

VOLUME I of II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

Honorable George M. McFaddin, Circuit Court Judge

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S.C. SUPREME COURT

MATHEW C. DWYER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-002210

APPENDIX

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6 vs.

7

8 Matthew C. Dwyer,) October 19-23, 2015
9 Defendant) Sumter, S.C.

10

11 Before the Honorable Maite Murphy, Judge.

12

13

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16 Assistant Solicitor for the State

17 Mr. John S. Keffer,
18 Attorney for Defendant

19

20

Margaret T. Sullivan,
Court Reporter

21

22

23

24

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1 MR. MEADORS: Your Honor, at this time the
2 State does call the State of South Carolina versus
3 Matthew Cory Dwyer. The defendant is present with
4 his attorney Mr. John Keffer. Sumter County true
5 billed indictment 2015-GS-43-0623. Mr. Dwyer has
6 been indicted for murder, and possession of a weapon
7 during the commission of a violent crime.

8 THE COURT: Ladies and gentlemen of the
9 jury panel, we're about to begin the trial of the
10 case of the State of South Carolina versus Matthew
11 C. Dwyer. I will read the indictment to you so that
12 you have some information regarding what the alleged
13 charges are. Again the indictment is only the
14 charges that bring this case into court. And I am
15 going to read it to you, so that you know if there
16 is any -- if you have any previous information about
17 this case or any knowledge about this case.

18 The indictment states on Count 1, that the
19 defendant Matthew Cory Dwyer, did in Sumter County,
20 on or about January 26th 2015, willfully,
21 feloniously and intentionally kill the victim,
22 Johnny Singleton, with malice aforethought either
23 express or implied by means of shooting him in the
24 head with a firearm, and the victim did die as a
25 proximate result thereof, in violation of the South

1 Carolina Code of Laws.

2 Count 2, of this indictment states that
3 Matthew Cory Dwyer did in Sumter County on or about
4 January 26th 2015, possess a firearm or visibly
5 display what appeared to be a firearm, or visibly
6 displayed a knife during the commission or attempted
7 commission of a violent crime. This is also in
8 violation of South Carolina Code of Laws.

9 Ladies and gentlemen, first, I am going to
10 allow the solicitor to stand up and introduce
11 himself, and ask if any member of jury panel is
12 related by blood or marriage, or a close personal or
13 social relationship with any members of the
14 solicitor's office, or has ever been prosecuted or
15 represented by any of their attorneys. Solicitor.

16 MR. MEADORS: May it please, Your Honor.

17 THE COURT: Yes, sir.

18 MR. MEADORS: My name is John Meadors. I
19 work for your elected solicitor, Earnest A. Chip
20 Finney, III.

21 THE COURT: Thank you, Mr. Meadors.

22 Anybody related by blood or marriage or a close,
23 personal, social relationship with Mr. Meadors or
24 have been represented or prosecuted by their office?
25 If so please stand.

1 (Whereupon, no response.)

2 THE COURT: I find that there is no one
3 standing. And, Mr. Keffer, if you would please
4 stand and introduce yourself and the members of your
5 firm.

6 MR. KEFFER: Thank you, Your Honor. My
7 name is John Keffer. I practice with Mr. Ken Young.
8 We're in private practice. I'm proud to represent
9 Mr. Matthew Dwyer.

10 THE COURT: Any members of the jury panel
11 related by blood or marriage or a close, personal or
12 social relationship to Mr. Keffer or any members of
13 his firm, or have ever been represented by them? If
14 so, please stand.

15 (Whereupon, no response.)

16 THE COURT: I find that there is no one
17 standing. Ladies and gentlemen, any members of the
18 jury panel related by blood or marriage or a close,
19 personal or social relationship with the defendant
20 in this case, Mr. Matthew Dwyer, who is seated at
21 counsel table there on the left in the yellow shirt.
22 If so please stand.

23 (Whereupon, no response.)

24 THE COURT: I find that there is no one is
25 standing. Ladies and gentlemen of the jury panel, I

1 will read to you a list of potential witnesses in
2 this case. After I read you this list, I'll ask you
3 the same question, if anyone is related by blood or
4 marriage or a close personal or social or personal
5 relationship with any of the following people.

6 And if any of the witnesses are in the
7 courtroom, if you'd please stand so the jury can see
8 you. We have Senior Investigator Darlene Dellinger.
9 Thank you, ma'am. Investigator David Miller.
10 Investigator Michael McCauley. Lieutenant Melissa
11 Addison. Special Agent Verona Herrara. Special
12 Agent Samuel Stewart, Deputy Randall Hilliard.
13 Investigator Derron Soloman. Senior Corporal Ron
14 Dodson. Special Agent Doris Yarborough.
15 Investigator Wayne Dubose. And, yes, ma'am, your
16 jury number.

17 THE JUROR: 134.

18 THE COURT: 134. If you would just hold
19 one second after we go through the entire list, and
20 I will ask you come forward.

21 THE JUROR: Yes, ma'am.

22 THE COURT: Thank you, ma'am. Dr. Janice
23 Ross. Trooper J.K. Minix. Henry Kent Hall.
24 Investigator Marie Hodge, Raashan Joe, detective
25 Matthew Yates, Detective Sergeant Natalie Kelly.

1 Janie Mae Shaw, Dayasia Robinson, Stephen Dwyer,
2 Morine Dickey, Jennifer Dalmida, Heather Ramos,
3 Demetrius Cooper, and Sheriff Anthony Dennis.

4 Anybody related by blood or marriage or a
5 close personal relationship with any of the
6 potential witnesses? If so, please stand. And,
7 ma'am, you're 134?

8 THE JUROR: Yes, ma'am.

9 THE COURT: Would you please come forward?
10 Yes, ma'am, and you are Ms.?

11 THE JUROR: Ridgill.

12 THE COURT: Ridgill. And who do you know?

13 THE JUROR: Wayne Dubose.

14 THE COURT: Mr. Dubose. And how do you
15 know Mr. Dubose?

16 THE JUROR: My husband is a sheriff's
17 deputy and he works and grew up with Wayne. Plus I
18 work with his wife.

19 THE COURT: So your husband knows and
20 works with him. Do you have -- do you visit in each
21 others homes?

22 THE JUROR: No, but they volunteer on the
23 same fire department, so I see him a couple of times
24 a year.

25 THE COURT: A couple of times a year.

1 THE JUROR: Yes, ma'am.

2 THE COURT: Anything about that
3 relationship? Can you set that aside---

4 THE JUROR: Sure.

5 THE COURT: ---and listen to the evidence
6 in this case as it comes from the witness stand?

7 THE JUROR: Sure.

8 THE COURT: And be fair and impartial to
9 both the State and to the defense.

10 THE JUROR: Uh-huh. (Affirmative.)

11 THE COURT: Is that a yes or a no?

12 THE JUROR: Yes, ma'am.

13 THE COURT: And you will follow the law as
14 I give it to you.

15 THE JUROR: Yes, ma'am.

16 THE COURT: I might as well get to the
17 next question since your husband is a sheriff's
18 deputy involved with law enforcement. Can you set
19 that aside and be fair and impartial to both the
20 State and to the defendant in this case?

21 THE JUROR: Yes, ma'am.

22 THE COURT: And will you follow the law as
23 I give it to you?

24 THE JUROR: Yes, ma'am.

25 THE CLERK: One more, Judge.

1 THE BAILIFF: Your Honor, Juror No. 84.

2 85, I'm sorry, Your Honor.

3 THE CLERK: Mr. Jones.

4 THE COURT: Come up, Mr. Jones. Good
5 morning, sir. Let me find you on here, Mr. Jones.
6 Come on up so the court reporter can hear what
7 you're saying. Who do you know, sir?

8 THE JUROR: I think it's Derron Solomon.

9 THE COURT: Derron Solomon.

10 THE JUROR: I think he just got hired on
11 the force.

12 THE COURT: And how do you know
13 Mr. Solomon?

14 THE JUROR: Okay my wife, she was -- that
15 was her inlaws. She used to be married to O'Neil
16 Solomon, and kind of know them real good. I used to
17 go over to their house all the time. I just saw
18 him, and didn't know he was in the force until we
19 saw him this week.

20 THE COURT: Okay.

21 THE JUROR: I just found out.

22 THE COURT: And so knowing Mr. Solomon,
23 you say you're close friends with him as well.

24 THE JUROR: Yes, ma'am. I went over to
25 his -- I used to go over to his dad's house. We

1 were neighbors right down the street.

2 THE COURT: Did you ever talk about this
3 particular case?

4 THE JUROR: No, ma'am.

5 THE COURT: Do you have any knowledge
6 about this particular case?

7 THE JUROR: No, ma'am.

8 THE COURT: Do you think you can set aside
9 your relationship with Mr. Solomon,---

10 THE JUROR: Yes, ma'am.

11 THE COURT: ---and be fair and impartial
12 to both the State and to the defense?

13 THE JUROR: Yes, ma'am.

14 THE COURT: Will you follow the law as I
15 give to it you?

16 THE JUROR: Yes, ma'am.

17 THE COURT: Sir, thank you.

18 THE BAILIFF: Your Honor, Juror No. 41.

19 THE CLERK: Mr. Davis.

20 THE COURT: Come on up, Mr. Davis. Good
21 morning.

22 THE JUROR: How are you doing?

23 THE COURT: Good. Who do you know, sir?

24 THE JUROR: Anthony Dennis. He's a
25 member of my church.

1 THE COURT: I'm sorry, who?

2 THE JUROR: Anthony Dennis. He is a
3 member of my church.

4 THE COURT: And do you visit in each
5 other's homes?

6 THE JUROR: I visit his mother.

7 THE COURT: You visit his mother?

8 THE JUROR: Yes, ma'am.

9 THE COURT: Anything about that
10 relationship with Mr. Dennis? Can you set that
11 aside in this case and listen to the evidence as it
12 comes from the witness stand?

13 THE JUROR: I don't have a problem with
14 that.

15 THE COURT: You don't have any problem
16 with that?

17 THE JUROR: No, ma'am.

18 THE COURT: Will you be fair and impartial
19 to both the State and the defense?

20 THE JUROR: The best of my ability.

21 THE COURT: Pardon me?

22 THE JUROR: To the best of my ability.

23 THE COURT: And will follow the law as I
24 give it to you.

25 THE JUROR: Okay.

1 THE COURT: Yes, sir.

2 THE JUROR: I have no problem with it.

3 THE COURT: Thank you, sir. Was there any
4 member of the jury panel that was a member of the
5 grand jury which issued the indictment in this case
6 If so, please stand.

7 (Whereupon, no response.)

8 THE COURT: I find that there is no one
9 standing. Is there any member of the jury panel who
10 is a member of or a contributor to any group which
11 has its primary concern as a promotion of law
12 enforcement or victim's rights? These groups would
13 include but are not limited to MADD, SADD or
14 Citizen's Against Violent crime? If so, please
15 stand.

16 (Whereupon, no response.)

17 THE COURT: I find that there is no one
18 standing. Is there any member of the jury panel
19 related by blood or marriage to anyone that has
20 actually served in the military during a time of
21 war? If so, please stand. If you would please come
22 forward.

23 THE BAILIFF: Juror No. 83. Your Honor, a
24 few of them don't quite understand the question.
25 They're asking one another.

1 THE COURT: To repeat it?

2 THE BAILIFF: Yes, ma'am.

3 THE COURT: Any member of the jury panel
4 related by blood or marriage, or you yourself served
5 during a time of war in the military. If so, stand
6 and come forward. Yes, ma'am. Your number again.

7 THE JUROR: 83.

8 THE COURT: 83. Ms. Johnson. Yes, ma'am.
9 Was it you or your somebody you know?

10 THE JUROR: My husband.

11 THE COURT: Your husband served during a
12 time of war?

13 THE JUROR: Yes, he did.

14 THE COURT: And obviously, thank you for
15 his service. Can you set that aside if there is
16 apparently some facts in this case where someone has
17 served in the time of war, can you set that aside
18 and be fair and impartial to all the parties?

19 THE JUROR: No, I don't believe I can.

20 THE COURT: You don't believe you can.

21 THE JUROR: It's just as honest right now.

22 THE COURT: That's why we ask the
23 questions. And, ma'am, what we'll do, I'll excuse
24 you from the trial of this case. Thank you.

25 THE BAILIFF: Juror No. 29.

1 THE COURT: That was No.

2 THE CLERK: 83.

3 THE COURT: Good morning.

4 THE JUROR: It's Carges.

5 THE COURT: I'm sorry.

6 THE JUROR: It's Carges.

7 THE CLERK: It's Juror No. 29.

8 THE COURT: And did you serve in the
9 military or someone else?

10 THE JUROR: No, my husband.

11 THE COURT: Your husband served. And
12 when did he serve?

13 THE JUROR: Well he got out in 2009. And
14 he served for 21 years. We didn't meet until 2007.
15 So it was before.

16 THE COURT: Having that in your family,
17 your military, and your family, can you set that
18 aside---

19 THE JUROR: Of course.

20 THE COURT: ---in this case. And listen
21 to the evidence as it comes from the witness stand,
22 and be fair and impartial to both sides, the State
23 and to the defense?

24 THE JUROR: Yes.

25 THE COURT: Will you follow the law as I

1 give it to you?

2 THE JUROR: Yes.

3 THE BAILIFF: Juror No. 27.

4 THE COURT: Ms. Butts.

5 THE JUROR: Yes.

6 THE COURT: Good morning, ma'am. How are
7 you. And who served in the military?

8 THE JUROR: My husband.

9 THE COURT: Your husband served.
10 Anything about that service, can you set that aside
11 and in this case listen to the evidence as it comes
12 from the witness stand?

13 THE JUROR: Yes.

14 THE COURT: Will you be fair and impartial
15 to both the State and the to the defense?

16 THE JUROR: Yes.

17 THE COURT: Will you follow the law as I
18 give it to you?

19 THE JUROR: Yes.

20 THE COURT: Thank you, ma'am.

21 THE BAILIFF: Juror No. 87.

22 THE CLERK: Dennis Junak.

23 THE COURT: Yes, sir. And did you serve
24 or someone in your family?

25 THE JUROR: My father was in the Korean

1 war. And I also served in Dessert Shield, Dessert
2 Storm.

3 THE COURT: Okay.

4 THE JUROR: So I am retired Air Force.

5 THE COURT: Thank you for your service.

6 Having that service in your past, do you think you
7 can set that aside and listen to the evidence in
8 this case as it comes from the witness stand?

9 THE JUROR: Oh, yeah.

10 THE COURT: Will you follow the law as I
11 give it to you.

12 THE JUROR: Yes.

13 THE COURT: Will you be fair and impartial
14 to both the State and the defense.

15 THE JUROR: Yes, ma'am.

16 THE COURT: Thank you.

17 THE BAILIFF: Juror No. 41.

18 THE CLERK: Mr. Davis again.

19 THE COURT: Mr. Davis.

20 THE JUROR: Yes, ma'am.

21 THE COURT: Yes, sir. Did you serve?

22 THE JUROR: Yes, ma'am.

23 THE COURT: And having that service in
24 your background, can you set that aside and listen
25 to the evidence as it comes from the witness stand

1 in this case?

2 THE JUROR: Yes, ma'am.

3 THE COURT: Will you be fair and impartial
4 to both sides?

5 THE JUROR: Yes, ma'am.

6 THE COURT: And will you follow the law as
7 I gave it to you?

8 THE JUROR: Yes, ma'am.

9 THE BAILIFF: Juror 117. Ms. Moore.

10 THE COURT: Good morning. Linda Moore.
11 Yes, ma'am.

12 THE JUROR: My brother serves in the
13 Persian Gulf.

14 THE COURT: Your brother did?

15 THE JUROR: Uh-huh. (Affirmative.) In
16 the Navy.

17 THE COURT: Ma'am, having a military
18 member in your family, can you set that aside in
19 this case and listen to the evidence as it comes
20 from the witness stand, and be fair and impartial to
21 both the State and the defense?

22 THE JUROR: You know, I wasn't over there.
23 I don't know anything about it.

24 THE COURT: And that's why we ask these
25 questions, to make sure you don't know anything

1 about the case.

2 THE JUROR: I mean, I don't know anything
3 about the military. My brother served his country.

4 THE COURT: And you said you would be fair
5 and impartial to both sides, is that correct?

6 THE JUROR: Yes, ma'am.

7 THE COURT: And will you follow the law as
8 I give it to you?

9 THE JUROR: Yes.

10 THE COURT: Thank you, ma'am.

11 THE BAILIFF: 156.

12 THE CLERK: Mr. Sumter.

13 THE COURT: Good afternoon. Let me find
14 in here, Mr. Sumter. Sir, did you serve or someone
15 in your family?

16 THE JUROR: My father.

17 THE COURT: Your father served. And
18 having your father serve in the military, can you
19 set that aside in this case and listen to the
20 evidence and be fair and impartial to both the State
21 and to the defense?

22 THE JUROR: Yes.

23 THE COURT: And will you follow the law as
24 I give it to you?

25 THE JUROR: Yes.

1 THE COURT: Thank you.

2 THE BAILIFF: Juror No. 130.

3 THE CLERK: Mr. Quinlin.

4 THE COURT: Good morning, sir. Or
5 afternoon. I'm sorry. Mr. Quinlin, did you serve
6 or someone in your family?

7 THE JUROR: Both. I served 28 years in
8 the Air Force. And both of my sons, one served in
9 the Air Force, and one served in the Army.

10 THE COURT: Sir, thank you for your
11 service. And do you think you can set that aside,
12 that experience aside and listen to the evidence in
13 this case as it comes from the witness stand?

14 THE JUROR: Absolutely.

15 THE COURT: Will you be fair and impartial
16 to both the State and to the defense?

17 THE JUROR: Yes, Your Honor.

18 THE COURT: Will you follow the law as I
19 give it to you?

20 THE JUROR: Yes, ma'am.

21 THE COURT: Thank you.

22 THE BAILIFF: Juror No. 175.

23 THE CLERK: Mr. White.

24 THE COURT: Mr. White, did you serve or
25 did someone else in your family?

1 THE JUROR: My brother.

2 THE COURT: And having your brother serve
3 in the military, can you set that aside in this
4 case, and listen to the evidence as it comes from
5 the witness stand?

6 THE JUROR: Yes, ma'am.

7 THE COURT: Will you be fair and impartial
8 to both the State and to the defense?

9 THE JUROR: Yes, ma'am.

10 THE COURT: And will you follow the law as
11 I give it to you?

12 THE JUROR: Yes, ma'am.

13 THE BAILIFF: Juror No. 138.

14 THE CLERK: Ms. Rose.

15 THE COURT: Good afternoon, Ms. Rose.

16 THE JUROR: My husband and my daughter.

17 THE COURT: Your husband. Having service
18 in your family, can you set that aside in this case
19 and listen to the evidence as it comes from the
20 witness stand?

21 THE JUROR: Yes.

22 THE COURT: Will you be fair and impartial
23 to both the State and to the defense?

24 THE JUROR: Yes.

25 THE COURT: Will you follow the law as I

1 give it to you?

2 THE JUROR: Yes.

3 THE COURT: Thank you, ma'am.

4 THE BAILIFF: Juror No. 172.

5 THE CLERK: Ms. Wells.

6 THE COURT: Ms. Wells, who in your family
7 served?

8 THE JUROR: My daughter and my son, have
9 served. Both of them.

10 THE COURT: Anything about having your
11 children serving in the military, can you set aside
12 in this case, and listen to the evidence as it comes
13 from the witness stand?

14 THE JUROR: Yes.

15 THE COURT: And will you be fair and
16 impartial to both the State and to the defense?

17 THE JUROR: Yes.

18 THE COURT: Will you follow the law as I
19 give it to you?

20 THE JUROR: Yes.

21 THE BAILIFF: Juror No. 55.

22 THE CLERK: Ms. Golden.

23 THE COURT: Good afternoon, Ms. Golden.

24 Who in your family served?

25 THE JUROR: My brother was in Vietnam.

1 THE COURT: Can you set that aside in this
2 case, and listen to the evidence as it comes from
3 the witness stand?

4 THE JUROR: Yes.

5 THE COURT: Will you be fair and impartial
6 to both the State and defense?

7 THE JUROR: Yes.

8 THE COURT: Will you follow the law as I
9 give it to you.

10 THE JUROR: Yes.

11 THE BAILIFF: Juror No. 22.

12 THE CLERK: Mr. Brown.

13 THE COURT: Good afternoon, Mr. Brown.
14 How are you, sir.

15 THE JUROR: My son has done three tours in
16 Iraq. Three tours in Afghanistan. He's in Bulgaria
17 right now fighting ISIS.

18 THE COURT: Anything about your son
19 serving in the military, can you set that aside?

20 THE JUROR: Absolutely.

21 THE COURT: Will you listen to the
22 evidence that comes from the witness stand?

23 THE JUROR: Yes, ma'am.

24 THE COURT: Will you be fair and impartial
25 to both the State and to the defense?

1 THE JUROR: Yes, ma'am.

2 THE COURT: And will you follow the law as
3 I give it to you?

4 THE JUROR: Absolutely.

5 THE BAILIFF: Juror No. 142.

6 THE CLERK: Mr. Shear.

7 THE COURT: Good afternoon, Mr. Shear.

8 How are you?

9 THE JUROR: Hanging in there.

10 THE COURT: Did you serve in the military
11 or someone in your family?

12 THE JUROR: No, I served.

13 THE COURT: You served.

14 THE JUROR: No, I served. 21 years.

15 THE COURT: Sir, thank you for your
16 service.

17 THE JUROR: Thank you.

18 THE COURT: Anything about that service,
19 can you set that aside in this case, and listen to
20 the evidence as it comes from the witness stand?

21 THE JUROR: Yes.

22 THE COURT: Can you be fair and impartial
23 to both the State and the defense?

24 THE JUROR: I think so, yes.

25 THE COURT: You think you can.

1 THE JUROR: Yes.

2 THE COURT: And will you follow the law as
3 I give to it you?

4 THE JUROR: Yes.

5 THE COURT: Thank you.

6 THE BAILIFF: Juror 135.

7 THE CLERK: Mr. Riggs.

8 THE COURT: Afternoon, Mr. Riggs. Sir,
9 did you serve in the military, or someone in your
10 family?

11 THE JUROR: Both.

12 THE COURT: Both, okay.

13 THE JUROR: Yeah, my father was Air Force
14 in Korea and Vietnam; didn't have to go on active
15 duty. And I was Air Force Reserves during Vietnam.
16 My brother was Air Force and went over to Iraq. He
17 actually served in combat.

18 THE COURT: Anything about that service in
19 your family, can you set that aside in this case and
20 listen to the evidence as it comes from the witness
21 stand?

22 THE JUROR: It should not be a problem.

23 THE COURT: Sir, will you be fair and
24 impartial to both the State and the defense?

25 THE JUROR: Yes, ma'am.

1 THE COURT: And will you follow the law as
2 I give it to you?

3 THE JUROR: Absolutely.

4 THE BAILIFF: Juror 132.

5 THE CLERK: Mr. Rhodes.

6 THE COURT: Good afternoon, Mr. Rhodes.

7 And Did you serve or someone in your family?

8 THE JUROR: I served, and my brother
9 served.

10 THE COURT: Can you set that service aside
11 and listen to the evidence in this case as It comes
12 from the witness stand?

13 THE JUROR: Yes.

14 THE COURT: And will you be fair and
15 impartial to both the State and to the defense?

16 THE JUROR: Yes.

17 THE COURT: Will you follow the law as I
18 give it to you?

19 THE JUROR: Yes.

20 THE BAILIFF: Juror No. 92.

21 THE CLERK: Mr. Lawson.

22 THE COURT: Mr. Lawson, did you serve or
23 someone in your family?

24 THE JUROR: I served three tours in Iraq.

25 THE COURT: Can you set that aside and

1 listen to the evidence that comes from the witness
2 stand?

3 THE JUROR: I wouldn't be, being a
4 service member, I don't think really think I could
5 be impartial to that.

6 THE COURT: We'll excuse you from this
7 case.

8 THE CLERK: Just have a seat back out
9 there, Mr. Lawson. Thank you.

10 THE BAILIFF: Juror No. 120.

11 THE CLERK: Mr. Mack.

12 THE COURT: Afternoon, Mr. Mack. Sir, did
13 you serve or someone in your family?

14 THE JUROR: I served.

15 THE COURT: Sir, can you set that service
16 aside in this case, and listen to the evidence as it
17 comes from the witness stand?

18 THE JUROR: Yes.

19 THE COURT: And will be fair and impartial
20 to both the State and the defense?

21 THE JUROR: Yes.

22 THE COURT: And will you follow the law as
23 I give it to you?

24 THE JUROR: Yes.

25 THE COURT: Thank you. Ladies and

1 gentlemen of the jury panel, is there member of the
2 jury panel who themselves or a close personal or
3 social relationship, ever been the victim of a
4 violent crime, or charged with a violent crime? A
5 violent crime would include such things as murder,
6 burglary, armed robbery, kidnapping or sexual
7 assaults. If so please stand.

8 (Whereupon, no response.)

9 THE COURT: I find that there is no one
10 standing. Has any member of the jury panel been
11 exposed or have heard of anything about this case
12 before today or today? If so please stand?

13 (Whereupon, no response.)

14 THE COURT: I find there is no one is
15 standing. Has any member of the jury panel formed
16 or expressed an opinion about any issue or matter
17 involving this case? If so please stand.

18 (Whereupon, no response.)

19 THE COURT: I find that there is no one
20 standing. Is there any member of the jury panel
21 aware of any bias or prejudice towards either the
22 State or the defense in this case?

23 (Whereupon, no response.)

24 THE COURT: I find that there is no one is
25 standing. Does any member of the jury panel know of

1 any reason whatsoever why he or she should not serve
2 as a jury in this case, with a particular emphasis
3 on your ability to be fair and impartial to both the
4 State and the defense in this case? If so please
5 stand.

6 (Whereupon, no response.)

7 THE COURT: I find that there is no one
8 standing. Is there any member of the jury panel who
9 has a personal relationship with anyone that serves
10 in a law enforcement capacity; such as, as a
11 sheriff's deputy, solicitor, attorney general's
12 office, military, or civilian type of law
13 enforcement? If so please stand.

14 And, yes, ma'am. And you're Juror No.
15 134, is that correct?

16 THE JUROR: Yes, ma'am.

17 THE COURT: And I think I've already asked
18 you the same questions that are pertinent. Are your
19 answers still the same?

20 THE JUROR: Yes, ma'am.

21 THE COURT: Thank you, ma'am.

22 THE JUROR: Thank you.

23 THE COURT: I find that there is no one
24 standing. Ladies and gentlemen, that will conclude
25 the list of questions for jury selection for this

1 case. Mr. Clerk, do you need a few moments to get
2 list ready?

3 THE CLERK: No, ma'am. We are printing
4 them out now.

5 (Whereupon, jury is impaneled.)

6 THE CLERK: May it please the court,
7 ladies and gentlemen, when I call your name and
8 number, bring your personal belongings with you,
9 stand at the podium and face the back of the
10 courtroom.

11 No. 27 Barbara Butts (f-w) defense struck.
12 No. 134 Annie Ridgill (f-w) defense struck. No.
13 117 Linda Moore (f-w) accepted. Juror No. 138
14 Georgia Rose (m-b) accepted. No. 41 Author Davis
15 (m-b) defense struck. Juror No. 112 Joshua Minard
16 (m-w) state struck. No. 5 Laura Austin (f-w)
17 accepted. Juror No. 87 Dennis Junak (m-w) accepted.
18 Juror No. 164 Maria Unga (f-w) accepted. Jury No.
19 77 Thomas Jackson (m-w) defense struck. Juror No.
20 85 Kenneth Jones (m-b) accepted. Juror No. 132
21 Randy Rhoades (m-w) accepted. Juror No. 156
22 Jeremiah Sumpter (m-b) accepted. Juror No. 29
23 Betsey Carges (f-w) defense struck. No. 170 Melissa
24 Ward (f-w) state strike. No. 63 Willie Hart (m-b)
25 state struck. No. 172 Patricia Wells (f-b)

1 accepted. Juror No. 124 Dianne Pauley (f-b)
2 accepted. No. 142 Richard Shear (m-w) defense
3 struck. No. 36 Larry Cousar (m-b) accepted. No. 24
4 Roxanne Brown (f-w) accepted. Of Alternate Juror no
5 6 David Bailey (m-w) accepted. No. 180 Jeanette
6 Wilson (f-b) state struck. No. 12 Dana Bethea (f-w)
7 defense struck. No 38 Steven Crosby (m-w) accepted.

8 THE COURT: Any exceptions or objections
9 to the selection of this jury from either the State
10 or from the defense?

11 MR. MEADORS: Nothing from the State.

12 MR. KEFFER: Nothing from the defense.

13 THE COURT: Some would you please
14 approach.

15 (Whereupon, the attorneys approach and
16 confer with judge.)

17 THE COURT: Ladies and gentlemen, that
18 were selected for the trial of this particular case,
19 we have some other matters that we must deal with
20 this afternoon, so since you've had a long morning
21 and early afternoon, I am going to excuse you for
22 the rest of this day, but I'm going to ask that you
23 report to your jury room at 9:45 so that we can get
24 started with the trial of this case in the morning.
25 The bailiff will escort you to the jury room.

1 Please remember that it is very important
2 that you are not to talk about this case with anyone
3 or discuss the case with anyone whatsoever, even
4 amongst yourselves or your family members. Please
5 don't do any independent research about the case, or
6 look at any potential news accounts about the case.
7 I don't know that there is any, but you must remain
8 fair and impartial until the completion of the
9 entire case, and you are instructed on the law of
10 the case. So again, please, do not discuss this
11 case with anyone or allow anyone to discuss the case
12 with you. We will see you in the morning. Have a
13 nice evening.

14 (Whereupon, jury is dismissed at 1:59
15 p.m.)

16 THE COURT: Counsel, I understand we have
17 some pretrial matters. I don't think we have had an
18 opportunity to eat lunch. Do you want to break now
19 and come back in 45 minutes?

20 MR. MEADORS: Yes, ma'am. We won't be
21 long.

22 THE COURT: Is an hour is sufficient time?

23 MR. MEADORS: An hour is sufficient.

24 THE COURT: We will reconvene at 3
25 o'clock.

1 (Whereupon, the court takes a lunch
2 recess.)

3 THE COURT: It's come to my attention on
4 the Dwyer matter, all the pretrial matters, we have
5 a Jackson v. Denno, that we can take care of
6 tomorrow before we break for lunch. That way we
7 don't keep the jury waiting. Anything else at this
8 time, Solicitor, Mr. Keffer?

9 MR. KEFFER: Nothing from the defendant,
10 Your Honor.

11 MR. MEADORS: And I do think Mr. Keffer
12 made a motion to sequester. So we just ask Your
13 Honor, and we'll make sure we abide by that
14 tomorrow.

15 MR. KEFFER: Yes, Your Honor. That's
16 true.

17 THE COURT: So any potential witnesses in
18 this case, if you would please be out of the
19 courtroom prior to your testimony to ensure that you
20 abide by the court's order to seek sequestration.
21 And the only people that may stay in the courtroom
22 obviously, anybody pursuant to the victim's rights
23 act, and I don't think that you have anybody like
24 that. And then the main investigating officer.
25 Anything further?

1 MR. MEADORS: Judge, thank you.

2 (Whereupon, the trial commences at 9:15
3 a.m. on Tuesday October 20, 2015.)

4 THE COURT: Good morning, everyone. Thank
5 you. You may have a seat.

6 (Photographs marked State's 1 through 33
7 for Id. only.)

8 MR. MEADORS: Your Honor, we have a
9 housekeeping matter. One of our witnesses is Steven
10 Dwyer, brother of the defendant, was served with a
11 subpoena.

12 THE COURT: Yes, sir.

13 MR. MEADORS: We have been unable to
14 locate him. Upon information and belief, we think
15 he's trying to skip town and avoid a subpoena.
16 Investigator Wayne Dubose is on his way over here to
17 testify that he served. But I would like at this
18 time to call Shirley Dwyer if she is here, Your
19 Honor. Shirley Dwyer.

20 THE COURT: Ms. Dwyer, please come to the
21 witness stand.

22 MR. KEFFER: Your Honor, before we
23 question this witness, I would like an opportunity
24 to review subpoena that served on Stephen Dwyer.

25 MR. MEADORS: Your Honor, it's on the way

1 with Mr. Dubose. it is the one that was served back
2 in---

3 MR. KEFFER: Judge, I think this is line
4 of questioning is a bit premature until we actually
5 have the subpoena.

6 MR. MEADORS: Your Honor, he's been
7 served. I don't know why he needs a copy of the
8 subpoena for me to question Ms. Dwyer.

9 THE COURT: As an officer of the court,
10 Mr. Meadors tells me that he served a subpoena on
11 Mr. Dwyer. Obviously I will take his word. If
12 there are problems with the actual subpoenas when it
13 comes back from the investigator or the police
14 officer, we can certainly take that up at that time.
15 But I am not going to keep this jury waiting to look
16 at the original.

17 MR. MEADORS: Very well. And, Your Honor,
18 it was served on Ms. Dwyer. And that's the one
19 reason we believe that's good service, and wanted to
20 get under oath before we call Investigator Dubose.

21 THE COURT: Yes, sir.

22 MR. MEADORS: Ms. Dwyer.

23 Shirley Dwyer, being first duly sworn,
24 testified as follows.

25 THE CLERK: State your name and spell your

Shirley Dwyer-Direct by Meadors

- 1 last for the record.
- 2 A. Shirley Dwyer. D-W-Y-E-R.
- 3 THE COURT: Your witness.
- 4 MR. MEADORS: May it please the court.
- 5 THE COURT: Yes, sir.
- 6 DIRECT EXAMINATION by Mr. Meadors:
- 7 Q. Good morning, Ms. Dwyer.
- 8 A. Good morning.
- 9 Q. Are you familiar with Investigator Wayne
- 10 Dubose?
- 11 A. If that's the cop that came to the house.
- 12 Q. Kind of large---
- 13 A. Yes.
- 14 Q. ---gentleman. White man.
- 15 A. Yes.
- 16 Q. Been to your house a couple of times?
- 17 A. No.
- 18 Q. Well he served a subpoena on you for your
- 19 son Stephen Dwyer, correct?
- 20 A. Two different ones. Two different cops.
- 21 Q. But the -- so you were served twice for a
- 22 subpoena for Stephen Dwyer.
- 23 A. Yes.
- 24 Q. And Mr. Dwyer was aware of that subpoena,
- 25 correct?

Shirley Dwyer-Direct by Meadors

1 A. I believe so.

2 Q. And you believe so, because you talked to
3 him and told him.

4 A. And as far as I know, I thought he talked
5 with someone after I told him that was it.

6 Q. That was after the first service of the
7 subpoena, correct?

8 A. Yes.

9 Q. You talked to someone. It may have been
10 me, right?

11 A. I am not sure.

12 Q. But you accepted service. He lives with
13 you, correct?

14 A. Yes, he was.

15 Q. At the time that you were served, he lived
16 with you at your address, correct?

17 A. Yes.

18 Q. And he was aware of the subpoena?

19 A. The first one.

20 Q. And the second one.

21 A. No.

22 Q. Now when did you -- what do you mean, no,
23 not the second one?

24 A. I don't remember telling him.

25 Q. You don't remember discussing with him the

Shirley Dwyer-Direct by Meadors

1 second subpoena?

2 A. Right.

3 Q. But you accepted service on his behalf for
4 the first and the second one, correct?

5 A. Yes.

6 Q. So you're telling this court under oath
7 that you didn't tell him about the second subpoena,
8 but you told him about the first one.

9 A. I don't remember telling him.

10 Q. So you could have told him.

11 A. He wasn't around, and I wasn't talking
12 with him.

13 Q. When is the last time you've seen him?

14 A. Probably about a month ago.

15 Q. A month ago?

16 A. I believe.

17 Q. Was he not in town last week and meet with
18 his attorney? Excuse me, meeting with Mr. Keffer?

19 A. I don't know.

20 Q. So he could have been.

21 A. He could have been.

22 Q. So you didn't speak to him at all last
23 week.

24 A. No.

25 Q. Did you text him?

Shirley Dwyer-Direct by Meadors

1 A. No.

2 Q. Where is he right now?

3 A. I don't know.

4 Q. Is he in the national guard?

5 A. He is in the reserves if that's the same
6 thing.

7 Q. And you're aware he's now active in the
8 reserves, correct?

9 A. Yes.

10 Q. Where is he the reserve? Where does he
11 report?

12 A. I think it's Columbia.

13 Q. Do you know who his---

14 A. No.

15 Q. You don't even know what my question was,
16 and you're saying no.

17 A. Oh, I thought you were going to say
18 something pertaining to the military.

19 Q. So you're just going to say no.

20 A. In other words, that's what I thought you
21 was about to ask me.

22 Q. And you accepted service a month ago, and
23 you accepted service about a week ago from
24 Mr. Dubose on behalf of your son Stephen Dwyer,
25 correct? Under subpoena.

Shirley Dwyer-Direct by Meadors

1 A. Yes.

2 Q. And he lives with you, correct, at that
3 time.

4 A. Well he was in and out at that time. He's
5 24 years old. At that age, they do what they want.
6 He comes and goes as he pleases.

7 Q. But he was in your -- residing at your
8 residence when you accepted service on the subpoena
9 for him both times.

10 MR. MEADORS: I beg the court's
11 indulgence.

12 THE COURT: Yes, sir.

13 Q. Is he, Stephen trying to avoid testifying?

14 A. I'm sorry, what was that?

15 Q. Is he trying to avoid testifying?

16 A. Really I don't know.

17 Q. Because your son, this son, confessed to
18 him that he shot and killed Johnny Singleton, and
19 shot him in the head. Did you know that?

20 A. Yes.

21 Q. And you don't agree to that, do you?

22 A. I don't agree to anybody being hurt.

23 Q. And your son is trying to avoid a subpoena
24 of this clerk and not come in and testify, isn't he?
25 Ms. Dwyer, that ain't right. Do you know where he

Shirley Dwyer-Cross by Keffer

1 is?

2 A. No, I don't.

3 Q. Will you help me try to find him?

4 A. I could.

5 Q. You could. So how could you help me try
6 to find him?

7 A. If I could reach him. If I could reach
8 him, but....

9 Q. Well give me a phone number where you
10 think he is, Ms. Dwyer?

11 A. Oh, I don't know his number.

12 Q. You don't know your son's phone number?

13 A. I don't. He has a Kentucky number.

14 Q. It's 931.

15 A. All I know is 9. That's all I know.

16 Q. And the last time that you saw or talked
17 to your son or texted him, was when? Stephen Dwyer,
18 not Matthew Cory Dwyer. The last time you saw
19 Stephen Dwyer, either direct or indirect was when?
20 Talked to him, texted him, e-mailed him.

21 A. I believe it was over a month ago.

22 MR. MEADORS: That's all. Thank you.

23 Cross Examination by Mr. Keffer:

24 Q. Ms. Dwyer, you said that your son Stephen
25 comes and goes as he pleases, does he stay at

Investigator Wayne Dubose-Direct

1 another residence to your knowledge?

2 A. No, I don't know where he stays to. He's
3 a 24-year-old who goes out and stays.

4 MR. KEFFER: Thank you, Ms. Dwyer.

5 THE COURT: Anything further, Mr. Meadors?

6 MR. MEADORS: No, ma'am. Thank you.

7 Investigator Dubose.

8 Investigator Wayne Dubose, being
9 first duly sworn, testified as follows:

10 THE CLERK: State your name and spell your
11 last for the record.

12 A. Wayne Dubose. D-U-B-O-S-E.

13 Direct Examination by Mr. Meadors:

14 Q. Investigator Dubose, did you have an
15 occasion to serve a subpoena in the case of the
16 State of South Carolina versus Matthew C. Dwyer on
17 Stephen Dwyer?

18 A. Yes sir.

19 Q. On one of his family members?

20 A. Yes, sir.

21 Q. When was that?

22 A. I believe it was on the 18th. I believe
23 that when I served a subpoena, it was a Saturday.

24 Q. And did you call me after you had served
25 it?

Investigator Wayne Dubose-Direct

1 A. I did.

2 Q. And who did you serve that subpoena on?

3 A. To the mother, Shirley Dwyer.

4 Q. Who just testified?

5 A. Yes, sir.

6 Q. To your knowledge had Stephen Dwyer been
7 subpoenaed prior for a potential term of court in
8 September?

9 A. Yes, sir.

10 Q. And you said you served it on what date?

11 A. I believe it was the 18th.

12 Q. Could it have been the week before that?
13 The 18th was just this past Saturday.

14 A. It could have -- that's right. It would
15 have been the Saturday before last.

16 Q. And specifically, do you remember, and
17 you don't have subpoena with you. It's coming in
18 the case file.

19 A. Yes, sir.

20 Q. Do you remember her address where you
21 served it?

22 A. [REDACTED] Tool Street.

23 Q. [REDACTED] Tool Street. That's in Sumter?

24 A. Yes, sir.

25 Q. And it's your understanding that Stephen

Investigator Wayne Dubose-Direct

1 Dwyer lived there with his mother.

2 A. Yes, sir.

3 Q. And under the rules of this State, is that
4 correct and proper service to serve a subpoena on a
5 family member of age that resides with the person
6 being subpoenaed?

7 A. Yes, sir.

8 Q. And did you or law enforcement talk to
9 Stephen Dwyer during the investigation of this case?

10 A. Yes, sir. He has been contacted. We
11 actually tried to make contact with him originally
12 at the mother's residence. And she referred us to
13 another residence where he was located.

14 Q. And did he give a statement to law
15 enforcement implicating his brother in the murder of
16 Johnny Singleton?

17 A. Yes, sir.

18 Q. And was that audio taped, that interview
19 of Stephen Dwyer.

20 A. It was audio and videotaped.

21 MR. MEADORS: Your Honor, that's all I
22 have. Mr. Mims, who has the copy of the served
23 indictment, will be walking in here in about 30
24 seconds. That's all I have at this time.

25 THE COURT: Mr. Keffer, do you have any

Investigator Wayne Dubose-Cross by Keffer

1 questions?

2 MR. KEFFER: I do.

3 Cross Examination by Mr. Keffer:

4 Q. Investigator Dubose, were you present
5 during the 6 and half hours during Stephen Dwyer's
6 interview?

7 A. I was at the office. I was not in the
8 interview room.

9 Q. So you were in the interview room the
10 whole time for 6 and a half hours?

11 A. In the interview room, no, sir. I was in
12 the building.

13 Q. You were in law enforcement's building?

14 A. Yes, sir.

15 Q. Have you had a chance to review the 6 and
16 a half hour video of this interview, the entire
17 thing?

18 A. No, sir.

19 Q. And I think you testified to this earlier,
20 and Mr. Meadors alluded to it. Is it your testimony
21 that the subpoena that you issued for Mr. Dwyer to
22 appear at this trial, is in the case file?

23 A. It is.

24 Q. Which is on its way?

25 A. Yes, sir.

Investigator Wayne Dubose-Cross by Keffer

1 MR. KEFFER: No other questions, Your
2 Honor.

3 THE COURT: You may step down, sir.
4 Thank you. Mr. Meadors, while we wait for that
5 actual subpoena, I'll be happy to hear on how you
6 wish to proceed.

7 MR. MEADORS: Your first and foremost,
8 once we offer the exhibit, I would move for a
9 contempt of court or a bench warrant on Stephen
10 Dwyer. And we will enter that into the national
11 database. And at that point, I would like a few
12 minutes to confer with my investigator about how we
13 will proceed or whether we would like to wait until
14 we get him served. If we could just have a few
15 minutes.

16 THE COURT: Certainly. I will happy to,
17 once we review the actual subpoena, then I think
18 certainly a bench warrant would be appropriate based
19 upon the the testimony. The subpoena actually
20 comports with the rules, and certainly the testimony
21 comports with the rules for him to be present in
22 court.

23 MR. MEADORS: Thank you.

24 (Whereupon, the Court Breaks.)

25 (Subpoena marked Court's Exhibit No. 34

Investigator Wayne Dubose-Cross by Keffer

1 for Id.)

2 MR. MEADORS: Judge, this is Court's 1,
3 which is the copy of the subpoena that was served on
4 Ms. Dwyer and was signed by Investigator Dubose.

5 THE COURT: Yes, sir.

6 MR. MEADORS: Judge, I am old. I've been
7 doing this a long time, about 30 years. I have
8 never had someone not show up for a subpoena. One
9 time in Columbia, I think a doctor decided he wasn't
10 coming in. And Judge Anderson kept him in the
11 detention center right there at the courthouse for a
12 half a day. But I think it was a speech Judge
13 Anderson gave that day in court about the importance
14 of the subpoena and complying with it, and how the
15 system is will just break apart if people are going
16 to thumb their nose at a subpoena. So I take it
17 very seriously. I know the court does.

18 This person had been served twice. I
19 think I have briefly talked to him. I know his
20 attorney had talked to him. There's no question he
21 was aware of this subpoena. And he is intentionally
22 deciding to not show up, not testify. He has a
23 relevant, pertinent incidence in this case. And I
24 can't think of anything more serious; a slap in the
25 face of the court.

1 We respectfully ask for a bench warrant.
2 We've done everything we could. We've talked to the
3 National Guard. They're looking for him. We would
4 like to get a bench warrant issued, so we can put
5 him in the national database, so they can lock him
6 up, and pick him up, and hold him here and
7 potentially until we have this trial, Judge. I'll
8 like just a couple of more minutes to make a
9 decision about whether we want to proceed. If you
10 would just give a few minutes.

11 THE COURT: Yes, sir. I'll be happy to do
12 that. Mr. Keffer, do you have anything to add to
13 Mr. Meadors motion?

14 MR. KEFFER: I just want to be clear on
15 the record, that I've not spoken with the subpoenaed
16 individual, Mr. Stephen Dwyer, in several weeks.
17 Certainly not since he was served this last
18 subpoena. I have spoke with him when he was
19 initially served. He's come to my office. I have
20 not spoke to him since he was served this last
21 subpoena, just for the record.

22 THE COURT: The court of course takes it
23 very seriously that Mr. Dwyer is not present,
24 despite having been served with a subpoena to be
25 present here in court. If anyone in his family does

1 have information as to where he is; that can get in
2 touch with him to show up, that would certainly be
3 in his best interest. Because it will not be best
4 interest if he is found in contempt of court and
5 this trial is delayed. If you need a few minutes,
6 just let me know when you are ready to proceed.

7 MR. MEADORS: Thank you, Your Honor.

8 MR. KEFFER: With the court's permission
9 I'd like to speak with his family.

10 THE COURT: I think that would be
11 appropriate.

12 (Whereupon, the court takes a recess.)

13 (Whereupon, the trial commences on
14 Wednesday, October 21, 2015 at 9:30 a.m.)

15 (Whereupon, State's Exhibit Nos. 34
16 through 38 indictment marked for Id.)

17 THE COURT: The witness, Mr. Dwyer, that
18 was missing yesterday, is in custody downstairs, but
19 it will take them a little while to bring him
20 upstairs, so I am not sure at what point in the case
21 you intend on calling him, but if you give them a
22 heads up before the witness before that, that way
23 they can him ready.

24 MR. MEADORS Thank Your Honor. I
25 appreciate Your Honor's patience. Judge, we have a

1 few things, which I think will help. Obviously
2 we're not going to rush or speed up the situation.
3 There is a stipulation. It's marked State's Exhibit
4 No. 37 that I would like to read at some point into
5 the record; agreed to by both myself as an assistant
6 solicitor and Mr. Keffer as a defense attorney for
7 Mr. Dwyer, dealing with phone records from the
8 victim, the defendant, and the defendant's brother.
9 Basically they show the phone calls that were made
10 between those three parties on or about
11 January 26th.

12 THE COURT: Yes, sir.

13 MR. MEADORS: And this is agreed without
14 objection, stipulation. There are the phone records
15 dealing with these three folks too, made a part of
16 this exhibit. They're marked, but we're going to
17 have a clean copy for the court before it goes back
18 to the jury. But I believe that's without
19 objection. And I just want to put that on the
20 record.

21 MR. KEFFER: That is without objection,
22 Your Honor. My client understands the cell phone
23 records between himself, Steven Dwyer and the victim
24 in this case. He has a copy of the cell phone
25 records. They are not in dispute.

1 THE COURT: Thank you, Mr. Keffer.

2 MR. MEADORS: Judge, in addition to that,
3 we have 33, and of all of those, I think, State's 3,
4 4, 5, 8, 9, and 27 are the ones that Mr. Keffer has
5 an objection to. And we'll get into these fairly
6 soon. And we'll just ask Your Honor to consider
7 them right now. The rest of them I think we've
8 agreed to.

9 THE COURT: So taking them each at a time,
10 I have before me, State's proposed Exhibit No. 5,
11 which appears to be a car that is covered with a
12 tarp.

13 MR. KEFFER: Yes, Your Honor. And if I
14 could, well not to be brief. But majority of the
15 pictures that are before you, have to do with the
16 vehicle. My concern and It can be remedied very
17 easily; is that this vehicle has a front license
18 plate which identifies the vehicle as being owned by
19 a retired Army person. The rear one I believe has a
20 purple heart. And there's some very clear pictures
21 of it.

22 I think that if we were to block those
23 out, I think that that would be prejudicial to my
24 client, inasmuch as, and just like the voir dire,
25 identifying the deceased as a retired Army and

1 retired Vietnam vet., and retired purple heart
2 recipient. It may prejudice my client to some
3 effect. I would just ask the State just to block
4 out, not the picture, not to exclude the picture,
5 but only block out that license plate on those
6 pictures. And I just like feel like they could be
7 extremely prejudicial to my client.

8 THE COURT: Mr. Meadors.

9 MR. MEADORS: May it please the court,
10 Your Honor, this is one of key pieces evidence in
11 the trial. Mr. Singleton's body was found in this
12 car after what it appears. And I believe the
13 testimony will be it was slammed into a tree, or a
14 ditch or embankment, and was still in reverse when
15 EMS got there. The back shows his license tag,
16 which was part of the identification process of
17 getting, of finding out who the victim was. It is
18 what it is. I don't know how, we submit it's a
19 relevant piece of evidence. I am not going to
20 argue he was a purple -- he got a purple heart. I
21 am not going to try to -- I don't think I can do
22 that, unless for some reason that was opened up.
23 But it is evidence it's there. And I respectfully
24 just ask that it be allowed as is, as was found.

25 MR. KEFFER: And, Judge, we're not, just

1 to be clear, we're not asking it to be excluded, but
2 feel like those license plates could be marked out
3 in such a way as it would be a nonissue completely.
4 If we understand the vehicles, his vehicle, we'll
5 stipulate it's his vehicle. There is rear damage to
6 the vehicle. And he's found in the vehicle. All
7 those things are true. The remedy is very
8 simplistic, if we were just to block out those
9 license plate, there would be no issue.

10 THE COURT: In looking at the photographs,
11 although it does say retired U.S. Army on the front
12 and purple heart license plate on the back, if it's
13 part of identification process of the car, the court
14 does find that it's relevant. And further each of
15 the jurors were voir dired on their ability to fair
16 and impartial and whether or not there was any type
17 of testimony regarding a military personnel and they
18 can set that aside and be fair and impartial to both
19 the State and to the defense. And they were each
20 questioned on that if they had any involvement with
21 the military or with them or their immediate family
22 members. So your objection is overruled.

23 MR. KEFFER: Just to be clear, it's my
24 understanding, the State does not intend argue that
25 amendment and any part. Judge, there is one other

1 picture of the defendant himself.

2 MR. MEADORS: Judge, that's State's 27.

3 THE COURT: Yes, sir.

4 MR. MEADORS: Judge, that's a picture of
5 the defendant as he appeared at the time of arrest.
6 I understand, I think I would have to, if
7 identification of him became an issue and he looked
8 different from when he is today, I would try to
9 offer that then. I'm not sure if that would become.
10 I certainly would bring that up before the court
11 before I tried to get it in.

12 THE COURT: So we'll just have to cross
13 the bridge when we get to it. So we'll hold off on
14 27. Otherwise, 3, 4, 5, 8 and 9, subject to the
15 proper foundation being laid, your objection is
16 overruled. Anything else before we bring the jury
17 out?

18 MR. KEFFER: Nothing from the defendant,
19 Your Honor.

20 MR. MEADORS: No, ma'am. Thank you.

21 THE COURT: Let's have our jury please.

22 (Photographs 3, 4, 5, 8, 9 marked into
23 evidence. State's Exhibit No. 27 for ID only.)

24 MR. MEADORS: Your Honor can we approach
25 briefly.

1 (Whereupon, the following takes place
2 within the presence of the jury.)

3 (Whereupon, the jury is sworn.)

4 THE COURT: Good morning, Ladies and
5 gentlemen of the jury. Thank you for accepting the
6 important responsibility of jury service and for
7 your contribution today to our system of justice.
8 What I would first like to say to you is thank you
9 for your patience with us. I know that you have
10 been coming and going and waiting a little bit. And
11 we certainly are very mindful of your time and
12 respect your time. However, sometimes things pop up
13 that are out of anybody's control. And through no
14 fault of any party, sometimes things get delayed a
15 little bit.

16 What I will now say to you is intended to
17 serve as an introduction to the trial of this case.
18 These remarks are not a charge on the law in this
19 case. I will charge you on the law applicable to
20 this case at the end of the trial before you retire
21 to deliberate your verdict. This is merely an
22 explanation of the procedures that we will follow in
23 the case, so you may better understand what is
24 going on. You may not take notes during the trial
25 of this case.

1 The defendant Mr. Dwyer is charged by an
2 indictment filed in this court, with the crime of
3 murder and with possession of a weapon during the
4 commission of a violent crime. The elements of
5 those crimes will later be explained to you. The
6 indictment is simply the charge by which this case
7 is brought into court, and it is not in any sense
8 evidence of the allegations that it contains. The
9 defendant has pled not guilty to this indictment.
10 The State therefore has the burden of proving each
11 of the elements in the indictment beyond a
12 reasonable doubt. And it will be your duty, Ladies
13 and gentlemen, to decide whether the State has met
14 that burden.

15 Your purpose as jurors is to find and
16 determine the facts. You are sole judges of the
17 facts in this case. If at any time I make any
18 comment regarding the facts, you must disregard
19 that. You are to determine the facts from the
20 testimony that you hear and the other evidence that
21 is introduced into court. It is up to you to
22 determine the inferences which you feel may be
23 properly drawn from the evidence. It is especially
24 important that you perform your duty of determining
25 the facts diligently and conscientiously, because

1 ordinarily there is no way to correct an erroneous
2 determination of the facts by a jury.

3 On the other hand and with equal emphasis,
4 the same law that makes you the judges of the facts
5 makes me the judge of the law in this case. The law
6 has given by the court is the only law that you may
7 consider. You must accept it and follow it even
8 though you may disagree with it. I cannot tell you
9 what the facts are, and you cannot disagree with me
10 about the law is or what the law should be. Your job
11 is to take the law as I give it to you, and apply it
12 to the facts as you find them from the testimony of
13 the witnesses and from any other evidence that is
14 properly introduced into the trial. After doing
15 that, you will render your verdict, a true and just
16 verdict under the solemn oath you just took as
17 jurors.

18 Until I advise you to begin your
19 deliberations, you must not discuss this case with
20 anyone; including, your fellow jurors, your friends,
21 your family members, and anyone involved in this
22 case. This includes any discussions face to face,
23 and those telephone, e-mail, text, blogs or any
24 other method of communication. You may not use a
25 computer, cell phone or any other electronic device

1 with communication capabilities at any time while in
2 the courtroom or during your deliberations. During
3 your breaks or for meals or for overnight if
4 necessary, you may use these devices, however, you
5 may not at any use these devices to get or send
6 information about this case. This includes any
7 information about a party, a witness, an attorney, a
8 court officer, any news accounts about the case, any
9 research on any topics that may be raised during the
10 case or any topics that you think might be helpful
11 in deciding the case, or any testimony presented by
12 any of the witnesses.

13 During to trial, do not listen to, watch
14 or read any reports about this case. This includes
15 anything that may be in the newspapers or on the
16 internet, radio or television. You must not
17 consider anything that you may have heard or read
18 about this case outside of this courtroom whether
19 before or during the trial of this case. After the
20 case is submitted to you, you must discuss it only
21 in the jury room with your fellow jurors. The
22 attorneys and the parties in this case have all been
23 advised not to talk to you at all. So if you see
24 anyone involved in the trial of this case during any
25 breaks or coming in and out of courthouse and they

1 don't speak to you, they're not being rude, they're
2 just following the court's instructions. It is
3 important that you keep an open mind and not decide
4 any issue in this case until all of the evidence has
5 been presented, the parties have made their closing
6 arguments, and I have instructed you on the law in
7 this case. It is your solemn responsibility to
8 determine the guilt or innocence of the defendant,
9 and your verdict must be based solely on the
10 evidence as it is presented to you in this trial,
11 and the law as I instruct you at the close of the
12 trial.

13 In just a moment, the solicitor will make
14 what is called an opening statement in which the
15 solicitor will explain to you what the issues in
16 this case are, or at least what the issues the
17 solicitor thinks in this case are. The attorney for
18 the defendant may also make an opening statement,
19 although he is not required to do so. What the
20 attorneys tell you during opening statements is not
21 evidence in this case. It's only their contention
22 as to what the issues are.

23 The evidence in this case will be
24 presented to you by the testimony of sworn
25 witnesses, from the witness stand, and by any

1 exhibits that properly introduced into the trial of
2 this case. From time to time, during the trial, you
3 may hear one of the lawyers say something like, Your
4 Honor, I have a question of law or a matter of law,
5 or may we approach. Or sometimes I myself might
6 find it necessary to excuse you from the courtroom
7 for a short while, so that the attorneys and I can
8 discuss a matter of law.

9 The reason for this is because sometimes
10 since you are judges of the facts in this case and
11 sometimes when I am discussing matters of law with
12 the attorneys, it may be necessary for me to make
13 some comments as to the facts in connection with
14 really whether or not a particular law applies. I
15 am not supposed to tell you what I think the facts
16 are, so I will excuse you from the courtroom while
17 these discussions take place so that you in no way
18 will be influenced by anything I might say or do in
19 connection with the facts of this case.

20 In determining what the true facts are in
21 this case, you must decide whether or not the
22 testimony of the witnesses is believable. It will
23 be my responsibility to rule as a matter of fact
24 whether a certain testimony is admissible or not.
25 But once the testimony is admitted whether or not

1 you believe it is solely for you to determine.

2 In deciding whether or not to believe a
3 witness, you have the right to consider the interest
4 of any witness, the bias of any witness, the
5 prejudice of any witness, the opportunity for the
6 witness to have seen the matters and things about
7 which the witness may testify and the way the
8 witness acts on the witness stand. You have the
9 right to consider anything that is in the record
10 that will help you evaluate the testimony of the
11 witnesses. That means that it is your duty to pay
12 close attention to these witnesses, to observe the
13 witnesses, to listen to the witnesses, and pay close
14 attention to the attorneys and to the court. Don't
15 let your thoughts wander, but give strict attention
16 to the testimony in this case so that at the end of
17 the testimony after the arguments of counsel, and
18 after you have been charged on the law in this case
19 by the court, you will then be in a position to
20 determine what the few true facts are, and to apply
21 the law to those facts and to render a true and just
22 verdict under the solemn oath that you just took.

23 Later during the trial, I will appoint a
24 foreperson, and that foreperson would be the liaison
25 to the court. If you have questions during the

1 trial or somehow you need any assistance as a jury,
2 the foreperson will not have any additional weight
3 or anything, but they're merely the liaison that
4 helps communicate with the court.

5 Any objections to the opening charge by
6 either the State or from defense?

7 MR. MEADORS: No, ma'am.

8 MR. KEFFER: No, ma'am.

9 THE COURT: Solicitor, you may proceed.

10 MR. MEADORS: May it please the court.

11 THE COURT: Yes, sir.

12 MR. MEADORS: Five inches from the top,
13 three inches to the right of the midline. Five
14 inches from the top, three inches to the right of
15 the midline. That's where Matthew Cory Dwyer put a
16 bullet in the head of Johnny Singleton. That's what
17 this case is about, the murder, the slaying of
18 Johnny Singleton. Good morning.

19 THE JURY: Good morning.

20 MR. MEADORS: My name is John Meadors from
21 the Third Judicial Circuit. I have the honor and
22 privilege of working for your elected Solicitor, The
23 Honorable Ernest A. Chip Finney, III, who you met
24 yesterday or saw yesterday in jury qualifications.

25 I am here today along with Mr. miller, who

1 investigated, Mr. Mims, Sergeant Darlene,
2 representing the people of the State of South
3 Carolina, the people of Sumter, and the victim's
4 family. Raise your hand if you are here with the
5 victim's family, against the defendant Matthew
6 Dwyer. He is represented by Mr. John Keffer. And
7 that's Sergeant Darlene Dellinger with the Sumter
8 County Sheriff's Department. First of all, thank
9 you for being here. Thank you for the attention I
10 know you are going to give this case. We'll be
11 through this week. But thank you for the attention
12 you give both parties.

13 The defendant has been charged with
14 murder. You all probably know it as well as I do.
15 But what is murder? Murder is the unlawful,
16 intentional, felonious killing of another living,
17 breathing human being with malice aforethought. So
18 we have to show you that it was an intentional,
19 malicious killing. What is malicious? The word
20 just sounds awful, doesn't it. What is malicious?
21 It's a meanness, an evilness, a wickedness, a
22 spitefulness one person shows to another. Malice,
23 shooting in the back of the head. Five inches down,
24 and 3 inches to the right of the midline. That's
25 malicious.

1 Aforethought. It's a term of art. It
2 doesn't mean in this state you don't have to have
3 premeditation. You don't have to plan to kill
4 somebody. You don't have to be thinking about it
5 for awhile. You don't have to have it written out.
6 Malice aforethought is just term of art. I don't
7 really understand it, but I understand it enough to
8 explain it sometime it's got to exist the instant
9 you pull the trigger. That's all. Pulling the
10 trigger. Shooting in the back of the head. That's
11 malice aforethought if you believe the evidence.
12 Malice can be express, I'm going to kill you. Or
13 under certain circumstances it can be inferred,
14 depending on the facts and circumstances in the
15 case.

16 We have to prove malice aforethought,
17 intentional killing. And that the victim, Johnny
18 Singleton, died as a result of that shooting. You
19 are going to hear from Dr. Ross this afternoon. We
20 are going to take her out of order because of
21 scheduling this week, and she's going to tell you
22 about the injuries to Mr. Singleton's head. And I
23 believe beyond -- to a reasonable degree of medical
24 certainty the probable cause of his death was the
25 bullet that entered the back of his head and killed

1 him. It was found in his naval cavity.

2 And we must prove that he did this with a
3 deadly weapon. In this case a firearm. And we
4 believe a 380. A malicious, intentional killing of
5 a human being with malice aforethought either
6 express or implied and he did it with a firearm.

7 Now there's another indictment possession of a
8 weapon during the commission of a violent crime.

9 That kind of speaks for itself. I don't need to put
10 all that. He used the gun when he blew him away,
11 and shot in the back of the head. Now what's our
12 burden. The burden on the State today in this
13 courtroom is the same as across this great nation.
14 We must prove the defendant guilty beyond a
15 reasonable doubt. Beyond a doubt that makes
16 reasonable folks hesitate to act. It's not beyond
17 all doubt. If that was the burden, we didn't need
18 to build this beautiful new courthouse. But it's
19 beyond a reasonable doubt.

20 Ladies and gentlemen, there's several
21 types of evidence that y'all hear from, and I'll be
22 very brief on this. There's several types of
23 evidence you'll be allowed to consider. First, is
24 direct evidence. Direct evidence is evidence that a
25 person or a witness gathers either through -- they

1 gather through one of their senses. They hear it.
2 They feel it. They smell it. They touch it. And
3 they come in here and say, this is what I heard,
4 what I saw, what I felt, what I touched. And
5 they'll offer that from that witness stand. And the
6 only evidence you can consider is evidence that
7 comes from this witness stand, and what evidence
8 that Your Honor allows and that's relevant. But
9 that's one type of evidence you'll hear. Witnesses
10 and law enforcement, pathologists, lay witnesses
11 saying this is what I saw. This is what I heard.

12 There's also something called
13 circumstantial evidence. That's proof of chain of
14 facts and circumstances indicating the existence of
15 a fact. The one everybody uses is if you go to
16 bed, and there wasn't snow on the ground, you wake
17 up, there's snow. You didn't see it snow, but
18 that's an example of circumstantial evidence that it
19 snowed. You've got a bullet on the back of your
20 head. A Bullet is found inside. You didn't see
21 the shot. You may not have the gun, but that
22 doesn't mean that he wasn't shot. That's
23 circumstantial evidence that a bullet entered the
24 back of his head, and that's what killed him.

25 Documentary evidence you may have. You're

1 going to have some stipulations in this case about
2 phone calls. It's been stipulated that several of
3 the parties called each other. It was on the phone
4 tolls, talked by towers; that they called each other
5 during this time period. And that kind of puts the
6 parties together. And we're going to read that out
7 to you. And you will also have some forensic
8 evidence, DNA, which we believe will put the
9 defendant inside the car of the victim, his blood on
10 the defendant's clothes, in his pocket, on the cuff
11 of his pants. You'll have that evidence to
12 consider.

13 What happened? What is this all about?
14 We're going to go back to January 26th of this year,
15 2015. Janie Mae Shaw, she had a doctor's
16 appointment this morning. She's going to be here in
17 a minute. She was going to be my first witness. We
18 may to take her out of order. She's coming as soon
19 as she gets through with the doctor. Janie Mae
20 Shaw is going to tell you they were playing cards at
21 her house, and the defendant -- excuse me, the
22 victim Johnny Singleton was there playing cards.
23 She had been playing cards with him for a long time.
24 Approximately 9:30ish or so, she's going
25 to say Mr. Singleton left. When he left, I believe

1 her testimony will be that he did as he does and as
2 his custom and practice, he put his poker winnings
3 or card winners in his sock. Called it skin money.
4 Put his money in his sock, and he left. And that's
5 going to be where we start the timeline that we will
6 present to you. From there January 26th, that
7 evening, until February 4th. That's what this trial
8 is going to be about, showing you all what happened
9 between that time period. And I'm going to try to
10 have a calendar up here, and we'll go through it
11 every day and show you what happened.

12 So when he leaves, Janie Mae's house, Ms.
13 Shaw, through telephone tolls, we're going to be
14 able to show you that he was talking to the
15 defendant.

16 The next thing we're going to see is the
17 next morning on the 27th, EMS, and Mr. Kent Hall,
18 law enforcement responds to what they think is an
19 accident. And you all probably know where this is.
20 If you're heading past Rembert towards Camden on
21 521, they'll be a Modern Turf property on your left.
22 It's like where you can buy I think commercial and
23 personal. There's a driveway right when you get to
24 there. Right across, if you backed out of that
25 driveway, that's where we found, law enforcement

1 finds, the car of Johnny Singleton. You're going to
2 see pictures of it. It's rammed up into an
3 embankment. Still in reverse. And when they first
4 get there, the first responders, they think it's an
5 accident. They don't know what it is. And it
6 really isn't until a day or so later when they hear
7 from the pathologist to the coroner, there's a
8 bullet in his head. So it goes from a car accident
9 to a murder investigation. And that's what we'll
10 take you through.

11 So there are pictures of the car. Law
12 enforcement and the crime scene unit from the Sumter
13 County Sheriff's Department starts processing the
14 car. There's blood on the car. There's some
15 pictures you are going to see of Mr. Singleton in
16 the car. His clothes are taken. Cuttings are taken
17 from his pocket and from the bottom of his pants.
18 Potential evidence. We're going to present those.
19 You'll see it. Sent to sled from testing. You are
20 going to have folks from sled come and testify.
21 They will be here tomorrow. But the car is
22 processed. Pictures are taken. It is a now a
23 murder investigation. He was shot in the back of
24 the head. They identify the car; are able to
25 identify a number of Mr. Singleton. And a day or so

1 later 30-yards from where this car is crashed, a
2 phone is found. It's Mr. Singleton's phone. And a
3 search warrant is done is for the records. And it
4 comes back, and you will see what phone calls, who
5 Mr. Singleton had been talking to. Why is it Janie
6 Mae's, or have you got any calls in. And then after
7 that, what calls does he receive. Law enforcement
8 gets that. And what do they do?

9 Well thy start making the calls the
10 evidence will show. They just start seeing, who did
11 he call. Well they call a number the testimony will
12 be later that's identified with the defendant, and
13 he said he's somebody else. It's around January
14 30th, I think. The Sarge is calling him. No, I am
15 somebody else. We'll get in to that. But they
16 start looking at the phone calls. Who is this.
17 He's identified one number that was called while
18 he's at Janie Mae's and then later.

19 After that they identify another number,
20 and get phone records from his phone, the
21 defendant's. Another phone number they get is to
22 his brother, Stephen Dwyer. And you will see, and
23 we are going to have a chart with you showing these
24 calls. The calls, calls, calls, calls to the
25 victim. And then they stop. Then there's a period

1 of time less than an hour, that's the killing time,
2 where it would bring it to an hour when he was
3 killed.

4 And then there are calls the evidence will
5 show to the defendant's brother. Boom, boom, boom,
6 boom, boom, boom, boom, boom. And the evidence
7 will show his brother came to get him in Rembert.
8 And was with a lady named Morine Dickey, who his
9 brother was taking to go work at Pilgrim's Pride.
10 Went to get him first, then took Morine Dickey to
11 Pilgrim's Pride. She is going to tell you what
12 transpired and what didn't transpire in that ride to
13 Rembert and back before she was dropped off. His
14 phone is bleeping. He initially tell his brother he
15 was shot. But his phone was bleeping when his
16 brother picks him up. We're going to have evidence
17 presented that that's for when the gun went back.
18 And there's where his blood was dropped and found on
19 the pocket of Mr. Johnny's pants and down on his
20 cuff where that money was. That money was gone when
21 law enforcement got there. We believe the evidence
22 will show he stole that money after he killed him.
23 Either that night or the next day, either that night
24 or the next day, Ladies and gentlemen, either that
25 night or the next day, the defendant tells his

1 brother, excuse my language, I fucked up. I fucked
2 up. I did something I should not have done. That's
3 what the evidence is going to show. And then he
4 tells his brother later on, well man, I was just
5 kidding when I told you that. I messed up. I did
6 something I should not have done. That was the
7 evidence is going to show. That was on or about
8 February 4th when the police talked to Mr. Dwyer,
9 Stephen Dwyer. Shortly after that based on the
10 phone calls and all the evidence that the defendant
11 was arrested, charged with murder and possession of
12 a firearm during the commission of a violent crime.
13 We believe the evidence will show, the defendant
14 said I didn't use my phone.

15 Ladies and gentlemen, that's what we're
16 going to present to you that timeline from Janie
17 Mae, January 26th until February 4th, to the arrest
18 of Matthew Cory Dwyer for the murder of Johnny
19 Singleton. That's what this case is about. All I
20 can ask you is to please listen. It doesn't get any
21 more important than this. It's important for
22 Mr. Dwyer, important for Mr. Singleton and his
23 family. It's both of them's day in court. Please
24 listen. I know you will. It doesn't get any more
25 serious than his. I love this job. This is my

1 office right here. The judge's courtroom. The
2 clerk's courthouse. This is my office right here.
3 I have a role. Mr. Keffer has a role. Her Honor
4 has a role. She is the law. She tells us all what
5 law will govern. But you have a role, and I
6 respectfully submit, and respectfully to all the
7 parties, your role is the most important role.
8 Because you're a judge too. You are the judge of
9 the facts.

10 It's like we're all a basketball team.
11 But this is no game. And we're here all the time.
12 We all love doing it. But the most valuable player
13 comes in every week and determines what the game --
14 who the winner is. But it's not a game. But your
15 role as the judge of the facts is to decide what is
16 believable, what is credible. It's true in every
17 case. What's the truth that comes out of the
18 witnesses and the exhibits from here. And you all
19 decide that. It doesn't get any purer than that.
20 What is the truth. And you know what you do to
21 decide that, Mr. Campbell back there didn't have a
22 school to send you through, how you to be a juror,
23 but you've been going through it your whole life.
24 It's life, and common sense and evaluating people.
25 And then deciding what the truth is. You've been

1 prepared for this day your whole life. And just use
2 your common sense, and decide what the truth is.
3 That's all either one of us can ask.

4 Ladies and gentlemen, thank you again. At
5 the close of the case, we'll both be allowed to come
6 up and argue to you what we believe the reasonable
7 inferences are in this case. I submit to you, I'll
8 be arguing, and I'll be respectfully asking you, to
9 find that on or about January 26th, late that
10 evening, the defendant Matthew Cory Dwyer put a
11 bullet in the back of Johnny Singleton's head. He
12 didn't have any reason to. He shouldn't have. And
13 Johnny Singleton should still be here, and I am
14 going ask you to find him guilty. Thank you.

15 THE COURT: Would, counsel, please
16 approach?

17 (Whereupon, the attorneys approach and
18 confer with judge.)

19 THE COURT: Mr. Keffer.

20 MR. KEFFER: Thank you, Your Honor. My
21 name is John Keffer, and I met you a couple of days
22 when we were selecting those jurors. And I
23 appreciate the time and the patience. I know it's
24 been three days, and you guys have been waiting.
25 But today's is the day. Today is Mr. Dwyer's day.

1 He's charged with murder. And I will agree with
2 Mr. Meadors on one thing, we do love our job. And
3 you can see the passion of Mr. Meadors when he
4 presents to you. But we have a job as well. And
5 Mr. Dwyer comes to this courtroom with the
6 presumption of innocence. And that's the foundation
7 of our law. No matter what is said in opening
8 statements, he comes here today with the presumption
9 of innocence. And you need to carry that through,
10 all the way through.

11 Now Mr. Meadors job is to start taking off
12 that cloak of the presumption of innocence. And he
13 laid out certain facts, which are not in dispute.
14 Mr. Dwyer knew Mr. Singleton. That were together
15 that night. We know that there was conversations
16 that day. We know from cell phone records they knew
17 each and they spoke. The rest of it is pure
18 speculation. Because the reality of it is,
19 Mr. Singleton picked up Mr. Dwyer about 9:30,
20 10:00 o'clock.

21 Mr. Singleton is actually from Camden.
22 Which is why they were on 521. And they were
23 driving on 521. And we believe the evidence is
24 going to show that Mr. Dwyer asked to get out of the
25 car; that he felt uncomfortable; that he asked

1 several times for Mr. Singleton to stop the car.
2 And the car did stop. And Mr. Singleton was
3 driving, and there was fight and there was an
4 altercation. And that is something the State didn't
5 present to you, because they don't want to consider
6 that. But that's the reality and that's what
7 happened.

8 We're not going to spend 2 or 3 days
9 worrying about who called who, when and where.
10 Because we know that they spoke. And we know that
11 they're together, and you're going to hear that.
12 What we will discuss, and what I will proffer; is
13 that, this is a case of self defense. There was a
14 fight, and there was a disagreement and there was an
15 altercation. And that is not in dispute. What's
16 also not in dispute is Mr. Singleton's death. He
17 died January 26th. He died of a bullet hole.
18 Mr. Dwyer is not going to get up there and say that
19 didn't. He is going to get up there and explain
20 why it happened. What were the facts and
21 circumstances behind that. Why were they there.
22 Why was he in the car. What was his relationship
23 with Mr. Singleton. Did they know each other
24 before. They were not strangers. They knew each
25 other before.

1 Mr. Singleton was playing poker that
2 night. That's not in dispute. What is in dispute
3 is what lead up to his death. What happened. What
4 caused his death. And that's where you come in.
5 And you're going to hear all this evidence. You are
6 going to hear most of what Mr. Meadors said. That's
7 really not in dispute. What is in dispute is what
8 happened to these two people in that car. Why did
9 the car stop. Why was it found the way it was
10 found. Why was the cell phone found where it was
11 found. What happened exactly. We believe that the
12 evidence is going to suggest, is going to show this
13 is a case of self defense. That is not murder.

14 Mr. Dwyer is not going to say this didn't
15 happen. He's going to explain why it happened. And
16 you're going to use your common sense, and you're
17 going to think about what would cause that vehicle
18 to stop. Why would two men stop, and park on 521.
19 Who was driving the vehicle. Who was in control of
20 the situation. We believe the evidence is going to
21 suggest the gun used was actually Mr. Singleton's
22 gun. We believe that's going to be shown. And you
23 have to start asking yourself these things. What
24 really happened, because it's not murder. It's self
25 defense. And I am not going to take up too much

1 time. We've taken up enough time for these 3 days.
2 But I am going to ask that you use your common sense
3 when you see witnesses testifying and you see
4 exhibits. And think about what I said. Because 90
5 percent of this case is not in dispute. What is in
6 dispute is whether or not it's murder. Thank you.

7 THE COURT: Solicitor, you may call your
8 first witness.

9 MR. MEADORS: Kent Hall.

10 Henry Kent Hall, being first duly sworn,
11 testified as follows:

12 A. Henry Kenneth Hall, Jr. Or referred to as
13 Ken. Last name H-A-L-L.

14 THE COURT: Your witness.

15 MR. MEADORS: Your Honor, we had
16 previously discussed, State's 1, 2, 6, 7, 10, 11,
17 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25,
18 26, 28, 29, 30, 31, 32, and 33, I believe without
19 objection.

20 THE COURT: Is that correct, Mr. Keffer?

21 MR. KEFFER: That's correct, Your Honor.

22 THE COURT: They're in.

23 MR. MEADORS: And, Your Honor, subject to
24 his objection, Your Honor, is ruling is 3, 4, 5, 8
25 and 9.

1 THE COURT: Correct.

2 MR. MEADORS: We would offer.

3 MR. KEEFFER: Same objection, Your Honor.

4 (Photographs marked State's Exhibit Nos.
5 3, 4, 5 8, 9 into evidence.)

6 Direct Examination by Mr. Meadors:

7 Q. Good morning, Mr. Hall.

8 A. Good morning, sir.

9 Q. Please tell the ladies and gentlemen, your
10 background and your training in your job, please,
11 sir.

12 A. I am from Bethune, South Carolina. Born
13 and raised there. Still live there today. I
14 Graduated from Bethune High School and Kershaw
15 County School District in June of 99. I started EMS
16 in the Summer of 99. I have 16 years experience in
17 EMS, 13 and a half as a certified paramedic, EMT,
18 basic certification through Central Carolina
19 Technical College. Paramedic certification through
20 Pee Dee Regional EMS in Florence, South Carolina.
21 I'm also a state certified paramedic instructor
22 through South Carolina DHEC.

23 Q. What do you start out as with EMS?

24 A. I start out as an EMT basic.

25 Q. And then from there where do you go?

Henry Kent Hall-Direct by Meadors

1 A. I went straight to paramedic school.

2 Q. And you've been a paramedic for 13?

3 A. 13 and a half years, yes, sir.

4 Q. You're one of the first responders,
5 correct?

6 A. Yes, sir.

7 Q. And taking you back to this incident;
8 specifically January 26th 2015.

9 A. Yes, sir.

10 Q. Did you have an occasion to respond the
11 vehicle on 521 near the Modern Turf business?

12 A. Yes, sir.

13 Q. Can you tell the ladies and gentlemen of
14 this jury what you observed when you got there on
15 the paramedic call?

16 A. Yes, sir. I actually was the second unit
17 to respond to the scene. The initial unit returned
18 to our station for a shift change. They are
19 released from the scene by law enforcement awaiting
20 the corner. I was given a briefing shortly by
21 paramedic Ethan Osteen, who was the primary
22 paramedic responded out. He told me that there was
23 a deceased patient in a vehicle on Highway 521, near
24 the turf farm. And that the South Carolina Highway
25 Patrol had requested our unit to stand by.

Henry Kent Hall-Direct by Meadors

1 When we arrived on the scene, there was a
2 vehicle that was in a ditch, with the rear of the
3 vehicle resting up against an embankment. And there
4 was a tarp covering the driver's side of the
5 vehicle.

6 Q. And did you have an occasion to go closer
7 and look inside?

8 A. The closest I was able to get because of
9 the way the vehicle was sitting, I was able to walk
10 up the passenger's side. There was a man in a
11 seated type position in the back seat. There was no
12 movement.

13 Q. And State's, what's been entered as
14 State's 6, is that the vehicle you saw?

15 A. Yes, sir.

16 Q. And this is in Sumter County where this
17 is, correct?

18 A. Yes, sir.

19 Q. I'm going to show you what's marked
20 State's 12, did you observe that?

21 A. After the vehicle had been removed from
22 the ditch.

23 Q. So when you first got there, the vehicle
24 was in the ditch?

25 A. Yes, sir.

Henry Kent Hall-Direct by Meadors

1 Q. Were you able to determine, was it in
2 gear?

3 A. Not at that point, no, sir. I couldn't
4 get close enough to do that thorough of an
5 inspection.

6 Q. Did you at some point?

7 A. Yes, sir. After the vehicle was removed
8 from the ditch by the tow service.

9 Q. And what did you observe?

10 A. According to my documentation, I observed
11 the vehicle to be in reverse.

12 Q. You said the -- and you refer in your
13 report to PT? What does that mean?

14 A. Patient, sir.

15 Q. Now at this point, is Mr. Singleton dead?

16 A. Yes, sir.

17 Q. Can you describe his body based on your
18 observations or examinations, Paramedic Hall?

19 A. At this point, according to my
20 documentation, he was found in the back seat of the
21 vehicle, in a seated position, with his legs across
22 the center console. Upon assessment, he had
23 rigor-mortis and he was cold to touch.

24 Q. What does that mean?

25 A. His muscles were stiff.

Henry Kent Hall-Direct by Meadors

1 Q. And rigor-mortis, in your training as a
2 paramedic, what does that mean to you?

3 A. Once the -- once respiration stops and the
4 body doesn't have the ability to oxygenate, the
5 muscles, a chemical reaction takes place, and it
6 stiffens the muscles. Usually within the first 2 or
7 3 hours after his death.

8 Q. So he would have been dead at least over
9 2 or 3 hours?

10 A. On average depending on temperature. The
11 warmer the temperature, the faster it sets in. The
12 colder the temperature, the slower.

13 Q. What else did you observe? Just and I
14 know, do you do these reports to help you when you
15 actually come in to court?

16 A. Absolutely. This is our only way of
17 referring back to the event due to the call volume.
18 There's no way we can remember all of the details.
19 It states that patient had dried blood from blood
20 from his left ear. The rear window was broken out
21 of the car. The passenger front window was down.
22 The driver's door window was broken. The vehicle
23 was in reverse. Blood was noted on the patient,
24 his pants near his left ankle. Near the right back
25 pocket and front pocket. Blood was on the left side

Henry Kent Hall-Direct by Meadors

1 of his jacket. And blood was noted on the passenger
2 side front seat and passenger side front door frame
3 near the glass. Blood noted on the rear seat. And
4 what appears to be brain matter on the rear seat
5 below the window on the right side of the car. The
6 patient had an abrasion noted to the back of his
7 head, when EMS lifted his head to check for a wound.

8 And at that point, the coroner was
9 requested a Sumter County Sheriff's Department
10 Investigation Unit at that time.

11 Q. What time were you there?

12 A. I arrived on the scene at 8:54 a.m. that
13 morning. According to my documentation, this would
14 have took place around 10:30 a.m., when we were
15 getting -- were able to get to him.

16 Q. And that would be the morning of January
17 27th 2015?

18 A. Yes, sir.

19 Q. You described a body, State's got 13, does
20 that depict---

21 A. Yes, sir.

22 Q. ---the body that you saw? And you
23 mentioned or testified to some blood on the pants.
24 This is State's 16, State's 17. Is that what you're
25 talking about?

Henry Kent Hall-Cross by Mr. Keffer

1 A. Yes, sir.

2 Q. And State's 15, what does that show?

3 A. That is the blood on the rear seat and
4 what appeared to be brain matter.

5 Q. After you got there, did you see the car
6 being pulled out of the ditch?

7 A. Yes, sir.

8 Q. And were you there when Mr. Singleton was
9 taken out of the car?

10 A. Yes, sir.

11 Q. And who did that?

12 A. Myself, the deputy coroner that was on the
13 scene. And if my memory is correct, my partner
14 assisted.

15 Q. And what happened to his body?

16 A. We placed him in a body bag. He was
17 placed on the coroner's stretcher, and we moved him
18 to the coroner's vehicle for transport.

19 MR. MEADORS: I beg the court's
20 indulgence. Thank you. That's all.

21 THE COURT: Cross Examination.

22 Cross Examination by Mr. Keffer:

23 Q. Mr. Hall, we met yesterday, I think since
24 the first time, is that right?

25 A. Yes, sir.

Henry Kent Hall-Cross by Mr. Keffer

1 Q. We met again this morning?

2 A. Yes, sir.

3 Q. You did a report on January 30th of this
4 year, is that correct?

5 A. January 30th?

6 Q. Yes.

7 A. It says January 27th.

8 Q. You signed the report January 30th 2015,
9 is that correct? Kent Hall. Last page. Page 7 of
10 your report.

11 A. Yes, sir. That would have been when I
12 signed and officially locked the chart, yes, sir.

13 Q. And according to your report, you arrived
14 at the scene at 8:54 in the morning, is that right?

15 A. Yes, sir.

16 Q. You left about 11:23?

17 A. Yes, sir.

18 Q. You were not there the entire time, is
19 that right?

20 A. Yes, sir.

21 Q. You were not the first EMS responder to
22 show up, is that right?

23 A. No, sir.

24 Q. Who was the first one?

25 A. Paramedic Ethan Osteen, and EMT Walter

Henry Kent Hall-Cross by Mr. Keffer

1 McLeod.

2 Q. And according to page 7 of your report, I
3 believe you have a copy of it, is that right?

4 A. Yes, sir.

5 Q. When you arrived, you saw the rear window
6 was broken, is that correct?

7 A. That was after the vehicle was removed
8 from the ditch, yes, sir.

9 Q. Well when you first arrived, was the rear
10 window broke, or do you recall?

11 A. I did not document. I cannot recall based
12 on my documentation. I don't have that documented
13 that way.

14 Q. According to your documentation, the
15 passenger was down, is that correct?

16 A. Yes, sir.

17 Q. And the driver's window was broke, is that
18 correct?

19 A. It was, yes, sir. That was found after
20 the vehicle was removed from the ditch and the tarp
21 was removed.

22 Q. And did you have a chance to review all
23 the photographs as submitted by the State?

24 A. I've looked over some, sir, yes.

25 Q. Would you agree with me that there was

Henry Kent Hall-Cross by Mr. Keffer

1 substantial damage to the rear of that vehicle?

2 A. There is, sir.

3 Q. And would it also be your testimony that
4 vehicle appears to have been driven in reverse, and
5 slammed into some type of structure, whether it be a
6 tree or what not.

7 A. Yes, sir.

8 Q. Would that be consistent with what the
9 photographs show and what you saw?

10 A. What I saw when I arrived, the vehicle was
11 resting against the embankment. The rear of the
12 vehicle was resting against the embankment, yes,
13 sir.

14 Q. And would you also agree with me that the
15 photographs of Mr. Singleton indicate that his legs
16 were crossed?

17 A. I would have to look at the picture again,
18 sir. His legs were laying across the center console
19 of the vehicle.

20 Q. And was he in the front seat or the back
21 seat.

22 A. He was in the rear seat, sir.

23 Q. And during your investigation, and you
24 were there for over 2 hours, did you -- were you
25 able to find any type of weapon?

Henry Kent Hall-Cross by Mr. Keffer

1 A. No, sir.

2 Q. Did you find any cell phone?

3 A. No, sir.

4 Q. Did you find any shell casings or anything
5 to indicate---

6 A. No, sir.

7 Q. ---this would have been a homicide?

8 A. No, sir.

9 Q. Would that have been part of your
10 investigation normally?

11 A. No, sir. Unless it was just obvious and
12 something I recognized. I wouldn't dig through to
13 try to find additional information. Because he was
14 deceased. I had no indication to try to do anything
15 else. So at that point, I backed out and tried not
16 to touch him any further.

17 Q. And other than the report that you're
18 referencing, did you have any other involvement in
19 this investigation?

20 A. No, sir.

21 MR. KEFFER: Thank you. Please answer any
22 questions Mr. Meadors has.

23 THE COURT: Redirect.

24 MR. MEADORS: Thank you.

25 Redirect Examination by Mr. Meadors:

Henry Kent Hall-Redirect by Mr. Meadors

1 Q. When you left, did you know this was a
2 homicide?

3 A. Did I know that this---

4 Q. When you first got---

5 A. ---was a homicide?

6 Q. ---there. Yes, sir.

7 A. No, sir.

8 Q. And when you discover, or did you realize
9 he had been shot in the back of the head?

10 A. When I saw it on the news and in the
11 paper.

12 Q. So when out there that day you didn't
13 realize it.

14 A. No, sir.

15 Q. And I think Mr. Keffer was asking you
16 about the position of the body. This is State's 24.
17 Are those the legs of the deceased Mr. Singleton?

18 A. Yes, sir.

19 Q. And is that the driver's side seat that
20 those are over?

21 A. They are laying across the console into
22 the driver's seat.

23 Q. Would it be consistent with him having
24 been in the driver's seat, and then falling back
25 after an accident?

Investigator Michael McCauley-Direct by Meadors

1 A. That's hard to say, sir.

2 Q. It could be though.

3 A. Potentially.

4 MR. MEADORS: That's all. Thank you.

5 THE COURT: You may step down, Mr. Hall.

6 Thank you. You may call your next witness.

7 MR. MEADORS: Your Honor, one second

8 please. Investigator Michael McCauley.

9 Investigator Michael McCauley, being first
10 duly sworn, testified as follows:

11 THE CLERK: State your full name and spell
12 your last name for the record.

13 A. Michael Thomas McCauley. Last name is
14 spelled M-C-C-A-U-L-E-Y.

15 THE COURT: Your witness.

16 MR. MEADORS: May it please the court.

17 THE COURT: Yes, sir.

18 DIRECT EXAMINATION by Mr. Meadors:

19 Q. Investigator McCauley, tell these folks,
20 ladies and gentlemen of this jury, about Michael
21 McCauley, where you're from. Your training, in
22 particular, your training in law enforcement please.

23 A. Yes, sir. My name is Michael McCauley.
24 I was born in Enid, Oklahoma, in 1980. I have in
25 Sumter County 23 years. My father was a prior

Investigator Michael McCauley-Direct by Meadors

1 military. He came to Shaw Air Force base, liked it
2 and set down roots.

3 I have been working with Sumter County
4 Sheriff's Office since January of 2004. I have been
5 in the investigation division since August of 2014.
6 I am trained as a crime scene investigator and
7 forensic examiner.

8 Q. And what type of training did you go
9 through?

10 A. I was trained in basic forensic technics
11 at IPTW. It's a branch of the University of North
12 Florida. I received that training almost exactly a
13 year ago in mid-October.

14 Q. And what's your job when you go to a crime
15 scene?

16 A. My primary job is to analyze, take in the
17 whole crime scene by itself. I look at all the
18 physical artifacts. Anything that would stand out.
19 And anything that would prove or disprove what the
20 initial belief of what the situation was. For
21 example, if it's a murder, anything would obviously
22 make it look like a murder. Anything that looks
23 suspicious. Anything that just looks out of place.
24 In that, I collect any evidence as it is. Anything
25 I can examine by myself with the basic training, I

Investigator Michael McCauley-Direct by Meadors

1 can. I do that in the county lab. If it is beyond
2 me or it's the lab is not set up for it, I submit it
3 to sled for their examinations.

4 Q. Is it fair to say you try to document a
5 scene, and preserve it and took pictures of it, so
6 you can come in and do like you're doing right now
7 and tell jurors?

8 A. Yes.

9 Q. And any evidence or potential evidence you
10 gather, if you can't decipher it or whatever, you
11 send it to sled?

12 A. Yes, sir.

13 Q. That's not a correct word, decipher. But
14 anyway, did you have a occasion to respond the
15 location across the street from Modern Turf on 521
16 on January 27th of this year, 2015?

17 A. Yes, I did.

18 Q. Tell the ladies and gentlemen of the jury
19 what you did, Michael McCauley, when you got there?

20 A. Well upon arrival, I spoke with the deputy
21 who was already on the scene, Deputy---

22 Q. Hilliard.

23 A. Hilliard. Thanks, sir. I also spoke with
24 the highway patrol and Mr. Painter with the
25 coroner's office. When we were called, we were

Investigator Michael McCauley-Direct by Meadors

1 told it was an accident with a dead body. And
2 that's something we normally don't investigate. So
3 I initially came out to ask why I had been called to
4 this scene. I was told that the situations
5 concerning the individual Mr. Singleton's death
6 inside the car. Were very suspicious due to various
7 placements of Mr. Singleton in the vehicle. And the
8 set up of how bodily fluids, blood, were arranged
9 inside the vehicle and on Mr. Singleton himself,
10 seemed inconsistent with a low speed crash, which is
11 initially what they thought it was.

12 I was told to simply document, begin
13 collecting evidence to investigate it as a
14 suspicious death.

15 Q. So this went from car accident to
16 suspicious death.

17 A. Yes, sir.

18 Q. Based on what was found in the car.

19 A. Yes, sir.

20 Q. And did you subsequently learn from the
21 coroner or a pathologist that a bullet had been
22 found in Mr. Singleton's head?

23 A. Yes, sir. That was found the next day
24 during the autopsy, which I did attend.

25 Q. And at that point, it was a full blown

Investigator Michael McCauley-Direct by Meadors

1 homicide investigation.

2 A. Yes, it was.

3 Q. We'll start with these pictures. Do you
4 have the evidence back in the room?

5 A. Yes, sir.

6 MR. MEADORS: I'll ask Mr. Mims to bring
7 that in now if you would. Your Honor, we might
8 after these pictures, ask to take a quick break so
9 we can bring the evidence in.

10 THE COURT: Yes, sir.

11 MR. MEADORS: If you don't mind.

12 Q. Let's look at some pictures first, please.
13 Who took these pictures?

14 A. I did, sir.

15 Q. Now these have already been entered, okay.

16 A. Yes, sir.

17 Q. Let's start with State's No. 6. What is
18 this?

19 A. That is Mr. Singleton's vehicle after it
20 had already been pulled out of the ditch it had been
21 found in.

22 Q. And when you say pulled out of the ditch,
23 what had -- what caused the damage to the back of
24 the car?

25 A. The car reversing into the ditch itself.

Investigator Michael McCauley-Direct by Meadors

1 Q. So it was a ditch it ran into. Not a tree
2 or a...

3 A. No, not -- there was a tree at the bottom
4 of the ditch. There was some transfer of wood, but
5 the tree was not exclusive to it. It backed into
6 the ditch that caused the back of the car to be
7 crushed in.

8 Q. And I am going to show you State's Exhibit
9 No. 8. If Your Honor is still okay.

10 THE COURT: Yes, sir. Go ahead.

11 Q. What is this?

12 A. That is the back end of the car.

13 Q. State's No. 9.

14 A. The same, the back end of the car from a
15 straight back shot.

16 Q. Did you have an occasion then to take
17 pictures on the inside of the car?

18 A. Yes, I did.

19 Q. And what if anything did you observe, just
20 with your own eyes when you looked in?

21 A. Well obviously I saw Mr. Singleton's
22 position in the back of the vehicle. His head had
23 come up to rest against the -- over the back seat,
24 but just before the rear window.

25 Q. That's State's 13. Is that what you're

Investigator Michael McCauley-Direct by Meadors

1 describing right now?

2 A. Yes, sir.

3 Q. And that was the position of his body when
4 you saw it on January 27th.

5 A. It was.

6 Q. Of 2015.

7 A. It was.

8 Q. You're taking pictures, Mr. McCauley,
9 outside the car, inside the car, so you can show
10 these folks, what do you do next? What did you do
11 next?

12 A. The next thing we do is look around for
13 anything that would indicate whether the damage done
14 to Mr. Singleton's body was exclusive to an actual
15 vehicle accident, or whether anything else had
16 actually occurred to him beforehand, afterwards, if
17 the body had been moved by itself; that there was
18 anything foreign. For example, initially we might
19 have thought that due to the somewhat secluded
20 location, we initially thought it may been a
21 suicide. So we were looking for a weapon at the
22 time.

23 Q. You just didn't know to start with, did
24 you?

25 A. Sir?

Investigator Michael McCauley-Direct by Meadors

1 Q. You just didn't know what happened to
2 start with.

3 A. No, sir. It was a suspicious death. We
4 try to be all encompassing in that.

5 Q. State's 16, tell the folks why you took a
6 picture of State's 16.

7 A. The swatch on the cuff of Mr. Singleton's
8 left leg pants was completely inconsistent with any
9 any damage that would have happened to the back of
10 his head, if he had simply had a, for example, had a
11 heart attack, had the vehicle in reverse, had
12 reversed in the ditch with his seat belt off. And
13 basically had died as a result of a head injury, and
14 that being blood spatter.

15 The actual blood splotch on there is
16 inconsistent with any high velocity blood spatter or
17 low velocity blood spatter. It's actually, it
18 appears to be more of a transfer, as in the blood
19 had either -- the blood that had wound up on him,
20 came after the actual vehicle struck the ditch. And
21 had not been flying onto the pants, but had either
22 dropped or that been on something that had rubbed
23 off on his pants.

24 Q. And that's why you take the picture of it.

25 A. Yes, sir. It simply seemed suspicious at

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1 the time.

2 Q. And that's what you do, take a picture of
3 potential evidence.

4 A. Yes, sir.

5 Q. And you found that to be inconsistent with
6 a car accident, correct?

7 A. Yes, sir.

8 Q. And you took several pictures of that,
9 correct?

10 A. Yes, sir.

11 Q. Here's State's Exhibit No. 24.

12 A. Most of those pictures go out and in just
13 to show the relative location of his pants to the
14 rest of his body. They get close in to show the
15 actual blood spot itself just to see any smears, any
16 damage to the pants, anything, for example, the
17 glass in his shoes.

18 Q. Here's State's 26. Is that a closer view
19 of the picture -- these other pictures we've just
20 been talking about?

21 A. It is.

22 Q. Why did you take that?

23 A. That's just to show the blood spot itself
24 and the bottom of his leg, showing that there was
25 blood both on the cuff on pants, on his leg in

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1 between his pants, and the top of his sock. And the
2 top of his sock.

3 Q. So blood appeared to you on all three.
4 Bottom of his pants, skin and the top of his sock.

5 A. Yes, it did.

6 Q. And you're still -- you're still at the
7 scene taking these pictures. This isn't back at
8 the -- this is still at 521.

9 A. No, this is at 521 North.

10 Q. There are some other pictures, State's 19.
11 Can you tell me what that is?

12 A. It's upside down, sir. That is the
13 passenger side door. That is right above the door
14 handle itself, and slightly to the right of the
15 lock. That is a blood smear on the outside -- on
16 the inside by the door handle.

17 Q. And State's No. 26.

18 A. That is a picture of the top head rest of
19 the passenger side of the front of the vehicle
20 there. It shows blood on that, which is
21 inconsistent with again, the high speed or any slow
22 low speed impact of the back of Mr. Singleton's
23 head. It indicates that the blood was there after
24 the actual accident occurred.

25 Q. State's 21.

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1 A. That is the outside of the passenger side
2 front door. It shows in the top left corner of
3 that, there is a little bit of blood on the actual
4 outside of the vehicle.

5 Q. Show me where you're talking about,
6 please.

7 A. The blood is actually going to be right
8 there.

9 Q. And that's on the inside or the outside of
10 the door.

11 A. That's actually on the outside of the
12 door.

13 Q. So you took a picture of that.

14 A. Yes, sir.

15 Q. And State's No. 22.

16 A. That is the same location. I believe the
17 camera shot is up slightly higher to show more blood
18 smear. That is simply marked with an evidence
19 marker.

20 Q. And I don't know if I asked the first
21 witness this or not. But this is State's 1. What
22 does this show you?

23 A. That is an establishment shot. We usually
24 take about a 180 degree picture panorama of the
25 actual area. That just shows the vehicle after it

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1 had already been pulled out of the ditch. Right
2 across from Modern Turf, just to establish where it
3 is. If you go out to Modern Turf, you would be able
4 to match that up.

5 Q. So that's the sign that everybody sees
6 Modern Turf right there?

7 A. It is.

8 Q. And this car was on the opposite side of
9 that driveway?

10 A. It was.

11 Q. And so just for my purposes, is Rembert
12 this way?

13 A. Rembert is actually going to be towards
14 your left hand, sir. It would be on the right side
15 of this, heading back that way.

16 Q. Camden is the other way.

17 A. Yes, sir.

18 Q. What potential evidence did you not only
19 take a picture of, but did you collect or gather
20 from that car?

21 A. Initially we picked up several papers,
22 anything that had a phone number on it. We took
23 fingerprints as well. Just a basic outside dusting
24 to see if anybody had since touched the vehicle.
25 Anything had -- anybody may have gone through after

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1 the fact. Anything that would have looked fresh.
2 At the time Mr. Singleton was fairly stiff from
3 rigor-mortis. And he was slightly colder than it
4 was outside, indicating that he had been there for
5 some time.

6 Q. Did you do any processing of the vehicle
7 at 521?

8 A. Only the basic photographing lifting some
9 basics. At the time, we took a few swabs of the
10 blood.

11 Q. That's my question. Where did you do
12 that?

13 A. That was actually done -- the initial ones
14 were done on the outside. The window specifically.
15 The handle bar on the passenger side. The passenger
16 side front sun visor. And on, I believe there was
17 another one taken of Mr. Singleton himself.

18 Q. All that was done at the scene.

19 A. Yes, sir.

20 Q. And we've got the swabs and all that we're
21 going to enter through you in just a minute that you
22 did, correct?

23 A. Yes, sir.

24 Q. And like State's 22, did you take a swab,
25 or State's 21, did you take a swab of?

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1 A. Yes, we did.

2 Q. What do we mean when take a swab. Show on
3 here what you did. Tell these ladies and gentlemen
4 what you did.

5 A. Basically a swab is, it looks like an
6 enlarged Q-tip. It's kept in a little -- it's kept
7 in a sterile container. And the head itself is
8 actually separated by a small plastic container,
9 just to prevent any form of contamination. We keep
10 small vials of sterilized water which to moist the
11 tip a bit. After it the vial of sterilized water
12 is thrown away. Nothing is used over and over
13 again. And that is simply used to rub back and
14 forth very lightly to collect it. We don't need a
15 lot to get any DNA. But we do like to have as much
16 as we can, get more than a few specks.

17 MR. MEADORS: Your Honor, with the court's
18 permission, can we just take a brief recess in. And
19 just bring that evidence in.

20 THE COURT: Sure, how long do you need?

21 MR. MEADORS: Just a few minutes.

22 THE COURT: A few minutes.

23 MR. MEADORS: Bathroom break wise.

24 THE COURT: Sure. Ladies and gentlemen of
25 the jury, we'll take a brief recess. Let us know

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1 when you are ready to proceed, Solicitor. Ladies
2 and gentlemen, I am going to ask you to remember my
3 previous instruction. Please do not discuss the
4 case amongst yourselves. Thank you.

5 (Whereupon, the Court Breaks.)

6 (State's Exhibits 38 through 63 marked for
7 Id.)

8 THE COURT: It's been brought to my
9 attention that one of the jurors although during the
10 voir dire process did not recognize any of the facts
11 of the case, after seeing some of the pictures and
12 the allegations from the openings, and the evidence
13 that has been presented so far, recognized that she
14 lives close to the scene of where this occurred and
15 had read the newspapers accounts of what had
16 happened. So I've discussed with this both
17 attorneys. And both are in agreement, I'm going to
18 bring her out, if you would, sir, and ask her about
19 that.

20 (Whereupon, the juror Ms. Pauley comes
21 into courtroom.)

22 THE COURT: Good morning, Ms. Pauley.

23 THE JUROR: Good morning.

24 THE COURT: Ms. Pauley, I understand that
25 you went to the bailiff, and you had some

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1 information regarding the case that when we
2 initially asked you during jury qualification, you
3 didn't recognize the facts of the case. But as it
4 has come out during the evidence, you recall that
5 you lived in this vicinity where this allegedly
6 happened, is that correct?

7 THE JUROR: Not too far.

8 THE COURT: Not too far. And I also
9 understand that you may have read some newspaper
10 articles about this case, is that correct?

11 THE JUROR: Yes.

12 THE COURT: Ms. Pauley, is that something
13 that you can set aside and listen to the evidence as
14 it comes from the witness stand in this case, and be
15 fair and impartial to both the State and to the
16 defense?

17 THE JUROR: I don't think I can do that.

18 THE COURT: You're a little troubled by
19 that? Is that because you live close by to where---

20 THE JUROR: Uh-huh. (Affirmative.)

21 THE COURT: ---this allegedly happened?

22 You understand that what you may see in the
23 newspaper or read in the newspaper may not be a
24 complete, accurate depiction of the allegations of
25 what happened. And it will be up to you to

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1 determine as a finder of fact what evidence is
2 actually presented in this case. You're telling me
3 you wouldn't feel comfortable doing that, or would
4 you?

5 THE JUROR: I don't feel comfortable.

6 THE COURT: You don't feel comfortable.

7 Any other questions from either side?

8 MR. MEADORS: No, ma'am.

9 MR. KEFFER: Judge, on behalf of the
10 defendant could we ask---

11 MR. MEADORS: Judge, I'd like if we're to
12 address you to approach without---

13 THE COURT: Sure.

14 MR. MEADORS: ---the jury.

15 THE COURT: Ms. Pauley, we're not trying
16 to embarrass you in any whatsoever. We just need to
17 find out for sure.

18 (Whereupon, the attorneys approach and
19 confer with judge.)

20 MR. KEFFER: I just want to make sure the
21 jurors.

22 THE COURT: The other jurors?

23 MR. KEFFER: Uh-huh. (Affirmative.)

24 THE COURT: And you understand that since
25 you were sworn in with the jury, you are also sworn

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1 in to fully tell me the truth, is that correct?

2 THE JUROR: Yes.

3 THE COURT: I am going to excuse

4 Ms. Pauley, and we'll on to the first alternate.

5 Thank you, Ms. Pauley. No, I appreciate that. And

6 that's why the process is for us to know. Ms.

7 Pauley, if you would call that jury hotline after 6.

8 THE JUROR: Uh-huh. (Affirmative.)

9 THE COURT: To see if you're needed for

10 any other jury service this week.

11 THE JUROR: Okay.

12 THE COURT: You're not completely off the

13 hook. I'm teasing you. So yes, ma'am, you are free

14 to go. I don't know if you brought your personal

15 belongings with you from the jury room or not. If

16 you need to get something, I'm sure they'll escort

17 you to get that. Okay. Thank you, ma'am.

18 THE JUROR: Thank you.

19 MR. MEADORS: Judge, our next two

20 witnesses are the remainder of this. And the next

21 one is Derron Soloman. And I think most of the

22 evidence up here is going to be without objection.

23 So we should get through. We'll be back on schedule

24 is all I am saying.

25 THE COURT: Perfect. Anything further we

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1 bring the jury out?

2 MR. MEADORS: No, ma'am.

3 (Whereupon, the following takes place
4 within the presence of the jury.)

5 THE COURT: Welcome back, Ladies and
6 gentlemen, we are now ready to proceed with the
7 testimony of Investigator Hall.

8 Examination continues by Mr. Meadors:

9 Q. Investigator, before we get to the
10 evidence, I am going to show you what is marked
11 State's Exhibit No. 63. Your Honor, may I go
12 around?

13 THE COURT: Yes, sir, you may.

14 Q. Do you recognize this, and does it relate
15 to this case?

16 A. Yes, sir. That's an overhead shot of the
17 area of the crime scene.

18 MR. MEADORS: Your Honor, I believe
19 State's 63 without objection.

20 THE COURT: What number was that,
21 Solicitor?

22 MR. MEADORS: 63, Your Honor.

23 THE COURT: Yes, sir. Is that correct,
24 Mr. Keffer?

25 MR. KEEFER: That's correct, Your Honor.

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1 (Diagram marked State's Exhibit No. 63.
2 into evidence.)

3 Q. Can you just show the jury where you've
4 taken pictures. And just describe what this is.

5 A. This is an overhead shot of the area
6 around 521 North. This is North/South, East/West.
7 This will be Modern Turf. That will be their main
8 office building. That's a driveway. The picture
9 would have been taken from approximately there to
10 catch the sign. And the vehicle would have been
11 approximately right there in this slump, green strip
12 right before the tree started is the actual ditch
13 itself.

14 Q. So Rembert is this way.

15 A. Yes, sir.

16 Q. Camden is this way?

17 A. Yes, sir.

18 Q. Did you do a search warrant and look in
19 the car that came back to Mr. Singleton?

20 A. Yes, sir, that is done after the fact.

21 Q. And where was that done?

22 A. That is done in a specialized vehicle
23 processing building that we have Sumter County
24 Public Works. It's a few dozens meters behind my
25 office probably.

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1 Q. And that's a secured facility.

2 A. Yes, sir.

3 Q. I'm going to show you what's marked
4 State's 38, and tell me what that is and how it
5 relates to this case.

6 A. That was a live 380 round. It was found
7 in the floorboard to the passenger side rear of the
8 vehicle there. It had rolled slightly beneath the
9 seat. We only noticed that after we actually were
10 crawling around inside of the vehicle, after the
11 vehicle had been moved back, and Mr. Singleton had
12 been moved out of it.

13 Q. Tell us again where that was found.

14 A. That was found in the passenger side rear
15 floorboard. Basically the back seat down where you
16 put your feet.

17 Q. And then where back there specifically?

18 A. Right under the cusp of where the front
19 seat would have been under. Basically if a small
20 kid would have been there, that's where they would
21 have been kicking somebody.

22 MR. MEADORS: State's 38, I believe
23 without objection.

24 MR. KEEFER: Without objection, Your
25 Honor.

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1 (380 bullet marked State's Exhibit No. 38
2 into evidence.)

3 Q. You told us earlier about the swabs. I
4 think it was State's 22. The picture. I am going
5 to show you what's marked State's 40, and see if
6 that item is something that you collected. And if
7 so, where was it collected from?

8 A. Yes, sir. I collected both of these.
9 These were collected on the scene. This particular
10 one was the one I mentioned earlier that had been
11 collected from the outside and went to the door.
12 This one had been from the passenger side front seat
13 safety handle.

14 Q. Investigator McCauley, you said it
15 earlier. But briefly, is what you described
16 earlier, and what you swabbed inside that container?

17 A. Yes, sir.

18 Q. So you actually took that and swabbed it
19 on the door?

20 A. Yes, sir.

21 Q. And does it collect whatever potential
22 evidence is there?

23 A. It does. Any DNA we're going to need.

24 Q. What do you do with it after you do that?

25 A. After that, it's packaged as such and

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1 submitted to sled for their DNA analysis.

2 Q. And how is it taken to sled?

3 A. Usually after being placed in a

4 heat-sealed pouch, the original bag, not this bag

5 itself, this is sled's bag. But the bag that's

6 inside, is a double heat sealed. It's marked as

7 such to let Sled know just in case any labeling is

8 missing. What it was, what it pertains to, and what

9 we need from it. A form report is printed out. It

10 basically tells us -- tells sled what we think it

11 is, what we need sled do with it, and if necessary

12 who to compare it to.

13 Q. So you got it. Collected it. Put it in

14 this little box.

15 A. Yes, sir. Then it was given to

16 Investigator Soloman. He's the normally the one

17 that transports it down to sled.

18 Q. And he took it to sled. Court's

19 indulgence.

20 MR. MEADORS: Your Honor, State's 40

21 without objection.

22 MR. KEFFER: Without objection, Your

23 Honor.

24 THE COURT: It's in.

25 (Swabs marked State's Exhibit No. 40 into

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1 evidence.)

2 Q. Did you have an occasion to go to the
3 autopsy?

4 A. I did. It was the next morning.

5 Q. And tell these folks, where is that?
6 Where do we examine? Where is the Third Circuit
7 Sumter, who looks at our bodies of homicide?

8 A. The standard autopsies for the Third
9 Circuit are done at the Newberry Pathology Center.
10 It's part of the Newberry Medical Center.

11 Q. And as part of your job and going there
12 that day, did you collect anything that, excuse me,
13 did you retrieve anything that Dr. Ross our
14 pathologist may have collected from the body of
15 Johnny Singleton?

16 A. Yes. As a standard practice, we'll get
17 the clothes that the pathologist will actually take
18 off during just immediately prior to the autopsy.
19 The pathologist will actually take the clothes off,
20 and then package them for us to retrieve. We'll
21 also get serology that's extractions of the victim's
22 blood, their eye fluid, and their urine samples.
23 That will also be packaged and sealed by the
24 pathologist, given to us to take to sled. And any
25 foreign objects that may have been taking out of

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1 them pertaining to the case.

2 Q. Well let's go, did you collect a bullet
3 that Dr. Ross had collected from Mr. Singleton?

4 A. Yes, I did, sir.

5 Q. And looking at State's 42, is that it?

6 A. That's it.

7 MR. MEADORS: 42?

8 MR. KEFFER: No objection.

9 THE COURT: It's IN.

10 (Bullet collected from victim marked
11 State's No. 42 for evidence.)

12 (Clothes marked State's Exhibit No. 55-58
13 for id. only.)

14 Q. 55, 56, 57, and 58. Let's start off
15 with -- what are these, 55 through 58?

16 A. Those are Mr. Singleton's clothes.

17 Q. Mr. Singleton's clothes that he was
18 wearing that night.

19 A. Yes, sir.

20 Q. 55, 56, 57, 58.

21 A. Yes, sir.

22 MR. KEFFER: No objection, Your Honor.

23 BY THE COURT: They're in.

24 Q. Did you and Investigator Soloman examine
25 these clothes?

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1 A. We did.

2 Q. And where did that took place?

3 A. That take place specifically inside
4 evidence control room.

5 Q. And why did you do that?

6 A. We laid out them out to see where again if
7 the blood pattern was on the clothes themselves were
8 inconsistent with the damage. By this time, we had
9 known it was murder. So now we were looking to see
10 things that looked out of the ordinary. Since no
11 ID. was found on Mr. Singleton, we checked around
12 the pockets. And by that time we'd also heard that
13 Mr. Singleton tended to keep money in sometimes his
14 wallet and his socks. So we were looking below the
15 cuff of the leg as well.

16 MR. MEADORS: Your Honor, 59 through 61
17 are pictures of these clothes that they examined
18 without objection.

19 MR. KEFFER: No Objection, Your Honor.

20 (Photographs of clothes, marked 59 through
21 61 into evidence.)

22 Q. Now 59, what was significant if anything
23 as your role as an investigator with 59.

24 A. As far as 59 is concerned, this is the
25 right side pant's pocket of Mr. Singleton's pants.

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1 The blood on that is again, it is possible to have
2 been -- that there may have been blood spatter, but
3 it wouldn't have been in this situation. This is
4 more of a long smear. It also occurred on the
5 inside of his pocket as well.

6 Q. And do you have -- did you look at the
7 inside of the pocket?

8 A. Yes, we did. We found corresponding blood
9 inside.

10 Q. In State's 60.

11 A. This is again another shot of the cuff of
12 the pants, from the left side leg. The same shots.
13 The same thing pictured earlier from the inside.

14 Q. I beg the court's indulgence. Can you
15 tell us what 53 is? State's 53.

16 A. State's 53 is going to be the -- these are
17 samples we got back from sled but they are -- we
18 rarely send the entire clothing article to sled.
19 They simply don't need the whole thing. What we do
20 particularly when we take these pictures---

21 Q. But that's a DNA sample of Johnny
22 Singleton?

23 A. It is. Yes, sir.

24 Q. Correct?

25 A. Yes, sir, it is. This is what we got back

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1 from sled after we sent the cutting samples to them.

2 MR. MEADORS: 53.

3 MR. KEFFER: No objection, Your Honor.

4 THE COURT: It's in.

5 (DNA cutting of Johnny Singleton marked

6 State's Exhibit No. 53 into evidence.)

7 THE COURT: Solicitor, that was DNA

8 samples sent to sled or the cuttings from sled?

9 MR. MEADORS: These are the cuttings, I
10 believe, Your Honor.

11 A. Those are the samples from the cuttings we
12 send.

13 MR. MEADORS: State's 53. I beg the
14 court's indulgence.

15 Q. Is State's 46 a buccal swab that
16 Investigator Dellinger got from the defendant?

17 A. Yes, it is.

18 Q. And has that been sent to sled?

19 A. Yes, it is.

20 MR. MEADORS: Your Honor, without
21 objection. State's 45.

22 THE COURT: It's in.

23 MR. MEADORS: Swab of the defendant.

24 MR. KEFFER: No objection, Your Honor.

25 THE COURT: Thank you.

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1 (Swab of Matthew Dwyer marked as State's
2 Exhibit No. 45 into evidence.)

3 Q. Was this a swab of Stephen Dwyer, State's
4 54?

5 A. Yes, it is.

6 MR. MEADORS: Without objection, I
7 believe.

8 MR. KEFFER: No objection.

9 THE COURT: 54 was a buccal swab of the
10 defendant. is that Stephen Dwyer?

11 MR. MEADORS: 46 I have the swab of
12 Matthew Dwyer. Is that what Your Honor has?

13 THE COURT: I was asking about 54.

14 MR. MEADORS: 54 is the DNA of Stephen
15 Dwyer, you're correct.

16 (DNA of Stephen Dwyer marked State's
17 Exhibit No. 54 into evidence.)

18 Q. State's 64, is that a picture of Johnny
19 Singleton's phone?

20 A. Yes, sir.

21 Q. And was that found where the car wreck
22 was?

23 A. The deputy found them and provided the
24 establishment of the pictures. He said it was in
25 the woods beyond the ditch where the vehicle

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1 actually went in, behind the vehicle.

2 Q. And State's 43. Johnny Singleton's phone?

3 A. That is the same phone.

4 MR. MEADORS: Your Honor, 63. 43, I
5 apologize is the cell phone of Johnny Singleton. 64
6 a picture of that cell phone off 521 in the woods
7 without objection.

8 THE COURT: Is that correct?

9 MR. KEFFER: Without objection.

10 (Cell phone of JS marked State's Exhibit
11 43. Photo of cell phone of Mr. Singleton marked
12 State's Exhibit No. 64 into evidence.)

13 Q. State's 41, what is that?

14 A. That is the top end of Mr. Singleton's
15 left sock that has been shown prior to the pictures.

16 MR. MEADORS: Without objection, I
17 believe.

18 MR. KEFFER: Without objection.

19 THE COURT: Thank you.

20 (Sock band of Mr. Singleton marked State's
21 Exhibit NO. 41 into evidence.)

22 Q. State's Exhibit 39.

23 A. These are going to be the samples we got
24 back from the samples we sent to sled, concerning
25 the pocket that was shown in the previous picture

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1 and the inside of the pocket itself.

2 Q. Specifically, tell these ladies and
3 gentlemen, how you got those samples from the pants.
4 I know that sounds like a crazy question.

5 A. Well to begin with, all of these pictures
6 were taken before we actually alter any evidence
7 just to show in court this is what looked like as is
8 when we got it. Any altering of the evidence by me
9 or Investigator Soloman or indeed any other
10 investigator, is going to have to be to notated very
11 thoroughly by us, because we are charging the nature
12 of the way the evidence is.

13 As I've mentioned earlier, sled doesn't
14 need the whole article of clothing. They will take
15 it, but they're going to cut the pieces out
16 themselves. They only want small pieces cut of
17 specific places where the DNA is going to collected
18 from. In this case, the right side pants pocket was
19 photographed, held up, shown the inside. And then
20 the pocket itself was cut by me with a pair of
21 scissors. Heat sealed and submitted to sled.

22 MR. MEADORS: I beg the court's
23 indulgence. Would you please mark these. Your
24 Honor, State's No. 65 without objection. The
25 victim's Cargo pants.

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1 (Photo of victim's cargo pants marked
2 State's Exhibit No. 65 into evidence.)

3 Q. I'm showing you now State's Exhibit No.
4 65. I don't believe a picture of that was in
5 evidence. Is the pocket that you're talking about
6 you cut, depicted in 65?

7 A. Yes, sir.

8 MR. MEADORS: Can you stand up a minute
9 and show these folks? As a matter of fact with the
10 court's permission, can he come down?

11 THE COURT: Sure.

12 (Whereupon, the witness steps down from
13 the witness stand.)

14 Q. And please face madam court reporter
15 over -- just face this way so she can hear you
16 please. And this is State's 65. Show the ladies
17 and gentlemen of the jury, where you took the
18 cutting from the pocket.

19 A. This is the right side of the pants.
20 Corresponding to me will be right here. The item of
21 interest is actually this white area. That is the
22 inside of the pocket showing, and that is a small
23 amount of smeared blood on the inside. That was the
24 actual part. We turned the pocket out, and took the
25 cutting out of the pants.

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1 Q. So you actually cut the inside of that
2 pocket.

3 A. Yes, sir.

4 Q. And what did you do with it?

5 A. That was heat sealed, and marked as such.
6 Marked in relation to the case, and then submitted
7 to sled along with all the other DNA.

8 Q. Stay right there, please. I'm showing you
9 what's State's 60. What did you cut from State's
10 60?

11 A. In this piece the -- in this case a piece
12 of the actual pants right around here specifically
13 where this blood spot is, was actually cut, excised
14 out of the pants themselves.

15 Q. So you sent that, and the inside of the
16 pocket to sled.

17 A. Yes.

18 Q. And these are the victim's pants.

19 A. Yes, they are.

20 Q. And you also sent the sock. Or you did
21 not send the sock?

22 A. We sent the top of the sock.

23 Q. That's all. Thank you for these -- for
24 that picture purposes.

25 (State's No. 66 marked for id. only.)

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1 Q. State's 66, was this collected by someone
2 other than you?

3 A. Yes, sir.

4 Q. That's fine. Was this Investigator
5 Dubose?

6 A. Yes, sir.

7 Q. And as a custodian, because that's
8 basically what you are. You're a custodian of
9 evidence for Sheriff Dennis.

10 A. Yes, sir.

11 Q. I mean you're in charge of the evidence
12 once it comes in.

13 A. That's Investigator Soloman's primary
14 ability. But I overlap with him in almost
15 everything.

16 Q. My apologies to him, but both of you all,
17 that's what you do. You kind of guard the evidence.

18 A. Yes, sir.

19 Q. And either you or Investigator Soloman go
20 to and from sled to take it.

21 A. Yeah, normally Investigator Soloman does.
22 But I have on occasion when he's unable to.

23 Q. And we're going to have a stipulation
24 regarding phone calls, but you all also collected
25 disks that had phone records on them, correct?

Investigator Michael McCauley-Cross by Keffer

1 A. Yes, when we're given phones to analyze
2 and extract data from.

3 Q. And the phones you had in this case were
4 from Mr. Singleton.

5 A. Yes, Mr. Singleton.

6 Q. Mr. Matthew Dwyer.

7 A. Yes, sir.

8 Q. And Mr. Stephen Dwyer.

9 A. Yes, sir.

10 MR. MEADORS: I beg the court's
11 indulgence. Thank you.

12 THE COURT: Cross examination.

13 Cross Examination by Mr. Keffer:

14 Q. Is it Investigator McCauley?

15 A. Yes, sir.

16 Q. And how long have you been an
17 investigator?

18 A. I have been an investigator for a little
19 over a year now, sir.

20 Q. If I understood your testimony, your
21 primary job is to arrive at a crime scene and
22 photograph the evidence, is that correct?

23 A. Photograph and collect, yes, sir.

24 Q. And collect evidence, is that right?

25 A. Yes, sir.

Investigator Michael McCauley-Cross by Keffer

1 Q. And you took a number of photographs in
2 this case, is that correct?

3 A. I did.

4 Q. Pretty much all the photographs that are
5 mentioned have been entered into, you took or you
6 were present, would you agree?

7 A. The majority of them, yes, sir.

8 Q. And can you tell the jury what position
9 the deceased was in when you arrived at the scene of
10 the accident? Where was the deceased located?

11 A. He was inside the vehicle in the back
12 seat. His legs were in between the two front
13 seats, and his head was backed up over the back seat
14 head rest.

15 Q. So he was sitting in the back seat, is
16 that correct?

17 A. I wouldn't call it sitting, sir. But most
18 of his upper torso would have been there. He was
19 essentially laid across it.

20 MR. KEFFER: Your Honor, one moment.

21 THE COURT: Yes, sir.

22 Q. And again, you would have taken all the
23 photographs of the deceased in the vehicle, is that
24 correct?

25 A. Yes.

Investigator Michael McCauley-Cross by Keffer

1 Q. This is a picture of State's 13 which has
2 been entered. Would you agree that that's a picture
3 of the deceased?

4 A. I do.

5 MR. KEFFER: Your Honor, permission to
6 publish this to the jury?

7 THE COURT: Yes, sir, you may.

8 Q. Now, Investigator McCauley, how long have
9 you been an investigator?

10 A. About a year. A little over a year as of
11 this point.

12 Q. And when you reviewed and when you took
13 that picture of Exhibit No. 13 of the deceased, did
14 anything strike you as odd about that picture?

15 A. The position of the body and where the
16 blood was on some of the parts of the car and the
17 body.

18 Q. And can you elaborate on that? When you
19 say the position of the body, what do you mean the
20 position of the body?

21 A. The way he was set up inside the car.
22 Normally that's not a place where somebody would be
23 sitting in a vehicle.

24 Q. Somebody wouldn't normally be sitting in
25 the back seat?

Investigator Michael McCauley-Cross by Keffer

1 A. No, sir.

2 Q. Where would they normally be sitting?

3 A. Since he was the only one in the vehicle
4 at the time, I would assume he had been the driver,
5 he'd normally be sitting in the driver's seat.

6 Q. And you memorialized that evidence by
7 taking that picture.

8 A. Yes, sir.

9 Q. Is that right? Now I asked you earlier
10 and you said that he had been laying, or in your
11 opinion, he had been laying in that position. Do
12 you have any evidence to suggest that the deceased
13 or the victim in this case was intentionally placed
14 in that position?

15 A. No, not by another individual.

16 Q. You had taken a number of fingerprints of
17 the crime scene. Do you recall?

18 A. I do.

19 Q. You took a latent print off the mirror,
20 the passenger side mirror or the vanity mirror is
21 what we refer to that as.

22 A. I did.

23 Q. You flip it down and that's a little
24 mirror, and you took those fingerprints, is that
25 correct?

Investigator Michael McCauley-Cross by Keffer

1 A. I did.

2 Q. And so those fingerprints did come back
3 identifying the defendant in this case, is that
4 right?

5 A. No, they did not.

6 Q. And you would have taken those
7 fingerprints and sent them off?

8 A. Yes, sir. They are submitted to a
9 Ms. Marie Hodge at AFIS downtown across the street.

10 Q. You also testified that you found a live
11 380 round.

12 A. I did.

13 Q. Is that right? Describe to the jury what
14 the 380. What does that mean? When you say a live
15 380 round, what is that?

16 A. That is the complete bullet unfired.

17 Q. In this case you did find a weapon, is
18 that correct?

19 A. No, we did not.

20 Q. The cell phone in this case was found
21 about 40 feet from the vehicle, is that right?

22 A. Thereabouts, yes, sir.

23 Q. You would agree with me, the rear view --
24 the rear window of the vehicle was smashed?

25 A. It was.

Investigator Michael McCauley-Cross by Keffer

1 Q. And where was the cell phone found in
2 location to the vehicle? Was it behind the vehicle
3 in the woods, or was it on the road?

4 A. The deputy who found it, told me it was
5 found behind the vehicle in the woods.

6 Q. And I imagine part of your job would have
7 been to lift latent prints or fingerprints from that
8 cell phone, is that right?

9 A. That is true.

10 Q. Did you do that?

11 A. No prints were lifted, but I did process
12 the phone.

13 Q. When you say process the phone.

14 A. Dusted it for fingerprints.

15 Q. And you couldn't find any, is that right?

16 A. No.

17 Q. But you did find some on the mirror.

18 A. Yes, sir.

19 Q. Looking at this ariel map, Highway 521,
20 this is Highway 521, is that correct?

21 A. It is.

22 Q. Can you come down here and point again to
23 where you found the vehicle?

24 (Whereupon, the witness steps down from
25 the witness stand.)

Investigator Michael McCauley-Cross by Keffer

1 A. The vehicle was approximately right here.
2 By the time I arrived, it had been pulled out of the
3 ditch and it was sitting in approximately this
4 location right here.

5 MR. KEFFER: Thank you.

6 A. Yes, sir.

7 (Witness resumes the witness stand.)

8 Q. You also testified that you had executed a
9 search warrant for the vehicle itself, is that
10 right?

11 A. I did.

12 Q. Do you have a copy of the search warrant?

13 A. Not on my person right now.

14 Q. Do you have a copy of the contents of the
15 report you wrote up on that search warrant?

16 A. Not on my person. It should be in
17 evidence.

18 MR. KEFFER: Your Honor, may I approach
19 the witness?

20 THE COURT: Yes, sir.

21 Q. Does this appear to be copy of your
22 handwriting and signature and the contents of the
23 items that were taken from vehicle?

24 A. It is.

25 Q. You had mentioned your 380 round I think

Investigator Michael McCauley-Cross by Keffer

1 is No. 9 on page 2, is that correct?

2 A. It is.

3 Q. On page 1, it's not listed, but there is a
4 box of checks from bank that are blank checks. I
5 believe they were found in the vehicle, is that
6 right?

7 A. Yes, sir. Checkbooks.

8 Q. Was that something that you had found?

9 A. Yes, sir.

10 Q. And does law enforcement have those
11 checks?

12 A. We do.

13 Q. How many checks were there? Was it 100?
14 Was it a full box? Was it one? How many?

15 A. It was actually packaged in a bag. I
16 believe it was -- the bag itself was open, and then
17 there were several books in there. But all the
18 books I saw in there were full.

19 Q. Does law enforcement still have those?

20 A. Yes, we do.

21 Q. Were these brand new checks? Or was it,
22 you know, how you get new checks?

23 A. Yes.

24 Q. Were they like in a box. Do you recall
25 what bank that was?

Investigator Michael McCauley-Cross by Keffer

1 A. Not off the top of my head, no, sir.

2 Q. You also testified you were present at the
3 pathologist report done on the 28th, I believe, is
4 that correct?

5 A. Yes.

6 Q. And were you present during the entire
7 examine?

8 A. I was.

9 Q. So you were present there when the
10 pathologist found the bullet fragment in the brain,
11 is that right?

12 A. Yes.

13 Q. You testified---

14 MR. MEADORS: Your Honor, can he finish
15 his answer please.

16 Q. Were you present when she---

17 A. I was there for both the -- when they
18 presented the x-ray prior to actually making the
19 incisions, and then after when actually extract the
20 bullet itself.

21 Q. Can you tell this jury what the bullet
22 fragment was indicated by Dr. Ross, and what she
23 pulled from the victim's head?

24 A. That appears to be a 380 round.

25 Q. Do you have that?

Investigator Michael McCauley-Cross by Keffer

1 A. It is right here, sir.

2 Q. Which one is it?

3 A. That will be this one.

4 Q. And who identified this as a 380 round?

5 A. I did.

6 Q. So this whole testimony is based on your
7 review of this fragment that was taken, is that
8 right?

9 A. Yes, sir. That was submitted to sled
10 itself. No, I correct. I'm sorry, sir. It was not
11 submitted to sled. We did not have anything to
12 compare it to.

13 Q. You didn't send the bullet fragment off to
14 sled?

15 A. No, sir. There was nothing to compare it
16 to.

17 Q. Can you testify as to true trajectory of
18 this bullet fragment? Do you know firsthand from
19 reviewing the evidence?

20 A. From what I saw when they actually cut
21 into his head, yes, sir.

22 Q. What was that? Can you tell the jury
23 that?

24 A. If I may stand. The actual incision found
25 was found in approximate this location of his head.

Investigator Michael McCauley-Cross by Keffer

1 And the bullet itself was lodged in his sinus right
2 here, just under his nose.

3 Q. I imagine you did some type of report
4 linking that bullet fragment to a 380 round. Did
5 you do that report?

6 A. No, sir, I did not.

7 Q. Did anybody do that report?

8 A. No, sir.

9 Q. Did Dr. Ross, the pathologist do that
10 report?

11 A. I am not aware of that, sir.

12 Q. Are you aware of any law information
13 agency or investigative agency that analyzed that
14 bullet fragment and can state for certainty, that
15 that is a 380 round and only a 380 round?

16 A. If you want me to, sir, I can pull out
17 calibers and tell you it's a 380 round.

18 Q. This man is on trial for murder. I'm
19 asking you today, was that ever done in this case?

20 A. No, sir. We did not actually measure that
21 out with a caliber as a 380 round.

22 Q. So you're trying to tell this jury that
23 normally you would not send bullet fragments off
24 from a pathologist report to be analyzed and tested
25 for the caliber of bullet. That's what you're

Investigator Michael McCauley-Cross by Keffer

1 trying to explain to this jury.

2 A. Not normally, sir. We only send them to
3 sled if they're going to be analyzed against
4 something.

5 Q. Have you reviewed her report?

6 A. No, sir.

7 Q. You have not looked at the pathologist
8 report at all.

9 A. No, sir.

10 Q. Are you aware that her report indicates
11 the deceased suffered a bruise to his face?

12 A. I am not, sir.

13 Q. You're not aware of that. Was that
14 your -- did you review the body?

15 A. I didn't review the body, sir.

16 Q. Were you there when she performed the
17 examine?

18 A. Yes, sir.

19 Q. And you're telling this jury you haven't
20 had -- you did not review the report prior to
21 today's testimony.

22 A. No, sir.

23 MR. KEFFER: Please answer any questions
24 Mr. Meadors may have.

25 THE COURT: Any redirect?

Henry Kent Hall-Redirect by Meadors

1 MR. MEADORS: Just very brief.

2 Redirect Examination by Mr. Meadors:

3 Q. He asked you about the, you think that is
4 a 380?

5 A. Yes, sir, that is a 380.

6 Q. Based on what?

7 A. I gave my dad a 380 several years ago. I
8 found plenty of spent bullets from it, I can compare
9 it to it.

10 Q. In your testimony I believe Mr. Keffer
11 asked you, that's not a weapon in this case?

12 A. No, sir.

13 Q. And so it is the Sumter Police
14 Department's practice if you don't have a weapon to
15 compare it to, do you send the bullet fragment
16 outside?

17 A. No, we don't send it sled. It will simply
18 sit there.

19 Q. And you don't always find -- have a gun,
20 do you?

21 A. No, not normally.

22 MR. MEADORS: Thank you, that's all.

23 THE COURT: You may step down,

24 Investigator, thank you. Ladies and gentlemen,

25 it's almost 12:30. It's a good time for us to take

Henry Kent Hall-Redirect by Meadors

1 our lunch break. If you would please be back in the
2 jury room in about an hour and 15 minutes. That
3 will give you enough time to go grab some lunch and
4 come back. And be back in your jury room. If you
5 will be back in your jury room at 1:45, I certainly
6 would appreciate that.

7 Please again remember my instruction not
8 to discuss this case with anyone. That includes
9 amongst yourselves or with anyone else. Thank you
10 have a nice lunch.

11 (Whereupon, jury goes to lunch at 12:23
12 p.m.)

13 THE COURT: Anything that we need take up
14 before I bring the jury out?

15 MR. MEADORS: We have got a witness that
16 needs to testify. I was going to call her first,
17 but she is next door testifying.

18 THE COURT: I can e-mail Judge McMahon.
19 Do you have anyone you can call next.

20 MR. MEADORS: Yes.

21 THE COURT: Let's have our jury, please.

22 (Letter from Dwyer to Cooper asked State's
23 Exhibit No. 44 for ID only.)

24 (Whereupon, the following takes place
25 outside the presence of the jury.).

Rashaan Joe-Direct by Meadors

1 THE COURT: Welcome back, Ladies and
2 gentlemen. We are now ready to proceed with the
3 trial of the case. Solicitor you may call the next
4 witness.

5 MR. MEADORS: The State of South Carolina
6 would now call Rashaan Joe.

7 Rashaan Joe, being first duly sworn,
8 testified as follows:

9 THE BAILIFF: State your full name for the
10 record and spell your last name.

11 A. Rashaan Joe. J-O-E.

12 Direct Examination by Mr. Meadors:

13 Q. Good afternoon, Mr. Joe.

14 A. Good afternoon.

15 Q. I do this with all witnesses, but very
16 briefly, where are you from.

17 A. I am from kind all over, but settled in
18 Washington D.C.

19 Q. How long have you been in the Sumter area.

20 A. A little over a year.

21 Q. Where are you employed?

22 A. At the Southern Protection Agency. We do
23 security contracts. Right now the contract I am
24 working under is at Sumter Mall.

25 Q. When you say security contract, what do

Rashaan Joe-Direct by Meadors

1 you do for Southern Protection Agency?

2 A. Property, protection, theft deterrent.

3 Things of that nature. Not very much involved. It

4 was pretty much down to those two things, theft

5 deterrent.

6 Q. So you if I were to go to Sumter mall,

7 would I see you there when you working as security?

8 A. You would. Myself or a co-worker.

9 Q. I mean are you security for the whole
10 mall?

11 A. Yes.

12 Q. Now earlier this year maybe around March
13 of 2015, were you working then at the mall?

14 A. Yes.

15 Q. And I going show you what State's 44 for
16 Id. at this point, and ask if you recognize this.

17 A. I do.

18 Q. Please tell this ladies and gentlemen if
19 you recognize that.

20 A. It was handed to me from a young woman
21 while I was working.

22 Q. And did you know who that young women was?

23 A. No.

24 Q. Ever see her before far as you know?

25 A. No.

Rashaan Joe-Direct by Meadors

1 Q. And as a result of that, what did to do.
2 with this letter?

3 A. I called Detective Yates.

4 Q. Is that Detective Matthew Yates with the
5 Sumter Police Department?

6 A. Yes, it is.

7 Q. And what did you do with the letter?

8 A. I handed it to him.

9 Q. This same letter.

10 A. As far as I know, yes.

11 Q. Addressed to a Demetrius Cooper.

12 A. Yes.

13 Q. Did you open it?

14 A. No.

15 Q. Look inside of it.

16 A. No.

17 Q. Read the letter?

18 A. No.

19 Q. So you had no idea what was inside here.

20 A. I did not.

21 Q. And after you gave this to Mr. Yates, you
22 thought you were the end of that until I came into
23 your world a week or so ago, correct?

24 A. Correct.

25 MR. MEADORS: That's all I have. Thank

Rashaan Joe-Cross by Keffer

1 you.

2 THE COURT: Cross examination.

3 Cross Examination by Mr. Keffer:

4 Q. Mr. Joe, that's your last name.

5 A. That is my last name.

6 Q. Why did you call Detective Yates?

7 A. Because of what the woman told me who
8 handed it to me.

9 Q. That's what I want to get to. My question
10 and I think the jury wants to know, why would you
11 give a letter that wasn't addressed to you, that
12 wasn't open, you didn't review, why would you give
13 it to law enforcement?

14 A. Because the conversation that I had with
15 the woman who handed it to me, expressed that what
16 she intended to happen with the letter.

17 Q. Who was this woman?

18 A. I don't know.

19 Q. What did she look like?

20 A. She was about my complexion. Maybe a
21 little darker. Maybe a little shorter than me.
22 About shoulder length hair. Looked to be I guess
23 kind of straight, it wasn't very not curly. I can't
24 remember what she was wearing.

25 Q. How old was she, approximately?

Rashaan Joe-Cross by Keffer

1 A. Maybe late 20's, I think.

2 Q. How tall?

3 A. I am about 5'9. So maybe about 5'7 or so.

4 Q. How much did she weigh approximately?

5 Big? Small?

6 A. I guess about medium size. I guess about

7 160, I guess.

8 Q. How long was the conversation the two of

9 you had?

10 A. Minutes, not very long.

11 Q. And she approached you?

12 A. Yes.

13 Q. And I'm just trying to recreate in my mind

14 what happened at that time. What time of day was

15 this?

16 A. Earlier afternoon I think.

17 Q. And what did she say to you?

18 A. She first approached and she said, I don't

19 remember everything about the conversation, but I

20 remember how she started. She said she didn't mean

21 to offend me, but am I a real cop. And I said no, I

22 am mall security.

23 Q. And then what happened?

24 A. Well she said a few times she wanted to be

25 anonymous. She seemed a little bit nervous to me.

Rashaan Joe-Cross by Keffer

1 And she said she had something that might help a
2 case. So that's why she decided when she found out
3 I wasn't law enforcement, could I give it to law
4 enforcement.

5 Q. So she gave you a letter that was
6 unopened. Is that right?

7 A. Well I don't know that it was unopened.
8 It looked like it had been opened.

9 Q. But you didn't read it.

10 A. I didn't read it, no.

11 Q. And whose name is that addressed to? The
12 letter?

13 A. Demetrius Cooper.

14 Q. Do you know Demetrius Cooper?

15 A. No.

16 Q. And Demetrius Cooper wasn't the person who
17 gave you that letter, correct?

18 A. Not that I know of.

19 Q. I mean you wouldn't think that her name
20 was Demetrius Cooper.

21 A. Right.

22 Q. It wasn't her letter.

23 A. I don't know.

24 Q. Would you agree with that?

25 A. I don't know. She had it.

Rashaan Joe-Cross by Keffer

1 Q. She had it, and give it to you.

2 A. Yes.

3 Q. And that was the extent of the
4 conversation.

5 A. More or less.

6 Q. Was there anything more that you had to
7 say?

8 A. That I had to say?

9 Q. Correct. That you recall now, is that all
10 that you?

11 A. I didn't say very much. I mostly
12 listened. And I answered the questions that I
13 could. Not very much.

14 Q. How long did that letter remain in your
15 possession?

16 A. Maybe 20 minutes.

17 Q. Was it Detective Yates? Was it Detective
18 Yates or Officer Yates?

19 A. Detective.

20 Q. Was he present at the moment?

21 A. He was not. I called him.

22 Q. You called him. Was he working at the
23 time?

24 A. I don't know if he was on or off duty. He
25 showed up in plain clothes I think.

Rashaan Joe-Redirect by Meadors

1 Q. And at that point, did you give him the
2 letter?

3 A. Yes.

4 Q. And is that the extent of your
5 involvement---

6 A. Yes.

7 Q. ---in this case with that letter?

8 A. Yes.

9 MR. KEFFER: Please answer any questions
10 Mr. Meadors may have.

11 THE COURT: Any redirect?

12 MR. MEADORS: Very briefly.

13 Redirect Examination by Mr. Meadors:

14 Q. You don't know anybody in this case, do
15 you?

16 A. No, I don't.

17 Q. And who was the letter from? I mean what
18 does it say on the top of the envelope?

19 A. It says Matthew Dwyer.

20 Q. And you don't know Matthew Dwyer.

21 A. No.

22 Q. And the lady asked you to give that to law
23 enforcement.

24 A. Yes. And she wanted to be anonymous. She
25 said that a few times.

Janie Mae Shaw-Direct by Meadors

1 Q. If I asked you this before, I'm sure I'm
2 tired. How do you know Yates? Detective Yates?

3 A. Well since I work security at the mall,
4 from time to time, mostly weekends, officers will
5 come in. And they used to before we worked security
6 there; police did security there. And so they still
7 come in on a few nights of the week. I met him when
8 I was working there.

9 MR. MEADORS: Thank you, Mr. Joe. That's
10 all I have.

11 THE COURT: You may step down, Mr. Joe.
12 Thank you. You may call your next witness.

13 MR. MEADORS: Your Honor, we ask that
14 he be excused. He's under subpoena.

15 THE COURT: Any objection, Mr. Keffer?

16 MR. KEFFER: No objection, Your Honor.

17 THE COURT: You are excused, sir.

18 MR. MEADORS: Janie Mae Shaw.

19 Janie Mae Shaw, being first duly sworn,
20 testified as follows:

21 THE BAILIFF: State your full name and
22 spell your last for the report.

23 A. Janie Mae Shaw.

24 Direct Examination by Mr. Meadors:

25 BY MR. MEADORS: May it please the court.

Janie Mae Shaw-Direct by Meadors

- 1 THE COURT: Yes, sir.
- 2 Q. Good afternoon.
- 3 A. Good afternoon.
- 4 Q. You are Janie Mae Shaw.
- 5 A. Yes.
- 6 Q. Where are you from?
- 7 A. Sumter.
- 8 Q. Born and raised here?
- 9 A. Yes.
- 10 Q. Please tell these folks where did you go
- 11 to school.
- 12 A. Sumter High.
- 13 Q. And what did you do after you graduated?
- 14 A. I went home for a year. And went to
- 15 B & D, which is Beckson Dickson. And worked 32
- 16 years.
- 17 Q. Beckson Dickson.
- 18 A. Uh-huh. (Affirmative.)
- 19 Q. And you worked there for 32 years.
- 20 A. Yes, sir.
- 21 Q. You said you went back home for a year.
- 22 Where was that?
- 23 A. Oh, 103 East Moore with my mother and
- 24 father.
- 25 Q. What did you do at B & D?

Janie Mae Shaw-Direct by Meadors

1 A. I was a thrower. I does everything.

2 Q. For 32 years.

3 A. Yes, sir.

4 Q. Why wasn't there a 33rd year?

5 A. I fell and messed my knee up. I had 9
6 surgeries on my right knee.

7 Q. How many?

8 A. Nine.

9 Q. And not that I've looked, but you have
10 a -- well I think you have a scar on your right
11 knee, don't you?

12 A. Yes.

13 Q. Well I apologize, but you went to the
14 doctor this morning.

15 A. Yes.

16 Q. So you were disabled from that job after
17 32 years due to a knee injury.

18 A. Yes.

19 Q. What area of the county do you reside in?

20 A. The same place. ■■■ Armstrong Boulevard.

21 Q. Where is that for folks who may not know
22 where it is?

23 A. They call it the hole. It's behind Dixie
24 Products off Lafayette.

25 Q. Why do I have Elliott Porcher written up

Janie Mae Shaw-Direct by Meadors

1 here?

2 A. That's my son.

3 Q. So you have got two children?

4 A. Yes.

5 Q. You knew Johnny Singleton.

6 A. Yes.

7 Q. When did you meet him?

8 A. About 4 or 5 years at Ms Ada's house?

9 Q. Ms. Ada Champagne.

10 A. Yes.

11 Q. Where was Ms. Ada Champagne's house?

12 A. Off of Pencil Street. Well on Pencil
13 Street.

14 Q. Did you play cards with Mr. Johnny
15 Singleton?

16 A. Yes.

17 Q. And what kind of cards did you play?

18 A. Skin.

19 Q. How long had you been playing cards with
20 Mr. Singleton?

21 A. How long has I played with him?

22 Q. Yes, ma'am.

23 A. From Ada's house to my mine's, give or
24 take 7 or 8 years.

25 Q. So you first started at Ada's house.

Janie Mae Shaw-Direct by Meadors

1 A. Yes.

2 Q. Is she no longer with us?

3 A. No, she is deceased.

4 Q. So after that you started playing cards at
5 your house.

6 A. Yes.

7 Q. And how often would you all play cards?

8 A. Every other day, if not every day.

9 Q. I want to take you back to the first month
10 of this year, Ms. Shaw, specifically, January
11 26th of 2015.

12 MR. MEADORS: Can I have this marked.

13 MR. KEFFER: No objection.

14 (CALENDAR marked State's Exhibit No. 67
15 into evidence.)

16 Q. Do you recognize this as a calendar of
17 January of 2015?

18 A. Yes, sir.

19 Q. I want to take you back to the January
20 26th 2015. Did you have occasion to see Mr. Johnny
21 Singleton that evening?

22 A. Yes, he came over. He went by Kentucky
23 Fried Chicken and he came with some chicken box. He
24 sit there and ate it. And then he went and take a
25 nap on the chair.

Janie Mae Shaw-Direct by Meadors

1 Q. And did you all play cards that evening?

2 A. Yes.

3 Q. And how many folks were playing cards on
4 January 26th of 2015? And this is your house.

5 A. Yes. It is about well, Mr. Johnny and
6 about four other people.

7 Q. Playing skins.

8 A. Yes.

9 Q. How long did Mr. Johnny stay there playing
10 cards on January 26th 2015?

11 A. He left between 9:30 and 10:00 o'clock
12 that night.

13 Q. Had he come by himself?

14 A. Yes.

15 Q. And did he leave by himself?

16 A. Yes.

17 Q. Did he have a habit, or did you know where
18 he put his poker money after he left? Or had he
19 finished the game?

20 A. Yes. In His socks.

21 Q. And how do you know that?

22 A. Because he always play cards and put his
23 money in his socks.

24 Q. And would you see him do that?

25 A. Yes.

Janie Mae Shaw-Cross by Keffer.

1 Q. After this January 26th game of this year,
2 do know how much money Mr. Johnny left with from
3 your house?

4 A. Between 4 and \$600.

5 Q. Between 4 and \$600.

6 A. Uh-huh. (Affirmative.)

7 Q. And that's what he put in his sock.

8 A. Yes.

9 Q. Had you -- but you didn't see him after he
10 left your house that night.

11 A. No.

12 MR. MEADORS: That's all I have. Thank
13 you.

14 THE COURT: Cross Examination.

15 Cross Examination by Mr. Keffer:

16 Q. We've not met before, ma'am, have we?

17 A. No, sir.

18 Q. I'm John Keffer. I represent Mr. Matthew
19 Dwyer. Have you ever met Mr. Dwyer?

20 A. I saw him at my house.

21 Q. He's been at your house before?

22 A. Uh-huh. (Affirmative.)

23 Q. Has he been there a lot at your house or?

24 A. No. He -- no.

25 Q. Was he playing -- did he ever play cards

Janie Mae Shaw-Cross by Keffer

1 at your house?

2 A. No.

3 Q. Was he with Mr. Singleton at the time when
4 you saw him?

5 A. No, Mr. Singleton was already there.
6 Martin brought him there.

7 Q. Martin?

8 A. I don't know Martin's last time.

9 Q. You don't know Martin's last name.

10 A. All I know is Martin.

11 Q. If I heard your testimony, you stated that
12 Mr. Singleton won approximately 4 to \$600. Or he
13 had 4 to \$600?

14 A. He had. I didn't say when.

15 Q. But he had it?

16 A. Yes.

17 Q. I wasn't trying to get you in trouble.

18 But is it your testimony that he put 4 to \$600 in
19 his sock?

20 A. When he got up from the table, he reached
21 down and put the money he had in his hand in his
22 socks. And he started cussing, because someone kept
23 calling him.

24 Q. Now was it small bills or large bills? I
25 mean 4 or \$600 is a lot money to stick in his sock.

Janie Mae Shaw-Cross by Keffer

1 What did it look like? Was it a big wad, or was it
2 a short wad?

3 A. He had 20's and 10's.

4 Q. He had 20's and 10's. Four to \$600 in
5 20's or 10's. Did he count that out in front of
6 you, or did he just say that? Or did you guess?

7 A. I guess.

8 Q. So it's not like he counted out his money
9 and then put it in.

10 A. Sometimes he does. But that night, he was
11 upset about something.

12 Q. It's your recollection he just did
13 whatever with the money, and put it in his sock.
14 Was it the left sock or the right sock?

15 A. All I know he went down, I can't remember
16 which side.

17 Q. And again your testimony is that Mr. Dwyer
18 had been to your house before.

19 A. Yes.

20 Q. And do you recognize him in the courtroom?

21 A. I don't recognize him like that, because
22 like when I saw him, he had dreads.

23 Q. Well you can take a good look at him right
24 now. Is that---

25 A. I still, like I say, he had dreads. That

Janie Mae Shaw-Redirect by Meadors

1 looks like him that had been there with Martin.

2 Q. Does it look like it's him? Or other than
3 the dreads, does that look like that's Mr. Dwyer or
4 can you say?

5 A. To me it looks like him.

6 MR. KEFFER: Thank you. Please answer
7 any questions of Mr. Meadors.

8 THE COURT: Redirect.

9 Redirect Examination by Mr. Meadors:

10 Q. You saw him at your house?

11 A. Yes. Martin always brings guys over there
12 with him.

13 (Photograph marked State's Exhibit No. 68
14 for id.)

15 Q. I am going to show you a photograph,
16 State's Exhibit 68. You said you didn't recognize
17 him like he is. Do you recognize him like this?

18 A. Oh, yes.

19 Q. You say oh, yes.

20 A. Yes.

21 MR. MEADORS: Your Honor, State's No. 68
22 without objection.

23 MR. KEFFER: No objection.

24 THE COURT: Thank you.

25 (Photograph marked State's Exhibit no. 68

Janie Mae Shaw-Redirect by Meadors

1 for evidence.)

2 Q. So State's 68, when you saw him at your
3 place, that's how he looked.

4 A. Yes, sir.

5 Q. Do you know when that was approximately at
6 your house that you saw him?

7 A. It was way before he died, because I heard
8 that he had just gotten out of jail.

9 MR. MEADORS: Hold on one second. I beg
10 the court's indulgence. Can we approach?

11 THE COURT: You may.

12 (Whereupon, attorneys approach and confer
13 with judge.)

14 MR. MEADORS: That's all I have. Thank
15 you.

16 THE COURT: You may call your next
17 witness.

18 MR. MEADORS: Your Honor, the pathologist
19 is next. Can I have a short recess?

20 THE COURT: Check with the courtroom next
21 door and see if we have an answer.

22 Ladies and gentlemen, we need just a brief
23 recess to await the next witness that's actually
24 also testifying in another courtroom here in the
25 courthouse, so we need to track her down. If you

Deputy Hilliard-Direct by Meadors

1 would, please go to your jury room. We will be
2 right back with you. It should only take a few
3 minutes. Please again do not discuss this case.

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 MR. MEADORS: We would ask that Ms. Shaw
7 be excused from her subpoena.

8 THE COURT: Any objection, Mr. Keffer?

9 MR. KEFFER: No objection.

10 THE COURT: You are free to go, ma'am.

11 (Whereupon, the court takes a brief
12 recess.)

13 THE COURT: You may bring the jury.

14 (Whereupon, the following takes place
15 within the presence of the jury.)

16 THE COURT: You may call your next
17 witness.

18 MR. MEADORS: Randall Joseph Hilliard.

19 THE CLERK: Please state your full name
20 and spell your last name for the record.

21 A. Randall Joseph Hilliard. H-I-L-L-I-A-R-D.

22 THE COURT: Your witness.

23 Direct Examination by Mr. Meadors:

24 Q. Please the court, good afternoon. Deputy?

25 A. Yes, sir.

Deputy Hilliard-Direct by Meadors

1 Q. Hilliard.

2 A. Yes, sir.

3 Q. Where are you from?

4 A. I'm originally from New York. I've been
5 here about 13 years.

6 Q. Please tell the jury about your background
7 and your training in law enforcement, please.

8 A. I retired from the military after 24
9 years. I have been with the Sumter County Sheriff's
10 Office just over 2 years. I graduated from the
11 academy in May of 2014.

12 Q. And what have you been doing at the
13 sheriff's department?

14 A. I have been a patrol officer primarily for
15 the entire two years.

16 Q. Do you have a certain part of the county
17 that you cover?

18 A. I generally cover Rembert and Dalzell. We
19 move around a lot, but that's my general area.

20 Q. And going back in time of January
21 26th 2015, you were working.

22 A. Yes, sir.

23 Q. And patrolling that same area of Rembert
24 and Dalzell?

25 A. Yes, sir.

Deputy Hilliard-Direct by Meadors

1 Q. Did you have an occasion to come or being
2 called to a vehicle beside Modern Turf on 521?

3 A. Yes, sir.

4 Q. And were you the first deputy there?

5 A. I was.

6 Q. The first person from the sheriff's
7 department.

8 A. Yes, sir.

9 Q. Tell the ladies and gentlemen what you
10 observed.

11 A. I initially came on the scene. There was
12 an EMS crew and ambulance partially blocking the
13 northbound lane. I pulled my car behind the
14 ambulance; went across the street. Started
15 directing traffic. The EMS crew was already working
16 on the individual in the car. They were also two
17 civilian ladies there, who had stopped to I believe
18 to attempt to render aid.

19 Q. And were you able to see Mr. Singleton in
20 the car?

21 A. No, I was not. I could only see the front
22 end of the car. It was backwards in the ditch.

23 Q. And when you say backwards in the ditch,
24 what do you mean?

25 A. The front end of the car was sticking out

Deputy Hilliard-Direct by Meadors

1 of the ditch probably from the driver's door
2 forward. The rest of the car had appeared to roll
3 or end up somehow backwards. The bumper was down
4 into the bottom of the ditch. And the car was
5 against a tree on the opposite side.

6 Q. So is the front of the car facing up?

7 A. Yeah, it was facing up approximately.
8 Maybe to 45 degree angle.

9 Q. Can you use my hand to show where the
10 front of the car was?

11 A. Probably about like that. You could see
12 underneath the front of the car.

13 MR. MEADORS: 69, 70 a picture of the
14 ditch without objection..

15 (Photos of the ditch marked State's
16 Exhibit No. 69 & 70 into evidence.)

17 Q. Can you come down with the judge's.
18 permission?

19 THE COURT: Yes, sir, you may.

20 (Whereupon, the following takes place
21 within the presence of the jury.)

22 Q. Would you please stand over there so the
23 court reporter can see you. Would you please speak
24 up, if you don't mind.

25 A. Yes, sir.

Deputy Hilliard-Direct by Meadors

1 Q. I'm showing you what's mark State's
2 Exhibit No. 69. Can you show the jury what you were
3 just talking about when you testified?

4 A. From the picture, I believe this is the
5 tree the car was actually butted up against in the
6 ditch. The ditch at this point is approximately
7 5 feet deep. And the entire back end of the car was
8 leaning down in it.

9 THE COURT: Deputy, can you just back up a
10 little bit so the people on the end of the jury can
11 see you. Thank you.

12 A. I will. This tree here appears to be
13 where the car was sitting. There's damage to the
14 tree where the car had rested up against it.

15 Q. And you say damage to the tree. Do you
16 see anything in here that appears to have come from
17 the automobile next to the tree on State's 69?

18 A. It appears to be a lot of plastic.
19 Probably taillight lenses. Red plastic would
20 indicate the taillights.

21 Q. Did you see that car when it was down in
22 the ditch.

23 A. Yes, I did.

24 Q. With your own eyes?

25 A. Yes.

Deputy Hilliard-Direct by Meadors

1 Q. So is this accurate, it had been pulled
2 out by the wrecker?

3 A. Yes, sir.

4 Q. And State's 70, maybe a little closer up
5 picture. Is that a picture basically of the same
6 thing?

7 A. Yes, sir. It appears to be the same
8 photograph.

9 MR. MEADORS: I think that's all. If you
10 can take a seat back, please.

11 (Whereupon, the witness resumes the
12 witness stand.)

13 Q. So State's No. 7, do you recognize that as
14 the car?

15 A. Yes, sir.

16 Q. Would it have been the back end that was
17 down in the ditch?

18 A. Yes, sir.

19 Q. If you can tell me, so how much of the car
20 is sticking out of the ditch?

21 A. I'd say approximately half way from the
22 driver's door to the front of the car, approximately
23 7 feet maybe.

24 MR. MEADORS: Thank you. Thank you,
25 judge.

Deputy Hilliard-Cross by Keffer

1 THE COURT: Cross examination.

2 Cross Examination by Mr. Keffer:

3 Q. Deputy Hilliard, did you testify that you
4 were on patrol that day?

5 A. Yes, sir.

6 Q. That was your typical patrol time.

7 A. Yes, sir. We begin patrol at 5:30 in the
8 morning and runs until about 6 o'clock at night.

9 Q. And you were the first law enforcement or
10 deputy at the scene, is that correct?

11 A. That's correct.

12 Q. And did you fill out a report or any type
13 of incident report?

14 A. Yes, sir, there was a report made. Yes,
15 sir, I filled it out.

16 Q. That's what I'm asking you. Do you fill
17 one out yourself?

18 A. Yes, sir.

19 Q. Did you provide that report to
20 Mr. Meadors?

21 A. I did not personally provide it. I
22 believe he already had it.

23 Q. And did you provide that to any of your
24 superior officers or investigators?

25 A. Once the report is typed, it's forwarded

Deputy Hilliard-Cross by Keffer

1 up to supervision for approval, and then it goes
2 into our system, a database that maintains our
3 reports.

4 Q. And did you review that report prior to
5 your testimony today?

6 A. I briefly reviewed it the other day in the
7 solicitor's office.

8 Q. And how long were you at the scene of
9 accident?

10 A. Approximately two hours.

11 Q. And did you took any photographs or
12 retrieve or document any evidence?

13 A. I did not.

14 Q. And I think Mr. Meadors was asking you
15 about the vehicle, is it your testimony that the
16 vehicle was actually moved while you were there?

17 A. Yes, the vehicle was pulled from the ditch
18 once the wrecker driver came. I don't remember the
19 exact time frame. But he did at one point pull it
20 out of the ditch.

21 Q. And I think your testimony was in fact you
22 did not even see the victim in this case. That was
23 a personnel route, is that right?

24 A. I was directing traffic and I did that
25 until pretty much until the scene was clear.

Investigator Matthew Yates-Direct by Meadors

1 Q. Do you recall what time you arrived at the
2 scene?

3 A. It was still dark. I don't remember
4 exactly. It may be 6:30.

5 Q. So the sun hadn't come up yet.

6 A. Correct.

7 Q. Being January it's still winter.

8 A. Correct.

9 MR. KEFFER: One moment, Your Honor.
10 No other questions. Please answer anything
11 Mr. Meadors may have.

12 THE COURT: Any redirect?

13 MR. MEADORS: No, ma'am.

14 THE COURT: You may step down, sir. Thank
15 you.

16 MR. MEADORS: Investigator Matthew Yates.

17 Investigator Matthew M. Yates, being
18 first duly sworn, testified as follows:

19 THE CLERK: State your full name and spell
20 your last name for the record.

21 A. Matthew M. Yates. Y-A-T-E-S.

22 THE COURT: Your witness.

23 Direct Examination by Mr. Meadors:

24 Q. Thank you. May it please, Your Honor.

25 Good afternoon, Detective Yates.

Investigator Matthew Yates-Direct by Meadors

- 1 A. Good afternoon, sir.
- 2 Q. Where are you from?
- 3 A. Here in Sumter.
- 4 Q. Born and raised?
- 5 A. Born and raised.
- 6 Q. How long have you been in law enforcement?
- 7 A. 18 years.
- 8 Q. Where besides the Sumter Police.
- 9 A. Columbia Airport. Metropolitan Airport in
- 10 Columbia. Mental health as a police officer. DJJ
- 11 as a police officer. And I did some state police.
- 12 Q. And how long have you been in Sumter? At
- 13 the police department?
- 14 A. In the police department since 2010, I
- 15 transferred from Columbia.
- 16 Q. And what's your job here?
- 17 A. I am a detective at this time.
- 18 Q. In January -- from January -- this year
- 19 when you obviously worked at the police department.
- 20 A. Yes, sir.
- 21 Q. Back in March, let me you ask you this
- 22 much, do you know a Rashaan Joe?
- 23 A. Yes, he works at the mall. I work at the
- 24 mall also part time.
- 25 Q. And is that how you got to know him?

Investigator Matthew Yates-Direct by Meadors

1 A. Yes, sir.

2 Q. And you work there part time.

3 A. Yes, sir.

4 Q. In addition to your other job.

5 A. Yes, sir.

6 Q. Back in March of this year, did Mr. Joe
7 have an occasion to give you a letter?

8 A. Yes, he did, sir.

9 Q. I am going to show you what's marked
10 State's 44 For ID, Detective. And can you tell me
11 if you recognize that. Is that the letter that
12 Mr. Joe gave you?

13 A. Yes, sir.

14 Q. And as a result of that, what did you do
15 with it?

16 A. Well let's back up, and I'll explain it to
17 you about as far as this letter. I was at home and
18 I got a call from the security guard, which is
19 Mr. Joe. He was approached by a young lady who
20 stated that she had a letter that she needed to turn
21 in to a police officer. He realized he wasn't a
22 police officer and it just didn't concern him, so he
23 contacted me.

24 Q. Because he knew you from the mall.

25 A. Because he know me from the mall.

Investigator Matthew Yates-Direct by Meadors

1 Q. And he knew you were a police officer.

2 A. Yes, sir. At that time I asked him could

3 he identify her, and he said she wanted to be

4 anonymous. And at that time, I left home and came

5 to the mall, which is located at 1185 Broad Street

6 here in Sumter; made contact with Mr. Joe.

7 Retrieved the letter. I looked at the letter, and

8 realized that this didn't have anything to do with

9 us as far as the city is concerned. So I passed it

10 along to Detective Kelly.

11 Q. And when you say without being too

12 specific or anything, when you say it didn't have

13 anything to do with us, do you mean any pending case

14 the--

15 A. Yes.

16 Q. ---Sumter Police Department might have.

17 A. Yes. Yes, sir, I am sorry about that.

18 Q. That's fine. But you made that

19 determination, so you had to look at it to make that

20 determination.

21 A. Yes, sir, I did.

22 Q. And after you determined it wasn't an

23 active case or a case you all had---

24 A. Yes, sir.

25 Q. ---in Sumter Police Department, you

Investigator Matthew Yates-Cross by Keffer

1 gave -- who did you give it to?

2 A. Detective Natalie Kelly.

3 MR. MEADORS: That's all. Thank you.

4 THE COURT: Any cross examination?

5 Cross Examination by Mr. Keffer:

6 Q. Detective Yates, when did you give that
7 letter to Ms. Kelly, Detective Kelly?

8 A. The next day.

9 Q. So did that letter remained in your
10 possession that entire time?

11 A. I retrieved that letter at 8 something
12 that night, and I turned it over to her the next
13 day.

14 Q. Where did you keep it when you had it in
15 your possession?

16 A. Secured in my file. I have file there,
17 when I travel in my vehicle. And I put it in the
18 file.

19 Q. Was that a file pertaining to this
20 investigation?

21 A. No, sir.

22 Q. So you have a file in your vehicle that
23 you just put things in.

24 A. Well we also, in my vehicle, I have a
25 brief case. I call it a file, that we normally --

Investigator Matthew Yates-Cross by Keffer

1 if I have something that is pertaining to any type
2 of paperwork that I deal with, I place it in there.

3 Q. And is that what you did with this letter.

4 A. I placed that in -- what I did is, I took
5 the letter, placed it into the brief case; got to
6 work, opened it up. Realized that this didn't have
7 anything to do with us, gave it to Detective Kelly.
8 Detective Kelly, and the reason I gave it to
9 Detective Kelly, is because Detective Kelly works
10 violent crimes, and I don't.

11 Q. So is it your testimony that you didn't
12 read the letter that night, you waited until the
13 next day?

14 A. Well I looked at the envelope, opened it
15 up, looked at it, and placed it in my brief case.

16 Q. Okay. And but I thought you said you
17 waited until the next day and looked at it, and then
18 decided---

19 A. Yes, I did. The next day that's when I
20 realized that this really didn't have anything to do
21 with us. And what I did, sir, is this letter, when
22 I talked to Mr. Joe, the young lady had stated that
23 this was a crime that occurred. Okay. I then went
24 to a -- when I retrieved the letter, I then took the
25 letter, placed it in my vehicle. Like I said, I

Investigator Matthew Yates-Cross by Keffer

1 looked at it. I said, well I'll give this to
2 Detective Kelly tomorrow. I looked at it again, and
3 said, this doesn't concern us. And I informed her
4 that this may not concern us, I don't know. She
5 looked at it, and did what she had -- she did with
6 it.

7 Q. How did you make the determination that it
8 didn't have anything to do with the city? Did you
9 run names through database?

10 A. No, sir.

11 Q. Well how did you come to that conclusion?

12 A. Well basically the cases that come through
13 the city, we all are detectives. If we're not
14 familiar with it, we call whoever -- I wasn't
15 familiar with it. So that's when I determined, I
16 said, well this I have nothing to do with us. I do
17 property crime. Detective Kelly does violent
18 crimes. So after looking at that, I just that has
19 nothing to do with what I would deal with.

20 Q. What day did you receive that letter?

21 A. I'm not sure right now.

22 Q. Well what day did you give it to Ms.
23 Kelly? Investigator Kelly?

24 A. The day I retrieved this letter, I gave it
25 to her the very next day. It was during the week.

Detective Natalie Kelly-Direct by Meadors

1 I don't exactly what day it was.

2 Q. So you can't tell the jury what day you
3 received the letter. And you can't tell the jury
4 what day Ms. Kelly received this letter. If I give
5 you a calendar, you can't tell me what day.

6 A. Well it wasn't a weekend. It was during
7 the week. Yes, sir.

8 MR. KEFFER: No further questions. Please
9 answer any questions Mr. Meadors may have.

10 THE COURT: Any redirect?

11 MR. MEADORS: No, ma'am.

12 THE COURT: You may step down, sir. Thank
13 you. You may call your next witness.

14 MR. MEADORS: Natalie Kelly.

15 THE CLERK: State your full name and spell
16 your last.

17 A. Natalie Kelly. K-E-L-L-Y.

18 Direct Examination by Mr. Meadors:

19 Q. Good afternoon.

20 A. Good afternoon.

21 Q. What is your rank?

22 A. Lead detective.

23 Q. With the Sumter Police Department?

24 A. Yes.

25 Q. How long have you doing that?

Detective Natalie Kelly-Direct by Meadors

1 A. 8 years.

2 Q. And what's your experience and background
3 and training in law enforcement?

4 A. Well I have actually been in law
5 enforcement for a total of 13 years, 13 and half
6 years. I came to Sumter Police Department in 2007,
7 as a patrol woman. And from there I progressed
8 through the ranks and made detective. And I just
9 recently about two years ago made lead detective.

10 Q. Do you all -- excuse me, does the Sumter
11 Police Department share information just in general
12 with the Sumter County Sheriff's Office from time to
13 time?

14 A. Yes, we do.

15 Q. And this past September 17th, did you have
16 an have occasion to give a letter to Sergeant
17 Darlene Dellinger with the Sumter County Sheriff's
18 Office?

19 A. Yes, I did.

20 Q. And I'm going to show you what's marked
21 State's 44 for Id., do you recognize that letter?

22 A. I do.

23 Q. And had Sergeant Yates given you that
24 letter.

25 A. That's correct.

Detective Natalie Kelly-Direct by Meadors

1 Q. Was a determination made whether or not
2 that letter involved a case either pending or prior
3 with the City of Sumter?

4 A. Yes.

5 Q. And was it determined that it did not
6 involve any your cases?

7 A. That's correct.

8 Q. And as a result of that, what did you do?

9 A. Actually once Detective Yates gave me the
10 letter, I saw the heading on it and I ran that thing
11 through the jail file with Sumter/Lee Detention
12 file.

13 Q. Did you determine that was a pending case.

14 A. That's correct.

15 Q. And as a result of that, what did you do?

16 A. I contacted the county, which was Sergeant
17 Dellinger, and I told her that I had a letter that
18 may be a part of her case.

19 Q. After referring it and checking pending
20 cases, you thought it might relevant to her.

21 A. That's correct.

22 Q. And approximately September 17th, did you
23 or did she get that letter from you?

24 A. Yes, she did.

25 Q. And that letter -- who is that letter

Investigator Natalie Kelly-Cross by Keffer

1 addressed to?

2 A. It's addressed to Demetrius Cooper.

3 Q. And who is the letter from?

4 A. It's from Matthew Dwyer.

5 MR. MEADORS: I beg the court's
6 indulgence. Thank you.

7 THE COURT: Cross examination.

8 Cross Examination by Mr. Keffer:

9 Q. Detective Kelly, when did you receive this
10 letter from Detective Yates?

11 A. It was same day, the 17th.

12 Q. It was September?

13 A. Yes.

14 Q. So Detective Yates gave you a letter in
15 September?

16 A. Yes.

17 Q. Not March?

18 A. No.

19 Q. So your testimony is September of this
20 year, is the first time you saw that letter.

21 A. Yes.

22 Q. And how long did it take you to ascertain
23 that the city -- this wasn't a city case, it was a
24 county case. A relatively short period?

25 A. Yeah, it didn't take long at all.

Investigator Natalie Kelly-Cross by Keffer

1 Q. I think you testified you had run names in
2 the names data base, in our local facility here.

3 And one of the names popped up, is that right?

4 A. That's correct.

5 Q. And you could tell by the screen that it
6 was a county case.

7 A. Yes.

8 Q. And so that's when Investigator Dellinger
9 became involved, is that right?

10 A. That's correct.

11 Q. So how many days was that letter in your
12 position?

13 A. One day.

14 Q. One day maybe? And where did you keep
15 that letter?

16 A. In my office.

17 Q. You kept it in your office and in your
18 personal work area, is that right?

19 A. That's correct.

20 Q. And did you give it to Investigator
21 Dellinger personally?

22 A. Yes.

23 Q. And to your knowledge, did she have that
24 letter continuously throughout?

25 A. From my knowledge, yes.

Detective Natalie Kelly-Redirect by Meadors

1 Q. And again, your testimony is you received
2 that letter September of this year.

3 A. That's correct.

4 Q. It wasn't March, April, May, June or July
5 or even August. It was September.

6 A. Yes.

7 Q. And that was when Detective Yates gave it
8 to you?

9 A. That's correct.

10 MR. KEEFER: No other questions, thank
11 you.

12 Redirect Examination by Mr. Meadors:

13 Q. But you don't know when Detective Yates
14 got it, do you?

15 A. No, sir, I don't.

16 Q. So he could have kept it a several months
17 and given it to you in September.

18 A. That's correct.

19 THE COURT: You may step down, ma'am,
20 thank you.

21 MR. MEADORS: Your Honor, I think our
22 witness is freed up that we are waiting.

23 THE COURT: I believe so. You may call
24 your next witness.

25 MR. MEADORS: And I want to explain to the

Dr. Janice Ross-Direct by Meadors

1 jury we had witnesses out of order, because we had
2 witnesses competing with the other courtroom.

3 THE COURT: Yes, sir.

4 MR. MEADORS: Dr. Janice Ross. And we
5 would ask that Deputy Hilliard to be excused.

6 MR. KEFFER: No objection, Your Honor.

7 THE COURT: He's free to go.

8 Dr. Janice Edwards Ross, being first
9 duly sworn, testified as follows:

10 THE CLERK: State your full name and spell
11 your last for the record.

12 A. Janice Edwards Ross. R-O-S-S.

13 DIRECT EXAMINATION by Mr. Meadors:

14 Q. Good afternoon, Dr. Ross.

15 A. Good afternoon.

16 Q. Would you please tell the jury about
17 Dr. Janice Ross; specifically, your background, your
18 training, your education and specifically your
19 education in the field expertise we are going to ask
20 you to testify about to that.

21 A. Yes, sir. I received a bachelor's degree
22 from the University of South Carolina. And an M.D.
23 from upstate medical center in Syracuse, New York, a
24 doctor of medicine. And I chose the field of
25 pathology, which is the study of diseases. I

Dr. Janice Ross-Direct by Meadors

1 trained in Syracuse, New York also there, for
2 pathology. We learned how to identify and diagnose
3 tumors and leukemias in this field. And we also
4 learn how to do an autopsy to find a cause of death.

5 I did further training in the field of
6 forensic pathology, which we use our knowledge in
7 pathology, and medical legal investigation to
8 identify patterns of injury, to document patterns of
9 injury. And take specimens at an autopsy for the
10 court of law. I am board certified in three areas
11 of pathology, including forensic pathology.

12 Q. So the difference between pathology and
13 forensic pathology is what?

14 A. General pathology works in a hospital
15 identifying cancers, and leukemias, that kind of
16 thing. Helping to diagnose diseases. Forensic
17 pathology, the word forensic means legal. So we use
18 our pathology knowledge and forensic knowledge to
19 come together with a cause death after an autopsy,
20 and identify patterns of injury, like gunshot
21 wounds, stab wounds, that kind of thing.

22 Q. How many autopsies have you performed?

23 A. At least 9,000.

24 Q. Excuse me, 9,000?

25 A. Yes.

Dr. Janice Ross-Direct by Meadors

1 Q. And where is your office?

2 A. Newberry, South Carolina.

3 Q. And where do you actually perform the
4 autopsy?

5 A. In the morgue at Newberry County Memorial
6 Hospital.

7 Q. And have you testified as a -- in courts
8 of record of this state as an expert in the field of
9 forensic pathology prior to today?

10 A. Yes.

11 Q. Approximately how many times?

12 A. 190.

13 MR. MEADORS: Your Honor, at this time we
14 would offer Dr. Janice E. Ross as an expert in the
15 field forensic pathology.

16 THE COURT: Any voir dire?

17 MR. KEEFER: No objection, Your Honor.

18 THE COURT: She's qualified in that field.

19 Q. In an ideal world, when would you first
20 like to see the body of someone you are performing
21 an autopsy?

22 A. As soon as they're found at the scene.

23 Q. If you could, you would like to be at the
24 scene, right?

25 A. Yes, sir.

Dr. Janice Ross-Direct by Meadors

1 Q. Is that practical?

2 A. Not really.

3 Q. So how does a body, and in this case,
4 Mr. Singleton's get to the Newberry?

5 A. The coroner of the county calls and
6 requests and authorizes an autopsy to be done at the
7 morgue at Newberry County Memorial Hospital, and the
8 body is transported to us.

9 Q. And you do most all of the autopsies for
10 Sumter County, don't you, Doctor?

11 A. Yes.

12 Q. And, Doctor, did you have an occasion to
13 do an autopsy on the body of one Johnny Singleton?

14 A. Yes.

15 Q. And when did you do that?

16 A. That was on January 28th of 2015.

17 Q. Could you take us there like you're doing
18 it now, and tell the jury what you did to his body?
19 What is the first thing you do?

20 A. Yes. The patient is brought to us in a
21 body bag, which we open. We take photographs
22 externally, identify and document what clothing is
23 on him or her. Then we take the clothing off, and
24 do an external examination. Take photographs and
25 identify any kind of injury. In this case there was

Dr. Janice Ross-Direct by Meadors

1 a gunshot wound to the head, so we did further
2 x-rays.

3 Q. Did you have an age for Mr. Singleton?

4 A. I was given the age of 65.

5 Q. And do you take clothes -- I will strike
6 that, I apologize. Do you take a picture of the
7 body as it is, before you take the clothes off?

8 A. Yes.

9 Q. And then do you start taking pictures of
10 an unclothed body.

11 A. Yes.

12 Q. And is that called first the external
13 examination?

14 A. Yes.

15 Q. And then you go inside and start looking
16 inside the stomach or the head or wherever, correct?

17 A. Correct.

18 Q. Could tell us about external examination
19 of your autopsy?

20 A. Externally, we found a gunshot wound in
21 the head. An entrance wound in the back of the
22 head. No exit wound. And otherwise, he had little
23 bit of a bruise on the inside of the upper lip
24 without any kind of pattern, and without a lot of
25 reaction. And really that's about it as far as any

Dr. Janice Ross-Direct by Meadors

1 kind of injuries go.

2 Q. And we've been doing this a long time. I
3 don't mean that bad. You've been around. I mean
4 that in the nicest way. Do you also look for what
5 are known as, or were there any defensive type
6 wounds?

7 A. Yes. We looked at the hands, the arms,
8 the legs. There was no other injuries.

9 Q. So none that appeared to you to be
10 defensive type wounds on his hands or anywhere on
11 his body?

12 A. No.

13 Q. You mentioned something around the lip,
14 what was that?

15 A. There's a a bruise that you could see when
16 you lift up the upper lip, and a little bit of
17 swelling there.

18 Q. Can you tell as an expert in the field of
19 forensic pathology and looking at Mr. Singleton's
20 body, how that would have gotten there? When it
21 would have gotten there?

22 A. I was some kind of injury to the lip,
23 whether it was getting hit on something, or hitting
24 something. And I say there wasn't a lot of
25 swelling. So it was probably occurred right at

Dr. Janice Ross-Direct by Meadors

1 about the time of death when the circulation was
2 slowing down.

3 Q. Was there much bleeding there?

4 A. No, it was -- It would have bled inside
5 the lip, which causes swelling. But there was not a
6 lot of swelling.

7 Q. So is that why your testimony is it could
8 have been close to the time of death. Could it have
9 been post mortem?

10 A. It could have been.

11 Q. Now do you -- can we get straight to the
12 gunshot wound, please, ma'am. Can you describe to
13 the jury your observations of that wound to
14 Mr. Singleton?

15 A. Yes, it was in the back of the head. When
16 we measure the area of a gunshot wound, we measure
17 from the top of the head. So this was I believe 5
18 inches below the top of the head and 3 inches to the
19 right of the midline. The midline would be going
20 down the middle of the body. So that wound was in
21 the back of right head. The right back of the head.

22 Q. Can I approach?

23 THE COURT: You may.

24 Q. Can I get you to stand, Doctor. If you
25 don't mind, touch me. Please touch me, and can you

Dr. Janice Ross-Direct by Meadors

1 show the jury where approximately the bullet went?

2 A. Right about here.

3 Q. And what path can you tell the jury it
4 went?

5 A. It went from right to left. And from the
6 back of the head towards the front of the head. It
7 went through a part of the brain. And it was lodged
8 in the sinus behind the left cheek. So it was in
9 the bone inside the skull.

10 Q. Can you show what is marked as State's
11 Exhibit No. 71. Does this appear to be a styrofoam
12 head?

13 A. Yes.

14 Q. I believe without objection.

15 (Styrofoam head marked State's Exhibit No.
16 71 into evidence.)

17 MR. KEFFER: No objection, Your Honor.

18 Q. Doctor, will you, can I ask her to come
19 down for just a minute. It won't be long.

20 THE COURT: Sure.

21 (Whereupon, the witness steps down from
22 the witness stand.)

23 Q. Can you show on what's State's 71, where
24 the bullet approximately entered Mr. Singleton?

25 A. The right back of the head about here.

Dr. Janice Ross-Direct by Meadors

1 Q. And the path would have been where?

2 A. It ends up behind the left cheek. So it's
3 going from back to front, and right to left.

4 Q. Can you stick that in there just to show
5 the path. Thank you.

6 (Whereupon, the witness resumes the
7 witness stand.)

8 Q. What damage specifically did that bullet
9 do to Mr. Singleton's head?

10 A. It lacerated the brain, went through the
11 brain.

12 Q. And when that happens, what -- how long
13 are we talking about before he would be dead?

14 A. Well he would be unconscious immediately,
15 and dead within a few minutes.

16 Q. Doctor, just looking at the report. No
17 conjunctival petechia are seen. What does mean?

18 A. We look for petechia in the eyes to
19 identify whether there has been any strangulation.

20 Q. And I believe you say the upper dentures
21 are in place.

22 A. Yes.

23 Q. And are there real teeth at the bottom?

24 A. Yes.

25 Q. Upper dentures in place that were still

Dr. Janice Ross-Direct by Meadors

1 there.

2 A. Yes.

3 Q. Going down to the gunshot wound
4 specifically in your report. I believe you had
5 measured it .35 inches in diameter. And you also
6 say that no soot and powder are identified, although
7 it is covered by hair. What do mean by that?

8 A. I'm trying to determine the range of the
9 wound. In other words, how far the gun was from the
10 head, when you look soot and powder. When a bullet
11 comes out of the end of a gun, so does soot and
12 powder. And if they reach the skin, they will put
13 marks on the skin. The soot and the powder only go
14 a certain distance, depending on the ammunition and
15 the gun. So we look at that to see if the gun -- if
16 there is any evidence of the gun being close to the
17 entry wound. I did not do see any evidence of that.

18 Q. And again, as far as your training and
19 your expertise in the field, what opinion as to how
20 far away the gun would have been since you did not
21 see any soot or powder?

22 A. Probably at least 2 feet away.

23 Q. It could have been more.

24 A. It could have been more.

25 Q. Now you actually went inside

Dr. Janice Ross-Direct by Meadors

1 Mr. Singleton's head. Did you retrieve anything?

2 A. We retrieved a bullet, yes.

3 Q. I believe this has already been entered as
4 State's 42. But, Dr. Ross, I would ask you to look
5 at it. And you've got -- do you actually take
6 pictures?

7 A. Yes.

8 Q. Of the evidence that you keep?

9 A. Yes.

10 Q. In reviewing your folder there, is that,
11 and looking at the package, is that the bullet you
12 retrieved from the head of Mr. Johnny Singleton?

13 A. Yes.

14 Q. And was this then turned over to the
15 authorities of the Sumter County Sheriff's
16 Department?

17 A. Yes.

18 Q. As a part of your opinion, do you also
19 review the Toxicology?

20 A. Yes.

21 Q. And did you take fluids from Mr. Singleton
22 to send the sheriff's department to sled, to come up
23 with the toxicology?

24 A. Yes.

25 Q. And can you tell us what was in the body

Dr. Janice Ross-Direct by Meadors

1 of Mr. Singleton, as far as the toxicology results?

2 A. The toxicology was totally negative.

3 Q. Negative for alcohol or any other
4 substance.

5 A. For the drugs of abuse that are tested
6 for.

7 MR. MEADORS: I beg the court's
8 indulgence.

9 Q. Doctor, after reviewing the, and before I
10 get to the final question, you send blood for
11 serology purposes and toxicology purposes to sled,
12 correct?

13 A. Correct.

14 Q. And you did you do that in this case?

15 A. Yes.

16 Q. And the clothes that are now in evidence,
17 too, doctor, these are the same clothes. You
18 actually took them off or one of your staff,
19 correct?

20 A. Yes. Uh-huh. (Affirmative.)

21 Q. Doctor, after reviewing and looking at and
22 in the body of Johnny Singleton, do you have an
23 opinion to a reasonable degree of medical certainty
24 as to the cause of death of Mr. Johnny Singleton?

25 A. Yes, I do.

Dr. Janice Ross-Direct by Meadors

1 Q. Would you please tell the ladies and
2 gentlemen what it is?

3 A. It's a laceration of the brain due to the
4 gunshot wound to the head.

5 MR. MEADORS: Thank you.

6 THE COURT: Cross examination?

7 MR. KEFFER: No questions, Your Honor.

8 THE COURT: You may step down, Doctor.
9 Thank you.

10 MR. KEFFER: Can we have a quick break?

11 THE COURT: Sure. Ladies and gentlemen
12 it's about 10 after 3. It's a good time for us to
13 take a little afternoon break. We'll take about a
14 10 minute recess. You all let me know when you're
15 ready again. Please remember do not discuss the
16 case. Actually before I let you go, gentleman, in
17 the purple pullover, your name, sir?

18 THE JUROR: Kenneth Jones.

19 THE COURT: Mr. Jones, I am going to
20 appoint you as the foreman. You're sitting in that
21 chair anyway, so you'll make a good foreman for us.

22 THE JUROR: Yes, ma'am.

23 THE COURT: Thank you.

24 THE JUROR: Thank you.

25 THE COURT: We will be at ease for a few

Demetrius Cooper-Direct by Meadors

1 minutes. Solicitor, let us know when you are ready.

2 (Whereupon, the court takes a short
3 recess.)

4 THE COURT: You may bring the jury.
5 Solicitor, you may call your next witness.

6 MR. MEADORS: The State calls Demetrius
7 Cooper.

8 THE CLERK: State your name and spell your
9 last for the record.

10 A. Demetrius Cooper. C-O-O-P-E-R.

11 Q. Good afternoon, Mr. Cooper.

12 A. Good afternoon.

13 Q. Where are you from?

14 A. Mayesville, South Carolina.

15 Q. Born and raised there?

16 A. I was born in Berlin, Germany. Raised in
17 Sumter, South Carolina.

18 Q. Is your family in the military?

19 A. Yes.

20 Q. When did you come to Sumter?

21 A. When I was 3 years old.

22 Q. Where did you go to high school?

23 A. Lee Central High School.

24 Q. And what year did you graduate?

25 A. 2004.

Demetrius Cooper-Direct by Meadors

1 Q. And after that, what did you do?

2 A. Went into the military.

3 Q. And where did you get your basic training,

4 Mr. Cooper?

5 A. Fort Jackson, South Carolina.

6 Q. How long did that last?

7 A. 9 weeks.

8 Q. Where did you go after that?

9 A. To Fort Lee, Virginia for my training.

10 Q. How long was that?

11 A. 12 weeks.

12 Q. And after that, where did you go?

13 A. I was stationed at Fort Knox, Kentucky.

14 Q. And had you gotten any specialized

15 training before you went to Fort Knox, or were you

16 specialized in any particular area?

17 A. I specialized in Fort Lee, Virginia

18 basically.

19 Q. As what?

20 A. As a cook.

21 Q. And did you go active duty?

22 A. Yes.

23 Q. Where did you go, sir?

24 A. You mean Iraq?

25 Q. Yes, sir.

Demetrius Cooper-Direct by Meadors

- 1 A. Oh, yes, I went to Iraq.
- 2 Q. And how long were you there?
- 3 A. 15 months.
- 4 Q. And where did go after that?
- 5 A. I came back to Fort Knox, Kentucky.
- 6 Q. And did you continue with your military
- 7 career?
- 8 A. Oh, no, I got med., boarded out.
- 9 Q. Tell the jury about that. How did that
- 10 happen?
- 11 A. I was in an accident. An IED hit me
- 12 while I was in Iraq, so I came back to the states.
- 13 They med., boarded me out, 100 percent disabled.
- 14 Q. Were you actually in a vehicle?
- 15 A. I was driving the vehicle.
- 16 Q. And that's where you suffered your
- 17 injuries.
- 18 A. Yes.
- 19 Q. And what year was that?
- 20 A. 2008.
- 21 Q. And after that you came back, and what
- 22 have you been doing?
- 23 A. Nothing. Just raising my kids.
- 24 Q. And how long were you in the army?
- 25 A. Three years and 20 weeks.

Demetrius Cooper-Direct by Meadors

1 Q. And thank you for that. And do you know
2 Matthew Dwyer?

3 A. Yes.

4 Q. How long have you known him?

5 A. I have known him for maybe 4 or 5 years.

6 Q. How did you meet him?

7 A. I met him through a friend of mine's, you
8 know. It was basically through a friend of mine.
9 He was jokingly arguing about basically who is the
10 better father. Because Mr. Dwyer basically just
11 found out he was having a child. And so with me
12 having kids of my own, and being older now, I joined
13 the conversation. And me and Mr. Dwyer was friends
14 ever since. And what maybe like 6 or 7 weeks later,
15 that's what he found out his girlfriend had a
16 miscarriage.

17 Q. And how many children do you have?

18 A. 5.

19 Q. Now I am going to show you what's been
20 marked State's 44. And just so the record will be
21 clear, you are here under subpoena, correct?

22 A. Yes.

23 Q. You were subpoenaed. And I'm going to
24 show you what's marked State's 44. And whose name
25 is that addressed to?

Demetrius Cooper-Direct by Meadors

- 1 A. Are you talking about right here?
- 2 Q. Yes, sir.
- 3 A. Demetrius Cooper.
- 4 Q. And that's you, correct?
- 5 A. Yes.
- 6 Q. And you got this in your mailbox at [REDACTED]
- 7 Winder Lane, Sumter, 29154.
- 8 A. Yes.
- 9 Q. And this letter was from whom?
- 10 A. Matthew Dwyer.
- 11 Q. And, Mr. Dwyer, you knew this letter was
- 12 coming, didn't you?
- 13 A. Did I knew it was coming?
- 14 Q. Did he tell you he was sending you a
- 15 letter?
- 16 A. I can't remember.
- 17 Q. Do you remember us talking the other week,
- 18 and had he told you there was probably something in
- 19 the mail.
- 20 A. Oh, yes. A letter was coming.
- 21 Q. So you were anticipating that this letter
- 22 was coming, correct?
- 23 A. Not that letter, just a letter.
- 24 Q. I wasn't trying to trip you up. A letter.
- 25 A. Yes.

Demetrius Cooper-Direct by Meadors

1 Q. And when this came to your residence, did
2 you open it up?

3 A. Yes.

4 Q. And when you opened the letter, these
5 contents have some red markings on it. Was that on
6 the letter when you first got it?

7 A. No, sir.

8 Q. In addition to the letter, was there was
9 something inside that had a key code?

10 A. Yes, sir.

11 Q. So that key code was in this letter?

12 A. Yes.

13 Q. With the letter and the envelope.

14 A. Yes.

15 Q. Did you use this key code that Mr. Dwyer
16 sent you to decipher some of this letter?

17 A. Yes.

18 Q. And the writing that's on the letter
19 addressed to Coop has some red letters which
20 apparently this code has been used to decipher it.
21 Did you make those marks?

22 A. Yes.

23 Q. So you deciphered the letter.

24 A. Yes.

25 Q. And it is signed by Matthew Dwyer.

Demetrius Cooper-Direct by Meadors

1 A. Yes.

2 Q. There's no question that letter came from
3 Matthew Dwyer to you, and you read it.

4 A. Yes.

5 Q. And you deciphered it.

6 A. Yes.

7 Q. Can you tell us how you deciphered it?
8 What was the key?

9 A. What do you mean?

10 Q. I mean how did you know to put what
11 letters in the code?

12 A. It's like, I cracked the code basically.
13 It's just right here.

14 Q. Can you tell me what it is please?

15 A. It doesn't show.

16 Q. Well tell me how you knew to decipher it.

17 A. Well it was pretty much like, examples, I
18 guess.

19 Q. Yes, sir.

20 A. Examples.

21 Q. Right.

22 A. That's what I am saying, examples.

23 Q. Was it like 13 letters of the alphabet?

24 A. It's the key code or whatever.

25 Q. Yes, sir, that was in the -- it has an

Demetrius Cooper-Direct by Meadors

1 example here, correct?

2 A. Yes.

3 Q. And it gives you QRZRGEVH -- QRZRGEVH,

4 correct?

5 A. Yes.

6 Q. And underneath that it's written

7 Demetrius.

8 A. Yes.

9 Q. So were you able to figure out what this
10 code was based on his translation of those?

11 A. Yes.

12 Q. And do they work out to where it was 13
13 letters down would be the word you'd use?

14 A. I can't remember that.

15 Q. But you did decipher it.

16 A. Yes.

17 Q. Based on the code that Mr. Dwyer sent you.

18 A. Yes.

19 Q. And your name is Coop, correct?

20 A. That's my nickname.

21 Q. Well I mean, that's how it's addressed.

22 You're Mr. Cooper, Demetrius Cooper, correct?

23 A. Yes.

24 Q. And the date on that letter is what, March

25 what?

Demetrius Cooper-Direct by Meadors

1 A. 9th.

2 Q. Of this year?

3 A. Yes.

4 Q. Would you please read that letter?

5 A. The whole letter?

6 Q. Yes, sir.

7 A. What's up big bro. What's good with you.

8 I hope every---

9 Q. Mr. Cooper, this young lady has got to
10 take down everything you say. So would you just go
11 slow so Ms. Margaret can take it down can.

12 A. What's up big bro. What's good with you.
13 I hope everything is all good. Tell Ronnie I said
14 hello. I just want you to know how much I really
15 appreciate everything you are doing for me. I
16 can't say thank you enough. I love you bro. Real
17 shit. It ain't too many real people like you out
18 there no more.

19 Q. Now you said people, but he uses the N
20 word. I'm not going to say it. But he uses the N
21 word there, correct?

22 A. Yes. Should I use the N word.

23 Q. No, just say N, don't say the word. Is
24 that okay, Your Honor?

25 THE COURT: Yes, sir.

Demetrius Cooper-Direct by Meadors

1 Q. I mean you didn't write this, did you,

2 Demetrius?

3 A. But, huh?

4 Q. I mean these aren't your words.

5 A. No. But shit my baby's mama stupid ass
6 probably ain't going right back on facebook. But
7 her grandma's number is 803-305-1740. If you do
8 call that number, do not tell them you called them
9 on my behalf. But anyway, the rest of this letter.

10 I need---

11 Q. Now let me stop you there. When it says
12 the rest of this letter, are there 4 dots? Dot,
13 dot?

14 A. Yes.

15 Q. And after that it says I need and then
16 there is a letter or words that say NYVOV, correct?

17 A. Yes.

18 Q. After using the key to this key code to
19 decipher it, what did you write above that?

20 A. Alibi.

21 Q. So the sentence would be, I need an alibi?

22 A. Yes.

23 Q. And then the next is 4. And the word is,

24 WNAHNEL 26. So after you used the key code, what
25 did that come out to be?

Demetrius Cooper-Direct by Meadors

1 WNAHNEL 26. So after you used the key code, what
2 did that come out to be?

3 A. January 26th.

4 Q. I need an alibi for January 26th?

5 A. Yes.

6 Q. Now the next it says my, and then in
7 parenthesis it has FGBCF in quotation marks. After
8 using the code, what did that word turn out to be?

9 A. Story.

10 Q. Please the court go ahead. My story.

11 A. Is that from around 6:00 p.m. until about
12 8:15 p.m., I was JVGULBH.

13 Q. And after using the code, what did you
14 determine that to be?

15 A. With you.

16 Q. So around from around 6 until 8:15 I was
17 with you. Correct.

18 A. Yes.

19 Q. The next sentence start with we, sir.

20 A. We were drinking.

21 Q. And what was drinking before you decoded
22 it?

23 A. QEVAXVAT.

24 Q. So that turned out to be drinking. We
25 were drinking and PUVWYYUAT. What did that turn out

Demetrius Cooper-Direct by Meadors

1 Q. We were drinking and chilling in CBCHYME.

2 A. Populars.

3 Q. And then FNHMER.

4 A. Square.

5 Q. So we were drinking and chilling in
6 Popular's Square. Is that what he's asking you to
7 say?

8 A. Yes.

9 Q. Next sentence, please.

10 A. All you know is that when you CHYYRQHC, I
11 was already there. I was---

12 Q. Let me stop you there. All you know is
13 when you, and that word CHYYRQHC, did that turn out
14 to be pulled up?

15 A. Yes.

16 Q. All you know is that when you pulled up, I
17 was NYERALGURER. Did that determine to be, you
18 using the code already there?

19 A. Yes.

20 Q. All you know is that when you pulled up, I
21 was already there. Correct?

22 A. Yes.

23 Q. The next sentence?

24 A. I was QEHAX. So I was GNYXEATPNFUFUBG and
25 me and a AVTTNUQVQAGXAEJ started SVTUGVAT.

Demetrius Cooper-Direct by Meadors

1 Q. And after you had decoded that was it --
2 did he ask you to say that I was drunk, so I was
3 taking cash. S-H-I-T and me and the N word, you
4 don't -- didn't know, started fighting. Is that
5 correct?

6 A. No.

7 Q. That's not what it says?

8 A. No.

9 Q. What does it say there?

10 A. Talking.

11 Q. What is talking?

12 A. You said taking. It's talking.

13 Q. So it's talking.

14 A. Yes.

15 Q. Should that be trash then or cash? You've
16 got cash written down.

17 A. Yeah.

18 Q. So is that wrong?

19 A. No, cash.

20 Q. So it's talking cash?

21 A. Yes.

22 Q. I apologize. I was TRGGVATVSS on the
23 AVTTN so is UVZROBL jumped in, and GEVRQ to UVGZR
24 with a OBGGR but I OYBPXRQ it and it OHFGRA on my
25 UNAQ. Is that correct?

Demetrius Cooper-Direct by Meadors

1 A. Yes.

2 Q. After you deciphered it was that, I was
3 getting off on the N, so his home boy jumped in and
4 tried to hit me with a bottle. But I busted it, and
5 it busted on my head. Is that correct?

6 A. Yes.

7 Q. Will you read the next one?

8 A. That's when you, WHZCRQVA and OCBXRQVGE
9 my---

10 Q. Is that BGH?

11 A. BGH E or C?

12 Q. It looks like a C. Go ahead.

13 A. My GUHZO was OYRRQVAT real ONQ. So I said
14 that I was TVVAT to my ONOLZBZNTNAQZNUEHTR to clean
15 and wrap my GUHZOHCE.

16 Q. And after you used the code. That's when
17 jumped in and broke it up. And that is some N thump
18 was bleeding. My thumb perhaps, was bleeding.
19 Perhaps is not in there on the record. Like I was
20 asking you was that perhaps thumb there, do you
21 know?

22 A. I don't know.

23 Q. My thump was bleeding real bad, so I said
24 I was going to my baby's grandma's house to clean
25 and wrap my thumb up. Would that be when you had

Demetrius Cooper-Direct by Meadors

1 used the code to decipher those words?

2 A. No. You said thumb. It says thump.

3 Q. My thump was bleeding.

4 A. It said, you asked me to read what's on
5 that paper.

6 Q. What do you think that means?

7 A. He said to clean and wrap my thump up.

8 Q. You think he means thumb?

9 A. Thump. I don't know what he means.

10 Q. You know that she my YVIRQNFNZRPBX so you
11 went ahead and left to after I FGNEGROGNYXVAT. Can
12 you can read that back after you deciphered through
13 that please, sir?

14 A. Started talking.

15 Q. No, you know?

16 A. Where?

17 Q. Right after thump up.

18 A. You know that she lived in Gamecock, so
19 you went ahead and left too after I started talking.

20 Q. So you if don't mind me HFVAT your ANZR
21 that's when I'm going to FNL. So is that after you
22 deciphered it? And say if you don't mind me using
23 your name, that's what I am going to say?

24 A. Yes.

25 Q. Next sentence so WHFGVAPNFOR anybody

Demetrius Cooper-Direct by Meadors

1 PBAGNPG you then you will XABJJUNG to FNL and
2 BHEFGBCL will ZNGPU. Would you read that back after
3 you deciphered it, please, sir? Starting with so.

4 A. So just in case anybody contacts you, and
5 you will know what to say.

6 Q. And.

7 A. And our stories will match.

8 Q. Let me know if that is all right with you.
9 It's a shame I can't depend on my own brother to get
10 the job done. Also see if you can get in contact
11 with Devon Kerley on facebook, and tell him to write
12 me ASAP. I appreciate everything bro. Take care my
13 N. And that's signed Matthew Dwyer. And what is a
14 GUNNA, G-U-N-N-A?

15 A. Gunna?

16 Q. Yes, sir.

17 A. Just a code that we use sometimes. Or
18 just a nickname.

19 Q. P.S. look up east side tutor, or east side
20 Toote, T-O-O-T-E, on Facebook ASAP. Get his number
21 so you can call him on a three way when I call.
22 That's my MF brother so let him know what's going on
23 with me, and tell him he got to excuse Dayasia, she
24 can't -- she ain't want to do right. Is that what
25 that says?

Demetrius Cooper-Direct by Meadors

1 A. Yes.

2 Thank you.

3 Q. Mr. Cooper, I have never met you so before
4 a week or so ago, correct?

5 A. Correct.

6 Q. And did you take it when you read this or
7 deciphered that the defendant was asking you to give
8 him an alibi, and come up with a story to match a
9 story that he was going to tell.

10 A. Could you say that you again?

11 Q. Sure. Did you take that to mean that he
12 wanted you to give -- wanted you give him an alibi?
13 Does he use the word alibi?

14 A. Yes.

15 Q. And the contents in there were saying --
16 telling you what to say about the T-H-U-M-P anyway,
17 and some other places where he had been like,
18 Gamecock, correct?

19 A. Yes.

20 Q. Now for the record, were you going to do
21 that?

22 A. I thought about it, but I didn't.

23 Q. And had you thought about it before law
24 enforcement showed you that letter?

25 A. It wasn't until what a couple of weeks you

Demetrius Cooper-Direct by Meadors

1 all came to me and asked me about the letter.

2 Q. It might have been a little sooner than
3 that. But you actually met with him in August, I'm
4 not sure.

5 A. That was August, yeah.

6 Q. I am not sure of the exact date. I don't
7 think. But had you thought about doing it before
8 that?

9 A. Yes.

10 Q. So after law enforcement confronted you
11 with the letter, that's when you decided you weren't
12 going to do it.

13 A. No, it was way before that. And I didn't
14 thought about it, the letter no more.

15 Q. And when you were talking with law
16 enforcement, I mean you were somewhat surprised to
17 see the letter, weren't you?

18 A. Yes.

19 Q. But you told them that was the letter you
20 received from the defendant, correct?

21 A. Yes.

22 Q. And you had testified earlier you knew a
23 letter was coming. How far in advance of receiving
24 it, did you know a letter was coming? If that's
25 makes, I mean just generally. I'm not trying to

Demetrius Cooper-Direct by Meadors

1 tie you down?

2 A. I really can't remember.

3 Q. And had spoken with the defendant, I
4 guess, well how did you know that a letter was
5 coming?

6 A. Basically I mean me and him was locked up
7 together. And then as soon as I got out, you know,
8 like I say, I treat him like my little brother. So
9 I just put minutes on the phone so he can call every
10 day, you know, to talk to his family.

11 Q. You put minutes on the phone.

12 A. Like my phone, where he can call from the
13 jail to talk to me, or get in touch with his family
14 and stuff.

15 Q. So that may be how you knew a letter was
16 coming.

17 A. Yes.

18 Q. That's Mr. Matthew Dwyer who you had
19 talked to you on the phone and who set you this
20 letter, correct?

21 A. Yes.

22 MR. MEADORS: I beg the court's
23 indulgence.

24 MR. MEADORS: I would offer State's 44.

25 MR. KEFFER: Your Honor, we are going to

Demetrius Cooper-Cross by Keffer

1 object to this on the grounds of relevance. My
2 client has not offered any type of alibi defense.
3 Quite the contrary, he has offered self defense.

4 THE COURT: Your objection is overruled.
5 It's relevant.

6 (Letter from Matthew Dwyer marked State's
7 Exhibit No. 44 into evidence.)

8 MR. MEADORS: Thank you, Mr. Cooper.
9 That's all I have.

10 THE COURT: Cross examination.

11 Cross Examination by Mr. Keffer:

12 Q. Mr. Cooper, you weren't going to offer any
13 type of defense for Mr. Dwyer, were you?

14 A. No.

15 Q. You didn't contact law enforcement and
16 tell them you were with him at any particular time.

17 A. No.

18 Q. You were never going to do that, is that
19 right?

20 A. No.

21 Q. You didn't realize it was missing from
22 your possession until 6 months later, is that
23 correct?

24 A. Right.

25 Q. You had no idea.

Demetrius Cooper-Cross by Keffer

1 A. No, I thought it was still at my house.

2 Q. You would never come to this court and
3 tell intentionally tell a lie to the court, would
4 you?

5 A. No.

6 Q. You had no intention of following through
7 with whatever he had requested.

8 A. Right.

9 Q. Is that correct?

10 A. Yes.

11 MR. KEFFER: No other questions.

12 THE COURT: Any redirect?

13 MR. MEADORS: No, ma'am. Thank you.

14 THE COURT: You may step down, sir.

15 Ladies and gentlemen, we're just going to take a
16 brief recess. If you would please go to jury room,
17 we'll be right back with you. Again, please do not
18 discuss the case amongst yourselves.

19 (Whereupon, the court takes a short
20 recess.)

21 (Whereupon, the following takes outside
22 the presence of the jury.)

23 THE COURT: Solicitor, you may call your
24 witness.

25 MR. MEADORS: Investigator Wayne Dubose.

Investigator Wayne Dubose-Direct by Meadors

1 Investigator Wayne Dubose, being first
2 duly sworn, testified as follows:

3 THE BAILLIFF: State your name and spell
4 your last for the record.

5 A. Wayne Dubose. D-U-B-O-S-E.

6 THE COURT: Your witness.

7 MR. MEADORS: Thank Your Honor. May it
8 please the court.

9 DIRECT EXAMINATION by Mr. Meadors:

10 Q. Investigator Dubose, I going to ask you
11 some questions specifically relating to the
12 opportunity you had to talk with the Defendant
13 Matthew Cory Dwyer.

14 A. Yes, sir.

15 Q. At his residence.

16 A. Yes, sir.

17 Q. And that was on February, what date was
18 that on?

19 A. I would have made a report the day we
20 executed the search warrant. I want to say February
21 4th, but I am not positive.

22 Q. On February 4th, did you have an occasion
23 to execute a search warrant on the residence of the
24 defendant.

25 A. Yes, sir.

Investigator Wayne Dubose-Direct by Meadors

1 Q. And tell the judge about that. At that
2 time did you have an occasion to talk to the
3 defendant?

4 A. Yes, sir. Investigator Dellinger obtained
5 a search warrant for the residence. She remained
6 at the office. And myself and other officers went
7 to the residence on Murphy Street, which was the
8 defendant's residence. And we executed a search
9 warrant and located him and his girlfriend inside
10 the residence.

11 Q. And at that time, what other officers were
12 there?

13 A. If I can look at the search warrant, I can
14 tell you definite.

15 Q. Would you like to get your report?

16 A. If you would. If you can give me just a
17 copy of that search warrant. The officers that were
18 present were myself, Investigator Miller,
19 Investigator Bonner, Wadsworth, Queroz, Ardis,
20 Williams, and Mayes.

21 Q. Were you present when the miranda rights
22 were read to Mr. Dwyer?

23 A. I was, and his miranda rights were read to
24 him by Queroz.

25 Q. And can you tell His Honor how that

Investigator Wayne Dubose-Direct by Meadors

1 transpired. Specifically, what rights were read to
2 him.

3 A. We executed the search warrant. We had to
4 force our way into a locked gate. We went to the
5 back door, kind of like a carport door. We forced
6 our way in that. After we knocked, no one answered.
7 We made entry into the carport area. Then we made
8 entry, or attempted entry into the back door, when
9 Mr. Dwyer popped out of one of the bedrooms, looked
10 at us, and then we made entry in. We detained him
11 and his girlfriend in the bedroom. At that time,
12 Queroz went ahead brought him around to the car and
13 mirandized him before we asked him anything. I
14 then read him the search warrant and advised him
15 while we were there.

16 Q. Please tell Your Honor what miranda were
17 read to the defendant specifically.

18 A. He was advised by Queroz in my presence,
19 and he was advised that he had the right to remain
20 silent. Anything you say can and will used against
21 you in a court of law. You have a right to talk to
22 a lawyer and have him or her present with you while
23 being questioned. If you cannot afford to hire a
24 lawyer, one will appointed to represent you before
25 any questioning if you wish. You can decide at any

Investigator Wayne Dubose-Direct by Meadors

1 time to exercise these rights and not answer any
2 questions or make any statements. Queroz asked him
3 at that time if he was willing to talk to us, and if
4 he understood his rights. He said he did.

5 I advised him that we wanted to talk to
6 him about the search warrant and about the murder.
7 And then he said he didn't know anything about the
8 murder. We went in and executed the search warrant.
9 He did agree to talk with the officers. So at that
10 time Investigator Miller went ahead and took him
11 back to the sheriff's office, where we had a second
12 search warrant waiting for a -- to get a DNA swab, a
13 buccal swab.

14 Q. So at his house, his rights were read to
15 him in your presence, correct? And he appeared to
16 understand them.

17 A. Yes, sir. He said he did.

18 Q. My next question, did he say he understood
19 them?

20 A. Yes.

21 Q. Did you all threaten him or coerce him?

22 A. No, sir.

23 Q. Hold out any hope or reward or promise?

24 A. No, sir.

25 Q. For these purposes you knew he had been

Investigator Wayne Dubose-Direct by Meadors

1 involved in the criminal justice system before,
2 correct?

3 A. Yes, sir.

4 Q. So he appeared to understand your rights
5 when you read them.

6 A. Yes, sir.

7 Q. He said he understood them.

8 A. Yes, sir.

9 Q. Did he ask for a lawyer?

10 A. No, sir. He said he was willing to talk
11 to us.

12 Q. He said he was willing to talk to you. So
13 then you asked him about the murder in Rembert. Or
14 you asked him about this incident.

15 A. When I read the search warrant, the
16 information in the search warrant covered that we
17 were looking for a 380 handgun and some other items.

18 Q. What did he say about the knowledge of the
19 death of Mr. Singleton in Sumter?

20 A. He said he didn't know anything about a
21 murder.

22 Q. And that was on February 4th.

23 A. It was, and it was at 19:29, which is
24 7:29, 7:30.

25 Q. And did you talk him in to that in any

Investigator Wayne Dubose-Direct by Meadors

1 way?

2 A. It's documented on the search warrant here
3 that we executed it. It was documented in the
4 report.

5 Q. And so he appeared to understand his
6 rights.

7 A. Yes, sir.

8 Q. Did he appear to be under the influence of
9 drugs or any other intoxicant?

10 A. No, sir.

11 Q. Did you have trouble understanding him
12 when he said I understand?

13 A. No, sir.

14 Q. Did you have trouble understanding him
15 when he said, I didn't have to do with it?

16 A. No, sir. He was adamant that he didn't
17 know anything about it.

18 Q. So just denied knowledge whatsoever.

19 A. Correct.

20 Q. And after that he was transported to the
21 Sumter County Sheriff's Office.

22 A. Investigator Miller transported him.

23 Q. And that's where Investigator Miller, who
24 is now with Kershaw, correct?

25 A. Correct.

Investigator Wayne Dubose-Direct by Meadors

1 Q. Been on standby here this week, and will
2 be here in the morning.

3 A. Correct.

4 Q. Advised him of his rights at that point,
5 correct?

6 A. He took him back down there. I believe
7 him and another Investigator went back through the
8 miranda process with him.

9 Q. And you were not present for that.

10 A. No, sir. I was still at the residence.
11 We were still executing the search warrant. And his
12 girlfriend was still present at the residence.

13 Q. And this is the Matthew Dwyer that told
14 you he didn't have anything to do with it.

15 A. Yes, sir.

16 Q. That's the statement you're offering
17 today, that he denied he knew anything about it.

18 A. Yes, sir.

19 Q. When you talked to him on the 4th.

20 A. That's correct. And we photographed him
21 there at the residence while he was there.

22 Q. Thank you. But I mean the statement you're
23 offering for this purpose, is that he denied
24 knowledge of the incident.

25 A. That's correct.

Investigator Wayne Dubose-Cross by Keffer

1 Q. Said I don't know anything about.

2 A. That's correct.

3 THE COURT: Cross examination.

4 CROSS EXAMINATION by Mr. Keffer:

5 Q. Investigator Dubose, typically a defendant
6 in a case would sign a waiver of miranda rights.

7 A. Correct.

8 Q. Would you agree with me?

9 A. Yes, sir. He had -- that's a waiver that
10 he signed when he went back to the office, yes, sir.

11 Q. But prior to your questioning him, he
12 didn't sign a waiver.

13 A. No, sir. He was read his rights from a
14 miranda card and he knowledged them. And then he
15 was transported back to the office.

16 Q. And who read him his rights?

17 A. Detective Queroz.

18 Q. And he's not in the courtroom today, is
19 he?

20 A. No.

21 Q. Where would you in relation to where
22 Detective Queroz was when he read him his rights?

23 A. We were standing in the bedroom.

24 Mr. Dwyer was sitting on the bed. He had already
25 been handcuffed. Detective Queroz was standing

Investigator Wayne Dubose-Cross by Keffer

1 beside me. I didn't have my card in my vest at the
2 time, so he used his card and I asked him if he
3 could mirandize him for me, and he did.

4 Q. And your testimony is that he denied any
5 knowledge. What did Detective Queroz ask him?

6 A. He mirandized him, and asked him if he
7 understood his rights, and he said he did. And then
8 I read him the search warrant and advised him why we
9 were there. And went in to -- well the search
10 warrant covered in detail why we were there. And
11 then he said, I don't know anything about the
12 murder.

13 Q. And when you say you read the -- did you
14 read the affidavit that was signed by Dellinger
15 that's attached to the search warrant?

16 A. Yes, sir.

17 Q. This paragraph starting on January 27th.
18 You read that to him, is that correct?

19 A. Yes, sir. And there was also a copy left
20 at the residence.

21 Q. And but again, you weren't the one who
22 mirandized him. It was Detective Queroz?

23 A. Yes, sir, but I was standing right there.
24 I observed it.

25 Q. In fact, he didn't sign his waiver, of

Investigator Wayne Dubose-Cross by Keffer

1 rights until approximately 7:50 that night, is that
2 right? You have copy of his waiver.

3 A. That's right.

4 Q. Is that right? Is your name on that
5 waiver at all?

6 A. No, sir.

7 Q. I can't tell by handwriting.

8 A. I believe it's Investigator Dellinger and
9 Miller.

10 Q. In fact once Dwyer was down there by law
11 enforcement, he didn't give a -- he did ask for an
12 attorney, is that right?

13 A. At the residence, he did not. In the
14 office----

15 Q. At law enforcement.

16 A. At the office I think at some point he
17 did.

18 MR. KEFFER: No other questions, Your
19 Honor.

20 THE COURT: Any redirect?

21 MR. MEADORS: No, ma'am.

22 THE COURT: Anything further?

23 MR. MEADORS: No, ma'am.

24 THE COURT: The court finds that the
25 defendant was read his miranda rights. And his

Sergeant Darlene Dellinger-Direct by Meadors

1 statement will be admitted into evidence; that it
2 was voluntary and pursuant to miranda.

3 MR. MEADORS: Judge, I have Darlene
4 Dellinger here. If we could go ahead and knock out
5 the Jackson v. Denno on that one.

6 THE COURT: Sure.

7 MR. MEADORS: What you did with
8 Investigator Miller it might save time.

9 THE COURT: Yes, sir.

10 MR. MEADORS: If that's okay.

11 THE COURT: Definitely. You may step
12 down, sir. Thank you.

13 MR. MEADORS: Sergeant Darlene Dellinger.

14 Sergeant Darlene Dellinger, being first
15 duly sworn, testified as follows:

16 THE CLERK: State your name and spell your
17 last for the record.

18 A. Darlene Dellinger. Dellinger is
19 D-E-L-L-I-N-G-E-R.

20 THE COURT: Your witness.

21 MR. MEADORS: Thank you, please Your
22 Honor.

23 Direct Examination By Mr. Meadors:

24 Q. Sergeant, right?

25 A. Yes, sir.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. May I approach, Your Honor?

2 THE COURT: You may.

3 Q. Sergeant, I am going to ask you for these
4 purposes just about the opportunity you had to meet
5 with Mr. Dwyer, the defendant, Matthew Cory Dwyer,
6 at the Sumter County Sheriff's Department. Was
7 that on February 4th of 2015?

8 A. Yes, sir.

9 Q. And specifically where did you meet with
10 the defendant?

11 A. I met Mr. Matthew Dwyer inside the
12 interview room at the Sumter County Sheriff's
13 Office.

14 Q. And others was there with you?

15 A. Investigator David Miller.

16 Q. And he is now with Kershaw County,
17 correct?

18 A. That is correct.

19 Q. And were you there with Detective Miller
20 when he read the rights of the department?

21 A. Yes, I was in the room.

22 Q. Did you hear him read them?

23 A. Yes, I did.

24 Q. Did you observe the defendant?

25 A. Yes, I did.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. Investigator Miller is going to be here in
2 the morning, correct?

3 A. That's correct.

4 Q. Can you tell her honor, and this is marked
5 State's 72 for Id. at this point. Do you recognize
6 this document?

7 A. I do.

8 Q. And what is it?

9 A. It is the miranda warning waiver of rights
10 form used by the Sumter County Sheriff's Office.

11 Q. And did you and Investigator Miller use
12 this form prior to speaking to the defendant?

13 A. We did. We were actually -- I actually
14 did go on the search warrant, I stayed back at the
15 office just in case they needed something else typed
16 or done while they were executing the search
17 warrant. Sergeant Dubose called me and said that
18 Mr. Dwyer, Matthew Dwyer, wanted to talk to us. He
19 was on his way to the office. He had been given
20 miranda, but he did not have the form. When
21 Mr. Dwyer was brought into the sheriff's office that
22 was the first thing that we went over with him. I
23 told and explained to Mr. Dwyer, I understood that
24 you went over your rights with another officer, but
25 I need to have that in writing. Read over it. If

Sergeant Darlene Dellinger-Direct by Meadors

1 you want, the rights are still the same. You're
2 still willing to talk. And I put the form before
3 him.

4 Q. Did he seem to understand that, what you
5 just said---

6 A. Yes, he did.

7 Q. ---before the fact? Did he indicate that?

8 A. Yes.

9 Q. How did he do it? Did he say?

10 A. He acknowledged that he was fine, that he
11 had been read his rights by sergeant -- by the
12 officers at the scene. He didn't need to reread
13 them, or have them read. He acknowledged that they
14 had been done already. I told him he could read
15 them if he wanted to, or we could read them again.

16 Q. But you all did read them again.

17 A. Yes, went back over them.

18 Q. Well let's slow down a little bit now.

19 A. I'm sorry.

20 Q. Take your time.

21 A. I'm a little nervous, excuse me.

22 Q. Take a deep breath. Can you tell Her
23 Honor, what rights were read to the defendant.

24 A. You have the right to remain silent.

25 Q. Did he appear to understand that?

Sergeant Darlene Dellinger-Direct by Meadors

1 A. Yes.

2 Q. Did he indicate he understood that?

3 A. Yes.

4 Q. How?

5 A. By nodding his head.

6 Q. Did he initial that he understood that?

7 A. Yes.

8 Q. Did you actually see that?

9 A. Yes.

10 Q. Was his response to you all's reading this
11 timely? Did he, as far as, you reading him a right,
12 and he would respond. Was it, did it look like he
13 was sitting there was waiting a long time? And was
14 his response timely, and yes, I understand it?

15 A. Yes.

16 Q. And who actually reading this?

17 A. I was reading it. Investigator Miller
18 was standing there with me. When we finished,
19 Miller actually swung the form around to him, and
20 handed him a pen. I believe he was still in
21 handcuffs. He was hand handcuffed up front.

22 Q. So you actually read these rights to him.

23 A. Yes.

24 Q. So after you read him you have right to
25 remain silent, he initialed.

Sergeant Darlene Dellinger-Direct by Meadors

1 A. Yes.

2 Q. What did you read next?

3 A. Anything you say can and will be used
4 against you in a court of law.

5 Q. Did he appear to understand that?

6 A. Yes.

7 Q. Did he indicate that he understood it?

8 A. Yes.

9 Q. Verbally?

10 A. Nodding his head and yeah.

11 Q. And what other way?

12 A. Just nodding his head and saying okay.

13 Q. What about putting his initial on there?

14 A. He did that after we went through all of
15 that. Yeah.

16 Q. I'm sorry. What is next.

17 A. You have the right to talk to an attorney,
18 and have him present with you while you are being
19 questioned. That's No. 3. No. 4 states, if you
20 cannot afford to hire an attorney, one will be
21 appointed to represent you before any questioning if
22 you wish. If you decide at any time to exercise
23 these rights, and not answer any questions or make
24 any statements, you can decide at any time to
25 exercise those rights.

Sergeant Darlene Dellinger-Direct by Meadors

1 And after I read them, I asked him, do you
2 understand each of those rights. Miller turned the
3 form around, and he initialed each one saying that
4 he understood and he signed.

5 Q. And you saw him do that.

6 A. Yes.

7 Q. And at any time during 1 through 5, the
8 reading of the miranda rights, well the miranda plus
9 5, did Mr. Matthew Cory Dwyer say, Sarge, I don't
10 want to speak to you?

11 A. No, not at that point. No.

12 Q. Did he say I want a lawyer?

13 A. No.

14 Q. Did he appear to understand the rights as
15 you read them?

16 A. Yes.

17 Q. Did he appear to be under the influence of
18 alcohol or drugs or any other intoxicant?

19 A. No.

20 Q. Did you have trouble understanding him?

21 A. No.

22 Q. Did he have trouble understanding you,
23 based on the responses he gave you? Were they
24 subject matter appropriate?

25 A. Yes, they were appropriate for what we

Sergeant Darlene Dellinger-Direct by Meadors

1 were asking him, and he gave appropriate responses.

2 Q. Did you smell anything on him?

3 A. No.

4 Q. He didn't smell like he had been drinking
5 or anything?

6 A. No, I think I remembered him smelling like
7 soap. I think he was in the shower.

8 Q. After you read him his rights and you say
9 he appeared to understand them. I understand each
10 of the above rights I have been read, and I
11 explained by D. Miller. And it does say D. Miller
12 there, correct?

13 A. Uh-huh. (Affirmative.)

14 Q. But you actually read them to him.

15 A. Uh-huh. (affirmative.)

16 Q. And explained by the Sumter County
17 Sheriff's Office. And it's got his signature and
18 Miller's signature, correct?

19 A. Yes.

20 Q. After that it's got wavier of rights.

21 A. Yes.

22 Q. Having been advised of my rights and fully
23 understanding my rights, I do wish to answer
24 questions at this time. And I do not wish to have
25 an attorney present. My decision to answer

Sergeant Darlene Dellinger-Direct by Meadors

1 questions now with an attorney is made freely and is
2 own choice. No one has threatened me in any way or
3 promised me anything. Did you all threaten or hold
4 out any hope of reward?

5 A. No.

6 Q. And did he sign this waiver saying you
7 hadn't threatened him, and he was willing to talk to
8 you?

9 A. That's correct.

10 Q. And who signed here?

11 A. Matthew Dwyer.

12 Q. And who signed her?

13 A. David Miller.

14 Q. And who is this?

15 A. Darlene Dellinger.

16 Q. And the time is what?

17 A. 19:49.

18 Q. Which is 7:49.

19 A. Yes.

20 Q. On February 4th.

21 A. Yes.

22 Q. Can you tell the judge specifically, and
23 at any time during this, did he ask to use the
24 bathroom or did he want something to eat?

25 A. No, he never requested any of that.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. If he had, would you all have allowed him
2 to do that?

3 A. Certainly.

4 Q. Can you tell the judge specifically what
5 he told you? What you asked him, and what he told
6 you.

7 A. After the miranda form had been signed, we
8 kind of asked Mr. Dwyer if he understood why he was
9 there. He looked like he was confused. Then I
10 remember asking him, we are here to talk to you
11 about the murder of Mr. Johnny Singleton. He denied
12 the murder or being involved in the murder. He
13 stated that we told him we had phone records tying
14 him to the area, and specifically, to his brother
15 Stephen from that area in Rembert. He said that he
16 did not make any calls. I asked him specifically
17 well did anyone else have your phone, could they
18 have made the calls. He said no one else had his
19 phone. He didn't make the calls, but no one else
20 had his phone. And he wasn't in Rembert. And that
21 was pretty much all he said.

22 Q. And that was on February 4th.

23 A. That's correct.

24 Q. So this wasn't a long conversation.

25 A. No, a few minutes.

Sergeant Darlene Dellinger-Cross by Keffer

1 Q. And at that point did he ask, did he say,
2 I don't want to talk to you, or did he ask for a
3 lawyer?

4 A. At that point when we asked that final
5 question, after he made that statement, he said, I
6 need an attorney.

7 Q. If Your Honor lets this in, if we're in
8 front of the jury, obviously we'll just stop. We
9 won't go into him asking, saying he needs an
10 attorney. I know you understand that.

11 A. Yes.

12 Q. Is Matthew Dwyer in the courtroom, the
13 individual you talked, read the miranda and gave you
14 that statement?

15 A. Yes.

16 Q. Would you please point him out?

17 A. He's sitting at the table with Mr. Keffer.

18 MR. MEADORS: I beg the court's
19 indulgence, please.

20 THE COURT: Yes, sir.

21 MR. MEADORS: Judge, that's all.

22 THE COURT: Cross examination.

23 Cross Examination by Mr. Keffer:

24 Q. Investigator Dellinger, was this interview
25 videotaped?

Sergeant Darlene Dellinger-Cross by Keffer

1 A. It was recorded, but it was not
2 downloaded. The room constantly records when the
3 motion, it senses motion in the room. It constantly
4 moves.

5 Q. Are you saying that it was videotaped and
6 you don't have it, or was it videotaped at all?

7 A. The room constantly videotapes. It was
8 not downloaded. The room records and goes to a
9 server. Someone physically has to go in and
10 retrieve it from the server. So the room is
11 constantly recording. But do that download that
12 specific interview, no, we did not.

13 Q. Why not?

14 A. It was a matter of minutes and once he
15 asked for an attorney, we walked out the room and
16 didn't question him any further. There was no
17 information related to the murder that he gave us,
18 so there was no need to download it.

19 Q. So there was no need to have a statement
20 then, would you agree?

21 A. I'm sorry?

22 Q. There would be no need to have a statement
23 then.

24 A. The statement that he gave me, yes.

25 Q. How hard would it be for you to go back

Sergeant Darlene Dellinger-Cross by Keffer

1 and get that video?

2 A. Impossible at this time.

3 Q. Now you were there when Stephen was
4 questioned, right?

5 A. I was there, yes.

6 Q. That was videotaped.

7 A. It was.

8 Q. You saw that video.

9 A. I haven't specifically watched the video
10 with Stephen, no.

11 Q. But you know that it was videotaped.

12 A. I know that it was videotaped. The room
13 is videotaped all the time.

14 Q. And normal policy for Sumter Law
15 Enforcement would be to keep those videotapes of
16 these types of investigations, is that right?

17 A. That is incorrect.

18 Q. It's not correct?

19 A. That is not correct.

20 Q. You pick and choose which ones you keep?

21 A. Pretty much. We go in the room, and if
22 the investigator requests that it is downloaded from
23 the server, that's when a copy is made. We have
24 dozens of people in those rooms, victims, witnesses.
25 We don't download absolutely every single video.

Sergeant Darlene Dellinger-Cross by Keffer

1 We would have no place to have storage for that.

2 The way the server is set up, it's keeps the video
3 for a certain amount of days, and then it's gone
4 from the system if you don't pull it from the
5 server.

6 There is no way that we can have enough
7 storage space for everybody that goes in those
8 rooms. Those interviews have to be specifically
9 requested to be downloaded.

10 Q. Whose job is it to request this specific
11 video?

12 A. Any investigator that used the room.

13 Q. You could have.

14 A. I could have.

15 Q. And you didn't.

16 A. I did not.

17 Q. And he's here for murder.

18 A. That is correct.

19 Q. And you kept his brother's, right?

20 A. Investigator Miller kept his brother's,
21 that's correct. We requested that.

22 Q. But you didn't request the one for the
23 defendant, is that right?

24 A. No, we did not.

25 Q. Would you agree with me if we had an

Sergeant Darlene Dellinger-Cross by Keffer

1 opportunity to review that, that would be a better,
2 it would show better what was asked and what was
3 answered. Would you agree with that?

4 A. Would it show better as opposed to my
5 testimony, I can't say that.

6 Q. You can't say that? So you're telling the
7 court that today your memory of what happened
8 February 4th 2015, is better than a recorded and
9 videoed? Is that what you're saying?

10 A. I am saying, that's correct, sir. I'm
11 under oath, so I'm telling the truth.

12 MR. KEFFER: Your Honor, we would object
13 to any statement of my client that comes in. The
14 reality of the situation is they could have
15 downloaded in a couple of minutes. It's normally
16 done. He's here for murder and they were trying to
17 get in this statement. She testified that he didn't
18 have anything to offer in the case, and that's why
19 it wasn't downloaded. Yet we're here today to get
20 this statement in, in his trial for murder. It
21 would have taken them a ridiculous, no time at all
22 to do this. They had Stephen Dwyer for 6 and a half
23 hours and that's videotaped. And I have it. They
24 gave it to me. This interview took less than a
25 couple of minutes, and it's his own statement.

Sergeant Darlene Dellinger-Cross by Keffer

1 They made a conscious decision not to, and
2 we have to rely on the investigators, not to offend
3 or anything, but this is February. It would have
4 taken them no time to do this. And I would agree
5 with the court that if they didn't have the
6 capability, if there is something broke. That's not
7 what happened. They made a conscious decision not
8 to videotape or keep his, the defendant in this
9 case, statement.

10 THE COURT: That would go to the weight of
11 the evidence, Mr. Keffer, not the admissibility of
12 it. What the court's concern is at this moment is
13 whether or not it was voluntarily given in
14 compliance with miranda. And based upon Sergeant
15 Dellinger's testimony, the court finds that it is
16 voluntary and in compliance with miranda. Your
17 objection is overruled. Anything further?

18 MR. MEADORS: No, ma'am. Your Honor, we
19 would like to perhaps go to Investigator Dubose's
20 testimony. And this Investigator Miller will be
21 here in the morning. So since we've gone this far.

22 THE COURT: Yes, sir.

23 MR. MEADORS: It would be easier.

24 THE COURT: That way we don't keep the
25 jury waiting any longer. We can go through with

1 that testimony. You may step down, ma'am. Are you
2 ready for the jury now?

3 MR. MEADORS: Yes, ma'am.

4 THE COURT: Thank you. You may bring the
5 jury.

6 (Whereupon, the following takes place
7 within the presence of the jury.)

8 THE COURT: You may call your next
9 witness.

10 MR. MEADORS: Thank you, Your Honor.
11 Investigator Wayne Dubose.

12 Investigator Wayne Dubose, being first
13 duly sworn, testified as follows:

14 THE CLERK: State your name and spell your
15 last for the record.

16 A. Wayne Dubose. D-U-B-O-S-E.

17 THE COURT: Your witness.

18 DIRECT EXAMINATION by Mr. Meadors

19 Q. Good afternoon, Investigator Dubose.

20 Please tell the ladies and gentlemen generally about
21 Wayne Dubose, and specifically your training in law
22 enforcement.

23 A. My name is Wayne Dubose. I've lived here
24 in Sumter all my life. I've got 18 years of law
25 enforcement. Seventeen with the sheriff's office.

Investigator Wayne Dubose-Direct by Meadors

1 One year with the city.

2 A. Currently I am a sergeant in the
3 investigation division.

4 Q. Were you involved in this case? Were you
5 the chief investigating officer?

6 A. No, sir, I was not.

7 Q. And did you have an occasion to help out
8 the chief investigating officer, and or Sergeant
9 Dellinger in this case?

10 A. Yes, sir, I was assisting the other
11 officers.

12 Q. And specifically what did you do?

13 A. I assisted the other officers and obtained
14 some search warrants for phone records. And I also
15 executed a search warrant at Mr. Dwyer's residence.

16 Q. And what was the address of that search
17 warrant?

18 A. [REDACTED] Murphy Street.

19 Q. And at that time, did you have an occasion
20 to come in to contact with the defendant?

21 A. Yes, sir.

22 Q. And specifically, did you have an
23 occasion, or were you present where the defendant
24 was read his miranda rights?

25 A. Yes, sir.

Investigator Wayne Dubose-Direct by Meadors

1 Q. And do and you have a miranda card on you?

2 A. Yes, sir.

3 Q. Can you tell the ladies and gentlemen of
4 this jury the rights that were read to the
5 defendant? And what date is this?

6 A. This would have been February 4th of 2015.

7 Q. About what time?

8 A. About 7:30 that night.

9 Q. And you were executing a search warrant at
10 that house.

11 A. Yes, sir.

12 Q. And you were with another officer or
13 officers.

14 A. There were several officers.

15 Q. And who read the rights to the defendant
16 in your presence?

17 A. Investigator Queroz actually advised the
18 defendant of his rights.

19 Q. Can you tell these ladies and gentlemen
20 the rights that were read to him?

21 MR. KEFFER: Objection, Your Honor,
22 hearsay.

23 MR. MEADORS: Your Honor, we're not
24 offering for the truth---

25 THE COURT: Just rephrase.

Investigator Wayne Dubose-Direct by Meadors

1 MR. MEADORS: ---of the matter requested.

2 THE COURT: Just rephrase regarding
3 whether or not he personally witnessed and it heard
4 it.

5 Q. Were you there, and did you hear the
6 rights as they were read.

7 A. I watched him read them and listened to
8 them.

9 Q. Please read his rights as they were read
10 that day.

11 A. All officers have a card with the miranda
12 rights on them. This is mine, and I'll read these.
13 You have the right to remain silent. Anything you
14 say can and will be used against you in a court of
15 law. You have a right to talk to a lawyer and have
16 him or her present with you while you're being
17 questioned. If you cannot afford to hire a lawyer,
18 one will be appointed to represent you before any
19 questioning if you wish. You can decide at any time
20 to exercise these rights and not answer any
21 questions or make any statements.

22 Q. How far were you from the defendant when
23 these rights were read to him?

24 A. Mr. Dwyer was sitting a couple of feet
25 from me. He was actually sitting on the bed in the

Investigator Wayne Dubose-Direct by Meadors

1 bedroom. And detective or Investigator Queroz was
2 standing beside me.

3 Q. Did he indicate in any form or fashion,
4 Mr. Dwyer, that he understood his rights?

5 A. Queroz asked him he understood his rights,
6 and he nodded that he did understand them.

7 Q. Could you understand Mr. Dwyer when he was
8 saying he understood his rights?

9 A. Yes, sir.

10 Q. And did he appear to be under the
11 influence of any alcohol, he being, Mr. Dwyer, or
12 drugs or any other intoxicant?

13 A. No, sir.

14 Q. And how did he know he understood his
15 rights?

16 A. He verbally said he understood his rights.

17 Q. And did you threaten or coerce, or hold
18 out any hope of reward?

19 A. No, sir.

20 Q. And after he had been read his rights, you
21 said he understood his rights.

22 A. Yes, sir.

23 Q. Did he ask to talk to a lawyer?

24 A. No, sir.

25 Q. Did he say, I don't want to talk to you?

Investigator Wayne Dubose-Direct by Meadors

1 A. No, sir.

2 Q. And had you read him without saying
3 specially what the search warrant was, and why you
4 were there?

5 A. He was advised of the rights, and then I
6 actually read him the search warrant explaining to
7 him why we were at residence.

8 Q. That's what you did.

9 A. Yes, sir.

10 Q. And did he give you a statement at the
11 point?

12 A. He advised us, he didn't have -- after I
13 read him the search warrant of why we were there,
14 the items we were looking for, it was in reference
15 to the murder of Mr. Singleton. He said he knew
16 nothing about the murder.

17 Q. He said I know nothing about the murder.

18 A. That's correct.

19 Q. And did you hear him say that?

20 A. Yes, sir.

21 Q. Did you have any trouble understanding
22 those words when he said that?

23 A. He said he had no knowledge of it. We
24 talked to the officers and then another officer left
25 with him, and took him back to the law enforcement

Investigator Wayne Dubose-Direct by Meadors

1 center while the other officers finished executing
2 the search warrant.

3 Q. I have no knowledge of that murder.

4 A. No knowledge at all.

5 Q. And did you and the records have been
6 stipulated to, did you get the phone from the
7 residence of Matthew Dwyer?

8 A. Yes, sir. Those would have been one of
9 the items that was taken.

10 Q. State's 66.

11 A. Yes, sir.

12 MR. MEADORS: And I believe that's without
13 objection.

14 MR. KEFFER: Without objection, Your
15 Honor.

16 (Phone records of Matthew Dwyer marked
17 State's Exhibit No. 66 into evidence.)

18 THE COURT: Yes, sir. It's in.

19 Q. If you said this, I'm just tired. But
20 what time was this?

21 A. 7:30 that night.

22 Q. And I guess I don't know if this, I guess
23 this is kind of the heat of the moment. You are
24 there to serve a search warrant and you saw the
25 defendant.

Investigator Wayne Dubose-Direct by Meadors

1 A. Yes, sir. We had to enter several doors,
2 and the the defendant saw us entering the residence.

3 Q. That's fine. And then his rights were
4 read to him, correct?

5 A. Yes, sir.

6 Q. And that's custom and practice. That's
7 what the sheriff's department does?

8 A. Yes, sir.

9 Q. And did you have a form with you or
10 anything at this point when you read him his rights?
11 Or did a cue?

12 A. No, sir, just a card.

13 Q. If you all are out on the streets, is that
14 what you have, the card?

15 A. I try to keep one in my vest. And then
16 you just keep one in my pocket. Usually there is an
17 officer on the scene that will have a card.

18 Q. And again, I think it's in, but just
19 for -- did you search warrants on all the phones to
20 get the phone records and all that? Was that kind
21 of your job in this case?

22 A. That's what I was asked to do. And I
23 typed up or executed all the search warrants for the
24 phone records. And then actually Investigator
25 Dellinger typed the search warrant for the

Investigator Wayne Dubose-Direct by Meadors

1 residence. But I actually executed it or served it.

2 MR. MEADORS: Your Honor, at this time,

3 and I'm sorry I didn't ask the court previously.

4 Could I read in the stipulation that the parties

5 have agreed to with his testimony; being this is the

6 individual that actually got the records through

7 search warrants.

8 THE COURT: Any objection?

9 MR. KEFFER: No objection, Your Honor.

10 THE COURT: You may do so.

11 MR. MEADORS: Thank Your Honor. This is

12 marked State's 37. This is a stipulation for the

13 court. The State of South Carolina versus Matthew

14 Cory Dwyer. The defendant Matthew Cory Dwyer and

15 his attorney, Mr. John S. Keffer, along with the

16 State of South Carolina represented by John P.

17 Meadors hereby stipulate the following in regards to

18 the above reference Indictment No., which is

19 2015-GS-43-0623. That Verizon custodian of records

20 Jennifer Demaldy who is on standby from Orlando,

21 Your Honor, to come here, will testify that the

22 subscriber for Telephone No. (803)847-6014 on

23 January 26th through the 28th of 2015, was one

24 Johnny Singleton. And that the telephone records

25 marked State's Exhibit 34 are records that reflect

Investigator Wayne Dubose-Direct by Meadors

1 calls to and from said phone number.

2 No. 2, that Verizon custodian of records,
3 Jennifer Demaldy would testify that the subscribers
4 for telephone number (803) 651-1769 on January 25th
5 through February 4th 2015, is one Matthew C. Dwyer.
6 And the telephone records marked State's Exhibit No.
7 35, are records that reflect calls to and from said
8 phone number.

9 And finally that Sprint custodian of
10 records Heather Ramos who is standby from Kansas
11 City, Your Honor, would testify that the subscriber
12 for telephone number (931) 302-7807 on
13 January 26th until February 5th 2015, was one
14 Stephen Dwyer. And that the telephone records
15 marked State's Exhibit No. 36, are records to
16 reflect calls to and from said phone number. And is
17 so stipulated between the parties signed by John P.
18 Meadors and John S. Keffer. So that would 36, 37
19 with records 34, 35 and 36, Your Honor.

20 THE COURT: Thank you.

21 (Cell phone records and Stipulation marked
22 State's Exhibit Nos. 34, 35, 36 and 37 into
23 evidence.)

24 MR. MEADORS: I beg the court's
25 indulgence. Thank you. That's all.

Investigator Wayne Dubose-Cross by Keffer

1 THE COURT: Cross examination.

2 Cross Examination by Mr. Keffer:

3 Q. Investigator Dubose, you didn't find any
4 weapons there at his residence, did you?

5 A. No, sir.

6 Q. This questioning of Mr. Dwyer, that only
7 lasted a couple of minutes, is that right?

8 A. That's correct.

9 Q. You basically asked him if he knew
10 anything about it and he said no.

11 A. That's correct.

12 Q. And he was taken to law enforcement after
13 that, is that right?

14 A. That's correct.

15 Q. And you weren't present when he was
16 questioned at law enforcement, were you? When I say
17 present, you weren't in the room.

18 A. No, sir.

19 MR. KEEFER: No other questions.

20 THE COURT: You may step down, sir. Thank
21 you. Counsel approach.

22 (Whereupon, the attorneys confer with
23 judge at the bench.)

24 THE COURT: Ladies and gentlemen of the
25 jury, it's about 4:30. I know you've had a long day

Investigator Wayne Dubose-Cross by Keffer

1 and you've heard a lot of testimony. So it would be
2 a good stopping point for us, so that you have
3 plenty of time to get home, and to get to whatever
4 responsibilities you may have this evening. If you
5 would please be back in your jury room again at 9:30
6 tomorrow so that we can resume with the trial of the
7 case. Please remember my instructions to not
8 discuss this case with anyone whether it's your
9 family, your friends, or even amongst each other, or
10 do any independent research on the case. I hope you
11 have a nice evening and we'll see you in the
12 morning.

13 (Whereupon, the jury is dismissed at 4:34
14 p.m.)

15 THE COURT: We will be in recess until
16 9:30 in the morning.

17 MR. MEADORS: Your Honor, I think
18 Mr. Stephen Dwyer is either downstairs or at the
19 jail. We just ask that law enforcement respectfully
20 keep them separated through the trial.

21 THE COURT: Yes, sir. Of course he is
22 still under his bench warrant, which is an issue we
23 will need to address at the end of the trial.

24 MR. MEADORS: Yes, ma'am.

25 THE COURT: Are you all ready?

Investigator Wayne Dubose-Cross by Keffer

1 MR. MEADORS: The defendant's brother, he
2 is downstairs in lockup. I don't -- I guess if we
3 don't want to bring him in front of this jury. So
4 after this witness if we could just have a quick
5 break, whatever you say.

6 THE COURT: Does he have leg irons or?

7 MR. MEADORS: I don't know.

8 THE COURT: So it's the witness after this
9 witness?

10 MR. MEADORS: Yes, ma'am.

11 THE COURT: Why don't we just maybe have
12 him ready and we will take a short break before we
13 will bring him in.

14 THE COURT: Anything else, Mr. Keffer,
15 before we bring the jury in?

16 MR. KEFFER: Nothing, Your Honor.

17 THE COURT: Let's bring our jury please.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 THE COURT: Welcome back. We're now ready
21 to proceed with the trial of the case. You may call
22 your next witness.

23 MR. MEADORS: May it please the court,
24 Investigator Derron Solomon.

25 Investigator Derron Solomon, being first

Derron Solomon-Direct by Meadors

1 duly sworn, testified as follows:

2 THE CLERK: State your full name and spell
3 your last name for the record.

4 A. Derron Solomon. S-O-L-O-M-O-N.

5 THE COURT: Your witness.

6 MR. MEADORS: May it please the court,
7 Your Honor.

8 Direct Examination by Mr. Meadors:

9 Q. Good morning.

10 A. Good morning.

11 Q. Tell the ladies and gentlemen of the jury,
12 Investigator Solomon, about yourself. Where you're
13 from. Your background training. And your training
14 in law enforcement. And what you're doing right
15 now, please.

16 A. My name is Derron Solomon. I've been
17 with the sheriff's office for a little bit over a
18 year and a half. It will be two years in November.
19 What I do with the sheriff's office, I first started
20 off on patrol, and now I do crime scene
21 investigations.

22 Q. And a little bit more about your
23 background. Where are you from?

24 A. Oh, I'm from Sumter, South Carolina. I've
25 been here my whole life. And graduated from here,

Derron Solomon-Direct by Meadors

1 both college and high school.

2 Q. Where did you go to high school?

3 A. Sumter High School.

4 Q. And where did you go to college?

5 A. Morris College.

6 Q. And right after that, did you go right
7 into law enforcement?

8 A. I waited a couple of years and then I
9 applied and got hired.

10 Q. And you're now evidence custodian for the
11 sheriff.

12 A. Yes, sir.

13 Q. And where is your office?

14 A. My office is at the sheriff's office in
15 the forensic's building.

16 Q. Is that behind the sheriff's?

17 A. Yes, sir.

18 Q. The new building.

19 A. Yes, sir. It's behind the new building.

20 Q. And is that where all the evidence is
21 store.

22 A. Yes, sir.

23 Q. Pending court?

24 A. Yes, sir.

25 Q. And I think everything is in evidence.

Derron Solomon-Direct by Meadors

1 But some of the items in this case, and as part of
2 your job, do you not only collect, but take to and
3 from sled?

4 A. Yes, sir, I do.

5 Q. And you and or Investigator McCauley did
6 that in this case?

7 A. Yes, sir.

8 Q. And we've heard testimony about the
9 cuttings from Mr. Singleton's pants. Did you and
10 Investigator McCauley do that?

11 A. Yes, sir.

12 Q. I just want to ask you a few questions
13 about Mr. Singleton's cell phone, Investigator. And
14 I want to show what's been marked State's 73 and 74.
15 Do you recognize those?

16 A. Yes, I do.

17 Q. And is that going to relate to your
18 testimony about the cell phone of Mr. Singleton?

19 A. Yes, sir.

20 MR. MEADORS: Your Honor, I believe
21 without objection, State's 73 and 74.

22 MR. KEFFER: Without objection, Your
23 Honor.

24 THE COURT: They're in.

25 (Photographs marked State's Exhibit Nos.

Derron Solomon-Direct by Meadors

1 73 and 74 into evidence.)

2 MR. MEADORS: Could you come down with the
3 court's permission?

4 A. Yes, sir.

5 Q. If you will stand there so the court
6 reporter can see your lips, and please talk loud
7 enough so she can take it down. Start with
8 whichever you want. Which one of these do you want
9 to talk about first. Let's start with State's 73.
10 What is that?

11 A. State's 73 is a photo I took from the
12 road. There was a -- we didn't have a tape measure
13 for -- to measure from the woods where I was, to
14 where the phone was actually located. So me and
15 another officer, he's standing back in the back of
16 the woods, and I'm at the road. So that shows you
17 the distance from how far estimate it is from the
18 road to where he's at, how far the phone was from
19 the street.

20 Q. And how far was that?

21 A. It's about 30 to 40 yards.

22 Q. And what is State's 74?

23 A. State's 74 is the exact same picture, but
24 it's inside the woods from where he's standing at,
25 to where I was.

Derron Solomon-Direct by Meadors

1 Q. And is that where the phone was found?

2 A. Yes, sir.

3 Q. State's 64 which is already in evidence,
4 is that the phone? Mr. Singleton's phone?

5 A. Yes, sir.

6 Q. Now, Derron, if you look at State's 63, I
7 noticed in State's 74, there appears to be a
8 building here?

9 A. Yes, sir.

10 Q. What is that?

11 A. That's a Modern -- one of Modern Turf
12 buildings that was on the property.

13 Q. So that would be the other side of 521.

14 A. Yes, sir.

15 Q. Keeping that in mind, and looking at
16 State's 63, can you give the jury idea of where that
17 phone was on State's 63?

18 A. Yes, sir.

19 Q. And move back here so these ladies can see
20 right here.

21 A. The car was located directly right here.
22 You've have to walk down the street probably I'd say
23 10 yards down the street. And that building on that
24 photo was this building right here. And it goes
25 directly back, so it was at an angle to where the

Derron Solomon-Cross by Keffer

1 car was at.

2 Q. And approximately where was the phone?

3 A. The phone was about probably right up in
4 here. That's about 30 to 40 yards from the street.

5 Q. And State's it's already entered as the
6 cell phone of Johnny Singleton, correct?

7 A. Oh, yes, sir.

8 MR. MEADORS: That's all. You can sit
9 back for this purpose, please.

10 (Whereupon, witness resumes the witness
11 stand.)

12 MR. MEADORS: Thank you, Judge. That is
13 all.

14 THE COURT: Cross examination.

15 Cross Examination by Mr. Keffer:

16 Q. Is it Deputy Solomon or Investigator
17 Solomon?

18 A. Investigator Solomon.

19 Q. We have not met maybe a couple of days
20 ago, is that right?

21 A. Yes, sir.

22 Q. And part of your job is to do inventory
23 from search warrants and collect evidence in this
24 case, is that right?

25 A. Yes, sir.

Derron Solomon-Cross by Keffer

1 Q. In fact you did that when the search
2 warrant was executed on Mr. Singleton's house again.

3 A. Yes.

4 Q. Is that correct? Do you recall the
5 inventory list that was part of his inventory list
6 that was collected? And if you don't, I've got a
7 copy---

8 A. Yes.

9 Q. ---if you want to take a look.

10 THE COURT: Your Honor, can I approach the
11 witness?

12 THE COURT: You may.

13 Q. Is that your signature on the last page of
14 the inventory for the property that was collected
15 from Mr. Singleton's address?

16 A. Yes, sir.

17 Q. And would that mean you have observed the
18 evidence that was collected from his house?

19 A. Yes, sir.

20 Q. And inventoried it and what not?

21 A. Yes, sir.

22 Q. Can you tell the jury what was on that
23 list?

24 A. It was a one 9 millimeter rifle,
25 highpoint. One 12 gauge shotgun Mossberg, one 38

Derron Solomon-Cross by Keffer

1 handgun which was a Smith & Wesson revolver. Two
2 bottle prescription medicines. One bag of bath
3 salts, suspected bath salts. Marijuana residue, and
4 one box containing tattoo equipment.

5 Q. And was that evidence that you physically
6 observed?

7 A. Yes, sir.

8 Q. And has that been collected by the police
9 department in this case?

10 A. The rifle, the 9-millimeter rifle, the
11 shotgun, and the 38 handgun was all collected from
12 us.

13 Q. And it's still in your custody?

14 A. Yes, sir, it is.

15 Q. Now you mentioned that you are part of the
16 crime scene investigation, is that right?

17 A. Yes, sir.

18 Q. Can you tell this jury your opinion, how
19 that vehicle got to be in the position it was in
20 this case, or do you know?

21 A. From my understanding, when I got there,
22 the vehicle was already pulled out of the ditch.
23 But the -- from how it looked, it looked like it was
24 pulled into Modern Turf's driveway, and then backed
25 up into the ditch.

Derron Solomon-Cross by Keffer

1 Q. That's what I wanted to know. If we can
2 look at State's Exhibit, you can come around.

3 THE COURT: Yes, sir.

4 A. (Witness steps down from the witness
5 stand.)

6 Q. And just to be clear, can you point to the
7 entrance to Modern Turf?

8 A. Yes, sir. This is Modern Turf's driveway
9 right here.

10 Q. And where was the vehicle found?

11 A. Right straight back. Probably it was like
12 right in the ditch right here.

13 Q. And this appears to be like a dirt road.
14 Would that be correct? This part right here?

15 A. Yes, sir. It turns into dirt, but this is
16 the concrete.

17 Q. Was there -- did you observe any tire
18 tracks that matched Mr. Singleton's vehicle in the
19 dirt road?

20 A. I did not observe that. That was up to
21 the reconstruction team.

22 Q. But is that your opinion as to where the
23 vehicle was before?

24 A. Yeah, my opinion wasn't on the actual
25 dirt portion. My opinion was it was on the -- it

Derron Solomon-Redirect by Meadors

1 wasn't pulled too far off the roadway into the
2 driveway.

3 Q. And again, where was the vehicle found?

4 A. Right here. Well it was found right here
5 in the ditch right across the street from Modern
6 Turf driveway.

7 MR. KEFFER: I don't have any other
8 questions. Please answer any questions Mr. Meadors
9 may have.

10 (Whereupon, the witness resumes the
11 witness stand.)

12 THE COURT: Redirect?

13 MR. MEADORS: Very brief.

14 Redirect Examination by Mr. Meadors:

15 Q. He's asked you about the vehicle. Was
16 that about 5 feet deep?

17 A. Oh, yes, sir. It was about 5 feet deep.

18 Q. The items he asked you of Mr. Singleton,
19 those were at this house, right?

20 A. Yes, sir.

21 Q. You didn't find anything in the car, did
22 you?

23 A. No, sir.

24 Q. And you didn't found 380 ammunition at the
25 house, did you?

Derron Solomon-Redirect by Meadors

1 A. No, sir.

2 MR. MEADORS: Thank you.

3 THE COURT: You may step down, sir. Thank
4 you. Ladies and gentlemen of the jury, before our
5 next witness, I am going to take just a very brief
6 recess. I know you just got in here, but we will be
7 with you in just about 5 minutes. Again, please do
8 not discuss the case even amongst yourselves. We
9 will be right back with you.

10 (Whereupon, the following takes place
11 outside the presence of the jury.)

12 MR. MEADORS: Judge, do you want to bring
13 him out in shackles; or do you want them to take
14 them off?

15 THE COURT: Yes, I don't want the jury to
16 see the shackles. We will be at ease for a few
17 minutes. You all just let me know when you are
18 ready.

19 (Whereupon, court takes a short recess.)

20 THE COURT: You may bring the jury.

21 (Whereupon, the following takes place
22 within the presence of the jury.)

23 Stephen Dwyer, being first duly sworn,
24 testified as follows:

25 THE CLERK: State your full name and spell

Stephen Dwyer-Direct by Meadors

1 your last for the record.

2 A. Stephen Dwyer. D-W-Y-E-R.

3 Direct Examination by Mr. Meadors:

4 Q. Good morning, Mr. Dwyer. Mr. Dwyer, if
5 you would just please speak in to just so the court
6 reporter can take down everything for the record,
7 please. I start the same with every witness,
8 Mr. Dwyer, would you tell these folks a little bit
9 about yourself, your background, where you were born
10 and raised and your education?

11 A. I was born in Sumter, South Carolina. I
12 graduated from Lakewood. I have some college. I
13 joined the military in 2011 in January. And I just
14 got out of active duty last year in October. And
15 I'm in reserve. Currently in reserves now. And
16 that's it.

17 Q. What year did you graduate Lakewood, sir?

18 A. 09.

19 Q. And you went to some college, where did
20 you go?

21 A. I went to -- I started off at Central
22 Carolina. I went to Hopkins Community College. And
23 this year I started at St. Leo University.

24 Q. And what type of degree are you pursuing?

25 A. In business Management.

Stephen Dwyer-Direct by Meadors

1 Q. And you were active duty for how long?

2 A. 4 years.

3 Q. And you say you're currently in the
4 reserves?

5 A. Yes.

6 Q. And where?

7 A. Where? Where what?

8 Q. Where are in the reserves?

9 A. In Columbia.

10 Q. Fort Jackson.

11 A. Yes.

12 Q. And if you would say yes or no just for
13 the court reporter.

14 A. Yes, sir.

15 Q. It's easier for her to take it down. You
16 don't have to say sir, just yes or no. You're here
17 under subpoena, correct?

18 A. I guess.

19 Q. And your relationship to the defendant
20 Matthew Dwyer is what?

21 A. A brother.

22 Q. Do you have any other brothers and
23 sisters?

24 A. Yes.

25 Q. Just how many? I'm just curious.

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1 A. Seven brothers and one sister.

2 Q. What -- besides schooling and the
3 reserves, what else are you doing now?

4 A. I was working. And that's it.

5 Q. Mr. Dwyer, I want to take you to, if I
6 can find the calendar. What's State's 67, is just a
7 calendar of January of 2015. I want to take you
8 back to January 26th, please, sir. In your mind,
9 did you have an occasion to get a telephone call or
10 hear from your brother some time that evening?

11 A. That night.

12 Q. And do remember about what time it was?

13 A. I am thinking around 10.

14 Q. And were there a lot of phone calls you
15 received from him or?

16 A. I don't remember.

17 Q. Was it more than one?

18 A. It was more than one.

19 Q. And did you call him back also?

20 A. I am not too sure. I know we did talk.

21 Q. As a result of those phone calls, what did
22 you do?

23 A. I went to go pick him up.

24 Q. Had he asked you to pick him up?

25 A. Uh-huh. (Affirmative.)

Stephen Dwyer-Direct by Meadors

1 Q. And again for her, just yes or no, please.

2 A. Yes.

3 Q. And where did you go to pick up Matthew
4 Dwyer, Mr. Dwyer?

5 A. Somewhere out there by Rembert.

6 Q. Was it 521 you took?

7 A. Yes.

8 Q. Had you been that road much before?

9 A. Not that much. I used to drive it back
10 and forth. When I go, like whenever I come home and
11 visit---

12 Q. Yes, sir.

13 A. ---I was stationed in Kentucky so that's
14 what I used to take.

15 Q. But other than that, you're we're real
16 familiar with this area.

17 A. No.

18 Q. Is that fair to say? Where did you go
19 pick up Matthew Dwyer?

20 A. I am not too sure. It was close to a
21 truck stop almost on the right.

22 Q. Still off 521.

23 A. Yeah.

24 Q. Was it between Rembert and Camden?

25 A. I am not sure.

Stephen Dwyer-Direct by Meadors

1 Q. And what kind of car were you driving?

2 A. I have a 2009 Chevy Impala.

3 Q. Was there anybody else with you?

4 A. Yes.

5 Q. Who was that, Mr. Dwyer?

6 A. My girlfriend's cousin.

7 Q. Your girlfriend's cousin. Was that

8 Ms. Maureen Dickey?

9 A. Yes.

10 Q. And tell the folks of this jury why was

11 Ms. Dickey with you?

12 A. I was taking her to work that night.

13 Q. And where did she work?

14 A. At Pilgrim's Pride.

15 Q. It's your testimony you're not exactly

16 sure where you picked him up, but did you in fact

17 pick up Matthew Dwyer?

18 A. Say that again, sir.

19 Q. Did you actually pick him up---

20 A. Yes, sir.

21 Q. ---and put him in the car?

22 A. Yes, sir.

23 Q. What happened then?

24 A. He just had looked, looked beat up. Like

25 really beat up. I didn't ask him much in the car,

Stephen Dwyer-Direct by Meadors

1 because she was in the car with us. But I would
2 say.

3 Q. He looked really what?

4 A. I'd say really beat up.

5 Q. What does that mean?

6 A. It looked like he was in a fight.

7 Q. Have you ever told anybody that before?

8 A. No.

9 Q. As a matter of fact, his -- did he have
10 any injuries on him?

11 A. I think I did. Yeah, but I did put
12 scuffle or something like that.

13 Q. You put tussle?

14 A. Yes.

15 Q. Did he say at some point he had been in a
16 little tussle?

17 A. No. Well, still in a fight.

18 Q. And describe any injuries to his hand.

19 A. It just was bleeding.

20 Q. I'm sorry, sir.

21 A. I say, it just was bleeding.

22 Q. And did you help him tend to that at some
23 point?

24 A. Yeah.

25 Q. And how had he initially told you he hurt

Stephen Dwyer-Direct by Meadors

1 that hand, Mr. Dwyer?

2 A. He didn't know. He said he didn't know
3 what happened. He just when he got in the car he
4 said his hand was bleeding.

5 Q. Did he tell you at one point he had been
6 shot..

7 A. Yes.

8 Q. So he told you he had been shot.

9 A. Yes.

10 Q. But that wasn't true, was it?

11 A. That was -- I believe that was just to get
12 me there quicker.

13 Q. Did he fall asleep on the way back to
14 Sumter?

15 A. I thought he was. I just kept like
16 checking on him. It been dark so I couldn't really
17 see that much.

18 Q. Was he in the back seat?

19 A. Yes.

20 Q. Ms. Dickey in the front?

21 A. Yes.

22 Q. When you got back to Sumter, where did
23 you -- did you take Ms. Dickey first?

24 A. Yes.

25 Q. Then where did you and your brother go?

Stephen Dwyer-Direct by Meadors

- 1 A. I took him on home.
- 2 Q. I'm sorry, sir.
- 3 A. I took him to his house.
- 4 Q. Where is that?
- 5 A. Out there by Young's. By Young's gas
- 6 station.
- 7 Q. Is it Murphy Street?
- 8 A. I think so.
- 9 Q. Murphy is right by Young's, isn't it? It
- 10 goes right there?
- 11 A. I think so.
- 12 Q. And at that point you were kind of curious
- 13 what happened to him, didn't you? Why he was
- 14 calling you?
- 15 A. Yes, sir.
- 16 Q. He said he had been shot.
- 17 A. Yeah.
- 18 Q. And did you inquire to him that it seemed
- 19 kind of usual that he was shot in that area?
- 20 A. No. You said did I inquire?
- 21 Q. Yeah, did you ask him about that? I mean
- 22 it's your brother and he said he's been shot. Did
- 23 you ask him about it?
- 24 A. Oh, yeah. No, when we got in there, he
- 25 ain't talked that much to me that night. So he been

Stephen Dwyer-Direct by Meadors

1 good, I found out that he wasn't shot. And that
2 just was to get me there quicker.

3 Q. And that didn't make sense to you that he
4 had been shot and was walking away, correct?

5 A. Uh-uh. (Negative.)

6 Q. And after you dropped Ms. Maureen Dickey
7 off, you had an occasion to talk to him some more?

8 A. Later on.

9 Q. And when was that, Mr. Dwyer?

10 A. I don't know, it could have been 3 or 4
11 days later.

12 Q. Did you talk to you that morning or when
13 you got back about this incident?

14 A. No.

15 Q. Did he tell you he had shot Johnny
16 Singleton?

17 A. No.

18 Q. He did not, did he?

19 A. No, not that night.

20 Q. When you said later on. Did he at some
21 point tell---

22 A. Yes.

23 Q. You came into my world. You don't want to
24 be here, do you? I mean you don't want to be here.

25 A. No.

Stephen Dwyer-Direct by Meadors

1 Q. But you know you have to be here, right?

2 A. After I was told I was subpoenaed.

3 Q. Right you're under subpoena.

4 A. I didn't know how.

5 Q. And we're asking you to tell the truth.

6 A. Yes.

7 Q. You know you have to be here to tell the
8 truth.

9 A. Yes.

10 Q. Did Matthew Dwyer tell you he shot Johnny
11 Singleton?

12 A. He never really tell me. I just had put
13 two and two together once I seen the news, and I
14 know I was out that way.

15 Q. I don't mean this disrespectful. I didn't
16 follow that. When you saw the dude, I don't
17 understand.

18 A. When I saw the news.

19 Q. I'm sorry. I misheard you.

20 A. When I seen the news, and I knew that I
21 was out that way earlier. And that's when I started
22 putting two and two together.

23 Q. That made you think something ain't---

24 A. Yeah.

25 Q. Something is up.

Stephen Dwyer-Direct by Meadors

1 A. Yes.

2 Q. And did you then go ask your brother, man,
3 what's up. This was on the news. I picked you put
4 from area.

5 A. Yes.

6 Q. And at that point did he tell you he shot
7 Mr. Singleton?

8 A. I don't remember. I really don't remember
9 like what he really come out and say that.

10 Q. Do you remember giving a statement at the
11 sheriff's department on February 4th of this year?

12 A. Yes.

13 Q. Do you remember Ms. Darlene Dellinger
14 being there?

15 A. Yes.

16 Q. Ms. Dellinger, raise your -- Sergeant,
17 raise your hand, please.

18 A. Yes.

19 Q. And David Miller, investigator. White
20 investigator?

21 A. Yes.

22 Q. Did you also talk to Sheriff Anthony
23 Dennis at some point?

24 A. Yes. He's the only one who I---

25 Q. Go ahead.

Stephen Dwyer-Direct by Meadors

1 A. ---ended up telling that to.

2 Q. So you told the sheriff.

3 A. I told him.

4 Q. And you told the sheriff that your brother
5 told you he shot him, didn't you?

6 A. Yes.

7 Q. And that was the truth, wasn't it?

8 A. I guess.

9 Q. The sheriff came to talk to you and you
10 had a nice conversation.

11 A. After he promised me immunity.

12 Q. And you told him the truth.

13 A. I told what he wanted to hear.

14 Q. But you told him your brother had told you
15 he had shot Mr. Singleton.

16 A. And that got me out of that.

17 Q. And that was true. That was true, wasn't
18 it, Mr. Dwyer? It's not your fault. And I am not
19 trying to be difficult. I am just trying. Did he
20 also tell you he had robbed Mr. Singleton?

21 A. No.

22 Q. He did not tell you he took his wallet.

23 A. If I could tell everything, if you let me
24 tell.

25 Q. Go ahead. Yes, sir. Take your time.

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1 A. Well he just said, I ain't know if he had
2 been knowing this man or not. But in the car, he
3 said man gave him the wallet. Being that was the
4 type of person he was, I guess the man had -- he
5 said the man had gave him the wallet earlier because
6 he wanted favors. He wanted like sexual favors. I
7 didn't know why they was going up there, but he
8 wanted sexual favors. Matthew said that the man
9 gave him the wallet before anything ever went down.
10 And then on the way, on the way going there, I
11 guess, he wanted Matthew to do some things for him.
12 And Matthew just told me that he ended up pulling
13 over. And that's when they pulled over. And he's
14 probably force himself and they got in a tussle or
15 whatever.

16 Q. And then you just---

17 A. And that's how it went.

18 Q. Are you just thinking that might have
19 happened?

20 A. No, no, no. I am telling what Matthew
21 told me.

22 Q. And you've never told anybody else this
23 before, have you?

24 A. I don't think so.

25 Q. Go ahead.

Stephen Dwyer-Direct by Meadors

1 A. And yeah, he just say that after they
2 pulled over, the man had really got more aggressive
3 and try to force him to do whatever. And that's how
4 he got into a fight. And when he say as they was
5 fighting, he stumbled across a gun.

6 Q. He stumbled across a gun.

7 A. I guess it was in the man's car already.
8 And that's when he just picked it up, and he said he
9 shot him. He didn't know if he was dead or not. He
10 just got out of the car and then called me.

11 Q. Go ahead.

12 A. That's it.

13 Q. And when is the first time you've ever
14 told that to anybody?

15 A. Probably the first time.

16 Q. And you said you told the sheriff
17 everything, right?

18 A. I told the sheriff something different
19 from Dellinger.

20 Q. But you didn't tell the sheriff what you
21 just said to these folks.

22 A. I didn't tell him everything. I told him
23 some of it.

24 Q. Didn't you say at one point, no, they was
25 fighting, but the dude was still driving at the

Stephen Dwyer-Direct by Meadors

1 time. And he must have seen the gun and however it
2 went off after that. The dude must have hit a tree.

3 A. I'm not -- I don't remember that.

4 Q. Do you remember saying he said that he was
5 driving when he saw Mat with the gun. I think Mat
6 is just trying to show it to scare him or whatever?
7 And he wanted -- he said he wanted the wallet.

8 A. No, I don't remember that.

9 Q. You don't remember saying that?

10 A. No, sir.

11 Q. Mat had a 380, right?

12 A. I had seen him with one.

13 Q. You had seen it a couple of weeks before
14 this, right?

15 A. Yes.

16 Q. And he had pointed it at you or just?

17 A. Yeah.

18 Q. And he got that from some white guy you
19 told the sheriff?

20 A. That's what I told him.

21 Q. Well that's true, isn't it?

22 A. No. No, sir.

23 Q. That's a lie?

24 A. My daddy have a bunch of guns.

25 Q. So the 380 was Mat's or y'all's.

Stephen Dwyer-Direct by Meadors

1 A. No, no, Matthew never had a gun.

2 Q. But you told the sheriff you had seen one.

3 A. Yes, I seen him with a gun.

4 Q. And he pointed it at you.

5 A. Yes.

6 Q. Are you afraid?

7 A. Oh, no.

8 Q. Did Mat tell you he F'd up, F'd up and did
9 something he shouldn't have done?

10 A. Yes.

11 Q. I mean he did say that, right?

12 A. Yeah.

13 Q. Change F, to I messed up, I messed up, I
14 did something I shouldn't have done.

15 A. Yeah.

16 Q. And you told the sheriff that, correct?

17 A. Yes.

18 Q. And never, ever told you he was in danger
19 of suffering serious bodily injury or death, or
20 thought he had to do it at all, did he?

21 A. I don't get that question. I don't quite
22 get it.

23 Q. He never told you he thought he was
24 going -- had to do it and thought he was going to
25 die, or thought he in danger of suffering injury or

Stephen Dwyer-Direct by Meadors

1 dying, 'did he?

2 A. Uh-uh. (Negative.)

3 Q. Do you remember telling the sheriff or one
4 of these folks, he told me that he took the wallet,
5 and he took whatever was in it?

6 A. No, sir.

7 Q. Have you -- let me ask you something.
8 You've met with Mr. Keffer, correct?

9 A. Yes.

10 Q. And he provided a transcript of your....

11 A. I read that transcript.

12 Q. And right here it says, Stephen, he told
13 Stephen, but he told you he took some money. And
14 your answer was, he told me that he took the wallet
15 and he took whatever was in the wallet.

16 A. I don't remember that. I read that
17 transcript, and I seen some things where they got
18 what I said that wasn't correct. At the time I was
19 a PFC. It's just little stuff, and they have got
20 PLC. So, you know, what I am saying.

21 Q. Well that's different from, he told me he
22 took the wallet and he took whatever was in the
23 wallet. That's pretty straightforward, isn't it?

24 A. That's about the same like when I said, I
25 say, that the man had done gave him the wallet.

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1 Matthew didn't take the wallet.

2 Q. This may be getting back to what you. And
3 you have reviewed this, right? This is the sheriff.
4 Did he tell you how he was dead. Tell me, what did
5 he tell you. And your answer was, he said that they
6 were all right. He said that they had the gun. And
7 he said there was a little tussle and then he shot
8 him. Is that what you're referring to earlier?

9 A. That's, yeah, but that's not right.

10 Q. That's not right?

11 A. No, that's somewhat right.

12 Q. Somewhat right?

13 A. Yeah.

14 Q. Where did he tell you he shot him? And
15 your answer was in the head?

16 A. Yes.

17 Q. Did he tell you he took his money and you
18 said yeah.

19 A. Yeah, but...

20 Q. Yeah, but no?

21 A. No, I see that there. I'm saying, yeah, I
22 see that there. But no, I didn't say that. I don't
23 remember.

24 (Voluntary Statement of Stephen Dwyer
25 marked State's Exhibit No. 75 for ID.)

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1 Q. Is that your signature on the back?

2 A. Yes.

3 Q. And nobody forced you to sign that, did
4 they?

5 A. No.

6 Q. And this was February 4th, is that
7 correct?

8 A. Yeah, I would say.

9 Q. Completed at 9:49?

10 A. Yeah.

11 Q. And in this statement---

12 MR. KEFFER: Your Honor, could we have the
13 witness identify that document to the jury?

14 MR. MEADORS: I thought we just did.

15 MR. KEFFER: I didn't hear it, if he did.

16 THE COURT: Redo it.

17 Q. I'm showing you what's State's 75 for Id.
18 Is that your signature at the bottom?

19 A. Yes.

20 Q. Did you sign this after law enforcement
21 went over it with you?

22 A. Yes.

23 Q. Did anybody force you to sign it?

24 A. No.

25 Q. And you were down that while there was an

Stephen Dwyer-Direct by Meadors

1 audiotape of you, right?

2 A. I was down there for like 8 hours.

3 Q. And then a written statement, right?

4 A. Yes.

5 Q. And that's all I want go over this
6 initially okay. Just some of the things you said.

7 Do you mind looking here at State's 75 for Id. You
8 told the officers that he called you and said you
9 need to pick him up, correct?

10 A. Correct.

11 Q. And that's when naturally your brother
12 calls you, and you said what's wrong, right?

13 A. Yeah.

14 Q. I mean that's natural.

15 A. Yeah.

16 Q. And is that when he said the F word?

17 A. Yes.

18 Q. And I'll tell you when you get here.

19 A. Yes.

20 Q. And you got there about 10:30.

21 A. Yes.

22 Q. And that's in the Rembert area, is that
23 what you're telling me?

24 A. Yes.

25 Q. Was he actually trying to give you

Stephen Dwyer-Direct by Meadors

1 directions?

2 A. He told me just 521. I know that road.

3 Q. You do know it?

4 A. Yes.

5 Q. But you didn't know exactly where he was,

6 correct?

7 A. Correct.

8 Q. And you talked about Ms. Queta. Well does

9 Maureen Dickey go by Queta.

10 A. Quoetta.

11 Q. Quoetta, I'm sorry. But she was with you,

12 correct?

13 A. Correct.

14 Q. You picked him up by a club near off 521?

15 A. Yes.

16 Q. Do you know the name of the club?

17 A. I don't.

18 Q. And was he by myself?

19 A. He was.

20 Q. Was he walking?

21 A. Yes.

22 Q. I mean walking when you saw him. He was

23 not just standing still.

24 A. Yeah, he was walking. I'm cold.

25 Q. You said cold?

Stephen Dwyer-Direct by Meadors

1 A. Yeah.

2 Q. I'd give you my jacket if they'd let me.

3 MR. KEFFER: We don't mind object to
4 counsel giving him his jacket.

5 Q. I'll give you my jacket. Is that all
6 right with you?

7 THE COURT: That's fine.

8 Q. Put my jacket on. That's my good jacket
9 too. And did you naturally ask him what over the
10 phone, and he told you, you needed to come because
11 he got shot?

12 MR. KEFFER: Your Honor, we're going to
13 object to this line of questioning. If counsel is
14 trying to get that in his evidence, we are going to
15 object. If he's proffering it in evidence, that's
16 different. We don't object to it being entered as
17 evidence.

18 MR. MEADORS: We offer it.

19 MR. KEFFER: No objection.

20 THE COURT: Then it's entered as 75.

21 (Voluntary statement of Stephen Dwyer
22 marked State's Exhibit No. 75 into evidence.)

23 Q. Did he tell you he got shot?

24 A. Yes.

25 Q. That was not true, correct?

Stephen Dwyer-Direct by Meadors

1 A. That was not true.

2 Q. And you actually asked him if he needed to
3 go to the hospital, correct?

4 A. Correct.

5 Q. And was his hand bleeding?

6 A. It was, but I didn't see it.

7 Q. Did you find out what caused that injury?

8 A. No.

9 Q. Do you remember what hand it was that was
10 bleeding?

11 A. I don't remember.

12 Q. Did he tell you that he cut his hand?

13 A. Yeah, he say it could have been from the
14 impact of the wreck. But he didn't know, yeah. He
15 just seen it when he got out of the car.

16 Q. And you asked him what happened, and he
17 said something bad happened, correct?

18 A. Correct.

19 Q. Did you ask him in there what happened, if
20 he got shot, what happened to the other fellow? And
21 is that just your natural reaction to it?

22 A. I don't remember.

23 Q. Well read your, it's in evidence now.

24 THE COURT: Mr. Meadors, you are welcome
25 to publish the statement to the jury. It's in

Stephen Dwyer-Direct by Meadors

1 evidence.

2 MR. MEADORS: Thank you. My name is
3 Stephen Dwyer. And Lieutenant Melissa Addison is
4 writing this statement at my request. I have been
5 read my rights, and I understand them. Last Tuesday
6 my brother Matthew Dwyer called me and said, I need
7 you to pick me up. I said, what's wrong. Matthew
8 was like, just come. I F'd up. And he said, I will
9 tell you when you get here. It was 10:30 p.m.
10 Matthew asked me did I know where 521 was, and he
11 said to keep the road straight and go through
12 Rembert. I said, I knew where it was, and I was on
13 the way. I was driving my car, a Chevrolet Impala.
14 My girlfriend's, Whitney Williams cousin -- my
15 girlfriend Whitney Williams cousin, Quetta rode with
16 me.

17 I picked Quetta up from her house 15 North
18 to give her a ride to Pilgrim's Pride. Matthew
19 called me again when I got Quetta's house. Matthew
20 asked where I was, and I told them I had to take
21 Quetta to work, and she is with me right -- she with
22 me right now. And he said okay, are you still
23 coming. I said, yeah. I went and picked Matthew
24 up by club on 521 near a gas station in Rembert.

25 Matthew was had made it past the club. He

Stephen Dwyer-Direct by Meadors

1 was alone walking and heading back towards Sumter.
2 I pulled over and picked him up. Matthew told me
3 over the phone, I needed to come because he had
4 gotten shot, so I did. I saw that Matthew's right
5 hand was bleeding. His hand was bleeding bad, and
6 he had a shirt or something wrapped on it. I asked
7 Matthew if you need to go to the hospital and he
8 said no.

9 On the way back to Sumter I drove straight
10 to Gold Gist to drop Quetta off. Then we went to
11 Matthew's house on Murphy Street. My father, Gary
12 Dwyer, owns the house. I was in the house with
13 Matthew and asked him what happened to his hands.
14 And Matthew told me that he cut it. I asked him
15 again what happened, and Matthew said something bad
16 happened. I was like Matthew if you got shot in
17 the hand, and you're walking back from Rembert and
18 nobody chasing you. I asked him what happened to
19 the person that shot him. And Matthew didn't say
20 anything. I said, is he dead. And Matthew say,
21 don't talk like that.

22 We ended up putting alcohol on his hands
23 and wrapping it. I kept asking him how he cut his
24 hand, because Matthew said he cut it after he told
25 me he was shot. We wrapped his hand up. I left

Stephen Dwyer-Direct by Meadors

1 Matthew's house later. I can't remember the time,
2 but I did not stay long. I went back to my house on
3 Tool Street. I didn't tell anybody. I was stuck.
4 I'm used to seeing other people getting in trouble
5 like that, and I didn't know what to do.

6 The next day I went back over to Matthew's
7 house after I went to the gym. It had to be about
8 1:00 p.m. It was just me and Matthew there. I
9 asked Matthew what happened to the dude. I was
10 like, I done looked at the news this morning and
11 that's where you supposedly last night. And that
12 dude is dead. I said, what happened. Matthew told
13 me that him and the dude was tussling in the car,
14 and that the dude knew Karate, and had been
15 military. And he got scared and said that he shot
16 him in head. Matthew said he didn't mean to shoot
17 him in the head. Matthew told me that the dude saw
18 the gun. They were in the car when they were
19 tussling. And after he shot him, the car was
20 wrecked and hit a tree.

21 Matthew said he took the wallet and the
22 money, and that he threw the phone in the woods.
23 Matthew gave me \$20 for gas on Wednesday. I made
24 sure that he was good and I was leaving, and I left.
25 Later on in the week, I continued to watch the news.

Stephen Dwyer-Direct by Meadors

1 And the news said that the man's name that was found
2 dead was Johnny Sing -- on 521 was Johnny Singleton.
3 I said this was man Johnny Singleton is dead. And I
4 asked Matthew did he kill him. And Matthew said,
5 no; he was just playing. Was that the next day
6 after he told you he killed him, then he said no, I
7 was just playing, I didn't kill him?

8 A. I don't remember.

9 Q. But he did tell you later on that I was
10 just playing.

11 A. I think so.

12 Q. That I made that up about what I told you.

13 A. Yes.

14 Q. Matthew also told me got \$70 from the
15 wallet he took from Johnny. So he told you he took
16 money from him.

17 A. He never told me that.

18 Q. So that's a lie?

19 A. Yes, sir.

20 Q. Matthew owns a 380 caliber gun that is
21 black.

22 A. He have. He don't own a gun. Matthew
23 doesn't own a gun.

24 Q. I think he bought it from a white guy.
25 The last time I saw Matthew's 380 was two weeks

Stephen Dwyer-Direct by Meadors

1 before the dude got shot. I know it was a 380,
2 because I know guns, and because Matthew pointed it
3 at me playing around. Matthew told me that the
4 dude that got killed was a FA -- F-A-G-O-T, that he
5 used to rape boys. Matthew said he knew the dude,
6 but I don't know for how long. Matthew did not tell
7 me what he did with the gun or the wallet. So you
8 asked him about the gun?

9 A. Yes.

10 Q. He didn't tell you anything?

11 A. He tell me later.

12 Q. He did what?

13 A. He had tell me later.

14 Q. What did he tell you?

15 A. He had dropped it off. Put it on the back
16 of one of the trucks by the club that I picked him
17 up from.

18 Q. Say it one more time. I didn't hear the
19 first part.

20 A. He had dropped the gun off on the back of
21 a truck from the club I had picked him up from.

22 Q. So he got rid of the gun?

23 A. Yes, sir.

24 Q. And he threw the phone.

25 A. That's what he say about the phone.

Stephen Dwyer-Direct by Meadors

1 Q. But then the next day he told you he was
2 just making all that up, right?

3 A. He -- no.

4 Q. He said I was just playing. I didn't even
5 shoot him.

6 A. No. He ended up telling me. I thought
7 when I told you earlier, that wasn't true when I
8 told you earlier about what happened in the car. I
9 didn't finish. You never even got to that point.

10 Q. But the day after he told you he said, I
11 am just kidding. I didn't do it. Correct?

12 A. Correct.

13 Q. That's what I was asking you. And you've
14 looked at the transcript you said with Mr. Keffer.

15 A. No. About 50 pages. I never got one. I
16 just ended up looking at it though.

17 Q. Where did you look at it?

18 A. Two nights ago.

19 Q. Where did you get it from? I mean, who
20 gave you the transcript?

21 A. I had it when I came into town that
22 morning.

23 Q. I mean, that's okay. Have you met with
24 Mr. Keffer about this?

25 A. No.

Stephen Dwyer-Direct by Meadors

1 Q. You haven't meet with him at all?

2 A. No.

3 Q. You haven't gone to his office?

4 A. Not lately, no.

5 Q. So you met with him at some point on this
6 case.

7 A. Yes.

8 Q. And have you looked at this transcript
9 with him?

10 A. Yes.

11 Q. So you have met with him.

12 A. But that was a long time ago.

13 Q. I'm not trying to be a tyrant up here, but
14 you've gone over with this Mr. Keffer.

15 A. Yes.

16 Q. And right here, Stephen. That should be
17 Addison. Okay, is there anything else that your
18 brother told you. No, ma'am. He told me he don't
19 like talking about it, but definitely not over the
20 phone. But as matter of fact, the next day he
21 called me back and said, Stephen, you know I was
22 playing with you, right. I said, man what are you
23 talking about. He said, I didn't kill nobody and
24 that was it. But by then he was probably thinking,
25 but like I say, he told me he did it. But that's

Stephen Dwyer-Direct by Meadors

1 all I can go off. So he called you back and said,
2 no, I didn't do it, right?

3 A. Correct.

4 Q. And that's after that you said he said no,
5 they was fighting but the dude was still driving.
6 He tells you the dude is still driving the car,
7 didn't he?

8 A. I don't remember that.

9 Q. Well he was still driving at the time, and
10 the dude must have seen the gun, however if went off
11 after that, but he dude must have hit a tree. So he
12 told the dude was driving when he shot him.

13 A. I don't remember that.

14 Q. Is your phone number -- what was your
15 phone number at the time, Mr. Dwyer?

16 A. 931. It's the same number.

17 Q. You've still got that, (931)302-7807?

18 A. Yes, sir.

19 Q. And do you know your brother's phone
20 number? Would you dispute that it's 651-17.

21 A. I don't know.

22 Q. You've just got it programmed?

23 A. Yeah.

24 Q. Do you know Demetrius Cooper?

25 A. No.

Stephen Dwyer-Direct by Meadors

1 Q. I am sorry?

2 A. No.

3 Q. Just a couple of other brief. Your
4 brother never told you Mr. Singleton had a gun, did
5 he?

6 A. That Mr. Singleton had a gun? He tell me
7 the man keep a gun.

8 Q. With all due respect, that wasn't my
9 question. Did he tell you he had gun that night?

10 A. Yes.

11 Q. When did -- that's the first time you said
12 that.

13 A. Yes.

14 Q. It's wrong to kill somebody, isn't it?

15 A. Yes.

16 Q. It's wrong to shoot them in head and rob
17 them.

18 A. Yes.

19 Q. Why didn't you tell the sheriff that?

20 A. I don't know. I ain't know. I ain't
21 never been in that situation before.

22 Q. And it wasn't comfortable, was it?

23 A. It wasn't.

24 Q. And it's not comfortable today, is it?

25 A. It is not.

Stephen Dwyer-Cross by Keffer

1 Q. And for the record, I am sorry you are in
2 it. And I mean that. But you're in it.

3 A. Yeah.

4 Q. Is that your brother sitting here, Mr.
5 Dwyer?

6 A. Yes.

7 MR. MEADORS: That's all.

8 THE COURT: Cross Examination.

9 Cross Examination by Mr. Keffer:

10 Q. Mr. Dwyer, you've been to my office a few
11 times, haven't you?

12 A. Yes.

13 Q. In fact, the last time we met was a few
14 weeks ago, is that correct?

15 A. Correct.

16 Q. And I never gave you a copy of this
17 transcript, did I?

18 A. No.

19 Q. You said you got a few days ago, is that
20 right?

21 A. Yes.

22 Q. You didn't get it from me though, did you?

23 A. Correct. Yeah.

24 Q. So we haven't go over this page by page or
25 what not, is that correct?

Stephen Dwyer-Cross by Keffer

1 A. Correct.

2 Q. Do you remember February 4th 2015, of this
3 year?

4 A. Yes.

5 Q. That would have been the day law
6 enforcement picked you up, is that right?

7 A. Yes.

8 Q. And they picked you up for questioning, is
9 that correct?

10 A. Correct.

11 Q. And that's the first time you were
12 questioned by law enforcement, is that right?

13 A. Correct.

14 Q. And do you recall the time that you were
15 picked up?

16 A. I think it was about 3:30.

17 Q. About 3:30 in the afternoon.

18 A. Yes, sir.

19 Q. And this written statement that's been
20 entered as State's Exhibit 75, that was signed at
21 9:50 at night. Is that right?

22 A. That's right.

23 Q. And you were there even after that
24 statement, weren't you?

25 A. Correct.

Stephen Dwyer-Cross by Keffer

1 Q. So you there for over 6 hours, is that
2 correct?

3 A. Correct.

4 Q. That statement was videotaped by law
5 enforcement, is that right?

6 A. That's right.

7 Q. Did you happen to see parts of that
8 videotape with me. I understand we weren't there
9 the whole time, but you know it was videotaped.

10 A. Yes.

11 Q. Over 6 hours, is that correct?

12 A. Yes.

13 Q. In fact, one of the first things law
14 enforcement told you was that you were not in
15 trouble. Do you remember that?

16 A. That's correct.

17 Q. Is that correct?

18 A. That's correct.

19 Q. And the next thing they did is, they read
20 your rights.

21 A. Correct.

22 Q. Do you remember that?

23 A. Yes, sir.

24 Q. Do you remember signing that form; where
25 you understand your rights, right to an attorney,

Stephen Dwyer-Cross by Keffer

1 right not to say anything. And you signed all that,
2 is that correct?

3 A. Correct.

4 Q. You initialed next to each question, is
5 that right?

6 A. That's correct.

7 Q. This is right after them telling you,
8 you're not in trouble, is that right?

9 A. That's right.

10 Q. And this questioning lasted over 6 and a
11 half hours. Would that be correct?

12 A. Yes, sir.

13 Q. You were questioned by Investigator
14 Addison, is that right?

15 A. That's right.

16 Q. Dellinger?

17 A. That's right.

18 Q. Miller.

19 A. That's right.

20 Q. And then finally at the end, the sheriff
21 came. Do you remember?

22 A. Correct.

23 Q. Do you remember him coming in and sitting
24 down with you?

25 A. Yes, sir.

Stephen Dwyer-Cross by Keffer

1 Q. He's the last one that questioned you, is
2 that right?

3 A. Right before him telling him or the
4 solicitor.

5 Q. And you met with Mr. Meadors before today,
6 is that right?

7 A. This is my first time.

8 MR. MEADORS: No, sir, I have never talked
9 to him.

10 A. This is my first time. The sheriff told
11 me that day.

12 Q. You never spoke with Mr. Meadors before?

13 A. No.

14 Q. You remember being served a subpoena weeks
15 ago, is that correct?

16 A. I never got a subpoena. I was told that
17 I was served a month.

18 Q. You came to my office with a subpoena.

19 A. Oh, yeah.

20 Q. And on that subpoena, it had a phone
21 number to call. Do you remember?

22 A. Correct.

23 Q. And did I tell you to call that number, is
24 that right?

25 A. That's right.

Stephen Dwyer-Cross by Keffer

1 Q. And you did that.

2 A. I didn't call that number.

3 Q. You didn't call the number. Okay. But
4 anyway, Sheriff Dennis was the last one to meet with
5 you, is that right?

6 A. Correct.

7 Q. That's after 6 hours of questioning.

8 A. Yes, sir.

9 Q. And would you agree with me or not, for 5
10 of those hours, you disagreed with law enforcement.

11 A. Correct.

12 Q. Is that correct?

13 A. Correct.

14 Q. Would you also agree with me for over that
15 time, they threatened you with prosecution. Is that
16 right?

17 A. That's right.

18 Q. They did, didn't they?

19 A. Yes.

20 Q. If you weren't going to tell them what
21 they wanted to hear, they were going to arrest you.

22 A. That's what they told me.

23 Q. Is that recollection?

24 A. Yes.

25 Q. And after 6 hours you told them a story,

Stephen Dwyer-Cross by Keffer

1 is that right?

2 A. That's right.

3 Q. And you didn't write this statement down,
4 is that correct?

5 A. That's correct.

6 Q. In fact the first sentence says,
7 Lieutenant Addison is writing this down for me.

8 A. Yes.

9 Q. Is that right?

10 A. Correct.

11 Q. And page 2 is your signature.

12 A. Right.

13 Q. There is no doubt this is a statement.
14 This is after 6 and a half hours of questioning,
15 law enforcement comes up with one paragraph, is that
16 right?

17 A. That's right.

18 Q. Let's take a look at that paragraph. And
19 in that paragraph, you stated that your brother told
20 you that there was a tussle, is that right?

21 A. That's right.

22 Q. There was a fight.

23 A. That's right.

24 Q. He was scared, is that correct?

25 A. That's correct.

Stephen Dwyer-Cross by Keffer

1 Q. I mean that's in your statement. Your
2 brother told you he was scared, is that right?

3 A. That's right.

4 Q. He also told you that this individual knew
5 karate. Is that right?

6 A. That's correct.

7 Q. That's in your to statement too. Did he
8 say that to you?

9 A. Yes.

10 Q. He said he was scared.

11 A. Correct.

12 Q. And he knew karate.

13 A. Correct.

14 Q. And there was a fight.

15 A. Correct.

16 Q. He also said he screwed up, didn't he?

17 A. Yes.

18 Q. He didn't use that word, but he told you
19 that.

20 A. Yeah.

21 Q. How long is your brother?

22 A. 22.

23 Q. Is he younger than you?

24 A. Yes.

25 Q. How old are you?

Stephen Dwyer-Cross by Keffer

1 A. 24.

2 Q. And he also told you that Mr. Singleton
3 was a faggot. That's in your statement, is that
4 right?

5 A. That's right.

6 Q. Well you must have told law enforcement
7 that then, right?

8 A. Correct.

9 Q. You must have told law enforcement that
10 you were scared, right?

11 A. Yes.

12 Q. You must have told them that there was---

13 MR. MEADORS: Your Honor, object. Is he
14 saying he must have told him?

15 Q. Your brother must have told you that there
16 was a fight.

17 A. Yes.

18 Q. Is that right? And you told law
19 enforcement that. Did law enforcement ever ask you
20 about what caused that fight?

21 A. No.

22 Q. They never asked you about what caused the
23 tussle, did they? According to him, he didn't. Is
24 that right?

25 A. No, they didn't.

Stephen Dwyer-Cross by Keffer

1 Q. Law enforcement didn't ask you after 6 and
2 a half hours didn't even explore this, did they?

3 A. No.

4 MR. MEADORS: Your Honor, I don't know if
5 that is quite fair. I am going to object to that.
6 Can we approach?

7 THE COURT: You may.

8 (Whereupon, attorneys approach and confer
9 with judge.)

10 Q. You're in supply.

11 A. Yes, specialist.

12 Q. Have you ever served overseas?

13 A. No.

14 Q. You did 4 years active duty, is that
15 right?

16 A. That's right.

17 Q. This is your brother right here, correct?

18 A. Correct.

19 Q. I think you have said this already. You
20 don't want to be here today.

21 A. No.

22 Q. You didn't want to be there February 4th.

23 A. No.

24 Q. Is that right?

25 A. That's right.

Stephen Dwyer-Cross by Keffer

1 Q. But you understand the difference between
2 telling the truth and a lie.

3 A. Yes.

4 Q. You know that, right?

5 A. Yes.

6 Q. And when you sign this statement to the
7 best of your recollection, is this everything that
8 you recall your brother telling you?

9 A. Somewhat. I just know I had to tell, I
10 guess the first story I tell, didn't work. So
11 that's why the sheriff came out. And after he told
12 me that, he was like, what do you want. He asked me
13 did I want immunity. And I asked him what immunity
14 was. And he say I can promise you that nothing is
15 going to happen. And this was before, this was
16 after Dellinger and Miller was telling me that I
17 don't need to play around with this. And that if I
18 don't say the right thing, I can be charged with
19 accessory. And that's how serious it was. And then
20 that's when I had to tell the sheriff what I needed
21 to, to get from out of that room that night. After
22 they told me I was only going to be there for like
23 30 minutes in the first place, because they tell me
24 I wasn't in trouble. I'm going to be there and be
25 quick and I'll be gone. And then it felt like 8

Stephen Dwyer-Redirect by Meadors

1 hours. I don't think I ended up leaving until
2 11:00 o'clock.

3 Q. So over 6 and a half hours, is that right?

4 A. Yes.

5 MR. KEFFER: I know this is uncomfortable
6 for you, Mr. Dwyer, but please answer any questions
7 Mr. Meadors may have.

8 A. Okay.

9 THE COURT: Any redirect?

10 MR. MEADORS: Just briefly. If it please,
11 Your Honor.

12 Redirect Examination by Mr. Meadors:

13 Q. Mr. Keffer started off by saying law
14 enforcement came and picked you up. That's not
15 true, is it? They called you and you drove yourself
16 down there, didn't you?

17 A. They came to pick me up, and I end up, I
18 tell them I will just drive.

19 Q. So they let you -- not let you, you drove
20 down to the sheriff's department on your own, in
21 your own car.

22 A. I probably did.

23 Q. And you were free to leave at any time,
24 weren't you?

25 A. No.

Stephen Dwyer-Redirect by Meadors

1 Q. As a matter of fact, they told you you
2 could leave, didn't they?

3 A. Oh, okay.

4 Q. I mean, didn't they?

5 A. I don't remember.

6 Q. You and I have never talked before, have
7 we?

8 A. No.

9 Q. And you didn't call that number, which is
10 my personal cell number on that subpoena when you
11 got it, did you?

12 A. No.

13 Q. Why not?

14 A. I didn't know why I had to. I mean, you
15 all served me the subpoena, I thought that was good
16 enough.

17 Q. And the sheriff talked to you about your
18 military career, and that you didn't need to get
19 involved in this, right?

20 A. Nah, the stuff -- yeah, he done looked it
21 up. Whatever he needed to tell me.

22 Q. He never threatened you.

23 A. I guess to me that was a threat when you
24 tell me -- ask me what do you want; that he might be
25 the last person I see. And he say that he's the

Stephen Dwyer-Redirect by Meadors

1 only one that can help me. So basically if I didn't
2 cooperate with him, it was like I was going to go to
3 jail that night.

4 Q. But he didn't say that though, did he?
5 He didn't come out and say that.

6 A. No.

7 Q. He was trying to solve a murder where
8 somebody is shot in the back of the head.

9 A. I know.

10 Q. And he was asking you if you knew
11 anything.

12 A. Yes.

13 Q. And that's reasonable for the sheriff to
14 do, isn't it?

15 A. That's -- yeah.

16 Q. And he treated you with respect.

17 A. He did.

18 Q. And you treated him with respect.

19 A. I did.

20 Q. And that's who you told the truth to,
21 wasn't it?

22 A. I don't know him.

23 Q. I mean the sheriff is a nice fellow.

24 A. That was my first time meeting the
25 sheriff.

Stephen Dwyer-Redirect by Meadors

1 Q. But you all got along fine.

2 A. That was my first time meeting the
3 sheriff. I don't know him.

4 (Transcript of Stephen Dwyer marked
5 State's Exhibit No 76.)

6 Q. And you were audioed and videoed. And a
7 sign up there says that, right?

8 A. I don't remember.

9 Q. And this is a transcript you got from
10 somewhere, but produced by Mr. Keffer's office as
11 far as you know, correct?

12 A. Correct.

13 MR. MEADORS: Your Honor, we would offer
14 State's 76.

15 THE COURT: Any objection?

16 MR. KEFFER: Your Honor, our only
17 objection would be that this would be improper
18 redirect. This is our transcript. We transcribed
19 it. In fact, I provided it to the State. But that
20 would be our only objection.

21 THE COURT: You're saying it goes outside
22 the scope of the cross?

23 MR. KEFFER: Yes, redirect. It's not --
24 this is redirect.

25 MR. MEADORS: Your Honor, we went into his

Stephen Dwyer-Redirect by Meadors

1 statements and threats and how long he was down
2 there. This is how long he was down there was in
3 there.

4 MR. KEFFER: Actually, it's not -- the
5 time is not all there. Judge, that is our product
6 from our office. I'm just putting that objection on
7 the record.

8 THE COURT: Your objection is overruled.

9 (Transcript of Stephen Dwyer marked
10 State's Exhibit No. 76 into evidence.)

11 Q. When is the last time you talked to
12 Matthew?

13 A. I don't remember.

14 Q. Sir?

15 A. I say, I don't remember.

16 Q. Well could you think a minute?

17 A. I visit him, but that been a while back
18 too.

19 Q. Have you talked to him on the phone
20 recently?

21 A. Yes.

22 Q. Did you talk about your testimony?

23 A. No.

24 Q. Sir?

25 A. No.

Dayasia Robinson-Direct by Meadors

1 MR. MEADORS: Thank you.

2 THE COURT: You may step down, sir. Thank
3 you. You may call your next witness.

4 MR. MEADORS: Dayasia Robinson.

5 THE CLERK: Judge, a juror wants to use
6 the restroom.

7 THE COURT: Certainly. We can take a
8 brief recess then. Please do not discuss the case.
9 Just let us know when you are ready to proceed.

10 (Whereupon, the court takes a short
11 recess.)

12 THE COURT: Mr. Meadors, are you ready?

13 MR. MEADORS: Yes.

14 THE COURT: Mr. Keffer?

15 MR. KEFFER: Yes.

16 THE COURT: You may bring the jury.

17 (Whereupon, the following takes place
18 within the presence of the jury.)

19 Dayasia Robinson, being first duly
20 sworn, testified as follows:

21 THE CLERK: State your name and spell your
22 last for the record.

23 A. Dayasia Robinson.

24 THE COURT: Your witness.

25 MR. MEADORS: Thank you, Your Honor.

Dayasia Robinson-Direct by Meadors

1 Direct Examination by Mr. Meadors:

2 Q. Good morning, Ms. Robinson.

3 A. Good morning.

4 Q. Please tell the ladies and gentlemen of
5 this jury about Dayasia Robinson. Is that how you
6 pronounce your first name?

7 A. Dayasia.

8 Q. Dayasia. Where are you from?

9 A. Sumter.

10 Q. Born and raised here?

11 A. Yes, sir.

12 Q. Please tell us where you went to school.

13 A. High school?

14 Q. Yes, ma'am.

15 A. Lakewood and Sumter High.

16 Q. When did you get out of Sumter High?

17 A. 2013.

18 Q. What did you do after that?

19 A. Work.

20 Q. Where did you work, Ms. Robinson?

21 A. When I first got out, I worked at
22 McDonald's. Then the nursing home. And then
23 Amazon. And now at Hastie Law Firm.

24 Q. And that would be Calvin Hastie, Esquire,
25 an attorney here in Sumter.

Dayasia Robinson-Direct by Meadors

1 A. Yes, sir.

2 Q. How long have you been with Mr. Hastie?

3 A. The beginning of September.

4 Q. What do you do for Mr. Hastie?

5 A. Legal assistant.

6 Q. Do you enjoy that work?

7 A. Yes, sir.

8 Q. I would like to go back to the first of
9 this year, Ms. Robinson, specifically January of
10 2015. Well first, tell the ladies and gentlemen how
11 you know Matthew Dwyer.

12 A. Matthew was my brother's friend. And then
13 we became good friends after I entered into high
14 school. And then we was real close. And then
15 afterwards we started dating.

16 Q. And when did you start dating?

17 A. The beginning of this year.

18 Q. The beginning of January.

19 A. Yes, sir.

20 Q. And so during the from January 26th or the
21 week before and week after during that time period,
22 you were dating Mr. Dwyer?

23 A. Yes, sir.

24 Q. I'm not prying, but you were all staying
25 together?

Dayasia Robinson-Direct by Meadors

1 A. Spending the night with each other, yes.
2 Not permanently living together.

3 Q. And that's all I was asking. I wasn't
4 going any further. So you might occasionally stayed
5 the night, but your residence wasn't with each
6 other.

7 A. Right.

8 Q. And again showing you State's 67, did
9 you -- did Matthew Dwyer call you after the incident
10 we're talking about here today, from a club?

11 A. Say that again.

12 Q. Did he call from a club?

13 A. Uh-huh. (Affirmative.)

14 Q. In late January?

15 A. Uh-huh. (Affirmative.)

16 Q. And not for me, but if you would just say
17 yes or no for the court reporter.

18 A. Yes.

19 Q. Just so she can take it down. And can you
20 tell us about that? Was that January 30th?

21 A. Yes, sir.

22 Q. And what did the defendant tell you when
23 he called you on January 30th of 2015.

24 A. He was drunk, and he was saying he had
25 something to tell me. And I asked him what. And he

Dayasia Robinson-Direct by Meadors

1 was like, I can't speak about it over the phone, but
2 he would have to go away for awhile. And I was
3 like, what happened. And he said, I don't want to
4 speak about over the phone. He said I'll just tell
5 you later. But I may have go away for awhile. And
6 then that kind of ended our conversation.

7 Q. And there's no doubt that was him on the
8 phone. Do you know what club? Where he was?

9 A. Either Cream or either Exclusions. One of
10 those two.

11 Q. Cream or what?

12 A. Exclusions.

13 Q. Did you subsequently find out about the
14 death in Rembert of Mr. Singleton? Did you find out
15 that someone had died in Rembert, had been shot?

16 A. Not that day.

17 Q. No, I am sorry. After that, at some point
18 did you find out there---

19 A. Yes, sir.

20 Q. ---was a death in Rembert? And did you
21 ever ask the defendant about it after that?

22 A. Yes, sir.

23 Q. And what did tell you?

24 A. He didn't know anything it.

25 Q. He told you he didn't know anything about

Dayasia Robinson-Direct by Meadors

1 it. Did he tell you anything about an investigator
2 who had called him, a female investigator?

3 A. Yes, sir.

4 Q. And what did he tell you about the reason
5 that he thought she had called him?

6 A. Because he was the last person that they
7 got in contact to via cell phone.

8 Q. Via cell phone. And do you know, did he
9 give his correct identity to that investigator?

10 A. No, sir.

11 Q. Do you remember his phone number?

12 A. I think it started 651. I don't the rest.

13 Q. And it's been stipulated to. 651-7619,
14 would that ring a bell?

15 A. Yes, sir.

16 Q. What was your phone number back then and
17 maybe today, I don't know.

18 A. 803-406-4608.

19 Q. 4608. And that's the number I've been
20 calling for scheduling for you to come up here to
21 court, right?

22 A. Yes, sir.

23 Q. Did you ever ask him if he talked to
24 Mr. Singleton at all, and what their conversation
25 was about?

Dayasia Robinson-Direct by Meadors

1 A. Eventually I did.

2 Q. When was that?

3 A. Probably the day the investigator called,
4 or the day after.

5 Q. Had she called you?

6 A. Yeah, I think she called me before she
7 called him.

8 Q. Do you know where she got your phone
9 number from?

10 A. His cell phone records.

11 Q. And did you ask the defendant Matthew
12 Dwyer about his conversation with Mr. Singleton
13 after that?

14 A. After the investigator called me?

15 Q. Yes, ma'am.

16 A. Yes, sir.

17 Q. And what did he tell you about the
18 conversation he had with Mr. Singleton, if anything?

19 A. At first he was like he didn't know. But
20 when the investigator called, he was saying that
21 they knew each other through mutual parties. And
22 that he was on some homo stuff. Homosexuality
23 stuff, and he didn't like that.

24 Q. And did he say their conversation was
25 about nothing?

Dayasia Robinson-Direct by Meadors

1 A. Uh-huh. (Affirmative.)

2 Q. And that's what you put in your statement,
3 right? This conversation was about nothing?

4 A. Yes, sir.

5 Q. And look at page 2, is that your
6 signature?

7 A. Yes, sir.

8 Q. And when asked about the conversation,
9 when I asked Matthew what did he talk about. And he
10 said we talked about nothing.

11 A. Right.

12 Q. So that's what he told you?

13 A. Uh-huh. (Affirmative.)

14 Q. Do you know his brother's phone number?

15 A. Not by heart.

16 Q. And did you see him on this 26th, the
17 defendant Matthew Dwyer? Of January? Right here.

18 A. Yes, sir.

19 Q. Tell us when did you see him that day?

20 A. The morning and that night.

21 Q. You saw him that night?

22 A. Uh-huh. (Affirmative.) Yes, sir.

23 Q. What time was that?

24 A. I am not sure of an exact time, but I know
25 it was night.

Dayasia Robinson-Direct by Meadors

1 Q. And did he spend the night with you that
2 night.

3 A. I spend the night with him.

4 Q. And don't know what time you saw him that
5 night?

6 A. No, sir.

7 Q. Do you remember when you quit seeing him
8 that afternoon, if that question makes sense.

9 A. Like around what time we separated?

10 Q. Yes.

11 A. It was probably a little bit after lunch
12 time.

13 Q. And then you saw him again that night
14 sometime.

15 A. Yes, sir.

16 Q. But you don't know what time.

17 A. No, sir.

18 Q. And that's Matthew Dwyer sitting by
19 Mr. Keffer.

20 A. Yes, sir.

21 MR. MEADORS: Thank you. Please answer
22 any questions Mr. Keffer may have.

23 Cross Examination by Mr. Keffer:

24 Q. Ms. Robinson, we spoke a few weeks ago,
25 right?

Dayasia Robinson-Cross by Keffer

1 A. Yes, sir.

2 Q. I think I went to that law firm where you
3 work at, Mr. Hastie, is that correct?

4 A. Yes, sir.

5 Q. I think you've been working there a couple
6 of months, is that right?

7 A. Yes, sir.

8 Q. And at the time of this incident in
9 January of 2015, you were dating Matthew.

10 A. Yes, sir.

11 Q. And you were with him the bulk of that
12 day, January 26th 2015.

13 A. Yes, sir.

14 Q. And you remember our conversation, right?

15 A. Yes, sir.

16 Q. And you had told me that some point you
17 guys had lunch. Is that right?

18 A. Yes, sir.

19 Q. You worked that day, is that correct?

20 A. No. I was off that day. I got paid that
21 day.

22 Q. You got paid that day.

23 A. Yes, sir.

24 Q. And you all had picked up that paycheck
25 that morning, is that right?

Dayasia Robinson-Cross by Keffer

1 A. Yes, sir.

2 Q. And then you went out to lunch, is that
3 right?

4 A. I went and got my nails -- he took me to
5 get my nails done, and then we went out to lunch.

6 Q. And then later that evening I think you
7 went to the video store.

8 A. No, we went to the gas station and get
9 movies.

10 Q. Was that the red machine? The red box
11 thing there or?

12 A. No. Somebody is selling them.

13 Q. So you got some movies that night.

14 A. Yes, sir.

15 Q. And you and Matthew watched them.

16 A. Yes, sir.

17 Q. But at some point during that night
18 Matthew wasn't with you, is that right?

19 A. Right.

20 Q. You woke up the next morning with him, is
21 that correct?

22 A. Yes, sir.

23 Q. And the statement you gave law enforcement
24 had to do with a conversation you had with Matthew
25 four days later on January 30th, is that right?

Dayasia Robinson-Cross by Keffer

1 A. Say that again.

2 Q. Matthew called you January 30th, is that
3 right?

4 A. Right.

5 Q. Was he intoxicated?

6 A. It sounded like it.

7 Q. Do you know him well enough to know that
8 if he calls you on the phone, you can tell if he was
9 intoxicated.

10 A. Yes, sir.

11 Q. In your opinion was he intoxicated?

12 A. Yes, sir.

13 Q. He said something went wrong. Something
14 bad happened, is that right?

15 A. Yes, sir.

16 Q. And did he ever tell you afterwards what
17 happened on the 26th?

18 A. No, sir.

19 Q. And the statement you gave law enforcement
20 was that truthful and accurate to the best of your
21 recollection?

22 A. Yes, sir.

23 MR. KEFFER: Thank you. Please answer any
24 questions Mr. Meadors.

25 THE COURT: Any redirect?

Morine Dickey-Direct by Meadors

1 MR. MEADORS: I don't think I have
2 anything else. I know she's got to get back to
3 Mr. Hastie's law firm. We ask that she be excused.

4 MR. KEFFER: No objection.

5 THE COURT: You are free to go, ma'am.
6 Thank you. You can call your next witness.

7 MR. MEADORS: The State would call Morine
8 Dickey.

9 Morine Dickey, being first duly sworn,
10 testified as follows:

11 THE BAILIFF: State your name and spell
12 your last for the record.

13 A. Morine Dickey. D-I-C-K-E-Y.

14 DIRECT EXAMINATION by Mr. Meadors:

15 Q. Good afternoon or almost afternoon, Ms.
16 Dickey.

17 A. Good afternoon.

18 Q. Please tell them about you, this jury,
19 about Ms. Morine Dickey. Just where were you born?

20 A. I was born in Darlington, South Carolina.
21 But raised in Lynchburg, South Carolina.

22 Q. In Lynchburg?

23 A. Yes, sir.

24 Q. Where did go to high school?

25 A. Crestwood High School.

Morine Dickey-Direct by Meadors

1 Q. And if you don't mind me asking, what year
2 did you finish?

3 A. 2010.

4 Q. And what did you do after that, Ms.
5 Dickey?

6 A. I enlisted in the military for about
7 5 months. And then after that, I came back and got
8 a job at Pilgrim's Pride. I worked there for almost
9 3 years. And then from there, I went to Amazon.
10 That's where I'm currently working at now.

11 Q. What did you do you do at Pilgrim's Pride?

12 A. Poultry processing.

13 Q. And then what are you doing at Amazon?

14 A. Picker.

15 Q. Picker. Do you know Stephen Dwyer?

16 A. Yes, sir. I knew of him, because he was
17 dating my cousin.

18 Q. And back in January of this year 2005, was
19 Stephen Dwyer dating your cousin?

20 A. Yes, sir.

21 Q. And where were you working in January of
22 this year?

23 A. Pilgrim's Pride.

24 Q. Pilgrim's Pride. And how would you get
25 to work?

Morine Dickey-Direct by Meadors

1 A. Well I used to, because at the time I had
2 my own car, but my car was broken down at the time.
3 So I used to catch a ride with one of my coworkers.
4 And then sometimes I'd have to ask my sister to drop
5 me off. And then my coworker would take me home
6 after we get off.

7 Q. And what shift back in January,
8 specifically, January 26th, what was your work
9 hours? What were your work hours, excuse me?

10 A. 11:27 until 8:17, something like that.

11 Q. Until 8:17?

12 A. Yes, sir.

13 Q. Are they pretty strict or were they pretty
14 strict at Pilgrim's about being on time?

15 A. Yes, sir.

16 Q. If you are late, will you get docked?

17 A. Yes, sir.

18 Q. Or get points, I think?

19 A. Yes, sir.

20 Q. And did you have to get a ride to go to
21 work on January 26th of 2015?

22 A. No, sir. I was still currently riding
23 with my coworker.

24 Q. Did you end up riding -- getting Mr. Dwyer
25 to take you to work?

Morine Dickey-Direct by Meadors

1 A. No, it was just that one night.

2 Q. And I wasn't clear on it. That's my --
3 you had your coworkers for that time period.

4 A. Yes, sir.

5 Q. But this one particular night, did
6 Mr. Dwyer take you?

7 A. Yes, sir.

8 Q. And how did that come about? Just because
9 you are friends with his girlfriend?

10 A. Yes, sir. Well she's my cousin.

11 Q. I'm sorry, I apologize.

12 A. Yes, sir. And then he doesn't live too
13 far from where I live.

14 Q. And you needed a ride to get to work.

15 A. Yes, sir. And I already missed the night
16 before that. And then like I said, they are strict
17 on our points, so I didn't get fired because of
18 that. Because I had already missed the day before.

19 Q. So you needed a ride.

20 A. Yes, sir.

21 Q. And did Mr. Dwyer agree to drive you?

22 A. Yes, sir.

23 Q. Did you go straight to Pilgrim's Pride, or
24 did you go somewhere else?

25 A. At the time he was talking to his brother

Morine Dickey-Direct by Meadors

1 when he was at my house, I had no idea what he was
2 talking -- talked to him about. The only thing he
3 told me was that he needed to pick his brother up.

4 Q. Do you really know Matthew Dwyer?

5 A. No, sir.

6 Q. And so did you proceed to go to pick up
7 Matthew Dwyer before he dropped you off at Pilgrim's
8 Pride?

9 A. Yes, sir.

10 Q. And do you know where you all went?

11 A. I'm not too familiar with the area. The
12 only thing I could remember was, he turned off on
13 Camden Highway or something like that. I'm not too
14 familiar with the area, because I'm not too familiar
15 with Sumter, even though I have been living here for
16 awhile.

17 Q. I understand. Where were you riding?

18 A. In the front seat.

19 Q. And so you don't know exactly where
20 Matthew Dwyer was picked up then.

21 A. No, sir.

22 Q. Was it dark?

23 A. Yes, sir.

24 Q. Was he by himself when he was picked up?

25 A. Yes, sir.

Morine Dickey-Direct by Meadors

1 Q. And once he got in the vehicle, what did
2 you, what happened?

3 A. Well once he got into the vehicle, we
4 turned the opposite way to go back the way that we
5 came, so he could go ahead and drop me off at work.

6 Q. To Sumter.

7 A. Yes, sir.

8 Q. And did he drop you off first from there?

9 A. Yes, sir.

10 Q. Now did you notice any injuries on Matthew
11 Dwyer?

12 A. No, sir.

13 Q. Did you see his hand bleeding?

14 A. No, sir.

15 Q. Describe the conversation from wherever
16 you picked up Matthew Dwyer back to Pilgrim's Pride.

17 A. I couldn't really hear anything that he
18 was saying. It sounded more of him mumbling. I
19 could hear Stephen asking him was he all right. But
20 I didn't hear what he was likely saying, because it
21 sounded more like he was mumbling in the back seat.

22 Q. And did you -- and did Matthew Dwyer fall
23 asleep on the way back?

24 A. Well I heard Stephen kept telling him, you
25 know, you can't go to sleep. Don't fall asleep.

Morine Dickey-Direct by Meadors

1 Q. Did you hear Matthew say anything about
2 his hands, and Stephen saying, don't get anything on
3 my seat?

4 A. Yes, sir. I heard Stephen told him,
5 don't get any blood on his seat.

6 Q. Did Matthew tell Stephen not to tell
7 anybody?

8 A. Stephen told me that Matthew told him not
9 to tell anybody. I didn't hear Matthew say that out
10 of his own mouth.

11 Q. And that's all you know, isn't it?

12 A. Okay.

13 Q. No, don't get up. But I'm just saying,
14 that's your involvement in this case.

15 A. Yes, sir.

16 MR. MEADORS: Thank you. That's all.
17 Please answer any questions Mr. Keffer has.

18 MR. KEFFER: No questions, Your Honor.

19 THE COURT: You may step down, ma'am.
20 Thank you. You may call your next witness.

21 MR. MEADORS: Investigator David Miller.

22 Investigator David Miller, being first
23 duly sworn, testified as follows:

24 THE CLERK: State your name and spell your
25 last for the record.

Investigator David Miller-Direct by Meadors

1 A. David Miller. M-I-L-L-E-R.

2 DIRECT EXAMINATION by Mr. Meadors:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Tell the jury about your background and
6 your training and education particularly in the law
7 enforcement, please.

8 A. In 2011, I went to the South Carolina
9 Criminal Justice Academy. I spent two years working
10 the road with the Sumter Police Department. I spent
11 6 months on the road with the Sumter County
12 Sheriff's Office, and I was an investigator, where I
13 served until June of this year. And I'm now a
14 deputy with the Kershaw County Sheriff's Office,
15 assigned to the patrol unit.

16 Q. So you worked for Sheriff Dennis and now
17 work for Sheriff Matthews in Kershaw.

18 A. Yes, sir.

19 Q. Back in January of 2006, what was your
20 role with Sheriff Dennis?

21 A. I was an investigator assigned to criminal
22 investigations division.

23 Q. Were you involved in the case of the State
24 of South Carolina versus Matthew Dwyer?

25 A. Yes, sir.

Investigator David Miller-Direct by Meadors

1 Q. Were you and Darlene Dellinger in charge,
2 kind of the head of the investigation, one or both
3 of you?

4 A. Yes, sir.

5 Q. And can you tell these folks, the ladies
6 and gentlemen of this jury, Investigator, how did
7 you get involved?

8 A. I was asked on late Tuesday afternoon,
9 January 27th, to go look at a vehicle and some
10 pictures because---

11 Q. January 27th of 2015?

12 A. That's the day the body was found, yes,
13 sir. They came to me late that afternoon and said,
14 hey, go down and look at the vehicle, and tell us
15 what you think. It's just suspicious. I went down
16 and looked at the car and I looked at the photos,
17 and, you know, I told them what I thought at that
18 point.

19 Q. And you weren't involved in the crime
20 scene, and all the pictures are in of the car.

21 A. No, sir. I never went to the crime scene.

22 Q. So you looked at the car later.

23 A. Yes, sir. When it was brought to the
24 sheriff's office.

25 Q. And at some point were phones and or phone

Investigator David Miller-Direct by Meadors

1 tolls retrieved from Mr. Dwyer's phone and Mr.
2 Singleton's phone? Mr. Matthew Dwyer's phone,
3 excuse me. Mr. Johnny Singleton and Mr. Stephen
4 Dwyer?

5 A. Yes, sir.

6 Q. And were you able to help put the phones
7 in different locations to kind of get an idea of
8 where the parties might have been?

9 A. Yes, sir. I contacted Detective Gardner
10 with the Sumter Police Department. He came over and
11 just basically showed me that every phone has a, or
12 every tower has a number, and that in the call log,
13 it puts that number in a column of which tower that
14 phone bounced off of, hit off of, however you want
15 to describe it. And then the number corresponds
16 with the location. That's how we determine that Mr.
17 Singleton's phone had been used on Mason Road. Mr.
18 Dwyer's phone was picked up on a cell tower on Mason
19 Road, and then also that Mr. Matthew Dwyer's phone
20 was picked up in the Rembert area.

21 Q. And all those records are in evidence now,
22 or at least the phone numbers. So were you able to
23 show basically Mr. Dwyer's phone moving towards
24 Sumter -- towards Rembert?

25 A. Yes, sir. It shows that it's on Mason

Investigator David Miller-Direct by Meadors

1 Road, and the next time it's picked up is in
2 Rembert.

3 Q. And that's these cell sites we see out
4 there, that have got three sides?

5 A. Yes, sir.

6 Q. And did you go with Sergeant Dellinger to
7 [REDACTED] Armstrong Boulevard to talk to Ms. Janie Mae
8 Shaw?

9 A. Yes, sir.

10 Q. And did you have an occasion to go with
11 Sergeant Dellinger or did you have an occasion to
12 the residence of Matthew Dwyer?

13 A. Yes, sir.

14 Q. And is that where Mr. Dwyer's phone was
15 retrieved?

16 A. Yes, sir.

17 Q. And at that point were you present, did
18 you see Mr. Dwyer there?

19 A. Yes, sir.

20 Q. And I'm going to show you State's 68, is
21 that Mr. Dwyer that you saw on February 4th?

22 A. Yes, sir.

23 Q. And at that point you've got phone
24 numbers. Did you and or Sergeant Dellinger start to
25 call phone numbers that were on the victim's phone

Investigator David Miller-Direct by Meadors

1 to try to identify who he had been talking to?

2 A. On Tuesday, we were notified by the
3 Newberry Pathology about the cause of death. On
4 Wednesday, I believe it was Wednesday, we went to
5 Johnny Singleton's residence in Camden. We didn't
6 know anything about him. Didn't know if he had a
7 wife. We just didn't know anything. So we got a
8 search warrant for his house, just to go and try to
9 help us locate any type of information that could
10 help us understand or find out who he was talking
11 to.

12 Q. Because at this point you really didn't
13 know anything, did you?

14 A. I didn't know anything.

15 Q. And at first you thought it was a car
16 accident.

17 A. Yes, sir, I sure did. And then I was out
18 the next 2 days sick, Thursday and Friday. And
19 that's when my understanding Sergeant Dellinger was
20 making phone calls based off the records we had
21 recovered from Mr. Singleton's phone.

22 Q. And that leads to the triangle if you
23 will, of Singleton, Matthew Dwyer and Stephen Dwyer.

24 A. Yes, sir.

25 Q. And was it after that, that you had the

Investigator David Miller-Direct by Meadors

1 opportunity to go Matthew Dwyer's house?

2 A. We didn't go to Matthew Dwyer's house
3 until we served the search warrant.

4 Q. And that's what I was referring to---

5 A. Yes, sir.

6 Q. ---I'm sorry. Now did you have an
7 occasion to speak with Matthew Dwyer -- well did you
8 talk to him at the search warrant? Was that
9 Investigator Dubose?

10 A. Investigator Dubose.

11 Q. Did you have an occasion to talk to
12 Matthew Dwyer after the search warrant with the
13 sheriff's department?

14 A. Yes, sir.

15 Q. And who else was with you?

16 A. Sergeant Dellinger.

17 Q. I am going to show you what's marked
18 State's 72, do you recognize that?

19 A. Yes, sir.

20 Q. And what is that?

21 A. That is a waiver of rights form used by
22 the Sumter County Sheriff's office. It is initialed
23 by Mr. Dwyer. It's signed here stating that he
24 understood it. And it was witnessed by me and by
25 Ms. Dellinger.

Investigator David Miller-Direct by Meadors

1 Q. And were you present when Ms. Dellinger
2 read the the rights to the defendant?

3 A. Yes, sir.

4 Q. You have the right to remain silent?

5 A. Yes, sir.

6 Q. Anything that you say can and will be used
7 against you in a court of law?

8 A. Yes, sir.

9 Q. You have a right to talk to an attorney
10 and have him or her present with you while you are
11 being questioned?

12 A. Yes, sir.

13 Q. If you cannot afford to hire an attorney,
14 one will be appointed to represent you before any
15 questioning if you wish?

16 A. Yes, sir.

17 Q. You can decide at any time to exercise
18 these rights and not answer any questions or make
19 any statements. As she was reading those to the
20 defendant, did he appear to understand them?

21 A. He appeared to.

22 Q. I mean, you're not that old of a fellow.
23 But you've been around and your training in law
24 enforcement. Did he appear to say, or did he
25 indicate that he understood them?

Investigator David Miller-Direct by Meadors

1 A. Yes, sir.

2 Q. And did he sign these lines saying that he
3 understood them?

4 A. Yes, sir.

5 Q. Did he appear to be under the influence of
6 alcohol or any other intoxicant?

7 A. No, sir.

8 Q. Did you have any trouble understanding
9 him?

10 A. No, sir.

11 Q. Did he appear to have any trouble
12 understanding you based on the questions? Were they
13 timely and appropriate?

14 A. Yes, sir. He seemed to understand.

15 Q. And then below that, I understand each of
16 the above rights, which I have been read and
17 explained. And it's got your name here. You said,
18 Dellinger actually read them.

19 A. Yes, sir.

20 Q. At the Sumter County Office at 1281 North
21 Main Street, 19:49 p.m. Is that Mr. Dwyer's
22 signature?

23 A. Yes, sir.

24 Q. And whose signature is that?

25 A. That's mine.

Investigator David Miller-Direct by Meadors

1 Q. And did he have any trouble signing that?

2 A. No, sir.

3 Q. You didn't force him to sign it?

4 A. No, sir.

5 Q. Did you threaten him or hold out any hope
6 or promise of reward?

7 A. No, sir.

8 Q. And then the waiver of rights, having been
9 advised of my rights, and fully understanding my
10 rights, I do wish to answer questions at this time.
11 And I do not wish to have an attorney present. My
12 decision to answer questions now is without an
13 attorney is made freely and is my own choice. No one
14 has threatened me in any way or promised me
15 anything. Did Mr. Dwyer sign that?

16 A. Yes, sir.

17 Q. And you did?

18 A. Yes, sir.

19 Q. And Ms. Dellinger?

20 A. Yes, sir.

21 Q. I want to show you the report, the summary
22 of the report. Did he -- what did Mr. Dwyer, Mr.
23 Matthew Dwyer tell you about his knowledge of the
24 incident in Rembert?

25 A. He said he wasn't there.

Investigator David Miller-Direct by Meadors

1 Q. And did he say anything about his phone
2 calls that may or may not have been made from his
3 phone?

4 A. I asked him -- I explained to him the
5 situation, and showed him the phone records; that
6 they were in Rembert. He said he wasn't there.
7 And I asked him somebody stole his phone or if he
8 loaned it to somebody. And he said I wasn't there.
9 And that was the last thing he said.

10 Q. Is that Mr. Dwyer sitting next to
11 Mr. Keffer in the yellow shirt?

12 A. Yes, sir.

13 Q. Did that take long what you just said?

14 A. No, sir.

15 Q. And at that point was the investigation
16 still ongoing?

17 A. Yes, sir.

18 Q. And there's audio and video at the
19 sheriff's department, correct?

20 A. Yes, sir.

21 Q. And was that audioed and videoed?

22 A. It was, but my understanding is we do not
23 have it.

24 Q. And how long was that?

25 A. That audio or video?

Investigator David Miller-Cross by Keffer

1 Q. Yeah, I mean how long is this
2 conversation?

3 A. 10 minutes tops.

4 Q. Did he admit to doing it?

5 A. No, sir.

6 Q. He just said I wasn't there. That wasn't
7 my phone.

8 A. He just said I wasn't there.

9 MR. MEADORS: That's all. Thank you.

10 THE COURT: Cross examination.

11 Cross Examination by Mr. Keffer:

12 Q. At the time of this incident, you were an
13 employee of Sumter County?

14 A. Yes, sir.

15 Q. And your title is what?

16 A. Investigator.

17 Q. How many years were you in Sumter County
18 at that point?

19 A. About a year and 4 months.

20 Q. And before that, where were you?

21 A. I spent two years with the City of Sumter.

22 Q. And how long were you with the City of
23 Sumter?

24 A. 2 years.

25 Q. And before that.

Investigator David Miller-Cross by Keffer

1 A. I was a gold course superintendent.

2 Q. Where at?

3 A. Player's Course in Manning.

4 Q. And right now apparently you're working
5 where?

6 A. Kershaw County Sheriff's Office.

7 Q. And what is your rank there?

8 A. I'm just a deputy assigned to the patrol
9 division.

10 Q. You're not an investigator anymore?

11 A. No, sir.

12 Q. Do you remember executing a search warrant
13 at Johnny Singleton's house in Kershaw County?

14 A. Yes, sir.

15 Q. Do you remember looking at the inventory
16 that was there?

17 A. Yes, sir.

18 Q. And do you recall signing a page where you
19 knowledged receiving that inventory?

20 A. Yes, sir.

21 Q. And if I showed it to you, would you be
22 able to recognize your signature?

23 A. Yes, sir.

24 Q. Is that your signature on the bottom?

25 A. Yes, sir.

Investigator David Miller-Cross by Keffer

1 Q. Can you publish to the jury?

2 A. One 9-millimeter rifle, E5004. It was a
3 high point. One 12 gauge shotgun J620346 Mossberg.
4 One 38 handgun. Two bottles of prescription
5 medicine. One bag of bath salts suspected.
6 Marijuana residue. And one box containing tattoo
7 equipment.

8 Q. And that's your signature at the bottom of
9 that page, correct?

10 A. Yes, sir.

11 Q. Do you recall questioning Stephen Dwyer
12 February 4th 2015?

13 A. I recall talking with him.

14 Q. Talking with him?

15 A. An interview.

16 Q. Interview.

17 A. Yes, sir.

18 Q. Law enforcement uses the word interview,
19 is that right?

20 A. Yes, sir.

21 Q. And would you agree with me that that
22 interview was taped over a 6 and a half hour period?

23 A. Yes, sir.

24 Q. Have you had a chance to review that video
25 at all?

Investigator David Miller-Cross by Keffer .

1 A. I've watched bits and pieces of my end of
2 it.

3 Q. So to understand, you weren't there during
4 the entire time during the 6 and a half hours.

5 A. I left to go serve a search warrant at
6 Murphy Street, on the team that went to serve the
7 search warrant on Murphy Street. And then I came
8 back with Mr. Dwyer, with Matthew Dwyer and spoke
9 with him. And Stephen was in, my understanding was
10 with sheriff and Lieutenant Melissa Addison.

11 Q. And you were present for initially for the
12 interview with Stephen, is that right?

13 A. Yes, sir.

14 Q. Well let's talk about the interview
15 process that Sumter County uses.

16 A. Okay.

17 Q. Do you receive any training when
18 interviewing the suspect in a murder case?

19 A. No, sir.

20 Q. You receive no training.

21 A. I've been to a John Reed School of
22 interview and interrogation.

23 Q. Can you tell the jury what that is?

24 A. It's a school -- it's a week long class
25 where they talk to you about interviewing suspects,

Investigator David Miller-Cross by Keffer

1 people that are associated with an incident. Things
2 like along those lines.

3 Q. And when did you attend that class?

4 A. When did I attend that class, I couldn't
5 answer. I couldn't tell you what the dates were.

6 Q. Is that something that Sumter County sends
7 you on, or did you do that on your own?

8 A. Sumter County sent me to that.

9 Q. While you were employed?

10 A. Yes, sir.

11 Q. Have you reviewed or had the opportunity
12 to review the copy of the transcripts---

13 A. Yes, sir.

14 Q. ---of that interview?

15 A. Yes, sir.

16 Q. All the pages?

17 A. Yes, sir.

18 Q. Are you familiar those pages that are --
19 where you questioned him?

20 A. Yes, sir.

21 Q. And I'll show you State's Exhibit 76, and
22 ask you to thumb through that. Does that appear to
23 be copy of the transcript of the interview of
24 Stephen Dwyer February 4th, 2015, as prepared by my
25 office and provided to Mr. Meadors and the State?

Investigator David Miller-Cross by Keffer

1 A. Yes, sir.

2 Q. Is that what you reviewed?

3 A. Yes, sir.

4 Q. Did you review that prior to today's
5 testimony?

6 A. Yes, sir.

7 Q. Let me draw your attention to page 2, if I
8 could. All the way down at the bottom, and can you
9 publish to the jury.

10 A. You want right here?

11 Q. Yeah, can you tell the jury what you asked
12 him.

13 A. I said, it just says, here's what
14 happened. There's a man dead, with a 380 in the
15 back of his head. The guy that was murdered, if you
16 want to get involved in that, that's life without
17 parole.

18 Q. Let's slow down here. Now you're
19 interviewing the suspect in a case. Is that how you
20 would have questioned him? Would you have just ran
21 through it quick, or would you have made him
22 understand, each and every word?

23 A. That's the way I did it, Counselor.

24 Q. And you stated in there, that's murder.
25 If you want to get involved in that, that's life

Investigator David Miller-Cross by Keffer

1 without parole. You were questioning Stephen Dwyer.

2 A. Yes, sir.

3 Q. And that's what you told him.

4 A. Yes, sir.

5 Q. And he understood that, because he
6 answered yes, sir.

7 A. Yes, sir.

8 Q. And that's on there as well.

9 A. Yes, sir.

10 Q. Go to page 7. When you get to page 7, you
11 let me know.

12 A. I am there.

13 Q. Okay. Now there is going to be some words
14 here, but I don't want you to say the words, but
15 we've been using the F word---

16 A. That's fine.

17 Q. ---throughout this trial.

18 A. Yes, sir.

19 Q. So when it comes to that, can you publish
20 to the jury the first two statements on page 7 that
21 you were directing towards Stephen Dwyer during this
22 interview. It starts with, okay, let me tell you
23 right now. Do you see that?

24 A. Let me tell you right now, you knew what
25 happened to you before in a room with two people,

Investigator David Miller-Cross by Keffer

1 absolutely 100 percent. Don't F nobody that don't
2 need F'ing. Do you understand what I am saying.

3 Q. And what was his response?

4 A. Yes, sir.

5 Q. Go ahead.

6 A. It says because she will tell you and I
7 will tell you that if you don't need to be jammed
8 up, we won't jam you up. If you don't need to be
9 incarcerated. And then I ain't putting you in jail.
10 If you don't need to walking around looking over
11 your shoulder every day, then I am going to let you
12 know when you walk out of here. I appreciate it,
13 Stephen. If I need you down the road, I will call
14 you ahead of time and tell you.

15 Stephen, and we don't even need to do that
16 face to face, I will tell you over the phone.

17 Stephen, can you tell me about X-Y, -- or Stephen,
18 X-Y-Z, can you tell me X-Y-Z, one more time. And
19 this is a whole another level with some F'd up S.

20 Q. F'd up S, is that right?

21 A. Yes, sir. That's what it says.

22 Q. Let's go to page 9.

23 A. All right.

24 Q. And we are going to carry it over to the
25 top of page 10, if you would. Detective Miller,

Investigator David Miller-Cross by Keffer

1 could you read the last paragraph on page 9, which I
2 believe is your questioning directed towards Stephen
3 Dwyer?

4 A. It says, I'm going to explain to you the
5 big picture. The big picture is, that maybe Matthew
6 hooked up with someone that he shouldn't have been
7 with in the first place, okay. And as a result of
8 hooking up with that individual, something went
9 down. Now that individual is dead, and Matthew is
10 blowing up your phone, all right.

11 So he's calling, he's calling, he's
12 calling. And you're going to shoot me this line
13 that all he said was meet me at Wal-mart. And he
14 didn't tell me nothing. The State of South Carolina
15 takes murder very seriously, all right. Which means
16 if you know something and you don't tell me, guess
17 what, and he said---

18 Q. And what was his response?

19 A. What.

20 Q. And not Dellinger's but your response was?

21 A. I said misprision of a felony. And it's
22 punishable by the same amount of time as a felony
23 itself.

24 Q. So you're telling Stephen Dwyer that if he
25 doesn't say something, he's facing the same time as

Investigator David Miller-Cross by Keffer

1 a murder suspect, is that right?

2 A. Yes, sir.

3 Q. And that was early on in the interview.

4 A. Yes, sir.

5 Q. Your interview lasted approximately 6 and

6 a half hours, is that right?

7 A. I reckon.

8 Q. Does that sound about right?.

9 A. Yes, sir, that sounds about right.

10 Q. At some point Stephen said that there was

11 a fight, right?

12 A. Not to me. I don't remember him saying

13 that to me. Okay.

14 Q. Well you had time to review that

15 transcript. And you're going to tell the jury that

16 today's the first time you've heard that.

17 A. No, that's not the first time I've heard

18 that.

19 Q. Well tell the jury what steps law

20 enforcement took to investigate this fight or tussle

21 that happened between Matthew Dwyer and the

22 deceased. What steps did law enforcement do?

23 A. I didn't take any.

24 Q. Let's go back to page 1. I want you to

25 read and publish to this jury, you just start

Investigator David Miller-Cross by Keffer

1 reading from the top. Right where it says, all
2 right, like I told you before.

3 A. Like I told you before, you're not under
4 arrest. I do not have any warrants for you. But at
5 the same time, I have to protect you. And this is
6 what this does, okay. All right. How did you know
7 that I was in the military.

8 Q. Hold on. And that was Stephen telling
9 you.

10 A. That was Stephen telling me. Do you want
11 me to read it like that, Counsel? Stephen---

12 Q. And your response was.

13 A. I said, dude I know all of that.

14 Q. And then Stephen said.

15 A. How did you all even know that I was at my
16 granddaddy's house.

17 Q. Kept going.

18 A. And then I said this is how I knew you
19 were at your granddaddy's house. I went to your
20 mom's house first. She said that he is over there.
21 And just like I told her, you're not in any trouble.
22 It's just the things that popped up, and we have to
23 figure out the who's and the what's and all that.
24 That way we can do whatever, and cut you loose, and
25 all that, and get you out of here and your name out

Investigator David Miller-Cross by Keffer

1 of it. All right. He says, he didn't respond. You
2 have the to remain silent. Anything you say can and
3 will be used against you---

4 Q. Let me stop you right there. Now you're
5 reading miranda rights to Stephen Dwyer, is that
6 right?

7 A. Actually I was reading the miranda form.

8 Q. We commonly refer to that as miranda
9 rights.

10 A. Yes, sir.

11 Q. Let's not play with words here.

12 MR. MEADORS: Objection, Your Honor.

13 THE COURT: You may proceed.

14 Q. And that's right after you told him he
15 wasn't in any kind of trouble.

16 A. Uh-huh. (Affirmative.)

17 Q. Is that right?

18 A. Yes, sir.

19 Q. And law enforcement questioned him for
20 6 and a half hours.

21 A. Yes, sir.

22 Q. About that. And I understand you weren't
23 there the whole time, is that right?

24 A. Yes, sir. I was -- when I was promoted to
25 investigation, I've explained that everybody that we

Investigator David Miller-Cross by Keffer

1 talked to, that we have them fill out that form.

2 Q. Why did you leave the Sumter County
3 Sheriff's Department?

4 A. That was a personal matter between me and
5 my family.

6 THE COURT: Any redirect?

7 MR. MEADORS: Can we approach?

8 THE COURT: Yes, sir.

9 Redirect Examination by Mr. Meadors:

10 Q. When you talked to Matthew Dwyer.

11 A. Uh-huh. (affirmative.)

12 Q. And read him his rights. If you'd say
13 yes or no, please, for the record.

14 A. Yes, sir.

15 Q. You read him his rights as you've
16 testified to.

17 A. Yes, sir.

18 Q. What did he say he knew about from any
19 murder or anything that happened in Rembert.

20 A. He said he wasn't in Rembert.

21 Q. Did Stephen Dwyer tell you that his
22 brother had shot Johnny Singleton in the head?

23 A. He never told me that.

24 Q. Did he tell somebody in this transcript?

25 A. In that transcript he told Sheriff Dennis

Investigator David Miller-Cross by Keffer

1 that.

2 Q. And did he tell the sheriff that he took
3 his -- his brother told him he took his money?

4 A. That's what he told the sheriff. It's in
5 that transcript.

6 Q. At the time you saw Matthew when you read
7 him his rights, did he appear to have any injuries?

8 A. He had a place on his thumb. I don't
9 remember exactly which thumb it is. But I was under
10 the impression that Investigator Dubose, or Sergeant
11 Dubose photographed that injury while were still at
12 the house.

13 MR. MEADORS: And I think they're in
14 evidence.

15 A. Okay.

16 Q. Was Stephen a suspect in this murder?

17 A. No, sir.

18 Q. And you were investigating a murder.

19 A. Yes, sir.

20 Q. Where somebody was shot in the back of the
21 head.

22 A. Yes, sir.

23 Q. Did you have phone tolls from Stephen
24 Dwyer to the defendant?

25 A. Yes, sir.

Investigator David Miller-Cross by Keffer

1 Q. More than one?

2 A. Yes, sir.

3 Q. Did Stephen Dwyer when you first talked to
4 him, was he cooperative when he came down? Did he
5 agree to come down?

6 A. He drove his own car.

7 Q. So you all went and talked to him and he
8 drove his car down.

9 A. Yes, sir.

10 Q. So he wasn't taken down in a police car.

11 A. No, sir.

12 Q. He agreed to come talk with you all.

13 A. Yes, sir.

14 Q. And is this Matthew Dwyer?

15 A. Yes, sir.

16 MR. MEADORS: Thank you. That's all.

17 THE COURT: You may step down, Deputy.

18 Thank you. Ladies and gentlemen, it's about 12:30.

19 It's a good time for us take our lunch recess for

20 the day. Please be back in your jury room in an

21 hour and 15 minutes at 1:45. That should give you

22 plenty of time to get some lunch and get back into

23 your jury room on time again. Again please remember

24 my instruction to not to discuss the case amongst

25 yourselves or with anyone else. Have a nice lunch.

Investigator David Miller-Cross by Keffer

1 (Whereupon, jury goes to lunch at
2 12:30 p.m.)

3 THE COURT: Before we break, I want to
4 make sure that Exhibit 76, that you both review that
5 and make sure that nothing needs to be excluded from
6 that transcript that would be inadmissible.

7 MR. KEFFER: Judge, I haven't, but I will
8 take a look at it right now.

9 THE COURT: I just want to make sure
10 before we forget. And then also on Exhibit No. 68,
11 we need to cut the bottom of it that has the phone
12 numbers.

13 MR. MEADORS: Judge, we found another
14 picture. State's 27, that was Id.'d. If we could
15 somehow switch and make 27, 68 or however. It's
16 without it.

17 THE COURT: That's fine with me. Do you
18 have any objection to that, Mr. Keffer?

19 MR. KEFFER: I don't, Your Honor.

20 MR. MEADORS: So, Your Honor, the -- I
21 guess, we now was ask that 27 be admitted without
22 objection. And we'll withdraw 68, and just have
23 that for Id., which will make it easier.

24 (Photo of Matthew Dwyer marked State's
25 Exhibit No. 27 into evidence. No. 68 for id. only.)

Investigator David Miller-Cross by Keffer

1 (Whereupon, court breaks for lunch.)

2 THE COURT: It has been reported that a
3 juror was seen outside during the lunch break
4 speaking with somebody that has been audience today.
5 So what I would like to propose to do is to bring
6 out that juror and just question him just to make
7 sure that they weren't discussing the case or
8 anything that might have taken place. Any objection
9 from either side?

10 MR. KEFFER: No objection, Your Honor.

11 MR. MEADORS: No, ma'am.

12 THE COURT: Can we please have Juror No.
13 36, Mr. Larry Cousar.

14 (Whereupon Juror comes into the courtroom
15 and is questioned by Judge.)

16 THE COURT: Good afternoon, sir.

17 THE JUROR: All right. How are you doing?

18 THE COURT: How do you pronounce your last
19 name, sir?

20 THE JUROR: Cousar.

21 THE COURT: Cousar. Mr. Cousar, I just
22 wanted to make sure that I have the correct
23 information about this. I was told that during the
24 lunch break you were discussing or talking to
25 somebody that's been sitting in the audience during

1 the trial. Do you know who that might be?

2 THE JUROR: I didn't talk to nobody.

3 THE COURT: You didn't talk to anybody
4 outside?

5 THE JUROR: I had talked with my son.

6 THE COURT: You talked with your son.

7 THE JUROR: He came up here after I got
8 out, and I talked with him.

9 THE COURT: Okay.

10 THE JUROR: That was it.

11 THE COURT: I just wanted to make sure.
12 I'm not trying to embarrass you. We just want to
13 make sure the court's order were followed, and you
14 haven't discussed this case with anyone.

15 THE JUROR: No.

16 THE COURT: Or allowed anyone to discuss
17 the case with you?

18 THE JUROR: No one.

19 THE COURT: Any further questions from
20 anyone?

21 MR. KEFFER: Nothing, Your Honor.

22 MR. MEADORS: No, ma'am.

23 THE COURT: Thank you, sir.

24 THE JUROR: That was just my son that came
25 up here, to ask me a question.

1 THE COURT: I appreciate that. We're not
2 picking on you. We just want to make sure the
3 court's orders were followed. Thank you, sir.

4 THE JUROR: All right.

5 THE COURT: Anything further before we
6 bring the jury out?

7 MR. KEFFER: No, ma'am.

8 MR. MEADORS: No, ma'am.

9 THE COURT: Let's have our jury, please.

10 (Whereupon, the following takes place
11 within the presence of the jury.)

12 THE COURT: Welcome back ladies and
13 gentlemen of the jury, I hope you had a nice lunch.
14 We are now ready to go forward with the rest of the
15 trial. You may proceed, Solicitor.

16 MR. MEADORS: May it please the court.

17 THE COURT: Yes, sir.

18 MR. MEADORS: The State of South Carolina,
19 we would call Sergeant Darlene Dellinger.

20 Investigator Darlene Dellinger, being
21 first duly sworn, testified as follows:

22 THE CLERK: State your full name and spell
23 your last name for the record.

24 A. Darlene Dellinger. D-E-L-L-I-N-G-E-R.

25 DIRECT EXAMINATION by Mr. Meadors:

1 A. Darlene Dellinger. D-E-L-L-I-N-G-E-R.

2 DIRECT EXAMINATION by Mr. Meadors:

3 Q. Thank you. May It Please the Court. Good
4 afternoon sergeant.

5 A. Good afternoon.

6 Q. Please tell the ladies and gentlemen of
7 this jury about Sergeant Darlene Dellinger, where
8 you're from, and raised and your background, and
9 your training in law enforcement, please, ma'am.

10 A. My name is Darlene Dellinger. I was
11 originally born in Brooklyn, New York. I moved here
12 at the age of 4 with my grandmother. Attended the
13 public schools in Lee County, South Carolina. I
14 later moved back to New Jersey, where I graduated
15 John F. Kennedy high school. In 1994, I transferred
16 back here from New Jersey to South Carolina,
17 graduating from St. Leo University with an
18 associates degree in Associated Arts. I have my
19 bachelor's degree in Criminal Justice. And I
20 currently obtained my master's degree in Seminary.
21 I am a 1998 graduate of the South Carolina Criminal
22 Justice Academy. I am currently working for the
23 Sumter County Sheriff's Office as a criminal
24 investigator.

25 Q. And how long have you been working with

Sergeant Darlene Dellinger-Direct by Meadors

1 the Sumter County Sheriff's Office?

2 A. This my 9th year at the Sumter County
3 Sheriff's Office.

4 Q. And have you had -- held different
5 positions at the sheriff's office?

6 A. I originally started out on parole in
7 2009. In 2010, I was promoted to the position of
8 Investigator with the narcotics division. And three
9 years go, I was promoted to the the criminal
10 investigation's division.

11 Q. Now, Sergeant, back in January of this
12 year, you were in the investigation division of the
13 sheriff's department.

14 A. Yes, sir.

15 Q. And were you one of the lead investigators
16 in the case of the State of South Carolina versus
17 Matthew Cory Dwyer?

18 A. Yes, sir.

19 Q. And detective or Officer Miller now,
20 Investigator Miller then, was he also coordinating
21 with you?

22 A. Yes.

23 Q. Can you tell you these ladies and
24 gentlemen when you got involved, and what you did
25 initially in this case, please.

Sergeant Darlene Dellinger-Direct by Meadors

1 A. The case was and the scene had already
2 taken place on the 27th, I believe it was. Several
3 days later Investigator Miller was asked to take
4 over the investigation. I was called in to ask if I
5 would assist him in the investigation. We became
6 working whatever was already obtained by the other
7 officers, and moved forward from that point.

8 Q. And initially everybody thought it was a
9 traffic accident, correct?

10 A. That's correct.

11 Q. And after a word came from the coroner or
12 the pathologist, a bullet was discovered in the
13 head of the victim, Mr. Johnny Singleton?

14 A. Yes, sir. That's correct.

15 Q. And at that point it was a homicide case.

16 A. Yes, sir.

17 Q. And there's been testimony, I think it's
18 already in about the phone tolls and the phones that
19 law enforcement acquired. Were you able to do with
20 any of the phones or the phone numbers retrieved
21 from these phones?

22 A. Yes, sir. Initially the first logs that
23 we had were that of the victims, once they located
24 the phone. That information was retrieved. And I
25 began calling phone numbers that was on the victim's

Sergeant Darlene Dellinger-Direct by Meadors

1 phone just to see who would be able to give us some
2 information on the case.

3 Q. At this point, Sarg., are in the blind? I
4 mean do you know anything?

5 A. No, sir.

6 Q. And so you get Mr. Singleton's phone?

7 A. Yes, sir. Well I get the logs from the
8 phone, yes, sir.

9 Q. And does that mean numbers that were
10 called from that phone to somebody else?

11 A. Yes, sir.

12 Q. And what did you do with those?

13 A. I got the phone logs. I believe it was
14 like January 30th, I think, that I actually started
15 looking at the logs and making calls. I made a few
16 calls off of the phone log that we had at that time.

17 Q. And those would be cold calls, I guess.
18 Did you know you were calling?

19 A. No, sir, not at all.

20 Q. And did you have an occasion to call
21 (803) 651-7619?

22 A. I believe so. I believe that's the
23 correct number.

24 Q. And did a male answer the phone?

25 A. Yes.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. And what did you say to this person?

2 A. I identified myself. This is -- and I was
3 senior investigator at that time. Senior
4 Investigator Dellinger. I'm with the Sumter County
5 Sheriff's Office. I'm investigating a murder case.
6 We've gotten some information from the victim. I'm
7 just making some phone calls based on what we have
8 from this victim's phone to find out any
9 relationships or anything known, so we can try to
10 work some information out on this investigation.
11 And I asked them, do you know a Mr. Johnny
12 Singleton.

13 Q. And did that person say they knew him?

14 A. They said they did not know him.

15 Q. Did they identify themselves?

16 A. Yes, they did.

17 Q. What did they say?

18 A. They said that their name was a Novian
19 Sinclair. It was a male subject that was on the
20 phone.

21 Q. Novian Sinclair.

22 A. Yes, sir.

23 Q. And that was a 7619 number you called?

24 A. Yes, sir. If I could look at my notes, or
25 some notes.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. Please help yourself. 1769, I think I
2 turned that around. I apologize.

3 A. Yes, sir. 651-7619, was the number that I
4 called.

5 Q. And is that the subscriber number of the
6 defendant?

7 A. Yes, it is.

8 Q. And this individual intro -- said they
9 were Novian Sinclair?

10 A. Yes, sir.

11 Q. Did you make note of that?

12 A. Yes, sir.

13 Q. And did you try to determine who Novian
14 Sinclair was?

15 A. Yes, I did.

16 Q. And is there is a Novian Sinclair in the
17 State of South Carolina?

18 A. Yes, there is. I determined that by going
19 to the DMV website and putting that name in. The
20 person on the phone identified themselves as Novian
21 Sinclair, and told me that they were from the
22 Spartanburg area. I put that information in the DMV
23 site, and Novian Sinclair was a real person and did
24 come back to the Spartanburg area.

25 Q. And were you able to determine in your

Sergeant Darlene Dellinger-Direct by Meadors

1 investigation whether or not Novian Sinclair had
2 been a roommate of Mr. Matthew Dwyer at some time?

3 A. Yes, sir. We did determine that they were
4 roommates at some time in the past.

5 Q. Did that person on the phone ask you or
6 tell you anything about the case?

7 A. No.

8 Q. And you had informed them why you were
9 calling?

10 A. Yes, I did.

11 Q. Was that the time you called that phone --
12 yeah, the time you called that phone, was that
13 documented in the phone itself?

14 A. In my phone or their phone? It would have
15 been documented if the two calls went out from the
16 cell phone; yes, it would have been documented in
17 those phones.

18 Q. And so State's Exhibit No. 66 Matthew
19 Dwyer's phone, the phone call you made, trying to
20 check out a number that was in Mr. Singleton's
21 phone, be in that phone?

22 A. Yes.

23 MR. MEADORS: I beg the court's
24 indulgence.

25 Q. Is this Matthew Dwyer's phone, State's 66?

Sergeant Darlene Dellinger-Direct by Meadors

1 A. Yes, sir.

2 Q. And is your name listed in his phone?

3 A. Yes, it is. It's misspelled, but it's in
4 there.

5 Q. What does it say Dellinger?

6 A. Yes, sir.

7 Q. And did you call back or text back this
8 number to the person who identified themselves as
9 Novian Sinclair, after you initially talked to him?

10 A. Yes, sir, I did.

11 Q. Why?

12 A. When we sent the officers from Spartanburg
13 to the residence, he was not -- the Novian Sinclair
14 person wasn't home. So I wanted to speak back with
15 that person and ask them where they were or could
16 they come in and talk to us in person after we
17 figured it out it was a real person. So I texted.
18 I called. They didn't answer. So I sent a text.
19 If most people don't answer sometimes they'll answer
20 a text message when you text them. So I sent them a
21 text, and I didn't get a response back.

22 Q. Did you remember the name Novian Sinclair
23 when you texted him back?

24 A. No. At that point, we've been talking and
25 looking at a bunch of things. I think I actually

Sergeant Darlene Dellinger-Direct by Meadors

1 used the wrong name, but it was the right number
2 that I texted back. Because I just based it off of
3 the log. I put Martin call me back, and it was
4 supposed to be Novian.

5 Q. And the time of that text, and the date of
6 that text was what? You've just testified you sent
7 a text, Martin call me back.

8 A. Yes, sir.

9 Q. What is the date and time of that?

10 A. It says Friday January 30th, 7:31 p.m.
11 Martin, call me back from Dellinger.

12 Q. Have you ever -- did you ever hear back?

13 A. No, sir.

14 Q. And this is the phone that was taken from
15 the search warrant of Matthew Dwyer's house?

16 A. Yes.

17 Q. Did you have an occasion to speak with
18 Ms. Janie Mae Shaw?

19 A. Yes, I did.

20 Q. And how did you come up -- how did Janie
21 Mae come into your world or this investigation?

22 A. As I said, the case had already been
23 previously ongoing. It was passed on to me and
24 Investigator Miller. We understood that that was
25 one of the last places that Mr. Singleton was seen

Sergeant Darlene Dellinger-Direct by Meadors

1 the evening from the previous investigators. We
2 decided to go over to her residence and speak with
3 her.

4 Q. After that, did you acquire more phone
5 numbers from these phones?

6 A. After we got the log back from
7 Mr. Singleton's phone, based on the calls and the
8 times that they were coming in, we got the initial
9 search warrants for other numbers. And then we came
10 up with another number for a person that had last
11 talked to him, or what we believe to be the last
12 person to talk to him.

13 Q. And who was that?

14 A. That was Mr. Matthew Dwyer.

15 Q. And going back to Ms. Janie Mae Shaw, you
16 all went and talked to her?

17 A. Yes, we did.

18 Q. And was that helpful in your opinion or as
19 experience in your investigation to help you with
20 the time line?

21 A. Yes, sir. It assisted us in knowing where
22 he would have been, and the last time he would have
23 been seen, and whether he was alone or not at that
24 time or with someone. It gave us a time line and a
25 time frame.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. After that you said you identified a
2 number to Matthew Dwyer?

3 A. Yes, sir.

4 Q. Excuse me, Stephen Dwyer.

5 A. Matthew Dwyer was first. And then after
6 we got Matthew's records, we identified another call
7 which came back to the phone that came back to
8 Stephen Dwyer.

9 Q. And did their appear to be calls back and
10 forth between those two numbers, Stephen and
11 Matthew?

12 A. Yes.

13 Q. And was that during the potential time
14 period or the time period which might be relevant to
15 this investigation?

16 A. Yes, sir.

17 Q. And is that what you all were trying to
18 find out?

19 A. Yes, sir.

20 Q. Did you have an occasion to talk to Ms.
21 Dayasia Robinson?

22 A. Yes, I did.

23 Q. And how did she become involved in this,
24 or why did you go talk to her?

25 A. Ms. Dayasia Robinson's number was in

Sergeant Darlene Dellinger-Direct by Meadors

1 Mr. Matthew Dwyer's cell phone log. Once again, I
2 just worked with what I had at that time. I started
3 calling numbers in and identifying myself, letting
4 the person what I was doing; that I was conducting
5 an investigation in reference to a murder case. And
6 asking did she know either Mr. Johnny Singleton, and
7 at that time, after we identified that it was
8 Matthew Dwyer's phone, did she know Matthew Dwyer.

9 Q. And did you go and take a statement from
10 Ms. Robinson?

11 A. Yes, we did get a statement from
12 Ms. Robinson.

13 Q. Did you help with the search warrants
14 either at Murphy Street or any potential DNA?

15 A. I actually typed the search warrants for
16 Matthew Dwyer's residence and his DNA.

17 Q. And is that gathered with a buccal or
18 buccal swab?

19 A. Yes, sir, with a buccal swab.

20 Q. And can you tell us how that's done?

21 A. A buccal swab is just a fancy name for a
22 very enlarged Q-tip. It is in a sealed plastic
23 package. It also has a sealed plastic cap on top of
24 it for contamination purposes. Normally, we put
25 gloves on before handling it. You take your gloves

Sergeant Darlene Dellinger-Direct by Meadors

1 and put them on. You peel the bag down. And then
2 the Q-tip with the sealed pack is on there. You
3 unsnap the top that's on the Q-tip itself. And then
4 you slide the Q-tip up over that. You have
5 individual open their mouths, and you rub the Q-tip
6 between the teeth and the gums, passing it over
7 several times. And what you're doing is, collecting
8 saliva on the end of the Q-tip. When you're done,
9 you grab the end again, and you slide it back down.
10 You don't make any contact with it, and you snap the
11 cap back on it.

12 Sometimes we put it back in that sealed
13 packet, or we put it inside of another compartment
14 that's able to be sealed, like an envelope or
15 something. And then you log it into evidence, and
16 you put it into evidence.

17 Q. And that's what's ultimately taken by
18 Solomon or called in to sled, correct?

19 A. Yes, sir.

20 Q. When is the first time that you saw
21 Matthew Dwyer?

22 A. The evening that he was brought to the
23 Sumter County Sheriff's Office.

24 Q. Would that be February 4th of 2015?

25 A. Yes, sir.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. And who was present with you there?

2 A. In the room with me and Mr. Dwyer was
3 Investigator Miller.

4 Q. I am going to show you what's been marked
5 72, I think for Id. at this point. Do you recognize
6 that?

7 A. Yes, sir.

8 Q. And what is that, Sergeant?

9 A. That is the Sumter County Sheriff's Office
10 Form for miranda warning, a waiver of rights form.

11 Q. And that's the standard form you use.

12 A. Yes, sir.

13 Q. And who read the rights to the defendant,
14 Matthew Cory Dwyer, on February 4th of 2015?

15 A. I actually read over them for him. I was
16 advised by the officers at the residence and the
17 search warrant that he was given, and that they
18 didn't do a form. I asked him to -- that we needed
19 to go over the form, and make sure that that was
20 signed. So I read them to him. And Investigator
21 Miller was there with his pen and helped him fill it
22 out and sign it.

23 Q. You're talking about the rights that
24 Dubose had already talked about earlier, correct?

25 A. Yes, sir.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. So this is now at the sheriff's
2 department.

3 A. Yes, sir.

4 Q. Can you read to the jury the rights you
5 read to the defendant like you did that night, right
6 now, please?

7 A. Like I would normally read them?

8 Q. Yes, ma'am.

9 A. You have the right to remain silent.
10 Anything you say can and will be used against you in
11 a court of law. You have the right to talk to
12 attorney and have him or her present with you while
13 you are being questioned. If you cannot afford to
14 hire an attorney, one will appointed to represent
15 you before any questioning if you wish.

16 You can decide at any time to exercise
17 these rights and not answer any questions or make
18 any statements. Do you understand your rights, is
19 what I would normally ask. And then I would explain
20 to them that they can reread them if they chose to,
21 or they understood them, would they please initial
22 it.

23 Q. And in this case as you read those rights
24 to the defendant, did he appear to understand them?

25 A. Yes, he did.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. Did he indicate to you, I understand them?

2 A. Yes.

3 Q. And how did he do that?

4 A. He either would say yeah, nodded, and he
5 acknowledged that they were being read.

6 Q. And was that response even in verbal form
7 of the body acknowledgment of it, was that timely in
8 relation to your question. I mean, in other words,
9 did he appear to understand and respond right after
10 you asked the question?

11 A. Yes, sir.

12 Q. And then did he indicate on that form,
13 any -- in any other way that he understood his
14 rights?

15 A. He initialed each one of the 5 rights, and
16 and he signed them.

17 Q. Did he appear to be the under the
18 influence of alcohol, drugs or any other intoxicant?

19 A. No, sir.

20 Q. In your opinion he understood them.

21 A. In my opinion he understood.

22 Q. And did you threaten him or coerce him in
23 any way?

24 A. No, sir.

25 Q. Hold out any hope or promise of reward?

Sergeant Darlene Dellinger-Direct by Meadors

1 A. No, sir.

2 Q. After that and then it says, I understand
3 each of these rights which have been read and
4 explained and one -- by a D. Miller of the Sumter
5 County Sheriff's Office at 1281 North Main Street at
6 12:49 p.m. And who signed underneath that?

7 A. Matthew Dwyer.

8 Q. And who signed there?

9 A. Investigator Miller.

10 Q. He signed that, but you actually read them
11 to him?

12 A. Yes, sir.

13 Q. And after that, please read the waiver of
14 rights.

15 A. Having been advised of my rights and fully
16 understanding my rights, I do wish to answer
17 questions at this time, and I do not wish to have an
18 attorney present. My decision to answer questions
19 now without an attorney, is made freely and is my
20 own choice. No one has threatened me in any way,
21 or promised me anything.

22 Q. And were you there when that was read to
23 him or did you read that to him?

24 A. I read that to him.

25 Q. Did he appear to understand that?

Sergeant Darlene Dellinger-Direct by Meadors

1 A. Yes.

2 Q. And did he waive his rights?

3 A. Yes, he did.

4 Q. How did he do it?

5 A. He signed the form.

6 Q. And is that his name on top,---

7 A. Yes, it is.

8 Q. ---Matthew Dwyer? Whose name is second?

9 A. Investigator Miller.

10 Q. And whose name is third?

11 A. Mine, Darlene Dellinger.

12 MR. MEADORS: Your Honor, we would offer
13 this I believe without objection, State's 72.

14 MR. KEFFER: Your Honor, the same
15 objection we had yesterday, but nothing more.

16 THE COURT: Yes, sir. Your objection is
17 overruled.

18 (Miranda warning marked State's Exhibit
19 No. 72 into evidence.)

20 Q. Referring specifically to your notes
21 then -- well let me ask you, did he ask to use the
22 bathroom or something, that he wanted something to
23 eat?

24 A. Mr. Matthew Dwyer? No.

25 Q. My question, I'll slow down, I'm sorry.

Sergeant Darlene Dellinger-Direct by Meadors

1 If he had done that would you have let him do it?

2 A. Yes, sir.

3 Q. And still at this point, you're in the
4 blind, aren't you?

5 A. Yes, sir.

6 Q. Investigation still ongoing?

7 A. Yes, it is.

8 Q. Did you check your phone tolls?

9 A. Yes.

10 Q. Trying to find who Johnny Singleton's
11 phone talked to?

12 A. Yes.

13 Q. Are calls coming to him?

14 A. Yes.

15 Q. Because this happened on the 26th,
16 correct?

17 A. Yes, sir.

18 Q. The incident?

19 A. Yes, sir.

20 Q. And I believe it was the 27th, when the
21 car was found?

22 A. Yes, sir.

23 Q. And we're now on February 4th, right?

24 A. Yes, sir.

25 Q. And during that time period, what have you

Sergeant Darlene Dellinger-Direct by Meadors

1 been doing?

2 A. Just following leads. Checking phone
3 logs. Trying to figure out who witnesses were, who
4 people were, trying to find out what happened to
5 Mr. Singleton.

6 Q. Trying to find out what happened to
7 Mr. Singleton.

8 A. Yes, sir.

9 Q. You're investigating.

10 A. Yes, sir.

11 Q. And that lead you to Matthew Dwyer,
12 Stephen Dwyer.

13 A. Yes, sir.

14 Q. And after you read the rights and your
15 testimony is, the defendant understood his rights,
16 what did he tell you specifically?

17 A. We asked him if he knew why he was there.
18 And If he knew anything about the murder of Johnny
19 Singleton in Rembert. He said he was never in
20 Rembert. He didn't know anything about it. He
21 wasn't there. We asked him about -- what about
22 these phone calls with your phone being in that
23 area. He said he didn't make any phone calls. We
24 asked him well who would have had your phone. He
25 said no one had his phone. He wasn't there.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. So he denied knowledge of the incident,
2 and denied that his phone made any phone calls.

3 A. That's correct.

4 Q. Connected with it.

5 A. Yes, sir.

6 Q. How long did that take?

7 A. Just a few minutes.

8 Q. At some point after that, did you or
9 Addison, Melissa Addison, Lieutenant Melissa
10 Addison, or Sheriff Anthony Dennis, have the
11 opportunity to speak with Stephen Dwyer?

12 A. Yes.

13 Q. And how had Stephen Dwyer gotten to the
14 sheriff's department?

15 A. Mr. Dwyer, Stephen Dwyer drove himself to
16 the sheriff's department.

17 Q. And who talked with him?

18 A. Initially myself and Investigator Miller
19 talked to Stephen.

20 Q. At this point in the investigation, did
21 you DNA back?

22 A. No, we did not.

23 Q. And that didn't come until later, right?

24 A. It didn't come back until later, much
25 later.

Sergeant Darlene Dellinger-Direct by Meadors

1 Q. And where did you all, you, or the sheriff
2 or Lieutenant Addison talk to Mr. Stephen Dwyer?

3 A. At the sheriff's office in one of the
4 interview rooms.

5 Q. And what was the point of that interview?

6 A. Stephen was a potential witness. We
7 wanted to talk to him. We knew that his phone was
8 in that area in Rembert where the car was found.
9 In talking to Matthew, who had already been talking
10 to Mr. Singleton. We just talked to talk to him and
11 see if he could tell us or if he knew anything.

12 Q. And it's in evidence. But as a result of
13 that, did you learn through Stephen Dwyer that his
14 brother had shot Johnny Singleton?

15 A. Yes sir, we did.

16 Q. And robbed him?

17 A. Yes, sir.

18 Q. And during this interview, you were still
19 working on the case, correct? Still investigating?

20 A. Yes, sir.

21 Q. Was that audio taped and videotaped?

22 A. Stephen Dwyer, yes, sir.

23 MR. MEADORS: Your Honor, at this time we
24 would enter the interview of Stephen Dwyer as
25 State's 77.

Sergeant Darlene Dellinger-Direct by Meadors

1 MR. KEFFER: Your Honor, can we approach?

2 THE COURT: You may.

3 (Whereupon, the attorneys approach and
4 confer with judge.)

5 MR. MEADORS: Is 77 in?

6 THE COURT: Yes. Subject to the
7 limitations by the court.

8 (Audio/video of Stephen Dwyer marked
9 State's Exhibit No. 77 into evidence.)

10 MR. MEADORS: May it please, Your Honor,
11 78 and 79 which are a picture of the phone that the
12 sergeant just testified to just a minute ago without
13 objection.

14 THE COURT: Is that correct, Mr. Keffer?

15 MR. KEFFER: That's correct.

16 THE COURT: They're in.

17 (Photos of phone marked State's Exhibit
18 Nos. 78 & 79 into evidence.)

19 Q. Just a couple more questions. Did you see
20 the defendant's hand on February 4th?

21 A. Yes.

22 Q. And I am going to show you what's been
23 entered as 31?

24 A. Yes, sir.

25 Q. Are you familiar with the term, a slide

Sergeant Darlene Dellinger-Direct by Meadors

1 bite.

2 A. A slide bite is what you get from a weapon
3 or a gun when you hold it improperly. When you're
4 holding it, and we call it a tea cup motion. Well
5 in my law enforcement training, it's a tea cup
6 motion. You're supposed to hold your thumb to
7 the -- well I guess that would be your left side of
8 the slide. If you hold it to the right side when
9 the slide comes back, because your thumb sits up
10 high, it either bites, we call it a bite or a
11 railroad track. It will rip across your finger,
12 your thumb, and ripe it open. It will cut it
13 pretty bad.

14 Q. And does that appear to be a slide bite in
15 your opinion?

16 A. In my opinion, yes, sir, that's what it
17 looked like.

18 Q. And this incident happened on
19 Mr. Singleton's death on January 26th, correct?

20 A. Yes, sir.

21 Q. At the time you saw this finger of the
22 defendant's was February 4th.

23 A. Yes, sir.

24 Q. Can that cause the gun to get jammed?

25 A. It can. It will cause what we call a

Sergeant Darlene Dellinger-Direct by Meadors

1 misfeed, because it's not being allowed to clearly
2 cycle all the way to the back, because your thumb is
3 interrupting it. It will cause what we call a
4 misfeed or a jam in the gun. Normally what we do in
5 law information training is, we call it a tap and
6 rap. Hit back again to clear the port out, because
7 it will get stuck and that would cause another round
8 to come out, because you are cycling it clear.
9 You're clearing that chamber out. So it will cause
10 a live round that hasn't been shot, to shoot out of
11 the ejection port, so you can clear the jam in the
12 gun.

13 MR. MEADORS: Thank you. That's all. Oh,
14 one thing.

15 Q. Is this Matthew Dwyer who you talked to
16 February 4th, sitting next to Mr. Keffer?

17 A. Yes, sir.

18 THE COURT: Cross Examination.

19 Cross Examination by Mr. Keffer:

20 Q. Investigator Dellinger, your testimony as
21 to the injury on his hand, that's pure speculation,
22 isn't it?

23 A. No, sir. That is based on my experience
24 in the 17 years in law enforcement, and having seen
25 and having been around officers when they've gotten

Sergeant Darlene Dellinger-Cross by Keffer

1 them on the range.

2 Q. Are you telling this jury that you had the
3 opportunity to review the weapon, take a look at it,
4 to even know if it was a revolver or an automatic?

5 A. No, sir. I just know that that appears to
6 be a bite mark or a slide mark on Mr. Dwyer's hand.

7 Q. It could be anything.

8 A. It could be.

9 Q. Well that was my question. My question
10 was, are you speculating that that's how the injury
11 occurred. And your answer is.

12 A. I am giving my opinion, yes, sir.

13 Q. You've giving your opinion, but you don't
14 have weapon to analyze it.

15 A. No, sir, we don't.

16 Q. You don't know if it is a revolver or
17 automatic.

18 A. No, sir.

19 Q. Because law enforcement doesn't have that.

20 A. No, sir, we do not have the weapon.

21 Q. In fact, you have completed various
22 incident reports throughout this investigation,
23 would you agree?

24 A. I've completed incident reports?

25 Q. Reports. Summaries of the investigation.

Sergeant Darlene Dellinger-Cross by Keffer

1 A. I did notes in the investigations, yes,
2 sir.

3 Q. And this is the first time your testimony
4 is offered as an injury. Nowhere in Mr. Meadors
5 file does it indicate that that's how the injury was
6 caused. Is that right?

7 A. No, sir.

8 Q. So today is the first day.

9 A. Yes, sir.

10 Q. Now you were present when Stephen Dwyer
11 was questioned, is that right?

12 A. For some of it, yes, sir.

13 Q. And you understand that it lasted 6 and a
14 half hours, right?

15 A. I was advised of that, yes, sir.

16 Q. Would you agree, tend to agree?

17 A. I haven't watched the entire length of the
18 video, but I know he was there for several hours,
19 yes, sir.

20 Q. Well he got there about 3:30 on the 4th of
21 February, would you agree?

22 A. I am not sure of the time. I have to look
23 at my notes. But I know Mr. Dwyer was there several
24 hours at the sheriff's office.

25 Q. Stephen.

Sergeant Darlene Dellinger-Cross by Keffer

1 A. Stephen, yes, sir.

2 Q. And four hours later is when Matthew was
3 brought.

4 A. I think that's right, yes, sir.

5 Q. You can review your notes, does that
6 indicate that?

7 A. I don't know if it tells us what time they
8 came. Either one of them came in. Based on what I
9 see on the notes, it doesn't specifically have
10 times. I know that they signed the times that they
11 were signing their statement when the statements
12 began and when they end. But I know that Stephen
13 was there several hours. It could be 6, yes, sir.

14 Q. Stephen signed this statement at 9:49
15 p.m. on the 4th, as indicated by the statement, is
16 that right?

17 A. Yes, sir.

18 Q. Now Matthew was mirandized at
19 approximately at 7:30.

20 A. Yes, sir.

21 Q. Does that sound about right?

22 A. Yes, sir.

23 Q. And would you agree with me that Stephen
24 was there several hours before Matthew?

25 A. Yes, sir.

Sergeant Darlene Dellinger-Cross by Keffer

1 Q. And you were present during the earlier
2 part of Stephen's interview.

3 A. Yes, sir.

4 Q. And you were present when he was
5 mirandized and read his rights.

6 A. Yes, sir.

7 Q. And that was videotaped, correct?

8 A. Yes, sir.

9 Q. In fact, the State had offered the video
10 in. Have you had a chance to look at that video?

11 A. Not in it's entirety, no, sir.

12 Q. Why don't you tell the jury who the video
13 is of Matthew Dwyer's interview.

14 A. There is no video of Matthew Dwyer's.

15 Q. And why is that?

16 A. Matthew Dwyer was in the room for several
17 minutes. Matthew Dwyer denied being in the presence
18 of Mr. Singleton. Denied being at the scene. We
19 didn't videotape that or download his denial of
20 being there.

21 Q. You would agree that that would be an
22 important piece of evidence for this jury to review,
23 would you not?

24 A. Yes, sir.

25 Q. But you don't have it.

Sergeant Darlene Dellinger-Cross by Keffer

1 A. We do not have it.

2 Q. Whose decision was that?

3 A. I think it just happened, sir. It wasn't
4 intentional. Should we in hindsight probably have
5 downloaded, yeah, but I mean, he was not giving us
6 any information on the case. He was denying being
7 there. He was denying being present. He had
8 nothing to do with it. So no one thought to go
9 back and download that denial.

10 Q. Have you had a chance to review the
11 transcript that my office prepared?

12 A. Yes, sir.

13 Q. And I gave a copy to Mr. Meadors. Have
14 you had a chance to read it and what not?

15 A. Yes, sir.

16 Q. To the best of your knowledge and without
17 reading the entire thing right now, does that appear
18 to be an accurate reflection of the interview
19 process, the questions and the answers that were
20 given?

21 A. Yes, sir. There are some errors in there,
22 but yes, but for the most part it is accurate.

23 Q. For the most part. And would you agree
24 with me that the errors would typographical in
25 nature and not substantive.

Sergeant Darlene Dellinger-Cross by Keffer

1 A. Yeah, it looks like some words were
2 misspelled or misused inappropriately, but for the
3 most part it's pretty accurate.

4 Q. And the only reason I asked that is
5 because it wasn't a court reporter, it was a
6 paralegal. But you've reviewed it and participated
7 in it.

8 A. Yes, sir.

9 Q. Correct? And you would agree that
10 substantively it's pretty accurate.

11 A. Yes, sir.

12 Q. Were you present when Stephen gave the
13 statement that his brother told him that there was a
14 tussle or an argument? Were you there at that
15 point?

16 A. I would have to look and see at what point
17 he said that. I am not sure. I don't want to tell
18 you that I was, and I wasn't. Or if I wasn't or I
19 was. Could you tell me where to look to see that?

20 Q. I was just wondering if you, in preparing
21 for your testimony if you had reviewed it, and if
22 you were present when he had said that.

23 A. Yes, sir, no offense, I've looked at a
24 lot. I numbered the pages of your transcript so I
25 would know where things were. I can't tell you

Sergeant Darlene Dellinger-Redirect by Meadors

1 verbatim if that was during the time I was in the
2 room with him, or if I don't remember if that was
3 during my interview with him or with the sheriff's
4 interview with him.

5 Q. And he was -- Stephen was interviewed by
6 yourself, is that right?

7 A. That's correct, sir.

8 Q. Investigator Miller.

9 A. Yes, sir.

10 Q. Was Investigator Addison there?

11 A. Not in the room with us, no.

12 Q. And Sheriff Dennis.

13 A. Yes, he went. Sheriff Dennis went in the
14 room.

15 Q. Was there anyone else that interviewed
16 Stephen?

17 A. No, sir.

18 Q. That you can recall?

19 A. No, sir.

20 MR. KEFFER: Thank you. Please answer any
21 questions that Mr. Meadors may have.

22 THE COURT: Any redirect?

23 MR. MEADORS: Very briefly.

24 Redirect Examination by Mr. Meadors:

25 Q. He asked you about the videotape of

Sergeant Darlene Dellinger-Redirect by Meadors

1 Matthew Dwyer. At that point, was Matthew Dwyer
2 under arrest?

3 A. He was not.

4 Q. And he was free to leave.

5 A. Yes, he was.

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

7 Thank you.

8 A. Thank you, Your Honor.

9 THE COURT: You may call your next.

10 MR. MEADORS: The State calls Verona
11 Gibson Herrera, I believe, Your Honor.

12 THE COURT: Yes, sir.

13 Verona Gibson Herrera, being first duly
14 sworn, testified as follows:

15 THE CLERK: State your full name and spell
16 your last name for the record.

17 A. Verona Herrera. H-E-R-R-E-R-A.

18 MR. MEADORS: Thank Your Honor, please.

19 THE COURT: Yes, sir.

20 Direct Examination by Mr. Meadors:

21 Q. Herrera?

22 A. Yes, sir.

23 Q. Tell these folks where you're from.

24 A. I'm from sled, the South Carolina Law
25 Enforcement Division.

Verona Herrera-Direct by Meadors

1 Q. And let me go back before then. Where are
2 you from? I can't help but ask everybody a little
3 bit about your background, where you're from, your
4 education and your training. And in particular,
5 your education in the field of expertise that I'm
6 going to ask you to speak about today, please,
7 ma'am.

8 A. I'm originally from Pickens, South
9 Carolina. I have an associate's degree from
10 Tri-County Technical College in sciences. An
11 associate's degree in public works and criminal
12 justice from Greenville Technical College. And a
13 bachelor's degree from Liberty University in
14 criminal justice, with a concentration in forensics.

15 Q. And you have been at sled for how long?

16 A. Approximately 7 and a half years.

17 Q. And what do you do at the South Carolina
18 Law Enforcement Division?

19 A. I am a forensic serologist now. At the
20 time of this case, I worked basically in the same
21 department. There's kind of two separate sections:
22 The forensic serology, there's evidence processing,
23 and then body fluid identification. Evidence
24 processing is what I was doing at that time.

25 Q. What does that mean?

Verona Herrera-Direct by Meadors

1 A. We take larger pieces of evidence, car
2 parts, clothing, handguns, and we look for body
3 fluids or collect touch or ownership DNA.

4 Q. And you do that there at sled?

5 A. Yes, sir.

6 Q. And back in January when you were doing
7 this processing, if you find something of a
8 potential evidentiary matter, what do you do with
9 it?

10 A. It's collected, and then forwarded on to
11 the DNA section of the DNA department for further
12 analysis.

13 Q. And what are you doing now?

14 A. It's forensic serology. It's basically
15 what I have been doing, but I'm training for some
16 extra responsibilities.

17 Q. And have you been offered as a -- how many
18 examinations have you done in processing?

19 A. Thousands. Tens of thousands.

20 Q. And have you been offered as an expert in
21 the field of forensic evidence processing in courts
22 of records of this state before?

23 A. Yes, sir.

24 MR. MEADORS: Your Honor, at this time, we
25 would offer Verona Gibson Herrera as an expert in

Verona Herrera-Direct by Meadors

1 the field of forensic evidence processing.

2 THE COURT: Any voir dire?

3 MR. KEEFER: No, voir dire. Your Honor,
4 no objection.

5 THE COURT: The court finds that she's
6 qualified.

7 Q. What did you do in this case?

8 A. I received two items of evidence, a piece
9 of a cup and a pocket. And was asked to look for
10 the possible presence of blood.

11 Q. And these are already in evidence, okay.
12 I want to show you what's marked State's Exhibit No.
13 39. Do you recognize that?

14 A. Yes, sir. These are the cuttings that I
15 took one from each of the items that I processed.
16 In this corner here you can see on the inner
17 envelope, it says Item 9.1 was taken from a pocket.
18 And then on the back you can see the same
19 information except it's 8.1 from a piece of a cup.

20 Q. So tell me and tell me them, tell
21 everybody, you get a piece of potential evidence
22 from local law enforcement.

23 A. Yes, sir.

24 Q. I mean in January you did. You got it,
25 and then you looked at it, and you make another cut.

Verona Herrara-Direct by Meadors

1 Or you -- tell us what you do when you get the
2 actual item that comes in.

3 A. I do a visual examination on the item for
4 any visible body fluid. In this case, the request
5 was for blood. So I visually looked at it to see if
6 there any stains that appeared that could possibly
7 be blood. That area or those areas are then tested
8 with a quick chemical change test. If it turns
9 bright pink, there's a possibility that there could
10 be blood there. That area is cut and then
11 repackaged and forwarded on for further testing for
12 the DNA section.

13 Q. So you found something and forwarded it
14 on.

15 A. Yes, sir.

16 Q. And who did you forward it to?

17 A. A Samuel Stewart.

18 Q. And did you do a report?

19 A. There was a report written based on my
20 findings.

21 Q. I am showing you State's 78, (sic) is that
22 your report?

23 A. Yes, sir. This is a copy of the report.

24 Q. Again, your report states what? Item 8,
25 or Item 8.1, a cutting from the hem of the piece of

Verona Herrara-Direct by Meadors

1 the cuff. And your finding was what?

2 A. The person I took testing for blood was
3 positive, and the item was forwarded to the serology
4 and or DNA section.

5 Q. And the Item 9, which you took a cutting
6 from, became 9.1. Cutting from interior pocket.
7 What was your findings or results of your
8 examination after looking at 9.1?

9 A. Presumptive testing for blood was
10 positive, and the item was forwarded to serology and
11 or DNA section.

12 MR. MEADORS: Your Honor, 78 (sic) without
13 objection.

14 THE COURT: You need to double check and
15 make sure the number is correction. I have 78 as a
16 picture.

17 COURT REPORTER: It should be 80.

18 MR. MEADORS: This is 80.

19 MR. KEFFER: Your Honor, objection for the
20 record. That's not her report.

21 THE COURT: For identification?

22 MR. MEADORS: No, ma'am, I'm offering it.

23 Q. Is this your report?

24 A. It is a report written based on my
25 findings.

Verona Herrara-Direct by Meadors

1 Q. Turn to page 2. The examination was
2 conducted by DNA evidence processing technician
3 Verona Gibson. So you did do it.

4 A. Yes, sir.

5 Q. And you're now married. You're not
6 Gibson, you're Herrera.

7 A. Correct.

8 Q. So you did do this examination.

9 A. I did the examination.

10 Q. And these are your findings.

11 A. Yes.

12 MR. KEEFER: Judge, our objection is, it's
13 not a report. It's Ms. Thompson's (sic)---

14 THE COURT: Your objection is sustained.
15 She can testify to what her findings were, but the
16 actual report was written by somebody else. It will
17 be excluded.

18 Q. And why was that written by somebody else?

19 A. It's sled's policy that any work performed
20 by a forensic technician, evidence processing
21 forensic technician, is reviewed and then the report
22 is written by a forensic serologist or a DNA
23 analyst.

24 Q. So that's the way you all have always done
25 it.

Verona Herrara-Direct by Meadors

1 A. In recent years, yes, sir.

2 (Report from sled on blood analysis marked
3 State's Exhibit No. 80 for ID.)

4 Q. Is this an actual reflection or is that
5 examination correct?

6 A. Yes, sir.

7 MR. MEADORS: That's all.

8 MR. KEFFER: No further questions.

9 THE COURT: You may step down, ma'am.
10 Thank you. You may call your next witness.

11 MR. MEADORS: Samuel Stewart.

12 Samuel Stewart being first duly sworn,
13 testified as follows:

14 THE CLERK: State your name and spell
15 your last for the record.

16 A. Samuel Allen Stewart. Last name,
17 S-T-E-W-A-R-T.

18 Q. You are one Samuel Stewart?

19 A. That is correct.

20 Q. You are a forensic scientist with the
21 South Carolina Law Enforcement Division?

22 A. Yes, I am.

23 Q. Please tell the ladies and gentlemen of
24 this jury, Agent Stewart, about you. Where you're
25 from, your background, your training in the field of

Samuel Stewart-Direct by Meadors

1 DNA.

2 A. Okay. I received a bachelor in science in
3 biology from Frances Marion university. I also
4 received in-house sled training as a court qualified
5 analyst for over a year and a half, where I did
6 successfully complete a written exam, an oral exam,
7 a competency and a mock trial, as far as being
8 competent as a DNA analyst. I'm reside from
9 Charleston, South Carolina originally.

10 Q. And how many examinations have you
11 performed?

12 A. Over hundreds.

13 Q. Hundreds?

14 A. Uh-huh. (Affirmative.)

15 Q. And give the folks just an idea of what
16 you do, Agent Stewart.

17 A. No problem. As a DNA analyst for sled, I
18 am responsible for processing any known standards
19 for evidence for DNA. My purpose is to try to
20 determine whether or not the DNA profile I developed
21 from the known standards, which can come from a
22 subject or a victim, can be included or excluded as
23 a possible contributor to the DNA profile I
24 developed from the evidence.

25 MR. MEADORS: Your Honor, at this time, we

Samuel Stewart-Direct by Meadors

1 would offer Samuel Stewart as a expert in the field
2 of DNA analysis.

3 THE COURT: Any voir dire?

4 MR. KEFFER: No objections, Your Honor.

5 THE COURT: The court finds that he is
6 qualified.

7 Q. I love to ask this, what's DNA?

8 A. No problem. DNA stands for
9 deoxyribonucleic acid. It is the genetic material
10 that is found in every person. And it is
11 responsible for certain traits such as a eye and our
12 hair color. DNA's contain dense packets, known as
13 chromosomes, which are found in every cell in the
14 human body excluding blood cells. We receive half
15 of our chromosomes from our mother and the other
16 half from our father. As DNA analysts, we target
17 certain locations on those chromosomes known as
18 STR's. That stands for short tandem repeats. And
19 we target 16 different of those HR locations that
20 are found on those various chromosomes to develop
21 what is known as a DNA profile, which we use to
22 identify a person from another person, excluding
23 identical twins.

24 Q. And you were involved in for your world,
25 Sled Lab L1502083?

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1 A. That is correct.

2 Q. And can you -- you have your report there,
3 can you tell the jury what items were submitted to
4 you?

5 A. Yes. I received item 5.1, which was a dry
6 blood standard from Johnny Singleton. Item 6 was a
7 buccal swab from---

8 Q. Let me stop, this is State's 53, and I'm
9 sorry to interrupt you, Agent. Is this the 5.1 you
10 had said from Johnny Singleton?

11 A. Yes, it is.

12 Q. What did you have next?

13 A. Item 6 was a buccal swab from a Matthew
14 Dwyer.

15 Q. You might can find these quicker than I
16 can. Can you help me?

17 A. Yes, this is Item 6.

18 Q. And that's a, you say, buccal?

19 A. That is correct.

20 Q. A buccal swab from Matthew Dwyer.

21 A. That is correct.

22 Q. And a buccal swab from Stephen Dwyer?

23 A. That is correct. Those are items 7.

24 Q. Is that Item 7?

25 A. Yes, it is.

Samuel Stewart-Direct by Meadors

1 Q. Did you receive a cutting from the near
2 hem of a piece of the cuff?

3 A. Yes, I did.

4 Q. What number was that?

5 A. That was Item 8.1.

6 Q. And Item 9.1.

7 A. That was a cutting from the interior of
8 the pocket.

9 Q. And I know you weren't in here, but did
10 you receive those from our last witness who
11 testified, Verona Gibson Herrera, as far as you
12 know?

13 A. Yes, I did.

14 Q. Did you also get a swab from a passenger
15 seat safety?

16 A. Yes, that was Item 10.

17 Q. And what about a swab from a passenger
18 door outside?

19 A. Yes, that was Item 11.

20 Q. You're in your lab right now. Well not
21 right now, but then you were in your lab. What do
22 you do?

23 A. First I began cutting out the evidence. I
24 cut those out separately and at different times
25 based from the known standards. That is to make

Samuel Stewart-Direct by Meadors

1 sure that there isn't any kind of cross
2 contamination between the evidence and the known
3 standards. I put them in the solution, and let them
4 incubate overnight. And then use our
5 instrumentation to extract the DNA from those swabs,
6 and to another solution that keeps it safe, and
7 keeps it in a stable manner.

8 Q. Are you potentially trying to see if there
9 is a match between items that were submitted, known
10 standards, if you will, versus potential pieces of
11 evidence?

12 A. That is correct, essentially. Essentially
13 I am trying to determine whether or not the DNA
14 profile I developed from those known standards can
15 be included or included or match the DNA profile
16 from the evidence.

17 Q. And what were your results?

18 A. The DNA profile developed from Items 8.1,
19 9.1 and 11, matches the DNA profile of Matthew
20 Dwyer. The probability of randomly selecting an
21 unrelated individual having a DNA profile matching
22 these items is approximately 1 and 2.1 quintillion.

23 Q. What does that mean?

24 A. What that means is, if I took a random's
25 person's DNA profile, and I compared it to the DNA

Samuel Stewart-Direct by Meadors

1 profile from those items, 8.1, 9.1 and 11, the
2 chances of that random person's DNA profile matching
3 the DNA profile from those items is 1 and 2.1
4 quintillion.

5 Q. So the 8.1 is a cutting from the near hem
6 of the piece of cuff. 9.1, is a cutting from an
7 interior pocket. And 11, a swab from the passenger
8 door outside matches the DNA profile of Matthew
9 Dwyer.

10 A. That is correct.

11 Q. And I believe on Item 10, what was your
12 finding there, of your analysis?

13 A. No DNA profile was developed on Item 10.

14 Q. Do you have a copy of your report?

15 A. Yes.

16 MR. MEADORS: 81 I believe is without
17 objection.

18 THE COURT: Any objection?

19 MR. KEFFER: No objection, Your Honor.

20 THE COURT: It's in.

21 (Report of Agent Stewart marked State's
22 Exhibit No. 81 into evidence.)

23 Q. So it's your opinion that profile was
24 Matthew Dwyer's on those three places, correct?

25 A. Yes, within a degree of certainty. A

1 indulgence. Agent Stewart, thank your for being
2 here.

3 THE COURT: Cross examination?

4 MR. KEFFER: No questions.

5 THE COURT: You may step down, agent,
6 thank you. You may call your next witness.

7 MR. MEADORS: We ask for a short recess.

8 THE COURT: Would you all please approach,
9 one second.

10 (Whereupon, the attorneys approach and
11 confer with judge.)

12 MR. MEADORS: Your Honor, the State of
13 South Carolina rests.

14 THE COURT: Thank you, Solicitor. Ladies
15 and gentlemen of the jury, at this point, we will
16 take a short recess. If you would please go to your
17 jury room. Again, please remember not to discuss
18 this case amongst yourselves. We will be right back
19 with you.

20 (Whereupon, the following takes place
21 outside the presence of the jury.)

22 THE COURT: Any motions?

23 MR. KEFFER: Your Honor, on behalf of the
24 defendant, we would move for the record, for a
25 dismissal of all charges. The defendant has been

1 charged with murder. The State has put up 18
2 witnesses and 81 exhibits. We don't believe the
3 State has met its burden in establishing that the
4 defendant in this case, Mr. Matthew Dwyer, was
5 present at the date and time and location that this
6 incident allegedly took place. I just ask the court
7 to consider all the exhibits and witnesses offered
8 and our motion.

9 THE COURT: Solicitor.

10 MR. MEADORS: Your Honor, Rule 19, I think
11 we -- I think the State has -- there is competent
12 evidence in this field. And we ask you to deny the
13 motion.

14 THE COURT: Mr. Keffer, the court at this
15 time is concerned with the existence or nonexistence
16 of evidence tending to prove the defendant's guilt.
17 The court does find that there is competent evidence
18 both circumstantial and direct, which would require
19 me to deny your motion for a directed verdict. Does
20 your client intend on testifying, Mr. Keffer?

21 MR. KEFFER: Your Honor, we're actually
22 still discussing that, but I would ask the court to
23 properly instruct him.

24 THE COURT: Mr. Dwyer, if you would please
25 stand. And could we please place him under oath?

1 (Whereupon, the defendant is sworn.)

2 THE COURT: Mr. Dwyer, at this time, I am
3 going to explain to you certain of your rights. If
4 at anytime you don't understand something that I
5 say, please let me know. Also if you need me to
6 explain something in more detail, please let me
7 know. Do you understand?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: We have now reached the stage
10 of the trial where you may present your defense.
11 You have the right to claim the protections given to
12 you by the 5th Amendment to the Constitution of the
13 United States. And this amendment states in part,
14 that no person shall be compelled in any criminal
15 case to be a witness against himself. This means
16 that you cannot be required to testify in this case.
17 You right to testify on your own behalf; however, no
18 one can make you testify. This is a personal right
19 and no one can waive this right except for you. If
20 you decide to testify, you will be subject to the
21 same rules that govern other witnesses, and you may
22 be examined and cross examined on any relevant issue
23 in this case.

24 In addition, if you have any convictions
25 involving dishonesty or for false statement, or for

1 crimes punishable by imprisonment for more than year
2 and this court determines that the probative value
3 of admitting this evidence outweighs the prejudicial
4 effect to you, the solicitor will be able to
5 introduce your record and attack your credibility.

6 If you decide to testify, this decision on
7 your part must be freely and voluntarily and
8 intelligently made with the knowledge of the
9 protections given by the 5th Amendment of the
10 constitution and the consequences of your decision
11 to testify. If you decide not to testify, I will
12 instruct the jury that they cannot give the fact
13 that you did not testify any consideration
14 whatsoever. And there is to be absolutely no
15 prejudice to you because you did not testify. It's
16 left entirely up to you whether or not you want to
17 testify. You may talk to your attorney, your
18 family, your friends, but ultimately the final
19 decision is left entirely up to you.

20 Do you understand what I have just
21 explained to you?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Do you need any more time to
24 talk to your attorney as to whether or not you wish
25 to testify?

1 MR. KEFFER: Your Honor, on his behalf, I
2 would ask for a few minutes.

3 THE COURT: Certainly. Just let me know
4 when you're ready. We'll be in a brief recess.

5 (Whereupon, the court takes a short
6 recess.)

7 THE COURT: Regarding your rights, I had
8 asked you if you needed time to talk to your
9 attorney regarding that. Have you had sufficient
10 time to consider whether or not you wish to testify?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: And do you wish to testify?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Sir, thank you. You may have
15 a seat. Mr. Keffer, do you wish to rest in front of
16 the jury this evening or in the morning?

17 MR. KEFFER: In the morning.

18 THE COURT: Let's bring the jury in.

19 MR. MEADORS: Your Honor, can I move
20 State's 82 in without objection, which is a summary
21 of the phone calls of the 26th, between the three
22 parties.

23 MR. KEFFER: Your Honor, without
24 objection.

25 (List of phone calls marked State's

1 Exhibit No. 82 into evidence.)

2 THE COURT: Mr. Keffer, I just want to
3 make sure I give my instructions to the jury
4 clearly. Do you intend to put any testimony in?

5 MR. KEFFER: No, I do not.

6 THE COURT: Do you want to go ahead and
7 rest then?

8 MR. KEFFER: I would rather rest tomorrow
9 morning if I am given the choice.

10 MR. MEADORS: Judge, just for preference,
11 can I ask why? We would ask that he go ahead and
12 rest if he's definitely not going to put anything
13 up.

14 MR. KEFFER: I don't think it matters
15 either way, but I would rather do it tomorrow.

16 THE COURT: I just want to make sure for
17 timing purposes, because if you're not going to, I
18 would like to get started earlier. Then we had
19 talked about, I'd like for them to be here at
20 9:30 instead of 10.

21 MR. KEFFER: We are going to be here at
22 9:30.

23 THE COURT: Well I am saying the attorneys
24 are going to be here at 9:30 to go over the post
25 jury instructions. But I was going to tell the jury

1 to be here at 10.

2 MR. MEADORS: Your Honor, we'd asked that
3 if he's going to rest he rest, and we will keep
4 going today. It's just 3:30.

5 MR. KEFFER: Well, Judge, I don't want
6 this jury thinking tonight that we rest, and we're
7 not going to put a case up. And then have all night
8 to think about that, versus tomorrow morning, which
9 I think would be proper. We do not intend to put a
10 case up. If the State intends to do their closing
11 now and we do our closing, then I am ready for that
12 too. But, that's why we would rather do it
13 tomorrow.

14 THE COURT: So it's a strategic---

15 MR. KEFFER: Yes.

16 THE COURT: ---on your part. That's fine,
17 I'll allow that. Let's have our jury, please.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 MR. MEADORS: Your Honor, we respectfully
21 offer State's 82, which is a summary of the
22 telephone calls between Matthew Dwyer, Stephen
23 Dwyer, and Johnny Singleton's cell phone on January
24 26th. A summary charge, without objection.

25 MR. KEFFER: Without objection, Your

1 Honor.

2 THE COURT: It's in. Ladies and gentlemen
3 of the jury, the State has rested their case. I
4 know it's only 3:30. We could go for it a little
5 bit, but we have some other matters that we must
6 take into consideration today, which don't require
7 your presence. And I certainly hate for you to be
8 jury room just waiting and not working while we're
9 here. So I am going to excuse you for the evening
10 and then ask you to be back in your jury room at
11 10:00 o'clock in the morning, that way we can resume
12 with the trial of this case.

13 Again, please remember my instruction.
14 It's very important that you not discuss this case
15 with anyone, including your family or friends or
16 even amongst each other, or do any independent
17 research on the case or look at any news accounts if
18 there are any, regarding this matter. Please have a
19 good night, and we'll see you in the Morning.

20 (Whereupon, at 3:31 p.m. jury is
21 dismissed.)

22 (Whereupon, the following takes place
23 outside the presence of the jury.)

24 THE COURT: Both parties agree to redact
25 the one exhibit, which was the CD of the interview,

1 or the DVD.

2 MR. KEFFER: Your Honor, it's actually --
3 we actually have the transcript that's been entered
4 earlier.

5 THE COURT: Yes, sir.

6 MR. KEFFER: And then we have the CD that
7 the State had offered as well. The transcript is
8 from the CD. And then they really both going to be
9 redacted, because they both contain information
10 about his prior record and what not. Correct?

11 MR. MEADORS: I don't know as well as you
12 did, but I assume you can address that.

13 MR. KEFFER: I will have the transcript
14 redacted tomorrow.

15 MR. MEADORS: Could you ask him to stay
16 and do that now? Because it's going to -- I don't
17 want to hold you up. And it may take a few
18 hours. I'm going to ask McCauley to do it, to get
19 that -- I'd like that done before I go tonight.

20 THE COURT: I'd appreciate that. That
21 way, Mr. Keffer, if you would look at the transcript
22 and see what is redacted. That way Mr. Meadors can
23 have the CD appropriately redacted so we don't have
24 to do that tomorrow.

25 MR. MEADORS: Sounds good.

1 THE COURT: Thank you, gentlemen. We will
2 be at ease until at 9:30, and we will met for the
3 jury instructions.

4 (Whereupon, the trial commences at 9:30
5 a.m. on Friday October 22, 2015.)

6 THE COURT: For the record, I understood
7 that our foreman became ill last night and was
8 actually hospitalized with kidney stones. So we
9 will move to our next alternate. And I've appointed
10 Mr. Junak as our foreman. And I understand that
11 there's no objection from either the State or from
12 the defense on that.

13 MR. MEADORS: No, ma'am.

14 MR. KEFFER: No objection, Your Honor.

15 THE COURT: And, Mr. Keffer, I think you
16 had some matters you wanted to place on the record
17 before the jury came in regarding the jury
18 instructions.

19 MR. KEFFER: I did, Your Honor. And with
20 all due respect to the court and to the State, we
21 would ask on behalf of my client, Mr. Matthew Cory
22 Dwyer, that the court properly instruct the charge
23 of self defense and involuntary manslaughter. And,
24 then, Your Honor, I will be brief, and as brief as I
25 can be.

1 Your Honor, as the court is aware, it's up
2 for the defense to establish the 4 elements needed
3 to establish self defense. And I believe through
4 the testimony of Stephen Dwyer, through his written
5 statement and through his interview, all of which
6 has been entered into evidence by the State, I
7 believe those elements are met. Inasmuch as, I
8 think there's evidence no matter how small, there is
9 evidence, nonetheless, to suggest that my client in
10 no way was at any fault in bringing about the
11 circumstances that came about. It is actually
12 reasonable, in light of the fact that the statements
13 that he made to his brother Stephen, to which
14 Stephen testified to, that at last according to
15 Stephen, that he was under the -- that he was under
16 the impression that the deceased had made improper
17 advances, sexual or otherwise to my client, and that
18 his action subsequent to that, were both reasonable;
19 that a prudent person would react the way that
20 Mr. Dwyer, the defendant in this case, did. We do
21 feel that for those three pieces of evidence and
22 more specifically Stephen Dwyer's testimony,
23 Mr. Dwyer acted in fear; that he was scared. And
24 the elements or no less, no matter how small, the
25 evidence is there to at least offer that charge in

1 self defense.

2 Your Honor, we're relying of course on the
3 case of State v. Light. I have copies for the
4 court. We rely on that case not only for
5 self-defense, but also involuntary manslaughter.
6 And, Judge, if I could elaborate a little bit on the
7 involuntary manslaughter charge.

8 MR. MEADORS: Did he say voluntary or
9 involuntary?

10 MR. KEFFER: Involuntary. I mean, I
11 understand that according to what we received, that
12 the court is going to instruct the jury on voluntary
13 manslaughter. Is that -- that is my understanding
14 from what I've heard.

15 THE COURT: Yes, sir.

16 MR. KEFFER: So we would ask the court to
17 consider involuntary manslaughter. Because again,
18 we feel that the elements again, no matter how
19 small, the evidence and the weight of that evidence
20 is, nonetheless if there's any evidence to suggest,
21 we think that charge is proper using the same types
22 of circumstances as previously disclosed to the
23 court under the self-defense argument. Thank you.

24 THE COURT: Solicitor.

25 MR. MEADORS: Your Honor, may it please

1 the court.

2 THE COURT: Yes, sir.

3 MR. MEADORS: We don't think that there's
4 any evidence of self defense whatsoever; without
5 fault in bringing on the difficulty, in danger or
6 suffering a seriously bodily or death, or a
7 reasonable person would believe so. I just don't
8 think theres's any evidence of self defense or
9 anything close to involuntary manslaughter. I would
10 respectfully would ask Your Honor not to charge
11 voluntary manslaughter. With all due respect, we
12 don't think there's any evidence of sufficient legal
13 provocation.

14 We think in the record must be some
15 evidence of that, and we just don't think it's
16 there, respectfully. And I don't know some of what
17 he is arguing to you, I hope he is going to argue to
18 the jury. I don't think there's a reasonable
19 inference that what he said based on the one
20 paragraph that Stephen Dwyer said, that he was
21 holding a wallet in exchange for sexual favors, and
22 became more aggressive leading to a fight. That's
23 the only evidence in here at all. At all. And we
24 just don't think that's enough for voluntary
25 manslaughter. Thank you.

1 THE COURT: In regards to the self defense
2 issue, Mr. Keffer, the court will respectfully deny
3 your motion. The court finds that there is no
4 testimony to establish the elements of self defense;
5 that the defendant was without fault, and the
6 defendant was imminent danger, and that there was no
7 other way to avoid the danger. The testimony did
8 not establish those three elements.

9 Further, regarding the involuntary
10 manslaughter, the court finds there is no evidence
11 to support that charge. However there is slight
12 evidence to support and if there's any evidence to
13 support a potential voluntary manslaughter charge,
14 the court will charge it. So I will charge the
15 voluntary manslaughter, but not the involuntary
16 manslaughter. Anything further before we bring the
17 jury out?

18 MR. MEADORS: I beg the court's
19 indulgence. Judge, I was thinking about State v.
20 Belger on the ride over here today. There is no
21 evidence at all to mitigate through self defense. I
22 think and before I argue, I wanted to ask Your
23 Honor. I think I'm allowed to argue it, but Your
24 Honor not charge it. I think I am still allowed to
25 argue the inference of malice from a deadly weapon

1 when there is no evidence. I just want to make sure
2 I am right. I know Your Honor may not charge it,
3 but I think I can still argue it. Is that correct?

4 THE COURT: Yes, sir.

5 MR. MEADORS: Thank you.

6 THE COURT: Do you have any objection to
7 that, Mr. Keffer?

8 MR. KEFFER: No, Your Honor.

9 THE COURT: Anything further before I
10 bring of the jury out?

11 MR. MEADORS: No, ma'am.

12 THE COURT: Let's have our jury, please.
13 And, Mr. Keffer, just for the record, we are going
14 to go ahead and rest and we will go straight in to
15 closings.

16 MR. KEFFER: Yes, Your Honor.

17 (Whereupon, the following takes place
18 within the presence of the jury.)

19 THE COURT: Welcome back, Ladies and
20 Gentlemen of the jury. I hope you had a nice
21 evening. We are now ready to proceed with the trial
22 of the case. Mr. Keffer.

23 MR. KEFFER: Your Honor, the defense
24 rests.

25 THE COURT: Thank you, Mr. Keffer. Ladies

1 and Gentlemen, both sides have rested their cases in
2 this matter. And it is now time for the closing
3 arguments in this case before I charge you on the
4 law. You may proceed.

5 MR. MEADORS: May it Please the Court.

6 THE COURT: Yes, sir.

7 MR. MEADORS: Good morning.

8 THE JURY: Good morning.

9 MR. MEADORS: Thank you all for the being
10 here. And I mean that. Thank you. Thank you for
11 the attention that you've given this case. All I
12 ask you as I argue as Mr. Keffer argues, continue to
13 give us that attention, as I know you will. Being a
14 juror is not an easy job. As I said, in my opening,
15 without you, we couldn't exist. So thank you for
16 being here. Thank you for listening. I'm not a
17 not jury watcher. I don't sit and stare at people.
18 I look over occasionally and it's obvious that you
19 all were listening. And you all know this is
20 serious. It doesn't get more serious for the
21 defendant and for the victim's family. Thank you.

22 I am going to be very brief and talk about
23 the law. Her Honor, Judge Murphy, as I stated, is
24 the law. She's going to tell you all in a little
25 bit what the law is. And that's what you need to

1 listen to and decide this case on. It's murder.
2 Murder. Five inches from the top of the head, four
3 inches to the right of the midline; while he wasn't
4 even looking, while he was backing up. It's in
5 reverse. Do you remember what the Kent Hall said.
6 He didn't have a chance to fight. The malicious
7 killing of another human being with malice
8 aforethought, evilness, wickedness and spitefulness.
9 It doesn't get any more in the back of the head.
10 Murder.

11 Now malice can be express, I'm going to
12 kill you. You don't always have that. Or it's
13 permissible that in this case respectfully I ask to
14 you infer it through the use of a deadly weapon.
15 You can infer malice through the use of a deadly
16 weapon. I tell you we kind of got some express
17 malice too, when he told his brother Stephen, and I
18 am going to talk about Stephen in a little bit, I
19 messed up. I'm not going to say the F word again.
20 I apologize for doing that in my opening. But
21 that's what was said. I didn't say that. He said
22 that. And I wanted you all feel it and and hear it
23 like he said it. He F'd up. He F'd up. I did
24 something wrong. And we've got to prove that
25 because of that bullet, he died. That's what

1 Dr. Ross said. We have to do that. That bullet
2 went through, severed his brain stem, he was dead.
3 He was gone.

4 Now the evidence doesn't suggest this,
5 Ladies and Gentlemen, but you're going to have the
6 opportunity to consider in my respectful opinion
7 today, voluntary manslaughter. You are going to
8 have that option. This ain't no voluntary
9 manslaughter case. Voluntary manslaughter is the
10 killing without malice through the sudden heat of
11 passion, with sufficient legal provocation. A
12 classic example, is you come home and you find your
13 spouse in bed with somebody else. And you get
14 angry, and you lose that control naturally, and
15 you're just out of it for a little bit. And you're
16 so angry, and just kill them. Angry, sufficient
17 legal provocation. They have got to both exist at
18 the same time. The law doesn't excuse it. It's
19 bad.

20 The law doesn't excuse it, but it says
21 under those limited or those circumstances where
22 you're so angry, and you're so upset. And you're
23 legally provoked. Legal, sufficient legal
24 provocation. It's got to be there. But in that
25 instant and in those times, you don't get off, but

1 you might get voluntary manslaughter, the killing in
2 the heat of passion upon sufficient legal
3 provocation. You're going to have a right to
4 consider it. I respectfully submit that this isn't
5 a voluntary manslaughter. There is no evidence of
6 sufficient legal provocation. He was backing up,
7 looking away. But you will have the right to
8 consider it.

9 The burden is beyond a reasonable doubt.
10 Beyond a reasonable doubt. Not beyond all doubt.
11 If that was the burden, we could never beat it. And
12 sometime, and I'm getting old. But at some point in
13 my career I realize, sometimes questions are out
14 there. You can't -- the world isn't videotaped.
15 Thank God we are not all on videotape. It's out
16 there all right now. But you could never answer
17 every question. And the law doesn't allow that.
18 It's common sense. And if there's a question or two
19 out there, that doesn't mean it's a reasonable
20 doubt. That's not what the law requires. It
21 requires proof beyond. That doesn't mean it's a
22 reasonable doubt just because the question wasn't
23 answered. The law requires beyond a reasonable
24 doubt.

25 Do you what happened? He was shot in the

1 head. Anyway, we don't have to prove beyond all
2 doubts. I'll talk to you about the evidence, direct
3 and circumstantial. And I won't go over that again.
4 The judge will tell you about all that. Listen to
5 what she says. She knows what she's doing. She's
6 the law. Let's get down to it. You know when they
7 first come there, law enforcement, they think it's
8 an accident. You've got a car in the ditch. It's
9 up like this, they think it's an accident. So and
10 you all know where we are. We're at Modern Turf. I
11 can't ask you to raise your hand. Everybody knows
12 where that is. Modern Turf on 521. And we have to
13 prove this happened in Sumter County. We did that.
14 And the officers get there, and you hear the
15 testimony, there's a car. By the time most of them
16 got there, it was already pulled out. And you see
17 the red tarp over it. The car is pulled out.
18 That's Mr. Johnny Singleton's car. If he was here,
19 he would tell you. Well it was -- I hadn't known If
20 I touched this area and put my hand at an angle,
21 it's back like that. That explains why Mr. Johnny
22 Singleton is in the back seat. You hear any other
23 argument about well where was he. He was driving.
24 He was in the back seat, because that car was down
25 that like. They pulled it up. Still don't know

1 that is it anything but an auto accident though.

2 At some point after they pull it up, they
3 learn from the coroner, they learn from Dr. Ross,
4 that there was a bullet found in the naval cavity of
5 Johnny Singleton. What does that mean? It becomes
6 a homicide investigation. And what happens?

7 Soloman and McCauley stand up, please. These guys
8 get involved. Thank you. Thank goodness for them.
9 Law enforcement gets a bad name, so what do they do.
10 They start processing that car. Processing it and
11 then take swabs. They take swabs from the outside,
12 from the inside. And then they get the clothes from
13 the pathologist. And they bring them back. And
14 what do they tell you, they at it. And what are
15 they looking for. They're looking for something
16 that is inconsistent with an accident, or something
17 that just doesn't look right.

18 Well what do they find. They find some
19 blood down. And they find some blood in here. That
20 doesn't look right. So what do they do, they cut
21 it. They preserve it. And they take it to sled.
22 Thank you. They did a great job. They processed
23 the inside, the outside, the clothes, and they
24 take it sled. Still don't know what's going on you
25 all. You've got to see the investigation goes

1 through. Still don't know what's going on. Well
2 what happens next in the investigation. Well, they
3 identify Mr. Johnny Singleton. Go to his house.
4 And if he spends any time on these guns at Johnny
5 Singleton's house, he's got a right to have guns at
6 his house. You're not allowed to have guns in your
7 house. Johnny Singleton earned a right to have guns
8 in his house. There weren't any guns in his car.

9 And that's one of the things too, Ladies
10 and gentlemen, I meant to say earlier and I forgot.
11 Keep your eye on the ball. This is about that
12 murder in that car on 521. Some lawyers will create
13 smoke screens and try to take you over here. Like
14 guns in Johnny Singleton's house. It doesn't have
15 anything to do with this case. Nothing to do with
16 this case. They're trying to get you to focus to
17 side issues over here. Stephen Dwyer is not on
18 trial. They going to try to get you and say, oh, he
19 was -- they brow beat to do all that. I'm going to
20 show you something in a minute. No, they didn't.
21 They're trying to get to the truth. Don't let those
22 side issues take you away from what the focus is.
23 Keep your eye on the ball. Get the smoke out. It's
24 like the fog, I came up here this morning. Let it
25 clear, and stay focused on the murder Johnny

1 Singleton. Johnny Singleton is dead. He didn't --
2 he don't, he shouldn't be dead. He should be here
3 today with his family. So we know it's a homicide.
4 What's law enforcement do. Well like I said, they
5 identified the victim. They're looking for
6 something. They find the phone. Now did they find
7 the phone right there in the car. Do they find it
8 right outside. And I think Mr. Keffer tried to say
9 it was 30 feet or 40 feet. No, sir. No, ma'am.
10 Soloman, got up here and showed you the picture. And
11 it was 30 plus yards away. Why is that. Why wasn't
12 it right there. Voluntary manslaughter, heat of
13 passion, I had to do it. Voluntary mans -- I was
14 angry. He said no. Why was the Phone over there?
15 Because he threw it over there. Well what do we do
16 if we do something wrong. You try to hide stuff.
17 He chunked it. He didn't just chunk it. He chunked
18 it. And that shows he was running back to Sumter
19 too. Why do you do that? He's trying to get rid of
20 evidence.

21 He don't want you all to see this phone.
22 He didn't want law enforcement to find the phone,
23 but they do. They sure do. And what does the
24 sergeant do. Sergeant Dellinger. What did they do?
25 They got a phone. Let's look in here and see who he

1 called, and who called Johnny Singleton. That's
2 just good law enforcement. And they do. And you
3 can't make this up. So they start calling. Well
4 one of the numbers, and, you know, she doesn't know
5 who this is. It's just a blind call. Do a search
6 warrant on the phone calls, and it turns out it's
7 the number of the defendant. She didn't know that;
8 didn't know who he was. 651-7619. It's a little
9 chart you will have there before you.

10 This is Sergeant Darlene Dellinger with
11 the Sumter County Sheriff's office. Here's what I'm
12 looking into. I don't know nothing about it. My
13 name is Novian Sinclair. No, it's not. Now law
14 enforcement is reaching out to find out what's
15 going. Number one, he doesn't call 911 that night.
16 He doesn't call the police the 26th, 27th, 28th,
17 29th. Gets a call from Darlene, I think on the
18 30th. Not 911. Not calling anybody else. Law
19 enforcement calls him. Hey, let me check it. Hey,
20 I'm not me. Is that evidence of guilt. I'm not me.
21 Trying to throw law enforcement off the trail. She
22 checks. Low and behold, Novian Sinclair used to be
23 a roommate of his. That's incredible circumstantial
24 evidence. He doesn't want to talk law enforcement.
25 Why not?

1 Do you remember, they call another number
2 in the blind. It's Dayasia Robinson. His
3 girlfriend at the time. And, Folks, I don't make
4 this up. I don't bring people in. They get
5 involved in the case. I'm doing my job, and
6 Solicitor Finney and the folks in Sumter, they come
7 in to testify. And what did she say? He called me
8 that Sunday night afterwards. I think it was 30th.
9 Maybe not Sunday night, the 30th like she said. I'm
10 got to go. I am going to be gone away for awhile.
11 Is that evidence of guilt. I got to leave. Said he
12 was trying -- calling drunk from a club.

13 And then he also said, Mr. Robinson also
14 said that he said, the defendant Matthew Dwyer said,
15 yeah, the reason Dellinger was calling is because I
16 was the last person to talk to him or talk to him by
17 his cell phone. And how can I tell you and say that
18 was him that told, the defendant, and told
19 Dellinger, I'm not me. It's on his phone. He
20 enters Dellinger's name on his phone. Misspelled
21 it. No, that's not me. I'm not who I am. I don't
22 know anything about it. And Novian Sinclair lives
23 up in Spartanburg I think it says. Evidence of
24 guilt.

25 You know, with the DNA, with cell phone,

1 with him throwing it, that's enough. I tell you
2 right there, that's enough for reasonable doubt.
3 Beyond a reasonable doubt. That ain't all we got.
4 That's enough. What happens next? They start
5 calling and getting search warrants on these other
6 numbers. And, Folks, back here well this is on the
7 25th. The day before the incident, Matthew Dwyer is
8 calling Johnny Singleton. The day before the 26th.
9 They knew each other. There's been testimony,
10 they've known each other for a while. This ain't no
11 stranger killing. Then they look on the 26th,
12 Matthew Dwyer calling Johnny Singleton. The
13 26th Johnny Singleton calling Matthew Dwyer about
14 5:47. Matthew Dwyer calling Johnny Singleton 8:01.
15 Matthew Dwyer calling Johnny Singleton 9:28. He's
16 calling the victim. He's wanting to get in touch
17 with him. He ain't afraid of him. He was reaching
18 out to him. Matthew Dwyer calling Johnny Singleton
19 about 9:28. You remember Janie Mae Shaw said he
20 seemed like he was irritated with it. He's calling
21 him. He knows he's playing cards.

22 Matthew Dwyer calling Johnny Singleton
23 9:35. Johnny Singleton about 9:51 calls Matthew
24 Dwyer. I think Janie Mae Shaw said he left about
25 9:30. Somewhere in there. Matthew Dwyer calling

1 Johnny Singleton 9:55. Matthew Dwyer 9:55 no more
2 calls from Matthew to Johnny Singleton. And there
3 were other calls on the tolls, but these parties are
4 their calls right there. The next call from Matthew
5 Dwyer regarding this case is Stephen Dwyer at 10:41.
6 Johnny Singleton was murdered after 9:55, but before
7 10:41. I don't know always get to show that.
8 That's what this shows. That's what this shows, the
9 time of death was in there.

10 Well what does law enforcement do. They
11 get these records. I think David Miller testified
12 first. They start tracking the cell phones, and
13 they can see where the calls at Mason Road heading
14 towards Rembert. That's Stephen Dwyer's phone. And
15 they basically for the 3 phone calls put the parties
16 that potentially might be involved in this,
17 together. It took a few days. It took a few days,
18 but they did it.

19 So what do they do there? Well, let's
20 see, I've got Singleton, he's dead. Mr. Singleton.
21 I've got Johnny, let's see Matthew Dwyer they're
22 talking. I've got Stephen Dwyer. Go talk to
23 Stephen Dwyer. Your phone is being lit up right
24 here by Matthew Dwyer after he had had contact with
25 Johnny Singleton who's now dead. Is it okay to go

1 talk to Stephen Dwyer. Yes, ma'am. And that's what
2 they do. And they go down to talk to him, and just
3 say, explain this to us. You didn't have contact
4 with Johnny Singleton. Your phone calls not calling
5 him, but your brother is calling you right after,
6 explain it to us. And he's down there with
7 officers. Not being brow beat. They tell him,
8 yeah, this is serious. You don't want to get
9 involved in this. What do I want the police to do?
10 Somebody is shot in the back of the head. Not like
11 TV. You don't see them up there hitting them and
12 pushing them. I'm going to show you a little bit
13 right Now.

14 And who comes down, The high sheriff
15 himself comes down. You think he doesn't care about
16 this county; care about somebody shot in the back of
17 the head. Sheriff Anthony Dennis comes down. And
18 you heard the defendant on the stand. I said he
19 wasn't mean to you, was he. No. Sheriff Dennis is
20 a good fellow. Yes, he was fine with me. And he
21 tells Sheriff Anthony Dennis what happened. He
22 starts to tell him. Did he tell the first officers,
23 no. Did he feel more comfortable talking to Sheriff
24 Dennis maybe so. But he starts to let it out a
25 little bit. He starts to let it. My wife says I am

1 naive and pollyanna. And I might be. I try to look
2 at the positive. But I tell you one thing, the
3 truth almost all the time, comes out in this
4 courtroom. Almost all the time. You say, no, I
5 don't believe in that. Let me tell you, it may not
6 come out with the words all the time, but if it
7 doesn't come out with the words, it comes out in the
8 body. You know who's telling the truth and who
9 isn't. You just know. Your common sense tells
10 you. You know who's full of it, and who isn't.
11 Based on your life experiences. And you see
12 Stephen when he was up here, he didn't want to be
13 here. I didn't make him be here. He made him be
14 here.

15 And Stephen finally did the right thing,
16 on February 4th, I think, when he talked to the
17 sheriff. Came up here and tried to help his brother
18 some. Added something that he said, well I ain't
19 never told nobody that before. Added something to
20 try to help you all get to voluntary. That's what
21 he tried to do. That's not credible. But you could
22 tell when he was testifying, you could tell that he
23 was trying to help. The truth comes out in here.
24 He's under a lot of pressure. And I told him, I
25 meant it, I am sorry he is here. But I've got to do

1 my job. And he's got to tell the truth.

2 (Whereupon, playing the video to the
3 jury.)

4 MR. MEADORS: The sheriff is just talking
5 to him.

6 THE COURT: Mr. Meadors, you can read from
7 the transcript if you need to.

8 MR. MEADORS: He's just talking to him.
9 There's the sheriff. Melissa Addison was just
10 talking to him. And he's talking to the sheriff,
11 and he said he treated me with respect. I know he
12 treated him with respect. Hopefully it's going to
13 come on. Well what does he tell you. He called me
14 in the middle of the night. He called me and it
15 sounded like it was for real. He sounded like it
16 was for real.

17 THE COURT: Mr. Meadors, are you going
18 read off from transcript or?

19 MR. MEADORS: Well I was waiting to see if
20 we, we could turn that off, I guess.

21 THE COURT: Is it ready?

22 THE CLERK: I think so, Judge.

23 THE COURT: You can put it on.

24 MR. MEADORS: I didn't see Mr. Campbell
25 just then. That's why I stopped. I'll go ahead to

1 start while they're still working on it, how is
2 that. Is that okay?

3 THE COURT: All right, sir.

4 MR. MEADORS: Please, thank you, Judge. I
5 apologize. I want you to know the truth, Anthony
6 Dennis, Sheriff: I want to know the truth. Don't
7 make it sound good. I want to know to know what he
8 told you. He just said that he F'd up. And he
9 said he F'd up real bad. And I said, what do mean
10 you F'd up. Stephen saying that Matthew. And he
11 said, man, I did something I shouldn't have done
12 tonight. Yes, ma'am, yes, sir, you sure did.

13 Like Mat, and on the way back he told me
14 that he got shot in his hand. That ain't right. I
15 was like, Matthew, you know it's kind of funny that
16 you were somewhere where you weren't -- ain't
17 supposed to be, Bro. Some area you don't even know.
18 And for you to shoot somebody, and for you to be
19 walking back from what -- walking back from what you
20 said someone shot at you, and for you to be walking
21 back and you're not worried about. Someone else car
22 driving a car coming back at you. I said someone,
23 the dude must be dead. He was like, man, don't say
24 that, man. Don't say that.

25 I was like, Mat, that is crazy for you to

1 be walking down the street and you say you got shot
2 in your hand, and he didn't get shot in his hand.
3 It was a cut. So he didn't get shot in his hand.
4 Stephen, it's the same identical question, no, it
5 was a cut. No, he didn't. He was just telling me.
6 I guess that would make come faster if he told me
7 this. I asked him what happened. He said
8 Mr. Johnny is dead. Did he tell you -- Sheriff:
9 Did he tell you how he was dead? Tell me, what did
10 he tell you. He said that he -- that they were --
11 all right he said that he had the gun, and he said
12 that there was a tussle. And he said that he shot
13 him. A tussle. Not sufficient legal provocation.
14 Not so angry. A tussle. Where did he tell you he
15 shot him. In his head.

16 Now, Folks, this is on the 4th of
17 February, how would Stephen know that if his brother
18 hadn't told him. How would he know that. Because
19 his brother told him. And did he tell you why he
20 shot you. No, he ain't going to tell me. Like I
21 said, I don't think he wanted to. I could tell by
22 his body actions when he got back. He kept trying
23 to tell me it was an accident. Well how did he end
24 up with Mr. Johnny's wallet and this is Lieutenant
25 Addison, if it was an accident. I wasn't there so.

1 Did he tell you he took his money. Lieutenant
2 Addison asked. Yeah. But he told you he took his
3 wallet. He told me. What did he tell you about
4 his wallet and phone. Did he tell you he threw it.
5 Yeah.

6 He told me he took the wallet, and he took
7 whatever was in the wallet. He killed him for his
8 money. You are going to talk about circumstantial
9 evidence. And my rhythm is all out, and I'm sorry.
10 But you want to talk about circumstantial evidence.
11 I believe Janie Mae Shaw sees him put the evidence.
12 He stole his money after he killed him. Was it
13 robbery. Yes. Was that the motive? Yes, ma'am.
14 Yes, sir. He takes time to steal his money. His
15 blood is right there. It doesn't get stronger
16 circumstantial evidence than that. His blood is
17 there. His DNA. Takes the money, and then he puts
18 in here. Did you steal his wallet. Steal his other
19 money. His blood is right there after he shot him.
20 Because you know when McCauley said it's not a
21 spatter, it's a smear. It's one of those things you
22 look for that things aren't an accident. It got
23 down here. It's consistent with reaching for the
24 money. Reaching in here. That's what this case is
25 about. That's why it's murder. It's not

1 manslaughter. It's murder.

2 Okay, is there anything else he told you.

3 Or is there anything else that your brother told

4 you. That's Addison. No, ma'am, he tell me he

5 don't like talking about it. Definitely not over

6 the phone. But as a matter of fact, the next day he

7 called me back and said, Stephen, you know I was

8 playing with you. Or wait a minute that's a lie.

9 Does that make sense? His DNA is on it. He don't

10 want to tell the whole truth. I was playing with

11 you. I said, man, what are you talking about. And

12 he said, man, I didn't kill nobody. And that was

13 it. But by then he was probably thinking, but like

14 I say, he told me he did it. But that's all I can

15 go off of. Question: Who was driving. Answer:

16 The dude was driving. Addison: How did he manage

17 to hit a tree. So he shot him while he was driving.

18 He sure did, Folks. That's the only thing that

19 makes sense.

20 Was Johnny backing up and looking? Where

21 did the shot go? The car is in reverse. That

22 explains why he gets slammed back as he's going and

23 gets shot. That's murder. How did he manage to hit

24 a tree. So he shot him while he was driving.

25 Stephen's answer: No, they was fighting but the

1 dude was still driving. The dude was still driving
2 at the time, and the dude must have seen the gun,
3 and however it went off after that. But the dude
4 must it a tree from what I heard. Addison: So he
5 was driving and there was a struggle and then he saw
6 the gun. Where did he have the gun at. No, he said
7 that he was driving and when he saw -- when he saw
8 Mat with the gun, Johnny Singleton saw Mat with the
9 gun, and I think Mat was just trying to show it to
10 scare him. Mat was trying to show it to scare him.
11 And for whatever he had wanted, he said he wanted
12 the wallet. He said he wanted the wallet.

13 So you think Matthew was going to rob him,
14 or yeah, I don't know, because I think Matthew know
15 this dude. And this ain't the first time they hung
16 out. I don't what the motive was, I just know that
17 he a gun on him. Mat had a gun on him. Johnny
18 Singleton didn't have no gun. Where did get the gun
19 from. I want to say from a white boy. Now he
20 backed up on that a little bit trying to help his
21 brother. You saw his language, well, I'm not sure
22 here it was. Addison: He bought it off the
23 streets. Like I said, the reasoned thought well
24 this is how I found out that Matthew had the gun,
25 was because he was just playing with me one day and

1 he pointed it at me, playing. And I was like, Mat
2 is that for real. Yeah, I seen it was real.

3 What type of gun was it. A 380. The gun
4 that fired that bullet. I don't where it is. Don't
5 let that be a smoke screen. We didn't produce a
6 gun. We've heard two things in here. Stephen says,
7 I don't know what he did with the gun. He told us
8 yesterday, well he put it in a truck or something, I
9 think in Rembert. Just because we don't have the
10 gun, don't hold that against the State. You don't
11 always have a gun. When is the last time you saw
12 him. Two weeks ago. That's fine. Thank you.

13 I love women. I love my wife. I love
14 her. But I love women. There's a little undertone
15 here. I didn't know whether I was going to say
16 this, and I'm going to say it. You let it all out.
17 There's a little undertone in here that it might
18 have something else going on. He tries to --
19 Stephen tries yesterday for the first time to put in
20 a paragraph, and I submit to you this is why they're
21 to get voluntary. See through it please, the
22 evidence shows. We questioned about Matthew getting
23 the wallet. Stated well that Johnny gave Mat the
24 wallet and told him exchange for sexual favors as
25 they were going along. Singleton became aggressive

1 concerning this, leading to a fight. You never said
2 that before today. No, I never did. You can see
3 his body change. That ain't true that that's what
4 the fight was over. It ain't true that was a fight,
5 and you ain't never told anybody that before today.
6 No, I didn't.

7 And that's it to the evidence they're
8 trying to get voluntary. It's not there. But what
9 I want to say, I don't know what was going on there.
10 I knew they were friends before. I knew they had
11 been together before. I knew Johnny Singleton had
12 been calling Matthew Dwyer. And I don't care what
13 was going on or wasn't going on. This isn't about a
14 sexual preference case. I don't know what was going
15 on. But I know one thing, Johnny Singleton didn't
16 deserve to get shot in the head. I know one thing,
17 they were friends before, and called before. They
18 are sitting on the side of the road there, and
19 something went bad. And you know what it was,
20 Johnny Singleton's money got taken. His DNA is on
21 his pocket and on down on his bottom of his pants.
22 It was robbery. And the reason I wanted to hit this
23 head on, that's a smoke screen if they try to say
24 anything else.

25 I don't know if anything else was going on

1 or not. No evidence about about these raping boys
2 is in this statement. That's throwing a smoke
3 screen out there. No evidence of that. It's got
4 nothing to do with this case. This is a consensual
5 meeting between two friends on a private road. I'm
6 fine with that. I'm not judging him. I'm not
7 saying anything one way or the other. But that's
8 got nothing to do with this killing. He's going to
9 try to do that. Nothing to do with it. And the
10 only evidence you've got is Stephen Dwyer coming in
11 10 months later saying what evidence -- it might
12 have been something going on here. Don't let that
13 be an issue to get you to voluntary manslaughter.

14 I'm going to try to rap it up here. I
15 think this disputes voluntary manslaughter. He's in
16 his car. A fight, a tussle. Certainly no marks on
17 Johnny. No scratches. No defensive wounds. You've
18 got the little thing up here Mr. Keffer tried to
19 make an issue of. Dr. Ross said that could happen
20 when he got shot or right afterward. It might be
21 post-mortem. After he was shot. There's no
22 bleeding. People try to take that and make it into
23 a fight. It's not there. He's looking the other
24 way. Slams down and goes to the back of the seat.

25 And the final witness you heard from,

1 Mr. Keffer said in his opening about some evidence
2 you didn't hear from us, like we didn't tell you
3 that. I didn't know that evidence in my opening.
4 That's what Stephen added in his testimony, Mr.
5 Keffer did. I didn't hide anything from you. And
6 he gets up and asks these officers well what you
7 said, I heard there was a tussle, from Stephen. Did
8 you do anything. They did everything they could.
9 Johnny Singleton is dead. They went and read the
10 rights to Stephen Dwyer at his house on the 4th, and
11 then at the sheriff's department. And no, there
12 isn't a video of that. If he tries to argue that.
13 Folks he didn't confess. He didn't say I did it.
14 Now if we were up here trying to say, yeah, he
15 confessed he did it. It wasn't on video. Then you
16 weren't, he just said, what. I wasn't there. Well
17 why is your phone being used down there. I don't
18 know. My phone wasn't being used down there. Yes,
19 it was. They did everything they could. He denied
20 being there.

21 Johnny talked to you. He didn't talk to
22 you directly. But he said, find my clothes. Find
23 my blood. You all find it, Soloman and McCauley.
24 Find it, because I'm going to show you who did it.
25 It's going to show you who did it, and who's down

1 their by my money. And it comes back to his DNA.
2 There ain't no question who did this. It comes back
3 outside. He had to climb out of that car. The
4 smear. DNA analysis performed on the items using
5 STR, PCR analysis. 8.1, 9.1 and 11, matches the DNA
6 of Matthew Dwyer. The probability of randomly
7 selecting an unrelated individual 1 and 2.1
8 quintillion. I don't even know how much that is.
9 Cuttings from the near hem of the piece of cuff.
10 Cutting from the interior of the pocket. Swab from
11 passenger door outside, Matthew Dwyer. That enough?
12 There is no reasonable doubt. That's it. John, sit
13 down. I know the judge wants me to, and I'm fixing.
14 And you know they get the standards from everybody.
15 Buccal swabs, send them to sled. And that's how
16 they compare it. And that's how they determined he
17 was there. Is that it? No. And I apologize about
18 the labs. I try to usually be smooth in my
19 performance. That came from Johnny's head. Found
20 his naval cap. That's murder. Is that it? No,
21 ma'am. No, sir. Demetrice Cooper gets a letter.
22 You can't make this up. He gets a letter. I don't
23 where Demetrius Cooper is today. Somebody cares
24 about Demetrius Cooper. And I hope he is going to
25 have a good future. And I think he will. I think

1 he will. Maybe it wasn't his doing to start with,
2 but somebody cares about that young man, because
3 they found that letter. This is the real letter and
4 they took it Joe. Rashaan Joe with Southern
5 Protection at the mall, who gave it to Matthew Yates
6 who works with the city, who gave it to Natalie
7 Kelley. They may be messed up with a little dates
8 when they got it. I don't know. But that's a smoke
9 screen if he's tries to say anything. It's not
10 involving our case. Give it to this wonderful
11 sergeant right here, who did an excellent job in
12 this case, Darlene Dellinger.

13 I need an alibi. I need an alibi saying I
14 wasn't there for January 26th. My story is that
15 from around 6 p.m. until 8:15 I was with you. We
16 were drinking and chilling at Poplar Square. All
17 you know is that when you pulled up, I was already
18 there. I was drunk so I was taking cash. Talking
19 cash, S-H-I-T. And me at an N word who you didn't
20 know, started fighting. I was getting off on the N.
21 So this home boy jumped in and tried to hurt me with
22 a bottle. But I busted it and busted it on my hand.
23 That's when you jumped in, and broke it up. My
24 thump was bleeding real bad, so I said that I was
25 going to baby's mama's grandma's house to clean and

1 wrap up my thump. Thump up. You know that she
2 lived in Gamecock, so you went ahead and left too
3 after I started talking. So if you don't mind using
4 your home that's -- using your name, that's what I'm
5 going to say. So just in case anybody contacts
6 you, then you will know what to say and our stories
7 will match.

8 He's asking Demetrius to lie for him. Put
9 his hand on the bible and say I wasn't out there on
10 521 on January 26th. I was with you and that's how
11 my finger got. Sometimes I lose sight of the forest
12 for the trees. That's because he's guilty. There
13 is no voluntary. There is no not guilty. He is
14 trying to get somebody to cover him. And he's
15 trying to get somebody to explain that finger. And
16 you heard Darlene talk about the slide bite. And he
17 gets hit with that slide bit. No matter how he shot
18 it. Like I say he took time hitting him. It's
19 greater than 2 feet. Did you hear what the doctor
20 said. This ain't tussle and fight. Johnny is
21 backing up, and he blows him away. And that slide
22 bite, what did she say because you have to clear it
23 afterwards. There's a 380 shell down there behind
24 the passenger. Is that incredible. That's
25 circumstantial evidence. The 380 his brother saw

1 him with two weeks ago.

2 I am almost through. Here's what the next
3 sentence. Let me know if that's all right with you.
4 Do you know what he said when he was up here. I
5 said, Mr. Cooper, were you going do it. You talk
6 about credibility. I believe he said, I thought
7 about it. Mr. Keffer tried to get him to say, you
8 weren't going to do that, were you. He said, I
9 thought about it. And then he said I decided not
10 to. I don't know when he decided not to, after we
11 got this letter or not. But he decided not to,
12 thank God. And the next line is, I can't depend on
13 my own brother to get the job done. Here's a code
14 in here. I was going to write the word guilty with
15 a code. But somebody said that would be too cute,
16 so I am not going do. That's all I got. From the
17 January 26th, Johnny Singleton after being called
18 went and met with the defendant. I don't know where
19 he met with him, or what they talked about. But
20 they ended on the side of 521. And the only
21 evidence out there, is Johnny Singleton got a bullet
22 to the back of the head, with no defensive wound,
23 with the defendant's blood on the bottom. And he
24 told his brother, he messed up. He messed up. He
25 shouldn't have done it. His DNA is on there. He's

1 got a slide bite consistent with the blood,
2 consistent with firing the weapon, the 380 in the
3 bottom. He owns a 380 two weeks before. His
4 brother saw him with it. And he tried to get
5 somebody to do an alibi. That's what this case is
6 about.

7 And, finally, Ladies and gentlemen, go
8 pass Johnny around when you get back there. Go back
9 and pass him around. See where his head was
10 pointed. Mr. Keffer talks about presumption of
11 innocence. I believe in it. A great concept. And
12 he is presumed the defendant, unless and until you
13 find him guilty beyond a reasonable doubt. And you
14 get to start doing that as you go through this
15 evidence back there in your jury room. And I
16 respectfully submit, you'll take the cloak of
17 innocence off as you got through this evidence. You
18 look at these pictures. You pass that head around
19 and see where Johnny's body was. And you will come
20 up with a verdict respectfully of guilty. Not of
21 voluntary manslaughter, not of not guilty, but of
22 murder. Because this was a malicious, cold blooded
23 killing, that somebody knew that he stole his money.
24 Johnny ought to be here. Don't throw that cloak
25 away. Save that later. Pass it around. Pass that

1 symbolic robe around. When you come back in here
2 with your guilty verdict of murder, bring that robe
3 in here with you, and toss it back to that family so
4 they can cover Johnny Singleton as he laid in the
5 back of his car. Let that robe comfort him for
6 eternity. Thank you.

7 THE COURT: Mr. Keffer.

8 MR. KEFFER: Thank you. Good morning,
9 Ladies and gentlemen. It's been a hell of a week.
10 A lot of evidence has been presented. But if you
11 remember during my opening statement, I told you
12 certain things were not in question, were not in
13 dispute. I told you my client knew the deceased,
14 told him he was there, told him his DNA was going to
15 be there, told them they were together in the car,
16 and I told you the victim was shot in the head. I
17 told you that. It came right out in the beginning.
18 We spent the better part of 3 days, loading up
19 evidence right here, on things that I've already
20 told you. I told you from day one. I also asked
21 you to consider, this is not murder, this is
22 something else. And it seems like from the State
23 that all they want you to consider is murder. And
24 anytime that they get any type of evidence or
25 anything to the contrary, they go the other way.

1 Case in point. The State's best witness,
2 their best witness is my client's brother. Well how
3 do we know that? Six and a half hours he's
4 questioned. Not by one or two or three, four
5 different officers he's questioned. It's
6 videotaped. My office provided the transcript that
7 you're going to have it. We provided it. Not the
8 State, we did. Gave it to the State. And we have
9 the video as well. You saw some of the video. I'm
10 not sure you are going to see the rest out. Six and
11 a half hours, and he says what happens. Now when he
12 gets in this part about the fight and the tussle and
13 these other things, law enforcement doesn't look at
14 that. They don't look at any of that. They just
15 look at the fact after 6 and a half hours, his
16 brother told him this happened. He was in the car,
17 he was scared. He was nervous. And there was a
18 fight, and the gun went off. And not only do they
19 have that interview, but they have a 2-page written
20 statement that's also in evidence. And all that's
21 in there. And then the other day Stephen Dwyer
22 testifies further, and says that money was
23 exchanged, sexual favors, and he actually didn't
24 want anything to do with it. There was a fight and
25 boom. But the State doesn't care about that. They

1 don't care about anything that Stephen Dwyer had to
2 say, except for things that are good for their case,
3 and that it's. And you want to talk about smoke
4 screens, that's it. That's the only thing the State
5 has is Stephen Dwyer. And they're not happy with
6 Stephen Dwyer.

7 How do you know that they're not happy
8 with Stephen's testimony? Because Investigator
9 Dellinger yesterday for the first time, I mean,
10 she's been on the case for 10 months. For the first
11 time, she talks about that injury to the hand. And
12 you remember that testimony. Counsel brought it to
13 your attention just a few minutes ago. A slide bite
14 I think is what it's called. Do you recall that
15 testimony? Mr. Meadors asked her. Tell me about
16 that injury. And she's not a medical doctor. She's
17 not any of those things. How do we know that?
18 Because on cross examination she testified it was
19 speculation. She doesn't know how it got there.
20 They don't even know if it's an revolver or an
21 automatic. But she got up there yesterday and said,
22 I can identify this. That's a slide bite. That
23 happens all the time on a misfire. Pure
24 speculation. Why would the State do that. If their
25 case is that strong, if their case for murder beyond

1 a reasonable doubt is that strong, why would they
2 wait 10 months, various written reports, statements,
3 evidence, everything in, why would they wait for the
4 trial to have her say that. Why? Because they
5 doubt it.

6 And just like Mr. Meadors said, they don't
7 know what happened. And he told you that 3 times.
8 They don't know what happened. They think they
9 know what happened, but they don't know. And this
10 an indictment on law enforcement's investigation.
11 This isn't about whether they did their job or not.
12 That's not in question. What is in question is
13 whether or not they proved beyond a reasonable
14 doubt. And that one bit of testimony, just that one
15 sliver, is enough. Why else put it in. I mean on
16 cross examination she felt pretty uncomfortable when
17 asked. You don't know if it's an automatic. You
18 don't know if it's a revolver. And your testimony
19 is speculation. It is not based on anything. And
20 she said that. Let's look a little bit further in
21 the investigation.

22 They're going to go on about this video of
23 Stephen Dwyer, 6 and a half hours. And whether you
24 guys can see it back there or not. I don't know
25 what the answer to that is. But you have a

1 transcript. Six and a half hours videotaped. They
2 have an opportunity to videotape my clients, the
3 defendant in this case. They take them in the same
4 room. Sit them right down there. And she says it's
5 videotaped all the time. It always go. The
6 counselor said that we don't have a videotape
7 running all the time. Well they do when they take
8 you down to interview. And she said that. But they
9 don't have that. It's not there.

10 It would seem to me that the defendant in
11 this case and any statement that they want to offer,
12 the video of his statement, more importantly in the
13 body language that counsel is going on and on about,
14 would be important for you to review. I mean that
15 would be a very important piece of evidence. We
16 don't have it. We have rely on Dellinger's notes
17 from 10 months ago. I don't have to discredit
18 Investigator Dellinger. She does a heck of a job.
19 But come on, I mean, why don't we have the video. I
20 mean she said right in front of you, hindsight being
21 20/20, we would have kept that today. But they
22 didn't keep it. They didn't keep it, because it
23 wasn't good for them. But the 6 and a half hours of
24 his brother is great for them. But that's all they
25 have.

1 We didn't come up here in our opening and
2 say that the deceased didn't die of a gunshot, or
3 that he wasn't there, or his DNA wasn't there or any
4 of that stuff. He came right out and told you
5 everything. We disagree that it's murder. We
6 simply disagree. What happened. What we think
7 happened, and we think the evidence shows, that
8 these two knew each other. We know that. I told
9 you that in the opening. They weren't strangers.
10 They met. They were driving on 521. The car
11 stopped, and things got uncomfortable. And just
12 what he told his brother.

13 Now I know the State doesn't like that.
14 And they'd like to bring up things saying, well he
15 never said that before. But that's what happened.
16 Things got uncomfortable. My client got
17 uncomfortable. There was a fight. There was a gun
18 and the deceased was shot in the head. That's what
19 happened. Is that murder. Was this planned. No,
20 it wasn't planned. They knew each other. This
21 wasn't planned. This wasn't malice. This wasn't
22 any of those things. Did my client make mistakes
23 afterwards, you damn right he did. He made a lot of
24 mistakes. And he was scared. He was 21-years-old
25 and he was scared. He tried to get his friend to

1 come here and say one thing.

2 Well even take a look at that letter.

3 That letter says he has an alibi from 6 to 8. Six
4 to eight. The State's case is this happened at 9:30
5 to 10. Well what alibi for him between 6 and 8.

6 But that's how -- this is how he was thinking, he
7 was scared. He had nothing else. And he was
8 scared, and he told his brother he was scared. And
9 he told his brother everything. And his brother was
10 interviewed for 6 and a half hours. Wrote a

11 statement out, and then brought back to testify.

12 Well the State wants you to believe some of the
13 things he told his brother, but not other things.

14 And you need to consider that, because the State
15 needs to prove beyond a reasonable doubt, if there
16 is a hesitancy that you have, that he's guilty of
17 murder, then he's not guilty. Is he guilty of
18 manslaughter. You're going to hear the the judge's
19 instructions on manslaughter. And I believe after
20 you hear those elements, it's going to be far likely
21 that you find him guilty of manslaughter than
22 murder. Because if there is a hesitancy to find him
23 guilty, then you have to listen to the rest of the
24 instructions. And the reality is, just like
25 Mr. Meadors said, they don't know what happened.

1 They take the evidence, they put it together, and
2 this is what they came up with.

3 But it bothered me immensely. It bothered
4 me immensely that for first time yesterday on the
5 stand, law enforcement is talking about how the cut
6 happened on his hand. And I can tell you, you will
7 not see in any of these reports, statements or
8 otherwise, any commentary about how that cut came,
9 because there was none. It was never documented
10 until they we are at trial. Well why would they do
11 that? Because they're not sure, and they want to
12 put everything they possibly in, to make it sound
13 like this was a cold blooded murder. To the point
14 where their lead investigator is speculating pure
15 speculation.

16 And they can't tell you if this weapon,
17 and there is no doubt it was a gun. We knew it was
18 a gun. I mean all this nonsense about I am going to
19 go up here and do this and that. I'm doing the same
20 thing I did the opening, we know he was shot in the
21 head. They don't know if it was a revolver or not.
22 Now it's important if you are going to testify about
23 slide bites. But that's they were doing that,
24 because they are not sure in their own case. They
25 want you to have everything, even if they have to

1 speculate. That should cause some concern.

2 Ladies and gentlemen, we've spent all week
3 on this case, and I know you were paying attention.
4 I was looking at you during trial. Everyone that
5 testified, everybody was paying attention. And
6 that's what you are supposed to do. And this is an
7 important case. My client is facing murder charges.
8 I submit to you that the evidence that's been
9 submitted, and the law that the court is going to
10 instruct you on, you are going to find him not
11 guilty of murder. You may find him guilty of
12 manslaughter, but it won't be murder. Because there
13 is going to be a hesitancy to find him guilty. And
14 that's what all 12 of you have to agree on, not just
15 one or two. All of you have to agree on the same
16 thing.

17 And every bit of this evidence, everything
18 taken back, all points to the fact that the victim
19 was shot and killed. We knew that from the
20 beginning. What the State can't tell you is why he
21 was shot in the head. And his brother testified
22 and law enforcement that, but they don't like that.
23 But that's the only explanation they have.

24 Thank you. I know it's been a long week.
25 The court is now going to instruct you on the law.

1 Please bear with the court and everyone else on
2 their instruction on the law. This case is very
3 important. I submit that when you go back there and
4 deliberate, you are going to come back and find him
5 not guilty of murder. And if he's guilty of
6 anything, other than being stupid, he is guilty of
7 manslaughter. Thank you.

8 THE COURT: Ladies and gentlemen of the
9 jury, it's now time for me to charge you on the law
10 in this case. The indictment charges the defendant
11 with murder and with possession of a weapon during
12 the commission of a violent crime. I remind you
13 that the defendant was arrested, charged and
14 indicted in this case is not evidence in this case
15 and cannot be considered by you as evidence of guilt
16 in this case, nor does it create any presumption or
17 inference of guilt. The document is simply the
18 formal written instrument which contains the charges
19 made against the defendant. It is the formal
20 document by which this case is brought into this
21 court.

22 The indictment in this case alleges two
23 different offenses against the defendant, murder and
24 possession of a weapon during the commission of a
25 violent crime. Each charge is a separate and a

1 distinct offense. You must decide each charge
2 separately on the evidence and the law applicable to
3 it, uninfluenced by your decision as to any other
4 indictment. The defendant may be convicted or
5 acquitted of any or all of offenses charged. You
6 will be asked to write a separate verdict of guilty
7 or not guilty for each charge.

8 The defendant has pled not guilty to this
9 indictment, and that plea puts the burden on the
10 state to prove the defendant guilty. A person
11 charged with committing a criminal offense in South
12 Carolina is never required to prove himself
13 innocent. I charge you that it is a important rule
14 of the law that the defendant in criminal trial no
15 matter what the seriousness of the charge may be,
16 will always be presumed innocent of the crime for
17 which the indictment was issued, unless guilt has
18 been proven by evidence satisfying you of that guilt
19 beyond a reasonable doubt. This presumption of
20 innocence does not end when you begin your
21 deliberations, but it accompanies the defendant
22 throughout the trial until you reach a verdict of
23 guilt based on evidence satisfying you of that guilt
24 beyond a reasonable doubt. The presumption of
25 innocence is like a robe of righteousness placed

1 about the shoulders of the defendant which remains
2 with the defendant until it has been stripped from
3 the defendant by evidence satisfying you of the
4 defendant's guilt beyond a reasonable doubt. The
5 presumption of innocence is not a mere legal theory.
6 It is not just a legal phrase. It is a substantial
7 right to which every defendant is entitled unless
8 you the jury are satisfied from the evidence the
9 defendant's guilt beyond a reasonable doubt.

10 What is a reasonable doubt in the law. A
11 reasonable doubt is a kind of doubt that would cause
12 a reasonable person to hesitate to act. The State
13 has the burden of proving the defendant beyond a
14 reasonable doubt. Some of you may have served as
15 jurors in civil cases when you were told that it is
16 only necessary to prove that a fact is more likely
17 true than not true; such as, by the greater weight
18 or the preponderance of the evidence. In criminal
19 cases the State's proof must be more powerful than
20 that. It must be beyond a reasonable doubt. Proof
21 beyond a reasonable doubt, is proof that leaves you
22 firmly convinced of the defendant's guilt. There
23 are very few things in this world that we know with
24 absolute certainty, and in criminal cases the law
25 does not require proof that overcomes every possible

1 doubt. If based on your consideration of the
2 evidence you are firmly convinced that the defendant
3 is guilty of the crime charged, you must find the
4 defendant guilty. If on the other hand you think
5 there is a real possibility that the defendant is
6 not guilty, you must give the defendant the benefit
7 of the doubt and find him not guilty. I remind you
8 that during this trial, you and I have certain
9 duties to perform. As a trial judge, it's my
10 responsibility to preside over the trial of this
11 case. And I also have the duty to rule on the
12 admissibility of evidence offered during this trial.
13 You are to consider only the competent evidence
14 before you. If there was any testimony ordered
15 stricken from the record in this case during this
16 trial, you must disregard that testimony. You are
17 to consider only the testimony which has been
18 presented from the witness stand, any exhibits which
19 have been made a part of the record in this case,
20 and any stipulations of counsel.

21 I have the additional duty to charge you
22 the law applicable to this case. As a presiding
23 judge, I am sole judge of the law of this case. And
24 it is your duty as jurors to accept and apply the
25 law as I now state it to you. If you already have

1 an idea as to what the law is or what the law ought
2 to be, and it does not agree with what I now tell
3 you the law is, you must abandon this idea, because
4 are sworn to accept the law and apply the law
5 exactly as I state it to you.

6 In every case tried in this court before a
7 jury, the jury becomes the sole and exclusive judge
8 of the facts in the case. A trial judge cannot
9 intimate, state, comment on, or make any statement
10 to a trial jury about the facts in the case. Since
11 you the jury are the sole judges of the facts in
12 this case, you are not infer from what I have said
13 during the process of this trial in ruling upon the
14 admissibility of evidence or otherwise, or anything
15 that I now say during these course of these
16 instructions to you, that I have any opinion about
17 the facts in this case. The law does not allow me
18 to have an opinion on the facts in this case. This
19 is a matter solely for you the jury to determine.
20 As jurors, it is your determine the effect, the
21 value, the weight and the truth of the evidence
22 presented during this trial.

23 There are two types of evidence which are
24 generally presented during a trial: Direct evidence
25 and circumstantial evidence. Direct evidence is the

1 testimony of a person who claims to have actual
2 knowledge of a fact; such as, an eye witness.
3 Circumstantial evidence is proof of a chain of facts
4 and circumstances indicating the existence of a
5 fact. The law makes no absolutely no distinction
6 between the weight or value to be given to either
7 direct or circumstantial evidence. Nor is a greater
8 degree of certainty required of circumstantial
9 evidence than of direct evidence. You should weigh
10 all of the evidence in this case. After weighing
11 all of the evidence if you are not convinced of the
12 guilt of defendant beyond a reasonable doubt, you
13 must find the defendant not guilty.

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

1 a witness in its entirety or reject the testimony of
2 a witness in its entirety.

3 You may consider whether the witness has
4 exhibited to you any interest, bias, prejudice or
5 other motive in this case. You may also consider
6 the appearance and the manner of a witness while on
7 the witness stand. The rules of evidence ordinarily
8 do not permit witnesses to testify as to opinions or
9 conclusions. An exception to this rule exists for
10 witnesses that we call expert witnesses. A witness
11 who by education and experience has become an expert
12 in some art, science, profession or calling, may
13 state an opinion as to relevant and material matter,
14 in which the witness claims to be an expert, and may
15 also state the reasons for that opinion. You should
16 consider any expert opinion received in evidence in
17 this case, like any other evidence, and give it the
18 weight you think it deserves. If you decide that
19 the opinion of an expert witness is not based on
20 sufficient education and experience, or if you
21 conclude that the reasons given in support of the
22 opinion are not sound or that the opinion is
23 outweighed by other evidence, you may disregard the
24 opinion entirely.

25 An expert witness' testimony is to be

1 given no greater weight than of any other witness
2 simply because the witness is an expert. Further,
3 you are not required to accept an expert's opinion
4 even though it's not contradicted. There has been
5 evidence presented that witnesses have made prior
6 statements which are not consistent with the
7 witness' present testimony. You may use this
8 evidence to decide whether to believe the witness.
9 You may also use evidence of the earlier
10 contradictory statements to determine the truth of
11 those statements. It is up to you to decide
12 whether to believe the earlier statements or the
13 testimony given at trial. If a witness has shown to
14 have knowingly testified untruthfully concerning any
15 material matter, you may consider this in
16 determining whether to trust the witness' testimony
17 as to other matters. You may reject all testimony
18 of that witness or give all or part of the testimony
19 the weight that you think it deserves.

20 I instruct you and emphasize that the fact
21 that a defendant did not testify is not a factor to
22 be considered by you in any way in your deliberation
23 and in your consideration of the question of guilt
24 or innocence of the defendant. It must not be must
25 not be considered by you in any manner whatsoever.

1 The defendant has the constitutional right to remain
2 silent, and the assertion of this right must not be
3 considered by you in your deliberations. I repeat,
4 under your oath that you to draw no conclusion
5 whatsoever from the fact that the defendant in this
6 case did not testify.

7 The fact that the defendant did not
8 testify should not even be discussed in the jury
9 room. The burden of proof as I have stated to you,
10 is on the State. The defendant is not required to
11 prove his innocence. The burden of proof remains on
12 the State to prove guilt beyond a reasonable doubt.
13 In order to establish criminal liability, criminal
14 intent is required. For example, the mental state
15 required to be proven by the State for a particular
16 crime might be purpose, intent, knowledge,
17 recklessness or criminal negligence.

18 Criminal intent must be proven by the
19 State beyond a reasonable doubt. Criminal intent is
20 always a matter that must be determined by the jury
21 from the circumstances surrounding the situation.
22 There is no way to prove intent to a mathematical
23 certainty. There is no way medical science can
24 dissect a person's brain and determine what the
25 person had in mind, so the law states that criminal

1 intent may be inferred from the circumstances shown
2 to have existed. This is how you make a
3 determination of whether or not the element
4 requiring intent was present. It is not necessary
5 to establish intent by direct and positive evidence.
6 But intent may be established by inference in the
7 same way as any other fact by taking into
8 consideration, the acts of the parties, and all of
9 the facts and circumstances of the case.

10 Criminal intent is a mental state, a
11 conscious wrongdoing. It is up to you to determine
12 what the defendant intended to do based on the
13 circumstances shown to have existed. Criminal
14 intent can arise from an action or a failure to
15 act. It may arise from negligence, recklessness or
16 an indifference to duty or to consequences. It is
17 considered by the law to be the equivalent of
18 criminal intent. A statement alleged to have been
19 made by the defendant has been admitted as evidence
20 in this case. While the court has determined that
21 the statement is admissible, I instruct you that you
22 make the ultimate decision of whether or not the
23 defendant made the statement. If the defendant did
24 make the statement, you must determine whether the
25 statement was made by the defendant voluntarily and

1 of his own free will. This means that the statement
2 was not caused by pressure, force, fear threat,
3 coercion or intimidation or by hope of a promise of
4 leniency or reward of any kind.

5 In determining whether the statement was
6 voluntary, you should consider both the
7 characteristics of the defendant and the details of
8 the questioning. Some of the factors that you must
9 consider are: the age of the defendant, the
10 defendant's education or lack of education. The
11 defendant's mental ability or capacity. The
12 defendant's IQ or intelligence, the defendant's
13 background and environment, the place and the length
14 of the detention, the nature of the questioning,
15 and advice or lack thereof to the defendant of his
16 constitutional rights, including but not limited to,
17 the right to remain silent; that any statement could
18 be used against him in a court of law, the right to
19 have a lawyer present, and that if he could afford a
20 lawyer, a lawyer would be appointed to represent him
21 without any cost. And that he could stop making a
22 statement at any time.

23 You must carefully consider all of the
24 surrounding circumstances before you give any weight
25 to an alleged statement. The State has the burden

1 of proving beyond a reasonable doubt that the
2 alleged statement was voluntary. If you determine
3 it was, you may give the statement -- if you
4 determine it was, you may give the statement any
5 further consideration that you deem proper. You
6 must decide what weight if any should be given to
7 the alleged statement. If you determine the alleged
8 statement was not a free and voluntary statement of
9 the defendant, you should not consider the statement
10 at all.

11 The defendant is charged with murder. The
12 State must prove beyond a reasonable doubt that the
13 defendant killed another person with malice
14 aforethought. Malice is hatred, ill will, or
15 hostility towards another person. It is the
16 intentional doing of a wrongful act without just
17 cause or excuse. And with the intent to inflict an
18 injury under circumstances the law will infer an
19 evil intent. Malice aforethought does not require
20 that malice exists for any particular time before
21 the act is committed, but malice must exist in the
22 mind of the defendant just before and at the time
23 that the act is committed. Therefore, there must be
24 a combination of the previous evil intent and the
25 act.

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

14 Malice may be inferred from conduct
15 showing a total disregard for human life. Inferred
16 malice may also arise when the deed is done with a
17 deadly weapon. A deadly weapon is any article,
18 instrument or substance which is likely to cause
19 death or great bodily harm. Whether an instrument
20 has been used as a deadly weapon depends on the
21 facts and circumstances of each case. If you find
22 the defendant has failed to prove beyond a
23 reasonable doubt that the defendant committed
24 murder, you may consider whether the State has
25 proved beyond a reasonable doubt that the defendant

1 committed voluntary manslaughter. To prove
2 voluntary manslaughter, the State must prove beyond
3 a reasonable doubt that the defendant took the life
4 of another in the sudden heat of passion, based on
5 sufficient legal provocation. Both heat of passion
6 and sufficient legal provocation must be present at
7 the time of the killing to constitute voluntary
8 manslaughter.

9 Sudden heat of passion may for a time
10 effect a person's self control and temporarily
11 disturb the person's reason. The sudden heat of
12 passion must be the type that would make an ordinary
13 person unable to coolly reflect on his actions, and
14 would produce an uncontrollable impulse to do
15 violence. Sufficient legal provocation must be the
16 type that would make a person of ordinary reason and
17 caution become enraged and lose control temporarily.
18 The provocation needed to voluntary manslaughter
19 must come from some act or related to the victim.
20 Words alone however vulgar and insulting are not
21 enough to be legal provocation. Where death is
22 caused by the use of a deadly weapon, the words must
23 be accompanied by some overt, threatening act, which
24 could have produced the heat of passion. The
25 exercise of the legal right no matter how offensive

1 it is to another is never sufficient legal
2 provocation for voluntary manslaughter. If the heat
3 of passion had cooled or if there was enough time
4 between the provocation if any, and the killing for
5 the passion of a reasonable person to cool, the
6 killing could not be voluntary manslaughter. In
7 deciding rather a reasonable person would have
8 enough time to cool off, you should consider all the
9 circumstances surrounding the killing.

10 You may consider the nature of the
11 provocation, if any, the defendant's mental and
12 physical state and the circumstances and
13 relationships between the parties. The defendant is
14 charged with possession of a weapon during the
15 commission of or attempt to commit a violent crime.
16 The State must prove beyond a reasonable doubt that
17 the defendant was in possession of a firearm or
18 visibly displayed what appeared to be firearm during
19 the commission of a violent crime. A firearm means
20 any machine gun, automatic rifle, revolver, pistol,
21 or any weapon which well is designed to or made
22 readily be converted to expel a projectile.

23 In order to find a defendant guilty of
24 possession of a weapon during the commission of a
25 violent crime, you must first find the defendant of

1 either committing a violent crime or attempting to
2 commit a violent crime. Murder and voluntary
3 manslaughter are both violent crimes. The State
4 must prove beyond a reasonable doubt that the weapon
5 further advanced or helped in the commission of the
6 crime.

7 Ladies and gentlemen of the jury, there
8 are several possible verdicts which you could come
9 to. Your verdict must be a unanimous one. You will
10 have the indictment back with you in the jury room
11 along with the verdict form. And, Mr. Foreman, if
12 you look on the verdict form, it's rather self
13 explanatory. It goes through to each count. The
14 first count says Count 1, as to the charge of
15 murder, we the jury unanimously find the defendant,
16 and then you circle the appropriate verdict, either
17 not guilty or guilty. If you find the defendant
18 guilty, then your deliberations stops on that count,
19 and then you go to the count of possession of a
20 weapon during the commission of a violent crime.

21 If you do not find the defendant guilty of
22 murder on that count, you then are to consider the
23 voluntary manslaughter charge, and then the
24 instruction is the same. We the jury unanimously
25 find the defendant and you circle one either guilty

1 not guilty. And then move on to the possession of a
2 weapon during the commission of a weapon during a
3 violent crime. You are to sign the foreperson.
4 It's already dated for you. And on the indictment
5 you will have the indictment with you in the jury
6 room. If you look on the front of the indictment,
7 it says verdict. If you will write the verdict as
8 to each count. And then sign your name and date it.

9 Ladies and gentlemen, in just a second, I
10 am going to ask you to return to your jury room for
11 one last time. But do not begin your deliberations
12 quite yet until you have all the evidence and the
13 indictment and the verdict form submitted to you in
14 the jury room. And when you come to a verdict,
15 please knock on the door, and we will bring you back
16 in to receive the verdict.

17 (Whereupon, the following takes place
18 Outside the presence of the jury.)

19 THE COURT: Any exceptions or objections
20 to the charge on the law from the State or the
21 defense?

22 MR. MEADORS: No.

23 MR. KEFFER: No, ma'am.

24 THE COURT: If you will come and make sure
25 we have all the correct exhibits.

1 MR. MEADORS: Some of these charts, I
2 think I may have stated earlier. We're going to get
3 a clean copy. There's some highlights on it. Do
4 you a problem with that? It's just a summary.

5 THE COURT: I just want to make sure 68
6 substituted for 27.

7 (Court 2's marked for Id.)

8 (Whereupon, Jury commences deliberations
9 at 12:09 p.m.)

10 (Whereupon, at 1:49 p.m. jury has a
11 question.)

12 THE COURT: Thank you everybody. You may
13 have a seat. The jury has sent back a question, and
14 they've asked whether possession means ownership. I
15 have shown the question to both the State and the
16 defense. It's my understanding they don't have an
17 objection if I just instruct the jury that
18 possession does not mean ownership.

19 MR. MEADORS: Yes, ma'am.

20 MR. KEFFER: That's correct, Your Honor.

21 THE COURT: I understand also from
22 Mr. Prince that they indicated something about
23 watching the video. Is that correct?

24 THE BAILIFF: That's what they said.

25 THE COURT: So what I will do is, I will

1 ask them since they have the transcript if there's a
2 particular portion that they would like played.

3 Any objection to that?

4 MR. MEADORS: No, ma'am.

5 MR. KEFFER: No objection, Your Honor.

6 THE COURT: Let' have our jury, please.

7 (Whereupon, the following takes place
8 within the presence of the jury.)

9 THE COURT: Ladies and gentlemen of the
10 jury, I received your question. And your question
11 asked basically does possession mean ownership.
12 Possession does not mean ownership. I hope that
13 answers your question. I was also informed that you
14 may want to watch the video that was entered into
15 evidence. As you know, it's about 6 and half hours
16 long. You have the transcript of everything
17 contained in the video.

18 If there's a particular portion, we can
19 certainly try to cue it up a particular portion, if
20 that's what you looking for. If you need to confer,
21 and let me know what exactly you are looking for,
22 I'll be happy to get that for you. Do you need time
23 to discuss that?

24 THE FOREMAN: Your Honor, we'd just like
25 to confer on that, and we'll get back with you.

1 THE COURT: Yes, sir. If you just want to
2 write it down for me, you can go back to your jury
3 room and just let us know. Thank you.

4 (Whereupon, at 2:14 p.m. jury reached
5 verdict.)

6 THE COURT: Just for the family members of
7 both sides, please note that there will be no
8 outbursts to be tolerated. If you don't feel you
9 can control your emotions regarding, regardless of
10 what the verdict may be, I will ask you to go ahead
11 and leave the courtroom now. Let's have your jury,
12 please.

13 (Whereupon, the following takes place
14 within the presence of the jury.)

15 THE COURT: Mr. Foreman, has the reached a
16 verdict?

17 THE FOREMAN: Yes, ma'am, we have.

18 THE COURT: Would you please hand it to
19 the bailiff. The verdict appears to be in order.
20 Would you please publish the verdict?

21 THE CLERK: The State of South Carolina in
22 the County of Sumter, in the Court of General
23 Sessions, Verdict Form No. 2015 GS-43-0623. The
24 State of South Carolina versus Matthew Cory Dwyer,
25 We the jury unanimously find the defendant, guilty.

1 Signed Dennis Junak, October 23, 2015. Ladies and
2 gentlemen of the jury, is this your verdict so say
3 you all? Please signify by raising your hand.
4 Thank you.

5 THE COURT: Mr. Prince, just for the
6 record, I believe you read the Count 1 for murder.
7 I don't think you read the possession.

8 MR. PRINCE: You are right. I'm sorry.

9 THE COURT: That's okay.

10 MR. PRINCE: We the jury, this is
11 possession of a weapon during the commission of
12 violent crime. We the jury unanimously find the
13 defendant, guilty. Signed Dennis Junak Foreman,
14 October 23rd 2015.

15 Ladies and gentlemen of the jury, if this
16 is your verdict, so say you all. Please signify by
17 raising your right hand. Thank you.

18 THE COURT: Thank you, Ladies and
19 gentlemen of the jury. I certainly appreciate your
20 service. If you would please return to your jury
21 room one last time and I will be in there to release
22 you in just one second.

23 MR. MEADORS: Your Honor, I will go get
24 the sentencing sheets.

25 THE COURT: Yes, sir. If you would do

1 that, and then we'll proceed with sentencing. And I
2 will go ahead and release the jury.

3 MR. MEADORS: Thank you.

4 THE COURT: Are the parties prepared to
5 proceed with the sentence?

6 MR. MEADORS: Yes, ma'am.

7 MR. KEFFER: Yes, Your Honor.

8 MR. MEADORS: May it please the the court,
9 the record of the defendant, Your Honor, he has an
10 assault and battery first conviction from May of
11 2011. That was incident involving his brother. A
12 PBC October 10th. Excuse me, October of 2010.
13 Pointing and presenting a firearm conviction
14 December of 2013. And giving false information to a
15 police office on August of 2013. I just want to
16 publicly thank the jury for their verdict. Thank
17 Your Honor. And thank law enforcement they did an
18 outstanding job in the case. And Mr. Miller from
19 our office for his assistance.

20 Judge, the family, numerous family members
21 have been in and out all week. You know, the ones
22 that are here today. And I want to thank them for
23 being here. I don't know if anybody has anything.
24 I beg the court's indulgence. At the appropriate
25 time, one of the family members would like to talk.

1 THE COURT: Yes, sir. I will be happy to
2 hear from them.

3 MR. MEADORS: Would you state your name.

4 MS. HERRING: My name is Stephanie-
5 Herring. Johnny Singleton was my uncle. That was
6 my grandmother's brother. Okay, he was the last of
7 the decedents. That night that he got killed, I was
8 the last one to see him. You know, but when they
9 told him the next day that he was dead, I was
10 shocked. And I wanted them to find his killer.

11 And I have been thinking. And we have
12 been talking and communicating with the family
13 members here. And they seem to be a good family,
14 you know, where they have violence. And, you know,
15 when they might have raised them right. And, you
16 know, sometimes you can raise a child but they
17 decide to go astray, you know. I mean I am never
18 see my uncle again. That's true. And that's the
19 reason why I am here, because I didn't want his
20 killer to just walk away, you know, with nothing
21 down. But we don't -- I mean I don't want to see
22 life, I am going to be honest with you. I mean, he
23 should pay, yes, ma'am. I am not going to say he
24 shouldn't pay for what he did. But I don't want to
25 see -- he's only 22-years-old. I don't know what he

1 was thinking at the time, you know. But my uncle is
2 never coming back him, you know. And him getting
3 life is still is not going to bring my uncle back.
4 I just wish that things had to have been different
5 that none of us had to be here, you know.

6 I am sorry, because neither one of us is a
7 winner. We are not a winner and they are not a
8 winner. We're both losing somebody. I just want
9 to say, I am sorry, you know, and let justice be
10 served.

11 THE COURT: Thank you for being. Can I
12 ask you, how old was your uncle?

13 MS. HERRING: My uncle was 63. 62.

14 MR. MEADORS: 65.

15 MS. HERRING: 65. Okay. But I know it
16 was in the 60's. And, you know, I love seeing my
17 uncle to be honest, you know, come through the
18 store. You know what I'm saying, he wasn't perfect.
19 None of us is perfect, you know. I don't know, you
20 know, we all live different lives. You know, I
21 don't get in to their life. You know, but that's
22 still like I say, that was my uncle. You know, and
23 I've never seen him made anybody do anything that
24 they didn't want to do, you know. So I mean, I am
25 sorry that, like I said, that either of us had to be

1 here. Because they seem to be, like I said, you
2 know, with values and morals in their family. We
3 have been talking to them and they have apologized,
4 and we have apologized also. Because we really like
5 I said, neither one of us are a winner. You know,
6 I'm sorry that we're both here, you know.

7 I just wish people would think before
8 they, you know, decide to do stuff. You know,
9 because you're not only hurting yourself, but
10 you're hurting your family. Thank you.

11 THE COURT: Thank you, ma'am.

12 MR. MEADORS: Your Honor, unfortunately I
13 represented these folks in another murder. And
14 that's how I got to know them a lot of them. In
15 fact, I represented another family member who had
16 been murdered. Your Honor, Sergeant Darlene
17 Dellinger would like to briefly address you and talk
18 about the victim a minute.

19 THE COURT: Yes, ma'am. Sergeant
20 Dellinger.

21 Sergeant Dellinger: Yes, Your Honor.
22 Thank you. One of the victim's family members isn't
23 present in the courtroom, because she is too young
24 to be here. That was his granddaughter, Christiana.
25 Mr. Johnny would go see Christiana every day and

1 take her to the store. I am sure that she's going
2 to miss her grandfather. If she was here, I am just
3 standing here to speak on her behalf.

4 During this investigation we found that
5 out, despite whatever else came out about the
6 victim. His granddaughter loved him, and she was
7 used to seeing him and spending time with him every
8 day. I just wanted to speak Christiana's behalf,
9 because she can't be here with the family to
10 represent himself. Thank you, Your Honor.

11 THE COURT: Thank you.

12 MR. MEADORS: And actually in the incident
13 report, Judge, I think the front page of the
14 incident report, he had gone by to see her that day.
15 So thank God, he got to see her on the last day of
16 his life. I'll just say a few brief words. He's a
17 two time, two time purple heart winner. Which I
18 think speaks for itself. So he served his country
19 proudly. I don't know what else to say. Again,
20 thank Your Honor and thank the jury for this
21 verdict. Thank you.

22 THE COURT: Mr. Keffer.

23 MR. KEFFER: Thank you, Your Honor. Your
24 Honor, my client is a 22-year-old man who has a
25 prior record as the court is aware. He's a graduate

1 of high school in 2009. He's worked various places.
2 Most recently with contractors. He has worked at
3 McDonald's. Your Honor, all week his family members
4 have been here. This is Ms. Shirley Dwyer. They
5 have been here every day. I think the court has
6 seen them every day.

7 We of course would -- my client
8 understand his actions. He understands the
9 sentence. I just humbly ask for the court's
10 discretion in this case. He is only 22. I would
11 ask the court to consider the statements that his
12 mother would have for the court at this time if
13 it's appropriate.

14 THE COURT: Of course.

15 MS. DWYER: Hi, my name is Shirley Dwyer.
16 I am the mother of four children. One autistic, a
17 20-year-old son. And I just wanted to say that
18 Matthew might have had some bad years the last few
19 years, but Matthew was raised with a mother and a
20 father. Matthew went to a Christian school for
21 8 years of his life. And during his transition
22 from Christian school to public school, I went
23 through a divorce. And a highly divorce. I saw a
24 difference in Matthew. What I want to say is
25 Matthew is a caring person, a loving person.

1 Matthew was a good kid in school, and he was
2 awarded -- he was even awarded, excuse me, I am
3 nervous.

4 The State of South Carolina, Governor Mark
5 Sanford, presented Matthew with the Governor's in
6 2005, with the Governor's Citizenship Award for
7 outstanding character, service, leadership,
8 responsibility and discipline.

9 Matthew, I still see him as a good kid. I
10 just don't know how to explain, I guess, what has
11 happened this last year or two. But the main person
12 that should have been a role model for Matthew,
13 abandoned him and along with his sisters and
14 brothers. So I pray that you be lenient with
15 Matthew. He has always been a help to me. Matthew
16 was a giving person. Any job him or his brother
17 got, I was fighting for child support for years. I
18 was fighting for child support for years, because of
19 my autistic child. I couldn't work long hours
20 outside of my home. So my boys worked any little
21 job they could, and they helped support the family.
22 I just want to let you know what a good person
23 Matthew was.

24 THE COURT: Thank you, Ma'am.

25 MS. DWYER: And my girlfriend also can

1 attest to that.

2 MS. SIMMONS: Yes, my name is Vanessa
3 Simmons. I've known Matthew. I've know Shirley and
4 her kids. I've known Matthew for all his life.
5 Like she said, they have both mom and dad. Matthew
6 started to change his attitude and whatever, when
7 they went to a divorce. His dad was not there. And
8 I feel some guilty of the two, because I feel like
9 if I was the friend that I should have been, I would
10 have made my husband just put a lot of time in with
11 Matthew.

12 Matthew is a good kid. Matthew, he is.
13 He really is. Why I'm telling is because you can't
14 find many young men that a girlfriend of the mom,
15 just a friend, a long time friends, I could scold
16 him, and I could say anything I wanted to say to
17 him. He would be yes, ma'am. Yes, ma'am. Most of
18 these young kids, they'll tell you off. Not
19 Matthew. I don't know what happened. He started
20 getting in with the wrong crowd. He was too
21 trusting. He really did stupid -- just crazy
22 stuff. And I beg the court to be lenient on him.
23 Because if Matthew had some more time -- If I could
24 just, you know, I wish I could have some more time
25 with him, where I could just put my husband in his

1 life. My husband is a good role model. He didn't
2 have that in his dad. He did not. She had to
3 struggle for everything that she had.

4 He didn't support them. He wasn't there
5 for them. Matthew have a lot going on with his
6 family and everything. Right now she has her
7 daughter in the 12th grade. The dad is not even
8 talking to her. She's just her by herself with them
9 raising them. She has like I said, she said an
10 autistic son. He's like 28-years-old. And that's
11 been Matthew and Stephen is the only help for him.
12 Stephen is the little man. He's tried to take care
13 of the family. And he is a sweet kid. He is. He
14 is. He's not -- he's mannerable and everything.
15 And I just beg the court to be lenient on him,
16 because I really feel like he deserve another
17 chance. Because he's went through so much in his
18 young life. He had nobody -- no role model. And a
19 boy needs a role model. Everybody needs a role
20 model, especially a boy. He's just abandoned the
21 family, because you don't see him here, and it's
22 nothing that the family did. It's just the type of
23 man he is.

24 So somehow, you know, Matthew just got
25 hung up with the wrong people doing the wrong stuff.

1 I don't know what happened, you know, I wasn't
2 there. But the only thing I know is that Matthew is
3 good kid. And I will trust him. I run a daycare
4 center. And the only way Matthew would not be
5 allowed -- this is how well I know him. He was
6 allowed to come to my daycare center, and I had it
7 for 12 years. And I run a transportation business.
8 Because of his record, that they wouldn't allow me
9 to hire him. That's how much I trust him. It's
10 just sad. It's just really sad. Thank you, Your
11 Honor.

12 THE COURT: Thank you, ma'am.

13 MR. KEFFER: Judge, I try you get the crux
14 of my client's family and how he was raised. I
15 would ask that you take all that into consideration.

16 THE COURT: Mr. Dwyer, certainly you like
17 the victim's niece said, they are no winners here
18 today. And you caused a lot of people a lot of
19 pain. You certainly have a mom that loves you and a
20 family that loves you. So I don't know why you did
21 what you did. But you caused this man's life.

22 There's just getting around that. On indictment
23 2015-GS-43-0623, you hereby committed to the State
24 Department of Corrections for a period of 45 years.

25 MR. MEADORS: Thank Your Honor.

1 THE COURT: And on indictment
2 2015-43-0623, you are hereby committed to the State
3 Department of Corrections for a period of 5 years.
4 And that's concurrent.

5 MR. MEADORS: Thank you, Your Honor.

6 -----End of Requested Transcript of Record-----

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the Third Judicial Circuit of the State of South Carolina, do hereby Certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in General Sessions Court Court on October 19th-23rd, 2015 in Sumter County, Sumter, South Carolina.

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

5-31-16
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/21

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MATTHEW C. DWYER,

APPELLANT

APPELLATE CASE NO 2015-002290

INITIAL BRIEF OF APPELLANT

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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in refusing to charge self-defense when evidence showed that appellant and the decedent, who was ex-military and knew martial arts, got into a fight after a sexual advance in the decedent's moving car and that the appellant was scared?

STATEMENT OF THE CASE

On July 9, 2015, a Sumter County grand jury indicted appellant for murder and a weapons charge. R. ____ (Indictments). On October 19, 2015, appellant was tried before the Honorable Maite Murphy and a jury. Tr. 1. John P. Meadors represented the State. Tr. 1. John S. Keffer represented appellant. Tr. 1. The jury convicted appellant. Tr. 476, l. 15 – 477, l. 17. Judge Murphy sentenced appellant to forty-five years' imprisonment for murder and a concurrent term of five years' imprisonment on the weapons charge, Tr. 487, l. 16 – 488, l. 4. This appeal follows.

ARGUMENT

The trial court erred in refusing to charge self-defense when evidence showed that appellant and the decedent, who was ex-military and knew martial arts, got into a fight after a sexual advance in the decedent's moving car and that the appellant was scared.

Introduction

In his opening statement, defense counsel admitted that on the night of the decedent's death, appellant was with him in the car and there was an altercation. Tr. 75, ll. 8 – 15. He told the jury “this is a case of self-defense.” Tr. 75, ll. 10 – 13. Despite the State's theory of the case resting on the testimony of appellant's brother, Stephen Dwyer (“Stephen”), who the solicitor credited in his closing statement with stating that appellant was in the car with decedent—possibly for sex—when they had a fight and appellant shot the decedent in a moving car, the trial judge refused to charge self-defense. Tr. 437, l. 15 – 441, l. 24. Tr. 274, ll. 1 – 15. Tr. 287, ll. 6 – 20. Tr. 417, ll. 1 – 8.

Ruling that “the testimony did not establish” the elements of self-defense, the trial court's ruling inverted the standard for giving this charge, placing the burden on the defendant to prove self-defense to receive a charge. Tr. 417, ll. 1 – 8. See State v. Frazier, 401 S.C. 224, 233, 736 S.E.2d 301, 306 (Ct. App. 2013) (“If there is any evidence in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the trial judge's refusal to do so is reversible error.”). The trial judge's ruling eviscerated the defense and left trial counsel to argue lack of malice and voluntary manslaughter in closing. Tr. 448, l. 8 – 457, l. 7.

Factual Background

On the night of January 26, 2015, the decedent, Johnny Singleton ("Singleton") was playing cards with friends. Tr. 150, l. 16 – 151, l. 8. He left between 9:30 and 10:00 PM. Tr. 151, ll. 9 – 12. He was alone. Tr. 151, ll. 9 – 12. His phone had been ringing throughout the night and Singleton left upset. Tr. 153, l. 17 – 154, l. 11. One of Singleton's friends remembered seeing appellant at her house when Singleton was also present. Tr. 152, l. 18 – 153, l. 6.

The police found Singleton's car wrecked backwards in a ditch early the next morning. Tr. 164, l. 14 – 165, l. 8. Singleton was dead in the car. Tr. 81, ll. 17 – 23. The car was in reverse gear. Tr. 81, ll. 9 – 11. Singleton's body was "found in the back seat of the vehicle, in a seated position, with his legs across the center console." Tr. 81, ll. 17 – 23. The rear window was shattered, the driver's window was broken, and the passenger front window was down. Tr. 82, ll. 13 – 23. The police concluded that the car was damaged from "reversing into the ditch itself." Tr. 94, ll. 22 – 25. The next day, from the autopsy, the police learned Singleton had been shot in the back of the head. Tr. 93, ll. 20 – 24.

The police found Singleton's phone in the woods behind the car. Tr. 118, l. 21 – 119, l. 3. After taking the phone into evidence, an investigator began calling the numbers in Singleton's phone. Tr. 360, l. 17 – 367, l. 14. The police determined that Singleton and appellant had called each other that night. Tr. 360, l. 17 – 367, l. 14. They executed a search warrant at appellant's residence and took him into custody. Tr. 239, ll. 7 – 248, l. 11. Appellant denied knowing anything about Singleton's death. Tr. 248, ll. 9 – 11.

The police summoned appellant's brother, Stephen, to the station and interrogated him for over six hours. Tr. 297, ll. 10 – 19. They threatened Stephen with prosecution. Tr. 299,

ll. 14 – 19. Stephen testified that the police told him that if he did not “say the right thing, I can be charged with accessory.” Tr. 304, l. 6 – 305, l. 2.

The State called Stephen as a witness. Tr. 261, ll. 21 – 24. On the night of Singleton’s death, Stephen got a call from appellant. Tr. 264, ll. 5 – 11. Appellant wanted Stephen to pick him up on a highway in Sumter County. Tr. 264, l. 21 – 266, l. 22. When Stephen picked him up, appellant “looked beat up. Like really beat up.” Tr. 266, ll. 23 – 25. Appellant “looked like he was in a fight.” Tr. 267, ll. 5 – 8. Appellant’s hand was bleeding. Tr. 267, ll. 18 – 21. Stephen took him home. Tr. 268, l. 25 – 269, l. 11.

Stephen later saw Singleton’s death on the news and asked his brother what happened. Tr. 271, l. 10 – 272, l. 5. Stephen testified about what appellant told him:

Well he just said, I ain’t know if he had been knowing this man or not. But in the car, he said man gave him the wallet. Being that was the type of person he was, I guess the man had – he said the man had gave him the wallet earlier because he wanted favors. **He wanted like sexual favors.** I didn’t know why they was going up there, but he wanted sexual favors. Matthew said that the man gave him the wallet before anything ever went down. And then on the way, on the way going there, I guess, he wanted Matthew to do some things for him. And Matthew just told me that he ended up pulling over. And that’s when they pulled over. And he’s probably force himself and they got in a tussle or whatever.

Tr. 274, ll. 1 – 15. Stephen continued:

And yeah, he just say that after they pulled over, **the man had really got more aggressive and try to force him to do whatever. And that’s how he got into a fight.** And when he say as they was fighting, **he stumbled across a gun....** I guess it was in the man’s car already. **And that’s when he just picked it up, and he said he shot him.** He didn’t know if he was dead or not. He just got out of the car and then called me.

Tr. 275, ll. 1 – 10 (emphasis added).

The solicitor attempted to impeach Stephen with a statement the police typed, Stephen signed, and was entered into evidence. R. ____ (State’s Ex. 75). In this statement,

Stephen told the police that "Matthew told me that him and the dude was tussling in the car, and that the dude knew Karate, and had been military. And he got scared and said that he shot him in head." Tr. 287, ll. 6 – 20. Appellant and Singleton "were tussling" in the car and after Singleton got shot, "the car was wrecked and hit a tree." Tr. 287, ll. 6 – 20. Stephen's statement also says, "Matthew told me that the dude that got killed was a fagot [sic] and that he used to rape boys."

R. ____ (State's Ex. 75).

On cross-examination, Stephen testified:

Q. There was a fight.

A. That's right.

Q. He was scared, is that correct?

A. That's correct.

Q. I mean, that's in your statement. Your brother told you he was scared, is that right?

A. That's right.

Q. He also told you that this individual knew karate. Is that right?

A. That's correct.

Tr. 300, l. 18 – 301, l. 15. A transcript of Stephen's interview with the police was entered into evidence. R. ____ (State's Ex. 76).

Defense counsel requested a self-defense instruction at the charge conference. Tr. 413, l. 15 – 415, l. 7. He cited Stephen's testimony and the statements entered into evidence showing that appellant was scared and that his actions were reasonable. Tr. 413, l. 15 – 415, l. 7. Defense counsel argued to the court that "no matter how small, the evidence is there to at least offer that charge in self-defense." Tr. 413, l. 15 – 415, l. 7. He gave Judge Murphy a copy of State v. Light, 378 S.C. 641, 664 S.E.2d 465 (2008).