHRISTIAN GRAF, M.D.,
18 after having been sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. UTSEY:

21 Q Dr. Graf, can you tell us, who do you work for?

22 A Team Health, which is a contract group for
23 Trident Emergency Services.

24 Q What is your position with Trident Emergency
25 Services?

 A I'm an emergency physician.

1 Q How long have you been a physician?

2 A Nineteen years.

3 Q Okay. And, in order to be a physician, can you
4 just tell us about your education and background and
5 stuff like that?

6 A South Carolina Honors College, MUSC for med
7 school, residency in North Carolina, started work
8 here in 2002 in Charleston.

9 Q And you've been in Charleston ever since 2002?

10 A Yes.

11 Q And you've been an emergency room physician
12 specifically?

13 A Yes.

14 Q Okay. And can you tell us about some -- or have
15 you worked at the same hospital since 2002,
16 Dr. Graf?

17 A I have.

18 Q And you've always work in the emergency room,
19 correct?

20 A Yes.

21 Q How many patients would you say you've seen over
22 20 years?

23 A I see about 5,000 patients a year, so close
24 to 100,000.

25 Q All right. And how many patients regarding

Testimony of Christian Graf, M.D. 387

1 gunshot wounds do you think you've seen over the last
2 20 years?

3 A 200 to 250.

4 Q Okay. And can you tell us about you-all's
5 training? I'm guessing you get updated training,
6 continuous training. Can you tell me some about your
7 training in emergency medicine?

8 A Well, we're obviously trained in all things
9 emergent. In residency, we do continuing
10 education every year, and, you know -- so we do
11 all kinds of things and just keep up to date on
12 the latest research and studies.

13 Q Okay. Have you ever testified in State court?

14 A Yes.

15 Q How many times would you say?

16 A Between civilian and criminal, 10 or so.

17 Q Okay. Have you been offered as an expert in State
18 court?

19 A Yes.

20 MR. UTSEY: Your Honor, at this time, I
21 would move to qualify Dr. Graf as an expert in the
22 field of emergency medicine.

23 THE COURT: Any objection?

24 MR. WALKER: No, Your Honor.

25 THE COURT: All right. Ladies and

Testimony of Christian Graf, M.D.

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1 Gentlemen, I have -- I am going to allow Dr. Graf
2 to be recognized as an expert in this court. And
3 ordinarily, folks, I want to let you-all know the
4 rules generally do not allow witnesses to render
5 opinions. They can testify about what they saw,
6 what they observed, what they felt, what they
7 tasted.

8 But, in this case, when someone is deemed
9 an expert as a result of education, experience, or
10 for some other reason, they can, in fact, give
11 opinion testimony. And so this witness will be
12 able to give opinion testimony in regard to
13 matters involving emergency medicine.

14 I do want to let you know, that an expert
15 witness's testimony is to be given no greater
16 weight than any other evidence -- any other
17 witness simply because this individual is an
18 expert, and you do not have to accept the opinion
19 of an expert, even though it is uncontradicted.
20 So I want to let you know that.

21 Anything, exceptions from the State
22 concerning my explanation to the jury concerning
23 expert witness?

24 MR. UTSEY: No, Your Honor.

25 THE COURT: From the defense?

Testimony of Christian Graf, M.D.

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1 MR. WALKER: No, Your Honor.

2 THE COURT: Go ahead.

3 MR. UTSEY: Thank you, Your Honor.

4 BY MR. UTSEY:

5 Q Dr. Graf, turning to the case that we're here for
6 today. Were you working at Trident Hospital on
7 April 24th of 2019?

8 A Yes.

9 Q And did you have the occasion to treat
10 Miss Channta Kelly?

11 A Yes.

12 Q And you were working that night; is that correct?

13 A Yes.

14 Q And where did you actually see Channta Kelly at?

15 A She was in one of our trauma rooms at Trident
16 Hospital.

17 Q Can you please tell us and tell the jury about the
18 condition of Channta Kelly when she arrived at the
19 hospital that night?

20 A Yeah. She had been shot with a shotgun in
21 her side, her back side area, and she was in the
22 state of shock, or at least early shock from, you
23 know, blood loss from her abdominal organs. She
24 was awake, alert, but in a tenuous position having
25 just been shot, obviously.

Testimony of Christian Graf, M.D.

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1 Q And were you aware that she was being flown to
2 Trident Hospital before she got there?

3 A We get an alert by the flight team usually
4 about 30 minutes out.

5 Q What is the purpose of you-all being alerted by
6 the flight team?

7 A We have to call what's called a trauma alert
8 for more serious traumas, and we kind of mobilize
9 radiology and trauma surgeon and myself. It's a
10 coordinated effort.

11 Q So you-all have a big team there basically waiting
12 when someone comes in on a flight; is that correct?

13 A Yes, sir. When it's something serious comes
14 in, yes.

15 Q All right. Can you tell us, did you actually see
16 a gunshot wound on Channta Kelly?

17 A Yes.

18 Q Did you see any pellets in Channta Kelly?

19 A No.

20 Q Okay. Did you-all run any scans or anything like
21 that on Channta?

22 A She took a full body scan.

23 Q Did you see anything on the full body scans?

24 A Yes.

25 Q What was that?

Testimony of Christian Graf, M.D.

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1 A Severe injuries to her internal organ, bullet
2 fragments, hole in her intestine, injury to her
3 lung on this side.

4 Q Okay. And, at that point, when she was in, would
5 you say that her injuries were life-threatening?

6 A Yes.

7 Q So what was your, I guess, goal at that time,
8 Dr. Graf?

9 A Resuscitation. I mean, initially, we
10 resuscitate. Get IVs in place, get fluids, make
11 sure you get blood, if they need it, and then the
12 decision to go to OR, which was obvious in this
13 case. She went to the operating room.

14 Q And then at that time she went to the operating
15 room, were you finished at that point, Dr. Graf?

16 A Yeah, I don't operate. There's trauma
17 surgeons.

18 Q Without medical treatment, do you think she would
19 have died that night?

20 A Yes.

21 MR. UTSEY: I have no further questions,
22 Your Honor.

23 THE COURT: Mr. Walker, do you have any
24 questions, sir?

25 MR. WALKER: I do not.

Testimony of Channnta Kelly

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1 THE COURT: All right. Doctor, thank you
2 so. If you're here pursuant to a subpoena, you
3 are released from the subpoena. We appreciate you
4 being here.

5 THE WITNESS: Okay, thanks.

6 THE COURT: Yes, sir.

7 MR. UTSEY: Thank you, Dr. Graf.

8 THE COURT: Yes, sir. Solicitor.

9 MR. UTSEY: Yes, sir, Your Honor. The
10 State next calls Channnta Kelly.

11 THE CLERK: Raise your right hand and
12 place your left on the Bible. Do you solemnly
13 swear to tell the truth, and nothing but the truth
14 so help you God?

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: Take a seat in the witness
17 stand. State your name and spell your last
18 name.

19 THE WITNESS: My name is Channnta Kelly,
20 K-e-l-l-y.

21 WHEREUPON:

22 CHANNTA KELLY,
23 after having been sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. UTSEY:

Testimony of Channtha Kelly

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- 1 Q Good morning, Miss Kelley.
- 2 A Good morning.
- 3 Q How many kids do you have, Miss Kelley?
- 4 A Four.
- 5 Q Can you tell us their names and ages.
- 6 A Lania Jenkins, 19, Larry Jenkins, 14, Antoine
- 7 Elliot, 9, and Dessie Elliot, 9.
- 8 Q Larry Jenkins, who we saw yesterday, can you tell
- 9 us how old he is?
- 10 A He's 14.
- 11 Q How long have you lived in Colleton County?
- 12 A All my life.
- 13 Q Where do you currently live?
- 14 A In Colleton County.
- 15 Q In Colleton County?
- 16 A Yes.
- 17 Q And let's start with this: How do you know
- 18 William Sanders?
- 19 A William Sanders and I were dating.
- 20 Q Okay. And how long had you-all been dating?
- 21 A For approximately eight to nine months.
- 22 Q Eight to nine months. And this is back in 2019?
- 23 A Yes.
- 24 Q How long had you known William Sanders total
- 25 before you-all started dating or anything like that?

Testimony of Channata Kelly

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1 A I been knowing him from the area this whole
2 time. It was a good while before we started
3 dating each other.

4 Q So you just knew him from around. You-all knew
5 who each other were?

6 A Correct.

7 Q All right. Tell me about you-all's -- let's start
8 with you-all's dating. You said you-all had dated for
9 eight months?

10 A Yes.

11 Q Tell me how it was at first?

12 A It was okay at first.

13 Q All right. And then things just started taking a
14 turn after a while?

15 A Yes.

16 Q Why?

17 A Basically because of sexual reasons. Like it
18 would be, if I said no, that's where our arguments
19 come from. We never argued about nothing else
20 except I said no about sex.

21 Q You can take your mask down. So that's when
22 you-all started getting mad at each other, basically?

23 A Yes.

24 Q I'm going to take you back, just generally, to the
25 month April 2019. Where did you live at that time?

Testimony of Channtha Kelly

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1 A [REDACTED] Bodison Memorial Road.

2 Q [REDACTED] Bodison Memorial Road. Whose house was
3 that?

4 A William Sanders.

5 Q So you and your family moved in with him, is that
6 correct, Miss Kelley?

7 A Yes.

8 Q And how long had you-all lived there at the
9 time?

10 A We stayed there for about seven months, eight
11 months.

12 Q Okay. And Mr. Sanders lived there too, correct?

13 A Correct.

14 Q All right. So first thing --

15 MR. WALKER: Your Honor?

16 THE COURT: Hold on. Yes, sir.

17 MR. WALKER: I was going to object. Just
18 a lot of leading questions.

19 THE COURT: All right. Solicitor, try to
20 rephrase your questions.

21 MR. UTSEY: I have no problem with
22 that.

23 THE COURT: Yes, sir. Yes, sir. I
24 sustain the objection.

25 BY MR. UTSEY:

Testimony of Channata Kelly

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1 Q Can you tell me what happened on April 14, 2019,
2 ten days before the incident, Miss Kelley?

3 A We went out to eat to a Chinese restaurant.
4 We got back. We got in bed. I had to go to work
5 that following morning.

6 Q What time did you-all go out to eat?

7 A I want to say around, I'm guessing, 7:30,
8 eight o'clock.

9 Q Go ahead, Miss Kelley.

10 MR. WALKER: Your Honor, I just renew my
11 earlier objection to this line of questioning.

12 THE COURT: Approach.

13 What was it? So you're renewing what?

14 MR. WALKER: I'm renewing my objection to
15 the prior bad acts.

16 THE COURT: You understand my ruling for what
17 I'm allowing and not allowing, Solicitor?

18 MR. WALKER: Yes, sir.

19 THE COURT: All right. I understand. I
20 note your objection for the record. Overruled.

21 MR. UTSEY: Thank you, Your Honor.

22 THE COURT: Solicitor, you can proceed.

23 MR. UTSEY: Yes, sir.

24 BY MR. UTSEY:

25 Q So about April 14, 2019, what time do you-all go

Testimony of Channata Kelly

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1 out to eat that night?

2 A Around seven, eight o'clock.

3 Q Can you tell me what happened after that, Miss
4 Kelly?

5 A We were in bed, and Mr. Sanders -- I was
6 sleeping.

7 Q This was back to what house?

8 A [REDACTED] Bodison Memorial.

9 Q All right. Go ahead.

10 A I was sleeping. Mr. Sanders woke me up and
11 told me he wanted to have sex, and I told him no.
12 So he ended, like, kind of, moving around in the
13 bed for a while. Once he woke me up, it's like
14 hard to go back to sleep. So he woke me up about
15 two o'clock in the morning and I had to be at work
16 at six o'clock.

17 Q Okay. Where were you working at the time?

18 A Burger King in Walterboro.

19 Q Okay.

20 A And he woke me up and he got out of the bed
21 because he was irritated because I said no. He
22 left and he said he went to his niece's house, or
23 something like that. I called him because he had
24 the vehicle that was mine, but it was in his name.
25 I had my mother's car buick car beside the vehicle

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1 and I just took \$20 out of the ATM for her to be
2 able to go to church the next morning. So I
3 called him back and told him, you know, could he
4 bring the vehicle back.

5 So in the process of him -- me asking him to
6 bring the vehicle back. He, kind of, had words. He
7 told me that he had things going on. He was doing
8 sexual things, don't call his phone.

9 So I ended up being on the front porch on
10 [REDACTED] Bodison Memorial Road and I was smoking a
11 cigarette because I was angry because he woke me up
12 out of my sleep. He ended up pulling up in the yard,
13 and he had his shirt open and his pants unbuckled.
14 And I immediately walked off the porch and walked past
15 him to go to the vehicle to get my items out of the
16 vehicle.

17 Q Okay.

18 A And as I approached the vehicle, we had an
19 altercation.

20 Q All right. And tell me -- so as you're
21 approaching the vehicle, tell me what happened when
22 you approached the vehicle.

23 A I got in on the passenger's side of the
24 vehicle because most of my things were on that
25 side of the truck.

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1 Q Okay.

2 A So I got in the passenger side and in the
3 glove box, and I touched the -- the thing on the
4 top of the car where, like, you can put items.

5 Q Oh, like the mirror.

6 A Yeah, like right up in there. Because that's
7 where Mama's bank card was at and the money was
8 at. So I went inside there.

9 Mr. William Sanders approached the vehicle.
10 He came to the passenger's side of the vehicle, and he
11 started, you know, yelling at me and saying vulgar
12 things to me. I don't remember every single word he
13 said to me at that moment. But he kept yelling at me,
14 he kept yelling at me, so as we were arguing -- we had
15 words back and forth. He walks away from the vehicle.
16 So I'm still getting all my items out of the vehicle.

17 He walks away from the vehicle, he comes
18 back. And when he comes back, he has a revolver gun
19 in his waistband in his pants. So I asked him
20 immediately, I said, why you got a gun? Because he's
21 never approached me with a gun. He's never came up to
22 me hostile with a gun ever in his life, so I asked
23 him, I said, why you got a gun? He was like -- he
24 pulled the gun out. He was like, "B-i-t-c-h, I'll
25 bury you in this backyard."

Testimony of Channta Kelly

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1 So when he said this to me, now I'm getting
2 scared because he's never said, you know, anything
3 like that to me. So then he starts attacking me, like
4 trying to get into the car. I closed the door. When
5 I slammed the door, the passenger's side of the door,
6 and I close it and I locked the door. I climbed on
7 the other side of the vehicle, and I'm trying to get
8 to the key because he usually -- he always leaves his
9 keys in the ignition of his vehicle. Every vehicle he
10 drives, he leaves the key in the ignition.

11 So I went to go reach for the ignition to try
12 to crank up the truck so I could try to pull off or
13 something. And when I went to do that, the lock
14 unlocked, so he had the keys in the car.

15 By this time, I climbed from the passenger's
16 side of his vehicle to the driver's side. By this
17 time, he's opened up the driver's side. And when I
18 reach in, he began to hit me continuously with an open
19 hand.

20 Q Where did he hit you?

21 A In my face. Every time I turned. When I had
22 my face on the left side, he hit on that side.
23 When I turn my face on the right side, he would
24 hit me on that side.

25 Q How many times do you think he hit you that night?

Testimony of Channtha Kelly

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1 A I'd say about four or five.

2 Q All right. Tell me what happened after that.

3 A After that --

4 Q How did you get away from him, or how did this
5 stop?

6 A I just laid on the horn. He actually ended
7 up just stopped hitting me and just stood up and
8 looked at me for a second and walked into the
9 road, honestly.

10 Q So he just stopped by himself.

11 A He just stopped. It looked like he just
12 snapped back into reality. I don't know what was
13 going on. He stopped hitting me and he just stood
14 up and looked at me through the driver's door and
15 he walked away from the car.

16 Q Okay.

17 All right. After that night, can you tell me
18 what happened that after that night?

19 A After that night, I'd say maybe two days
20 after that -- because, at this point, we were
21 separated. I made the choice that I wasn't going
22 to be with him.

23 Q Had you told me that you had broken up with him?

24 A Oh, yes.

25 Q Okay.

Testimony of Channita Kelly

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1 A Definitely. About two days after that
2 incident my mother called me and said, you need to
3 come home. The Department of Social Services was
4 here. And at the time, I was smoking marijuana.
5 So when they -- the social services came, they
6 basically told me that, you know, there was
7 certain things that I had to do in order to
8 maintain custody of children. But my mother also
9 was there to be able to have custody of my
10 children.

11 So it was a way to where I could, you know,
12 still -- my mother could have custody and they
13 wouldn't be based in the system.

14 Q Yeah.

15 A But I had to stop smoking marijuana. I had
16 to take treatment classes and go through the
17 methods of, you know, doing things properly.

18 Q Okay. Why was the Department of Social Services
19 there?

20 A William Sanders called the Department of
21 Social Services on me.

22 Q And this is after you broke up with him?

23 A Correct.

24 Q And can you tell me what happened -- just tell me
25 what happened the next day. Did William Sanders

Testimony of Channata Kelly

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1 contact you?

2 A Every single day.

3 Q All right.

4 A There wasn't a day that go by that he called.

5 He told me he couldn't eat. He couldn't sleep.

6 Would I please be with him and he just come stay

7 the night with me. He could just hold me. He

8 wouldn't have sex with me. Every single day.

9 Q Until April 24th?

10 A Until April 24th.

11 Q Okay.

12 A Even up until April 24th, before he shot me,

13 he was telling me that he wanted to be with me.

14 Q Would you answer those calls, Miss Kelley?

15 A I did.

16 Q Okay.

17 A I did.

18 Q What was your response to him when he would ask

19 you to be with him.

20 A I would tell him no, but I honestly just felt

21 a little bad, like, you know. I'm just -- maybe

22 he was too deep in his feelings, and I wasn't

23 understanding. I started having compassion for

24 him, to be honest.

25 Q Okay. And how many times a day would he call you

Testimony of Channata Kelly

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1 during that 10 days?

2 A Countless, numerous times. I mean, I'd be
3 at work and be getting calls and having missed
4 called. Numerous or missed calls every single
5 day.

6 Q All right. I'm going to take you back to
7 April 24, 2019, which I know you remember this day,
8 Miss Kelly. Can you tell me what was going on that
9 afternoon?

10 A I got off from work. I went to go pick up my
11 son Larry from my godmother and his aunt. I went
12 to go pick him up from there, and I practically
13 begged him to go to Round O with me because he
14 didn't want to go. He was like, mom, I don't want
15 to go. I said, please just go with me, and I'll
16 bring you back to Aunt Grace's house. And I got
17 him to go with me. We went to the grocery store.
18 I'll never forget, because they had Sour Patch
19 cereal and that was something that I felt like my
20 kids would like. The twins would love to eat. So
21 I bought a pack of Sour Patch cereal.

22 In the process of this, I talked to
23 Mr. Sanders and he asked me if he could get the tools
24 out of my vehicle. Because we were just together, so
25 we had, you know, vehicles we kind of shared together.

Testimony of Channita Kelly

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1 So he asked me to get his tools out of my vehicle. I
2 told him that wasn't a problem. He said he needed it
3 for work and everything. So he said, basically, when
4 I get to Round O, you know, he'll come get the tools
5 out of the vehicle.

6 So when I got to Round O, I pulled up and me
7 and my son was in the truck at first.

8 Q Where did you pull up at in Round O?

9 A [REDACTED] Bodison Memorial.

10 Q Hang on there for me real quick, Miss Kelly.

11 (STATE EXH. 40, Photo; tools, was marked for
12 identification.)

13 BY MR. UTSEY:

14 Q All right. Miss Kelly, I'm showing what has been
15 marked as State's Exhibit 40. Are those the tools
16 that he got out of your truck that day that you were
17 meeting him for?

18 A Yes, sir.

19 Q And where did he get those tools out of your
20 truck?

21 A From [REDACTED] Bodison Memorial Drive out of my
22 Expedition truck.

23 Q And those were the tools that were in the back of
24 your truck that day?

25 A Correct.

Testimony of Channita Kelly

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1 Q All right. Miss Kelly, so you pulled up in the
2 driveway at Bodison Memorial to meet him. Can you
3 tell me what happened after that?

4 A Once he arrived, my son got out and took the
5 groceries -- Larry took the groceries inside the
6 house.

7 When Mr. Sanders arrived he came and I opened
8 the back of my truck and he began to get the tools out
9 of the back of my truck and put them on the back of
10 his truck.

11 Q All right. So he pulled up beside your car; is
12 that correct?

13 A Correct.

14 Q And you testified that he got the tools out of
15 your trunk --

16 A Correct.

17 Q -- and put them in the back of his truck, correct?

18 A Yes.

19 Q All right. Tell me what happened after that,
20 Miss Kelly?

21 A In the process of removing his tools out of
22 my truck, we were having a conversation. And it
23 was a little argument, but it wasn't too tense.
24 You know, it was, kind of, like, you know, I said
25 what I said to him and he said what he said to me,

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1 and leveled out to a degree to where, you know, I
2 was just letting him know, basically, I
3 just didn't -- after this, like, don't even call
4 me. I don't care about tools. I don't care what
5 it's about. It's gotten to the point to where I
6 don't want to conversate with you at all about
7 anything.

8 And it, kind of, like, you know, he just --
9 basically, he was pleading his case over and over
10 again. Just still telling me, you know, please don't
11 do this to me. And, you know, he never called me
12 Channta a day in his life. He always called Charia.
13 Never called me Channta until April 24th.

14 Q Is your nickname Charia?

15 A Yes, sir. My middle name is Charia.
16 Channta Charia Kelly, so most people call me
17 Charia. And if I know them from school, or
18 something like that, they might call me Channta.

19 Q Okay.

20 A But no one calls me Channta at all.

21 Q Okay.

22 A And William Sanders had never called me
23 Channta until April 24th.

24 Q All right. So you-all are standing outside. And
25 you said Larry went inside, correct?

1 A Correct.

2 Q All right. That time when you-all two were
3 outside, did any of the children come outside?

4 A Yes, they did. My brother also did come
5 outside and did go in the back and smoke a joint
6 by the shed. He did do that because he was
7 checking to make sure that our conversation wasn't
8 get too heated.

9 One of my twins, Antoine, he came outside
10 with Larry to ask me for my phone. They came outside
11 multiple times to ask me for my cell phone.

12 Q Why would they want your cell phone?

13 A Just to play on it. You know, three boys,
14 and they all want it first. This one want it
15 first, then that one. That's just what they do.

16 Q All right. So tell me what happened that day.

17 A After like -- the conversation was like in
18 the span of basically that was it. That was the
19 majority of it.

20 Other than that William Sanders got into his
21 vehicle and started to drive -- started the truck. I
22 can't quite remember if he cranked it up, it was
23 cranked, or anything like that.

24 Q Where was the driver's side of his vehicle
25 facing?

Testimony of Channta Kelly

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1 A Facing towards the woods in the yard.

2 Q Okay. So he got in his truck. All right. Tell
3 me what happened after that. I'm sorry.

4 A He got in his truck. When he was sitting in
5 his truck he asked me, he said, you going to --
6 let me retract that. He said -- when he got in
7 the truck he asked me, he said, can I come stay
8 with you at the motel tonight. I don't want to do
9 anything with you. I just want to hold you. I
10 said, I ain't going to lay down with no man who
11 called DSS on me.

12 Q Why were you staying at the hotel?

13 A Because he called DSS.

14 Q And you couldn't stay there.

15 A I couldn't stay around my children.

16 Q Do you have full custody of your children now.

17 A Yes, sir. Full custody, yes.

18 Q Go ahead, Channta.

19 A So after I said that to him, he said, so this
20 is just -- this is it. And I was like, yeah, this
21 is it. He was like -- I said, I'll call you. He
22 said, you going to call me on the house phone? I
23 said, I'll call you on your daddy's house phone.
24 I never forget him just doing like this, rubbing
25 his face down, because I felt bad because he

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1 looked sad. That's why I'll never forget that.

2 And soon as he did that, I said, well, I'm going
3 to go in the house with the kids. And turned
4 around and I made it from this point right here to
5 this point right here and I heard something say
6 boom.

7 Q When you heard that boom, can you tell -- which I
8 know you were in the moment, but could you tell how
9 close that was, Channata?

10 A Literally -- yeah. His truck was right here,
11 and I remember getting to -- the Buick that's in
12 the yard is my mother's car. I remember seeing
13 the headlights on the passenger's side of the car.
14 I'm very visual, so I looked down walking it, and
15 I get seeing the headlight on her car and that's
16 when I realized my hands was like -- it seemed
17 like it in front of me. But as I realized I was
18 falling, it was like -- they were in front of me
19 pointing down trying to break my fall. But I can
20 remember looking up, like, why my hands in front
21 of me? But they wasn't in front of me, like I was
22 standing up because I was falling down. I didn't
23 feel the shot, thank God. I heard the shot. It
24 was more like I heard a sound and then all of a
25 sudden I see my hands. I remember thinking -- I

Testimony of Channnta Kelly

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1 remember just thinking about why my hands in front
2 of me. Even though I've been shot and everything
3 else, in the process I'm thinking about why are my
4 hands in front of me. And when I realize why my
5 hands are in front of me, I'm breaking my fall, or
6 trying to break my fall.

7 Q What happened when you fell to the ground,
8 Channnta?

9 A Immediately, when I fell to the ground -- I
10 hit the ground. And when I hit the ground, I
11 remember trying to get up, and I remember I pushed
12 to try to push myself up, and I looked to the
13 left. When I looked to the left, William Sanders
14 had already backed up and was dead in eyes.
15 Without a shadow of a doubt, not going crazy, I
16 seen him on the side the road, I looked this man
17 in the eyes, and excuse my the language, I said,
18 "Oh, shit. You shot me," and he pulled out of the
19 yard.

20 Q Did he ever get out of his truck and come check on
21 you?

22 A The look in his eyes. I battle with that.
23 Did he look at me because he was concerned, or did
24 he look at me because he couldn't believe I was
25 still alive.

Testimony of Channta Kelly

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1 Q Did he immediately spin out of the driveway and
2 drive off?

3 A Immediately. As soon as he looked in my eyes
4 and I said what I said to him, he pulled out of
5 that driveway immediately.

6 Q Was there anyone out in the yard with you-all when
7 this happened, Channta?

8 A Not at the time.

9 Q Let me ask you this: Did you hear another car
10 speed by and do you think it couldn't have been a
11 drive-by?

12 A It was not a drive-by. It was silent.
13 Nobody was out there but me. I looked this man
14 dead in his eyes and knew that he shot me. I
15 looked unsure about his concern as far as like,
16 did he know he killed me, but she's still alive,
17 or, oh, my God, I shot her. I was confused with
18 the look, but I looked him dead in his eyes and
19 looked me dead into my eyes. We made eye contact.

20 Q Did you see another -- did you hear another
21 vehicle speed off?

22 A Not another vehicle at all. It was silent
23 like a lamb. Like the old folks saying, you got
24 an ear full of cotton, literally. That means you
25 can hear nothing.

Testimony of Channata Kelly

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1 Q So you didn't hear a car speeding off?

2 A There was no cars there. It was just me and
3 William Sanders.

4 Q And is this a house, kind of, in the country,
5 Channata?

6 A It is in the country. His sister stays next
7 door. Beside us is this old abandoned house with
8 his family members. His sister don't drive no
9 car. Nobody was coming down the road.

10 Q All right. So you were on the ground, tell me
11 what happened -- tell me what happened after you saw
12 William Sanders when you looked him in the eye when he
13 left?

14 A I began to say help, but my voice was, kind
15 of vacant. And then I noticed my son Larry came
16 outside, and then my mom came. Because I remember
17 my mama trying to kneel down to me, but she had a
18 stroke so she couldn't really kneel down. That's
19 why in the video you see me holding her dress
20 because that's the only thing I could grab a hold
21 off.

22 Q Did Larry stay with you the whole time?

23 A He stayed with me the whole time.

24 Q Do you remember him talking to you?

25 A My baby talked to me. He spoke life into me.

Testimony of Channata Kelly

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1 He told me not to give up.

2 Q Did you pray Channata?

3 A I prayed for my children. I prayed that I
4 wouldn't die in front of my son. I prayed for me.
5 I felt like I was gone. I just didn't want God to
6 take me away in front of my babies. That was the
7 biggest thing for me, that they would hurt. If I
8 died, I'm not going to hurt. You're not hurting
9 me if you kill me. You're hurting people that
10 love me that's left here. They would have to deal
11 with that.

12 Q And did William Sanders ever call your family,
13 Channata, when you were on the ground that you know of
14 to check on you?

15 A He never did. He never did. He didn't care
16 about my kid. He didn't do that to hurt me. He'd
17 shoot me like that and kill me, what am I going to
18 hurt from. My pain don't come from me. It come
19 from my children. They have to deal with that.
20 My baby is afraid if I'm going to live or die.

21 Q All right, Channata. So tell me what happened --
22 do you remember being flown out that night?

23 A I actually remember being on the helicopter,
24 like, just waking up. I'm scared of flying. I
25 remember waking up and I was, like, I'm on a

Testimony of Channnta Kelly

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1 helicopter. I'm on a helicopter, how did I get
2 here? And then they told me, you had an accident.
3 I just remember just being, like, oh, he really
4 did shoot. It seemed like it was a dream. It
5 seemed like it was a dream. I kept seeing him all
6 while I was in the hospital. I kept seeing his
7 eyes. I kept seeing him look at me. I kept
8 wondering, like, why would you just -- you know,
9 like, anything, you tried to kill me.

10 Q And how long were you in the hospital for,
11 Channnta?

12 A I stayed in the hospital for, like, two
13 months. I believe I was at Trident and then they
14 sent me to Roper.

15 Q And then when you got out of the hospital, could
16 you walk?

17 A I could not. I could not walk. My -- at the
18 time she was 16 years old. My daughter stopped
19 going to school to take care of me. My daughter
20 changed me. She washed me. I didn't have bed
21 sores or anything. My child took care of me.

22 Q And how long couldn't you walk for, Channnta?

23 A Like a year, or plus.

24 Q And then you finally started regaining just your
25 strength?

Testimony of Channata Kelly

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1 A My children they want to make me -- because
2 they want mama to do things with them. I'm a very
3 active parent. My children -- like, I'm not
4 perfect, but I'm a very active parent. So they're
5 young. My children are younger. And they, you
6 know, expected so much for me to do for them and
7 stuff like that. I couldn't just sit there and in
8 depression. In a wheelchair or laying in a
9 hospital bed for hours and hours at a time. So I
10 just kept -- you know, the physical therapist
11 would come, I would just do little things. My
12 children would say, mama, try and walk to the
13 kitchen, or, mama, come and try do little things
14 with me, and stuff like that. So they really
15 motivated me.

16 Q Let me show you something real quick. Channata,
17 I'm going to show you what's been marked as State's
18 Exhibit Number 11. Can you step off the stand for me
19 real quick, Channata, and come here, please?

20 All right. I'm going to ask you some
21 questions about the cars, okay? Were these two cars
22 that I'm pointing to right here, are those the same as
23 they were from that night?

24 A Yes.

25 Q All right. Tell me where -- and I know you've

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1 been listening to the testimony, but tell me where
2 this truck -- tell me where his truck would have been
3 that night?

4 A His truck was here because when he first
5 originally pulled up to the residence, he pulled
6 his -- the back of his truck -- this is the
7 back -- this Expedition is the back of my truck.
8 That's my truck.

9 Q Okay.

10 A So he pulled his vehicle up to the back of my
11 vehicle so his vehicle was up more like this
12 one.

13 Q Okay. Why didn't he pull closer to the back of
14 your vehicle? Was it to get the tools?

15 A It would have been, you know, like easier for
16 him to put the saw and everything else that he had
17 in the back of his truck like that.

18 Q So tell me where the cars -- tell me where all the
19 cars would have been that night?

20 A These cars were never there.

21 Q Okay. And then point to where his truck would
22 have been one more time?

23 A His truck would have been right here
24 (indicating).

25 Q The driver's side would be facing --

Testimony of Channnta Kelly

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1 A This side.

2 Q Okay. And where were you -- where were you laying
3 that night? When you got shot, tell me where you
4 were.

5 A Right here.

6 Q Okay. So are you surrounded by vehicles when you
7 got shot?

8 A I don't know if I was surrounded by
9 vehicles.

10 THE COURT: Solicitor, she needs to speak
11 up.

12 MR. UTSEY: I'm sorry.

13 BY MR. UTSEY:

14 Q Go back to the witness stand, Miss Channnta.

15 MR. UTSEY: I apologize, Your Honor.

16 THE COURT: It's all right.

17 BY MR. UTSEY:

18 Q All right. Miss Kelly, real quick.

19 MR. UTSEY: May I approach the witness,
20 Your Honor?

21 THE COURT: Yes, sir.

22 BY MR. UTSEY:

23 Q Can you hold up that picture for the jury and just
24 point to where you were laying when you were shot?

25 A I was laying right here by the bottom step

Testimony of Channata Kelly

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1 (indicating).

2 Q So you were by the bottom step of the front
3 porch?

4 A Yes.

5 Q And there was a car behind you, correct?

6 A Yes, my mother's car.

7 Q And there's another car behind that, correct?

8 A Right. The Expedition.

9 Q And William Sanders's truck would have been to the
10 right of that, correct?

11 A Correct. It would have been over here on
12 this side of the truck.

13 Q Okay. So my question is, you were surrounded by
14 vehicles, correct?

15 A Yes.

16 Q Have you ever seen William Sanders carry long
17 guns?

18 A All the time.

19 Q Can you explain?

20 A He does hunt, but he also travels with
21 shotguns all the time. Everywhere. I asked
22 him -- I actually asked him, when I moved into his
23 home, to remove the guns from the house, you know,
24 because had guns in the house. So he was supposed
25 to move all the guns. But on April 14th, I find

Testimony of Channita Kelly

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1 out he had one more gun in the house because he
2 went to go get that gun.

3 But he travels with shotguns. He ride around
4 with guns and shell casings and all that type of
5 stuff.

6 Q Had you ever seen a shotgun in the bed of in his
7 truck?

8 A Yeah, multiple. Two or three.

9 Q So what, would he just ride around with a shotgun
10 in his truck?

11 A Oh, yeah.

12 Q Can you identify Mr. Sanders in the courtroom
13 today?

14 A Yes.

15 Q Can you point to him for me?

16 A He's in the brown and tan jacket with the
17 black mask.

18 MR. UTSEY: Your Honor, please let the
19 record reflect that Miss Kelly has identified
20 William Sanders.

21 THE COURT: All right. So noted, sir.

22 MR. UTSEY: Thank you, Your Honor.

23 BY MR. UTSEY:

24 Q All right. Miss Kelly, in 2017, you were
25 convicted of being a habitual traffic offender,

Testimony of Channnta Kelly

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1 correct?

2 A Yes.

3 Q You were also convicted of forgery; is that
4 correct?

5 A Yes.

6 Q Value less than \$10,000?

7 A Yes.

8 Q And what was your sentence on that, do you
9 recall?

10 A I pled guilty and I got a violation. I mean
11 probation.

12 Q Okay, probation. And now you're off probation?

13 A Yes.

14 Q How much do you love Larry, Channnta?

15 A I love him with everything in me.

16 MR. UTSEY: May I have the Court's
17 indulgence?

18 THE COURT: Yes, sir.

19 BY MR. UTSEY:

20 Q All right. One last question for you, Miss Kelly.
21 Who was the only person at that house that ran after
22 you got shot?

23 A William Sanders.

24 MR. UTSEY: Thank you. No further
25 questions.

Testimony of Channita Kelly

1 THE COURT: All right. Mr. Walker, do
2 you have any questions, sir?

3 MR. WALKER: I do, Your Honor.

4 THE COURT: All right. Your witness,
5 sir.

6 MR. WALKER: Thank you.

7 CROSS-EXAMINATION

8 MR. WALKER:

9 Q Good morning, Miss Kelly?

10 A Good morning.

11 Q I'd like to walk you back through some of the
12 testimony Mr. Utsey elicited, just to go through the
13 events of the day of the shooting. I guess I'll start
14 with asking you to tell us again, when you arrived
15 home from the grocery store, who was there?

16 A When I arrived to [REDACTED] Bodison Memorial Drive,
17 who was at the residence?

18 Q Correct, on the day that you were shot.

19 A My mom, my twins, Antoine and Dessie, my
20 mother, Johnnie Mae Kelly, and my brother, Marvin
21 Kelly.

22 Q So your mother, Johnnie Mae.

23 A Yes. And my two twin boys, Antoine and
24 Dessie.

25 Q Your boys were seven at the time?

Testimony of Channata Kelly

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- 1 A Yes.
- 2 Q And your uncle or nephew or brother?
- 3 A My brother.
- 4 Q Brother. All right. His name again?
- 5 A Marvin Kelly.
- 6 Q Marvin. How old is he?
- 7 A I think Marvin is like 53.
- 8 Q Now?
- 9 A Yeah.
- 10 Q So he would have been in his late 40's?
- 11 A Yeah. He would have been, like, 50.
- 12 Q And you said when you arrived at the house,
- 13 Mr. Sanders had called you about coming to get some
- 14 tools, correct?
- 15 A No, I didn't say when I arrived to the house
- 16 he called me. I said we already talked prior to
- 17 me arriving.
- 18 Q Was there also some calls about coming to pick up
- 19 some fish?
- 20 A I'm not sure. He didn't speak to me about
- 21 fish.
- 22 Q Okay. Did you become aware that your mother had
- 23 spoke to him about coming to pick up some fish?
- 24 A After I got shot.
- 25 Q Okay. And how long was it after you arrived home

Testimony of Channita Kelly

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1 with the groceries before Mr. Sanders arrived?

2 A I don't know about the minutes, but it wasn't
3 long. It wasn't long.

4 Q Under ten minutes?

5 A I'm not sure. I don't know about the
6 minutes, but it wasn't long. I wasn't there too,
7 too long before he came.

8 Q So once he arrives, you say he started to get the
9 tools out of the truck; is that correct?

10 A Yes.

11 Q Okay. Now, you mentioned that two of your boys
12 and your brother both came out of the house at various
13 times. Who came out first?

14 A I don't remember. I think the kids came out
15 before my brother came out.

16 Q But Mr. Sanders was there when he came out.

17 A Correct.

18 Q How long after he got there did they come out?

19 A I don't know.

20 Q Okay. And then they went back inside?

21 A Yes.

22 Q And after that is when your brother came out?

23 A Say that again.

24 Q After they went back outside, that's when your
25 brother came out?

Testimony of Channata Kelly

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1 A No. I don't remember how fast or slow or --

2 I think the kids came out first and then my

3 brother came. It wasn't simultaneously. It was

4 not like the kids came out and then they went

5 inside and then my Brother came back out. I don't

6 know the time frames.

7 Q Did your brother talk to you or Mr. Sanders when

8 he came out?

9 A My brother asked me something and I don't

10 remember because me and Mr. Sanders was talking.

11 I just told him to hold on. But did he ask me

12 twice, he didn't ask me over again or anything

13 else like that. It might have been for a

14 cigarette, to be honest. I don't know.

15 Q And nobody, other than the people we've talked

16 about, came by the house before or during the

17 shooting?

18 A Not that I can recollect. I don't

19 remember.

20 Q Okay.

21 A Then they come by for me, so somebody came

22 for me or my children or my mother.

23 Q I mean, you were in the front yard. You would

24 know if somebody came in the house?

25 A I was in the front yard, but -- came in the

1 house, yeah. Nobody came inside.

2 Q Okay, that's all I was asking.

3 A Yeah.

4 Q Now, you testified that you-all talked for a
5 period of time and you testified that William was
6 repeatedly asking you to get back together and stay
7 with you and those sorts of things; is that right?

8 A Correct.

9 Q What else did you talk about?

10 A That was about basically it, to be honest.

11 Q Okay.

12 A Our little disagreement that we had, that was
13 just something we had a little disagreement about.
14 After that, that's what I just said, you know, we
15 had to little disagreement. It was, kind of,
16 like -- it was leveled out and it went back to him
17 asking me to be with him.

18 Q I'm interested in the disagreement, so what was
19 the disagreement about?

20 A I rather not say. I don't think -- it has
21 nothing to do with the case.

22 Q Well, I surely would love to hear it, so I'm going
23 to ask you again. Please tell me what the
24 disagreement was about?

25 A I mean --

Testimony of Channtha Kelly

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1 THE WITNESS: Do I have to?

2 THE COURT: Yes, ma'am. You've got to
3 answer the question.

4 THE WITNESS: Okay. It was about him
5 telling a girl that I was going to the tell the
6 Department of Social Services that she sold food
7 stamps. That's what it was about.

8 BY MR. WALKER:

9 Q And why did that make you upset?

10 A Because he told her that I said that. She
11 kept calling me at work. And, you know, I asked
12 him why would he do that in case -- what if she
13 had came to my job. She kept calling me and
14 harassing me, so that would have been the next
15 step. That's why it was a disagreement. It kind
16 of laid over. Why would you be telling her, you
17 know, that I said I call the authorities on her
18 and she would have came towards me with some anger
19 or aggression.

20 Q Okay. Do you recall giving testimony in this case
21 on a prior occasion?

22 A Yes, I do recall.

23 Q Do you recall in reference to this disagreement
24 talking about -- saying this is making him mad with me
25 and they are coming against me?

Testimony of Channita Kelly

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1 A Could you repeat that again.

2 Q You said it was making -- you told him this and
3 was making him mad at me and they are coming against
4 me?

5 A That's about right, yeah. About the female
6 that I just spoke about, that she was mad. That's
7 why she kept calling me, calling me, and calling
8 me.

9 Q Right. You were upset about that?

10 A I was -- yeah, I was kind of frustrated that
11 he would tell her that, you know, because I said
12 that out of something else we were talking
13 about.

14 Q Right. But you would say those were the two
15 significant topics over the 45-minute period, that you
16 were upset that he told somebody you were going to
17 snitch on them, and he was trying to get you back with
18 him? Is that pretty much what you-all talked about?

19 A Yeah, it is.

20 Q You said that you -- Mr. Sanders was a big hunter;
21 is that right?

22 A Yes.

23 Q And does he cut up his own meat or does he send it
24 to be processed?

25 A Now, you know, I don't know too much about

Testimony of Channita Kelly

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1 stuff. But I know he'll cut it open, and I don't
2 think he -- I don't know how they do that. I know
3 something because he mentioned something before
4 about the processing place and stuff like that.
5 He'll cut them open and skin them and all that
6 stuff.

7 Q He's a pretty avid hunter?

8 A He had ate it plenty of times.

9 Q Okay. He puts food on table.

10 A Yeah, he definitely did that.

11 Q The solicitor asked you about a previous incident
12 where you said Mr. Sanders threatened you and hit
13 you?

14 A Correct.

15 Q You said he hit you with an opened hand?

16 A Yes.

17 Q Had he ever hit you before?

18 A No.

19 Q Let me ask about another shooting you were
20 involved in in May of this year.

21 MR. UTSEY: Objection, Your Honor.

22 THE COURT: All right. Counsel,
23 approach.

24 Ladies and Gentlemen, I'm going to ask
25 you-all, if you would, to go back to the jury room

Testimony of Channta Kelly

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1 and there's a matter of law that I'm going to take
2 up with these gentlemen. I'm going to get you
3 back in here as soon as I can. Don't talk about
4 the case.

5 (Jury exits the courtroom at 10:56 a.m.)

6 THE COURT: All right. Solicitor, you
7 have an objection to defense counsel asking about
8 a prior shooting?

9 MR. UTSEY: Yes, sir.

10 THE COURT: A shooting earlier this
11 year.

12 MR. UTSEY: Yes, Your Honor.

13 THE COURT: All right. What's this
14 about?

15 MR. UTSEY: I don't know. I don't even
16 know if she was present for the shooting.

17 THE COURT: All right.

18 MR. UTSEY: I know she's not a suspect in
19 the shooting. I believe somebody else was
20 arrested for it. That's really about all I know,
21 Judge. It makes it sound like -- it makes it
22 sounds like she was involved as a suspect or
23 something in the shooting in his question.

24 THE COURT: What's this --

25 MR. WALKER: I haven't asked the question

Testimony of Channnta Kelly

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1 yet, so my -- I don't know much about the shooting
2 other than it happened. I believe it was her
3 boyfriend at the time. She was present and she
4 may or may not have been involved in the
5 altercation.

6 THE COURT: Let's proffer the testimony.
7 Let's hear what this is, because I don't want to
8 get the jury back in here and you start getting
9 into it and we decide it's prejudicial or not
10 relevant.

11 So what I'm going to do is, I'm going to
12 have him go through some questions right now,
13 Solicitor. Does that meet with your approval,
14 Solicitor?

15 MR. UTSEY: Yes, sir, Your Honor.

16 THE COURT: Go ahead, sir.

17 PROFFERED TESTIMONY OF CHANNTA KELLY

18 BY MR. WALKER:

19 Q So again let me just ask you about the shooting
20 that happened, I believe, in May with -- you were
21 present when Antonio Clinton was killed on that day,
22 correct?

23 A I was at the motel.

24 Q And you were staying with him at the motel?

25 A Yeah, he was staying with me. Yes.

Testimony of Channita Kelly

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1 Q Okay. So how did that altercation start?

2 A I have no idea why that case is still open,
3 and I would not sit up here and be doing all of
4 that. I don't have nothing to do with that. That
5 was my boyfriend at the time, and that's what that
6 was. That happened was May 30th of this year, not
7 April 24th of 2019.

8 Q So you did not instigate an altercation?

9 A No, I did not.

10 Q Okay.

11 A And I didn't --

12 MR. WALKER: Those would be my
13 questions.

14 THE COURT: Hold on, ma'am. I think you
15 answered his question. What were you saying?

16 MR. WALKER: Those were the questions. I
17 didn't know the answers until I asked.

18 THE COURT: I think given the answers
19 that she's provided, Mr. Walker, I don't think
20 that this is relevant. That she was present or
21 was dating someone who may have been killed. She
22 doesn't know why or what started it. I just don't
23 see what purpose that has to do something that
24 happened a year -- or many months before. All
25 right, sir?

Testimony of Channita Kelly

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1 MR. WALKER: Yes, sir.

2 THE COURT: Unless there's some reason
3 that you can convince me that it does.

4 MR. WALKER: Well, one, I didn't know the
5 answers. I had information that she was involved
6 in and, kind of, instigated the argument in that
7 shooting. She's denied it.

8 THE COURT: She's denied it. And, as a
9 result of that, I think we move on.

10 MR. WALKER: Right.

11 THE COURT: By moving on, I'm going to
12 tell the jury to disregard --

13 MR. WALKER: I guess my only other issue
14 would be, perhaps -- there seems to be a number of
15 events around Miss Kelly surrounding other people,
16 which, if the solicitor is going to argue people
17 just don't randomly drive by and shoot people, you
18 know, that makes it something -- her life seems to
19 be more chaotic than, perhaps, yours or mine or
20 members of the jury. And I think that bears some
21 issue when the jury in weighing her version of
22 events versus Mr. Sanders's version of events.

23 MR. UTSEY: Your Honor, I'm going to
24 argue this is not a drive-by. William Sanders
25 shot her.

Testimony of Channata Kelly

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1 THE COURT: Hold on. You talk too fast
2 for me, Solicitor.

3 MR. UTSEY: Your Honor, I'm going to
4 argue that this is not a drive-by. William
5 Sanders shot her.

6 MR. WALKER: Of course, he is. And we're
7 arguing that's not what happened.

8 THE COURT: All right. Anything else you
9 want to tell me?

10 MR. WALKER: No, Your Honor.

11 THE COURT: All right. Anything you want
12 to tell me in response?

13 MR. UTSEY: Your Honor, I would ask that
14 Mr. Walker's question that he asked, that you
15 instruct the jury to strike that question.

16 THE COURT: All right. We'll be at ease
17 for about ten minutes.

18 The witness can step down, but the witness
19 cannot talk with the solicitor or anyone about her
20 testimony.

21 MR. UTSEY: Yes, sir.

22 THE COURT: Ma'am, you can step down.
23 Okay?

24 THE WITNESS: Okay.

25 (A break was taken from 11:02 a.m. to 11:15 a.m.)

Testimony of Channnta Kelly

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1 THE DEPUTY: All rise.

2 THE COURT: Thank you. Have a seat.

3 Let's have the witness come back to the stand.

4 MR. UTSEY: Your Honor, I thought about
5 it over the break while you were in the back,
6 Judge. I think the bell has already been rung,
7 and now the jury wants to know if Channnta Kelly is
8 involved in another shooting. It makes her sound
9 like -- it makes her sound like she's a suspect in
10 another shooting.

11 So I almost would like Mr. Walker to
12 continue questioning the proffered testimony and
13 for her to say, no, I have nothing to do with that
14 so the jury can hear that. Because the jury is
15 going to wonder, oh, is Channnta Kelly involved in
16 this shooting. The bell has already been rung,
17 Your Honor.

18 THE COURT: All right.

19 MR. UTSEY: You can tell them to strike
20 the question, but they heard -- the bell has
21 already been rung.

22 THE COURT: Okay. Well, let me just tell
23 you, number 1, I was going to rule in your
24 favor.

25 MR. UTSEY: Thank you, Your Honor.

Testimony of Channita Kelly

1 THE COURT: But as it relates to the
2 correcting this situation, I understand your
3 concern.

4 Let me just tell you, Mr. Walker, you
5 know, is it relevant? Pretty low bar, as far as
6 I'm concerned as it relates to relevant evidence.
7 I think that it potentially is relevant, but, to
8 me, it starts to get into the whole 404. To me,
9 it's getting into character. This whole, you
10 know, penumbra. It kind of reminds me of the guy
11 on Charlie Brown who has that cloud behind him or
12 what have you.

13 The problem is, you know, if this was
14 able to tie up better, then maybe so. But with
15 the responses that you've got from this client --
16 excuse me, from this witness, I don't think that
17 -- I think the inquiry ends there, sir. And as a
18 result of that inquiry ending there, I just don't
19 think that it's permissible. I think it -- I just
20 don't see -- I don't think -- under 404, I think
21 it places the character of the victim in -- it's
22 trying to place that into evidence.

23 I understand your theory, and while I
24 might agree with you, if the responses were
25 different, the responses were such that I don't

Testimony of Channtha Kelly

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1 think that it's going to meet that threshold. I
2 think it's improper character evidence, and I
3 think it's prejudicial.

4 And certainly I think -- you know, I see
5 what part of your theory of the case may be, and I
6 think you're free to argue that. But I'm not
7 going to allow that and I was going to exclude
8 that.

9 Now, my remedy was going to be to tell
10 the jury to disregard. However, you know, I'm
11 willing to -- you want her to answer the question,
12 which is basically that -- and what was the
13 question? Do we know the specific question?

14 MR. WALKER: I had not asked a question
15 and he objected.

16 THE COURT: All right. But you asked --

17 MR. WALKER: I think three-ish questions.
18 One was, were you present when Mr. -- whatever his
19 name was -- was killed in May of this year?

20 THE COURT: Okay.

21 MR. WALKER: I guess two related. He was
22 he your boyfriend, you were staying with him at
23 the hotel, did you start the fight with the person
24 that shot him? Those were the questions that I
25 asked.

Testimony of Channtha Kelly

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1 MR. UTSEY: Correct.

2 THE COURT: All right. So what do you --
3 as it relates to those three questions, what
4 remedy are you seeking, Solicitor?

5 MR. UTSEY: Well, Your Honor, Mr. Walker
6 can either ask those questions, or I can cross --
7 or on redirect, I can stand up and ask, Channtha
8 Kelly, were you present at the hotel where a
9 shooting occurred, which is basically what she
10 said, and that will solve the issue too.

11 THE COURT: What do you want to do?

12 MR. UTSEY: Your Honor, I would like
13 Mr. Walker to ask the questions, and then on
14 redirect I will ask, in fact, someone else was
15 arrested for that crime that Mr. Walker asked you
16 about.

17 THE COURT: All right. So Mr. Walker,
18 what you're going to do is, you're going to ask
19 the questions. Now, assuming that she gives you
20 the same answers, sir, then basically you're going
21 to move on.

22 MR. WALKER: Correct, Your Honor.

23 THE COURT: You're going to ask those
24 questions, assuming she gives you the same
25 answer -- you know, if she gives you a different

Testimony of Channtha Kelly

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1 answer, that's another matter. But if she gives
2 you the same answer, then you're going to move on.

3 And certainly, Solicitor, you can address
4 that as you deem appropriate in cross-examination.

5 Is that satisfactory to the State?

6 MR. UTSEY: Yes, sir, Your Honor. Thank
7 you.

8 THE COURT: Is that satisfactory to the
9 defense? I know they may not agree with my ruling
10 as it relates to this, but as it relates to
11 correcting, do you understand the Court's ruling
12 without having any questions, sir?

13 MR. WALKER: I do understand, yes, sir.

14 THE COURT: So we're going to bring the
15 jury back in, and you're going to basically go
16 back, and you're going to begin with what
17 question?

18 MR. WALKER: Were you present in May of
19 this year when Mr. Antonio Clinton was killed at
20 the Palm Inn and Suites?

21 THE COURT: All right. Is that what
22 you --

23 MR. UTSEY: Your Honor, I don't remember
24 him asking that.

25 MR. WALKER: It wasn't that specific. It

Testimony of Channita Kelly

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1 was, were you present when he was killed, is what
2 I was asking.

3 THE WITNESS: Was I present during the
4 shooting.

5 THE COURT: Hold on. Ma'am. Ma'am.

6 I mean, what I want to do is, I want to
7 fix this and I want to fix it in a way that's
8 going to --

9 MR. UTSEY: Your Honor, can we have two
10 minutes?

11 THE COURT: Yeah, sure you can.

12 MR. UTSEY: Thank you, Judge. I
13 appreciate it.

14 THE COURT: You have the questions?

15 THE COURT REPORTER: Yes, sir.

16 THE COURT: She's got the questions.

17 MR. UTSEY: Perfect.

18 THE COURT: So you want to play -- can we
19 play those back?

20 MR. UTSEY: Yes, sir.

21 THE COURT: Is that all right?

22 MR. UTSEY: Yes, Your honor.

23 THE COURT: Thank you, Sharon.

24 (Questions played back.)

25 THE COURT: I think what we need to do

Testimony of Channtha Kelly

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1 is, we need to have you move into the questions
2 that you asked during the proffer. And I think
3 she's going to then respond that she doesn't -- or
4 however she's going to respond, sir. And then at
5 that point, I will probably tell you to move on.

6 MR. UTSEY: Yes, sir.

7 MR. WALKER: I had not prewritten those,
8 so I don't --

9 THE COURT: Let me ask you this: Can we
10 play the questions that he asked in the proffer?

11 THE COURT REPORTER: Yes.

12 THE COURT: All right. Thank you.

13 (Proffered questions played back.)

14 THE COURT: So you have the questions he
15 asked before the jury went out and you have the
16 responses. And assuming she responds
17 substantially similar, then he's just going to
18 move on from that. Is that what you want,
19 Solicitor?

20 MR. UTSEY: Yes, sir. And then I would,
21 maybe in redirect, I'll ask her one question.
22 Because her answer was, I was not involved in any
23 way, and I'm just going to say, you were not
24 involved in any way in that case.

25 THE COURT: That's fine.

Testimony of Channtha Kelly

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1 MR. UTSEY: That's it.

2 THE COURT: That's fine, sir. I will
3 allow that.

4 Do you have anything for the record, that
5 she would need to put on the record, Mr. Walker,
6 concerning the Court's ruling?

7 MR. WALKER: I just want to read off the
8 questions I have written down to make sure the
9 solicitor and the Court -- we're all in
10 agreement.

11 So I have the first question as, You were
12 present when Antonio -- I'll write his name down
13 correctly, but Clinton -- you were present when
14 Antonio Clinton was shot that day, correct, was
15 the first question.

16 MR. UTSEY: Yes.

17 MR. WALKER: The second question: You
18 were staying with him, correct? And then third
19 question: How did the altercation start? And
20 fourth: So you did not instigate the altercation
21 with the person that shot Mr. Clinton?

22 MR. UTSEY: Yes. That's correct, Your
23 Honor.

24 THE COURT: That's what you want, sir?

25 MR. UTSEY: Yes, sir. That's correct.

Testimony of Channata Kelly

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1 THE COURT: All right. Then that's what
2 we'll do.

3 All right. Now, is there anything else
4 concerning our ruling -- the court's ruling
5 concerning this issue that was brought up by
6 Mr. Walker and how we hope to remedy this matter
7 once the jury is back in? Anything else you need
8 to bring up, sir?

9 MR. UTSEY: No, Your Honor.

10 THE COURT: Mr. Walker, is there anything
11 that you need to place on the record? You understand
12 what I've done as it relates to trying -- I know you
13 may not agree with my ruling, but as it relates to my
14 denial, and now a way to try to unring this bell, do
15 you have a problem with that, sir?

16 MR. WALKER: Your Honor, I do not. As I
17 told the court, some of these questions were a bit
18 exploratory. I would have stopped asking question
19 on this topic after that last answer anyway.

20 THE COURT: All right. So then I take it
21 you don't have any objection as it relates now
22 to -- particularly the Court's ruling,
23 particularly in light of the evidence that you
24 received during the proffer; is that right?

25 MR. WALKER: That is correct, Your Honor.

Testimony of Channata Kelly

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1 THE COURT: Anything else before we bring
2 the jury in?

3 MR. UTSEY: No, Your Honor.

4 THE COURT: Let's get the jury in here,
5 please. Thank you.

6 (Jury enters the courtroom at 11:38 a.m.)

7 THE COURT: All right. Ladies and
8 Gentlemen, thank you.

9 Counsel, you can proceed.

10 MR. WALKER: Thank you, Your Honor.
11 Court's indulgence.

12 CROSS-EXAMINATION

13 BY MR. WALKER:

14 Q Miss Kelly?

15 A Yes.

16 Q I want to ask you about a shooting that happened
17 in May of this year. Were you present with
18 Antonio Clinton on that day?

19 A I was at the motel.

20 Q Okay. You were staying with him?

21 A Yes, he was staying with me.

22 Q How did that altercation start? How did the fight
23 start?

24 A I don't know how it started.

25 Q Okay. So you did not instigate the altercation

Testimony of Channnta Kelly

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1 with the person that shot him?

2 A No, I did not.

3 Q Okay. Mr. Utsey asked you about some issue you
4 had with the criminal court and some convictions for
5 forgery and habitual traffic offender; is that
6 correct?

7 A Yes, sir.

8 Q Now, forgery is the passing of a false document or
9 putting a false signature on a real document, right?

10 A Yeah.

11 Q And when you pled guilty to those charges, you
12 received a three-year sentence suspended to two years
13 of probation, right?

14 A Yes, sir.

15 Q Now, back in 2019 when you were shot, were you
16 still on probation?

17 A Yes, sir.

18 Q You're off now?

19 A Yes, sir.

20 Q And you also testified that you used
21 non-prescription drugs; is that correct? Drugs that
22 are illegal in the state of South Carolina.

23 A Testified when?

24 Q You told Mr. Utsey you smoked marijuana.

25 A Oh, yes, sir. Yes, sir.

Testimony of Channnta Kelly

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1 Q Let me set the time.

2 A Yes, sir.

3 Q You said you cleaned up and DSS is happy with you
4 now and everything. But at the time of the shooting,
5 did you owe your drug dealers any money?

6 A No, sir.

7 Q Okay.

8 MR. WALKER: I don't have any further
9 questions.

10 THE COURT: All right. Solicitor, do you
11 have any redirect, sir?

12 MR. UTSEY: Yes, sir. Very briefly, Your
13 Honor.

14 THE COURT: Go right ahead.

15 MR. UTSEY: Thank you, Your Honor. May
16 it please the court?

17 REDIRECT EXAMINATION

18 BY MR. UTSEY:

19 Q Channnta, that shooting that Mr. Walker asked you
20 about, you were not involved in that shooting,
21 correct?

22 A No, sir. I was not.

23 Q Thank you. And that shooting has nothing to do
24 with this case, what you're here for today, correct?

25 A Not at all.

Testimony of Channnta Kelly

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1 Q And you're not a perfect person, are you?

2 A Not by far.

3 Q Who shot you?

4 A William Sanders.

5 MR. UTSEY: Thank you. No further
6 questions.

7 THE COURT: Anything further,
8 Mr. Walker.

9 MR. WALKER: No, Your Honor.

10 THE COURT: All right, great. Thank you,
11 ma'am. You can step down.

12 THE WITNESS: Thank you.

13 THE COURT: All right. Solicitor, you
14 can call your next witness.

15 MR. UTSEY: Yes, sir, Your Honor.

16 The State calls Bethany Davidson.

17 THE COURT: All right.

18 THE CLERK: Raise your right hand. Place
19 your left on the Bible. Do you solemnly swear to
20 tell the truth, and nothing but the truth so help
21 you God?

22 THE WITNESS: Yes.

23 THE CLERK: Have a seat in the witness
24 stand. State your name and spell your last name
25 for the record, please.

Testimony of Bethany Davidson
THE WITNESS: Bethany Davidson,

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D-a-v-i-d-s-o-n.

WHEREUPON:

BETHANY DAVIDSON,

after having been sworn, testified as follows:

DIRECT EXAMINATION

BY MR. UTSEY:

Q Can you tell us who you work for, Miss Davidson?

A I work for the South Carolina Law Enforcement
Division, also known as SLED.

Q And how long have you worked there?

A Since July of 2017.

Q And can you tell us your position with SLED?

A Before I was a forensic technician in our
evidence control department. Currently, I am the
coordinator of our training unit.

Q And when did you change jobs?

A October of last year.

Q Okay. But in June of 2019, you were the forensic
technician for the evidence department?

A I was.

Q Can you tell us some of your duties as the
forensic technician for the evidence department?

A As the forensic technician in our evidence
control department, we handle all the evidence

Testimony of Bethany Davidson

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1 coming into the lab. So we log in the evidence
2 that are submitted from outside agencies. We
3 generate a unique lab item number for each
4 evidence that comes into our laboratory. We then
5 will transfer that evidence to the analyst for
6 analysis.

7 Upon completion of analysis, we then take
8 that evidence back into our secured evidence room
9 until the outside agencies would come pick the
10 evidence back up.

11 MR. UTSEY: May I approach the witness,
12 Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. UTSEY:

15 Q All right. Miss Davidson, I'm handing you what
16 has been marked as State's Exhibit 46. Do you
17 recognize that item?

18 A Yes, sir, I do.

19 Q How?

20 A At the top of the evidence that is the unique
21 lab and item number that I would have generated
22 and placed on that evidence when it came into the
23 laboratory.

24 Q Okay. And can you tell me what that item is?

25 A The item would be a GSR kit.

1 Q Okay. When you get it when it comes into the lab,
2 tell me what you do with it at that point?

3 A When we bring it into the laboratory, we
4 confirm that the evidence is sealed and secured to
5 meet our laboratory policies. Once we approve
6 that it is secured and the evidence has not been
7 tampered with, we then generate that unique lab
8 and item number, and then that's when we would
9 transfer it to our secured room until it is
10 requested to be tested.

11 Q Okay. So you-all feel, if evidence comes in there
12 and the tape is broken, or something like that,
13 you-all's policy is not to test it; is that correct?

14 A If the evidence appears -- if the seal
15 appears to be tampered with, or anything like
16 that, we would photograph the evidence, make a
17 documentation, add notes, and then it would be up
18 to the department on what to do next with that.

19 Q Okay. But, in this case, everything was sealed up
20 and everything was proper, correct?

21 A Correct, and to our laboratory policies.

22 Q Okay. And did you ever tamper with it?

23 A I did not. No, sir.

24 Q Okay. So all you do is place the bar code on it
25 and then place it -- move it on in the process to the

Testimony of Bethany Davidson

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1 evidence room; is that correct?

2 A Correct.

3 Q And you made sure it was not tampered with?

4 A Correct.

5 Q And you did not tamper with it yourself, correct?

6 A No, sir. I did not.

7 Q And where did you place it again? I'm sorry. I
8 missed you saying that. Tell me again, please.

9 A So when I log the evidence in, I would have
10 transferred it to the trace evidence intake
11 storage shelf, which is where all of our GSRs are
12 located in our secured evidence room.

13 Q Okay. So that's where -- so every GSR kit that
14 comes in, they go to the trace intake shelf?

15 A Yes, sir.

16 Q All right. And what happens from trace intake
17 shelf, do you know.

18 A It would be up to the technician for trace to
19 request the evidence. When she requests the
20 evidence, we then would transfer it from the
21 evidence room to the technician for trace.

22 Q Okay. But as far as the process, you're done with
23 it. Once you put it on the trace intake shelf, you're
24 pretty done with it; is that correct?

25 A Correct. I would just pick the evidence back

Testimony of Bethany Davidson

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1 up to transfer it to the technician.

2 Q Okay.

3 MR. UTSEY: I have no further questions,
4 Your Honor.

5 THE COURT: Any questions, Mr. Walker?

6 MR. WALKER: No, Your Honor.

7 THE COURT: Thank you, ma'am.

8 THE WITNESS: Thank you.

9 THE COURT: The State calls Jamie Hall.

10 THE CLERK: Raise your right hand and
11 place your left on the Bible. Raise your right
12 hand. Do you solemnly swear to tell the truth,
13 and nothing but the truth so help you God?

14 THE WITNESS: I do.

15 THE CLERK: Take a seat in the witness
16 stand. State your name again and spell your last
17 name, please.

18 THE WITNESS: Okay. My name is
19 Jamie Hall, H-a-l-l.

20 MR. UTSEY: And you can pull down your
21 mask.

22 THE COURT: Pull your mask down for the
23 purposes of your testimony. Thank you so much.

24 WHEREUPON:

25 JAMIE HALL,

Testimony of Jamie Hall

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1 after having been sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. UTSEY:

4 Q Thank you, Miss Hall. Can you tell us, who do you
5 work for?

6 A I work for the South Carolina Law Enforcement
7 Division in the forensics services laboratory.

8 Q Okay. And what's your position with SLED?

9 A I'm a forensic technician in the trace
10 evidence department.

11 Q Okay. And can you tell me some of your duties as
12 a forensic technician?

13 A Yeah. As a forensic technician in the trace
14 evidence department, my primary duty is to prep
15 analysis -- or all evidence for GSR analysis for
16 the analyst. So I prep GSR kits. I collect from
17 clothing. And I also prepare supplies needed for
18 arson analysis.

19 Q And State's Exhibit Number 46 is right in front of
20 you, Miss Hall, can you tell me if you recognize that
21 item?

22 A I do. It has the unique lab number assigned
23 to this case as well as the item number, and I
24 also have my date and initials on the evidence.

25 Q And what is that, State's Exhibit Number 46?

Testimony of Jamie Hall

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1 A It is a GSR kit.

2 Q Okay. When did you come into contact with it,
3 Miss Hall?

4 A I picked it up from our evidence control
5 department on June 4th of 2019.

6 Q Okay. And who did you get it from?

7 A I got it from Charlotte Pitts who is one of
8 our evidence custodians.

9 Q And where did Charlotte Pitts get it from?

10 A A secure location within the evidence control
11 department.

12 Q Okay. So the GSR kit would go to the secure
13 location and then you-all would take it to the
14 scientist after that; is that correct?

15 A Correct. When I'm done with it, I put it in
16 the secure location in the trace evidence, and
17 then it waits there for the analyst.

18 Q All right. So you took control of it on
19 June 4, 2019. That's what you testified to; is that
20 correct?

21 A Correct.

22 Q And you took custody of it from Charlotte Pitts;
23 is that correct?

24 A Correct.

25 Q Okay. Was it properly sealed whenever you took

Testimony of Jamie Hall

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1 custody of it?

2 A It was.

3 Q And do you check to see if the seal --

4 A I do. I do what we call an inventory on each
5 GSR kit.

6 Q Okay.

7 A And everything is documented on the sheet for
8 the analyst. It involves me checking to make sure
9 everything is properly sealed and initialed. I
10 verify information such as the manufacturer of the
11 kit and the lot number, and to make sure it's
12 within our time frame for a living person which is
13 six hours.

14 Q Okay. And you said time frame for a living
15 person, six hours, can you explain a little bit more
16 about that, Miss Hall?

17 A Yeah. The analyst can go into more
18 information, but we do have a six-hour time limit.
19 If it's beyond six hours, we cannot determine
20 whether or not any GSR potentially found was
21 related to the incident.

22 Q Okay. And that means that the GSR kit has to be
23 administered within six hours of the alleged crime; is
24 that correct?

25 A Correct.

Testimony of Jamie Hall

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1 Q Okay. When you had control of it, did you tamper
2 with it in any way?

3 A I did not.

4 Q Okay. Did you maintain the integrity of that GSR
5 kit the entire time?

6 A I did.

7 Q And then tell me where you took it, Miss Hall,
8 again, please.

9 A I put it in a secure location within our
10 actual department, and that's where it stayed
11 until Lieutenant Nates took it.

12 Q Okay.

13 A MR. UTSEY: Your Honor, I have no further
14 questions.

15 THE COURT: Mr. Walker, do you have any
16 questions of this witness?

17 MR. WALKER: I do not.

18 THE COURT: All right. Thank you so
19 much, ma'am.

20 THE WITNESS: Thank you.

21 THE COURT: Solicitor.

22 MR. UTSEY: Yes, sir. Your Honor, the
23 State calls Jennifer Nates.

24 THE COURT: All right.

25 THE CLERK: Raise your right hand and

Testimony of Jennifer Nates

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1 left on the Bible. Do you solemnly swear to tell the
2 truth, and nothing but the truth so help you God?

3 THE WITNESS: I do.

4 THE CLERK: Have a seat on the witness
5 stand again, please, for the record, and spell
6 your last name.

7 THE WITNESS: Jennifer Nates, N-a-t-e-s.

8 WHEREUPON:

9 JENNIFER NATES,
10 after having been sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. UTSEY:

13 Q Who do you work for, Miss Nates?

14 A I work for the South Carolina Law Enforcement
15 Division in the trace evidence section of the
16 forensic laboratory.

17 Q Okay. And what is your position with SLED?

18 A My position is I am the lieutenant of the
19 department, which basically means I'm just a
20 supervisor and I supervise the daily activities of
21 the department.

22 Q How long have you worked at SLED?

23 A Twenty-four years.

24 Q All right. So tell what you do just day to day,
25 Miss Nates, if you don't mind.

Testimony of Jennifer Nates

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1 A Day to day varies. Like I said, I have to
2 supervise the department, which means I'm in
3 charge of approving time and leave, signing any
4 documents that need t be sent to human resources
5 or that management asks for. I'm also responsible
6 for case work and technical case reviews, going to
7 court, talking to investigators, talking to
8 solicitors and defense attorneys, and just the
9 daily maintenance on the instruments. Just
10 anything that has to do with that department, I
11 have to oversee.

12 Q Okay. And do you actually, I guess, administer
13 tests on gunshot residue kits to see if gunshot
14 residue is there?

15 A By administer, do you mean that I analyze the
16 kits?

17 Q Yes, correct.

18 A Yes, I do analyze gunshot residue kits in
19 addition to the other types of evidence the
20 department receives.

21 Q And what kind of training and experience do you
22 have to have in order to analyze these kits?

23 A For our agency, the only requirement for a
24 trace analyst is that we have a four-year degree
25 in a science field. In my case, I have a

Testimony of Jennifer Nates

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1 four-year chemistry degree from a small state
2 school in Pennsylvania. Once you have the degree
3 and you're hired, you then have to go through a
4 training program and show that you are competent
5 in everything you have learned and that you are
6 able to perform that type of analysis and that
7 type of test and be able to generate those reports
8 and give your opinion on the evidence.

9 So the training that's required is, you need
10 a four-year degree in a scientific field and then the
11 training that's provided in-house at the agency.

12 Q And how long is that training in-house at the
13 agency, do you know?

14 A For a trace examiner, it is anywhere from six
15 to eight years. For gunshot residue, the training
16 is -- that is the first discipline that a trace
17 analyst will train in our department, and usually
18 that training can be completed in under a year.

19 Q Okay. Have you ever testified in state court?

20 A Yes.

21 Q Have you ever been qualified as an expert?

22 A I have.

23 MR. UTSEY: Your Honor, at this time, I
24 would ask to qualify Lieutenant Nates as an expert
25 in trace evidence, and more specifically, gunshot

Testimony of Jennifer Nates

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1 residue analysis.

2 THE COURT: Mr. Walker?

3 MR. WALKER: No objection, Your Honor.

4 THE COURT: All right. Ladies and
5 Gentlemen, again, the rules, ordinarily, do not
6 permit witnesses to testify to opinions or
7 conclusions. An exception to the rule is for
8 witnesses we call expert witnesses, a witness who
9 by education, experience becomes an expert in some
10 art, science, or profession may give reasons for
11 their opinion. And, again, you should, Ladies and
12 Gentlemen, consider an expert opinion given by a
13 witness like any other evidence. You give it the
14 weight you think it deserves.

15 I am going to find her to be an expert in
16 trace analysis --

17 MR. UTSEY: Trace evidence, Your Honor.

18 THE COURT: Trace evidence and gunshot
19 reduce.

20 MR. UTSEY: Yes, sir. Thank you, Your
21 Honor.

22 THE COURT: You may proceed.

23 MR. UTSEY: Yes, sir.

24 BY MR. UTSEY:

25 Q Miss Nates, in front of you, State's Exhibit

Testimony of Jennifer Nates

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1 Number 46, can you tell me if you recognize that?

2 A So State's Exhibit 46 is the packaging which
3 holds the gunshot residue kit for SLED lab number
4 L1910460, and it is item 1. Whenever evidence is
5 received by the laboratory, it's given a unique
6 case number laboratory number which begins with an
7 L for the lab and then the year. In this case, it
8 was L1010460.

9 Each item of evidence that comes in is then
10 given a sequential item number. So this was item 1.
11 And it does have my initials on it when I took it into
12 my custody to perform the analysis.

13 Q Okay. And that is the gunshot residue kit for
14 this case of State vs. William Sanders; is that
15 correct?

16 A That is the gunshot residue kit that was sent
17 in from William C. Sanders.

18 Q Okay. And did you perform any testing on that --
19 I guess the item in that box, in that plastic box?

20 A I did.

21 Q And before you performed the testing, what was the
22 condition of the package? Did it look like it had
23 been altered with or changed in any way before you got
24 it?

25 A When I received the package, our evidence

Testimony of Jennifer Nates

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1 technician will have opened it, inventoried it,
2 determined if the evidence was sealed, initialed,
3 and properly contains the information that is
4 needed for analysis. So she does not reseal it.
5 Once she does her exam, she sticks it in a secure
6 file cabinet area for us to pull evidence from so
7 that we can analyze them as time allows.

8 Q Okay.

9 A So it had not been tampered with, other than
10 it had been opened by Jamie Hall to prep the case
11 for my analysis.

12 Q Okay.

13 MR. UTSEY: Your Honor, at this I would
14 like to offer State's exhibit 46 into evidence.

15 THE COURT: Any objection?

16 MR. WALKER: No, Your Honor.

17 THE COURT: All right. So State's 46 is
18 entered without objection.

19 (STATE EXH. 46, GSR kit, was marked for
20 identification.)

21 MR. UTSEY: Thank you, Your Honor.

22 BY MR. UTSEY:

23 Q So I'm going to back up briefly. Can you tell us
24 what gunshot residue is?

25 A Gunshot residue is a term that's used to

Testimony of Jennifer Nates

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1 describe any or all residue that is produced when
2 a firearm is discharged. Our laboratory
3 specifically analyzes for what is call primer
4 gunshot residue or PGSR. The primer gunshot
5 residue is just a portion of the gunshot residue.
6 It is the most unique and it originates from the
7 primer composition in the cartridge of the -- the
8 primer portion of the cartridge whenever the gun
9 is fired.

10 So we analyze for this portion which consists
11 of small metallic particles that contain three
12 elements; barium, antimony, and lead.

13 So gunshot residue as a term is any and all
14 metals, any and all gasses, anything that's produced
15 by that firearm when it's discharged. But when I talk
16 about gunshot residue, I'm specifically talking about
17 the gunshot residue portion that is produced from the
18 primer composition.

19 Q Okay. So you look for detailed-type of gunshot
20 residue? Is that how you would put it?

21 A It is detailed. It's very small. It's
22 microscopic and I have to use a scanning electron
23 microscope to even find it.

24 Q Okay. Did you look for gunshot -- or gunshot
25 primer residue in the kit that was provided to you?

Testimony of Jennifer Nates

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1 A I did.

2 Q And what were your results?

3 A My results for the GSR kit from
4 William Sanders was that I found one particle
5 characteristic of primer gunshot residue.

6 Q And you found one particle. That is an
7 extremely -- I mean, that's a low number, correct?

8 A That is the lowest reportable number. If we
9 find zero, we report a negative. One particle, we
10 report we found a single particle. And two or
11 more, we report multiple.

12 Q Okay. So you found one particle in the kit that
13 was provided to you in State vs. William Sanders; is
14 that correct?

15 A Yes.

16 Q All right. And can you explain a little bit more
17 about gunshot residue and how it can be transferred
18 and stuff like that?

19 A Once a firearm is discharged and that mini
20 explosion takes place and forms the hot gases and
21 vapors that exit from that gun, it forms what we
22 call a cloud and the particles will be within that
23 cloud. So anyone within close vicinity to that
24 firearm when it's discharged can have these
25 particles deposit on them. It can deposit on your

Testimony of Jennifer Nates

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1 clothing, on your hands, on different areas of
2 your body. The most common place to find it when
3 you look to see if someone has fired a weapon is
4 to find it on their hands.

5 In this case, gunshot residue, once it
6 deposits, it can be removed. So if I fire a gun and
7 have GSR on my hands, I can wash my hands and
8 potentially remove it all. I can put my hands inside
9 my pockets and it can remove it. I can be sweating or
10 driving a car, any activity that I do, it will remove
11 it. It's not going to stay on your hands forever.

12 In fact, GSR kits that are collected six
13 hours after a shooting, we do not analyze them because
14 there's no expectation that there would be any residue
15 left on your hands from that time frame.

16 Q Okay. So gunshot residue is so easily
17 transferred, you don't even test it after six hours.

18 A On a living person, we do not test a kit
19 collected after six hours.

20 Q Okay. So I can have gunshot residue on my left
21 hand, swipe this, and I could take it off.

22 A You can remove it, take it off, or just alter
23 how much is there.

24 Q Okay.

25 MR. UTSEY: May I have the Court's

Testimony of Jennifer Nates

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1 indulgence?

2 THE COURT: Okay.

3 MR. UTSEY: Thank you.

4 BY MR. UTSEY:

5 Q Let me ask you one last thing, Miss Nates. Can
6 you just tell me -- and you might have already
7 explained it -- can you tell me how gunshot residue
8 can be present on someone's hands?

9 A You can have gunshot residue deposited on
10 your hands from firing a weapon, from being near a
11 weapon when it's discharged, or from transfer from
12 picking it up from another source.

13 Q Okay. And when you say transfer from another
14 source, can you explain a little bit more into that?

15 A Gunshot residue, like I said, it's easily
16 transferable and easily removed. So if I fire a
17 weapon and I shake your hand, I potentially can
18 transfer it to your hand. If a weapon that has
19 been recently fired is set down on this countertop
20 and I touch it later on, I can pick up gunshot
21 residue from what was left from that weapon on the
22 countertop.

23 Q Okay.

24 MR. UTSEY: May I approach the witness,
25 Your Honor?

Testimony of Jennifer Nates

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1 THE COURT: Yes, sir.

2 BY MR. UTSEY:

3 Q I'm handing you what's been marked as
4 State's Exhibit 35, Miss Nates. Can you tell the jury
5 what that is, please?

6 A Based off of personal experience, but not as
7 what I'm qualified as an expert in.

8 Q Yes, ma'am.

9 A These appear to be shotgun shells.

10 Q Okay. Those appears to be spent shotgun shells;
11 is that correct?

12 A Possibly, yes.

13 Q So could GSR be picked up from those shotgun
14 shells if they've been in a gun?

15 A If a shell or cartridge has been in a gun
16 that has been fired, yes. I would fully expect
17 there to be gunshot residue present on them once
18 they are no longer in the weapon. Had it been
19 just taken out of a box of ammunition that had not
20 been fired, just purchased, then I would not
21 expect to find on it. But since it has been
22 fired, all of the gunshot residue will be in this
23 shell.

24 Q Okay. But on a new box of shotgun shells you're
25 not going to find gunshot residue on a new box.

Testimony of Jennifer Nates

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1 A You should not, no.

2 Q Okay.

3 MR. UTSEY: I have no further questions
4 for Miss Nates, Your Honor.

5 THE COURT: All right. Thank you.

6 Mr. Walker, do you have any
7 cross-examination, sir?

8 MR. WALKER: I do, Your Honor.

9 THE COURT: All right. Your witness,
10 sir.

11 CROSS-EXAMINATION

12 BY MR. WALKER:

13 Q Good afternoon, Miss Nates.

14 A Hello.

15 Q I just want to cover some of the same ground in
16 maybe in a slightly different way. When we're talking
17 about the gunshot residue, you said you use the
18 electron microscope to find it. So they are very
19 small particles; is that correct?

20 A That is correct.

21 Q At least at a molecular level.

22 A Yes. They're usually under 10 microns and
23 under. Yes, sir.

24 Q And so somebody can get that from shooting a gun,
25 correct?

Testimony of Jennifer Nates

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1 A Yes.

2 Q Being near a gun that's spin shot when it's
3 fired?

4 A That's correct.

5 Q And through transfer from particles that are
6 already present in the environment?

7 A That is correct.

8 Q Now, I guess this applies to all, but let's talk
9 about transfer. If I have gunshot residue on my hand
10 and just put a bag on it and don't ever touch it
11 again, will the residue fade away overtime?

12 A On a living or deceased person?

13 Q On a living person.

14 A On a living person, it could fade away over
15 time only because you can absorb particles. They
16 can be absorbed into the skin, they will no longer
17 be there. They will touch the bag if your hand is
18 in it.

19 Q The particle doesn't disappear. It just goes into
20 your body?

21 A Yes.

22 Q So I guess it's not like a puddle of gasoline that
23 would evaporate.

24 A No, they will disperse.

25 Q So when we're talking about gunshot residue either

Testimony of Jennifer Nates

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1 being transferred onto or off of a surface, it's by
2 some sort of physical action.

3 A Yes.

4 Q Now, an imperfect analogy might be if you touched
5 flour when you're baking and then touched my suit,
6 then you see a hand print from flour. Is that a
7 similar effect?

8 A It's similar. But with flour, you can see it
9 and there's lot. With gunshot residue, there are
10 so many variables with the type of ammunition, the
11 type of gun, the physical conditions during the
12 shooting. There's no way to say how much you
13 could transfer at one time or how much you expect
14 to find. So gunshot residue, when we actually
15 analyze for it and look for it, we just determine
16 presence or absence, and then we give the three
17 scenarios on these are potential ways it can be
18 present.

19 Q In this case, you testified that the absolute bare
20 reportable minimum was what was located?

21 A That was what was located, yes.

22 Q So just going back to my flour analogy, if I have
23 some flour on my hand and touch a door knob and then
24 you touch the door knob, you might expect to find
25 flour on your hand?

Testimony of Jennifer Nates

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1 A I would expect it, yes.

2 Q I guess I don't need to use an analogy. I can say
3 gunshot residue.

4 A Right.

5 Q If I have gunshot residue on my hand and touch a
6 door knob and then you touch it, then you might have
7 it.

8 A Potentially, you can pick it up.

9 Q I've shot a gun and I drive a car, and then you
10 get in and drive the car, if we test your hand, you
11 might have gunshot residue.

12 A You could from that, yes.

13 Q Solicitor asked you -- showed you a photo of
14 State's 35, I believe, of some shotgun shells in cup
15 holder and there was some discussion between you and
16 he about whether they were live or spent, or had been
17 fired.

18 A Yes.

19 Q Did I understand your testimony to be that if a
20 live shell had been inserted into at firearm and then
21 removed, you would find residue on -- you would expect
22 to find residue on the shell?

23 A I would expect to find it, yes, if that gun
24 had been fired because gunshot residue -- the main
25 area where you're going to find the gunshot

Testimony of Jennifer Nates

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1 residue is the gun itself because that is where
2 the highest concentration would be.

3 Q And then we've also -- if the shell had actually
4 been fired, you would certainly expect to find gunshot
5 residue.

6 A Yes, because many times we're submitted
7 actual cartridge cases to sample for the gunshot
8 residue and we can actually dump them out and
9 perform your testing on that, what is left in the
10 cartridge.

11 Q All right. I'm going to hand you what has been
12 marked as Defense 1 and 2, ask that you take a look at
13 those, and tell me if you recognize what those are.

14 A They also appear to be shotgun shells. And
15 the one does appear to be fired. But as I said,
16 I'm not a firearm examiner. This is just personal
17 knowledge from having seen shells, but not a lot.

18 Q But fired shotgun shells.

19 A Yes.

20 Q So from your earlier testimony, you would expect
21 to have gunshot residue on those shells and the
22 potential for transfer if someone handled those
23 shells.

24 A Yes.

25 MR. WALKER: I don't have any further

Testimony of Jennifer Nates

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1 questions.

2 THE COURT: All right. Do you have any
3 redirect, Solicitor?

4 MR. UTSEY: Nothing further, Your Honor.
5 I would ask that Miss Nates be excused.

6 THE COURT: Thank you so much.

7 THE WITNESS: Thank you.

8 THE COURT: Have a safe trip back.

9 THE WITNESS: Thank you.

10 MR. UTSEY: May I speak with Mr. Walker
11 one moment?

12 THE COURT: Yes, sir.

13 MR. WALKER: May we approach, Your Honor?

14 THE COURT: Yes, sir.

15 (Bench conference.)

16 THE COURT: Yes, sir. Yes, sir.

17 MR. WALKER: Mr. Utsey has marked our
18 stipulation as an exhibit and would like to give
19 it to the jury. My understanding is we would just
20 read the stipulation to the jury.

21 MR. UTSEY: I just wanted it in evidence.

22 THE COURT: Typically, my understanding
23 is that I would read the stipulation.

24 MR. UTSEY: That's fine, Your Honor.

25 THE COURT: I would say that I want you

Testimony of Jennifer Nates

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1 to know that the State and defendant have
2 stipulated and then I would read it. I'm happy to
3 make this a court's exhibit.

4 MR. UTSEY: Yes, sir.

5 THE COURT: Is that all right?

6 MR. UTSEY: Yes, sir.

7 MR. WALKER: Thank you.

8 THE COURT: Solicitor, are we ready to
9 move forward with the recording?

10 MR. UTSEY: Yes, Your Honor.

11 THE COURT: All right. Ladies and
12 Gentlemen, I want you to know that both the State
13 and the defense, the defendant in this matter
14 stipulate to the following: On April 28, 2019,
15 the defendant, William Sanders, made a recorded
16 call which is State's Exhibit 51. That is the
17 stipulation that has been entered into, agreed to,
18 by the State and by the defense.

19 MR. UTSEY: Permission to publish, Your
20 Honor?

21 THE COURT: Yes, sir. And I'm going to
22 make this stipulation at court's exhibit.

23 MR. UTSEY: Yes. Thank you, Your
24 Honor.

25 MR. WALKER: Thank you.

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1 THE COURT: Go right ahead. You can
2 publish. Yes, sir.

3 (COURT'S EXH. 3, Stipulation, was marked and
4 entered into court file.)

5 (STATE. EXH. 51, Phone call recording, was
6 marked for identification and entered into evidence.)

7 (Phone call recording played.)

8 MR. UTSEY: That is all for the recorded
9 phone call, Your Honor.

10 THE COURT: All right. Thank you,
11 Solicitor.

12 Solicitor, you can call your next witness.

13 MR. UTSEY: Yes, sir. The State rests at
14 this time, Your Honor.

15 THE COURT: All right. Ladies and
16 Gentlemen, the State has rested their case. And
17 so that actually is an appropriate time for us to
18 break for lunch. There are several matters that
19 we'll have to take up outside of your presence and
20 so what I'm going to do is, I'm going to ask --
21 it's 12:15. I'm going to ask that you come back
22 at 1:45. If you will come back at 1:45, we will
23 be ready to continue. Thank you so much. Don't
24 talk about the case. We'll see everybody back at
25 1:45. Thank you.

Testimony of Jennifer Nates
(Jury exits the courtroom at 12:15 p.m.)

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THE COURT: All right. Do we have any motions?

MR. WALKER: I move for directed verdict at this time.

THE COURT: All right. I'm going to deny your motion, sir. I believe, looking at this matter in the light most favorable to the non-moving party, I think certainly there's evidence from which a jury can find, beyond a reasonable doubt, that your client did, in fact, shoot the victim, Miss Kelly. I think that there's sufficient evidence through the testimony of Miss Kelly herself as to the fact that the defendant shot her. Her son, the fact that he was there mere seconds afterwards, I think there's sufficient -- I think there's sufficient evidence for this matter to move forward.

Solicitor, I'm sorry, I didn't give you an opportunity to state anything. Is there anything you want to state as it relates to -- maybe something I didn't cover as it relates to that. I want to be sure to hear from you, sir.

MR. UTSEY: I think you covered it, Your Honor.

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1 THE COURT: All right. Anything else,
2 Mr. Walker?

3 MR. WALKER: No, Your Honor.

4 THE COURT: All right. So I'm going to
5 deny your motion.

6 Mr. Walker, do you need some time to talk
7 with your client? Are you ready for me to talk to
8 him about his -- questions concerning his right to
9 testify? Or do you need a few minutes? Or do you
10 want to do that in a few minutes? Or do you want
11 to go ahead and do that now.

12 MR. WALKER: I believe we're ready,
13 Your Honor.

14 THE COURT: Okay, great. I would like to
15 see -- Mr. Sanders, could you stand up for me,
16 please, sir. Mr. Sanders, can you raise your
17 right hand, sir? Mr. Sanders, do you swear to
18 tell the truth, the whole truth, and nothing but
19 the truth so help you God?

20 MR. SANDERS: Yes.

21 THE COURT: You can put your hand down.

22 Mr. Sanders, at this time, I'm going to
23 explain certain of your rights. And, Mr. Sanders,
24 if you don't understand anything I say, I want you
25 to let me know. If you want me to explain

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1 anything in more detail, I want you to let me
2 know. Do you understand that, sir?

3 MR. SANDERS: Yes, sir.

4 THE COURT: All right. Now, we've
5 reached the stage of the trial, Mr. Sanders, where
6 you may present your defense. You have the right
7 to claim the protections given to you,
8 Mr. Sanders, by the Fifth Amendment to the
9 Constitution of the United States. And the
10 amendment states in part, Mr. Sanders, no person
11 shall be compelled in any criminal case to be a
12 witness against himself. This means that you can
13 not be required to testify in this case,
14 Mr. Sanders. Do you understand that?

15 MR. SANDERS: (Nods head.)

16 THE COURT: You need to answer out loud
17 for me, sir. Pull your mask down and answer out
18 loud for me, sir. You understand that?

19 MR. SANDERS: Yes, sir.

20 THE COURT: You have the right to testify
21 on your own behalf; however, no one can make you
22 testify. This is a personal right and no one can
23 waive this right except for you. Do you
24 understand that, sir?

25 MR. SANDERS: Yes, sir.

Testimony of Jennifer Nates

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1 THE COURT: If you decide to testify, you
2 will be subject to the same rules that govern
3 other witnesses and you may be examined and
4 cross-examined on any relevant issue in this case.
5 Do you understand that?

6 MR. SANDERS: Yes, sir.

7 THE COURT: In addition, if you have any
8 convictions involving dishonesty or false
9 statement or for crimes punishable by imprisonment
10 for more than one year and this court determines
11 that the probative value of admitting this
12 evidence outweighs its prejudicial effect to you,
13 the solicitor may be able to introduce your record
14 to attack your credibility. Do you understand
15 that, sir?

16 MR. SANDERS: Yes, sir.

17 THE COURT: All right. Mr. Sanders, if
18 you decide to testify, this decision on your part,
19 sir, must be freely, voluntarily, and
20 intelligently made with the knowledge of the
21 protections given to you by the Fifth Amendment
22 and the consequences of your decision to testify.
23 Do you understand, sir?

24 MR. SANDERS: Yes, sir.

25 THE COURT: If you decide not to testify,

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1 Mr. Sanders, I want you to know that I will
2 instruct the jurors that they cannot give the fact
3 that you did not testify any consideration
4 whatsoever and that there is to be absolutely no
5 prejudice to you because you did not testify. It
6 is left entirely up to you whether or not you
7 testify. You may talk to your attorney, your
8 family and friends, or anyone else, but the final
9 decision will be left entirely up to you. Do you
10 understand that, sir?

11 MR. SANDERS: Yes, sir.

12 THE COURT: Mr. Sanders, do you
13 understand what I have explained to you, sir?

14 MR. SANDERS: Yes, sir.

15 THE COURT: Do you have any questions
16 about what I have explained to you, sir.

17 MR. SANDERS: No, sir.

18 THE COURT: Have you discussed this
19 matter with your lawyer as to whether you should
20 testify or not, Mr. Sanders?

21 MR. SANDERS: Yes, sir.

22 THE COURT: You've spoken with Mr. Walker
23 about this?

24 MR. SANDERS: Yes, sir.

25 THE COURT: Okay. Do you need any more

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1 time to talk with your lawyer about this matter,
2 sir?

3 MR. SANDERS: No, sir.

4 THE COURT: Okay. Mr. Sanders, do you
5 wish to testify?

6 MR. SANDERS: Yes, sir.

7 THE COURT: All right. That's fine,
8 Mr. Sanders. Thank you.

9 What we will do is we will go ahead and
10 break for lunch. Are there any matters that we
11 need to take up before we break for lunch from the
12 State.

13 MR. UTSEY: Your Honor, the only thing I
14 thought about was you reading that stipulation
15 into evidence, Your Honor, I wanted you to
16 specifically tell your boss, Judge, a stipulation
17 by parties needs to be in the jury charge, the
18 stipulation. That will be it, Your Honor. Thank
19 you.

20 THE COURT: Yes, sir.

21 MR. UTSEY: There is a standard charge
22 for that, Your Honor.

23 THE COURT: Mr. Walker, is there anything
24 that we need to take up before we have break for
25 lunch, sir?

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1 MR. WALKER: I want to put on the record,
2 my understanding is, the State is not seeking to
3 introduce any prior convictions against my
4 client.

5 THE COURT: Is that correct, Solicitor?

6 MR. UTSEY: That's correct, Your Honor.

7 THE COURT: All right. For planning
8 purposes then, I'm assuming that we'll come back,
9 that your client will testify, that, at that
10 point, pursuant to our discussion, do you-all
11 still want to go ahead and let's argue and charge
12 in the morning? Solicitor?

13 MR. UTSEY: I'm fine with that, Your
14 Honor.

15 MR. WALKER: Yes, sir.

16 THE COURT: All right. So what we'll do
17 is, we'll come back at 1:45. We'll have the --
18 Mr. Sanders testify. We'll have some motions that
19 will probably be renewed. And then she actually
20 has some of these charges and probably will have
21 them to you during lunch. It may be that this
22 afternoon, I'll be around. It may be that we can
23 go ahead and, perhaps, have our charge conference,
24 or at least informally. I don't know if I'll make
25 my court reporter stick around, but at least

Testimony of Jennifer Nates

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1 informally, we could have a charge conference and
2 then we could go back on the record quickly
3 tomorrow morning and have that knocked out. And
4 if not, we can do it in the morning. But it looks
5 like we may have some time this afternoon. But I
6 did tell you-all that I would give you the
7 opportunity to argue the charge tomorrow.

8 So I'll see everybody back in here at
9 1:45.

10 MR. UTSEY: Yes, sir. Thank you,
11 Your Honor.

12 (A break was taken from 12:24 p.m. to 1:45 p.m.)

13 THE DEPUTY: All rise.

14 THE COURT: Thank you. You can be
15 seated. Is there anything from the State before
16 we bring the jury back in?

17 MR. UTSEY: Your Honor, can I go get
18 Miss Keeney real quick?

19 THE COURT: Sure, take your time.

20 MR. UTSEY: Thank you.

21 There is nothing from the State before the
22 jury comes in.

23 THE COURT: Anything from the defense
24 before we bring the jury in, Mr. Walker?

25 MR. WALKER: No, Your Honor.

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1 THE COURT: Are our jurors here?

2 Everybody back? It's just 1:45. We got
3 everybody?

4 THE BAILIFF: Yes.

5 THE COURT: Great. Bring them in. Yes,
6 sir.

7 (Jury enters the courtroom at 1:47 p.m.)

8 Mr. Foreman, Ladies and Gentlemen, of the
9 jury, thank you for being back. Thank you for being
10 prompt and on time. The State has rested its case.

11 And now, Mr. Walker, we're happy to hear from
12 the defense.

13 MR. WALKER: Thank you, Your Honor.

14 THE COURT: Yes, sir.

15 MR. WALKER: The defense will call
16 William Sanders to the stand.

17 THE COURT: All right.

18 THE CLERK: Raise your right hand, left
19 on the Bible. Do you solemnly swear to tell the
20 truth, and nothing but the truth so help you God?

21 THE WITNESS: Yes, ma'am, I do.

22 THE CLERK: Take a seat in the witness
23 stand. State your name for the record and spell
24 your last name.

25 THE WITNESS: My name is William Sanders.

Testimony of William Sanders

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1 WHEREUPON:

2 WILLIAM SANDERS,

3 after having been sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. WALKER:

6 Q Good afternoon, William.

7 A Good evening.

8 Q Did you shoot Channta Kelly?

9 A No, I didn't.

10 Q How old are you, William?

11 A Sixty.

12 Q And where are you from?

13 A Colleton County.

14 Q Have you always lived here?

15 A Off and on, yes, sir.

16 Q What kind of work have you done in your life?

17 A Heavy equipment and carpentry.

18 Q Are you doing that kind of work now?

19 A Yes.

20 Q Okay. Now, you've been present through this trial
21 and heard all the testimony; is that correct?

22 A Yes, sir.

23 Q Let me direct your memory to when you gave an
24 interview to Detective Padgett the night this
25 happened, the shooting happened.

Testimony of William Sanders

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1 A Yes, sir.

2 Q When you told her what had happened was that a
3 made up story?

4 A No, sir.

5 Q Was that your story?

6 A That's what happened.

7 Q That was your story of what happened to you and
8 what you saw?

9 A Yes, sir.

10 Q And let's just go back through some of the
11 testimony that we heard of Mr. Utsey asked Miss Kelly
12 about a fight or argument that you guys had on the
13 14th of the month, 10 days before Miss Kelly was shot.
14 Was there an altercation or fight that day?

15 A Yes, sir.

16 Q Did it start out physical or did it start out
17 verbal?

18 A It started out verbal.

19 Q Who converted it to a physical altercation?

20 A Channita Kelly.

21 Q So what did she do to make it physical?

22 A She hit me, then she grabbed me in my groin
23 and then she -- then I grabbed her hand and I hit
24 her back about four times. I slapped her.

25 Q So you slapped her with an open hand?

Testimony of William Sanders

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1 A Open hand, yes, sir.

2 Q But that was in response to her hitting you?

3 A Yes, sir.

4 Q Were there any weapons involved in that
5 altercation?

6 A No, sir.

7 Q Did you have a gun on you during that altercation?

8 A No, sir.

9 Q Did you ever point a gun at her during that
10 altercation?

11 A No, sir, I didn't.

12 Q Did you ever threaten to bury her in the back
13 yard?

14 A No, sir, I didn't.

15 Q Did you ever threaten to kill her?

16 A No, sir.

17 Q Was there a gun at that residence?

18 A Yes, sir.

19 Q And where was it?

20 A In the shed in the backyard.

21 Q Did you tell the police where they could find the
22 gun?

23 A Yes, I did.

24 Q Now, you heard Miss Kelly say that you guys were
25 in contact throughout that 10-day period between the

Testimony of William Sanders

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1 time that argument took place and she was shot,
2 correct?

3 A Yes, sir.

4 Q Did you ever threaten her any time in that 10-day
5 period?

6 A No, sir, I didn't.

7 Q So, let's go up to the day where she -- we moved
8 through those 10 days, and now let's talk about what
9 brings us here, her being shot that day. Did you
10 shoot her on that day?

11 A No, sir.

12 Q Now, whose house was this at?

13 A My house.

14 Q And you were there at the house?

15 A Yes, sir.

16 Q Did you have a gun with you at the house that day
17 she was shot?

18 A No, sir, I didn't.

19 Q Who invited you over to the house?

20 A The grandmama.

21 Q Why did she invite you over?

22 A I do a lot of, like, cleaning fish and
23 animals for people. And a fellow had brought a
24 cooler full of fish and set it on the porch and
25 tell me to come get it, and she called me to get

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1 it.

2 Q Were you there for another reason?

3 A And to get my tools out of the truck.

4 Q How long were you there?

5 A I'm going to say 45 minutes to an hour.

6 Q Who else was there?

7 A Channta was there, her mama was there, her
8 brother was there, her three children.

9 Q Did you ever go in the house?

10 A No, sir.

11 Q What did you do when you first got to the house?

12 A I got to the house. I pulled up in the yard
13 and got by her truck, and then I started getting
14 my tools out of the truck.

15 Q Okay. What did you do once you got done putting
16 your tools in your tuck?

17 A Then I got back in my truck and sat down and
18 I was talking to her through my truck. I was
19 sitting in the truck.

20 Q Where in the truck were you sitting?

21 A In the front seat, passenger seat -- I mean,
22 the driver's seat.

23 Q And was that front driver's seat the seat closest
24 to the house?

25 A Yes, sir.

Testimony of William Sanders

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1 Q And what did you-all do over that 45 minutes to an
2 hour that you were there?

3 A Just talking.

4 Q Okay. Did you ever threaten, at any point, during
5 those conversations?

6 A No, sir.

7 Q Was she angry with you?

8 A Yes, sir.

9 Q What was she angry with you about?

10 A She was angry about me, because that day I
11 went and tell another girl that she said that she
12 was going to report her for selling food stamps,
13 if -- that's what it was.

14 Q Okay. I asked you a moment ago if you remember
15 having a conversation with Detective Kelly -- or
16 Detective Padgett, pardon me, and you said you told
17 her the truth.

18 A Yes, sir.

19 Q And you weren't making up a story?

20 A I wasn't making up a story.

21 Q And you're not making up a story now?

22 A No, sir.

23 Q Do you remember drawing Miss Kelly (sic) a map of
24 the house that day?

25 A Yes, sir.

Testimony of William Sanders

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1 Q Is that the map you prepared?

2 A Yes, sir.

3 MR. WALKER: And I'm showing the witness
4 what has been marked and entered as State's
5 Exhibit 44.

6 BY MR. WALKER:

7 Q And that's an accurate representation?

8 A Yes, sir.

9 Q I'll also show you an aerial photo that the
10 sheriff's department showed marked as State's 11, is
11 that also a fair and accurate representation of -- and
12 I'm referring to these three vehicles closest to the
13 house -- of the way things were set up the night you
14 were there?

15 A Yes, sir.

16 Q So after you had been there for 45 minutes to an
17 hour, Miss Kelly was shot?

18 A Yes, sir.

19 Q Did you see that shooting?

20 A I was sitting in the truck facing the woods.
21 No, I didn't, sir.

22 Q Did you see her get shot?

23 A Yes, sir.

24 Q Okay. Did you see who shot her?

25 A No, sir.

Testimony of William Sanders

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- 1 Q Okay. Did you see anybody else around, anybody or
2 anything else around when she was shot?
- 3 A I didn't, no, sir.
- 4 Q So the shot just came out of thin air?
- 5 A It could have come from anywhere, sir.
- 6 Q Did you see another vehicle?
- 7 A I was right beside the road.
- 8 Q So did you see another vehicle?
- 9 A There was vehicles on the road, sir. Yes,
10 sir.
- 11 Q Did you see a vehicle there when Miss Kelly was
12 shot?
- 13 A It was a white truck.
- 14 Q Okay. Where was the white truck?
- 15 A On the road going by the residence.
- 16 Q Were you able to tell where the shot that you saw
17 hit Miss Kelly originated from?
- 18 A No, sir.
- 19 Q So you're not sure if it came from the truck or
20 not?
- 21 A I'm thinking it did, but I'm not sure.
- 22 Q So I guess maybe -- you're saying when the shot
23 was fired, you were looking at Miss Kelly and saw that
24 impact?
- 25 A Yes, sir. Yes, sir.

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1 Q So you did not see, at the moment the shot was
2 fired, where the shot was fired from?

3 A No, sir.

4 Q Okay. All right. But immediately after the shot
5 was fired, you looked over and saw a white truck.

6 A Yes, sir.

7 Q What did that white truck do once the shot was
8 fired?

9 A Went down the road.

10 Q Okay. What did you do once the shot was fired?

11 A Cranked my truck up and backed up and pulled
12 off.

13 Q Did you render aid to Miss Kelly?

14 A Her brother had already came out of the house
15 before I could move out of the yard. So her
16 brother come out, then he ran back in the house,
17 and then her son and her mama came out of the
18 house. They had aid her, so I left.

19 Q So you left after you had seen she was being
20 attended to?

21 A Yes, sir.

22 Q Why didn't you stay?

23 A I got scared and just left.

24 Q Did you have any reason to shoot Miss Kelly?

25 A No reason.

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1 MR. WALKER: No further questions.

2 THE COURT: All right. Solicitor, do you
3 have any cross-examination of this witness?

4 MR. UTSEY: Yes, sir.

5 THE COURT: Yes, sir. Your witness.

6 MR. UTSEY: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. UTSEY:

9 Q Mr. Sanders, it's safe to say that you and Channta
10 had a pretty toxic relationship towards the end there,
11 correct?

12 A Yes, sir.

13 Q And you-all fought a lot, correct?

14 A Yes, sir.

15 Q Okay. You-all fought over sexual reasons,
16 correct?

17 A No, sir.

18 Q Okay. And there was a dispute on April 14, 2019,
19 10 days prior to the shooting, correct?

20 A Correct.

21 Q And you slapped her four times.

22 A Yes, sir.

23 Q But you're saying she hit you first.

24 A She hit me, and then she grabbed me in my
25 groin.

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1 Q And you decided to slap her, correct?

2 THE COURT: Hold on, Solicitor. I don't
3 know that he was finished answering the
4 question.

5 MR. UTSEY: Yes, sir.

6 THE COURT: Let's just let him finish
7 answering the question and then --

8 MR. UTSEY: Yes, sir.

9 THE COURT: Yes, sir. Go ahead. All
10 right.

11 THE WITNESS: She bops me in my chest.
12 After she bops me in the chest, she hit me again.
13 She grabbed me in my groin. She stated this in
14 the last trial.

15 BY MR. UTSEY:

16 Q Okay. And you then slapped her, correct?

17 A That's right. I grabbed her hand and I hold
18 it down, I slapped her and tell her, don't play
19 with me.

20 Q And then over the next 10 days that went by, you
21 called her every day, correct?

22 A Not every day. We been seeing each other
23 everyday. She was being with me.

24 Q And you ask her over that 10 days to get back
25 together with you?

1 A Not really.

2 Q You never asked her that over that 10 days?

3 A I was talking to like we break up and that
4 was it.

5 Q So you never asked to get back with her during
6 that whole 10 days?

7 A I did.

8 Q Okay, you did.

9 All right. So, then on April 24th, 2019, you
10 pull up to your house, correct?

11 A Yes.

12 Q Okay. And you pull up to your house to get a
13 cooler of fish, right?

14 A That's right.

15 Q You stay there for about 45 minutes, is what you
16 said, right?

17 A About.

18 Q Okay. And just you and her were out in the yard;
19 is that correct?

20 A At that time.

21 Q At the time of shooting; is that correct?

22 A Yes.

23 Q Okay. And you saw her get shot, right?

24 A I was sitting in my truck, yes.

25 Q Okay. So you see Channta Kelly go to the ground

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1 in the dirt, correct?

2 A Yes.

3 Q And you decide to back out and leave from your own
4 house that you own, correct?

5 A I had reasons.

6 Q You had reasons to leave Channita Kelly who you
7 been dating for eight months, leave her on the ground
8 bleeding out?

9 A Her brother was with her.

10 Q I don't care whether her brother was with her or
11 not. You left. Didn't you date her for eight
12 months?

13 A Yes.

14 Q And then you leave her on the ground, bleeding?

15 A Somebody was there.

16 Q And you loved Channita Kelly, didn't you?

17 A At one time.

18 Q And you then went to your dad's house, is that
19 correct, Mr. Sanders?

20 A Yes.

21 Q And you decided to pull in the woods behind the
22 house, right?

23 A Yes.

24 Q And you pulled over a cinder block and some trees
25 and decided to park in the woods, right?

Testimony of William Sanders

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1 A I pulled in the back by the pond.

2 Q Okay. And you always pull back behind the house
3 and park in the woods? That's a normal thing to do?

4 A When I don't want nobody to see where my
5 truck is, yes.

6 Q When you don't want nobody to see, okay. That's
7 exactly what I wanted to know.

8 And then you didn't call 911, correct?

9 A Somebody had already called 911.

10 Q How did you know? You left.

11 A Yeah, I know they called 911.

12 Q So somebody had already called 911, so you chose
13 to not to call 911 for Channita Kelly that was bleeding
14 on the ground, bleeding out?

15 A Her brother come out of the house and said,
16 somebody need to call 911, before I left out of
17 the yard.

18 Q Okay. So now you're saying her brother said
19 somebody needs to call 911.

20 A That's right.

21 Q You heard that and then you --

22 A That's right. And he ran back in the house.

23 THE COURT: Hold on, hold on,

24 Mr. Sanders. Let him finish answering the

25 question. And when he finishes, sir, then you can

Testimony of William Sanders

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1 respond to the question assuming you understand
2 the question.

3 THE WITNESS: Yes, sir.

4 THE COURT: All right.

5 THE WITNESS: Uh-huh.

6 THE COURT: All right. Let's start with
7 the question again, sir.

8 MR. UTSEY: Yes, sir. Thank you, Your
9 Honor.

10 BY MR. UTSEY:

11 Q So you testified that her brother called 911,
12 correct, Mr. Sanders?

13 A I say somebody.

14 Q Okay. And how do you know somebody called 911 if
15 you had left?

16 A I didn't left yet, because I heard. I was
17 backing up out of the yard.

18 Q So now you're saying you stayed in the yard and
19 made sure everything was fine with Channta before you
20 left?

21 A No, I didn't.

22 Q No -- hold on. You just you said you stayed in
23 the yard to make sure someone called 911.

24 A When I was in my truck, I was backing up.
25 Her brother came out of the house. He run back in

Testimony of William Sanders

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1 the house said, Mama, Channta's been shot. Call
2 911. And somebody called them.

3 Q And then you left your own house?

4 A And then I left my own house.

5 Q And you own a lot of shotguns, correct,
6 Mr. Sanders?

7 A I do.

8 Q Okay. And you've seen pictures throughout this
9 trial, and those were shotgun shells in your truck,
10 right?

11 A Yes.

12 Q And you told Miss Kelly Padgett in that interview
13 with law enforcement that you were scared and that's
14 why you ran, correct?

15 A That's right.

16 Q And you also said during the interview with
17 Kelly Padgett that the person who did the drive-by was
18 also driving the white truck, correct?

19 A Yes.

20 Q Wouldn't you say that was a huge coincidence,
21 because you drive a white truck?

22 A A bunch of people own white trucks.

23 Q Okay.

24 MR. UTSEY: May I have the Court's
25 indulgence, Your Honor?