

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Dorchester County
DeAndrea G. Benjamin, Circuit Court Judge

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S.C. Supreme Court

ANTHONY SANDERS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-213162

APPENDIX

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INDEX

INDEX.....	i
TRANSCRIPT OF STATUS CONFERENCE DATED JANUARY 21, 2010.....	1
TRANSCRIPT OF BENCH TRIAL.....	28
COURT’S EXHIBIT #1 (CONSENT ORDER)	307
NOTICE OF APPEAL DATED MARCH 9, 2010.....	310
PROOF OF SERVICE	311
ORDER DATED APRIL 22, 2010.....	312
ORDER DATED MAY 19, 2010.....	313
LETTER TO COURT OF APPEALS DATED JUNE 30, 2010.....	315
ORDER DATED JULY 14, 2010.....	317
REMITTITUR.....	319
APPLICATION FOR POST-CONVICTION RELIEF	320
RETURN	327
NOTICE OF MOTION AND MOTION TO DISMISS APPLICATION PURSUANT TO TERMS OF PRIOR CONSENT ORDER.....	332
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED MAY 22, 2012	335
ORDER OF DISMISSAL	348
NOTICE OF MOTION AND MOTION TO RECONSIDER.....	352
RETURN TO APPLICANT’S MOTION FOR RECONSIDERATION	355
ORDER DISMISSING APPLICANT’S MOTION FOR RECONSIDERATION	357
INDICTMENTS AND SENTENCING SHEETS.....	359

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF DORCHESTER	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	07-GS-18-01296
	)	
Anthony Sanders,	)	
	)	
Defendant.	)	

2012 FEB -7 PM 12:12
CLERK OF COURT
DORCHESTER COUNTY

TRANSCRIPT OF STATUS CONFERENCE

The within hearing was held January 21, 2010, before The Honorable R. Markley Dennis, Jr., in the Courtroom E of the Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina; attended by counsel, as follows:

APPEARANCES:

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2

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

2

1 (DEFENDANT PRESENT)

2 THE COURT: For the record, we are in
3 Charleston County. We're not -- we're drawing
4 the jury in Dorchester. Other than persons
5 associated with either your office or your
6 office, are there any -- are there any persons
7 in the courtroom present from Dorchester County
8 who are not associated with one side or the other
9 specifically? If so, please stand. (No
10 response). Thank you.

11 We are here on the State versus Anthony
12 Sanders. Good morning, Mr. Sanders.

13 DEFENDANT: Good morning.

14 THE COURT: Mr. Sanders is present.
15 We are here today at the request of both sides
16 concerning a potential agreement that has been
17 basically confirmed and I believe presented in
18 writing in the form of -- it's entitled
19 "Contractual Consent Order to Waive Rights to
20 Jury Trial."

21 Mr. Sanders, do you understand the
22 purpose of this proceeding today?

23 DEFENDANT: Yes, sir.

24 THE COURT: Okay. Solicitor, if you
25 will, I am going to ask if you -- I know that I

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

3

1 have the writing before me but, if you will,
2 state the State's position for the record.
3 Then Mr. Young I am going to ask you to respond
4 to that from Mr. Sanders' perspective.

5 MR. YOUNG: Yes, Your Honor.

6 MR. JENNINGS: Thank you, Your
7 Honor. Essentially how we arrived here -- you'll
8 recall that on January 8th we had all congregated
9 at the Dorchester County Courthouse, that we had
10 all the physical evidence, and Mr. Sanders and
11 his attorney looked through that evidence.

12 Part of the premise of being there was
13 based on prior conversations that Mr. Sanders had
14 intended to plead guilty that Friday to three
15 counts of murder. We'd met with the victim's
16 family and discussed that proposition, that he
17 would be sentenced to life without parole
18 pursuant to that plea and they were all in
19 agreement.

20 That Friday we were not able to execute
21 the plea, but had some discussion at that time of
22 the possibility of a bench trial.

23 Essentially where we are procedurally
24 is that the State has agreed that in the event
25 we do have a bench trial the defendant waives his

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

4

1 right to a jury trial. We're prepared to consent
2 to a bench trial before Your Honor and agree with
3 Mr. Young that in the event of a bench trial,
4 should he be found guilty by Your Honor, that he
5 would be sentenced pursuant to 16-3-20, under the
6 normal murder statute, where he would face thirty
7 years to life.

8 THE COURT: Okay.

9 MR. JENNINGS: I think, under the
10 case that what we have been discussing is that
11 the Supreme Court upheld that as a contractual
12 right the defendant waives his right to an appeal
13 or PCR, which I think is also incorporated in
14 this agreement. I believe that we've all agreed
15 that -- that in return for the State asking that
16 he would be sentenced from thirty years to life
17 that he and his counsel are willing to waive that
18 right to a jury trial, in addition to waiving any
19 right to appeal Your Honor's -- whatever that
20 verdict might be -- nor could he bring any PCR
21 action. I think the Supreme Court has upheld
22 that contractual relationship which could be
23 created.

24 THE COURT: Okay. Mr. Young?

25 MR. YOUNG: Judge, -- Your Honor, the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

5

1 agreement before the Court, signed by all the
2 parties, the offer, uh, that the State would be
3 basically withdrawing seeking the death penalty.
4 The consideration is that withdrawal. We agree
5 that in exchange for that to a trial before Your
6 Honor, putting the burden on the evidence. We
7 also agree to waive any appeal and/or PCRs from
8 that trial. We accept their offer and are ready
9 to proceed.

10 THE COURT: Mr. Young, you have
11 discussed this -- you and Mr. Leindecker have
12 discussed this fully with Mr. Sanders?

13 MR. YOUNG: Yes, Your Honor.

14 THE COURT: And you've answered all
15 of his questions?

16 MR. YOUNG: Yes, Your Honor.

17 THE COURT: And based on your con-
18 versations with your client, he's inclined to
19 encourage you on his behalf to make this
20 statement saying that he wants to accept this;
21 is that correct?

22 MR. YOUNG: That's correct, Your
23 Honor.

24 THE COURT: Mr. Leindecker, do you
25 concur with that, sir?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

6

1 MR. LEINDECKER: I do, Your Honor.

2 THE COURT: Mr. Sanders, good
3 morning. You may remain seated, sir, if you
4 wish.

5 First of all, your lawyers have talked
6 with you, certainly, about your fundamental
7 rights in this case; have they not?

8 DEFENDANT: Yes, sir.

9 THE COURT: And one of the major
10 fundamental rights that all persons have in this
11 state, this country, is the right to of course
12 not to say anything at all. That's the right to
13 remain silent. I am going to be asking you some
14 questions this morning. Do you fully understand
15 that right to remain silent?

16 DEFENDANT: Yes, sir.

17 THE COURT: And you've had a chance
18 to talk with your lawyers about that?

19 DEFENDANT: Yes, sir.

20 THE COURT: Of course, it continues
21 from the time I -- we haven't had any hearings
22 but I am assuming that at some point in time in
23 this process that the arresting officer or
24 officers basically gave you your -- what we call
25 Miranda Warnings. Is that correct, sir?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

1 DEFENDANT: Yes.

2 THE COURT: And you understand that
3 that continues until this matter is concluded?
4 In other words, at no time do you have to say a
5 word. Do you understand that?

6 DEFENDANT: Yes, sir.

7 THE COURT: This morning -- I heard
8 from your lawyers, but I need to ask you because
9 I need to be satisfied with this agreement before
10 I can accept it. It's now where -- it comes to
11 me this morning in this posture: the State has
12 accepted it, you by signing it and by your
13 lawyers' representations are accepting it, as
14 well. Now you've submitted it to me and I have
15 it, in the form of basically a document that
16 contains three pages, the last page being
17 primarily a signature page. There is a signature
18 at the top of Anthony Sanders. There is one of
19 Mark Leindecker, your lawyer. One of Mr. Boyd
20 Young. Then Mr. Pascoe, then Mr. Jennings.
21 There is one blank signature beneath that.

22 Before I could sign that, I have to be
23 convinced that this is an agreement that is fair,
24 that it represents truly the contract, if you
25 will, with both sides. That is, what was the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

8

1 offer, what are you accepting, what is the
2 bargain, the deal, and the consideration for
3 that contract. Do you understand that?

4 DEFENDANT: Yes.

5 THE COURT: So I have to ask you some
6 questions. I ask you, sir, are you willing to
7 answer my questions here this morning, sir?

8 DEFENDANT: Yes, sir.

9 THE COURT: Do you understand that
10 for purposes of this proceeding that you're
11 giving up your Constitutional rights to remain
12 silent by doing so?

13 DEFENDANT: Yes, sir.

14 THE COURT: Mr. Sanders, I am going
15 to ask that you raise your right hand, please.

16 DEFENDANT: (Complies)

17 THE COURT: Do you solemnly swear or
18 affirm that your answers to all of my questions
19 will be the truth and nothing but the truth, so
20 help you God?

21 DEFENDANT: I do.

22 THE COURT: Thank you, sir. First of
23 all, Mr. Sanders, are you under the influence of
24 any alcohol or any medication here today?

25 DEFENDANT: No, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

9

1 THE COURT: Have you consumed any
2 alcohol or taken any type of medication or drugs
3 in the last twenty-four hours?

4 DEFENDANT: No, sir.

5 THE COURT: Have you in the past or
6 are you now being treated for any emotional or
7 mental conditions?

8 DEFENDANT: No, sir.

9 THE COURT: Have you had sufficient
10 time to discuss this hearing today with your
11 lawyers?

12 DEFENDANT: Yes, sir.

13 THE COURT: And any other persons
14 that you wish to talk with -- because, as I
15 recall when we were last assembled, there were
16 family members present. We were glad to give
17 you as much time as you needed to talk with those
18 family members and you had that opportunity. Is
19 that correct, sir?

20 DEFENDANT: Yes, sir.

21 THE COURT: Have you had an
22 opportunity to talk about this agreement as well,
23 sir?

24 DEFENDANT: Yeah.

25 THE COURT: So you're satisfied and

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

10

1 comfortable with your decision here today, is
2 that correct?

3 DEFENDANT: Yes, sir.

4 THE COURT: And your decision is
5 what? That you want to accept this agreement?

6 DEFENDANT: Yes.

7 THE COURT: Do you understand the
8 rights that you are giving up?

9 DEFENDANT: Yes, sir.

10 THE COURT: Of course you're not
11 giving up your right to require the State to
12 prove your guilt beyond a reasonable doubt,
13 because we're going to have a bench trial.
14 And you understand that?

15 DEFENDANT: Yes, sir.

16 THE COURT: Of course, you don't have
17 to say anything at that proceeding. Your lawyers
18 have told you that?

19 DEFENDANT: (Affirmative nod).

20 THE COURT: I would have instructed
21 that the jury, if we'd had a jury trial, that
22 they couldn't use that against you because that's
23 the law. I certainly will not use that against
24 you. Do you understand that?

25 DEFENDANT: Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

11

1 THE COURT: But nevertheless you're
2 giving up the right -- if I accept this agreement
3 -- to have a jury empaneled, a fair and impartial
4 jury, to listen to the evidence and decide what
5 they believe to be the true facts. I wouldn't
6 have anything to do with that process if we had
7 a jury trial. Do you understand that?

8 It wouldn't have anything to do with
9 the factual decision. I would have something to
10 do with the selection process, the legal aspect,
11 but the actual decision on the issues of fact
12 would be made by a jury. Do you understand that?

13 DEFENDANT: Yes, sir.

14 THE COURT: You're not going to have
15 that right now and you realize that, sir?

16 DEFENDANT: Yes, sir.

17 THE COURT: You also understand that
18 you're giving up the right in this deal, this
19 contract, to have my decision reviewed by the
20 court. By the normal process that has been
21 around since this country has existed, and it
22 basically is the process that, I believe, is a
23 part that so critical to the overall process of
24 a fair and reasonable determination. That is
25 the right of a party that is not satisfied with

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

12

1 a decision to have another court review it to see
2 if there were any errors of law or any other
3 issues which would be addressed on appeal. Do
4 you understand that, sir?

5 DEFENDANT: Yes, sir.

6 THE COURT: Your lawyers have
7 discussed that with you?

8 DEFENDANT: Yes, sir.

9 THE COURT: And you want to give up
10 your right to appeal?

11 DEFENDANT: Yes, sir.

12 THE COURT: That's your decision?

13 DEFENDANT: Yes, sir.

14 THE COURT: And you fully understand
15 that?

16 DEFENDANT: Yes, sir.

17 THE COURT: Are you satisfied with
18 the manner in which your lawyers have advised you
19 about that particular right?

20 DEFENDANT: Yes, sir.

21 THE COURT: Do you have any questions
22 that you want to ask them -- and let me say, too.
23 Let's stop for a second. If at any point, if
24 there is a question that makes you the slightest
25 uncomfortable, either you're not sure of what I'm

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

13

1 asking you or you're not sure of your answer, if
2 you're not comfortable with your answer, if you
3 need to talk with your lawyer, just stop me and
4 I will let you talk with them as long as you need
5 to. Okay?

6 DEFENDANT: All right.

7 THE COURT: But if you answer my
8 questions as you have thus far, I'm going to
9 assume that those are your answers and what you
10 really want to tell me this morning. Is that
11 fair?

12 DEFENDANT: Yes.

13 THE COURT: That you fully understand
14 the question and that you're giving me a complete
15 and truthful answer. Is that fair?

16 DEFENDANT: Yes, sir.

17 THE COURT: Okay. The second part of
18 this is kind of a second trial issue, if you
19 will, that can arise in some cases -- not always
20 but it certainly can. It's a very real and
21 substantial right that you have as a person
22 accused of a criminal offense in this state.
23 That is after a person has concluded all their
24 "options", so to speak, of having the matter
25 reviewed, if they believe that their lawyer(s)

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

14

1 did something improper or that the judge did
2 something improper, it could be a legal decision
3 issue. They're multiple, but those are
4 statutorily provided. Your lawyers have talked
5 with you about the post conviction relief
6 statute. Is that correct?

7 DEFENDANT: Yes, sir.

8 THE COURT: And you understand that
9 you're giving up that right, too, kind of a
10 second review, if you will, really. The same
11 process would apply. You'd have a right to a
12 hearing where you'd present evidence, you've had
13 a right to appeal from that hearing or have that
14 matter reviewed by the court. Do you understand
15 that?

16 DEFENDANT: Yes, sir.

17 THE COURT: And you want to give up
18 that right, too, this morning; is that right?

19 DEFENDANT: Yes, sir.

20 THE COURT: The reason that you make
21 this decision is because you want to avoid the
22 death penalty as a possible punishment; is that
23 correct?

24 DEFENDANT: Yes, sir.

25 THE COURT: Because that's a real

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

15

1 right -- that's a real benefit for you, from your
2 vantage point?

3 DEFENDANT: Yes, sir.

4 THE COURT: And you believe that is
5 substantial consideration that the State is
6 making, to give up the death penalty; because
7 offering you and being willing to give up the
8 death penalty is a substantial consideration?

9 DEFENDANT: (No verbal response).

10 THE COURT: You understand that just
11 because they're seeking it doesn't mean that they
12 are going to get the death penalty. Do you
13 understand that?

14 DEFENDANT: (No verbal response).

15 THE COURT: The options, of course,
16 would be -- well, first of all they've got to --
17 you understand that the process if we had a jury
18 trial is that we'd have a two-phase trial
19 process. Your lawyers have explained that to
20 you?

21 DEFENDANT: (Affirmative nod).

22 THE COURT: First is what I call the
23 'guilt phase' where they present only evidence
24 dealing with the offense(s) charged. If a jury
25 finds you not guilty then there would be no

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

16

1 second phase. Do you understand that?

2 DEFENDANT: Yes, sir.

3 THE COURT: If we had a second phase,
4 then the jury would consider basically two
5 potential sentences and there would be additional
6 evidence presented at that time. Your lawyers
7 have explained that to you, as well?

8 DEFENDANT: Yes, sir.

9 THE COURT: The two options that the
10 jury would have would be -- of course, they could
11 impose the death penalty if that were back on the
12 table, so to speak. But they could also impose
13 life in prison as a possible sentence. Do you
14 understand that?

15 DEFENDANT: Yes, sir.

16 THE COURT: That really is the same
17 thing that I can give you -- it doesn't change --
18 the life associated with a death penalty trial
19 and the life that I could consider -- and I am
20 not saying what my sentence would be -- is thirty
21 years to life. Do you understand that?

22 DEFENDANT: (No verbal response).

23 THE COURT: Your lawyer has explained
24 that to you, that if I accept this deal?

25 DEFENDANT: Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

17

1 THE COURT: But that life sentence
2 would be the same life sentence, or it would be
3 the equivalent. It would be without parole. Do
4 you understand that?

5 DEFENDANT: I understand that.

6 THE COURT: Now, there's the
7 possibility of a thirty-year sentence, of course,
8 but -- at least from that standpoint the two --
9 the two opportunities or the two possible
10 consequences are really the same here. Do you
11 understand what I'm saying?

12 DEFENDANT: Yes, sir.

13 THE COURT: But you have removed
14 something and that is the death penalty option.
15 That's what you seek to do. Is that right?

16 DEFENDANT: Yes, sir.

17 THE COURT: Are you totally satisfied
18 with your lawyers' representation thus far?

19 DEFENDANT: Yes, sir.

20 THE COURT: And I was delighted to be
21 with them when I was requested to come talk about
22 a possible plea and I certain respect your
23 decision fully, a hundred percent, saying 'I am
24 not going to plea.' I understand that and I
25 respect you for that. It's a tough decision,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

18

1 I'm sure. And I don't know anything about what
2 went on. I just know that there was substantial
3 time that we sat and ultimately a decision was
4 made. That was your conscious decision,
5 something that you chose to do. Is that correct?

6 DEFENDANT: Yes, sir.

7 THE COURT: Just as this is today.
8 This is your conscious decision that you want me
9 to accept this agreement?

10 DEFENDANT: Yes, sir.

11 THE COURT: And you feel comfortable
12 with that decision?

13 DEFENDANT: Yes, sir.

14 THE COURT: Can you think of any
15 reason, from your vantage point, that I should
16 not accept this decision?

17 DEFENDANT: No, sir.

18 THE COURT: I'm been doing this for
19 -- gosh, time flies. It'll be seventeen years in
20 March. This is the first time I've ever had
21 this. It's not something that I do every day.
22 Not agreements; that part, I've had. I've just
23 never had this part where a person is asking me
24 to accept something where they are giving up a
25 right to review; and a right to review the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

19

1 review, basically, in a PCR, indirectly. I am
2 not saying that's a definite, because it's not.
3 But that is what you want me to do?

4 DEFENDANT: Yes, sir.

5 THE COURT: Solicitor, anything
6 further from the State?

7 MR. JENNINGS: No, sir.

8 THE COURT: Mr. Young, anything
9 further from Mr. Sanders?

10 MR. YOUNG: No, Your Honor.

11 THE COURT: Mr. Sanders, thank you,
12 sir, for discussing it with me today.

13 First of all, I find that Mr. Sanders
14 has demonstrated, both by his responses, his
15 facial expressions, his body language, that he
16 is fully aware of what he is doing today. Is
17 that true, Mr. Sanders?

18 DEFENDANT: Yes, sir.

19 THE COURT: That he has answered my
20 questions fully and has demonstrated by his
21 responses that he does fully appreciate the
22 extent and the depth of this agreement. I find
23 this agreement to be one that he makes freely and
24 voluntarily without any threat or coercion.
25 Nobody has threatened you in any way or promised

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

20

1 you anything other than the removal of the death
2 penalty, is that correct?

3 DEFENDANT: Yes, sir.

4 THE COURT: I find that Mr. Sanders
5 also has certainly -- I think that the record
6 will demonstrate and it is the court's
7 observation that he has very competent counsel
8 in this type of case. He's indicated that he
9 is totally satisfied with their representation.
10 Thus far, Mr. Sanders, you don't see them as much
11 as I have seen matters from them -- probably. I
12 don't know, they might be about equal. But I can
13 assure you that the court has had a number of
14 conferences, communications with your lawyers,
15 all appropriate ex parte communications. And
16 they have been endeavoring to represent you fully
17 in every way. That's been, I think the record
18 supports that in every respect. Do you agree
19 with that, sir?

20 DEFENDANT: Yes, sir.

21 THE COURT: I therefore find this
22 agreement to be fair and I appreciate the State's
23 willingness to do this. Solicitor, Mr. Jennings,
24 I think from the family's standpoint -- to have,
25 to facilitate something that represents closure

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

21

1 for them, that's a significant part of this. Of
2 course we don't know what the outcome of the
3 trial is going to be but it will be closure,
4 because it is going to -- obviously if the State
5 loses, that would be closure. And, Mr. Sanders,
6 if the State is able to convince me beyond a
7 reasonable doubt of each element of the crime or
8 crimes charged, then of course it would be
9 closure for you and for the family, too, because
10 that will be the last proceeding in this process.
11 Do you understand that?

12 DEFENDANT: Yes, sir.

13 THE COURT: Okay. Very well, I will
14 sign it. I ask, Solicitor, that at this point --
15 and if it needs it, I will be happy to sign it.
16 That until this matter is tried, and it appears
17 now in looking at it that if you'all want to use
18 the first term -- it'll be March 15th. Does that
19 work?

20 MR. JENNINGS: Yes, sir.

21 THE COURT: Okay. That work for you,
22 Mr. Young?

23 MR. YOUNG: Yes, Judge.

24 THE COURT: That's okay. I would
25 check with the most important person, too, if I

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

22

1 were you. In fact, I had an opportunity -- just
2 as an aside -- to speak to the Charleston Legal
3 Assistants Group. It was a pleasure to do so. I
4 told them -- they were asking me anything that I
5 could observe and I said, 'yeah, one of the
6 things that -- if we can cut down on the number
7 of times that the lawyers have to go to the
8 assistants to find out what to do.' But I
9 understand that. I did the same thing. You're
10 -- everybody has a different role. It's a great
11 process, it works well. So it works for you,
12 too?

13 MR. YOUNG: Yes, sir.

14 THE COURT: Okay, then we will plan
15 -- I will ask that this document either be
16 retained in your office and filed at the time
17 that we conclude the case -- is that agreeable
18 with you, Mr. Young, and you, Mr. Sanders?

19 MR. YOUNG: Yes.

20 DEFENDANT: Yes, sir.

21 THE COURT: And Mr. Leindecker?

22 MR. LEINDECKER: Yes, Your Honor.

23 THE COURT: Then let's do that. We
24 will not file it until it -- it will become the
25 -- I tell you what, it will become the agreement

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

23

1 of the parties as of January 21st, 2010. Right
2 before we start trial we will confirm this
3 agreement again. I want to ratify this agreement
4 again, Mr. Sanders, before we start it. It won't
5 take as much time as we have thus far. But
6 clearly -- at that time or when we conclude that
7 proceeding, then we will file this matter. It
8 will be a part of the filing that will be a part
9 of any judgment that is awarded in that
10 proceeding. Okay? If that is agreeable with
11 everyone.

12 MR. YOUNG: Certainly.

13 THE COURT: Thank you so much.

14 MR. YOUNG: Judge, we have two other
15 -- well, three other matters. Your Honor, at the
16 conclusion of the hearing on the 21st has yet to
17 make a final ruling on the *Denno* issue.

18 THE COURT: You want me to rule on
19 that?

20 MR. YOUNG: Whatever Your Honor is
21 comfortable doing but -- yes, sir.

22 THE COURT: Okay.

23 MR. YOUNG: Certainly before trial.

24 THE COURT: Well, I've reviewed the
25 matter and considered it and I think that -- from

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

24

1 the standpoint at that stage of the game, which
2 is the preponderance of the evidence, I think the
3 State has established that -- number one, that
4 rights were given; number two, notwithstanding
5 all the circumstances, I believe that they were
6 understood and that Mr. Sanders made some
7 statements. So ---

8 MR. YOUNG: Just briefly, can we
9 invoke, then, that there was ---

10 THE COURT: I understand. He chose
11 -- he initiated that, from my perspective. I
12 understand that. I understand your position that
13 you differ with that. Now, that's by the
14 preponderance of the evidence.

15 MR. YOUNG: I got ---

16 THE COURT: You certainly -- we can
17 revisit this, and I expect that we might, --
18 well, there won't be a whole lot of reason to,
19 but I'll be happy to review it. Okay?

20 MR. YOUNG: Yes, sir. And I have
21 electronically sent -- I told the court on the
22 21st that I would submit a proposed gag Order,
23 which -- I think that the Court ordered that
24 everybody was going to be under it, but we just
25 need you to sign the Order.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

25

1 THE COURT: Do we need a gag Order
2 now that I'm going to be the only person at
3 trial?

4 MR. YOUNG: Not for my purposes. I
5 just want to make sure that everything is ---

6 THE COURT: I understand. I am not
7 -- your gag Order is noted but because we're not
8 going to have a jury involved, I don't think that
9 there is any real problem with that now.

10 MR. YOUNG: I agree.

11 THE COURT: Thank you, sir.

12 MR. YOUNG: The court has requested
13 that I submit affidavits concerning the weekly
14 injection procedures and the challenges thereto,
15 and I believe the agreement ---

16 THE COURT: Obviates the necessity
17 for that. I agree with you.

18 MR. YOUNG: The only ---

19 THE COURT: Do you agree with that,
20 Mr. Sanders?

21 DEFENDANT: (Affirmative nod).

22 MR. YOUNG: I think that those were
23 the only matters outstanding?

24 THE COURT: Very well. I don't think
25 that there is any real necessity -- now that the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

26

1 death penalty is removed, officially as of today.

2 That, Gentlemen, is binding. Everybody

3 understands that? Both sides?

4 MR. JENNINGS: Yes, sir.

5 MR. YOUNG: Yes, sir.

6 THE COURT: Okay. Do you understand
7 that, Mr. Sanders?

8 DEFENDANT: Yes, sir.

9 THE COURT: Very well. Thank you
10 very much.

11 MR. YOUNG: Your Honor, good to see
12 you again.

13 THE COURT: You, too, Boyd. Thank
14 you.

15 (HEARING CONCLUDED)

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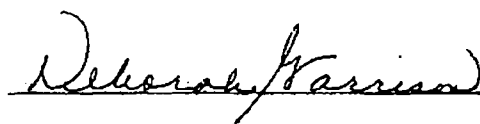
State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Status Conference of January 21, 2010
Before The Honorable R. Markley Dennis, Jr.

27

CERTIFICATE OF REPORTER

I, the undersigned, Deborah Garrison,
official court reporter for the 9th Judicial
Circuit of the State of South Carolina, do hereby
certify that the foregoing is a true, accurate
and complete transcript of the hearing held
before The Honorable R. Markley Dennis, Jr., on
January 21, 2010.

I further certify that I am neither kin nor
counsel to any of the parties and have no
interest in the outcome of this action.



Deborah Garrison

Circuit Court Reporter

9th Judicial Circuit

Charleston, South Carolina

January 20, 2012

STATE OF SOUTH CAROLINA	)	
	)	
COUNTY OF DORCHESTER	)	COURT OF GENERAL SESSIONS
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	07-GS-18-01296 et al
	)	
Anthony Sanders,	)	
	)	
Defendant.	)	

TRANSCRIPT OF BENCH TRIAL

The within bench trial was held March 8-9, 2010. before The Honorable R. Markley Dennis, Jr., in the Court of General Sessions for Dorchester County in the Dorchester County Courthouse, St. George, South Carolina; attended by counsel, as follows:

APPEARANCES:

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 Blair Jennings, Assistant Solicitor
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 St. George, South Carolina
 Appearing for State of South Carolina

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State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

2

RESERVED FOR INDEX

Index of Testimony	3
Index of State's Exhibits	4
Index of Defendant's Exhibits	9
Index of Court's Exhibits	9
Opening Statements	Waived
Examination of Defendant	246
Closing Statements:	
Solicitor Jennings	248
Mark Leiendecker	256
Verdict	269
Sentence	278
Certificate of Court Reporter	279

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

INDEX OF TESTIMONY

Witness	Direct	Cross	Redirect	Recross
Scott Morgan	12	14		
Matthew Rogers	15			
Adam Smith	21			
Joel Crisp	25			
Earl Asbill	29	70		
John Garrison	84	95	105	107
Karen McDonald	108	112		
Vickie Hallman	114	156		
Katie Coy	130	137		
Tracy Thrower	144	156		
Reginald Chavers	169	177	180	
Richard Alexander	181	191		
Cynthia Schandle	202	218		
Timothy Morgan	220	233	240	242

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

4

INDEX OF STATE'S EXHIBITS

No.	Description	Reference
1	Aerial Map of Archdale Apartments	233
2	Photograph	27
3	Photograph	27
4	Photograph	32
5	Photograph	32
6	Photograph	32
7	Photograph	32
8	Photograph	32
9	Photograph	32
10	Photograph	32
11	Photograph	32
12	Photograph	45
13	Photograph	45
14	Photograph	45
15	Photograph	45
16	Photograph	45
17	Photograph	45
18	Photograph	45
19	Photograph	45
20	Photograph	45

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

5

INDEX OF STATE'S EXHIBITS

No.	Description	Reference
21	Photograph	45
22	Photograph	45
23	Photograph	45
24	Photograph	55
25	Photograph	55
26	Photograph	55
27	Photograph	55
28	Photograph	55
29	Photograph	55
30	Photograph	55
31	Photograph	55
32	Photograph	55
33	Photograph	55
34	Photograph	55
35	Photograph	55
36	Sketch of apartment floorplan	40
37	Enlargement of Exhibit 24	68
38	Autopsy diagram - Deanne Devore	204
39	Autopsy diagram - Jatavius Devore	204
40	Autopsy diagram - Diane Grant	204

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

6

INDEX OF STATE'S EXHIBITS

No.	Description	Reference
41	Photographic lineup	176
42	Recording of 911 call	19
43	Shell casing	38
44	Shell casing	38
45	Projectile recovered in 213-A	40
46	Shell casing	49
47	Shell casing	49
48	Shell casing	49
49	Shell casing	49
50	Projectile	50
51	Projectile	50
52	Search Warrant	58
53	Search Warrant	58
54	Search Warrant	58
55	.40 R&P	59
56	Gel lifts of footprints (2)	34
57	Size 11 Nike Air shoes (black)	43
58	Size 10 Nike Air shoes (white)	43
59	Converse shoebox	56
60	Shoebox and Size 9 Nike Air	61

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

7

INDEX OF STATE'S EXHIBITS

No.	Description	Reference
61	Shoebox and Size 9 Nike Air	61
62	Bag with Size 9 Nike Air	62
63	Bag with contents of safe	65
64	Ammunition box	67
65	Oral Swab, Deanna Devore	133
66	DNA, Anthony Sanders	135
67	Shoebox with Size 9 Nike Air	69
68	Shell casing	111
69	Shell casing	111
70	Shell casing	111
71	Shell casing	111
72	Shell casing	112
73	Shell casing	112
74	Orchid Cellmark DNA Report	144
75	Photograph of gel lifts	118
76	Photograph of SLED 88	120
77	Photograph of SLED 89	120
78	Photograph of SLED 90	120
79	Photograph of SLED 91	120
80	Photograph of SLED 14	120

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

8

INDEX OF STATE'S EXHIBITS

No.	Description	Reference
81	Photograph of SLED 15	120
82	Photograph of SLED 20 & 21	202
83	Photograph of SLED 27.14	202
84	Photograph of SLED 27.15	202
85	Photograph of SLED 27.16	202
86	Photograph of SLED 27.17	202
87	Photograph of SLED 27.11	202
88	Photograph of SLED 19	202
89	Bullet fragment	217
90	Bullet fragment	217
91	Bullet fragment	217
92	Bullet fragment	209

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

9

INDEX OF DEFENDANT'S EXHIBITS

No.	Description	Reference
	(none)	

INDEX OF COURT'S EXHIBITS

No.	Description	Reference
1	Consent Order	11

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

10

1 MARCH 8, 2010 9:00 A.M.

2

3 (DEFENDANT PRESENT)

4 THE COURT: Solicitor, good morning.

5 We're ready to proceed?

6 SOLICITOR HILTON: Yes, Your Honor.

7 THE COURT: Defense is ready to
8 proceed?

9 MR. YOUNG: Yes, Your Honor.

10 THE COURT: Good morning, Mr.
11 Sanders.

12 MR. SANDERS: Good morning.

13 THE COURT: How are you, sir?

14 MR. SANDERS: Fine.

15 THE COURT: Good. You're ready to
16 proceed, sir?

17 MR. SANDERS: Yes, sir.

18 THE COURT: The first matter, Mr.
19 Sanders, the last time we were together I signed
20 a Consent Order which we discussed at length at
21 that last meeting, and bearing your signature
22 indicating how this matter would proceed. And
23 you again confirmed and ratified that agreement,
24 sir?

25 MR. SANDERS: Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

11

1 THE COURT: And it is your desire to
2 go forward pursuant to this Order?

3 MR. SANDERS: Yes, sir.

4 THE COURT: Very well, sir. I'm
5 going to make the Order -- we'll have to find the
6 original, I guess. We need to make a copy of it.
7 Any objection to the copy being the Court's
8 Exhibit?

9 MR. YOUNG: No, Your Honor.

10 THE COURT: Very well. The copy will
11 become Court's Exhibit number one for purposes of
12 this proceeding. Solicitor, I'll return the
13 original to you for filing, please.

14 SOLICITOR HILTON: Yes, sir.

15 (SO ENTERED AS COURT'S EXHIBIT 1)

16 THE COURT: Thank you very much.
17 Therefore, since that Order and the agreement
18 waives trial by jury, we're ready to proceed. Is
19 the State ready to proceed?

20 SOLICITOR JENNINGS: We are, Your
21 Honor. And we are calling three indictments for
22 murder against Anthony Sanders, 2007-GS-18-1296,
23 1297 and 1298.

24 THE COURT: Very well.

25 SOLICITOR JENNINGS: Would you like

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

12

1 the indictments or just return them to the clerk?

2 THE COURT: You can just return them
3 to the clerk. Thank you so much, sir. Okay.
4 You can proceed. Do you want to make any brief
5 opening statements, or do you want to proceed
6 with calling your first ---

7 SOLICITOR JENNINGS: No, we'll waive
8 opening.

9 THE COURT: The defense waives
10 opening as well?

11 MR. YOUNG: We do, Your Honor.

12 THE COURT: Very well. You may call
13 your first witness, sir.

14 SOLICITOR HILTON: The State calls
15 Scott Morgan.

16 (WITNESS TAKES STAND)

17 SCOTT MORGAN, being duly sworn to tell
18 the truth, the whole truth and nothing but the
19 truth, testified, as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR HILTON:

22 Q. Thank you, Mr. Morgan. Thanks for coming
23 here today. Where are you currently living right
24 now?

25 A. I live at [REDACTED] at Archdale

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

13

1 Forest Apartments.

2 Q. And how long have you lived there?

3 A. About ten years.

4 Q. So you were living there back in July of
5 2007?

6 A. Yes, sir.

7 Q. Let me turn your attention to the night of
8 July 9th and the morning of July 10th. Was there
9 anything unusual about that night that you
10 remember?

11 A. Yes, that night actually, I was awoken
12 probably about 2:20. I wasn't really sure
13 actually what I'd heard, but I could hear some
14 shots fired. And then I heard a scream and then
15 heard three more shots. I got up and looked to
16 see what it was. However, it was July and I had
17 my AC running and the condensation had, you know,
18 it fogged up the windows. I really couldn't see
19 anything. I really wasn't sure actually what I'd
20 heard, until I got to work the next day and I
21 heard about on the radio and from a fellow
22 employee actually what had occurred.
23 Then it all came together.

24 Q. A shot, ---

25 A. (Affirmative nod).

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

14

1 Q. --- followed by a scream ---

2 A. Yes, sir.

3 Q. --- and then some more shots?

4 A. Yes.

5 Q. All total, about how many shots do you think
6 you heard?

7 A. I heard five shots.

8 SOLICITOR HILTON: Please answer
9 any questions the defense may have for you.

10 THE COURT: You may cross.

11 CROSS EXAMINATION

12 BY MR. YOUNG:

13 Q. Good morning, Mr. Morgan.

14 A. Good morning.

15 Q. You talked about your windows being fogged
16 up. Can you tell me a little bit about that?

17 A. Yes, sir. Actually, I came up to my window
18 and even when I just rubbed my window to see what
19 was going on, they would just fog up again with
20 condensation from the AC that was going. I
21 couldn't see anything else, couldn't see out the
22 window. Later on that morning I had gotten up
23 early to go to work, probably -- I think I had to
24 be in at 6:00 that morning and I heard it on the
25 news.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

15

1 Q. Was this one of those days that we have down
2 in the lowcountry where your windows just fog up
3 from the air conditioning on the inside and you
4 really can't see outside?

5 A. That is correct.

6 Q. Thank you.

7 MR. YOUNG: That's all the questions
8 that I have.

9 THE COURT: Redirect, Solicitor?

10 SOLICITOR HILTON: No redirect, Your
11 Honor.

12 THE COURT: Thank you, Mr. Morgan.
13 You may step down, sir.

14 (WITNESS STEPS DOWN)

15 THE COURT: Call your next witness.

16 SOLICITOR HILTON: The State would
17 call Mr. Matthew Rogers.

18 (WITNESS TAKES STAND)

19 MATTHEW ROGERS, being duly sworn to
20 tell the truth, the whole truth and nothing but
21 the truth, testified, as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR HILTON:

24 Q. Thank you, Mr. Rogers. Where are you
25 currently living, now?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

16

1 A. [REDACTED], Archdale Forest
2 Apartments.

3 Q. Do you know Mr. Morgan?

4 A. Actually, no. Today is the first day that I
5 have really spoken to him.

6 Q. All right. But he's actually your neighbor,
7 kind of across the street. Is that correct?

8 A. Yes.

9 Q. And were you living back at [REDACTED]
10 [REDACTED] in July of 2007?

11 A. Yes, sir.

12 Q. Let me just ask you -- I'm going to show you
13 what's been premarked as State's Exhibit 1 and
14 see if you can maybe put your initials where [REDACTED]
15 [REDACTED] is.

16 A. (Complies).

17 Q. You put an "MR" there. That's for "Matthew
18 Rogers?

19 A. Correct.

20 Q. Turning your attention to the morning of
21 July 10th or the late night of July 9th, what were
22 you'all doing that night - I say "you'all" being
23 you and your fiancée?

24 A. We were watching TV in bed. Earlier that
25 day she had bumped her head. I was concerned

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

17

1 about that, so we decided that she needed to stay
2 awake. I wanted to stay awake with her to make
3 sure it didn't turn out to be something serious;
4 it turned out to be nothing serious. So we were
5 awake watching TV.

6 Q. And that was around what time?

7 A. 2:30.

8 Q. Is there anything that you recall that night
9 that was out of the ordinary?

10 A. Absolutely.

11 Q. What was that?

12 A. I heard a gunshot, I heard a scream and then
13 I heard three more gunshots immediately
14 following.

15 Q. And in relation to your apartment, what
16 location would you say those gunshots were coming
17 from?

18 A. Behind it.

19 Q. Behind it a hundred yards or immediately
20 behind it or what?

21 A. It sounded very close.

22 Q. What did you do at that point?

23 A. Called 9-1-1 and informed the 911 operator
24 of what I had heard. She asked me a couple of
25 questions. I responded. My wife and I moved

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

18

1 from my bedroom to the front bedroom. We stayed
2 upstairs but away from the side of the building
3 where we heard the shots coming from and waited
4 there until we saw the police cruiser lights
5 drive by. We basically stayed awake until they
6 knocked on our door to speak to us.

7 Q. At any point in time during that night,
8 around the 2:30'ish hour did you'all look out the
9 window to see what was going on?

10 A. No, sir. I was concerned that someone was
11 behind our building shooting a gun. And we
12 didn't want to draw attention to our apartment,
13 I thought that might be too risky; so we stayed
14 away from the windows and didn't venture
15 downstairs, didn't try to go outside and look to
16 see what had happened.

17 Q. Did you have the opportunity to review the
18 compact disc that contains the 9-1-1 tape?

19 A. Yes, sir.

20 Q. And that's marked here as State's Exhibit
21 42. And that tape that you listened to, is that
22 an accurate recording of the 9-1-1 call as you
23 remember it?

24 A. Yes.

25 SOLICITOR HILTON: Your Honor, at

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

19

1 this time we'd like to publish that 9-1-1 tape.

2 THE COURT: Any objection?

3 MR. YOUNG: No objection.

4 THE COURT: Without objection,

5 State's Exhibit 42 is admitted and may be

6 published.

7 (SO ENTERED AS STATE'S EXHIBIT 42)

8 TRANSCRIPTION OF TAPE:

9 Operator: Dorchester County 9-1-1.

10 What is the nature of your emergency?

11 Male Speaker: I live in Archdale
12 Forest. I just heard four gunshots and someone
13 scream.

14 Operator: I'm sorry. You heard
15 someone what now?

16 Male Speaker: I live in Archdale
17 Forest and we just heard four gunshots and
18 someone scream.

19 Operator: Do you know where it was
20 coming from over there?

21 Male Speaker: It sounded like --
22 we're on Shagbark Road. It sounded like it came
23 from behind our building.

24 Operator: Okay.

25 Male Speaker: The area is a loop.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

20

1 We're on 105B and behind us is trees and another
2 apartment.

3 Operator: Did you hear any vehicle
4 speed off?

5 Male Speaker: No, I haven't heard
6 any vehicles speed off.

7 Operator: Can you let me know, call
8 me back if you hear any vehicles speed off or
9 anything?

10 Male Speaker: Yes.

11 Operator: Okay. We're going to get
12 the officers on their way.

13 Male Speaker: All right.

14 Operator: Okay. Thank you. Bye,
15 bye.

16 (911 TRANSCRIPT CONCLUDED)

17 SOLICITOR HILTON: Thank you, Mr.
18 Rogers. Please answer any questions the defense
19 may have for you.

20 MR. YOUNG: No questions.

21 THE COURT: Thank you, sir. You may
22 come down, Mr. Rogers.

23 (WITNESS STEPS DOWN)

24 THE COURT: Call your next witness,
25 please.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

21

1 SOLICITOR HILTON: The State would
2 call Deputy Adam Smith.

3 (WITNESS TAKES STAND)

4 ADAM SMITH, being duly sworn to tell
5 the truth, the whole truth and nothing but the
6 truth, testified, as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR HILTON:

9 Q. Thank you, Deputy Smith. Are you with the
10 Sheriff's Office now?

11 A. I am.

12 Q. And were you with the Sheriff's Office back
13 in July of 2007?

14 A. Yes, I was.

15 Q. And back in 2007, what section of the
16 Sheriff's Office were you assigned to?

17 A. At that time it was called Region Three
18 which is the Ashley Phosphate/Dorchester Road,
19 North Charleston area of Dorchester County.

20 Q. And were you a road patrolman or detective
21 or what?

22 A. Yes, road patrol.

23 Q. And now -- are you a detective now?

24 A. Yes, I'm in the Detective Division.

25 Q. And how long have you been working in the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

22

1 Sheriff's Office altogether?

2 A. Since October of 2006.

3 Q. On the morning of July 10th back in 2007, did
4 the Sheriff's Office get a call out to the
5 Archdale Forest Apartments area?

6 A. Yes, they did.

7 Q. And what was that call in relation to?

8 A. It was in relation to gunshots being heard
9 in the apartment complex.

10 Q. And just tell the Court a little bit about
11 how you proceeded to that call.

12 A. At that time I was on patrol on Park Forest
13 Parkway which runs directly across from Ashley
14 Phosphate Road at the intersection of Dorchester
15 Road. At that time I proceeded right on
16 Dorchester Road and went to Archdale Forest
17 Apartments and began patrolling the area, looking
18 for any suspicious persons or vehicles in the
19 area.

20 Q. And what did you find?

21 A. At Archdale Forest, where the apartment
22 complex goes into a circle, I first proceeded to
23 the right and made my way around the back side
24 of the circle. And as I came back around I
25 looked to my left side. It would have been the

1 200 section, I didn't know for sure of the
2 apartment number at that time. On my left-hand
3 side, I observed a door that was partially
4 cracked open and there was a light on inside.
5 Being the time of day, it seemed kind of
6 suspicious at the time.

7 Q. Did you have anybody with you?

8 A. I had just met with Deputy Crisp who was
9 also patrolling the area with me. I contacted
10 Deputy Crisp by the radio and he met with me at
11 the apartment complex. And at that time we
12 approached the building, which would have been
13 the [REDACTED] building.

14 Q. And what did you'all see inside?

15 A. I was approaching from the right side of
16 the door and we were proceeding cautiously due
17 to the gunshots being heard and not knowing what
18 we had. I was proceeding from the right side of
19 the apartment at the front door. Deputy Crisp
20 was at the left side of the door. Due to my
21 vantage point I couldn't see anything except for
22 the door, the way it was cracked. Deputy Crisp
23 then advised me that he observed what appeared
24 to be a person that was on the ground inside the
25 apartment. And at that time we held our

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

24

1 position and notified the rest of the responding
2 units.

3 Q. Then what happened?

4 A. We put in a call to Sergeant Hill, who is
5 now Lieutenant Hill, and also Deputy Buckman.

6 Once they arrived on the scene we began
7 to clear the apartment, first cleared the
8 downstairs. At that time I observed two persons
9 inside the downstairs portion of the apartment
10 who were not moving and non-responsive.

11 At that time we proceeded upstairs in the
12 apartment. We located two small juveniles that
13 were asleep in their bedrooms. Those two
14 juveniles, after we cleared the apartment, were
15 then escorted downstairs. They were placed in a
16 patrol car awaiting notification of other family
17 members or DSS.

18 Q. Were you'all able to determine who the
19 bodies were at that time?

20 A. We had an idea just from mail and other
21 articles inside the apartment, but we weren't
22 able to identify for certain who they were at
23 that time.

24 Q. All right. Archdale Forest Apartments, is
25 that in Dorchester County?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

25

1 A. Yes, it is.

2 SOLICITOR HILTON: Please answer
3 any questions the defense may have for you.

4 MR. YOUNG: No questions.

5 THE COURT: Thank you, sir. You may
6 come down.

7 (WITNESS STEPS DOWN)

8 THE COURT: Call your next witness.

9 SOLICITOR HILTON: The State would call
10 Deputy Joel Crisp.

11 (WITNESS TAKES STAND)

12 JOEL CRISP, being duly sworn to tell
13 the truth, the whole truth and nothing but the
14 truth, testified, as follows:

15 DIRECT EXAMINATION

16 BY SOLICITOR HILTON:

17 Q. Deputy Crisp, you're with the Dorchester
18 County Sheriff's Office?

19 A. Yes, I am.

20 Q. Were you working with the Sheriff's Office
21 on the morning of July 10th, 2007?

22 A. Yes, I was.

23 Q. And what type of call did you'all get that
24 night out to the Archdale Forest Apartments?

25 A. We received multiple calls on shots fired.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

26

1 And I believe there were two to three people
2 that also heard a female scream. Since we had
3 multiple calls, me and Deputy Smith both
4 responded out there together to patrol the area.

5

6 While we were patrolling the area, at first
7 we didn't observe anything. Then Deputy Smith
8 located an open door which, again, was very odd
9 for 2:30 in the morning -- a door being open.

10 He advised me to come over there to the
11 location. We got at the location and he went to
12 the right side of the building and I went to the
13 left side behind some cars that were parked
14 there at the front of the building. I observed
15 what appeared to be two bodies laying in the
16 doorway of the apartment building.

17 Q. Let me show you what's been marked for
18 identification as State's Exhibit 2 and State's
19 Exhibit 3 and just ask you to take a look at
20 those.

21 A. (Complies)

22 Q. Does that appear to be an accurate
23 photograph of what you saw that night?

24 A. Yes, it does. Exhibit 3 is pretty much the
25 exact area that I was looking from, from behind

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

27

1 the vehicles.

2 Q. And Exhibit 2, what is that a picture of?

3 A. Exhibit 2 is from actually where Deputy
4 Smith would have been, a little bit more to the
5 right, still in the same apartment, but it was
6 more or less his angle from my angle and where
7 we were approaching from.

8 Q. These two items here, were those the bodies
9 that you referenced?

10 A. Yes, they were.

11 SOLICITOR HILTON: Your Honor, at
12 this time we'd offer State's Exhibits 2 and 3
13 into evidence.

14 MR. YOUNG: Without objection.

15 THE COURT: Without objection,
16 State's 2 and 3 are admitted.

17 (SO ENTERED AS STATE'S EXHIBIT 2)

18 (SO ENTERED AS STATE'S EXHIBIT 3)

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR HILTON:

21 Q. After you saw the bodies inside the
22 apartment what did you do?

23 A. We basically just waited until we had other
24 units to arrive at the scene. And once the
25 other units arrived on the scene and there were

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

28

1 three or four of us, and we proceeded to make
2 entry into the house, observed the two bodies,
3 no movement whatsoever.

4 Deputy Buckman and Sergeant Hill cleared
5 the downstairs, and I basically stayed tight on
6 the stairs. Then I proceeded to go upstairs,
7 with the three of them following, and located
8 two children in two different rooms.

9 Q. Were they injured?

10 A. No, they were still sleeping. So we
11 proceeded to clear the rest of the house
12 without waking them up. Once we cleared the
13 house, I carried one of them down and Deputy
14 Buckman carried the other one down.

15 Q. Were these teenage children or small
16 children?

17 A. They were infants, at the time I would
18 guess in between maybe two and five at the
19 most. And we carried them down and put them
20 in back of the squad car until we could find a
21 safer place for them. I basically watched them
22 until somebody else could come and take custody
23 of them.

24 Q. All right.

25 SOLICITOR HILTON: Please answer

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

29

1 any questions the defense may have for you.

2 MR. YOUNG: No questions.

3 THE COURT: Thank you, sir. You may
4 come down.

5 (WITNESS STEPS DOWN)

6 THE COURT: Call your next witness.

7 SOLICITOR JENNINGS: Thank you, Your
8 Honor. We call Detective Earl Asbill.

9 (WITNESS TAKES STAND)

10 EARL ASBILL, being duly sworn to tell
11 the truth, the whole truth and nothing but the
12 truth, testified, as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR JENNINGS:

15 Q. Detective Asbill, where are you employed?

16 A. Dorchester County Sheriff's Office.

17 Q. And in what capacity?

18 A. I'm the lieutenant in charge of the crime
19 scene unit.

20 Q. You obviously respond to crime scenes,
21 process and collect evidence?

22 A. That's correct.

23 Q. How does that work as far as when a crime
24 takes place? How are you notified?

25 A. Either the dispatcher or the detective on

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

30

1 the scene. That particular night Captain
2 Marshall called me about 3:00 o'clock in the
3 morning to let me know he had a possible --
4 well, he thought it was a murder/suicide at the
5 time.

6 Q. And that was the early morning on July 10th
7 of 2007?

8 A. That's correct.

9 Q. Where did you respond?

10 A. [REDACTED].

11 Q. And that's in Dorchester County?

12 A. Yes, sir, Archdale Forest.

13 Q. Explain to us what you did when you first
14 got to the scene.

15 A. When I first arrived on the scene I talked
16 to one of the officers to try to get an idea of
17 what happened. They told us they had two
18 bodies laying inside of the apartment and they
19 had removed two children from there. At that
20 point, I just went ahead and took the camera
21 out and photographed the scene as I approached
22 it.

23 Q. Is that your normal -- what you normally
24 would do to process the scene prior to going
25 into it?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

31

1 A. Well, we photograph it before we go in it,
2 yes, sir. We document it with photographs as
3 we are walking in.

4 Q. You took a number of photographs at that
5 scene.

6 A. Yes, sir.

7 Q. I show you what's marked as State's
8 Exhibits 2 and 3 which are already in, as well
9 as State's 4, 5, 6, 7, 8, 9, 10 and 11. If
10 you'll just take a quick look at those.

11 A. State's Exhibit number 4, this was taken as
12 you walk in the front door.

13 Q. We'll go through them. If you'll just look
14 at them and see if those are the photos that
15 you took.

16 A. (Upon review) -- yes, sir, they are.

17 Q. And they fairly and accurately depict what
18 you saw that morning?

19 A. Yes, sir, they do.

20 SOLICITOR JENNINGS: Your Honor, we
21 would offer State's Exhibits 4 through 11 into
22 evidence.

23 THE COURT: Any objection?

24 MR. FARLEY: No, Your Honor.

25 THE COURT: Without objection,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

32

1 State's 4 through 11 are admitted.

2 (SO ENTERED AS STATE'S EXHIBITS

3 4 THROUGH 11)

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR JENNINGS:

6 Q. Lieutenant Asbill, that's State's Exhibit

7 2. And that's obviously a photograph as you

8 approached the apartment, apartment [REDACTED]?

9 A. That's correct. I'm showing the area was
10 cordoned off prior to me getting there.

11 Q. Deputy Smith and Deputy Crisp had roped off
12 the scene, which is the tape that you see in
13 that photograph?

14 A. Yes, sir, that's correct.

15 Q. State's Exhibit 3 -- can you describe what
16 that shows?

17 A. As I was approaching the front door I took
18 a photograph. You can see the two bodies
19 laying in there. Her's is more prevalent than
20 his. You could see the bodies through the
21 front door.

22 Q. I know you've got a diagram which we'll use
23 in a minute. Kind of describe the layout. As
24 you walk into the door immediately to the
25 right, what was in that area?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

33

1 A. That's the kitchen area. As you walk in to
2 the left there's the stairs. To the right is
3 the kitchen, and you have a little narrow
4 pathway where you go into the dining area and
5 it chambers over to the living room area. It's
6 a long, narrow apartment.

7 Q. State's Exhibit 9?

8 A. State's Exhibit 9 is showing two gel lifts.
9 When I came into the front door I could see
10 some footwear on the floor that was not made by
11 the police officers' boots. So I made gel
12 lifts of the footwear going into the dining
13 room area.

14 Q. Describe what it appeared like when you say
15 a footwear impression.

16 A. Well, you could see dirt. And you could
17 shine the flashlight across it and you could
18 see the footwear. A gel lift is kind of a
19 rubber gel. It's tacky on one side. All we
20 do is take it and lay it down over the footwear
21 and smooth it out over the top of it and write
22 on the back of it the information about the
23 case and the date and my initials. And when
24 you peel it up it actually lifts the footwear
25 from the floor. They're placed in boxes to be

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

34

1 sent to SLED to be photographed.

2 SOLICITOR JENNINGS: Would you
3 please mark these?

4 COURT REPORTER: State's Exhibit 56
5 for identification.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR JENNINGS:

8 Q. Lieutenant Asbill, I'll show you what's
9 marked as State's Exhibit 56 and ask, do you
10 recognize that?

11 A. Yes, sir. This is the box that I placed
12 the gel lifts in and it contains the two gel
13 lifts I made off the floor between the kitchen
14 and the dining room.

15 SOLICITOR JENNINGS: We'd offer 56
16 into evidence, Your Honor.

17 THE COURT: Any objection?

18 MR. FARLEY: No, Your Honor.

19 THE COURT: Without objection,
20 State's Exhibit 56, containing two gel lifts,
21 is admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 56)

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR JENNINGS:

25 Q. Lieutenant Asbill, obviously, the gel

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

35

1 lifts, the purpose is if subsequently some
2 shoes are found that might be compared to those
3 it could be some evidentiary significance?

4 A. That's correct.

5 Q. I show you next what's marked as State's
6 Exhibit 4. Were you able to identify this
7 victim?

8 A. This victim is Diane Grant. When we first
9 arrived on the scene we thought that was the
10 brother and sister inside the house and the
11 mother was not home. We didn't realize that
12 that was the mother, at first. That was a
13 picture of her as I was walking in; right where
14 you see the gel lift, that would have been
15 taken from that position right there.

16 Q. And that's right as you enter into the
17 apartment?

18 A. That's right when you walk straight in.

19 Q. And, obviously, the bodies were sent to
20 MUSC for autopsies. Were you able to, just
21 from a preliminary standpoint, tell what kind
22 of trauma she had suffered?

23 A. She had a hole in her left cheek that
24 appeared as an exit wound. When we first her
25 there was a lot of blood spatter on the back of

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

36

1 the door, and we thought maybe that a beating
2 had occurred but upon closer examination we
3 noticed the exit wound on her cheek. I didn't
4 do any photo examination of the head at that
5 time.

6 Q. I'm showing you State's Exhibit 5, that is
7 the second victim in the apartment?

8 A. That's correct. That would be Jatavius
9 Devore. You can see his brother's left foot in
10 the bottom right-hand corner of the picture.
11 That is a picture of the position that he was
12 in at the time.

13 Q. Were you also -- in addition, he was sent
14 to MUSC for an autopsy?

15 A. (Affirmative nod).

16 Q. Were you able to make some preliminary
17 diagnosis of the trauma that he had suffered?

18 A. I got photos of the back of the head. At
19 first I didn't notice until later on that he
20 had a gunshot to the, I believe that it was the
21 left cheek right below the eye.

22 Q. I show you State's Exhibit 6. If you could
23 tell us, please, what's shown in that
24 photograph.

25 A. It's a little dark, but those are the two

1 shell casings. You've got one laying on the
2 floor right in front of the counter. The door
3 opens to the counter. Then there's another one
4 on the right-hand side in front of the other
5 counter and stove area.

6 Q. And did you collect those shell casings?

7 A. Yes, sir, I did.

8 Q. I show you what's marked as State's Exhibit
9 8. Is that one of the shell casings?

10 A. That's correct. Shell casing, labels by
11 placard number three, that would be the one
12 that was closest to the stove on the right-hand
13 side of the kitchen.

14 Q. And State's Exhibit 7?

15 A. This would be the other shell casing, photo
16 placard four, that was in front of the sink
17 area. That's the cabinet doors below it.

18 Q. And you collected both item three and item
19 four?

20 A. Yes, sir, I did.

21 Q. I show you what's marked as State's
22 Exhibits 43 and 44. Do you recognize those?

23 A. (Upon review) -- yes, sir.

24 This is a box containing -- that I placed
25 the shell casings in, photo placard number

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

38

1 three, which is a spent .40 caliber Smith &
2 Wesson RP brand.

3 The other is photo placard number four.
4 It's a spent .40 caliber shell casing. It's a
5 Federal .40 caliber shell casing.

6 Q. When you use the terms "RP" and "Federal,"
7 that's the brand of the ammunition?

8 A. That's correct.

9 SOLICITOR JENNINGS: Your Honor,
10 we'd offer State's Exhibits 43 and 44 into
11 evidence.

12 THE COURT: Any objection?

13 MR. FARLEY: No objection.

14 THE COURT: Without objection,
15 State's 43 and 44, each containing a shell
16 casing, are admitted.

17 (SO ENTERED AS STATE'S EXHIBIT 43)

18 (SO ENTERED AS STATE'S EXHIBIT 44)

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR JENNINGS:

21 Q. You found two shell casings. Any other
22 shell casings in the apartment?

23 A. No, sir, that was the only two found.

24 Q. And as you were able -- found from
25 examining Ms. Grant that she had an exit wound,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

39

1 I believe, to her left cheek, were you able to
2 find where that bullet traveled after it left
3 her cheek?

4 A. Yes, sir. It entered the wall on the
5 right-hand side of the dining room table. It
6 was sixteen feet and some inches from the rear
7 wall, and I think two feet nine inches from the
8 floor and exited then through Apartment A. We
9 placed a rod into the bullet hole that went all
10 the way through. At that point we went to
11 Apartment A to examine that and make sure
12 nobody was hurt over there.

13 Q. And were you able to find the projectile?

14 A. Yes, sir. It had traveled through the wall
15 and it entered into his desk drawer, which was
16 on the opposite side in Apartment A. And we
17 recovered the bullet out of the side of the
18 desk drawer.

19 Q. I show you what's marked as State's Exhibit
20 45. Do you recognize that?

21 A. Yes, sir. This is the projectile that
22 traveled through the wall and was recovered in

23 [REDACTED]

24 SOLICITOR JENNINGS: Your Honor,
25 we'd offer 45 into evidence.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

40

1 MR. FARLEY: No objection.

2 THE COURT: Without objection,
3 State's Exhibit 45 is admitted.

4 (SO ENTERED AS STATE'S EXHIBIT 45)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR JENNINGS:

7 Q. Lieutenant Asbill, did you prepare a
8 diagram of all your findings in Apartment 213B?

9 A. Yes, I did. We had a rough diagram that we
10 did at the scene and this weekend I did that
11 one.

12 Q. I show you what's marked as State's Exhibit
13 36.

14 A. Yes, this is the diagram that I did this
15 weekend.

16 SOLICITOR JENNINGS: We'd offer 36
17 into evidence, Your Honor.

18 MR. FARLEY: No objection.

19 THE COURT: Without objection,
20 State's Exhibit 36 is admitted, a diagram.

21 (SO ENTERED AS STATE'S EXHIBIT 36)

22 DIRECT EXAMINATION CONTINUED

23 BY SOLICITOR JENNINGS:

24 Q. If you would, using State's Exhibit 36,
25 just summarize the forensic findings that you

1 had in the apartment that night. If you'll
2 just go over what's shown in this diagram.

3 A. Items one and two, those are the two gel
4 lifts that were taken at the front door.

5 Items three and four are the two shell
6 casings.

7 The first body you see as you enter, pass
8 through the kitchen, is Diane Grant.

9 At the dining room table on the right-hand
10 side is her son, Jatavius, uh, is the one
11 laying on his stomach -- half on his stomach
12 and half on his right side next to the couch.

13 Then as you go forward there's a sofa bed
14 there.

15 Item six was a Rice Krispies Treat and a TV
16 remote.

17 Number seven was a cell phone.

18 Number five is Jatavius's shoes. That
19 little square there represents an ironing
20 board. Then right behind that, that dark area,
21 that was a door that went out the back with a
22 window on each side -- item number five.

23 Q. You mentioned two pairs of shoes that you
24 collected that belonged to Jatavius?

25 A. I only inspected one. We were looking for

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

42

1 a pattern and his shoes had the same pattern as
2 that footprint we took from the front door.

3 SOLICITOR JENNINGS: If you would
4 please mark these. This is a size eleven, Nike
5 Air. This is a white pair of Nike Air, I
6 believe these are size ten.

7 COURT REPORTER: State's Exhibits 57
8 and 58 for identification.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR JENNINGS:

11 Q. I show you what's marked as State's Exhibit
12 58, a pair of white, size ten, Nike Air.

13 A. Yes, sir.

14 Q. Were those collected out of the apartment?

15 A. That's correct. They were collected next
16 to the sofa bed in the living room.

17 Q. And a pair of size eleven, black Nike Airs.

18 A. Yes, sir.

19 SOLICITOR JENNINGS: Your Honor, we
20 would offer 57 and 58 into evidence.

21 THE COURT: Any objection?

22 MR. FARLEY: No objection.

23 THE COURT: Without objection,

24 State's 57, a bag containing a pair of (size)
25 eleven Nike Airs, black in color; 58, a bag

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

43

1 containing a pair of Nike Airs, size ten, white
2 in color.

3 (SO ENTERED AS STATE'S EXHIBIT 57)

4 (SO ENTERED AS STATE'S EXHIBIT 58)

5 DIRECT EXAMINATION CONTINUED

6 BY SOLICITOR JENNINGS:

7 Q. From your perspective, what was the reason
8 you said for collecting State's Exhibits 57 and
9 58?

10 A. They had the same type footwear pattern
11 that was on the floor when we came through the
12 door. So we were going to send them to SLED
13 and see if they could tell us whose shoes they
14 were.

15 Q. And those were the two gel lifts taken,
16 Exhibit 56?

17 A. That's correct.

18 Q. And, in fact, were those sent to SLED?

19 A. Yes, sir, they were.

20 Q. When you completed your -- you were still
21 working there at Apartment [REDACTED] were you
22 notified later in the morning of another victim
23 that was found?

24 A. Yes, we were. We were notified that there
25 was a partially nude female behind Apartment

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

44

1 [REDACTED] At that time we secured the scene and
2 left and went to that crime scene.

3 Q. And where was that in relation to where you
4 were, at [REDACTED]

5 A. It was two apartments rows behind it,
6 directly behind the one we were in. We had to
7 go around behind this apartment, across the
8 road and behind another set of apartments and
9 -- [REDACTED]

10 Q. I show you State's Exhibit 1. Could you
11 point out [REDACTED]

12 A. Yes, this was [REDACTED] Come around here and
13 cross the road and over here is [REDACTED] We come
14 across the road and went around this way until
15 we saw the woman.

16 Q. Where in orientation to Building [REDACTED] was
17 Deanna found?

18 A. I'm sorry?

19 Q. Where was her body in relation to the
20 apartment?

21 A. It was right behind 105C. There was an
22 electrical box that sits behind the apartments
23 and it was laying right behind the electrical
24 box there.

25 Q. And as you approached that, which was now

1 your second crime scene, did you process that
2 in the same general manner that you did the
3 apartment?

4 A. Yes, sir. We started taking photographs as
5 we approached. We went around the perimeter of
6 it and photographed it from all angles when we
7 approached.

8 Q. I show you State's Exhibits 12 through 23.
9 If you'll just look and tell me if those fairly
10 and accurately depict what you saw that
11 morning?

12 A. (Upon review) -- yes, sir, they do.

13 SOLICITOR JENNINGS: Your Honor,
14 we'd offer 12 through 23 into evidence.

15 MR. FARLEY: No objection.

16 THE COURT: Without objection,
17 State's Exhibits 12 through 23, each being a
18 photo, is admitted.

19 (SO ENTERED AS STATE'S EXHIBITS 12 THRU 23)

20 DIRECT EXAMINATION CONTINUED

21 BY SOLICITOR JENNINGS:

22 Q. I show you State's Exhibit 12. Could you
23 describe the scene for us generally as you
24 found it that morning?

25 A. As you come across the street and around

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

46

1 the apartment building there is a -- to the
2 left of her body as you're looking at that
3 picture, there is a small hill. So we came
4 around the end of the hill and we could see
5 the body. I took a photo. That was the first
6 photograph I took at the time I seen her body.

7 Q. What was the condition of her body?

8 A. It was partially nude, from the waist down,
9 laying on her side. There was no movement from
10 what I could see from where I was at. There
11 was some clothing laying on top of the
12 electrical box.

13 Q. And were those ---

14 A. At that point I couldn't really tell what
15 was going on. I just knew there was a body
16 laying there.

17 Q. What type of clothing was on top of the
18 electrical box?

19 A. It looked like pajama bottoms, I believe,
20 or underwear.

21 Q. I show you State's Exhibit 13. Are those
22 the items of clothing?

23 A. Yes, sir, that's the clothing.

24 Q. From a ballistic standpoint were you able
25 to collect any evidence, any shell casings, any

1 projectiles, out there at the scene?

2 A. When we got close enough and saw that she
3 had been shot, we saw a couple of shell
4 casings. I think we discovered three at the
5 time. And we started going around the body.
6 There were some footwear impressions -- what
7 appeared to be footwear impressions and scrapes
8 as if there was a struggle next to the body.
9 We photographed those and cast them. At some
10 point in time we realized that we had at least
11 four bullet holes in the body and we only had
12 three shell casings. We got the metal detector
13 out and we found the fourth shell casing. And
14 I believe that one was labeled "H" -- the last
15 one we found.

16 Q. So, total, you found how many shell
17 casings?

18 A. Four shell casings and two projectiles
19 underneath the body.

20 SOLICITOR JENNINGS: I will hand
21 these up, Your Honor. They're very graphic.

22 THE COURT: Thank you.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR JENNINGS:

25 Q. Lieutenant Asbill, I'll show you State's

State of South Carolina v. Anthony Sanders

48

Case No. 07-GS-18-1296 et al

Bench Trial of March 8-9, 2010

Before The Honorable R. Markley Dennis, Jr.

1 Exhibits 46, 47, 48 and 49. Do you recognize
2 those items?

3 A. Yes, sir. These are the four shell casings
4 that were collected near the body.

5 Q. What caliber and make were those shell
6 casings?

7 A. Photo placard "A" is a Federal .40 caliber
8 spent shell casing.

9 Photo placard "H" is a Federal .40 caliber
10 spent shell casing, along with B and C.

11 All four are Federal .40 caliber spent
12 shell casings.

13 Q. And from just looking at the caliber
14 standpoint, how did those four shell casings
15 compare to the two shell casings that you
16 recovered from the apartment?

17 A. All six of them were .40 caliber, but one
18 of them in the apartment was also a Federal and
19 one was an RP. So these matched the shell
20 casings that we had in the apartment, as far as
21 caliber goes.

22 Q. And five of the six were Federal?

23 A. Yes, sir.

24 SOLICITOR JENNINGS: Your Honor, we
25 would offer State's 46, 47, 48 and 49 into

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

49

1 evidence.

2 THE COURT: Any objection?

3 MR. FARLEY: No, Your Honor.

4 THE COURT: Without objection 46
5 through 49 are admitted, each containing a box
6 containing a shell casing.

7 (SO ENTERED AS STATE'S EXHIBIT 46)

8 (SO ENTERED AS STATE'S EXHIBIT 47)

9 (SO ENTERED AS STATE'S EXHIBIT 48)

10 (SO ENTERED AS STATE'S EXHIBIT 49)

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR JENNINGS:

13 Q. From examination of Deanne, it appeared she
14 had been shot several times.

15 A. Yes, sir. There were three gunshot wounds
16 in the neck and one in the -- we could see an
17 entry wound or an exit wound right by the eye.

18 Q. And once her body was removed what did you
19 do?

20 A. We took a metal detector and went over the
21 area, and we recovered two more projectiles
22 when we removed the body.

23 Q. I show you State's Exhibits 50 and 51.

24 A. Yes, sir. These are letter "I" and letter
25 "J". These are the two projectiles that were

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

50

1 recovered from underneath where the body was.

2 SOLICITOR JENNINGS: Your Honor, we
3 would offer 50 and 51 into evidence.

4 THE COURT: Any objection?

5 MR. FARLEY: No, Your Honor.

6 THE COURT: State's 50 and 51 are
7 admitted, each containing a projectile.

8 (SO ENTERED AS STATE'S EXHIBIT 50)

9 (SO ENTERED AS STATE'S EXHIBIT 51)

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR JENNINGS:

12 Q. And after you processed the area where
13 Deanna was found, what did you do next?

14 A. We returned back to the scene. First of
15 all, before we left we did a GSR kit on her
16 hands.

17 And before we left the first time we did
18 a GSR kit on the mother and the son.

19 When we returned back to the scene, as we
20 come around it was daylight then and I noticed
21 there was some mud out in front of Apartments
22 [REDACTED] and C that had a lot of footwear in it.

23 And it was the same type pattern that was on
24 the kitchen floor, plus we had a barefoot shoe
25 impression, and the young lady was barefoot

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

51

1 when we found her. So we photographed all the
2 shoe impressions and the foot impressions and
3 made casts of them.

4 Q. And all those were sent to SLED as well?

5 A. All those were sent to SLED, plus we inked
6 her feet and made impressions of her feet also
7 and sent those to SLED.

8 Q. As far as State's Exhibits 43, 44, 46, 47,
9 48 and 49, the six shell casings from the two
10 scenes, did you process those to attempt to
11 lift any fingerprints?

12 A. Yes, sir, I did. When we got back to the
13 office that evening we processed the shell
14 casings at that time to see if we could get any
15 latents off of them, but nothing appeared on
16 them.

17 Q. And what process did you use to do that?

18 A. We superglue everything that comes in when
19 it first comes in. And then we do a visual on
20 it. Then we use a dye stain or black powder,
21 depending on what we're doing. But there were
22 not visible latents at all on the shell
23 casings.

24 Q. And then what did you do with the six shell
25 casings as well as the projectiles?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

52

1 A. They were placed into evidence and Sergeant
2 Chisholm took them down to the Charleston
3 County Police Department, in Summerville, so
4 they could enter them into IBIS. He did that
5 on the 12th.

6 Q. Okay.

7 A. That was on the 12th, then on the 13th he
8 called and told us that he had a match with a
9 couple of other shootings. So on the 16th, I
10 think it was, or the 18th, they were
11 transported to SLED.

12 Q. And you're familiar with Agent Thrower of
13 SLED?

14 A. Yes. I had Sergeant Cooper and Chris
15 Limehouse -- we went up on the 16th. They were
16 carrying a bunch of evidence up. Apparently,
17 they left one of the boxes and so they had to
18 make another trip and turned this into evidence
19 on the 18th.

20 Q. Okay. So all the shell casings and all the
21 projectiles were sent up to SLED for forensic
22 analysis?

23 A. Correct.

24 Q. And you later had a conversation with Agent
25 Thrower concerning these six shell casings that

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

53

1 were found at the scene?

2 A. He called me on July the 16th and said it
3 was definitely a handgun.

4 Q. And that how many handguns were used to
5 fire them?

6 A. Just one.

7 Q. And as the investigation progressed, in
8 July, on the 24th, did you have an opportunity
9 to execute a search warrant at Mr. Sanders'
10 home?

11 A. Yes, we did at search warrant at [REDACTED]

12 [REDACTED].

13 Q. If you would, explain what you did during
14 that.

15 A. We were looking for footwear, the weapon,
16 bullets, any ammunition -- anything that would
17 link him to the crime. We photographed the
18 apartment as we did the search warrant.

19 When we went upstairs, there were several
20 pair of Nike Air with a pattern which was
21 fairly consistent with the ones we had from the
22 apartment. We took several pair of tennis
23 shoes from there.

24 As we were going through the boxes there
25 was a black Converse box. Inside that black

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

54

1 Converse box was three more .40 caliber Federal
2 bullets consistent with the ones we found at
3 the crime scene.

4 And also underneath his bed we found
5 another .40 caliber live round of ammunition
6 along with a .32 Derringer.

7 And in that box containing the three .40
8 caliber shell casings were ammunition for the
9 .32 Derringer.

10 We also removed a safe and then later we
11 came back and got a gun box from that house.

12 Q. And you took a number of photographs?

13 A. Yes, sir, I did.

14 Q. I show you what's marked as State's
15 Exhibits 24 through 35 and if you would tell us
16 if they fairly and accurately depict how you
17 found the residence that day?

18 A. (Upon review) -- yes, sir.

19 SOLICITOR JENNINGS: Your Honor,
20 we'd offer 24 through 35 into evidence.

21 THE COURT: Any objection, Mr.
22 Farley?

23 MR. FARLEY: No, Your Honor.

24 THE COURT: Without objection, 24
25 through 35, each being a photograph admitted.

1 (SO ENTERED AS STATE'S EXHIBITS 24 THRU 35)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR JENNINGS:

4 Q. How were you able to validate or confirm
5 that the room where you were was actually where
6 Anthony Sanders stayed?

7 A. His parents were there. His mother was
8 there. She told us that was his bedroom.
9 There were two beds in there. The other one
10 belonged to Tony.

11 Q. And who is Tony?

12 A. That's his brother.

13 Q. I show you State's Exhibit 28. Tell us
14 -- kind of orient Judge Dennis to what we're
15 looking at in this photograph?

16 A. The entry to the bedroom is on your right.
17 I'm standing at the foot of the bed, probably
18 in the far left-hand corner of the bedroom.

19 The bed on the right is Anthony Sanders'.

20 The bed on the left is Tony's. There was some
21 clothing on the left that had Tony's wallet in
22 it. The boxes you see stacked up against the
23 wall were all tennis shoes, plus there were
24 several pair under the bed. The black Converse
25 box is the very first box on top on the front

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

56

1 row. It's the box that had the ammunition in
2 it.

3 SOLICITOR JENNINGS: (Tenders item
4 to be marked as exhibit).

5 COURT REPORTER: State's Exhibit 59
6 for identification.

7 DIRECT EXAMINATION CONTINUED
8 BY SOLICITOR JENNINGS:

9 Q. I show you what's marked as State's Exhibit
10 59. Is that the Converse box?

11 A. Yes, sir. The top box and it also had the
12 ChapStick that you see in the photograph. It
13 had a receipt and the six bullets were inside
14 of this box here.

15 SOLICITOR JENNINGS: We'd offer
16 State's Exhibit 59 into evidence.

17 THE COURT: Any objection?

18 MR. FARLEY: No, Your Honor.

19 THE COURT: Without objection,
20 State's Exhibit 59 is admitted.

21 (SO ENTERED AS STATE'S EXHIBIT 59)

22 DIRECT EXAMINATION CONTINUED
23 BY SOLICITOR JENNINGS:

24 Q. State's Exhibit 26, I believe, is a
25 photograph that you took as you opened State's

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

57

1 Exhibit 59?

2 A. That's correct, the Converse box. You can
3 see the ChapStick at the back part of it, and
4 the bullets are to your left.

5 Q. This is a little closer photograph. Could
6 you describe the bullets that you found inside
7 State's Exhibit 59?

8 A. They were three .32 caliber. They were the
9 same ammunition that would go in the Derringer.

10 And then there were three .40 caliber
11 Federal. Smith & Wesson, I believe.

12 Q. I show you State's Exhibits 52, 53 and 54.
13 Are these the three bullets that were in the
14 Converse box that day?

15 A. Yes.

16 Q. And what caliber were each of these?

17 A. Federal .40 caliber, Smith & Wesson,
18 copper-jacketed bullets.

19 SOLICITOR JENNINGS: Your Honor,
20 we'd offer 52, 53 and 54 into evidence.

21 THE COURT: Any objection?

22 MR. FARLEY: No, Your Honor.

23 THE COURT: Without objection, 52
24 through 54 admitted.

25 (SO ENTERED AS STATE'S EXHIBIT 52)

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

58

1 (SO ENTERED AS STATE'S EXHIBIT 53)

2 (SO ENTERED AS STATE'S EXHIBIT 54)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR JENNINGS:

5 Q. And how did State's Exhibits 52, 53 and 54
6 compare in caliber to the six shell casings
7 that were found at the crime scene?

8 A. They were identical to the shell casings
9 found at the crime scene.

10 Q. These being Federal brand .40 caliber
11 ammunition, how did they compare to five of the
12 six shell casings that were there?

13 A. They were identical as far as the
14 manufacturer and the head stamps.

15 Q. I believe -- did you find another bullet in
16 Mr. Sanders' room?

17 A. Yeah, there was one laying on the carpet
18 underneath the bed.

19 Q. I show you State's Exhibits 25, a photo-
20 graph. Is that bullet depicted in that
21 photograph?

22 A. Yes, sir, it is. Right at the corner of
23 the exhibit sticker. That's a Federal .40
24 caliber, Smith & Wesson.

25 Q. I show you what's marked as State's Exhibit

1 55.

2 A. That's the .40 caliber that we found
3 underneath the bed.

4 Q. If you'll look at that head stamp, is that
5 actually RP?

6 A. (Upon review) -- yes, sir, it is. I'm
7 sorry.

8 Q. And that is actually -- that's the same
9 caliber, and RP is the other projectile from
10 the apartment?

11 A. Yes, sir, it is.

12 SOLICITOR JENNINGS: Your Honor, we
13 would offer 55 into evidence.

14 MR. FARLEY: No objection.

15 THE COURT: Without objection,
16 State's 55 is admitted.

17 (SO ENTERED AS STATE'S EXHIBIT 55)

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR JENNINGS:

20 Q. You mentioned or we saw boxes of tennis
21 shoes shown in State's Exhibit 28. Were you
22 able to collect several pair of Nike Air Force
23 Ones?

24 A. Yes, sir, we collected quite a few pairs of
25 tennis shoes.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

60

1 Q. I show you State's Exhibit 30. Describe
2 what that shows.

3 A. That's a pair still in the box -- one of
4 the many tennis shoes that were stacked up
5 against the wall and had the same type pattern
6 on the bottom.

7 SOLICITOR JENNINGS: (Tenders items
8 to be marked as exhibits).

9 COURT REPORTER: State's Exhibits 60
10 and 61 for identification.

11 SOLICITOR JENNINGS: Thank you.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR JENNINGS:

14 Q. I show you what's been marked as State's
15 Exhibit 60, a pair of size nine Air Force Ones.
16 Do you recognize those?

17 A. Yes, these are the ones in the picture
18 here. Those were under the bed.

19 SOLICITOR JENNINGS: Your Honor,
20 we'd offer State's Exhibit 60 into evidence.

21 THE COURT: Any objection?

22 MR. FARLEY: No objection.

23 THE COURT: Without objection,
24 State's Exhibit 60, a box containing a pair
25 of shoes is admitted.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

61

1 (SO ENTERED AS STATE'S EXHIBIT 60)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR JENNINGS:

4 Q. State's Exhibit 61, another size nine pair
5 of Nike Air Force Ones?

6 A. That is correct. These were on the wall
7 between the beds.

8 SOLICITOR JENNINGS: Your Honor,
9 we'd offer 61 into evidence as well.

10 THE COURT: Without objection, Mr.
11 Farley?

12 MR. FARLEY: No, Your Honor.

13 THE COURT: There's no objection to
14 State's 61, a box containing a pair of shoes is
15 admitted.

16 (SO ENTERED AS STATE'S EXHIBIT 61)

17 DIRECT EXAMINATION CONTINUED

18 BY SOLICITOR JENNINGS:

19 Q. Finally, a white pair of size nine Nike Air
20 Force Ones?

21 A. That's right.

22 SOLICITOR JENNINGS: We need to mark
23 these -- I apologize.

24 COURT REPORTER: State's Exhibit 62
25 for identification.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

62

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR JENNINGS:

3 Q. State's Exhibit 62, (tendering to witness).

4 A. (Upon examination), yes. These were
5 removed from the hall closet, size nine, Air
6 Force Ones.

7 BY SOLICITOR JENNINGS: Your Honor,
8 we would offer State's Exhibit 62 into
9 evidence.

10 MR. FARLEY: No objection.

11 THE COURT: Without objection,
12 State's Exhibit 62, a bag containing a pair of
13 shoes, is admitted.

14 (SO ENTERED AS STATE'S EXHIBIT 62)

15 DIRECT EXAMINATION CONTINUED

16 BY SOLICITOR JENNINGS:

17 Q. And all of the Nike Air Force Ones, the two
18 pairs that belonged to Jatavius, that were
19 taken from the apartment as well as these three
20 pair from Mr. Sanders' room, were all sent to
21 SLED?

22 A. Yes, sir, they were.

23 Q. State's Exhibit 24 is a photograph you took
24 that day, on the 24th. We'll get to when
25 you'all went back to collect it, but kind of in

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

63

1 the sort of the middle left-hand section, can
2 you tell me what is shown right there?

3 A. That's the ammo box that was under the
4 window. That photograph was taken from the
5 door as you enter the bedroom.

6 Q. And when you say "an ammo box", what are
7 you referring to?

8 A. It's a metal box, military-type box, where
9 they put ammo in, those metal boxes. I think
10 it's labeled on the outside. I don't remember
11 what the label says. I believe it was either
12 green or grey. I don't remember the color
13 right now, metal ammo box.

14 Q. During the time that you and others from
15 the Sheriff's Office were there did you also
16 collect a safe?

17 A. Yes, sir, we did.

18 Q. I show you what's marked as State's Exhibit
19 33. Was that recovered from Mr. Sanders' room?

20 A. Yes, it was.

21 Q. Was it taken into evidence?

22 A. Yes, sir, it was.

23 Q. And tell us, please, what you did with that
24 once you had it in your custody?

25 A. On the 24th of July, Major Garrison and

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

64

1 myself took it to Martin's Locksmith and he
2 opened the safe for us. And inside was the
3 newspaper clippings of the homicides along
4 with an arrest warrant and several other
5 photographs and papers.

6 Q. I show you what is State's Exhibit 35 in
7 evidence. Is that a photograph of the safe
8 when you opened it?

9 A. Yes, sir, it was.

10 Q. And were there documents inside the safe
11 that showed you whose belongings were inside?

12 A. Yes, sir.

13 Q. Did you collect all the paperwork that was
14 inside?

15 A. We took all the paperwork and placed it in
16 evidence.

17 SOLICITOR JENNINGS: (Tenders item
18 to be marked as exhibit).

19 COURT REPORTER: State's Exhibit 63
20 for identification.

21 SOLICITOR JENNINGS: Your Honor,
22 we'd offer State's Exhibit 63 into evidence.

23 THE COURT: With the contents?

24 SOLICITOR JENNINGS: Yes, sir.

25 THE COURT: Any objection, Mr.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

65

1 Farley?

2 MR. FARLEY: No, Your Honor.

3 THE COURT: Without objection, a bag
4 containing various documents is admitted into
5 evidence.

6 (SO ENTERED AS STATE'S EXHIBIT 63)

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR JENNINGS:

9 Q. In the safe was multiple correspondence to
10 Mr. Sanders?

11 A. That's correct, all this had his name on it
12 along with the yellow copy of an arrest warrant
13 and the photograph from the newspaper about the
14 homicides.

15 Q. In fact, the newspaper article is about the
16 case that we're here on?

17 A. That's correct, of the crime scene.

18 Q. And the article was from the *Post and*
19 *Courier*, an article from July the 12th of 2007,
20 a Thursday?

21 A. That's correct.

22 Q. An above-the-fold article entitled "Dreams
23 and Fatal Nightmare"?

24 A. That's correct.

25 Q. And they had photographs of the three

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al.
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

66

1 victims: Diane Grant, Deanna Devore and
2 Jatavius Devore.

3 A. That's right.

4 Q. Did you have an opportunity to go back to
5 Mr. Sanders' residence on August the 6th of
6 2007?

7 A. Yes, sir, we did. We went back to retrieve
8 the ammo box.

9 Q. And what had transpired from the 24th to the
10 6th that caused you'all to go back?

11 A. There was some information that he had
12 gotten a weapon from some other gentleman, and
13 I believe the ammo box came with it, but I'm
14 not really sure on that part of it.

15 SOLICITOR JENNINGS: (Tenders item
16 to be marked as exhibit).

17 COURT REPORTER: State's Exhibit 64
18 for identification.

19 DIRECT EXAMINATION CONTINUED
20 BY SOLICITOR JENNINGS:

21 Q. I show you what's marked as State's 64.
22 Can you tell us about that?

23 A. Yes, sir. This is the box that we
24 photographed. It was a box we collected from
25 the closet in his bedroom on the second trip.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

67

1 SOLICITOR JENNINGS: We would offer
2 State's Exhibit 64 into evidence.

3 MR. FARLEY: No objection.

4 THE COURT: Without objection it is
5 admitted.

6 (SO ENTERED AS STATE'S EXHIBIT 64)

7 DIRECT EXAMINATION CONTINUED

8 BY SOLICITOR JENNINGS:

9 Q. And as you pointed out on July 24th when you
10 were there and photographed, in the general
11 photos of the room, it actually had State's
12 Exhibit 64 in it. At that time it was right
13 under the window sill as shown in State's
14 Exhibit 24?

15 A. That's correct.

16 Q. And when you went back on August the 6th
17 specifically looking for that green ammunition
18 can, where was it found?

19 A. It was in the closet of his bedroom.

20 Q. I show you State's Exhibit 37. I believe
21 it is just a blown-up of Exhibit 24.

22 A. That's correct. You can see the ammo box.
23 There's a curtain hanging straight down, and
24 it's right at the base of that curtain.

25 SOLICITOR JENNINGS: We would offer

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

68

1 37 into evidence.

2 MR. FARLEY: No objection.

3 THE COURT: Without objection it is
4 admitted.

5 (SO ENTERED AS STATE'S EXHIBIT 37)

6 SOLICITOR JENNINGS: Your Honor,
7 we've been going about an hour and a half.
8 Could we take a little break just to make sure
9 we've got everything?

10 THE COURT: Sure, absolutely.
11 We'll take a break at this point for about
12 ten or fifteen minutes.

13 SOLICITOR JENNINGS: Thank you.

14 THE COURT: Be at-ease.

15 (BRIEF RECESS)

16 (DEFENDANT PRESENT)

17 THE COURT: You may continue,
18 Solicitor.

19 DIRECT EXAMINATION RESUME

20 BY SOLICITOR JENNINGS:

21 Q. We have one more pair of size nine Nike Air
22 Force Ones that were taken out of Mr. Sanders'
23 room, State's Exhibit 67.

24 A. Yes, these are the white Nikes that were
25 located under Tony's bed.

1 A. Dirt.

2 Q. Dirt?

3 A. Yes.

4 Q. What direction were those prints taken?

5 Was it entering the house or was it leaving the
6 house?

7 A. As we were entering the residence.

8 Q. Could you tell just from first glance what
9 kind of shoe made that impression? Was it a
10 boot? Was it a flip-flop?

11 A. It was a tennis shoe impression. It's very.
12 common on the Nike Air tennis shoes.

13 A lot of them have them, but that circular
14 pattern on the ball of the foot and heel, we
15 see quite a bit of that.

16 Q. Just to be clear, when we speak about Nike
17 Air, isn't it true that all these shoes are
18 Nike Air Force?

19 A. Yes, sir.

20 Q. All right. So every shoe obtained in this
21 investigation was the exact same make, maybe a
22 different model, but the same -- and the tread
23 patterns were all exactly the same?

24 A. Yes.

25 Q. When you earlier testified you testified

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

72

1 that the shoes that you obtained in the
2 residence were those of Jatavius. Is that
3 correct?

4 A. They were next to his bed. I assumed that
5 they were, at the time.

6 Q. But you have no way of knowing, in fact,
7 whose shoes those were; do you?

8 A. No, sir.

9 Q. Did you send those up to SLED to be
10 analyzed?

11 A. Yes, sir.

12 Q. Did you get those results back?

13 A. I don't believe there was a match made on
14 the shoes.

15 Q. There wasn't a match on any of the shoes?

16 A. They were consistent, but I'm not -- I'd
17 have to read the report.

18 Q. Can you tell me what biofoam is?

19 A. It's a soft impression material. That's
20 all I can tell you. You can take your finger
21 and it makes indentations very easy into it.
22 For example, on Deanna's foot, I just put the
23 box impression up against her foot and it left
24 the impression of her foot.

25 Q. How about Jatavius? Did you do that?

1 A. No, I didn't.

2 Q. You didn't?

3 A. (Negative gesture).

4 Q. How is biofoam useful in an investigation?

5 A. To take impressions. You can take shoe
6 impressions with it. If we've got a pair of
7 shoes we can put the shoes on and step in it
8 and make an impression of that shoe.

9 Q. Couldn't you use it to tell -- say you take
10 the imprint on the biofoam. Couldn't you look
11 at the imprint made on the biofoam and any kind
12 of wear on the inside of the shoe and possibly
13 be able to compare the two?

14 A. (No verbal response).

15 Q. In other words, you take the footprint and
16 inserts, after being worn, they wear down in a
17 certain way. Could you compare the print from
18 the biofoam and the impression on the sole to
19 give you a better idea of one person's foot?

20 A. We do that with a cast.

21 Q. With a cast on the outside, right?

22 A. On the scene, yes, sir, that's the
23 evidence.

24 Q. Okay.

25 A. And we send the shoes and we send the foam

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

74

1 that we get with the shoes.

2 Q. You said you took the shell casings that
3 you found back to your lab and fingerprinted
4 them or used the superglue method to see if
5 there were latent fingerprints. Is that
6 correct?

7 A. Yes, sir.

8 Q. And you found none?

9 A. No, sir.

10 Q. Do you ever find fingerprints on shell
11 casings?

12 A. I personally have never found a fingerprint
13 on a spent casing. Now, we do
14 get them on live rounds periodically.

15 Q. So why would you test them for fingerprints
16 if you've never gotten them?

17 A. It's standard procedure.

18 Q. Standard procedure?

19 A. (Affirmative nod). We fingerprint all
20 shell casing when they come in, whether they're
21 fired or not fired. You know, somebody could
22 have picked it up from the floor.

23 Q. Once you completed your on-scene
24 investigation you told us that you sent the
25 spent shell casing down to the Charleston lab.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

75

1 Is that correct? Or someone did that on your
2 behalf?

3 A. We take all weapons and all shell casings
4 that are brought to the office down there and
5 they do an IBIS check.

6 Q. Can you tell me what IBIS is?

7 A. It's the International Ballistics
8 Identification System where the bullets --
9 they're not doing the bullets any more.
10 They're doing the firing pin, I believe.
11 It's not my expertise. I'm not really sure
12 of the whole procedure.

13 Q. But they have a system where they can
14 compare bullets. They put it into a database
15 -- or shells and they put it into a database
16 and they claim that they can tell what -- if
17 one gun fired them or different ones?

18 A. That's correct.

19 Q. When they do this they say that they can
20 guarantee that the bullets found at the scene
21 of this crime were fired by the same gun as
22 that of another crime or a gun that they have?

23 A. Yes, sir.

24 Q. But just because a gun was used at one
25 scene or one crime doesn't necessarily mean

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

76

1 that the same person used it at another crime,
2 does it?

3 A. Not necessarily, no.

4 Q. Actually, there's no way of telling that
5 just from the shell. Is that correct?

6 A. That's correct.

7 Q. While we're on the topic of the gun, did
8 you ever obtain the gun that was used in this?

9 A. No, sir, we never found the weapon.

10 Q. Never found the weapon?

11 A. No, sir.

12 Q. So you don't have a gun -- a .40 caliber
13 gun to test the shell casings against? In
14 other words, you can't shoot this gun that you
15 think is the weapon and determine if this gun
16 shot those bullets?

17 A. No, we do not have a weapon.

18 Q. I'd like to turn to the search warrant in
19 this case at the Sanders residence. All right?

20 A. Yes.

21 Q. Who all lived in that house?

22 A. I couldn't tell you. There was a lot of
23 people there when we got there, his brother,
24 his mother and possibly a couple more brothers.
25 I have no idea who lived in that house.

1 Q. You didn't really meet any of the people?

2 A. I met the mother when I came through, but
3 other than that -- I saw them in there when I
4 was going through the house, but I didn't sit
5 down and talk to them, no.

6 Q. But it's safe to say there were a lot of
7 people that were in that house?

8 A. There seemed to be a few people sitting
9 downstairs, four or five maybe. I'm not too
10 sure how many were there. But when I came in
11 I went straight upstairs and just kind of
12 nodded to them as I walked through and said
13 'Hi.'

14 Q. Earlier you said that the room that
15 Anthony, or what was said to be Anthony's, was
16 also his brother Tony's. Is that correct?

17 A. That's correct.

18 Q. Did you have the occasion to meet Tony?

19 A. I believe I might have seen him in there,
20 but I never met any of them and talked to them.

21 Q. Isn't it true that Tony is an identical
22 twin to Mr. Sanders?

23 A. I'm not sure. I really don't know.

24 Q. But it is your understanding that his
25 brother and him stay in the same room?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

78

1 A. That's correct.

2 Q. Following that train of thought, how can
3 you be certain that the things that you've
4 associated with Anthony are or aren't related
5 to Tony or are/is or are not Tony's? How did
6 you determine whose was what in that room?

7 A. We just took everything. We didn't know
8 -- he had stuff at the door by his bed. The
9 bullets were found right next to Anthony's bed
10 and the bullets were under Anthony's bed.

11 Q. But you have no idea of knowing whose was
12 what in that room.

13 A. No, sir.

14 Q. Isn't that correct?

15 A. Yes, sir.

16 Q. Let's talk about the bullets that you found
17 in the bedroom. There's some .32 caliber
18 bullets.

19 A. That's correct.

20 Q. What brand were those again?

21 A. I have no idea. I just know it was a box
22 of bullets.

23 Q. And you also found three .40 caliber
24 rounds. Is that correct?

25 A. Three in a box alone.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

79

1 Q. And what brand were those?

2 A. I made a mistake on one of the boxes. It
3 was an RP instead of Federal. Most of the
4 bullets were Federal, and I mislabeled the box.

5 Q. That happens from time to time, I'm sure.

6 A. (No verbal response).

7 Q. In your line of work do you see a lot of
8 bullets?

9 A. Do I see a lot of?

10 Q. Bullets.

11 A. Yes, sir.

12 Q. Wouldn't you say Smith & Wesson is a pretty
13 common projectile?

14 A. Yes, sir. We get a lot of Remingtons,
15 Smith & Wesson.

16 Q. So it's not uncommon. This ammunition
17 isn't, you know, some kind of specialty
18 ammunition made in Europe for a certain gun.
19 It's a pretty standard brand and type of
20 ammunition.

21 A. They were reloads so there was something
22 different about them.

23 Q. But you're not shocked to find those at a
24 crime scene?

25 A. No.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

80

1 Q. I hate to keep beating a dead horse, but
2 the shoes that you found in the apartment or in
3 their room, they were all these Nike Air Force
4 Ones. Is that correct?

5 A. I believe they were all Nike Air Force
6 Ones.

7 Q. And, you know, they all have the same
8 soles. Is that correct?

9 A. That's correct.

10 Q. So the shoes that you found in the
11 apartment where two of the murders happened
12 and the shoes that you found in the defendant's
13 house were all Nike Air Force Ones, correct?

14 A. I believe so.

15 MR. FARLEY: May I have a moment?

16 THE COURT: Sure.

17 CROSS EXAMINATION CONTINUED

18 BY MR. FARLEY:

19 Q. When you went to serve and execute the
20 first search warrant you said that you took
21 everything and didn't assign it to any one
22 person in that house. Is that correct?

23 A. That's correct.

24 Q. So you took everything you could that
25 you thought would be relevant to this

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

81

1 investigation?

2 A. Yes, sir.

3 Q. So one of the two key pieces of evidence
4 that you obtained from the crime scene,
5 wouldn't you agree that it's the bullets?

6 A. That's correct.

7 Q. And the shoes in question?

8 A. Correct.

9 Q. Why, then, would you go to this house and
10 see an ammunition can and indeed search through
11 all these boxes to find shells but not take the
12 ammunition can into evidence?

13 A. I never touched the can. I was working
14 around Anthony's bed. There were two other
15 detectives in the room. I don't have any idea
16 why we didn't take it the first time.

17 Q. Let's talk about the safe. It's a pretty
18 decent sized safe, wouldn't you agree?

19 A. Yes, sir.

20 Q. There were many people in that house,
21 weren't there?

22 A. Yes, sir.

23 Q. Did you ever ask any of them if they knew
24 the combination?

25 A. No, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

82

1 Q. Did you fingerprint the outside of the
2 safe?

3 A. No, sir.

4 Q. Did you fingerprint any of the contents of
5 the safe?

6 A. No, sir.

7 Q. Why didn't you do that?

8 A. It was from his bedroom. I would expect
9 his find his prints anyway, so there was no
10 evidentiary value to finding his fingerprints
11 on it.

12 Q. Now you made a second trip. You used that
13 search warrant to go get the ammo box. Isn't
14 that correct?

15 A. That's correct.

16 Q. Didn't you testify that when you went back
17 the ammo box was not in the same spot as it was
18 during the initial warrant?

19 A. Yes, sir. The room was a mess when we
20 left. It had been straightened up and the ammo
21 box was inside the closet.

22 Q. But at that point it wasn't where you had
23 left it.

24 A. No.

25 Q. You spoke briefly about DNA and obtaining

1 DNA evidence when you testified about the oral
2 swabs and the taking of the DNA from my client.
3 Is that correct?

4 A. Yes, sir.

5 Q. Did you do any DNA testing at the apartment
6 where the murders took place?

7 A. We took a swab. We took blood swabs and
8 swabs from the counter area where we could see
9 where somebody had touched the counter, where
10 we could see ridge detail. And we took swabs
11 off the door handles.

12 Q. Did you fingerprint the door handles?

13 A. Yes, sir. We fingerprinted the counter,
14 the door handles and that sort of thing. In
15 the photographs you can see the black smudges
16 where we processed for latents. There were
17 couple of articles sitting on the sink that we
18 processed, some of the stuff that was in the
19 sink. We checked the beds. We checked all the
20 doors.

21 Q. Were you responsible for obtaining DNA from
22 the victims as well as the defendant?

23 A. That comes from the autopsy.

24 Q. It happened at the autopsy?

25 A. Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

84

1 Q. Did you obtain any DNA from anybody else in
2 this investigation besides the three victims
3 and the defendant?

4 A. Not to my knowledge.

5 Q. No one else?

6 A. Not to my knowledge, no.

7 MR. FARLEY: I have no further
8 questions, Your Honor.

9 THE COURT: Thank you. Redirect?

10 SOLICITOR JENNINGS: Nothing.

11 THE COURT: You may come down.
12 Thank you, sir.

13 (WITNESS STEPS DOWN)

14 THE COURT: Call your next witness,
15 please.

16 SOLICITOR JENNINGS: The State calls
17 John Garrison.

18 (WITNESS TAKES STAND)

19 JOHN B. GARRISON, being duly sworn to
20 tell the truth, the whole truth and nothing but
21 the truth, testified, as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR JENNINGS:

24 Q. Good morning, Major Garrison. Where are
25 you employed, sir?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

85

1 A. I'm employed with the Dorchester County
2 Sheriff's Office.

3 Q. How long have you been with the Sheriff's
4 Office?

5 A. Approximately five years.

6 Q. And you were there on July the 10th of 2007?

7 A. Yes, sir, I was.

8 Q. And did you act as essentially the lead
9 detective in this case?

10 A. Yes, sir, I did.

11 Q. When did you get out to the scene at
12 Archdale Forest?

13 A. It was approximately 3:40 or 3:45 by the
14 time I arrived.

15 Q. And obviously at that point the scene was
16 well under being processed, the investigation
17 was beginning?

18 A. The investigation was beginning. The crime
19 scene had been taped off. People were starting
20 to arrive. The crime scene units, other
21 investigators, supervisors from the Sheriff's
22 Office, they were all starting to gather at
23 that point. Yes, sir. I wasn't
24 the first investigator there, but I was fairly
25 early.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

86

1 Q. Obviously, by the time the deputies
2 responded to the scene there was no suspect
3 still present.

4 A. No, sir, we had no suspects.

5 Q. Any eyewitnesses?

6 A. We were trying to identify witnesses when I
7 got there. That was one of the jobs I had when
8 I initially arrived, was knocking on doors,
9 containing people that had made the
10 911 calls and trying to identify who would or
11 would not be a witness.

12 Q. And I think it's fair to say you'all
13 scanned pretty much the entire apartment
14 complex.

15 A. I think that would be a fair statement,
16 yes, sir.

17 Q. Were you able to find any witnesses who had
18 witnessed the actual shooting and what
19 took place in the apartment?

20 A. No, sir, we did not.

21 Q. Any witnesses to the shooting of Deanne
22 Devore?

23 A. No, sir, we did not.

24 Q. It's a fair statement that after really
25 weeks there had been no suspects developed.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

87

1 A. Yes, sir, that's correct.

2 Q. And the first real lead came from the
3 ballistics evidence where there was a match
4 between the shell casings found at this scene
5 with the shell casings from a shooting in North
6 Charleston at a bar?

7 A. Yes, sir, that's correct.

8 Q. And what was the name of the bar?

9 A. It was The Anchor Bar on Spruill Avenue in
10 North Charleston.

11 Q. Once you got that information what did you
12 do to follow up on it?

13 A. Having that information, what we did is we
14 contacted North Charleston because it was their
15 jurisdiction and tried to obtain any
16 information or evidence they may have had or at
17 least find out what the case involved. And
18 they did have a witness in their case, which
19 was a bouncer at the bar where the shooting
20 actually took place. So we contacted him and
21 conducted an interview with him.

22 Q. So all around this time period did you
23 develop the name of a suspect in this triple
24 murder?

25 A. At this point, no.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

88

1 Q. Were you able to, sort of in the time when
2 you interviewed Mr. Chavers, were you able to
3 develop the name of a suspect?

4 A. When we conducted the first interview, I'm
5 not sure at that point if we had a definite
6 suspect at that point or not.

7 Q. You obviously met with Mr. Chavers. Did he
8 provide you with a statement?

9 A. Yes, he did. The first time we met with
10 him, when he came to the office he provided a
11 statement. I remember we showed him several
12 pictures, but we didn't have any particular
13 suspect in mind and he did not pick out anybody
14 at that time.

15 Q. And that was on July 19th that he came in?

16 A. Yes, sir, I believe that's correct.

17 Q. Was he able to give you a physical
18 description of the person who he saw shooting
19 at The Anchor Bar that evening?

20 A. Yes, sir, he did provide a physical
21 description.

22 Q. Did you ask him whether or not he thought
23 he might be able to identify that person if he
24 saw his photograph later?

25 A. Yes, sir. When we conducted the interview

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

89

1 he stated that he had spoken to him directly.

2 MR. YOUNG: Objection. Hearsay.

3 THE COURT: I will allow the
4 question. He said he'd spoken to him directly.
5 I'll allow that. I'll sustain it otherwise.

6 THE WITNESS: He said he could
7 identify him.

8 THE COURT: Okay.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR JENNINGS:

11 Q. Between July the 19th, when Mr. Chavers gave
12 his written statement, and July the 25th when he
13 came back in, did you in that time period
14 develop the name of a suspect?

15 A. Yes, sir, in that time frame we had
16 developed a suspect.

17 Q. And who was that?

18 A. Anthony Sanders.

19 Q. Do you see him in the courtroom today?

20 A. Yes, sir, I do.

21 Q. And can you point him out, please?

22 A. He is the gentleman sitting at the
23 defendant's table.

24 Q. What did you do in relation to Mr. Chavers
25 when you developed Mr. Sanders' name as a

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

90

1 suspect?

2 A. We recontacted Mr. Chavers and asked him if
3 he would come back for a second interview. And
4 at that point we showed him a photographic
5 lineup.

6 Q. And that was an item that you created?

7 A. Yes, sir, it was.

8 Q. I show you what's marked as State's Exhibit
9 41.

10 A. Yes, sir.

11 Q. Explain to me, how did you go about
12 creating State's Exhibit 41?

13 A. On that particular lineup ---

14 Q. Yes, sir.

15 A. What I did with this particular lineup
16 is we have in our jail pictures, we have the
17 ability to go through and create a lineup, and
18 we can pick as many pictures as we choose.

19 What we look for is similar facial
20 characteristics, age, race, sex
21 characteristics. And through that I developed
22 the six pictures, and I put those in random
23 order in a folder and then showed the folder
24 itself to Mr. Chavers.

25 Q. Did you give him any instruction prior to

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

91

1 showing him State's Exhibit 41?

2 A. Yes, I did. Before I showed him that I
3 told him -- I asked him to look at that and see
4 if he was certain that the person in question
5 that had done the shooting in North Charleston
6 was in there. Then I asked him to point him
7 out. Also I told him that if he was not
8 certain that he was not to point out anyone.

9 Q. In fact, I think your initials are on the
10 back of State's Exhibit 41?

11 A. Yes, sir, that's correct. That's my
12 initials.

13 Q. You had identified Mr. Sanders as the
14 suspected that you had developed. Was his
15 photograph shown in State's Exhibit 41?

16 A. Yes, it is.

17 Q. Which photograph is it?

18 A. Number three.

19 Q. Did you suggest to Mr. Chavers which
20 photograph to select?

21 A. No, sir, I did not.

22 Q. Ultimately, I believe on July the 23rd, I
23 believe Mr. Sanders was arrested?

24 A. I believe that date is correct, yes, sir.

25 Q. Whose company was he in when he was placed

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

92

1 under arrest?

2 A. In the company of one of his girlfriends.

3 Q. And what was her name?

4 A. Madea Thompson (phonetic).

5 Q. Were they in a vehicle together?

6 A. Yes, sir, they were.

7 Q. I believe a traffic stop was initiated and
8 he was taken into custody?

9 A. Yes, sir, that's correct.

10 Q. Were you aware of where Ms. Madea Thompson
11 lived?

12 A. Yes, sir, we were. We had spoken to her
13 previous.

14 Q. And what was her address?

15 A. Ms. Thompson lived at [REDACTED].

16 Q. Major Garrison, explain to me what's the
17 significance of apartment building [REDACTED]

18 [REDACTED] in relation to these crime scenes.

19 A. [REDACTED] and specifically

20 Apartment [REDACTED] is the apartment directly -- in the
21 back yard is where the third victim in this was
22 found. The young lady in question here, the
23 deceased, was found -- the power box is almost
24 directly behind the back door of [REDACTED], Building
25 [REDACTED], Apartment [REDACTED].

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

93

1 Q. And that was the same building that Mr.

2 Rogers who testified earlier resided in?

3 A. Yes, sir.

4 Q. Who'd called 9-1-1?

5 A. Yes, sir.

6 Q. Referring to State's Exhibit 1, Mr.

7 Sanders' girlfriend actually lives in Building

8 [REDACTED] which is right in front of where Ms.

9 Devore's body was found?

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

11 Q. You had an extensive opportunity when Mr.

12 Sanders was taken into custody to talk to him

13 about the incident, advised him of his rights,

14 and you'all had about an hour of conversation?

15 A. Yes, sir, that's correct. Later on that

16 morning, yes, sir.

17 Q. I believe several days later he was

18 actually charged with the murder, with these

19 three counts of murder?

20 A. Yes, sir, I believe that was August the 2nd

21 when he was charged.

22 Q. What, procedurally, happened that day when

23 you had an opportunity to come into contact

24 with him?

25 A. After the warrants were served he was

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

94

1 walked from the jail annex to the courtroom
2 in Summerville for a bond hearing.

3 Q. Were you with him when he was being
4 transported over there?

5 A. Yes, sir, I escorted him the whole way.

6 Q. And during that time did you'all have any
7 conversation?

8 A. We -- (affirmative nod). There's a walkway
9 that's fenced in. And once we entered the
10 actual courtroom building, we were asked to
11 stay in a holding cell until the courtroom was
12 prepared. And there was some conversation at
13 that point initiated by Mr. Sanders.

14 Q. Tell the Court how that conversation --
15 what conversation you'all had.

16 A. When we were in the holding cell, and after
17 our first interview I was not going to speak
18 with him again. And then he stated to me, he
19 said that one day he would like to tell me what
20 actually happened. I told him I would like to
21 know and then he asked me at that point that
22 when all this was over if I would take him out
23 to dinner. I told him I would and he said he'd
24 pick the place.

25 Q. Did he make any -- at this point in the

1 investigation had any gun been recovered?

2 A. No, sir, it had not.

3 Q. And to-date, has the gun been recovered?

4 A. No, sir, it has not.

5 Q. Did Mr. Sanders make any statements to you
6 that day concerning the gun or its whereabouts?

7 A. Yes, sir. During the same period he asked
8 me if I still wanted the gun, and I told him I
9 did.

10 Q. Did he say anything more about where it
11 was?

12 A. He would not tell me where it was, no.

13 SOLICITOR JENNINGS: Your Honor,
14 that's all the questions we have for Major
15 Garrison.

16 THE COURT: Cross examine?

17 CROSS EXAMINATION

18 BY MR. YOUNG:

19 Q. Good morning, Major Garrison.

20 A. Morning.

21 Q. Getting right to it: On the night of the
22 homicide when you reported to the Archdale
23 Subdivision, you'all canvassed the area like
24 you were talking about, right?

25 A. Yes, sir, that's correct.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

96

1 Q. Did you ever -- there's only one roadway in
2 and out of that particular apartment complex.
3 Isn't that correct?

4 A. Yes, sir, I believe that's correct.

5 Q. Did you'all ever -- you never blocked that
6 off to stop people from coming in or out from
7 the neighborhood to ask them if they had heard
8 anything or seen anything?

9 A. I personally did not. I don't think
10 anybody did, but there were so many people that
11 I can't say that did not happen. I can say I
12 did not have any part in that if it did.

13 Q. And you heard Mr. Morgan testify this
14 morning about leaving and going to work and
15 then hearing about what happened?

16 A. Yes, sir.

17 Q. And he was not stopped or talked to before
18 he left for work?

19 A. Apparently not.

20 Q. Going back to when the suspect was
21 developed, it was reported to you that there
22 were some shell casing matches from the
23 homicide scene and other crime scenes,
24 particularly the one in North Charleston. Is
25 that correct?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

97

1 A. Yes, sir, that's correct.

2 Q. There was another crime scene that was
3 associated with the same shell casings or shell
4 casings that were also similar, I believe, in
5 the Hunters Ridge shooting, right?

6 A. Yes, sir, that's correct.

7 Q. The Hunters Ridge shooting was in
8 Dorchester County, I believe?

9 A. Yes, sir, it was.

10 Q. You'all were developing that case?

11 A. Correct.

12 Q. You had made an arrest in that case, and
13 the buy had bonded out?

14 A. Yes, sir. An arrest had been made. I
15 wasn't the investigator on that case, but an
16 arrest had been made on it.

17 Q. And that was Xavier Walker.

18 A. That's correct.

19 Q. And you brought in Mr. Walker to talk to
20 him?

21 A. Yes, we did.

22 Q. And after some negotiations Mr. Walker told
23 you -- he gave you the name of Anthony Sanders?

24 A. Yes, sir, that's correct.

25 Q. Mr. Walker is the one who said that Anthony

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

98

1 Sanders was shooting at gun at Hunters Ridge.

2 Is that correct?

3 A. Yes, sir, he did.

4 Q. He denied shooting a gun at Hunters Ridge,
5 Mr. Walker?

6 A. Yes, Mr. Walker denied it.

7 Q. Despite the fact that numerous eye-
8 witnesses identified him as the shooter at
9 Hunters Ridge.

10 A. I can't -- the word "numerous," I don't
11 know how many people. Again, I didn't work
12 that particular case. I can't speak to that.

13 Q. Okay.

14 A. I know he had been identified.

15 Q. And he was charged?

16 A. That's correct.

17 Q. And pursuant to his agreement and your
18 interview those charges were dismissed?

19 A. The agreement was that they would be, I
20 believe. What happened to the charges, I'm not
21 sure. At this point I don't know if they've
22 been dismissed or not.

23 Q. Your meeting with Mr. Walker was before
24 taking a photo lineup over to meet with Mr.
25 Chavers or when Mr. Chavers came to meet with

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

99

1 you from the North Charleston incident. Is
2 that correct?

3 A. Yes, sir.

4 Q. You did not prepare a lineup with Mr.
5 Walker's photograph in it to show to Mr.
6 Chavers.

7 A. He was shown several pictures the first day
8 he showed up, and there was numerous pictures.
9 I don't recall if Mr. Walker's picture was in
10 that batch of photos or not.

11 I just don't recall.

12 Q. Mr. Walker was a potential suspect or
13 somebody that you'all had named as a potential
14 suspect early on in this case?

15 A. I think "suspect" would be a little strong.
16 I think he was a person of interest.

17 Q. A person of interest?

18 A. "A person of interest" would be more
19 accurate; yes, sir.

20 Q. He is a pretty well-known drug dealer and
21 involved in other incidents in the area?

22 A. Mr. Walker's well known at the Sheriff's
23 Office, yes.

24 Q. The statement that you were talking about
25 Mr. Sanders making is on his way to bond court;

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

100

1 is that correct?

2 A. Yes.

3 Q. You'all stopped in the holding cell?

4 A. That's correct.

5 Q. You've reviewed your report that you
6 prepared in this case?

7 A. I have.

8 Q. And in report you said, "When being walked
9 back to the jail he asked me if I still wanted
10 the gun." Is that correct?

11 A. That's correct.

12 Q. That's not what happened.

13 A. I probably wrote it up wrong. The
14 conversation took place in the holding cell.
15 When I put that in my notes, that would have
16 been correct.

17 Q. There were other people who were walking
18 Mr. Sanders to the hearing and returning back
19 from the hearing; is that correct?

20 A. I know there was myself and probably one
21 more investigator and probably someone from the
22 detention center staff would have been with us.

23 Q. And it would be against protocol for you
24 alone to escort an inmate over to court or
25 whatever. I mean, anytime you have an inmate,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

101

1 you make sure you have somebody else with you.

2 A. Yes, sir, that would be good policy.

3 Q. And you don't take them around by yourself?

4 A. As a rule, no.

5 Q. And it was -- your meeting with Mr. Walker
6 is when Mr. Walker agreed to go with you to
7 identify where Mr. Sanders lived.

8 A. Yes, sir, he did point out where Mr.
9 Sanders lived.

10 Q. And then you'all sort of staked out the
11 house and waited until a car pulled up. And
12 then they left and then you pulled the car
13 over and that was where Mr. Sanders was?

14 A. Mr. Walker actually accompanied another
15 investigator and I believe one of our narcotics
16 investigators to point out the residence. I
17 didn't go on that particular piece of it.

18 Q. Okay.

19 A. But the rest is correct. Yes, sir, once we
20 obtained warrants for one of the shootings we
21 believed he did, we were actively seeking him
22 as part of that and we did keep an eye on the
23 residence.

24 Q. And that warrant that was obtained was for
25 the shooting at Hunters Ridge?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

102

- 1 A. Yes, sir, that's correct.
- 2 Q. The initial warrant that Mr. Sanders was
3 detained on?
- 4 A. That's correct.
- 5 Q. And that information came solely from Mr.
6 Walker?
- 7 A. Pretty much, yes, sir. That and the
8 ballistics match.
- 9 Q. Mr. Walker is the one that says that Mr.
10 Sanders had that gun?
- 11 A. On that particular shooting, yes, sir.
- 12 Q. And The Anchor Club too, right?
- 13 A. That's correct. Mr. Walker did talk about
14 that.
- 15 Q. Where was Mr. Walker on the night of the
16 homicide?
- 17 A. I'm not sure. I would have to check my
18 notes. I'm sure we asked him that but I would
19 have to check my notes to see where he was.
- 20 Q. Did you ever pull his cell phone records
21 and try to verify his location?
- 22 A. Yes, his cell phone records were pulled.
- 23 Q. And compared to the towers that were in the
24 area of the homicide?
- 25 A. I'm not going to be able to speak to that

1 directly because another investigator was doing
2 the cell phone work. I would probably get it
3 wrong if I tried to answer your question on
4 that.

5 Q. Was any DNA samples ever collected from Mr.
6 Walker?

7 A. No, sir, I didn't take any.

8 Q. Do you know if Mr. Walker's DNA is
9 currently in a database?

10 A. I'm not sure. I don't know. I can't speak
11 to that. I don't know.

12 MR. YOUNG: Beg the Court's
13 indulgence.

14 THE COURT: Certainly.

15 CROSS EXAMINATION CONTINUED

16 BY MR. YOUNG:

17 Q. Since Mr. Sanders' arrest and during his
18 incarceration have you received subsequent
19 information regarding the possible location of
20 a gun that may have been involved in the case?

21 A. Yes, sir, we got a -- I don't want to say a
22 tip -- it was information on possibly where
23 a gun involved in this may have been, from
24 another investigation.

25 Q. Mr. Walker is involved in another homicide

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

104

1 that occurred after Mr. Sanders was detained in
2 this case?

3 A. Yes, sir.

4 Q. And some of the witnesses from that case
5 said that they knew where the gun was?

6 A. Again, I didn't speak to the witness. But
7 the information we got was that he did
8 reference the weapon in this particular
9 homicide, yes, sir.

10 Q. And did you go and do a search for that?

11 A. No, sir, we did not.

12 Q. Why not?

13 A. We did a cursory look, but did we do a
14 full-out search? No.

15 Q. You're skipping ahead on me. You'all got a
16 location of a ditch where the weapon was
17 reported to be.

18 A. Yes, sir, but we could never narrow down an
19 exact location from this witness. I don't
20 think he was ever able to provide that
21 information.

22 Q. Like you say, the ditch was never searched?

23 A. Fully searched, no, sir, it was not.

24 Q. It had water in it, right?

25 A. Yes, sir, it did.

1 Q. And so the decision was made to come back
2 in a couple of days and see if the water had
3 gone down?

4 A. That's correct.

5 Q. And then when you went back a couple of
6 days later it was still full of water?

7 A. It still had water in it.

8 Q. And that was the last time anybody's been
9 out there?

10 A. We have not searched the ditch, no.

11 BOYD YOUNG: Thank you, Major
12 Garrison. No further questions.

13 THE COURT: Redirect?

14 SOLICITOR JENNINGS: Briefly, Your
15 Honor.

16 THE COURT: Sure.

17 REDIRECT EXAMINATION

18 BY SOLICITOR JENNINGS:

19 Q. Xavier Walker is buddies with Mr. Sanders.

20 A. I think that's a correct statement, yes.

21 Q. And sort of a lead, I guess, was developed
22 and you got the ballistics match on the shell
23 casings from this scene to the two other
24 scenes, The Anchor Bar and the Hunters Ridge
25 Apartment shooting, and Mr. Walker provided you

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

106

1 with the initial information concerning those?

2 A. Yes, sir, that's correct.

3 Q. And Mr. Walker was with Mr. Sanders at the
4 Hunters Ridge shooting as well as The Anchor
5 Bar shooting?

6 A. Yes, that's correct.

7 Q. And, in fact, there was another -- The
8 Anchor Bar shooting really has a witness who
9 identified Mr. Sanders as being the one
10 shooting the semiautomatic handgun.

11 A. Yes, sir, that's correct.

12 Q. And that was Mr. Chavers in State's Exhibit
13 41?

14 A. Yes, sir.

15 Q. You were actually present on October the
16 17th when the DNA sample was taken from Mr.
17 Sanders?

18 A. Yes, sir, I was.

19 Q. October 16th, I'm sorry, of 2007? I show
20 you for identification State's Exhibit 56.
21 You were present when that was taken?

22 A. Yes, I was.

23 Q. And this was taken from the man that you've
24 identified as Anthony Sanders?

25 A. Yes, sir, that's correct.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

107

1 SOLICITOR JENNINGS: That's all the
2 questions I have, Your Honor.

3 THE COURT: Recross?

4 MR. YOUNG: One quick one.

5 RECCROSS EXAMINATION

6 BY MR. YOUNG:

7 Q. Mr. Sanders has a twin brother named Tony.

8 Is that correct?

9 A. Yes, he does.

10 Q. You've met with Tony Sanders?

11 A. Yes, I have.

12 Q. And taken statements from Tony Sanders?

13 A. Yes, sir, I have.

14 Q. And he's Anthony Sanders' identical twin
15 brother?

16 A. They're supposedly identical twins.

17 Q. Mr. Sanders has three other brothers, other
18 than Tony. Is that correct?

19 A. I don't know how many brothers he has.

20 Q. Did you ever find out who his father was?

21 A. No, sir, I did not.

22 Q. Thank you.

23 THE COURT: You may come down.

24 (WITNESS STEPS DOWN)

25 THE COURT: You want to recess at

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

108

1 this point for lunch?

2 SOLICITOR JENNINGS: Yes, sir, that
3 would be good.

4 THE COURT: What time do you want to
5 come back?

6 SOLICITOR JENNINGS: Around 1:30 or
7 1:45?

8 THE COURT: 1:30 will be fine.
9 Thank you, sir. We'll be at-ease until 1:30.

10 (LUNCH RECESS)

11 (DEFENDANT PRESENT)

12 THE COURT: Call your next witness,
13 please.

14 SOLICITOR JENNINGS: The State calls
15 Officer Karen McDonald.

16 (WITNESS TAKES STAND)

17 KAREN MCDONALD, being duly sworn to
18 tell the truth, the whole truth and nothing but
19 the truth, testified, as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR JENNINGS:

22 Q. Good afternoon, Officer McDonald. Where
23 are you employed, ma'am?

24 A. North Charleston Police.

25 Q. And how long have you been there?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

109

- 1 A. About four years now.
- 2 Q. You're an officer out on the road?
- 3 A. Yes, sir.
- 4 Q. Were you in the same position on March the
- 5 4th of 2007?
- 6 A. Patrolman.
- 7 Q. What shift were you assigned to?
- 8 A. I worked nights.
- 9 Q. And what time would you come on to work?
- 10 A. 10:00 p.m. until 8:00 o'clock in the
- 11 morning.
- 12 Q. Are you familiar with The Anchor Bar?
- 13 A. Yes, sir.
- 14 Q. On Spruill Avenue?
- 15 A. Yes, sir.
- 16 Q. And that was in North Charleston?
- 17 A. Yes, sir.
- 18 Q. Would that have been within your region?
- 19 A. Yes, sir.
- 20 Q. Were you working the night shift on March
- 21 4th, 2007?
- 22 A. Yes, sir.
- 23 Q. At around 4:50 do you recall where you
- 24 were?
- 25 A. I was in the vicinity and I got another

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

110

1 call at one of the smaller apartment complexes
2 Columbus and Spruill Avenue.

3 Q. And did you hear anything?

4 A. I heard approximately eight shots coming
5 over the radio and I heard from other officers,
6 so I quickly completed the call that I was one
7 and went over to The Anchor Bar.

8 Q. And when you got over to The Anchor Bar did
9 you have an opportunity to talk with a Reginald
10 Chavers?

11 A. Yes, sir.

12 Q. I think he was a bouncer there?

13 A. Yes.

14 Q. Did you look around the parking lot area
15 and try to collect any evidence?

16 A. After I got information from Mr. Chavers
17 about what had happened, he described three
18 black males in a green pickup truck with a
19 short bed firing a weapon out the window at the
20 corner of Spruill and Jackson, which was right
21 across the street from The Anchor Bar. I
22 checked that area and I recovered six shell
23 casings.

24 Q. And did you turn those into evidence?

25 A. Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

111

1 Q. I show you a bag. Do you recognize this?

2 A. Yes, sir, that's the bag I put the shell
3 casings in.

4 Q. And turned them into evidence?

5 A. Yes, sir.

6 Q. I show you what is marked as State's
7 Exhibits 68, 69, 70, 71 and 72. Do you
8 recognize those?

9 A. Those are the shell casings that I placed
10 in the bag.

11 Q. Those are the ones you collected that
12 morning at The Anchor Bar?

13 A. Yes, sir.

14 SOLICITOR JENNINGS: Your Honor, we
15 would move these exhibits into evidence.

16 THE COURT: Any objection?

17 MR. YOUNG: No objection.

18 THE COURT: Without objection, 68
19 through 72, State's Exhibit inclusive, are
20 admitted.

21 (SO ENTERED AS STATE'S EXHIBIT 68)

22 (SO ENTERED AS STATE'S EXHIBIT 69)

23 (SO ENTERED AS STATE'S EXHIBIT 70)

24 (SO ENTERED AS STATE'S EXHIBIT 71)

25 (SO ENTERED AS STATE'S EXHIBIT 72)

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

112

1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR JENNINGS:

3 Q. That was really the end of your
4 investigation?

5 A. Yes, sir. I turned the evidence in, placed
6 it in the Evidence room.

7 Q. And no charges were ever filed?

8 A. No, sir. The casings were processed by the
9 City of Charleston and they didn't find any
10 latents or anything, so there was no way to --
11 go down that road.

12 SOLICITOR JENNINGS: That's all the
13 questions I have, Your Honor.

14 THE COURT: Cross?

15 LAURA WOOD: Beg the Court's
16 indulgence.

17 THE COURT: Certainly.

18 CROSS EXAMINATION

19 BY LAURA WOOD:

20 Q. Ms. McDonald, I'm Laura Wood for the
21 defendant. I just a quick couple of questions.
22 You said that you heard about eight gunshots.
23 Is that right?

24 A. Yes, ma'am.

25 Q. How far away from the actual bar do you

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

113

1 think you were?

2 A. About two to three hundred yards.

3 Q. Did you hear the shots in succession or was
4 there a break?

5 A. They were in succession.

6 Q. You heard eight shots in succession?

7 A. (Affirmative nod).

8 Q. Did you ever hear any shots after that?

9 A. I don't recall hearing any other shots.

10 Q. Thank you. That's all I have.

11 A. I don't believe.

12 THE COURT: Redirect?

13 SOLICITOR JENNINGS: Nothing, Your
14 Honor.

15 THE COURT: You may come down. Thank
16 you.

17 (WITNESS STEPS DOWN)

18 THE COURT: Next witness?

19 SOLICITOR JENNINGS: May she be
20 excused, Your Honor?

21 THE COURT: Any objection?

22 MR. YOUNG: No, Your Honor.

23 THE COURT: You are free to leave,
24 too. Thank you very much, Ms. McDonald.

25 SOLICITOR HILTON: The State would

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

114

1 call Agent Vickie Hallman.

2 (WITNESS TAKES STAND)

3 VICKIE HALLMAN, being duly sworn to
4 tell the truth, the whole truth and nothing but
5 the truth, testified, as follows:

6 DIRECT EXAMINATION

7 BY SOLICITOR HILTON:

8 Q. Thank you, Agent Hallman. Who do you work
9 for?

10 A. I work for the South Carolina Law
11 Enforcement Division.

12 Q. And how long have you been with SLED?

13 A. I've been with SLED for approximately six
14 years.

15 Q. All right. And in that years with SLED
16 what has been your assignment?

17 A. I am assigned to the latent print crime
18 scene unit of the South Carolina Law
19 Enforcement Division.

20 Q. All right. As far as footwear analysis
21 goes, how long have you been doing that?

22 A. For the whole time I've been at SLED, six
23 years. And I actually do have a little bit of
24 previous experience from my former employer
25 before that, who was the Lexington County

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

115

1 Sheriff's Office.

2 Q. Briefly, tell the Court what your education
3 and background is as far as forensic analysis,
4 footwear comparisons, ---

5 A. Well, I have a Bachelor of Arts from the
6 University of South Carolina. I have a Masters
7 of Criminal Justice degree from the University
8 of South Carolina. I have actively participated
9 and completed a two-year in-house training
10 program with the South Carolina Law Enforcement
11 Division in the latent print crime scene unit,
12 which includes sections on crime scenes, latent
13 fingerprint comparison and development,
14 footwear and tire tread comparison, blood stain
15 pattern analysis and crime scene
16 reconstruction. I actively keep up with --
17 through the South Carolina Division of the
18 International Association for Identification,
19 I have completed within the last two years a
20 one-week training class on footwear, and also
21 a one-week training class on tire treads.

22 Q. And have you ever been qualified as an
23 expert before?

24 A. Yes, I have.

25 Q. In state court?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

116

1 A. Yes.

2 Q. How many times approximately?

3 A. With footwear and tire treads, probably at
4 least five.

5 Q. And how about in federal court?

6 A. I haven't testified in federal court yet.

7 Q. Five times in state court?

8 A. Yes. Federal court's tomorrow.

9 SOLICITOR HILTON: Your Honor, at
10 this time we'd offer Agent Vickie Hallman as
11 an expert in the field of forensic footwear
12 analysis comparison.

13 THE COURT: Do you care to examine
14 her as to her qualifications?

15 MR. YOUNG: No, Your Honor.

16 THE COURT: She will be permitted to
17 render opinions in those areas.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR HILTON:

20 Q. Thank you. Agent Hallman, in this
21 particular case did you receive some casts and
22 lifts related to the case against Anthony
23 Sanders? I think it would be SLED case number
24 L-0710327?

25 A. Yes, I did.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

117

1 Q. Let's talk about specifically these gel
2 lifts. Did you receive those gel lifts?

3 A. Yes, sir, I did.

4 Q. I show you what's been entered into
5 evidence as State's Exhibit 56 and ask if
6 you recognize these items?

7 A. Yes, sir, I do.

8 Q. Do those appear to be the gel lifts that
9 were submitted to you for comparison?

10 A. Yes.

11 Q. And what did you do -- what process do
12 you go through when you get items such as what
13 ended up being SLED items numbered twelve and
14 thirteen?

15 A. The first thing that we usually do is I'll
16 go in, I'll put the little scale markers on it
17 which are still attached to them. And they're
18 sent to our photography department for photo
19 documentation.

20 Q. And is that what happened in this case?

21 A. Yes, it is.

22 Q. I show you what's been marked as State's
23 Exhibit 75 and ask if you recognize that?

24 A. Yes.

25 Q. What is that?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

118

1 A. That would be the one-to-one photograph
2 that I received back from our photography
3 department.

4 SOLICITOR HILTON: Your Honor, at
5 this time we'd offer State's Exhibit 75 into
6 evidence.

7 THE COURT: Any objection?

8 MR. YOUNG: No, Your Honor.

9 THE COURT: Without objection it is
10 admitted.

11 (SO ENTERED AS STATE'S EXHIBIT 75)

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR HILTON:

14 Q. And after you get these photographs of the
15 gel lifts back, what do you do from there?

16 A. If I've got shoes to compare it to, I make
17 test impressions of the shoes, and then I start
18 my comparison.

19 Q. Let me show you several items. State's
20 Exhibits 61, 67, 60, 62 and 57 and just ask --
21 and you had the opportunity to look at these a
22 moment ago, did you not?

23 A. Yes, I did.

24 Q. Do they all appear to be the items that
25 were submitted to you?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

119

1 A. Yes.

2 Q. Just to keep from having to go back through
3 it again. And what did you do with those shoes
4 when you got them?

5 A. Like I said, I would have made test
6 impressions for comparison purposes.

7 Q. Let me show you what's been marked as
8 State's Exhibits 76, 77, 78, 79, 80 and 81
9 and ask if you recognize these items?

10 A. (Upon review) -- yes,

11 Q. What are those?

12 A. These would be the documentation of the
13 bottom of the footwear or the bottom of the
14 shoes that would have also been done by our
15 photography department.

16 Q. And, likewise, these would be one-to-one
17 photographs of the bottoms of the shoes?

18 A. Yes, they are.

19 SOLICITOR HILTON: Your Honor, at
20 this time we'd like to offer State's Exhibits
21 76 through 81 into evidence.

22 THE COURT: Any objection?

23 MR. FARLEY: No objection.

24 THE COURT: Without objection they
25 are admitted.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

120

1 (SO ENTERED AS STATE'S EXHIBIT 76 THRU 81)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR HILTON:

4 Q. Now, were you asked to make a comparison of
5 the gel lifts, which would have been State's
6 Exhibit 56, with the shoes that you obtained?

7 A. Yes, I was.

8 Q. And what were you able to determine from
9 those gel lifts and from the shoes? Were you
10 able to determine whether there was any match,
11 either in class or specifically?

12 A. With the first one, which is SLED item
13 number twelve, I was able to eliminate the SLED
14 items number fourteen and fifteen shoes.

15 And then with the other shoes that I was
16 given, which is State's 61, 67, 60 -- and I
17 think there's one other pair, -- they actually
18 matched in combined class characteristics;
19 which, for the purposes of shoes, that would
20 be the size, shape and tread design.

21 Q. What about the size, shape and tread design
22 of specifically -- and I'm going to use SLED
23 items numbers just to stay consistent with your
24 report.

25 A. Okay.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

121

1 Q. It would be items 88, 89, 90 and 91. What
2 size shoes were those?

3 A. I'll have to -- the item 88 shoes are a
4 size nine. The item 89 shoes are also a size
5 nine, as well as the item 90 and 91 shoes.

6 Q. So all of those items were size nine shoes,
7 right?

8 A. Yes, sir.

9 Q. And what about items fourteen and fifteen?
10 What size shoes were those?

11 A. Item fourteen shoes were size 11.

12 Item fifteen shoes were size ten.

13 Q. Were they all the same type of shoe?

14 A. They're all -- basically fall under the
15 category of Nike Air Force One shoes.

16 Q. And a Nike Air Force One, is that a common
17 style shoe?

18 A. Yes.

19 Q. And in your experience as a footwear
20 analyst, is the tread pattern of a Nike Air
21 Force One, is that something that's new to you
22 or something that you have plenty of experience
23 with?

24 A. About ninety-five percent of my cases are
25 Nike Air Force Ones or that tread design.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

122

1 Q. Okay. Let me ask you about your experience
2 briefly. About how many footwear cases have
3 you analyzed?

4 A. Probably in the six years I've been at
5 SLED, several hundred.

6 Q. Is it common that you would look at a size
7 nine in a case of logging an adult male?

8 A. It just varies. A lot of times I have
9 bigger shoes than that, sometimes I have
10 smaller. I really -- without going back and
11 pulling all the cases, I really couldn't tell
12 you what the average size was. But nine is
13 on the smaller size, from what I remember.

14 Q. Let me ask you -- you also received several
15 cast impressions relating to this case.

16 A. Yes, sir.

17 Q. Let me show you what's been marked for
18 identification as State's Exhibits 82, 83, 84,
19 85, 86, 87 and 88 and ask if you recognize
20 these items?

21 A. (Upon review) -- yes, I do.

22 Q. What are those?

23 A. Some of them are photographs of the cast
24 that I received into the laboratory. And
25 others would actually be one-to-one photographs

1 from a disk of crime scene photos that were
2 admitted to the laboratory.

3 Q. And were you asked to do comparisons on
4 those as well?

5 A. Yes.

6 Q. And how do you go about doing that?

7 A. Basically the same way that I do with the
8 gel lifts. It's sent to our photography
9 department. They make a one-to-one photograph,
10 and then I use the test impressions that I
11 completed to do the actual comparison.

12 Q. Specifically, with items -- on your report,
13 in item 19.1, left shoe, were you able to make
14 an identification with regard to that?

15 A. With item 19.1 I was able to eliminate the
16 items numbered fourteen and fifteen shoes,
17 which were the ones that were size ten and a
18 size eleven. And I had to include the other
19 four pairs of shoes.

20 Q. And the other four pairs would be 88
21 through 91. Is that correct?

22 A. Yes, they matched up with combined class
23 characteristics, which, like I said, is the
24 size, shape and tread design.

25 Q. And those would have been the size nine

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

124

1 shoes?

2 A. Correct.

3 Q. How about item twenty, which would have
4 been -- what was item twenty?

5 A. Item twenty is another dental stone cast
6 that was submitted.

7 Q. And what were the results of that?

8 A. Basically, the same as item 19.1. I was
9 able to eliminate the size fourteen -- excuse
10 me, the items 14 and 15 shoes. But I had to
11 include as possibly making those impressions
12 the items 88, 89, 90 and 91 shoes.

13 Q. And, likewise, with item twenty-two?

14 A. Yes, sir.

15 Q. And twenty-three as well, right?

16 A. Yes.

17 Q. And there were some items in here that you
18 weren't able to exclude shoes item number
19 fourteen and fifteen. Why is that?

20 A. Did you ask me about the item twenty-three
21 shoe?

22 Q. Yes.

23 A. Because, actually, with the item twenty-
24 three shoe, I had to include items fourteen and
25 fifteen. But I excluded the other four pairs

1 of shoes, on my item twenty-three.

2 Q. So item twenty-three, you say, was
3 consistent with the larger shoes but excluded
4 the other ones? Am I stating that correctly?

5 A. That's correct.

6 Q. And there were some items on here that you
7 weren't able to exclude any of the shoes; is
8 that right?

9 A. That's correct also.

10 Q. And why would that have been?

11 A. Usually because the impression wasn't a
12 full shoe impression. And all the tread
13 designs were the same on all the shoes. So
14 there wasn't enough for me -- there wasn't
15 enough information in the unknown shoe to
16 actually eliminate any of them.

17 Q. Boiling this down real simply, the two gel
18 lifts that are depicted in a photograph here in
19 State's Exhibit 75, and the actual lifts in
20 State's Exhibit 56, would you say that that's
21 consistent with the shoes that were submitted,
22 the size nine shoes that were submitted?

23 A. Yes.

24 Q. And it would be inconsistent with the other
25 two shoes that were submitted, correct?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

126

1 A. That's correct.

2 Q. And the casts -- I think you just went over
3 those. Some of them were consistent and some
4 of them were not. Is that right?

5 A. That's correct.

6 Q. Were there some size nine shoes that were
7 taken with the casts -- were there some nine --
8 excuse me, were there some size nine shoeprints
9 that were taken?

10 A. There appeared to be, yes. They matched up
11 with those size nine shoes I had.

12 SOLICITOR HILTON: Please answer
13 any questions the defense may have for you.

14 THE COURT: Cross examine.

15 CROSS EXAMINATION

16 BY MR. FARLEY:

17 Q. Good to see you again, Ms. Hallman.
18 Earlier you said the vast majority of shoes you
19 see at the SLED lab are these Air Force Ones.
20 Is that correct?

21 A. It is.

22 Q. So above and beyond anything else, Air
23 Force Ones are what you see?

24 A. For footwear comparisons, yes.

25 Q. Would you say that Air Force Ones have a

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

127

1 very unique pattern at the bottom of them?

2 A. I'm not sure -- when you say "unique" what
3 specifically you are asking.

4 Q. The actual tread. Is that found on any
5 other shoe, the circles -- is that found on any
6 other shoe that you are aware of?

7 A. Not that I've ever seen.

8 Q. When you analyze a gel lift or a cast,
9 isn't it true that you can't say that exactly
10 -- 'this is exactly a size nine or this is
11 exactly a size ten', you can only narrow it
12 down?

13 A. That's correct.

14 Q. So by looking at the gel lifts and the
15 impressions, you can't say for a fact that that
16 is a size nine. You can probably say it's not
17 a size five. But you can't say for a fact that
18 it's a size nine?

19 Q. Well, usually, when I do a comparison I
20 actually have a shoe that is a known shoe, a
21 possible suspect shoe. So that's usually what
22 I go by to do the comparison. I have had shoes
23 that have come in that there was no size tag in
24 them, so I had no idea what size they actually
25 were.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

128

1 Q. But if I was just to give you a photograph
2 of an impression, a gel lift or cast or what-
3 not, you couldn't tell me with any certainty
4 that that was a size whatever?

5 A. Not for certain, no, without having an
6 actual shoe.

7 Q. When you analyzed the shoes that Dorchester
8 County sent you were there any rocks in the
9 treads or any slash marks on the treads or
10 anything that would identify this as the shoe,
11 that only this shoe could make that print?

12 A. No.

13 Q. So basically what you're saying is that any
14 Nike Air Force One with the same class
15 characteristics could have made that print?

16 A. That's correct.

17 MR. FARLEY: Could I have a moment,
18 Your Honor?

19 THE COURT: Sure, absolutely.

20 MR. FARLEY: I have no further
21 questions.

22 THE COURT: Redirect?

23 REDIRECT EXAMINATION

24 BY SOLICITOR HILTON:

25 Q. Going back to the shoe size, Agent Hallman,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

129

1 how in this case do we know that the shoeprint
2 taken from the gel lift was not a size ten or
3 eleven or twelve or any other size?

4 A. Well, with those impressions I actually
5 could see where the impression started and
6 stopped. So basically I had a full shoe. And
7 when I used my test impressions with the size
8 ten, eleven and nine shoes, the ten and eleven
9 were not consistent in size, whereas the size
10 nines were consistent in size.

11 Q. Would I be correct in saying that in this
12 particular case you know that that's a size
13 nine? Is that a fair statement?

14 A. I know that I can eliminate the ten and the
15 eleven. So with the nine, it was the closest
16 thing that I had. So, yes, I could eliminate
17 the others and say it was a size nine.

18 Q. Thank you, Agent Hallman.

19 RECROSS EXAMINATION

20 BY MR. FARLEY:

21 Q. But you didn't have a size eight to
22 compare?

23 A. No, I did not.

24 Q. Or a size six or five or anything else?

25 A. No.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

130

1 MR. FARLEY: I have nothing further.

2 THE COURT: You may come down. Do
3 you wish the witness to be excused, Solicitor?

4 SOLICITOR HILTON: She may be, Your
5 Honor.

6 THE COURT: Any objection?

7 MR. FARLEY: No, Your Honor.

8 THE COURT: You are free to leave.
9 Thank you.

10 (WITNESS STEPS DOWN)

11 THE COURT: Call your next witness,
12 please.

13 SOLICITOR JENNINGS: Thank you, Your
14 Honor. We'd call Agent Katie Coy.

15 (WITNESS TAKES STAND)

16 KATIE COY, being duly sworn to tell
17 the truth, the whole truth and nothing but the
18 truth, testified, as follows:

19 DIRECT EXAMINATION

20 BY SOLICITOR JENNINGS:

21 Q. Good afternoon, Agent Coy. Where are you
22 employed, ma'am?

23 A. I work in the DNA Department at the South
24 Carolina Law Enforcement Division.

25 Q. And in that capacity you do DNA serology

1 testing?

2 A. Yes.

3 Q. How long have you been with SLED?

4 A. Four years.

5 Q. Can you briefly describe your educational
6 background?

7 A. I have a Bachelor of Science degree in
8 Forensic Science from Virginia Commonwealth
9 University as well as a Master of Science
10 degree in Forensic Science.

11 Q. What training classes or other training
12 have you received in serology and DNA?

13 A. I've taken many courses throughout my
14 college career, it was specifically a forensics
15 biology-type program. And when I got to SLED,
16 I continued a year-long training under a court-
17 qualified analyst. During that time I was
18 training in serology and DNA analysis.

19 Q. In the four years that you've been at SLED
20 how many opportunities have you had to conduct
21 serology or DNA testing?

22 A. I would say that I've completed several
23 hundred cases.

24 Q. Have you had the opportunity to testify in
25 court as an expert?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

132

1 A. Yes.

2 Q. How many times?

3 A. At least fifty.

4 Q. In state court. Have you ever testified in
5 federal court?

6 A. No.

7 SOLICITOR JENNINGS: Your Honor, we
8 would offer Agent Coy as an expert in forensic
9 serology and DNA analysis.

10 THE COURT: Do you care to examine
11 her as to her qualifications?

12 MR. FARLEY: No, Your Honor.

13 THE COURT: She will be permitted to
14 render opinions in those areas.

15 SOLICITOR JENNINGS: Thank you.

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR JENNINGS:

18 Q. Agent Coy, can you explain what forensic
19 serology is, please?

20 A. Serology is the identification of body
21 fluids such as blood, semen and saliva.

22 Q. So hat typically happens is a law
23 enforcement agency submits items of evidence to
24 you and you would test them initially for a
25 serology test to see if there is body fluids?

1 A. Right. The log-in sheets that we receive
2 from police departments specifically state
3 whether they want just DNA analysis done or
4 analysis of other bodily fluids such as blood,
5 semen or saliva.

6 Q. And in this case your SLED number, or item
7 number sixty-one, which is State's Exhibit 65,
8 was oral swabs taken from Deanna Devore, one of
9 the victims. Was that submitted to you for
10 serology testing?

11 A. Yes.

12 SOLICITOR JENNINGS: Your Honor, we
13 would offer State's Exhibit 65 into evidence.

14 THE COURT: Any objection?

15 MR. FARLEY: No objection.

16 THE COURT: Without objection,
17 State's Exhibit 65 is admitted.

18 (SO ENTERED AS STATE'S EXHIBIT 65)

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR JENNINGS:

21 Q. If you would explain how, exactly, with an
22 oral swab like that, how would you conduct a
23 serology test?

24 A. On an oral swab that's submitted with a
25 rape kit, we do a test that is specific for

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

134

1 semen and we just run -- it comes up positive
2 or not positive.

3 Q. And did you do that with State's Exhibit
4 61, or 65, I'm sorry?

5 A. Yes.

6 Q. What was the result?

7 A. Semen was identified.

8 Q. And what do you do -- what's the next step
9 in your testing following the serology testing?

10 A. Following a positive serology test, we
11 proceed to DNA testing in an attempt to develop
12 a DNA profile.

13 Q. Was a DNA sample from a suspect submitted
14 to you in this case?

15 A. Yes.

16 Q. From a Mr. Sanders?

17 A. Yes.

18 Q. I'll show you what's marked as State's
19 Exhibit 66.

20 A. Yes, that is my item number ninety-four.

21 SOLICITOR JENNINGS: We would offer
22 State's Exhibit 66 into evidence, Your Honor.

23 MR. FARLEY: Without objection.

24 THE COURT: Without objection,

25 State's Exhibit 66 is admitted.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

135

1 (SO ENTERED AS STATE'S EXHIBIT 66)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR JENNINGS:

4 Q. Agent Coy, would you please explain what
5 the field of forensic DNA is?

6 A. Typically we receive items of evidence as
7 well as known standards from an individual.
8 And my job is to compare a DNA profile from the
9 evidence to a DNA profile from the standards.
10 Essentially a profile is a string of numbers,
11 and I look at the numbers from the evidence
12 samples as well as the known standard and just
13 look to see if the numbers match.

14 Q. Were you able to, in State's Exhibit 65,
15 the oral swab from Deanne Devore, were you able
16 to develop a DNA profile from that item?

17 A. Yes.

18 Q. And as well from State's Exhibit 66, the
19 DNA sample from Anthony Sanders? Were you able
20 to develop a DNA sample from that item?

21 A. Yes.

22 Q. And what were the results of your analysis?

23 A. The partial DNA profile developed from the
24 semen on item 61 matches the DNA profile of
25 Anthony Sanders.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

136

1 Q. Were you able to work up a mathematical
2 equation for the probability of randomly
3 selecting another person that might have the
4 same DNA profile?

5 A. Right. In this case, the probability of
6 randomly selecting an unrelated individual
7 having a DNA profile matching the semen on this
8 item is approximately one in two hundred sixty.

9 Q. You're familiar with another type of DNA
10 testing known as Y-STR testing?

11 A. Right.

12 Q. Explain briefly what that is.

13 A. STR testing is looking at the entirety of
14 the DNA profile. With the Y-STR testing we are
15 specifically looking at the Y chromosome and it
16 is a test done for a male profile.

17 Q. And at the time that was not a type of
18 testing that SLED performed?

19 A. Correct, we still don't perform that.

20 Q. But you had the suggestion to send that to
21 a private company, one of which is Orchid
22 Cellmark in Dallas?

23 A. Correct.

24 Q. And you're aware that that testing was
25 done?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

137

1 A. Right.

2 SOLICITOR JENNINGS: Thank you very
3 much. Please answer any questions that the
4 defense counsel has.

5 THE COURT: Cross examine.

6 CROSS EXAMINATION

7 BY MR. FARLEY:

8 Q. Good to see you again. Thanks for coming
9 down from Columbia. Y-STR testing, it is only
10 looking for hits on a small number of -- not
11 alleles but points. Can you explain that to
12 me?

13 A. It has the idea of looking at fifteen
14 different locations within the DNA,
15 specifically non-coded regions of DNA.

16 Q. And that's junk DNA?

17 A. Essentially.

18 Q. Wouldn't you agree that that is not as
19 accurate as other forms of DNA testing?

20 A. The STR DNA testing is an accurate test.

21 Q. When you tested the semen was it just --
22 was there just one set of DNA in there or were
23 there others?

24 A. When we are testing semen, we do a sort of
25 two-step process to extract the DNA. For

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

138

1 semen, we want to separate the sperm cells from
2 any other cells that may be there, so we
3 essentially develop two "fractions", we call
4 them, and sometimes in what we call the male
5 fraction, without the sperm cell, we can have a
6 mixture.

7 Q. And was there a mixture in this sample?

8 A. Yes.

9 Q. Were you able to identify the other DNA
10 that was in there besides the standard?

11 A. Yes, it was in the DNA.

12 Q. Can you tell me about blood testing and
13 blood typing and how that is used?

14 A. We don't do blood testing in our model.

15 Q. Blood typing? You don't use that?

16 A. No.

17 Q. You said that the chance of this being --
18 of this DNA matching the standard of the
19 defendant is one in two hundred sixty; is that
20 correct?

21 A. Yes.

22 Q. So if you were to extrapolate that out to
23 the Charleston community, North Charleston
24 community and tri-county area, it could be
25 thousands of people that could possibly match

1 and fit in that one out of two sixty, couldn't
2 it?

3 A. What this is explaining is how rare the
4 profile is that I developed. We are saying
5 that if you randomly select two hundred and
6 sixty unrelated individuals, you would see that
7 profile once.

8 Q. Since there's hundreds of thousands of
9 people in this area, you would see a whole lot?

10 A. Possibly.

11 MR. FARLEY: May we have a moment,
12 Your Honor?

13 THE COURT: You may.

14 CROSS EXAMINATION CONTINUED

15 BY MR. FARLEY:

16 Q. When you got the one in two hundred sixty
17 match, did you submit that to CODIS?

18 A. No.

19 Q. Were you given any other samples except
20 from the victim -- control samples from the
21 victim and the defendant?

22 A. In this case I analyzed four known samples.

23 Q. So that's all that you had to work with,
24 were those four?

25 A. Right.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

140

1 Q. So you did not submit any other suspect's
2 DNA? You weren't given any other suspect's
3 DNA, and you did not submit any of the samples
4 that you had into CODIS?

5 A. There were, I believe, two other samples
6 that were entered into CODIS.

7 Q. Do you know whose those were?

8 A. If it doesn't show in the report, then I
9 don't know.

10 Q. Let's talk about the Y-STR testing. You
11 didn't actually perform that test, did you?

12 A. No.

13 Q. You read the report that Orchid Cellmark
14 did. Is that correct?

15 A. Correct.

16 Q. Do you have a copy of that?

17 A. I do.

18 Q. It is State's Exhibit 74. Wouldn't you
19 agree with me that in the report it does not
20 specifically say that the DNA that was found
21 was my client's? Can you elaborate on that?
22 What is the actual result?

23 A. The conclusion in the report by Orchid
24 Cellmark states that a Y-STR profile came from
25 some fraction of the oral swab, (reading):

1 "Antony Sanders cannot be excluded as a
2 contributor of male DNA detected from the sperm
3 fraction of the oral swab."

4 Q. Isn't it true that every male in that line
5 -- uncles, brothers, cousins, grandfathers,
6 grandchildren -- all will have the same profile
7 when you use the Y-STR?

8 A. Y-STRs can be traced through your paternal
9 lineage so a father would pass his Y chromosome
10 to his son.

11 Q. So any number of people related to the
12 defendant could match this Y-STR profile.
13 Isn't that correct?

14 A. I can't answer that question.

15 Q. But you did say that fathers, grand-
16 fathers, up, down and left and right all have
17 the same Y-STR profile, right?

18 A. It is essentially through the male line but
19 I don't have enough training to know anything
20 about the mutation rate for that chromosome.

21 Q. Were you given a DNA -- what was thought to
22 be a DNA sample from a pair of pajama pants?
23 Item number eighty?

24 A. I was given a cutting from pants, which was
25 item eighty-point-one (80.1).

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

142

1 Q. And what were your results from that
2 testing?

3 A. The DNA profile developed from item 80.1 is
4 a mixture of two individuals. The DNA profile
5 of the major contributor to this mixture is
6 from an unidentified male individual, entered
7 into CODIS. The partial DNA profile of the
8 minor contributor to this mixture was
9 insufficient for reliable interpretation.

10 Q. So with all the control samples you were
11 given, there were no matches?

12 A. The profile of the major contributor did
13 not match.

14 Q. So it's completely unknown where that DNA
15 came from?

16 A. Correct.

17 Q. Let's talk about the doorknob. Did you get
18 a DNA sample from the doorknob of the
19 residence?

20 A. Item forty-one?

21 Q. Yes, ma'am.

22 A. Yes.

23 Q. And what did you find after running that
24 sample?

25 A. The DNA profile developed from item forty-

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

143

1 one is a mixture of three individuals. Diane
2 Grant, Jatavius Devore and Deanna Devore cannot
3 be excluded as possible contributors. Anthony
4 Sanders is excluded as a possible contributor
5 to this mixture.

6 Q. Okay.

7 MR. FARLEY: I have no further
8 questions, Your Honor.

9 THE COURT: Redirect?

10 SOLICITOR JENNINGS: Nothing, Your
11 Honor.

12 THE COURT: Thank you. You may come
13 down.

14 (WITNESS STEPS DOWN)

15 THE COURT: Call your next witness,
16 please.

17 SOLICITOR JENNINGS: Your Honor, as
18 stipulated with the defense, we would offer
19 State's Exhibit 74 into evidence, which is the
20 report from Orchid Cellmark showing that the Y
21 chromosome DNA markers from Anthony Sanders are
22 the same as the DNA markers from the epithelial
23 faction and sperm fraction of the oral swab.

24 MR. YOUNG: That's correct.

25 THE COURT: Very well. It is

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

144

1 admitted without objection and stipulated.

2 (SO ENTERED AS STATE'S EXHIBIT 74)

3 THE COURT: Call your next witness.

4 SOLICITOR HILTON: Thank you, Your
5 Honor. The State would call Agent Tracy
6 Thrower.

7 (WITNESS TAKES STAND)

8 TRACY J. THROWER, being duly sworn to
9 tell the truth, the whole truth and nothing but
10 the truth, testified, as follows:

11 DIRECT EXAMINATION

12 BY SOLICITOR HILTON:

13 Q. Thank you, Agent Thrower. Where are you
14 employed?

15 A. The South Carolina Law Enforcement
16 Division, also known as SLED, in the firearms
17 department.

18 Q. And how long have you been there?

19 A. It will be twelve years in a couple of
20 days.

21 Q. And has that twelve years all been in the
22 firearms department?

23 A. All twelve in the firearms department.

24 Q. Briefly tell the Court what your training
25 and educational background is in firearms and

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

145

1 toolmark identification.

2 A. I have completed the course of instruction
3 in firearms and toolmark identification that
4 was taught by SLED.

5 I have completed the specialized technique
6 in firearm identification which is taught by
7 the Federal Bureau of Investigation.

8 Completed a course on serial number
9 restoration that was taught by the Bureau of
10 Alcohol, Tobacco & Firearms.

11 I've completed the scientific defensible
12 criteria for the identification of toolmarks
13 which is taught by Murdaugh Muran.

14 I've been to numerous seminars and
15 conferences in the field of firearms
16 identification.

17 Q. Have you ever been qualified as an expert
18 witness before?

19 A. Yes, sir, I have.

20 Q. In state court?

21 A. Yes, sir.

22 Q. About how many times?

23 A. I believe forty times in state court.

24 Q. Any in federal court?

25 A. One time in federal court.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

146

1 MR. HILTON: Your Honor, at this time
2 we'd offer Agent Tracy Thrower as an expert in
3 the field of firearms and toolmark
4 identification.

5 MR. YOUNG: No objection to his
6 qualifications.

7 THE COURT: Very well. He will be
8 permitted to render opinions in those areas.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR HILTON:

11 Q. Agent Thrower, did you receive some items
12 of evidence in this case, L-0710327,
13 specifically six shell casings that were
14 submitted?

15 A. Yes, sir, I did.

16 Q. I know there were several items submitted
17 at different times but specifically for those
18 six shell casings, just based on the
19 characteristics of those, what did you
20 determine from them?

21 A. That they were .40 Smith & Wesson caliber.

22 Q. Were you able to determine at that time if
23 they were reloads or not?

24 A. Yes, I believed them to be reloads. I saw
25 numerous mechanism marks on the body of the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

147

1 cartridge case consistent with them having been
2 cycled through or fired out of numerous
3 firearms. Also around the primer pocket it
4 appeared that the primer pocket had reamer
5 marks, which is a typical indication of
6 reloading or remanufacturing.

7 Q. This reamer mark, is that like from the
8 tooling that actually reloads those casings?

9 A. It's a device which actually makes sure
10 that the primer pocket is uniform in shape. It
11 is kind of a "pencil sharpener", it goes in
12 there and trims the inside of the primer pocket
13 to make sure it's the same diameter.

14 Q. At some point in time did you receive some
15 bullet fragments and projectiles related to
16 this case as well?

17 A. Yes, sir, I did.

18 Q. Just based on the characteristics of those
19 were you able to determine anything of any
20 significance?

21 A. More or less that they were -- the larger
22 fragments or bullets were consistent with being
23 bullets being loaded in .40 Smith & Wesson
24 caliber cartridges. I came up with a -- based
25 on measurements, a list of possible guns that

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

148

1 could have fired them.

2 Q. You're saying "Smith & Wesson cartridges."

3 Were there any other cartridges? Or what other
4 types of cartridges are there?

5 A. Well, the caliber is .40 Smith & Wesson.

6 Q. Just educate me a little bit. What else
7 would there be?

8 A. Other calibers are .25 automatic, .45
9 automatic, nine-millimeter luger, .38 special,
10 .357 magnum.

11 Q. So here we're dealing with a .40 caliber
12 gun. Is that correct?

13 A. Correct.

14 Q. Later on, I think you received -- let me
15 back up a little bit. Are you familiar with
16 IBIS?

17 A. Yes, sir, I am.

18 Q. And just real briefly, what is IBIS?

19 A. IBIS is the Integrated Ballistic
20 Identification System. It is a computerized
21 database that is owned by the Bureau of
22 Alcohol, Tobacco and Firearms. It is a system
23 that is supplied to local and state agencies to
24 run. It's essentially a large screening tool
25 in which fired bullets or fired cartridge cases

1 or test specimens from guns that are submitted
2 in cases, pictures are taken of certain areas
3 of a fired bullet or a fired cartridge case and
4 entered into this database. The database then
5 performs a search to find the most similar
6 other items in the database based on the firing
7 markings. The database will then return what
8 it believes to be the twenty closest matches
9 for comparison. An individual will then sit
10 down and look at those top-twenty list and
11 attempt to determine if they believe that they
12 see enough similarity to warrant further
13 investigation, to have the evidence sent to
14 them for a full firearm examination.

15 Q. And that full firearm examination, would
16 that be like a manual eye comparison of the
17 items?

18 A. Yes, sir. That's where we place both
19 specimens underneath a comparison microscope
20 and actually physically compare the evidence to
21 determine if it was fired by one gun or more
22 than one firearm.

23 Q. Are you aware in this case whether the
24 shell casings that were taken from the scene,
25 whether or not they were submitted to IBIS?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

150

1 A. They were submitted to ISIB.

2 Q. All right. And what was the outcome of
3 that?

4 A. There was a potential match or a high-
5 confidence correlation found.

6 Q. Do you know how many cases there was the
7 high correlation?

8 A. How many separate incidents?

9 Q. Yes.

10 A. We came back with high-confidence
11 correlations on two different incidents or
12 crime scenes.

13 Q. And once you get a match like that from
14 IBIS, what do you do at that point?

15 A. The evidence in all the cases is sent to
16 SLED for the various examinations that we
17 perform. In this case I believe it was only --
18 probably only the firearms identification that
19 was requested. The evidence was submitted.
20 It became my case, or my cases. I processed
21 them. I compared the evidence and formed my
22 conclusions.

23 Q. The items that were submitted as a result
24 of the IBIS hit, are you familiar with the
25 background of those? Do you know where they

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

151

1 came from or what?

2 A. The background, I believe, on the incident
3 report was -- many times I don't read the
4 incident report.

5 Q. Let me ask you this. Does IBIS give you
6 a case number of those other incidents that
7 occurred?

8 A. We will have the local agency case number,
9 submitting agency's case number, yes.

10 Q. And was one of those a North Charleston
11 Police Department case number 2007-9371?

12 A. 2007-009371, yes.

13 Q. Did you have any indication of where those
14 items came from?

15 A. Once again, it was probably in the incident
16 report but I don't recall if I even actually
17 read the incident report or not.

18 Q. That really doesn't matter to you for
19 comparison purposes, does it?

20 A. No, sir. I'd rather not know the
21 background of the incident.

22 Q. And those items from that North Charleston
23 PD case number, were they also .40 caliber
24 Smith & Wesson shell casings?

25 A. Yes, sir, they were.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

152

1 Q. And you may have mentioned this a minute
2 ago, but were they consistent, based on the
3 markings and so forth, with the six shell cases
4 that were submitted from the Archdale Forest
5 Apartments?

6 A. Yes.

7 Q. I think you mentioned these were all
8 reloads. Is that right?

9 A. That is correct, yes.

10 Q. So to be a reload, wouldn't that mean that
11 they had been shot previously?

12 A. Correct, yes.

13 Q. So how are you able to determine with a
14 reload any unique markings or how do you know
15 it came from one gun as opposed to the gun that
16 originally fired the cartridge?

17 A. Well, what I will look at is I will look at
18 the markings that are left on the primer. The
19 primer is the ignition component of a
20 cartridge. Once it has been fired, the primer
21 is no longer good. So in order to reload it,
22 you have to take out the old primer and insert
23 a new one. When the new cartridge is fired,
24 new markings will be placed on that primer in
25 the form of firing pin markings and breech face

1 markings. So I limit, for a true identifica-
2 tion, I limit the markings I'm looking at to
3 those found on the primer.

4 Q. And so when you're talking about a reload,
5 you're reusing the shell casing but you're not
6 reusing the primer. The primer would be a new
7 primer. Is that correct?

8 A. That's correct. I look at the primer which
9 is new, the striker marks, the ejector marks,
10 the chamber marks and any sort of feed
11 mechanism marks that may be found. The
12 cartridge case itself I do not use for
13 identification.

14 Q. And did you also receive as a result
15 of that IBIS comparison, did you receive
16 Dorchester County Sheriff's Office case number
17 07-002661, eight shell casings submitted from
18 that scene?

19 A. Yes, sir, I did.

20 Q. And what were you able to determine about
21 those shell casings?

22 A. The same information, consistent with being
23 a .40 Smith & Wesson caliber cartridge. They
24 were also reloads.

25 Q. And, likewise, you didn't know where that

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

154

1 scene was or any of the facts related to that
2 scene?

3 A. No, sir, I do not.

4 Q. And again, that wouldn't assist you in your
5 comparison?

6 A. No, sir.

7 Q. Your findings, were they reviewed by
8 anybody else, or is this just your final
9 finding solely?

10 A. They were reviewed. As part of our quality
11 assurance we have a one hundred
12 percent microscopic review of all results of
13 all analysis. So a second court-qualified
14 examiner would come in and perform independent
15 microscopic analysis of my evidence.

16 Q. Agent Thrower, are you familiar with other
17 guns like a Mac or a Tec-9 or a Kel Tec or any
18 of those guns?

19 A. Yes.

20 Q. Is there anything unique about these shell
21 casings that you could exclude those types of
22 guns from?

23 A. Yes, sir. Many of these cartridge cases in
24 these three sets that we have described had
25 firing pin drag that was parallel to the breach

1 face markings. So if the breech face markings
2 go up and down, the firing pin drag would go
3 up. That style marking is indicative or
4 suggestive of a dropping barrel or a gun in
5 which the barrel drops during the unlocking
6 process.

7 The Ingrams, the Mac-10's, the SWDs, the
8 Cobrays, all these small submachine gun style
9 firearms, these are semi-automatic, all work on
10 what we call a straight blowback-type action.
11 So the barrel does not drop. The barrel is
12 fixed. Simply the breech face, the bolt, is
13 what supports the head of the cartridge case
14 during firing, moves straight back and forward.
15 It does not drop. So you will not have that
16 firing pin drag that moves up as in this type
17 firearm.

18 Q. All right. So let me ask you, just in
19 summary, in your expert opinion, would the
20 shell cases that you received from the Anchor
21 Bar which would be from the North Charleston
22 Police Department case, the shell cases that
23 you received from the Dorchester County
24 Sheriff's Office case from Hunters Ridge,
25 that was 07-0002661, and the six shell casings

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

156

1 submitted from this case, with SLED number
2 L-0710327, were all of those shell casings
3 consistent with being fired from the same gun?
4 A. Yes, sir. That was my opinion, that all
5 the cartridge cases I received in reference to
6 these three incidents were fired by one firearm
7 to a degree of scientific certainty that the
8 likelihood that another firearm could have
9 produced this style marking is so rare, it
10 would be considered a practical impossibility.

11 SOLICITOR HILTON: Thank you, Mr.
12 Thrower. Please answer any questions the
13 defense might have.

14 THE COURT: Cross.

15 CROSS EXAMINATION

16 BY MR. YOUNG:

17 Q. Good afternoon, Agent Thrower. Do you have
18 a copy of your report up there?

19 A. Yes, sir, I do.

20 Q. Do you mention anywhere in your report the
21 firing pin drag that you were just testifying
22 about?

23 A. No, sir, I do not.

24 Q. Why isn't that in there?

25 A. It wasn't a question of -- it's not

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

157

1 something I normally would address in my
2 report. I'd only address the question of
3 fired by, not fired by inconclusive or
4 unsuitable.

5 Q. Well, on the shell casings there are
6 three different likely sources of marks that
7 are impressed on every shell. Is that correct?

8 A. There's more than three. Yes, sir.

9 Q. There's the firing pin, right?

10 A. Yes.

11 Q. There's the breech face.

12 A. Correct.

13 Q. There's the extractor.

14 A. Right. There's the ejector, chamber,
15 magazine marks and other feed marks.

16 Q. Okay. And in these cases, in particular,
17 we talked about reloads.

18 A. Correct.

19 Q. You narrowed down your focus to one
20 specific type, like you testified about, the
21 breech face marks on the primer.

22 A. Breech face and firing pin, yes, sir.

23 Q. And firing pin?

24 A. Yes.

25 Q. So you did examine the firing pin? You did

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

158

1 not specifically focus on the breech face marks
2 in this case?

3 A. That is correct. I looked at both.

4 Q. When you're comparing shell casings you
5 do a side-by-side comparison on a comparison
6 microscope?

7 A. Yes, sir.

8 Q. Is it important to orient -- to make sure
9 that the shell casings are oriented the same
10 way when you're looking at them?

11 A. Absolutely.

12 Q. Because, you know, if you had breech face
13 markings that were at an angle on one breech
14 face and you lined up the extractor pin and the
15 breech face markings were at a different angle
16 on another shell casing you would know that
17 they were fired by different firearms.

18 A. They would look different, yes.

19 Q. In this case you couldn't use the extractor
20 marks to properly orientate the two shell
21 casings.

22 A. I was not sure which extractor mark to
23 identified the gun at the time.

24 Q. Right.

25 A. Because each of these casings had several

1 extractor marks.

2 Q. Yes, sir. So how did that affect your
3 ability to orientate the shell casings
4 correctly, so that you would know you were
5 looking at the exact same angle?

6 A. Well, the cartridge cases all had parallel
7 breech face which is simply a series of lines.

8 Q. Right.

9 A. So I put my lines literally from three
10 o'clock to nine o'clock on my comparison
11 microscope, I only had two choices. It could
12 be this direction or I could look at one-eighty
13 and it would be the exact opposite.

14 So I placed them both up -- if I don't have
15 firing pin drag. If I have firing pin drag
16 then the firing pin drag is either both
17 pointing at three o'clock or both pointing at
18 nine o'clock, which makes it real easy. Then
19 I've only got one option.

20 If I don't have firing pin drag to help me
21 orient them, then I just look at them in both
22 directions and see which way they line up.

23 Q. Did the firing pin drag assist you in
24 properly orienting the shell casings in this
25 particular case?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

160

1 A. Not every cartridge case had firing pin
2 drag. But those that had firing pin drag,
3 absolutely. It made it much clearer.

4 Q. So not all the shell casings that you
5 collected had the same firing pin drag?

6 A. Correct.

7 Q. So a gun firing multiple shells would leave
8 drag on some and not on others?

9 A. Absolutely.

10 Q. Why is that?

11 A. Sometimes the firing pin is -- the firing
12 pin is not forced to remain forward after
13 firing.

14 Sometimes it goes forward and simply
15 bounces back into the slide where it remains.
16 Those are the occasions where there would be no
17 firing pin drag.

18 Sometimes the firing pin may go forward and
19 remain forward because the action where the
20 slide is supposed to come back is so fast it
21 gets stuck forward. And when the barrel starts
22 to drop, now that firing pin which is forward
23 has got pressure pushing down on it which kind
24 of wedges it or causes it to be stuck in that
25 forward position.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

161

1 Q. You and I have spoken before regarding the
2 National Resource Council produced a book
3 called *Ballistic Images*. You're familiar with
4 this book?

5 A. Yes.

6 Q. And this was a study that they conducted to
7 determine the feasibility of a nationwide-type
8 IBIS system.

9 A. Correct.

10 Q. And they elected that it wasn't feasible to
11 start this nationwide IBIS system?

12 A. That's correct.

13 Q. Kind of like an FBI fingerprint database or
14 an FBI DNA database.

15 A. Yes.

16 Q. One for firearms, and they elected not to
17 do it?

18 A. Correct.

19 Q. And their conclusion specifically was
20 the validity of fundamental assumptions of
21 uniqueness and reproducibility of firearms-
22 related toolmarks has not yet been fully
23 demonstrated?

24 A. That's was their opinion.

25 Q. And you disagree with their opinion?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

162

1 A. Absolutely, I do.

2 Q. And your description is -- your opinion
3 is there are validation studies that you
4 participated in?

5 A. Yes. There have been numerous validation
6 studies in which bullets have been fired out of
7 consecutively-made barrels, literally. When
8 they're making barrels, they make one barrel,
9 then they take it off the machine and they put
10 it in the next barrel on the machine. They
11 make another barrel and take it off. Ten of
12 them in a row. Your best chance to have
13 markings that -- your best chance to disprove
14 firearms toolmarks in a case as being possible
15 is consecutively-manufactured barrels.

16 You know, if you have -- the machine that
17 makes that barrel puts the rifling in there.
18 If it has a large chip or defect on it, if it
19 survives long enough to make it through one
20 barrel, there's a possibility it could survive
21 long enough to make it through a second barrel
22 or a third barrel. This is where the critics
23 say you can't differentiate them.

24 Well, there's been numerous validity
25 studies done now where ten consecutive barrels

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

163

1 and ten consecutive breech faces have been

2 tested and ---

3 Q. And -- I'm sorry, I don't mean to cut you
4 off.

5 A. They've been tested and it's been shown
6 time after time that we can tell them apart.
7 I have personally performed consecutive -- or
8 testing on consecutive Glock breech faces and
9 consecutive Ruger barrels and consecutive Glock
10 EBIS barrels.

11 Q. Specifically we're dealing in this case
12 with breech face markings, right?

13 A. Yes.

14 Q. So the Glock breech face test, when did you
15 do that?

16 A. When I was at the specialized technique and
17 firearm identification school at the FBI.

18 Q. Can you tell me how that works? Did you go
19 to the Glock plant and pick up the ten
20 consecutively stamped slides?

21 A. No, sir. I did not. Somebody went there.
22 I believe it was a representative from the FBI,
23 one of the guys that works in the firearms
24 section there, went to the Glock manufacturing
25 -- went down to Smyrna, Georgia and actually

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

164

1 watched them produce ten slides and took them
2 off the line at one time.

3 Q. And that was the study reported by Bunch
4 and Murphy in 2003, does that sound correct?

5 A. Possibly. I'm not sure of the actual name
6 of the study.

7 Q. And the consecutively-manufactured Ruger
8 barrels, that was a study in which they
9 collected those and then made test fires and
10 they sent those out to firearm examiners all
11 over the world?

12 A. That is correct.

13 Q. After the National Research Council
14 produced the *Ballistic Images* book they also
15 produced a report, "Strengthening Forensic
16 Science in the United States, A Path Forward."
17 Are you familiar with that report as well?

18 A. Yes.

19 Q. And in that report they kind of echoed the
20 same findings that they had put in their book?

21 A. Basically, yes.

22 Q. And the study that you cite regarding the
23 validity studies for the ten manufactured --
24 ten consecutively-manufactured breech face and
25 the ten consecutively-punched barrels were

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

165

1 referenced in that report.

2 A. I do not recall.

3 MR. YOUNG: May I approach?

4 THE COURT: Certainly.

5 CROSS EXAMINATION CONTINUED

6 BY MR. YOUNG:

7 Q. Agent Thrower, I'm just showing you the
8 summary assessment and looking at what is the
9 last paragraph. In this down here, is this the
10 ten consecutively-manufactured nine millimeters
11 Ruger barrels that you were talking about?

12 A. Yes, ten consecutive Ruger nine
13 millimeters.

14 Q. Is this a copy of that report?

15 A. (Upon review) -- it appears to be.

16 Q. And in that report did they also reference
17 the Glock study?

18 A. (Upon review) -- it appears so, yes.

19 Q. And with regard to both of those studies,
20 the National Research Council said that the
21 capsule summary suggests a heavy reliance on
22 the subjective findings of examiners rather
23 than on the rigorous quantification and
24 analysis of sources of variability?

25 A. Yes, sir. Largely, in part what firearm

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

166

1 and toolmark identification examiners do is
2 subjective in nature. Based on our opinion and
3 our experience of what we were looking at -- we
4 look at objective materials. Anybody in this
5 courtroom, we can put them in front of a
6 computer monitor next to our microscope and I
7 can show you a magnified image of what I'm
8 looking at. And anybody in here can see here's
9 the series of ridges. You can look at how far
10 apart these ridges are. You can look at how
11 deep the depressions are in between. You can
12 look at the sizes, the shape. And you can look
13 at how all these things -- all these different
14 ridges, these lines, these striations, come to
15 form a pattern. All that is objective
16 criteria.

17 What we are looking at, where it becomes
18 subjective is, what does it mean? How many
19 lines in a row does it take to make a match?
20 How much similarity must there be in order for
21 this to be this gun to a reasonable degree of
22 scientific certainty that it can't be any
23 other.

24 Q. And that's kind of my point. You don't do
25 that, do you? You don't come to Court and put

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

167

1 them up side-by-side and say here's two lines
2 here. Here's two lines there.

3 A. No, sir, we do that in the laboratory and
4 then we have another analyst come behind us and
5 perform their own independent study of the
6 evidence.

7 Q. Because there are also differences in those
8 two pictures, right?

9 A. Yes, sir, we expect there to be
10 differences.

11 Q. Right. You expect there to be differences
12 because you have basically a chamber in which
13 an explosion takes place.

14 A. Yes, sir.

15 Q. It leaves debris.

16 A. Yes, sir.

17 Q. Pieces of lead. Other pieces of trace
18 metals. They're going everywhere?

19 A. Yes.

20 Q. All over the person. All over the breech
21 face.

22 A. Yes.

23 Q. And you expect that those metals cause
24 microscopic changes each time a shell casing
25 is fired?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

168

1 A. It's a potential. Or this debris may be
2 present on the surface so it may cause a
3 difference in the toolmarks made for a short
4 period of time, yes.

5 Q. Or you could get a piece of dirt in there
6 and it'll throw off the next ten casings?

7 A. In that one microscopic area, yes, sir.

8 Q. And that's why it is subjective. That's
9 why it is whether you call it a match and
10 whether you call it a non-match.

11 A. Yes, sir.

12 BOYD YOUNG: That's all the questions
13 I have. Thank you, Agent Thrower.

14 THE COURT: Redirect?

15 SOLICITOR HILTON: No redirect, Your
16 Honor.

17 THE COURT: Thank you. You may come
18 down, Mr. Thrower.

19 (WITNESS STEPS DOWN)

20 THE COURT: We need a break. Thank
21 you. We'll take about a five-minute break.

22 (BRIEF RECESS)

23 (DEFENDANT PRESENT)

24 THE COURT: Solicitor, are you
25 ready?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

169

1 SOLICITOR JENNINGS: We're ready,
2 Your Honor.

3 THE COURT: Very well. Let the
4 record reflect that Mr. Grant (sic) is present.
5 Call your next witness.

6 SOLICITOR JENNINGS: Your Honor, we
7 would call Reginald Chavers.

8 (WITNESS TAKES STAND)

9 REGINALD CHAVERS, being duly sworn to
10 tell the truth, the whole truth and nothing but
11 the truth, testified, as follows:

12 DIRECT EXAMINATION

13 BY SOLICITOR JENNINGS:

14 Q. If you would, just say your name for the
15 record, Mr. Chavers?

16 A. Reginald W. Chavers.

17 Q. Thank you for being up here this after-
18 noon. You and I have talked several times,
19 haven't we, about your testimony in this case?

20 A. Yes, sir.

21 Q. And in March of 2007 where were you
22 working?

23 A. I was working several places, one of which
24 was The Anchor Bar and Grill.

25 Q. And you, essentially, would go to different

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

170

1 establishments and serve as a bouncer?

2 A. I own a security company, sir, and we did
3 security for twelve different locations at that
4 time.

5 Q. And in March of '07 one of those spots was
6 The Anchor Bar?

7 A. That is correct.

8 Q. And I think that's on Spruill Avenue?

9 A. It was, yes, sir.

10 Q. And were you working there at The Anchor
11 Bar on March the 4th of 2007?

12 A. That is correct, sir.

13 Q. If you would describe to Judge Dennis an
14 incident that took place about 4:50 that
15 morning.

16 A. I am estimating that that's the time that
17 the incident took place. We had removed a
18 gentleman from the establishment and asked him
19 to leave the premises.

20 I am unsure as to what the reason was that
21 he was removed, but he was removed from the
22 building and he was standing outside the door.

23 I was working the door that night for about
24 fifteen minutes because -- well, now I'm not
25 sure for what reason. That went on for about

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

171

1 fifteen minutes.. At the conclusion of that, he
2 walked across the street and got into a pickup
3 truck, a grey pickup truck, short bed, had some
4 writing on the right rear fender. Suddenly
5 eight shots were fired out of two different
6 windows.

7 Q. This interaction that you had with this
8 person, where did it take place?

9 A. It took place -- he was directly in front
10 of the door, it was a glass door. There's a
11 wall, a brick wall. He walked around the brick
12 wall and got into the vehicle. The vehicle
13 pulled cattywampus to the club, probably about
14 two o'clock from where I was standing. The
15 windows were rolled down, the passenger front
16 windows as well as the passenger rear window
17 was rolled down, and the shots were fired..

18 Q. This person that you said, I think, was
19 cursing you and saying some racial slurs, did
20 you -- was there lighting outside that you were
21 able to see who it was that you were talking
22 to?

23 A. Yes, it was. North Charleston had came by
24 and told them that they needed additional
25 lighting. They's since corrected the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

172

1 situation, so there was adequate lighting for
2 me to see individuals.

3 Q. Did you have any problem seeing who it was
4 you were talking to?

5 A. No, sir, I did not have any problem.

6 Q. Did the person have anything over his face,
7 anything hiding his identity?

8 A. No, sir, he did not.

9 Q. Could you see him as he crossed the street
10 and got into the dark-colored pickup truck?

11 A. Yes, sir, I could.

12 Q. And which door -- was it a two-door or
13 four-door?

14 A. Four-door.

15 Q. And which door did this person get into?

16 A. The passenger rear.

17 Q. Then, as you said, the front window rolled
18 down and the back window rolled down. Did you
19 see that individual have any type of firearm?

20 A. Which individual are you talking about?

21 Q. The one who you had the altercation with
22 and who got in the back passenger side door?

23 A. Yes, I did.

24 Q. And what type of handgun did you see?

25 A. It was a semi-automatic pistol of some

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

173

1 sort.

2 Q. A handgun?

3 A. That is correct.

4 Q. And did you see him fire that gun?

5 A. Yes, sir, I did.

6 Q. And none of the bullets struck you?

7 A. No, sir, they did not. One struck the
8 building but none struck me.

9 Q. And Officer McDonald from the North
10 Charleston Police Department who was here
11 earlier and testified, in fact she came to
12 the scene?

13 A. I'm not sure who the officer was.

14 Q. But an officer did?

15 A. That is correct. Yes, sir.

16 Q. Really, I guess, that night that was kind
17 of the end of that incident.

18 A. That is correct, sir.

19 Q. And were you contacted by officers with the
20 Dorchester County Sheriff's Department then in
21 July of 2007?

22 A. I'm not sure -- but, yes.

23 Q. I think on July the 19th you actually met
24 with the detectives and gave them a written
25 statement about that incident, didn't you?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

174

1 A. I gave them a verbal statement. They wrote
2 it up for me.

3 Q. But you read what you wrote down?

4 A. That is correct.

5 Q. And did you give -- you described the
6 incident to the detectives?

7 A. (Affirmative nod).

8 Q. Did you give a description of this person
9 that you had the interaction with?

10 A. Yes, sir, I did.

11 Q. And how did you describe him?

12 A. I said he was a black guy -- I said black
13 male, 25 or 27 years old, five-four or five-
14 five of medium build, almost stocky but not
15 muscular, short hair, no facial hair, almost
16 military looking, dressed casual with jeans and
17 a button-up shirt, I believe that it was a
18 plaid shirt.

19 Q. In fact, did you indicate to the officers
20 you thought you might be able to identify him
21 if you saw a photograph?

22 A. When I was questioned that night?

23 Q. That you had gotten a good enough look at
24 him that you could identify him later?

25 A. Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

175

1 Q. Then they had you come back in on July the
2 25th of 2007?

3 A. I'm not sure of the date, but they had me
4 return a second time.

5 Q. And what took place at that meeting?

6 A. They showed me a photo lineup. That was
7 the second of two.

8 Q. The first time you were there they had you
9 look at some photographs?

10 A. A whole lot of photographs.

11 Q. And you didn't identify anybody out of
12 those?

13 A. No, I told them there were two of them that
14 looked similar but it wasn't him.

15 Q. I'm going to show you what's marked as
16 State's Exhibit 41. Do you recognize that?

17 A. Yes, sir.

18 Q. In fact, is your name and your signature on
19 the back?

20 A. Yes, it is.

21 Q. Major Garrison let you look at these
22 photographs?

23 A. (Affirmative nod).

24 Q. Did you recognize anybody?

25 A. Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

176

1 Q. And which photograph?

2 A. Number three, sir.

3 Q. Did you signify that on the back of State's
4 Exhibit 41 with your signature?

5 A. I did, sir.

6 Q. And number three was who? Who was that
7 that you were identifying?

8 A. The person I had the altercation with that
9 night. I didn't know his name.

10 Q. And that was the person you saw fire the
11 semi-automatic handgun?

12 A. That's correct.

13 Q. Is there any doubt in your mind that that's
14 the person?

15 A. No, sir.

16 SOLICITOR JENNINGS: Your Honor, we
17 would offer State's Exhibit 41 into evidence.

18 THE COURT: Any objection?

19 MS. WOOD: No objection.

20 THE COURT: Without objection,
21 State's 41 is admitted.

22 (SO ENTERED AS STATE'S EXHIBIT 41)

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR JENNINGS:

25 Q. Mr. Chavers, do you see that man in this

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

177

1 courtroom today?

2 A. Yes, sir.

3 Q. Can you point him out to the judge, please?

4 A. He is seated at the defendant's table, one,
5 two, three -- third person, going from left to
6 right.

7 Q. Thank you very much. If you would answer
8 any questions the defense attorney has.

9 THE COURT: Cross examine.

10 CROSS EXAMINATION

11 BY MS. WOOD:

12 Q. Good afternoon, Mr. Chavers. How are you?

13 A. I'm wonderful. Thank you.

14 Q. Good. I'm going to go back over a few
15 details that the Solicitor left out from your
16 statement. You stated when you talked to
17 Officer McDonald on the night of this actual
18 offense -- you remember telling her that there
19 was a succession of gunshots, right?

20 A. Right.

21 Q. And then a break and then another gunshot?

22 A. Correct.

23 Q. Is that correct?

24 A. That is correct.

25 Q. In your statement that you gave to the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

178

1 Dorchester County Sheriff's Office in July you
2 stated that Mr. Sanders, the person you just
3 identified and picked out of the photo lineup,
4 was the one who got in the rear passenger door,
5 correct?

6 A. Correct.

7 Q. And you said that he fired one shot, right?

8 A. Correct.

9 Q. And that one shot hit somewhere in the
10 building, right -- or he fired towards the
11 club, you said.

12 A. It hit the outside of the building, not in
13 the building.

14 Q. Okay. And the front passenger seat was
15 also occupied by a person?

16 A. That is correct.

17 Q. And what did he look like?

18 A. He was a black male, slender, had braids or
19 dreads.

20 Q. How long were the dreads, do you remember?

21 A. I can't recall how long they were. They
22 were long enough to be braids.

23 Q. And that individual, who was not Mr.
24 Sanders, he reached out of the car and fired up
25 into the air seven or eight times. Is that

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

179

1 correct?

2 A. That is correct. That's accurate.

3 Q. And you're positive that Mr. Sanders fired
4 one time out of the car.

5 A. Am I positive?

6 Q. (Affirmative nod).

7 A. I'm going by the number of shots that I
8 heard. The passenger in the front, you could
9 see the muzzle flash from the weapon and it was
10 easy to identify. There was at least one shot
11 fired that hit the building and that's when
12 everyone ducked, ran, they were trying to pull
13 me inside the building.

14 Q. And the car sped off at that point and
15 there were no more shots?

16 A. It did a u-turn and went back towards the
17 city of Charleston.

18 Q. And there were no more shots after that
19 last one?

20 A. There were no more shots.

21 Q. Did you review your statement prior to
22 coming into Court today?

23 A. I read it just now.

24 Q. And have you met with the Solicitor before
25 about your testimony today?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

180

1 A. Yes, I have.

2 Q. And were you contacted by someone from the
3 defense to meet with them?

4 A. Yes, I was.

5 Q. And you didn't ever meet with them,
6 correct?

7 A. I did not.

8 MS. WOOD: May I have a minute,
9 Judge?

10 THE COURT: Sure.

11 CROSS EXAMINATION CONTINUED

12 BY MS. WOOD:

13 Q. That's all I have. Thank you, Mr. Chavers.

14 THE COURT: Redirect?

15 SOLICITOR JENNINGS: Very quickly.

16 REDIRECT EXAMINATION

17 BY SOLICITOR JENNINGS:

18 Q. Mr. Chavers, the person you saw shoot out
19 of the front passenger seat you thought had a
20 Mac or a Tec-9 submachine gun?

21 A. That's correct.

22 Q. But there was no question that Mr. Sanders,
23 who was in the back passenger seat, was firing
24 a semi-automatic handgun?

25 A. No question.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

181

1 Q. Thank you very much.

2 THE COURT: Recross?

3 MS. WOOD: Nothing. Thank you.

4 THE COURT: Thank you, sir. You may
5 step down.

6 (WITNESS STEPS DOWN)

7 SOLICITOR JENNINGS: May he be
8 excused, Your Honor?

9 THE COURT: Any objection?

10 MS. WOOD: No.

11 THE COURT: You are also free to
12 leave, sir. Thank you. Call your next
13 witness, please.

14 SOLICITOR JENNINGS: Your Honor,
15 we would call Mr. Richard Alexander.

16 (WITNESS TAKES STAND)

17 RICHARD ALEXANDER, being duly sworn to
18 tell the truth, the whole truth and nothing but
19 the truth, testified, as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR JENNINGS:

22 Q. Mr. Alexander, will you please state your
23 name for the record?

24 A. Richard Alexander.

25 Q. And I want to make sure you speak up, okay?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

182

1 Where do you live, sir?

2 A. [REDACTED] on Ashley Phosphate
3 Road.

4 Q. And that's in North Charleston?

5 A. Yes, sir.

6 Q. How long have you lived there?

7 A. We've been there since 1970..

8 Q. Is that your mom's house?

9 A. Yes, sir.

10 Q. And I think you've kind of lived there off
11 and on?

12 A. Yeah, pretty well much. I just recently,
13 within the last three or four years, started
14 getting back over there. But I was married for
15 fifteen years.

16 Q. What kind of work are you doing right now?

17 A. Odds and ends, mostly central heat and air.

18 I do central heat and air for a living.

19 I'm certified in central heat and air and a

20 certified electrician, and I do a lot of

21 construction work and stuff like that.

22 I work on cars. Odds and ends, anything to
23 make a dollar.

24 Q. Do you know a gentleman named Anthony
25 Sanders?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

183

1 A. Oh, yes, I know Ant.

2 Q. Do you see him in the courtroom?

3 A. Yes, sir, I sure do.

4 Q. Can you point him out to the judge, please?

5 A. That's him right there.

6 Q. You said "Ant." Is that his nickname?

7 A. Yes, that's the only name I know.

8 I didn't know his real name. I know his

9 nickname's "Ant".

10 Q. How did you know him?

11 A. I met Ant through my mother when -- I mean,

12 I lost my job at Pack's Heating and Air. I

13 ended up moving back in with my mother and I

14 was kind of financially binded up.

15 My mother knew Ant. Ant used to, you know,

16 associate with my mother. He would come over

17 there and visit and borrow rooms for him and

18 his girlfriend and stuff like that. My

19 mom let him use a room so that he could enjoy

20 himself with his girls or whatever. I got to

21 know Anthony through that way.

22 I never really -- you know, Ant was a good

23 guy. We never had any problems out of him. We

24 only had one incident out of him the whole time

25 that I knew him.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

184

1 Q. How long do you think that you've known Mr.
2 Sanders?

3 A. I would probably say from when I first met
4 him until, you know, I mean, today -- I mean,
5 as far as today, I would probably say a couple
6 of years. I don't know. Before he got in any
7 trouble and before he got arrested or whatever,
8 I would probably say nine to a year -- nine
9 months to a year.

10 Q. When you're saying he would come over to
11 your house with girls and things, tell me about
12 that.

13 MS. WOOD: Your Honor, I'm going to
14 object to relevancy.

15 THE COURT: The people were coming
16 over -- the question is what people were saying
17 about him?

18 SOLICITOR JENNINGS: Just how he
19 knew him, the basis for it.

20 THE COURT: I'll allow you to
21 develop that. I overrule the objection at this
22 point.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR JENNINGS:

25 Q. So he would be at your house?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

185

1 A. Yeah, he would come over and he would call
2 us on the phone or something like that and ask
3 us if he could borrow, you know, a room instead
4 of going to a motel or something like that. He
5 would bring one of his girlfriends over or
6 something like that. He would do what he had
7 to do and then he would leave.

8 Q. Did you consider yourselves friends or just
9 acquaintances?

10 A. I mean, I have nothing against Anthony
11 whatsoever. I mean, Anthony is a good friend
12 of mine. I want to say this, I don't have no
13 problems with him whatsoever.

14 Q. What kind of vehicle did you have at the
15 time?

16 A. I had an '88 Chevy pickup truck, 1500,
17 solid black with ten-inch rims on it with big
18 fat tires on it, tinted windows. It was solid
19 black, blacked out -- completely black. Two
20 door.

21 Q. Would there be times -- would you let Mr.
22 Sanders borrow your truck?

23 A. You know, yeah, definitely, I let him use
24 my truck. I figured that he was a good enough
25 friend and he hadn't never did me no wrong. He

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

186

1 was always told me when he would bring it back
2 and it was always on time and never had no
3 problems out of him. So, yeah, I loaned him my
4 vehicle.

5 Q. How many times -- if you had to estimate,
6 how many times do you think he borrowed your
7 vehicle?

8 A. I would probably say maybe twenty to
9 twenty-five, thirty times the whole time that I
10 knew him. Yeah, if he was to ask me to borrow
11 the truck, yeah, I'd let him borrow it.

12 Q. Were you letting him use it out of the
13 goodness of your heart or would he pay you in
14 return?

15 A. No, I mean, sometimes -- sometimes, yeah,
16 he'd call me up and say, 'Man, I need to go
17 somewhere.' At first, you know, I would take
18 him -- you know, I would take him wherever he
19 needed to go. If he wanted to go to the
20 Chinese place, I'd take him to go get something
21 to eat or if he wanted to go somewhere or
22 whatever. I did that. Sometimes I did it out
23 of the goodness of my heart but sometimes, you
24 know, he would give me a little something for
25 doing it, you know.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

187

1 Q. What would he give you?

2 A. He'd give me crack cocaine.

3 Q. You would buy handguns from time to time?

4 You had several different types of guns?

5 A. Before I moved back in my mom's house I
6 probably had, I don't know, fifteen handguns;
7 odds and ends, here and there, yeah.

8 Q. In 2007, at the beginning part of that
9 year, did you purchase a .40 caliber Smith
10 & Wesson?

11 A. Oh, yeah.

12 Q. Who did you buy that from?

13 A. I bought that from Peter Knight.

14 Q. Tell me what you got when you bought the
15 gun. Did you get anything else?

16 A. Oh, yes. I got the gun, I got a holster
17 from him, a Bulldog holster, I got a box of
18 ammo. Let's see -- I got some cleaning oil
19 from him, some cotton things to clean.

20 Me and Peter was good friends. As a matter
21 of fact, he was with me -- I stayed
22 with Peter for about a month or so. I mean,
23 he talked me in -- when I was living in
24 Summerville, me and him was real good friends.
25 He talked me into going to get my concealed

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

188

1 weapons license, so I went to the classes and
2 stuff like that.

3 Me and him was kinda -- we was thinking
4 about opening a pawn shop, and that never
5 worked out. But we would go to gun -- go to
6 ATP, buy guns or -- just shooting, pretty much
7 friends.

8 Q. When you say an ammo box, describe to me
9 what you're talking about.

10 A. A green Army ammo box.

11 Q. Let me show you what's marked as State's
12 Exhibit 64. Do you recognize that?

13 A. Oh, yes.

14 Q. Is that the type of ammo box?

15 A. Yes.

16 Q. Where did you keep that .40 caliber Smith &
17 Wesson and this ammo box, State's Exhibit 64?

18 A. The ammo box was behind the seat in my
19 truck, and the gun was up underneath the seat.
20 That's there I had it.

21 Q. It was .40 caliber ammunition in the box?

22 A. I don't remember. There was a bunch of .40
23 caliber shells in there, but there was some
24 nine millimeters in the box too.

25 Because, I mean, you know, when I'd go to

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

189

1 ATP to shoot there would be duds, what they
2 called squids, whatever, duds, and there was
3 some nine millimeters in the box. That's not
4 the way it came from ATP but when he ordered
5 them, that's the way they came, all kind of
6 mixed up with some other shells in there.

7 Q. Did there come a point in time when you
8 noticed that your .40 caliber Smith & Wesson
9 and the ammo box was not in your truck any
10 more?

11 A. It was, I would say, after -- I am going to
12 say after -- as far as the dates and times and
13 stuff like that, I kind of have a hard time
14 remembering times and stuff like that. But I
15 think it was after they picked up Anthony for
16 what you'all using him for.

17 Q. You heard about when the three people were
18 murdered in Archdale Forest?

19 A. Oh, yes, it was all over the news.

20 Q. And had Anthony used your truck prior to
21 when you noticed the gun and the ammo box
22 missing?

23 A. I mean, Anthony used to use the truck -- at
24 that time, you know, that we heard about the
25 murders and stuff like that, I mean it -- I

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

190

1 would say Anthony would borrow the truck pretty
2 regular; you know, once or twice a week or so.
3 So, I would say yeah.

4 Q. And it was after that that you noticed the
5 gun and the ammo box were missing?

6 A. Yes.

7 Q. And after these murders was there a time
8 when you had a conversation with Anthony about
9 DNA? Do you recall him asking you some
10 questions?

11 A. Yeah. Me and him, he come in the house one
12 day and I'm not absolutely sure if he was
13 -- I ended up buying something from him or
14 something like that. But he asked me, he said
15 did I ---

16 MS. WOOD: Judge, I'm going to
17 object to hearsay.

18 THE COURT: To what he said?

19 MS. WOOD: (Affirmative nod).

20 THE COURT: Overruled.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR JENNINGS:

23 Q. What did Mr. Sanders say about DNA?

24 A. Yeah, he asked me, he said do I know
25 anything about DNA?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

191

1 I said, 'Well, I know a little bit about
2 DNA.'

3 He said, 'What is DNA?'

4 I said, 'DNA is either blood, saliva or
5 semen.'

6 And that was pretty well much the
7 conversation. I mean, I thought -- me, myself
8 personally, I thought when he asked me that --
9 I thought that Anthony might be getting in
10 trouble for some kind of sexual act with some
11 girl, because he was always around girls. You
12 know? And I figured he might have made a boo-
13 boo, made a mistake with a girl and thought he
14 might get in trouble for a sexual offense or
15 something like that. That's what I thought he
16 asked me about it. I didn't realize at that
17 time, didn't catch onto to about anything else.

18 Q. That's all I have, Mr. Alexander. If
19 you'll answer any questions Mr. Sanders'
20 attorney has.

21 THE COURT: Cross examine.

22 CROSS EXAMINATION

23 BY MS. WOOD:

24 Q. Mr. Alexander, how are you?

25 A. I'm doing fine. How are you?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

192

1 Q. Good. You stated a second ago that you
2 have some trouble with remembering dates and
3 times and memory loss, right?

4 A. If you'd done as much drugs as I have, yes,
5 you would.

6 Q. So your memory loss is due to your use of
7 crack?

8 A. Well, that's not true because -- I mean,
9 after I moved back in my mother's house, I had
10 a back injury and I had -- I had an air
11 conditioning unit fall on me, and for three
12 years I took Percocet. For three years I took
13 a hundred and twenty Percocets every three
14 years (sic). And at the time, when I first
15 moved back to my mom's, I was starting to wean
16 off of Percocet.

17 As far as my memory and stuff like that,
18 yeah, I can remember a lot of the major stuff
19 and stuff like that. But as far as dates and
20 times and stuff like that, I can get you close
21 but I can't get you right on the nose.

22 Q. Are you still using drugs now?

23 A. No, ma'am. I'm clean right now.

24 Q. How long have you been clean?

25 A. Right now, about a month.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

193

1 Q. You haven't used any drugs today?

2 A. Ma'am?

3 Q. You haven't used any drugs today?

4 A. No, ma'am.

5 Q. Let me back you up a second. You said that
6 you -- do you remember when you reported that
7 your truck had been broken into?

8 A. Yes, I do remember when it was reported. I
9 think it was -- I'm thinking it was a day after
10 the murders, or maybe two days after the
11 murders that I reported the truck stolen.

12 Q. Okay, so you don't remember the exact date?

13 A. Not stolen but broken into.

14 Q. Right. You don't know if you called the
15 police on August 2nd of 2007 to report your
16 truck stolen.

17 A. I know -- I do know it was -- I had a bad
18 feeling about that. I had a bad feeling. And
19 I think it was right after what happened in
20 Archdale. And I had a bad feeling, and that's
21 when I looked in the truck and I didn't notice
22 the gun in there. I waited -- I kind of
23 lollygagged around for a little bit deciding
24 what to do. I was scared about the gun. I
25 didn't know if the gun was involved in what

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

194

1 happened or anything like that.

2 Q. So you don't remember calling the police
3 that the reason it took you a month to report
4 that your car had been broken into and your gun
5 stolen was because you thought you had left it
6 in a storage shed?

7 A. No, no. I told that officer -- I think I
8 told that officer I had several others in the
9 storage shed. As a matter of fact, at that
10 time I had a Mac-12, a Mac-10. I had a .380,
11 I had a 38, I had a .410 shotgun. I had
12 several guns. A lot of my guns were in the
13 storage shed. The only gun that I kept in the
14 truck or in the house was for protection.

15 Q. Have you reviewed your statement? Do you
16 remember giving a statement to the police?

17 A. I remember giving a statement to the police
18 but, no, I have not reviewed that statement.

19 MS. WOOD: Judge, can I approach?

20 THE COURT: You may.

21 CROSS EXAMINATION CONTINUED

22 BY MS. WOOD:

23 Q. Is this your handwriting?

24 A. That's not my handwriting, but that's my
25 signature, because I had the officer do the

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

195

1 writing and I signed it.

2 Q. The officer actually wrote this?

3 A. Yes, because I'm not very good at spelling
4 and stuff.

5 Q. Do you see that date?

6 A. It's 8/3/07.

7 Q. So that's August 3rd, 2007, at 2:10 p.m.?

8 A. It looks to me like 2:40, but it could be
9 2:10. Looks like a four to me.

10 Q. 2:10 or 2:40, sometime in the afternoon.

11 Do you have your glasses?

12 A. I do not have my glasses on me, no.

13 Q. Do you think you'll be able to make this
14 out?

15 A. I can make it out if I hold it back.

16 THE COURT: Why don't you just read
17 it for him?

18 MS. WOOD: Okay, Judge, I'll be
19 happy to do that.

20 THE COURT: That will be fine.

21 CROSS EXAMINATION CONTINUED

22 BY MS. WOOD:

23 Q. It says, (reading): "Back in January of
24 this year I bought a Smith & Wesson from Peter
25 Knight. It was a .40 caliber semi-automatic.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

196

1 The gun had fifteen rounds. The ammo was kept
2 in an ammo can and was loose in that can. I
3 don't know if was stolen from the truck or if
4 it was in the storage shed." Do you remember
5 saying that?

6 A. Yeah, I probably said that, yes. I mean, I
7 don't remember saying it, but I probably did
8 say that, yes.

9 Q. Now, you also told the police that Mr.
10 Sanders never had access to that gun when he
11 would borrow your car. Do you remember telling
12 them that?

13 A. I mean, literally, as far as giving him the
14 gun, no, I never gave him the gun. I never
15 gave him access. If he had access to the
16 vehicle, he had access to the gun because the
17 gun was right underneath the seat of the
18 vehicle. But he did not know it was there.

19 Q. But you didn't remember telling them that
20 you actually took the gun out of the car when
21 you would give it to Anthony?

22 A. No, I did not -- I remember saying
23 something to the officer about that. And I
24 told him I did not recall pulling the gun out
25 of the truck, because I kept the gun underneath

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

197

1 the seat.

2 Q. Okay.

3 A. I never, never pulled the gun from under-
4 neath the seat whenever Anthony was around the
5 vehicle.

6 Q. You always traveled in the car with a
7 concealed weapon?

8 A. I had a concealed weapons license. Yes.

9 Q. Okay. So you don't remember telling them
10 that you didn't think Anthony ever had access
11 to the gun because you would remove it from the
12 truck when Anthony borrowed your truck. You do
13 not remember saying that?

14 A. I do not recall saying that.

15 MS. WOOD: Beg the Court's
16 indulgence.

17 THE COURT: Take your time.

18 CROSS EXAMINATION CONTINUED

19 BY MS. WOOD:

20 Q. Okay, Mr. Alexander. You said Anthony
21 would sometimes give you crack in exchange for
22 using the truck?

23 A. Yes.

24 Q. And sometimes he'd give you money, grocery
25 money?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

198

1 A. (No verbal response).

2 Q. Do you remember telling the police that?

3 A. Mostly drugs. Mostly drugs.

4 Q. How much did you pay Mr. Knight for the
5 gun?

6 A. I think I paid Mr. Knight four hundred or
7 four-fifty for it. As a matter of fact, I gave
8 them a copy of the bill of sale, paperwork and
9 receipt where I'd bought the gun.

10 Q. Do you remember what else you reported
11 stolen from the car?

12 A. No.

13 Q. You don't remember telling them that ten
14 CDs were stolen and a CD holder?

15 A. I might have.

16 Q. Magazine with fifteen rounds?

17 A. That was in the gun, it was an extra one.

18 Q. The holster?

19 A. The holster, yeah.

20 Q. And some sort of box that was under the
21 seat as well? Or maybe it was a soft container
22 for the gun?

23 A. No, it wasn't a box. It was a holster that
24 had a metal clasp that slid up underneath the
25 seat. That's what would hold it up underneath

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

199

1 the seat.

2 Q. The ammo can, State's 64, -- have you been
3 in Mr. Knight's shop?

4 A. It's not a shop. It's his house.

5 Q. So it's his house. Trader's World is run
6 out of his house?

7 A. It's in his house. When you walk in Peter
8 Knight's house -- you go right in the garage
9 door and right there by the garage door he's
10 got probably fifty of them.

11 Q. Fifty of these?

12 A. Yeah.

13 Q. Is there anything special about any of
14 these that you would be able to pick it out
15 from one of the fifty that he has in his store
16 in his house?

17 A. No.

18 Q. So you don't know that this was the one
19 that was maybe in your truck or not?

20 A. No, I couldn't tell you that's exactly what
21 was in the truck, no. It looks like it.

22 Q. It's like the other fifty that Knight has?

23 A. Yes, ma'am.

24 Q. I don't have anything else.

25 THE COURT: Redirect?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

200

1 SOLICITOR JENNINGS: No, sir.

2 THE COURT: You may come down, sir.

3 Thank you.

4 SOLICITOR JENNINGS: May he be
5 excused?

6 THE COURT: Any objection?

7 MS. YOUNG: No, sir.

8 THE COURT: You are also free to
9 leave. Thank you.

10 (WITNESS STEPS DOWN)

11 THE COURT: Any additional witnesses
12 today?

13 SOLICITOR JENNINGS: Not today.

14 THE COURT: Very well. Anything
15 further from the defendant?

16 MR. FARLEY: No, Your Honor.

17 THE COURT: I misspoke. I apologize
18 for calling Mr. Sanders, Grant. I don't know
19 what I was thinking of. But I apologize, Mr.
20 Sanders. I know that you are not Mr. Grant.
21 So thank you, sir. We'll be at-ease, then,
22 until 9:30. Thank you.

23 (COURT IN RECESS)

24 (TRANSCRIPT CONTINUED NEXT PAGE)

25

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

201.

1 MARCH 9, 2010 9:30 A.M.

2

3 (DEFENDANT PRESENT)

4 THE COURT: Are you ready to
5 proceed?

6 SOLICITOR JENNINGS: Yes, Your
7 Honor.

8 THE COURT: Very well. Thank you
9 very much. Let the record reflect Mr. Sanders
10 is present. Good morning, Mr. Sanders.

11 MR. SANDERS: Good morning.

12 THE COURT: The State's ready to
13 call their next witness?

14 SOLICITOR JENNINGS: We are, Your
15 Honor.

16 THE COURT: You may proceed, sir.

17 SOLICITOR HILTON: Your Honor, the
18 footprint expert yesterday, the pictures, I
19 thought, were admitted, which were State's 82
20 through 88. According to the court reporter
21 they have not been admitted. I think without
22 objection we would admit them now.

23 MR. FARLEY: We have no objection.

24 THE COURT: Very well. They are
25 admitted without objection. Thank you very

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

202

1 much.

2 (SO ENTERED AS STATE'S EXHIBITS 82 THROUGH 88)

3 SOLICITOR JENNINGS: We would call
4 Dr. Cynthia Schandl.

5 (WITNESS TAKES STAND)

6 CYNTHIA ANA SCHANDL, being duly sworn
7 to tell the truth, the whole truth and nothing
8 but the truth, testified, as follows:

9 DIRECT EXAMINATION

10 BY SOLICITOR JENNINGS:

11 Q. Good morning, Dr. Schandl. Where are you
12 employed now?

13 A. At the Medical University of South
14 Carolina in Charleston.

15 Q. And in what capacity?

16 A. Assistant professor, forensic pathologist.

17 Q. How long have you been at MUSC?

18 A. I've been at MUSC since 1991, and on
19 faculty since 2004.

20 Q. And during that time you've performed
21 numerous autopsies and testified numerous
22 times?

23 A. Yes, sir.

24 Q. How many times have you been qualified as
25 an expert?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

203

1 A. More than fifty.

2 SOLICITOR JENNINGS: Your Honor, we
3 would offer her as an expert in forensic
4 pathology.

5 THE COURT: Any objection?

6 MR. LEIENDECKER: No objection, Your
7 Honor.

8 THE COURT: Very well, I will permit
9 her to render opinions in the area of forensic
10 pathology.

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR JENNINGS:

13 Q. Dr. Schandl, were you working on July the
14 10th, 2007 when three victims of a homicide were
15 brought to MUSC for autopsy?

16 A. Yes, sir.

17 Q. I believe you actually did two of them and
18 Dr. Presnell did one?

19 A. That is correct.

20 Q. For expediency, you're just going to
21 testify to all three?

22 A. That's correct.

23 Q. Let's begin with Diane Grant. She was a
24 44-year-old black female?

25 A. That was the information provided, yes,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

204

1 sir.

2 Q. On all three victims you have diagrams
3 that were created during the autopsies?

4 A. Yes, sir.

5 Q. State's Exhibits 38, 39 and 40. Were
6 those prepared during the autopsies?

7 A. Yes, they were prepared at that time.

8 Q. Would these assist you in your testimony?

9 A. Yes, they will.

10 SOLICITOR JENNINGS: Your Honor, we
11 would offer these into evidence.

12 THE COURT: Any objection?

13 MR. LEIENDECKER: No objection, Your
14 Honor.

15 THE COURT: Without objection,
16 State's 38, 39 and 40 are admitted into
17 evidence.

18 (SO ENTERED AS STATE'S EXHIBIT 38)

19 (SO ENTERED AS STATE'S EXHIBIT 39)

20 (SO ENTERED AS STATE'S EXHIBIT 40)

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR JENNINGS:

23 Q. Dr. Schandl, if you would describe what
24 evidence of injury you found during the autopsy
25 of Diane Grant.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

205

1 A. There was a single gunshot wound. There
2 was stippling around that gunshot wound which
3 was to the back of her head on the right-hand
4 side. The round itself was found to go from
5 the right side to the left side and from back
6 to front, running from the right side of the
7 head along the base of the skull and exiting at
8 the left cheek. This round then caused
9 bleeding into and around the brain, which led
10 to her death.

11 Q. I'll show you State's Exhibit 40. This
12 is a diagram that was prepared of the injuries
13 that she suffered. The injury that is
14 delineated on the back of her head as "A" is
15 the entrance wound?

16 A. Yes, sir.

17 Q. And is the stippling that you noted, is
18 that shown on the diagram?

19 A. Yes, it is shown by the small dots that
20 are on the skin of the diagram, surrounding
21 that defect "A."

22 Q. And for your purposes during the autopsy
23 what's the significance of stippling being
24 present?

25 A. Well, there are a limited number of things

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

206

1 that we can look for in relation to a gunshot
2 wound that can give us an idea of the range of
3 fire, meaning how far from the muzzle of the
4 gun, the end of the gun to the target -- in
5 this case, the head behind the ear. And those
6 thing include soot which would indicate a
7 contact gunshot wound or stippling which is
8 what we see in this case, which are actual
9 abrasions of the skin which are indicated by
10 small dots, which indicate what we consider a
11 close-range gunshot wound.

12 Q. And what do you consider a close-range
13 gunshot wound?

14 A. Generally speaking, you will not see
15 stippling if the muzzle of the gun is more than
16 about three feet from the target.

17 That's generally speaking. The only way you
18 clearly delineate a range would be to test fire
19 the weapon and see at what range from the
20 muzzle to the target leaves that particular
21 pattern.

22 Q. As the bullet exited through wound "B",
23 obviously no projectile was recovered?

24 A. That is correct. There was no projectile
25 or bullet in this case.

1 Q. And what did you find was the cause of
2 death for Ms. Grant?

3 A. Single perforating close-range gunshot
4 wound to the head.

5 Q. As to Jatavius Devore, you were supplied
6 information that he was a 20-year-old black
7 male?

8 A. Yes, sir.

9 Q. And what evidence of injury did you note
10 during his autopsy?

11 A. During his autopsy it was apparent that
12 he had a laceration, which is a split of the
13 skin, due to blunt trauma at the right side of
14 the scalp. Underneath that laceration there
15 was a skull fracture. The skull is made up of
16 two layers of bone, and this particular skull
17 fracture just fractured the outer layer of
18 bone. That was associated with some
19 hemorrhage. He had several abrasions on his
20 body which are just scrapes, and then there was
21 a gunshot wound -- a penetrating gunshot wound,
22 in this case. The last case, with Ms. Grant
23 was a perforating gunshot wound, meaning that
24 the round or bullet traveled all the way
25 through. And in the case of Jatavius Devore,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

208

1 the gunshot wound was a penetrating gunshot
2 wound which started at the left cheek and
3 traveled into the head, through the brain stem,
4 through part of the brain called the cerebellum
5 and then the bullet was recovered in three
6 fragments from the back of the right side of
7 the head. In this case this was another what
8 we would consider close-range gunshot wound.
9 There was stippling also associated with the
10 entry wound to the left cheek.

11 Q. And looking at State's Exhibit 39, the
12 dots around the left eye and the associated
13 gunshot wound, that's the stippling that you
14 described?

15 A. That's correct. From the circle in the
16 center right below the left eye there's the
17 defect of the gunshot wound hole. And then the
18 dots surrounding it are representing the
19 scrapes to the skin that we term "stippling."

20 Q. And as with the autopsy of Ms. Grant, you
21 termed that a close gunshot wound as well?

22 A. That is correct.

23 Q. And as you said before, the muzzle of the
24 gun would have been inside of three feet?

25 A. Yes. By the appearance as compared to Ms.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

209

1 Grant, the stippling pattern is a little bit
2 tighter. That suggests that it's a closer
3 range. Again, I cannot be any more specific
4 than less than three feet. But a test firing
5 would give you a better idea.

6 Q. And you were able to recover the
7 projectile?

8 A. Yes, sir.

9 Q. I show you what's marked as State's
10 Exhibit 92.

11 A. Yes, this is the main projectile and the
12 additional fragments -- and that's what this is
13 here.

14 SOLICITOR JENNINGS: Your Honor,
15 we would offer 92 into evidence.

16 THE COURT: Any objection?

17 MR. LEIENDECKER: No objection.

18 THE COURT: Without objection,
19 admitted into evidence.

20 (SO ENTERED AS STATE'S EXHIBIT 92)

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR JENNINGS:

23 Q. The wound to Jatavius's head with the
24 accompanying skull fracture, what type of an
25 injury was that?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

210

1 A. We call that a blunt force injury. That's
2 one that you can see -- it's sort of the
3 irregular wound to the right side of the head.

4 And that is -- the reason that we call it
5 blunt trauma is that it has produced both a
6 laceration -- and a laceration is
7 differentiated from an incision or a sharp
8 injury, by what we see as tissue bridging. So
9 there will be areas of tissue that will bridge
10 between one side of the wound and the other.
11 So that differentiates it for us between blunt
12 trauma and sharp trauma. In this case it is
13 blunt trauma.

14 In addition, beneath that laceration again
15 is a skull fracture of the outer table; not the
16 inner table, of the skull.

17 Q. The cause of a skull fracture would
18 require some significant type of force?

19 A. Yes, some sort of blunt force.

20 Q. And I think, as you testified, the bullet
21 as it went through his head struck the
22 cerebellum as well as the brain stem?

23 A. That is correct.

24 Q. And those would have been fatal injuries?

25 A. Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

211

1 Q. And, in fact, was that the cause of his
2 death?

3 A. Yes, sir. Brain stem and cerebellum
4 destruction due to close-range penetrating
5 gunshot wound to the head.

6 Q. You also performed the autopsy on Deanna
7 Devore?

8 A. Yes, sir.

9 Q. A 15-year-old female?

10 A. That is the information I received, yes,
11 sir.

12 Q. She was a little more complex autopsy as
13 far as the number of injuries?

14 A. Yes, she was shot multiple times.

15 Q. If you would, describe to us the -- let's
16 start with the wound to the head. And I'll
17 show you State's Exhibit 38.

18 A. Okay. So we're looking at the side view,
19 so where I've drawn on these diagrams -- as you
20 can see, lateral to the right eye there is an
21 oval effect with little dots around it. That's
22 the gunshot wound that we call gunshot wound A.
23 That is an entrance wound. That wound -- that
24 bullet went from A to C, which you can see
25 there on the side of the neck next to the jaw

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

212

1 line.

2 The middle one there -- there's three
3 wounds there to the neck.

4 So A went to C. Within that gunshot wound
5 pathway, there were fractures to the frontal
6 skull and to the facial bone. Then it went
7 through soft tissue and part of the round
8 exited at C. And a portion of that round was
9 identified in that tract from A to C. So we
10 have a piece of the bullet -- not a complete
11 bullet, but a piece of the bullet, associated
12 with the gunshot that goes from A to C.

13 Also shown on this diagram are two
14 additional entrance gunshot wounds to the right
15 side of the neck. One is B and then the other
16 is D. Both of those are, again, behind the
17 angle of the jaw on the right side of the face.
18 Entrance B and D, again there's a stippling
19 pattern so, again, those dots on this diagram
20 represent actual abrasions of the skin in a
21 stippling pattern are suggestive that one of
22 those, either B or D, was a close-range gunshot
23 wound. It may be both B and D, or it may be
24 just one or the other. I cannot tell because
25 the stippling surrounds all three of those

1 wounds, B, C and D. So gunshot B went through
2 -- it entered the neck here where you see "B,"
3 and then it did, in fact, fracture the base of
4 the skull and disrupt the brain stem where it
5 connects to the very proximal spinal cord. So
6 at that junction, the medulla to spinal cord,
7 and then continued through the left cerebellum,
8 another part of the brain, and then continued
9 to exit at the left side of the head where you
10 see exit wound E. So that particular round did
11 result in destruction of the brain stem as well
12 as other parts of the brain, intracranial
13 hemorrhaging, including into the brain and
14 around the brain. And that is the round, from
15 B to E, that I would consider the immediate
16 cause of death, although the other gunshot
17 wounds may have directly contributed or been
18 fatal in and of themselves. B to E would have
19 been immediately fatal.

20 The other gunshot wounds that you see in
21 this diagram is that that goes from D, also on
22 the right side of the neck, traveled across the
23 midline and exited at F, which causes a
24 laceration to the earlobe on the left-hand
25 side. This gunshot wound actually fractured

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

214

1 the third cervical vertebral body. So it did
2 fracture the upper spine and likely would have
3 also caused a great deal of disability if not
4 death by that fracture to the upper cervical
5 spine.

6 I believe that explains the gunshot wounds
7 we see here.

8 Q. She also was shot from the back as well?

9 A. Yes, sir. Okay, this -- may I just
10 continue?

11 Q. Please.

12 A. This diagram, this is a diagram that
13 reiterates the gunshot wounds that we just
14 described using the face diagram, and then also
15 shows the additional gunshot wounds.

16 The gunshot wound to the back is
17 designated as "I", and it's a sort of round,
18 dark spot on the upper right side of the back.
19 This gunshot wound traveled to the left and
20 traveled up and actually exited at gunshot
21 wound G which you can see on the frontal view
22 of this diagram, right above the left clavicle.
23 The round did not enter into any of the body
24 cavities, but just went through soft tissues.
25 However, upon the pathway it did cause through

1 its effects bleeding into the left lung as well
2 as bleeding around the left lung as well as, of
3 course, damage to the subcutaneous tissues and
4 soft tissues that it traveled through. No
5 bullet was recovered because it went all the
6 way through her. So it perforated.

7 There was one other gunshot wound here and
8 that is "H". And that is in the clavicular
9 region on the right-hand side of the shoulder,
10 on the right-hand side. This is an entrance
11 wound that did result in retrieval of a bullet.
12 It was a penetrating gunshot wound. It did
13 cause fracture to the clavicle.

14 It is possible that the round that
15 traveled through Ms. Devore's face, from
16 A to C, continued and that H is a re-entry
17 wound rather than a separate entry wound or a
18 separate gunshot.

19 So, in total, that means that she was shot
20 either four or five times depending on whether
21 H is an entry wound or a re-entry wound in
22 association of the bullet that went from A to
23 C.

24 Q. So we had, I believe, two bullets and a
25 fragment recovered?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

216

1 A. Yes, that is correct. So a fragment was
2 recovered within the pathway from A to C. A
3 bullet or at least a portion thereof was
4 recovered in relation to gunshot wound H to the
5 right shoulder. And then another bullet was
6 recovered from the body bag; so I'm not sure --
7 I do not know which perforating gunshot wound
8 that bullet belongs to.

9 Q. State's Exhibit 91, I believe that's the
10 bullet fragment?

11 A. Yes.

12 Q. And what you term bullet three, State's
13 Exhibit 90, was that recovered in association
14 with wound "H"?

15 A. Yes.

16 Q. And State's Exhibit 89 was termed bullet
17 one. That was from the bag?

18 A. That is correct.

19 SOLICITOR JENNINGS: Your Honor, we
20 would offer 89, 90 and 91 into evidence.

21 THE COURT: Any objection?

22 MR. LEIENDECKER: No objection.

23 THE COURT: Without objection 89
24 through 91 are admitted without objection.

25 (SO ENTERED AS STATE'S EXHIBIT 89)

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

217

1 (SO ENTERED AS STATE'S EXHIBIT 90)

2 (SO ENTERED AS STATE'S EXHIBIT 91)

3 DIRECT EXAMINATION CONTINUED

4 BY SOLICITOR JENNINGS:

5 Q. The wounds -- the injuries associated with
6 entrance wound B that you've shown would have
7 been immediately fatal?

8 A. Yes.

9 Q. The bullet that went through the brain
10 stem and the spinal cord?

11 A. That is correct.

12 Q. As far as Ms. Devore's autopsy, did you
13 also perform what's commonly called a sexual
14 assault examination?

15 A. Yes.

16 Q. And part of that would be taking swabs
17 from her mouth.

18 A. That's correct.

19 Q. Obviously, the purpose would be for later
20 testing to determine if there was any sperm or
21 anything in those swabs?

22 A. That's correct. Those swabs are turned
23 over to law enforcement for testing.

24 Q. I'll show you State's Exhibit 65 which
25 is already in evidence. Is that the swab you

State of South Carolina v. Anthony Sanders

218

Case No. 07-GS-18-1296 et al

Bench Trial of March 8-9, 2010

Before The Honorable R. Markley Dennis, Jr.

1 took?

2 A. Yes, sir.

3 Q. In your opinion all three victims, Ms.
4 Grant, Jatavius Devore and Deanne Devore,
5 you've labeled all of those deaths homicides?

6 A. That's correct.

7 Q. Thank you. If you would answer any
8 questions Mr. Sanders' attorneys have.

9 A. Yes, sir.

10 THE COURT: You may cross examine,
11 Mr. Leiendecker.

12 CROSS EXAMINATION

13 Q. Doctor, I'm Mark Leiendecker. I really
14 only have a very few or a couple of questions.

15 A. Yes, sir.

16 Q. In each of the diagrams that you were
17 discussing regarding the victims that you made
18 during the autopsy you mark or show stippling,
19 correct?

20 A. That is correct.

21 Q. At some of the wounds?

22 A. Right.

23 Q. And you told us in your testimony, if I
24 understood it, that that indicates a proximal
25 or close gunshot wound, correct?

1 A. Yes, sir.

2 Q. It's not a contact wound, but it's some-
3 where within a three-foot range, you say?

4 A. That is correct.

5 Q. And I think, if I understood your
6 testimony, you told us that you actually could
7 be more precise or correct in the distance if
8 you had the weapon or if a test fire of the
9 weapon were provided to you showing stippling
10 patterns and the distances, correct?

11 A. Yes. I wouldn't have performed that
12 testing, but it can be much more precise if
13 that testing is performed with the weapon
14 used and the type of ammunition used.

15 Q. And the way that works is they test fire
16 at distances and check the stippling on a test
17 pattern, correct?

18 A. That's correct.

19 Q. Then they would compare that to patterns
20 from the autopsy itself?

21 A. That's correct.

22 Q. And so having the weapon would be a
23 valuable asset in determining the distance of
24 the firing of that weapon?

25 A. Yes, you could narrow it down a great deal

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

220

1 with the weapon and the same ammunition.

2 Q. Thank you. No further questions.

3 THE COURT: Redirect?

4 SOLICITOR JENNINGS: No, sir.

5 THE COURT: You may step down. Do
6 you wish her to be excused?

7 SOLICITOR JENNINGS: Yes, sir.

8 THE COURT: Any objection, Mr.
9 Leiendecker?

10 MR. LEIENDECKER: No objection.

11 THE COURT: Thank you. You are also
12 free to leave.

13 (WITNESS STEPS DOWN)

14 THE COURT: You may call your next
15 witness.

16 SOLICITOR HILTON: The State would
17 call Detective Tim Morgan.

18 (WITNESS TAKES STAND)

19 TIMOTHY MORGAN, being duly sworn to
20 tell the truth, the whole truth and nothing but
21 the truth, testified, as follows:

22 DIRECT EXAMINATION

23 BY SOLICITOR HILTON:

24 Q. Thank you, Detective Morgan. You were
25 formerly with the Sheriff's Office, right?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

221

1 A. That's correct.

2 Q. And when did you leave the Sheriff's
3 Office?

4 A. About two and a half weeks ago.

5 Q. And moved up to Virginia, I understand?

6 A. Yes, sir.

7 Q. How long were you with the Dorchester
8 County Sheriff's Office when you were there?

9 A. A little over -- about six and a half
10 years, from November of 2003 until about two
11 and a half weeks ago.

12 Q. While you were at the Sheriff's Office
13 were you one of the detectives assigned to
14 investigate the case against Mr. Sanders?

15 A. Yes, sir, I was.

16 Q. And as a detective what was -- because
17 there were many detectives. What was your role
18 in the investigation?

19 A. One of the primary roles I had in the
20 investigation was taking a look at all the
21 different phone records and obtain search
22 warrants and subpoenas for them and try to look
23 into all the information that was held
24 in the records.

25 Q. Let me back up just a little bit now to

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

222

1 ask you, how were you'all able to develop the
2 suspect originally in this case?

3 A. Originally, I believe we had an IBIS hit
4 off of some of the rounds that were recovered
5 that linked the rounds that have been fired
6 from the same weapon to a previous shooting.
7 We did have a suspect from a previous shooting
8 over at Hunters Ridge, I believe in March.

9 Q. That was Xavier Walker.

10 A. That's correct. And then when Mr. Xavier
11 Walker was brought in, he provided us with the
12 information about Mr. Sanders.

13 Q. And at that time did Mr. Walker provide
14 you with a telephone number for Mr. Sanders?

15 A. Yes, he did.

16 Q. Did he also provide his own cell phone
17 number?

18 A. Yes, he did.

19 Q. Were you'all able to obtain the records
20 based on those two telephone numbers?

21 A. Yes, we got the records from Suncom for
22 both telephone numbers.

23 Q. And you may have to look back in your
24 notes, but what were the numbers that were
25 given, to begin with with Xavier Walker?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

223

1 A. The phone number for Xavier Walker was
2 843-270-5038.

3 Q. How about Anthony Sanders?

4 A. That phone number was 843-568-4913.

5 Q. And I think you said you were able to get
6 those records for the dates around July 9th and
7 July 10th and several days before and several
8 days after. Is that correct?

9 A. Yes, sir. For about a week's time with
10 the 9th and 10th right in the middle of that
11 week. I believe the 6th to the 12th is the
12 average time frame we looked at.

13 Q. With regard to Mr. Xavier Walker what were
14 you able to determine from his records?

15 A. Based on Xavier Walker's phone records we
16 determine that the phone was actually turned
17 off during the time that the homicides
18 occurred. The last call -- he actually called
19 his own phone number checking his voice mail on
20 July the 9th of 2007. That call was from
21 10:29.19 seconds to 10:30.42 seconds the night
22 of the 9th. And the phone was turned off until
23 -- the first call the following morning was an
24 incoming call from Mr. Sanders to Xavier Walker
25 at 8:46 a.m. on the 10th.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

224

1 Q. So looking at Xavier's records there was
2 no phone activity from 22:30, which would be
3 about 10:30 at night, until 8:46 the next
4 morning. Is that correct?

5 A. That's correct.

6 Q. And how do we know that he just didn't
7 call anybody or didn't get any calls?

8 A. Because when we cross referenced Xavier
9 Walker's phone records with Anthony Sanders'
10 phone records, we see that Mr. Sanders actually
11 placed calls to Xavier Walker during that
12 timeframe. However, the phone calls don't
13 register on Xavier Walker's phone records,
14 which indicates that his phone was turned off;
15 which is why those phone calls wouldn't show up
16 on his records.

17 Q. So I guess it's safe to say that other
18 than knowing that his phone was turned off, we
19 can't really tell much from Xavier Walker's
20 records as far as his location or anything like
21 that. Is that right?

22 A. That is correct. Not during that time
23 frame. We can tell basically where he was when
24 the last call was made and again when the first
25 call came in. But during that time frame of no

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

225

1 activity, there's no other information we can
2 glean from the records.

3 Q. Now let's go to Anthony Sanders' phone
4 records. Again, you were able to get a copy of
5 those?

6 A. Yes, sir, we were.

7 Q. And leading up to the time of the murders,
8 about 2:30 in the morning of July 10th, what --
9 kind of give a history of the phone activity.

10 A. Mr. Sanders was on his phone pretty
11 frequently. Numerous brief phone
12 conversations: thirty seconds, forty-five
13 seconds, two, three, four, five or six minutes;
14 you know, very brief conversations and a fairly
15 continuous phone use. There wasn't a whole lot
16 of gap in between the calls for the most part.

17 Q. But looking over them, there are some gaps
18 of ten or fifteen minutes or so?

19 A. Yes, sir, there were some time periods
20 within the timeframe of the murders in which
21 there were gaps in the phone calls.

22 Q. Turning your attention back to -- on my
23 numbers, start with call 375 up to about 367,
24 looking at the numbers on the left on the phone
25 records, the calls that were made at

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

226

1 approximately the time of the shooting, what
2 can we tell from those calls?

3 A. We can tell that there were calls that
4 were made at 1:41 a.m. on July the 10th, 2007 of
5 a minute and seventeen seconds, following by
6 another call at 1:45 a.m., another call at 1:46
7 a.m., another call at 2:04 a.m., 2:05 a.m.,
8 2:06 a.m., and then there's an eighteen-minute
9 gap from 2:06 a.m. until 2:24 a.m.

10 Q. And from your investigation as a detective
11 do you when the 9-1-1 calls started coming in?

12 A. The first 9-1-1 calls started coming in to
13 the Sheriff's Office at 2:24 a.m. that shots
14 had been fired.

15 Q. So phone activity all the way up until
16 about 2:05. Is that correct? Is that when
17 he made his last outgoing call?

18 A. That's correct. That's 2:05 and eleven
19 seconds, another three-second call that didn't
20 connect through, and that was to Xavier Walker.

21 Q. Then if I'm reading this correctly, he got
22 an incoming call, which may or may not have
23 been answered, forty seconds worth?

24 A. Correct.

25 Q. And then that's the gap that you're

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

227

1 talking about, from 2:06:51 until 2:24:09?

2 A. Yes, sir.

3 Q. And then after that gap -- after that gap
4 at 2:24:09, it appears he called this number,
5 843-760-95 - it's either 84 or 64. My print is
6 weird. But whose phone number were you'all
7 able to determine that to be?

8 A. We determined that was the home phone
9 number of Madea Thompson, Anthony Sanders'
10 girlfriend, who resided at [REDACTED]
11 at Archdale Forest Apartments.

12 Q. I'm going to show you what's been marked
13 as State's Exhibit 1. Do you see [REDACTED]
14 [REDACTED] on there?

15 A. Yes, I do.

16 Q. And is this it here with the initials
17 "M.R." beside it?

18 A. Yes.

19 Q. The victim's body of Deanna, that was
20 found right behind this apartment, right?

21 A. That's correct. It was approximately, I
22 believe, about ten yards or less from the back
23 porch of Madea Thompson's apartment.

24 Q. Were you'all able to make contact with
25 Madea?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

228

1 A. Yes, sir. The chief detective did, and
2 Detective Garrison and myself interviewed her
3 during the investigation.

4 Q. Did she have any comment about the phone
5 call that was made to her?

6 BOYD YOUNG: Objection, hearsay.

7 THE COURT: The question was did she
8 have a comment. Don't tell me what she said if
9 she did answer the question.

10 THE WITNESS: Yes, sir, she did.

11 DIRECT EXAMINATION CONTINUED

12 BY SOLICITOR HILTON:

13 Q. Did Madea appear to be truthful to
14 you'all?

15 BOYD YOUNG: Objection.

16 THE COURT: I sustain the objection
17 under 602.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR HILTON:

20 Q. Let me ask you this, after Anthony Sanders
21 called Madea, were there other calls that were
22 made?

23 A. Yes, sir, there were.

24 Q. And what other calls of any significance
25 were made after the time of the murders?

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

229

1 A. There was a call -- it seems during the
2 course of the records some of the phone calls
3 became longer.

4 There's a phone call of eighteen minutes
5 and thirty-seven seconds, which was
6 significantly longer than normal, that was
7 placed at 2:25 a.m. to 843-330-6759. That
8 number we determined to be the cell phone of
9 Shala Williams, one of Mr. Sanders' girlfriends
10 who lived in Goose Creek.

11 And then there were numerous calls to a
12 540-890-6116 which was Shakira Barrett
13 (phonetic) living up in the Roanoke, Virginia
14 area. Again, he was speaking with her on and
15 off through the course of the morning for a few
16 hours, with the timing of those calls fifty-one
17 minutes and fifty-five seconds placed at 3:24
18 a.m.

19 Q. With these phone records, is there any way
20 for you to tell the location that the call was
21 placed from?

22 A. Yes, sir. The third column from the left,
23 there's numerous four-digit numbers. Those
24 numbers coincide with the specific cell phone
25 tower that the call hit off of in within the

State of South Carolina v. Anthony Sanders

230

Case No. 07-GS-18-1296 et al

Bench Trial of March 8-9, 2010

Before The Honorable R. Markley Dennis, Jr.

1 cellular network. And we can tell based on the
2 location of those towers the location of where
3 the call had been placed from.

4 Q. And looking at these records there's about
5 three towers. There's a 6141, a 6140, 6139.

6 Where are those towers located?

7 A. Tower 6141, I don't have the physical
8 address in front of me. I don't have the
9 actual list for that one. It's located at the
10 back of Stratton Capers Subdivision, which is a
11 mile and a half up Ashley Phosphate Road on the
12 left-hand side.

13 Tower 6040 is located at 4714 Trade
14 Street. It's directly behind the Festival
15 Center, which is a big shopping center at
16 the intersection of Ashley Phosphate and
17 Dorchester Road.

18 Tower 6139 is located at 3515 Yolanda
19 Drive which is also Cross County Road, down
20 Dorchester Road headed towards Charleston
21 County, a little bit further actually, in
22 Charleston County.

23 Tower 6024 is located at 3463 Ashley
24 River Road, which is south of this area, just
25 on the other side of the river from these

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

231

1 locations here.

2 Q. The tower that's closest to Archdale
3 Forest Apartments, those apartments on the map
4 there, which tower is that?

5 A. That would be Tower 6040, located behind
6 the Festival Center, less than a mile away.

7 Q. And is that the tower that he was pinging
8 off of from -- let's see, from about 1:38 all
9 the way up until -- I believe the last call
10 made on that tower is 2:26. Is that correct?

11 A. That is correct. 2:26 and 2:27 is the
12 last one for that tower during this time frame.

13 Q. And then what can we tell about his
14 movements after that time, from 2:26 onward?

15 A. From 2:26 you see a phone call at 2:33,
16 and again at 2:34 which is pinging off of Tower
17 6139.

18 Then at 2:36, 2:37 he hits off of 6024.
19 He kind of toggles back and forth between 6024
20 and 6139 which would indicate that he was
21 heading ---

22 BOYD YOUNG: Objection. Calls for
23 speculation and opinion, which he hasn't been
24 qualified to give.

25 THE COURT: I'll allow that under

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

232

1 701. Overruled. You may answer the question.

2 THE WITNESS: It would indicate that
3 he's heading southeast in the general direction
4 of Popper Dam Creek, which is his mother's
5 apartment.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR HILTON:

8 Q. This information about tower locations and
9 so forth, where did you get that from, the
10 actual locations of the towers?

11 A. That came from Suncom. I sent Suncom a
12 subpoena on July the 9th of 2008 for specific
13 physical locations of latitude and longitude of
14 the actual towers that were listed in these
15 records.

16 Q. In Mr. Sanders' phone records or Xavier
17 Walker's records were you able to cross-link
18 any of the victims' telephone numbers, to match
19 up any calls coming in or going from Mr.
20 Sanders' telephone?

21 A. No, we didn't have any of the victims'
22 numbers that appeared on either Mr. Sanders' or
23 Mr. Walkers' phone records.

24 Q. Let me ask you, because you didn't have
25 any of the victims' numbers, did you actually

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

233

1 have their phone numbers?

2 A. We did have the phone numbers, the home
3 number and some cell phone numbers which we
4 also obtained records for. And we cross-
5 checked both their records against Mr. Sanders'
6 and Mr. Walker's records and then vice-versa.
7 We didn't have any connections there as far as
8 phone calls.

9 SOLICITOR HILTON: Your Honor, at
10 this time we'd offer State's 1 into evidence.
11 I don't think it's been moved until this point.

12 BOYD YOUNG: No objection.

13 THE COURT: Without objection
14 State's 1 is admitted.

15 (SO ENTERED AS STATE'S EXHIBIT 1)

16 DIRECT EXAMINATION CONTINUED

17 BY SOLICITOR HILTON:

18 Q. Please answer any questions the defense
19 may have for you.

20 A. Yes, sir.

21 THE COURT: You may cross.

22 CROSS EXAMINATION

23 BY MR. YOUNG:

24 Q. Good morning, Mr. Morgan.

25 A. Good morning.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

234

- 1 Q. Let me start with Xavier Walker's phone
2 records. If you have those, I think that they
3 are the last page, or just one page of Xavier
4 Walker's telephone records, right?
- 5 A. I've only got this one. There were like
6 140 pages because we had gone back to the
7 previous shooting, back in March. So there's
8 only one call per page when the records are
9 that old. So this is the page that encompassed
10 the time around the homicides.
- 11 Q. So this encompasses July 9th over to July
12 10th?
- 13 A. Correct.
- 14 Q. And you talked about his cell phone was
15 turned off between 22:30 and 08:49. Is that
16 right?
- 17 A. 08:46, yes.
- 18 Q. 8:46. For that time. When somebody's
19 cell phone's turned off there's no way to know
20 where it was?
- 21 A. Correct.
- 22 Q. Previously in the day, if you'll look down
23 to charges 75 and 76, 79 and 80, 82 and 83,
24 what tower was those phone calls made from?
- 25 A. Tower 6040.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

235

1 Q. That's the same tower that you were
2 talking about Mr. Sanders being on, around
3 Archdale?

4 A. Correct.

5 Q. Historical tracking of cell phones and
6 realtime tracking of cell phones are two
7 different things. Is that right?

8 A. Yes, sir. They have a different burden
9 -- obviously, there's a greater interest of
10 privacy with realtime compared to historical
11 data.

12 Q. On realtime cell phone tracking you can
13 triangulate the signal and actually pinpoint
14 a pretty small area of location. Is that
15 correct?

16 A. Yes, sir.

17 Q. Historically, all you know is what tower
18 it was.

19 A. You can determine down to the sector,
20 which would be direction or compass setting,
21 what sector within the tower. I don't have
22 that in this case because we didn't have the
23 knowledge at the time of the incident. So by
24 the time I subpoenaed the records there was no
25 sector information any more, so they couldn't

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

236

1 pinpoint it down.

2 Q. You could get a directional arrow off of
3 the tower? Today?

4 A. Correct.

5 Q. You didn't have that information for Mr.
6 Sanders' phone calls?

7 A. That's correct.

8 Q. All you know is that he hit off of a
9 particular tower?

10 A. Yes, sir.

11 Q. And then switched to another tower?

12 A. Yes, sir.

13 Q. And you're using that as your best guess
14 as to which direction he was going?

15 A. It's not a best guess. I would say
16 because of the way the network is set up, you
17 know, this indicates the direction he was going
18 if that's the tower that would be hit off of by
19 his cell phone that was being used.

20 Q. I refer to you to Mr. Sanders' records.
21 I'm looking at page seven of sixteen, and I'm
22 looking at -- there's a number of charges at
23 the bottom of the page, 382 to 379, that are
24 all the 6040 tower. Is that correct?

25 A. Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

237

1 Q. And then there's one charge, number 378,
2 that's on the 6141 tower, right?

3 A. Yes, sir.

4 Q. Now, I'm trying to get an idea based on
5 what you're telling me is that at 1:27:46 he
6 makes a phone call for three minutes that's
7 hitting on 6040, right?

8 A. Yes, sir.

9 Q. So between the time 1:30:59 and 1:34:55 he
10 went from Dorchester over to the Charleston
11 tower, 6141?

12 A. 6141 is located at the back of Stratton
13 Capers off Ashley Phosphate.

14 Q. I thought that was 6139.

15 A. 6139 is the one that's down in Charleston
16 County off Cross County on Yolanda Drive. 6141
17 is located at the back of Stratton Capers,
18 which is in pretty close proximity to where the
19 6040 tower would be.

20 Q. Well, say, for the period of -- I'm trying
21 to get this right -- one minute and -- I'm
22 looking at the end time -- 1:34:59 is the end
23 time that he stops on the 6141 tower; right?

24 A. That is correct.

25 Q. And then it goes back to the 6040 tower

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

238

1 for a period of a minute and two seconds.

2 A. Yes, sir.

3 Q. There's different things that -- signals

4 overlap. Cell towers overlap. Is that

5 correct?

6 A. Yes, they transition for continuous

7 coverage.

8 Q. Right. When I'm driving down the road,

9 I make a call and my cell phone starts off of

10 one tower, but as I move further away from that

11 tower my call switches to other towers.

12 A. That's correct.

13 Q. That is not reflected in these records.

14 A. No, sir. The originating tower would be

15 the four-digit code representing where the call

16 was placed off of.

17 Q. And it wouldn't have any information about

18 the travel location between the time that the

19 phone call originated and the time that it

20 ended?

21 A. Not based on these records, no, sir.

22 Q. The call -- I believe you'all were

23 discussing the charge 355 which was the call to

24 the 540 number.

25 A. Yes, sir.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

239

1 Q. Do you see that call?

2 A. Yes, sir.

3 Q. You see that that number was also called
4 at -- it looks like 1:46 to me, charge number
5 373.

6 A. Yes, sir, it is.

7 Q. Was that number also called at 1:27,
8 charge 379?

9 A. Yes, sir.

10 Q. And it was also called at 1:16, charge
11 380?

12 A. Yes, sir.

13 Q. And again on 381 at 1:14?

14 A. Yes, sir.

15 Q. And again at 1:13?

16 A. That is an incoming call from -- yes, sir.

17 She called him at 1:13. Charge 382? Is that
18 the one you're referring to?

19 Q. Yes.

20 A. Yes.

21 Q. So there are a number of calls to that
22 number prior to the time of the murders?

23 A. Yes.

24 Q. The telephone number that was given to you
25 for Anthony Sanders, that came from Xavier

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

240

1 Walker, correct?

2 A. Correct.

3 Q. When you pulled the subscriber information
4 for the telephone number that Mr. Walker gave
5 you it didn't come back to Anthony Sanders, did
6 it?

7 A. Not specifically to Anthony, no, sir.

8 Q. What do you mean "not specifically to
9 Anthony?"

10 A. The subscriber records from Suncom came
11 back to Bernard Sanders, [REDACTED]
12 [REDACTED], North Charleston, South Carolina 29418.

13 Q. And that's Mr. Sanders' brother?

14 A. Yes.

15 MR. YOUNG: Beg the Court's
16 indulgence.

17 THE COURT: Certainly.

18 CROSS EXAMINATION CONTINUED

19 BY MR. YOUNG:

20 Q. Thank you. That's all the questions I
21 have.

22 THE COURT: Redirect?

23 REDIRECT EXAMINATION

24 BY SOLICITOR HILTON:

25 Q. Detective Morgan, these phone records,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

241

1 they're not -- you can't pinpoint the location
2 of Sanders or Xavier Walker or anybody based on
3 the information you have here. Isn't that a
4 fair statement?

5 A. That's correct, not down to within feet or
6 anything.

7 Q. And so the purpose of your cell phone
8 information was to kind of put him in an area.
9 Is that right?

10 A. That's correct. At the time, I believe
11 that the alibi he had provided was that he was
12 at his mother's house.

13 Q. There's been some question about whether
14 or not this is Mr. Sanders' phone number. And
15 we had talked about Madea Thompson. You had
16 talked about -- I think her name was Shakira
17 Barrett. You'all talked to those people,
18 right?

19 A. Yes, sir.

20 Q. Did they indicate who they were talking
21 to?

22 A. They did.

23 Q. And who was that?

24 A. Everybody that we interviewed based on
25 these phone records indicated they were

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

242

1 speaking with Mr. Sanders.

2 Q. Thank you.

3 SOLICITOR HILTON: Nothing further,
4 Your Honor.

5 THE COURT: Recross?

6 RECROSS EXAMINATION

7 BY MR. YOUNG:

8 Q. Mr. Morgan, you were in an interview
9 interrogation with Mr. Sanders when you were
10 present?

11 A. I don't believe I was actually present
12 when he was interviewed. I recall observing.
13 I wasn't one of the detectives that went into
14 the room, as I recall.

15 Q. I may have been mistaken. You observed
16 the interrogation?

17 A. Part of it. I believe I was home for the
18 night when he was actually arrested on the
19 traffic stop with Madea. I was home for that
20 night. I came in the next day, but I don't
21 believe I was one of the detectives that was
22 actually in the room with Mr. Sanders when he
23 was interviewed.

24 Q. Where are you getting this -- can you tell
25 me where you're getting this information that

1 he provided an alibi?

2 A. I believe it was in the course of speaking
3 with Detective Garrison that his statement was
4 that he was at his mother's house.

5 Q. And Detective Garrison had put that into
6 his arrest warrant. Isn't that correct?

7 A. I don't recall. I do not recall the
8 warrant, sir.

9 Q. And you weren't here for Detective
10 Garrison's testimony.

11 A. No, sir.

12 Q. You were here when we did the *Jackson v.*
13 *Denno* hearing?

14 A. Yes.

15 Q. Were you present for Detective Garrison's
16 testimony?

17 MR. YOUNG: Your Honor, I guess I'm
18 kind of asking the Court for a little bit of
19 leeway here. I don't want to start recalling
20 people or rehashing the *Jackson v. Denno*
21 testimony. There's a transcript of it. I
22 guess I can reference that to clear up the
23 alibi.

24 THE WITNESS: I don't think he ever
25 said in the interview he was at his mom's

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

244

1 house.

2 MR. YOUNG: Okay.

3 RECROSS EXAMINATION CONTINUED

4 BY MR. YOUNG:

5 Q. One more question. From 3:24 in the
6 morning - I think it's charge 355 - until close
7 to noon on the 10th, Mr. Sanders' cell phone was
8 consistently hitting off of tower 6040. Is
9 that correct?

10 A. That's correct.

11 Q. With one exception, and that was at 9:40
12 or 9:37:48. His cell phone switched to Tower
13 6141 for a period of ten minutes.

14 A. He goes for a period of two minutes and
15 thirty-two seconds. I guess the next call
16 ten minutes later would be back on 6040. He
17 continues on 6141 at 9:37 because, obviously,
18 we aren't sure at what point it transitions
19 over. At some point between 9:37 and 9:50 a.m.
20 on the 10th, he switched from 6141 back
21 to 6140.

22 Q. If I am standing equidistance from 6140
23 and 6141 what decides which tower my call
24 routes through?

25 A. It would be the mobile telephone switching

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

245

1 office, which is kind of the brains behind the
2 cell phone network, as to which tower it would
3 route to. Because both towers would be in
4 communication with the phone as well as being
5 in communication with the switch office. And
6 the switch office would make the determination.

7 Q. And they do that with algorithms to
8 preserve channel frequency and keep bandwidth
9 open and what's the most efficient direction of
10 traffic. All that stuff is factored in.

11 A. Correct. I don't know all that.

12 Q. Thank you.

13 THE COURT: Anything else?

14 SOLICITOR HILTON: No, sir.

15 THE COURT: You may step down.

16 (WITNESS STEPS DOWN)

17 THE COURT: Call your next witness.

18 SOLICITOR JENNINGS: Your Honor,
19 that's the evidence the State has to present.

20 THE COURT: Very well. Does Mr.
21 Sanders wish to present any testimony?

22 MR. LEIENDECKER: Your Honor, I'd
23 like a couple of minutes to confer with him.

24 THE COURT: If you will, because I'd
25 like to discuss with him his right to testify

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

246

1 if he wanted to. But I'll give you a few
2 moments to talk with him about that before I do
3 that. We'll be at-ease for about ten minutes.

4 MR. LEIENDECKER: Thank you.

5 (BRIEF RECESS)

6 (DEFENDANT PRESENT)

7 THE COURT: Mr. Young, are you ready,
8 to proceed?

9 MR. YOUNG: Your Honor, we're ready.
10 Mr. Sanders is not going to testify with the
11 State's agreement that Mr. Sanders did not
12 provide an alibi. The defense rests.

13 THE COURT: Mr. Sanders, you've had
14 an opportunity to talk with your lawyers -- you
15 can be seated, if you want to -- about your
16 right to testify in this proceeding or not to
17 testify. Is that correct, sir?

18 MR. SANDERS: Yes, sir.

19 THE COURT: And you've had a chance
20 to reflect on that decision?

21 MR. SANDERS: Yes, sir.

22 THE COURT: And your decision is not
23 to offer testimony; is that correct?

24 MR. SANDERS: Yes, sir.

25 THE COURT: And you understand and

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

247

1 the same applies that I would certainly not
2 consider that against you in any fashion
3 because that's your Constitutional right and
4 privilege. You understand that?

5 MR. SANDERS: Yes, sir.

6 THE COURT: But it would be your
7 right to testify if you wanted to. You realize
8 that?

9 MR. SANDERS: Yes, sir.

10 THE COURT: Are you under the
11 influence of any alcohol or any medication here
12 today, sir?

13 MR. SANDERS: No, sir.

14 THE COURT: And do you know of
15 anything that's affecting your ability to
16 reason and make a decision of this nature?

17 MR. SANDERS: No, sir.

18 THE COURT: And you're comfortable
19 with your decision, sir?

20 MR. SANDERS: Yes, sir.

21 THE COURT: Very well. I find that
22 Mr. Sanders again has had the benefit of
23 competent counsel. He's indicated that he
24 fully understands and appreciates his rights,
25 and he's demonstrated that by his responses. I

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

248

1 find that he's made a conscious decision
2 to freely, voluntarily, knowingly and
3 intelligently desire not to offer testimony.
4 I find that, again, to be with certainly
5 competent legal advice.

6 That having been said, anything
7 further from the State by way of closing or
8 summary?

9 SOLICITOR JENNINGS: We would like
10 to make just a few comments.

11 THE COURT: Certainly. I'll be
12 happy to hear from you, Solicitor. Take your
13 time and take as long as you need, sir.

14 SOLICITOR JENNINGS: Thank you.
15 What strikes me about the case, Your Honor, is
16 that it is truly the quintessential who-done-
17 it. We've got a crime in the middle of the
18 night with no eyewitnesses. And what we're
19 left with is how so many attorneys phrase a
20 circumstantial evidence type case or even a
21 trial where you're putting together one piece
22 of a puzzle to form the picture of what
23 happened.

24 And that's what we end up with at the end
25 of the day in this case. By putting all these

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

249

1 pieces of the puzzle together, we get a
2 conclusive picture of what happened, not only
3 in that apartment, but that apartment complex.
4 And while every piece of evidence, every piece
5 of the pie might be able to be nit-picked or an
6 effort made to explain away, when you look at
7 it in its totality it points, with no other
8 explanation, other than to Anthony Sanders as
9 the person that committed these three murders.

10 And it really starts with the time
11 line of when all this took place. I submit to
12 you my best theory on what happened is that Mr.
13 Sanders was in that apartment that night with
14 Deanna engaged in a sexual act. As to however
15 it happened, her brother or mother came in and
16 found them either returning to the home or was
17 there asleep and came downstairs. But that
18 initially Mr. Sanders shot Jatavius in the
19 face, and that Diane had made some effort to
20 get away. Obviously, her body was a little
21 closer to the front door. Her wound was to the
22 back of her head. Both were shot one time, and
23 their wounds would have been nearly instantly
24 fatal. Deanna was able to get out of the
25 apartment. As we know, probably had her

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

250

1 underwear, pants and panties in her hand as she
2 ran out after seeing her brother and her mother
3 shot nearly execution style.

4 And I think the timeline is
5 consistent. Because no 9-1-1 calls are
6 associated with those first shootings in the
7 apartment. And when you look at the first
8 calls coming in at 2:24, it really mirrors what
9 Dr. Schandl testified today. And I would
10 submit, Your Honor, that as Deanna is running
11 away, she's shot one time in the back and that
12 within seconds Mr. Sanders closes on her and
13 shoots her in the neck -- the next three shots,
14 which one killed her instantly. And that's
15 exactly in line with what the witnesses in
16 Apartment [REDACTED] in the other apartment building
17 heard: a shot, a scream, another series of
18 shots and no more sound.

19 When you line that up with the 9-1-1
20 calls at 2:24 and compare that to Mr. Sanders'
21 phone records where there's no activity leaving
22 up to right after 2:24, and the first call that
23 he makes is to his girlfriend, Medea Thompson
24 who lives not just in that apartment complex
25 but in the very apartment building behind which

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

251

1 Deanna was killed. I think it cannot be
2 explained away as a coincidence that his phone
3 -- there's no activity while all these actions
4 are going on. Then immediately upon the 9-1-1
5 call being placed he makes a phone call --
6 almost immediately after, to his girlfriend who
7 lives in that apartment, whether trying to find
8 out what's going on or saying where he's going,
9 we'll never know. But, clearly, that
10 establishes what our timeline is.

11 And then look at the evidence in the
12 case. We have two .40 caliber shell casings
13 found in the apartment, and two gel lifts that
14 Lieutenant Asbill was able to recover. From
15 the area where Deanna's body was found we have
16 four .40 caliber shell casings. Five of the
17 six are .40 caliber Smith & Wesson Federal
18 brand, and the other is R&P.

19 We start looking at what evidence do
20 we have and what corroborates how that points
21 to Anthony Sanders and the detectives, several
22 weeks later, execute the search warrant at his
23 house in his bedroom. And what do we find
24 there? We find three .40 caliber Federal brand
25 shell casings. The exact same make and caliber

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

252

1 shell casings found at the scene, found in a
2 shoe box in his room. We find the .40 caliber
3 R&P round under his bed, which is the same as
4 the one shell casing from the crime scene.

5 And, significantly, we find a number
6 of size nine Nike Air Force Ones. And I think
7 the gel lifts are very important in the
8 apartment, as well as the shoe impressions that
9 are outside. Because while Nike Air Force One
10 is a very prevalent shoe, we're not dealing
11 with the global of all Air Force Ones. We're
12 dealing specifically with a size nine. We know
13 it's not a size ten. We know it's not a size
14 eleven because of the pairs of Jatavius's shoes
15 that are in the apartment. We're dealing with
16 a size nine which, just coincidentally, Anthony
17 Sanders has four
18 pairs of that are recovered from his room.

19 So we have shoes that match the shoe
20 impressions. We have bullets in his house
21 which match in caliber and brand with the shell
22 casings found at the scene.

23 And probably the most compelling and
24 the most condemning piece of evidence in this
25 case is we have his safe. We know it's his

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

253

1 safe. It's got his photographs. It has his
2 correspondence, letters written to him, an
3 arrest warrant with his name on it. And it has
4 a newspaper article of this murder. And
5 I would submit to the Court there is no
6 explanation for that, as to why somebody would
7 keep that. I submit to you it's his trophy
8 case. And he's kept those things as momentos.
9 The photographs of different girls, the arrest
10 warrant and this newspaper article is his
11 memento from this -- what he did.

12 We also have the ammo box, the green
13 ammo box which originally when they executed
14 the search warrant was under the window and
15 then had been moved. It's the exact type of
16 ammo box which Richard Alexander told you he
17 had in his car, as well as a .40 caliber Smith
18 & Wesson handgun. Mr. Sanders clearly had the
19 opportunity to have that weapon. We don't know
20 where it is. I submit to you that that aspect
21 of it is a bit of a game. I think he's been
22 playing some cat-and-mouse with the detectives.
23 Clearly, his comments to Detective Garrison
24 asking him if he'd still like to know where the
25 gun is, I think is a bit of a game for him. I

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

254

1 submit to you that he got that weapon from
2 Richard Alexander,
3 had the ammunition, had the ammo box. Mr.
4 Alexander told you he couldn't say that that
5 was the specific ammo box that was in his car,
6 but he said that it looked just like it.

7 And in the same time period he has as
8 conversation with Mr. Alexander about DNA. And
9 it turns out that we recovered a DNA sample
10 from the mouth of Deanna Devore's oral swab
11 that matches Mr. Sanders' DNA. And they go the
12 extra step to send it to the company in Dallas
13 to do the Y-STR testing, and the profiles come
14 back identical.

15 We've looked at the ballistics
16 evidence. That was the first lead that we got,
17 matching these shell casings with the other two
18 casings from the shootings at The Anchor Bar
19 and at Hunters Ridge. And, yes, Xavier Walker
20 was at those two scene. Yes,
21 he was probably involved. But it's also,
22 I think, pretty clear that he was the
23 defendant's friend. And so those are the
24 people that you would expect him to be with.
25 And that was the reason why we didn't really

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

255

1 get into the Hunters Ridge incident in a lot of
2 detail. Because The Anchor Bar incident was
3 the most compelling.

4 Mr. Chavers testified, Your Honor, and
5 was forthright with the detective. He
6 identified Anthony Sanders as being the person
7 who fired the semi-automatic handgun. And that
8 was why we asked the question of Agent Thrower
9 that the markings on these shell casing are not
10 consistent with a Tec-9 or a Mac, which the
11 other person in the car had.

12 So I submit to you that the six shell casings
13 from that scene at the Anchor Bar, by the
14 markings on them, were fired by the handgun
15 which Mr. Chavers identified Mr. Sanders as
16 being the person shooting in the back seat of
17 that truck.

18 And, as you recall, he told you that
19 there was no doubt in his mind that that was
20 who it was. He got a good look at him and
21 picked him out of a very fair and impartial
22 photo lineup as being the person who was
23 shooting that night.

24 And, finally, as I mentioned already,
25 the oral swab I think conclusively places him

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

256

1 there. The DNA match that Agent Coy examined
2 and followed up with the DNA profile on the Y
3 chromosome. While you might be able to say
4 that any male in his family would have the same
5 chromosome, clearly no one has the connections
6 to the other shooting, nobody's phone records
7 show that they were in the area, nobody's
8 girlfriend who lived in the apartment building
9 that was directly in front of where Deanne
10 Devore was killed. And certainly, nobody was
11 out carousing at those hours of the night.

12 I think when you look at every piece
13 of this story and every piece of the puzzle, it
14 only points to one conclusion. And that is
15 that Anthony Sanders is guilty of these three
16 murders. Thank you.

17 THE COURT: I'll be glad to hear
18 from you, Mr. Leiendecker.

19 MR. LEIENDECKER: Thank you, Your
20 Honor. Your Honor, if it please the Court,
21 it's not just a question of a puzzle. It's not
22 a question of putting circumstantial evidence
23 together. It's not a question of can you make
24 a case that Anthony Sanders committed these
25 murders. You can. That's already been proven

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Murkley Dennis, Jr.

257

1 by a magistrate and by a circuit court that a
2 warrant was signed. They found there was
3 sufficient probable cause for a grand jury
4 indictment.

5 So what we're left with when we come
6 to a trial and when we come to a murder trial
7 is that the State takes on the burden of
8 responsibility of not showing that it's
9 probable or likely that it was Mr. Sanders, but
10 that it was Mr. Sanders. And the State must
11 convince you beyond a reasonable doubt, to the
12 exclusion of other evidence, that it was Mr.
13 Sanders that committed these murders.

14 And a lot of things point in his
15 direction. But a lot of the things that they
16 say point in his direction don't add up to me.
17 The concept that the murder of Deanna Devore
18 took place behind [REDACTED] and that, in fact, [REDACTED]
19 [REDACTED] is where one of Mr. Sanders'
20 girlfriends lived doesn't add up.

21 When they also say that their theory
22 of the case is the young lady ran out of the
23 apartment and was chased down. Now, she didn't
24 know where she was going and whoever followed
25 her and killed her that night - and to suggest

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

258

1 that it happened at a girlfriend's house
2 somehow points to Mr. Sanders is in and of
3 itself, Your Honor, a coincidence. Because it
4 couldn't have been planned and it wasn't
5 planned. Even by the State's theory it wasn't
6 planned that way.

7 They talk about a weapon. They talk
8 about a weapon that they say Mr. Sanders was
9 seen to have at The Anchor Bar in March of
10 2007. He was picked out of a lineup by Mr.
11 Chavers. Mr. Chavers said that Mr. Sanders was
12 in trouble or causing trouble that night, was
13 expelled from the bar and fifteen minutes later
14 got in a truck and two people shot out of that
15 truck. Now, what did he say, Your Honor? He
16 said that those two people shot out of that
17 truck and that Mr. Sanders was the man in the
18 back, he believed, and that Mr. Sanders shot
19 one time out of that truck. He said the
20 gentleman in the front, the gentleman with the
21 dreads or braids, shot maybe six times, or six
22 to eight times, I think he said, out of the
23 front.

24 I would suggest that if we are to
25 believe his testimony -- and I don't know why

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

259

1 he would be lying here today -- that what
2 happened was there were multiple shots out of
3 the front, as he described it. And those
4 multiple shots out of the front were with the
5 semi-automatic weapon. He's got the weapons in
6 the wrong hands, because the physical evidence
7 clearly contradicts what he says and
8 demonstrates that the shell casings showed
9 multiple shell casings from the semi-automatic
10 weapon, which would have been the multiple
11 shots out of the front of the truck, the man
12 with the braids and the dreads.
13 Coincidentally, who was with him that night?
14 Xavier Walker. We don't have any evidence that
15 Dorchester County shows him a picture of Xavier
16 Walker to pick out. He's not in the lineup,
17 and he has physical differences from Mr.
18 Sanders. But he's not shown anything to point
19 to Xavier Walker. That keeps bugging me.
20 And the whole time that I've worked on
21 this case I don't understand that, until I
22 start to add up that how do we get here?
23 We don't get here just because of ballistics.
24 We don't get here just because ultimately of
25 DNA. We get here and we get pointed in this

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

260

1 direction because of one individual and one
2 individual only, Xavier Walker.

3 Xavier Walker is arrested not long
4 after the incident in March at Hunters Ridge,
5 the second place that we see these shell
6 casings that SLED say match. Xavier Walker is
7 the only person identified by the victims of
8 that crime as the shooter at Hunters Ridge.
9 Xavier Walker, after he is arrested, then says,
10 'You know, whatever', and gets somehow a bond
11 to get out. Then when this murder comes down,
12 Xavier Walker, the person who had the gun at
13 Hunters Ridge, probably the person who had the
14 gun at The Anchor Bar, becomes cooperative at
15 another time and points a finger at Anthony
16 Sanders.

17 Xavier Walker, a person whose cell
18 phone was off during the time of the murder,
19 who wasn't in communication, who wasn't talking
20 to girlfriends and other people, --

21 And certainly if any of these
22 girlfriends that Mr. Sanders was talking to
23 that night had information that he said he
24 committed a murder, don't you think they would
25 have been on the witness stand today? I mean,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

261

1 I certainly do, if the State's seeking to prove
2 this evidence. So the only thing that I can
3 conclude from that and I think the law requires
4 us to conclude is they didn't have any such
5 evidence, or the State would have brought it.

6 So these coincidences of the fact that
7 he's talking on his cell phone in an area which
8 is in close proximity to the apartment, but
9 isn't really out of proximity of where he lived
10 just on down Dorchester Road don't prove that
11 he committed a murder.

12 I'm also troubled with the fact that
13 we have DNA. We have DNA that begins with --
14 and only this conclusion can be drawn -- a
15 suggestion that Mr. Sanders provided that DNA.
16 A suggestion, I say, because the results
17 themselves, one in a couple hundred, when
18 extrapolated to the lowcountry as Mr. Young
19 suggested and was agreed to by the SLED expert,
20 leaves us with thousands of suspects, just in
21 the lowcountry. I also suggest it wasn't
22 enough for SLED because SLED didn't go with
23 that. They sent it for the Y chromosome test
24 done at the Orchid Cellmark in Texas lab
25 because they didn't feel comfortable with that

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

262

1 kind of number. And that Y chromosome test
2 tells us that Mr. Sanders -- yes? No, what it
3 tell us is - it doesn't tell us Mr. Sanders -
4 it tells us someone in the male lineage of Mr.
5 Sanders' family: dad, brothers, maybe even
6 cousins, uncles. Because that's how it's
7 passed down. Even though the SLED expert is
8 not the one who did those tests, she said
9 that's how it passes. And I don't understand,
10 she said, how it ultimately deviates or breaks.
11 But it is through the male lineage.

12 And the question was asked again and
13 again and over and over by Mr. Young and others
14 on the defense team:

15 'Did you take a sample from
16 Xavier Walker? Did you get a DNA sample?' The
17 answer, "no".

18 'Did you get footwear from Xavier
19 Walker?' The answer, "no."

20 'Do you know what size Xavier
21 Walker wears?' The answer, "no."

22 Do we know if Xavier Walker is in Mr.
23 Sanders' family lineage? I don't know the
24 answer to that, Your Honor. I don't know who
25 Anthony Sanders' dad is. Anthony has never had

1 a dad. He's never had a relationship with
2 anyone that he knows to be his dad. I don't
3 know if Xavier Walker has the same Y chromosome
4 test and DNA as Mr. Sanders or not. But what I
5 do know is that it was easy for the State to
6 figure that out, and they didn't. They dropped
7 the ball on it and they didn't check it out
8 because the puzzle fits.

9 I believe they would have stuck with
10 the first puzzle fit that they had. I mean, we
11 heard from the witness stand, from Earl Asbill
12 -- Lieutenant Asbill saying that the Captain
13 told them -- Tom Marshall -- that 'what we have
14 here is a murder-suicide.'
15 They thought it was the mom -- I mean, the
16 sister and brother. We have a murder-suicide.
17 And that only fell apart when, later, whether
18 hours or what later, they find Deanne Devore.
19 And so then all of a sudden, 'well, maybe we
20 don't have a murder-suicide.' So they start to
21 look.

22 And that's how it works with law
23 enforcement. They get fixed on a solution and
24 they stay on that solution. They get Xavier
25 Walker to tell them that it's Anthony Sanders,

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

264

1 and they quit looking at Xavier Walker. The
2 same Xavier Walker that they let out on bond
3 and now we understand was involved in another
4 murder, because we hear that witnesses from
5 that murder tell Major Garrison ---

6 SOLICITOR JENNINGS: Objection, Your
7 Honor. I know you'll disregard, but none of
8 that is in evidence.

9 MR. LEIENDECKER: It certainly was
10 testimony by Major Garrison from the witness
11 stand that witnesses in that other case told
12 them that the gun from the murder in our case
13 was disposed of in a ditch on Dorchester Road.
14 Not only that but Major Garrison told us that
15 they went there to look in the ditch and what?
16 It was inconvenient because it had water in it.
17 So they went back two days later and it had
18 water in it. And have they gone back and
19 checked since then? The Major told us no.
20 Why? Because it might not fit the theory of
21 the case. Because we might get a gun, a gun
22 that even the coroner tell us today, or the
23 medical examiner, could be used to determine
24 distances and other things that could be
25 important in this case. So we don't go look

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

265

1 for it. In Dorchester County we've got the
2 case solved, so we don't want any more evidence
3 that might screw up the theory of the case.

4 They want to add these things. They
5 want to stack the footprints and say that
6 because there's Nike Air Force Ones going in
7 and out of this apartment that it's our client.
8 However, the SLED expert tells us that when
9 she's asked to look at foot impressions that
10 involve tennis shoes, ninety to ninety-five
11 percent of them are Air Force Ones. Obviously,
12 a very common shoe. A very common shoe. She
13 says, 'I can't tell you for sure if it's a size
14 nine, but I can tell you it wasn't a size ten
15 or the eleven.'

16 Now, is it a nine and a half? Is it an
17 eight and a half?

18 'I don't know. I didn't have
19 them to compare. I didn't have them to look
20 at.'

21 Did she get samples from any place else?

22 'No, I didn't.'

23 The SLED expert on DNA, she got a swab
24 that gave a Y match and a one-in-two hundred
25 match for Mr. Sanders. But she also had DNA

State of South Carolina v. Anthony Sanders

266

Case No. 07-GS-18-1296 et al

Bench Trial of March 8-9, 2010

Before The Honorable R. Markley Dennis, Jr.

1 from the pajama bottoms that she couldn't
2 match. Yet we don't go out and check DNA
3 against a viable suspect, Mr. Walker, who was
4 at the other two crimes that we say Mr. Sanders
5 was involved in? We don't check it.

6 Your Honor, what that is in the
7 context of a murder trial is reasonable doubt.
8 And the State can't just think that it's
9 probable. The State has to show you beyond a
10 reasonable doubt that it was, to the exclusion
11 of other people, Mr. Sanders that committed
12 this murder. And I don't believe we're there.

13 We don't know where Xavier Walker was
14 that night. His phone was conveniently turned
15 off.

16 We do know that Anthony Sanders was on
17 his phone that night. We're not sure exactly
18 where on that phone. And we do know that he
19 talked to multiple people. And, as I say, we
20 certainly can conclude he never told any of
21 them he was involved in a murder or they'd be
22 here today.

23 We do know that Anthony Sanders has a
24 fetish for Air Force Ones tennis shoes. No one
25 has that many of them in their room unless

1 they're into them. But we don't know if his
2 shoes made any of those impressions. There's
3 no unique marks on the bottom of his that would
4 convince them as the sole that made the
5 impression. There's no dirt or blood or
6 anything else on them. There's nothing on
7 them.

8 They want to suggest that Mr. Sanders
9 committed this murder and was smart enough to
10 get rid of the gun but stupid enough to keep
11 all of the accouterments with the gun.

12 They want to suggest that a gun that
13 was reported stolen in August of 2007 was the
14 gun that was used at a shooting at The Anchor
15 Bar in March, that was used at Hunters Ridge
16 later in March and then used at a murder in
17 July. Yet we heard Mr. Alexander testify that
18 he took that gun in and out of the car. So it
19 couldn't have been that gun. Either that or
20 something's wrong.

21 Your Honor, all of these incon-
22 sistencies add up to the fact that the State
23 has not met its burden. The State has not met
24 the burden of showing that Mr. Sanders
25 committed these murders.

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

268

1 They got over the hurdle of probable
2 cause, but they haven't gotten over the hurdle
3 of reasonable doubt.

4 I would suggest that in these matters
5 that are the most serious, when a person's
6 entire life and future hangs in the balance,
7 that we, as the State, must demand absolute
8 perfection in the presentation of the case by
9 our prosecutors. That they must show to us
10 that the individual they want to put in prison
11 for the rest of his life is the person who
12 committed that murder. And that they must show
13 it beyond a reasonable doubt.

14 They must not be allowed to say 'well,
15 telephone records show he was in the area.
16 Well, he wears the same kind of shoe. Well,
17 his DNA matches, although the second DNA
18 doesn't. And please ignore the fact that we
19 didn't look at Mr. Walker, the person who
20 actually put us on this track' -- the person
21 who had, I would suggest, the semi-automatic at
22 the Anchor Bar in his hand. The person who was
23 identified as the shooter at Hunters Ridge.

24 I would ask the Court, after full
25 consideration of all these facts, to find that

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

269

1 the State has failed to meet its burden and
2 return a verdict of not guilty as to all three
3 of these indictments. Thank you.

4 THE COURT: Thank you, Mr.
5 Leiendecker. Anything else from the defense
6 team?

7 MR. YOUNG: No, Your Honor.

8 THE COURT: Thank you very much.
9 We'll be in recess. I'll go back and review my
10 notes and be out to render my decision.

11 (RECESS)

12 (DEFENDANT PRESENT)

13 THE COURT: Thank you. Please be
14 seated. Let the record reflect that Mr.
15 Sanders is present.

16 Thank you all for your arguments and
17 the case presentation. After considering all
18 of the arguments and reviewing the evidence, I
19 find that the defendant is guilty of all three
20 murders and have written that accordingly.

21 SOLICITOR JENNINGS: Is Your Honor
22 prepared to proceed with sentencing?

23 THE COURT: I am if the defendant is
24 ready. I've written that on the indictment
25 rather than a verdict form, if that's

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

270

1 satisfactory.

2 SOLICITOR JENNINGS: Your Honor,
3 there's one representative of the family that
4 would like to address you.

5 THE COURT: I'll be happy to hear
6 from any of the family members. If you would
7 give me your full name, please.

8 MS. ANDERSON: Carolina Yvette
9 Grant Anderson.

10 THE COURT: Yes, ma'am.

11 MS. ANDERSON: I'd like to speak
12 on behalf of the Grant family and the Devores.
13 This was a family never bothered anyone.

14 I knew Diane. We worked together for
15 the past nine and a half years of her life and
16 I really got to know Diane. Every morning even
17 if it meant being late for work, I would
18 automatically -- she made sure that her job got
19 done, regardless. The boss could tell her
20 things and there was nothing that she'd say.
21 She would walk away, she wouldn't harm a fly.
22 She was always a sweet, kind, loving person,
23 very quiet. She loved to laugh and she loved
24 to eat and have a good time with her family.

25 Deanna helped me with my being able to

1 read and go on with school. Deanna was a
2 sweetheart.

3 Jatavius was always known as the clown
4 of the family.

5 I don't understand why things happen
6 and I know that God's will has to be done. I
7 assume that this was God's way of saying, "Come
8 on home."

9 But the way that it was done, we may
10 never know what or why. All we can do is ask
11 that you bring justice. I didn't just lose a
12 first cousin and a coworker. I lost a good
13 friend. This was a tight-knit family. My
14 grandmother raised them pretty much all
15 together. I came from New Jersey at six years
16 old and my grandmother raised us all as sisters
17 and brothers, so it was a tight-knit family.

18 That Saturday Diane was home with
19 Deanna. She was so happy-go-lucky. For the
20 first time in her life she was going to meet
21 her brother that she had never seen before.
22 I thank God he spared his children, that
23 Marquis wasn't around.

24 No matter what you say here today, it
25 won't bring them back. But if some justice can

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

272

1 be served on behalf of this, our family can get
2 closure. We will really appreciate it.
3 Marquis' mother, no sister and no brother --
4 and they were all real close. And you do what
5 you have to do. But we appreciate what you do
6 and ask for justice for our family. I thank
7 you, Your Honor.

8 THE COURT: Thank you, ma'am.

9 SOLICITOR JENNINGS: Your Honor,
10 we would just ask you to sentence him to life.
11 This is probably one of the more senseless
12 murders that I've seen in the time that I've
13 been doing this. The elements that you heard
14 about during this trial, the drugs and guns and
15 those sorts of things, none of that was
16 associated with this family. It was just a
17 family -- Diane was working at NuCor. Really
18 no trouble from either of her two children, and
19 we may never know how Mr. Sanders came into
20 their lives. But certainly it was a tragic
21 occurrence for them, to say the least.
22 None of this had to happen. Certainly it's a
23 brutal, brutal crime. When you look at the
24 manner in which Jatavius was shot in the face,
25 in close proximity, within three feet. Diane

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

273

1 was shot in the back of the head. And then
2 poor Deanna, as she was running for her life,
3 to be gunned down really like an animal. He
4 chased her, shot her in the back, came upon her
5 and then shot her execution style in the head.

6 We're really at this point only
7 because of the family, only because they want
8 closure. Certainly this would have been a
9 case, I think, that would have been appropriate
10 for Mr. Sanders to pay for this with his life.
11 But they wanted to put this behind them, and
12 they didn't want to think about Mr. Sanders
13 again. The fact that he waived his appeals,
14 waived his PCRs is the reason that we're here.
15 I think that the only just sentence is that he
16 will spend the rest of his life in the
17 Department of Corrections. Thank you.

18 THE COURT: Thank you, sir.

19 MR. YOUNG: Your Honor, you've heard
20 this story thousands of times around the
21 Charleston area. A family with little or no
22 money and little or no resources with too many
23 kids, too many mouths to feed, that turns
24 people to a lifestyle where that's the only
25 outlet they know. And that's certainly

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

274

1 applicable to Mr. Sanders and Mr. Sanders'
2 family. I would love to know who Mr. Sanders'
3 father was, but we don't who his father is or
4 of any of his siblings.

5 I think there were some bad influences
6 in Mr. Sanders' life, particular his older
7 brothers. None of his family has attended any
8 of his trial. They were here earlier, Your
9 Honor, and I had a very frank discussion when
10 we were trying to resolve this case, some of
11 the issues, and what Mr. Sanders' family had
12 told him with regard to resolving this case.

13 Your Honor has also met Mr. Sanders'
14 son and Fason's (phonetic) mom, who has been
15 here today. She is a wonderful influence on
16 his son, and he is a good influence on his son.
17 She has made sure that he maintains an
18 influence in his son's life. Your Honor has
19 seen a card that Fason wrote to Your Honor to
20 allow them to have a visit, that we prepared in
21 a mitigation attempt, in an attempt to develop
22 some mitigation should this be a capital trial
23 before a jury.

24 The best influence in Anthony's life
25 was his sister, Patty. She passed away in 2006

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

275

1 through sickle cell complications after having
2 a child. On her deathbed she pretty much told
3 Anthony that he had to start being a dad and
4 that was Anthony started becoming involved in
5 Fason's life.

6 However Anthony also started to drink
7 and to drink heavily, drink heavily, drink a
8 lot. There is some evidence -- it wasn't
9 presented in the case, but the police did
10 confirm that Anthony was highly intoxicated on
11 the night of these occurrences and had been
12 experimenting with other psychotropic drugs
13 too, ecstasy and other things. Ecstasy is
14 something that you don't know what effect it is
15 going to have on -- you don't know what it is
16 made of, every pill is different.

17 To the Grant family, we express our
18 deepest condolences.

19 We want the Court to be aware that we
20 didn't want -- that we haven't tried to
21 approach anybody in Court or at the court
22 house. We did send out some letters from the
23 defense outreach specialist; they didn't want
24 to talk, and that's fine. I certainly respect
25 that and have continued to try to respect that

State of South Carolina v. Anthony Sanders
Case No. 07-GS-18-1296 et al
Bench Trial of March 8-9, 2010
Before The Honorable R. Markley Dennis, Jr.

276

1 throughout the course of these proceedings:

2 I would ask the Court to consider that
3 -- whatever sentence that you give is the
4 minimum, that it's a term that's not a global
5 sentence and that there's no time cut in any
6 way, shape or form. And Your Honor certainly
7 has the discretion from thirty years to Life.
8 Mr. Sanders is twenty-eight years old. I would
9 ask the Court to consider fashioning a sentence
10 that would allow some possibilities,
11 understanding that his prison life expectancy
12 is around seventy-four, that would allow some
13 possibility of Mr. Sanders looking at the
14 possibility of one day getting out. That would
15 be our request to the Court.

16 THE COURT: Thank you, Mr. Young.
17 Anything else? Anything further?

18 MR. YOUNG: No, Your Honor.

19 THE COURT: Very well. Thank you
20 very much, Mr. Young and Mr. Jennings. I
21 certainly have come to understand --
22 "understand" in the sense of being able to
23 intellectualize something. Understanding in
24 the sense of ever understanding or appreciating
25 it, no way, because I have never experienced

1 that sort of situation in my life. I've been
2 fortunate to have respect. But I see a lot of
3 people and families unfortunately in that
4 situation and it's tragic. It really is. If
5 there was something I could do to change that,
6 I wish I could do it. It's tragedy all the way
7 around, because it leads to where we are here,
8 what brings us here. It doesn't have to, but
9 it can. And I don't know what separates that.
10 I don't know what causes the difference. Maybe
11 the recognition given to the life of a
12 gentleman who's changed his life -- he's
13 playing pro football and made a movie out of it
14 -- it shows you that you can rise above some of
15 those things. Maybe that will help a lot of us
16 to go to the right way of changing the obvious
17 and the inevitable. If anybody sees that
18 movie, one of the scenes in that movie that's
19 tragic is when he goes back to the room where
20 everybody is and all of his buddies are there.
21 So many of them are still caught and trapped in
22 that environment. That's tragic. I think that
23 really says what I see daily here.

24 Having said all of that, Mr. Sanders
25 and Mr. Young, one -- maybe I can say 'okay'.

State of South Carolina v. Anthony Sanders

278

Case No. 07-GS-18-1296 et al

Bench Trial of March 8-9, 2010

Before The Honorable R. Markley Dennis, Jr.

1 But I believe the physical evidence shows that
2 there had to be two killed pretty quickly and
3 then one chased down. Really, there was no
4 other way for it to happen. I think that was
5 -- for me, that was the one that decides the
6 sentence. So the sentence, Mr. Sanders, is
7 that you be confined to the Department of
8 Corrections for the balance of your life.
9 God bless you and good luck.

10 (TRIAL CONCLUDED)

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CERTIFICATE OF REPORTER

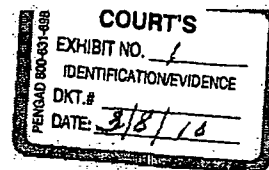
I, the undersigned, Deborah Garrison,
official court reporter for the 9th Judicial
Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true,
accurate and complete transcript of the bench
trial held before The Honorable R. Markley
Dennis, Jr., on March 8-9, 2010;

I further certify that I am neither kin
nor counsel to any of the parties and have no
interest in the outcome of this action.

Deborah Garrison

Deborah Garrison
Circuit Court Reporter
9th Judicial Circuit

Charleston, South Carolina
March 3, 2011



STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

STATE OF SOUTH CAROLINA,)

v.)

ANTHONY SANDERS,)
Defendant.)IN THE COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

Indictment #(s) 2007-GS18-1296, 1297, 1298

**CONTRACTUAL CONSENT ORDER TO
WAIVE RIGHT TO JURY TRIAL**

The Defendant is currently charged with three counts of Murder in the above referenced indictments. The Defendant has previously requested a jury trial.

The Honorable R. Markely Dennis has been assigned by South Carolina Court Administration as the trial judge for this case.

The Defendant, Anthony Sanders, hereby consents pursuant to Rule 14(b) of the South Carolina Rules of Criminal Procedure to waive his right to a jury trial. In consideration for his doing so, both parties agree that in the event Mr. Sanders is found guilty by the trial judge he will be sentenced pursuant to SC Code Ann §16-3-20(A), which is 30 years to life imprisonment for each indictment. The State and the trial judge hereby approve this waiver, and agree for this case to be resolved by a bench trial before the Honorable R. Markley Dennis.

Pursuant to South Carolina Code Section 16-3-20(A) the Defendant will not be eligible for parole, community supervision, or any early release program, nor is the Defendant eligible to receive any work credits, education credits, good conduct credits, or any other credits that would reduce the sentence.

The Defendant, Anthony Sanders, has been informed by his counsel that appealable error may have already occurred in evidentiary hearings or may occur during the bench trial which

A handwritten signature in dark ink, appearing to be "R. Markley".

may entitle him to a new trial. Anthony Sanders agrees to waive absolutely and unconditionally all future rights to appeal any legal issues associated with this case or conviction in State or Federal Court. The Defendant waives the right to appeal any evidentiary rulings made by the Honorable R. Markley Dennis. The Defendant also waives the right to appeal the verdict and sentence entered by the trial judge. This waiver applies to all rights of judicial review, including, but not limited to direct appeal, post conviction proceedings, or habeus corpus proceedings in State or Federal Court.

The Defendant, Anthony Sanders, is making a knowing, intelligent and voluntary decision to enter into the terms of this consent order.

The Defendant, Anthony Sanders, in signing this consent order, acknowledges and attests to the following:

- a) He is mentally and legally competent;
- b) He has full understanding of the terms and provisions of this consent order;
- c) He has read the consent order in detail;
- d) He has had ample opportunity to discuss, and has discussed at length, the terms and provisions of this consent order with his counsel; and
- e) He understands the provisions of this consent order are permanent and irrevocable such that he will not have a jury decide his guilt for the above referenced indictments, and he will never be entitled to appeal any aspect of this case.

Counsel for Anthony Sanders, by virtue of their signatures below, attest that to the best of their knowledge, Anthony Sanders fully understands the terms of this consent order and has made a knowing, intelligent, and voluntary decision to enter into this consent order after thorough discussion with counsel such that he has a full understanding of the consequences of his actions.

RMD/2

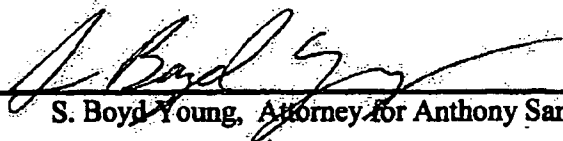
The Defendant, Anthony Sanders, further understands that if he breaches any of the terms of this agreement, his death penalty trial will proceed as currently scheduled beginning March 8, 2010.



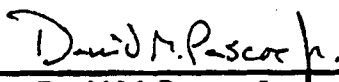
Anthony Sanders, Defendant



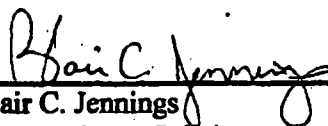
Mark Leisdecker, Attorney for the Anthony Sanders



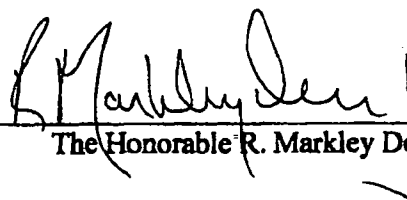
S. Boyd Young, Attorney for Anthony Sanders



David M. Pascoe, Jr.
First Circuit Solicitor



Blair C. Jennings
First Assistant Solicitor



The Honorable R. Markley Dennis, Circuit Judge

This 21st day of January, 2010

11/10/3

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM Dorchester County
Court Of General Session

Circuit Court Judge

B. Dennis Jr.

Case No.

07-65-18-1296

STATE OF SOUTH CAROLINA
VS

Anthony Sanders

NOTICE OF APPEAL

RECEIVED

MAR 24 2010

SC Court of Appeals

POC
PM 3/23/10

Anthony Sanders appeals his conviction and sentence in this
case. The sentence was imposed by the (Honorable) B. Dennis Jr.
on Date 3/9/10

SI. Atty Gen

Sworn to and Subscribed before me

This 18 day of March 2010

Heinrich
Notary Public for South Carolina

My Commission Expires on: _____ My Commission Expires November 8, 2017

RECEIVED

MAR 24 2010

SC Court of Appeals

IN THE STATE OF South Carolina
In The Supreme Court

APPEAL FROM Dorchester County
Court of General Session

Circuit Court Judge

R. Dennis Jr.

Case No.

07-65-18-1296

STATE of South Carolina
vs.

Anthony Sanders

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Henry D. McMaster, Attorney General, by depositing a copy of it in the United States mail, postage prepaid, on (date), addressed to him at P. O. Box 11549, Columbia, SC 29211

s/ Antley Linder

Sworn to and Subscribed before me
this 18 day of March 2010

Notary Public

Notary Public for South Carolina

My Commission Expires on: My Commission Expires November 8, 2017

The South Carolina Court of Appeals

The State,

Respondent

v.

Anthony Sanders,

Appellant.

The Honorable R. Markley Dennis, Jr.
Dorchester County
Trial Court Case No. 2007-GS-18-01296

ORDER

The above entitled case is pending on appeal in this Court. Due to the failure of Appellant to provide the Court with a proof of service showing the Notice of Appeal was timely served on opposing counsel, as provided for in Rule 203 of the South Carolina Appellate Court Rules, and as requested by letter from this office dated April 1, 2010 :

IT IS ORDERED that the above captioned appeal be and hereby is dismissed. Pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, the remittitur in this case will be sent to the Clerk of Court for Dorchester County after fifteen (15) days, exclusive of the date of filing this

JOHN CANNON FEW, CHIEF JUDGE

BY V. Claire Allen, Deputy Clerk
Clerk

Columbia, South Carolina
4/22/2010

cc: Anthony Sanders #339645
Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Salley W. Elliott
The Honorable Cheryl L. Graham

FILED
4/22/10 *WA*

The South Carolina Court of Appeals

The State,

Respondent

v.

Anthony Sanders,

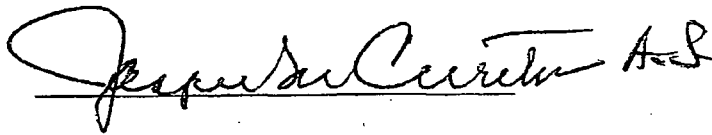
Appellant.

The Honorable R. Markley Dennis, Jr.
Dorchester County
Trial Court Case No. 2007-GS-18-01296

ORDER

The above-captioned appeal was dismissed due to Appellant's failure to provide a proof of service showing the Notice of Appeal was timely served on Respondent. Subsequently, Appellant filed a letter, which we construe to be a request to rehear our order of dismissal. Appellant also submitted a proof of service that shows it was mailed to the Respondent, but does not provide the actual date the proof of service was mailed. Appellant has ten days to provide this Court with a proof of service showing when the Notice of Appeal was mailed to Respondent. The petition will be considered in ten days.

AND IT IS SO ORDERED.



Columbia, South Carolina

May 19, 2010

FILED
5/20/10

cc: Anthony Sanders #339645
Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Salley W. Elliott

June 30, 2010

Anthony Sanders #339645

McCormick Correctional Institution **RECEIVED**

386 Redemption Way

JUL 12 2010

McCormick, SC 29899

SC Court of Appeals

Re: The State v. Sanders, Anthony

Dear Ms. Tanya A. Gee:

Forgive me for being a nuisance if that's what I'm looked at as, but I'm trying to obtain a copy of my trial transcript and I'm unsure about how I'm supposed to go about getting it. I have sent out a letter to the Clerk of Court, Court Reporter and to my counsel at trial requesting for it with no avail. I have yet to hear back from the first two and the latter said they won't be able to get it for me since I won't be represented by them in any of my appeal process. Whether that has anything to do with me getting my trial transcript or not, that still

leaves me without a means to receiving it. Now, I'm asking the Court if they can help me get my trial transcript or perhaps, get things in motion for me to receive it? Also, as soon as I can recover the address for the Office of Court Administration, I, too, will be sending them a letter regarding my transcript because all I have to rely on is me, myself and I since others (not calling no names) have steered me wrong with their advice and actions.

Please excuse my narrative writing if it was a waste of your time. I do not mean to trouble the Court with things that are not of their concern, but I had to try in case of if it is Surely, you all understand.

Sworn to and subscribed before me this 07 day of July 2010

S/Anthony Lulu

J. C. Franklin

Notary Public for South Carolina

12-16-2019

The South Carolina Court of Appeals

The State,

Respondent

v.

Anthony Sanders,

Appellant.

The Honorable R. Markley Dennis, Jr.
Dorchester County
Trial Court Case No. 2007-GS-18-01296

ORDER

On April 22, 2010, this court dismissed Appellant's appeal for failure to serve and file a Notice of Appeal with proper proof of service. Appellant has now filed several documents with this court, which we construe as a petition for rehearing. After careful consideration, this court is unable to discover that any material fact or principle of law has been either overlooked or disregarded; hence, there is no basis for granting a rehearing or reinstating the appeal.

AND IT IS SO ORDERED.

H B W
CKO
Casper M. Carter #5

Columbia, South Carolina

7/14 2010

FILED

7/15/10 TMA

cc: Anthony Sanders #339645
Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Salley W. Elliott

10-1612

319

ATTORNEY GENERAL'S OFFICE
RECEIVED 8-26-10

The South Carolina Court of Appeals

ADMINISTRATIVE INSTRUCTIONS
OPEN _____ END _____

RECEIVED
ROUTE TO _____

The State,

Respondent

ORIGIN _____ TRANSCRIPT _____
AUG 26 2010

v.

OPEN RECORDS _____ CLERK RECORDS _____

Anthony Sanders,

Appellant.

ATTORNEY GENERAL'S
OFFICE

The Honorable R. Markley Dennis, Jr.
Dorchester County
Trial Court Case No. 2007-GS-18-01296

REMITTITUR

The Petition for Rehearing having been denied on July 14, 2010 in the above matter,
IT IS SO ORDERED that the above appeal be and hereby is remitted to the Clerk of Court for
Dorchester County.

JOHN CANNON FEW, CHIEF JUDGE

BY V. Claire Allen, Deputy
Clerk

Columbia, South Carolina
8/25/2010

Original to: The Honorable Cheryl L. Graham

cc: Anthony Sanders #339645
Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Salley W. Elliott
The Honorable Cheryl L. Graham

FILED
8/25/10

STATE OF SOUTH CAROLINA

County of Dorchester

In the Court of Common Pleas

Anthony Sanders #339645

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

vs.

The State

Name of Respondent.

2011-CP-18- 27APPLICATION FOR
POST-CONVICTION RELIEF2011 JAN -6 PM 3:22
CLERK OF COURTINSTRUCTIONS — READ CAREFULLY

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

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

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

1. Place of detention McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899
2. Name and location of Court which imposed sentence Court of General Session, Dorchester County
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) 2007-GS-18-1296
 - (b) 2007-GS-18-1297
 - (c) 2007-GS-18-1298
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) March 9, 2010 Life
 - (b) _____
 - (c) _____

5. Check whether a finding of guilty was made

- (a) after a plea of guilty _____
 (b) after a plea of not guilty ✓ _____
 (c) after a plea of nolo contendere _____

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

Yes

7. If you answered "yes" to (6), list

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

- i. The South Carolina Court of Appeals
 ii. _____
 iii. _____

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

- i. Dismissed
 ii. _____
 iii. _____

(c) the date of each such result:

- i. May 19, 2010
 ii. _____
 iii. _____

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

- i. failure to serve and file a Notice of Appeal w/ proper
 ii. proof of service
 iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) _____
 (b) _____
 (c) _____

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

- (a) Ineffective Assistance of Counsel
 (b) _____
 (c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) (See Attachment of Additional Page 1)
 (b) _____
 (c) _____

"Additional Page"

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) 1-Counsel misadvised me with misleading statements that render my signing of the "Contractual Consent Order to waive right to jury trial" involuntary and not an intelligent decision, especially in light of the prosecutor's weak case.

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? Yes
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? No
- (d) any other petitions, motions or applications in this or any other Court?
NO

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. Appeal
- ii. _____
- iii. _____
- iv. _____

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

- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. Dismissed
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. May 19, 2010
- ii. _____
- iii. _____
- iv. _____

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

- i. failure to serve and file a Notice of Appeal w/ proper
- ii. proof of service
- iii. _____
- iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

14. If you answered "yes" to (13), identify:

(a) which grounds have been presented:

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

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

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

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) See 9(a) Applicant's first time presenting ground
 (b) _____
 (c) _____

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

- (a) your arraignment and plea? N/A
 (b) your trial, if any? Yes
 (c) your sentencing? Yes
 (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? N/A
 (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? N/A

17. If you answered "yes" to one or more parts of (16), list:

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

- i. (See Attachment of Additional Page 2)
 ii. _____
 iii. _____

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

- i. (See Attachment of Additional Page 2)
 ii. _____
 iii. _____

18. State clearly the relief you seek in filing this application.

Plea & Sentence vacated, and any other relief the court may deem that I am entitled to

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

NO

" Additional Page"

17. If you answered "yes" to one or more parts of (16), list:

(a) The name and address of each attorney who represented you.

- i. S. Boyd Young
1330 Lady Street, Suite 401
Columbia, SC 29201
- ii. Mark A. Leindecker
107 West 6th N. Street
Summerville, SC 29483
- iii. Laura E. Wood
1330 Lady Street, Suite 401
Columbia, SC 29201
- iv. Name: Unknown
107 West 6th N. Street
Summerville, SC 29483

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

- i. Motions' Hearing, Trial
- ii. Motions' Hearing, Trial
- iii. Trial
- iv. Trial

STATE OF SOUTH CAROLINA

County of McCormick

VERIFICATION

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

Atty. Lulu

SWORN to and subscribed before me this 08

day of December, 19 2010

J C Franklin (L.S.)
Notary Public

My Commission Expires: 12-16-2019

2011 JAN -6 PM 3:22
NOTARY PUBLIC
SOUTH CAROLINA

**APPLICATION TO PROCEED WITHOUT PREPAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

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

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

Atty. Lulu

Applicant

SWORN or affirmed to and subscribed before me this

08 day of December, 19 2010

J C Franklin
Notary Public

My Commission Expires 12-16-2019

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

2011-CP-18-0027

Anthony Sanders, #339645,

Applicant,

v.

State of South Carolina,

Respondent.

RETURN
(Appointment of Counsel Requested)

FILED-RECORDED
2011 MAY -4 PM 3:01
CLERK OF COURT
DORCHESTER COUNTY

The Respondent, making its Return to the Application for Post-Conviction Relief filed January 6, 2011, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Dorchester County. The Applicant was indicted at the September 4, 2007, term of the Dorchester County Grand Jury for three (3) counts of Murder (2007-GS-18-1296/1297/1298). He was represented by March A. Leiendecker, Esquire, and Mitchell Farley, Esquire. On March 8, 2010, the Applicant proceeded to a bench trial before the Honorable R. Markley Dennis, Jr. On March 9, 2010, the Applicant was found guilty of three (3) counts of murder. Judge Dennis sentenced the Applicant to life without parole.

Applicant filed a Notice of Appeal. The South Carolina Court of Appeals dismissed the appeal on April 22, 2010, for failure to provide proof of service. Applicant subsequently filed a letter to the Court of Appeals, which the Court construed as a request to rehear the order of dismissal. In an order dated May 19, 2010, the Court of Appeals gave Applicant ten (10) days to

provide proof of service of the notice of appeal showing when the notice was mailed. In an order dated July 14, 2010, the Court of Appeals noted several additional documents filed by Applicant construed as a petition for rehearing; the Court found no basis for rehearing or reinstating the appeal. The Remittitur was sent August 25, 2010.

Attached herewith and incorporated herein by reference are the records of the Dorchester County Clerk of Court regarding the subject convictions, the Applicant's records from the Department of Corrections, the Applicant's trial transcript, and the Applicant's appellate records.

II.

In his Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.

- a. "Counsel misadvised me with misleading statements that render my signing of the 'Contractual Consent Order to waive right to jury trial' involuntary and not an intelligent decision, especially in light of the prosecutor's weak case."

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCP.

III.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

V.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

MARY S. WILLIAMS
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

Mary S, 20 11

STATE OF SOUTH CAROLINA FILED-RECORDED
 COUNTY OF DORCHESTER 2011 MAY -4 PM 3:08 THE COURT OF COMMON PLEAS

CHERYL GOADAN
 CLERK OF COURT
 DORCHESTER COUNTY

2011-CP-18-0027

ANTHONY SANDERS, 339645,

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Melvin D. Williamson, Esquire
 Williamson Law Office, PA
 1810 Old Trolley Road, Ste. F
 Summerville, SC 29485-7623

DATED this 3rd day of May, 2011.

Lauren Meara
 Lauren Meara, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

Anthony Sanders,
S.C.D.C. No. #339645,)

Applicant,)

VS.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
C.A. NO. 2011-CP-18-0027**NOTICE OF MOTION AND
MOTION TO DISMISS APPLICATION
PURSUANT TO TERMS OF
PRIOR CONSENT ORDER**

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed January 6, 2010. Applicant is challenging his convictions and sentence for three counts of murder. Applicant was indicted during the September 2007 term of the Dorchester Grand Jury for three counts of murder. Applicant and his attorneys entered into a waiver agreement with the Solicitor's Office signed by Applicant, two of his attorneys, the Solicitor and Assistant Solicitor, and the Honorable R. Markley Dennis, Circuit on January 21, 2010. A status conference on the waiver was held before Judge Dennis on the same day which was transcribed. In exchange for the State not seeking the death penalty, Applicant, under the express terms of the agreement, agreed to waive his right to jury trial and be tried without jury before Judge Dennis. Further, Applicant agreed to waive his right to direct appeal in the event of conviction and waive the right to seek post-conviction relief.

Applicant was tried before Judge Dennis on March 8 and 9, 2010. Judge Dennis found Applicant guilty and sentenced him to life imprisonment.

The PCR application should be dismissed as it violates the bargained for agreement of the parties. Specifically, Applicant waived seeking post-conviction agreement under the terms of the

agreement. Further, the agreement explicitly stated that Applicant by signing the order, acknowledged and attested that he fully understood the terms of the agreement, read the consent order in detail, and had ample opportunity to discuss and discussed at length the terms of the agreement with his counsel. Finally, he indicated by his signature that: "He understands the provisions of this consent order are permanent and irrevocable such that he will not have a jury decide his guilt for the above referenced indictments, and he will never be entitled to appeal any aspect of this case."

Accordingly, Respondent moves before this Court to dismiss this PCR application with prejudice pursuant to the explicit and bargained for terms of the agreement.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

DAVID SPENCER
Assistant Deputy Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3727

May 17, 2012

STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS

2011-CP-18-0027

ANTHONY SANDERS, 339645,)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

STATE OF SOUTH CAROLINA,)

Respondent.)

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Notice of Motion and Motion to Dismiss Application Pursuant to Terms of Prior Consent Order** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Jessica Cassick, Esquire
Law Office of Ashley Ameika, LLC
7555 Northside Drive
North Charleston, SC 29420

DATED this 17th day of May, 2012.

Lauren Meara
Lauren Meara, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

2011-CP-18-00027

Anthony Sanders,

Plaintiff,

v.

State of South Carolina,

Defendant.

)
)
)
) Transcript of Record
)
)
)
)
)
)

May 22, 2012
Orangeburg, South Carolina

B E F O R E:

The Honorable DeAndrea G. Benjamin, Judge

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

David Spencer, Esquire
Attorney for the State

Ms. Cassic, Esquire
Attorney for the Defendant

Hilda M. Jordan, CVR-M
Circuit Court Reporter

I N D E X .WITNESS/DESCRIPTIONPAGE NO.

EXHIBITS:

No exhibits were marked to this proceeding.

Certificate of Court Reporter 13

Sanders v. State 5/22/12

3

1 THE COURT: You may be seated.

2 Yes, sir.

3 MR. SPENCER: Oh, we're without the applicant. I'm
4 sorry.

5 Can you bring up Mr. Sanders?

6 Sorry about that, Judge.

7 THE COURT: That's okay.

8 MR. SPENCER: Thank Your Honor.

9 This next case I would call is Anthony Sanders verses
10 South Carolina, 2011-CP-18-00027. This is from an
11 application that was filed on January 6, 2011.

12 The applicant was indicted on September of 2007 for
13 three counts of murder. Judge, let me bring you up on the
14 facts.

15 He was represented by Mr. Leiendecker, Mr. Farley, also
16 Boyd Young and Laura Wood on these charges. He proceeded to
17 a bench trial in March, March 8, 2010 and was found guilty
18 by Judge Dennis and sentenced by Judge Dennis to life
19 imprisonment for all three counts of murder on March 9,
20 2010.

21 A little back story as to how we got to the bench trial
22 is that Mr. Sanders was facing a death penalty trial. There
23 were negotiations then between the solicitor's office and
24 defense counsel and they reached an agreement, which Mr.
25 Sanders was part of, where he would agree to waive his right

1 to jury trial, waive his right to direct appeal, waive his
2 right to post-conviction relief. Nonetheless, he filed an
3 application for post-conviction relief in January 2011, and,
4 Your Honor, as I understand there is a Motion for
5 Continuance. I think the appropriate thing, although, I'm
6 probably going to talk about this contract a little more, I
7 think the appropriate thing would be, Ms. Cassic, who
8 represents the applicant today, to make her motion, but I
9 anticipate the State would oppose it.

10 THE COURT: Yes, ma'am.

11 MS. CASSIC: Your Honor, may it please the Court.

12 This morning my client presented me with information
13 which I need to investigate further surrounding three
14 additional witnesses.

15 There were three incidents surrounding my client's
16 arrest. First there was an Anchor Bar shooting. Second,
17 there was a Hunter's Ridge shooting. Third, was the
18 Archdale Apartments, which led to my client's indictment for
19 murder on August 30, 2007.

20 Xavier Walker was an individual who identified my
21 client in the Hunter's Ridge shooting, which later led to
22 his indictments in these three murders at the Archdale
23 Apartments. Trent Brown and James Jenkins were two other
24 individuals who provided the Dorchester County Sheriff's
25 Department statements that Xavier was the individual at the

Sanders v. State 5/22/12

5

1 Anchor Bar and Hunter's Ridge shooting.

2 How these are all linked, the shell casings from the
3 Hunter's Ridge shooting and the Archdale Apartment shooting.
4 There was a ballistics report, however, no gun was ever
5 recovered, therefore Xavier Walker's ID linked him to
6 Archdale yet he was never called as a witness. To my
7 client's knowledge he was never investigated by his
8 attorneys nor were Trent Brown or James Jenkins interviewed
9 or present at the trial and testified. These three
10 individuals testimony is pertinent to Mr. Sanders claim for
11 post-conviction relief. His attorneys failed to investigate
12 these witnesses and offer their testimony during Mr. Sanders
13 trial

14 We respectfully request a continuance to allow me
15 adequate time to prepare the newly developed evidence which
16 is pertinent to his post-conviction relief hearing.

17 THE COURT: All right. Now, ma'am, when did you learn
18 of these witnesses?

19 MS. CASSIC: Your Honor, it was this morning. He
20 presented me with a statement that he had which I didn't
21 know that he had this morning, up until this morning. He
22 carries his file around like this. It's obviously not as
23 organized as mine. We did have a meeting prior to today to
24 prepare for this and at that point, this was never brought
25 to my attention. It wasn't until I actually read the

1 documentation that I found the significance of it to be some
2 thing I needed to address to the Court. Clearly, I wasn't
3 able to subpoena these witnesses as I just learned of their
4 relevance today.

5 THE COURT: All right. Yes, sir.

6 MR. SPENCER: Your Honor, we oppose the Motion first of
7 all because it is an eleventh hour thing that has been
8 brought up. Mr. Sanders had filed this application over a
9 year ago, a year and some months. So we would oppose it. I
10 believe there are four witnesses here, all four attorneys
11 here. I'm unaware -- it doesn't look like to me we have the
12 victims families here today, but nonetheless we have gone to
13 the expense of transporting Mr. Sanders. The time from the
14 office that it's taken to review all these materials, some
15 of which were lengthy trial transcript, not as long as some,
16 but still several pages.

17 That would be something that I would normally be
18 objecting to, but then there's the additional element that
19 goes into a motion that I also have made which is to dismiss
20 this PCR because, as I mentioned before, part of the
21 contract in which the State was giving up the right to seek
22 the death penalty.

23 Your Honor, I can bring the contract up. I think I
24 made it part of the Judge's packet.

25 THE COURT: All right. I was going to ask, that was

Sanders v. State 5/22/12

7

1. going to be my next question.

2. Ms. Cassic?

3. MS. CASSIC: Yes, Your Honor.

4. THE COURT: What's your position regarding -- you know,
5. if I find that he's waived his right to this PCR hearing,
6. according to this contract, then really none of that's going
7. to be -- it's not going -- I don't want to say -- it's
8. really not going to be relevant because we wouldn't have to
9. call any witnesses or anything.

10. What's your position regarding the contract?

11. MS. CASSIC; Yes, Your Honor. Again, with that being
12. said I would obviously have to amend his post-conviction
13. relief application to add in the allegations we just
14. discussed. As for the contractual waiver, Mr. Sanders,
15. that's one of the underlying reasons of his post-conviction
16. relief application that he did not enter into that contract
17. knowingly and voluntarily.

18. THE COURT: Is there any colloquy in the transcript with
19. Judge --

20. MR. SPENCER: Your Honor, I'm glad you brought that up,
21. because I neglected to put that in. There is a transcript,
22. I believe Ms. Cassic has a copy. It is labeled as a, for
23. the event that anyone has to go back and look, it's labeled
24. as a Transcript of Status Conference. That is actually a
25. hearing that went through these rights and I'd like to put

1 that in the Judge's packet as that is something we only
2 received in the last few months.

3 And, Your Honor, I did also want to call your
4 attention, I did file a written motion or serve a written
5 Motion to Dismiss on the basis of the contract. It didn't
6 get filed in my file, so I actually don't have a copy of the
7 written motion to give to this Court, but, you know, it was
8 nothing more than simply looking at the contract and saying,
9 express terms of this contract was that the PCR hearing
10 would be waived by the State giving up the right to seek the
11 death penalty. That was a bargained for item from the
12 State. That's something that I think public policy should
13 allow parties to negotiate because that was an important
14 concession from the State and -- and that was something that
15 was important to the defense to be able to get that waiver
16 of the death penalty. I think it's terribly unfair for
17 somebody to go back and file a PCR when they've agreed not
18 to file a PCR in order to, you know, save their own lives,
19 if you will. I have a case, Your Honor, concerning the
20 contractual waiver of the right to appeal and PCR which is
21 called *Spoone verses State of South Carolina*. It's 379 SC
22 138, 665 SE2d, 605, and it's where as part of a guilty plea
23 a defendant waived his right to have a direct appeal and a
24 PCR and Supreme Court upheld that. This is an enforceable
25 contract and we certainly want to enforce it, and certainly,

Sanders v. State 5/22/12

9

1 the way I see it we have two questions. One is the ability,
2 first of all, to come in and challenge the voluntariness of
3 the contract, if you will, which I think is an allegation
4 which is expressly raised in the application. The second
5 question is can he come back and allege counsel error in
6 terms of what witnesses are called and what defense strategy
7 was employed or didn't employ or other acts and omissions
8 you made during the course of the bench trial. And Your
9 Honor; I would strongly argue those kind of claims have been
10 made by this free and voluntarily given contract. Further,
11 the hearing transcript, it's not terribly long. It's only
12 about 27 pages. Judge Dennis does go through and explain, I
13 think it's Pages 13 and 14 of the hearing transcript that
14 the rights he's giving up and on 13 and 14, you understand
15 in giving up your right to post-conviction relief and Mr.
16 Sanders indicates he understands.

17 Your Honor, this is an important question in
18 enforceability of this contract because there may be others
19 who find themselves in Mr. Sanders position who want to make
20 this contract and hindrance of the State's ability to
21 enforce this kind of contract. It's going to negatively
22 impact future defendants. This is an important issue. This
23 is freely and voluntarily made and on that basis we move to
24 dismiss the PCR application but we certainly -- it also goes
25 to our motion -- our opposition to a Motion for Continuance,

1 because these are witnesses that should not be needed
2 because under the contract we should not be here
3 entertaining those kind of allegations.

4 THE COURT: Anything else, Ms. Cassic?

5 MS. CASSIC: Yes, Your Honor. The circumstances that
6 surround the waiver is what is questionable as to his
7 knowingly entering -- voluntarily, excuse me, entering into
8 it. There was a plea negotiations prior to the contract --
9 him signing this contractual waiver that essentially
10 discussed for a few months prior to and he was faced with
11 three options, one of which was this contractual waiver. He
12 signed it within an hour of seeing it, talking to his
13 attorneys. He asked if he could still appeal. That, to me,
14 shows that he did not know what everything mean, that he was
15 actually contracting away his rights, and the caption is
16 entitled Waiver of Jury Trial. It doesn't indicate anything
17 else, and that may not be significant but to Mr. Sanders it
18 may be because that may be the one thing that is stuck in
19 his head. He may not have realized that he waived his right
20 to a direct appeal and to this post-conviction relief
21 hearing.

22 We would, again, respectfully request you would allow
23 him to have an evidentiary hearing and certainly would allow
24 us to have a continuance in order to present testimony.

25 THE COURT: All right. Well, the only thing, I

Sanders v. State 5/22/12

11

1 understand what you're saying, but Judge Dennis specifically
2 asked him about post-conviction relief and reviewing his
3 decision and appeals and his answer is yes sir on all of
4 them. And then he goes into -- I mean, Judge Dennis asks
5 him about is anyone forcing him, is it voluntary, does he
6 understand that, did he talk to his lawyers. He's saying
7 yes, sir; yes, Your Honor.

8 MS. CASSIC: In my discussions with him about that
9 transcript, again, obviously he was there, he was present,
10 he was listening, but I don't think he fully understood. He
11 just knew that there was a judge talking to him and he
12 didn't feel that his attorneys fully advised him of
13 everything. He went into it and just said, okay, fine, but
14 didn't fully understand what he was doing.

15 THE COURT: Yes, sir.

16 MR. SPENCER: There's no point in a Court trying to make
17 colloquy with a defendant if the defendant is not going to
18 let somebody know when they have trouble understanding
19 something. There is 20-something pages of Judge Dennis
20 making sure he understands it. Making sure that if he has
21 any questions to raise them. And, Your Honor, in particular
22 I would want to point out Page 18, Judge Dennis comes right
23 out and says, is there any reason for me not to accept that
24 -- I'm paraphrasing. I'd better to look at that page of the
25 transcript. The actual question is; Can you think of any

1 reason from your vantage point, that I should not accept
2 this decision. No, sir. This is following a series of
3 questions about what he's waiving, whether he understands it
4 or not. Whether he's freely voluntarily knowing what he's
5 doing and whether he's had enough time to talk to his
6 attorneys.

7 Your Honor, Courts do this for a reason and I think the
8 record transcript speaks for itself, although, I'd be
9 prepared to call witnesses to substantiate that he knew what
10 he was doing.

11 THE COURT: All right. Well, I'm going to -- based on
12 the case law and -- I've sat up here and I've read the
13 transcript and I've read through the contract as you all
14 have spoken. It looks like Judge Dennis covered everything
15 that he could possibly cover in his questioning. Even down
16 to the specifics of a PCR and explaining the process. For
17 that reason I am going to grant the Motion to Dismiss the
18 Application.

19 Thank you.

20 MR. SPENCER: Thank Your Honor. I'll prepare an order
21 if you would like?

22 THE COURT: Yes.

23 MR. SPENCER: Thank you.

24 (This proceeding was concluded.)
25

Sanders v. State 5/22/12

13.

C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST 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 HEARING IN THE ABOVE CAPTIONED CAUSE, IN THE COURT OF COMMON PLEAS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE 22 DAY OF MAY, 2012.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.



Hilda M. Jordan, CVR-M

March 14, 2013

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Anthony Sanders,
S.C.D.C. No. #339645,

Applicant,

VS.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
C.A. NO. 2011-CP-18-0027**ORDER OF DISMISSAL**

~~FILED~~
~~CLERK OF COURT~~
~~ORANGEBURG~~
~~SOUTH CAROLINA~~
~~AUG 20 2011~~
~~PM 3:27~~
~~FILED~~

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed January 6, 2010. Applicant is challenging his convictions and sentence for three counts of murder. The State has moved to dismiss the PCR application on the basis that Applicant waived post-conviction relief pursuant to a consent agreement accepted by the trial court in exchange for the State not seeking the death penalty.

A hearing on the State's motion was heard before this Court on May 22, 2012 at the Orangeburg County Courthouse. Applicant was present and represented by Jessica Cassick, Esquire. The State was represented by David Spencer of the South Carolina Office of the Attorney General. In addition to hearing arguments from counsel on the motion, this Court has before it the pleadings for both parties, the Applicant's records from the Department of Corrections, the Clerk of Court's records regarding the subject convictions, the trial transcript and a transcript of the waiver hearing. This Court finds that it must dismiss this application with prejudice.

Applicant was indicted during the September 2007 term of the Dorchester Grand Jury for three counts of murder. Applicant and his attorneys entered into a waiver agreement with the Solicitor's Office signed by Applicant, two of his attorneys, the Solicitor and Assistant Solicitor, and

the Honorable R. Markley Dennis on January 21, 2010. A status conference on the waiver was held before Judge Dennis on the same day. The conference was transcribed. In exchange for the State not seeking the death penalty, Applicant, under the express terms of the agreement, agreed to waive his right to jury trial and be tried before Judge Dennis. Further, Applicant agreed to waive his right to direct appeal in the event of conviction and to waive the right to seek post-conviction relief.

Applicant was tried before Judge Dennis on March 8 and 9, 2010. Judge Dennis found Applicant guilty and sentenced him to life imprisonment.

The State argues that the PCR application should be dismissed as it violates the bargained for agreement of the parties. Specifically, Applicant waived seeking post-conviction relief under the terms of the agreement. Further, the agreement explicitly stated that by signing the order, Applicant acknowledged and attested that he fully understood the terms of the agreement, read the consent order in detail, had ample opportunity to discuss the agreement with his attorneys, and did discuss at length the terms of the agreement with his counsel. Finally, he indicated by his signature that: "He understands the provisions of this consent order are permanent and irrevocable such that he will not have a jury decide his guilt for the above referenced indictments, and he will never be entitled to appeal any aspect of this case."

In addition to the written agreement, this Court has reviewed the transcript of the waiver hearing and finds that Judge Dennis went over Applicant's rights thoroughly and extensively; and determined that Applicant was waiving his rights, including the right to seek post-conviction relief, freely and voluntarily. Applicant's trial attorneys explained to Judge Dennis the essence of the bargain, including Applicant's waiver of appellate rights and post-conviction relief for an agreement the State would not seek the death penalty. They advised Judge Dennis that they fully discussed the terms of the agreement with Applicant. January 21, 2010 Status Conference Transcript (Conf. Tr.)

pp. 3-5. Judge Dennis specifically went over Applicant's right to post-conviction relief and the fact that he was waiving this right. Judge Dennis verified that the reason Applicant wanted to waive that right was to avoid the death penalty as a possible punishment, which Applicant verified was a real benefit from his perspective. Conf. Tr. pp. 13-15. Judge Dennis's colloquy ensured that Applicant was making the decision voluntarily and that Applicant was comfortable with the decision. Judge Dennis asked Applicant if there was any reason from Applicant's vantage point that Judge Dennis should not accept the agreement, and Applicant responded in the negative. Conf. Tr. pp. 17-18.

Based on the express terms of the agreement and the clear demonstration from the colloquy that Applicant freely and voluntarily waived his rights in exchange for the agreement, this Court finds that the State's motion to dismiss should be granted and that pursuant to the terms of the bargained for agreement between the State and Applicant, Applicant is precluded from seeking post-conviction relief. See Spooone v. State, 379 S.C. 138, 665 S.E.2d 605 (2008) (finding waiver of appellate and post-conviction relief rights was voluntarily made based on the text of the plea agreement and the transcript of the plea hearing, and where both attorneys attended the plea hearing and signed the written plea agreement, along with Spooone himself; therefore, the PCR court did not err in enforcing the waiver and dismissing the PCR application).

CONCLUSION

Based on the foregoing, this Court finds and concludes that the PCR application must be dismissed pursuant to the express terms of the aforementioned consent agreement. This Court advises the parties that in order to secure the appropriate appellate review, notice of appeal must be served and filed within thirty (30) days after receipt by counsel of notice of entry of this order. See Rules 203 and 243 of the South Carolina Appellate Court Rules. This Court notes that post-conviction relief counsel must advise an applicant of the right to seek appellate review of a post-

conviction relief order. State v. Bray, 366 S.C. 137, 620 S.E.2d 743 (2005). Also, pursuant to Austin v. State, 305 S.C. 453, 409 S.E. 2d 395 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on an applicant's behalf.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 27 day of July, 2012.


DeAndrea G. Benjamin
Presiding Judge
1st Judicial Circuit

Columbia, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

ANTHONY SANDERS

SCDC ID 336149, 339645

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS
 FIRST JUDICIAL CIRCUIT
 CASE NUMBER: 2012-CP-18-027

**NOTICE OF MOTION AND
 MOTION TO RECONSIDER**

CLERK OF COURT
 DORCHESTER COUNTY

2012 AUG 30 PM 12:22

CERTIFIED COPY

PLEASE TAKE NOTICE that the Applicant, through his undersigned attorney and pursuant to Rules 52 and 59 of the South Carolina Rules of Civil Procedure, will move before the Honorable DeAndrea G. Benjamin in the Orangeburg County Courthouse, Orangeburg, South Carolina, at such time as the Court may appoint, for an Order vacating the Order of Dismissal, filed on August 20, 2012, and received by Applicant's counsel on August 22, 2012, or, in the alternative, a new hearing, or granting such other relief as the Court deems just and proper.

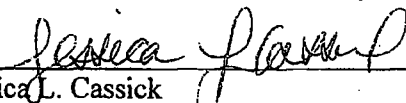
1. The Applicant inadvertently filed a Motion for Reconsideration prior to the receipt of written notice of the entry of the order in this matter. Applicant respectfully renews his Motion to Reconsider the Court's ruling dismissing this Post-Conviction Relief action without allowing the Applicant to present any evidence that he did not knowingly, voluntarily, or intelligently waive his right to Post-Conviction Relief.
2. Applicant respectfully asks the Court to reconsider the ruling by Judge Benjamin on May 22, 2012, granting the State's Motion to Dismiss his Application for Post-Conviction Relief based upon the Contractual Consent Order to Waive Rights to Jury Trial.

3. Applicant further alleges the contractual waiver he signed was titled, "Contractual Consent Order to Waive Right to Jury Trial," and he did not knowingly and voluntarily waive his rights to direct appeal and Post-Conviction Relief. Applicant's counsel informed the Court that after Applicant signed the contractual waiver he asked his attorneys if appeal was possible if the Judge found him guilty. Applicant reiterates he did not knowingly and voluntarily enter into the entire contents of the contractual waiver.
4. Applicant further alleges that the contractual waiver caption clearly identified waiving a right to jury trial, however made no mention of the other statutory rights he waived, and reiterates he did not knowingly and voluntarily waive his right for Post-Conviction Relief.
5. In *Spoone v. State*, 379 S.C. 138, 143, 665 S.E.2d 605, 608 (2008) "[the Court] looked at the particular facts and circumstances..., including: (1) the background, experience and conduct of the accused, (2) the text of the plea agreement, and (3) the transcript of the plea hearing to determine whether the petitioner's waiver was voluntarily, knowingly, and intelligently made." Applicant argues the Court should reconsider the particular facts and circumstances involved with the contractual waiver, including but not limited to his background information, the caption of the contractual waiver to allow him an opportunity to present evidence to the Court that he did not knowingly and voluntarily enter into the contractual waiver.
6. The Applicant reiterates each and every allegation contained in his Application for Post-Conviction Relief filed with the Court on January 6, 2011, as if repeated verbatim herein, and specifically requests a hearing to allow him the opportunity to

present his case to the Court to show that he did not knowingly, voluntarily, and intelligently enter into the Contractual Consent Order to Waive Rights to Jury Trial, which not only waived his rights to jury trial, but also to direct appeal, post-conviction relief, and habeus corpus proceedings.

Wherefore, the Applicant prays that the Court reconsider the ruling dismissing this action with prejudice, and allow the Applicant an opportunity to present his case at a Post-Conviction Relief Hearing.

LAW OFFICE OF ASHLEY AMEIKA, LLC

By: 
Jessica L. Cassick
7555 Northside Drive
North Charleston, SC 29420
Telephone: (843) 820-9719
Facsimile: (843) 820-9720
Email: jessicacassick@me.com
ATTORNEY FOR APPLICANT

North Charleston, South Carolina
Dated: August 28, 2012

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

) IN THE COURT OF COMMON PLEAS
) FOR THE FIRST JUDICIAL CIRCUIT

Anthony Sanders, #339645,

) Case No. 2011-CP-18-0027

) Applicant,

) **RETURN TO APPLICANT'S MOTION**
) **FOR RECONSIDERATION**

) v.

) State of South Carolina,

) Respondent.
)

This matter comes before this Court by way of the Applicant's "Motion to Reconsider" in which Applicant asks this Court to vacate its Order of Dismissal issued by this Court denying and dismissing Applicant's application for post-conviction relief, or in the alternative, grant Applicant a new hearing. The Respondent would submit the following:

I.

The Order of Dismissal issued by the Honorable DeAndrea G. Benjamin on July 27, 2012 and filed August 20, 2012, contains the required findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1976), and Rule 52(a) SCRPC. *See McCray v. State*, 305 S.C. 329, 408 S.E.2d 241 (1991). Respondent submits this Court did not err in granting the Order of Dismissal and the Order fully addresses all of the Applicant's claims.

In his Motion for Reconsideration, the Applicant merely reiterates his allegations from his application for post-conviction relief and the arguments he presented during the May 22, 2012 motion hearing. Respondent submits that Applicant has not provided additional authority or support for the grounds. Furthermore, these grounds were all directly and properly addressed by this Court in its Order of Dismissal. Respondent submits that Applicant has not provided any reason why this

Court should reconsider his same positions and arguments again. The Applicant does not allege that the Order does not contain the required findings of fact and conclusions of law. This Court ruled on properly that Applicant waived his right to post-conviction relief pursuant to a consent agreement accepted by the trial court in exchange for the State not seeking the death penalty. Applicant fails to provide any reason why this Court's rulings were in error or that any of Applicant's allegations were not addressed properly. Accordingly, this Court did not err when it denied the remaining allegations.

II.

The State therefore requests that the relief requested by the Applicant be denied and that his Motion be dismissed.

WHEREFORE, having made its Return to the motion, the State requests that the relief requested in the Motion be denied and that said Motion be dismissed.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN
Assistant Attorney General

BY: Megan E. Harrigan
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

August 30, 2012

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Anthony Sanders, #339645

Case No. 2011-CP-18-0027

Applicant,

v.

**ORDER DISMISSING APPLICANT'S
MOTION FOR RECONSIDERATION**

State of South Carolina,

Respondent.

This matter comes before the Court by way of Applicant's "Motion to Reconsider" of the Order dismissing his application for post-conviction relief. Applicant filed his application for post-conviction relief on January 6, 2010. The State made its Return on May 3, 2011. A hearing into this matter was convened on May 22, 2012, at the Orangeburg County Courthouse. The Applicant was present at the hearing and was represented by Jessica Cassick, Esquire. The Respondent was represented by David Spencer of the South Carolina Attorney General's Office. At the hearing, the State moved to dismiss the post-conviction relief application on the basis that Applicant waived post-conviction relief pursuant to a consent agreement accepted by the trial court in exchange for the State not seeking the death penalty. After hearing arguments from the State and Applicant's counsel regarding the State's motion to dismiss the application, this Court found that it must dismiss the application with prejudice and asked the State to prepare a proposed Order for the Court.

This Court had before it the records of the Dorchester County Clerk of Court, the trial transcript, the transcript of the status conference where applicant waived his right to seek post-conviction relief, and the Applicant's records from the South Carolina Department of Corrections.

Prior to the entry of a written Order, Applicant filed a "Motion for Reconsideration" on June

the motion to be premature, as the formal Order had yet to be entered.

On July 27, 2012, this Court issued an Order denying and dismissing Applicant's application for post-conviction relief with prejudice. This Order was filed on August 20, 2012 and served upon Applicant and Applicant's counsel on the same date.

On August 29, 2012, Applicant filed a second Motion to Reconsider pursuant to Rule 52 and 59, SCRCP, in which he asks the Court to vacate its Order dismissing his Application for post-conviction relief, or in the alternative, grant Applicant another hearing. The State made its Return to this motion on August 30, 2012, asking that the motion be denied.

This Court has reviewed Applicant's motion, the State's return and the record in this matter and finds the following:

The Order of Dismissal dated July 27, 2012 and filed August 20, 2012, contains the required findings of facts and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1976), and Rule 52(a) SCRCP. See also, McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991).

Based upon careful reconsideration of all of the evidence in this case and upon full consideration of the Applicant's motion and supporting testimony, this Court is not persuaded to vacate its judgment or grant Applicant a new hearing.

IT IS THEREFORE ORDERED that the Applicant's Motion for Reconsideration is **DENIED**.

AND IT IS SO ORDERED this _____ day of _____, 20_____.

DEANDREA G. BENJAMIN
Presiding Judge
First Judicial Circuit

_____, South Carolina

WITNESSES

Garrison, John

DCSO

Agency Case #: 07-006585

ARREST WARRANT NUMBER

K269836

Arrested: Aug 02, 2007

ACTION OF GRAND JURY

TRUE BILL

DATE 8-30-07

Foreperson of Grand Jury
Date: August 30, 2007

VERDICT

Guilty

Foreperson of Petit Jury
Date: 8/31/07

DOCKET NO. 2007GS18-1296

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 04, 2007 TERM

THE STATE
vs.

Anthony Sanders

Indictment for

MURDER

SC Code: 16-03-10 / 16-03-20
CDR Code: 0116
Class: FEL-X

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

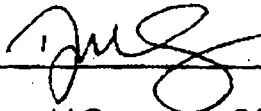
INDICTMENT
2007GS18-1296

At a Court of General Sessions, convened on September 04, 2007 the Grand
Jurors of Dorchester County present upon their oath:

MURDER

The defendant, Anthony Sanders, did in Dorchester County on or about July 10, 2007, with malice aforethought, kill one Diane Grant by means of shooting the victim, and the said victim did die as a proximate result thereof, this being in violation of section 16-3-10 of the South Carolina Code of Laws, as amended and the common law of South Carolina.

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



Donald Sorenson, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Dorchester

STATE

VS.

Anthony Sanders

AKA:

Race: B Sex: M Age: 27DOB: 07-01-1982 SSN: _____

Address:

N. Charleston, SC 29418

DL#:

SID#:

In disposition of the said indictment comes now the Defendant who was:

TO: Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007GS18-1296AW#: K269836Date of Offense: 7/10/2007S.C. Code § 16-3-10CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC ☐ § 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jennings, Blair C.

SCB12046

SC Bar#

Anthony Sanders

Attorney for Defendant

SCB65328

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 16 days/months/years or ☐ under the Youthful Offender Act, not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

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

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

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1)(Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ 25
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
§ 90.11 TP (SCCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Cheryl Hanam

Clerk of Court/ Deputy Clerk

Court Reporter:

Deborah Harrison

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$ _____ paid to Public Defender Fund

Other: * no probat

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

PRESIDING JUDGE

Judge Code: 2060Sentence Date: 3/9/2010

SCCA217 (06/2009)

WITNESSES

Garrison, John

DCSO

Agency Case #: 07-008585

ARREST WARRANT NUMBER

K269837

Arrested: Aug 02, 2007

ACTION OF GRAND JURY

TRUE BILL

DATE 8-30-07

Foreperson of Grand Jury
Date: August 30, 2007

VERDICT

Guilty

Foreperson of Petit Jury
Date: 3/9/10

DOCKET NO. 2007GS18-1297

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 04, 2007 TERM

THE STATE

vs.

Anthony Sanders

Indictment for

MURDER

SC Code: 16-03-10 / 16-03-20

CDR Code: 0116

Class: FEL-X

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

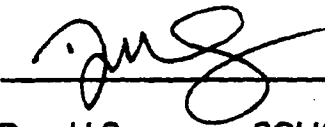
INDICTMENT
2007GS18-1297

At a Court of General Sessions, convened on September 04, 2007 the Grand Jurors of Dorchester County present upon their oath:

MURDER

The defendant, Anthony Sanders, did in Dorchester County on or about July 10, 2007, with malice aforethought, kill one Deanna Devore by means of shooting the victim, and the said victim did die as a proximate result thereof, this being in violation of section 16-3-10 of the South Carolina Code of Laws, as amended and the common law of South Carolina.

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


Donald Sorenson, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF

Dorchester

STATE

VS.
Anthony Sanders

AKA:

Race: B Sex: M Age: 27DOB: 07-01-1982 SS#:

Address:

N. Charleston, SC 29418

DL#: _____ SID#: _____

In disposition of the said indictment comes now the Defendant who was:

TO: MurderIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant Initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jennings, Blair C.

SCB12046

SC Bar#

Anthony Sanders

Attorney for Defendant

SCB65328

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

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

SPECIAL CONDITIONS:

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

PTUP

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

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1)(Conv. Surcharge)	\$100	\$ <u>100</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 58-5-2995 (DUI Assessment)	\$12	\$
§ 58-1-286 (DUI Breath Test)	\$25	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§ 73.3, 1B TP (Law Enforce. Funding)	\$25	\$ <u>25</u>
§ 33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 58-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
§ 90.11 TP (SCCJA Surcharge)	\$5	\$ <u>5</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007GS18-1297A/W#: K269837Date of Offense: 7/10/2007S.C. Code § 16-3-10CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol ☐

Fine may be pd. in equal, consecutive weekly/monthly

\$ _____ paid to Public Defender Fund

Other: * no parole

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

PRESIDING JUDGE

Judge Code: 2060Sentence Date: 3/9/2010

SCCA/217 (06/2009)

WITNESSES

Garrison, John

DCSO

Agency Case #: 07-006585

ARREST WARRANT NUMBER

K269838

Arrested: Aug 02, 2007

ACTION OF GRAND JURY

TRUE BILL

DATE

8-30-07

Foreperson of Grand Jury

Date: August 30, 2007

VERDICT

Guilty

Foreperson of Petit Jury

Date:

3/9/10

DOCKET NO. 2007GS18-1298

The State of South Carolina

County of

DORCHESTER

COURT OF GENERAL SESSIONS

September 04, 2007 TERM

THE STATE

vs.

Anthony Sanders

Indictment for

MURDER

SC Code: 16-03-10 / 16-03-20

CDR Code: 0116

Class: FEL-X

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

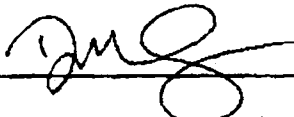
INDICTMENT
2007GS18-1298

At a Court of General Sessions, convened on September 04, 2007 the Grand Jurors of Dorchester County present upon their oath:

MURDER

The defendant, Anthony Sanders, did in Dorchester County on or about July 10, 2007, with malice aforethought, kill one Jatavius Lee Devore by means of shooting the victim, and the said victim did die as a proximate result thereof, this being in violation of section 16-3-10 of the South Carolina Code of Laws, as amended and the common law of South Carolina.

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



Donald Sorenson, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Dorchester
STATE VS.Anthony Sanders

AKA:

Race: B Sex: M Age: 27DOB: 07-01-1982 SS#: _____

Address:

N. Charleston, SC 29418

DL#: _____ SID#: _____

In disposition of the said indictment comes now the Defendant who was:

TO: MurderIn violation of § 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CSC § 17-25-45
w/minor 1st or Lowd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant Initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jennings, Blair C. SCB12046
SC Bar#Anthony Sanders SCB65328
Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of life days/months/years or ☐ under the Youthful Offender Act, not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Dept. of Corrections☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.**Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65
(Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.**

SPECIAL CONDITIONS:

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

PTUP _____

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

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1)(Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-288 (DUI Breath Test) \$25 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

§ 90.11 TP (SCCJA Surcharge) \$5 \$ 53% to County (if paid in installments) \$ 3.90TOTAL \$ 133.90Chris Graham
Clerk of Court/ Deputy ClerkCourt Reporter: Deborah Harrison

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007GS18-1298A/W#: K269838Date of Offense: 7/10/2007S.C. Code § 16-3-10CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ paid to Public Defender Fund

Other: * No parole☐ Appointed PD or appointed other counsel, § 35.13 TP
requires \$500 be paid to Clerk during probation.PRESIDING JUDGE RM MullerJudge Code: 2060Sentence Date: 3/9/2010

SCCA217 (06/2009)