

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Aug 04 2023

Appeal from Richland County
Honorable Robert E. Hood, Circuit Court Judge **SC Court of Appeals**

THE STATE,

RESPONDENT

V.

MATTHEW SCOTT YOUNG,

APPELLANT

APPELLATE CASE NO. 2022-000218

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED FEBRUARY 14-17, 2022	1
JACKSON V. DENNO HEARING.....	80
TESTIMONY (IN CAMERA)	
STEVEN K. SULSER	
Direct Examination by Solicitor	4
Cross-Examination by Defense Counsel	18
Re-direct Examination by Solicitor	27
J. CHRISTIAN ROSS	
Direct Examination by Solicitor	28
Cross-Examination by Defense Counsel	36
MATTHEW SCOTT YOUNG	
Direct Examination by Defense Counsel	38
Cross-Examination by Solicitor.....	43
COUNSELS' ARGUMENTS.....	49
RULING BY THE COURT.....	69
OPENING STATEMENT BY SOLICITOR.....	77
OPENING STATEMENT BY DEFENSE COUNSEL.....	87
TRIAL TESTIMONY	
AMANDA M. RUIZ	
Direct Examination by Solicitor	91
Cross-Examination by Defense Counsel	97
STEVEN K. SULSER	
Direct Examination by Solicitor	98
Cross-Examination by Defense Counsel	118
Re-Direct Examination by Solicitor.....	128
Recross-Examination by Defense Counsel.....	130

BRUCE OSAGIE	
Direct Examination by Solicitor	132
Cross-Examination by Defense Counsel	138
ROBERTO PEROZO	
Direct Examination by Solicitor	139
Cross-Examination by Defense Counsel	154
Re-Direct Examination by Solicitor.....	161
Re-Cross Examination by Defense Counsel	162
JASON A. WATTS	
Direct Examination by Solicitor	163
Cross-Examination by Defense Counsel	172
Re-Direct Examination by Solicitor.....	177
Re-Cross Examination by Defense Counsel	179
JACQUELYN RICHBURG	
Direct Examination by Solicitor	179
DANIEL R. LABONTE	
Direct Examination by Solicitor	183
Cross-Examination by Defense Counsel	195
Re-Direct Examination by Solicitor.....	197
KEVIN SCHMIDT	
Direct Examination by Solicitor	198
Cross-Examination by Defense Counsel	215
Re-Direct Examination by Solicitor.....	228
Re-Cross Examination by Defense Counsel	229
WAYNE H. MONTGOMERY	
Direct Examination by Solicitor	230
Cross-Examination by Defense Counsel	236
J. CHRISTIAN ROSS	
Direct Examination by Solicitor	238
RENEWAL OF PRE-TRIAL MOTION	254
RULING BY THE COURT.....	254
TRIAL TESTIMONY	
J. CHRISTIAN ROSS (CONT'D)	
Direct Examination by Solicitor	255
Cross-Examination by Defense Counsel	270

Re-Direct Examination by Solicitor.....	289
Re-Cross Examination by Defense Counsel	294
AMY DURSO	
Voir Dire Examination by Solicitor.....	296
Direct Examination by Solicitor	298
Cross-Examination by Defense Counsel	317
Re-Direct Examination by Solicitor.....	324
MATTHEW SCOTT YOUNG	
Direct Examination by Defense Counsel.....	328
Cross-Examination by Solicitor.....	366
Re-Direct Examination by Defense Counsel	390
KIMBERLY ANN COLLINS	
Voir Dire Examination by Defense Counsel	395
Direct Examination by Defense Counsel.....	400
Cross-Examination by Solicitor.....	412
Re-Direct Examination by Defense Counsel	420
CLOSING ARGUMENT BY SOLICITOR.....	421
CLOSING ARGUMENT BY DEFENSE COUNSEL	437
CLOSING REPLY ARGUMENT BY SOLICITOR	452
JURY CHARGE	464
VOLUNTARY MANSLAUGHTER OBJECTION CHARGE	486
RULING BY THE COURT.....	486
VERDICTS	487
SENTENCING	489
STATE’S EXHIBIT NO. 48 (WRITTEN STATEMENT)	490
STATE’S EXHIBIT NO. 49 (ADVICE OF RIGHTS FORM)	493
INDICTMENTS	494
SENTENCE SHEETS	498
CERTIFICATE OF COUNSEL	502

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 1 (DVD of 911 CALL), STATE'S EXHIBITS NOS. 2,50,51 (DVD
of BODY WORN CAMERA), and STATE'S EXHIBIT NO. 63 (DVD OF INTERVIEW**

The State of South Carolina,)
)
)
 vs.) Transcript of Record
)
)
 Matthew Scott Young.)
)
)
)

February 14, 15, 16, 17, 2022
Columbia, South Carolina

B E F O R E:

The Honorable Robert E. Hood, Judge, and a jury

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

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Circuit Court Reporter

1 MR. MATHEWS: If the people are not going to testify.

2 THE COURT: So, we're going to try to get him that
3 this afternoon so you can have some time to look at it.
4 And, you know, if you find a spot where you think something
5 exists, I would say run it by the prosecution first and see
6 what they think. And then if y'all can't agree, then we
7 can take some time and I can review it, and I'll rule on it
8 for you.

9 MR. MATHEWS: Yes, sir.

10 THE COURT: Okay.

11 MR. MATHEWS: And finally, depending on the testimony
12 that comes out in the *Jackson v. Denno* hearing, I may have
13 some suppression -- a suppression motion to make based upon
14 the testimony.

15 THE COURT: On the statement?

16 MR. MATHEWS: Yes, sir.

17 THE COURT: Okay. All right. Well, we'll do the
18 *Jackson v. Denno* so you have time to flesh all that out.

19 MR. MATHEWS: Yes, sir.

20 THE COURT: Okay. So, is everybody agreed? The only
21 other thing we need to take up is the *Denno*?

22 MR. POTTS: Yes, Your Honor.

23 MR. MATHEWS: Yes, sir, and I guess we just have to
24 kind of figure out how we are going to handle that because
25 I guess there were a couple different statements, and I

1 don't know...

2 MR. POTTS: I, I would -- not to speak over him. My
3 intent is to kind of do, I guess, the first statement,
4 which is to Sulser, Officer Sulser, and then the second one
5 is -- what I call the second statement is the one that is
6 made in the, in the car on Sulser's body cam but to
7 Investigator Ross. And then there's a third statement to
8 Investigator Ross at headquarters. And there are, I mean,
9 there are statements made prior to that interaction with
10 Investigator Sulser, but once he is in custody is kind of
11 where I plan on starting the analysis. If he wants to go
12 into -- we can, we can review the whole thing and put that
13 whole thing up in court, if you'd like.

14 MR. MATHEWS: Well, I mean, I think custody is going
15 to be where we have an issue on this.

16 THE COURT: Okay.

17 MR. MATHEWS: When he's in custody.

18 THE COURT: Okay. Yeah, I think we just probably need
19 to do it all. Okay. All right. Call your first witness.

20 MR. POTTS: Thank you, Your Honor. The state calls
21 Investigator Sulser.

22 STEVEN K. SULSER, BEING DULY
23 SWORN, TESTIFIES AS FOLLOWS:

24 CLERK: Please have a seat. State your full name for
25 the record.

1 THE COURT: All right, state your full name, please.

2 WITNESS: Steven Kyle Sulser.

3 THE COURT: Thank you.

4 DIRECT EXAMINATION BY MR. POTTS:

5 Q. Investigator Sulser, where are you employed?

6 A. I'm currently employed at the Columbia Police
7 Department.

8 Q. Were you employed there back on December 17th of 2015
9 -- or December 15th of 2017?

10 A. Yes, sir, I was.

11 Q. Did you happen to become involved in this case?

12 A. Yes, sir, I did.

13 Q. Can you tell the court just very briefly about your
14 initial involvement in this case?

15 A. I was dispatched to the location in reference to a
16 disturbance. While en route to the location, it became
17 apparent to me that it was not just a disturbance. It was
18 a stabbing that had just occurred.

19 THE COURT: All right, can you get a little closer to
20 that microphone for me, please, sir?

21 WITNESS: Yes, sir. Can you hear me now?

22 THE COURT: Yeah. Thank you.

23 A. I was ---

24 THE COURT: Stay up close, if you would, so ---

25 WITNESS: Yes, sir.

S. SULSER - DIRECT EXAMINATION BY MR. POTTS

83

1 THE COURT: --- I can make sure I hear you, okay, and
2 the last thing I heard was I was dispatched to the incident
3 location. On the way, I became aware that there -- a
4 stabbing had occurred.

5 WITNESS: Correct.

6 BY MR. POTTS:

7 A. I was dispatched. It was as a civil disturbance, but
8 while en route, I was reading the notes in the CAD, and it
9 was apparent to me it was a stabbing that had just
10 occurred.

11 Q. When you initially arrived there, before you knew too
12 much about the scene, did you have any opportunity to
13 interact with the defendant at all?

14 A. Before I arrived or as soon as I arrived on scene?

15 Q. As soon as you arrived.

16 A. As soon as I arrived on scene, I saw there was a Honda
17 facing towards Broad River Road, and there was a -- the
18 victim was lying on the floor -- on the ground next to the
19 Honda, and then I began -- I saw who at the time I didn't
20 know was the defendant, but the defendant was walking
21 towards me from a maintenance truck, like a lawn
22 maintenance truck, and I began to ask the questions.
23 Where's the suspect? Did you see who did it, at which
24 point in time he stated no, I didn't. I then asked him to
25 step back so I could establish a crime scene.

1 Q. Okay, and do you have a body worn camera?

2 A. Yes, sir, I do.

3 Q. Okay. Was it activated during this time?

4 A. Yes, sir, it was.

5 Q. Okay, and is this, at least your half of this,
6 interaction recorded on the body camera?

7 A. Yes, sir.

8 Q. Okay. So, once he -- once, once you told him to --
9 told people to back up, secure the scene, was that the end
10 of your interaction with this defendant that day?

11 A. No, sir.

12 Q. Okay. When was the next time you interacted with this
13 defendant?

14 A. The defendant was located at Prices Court. So, I
15 walked down to that location and made contact with him and
16 two other employees of the lawn care company.

17 Q. Okay. So, this is a separate initial location from
18 the initial location you responded to?

19 A. Yes, sir.

20 Q. I guess further down in the neighborhood?

21 A. Yes, sir.

22 Q. Okay, and when you got there, who did you see?

23 A. I saw the defendant and then his two coworkers. One
24 of them is Hispanic male named Roberto, and then another
25 one was a white male. I'm not exactly sure what his name

1 was.

2 Q. Okay. Could it be Jason Watts?

3 A. Yes, sir.

4 Q. Okay. Did you have the opportunity to ask those three
5 individuals any, any questions?

6 A. Yes, sir, I did.

7 Q. Okay. What did you ask them about?

8 A. I asked them if they knew or saw who stabbed the
9 individual on the ground, at which point in time they all
10 stated -- or I don't know about all of them, but
11 specifically the defendant stated he had no idea.

12 Q. Okay. Did y'all proceed to have a conversation?

13 A. Yes, sir, I did.

14 Q. Okay. Was anyone in any handcuffs at this point?

15 A. No, sir.

16 Q. Had you detained anyone in any way at this point?

17 A. No, sir.

18 Q. And once again, was this all captured on your body
19 camera?

20 A. Yes, sir.

21 Q. Okay. Did the nature of that conversation change at
22 any point?

23 A. Yes, sir.

24 Q. What happened?

25 A. So, when I initially walked down there, the

1 information that I had received from dispatch was that the
2 defendant had called 911 and said that a male had
3 approached him in an aggressive manner, so he stabbed him.
4 When I was speaking with the defendant about this, he
5 stated it wasn't him; he had no idea what I was talking
6 about. So, I then advised him just stand by real quick so
7 I could walk back to my patrol vehicle to figure out
8 exactly what dispatch said.

9 I went back to look at my CAD. Upon looking at my
10 CAD, I realized that it wasn't the defendant who actually
11 called 911. It was a coworker that called 911 and said
12 that the defendant had ended up stabbing the victim because
13 he came at him in an aggressive matter.

14 Q. Okay, and so once you established that you had made a
15 mistake, what did you do?

16 A. I went back and exited my patrol vehicle and made
17 contact with the defendant and, and the other two
18 individuals. Advised them that -- what I have learned on
19 my CAD and stated that if they were lying, that, you know,
20 this could be a serious incident and that, you know, if he
21 stabbed him due to an altercation, you know, we just need
22 to go ahead and come forward with that information, at
23 which point in time the defendant then stated it was him.

24 Q. Okay, and so once he admitted he stabbed the victim,
25 what did you do?

S. SULSER - DIRECT EXAMINATION BY MR. POTTS

87

1 A. He was placed into handcuffs.

2 Q. Okay, and where did you go? Where did you put him?

3 A. In the back of my patrol vehicle with -- and I made
4 sure the camera was recording.

5 Q. Okay. Now, between the point you placed handcuffs on
6 him and putting him in the patrol vehicle, did y'all
7 continue to talk at all?

8 A. When I put handcuffs on him, as he was talking I
9 stated, you know, if, if you stabbed him and it was
10 self-defense, it is what it is because that is the
11 information that dispatch had provided to me at the time.
12 So, when I made that comment, he stated I did it. It
13 wasn't self-defense and I ---

14 THE COURT: He said what?

15 WITNESS: I did it.

16 BY MR. POTTS:

17 A. And it wasn't self-defense, and I'm going to be going
18 to prison for the rest of my life.

19 Q. Okay, and then you put him in the car?

20 A. Correct.

21 Q. Okay. When you put him in the car, did he continue to
22 try and talk to you?

23 A. Yes, sir, he did.

24 Q. Okay. What did you do then?

25 A. I had to interrupt him from talking to me so that I

1 could pull out my Miranda card and read him his Miranda
2 rights.

3 Q. Did you do that in this case?

4 A. Yes, sir, I did.

5 Q. Do you have your card with you today?

6 A. I have a card. I do not have the card, but I do have
7 a Miranda card with me.

8 Q. And once again, this will all be captured on your body
9 worn camera?

10 A. Yes, sir.

11 Q. And so did you read him his Miranda rights?

12 A. Yes, sir, I did.

13 Q. Did he seem like he understood what was going on?

14 A. Yes, sir, he did.

15 Q. Did he -- did you tell him that -- did y'all have a
16 conversation after you read him his rights?

17 A. Yes, sir, we did.

18 Q. Okay, and I guess tell me a little, little bit about
19 that conversation.

20 A. During that conversation, you know, he described to me
21 where the knife was that he had thrown in the river prior
22 to him being detained. He was trying to guide me to where
23 the knife was, and that was pretty much -- a majority of
24 the conversation was us talking to him in an attempt to
25 locate the knife. He, he -- I mean, that was the majority

S. SULSER - DIRECT EXAMINATION BY MR. POTTS

89

1 of the conversation.

2 Q. Did you, as other units tried to find the knife, did
3 you come back to him a couple of times?

4 A. Yeah. I believe I went back to him to narrow down
5 where the knife was at. I believe he said he went in the
6 creek, inbound on the creek bank approximately 50 feet and
7 threw it to the right. We called K-9 out there. I believe
8 they located the knife, if I'm correct.

9 Q. You don't know who recovered the knife?

10 A. I do not know.

11 Q. Okay, but the knife was eventually recovered?

12 A. Yes, sir.

13 Q. Okay. Did you read him his Miranda rights again
14 during that time?

15 A. I believe I read him his Miranda rights once. I'm not
16 sure. I'm pretty sure it was only once.

17 Q. Okay, and so at the beginning when you first put him
18 in the car ---

19 A. Correct.

20 Q. --- in handcuffs, you read his rights?

21 A. Correct.

22 Q. Okay. Now, before you placed him in handcuffs and
23 placed him in the car, where were y'all standing?

24 A. We were standing in the cul-de-sac. The defendant was
25 to my right. The white male was directly to the left of

1 him, and Roberto was directly to the left of him leaned --
2 and the, the white male and Roberto were leaned up against
3 the work truck, and the defendant was standing kind of off.

4 Q. Okay. Had you told any of them they couldn't leave?

5 A. No, sir.

6 Q. Okay. I mean, they weren't free to leave, were they?

7 A. Not at that point, no.

8 Q. But you didn't tell them they weren't free to leave?

9 A. No, sir.

10 Q. Okay. Did you in any way try and corner them or --
11 y'all were out in the cul-de-sac, right?

12 A. Correct. I actually walked up on foot.

13 Q. Okay, and then at any point, did you make any threats
14 to them?

15 A. No, sir.

16 Q. Do you make any promises to them?

17 A. No, sir.

18 Q. Did you say I'm not going to give you any water unless
19 you say anything?

20 A. No, sir.

21 Q. Okay. Had he asked you for water, would you have
22 gotten him some water?

23 A. Yes, sir.

24 Q. Okay. In fact, he asked you to loosen the handcuffs,
25 and you tried your best to loosen them?

S. SULSER - DIRECT EXAMINATION BY MR. POTTS

91

1 A. Yes, sir. I had him come out of the vehicle, and I
2 don't know if I actually loosened them. I checked them to
3 make sure they, they were fit properly, and then he was put
4 back inside the vehicle.

5 Q. And then later on when Investigator Ross came, he
6 interviewed him in your car as well?

7 A. Correct.

8 Q. And that's also captured on body camera?

9 A. Yes, sir. Investigators at that time did not have
10 body cameras. So, I gave Investigator Ross my body camera
11 to document the interaction.

12 Q. And you said you gave him your body camera. You were
13 standing there?

14 A. Correct.

15 Q. Okay. It wasn't like you took your body camera off
16 and handed it to him?

17 A. Correct.

18 Q. And did Investigator Ross read the Miranda rights?

19 A. I believe investigator did read him his Miranda rights
20 where he arrived on scene.

21 Q. Or I guess did he tell him his Miranda rights would be
22 better.

23 A. Did he advise him ---

24 Q. Yes.

25 A. --- of his Miranda rights? Yes, sir.

1 Q. Okay. Were you there for that?

2 A. I believe it was captured on body worn camera, yes,
3 sir.

4 Q. Okay. To your knowledge, did you see Investigator
5 Ross use any coercion?

6 A. No, sir.

7 Q. Did you see him threaten?

8 A. No, sir.

9 Q. Did you -- okay.

10 MR. POTTS: Beg the court's indulgence one second. At
11 this time, Your Honor, I would like to at least publish to
12 the court portions of that body camera, the two body
13 cameras.

14 THE COURT: Okay. So, what numbers are these?

15 MR. POTTS: This would be -- because we have to make
16 redactions of them -- I don't have the redactions. I
17 apologize. Beg the court's indulgence. I'm trying to
18 think how to do this properly.

19 (A PAUSE.)

20 BY MR. POTTS:

21 Q. This is State's Number 2 from the castle hearing. In
22 your previous testimony, you said your body camera was on.
23 That's correct?

24 A. Yes, sir.

25 Q. Okay.

S. SULSER - DIRECT EXAMINATION BY MR. POTTS

93

1 MR. POTTS: Your Honor, we're going to publish, I
2 guess, for the purposes of this hearing. I'd like to
3 introduce State's Number 2 again. This has the body camera
4 for all the officers on it. Not going into -- do not want
5 to put it in evidence for the trial itself.

6 MR. MATHEWS: That's fine. As long as I'm not
7 stipulating to the admissibility of ---

8 MR. POTTS: No.

9 MR. MATHEWS: --- this.

10 THE COURT: No, no.

11 MR. POTTS: No.

12 THE COURT: You're not, no. We just need a number for
13 it.

14 MR. MATHEWS: Yes, sir.

15 THE COURT: For the record of ---

16 MR. MATHEWS: That's fine.

17 THE COURT: --- what I reviewed. It doesn't make it
18 admissible during the trial.

19 MR. POTTS: And on this disc, Your Honor, this is the
20 video ending in 5720.

21 (A PAUSE.)

22 MR. POTTS: Your Honor, I guess, please just let me
23 know if you have any issues seeing it. I apologize.

24 (WHEREUPON, EXCERPTS OF STATE'S EXHIBIT NUMBER 2 FOR
25 IDENTIFICATION ARE PLAYED FOR THE COURT. EXAMINATION

S. SULSER - DIRECT EXAMINATION BY MR. POTTS

94

1 CONTINUES THROUGHOUT. AUDIO IS NOT TRANSCRIBED.)

2 BY MR. POTTS:

3 Q. Investigator Sulser, this is that first encounter.

4 COURT REPORTER: I can't hear you over the video.

5 MR. POTTS: Apologize. I apologize.

6 BY MR. POTTS:

7 Q. Investigator Sulser, what we're seeing -- showing
8 right here, this is the first encounter you had at the
9 scene, correct, we talked about?

10 A. Yes, sir.

11 Q. Okay. Okay. So, that man that was approaching you on
12 the right we saw just very briefly a second, that was the
13 defendant, correct?

14 A. Yes, sir.

15 Q. And so when you told him to back up, he left, correct?

16 A. Correct.

17 Q. Now I'm going to fast forward this video to about 22
18 minutes. This is where -- the cul-de-sac you were talking
19 about earlier, correct?

20 A. Yes, sir.

21 Q. Okay. That's in the center of this video, 22 -- 2156.
22 Fast forwarding to the witnesses at this point. You go and
23 talk to the other witnesses, correct? Apologize. At this
24 point, you go talk to the other witnesses, correct?

25 A. Yes, sir.

S. SULSER - DIRECT EXAMINATION BY MR. POTTS

95

1 Q. Okay, and you speak to them again, and I'm fast
2 forwarding to 3657 on the video. At this point, at this
3 point you're talking about his prior record, correct?

4 A. Yes, sir.

5 Q. Okay.

6 MR. POTTS: And, Your Honor, we agree that doesn't
7 need to come in.

8 THE COURT: Okay.

9 BY MR. POTTS:

10 Q. And then the next time you're there is when
11 Investigator Ross arrives, correct?

12 A. I believe so, yes, sir.

13 Q. So, now I'm going to show you the video in evidence --
14 not in evidence. The video marked 1814. That voice next,
15 that voice, is that Mr. Ross's voice?

16 A. Yes, sir.

17 Q. Investigator Sulser, did you take the defendant to
18 headquarters?

19 A. Yes, sir.

20 (END OF PLAY.)

21 Q. You took him to the interview room?

22 A. Yes, sir.

23 Q. Did you have any meaningful conversations with him
24 leading up to that?

25 A. I don't believe so.

1 MR. POTTS: Beg the court's indulgence.

2 No further questions. Please answer any questions Mr.
3 Mathews has for you.

4 WITNESS: Yes, sir.

5 CROSS-EXAMINATION BY MR. MATHEWS:

6 Q. Good afternoon, and I just want to make sure I get
7 your title right. Is it investigator now?

8 A. Yes, sir.

9 Q. Okay, but what was your title back in 2017 when this
10 happened?

11 A. It was NPO.

12 Q. NPO, okay. All right, Investigator Sulser, so when
13 you first got there, unbeknownst to you, Mr. Young was
14 actually on the scene when you pulled up initially? Well,
15 you didn't know his involvement, did you?

16 A. No, sir.

17 Q. But he was on the scene?

18 A. Yes, sir.

19 Q. And you asked where's the suspect?

20 A. Yes, sir.

21 Q. Okay. You didn't ask the suspect of what? The
22 suspect of the stabbing, the suspect of who hit him with a
23 vehicle, anything like that initially, did you?

24 A. I believe the only thing I said was where's the
25 suspect and then who stabbed him.

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

97

1 Q. Right. Initially you just asked where's the suspect?

2 A. Correct. Yes, sir.

3 Q. And at that point in time, he didn't say anything to
4 you, did he?

5 A. I believe he said I don't know.

6 Q. At some point, did he point down to the victim on the
7 ground?

8 A. Not that I can recall.

9 Q. Okay, but it may or may not be in that body camera if
10 we look at it?

11 A. Correct. If, if, if he's saying he pointed and he did
12 point, it should be captured on the body cam footage.

13 Q. And at some point, you said something. It may be a
14 little disputed, but everybody back up. He says leave the
15 area, but you said -- at least you said everybody back up?

16 A. Yeah, I said back up, back up.

17 Q. And that was just so essentially you could secure your
18 crime scene, correct?

19 A. Correct. We need to start putting some crime scene
20 tape up to preserve evidence.

21 Q. Okay. So, you didn't at that point -- well, was
22 anybody else on the scene yet?

23 A. I believe it was just me, my field training officer,
24 and fire was pulling up at the time, but other than that,
25 maybe some neighbors that were standing right there in

1 their driveways, but I had them back up, too, I believe.

2 Q. So, I guess essentially you were there first to, to
3 kind of determine the status of the victim and see if you
4 could do anything to aid or assist at that point?

5 A. Correct. We were the closest unit that responded. We
6 responded from our region.

7 Q. And so at some point after that, Mr. Young actually
8 leaves that immediate area, and he goes to an area which is
9 shown on the video where you walked to, correct?

10 A. Yes, sir.

11 Q. Is that area still in the neighborhood?

12 A. Yes, sir.

13 Q. So, he didn't try to leave the neighborhood to your
14 knowledge?

15 A. No, sir.

16 Q. When he got there, I saw that there was another
17 officer and another police car there. Whose car was that?

18 A. That -- the patrol car is actually mine, but the
19 officer, I just gave him my patrol car because it was on
20 that side of the street so he could go attempt to locate
21 the lawn-care people.

22 Q. And which officer was that?

23 A. Officer Vereen.

24 Q. Vereen?

25 A. I believe it's spelled V-e-e-r-n-e.

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

99

1 Q. Thank you, and at some point after you had -- I guess
2 you didn't hear the 911 calls at that point, did you?

3 A. No. We were only getting information that dispatch
4 relayed to us, and it was a hectic scene. So, you got
5 other units calling me; I'm trying to communicate with
6 dispatch.

7 Q. So, is dispatch communicating with you verbally or
8 kind of a tech system that's on the computer in the car?

9 A. So, we do have a NBT. I was trying to read the notes
10 on the call as we arrived on scene, but dispatch is also
11 communicating with us via our radios.

12 Q. And so why did Officer Vereen go and -- go to where
13 the, the lawn-scape people were? Did you direct him, or
14 how was that determined?

15 A. Correct. So while I was on scene, I was speaking with
16 several people, and several witnesses stated that lawn care
17 was on scene at the time. Also, dispatch advised one of
18 the employees of the lawn-care company was actually the one
19 who called it in. So, once we received that information,
20 we were trying to attempt to locate them to see if they
21 could tell us what happened.

22 Q. Okay. So, Officer Vereen takes your car to the
23 cul-de-sac or wherever, where the landscaping truck was,
24 correct?

25 A. Correct. I don't know if he went straight there or

1 canvassed the area, but he ended up at that cul-de-sac.

2 Q. Do you know if they was stopped there or if he stopped
3 them? Any idea?

4 A. I believe the vehicle, landscaping truck, was already
5 stopped, and they were outside the vehicle just waiting on
6 their boss.

7 Q. And you would agree from the testimony that your
8 vehicle that Officer Vereen drove there is in front of the
9 landscape vehicle?

10 A. You mean -- I mean -- so, the lawn -- the landscaping
11 vehicle's in the parking lot like this, and the patrol car
12 is kind of, like, maybe perpendicular to it.

13 Q. Okay, and do you know if Officer Vereen had gotten
14 their information, their driver's licenses, anything like
15 that?

16 A. I, I believe he had told me their names, but I believe
17 he might have already had their information, but I asked my
18 -- when I got down there with Officer Osagie, I asked him
19 to grab their information for the report.

20 Q. So, was this before or after you had talked to -- gone
21 down there yourself to make contact with the individuals?

22 A. Before I went down to make contact with the
23 individuals, I had no information from Officer Vereen as to
24 who he was out with. It wasn't until I arrived on scene.
25 As I, as I walked up, Officer Vereen said, hey, this is the

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

101

1 defendant. This is this witness. This is this witness,
2 but he referred to him by name. So, I'm assuming he had
3 already gathered ---

4 Q. So, he ---

5 A. --- their information.

6 Q. --- knew their names?

7 A. Correct. Yes, sir.

8 Q. And was anybody there with Officer Vereen, or was it
9 just him at that point in time?

10 A. It was just Officer Vereen until myself and Officer
11 Osagie arrived.

12 Q. Okay, and at that point when you arrived to where the
13 landscape truck was, what was your understanding of who was
14 a suspect?

15 A. So, when I initially arrived down there in the
16 cul-de-sac, the information that I had received from
17 dispatch was that the defendant had called 911 and stated
18 that the victim in this case had come at him in an
19 aggressive manner, so he stabbed him. So when speaking
20 with the three, I was directly speaking to the defendant in
21 an attempt to establish if he's the one who did the
22 stabbing.

23 Q. Is this the first time you went down there or after
24 you got in the car?

25 THE COURT: Time out one second. You're using these

1 words defendant and spoke to him. You're using them all
2 interchangeably, okay? So, if you mean the defendant, like
3 the defendant in court today is different than who you
4 thought was the defendant on the scene? So, you understand
5 I'm getting a little ---

6 MR. MATHEWS: If we ---

7 THE COURT: Like if you -- you just said dispatch had
8 informed me that the defendant called 911 and basically
9 said it was self-defense, by that do you mean that whoever
10 did it called 911 or that Matthew Young called 911?

11 WITNESS: Matthew Young, Your Honor.

12 THE COURT: Okay. All right. So, just don't -- be
13 careful with your words because I'm legitimately paying
14 attention, and there's a difference in what you know now,
15 right, and what you knew as you walked up to the cul-de-sac
16 to try to figure what happened. Follow the difference?

17 WITNESS: Yes, sir.

18 THE COURT: Okay.

19 WITNESS: I'll refer to him as Mr. Young if -- for
20 the...

21 THE COURT: Yeah. Well, just be -- in the moment, I
22 guess the question is do you know when you walk up to the
23 cul-de-sac who called 911, like the name of the person, or
24 do you just know that someone from the landscaping group
25 called 911?

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

103

1 WITNESS: When I walked up to the cul-de-sac, the
2 information I had received is that Matthew Young had called
3 911.

4 THE COURT: Okay. All right. I'm sorry, Mr. Mathews.
5 I apologize, but I was getting a little confused, and it's
6 too important of an issue when -- and it isn't Investigator
7 Sulser's fault. We all use these words interchangeably all
8 day long.

9 But be a little bit more careful as to what you knew
10 then versus what you know here today. Got it?

11 WITNESS: Yes, sir.

12 THE COURT: Okay.

13 Next. Go ahead, Mr. Mathews. I apologize.

14 MR. MATHEWS: Thank you, Judge.

15 BY MR. MATHEWS:

16 Q. So, when you went to the cul-de-sac, you already had
17 information that Matthew one was -- Matthew Young was the
18 one who stabbed the defendant?

19 A. Yes. That's what had been relayed to me from
20 dispatch, yes, sir.

21 Q. So at that point in time, Matthew Young was a suspect
22 for the stabbing, correct?

23 A. He was a possible suspect, yes, sir.

24 Q. And so at that point in time, you went up to him the
25 first time asking questions?

1 A. Yes, sir.

2 Q. After he was a suspect?

3 A. Yes, sir.

4 Q. Had he tried to leave at that point in time, would you
5 have allowed him to do`so?

6 A. No, sir.

7 Q. So, he was in custody at that point?

8 A. He was not free to leave, correct.

9 Q. He was not free to leave?

10 A. Correct.

11 Q. Because you were there and another police officer and
12 a police car blocking their car in, correct?

13 A. The police vehicle's not blocking them in, but they
14 were not free to leave.

15 Q. You then went back to your police car?

16 A. Yes, sir.

17 Q. Said you got some more information, I believe, then?

18 A. I, I went and I pulled the CAD system so I could see
19 what dispatch had actually entered into the system. And
20 when I read it, the notes on the call had actually stated
21 that a lawn-care coworker of Mr. Young was, was the one who
22 called 911, if I remember correctly.

23 Q. So that point in time, you went back and directly
24 addressed Mr. Young, and you said are you the one who
25 stabbed him? Are you Scott Young? Is that correct?

S. SULSER - REDIRECT EXAMINATION BY MR. POTTS

105

1 A. Yes, sir.

2 Q. And you'll agree that that's a question, correct?

3 A. Yes, sir.

4 Q. And he was not free to leave?

5 A. Correct.

6 MR. MATHEWS: Thank you.

7 I don't have anything else for this witness, Your
8 Honor.

9 THE COURT: Redirect?

10 MR. POTTS: Yes, Your Honor, briefly to clarify.

11 REDIRECT EXAMINATION BY MR. POTTS:

12 Q. When you first approached the three lawn-care workers
13 at the scene that -- or at the second -- in the second
14 location, at that time you had -- what, what did you
15 believe dispatch had said?

16 A. Dispatch had told me that Matthew Young called 911 and
17 said that an individual came at him in an aggressive
18 manner, so he had to stab.

19 Q. Okay. He denied saying that, correct?

20 A. Yes, sir.

21 Q. Okay. When you then went to check the dispatch logs,
22 right, or you went to check, check your dispatch, right,
23 you found what you had said to be incorrect as well,
24 correct?

25 A. Yes, sir.

1 Q. I hate to correct twice but -- right. You had --
2 either they had told it to you wrong initially, or you had
3 misinterpreted it initially?

4 A. Correct.

5 Q. Okay. So, in fact, he never called 911 and said he
6 had stabbed a guy?

7 A. Not to my knowledge. I believe a coworker did.

8 Q. All right, a coworker?

9 A. Correct.

10 Q. Okay.

11 MR. POTTS: Thank you.

12 MR. MATHEWS: No, sir.

13 THE COURT: Thank you.

14 WITNESS: Thank you.

15 THE COURT: You may step down.

16 WITNESS: Thank you, Your Honor.

17 (THE WITNESS EXITS THE STAND.)

18 MR. POTTS: Your Honor, at this time, the state would
19 call Christian Ross.

20 J. CHRISTIAN ROSS, BEING DULY

21 SWORN, TESTIFIES AS FOLLOWS:

22 CLERK: Please have a seat. State your full name for
23 the record.

24 WITNESS: My name is J. Christian Ross.

25 DIRECT EXAMINATION BY MR. POTTS:

J.C. ROSS - DIRECT EXAMINATION BY MR. POTTS

107

1 Q. Investigator Ross, where are you currently employed?

2 I'm sorry, Christian Ross, where are you currently
3 employed?

4 A. Senix Corporation.

5 Q. Okay. Did you used to be with the City of Columbia
6 Police Department?

7 A. I did.

8 Q. Okay. You are no longer an investigator, correct?

9 A. That's correct.

10 Q. But back in 2017, you were?

11 A. I was.

12 Q. Okay. Were you working on December 15th of 2017?

13 A. Yes.

14 Q. Can you tell the judge a little bit about how you came
15 to be involved in this case?

16 A. I was called out. I believe it was Sergeant Thomas,
17 who was my sergeant -- not 100 percent sure -- to Heritage
18 Park Drive and Broad River Road for a stabbing that had
19 occurred, and so that's what I did.

20 Q. At some point, did you have an opportunity to make
21 contact with this defendant?

22 A. Yes.

23 Q. Okay. Where did you first make contact with him?

24 A. In that cul-de-sac which -- that we just saw on the
25 video.

1 Q. Okay. So, you're referring to the video we just
2 watched as State's Exhibit Number 2?

3 A. Right.

4 Q. Okay. Where was he when you first made contact with
5 him?

6 A. In the back of that police car.

7 Q. Okay. Was he handcuffed already?

8 A. I believe so.

9 Q. Okay. So, he was already detained and in custody?

10 A. That's right.

11 Q. So when you talk to him, what is the first thing you
12 do?

13 A. The first thing I always do is give them their Miranda
14 rights.

15 Q. Okay, and you didn't read a card, did you?

16 A. I didn't.

17 Q. Okay. All off the top of your head?

18 A. It is. It's pretty much the same every time, but yes,
19 off the top of my head. Not all the cards have the fifth
20 prong of that Miranda thing about if you do answer
21 questions, you can stop at any time, and I'd had trouble
22 with that before.

23 Q. Sure. So when you read him his Miranda rights, did
24 you have any opinion as to whether Mr. Young appeared to be
25 inebriated?

J.C. ROSS - DIRECT EXAMINATION BY MR. POTTS

109

1 A. I have an opinion that he was not drunk.

2 Q. Okay. Did he seem to be aware of his surroundings?

3 A. Yes.

4 Q. Did he seem to understand what you were saying to him?

5 A. Yes.

6 Q. Did he see cogent and able to talk?

7 A. Yes.

8 Q. Okay. Did you have any information or any -- did you
9 see anything that made -- that might make you think that he
10 did not understand what was happening and what -- the
11 rights you read to him?

12 A. No. I think he understood everything perfectly.

13 Q. Okay, and, in fact, you all had a conversation?

14 A. We did. Several.

15 Q. And that first conversation was no -- you didn't have
16 any trouble understanding him, correct?

17 A. Right. That's just exactly what was on the video. I
18 mean, that was our first conversation.

19 Q. Did you threaten him?

20 A. No, sir.

21 Q. Did you try and coerce him?

22 A. No, sir.

23 Q. Is there anything not on that video that happened that
24 might influence whether he talked to you that day?

25 A. No. There's more of us talking later in the interview

1 room.

2 Q. Okay.

3 A. But, no, that is what happened there.

4 Q. Okay. So, you did, in fact, talk to him later at
5 headquarters, correct?

6 A. That's right.

7 Q. I'm going to show you what's State's Number 49 and 48.
8 Do you recognize State's 48?

9 A. That is a statement that he wrote for me.

10 Q. Okay, and do you recognize State's 49?

11 A. That is the statement, advisement of rights that I
12 read him and he signed.

13 Q. Okay. This is a photocopy of the original, correct?

14 A. Yes.

15 Q. Is it a true and accurate copy of the original?

16 A. It looks like it.

17 Q. Okay.

18 MR. POTTS: At this time, Your Honor, for purposes of
19 this hearing, I'd like to offer into evidence State's 48
20 and 49.

21 MR. MATHEWS: No objection.

22 THE COURT: All right.

23 (STATEMENT MARKED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 48 FOR HEARING PURPOSES ONLY.)

25 (ADVICE OF RIGHTS FORM MARKED INTO EVIDENCE AS STATE'S

J.C. ROSS - DIRECT EXAMINATION BY MR. POTTS

111

1 EXHIBIT NUMBER 49 FOR HEARING PURPOSES ONLY.)

2 BY MR. POTTS:

3 Q. Can you just briefly tell the court what's involved in
4 the advice of rights form in State's 49?

5 A. So, we're always very careful to show it to them so
6 that they can read it while I'm reading it upside down to
7 them, and it's essentially the same Miranda rights. They
8 have the right to remain silent. Anything they say in
9 court can be used against them, the right to talk to a
10 lawyer. If they can't afford one, one will be appointed,
11 and if they decide to answer questions now without a
12 lawyer, they can stop at any time. And then I read the
13 paragraph of the waiver of the rights and if they agree to
14 it, they sign and waive their rights.

15 Q. What did Mr. Young do in this case?

16 A. He signed and waived his right.

17 Q. There's some more information that's kind of written
18 in that's top part of the general form. Can you tell the
19 court why that exists?

20 A. That exists so that I can know exactly -- signatures
21 are not always very clear on who they are, and so I wanted
22 to have identifying information on who's being advised and,
23 and who they are.

24 Q. Okay, and so you had Mr. Young write that, or is that
25 your handwriting?

1 A. That's my handwriting.

2 Q. Okay, and so that's who identified themselves to you?

3 A. Right.

4 Q. Okay, and that's the same man sitting in court today
5 with the mask on?

6 A. He, he shaved his beard, but I believe that's him.

7 Q. Okay. So then State's 48, can you describe the
8 process about how that was created?

9 A. Yes. So, in interviews, I offered them the
10 opportunity to write a statement if they want to, and he
11 wanted to write a statement. I prefer it to be in their
12 own handwriting so they can't say I didn't write that, or
13 the investigator changed what I was trying to say. And so
14 I would've asked him at one point in our interview to write
15 me a statement.

16 Q. Okay. Did y'all have conversations that took place
17 outside him writing the statement on the paper?

18 A. Yes.

19 Q. At that time at CPD, was there cameras in the
20 interview rooms?

21 A. Yes, they are.

22 Q. Okay. Was it recorded?

23 A. Yes.

24 Q. Okay, and, in fact, I'm going to show you very briefly
25 the video labeled interview 3 on State's Number 2.

J.C. ROSS - DIRECT EXAMINATION BY MR. POTTS

113

1 (A PAUSE.)

2 Q. I've fast forwarded it to 1722. In the lower
3 right-hand corner, you can see an individual. Do you
4 recognize that individual, sir?

5 A. That's me.

6 Q. Okay, and in the center right of the video, there's
7 another individual. Do you recognize that individual?

8 A. That's Scott Young.

9 Q. Is this interview 3 a recording of that entire
10 interview process?

11 A. Yes.

12 Q. During the course of taking this, this statement, did
13 you make any threats to Mr. Young?

14 A. Never.

15 Q. Make any promises to Mr. Young?

16 A. Never.

17 Q. Did you try to overbear his will in any way?

18 A. No.

19 Q. Did he appear to understand what you were saying?

20 A. Yes.

21 Q. Did y'all have a cogent and understandable
22 conversation?

23 A. Yes.

24 Q. If he had asked for water or to use the bathroom,
25 would you have let him do that?

1 A. We did both.

2 Q. Okay.

3 MR. POTTS: Beg the court's indulgence one second.

4 (A PAUSE.)

5 MR. POTTS: Thank you, Investigator Ross. No further
6 questions. Sorry. Christian Ross.

7 CROSS-EXAMINATION BY MR. MATHEWS:

8 Q. Mr. Ross, just a couple of questions for you. When
9 you first came on scene with Mr. Young and you told him his
10 Miranda rights, you said you omitted a fifth prong of it?

11 A. I did not omit it. That, that's why I don't use all
12 the cards because the cards don't all have the fifth prong,
13 and I say the fifth prong.

14 Q. Okay. That's fine. Sorry. That was for my
15 clarification. In the form that you give him to sign, his
16 advice of right, at the bottom it says that there is a
17 waiver of rights. It says:

18 I have read this statement, and I am willing to
19 make a statement and answer questions. I do not
20 want a lawyer at this time.

21 To that -- so, there's an actual waiver that they
22 sign. Did you ask him when you are on scene are you
23 willing to waive these rights and talk with me? This was
24 when he's in the car.

25 A. We just saw it on the video. I don't remember if that

J.C. ROSS - CROSS-EXAMINATION BY MR. MATHEWS

115

1 was the specific wording that I used, but I, I believe it's
2 my policy to say are you willing to talk to me or something
3 like that.

4 Q. But it seemed to me on the video, well, that you just
5 read him these, these Miranda rights and then you said what
6 happened. Could that possibly be the case?

7 A. Possibly. I'd have to look at it again, but I usually
8 say are you willing to talk to me.

9 Q. That's fine. I'm not making a major issue of it. I'm
10 just trying to ask for clarification. So, you got some
11 information from him there on, on the scene after you
12 advised him of Miranda, correct?

13 A. Yes.

14 Q. And then you were not the one who transferred him back
15 to the police department, were you?

16 A. No.

17 Q. Was he already in the interview room when you got back
18 there?

19 A. No. I think we got there at -- close to the same
20 time, and they walked him in, and we turned on the camera.

21 Q. And the camera's turned out as soon as he walked into
22 the room. Is that typically the policy?

23 A. It's before he walked into the room. The room was
24 dark, and we were turning on the lights.

25 Q. Right. Okay.

1 MR. MATHEWS: Thank you. I don't have any further
2 questions.

3 MR. POTTS: No further questions, Your Honor.

4 (THE WITNESS EXITS THE STAND.)

5 THE COURT: Who's next?

6 MR. POTTS: Your Honor, at this time the state, state
7 has no more -- no further witnesses.

8 THE COURT: All right. Do you want to call any
9 witnesses?

10 MR. MATHEWS: Yes, Your Honor. I'd like to call my
11 client.

12 THE COURT: Okay.

13 MR. MATHEWS: For purposes of this hearing.

14 THE COURT: That's fine. Come on up.

15 MATTHEW SCOTT YOUNG, BEING DULY
16 SWORN, TESTIFIES AS FOLLOWS:

17 CLERK: Please have a seat. State your full name for
18 the record.

19 WITNESS: My name is Matthew Young.

20 DIRECT EXAMINATION BY MR. MATHEWS:

21 Q. You go by Scott?

22 A. Yes, sir.

23 Q. All right, Scott, I want to focus on a very specific
24 instance here. We're not going into the whole, whole case
25 today. So, after the incident happened and the, the

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

117

1 officers were on scene, what did you do after you walked
2 away from the scene?

3 A. Went back to the truck. Asked if anybody had spoke
4 with Tommy. At that time, they said it was time to call
5 Tommy, and he hadn't answered.

6 Q. Who's Tommy?

7 A. The super -- the boss man. He's the owner of the
8 company.

9 Q. Where was that truck parked?

10 A. It's a cul-de-sac right on the other side of the
11 bridge right there where we always parked by common area.

12 Q. And at some point, did you leave that area?

13 A. Yes, sir. Went to the next street over to the --
14 that's where they park, we park at. We have two different
15 places we park, and that was the other place, and he asked
16 me to meet him there.

17 Q. Who did?

18 A. Tommy did.

19 Q. And did you leave the, the neighborhood?

20 A. No, sir.

21 Q. About how far away was the place where you parked from
22 where you initially had your truck parked?

23 A. Could -- I, I don't understand. What now?

24 Q. From where the truck was first parked and y'all got in
25 it and then drove to the second portion of the

1 neighborhood, what is the approximate distance?

2 A. A block or two. It's, it's just right, right around
3 the corner. It's right -- it's not far at all.

4 Q. And, and ---

5 A. It's maybe, maybe ---

6 Q. I didn't mean to interrupt.

7 A. --- a 10th of a mile or so, 2/10 of a mile.

8 Q. And after you got to that location, what happened?

9 A. Another officer pulled up. I'm not sure of his name,
10 and he asked us for our identification. We gave him our
11 driver's license and...

12 Q. Were you out of the vehicle already or did he ---

13 A. Yes.

14 Q. --- ask you to get out of the vehicle?

15 A. Yes, sir. We seen him, seen him coming, so we got out
16 of the -- we seen him coming down the street, so we got out
17 of the truck. And then when he got out of the car, he came
18 over and he asked us for our identification. We gave him
19 our driver's license, and he said that I just -- I need
20 y'all to stay right here for a few minutes. There's
21 somebody come and talk to y'all about do y'all know what's
22 going on with the incident.

23 Q. At that point in time, did you feel like you were free
24 to leave?

25 A. No. He asked us to stay there for...

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

119

1 Q. How many law enforcement officers were there before
2 Officers Sulser got there?

3 A. I, I only remember one. I'm not sure if there were
4 others there. There may have been two, but I think, I feel
5 sure -- I know there was one for sure. I don't know any of
6 the others.

7 Q. Where was the police car parked in relation to your
8 car in the cul-de-sac?

9 A. We're parked right here at the back of the cul-de-sac
10 here and he's, like, kind of in the, in the road right
11 there. Like, we're in the round part of the cul-de-sac,
12 and he's in the main part of the road pointing toward to
13 truck.

14 Q. And at some point, did Officer Sulser come on scene?

15 A. Yes, sir. He, he walked up just a few minutes later.

16 Q. And did he ask are you Scott Young? Are you the one
17 who stabbed him?

18 A. Yes, sir.

19 Q. At that point in time, had he read you your Miranda
20 rights?

21 A. No, sir.

22 Q. And at that point in time, did you feel like you were
23 free to leave?

24 A. No, sir.

25 Q. Did you, in fact, respond to his questions?

1 A. Yes, sir.

2 Q. Later on when he got you in the back of the car, did
3 he -- or, excuse me. After you responded to his questions,
4 were you handcuffed?

5 A. Yes, sir.

6 Q. And where did he take you?

7 A. To, to -- I, I think the back of the car, to the side
8 right there and got, got stuff from my -- items from my
9 pockets or whatever and then placed me in the, in the car.

10 Q. When did he read you your Miranda rights at -- in, in
11 correlation to everything that just happened?

12 A. After all these events took place, he placed me in the
13 back of the car and then read me my rights. I think so.

14 Q. Had he read you your Miranda rights prior to initially
15 asking those questions, would you have answered his
16 questions?

17 A. Probably not.

18 Q. What would you have done differently?

19 A. I, I probably would ask for counsel.

20 Q. You ultimately did give statements after you'd been
21 advised of Miranda after that, correct?

22 A. Yes, sir.

23 Q. Why did you do that?

24 A. I already told him any -- what was going on anyway,
25 so.

M. YOUNG - CROSS-EXAMINATION BY MR. POTTS

121

1 Q. Because you'd already told him?

2 A. Yes, sir.

3 Q. Before you were mirandized?

4 A. Yes, sir.

5 Q. Okay.

6 MR. MATHEWS: Thank you, Scott. I don't have anything
7 else.

8 CROSS-EXAMINATION BY MR. POTTS:

9 Q. Mr. Young, now when Mr. Mathews asked you what did you
10 do after you left the scene, the first thing you did was
11 get rid of the weapon, correct?

12 A. Yes, sir.

13 Q. Okay. Well, you didn't just go straight to the
14 trucks, but -- so, you got rid of the weapon, and y'all
15 went down to this second location?

16 A. Yes, sir.

17 Q. Okay. As you said, it's, what, 2/10 of a mile further
18 from the initial place you parked the car?

19 A. Yes, sir. I'm not sure.

20 Q. Okay.

21 A. Roughly two -- a block and a half, something, yes,
22 sir.

23 Q. An estimate? I'm not ---

24 A. Yeah. Yes, sir. It's roughly maybe 2/10 of a mile,
25 Couple 100 yards or whatever.

1 Q. Okay, and then that's where after a few minutes, I
2 assume, you encounter that first officer?

3 A. Yes, sir.

4 Q. How long was it between when y'all got down there and
5 that first officer arrives?

6 A. We weren't there very long. Maybe a minute or two.
7 Not long at all.

8 Q. Okay, and he told y'all not to leave?

9 A. Yes, sir.

10 Q. Okay. Did he ask you any questions?

11 A. Not really. Just our identification, and who was who,
12 and if we knowed what was going on, and he said -- I got --
13 basically he said we -- there's somebody else coming to
14 speak to y'all.

15 Q. Right. So, he's asked ---

16 A. I don't know the exact verbiage, but he said, he said
17 somebody's coming to talk to y'all.

18 Q. Okay. So, he didn't get into any details with you,
19 correct?

20 A. No, sir.

21 Q. Okay, and then you said there might've been a second
22 officer. They didn't get into any details with you either,
23 did they?

24 A. I didn't think -- I didn't speak to the other officer
25 if there was...

M. YOUNG - CROSS-EXAMINATION BY MR. POTTS

123

1 Q. If there was one?

2 A. Yeah, yeah. I, I don't remember for sure, but I
3 didn't speak to another officer.

4 Q. Okay, because by the time Investigator Sulser got
5 there, there's only one other officer on the scene, right?

6 A. Okay, I, I, I think so. I don't think there was a
7 second one.

8 Q. Sure.

9 A. I don't remember a second one.

10 Q. To the best of your recollection?

11 A. Yes, sir. I don't remember a second officer.

12 Q. Okay, and so when Investigator Sulser was talking to
13 you initially there, he did not read your Miranda rights?

14 A. Yes.

15 Q. Correct, but he's talking to you and he's talking to
16 -- and you're, you're there with your coworkers?

17 A. Yes, sir.

18 Q. Mr. Watts and Mr. Perez -- Perozo?

19 A. Yes, sir.

20 Q. And so does he make any threats to you?

21 A. No, sir.

22 Q. Does he try to make you any promises or anything?

23 A. No, sir.

24 Q. You were sober, right?

25 A. Yes, sir.

1 Q. Okay. You understood what was going on?

2 A. Yes, sir.

3 Q. Okay. Now, he didn't put you in handcuffs yet, did
4 he?

5 A. The first officer? No, sir.

6 Q. No.

7 A. Officer, Officer ---

8 Q. Nor did Sulser immediately?

9 A. No, no. No, sir. He did not when he first came up,
10 no, sir. He asked questions, then went back to the car and
11 he came back, and then he, he asked me -- started to
12 explain what was happening, and he handcuffed me.

13 Q. Okay. Did Officer Sulser Investigator Sulser tell you
14 you were under arrest? Let me back up. That's an unfair
15 question. When he -- before he put you in the car, did he
16 tell you at any point you were under arrest?

17 A. I don't remember.

18 Q. Okay. Did he tell you you were under arrest before he
19 put the handcuffs on you?

20 A. I don't remember if he used those words you're under
21 arrest. I think he just told me Mr. Young, turn around,
22 put your hands behind your back.

23 Q. Right.

24 A. And then placed the handcuffs on me, and he may have
25 said you're -- might -- I don't know if he said you're

M. YOUNG - CROSS-EXAMINATION BY MR. POTTS

125

1 under arrest at this time or not. I don't recall.

2 Q. Okay, you don't recall whether he said it or not, but
3 he ---

4 A. Right.

5 Q. --- certainly didn't say it before he asked -- before
6 you said you stabbed, you stabbed Mr. Pacius, correct?

7 A. Right.

8 Q. Okay, and, in fact, you told him initially and several
9 times that you did not stab Mr. Patches [sic], correct?

10 A. Yes.

11 Q. Pacius. Okay.

12 A. He, he had asked me are you the one that stabbed him?
13 Are you Scott Young? And I said yes.

14 Q. Okay, but when he asked you did you stab him, you said
15 no?

16 A. When he asked, he asked them both at the same time,
17 are you -- did you -- are you the one that stabbed him?
18 Are you Scott Young? And I said yes, and then he started
19 talking about a 911 call. I said that's -- that wasn't me
20 that said that. That's what I was referring to when I said
21 no.

22 Q. Okay.

23 A. That wasn't me. What I was saying, that wasn't me,
24 that's not me that made that phone call that you're
25 referring to.

1 Q. Okay. So, are you saying that when he said are you
2 Scott Young, are you, are you the one who stabbed him, are
3 you Scott Young, you were saying yes to both questions?

4 A. I said yes at that time.

5 Q. Are you saying your intention was to say yes to both
6 questions at that time?

7 A. Yes.

8 Q. Okay, but he didn't seem to do anything when you said
9 yes?

10 A. No. He went -- he said -- he started talking about
11 the, the phone call.

12 Q. Okay.

13 A. And I said no, that wasn't, that wasn't me, and I'm
14 referring to the phone call where he's saying that you said
15 on the phone call that you had to stab him because he came
16 to you to an aggressive manner. I said no, no, I didn't
17 say any of that.

18 Q. Right. Correct.

19 A. Yes.

20 Q. In fact, you did not say it?

21 A. Right. Yeah. That -- I, I didn't even know about the
22 other 911 call.

23 Q. So, other than asking you questions like he did, like
24 we saw on the video, did he treat you in any way
25 differently than he treated your two coworkers?

M. YOUNG - CROSS-EXAMINATION BY MR. POTTS

127

1 A. I don't think so. He was, I mean, he was, he was
2 professional. He wasn't -- I didn't see him treat them any
3 different than he did treat -- he treated me, no.

4 Q. Okay.

5 MR. POTTS: Beg the court's indulgence.

6 Thank you, Mr. Young. No further questions.

7 WITNESS: Yes, sir.

8 MR. MATHEWS: No, Your Honor.

9 (THE WITNESS EXITS THE STAND.)

10 THE COURT: Anybody else?

11 MR. MATHEWS: No. No, sir.

12 THE COURT: Okay. All right, so what I would like to
13 see is the portion of the video when Sulser is walking down
14 to the cul-de-sac, please, and I believe that's found
15 somewhere in State's Exhibit 2 for the purposes of this
16 hearing.

17 MR. POTTS: Yes, Your Honor. It should be in the
18 video labeled 5720, and I will bring that up right now.

19 Your Honor, I have forwarded to 22 minutes and 5
20 seconds on the video. I'm going to turn it up volume-wise,
21 if that's okay with the court.

22 THE COURT: Yeah. That would be great.

23 MR. POTTS: And, Your Honor, if you have any issues
24 hearing, just let me know and I'll get it ---

25 THE COURT: Yeah. Just stay to the left of it so if I

1 raise my hand, pause it.

2 (WHEREUPON, EXCERPT OF STATE'S EXHIBIT 2 FOR
3 IDENTIFICATION IS PLAYED FOR THE COURT. AUDIO IS NOT
4 TRANSCRIBED.)

5 THE COURT: So, what's your position on that? Let's
6 start with the state.

7 MR. POTTS: Your Honor.

8 THE COURT: We've got to break it up into segments
9 because there's different things known at different times
10 throughout the progression of the video. So, we just
11 watched from -- where did we start? 20?

12 MR. POTTS: 2205, Your Honor.

13 THE COURT: 2205, which is where Investigator Sulser
14 is walking to the cul-de-sac. So, just so the record's
15 clear, on the video there's what appears to be an incident
16 location where there is a gentleman in the street who's
17 clearly bleeding profusely. There's a lot of blood. Okay,
18 clearly something bad happened. That would be reasonable
19 for any person to, to suspect or suspect.

20 And then we kind of fast forward the video to where
21 Investigator Sulser is walking down the street, and at the
22 end of the street is a cul-de-sac. The landscaping truck
23 is in the back of the cul-de-sac, and there are three
24 individuals standing in front of the truck, one being Mr.
25 Young, and then there's also another officer already there

1 with those three guys, and then this interaction just
2 occurs, occurs where we stopped it.

3 About what time, Mr. Potts?

4 MR. POTTS: 2357, Your Honor.

5 THE COURT: That we stop at about 2357 kind of occurs.

6 MR. MATHEWS: Just for clarification, you can see two
7 other officers on that video.

8 THE COURT: Okay. I only saw one so if there's two
9 others, then you need to go back and show me that, but
10 we'll come back to that.

11 So, what's your -- what's the state's thought process
12 on the interaction ---

13 MR. POTTS: Yes.

14 THE COURT: --- that just occurred?

15 MR. POTTS: Certainly, Your Honor. We believe that
16 all three individuals have been detained, investigatively
17 detained by Officer Vereen. I think it might actually be
18 Fitzpatrick who's there at that scene, Your Honor. He
19 takes their information and tells them they cannot leave.

20 THE COURT: Okay.

21 MR. POTTS: He is investigating a crime, a crime.
22 They have information that Sulser mistakenly believes that
23 this -- that Mr. Young called 911 himself, but he is, in
24 fact, one of the two -- one of the several 911 callers. He
25 takes the phone at one point, so that's -- explains how

1 that happened, but he is currently in detention.

2 THE COURT: Okay.

3 MR. POTTS: He is not under arrest, and so that's when
4 Investigator Sulser approaches. It is a completely
5 noncustodial -- he is, yeah, he is in detention but he's
6 not in custody. It's a voluntary and a -- I, I think it is
7 -- he does not need to be read his Miranda rights at that
8 point. He is trying to figure out exactly who was involved
9 in this crime or potential crime.

10 THE COURT: So, your thought process is all that is
11 admissible?

12 MR. POTTS: Correct, Your Honor.

13 THE COURT: Okay. All right, what's your thought
14 process?

15 MR. MATHEWS: My position isn't so strong on, on this,
16 as strong on this portion, Your Honor. But I still do
17 believe that this was a custodial interrogation and that he
18 should have been mirandized because Officer Sulser,
19 Investigator Sulser, when he testified, specifically said
20 he's not free to leave. And then on the video, you just
21 heard him say I have information from dispatch that Scott
22 Young stabbed somebody.

23 THE COURT: Sulser says on the witness stand as I was
24 walking to the cul-de-sac, I knew, based upon what -- the
25 information I had was that dispatch told me Scott Young

1 stabbed somebody.

2 MR. MATHEWS: Correct. So at this point in time, he's
3 a suspect. He's in custody and it's a custodial
4 investigation, and Miranda should be required, if not at
5 this point, absolutely after he goes back to his car and
6 verifies that information the next time.

7 THE COURT: Okay. All right. So, let's play the next
8 portion. We're going to call this portion 1, okay. I
9 think there are some clear breaks in here of who knows what
10 and who's told what at what point that it's -- we, we have
11 to -- I think it all will go to the totality of it later,
12 but right now we got to, we got to at least be able to
13 communicate about it amongst ourselves and know which
14 portions we're talking about.

15 MR. POTTS: Well, I'll continue to play from the
16 stopping place.

17 THE COURT: Good. Thank you.

18 (PLAY RESUMES.)

19 THE COURT: Stop. Stop. Yeah, there's clearly two
20 cops there.

21 MR. MATHEWS: Yes, sir, yes.

22 THE COURT: So when, when ---

23 MR. MATHEWS: I just want that clear for the record.

24 MR. POTTS: And so for the record, we believe it would
25 be Osagie who went there with Investigator Sulser. He said

1 he went with Osagie to that location.

2 THE COURT: Okay.

3 MR. MATHEWS: Yeah. That's for the purposes of
4 whether or not he felt free to leave, even though there
5 was ---

6 THE COURT: There's, there's three cops there.

7 MR. MATHEWS: Yes, sir. Okay. Got it.

8 MR. POTTS: There were three cops there.

9 THE COURT: Okay.

10 MR. POTTS: Replaying it where we stopped.

11 (PLAY RESUMES.)

12 THE COURT: All right, stop. So, Sulser goes back to
13 the car and doesn't really talk, and no one's really
14 talking to him. Probably reading something, based upon his
15 testimony, which would be appropriate for him to do in the
16 circumstances. He gets his -- he figures out it's the
17 coworker who calls and says someone -- Mr. Young -- someone
18 did it, and then he comes back out and immediately goes to
19 questioning. And at that point in time, Mr. Young says I
20 did, and then he immediately goes -- he says turn around
21 and goes to put handcuffs on him. Everybody agree with
22 that?

23 MR. POTTS: Yes, Your Honor.

24 MR. MATHEWS: Yes, sir.

25 THE COURT: Okay. All right. So, what's your thought

1 process on the I did it? We're going to call that the
2 second part, or is your thought process the same as it was
3 before?

4 MR. POTTS: Substantially so, Your Honor, but this
5 one's actually a little different because he has now
6 realized that Scott Young did not make that call. He's now
7 talking to all three of them at the same time. That, that
8 question is directed to everybody and not just Mr. Young.
9 So, it's distinct from that first, that first set of
10 questioning. In this one, he has kind of -- the bedrock
11 upon which he was working is kind of sloping under his
12 feet, so he's now expanded that to all three of them. The
13 question is directed at everybody, not just Mr. Young.

14 THE COURT: Okay, your position is the same, right?

15 MR. MATHEWS: Correct. He's developed further
16 information.

17 THE COURT: Right. Okay. I'm with you. You don't
18 need to...

19 MR. MATHEWS: Thank you.

20 THE COURT: Your position is up until the point where
21 he -- your -- the defense's position is up until the point
22 where Sulser reads Miranda, none of that should come in?

23 MR. MATHEWS: Correct.

24 THE COURT: Okay. All right. Hit play.

25 MR. POTTS: I apologize. We're starting at 2456.

1 THE COURT: Okay, which is at this point in time, Mr.
2 Young is clearly being put in handcuffs.

3 MR. POTTS: Right. He is detained.

4 THE COURT: And has been told to turn around by the
5 investigator and is cooperating.

6 MR. POTTS: Yes, Your Honor.

7 THE COURT: Okay.

8 (PLAY RESUMES.)

9 THE COURT: Okay. So at this point, what we just
10 witnessed was he put handcuffs on him, and Sulser and Mr.
11 Young are communicating as Sulser is taking him to the
12 backseat of the car. He has him handcuffed; he gets him in
13 the car. They're continuing to communicate, and then
14 Sulser has or someone has out a Miranda card and starts
15 reading him his Miranda warnings, and they say are you
16 willing to talk, and Mr. Young says yes.

17 MR. POTTS: Yes, Your Honor.

18 THE COURT: All right. So, your position is the same.
19 Up until that happens, clearly you, under your -- defense's
20 theory, nothing he's saying is admissible?

21 MR. MATHEWS: That's correct, and I have another
22 position on ---

23 THE COURT: Yes.

24 MR. MATHEWS: --- the further statements.

25 THE COURT: We're coming to that, okay.

1 And the state's position is?

2 MR. POTTS: That he is under arrest and in custody.

3 THE COURT: Okay.

4 MR. POTTS: For interrogation purposes, he should be
5 read his Miranda rights before any interrogation happens at
6 this point.

7 THE COURT: Okay.

8 MR. POTTS: However, we believe he is not being
9 interrogated by, by Investigator Sulser. He's, in fact --
10 just try and disengage from the conversation they're having
11 so that he can -- at one point puts his hand in his face
12 and is, like, I got to read you your rights before we go
13 any further.

14 THE COURT: Your, your, your position is the
15 defendant's talking and he's not being interrogated even
16 though he's in custody?

17 MR. POTTS: Correct. The statements Investigator
18 Sulser makes are not the kind of statements made -- they're
19 not questions, and they're not the kind of statements made
20 to extract inculpatory information from the defendant.

21 MR. MATHEWS: Judge, that's not accurate because he
22 says are you Scott Young, are you the one who stabbed him.

23 THE COURT: And I think Mr. Potts is talking about
24 once he gets the handcuffs on him.

25 MR. MATHEWS: Yes, sir.

1 THE COURT: From handcuffs to the car. So, let's
2 rewatch from handcuffs to the car.

3 MR. POTTS: I'm going to start at 2450.

4 THE COURT: That's, that's great. Thank you.

5 (PLAY RESUMES.)

6 THE COURT: Stop right there. What I, what I don't
7 hear is how do we get to the point that Mr. Young is saying
8 where the weapon is?

9 MR. POTTS: I, Your Honor, I couldn't hear it at
10 first, too, because -- another officer who says where,
11 where is the weapon.

12 THE COURT: So, one of the other cops at that point
13 while Mr. Young is wearing handcuffs and clearly in custody
14 says where's the weapon, and Mr. Young tells them where the
15 weapon is?

16 MR. POTTS: Right. I -- up until we did it this last
17 time, I did not hear that.

18 THE COURT: Okay.

19 MR. POTTS: But I have a -- I have an argument for
20 that as well.

21 THE COURT: Okay.

22 MR. POTTS: But I'll proceed through the rest of this.

23 THE COURT: Okay. Go ahead.

24 MR. POTTS: We're at 28 -- 2528.

25 (PLAY RESUMES.)

1 THE COURT: Stop. You're telling me the cop saying to
2 him if it's self-defense, it's self-defense, man, come on,
3 isn't the purpose -- isn't done for the purpose of
4 eliciting a statement? That's what you just argued ---

5 MR. POTTS: No, no, no, no, Your Honor.

6 THE COURT: --- three minutes ago.

7 MR. POTTS: Your Honor, obviously it's very close to
8 that, and so let me explain. So, the first thing the
9 defendant says, I did it, right, that's when -- right now,
10 just that little segment goes I did it. And that's when
11 Investigator Sulser immediately responds with, well, if
12 it's self-defense, it's self-defense, right? And then the
13 defendant comes back with it ain't self-defense, right, or
14 some variation thereof.

15 So, what happened is is that the defendant started
16 talking, and Investigator Sulser just responds to him.
17 And, in fact, what he gives him is a statement not designed
18 to elicit inculpatory information but the state would argue
19 exculpatory information.

20 You know, the classic case of, you know, the suspect
21 who has invoked their rights driving, you know, past the
22 graveyard and saying oh, you know, you know, that girl
23 needs a good Christian burial. That's a statement designed
24 to elicit inculpatory information. What Investigator
25 Sulser says is, A, part of the conversation but, B, it's

1 not designed to elicit inculpatory information. And he
2 just responds to -- a way that I don't think anyone would
3 expect him to respond when Investigator Sulser gives him
4 that -- says that statement.

5 THE COURT: Okay.

6 MR. POTTS: Even if you disagree with that, Your
7 Honor, I think it's part of their conversation they're
8 having that this defendant starts.

9 THE COURT: Okay. All right. Keep playing.

10 MR. POTTS: 2542.

11 (PLAY RESUMES.)

12 THE COURT: All right. So, he clearly read the
13 Miranda warning. What's your argument as to that?

14 MR. MATHEWS: They stop when Miranda should have been
15 initially read, and based off of my client's testimony --
16 because the only reason he continued to talk to
17 investigators was because he's already made that admission
18 pre Miranda. Had he been mirandized and then advised of
19 his right to counsel, he would've invoked that right. But
20 once that, that was out, there was no sense, and every
21 further statement is fruit of the poisonous tree because
22 they would not have had that admission and not gotten to
23 these further interrogations had he been properly
24 mirandized at the appropriate times. So, my position is
25 none of these statements are admissible.

1 THE COURT: Okay.

2 MR. POTTS: Your Honor, the nature of the questioning
3 he takes after he reads him Miranda is certainly
4 interrogation, but we believe that reading Miranda is
5 adequate and appropriate, given the situation. He is in
6 custody at that point. And even if something from before
7 was tainted, we believe that the nature of the questioning
8 is totally different than what was there before.

9 And one thing I didn't address earlier, Your Honor,
10 was the officer -- I think it's Osagie -- asking him about
11 where's the knife. You know, where you have a man who's
12 been stabbed and it is a, a weapon out there, there's a
13 public safety exception where they can ask, immediately ask
14 about where a dangerous object is like that knife. There
15 are children back there. It's a neighborhood. There are
16 plenty of places where someone could hurt themselves with
17 that weapon.

18 THE COURT: Okay. Does anybody have any case law on
19 the definition of custodial because that's clearly the
20 issue in the case, in the -- in this argument.

21 So, the first issue that needs to be fleshed out is is
22 he in custody when Investigator Sulser asked him if he did
23 it the first time. The second issue that needs to be
24 fleshed out is the fruit of the poisonous tree. If the
25 first statement is bad, does that mean all the rest of them

1 are automatically bad, or can it be fixed by Miranda? Does
2 anybody have any case law on either one of those issues?

3 MR. POTTS: Your Honor, I have case law summary, but
4 if you let us recess for a minute, I have a DUI notebook
5 which covers most of this stuff. At some point, I've dealt
6 with this quite possibly with DUIs.

7 THE COURT: All right.

8 MR. POTTS: I could provide the court cases.

9 MR. MATHEWS: I don't have anything on me right now,
10 but if you give me...

11 THE COURT: Okay. All right. So, okay. So, I think
12 I understand everybody's positions. If you all will email
13 me whatever case law it is you want me to read, preferably
14 prior to 5:30 or 6 o'clock. Do not send it to my clerk
15 because she's not looking at email. Just send it directly
16 to my email. Do you have my email?

17 MR. MATHEWS: Just with the J?

18 THE COURT: Yeah.

19 MR. MATHEWS: Yes, sir.

20 THE COURT: Make sure you courtesy copy each other on
21 it, but here's where my mind is right now. So, so, issue
22 number one is, the way that I'm processing through it, is
23 once -- so, kind of issue number one is is he in custody
24 for the purposes of Miranda when Sulser walks up? That's
25 one issue. The second issue is is he in custody for

1 purposes of Miranda when Sulser comes back out of his car
2 and is, like, who did it, whatever, whatever. I can't
3 remember exactly what he said, but y'all ---

4 MR. POTTS: That's approximately it.

5 THE COURT: --- understand the delineation between
6 those two?

7 MR. MATHEWS: Yes, sir.

8 THE COURT: Okay, and then he's clearly in custody
9 when he gets the handcuffs put on him and put in the car.
10 And so the third issue is if one and/or two are bad, does
11 that automatically make the Miranda warnings given by
12 Sulser and twice by Ross -- who Ross gives them to him in
13 the car. Ross also gives them to him at the station,
14 right, because the -- Ross ---

15 You didn't do the advice of rights form on scene. You
16 did it at the station. Is that right?

17 MR. ROSS: That's right, sir.

18 THE COURT: Okay. All right, and I thought -- I'm
19 tracking to make sure I'm following everybody. So, if one
20 or two are bad, I've seen case law about Fourth Amendment
21 in stuff, but I don't -- I can't process through -- and I'm
22 not saying it doesn't exist. I'm just saying my mind right
23 now is blank as to if one or two are bad, then that
24 automatically makes when he was given Miranda by Sulser,
25 when he was given Miranda on scene by Ross, and when he was

1 given Miranda at the station basically invalid because
2 they're fruit of the poisonous tree. I'm not saying that
3 exists or that doesn't exist. I'm being very candid with
4 you all because I know you all very well. I really can't
5 tell you what exists off the top of my head. A lot of
6 issues I can because I do them so much, I can remember, but
7 that's a new issue for me.

8 So, y'all take, you know, an hour, hour and a half.
9 Pull some cases. Just email them to my, to my court email
10 system. Make sure you copy each other on it, and then
11 tonight in the quiet of things, I will have time to read
12 and process through it. Then I can rule on it in the
13 morning.

14 MR. MATHEWS: Yes, sir.

15 THE COURT: Anything else y'all want to say about
16 anything else before I read all this stuff? I think I
17 understand what your arguments are on both sides.

18 MR. MATHEWS: I don't have anything additional, Your
19 Honor.

20 THE COURT: Okay. Mr. Potts?

21 MR. POTTS: Does Your Honor want any, I guess, portion
22 three, the walk to the car, do you want any case law on
23 that as well?

24 THE COURT: Yeah. That would be great, yeah. I want,
25 I want you to send me whatever it is you want me to read

1 because I'm, you know -- and I'm happy to spend an hour or
2 two hours tonight, you know, slowly going through it and
3 processing through it and -- so it doesn't take up a big
4 delay of time in the morning. But we can flesh it out a
5 little bit more in the morning once everybody kind of reads
6 everybody's cases and looks at it and may tweak what you
7 think just a little bit. So -- but I want the time to read
8 them in the quiet of everything, you know, so I can really
9 process through them.

10 MR. POTTS: Yes, Your Honor.

11 MR. MATHEWS: Yes, sir, and I'll get it to you as
12 quickly as I can. I'm a one-man operation.

13 THE COURT: Yeah. I know. I know. So, you know, I'm
14 not going to bite your head off if it's not in by 6. My
15 wife ---

16 MR. MATHEWS: Not 2 AM.

17 THE COURT: Just don't pull a 2 AM'er on me. It will
18 definitely not get read tonight if it comes at 2 AM.

19 All right, all right, anything else further from the
20 state before we break for the day?

21 MR. POTTS: No, Your Honor.

22 THE COURT: Okay, and anything further from the
23 defense before we break for the day?

24 MR. MATHEWS: Not pretrial because that raised my
25 motion on the suppression of the further statements. That

1 was my only other pretrial issue.

2 THE COURT: Okay. Okay, and I think -- let me read
3 the case law y'all submit tonight, and then we can argue
4 that a little bit more first thing in the morning, and then
5 I'll rule on it, and then we can drive on. So, you know,
6 have whoever here, the first witnesses, ready to roll in
7 the morning.

8 MR. POTTS: Yes, Your Honor.

9 THE COURT: Okay, anything else before we break?

10 MR. POTTS: That's it for the state, Your Honor.

11 THE COURT: Okay. Mr. Mathews?

12 MR. MATHEWS: No, Your Honor.

13 THE COURT: Okay. All right. Thank you all for your
14 hard work today. Much appreciated, and I will see you all
15 tomorrow morning. Thank you.

16 (WHEREUPON, THE CASE IS AT EASE.)

17 *TUESDAY, FEBRUARY 15, 2022*

18 (COURT RESUMES AT 9:36 AM.)

19 (DVD OF BODY WORN CAMERA MARKED AS STATE'S EXHIBIT
20 NUMBER 50 FOR IDENTIFICATION.)

21 (DVD OF BODY WORN CAMERA MARKED AS STATE'S EXHIBIT
22 NUMBER 51 FOR IDENTIFICATION.)

23 (PHOTOGRAPHS INDIVIDUALLY MARKED AS STATE'S EXHIBIT
24 NUMBERS 52 THROUGH 58 FOR IDENTIFICATION.)

25 THE COURT: Good morning, everybody. We're back on

1 the record in *The State v. Matthew Young*, and the state is
2 all present. The defendant is present and his attorney is
3 present. And when last we left, we were in a philosophical
4 discussion about the admissibility of statements, and you
5 all graciously sent me some cases last night, which I read
6 and reviewed, and does anybody want to put anything else on
7 the record as to those issues? You may if you want to.

8 MR. POTTS: I guess just briefly, Your Honor, I sent a
9 -- I do have a copy of the cases I sent to Your Honor and
10 to Mr. Mathews.

11 THE COURT: I printed them off. Thank you.

12 MR. POTTS: The one I sent later in the evening, and I
13 apologize for that.

14 THE COURT: *Barksdale*.

15 MR. POTTS: Was the *Barksdale* case, and I found to be
16 particularly -- it had a kind a testing strategy in it
17 about the balancing test.

18 THE COURT: Right.

19 MR. POTTS: And I thought that was particularly useful
20 for us here today.

21 So to that *Barksdale* test, Your Honor, this is a very
22 short duration conversation, which I think goes towards us.
23 The statements -- they're investigating a recently
24 happening crime. The purpose of this is just to follow up
25 a response about the alleged incident and about the

1 statement. There's no restraints. He's out in the public;
2 there were other people around. We believe all of that
3 goes -- weighs toward the state when it comes to
4 determining whether he was in custody for purposes of
5 Miranda, and we believe that under the balancing test, he
6 would not be. And I think the other cases also illustrate
7 that aspect, Your Honor, but I think that *Barksdale* case in
8 particular does.

9 THE COURT: Okay. All right, Mr. Mathews, anything
10 else you want to put on the record?

11 MR. MATHEWS: Just very briefly. I would put the
12 cases that I sent you, just the cites on the record. The
13 one for the reasonableness standard for what constitutes
14 custody for Miranda requirements is *Yarborough v. Alvarado*,
15 541 US 652, 2004, from the United States Supreme Court. I
16 know you've read all that, but when I was reading through
17 the case law, not just that case specifically, but it talks
18 about the reasonableness standard, about whether a
19 reasonable person would, would believe that they were in
20 custody. And there's also discussions of when a criminal
21 goes -- situation goes from the investigative phase to an
22 accusatory phase. And it clearly became accusatory when it
23 said are you Scott Young? Are you who stabbed him? So,
24 our position on that is that, that he was in custody.
25 Miranda should have applied.

1 And then in terms of the further statements from the
2 fruit of the poisonous tree, that was *Missouri v. Seibert*,
3 S-e-i-b-e-r-t, 531 UA 600, 2004, from the United States
4 Supreme Court. That was kind of akin to what we have here.
5 Not necessarily to the extreme factually, but what you have
6 is an interrogation and questioning where you get a
7 confession and a response, and they said all right. Well,
8 we've already got it. Let's mirandize him, which is going
9 to fix what we previously did and then ask him what we
10 already know and what he's already said. So, that's just
11 our position is that statements were custodial, and they
12 should be excluded, all of them.

13 THE COURT: Okay. Thank you, Mr. Mathews.

14 All right, so let me kind of walk through the way that
15 I'm processing through this in my mind. The first thing to
16 note is that, you know, all of these interactions -- and
17 I'm going to kind of stop at the point Investigator Ross
18 shows up for my logic at this point. All of these
19 interactions until Investigator Ross shows up are on video,
20 and the court has been able to view them, found in State's
21 Exhibit Number 2 for the purposes of the pretrial hearing.
22 So when -- and I think the other thing to keep in mind is
23 that we referred, or the state referred to Officer Sulser
24 as Investigator Sulser, which I believe he is an
25 investigator as of today, but in December of 2017 when the

1 incident occurred, he's -- and I don't mean this in any
2 slight against him, he, he's a, he's a beat cop. I mean,
3 he, he's not, he's not a trained criminal investigator
4 there for the purposes of taking interrogation down. That
5 was Investigator Ross's role in the case, which
6 Investigator Ross testified to. Invest -- I mean, Mr.
7 Sulser is basically one of the first officers on the scene
8 where he responds to an incident because he was called by
9 911 or dispatch, you know, said to go to this incident.
10 Someone's been stabbed. So, I think that's very important
11 to note that in the point where Sulser is on scene, he's
12 conducting -- he's trying to figure out what happened and
13 who needs to be done what with in really quick fashion.

14 Number one, all of this is outside. They're on a
15 public street in a neighborhood in a cul-de-sac. Up until
16 the point where Mr. Young says I did it, no one was in
17 handcuffs. They were all standing outside their truck.
18 There were, you know, upwards of three officers there at
19 some point in time, and -- but again, this whole thing,
20 this whole interaction from the time Sulser walks up to the
21 landscaping truck is a matter of minutes. It's not a --
22 you know, this isn't some thirty minute, forty minute,
23 fifty minute, you know, interrogation process. Sulser has
24 received information that someone named Mr. Young could
25 have stabbed this guy, and he's trying to figure out, I

1 think he's trying to figure out, number one, who's who and
2 number two, potentially what their roles were in the
3 situation.

4 And I think all those are serious factors to consider
5 when you -- in these, these state cases that we have, *State*
6 *v. Walker*, which is a Court of Appeals case from 2020 here
7 in South Carolina, finds that that person was not in
8 custody, okay. And, you know, basically these people are
9 showing up on these traffic accident scenes and trying to
10 figure out who's doing what and, and whose role is in what.
11 And in the process of figuring that, gets a little bit of
12 information and then starts to figure out, well, maybe this
13 is the person that did it.

14 All of those things these state cases hold do not
15 trigger custody. And that, you know, custody is a very
16 well defined, defined term by the Supreme Court of the
17 United States and by our appellate courts.

18 You know this *Easler* case from 1997, which is a South
19 Carolina Supreme Court case, *State v. Easler*, E-a-s-l-e-r,
20 from July of 1997, it's really one of the closest factual
21 scenarios to what we have here. You know, the officer
22 shows up on the scene and starts trying to figure out what
23 was going on. No one's under formal arrest; no one's under
24 formal detention. In custody is the totality of the
25 circumstances that not only includes the person's freedom

1 to leave the scene, but the purpose and the place and the
2 length of the questioning must also be considered. And the
3 fact that Sulser may have thought Mr. Young did it is not
4 dispositive. And the fact that Mr. Young thought he may
5 have not been free to leave is not dispositive. It's the
6 objective -- it's an objective standard based upon a
7 reasonable person standard.

8 And then this *Barksdale* case, and in *Barksdale*, the
9 court of appeals in 2021, the trial court judge determined
10 the defendant was in custody and excluded the statements
11 and the state appealed. And again the facts in that case
12 are very akin to this situation. And where the trial court
13 there based the entire decision off of what did the cop
14 believe, did the cop believe the person did it, and if the
15 cop believed the person did it and there was no chance he
16 could leave, then boom, he's in custody. And the court of
17 appeals goes through this great length to explain that is
18 not the standard that is used for the court.

19 And so taking all those facts and circumstances into
20 consideration, here's how I'm going to rule on the part of
21 it. So, the point of the questioning up to where Mr. Young
22 says I did it is in, okay? Once Sulser put handcuffs on
23 him on video, from the point he puts handcuffs on him until
24 he gets him around to the side of the car and reads him
25 Miranda is out. I think he's clearly in custody at that

1 point in time. He's clearly not free to leave, and I don't
2 think it's a rule that officers have to immediately read
3 Miranda warnings, and I'm not stating that as a rule, but
4 it's clearly a situation where Mr. Young was talking and he
5 should have been given his Miranda warnings. So, from the
6 handcuffs to where he's in the side of the car and Sulser
7 reads him Miranda is out, okay?

8 After that, Officers Sulser reads him his Miranda
9 warnings, and Mr. Young is very clear about where he is.
10 He's very cogent about where he is. He's having a
11 conversation with them. He doesn't appear to be
12 inebriated. He doesn't appear to be high. He doesn't
13 appear to be under the influence of anything. He's having
14 a conversation with them. He's very worried about his
15 fellow coworkers and making sure that the police know that
16 they don't have anything to do with it.

17 And so from the point where Sulser first reads him
18 Miranda forward, I find that all of that is admissible
19 because based upon the totality of the circumstances, I
20 believe that he was in custody, but he was given his
21 Miranda warnings not once, not twice, but three times, at
22 which point he freely, voluntarily, knowingly, and
23 intelligently waived all of those rights and made a
24 decision to continue to speak with the police. And so from
25 the first Miranda forward is all in. So, the only portion

1 I'm deeming is out is when Sulser puts him in handcuffs and
2 then walks him around and then reads him Miranda.

3 Okay, and I've read the *Barksdale* case, the *Easler*
4 case, and I just don't -- and I read *Missouri v. Seibert*
5 and I read it last night and I reread it this morning. And
6 I think in, in those cases, we call them the questions
7 first cases. I mean, at some point in American police
8 history, that was a full-blown tactic where they get all
9 these people in at the station house, they give them all
10 the creature comforts, they get everybody, everything
11 calmed down, and get them to give -- they sit there and
12 question them and question them and question them and
13 question them until the person confesses. And then they go
14 oh yeah. Now let me give you your Miranda warnings, and
15 that's just not what, that's just not what occurred here.

16 Sulser is the first one on the scene. He's trying to
17 figure out what happened and who needs to be detained and
18 where's what and could there be somebody on the loose. I
19 mean, he's trying to -- he's basically showing up to a
20 person laying in the road bleeding either to death or who
21 has already died. I don't know which one obviously, but he
22 -- there's people around. You know, they're in a
23 neighborhood. It's 11 o'clock in the morning. They're not
24 -- this is not some interrogation tactic, you know, that,
25 that the Columbia Police Department is doing to try to get

1 him to give a confession. Then oh, yeah, well, we'll
2 figure out the Miranda thing later.

3 I mean, the first thing Investigator Ross does that we
4 see on the video is he kneels down or squats down next to
5 the car, and he's, like, you're in the back of a car.
6 You're in handcuffs. I'm reading you your Miranda warnings
7 before we go any further.

8 And so I just don't think this is the *Missouri v.*
9 *Seibert*. You know, let's ask all these questions and keep
10 questioning people until they completely and totally
11 confess, and then we'll worry about Miranda later. I just
12 don't find that that's, you know, that's the situation
13 that's being employed in this case. Okay. So, all right,
14 that's my ruling on that.

15 Now, when Sulser takes the witness stand and Ross,
16 when Ross takes the witness stand, you need to make sure
17 you renew those objections at that point in time, Mr.
18 Mathews. And when they move those videos in, I would renew
19 them at that point in time, too. And that way, I think
20 that gets you protected on the record for those issues.
21 All right?

22 MR. MATHEWS: Yes, sir. Thank you.

23 THE COURT: Okay. All right. Anything else before we
24 start?

25 MR. POTTS: Your Honor, could I just have two minutes

1 so I can communicate with my body cam guy to take that part
2 out?

3 THE COURT: Sure.

4 MR. POTTS: Thank you, Your Honor. It should just be
5 -- I'll text him.

6 THE COURT: Okay.

7 MS. SAMPSON: While he's doing that, Your Honor, if I
8 can have something put on the record just for appellate
9 purposes?

10 THE COURT: Sure.

11 MS. SAMPSON: During voir dire, I think Mr. -- I don't
12 care for our side, but I believe Mr. Mathews asked for a
13 for-cause strike.

14 THE COURT: Right.

15 MS. SAMPSON: And I just want to put on record for --
16 in case there's an appellate issue. You denied it, but I
17 just need to ---

18 THE COURT: Yeah.

19 MS. SAMPSON: --- flesh that out.

20 THE COURT: And, and my reason for denying the
21 for-cause strikes of the defense was, number one, that they
22 weren't out of strikes, and they only used six, six of
23 their ten strikes. So, they didn't have to waste any
24 strikes on, on those people. And the other one is that all
25 the people that they moved to strike for cause had all

1 All right, anything from the state before we move into
2 opening statements?

3 MR. POTTS: No, Your Honor.

4 THE COURT: All right, and anything from the defense
5 before we move into opening statements?

6 MR. MATHEWS: No, Your Honor.

7 THE COURT: All right, and let's see. Who's opening
8 for the state?

9 MR. SMITH: I am, Your Honor.

10 THE COURT: All right, if you all will please give Mr.
11 Smith your undivided attention.

12 And whenever you're ready, sir, the floor is yours.

13 MR. SMITH: Thank you, Your Honor.

14 Good morning. All it took was one movement, one
15 slice. That's all it took for the defendant in this case
16 to cut Abdias Pacius's heart almost in half. This caused
17 him to fall, fall to the ground into a pool of his own
18 blood, where he laid in the street and died. The defendant
19 in this case, Matthew Scott Young, is charged with murder
20 and he's charged with possession of a weapon during the
21 commission of a violent crime.

22 On Friday, December 15, 2017, at ■ Heritage Lane --
23 and ■ Heritage Lane is a -- is an address in a neighborhood
24 of duplexes right off of Broad River Road in the Harbison
25 arms. The defendant, Matthew Scott Young, was part of the

1 three-man crew that was blowing leaves as part of a
2 landscaping operation. The way this worked was that two
3 men -- their names were Jason Watts and Roberto Perozo, and
4 you're going to hear from them in this trial -- were on
5 either side of the road going behind and between these
6 duplexes with leaf blowers. They were blowing leaves out
7 into the street, and the defendant was standing in the
8 street collecting them with his blower to blow into a
9 larger pile that they could then mulch, bag, and take away.

10 While the defendant was doing this and was in the
11 roadway, a gray Honda Accord driven by the victim, Abdias
12 Pacius, drove by, and Jason Watts and Roberto Perozo are
13 going to tell you the car was probably driving a little
14 fast, but it went past the defendant. The victim got out
15 of his vehicle and within seconds was on the ground
16 bleeding to death.

17 So, what happened in those moments? Well, the
18 defendant pulled out a large hunting knife, and it's a
19 hunting knife that's bladed on one side and the other side
20 has a hook. He stabbed the victim in the left side of the
21 chest right about here. The blade passed between two of
22 the victim's ribs and hit the bottom part of his heart.

23 Now, being stabbed in the heart is bad enough, but the
24 fact that this blade had a hook on it meant that when the
25 blade was pulled out of the victim's chest, a hole was

1 ripped in his heart, ripping it almost in half, a hole that
2 would very quickly prove fatal for the victim.

3 In your body, when your blood is in the bottom of your
4 heart, it comes from your lungs. It's bright red; it's
5 full of oxygen. This bright red, oxygen-filled blood
6 started to pour out of the gash in the victim's body. He
7 stumbled and fell. At first the blood pooled under his
8 body, but so much of it pooled that it started to run away
9 from his body, run away from the middle of the road towards
10 the gutter in the street, towards the storm drains.

11 One of the first people to arrive on the scene was the
12 defendant's coworker Roberto Perozo. He's going to tell
13 you when he walked up, it took a while to process what he
14 was seeing. There was so much bright blood and it was such
15 a bright color that he thought it was brake fluid, and he
16 thought that the victim's body was someone who was still
17 alive laying on the ground, checking to see where the fluid
18 was coming from in the car.

19 What did the defendant do while the victim was
20 bleeding out on the ground? Well, a neighbor called 911,
21 and the defendant approached them while they were on the
22 phone with the 911 operator. He started -- he grabbed the
23 phone and started to talk to the 911 operator, and they
24 asked him can you perform CPR? He said he's not breathing.
25 Can you check on him? He said no. He refused.

1 What did everyone else do while the victim was
2 bleeding? Well, a resident who lived in one of the houses
3 right there by the scene, her name is Amanda Ruiz and she's
4 going to come in here and testify woke up her husband. She
5 looked out the front window, saw someone on the ground and
6 said somebody's in danger. I need to go wake up my
7 husband. We need to get gloves. We need to get towels.
8 We need to give help. Again, the defendant's coworker
9 called 911.

10 Well, policemen, EMS workers, firemen, they all
11 started to show up at the scene. Two of the first officers
12 on the scene were Officers Osagie and Sulser of the
13 Columbia Police Department, and you're also going to hear
14 from them today. Officer Sulser asked the nearest person
15 that he could find when he got there what happened. Well,
16 that person happened to be the defendant.

17 So, what did the defendant say? Did he tell him he
18 stabbed the victim? No. Did he tell him that there had
19 been some sort of argument or fight? No. Did he offer any
20 information to the officers that would help in any way with
21 their investigation of a body that is bleeding on the
22 ground? No. So, what did he say? They said what happened
23 here? He said I don't know. Well, officers told the
24 defendant and his coworkers, hey, back up. They needed to
25 rope off the scene, clear everybody, try to figure out

1 what's going on.

2 The defendant took this as his chance to leave the
3 scene. He went back to the truck, got in it with his
4 coworkers, and drove about a quarter of a mile down the
5 street to their next work stop for the day. That's not all
6 he did at this time.

7 On his way back to the truck, he pulled that knife off
8 of his belt and went down -- there's a little creek that
9 runs under the street where all this happened and it's in
10 some woods. He went down there, pulled the knife out,
11 cleaned it off, put it back in the sheath, and tossed it
12 into the woods. He hid it. Then he went back to work.

13 Police started to ask neighbors and people that were
14 at the scene what happened. Mr. Perozo, the coworker, had
15 called 911 and told them that his coworker, quote, Matthew
16 Scott had stabbed the victim. So, Officer Sulser and
17 Osagie start to walk that quarter of a mile. It's a
18 quarter of a mile; it's maybe two blocks. So, they leave
19 the scene where the body is and start to walk to find this
20 landscaping crew.

21 They get to a cul-de-sac and they see the landscaping
22 truck and three man: the defendant and his two coworkers,
23 Jason Watts and Roberto Perozo. When they got there, the
24 defendant was standing at the truck getting ready to go
25 back to work. The officers began to ask questions of all

1 three of the men. All three were saying that they didn't
2 know what had happened, but officers knew that at least one
3 of those men had to lying.

4 After continuing to talk to these men and verifying
5 some information from dispatch, Officer Sulser came back
6 and said look. If you didn't do anything, that's fine, but
7 if you're lying in an investigation like this, and the
8 defendant cut him off. Before Officer Sulser could finish,
9 the defendant said all right. I'm lying. I did it. He
10 later told the offices where he hid the knife. He even
11 showed -- said he could show them where it was placed, but
12 again be told them at the work truck I'm lying. I did it.

13 So, the defendant in this case is charged with murder
14 and possession of a weapon during the commission of a
15 violent crime. So, what's murder? In South Carolina,
16 murder is the killing of any person with malice
17 aforethought, and that's kind of a legal term of art,
18 malice aforethought, and you can break it into two. You're
19 going to hear more after all of the evidence has been
20 presented from the judge telling you exactly what malice
21 and exactly what aforethought mean, but I will give you
22 some very basic, very quick definitions.

23 Simply, malice is an intention to do harm to someone
24 illegally. Aforethought, aforethought is almost easier to
25 define by what it's not. Aforethought is not having a cork

1 board on a wall with strings connecting pictures. It's not
2 a long, drawn-out plan with a thousand steps and fifteen
3 coconspirators. It can be the second that you pull a
4 weapon out of its holster or sheath. If you pull a gun out
5 of a holster, that can be aforethought. If you pull a
6 knife out of a sheath, that can be aforethought.

7 The second charge is possession of a weapon during the
8 commission of a violent crime. That one is easy; it's
9 exactly what it sounds like. It's possessing a weapon
10 while committing a violent crime. In South Carolina,
11 murder is a violent crime and a knife is a weapon.

12 Now, our job as the state is to prove to you that the
13 defendant is guilty of these charges beyond a reasonable
14 doubt. Now, reasonable doubt is not no doubt. If you have
15 absolutely no doubt about every single thing that was done
16 and said and every movement that happened that day, you
17 wouldn't be sitting in the jury panel. You'd be sitting in
18 the witness stand testifying because you would have been
19 there; you would have seen everything.

20 Some of the witnesses that you're going to hear from
21 today, first you're going to hear Amanda Ruiz. She's the
22 neighbor who woke up her husband to go get towels and, and
23 gloves to try and help the victim. She's going to tell you
24 that she didn't actually see the stabbing. She just saw
25 the aftermath: the man on the ground, the blood, knowing

1 somebody needed help.

2 Officers Osagie and Sulser are also both going to come
3 in and talk to you. They're going to describe the scene in
4 detail to you of what they saw when they first came up: the
5 car in the road, a man bleeding next to it, a pile of
6 leaves behind the car. They're going to tell you that they
7 asked what happened. Had no idea. The people left. They
8 started to interview others around the area, eventually
9 going down to where the defendant and his coworkers were.
10 They're going to tell you exactly what the defendant said:
11 I'm lying; I did it.

12 Furthermore, you're not just going to hear from them,
13 but as Columbia Police Department officers, they're wearing
14 what we call body worn camera, cameras. They wear them on
15 their chest, and it records the audio and the visual of
16 everything that they do while they're at the scene. We
17 have those videos. You're going to be able to watch them.
18 You're going to be able to see what the officers were
19 hearing and seeing in realtime.

20 You're also going to hear from Roberto Perozo and
21 Jason Watts, which are the two co -- the two coworkers of
22 the defendant. They're going to tell you they didn't see
23 the stabbing either. Were with the defendant working, but
24 they were on the sides of the road kind of between the
25 duplexes. Mr. Perozo is going to tell you that he called

1 911 and about that call.

2 And you're also going to hear from a crime scene
3 investigator, Investigator Schmidt. He took pictures of
4 the scene: of the car, the leaves, the blood, the body, the
5 knife, everything He's going to talk about the scene.
6 He's going to tell you how far the leaf, leaf pile was from
7 the car. He's going to tell you where the body was in
8 relation to the car. He's going to kind of set the scene
9 in general.

10 There are also two investigators that are going to
11 come in and testify, Investigator Ross and Investigator
12 Montgomery, and they're both also with the Columbia Police
13 Department. They, they came to the scene after officers
14 first arrived, and they started to piece together what had
15 happened because that's their job. They investigate.
16 They spoke to witnesses on the scene. They took a few back
17 to headquarters, and Investigator Ross actually spoke to
18 the defendant both on the scene and at headquarters.

19 Finally, you are going to hear from a forensic
20 pathologist named Dr. Amy Durso. As a forensic
21 pathologist, as the pathologist on this case, she's the
22 person who received the victim's body and performed the
23 autopsy. She is going to tell you how she received that
24 body and how the autopsy went. And she's going to tell you
25 how he was stabbed in the chest in a downward angle, that

1 the knife ripped a massive hole in his heart. She's also
2 going to tell you that as soon as that hole was formed, he
3 couldn't have moved more than a few steps. He would have
4 very quickly fallen to the ground into a pool of his own
5 blood.

6 So, while you listen to all these witnesses and hear
7 all this evidence and see pictures and videos, all that we
8 can ask of you is that you listen closely. Listen to
9 everything that's presented in this trial. It's important;
10 it's relevant. After you've heard all of the evidence and
11 after Judge Hood's instructed you on the law, we're
12 confident that you're going to return the only just verdict
13 that there is in this case. That the defendant, Matthew
14 Scott Young, is guilty. He's guilty of possession of a
15 weapon during the commission of a violent crime, and he is
16 guilty of murder. Thank you.

17 THE COURT: All right. Thank you, Mr. Smith.

18 And, Mr. Mathews, would you like to make an opening
19 statement?

20 MR. MATHEWS: I would, Judge, and I do have an
21 objection I'd like to be heard on after opening statements
22 at some point, but I just wanted to make you aware of that.

23 THE COURT: Very, well. Okay.

24 MR. MATHEWS: And I would like to make an opening
25 statement.

1 THE COURT: Yes, sir. The floor is yours.

2 MR. MATHEWS: Thank you, Your Honor. May it please
3 the court?

4 THE COURT: Yes, sir.

5 MR. MATHEWS: Good morning. My name is Foster
6 Mathews. I'm an attorney here Columbia. Work just right
7 down the road. This isn't about me. I'm here. I
8 represent Matthew Scott Young. He goes by Scott.

9 As you've heard, he's charged with murder. Being
10 charged with murder is a lot different than being guilty
11 beyond a reasonable doubt of murder, and that's what the
12 state has to prove. And I'm going to be relatively brief
13 because it doesn't matter what I sit here and tell you.
14 It's not that important. Doesn't matter what the state
15 gets up here and tells you. That's not that important.

16 What is going to be the most important is what you
17 hear yourselves from these witnesses who get up here on the
18 stand who are the ones who were there, who are the ones who
19 lived it, who are the ones who saw it. The state made a
20 lot of promises of what these witnesses are going to say.
21 Let's make sure that they keep those promises and that
22 these witnesses say exactly what they told you they were
23 going to say.

24 They gave you a lot of specifics that they said these
25 witnesses are going to testify to, and that's because the

1 state has had a theory and an idea of what happened in this
2 case from the very beginning when they found Mr. Pacius's
3 body. Didn't want to hear anything else. They developed a
4 suspect; that suspect was Scott. Didn't care what he had
5 to say.

6 There's only one person who's here today that you're
7 going to hear from who saw anything or who knows what
8 happened when the stabbing occurred, and that's Scott.
9 You're going to hear it from him. You're going to hear
10 from what he told police on the scene, what he told police
11 when he got to the police station and was interviewed, and
12 most likely you're going to hear it from him himself.
13 Nobody else saw anything.

14 But here's the undisputed facts that we have, and I'm
15 not going to promise anything. This is what I'm pretty
16 sure the state and I can agree on because a lot of what is
17 going to be in dispute is what happened after Mr. Pacius
18 received the fatal wound. It's undisputed that my client
19 was working. He was a landscaper blowing leaves in the
20 middle of the road like he did every day and had done for
21 years. It's undisputed that Mr. Pacius was driving his car
22 down that road at a high rate of speed. It is undisputed
23 that approximately 50 feet from where my client was blowing
24 leaves, Mr. Pacius stopped his vehicle in the middle of the
25 road. And it is undisputed that Mr. Pacius made the choice

1 to get out of his vehicle, which he left in the middle of
2 the road.

3 There's a difference as to what happened after that,
4 but you're going to hear my client's version of events, and
5 there's nobody else who can say that's not what happened
6 because no one else saw it. He's going to tell you what he
7 saw, he's going to tell you how he felt, and he's going to
8 tell you how he reacted.

9 It is absolutely horrible that Mr. Pacius is not here
10 with us today. Shouldn't have happened that way. But as I
11 told you, the undisputed facts led to a lot of choices that
12 he made that could have been avoided. We wouldn't have
13 been here today if he hadn't stopped his car. We wouldn't
14 have been here today if he hadn't put his car in park. We
15 wouldn't have been here today if he hadn't taken off his
16 seatbelt. We wouldn't have been here today if he hadn't
17 opened his car door. And we wouldn't have been here today
18 had he not gotten out of his car in the middle of the road.
19 And after that, I'm not going to make any promises as to
20 what you'll hear or what Scott's going to say. He's going
21 to tell you what happened.

22 It's indisputed that he had the weapon and caused the
23 fatal injury to Mr. Pacius, but he was justified in doing
24 so, and you're going to hear why from him. I'm not going
25 to tell you what he's going to say because you're going to

A. RUIZ - DIRECT EXAMINATION BY MR. SMITH

182

1 hear it yourselves, but his actions were justified.

2 There's no dispute, as I said again, that he is the one who
3 caused the fatal injury to Mr. Pacius. And under the law,
4 as the judge will charge at the end of the case, you're
5 here to determine whether his actions were justified.

6 Now as I told you before, the state had their theory
7 of the case. And what we are here to determine is whether
8 his actions were justified. You got three lawyers over
9 here. You have all these law enforcement officers who are
10 going to come in and testify: the great power of the State
11 of South Carolina against one man, Scott Young, who told
12 what happened, and that they didn't want to hear it.

13 Thank you in advance for being here today because this
14 is one of the most very important weeks in my client's
15 life. I anticipate that you will hear from him. Don't
16 listen to what's promised from the state or from me.
17 Listen to these people who get up here and testify, and
18 listen to the one person who was there who is going to tell
19 you what happened and why his actions were justified.
20 Thank you.

21 THE COURT: All right. Thank you very much, Mr.
22 Mathews.

23 All right, the state may call their first witness.

24 MR. SMITH: The state calls Amanda Ruiz.

25 THE COURT: All right. Ms. Ruiz, come right over

A. RUIZ - DIRECT EXAMINATION BY MR. SMITH

183

1 here. Place your left hand on the Bible. Raise your right
2 hand.

3 AMANDA M. RUIZ, BEING DULY SWORN,
4 TESTIFIES AS FOLLOWS:

5 CLERK: Please have a seat. State your full name for
6 record.

7 THE COURT: And you can go ahead and take off your
8 mask for me, please, Ms. Ruiz. Thank you. All right, now,
9 you got to, got to stay a little close to that mic, okay?

10 WITNESS: Okay.

11 THE COURT: Because you see all these barriers up?

12 WITNESS: Yes.

13 THE COURT: And everybody talks at a different level.
14 So, you scoot on up and when in doubt, speak loud.

15 WITNESS: Okay.

16 THE COURT: All right. Go ahead, Mr. Smith.

17 MR. SMITH: Thank you, Your Honor.

18 DIRECT EXAMINATION BY MR. SMITH:

19 Q. Good morning, Ms. Ruiz.

20 A. Good morning.

21 Q. Could you please state your name for the jury?

22 A. My name is Amanda Marie Ruiz.

23 Q. Where do you live?

24 A. I live in Irmo, South Carolina.

25 Q. Is it the same place you lived in December of 2017?

A. RUIZ - DIRECT EXAMINATION BY MR. SMITH

184

1 A. No, sir.

2 Q. Where did you live then?

3 A. ■ Heritage Village Lane.

4 Q. And what county is that in?

5 A. Richland.

6 Q. Who did you live with then?

7 A. My fiancé, Kyle Welch.

8 Q. Ms. Ruiz, what do you do?

9 A. I am a registered cardiovascular stenographer.

10 Q. What does that mean?

11 A. I do ultrasounds of the entire cardiovascular system.

12 Q. How long have you done that?

13 A. Fifteen years.

14 Q. And where do you work?

15 A. I currently work at South Carolina Internal Medicine
16 in Irmo.

17 Q. I'm going to draw your attention to December 15, 2017.
18 Where were you that day?

19 A. In my residence.

20 Q. And what were you doing?

21 A. I was making coffee and getting ready to watch a show
22 that I watch every morning.

23 Q. Well, what show is that?

24 A. It is *Good Morning with Ryan and Kelly*.

25 Q. And around what time?

A. RUIZ - DIRECT EXAMINATION BY MR. SMITH

185

1 A. It was about fifteen minutes or so to 11 AM. So,
2 about 10:45-ish.

3 Q. Were you the only person that was home?

4 A. No. My fiancé was home as well; he was sleeping.

5 Q. Did you wake him up?

6 A. Yes.

7 Q. Why?

8 A. I woke him up after I went outside.

9 Q. Why did you go outside?

10 A. I went outside because I could hear thumping, like a
11 base from some kind of stereo system, and it was really
12 loud. So, that's why I proceeded to the front window, to
13 assess what was going on, and then I proceeded to go
14 outside.

15 Q. You said you did go outside?

16 A. Yes, sir.

17 Q. What did you see when you got out there?

18 A. When I walked outside, I could see a four-door car, a
19 Honda, beyond the -- basically just parked in the middle of
20 the street, and I could see a man towards the right, the
21 front of the vehicle: tall, African-American male,
22 middle-aged. And he was on the phone looking around. And
23 so to my left I could see two gentlemen, two landscapers in
24 the driveway next to me.

25 Q. The car that was in the road in relation to your

1 house, where was it?

2 A. It was in front of house in the street but a little
3 bit to the right of our driveway.

4 Q. So, you had a pretty good view of it?

5 A. Yes, sir.

6 Q. Did, did you know any of the people that were out
7 there?

8 A. I recognized the two gentlemen to my left that were
9 the landscapers, and they also had their blowers on the
10 ground.

11 Q. And the black male that you said was on the phone, did
12 you recognize him?

13 A. No.

14 Q. Did you see anyone else out there?

15 A. No, besides the, the victim on the floor -- on the
16 ground.

17 Q. Can you describe that?

18 A. When I walked up, I noticed he was lying on the ground
19 face up, a lot of blood coming from his chest, abdomen
20 region. And I looked up and the gentleman that was , I
21 assumed, calling 911 was -- I could hear him giving
22 description of where he was on the street. And so I ran
23 back in the house, and at that point is when I woke up my
24 fiancé to see if he could help me. I didn't, you know, I
25 don't know what we were going to do, but I wanted to try

A. RUIZ - DIRECT EXAMINATION BY MR. SMITH

187

1 and help.

2 Q. You said you saw the body. Was it -- where was it in
3 relation to the car?

4 A. So, it was on the opposite side of the street. He was
5 laying the opposite side of the street furthest away from
6 my house, basically on his driver's side laying on the, on
7 the ground, his feet closest to me when I walked up.

8 Q. What did you think when you saw him?

9 A. I was initially shocked, and I thought that he got hit
10 somehow by a car or something. I didn't understand what
11 happened, but that's what prompted me to go get my fiancé.
12 We both work in the medical field. I thought maybe I could
13 give him some CPR, but it was too late.

14 Q. Did you go to get -- you said you went to go get your
15 fiancé, correct?

16 A. Yes.

17 Q. All right.

18 A. I grabbed a bunch of towels because I -- there was so
19 much blood. I thought maybe I could help.

20 Q. And your fiancé also worked in the medical field?

21 A. Yes.

22 Q. Did you eventually find out what had happened?

23 A. Yes. When my fiancé came out with me -- I ran in the
24 house screaming I think somebody got hit by car. I'm
25 grabbing towels. Get up, and we both proceeded to run

A. RUIZ - DIRECT EXAMINATION BY MR. SMITH

188

1 outside. And when we walked back outside, my fiancé turned
2 to the two landscaper males that were standing there just
3 staring, and he said what happened, and then the one
4 gentleman said that he ---

5 MR. MATHEWS: Objection as to hearsay, Your Honor.

6 MR. SMITH: I can withdraw that.

7 THE COURT: Okay.

8 BY MR. SMITH:

9 Q. Without telling me what anyone actually said to you or
10 to your fiancé, did you find out what had happened?

11 A. Yes.

12 Q. Did you see the event? Did you see what led to that
13 scene actually occurring?

14 A. No.

15 Q. Did you ever call 911?

16 A. No, sir.

17 Q. Did law enforcement ever come?

18 A. Yeah. I mean, by the time we had walked back out, you
19 could hear the sirens coming.

20 Q. Were you still there when they arrived?

21 A. Yes, sir.

22 Q. Did you speak to law enforcement?

23 A. Yes, sir.

24 Q. Did you give them a statement?

25 A. Yes, sir.

A. RUIZ - CROSS-EXAMINATION BY MR. MATHEWS

189

1 MR. SMITH: Beg the court's indulgence for just a
2 minute.

3 (A PAUSE.)

4 MR. SMITH: Nothing further from the state, Your
5 Honor.

6 Please answer any questions that Mr. Mathews has.

7 CROSS-EXAMINATION BY MR. MATHEWS:

8 Q. Ms. Ruiz, did you witness anything before you came out
9 and saw the body on the ground?

10 A. No, sir.

11 Q. So, you have no firsthand knowledge as to how he got
12 there?

13 A. Correct.

14 MR. MATHEWS: Thank you. I don't have any further
15 questions.

16 MR. SMITH: Nothing further from the state, Your
17 Honor.

18 THE COURT: All right, is everybody okay with her
19 being excused from her subpoena?

20 MR. MATHEWS: Yes, sir.

21 THE COURT: I'm going to assume people are excused.
22 If you want me to keep somebody under subpoena, just let me
23 know.

24 MR. MATHEWS: Yes, sir. I will do that.

25 THE COURT: Okay, thank you, Mr. Ruiz. Have a nice

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

195

1 THE COURT: All right, place your left hand on the
2 Bible, raise your right.

3 STEVEN K. SULSER, BEING DULY
4 SWORN, TESTIFIES AS FOLLOWS:

5 CLERK: Please have a seat. State your full name for
6 record.

7 THE COURT: And if you would, please remove your mask,
8 Mr. Sulser. All right.

9 WITNESS: Steven Sulser.

10 DIRECT EXAMINATION BY MS. SAMPSON:

11 Q. And can you spell your first name for the court
12 reporter?

13 A. S-t-e-v-e-n.

14 Q. And what is your title now?

15 A. Investigator with the Narcotics Division.

16 Q. With which unit or which police department?

17 A. The Columbia Police Department.

18 Q. And how long have you worked with the Columbia Police
19 Department?

20 A. I'm coming up on my tenth year now.

21 Q. And can you tell the jury a little bit about how that
22 works, how you make it up through the ranks?

23 A. I got hired on in November of 2012; I started off as a
24 regular patrol officer. I got promoted to FTO during that,
25 which means train all the new officers that come in.

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

196

1 During that time, I put in for a position with narcotics as
2 a K-9 handler. I was accepted for that position, and then
3 after being assigned to narcotics for three years, I got
4 promoted to the rank of investigator

5 Q. So back in 2017, what was your rank?

6 A. I was a FTO working on patrol.

7 Q. And what do you do while working on patrol?

8 A. Respond to general 911 calls for service, work motor
9 vehicle collisions, just out there any time we respond to
10 calls for service.

11 Q. And how do you receive a call for service?

12 A. If -- we receive it on our handheld radios and also on
13 our computer system laptops in our vehicles.

14 Q. So, I want to take you back to December of 2017. What
15 were your job duties at that time?

16 A. Just responding to calls for service.

17 Q. All right, and on December 15th, were you working
18 alone or were you working with someone?

19 A. I was training a recruit, Osagie.

20 Q. How long had you been working with Osagie?

21 A. I believe he was in day one of observation. So, he
22 had been with me, I believe, at least a month, maybe a
23 month and a half.

24 Q. And so how does this work? Do you have separate cars?

25 A. No. He rides with me. He was -- and since it was day

1 one of observation, he was driving. And it was
2 essentially, like, he had to do four days and was like --
3 it was supposed to be like I wasn't even there. So, I was
4 supposed to just sit back and observe and see how he
5 handles everything.

6 Q. So, how did you become involved with this case?

7 A. We were at the region, and we were dispatched to the
8 location in reference to a domestic in progress.

9 Q. And did you receive the dispatch on your radio, on
10 your car radio? How does that work?

11 A. We received it on our handheld radios, but also we had
12 a CAD systems to where when they send us the call. We can
13 look at the call and see the notes and things of that
14 nature.

15 Q. Now you said CAD. The jury doesn't know what CAD is.
16 Can you explain that?

17 A. It's a computer inside the vehicle. It, it tracks
18 every officer. It tracks all the calls. So when dispatch
19 sends us a call, it'll pop up on the computer. It'll show
20 us where it's at, the time we received it. We're able to
21 click a button that says notes, and we can see all the
22 notes that dispatch has entered into that call.

23 Q. And so when you -- what call did you receive or
24 information did you receive that day?

25 A. I believe I said earlier that it was domestic, but it

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

198

1 was actually a disturbance. So, we received a call that
2 there was a disturbance at Heritage Village involving a
3 vehicle, and I believe that was all that we were initially
4 told. It was a disturbance involving a knife.

5 Q. And so based on that information, what did you do?

6 A. We responded, lights and sirens, to that location and
7 Osagie was actually driving, and I was in the passenger
8 seat.

9 Q. And when you arrived, what did you see?

10 A. When I arrived on location, I observed the fire
11 department was actually staged up outside of Heritage
12 Village. And when we arrived on scene, there was a Honda
13 that was parked facing towards Broad River Road on Heritage
14 Village, and there was a black male laying in the roadway
15 with a large amount of blood around him, and he appeared
16 unresponsive.

17 Q. What -- were any other people around when you arrived?

18 A. I believe there were some vehicles in the roadway,
19 along with some neighbors outside, and Mr. Young was
20 actually walking down the street towards me.

21 Q. And by Mr. Young, who do you mean?

22 A. The gentleman, the defendant in this case.

23 Q. And so what did you do based on the information you
24 had and seeing him?

25 A. When I first arrived on scene, I believe he was, he

1 was walking towards me down Heritage Village. I asked, you
2 know, I yelled out where's the suspect, and I don't believe
3 I got a response. Then I asked who stabbed him, to which
4 point in time Mr. Young stated I don't know. When he
5 stated I don't know, I then advised him to back up and
6 several other people that were neighbors and -- neighbors
7 that were standing out there to back up so we could
8 establish a crime scene so we could preserve all the
9 evidence.

10 Q. And what did you mean when you said back up?

11 A. I was advising them to back up out of the crime scene
12 so we could put the tape up and estab -- and preserve the
13 evidence.

14 Q. And you said put the tape up. What does that mean?

15 A. I basically -- we had -- I had my recruit, Officer
16 Osagie, grab the crime scene tape from the trunk of the
17 vehicle and start taping off the area so that nobody could
18 come in or out, and we were securing that access, and we
19 have to document everyone that comes in and out of the
20 crime scene.

21 Q. And so when you arrive, where was the victim?

22 A. The victim was laying directly next to the driver side
23 of the vehicle in the roadway.

24 Q. Was he responding at all at that point?

25 A. The victim appeared unresponsive.

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

200

1 Q. So, I want to ask you. Is there any equipment that
2 you wear that records what's going on?

3 A. Yes, ma'am. I wear a body worn camera at the center
4 of my chest.

5 Q. And does -- how does that work? Do you turn it off
6 and on or is it automatically on? How does that work?

7 A. The officer's responsible for turning it on and off.
8 We're supposed to turn it on either as soon as we get
9 dispatched the call or just prior to arriving on scene.

10 Q. And was your camera on this day?

11 A. Yes, it was.

12 Q. Okay, and was it on the entire time?

13 A. It was on for the entire duration I was on scene.

14 Q. And is that body worn -- how do you keep that
15 information?

16 A. Once the body camera is turned off, it's then placed
17 onto a dock at the police station. It's the COVAN system.
18 It uploads into a server, at which point in time you can
19 download it onto a disc and then tag that disc into the
20 property room.

21 Q. And is all of that kept in the normal course of your
22 business ---

23 A. Yes.

24 Q. --- activity, and have you viewed this video?

25 A. Yes, I have.

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

201

1 Q. I'm going to show you what's been marked as State's
2 Exhibit 50.

3 THE COURT: 5-0?

4 MS. SAMPSON: 5-0, yes, sir.

5 THE COURT: Okay.

6 BY MS. SAMPSON:

7 Q. And did we watch this video?

8 A. Yes, ma'am, we did.

9 Q. Did it fairly and accurately depict what happened that
10 day?

11 A. Yes, ma'am, it did.

12 Q. Thank you.

13 MS. SAMPSON: At this time, Your Honor, I'd ask to
14 introduce State's Exhibit 50 into evidence.

15 MR. MATHEWS: Your Honor, I don't have any problem
16 with portions of the video, but I'm renewing my objection
17 in terms of the portion of my client's statement that is on
18 there prior to his Miranda. I'm, I'm renewing that
19 objection to those statements.

20 THE COURT: All right. Your objection is noted for
21 the record, and my ruling upon it is the same and it is
22 overruled, and State's Exhibit Number 50 is admitted into
23 evidence.

24 (DVD OF BODY WORN CAMERA MARKED INTO EVIDENCE AS
25 STATE'S EXHIBIT NUMBER 50.)

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

202

1 BY MS. SAMPSON:

2 Q. I'm also going to show you what has been marked as
3 State's Exhibits 11 through 17, and I want to ask if you
4 recognize those.

5 A. Yes, ma'am, I do.

6 Q. Can you tell the court generally what they are?

7 A. They are photographs of the victim's vehicle that we
8 found on scene.

9 Q. And have they been changed or altered in any way?

10 A. No, ma'am.

11 Q. Do they fairly and accurately depict what you saw the
12 day of December 15, 2017?

13 A. Yes, ma'am, they do.

14 MS. SAMPSON: At this time, Your Honor, I'd ask to
15 introduce State's Exhibits 11, 12, 13, 14, 15, 16, and 17
16 into evidence.

17 THE COURT: Any objection?

18 MR. MATHEWS: No, Your Honor.

19 THE COURT: All right, 11 through 17 are admitted
20 without objection.

21 (PHOTOGRAPHS INDIVIDUALLY MARKED INTO EVIDENCE AS
22 STATE'S EXHIBIT NUMBERS 11, 12, 13, 14, 15, 16, 17.)

23 BY MS. SAMPSON:

24 Q. Can you see this?

25 A. Yes, ma'am, I can.

1 Q. And I'm showing you Defense -- State's Exhibit 11.

2 What does that depict?

3 A. That is a picture of the vehicle as I, as I found it
4 on scene, along with photos of the blood directly next to
5 the vehicle.

6 Q. And do you know who this is?

7 A. I believe that to be retired investigator Hilton.

8 Q. Does he work with CPD or did he work with CPD?

9 A. At the time, yes, ma'am. He was assigned to our
10 Violent Crimes Against Persons Unit.

11 Q. And that's State's Exhibit 12. Can you explain what
12 this is to the jury?

13 A. That's that same vehicle that we arrived on scene.
14 It's just a different angle.

15 Q. And State's Exhibit 13?

16 A. The same vehicle, just from a different angle.

17 Q. And where was the victim when, when -- I know he's in
18 this photograph, but where was he when you arrived?

19 A. He was laying directly in the middle of that pile of
20 blood directly ---

21 Q. So, I'm going to ---

22 A. --- to the ---

23 Q. --- point right here sort of by the driver's side
24 door. Is that correct?

25 A. Yes, ma'am.

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

204

1 Q. Okay, and State's Exhibit 14?

2 A. Same vehicle.

3 Q. And State's Exhibit 15?

4 A. It's that same vehicle inside the crime scene tape.

5 Q. And you talked about the crime scene tape. Who puts
6 all this tape up?

7 A. Officers on scene. I mean, myself and Officer Osagie
8 were the first people to respond, so I believe him and I.
9 Maybe Corporal Phelps put up some, too, but I believe the
10 majority was done by him and myself.

11 Q. And who decides where to put the tape?

12 A. I initially set the crime scene, but once
13 investigations gets on scene, they determine if it needs to
14 go bigger or go smaller. But when, when it was first set
15 up, it was just myself and Officer Osagie.

16 Q. Okay, and State's Exhibit 16?

17 A. Same vehicle from the front.

18 Q. And where is Broad River Road in relation to this
19 picture?

20 A. It is in the direction the vehicle's facing.

21 Q. So.

22 A. It would be behind the person who took the picture.

23 Q. And so what's behind the car?

24 A. Behind the car appears to be a pile of leaves.

25 Q. All right, and are those leaves directly behind the

1 car?

2 A. They, they seem to be fairly close to the car.

3 Q. And State's Exhibit 17?

4 A. It is a straight on photo coming from the Broad River
5 Road area towards the vehicle.

6 Q. Now, I want to ask you a few more questions before I
7 show the body cam. Once you get on scene and, and you see
8 the victim, I think you said you had some tape put up.
9 What was the next thing that you did?

10 A. I believe we -- I spoke with -- there were several
11 people standing outside. I attempted to speak with them in
12 reference to what was going on. Also asked dispatch to see
13 if they could make contact and who called 911 and give me
14 the information in reference to that. I got on the radio
15 and asked for K-9 to respond to the location.

16 Q. Why did you ask for K-9?

17 A. Because I did not have a suspect description at that
18 time, and I did not know if he had fled on foot or in a
19 vehicle. And if it was on foot, we needed to go ahead and
20 get K-9 to that location so that if it was on foot, we
21 could have a best chance to track the suspect down.

22 Q. Now, you said you didn't know where the suspect was.
23 Where was Mr. Young?

24 A. Mr. Young was on scene at the time we arrived.

25 Q. Did you know he was a suspect at that time?

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

206

1 A. Not when I arrived on scene.

2 Q. Did he stay on scene the whole time where you were?

3 A. No, ma'am. He eventually left.

4 Q. Okay, and what did you do -- you start a crime scene.
5 Did you stay? Let me rephrase. Did you stay at the car,
6 or did you do something else?

7 A. I had -- so while on scene, I was speaking with
8 several individuals. I believe one of the neighbors -- I
9 was speaking with several individuals. I asked dispatch to
10 give me the information. Dispatch stated -- the
11 information I received from dispatch was that Mr. Young had
12 called 911 and stated that a male came at him in an
13 aggressive manner, so he stabbed him. And it was apparent
14 that it was a lawn-care company, and we observed that the
15 lawn-care company had left. So Officer Vereen, I had him
16 get in my patrol vehicle and attempt to locate that
17 lawn-care vehicle.

18 Q. So, you said Vereen. He, he didn't have -- he didn't
19 get in his own car? I think you said he got in your car?

20 A. He got in my patrol vehicle. So, I had pulled my
21 patrol vehicle to the other side of the roadway farthest
22 away from Broad River Road to block it off. And due to
23 fire and all the other vehicles being on scene, my vehicle
24 was the only one that could actually have access to drive
25 through the neighborhood

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

207

1 Q. Okay. So, you asked him to go -- or he went to go do
2 what?

3 A. He went to go circulate in an attempt to locate a
4 lawn-care company to see, because they were on scene when
5 it happened, to see if they saw what occurred.

6 Q. And did he find them?

7 A. Yes, ma'am, he did.

8 Q. Okay. So based on that, what did you do?

9 A. Once he located the lawn-care company, he advised over
10 the radio. I and Officer Osagie then walked to his
11 location.

12 Q. Okay, and so -- and is your body worn camera on
13 throughout this?

14 A. Yes, ma'am, it is.

15 Q. I'm now going to show you what's one of the cameras
16 from State's Exhibit 50. Can you see it?

17 A. Yes, ma'am.

18 (WHEREUPON, EXCERPT OF STATE'S EXHIBIT NUMBER 50 IS
19 PLAYED FOR THE COURT. AUDIO IS NOT TRANSCRIBED.)

20 Q. I'm going to pause it while it's playing to ask
21 questions. So, what -- is this what you were telling the
22 jury about, you guys are sitting in the car?

23 A. Yes, ma'am.

24 Q. I'm going to ask you another question. The time
25 that's on this, is that the correct time?

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

208

1 A. Yes, ma'am.

2 Q. So, 10:57?

3 A. Yes, ma'am.

4 Q. When you're asking who stabbed him, who are you
5 talking to?

6 A. Mr. Young.

7 Q. And what response did you get?

8 A. I don't know.

9 Q. That's his or you don't know?

10 A. His response was I don't know.

11 Q. Is that the victim?

12 A. Yes. Yes, ma'am, it is.

13 Q. Who are you talking to?

14 A. I'm talking to Corporal Walker on the K-9 Unit.

15 Q. And why are you doing that?

16 A. Because I'm trying to give him information because he
17 -- I called for a K-9. He switched over because he was the
18 K-9 working that day. Asked me what was going on, and I
19 was relaying the information to him.

20 (PLAY RESUMES.)

21 Q. I'm going to stop for a second. Is this normal for --
22 I see that there's EMS but there's also fire. Is that
23 normal for fire department to show up?

24 A. Yes, ma'am, it is. Fire department normally gets
25 there quicker than EMS.

1 Q. Is this what you were talking about when you said
2 taping up the scene?

3 A. Yes, ma'am, it is.

4 Q. And who is that you're talking to?

5 A. Officer Vereen.

6 Q. And is that who you had go -- I think you said earlier
7 what you had him do?

8 A. Yes, ma'am, it is.

9 (PLAY RESUMES.)

10 Q. I'm going to pause for a second. Do you do any more
11 at this scene, or is this about the time when you go to the
12 cul-de-sac?

13 A. I believe I'm on scene for a little bit more, but then
14 I, I, walked down to the cul-de-sac.

15 Q. And if you don't mind, I'm going to fast forward to
16 that.

17 A. Yes, ma'am.

18 Q. Try anyway.

19 (PLAY RESUMES.)

20 Q. In this you walking?

21 A. Yes, ma'am, it is.

22 Q. And how did you know to go to this part of the area?

23 A. Officer Vereen had called over the radio and advised
24 me that he had made contact with the lawn-care company at
25 the, the cul-de-sac on Prices Court.

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

210

1 Q. So when you first show up, who are you speaking with?

2 A. Mr. Young.

3 Q. And does he tell you that he stabbed a guy?

4 A. No. He says he doesn't know.

5 (PLAY RESUMES.)

6 Q. What did you just tell him?

7 A. I advised him that I wasn't accusing him of stabbing
8 him. I was just relaying the information that dispatch had
9 told me.

10 Q. At that point, did you know who had done anything?

11 A. No, ma'am.

12 (PLAY RESUMES.)

13 Q. What are you doing at this point?

14 A. Right now I am in my car. I'm attempting to look at
15 all the notes on the computer to gather more information as
16 to what dispatch actually typed into the system.

17 Q. Can you see what they typed in?

18 A. Yeah, I can, I can see the notes on the computer, what
19 they typed in, and it was quite a hefty scene. So, trying
20 to talk to them on scene while dealing with everything
21 else, I wanted to make sure I had accurate information
22 before I went back to speak with him.

23 (PLAY RESUMES.)

24 Q. So at that point, what does the defendant tell you?

25 A. The defendant stated I'm lying. I did it.

1 Q. Based on that, what did you do?

2 A. He was then placed into handcuffs and detained.

3 Q. Did -- what was going on with the other two witnesses
4 while you were doing this?

5 A. I believe Officer Osagie and Officer Vereen were
6 gathering their information, if, if it hadn't already been
7 gathered. I'm not sure, but I believe they were gathering
8 their information.

9 Q. And is that normal to get information from witnesses?

10 A. Yes, ma'am, it is.

11 Q. Why would you do that?

12 A. So we could call them back and make sure we have good
13 contact information for them, and they were on scene during
14 an incident.

15 Q. At some point, do you have a conversation with the
16 defendant about his handcuffs?

17 A. Yes, ma'am, I did.

18 Q. And what did he want you to do?

19 A. He state -- he wanted me to put them in front. I
20 advised him I couldn't put them in the front because it was
21 against our policy, but I could check them for tightness
22 and make sure that they were appropriately -- on him
23 appropriately and weren't too tight.

24 Q. And did you do that?

25 A. Yes. I had him step out of the vehicle. I checked

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

212

1 his handcuffs. When checking them, I was able to stick my
2 finger between the handcuffs and the wrist, which meant
3 that they were not on too tight, but I did confirm that
4 they were double locked so that they could not get any
5 tighter.

6 (PLAY RESUMES.)

7 Q. I want to ask you a little bit about that. You said
8 you were able to go back and check. What did you
9 determine? Were you able to determine if Matthew Young had
10 called 911?

11 A. I believe he was one of the 911 callers, but also Mr.
12 Roberto was a 911 caller as well.

13 Q. And in that call, did he, did he say anything? Did
14 Mr. Young say anything about stabbing the defendant to the
15 best of your knowledge?

16 A. Not that I can recall.

17 Q. Excuse me, stabbing the victim?

18 A. Not that I can recall.

19 (PLAY RESUMES.)

20 Q. When you're relaying this information, who are you
21 talking to?

22 A. I believe it's Corporal Phelps.

23 Q. And why are you doing that?

24 A. Because he's the immediate supervisor, and he wanted
25 to know what was going on so he could relay the information

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

213

1 to investigations before they got on scene.

2 Q. Is that the -- is that normally what happens?

3 A. Correct. The supervisor normally is responsible for
4 notifying investigations, crime scene, the watch commander,
5 things of that nature.

6 (PLAY RESUMES.)

7 Q. So that other conversation, that has nothing to do
8 with this case or does it?

9 A. No. That's just dispatch advising the supervisor of
10 the calls that we're holding.

11 Q. Is that normal for you to continue to get calls while
12 you're at a call?

13 A. Yes, ma'am.

14 MS. SAMPSON: Begging the court's indulgence.

15 (A PAUSE.)

16 BY MS. SAMPSON:

17 Q. Is this still your -- this still your camera?

18 A. Yes, ma'am, it is.

19 Q. How do you know it's still your camera?

20 A. My payroll number is at the bottom left corner, 23283.

21 (PLAY RESUMES.)

22 Q. Who are you talking to now?

23 A. Investigator Ross.

24 Q. Who is Investigator Ross?

25 A. He was the investigator that was assigned to the case

S. SULSER - DIRECT EXAMINATION BY MS. SAMPSON

214

1 at the time of the incident.

2 Q. Is that, is that normal procedure?

3 A. Yes. Yes, ma'am, it is.

4 (PLAY RESUMES.)

5 Q. Is it normal for you to stand by while someone is
6 interviewing a suspect?

7 A. In this case yes because Investigator Ross does not
8 have a body worn camera. So, in order to document that, I
9 made sure I stood near him so that the interaction could be
10 documented. Also going on was the rear camera in my patrol
11 car was on so that there was -- just in case there was
12 something that happened on that, I had the body camera to
13 back it up.

14 Q. So after this interview was completed, what did you
15 do?

16 A. After this interview was completed, I believe myself
17 and Officer Osagie transported Mr. Young down to CPD
18 headquarters and placed him in an, in an interrogation
19 room.

20 Q. And were you able to observe the defendant at that
21 time?

22 A. Yes, ma'am.

23 Q. Did you see any marks to his face?

24 A. No, ma'am, I did not.

25 Q. Any redness or cuts or bruises?

S. SULSER - DIRECT EXAMINATION / CROSS-EXAMINATION

215

1 A. No, ma'am, I did not.

2 Q. Anything, cuts or bruises on his hands that you
3 noticed?

4 A. No, ma'am, I did not.

5 Q. And when he was speaking with you the first two times,
6 did he ever tell you that -- or at all, excuse me.
7 Whenever he was speaking to you, did he ever say he saw the
8 victim with a weapon?

9 A. No, ma'am, he didn't.

10 Q. Did he ever say that the victim came at him with a
11 weapon?

12 A. No, ma'am, he didn't.

13 MS. SAMPSON: Beg the court's indulgence. No further
14 questions, Your Honor.

15 THE COURT: Cross? Do you need that or not?

16 MR. MATHEWS: No. I'm fine. I just told her I don't.

17 THE COURT: Okay.

18 MS. SAMPSON: I asked him.

19 MR. MATHEWS: She asked.

20 THE COURT: Yeah. Sure.

21 CROSS-EXAMINATION BY MR. MATHEWS:

22 Q. Investigator Sulser, you weren't an investigator at
23 the time that this incident happens, correct?

24 A. No, sir.

25 Q. You were just basically a responding officer who

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

216

1 responded to calls?

2 A. Yes, sir.

3 Q. And it was essentially, for lack of a better word, the
4 luck of the draw with whoever you responded to, whatever
5 came over the radio and you were closest to? How does that
6 work?

7 A. Yes, sir. It -- that call was actually outside of our
8 patrol area, but because it was a priority call, basically
9 all the units in the region went to it. And so -- but me
10 and Osagie just happened to be closest, so we were first on
11 scene.

12 Q. So, you were the first on scene?

13 A. Yes, sir.

14 Q. All right, and they introduced those photographs
15 earlier that they blew up and everything, and you said that
16 it fairly and accurately depict -- accurately depicted the
17 scene. You didn't take those photographs, though, did you?

18 A. No, sir, I did not.

19 Q. And is that -- it's not in the normal course of your
20 duty to take photographs, is it?

21 A. No, sir, it's not.

22 Q. So, when you came up and it was on the video and it
23 was in those photographs, the vehicle was, I guess we could
24 say, in the middle of the road?

25 A. Yes, sir, it was.

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

217

1 Q. It was not in the correct direction the traffic should
2 be going had he been on the right side of the road?

3 A. I, I believe so. I believe the vehicle was in the
4 middle of the road, yes, sir.

5 Q. And when you got there, the vehicle was still running,
6 wasn't it?

7 A. Yes, sir, it was.

8 Q. Stereo was blasting loud. We could hear it on the
9 video, right?

10 A. The music was on in the vehicle, yes, sir.

11 Q. Was the door open or closed when you got there?

12 A. I believe the door was closed.

13 Q. You could still hear the music through the door,
14 right?

15 A. Yes, sir.

16 Q. At that point, you saw the video -- or the body next
17 to the car, right?

18 A. Yes, sir, I did.

19 Q. And, in fact, in those photographs and the videos,
20 there was a line of leaves back behind the car, correct?

21 A. Yes, sir, there was.

22 MR. MATHEWS: Beg the court's indulgence a moment.

23 Q. And I'm going to show you, and I know we don't have it
24 blown up here, but we'll -- I'll just kind of point. These
25 are the leaves back here back behind the car, correct?

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

218

1 THE COURT: Could you tell us what number?

2 MR. MATHEWS: I apologize. This is on Exhibit,
3 State's Exhibit 12.

4 THE COURT: Okay. Thank you.

5 BY MR. MATHEWS:

6 Q. These are the leaves back here behind the car, right?

7 A. Yes, sir, they are.

8 Q. That's correct, and that's about a driveway down
9 behind from where the vehicle is, wouldn't you say,
10 approximately?

11 A. Approximately, yes, sir.

12 Q. And are those leaves consistent with if somebody -- I
13 know you're not a expert or anything, but if somebody was
14 out there blowing leaves and landscaping, how that may have
15 looked?

16 A. Yes, sir, it's consistent with that.

17 Q. And after you did your initial investigate -- or not
18 investigation because you don't do an investigation, do
19 you?

20 A. No, sir. We just establish the crime scene, call
21 investigation out.

22 Q. And then you pass it off to investigations?

23 A. Yes, sir.

24 Q. So, you're not the one who actually -- well, did you
25 place him, Scott Young, under arrest?

1 A. No, sir. He was just detained.

2 Q. And so you didn't arrest him?

3 A. No, sir.

4 Q. Did you? You didn't charge him with anything
5 yourself, did you?

6 A. No, sir, I did not.

7 Q. You didn't make the determination on scene to charge
8 him with any of the charges or anything at all, did you?

9 A. No, sir, I did not.

10 Q. Do you have any say so -- in this case specifically or
11 usually when they're turned over to investigations -- as to
12 any charging decisions?

13 A. No, sir, I do not.

14 Q. So once, I guess, when the camera's off here, once you
15 left the scene, took him back to headquarters, that was the
16 end of your involvement?

17 A. Correct.

18 Q. When you were on scene, you talked to a couple of
19 witnesses, tried to as many, as many as you could who had
20 some knowledge, right?

21 A. Yes, sir.

22 Q. Did anybody there besides Scott tell you they saw what
23 actually happened that led to Mr. Pacius on the ground?

24 A. No, sir.

25 Q. Nobody else has any -- from your investigation or from

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

220

1 your doing your job, you were not able to find anyone who
2 witnessed the altercation, who told you about it other than
3 Mr. Young?

4 A. No, sir.

5 Q. And I understand that initially he wasn't forthcoming
6 with you, but ultimately he told you what his version of
7 events was?

8 A. Yes, sir.

9 Q. And, in fact, he was -- once he was talking to you, he
10 was pretty forthcoming, wouldn't you say?

11 A. Yes, sir.

12 Q. After he told you I'm lying, I did it, he gave a
13 pretty detailed version of events, wouldn't you say?

14 A. Yes, sir, he did.

15 Q. And, in fact, when you asked where the weapon was, he
16 told you in pretty good detail where it was going to be
17 and, in fact, he offered to take y'all where it was to find
18 it?

19 A. Yes, sir, he did.

20 Q. And did y'all end up taking him down there to point it
21 out, or did they find it without his help?

22 A. I'm not sure. I, I know the weapon was located, but
23 I, I don't ---

24 Q. But you ---

25 A. I don't believe he was taken down there because ---

1 Q. Okay.

2 A. --- he was in the back of my patrol car.

3 Q. But to your knowledge, he was willing to go and
4 willing to, to locate the knife?

5 A. Yes, sir.

6 Q. And that knife was recovered, correct?

7 A. Yes, sir, it was.

8 Q. At the beginning of the video when you pulled up,
9 there's a red car that drives through and goes on past. Do
10 you recall that?

11 A. I recall a red vehicle.

12 Q. And you didn't stop that vehicle or anything like
13 that? You weren't concerned that there was a suspect
14 there?

15 A. I did not stop that vehicle, no.

16 Q. Did you -- you didn't get a warrant in this case?

17 A. No, sir, I did not.

18 Q. When you handcuffed Mr. Young, he didn't resist you at
19 all or anything, did you?

20 A. No, sir. He turned around and placed his hands behind
21 his back.

22 Q. He, once he did ultimately admit and say yeah, I did
23 it, he was, wouldn't you say, cooperative?

24 A. Yes, sir.

25 Q. He gave you a statement?

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

222

1 A. Yes, sir.

2 Q. And he told you that his blower got clipped, right?

3 A. I believe he told Investigator Ross.

4 Q. But you were standing there when he said that?

5 A. Yes, sir.

6 Q. So, he said that his blower got clipped by somebody
7 coming down that street?

8 A. Yes, sir.

9 Q. By the victim's car, right?

10 A. Yes, sir.

11 Q. And he said that the victim stopped his car, right?

12 A. Yes, sir.

13 Q. And he said that the victim got out of his car, right?

14 A. Yes, sir, he did.

15 Q. And he said that the victim came up to him, right?

16 A. Yes, sir.

17 Q. He said the victim pushed him, right?

18 A. Yes, sir.

19 Q. And he said the victim hit him or slapped him in the
20 head, right?

21 A. Yes, sir.

22 Q. Can you refute or dispute any of those statements
23 based on your knowledge and what you witnessed firsthand
24 and anyone else that you talked to?

25 A. No, sir.

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

223

1 Q. And you were not the one who decided to charge him or
2 not charge him with any sort of crime, were you?

3 A. No, sir, I was not.

4 Q. And before he ultimately told you that he did it and
5 then told you his version of events, when you asked him why
6 didn't you tell me what happened, his response was because
7 I panicked, right?

8 A. Yes, sir.

9 Q. And when he was panicking and didn't tell you, there
10 were three law enforcement officers up there with two
11 vehicles parked in front of his vehicle, correct?

12 A. No, sir.

13 Q. How many officers were there?

14 A. Three law enforcement officers and one patrol vehicle.

15 Q. One patrol. Oh, that's right because you walked back
16 there. You didn't drive. So, there's three law
17 enforcement officers and one patrol vehicle?

18 A. Yes, sir.

19 Q. And while he was there, was he free to leave at any
20 time?

21 A. He was not free to leave, no, sir.

22 Q. So, you can understand why he might've panicked if law
23 enforcement ---

24 MS. SAMPSON: Objection. Objection, Your Honor.

25 THE COURT: What's the objection?

S. SULSER - CROSS-EXAMINATION BY MR. MATHEWS

224

1 MS. SAMPSON: To speculation. He just asked him if he
2 might understand why he would panic.

3 THE COURT: He can rephrase the question. The
4 objection is to speculation, but I'll allow you to rephrase
5 the question.

6 MR. MATHEWS: Thank you.

7 BY MR. MATHEWS:

8 Q. It could have been an intimidating scene or presence
9 with three law enforcement officers and a police car and
10 you saying that he was not free to leave. Could you agree
11 with that?

12 A. I never told him he wasn't free to leave.

13 Q. But he was not free to leave, was he?

14 A. Correct.

15 MR. MATHEWS: Beg the court's indulgence.

16 (A PAUSE.)

17 THE COURT: All right, redir -- or do you ---

18 MR. MATHEWS: I was, I was, I was asking him real
19 quick.

20 THE COURT: No problem.

21 MR. MATHEWS: No further questions.

22 THE COURT: No, no. Please. If you need to talk to
23 him, that's fine.

24 MR. MATHEWS: No, sir, I'm good.

25 THE COURT: Okay.

1 MR. MATHEWS: No further questions.

2 THE COURT: Okay. All right, redirect?

3 MS. SAMPSON: Yes, sir.

4 REDIRECT EXAMINATION BY MS. SAMPSON:

5 Q. All right, Investigator Sulser, he just asked you
6 about the defendant not being free to go. When you walked
7 up to the cul-de-sac and there's three of them standing
8 there, were any of them free to leave?

9 A. No, ma'am.

10 Q. Why not?

11 A. Because they were somewhat involved in the incident,
12 and I was trying to figure out who was the witness, who,
13 who stabbed him. I needed to ascertain information from
14 them to figure out what actually occurred on scene.

15 Q. And he asked you about the charging decision. Does
16 the road deputy make the charging decision in a homicide?

17 A. No, ma'am, we do not.

18 Q. Who does?

19 A. I believe investigations consults with the solicitor's
20 office in reference to charging.

21 Q. Okay. Not your job. Is it your job?

22 A. It is not my job, no.

23 Q. And he asked you about stopping the red vehicle that
24 you didn't stop. Was the suspect in that vehicle?

25 A. There was no suspect in that vehicle. When I got on

S. SULSER - REDIRECT EXAMINATION BY MS. SAMPSON

226

1 scene, I was trying to assess and establish aid for the
2 victim.

3 Q. And after you did all the investigation, did you learn
4 that there was no suspect in that red vehicle?

5 A. Yes, ma'am.

6 Q. He asked you could you refute that the victim slapped
7 and pushed the defendant. Who is the only person that told
8 you that?

9 A. The -- Mr. Young.

10 Q. And who lied to you when you first got there?

11 A. Mr. Young.

12 Q. And who lied to you the second time?

13 A. Mr. Young.

14 Q. And when he lied to you the first time, who was
15 around?

16 A. His coworkers.

17 Q. Was there any other officers besides you and Mr.
18 Osagie?

19 A. And Officer Vereen.

20 Q. Were they free to go at that time?

21 A. No, they were not.

22 Q. When they -- when you first arrived, did they leave?

23 A. No, ma'am, they did not.

24 Q. No. When you first arrived to the incident location
25 where the car is.

S. SULSER - REDIRECT EXAMINATION / RECROSS-EXAMINATION 227

1 A. Oh, oh, I'm sorry. I was, I was misunderstanding you.
2 When I first arrived on scene, all I saw was Mr. Young
3 walking towards me.

4 Q. And was he free to go?

5 A. At that time, yeah, he was not being detained.

6 Q. And at that time, did he tell you the truth?

7 A. No, ma'am, he did not.

8 Q. And were there any other officers around at that time?

9 A. I believe it was just myself and Officer Osagie.

10 Q. But he was free to go?

11 A. Yes, ma'am.

12 Q. And at that time, what did he tell you?

13 A. I asked him who stabbed him, and he stated I don't
14 know.

15 MS. SAMPSON: No further questions, Your Honor.

16 MR. MATHEWS: Very briefly.

17 RECROSS-EXAMINATION BY MR. MATHEWS:

18 Q. You started that initially when Mr. Young, when you
19 first pulled up, that he left and was at a different
20 location when you encountered him, correct?

21 A. Yes, sir.

22 Q. Was that within kind of the same general neighborhood?

23 A. Yes, sir, it is.

24 Q. He didn't leave the neighborhood, did he?

25 A. No, sir.

S. SULSER - REDIRECT EXAMINATION / RECROSS-EXAMINATION 228

1 Q. But there's a way that he could have exited the
2 neighborhood had he attempted to in that amount of time,
3 correct?

4 A. Yes, sir.

5 Q. But he stayed on scene, correct?

6 A. Yes, sir.

7 Q. He didn't attempt to flee or, or leave the relative
8 immediate area, did he?

9 A. No, sir.

10 Q. And, in fact, when he did leave the first time, you
11 had said -- whether it was understood correctly or not --
12 everybody back up?

13 A. Yes, sir.

14 Q. Throughout the course of your investigation or, or any
15 of your involvement, and I believe I asked it earlier but I
16 just want -- anyone else given you a version of events as
17 to what happens for the victim to have ended up like he was
18 other than Mr. Young?

19 A. No, sir.

20 Q. Did your investigation undercover any other witnesses
21 who told you that they saw anything related to the
22 stabbing?

23 A. No, sir.

24 MR. MATHEWS: Thank you.

25 THE COURT: Okay, you may step down. Thank you very

1 much.

2 (THE WITNESS EXITS THE STAND.)

3 THE COURT: How long is the next witness? Short?

4 MR. POTTS: I anticipate it will be short, Your Honor.

5 THE COURT: Who is it?

6 MR. POTTS: Officer Osagie. I'm showing -- I'm
7 probably entering his video but not showing it.

8 THE COURT: Okay. You think that's short?

9 MR. MATHEWS: I mean, I'm not going to be very...

10 THE COURT: Okay. Let's do it. Call your next
11 witness.

12 MR. POTTS: State calls Officer Osagie.

13 THE COURT: All right.

14 BRUCE OSAGIE, BEING DULY SWORN,
15 TESTIFIES AS FOLLOWS:

16 CLERK: Please have a seat. State your full name for
17 the record.

18 THE COURT: Stay close to that mic for me, okay?

19 WITNESS: Yes, Your Honor.

20 THE COURT: All right. Thank you very much. State
21 your name for me.

22 WITNESS: My name is Bruce Osagie.

23 THE COURT: Would you spell your last name for me,
24 please?

25 WITNESS: O-s-a-g-i-e.

B. OSAGIE - DIRECT EXAMINATION BY MR. POTTS

230

1 THE COURT: Thank you very much.

2 DIRECT EXAMINATION BY MR. POTTS:

3 Q. Officer Osagie, are you with the Columbia Police
4 Department?

5 A. Yes.

6 Q. Okay. I notice you're not in uniform. Why is that?

7 A. I'm on family emergency leave.

8 Q. Okay.

9 A. Just had a baby.

10 Q. Congratulations.

11 A. Thank you.

12 Q. How along ago was that?

13 A. A week ago.

14 Q. What? So, a real newborn?

15 A. Yes.

16 Q. Well, thank you for taking your time out of your day
17 to come down here. I appreciate it.

18 A. Thank you.

19 Q. Now back in 2017, December 15th, how would you
20 describe -- or how, how new to you were -- were you to CPD
21 at that time?

22 A. Very new. I was very, very new. It was, like, my
23 first case in law enforcement.

24 Q. So, I believe that there was something called, in
25 other words, described as observation?

B. OSAGIE - DIRECT EXAMINATION BY MR. POTTS

231

1 A. Yes.

2 Q. Can you describe that to the jury?

3 A. Observation is basically four days where the FTO would
4 pretty much have you do everything. Pretty much hands-off
5 training. Pretty much, pretty much you take the call. You
6 just -- basically he's not there but he's there. So, he
7 just wanted to see how you will response to calls for
8 service or any type of stuff that we have to do.

9 Q. Okay. Now, you said the term FTO. What is that?

10 A. Field training officer, field training officer.

11 Q. And was Officer Sulser your field training officer
12 that day?

13 A. Yes.

14 Q. Okay. So, no matter what calls you got, he was
15 supposed to just kind of watch you do it?

16 A. Yes.

17 Q. Okay. Did that happen on the date?

18 A. Not really. No, not really. I was -- I didn't know
19 what to do pretty much. I didn't know what to do, given
20 the situation that I just encountered. So, at that point
21 my FTO pretty much just kind of, like, gave me leads of
22 what to do, but he pretty much took over from that, from
23 that point on.

24 Q. Okay. So, you all kind of cheated on day one of
25 observation?

B. OSAGIE - DIRECT EXAMINATION BY MR. POTTS

232

1 A. Pretty much.

2 Q. All right. So, was this your first murder call?

3 A. Yes.

4 Q. Okay, and that's why you needed him to help you kind
5 of figure out what to do?

6 A. Yes.

7 Q. Now, I guess in your roles that day, did you kind of
8 become his shadow?

9 A. Pretty much, yes.

10 Q. Okay. So, when you first arrived at, at the incident
11 location, tell me about what happened.

12 A. When me first arrived, my recollection was we -- I
13 found a body. We found a body on the, on the, on the
14 street, and at that point we were trying to figure out what
15 was, what was going on. And so at that time, my FTO pretty
16 much just tell -- telling me to either at that point to
17 start roping off the location to secure the evidence or
18 preserve the crime scene because at that point it became a
19 crime scene. So, that point I just, you know, got into the
20 mode of getting to the back of the car and getting the
21 tape, yellow tape and had the yellow tape roped around the
22 perimeter of the, of the scene of the accid -- of the
23 crime.

24 Q. Okay. The first thing you did when you got there was
25 put on gloves, correct?

B. OSAGIE - DIRECT EXAMINATION BY MR. POTTS

233

1 A. Put on gloves, yes.

2 Q. Okay. Why did you do that?

3 A. I tried to administer CPR. That was my, my first
4 intention was to do CPR.

5 Q. Okay, and did you do that?

6 A. I wasn't able to, no.

7 Q. Okay. Why didn't you do it?

8 A. Because at that point, the, the victim was already
9 deceased.

10 Q. Okay. So, as you're kind of running around following
11 the directions of your field training officer, do you have
12 a body cam or anything?

13 A. Yes.

14 Q. Okay. Is that turned on?

15 A. Always.

16 Q. Okay. I'm going to show you what is marked as State's
17 51. There's a number written there. Is that your payroll
18 number?

19 A. Yes, 24590.

20 Q. Okay. Is this your body cam videos?

21 A. That's my body cam, yes.

22 Q. Okay. Is it going to be substantially similar to
23 Officer's, now Investigator Sulser's body camera?

24 A. Yes.

25 Q. Okay, because you're kind of following along behind

B. OSAGIE - DIRECT EXAMINATION BY MR. POTTS

234

1 him?

2 A. Yes.

3 Q. Okay.

4 MR. POTTS: At this time, I'd like to offer into
5 evidence State's Exhibit 51.

6 MR. MATHEWS: I'm not objecting to it, but I just want
7 to make sure if there's any other statements that I
8 previously objected to on there, I'm renewing that
9 objection. I don't believe so, but out of an abundance of
10 caution.

11 THE COURT: All right. I find that's renewed for the
12 record, and my ruling upon it will be the same. State's
13 Exhibit Number 51 is admitted.

14 MR. POTTS: Thank you.

15 (DVD OF BODY WORN CAMERA MARKED INTO EVIDENCE AS
16 STATE'S EXHIBIT NUMBER 51.)

17 BY MR. POTTS:

18 Q. So, basically what you saw happen that day is
19 generally the same things that Officer Sulser saw happen?

20 A. Yes.

21 Q. Okay, and, in fact, when he is talking to the
22 defendant by his car, you're not there, are you?

23 A. No.

24 Q. You're doing other things?

25 A. Yes.

B. OSAGIE - CROSS-EXAMINATION BY MR. MATHEWS

235

1 Q. Okay. You're not involved with interviews at all?

2 A. No.

3 Q. Okay.

4 MR. POTTS: Beg the court's indulgence for one second.

5 (A PAUSE.)

6 MR. POTTS: Thank you, Officer Osagie. I have no
7 further questions.

8 CROSS-EXAMINATION BY MR. MATHEWS:

9 Q. Just real quick, Officer. Did you go around and try
10 and locate any witnesses, canvass the neighborhood to see
11 if anybody had seen anything?

12 A. No.

13 Q. You weren't tasked with doing that?

14 A. Well, we got there first. We, again, we -- the, the
15 neighbors, we asked them, and nobody saw anything. So, at
16 that point we just remained at that -- at the scene of the,
17 of the incident.

18 Q. So from your investigation and your involvement, other
19 than Mr. Young's statement, did you talk to any witnesses
20 or find anyone else who could tell you what happened that
21 led to the stabbing?

22 A. No.

23 MR. MATHEWS: Thank you.

24 MR. POTTS: No further questions.

25 THE COURT: Hope you get some sleep.

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

241

1 ROBERTO PEROZO, BEING DULY SWORN,
2 TESTIFIES AS FOLLOWS:

3 CLERK: Please have a seat. State your full name for
4 the record.

5 THE COURT: And if you would, take off your mask.
6 There you go. Thank you very much. Come up close to that
7 mic, all right? Tell me your name, please.

8 WITNESS: Roberto Andres Perozo.

9 THE COURT: And would you spell your last name for me?

10 WITNESS: P-e-r-o-z-o.

11 THE COURT: Okay.

12 MR. SMITH: Thank you, Your Honor.

13 DIRECT EXAMINATION BY MR. SMITH:

14 Q. Mr. Perozo, where do you live?

15 A. I live in Irmo, South Carolina.

16 Q. And what do you do for a living?

17 A. I'm a landscaper.

18 Q. How long have you been a landscaper?

19 A. Coming up on six years now.

20 Q. So, you did a -- you were a landscaper back in
21 December of 2017?

22 A. Yes, sir.

23 Q. Do you still work in the same company?

24 A. I do not work for in the same company.

25 Q. Who do you work for now?

- 1 A. Right now I'm a project manager for Ground Guys.
- 2 Q. Who did you work for back in December of 2017?
- 3 A. I worked for Lawnsclapes, LLC.
- 4 Q. And were you working on December 15th if 2017?
- 5 A. We were working at a duplex neighborhood. Cannot
- 6 recall the name. It was off of Broad River.
- 7 Q. And do you know what county that was in?
- 8 A. Richland.
- 9 Q. How many were on your crew?
- 10 A. That day were three.
- 11 Q. Who all was on the crew?
- 12 A. It was Jason Watts, me, and it was Scott Young.
- 13 Q. Okay, and how long had you been working with that
- 14 crew?
- 15 A. At least two years, coming up on three.
- 16 Q. And had Scott Young worked on that crew that entire
- 17 time?
- 18 A. Yes, sir.
- 19 Q. So, did you know him pretty well?
- 20 A. Fairly.
- 21 Q. Did he carry a knife with him?
- 22 A. Yes, sir.
- 23 Q. What kind of knife?
- 24 A. It was a, I believe, a hunting knife. I can't
- 25 remember, like, the name of it, but it was a name-brand

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

243

1 one.

2 Q. Was it a fixed blade knife or a pocketknife?

3 A. It was a fixed.

4 Q. What kind of work did you do as a landscaper?

5 A. Pretty much general maintenance between trimming,
6 cutting grass, maintaining properties.

7 Q. At this scene, what were you doing that day?

8 A. That day it was the end of fall, so we were blowing
9 leaves out from the houses and collecting them.

10 Q. What was the system by which you did that?

11 A. We would have one guy on each side of the road blowing
12 them all out towards the roads, and we would have one guy
13 push them down the road.

14 Q. And do you use rakes or?

15 A. We use blowers.

16 Q. Were they, like, backpack blowers?

17 A. Yes, sir.

18 Q. Were they loud?

19 A. Very loud.

20 Q. So, were you in the road or in the -- off the road
21 doing that?

22 A. I, I was off the road.

23 Q. Who else was off the road?

24 A. Jason Watts.

25 Q. So, it was you on one side of the road, Jason Watts on

1 the other?

2 A. Yes, sir.

3 Q. Where was Scott Young?

4 A. He was on the road pushing the leaves down.

5 Q. On that day, did you hear a car come by?

6 A. Yes, sir.

7 Q. Can you kind of walk us through that?

8 A. I was going between two of the duplexes to collect the
9 -- in-between area between the duplexes, and you could hear
10 the cars still coming. That was a very frequent thing that
11 happened where cars just go through there, cut-through
12 traffic, and I did hear a car coming through, coming from
13 the -- further from -- heading towards Broad River.

14 Q. So, from, like, the internal part of the neighborhood?

15 A. Yes, sir.

16 Q. Okay. Did that catch your attention?

17 A. Yes, yes. I could very much hear the RPMs on the car
18 that day.

19 Q. Did you see the car at any point?

20 A. Yeah. I turned around to see it. It just draws your
21 attention when you're going through there, and I saw it
22 coming down.

23 Q. Did it go out of your field of vision?

24 A. It did.

25 Q. Did you see that car at any point the rest of the day?

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

245

1 A. I did when I came out from between the duplexes.

2 Q. Where was it then?

3 A. It was near the center of the road about two duplexes,
4 like, individual duplexes down.

5 Q. Was it stopped?

6 A. Yes, sir.

7 Q. Was anybody outside of the car?

8 A. Yes. There was one person on the ground, and then
9 there was another about 10 feet away from it.

10 Q. Who was about 10 feet away from it?

11 A. Scott Young.

12 Q. Did you know the person that was laying on the ground?

13 A. I did not.

14 Q. What did you think had happened?

15 A. Originally when I came out and I just saw him on the
16 ground, I -- for some reason I saw, like, a red fluid
17 coming out. I assumed that it was brake fluid at first.

18 Q. When did you realize that it -- did you ever find out
19 that it wasn't brake fluid?

20 A. Yeah, it was -- it was not. I, I started noticing the
21 body twitching, and that's when it all started hitting me.

22 Q. How far away was Matthew Scott from the body?

23 A. 10, 15 feet-ish.

24 Q. Did you see anything that led up to that body being on
25 the ground?

1 A. I did not.

2 Q. Did you see anybody get out of the car?

3 A. I did not.

4 Q. Did you see Matthew Scott approach the car?

5 A. No, sir.

6 Q. So, what you saw was just after something had
7 happened?

8 A. Yes, sir.

9 Q. Was there anybody else there around the car?

10 A. Not that I can recall. Not certain.

11 Q. How did you react to it when you saw him?

12 A. Once I concluded that that was blood and that they
13 were bleeding out, I dropped my blower and ran to my work
14 truck where my phone was.

15 Q. And where was your truck in relation to all of this?

16 A. It was about a block away in one of the intersections
17 to the neighborhood.

18 Q. Was it going closer to Broad River Road or ---

19 A. It was going away from Broad River Road.

20 Q. Going away from Broad River, and you said you went
21 there to get your cell phone?

22 A. Yes, sir.

23 Q. Did you call 911?

24 A. I did.

25 Q. I'm showing you what's been marked as State's Exhibit

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

247

1 1. Do you recognize this?

2 A. I do.

3 Q. What is it?

4 A. That is the phone call from when I called 911.

5 Q. And you and I have listened to that together?

6 A. Yes, sir.

7 Q. And your voice, your, your voice is on here in ---

8 A. Yes, sir.

9 Q. --- one of the 911 calls? I just kind of want to talk
10 to you about that 911 call.

11 A. Yes, sir.

12 Q. First of all, did you use your phone to do that?

13 A. Yes, sir.

14 Q. What did you tell them? What was the first thing you
15 said to them?

16 A. I told them that we needed an ambulance and that there
17 was an altercation and that someone had been stabbed.

18 Q. Why did you tell them that someone had been stabbed?

19 A. I made an assumption. I didn't hear any gunshot
20 wounds, and it didn't even occur to me for someone to be
21 bleeding that badly and then just jump out of the car. So,
22 I assumed that they were stabbed.

23 Q. But you didn't see what happened?

24 A. I did not.

25 Q. Did you tell 911 essentially what you've told me on

1 the stand?

2 A. Essentially, yes.

3 Q. Did you, did you tell, did you tell 911 about anything
4 that happened between the driver and ---

5 A. Yes. I originally assumed there was a physical
6 altercation. When I called, I said that, that the guy came
7 out and they started fighting.

8 Q. And did you see a fight?

9 A. I did not.

10 Q. So, why did you tell them that there was a fight?

11 A. I had assumed that because someone was down on the
12 floor bleeding, that I would like to think that, you know,
13 they weren't just driving bleeding that badly. So, I
14 assumed that there was a fight between the two. We do have
15 a lot of close calls where cars drive down there really
16 fast, and we sometimes think that they're going to hit us.
17 And they'll come out and they'll curse at us sometimes, but
18 for the most part they usually keep going.

19 Q. Did you tell the 911 operator who had stabbed the
20 victim?

21 A. I did.

22 Q. Who did you tell them?

23 A. I told them it was Matthew Scott Young.

24 Q. And why did you say it Matthew Scott Young?

25 A. He was the only other person that was there.

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

249

1 Q. Did you tell them that you knew Matthew Scott Young?

2 A. I did.

3 Q. What did you tell them about him?

4 A. That he was my coworker.

5 Q. Did you actually see him do the stabbing?

6 A. I did not.

7 Q. Was this another just assumption?

8 A. It was.

9 Q. And, and why did you assume that he had done that
10 stabbing?

11 A. It was the only thing that I can think of, and my
12 priority at the time was just to get them to get the
13 ambulance on the way. So, whatever I could say to hasten
14 that, you know.

15 Q. Did the ambulance arrive?

16 A. It did.

17 Q. What about law enforcement?

18 A. They did as well.

19 Q. Did they arrive while you were on the phone with 911?

20 A. Yes, sir.

21 Q. Did you speak to any law enforcement at the car?

22 A. No, sir.

23 Q. Did anybody speak to you?

24 A. On the way back, the 911 operator was asking me to go
25 check the road sign for where we were at. And on my way

1 down, Scott had come up and he, he said that he had spoken
2 to the officer, and they told us to leave the scene.

3 Q. Did you leave the scene at that point?

4 A. Yes, sir.

5 Q. How did you leave the scene?

6 A. I was very nervous about the situation, so I let them
7 leave in the work truck. And the next property that we
8 went to was one block over, so I just cut through the --
9 behind house on the woods and met them there.

10 Q. And when you say they, do you mean Jason Watts and
11 Matthew Scott?

12 A. Yes, sir.

13 Q. So, they got in the truck and rode there?

14 A. Yes, sir.

15 Q. And you walked?

16 A. Yes.

17 Q. Okay, and about how far was that?

18 A. About a block and a half.

19 Q. So, it's an easy walk?

20 A. Yes, yes.

21 Q. When you got there, what did you do?

22 A. When I met back up with them, I got in the truck. I
23 didn't honestly think they were going to be able to pull
24 away from the neighborhood without being stopped. When
25 they did, I got in the truck and we went into the

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

251

1 neighborhood that was next.

2 Q. Did you start working or?

3 A. No. Shortly after I got in, police came around the
4 corner.

5 Q. About how long? You said shortly, but about how long
6 do you think that was?

7 A. Not even sixty seconds.

8 Q. So, you got there.

9 A. I got in the truck and right behind us was the
10 officer.

11 Q. I'm going to show you what's been marked as State's
12 Exhibit 36, 37, 38, and 39. If you can, without showing
13 the jury, just look at these. Do you recognize that?

14 A. Yes, sir.

15 Q. What is it?

16 A. That is our work truck.

17 Q. How do you know that's your work truck?

18 A. By all of the equipment. We have the same mowers,
19 same brand weed eaters, and the same -- what would you call
20 it -- mudflap logo.

21 Q. Is it substantially the same looking as the day in
22 question?

23 A. Yes, sir.

24 Q. And that is your truck from work?

25 A. Yes, sir.

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

252

1 MR. SMITH: Your Honor, at this point the state moves
2 State's Exhibits 36, 37, 38, and 39 into evidence.

3 THE COURT: Any objection?

4 MR. MATHEWS: No, Your Honor.

5 THE COURT: 36, 37, 38, and 39 admitted without
6 objection.

7 MR. SMITH: Thank you, Your Honor.

8 (PHOTOGRAPHS INDIVIDUALLY MARKED INTO EVIDENCE AS
9 STATE'S EXHIBIT NUMBERS 36, 37, 38, 39.)

10 BY MR. SMITH:

11 Q. When you were down at the truck, who all was there
12 before law enforcement?

13 A. It was Matthew. It was the gentleman that was on the
14 floor bleeding. I want to say there was someone that -- in
15 their front porch, but I, I can't remember for sure.

16 Q. And in the second location where you walked to, who
17 was there at the truck?

18 A. It was just Jason and Scott.

19 Q. Using those photos, can you kind of show the jury
20 where everybody was standing? It doesn't have to be exact.
21 You can...

22 A. Trying to pick one that has a wider view. Show them?

23 Q. Yeah.

24 A. So, this is the entrance to the neighborhood, and this
25 is the other view. When we had gotten pulled over, we were

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

253

1 questioned in front of the vehicle. So, we would have been
2 right here.

3 Q. And who all was there again before law enforcement
4 showed up?

5 A. Before law enforcement showed up where everything
6 happened?

7 Q. No. At the, at the truck.

8 A. At the truck?

9 Q. In the cul-de-sac.

10 A. We were all, we were all still in the truck just
11 barely getting out.

12 Q. When law enforcement came up, did they start to
13 question you?

14 A. Yeah. They asked us to move away from the vehicle and
15 separated us.

16 Q. Did you tell them what all you had seen?

17 A. Yes, sir.

18 Q. Is it substantially the same as what you've said on
19 the stand?

20 A. Yes, sir.

21 Q. Did you tell them that you didn't actually see the
22 stabbing?

23 A. I did.

24 Q. While you were there, did anybody take credit for the
25 stabbing?

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

254

1 A. At the end of it, yes. Scott did say that he did it.

2 Q. Did he say anything about the knife?

3 A. Not that I can recall.

4 Q. Did he tell you before law enforcement got there
5 anything?

6 A. Just that law enforcement asked us to leave the scene.

7 Q. He didn't tell you that there had been a fight?

8 A. No, not then.

9 Q. Did law enforcement let you leave after that, or did
10 they take you?

11 A. From there, yeah, they took us straight downtown.

12 Q. And why did they take you downtown?

13 A. So that we can fill out a report.

14 Q. And did you do that?

15 A. Yes, sir.

16 Q. After that, were you able to go back to...

17 A. Yes, after that when they let us go, yes.

18 Q. Do you see you the defendant in this courtroom?

19 A. Right there.

20 Q. Okay. Could you point out something that he's
21 wearing?

22 A. He is wearing a suit, white inner shirt, a dark green
23 tie.

24 Q. Thank you.

25 MR. SMITH: Beg the court's indulgence for a moment.

R. PEROZO - DIRECT EXAMINATION BY MR. SMITH

255

1 (A PAUSE.)

2 BY MR. SMITH:

3 Q. When you were leaving where the car and the body ---

4 A. Uh-huh.

5 Q. --- were located, you said you walked to the second
6 location?

7 A. Yes, sir.

8 Q. Why didn't you get in the truck?

9 A. I don't -- I wasn't sure what happened, but I did not
10 want to get in the vehicle with them.

11 Q. Did you get back in the truck once you got into the
12 cul-de-sac?

13 A. Yes, sir.

14 Q. How come?

15 A. They pulled -- I, I was so sure that they were going
16 to get stopped before we managed to leave the area that --
17 I didn't want to be in the vehicle when they got stopped.

18 Q. Okay.

19 MR. SMITH: Beg the court's indulgence. I have no
20 further questions, Your Honor.

21 Please answer anything that Mr. Mathews has.

22 MR. MATHEWS: Just one second. I need to confirm
23 something with Mr. Smith.

24 (COUNSELORS CONFER.)

25 CROSS-EXAMINATION BY MR. MATHEWS:

R. PEROZO - CROSS-EXAMINATION BY MR. MATHEWS

256

1 Q. All right, Mr. Perozo, you've known Scott for a little
2 while?

3 A. Yes, sir.

4 Q. Known him for how long about before all this happens?

5 A. Two to three years.

6 Q. Two to three years?

7 A. Uh-huh.

8 Q. You worked with him?

9 A. Yes, sir.

10 Q. For that period of time before that?

11 A. Yes, sir.

12 Q. And when you were there blowing leaves, how, how long
13 had y'all been working in that Heritage Court? Not that
14 day, but how long had y'all been -- had a contract with
15 that neighborhood?

16 A. Few years. Since I started working there.

17 Q. And how often did you do that neighborhood? Once a
18 week?

19 A. Yes, sir, once a week.

20 Q. Fridays?

21 A. Yes, sir.

22 Q. Was that typically how it was in that neighborhood?

23 You and Jason blew the leaves from the side? Scott was in
24 the middle pushing them down?

25 A. Generally.

R. PEROZO - CROSS-EXAMINATION BY MR. MATHEWS

257

1 Q. So, it wasn't uncommon for Scott to be in the middle
2 of the road?

3 A. It was not.

4 Q. Was it a regular occurrence for cars to speed down
5 that road?

6 A. Yes, sir.

7 Q. So, it wasn't necessarily super shocking when you
8 noticed or heard a car coming down that road?

9 A. It was not.

10 Q. At a fast rate of speed?

11 A. True.

12 Q. And you said you could hear that because of the high?

13 A. RPMs.

14 Q. Of the, of the motor?

15 A. Yes, sir.

16 Q. And you -- testimony -- well, after it happened and
17 before you called 911, did you ever talk to Scott?

18 A. No, sir.

19 Q. So, you had no communications with him in between when
20 the incident happened and when you called 911?

21 A. I did not.

22 Q. When you called 911, you said:

23 This guy was going sixty-five, seventy down the
24 road and this is a residential, and we were
25 freaking, like, yelling at him what the F.

1 Does that sound familiar?

2 A. Yes, sir.

3 Q. And then you said:

4 And the guy got out and freaking went to fight
5 one of the freaking workers.

6 A. Yes, sir.

7 Q. Does that sound right?

8 A. Yes, sir.

9 Q. And we carry knives on us, and the guy got
10 stabbed.

11 Does that sound about right?

12 A. Yes, sir.

13 Q. That's a rather detailed description for you saying
14 now that you didn't actually witness something you just
15 assumed.

16 A. Yes.

17 Q. So, you're agreeing with me that's pretty detailed as
18 to what you told 911?

19 A. Yes, sir.

20 Q. But now you're saying you didn't see anything?

21 A. I did not.

22 Q. Do you remember when you gave an interview at
23 headquarters to an investigator?

24 A. Yes, sir.

25 Q. Do you remember saying that, referring to the incident

R. PEROZO - CROSS-EXAMINATION BY MR. MATHEWS

259

1 -- well, you said you'd been nicked on your leaf blower
2 twice, correct?

3 A. Yes, sir.

4 Q. And you said they just fly straight on through, and
5 there's a stop sign right there?

6 A. Yes, sir.

7 Q. So, it's a pretty regular occurrence?

8 A. Yes, sir.

9 Q. So, you gave this detailed statement to 911, which
10 seems like you're saying you witness something, but now
11 you're saying that you didn't?

12 A. That's true.

13 Q. What was your immigration status on the date that you
14 gave this statement?

15 A. On that date, I was a resident apply -- well, I was
16 applying for residency.

17 Q. And did you have an ID on you at that point in time?

18 A. I had a international ID.

19 Q. Were you worried about not having an ID and issues
20 with your immigration status that any contact with law
21 enforcement could cause a problem for you down the road?

22 A. Partly.

23 Q. And you realized that after you'd already told 911
24 that you witnessed something and saw an altercation between
25 Scott and somebody else?

1 A. Yes, sir.

2 Q. And you actually witnessed that because when you gave
3 a statement, you said:

4 Okay. I mean, I more stressed out because I'm,
5 like, shit. If they go and ask questions, I'm
6 kind of in a sensitive situation here, you know
7 what I mean? So, I didn't say anything. It was
8 weird.

9 Correct?

10 A. Yes, sir.

11 Q. So, you're realizing now that you're giving a
12 statement to law enforcement after you've told 911 that you
13 witnessed an altercation and the gentleman get out of his
14 vehicle. You don't want anything to do with law
15 enforcement at that point, right?

16 A. At that point.

17 Q. Right. So, you actually witnessed it and you saw it.
18 You just realized that I need to get out of this situation
19 with law enforcement, so you change your story, right?

20 A. Unfortunately, I didn't witness it.

21 Q. But you changed your story, correct?

22 A. I originally had said that just to get the ambulance
23 there faster.

24 Q. So, telling them that you saw an altercation between
25 two men in your mind felt like it would get an ambulance

R. PEROZO - CROSS-EXAMINATION BY MR. MATHEWS

261

1 there faster?

2 A. Well, they tend to ask a lot of questions, and I don't
3 know what the process is for sending an ambulance, and I
4 wanted to tell them what they wanted to hear in order to,
5 in my mind, hit the send-the-ambulance button.

6 Q. But you've got to understand how that doesn't make a
7 whole lot of sense, can't you?

8 A. We don't carry guns; I didn't hear any gunfire. I do
9 know that we carry knives, and there was a lot of blood.

10 Q. You carry a knife on you?

11 A. I personally don't.

12 Q. Does Jason carry a knife on him?

13 A. Yes, sir.

14 Q. And you already said Scott carried a knife, right?

15 A. Yes, sir.

16 Q. And he used that knife, I guess, essentially for
17 cutting pine straw bales, right?

18 A. That and weed eater string.

19 Q. So, was it uncommon for him or Jason or anybody else
20 who worked in landscaping to carry a knife or something on
21 their belt?

22 A. It was not uncommon.

23 Q. And those knives, some of them, including the one that
24 Scott had, kept in kind of a little sheath thing, right?

25 A. Yes, sir.

1 Q. What's your immigration status now?

2 A. Now I'm a resident, and my citizenship test is in
3 about two months.

4 Q. So, still not finalized)?

5 A. For citizenship, yes. Residency, yes.

6 Q. But you still are leery of any contact with law
7 enforcement until you've gotten everything complete, right?

8 A. According to my lawyer, as long as I don't lie.

9 Q. Okay.

10 MR. MATHEWS: I don't have any -- well, beg the
11 court's indulgence?

12 THE COURT: Sure.

13 (A PAUSE.)

14 BY MR. MATHEWS:

15 Q. So, your testimony is you didn't carry a knife on you
16 when you were landscaping?

17 A. There was a short period -- not at that time -- that I
18 was carrying, but I just...

19 Q. But you had a knife that fit in a sheath that you
20 carried at some point ---

21 A. At some ---

22 Q. --- in time?

23 A. --- point, yes.

24 Q. I'm not accusing you of ---

25 A. No, no.

R. PEROZO - REDIRECT EXAMINATION BY MR. SMITH

263

1 Q. --- doing anything. Just asking about a knife. Okay.

2 MR. MATHEWS: Thank you, Mr. Perozo.

3 MR. SMITH: Just briefly, Your Honor.

4 REDIRECT EXAMINATION BY MR. SMITH:

5 Q. What did your -- you said it a second ago. What was
6 it that your immigration lawyer told you?

7 A. As long as I don't lie, that I have nothing to worry
8 about.

9 Q. You told law enforcement that day that you had just
10 assumed, right?

11 A. Yes, sir.

12 Q. In fact, in your statement you told them that?

13 A. Yes, sir.

14 Q. And is that the statement that you made at
15 headquarters?

16 A. Yes, sir. Once I realized the gravity of the
17 situation, I wanted to make sure that it was stated for the
18 911 call that I did assume.

19 Q. Would you say the scene was pretty chaotic?

20 A. Very. That's the first time I've ever seen anyone
21 severely injured or die.

22 Q. Has it stuck with you?

23 A. Yes.

24 Q. Had an impact on you that day?

25 A. It took me about a month to get a full night's sleep.

1 MR. SMITH: Begging the court's indulgence. Nothing
2 further, Your Honor.

3 MR. MATHEWS: Very, very briefly.

4 RECROSS-EXAMINATION BY MR. MATHEWS:

5 Q. I just want to be clear on the statement that you told
6 911 was an assumption.

7 A. Yes, sir.

8 Q. I'm going to read it back to you one more time, and I
9 want you to tell me if this is what you told 911, which you
10 are telling us was merely an assumption so that the
11 ambulance could get there quicker:

12 We work with a landscaping company. This guy,
13 like, like, went sixty, seventy down the freaking
14 road, and this is a residential, and we were
15 freaking, like, yelling at him what is the F.
16 And the guy got out and freaking went to fight
17 one of the freaking workers, and we carry knives
18 on us, and the guy got stabbed.

19 That's what you're saying was an assumption?

20 A. Yes, sir.

21 MR. MATHEWS: Thank you.

22 THE COURT: Okay. Thank you.

23 (THE WITNESS EXITS THE STAND.)

24 THE COURT: Call your next witness. Who's next?

25 MR. POTTS: State calls Jason Watts.

J. WATTS - DIRECT EXAMINATION BY MR. POTTS

265

1 THE COURT: All right. All right, place your left
2 hand on the Bible, raise your right hand, and face me.

3 JASON A. WATTS, BEING DULY SWORN,
4 TESTIFIES AS FOLLOWS:

5 CLERK: Please have a seat. State your full name for
6 the record.

7 THE COURT: If you would, please go ahead and take off
8 your mask, sir, and if you would, please stay close to the
9 microphone so we can make sure we can hear you, okay?

10 WITNESS: Yes, sir.

11 THE COURT: Tell me your name.

12 WITNESS: Jason Allen Watts.

13 THE COURT: All right. Great. Thank you.

14 DIRECT EXAMINATION BY MR. POTTS:

15 Q. Good afternoon, Mr. Watts. How are you doing?

16 A. Pretty good. How about yourself?

17 Q. I'm doing okay. Mr. Watts, can you tell the jury
18 a little bit about yourself? What do you do? What's
19 your ---

20 A. I do landscaping.

21 Q. Okay. Where do you work for landscaping?

22 A. Lawnscares, LLC.

23 Q. Is that the same company you worked with back in 2017?

24 A. That's correct.

25 Q. What's your role at Lawnscares?

1 A. As of right now, I'm crew leader.

2 Q. Okay. What does, what does crew leader mean?

3 A. Supervisor.

4 Q. Okay. Were you crew leader back in 2017?

5 A. No, sir.

6 Q. What was your role back then?

7 A. Laborer.

8 Q. Okay. Do you recall working at Heritage Village on
9 December 15th of 2017?

10 A. Yes, sir.

11 Q. Okay. Can you tell the jury a little bit, little bit
12 about what you were doing that day?

13 A. About that time, we usually blow leaves because there
14 really isn't anything growing. So, there's usually three
15 of us: one person on one side of the road, one person on
16 the other side of the road, and one person in the middle of
17 the road pushing the leaves down the street as we push them
18 into the street.

19 Q. Okay, and so why do y'all do this method of two guys
20 on the side of the streets and one in the middle?

21 A. It's the most efficient way.

22 Q. Okay, and so you did that for the whole neighborhood?

23 A. Yes, sir.

24 Q. How big is this neighborhood?

25 A. I think it's got two -- it's, like, one, one main

J. WATTS - DIRECT EXAMINATION BY MR. POTTS

267

1 road, two or three cul-de-sacs off of that.

2 Q. Okay. So, you were doing that that day?

3 A. Yes, sir.

4 Q. Which side of the street were you working on?

5 A. Left side.

6 Q. Okay. Now, is left side facing Broad River or left
7 side facing away from Broad River?

8 A. Facing away from Broad River.

9 Q. Okay. So, I guess you mentioned the neighborhood.
10 You'd be on the left?

11 A. That's correct.

12 Q. Okay. So, tell me about how, I guess, how far down
13 you'd gotten this day.

14 A. The third, maybe fourth unit.

15 Q. Okay. Is that where y'all -- do y'all start at the
16 entrance of the neighborhood to -- for your leaf blowing?

17 A. Yes, sir.

18 Q. Okay. So, y'all had just started working in that
19 neighborhood that day?

20 A. That is correct.

21 Q. Okay. Was this the first neighborhood you've worked
22 in that day?

23 A. I don't recall, but I want to say so.

24 Q. Okay, and so who was with you?

25 A. Matthew Scott Young and Roberto Perozo -- Perez [sic].

1 Q. Do you see Matthew Scott Young in the courtroom today?

2 A. I do not.

3 Q. Okay. So, when you are blowing, who was where?

4 A. Roberto's on the right side, Matthew is in the street,
5 and I was on the left side.

6 Q. Okay. So, how do you blow the leaves out of the back
7 of these yards? What's the process?

8 A. You just start at the fences, and then blow in between
9 the houses on either side until you get to the street, and
10 then you work down the street, and then repeat the process.

11 Q. Okay. So, you start at the backyards?

12 A. It's not the actual backyard. It's, like, in between
13 the houses. The homeowners are responsible for their
14 backyards.

15 Q. Okay. So, you're kind of blowing in between each home
16 itself, not going in the backyards or anything?

17 A. That's correct.

18 Q. Okay. When you start blowing out these homes in this
19 area, which direction do you face?

20 A. Towards the street.

21 Q. Okay. How do you get the leaves back near the fence?

22 A. The best way to do is to blow up against the fence
23 with the blower and it kicks it away from the fence. So,
24 that way, it gives you a gap to be able to get behind the
25 leaves and blow.

J. WATTS - DIRECT EXAMINATION BY MR. POTTS

269

1 Q. So, as the person in the street -- in this case the
2 defendant -- is blowing the leaves up, y'all are ahead of
3 him, correct?

4 A. That is correct.

5 Q. Okay. So, y'all blow the leaves in the street, and
6 he's kind of behind cleaning the street up as you move
7 forward?

8 A. That's correct.

9 Q. All right. So on that day, what do you -- I mean, how
10 common is it for cars to pass by in that street?

11 A. Very common.

12 Q. Okay. Do some of them go very fast?

13 A. Yes.

14 Q. Okay. What about that day?

15 A. Yes.

16 Q. Okay. Can you tell me what you observed about the car
17 that you later saw in the street?

18 A. The only thing that I remember is seeing a car blow
19 past where I was, and that's about it. It was, it was a
20 blur.

21 Q. Okay. Now, did you hear the car?

22 A. No, sir.

23 Q. Okay. How loud are these blowers?

24 A. Very.

25 Q. Okay. Are you wearing any ear protection?

1 A. Yes, sir, I wear ear protection. Well, I wear ear
2 buds so I can listen to music while I work.

3 Q. Okay. Do you have anything over the ear buds?

4 A. No, sir.

5 Q. Okay. So, did you hear the car go by or just see it?

6 A. I just saw it.

7 Q. So, what happened when you came out from between the
8 houses?

9 A. I saw a car in the middle of the road at that point.

10 Q. Okay. So, was the car running?

11 A. I'm not 100 percent sure.

12 Q. Sure. Did you see anything besides the car in the
13 road?

14 A. I saw -- once I got out into the road, I saw a fellow
15 laying face down beside the driver's side.

16 Q. Okay. Did you see anybody else in the area?

17 A. Just Matthew.

18 Q. Okay. Did you see Perozo at that point?

19 A. Yes, sir.

20 Q. Where was he?

21 A. He was by the work truck.

22 Q. Okay. So, what did you do when you saw the man lying
23 face down in the road?

24 A. I put my blower down and headed to the work truck to
25 grab my phone.

J. WATTS - DIRECT EXAMINATION BY MR. POTTS

271

1 Q. Okay. Why were -- why did you want to grab your
2 phone?

3 A. To call 911.

4 Q. And was it obvious that something had happened to that
5 man?

6 A. That's correct.

7 Q. What, what did you see that made you think that?

8 A. It looked like the fellow was unconscious at first and
9 then shortly after, I saw a pool of blood.

10 Q. Okay. Did you get your phone from your truck?

11 A. I did.

12 Q. Okay. Did you call 911?

13 A. Actually, I didn't because Roberto was already on the
14 phone with them.

15 Q. Okay. So, where was Matthew Young at this point?

16 A. He was standing by the car.

17 Q. Okay. So, what happened next that you saw?

18 A. I just saw him kind of pacing in the street.

19 Q. And him, who do you, who do you mean?

20 A. Matthew.

21 Q. Okay. So, was he just kind of -- so, did he ever stop
22 his pacing?

23 A. Not that I'm aware of.

24 Q. Did anyone -- did law enforcement or EMS show up?

25 A. Eventually they did.

1 Q. Okay. Where were you when they showed up?

2 A. I was by the truck.

3 Q. Okay, and what, if anything, did you see or hear when
4 they showed up?

5 A. That was about the time that Matthew started walking
6 back towards us and told us to grab our equipment and leave
7 the area.

8 Q. Okay. Did he tell you why?

9 A. Because he was instructed by one of the officers to do
10 so.

11 Q. Okay. So, you, did you pick up your stuff?

12 A. I did.

13 Q. Did you get in the truck?

14 A. I did.

15 Q. So, who was the driver of the truck?

16 A. Matthew.

17 Q. Okay. Did you call anyone else?

18 A. Just my boss, Tommy Hollis.

19 Q. Okay, and why did you call your boss?

20 A. Because I knew there was an incident, and I was trying
21 to get direction on which way to move forward.

22 Q. Okay. So, when you told your boss there was an
23 incident, what did he tell you to do?

24 A. He told us to go to the next ---

25 MR. MATHEWS: Objection to hearsay.

J. WATTS - DIRECT EXAMINATION BY MR. POTTS

273

1 MR. POTTS: It's just -- I'll -- okay. I'll, I'll,
2 I'll rephrase.

3 THE COURT: All right.

4 BY MR. POTTS:

5 Q. After talking to your boss, where did y'all decide to
6 drive to?

7 A. The next property.

8 Q. Okay. Had your boss told you to drive to HomeDepot
9 out, out of that neighborhood, would you have done it?

10 A. Yes, sir. He signs my paycheck.

11 Q. Okay. So, you went to that next neighborhood rather
12 than somewhere else after your phone call with the boss?

13 A. That's correct.

14 Q. Okay. Did Matthew tell you anything?

15 A. Just that the police had told us to leave the area.

16 Q. Okay. When you got to that second location, is that
17 where you met up with Perozo?

18 A. Yes, sir.

19 Q. Okay. Can you tell me a little bit, a little bit
20 about what happened there?

21 A. I, I think he was just kind of freaked out about the
22 situation. So, he walked down one of the paths that's in
23 that neighborhood to go to the next property.

24 Q. So, he seemed freaked out to you?

25 A. Yes, sir.

1 Q. What about Mr. Young?

2 A. He was very quiet.

3 Q. Okay. Prior to getting in the truck with Mr. Young,
4 did you see him do anything with his knife?

5 A. No, sir.

6 Q. Did you see what happened to led -- that led to that
7 man being on the ground, being on the ground?

8 A. I did not.

9 Q. Okay.

10 MR. POTTS: Beg the court's indulgence one second.

11 (A PAUSE.)

12 MR. POTTS: Thank you. I have no further questions.

13 Answer any questions Mr. Mathews has for you.

14 CROSS-EXAMINATION BY MR. MATHEWS:

15 Q. Jason, you keep calling Mr. Young Matthew, but you
16 knew him as Scott, right?

17 A. That's correct.

18 Q. You've known him for a good little while prior to all
19 this happening, right?

20 A. That's correct.

21 Q. About how many years?

22 A. Maybe ten.

23 Q. So, it's fair to say now if I'm calling him Scott,
24 we're talking about the same person when you say Matthew?

25 A. That's correct.

J. WATTS - CROSS-EXAMINATION BY MR. MATHEWS

275

1 Q. Jason, how long had y'all been working in this
2 Heritage Farms neighborhood? Not that day but how long had
3 y'all had a contact there?

4 A. As far as my knowledge? I had been there for three
5 years, but I believe they had been there longer, but I
6 couldn't give you a definitive amount of years.

7 Q. But at least all three years that you were working for
8 Lawnscares, y'all had a contract and did that neighborhood
9 every Friday?

10 A. That's correct.

11 Q. Did you start at the front of the neighborhood where
12 all this happened? Was that typically how that worked?

13 A. Yes, sir.

14 Q. And the, the later point where you went to in Settlers
15 where police ultimately came up on y'all, isn't that
16 another location that y'all handle the lawn care aspect of?

17 A. Yes, sir, it is.

18 Q. So, when Scott drove to that area, he didn't actually
19 leave the, the neighborhood major vicinity, did he?

20 A. That's correct.

21 Q. He was still in an area that y'all were supposed to
22 meet Tommy at, right?

23 A. That's correct.

24 Q. And you were blowing leaves when all this happened.

25 So, you didn't see anything that happened, any stabbing or

1 anything that led up to the stabbing, did you?

2 A. That's correct.

3 Q. The only thing that you said you saw because -- was
4 your music up kind of loud? It had to be in order to --
5 over the blower, right?

6 A. That's correct.

7 Q. So, the only thing that you saw was a car you said
8 blur by?

9 A. That's correct.

10 Q. When you say that, do you mean because it was going
11 pretty fast?

12 A. That's correct.

13 Q. Was it uncommon for cars to go down that Heritage
14 Court pretty fast?

15 A. No, sir. It's, it's pretty common.

16 Q. Because is that kind of the main entry and exit to
17 that pretty large community back there?

18 A. That's correct.

19 Q. And from where the previous stop sign is up to where
20 y'all were working, there's a decent area for those cars to
21 build up speed and come around that corner, right?

22 A. Yes, sir.

23 Q. It's not uncommon for y'all to get hit while y'all are
24 blowing leaves, is it?

25 A. It's, it's never happened, but it's -- there's been a

J. WATTS - CROSS-EXAMINATION BY MR. MATHEWS

277

1 couple times where it's pretty close.

2 Q. But it's not uncommon for y'all's blowers to get
3 clipped or something like that?

4 A. It's not uncommon.

5 Q. Right. Has it happened to you?

6 A. No, sir, it hasn't.

7 Q. Has it happened to any of your coworkers while you've
8 been working with them?

9 A. Not that I'm aware of.

10 Q. But -- okay. When this car went by, wouldn't you say
11 that it was going faster than the posted -- in your opinion
12 -- faster than it would be going if it were going the speed
13 limit?

14 A. In my opinion, yes.

15 Q. But then you didn't witness anything that, that
16 happened after that -- or, excuse me, in terms of after the
17 car blew by, then you coming up and seeing Mr. Pacius on
18 the ground?

19 A. That's correct.

20 Q. You didn't witness any confrontation or anything
21 between him and Mr. Young?

22 A. No, sir.

23 Q. So, you don't know how he got on the ground?

24 A. No, sir.

25 MR. MATHEWS: Beg the court's indulgence.

1 (A PAUSE.)

2 BY MR. MATHEWS:

3 Q. Did Jason want to make sure that you called -- or
4 excuse me, Jason. Did Scott want to make sure that you
5 called y'all's boss and he knew what was going on?

6 A. I took it upon myself to call.

7 Q. But at some point, did he come up and ask you if he --
8 if you'd called Tommy or Tommy knew what was going on?

9 A. He was really quiet.

10 Q. But is it possible that he did that?

11 A. It's possible, but I do not recall.

12 Q. It's been four years. I get it, but, but you're not
13 saying that's impossible that that could have happened?

14 A. That's correct.

15 Q. Do you carry a knife on you when you're doing
16 landscaping?

17 A. Yes, sir.

18 Q. What kind of knife do you carry?

19 A. It's a set 3 inch blade.

20 Q. Is it one similar to what Scott carried?

21 A. No. The one he had was much larger.

22 Q. But the one you had was a fixed blade knife that you
23 kept on your belt, right?

24 A. That's correct.

25 Q. And you used it to cut pine straw bales and do

J. WATTS - CROSS-EXAMINATION / REDIRECT EXAMINATION

279

1 anything else that you needed to do?

2 A. Yes, sir.

3 Q. It's not uncommon for landscapers to carry knives and
4 use them in their line of work, is it?

5 A. That's correct.

6 Q. And you said that you're the -- what was your title?

7 A. Laborer.

8 Q. But now you're the supervisor? What did you call it?

9 A. Crew leader.

10 Q. Crew leader. Back then when that happened, Scott was
11 the crew leader, right?

12 A. That's correct.

13 MR. MATHEWS: All right. Thank you, Jason.

14 REDIRECT EXAMINATION BY MR. POTTS:

15 Q. I just want to clarify a couple of things, Mr. Watts.
16 You said it's not uncommon for the blower to be hit, but
17 you've never seen it happen nor had a coworker happen?

18 A. That's correct.

19 Q. Okay. So, that would be uncommon then?

20 A. Yes.

21 Q. Okay, and y'all were supposed to meet Tommy in that
22 cul-de-sac. Who's Tommy?

23 A. He's the, the boss, the owner of the company.

24 Q. Okay.

25 A. Lawnscaapes, LLC.

1 Q. So, when you're saying the man who signed your check
2 who you worked -- you were going to do what he said?

3 A. That's correct.

4 Q. Okay. That's Tommy and Tommy was going to meet y'all
5 there?

6 A. That's correct.

7 Q. Okay, and, in fact, at some point he does meet you
8 there?

9 A. That's correct.

10 Q. Okay.

11 MR. POTTS: Beg the court's indulgence.

12 (A PAUSE.)

13 BY MR. POTTS:

14 Q. You don't recall whether Scott, as you called him,
15 told you to tell Tommy anything, correct?

16 A. Can you restate the question?

17 Q. You called Tommy and told him about an incident,
18 correct?

19 A. That's correct.

20 Q. Okay. No more detail than that?

21 A. I just told him that something happened.

22 Q. Okay. Did you know any more than that?

23 A. I really didn't.

24 MR. POTTS: Thank you. No further questions.

25 MR. MATHEWS: Very, very briefly.

J. WATTS - RECROSS-EXAM / J. RICHBURG - DIRECT EXAM 281

1 RECROSS-EXAMINATION BY MR. MATHEWS:

2 Q. We're getting into the weeds back and forth of if you
3 went where Tommy said or not. Were you driving the truck
4 at that point in time?

5 A. No, sir, I was not.

6 Q. Did you have any control over where that truck was
7 going?

8 A. No, sir, I did not.

9 MR. MATHEWS: Thank you.

10 THE COURT: Thank you very much. Have a good day.

11 (THE WITNESS EXITS THE STAND.)

12 THE COURT: Who's next?

13 MR. SMITH: Your Honor, the state calls Jackie
14 Richburg.

15 THE COURT: Okay.

16 JACQUELYN RICHBURG, BEING DULY
17 SWORN, TESTIFIES AS FOLLOWS:

18 CLERK: Please have a seat. State your full name for
19 the record.

20 WITNESS: Jacquelyn Richburg.

21 MR. SMITH: Thank you, Your Honor.

22 DIRECT EXAMINATION BY MR. SMITH:

23 Q. Good afternoon, Ms. Richburg.

24 A. Good afternoon.

25 Q. Where do you work?

1 A. Columbia Richland 911 Communications.

2 Q. And what you do there?

3 A. I'm the interim director.

4 Q. What does that mean?

5 A. I am -- oversee the 911 staff and overseeing Freedom
6 of Information calls, complaints, and concerns.

7 Q. Do you have any other duties while you're there?

8 A. Yes. I assist with pulling the FOIs.

9 Q. Is one of your duties to oversee the 911 system?

10 A. Yes.

11 Q. Can you kind of describe to the jury how to 911 system
12 is set up?

13 A. So when calls come into the center, everything is
14 recorded from the phone calls to -- we call them closed
15 incident reports, and that's the report when the employees
16 type in information from the call.

17 Q. Are those automatically recorded?

18 A. Yes.

19 Q. Are these calls maintained as part of business records
20 of the organization?

21 A. Yes, they are.

22 Q. Are you a custodian of these records?

23 A. Yes.

24 MR. SMITH: Your Honor, permission to approach the
25 witness?

J. RICHBURG - DIRECT EXAMINATION BY MR. SMITH

283

1 Q. Ms. Richburg, I'm going to hand you what's been marked
2 as State's Exhibit Number 1.

3 A. Okay.

4 Q. Could you identify that?

5 A. Yes.

6 Q. Do you recognize it?

7 A. Yes, I do.

8 Q. What is it?

9 A. It's a CD of calls that we placed on, on CDs when we
10 send them out to the requesters.

11 Q. How many calls are on that CD?

12 A. Two.

13 Q. And are those your initials on the CD?

14 A. Yes.

15 Q. Do your initials on the CD indicate that you've had
16 the opportunity to listen to the recordings on it?

17 A. Yes.

18 Q. Do the 911 calls on that CD fairly and accurately
19 represent the 911 calls made on December 15, 2017, in this
20 case?

21 A. Yes.

22 MR. SMITH: Your Honor, at this point the state seeks
23 to introduce State's Exhibit 1 into evidence.

24 MR. MATHEWS: No objection.

25 THE COURT: All right, State's Exhibit Number 1 is

1 admitted without objection.

2 MR. SMITH: And. Your Honor. may I publish this
3 exhibit to the jury?

4 THE COURT: You may.

5 (DVD OF 911 CALLS MARKED INTO EVIDENCE AS STATE'S
6 EXHIBIT NUMBER 1.)

7 (WHEREUPON, STATE'S EXHIBIT NUMBER 1 IS PLAYED FOR THE
8 COURT. AUDIO IS NOT TRANSCRIBED.)

9 MR. SMITH: Your Honor, I have no further questions.

10 THE COURT: Cross-examination?

11 MR. MATHEWS: I don't have any questions for this
12 witness, Your Honor.

13 THE COURT: Ms. Richburg, thank you very much. Have a
14 nice day.

15 WITNESS: Thank you.

16 (THE WITNESS EXITS THE STAND.)

17 THE COURT: Who's next?

18 MR. POTTS: State calls Officer Labonte.

19 THE COURT: Come on up. Place your left hand on the
20 Bible. Raise your right hand.

21 DANIEL R. LABONTE, BEING DULY SWORN,
22 TESTIFIES AS FOLLOWS:

23 CLERK: Please have a seat. State your full name for
24 the record.

25 THE COURT: And if you would, please remove your mask.

D. LABONTE - DIRECT EXAMINATION BY MR. POTTS

285

1 Come up close to the mic. A little closer.

2 WITNESS: Good?

3 THE COURT: Tell me your name.

4 WITNESS: Daniel Richard Labonte.

5 THE COURT: All right. Great.

6 DIRECT EXAMINATION BY MR. POTTS:

7 Q. Officer Labonte, how are you doing?

8 A. Good, sir. How are you?

9 Q. All right. Officer, tell me, the jury a little bit
10 about where you're employed and what you do.

11 A. I'm currently employed with City of Columbia Police
12 Department. I've been assigned to the K-9 Unit going on
13 almost twelve years now.

14 Q. Okay. So, you've been with the K-9 Unit for twelve
15 years?

16 A. Going on twelve, yes, sir.

17 Q. Okay. Do you have a dog with you here today?

18 A. He's out in the truck. He's my second dog; my first
19 dog's retired.

20 Q. So, your first dog's retired. What does a law
21 enforcement dog do in retirement?

22 A. Couch potato, bonbons.

23 Q. And how do, how do you, how do you know what he does?

24 A. I pretty much -- what do you mean by that?

25 Q. Does he live with you?

D. LABONTE - DIRECT EXAMINATION BY MR. POTTS

286

1 A. He lives with me. He s, he's indoor now. He's got
2 the couch. He's got -- he can't climb on the bed. It's
3 too tall, but he's got several beds to lay on. He
4 basically lays around and sleeps almost like a baby again.

5 Q. So -- and you have a new dog, too?

6 A. Yes.

7 Q. Do they get along?

8 A. They actually do. They're both males, which surprised
9 me.

10 Q. Okay. How, how new is this new dog?

11 A. I've had him for roughly going on approximately three
12 years.

13 Q. Okay.

14 A. He'll, he'll be five in May.

15 Q. And so back 2017, December, you would have had the
16 retired dog?

17 A. Yes.

18 Q. What, what's his name?

19 A. Scooter.

20 Q. Scooter?

21 A. Yeah.

22 Q. So, what kind of dog is Scooter?

23 A. Scooter is a lab-shepherd mix.

24 Q. Okay. Where do y'all -- where does CPD get these
25 dogs?

D. LABONTE - DIRECT EXAMINATION BY MR. POTTS

287

1 A. Back then -- Scooter was actually a mistake. Somebody
2 was babysitting two of our K-9s and didn't watch them close
3 enough.

4 Q. Ah.

5 A. So, he had a brother that actually went upstate and we
6 kept Scooter, and he was assigned to me. Then we worked
7 together for ten years.

8 Q. So, Scooter comes from a proud heritage of CPD law
9 enforcement dogs?

10 A. Yes, yes.

11 Q. Okay.

12 A. Back then we got K-9s pretty much wherever we could.
13 A lot of them were donated to us. Now we actually go to
14 vendors and buy dogs that are bred specifically. My
15 current dog's a shepherd-malinois.

16 Q. Okay. Do you -- who trained Scooter?

17 A. We trained Scooter in-house; I trained with him. We
18 both were considered green, which means neither of us did
19 police K-9 work. So, we were green and kind of trained
20 together, and we were trained in-house by, back then, our
21 supervisors.

22 Q. Okay. So by December 2017, how long had Scooter been
23 on the force with you?

24 A. It would have been about seven years. I got him in
25 2010.

1 Q. Now, did you and Scooter happen to respond to an
2 incident on, on -- we're talking about here today?

3 A. Yes, sir.

4 Q. Okay. How does the K-9 get involved? How do you --
5 how does y'all's unit get involved in a case?

6 A. There's a couple different ways. One of the first
7 ways is if something -- what we get called toned out, which
8 means it's a, a very important call, something that's
9 usually high risk. Something in progress like a burglary
10 or something like that. Those we would automatically
11 respond to. Others we may get requested by supervisors on
12 the street.

13 Q. Okay. Do you recall how you got sent to this place?

14 A. It's -- not exactly, but considering the nature of it,
15 I probably responded.

16 Q. Okay. Now, what, what was your role when you
17 responded to Heritage Court that day? What were you trying
18 to do?

19 A. Essentially once we, once we discovered that a weapon
20 had been thrown, and my responsibility was to attempt to
21 locate that weapon.

22 Q. Okay.

23 A. Utilizing K-9 Scooter.

24 Q. I love that, K-9 Scooter. So, there have been
25 information about there being a weapon involved that had

D. LABONTE - DIRECT EXAMINATION BY MR. POTTS

289

1 been, I guess, somewhere where y'all could help out?

2 A. Yes. It was -- the weapon was initially reported as
3 being thrown along the creek bed, but the initial
4 information we'd gotten from the suspect was that it was
5 thrown on essentially the opposite side of the road. So,
6 while we were continuing to, to search this area, we got
7 more information that the weapon would actually probably be
8 on the other side of the road. However, obviously a creek
9 has two sides of the bed, and we were actually on the wrong
10 side conducting our search. And eventually -- if you went
11 me to continue?

12 Q. Yeah. Please continue.

13 A. Eventually what happened was other officers that were
14 on the opposite side of the creek actually end up locating
15 the weapon.

16 Q. So K-9 Scooter and you, y'all went out and y'all
17 didn't find it?

18 A. No, no. That -- it helps if we have more accurate
19 information as far as where the weapon might be. If, you
20 know, if, for instance, I'm told the weapon's in that back
21 corner, that's where we're going to use -- utilize the dog
22 to try to find them. We wouldn't necessarily come over
23 here, not until we exhausted the search area up there, and
24 then we would move and -- which is basically what we did as
25 we got more information. Unfortunately, the information

1 that day wasn't being -- you know, it's the old telephone
2 game. You know, this person gets it and passes it along.
3 By the time we get it, we may as well have sat in the car.

4 Q. Okay. So -- but you were there in the area when the
5 weapon was found?

6 A. I was actually right across the creek bed when the
7 other officers found it. So, I -- not to where I could
8 actually see it, but we're basically across from the creek,
9 but probably almost as close as you and I are.

10 Q. Okay. So, you were within eyesight of the guys who
11 found it when they found it?

12 A. Yes.

13 Q. I want to show you what's been marked as State's
14 Exhibits 18 through 23. Take a look at those and tell me
15 if you can identify what they are.

16 A. This first picture here ---

17 Q. Take a look at all of them first.

18 A. Okay.

19 Q. And then when you're done, just put them down. Look
20 up at me.

21 (A PAUSE.)

22 Q. Now, State's 18 through 23 are photographs, aren't
23 they?

24 A. Yes, they are.

25 Q. What are they photographs of?

D. LABONTE - DIRECT EXAMINATION BY MR. POTTS

291

1 A. It was either side of the creek bed where we conducted
2 our -- the, the second portion of the, of the K-9 search.

3 Q. Okay. So, not, not the side you searched first?

4 A. Correct.

5 Q. But when, when you got the corrected information, the
6 site you searched?

7 A. Correct.

8 Q. Both sides?

9 A. Yes.

10 Q. Okay.

11 MR. POTTS: At this time, Your Honor, I'd like to
12 offer ---

13 Q. Well, I guess, is it a true and accurate
14 representation of the area as it was on that date?

15 A. Yes.

16 Q. Okay.

17 MR. POTTS: At this time, Your Honor, I'd like to
18 offer into evidence State's Number -- Exhibits Number 18
19 through 23.

20 THE COURT: Any objection?

21 MR. MATHEWS: No, sir.

22 THE COURT: All right. Without objection, 18 through
23 23.

24 (PHOTOGRAPHS INDIVIDUALLY MARKED INTO EVIDENCE AS
25 STATE'S EXHIBIT NUMBERS 18, 19, 20, 21, 22, 23.)

1 MR. POTTS: Your Honor, may I ask the witness step
2 down for a minute?

3 THE COURT: Yeah. He just needs to keep his voice up,
4 please.

5 BY MR. POTTS:

6 Q. You mind stepping around this side, sir, and I'm going
7 to ask you to stand on the side of the board.

8 A. Okay.

9 Q. So that way your voice will project to the court
10 reporter.

11 THE COURT: All right, and you've got to take your
12 mask off.

13 WITNESS: Yes, sir.

14 BY MR. POTTS:

15 Q. Okay, what I'm showing you is State's Exhibit Number
16 18. Can you tell the jury what's depicted in this
17 photograph?

18 A. Yes. You can see right here this is actually me
19 standing on the creek bed. If you're -- the actual scene
20 is back this way, if I remember correctly, and if you're
21 standing this way here, the initial search was in this
22 area, which would be on the, the right-hand side of the
23 creek.

24 Q. And that's the right-hand side of the photograph as
25 well?

D. LABONTE - DIRECT EXAMINATION BY MR. POTTS

293

1 A. Yes.

2 Q. And if you don't mind, keep your volume up.

3 A. Okay. Yes.

4 WITNESS: You good, ma'am?

5 A. Okay, and then this side here is the, the left side of
6 the creek where we searched. We initially were searching
7 on this side, and the weapon was eventually found on the
8 opposite side. We were still considering -- conducting our
9 search going quite a ways back.

10 Q. And this would be the street that kind of cuts over
11 the creek?

12 A. Yes.

13 Q. Okay. Okay, this is State's Exhibit Number 19. Can
14 you tell the jury what's depicted in this photograph?

15 A. Yes, sir. On the previous photo, if I'm standing on
16 the roadway, this is going down the creek bed where we
17 conducted our search. So, essentially we started at the
18 roadway, worked our way down.

19 The information we had at that time was obviously that
20 the weapon would be on this side. So, that's where we
21 coordinated. Of course, we worked from this sidewalk,
22 working all the way up. Once we got by these fences, we
23 actually even went around the fence to conduct our search.
24 So, we, we, we tried to search as thoroughly as possible.

25 Q. Okay. Now, this next one is State's Number 19. So,

1 where was this picture taken?

2 A. Honestly, it's quite close up. I can't -- I believe
3 -- well, I, I don't want to assume anything. I know that
4 this is one of our ID techs, and she would be out there
5 collecting evidence. So, I would have to say that that
6 would be right around where the evidence was located.

7 Q. Okay. Is this from that path we saw in State's Number
8 19? Is this from the, the photograph taken from that path?

9 A. I, I believe it is. I believe it is.

10 Q. And keep your volume up a little bit more.

11 A. Yes. Yes.

12 Q. Okay. What can you tell me about the elevation
13 changes in this paragraph?

14 A. Obviously, the creek bed is, is about 2 to 3 feet
15 down. So, along the walkway it's fairly level, but then
16 as it goes to the creek bed, it, it kind of slopes down a
17 little bit. Some areas were is a little more drastic than
18 others, but it wasn't too bad to where you're going to slip
19 and fall or anything like that.

20 Q. Now, this is State's Number -- I'm not sure -- 21.
21 Can you tell the jury what this photograph depicts?

22 A. I'm not 100 percent sure. You can see I'm, I'm over
23 here in the photo. I believe this is when we're
24 approaching where the, the weapon was located and
25 discarded. And in further photo -- photos, you'll actually

D. LABONTE - DIRECT EXAMINATION BY MR. POTTS

295

1 see where I'm with the CSI tech.

2 Q. Okay. Now, in the center lower portion of the
3 photograph, what is that?

4 A. Water. That's, that's from inside the creek.

5 Q. Okay, and would you say this area is overgrown or neat
6 and tidy?

7 A. Extremely overgrown, extremely.

8 Q. Was that -- could that have been part of the reason
9 why y'all had trouble locating it or...

10 A. That in combination with the fact that we weren't ever
11 given a, a more precise search area. But, yes, it was
12 extremely difficult getting through there, especially --
13 but when you conduct article searches, we actually have our
14 dogs on a long 15-foot lead so they got a lot of room to
15 work independently so we're not standing over them. So, it
16 -- you end up having to shorten your lead so you have a
17 little more control over the dog, and we're not getting as
18 tangled up as we normally would on a 15-foot lead.

19 Q. Now State's 22, is that just more the overgrowth of
20 the creek?

21 A. Yes, yes, and you can see how densely dense it is. It
22 wasn't pleasant.

23 Q. Okay. Now let's go to State's 23. Now, who is that
24 handsome looking man on the left-hand side of the
25 photograph?

D. LABONTE - DIRECT EXAMINATION BY MR. POTTS

296

1 A. Several years younger, but that would be me, sir.

2 Q. Tell me a little bit more about what's happening in
3 this photograph.

4 A. Again, we've got one of the ID techs here. So, a lot
5 of times I'm, I'm allotted the time to kind of stay behind
6 scenes as the other officers clear up. So, what I like to
7 do is just try to make sure that I have as much information
8 as I can so when the ID techs get there, I can pinpoint
9 where evidence may be laying and assist them in collecting
10 everything so that they're not having to go through several
11 people to get the information.

12 So, this would be where the ID tech and myself are
13 actually in, in the woods. I'm -- I actually pointed out
14 where the evidence was so he could collect it.

15 Q. And the evidence we're talking about in this case is
16 the weapon?

17 A. Right.

18 Q. You can take your seat back. Thank you, sir. Officer
19 Labonte, after the weapon was found and picked up by the ID
20 tech, did you have other involvement in this case?

21 A. No, I did not.

22 Q. Okay. So, that photograph is one of the last things
23 you did before you left?

24 A. Yes.

25 MR. POTTS: No further questions, but please give

D. LABONTE - CROSS-EXAMINATION BY MR. MATHEWS

297

1 Scooter a belly rub for me, okay? I'd appreciate it.

2 WITNESS: Absolutely. Every day.

3 THE COURT: Cross?

4 MR. MATHEWS: Very briefly.

5 CROSS-EXAMINATION BY MR. MATHEWS:

6 Q. Officer, so you were on scene for about how long would
7 you say?

8 A. If I could refer to my notes real quick?

9 Q. That's fine, just approximately. Hours? Minutes?

10 A. Approximately two hours.

11 Q. During that time, did you talk to anybody who had any
12 knowledge or had seen anything that happened that led to
13 Mr. Pacius, the victim, being on the ground?

14 A. No, I did not, sir.

15 Q. So, you didn't, you didn't, yourself, talk to anybody
16 or know any story? You, yourself, don't know firsthand how
17 that happened?

18 A. I did not.

19 Q. You said that the area towards the creek that we
20 looked at in all the photos where that knife was ultimately
21 found, made a big point of saying was pretty -- very
22 overgrown, right?

23 A. It was.

24 Q. And you said that it was very -- the foliage was
25 pretty dense?

1 A. Yes.

2 Q. Correct? Excuse me, I didn't -- so, it wasn't real
3 easy to get actually down to the water in the creek, was
4 it?

5 A. It, it depends on where you were. It was -- I don't
6 know how to -- sparsely dense, I guess. But you could see
7 from the photo where -- that area from where the water was
8 up to, you know, a few feet wasn't as bad but when, when
9 you get in these woods, you get a lot of binding stuff, and
10 that's where it tends to get real dense, yeah.

11 Q. There are actually portions of that creek in that area
12 that were kind of a multi-foot drop off from kind of where
13 the bank was, right?

14 A. That's correct, sir.

15 MR. MATHEWS: Beg the court's indulgence.

16 (A PAUSE.)

17 Q. You, yourself, didn't recover the weapon, anything
18 like that?

19 A. No, sir, I did not.

20 Q. Okay.

21 MR. MATHEWS: Thank you. I don't have any further
22 questions.

23 MR. POTTS: Just a few questions, Your Honor. I, I
24 couldn't see. I apologize.

25 THE COURT: Okay.

D. LABONTE - REDIRECT EXAMINATION BY MR. POTTS

299

1 REDIRECT EXAMINATION BY MR. POTTS:

2 Q. But there are portions of that creek where it's
3 relatively easy to get down to the water?

4 A. Yes. Yes. Basically just like any other woods that
5 we end up either tracking a article search through, you
6 have areas of clearings. You have areas that are dense.
7 Some areas you actually have to go around. So, it's, I
8 mean, it's a wooded area, so it's -- it gets like that.

9 MR. POTTS: No further questions. Thank you.

10 WITNESS: Thank you.

11 MR. MATHEWS: No, sir.

12 THE COURT: Have a nice day.

13 WITNESS: Thank you, sir.

14 (THE WITNESS EXITS THE STAND.)

15 THE COURT: All right. are we at a good stopping
16 point?

17 MR. POTTS: Yes, Your Honor.

18 THE COURT: Okay. All right, ladies and gentlemen,
19 let's take our afternoon break. We've been going for an
20 hour and a half ballpark. So, do not discuss the case.
21 Keep an open mind about the case. You're still not allowed
22 to talk about the case in any way, shape, or form. We'll
23 take about a fifteen minute break. We'll see you back here
24 in about fifteen minutes.

25 Everyone else just stay seated while the jury is

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

302

1 we don't intend to call him. He tell -- told me he was
2 watching this. I did not ask him to come up here. He told
3 him he is sequestered. He is not to watch, and I don't
4 think there's any, any crossover between the -- he watched
5 some with Labonte, and I wanted to bring that to the
6 court's attention and Mr. Mathew's attention. I don't plan
7 on calling him, but I've instructed him he is sequestered
8 even though he is not to be called.

9 THE COURT: Okay. All right. Anything before we
10 bring them in?

11 MR. MATHEWS: No, sir.

12 MR. POTTS: Nothing from the state.

13 MR. MATHEWS: Thank you, Your Honor.

14 (THE JURY ENTERS AT 3:17 PM.)

15 THE COURT: Welcome back, ladies and gentlemen, and we
16 will continue now with the presentation of the state's
17 case, and the state may call their next witness.

18 MS. SAMPSON: State calls Investigator Schmidt.

19 THE COURT: Okay.

20 KEVIN SCHMIDT, BEING DULY SWORN,
21 TESTIFIES AS FOLLOWS:

22 CLERK: Please have a seat. State your full name for
23 the record.

24 DIRECT EXAMINATION BY MS. SAMPSON:

25 Q. State your name for the record.

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

303

1 A. Kevin Schmidt.

2 Q. Investigator Schmidt, where do you currently work?

3 A. I'm a crime scene investigator for Columbia Police
4 Department.

5 Q. And can you tell the jury, what is a crime scene
6 investigator?

7 A. A crime scene investigator, what I do is I go out to
8 the scene. I photograph the scene, document the scene. If
9 there is bloodstains, I document that. Excuse me. If
10 there's any projectile strikes, like a shooting that
11 occurred, I document that. Shooting reconstruction, crime
12 scene reconstruction.

13 Q. And how long have you been doing that?

14 A. I started that in 2017.

15 Q. Okay. Do you receive training in order to become a
16 CSI investigator?

17 A. Yes. We do a bunch of training. A lot of my training
18 -- my advanced training is more towards shooting
19 reconstruction, bloodstain pattern analysis, but we do get
20 basic crime scene stuff as well.

21 Q. So, you said you started in 2017. So, were you doing
22 crime scene investigation in December of 2017?

23 A. Correct.

24 Q. And how did you -- how do you become involved in a
25 case?

1 A. Generally what will happen is an incident will occur,
2 and then the supervisor on the street will contact the
3 Crime Scene Unit.

4 Q. And is that what happened in this case?

5 A. Correct.

6 Q. So, did you have any information, or how -- what did
7 you know about it when you go to the scene?

8 A. The only thing they tell us is an assault occurred.
9 They're very vague on what happens when we get out there.

10 Q. Is there a reason why they're so vague?

11 A. A lot of times, especially with me if I am doing
12 bloodstain analysis or shooting reconstruction, I don't
13 like to have any bias. So, when I go out there, I don't
14 like to hear what occurred. I like to try to figure it out
15 based on the physical evidence on scene.

16 Q. Okay. So, where did you first go when you get called?

17 A. When I first go, I go to the immediate scene.

18 Q. Okay, and in this case, where did you go?

19 A. Look at my notes real quick.

20 Q. And what are you referring to just so the jury knows?

21 A. My report that I typed up.

22 Q. And does looking at the report help refresh your
23 memory about what happened?

24 A. Yes.

25 Q. So, where did you go?

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

305

1 A. I responded to ■ Heritage Village Lane.

2 Q. Okay, and what did you first see when you got there?

3 A. When I first arrived, I saw a vehicle stopped in the
4 middle of the roadway with a bunch of suspected blood
5 around the vehicle.

6 Q. Was the, was the victim there when you got there?

7 A. No, they were not.

8 Q. Okay. So, what did you do when you first arrived?

9 A. When I first arrive, I walk around the scene, try to
10 take everything in, and then I start taking photographs of
11 the scene.

12 Q. I'm going to show you first.

13 (A PAUSE.)

14 Q. I'm going to show you what's been marked State's
15 Exhibits 32, 33, 34, 35, 30, 31, 7, 8, 9, 10, 24, 25, and
16 26. Just take a look at them. Don't show them to the jury
17 and tell me if you recognize those.

18 A. Yes.

19 Q. And in general, what are those photos of?

20 A. Photographs of the scene that I took.

21 Q. And do they fairly and accurately depict the scene as
22 you saw it back on December 15th of 2017?

23 A. Yes.

24 Q. Have they been altered in any way?

25 A. No, they have not.

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

306

1 MS. SAMPSON: At this time, Your Honor, I'd ask to
2 introduce into evidence State's Exhibits 30, 31, 7, 8, 9,
3 10, 24, 25, 26, 34, 32, 33, and 35 into evidence.

4 MR. MATHEWS: No objection.

5 THE COURT: All right. So, she's got to write all
6 this down.

7 MS. SAMPSON: Right.

8 THE COURT: 7, 8, 9, 10, 24, 25, 26, 30, 31, 32, 33,
9 34, 35?

10 MS. SAMPSON: Correct.

11 THE COURT: All admitted without objection.

12 MS. SAMPSON: Thank you, Your Honor.

13 (PHOTOGRAPHS INDIVIDUALLY MARKED INTO EVIDENCE AS
14 STATE'S EXHIBIT NUMBERS 7, 8, 9, 10, 24, 25, 26, 30, 31,
15 32, 33, 34, 35.)

16 BY MS. SAMPSON:

17 Q. I'm also, before we get started going to show you,
18 just to make it simpler, State's Exhibit 44, 45, 52, 53,
19 54, 55, 56, 57, and 58 and ask if you recognize those.

20 A. Yes, I do.

21 Q. And do those photographs fairly and accurately depict
22 the vehicle in the area around the incident location?

23 A. Correct.

24 Q. Have they been altered in any way?

25 A. No.

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

307

1 MS. SAMPSON: At this time, we'd also ask to introduce
2 State's Exhibits 44, 45, 53, 54, 55, 56, 57, 58, and 52,
3 skipped one, into evidence.

4 THE COURT: Let me go back. 44, 45, 52, 53, 54, 55,
5 56, 57?

6 MS. SAMPSON: And 58.

7 THE COURT: Mr. Mathews?

8 MR. MATHEWS: No, no objection, Your Honor.

9 THE COURT: All right, admitted without objection.

10 MS. SAMPSON: Thank you.

11 (PHOTOGRAPHS INDIVIDUALLY MARKED INTO EVIDENCE AS
12 STATE'S EXHIBIT NUMBERS 44, 45, 52, 53, 54, 55, 56, 57,
13 58.)

14 BY MS. SAMPSON:

15 Q. Now if you could step down, and I'll just ask you to
16 keep your voice up, and if you'll stand on that end. All
17 right, so this exhibit, what does this depict, State's
18 Exhibit 53?

19 A. This is going to be the entrance of the neighborhood
20 with Broad River being here.

21 Q. Are you pointing to the bottom of that, Broad River
22 Road?

23 A. Correct.

24 Q. And State's Exhibit 54?

25 A. This is going to be the street where the vehicle was

1 stopped and the curvature going up.

2 Q. And on this one, where is Broad River Road?

3 A. Broad River Road is going to be south.

4 Q. So, the bottom?

5 A. Correct.

6 Q. And State's Exhibit 55?

7 A. This is the same road going towards Broad River Road.

8 Q. And where is Broad River Road in this picture?

9 A. Broad River Road is going to be right here.

10 Q. Okay. Sort of the middle of the photograph?

11 A. Correct.

12 Q. And State's Exhibit 57?

13 A. This is the same. Straight and the curvature, and
14 Broad River Road is going to be towards the middle heading
15 away.

16 Q. Can we really see it in this photograph?

17 A. No, you cannot.

18 Q. All right, and this is State's Exhibit 7. What does
19 this show?

20 A. This shows a bunch of pooling of blood that has gone
21 and trailed down towards the edge of the road.

22 Q. State's Exhibit 8?

23 A. This looks like -- it appears to be a pattern
24 transferring blood of a possible shoe.

25 Q. And what do you mean by a pattern transfer?

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

309

1 A. Pattern transfer, if you think of -- if you've ever
2 painted anything and you step your foot in paint and you
3 step somewhere else, how you have a pattern of your shoe is
4 now in the paint. Well, the blood reacts the same way as
5 that does. So, if you step in the blood, when you step on
6 another surface, it's going to put a pattern.

7 Q. State's Exhibit 9?

8 A. That's going to be a lot of bleeding. Looks like
9 heavy volume. You can tell by the heavy volume in this
10 area right here.

11 Q. And you're pointing towards the middle of the photo.
12 Is this the only place that you saw blood besides where you
13 took the picture of the running blood?

14 A. Correct.

15 Q. This, and where is the car in relationship to this?

16 A. The car is going to be right here.

17 Q. Is that, in fact, the car's shadow?

18 A. Correct.

19 Q. State's Exhibit 10?

20 A. This is a different angle. You have that high volume
21 I was talking about right here. You have the pooling that
22 flows through here. Another pattern you can actually see
23 is these marks right here where it looks like EMS had
24 wheeled the victim away.

25 Q. And you pointed out some blood here. Did you find

1 blood anywhere else in this, in this scene?

2 A. I did not. It looks like blood stopped right here,
3 and then there's nothing this way.

4 Q. Nothing behind the car?

5 A. Correct.

6 Q. And now State's Exhibit 24, what is this?

7 A. This is a wooded area next to a creek where officers
8 have pointed out that they had located the knife.

9 Q. And we didn't talk about this when you were on the
10 stand. Did you go to this area?

11 A. I did.

12 Q. And why did you go to this area?

13 A. Once they notified me that they had found the possible
14 weapon involved, I go and take photographs of where it's at
15 and collect it.

16 Q. And how did you know where to go?

17 A. They advised me where it was located.

18 Q. Okay. Did they tell you anything about the knife?

19 A. No.

20 Q. And what does State's Exhibit 25 show?

21 A. It's a closeup picture of the knife, how I would have
22 found it.

23 Q. And you said it's how it was found?

24 A. How it was found.

25 Q. State's Exhibit 26?

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

311

1 A. That's a picture of me taking it out of the sheath,
2 looking to see if I can find any blood or anything on it.

3 Q. And we're going to come back and talk about that in
4 just a little bit, but I just want to talk about the
5 photographs. Who's hand is this in the photograph?

6 A. That is my hand.

7 Q. And what is State's Exhibit 30?

8 A. Some more of the pooling of blood.

9 Q. And again, where was this?

10 A. Next to the vehicle.

11 Q. And State's Exhibit 31?

12 A. Same picture, different angle, with the pooling and
13 then it flowing down.

14 Q. State's 32?

15 A. That's a far away picture of the vehicle and then the
16 blood, suspected blood.

17 Q. And did you find any blood behind the car?

18 A. I did not.

19 Q. Any spots anywhere?

20 A. No.

21 Q. And State's 33?

22 A. This is a more farther back picture of the vehicle.

23 Q. And so you're -- are you taking these photographs?

24 A. I am.

25 Q. And so did you find any blood here in the leaves?

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

312

1 A. I did not.

2 Q. If you have found some, what would you have done?

3 A. I would have taken photographs of it.

4 Q. And was there any blood walking up towards the car?

5 A. No, there was not.

6 Q. And let me ask you this. Did you see any skid marks?

7 A. I did not.

8 Q. If you had seen any, what would you have done?

9 A. I would've taken photographs of it. That's another --
10 and if, if we talk about with this picture, that's another
11 reason I like doing this picture as well. So, if there
12 were skid marks, you could actually see them align with the
13 vehicle.

14 Q. And what is state's Exhibit 34?

15 A. It's another picture of the knife where it looked like
16 I saw some moisture or some water on the blade of the
17 knife.

18 Q. And so is that where we kind of see, like, looks like
19 a little darker gray?

20 A. Correct.

21 Q. And, and was, was that liquid?

22 A. I believe it was water or some type of moisture.

23 Q. And what is State's 35?

24 A. Farther back picture of where the vehicle was and
25 where the pile of leaves were located.

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

313

1 Q. And again, did you see any blood on -- almost on the
2 lower side of the leaves?

3 A. I did not.

4 Q. Did you see any blood on the upper portion of the
5 leaves?

6 A. I did not.

7 Q. And in the middle, did you see any?

8 A. I did not.

9 Q. And what is State's Exhibit 44?

10 A. It's a picture the driver's seat of the victim's
11 vehicle.

12 Q. And how did you get to do this? Where were you at
13 when you did this?

14 A. At our office on Bluff Road.

15 Q. Where was the car? How did it get there?

16 A. It was towed.

17 Q. And is that normal for it to be towed to headquarters
18 or wherever it goes?

19 A. Yeah. We tow it to Bluff Road where it's a secure
20 facility so no one can mess with it or anything like that
21 before we get the search warrants to do on the vehicle.

22 Q. Okay, and so this photograph was taken of the inside
23 of the vehicle?

24 A. Correct.

25 Q. And 45?

1 A. Another picture, just farther away, of the driver's
2 seat.

3 Q. And was there any blood in the inside of the car?

4 A. No. That's -- what I, what I try to do with these
5 pictures, I try to document any blood or anything like that
6 that could show anything.

7 Q. Did you find anything on the inside of the door?

8 A. I did not.

9 Q. Stay right there. Now I want to go back to -- this
10 will be -- if I can make it bigger. Sorry, let me try --
11 State's Exhibit 52, what does it show?

12 A. This is an overhead view of the scene.

13 Q. And you put markings on here. What is this red box?

14 A. The red box is where the vehicle was located.

15 Q. And what is the blue dot?

16 A. The blue dot to where the pile of leaves were located.

17 Q. And the star?

18 A. The star is where the knife was located.

19 Q. Okay, and this is all in this one picture or aerial
20 shot?

21 A. Correct.

22 Q. Who put these markings on there?

23 A. I did.

24 Q. You can have a seat. I'm going to back up a little
25 bit and talk about some things that you brought up. So,

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

315

1 initially you went to the car in that area and took
2 pictures?

3 A. Correct.

4 Q. And I think you told the jury at some point you were
5 told go to the creek area, the wooded area?

6 A. Correct.

7 Q. And what was located in the wooded area?

8 A. A knife was located.

9 Q. And I think you already said this, but you took
10 photographs of it?

11 A. Correct.

12 Q. Did you do anything else with it?

13 A. What I did with it, since I did not see any suspected
14 blood on it, we have what's called a hemostick which tests
15 for hemoglobin. So, it's the protein found in blood. I
16 swabbed the blade of the knife used the test, which came
17 back positive for hemoglobin.

18 Q. So, I want to understand this. When we looked at the
19 photograph, I didn't see any blood.

20 A. Correct.

21 Q. So, how do you figure out that there is blood if you
22 can't see it?

23 A. It's any trace amounts of blood. So, there's a bunch
24 of different forensic stuff. Like, there's stuff like Blue
25 Star where if someone cleaned away blood, we can spray it

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

316

1 on there and see blood. Or there's stuff like hemosticks
2 where if someone wipes something off, there's any trace
3 hemoglobin on the item, it can test positive.

4 Q. And so this knife tested positive for blood?

5 A. Correct, for the hemoglobin, the protein.

6 Q. Okay, and did you collect that knife?

7 A. I did.

8 Q. Did you put it into property?

9 A. Correct.

10 Q. Going to show you what's been marked as State's
11 Exhibit 27. Do not show it to anyone. Just open it and
12 tell me if you recognize it.

13 A. I do.

14 Q. And what is it?

15 A. It is the knife I had located -- or that I had
16 collected and tagged.

17 Q. And has it been altered or changed in any way?

18 A. It has not.

19 MS. SAMPSON: At this time, Your Honor, I'd ask to
20 introduce State's Exhibit 27 into evidence.

21 MR. MATHEWS: No objection.

22 THE COURT: 27 without objection.

23 (KNIFE MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
24 27.)

25 BY MS. SAMPSON:

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

317

1 Q. Is it still locked? So, can you take it out and show
2 the jury what you collected, and is that the condition or
3 what it looked like that day?

4 A. Correct.

5 Q. And was it in that sheath when you found it?

6 A. Correct.

7 Q. Okay. Thank you, and that's the same knife you tested
8 and found blood?

9 A. Correct.

10 Q. And in the picture that was wet, that's the same
11 knife?

12 A. Correct.

13 Q. So, after you did that at the scene, what was your
14 next step?

15 A. After I collected the evidence on scene and took
16 photographs, I ended up going to the autopsy.

17 Q. And I don't want you to go into any details, but did
18 you take photographs?

19 A. I did.

20 Q. Were you able to collect any of the items from the
21 victim?

22 A. I did collect items from the victims.

23 Q. What did you collect?

24 A. Fingernail scrapings for both hands, fingerprints,
25 palm prints, the clothing the victim was wearing.

K. SCHMIDT - DIRECT EXAMINATION BY MS. SAMPSON

318

1 Q. Any weapons?

2 A. No.

3 Q. Any sheaths for a knife?

4 A. No.

5 Q. Gun holster?

6 A. No.

7 Q. What did you do with the items you collected?

8 A. We take them, tag them into our property room.

9 MS. SAMPSON: Beg the court's indulgence.

10 THE COURT: Yes, ma'am.

11 (A PAUSE.)

12 BY MS. SAMPSON:

13 Q. All right, and I want to go back to the scene. Did
14 you take any measurements on scene?

15 A. I did not. If I did, they were rough measurements.

16 Q. Did you look to see how far the car was from the
17 leaves?

18 A. I think I may have gone on Google Maps and done the
19 measurement through there.

20 Q. And do you remember how far it was?

21 A. I do not.

22 MS. SAMPSON: Nothing further, Your Honor.

23 THE COURT: Cross-examination? Do you need the board,
24 or are you okay?

25 MS. SAMPSON: Do you need the board?

K. SCHMIDT - DIRECT EXAMINATION / CROSS-EXAMINATION 319

1 MR. MATHEWS: I, I don't think so. I think if I need
2 to, I can just point to the pictures over there. I'm fine.

3 THE COURT: You're more than welcome to do it either
4 way.

5 MS. SAMPSON: Either way.

6 MR. MATHEWS: That, that's fine with me. Are we using
7 gloves with that knife or -- I, I don't want to do anything
8 improper.

9 THE COURT: We can.

10 MR. MATHEWS: I don't mind. I just didn't see it done
11 previously. I didn't want to cause any problems.

12 THE COURT: Jackie, do we have gloves?

13 MS. SAMPSON: They're, they're up here. Oh, no,
14 they're not. We had some.

15 THE COURT: We have some gloves if you would like
16 them.

17 MS. SAMPSON: We have some right here.

18 MR. MATHEWS: I just didn't want to ---

19 MS. SAMPSON: It's my fault.

20 MR. MATHEWS: --- contaminate anything.

21 CROSS-EXAMINATION BY MR. MATHEWS:

22 Q. All right, Investigator Schmidt, how long you been
23 working with the city?

24 A. I, I started in 2009.

25 Q. Are you the only crime scene tech or crime scene

K. SCHMIDT - CROSS-EXAMINATION BY MR. MATHEWS

320

1 investigator, excuse me, whichever. Which would you prefer
2 to be called? Is there a difference?

3 A. No, sir, there's no difference.

4 Q. Were there any other crime scene investigators,
5 technicians out on this scene with you that day?

6 A. Yes, one.

7 Q. And who was that?

8 A. Tara Watson.

9 Q. And what was her role in this? Similar to yours?

10 A. She was there just to assist me if I needed any
11 assistance.

12 Q. So, she was with you the entire time essentially?

13 A. Essentially but not mirroring or hovering over me.

14 Q. And you went around, took pictures of the area, and
15 took pictures where investigators told you to, correct?

16 A. Correct.

17 Q. And you collected evidence that you were told to
18 collect, correct?

19 A. Correct.

20 Q. And you swabbed and took swabs from items that
21 investigators told you to take, right?

22 A. Correct.

23 Q. Did you decide what items to swab on your own
24 volition, or were you going under the direction of the
25 investigators? I'm just curious as to how much leeway you

K. SCHMIDT - CROSS-EXAMINATION BY MR. MATHEWS

321

1 kind of have.

2 A. If I feel there's something that I need to swab, I
3 have the privilege to do so.

4 Q. At the time that you got to the scene, there had
5 already been a number of people through that crime scene,
6 hadn't there?

7 A. Correct.

8 Q. I know you weren't there but to your knowledge, you
9 said you could see EMS had been there?

10 A. Correct.

11 Q. Do you know that the fire department has also been
12 there?

13 A. I do not recall.

14 Q. Do you know that multiple vehicles had already driven
15 through the crime scene, to include the ambulance and
16 police cars?

17 A. I do not know.

18 Q. Because you weren't there to secure the crime scene or
19 anything like that, right?

20 A. Correct.

21 Q. You just kind of take it as you get it when you get
22 there?

23 A. Right.

24 Q. But at least from what you could tell in terms of the
25 -- seeing where something had rolled through there that the

1 crime scene had been somewhat compromised by outside
2 factors from when it, the incident, happened?

3 A. Correct.

4 Q. Now, your testimony was -- what information were you
5 given that would make you go back and take pictures of the
6 leaf pile and look for blood in between there back with the
7 leaves?

8 A. I was advised that the leaf blower had hit the vehicle
9 by the pile of leaves. So, I went back to where that was
10 to take photographs.

11 Q. And I'll get back to the leaf blower in a few minutes,
12 but to -- back with that pile, at the leaf file, it was a
13 pretty large pile of leaves, wouldn't you say?

14 A. Correct.

15 Q. And it wasn't possible for you to get down and check
16 each individual leaf to see if there was blood on every
17 leaf. That would have taken hours?

18 A. Correct.

19 Q. So, you didn't do that?

20 A. Correct.

21 Q. You just kind of did a cursory search, look through.
22 Don't see any blood, right?

23 A. We did go through it extensively, but we didn't flip
24 over every leaf.

25 Q. And -- but, but your testimony was that you didn't see

K. SCHMIDT - CROSS-EXAMINATION BY MR. MATHEWS

323

1 any?

2 A. Correct.

3 Q. And clearly you weren't able to take every leaf and
4 test it for hemoglobin like you were ---

5 A. Correct.

6 Q. --- the, the knife?

7 A. Correct.

8 Q. But -- so, your testimony was to your, to your eye and
9 to your investigation, you didn't see anything there?

10 A. Correct.

11 Q. When you did go to get the knife, it was in, I guess,
12 what we're describing kind of as a sort of sheath?

13 A. Correct.

14 Q. And this sheath, I mean, I know you didn't actually
15 make it. What kind of material would you say that is?

16 A. I'm not an expert in material, but I would assume it's
17 maybe nylon.

18 Q. Some kind of nylon, canvas, something like that?

19 A. Correct.

20 Q. But something, like, semi-porous, wouldn't you say?

21 A. Correct.

22 Q. Something that could transfer blood if, if blood
23 rubbed against it, right?

24 A. Correct.

25 Q. And at least in the picture, we did see there you took

1 the knife out of the sheath yourself, right?

2 A. Correct.

3 Q. And we don't know how many times the knife was taken
4 in and out of the sheath in between when it was tossed or
5 even after the, the incident had happened, right? At, at
6 least one, to your knowledge?

7 A. At least when I opened it.

8 Q. And it had to at least have been put back in there
9 after the stabbing, after that happened, right?

10 A. Correct.

11 Q. Did you swab inside the sheath to see if there was any
12 blood in there, any hemoglobin?

13 A. I did not.

14 Q. So, that was never done. So, we don't know if there's
15 any in there?

16 A. I do not know.

17 Q. Getting back to the leaf blower, you said you, you
18 were made aware that the -- that a leaf blower may have
19 been hit, right?

20 A. The vehicle was hit by the leaf blower, correct.

21 Q. And did you...

22 MR. MATHEWS: I'm going to have to go through my
23 pictures in just a minute, Judge, and find one. I will get
24 back to that in a few minutes.

25 Q. Did you take pictures of the vehicle?

K. SCHMIDT - CROSS-EXAMINATION BY MR. MATHEWS

325

1 A. I did.

2 Q. Did you see any marks on the vehicle that could have
3 been potential impact from a leaf blower?

4 A. I was pointed out by investigators of a mark that
5 could have been an impact.

6 Q. But those haven't been introduced into evidence yet,
7 have they?

8 A. They have not.

9 Q. Did you take pictures of the leaf blower itself back
10 on the, the work truck?

11 A. I do not recall.

12 Q. Do you know if there were pictures taken of the leaf
13 blower back at the truck? I'm showing you what's been
14 marked as State's Exhibit 39. Do you recognize that?

15 A. Yes.

16 Q. Is that a picture that you took?

17 A. I...

18 (A PAUSE.)

19 MR. MATHEWS: Judge, as he's looking, if I can look
20 through my photos as well, too?

21 THE COURT: Yes, sir.

22 (A PAUSE.)

23 BY MR. MATHEWS:

24 A. I did not.

25 Q. You didn't take that photo?

1 A. I do not have recollection of it.

2 Q. Well, clearly somebody associated with the City of
3 Columbia did.

4 A. Correct.

5 Q. Do -- did you go to this area at all? Do you recall
6 where this car was?

7 A. I cannot recall.

8 Q. Are you the only one who collected evidence on the
9 scene?

10 A. Correct.

11 Q. Do you know ---

12 A. From my knowledge.

13 Q. --- who any of these leaf blowers belong to on this
14 car?

15 A. I do not.

16 Q. But you were given information the leaf blower may
17 have been hit by the vehicle?

18 A. Correct.

19 Q. Did you take any pictures of any of these leaf blowers
20 that are on here?

21 A. I did not.

22 Q. Did you take any pictures to look and see if there was
23 any damage that could corroborate a story that a leaf
24 blower had been hit with a vehicle?

25 A. I did not.

K. SCHMIDT - CROSS-EXAMINATION BY MR. MATHEWS

327

1 Q. Did you even take the leaf blower into evidence so we
2 could look at it here today?

3 A. I did not.

4 Q. Do you know where that leaf blower is today?

5 A. I do not.

6 Q. It's not here for us to look at it to see if there is
7 even a possibility that it got hit by a car, correct?

8 A. Correct.

9 MR. MATHEWS: I'm sorry. I need to mark these.

10 THE COURT: Okay.

11 (PHOTOGRAPHS INDIVIDUALLY MARKED AS DEFENDANT'S
12 EXHIBIT NUMBERS 1, 2, 3, 4 FOR IDENTIFICATION.)

13 MR. MATHEWS: And I've already shown these to Ms.
14 Sampson, Your Honor.

15 BY MR. MATHEWS:

16 Q. Investigator, I'm going to show you what's been marked
17 as Defense Exhibits 1 through 4. Can you tell me if you
18 recognize those? Don't tell me what's in it, just if you
19 recognize them.

20 A. Yes.

21 Q. This is what you took?

22 A. Correct.

23 Q. Is that a fair and accurate description of the scene
24 and what it looked like on that day when you took those
25 photographs?

1 A. Correct.

2 MR. MATHEWS: Your Honor, at this point in time I
3 would offer those as Defense's 1 through 4.

4 MS. SAMPSON: Your Honor, I don't have any objection,
5 but they actually need to be renumbered. We can do it
6 later, but they have to have a different number.

7 MR. MATHEWS: However we need to handle it, that's
8 fine.

9 THE COURT: We can get them renumbered later.

10 MR. MATHEWS: Yes, sir.

11 THE COURT: But right now we'll mark them with that
12 and then we'll put in the record later what the correct
13 number is.

14 MS. SAMPSON: Thank you.

15 THE COURT: But no objection.

16 MS. SAMPSON: No objection, Your Honor.

17 THE COURT: Defense 1 through 4, which will be
18 renumbered later, admitted without objection.

19 BY MR. MATHEWS:

20 Q. All right, I'm showing you what's Defendant's Number
21 4. What car -- or what vehicle is that?

22 A. That's the victim's vehicle.

23 Q. And what can you kind of see around the wheel well
24 here that you zoomed in on and we'll look at in these other
25 photos?

K. SCHMIDT - CROSS-EXAMINATION BY MR. MATHEWS

329

1 A. That appears to be some damage to the vehicle.

2 Q. Showing you Number 3. What is that a zoomed in
3 portion of?

4 A. Getting closer to the damage on the vehicle.

5 Q. Of the victim's vehicle, correct?

6 A. Correct.

7 Q. On the wheel well on the side on the other, other side
8 of the car from where the body was found?

9 A. Correct.

10 Q. Number 2, can you tell me what that is?

11 A. It's an closer shot of it.

12 Q. Damage to the paint of the vehicle?

13 A. Correct.

14 Q. From where, could have been from where the vehicle
15 made contact with something, correct?

16 A. Correct.

17 Q. Number 1?

18 A. Correct.

19 Q. Another closeup shot of that damage, right?

20 A. Correct.

21 Q. But you didn't take any pictures of the blower to look
22 and see if there was any damage that could have been
23 consistent so we could prove that a story was correct or
24 incorrect, did you?

25 A. Correct.

K. SCHMIDT - CROSS-EXAMINATION BY MR. MATHEWS

330

1 Q. And those pictures weren't offered in evidence by the
2 state, were they?

3 MS. SAMPSON: Objection, Your Honor.

4 THE COURT: Overruled. He can answer the question.

5 You may answer that question.

6 BY MR. MATHEWS:

7 A. Correct.

8 Q. Were you also present when a search warrant was done
9 of the victim's vehicle?

10 A. Correct.

11 Q. Did you recover a number of items from the vehicle
12 that were taken into evidence?

13 A. Correct.

14 Q. What's the first item that you recovered from there?

15 A. First item recovered was a clear black -- plastic bag
16 containing green ---

17 MS. SAMPSON: Objection, Your Honor.

18 A. --- plant-like material.

19 THE COURT: What's the objection?

20 MS. SAMPSON: Relevance. We can come approach.

21 THE COURT: Yeah. I don't know what it is, so
22 somebody needs to ---

23 MR. MATHEWS: I've got it right here. I can show you.

24 THE COURT: Just let me see it.

25 (OFF-THE-RECORD BENCH CONFERENCE.)

K. SCHMIDT - CROSS-EXAMINATION BY MR. MATHEWS

331

1 THE COURT: We'll put that on the record at the next
2 break.

3 MR. MATHEWS: Yes, sir. May I repeat the question,
4 have him answer?

5 THE COURT: Yes, sir, you may.

6 BY MR. MATHEWS:

7 Q. Tell me the first item that you recovered from the
8 victim's vehicle.

9 A. The first item is going to be a clear plastic bag
10 containing green, plant-like material consistent to
11 marijuana.

12 Q. Did that ever get sent for testing? Do you know?

13 A. I do not know.

14 Q. But that's just all you put in there, that it was
15 consistent with marijuana?

16 A. Correct, because I can't tell 100 percent without
17 testing.

18 Q. Sure.

19 MR. MATHEWS: Beg the court's indulgence.

20 THE COURT: Sure.

21 (A PAUSE.)

22 MR. MATHEWS: Thank you. I don't have any further
23 questions.

24 THE COURT: All right, redirect?

25 MS. SAMPSON: Yes, sir.

1 REDIRECT EXAMINATION BY MS. SAMPSON:

2 Q. Investigator Schmidt, he asked you about a clear
3 plastic bag. Is there any way for you to tell how long it
4 had been in that car?

5 A. No.

6 Q. He asked you about not taking the leaf blower into
7 evidence. What, if any, information did you have that
8 those were the leaf blowers that were involved in this
9 incident?

10 A. None.

11 Q. He asked you about the photographs that he introduced.
12 What, if any, evidence did you have that these marks came
13 from a leaf blower?

14 A. Just an investigator advising me could be from the
15 leaf blower.

16 Q. Were you provided any information as to where the car
17 was hit?

18 A. No.

19 Q. Were you provided any information whether it was the
20 left side or the right side?

21 A. No.

22 Q. What about whether it was the front or the back?

23 A. No.

24 Q. And he just asked you about the fact that we did not
25 put it in. Are you our only witness?

K. SCHMIDT - REDIRECT EXAM / RECROSS-EXAM

333

1 A. Not that I'm aware of.

2 Q. Now, when you are out there, what is the goal of your
3 job?

4 A. The main goal of my job is to document the scene, how
5 it is, and if there is any physical evidence, that I can
6 document it or collect it.

7 Q. Does it help to have information?

8 A. Correct.

9 Q. And as you said, you didn't have information when you
10 saw that truck as to what blower was used, correct?

11 A. Correct.

12 Q. Any information at all that those, as you sit there,
13 that those were the leaf blowers -- were the ones that the
14 defendant had that day?

15 A. I have no clue.

16 MS. SAMPSON: No further questions, Your Honor.

17 MR. MATHEWS: Just real briefly.

18 RECROSS-EXAMINATION BY MR. MATHEWS:

19 Q. You only went on information that you got from the
20 police, correct?

21 A. Correct.

22 Q. Nobody ever came and asked Scott, or you didn't, at
23 least to your knowledge, is this your leaf blower? Can you
24 point me to where your stuff is? You didn't ask him that,
25 did you?

W. MONTGOMERY - DIRECT EXAMINATION BY MR. SMITH

334

1 A. No.

2 MR. MATHEWS: Thank you. I don't have anything else.

3 THE COURT: Okay. Thank you very much. You can step
4 down.

5 (THE WITNESS EXITS THE STAND.)

6 THE COURT: All right, call your next witness.

7 MR. SMITH: Thank you, Your Honor. State calls
8 Investigator Montgomery.

9 WAYNE H. MONTGOMERY, BEING DULY
10 SWORN, TESTIFIES AS FOLLOWS:

11 CLERK: Please have a seat. State your full name for
12 the record.

13 WITNESS: My name is Wayne Hugh Montgomery.

14 MR. SMITH: Thank you, Your Honor.

15 DIRECT EXAMINATION BY MR. SMITH:

16 Q. Well, former Investigator Montgomery. Where do you
17 work now?

18 A. I currently work at the Columbia Police Department.
19 I'm assigned to the Violent Crimes Against Persons
20 Division. I was promoted to the rank of sergeant.

21 Q. How long have you been a sergeant?

22 A. One week.

23 Q. Congratulations. Back in December of 2017, what was
24 your rank?

25 A. Investigator. I've been an investigator since 2006.

W. MONTGOMERY - DIRECT EXAMINATION BY MR. SMITH

335

1 Q. So, spent been about eleven years as an investigator
2 at that point?

3 A. Yes.

4 Q. What were your duties as an investigator?

5 A. Being assigned to the same division I am now, we
6 generally investigate crimes against persons, which could
7 be assault, armed robberies, anything of that nature.
8 Thefts, which would -- or would include murders, shootings,
9 things of that nature.

10 Q. Do you have any extra training as an investigator as
11 opposed to being a road cop?

12 A. I've taken several courses on interviews, homicide
13 classes, various other trainings, to include firearms
14 training, domestic violence training, general updates, but
15 those are some of the advanced classes I've took.

16 Q. And just -- I know you can't give me an exact number
17 of this, but a ballpark figure. About how many homicides
18 as an investigator do you think you've investigated?

19 A. It's been several. I would -- as the lead, it's been
20 over thirty. As an assistant, probably about double that
21 amount totally over my career, and various other deaths or
22 suicides or other death investigations.

23 Q. As an investigator, how are you called out to a scene?

24 A. Generally the supervisor gives us a call that there's
25 a suspicious death or suspected foul play, and we respond.

1 Q. So, you're not driving around waiting, you know, for a
2 radio call. You get called on the phone?

3 A. Correct. This time I was called on the telephone.

4 Q. Were you working on December 15th of 2017?

5 A. Yes.

6 Q. Were you called out to the scene in this case?

7 A. Yes. I believe at the time Sergeant Thomas was the
8 sergeant. He gave me a telephone call on a city-issued
9 cell phone, and we responded to the location.

10 Q. And do you remember what the address was?

11 A. I know it was right in the Harbison area. Not sure
12 the exact address at the moment.

13 Q. And what county is that in?

14 A. Richland County, within the city limits of Columbia.

15 Q. Did you go out there as the lead investigator or
16 assisting?

17 A. I was an assisting investigator at the time.

18 Q. Okay. Who was the lead investigator?

19 A. Investigator Christian Ross was the lead investigator
20 at the time in this case.

21 Q. When you got to the scene, what did you see?

22 A. At the time, I believe we had some staff of the lawn
23 company present. There may have been a pool of blood on
24 the scene, a vehicle, I believe. So, there was some items
25 there also. There was other residents in the area that we

W. MONTGOMERY - DIRECT EXAMINATION BY MR. SMITH

337

1 wanted to make -- attempt contact with to see if there was
2 any other witnesses.

3 Q. Was the victim still there when you arrived?

4 A. No. The victim was not present upon my arrival.

5 Q. He had already been taken by EMS?

6 A. Yes, for emergency medical treatment.

7 Q. You said you saw some blood. Where was it?

8 A. I believe the blood was on, on the roadway, from what
9 I can recall.

10 Q. Was it near the car?

11 A. I would need something to show me, but I believe it
12 was in the roadway. The blood was in the roadway, yeah.

13 COURT REPORTER: Excuse me, Your Honor. I need the
14 witness to keep his voice up, please.

15 Q. What was your first task when you got to the scene?

16 A. My first task was to canvass the area. The lead
17 investigator requested that I canvass the area for any
18 additional evidence or witnesses.

19 Q. When you say you canvass the area, what exactly does
20 that mean?

21 A. Canvassing the area in that terminology, and excuse
22 me. You may not be familiar with that terminology. Just
23 knocking on doors, attempting to identify any witnesses, or
24 even see if there's any additional evidence in the area.
25 So, that's what essentially we'll be doing, what I was

1 tasked to do at the time.

2 Q. Did you get a chance to talk to anybody in that area?

3 A. I believe I knocked on several doors and may have made
4 contact with some various individuals that indicated they
5 did not see or were not witnesses at the time.

6 Q. Did anyone that you talked to see what had happened?

7 A. Not directly. I found no witnesses, eyewitnesses to
8 the incident.

9 Q. Did you find any evidence laying about?

10 A. I did not find any evidence at the time.

11 Q. Did you stay at that location the entire time you were
12 out on the call?

13 A. No. I believe I went to the police department, and I
14 completed a interview with someone that was there at the
15 time.

16 Q. While you were at Heritage Lane, did you have a chance
17 to go down to where the defendant was located?

18 A. Yes. Briefly. Yes.

19 Q. About how far away was that from the initial location?

20 A. It's kind of hard for me to say in measurements, but
21 it was not a great distance away.

22 Q. It's like a walking distance?

23 A. Definitely walking distance. I met -- saw where he
24 was at.

25 Q. Who all was down there?

W. MONTGOMERY - DIRECT EXAMINATION BY MR. SMITH

339

1 A. At the time I arrived to that location, Investigator
2 Ross was there; I believe Sergeant Thomas was there. Some
3 assistant investigators was -- stopped and talked and then
4 dispersed from there.

5 Q. Was the defendant down there?

6 A. For a brief period of time, I believe he was there. I
7 don't -- no, I did not ask him any questions, but I believe
8 he was there for a brief period of time, and then he went
9 to headquarters.

10 Q. When you're on a scene like that, who speaks to the
11 defendant? Is it investigators?

12 A. Generally whoever that person would talk to. It's not
13 necessarily set in stone who talks to them, but...

14 Q. Would a CSI tech speak to them?

15 A. Generally no.

16 Q. Did you search the work truck while you were down
17 there?

18 A. I did not search the work truck.

19 Q. You said that you took a witness to headquarters. Who
20 did you take?

21 A. His name escapes me at the moment. I know I took a
22 statement from one of persons there.

23 Q. Was it, was it one of the coworkers?

24 A. Yes, definitely one of the coworkers.

25 Q. So, it was not the defendant?

W. MONTGOMERY - DIRECT EXAMINATION / CROSS-EXAMINATION 340

1 A. No. I did not speak to the defendant or question the
2 defendant.

3 Q. After you got their statements, did you do have
4 anything else with the victim's car?

5 A. I believe it was towed to, to [REDACTED] Bluff Road, if I'm
6 not mistaken, for a search warrant. However, I was not the
7 one that executed the search warrant on the vehicle.

8 Q. Were you there when the search warrant was executed?

9 A. I believe some other investigators had done that.

10 MR. SMITH: Beg the court's indulgence.

11 (A PAUSE.)

12 MR. SMITH: I have no further questions, Your Honor.

13 Investigator -- Sergeant Montgomery, if you'll answer
14 any questions.

15 WITNESS: Yes.

16 CROSS-EXAMINATION BY MR. MATHEWS:

17 Q. I'm just going to be real brief. Wayne -- excuse me,
18 Sergeant Montgomery. I apologize. So, you talked to a few
19 people around the neighborhood?

20 A. Yes. During the time I was knocking on doors, I may
21 have talked to some persons. Some individuals didn't
22 answer. I noted it that, who did not answer or what doors
23 I attempted to make contact.

24 Q. With anybody that you talked to, did anyone tell you
25 that they witnessed the incident that led to the victim,

W. MONTGOMERY - CROSS-EXAMINATION BY MR. MATHEWS

341

1 Mr. Pacius, laying on the ground?

2 A. No, sir.

3 Q. Did anyone give you any information that could refute
4 or corroborate a story by anyone who actually did witness
5 it?

6 A. I did not get any story from any -- anyone that
7 eyewitnessed it.

8 MR. MATHEWS: All right. Thank you. I don't have any
9 further questions.

10 MR. SMITH: Nothing further from the state, Your
11 Honor.

12 THE COURT: Thank you, Sergeant.

13 WITNESS: Yes, sir.

14 (THE WITNESS EXITS THE STAND.)

15 THE COURT: Who's next?

16 MR. POTTS: Your Honor, our next witness will be a
17 lengthy one, and he's from Greenville, so.

18 THE COURT: Okay. So, all right, ladies and
19 gentlemen, the next witness the state intends on calling is
20 in Greenville. So, what happens with these things is it's
21 kind of like do we get him down here today, not knowing
22 what time we're going to finish? Then he has to drive back
23 and drive back in the morning. So, instead of doing that,
24 they just told him to stay in Greenville, and he'll be here
25 tomorrow morning first thing ready to go. We'll finish a

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

349

1 MR. MATHEWS: No, sir.

2 THE COURT: Okay. All right.

3 (THE JURY ENTERS AT 9:43 AM.)

4 THE COURT: Ladies and gentlemen, thank you very much
5 for being on time. We had a couple little issues we wanted
6 to take up just to get knocked out to help streamline
7 things this morning. So, I appreciate your patience with
8 us, and we will now continue the presentation of the
9 state's case.

10 And the state may call their next witness.

11 MS. SAMPSON: Thank you, Your Honor. May it please
12 the court? State calls Christian Ross.

13 J. CHRISTIAN ROSS, BEING DULY

14 SWORN, TESTIFIES AS FOLLOWS:

15 CLERK: Please have a seat. State your full name for
16 the record.

17 WITNESS: My name is J. Christian Ross.

18 DIRECT EXAMINATION BY MS. SAMPSON:

19 Q. Good morning, Investigator Ross.

20 A. Good morning.

21 Q. Where do you currently reside?

22 A. In Greenville, South Carolina.

23 Q. And how long have you lived there?

24 A. Three-plus years.

25 Q. What do you currently do?

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

350

1 A. I am the public safety program manager for a
2 distribution company.

3 Q. And how long have you been doing that?

4 A. Four years.

5 Q. And so back in 2017, did you work there?

6 A. I did not work there yet.

7 Q. Where did you work at that time?

8 A. I worked at the Columbia Police Department.

9 Q. And what was your position at that time?

10 A. I was a violent crime scene investigator.

11 Q. And how long did you work with CPD, as we call it?

12 A. Eleven years.

13 Q. And did -- can you tell the jury a little bit how you
14 went through the ranks at CPD?

15 A. So, I started as a patrolman; I was on patrol a little
16 over a year and a half. I, I was then made -- we jokingly
17 call it a fake investigator. I was doing an investigator's
18 job but hadn't been actually promoted, and I worked
19 burglaries, property crimes -- chasing lawn mowers as they
20 call it -- and auto break-ins, and then we, we started
21 going into metal theft. I was transferred into special
22 victims for a little while and then financial crimes. I
23 did a couple of those, and then I was on VCAP, Violent
24 Crimes Against Persons, which has robbery, assaults, and
25 homicides.

1 Q. And is that -- was that the division you were in in
2 December of 2017?

3 A. That's right.

4 Q. So, can you tell the jury? How do you get involved in
5 a case as an investigator?

6 A. So, when an incident happens that needs an
7 investigator to come out, they noti -- the, the patrol
8 officer notifies their supervisor, who calls our supervisor
9 and says, hey, I need somebody, and we get dispatched out.

10 Q. So, how did you get dispatched in this case?

11 A. My sergeant, Sergeant Thomas, called me and said they
12 have an incident at Broad River and Heritage Lane. Go
13 there now.

14 Q. And did you do that?

15 A. That's exactly what I did.

16 Q. And what did you see when you got there?

17 A. I saw a large, significantly large, biggest of my
18 career puddle of blood in the gutter. And, I mean, it was
19 a lot of blood, and they were, I believe they were either
20 taking him off or had just taken him off to the hospital.

21 Q. And by him, who do you mean?

22 A. The victim.

23 Q. Okay.

24 A. Mr. Pacius. So, he was gone to the hospital, and
25 there was a car there with the driver's door open, and

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

352

1 that's where the, the victim, Mr. Pacius, had been laying,
2 and that's what I saw when I got there.

3 Q. Okay. So, based on what you saw, what did you do?

4 A. We surveyed the neighborhood, knocked on doors. Did
5 anybody see anything? Very few people had seen anything.

6 Q. And when you say you knocked on doors, did you
7 actually do it, or who did?

8 A. I knocked on some; other officers or investigators
9 would have knocked on other doors, anybody who would have
10 had a view to it. But we got information that there was a
11 person who was involved. As you go back further into the
12 neighborhood a block back, one or two blocks to the right
13 and then a left turn, there was a road called Prices Court
14 that had a cul-de-sac at the end of it. And we got
15 information that somebody who was involved was at that
16 place. So, I had to walk down there because we couldn't
17 drive our cars into the neighborhood because it was blocked
18 off.

19 Q. So, I want to talk to you about -- at the scene, are
20 you the only investigator at the scene?

21 A. No.

22 Q. Is crime scene there, anybody else there?

23 A. Crime scene comes. I don't think they're there when I
24 first get there, but we generally have -- everybody comes.
25 They assign the case to one investigator, and in this case

1 it was me, but I got a whole bunch of teammates that are
2 out there working with me.

3 Q. Okay, and so based on that, do you stay and collect
4 evidence right that minute?

5 A. No. I go to talk to the, the person of interest.

6 Q. Do others stay there and collect evidence?

7 A. Yes.

8 Q. Okay. So, where did you go? I think you said you
9 went to Prices Court?

10 A. I did.

11 Q. And what did you see when you arrived there?

12 A. So, there were three employees of Lawnscares there
13 with a big old truck at the end of the cul-de-sac, and one
14 of the people was in the back of the car, and I had to talk
15 to everybody.

16 Q. And when you say one of the people was in the back of
17 the car, what car do you mean?

18 A. The back of a police car, Sulser's police car.

19 Q. And who was in the back of that car?

20 A. Matthew Scott Young.

21 Q. Okay, and so what did you do first?

22 A. I can't remember if I talked to the, the other
23 witnesses first or if I talked to Mr. Young first, but I, I
24 talked to all of them.

25 Q. Talked to all three of them, and were you able to

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

354

1 determine if either of the coworkers saw the event?

2 A. They gave me, they gave me that they were around the
3 event. One, I think one of them said that he heard it, and
4 one of them said that he saw the car drive by fast, but
5 none of them saw the actual event.

6 Q. So, the stabbing ---

7 A. That's right.

8 Q. --- when we say event? Okay. So, and then you did
9 speak with Mr. Young?

10 A. I did.

11 Q. Where was he again?

12 A. He was in the back of the patrol car, and my policy
13 first thing, even if he's already been read his rights, I
14 open that door and I, I advise them of their rights and
15 talked to him.

16 Q. Okay, and you haven't been here, but we've already
17 shown that to the jury, so I'm not going to show that to
18 them again. Did you talk to them -- him, though, at that
19 point?

20 A. I did.

21 Q. Was he able to speak with you at that point?

22 A. He was.

23 Q. Did he tell you anything about being hurt at that
24 point?

25 A. He said that Mr. Pacius, the victim, had -- it changed

1 around a little bit. Had either hit him or pushed him or
2 did something with his hat that made his hat go in his
3 face, and that's kind of where he was.

4 Q. Did you look for any injuries?

5 A. I did. I asked him about redness or swelling or
6 injuries, and he said he didn't have anything.

7 Q. Did you see any?

8 A. I did not.

9 Q. Did he tell you anything at that point about the
10 victim having a weapon?

11 A. No. No, no mention of the victim having a weapon ever
12 came up.

13 Q. Did he at that point tell you anything about being
14 scared?

15 A. He told ---

16 Q. --- of the, of the victim?

17 A. I don't remember him saying he was scared of the
18 victim. He said he was scared after it happened. He was
19 scared of the police, but he didn't say he was scared of
20 the victim, I don't think.

21 Q. All right. So after speaking with him, what did you
22 do?

23 A. We went to find the knife. The knife was the big,
24 all-important thing, and that's what he was showing us.

25 Q. Did he show it to you, or did you all just find it?

1 A. He helped us to find it.

2 Q. Did he just talk to you, or did he walk you out there,
3 or do you remember?

4 A. I'm thinking he went to the bridge. I'm a little
5 fuzzy on that. I think he went to the little bridge and
6 pointed us in the direction that he threw it, and we all
7 looked and somebody found it.

8 Q. Okay. So, either way it was found based on what he
9 told you?

10 A. And he confirmed that was his.

11 Q. Okay. Were you able to observe the work vehicle that
12 they ---

13 A. I observed it.

14 Q. --- had been in?

15 A. Yes.

16 Q. Were you able to observe the inside and the outside?

17 A. At a, at a later time that afternoon, we executed a --
18 I think it was a search warrant on that vehicle. We, we
19 went and we looked all through it.

20 Q. All right. Did you find anything of importance in the
21 work vehicle?

22 A. I'm not sure what -- I think one of the coworkers had
23 left his cell phone in the vehicle. I don't, I don't think
24 we took a cell phone out of that vehicle. There was a
25 issue with somebody calling police and had to get to the,

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

357

1 to the phone in the truck, but none of the incident
2 actually happened in that vehicle. So, we weren't really
3 sure what we were looking for, but if there was a knife or
4 something hidden in there, we were trying to find out.

5 Q. I'm going to show you what's been marked as State's
6 Exhibits 40, 41, 32, and 43 and ask if you recognize those.

7 A. Yeah. This, this ---

8 Q. Don't -- you just -- do you recognize them?

9 A. Yes, I do.

10 Q. And what are they? The inside? Are they the inside
11 of the truck?

12 A. Yes.

13 Q. And do they fairly and accurately depict how the truck
14 looked the day that you look into it in December 15, 2017?

15 A. Yes.

16 Q. Have they been changed or altered in any way?

17 A. Not that I know of.

18 MS. SAMPSON: Your Honor, at this time I'd ask to
19 introduce State's Exhibits 40, 41, 42, and 43 into
20 evidence.

21 MR. MATHEWS: Judge, I don't have any problem with the
22 pictures in and of themselves. I don't understand the
23 relevance of it, so I guess I would object on that ground
24 if he's testified nothing happened in the truck.

25 THE COURT: Pictures of what?

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

358

1 MS. SAMPSON: The inside of the truck. There's been
2 some question about ---

3 THE COURT: The landscaping truck?

4 MS. SAMPSON: The landscaping truck that they were in.

5 THE COURT: Okay. All right. I'll allow it. I think
6 it -- under the standard of relevance, it would come it.
7 So, that's 40, 41, 42, 43, okay.

8 MS. SAMPSON: Correct, Your Honor.

9 (PHOTOGRAPHS INDIVIDUALLY MARKED INTO EVIDENCE AS
10 STATE'S EXHIBIT NUMBERS 40, 41, 42, 43.)

11 MS. SAMPSON: And I'm not going to pull out the board.
12 I'm just going to show it...

13 BY MS. SAMPSON:

14 Q. So, is this the inside of the truck?

15 A. That's right.

16 Q. And that's Exhibit 40. 41 as well?

17 A. The passenger side.

18 Q. And 42?

19 A. Yeah.

20 Q. And also State's Exhibit 43?

21 A. That's right.

22 Q. And this is just the inside, something you all did,
23 correct?

24 A. That's right.

25 Q. And were you are able to see the equipment in the

1 back?

2 A. We, I don't know that we were especially examining
3 equipment, but we did see equipment there.

4 Q. Did you see the leaf blowers?

5 A. Yes.

6 Q. Why didn't you collect the leaf blowers?

7 A. Well, if we had seen, like, significant damage on a
8 leaf blower, I think we would have taken it. But from the
9 -- from what I talked to Mr. Young about was it was only
10 the, the arm part of the blower, just the tip had made
11 contact with the victim's car. And so those blowers are
12 used everywhere every day by a commercial landscaping
13 company, and I wouldn't be able to identify what nick came
14 from a car or what -- you know, they weren't in mint
15 condition.

16 Q. So, did they appear used or is that -- you said not in
17 mint condition. What do you mean by that?

18 A. They did appear used every day by a commercial
19 landscaping company.

20 Q. Were you able to observe the victim's car when --
21 after you spoke with Mr. Young?

22 A. Yes.

23 Q. And where, where was it located?

24 A. The victim's car was on Heritage Lane coming out
25 towards Broad River very close, only like one or two houses

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

360

1 from the intersection of Broad River on the left side of
2 the road with the driver's door open and all, all that
3 blood in the gutter.

4 Q. And after speaking with Mr. Young, what was your
5 understanding from Mr. Young where the stabbing took place?

6 A. Mr. Young was very vague about it. He said, he kept
7 saying he did not go up to him, but he said that they had a
8 scuffle, and nobody else saw the victim walk away from the
9 car. And when the victim got stabbed, I mean, the blood
10 trail was just from the trunk to his door. I mean, that
11 was it.

12 Q. I'm going to ask you about the blood trail. Did you
13 see any blood anywhere around the vehicle other than right
14 at the driver's side where there's spots of blood?

15 A. No.

16 Q. You see any coming from behind the vehicle?

17 A. I want to say at, like, the back quarter of the car
18 but nothing, nothing an arm's length away from the car.

19 Q. From the trunk backwards, did you see anything?

20 A. No.

21 Q. Did you see anything near that pile of leaves?

22 A. No.

23 Q. Did you look?

24 A. Yes.

25 Q. Did you have anyone measure the space between the pile

1 of leaves and the vehicle?

2 A. I did. I asked the, the CSI team to measure that
3 while I was doing other things.

4 Q. And what was the distance between them?

5 A. I remember for sure it was between 45 and 50 feet. I,
6 I don't know if I have an exact measurement.

7 Q. Between 45 and 50 feet?

8 A. That's right.

9 Q. Going to have you take this for me, and it shows feet,
10 correct?

11 A. Yes.

12 Q. I want you to hold it. I want you to tell me when it
13 gets to 50 feet. If you have to get down, you can. You,
14 you ---

15 A. I have ---

16 Q. --- can step down if you need to.

17 A. Okay. We're at 23 now.

18 Q. All right. You may have to come all the way over here
19 since I forgot about the TV equipment. Are we there yet?

20 A. 30 feet.

21 Q. Around Carter. Are we there yet?

22 A. 37.

23 Q. How about now?

24 A. 41.

25 Q. How about now?

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

362

1 A. 44.

2 Q. How about now?

3 A. 49.

4 Q. So, we're at 49. So, somewhere between now and where
5 I am to you?

6 A. That's, that's a good measurement guess.

7 Q. So, 49. You said between 45 and 50 feet?

8 A. That's right.

9 Q. From the leaves to the car?

10 A. Where the pile of leaves were to the car, to the back
11 of the car.

12 Q. Thank you. We'll roll it back up. And you saw --
13 excuse me -- from that to where we just stood, that 45 to
14 50 feet no blood?

15 A. No blood at all.

16 Q. How about skid marks?

17 A. No skid marks.

18 Q. And you said the knife was, was recovered?

19 A. The knife was recovered in the woods by the creek.

20 Q. Want to just talk to you a little bit about what
21 happened after you left the scene.

22 A. When I left the scene, I believe the next thing we did
23 was go to headquarters to interview Mr. Young further and
24 let him write a statement.

25 Q. All right, and was that recorded?

1 A. Yes.

2 Q. Can you explain to the jury how those statements get
3 recorded or how the interviews get recorded?

4 A. So, we have interview rooms, and in the interview
5 rooms there's a camera in the ceiling and audio. When you
6 take somebody in there, you record what's going on.

7 Q. And did you do that in this case?

8 A. Yes.

9 Q. And is that recording kept in the normal course of
10 business?

11 A. Yes.

12 Q. Okay. I'm going to ask you before I put that in. Did
13 you speak with Mr. Young at that point?

14 A. Yes.

15 Q. Did you advise him of his rights again?

16 A. I did. Even had him sign a paper.

17 Q. I'm going to show you what's been marked as State's
18 Exhibits 48 and 49. So, first let's talk about 49. Do you
19 recognize that?

20 A. I do.

21 Q. And what is that?

22 A. That is an advice of rights form that we read them,
23 any suspect, that we have to advise them of their rights.

24 Q. And is that the advice of rights form that you
25 reviewed with Mr. Young?

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

364

1 A. It's either the form or a copy of it.

2 Q. Copy of it? Is it a fair and accurate copy?

3 A. Yes.

4 Q. Been altered in any way other than the three holes?

5 A. No.

6 MS. SAMPSON: At this time, Your Honor, I'd ask to
7 introduce State's Exhibit 49 into evidence.

8 THE COURT: Any objection?

9 MR. MATHEWS: No, Your Honor.

10 THE COURT: All right, 49 admitted without objection.

11 (ADVICE OF RIGHTS FORM MARKED INTO EVIDENCE AS STATE'S
12 EXHIBIT NUMBER 49.)

13 BY MS. SAMPSON:

14 Q. And I'm going to show you what's ---

15 THE COURT: 49 is the advice of rights?

16 MS. SAMPSON: Yes, sir, 49, right.

17 THE COURT: Sorry. I wrote down the wrong number. My
18 bad.

19 MS. SAMPSON: That's okay.

20 THE COURT: I got it.

21 BY MS. SAMPSON:

22 Q. 48, do you recognize 48?

23 A. This is the statement that Mr. Young wrote me.

24 Q. And is this -- I believe that's the original.

25 A. That is the original statement.

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

365

1 Q. Is it a fair and accurate depiction of the original?

2 A. It is the original.

3 Q. Not been altered ---

4 A. And, yes, it's fair and not been altered.

5 MS. SAMPSON: At this time, I'd ask to introduce
6 State's Exhibit 48 into evidence.

7 THE COURT: Same objection as previously as to the
8 statement?

9 MR. MATHEWS: Yes, sir, the same object -- well, not
10 to the written statement.

11 THE COURT: Okay.

12 MR. MATHEWS: But as to the -- well ---

13 MS. SAMPSON: Yes, it was.

14 MR. MATHEWS: Yes to the written statement as to my
15 original ---

16 THE COURT: As to the pretrial motion?

17 MR. MATHEWS: Yes, sir.

18 THE COURT: Yes.

19 MR. MATHEWS: Renewing that as, as well.

20 THE COURT: And I believe you've renewed that motion,
21 and my ruling upon it would be the same, and State's 48 is
22 admitted.

23 (STATEMENT MARKED INTO EVIDENCE AS STATE'S EXHIBIT
24 NUMBER 48.)

25 BY MS. SAMPSON:

1 Q. So, I'm going to go over -- start with 49, which is
2 the advice of rights.

3 A. Okay.

4 Q. How do you do that with any defendant but specifically
5 with Mr. Young?

6 A. The way that I do it is I want to make sure that
7 nobody can say that they weren't, they, they weren't able
8 to understand it. So, I turn this advice of rights form
9 towards them, and I read it out loud, upside down to them
10 so that they can follow along, and I'm reading, and we go
11 over the whole statement.

12 Q. And can you read it to the jury, what you read to
13 them?

14 A. Sure:

15 Before we ask you any questions, you must
16 understand your rights. You have the right to
17 remain silent. Anything you say can be used
18 against you in court. You have the right to talk
19 to a lawyer for advice before we ask you any
20 questions and to have him with you during
21 questioning. If you cannot afford a lawyer, one
22 will be appointed for you before any questioning
23 if you wish. If you decide to answer questions
24 now without a lawyer present, you will still have
25 the right to stop answering at any time. You

1 also have the right to stop answering at any time
2 until you talk to a lawyer.

3 And then I say this next part is the waiver of your
4 rights. If you're willing to talk to me, sign below here,
5 and I read them:

6 I have read this statement of my rights, and I
7 understand what my rights are. I am willing to make a
8 statement and answer questions. I do not want a
9 lawyer at this time. I understand and know what I am
10 doing. No promises or threats have been made to me,
11 and no pressure or coercion of any kind has been used
12 against me.

13 Q. And did you do that with Mr. Young in this case?

14 A. I did.

15 Q. And there's some information here at the top. Who
16 writes that information?

17 A. I wrote that so that I would know because you can't
18 always tell by their signature who they are. So, I write
19 their identifying information up in the top corner.

20 Q. And on this waiver, did he sign it?

21 A. He did sign it.

22 Q. And did you sign it as well?

23 A. I witnessed it, yes.

24 Q. Okay, and so you speak with him?

25 A. I did.

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

368

1 Q. And so I want to kind of talk, before I show the jury
2 the video, I want to talk about the process. Do you have
3 them write that statement first, or how does that work?

4 A. It depends on the mood of the, of the interview.
5 Sometimes you'll have them write a statement first and then
6 go back over it, and, and sometimes you just talk to them.

7 Q. And in this case, do you remember what you did?

8 A. I believe I talked to him first, and then he wrote it,
9 and then I came back and talked to him about it.

10 Q. And before I have to pull out that big old thing,
11 before I do that, I'm going to show you what's been marked
12 State's Exhibits 59, 60, and 61 and ask you. Do you
13 recognize those?

14 A. Yes, I recognize them.

15 Q. And what are they?

16 A. These are the pictures that the CSI officer took for
17 me because I was trying to see any redness or swelling that
18 would have happened on his face.

19 Q. Took of who?

20 A. Of Mr. Young.

21 Q. Okay. Do you they fairly and accurately depict the
22 way he looked on December 15th of 2017?

23 A. They do.

24 Q. Have they been altered in any way?

25 A. Not that I can tell.

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

369

1 MS. SAMPSON: At this time, Your Honor, I'd ask to
2 introduce State's Exhibits 59, 60, and 61 into evidence.

3 THE COURT: All right, any objection?

4 MR. MATHEWS: No, Your Honor.

5 THE COURT: All right, no objection. 59, 60, and 61
6 are admitted.

7 (PHOTOGRAPHS INDIVIDUALLY MARKED INTO EVIDENCE AS
8 STATE'S EXHIBIT NUMBERS 59, 60, 61.)

9 BY MS. SAMPSON:

10 Q. And lastly before I do anything else, you said that
11 interviews are recorded?

12 A. That's right.

13 Q. And you reviewed those recordings with me, right?

14 A. I did.

15 Q. And is this DV a fair and accurate copy of the
16 recordings that we reviewed?

17 A. Yes.

18 Q. Okay.

19 MS. SAMPSON: At this time, Your Honor, I'd ask to
20 introduce State's Exhibit 63 into evidence.

21 THE COURT: 63?

22 MS. SAMPSON: Yes, sir.

23 MR. MATHEWS: And this is still renewing my previous
24 objection that had been ruled upon pretrial as to the
25 admission of this tape.

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

370

1 THE COURT: Understood. Very well and my ruling upon
2 it would be the same, and so 63 is admitted over defense
3 objection.

4 MR. MATHEWS: Thank you, Your Honor.

5 THE COURT: Thank you.

6 (DVD OF INTERVIEW MARKED INTO EVIDENCE AS STATE'S
7 EXHIBIT NUMBER 63.)

8 BY MS. SAMPSON: Can you see it?

9 A. I can see.

10 Q. Okay. We'll just leave it like that. I'm trying to
11 do this as organized as I can.

12 MR. MATHEWS: Judge, while she's setting that up, can
13 I approach with Mr. Potts just real briefly?

14 THE COURT: Sure.

15 MR. MATHEWS: It's unrelated to this.

16 THE COURT: Yes.

17 (OFF-THE-RECORD BENCH CONFERENCE.)

18 BY MS. SAMPSON:

19 Q. All right. So, I'm looking at State's Exhibit 59.
20 What is this?

21 A. That's one of the pictures that the CSI officers took
22 for me.

23 Q. And who is in this photograph?

24 A. That's Matthew Scott Young.

25 Q. And is that how he appeared that day?

1 A. Yes.

2 Q. And what about State's Exhibit 60? I'm sorry. I said
3 the wrong number, 61.

4 A. That is a picture of him just a little closer up.
5 Looking for redness or swelling or anything.

6 Q. Did you find any?

7 A. No.

8 Q. And State's Exhibit 59?

9 A. Same thing.

10 Q. And in all these photographs, did you find any damage
11 to him?

12 A. No.

13 Q. Any bruises?

14 A. No.

15 Q. Scratches?

16 A. No, and he never pointed any out either.

17 MS. SAMPSON: Beg the court's indulgence.

18 (A PAUSE.)

19 Q. I'm now going to show you and play for the jury
20 State's Exhibit 63, which is your interview. So while it's
21 starting, this is your interview room?

22 A. That is.

23 Q. Or do y'all have several or?

24 A. That's interview room number 3, I believe, and we
25 inspect for any weapons or anything before we put him in

1 there.

2 (WHEREUPON, STATE'S EXHIBIT NUMBER 63 IS PLAYED FOR
3 THE COURT. AUDIO IS NOT TRANSCRIBED.)

4 Q. Pause it for a second. Who is this?

5 A. In the front there is Matthew Scott Young, and on the
6 left side of the screen is Officer Sulser.

7 Q. And is this how you normally get somebody into an
8 interview room?

9 A. Pretty much. I think they were missing a handcuff on
10 the table. That was, that was the weird thing.

11 Q. And why do you have a handcuff on the table?

12 A. So that we can -- especially in violent cases, the
13 non-dominant hand that they're not going to write with is
14 handcuffed so they're not stuck behind their back, but
15 they're not doing anything terrible either.

16 Q. And is that the normal procedure?

17 A. Yes.

18 (PLAY RESUMES.)

19 Q. I'm going to try to fast forward. Are you
20 interviewing him at this point?

21 A. No.

22 (PLAY RESUMES.)

23 Q. Did he ask for water?

24 A. He did at one point?

25 MS. SAMPSON: Sorry.

1 Q. Did he ask for water?

2 A. Yes.

3 Q. Was he able to get some?

4 A. Yeah. We gave it to him.

5 (PLAY RESUMES.)

6 Q. What are you doing?

7 A. I'm filling out the top part of the statement for him
8 where it's his name, date of birth, and address, and all
9 that stuff.

10 (PLAY RESUMES.)

11 Q. So, at this point you leave, correct?

12 A. That's right.

13 Q. And let him write the statement?

14 A. Yes.

15 Q. Anybody -- I'm going to fast forward it, but he's by
16 himself for a while?

17 A. Yes, he's by himself for a while.

18 (PLAY RESUMES.)

19 Q. He's gone. What happened?

20 A. He needed to go to the bathroom, so we took him.

21 Q. I'm going to let it play for a second.

22 (PLAY RESUMES.)

23 Q. I'm going to pause it because I can't talk while
24 you're talking. What are you doing at this point?

25 A. I'm reading his statement because I'm probably going

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

374

1 to ask him questions.

2 Q. Is that normally what you do?

3 A. Yes.

4 (PLAY RESUMES.)

5 Q. So, where do you go after you finish this?

6 A. I go to talk to my sergeant and to call the ELA line
7 for authorization for a warrant.

8 Q. A warrant for what?

9 A. Murder.

10 Q. And why did you do that?

11 A. It's policy. We have to call the ELA line for a
12 murder warrant.

13 Q. And I'm -- does he -- is any more interviewing done at
14 this point?

15 A. In a little while there will be more.

16 Q. Well, is there any more before you serve him with the
17 warrant?

18 A. I don't think so.

19 Q. Okay.

20 (PLAY RESUMES.)

21 Q. I'm just going to stop it right there. And what do
22 you do at that point?

23 A. I think there was some kind of a problem with those
24 warrants. So, we had to go back and get fresh ones, but we
25 served him with the warrant.

1 Q. And is that the standard procedure? What do you do
2 after you serve him?

3 A. Take him on down to the jail.

4 Q. And is that standard procedure?

5 A. Yes, ma'am.

6 Q. And I'm going to ask you a few things. During that
7 interview, he tells you that the victim slammed on his
8 brakes?

9 A. Okay.

10 Q. Did you see any evidence of that?

11 A. No, I didn't.

12 Q. He told you he was going 60 miles per hour?

13 A. He said that, yes.

14 Q. What would you expect to see if someone 60 miles per
15 hour slammed on their brakes?

16 A. Well, unless they had -- you know, if they have a ABS
17 system, you'd see the, the little ripples, skid marks, you
18 know, where it's, it's kicking back the brake pedal, but
19 there were no skid marks whatsoever. It generally takes,
20 ball parking, 2 to 3 feet per mile an hour ---

21 MR. MATHEWS: I've got object to ---

22 THE COURT: Sustained.

23 MR. MATHEWS: Thank you.

24 THE COURT: He's, he's not an expert in any of that.

25 MS. SAMPSON: And I wasn't asking actually for the

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

376

1 calculations.

2 BY MS. SAMPSON:

3 Q. But did you -- I think you said this already. Would
4 you expect to see skid marks?

5 A. I would.

6 Q. And have you seen those at any investigation that
7 you've done?

8 A. I've seen other places with skid marks but not this
9 one and, like I said, he only had another house or two
10 before he's at Broad River Road. So, he, he had to already
11 be slowing down.

12 Q. In this particular area, did -- you walked through the
13 whole area as far as the road that, that this happened on?

14 A. I had to walk because I couldn't drive my car in.

15 Q. Is there a curve? Can you describe to jury the, the
16 road?

17 A. Okay, so there's Broad River Road, big road, and off
18 of this big four-lane road there's a little bitty road
19 called Heritage Lane. Right as you turn in, the car's
20 there, the victim's there, and it goes back to a
21 neighborhood. I don't think -- there may be some other way
22 back there, but I don't know if there is another way back
23 in that neighborhood or not. And so as you go further down
24 Heritage Lane, there's a, there's a little hill up and a
25 bridge, and there may be a curve. But we had to turn

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

377

1 right, go down a block or two, and then turn left to find
2 him. That's it.

3 Q. Is that it?

4 A. That's it.

5 Q. Is that what you're talking about, and so Broad River
6 Road's up here?

7 A. Can I look closer?

8 Q. Yes.

9 A. Please?

10 Q. I'm sorry.

11 MR. MATHEWS: What exhibit is that?

12 MS. SAMPSON: Oh, I'll, I'll tell you.

13 BY MS. SAMPSON:

14 A. Yes, Broad River Road is in the back.

15 Q. So, on State's Exhibit 56, Broad River Road is right
16 here where my finger is?

17 A. That's right.

18 Q. And so when you say you come -- is it a hill or do you
19 remember how this goes?

20 A. It's pretty straight. There's, there's a little bit
21 of a hill that goes down to the creek that goes over,
22 but...

23 Q. Okay, and the car is roughly right here where my
24 finger is?

25 A. That's right. It's very close to the intersection.

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

378

1 Q. And when I say the curve, does State's 58 show the
2 curve?

3 A. Yes.

4 Q. And so when you're talking to him, are you trying to
5 provide him with what to say, or what are you trying to do?

6 A. I have one of two jobs in an interview. I either want
7 to get the truth very, very clear, or I want him to tell me
8 a whole bunch of lies and tie himself up in a bunch of
9 knots is what I'm trying to do. Either ask him and get
10 clear answers or asking and get answers all over the place.

11 Q. And did you do that in this case?

12 A. Yes.

13 Q. Okay, and as part of the investigation, do you know
14 how many weapons were -- were any weapons taken off of Mr.
15 Young?

16 A. I think he had another knife on him when he was
17 arrested. It was, like, in a pocket. It wasn't in the
18 sheath because the one on the sheath got thrown, but I
19 think there was another knife on him.

20 Q. And what about a phone?

21 A. He had a phone.

22 Q. And was it on his person when he was arrested?

23 A. I believe so.

24 Q. Show you what's been marked as State's 29 and ask you
25 to look in there. Do you recognize that?

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

379

1 A. That's the phone that was in his pocket.

2 Q. All right, and has it been altered in any way?

3 A. Not that I can tell.

4 Q. All right, and this was the phone that was removed
5 from Mr. Young?

6 A. May I look at the label on there?

7 Q. You sure may.

8 A. Yes, that's the phone we took from Mr. Young.

9 MS. SAMPSON: I'd ask to introduce State's Exhibit 29
10 into evidence.

11 MR. MATHEWS: No objection.

12 THE COURT: All right, no objection, admitted without
13 objection.

14 (CELL PHONE MARKED INTO EVIDENCE AS STATE'S EXHIBIT
15 NUMBER 29.)

16 BY MS. SAMPSON:

17 Q. And I'm going to go back a little bit. When you had
18 him write this statement, and I'm going to -- you can look
19 through it. When did he tell you that he was scared of the
20 victim?

21 A. I don't remember him mentioning being scared ever.

22 Q. Afraid for his life anywhere in there?

23 A. No, ma'am.

24 Q. And were you -- was he able to make corrections to his
25 statement if he wanted?

J.C. ROSS - DIRECT EXAMINATION BY MS. SAMPSON

380

1 A. Yes. He did make corrections to his statement.

2 Q. Was he able to add anything if he wanted to?

3 A. Yes. He could have added anything he wanted.

4 MS. SAMPSON: Beg the court's indulgence.

5 (A PAUSE.)

6 Q. And did this case have any significance in your
7 career?

8 A. This was the last case before I left the police
9 department.

10 Q. And so this -- was someone else with you, or why was
11 -- is that why Hilton was with you?

12 A. That is exactly why. Hilton knew I was about to turn
13 in my notice, and he stayed with me to be there.

14 Q. And do you see the person who said he stabbed Abdias
15 Pacius here in this courtroom?

16 A. Mr. Pacius?

17 Q. The person who stabbed Mr. Pacius.

18 A. Oh. Yes, I see him right over there at the
19 defendant's table.

20 Q. Can you describe what he has on?

21 A. He has on a black suit, red tie, white mask. Shaved
22 his beard.

23 MS. SAMPSON: I'd ask that the record reflect that the
24 defendant has properly identified -- excuse me, that the --
25 Mr. Ross has properly identified the defendant.

1 THE COURT: All right.

2 BY MS. SAMPSON:

3 Q. And is that the person who said he stabbed the victim?

4 A. That's right.

5 MS. SAMPSON: No further questions, Your Honor.

6 CROSS-EXAMINATION BY MR. MATHEWS:

7 Q. All right, Mr. Ross, got a few things I want to go
8 through. First, the last couple of things that Ms. Sampson
9 asked you, if Mr. Young told you that he was scared. You
10 said he didn't say that, correct?

11 A. He said he was scared after it happened of police
12 being around there, wasn't thinking straight, but he never
13 mentioned being directly scared of the victim.

14 Q. Did you ever ask him a direct question similar to were
15 you frightened when this encounter was going on, and did he
16 ever respond no to that question?

17 A. I don't think I asked him if he was scared, no.

18 Q. So, you never asked him, so he never actually denied
19 that. That's correct, right?

20 A. Never deny? Say -- please say that one more time.

21 Q. He never denied that he was scared in response to a
22 question because that question was never posed to him, was
23 it?

24 A. Okay. Yeah. That's fair.

25 Q. And you never asked him if he was in fear for his life

1 at any point in time, did you?

2 A. No, but we generally don't do that. That's usually
3 the first thing somebody says is I was scared to death or I
4 was in fear for my life.

5 Q. I understand, but just because he didn't use those
6 words, he never denied any of those things, did he?

7 A. He did not deny being scared.

8 Q. And you're the lead investigator on this case?

9 A. I was four years ago.

10 Q. Right, and I'm sure everything happened a while ago.
11 I know it's not quite as fresh, but you did do a report
12 that you've reviewed since then, right?

13 A. I have my case notes here, so.

14 Q. So since you were the lead investigator, were you the
15 one who kind of dictated what everyone else did once you
16 got involved? Is that how that works?

17 A. I would give guidance, but all of those guys are good
18 investigators who can follow up on their own hunches and do
19 their own thing, and they'll report to me what they found.
20 So, it's, it's a team effort. I'm the one who's
21 technically in charge of it and, yes, they do -- if I ask
22 something, they'll do it. They do things on their own, and
23 they report to me.

24 Q. Right. How about crime scene? Do you dictate what
25 they do, take pictures of, or are they kind of on their

1 own?

2 A. I will give them guidance like with the measurements
3 and the stuff like that, but they are really good at their
4 jobs and go to schools for it, and so I let them do their
5 thing, too.

6 Q. And so after you get all this information, cumulative
7 from the deputies who are on the road, other investigators
8 involved, crime scene, you make your report and you're the
9 one who ultimately makes the charging decisions, signs
10 warrants, right?

11 A. That's right.

12 Q. And throughout the entirety of your investigation,
13 whether you talked to any witnesses or found out about any
14 witnesses, was there anyone that you talked to, anyone from
15 the police -- that the police talked to other than Mr.
16 Young who gave you a statement as to what happened at the
17 time of the stabbing?

18 A. So, there's the coworker, one of the coworkers gave me
19 a statement on what he thought had happened. He, he said
20 it happened and then he said he assumed it happened. I
21 don't know if that's what you're asking me.

22 Q. No, sir, but, but other, other -- well, he kind of
23 backtracked on that eventually, didn't he?

24 A. He ---

25 Q. He said that he assumed it?

1 A. That's right.

2 Q. But he initially said that he saw some sort of combat
3 going on between them, right?

4 A. He, he saw something going on between them, yeah.

5 Q. But other than that, and other than Mr. Young, nobody
6 else saw the actual incident itself where the victim
7 received the fatal wound?

8 A. That's right.

9 Q. So, the only person who told you what actually
10 happened and who actually saw what happened was Mr. Young,
11 right?

12 A. And he's also the reason that the other half of that
13 argument can't tell me their side of the story because
14 usually two different sides have very different stories,
15 but yeah.

16 Q. And I understand that, but the question I'm asking is
17 the only person who you talked to who told what happened
18 during the, the actual -- whatever happened that led to the
19 stabbing was Mr. Young, correct?

20 A. That's right.

21 Q. And although he may not have told you what you wanted
22 to hear, since you got involved, he's been relatively
23 consistent with his story, right?

24 A. I mean, it, it -- no. He said he didn't do it, and
25 then he denied being there, and then he said he did do it.

1 Q. What I asked is with your direct involvement from when
2 you got on scene, you interviewed him at the car, then you
3 took him back and interviewed him, from your direct
4 involvements and your direct interactions with him, he has
5 been consistent in what he told you?

6 A. I think he's been fairly consistent. The only thing
7 that, that I feel like I never really got a solid answer on
8 was him going up to that car. He didn't give me anything
9 clear on -- he said he didn't go over there, but that kind
10 of is at odds with the evidence. And, and he, he says the
11 guy came back to him and that, that couldn't have been
12 right, but that, that's the only major thing.

13 Q. Well, that's your opinion. There's no witnesses who
14 say that that didn't happen, is -- are there?

15 A. Just what could have been from the evidence.

16 Q. But what I'm asking is there are no witnesses who
17 could say that the victim did not approach Mr. Young where
18 he said the incident happened?

19 A. There's not a witness.

20 Q. And you're not an expert on human anatomy, physiology,
21 or a pathologist, are you?

22 A. I'm not.

23 Q. And so Mr. Young's been consistent throughout when you
24 questioned him that the victim stopped his car in the
25 middle of the road, right?

1 A. Yes.

2 Q. And I think it's fairly undisputed that the victim
3 must have stopped his car in the middle of the road, right?

4 A. Well, yes, he stopped his car in the ---

5 Q. And ---

6 A. --- road.

7 Q. And what you say is not in the correct lane of
8 traffic? It's more in the middle or over to the opposite
9 side of traffic?

10 A. It's on the opposite side of the road because there's
11 a big, gigantic pile of leaves on the side he was supposed
12 to be on.

13 Q. I didn't ask why. I said his car is on the wrong side
14 of -- the middle to the wrong side of the road, correct?

15 A. That's right.

16 Q. And you weren't there with him, so you don't know why
17 or what was going through his head, correct?

18 A. I mean, I, I don't want to go into conjecture, but,
19 like, I can't see any other reason than him giving him
20 space to go on the other side of the road.

21 Q. And I'm not asking that, but you don't know what was
22 in his head, not ---

23 A. No. I'm not a psychic.

24 Q. And so it's also been consistent from Scott that the
25 victim got out of his car, right?

1 A. Yes.

2 Q. And I think you would say that it's rather undisputed
3 that the victim must have exited his vehicle, right?

4 A. I agree with that.

5 Q. Because there's no blood or anything found in the
6 vehicle?

7 A. That's right.

8 Q. And what you're harping on is because there's not a
9 blood trail in between where Scott said that it happened
10 and where the victim was found, that means he must not be
11 telling the truth?

12 A. Scott didn't give me a good place where it happened.
13 I have no solid, concrete place that he said that it
14 happened.

15 Q. He said that he was blowing leaves 40 or 50 feet. Did
16 you take him back over there and ask him where it happened?

17 A. I can't remember if I did that.

18 Q. I mean, we, we watched the statement. We've seen
19 everything that he talked to you. You have to agree he's
20 been consistent, that he said he was blowing leaves where
21 the pile of leaves were. That's where the victim
22 approached him, rushed him, and pushed him, correct?

23 A. I don't know that he said it was at the pile of
24 leaves. He -- that's what I was trying to ask him, if he
25 was saying that the victim came up to him.

J.C. ROSS - CROSS-EXAMINATION BY MR. MATHEWS

388

1 Q. All right. Well, I'm not really trying to argue. The
2 statements are, are in evidence and the jury will be able
3 to look at them themselves. But regardless, as I said from
4 the beginning, even though you don't maybe agree with what
5 he said, he's been relatively consistent in what he has
6 told you directly?

7 A. That, yeah, that he, that he stabbed the guy that he
8 had a altercation with, yes.

9 Q. That's fine. Did you -- I know you said you checked
10 him for injuries and took, took photographs, right?

11 A. Yes, sir.

12 Q. You didn't say anything?

13 A. No, sir.

14 Q. Did you ask him where specifically he was hit?

15 A. I asked him if he had injuries, and he said no.

16 Q. Did you ask him where he was hit and, and have him
17 point to a spot and check to make sure there wasn't
18 anything there?

19 A. No. I just asked him if he had injuries.

20 Q. Did you ---

21 A. And he said no.

22 Q. Did you go check him the next day to see if there were
23 any bruises or any swelling that had occurred since this
24 wasn't immediately thereafter?

25 A. Well, I asked him if he had injuries, and he said no.

1 Q. The next day, did you go check him, though?

2 A. No.

3 Q. Did you look into the background of the victim at all?

4 WITNESS: Am I allowed to talk about backgrounds?

5 Q. I'm just asking if you looked. Not, not -- I'm not
6 asking ---

7 THE COURT: The question is did you look into it. You
8 don't need to -- the answer yes or no.

9 A. If I did, it wasn't much. I -- we were trying to
10 establish who the victim was. I needed to know him.

11 Q. But, but -- and I'm not trying to get into anything
12 improper. I just meant did you do some background on who
13 he was as a person? Contact family, talk to them, anything
14 like that?

15 A. With the, with the coroner, yes. That's what we try
16 to do was to contact the family.

17 Q. So, do you know how big he was?

18 A. No.

19 Q. They probably weighed him at the coroner's office,
20 something like that. Have that information?

21 A. I'm sure the coroner's office does.

22 Q. Do you know where he was from?

23 A. I know that he lived back in that neighborhood with
24 his girlfriend.

25 Q. Do you know that there were New Jersey tags on that

J.C. ROSS - CROSS-EXAMINATION BY MR. MATHEWS

390

1 car?

2 A. I remember that.

3 Q. Do you know his background, where his family was from?

4 A. I believe he was from New Jersey, but I'm not 100
5 percent sure. Like, I haven't refreshed myself on that for
6 this case.

7 Q. Did you know that he was actually a football player?
8 Did you look up anything as to that?

9 MS. SAMPSON: Your Honor, I, I haven't been objecting,
10 but asking him -- he already said he didn't look into it or
11 doesn't remember it. And going through the victim's
12 background, I'm not really sure of the relevance at this
13 point.

14 MR. MATHEWS: I'm just asking if he knows this ---

15 THE COURT: I mean, I think it's -- yeah, you're,
16 you're allowed to ask the questions. Go ahead.

17 MR. MATHEWS: Thank you, Judge.

18 THE COURT: Objection's overruled.

19 BY MR. MATHEWS:

20 Q. So, you don't know any of those facts or anything like
21 that?

22 A. I did not know he was a football player.

23 Q. Do you know that at the time of this incident, he
24 weighed around 225 pounds?

25 A. No.

J.C. ROSS - CROSS-EXAMINATION BY MR. MATHEWS

391

1 Q. Did you know that at the time of this incident, he was
2 about 6 feet tall?

3 A. Sounds about right.

4 Q. Y'all did a search warrant on his car, right?

5 A. We did.

6 Q. You know that there was marijuana recovered from his
7 vehicle?

8 MS. SAMPSON: Objection, Your Honor.

9 THE COURT: Overruled.

10 MS. SAMPSON: There was no testing, so he can't say
11 that.

12 THE COURT: He can say green, leafy, plant material
13 consistent with marijuana.. That's what the report says.

14 BY MR. MATHEWS:

15 A. There was a green, leafy, plant-based material
16 consistent with marijuana.

17 Q. Was that ever sent out for testing?

18 A. No.

19 Q. Do you know if they would have done a -- and I'm not
20 asking you to testify to the results of it, but maybe done
21 any toxicology reports or run anything as a result of the
22 autopsy on Mr. Pacius?

23 A. Not really because even if -- and the marijuana, what
24 we think was marijuana, was just a fairly small amount, and
25 even ---

J.C. ROSS - CROSS-EXAMINATION BY MR. MATHEWS

392

1 Q. That, that's not what I asked. Are you aware if they
2 would've done a toxicology report at the autopsy on the
3 victim?

4 A. I believe they do, but I, I don't know for sure.

5 Q. We talked about everything that was done here. You
6 said that -- did y'all execute a search warrant on the work
7 truck?

8 A. I think we did.

9 Q. Okay, or maybe the owner would have given you a
10 consent to search possibly?

11 A. One of those happened.

12 Q. I'm not saying that you didn't have any reason to do
13 it, but somehow you got permission to be in the truck?

14 A. That's right.

15 Q. And that's where the pictures were taken?

16 A. That's right.

17 Q. Why did you just take pictures of the inside of the
18 truck?

19 A. I think we were trying to establish -- like, we didn't
20 know what exactly we were looking for because we didn't
21 know if he'd even got back in the truck after this
22 incident. We don't know that the truck was really involved
23 in the incident because the truck wasn't there at the time.
24 So, we were just looking to see if there was anything
25 obvious.

1 Q. Right, in the truck?

2 A. In the truck.

3 Q. You didn't check the landscape equipment in the back
4 or at least take pictures of it? There aren't any here
5 other than just the full outside shot?

6 A. I don't know what evidence we were looking for on the
7 landscape equipment.

8 Q. Well, he told you that the blower got hit, didn't he?

9 A. Well, he said that the, the tube of it got hit, but
10 the tubes are, like, used, scratched up, dented up like
11 equipment.

12 Q. But do you have a picture of that that we can show the
13 jury today ---

14 A. Uh-uh.

15 Q. --- so that you could maybe say there's no way this
16 tube or this leaf blower got hit? Do we have any photos of
17 that?

18 A. I don't have any photos of that.

19 Q. Did you just at least keep the leaf blower so we could
20 have it to, to try to go through this?

21 A. Again, we didn't see the relevance in keeping the leaf
22 blowers. I don't know which one was his and nothing looked
23 -- if, if a leaf blower had looked broken or busted or
24 something from being hit, I definitely would have kept
25 that, but I didn't, I didn't have that.

J.C. ROSS - CROSS-EXAMINATION BY MR. MATHEWS

394

- 1 Q. But you don't even have a picture of it, do you?
- 2 A. No, I guess I don't.
- 3 Q. And you said that they looked like they were used.
- 4 You said you didn't know which blower was his. Did you ask
- 5 anybody which blower was his?
- 6 A. I can't remember. Man. I just remember there wasn't
- 7 anything particular about the blowers.
- 8 Q. But none of that was documented via photograph or
- 9 evidence collection?
- 10 A. We did not document what we did not do.
- 11 Q. Because the story that his blower got hit didn't fit
- 12 your narrative, did it?
- 13 A. It did fit my narrative.
- 14 Q. Then why didn't you take a picture of it or collect it
- 15 to show us?
- 16 A. Because he said that it was just a, a tap on the tube.
- 17 I don't, I don't know of -- how to show that damage.
- 18 Q. A picture could have shown it.
- 19 A. If there was damage. I don't think there was damage.
- 20 Q. But we don't have anything here today to show us that
- 21 there was not damage, do we?
- 22 A. No.
- 23 Q. When you talked to him, he agreed to give you a
- 24 statement, right?
- 25 A. He did.

J.C. ROSS - CROSS-EXAMINATION BY MR. MATHEWS

395

1 Q. You mirandized him twice. That's undisputed and after
2 that, he waived his rights and he talked to you, didn't he?

3 A. He did.

4 Q. Did he seem evasive or not willing to answer
5 questions?

6 A. About the going up to the car part, the -- where he
7 was when the stabbing occurred he was evasive about.

8 Q. I understand that, again, he didn't tell you what you
9 wanted to hear. We just watched it, sir. Are you telling
10 the jury that what they just watched, the victim -- the,
11 the defendant seemed evasive?

12 MS. SAMPSON: Your Honor, I'm going to object to the
13 continuous not your narrative portion. I can understand he
14 can ask the question.

15 THE COURT: Overruled.

16 BY MR. MATHEWS:

17 A. Please say that again.

18 Q. So, the video that the jury just watched, you're
19 telling me that Mr. Young was evasive in his responses to
20 your questions?

21 A. About the one part of where that happened, yes.

22 Q. But he told you where it happened, didn't he?

23 A. He didn't. He just said he did not walk up to him.
24 He didn't say it didn't happen in the middle, it didn't
25 happen here.

J.C. ROSS - CROSS-EXAMINATION BY MR. MATHEWS

396

1 Q. That, that's fine. Everything is in evidence. You're
2 trying to say you think somehow that the knife was washed
3 off. Do you have any witnesses or anything that can say
4 the knife was, was washed off?

5 A. No.

6 Q. And it's undisputed that the knife was in kind of a
7 sheath, right?

8 A. That's right.

9 Q. A sheath that had been removed from and put back in a
10 couple times at least for taking photograph purposes,
11 right?

12 A. That's right.

13 Q. And everybody was concerned that there was hemoglobin
14 or blood take -- present on a swab of the blade of the
15 knife, right?

16 A. That was our main concern was to see if there was
17 hemoglobin on it.

18 Q. But nobody ---

19 A. Human hemoglobin.

20 Q. Nobody checked or swabbed the inside of this sheath to
21 see if there was any hemoglobin in there, did they?

22 A. I'm not sure, but they found hemoglobin on the knife,
23 so.

24 Q. Do you remember what the weather was like that day? I
25 know it's been four years. If you don't, just say no.

1 A. I know it wasn't rainy but other than that, I don't
2 remember much about it.

3 Q. And they just introduced the phone that he had on him
4 when he was arrested into evidence. Did you get
5 information that -- from Mr. Young that he had gone back to
6 the vehicle after the incident happened and moved to
7 another location?

8 A. Please say that again.

9 Q. They've entered the phone into evidence that he had on
10 him when he was arrested?

11 A. Yes.

12 Q. You don't know that he had that on him when the
13 incident happened, do you?

14 A. I don't know that he had that on him.

15 Q. Right. So -- because he had time or he at least --
16 there was information that they went back to a truck and
17 moved to another location after?

18 A. That's right.

19 Q. Right. So, we don't know where the phone was in the
20 interim except when it was found on his person when he was
21 taken into custody?

22 A. That's right.

23 Q. And we made this grand gesture of pulling out and
24 showing how long 50 feet was. That was the distance
25 between the, the car where the victim was found and the

1 pile of leaves, correct?

2 A. The back bumper of the car.

3 Q. The back bumper?

4 A. And the pile of leaves, yes.

5 Q. Okay, and because there was no blood trail in that 40
6 or 50 feet, your position is that Mr. Young's story could
7 not be true?

8 A. Not just because of the blood trail but the -- in, in
9 -- the nature of the wound was such that he wouldn't have
10 had but a couple of steps to go.

11 Q. But you're not an expert in physical anatomy. You're
12 not a pathologist, are you?

13 A. I'm not a pathologist.

14 Q. So, that's just your opinion that he could have only
15 got a couple of steps?

16 A. I mean, his, his heart was cut, like...

17 Q. But again, you're not qualified as an expert in
18 anatomy and physiology, are you?

19 A. No.

20 Q. Haven't been to medical school, have you?

21 A. No.

22 Q. Not a doctor or anything like that, are you?

23 A. No, sir.

24 Q. How about if there had been a blood trail in between?
25 Would you have charged him still?

1 A. That, that would have made it a lot cloudier.

2 Q. This was kind of cloudy from the start, wasn't it?

3 A. I, I don't think it was that cloudy, no.

4 Q. Because you don't have any other witnesses who can
5 tell you what happened other than the person that you
6 charged, right?

7 A. Yeah, and he did admit doing it.

8 MR. MATHEWS: Beg the court's indulgence.

9 (A PAUSE.)

10 Q. All right, they didn't show it on the video. They
11 skipped the part. I'm not going to play it again, but do
12 you recall a point during the interview where he asked
13 about the victim and asked if he was okay?

14 A. He, he did ask one time. I did not answer him.

15 Q. But that wasn't shown on the video.

16 MS. SAMPSON: Objection, Your Honor. We've got to
17 approach.

18 THE COURT: What?

19 MS. SAMPSON: We've got to approach.

20 THE COURT: Okay.

21 (OFF-THE-RECORD BENCH CONFERENCE.)

22 THE COURT: All right. Let's just move on.

23 MR. MATHEWS: That's fine.

24 All right. Thank you. I don't have any further
25 questions.

J.C. ROSS - REDIRECT EXAMINATION BY MS. SAMPSON

400

1 THE COURT: All right. Redirect?

2 MS. SAMPSON: Yes, sir.

3 REDIRECT EXAMINATION BY MS. SAMPSON:

4 Q. So, Mr. Ross, he just asked you about Mr. Young being
5 the only person who saw this incident?

6 A. He did.

7 Q. Who lied to 911 on the call about not seeing anything?

8 A. Scott Young.

9 Q. And who lied to Officer Sulser when he got there and
10 said what happened?

11 A. Defendant Scott Young.

12 Q. And who lied to Officer Sulser when he asked him what
13 happened when he gets to the cul-de-sac?

14 A. Scott Young.

15 Q. So, he asked you about not -- only taking pictures of
16 the inside of the vehicle, of the inside of the work truck,
17 excuse me. I point to you what's already been entered as
18 State's Exhibits 39, 38, 37, 36. What are those?

19 A. All pictures of the outside of the vehicle.

20 Q. So, they didn't just take pictures of the inside?

21 A. That's correct.

22 Q. And also in State's Exhibit 38.

23 A. Yes.

24 Q. What's that?

25 A. I think that's a blower.

1 Q. There's a blower on that that they took a photo of?

2 A. And it, and it doesn't look very damaged.

3 Q. Would it be fair to say that they took more
4 photographs than we've introduced?

5 A. Yes.

6 Q. Is that normal?

7 A. Yes. They take so many photos.

8 Q. He asked you about not knowing if Mr. Young -- when he
9 had access to his phone. Do you take notes or make a
10 report?

11 A. Yes.

12 Q. Will looking at your report help refresh your memory?

13 A. Yes, please.

14 Q. I want to point you to your report on the second page
15 when you talk about talking to Mr. Young in the patrol car.
16 Do you see that?

17 A. I do.

18 Q. What do you write down, or what did he tell you about
19 calling 911?

20 A. He said that he called 911, and 911 asked if he could
21 do CPR, and he said that he couldn't.

22 Q. So, he said he called?

23 A. He did tell me he called.

24 Q. But actually who called 911?

25 A. A coworker called 911 and a, a resident called 911.

J.C. ROSS - REDIRECT EXAMINATION BY MS. SAMPSON

402

1 Q. And to be fair, he gets on the phone with 911?

2 A. He does. The resident essentially calls 911 and hands
3 the phone to him.

4 Q. Okay, and I asked you that they take lots of photos.
5 Would be fair to say that these are all the photos that
6 they took?

7 A. That seems about right for CSI.

8 Q. And we didn't introduce all of these?

9 A. No.

10 MS. SAMPSON: Beg the court's indulgence.

11 (A PAUSE.)

12 MS. SAMPSON: Nothing further, Your Honor.

13 MR. MATHEWS: I've got an issue with the video that
14 we're going to need to take up outside the presence of the
15 jury.

16 THE COURT: Okay. All right, ladies and gentlemen,
17 we're going to take our morning break. This break will be
18 a little bit longer than normal. I have a legal issue that
19 I need to take up. So, enjoy your morning break. Do not
20 discuss the case. Keep an open mind, and we'll see you
21 back in just a few moments.

22 Investigator Ross, just stay right there, please.

23 (THE JURY EXITS AT 11:12 AM.)

24 THE COURT: Okay.

25 MR. MATHEWS: And it's not a huge deal, but I just

1 wanted to clarify. When I was asking about something not
2 being played, saying I wasn't going to play it, I'm not --
3 I didn't intentionally try to go into something that was
4 redacted, but it's not in my notes as something that was
5 redacted. If we can go back and check?

6 THE COURT: Okay.

7 MR. MATHEWS: Because I have it timestamped on here,
8 and I apologize if it was, but that's not in my notes.

9 MR. POTTS: We might as -- I will, I will -- I mean,
10 that's possible, but I don't think so.

11 MS. SAMPSON: We're going to go look, but just to be
12 clear for the record, there is a part where he asked how
13 he's doing, and he doesn't answer him. We're going to
14 check, but I am almost positive because I played the whole
15 thing where he interviewed him. We took that out because
16 it's intermingled with stuff we weren't supposed to get
17 into. So, there was no way to have that one little piece
18 in there and not have the rest, but we'll check.

19 (COUNSELORS CONFER.)

20 MS. SAMPSON: If I, if I've misspoken, he can ask him
21 about it, but I thought it was the part that we didn't play
22 because there is a portion where he talks about that when
23 he's saying here's what I think had happened, and we took
24 that out on their account. So if I'm wrong, he can ask him
25 about it.

1 (A PAUSE AS COUNSELORS REVIEW DVD.)

2 THE COURT: All right, so what we did we discover?

3 MR. POTTS: Your Honor, we discovered that Mr., Mr.
4 Mathews was correct. It is in the unredacted version of
5 the tape. It's, it's, again, in a different part that was
6 redacted. That was our mistake, but that is in the
7 unredacted portion in evidence.

8 THE COURT: That's in evidence?

9 MR. POTTS: That is in evidence, correct.

10 THE COURT: Okay. So, you want to ask him again about
11 it or something?

12 MR. MATHEWS: And I just want to play that one minute
13 portion.

14 THE COURT: Oh. That's fine.

15 MS. SAMPSON: And I will apologize on the record. He
16 says it twice, and so I thought it was in the redacted
17 portion.

18 THE COURT: Okay. All right. Okay. All right.

19 So, Investigator Ross, you're still on the witnesses
20 stand. Don't discuss your testimony with anybody.

21 Let's take a ten minute break so court staff can go to
22 the restroom and get some water. When we come back from
23 the ten minute break, let's have Dr. Durso up here so she
24 can talk about the pictures, and then we can go from one to
25 the next.

J.C. ROSS - RECROSS-EXAMINATION BY MR. MATHEWS

415

1 All right, Mr. Mathews.

2 MR. MATHEWS: Thank you, Judge.

3 RECROSS-EXAMINATION BY MR. MATHEWS:

4 Q. Investigator Ross, you agree there was a portion of
5 this interview -- I mean, it's rather long. We skipped a
6 lot of it that wasn't played for the jury, right?

7 A. Yes.

8 Q. Is there a portion of it where he asked if the guy was
9 okay?

10 A. Yes.

11 Q. And did you answer him?

12 A. No.

13 Q. Was there also a portion where y'all discussed him
14 doing CPR?

15 A. Yes.

16 Q. And he put in there in his statement that: They asked
17 me to roll him over and start CPR. And he crossed that out
18 at some point, right?

19 A. I'd have to look at that statement again.

20 Q. I'm going to hand you up State's Exhibit 48.

21 A. I see it on page 2.

22 Q. So, there was a -- that was on there and crossed out,
23 right?

24 A. Yes.

25 Q. Do you remember him going on to explain to you -- or

J.C. ROSS - RECROSS-EXAMINATION BY MR. MATHEWS

416

1 he actually wrote on there: I told him no, I'm not able to
2 do CPR?

3 A. Yes.

4 Q. And do you remember my client in this interview we're
5 going to watch and saying I don't know how, I don't know
6 how?

7 A. Yes.

8 Q. Okay.

9 (WHEREUPON, EXCERPT OF STATE'S EXHIBIT NUMBER 63 IS
10 PLAYED FOR THE COURT. AUDIO IS NOT TRANSCRIBED.)

11 Q. So, that's the portion we were just discussing where
12 he asked how the guy was doing and said he didn't know how
13 to do CPR?

14 A. That's right.

15 MR. MATHEWS: Thank you. I don't have anything
16 further.

17 THE COURT: Okay. You may step down.

18 (THE WITNESS EXITS THE STAND.)

19 THE COURT: You may call your next witness.

20 MR. POTTS: State calls, state calls Dr. Amy Durso.

21 THE COURT: All right, come on up, Dr. Durso, and be
22 sworn.

23 AMY DURSO, BEING DULY SWORN,

24 TESTIFIES AS FOLLOWS:

25 CLERK: Please have a seat. Please state your full

A. DURSO - VOIR DIRE EXAMINATION BY MR. POTTS

417

1 name for the record.

2 WITNESS: Amy Durso, D-u-r-s-o.

3 MR. POTTS: Beg the court's indulgence for one second.

4 VOIR DIRE EXAMINATION BY MR. POTTS:

5 Q. Good morning.

6 A. Good morning.

7 Q. How are you doing, Dr. Durso?

8 A. Good. How are you?

9 Q. All right. Can you tell this jury a little bit about
10 yourself? Where you work, what you do?

11 A. Sure. So, I am a forensic pathologist. So, that
12 means I am a medical doctor that examines bodies after
13 death. So, I know about patterns of injury, things that
14 kill people, that sort of thing. So, and I do that mainly
15 by doing autopsies, which is actually not just examine the
16 outside of the body but cutting into the body to examine
17 all the organs, and then creating an autopsy report
18 afterwards.

19 Q. Okay. Tell the jury a little bit about your training
20 and experience as a forensic pathologist.

21 A. Right. So, four years of college. I went to get my
22 four-year medical degree from the University of North
23 Carolina in Chapel Hill. After medical school, I did a
24 four-year residency in pathology, general pathology, and
25 then I stayed on. That was at Wake Forest, and then I

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

418

1 stayed on an additional year to do a forensic pathology
2 fellowship at Wake Forest. And I've been down here doing
3 autopsies as a forensic pathologist, mainly doing autopsies
4 for the Richland County coroner's office for almost twelve
5 years.

6 Q. Okay. In that twelve year span in which you've been
7 doing autopsies, have you ever been to court before and
8 testified as an expert?

9 A. Numerous times. I've lost count. Probably forty,
10 fifty times at least.

11 Q. Okay.

12 MR. POTTS: Your Honor, at this time the state would
13 like to offer Dr. Durso as an expert in forensic pathology.

14 THE COURT: Voir dire?

15 MR. MATHEWS: No, sir.

16 THE COURT: All right, ladies and gentlemen, so
17 normally when a person testifies, they are not allowed to
18 give their opinion. Normally when a person testifies, they
19 have to testify to what they saw, they heard, they did,
20 they touched, they sensed by smell, or something of that
21 nature. However, under our rules there's an exception.
22 When someone is qualified because of their education or
23 experience, that person is permitted to give their opinion
24 in certain areas if I qualify them in that way.

25 So this witness, Dr. Durso, will be qualified as an

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

419

1 expert in the area of forensic pathology. That means she
2 will be allowed to give her opinion in that area.

3 Now, that doesn't mean that you have to accept her
4 opinion, but it's evidence for you to use in any way that
5 you see fit, and you give it the weight and the credibility
6 that you believe is appropriate, as you should be doing
7 with each and every witness that appears before you.

8 MR. POTTS: Thank you, Your Honor.

9 DIRECT EXAMINATION BY MR. POTTS:

10 Q. Dr. Durso, one thing I forgot to ask about your
11 qualifications. As a practicing forensic pathologist, do
12 you continue to research and study new things that happen
13 in the field?

14 A. Yes. We have continuing education requirements.

15 Q. Okay.

16 A. So, yes.

17 Q. Have you, have you kept up with those?

18 A. Yes. I just recertified my ten year boards a year or
19 two ago.

20 Q. Okay. Are you board certified?

21 A. Yes.

22 Q. Okay.

23 A. Have to be.

24 Q. News to me.

25 A. Yes.

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

420

1 Q. So, Dr. Durso, did you have a chance to examine the
2 victim in this case, Mr. Pacius?

3 A. I did, yes. On December 15, 2017, I did the autopsy
4 at 2 PM.

5 Q. Okay. Isn't that the same day he died?

6 A. It is.

7 Q. And how common, how common is that?

8 A. Not super common, but sometimes if we're already down
9 in the morgue doing cases and there's a case to be done,
10 especially something like a homicide, if law enforcement
11 and the coroner's office all get there and be present at
12 the time, we'll do it the same day.

13 Q. Okay, and when you say cases, what do you mean?

14 A. An autopsy.

15 Q. Okay. So, tell the jury a little bit about what an
16 autopsy is and what you're doing.

17 A. Right. So, an autopsy is a very methodical process.
18 This one was done in conjunction with the Richland County
19 Coroner's Office. So, they'll identify the body, pull it
20 out for me. We'll weigh, measure the outside of the body,
21 look for identifying marks, eye color, hair, all that sort
22 of thing. Look for external injuries and after we document
23 all of that, we'll open up the body.

24 So, we do that by making a Y-shaped incision,
25 reflecting back the skin, removing the front of the rib

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

421

1 cage, and at that point we're looking for any collections
2 of fluids like blood. If there's a wound, then we'll track
3 the wound to see what it hit. And, you know, we remove
4 each organ, weigh it, document any natural diseases, any
5 injuries, anything we find that's abnormal. And we also
6 remove the brain and do the same thing.

7 Q. So, you say you go through every organ?

8 A. All the major organs, yes.

9 Q. All the major organs. What about in a case like this
10 where -- but -- what about in a case like this where there
11 appears to be only one organ affected?

12 A. We still look at all of the organs because sometimes,
13 you know, if someone has heart disease, it could affect how
14 long they could survive, you know, after blood loss, that
15 sort of thing. So, we do a full, complete autopsy.

16 Q. Okay. So, even if someone was shot in the head, you'd
17 still check everything below the neck as well?

18 A. Right.

19 Q. So, did -- and I think you already -- but you had
20 cause to examine Mr. Pacius in this case?

21 A. Yes.

22 Q. Okay. So, did you weigh him and measure him and such?

23 A. Yes.

24 Q. Okay. What were the measurements you documented?

25 A. He weighed 226 pounds and was 72 inches, so 6 feet.

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

422

1 Q. Okay. Can you describe to the jury kind of what your
2 first observations were?

3 A. So, the major finding we found was the stab wound to
4 the left upper chest. So, it was kind of almost in this
5 armpit area. I'm not very tall. I'm sorry. Just above
6 kind of the armpit on the left upper chest was a large,
7 sharp-force wound. So, sharp is anything, you know, made
8 by something with a sharp blade. Typically a knife is most
9 common.

10 So, when we open up the body, we trace the path of the
11 blade into the body to see what it hit. So, after going in
12 through the skin and subcutaneous tissue here, it hits --
13 it actually goes between the left fourth and fifth ribs, so
14 it goes between ribs. After that, it hits the left upper
15 and lower lobes of the lungs. The left lung has two lobes.
16 It hit both lobes of the left lung, and then it actually
17 goes into the heart.

18 So, the heart sits here. It kind of points down
19 towards the left, and it goes almost -- makes -- it gets
20 into the end of the heart, the left ventricle, which is the
21 part of the heart that pumps blood to the entire body. The
22 right side just pumps to the lungs, comes right back to get
23 oxygenated. The left side goes to the entire body. So,
24 this is kind of the bigger part of the heart that got cut
25 into, and it actually goes into the septum between the left

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

423

1 and right sides of the heart. So, it was fairly deep.

2 Q. Okay. Dr. Durso, while you're doing this autopsy, is
3 there someone there taking photographs?

4 A. Yes. So, there's a representative from the coroner's
5 office taking photographs. And in these cases of potential
6 homicide, there's always someone from the investigative
7 agency -- a law enforcement officer, crime scene person --
8 that takes photographs as well.

9 Q. Would some photographs help demonstrate these areas
10 you talked about to the jury?

11 A. Yes.

12 Q. All right. I'm going to show you what's marked as
13 State's 4, 5, 62, and 64. I'm going to ask you first what
14 4, 5, and 64 are.

15 A. Number 4 -- is this number 4? Sorry. 64 is a
16 photograph of Mr. -- is it Pacius? Showing the stab wound
17 to the left upper chest. You can kind of place it there.
18 You can see where his beard is. Number 5 is a -- more
19 zoomed in to actually see the characteristics of the wound.
20 And Number 4 is a picture of the heart after it's removed
21 from the body and cleaned up and showing the injury to the
22 heart.

23 Q. Okay. Would ---

24 MR. POTTS: At this time, Your Honor, I'd like to
25 offer into evidence State's 4, 5, and 64.

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

424

1 THE COURT: All right, and there's an objection to 64?

2 MR. MATHEWS: Yes, sir, the one that I'm renewing my
3 initial -- or previous objection to, 64.

4 THE COURT: All right. So, 4 and 5 are without
5 objection. 64 is in is based upon my previous ruling over
6 the defense objection.

7 (PHOTOGRAPHS INDIVIDUALLY MARKED INTO EVIDENCE AS
8 STATE'S EXHIBIT NUMBERS 4, 5, and 64.)

9 BY MR. POTTS:

10 Q. Dr. Durso, would you mind stepping down with me?

11 A. Sure.

12 Q. And if you don't mind, bring those photos with you.

13 A. Okay.

14 Q. And, Doctor, I'm going to ask you to stand on this
15 side.

16 A. Okay.

17 Q. So that way the court reporter -- if you can project
18 towards the court reporter.

19 All right, so I'm going to show you first what is
20 marked as State's Exhibit Number 5. Can you tell the jury
21 what's in this picture, please?

22 A. That's the wound.

23 Q. And so this the stab wound right here?

24 A. Yes.

25 Q. In the center of the, of the picture?

1 A. Yes.

2 Q. Now, describe to me what this -- how the shape is.

3 What is -- do you notice anything about that shape?

4 A. It has a little, just, jagged edge right here in the
5 middle. So, it could either be a characteristic of the
6 blade used, if there's some irregularity on it. Or either
7 the knife was twisted, or he was moving at the time and it
8 caused this jagged portion where it was kind of -- moved
9 jagged a little bit, yeah.

10 Q. And then State's Number 64. So, what is this
11 photograph of?

12 A. Well, this is zoomed out some so you can actually see
13 a little bit more. So, this is his beard here, his head.
14 So, this is kind of upside down or sideways, but this is
15 showing where it is on his body. So, it's way up here in
16 his upper chest area kind of, you know. You can see where
17 his armpit is right there. So, I'm kind of just trying to
18 show you where exactly the knife went into the body.

19 Q. Okay, and so once again you can see a little bit of a
20 jagged edge?

21 A. Yes.

22 Q. Okay, and then I want to show you State's Exhibit
23 Number 4. All right, so explain to the jury what that is.

24 A. So, This is the heart after it's removed from the
25 body. So, this bottom part would be -- this whole thing

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

426

1 here is considered the ventricle. So, this is the muscular
2 part of the heart that's pumping blood. It has to contract
3 and plump blood up through the aorta here. That goes to
4 the entire body, including the brain, all the way down to
5 your toes, right? The only part it doesn't pump to is the
6 lungs because that's what the right side of the heart --
7 that's the smaller part on this side. So, this is usually
8 -- you can see how thick it is. It's 1.5 centimeters
9 thick. I don't know how many inches that is but ---

10 Q. Little ---

11 A. --- off the top of my head.

12 Q. Little less than an inch?

13 A. Yeah, less than an inch, but you can see this large
14 wound here where this is the sharp-force injury. So, it's
15 the stab wound that came --we tracked the path all the way
16 from where you saw it went through the skin and
17 subcutaneous tissue all the way into the heart here.

18 So, this goes into that heart chamber. So, this is
19 the cavity that's supposed to be filling up with blood and
20 then pumping. So now that this is open, instead of the
21 blood coming out of the aorta and going to the brain and
22 the body, it's now going to be coming out of this wound
23 every time the heart pumps. And that's going to be filling
24 up the left side of the chest cavity, making it so his lung
25 can't inflate. There's not blood going to his brain or the

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

427

1 rest of his body, including his legs, feet, and he's going
2 to bleed out very quickly from this wound.

3 Q. Thank you, Dr. Durso. You can take the stand.

4 So, Dr. Durso, let's talk about the -- that injury to
5 the heart a little bit more, if that's okay. Was that the
6 cause of death in this case?

7 A. Yes.

8 Q. Okay. So, that injury to the heart, you said, was on
9 the left-hand side?

10 A. Yes.

11 Q. What was the direction of the injury?

12 A. So, it was coming from front to back, very slightly
13 left to right because you saw where it goes in up kind of
14 closer to the armpit, and the heart's more center, but that
15 part of the heart would still be left of center. And, and
16 it's also going just slightly downwards because that was
17 the bottom part of the heart, which sits lower in the
18 chest.

19 Q. So, it's kind of like, I guess, well -- so, it's
20 slightly downward ---

21 A. It's like this.

22 Q. --- left to right and it ---

23 A. Yeah.

24 Q. --- and it -- I got you.

25 A. Yes.

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

428

1 Q. Okay. So the heart, I always think of the heart as
2 being pretty deep in my chest. Is that something you
3 measure or take, take note of?

4 A. Right. So, we do an estimate -- estimated approximate
5 wound depth. So, I measure kind of from the skin down to
6 the maximum depth -- depth where the wound path is, and it
7 was approximately 15 centimeters, which is a little under 6
8 inches.

9 Q. Okay. So, the, the blade, weapon, whatever it may be
10 because you don't know that?

11 A. Any kind of sharp...

12 Q. What if the weapon is ---

13 A. It has to be sharp.

14 Q. Has to be sharp. Went in about 6 inches into the
15 chest?

16 A. Yes.

17 Q. Okay. I'm going to show you what's been marked
18 State's Exhibit Number 27. Now, this weapon you see here.

19 A. Yes.

20 Q. Is this weapon consistent with the injuries you saw on
21 the body?

22 A. Yes.

23 Q. What about this little tiny piece at the top?

24 A. I find that hook interesting because like I said, it
25 had that little irregularity you saw in the skin wound, and

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

429

1 that would be consistent with kind of the hook getting kind
2 of caught up on the skin as it came out.

3 Q. Okay. Now, Doctor, want you to take a look at this,
4 if you don't mind. You can hold it if you want, or I can
5 give you some gloves.

6 A. Sure.

7 Q. Does that look, appear to be 6 inches long to you?

8 A. I would say it's a little less. It's definitely less
9 than 6 inches. Maybe 4 inches.

10 Q. Okay, but if this weapon were to be the murder weapon,
11 how could an approximately 4 inch blade get 6 inches down
12 into a person's chest?

13 A. Right. So, this is pretty well-documented in forensic
14 pathology literature that a knife can go deeper into the
15 body than the length of the blade.

16 So, the best analogy for this is to think about a
17 fluffy pillow, and you're going to stab the pillow. What
18 happens when you force that knife is is that you're going
19 to compress the pillow, and then when you pull the knife
20 back out, there's going to be a deeper wound depth or
21 stabbing depth than the thickness of how deep the knife
22 was. So, you think about you have a short knife, but you
23 can probably go all the way through that pillow and leave,
24 like, a 10 inch, you know, perforation in that pillow.

25 So, it's the same with, with people. We're, we're

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

430

1 compressible, essentially our chests, you know. Our ribs
2 come in and out every time we breathe. Our skin is very
3 compressible. Our lungs are very compressible. So, it's,
4 it's quite common that the knife blade is shorter than the
5 actual wound depth.

6 Q. Okay. Now, you mentioned the ribs and how they kind
7 of expand and contract as we breathe.

8 A. Right.

9 Q. And in this case, you said that the knife went through
10 two of the ribs or one?

11 A. It went between.

12 Q. Between two of the ribs?

13 A. Between.

14 Q. Is that area harder to compress than other areas of
15 the torso?

16 A. No. No.

17 Q. Okay. Now, once someone has received an injury like
18 that -- and how much did you say the heart was kind of cut
19 there?

20 A. Right. So, the left ventricle had a large wound to
21 the major part of it, the left side. Again, that's going
22 to be the thicker part that fills up typically with more
23 blood. So, this is a major -- this is a fatal injury, and
24 there's no way to survive that.

25 Q. Okay. So no matter what happens, any care he got, he

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

431

1 was going to die?

2 A. Yes.

3 Q. Okay. Even though it's injured, is your heart still
4 pumping after a wound like that?

5 A. So, it will pump as long as it has blood flow. So,
6 again, the heart supplies its own blood flow, again through
7 that left ventricle. It comes up the aorta and goes
8 through the coronary. So, so, as soon as someone is
9 stabbed with that large wound to the heart, so again more
10 of the blood's going to the pooling out to the left chest.
11 There's no blood going to their brain. They have, you
12 know, less than a minute probably of being conscious, you
13 know, probably closer to maybe twenty seconds of being
14 conscious before they pass out and then would die, you
15 know, within minutes.

16 Q. Okay. Now, the -- you mentioned earlier that the
17 left-hand side is the side of the heart that feeds blood
18 throughout the entire body?

19 A. Yes.

20 Q. And I think you said it has to be stronger for that?

21 A. It's thicker and fills with more blood because of
22 that, yes.

23 Q. Okay. Is the pressure of the blood different between
24 the left-hand side and the right-hand side?

25 A. Yes.

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

432

1 Q. Okay. How is it different?

2 A. So, the left-hand side has to have enough pressure for
3 the blood to be pumped through the aorta and through the
4 entire body, compared to the right side has a thinner wall.
5 It doesn't have -- it can't make as much pressure. It
6 doesn't need to. The blood from the right ventricle is
7 only going to go to the lungs, which are very close by, and
8 then are going to come right back to the left side to be
9 distributed throughout the body. So, the right side is
10 mainly to get the blood to the lungs to get oxygenated; the
11 left side is now going to take that oxygenated blood and
12 distribute it throughout the body.

13 Q. Okay. Now, I showed you State's 27 earlier. That was
14 the weapon you said was consistent with the injuries you
15 saw?

16 A. Yes.

17 Q. If that weapon were used in this case, would you
18 expect it to be clean as it exited the body or what?

19 A. Oh, it would be covered in blood. It went into the
20 heart, which is blood-filled organ. I mean, it would
21 definitely have blood as you pulled it out, and probably
22 blood would come with it.

23 Q. Okay. So, so, blood would come with it, you said?

24 A. Yes.

25 Q. You'd -- so, you'd expect at least droplets where that

1 happened?

2 A. Yes.

3 Q. Okay, and once again, what about the wound itself?

4 How would blood react with that wound itself?

5 A. Typically, blood would come out of the wound, and you
6 would have a bloody scene.

7 Q. Would that happen immediately?

8 A. Yes.

9 Q. Okay. Is that because of the high pressure, or is
10 that something that just happens, or would it be
11 exacerbated by that high pressure?

12 A. The high pressure would just make the blood come out
13 faster. So, as soon as that cavity is filled with blood,
14 there's going to be blood coming out along with, you know,
15 all of the blood vessels that were cut. I mean, even just
16 getting a cut in the skin there would cause you to bleed.
17 I mean, we've all gotten cuts on our skin before and that
18 would -- that bleeds immediately.

19 Q. After receiving that kind of injury, what would happen
20 to a person?

21 A. It would -- I mean, depending on where they're at. I
22 mean, if they're standing, they would collapse and then,
23 like I said, lose consciousness and die shortly after.

24 Q. Okay, and what if they had some adrenaline through
25 them, flowing through their body?

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

434

1 A. So, there have been some cases where people -- the
2 cases I've read have been shogun wound cases where people
3 have been shot in the heart and managed to run with that
4 final jolt of adrenaline that they get in the moment, but
5 that's a lot smaller wound usually. With this degree of a
6 wound, I, I wouldn't think that you could run more than,
7 you know, likely just a few steps, maybe 10 feet. Not far
8 because every time you run, that adrenaline would make you
9 bleed out even faster, you know. And with such a large
10 wound to the heart, I just don't see how someone could go
11 very far.

12 Q. Now, as part of your autopsy process, do you collect
13 any blood for further examination?

14 A. So, we always collect samples to be sent off for
15 toxicology testing on all of our cases, no matter what they
16 are.

17 Q. Did you do that in this case?

18 A. I did.

19 Q. Did you see -- get -- the results come back?

20 A. Yes. So, there was -- you want me to talk about the
21 results?

22 Q. Yeah, you, you can just ---

23 A. Yeah.

24 Q. I mean, you're not a toxicologist, are you?

25 A. No.

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

435

1 Q. So, can you tell me what the results really mean?

2 A. I can tell you that there was tetrahydrocannabinol and
3 another tetrahydrocannabinol metabolite, which are
4 metabolites for marijuana.

5 Q. Okay, but did that have anything to do with his death
6 at this point, his cause of death?

7 A. No.

8 Q. As far as your examination is concerned, that's
9 irrelevant?

10 A. It did not contribute to his death.

11 Q. Okay. Did the victim have any other injuries on him?

12 A. So, there was an abrasion on his left forehead, a
13 tiny, little, superficial, dried, red abrasions on his left
14 forehead. On the little finger of his right hand, there
15 was a small, tiny abrasion. And on the left hand, kind of
16 between the two knuckles right here between the fourth and
17 fifth knuckles, there was a small abrasion. These aren't
18 really specific for anything. A lot of times even just
19 getting into the ambulance things get abraded. I see them
20 sometimes on people that die of heart attacks, you know,
21 just moving them around. So, they're not specific for
22 anything, in my opinion.

23 Q. Would the injury on the head and/or hands be
24 consistent with falling face first on the concrete?

25 A. Yes.

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

436

1 Q. Okay. The injury between the knuckles you mentioned,
2 is that consistent with a punch?

3 A. So the punch, the typical injuries from someone
4 punching somebody would be on these knuckles, and it would
5 be on the protuberant surface because you think what's
6 going to hit somebody. It's not going to be between the
7 knuckles, especially not way over here. So, the ones we
8 look for that are most descriptive of someone punching
9 would be of the prominent parts of the knuckles here.

10 Q. Okay, but other than those, that abrasion on the head,
11 the couple on the hands, you observe any other external
12 injuries?

13 A. There were no other injuries to the body.

14 Q. Obviously besides the stab wound?

15 A. Right.

16 Q. Okay. I'm going to show you what's been marked
17 State's 62. Just let me know if you recognize that.

18 A. Yes. This is an external male diagram. We use these
19 in all of our autopsies. I take notes on them, and this
20 one I specifically did just to show the location of the
21 stab wound.

22 Q. Okay. Now, so, as you are doing your examination, you
23 make a drawing?

24 A. So, it's a preprinted drawing. It's not really
25 accurate necessary to someone's height, weight, body

A. DURSO - DIRECT EXAMINATION BY MR. POTTS

437

1 habitus, but it's just a generic male diagram, and then I
2 add my little notes in there.

3 Q. Okay.

4 MR. POTTS: At this time, Your Honor ---

5 A. I'm not an artist.

6 MR. POTTS: At this time, Your Honor, I'd like offer
7 State's Number 62, I believe, into evidence.

8 MR. MATHEWS: No, no objection.

9 THE COURT: 62 without objection.

10 (DIAGRAM MARKED INTO EVIDENCE AS STATE'S EXHIBIT
11 NUMBER 62.)

12 BY MR. POTTS:

13 Q. And, Dr. Durso, you can stay where you are. This is
14 State's 62, correct?

15 A. Correct.

16 Q. And the injury you indicated, it's just this single
17 one in the upper left torso, correct?

18 A. Yes.

19 Q. Okay, and those are the significant injuries you found
20 in this case?

21 A. Yeah. That's -- the stab wound was really the only
22 significant injury, you know, in determining the cause of
23 death.

24 MR. POTTS: Beg the court's indulgence.

25 (A PAUSE.)

A. DURSO - DIRECT EXAMINATION / CROSS-EXAMINATION 438

1 Q. Dr. Durso, when somebody, or in this case when someone
2 has received this wound and collapsed, might they make
3 involuntary movements after death?

4 A. Right. So in the death throes, as you call them, so
5 as your body -- your brain loses oxygen, terminal seizures
6 and kind of rattling of the body is -- you know,
7 involuntary movements are very common.

8 Q. Okay. So, I guess they're shakes. Like seizures?

9 A. Yeah. They basically are seizures. It's the brain's
10 electrical response to not having enough blood flow, kind
11 of end of life activity.

12 Q. Okay, and that would have happened at the very end?

13 A. Yes.

14 MR. POTTS: Thank you, Doctor. No further questions.
15 Please answer any questions Mr. Mathews has for you.

16 WITNESS: Of course.

17 THE COURT: Cross?

18 CROSS-EXAMINATION BY MR. MATHEWS:

19 Q. Ms. -- or Dr. Durso, I've got a good bit of questions,
20 but the one thing I want to harp on that's most important I
21 want to get to first. You've given previous sworn
22 testimony in regards to this case before, haven't ---

23 A. Yes.

24 Q. --- you? And did you review that testimony ---

25 A. I did.

A. DURSO - CROSS-EXAMINATION BY MR. MATHEWS

439

1 Q. --- prior? May I finish my ---

2 A. Oh.

3 Q. --- sentence?

4 A. I'm sorry.

5 Q. Have you -- did you review that testimony prior to
6 testifying today?

7 A. I did.

8 Q. And have you had discussions with the prosecutors
9 prior to testifying today?

10 A. They gave me the testimony to review, yes.

11 Q. And today you testified that the victim could have
12 only moved about 10 feet, right?

13 A. Correct.

14 Q. Where in your previous testimony is that statement?

15 A. I just answered your questions as directly as possible
16 based on my current knowledge.

17 Q. Did you testify to that at a previous hearing under
18 this at all?

19 A. No.

20 Q. So, today is the first time that you are giving us
21 that information?

22 A. Yes.

23 Q. After you've had time to review your previous
24 testimony, right?

25 A. Yes.

A. DURSO - CROSS-EXAMINATION BY MR. MATHEWS

440

1 Q. And have further discussions with the prosecutors ---

2 A. Actually ---

3 Q. --- correct?

4 A. --- I had further discussions with my colleagues, yes.

5 Q. In fact, your previous testimony that you said was...

6 MR. POTTS: And, Mr. Mathews, if you'd let me know
7 what you're referring to, which page?

8 BY MR. MATHEWS:

9 Q. So, I'm referring to page 14 of the second day of the
10 transcript of a previous hearing were you were asked: Okay,
11 you said he could, he could be walking around for a little
12 bit, but. And your response was: Maybe a minute at most,
13 not long. Correct?

14 A. Correct.

15 Q. So, your testimony then that he was -- could have been
16 walking around for a minute?

17 A. Yes.

18 Q. And today you say in that minute, he could only have
19 gone 10 feet?

20 A. Well, it depends how fast you're moving. So, the more
21 you're moving around, the faster your heart's going to pump
22 and the less you'd be able to go because with every pump of
23 that heart, he's losing blood into his chest cavity that's
24 not going to his brain.

25 Q. You can understand how that could seem a little

1 inconsistent, though, couldn't you?

2 A. I don't think so, no. Walking around for a little
3 bit, 10 feet, I think that's consistent.

4 Q. With, with one minute? 10 feet in a minute?

5 A. I'm, I'm sorry, 10 feet in a minute is what you're
6 saying?

7 Q. That that's -- that's what your testimony, that that's
8 consistent.

9 A. No. I, I -- it depends. I said at most he could have
10 gone maybe 10 feet if he was running in that heat of the
11 moment.

12 Q. And he had clothes on ---

13 A. I wasn't there. I don't know if he was standing
14 there; I don't know if he was wandering around. I was not
15 at the scene.

16 Q. But that's the point. You don't know what happened.

17 A. I don't know. You're right.

18 Q. And you ---

19 A. Happy to admit that.

20 Q. You just -- a body's brought in to you?

21 A. Correct.

22 Q. And you're given pretty minimal information and just
23 kind of asked to do your own autopsy and, and make your own
24 findings, right?

25 A. Correct.

A. DURSO - CROSS-EXAMINATION BY MR. MATHEWS

442

1 Q. And so there's no way for you to make a determination
2 that a wound was inflicted by a person acting in
3 self-defense?

4 A. I have no way of knowing that. I have no opinion on
5 that.

6 Q. Right.

7 A. Whatsoever.

8 Q. There's no way you can that determine that by what you
9 do with the body, right?

10 A. Absolutely not.

11 Q. And so when the body came in, was it -- did he have
12 clothes on him, or were you given the clothes from ---

13 A. He was ---

14 Q. --- the hospital?

15 A. He already had medical intervention, so I was not able
16 to see the clothes.

17 Q. They didn't come to you, though?

18 A. I do not recall seeing them. If they were, they were
19 already bagged by the hospital. I did not look at them.

20 Q. Do you recall your previous testimony on page 15? Yu
21 were asked: Did have he clothes on? You said: I'm sure he
22 had clothes on. Question asked: Was a shirt and a jacket?
23 And you said: I guess.

24 A. I do not know what clothes he had on. I believe
25 someone documented what clothes he had on but ---

1 Q. But ---

2 A. --- that's not my place, no.

3 Q. Those did come to you?

4 A. I did not examine the clothing in this case.

5 Q. Did you exam any photographs or pictures from the
6 scene or anything like that?

7 A. Not that I re -- can recall. I don't remember when
8 that previous testimony was. What year was that? I don't
9 remember exactly every moment of that, to be honest ---

10 Q. It ---

11 A. --- with you.

12 Q. It was from April of 2019. So, I can ---

13 A. Right. I'm sorry if I don't remember.

14 Q. And you did a report on this, right?

15 A. I did.

16 Q. And when he came in, did you weigh the body?

17 A. Absolutely.

18 Q. And tell me again what the weight was?

19 A. It was 226 pounds.

20 Q. And there had been a significant amount of blood loss
21 prior to that?

22 A. There is.

23 Q. Would that affect the weight at all?

24 A. Not significantly, no. Maybe a few pounds, but it's
25 not going to make a huge difference.

A. DURSO - CROSS-EXAMINATION BY MR. MATHEWS

444

1 Q. And how tall was he?

2 A. He was 6 feet tall.

3 Q. And this wound, did, did it, did it go through the
4 ribs?

5 A. It went between the ribs.

6 Q. Between the ribs?

7 A. Uh-huh.

8 Q. So, had it made contact with the, the knife or made
9 contact with the ribs, would that have impeded in any way
10 and potentially stopped it or kept it from going as deep?
11 Would that have made a difference?

12 A. Obviously bones are going to give a lot more
13 resistance than a muscle.

14 Q. And you said you did the toxicology of the victim, and
15 he tested positive for marijuana, correct?

16 A. Yes.

17 Q. And the only information that you were given was that
18 you had a stabbing, is that essentially correct, prior to
19 the autopsy?

20 A. Stab wound was brought to the hospital. Died at the
21 hospital.

22 Q. Did you review any of the medical records from the
23 hospital or anything?

24 A. I always try to pull them up and review them. Again,
25 it's been a few years since I did this case, so I don't

A. DURSO - CROSS-EXAMINATION / REDIRECT EXAMINATION

445

1 recall specifically what was in those records.

2 Q. Sure.

3 MR. MATHEWS: Beg the court's indulgence briefly.

4 (A PAUSE.)

5 BY MR. MATHEWS:

6 Q. Real briefly. Are you familiar with another
7 pathologist named Dr. Kimberly Collins?

8 A. I've heard of her, yes.

9 Q. You've heard of her. Would you say she's respected in
10 her field?

11 A. Definitely.

12 MR. MATHEWS: Thank you, Your Honor. I don't have any
13 further questions.

14 THE COURT: Redirect?

15 MR. POTTS: Yes, Your Honor.

16 REDIRECT EXAMINATION BY MR. POTTS:

17 Q. So, Mr. Mathews read a couple statements out of your
18 -- that transcript we talked about from the hearing in
19 2019?

20 A. Yes.

21 Q. I'm going to hand you -- I guess I'll do it this way.

22 (TRANSCRIPT MARKED AS STATE'S EXHIBIT NUMBER 65 FOR
23 IDENTIFICATION.)

24 Q. Take a look at that, line 17, if you don't mind, or
25 thereabout.

A. DURSO - REDIRECT EXAMINATION BY MR. POTTS

446

1 MR. MATHEWS: Can, can you tell me what page that is?

2 MR. POTTS: 15.

3 MR. MATHEWS: Thank you.

4 BY MR. POTTS:

5 A. Okay.

6 Q. Okay. So, he read a portion with you of the
7 transcript, correct?

8 A. Yes.

9 Q. Did he read your full answer?

10 A. No.

11 Q. Okay. What was your full answer about whether the
12 victim came in with clothes?

13 A. He asked: A shirt and a jacket?

14 And I said: I guess. He came from the emergency
15 room, so I wouldn't have a way of.

16 And then it got interrupted by him saying: Okay, but
17 if it.

18 Q. And what was the next part?

19 A. And I continued my response: So, I wouldn't have any
20 way of knowing what he was wearing.

21 Q. Okay. So, back in 2015 you said you had no way of
22 knowing what he was wearing?

23 A. Correct.

24 Q. Okay. The other part he asked you about was on 14.

25 MR. POTTS: And once again I'll mark this for ID.

A. DURSO - REDIRECT EXAMINATION BY MR. POTTS

447

1 (TRANSCRIPT MARKED AS STATE'S EXHIBIT NUMBER 66 FOR
2 IDENTIFICATION.)

3 Q. I want you to take a look at lines by 5 through 7.
4 Well, actually 5 through 15. Take a look at those.

5 (A PAUSE.)

6 A. Right. So, this was from the last hearing. I'm
7 talking about -- do you want me to read it?

8 Q. I think you probably should, yes.

9 A. Okay. So, the question was -- oh, from that's the
10 defense was: Okay, but he could, you say he could, he could
11 be walking around for a little bit, but.

12 And my answer was: Maybe a minute at most, not long.

13 His question was: then would that -- okay, so meant --
14 on the outside, how long would it take for him to, for him
15 to.

16 And I say: Right.

17 And he says: Keep walking.

18 And I say: I mean, like I said, he's going to pass
19 out pretty quickly because he's not getting blood to his
20 brain. He's not going to be conscious for all that long
21 with this large defect to his heart.

22 Q. Okay. Are you asked in there how -- what distance
23 could he go?

24 A. No, I was never asked that.

25 Q. Were you asked how many steps he could take?

A. DURSO - REDIRECT EXAMINATION BY MR. POTTS

448

1 A. No.

2 Q. Okay. Now I'm going to show once again the same
3 transcript, the next page, page 50, which we've already
4 referenced once.

5 A. Okay.

6 Q. I want you to look at line 24, 25, and then turn to
7 the next page, 1, 2, and 3.

8 A. 24, okay, the question I was asked was: And you said
9 that he'd be able to walk for a little while.

10 And I said: A short time.

11 And I was asked: A few steps.

12 And I said: Yes.

13 Q. Okay. So, when you were asked about could he -- a few
14 steps, the question was yes?

15 A. Yes, it was possible it was just a few steps.

16 Q. Okay, and that's after the answer Mr. Mathews asked
17 you about?

18 A. Yes.

19 Q. Okay. Thank you.

20 A. You're welcome.

21 MR. POTTS: Beg the court's indulgence.

22 No further questions, Dr. Durso.

23 WITNESS: Okay.

24 MR. MATHEWS: No, Your Honor.

25 THE COURT: Thank you.

1 THE COURT: All right, Mr. Young, and when you get up
2 there, if you would please remove your mask for me. And as
3 I think you know by now, stay close to that microphone so
4 we can all hear you please, sir, okay?

5 WITNESS: My name is Matthew Scott Young.

6 THE COURT: Thank you.

7 DIRECT EXAMINATION BY MR. MATHEWS:

8 Q. You go by Scott?

9 A. Yes, sir.

10 Q. Scott, tell the jury a little bit about yourself. How
11 old are you?

12 A. I'm forty-eight years old.

13 Q. Where were you born?

14 A. Bluefield, West Virginia.

15 Q. When did you move down to South Carolina?

16 A. Early '80s.

17 Q. Did you ---

18 A. Like, '80, '81 maybe.

19 Q. Where did y'all move to? What area?

20 A. The North Augusta Velvet area.

21 Q. You lived there for a little while?

22 A. Yes, sir, through high school.

23 Q. What high school did you attend?

24 A. Midland Valley.

25 Q. Did you end up getting your GED ultimately?

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

465

1 A. Yes, sir.

2 Q. And tell me about your family. You married?

3 A. Yes, sir.

4 Q. What's your wife's name?

5 A. Kelly. Kelly Bates Young.

6 Q. Have any children?

7 A. Yes, sir.

8 Q. How many children?

9 A. One and two stepchildren.

10 Q. Son or a daughter?

11 A. All daughters.

12 Q. All daughters. Where does your biological daughter
13 live?

14 A. She's in North Dakota right now.

15 Q. Have any grandchildren?

16 A. Yes, sir, one.

17 Q. What kind of work have you done in the past, Scott?

18 A. When I was a teenager, I had a few jobs that led to
19 welding and developing skills in welding, and I welded till
20 about 2003, and at that time I started landscaping.

21 Q. Before we get back to your work, you got any
22 certificates or trade school that you've done?

23 A. Yes, sir. I went to Midlands Tech and I got auto
24 mechanic's level I, II, and III, and master, and then I got
25 level I in auto body, and then I started taking

1 prerequisites for engineering through -- and with blueprint
2 reading and stuff like that.

3 Q. And so you said you started landscaping around 2003?

4 A. Yes, sir.

5 Q. Who did you work for then?

6 A. It was Quality First Landscaping until 2010, when the
7 owner sold it. Then about a year, eighteen months later,
8 Tony Hollis, which was a coworker of mine at Quality First,
9 we had been talking and decided to get the company going
10 again under a new name. And Tommy acquired the funds to,
11 to do so and hired me as a, kind of a supervisor,
12 operation's manager-type position.

13 Q. What business was that?

14 A. Landscaping as well.

15 Q. No, no. What was the name of the business?

16 A. Oh. Lawnsapes, LLC.

17 Q. That, that was Lawnsapes?

18 A. Yes, sir.

19 Q. That was who you were working for up until the time of
20 this incident?

21 A. Yes, sir.

22 Q. What was your position at Lawnsapes?

23 A. Supervisor.

24 Q. As supervisor, did you actually participate in the, in
25 the landscaping?

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

467

1 A. Oh, yes.

2 Q. Did some work?

3 A. It's definitely a working position.

4 Q. And so tell me generally about some of the jobs that
5 you would do day to day from landscaping. What were your
6 tasks?

7 A. I was the -- when you're the crew leader or
8 supervisor, that's the person that rides the mowers and,
9 and operates the, the bigger equipment. And then you have
10 laborers who do the weed eating, blowing, things like that.
11 And my job was to make sure that the tasks for the day were
12 completed and each person knew what to do, and when they
13 got finished, they'd come ask me what to do next. And I
14 would assist them if they were having, you know, they --
15 one person getting behind a little bit or something, I
16 might help them catch up or whatever. Work on equipment,
17 things of that nature.

18 Q. So, are you the one who drove the landscaping truck?

19 A. Yes, sir.

20 Q. You were entrusted with the keys and everything to
21 that?

22 A. Yes, sir. I had the keys to the shop and all.

23 Q. So, you kind of ran a team essentially, right?

24 A. I, I essentially run all the crews, but I had a
25 specific crew that worked with me daily, and they were the

1 two people on my truck at all times.

2 Q. So, when this happened back in December of 2017, who
3 was on your crew that you were supervising that day?

4 A. Jason Watts and Roberto Perozo.

5 Q. Two people who'd already testified earlier in this
6 trial?

7 A. Yes, sir.

8 Q. About how long had you known Jason up until then?

9 A. I know Jason about ten years, but we -- he's worked
10 there maybe three.

11 Q. And how long had you known Roberto? He goes by Ace,
12 right?

13 A. Yes, sir, Ace.

14 Q. How long had you known Ace?

15 A. Just since he had started working there.

16 Q. How long you think that had been?

17 A. At least two years.

18 Q. So, a good little while?

19 A. Yes, sir.

20 Q. And were the three of y'all essentially together every
21 day Monday through Friday?

22 A. Yes, sir.

23 Q. How many different communities did y'all have
24 contracts with to do landscape work?

25 A. Several. Maybe nine or ten. Full, full neighborhoods

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

469

1 where we do the entire neighborhood.

2 Q. And this Heritage Farms, did y'all have a contract to
3 do the full landscaping work in all the common areas?

4 A. Yes. Yes, sir.

5 Q. And do you know how long y'all had had a contract
6 there?

7 A. When I started with Quality First, they already have
8 it then, so I'd been working out there since 2003.

9 Q. So, since 2003 up until 2017?

10 A. Yes, sir.

11 Q. And how often were you there?

12 A. Every Friday.

13 Q. Once a week?

14 A. Yes, sir, and I also worked on the weekends where
15 everybody wasn't required, and there was a lot of times I
16 went there on the weekends as well.

17 Q. All right. So, I want to take you to December the
18 15th of 2017, what we're all here for and what we've been
19 here for this week.

20 A. Yes.

21 Q. Where were you living at that time?

22 A. I was living in Elgin at ■ Pamela Boulevard.

23 Q. And who were you living there with?

24 A. My wife and two stepdaughters.

25 Q. And how old were your stepdaughters?

1 A. At that time fifteen and seventeen, I believe.

2 Q. Okay. What time you think you got up that morning?
3 What time do you usually get up on Friday?

4 A. I usually got up about 5:30 every morning.

5 Q. And then what did you do when you go up? Where did
6 you go?

7 A. I'd go straight to the shop in Lexington. I mean, I'd
8 take a shower and stuff, but prepare and leave and go to
9 work and go straight to the shop.

10 Q. Is the shop where the work trucks were kept?

11 A. Yes, sir.

12 Q. And you said that was in Lexington?

13 A. Yes, sir.

14 Q. About what time you think you got out there?

15 A. I'd usually get there around 7:15 to 7:30 and prepare
16 the trucks so that we could leave out at 8.

17 Q. And so y'all normally left out at 8?

18 A. Yes, sir.

19 Q. This was about 11 o'clock or between 10 and 11 on that
20 Friday. Had you done any other neighborhoods prior to that
21 that morning?

22 A. Yes, sir. Down the road from there maybe 3 or 4 miles
23 is another neighborhood called Crestland, and we, we always
24 go there first on Friday and once we complete that, we go
25 from there to Heritage Village Lane, which have three

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

471

1 subdivisions on the one little area. It's three in one but
2 you would think it's all one if you didn't know
3 differently.

4 Q. So, you did Crestland in the morning. Any issues or
5 anything that stands out in your mind about that?

6 A. No, sir.

7 Q. So, then y'all moved on to Heritage Village?

8 A. Yes, sir.

9 Q. What time you think y'all got out there?

10 A. A little after 10 maybe, 10:15, 10:20. I'm not sure
11 exactly.

12 Q. So when you -- so you -- did you drive the truck over
13 there?

14 A. Yes, sir.

15 Q. Where did you park the truck when you first pulled
16 into the neighborhood?

17 A. When you first turn off Broad River Road, you come up,
18 there's four duplexes on each side and then there's a
19 bridge. Immediately when you cross the bridge, there's a
20 right turn there which is a cul-de-sac. We turn in there
21 and go to the back and then come right. There's a common
22 area, and that's where we park every day so we're not
23 blocking anyone from -- not impeding traffic and that.

24 Q. Oh, so you're not blocking driveways?

25 A. Yes.

1 Q. Traffic, anything like that? All right, so when you
2 parked your car, the truck, what did you do?

3 A. At that moment we got out, gathered our equipment, and
4 proceeded to Broad River Road to work our way back, blowing
5 the leaves from out of yards and then moving them down the
6 road as we go, headed to the first common area.

7 Q. So, you said you start at Broad River Road. Is that
8 the front of the neighborhood?

9 A. Yes, sir.

10 Q. So, tell me, and I know there's already been
11 testimony, but I want to hear it from you. Tell me what
12 the three of y'all were individually doing.

13 A. Ace would have been -- facing into the neighborhood on
14 the street coming from Broad River, Ace would have been on
15 the right, Jason on the left, and then they blow out, and I
16 go back and forth clearing the street, cleaning the street
17 up as we go along and pushing it to the, to the common
18 area.

19 Q. And I'm showing you what's been marked as State's
20 Exhibit 13. Is this Broad River Road up here where these
21 vehicles are parked?

22 A. Yes, sir. That's where we would have started.

23 Q. That's the location that you would have started?

24 A. Yes, sir.

25 Q. Tell me what happened after that.

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

473

1 A. We were moving everything along as normal, and I
2 noticed a car coming pretty quickly past me. And as it was
3 going by, the -- actually when it -- I was -- the car was
4 coming down the hill. I noticed it and as it got to ---

5 Q. Let's, let's just take it step by step. What made you
6 notice this car?

7 A. I noticed it was, it was going faster than normal.

8 Q. How did you know that?

9 A. Just by the way the, way the vehicle was traveling. I
10 could tell it was coming fast.

11 Q. Is that what you could see?

12 A. Yeah. Normally you can tell if a car's going fast
13 because the speed limit is pretty low through there.

14 Q. What is the speed limit in there?

15 A. I think it's twenty or twenty-five.

16 Q. Is it uncommon for cars to speed through that area?

17 A. No. They come through there sometimes fast. You have
18 to pay attention.

19 Q. Now, did you have -- you were working the blower?

20 A. Yes, sir.

21 Q. Did you have headphones in?

22 A. Earplugs.

23 Q. Earplugs?

24 A. Yes, sir.

25 Q. But you said you noticed the car in front of you?

1 A. Yes, sir.

2 Q. Did you have your back to Broad River Road?

3 A. Yes, sir.

4 Q. So, were you facing where the vehicle was coming from?

5 A. Yes, sir.

6 Q. So, tell me what happened after you saw the car coming
7 towards you.

8 A. As the car's coming down the road, about the time to
9 where it gets to where the bridge is, I was -- the car
10 would be coming this side of the road. I was on this side
11 of the road. I noticed he come and veered over to the side
12 of the road which I was on.

13 Q. He veered over towards wrong side of the road where
14 ---

15 A. Yes, sir.

16 Q. --- you are?

17 A. Yes, sir.

18 Q. Okay. So, what happened after that?

19 A. I immediately took off forward to go to the other side
20 of the road so that he would go behind me, and at that time
21 is when the vehicle caught the back of my blower.

22 Q. How do you know that it caught the back of your
23 blower?

24 A. I could feel it.

25 Q. What did it feel like?

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

475

1 A. It, it pushed me, you know what I mean, and I kind of
2 spun a little bit wherever it took place.

3 Q. Did it knock you down?

4 A. No. I, I didn't -- it knocked me off balance, but it
5 didn't knock me to the ground, no, sir.

6 Q. Did it knock the blower off?

7 A. No, sir.

8 Q. What was your reaction at that point in time?

9 A. I was just, like, what the hell, you know? I mean.

10 Q. As you were standing there, what were you doing?

11 A. At, at that moment?

12 Q. Yeah.

13 A. Once the car hit me?

14 Q. Or even prior to that.

15 A. Well, I was, I was paying attention to where he was
16 coming once I seen him ---

17 A. Well, were you doing your job?

18 A. Yes, sir.

19 Q. Were you just blowing leaves?

20 A. Blowing leaves.

21 Q. Same thing you'd done in that neighborhood since when?

22 A. For years.

23 Q. Now, after the car clipped your blower, what happened?

24 A. Was just kind of trying to get my bearings there for a
25 minute, and I noticed that the, that the car was stopping,

1 which there's Broad River right there. So, he, he would be
2 stopping, you know, of course.

3 Q. But did he ---

4 A. But then I notice someone getting out of the car out
5 of the corner of the eye and coming toward me rather ---

6 Q. Okay, stop you right there.

7 A. Okay.

8 Q. Take it step by step. So, you said you saw the car
9 stop?

10 A. Yes, sir.

11 Q. Was it stopped at the stop sign for Broad River Road
12 or before?

13 A. No, sir, before where the, the driveway closest to, to
14 where -- to the end of the road. To the beginning of the
15 neighborhood I'd say.

16 Q. I'm showing you State's Exhibit 13. That's a picture
17 of that car?

18 A. Yes.

19 Q. Is that where it was stopped?

20 A. Yes.

21 Q. When you saw it?

22 A. Yes, sir.

23 Q. In the middle of the road?

24 A. Yes.

25 Q. What happened after you saw the car stop?

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

477

1 A. Someone got out of the driver's side and then started
2 approaching me rather rapidly.

3 Q. When you say approaching you rather rapidly, describe
4 that a little bit.

5 A. He looked -- he, he said -- he was hollering
6 something. I'm not sure what he said. I, I assumed that
7 he was referring to something, the leaves or something.
8 I'm not sure exactly what he was saying. I couldn't hear.

9 He has his hands clenched and he was kind of, he was
10 kind of erratic. He doesn't -- he wasn't acting like a
11 person coming up to say, hey, are you okay or anything. He
12 was coming at me aggressively.

13 Q. Was he walking toward you or ---

14 A. Yes.

15 Q. When you say aggressively, what did you say about his
16 fists, his hands?

17 A. He had his fists balled up, clenched.

18 Q. When what happened?

19 A. Hands clenched. When he got close to me, I said
20 something to the nature of hey, man, you need to slow down.
21 You could, you could kill somebody. You could, you know
22 what I mean, you could hurt somebody, something to that
23 effect, and at that time he pushed me, and I was, like ---

24 Q. Where? Where did he push you?

25 A. In the chest, just pushed me on my chest.

1 Q. With -- how many hands did he use?

2 A. I can't say if it was one or two. I'm not sure. I
3 know he pushed me, and pushed me and I -- like a half step
4 back or whatever.

5 Q. Did you still have earplugs in?

6 A. Yes, sir.

7 Q. Had you initiated any contact with him physically
8 before he pushed you?

9 A. No, sir.

10 Q. What happened after he pushed you?

11 A. I said man, what the hell is wrong with you? What's
12 -- you know, what the hell and he pushed me again.

13 Q. Second push now?

14 A. Yes, sir.

15 Q. Then what happened?

16 A. And then at that point, he started swinging. He, he
17 swung and hit me to the -- on the left side of my head.

18 Q. What, what arm swung?

19 A. It would be his right arm. He hit me on the left
20 side.

21 Q. Open fist or closed fist?

22 A. I don't know for sure.

23 Q. You described it as a slap before ---

24 A. Yeah.

25 Q. --- in some of the statements. What, what...

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

479

1 A. I mean, it was a substantial lick. I mean, it knocked
2 me off balance and knocked my hat off my head. It was hard
3 enough to knock my hat off my head and knock me over to the
4 side off balance.

5 Q. When it knocked you off balance over to the side, did
6 you go down?

7 A. I did but not all the way, like, fall on the ground or
8 nothing like that. I'm just over to the side because I had
9 the backpack blower on, and that kind of helped me go over,
10 you know?

11 Q. This person who you saw approaching you, can you
12 describe for me kind of generally?

13 A. He was quite a large male. He was taller than me and
14 much bigger than me, that's for sure; he was quite a large
15 fellow.

16 Q. And could you tell if he had anything in his fist?

17 A. I didn't. They were closed, so I didn't know if he
18 had anything or not. Not to my knowledge. I don't know if
19 he did or didn't have anything.

20 Q. All right. So, after he hit you on the side of the
21 head, what were you thinking and how were you feeling?

22 A. At that point I was, I was scared. He, he also swung
23 again after the first blow that landed. And then he had
24 swung with his left hand, and when he swung with his left
25 hand, that's when I came up with the knife and it -- his

1 arm was like that. And it went, like, in that area
2 somewhere in the side, and immediately he grabbed his side
3 like that.

4 Q. Okay, we'll get, we'll get back into the details ---

5 A. Okay.

6 Q. --- in a second. So, swung at you one time and hit
7 you, correct?

8 A. Uh-huh.

9 Q. And then you just said that he swung at you again but
10 did not make...

11 A. I was -- I had ducked. Yes, I had ducked it, yes.

12 Q. Tell me again how you were feeling during all this.

13 A. I was scared. The man's trying to hurt me.

14 Q. Had he hit you with, hit you with his car already?

15 A. Yes, sir.

16 Q. And so after he swung at you, it's, it's undisputed --
17 this is the knife you have on you?

18 A. Yes, sir.

19 Q. How long have you had this knife?

20 A. That particular one, not very long, but I've always
21 had one that -- of some -- of similar type.

22 Q. Where did you get it from?

23 A. Walmart.

24 Q. How much did you pay for it?

25 A. Like \$10.

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

481

1 Q. How long you think you'd had it?

2 A. Maybe two or three months.

3 Q. Why did you get a knife like this?

4 A. Well, it has the hook on it and -- like for cutting
5 weed or string. It's like a hard plastic string. So, you
6 just fold it, put the hook on it, pull like that, and it
7 cuts. Plus, there is orange string that goes around pine
8 straw bales and it -- you just slide it on in there and it
9 cuts it quickly, and it's kind of like nylon string. It's
10 easy to just pop it off. If you get, like, weed eater
11 heads, they'll get grass and weeds and material caught in
12 the head. So, sometimes you got to, you know, pry that
13 stuff back out, clean the back out so it doesn't burn the
14 heads up on them, burn the bearings up.

15 Q. So, this is easier to use for certain landscaping
16 purposes?

17 A. Yes.

18 Q. Than, say, a pocketknife or something like ---

19 A. Yes, sir.

20 Q. --- that? And did you have that on you on this day?

21 A. Yes, sir.

22 Q. Where did you have it on you?

23 A. On my right side.

24 Q. Right side. Was it clipped to your belt?

25 A. It has a loop on it where you slide your belt through.

1 Q. And you had your belt slid through there?

2 A. Yes, sir.

3 Q. There was a button on it. Did you have it clipped in,
4 or it was just sitting in ---

5 A. Yeah.

6 Q. --- the sheath?

7 A. Just sitting in there. I didn't keep it clipped.

8 Q. So after you've been hit with the car -- had you ever
9 seen this gentleman before?

10 A. No, sir.

11 Q. Had -- would you even know his name if it not were for
12 any of these proceedings?

13 A. No, sir.

14 Q. Never had any dealings with him?

15 A. No, sir.

16 Q. Never had any altercations with him?

17 A. No, sir.

18 Q. So, after that gentleman got out of his car, came back
19 towards you, where were you standing?

20 A. Do you have the picture?

21 Q. Will this help?

22 A. Kind of. If you could -- see how the leaves are
23 curved in right here? I would have been in this spot right
24 in this area right here.

25 Q. And now normally you said you'd be in the middle of

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

483

1 the road. Why weren't you exactly in the middle at that
2 point in time?

3 A. Well, you want to keep the leaves kind of to one side
4 or the other and -- but yet still push them up. And, like,
5 see how they're, they're thinner right here than they are
6 right here? I'd pushed this up and keep them pushed over
7 like that.

8 Q. And now when he came back towards you -- I'll try to
9 find a better picture in a minute -- where did that all
10 occur?

11 A. The same spot where I was at. Whenever the car hit
12 me, I was still in the same spot when he come back and
13 approached me.

14 Q. Would this have been another shot of it?

15 A. Yes, sir, back there where the leaves were at.

16 Q. Did this happen beside the car at all?

17 A. No, sir.

18 Q. So, after this happened where Mr. Pacius clipped your
19 blower, stopped his car, got out, came back towards you,
20 punched you once, tried to punch you again, and you stabbed
21 him with your knife.

22 A. Yes, sir.

23 Q. What happened?

24 A. At that moment, he grabbed his side like that and did
25 -- I call it side straddle hops, kind of like a, a side

1 jump, like kind -- you can cover some ground pretty
2 decently quick like that, but he done that back towards his
3 car. And as he got to the back of his car, at the corner
4 of the back of his car, that's when he fell down.

5 Q. About how long was it timewise from when he got
6 stabbed to when he fell down?

7 A. Just a few seconds maybe. I don't know. Not long.

8 Q. What did you say his first movement was after he'd
9 been stabbed?

10 A. He immediately grabbed his, his side like that and
11 then took off to the -- back towards his car.

12 Q. Do you remember what he was wearing?

13 A. I think it was maybe a gray hoodie or he had, like, a
14 -- or a sweat, you know what I mean, like a sweatshirt or
15 something of that nature.

16 Q. So after that happened, where did he end up when he
17 fell down?

18 A. Kind of like back where the back door of the car,
19 maybe the back wheel area, somewhere there in that area
20 right by -- at the back quarter panel of the car area.

21 Q. And this distance between the car and the pile of
22 leaves, is that the distance that he traveled in that short
23 amount of time?

24 A. Yes, sir.

25 Q. You've heard testimony that it was about 45 or 50

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

485

1 feet. Would you say that's about right?

2 A. Yes, sir.

3 Q. Did it take him very long to cover that ground?

4 A. No, sir.

5 Q. After that happened and he fell on the ground, what
6 did you do?

7 A. I just kind of stood there in shock for a few seconds
8 or shortly, and then I heard Jason come, like, from behind
9 he and said, like, what the hell? What the hell just
10 happened? And I said I don't know. And he, I believe he
11 turned and at that time, he turned to go toward the truck.
12 I, I think Roberto had already went to the truck. I seen
13 Roberto to the side over, but I didn't -- I don't -- I
14 think he went to the truck at that time. I'm not exactly
15 sure, and then Jason also put his blower down and went
16 toward the truck.

17 Q. So at this point, had you gone over to where Mr.
18 Pacius was laying in the road?

19 A. No, sir. The lady in number 4 come out of her -- as
20 soon as he fell, she was out of her door within seconds.
21 She came out and said -- asked me something to the -- is he
22 okay or something like that. I said no. We need a
23 ambulance.

24 Q. Had you come up to Mr. Pacius at that point when she
25 came outside?

- 1 A. No, sir. I started walking that way at that time.
- 2 Q. After you said we need an ambulance?
- 3 A. She said something that -- I've got them on the phone
- 4 now or I've called them now or something like that, and I
- 5 walked over to where she was at, and she said here. I'm
- 6 going to let you talk with them.
- 7 Q. So, you actually talked to 911?
- 8 A. Yes.
- 9 Q. Is that one of the phone calls that we heard
- 10 yesterday?
- 11 A. Yes, sir.
- 12 Q. And at some point, they asked if you could do CPR?
- 13 A. Yes, sir.
- 14 Q. Why didn't you do CPR?
- 15 A. I don't know how.
- 16 Q. Did they give you any instructions or anything?
- 17 A. No, sir. I just told them I, I, I couldn't do that.
- 18 Q. If they'd told you how to do it, would you have
- 19 attempted it and try to do something to help Mr. Pacius?
- 20 A. Possibly, yes. I asked him what, what I could do,
- 21 what do you want me to do. I mean, I wanted to be helpful,
- 22 but I didn't know what to do.
- 23 Q. So after that happened, so -- did you say you rolled
- 24 him over?
- 25 A. Yes, sir. They asked me to roll him over to check to

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

487

1 see if he was breathing.

2 Q. So when he fell down, was he on his face or on his
3 back?

4 A. He was on -- face down.

5 Q. And you rolled him onto his back. Could you tell if
6 he was breathing?

7 A. I don't think he was. I couldn't tell. I don't think
8 he was. I seen bubbles coming, like, yellow bubbles coming
9 out of his mouth, and I told them that. So, I didn't know
10 if he was breathing the bubbles out or -- I couldn't, I
11 couldn't tell because the clothing he had on, I couldn't
12 tell if he was -- I didn't see any movement of the chest as
13 far as that goes.

14 Q. Did you mean to kill him?

15 A. No, sir, I did not. I can't imagine what his family's
16 going through.

17 (A PAUSE.)

18 Q. And why did you take out your knife?

19 A. I was defending myself.

20 Q. How did you feel ---

21 A. I'm sorry. Excuse me.

22 (A PAUSE.)

23 Q. How did you feel when he was coming toward you and
24 started swinging at you?

25 A. I was scared. I was scared. I mean, the man's trying

1 to hurt me. I was, I was scared for my life. What -- I
2 mean, I was scared he was going to hurt to me. And this
3 wouldn't've happened if he hadn't of come over and
4 approached me like this. I, I didn't do anything to this
5 man.

6 Q. You mean you didn't do anything to him?

7 A. Prior to him coming to where I was at.

8 Q. So, after you talked with the 911 operator, what
9 happened?

10 A. I had rolled him over, told them what happened, and
11 they asked me about the CPR, and I said no, I can't do that
12 or I'm not going to do that or something to that effect.
13 They asked me if anybody was, I think, on the scene or if
14 anybody was helping him or something. I don't know.
15 Something to that effect, and I told them that I heard the
16 sirens coming. And, and they call in right in that
17 timeframe. It was called in to...

18 Q. So, about how long do you think it was timewise from
19 when the incident between the two of you happened and the
20 police got there?

21 A. It wasn't very long at all.

22 Q. A matter of minutes?

23 A. Minutes, yes.

24 Q. And after the police got there, what did you do?

25 A. When they started pulling up, I, I started walking

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

489

1 back down the street a little ways. And then I heard the
2 officer hollering who's the suspect, and I had pointed to
3 the guy on the ground.

4 Q. Why did you point to the guy on the ground when they
5 asked you who's the suspect?

6 A. I thought he was the suspect because he was the one
7 who had hit me with the car and come over there and, and
8 got in the fight with me.

9 Q. At this point, do you know how badly he's hurt or, or
10 anything?

11 A. I knew he was, I knew he was hurt bad. I, I knew he
12 was bleeding bad and I knew he was hurting bad. I didn't
13 know that he had died.

14 Q. And at this point when you said you were walking away
15 and you point, why were you walking away?

16 A. Just, I mean, I had no reason to stand there by the
17 body. I mean...

18 Q. Did any of the police officers say anything?

19 A. When I was walking over there and he said something
20 about the suspect and I pointed, you can see on the video
21 I'm pointing to the guy. And then he said something about
22 everybody get back.

23 Q. Get back, and what did you take that to mean?

24 A. I took that as to, to go, but I didn't, like, go,
25 like, go home or do anything like that. I just went -- I

1 was -- just went back to the truck at that point and...

2 Q. And the truck is parked back in the cul-de-sac?

3 A. On the other side of the bridge, yes, sir.

4 Q. And as you're walking towards the truck, what did you
5 do?

6 A. There's a sidewalk right there beside the bridge. I
7 stepped over maybe 15, 20 feet onto the sidewalk, took the
8 knife, and just threw it into the woods.

9 Q. Why did you do that?

10 A. I don't know. I, I, I have no idea.

11 Q. What was going through your mind at that point in
12 time?

13 A. I, I don't want this knife. I know that. I don't
14 want to be there. I don't, I don't -- I'm -- I don't want
15 to be there.

16 Q. So, where did you go after that? Well, let, let me
17 get to -- did you -- is there a little creek or river or
18 something down in that area?

19 A. Yes, sir.

20 Q. Did you take the knife down there and wash it off?

21 A. I did not, sir.

22 Q. What did you do?

23 A. I just threw it. I didn't even leave the path, the,
24 the concrete path at all.

25 Q. Did you put it back in the sheath?

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

491

1 A. Yeah. I mean, when it -- as soon as the incident was
2 over and he went back to the car, I just kind of stuck it,
3 dropped it. It drops right in, you know what I mean?

4 Q. Did you inspect ---

5 A. Pushed it back ---

6 Q. --- it to see if there was any blood or anything on
7 it?

8 A. I did not.

9 Q. Did you know if there was any blood on it?

10 A. I did not. I didn't.

11 Q. So ---

12 A. I didn't think about that.

13 Q. So, would you have had a reason to go wash it off at
14 that point?

15 A. I didn't think anything about any blood on the knife.
16 I wasn't -- that wasn't even in my train of thought.

17 Q. You just didn't want it on you?

18 A. I did not.

19 Q. So after that, where did you go?

20 A. I, I walked right across the bridge to, to where the
21 truck was. When I got over by the truck, Ace and Jason
22 were standing there, and I asked did anybody call Tommy
23 yet.

24 Q. Who's, who's Tommy?

25 A. Tommy's the owner of the company.

1 Q. Okay.

2 A. Jason said that he had been trying to call him but
3 hadn't got an answer yet. About that time, his phone rang.
4 He says Tommy now. He answered the phone, handed the phone
5 to me. I said Tommy, we have a situation here at Heritage.
6 He said, well, I'm almost there at Settlers. Meet me
7 there. And Tommy's the kind of person when he says
8 something, when he's through saying it, he hangs the phone
9 up.

10 Q. So, y'all were still in the cul-de-sac right there off
11 of Heritage ---

12 A. Yes, sir.

13 Q. --- Road?

14 A. Yes, sir.

15 Q. And he said to meet him where?

16 A. At where -- at Settlers, which is the next street
17 over.

18 Q. Is that normally a place where y'all meet up?

19 A. Yes, sir.

20 Q. Is that a neighborhood that y'all also do?

21 A. It's ---

22 Q. Or it's still part of the same ---

23 A. It's all the same community. It's, it's -- each ---

24 Q. It is one of those four ---

25 A. Sections, yeah.

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

493

1 Q. Okay.

2 A. They're all duplexes right there.

3 Q. So, where did -- were you driving?

4 A. Yes, sir.

5 Q. Where did you go?

6 A. I got in the truck and drove right around to the next
7 street to -- into the cul-de-sac right there and stopped.

8 Q. About how far was that?

9 A. Couple hundred yards. I mean, I think they said 2/10,
10 3/10 of a mile.

11 Q. If you turn right at that stop sign when you were
12 going back to Settlers, could you have gotten out of the
13 neighborhood?

14 A. Yes, sir.

15 Q. Did you do that?

16 A. No, sir.

17 Q. You stayed in the neighborhood?

18 A. Yes. I, I had no plans on leaving the neighborhood.
19 I just needed to talk to Tommy and try to figure what to
20 do.

21 Q. Then what happened after you stopped your car out in
22 Settlers in that cul-de-sac?

23 A. Oh, within moments an officer pulled up. I now know
24 -- I think at this time it was Officer Vereen I believe was
25 -- they said was his name. I didn't know. I don't

1 remember it, but that's from what I heard.

2 Q. Were you in your truck or were you out at that point
3 in time?

4 A. I think as soon as we saw the police car coming, I got
5 out. I might have -- I had just stopped. We -- I hadn't
6 even had time to get out of the vehicle when I seen the,
7 the car turn in.

8 Q. Did it have lights and sirens on?

9 A. No, sir. He might have -- I think he cut the lights
10 on right when he pulled up, but I ---

11 Q. So, so what, what ---

12 A. --- don't remember being ---

13 Q. --- happened when he pulled up?

14 A. There was definitely no siren.

15 Q. What happened?

16 A. He pulled up and got out and asked us for
17 identification.

18 Q. Did you give it to him?

19 A. Yes, sir.

20 Q. Did he take it from all three of you?

21 A. Yes, sir. He kind of asked us to spread out a little
22 bit, and then he told us that he needed us to just hang
23 tight for a little while, he said, until somebody can come
24 up here and talk to us, ask us some questions basically,
25 something of that nature.

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

495

1 Q. Did you try to leave? Did you try to go anywhere at
2 that time?

3 A. No, sir, I didn't go anywhere.

4 Q. Then what happened?

5 A. We stood there and he, you know, he asked us a few
6 questions that, that were unrelated to the situation.
7 Small talk, I guess.

8 Q. At some point, your jacket comes off. Do you remember
9 what happened with that?

10 A. That was after Officer Sulser had got there, and I
11 think when he went back to the car to refer to the CAD
12 system, the other officer had asked me for my jacket and he
13 was checking my jacket.

14 Q. All right. So, go on. After Officer Vereen gets
15 there, gets your ID, you're waiting, then what happens?

16 A. Officer Sulser pulled -- or walked up and come over
17 and asked are you the one that stabbed him? Are you
18 Matthew Scott Young? And I said yeah.

19 Q. The first time you were asked about that -- and it's
20 on video -- when they asked if you had any involvement with
21 it, what did you say?

22 A. I think I said no.

23 Q. In fact, you told law enforcement a couple of times
24 that you didn't have anything to do with it, right?

25 A. Yes, sir.

1 Q. Why did you do that?

2 A. I just, I panicked. I didn't -- at that point, I was
3 again scared for my life because I figured I was going to
4 go to jail for being in a fight.

5 Q. A fight that you'd started?

6 A. No, sir.

7 Q. At some point, though, you eventually tell the police
8 that you -- and it's on the video as well -- I lied. I did
9 it.

10 A. Yes, sir.

11 Q. Why did you do that?

12 A. I didn't see it in the video, but at, at -- he's made
13 a comment or one of the officers had made a comment as to
14 -- I think they thought that maybe Jason or, or somebody
15 might -- other than me did it, and I was, like, no. It was
16 me because at that point I realized I'm just digging myself
17 -- I'm getting myself in trouble by lying. Let me go ahead
18 and tell them it was me, and I didn't want one of my
19 coworkers to be accused of something that they didn't do.

20 Q. So, that's when you came forward and admitted?

21 A. Yes, sir. So, I didn't want them to be arrested for
22 something they didn't do. They didn't have anything to do
23 with it.

24 Q. But you don't dispute that you did lie to the police?

25 A. I, I did. I did.

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

497

1 Q. And you understand that probably wasn't the best thing
2 to do?

3 A. I do.

4 Q. So, after you said I lied, it was me, were you taken
5 into custody?

6 A. Yes, sir. I think Officer Sulser was the one who
7 arrest -- or put the handcuffs on me and detained me in the
8 car.

9 Q. Where did he take you?

10 A. He put me in the back of the police car until the
11 investigator got there.

12 Q. And he was actually pretty nice to you.

13 A. I mean, he was -- he wasn't nice or mean. He just, I
14 mean, he done his job professionally.

15 Q. And you remember when he mirandized you, don't you?

16 A. Yes, sir.

17 Q. Do you admitted to answer his questions at that point
18 in time?

19 A. I did.

20 Q. And what did you tell him?

21 A. I, I -- he asked where the knife was. I explained
22 that to him. I told him about the situation, how it took
23 place and how we ended up to where we were at that point.

24 Q. You told him where the knife was. Did you even offer,
25 in fact, to go show him where it was?

1 A. Yes, sir.

2 Q. Is that the truth?

3 A. Yes, sir. I was willing to help. I mean...

4 Q. And, and where they ultimately found it, was that the
5 area that you were telling them?

6 A. Yes, sir.

7 Q. And we can go into it here. What did you say to
8 Officer Sulser at -- you can be brief. Tell, tell me what
9 you told Officer Sulser. Was it the same thing you're
10 testifying to here today?

11 A. Yes, sir.

12 Q. Tell me about what you told Officer Sulser.

13 A. That a car came down the road quickly, and it, it
14 veered to the side of the road I was on. I went to run to
15 the other side of the road out of the way. It clipped the
16 back of my blower, spun me around. Fellow stopped the car,
17 got out of the car, approached me in an aggressive manner,
18 and started pushing me and then swinging on me.

19 Q. And at some point later on, Investigator Ross came on
20 the scene. Is that true?

21 A. Yes, sir.

22 Q. And did Investigator Ross mirandize you as well?

23 A. Yes, sir.

24 Q. And did you agree to answer his questions?

25 A. I did.

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

499

1 Q. Were you cooperative with him like you were with
2 Officer Sulser?

3 A. I, at that point I, I was very cooperative with him
4 and, and done my best to assist them in getting them the
5 information they needed.

6 Q. And I say cooperative. You do admit that you lied to
7 Officer Sulser a ---

8 A. I did.

9 Q. --- couple of times?

10 A. Yes, sir.

11 Q. But after you'd admitted and said I lied, I did it,
12 were you cooperative with the police?

13 A. Yes, sir.

14 Q. Did you tell Investigator Ross what happened?

15 A. Yes, sir.

16 Q. Did you tell him where it happened?

17 A. Yes, sir.

18 Q. Were you vague or evasive when you told him where it
19 happened?

20 A. I just -- he hit me right there where the leaves at
21 was where I, where I was working at. I never left that
22 spot.

23 Q. Is that the same story that you told on the stand here
24 today?

25 A. Yes, sir.

1 Q. At some point, did -- I guess it was Officer Sulser
2 took you down to the City of Columbia Police Department?

3 A. Yes, sir.

4 Q. And at that point we watched the video, did they do a
5 questioning of you?

6 A. Yes, sir.

7 Q. And was that accurate on the video as to the
8 questioning?

9 A. Yes, sir.

10 Q. Was Investigator Ross the one who was doing the
11 questioning primarily?

12 A. Yes, sir.

13 Q. And did you tell him the same thing that you told
14 Officer Sulser, that you told him at the car, and that
15 you're telling the jury here today?

16 A. Yes, sir.

17 Q. Were you telling the truth?

18 A. Yes, sir.

19 Q. But you hadn't told the truth the whole time. You'll
20 admit that?

21 A. No, sir, I did not.

22 Q. Did you give a written statement to Investigator Ross?

23 A. Yes, sir, I did.

24 Q. And is that essentially the same as the statement that
25 you told Officer Sulser on the scene after you admitted

M. YOUNG - DIRECT EXAMINATION BY MR. MATHEWS

501

1 that you'd lied, that you told Investigator Ross at the
2 car, and that you told Investigator Ross in the
3 interrogation room?

4 A. Yes, sir.

5 Q. Could there be some of the -- some details that aren't
6 exactly the same in some of those stories?

7 A. Yes, sir.

8 Q. Why would that be? How were you feeling on that day?

9 A. I mean, I just went through a massive ordeal. It's
10 not every day that something like this happens. I mean, it
11 was awful.

12 Q. Are, are you sorry that it happened?

13 A. Yes. I mean, we wouldn't even be here right now if he
14 hadn't approached me. I, I didn't mean for this to happen.
15 I didn't plan for this to happen. I never even thought
16 anything like this would happen on this day.

17 Q. After Mr. Pacius got out of his car, did you go up to
18 him, walk those 50 feet, stab him while he's standing
19 beside his car, and he collapsed there?

20 A. I did not.

21 Q. Where did the incident happen?

22 A. Where the leaves are.

23 Q. And did you see Mr. Pacius move from the leaves to
24 where he fell?

25 A. Yes, I did.

1 MR. MATHEWS: Beg the court's indulgence.

2 (A PAUSE.)

3 BY MR. MATHEWS:

4 Q. Just one other thing. I've been making -- asking
5 questions about these blowers and whether pictures were
6 taken or they were kept in evidence. Did you have control
7 over these leaf blowers after this date?

8 A. No, sir.

9 Q. Do you know what happened to the leaf blower that was
10 yours?

11 A. I set it on the back of the truck, and I don't know
12 after that.

13 Q. But you haven't had it since then?

14 A. No, sir.

15 Q. Any idea where it is?

16 A. No, sir.

17 MR. MATHEWS: Thank you, Scott. Please answer any
18 questions that anyone from the state may have.

19 WITNESS: Yes, sir.

20 THE COURT: All right, cross-examination?

21 MS. SAMPSON: Thank you, Your Honor. May it please
22 the court?

23 CROSS-EXAMINATION BY MS. SAMPSON:

24 Q. Good afternoon. So, Mr. Young, today you stated that
25 the vehicle was just going a little fast. Is that correct?

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

503

1 A. I can't say exactly. I said 60 mile an hour before,
2 but it was definitely faster, way fast. Twice the speed
3 limit.

4 Q. And you just said that. You said before. In fact,
5 you said on the 911 call that it was going 60, correct?

6 A. Yes.

7 Q. You said on the body cam to Officer Sulser it was
8 going 50 to 60, correct?

9 A. Yes.

10 Q. And you told in the prior hearing that it was going 55
11 to 60, correct?

12 A. That would be double the speed limit, yes.

13 Q. That would actually be triple the speed limit,
14 correct?

15 A. 20 time -- 25 times 22 would be 50.

16 Q. So today, though, it was just going a little fast?

17 A. Yeah, it was going very fast.

18 Q. Okay. So, you talked about today being scared. Going
19 to hand you your written statement. All right, I'm showing
20 you what's been introduced as State's Exhibit 48.

21 A. Yes, ma'am.

22 Q. You agree with me that's your written statement?

23 A. Yes, ma'am.

24 Q. And you agree with me it was taken the day of the
25 incident?

1 A. Yes, ma'am.

2 Q. And Investigator Ross handed you paper, correct?

3 A. Yes.

4 Q. He let you write whatever you wanted?

5 A. Yes. \

6 Q. I want you to look in that statement and tell me where
7 it says you are scared of the victim.

8 A. I don't know if it does.

9 Q. I want you to go ahead and look. Take your time.

10 (A PAUSE.)

11 Q. In there?

12 A. No, ma'am.

13 Q. And, in fact, when you spoke to 911 the day of the
14 incident, you didn't say anything about being scared of the
15 victim, correct?

16 A. No, ma'am.

17 Q. And when you talked to Officer Sulser when he first
18 arrives, nothing about being scared of the victim?

19 A. No, ma'am.

20 Q. And when Officer Sulser comes to you in the cul-de-sac
21 asking what happened, you didn't say anything about being
22 scared of the victim, correct?

23 A. No, ma'am.

24 Q. And when Investigator Ross talks to you in the case,
25 nothing about being scared of the victim, correct?

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

505

1 A. No, ma'am.

2 Q. So, today you'd agree with me that this was a while
3 ago?

4 A. Ma'am?

5 Q. When this happened. It happened a while ago?

6 A. Yes, ma'am.

7 Q. Four years?

8 A. Four years ago.

9 Q. Do you agree with me if I said it was 1524 days ago?

10 A. I don't know the exact day.

11 Q. But we'll just go with it was a real long time ago.

12 A. Four, four years and two months.

13 Q. All right, and today you're saying you were scared of
14 the victim?

15 A. Yes.

16 Q. Now, Mr. Mathews just asked you about admitting to you
17 not being truthful. When you called 911, how long after
18 the stabbing did you talk to 911?

19 A. Not long at all. Maybe a minute or just couple of
20 minutes.

21 Q. So, within a couple of the minutes of stabbing a man,
22 you lie, correct?

23 A. Yes.

24 Q. You lied to 911 because you told them you didn't know
25 what happened?

- 1 A. Yes.
- 2 Q. In fact, you told them that he just started bleeding
- 3 when he got out of the car, correct?
- 4 A. Yes.
- 5 Q. And that's a lie?
- 6 A. Yes.
- 7 Q. Within two minutes of stabbing him?
- 8 A. Yes.
- 9 Q. Now, you also told the officers that you called 911,
- 10 but you didn't call 911, correct?
- 11 A. Yeah, I didn't dial the number.
- 12 Q. Correct. You did not call.
- 13 A. Right.
- 14 Q. You got on the phone?
- 15 A. Yes.
- 16 Q. But someone else called?
- 17 A. Yes.
- 18 Q. All right.
- 19 A. I asked the lady to call the ambulance. She said I've
- 20 got them now.
- 21 Q. But you had a phone?
- 22 A. That was -- I had a phone at the site, yes.
- 23 Q. You had it in your pocket?
- 24 A. I think so.
- 25 Q. You testified in a previous hearing that you had it in

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

507

1 your pocket.

2 A. I think so, yes.

3 Q. And you were not alone at this scene, correct?

4 A. That's correct.

5 Q. You had two coworkers with you?

6 A. Yes.

7 Q. And we all saw Roberto. He's kind of a big fellow,
8 right?

9 A. Yes.

10 Q. He was there?

11 A. Yes.

12 Q. Jason Watts was there?

13 A. Yes.

14 Q. And when the car goes speeding fast, that's not the
15 first time you said that. That's not the first time you've
16 seen a car go by speeding?

17 A. Yes, and I put that in here as well.

18 Q. Correct.

19 A. I didn't put 50 or 60. I put car was going very -- it
20 was speeding toward me.

21 Q. Correct. You didn't call 911. You didn't call
22 anybody about the speeding, correct, on this day?

23 A. No, ma'am.

24 Q. And you said it hit your blower?

25 A. Yes, ma'am.

1 Q. You didn't call 911 when he hit you with his car?

2 A. No, ma'am.

3 Q. Today you said that he hit the back of your blower.

4 Do you remember ---

5 A. Yes.

6 Q. --- telling Investigator Ross that he actually hit the
7 extension?

8 A. The way the blower's made, that's -- the tube comes
9 out on the back, and that's why I explained to him where
10 the black part of the tube comes out of the back of the
11 blower goes down right there.

12 Q. Do you ---

13 A. That's -- it's, it's ---

14 Q. --- remember ---

15 A. --- on this side right here.

16 Q. Sorry. Do you remember talking to Officer Sulser and
17 telling him it hit the extension of your blower?

18 A. I didn't say extension, I don't believe.

19 Q. You didn't?

20 A. I don't think so, right. I don't believe so

21 Q. We'll review the tape.

22 A. Okay.

23 Q. And do you remember being in a previous hearing where
24 you said it hit the back side of the blower where the back
25 comes out?

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

509

- 1 A. Yes, where the, the extension comes out of the blower.
- 2 Q. Extension comes out?
- 3 A. Yeah.
- 4 Q. All right. Now, you stated when the officers come up
- 5 -- you've already lied to 911. When they show up and asked
- 6 what happened, you lie again, correct?
- 7 A. Yes.
- 8 Q. And he tells you to get back. He doesn't tell you to
- 9 leave the scene, does he?
- 10 A. He just said get back.
- 11 Q. Did you, when you spoke to Officer Sulser, say you're
- 12 the one that told me to leave?
- 13 A. Yes.
- 14 Q. But he didn't tell you to leave, did he?
- 15 A. No.
- 16 Q. Just to get back?
- 17 A. Yeah.
- 18 Q. Did he say leave the scene?
- 19 A. I'm -- yeah, so he could secure the scene.
- 20 Q. Did he say leave the area?
- 21 A. I didn't leave the area.
- 22 Q. Did he say leave the street?
- 23 A. No. No, ma'am.
- 24 Q. But you chose to leave?
- 25 A. Yes, ma'am.

1 Q. And, in fact, you walked to a cul-de-sac where your
2 truck was. Can you see that cul-de-sac from where the
3 incident happened?

4 A. From where the truck was parked?

5 Q. Correct.

6 A. Yes.

7 Q. You can see the incident from around the corner where
8 you parked your truck?

9 A. Yes. It's right on the other side of the bridge.

10 Q. On the other side of the bridge?

11 A. Yes.

12 Q. Could they see you?

13 A. Yes.

14 Q. So, they could see you leave?

15 A. Yes.

16 Q. You saw them watch you leave and just let you go?
17 That's what your testimony is today?

18 A. Yes.

19 Q. That the cops watched you leave and just let you go to
20 another neighborhood?

21 MR. MATHEWS: Objection.

22 Q. That's your testimony?

23 MR. MATHEWS: He, he can't testify as to what somebody
24 else saw or watched.

25 THE COURT: Sustained.

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

511

1 BY MS. SAMPSON:

2 Q. Did you see the police?

3 A. Yes.

4 Q. Did you stop and tell them, hey, I'm going over there?

5 A. No, ma'am.

6 Q. Did you tell them I witnessed something, so let me
7 tell you what happened?

8 A. No, ma'am.

9 Q. And you just testified that you went where your boss
10 told you to go?

11 A. Yes, ma'am.

12 Q. If he'd have told you to go somewhere else, you'd have
13 gone there?

14 A. I can't say that I would. I, I told him I would have
15 to tell him -- I would have to call him back and tell him,
16 hey, you ---

17 Q. You said that ---

18 A. We got ---

19 Q. --- you did ---

20 A. We got to come here.

21 Q. Tommy was the type of man that you did what he said.

22 MR. MATHEWS: Objection, Judge.

23 A. Yeah, I did.

24 MR. MATHEWS: Can you allow -- she allow him to finish
25 his answer, please?

1 MS. SAMPSON: Yes. I'm sorry. I talked before you
2 were finished. I'm sorry.

3 THE COURT: You may finish your answer.

4 BY MS. SAMPSON:

5 A. Yes. I wasn't trying to leave the area.

6 Q. My question is didn't you say that Tommy is the type
7 of person you do what he says?

8 A. Yes.

9 Q. And so Tommy told you to go to Settles?

10 A. Yes.

11 Q. So, if he'd have told you to go to a different area,
12 you'd have done it?

13 A. No.

14 Q. No. You'd have just -- you'd not do what he said?

15 A. No. I would have called him back and say you need to
16 come over here.

17 Q. And you didn't tell him you'd just stabbed somebody?

18 A. No.

19 Q. You didn't tell him somebody hit your blower?

20 A. No, ma'am.

21 Q. You didn't tell you left somebody bleeding in the
22 road?

23 A. No, ma'am.

24 Q. You just told him there was a situation?

25 A. Right, and he hung up.

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

513

1 Q. And there is -- that's not unusual for there actually
2 to be a situation, is there?

3 A. No.

4 Q. So, he -- so, is there any reason for him to think a
5 stabbing had just occurred?

6 A. No. No, ma'am

7 Q. Because you didn't tell him.

8 A. I didn't have a chance, no, ma'am.

9 Q. You didn't have a chance. So, did you have a chance
10 to tell your co-employees who were in the car with you?

11 A. Did I have what?

12 Q. A chance to tell the coworkers in the truck with you?

13 A. No.

14 Q. You didn't? When you were sitting in the truck
15 driving from one place to another with Jason Watts in the
16 car, you didn't tell him, did you?

17 A. No.

18 Q. You didn't tell Perozo when he got out of -- got into
19 the truck and then y'all drove to the cul-de-sac, did you?

20 A. He was not in the truck whenever I drove to the
21 cul-de-sac.

22 Q. When y'all got to the cul-de-sac and he walked up, you
23 didn't tell him then either?

24 A. No. The police were pulling in at the time.

25 Q. So, you didn't tell the employees that were there with

1 you, and you also didn't tell your boss anything?

2 A. No, ma'am.

3 Q. And in between all of that, you also got rid of the,
4 the weapon that you stabbed him with, correct?

5 A. Yes, ma'am.

6 Q. And you said that was -- we'll get back to that. Now,
7 today and throughout, as you just said with Mr. Mathews,
8 you say that you never left the pile of leaves after he hit
9 your blower?

10 A. That is correct.

11 Q. And you were initially in the center of the road,
12 correct?

13 A. I was to the -- actually over to this side of the --
14 this -- if the car's coming this way. I'm on this side of
15 the road working in a arc like that.

16 Q. So, you've never said you were in the center of the
17 road?

18 A. Yes, I went to the center of the road.

19 Q. So in your statement ---

20 A. Yes, yes.

21 Q. --- it says you were in ---

22 A. Yes.

23 Q. --- the center of the road when this happened?

24 A. When he started veering to that side of the road, I
25 went back toward the center of the road, yes.

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

515

1 Q. You were in the roadway?

2 A. Yes, ma'am.

3 Q. And at some point, you were in the center of the road?

4 A. Yes, ma'am.

5 Q. He is driving down the road when this -- he hits you.

6 You stay at the leaves. You never leave, correct?

7 A. Yes, ma'am. Stay right there in that spot.

8 Q. And it's your testimony that he came all the way to
9 you?

10 A. Yes, ma'am.

11 Q. You never moved?

12 A. Yes, ma'am.

13 Q. And you had your blower going the whole time?

14 A. Yes, ma'am.

15 Q. Your blower is going the whole time?

16 A. Yes, ma'am.

17 Q. Correct?

18 A. I hadn't cut it off.

19 Q. When did you do that?

20 A. I don't remember cutting it off.

21 Q. And you said he knocked your hat?

22 A. Yes, ma'am.

23 Q. When did you pick it back up?

24 A. I don't remember. I think when I was walking back to
25 the truck.

- 1 Q. But, but at some point you do that?
- 2 A. Yes. I may have picked it up when he went back to the
- 3 car. I'm not sure. I, I have no idea, ma'am.
- 4 Q. Okay, and when Mr. Mathews was just asking you about
- 5 the sheath -- so for this to stay on your belt.
- 6 A. Uh-huh.
- 7 Q. It has to be buttoned?
- 8 A. No.
- 9 Q. How does it stay on your belt then?
- 10 A. There's a loop right there. There you go.
- 11 Q. Like this?
- 12 A. Yes, ma'am.
- 13 Q. You loop your belt?
- 14 A. Through that part.
- 15 Q. So to take this off, you had to take your belt off?
- 16 A. Yes. No, you don't have to take your belt off. You
- 17 just open it up right there and just slide it off.
- 18 Q. You had to do something to get this off. It didn't
- 19 just flip off. You had to take ---
- 20 A. Yes.
- 21 Q. --- physically take it off your belt?
- 22 A. Yes.
- 23 Q. And you did this before or after you spoke with 911?
- 24 A. After.
- 25 Q. So, after you lied to 911 and you lied to the first

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

517

1 responding officer, you then throw away the weapon?

2 A. Yes.

3 Q. Talk a little bit about the 911 call. Mr. Mathews
4 said that -- asked you about not doing CPR, and you said
5 you didn't know how. Did you ask the person how do I do
6 CPR?

7 A. No, ma'am. I just asked them what they wanted me to
8 do.

9 Q. Right, but you didn't ask tell me how to do CPR, did
10 you?

11 A. No, ma'am. They didn't volunteer.

12 Q. They didn't volunteer. And you said the reason you
13 continuously lied to the cops is you were scared for your
14 life?

15 A. I was -- no. I was ---

16 Q. That's what you just said to Mr. Mathews.

17 A. I meant scared for my life. Again, yes. I don't want
18 to go to jail.

19 Q. Okay.

20 A. I don't want to be in this situation. I don't want
21 their family to be in this situation. I don't want all
22 these people that's sitting in this room to be in this
23 situation today.

24 Q. And this situation is the fact that you stabbed a man
25 to death?

1 A. Yes, ma'am.

2 Q. Today you said that you ducked and then stabbed him?

3 A. Yes.

4 Q. Can you look at that statement and tell me where it
5 says that?

6 (A PAUSE.)

7 A. Right here, ma'am.

8 Q. That you ducked?

9 A. Yes.

10 Q. What does it say?

11 A. It says: I ducked and grabbed my knife and swung back.

12 Q. And swung back. Did you ever say that he hit you
13 twice?

14 A. I don't think I said he hit me twice.

15 Q. Okay, and you talk about the swinging. Do you
16 remember talking to them about it just being a reflex?
17 Isn't that what you told the police when they asked you
18 about it?

19 A. Yes. Yes, ma'am, I went off reflex, yes, ma'am.

20 Q. So when they asked you, you didn't say I did it
21 because I was scared. You said I did it as a reflect?

22 A. That's -- yes, ma'am. I was defending myself on
23 instinct, yes.

24 Q. You said you were defending yourself, or you just said
25 you were acting as a reflex?

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

519

1 A. That would be reflex, yes, ma'am.

2 Q. So when they asked, you said I just was acting as a
3 reflex?

4 A. Yes, ma'am.

5 Q. And you said when the victim, in your words, grabbed
6 his side and I think you said did a sidestep or something?

7 A. It's -- I call it side straddle hop. It's where you
8 -- I can't demonstrate, but...

9 Q. It's fine and he managed -- he then went 50 feet back
10 to the car?

11 A. Yes, ma'am.

12 Q. Where he collapsed. Didn't see him bleeding at that
13 point?

14 A. When he went to the ground, and within seconds blood
15 started coming out from underneath him onto the pavement.

16 Q. But you didn't see it the minute you stabbed him?

17 A. No, ma'am.

18 Q. You didn't see it in the time it took him to go from
19 the leaves to the car?

20 A. No, ma'am.

21 Q. Do you remember at the prior hearing saying he ran to
22 the car?

23 A. Yes. Yes, ma'am.

24 Q. But today it was just a sidestep?

25 A. It's not a sidestep. It's a side straddle hop. It's

1 a type of run.

2 Q. A side straddle, oh, it's ---

3 A. Yes.

4 Q. --- a type of run?

5 A. `Yes.

6 Q. So, when you used the words he was running, you meant
7 sidestep straddle?

8 A. I don't know what a sidestep straddle is. That's ---

9 Q. That's what you just said.

10 A. Side straddle hop. It's, it's a, it's a move. If you
11 watch football players at practice, you'll see it.

12 Q. So, a side straddle hop ---

13 A. Yes.

14 Q. --- is to you the same as running?

15 A. It is.

16 Q. And he ran 50 yards before falling?

17 A. No. 50 feet.

18 Q. 50 feet, I'm sorry, before falling?

19 A. Yes, ma'am.

20 Q. After you stabbed him in the heart?

21 A. Yes, ma'am.

22 Q. And he did that without bleeding on the ground?

23 A. Yes, ma'am.

24 Q. You didn't see any blood?

25 A. I didn't see any blood, no, ma'am.

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

521

1 Q. And that's what you told police when they, when they
2 show up?

3 A. They didn't ask me that question.

4 Q. Because you said you didn't see anything.

5 A. Again, they did not ask me that.

6 Q. They asked you what happened, and you said I don't
7 know. I didn't see anything, right?

8 A. Yes, ma'am.

9 Q. And when they show up the second time, you say don't
10 know. I don't see anything.

11 A. Nobody asked me the second time. I said it was me.

12 Q. No. When he comes to the cul-de-sac, he said are you
13 Matthew Young and begins to ask you what happened, and you
14 told him I don't know?

15 A. Yes.

16 Q. And then he asked you, well, somebody called and a
17 lady -- and you begin to tell about how some lady said the
18 man fell down. Isn't that what you stated?

19 A. No.

20 Q. You didn't say that?

21 A. No.

22 Q. So on the, on the body cam, we're not going to see you
23 say to them some lady called and said he fell down?

24 A. You're going to see I said that, no, I didn't say what
25 you're saying. That wasn't me saying that on the call.

1 Q. There's no question.

2 (A PAUSE.)

3 Q. Can you see this?

4 A. Yes, ma'am.

5 (WHEREUPON, EXCERPT OF UNIDENTIFIED DVD IS PLAYED FOR
6 THE COURT. AUDIO IS NOT TRANSCRIBED.)

7 Q. So, you did tell them that the lady said he wobbled
8 and fell down?

9 A. Uh-huh.

10 Q. Correct?

11 A. Yes.

12 Q. You told him that?

13 A. Yes. Could you continue to play that? It'll say he
14 said you called ---

15 Q. That was not my question.

16 A. --- and said this.

17 Q. My question is did you tell him that the lady called
18 and said he fell down? You said that, correct?

19 A. But you asked me about the phone call, did -- I mean,
20 when he asked me the second time, he asked me about the
21 phone call, and I said that that's not -- what I said on
22 there was, no, I didn't say that on the phone call.

23 Q. Again, the first time when you see Officer Sulser is
24 at the incident location when he tells you to back up,
25 correct?

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

523

1 A. Yes.

2 Q. My question is this is the second time you see Officer
3 Sulser, correct?

4 A. This is the second time I see him, but I -- this is
5 the first ---

6 Q. That is -- my only ---

7 A. --- time he talks to me.

8 Q. --- question is this the second time ---

9 MR. MATHEWS: Judge.

10 Q. --- time you saw him?

11 MR. MATHEWS: Judge, I've got to object. She's
12 interrupting him when he's responding to the question.

13 THE COURT: Agreed.

14 BY MS. SAMPSON:

15 A. This is the first time I talked to Officer, Officer
16 Sulser.

17 Q. Let me, let me be clear with my question. The first
18 time you see Investigator Sulser or Officer Sulser is at
19 the incident location, correct?

20 A. Yes.

21 Q. The second time you see him is here at the cul-de-sac,
22 correct?

23 A. Yes.

24 Q. And you just told him that the lady called and said
25 the man fell down and wobbled?

1 A. Yes.

2 Q. That is my question.

3 A. Well, I'm, I'm misunderstanding what you're saying.

4 Q. But you said that?

5 A. ` Yes, ma'am.

6 Q. All right, but actually the person who told 911 that
7 he fell down was you?

8 A. Yes.

9 Q. So, that's not the truth? What you just told this
10 officer was not the truth?

11 A. Right. Yes.

12 Q. And all the rest of what you told him about not seeing
13 anything, not the truth?

14 A. I was not the one that called and said I stabbed him.

15 Q. When he asked you and you start saying I didn't see
16 anything, I don't know what happened, that's not true.

17 A. That's true.

18 Q. And this is minutes after the incident, correct?

19 A. Yes.

20 MS. SAMPSON: Beg the court's indulgence.

21 (A PAUSE.)

22 BY MS. SAMPSON:

23 Q. Today you talked to Mr. Mathews about what happened
24 once your coworkers came back to the scene. The stabbing
25 happens. They're in the lawn, wherever they are, and they

M. YOUNG - CROSS-EXAMINATION BY MS. SAMPSON

525

1 come to you at some point, correct?

2 A. Yes.

3 Q. And do you remember telling at a previous hearing that
4 you told Perozo and Watts that you were attacked by the
5 guy?

6 A. I don't remember that, no, ma'am.

7 Q. You do remember the hearing, correct?

8 A. Yes, ma'am.

9 Q. I'm going to show you the whole thing.

10 A. Yes, ma'am.

11 Q. Do you agree with me that this is the transcript from
12 the hearing?

13 A. Yes, ma'am.

14 Q. And at the top of this it say: Young Direct. Correct?

15 A. Yes, ma'am.

16 Q. Okay. So, that would be when you were being
17 questioned and answering, correct?

18 A. Yes, ma'am.

19 Q. Okay, and what -- can you read along with me as I read
20 out loud?

21 He grabbed his side and took off back toward his
22 car, running back toward his car. When he got
23 close to the car he fell down, and I turned
24 around and at that time I seen Jason and Ace
25 coming out, and just like that, what's happening.

1 I was, like, this guy just attacked me. And one
2 of them said dude, he's bleeding bad.

3 So, you said that?

4 A. Yes, ma'am.

5 Q. Okay. So, today you said you didn't tell them what
6 had happened, but in the hearing you said you did tell them
7 about it?

8 A. Yes, ma'am. I, I, I don't recall that, but yes,
9 ma'am. That's been several years ago. Yes, ma'am, I, I
10 did say that.

11 Q. All right.

12 MS. SAMPSON: Thank you.

13 I have no further questions, Your Honor.

14 THE COURT: Redirect?

15 MR. MATHEWS: Yes, sir.

16 REDIRECT EXAMINATION BY MR. MATHEWS:

17 Q. Scott, you keep getting asked about previous
18 statements that you've made, previous testimony that you've
19 given. It's been four years since this happened, right?

20 A. Yes, sir.

21 Q. And over those four years, you've talked to law
22 enforcement on a number of occasions, including the day
23 that it happened?

24 A. Yes, sir.

25 Q. And you've given sworn testimony?

M. YOUNG - REDIRECT EXAMINATION BY MR. MATHEWS

527

1 A. Yes, sir.

2 Q. So, they've got probably five or six statements to
3 pick and choose from?

4 A. Yes, sir.

5 Q. Could you maybe have said something different in a
6 couple of those statements?

7 A. Yes, sir.

8 Q. Essentially are you telling the same thing in all
9 those statements?

10 A. Yes, sir.

11 (COUNSELORS CONFER.)

12 WITNESS: Ma'am, do y'all need this?

13 MR. MATHEWS: I'll put it back.

14 BY MR. MATHEWS:

15 Q. But have you -- the gist of what you've been saying
16 about where the incident happened, who the aggressor was,
17 has that been the same?

18 A. Yes, sir.

19 MS. SAMPSON: Your Honor, I'm going to have to object
20 to the leading.

21 THE COURT: Sustained.

22 You may rephrase the question.

23 BY MR. MATHEWS:

24 Q. In all of the statements that you've given, where have
25 you told law enforcement and testified that the incident

1 happened?

2 A. Where I was working at the pile of leaves.

3 Q. Where have you told them that the victim fell?

4 A. Beside the car.

5 Q. How did you tell them that he got from the leaves to
6 the car?

7 A. He left from where I was at to the car in a running
8 gesture.

9 Q. How did you tell them that he got out of his car to
10 the leaves?

11 A. He got out of his car and, and come to me walking
12 fast.

13 Q. And how have you always said in your statements that
14 he -- what did he do to you when he got to where you were?

15 A. He started pushing me and then hit me.

16 Q. And has that been consistent?

17 A. Yes, sir.

18 Q. It's been consistent except for after you told the
19 police you lied?

20 MS. SAMPSON: Objection, Your Honor, to the leading.

21 THE COURT: Sustained.

22 BY MR. MATHEWS:

23 Q. You admit that you told the police you lied?

24 A. Yes.

25 Q. Or, excuse me, you admit that you -- have, have you

M. YOUNG - REDIRECT EXAMINATION BY MR. MATHEWS

529

1 lied to the police?

2 A. Yes.

3 Q. But after you said I lied, I did it, have you lied to
4 the police?

5 A. No, sir.

6 Q. Went into a lot of questions here about you never said
7 that you were scared when the -- Mr. Pacius approached you.
8 Have you ever been asked that by law enforcement or anybody
9 else prior to today?

10 A. No, sir.

11 Q. How tall are you?

12 A. 5-10.

13 Q. How much do you weight?

14 A. At that time, I weighed around 170 pounds. I've
15 gained a little weight since then.

16 Q. Ms. Sampson asked you about calling 911 after you'd
17 been hit, after the blower had been hit. Have you called
18 911 about people speeding on that road before?

19 A. Yes, I have.

20 Q. Have you called 911 about getting hit on your blower
21 before?

22 A. Yes, I have.

23 Q. What has resulted of those 911 calls?

24 A. Nothing.

25 Q. Have the police ever responded?

M. YOUNG - REDIRECT EXAMINATION BY MR. MATHEWS

530

1 A. They've come out and spoke to us, yes, and they've
2 said we'll make a note of it and asked us if we had a
3 description of the vehicles, the make, model, tag numbers.

4 Q. But did anything happen after that?

5 A. No, sir.

6 MR. MATHEWS: Thank you, Scott.

7 MS. SAMPSON: Beg the court's indulgence.

8 (A PAUSE.)

9 MS. SAMPSON: Nothing further, Your Honor.

10 THE COURT: Okay. Come on down.

11 (THE WITNESS EXITS THE STAND.)

12 MR. POTTS: Your Honor, may we approach real quick?

13 THE COURT: Sure.

14 (OFF-THE-RECORD BENCH CONFERENCE.)

15 THE COURT: All right, ladies and gentlemen, we're
16 going to take our afternoon break. Do not discuss the
17 case. Keep an open mind. We've only going to take about a
18 ten minute break. I believe we have one more witness to
19 get through this afternoon, so I want to make sure we get
20 through that witness and get you home at a decent time
21 tonight, okay? All right, so we're going to take a ten
22 minute break.

23 Everyone else stay seated.

24 We'll be back with you in just a few moments.

25 (THE JURY EXITS AT 3:35 PM.)

K. COLLINS - VOIR DIRE EXAMINATION BY MR. MATHEWS

532

1 the record.

2 WITNESS: My name is Kimberly Ann Collins,

3 C-o-l-l-i-n-s.

4 VOIR DIRE EXAMINATION BY MR. MATHEWS:

5 Q. Dr. Collins, what is your occupation?

6 A. I'm a forensic pathologist.

7 Q. Where are you currently employed?

8 A. I'm employed as far as doing forensics and autopsies
9 at Newberry Pathology Group in Newberry, South Carolina.

10 Q. Is that where you primarily practice that out of?

11 A. Yes.

12 Q. And what are your primary job duties?

13 A. At Newberry?

14 Q. Or just in general as far as being a forensic
15 pathologist.

16 A. Well, as a forensic pathologist you investigate
17 unnatural deaths or trauma. You help determine cause and
18 manner of death, and you use the various laboratories in
19 the hospital such as hematology, chemistry, toxicology, and
20 of course the autopsy laboratory to help you with these
21 evaluations and examinations.

22 Q. And so you perform autopsies similar to Dr. Durso, who
23 was in here and testified earlier?

24 A. Yes, that's correct.

25 Q. And do you perform autopsies, and have you testified

1 for the state before?

2 A. Yes.

3 Q. And you also testify as a defense witness?

4 A. That's correct.

5 Q. Tell me, let's just get a little bit of background
6 information on you.

7 A. Okay.

8 Q. What's your educational background?

9 A. I attended college at the University of Georgia, where
10 I received my bachelor's in microbiology. I then went to
11 medical school at Medical College of Georgia in Augusta and
12 received my MD. Following medical school, I chose to
13 specialize in pathology. So, I completed a five-year
14 combined anatomic and clinical laboratory medicine
15 residency at Wake Forest University. After my residency, I
16 then wanted to subspecialize in forensic pathology, so I
17 went to the Medical University of South Carolina, and I had
18 a one-year fellowship in forensic pathology.

19 Q. And where have you worked since you completed your
20 fellowship?

21 A. For about fifteen years, I think it is, I worked as
22 director of forensic pathology and chief medical examiner
23 in Charleston County, and I was at the Medical University
24 of South Carolina. I also worked for five years at Fulton
25 County Medical Examiner's Office in Atlanta, Georgia.

K. COLLINS - VOIR DIRE EXAMINATION BY MR. MATHEWS

534

1 That's where I'm originally from.

2 Q. Do you have any professional certifications?

3 A. Yes. I'm board certified in anatomic pathology,
4 clinical pathology, and forensic pathology.

5 Q. And what states are you professionally licensed in?

6 A. Georgia, South Carolina, and I'm licensed in North
7 Carolina but it's inactive now.

8 Q. How long was that active up until?

9 A. That was active since '94, I think it was.

10 Q. Okay, and do you have a number of professional
11 memberships?

12 A. Yes. College of American Pathologists; National
13 Association of Medical Examiners, which I was president of;
14 American Academy of Forensic Sciences. Those are probably
15 the main three that would pertain to forensic pathology.

16 Q. But you say you -- out of numerous others?

17 A. Yes.

18 Q. And are you a member of any editorial boards to?

19 A. Yes. I'm editorial board for *Journal of Forensic*
20 *Science; American Journal of Forensic Medicine and*
21 *Pathology; Archives of Pathology and Laboratory Medicine,*
22 *Forensic Medicine and Pathology Journal*, which is in
23 Australia; and I reviewed for numerous journals, reviewed
24 articles on -- with their editorial board such as *Pediatric*
25 -- *Pediatrics and Academic Forensic Pathology Journal*.

1 Q. And these journals, those are scholarly journals where
2 professionals submit articles for publication?

3 A. Right. They're all peer reviewed.

4 Q. And are you on any university committees?

5 A. I served on numerous university committees when I was
6 working at the Medical University of South Carolina. I was
7 a full professor there, and we served on autopsy committee,
8 education committee for the pathology dental course and the
9 pathology medical course.

10 Q. And I guess we won't go through them all, but you have
11 numerous honor -- have you had numerous honors and awards
12 in medical school and undergraduate, throughout your
13 residency?

14 A. Yes.

15 Q. Have you given any lectures, speeches, exhibits,
16 researched, presented, anything like that in regards to
17 forensic pathology?

18 A. Yes. Probably hundreds at international and national
19 meetings.

20 Q. International and national?

21 A. Yes.

22 Q. To other pathologists?

23 A. Yes.

24 Q. Do you teach other pathologists?

25 A. Yes.

K. COLLINS - DIRECT EXAMINATION BY BY MR. MATHEWS

536

1 Q. Have you, yourself, published any scholarly articles?

2 A. Yes. About 100 or 150 journal texts as well as
3 textbooks and chapters in textbooks.

4 Q. Have you ever been qualified as an expert in state
5 court?

6 A. Yes. State, federal, and military court.

7 Q. About how many times would you say?

8 A. I've testified, including depositions, about 250 to
9 300 times.

10 Q. This isn't your first time?

11 A. No, sir.

12 MR. MATHEWS: Your Honor, at this point I would offer
13 Dr. Collins as an expert in forensic pathology.

14 THE COURT: Voir dire?

15 MR. POTTS: No, Your Honor. No objection.

16 THE COURT: All right, ladies and gentlemen, as I told
17 you a little earlier, normally a person can't give their
18 opinion. They have to testify as to what they saw, they
19 heard, they did, things of that nature. However, there is
20 an exception under our rules when someone is qualified
21 because of education or experience, and that person is
22 allowed to give their opinions in certain areas if I
23 qualify them in that way.

24 So, Dr. Collins will be qualified as an expert in the
25 area of forensic pathology. That means that she will be

K. COLLINS - DIRECT EXAMINATION BY BY MR. MATHEWS

537

1 allowed to give her opinion in that area. Now, that
2 doesn't mean that you have to accept her opinion, but it's
3 evidence for you to use in any way that you see fit, and
4 you give it the weight and the credibility that you believe
5 is appropriate, as you should be doing with each and every
6 witness that comes before you.

7 DIRECT EXAMINATION BY MR. MATHEWS:

8 Q. Dr. Collins, did I contact you some time ago on behalf
9 of my client, Mr. Young?

10 A. Yes. You contacted me on January 21st.

11 Q. And at that point in time, did I kind of give you a
12 little bit of the basics of, of the case?

13 A. Just the basics. I prefer to read the autopsy report
14 and look at the photographs on my own, but you did give me
15 the basics, the skeleton of the case.

16 Q. Why do you prefer to look at it on your own?

17 A. To make my own opinion and not to be influenced by
18 opinion.

19 Q. So, you didn't -- is it fair to say that you didn't
20 want to be told what to say before you looked at everything
21 abstractly?

22 A. Definitely.

23 Q. Were you forwarded certain information or discovery
24 materials related to this case?

25 A. Yes, I was.

K. COLLINS - DIRECT EXAMINATION BY BY MR. MATHEWS

538

1 Q. Just generally what were those?

2 A. We had the autopsy report. There are also autopsy
3 photographs and scene photographs, and there were the
4 statements by the defendant. We also had the transcript of
5 the stand your ground ---

6 Q. Hold on just one second.

7 MR. MATHEWS: Judge, I didn't instruct her on
8 anything.

9 THE COURT: Okay.

10 MR. MATHEWS: Can, can we just stop and just -- can we
11 approach real quick?

12 (OFF-THE-RECORD BENCH CONFERENCE.)

13 THE COURT: Come over here for a second, Dr. Collins.

14 (WHEREUPON, WITNESS JOINS THE OFF-THE-RECORD BENCH
15 CONFERENCE.)

16 THE COURT: And for the record, the state was present
17 for that conversation.

18 BY MR. MATHEWS:

19 Q. As you were saying, what else had you reviewed?

20 A. I mentioned the photographs and transcripts of the
21 prior hearing.

22 Q. Had you reviewed -- you went through the photographs
23 that have already been offered into evidence earlier this
24 afternoon, didn't you?

25 A. Yes, and I've seen them even before that when I

K. COLLINS - DIRECT EXAMINATION BY BY MR. MATHEWS

539

1 received them on a USB drive.

2 Q. You'd seen them prior to today?

3 A. Yes.

4 Q. And you were here -- were you here, present for the
5 testimony of Mr. Young that he just had?

6 A. Yes, I was.

7 Q. And all of those things, you had an opportunity to
8 review?

9 A. Yes.

10 Q. So, I've got a few questions, and you previously read
11 Dr. Durso's testimony from a previous hearing. Is that
12 correct?

13 A. Yes.

14 Q. But you weren't here for her testimony earlier today?

15 A. No, I was not.

16 Q. So, let's kind of get into that. What is your
17 understanding of the manner of death of Mr. Pacius?

18 A. The manner of death was a homicide.

19 Q. And by what means?

20 A. Stabbing wound to the chest.

21 MR. POTTS: Your Honor, just real quick, Your Honor.

22 I see she's referring to some documents. Just want to know
23 what that is.

24 THE COURT: Okay.

25 MR. MATHEWS: If you can show Mr. Potts what you're

K. COLLINS - DIRECT EXAMINATION BY BY MR. MATHEWS

540

1 referring to?

2 WITNESS: Yes. This is the autopsy report.

3 MR. MATHEWS: I'll just ---

4 MR. POTTS: May I approach ---

5 MR. MATHEWS: --- show it to him. That's fine.

6 MR. POTTS: Okay. Yeah.

7 BY MR. MATHEWS:

8 Q. So, it was a homicide by stabbing?

9 A. Yes.

10 Q. And was that consistent with what you read and saw
11 from the statements and previous testimony?

12 A. Yes.

13 Q. Show you this today. You may not have seen it in
14 person before. Maybe you saw a photograph. Do you
15 recognize this?

16 A. Yes, I do.

17 Q. Does that appear anywhere in the photographs or
18 discussed in the autopsy report?

19 A. Yes. It's in the photographs. I saw that.

20 Q. So, you're familiar with the weapon ---

21 A. Yes.

22 Q. --- that was used?

23 A. Yes.

24 Q. The size of it, correct?

25 A. Yes.

K. COLLINS - DIRECT EXAMINATION BY BY MR. MATHEWS

541

1 Q. Are you familiar with the shape of it?

2 A. Yes.

3 Q. How many, would you say, autopsies have you done that
4 were as a -- the cause of death was a stabbing or
5 something?

6 A. Several hundred.

7 Q. In your professional experience and in your opinion,
8 what would happen to a body, just in general at first, if
9 they were pierced with that weapon in the location that Mr.
10 Pacius was?

11 A. Well, first he was stabbed in the heart and in the
12 lungs, which are both -- have a lot of vasculature or
13 they're, quote, bloody organs. But what will happen is
14 that first you will -- you can accumulate about 2 liters of
15 blood in the chest cavity, and so your chest will actually
16 be the first place the blood will flow to is in that the
17 pleural cavity that surrounds your lung. And so it's not
18 uncommon to retrieve 2 liters or more out of one side of
19 the chest.

20 Q. And when you say retrieve, would that be done at an
21 autopsy?

22 A. It would be done at autopsy or in this case if he went
23 and had a thoracotomy where they open up the thorax and
24 look inside in the emergency room, and they would have
25 retrieved the fluid then, the blood then.

K. COLLINS - DIRECT EXAMINATION BY BY MR. MATHEWS

542

1 Q. And in looking at the photographs, does it appear as
2 though a thoracotomy or something like that was done?

3 A. Yes, it was.

4 Q. And could blood have been removed from the body cavity
5 at that point in time?

6 A. Yes. That's -- that is what's performed, yes.

7 Q. That's standard at the emergency room or hospital?

8 A. Yes, so they can view the injuries.

9 Q. So, you don't know -- could you tell anywhere in those
10 pictures or reports you were provided how much blood was
11 removed during that?

12 A. No.

13 Q. Did they measure it? Do you know?

14 A. It depends on the situation. If it's a really
15 emergent situation, you could understand they would not
16 take time to measure it, and they would just do a rapid
17 thoracotomy with the rib spreader. And so it's not unusual
18 that you don't get an exact measurement of the blood.

19 Q. And were there signs of a thoracotomy being done on
20 Mr. Pacius's body?

21 A. Yes, in the photographs and in the autopsy report.

22 Q. So, where is the first place that the blood would pool
23 with a wound of that sort to a heart?

24 A. First, it would pool around the pericardium, which is
25 the sack that surrounds the heart, and then it would pool

1 in the left chest cavity around along the lung, the left
2 lung. And so the lung will actually be compressed by this
3 amount of blood that collects in the left chest.

4 Q. Is it your professional opinion, is it automatic or
5 mandatory that blood would immediately have begun seeping
6 or spraying out of the wound?

7 A. No. This is -- first of all, this location was high
8 in his armpit area. So, it was high up, so he had a great
9 deal of room below to collect blood, and the blood doesn't
10 come out as you hear with a gunshot wound. You don't have
11 the energy of the bullet going into the wound, the blowback
12 of blood like you see with a gunshot wound, or you've heard
13 with a gunshot wound. Instead, you've just got stabbing, a
14 blade going in and out. And so it just depends on where in
15 the body the vital organ is injured and what anatomical
16 structures are around that organ so that it can bleed out
17 such as if you're stabbed in the belly, you're going to
18 bleed out in your belly. You're not necessarily going to
19 start squirting blood out of your abdomen onto the wound.
20 So, it goes to the point of least resistance.

21 Q. So, in your expert opinion as a pathologist who's been
22 doing this for so long, can you tell us if that wound would
23 have immediately started leaking blood?

24 A. Some would come out. The person would have clothes
25 on, and it would soak into the clothing at the same time

1 it's starting to fill the chest cavity.

2 Q. Did you see the clothing that the victim had on here
3 in any of the photographs?

4 A. Yeah. I saw some of the photographs had clothing.

5 Q. Is that clothing that could have soaked up anything?

6 A. Yes.

7 Q. And if somebody applied pressure on the outside of the
8 wound, would that prevent immediate leakage of blood?

9 A. Yes.

10 Q. In viewing the weapon and the autopsy photos -- and
11 you saw the picture of Mr. Pacius's heart where the wound
12 happened?

13 A. Correct.

14 Q. Could you tell me if a wound of that nature would
15 immediately have incapacitated Mr. Pacius?

16 A. No, it would not be immediately incapacitating.
17 Wounds that are immediately incapacitating are those that
18 are gunshot wounds to the head, to the neck where the
19 brainstem is, or to the spinal cord where you cannot use
20 your -- from that level down. For instance, you could not
21 use your legs if you were stabbed in the spinal cord area.

22 Q. So, would he still have blood in his brain and
23 throughout his body that would allow his body to still
24 function for a period of time?

25 A. Yes. You've still got a reserve of oxygen in your

1 brain, and we know that many steps can be taken. People
2 don't always automatically die when they've got a stab
3 wound to the heart, as in this case was taken to the
4 hospital. So, we know that you can -- you've got -- it's
5 not an instantaneous death. You're not immediately
6 compromised.

7 Q. And in your professional opinion, after the victim was
8 stabbed, would he have still been able to walk?

9 A. Yes.

10 Q. You've looked at the crime scene photos, haven't you?

11 A. Yes.

12 Q. I'm showing you what's been marked as State's Exhibit
13 16. Do you see that?

14 A. Yes.

15 Q. And State's Exhibit 33. Do you see those two?

16 A. Yes.

17 Q. And what does that show, to your knowledge? What
18 locations?

19 A. To my knowledge, this shows the location where the
20 leaves were being blown. So, there's a, kind of a row of
21 leaves, and then it's also the location of the car, the
22 vehicle, and the final resting point for the decedent.

23 Q. And where the leaves were blown, after listening to
24 testimony and reading statements, what is your
25 understanding of Mr. Young's version of what the

K. COLLINS - DIRECT EXAMINATION BY BY MR. MATHEWS

546

1 significance of that location was?

2 A. My understanding of the location is where Mr. Young
3 was standing and where the altercation took place, which is
4 about 45 to 50 feet from the final resting point of the
5 decedent, where he collapsed.

6 Q. And I know you can't tell us exactly what happened
7 because every situation is different, but would it have
8 been possible for a person with that injury to their heart
9 to have moved the 45 or 50 feet from the pile of leaves to
10 where Mr. Pacius's body was located?

11 A. In my opinion, yes.

12 Q. Why is that?

13 A. Because we, we've known it to happen. We know that
14 you, you've got a reserve of blood in your blood system.
15 You've got a reserve of oxygen in your brain. It's not an
16 instantaneous death. You're able to take several steps,
17 We've known it to be reported to happen. And again, this
18 is not an injury that's immediately going to compromise the
19 individual.

20 Q. Are you able to tell me exactly how many steps he
21 would've been able to take before he stopped?

22 A. No.

23 Q. If someone came in here and said that he only would
24 have been able ---

25 MR. POTTS: Objection, Your Honor. Pitting.

1 THE COURT: Overruled.

2 BY MR. MATHEWS:

3 Q. If someone came in here and said that he would only
4 have been able to take ten steps, is that a conclusion that
5 can be drawn from any of those photos or the autopsy report
6 or anything that you viewed?

7 A. That would only be a conclusion from a witness that
8 actually saw the person taking the steps.

9 Q. Would that be a conclusion that you would make from
10 all of this?

11 A. No, I could not make that conclusion.

12 Q. As a forensic pathologist and one who does autopsies
13 and all this, do you know if there -- if a stabbing had
14 occurred, would there have to have been blood on the knife
15 when it was removed? Is that something you can testify to?

16 A. No. That's not my area. That's trace evidence.

17 Q. So, that's not something you as a forensic pathology
18 would be able to testify to?

19 A. No. That's another branch of forensic science.

20 Q. And what sort of training would you have to have to be
21 able to testify to that?

22 A. Those individual, at least the ones that work at SLED,
23 they have a college degree. Then they go and train,
24 usually with FBI or with mentors on trace evidence.

25 Q. Is that typically something that a forensic

K. COLLINS - DIRECT EXAMINATION / CROSS-EXAMINATION

548

1 pathologist would do?

2 A. During our fellowship, we take about a week rotation
3 through that division, but it's not something we would do,
4 no.

5 Q. But would you feel comfortable as a forensic
6 pathologist making that conclusion?

7 A. No.

8 Q. Finally, there's been -- well, from where Mr. Pacius's
9 body was found to where the incident location was we said
10 was 45 to 50 feet. Is that right?

11 A. That's what I've been told, yes.

12 Q. Have you seen in, in the photographs or anything, is
13 there any noticeable blood trail in between there?

14 A. No.

15 Q. In your professional opinion, given the weapon used,
16 the injuries sustained, the location of the injury, all of
17 that, would there have to be a blood trail in between --
18 and may I hold those photos, or did I take them back?

19 A. They're here.

20 Q. Would there have to be a blood trail in between the
21 pile of leaves where Scott said it happened and the
22 vehicle?

23 A. No, there doesn't have to be. We've got an injury
24 high up in the axilla, and so bleeding is taking place.
25 And if clothing and if an individual's hand is pressing on

K. COLLINS - DIRECT EXAMINATION / CROSS-EXAMINATION

549

1 the wound, then the blood is going to go to the point of
2 least resistance, which is going to be filling that pleural
3 cavity.

4 Q. So, there not being a blood trail between there,
5 does...

6 MR. MATHEWS: Beg the court's indulgence one second.

7 Q. So, given the injuries and given the distance, would
8 there, would there have to be a blood trail?

9 A. No, there would not have to be.

10 MR. MATHEWS: Beg the court's indulgence.

11 (A PAUSE.)

12 MR. MATHEWS: Thank you, Dr. Collins.

13 WITNESS: Thank you.

14 THE COURT: Cross?

15 MR. POTTS: Yes, Your Honor.

16 CROSS-EXAMINATION BY MR. POTTS:

17 Q. Doctor, good afternoon.

18 A. Good afternoon.

19 Q. So, in prepping for your testimony today, did you
20 generate a report?

21 A. No.

22 Q. Okay. So, there's nothing you generate, nothing you
23 wrote about this at all?

24 A. No. I've got some handwritten notes under the list of
25 materials that I had written down.

K. COLLINS - CROSS-EXAMINATION BY MR. POTTS

550

1 Q. But you didn't write any conclusions or anything like
2 that?

3 A. No. That's correct. I did not.

4 Q. And you reviewed Dr. Durso's work?

5 A. Yes.

6 Q. Did you see any issues or any problems with her
7 autopsy?

8 A. No.

9 Q. In fact, did it seem like everything was fine and good
10 in the autopsy?

11 A. Yes. The autopsy, I had no problems with it, no
12 criticism.

13 Q. And unlike Dr. Durso, you're working with that entire
14 case file, right?

15 A. Yes. It's what I was provided. I don't know how much
16 the entire case profile is.

17 Q. Sure.

18 A. But yes.

19 Q. But you're working, you're working with transcripts
20 from a prior hearing, witness statements, photographs, and
21 so forth, correct?

22 A. That's correct.

23 Q. Okay. So, you already know what people's stories are
24 before you even start looking at photographs and at, at the
25 autopsy report, correct?

1 A. Well, I usually start with the autopsy, but I see
2 where you're, you're going is that I have a lot of
3 information in front of me to, to put the pieces together.

4 Q. Right. So, if you wanted to, if you wanted to -- and
5 I'm not saying you did it -- but you wanted to come out
6 with a, with a version of events, you have the tools there
7 to help generate that?

8 A. Yes.

9 Q. Okay. Now, we talked about -- you're saying you're
10 not an expert in trace evidence and only trace evidence can
11 testify about blood on a knife, correct?

12 A. Correct.

13 Q. Okay. So, just tell me. When a knife goes between
14 your ribs and into your lungs and through your heart, is
15 there a lot of blood in between?

16 A. There is when -- especially with the lungs and the
17 heart, yes.

18 Q. Right. This left side of the heart, you know, it's a
19 very -- it's, it's the bigger side of the two, right?

20 A. Right.

21 Q. It handles a lot more blood than the right side?

22 A. Yes.

23 Q. Why is that?

24 A. It has -- the right side is only going to be pumping
25 to the lungs, and so that's just one organ, and the left

K. COLLINS - CROSS-EXAMINATION BY MR. POTTS

552

1 side will be pumping through the aorta to the entire body.

2 Q. Okay. So, we're talking about, as you, you would say,
3 whether you can say a knife would have any blood or not,
4 it's a lot of blood in between the entrance/exit wound and
5 the heart?

6 A. Yes.

7 Q. Now, when someone has been stabbed in the heart, which
8 you said the left-hand side is the side that's, I guess,
9 bigger and pumping more strong? Would that be accurate?

10 A. Yes.

11 Q. Okay. When that -- the weapon is taken out, would you
12 expect to see blood also come out of the wound with the
13 weapon?

14 A. I think blood could come out of the wound with the
15 weapon.

16 Q. I'm not saying could. I'm saying would you even
17 expect it?

18 A. Yes, I'd expect there to be some and be -- it could be
19 caught in the clothing, yes.

20 Q. Yeah, but you would expect blood to come out with the
21 weapon?

22 A. Yes.

23 Q. Okay. So, you know, and we're talking about probably
24 at that point probably droplets or something like that,
25 right? We're not talking about big seepage?

1 A. Right.

2 Q. Okay. The -- you mentioned the difference between
3 gunshot wounds and stabbing wounds as far as blood seepage
4 and such, and such go, right?

5 A. Yeah, and the immediate effects of the blood that you
6 see after a gunshot wound versus a stabbing.

7 Q. Okay, and you talked about how much more energy a
8 gunshot has than a stabbing?

9 A. Right, and you get the blowback.

10 Q. Right. So, what's the blowback?

11 A. Blowback is when the bullet enters, it carries with it
12 kinetic energy, and some blood is blown back toward the
13 gun, toward the muzzle.

14 Q. Okay. So, that's, that's when it happens immediately
15 once it hits something, I guess?

16 A. Yes.

17 Q. And it continues as it travels through an object?

18 A. Yes.

19 Q. Okay. Now, obviously the more energy put into a
20 system, the more you would expect blood or whatever to
21 jostle around and move and come out, right?

22 A. I think it depends on what structures are damaged.

23 Q. Okay. Now, we talked about -- you said that
24 clothes/a hand could stop blood for moving 50 feet or what,
25 or what have you ---

K. COLLINS - CROSS-EXAMINATION BY MR. POTTS

554

1 A. Yes.

2 Q. --- from happening?

3 A. Yes.

4 Q. Now, what if you're hopping the whole way, right? If
5 you were adding energy to the system, right, isn't that
6 going to create opportunities, A, for your hand to move but
7 also the blood that's in there to move out and come out?

8 A. It could. I've never tried to assess that with
9 hopping.

10 Q. Okay, but when you add energy to any closed system,
11 right, things get more chaotic and things come out?

12 A. Yes, it could, yes.

13 Q. Okay. So, whoever is -- when someone's wounded with
14 this thing and they -- and they're. and they're -- let's
15 say they are pressing, right, and they're moving towards
16 something 50 feet away, how fast do you think they're
17 moving?

18 A. I just, I don't know.

19 Q. Before they collapse with this sort of injury, how --
20 that's a more fair question. I apologize.

21 A. How fast would they -- could they go? I mean,
22 sometimes we have reports of them running. Sometimes
23 they're walking. So, that would depend on the witnesses.

24 Q. Okay. Now, the injury we have to the heart in this
25 case, is that one Mr. Mathews ---

K. COLLINS - CROSS-EXAMINATION BY MR. POTTS

555

1 MR. POTTS: Did you use that one? I don't...

2 MR. MATHEWS: No.

3 BY MR. POTTS:

4 Q. State's Number 4, take a look at it.

5 A. Yes.

6 Q. That's a very significant perforation, isn't it?

7 A. Yes.

8 Q. In your career -- well, skip that. That's not -- so
9 as far as injuries, stabbing injuries to the heart go, that
10 one's really bad?

11 A. Yes. That's severe.

12 Q. Okay. How much would it hurt?

13 A. The main pain you're going to feel is going to be
14 through the skin and muscle and if you hit rib.

15 Q. Okay. So in this case, let's say it went between two
16 ribs. How much would it hurt?

17 A. It would hurt, but it would be a pain and a muscular
18 and -- you'd know you had been stabbed.

19 Q. You'd know you had been stabbed. Now if we talk about
20 the ribs -- but basically once you've been stabbed this
21 way, you're on a clock, aren't you?

22 A. Yes. I mean, he made it to the emergency room. So,
23 they had some hope by opening a -- doing a thoracotomy, but
24 yeah, you're ---

25 Q. So ---

K. COLLINS - CROSS-EXAMINATION BY MR. POTTS

556

1 A. For the most part, most people are on a clock.

2 Q. How long do you expect someone would perish of this
3 wound? How long do you give it to take?

4 A. It would depend on how close they were to the
5 hospital, how close. You know, they could open him up, sew
6 up the heart. So, I really -- I'd have to ask a surgeon.

7 Q. Okay. So, you're -- so, would you be surprised if he
8 was dead within minutes?

9 A. No.

10 Q. Okay, but it -- could make it all the way to the
11 hospital?

12 A. Yes. Yes.

13 Q. That injury to the heart?

14 A. Yes.

15 Q. Okay, and I don't, I don't mean to be crass with this
16 last question, but I'm obligated to ask it. You were paid
17 for your help with the defense case. Is that correct?

18 A. I was paid for my time; yes.

19 Q. Okay.

20 MR. POTTS: Beg the court's indulgence.

21 (A PAUSE.)

22 MR. POTTS: Thank you. No further questions.

23 WITNESS: Okay. Thank you.

24 THE COURT: Redirect?

25 MR. MATHEWS: Just real brief.

1 REDIRECT EXAMINATION BY MR. MATHEWS:

2 Q. Dr. Collins, are there times when you're consulted on
3 cases when you tell parties or attorneys things that they
4 don't want to hear?

5 A. Oh, yes.

6 Q. And ---

7 A. Yes. I, I work for defense, pretty much 50-50 defense
8 and plaintiff or solicitor. And so sometimes what I tell
9 them, they can use. And other times like just this week
10 they said, well, thank you for your honest opinion, but
11 you're not going to be able to help us with this case.

12 Q. So, would you have any reason to ever come up here and
13 testify in something you didn't believe to be true?

14 A. No. I would say I can't help. I don't think my
15 opinion would really be in your favor.

16 Q. Are you ever going to make a conclusion that you were
17 asked to from the start?

18 A. No.

19 Q. You draw your own conclusions from the evidence. Is
20 that true?

21 A. Yes.

22 MR. MATHEWS: All right. Thank you, Dr. Collins.

23 MR. POTTS: Nothing further.

24 THE COURT: Thank you. Have a safe drive home.

25 WITNESS: Thank you.

1 case from their respective points of view, okay?

2 As in everything that we do in this courtroom, there
3 is a rule and a procedure as to who goes first and who goes
4 last. It's not an arbitrary thing. So, the state will go
5 first, okay, and then the defense will go, and then the
6 state will be allowed to make what we call a reply argument
7 after the defense goes. Once all of that happens, I will
8 then instruct you on the law as it pertains to the issues
9 that have arisen in this case, okay?

10 We may stand up. We may stretch. We may take a
11 small break. It just kind of depends on how long things
12 go. I don't put time limits on attorneys. Sometimes I
13 wish I did, okay, but I don't because this is their case.
14 They've lived with it. They know it, and this is their
15 final opportunity to speak you. So, I don't want them to
16 feel hamstrung by me saying, you know, you better be under
17 this amount of time.

18 And so you all have done an excellent job all week
19 giving of me, the attorneys, the witnesses your undivided
20 attention. So, I ask that you now give the attorneys your
21 undivided attention as they make their closing arguments.

22 And who's starting for the state? All right, Mr.
23 Potts, the floor is yours whenever you're ready, sir.

24 MR. POTTS: Thank you, Your Honor.

25 Good morning, ladies and gentlemen. I appreciate the

1 attention you've paid to us this week. I'm going to try to
2 be as brief as I can, but we have a lot to cover this
3 morning, okay? After I finish, I know Mr. Mathews is going
4 to get up, and then you'll hear from Ms. Sampson, and she
5 will address whatever things I forget to do.

6 But this case, really exemplified by the defendant's
7 statement to Investigator Ross: I did a bad thing. I did a
8 bad thing. When he is sitting in that interview room
9 talking to him, that's what this case is all about, ladies
10 and gentlemen. This is, this is a situation that didn't
11 have to happen. Mr. Pacius did not have to end up in that
12 street bleeding out into the gutters.

13 First, I'm going to talk today a little bit about the
14 law. Judge is going to give you a much more detailed
15 explanation of it in a few minutes, but to give some
16 context to the arguments I'm going to make to you, I want
17 you to have at least an idea of what I'm going to be
18 talking about, okay?

19 So, first I'm going to talk about murder. Murder is
20 pretty simple. It's the killing of any person with malice
21 aforethought, expressed or implied. Now, there's a tricky
22 word in there. That's malice. Malice as an essential
23 ingredient to murder does not necessarily import an ill
24 will to the individual injured. It's a general, malignant
25 recklessness of the life and safety of others, a heart

1 regardless of social duty and fatally bent on mischief.

2 You can see malice in this case through the action of
3 the defendant that day. He says he got slapped in the
4 face, and his response is to pull out his knife, stab the
5 victim so hard it goes 2 further inches into his body.

6 That's malice. That is mean. That is a hard bent on
7 mischief. That is a -- to use a deadly weapon there is a
8 malicious event, and to use it with such force as to drive
9 it all the way into his heart shows that, that heart
10 fatally bent on mischief that we talk about here.

11 And malice doesn't mean he had this big plan. It
12 doesn't mean where you've been sitting up weeks with a cork
13 board trying to figure out how best to find your victim.
14 Malice can be conceived at the very instant the fatal blow
15 is given.

16 Now, the judge is also going to charge you in this
17 case about another crime. It's called a lesser-included
18 offense and that is voluntary manslaughter. Now, Mr.
19 Potts, you may be asking, what's voluntary manslaughter?
20 Well, voluntary manslaughter is the unlawful killing of a
21 person without malice, either expressed or implied, okay?
22 So, basically it's a killing -- and we'll get into the
23 unlawful part in a second -- where there's none of that
24 heart fatally bent mischief, okay? That's the big
25 difference.

1 And what does that generally mean, right? That's kind
2 of a -- it's a weird thing. It's:

3 A killing that's done in the sudden heat of
4 passion based on sufficient legal provocation.
5 The heat of passion must naturally disturb the
6 sway of reason and render an ordinary person
7 incapable of cool reflection.

8 It's an uncontrollable impulse to do violence to
9 another person, okay? There are some classic examples of
10 that. Voluntary manslaughter classically is when you catch
11 your lover in bed with somebody else, and you go and get
12 your gun and you shoot them. Something so disturbing to
13 you has happened that you have lost control, and a
14 reasonable person might lose control of their faculties and
15 resort to violence. If something makes you angry enough
16 that you lose your cool and that's what makes you kill
17 somebody, that is voluntary manslaughter, okay?

18 And finally we have possession of a weapon during the
19 commission of a violent crime. I'm not going to get into
20 the details of this one with you, but if you have a knife
21 and you commit a violent crime using that knife, you are
22 guilty of possessing a weapon during a violent crime. Both
23 murder and voluntary manslaughter are violent crimes.

24 Okay, so now when we're talking about voluntary
25 manslaughter, there is that word about the unlawful killing

1 of another person, right? So, that implies there are some
2 lawful killings, and there are. There are killings done in
3 self-defense, right, and defense doesn't mean -- well,
4 self-defense has a very particular legal definition, okay?
5 It's not just you got slapped and you decided you know
6 what? I'm going to defend myself. That's not
7 self-defense.

8 Self-defense, so to be -- to have -- to claim
9 self-defense, first of all the defendant has to be without
10 fault in bringing on the difficulty, okay? In this case,
11 the evidence shows that he approached the victim; the
12 victim didn't approach him. That would make him at fault
13 in bringing on the difficulty. He escalated the situation.
14 Secondly, that he was in actual imminent danger of
15 sustaining great bodily injury or actually believed he was
16 in imminent danger of sustaining great bodily injury.
17 Great bodily injury isn't a slap. Great bodily injury is
18 something that might make you lose your life, something
19 that might make you lose a limb or hurt a limb. It's not
20 just a punch. Great bodily injury is significantly more
21 than that, and throughout the whole case there's no
22 evidence, zero that this defendant was ever in danger of
23 great bodily injury.

24 Next: A reasonably prudent person of ordinary firmness
25 and courage would have entertained the same belief and

1 would have acted the same. Basically saying that it was a
2 reasonable thing to do, okay? In this case, losing your
3 hat, it's not a reason because you lost your hat to stab a
4 man.

5 And finally the defendant had no other probable means
6 of avoiding the danger. That mean he has a duty to
7 retreat. If trouble's coming on you, you have to try to
8 get away before you can resort to deadly force. You have
9 an obligation in the public in the middle of the street to
10 back up.

11 And in this case he had two friends, Mr. Watts and Mr.
12 Perozo, not far away at all, and you saw Mr. Perozo. He's
13 a big dude. He had every opportunity to retreat and he
14 didn't take it. And, in fact, the defendant told you why
15 he did it.

16 (WHEREUPON, EXCERPT OF UNIDENTIFIED STATE'S EXHIBIT IS
17 PLAYED FOR THE COURT. AUDIO IS NOT TRANSCRIBED.)

18 MR. POTTS: Just a reflex, his reflex when he is
19 slapped is to go stab a man. No fear. Doesn't know why he
20 did it. Doesn't say he was scared. Doesn't say anything.
21 Just his natural reflex is to resort to deadly force. That
22 is not self-defense. That is malice.

23 And, ladies and gentlemen, we have the burden in this
24 case and we have to prove these things to you beyond a
25 reasonable doubt, all right?

1 Now, I know Mr. Smith and Mr. Mathews touched on
2 reasonable doubt in the openings, and the judge is going to
3 give you a lot more reasonable doubt later. And, and by
4 proving it to you, I also mean we have to disprove
5 self-defense. That's our burden, not theirs, but we've
6 done it.

7 A reasonable doubt is the highest standard in law, but
8 it's not beyond all doubt. As Mr. Smith said, if you are
9 certain, absolutely certain about what happened, you would
10 have seen it yourself. You'd have been up on the witness
11 stand. I'm not asking you to not have any doubts, but if
12 you are firmly convinced the defendant is guilty -- it says
13 right there, firmly convinced -- you must find him guilty.

14 Now, how are you going to do that? Well, part of your
15 job is to evaluate the credibility of the witnesses, all
16 right? These are some of factors you can decide. Y'all,
17 I'm sure, have your own factors, right? When you talk to
18 people on a daily basis, you evaluate how credible they
19 are. Whether it's the guy at BestBuy trying to upsell you
20 on a new TV that's 4K versus 1080P or the grocer stocking
21 the milk, right, you evaluate people and their credibility
22 all the time, all right, and so here are some things to
23 consider. Was the witness straightforward or hesitant in
24 answering questions? Were they consistent or were they
25 inconsistent? How did they know these facts they talk

1 about, right? Did they see it themselves, or were they
2 present during when it happened? And does the other
3 evidence, the other stuff we had, does it detract or add on
4 to their testimony? And finally is there any reason why a
5 witness would want to give testimony to help or hurt one
6 side or the other? Those are just some of the factors
7 y'all can consider, and I ask you to apply them in this
8 case as we go through some of the witnesses, all right?

9 So, one of the first witnesses we heard from,
10 Investigator Sulser and Officer Osagie talked about what
11 they saw that day, right? And, in fact, you saw most of
12 what they saw that day. They have the body cams on.

13 Now, I didn't play for y'all Officer Osagie's, his
14 body cam. but it's in evidence. If y'all are curious about
15 it, you can go back in the jury room and watch it, okay?
16 That's -- he testified it's basically the same as Sulser's
17 except his -- actually, his body mic's a little loser and
18 so when he's running, I got seasick. But that's in
19 evidence. Y'all can watch it if you want.

20 But the first thing that happens when they get there,
21 Sulser asks who stabbed him? Where's the suspect? And he
22 testified the defendant said I don't know. That's the very
23 first thing, and, you know, they eventually figured out how
24 it happens, and you can watch their entire investigation if
25 you want. At one point they shine a light in the car, see

1 there's no blood in the car. They do all sorts of
2 interesting things, but it's a lot of time, a lot of time.

3 And when they eventually find the defendant and his
4 two coworkers, he lies to them, right? Now, y'all have
5 heard enough about his lies. He just lies and lies and
6 lies. Their testimony is backed up by the evidence we
7 have, and y'all can watch it.

8 This is actually part of the video we didn't show
9 y'all, but it's in evidence.

10 (WHEREUPON, EXCERPT OF UNIDENTIFIED STATE'S EXHIBIT IS
11 PLAYED FOR THE COURT. AUDIO IS NOT TRANSCRIBED.)

12 MR. MATHEWS: All right, even he admits no, he didn't
13 see anything is what he told him. And if you go back and
14 watch the body cam, he is not standing by that body when he
15 first arrived. He's way down the street.

16 Next y'all heard from Jason Watts and Roberto, and
17 their testimony was pretty consistent with each other.
18 They were there working, blowing the leaves, and they did
19 not see what happened, and the defendant testified
20 yesterday he didn't tell them what happened. But then Ms.
21 Sampson's next to last question or last question, forget
22 what it was, asked did he testify in a previous hearing
23 that he had told them that he attacked him, and he had to
24 admit he did. All right, so even yesterday he wasn't
25 consistent with his prior testimony, but that explains

1 Roberto's phone call, right? The defendant told him he was
2 attacked. That's why even though he didn't see anything,
3 that's the first thing, that's the first thing he tells
4 911. And, in fact, if you listen to the 911 call closely,
5 you can even hear him tell 911 that.

6 (WHEREUPON, EXCERPT OF STATE'S EXHIBIT NUMBER 1 IS
7 PLAYED FOR THE COURT. AUDIO IS NOT TRANSCRIBED.)

8 MR. POTTS: I didn't witness it per se but. Then the
9 911 interrupts him. He said that on the 911 call: I didn't
10 witness it per se. He didn't see it and that's -- there's
11 also evidence of that later on in the phone call.

12 (PLAY RESUMES.)

13 MR. POTTS: He has no idea where the victim was
14 stabbed. Had he seen the altercation, had he seen the
15 defendant take his knife -- I'm left handed, sorry -- stab
16 him, he would've said I saw him stab him in the chest. He
17 told 911 he has no idea. He didn't see it. He may have
18 forgotten now why he said that, but if he told them I was
19 attacked, that's what got it in his head. The evidence was
20 there. That's kind of why I like closing. I get to point
21 out things that -- and synthesize a little bit.

22 You also heard from Investigator Schmidt.

23 MR. MATHEWS: And, and, Judge, I've got to object, and
24 we can take it up later. Arguing facts that aren't in
25 evidence.

1 THE COURT: All right.

2 MR. POTTS: And they talked to y'all about a lot of
3 different things, but where did they find that knife, find
4 the knife the defendant tossed into the bushes, right?
5 This is State's Number 24. You can see it there right to
6 the middle of the picture high above from the creek, right,
7 kind of stuck in the underbrush. And when, when they
8 examined it in State's 34, covered in water droplets.

9 The defendant tells y'all that he didn't wash that
10 knife off, right? There's no way blood came off that
11 knife. Must have, must have, must have maybe been washed
12 off in the sheath, or maybe that sheath squeezed it all
13 off. That's a magic sheath, right? That sheath can wipe
14 away all blood but it can't wipe away water.

15 There's only one explanation for that: he washed the
16 knife off. Took a short detour by that creek, washed the
17 knife off, and then tossed it as far as he could. The
18 knife wasn't found in the water. It was found in the
19 brush, and that sheath didn't clear off that water.

20 Now, you also heard from Dr. Durso and Dr. Collins.
21 And Dr. Collins, I met her for the first time yesterday.
22 She seemed real nice. She's got a lot of experience.
23 She's a very bright woman. She clearly knows what she's
24 talking about.

25 But that's what's interesting, right? Y'all, y'all,

1 y'all caught what I asked her what she reviewed, right?
2 She reviewed statements. She reviewed pictures. She
3 reviewed the autopsy. Said Durso did a fine job, right,
4 but she's got a job. Her job isn't to, her job isn't to
5 say what she thinks probably happened but to try to find
6 some explanation that could be consistent, right? Dr.
7 Durso didn't have statements; she didn't have any pictures.
8 All she had was at 2 o'clock that afternoon a body, and
9 that's where she made her judgments.

10 Now, Dr. Collins, she, she did a, you know, I thought
11 she did a good job. She tried really hard to make it so
12 that I couldn't score any points, right? You'll remember
13 when I asked would the knife have any blood on it after he
14 stabbed someone in the heart, right, and she said, well,
15 that's beyond my area of expertise. That's for a trace
16 evidence expert, right?

17 This is a woman who's been through medical school,
18 right, and cuts on bodies as part of her job all day long,
19 right? As a doctor, you cut on live bodies. As a forensic
20 pathologist, she cuts on dead bodies, and she doesn't know
21 whether her scalpels ever come off with blood. That's
22 beyond her area of expertise.

23 No. As Durso said, you stab through the lungs, you
24 stab into the heart where all the blood is, you're going to
25 get a bloody knife. And that's, that's kind of key,

1 whereas Dr. Durso, her testimony reflects the evidence,
2 reflects what we have.

3 And I'm going to show you that in this next picture,
4 or actually -- now, this is State's Exhibit Number 10,
5 okay? This is where defendant's body was found -- the
6 victim's body was found right next to the car, and here we
7 have State's Number 9. This is clearly a little bit
8 further from the big pool of blood. This is some blood
9 spatter, right? That looks to me like what you would get
10 when you stab somebody. Look. It's going to drag stuff
11 back out. It's not your normal, just normal knife. It's
12 got that hook on the end. Things are going to drag out
13 right with it. You're going to get some blood on the
14 ground, and the only place there's blood is next to that
15 car.

16 And when we talk about how far Mr. Pacius could have
17 run, how far he could have gone, right, you got to remember
18 it's not just a heart wound. That heart wound was
19 terrible. It's also his lungs. Dr. Durso told you both
20 lobes of his lungs on the left-hand side were punctured by
21 that knife. He is not breathing well at all. In fact,
22 he's probably breathing blood at that point as his cavity
23 starts to fill up.

24 Him side hopping away or side saddle hopping away is
25 impossible. That man would have collapsed way well before

1 50 feet. But what is consistent is collapsing right next
2 to his car.

3 Finally, let's talk about the defendant, okay? I got
4 to start off with this. I know you've heard it a lot: he
5 just can't stop lying. This is when Sulser first comes and
6 meets him.

7 (WHEREUPON, EXCERPT OF UNIDENTIFIED STATE'S EXHIBIT IS
8 PLAYED FOR THE COURT. AUDIO IS NOT TRANSCRIBED.)

9 MR. POTTS: Right to the officer, just right in front
10 of him, just nothing but lies. Same thing on the 911 call,
11 happened first thing.

12 (WHEREUPON, EXCERPT OF STATE'S EXHIBIT NUMBER 1 IS
13 PLAYED FOR THE COURT. AUDIO IS NOT TRANSCRIBED.)

14 MR. POTTS: Okay. Now, when he was handed that phone,
15 as he testified, he had his phone on the whole time. The
16 first person who knew Mr. Pacius was stabbed and on the
17 ground and bleeding was the defendant. The phone was in my
18 pocket. He even told Sulser I was getting ready to reach
19 for it. Well, took the other caller's phone and lied to
20 911. Couldn't even bother to do it himself.

21 Finally, we have all the inconsistencies in his story.
22 Just make him unbelievable, right? Besides telling Perozo
23 and Watts that the victim attacked him first, and then
24 saying he didn't tell them anything later, each time he
25 tells a story to law enforcement, whether it's to Sulser or

1 to Ross, or his testimony, he keeps escalating it, right?
2 First time pushed me, slapped me. Then push, slap, my hat
3 came off. Then push, slap, he took another swing at me and
4 I dodged. And then yesterday it's two pushes and a slap.
5 Every time he tells it, it gets, it gets a little bit,
6 little, little bit worse.

7 He said that the victim ran/walked back to his car,
8 but now he's talking about a side straddle hop. By the
9 way, this side straddle hop has got to be, got to be -- he
10 said he couldn't demonstrate it for us on the stand, so
11 it's got to be cardiac intensive or something. You got to
12 be limber to do it, I guess, just like a man who's been
13 stabbed in the heart and lungs, right? That's not, that's
14 not going to happen.

15 Watts and Perozo testified to you that the defendant
16 was by the body when they saw him. He was also there for
17 911, but when Sulser arrives? Down the street.

18 Here's the thing: the truth never changes. The truth
19 never changes. When you tell the truth, you don't have to
20 keep track of your other stories. There's only one version
21 of events. His story just doesn't make sense.

22 He doesn't have any injuries. He couldn't even point
23 out any injuries to Investigator Ross. And you have the
24 pictures taken hours later. No redness, no looking like a
25 bruise getting ready to form, nothing. It's because it

1 didn't happen. It's fabrication.

2 And then he says he leaves the crime scene because
3 he's just complying with Investigator Sulser's request to
4 back off. Just trying to work with law enforcement and
5 just do what they ask. If that's what you're` trying to do,
6 why would you then go throw away the murder weapon? Why
7 would you then go try and hide it if you're just trying to
8 comply with what they want? The same train of thought that
9 gets you through I'm just going to leave because he wants
10 me to leave even though I'm involved doesn't fit with and
11 let me toss this out while I'm there, right? The thought
12 that gets you from there to there is I need to get away
13 from here. He's given me an excuse. I'm going to scoot on
14 and see what I can do for myself. That's why he tosses the
15 weapon; that's why he leaves.

16 However, if you want to believe his testimony, you
17 want to believe his statements that he was almost hit or
18 hit by the victim, victim came charging at him, slapped him
19 across the face, that's enough to make someone really
20 angry, maybe to overcome their ability to think about
21 things and not cool off. Even if you believe his story,
22 it's voluntary manslaughter. But, ladies and gentlemen,
23 his story is unbelievable. His testimony is unbelievable.
24 It isn't supported by the facts. It is just -- doesn't
25 exist.

1 All the evidence points to a different verdict, and
2 it's a verdict of guilty of murder and guilty of possession
3 of a weapon during the commission of a violent crime.
4 Thank you so much for your attention.

5 THE COURT: Okay. Thank you, Mr. Potts.

6 You ready?

7 MR. MATHEWS: Yes, sir, Your Honor.

8 THE COURT: Okay.

9 MR. MATHEWS: May it please the court?

10 THE COURT: Yes, sir. Whenever you're ready.

11 MR. MATHEWS: Good morning, and I'll try to be
12 relatively brief here today because I don't have quite so
13 much to get through.

14 This is about choices and decisions. The ultimate
15 choice or the ultimate decision that was made was Scott's.
16 It's undisputed he pulled out his knife and he stabbed Mr.
17 Pacius. It's undisputed. Did he tell the truth to law
18 enforcement at the beginning? Absolutely not. He did not,
19 but there were a lot of choices that led us to that
20 situation, a lot of choices that were not made by him that
21 were made by Mr. Pacius.

22 And I'm not here to sully him in any way whatsoever.
23 It is an absolute tragedy that he is not here with us, and
24 I feel awful for his family. But if he'd kept on going,
25 hadn't stopped his car, we're not here today. But he made

1 the choice to drive through that neighborhood at a high
2 rate of speed. That's been testified by multiple people.
3 He made the choice to stop his car in the middle of the
4 road. He made the choice to put his car in park. He made
5 the choice to take off his seatbelt. He made the choice to
6 open his door. Didn't make the choice to turn down his
7 music. Left all that on. And he made the choice to go
8 approach Scott 50 feet away at that leaf pile where he was
9 sitting there doing his job.

10 Scott was out there that day doing his job like he'd
11 done years before every Friday in that same neighborhood.
12 If Mr. Pacius hadn't stopped his car and gotten out and
13 confronted Scott, we would not be here today, and everybody
14 wishes that would -- that that would have been the case
15 that we weren't here today.

16 We've been here. We're on the third day of the actual
17 trial now over an incident that happened in literally
18 seconds, seconds. And that's all the time that we were
19 thinking and talking through about what was going through
20 somebody's head, what was somebody's state of mind. Think
21 about how you'd react if you were attacked.

22 What do we know about Mr. Pacius? Nothing. The state
23 didn't produce any witnesses who could come and tell who he
24 was, where he was coming from, where he was going, what he
25 was doing. Do we know anything about him? We don't.

1 But here's what we do know. 6 feet tall, 225 pounds,
2 2 inches taller and 50 pounds heavier than Scott. Athletic
3 build. We also know that he had what was believed to be
4 marijuana in his car, and he actually had marijuana in his
5 system at the time of this, and he chose to get out of his
6 car and initiate this confrontation. Had he not done any
7 of that, Scott wouldn't have had to act in self-defense,
8 but he did and that's why we're here today.

9 I'm not going to sit here and pull up some PowerPoint
10 and lecture to you or teach you because y'all are smart
11 people. Each of you was individually picked from a big
12 panel of jurors because I believe that you can see the
13 evidence, hear the testimony, and see it for what it is:
14 that Scott acted in self-defense. I'm not going to get
15 bogged down, and I don't want you to either in between the
16 difference between murder and voluntary manslaughter. At
17 the end of the day, he acted in self-defense and he is not
18 guilty.

19 How do you think you would react?

20 MR. POTTS: Objection, Your Honor.

21 THE COURT: Sustained.

22 MR. MATHEWS: How do you think a reasonable person
23 would react to the situation that Scott was in? We'll get
24 to his story a few minutes but he acted reasonably, and
25 we'll talk about self-defense in a few minutes, too, but he

1 acted in self-defense.

2 It's been four years since this incident happened,
3 four years for the state to get their evidence and prepare
4 their case, and this is the best that they have to put up
5 to try to say Scott's guilty of murder. They got three
6 lawyers over here, this impressive computer system because
7 they don't have the evidence and they don't have the facts.
8 So, they try to put up this facade with the overwhelming
9 power of the state, and what's Scott got? Well, he's got
10 an expert who came and testified that his story is
11 plausible.

12 State's showing you all the statements and everything
13 that they have. Played a couple of things for you. Let's
14 talk about what they don't have. Scott's story is that his
15 leaf blower got hit while he was out there in the middle of
16 the street. Can anyone refute that? State's trying to say
17 that didn't happen or maybe it did. Who knows? They have
18 alternative theories at this point, but do we have any
19 pictures of that leaf blower to look at to see if that was
20 possible? Do we have that leaf blower here? Was it
21 recovered or, or even here so that you could look at it and
22 see, okay, maybe he was telling the truth about that? No,
23 we don't. That was never done. But you do see the
24 pictures that were introduced into evidence by the defense
25 through the state's witness of the damage to Mr. Pacius's

1 car on the side, which is consistent with Scott's story
2 that his leaf blower was hit.

3 They also want to focus on saying the knife was washed
4 off. Scott said from the time he began to tell his story
5 -- and I'll admit he lied to the police and to 911, but
6 from the time that he was confronted with everything and he
7 said I lied, I did it, I threw the knife over there -- even
8 offered to show them where it was. They're trying to say
9 he went down to the creek, washed it off, put it back in
10 the sheath, threw it. He says he just threw the knife.

11 You know, if that's the case and the state has this
12 power, why didn't they check the sheath to see if there was
13 any blood in there? Because nobody cared. Once they got
14 on scene and they knew Scott was the one who's stabbed Mr.
15 Pacius, they didn't care if there was any justification.
16 It didn't matter. It didn't fit the state's or the City of
17 Columbia's narrative.

18 You heard Investigator Ross say that a large part of
19 his charging decision was because there was no blood in the
20 50 feet interim. You also heard Investigator Ross say that
21 he's no expert in human anatomy, physiology. He's a police
22 investigator, and he's a good one. I'll give him that, but
23 he can't sit here and tell you that that's not possible.
24 That there would have had to been blood there.

25 You know who can tell you that? Dr. Collins, and you

1 heard her background and her credentials. She's been doing
2 this a long time. She knows way more about a body and way
3 more about forensic pathology than I do, way more. Way
4 more than the state does. We're not trained in any of
5 those things, and way more than Investigator Ross. And,
6 while we're at it, more than Dr. Durso because admittedly
7 she had more information than Dr. Durso did. She had
8 statements that been made, and she knew what the stories
9 were. She'd seen the pictures of the crime scene. So, she
10 could say if something would have necessarily had to leave
11 a blood trail.

12 And you also heard her say that she's not going to
13 come up and testify to something that she doesn't believe
14 is true. She's not going to come up here and give Scott
15 what he wants to hear, and she testified that it was
16 possible that there would not have been a blood trail from
17 where Scott said the incident happened and to where Mr.
18 Pacius's body was found. And that's the most credible
19 witness on that issue that I want you to listen to because
20 that is a major, major part of this case because the
21 state's theory, one of them, is that the incident happened
22 by the car, that Scott attacked him and stabbed him over
23 there. Did that happen? No. Not what Scott said and
24 Scott is one of two people who witnessed the incident.
25 Scott is the only one who gave a written statement. Scott

1 is the only one who gave a written statement, and Scott's
2 the one who said the entire time that the incident happened
3 50 feet away at the leaf pile and the victim went back to
4 his car.

5 If all this happened so quickly -- Scott's not that's
6 smart of a guy to concoct some story that he didn't come
7 up, stab somebody at the car standing 50 feet away. He's
8 telling where it happened. And the other person who saw
9 what happened is Roberto Perozo, Ace. They played his 911
10 call again.

11 MR. POTTS: Objection, Your Honor. May we approach,
12 please? I, I hate to...

13 THE COURT: What's the objection?

14 MR. POTTS: It's a matter of law. May I?

15 THE COURT: Okay. Come up.

16 (OFF-THE-RECORD BENCH CONFERENCE.)

17 THE COURT: Go ahead.

18 MR. MATHEWS: My mistake. The reason we had to stop
19 was because I didn't tell you that Mr. Perozo -- I
20 accidentally said that he didn't give a written statement.
21 He did give a written statement. My apologies.

22 What I was trying to say was that his first and
23 initial and gut reaction was to tell the 911 operator what
24 happened. And I've got that written down right here. You
25 just saw it, but I'm going to read it one more time just to

1 be clear:

2 We work with a landscaping company. This guy,
3 like, like, went sixty, seventy down the freaking
4 road, and this is a residential, and we were
5 freaking, like, yelling at him, like, what the F.
6 And the guy got out and freaking went to go fight
7 one of the freaking workers.

8 He goes on to say a few more things, and if you need
9 to see the rest of it, you can. It's a little detailed for
10 somebody who didn't see anything. Why does he need to come
11 back on that story? You heard him. He had a questionable
12 immigration status and didn't want any contact with law
13 enforcement. When he just gave that statement to 911, he
14 wasn't thinking that far ahead. He saw it and he saw the
15 victim get out and attack Scott. So, there's a reason to
16 doubt his credibility now that he's changed his story
17 today.

18 But regardless, other than that, there is no one who
19 can refute Scott's story because no one else witnessed the
20 incident. Did the state go out and produce any Ring video
21 doorbell or anything, any footage from the area? No. So,
22 we don't have any video of what happened. Is there anybody
23 else who can say they saw what happened? No. So, what
24 we're left with is Scott's story, which they are saying
25 can't be true. One, primarily one of the largest reasons

1 that they charged him was there would have been a blood
2 trail. Okay, we're past that.

3 Scott's story and Scott's testimony was that he was in
4 fear, in fear for his life and in fear for injury. A guy
5 who was 50 pounds heavier than him, 2 inches taller was
6 rushing towards him in an aggressive manner, and he said
7 that since he started giving statements after he initially
8 lied to police. He said that. He said that he was pushed.
9 Has the story changed from one to two? Okay, but is that
10 anything major? I say no. And he says that he was hit
11 once, knocked his hat off, hat off and he went down. He
12 says that he was swung on again, at which point he pulled
13 out his knife. He was attacked. He was in fear for his
14 life, for injury, and he responded and he responded with
15 force that was justified.

16 Had he not responded that way, maybe we're in a
17 different situation and Scott is not here today and Mr.
18 Pacius is charged with the crime. But we're not because
19 Scott reacted, and it is unfortunate and horrible what
20 happened, the output of it, the outcome. And nobody wishes
21 that that would have happened. But Scott was defending
22 himself and Scott was justified in defending himself.

23 Now, I don't want you to get caught in the weeds here
24 of what's murder, what's voluntary manslaughter, or these
25 competing theories. Now, I don't want you to compromise

1 and say, well, maybe Scott's not guilty because he was
2 justified. Maybe there was murder. Hey, let's meet
3 somewhere in the middle and say let's convict him of
4 voluntary manslaughter. Stand true to your convictions.
5 Scott acted in self-defense and he is not guilty period.

6 This is all about reasonable doubt. The state has the
7 burden, the burden. It's a very high burden to prove
8 beyond a reasonable doubt that Scott is guilty of these
9 crimes. They also have to prove beyond a reasonable doubt
10 that he didn't act in self-defense. Scott doesn't have to
11 prove anything. He didn't have to testify, but he chose
12 to. Scott is innocent, and he chose to testify and tell
13 you his side of the story.

14 Beyond a reasonable doubt, it's a very high burden.
15 It's very serious, the most serious week of Scott's life
16 here. And if you're going to have that doubt, have it
17 today while you're deliberating because if you go home,
18 think about it again tomorrow, you got a doubt, say well
19 maybe. Too late. Next week if you're thinking about it,
20 same thing. That doubt pops in. Too late. Next month,
21 next year, too late. If there's that doubt, it needs to
22 happen today.

23 And that doubt is because they cannot disprove Scott's
24 statement. They cannot disprove that he was attacked and
25 he responded accordingly. They want to throw all this out

1 about what happened afterwards. What happened afterwards
2 doesn't matter. What matters is that Mr. Pacius stopped
3 his car after he hit Scott's blower. He got out. He
4 rushed toward him. He hit him, he swung at him again, and
5 Scott reacted. He said he reacted

6 Self-defense is a reaction. Self-defense is a
7 reasonable and justifiable reaction. This was what he had
8 on his belt, and this was what he reached for, and he is
9 legally allowed to do that.

10 The state wants to talk about all of this malice.
11 Even in their definition of malice, says he had to have
12 some previous evil intent. He never knew this guy. Never
13 seen him before in his life. What reason would he have to
14 stab him? The guy got out of his car and came at him, and
15 he reacted like any reasonable person would under the
16 circumstances when they were in fear for their life or
17 great injury. This guy was 50 pounds heavier than him.
18 This guy was 2 inches taller than him. This guy was under
19 the influence of some kind of marijuana that was in his
20 system.

21 So, finally I kind of want to hit on a few things that
22 Mr. Potts said in his closing statement, and then I'll be
23 done and you'll hear from the state again. And they're
24 going to be the last ones in your ear. So, I kind of want
25 you to listen closely to, to, to what I say because there's

1 going to be more information given to you. And I don't
2 want the last thing you hear to be the first thing you talk
3 about because this is very, very important to Scott.

4 The first thing Mr. Potts said when he got up here was
5 this didn't have to happen. This did not have to happen.
6 Mr. Pacius did not have to stop his car, get out, and
7 confront Scott. There was no reason for that. It is
8 undisputed in the facts that he stopped his car and got
9 out. Was he getting out to give him a hug? To check on
10 him? I don't think so.

11 When Mr. Potts gave the definition of voluntary
12 manslaughter, he said it could happen when you catch your
13 lover and so enraged. Maybe that's voluntary manslaughter
14 but in that situation, if you catch your lover and she
15 attacks you and you're in fear for her -- life and you
16 fight back, that's self-defense. That wasn't in that
17 scenario. So, it's a rather farfetched one to try to make
18 analogous to this situation.

19 They're going to focus on that Scott had the duty to
20 retreat. He was there in the road doing his work. He had
21 been knocked towards the ground, and a man was assaulting
22 him, a man bigger than him. He didn't have anywhere that
23 he could go. This happened in seconds. If Scott had
24 hesitated, maybe we're not be here today or we're here
25 under different circumstances.

1 So, again -- well, let me hit self-defense real quick.
2 I apologize. So, the judge is going to read all this to
3 you, and I'm not going to go into too much detail. But
4 there's four elements of self-defense that have to be
5 disproven by the State of South Carolina. Scott doesn't
6 have to prove his self-defense. They have to disprove four
7 things.

8 One, that he was without fault in bringing on the
9 difficulty. He was without fault in bringing on the
10 difficulty. He was the one there working. He's not the
11 one who went out of his way to start any sort of
12 confrontation whatsoever.

13 Two, that he was actually in imminent danger or that
14 he believed he was in imminent danger of death or serious
15 bodily injury. He told you on the stand yesterday that he
16 was scared, that he was scared of serious injury. That the
17 guy came at him with his fists balled. He hit him at least
18 once and he pushed him. Mr. Pacius was bigger than him.
19 He was in danger, and a reasonable person would have
20 believed that they were in danger of death or serious
21 bodily injury if someone that much bigger than them comes
22 up to them and assaults them after already hitting them,
23 hitting their blower with their car speeding down the road.

24 The judge is going to charge a couple of other things
25 on there. I'm not going to read them, but the right to act

1 on appearances. He doesn't have to show he was actually in
2 danger. It's enough if he believed that he was in imminent
3 danger and a reasonably prudent person would have had the
4 same belief.

5 He's going to charge you that the intoxication of the
6 victim may be considered in deciding whether his fear of
7 harm was reasonable. You got the toxicology report from
8 the autopsy that was testified to.

9 He had no other way to avoid the danger. He was stuck
10 and he had nothing that he could have done.

11 And the judge is also going to charge you about the
12 degree of force. Just because he used a knife when he was
13 being punched doesn't mean that he was not acting in
14 self-defense. The charge is going to be essentially this:

15 A person cannot be required to make an exact
16 calculation as to degree or amount of force which
17 may be needed to avoid death or serious bodily
18 harm. Therefore in self-defense, the defendant
19 has the right to use the force needed to avoid
20 death or serious bodily injury. Force used in
21 self-defense does not have to be limited to the
22 degree or amount of force used by the victim.
23 The defendant has the right to use so much force
24 as appeared to be necessary for complete
25 self-protection and which a person of ordinary

1 reason and firmness would have believed to be
2 needed to prevent death or serious bodily harm.

3 You know, we talk about the, the viciousness of, of
4 the wound and all that. It was a lucky shot; it was
5 one-in-a-million shot. It went through his ribs. Had it
6 not gone through his ribs, maybe we're not here today with
7 the same kind of injury. Scott didn't intend for that to
8 happen.

9 Sure, he intended to stab him reacting in
10 self-defense, but he didn't do it to cause that injury. He
11 didn't stab him in the heart directly from the front. He
12 didn't stab him in the back. He didn't cut his throat,
13 anything like that. It's unfortunate that the injury was
14 as severe as it was.

15 So, you can decide whether you want to believe Scott's
16 statement or not. And, sure, he panicked at the beginning
17 and lied to the police and told them he didn't have any
18 involvement, that he didn't do anything because he'd just
19 stabbed a man who was laying bleeding on the ground, which
20 he was justified in doing, but at the time his head's
21 spinning. And, sure, he didn't do the right thing by
22 throwing the knife in the, in the woods. But when
23 confronted with all that, he told them where it was. He
24 even offered to take them to it.

25 His story has been relatively consistent from the

1 start, and there is no one, no witness that was put up here
2 to say what Scott said did not happen because I saw it
3 differently. Ace saw it, and he confirmed what Scott said,
4 but no one else saw what happened.

5 That's reasonable doubt; that is absolutely reasonable
6 doubt. The state has not met their burden to prove Scott
7 guilty of any crime in this matter. Reasonable doubt is a
8 very high standard, so have that doubt today. Find Scott
9 not guilty.

10 THE COURT: All right. Thank you, Mr. Mathews.

11 And who is giving the reply for the state?

12 MS. SAMPSON: I am, Your Honor.

13 THE COURT: All right. Go ahead.

14 MS. SAMPSON: Beg the court's indulgence?

15 THE COURT: Yes, ma'am.

16 (A PAUSE.)

17 MS. SAMPSON: Good morning. Mr. Mathews just told you
18 that this case is about choices and decisions. That might
19 be the only thing I agree with him because it's about the
20 choices and decisions that his client made. And the reason
21 that he wants you to focus on the choices that the victim
22 made is that if you focus on the choices that Mr. Young
23 made, you got to find him guilty.

24 Apparently, according to Mr. Mathews, you're not
25 supposed to drive down the street and get out of your car

1 because that's the only choice Mr. Abdias Pacius made. He
2 got out of his car after hitting a leaf blower. We've
3 never disputed that. Not one witness got up here, not one
4 law officer and didn't say that he got out of the car.

5 But I ask you to use your common sense. Does it not
6 make sense if you're driving down the road and you hit
7 someone, a leaf blower, the plastic on the blower and it
8 hits your car that you might just stop and get out and see
9 what happened? That you might just check your car to make
10 sure everything's okay? If he's that enraged that he's got
11 to run 50 feet to accost the defendant, then how did he
12 just calmly shut his door -- because his door's not open.
13 If I'm that mad and enraged that I'm going to go attack
14 someone, am I going to shut my door before going and doing
15 so? Or could it be that he just shut his door to see what
16 happened? That's the choice that he made.

17 Now, the defense just told you that it's self-defense
18 and that it didn't happen at the leaves -- at the car.
19 That it had to happen at the leaves, and that there's
20 nobody here to dispute. And what I loved is he kept saying
21 the defendant's story because that's what it is, a story,
22 because the truth doesn't change but a story does. And his
23 story, as the defense just told you, changed over and over
24 and over, and that's why you can't believe that it's
25 self-defense because the only person who tells you it is a

1 storyteller. The only person that tells you it's
2 self-defense is a liar. And I don't use that word lightly.
3 I was taught, so, you don't call anybody a liar unless you
4 can prove it.

5 Not only is he an admitted liar, but you got to see
6 him in action telling the lie. How often do you get to do
7 that? Most of the time if you're telling somebody they
8 lied, you've got to prove it to them, like, I just heard
9 you say this. And they're, like, no, I didn't. There's no
10 video of them doing that. But you got to witness him lie,
11 and he told that lie in the same manner. He sat down here
12 and told you that he was telling the truth, didn't he? He
13 looked exactly the same except for the beard. Didn't
14 hesitate. With 911, immediately lying.

15 They said he's doing it in the heat of the moment like
16 he doesn't know what's going on. Within a minute of
17 killing a man, he is lying. That's not any reasonable
18 doubt. That's beyond all doubt because that's what he did.
19 But apparently we're supposed to ignore that because that's
20 what the defense just told you. Don't look at what he did
21 when he did all this. Only look at what he did in the
22 moment.

23 Well, we can't do that. If I could magically open his
24 head and look at what happened and go what were you really
25 thinking, that would be great, but none of us can do that.

1 So, what you do is look at what happened before, what
2 happened during, and what happened after to determine
3 what's the truth. That's what you do in your everyday
4 life, right? When you're trying to argue with your
5 husband, your kids, whomever about the truth, you look at
6 everything. They just want you to look at one thing. I'm
7 asking you to look at everything because when you look at
8 everything, you got to find him guilty.

9 He, Mr. Mathews, got up here and said I'm not trying
10 to sully up the victim, but he did because it's easier to
11 do that than it is to focus on the truth. He said I'm not
12 trying to sully him up, but he wants you to look at
13 marijuana being in his car and having marijuana in his
14 system.

15 Now, normally you can't -- we can't even talk about
16 the defense because they don't have to put up a case. But
17 once they do, you all get to evaluate that.

18 So, he's talking about toxicology. Did he tell you
19 what that means? Did he ask one single witness does that
20 make a person more or less violent? Did he even tell you
21 what those levels even mean? Nope. Just wants you to
22 believe that it must mean something. What, I have
23 absolutely no idea, but I guess it's supposed to make you
24 do something because they keep bringing it up.

25 He tells you, well, we didn't bring anything in here

1 to tell you about the victim. This case isn't about the
2 victim. This case is about the actions of that man because
3 Abdias Pacius is a victim.

4 We did bring you evidence. Investigator Ross told you
5 he was driving through the neighborhood because he lived
6 there, which would mean, according to them, they are always
7 there every Friday, right? So, he would know that they're
8 out there leaving -- blowing leaves.

9 But I'm going to ask you this. Since it's about
10 choices and decisions, according to Mr. Mathews, why the
11 heck was he standing in the middle of the road? What else
12 was a driver down the road supposed to do? He had to avoid
13 him. So, what did he do? Drive on the wrong side of the
14 road and then stopped in the middle after hitting the
15 blower.

16 Mr. Mathews just told you he was in fear for his life
17 because the victim was 2 inches taller than him. So am I.
18 Does that mean you just get to stab anyone who's 2 inches
19 taller and might come up to you?

20 He wants you to believe Mr. Young -- of course he
21 does; that's his client -- because he's the only witness.
22 We'd have another one if he hasn't killed him, but he
23 stabbed the only other witness in the heart, so we don't
24 have the other witness. He's right. So, what are we left
25 with? The evidence that we're asking you to focus on is

1 what we have in front of us and what he did after because
2 that's all you got.

3 He told you that Dr. Collins was the only credible
4 person that was here about how he died. I want to tell you
5 Dr. Durso, she's pretty darn good. She testifies all the
6 time, and the difference between her and their expert isn't
7 their education. It isn't what they do. She looks at the
8 evidence and just makes her observations. Dr. Collins gets
9 hired to help prove a story and then come in front of you
10 and give it.

11 MR. MATHEWS: Objection, Judge.

12 THE COURT: Sustained. Move on.

13 MS. SAMPSON: She told you she was hired. She told
14 you that she looked at everything. He just said in it
15 closing, and then she came up here and told you what she
16 thought. You get to think about that when determining bias
17 and credibility. Those are the words he's going to give
18 you when he gives you your charges.

19 And she told you and she would not even agree that if
20 you take this knife, this knife that just went, she said,
21 15 centimeters -- and Dr. Collins didn't disagree with that
22 -- into a person, which I'm, I'm American. I didn't know
23 what 15 centimeters was. It's 5.91 inches. Put it into a
24 person far enough to go through muscle, lung, and heart,
25 then pull it out, but there'd be absolutely no blood on it.

1 But Dr. Durso told you that there would. If you've ever
2 cut anything, your hand, gone fishing, when you pull that
3 hook out, there's blood. That's just common sense. They
4 don't want you to believe common sense because his story
5 failed. That's what he called it, a story.

6 Now, the last point I'm going to make about his
7 version of events, and what this case really boils down to
8 after all the talking I've done, after all the talking Mr.
9 Mathews's done, after all the talking Mr. Potts has done,
10 it boils down to this: you either believe him or you don't.

11 So for this to be self-defense, according to Mr.
12 Mathews, here's what would have had to happen. Victim gets
13 out of his car and walks 50 feet, 50 feet. We showed it to
14 you; let me show you again. He would have had come here,
15 not stopped here, not stopped here, not stopped here, not
16 stopped here. Stop here. Assaulted him and then after
17 being stabbed through his heart, through his lungs, through
18 his muscles, with blood bleeding into his lungs, had to
19 take all this back while bleeding through his lungs, his
20 heart, and his muscle to the fall. That's what he would
21 have had to do. Does that make any common sense? Or does
22 it make more sense that it happened backward?

23 Now, he didn't -- he told you he didn't want to get
24 bothered with the law. He didn't want you to get bogged
25 down with the law. Unfortunately, that's your job; that's

1 your job today. He doesn't want you to get bogged down
2 with the law because it doesn't help him. The law is it's
3 either murder, voluntary manslaughter, or not guilty by
4 self-defense. Those are the three choices. You have to be
5 told the law. That's your job.

6 In this case, we have to prove it's either murder,
7 it's either involuntary manslaughter, and we have to prove
8 it beyond a reasonable doubt. I submit we did that. Now,
9 he says it's justified because it's self-defense. That's
10 what Mr. Mathews just told you, and that we have to
11 disprove it. Ladies and gentlemen, just to be clear, we
12 don't have to prove all four elements. We just have to
13 disprove one. It's like a table. You know a table has
14 four legs, right? If you get one of those legs out, table
15 falls. Self-defense is the same way: we just have to
16 disprove one element, not all four.

17 The first element is the defendant has to be without
18 fault in bringing on the difficulty. Mr. Mathews just told
19 you he knew it wasn't his fault. First thing he did wrong:
20 stood in the middle of the road. As Mr. Mathews says, that
21 was his choice. Second thing he did that brought about the
22 difficulty: he went up to the victim. All evidence points
23 to it happening at the car. Third choice he made: when
24 talking with the victim, he pulls out a knife. And let me
25 just tell you the victim had no weapon, none. The

1 defendant had two.

2 Secondly -- so, one leg knocked off. We don't even
3 have to go to two, three, and four, but let's say you don't
4 -- you think he's without fault. Maybe, maybe now you do
5 think he went the 50 feet. Maybe the victim did. That
6 they have to -- we have to disprove that the defendant
7 actually was in imminent danger of serious bodily injury or
8 he believed it. Now again I can't open his head and go
9 what did you believe? So, we have to look at was he
10 actually in imminent danger, or we here to look at his
11 actions to see whether he believed it.

12 Was he actually in imminent danger? If he believed
13 what he said, the man slapped him and punched him, that's
14 it, and left absolutely no marks on the man, none. Mr.
15 Mathews talked about, well, he must have been hit. Well,
16 he testified yesterday. If there were other injuries, he
17 could have said so. If he'd had injuries a day later,
18 you'd think we'd have heard about it. He had nothing on
19 him, so how could he be in imminent danger of serious
20 bodily injury with no injuries?

21 So, we go to reasonable belief. Would it be
22 reasonable to believe that he was in imminent danger?
23 Let's see. According to him, he walks about 50 feet. You
24 saw how long it took me to go that far. He has two friends
25 right there -- go and get one of them -- who also have

1 knives. Go get one of them. Was not reasonable to believe
2 he was in imminent danger. Two out the window.

3 Now, if you believe that he thought he was in imminent
4 danger or he actually was in imminent danger, then you go
5 to the third, which is would a reasonable person have acted
6 in the same way. That's it. It's a lot of legal words.
7 You're going to hear then again, but it boils down to would
8 a reasonable person act the same.

9 So, the question is would a reasonable person pull out
10 a knife that they have to undo and pull out from getting
11 slapped or punched? He got pushed. He got slapped. Would
12 it be reasonable to pull out that knife and stab somebody
13 in the heart? Not -- he called it a lucky shot. That is
14 the most unlucky shot if you're Abdias Pacius. Knocked out
15 there third one.

16 So, there's only one left. So, if you think he did --
17 he didn't bring about the difficulty, he was in imminent
18 danger or believed it, and a reasonable person would have
19 still acted that way, you're left with the last one: he had
20 no other probable means of avoiding the danger. In other
21 words, he had a duty to retreat.

22 He had a duty to retreat. He didn't even try. All he
23 would've had to do is perhaps pull this out again and taken
24 two steps back if Mr. Pacius was coming at him and just say
25 hey, dude, back it up. He could've ran off to one of his

1 -- with -- we just -- Mr. Perozo, big guy. Hey, help me
2 out. Didn't do that. Duty to retreat.

3 There is no self-defense. We've knocked out all four.
4 So, you're left with murder or voluntary manslaughter,
5 that's it.

6 Mr. Mathews wants you to believe his client. He wants
7 you to believe the story he told you today. We've given
8 you all the evidence that you should not believe that
9 story, but all I'm going to say is this. A liar is a liar.
10 He lied to 911 within minutes of this killing. He took the
11 time to remove his knife from his belt, clean it, and hide
12 it. Those are not the actions of an innocent man. They
13 just aren't. He doesn't tell his coworker; he doesn't tell
14 his boss. He just says there's an incident. Maybe you
15 don't want to tell the police. Okay. Maybe you don't like
16 the po-po. I got it. How about tell your boss I just
17 stabbed a guy? Had to. How about when the police show up,
18 and y'all have the body cam. I ask you to watch it because
19 the first thing they said, did you do it in self-defense?

20 They didn't have a story. He wants you to think they
21 had an agenda. What did he say? The CPD didn't want to
22 listen. The first thing they -- provide him with
23 self-defense. They say did you do it in self-defense? No,
24 man. When the police show up and ask you did you do
25 something in self-defense, if you did, the answer is yes,

1 but his answer was no.

2 You can't believe him because he's a liar. So,
3 therefore, there's no self-defense. Maybe you think he
4 didn't -- he said -- talked to you about malice. Maybe you
5 think there wasn't malice because he didn't think about it
6 long enough, but that's not the law. You can have malice
7 in one second. The minute he pulled out this knife that he
8 knows has a hook on it and sticks it in his heart, malice.
9 It's that simple. You don't have to think about it for
10 days or hours or minutes. It can be seconds.

11 But maybe you think, okay, it was in the moment. This
12 guy and him are arguing. The guy just kind of hit him.
13 He's, he's upset like Mr. -- like we've talked about. He's
14 upset. He's mad. He's afraid, whatever, and in that heat
15 of passion pulls that thing out and stabs him. If that's
16 what you think, then that's voluntary manslaughter. That's
17 really the two differences.

18 Mr. Mathews told you all the reasons about the choices
19 and decisions that were made, and I agree. There were lots
20 of choices and decisions that were made, and those choices
21 and decisions were made by that defendant, and those
22 choices that were made have led to me asking you for a
23 verdict of guilty on all charges because he is guilty on
24 all charges. Thank you.

25 THE COURT: All right, ladies and gentlemen, let's

1 stand up, stretch, twist, turn, make sure you're awake.

2 (A PAUSE.)

3 MR. MATHEWS: Judge, can I?

4 (OFF-THE-RECORD BENCH CONFERENCE.)

5 THE COURT: All right, grab your seats. If you're in
6 here now, you're staying in here now; if you want to leave,
7 leave. Thank you.

8 JURY CHARGE

9 THE COURT: Okay. All right, ladies and gentlemen, it
10 is now my job to explain the law in South Carolina to you
11 as it pertains to the issues that have arisen in this case.
12 Jury charges are never exciting, okay? As exciting as I
13 would like to be with my jury charges, they're just not,
14 okay, but they are very important because they're the law
15 that you have to apply in this case. So, I do need your
16 undivided attention as I go through all of this.

17 All right, number one, the indictments that have
18 charged the defendant have charged the defendant with
19 murder and the possession of a weapon during the commission
20 of a violent crime. I remind you that the fact that the
21 defendant was arrested, charged, and indicted in this case
22 is not evidence of anything, and it cannot be considered by
23 you as evidence of his guilt, nor does it create any
24 presumption or inference of guilt. The indictments are
25 simply the charging documents that contain the charges made

1 against the defendant. They are the formal documents by
2 which the case is brought into this court.

3 Now has I told you probably Tuesday morning, you and I
4 have different duties to perform during this trial. As the
5 trial judge, it is my responsibility to preside over the
6 trial, and I also have the duty to rule on the
7 admissibility of the evidence that has been offered.

8 You are to consider only the competent evidence before
9 you. If there was anything that I ordered stricken from
10 the record during this case, during the trial, you must
11 disregard that testimony. You are to consider only the
12 testimony which has been presented from the witness stand
13 and any exhibits which have been made a part of the record
14 in this case.

15 I have the additional duty to charge you the law. As
16 the presiding judge, I am the sole judge of the law in this
17 case, and it is your duty under your oath to accept the law
18 and apply the law exactly as I give it to you. If you have
19 an idea as to what you think the law is or what you think
20 the law ought to be and it does not agree with what I now
21 tell you the law is, you are required to abandon your own
22 idea because you are sworn under your oath to accept and
23 apply the law exactly as I give it to you.

24 So, in every case tried in this court before a jury,
25 the jury becomes the sole and exclusive judge of the facts.

1 A trial judge -- that is me -- cannot state, comment on, or
2 make any statement to a trial jury about the facts in a
3 case. You are the sole judge of the facts. You are not to
4 infer from anything that I have said, said or done during
5 this trial or anything that I say now that I have any
6 opinion about the facts in this case. The law does not
7 allow me to have an opinion about the facts. This is a
8 matter for you to determine. It is your duty to determine
9 the effect, the value, and the weight of the evidence that
10 has been presented.

11 Now as I told you on Tuesday morning, the defendant is
12 presumed to be innocent. He has pled not guilty, and that
13 plea puts the burden of proof on the state to prove him
14 guilty. A person charged with committing a criminal
15 offense in South Carolina is never required to prove
16 himself innocent.

17 I charge you that it is an important rule of law that
18 the defendant in a criminal trial, no matter what the
19 seriousness of the trial charge may be, will always be
20 presumed to be innocent of the crime for which the
21 indictment was issued unless guilt has been proven by
22 evidence that satisfies you of that guilt beyond a
23 reasonable doubt. This presumption of innocence doesn't
24 end when you begin your deliberation, but it accompanies
25 the defendant throughout the trial until you reach a

1 verdict of guilt based upon evidence that satisfies you of
2 that guilt beyond a reasonable doubt.

3 This presumption of innocence, the best example I can
4 give you is this. It's like a robe of righteousness placed
5 about the shoulders of the defendant which remains with him
6 until the -- until it has been stripped from him by
7 evidence that satisfies you of the defendant's guilt beyond
8 a reasonable doubt.

9 This isn't just some mere legal theory that we say;
10 this isn't just a legal phrase that we use in the
11 courthouse. This is a substantial right to which every
12 single defendant is entitled unless you are satisfied from
13 the evidence of the defendant's guilt beyond a reasonable
14 doubt.

15 So, that begs the question: what does beyond a
16 reasonable doubt mean? So, the state has the burden of
17 proving the defendant guilty beyond a reasonable doubt.
18 Some of you may have been jurors in civil cases where you
19 were told that it is only necessary to prove that a fact is
20 more likely true than not true, such as by the greater
21 weight or preponderance of the evidence. In criminal
22 cases, the state's proof must be more powerful than that.
23 It must be proof beyond a reasonable doubt.

24 So, proof beyond a reasonable doubt is proof that
25 leaves you firmly convinced of the defendant's guilt.

1 There are very few things in this world that we know with
2 absolute certainty and in criminal cases, the law does not
3 require proof that overcomes every possible doubt. If
4 based upon your consideration of the evidence you are
5 firmly convinced that the defendant is guilty, you must
6 find the defendant guilty. If based upon -- excuse me.
7 If, on the other hand, you think there is a real
8 possibility that the defendant is not guilty, you must give
9 the defendant the benefit of the doubt and find him not
10 guilty.

11 Now, some things that you have heard during this trial
12 are not evidence. So, when you go through the evidence
13 during your deliberations, you cannot consider these things
14 as evidence to decide the facts of the case. Number one,
15 the statements and the arguments of the attorneys are not
16 evidence. Number two, the questions and the objections of
17 the attorneys are not evidence. And number three, anything
18 that I've instructed you to disregard.

19 Now, as I told you on Tuesday morning, there are two
20 types of evidence which can generally be presented during a
21 trial. They are called direct and circumstantial evidence.
22 So, direct evidence directly proves the existence of a
23 fact, and it doesn't require any deduction. Circumstantial
24 evidence is proof of a chain of facts and circumstances
25 that indicate the existence of a fact.

1 So, crimes may be proven by circumstantial evidence.
2 The law makes no distinction between the weight or the
3 value to be given to either direct or circumstantial
4 evidence. However, to the extent that the state relies on
5 circumstantial evidence, the circumstances must be
6 consistent with each other and when taken together point
7 conclusively to the guilt of the accused beyond a
8 reasonable doubt. If these circumstances merely portray
9 the defendant's behavior as suspicious, the proof has
10 failed.

11 The state has the burden of proving the defendant
12 guilty beyond a reasonable doubt. This burden rests with
13 the state regardless of whether the state relies on direct
14 evidence, circumstantial evidence, or some combination of
15 the two.

16 Now as I told you Tuesday morning, one of your jobs is
17 to be -- to determine the credibility of the witnesses who
18 have testified in this case. Credibility just means
19 believability. It is your duty as jurors to analyze and to
20 evaluate the evidence.

21 So, in determining the believability of the witnesses
22 who have testified in this case, you may believe one
23 witness over several or several over one. You may believe
24 a part of the testimony of a witness and reject the
25 remaining part of the testimony of the same witness. You

1 may believe the testimony of a witness entirely or reject
2 it entirely. You may consider whether the witness has
3 exhibited to you any interest or bias or prejudice or other
4 motive in this case. You may also consider the appearance
5 and demeanor of the witness while on the witness stand.

6 I think I probably told you Tuesday morning I like to
7 use the example of, you know, did you brush your teeth,
8 okay, with my children, right? And so as we're leaving for
9 the bus, I say, you know, in the morning did you brush your
10 teeth, and in that moment I judge that child's credibility
11 judge. And you really just do. You judge people's
12 credibility all day long, right? You really do. Like you
13 look at me. You're, like, how can that guy be so young and
14 be a judge, right?

15 And so you judge people's credibility all day long.
16 You do it with your common sense, okay, and you didn't
17 leave your common sense at the metal detector, and they
18 chose you for a reason. So, just use your common sense
19 when judging people's credibility, okay?

20 All right. Now, we've had two expert witnesses in
21 this case. So, let's kind of talk about expert witnesses.
22 So, the rules of evidence ordinarily do not allow witnesses
23 to give their opinions or their conclusion. There's an
24 exception to this rule for witnesses that we call experts.
25 This is a witness who by education and experience has

1 become an expert in some art or science or profession or
2 calling, and they state an opinion as to relevant and
3 material matters in which the witness claims to be an
4 expert. And they may also give their reasons for their
5 opinion. So, you should consider any expert opinion
6 received in this case and, like any other evidence, you
7 give it the weight that you believe it deserves.

8 If you decide that the opinion of an expert is not
9 based upon sufficient education and experience, or if you
10 conclude that the reasons given in support of the opinion
11 are not sound, or that the opinion is outweighed by other
12 evidence, you may disregard the expert witness's opinion
13 entirely. An expert witness's testimony is to be given no
14 greater weight than other witness's simply because we call
15 them experts. Further, you are not required to accept an
16 expert's opinion even though it is not contradicted.

17 So, there is an alleged statement that -- to have been
18 made by the defendant in this case that has been admitted
19 into evidence. So, while the court -- that is me -- has
20 determined that the statement is admissible, I instruct you
21 that you make the ultimate decision of whether or not the
22 defendant made the statement. If the defendant did make
23 the statement, you must determine whether the statement was
24 made by the defendant voluntarily and of his own free will.
25 This means that the statement was not caused by pressure,

1 force, fear, threats, coercion, or intimidation, or by
2 hope, or a promise of leniency, or reward of any kind.

3 In determining whether the statement was voluntary,
4 you should consider both the characteristics of the
5 defendant and the details of the questioning, the age of
6 the defendant, the defendant's education or lack of
7 education, the defendant's mental ability or capacity, the
8 defendant's IQ or intelligence, the defendant's background
9 and environment, the place and the length of the detention,
10 the nature of the questioning, and the advice or lack
11 thereof to the defendant of his constitutional rights,
12 including but not limited to the right to remain silent.
13 That any statement can be used against him in court. The
14 right to have a lawyer present. That if he cannot afford a
15 lawyer, one would be appointed to represent him without
16 cost, and that he could stop making a statement at any
17 time. You must carefully consider all of the surrounding
18 circumstances before you give any weight to the alleged
19 statement.

20 The state has the burden of proving beyond a
21 reasonable doubt that the alleged statement was voluntary.
22 If you determine it was, you may give the statement any
23 further consideration you deem proper. You must decide
24 what weight, if any, should be given to the alleged
25 statement. If you determine that the alleged statement was

1 not the free and voluntary statement of the defendant, you
2 should not consider it at all.

3 All right, we're going to switch gears for just a
4 second, and we're going to start talking about the crimes
5 that are charged. And so to start to explain that, the
6 first thing we have to talk about is called intent. Okay,
7 so in order to establish criminal liability, criminal
8 intent is required. For example, the mental state required
9 to be proven by the state for a particular crime might be
10 purpose, intent, knowledge, recklessness, or criminal
11 negligence.

12 Criminal intent must be proven by the state beyond a
13 reasonable doubt. Criminal intent is always a matter that
14 must be determined by the jury from the circumstances that
15 surround the situation. There is no way to prove intent to
16 a mathematical certainty. There is no way that medical
17 science can dissect a person's brain and determine what
18 that person had in mind. So, the law says that criminal
19 intent may be inferred from the circumstances shown to have
20 existed.

21 This is how you make a determination of whether or not
22 the element that requires intent was present. It is not
23 necessary to establish intent by direct and positive
24 evidence, but intent may be established by inference in the
25 same way as any other fact: by taking into consideration

1 the acts of the parties and all of the circumstances and
2 facts of the case.

3 Criminal intent is a mental state; it is a conscious
4 wrongdoing. It is up to you to determine what the
5 defendant intended to do based upon the circumstances shown
6 to have existed.

7 Criminal intent can arise from an action or a failure
8 to act. It may arise from negligence, recklessness, or an
9 indifference to duty, or to consequences that is considered
10 by the law to be the equivalent of criminal intent.

11 Okay, the first charge that you have before you is
12 murder. So, what are the elements of murder? So, the
13 defendant is charged with murder, so the state must prove
14 beyond a reasonable doubt that the defendant killed another
15 person with malice aforethought. So, what is malice?
16 Malice is hatred, ill will, or hostility towards another
17 person. It is the intentional doing of a wrongful act
18 without just cause or excuse, and with an intent to inflict
19 an injury, or under circumstances that the law will infer
20 an evil intent.

21 Malice aforethought does not require that males exist
22 for any particular time before the act is committed, but
23 malice must exist in the mind of the defendant just before
24 and at the time the act is committed. Therefore, there
25 must be a combination of the previous evil intent and the

1 act.

2 Expressed malice is shown when a person speaks words
3 which express hatred or ill will for another, or when the
4 person appeared -- I mean, excuse me, prepared beforehand
5 to do the act which was later accomplished. For example,
6 lying in wait for a person or any other acts of preparation
7 going to show that the deed was within the defendant's mind
8 would be an example of expressed malice.

9 Now, if you find that the state has failed to prove
10 beyond a reasonable doubt that the defendant committed
11 murder, you may consider whether the state has proved
12 beyond a reasonable doubt that the defense committed
13 voluntary manslaughter, okay?

14 So, what are the elements of voluntary manslaughter?
15 To prove voluntary manslaughter, the state must prove
16 beyond a reasonable doubt that the defendant took the life
17 of another in sudden heat of passion based upon sufficient
18 legal provocation. Both heat of passion and sufficient
19 legal provocation must be present at the time of the
20 killing to constitute voluntary manslaughter. Sudden heat
21 of passion may for a time affect a person's self-control
22 and temporarily disturb a person's reason. The sudden heat
23 of passion must be the type that would make an ordinary
24 person unable to coolly reflect on his actions and would
25 produce an uncontrollable impulse to do violence.

1 Sufficient legal provocation must be the type that would
2 make a person of ordinary reason and caution become enraged
3 and to lose control temporarily.

4 The provocation needed for voluntary manslaughter must
5 come from some act of or related to the victim. Words
6 alone, however vulgar or insulting, are not enough to be
7 legal provocation. Where death is caused by the use of a
8 deadly weapon, the words must be accompanied by some overt
9 threatening act which could have produced the heat of
10 passion. The exercise of a legal right, no matter how
11 offensive it is to another, is never sufficient legal
12 provocation to voluntary manslaughter.

13 If the heat of passion had cooled, or if there was
14 enough time between the provocation, if any, in the killing
15 for the passion of a reasonable person to cool, the killing
16 would not be voluntary manslaughter. In deciding whether a
17 reasonable person would have had enough time to cool off,
18 you should consider all the circumstances surrounding the
19 killing. You may consider the nature of the provocation,
20 if any, the defendant's mental and physical state, and the
21 circumstances and relationships between the parties.

22 All right, so the next crime that the defendant is
23 charged with is possession of a weapon during the
24 commission of a violent crime. So, what are the elements?
25 So, the defendant is charged with possession of a knife

1 during the commission of or attempt to commit a violent
2 crime. So, the state must prove beyond a reasonable doubt
3 that the defendant was in possession of a knife or visibly
4 displayed what appeared to be a knife during the commission
5 of a violent crime.

6 So, what is a knife? A knife means an instrument or
7 tool consisting of a sharp, cutting blade, whether or not
8 fastened to a handle, which is capable of being used to
9 inflict a cut, slash, or wound.

10 In order to find the defendant guilty of possession of
11 a weapon during the commission of a violent crime, you must
12 first find the defendant guilty of either committing a
13 violent crime or attempting to commit a violent crime.
14 Under our law, murder and voluntary manslaughter are both
15 listed as violent crimes. The state must prove beyond a
16 reasonable doubt that the weapon further advanced or helped
17 in the commission of the crime.

18 Okay, so we've been through murder. We've been
19 through voluntary manslaughter. We've been through
20 possession of a weapon during the commission of a violent
21 crime. We're going to switch gears now, and we're going to
22 move to self-defense, okay?

23 So, the defendant has raised the defense of
24 self-defense. Self-defense is what we call a complete
25 defense and if it is established, you must find the

1 defendant not guilty. The state has the burden of
2 disapproving self-defense by proof beyond a reasonable
3 doubt. So, if you have a reasonable doubt of the
4 defendant's guilt after considering all the evidence,
5 including the evidence of self-defense, then you must find
6 the defendant not guilty. On the other hand, if you have
7 no reasonable doubt of the defendant's guilt after
8 considering all the evidence, including the evidence of
9 self-defense, then you must find the defendant guilty.

10 So, the following elements are required to establish
11 self-defense. First, the defendant must be without fault
12 in bringing on the difficulty. If the defendant's conduct
13 was the type which reasonably calculated to and did provoke
14 a deadly assault, the defendant would be at fault in
15 bringing on the difficulty and would not be entitled to an
16 acquittal based upon self-defense.

17 Next, the second element of self-defense is that the
18 defendant was actually in imminent danger of death or
19 serious bodily injury, or that the defendant actually
20 believed he was in imminent danger of death or serious
21 bodily injury. So, if the defendant was actually in
22 imminent danger, it must be shown that the circumstances
23 would have warranted a person of ordinary firmness and
24 courage to strike the fatal blow to prevent death or
25 serious bodily injury. If the defendant believed he was in

1 imminent danger of death or serious bodily injury, it must
2 be shown that a reasonably prudent person of ordinary
3 firmness and courage would have had the same belief.

4 In deciding whether the defendant was, actually was or
5 believed he was in imminent danger of death or serious
6 bodily injury, you should consider all the facts and
7 circumstances surrounding the crime, including the physical
8 condition and characteristics of the defendant and the
9 victim.

10 So, the defendant does not have to show that he was
11 actually in danger. It is enough if the defendant believed
12 he was in imminent danger and a reasonably prudent person
13 of ordinary firmness and courage would have had the same
14 belief. The defendant has the right to act on appearances
15 even though the defendant's beliefs may have been mistaken.
16 It is for you to decide whether the defendant's fear of
17 imminent death or serious bodily injury was reasonable and
18 would have been felt by an ordinary person in the same
19 situation.

20 Now, words accompanied by hostile acts may, depending
21 upon the circumstances, establish self-defense. The
22 relative sizes, ages, and weights of the defendant and
23 victim may be considered in deciding the apparent or actual
24 need for force in self-defense and the amount of force
25 needed. The intoxication of the victim may be considered

1 in deciding whether the defendant's fear of death or bodily
2 harm was reasonable.

3 Finally, the final element of self-defense is that the
4 defendant had no other probable way to avoid danger, avoid
5 the danger of death, or serious bodily than to act as the
6 defendant did in this particular instance.

7 Now, a person cannot be required to make an exact
8 calculation as to the degree or amount of force which may
9 be needed to avoid death or serious bodily harm.
10 Therefore, in self-defense the defendant has the right to
11 use the force needed to avoid death or serious bodily harm.
12 The force used in self-defense does not have to be limited
13 to the degree or the amount of force used by the victim.
14 The defendant has the right to use so much force as
15 appeared to be necessary for complete self-protection in
16 which a person of ordinary reason and firmness would have
17 believed to be needed to prevent death or serious bodily
18 harm.

19 Okay, we're almost done. All right, a verdict in this
20 case cannot be based upon sympathy, passion, prejudice, or
21 emotion, or some other consideration not found in the
22 evidence.

23 So, let's talk about deliberating. Most of you have
24 probably never deliberated before, okay, so let me kind of
25 walk you through that. So, let's talk about deliberations.

1 The word deliberation is defined as a careful
2 consideration, weighing up with a view to a decision. The
3 genius of this system is that it allows twelve good men and
4 women from twelve totally different backgrounds, life
5 experiences, and perspectives to consider the evidence,
6 talk about it, ultimately reach a verdict. We call them
7 deliberations for a reason. You are to consider the
8 evidence carefully and deliberately, and you should be
9 discussing it in a calm, thorough, and courteous manner.

10 You are not a partisan or an advocate for either side.
11 You are a judge; you are a judge of the facts. So, listen
12 to the views of your fellow jurors, and consider other
13 people's points and their point of view, and talk through
14 it, and discuss the evidence. And remember if you are
15 doing something deliberately, you're not in a big hurry,
16 and you should not be in a big hurry here. This case is
17 very important to both sides. This is their only day in
18 court to resolve this matter.

19 When you retire to the jury room, you should discuss
20 the case fully with each other to reach agreement, if you
21 can. Your verdict must be unanimous. That means you all
22 twelve must agree. Each of you must decide the case for
23 yourself but only after you have impartially considered all
24 the evidence, discussed it fully with other jurors, and
25 listened to the views of your fellow jurors.

1 Do not be afraid to change your opinion if the
2 discussion persuades you that you should, but don't come to
3 a decision, well, simply because everyone else thinks it's
4 right.

5 It's important that you attempt to reach a unanimous
6 verdict, but only if each of you can do so after having
7 made your own decision. Do not change an honest belief
8 about the weight and the effect of the evidence simply to
9 reach a verdict. In other words, don't change your opinion
10 solely for the sake of reaching a unanimous verdict.

11 Okay, now I have a verdict form for you, Mr. Foreman,
12 that I'm going to kind of walk over and explain with you.
13 Just stay right where you are; I'm going to come to you.
14 And let me give you a couple more rules, okay?

15 I'm about to send you to your jury deliberation room.
16 So, you've been in two or three separate rooms now. We're
17 going to put the twelve of you in a small courtroom, okay,
18 so you can spread out as much as you want to. When you get
19 to that room, you can still not deliberate, okay? I have
20 to have a conversation with the lawyers about the jury
21 charge that I just gave you. The sign that you can start
22 deliberating is when all of this evidence comes in your
23 room, okay? So, when the bailiffs bring in all the
24 evidence, that's the sign that you can start deliberating,
25 okay?

1 The knife is in evidence. I am sending the knife
2 back. We are also sending gloves back so if you want to
3 examine the knife and you want to put on the gloves, you're
4 more than welcome to, okay? So, we are sending gloves
5 back.

6 We are sending what we call a clean computer or an
7 empty computer back so you can play any of the videos or
8 audio recordings, and we'll have somebody come in with me
9 and show you how to get those set up. So, you can play
10 them as long as you want to or play portions of them,
11 whatever you want. So, you'll have the ability to play or
12 watch any of the videos that you -- or audios that you want
13 to, okay?

14 Once we get back in the other jury -- other courtroom,
15 the alternates will come out. Your lunch is supposed to be
16 here at noon. Jackie has left, so that's a sign that your
17 lunch is either on the way or close to being on the way.

18 So, the rules for -- some of the rules for
19 deliberating are this. Number one, all twelve of you have
20 to be in the room to deliberate, okay? So, if someone goes
21 to the restroom, someone needs to take a smoke break, if
22 someone needs to go call home and say I'm going to be a
23 little bit late or pick Jimmy up from school, deliberations
24 stop unless all twelve of you are in the room, okay?

25 Now, the courtroom that you will be in does not have a

1 bathroom, okay? I've learned this the hard way. I had one
2 jury who never -- juror -- jury that never used the
3 bathroom during deliberations. Okay, there are bathrooms
4 across the hall in the normal jury rooms. So, if you need
5 to go to the bathroom, just knock on the door. The
6 bailiffs will open the door, and there's bathrooms across
7 the hall in the normal jury rooms, okay? But just like
8 this courtroom, there's no, no bathrooms in the courtroom.

9 Okay, your verdict must be unanimous. That means you
10 all twelve must agree.

11 The last thing before I go over the verdict is this.
12 Do not tell me the count. There is no reason you ever need
13 to report to me this is the count. The count is your
14 count. It's not my count, and you don't need to report it
15 to me, okay?

16 I put all this verdict form on one form instead of
17 giving you multiple, but it's very simple. It's got -- you
18 can stay right where you are. It's got the case caption
19 that will say: We, the jury, by unanimous consent find the
20 defendant as to the charge of murder guilty or not guilty.
21 Okay. So, there's no order or there's no rhyme or reason
22 to why I put guilty or not guilty first or second. I
23 switch it up every trial, okay, but I have to put one first
24 and one second.

25 So as to question number one, if you check guilty,

1 then you go to question three, and that will be the
2 possession of a weapon charge, okay? If you check not
3 guilty, then you may go to question two. As to the charge
4 of voluntary manslaughter, guilty or not guilty. If you
5 check guilty there, then you go to the weapon's charge,
6 okay? If you check not guilty there, then you go -- then
7 you just sign it, okay? So, you can't -- on the
8 substantive charges of murder or voluntary manslaughter,
9 it's either none, he's either, he's either not guilty on
10 both or he's guilty on -- he can't be guilty on both of the
11 murder and voluntary manslaughter. Does that make sense to
12 everybody? Okay, he can be not guilty on both, but he can
13 only be guilty of one or the other, but he can be not
14 guilty on both. And if you reach a not guilty on both,
15 then you don't ever get to the weapons charge, okay,
16 because the weapons charge, as I told you, you have to be
17 convicted of a violent crime. So, if he's not guilty of
18 both, then you don't need to do anything with the weapons
19 charge. Just sign, okay, and I think that will make sense
20 once you get back in there and look at that form.

21 Okay. All right. So, I'm going to send you back to
22 your jury room. Do not discuss the case. The sign that
23 you can start is the evidence coming in. When your lunch
24 shows up, if you want to work through lunch, you can. If
25 you want to stop and eat lunch, you can. That's completely

1 and totally your decision, okay? Thank you all very much.

2 (THE JURY EXITS AT 12:05 PM.)

3 THE COURT: Okay, put the jury charge objections
4 first, and then we'll do the closing argument objections
5 second.

6 MR. MATHEWS: I'm sorry, what did you say?

7 THE COURT: Put the jury charge objections first and
8 then the closing argument objections second.

9 MR. MATHEWS: Yes, sir. I'm just renewing my
10 objection to the introduction of the voluntary manslaughter
11 charge. I put all the reasons on the record earlier, but I
12 just -- my client is just extremely prejudiced by that and,
13 and...

14 THE COURT: All right, and I find that you have
15 objected at the appropriate time, and your objection is
16 noted for the record, and my ruling upon it will be the
17 same.

18 And what were the objections for closing arguments?

19 MR. MATHEWS: First one, that there was an argument --
20 or I said that they were arguing facts that were not in
21 evidence. When Mr. Potts was closing, he said that both
22 Jason Watts and Ace Perozo had talked to Scott about what
23 happened. There was no testimony to that. Specifically I
24 remember asking Perozo if he'd ever talked to Scott, and he
25 said no. So, that was the issue I had with that.

1 THE COURT: All right, hand it to the bailiff, please.
2 Thank you.

3 (A PAUSE.)

4 THE COURT: All right, I find the verdict is in its
5 proper form, and the clerk may publish.

6 VERDICT

7 CLERK: Indictment number 2019-GS-40-2280 and
8 indictment 2019-GS-40-2282, *The State of South Carolina v.*
9 *Matthew Scott Young*. We, the jury, by unanimous consent
10 find the defendant, Matthew Scott Young, as to the charge
11 of murder on indictment 2019-GS-40-2280 not guilty. As to
12 the lesser-included offense of voluntary manslaughter:
13 guilty. As to the charge of possession of a weapon during
14 the commission of a violent crime on indictment
15 2019-GS-40-2282 we, the jury, find the defendant guilty.
16 This is signed by the foreperson, juror number 50, February
17 17, 2022.

18 Mr. Foreman, is this your verdict and the verdict of
19 the entire jury?

20 FOREPERSON: Yes, ma'am, it is.

21 THE COURT: All right, does either side request
22 polling?

23 MR. MATHEWS: Yes, Your Honor.

24 THE COURT: Okay. All right, ladies and gentlemen,
25 the clerk is going to ask you a question: is this your

1 you don't have any discretion in sentencing.

2 THE COURT: Okay, and I just want any of those people
3 to know that I see there are some people that have clearly
4 been here for Mr. Young this week, and they're welcome to
5 speak if they want to. I don't want anybody to feel like I
6 denied them the ---

7 MR. MATHEWS: No, sir.

8 THE COURT: --- opportunity to speak.

9 MR. MATHEWS: I spoke and explained the situation.

10 THE COURT: Okay, and, Mr. Young, if you would please
11 stand up. You do not have to say anything at all. You
12 don't have to say anything to me in any way, shape, or
13 form, but I do have to give you an opportunity to speak if
14 you would like to. And you can discuss that with Mr.
15 Mathews before you speak, if you want to, or you can just
16 say I don't want to say anything at all, whatever. It's
17 fine with me, but I have to give you the opportunity to do
18 so.

19 DEFENDANT: I don't want to say anything.

20 THE COURT: Okay. All right. Thank you, Mr. Young.

21 All right, and help me with the sentencing on the
22 weapons charge. There's a paragraph at the end of that
23 statute. I can't remember exactly what it says.

24 MR. POTTS: Your Honor, it's supposed to be
25 consecutive unless they are convicted of -- receive a

1 sentence of life without parole, and so then it's just
2 concurrent.

3 THE COURT: Okay. All right.

4 MR. POTTS: That's how I understand the statute.

5 THE COURT: Okay. I knew there was a paragraph at the
6 end of that that said something specifically. I just
7 couldn't remember exactly what it said. Okay, and the
8 weapons charge carries five years. Is that correct?

9 MR. POTTS: Yes, Your Honor.

10 THE COURT: Okay, and has he been in custody since ---

11 MR. POTTS: He has, Your Honor.

12 THE COURT: --- since the date of the incident?

13 MR. MATHEWS: Yes, sir. He's been in custody since
14 December.

15 THE COURT: Okay.

16 MR. MATHEWS: 2017.

17 THE COURT: Okay.

18 SENTENCE OF THE COURT

19 THE COURT: Okay, and the sentence of the court on the
20 possession of a weapon during a violent crime on indictment
21 2019-GS-40-02282 is that he be committed to the state
22 Department of Corrections for five years. The sentence on
23 the voluntary manslaughter charge is that he be committed
24 to the state Department of Corrections for life without the
25 possibility of parole, and he is to have no contact with

COLUMBIA S.C. POLICE DEPARTMENT
STATEMENT FORM

491

Page 1 of 2

Date: 12-15-2017 Time: 13:45 Place: 1 Justice Sq.

I am Matthew "Scott" Young My birthday is [REDACTED] -1974

My address and phone number are: [REDACTED] Elmwood Blvd N. Elgin, SC 29045 [REDACTED]

I am giving this statement concerning Argument with car

to Inv. J. L. Ross who has identified himself as Police

Today I was working with Jason and Roberto at Heritage Village when a car came speeding toward me. My fellow co-workers were blowing off the yards while I blew the street. The car was speeding and I was stepping away from center of the road. As the car went by it hit my blower. The person in the car stopped got out and came toward me saying something about leaves. I told him he needs to slow down before someone gets run over. He said something else I couldn't hear from equipment noise then he pushed me. ~~At that moment he stopped me knocking my hat off.~~ I said what the fuck man what's your problem and he slapped me knocking my hat off. Then ~~he~~ swung to hit me again I ducked and grabbed my knife and swung back. He grabbed his side and started returning to his car and fell down. I walked toward a co-worker and said I think he's hurt. Jason was like what the hell just happened. I said I don't know.

Sworn and subscribed to me this
15th day of December 2017

NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 6-17-2024

X/IS/ Matthew Scott Young
IS/ Scott Young

Matthew Scott Young received a copy of this statement consisting of 2 pages
from [Signature]

X/IS/ Matthew Scott Young

**COLUMBIA S.C. POLICE DEPARTMENT
STATEMENT CONTINUATION**

but I gotta call 911. Jason and Roberto started walking toward company truck I went back ~~back~~ ^{call} 911. ~~They asked me to roll him over and start CPR.~~ There was a lady that had her phone and asked me to talk to 911. They said to roll him over and asked if I could do CPR. I told them no I'm not able to do CPR. After a couple of minutes some officers pulled in and told everyone to step back I walked toward company truck while walking back I threw my knife in the woods. Tried calling my boss and Jason was already calling. I said I don't know what to do. Tommy called Jason's phone back I told him we have a situation. He said I'm almost to Settler's Place meet me there we pulled up the street to Settler's Place an officer pulled up and asked for our id's. We spoke to him. Then 2 more officers came up and asked for Scott Young that's me is what I said. I told I didn't know anything. He said don't lie and I said it was me that had confrontation. There's no need to mess with Jason or Roberto I was the person they needed. At this time that's what I remember things happened so fast I was just reacting not really thinking ~~and that~~ I turned around and was handcuffed and placed in patrol car.

Sworn and subscribed to me this
15th day of December 20 17.

NOTARY PUBLIC OF SOUTH CAROLINA
MY COMMISSION EXPIRES: 6-17-2024

X/ SI Matthew Scott Young
SI Scott Young

Matthew Scott Young received a copy of this statement consisting of 2 pages
from [Signature] X/ SI Matthew Scott Young

Matthew "Scott" Young
1-27-1974
76 Elmwood Blvd N.
Elgin, SC 29045
(803) 873-1662

INTERROGATION; ADVICE OF RIGHTS

YOUR RIGHTS

Place 1 Justice Sq

Date 12-15-2017

Time 13:35

Before we ask you any questions, you must understand your rights.
You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed Matthew Scott Young

Witness: [Signature]

Witness: _____

Time: 13:37

WITNESSES

(S) Joseph G. Ross — Pugh
— Columbia Police Department

DOCKET NO. 2019GS4002280

The State of South Carolina

County of

Richland

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

COURT OF GENERAL SESSIONS

APRIL TERM 2019

216

Defendant

THE STATE
vs.

Witness:

C.C.C. PLS. AND G.S.

Matthew Scott Young

ARREST WARRANT NUMBER

2017A4021603179

ACTION OF GRAND JURY

TRUE BILL

Kerrie Ross
Foreperson of Grand Jury

Date: APR 16 2019

VERDICT

Indictment for
MURDER / MURDER

SC Code: 16-03-0010
CDR Code: 0116

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

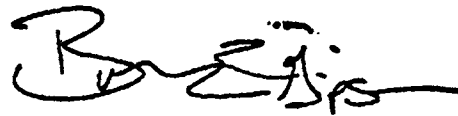
INDICTMENT

At a Court of General Sessions, convened on April 16, 2019, the
Grand Jurors of Richland County present upon their oath:

MURDER

That Matthew Scott Young did in Richland County, on or about December 15, 2017, kill the victim, Abdias Pacius, with malice aforethought, either express or implied, by means of Stabbing, and the victim did die as a proximate result thereof. All in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Joseph G. Ross, Pugh
 - Columbia Police Department

DOCKET NO. 2019GS4002282

The State of South Carolina

County of

Richland

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.

COURT OF GENERAL SESSIONS

APRIL TERM 2019

216

THE STATE

vs.

Matthew Scott Young

ARREST WARRANT NUMBER

2017A4021603180

ACTION OF GRAND JURY

TRUE BILL

Kenn Bond
 Foreperson of Grand Jury

Date: APR 16 2019

VERDICT

Indictment for
 WEAPONS / POSS. WEAPON DURING
 VIOLENT CRIME, IF NOT ALSO
 SENTENCED TO LIFE WITHOUT PAROLE
 OR DEATH

Foreperson of Petit Jury
 Date:

SC Code: 16-23-0490
 CDR Code: 0549

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

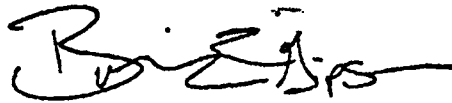
INDICTMENT

At a Court of General Sessions, convened on April 16, 2019, the
Grand Jurors of Richland County present upon their oath:

**POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME**

That Matthew Scott Young did in Richland County, on or about December
15, 2017, possess a firearm, or visibly display what appeared to be a
firearm, or visibly displayed a knife, during the commission or attempted
commission of a violent crime, in violation of Section 16-23-0490, S. C.
Code of Laws, 1976, as amended.

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



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Richland)
STATE VS.)
INDICTMENT/CASE# 2019GS4002280)

Matthew Scott Young)
INDICTMENT/CASE# 2019GS4002280)

AKA: Matthew Scott Young)
Date of Birth: 12/15/2017)
S.C. Code § 16-03-0010)
CDR Code #: 0116)

SENTENCE SHEET

CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Voluntary Manslaughter of the S.C. Code of Laws, bearing CDR Code # 16-03-0050 02-17

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ \$17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included ☐ Defendant Waives ☐ Presentment to Grand ☐ (CSC w/minor 1st or CSC w/minor 3rd)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Potts, Carter SC Bar# 78417 Defendant Mathews, Foster M SC Bar# 79705

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center,

for a determinate term of LIFE WITHOUT PAROLE days/months/years/Time Served ☐ Youthful Offender Act not to exceed 0 years

and/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years/Time Served and or payment

of \$ 0; plus costs and assessments as applicable; the balance is suspended with probation for 0 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of

probation, which are incorporated by reference.

The sentence shall run ☐ 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 SCDOP.

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or §

16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Matthew Scott Young INDICTMENT/CASE#: 2019GS4002280

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. or Job Corp. ☒ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve WIE beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning

\$14-1-206 (Assessments 107.5 %)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$55-5-2895 (DUI Assessment)

\$55-1-286 (DUI Breath Test)

\$14-1-212 (Law Enforce. Funding)

\$14-1-213 (Drug Court Surcharge)

\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

\$50-21-114(BUI Breath Test Fee)

\$55-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

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

☐ \$ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 127.75

Clerk of Court/ Deputy Clerk: Janet McBride Presiding Judge: Potts

Court Reporter: Marie Judge Code: 2164

SCCA/217 (07/2021) Sentence Date: Feb 17, 2022

Page 2 of 2

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE VS. INDICTMENT/CASE#: 2019GS4002282

AKA: Matthew Scott Young
 Race: WHITE Sex: M Age: 48
 DOB: 01-27-1974 SS#:
 Address: 76 Elmwood Blvd
 City/State/Zip: Elgin, SC 29045
 DL#: SID#:
 AN#: 2017A4021603180
 Date of Offense: 12/15/2017
 S.C. Code §: 16-23-0490
 CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
 TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

In Violation of \$ 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd
 The charge is: ☐ As Indicted, ☐ Lesser Included ☐ Defendant Waives
 Presentment to Grand (det's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 7/6/17 Defendant Mathews, Foster M.
 Potts, Carter SC Bar# 79705 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 5 years/months/years/days/years/days provided that upon the service of _____ days/months/years/Time Served and or payment
 and/or to pay a fine of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 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.

The sentence shall run
☒ 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 SCDOC.
 _____ days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS Matthew Scott Young INDICTMENT/CASE#: 2019GS4002282

SPECIAL CONDITIONS:

- ☐ PTUP after _____ months/years
 And Other Terms Listed Below:
☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. or Job Corp. ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning \$
 \$14-1-206 (Assessments 107.5 %)
 \$14-1-211(A)(1) (Conv. Surcharge) \$100
 \$14-1-211(A)(2) (DUI Surcharge) \$100
 \$56-5-2995 (DUI Assessment) \$12
 \$56-1-288 (DUI Breath Test) \$25
 \$14-1-212 (Law Enforce. Funding) \$25
 \$14-1-213 (Drug Court Surcharge) \$150
 \$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs) \$41
 \$50-21-114(BUI Breath Test Fee) \$50
 \$56-5-2942(J) (Vehicle Assessment) \$40/ea
 3% to County (if paid in installments) TBD
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.
☐ \$ 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund \$500
 TBD
 TOTAL \$ 128.75

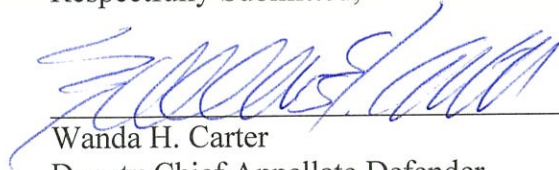
Clerk of Court Deputy Clerk: [Signature] Presiding Judge: [Signature]
 Court Reporter: [Signature] Judge Code: [Signature]
 Sentence Date: 2/14/22

SCCA217 (07/2021)

CERTIFICATE OF COUNSEL FOR APPELLANT

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

Respectfully Submitted,



Wanda H. Carter

Deputy Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 4th day of August, 2023.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Aug 04 2023

SC Court of Appeals

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT

V.

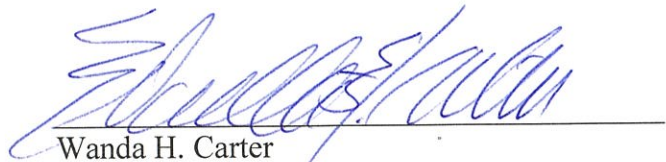
MATTHEW SCOTT YOUNG,

APPELLANT

APPELLATE CASE NO. 2022-000218

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Joshua A. Edwards, Esquire, at the primary email address listed within the Attorney Information System (AIS), this 4th day of August, 2023.



Wanda H. Carter
Deputy Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT