

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM MARION COUNTY

William H. Seals, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

EDWARD W. STACKHOUSE, JR.,

APPELLANT

Appellate Case No. 2012-212058

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RECORD ON APPEAL

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ROBERT M. DUDEK  
Chief Appellate Defender

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

Attorney for Appellant

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211  
(803) 734-3727

Attorneys for Respondent

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SC Court of Appeals

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:**

**STATE'S EXHIBIT #36 (VIDEO OF INTERVIEW)**

STATE OF SOUTH CAROLINA)  
COUNTY OF MARION } GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA)  
STATE, )

TRANSCRIPT OF RECORD  
11-GS-33-0061

v. )  
EDWARD STACKHOUSE, JR., )  
DEFENDANT. )

May 15, 2012  
Marion, South Carolina

**BEFORE :**

THE HONORABLE WILLIAM H. SEALS, JR., JUDGE;  
AND JURY

**APPEARANCES:**

E.L. CLEMENTS, III, ESQ.  
Solicitor

SCOTT P. FLOYD, ESQ.  
Attorney for Defendant

FRANCES BAKIS-RAY, RPR  
Circuit Court Reporter

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# EXHIBITS

## STATE:

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1           MR. CLEMENTS: May it please the Court,  
2 Your Honor, we call indictment 2011-GS-3361, the  
3 State of South Carolina versus Edward Stackhouse,  
4 Jr.

5           THE COURT: Members of the jury panel,  
6 we're getting ready to select a jury for a  
7 particular case; and in that regard, I need to make  
8 sure you are qualified to serve as jurors on that  
9 case. And again, I need to ask another series of  
10 questions; and if any of these questions apply to  
11 you, please stand. And remember, you're under oath.  
12 In this particular case the State alleges that on or  
13 about September 17th, 2010, in Marion County, South  
14 Carolina, the defendant Edward W. Stackhouse, Jr.  
15 did stab and kill his wife Sharon Stackhouse and did  
16 further stab and wound his stepchild Daquan [REDACTED] B. [REDACTED]  
17 as well. Thus, the defendant Edward W. Stackhouse,  
18 Jr., is charged with murder, attempted murder, and  
19 possession of a weapon during the commission of a  
20 violent crime. To these charges the defendant has  
21 pled not guilty and requested a trial.

22           Now in this regard, has anybody heard  
23 anything about this case, read anything about this  
24 case, seen anything on the news about this case, if  
25 you have any knowledge whatsoever no matter how

1 minor about this case, please stand.

2 All right, if you would line up right  
3 there at that rail.

4 (WHEREUPON, potential juror approached the  
5 Bench for an on-the-record discussion.)

6 THE COURT: Your name?

7 POTENTIAL JUROR: James Legette.

8 THE COURT: Your juror number?

9 POTENTIAL JUROR: 109.

10 THE COURT: 109. Tell me what you heard.

11 POTENTIAL JUROR: Nothing, just on the  
12 newspaper, in the paper this morning, I read it.

13 THE COURT: I see. All right, taking that  
14 into account could you just set that information  
15 aside, —

16 POTENTIAL JUROR: Right.

17 THE COURT: —put it out of your mind,  
18 and if you were selected to serve on a jury in this  
19 case, be fair and impartial and not only to the  
20 State but the Defendant as well?

21 THE POTENTIAL JUROR: Yes, sir.

22 THE COURT: If you were selected to serve  
23 as a juror could you be fair and impartial to both  
24 sides in this case?

25 POTENTIAL JUROR: Yes, sir.

1 THE COURT: Thank you very much. You may  
2 have a seat.

3 (Potential juror approached the Bench for an  
4 on-the-record discussion.)

5 THE COURT: How are you doing?

6 THE POTENTIAL JUROR: Good.

7 THE COURT: Give me your name and juror  
8 number.

9 THE POTENTIAL JUROR: James Roland. I  
10 think it's 147.

11 THE COURT: 147. All right, what have you  
12 heard?

13 THE POTENTIAL JUROR: Just seen a little  
14 bit on the news here and there. That's it really.

15 THE COURT: All right. Taking that into  
16 account, could you just set that out of your mind  
17 and if you were selected to serve on a jury in this  
18 case be fair and impartial to the State and the  
19 Defendant?

20 THE POTENTIAL JUROR: Yeah.

21 THE COURT: If you were selected to serve  
22 on the jury could you be fair and impartial to both  
23 sides in this case?

24 POTENTIAL JUROR: Yeah.

25 THE COURT: Is that a yes?

1 THE POTENTIAL JUROR: Yes, sir.

2 THE COURT: Thank you very much. You may  
3 have a seat. Appreciate you coming forward.

4 (Potential juror approached the Bench for an  
5 on-the-record discussion.)

6 THE COURT: Lasonya Bethea.

7 THE POTENTIAL JUROR: Lasonya Bethea. I  
8 don't remember the number.

9 THE COURT: 15. How does that apply to  
10 you?

11 POTENTIAL JUROR: I heard about this on  
12 the news.

13 THE COURT: Heard about it in the news.  
14 Taking that into account, if you were selected to  
15 serve on the jury in this case could you set that  
16 information aside, put it out of your mind and be  
17 fair not only to the State of South Carolina but the  
18 Defendant as well?

19 THE POTENTIAL JUROR: Uh-huh.

20 THE COURT: Is that a yes?

21 THE POTENTIAL JUROR: Yes.

22 THE COURT: If you were selected on this  
23 jury could you be fair to both sides in this case?

24 THE POTENTIAL JUROR: Yes.

25 THE COURT: Thank you very much.

1 (Potential juror approached the Bench for an  
2 on-the-record discussion.)

3 THE BAILIFF: Ms. Livingston, she's number  
4 113.

5 THE COURT: Thank you.

6 How are you doing? What have you heard?

7 THE POTENTIAL JUROR: I saw it on the  
8 news. I stay around the corner from his father.

9 THE COURT: You stay with whose father?

10 THE POTENTIAL JUROR: Around the corner  
11 from his father.

12 THE COURT: All right. Taking that into  
13 account, if you were selected to serve on a jury in  
14 this case could you set all that out of your mind  
15 and make a decision —

16 THE POTENTIAL JUROR: Yes, sir.

17 THE COURT: —based on the facts you hear  
18 in this courtroom?

19 THE POTENTIAL JUROR: Yes, sir.

20 THE COURT: You'd be fair and impartial  
21 not only to the State but the Defendant as well?

22 THE POTENTIAL JUROR: Yes.

23 THE COURT: Would you be fair and  
24 impartial to both sides if you were selected to  
25 serve on this jury?

1 THE POTENTIAL JUROR: Yes, sir.

2 THE COURT: Thank you very much. You may  
3 have a seat.

4 (Potential juror approached the Bench for an  
5 on-the-record discussion.)

6 THE COURT: Flissa Smith McEachern. All  
7 right, and what do you know?

8 THE POTENTIAL JUROR: News. I just seen  
9 it on the news, that's it.

10 THE COURT: You know your juror number by  
11 chance?

12 THE POTENTIAL JUROR: I think it's 157.

13 THE COURT: 157. All right, taking that  
14 into account, if you were selected to serve on the  
15 jury in this case could you be fair and impartial to  
16 the State and the Defendant?

17 THE POTENTIAL JUROR: Yes.

18 THE COURT: If you were selected to serve  
19 on a jury in this case could you be fair and  
20 impartial to both sides in this case?

21 THE POTENTIAL JUROR: Yes.

22 THE COURT: Thank you very much. You can  
23 have a seat.

24 THE BAILIFF: This is Stephen Smith.  
25 Stephen Smith, 159.



1 THE COURT: Thank you.

2 (Potential juror approached the Bench for an  
3 on-the-record discussion.)

4 THE COURT: How are you doing, Mr. Smith?  
5 What have you heard?

6 THE POTENTIAL JUROR: Well, I know what's  
7 been reported on the SC Now.com website. Also  
8 remember the case taking place. My business sells  
9 maintenance supplies to the apartment complex where  
10 this occurred so I do remember some conversation  
11 about it from 2010 when it first happened.

12 THE COURT: Taking that into account, if  
13 you were selected to serve on a jury in this case  
14 could you be fair and impartial to the State and the  
15 Defendant, just set all that outside out of your  
16 mind?

17 THE POTENTIAL JUROR: I feel like that I  
18 could.

19 THE COURT: Yes or no?

20 THE POTENTIAL JUROR: Yes, I do.

21 THE COURT: If you were selected to serve  
22 on a jury in this case could you be fair and  
23 impartial to both sides and call it based on what  
24 you hear and see in this courtroom?

25 THE POTENTIAL JUROR: Yes, sir.

1 THE COURT: Based on the evidence?

2 THE POTENTIAL JUROR: Yes, sir.

3 THE COURT: Thank you very much. You may  
4 have a seat. I appreciate it.

5 THE BAILIFF: Nadra Graham, 76.

6 (Potential juror approached the Bench for an  
7 on-the-record discussion.)

8 THE COURT: How are you doing?

9 THE POTENTIAL JUROR: Fine.

10 THE COURT: What have you heard?

11 THE POTENTIAL JUROR: Well, I was in the  
12 apartment complex that day. I went out to the  
13 apartment complex that day when it happened, uh-huh.

14 THE COURT: All right, you related to the  
15 family?

16 THE POTENTIAL JUROR: No, sir.

17 THE COURT: Close friends with anybody?

18 THE POTENTIAL JUROR: No, sir.

19 THE COURT: All right. Taking that into  
20 account, if you were selected to serve on a jury in  
21 this case could you be fair and impartial to the  
22 State and the Defendant?

23 THE POTENTIAL JUROR: Yes, sir.

24 THE COURT: If you were selected to serve  
25 on a jury could you be fair and impartial to both

1 sides?

2 THE POTENTIAL JUROR: Yes, sir.

3 THE COURT: Thank you very much. You can  
4 a seat.

5 THE BAILIFF: Number 41.

6 (Potential juror approached the Bench for an  
7 on-the-record discussion.)

8 THE COURT: How are you doing, Ms. Cribb?  
9 What do you know? How do you know about it?

10 POTENTIAL JUROR: I heard about it on TV.  
11 I read it on the newspaper and on the internet.

12 THE COURT: All right. Taking that into  
13 account, can you set that out of your mind, set it  
14 aside, and if you were selected to serve on a jury  
15 in this case be fair and impartial to the State and  
16 the Defendant?

17 THE POTENTIAL JUROR: No.

18 THE COURT: Have you made up your mind?

19 POTENTIAL JUROR: Yeah.

20 THE COURT: How have you made up your  
21 mind?

22 THE POTENTIAL JUROR: I mean, the child  
23 was involved too. I don't think so.

24 THE COURT: Do you know him?

25 THE POTENTIAL JUROR: No, sir. They're

1 from Mullins, but I don't know them personally.

2 THE COURT: All right. And what are you  
3 thinking, guilty or not guilty, or just don't know?

4 THE POTENTIAL JUROR: I think he's guilty.

5 THE COURT: Based on just the news?

6 THE POTENTIAL JUROR: Yeah.

7 THE COURT: All right. Well, I'll excuse  
8 you for the purposes of this trial.

9 THE POTENTIAL JUROR: Thank you.

10 THE BAILIFF: 69, Mark Gerald.

11 (Potential juror approached the Bench for an  
12 on-the-record discussion.)

13 THE COURT: How are you doing? How do you  
14 know, what do you know?

15 THE POTENTIAL JUROR: I was -- I think the  
16 lady that was killed, her son was a student at my  
17 school, Mullins High School, and when that happened.

18 THE COURT: Taking that into account, if  
19 you were selected to serve on a jury trial in this  
20 case could you be fair and impartial to the State  
21 and the Defendant?

22 THE POTENTIAL JUROR: I don't think so.

23 THE COURT: Why not?

24 THE POTENTIAL JUROR: Because, you know, I  
25 work with the young man and I just feel I don't

1 think ---

2 THE COURT: You're talking about one of  
3 the victims?

4 POTENTIAL JUROR: Yeah, student.

5 THE COURT: I'm going to excuse you from  
6 this trial. If you'd just have a seat right there.  
7 I appreciate it.

8 THE BAILIFF: 169, Charles Wiegert.

9 (Potential juror approached the Bench for an  
10 on-the-record discussion.)

11 THE COURT: How are you doing?

12 THE POTENTIAL JUROR: Good.

13 THE COURT: What do you think? How do you  
14 know about it?

15 THE POTENTIAL JUROR: Heard it on the  
16 news. And my wife is a schoolteacher; we were  
17 talking about it. She just said tell me about it.

18 THE COURT: All right. Taking that into  
19 account, can you set that out of your mind and just  
20 set it aside, if you were selected to serve on a  
21 jury in this case and be fair and impartial to the  
22 State and the Defendant?

23 THE POTENTIAL JUROR: Yes, sir, I could.

24 THE COURT: If you were selected to serve  
25 on this jury could you be fair and impartial to both

1 sides?

2 THE POTENTIAL JUROR: Yes, I could.

3 THE COURT: Thank you very much. You may  
4 have a seat.

5 Solicitor, if you would have the victims  
6 Daquan B. [REDACTED] William B. [REDACTED] Sandra Robinson please  
7 stand and face the jury panel.

8 MR. CLEMENTS: This is Sandra Robinson,  
9 William B. [REDACTED] and Daquan B. [REDACTED]

10 THE COURT: Thank you, you may be seated.

11 Is any member of the jury panel related by  
12 blood or marriage or has a close personal or social  
13 relationship with any of these individuals, if so,  
14 please stand.

15 (There was no response.)

16 THE COURT: All right, no one stood.  
17 Would the defendant please stand, turn and face the  
18 jury panel. Mr. Edward Stackhouse. You may be  
19 seated.

20 Is there any member of the jury panel  
21 related by blood or marriage or has a close personal  
22 or social relationship with the defendant  
23 Mr. Stackhouse in this case, if so, please stand.

24 And your name and your number?

25 THE POTENTIAL JUROR: Anthony Jones, 101.

1 THE COURT: And how do you know the  
2 defendant?

3 THE POTENTIAL JUROR: I socialize with his  
4 baby momma.

5 THE COURT: With the baby -- his baby's  
6 momma?

7 THE POTENTIAL JUROR: Yes, sir.

8 THE COURT: Taking that into account, if  
9 you were selected to serve on a jury in this case  
10 could you be fair and impartial not only to the  
11 Defendant but the State as well?

12 THE POTENTIAL JUROR: Yes, sir.

13 THE COURT: All right. If you were  
14 selected to serve on a jury in this case could you  
15 be fair and impartial to both sides?

16 THE POTENTIAL JUROR: Yes, sir.

17 THE COURT: All right, thank you. You may  
18 be seated. He's already been excused anyway.

19 Anybody else?

20 (There was no response.)

21 THE COURT: Solicitor, if you'd stand and  
22 introduce yourself and any members of your staff.

23 MR. CLEMENTS: Thank you, Your Honor, if  
24 it please the Court. Good morning, ladies and  
25 gentlemen of the jury, my name is Ed Clements. I am

1 the Solicitor for the 12th Judicial Circuit which is  
2 Florence County and Marion County. Seated here at  
3 the table with me is Deputy Solicitor Todd Tucker.  
4 He works with me in both Florence and Marion. My  
5 other attorneys here that you've probably seen and  
6 out of the courtroom are Fitzlee McEachin who works  
7 with the Solicitor's Office just in Marion County.  
8 Mat Ozment works both counties and John Jepertinger  
9 works in both counties. That's all of us; isn't it,  
10 Todd?

11 THE COURT: Thank you very much.

12 MR. CLEMENTS: Thank you, Your Honor.

13 THE COURT: Is any member of the jury  
14 panel related by blood or marriage or has a close  
15 personal or social relationship with the solicitor  
16 or any member of his staff or has been represented  
17 by any of those attorneys at any point in time, if  
18 so, please stand.

19 (There was no response.)

20 THE COURT: No one stood.

21 Mr. Floyd, if you'd stand introduce,  
22 yourself and the members of your staff.

23 MR. FLOYD: Thank you, Your Honor. I'm  
24 Scott Floyd. I represent Edward Stackhouse. Also  
25 Vick Meetze is here who stands right here with me.



1 He lives here in Marion and he works in our office  
2 and Hank Anderson also works in our office and  
3 you've probably seen him in and out of the  
4 courtroom. I think he's' back behind that door  
5 right now. Thank you.

6 THE COURT: Thank you. Is any member of  
7 the jury panel related by blood or marriage or has  
8 the a close personal or social relationship with or  
9 has been represented by Mr. Floyd or any member of  
10 his staff, if so, please stand.

11 (There was no response.)

12 THE COURT: All right, no one stood.

13 The witnesses in this case for the State  
14 will be a Daquan B. [REDACTED] William B. [REDACTED] Sandra  
15 Robinson, Kenneth Davis, Kim Collins, Doctor Ellen  
16 Riemer, Paul Larosa, Kim Dinh, Mary Ann Boehm,  
17 Scott Hardee, Jimmy Collins, Shawn Harrellson, Eric  
18 Lindeman, Adam Rogers, Sergeant Nicole Gasque, Chief  
19 Michael Bethea, Kenneth Alford, Betty Rowell, Keely  
20 Hucks, Andre Garvin, Greg Pike, and Mark Collins.

21 Thank you. Is any member of the jury panel related  
22 by blood or marriage or has a close personal or  
23 social relationship with any of these witnesses, if  
24 so, please stand.

25 All right, your name and your number.

1           THE POTENTIAL JUROR: Number 30, Judy  
2     Caulder. Adam Rogers is my son-in-law.

3           THE COURT: All right. I'm gonna excuse  
4     you for purposes of this trial since there's a  
5     relation.

6           Anybody else?

7           (There was no response.)

8           THE COURT: All right, thank you. Is any  
9     member of the jury panel related by blood or  
10    marriage to any law enforcement officer, if so,  
11    please stand.

12          (There was no response.)

13          THE COURT: That could be a deputy  
14    sheriff, a police officer, a game warden, anything?

15          Yes, sir.

16          THE POTENTIAL JUROR: My juror number is  
17    25. Mark Richardson is my brother-in-law. He's the  
18    sheriff.

19          THE COURT: Taking that into account, if  
20    you were selected to serve on a jury in the case  
21    could you be fair and impartial not only to the  
22    State but the Defendant as well?

23          THE POTENTIAL JUROR: Yes, sir.

24          THE COURT: All right, thank you very  
25    much. You may be seated.

1 Anybody else?

2 THE POTENTIAL JUROR: My son is a  
3 probation officer in Marion.

4 THE COURT: And your name and your number?

5 THE POTENTIAL JUROR: 163.

6 THE COURT: Taking that into account, if  
7 you were selected to serve on a jury in this case  
8 could you be fair and impartial not only to the  
9 State but the Defendant as well?

10 THE POTENTIAL JUROR: I will try.

11 THE COURT: I need to know if you can or  
12 cannot.

13 THE POTENTIAL JUROR: Yes.

14 THE COURT: You say yes?

15 POTENTIAL JUROR: Yes.

16 THE COURT: If you were selected to serve  
17 on a jury in the case would you be fair and  
18 impartial to both sides in this case?

19 POTENTIAL JUROR: Yes.

20 THE COURT: Thank you, you may be seated.

21 Anybody else?

22 (There was no response.)

23 THE COURT: Is there any member of the  
24 jury panel aware of, or conscious of, any bias or  
25 prejudice for or against the State of South Carolina

1 in this case, if so, please stand.

2 (There was no response.)

3 THE COURT: No one stood. Has any member  
4 of the jury panel formed an opinion as to the guilt  
5 or innocence of the defendant Mr. Edward Stackhouse,  
6 Jr., in this case, if so, please stand.

7 (There was no response.)

8 THE COURT: No one stood. Is there any  
9 member of the jury panel a member of or contributor  
10 to any group which has as its primary concern the  
11 promotion of law enforcement or victim's rights?  
12 These groups would include but certainly not be  
13 limited to MADD, SADD, CAVE, Citizens Against  
14 Violent Crime, if so, please stand.

15 (There was no response.)

16 THE COURT: No one stood. Has any member  
17 of the jury panel or any member of your family,  
18 immediate family, ever been involved in a crime of  
19 personal violence. Crimes of personal violence  
20 could mean many things including but not limited to  
21 criminal sexual conduct, assault and battery of a  
22 high and aggravated nature, assault and battery with  
23 intent to kill, murder, manslaughter, kidnapping,  
24 armed robbery, etc. With that I think you get a  
25 good idea as to what I'm talking. Now if you or any

1 member of your immediate family has ever been a  
2 victim or a defendant in a crime such as these just  
3 mentioned or anything similar to that, please stand.

4 All right, if you will form a line right  
5 here I'll talk to you up here.

6 THE BAILIFF: 17, Jimmy Boggs.

7 THE COURT: Thank you.

8 (Potential juror approached the Bench for an  
9 on-the-record discussion.)

10 THE COURT: How are you doing?

11 THE POTENTIAL JUROR: Pretty good, and  
12 you?

13 THE COURT: Good. How does that apply to  
14 you?

15 THE POTENTIAL JUROR: I know at one time  
16 when I was young, around five years old, I was -- my  
17 uncle sexually assaulted me and stuff.

18 THE COURT: All right.

19 THE POTENTIAL JUROR: And as far as  
20 anything else I believe my brother, he hadn't faced  
21 it yet but it's like a child neglect or something or  
22 another.

23 THE COURT: All right. Taking that into  
24 account, if you were selected on a jury in this case  
25 would you be fair and impartial not only to the

1 State but the Defendant as well ---

2 THE POTENTIAL JUROR: Yes, sir.

3 THE COURT: Just set all that stuff aside

4 ---

5 THE POTENTIAL JUROR: Yes, sir.

6 THE COURT: ---put it out of your mind,  
7 call it like you see it ---

8 THE POTENTIAL JUROR: It has nothing to do  
9 with this.

10 THE COURT: Good job. All right, thank  
11 you very much. We'll keep you.

12 THE BAILIFF: 157, Flissa Smith.

13 (Potential juror approached the Bench for an  
14 on-the-record discussion.)

15 THE COURT: All right, Ms. McEachern,  
16 you'll just keep coming back; aren't you?

17 THE POTENTIAL JUROR: I just -- my husband  
18 is Fred McEachern.

19 THE COURT: Y'all know who she's talking  
20 about?

21 MR. FLOYD: Yes, sir.

22 THE COURT: Taking that into account, if  
23 you were selected on a jury in this case could you  
24 set all that aside ---

25 THE POTENTIAL JUROR: I can.

1 THE COURT: ---be fair and impartial to  
2 the State and the Defendant?

3 THE POTENTIAL JUROR: I can.

4 THE COURT: Would you be fair and  
5 impartial to both sides?

6 THE POTENTIAL JUROR: I would.

7 THE COURT: Thank you, good answers.

8 THE BAILIFF: 43, Jacqueline Curry.

9 (Potential juror approached the Bench for an on-the-  
10 discussion.)

11 THE COURT: How are you doing, Ms. Curry?

12 POTENTIAL JUROR: Good.

13 THE COURT: How does that apply to you?

14 THE POTENTIAL JUROR: My brother was  
15 charged with assault and battery high and aggravated  
16 nature.

17 THE COURT: Where was that done?

18 THE POTENTIAL JUROR: That was in  
19 Florence.

20 THE COURT: All right. Taking that into  
21 account, if you were selected to serve on a jury in  
22 this case could you still be fair and impartial to  
23 the State and the Defendant?

24 THE POTENTIAL JUROR: Uh-huh.

25 THE COURT: Could you set that aside and

1 make a decision based on the evidence you see and  
2 hear in this courtroom?

3 THE POTENTIAL JUROR: Yes.

4 THE COURT: If you were selected to serve  
5 on a jury in this case would you be fair and  
6 impartial to both sides?

7 THE POTENTIAL JUROR: Yes.

8 THE COURT: And that wouldn't influence  
9 you in any way?

10 THE POTENTIAL JUROR: No.

11 THE COURT: Good job. Thank you.

12 MR. CLEMENTS: Did she say she was a  
13 victim, or her brother was charged with ABHAN in  
14 Florence?

15 THE COURT: All right, that's it.

16 MR. CLEMENTS: Judge, we would ask you  
17 maybe ask this question if you're not finished with  
18 your voir dire. We would ask that you ask if anyone  
19 has had a close family member prosecuted by the  
20 Twelfth Circuit circuit solicitor.

21 THE COURT: If I don't just remind me.  
22 Is.

23 Is there any member of the jury panel who  
24 knows of any reason whatsoever why they could not  
25 give the parties in this case a fair and impartial



1 trial, if so, please stand.

2 (There was no response.)

3 THE COURT: All right, no one stood. Has  
4 any member of the jury panel or any member of your  
5 family ever been prosecuted by this solicitor or any  
6 member of his staff regardless of whether the case  
7 was dismissed or not, if so, please stand.

8 All right, if you would come on up.

9 THE BAILIFF: 168, Cleveland White.

10 THE COURT: Come on up, Mr. White.

11 (Potential juror approached the Bench for an  
12 on-the-record discussion.)

13 THE COURT: How are you doing?

14 THE POTENTIAL JUROR: All right.

15 THE COURT: How does that question apply  
16 to you?

17 THE POTENTIAL JUROR: My son was involved  
18 in I guess a car theft about 15 years ago.

19 THE COURT: Whose son about 15 years ago?

20 THE POTENTIAL JUROR: My son.

21 THE COURT: Mr. Clements prosecuted his  
22 case?

23 THE POTENTIAL JUROR: Yes, Mr. Clements  
24 prosecuted.

25 THE COURT: All right. Taking that into

1 account, if you were selected to serve on the jury  
2 in this case could you be fair and impartial not  
3 only to the solicitor but the defendant as well?

4 THE POTENTIAL JUROR: Yes.

5 THE COURT: Could you set that aside and  
6 be fair and impartial to both sides in this case?

7 THE POTENTIAL JUROR: Yes.

8 THE COURT: If you were selected to serve  
9 on this jury?

10 THE POTENTIAL JUROR: Yes.

11 THE COURT: Is that yes?

12 THE POTENTIAL JUROR: Yes.

13 THE COURT: Thank you, you may be seated.  
14 Anything further from the State?

15 MR. CLEMENTS: No, Your Honor.

16 THE COURT: Anything further from the  
17 Defense?

18 MR. FLOYD: Nothing further, Your Honor.

19 THE COURT: All right. For the record I  
20 find the remaining jury panel qualified for this  
21 case.

22 Ms. Clerk, if you'd give us the jury.

23 THE CLERK OF COURT: Yes, sir. We're  
24 going to pull a jury. We're making a list right  
25 now. If your name is called if you'll come up

1 front, bring your pocketbooks, whatever you may have  
2 with you. If you will stand at the end of this desk  
3 back out from the jury panel.

4 Juror number 47, Martha M. Davis (black  
5 female). What say the State?

6 MR. CLEMENTS: Please present Ms. Davis.

7 THE CLERK OF COURT: What say the Defense?

8 MR. FLOYD: Please swear the juror.

9 THE CLERK OF COURT: Ms. Davis, if you  
10 will have a seat in the jury box please, ma'am.

11 Number 109, James Legette (white male).  
12 What say the State?

13 MR. CLEMENTS: Please present Mr. Legette.

14 THE CLERK OF COURT: What say the Defense?

15 MR. FLOYD: Please excuse Mr. Legette for  
16 purposes of this trial.

17 THE CLERK OF COURT: You're excused from  
18 this trial, Mr. Legette.

19 Number 83, William D. Harrelson (white  
20 male). What say the State?

21 MR. CLEMENTS: Please present  
22 Mr. Harrelson.

23 THE CLERK OF COURT: What say the Defense?

24 MR. FLOYD: Please swear Mr. Harrelson.

25 THE CLERK OF COURT: Mr. Harrelson, if you

1 will have a seat in the jury box please, sir.

2 Number 172, Geraldine Woodberry (black  
3 female). What say the State?

4 MR. CLEMENTS: Please present  
5 Ms. Woodberry.

6 THE CLERK OF COURT: What say the Defense?

7 MR. FLOYD: Please swear Ms. Woodberry.

8 THE CLERK OF COURT: Ms. Woodberry, if you  
9 will have a seat in the jury box please.

10 Number 145, Rebekah Rogers (black female).  
11 What say the State?

12 MR. CLEMENTS: Please present Ms. Rogers.

13 THE CLERK OF COURT: What say the Defense?

14 MR. FLOYD: Please swear Ms. Rogers.

15 THE CLERK OF COURT: Ms. Rogers, if you  
16 will have a seat in the jury box please, Ma'am.

17 Number 93, Peggy G. Israel (black female).  
18 What say the State?

19 MR. CLEMENTS: Please present Ms. Israel.

20 THE CLERK OF COURT: What say the Defense?

21 MR. FLOYD: Plead swear Ms. Israel.

22 THE CLERK OF COURT: Ms. Israel, if you  
23 will have a seat in the jury box please.

24 Number 149, Jalisa Rowell (black female).  
25 What saith the State?

1 MR. CLEMENTS: Please present Ms. Rowell.

2 THE CLERK OF COURT: What say the Defense?

3 MR. FLOYD: Please swear Ms. Rowell.

4 THE CLERK OF COURT: Ms. Rowell, have a  
5 seat in the jury box.

6 Number 78, Adah Graves (black female).

7 What say the State?

8 MR. CLEMENTS: Please present Ms. Graves.

9 THE CLERK OF COURT: What say the Defense?

10 MR. FLOYD: Please swear Ms. Graves.

11 THE CLERK OF COURT: If you will have a  
12 seat in the jury box.

13 Number 121, Sharon McCrae (white female).

14 What say the State?

15 MR. CLEMENTS: Please present Ms. McCrae.

16 THE CLERK OF COURT: What say Defense?

17 MR. FLOYD: Please excuse Ms. McCrae for  
18 purposes of this trial.

19 THE CLERK OF COURT: You're excused for  
20 this trial, Ms. McCrae.

21 Number 17, Jimmy Boggs (white male). What  
22 say the State?

23 MR. CLEMENTS: Please excuse Mr. Boggs  
24 from the trial of this case.

25 THE CLERK OF COURT: Mr. Boggs, you are

1     excused.

2             Number 108, William E. Lane (white male).  
3     What say the State?

4             MR. CLEMENTS: Please present Mr. Lane.

5             THE CLERK OF COURT: What say Defense?

6             MR. FLOYD: Please swear Mr. Lane.

7             THE CLERK OF COURT: Mr. Lane, if you will  
8     have a seat in the jury box please.

9             Number 142, Bonita B. Rabon (white  
10    female). What say the State?

11            MR. CLEMENTS: Please present Ms. Rabon.

12            THE CLERK OF COURT: What say the Defense?

13            MR. FLOYD: Please swear Ms. Rabon.

14            THE CLERK OF COURT: Ms. Rabon, if you  
15    would have a seat in the jury box please.

16            Number 157, Flissa Smith (black female).  
17    What say the State?

18            MR. CLEMENTS: Please present  
19    Ms. McEachern.

20            THE CLERK OF COURT: What say the Defense?

21            MR. FLOYD: Please excuse Ms. Smith for  
22    purposes of this trial.

23            THE CLERK OF COURT: You're excused from  
24    this trial. Thank you.

25            Number 155, Maecile B. Shaw (black

1 female). What say the State?

2 MR. CLEMENTS: Please present Ms. Shaw.

3 THE CLERK OF COURT: What say the Defense?

4 MR. FLOYD: Please swear Ms. Shaw.

5 THE CLERK OF COURT: Ms. Shaw, if you'll  
6 have a seat in the jury box please.

7 Number 43, Jacqueline Curry (black  
8 female). What say the State?

9 MR. CLEMENTS: Please excuse Ms. Curry  
10 from the trial of this case.

11 THE CLERK OF COURT: You're excused from  
12 this trial, Ms. Curry. Thank you.

13 Number 76, Nadra T. Graham (black female).  
14 What say the State?

15 MR. CLEMENTS: Please excuse Ms. Graham  
16 from the trial of this case.

17 THE CLERK OF COURT: Thank you, Ma'am.

18 Number 26, Charles R. Burroughs (white  
19 male). What saith the State?

20 MR. CLEMENTS: Please present Mr.  
21 Burroughs.

22 THE CLERK OF COURT: What say the Defense?

23 MR. FLOYD: Please swear Mr. Burroughs.

24 THE CLERK OF COURT: Mr. Burroughs, you  
25 may have a seat in the jury box.

1           Number 128, Latoria M. Nelson (black  
2 female). What say the State?

3           MR. CLEMENTS: Please present Ms. Nelson.

4           THE CLERK OF COURT: What say the Defense?

5           MR. FLOYD: Please swear Ms. Nelson.

6           THE CLERK OF COURT: Ms. Nelson, if you'll  
7 have a seat in the jury box please.

8           Alternate number one, Hattie W. Adams  
9 (black female). What say the State?

10          MR. CLEMENTS: Please present Ms. Adams.

11          THE CLERK OF COURT: What say the Defense?

12          MR. FLOYD: Please swear Ms. Adams.

13          THE CLERK OF COURT: Ms. Adams, if you'll  
14 have a seat in the alternate chair please, ma'am.

15          THE COURT: Any objection to the jury  
16 process by which they were drawn? What says the  
17 State?

18          MR. CLEMENTS: No, Your Honor.

19          THE COURT: What says the Defense?

20          MR. FLOYD: None, Your Honor.

21          THE COURT: Thank you very much. Members  
22 of the jury, we're gonna take a break until 2:00.  
23 We're going to try to line up some matters to make  
24 the trial go a little bit more efficiently and  
25 effectively for you. I need for you to be back at



1 two. Ms. Israel, if you'd sit on the very front row  
2 on the far left I'm going to make you forelady of  
3 the jury. Also I want to caution you not to leave  
4 here and talk about this case. I do not want you to  
5 go out there and get on the internet and try to  
6 research the names or try to read anything about  
7 this case or find out anything about this case.  
8 It's real important that until this case is over  
9 with you do not read the news or watch the news.  
10 Don't get on the internet and read the news. If you  
11 get a newspaper, if you would, just set it aside  
12 until this case is completely over. That's a court  
13 order by the way.

14 So if you will just leave right now.  
15 Everybody else remain seated, get some lunch, relax,  
16 take it easy, come back, sit in your appropriate  
17 chair, we'll begin at 2:00.  
18 You're excused.

19 (WHEREUPON, the jury was removed from the  
20 courtroom at 11:54 a.m., and a lunch break  
21 was taken.)

22 (WHEREUPON, State Exhibits Nos. 1 through  
23 34 were marked for identification only.)

24 THE COURT: Mr. Clements, Mr. Floyd, have  
25 y'all premarked anything that you can agree on as

1 being in evidence without objection by chance?

2 MR. CLEMENTS: Your Honor, we premarked  
3 everything. I'm not sure if he's had a chance to  
4 digest it all, Your Honor, at this point in time.

5 MR. FLOYD: Your Honor, there's probably  
6 several of the photographs I may have an objection  
7 to but —

8 THE COURT: We can just play it by ear as  
9 they come up?

10 MR. FLOYD: Yes, sir.

11 THE COURT: Sounds good. Let's go ahead  
12 and go forward with the Jackson v. Denno.

13 MR. CLEMENTS: Thank you, Your Honor. If  
14 it please the Court, the first person we call is  
15 administrator Kenny Davis.

16 WHEREUPON,

17 **KENNETH DAVIS,**  
18 having been duly sworn by the Clerk of Court,  
19 testified as follows:

20 **DIRECT EXAMINATION**

21 BY MR. CLEMENTS:

22 Q Could you please state your name for the record  
23 and tell us where you work and what your job  
24 entails.

25 A Sir, my name is Kenneth Davis. I work for the

1 city of Mullins, and I'm currently the city  
2 administrator.

3 Q And you've been the city administrator for how  
4 long?

5 A I was named city administrator in January of this  
6 year, and I was interim from September of last year  
7 until January.

8 Q And prior to being the interim administrator how  
9 were you employed?

10 A I was chief of police of Mullins Police  
11 Department, sir.

12 Q Now being the chief of police at the Mullins  
13 Police Department were you involved in a  
14 investigation of the murder of Sharon Stackhouse  
15 that occurred in the city of Mullins?

16 A Yes, sir, I was.

17 Q And was the date of that September 17th, 2010?

18 A As I recall it was, yes, sir.

19 Q Okay. And can you please tell this Court --  
20 we're in a Jackson v. Denno hearing so we're not  
21 going to get into a lot of the details of the  
22 investigation, but specifically, did you identify a  
23 suspect in this case?

24 A One was identified, yes, sir, that's correct.

25 Q And who was that?

1 A That was Mr. Stackhouse.

2 Q And what's his full name? Edward Stackhouse,  
3 Jr.?

4 A Jr., that's correct.

5 Q Do you see him in the courtroom here?

6 A I do see the gentleman that I spoke with, yes.

7 Q Can you please point him out on the record.

8 A He would be the gentleman seated at the defense  
9 table with the blue shirt and striped, it looks to  
10 be a striped tie on.

11 Q And did you talk to this individual back in  
12 September at this time during the investigation?

13 A Yes, sir, I did.

14 MR. CLEMENTS: Your Honor, may the record  
15 reflect he has identified the defendant  
16 Mr. Stackhouse.

17 THE COURT: The record will reflect that.

18 BY MR. CLEMENTS:

19 Q And I keep wanting to call you chief, but Mr.  
20 Davis, did you have an occasion to talk to Mr.  
21 Stackhouse that morning of the offense?

22 A Yes, sir, I did.

23 Q Can you please tell this Court how you  
24 encountered Mr. Stackhouse, where, and what you did,  
25 what procedure you followed.

1 A Yes, sir. There was a radio call that went out  
2 that the individual had been sighted on Gold Street  
3 matching Mr. Stackhouse's description. I responded  
4 to that area. One of the deputies from the Marion  
5 County Combined Drug Unit, or one of the agents with  
6 the Marion County Combined Drug Unit, Deputy Mark  
7 Collins, was already out with the individual. When  
8 I pulled up Mr. Stackhouse was standing on the side  
9 of the road there on Gold Street in Mullins and he  
10 was handcuffed.

11 Q And did you approach Mr. Stackhouse?

12 A I did, sir.

13 Q Did you have conversation with Mr. Stackhouse?

14 A I immediately advised him of his Miranda rights,  
15 sir.

16 Q And did he know you were chief of police at this  
17 time?

18 A Yes, sir. I clearly had a police department  
19 T-shirt on. I had a badge as well; I was armed.  
20 And I identified myself as the chief of the Mullins  
21 Police Department.....

22 Q And you said you Mirandized him?

23 A I did, sir.

24 Q Can you please tell the Court how you Mirandized  
25 him.

1 A When I was in law enforcement I had a card. As a  
2 matter of fact, I think it's probably still in my  
3 wallet, that I always kept in my wallet that as a  
4 matter of the course whenever an individual was  
5 arrested I advised them of their Miranda rights.

6 Q Would you mind checking and seeing if you do have  
7 that?

8 A I do, sir.

9 Q Is that the same card you used that day?

10 A Yes, sir.

11 Q Just so we dot every I and cross every T, would  
12 you please read to us exactly what you read to  
13 Mr. Stackhouse at that occasion.

14 A With the Court's permission, yes, sir.

15 THE COURT: Sure.

16 THE WITNESS: "You have the right to  
17 remain silent. Anything you say can and will be  
18 used against you in court. You have the right to  
19 consult with an attorney and have an attorney  
20 present during questioning. If you cannot afford an  
21 attorney one can be provided to you before  
22 questioning at no cost." And then we would ask and  
23 I ask, "Do you understand these rights, with these  
24 rights in mind do you wish to speak to me now."  
25

1 BY MR. CLEMENTS:

2 Q What did he do to indicate that he understood  
3 those rights?

4 A He indicated to me that he did understand his  
5 rights, and I did not proceed to ask him any  
6 questions regarding the incident itself at that  
7 time.

8 Q Well, let me ask you about his demeanor. As far  
9 as was there any indications of intoxication where  
10 he wouldn't understand what was going on? Was there  
11 any indication of him being so upset that he  
12 wouldn't know what was going on? Was there any  
13 indication of anything that would have affected in  
14 your mind his ability to understand what y'all were  
15 conversing about?

16 A No, sir, he appeared to be completely lucid and  
17 understanding.

18 Q Okay. And you did not question him at that time?

19 A No, sir, I didn't.

20 Q Why not?

21 A I was busy trying to arrange for transportation.  
22 We didn't want to be out on the street very long. I  
23 was trying to make sure that -- trying to coordinate  
24 a response from SLED to the crime scene as well so  
25 we were kind of busy. I ---

1 Q Were you going to talk with him?

2 A At some point, yes, sir.

3 Q And where were you planning on talking to him?

4 A We would have done that at the police department  
5 here in Mullins.

6 Q Did he make any comments to you? You say you  
7 didn't ask him any questions. Did he make any  
8 spontaneous comments or any statements to you or ask  
9 you any questions there?

10 A Yes, sir, he did ask me -- he asked me did  
11 anybody survive.

12 Q Okay.

13 A Before he asked the question I reminded him again  
14 he had been mirandized.

15 Q Why did you remind him he'd been mirandized?  
16 What prompted that?

17 A I always want to protect someone's rights  
18 regardless of what they're going to say just to make  
19 sure they understand that whatever they say, if it's  
20 not in their favor it can still be used in a court  
21 of law.

22 Q Okay. Did you have the opinion that he was about  
23 to say something? Is that why you prompted him  
24 again?

25 A I wasn't sure. I was concerned that he might so



1 I made sure that I reminded him.

2 Q Okay. And again, what did he say?

3 A He asked me did anybody survive.

4 Q Okay. Had you informed him what he was being  
5 arrested for or what he's being charged with prior  
6 to this?

7 A No, sir.

8 Q Okay. Now did you respond to that in any way?

9 A I indicated to him that one of the folks from the  
10 scene was in very bad shape and another individual  
11 had been removed from the scene by helicopter.

12 Q Did you have any further conversation at that  
13 time with him?

14 A Not at that time, no, sir.

15 Q Did you ask him any questions at that time?

16 A No.

17 Q Did he ask you any further questions at that  
18 time?

19 A I don't recall him asking any additional, no.

20 Q Where did Mr. Stackhouse go from there and how?

21 A I think I did ask him did he require medical  
22 attention, was he okay. I do remember asking him  
23 that, yes, sir.

24 Q What did you observe about his person? You  
25 observed his demeanor. How about his physical

1 condition, any injuries or of any type whatsoever?

2 A I did not see any injuries, say, for the right  
3 arm. There was a small scratch mark or gouge mark,  
4 didn't have any blood, but it was on his right upper  
5 wrist, lower forearm.

6 Q No other injuries of any type?

7 A No, sir.

8 Q Okay. Where did you take Mr. Stackhouse from  
9 there, or did you send somebody else to take him  
10 somewhere?

11 A One of the officers transported him to the police  
12 department in Mullins.

13 Q Okay. And when did you next encounter Mr.  
14 Stackhouse?

15 A It was a little while later. We went, made sure  
16 he was fed, made sure he had something to eat. We  
17 got him some food. Seems as though we gave him some  
18 water and then later I think a co-cola as well. But  
19 we didn't have any conversation with him, just to  
20 make sure he had something to eat that he need a  
21 bathroom break or anything, so just check on his  
22 wellbeing at that time.

23 Q And then at what point in time did you begin to  
24 talk to him?

25 A Later that morning after things had settled down

1 somewhat, the SLED crime scene folks were there, and  
2 I had gotten back in touch with Captain Bethea and  
3 we were squared away at the police -- at the end  
4 police headquarters in Mullins, we decided that we  
5 were going to attempt to interview Mr. Stackhouse.

6 Q Okay. And when you attempted to interview  
7 Mr. Stackhouse can you tell the Court what exactly  
8 you did and how, did you preserve that if at all?

9 A Yes, sir, it was placed on video recorder and  
10 transferred to a CD.

11 Q Okay. And how did you do it on video recorder?  
12 Did you use a computer, or what did you use? Video  
13 camera?

14 A We used a flip video camera, yes, sir, on a  
15 tripod.

16 Q Where did this take place?

17 A At the police department in Captain Bethea's  
18 office upstairs on the second floor.

19 Q Who was present?

20 A Myself and Captain Bethea were present along with  
21 Mr. Stackhouse.

22 Q All right. What did you do, if anything, at that  
23 time to Mirandize him?

24 A I actually joined the interview just a few  
25 moments after it began, and when I walked in Captain

1 Bethea was finishing up bits and pieces of Miranda.  
2 And so when I walked in I mirandized Mr. Stackhouse  
3 once again before we asked any questions before we  
4 embarked on any question asking.

5 Q On video?

6 A Yes, sir, that's correct.

7 Q Have you reviewed the video?

8 A Yes, I have.

9 Q Now do y'all use what's commonly referred to as a  
10 Miranda form when you interview suspects?

11 A We do, sir.

12 Q Okay. Do you know if one was used in this  
13 occurrence?

14 A I recall one being completed in Mr. Captain  
15 Bethea's office when I walked in.

16 Q Do you recall signing this yourself?

17 A I don't.

18 Q Okay. I'm gonna show you what's been marked  
19 State's Exhibit 35. I'm gonna see if, number one,  
20 if you can generically identify this; and then two,  
21 can you specifically identify this. First, the  
22 question is that the type of Miranda form that  
23 Mullins Police Department uses?

24 A That is correct, sir.

25 Q Okay. And did you participate at all in filling

1 this out?

2 A No, sir, I did not.

3 Q Okay. Who did utilize that?

4 A Well, it looks like Captain Bethea's handwriting  
5 and certainly his signature at the bottom is the one  
6 that I'm used to.

7 Q But you didn't see anyone sign that yourself, if  
8 you recall?

9 A Not that I recall.

10 Q Okay, all right. Thank you.

11 A Yes, sir.

12 Q But you mirandized him on video you said?

13 A Yes, sir.

14 Q And the video was preserved for court through —

15 A Yes, sir.

16 Q ---the use of computer technology?

17 A Yes, sir. Yes, sir.

18 MR. CLEMENTS: Your Honor, at this time we  
19 have a disk that we've prepared to show to the Court  
20 right now, at least the first part of it. For the  
21 record I would state that it is about 53, 54 minutes  
22 long — is that correct, Mr. Floyd — somewhere  
23 along that.

24 MR. FLOYD: That's correct.

25

1           MR. CLEMENTS: And there are some issues,  
2 Your Honor, that we need to take up at a later time  
3 of some things that I think the Defense would  
4 request be redacted and that we will not object to.  
5 But right now we'd like to play the first portion of  
6 this to show the voluntariness of the statement from  
7 the State's viewpoint.

8           THE COURT: All right.

9 BY MR. CLEMENTS:

10 Q When he cuts it on there'll be some voices on,  
11 and Administrator Davis, I'd ask first, once he  
12 plays it if he will stop it a moment and I'm gonna  
13 ask you if you can identify those voices.

14 A Absolutely, sir.

15           (Playing of interview began.)

16 BY MR. CLEMENTS:

17 Q Who is that on that picture?

18 A That's Mr. Stackhouse.

19 Q Okay. Do you recognize that voice?

20 A Yes, sir.

21 Q And who is that?

22 A That is now Chief and then Captain Michael Bethea

23 —

24 Q Thank you.

25 A —of the Mullins Police Department.

1 Q Continue please.

2 (Video interview was played for the Court.)

3 BY MR. CLEMENTS:

4 Q And Mr. Davis, is that your voice?

5 A Yes, sir, that is.

6 Q Thank you. Please continue.

7 (Playing of video interview continued.)

8 BY MR. CLEMENTS:

9 Q That's basically how the interview went?

10 A Yes, sir, he was very forthcoming with us.

11 Q Did you ever leave, go anywhere else during the  
12 interview, or would that interview take place right  
13 there the whole time in Bethea's office?

14 A Everything took place right there in Captain  
15 Bethea's office, yes, sir.

16 Q At any time — and you have reviewed the entire  
17 video; is that correct?

18 A Yes, sir.

19 Q How recently?

20 A Just a little while ago.

21 Q Okay. At any time did Mr. Stackhouse say he was  
22 done talking?

23 A No, sir.

24 Q At any time did Mr. Stackhouse exercise his right  
25 and ask for an attorney?

1 A No, sir.

2 Q At any time did Mr. Stackhouse say, you know, I  
3 think maybe I better stop or I'm done or —

4 A No, sir, no, sir.

5 Q —I'm tired or anything like that?

6 A No, sir.

7 Q Okay. At any time did me give any indication to  
8 you that he was discussing this matter with you  
9 involuntarily or that he was being forced in any  
10 way?

11 A No, sir.

12 Q Okay, all right. Please answer any questions  
13 Mr. Floyd has got.

14 A Yes, sir.

15 **CROSS-EXAMINATION**

16 BY MR. FLOYD:

17 Q Hi, Mr. Davis, how are you today?

18 A Yes, sir.

19 Q You indicated that you encountered Mr. Stackhouse  
20 I believe on Gold Street the —

21 A Yes, sir.

22 Q —first time; is that correct?

23 A Yes, sir.

24 Q What time is that?

25 A Somewhere around 7, maybe just a little after,



1 maybe a little before, around 7 a.m.

2 Q A.m.?

3 A In that neighborhood, yes, sir.

4 Q And you said you came up to him and identified  
5 yourself as the Mullins police chief and —

6 A I did, sir.

7 Q Okay. And do you carry a digital voice recorder  
8 with you?

9 A No.

10 Q Or did you at that time?

11 A No, sir.

12 Q So the conversation that you had with him out  
13 there on Gold Street, that was not recorded; is that  
14 correct?

15 A Not to my knowledge, no, sir.

16 Q Okay. Now did you — what was his appearance  
17 like when you saw him on the street? I mean, how  
18 was he dressed?

19 A He was handcuffed at that time. And I don't  
20 recall his clothing right off the top of my head. I  
21 do remember him being handcuffed.

22 Q Okay. Was he dressed casually with like a  
23 T-shirt or maybe just a shirt —

24 A Seems I remember him having some shorts, perhaps  
25 some long shorts. I don't know what color shirt.

1 Q You said he did not appear intoxicated?

2 A Did not to me, no, sir.

3 Q Okay. Did he appear to have any injuries? Did  
4 he have any visible blood on him or anything like  
5 that?

6 A The only injury that I witnessed to him was some  
7 type of mark on his right, in this area right here,  
8 his right forearm upper wrist. I didn't see any  
9 blood with it. It just looked like it might have  
10 been a scratch or gouge of some sort.

11 Q Okay. So you didn't see any blood with the  
12 wound? You just saw a little scratch basically?

13 A Correct, yes, sir.

14 Q There was no large amount of blood on his clothes  
15 or anything like that?

16 A I don't remember seeing any large amount of blood  
17 on his clothes.

18 Q Did you see any blood?

19 A I saw some things I thought may have been blood,  
20 but I didn't have a test kit or anything like that  
21 so.

22 Q You weren't sure?

23 A Right.

24 Q Okay, all right. Did you take any pictures of  
25 him at that time?

1 A I do remember taking some photographs, yes.

2 Q Okay, what did you do with those?

3 A I returned that disk over to one of the officers  
4 there Captain Mostowski at the Mullins Police  
5 Department.

6 Q Okay. Do you know if they were ever given to the  
7 Solicitor's Office?

8 A I do not know. I haven't seen them in the packet  
9 so I don't know.

10 Q Okay, all right. Now how long was it after your  
11 encounter with him there that you took him to the  
12 police department?

13 A He was removed pretty quickly. It wasn't very  
14 long. I wouldn't speculate on how many minutes, but  
15 it was a relatively short period of time.

16 Q Okay. And then you said you gave him some food  
17 and some water?

18 A Yes, sir.

19 Q A coke maybe?

20 A Yes, sir, he did get a coke.

21 Q Okay. And so I assume that he ate and he drank  
22 before you started questioning him?

23 A Yes, sir.

24 Q Okay. How long was it after you took him to the  
25 police department before you started questioning

1 him?

2 A I don't recall. It may have been -- I don't  
3 recall. I don't recall.

4 Q Okay.

5 A I wouldn't speculate but I don't recall how long.

6 Q Okay, that's fine. Where was he kept when you  
7 took him to the police department?

8 A He was taken to the police department initially.  
9 I went back to the scene and was dealing with some  
10 of the arrival of the SLED agents that had come down  
11 so I don't know if he was removed to the jail at  
12 some point, I don't know.

13 Q You have a holding cell there at the police  
14 department?

15 A We have a holding area, yes.

16 Q Right, okay. So he could have been back there,  
17 but you just don't know?

18 A Correct.

19 Q All right. Okay. And you say when you actually  
20 started questioning you had -- well, he had already  
21 been mirandized once you believe before you came  
22 into the room; is that right?

23 A Yes, and I had Mirandized him earlier on the road  
24 that morning.

25 Q Yes, sir, and then you Mirandized him --

1 A Again.

2 Q ---again so basically as far as you know he got  
3 three mirandas?

4 A At least.

5 Q At least?

6 A Yes, sir.

7 Q Okay. Now you said you went back to the scene  
8 after you left him on Gold Street or after he left?

9 A I went back to the police department for just a  
10 moment. I picked up a note pad. I needed a note  
11 pad. I went back to the crime scene itself that had  
12 been secured, yes, sir.

13 Q Okay.

14 A By myself.

15 Q All right. Okay, thank you very much. That's  
16 all that I have for you.

17 A Yes, sir. Yes, sir.

18 MR. CLEMENTS: I believe that's all I have  
19 in regards to this issue.

20 THE COURT: All right.

21 MR. CLEMENTS: We call Chief Michael  
22 Bethea to the stand.

23 WHEREUPON,

24 MICHAEL J. BETHEA,  
25 having been duly sworn by the Clerk of Court,

1 testified as follows:

2 **DIRECT EXAMINATION**

3 BY MR. CLEMENTS:

4 Q Can you state your name for the record and tell  
5 us where you work and what your job is.

6 A My name is Michael J. Bethea. I'm the chief of  
7 police at the Mullins Police Department.

8 Q And in September of 2010 where did you work?

9 A Mullins Police Department.

10 Q And what was your job title then?

11 A Captain over investigations.

12 Q Who was the chief at that time?

13 A Kenny Davis.

14 Q And did you work with Chief Davis regarding the  
15 murder of Sharon Stackhouse?

16 A Yes, sir.

17 Q Okay. Did you have occasion to interview or  
18 interrogate Edward Stackhouse?

19 A Yes, sir.

20 Q When and where was that?

21 A We interviewed Edward at the police department in  
22 my office.

23 THE COURT: Solicitor, hold on one second.

24 (Mr. Floyd enters the courtroom.)

25 MR. CLEMENTS: I'm sorry, Your Honor.

1 THE COURT: Are you going to be much  
2 longer you think?

3 MR. CLEMENTS: Just very briefly.

4 BY MR. CLEMENTS:

5 Q Who conducted that interview?

6 A Mainly Chief Davis.

7 Q Did you sit there during the entire interview?

8 A Yes, sir.

9 Q And did you review the video that was made?

10 A Yes, sir.

11 Q Is that video a fair and accurate depiction of  
12 that interview?

13 A Yes, sir.

14 Q Did you fill out any paperwork or do anything  
15 prior to starting the interview?

16 A Yes, sir, I read Mr. Stackhouse his Miranda.

17 Q Okay. And what did you read the Miranda from?

18 A Off of our Mullins Police Department Miranda  
19 form.

20 Q Okay. I'm gonna show you what's been marked  
21 State's Exhibit 35 for ID and ask can you identify  
22 that and tell us what that is.

23 A This is the Mullins Police Department Miranda  
24 form.

25 Q And whose handwriting, whose names are on there,

1 and who wrote on that paper?

2 A My handwriting and Edward Stackhouse handwriting.

3 Q How do you know it was Edward Stackhouse's  
4 handwriting?

5 A Because I witnessed him sign it.

6 Q Okay. You recall right on the first part of the  
7 video you reading to Mr. Stackhouse?

8 A Yes, sir.

9 Q Is that what you read that from?

10 A Yes, sir.

11 Q And you recall asking him to put his initials by  
12 certain things?

13 A Yes, sir, by each line that I read to him.

14 Q Did he do that?

15 A Yes, sir.

16 Q His initials reflected on that form?

17 A Yes, sir.

18 Q All right. Did he sign that form?

19 A Yes, sir.

20 Q Where did he sign it.

21 A Where it says — well, first, he filled it out  
22 and he — where it says sign, he signed Edward  
23 Stackhouse.

24 Q Okay. Now who signed that as witnessing that?

25 A I did.



1 Q Okay, all right. Did you notate the time on  
2 this?

3 A Yes, sir.

4 Q What was the time?

5 A I started it at 1:12 p.m. and I finished at  
6 1:15 p.m.

7 Q Okay. And that's when you continued on with the  
8 video —

9 A Yes, sir.

10 Q —interview?

11 A Yes, sir.

12 Q Okay, all right. Was Mr. Stackhouse coerced or  
13 threatened or promised anything to fill out this  
14 form?

15 A No, sir.

16 Q Was he threatened or promised or coerced in any  
17 way to give y'all a statement?

18 A None, none whatsoever.

19 Q All right. And you observed him the entire time?

20 A Yes, sir.

21 Q What was his demeanor like?

22 A He was sort of calm.

23 Q Okay. Did he understand what was going on?

24 A Yes, sir.

25 Q He understood what you read to him?

1 A Yes, sir.

2 Q Okay, all right. Please answer any -- well,  
3 first, Your Honor, I move State's Exhibit 35 into  
4 evidence.

5 THE COURT: Any objections?

6 MR. FLOYD: No objection, Your Honor.

7 THE COURT: State's number 35 into  
8 evidence without objection.

9 (WHEREUPON, State Exhibit No. 35 was  
10 marked for identification and received  
11 into evidence.)

12 MR. CLEMENTS: Please answer any questions  
13 Mr. Floyd has.

14 MR. FLOYD: Your Honor, for purposes of  
15 this hearing I don't have any questions.

16 THE COURT: All right, thank you very  
17 much.

18 You may step down.

19 MR. CLEMENTS: Your Honor, we would submit  
20 that the statements given by Mr. Stackhouse, first,  
21 where he was arrested and then Chief Davis talked to  
22 him the first time, we would submit that statement  
23 or that question he asked was done of his own  
24 volition, was not in response to any interrogation  
25 and is admissible. And we would also submit, Your

1 Honor, that the statement he did give was after  
2 multiple miranda warnings that he understood what he  
3 was doing, that he was lucid, and that he gave that  
4 statement free and voluntarily.

5 THE COURT: Is that the only part of the  
6 statement you intend to introduce?

7 MR. CLEMENTS: No, Your Honor, we —  
8 there's some other things on there that relate to  
9 prior incidents with the police that we're going to  
10 have to redact that I know Mr. Floyd is going to  
11 object to, but we've got to when we're not in court  
12 we got to redact that part and then perhaps we will  
13 submit the remainder into evidence.

14 THE COURT: Mr. Floyd, do you have any  
15 objection to the parts that have been played thus  
16 far?

17 MR. FLOYD: No objections to the parts  
18 that have been played, Your Honor.

19 THE COURT: All right. I find that he has  
20 been properly mirandized and that the statements  
21 thus far have been given freely and voluntarily. If  
22 we need to go any further than that we need to stop  
23 and take a break and take look at it and go from  
24 there.

25 MR. CLEMENTS: Your Honor, I know we got

1 the jury back there, but we might need to play the  
2 rest of it just for you at this point in time.

3 THE COURT: When do you intend to offer  
4 it, today or tomorrow?

5 MR. CLEMENTS: I don't intend to offer it  
6 today.

7 THE COURT: Then let's do it a little bit  
8 later. Let's go ahead and get them to work and then  
9 maybe we'll break early or something like that. We  
10 can do it at the end of the day.

11 MR. CLEMENTS: Yes, sir.

12 THE COURT: Go ahead and bring out the  
13 jury.

14 (WHEREUPON, the jury was returned to the  
15 courtroom at approximately 12:30 p.m., and  
16 the following proceedings commenced in  
17 open court.)

18 THE COURT: If you will go ahead and swear  
19 the jury.

20 THE CLERK OF COURT: Thank you, sir.

21 (WHEREUPON, the jury was sworn at 12:30  
22 p.m.)

23 THE CLERK OF COURT: Thank you, I  
24 appreciate it.

25 THE COURT: Thank you very much. Good

1 afternoon. I just want to let y'all know we had to  
2 take up some matters of law. We weren't out here  
3 just goofing off and doing nothing and taking up  
4 your time. We're trying to get things moving as  
5 fast as we can to be efficient and effective with  
6 your time. Now at this time we're getting ready to  
7 start this trial, but I want to give you a few  
8 instructions ahead of time just to give you a little  
9 bit of working information that you can, I call it  
10 back pocket information. You can just stick it in  
11 your back pocket, sit on it, and use it as you see  
12 fit throughout this trial. However, I want you to  
13 know at the end of this trial I'm gonna give you the  
14 jury, the charge the law in great detail and that  
15 will be the law of the case and do need to pay  
16 particular attention to that.

17           However, right now I do want to let you  
18 know the burden of proof in this case is on the  
19 State of South Carolina, not the Defendant. The  
20 State has to prove the defendant guilty beyond a  
21 reasonable doubt. The next thing I want to explain  
22 to you is what your role is, what my role is. You  
23 are the judge of the facts. I am the judge of the  
24 law. Ask yourself, well, what does that mean? That  
25 simply means that you and you alone determine what

1 the facts of this case are, not the court reporter,  
2 not the lawyers, nobody in the audience, not my  
3 clerk, only you. And you ask yourself, well how do  
4 I determine what the facts of this case are. You  
5 look at two things. You look at the evidence which  
6 is made up of two things. Witnesses come up here,  
7 they'll sit in this chair, and put their left hand  
8 on the Bible, raise their right hand and be sworn  
9 in, and they will testify. That will be evidence.  
10 Also, you may have documents entered into the record  
11 as evidence such as photographs or pictures or  
12 reports, posters, and things of that nature. Those  
13 two things are evidence. You look at those matters  
14 and you decide what the facts of this case are.

15 Now you ask yourself, well, how do I  
16 determine if what the witnesses are telling me are  
17 true or not. Just use your common sense just like  
18 you would with your children or your spouses or your  
19 different people you meet on the street. And I want  
20 you to understand that you can believe all of what a  
21 witness tells you if you like. You can believe  
22 nothing a witness tells you. You can believe part  
23 of what a witness tells you. You can believe one  
24 witness over many or many over one. That's your job  
25 and only your job. All right. You'll take what the

1 witnesses tell you what you find they say is true  
2 and credible, and you'll combine with what you're  
3 looking at and studying of the matters that are  
4 introduced into the record as evidence such as  
5 exhibits and so forth and you'll make a  
6 determination as to what the facts of this case are.

7           Now I'm the judge of the law. And my  
8 opinion, I have a two role function in this matter.  
9 I'm here to give the parties a fair trial. I don't  
10 know any of them. Technically I don't want to know  
11 any of them, but I want them to have a trial and I  
12 want them to have a fair trial in this court  
13 according to the rules of this state. All right,  
14 also at the end of the trial I will, like I told you  
15 earlier, instruct you on the law. I'll give it to  
16 you in great detail, and I want you to understand  
17 that you'll have to accept the law as I give it to  
18 you to. If you have any preconceived ideas as to  
19 what you think the law is or what it ought to be and  
20 it doesn't agree with what I tell you it is, you  
21 have to abandon those preconceptions and accept the  
22 law as I give it to you. And then only when I tell  
23 you to begin your deliberations will you take the  
24 facts as you find them, the law as I give it to you,  
25 put the two together and make a decision therefrom.

1 Lot of common sense. It won't be hard when that  
2 time comes. I can assure you it will fold together.

3 Furthermore, I want to tell you what the  
4 lawyers tell you is not evidence. They are  
5 spokespersons for their clients. They are advocates  
6 for their clients. Evidence comes from this witness  
7 stand right here, and remember that. Furthermore,  
8 throughout this trial we take breaks. Or if we  
9 don't finish today and you go home tonight and you  
10 have to come back tomorrow, any time this trial is  
11 progressing do not talk about the case. Don't go  
12 home and talk about the case with your spouse or  
13 your family. If you go back into the jury room so  
14 we can take up matters out here, talk about sports  
15 talk about the weather, talk about anything you want  
16 to talk about but not this case. The reason I tell  
17 you that is because it's improper to start  
18 deliberating on this case until you've heard it all.  
19 You need to hear from the State. You need to hear  
20 from all of their witnesses and pay attention to  
21 them. And in turn, you need to hear from the  
22 Defense, everything they have to say. You have to  
23 be fair to both sides. And then at the end you have  
24 to hear from me in regard to the law. So I will  
25 know when that magic times comes for you to begin



1 your deliberations, and I will tell you specifically  
2 at that time begin. But until that time do not talk  
3 about the case at all, okay. I want you to sit  
4 back. I want you to just to relax. If anybody  
5 needs anything, if you need restroom break, smoke  
6 break, need some food, or anything like that pops up  
7 if you will just kind of move your finger to me,  
8 I'll find an appropriate time to stop. I will try  
9 to make sure you're taking care of, all right.

10 With that being said, Solicitor, you're  
11 recognized for your opening statement.

12 MR. CLEMENTS: Thank you, Your Honor. If  
13 it please the Court, ladies and gentlemen of the  
14 jury, September 17th, 2010, Meadow Apartments in  
15 Mullins in the early morning hours William [REDACTED]  
16 [REDACTED] and Daquan [REDACTED] were in their bedroom in  
17 their apartment where they lived with their mother  
18 Sharon Stackhouse and her husband Edward Stackhouse.  
19 They were there in the wee morning hours and they  
20 heard a disturbance and they heard banging like  
21 things being thrown against the wall and being  
22 thrown around. And then they heard their mother's  
23 voice cry out their name for help. And then at the  
24 door of their bedroom they saw Edward Stackhouse go  
25 to the kitchen, come back with a butcher knife about

1 8-inches long going to the bedroom. And the older  
2 of the two brothers, Daquan, ran into the bedroom to  
3 help his mother. And William [REDACTED] -- everybody  
4 refers to him as Shawn -- saw his brother there with  
5 his arm held trying to stop Edward Stackhouse. He  
6 runs from the apartment and runs for help. Runs to  
7 his aunt's house and gets help and runs back. When  
8 he comes back he find Edward Stackhouse gone. He  
9 finds his brother sliced open on the neck, and he  
10 finds his mother laying across the bed dead with the  
11 coroner and the pathologist later detemined to be  
12 one wound, one stab wound, here that pierced her  
13 lung, pierced the pericardium of her heart, and she  
14 bled out quickly and died. Helicopter comes and  
15 transports Deshawn with his life threatening  
16 injuries to New Hanover Hospital. The neighbors --  
17 someone had called 9-1-1, the police were  
18 responding. They talked to the sons. They got a  
19 description. They began to look for someone with  
20 red and white Air Jordans on and a T-shirt and  
21 Deputy Mark Collins found him over on Gold Street.  
22 He was taken into custody. And Kenny Davis now the  
23 Town Administrator, but chief at that time, went to  
24 him, mirandized him. And he asked him did anybody  
25 survive. And they take him back to law enforcement

1 office of the Mullins PD and they charged him.

2 And now Edward Stackhouse is before you  
3 today charged with murder, for the stabbing murder  
4 of Sharon Stackhouse. He's charged with attempted  
5 murder where he almost killed Sharon's boy with that  
6 butcher knife cutting him on the neck after her son  
7 came to her aid. And he's charged with possession  
8 of a weapon during the commission of a violent crime  
9 because he wielded that knife when he killed Sharon  
10 Stackhouse when he attempted to kill her son who was  
11 16 years old at the time. This happened, you're  
12 gonna hear, September 17th, 2010. I'm gonna ask you  
13 to listen carefully to these witnesses. I'm gonna  
14 ask you to look carefully at the evidence. There's  
15 gonna be some things that are not in dispute that  
16 you won't have to decide. The judge is going to  
17 tell you you are the judge of the facts. You got to  
18 weigh the facts. You got to weigh the information  
19 that you hear from the witness stand or exhibits or  
20 pieces of evidence that come into evidence that the  
21 judge allows in, and you're gonna have to weigh  
22 everything out and make a decision. And you're  
23 gonna find, well, some things aren't in dispute.  
24 Nobody disputes Sharon was killed by a stab wound.  
25 The pathologist is going to talk about her. They

1 described her as approximately 80-pounds and  
2 58 inches in length, little teeny lady. She died  
3 with one stab wound, one wound, and that's not in  
4 dispute. The only dispute is going to be how did  
5 this happen, how did this happen.

6 And I ask y'all to weigh all the evidence,  
7 and I ask y'all to listen to everything that's said  
8 and put everything together that's said from this  
9 courtroom from this witness stand and everything  
10 that comes in by exhibits the judge says you're  
11 supposed to see and consider and look at what makes  
12 sense. How do the pieces fit together, how does the  
13 testimony and the eyewitnesses and the physical  
14 facts, and the scientific evidence, how do they all  
15 fit together and what story do they tell. What  
16 happened, that's the story they're going to tell is  
17 what happened. When you get to the end of trial and  
18 you've heard all those facts that you got to judge  
19 you got to decide on, the judge is going to tell you  
20 what the law is, okay. And I imagine that he's  
21 gonna tell you about the credibility of the  
22 witnesses. Credibility is just a big word for  
23 believability which — and he's gonna tell you you  
24 can believe all of what somebody says or you can  
25 believe none of what somebody says or you can

1 believe a part of what they say. And he's gonna  
2 tell you, you know, to use your common sense, use  
3 your judgment that you brought with you through the  
4 years. Same thing I'm asking you to do.

5 And you're gonna hear from people from  
6 SLED. You're gonna hear from people from law  
7 enforcement. And you're gonna hear from the people  
8 that were there that saw this happen. And now they  
9 try to defend their mother and get help and they  
10 were unsuccessful in doing that and now here they  
11 are two days from Mother's day and they got to tell  
12 that happened to them and they got to tell what  
13 happened to their mother. Well, listen to them  
14 closely and judge their credibility. See if what  
15 they say matches up with what all the physical  
16 evidence tells us. See if what they say matches up  
17 with what the judge tells you is the law that  
18 defines murder.

19 I believe he's gonna tell you that murder  
20 is when you take someone's life with malice  
21 aforethought. What that means is you got evil  
22 intent in your heart, doesn't have to be but that  
23 long, you take somebody's life, then that is murder.  
24 He's probably also going to tell you about voluntary  
25 manslaughter. And voluntary manslaughter is when

1 you take somebody's life but you do it in the heat  
2 of passion after you've been legally provoked. And  
3 you got to listen and say, was someone legally  
4 provoked? Was this in the heat of passion, or was  
5 this a evil intent and malice that they just took  
6 somebody's life or did they have some kind of excuse  
7 in the heat of passion. That is what you're gonna  
8 have to decide. And I know you're going to do a  
9 good job. We wouldn't have chosen you. You're good  
10 citizens of Marion County. You're gonna speak up  
11 for Marion County, and you're gonna speak up for  
12 what is right. You're gonna speak up for what is  
13 just. At the end of all the evidence and after you  
14 finish your deliberation you're gonna bring back a  
15 verdict. That word verdict comes from Latin. Two  
16 words, vere dicto, which means to speak or to tell  
17 the truth. That's what a verdict does, it tells the  
18 truth. And I trust that when you deliberate and you  
19 weigh all these facts out and you weigh this  
20 testimony and you look at these exhibits and look at  
21 these pictures, that you're gonna say this is not  
22 anything but murder. This was malice aforethought.  
23 This was a taking of a human life without being  
24 legally provoked, without the evidence of heat of  
25 passion. And you're gonna have to find that beyond

1 a reasonable doubt.

2           The judge is going to tell you what a  
3 reasonable doubt is. I submit it's a doubt that's  
4 not a fanciful doubt, not beyond any shadow of a  
5 doubt. There's almost nothing in life that's beyond  
6 any shadow of a doubt. You can always have a doubt  
7 about it, but is it a reasonable doubt? Do you  
8 reasonably doubt something or do you just doubt  
9 because you do it. The standard here is you got to  
10 have a reasonable doubt. My job as the prosecutor  
11 is, I have the burden of proof. That burden of  
12 proof is to prove it beyond a reasonable doubt.  
13 That's a real high standard. That's a tough  
14 standard, and I embrace that standard. And I  
15 believe we can show you beyond a reasonable doubt  
16 this is murder. Now I don't have to show you again  
17 beyond any doubt, beyond any fanciful doubt, any  
18 shadow of a doubt. I got to show you beyond a  
19 reasonable doubt that Edward Stackhouse killed  
20 Sharon Stackhouse with a knife stabbing her in the  
21 chest, and it's murder. And that Edward Stackhouse  
22 took that knife, and he cut Daquan B. [REDACTED] neck when  
23 Daquan is trying to defend his teeny little mother.  
24 And Daquan had to be air lifted to Hew Hanover  
25 Hospital because those were life threatening

1 injuries. When you hear the testimony I don't think  
2 you're gonna have a doubt, and I think your verdict  
3 is going to speak the truth and that truth, ladies  
4 and gentlemen, is going to be guilty.

5 THE COURT: Thank you.

6 Mr. Floyd.

7 MR. FLOYD: Thank you, Your Honor, may it  
8 please the Court. Hi, ladies and gentlemen. You've  
9 heard the accusations made against Mr. Stackhouse.  
10 And of course, accusations themselves have power in  
11 our minds. You know, we're human beings. Sometimes  
12 when we hear things about people, bad things,  
13 gossip, whatever, we tend to believe them. I know I  
14 do that sometimes. I hear something about somebody  
15 just because somebody says it I might, you know,  
16 it's hard for me to might believe it's true just  
17 because it was said and just because it was spoken.  
18 And so the accusations are out there and they've  
19 been made. And like I said, those accusations have  
20 power. And those -- that power of accusation  
21 doesn't have any place in this courtroom, okay. The  
22 power of accusation has no place in the American  
23 courtroom because every defendant in every courtroom  
24 is presumed innocent, okay. That's one of our most  
25 precious rights that we have, one of our most



1 precious protections under the constitution is that  
2 presumption of innocence when we're charged with a  
3 crime.

4           The State of course, as the Solicitor  
5 said, does have the burden of proof in this case,  
6 okay, and that only makes sense because the State  
7 has the investigators. They have the crime labs.  
8 They get to develop the evidence. And of course,  
9 you know, many defendants don't have a lot of  
10 resources at their disposal so the State is gonna  
11 accuse somebody of a crime and ask a jury like  
12 yourself to take their freedom away, of course, they  
13 should have to prove what it is they're saying,  
14 okay. They have to prove that and that's only fair  
15 and that's only right. It's not that the defendant  
16 is being coddled. It just makes sense. It makes  
17 common sense that that will be the case.

18           Now the Solicitor also a little while ago  
19 referred to the standard of proof in any case which  
20 in a criminal case it's beyond a reasonable doubt.  
21 In a civil case where money is involved, some of you  
22 may have been on juries before like for automobile  
23 accident cases or things like that, where people are  
24 basically arguing over money. The standard of proof  
25 in those cases is what we call a preponderance of

1 the evidence where one side or the other just has to  
2 prove their case just slightly in their favor in  
3 order to prevail. But in a criminal case that's not  
4 the standard that we use. We use a much higher  
5 standard that's called beyond a reasonable doubt,  
6 okay. And that has been called a doubt which would  
7 make you hesitate to act, okay. It can be defined  
8 that way. And that only makes sense because, you  
9 know, that you had a higher standard in a criminal  
10 case because, you know, if a defendant loses in a  
11 civil case, well, he might have to pay money and it  
12 may hurt but at least he's still free. And of  
13 course, the consequences are much greater to an  
14 individual in a courtroom like this and in a  
15 proceeding like this. So that's why we have those  
16 standards and those burdens that we do.

17 When you listen to the testimony you will  
18 be called on to evaluate the credibility of  
19 witnesses. You'll see maybe pictures. You'll hear  
20 people speak, and you can consider all that and you  
21 can consider their motivation for saying what they  
22 say, okay, and whether or not they're telling the  
23 truth. And you can also consider things that maybe  
24 you don't hear or you don't see, okay, in making  
25 your decision as well. So we just ask that you keep

1 those things in mind, keep a fair mind throughout  
2 the trial, and really listen to the evidence and  
3 evaluate it at the end. And we're confident that at  
4 the conclusion of this trial you'll find  
5 Mr. Stackhouse not guilty. Thank you very much.

6 THE COURT: If you will call your first  
7 witness.

8 MR. CLEMENTS: Your Honor, we have our  
9 first witness to call, it's to be out of order  
10 chronologically. The SLED agent has to be in  
11 another part of the state the remainder of the week  
12 so, Your Honor, we call Ms. Mary Ann Boehm.

13 THE CLERK OF COURT: Come around and let  
14 me swear you in please.

15 WHEREUPON,

16 MARY ANN BOEHM,  
17 having been duly sworn by the Clerk of Court,  
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. CLEMENTS:

21 Q Can you please state your name for the record and  
22 tell this jury, if you would, where you work.

23 A My name is Maryann Boehm. I work at the South  
24 Carolina Law Enforcement Division commonly known as  
25 SLED.

SW - M. BOEHM - DIRECT

1 Q And what do you do for SLED?

2 A I am assigned to the DNA and serology case work  
3 unit at SLED.

4 Q Now can you please explain to this jury what  
5 DNA — I think everybody kind of knows what DNA is,  
6 but what is DNA and serology?

7 A Sure. DNA stands for deoxyribonucleic acid.  
8 It's a chemical found in all of the cells of our  
9 body including the red blood cells. It's important  
10 for our physical features like hair color and our  
11 eye color. It's also important for passing on  
12 traits from generation to generation. We get half  
13 of our DNA from our mother and half from our father.  
14 With the exception of identical twins, most  
15 individuals have the same DNA. In forensic science  
16 we are interested in the portions of DNA that differ  
17 between individuals. We test 15 of those locations  
18 that differs between each individual, and the  
19 combination of those test results make up a DNA  
20 profile. Now forensic serology is identification of  
21 biological body fluids such as blood, semen, and  
22 saliva.

23 Q Now how long have you worked with SLED?

24 A Approximately six-and-a-half years.

25 Q Can you please tell this jury about your

## SW - M. BOEHM - DIRECT

1 educational background.

2 A Sure. I received a bachelor of science in  
3 integrated science and technology and a  
4 concentration in bio technology at James Madison  
5 University and that's in Harrisonburg, Virginia.

6 Q All right. And do you have any post-graduate  
7 degree?

8 A No, sir, I don't.

9 Q After you left James Madison University what was  
10 your first employment?

11 A I was employed for a private forensic DNA company  
12 named Orchid Cellmark. That was in Germantown,  
13 Maryland. I worked there for about two-and-a-half  
14 years as a DNA analyst.

15 Q And private industry what need is there for a DNA  
16 analyst?

17 A There's several different needs. Either an  
18 individual can use a private company to like a  
19 defense can use it to test on evidence or states can  
20 use us to help reduce their back log type of  
21 evidence. It's the same thing I'm doing at SLED is  
22 what I did at or Orchid Cellmark private laboratory.

23 Q How long did you work there?

24 A About two-and-a-half years.

25 Q And from there where did you go?

SW - M. BOEHM - DIRECT

1 A I came to SLED.

2 Q Okay. Now have you ever been admitted to any  
3 type of forensic organization or some organization  
4 in your area of expertise that is some kind of  
5 honor, or you do for networking or for further  
6 education?

7 A Well, we're required to go to at least eight  
8 hours of continuing education each year. Most of  
9 the time we fulfill it through specific conferences  
10 that are based on forensic DNA analysis. I'm no  
11 member of any organization though.

12 Q Okay. So it's not like any academy of forensic  
13 scientists or anything like that?

14 A There is one, but I'm just not a member of it.

15 Q Okay, all right. And have you pursued continuing  
16 education while you've been employed at SLED?

17 A Yes, those are required each year to get at least  
18 eight hours of continuing education.

19 Q Okay. And where would you get that from the SLED  
20 lab? Where else would you get education?

21 A We sometimes bring individuals in to teach us new  
22 methodologies or we will go to outside conferences  
23 or vendors, companies that provide instruments and  
24 stuff to us to learn about future trends and stuff  
25 we're doing in-house.

SW - M. BOEHM - DIRECT

1 Q Okay. Now how many times have you been called to  
2 testify as an expert and been qualified as an expert  
3 in state court or federal court?

4 A Approximately 28 times.

5 Q Okay. And what specifically were you qualified  
6 as an expert and what specific fields?

7 A DNA and serology.

8 Q Okay.

9 MR. CLEMENTS: Your Honor, we would offer  
10 Agent Boehm as an expert in the field of DNA and  
11 serology.

12 THE COURT: Any objection?

13 MR. FLOYD: No objections, Your Honor.

14 THE COURT: No objection. Granted.

15 BY MR. CLEMENTS:

16 Q Can you tell the jury briefly, and you talk  
17 sometimes a little bit faster than my mind goes.  
18 Slowly tell us in layman's terms exactly what you do  
19 in a DNA lab and how you identify that as best you  
20 can in layman's terms.

21 A First I -- when I receive the case I'll look  
22 through it to see what kind of requests are made.  
23 For this case there was blood request so I need to  
24 test to make sure. I have to do serology testing to  
25 make sure blood is there. If it is positive for

SW - M. BOEHM - DIRECT

1 blood then I'll perform DNA analysis. There were  
2 other items of evidence where they just wanted any  
3 DNA such as touch DNA, where someone may have at  
4 touched an object so I just performed DNA analysis  
5 on that; there's no serology test for that. When I  
6 do DNA analysis I follow a specific set of  
7 instructions with specific chemicals and instruments  
8 to isolate that DNA and then test those 15 different  
9 locations I was talking about earlier to generate  
10 that DNA profile. I then compare the DNA profile  
11 generated from the evidence to ones that I developed  
12 from known standards submitted in the case. I then  
13 write a report based of those comparisons.

14 Q Can you please tell us what a known standard is.

15 A Sure. A known standard is a buccal swab which is  
16 a swab of inside of the cheek or a blood standard  
17 from a known individual, a victim, suspect, there's  
18 elimination standards.

19 Q So, like if you wanted to test something and see  
20 if I had touched it or if it was my blood on this,  
21 then you'd come to me and you'd take a buccal swab  
22 or you'd draw some blood?

23 A Yes, sir, or pulled hair is another.

24 Q Or pulled hair.

25 A Yes.



## SW - M. BOEHM - DIRECT

1 Q And develop my DNA profile?

2 A Yes, sir.

3 Q And then you would develop a DNA profile for that  
4 would be unknown object or unknown standard?

5 A Yes, sir.

6 Q And you compare the two?

7 A Right, that's correct.

8 Q Okay, all right. What items did you test in this  
9 case for DNA?

10 A I tested several items, a swab from the blade of  
11 a knife.

12 Q Okay. And can you tell us, did you see the knife  
13 or did one of your technicians take the swab and you  
14 actually tested the swab?

15 A An evidence processing technician took the swab  
16 from the knife. I did not see the knife. I just  
17 got the swab from the knife.

18 Q Okay. And then you developed a profile of what  
19 was on that swab; is that correct?

20 A Right. I first tested it for blood to make sure  
21 there was blood there, and then I performed DNA  
22 analysis on that item.

23 Q And there was blood?

24 A Yes, sir.

25 Q Now once you developed that standard from that

SW - M. BOEHM - DIRECT

1 knife who did you compare it to, what individuals?

2 A I compared it to the three known standards that

3 I -- that were submitted in this case. They were

4 --

5 Q Tell us the first one.

6 A Buccal swabs from Edward Stackhouse.

7 Q Okay. And did you -- were you able to make a

8 match from Edward Stackhouse to the swab of the

9 knife?

10 A No, he was excluded --

11 Q Okay.

12 A --as a contributor.

13 Q So that was not his blood on the knife?

14 A That's correct.

15 Q Okay, all right. The next person?

16 A I had pulled scalp hair from Sharon Stackhouse.

17 Q Okay. And did that come to you via the autopsy?

18 A I believe so.

19 Q Okay. And what were you able to determine from  
20 your comparison there?

21 A Well, the DNA profile developed from our item  
22 3.1, which was the swab from the knife, is a mixture  
23 of at least two individuals. The DNA profile of the  
24 major contributor to this mixture matches the DNA  
25 profile of Sharon Stackhouse. The --

## SW - M. BOEHM - DIRECT

1 Q So that matched Sharon Stackhouse? There was two  
2 contributors?

3 A At least two.

4 Q Okay. And the major one was Sharon Stackhouse?

5 A Yes, sir, that's correct.

6 Q Okay, all right. Who was the minor contributor  
7 if you were unable to identify that?

8 A Well, Daquan B. [REDACTED] was the other standard I got  
9 in this case and he could not be excluded as a  
10 possible minor contributor to this mixture.

11 Q Do you know the relationship between Sharon  
12 Stackhouse and Daquan B. [REDACTED]

13 A Yes, sir.

14 Q What is that relationship?

15 A Mother and son.

16 Q Okay, all right. And that was on the knife; is  
17 that correct?

18 A That's correct.

19 Q Okay. What was the next item that you dealt  
20 with?

21 A A cutting from a T-shirt.

22 Q Okay. And do you know, was that one T-shirt or  
23 two different T-shirts you did cuttings from?

24 A I received two cuttings from one T-shirt and two  
25 more cuttings from another T-shirt.

SW - M. BOEHM - DIRECT

1 Q Tell us about the first T-shirt.

2 A All right. Those were our items 4.1 and 4.2.

3 Q And do you know where they came from, that  
4 T-shirt?

5 A Daquan B. [REDACTED]

6 Q Daquan B. [REDACTED] T-shirt?

7 A Yes.

8 Q Tell us what you did with that.

9 A First I identified blood. It was positive for  
10 blood so I performed DNA analysis on both those  
11 items. The DNA profile developed from item 4.1  
12 matches the DNA profile of Daquan B. [REDACTED] The  
13 probability of randomly selecting an unrelated  
14 individual having the DNA profile matching this item  
15 is approximately one in 2.7 quadrillion.

16 Q How big a number is that?

17 A That is a 2.7 followed by 14 zeros. It's a very  
18 large number.

19 Q Is that like a million billion, or something like  
20 that?

21 A Quadrillion.

22 Q How does it -- how does that number compare to  
23 the population of the earth?

24 A There's approximately 7 billion people in the  
25 world, and that's about a million times larger than

## SW - M. BOEHM - DIRECT

1 the world's population.

2 Q Okay. So the probability is pretty strong; isn't  
3 it?

4 A Yes, sir.

5 Q That was Dequan's blood on that T-shirt?

6 A Yes, sir.

7 Q Were you able to establish anybody else's blood  
8 or anything else there?

9 A Not from that item.

10 Q Okay. What was the next -- tell us about the  
11 second T-shirt that you -- where it came from and  
12 what you did with that.

13 A Well, I had a second cutting from that T-shirt.  
14 Are you interested in that as well?

15 Q Yeah, tell us about the second cutting from  
16 Dequan's T-shirt.

17 A That was a DNA profile developed from item 4.2  
18 which was that second cutting of that T-shirt, same  
19 T-shirt, is a mixture of at least two individuals.

20 The DNA profile of the major contributor to this  
21 mixture also matches the DNA profile of Daquan

22 B. The DNA profile of the minor contributor to  
23 this mixture is insufficient for reliable  
24 interpretation.

25 Q Okay. Now tell us about the second T-shirt.

SW - M. BOEHM - DIRECT

1 A All right. I received two cuttings from that  
2 second T-shirt.

3 Q Where did that T-shirt come from?

4 A That was from Edward Stackhouse.

5 Q Okay.

6 A And I first tested it for blood and it was  
7 positive for blood for both those cuttings so I  
8 performed DNA analysis. The DNA profile developed  
9 from item 6.1, which was the first cutting from the  
10 T-shirt, is a mixture of at least three individuals.  
11 Sharon Stackhouse, Daquan B. [REDACTED] and Edward  
12 Stackhouse cannot be excluded as possible  
13 contributors to this mixture. The probability of  
14 randomly selecting an unrelated individual who could  
15 have contributed to this mixture is approximately  
16 one in 3.4 million.

17 Q Okay. So the DNA on Edward Stackhouse T-shirt  
18 included his DNA, Sharon Stackhouse's DNA, and  
19 Daquan B. [REDACTED] DNA?

20 A Yes, sir.

21 Q Can you have a mixture of blood and sweat?

22 A Yes.

23 Q Or skin cells?

24 A Yes, sir.

25 Q So can you say whether or not all that DNA came

## SW - M. BOEHM - DIRECT

1 from blood or not?

2 A No, I cannot say.

3 Q Okay. But it had both Daquan, Sharon Stackhouse,  
4 and Edward Stackhouse's DNA on that T-shirt?

5 A Yes, sir.

6 Q Okay. And there was some blood on that T-shirt?

7 A Yes, sir.

8 Q All right. Now did you deal with any swabs from  
9 Edward Stackhouse?

10 A I did. I received three swabs from him: Swabs  
11 from the left hand of Edward Stackhouse, swabs from  
12 the right hand of Edward Stackhouse, and swabs from  
13 the right forearm of Edward Stackhouse.

14 Q All right. Were you able to develop any matches  
15 on any of those swabs?

16 A Yes. The DNA profile developed from item 9 which  
17 was Edward Stackhouse's right hand is a mixture of  
18 at least three individuals. Sharon Stackhouse,  
19 Daquan [REDACTED] and Edward Stackhouse cannot be  
20 excluded as possible contributors to this mixture.

21 Q Okay. And again, was that — could you determine  
22 whether all that DNA came from blood or not?

23 A Actually, there was no request for blood on this  
24 item so I didn't perform any serology testing. I  
25 sent it straight to DNA.

## SW - M. BOEHM - DIRECT

1 Q So it could have been skin cells, could have been  
2 anything that had DNA on it?

3 A That's correct.

4 Q And you had all three individuals, Daquan B. [REDACTED]  
5 Sharon Stackhouse, and Edward Stackhouse all on  
6 Edward's right hand swab?

7 A That's correct.

8 Q What about the forearm swab?

9 A All right. The DNA profile developed from item  
10 10 which was the swab from the foreman is a mixture  
11 of at least three individuals. The DNA profile of  
12 the major contributor to this mixture also matches  
13 the DNA profile of Daquan B. [REDACTED] Sharon Stackhouse  
14 and Edward Stackhouse cannot be excluded as possible  
15 contributors to this mixture.

16 Q So the major contributor on Edward's forearm swab  
17 was Daquan?

18 A Yes, sir.

19 Q Okay. And did you do a serology test whether  
20 there was blood present?

21 A No, there was no request for blood so I did not.

22 Q Okay. Any other items that you tested?

23 A Yes, I also tested cutting from black underwear.

24 Q Okay. Find anything significant there or not?

25 A The DNA profile developed from item 5.1.1, which



## SW - M. BOEHM - DIRECT

1 was the underwear, is a mixture of at least two  
2 individuals. The DNA profile major contributor to  
3 this mixture also matches the DNA profile of Sharon  
4 Stackhouse. Edward Stackhouse cannot be excluded as  
5 a possible minor contributor. Daquan <sup>B</sup> [REDACTED] can be  
6 excluded as a possible minor contributor to this  
7 mixture.

8 Q So Daquan was excluded from the underwear?

9 A Yes, sir.

10 Q And whose underwear was that?

11 A I believe it was found in Edward Stackhouse's  
12 jean shorts in the pocket.

13 Q Okay. And did you test any swabs from the  
14 handlebars of the bicycle?

15 A I did.

16 Q Can you tell us about that?

17 A I received two swabs, swabs from the left handle  
18 grip of the bike and swabs from the right handle  
19 grip of the bike. And I performed DNA analysis on  
20 those. The DNA profile developed from the left  
21 handle of the bike is a mixture of at least three  
22 individuals. Sharon Stackhouse, Daquan <sup>B</sup> [REDACTED] and  
23 Edward Stackhouse cannot be excluded as possible  
24 contributors to this mixture.

25 Q Okay.

SW - M. BOEHM - DIRECT

1 A The partial DNA profile developed from item 13  
2 which was the right handle bars is insufficient for  
3 reliable interpretation.

4 Q All right. Now did you test see if there was  
5 blood on the handle bars?

6 A No, sir, I did not.

7 Q Just DNA?

8 A Just the DNA.

9 Q Okay. So it could have gotten there from --  
10 blood could have gotten there from skin cells?

11 A That's correct.

12 Q Can you explain to us or can you answer this  
13 question, how can DNA be transferred from one  
14 surface to another by blood or by a person  
15 transferring it?

16 A Well, to start with, touch DNA with skin cells  
17 every day you shed skin cells so any time you come  
18 in contact with an object you can leave your DNA and  
19 cells there such touching handle bars or counters,  
20 where there's a potential to leave your DNA. If you  
21 touch blood, if you touch red blood and you have it  
22 on your hand and you touch another place, there's a  
23 potential to transfer the blood to an additional  
24 item.

25 Q So if I, say, you're cut and your blood is

SW - M. BOEHM - DIRECT

1 present and I touch your blood and I go and grab a  
2 bicycle handle I can transfer both your DNA and my  
3 DNA to that bicycle handle?

4 A That's possible.

5 Q Okay. So, let me be sure I understand. On one  
6 of the grips on the handlebar it has all three,  
7 Sharon Stackhouse, Daquan B. [REDACTED] and Edward  
8 Stackhouse's DNA on it; is that correct?

9 A That's correct.

10 Q And on the knife it had Sharon Stackhouse's major  
11 contributor and Daquan B. [REDACTED] as a minor contributor  
12 on the blood on the knife?

13 A That's correct.

14 Q And the swab from the T-shirts that came from  
15 Edward Stackhouse also had all three DNA present?

16 A Yeah, the first cutting from the T-shirt, it had  
17 all three of the individuals. And for the second,  
18 Sharon Stackhouse and Daquan B. [REDACTED] could not be  
19 excluded as possible contributors to this mixture  
20 but no conclusive statement could be made regarding  
21 inclusion or exclusion of Edward Stackhouse as a  
22 possible contributor to that item.

23 Q And that was on his T-shirt?

24 A That's correct.

25 Q Okay. But on both cuttings — one cutting you

SW - M. BOEHM - DIRECT

1 couldn't exclude Daquan and Sharon, and the other  
2 cutting, absolutely positive it included Daquan and  
3 Sharon's DNA, correct?

4 A They could not be excluded from both items.

5 Q Could not be excluded from both items, all right.  
6 Please answer any questions Mr. Floyd may have.

7 THE COURT: Mr. Floyd.

8 MR. FLOYD: Your Honor, I don't have any  
9 questions for this witness.

10 THE COURT: Thank you. You may step down.  
11 Any objection to her being excused?

12 MR. FLOYD: No objection, Your Honor.

13 THE COURT: Have a safe trip back.

14 Call your next witness.

15 MR. CLEMENTS: Your Honor, may I approach  
16 a second.

17 THE COURT: Sure.

18 (WHEREUPON, counsel approached the Bench  
19 for an off-the-record discussion.)

20 MR. CLEMENTS: Your Honor, if it please  
21 the Court, we call Officer Kent Alford.

22 THE CLERK OF COURT: Let me swear you in,  
23 sir.

24 WHEREUPON,

25 KENNETH ALFORD,

SW - M. BOEHM - DIRECT

1 having been duly sworn by the Clerk of Court,  
2 testified as follows:

3 BY MR. CLEMENTS:

4 Q Would you please state your name for the record  
5 and tell this jury where you work.

6 A Corporal Kenneth Alford with the city of Mullins  
7 Police Department.

8 Q Can you tell us how long have you been with the  
9 city of Mullins?

10 A Since June of 2010.

11 Q June of 2010. How long have you been in law  
12 enforcement?

13 A Since June of 2009.

14 Q Okay. And what did you do prior to that?

15 A I owned my own shop.

16 Q Okay, all right. Do you recall working  
17 September 17th, 2010?

18 A Yes, sir.

19 Q What shift were you on that day?

20 A Night shift.

21 Q On night shift?

22 A Yes, sir.

23 Q And the night shift went from what hour to what  
24 hour?

25 A 7 p.m. to 7 a.m. in the morning.

## SW - M. BOEHM - DIRECT

1 Q Twelve hour shift?

2 A Yes, sir.

3 Q Okay. Do you recall getting a dispatch towards  
4 the end of your shift?

5 A Yes, sir.

6 Q Can you tell this jury where you were and where  
7 you were going and what you did when you received  
8 the dispatch?

9 A Yes, sir, I was traveling south on Main Street  
10 fixing to cross over Wide Creek when dispatch came  
11 out. I immediately turned headed back north heading  
12 northwest to which Meadow Park Apartments would be.

13 Q And how long did it take you to get there?

14 A Took me approximately two minutes.

15 Q Two minutes?

16 A Yes, sir.

17 Q When you got there tell this jury what you found  
18 and what you did.

19 A As I drove up to a building I exited my vehicle,  
20 and I was met at the front of the breezeway of a  
21 building by a young juvenile that was bleeding from  
22 the right side of his head.

23 Q And what kind of condition was he in? Other than  
24 bleeding what kind of condition was he in, what was  
25 his demeanor?

SW - K. ALFORD - DIRECT

1 A He was screaming hysterically at me, help my  
2 momma, help my momma, I can remember him yelling to  
3 me. I immediately helped him take his, remove his  
4 shirt, apply pressure to the wound and got him to  
5 sit down beside the door at the front of a building,  
6 and a lady came out of the apartment right beside  
7 where I sat him and held pressure to his wound for  
8 me.

9 Q Okay, then what did you do?

10 A At that time I went to approach the apartment and  
11 was joined by Sergeant Greg Pike.

12 Q Okay. He pulled up there right after you?

13 A Yes, sir.

14 Q Okay.

15 A As we got to the apartment Sergeant Pike was on  
16 one side of the door, I was on the other. I called  
17 out inside the apartment Mullins police officer; I  
18 announced myself. I took the first peek into the  
19 apartment, didn't see any movement, see anybody. I  
20 took a second peek into the apartment, and as I did  
21 I could see a large knife with a wooden handle  
22 laying in front of the couch on the floor.

23 Q All right. And from there what did you do?

24 A At that time myself and Sergeant Pike entered the  
25 residence to clear the residence. As we walked into

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1 the living room there was beer cans and bottles  
2 laying in the living room. I hesitated at the edge  
3 of the living room which enters into the hallway.  
4 Sergeant Pike cleared the kitchen which is the only  
5 thing to clear in the kitchen were the larger of the  
6 cabinets and the pantry. Then I was — when he  
7 cleared it I was joined back with him in the  
8 hallway. As we made our way down the hallway there  
9 was a cell phone laying in the hallway that had been  
10 broken into a few, a bunch of pieces. The bathroom  
11 light was on so it was obvious — it was obvious you  
12 could see into the bathroom. No one was inside the  
13 bathroom. The —

14 Q How many rooms were in that apartment  
15 approximately?

16 A Two bedrooms.

17 Q One bath?

18 A One bath, living room, and the kitchen and —

19 Q Hallway?

20 A Yes, sir. Hallway, living room, kitchen, hallway  
21 were basically open areas.

22 Q Okay.

23 A We could see the light, the bedroom light, where,  
24 where to my right was the light was on, and I could  
25 see a female laying across the bed with her legs.



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1 hanging over the edge of the bed. The room to my  
2 left was dark so we entered into that room to make  
3 sure no one was still in the apartment to clear that  
4 bedroom.

5 Q All right. How many beds were in that bedroom?

6 A It was two.

7 Q Two, okay.

8 A Yes, sir.

9 Q I'm gonna show you what's been marked as State's  
10 Exhibit 5, 6, and 12, and ask you first can you  
11 identify those, yes or no, all three of them.

12 A Yes, sir.

13 Q Okay.

14 MR. CLEMENTS: Your Honor, at this time I  
15 move State's Exhibits 5, 6 and 12 into evidence.

16 THE COURT: Any objection?

17 MR. FLOYD: Without objection State's 5,  
18 6, and 12 in evidence without objection.

19 (WHEREUPON, State Exhibits Nos. 5, 6, and  
20 12 were admitted into evidence.)

21 BY MR. CLEMENTS:

22 Q Let's take State's Exhibit 6 first. What is  
23 that? What does that depict?

24 A The front side of Meadow Park Apartments.

25 Q Is this the location you're talking about?

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1 A Yes, sir.

2 Q I'm going to show you what's been marked State's  
3 Exhibit 12. What is that?

4 A This is the front door to the apartment.

5 Q All right. And that was 

6 A Yes, sir.

7 Q Now those apartments, they got — how many —  
8 each building has how many apartments downstairs and  
9 how many upstairs?

10 A Four downstairs, four upstairs.

11 Q Was this downstairs or upstairs?

12 A Downstairs.

13 Q On the front or the back?

14 A It's on the back.

15 Q On the — as you face the front on the left-hand  
16 side or right-hand side?

17 A Left-hand side right behind the stairwell.

18 Q So if you're walking up to that apartment  
19 building you got four apartments on the top and you  
20 got one on either side in the front and one on  
21 either side in the back and it's this back one?

22 A Yes, sir.

23 Q Okay, all right. I'm gonna show you what's been  
24 marked State's Exhibit 5.

25 A Yes, sir.

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1 Q What is that?

2 A Broken cell phone laying in the hallway.

3 Q Okay. Did you see any pieces anywhere else if  
4 you recall?

5 A I can remember seem like it was broken more  
6 pieces than just that.

7 Q And you don't know where?

8 A No, sir.

9 Q Is that your particular job to do that part of  
10 it?

11 A No, sir.

12 Q Okay. What is your particular job on a scene  
13 like that?

14 A My job is to clear the scene, make it safe for  
15 rescue and EMS to arrive, and then to secure the  
16 scene until investigators arrive.

17 Q All right. I think I stopped you, Officer  
18 Alford, when y'all were entering the bedroom and you  
19 said you saw an individual laying across the bed,  
20 can you describe that individual for this jury.

21 A She was a small stature black lady and what I can  
22 recall blood on the left side of her body, and it  
23 seemed like she had on more than just one set of  
24 clothing.

25 Q Okay, all right. And was she moving at all?

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1 A No, sir, wasn't moving, wasn't breathing.

2 Q Did you check the body or did you leave that for  
3 EMS?

4 A I left that for EMS.

5 Q Okay, all right. Who other than you and Sergeant  
6 Pike, who was next on the scene?

7 A That would be fire and rescue worker Shawn  
8 Harrellson.

9 Q Okay. And how about EMS, did they come shortly  
10 as well?

11 A Yes, sir.

12 Q Who came with EMS, do you recall?

13 A He was a white male. I — at the time I didn't  
14 know his name. At the present time I'm sure it was  
15 Adam Rogers with EMS; but at the time I wasn't sure,  
16 but I made sure everyone was documented and signed  
17 on my crime scene log.

18 Q All right. So once you went in and you and  
19 Sergeant Pike cleared the apartment, does that mean  
20 you made sure nobody was in there hiding?

21 A Yes, sir.

22 Q Nobody else was in there that needs medical  
23 attention?

24 A Yes, sir.

25 Q You backed out, right?

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1 A Yes, sir.

2 Q You referred to a crime scene log. Tell us what  
3 a crime scene log is and what you did, if anything,  
4 with yellow tape.

5 A As -- when we exited the apartment I immediately  
6 started a crime scene log documenting myself and  
7 Sergeant Pike on the crime scene log and anyone who  
8 entered that was law enforcement or medical signed  
9 and were documented on that crime scene log.

10 Q So you write down everybody's name that goes on  
11 that crime scene?

12 A Yes, sir.

13 Q And what is the purpose for that?

14 A So that we're aware of everybody that enters that  
15 door.

16 Q Is that something to do with contamination or  
17 anything --

18 A Yes, sir.

19 Q ---to try to avoid?

20 A Right.

21 Q What is that?

22 A You keep as many people out as possible. If it's  
23 not absolutely necessary for that individual to be  
24 in there, then we don't let them in there. If  
25 they're in there they're in there for a reason.

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1 Q What's the purpose for that? What are you trying  
2 to protect?

3 A Evidence.

4 Q Okay, all right. Now did you notice any other  
5 young boy other than the first young man that you  
6 met who was screaming?

7 A Yes, sir. As I started my crime scene log and  
8 Sergeant Pike started getting the criming scene tape  
9 up to block off the apartment, another young  
10 juvenile came up and someone from the apartments or  
11 family member -- I'm not fully aware of who the  
12 individual was -- stopped him and held on to him as  
13 he was screaming.

14 Q He was screaming too?

15 A Yes, sir, he was, he was screaming and I was  
16 trying to listen to what he was saying and what was  
17 going on.

18 Q Where did he come from?

19 A It appeared that he came from an apartment  
20 basically to the west side of the A building.  
21 Wasn't -- at the time wasn't exactly sure where he'd  
22 come from. Later on I was advised that he had ran  
23 to get his, a family member from Johnson Street,  
24 which is right across the road from Meadow Park  
25 Apartments.

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1 Q About how far is that yard wise?

2 A 200 yards.

3 Q Okay. And you said he was screaming. What was  
4 he hollering?

5 A He was screaming —

6 MR. FLOYD: Your Honor, I object to  
7 hearsay.

8 MR. CLEMENTS: Your Honor, I believe this  
9 would be an exception to hearsay under the excited  
10 utterance.

11 THE COURT: Overruled, continue.

12 THE WITNESS: I can distinctly remember  
13 the child saying that, first of all, that he hurt my  
14 mother, he hurt my mother. Then he — as he broke  
15 down more he was seeing that we were putting up  
16 tape. He started screaming Edward Stackhouse killed  
17 my mamma. I can distinctly remember the child  
18 saying that.

19 BY MR. CLEMENTS:

20 Q Okay. Were you able to get a description of  
21 Edward Stackhouse?

22 A Yes, sir, and passed it on.

23 Q After you got that description tell us what you  
24 did.

25 A I passed it on to all the officers that were in

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1 route and were responding in the area.

2 Q How did you do that?

3 A Through the radio system, through central  
4 dispatch.

5 Q What did you tell them on the radio?

6 A Looking for a black male wearing white shirt,  
7 blue jean shorts. And I can distinctly remember the  
8 child screaming out that he was wearing white Air  
9 Jordans with red Air Jordan on the side.

10 Q Okay, all right. And then after putting out that  
11 description over the radio then what did you do?

12 A I maintained the crime scene making sure that  
13 everyone that went in was documented on the crime  
14 scene log.

15 Q All right. Who else arrived on the scene after  
16 that?

17 A Had central dispatch to notify at the time Chief  
18 Davis and the investigator was on-call which was  
19 Captain Bethea.

20 Q Okay. So Chief Davis and Captain Bethea, they  
21 came to the scene?

22 A Yea, Chief Davis was there quickly.

23 Q Okay. And who else came on that scene?

24 A We had quite a few investigators respond and they  
25 did not — all of them didn't enter the crime scene,



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1 but at the time the Chief was having them to cover  
2 the area looking for the suspect.

3 Q So they came up to the scene but didn't go into  
4 the scene?

5 A Yes, sir.

6 Q Okay, all right. And I probably should have  
7 asked the question a little better, what if any  
8 other agency came there to come to the crime scene?

9 A SLED. SLED responded and I stayed on the scene,  
10 maintained custody of the apparent murder weapon  
11 that was used, the weapon that was used, until SLED  
12 came and took custody of it.

13 Q All right. And when you say you maintained  
14 custody of it what did you do? Pick it up, keep it?

15 A Had it in a evidence bag, yes, sir.

16 Q Who did you give that to?

17 A Gave it to a young agent lady with SLED, Ms. Kim  
18 Din.

19 Q Kim Dinh?

20 A Dinh, yes, sir.

21 Q She's an officer, agent with SLED?

22 A Yes, sir.

23 Q I'm gonna show you what's been marked State's  
24 Exhibit Number 1. I'm gonna ask, first, and tell me  
25 yes or no, if you can identify this, and then after

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1 we get that answer I have another question.

2 A Yes, sir.

3 (State's Exhibit Number 1 is opened by Mr. Clements.

4 BY THE COURT:

5 Q I'm showing you what's been marked State's  
6 Exhibit Number 1, eventually I will. You recognize  
7 that?

8 A Yes, sir, I do.

9 Q You do?

10 A Yes, sir.

11 Q All right, tell me, what is that?

12 A What I would call a butcher knife.

13 Q Okay. But is it any particular butcher knife?

14 Is it something significant about that?

15 A When I laid my eyes on it it was facing -- the  
16 blade part of it was facing the front of the  
17 apartment which would have been facing towards west  
18 Dogwood Street, and it had blood on the blade part  
19 of it.

20 Q All right. So is this that same knife?

21 A Yes, sir.

22 Q It wasn't wrapped up in the SLED container?

23 A No, sir.

24 MR. CLEMENTS: Your Honor, I request  
25 permission to show this to the jury.

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1 THE COURT: Let Mr. Floyd take a look at  
2 it.

3 MR. CLEMENTS: And to present it into  
4 evidence.

5 THE COURT: Any objection?

6 MR. FLOYD: Your Honor, bear with me one  
7 second.

8 THE COURT: Sure.

9 MR. CLEMENTS: Your Honor, we move this  
10 into evidence at this time.

11 THE COURT: Any objection?

12 MR. FLOYD: No Objection, Your Honor.

13 THE COURT: Thank you. State's 1 is into  
14 evidence without objection.

15 (WHEREUPON, State Exhibit No. 1 was  
16 admitted into evidence.)

17 BY MR. CLEMENTS:

18 Q And this is the knife that you gave to the SLED,  
19 Agent Kim Dinh, to take back to the SLED lab?

20 A Yes, sir.

21 Q Corporal Alford, what else, if anything, did you  
22 do there other than secure the crime scene for the  
23 forensic officers to come process?

24 A Basically from that point I just -- I secured the  
25 scene and maintained it until I was relieved

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1 approximately 7:30, somewhere in the neighborhood,  
2 by Sergeant Gasque.

3 Q Sergeant Gasque?

4 A Yes, sir.

5 Q He relieved you?

6 A She relieved me.

7 Q And normally you'd be working from 7 to 7 but you  
8 worked past the time?

9 A Yes, sir. That's when I immediately went and sit  
10 down and made while I was sitting there log in my  
11 crime scene. I was making notes of everything that  
12 was said to me, everything that I could remember,  
13 and that's when I was relieved. I went straight and  
14 sat down and did my report.

15 Q All right. And in the report did you put every  
16 single detail in it or most every detail?

17 A Most every detail, everything that I could  
18 remember at the time in a spur of the moment, yes,  
19 sir. Little things that you remember such as the  
20 cell phone that I stepped over making sure I didn't  
21 kick it knowing it was evidence was not documented  
22 in my report at the time.

23 Q Okay. But you remember that?

24 A Yes, sir, I do.

25 Q And you remember distinctly what was said to you

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1 by the juveniles?

2 A Yes, sir, basically the utterances from the  
3 juvenile that come running up.

4 Q Okay. You recall whether you put all that, every  
5 bit of that in the incident report or not?

6 A No, sir.

7 Q You could have but you just don't remember?

8 A Right, yes, sir.

9 Q Corporal Alford, please answer any questions  
10 Mr. Floyd may have.

11 A Yes, sir.

12 THE COURT: Mr. Floyd.

13 MR. FLOYD: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 BY MR. FLOYD:

16 Q Corporal Alford, how are you doing today?

17 A Fine, sir.

18 Q Now when you responded to the scene you said the  
19 first person you met was a youngest male; is that  
20 correct?

21 A Yes, sir.

22 Q You said he appeared to have a wound of some  
23 sort?

24 A Had blood all over the left side, right side of  
25 his body.

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1 Q Okay.

2 A Yes, sir.

3 Q Do you give any medical training as a police  
4 officer or?

5 A No, sir.

6 Q No? Not even basic first aid or anything like  
7 that?

8 A No, sir.

9 Q No? Okay. Did the wound appear to be on his  
10 head?

11 A Yes, sir.

12 Q Okay. And where was it on his head exactly?

13 A Right behind his right ear.

14 Q Okay.

15 A Running parallel behind his right ear.

16 Q Okay, so here?

17 A Yes, sir.

18 Q So it was in the scalp?

19 A Yes, sir, basically in the scalp and in the back  
20 of the neck. It was a pretty long wound.

21 Q Okay. It was a cut?

22 A Yes, sir.

23 Q Okay, all right. In your experience scalp wounds  
24 bleed a lot; is that correct?

25 A Sir?

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1 Q Scalp wounds, they bleed a lot.

2 A Yes, sir.

3 Q Okay. Other than the wound that you saw there on  
4 the scalp, did you see any other wounds on him like  
5 defense wounds on his hands or anything like that?

6 A No, sir, not at the time. At the time my job was  
7 to, I felt, was to secure the scene and get EMS to  
8 the child.

9 Q Okay, all right. But as far as what you saw you  
10 didn't see any other wounds; is that correct?

11 A No, sir.

12 Q Okay. And so you basically gave him a compress  
13 of some sort and then you went and attend to your  
14 other duties; is that right?

15 A Yes, sir.

16 Q Okay. Now other than actually collecting the  
17 knife there which you showed us a little earlier,  
18 were you actually involved in collecting evidence?

19 A No, sir.

20 Q Okay. Your job was strictly to monitor who was  
21 coming in and going out of the apartment?

22 A Secure the crime scene, yes, sir.

23 Q Is that right?

24 A Yes, sir.

25 Q Okay. And you kept a log of everybody that went

SW - K. ALFORD - CROSS

1 through the door; is that right?

2 A Yes, sir.

3 Q Okay. The knife, was there any reason why you  
4 collected that, not anything else or?

5 A 'Cause that was a potential threat to me and  
6 anyone else going into the crime scene.

7 Q Okay. And so that was one of the first things  
8 you did was --

9 A Yes, sir.

10 Q --secure that, okay. And you immediately placed  
11 that in the evidence bag; is that right?

12 A Yes, sir.

13 Q Okay. Now you stated you encountered yet another  
14 young person; is that correct?

15 A Yeah, I encountered him as I exited, yes, sir,  
16 and had called EMS and rescue in to attend to the  
17 first juvenile?

18 Q Okay. Now did that person have any wounds that  
19 you saw?

20 A Not that I could see, no, sir.

21 Q Okay. So you went and prepared an incident  
22 report after you left the scene after you, your  
23 shift ended basically?

24 A Yes, sir.

25 Q And you said you did that pretty soon after you



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1 left; is that right?

2 A Yes, sir.

3 Q Okay. And you did a incident report and then —  
4 well, it says supplemental incident report on the  
5 next page, but it only has a, one name on it; is  
6 that correct? And if you want me to show it to you,  
7 I don't know if you had reviewed these or not. Let  
8 me show these to you.

9 A I made no supplemental so that's why there's  
10 nothing on this. That was the initial responder  
11 initial report.

12 Q Okay. And so the supplemental that has your name  
13 on the bottom of it doesn't have any writing but it  
14 just had one name; is that correct?

15 A Yes, sir.

16 Q Up here? Okay. And that's all you wrote —

17 A Yes, sir.

18 Q —is what is in this incident report; is that  
19 correct?

20 A Yes, sir.

21 Q And you didn't write anything else —

22 A No, sir.

23 Q —other than what's on here, okay. Thank you  
24 very much.

25 THE COURT: Anything further?

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1 MR. CLEMENTS: Nothing further. Your  
2 Honor, I ask Corporal Alford be released from his  
3 subpoena.

4 THE COURT: Any objection?

5 MR. FLOYD: No objection.

6 MR. CLEMENTS: Your Honor, we call Shawn  
7 Harrellson.

8 WHEREUPON,

9 **TIMOTHY SHAWN HARRELLSON,**  
10 **having been duly sworn by the Clerk of Court,**  
11 **testified as follows:**

12 **DIRECT EXAMINATION**

13 BY MR. CLEMENTS:

14 Q Can you please state your name for the record and  
15 tell us where you work.

16 A My full name is Timothy Shawn Harrellson. I work  
17 for the city of Mullins Fire Department.

18 Q And what exactly do you do with the fire rescue?

19 A My job is life saving property conservationist.

20 Q So you fight fires and you save lives?

21 A I attempt to, yes, sir.

22 Q Yes, sir. How long have you worked with fire  
23 rescues?

24 A Since August 12th, 1989.

25 Q All right. And were you working on

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1 September 17th, 2010?

2 A Yes, sir.

3 Q Can you please tell this jury what you recall to  
4 do that morning or what you participated in.

5 A We were dispatched to a stab victim. Upon  
6 arrival we made sure that the scene was cleared by  
7 radio communications by the police department. Once  
8 I entered the scene Officer Ken Alford pointed me to  
9 a juvenile that had been cut with a large knife  
10 through the right side of the head and told me there  
11 was a second victim in the house as well. I  
12 immediately checked both victims. One was deceased  
13 and the other one I applied a pressure bandage to  
14 and waited on the advanced life care to come in.

15 Q Now when you checked the first victim who was  
16 that, do you know?

17 A I checked the child first and then checked the  
18 mother.

19 Q When you checked the mother where was she and  
20 what condition did you find her in?

21 A She was deceased in the bedroom in the house.

22 Q Okay. And how did you know she was deceased?

23 A She was pulseless.

24 Q Okay. And did you check her to see what kind of  
25 wounds or type of wounds, is that not your job?

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1 A No, sir, at that point my priority was back to  
2 the child to make sure I did everything for him  
3 possible.

4 Q All right, was -- how would you define or how  
5 would you explain the condition he was in as far as  
6 how serious it was?

7 A Critical.

8 Q Critical?

9 A Yes, sir.

10 Q All right. Tell us, tell the jury about what  
11 type of wound it was.

12 A He had a very large laceration to the right side  
13 of the head, extensive in length and depth to the  
14 neck area from the edge of the hairline down.

15 Q And what type of blood vessels are in that area?

16 A There's numerous blood vessels, soft tissues in  
17 your neck and head. There's also the carotid artery  
18 as well.

19 Q And how dangerous is that type of injury like  
20 that?

21 A Very seriously dangerous.

22 Q Can you say whether it is or whether it's not  
23 life threatening?

24 A At that time ---

25 MR. FLOYD: Your Honor, I object. I don't

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1 think he's been qualified as an expert in this  
2 matter.

3 THE COURT: Sustained.

4 BY MR. CLEMENTS:

5 Q Okay. What type of training have you received in  
6 as far as recognizing any type of critical injuries  
7 or life threatening injuries, if any?

8 A First, certified first responder. I'm nationally  
9 certified in emergency medical technician, none at  
10 the time, but I'm a American heart instructor in  
11 BTLS basic life safety.

12 MR. CLEMENTS: Your Honor, I submit he is  
13 qualified to answer that question based on his  
14 training and experience.

15 MR. FLOYD: Your Honor, I don't think a  
16 basic life saving course qualifies one to testify  
17 about carotid arteries and whether or not a  
18 condition is life threatening.

19 THE COURT: I'll sustain the objection in  
20 regard to that one question.

21 MR. FLOYD: Thank you.

22 BY MR. CLEMENTS:

23 Q Okay, all right. What did y'all do or you there  
24 on the scene, what did you do as far as -- what  
25 decision did you make as far as to seeking what type

SW - T. HARRELLSON - DIRECT

1 of medical treatment for this juvenile that was cut?

2 A We notified the Carolina Life Care which is a  
3 helicopter service that we use to transport the  
4 child to a trauma center because of his injuries  
5 needing to go to a trauma center.

6 Q Okay. And why didn't you just wait on a  
7 ambulance?

8 A The ambulance arrived shortly after I did, but he  
9 needed to go to a trauma center and the faster you  
10 get to a trauma center the faster they can be in  
11 surgery and possibly save their life.

12 Q Okay. How — you had a pressure bandage on  
13 there. Was he bleeding continuously or profusely or  
14 sporadically or what —

15 A He was bleeding profusely.

16 Q Profusely bleeding?

17 A Yes, sir.

18 Q Okay. Now what other duties, if any, did you  
19 have there at the scene?

20 A My duties were patient care, sir.

21 Q And once the helicopter came and took your  
22 patient your job was done?

23 A Yes, sir.

24 Q Okay. Please answer any questions that Mr. Floyd  
25 may have.

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1 MR. FLOYD: Your Honor, I don't have any  
2 questions for this witness. Thank you.

3 THE COURT: You may step down, thank you.

4 MR. CLEMENTS: Your Honor, we ask that  
5 Mr. Harrellson be relieved from his subpoena.

6 THE COURT: Any objection?

7 MR. FLOYD: No objection, Your Honor.

8 THE COURT: Thank you. Call your next  
9 witness.

10 MR. CLEMENTS: Thank you, Your Honor. At  
11 this time we call Andre Garvin.

12 WHEREUPON,

13 **ANDRE GARVIN,**  
14 having been duly sworn by the Clerk of Court,  
15 testified as follows:

16 **DIRECT EXAMINATION**

17 BY MR. CLEMENTS:

18 Q If you would, could you please tell the jury your  
19 name and spell your name for the court reporter and  
20 then tell us what you do.

21 A My name is Andre Garvin. That's A-N-D-R-E  
22 G-A-R-V-I-N. I'm a police officer with the Mullins  
23 Police Department.

24 Q How long have you been with the Mullins Police  
25 Department.

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1 A About two-and-a-half years now.

2 Q Okay. Were you working the morning, early  
3 morning of September 2010, September 17th?

4 A Yes, sir.

5 Q All right. Can you please tell this jury what  
6 happened in regards to your getting called out to  
7 any incidents.

8 A Well, that morning I was actually working night  
9 shift with Corporal Alford and Sergeant Gregory  
10 Pike. I was sitting on Main Street talking with  
11 Sergeant Gregory Pike when the call was dispatched.  
12 Corporal Alford was working the north side so of  
13 course, he responded to the call. About two, three  
14 minutes later Corporal Alford asked Sergeant Pike to  
15 come over to Meadow Park Apartments to assist him  
16 with clearing the residence. About another five  
17 minutes or so I was dispatched to the apartment  
18 building. When I arrived on scene I noticed a small  
19 juvenile male standing on my right side. Two  
20 females was holding a white T-shirt to a wound that  
21 appeared, what appeared to be a wound on his neck.  
22 Q How was — what was the appearance there as far  
23 as blood?

24 A Well, the T-shirt was basically, it was blood  
25 covering the T-shirt. You could see the blood



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1 coming through the T-shirt, yes, sir. I then  
2 continued on back towards the, back to the apartment  
3 where Corporal Alford and Sergeant Gregory Pike was  
4 standing next to the door. I asked them where was  
5 the victim. They told me that it was a lady in the  
6 back room. I entered the back room, saw a lady  
7 laying on the bed motionless where she didn't appear  
8 to me to be breathing. I then turned around and  
9 exited the apartment.

10 Q All right. What did you do there while you  
11 remained at the scene? What did you do?

12 A Shortly after I exited the apartment at the time  
13 Chief Kenny Davis arrived on scene. I helped secure  
14 the scene. I also placed the juvenile, the one, —  
15 it was two juveniles. The one that wasn't injured I  
16 placed him in the back of the vehicle because he was  
17 screaming.

18 Q When did you notice him come up?

19 A I noticed him shortly after I exited the  
20 apartment, come back on scene.

21 Q Okay.

22 A Yes, sir.

23 Q All right. And he was, you said he was  
24 screaming?

25 A Yes, sir. He was screaming — he was asking was

SW - A. GARVIN - DIRECT

1 his mother okay. He was asking where his mother at,  
2 could he go see her.

3 Q Okay.

4 A Yes, sir.

5 Q And what did you have to do?

6 A We had to put him in the back of the police  
7 vehicle because he was screaming. It was hard to  
8 contain him. We didn't want him to be standing out  
9 in the area and potentially go into the scene where  
10 his mother was at the time of the scene.

11 Q And after that what did you do there at the  
12 scene?

13 A I taped off -- well, we took the police line and  
14 I roped off the area approximately maybe 50 yards  
15 or out from the front of the apartment building in  
16 each direction, and that way only EMS and the  
17 emergency vehicles that was already in the scene was  
18 allowed to be there and no one could come in and  
19 contaminate the scene.

20 Q Lock. Well, how long did you stay there at that  
21 scene?

22 A I stayed on the scene approximately about an  
23 hour-and-a-half.

24 Q All right. When you left why did you leave?

25 Were you dispatched somewhere or did you just get

SW - A. GARVIN - DIRECT

1 relieved, why did you leave that crime scene?

2 A I left the scene because law enforcement was  
3 actually dispatched and was looking for at what time  
4 I believed to be Mr. Edwards, the subject Mr. Edward  
5 Stackhouse. We got dispatched over to Gold Street.  
6 Agent Mark Collins stated that he saw him over on  
7 Gold Street. I got in my patrol car and proceeded  
8 to go to Gold Street.

9 Q How far away was that from Meadow Park  
10 Apartments?

11 A Probably about 3-miles. It was on the south side  
12 of town so and I was on the north side so probably  
13 about 3 miles.

14 Q Okay, all right. And you're proceeding to Gold  
15 Street, what did you find when you got to Gold  
16 Street?

17 A When I arrived on scene probably about 50 yards  
18 or so ahead of me I noticed Mr. Stackhouse was  
19 standing with Agent Collins, and he was at the time  
20 in custody. Agent Collins then handed him over to  
21 Lieutenant Gore which was already on scene. My  
22 vehicle was at the back of the lines of all the  
23 other cars so then at the time Chief Davis  
24 instructed me to put, to escort Mr. Stackhouse to  
25 the Mullins Police Department.

SW - A. GARVIN - DIRECT

1 Q Did you do that?

2 A Yes, sir.

3 Q Okay. When you got there to the police station  
4 what, if anything, did you do with Mr. Stackhouse,  
5 provide to him if anything?

6 A When I got to the Mullins Police Department,  
7 myself along with Captain Mostowski, took  
8 Mr. Stackhouse in the Mullins Police Department  
9 restroom. We provided him with a yellow Marion  
10 County department, it was a jump suit.

11 Q Is it orange or yellow?

12 A It was orange.

13 Q Okay.

14 A Yes, sir. We provided him with a jump suit. I  
15 then began to collect Mr. Stackhouse's clothing and  
16 items as possible evidence.

17 Q Okay. And when you collected those items what  
18 did you do with them?

19 A I put them in the proper evidence bags and  
20 secured them.

21 Q Okay, all right. Do you recall what those items  
22 of clothing were?

23 A Yes, sir. I collected a pair of white and red  
24 Air Jordans, two pair of socks. Well, a pair of  
25 socks, blue jean shorts, and a white T-shirt.

SW - A. GARVIN - DIRECT

1 Q All right. I'm gonna show you what's been marked  
2 State's Exhibit 4. You recognize that?

3 A Yes, sir.

4 Q How do you recognize that?

5 A I remember writing my name on it.

6 Q All right. And what are -- what is this item  
7 right here?

8 A There's the blue jean, one pair of blue jean  
9 shorts.

10 Q And where did you collect these from?

11 A Mr. Edward Stackhouse.

12 Q And what were done with these shorts?

13 A I collected them, and they were taken in and put  
14 into evidence locker so they would be taken -- so  
15 they can be taken to SLED or locked up in the  
16 evidence locker.

17 Q So this was supposed to be taken to the SLED lab?

18 A Yes, sir.

19 MR. CLEMENTS: Your Honor, at this time we  
20 move State's Exhibit 4 into evidence.

21 THE COURT: Any objections?

22 MR. FLOYD: No objection, Your Honor.

23 THE COURT: All right. State's Number 4  
24 into evidence without objection.

25 (WHEREUPON, State Exhibit No. 4 was

SW - A. GARVIN - DIRECT

1 admitted into evidence.)

2 BY MR. CLEMENTS:

3 Q All right. I'm gonna show you what's been marked  
4 State's Exhibit 2 for identification. Can you  
5 identify that?

6 A Yes, sir.

7 Q What is this?

8 A Two pair of white Air Jordans and a pair of  
9 socks.

10 Q Okay. Where did you get those from?

11 A Mr. Stackhouse.

12 Q And what did you do with these?

13 A Secured them in t he evidence bag so they could  
14 be taken to SLED lab for processing.

15 Q Whose handwriting is that on that bag?

16 A Mine.

17 Q I'm gonna show you State's Exhibit Number 3. Can  
18 you identify this.

19 A Yes, sir.

20 Q What is this?

21 A It's a white T-shirt that I collected from Mr.  
22 Stackhouse.

23 Q Okay. And what did you do with it?

24 A I secured it in the evidence bag so it can be  
25 taken to SLED for evidence.

SW - A. GARVIN - DIRECT

1 Q Okay, all right. And did you secure or collect  
2 any other evidence?

3 A No, sir.

4 Q Okay.

5 MR. CLEMENTS: Your Honor, we move State's  
6 Exhibit 2 and 3 into evidence at this time.

7 THE COURT: Any objection?

8 MR. FLOYD: No objection.

9 THE COURT: Exhibits 2 and 3 into evidence  
10 without objection.

11 (WHEREUPON, State Exhibits Nos. 2 and 3  
12 were admitted into evidence.)

13 BY MR. CLEMENTS:

14 Q Officer Garvin, do you remember SLED forensic  
15 people coming on the scene while you were present  
16 ---

17 A Yes, sir.

18 Q ---to the police department while you were  
19 present?

20 A Yes, sir.

21 Q Do you remember which agents they were or their  
22 names?

23 A I remember it was a young -- it was a young  
24 female agent. I'm not sure of her name. But I know  
25 I held on to the evidence until she collected it

## SW - A. GARVIN - CROSS

1 from me.

2 Q Okay, all right. Now were those articles of  
3 clothing?

4 A Yes, sir.

5 Q Okay, all right. What, if anything else, did you  
6 have to do in this investigation?

7 A That was it, sir.

8 Q That concludes what you did?

9 A Yes, sir.

10 Q Okay. Officer Garvin, thank you very much.  
11 Please answer any questions Mr. Floyd may have.

12 THE COURT: Mr. Floyd.

13 MR. FLOYD: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 BY MR. FLOYD:

16 Q Officer Garvin, how are you?

17 A I'm doing well, sir.

18 Q Good. When you responded to the scene at the  
19 apartments did you take any pictures or anything  
20 like that?

21 A No, sir.

22 Q Okay. And then, of course, you said you  
23 eventually ended up over on Gold Street, and that's  
24 when you first saw Mr. Stackhouse?

25 A Yes, sir.



## SW - A. GARVIN - CROSS

1 Q Is that right?

2 A Yes, sir.

3 Q Okay. When you first saw him you said he had on  
4 a T-shirt and some shorts and a pair of Jordans, Air  
5 Jordans?

6 A Yes, sir.

7 Q Okay. Was his T-shirt white?

8 A Yes, sir.

9 Q Okay. Did it appear to have a lot of blood on  
10 it?

11 A I didn't notice — I didn't notice the blood on  
12 the T-shirt.

13 Q Okay.

14 A He was already taken into custody at the time so.

15 Q Okay. So he had handcuffs on?

16 A Yes, sir.

17 Q But you took him to the police department?

18 A Yes, sir.

19 Q Okay. Did you take any pictures of him —

20 A No, sir.

21 Q —while you were there?

22 A No, sir.

23 Q Did anybody else take any pictures of him?

24 A I'm sure an investigator took pictures of him.  
25 That's not my job so.

## SW - A. GARVIN - CROSS

1 Q I understand.

2 A Yes, sir.

3 Q Yeah, and I understand that might not be your  
4 job. I'm just asking did you see anybody take any  
5 pictures of him?

6 A I didn't see anybody take any pictures of him. I  
7 did see people take pictures of him on scene on Gold  
8 Street.

9 Q On the scene?

10 A Yes, sir.

11 Q Do you remember who did that?

12 A I'm not sure.

13 Q Okay. Now when you got to the police department  
14 you said you took those clothes?

15 A Yes, sir.

16 Q Did the clothes when you got closer and you were  
17 actually taking the clothes did you notice any blood  
18 then?

19 A It might have been blood on the T-shirt. I'm not  
20 going to say a hundred percent it was. I'm not  
21 sure.

22 Q Okay. You can't say there was blood. There  
23 might have been some kind of stain on the shirt; is  
24 that what you're saying?

25 A I'm not sure. I just collected it and put it in

## SW - A. GARVIN - REDIRECT

1 the bag.

2 Q Okay. You don't remember seeing a large volume  
3 of stains on the shirt?

4 A Once again, I'm not sure. I just collected it  
5 and put it in the bag.

6 Q Well, if you collected it, you just don't  
7 remember?

8 A No, sir, I just don't remember.

9 Q Okay, all right. Very good. Thank you, Officer  
10 Garvin.

11 A Yes, sir.

12 **REDIRECT EXAMINATION**

13 BY MR. CLEMENTS:

14 Q Officer Garvin, your testimony is you collected  
15 it. Did you examine it?

16 A No, sir, I didn't examine it.

17 Q Okay. You collected it and put it in the bag?

18 A Yes, sir.

19 Q Whose job is it to examine it?

20 A SLED and the detectives that was there.

21 Q Okay.

22 A Yes, sir.

23 Q Thank you. No further questions.

24 THE COURT: All right, anything further?

25 MR. FLOYD: I don't have any other

SW - M. COLLINS - DIRECT

1 questions, Your Honor. Thank you.

2 THE COURT: You may step down.

3 MR. CLEMENTS: Your Honor, we'd ask  
4 Officer Garvin be excused from his subpoena.

5 THE COURT: You're excused. Thank you.

6 MR. CLEMENTS: Your Honor, we call Mark  
7 Collins.

8 WHEREUPON,

9 **MARK COLLINS,**  
10 having been duly sworn by the Clerk of Court,  
11 testified as follows:

12 **DIRECT EXAMINATION**

13 BY MR. CLEMENTS:

14 Q Can you please state your name for the record and  
15 tell this jury what you do for a living.

16 A My name is Mark Collins. I'm employed with the  
17 Marion County Sheriff's Office assigned to the  
18 Marion County Combined Drug Unit as a drug agent.

19 Q And how long have you been with the Drug Unit?

20 A Almost four years now.

21 Q And prior to working with the Drug Unit where did  
22 you work?

23 A Started my career in Marion P.D. '96 and then  
24 went to the Sheriff's Office. Left the Sheriff's  
25 Office, I went to Nichols, and then back with the

SW - M. COLLINS - DIRECT

1 Sheriff's Office. I have 16 years total law  
2 enforcement experience.

3 Q All right. Do you recall being out early in the  
4 morning on September, 10th — excuse me,  
5 September 17th, 2010?

6 A Yes, sir, I do.

7 Q Can you please tell this jury what you were doing  
8 and if you got any kind of radio dispatch or not  
9 that morning?

10 A I received a phone call first from my Lieutenant  
11 Wallace advising me that Mullins needed our  
12 assistance and meet at the Mullins Police Department  
13 at 7:00. And so I was getting ready and I was on  
14 the way to Fred's Restaurant.

15 Q Where is Fred's Restaurant?

16 A Fred's Restaurant is on Yarborough and Highway 76  
17 in the city limits of Mullins. I reckon that's the  
18 south part of town.

19 Q Going to get a little breakfast?

20 A To get a cup of coffee.

21 Q Okay.

22 A And right before — I was coming down 917 in  
23 Mullins 'cause I stayed on Azalea Drive which is  
24 located in the city limits of Mullins on the south  
25 side of town. I was traveling 917 turning right

SW - M. COLLINS - DIRECT

1 beside the tractor place there located on Highway 17  
2 and Lloyd Street. I think that's the name of it.  
3 Where I noticed a black male on a red white bicycle  
4 wearing a light T-shirt, blue jean shorts, passed me  
5 heading down Lloyd street heading towards South Main  
6 Street. I kept on going, turned on Yarborough  
7 Street, almost at Fred's when my lieutenant called  
8 me again and advised me that the Mullins Police  
9 Department was looking for a individual wearing what  
10 I just saw, and I advised him that that person just  
11 passed me. So I switched over to the Mullins Police  
12 Department channel and notified them that I just  
13 passed a person on Lloyd Street heading towards  
14 south Main Street fitting the description of the  
15 person they were looking for. So I turned around  
16 and went down Main Street heading south, and I  
17 turned right behind Bobby's Body Shop, which is  
18 located on Main Street, Mullins, on the south end of  
19 town. I turned on McDaniel Street I believe -- no,  
20 I can't remember the name of that street right  
21 there. But anyway, I was traveling where I saw the  
22 subject again turn up in somebody's driveway. And I  
23 pulled up behind him and he was knocking on the  
24 door, and I asked the person to come here. And he  
25 walked over, and I advised him that Mullins Police

SW - M. COLLINS - DIRECT

1 Department needed to speak with him, told him I  
2 didn't know what it was pertaining to. Asked him  
3 would he stay right here, and he was in front of my  
4 patrol car holding his hands and his head was down.

5 At that time Brandon Gore, Lieutenant  
6 Gore, pulled up and walked over to him, asked him  
7 his name. He said my name is Edward Stackhouse.  
8 Lieutenant Gore placed him in handcuffs, told him he  
9 was under investigative detention. At that time  
10 more units pulled up. Chief Davis, or at that time  
11 Chief Davis pulled up, walked over to  
12 Mr. Stackhouse, introduced himself to him and read  
13 him his Miranda rights off the Miranda card. And he  
14 said that, you know, after he read him his rights  
15 Chief Davis asked him did he understand and  
16 Mr. Stackhouse said yes. And then I walked away.

17 Q Now do you see the gentleman you saw there on  
18 Gold Street on that bicycle in the courtroom today?

19 A Yes, sir, I do.

20 Q Can you please tell us where he is.

21 A Sitting right there at the table with the blue  
22 shirt (pointing) and the blue tie on.

23 MR. CLEMENTS: Your Honor, may the record  
24 reflect the witness has identified the defendant  
25 Edward Stackhouse.

SW - M. COLLINS - DIRECT

1 THE COURT: The record will so reflect.

2 BY MR. CLEMENTS:

3 Q So you walked away at that time?

4 A I walked away and let them conduct the business,  
5 what they were doing.

6 Q Okay. And you never had any conversation with  
7 Mr. Stackhouse at all yourself?

8 A No, sir.

9 Q Ever hear him say anything whatsoever to Kenneth  
10 Davis or anyone else?

11 A No, sir, not that I recall, just that he  
12 understood his rights.

13 Q Yes, okay. And did you notice anything about his  
14 clothing?

15 A When I was talking to him I did notice some,  
16 like, red stains on his shirt.

17 Q A lot of them, small amount, big, little?

18 A Little, little small amount, little.

19 Q Okay, all right. Anything else?

20 A That's it.

21 Q Okay.

22 MR. CLEMENTS: Beg the Court's indulgence.

23 THE COURT: Uh-huh.

24 MR. CLEMENTS: Please answer any questions  
25 Mr. Floyd may have.



SW - M. COLLINS - CROSS

1 THE COURT: Mr. Floyd.

2 **CROSS-EXAMINATION**

3 BY MR. FLOYD:

4 Q Other than your brief encounter with him on the  
5 street, you didn't have any other part of this  
6 investigation; is that correct?

7 A No, sir, I did not.

8 Q Okay, I don't have any other questions.

9 THE COURT: You're excused.

10 MR. CLEMENTS: Your Honor, we ask he be  
11 released from his subpoena.

12 THE COURT: Any objection?

13 MR. FLOYD: No objections, Your Honor.

14 MR. CLEMENTS: Your Honor, this might be a  
15 good time to take a little afternoon break, if we  
16 may, Your Honor.

17 THE COURT: Members of the jury, let's  
18 take a 15 minute break. If you need to smoke let  
19 the bailiff know and they'll take you out and smoke.  
20 If you need something to drink, get something to  
21 drink, stretch your legs, use the restroom, but do  
22 not discuss the case. All right, everybody else  
23 will remain seated. The jury can go into the jury  
24 room.

25 (WHEREUPON, the jury was removed from the

SW - N. GASQUE - DIRECT

1 courtroom at 4:00 p.m., and a recess was taken from  
2 the proceedings.)

3 THE COURT: You can go ahead and bring out  
4 the jury.

5 (Whereupon, the jury was returned to the courtroom.)

6 THE COURT: Solicitor, if you'd call your  
7 next witness.

8 MR. CLEMENTS: Thank you, Your Honor. We  
9 would call Sergeant Nicole Gasque.

10 WHEREUPON,

11 **NICOLE GASQUE,**  
12 having been duly sworn by the Clerk of Court,  
13 testified as follows:

14 **DIRECT EXAMINATION**

15 BY MR. CLEMENTS:

16 Q Could you please state your name and tell this  
17 jury where you work.

18 A My name is Sergeant Nicole Gasque. I work for  
19 Mullins Police Department.

20 Q And Sergeant, how long have you been in law  
21 enforcement?

22 A Since July of 2005.

23 Q July of 2005. How long have you been with the  
24 Mullins P.D.?

25 A Yes, sir, up till 2006 when I left -- no, 2007

SW - N. GASQUE - DIRECT

1 when I left, went to highway patrol. I came back  
2 within three weeks to Mullins Police Department.

3 Q Okay. And were you working September 17th, 2010  
4 that morning?

5 A I was called in earlier to my duty to come into  
6 work.

7 Q And why -- were you called in specifically for  
8 this case?

9 A Yes, sir.

10 Q Can you please tell the jury why?

11 A At the point in time I was a school resource  
12 officer at Mullins High School, and I was previously  
13 a resource officer at Palmetto Middle School and I  
14 knew both the victims, Daquan B [REDACTED] and William

15 B [REDACTED]

16 Q He also goes by the middle name [REDACTED]?

17 A [REDACTED].

18 Q Yeah. All right. And so you were called in why?

19 A Just to attend to William who was still upset,  
20 and since he knew me they figured he'd be more  
21 comfortable with me.

22 Q Okay. And can you tell me where you reported to  
23 and what you found.

24 A I reported to Mullins Police Department at that  
25 point in time. Him and his aunt Sandra Robinson was

SW - N. GASQUE - DIRECT

1 at the police department, and I sat into the squad  
2 room with them. And I was advised by Chief Davis at  
3 the time to go ahead and get the statements from him  
4 and his aunt.

5 Q Okay. And did you get them to write a statement  
6 for you?

7 A Yes, sir.

8 Q Did you interview them in depth, or did you just  
9 got them to write them?

10 A I just got them to write the statements.

11 Q Okay, all right. What kind of condition was  
12 William in at that time?

13 A William was still crying, still upset. His aunt  
14 was still holding him trying to keep him calm and  
15 just doing the best we can to just keep him calm.

16 Q Was William the older or the younger of the two  
17 brothers?

18 A He was the youngest.

19 Q Where — did you know the older brother Daquan?

20 A I did know Daquan.

21 Q Where was Daquan at this time?

22 A Daquan I was told was already transported to New  
23 Hanover Hospital.

24 Q By helicopter?

25 A Yes, sir.

## SW - N. GASQUE - DIRECT

1 Q Okay. So did you ever meet with him and talk  
2 with him?

3 A No, sir.

4 Q Okay. After you finished talking with aunt  
5 Sandra Robinson and talking with William B. [REDACTED] where  
6 did they go from there?

7 A They remained at the police department.

8 Q Okay. And where did you go?

9 A I went to the crime scene Meadow Park Apartments  
10 to relieve at the time Officer Alford.

11 Q Okay. He had been working more than 12 hours at  
12 that time?

13 A Yes, sir.

14 Q What did you do at the crime scene?

15 A I just remained on scene while SLED was still  
16 there processing the scene and ---

17 Q Keeping it secure?

18 A Keeping the scene secure.

19 Q Okay. Did you have any other duties or any other  
20 participation in this investigation?

21 A No, sir.

22 Q Okay. Did you participate at all in transporting  
23 any evidence to the SLED lab or not?

24 A No, sir.

25 Q Okay. This is all that you did?

## SW - N. GASQUE - CROSS

1 A Yes, sir.

2 Q Please answer any questions Mr. Floyd has.

3 THE COURT: Mr. Floyd.

4 MR. FLOYD: Thank you, Your Honor.

5 **CROSS-EXAMINATION**

6 BY MR. FLOYD:

7 Q Ms. Gasque, how are you today?

8 A I'm fine, sir.

9 Q Good. You stated that you got Mr. William B. [REDACTED]  
10 to give a voluntary statement; is that correct?

11 A Yes, sir.

12 Q Okay. Was that in writing?

13 A Yes, sir.

14 Q Okay. And that was on the 17th of September; is  
15 that right?

16 A Yes, sir, that morning.

17 Q Okay. And other than obtaining his statement and  
18 going back to the crime scene that was -- that was  
19 all you did?

20 A Yes, sir.

21 Q Okay. You weren't involved in the evidence  
22 collection or anything like that?

23 A No, sir.

24 Q Okay. Thank you.

25 THE COURT: Anything further?

## SW - N. GASQUE - REDIRECT

1 MR. CLEMENTS: Just something briefly.

2 **REDIRECT EXAMINATION**

3 BY MR. CLEMENTS:

4 Q Sergeant, Mr. Floyd asked you about taking  
5 William's statement. Did you interview him or did  
6 you talk with him or did you just give him a  
7 statement and see ---

8 A I just asked him to go ahead and write a  
9 voluntary statement for the investigators.

10 Q You just gave him a sheet and asked him to?

11 A Yes, sir.

12 Q You didn't talk with him, find out how complete  
13 it was or detailed, anything like that?

14 A No, sir.

15 Q Okay, thank you. No further questions.

16 THE COURT: Mr. Floyd.

17 MR. FLOYD: I don't have any other  
18 questions, Your Honor. You're excused.

19 MR. CLEMENTS: Your Honor, we ask Sergeant  
20 Gasque be released from her subpoena.

21 MR. FLOYD: No objections.

22 THE COURT: Thank you.

23 MR. CLEMENTS: Your Honor, we would call  
24 officer Betty Rowell.

25 **WHEREUPON,**

SW - B. ROWELL - DIRECT

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25**BETTY ROWELL,**

having been duly sworn by the Clerk of Court,  
testified as follows:

BY MR. CLEMENTS:

Q Can you please state your name and tell this jury  
where do you work, what you do.

A My name is Betty Rowell. I work with the Mullins  
Police Department. I'm a corporal.

Q All right. Corporal Rowell, how long have you  
been in law enforcement?

A Ever since November the 14th of 1992.

Q And how long have you been with Mullins P.D.?

A Ever since November 14th, 1992.

Q So you've been your whole career with Mullins  
P.D.?

A Yes.

Q All right. Were you working the morning of  
September 17th, 2010?

A Yes, I was.

Q Did you have any active participation yourself in  
investigating this case or collecting any evidence?

A I did not.

Q Okay. Do other officers who aren't involved in  
investigation sometimes get involved with evidence?

A They do.



SW - B. ROWELL - DIRECT

1 Q And what do they do when — what do you have to  
2 do with evidence sometimes?

3 A Take it to SLED to be analyzed.

4 Q Okay. Somebody has to do that?

5 A Yes.

6 Q And it's oftentimes its not the officers that's  
7 actually involved with the investigation?

8 A Correct.

9 Q Whoever is available to go?

10 A Yes, sir.

11 Q Okay. Do you have to go somewhere else like  
12 Charleston or something to collect evidence?

13 A Yes, sir.

14 Q To what?

15 A To autopsies.

16 Q Autopsies? Did you go to autopsy in this case?

17 A I did not.

18 Q All right, did you have to take any items to  
19 SLED?

20 A I did.

21 Q Do you recall what they were?

22 A They were already packaged up at the time. On  
23 October the 18th of 2010 Captain Bethea at the time  
24 asked me around 8, 8:30 in the morning, if I would  
25 take some evidence to SLED that was already packaged

SW - B. ROWELL - DIRECT

1 up at the time I didn't know at the time. I  
2 transported to SLED.

3 Q So you didn't know what it was, you just took the  
4 packages?

5 A Correct.

6 Q So that puts you in the chain of custody; is that  
7 right?

8 A Yes, sir.

9 Q Now can you explain to this jury how you received  
10 the packages and how you give them to SLED?

11 A Okay. They were boxed up and packaged up to just  
12 like you seen the officers that had the stuff, the  
13 shirt, clothes, and shoes and I put it in the car  
14 packaged and sealed up. I drive to SLED  
15 headquarters. I come to the desk and I register. I  
16 sign in, and I have to wait till an analyze person  
17 is available. When they're available they tell me  
18 they're ready to see me, I go back and we log all  
19 the evidence in. We stamp the time, give it back to  
20 me, and I come back to Mullins.

21 Q And at that time did y'all have evidence room in  
22 Mullins?

23 A Yes, sir.

24 Q And the evidence is maintained, locked up, and  
25 secured there?

## SW - B. ROWELL - CROSS

1 A Yes.

2 Q Captain Bethea gives it to you?

3 A Yes.

4 Q You transport it to SLED. They log it in and  
5 they secured it and log it in there as well; is that  
6 correct?

7 A Yes, sir.

8 Q And what's the purpose for this?

9 A Make sure it's not tampered with, nobody messed  
10 with it. It's to secure.

11 Q Prevent contamination?

12 A Yes, sir.

13 Q Is that all you had to do with this case?

14 A Yes.

15 Q All right, please answer any questions that  
16 Mr. Floyd may have.

17 THE COURT: All right, Mr. Floyd.

18 **CROSS-EXAMINATION**

19 BY MR. FLOYD:

20 Q Corporal Rowell, how are you?

21 A I'm fine.

22 Q You didn't have anything to do with obtaining a  
23 statement from Daquan B. [REDACTED] ---

24 A No.

25 Q ---after the 17th?

SW - B. ROWELL - CROSS

1 A No.

2 Q Okay. I want to show you a statement. Is that  
3 your signature at the bottom of this paper?

4 A (Shakes head.)

5 Q It's not?

6 A It looks like I might have wrote on top of  
7 something else and left it on there. I don't think  
8 I wrote on that paper, a carbon copy or something  
9 that was on top of it.

10 Q I see. So you didn't actually sign the bottom of  
11 this statement?

12 A (Shakes head.)

13 Q Okay. You weren't present when that was ---

14 A No.

15 Q When that statement was taken?

16 A No.

17 Q But that is your signature?

18 A That is my signature.

19 Q Okay, all right. Thank you. I don't have any  
20 other questions. I appreciate it.

21 THE COURT: Anything further?

22 MR. CLEMENTS: No, Your Honor.

23 THE COURT: All right, have a good day.

24 MR. CLEMENTS: Your Honor, we would call

25 Keely Hucks.

SW - K. HUCKS - DIRECT

1 WHEREUPON,

2 **KEELY HUCKS,**

3 having been duly sworn by the Clerk of Court,

4 testified as follows:

5 BY MR. CLEMENTS:

6 Q Hi. Corporal, could you please state your name  
7 and spell it for the court reporter and tell this  
8 jury what you do for a living.

9 A It's Keely Hucks. That's K-E-E-L-Y Hucks,  
10 H-U-C-K-S. I work for the Mullins Police Department  
11 as a corporal.

12 Q And how long have you been working with Mullins  
13 P.D.?

14 A I've been with Mullins Police Department since  
15 September of 2009.

16 Q And were you working September 17th, 2010?

17 A Yes, sir.

18 Q All right, did you get called to get involved in  
19 the death investigation of Sharon Stackhouse?

20 A Yes, sir. Captain Mostowski called me that  
21 morning while I was on duty and asked me to attend  
22 the body to the autopsy.

23 Q And what does that mean? What do you do?

24 A I went with the body to MUSC and observed the  
25 autopsy being performed.

SW - K. HUCKS - DIRECT

1 Q And what is the purpose for an officer to go with  
2 the body to and attend the autopsy?

3 A To make sure that the body and any evidence  
4 that's required, you know, taken off the body during  
5 the autopsy is secured and brought back to the  
6 police station and maintained in the evidence room.

7 Q All right. And why do you need to bring it back  
8 to maintain it in the evidence room?

9 A To secure it, to make sure that it's not tampered  
10 with, and therefore it can be taken to SLED for  
11 analysis.

12 Q Okay. On occasion do you have to go straight  
13 from the autopsy to SLED?

14 A I'm not aware of that. That was my first  
15 autopsy.

16 Q That was your first autopsy?

17 A Yes, sir.

18 Q So you remember it quite well I'm sure?

19 A Yes, sir.

20 Q Okay. Can you please tell this jury what, if you  
21 recall, that you did collect and bring back and log  
22 in the evidence room here?

23 A After the autopsy the nurse came out. She handed  
24 over the clothing that Ms. Stackhouse had worn, some  
25 jewelry, and also nail clippings and hair scalp that

## SW - K. HUCKS - DIRECT

1 was pulled during the autopsy, and I had to sign for  
2 it and then left to come back to Mullins.

3 Q Okay. When you got back to Mullins what did you  
4 do with those items and what kind of list, if  
5 anything, did you prepare?

6 A I entered them into our evidence log which is  
7 located on the main server computer at the police  
8 station. I then turned them over to Captain Bethea  
9 who was still at the police department when I  
10 arrived back and he then secured them.

11 Q Okay. And did you have any further participation  
12 in this investigation?

13 A No, sir.

14 Q All right. Please answer any questions Mr. Floyd  
15 may have.

16 THE COURT: Mr. Floyd.

17 MR. FLOYD: Your Honor, I don't have any  
18 questions for Corporal Hucks. Thank you.

19 THE COURT: You have a good day.

20 MR. CLEMENTS: Your Honor, that's all we  
21 have for this afternoon. We have a legal issue we'd  
22 like to take up the remainder of the afternoon.

23 THE COURT: Members of the jury, I'm gonna  
24 excuse you for the day. If you would, be back at  
25 10:00 in the morning. Like I told you, when you get

1 home first the first thing your family is going to  
2 do, say, tell me about that case, what's it about.  
3 Tell them you're under a court order, yo u can't  
4 talk about it until it's over. Then when it's over  
5 you can do whatever you want to do. Don't read the  
6 newspaper, don't watch the news, stay off the  
7 internet. If you would, come back with a clean  
8 fresh mind in the morning. All right, everybody  
9 else remain seated. I'll see you at 10:00 in the  
10 morning.

11 (WHEREUPON, the jury was removed from the  
12 courtroom at 4:35 p.m., and the following  
13 proceedings commenced in open court.)

14 THE COURT: Solicitor, let's do it.

15 MR. CLEMENTS: Your Honor, if I can.

16 THE COURT: All right, ready?

17 MR. CLEMENTS: Yes, sir.

18 (Video statement was played for the Court.)

19 THE COURT: Solicitor.

20 MR. CLEMENTS: Your Honor, we submit that  
21 the statement was given freely and voluntarily.

22 THE COURT: All right. How about you,  
23 Mr. Floyd?

24 MR. FLOYD: Your Honor, I certainly don't  
25 — I do believe the statement was given freely, but



1 there are some exceptions of the statement that I  
2 believe are prejudicial. I mean, they're discussing  
3 prior CDVs and that sort of thing. I do believe  
4 those parts need to be redacted. Your Honor, I  
5 could certainly sit down with a laptop tonight with  
6 a timer and hit specific portions tonight and then  
7 show those to the Solicitor in the morning the ones,  
8 that parts that I think need to be redacted and —

9 THE COURT: Good. For the record as I  
10 found before, I find that he was properly  
11 Mirandized, no question about that, and that the  
12 statement was given freely and voluntarily. If  
13 y'all will just redact the appropriate spot and make  
14 sure you look at it before we play it if you play  
15 it. And we'll go from there. Sounds good.

16 MR. CLEMENTS: Your Honor, I slipped out  
17 to the bathroom. What time did you tell the jury to  
18 be back?

19 THE COURT: I did that on purpose to give  
20 y'all time to get it checked out and have it ready  
21 to go.

22 MR. CLEMENTS: Yes, sir.

23 THE COURT: All right.

24 MR. CLEMENTS: Thank you, Your Honor.

25 THE COURT: Sounds good.

1 (WHEREUPON, the proceedings were concluded  
2 for the day to be reconvened on May 16,  
3 2012.)

4 THE COURT: Go ahead and bring them on  
5 out.

6 (WHEREUPON, the jury was returned to the  
7 courtroom at approximately 10:14 a.m., and  
8 the following proceedings commenced in  
9 open court.)

10 THE COURT: Good morning. All right,  
11 Solicitor, if you would call your next witness.

12 MR. CLEMENTS: Thank you, Your Honor, if  
13 it please the Court, we call Mr. Adam Rogers.

14 THE CLERK OF COURT: Mr. Rogers, if you'd  
15 come and let me swear you in, sir. Place your left  
16 hand on the Bible, raise your right hand.

17 WHEREUPON,

18 **ADAM ROGERS,**  
19 having been duly sworn by the Clerk of Court,  
20 testified as follows:

21 THE CLERK OF COURT: Thank you. You may  
22 have a seat in the witness chair.

23 **DIRECT EXAMINATION**

24 BY MR. CLEMENTS:

25 Q Mr. Rogers, can you please state your name for

SW - A. ROGERS - DIRECT

1 the record and then if you would tell this jury what  
2 you do for a living.

3 A My name is Adam Rogers. I'm currently supervisor  
4 for Marion County EMS. I've been with Marion County  
5 EMS approximately five years.

6 Q And EMS stands for what?

7 A Emergency Medical Service.

8 Q What is the name of your profession?

9 A Paramedic.

10 Q Can you please tell this jury what kind of  
11 training and education and experience it takes to be  
12 a paramedic, what qualifies you to be a paramedic.

13 A We go through approximately two years of school  
14 which include anatomy and physiology, trauma advanced  
15 life support, basic life support, pediatrics,  
16 geriatrics, different disease processes. And then  
17 once we complete all of that course we have to go  
18 take the national boards, and then if we complete  
19 that we'd be able to render care to patients and be  
20 certified as a paramedic.

21 Q Now as a paramedic y'all render services to  
22 patients in a certain type of situation; don't you?

23 A Yes, sir. It can be anything. It could be from  
24 generalized illness and weakness. It could be from  
25 trauma. It can be from the average toothache or all

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1 the way up to a heart attack, all the way to not  
2 breathing, all the way to delivering a baby on the  
3 side of the road.

4 Q And but it's always an emergency situation?

5 A Always it's emergency situation, yes, sir.

6 Q And once that emergency care is given by you you  
7 refer them where?

8 A Depending on the location and also what is wrong  
9 with the patient. If the patients has, was involved  
10 in a severe accident involving for example a MVA,  
11 and the patient was having severe hemorrhaging into  
12 an area or severe head trama, I would try to get  
13 them to a closest trauma facility which would have a  
14 trauma surgeon on there once the helicopter lands or  
15 transport lands to be able to treat the patient and  
16 save the patient and give him better care than  
17 trying to take them to a local facility and that  
18 time frame will linger and swelling may occur and  
19 then also the bleeding may intensify and then the  
20 patient unfortunately the prognosis is very poor and  
21 the patient dies.

22 Q Okay. Do you recall -- well, let me ask you  
23 this, how do y'all -- and I say "y'all," I mean  
24 paramedics and EMS personnel. How do y'all get  
25 called out to a scene or called out to an event?

SW - A. ROGERS - DIRECT

1 A We're dispatched out by E 9-1-1. They receive a  
2 phone call from the caller and then they dispatch us  
3 out to the location and try to give us as much  
4 information as possible of what is going on with the  
5 call or at the scene.

6 Q Now do you recall working September 17th, 2010?

7 A Yes, sir.

8 Q And where were you working that day?

9 A We was approximately in the Mullins area which  
10 would have been Mullins base.

11 Q And do y'all work shifts?

12 A Yes, sir, we work shifts. We work 24 on and we  
13 work 48 off.

14 Q Okay. And you were in the middle of a 24 hour  
15 shift during this time period?

16 A Correct, sir.

17 Q Do you recall getting a dispatch that morning  
18 from 9-1-1?

19 A I do, sir.

20 Q Can you please tell this jury what was the nature  
21 of that call, how you responded, where you went, and  
22 what you found.

23 A We got dispatched out to a possible stabbing, two  
24 patients, off of Dogwood, unknown injuries or  
25 unknown if the suspect was still on scene. We

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1 acknowledged the call. We went in route with rescue  
2 which would have been Mullins fire rescue and law  
3 enforcement. Law enforcement arrived on scene  
4 always before we to do secure the scene. Once they  
5 advise us that the scene is secure we make our entry  
6 on this. We made our entry in. As we pulled up we  
7 walked through the front door. As we walked through  
8 the front door we found a female laying on the bed.  
9 Her shoulders was slumped up against the wall laying  
10 straight on her back on the bed, obvious pool of  
11 blood, large amounts of blood, approximately  
12 estimated approximately one to maybe two liters of  
13 blood. The shirt was saturated with blood clots has  
14 already formed into the blood itself. Pupils was  
15 already fixed and dilated. Had apparently stab  
16 wound apparently to the left mid axillary region,  
17 which is underneath the armpit, approximately two to  
18 three ribs down, appeared the knife went upward.  
19 And that anatomical location you've got certain  
20 things that can be struck. The heart actually rests  
21 here and then it tilts a little bit to the left. By  
22 being struck like that that would be almost a dead  
23 blow to the heart. And also you have your lungs  
24 resting there too so you're talking copious amounts  
25 of blood loss in a rapid amount of time. When we

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1 did get there we confirmed that she was deceased,  
2 passed away. We confirmed it on a cardiac monitor,  
3 from three leads assisted which means straight line.

4 Once we confirmed that, we found out the other  
5 victim sitting up against the wall of the brick ---

6 Q Let me stop you right there before we get to the  
7 second victim. I want to show you what's been  
8 marked as State's Exhibit 19 and tell me yes or no  
9 can you identify this.

10 A Yes, sir.

11 Q And how does this compare to what you found that  
12 day?

13 A That's exactly how we saw her. We see on the  
14 marking on the left side. That's considered the  
15 left mid axillary right underneath the armpit. You  
16 look at it between the second and third rib; and if  
17 you anatomical region, if you go over, that's almost  
18 the thoracic cavity.

19 Q Okay. I'm gonna show you what's been marked  
20 State's Exhibit Number 20. Do you recognize this,  
21 yes or no?

22 A Yes, sir.

23 Q And how does this compare with what you found  
24 that morning?

25 A It's the same as I just stated a while ago, sir.

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1 Q Okay, all right. And I'm gonna show State's  
2 Exhibit 29. Do you recognize that?

3 A Yes, sir, that is the puncture wound, stab wound,  
4 yes, sir.

5 Q All right.

6 (Pause while the defendant and Mr. Floyd review  
7 photographs.)

8 MR. CLEMENTS: Your Honor, we would move  
9 to enter State's Exhibit 19, 20, and 29 into  
10 evidence at this time.

11 THE COURT: Any objection?

12 MR. FLOYD: No objection.

13 THE COURT: State's 19, 20 and 29 are in  
14 evidence without objection.

15 MR. CLEMENTS:

16 (WHEREUPON, State Exhibits Nos. 19, 20,  
17 and 29 were admitted into evidence.)

18 MR. CLEMENTS: Your Honor, we would  
19 request permission for Mr. Rogers to step down from  
20 the witness stand and stand in front of the jury  
21 please, sir.

22 BY MR. CLEMENTS:

23 Q Mr. Rogers, you explained to me what State's  
24 Exhibit 19 was, but the jury was not seeing that at  
25 that time before it's moved into evidence. Now we



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1 can publish this. I would ask you to take State's  
2 Exhibit 19, show this to these jurors and explain to  
3 them what that is and how that was that morning that  
4 you found that just like that.

5 A Okay. As you can see the female is laying on her  
6 back against the bed. You can see obvious blood  
7 saturated her pants already. If you look right here  
8 which will be on her left side underneath the  
9 armpit, a stab wound with was apparently right there  
10 where her hand is most laying at as you can see it.

11 Q All right.

12 THE COURT: Make sure you walk all the way  
13 down.

14 MR. CLEMENTS: And we got the alternate  
15 sitting right here too, Mr. Rogers.

16 THE WITNESS: You see a large amount of  
17 blood already saturated the shirt and work its way  
18 all the way down to the pants as well.

19 BY MR. CLEMENTS:

20 Q And you were telling us about the area that was  
21 stabbed. How quickly does that?

22 A If the knife, or whatever object was used to make  
23 incision to that area, the heart you know, of  
24 course, is a pump. And when we put a hole in it  
25 it's gonna start spurting that blood out. So each

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1 time that heart actually beats, we're talking about  
2 throwing blood out rapidly so death is pretty  
3 rapidly.

4 Q All right. And if you'd come all the way down  
5 here to make sure the alternate gets to see that as  
6 well. All right, now I'm gonna ask you if you would  
7 take State's Exhibit 20 which it's now in evidence.  
8 If you would publish that to the jury and explain to  
9 them what's there.

10 A As you can see, you can see her laying, laying on  
11 the bed. Obvious blood saturation to the left side.  
12 It's already saturated actually up underneath the  
13 bed there as well and also down in her lower pants  
14 area as you saw in the first one in the same  
15 position.

16 Q And State's Exhibit 29, if you will explain that  
17 to the jury, publish that to the jury as well.

18 A As you see the stab wound, it appears to look not  
19 as small as far as the outer appearance, but  
20 actually what happens when it goes through you have  
21 internal organ, internal vessels. And once it  
22 strikes it, the abdomen is very huge so it can hold  
23 a lot of blood. But when it struck her, it hit her,  
24 most likely hit the heart and major blood vessel and  
25 when it did it caused rapid bleeding and the middle

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1 of the heart to pump.

2 Q Now that white sub— looks like a piece of  
3 something there on her skin. What is that?

4 A That's actually EKG. Like I'd spoken of there we  
5 performed EKG on her to confirm death, and that is  
6 actually one of the pads that I actually left in  
7 place.

8 Q All right. Thank you, Mr. Rogers. You can sit  
9 back up there. Now did you know — you testified  
10 about what — I'm sorry, step back down. Let me get  
11 you to show one more thing please. Using me, if you  
12 would, can you show this jury about where that  
13 wound, that entry wound was.

14 A It's the left side of the body. The entry wound  
15 appeared to have been in that area right there. But  
16 if the entry wound have appeared to be right there  
17 you have your heart rests right here. It would come  
18 over to here so if you kind of line it up you're  
19 looking dead center.

20 Q And the lung is there as well?

21 A Lung is there as well.

22 Q All right, thank you. What, if any, other  
23 injuries did you notice on Ms. Stackhouse?

24 A At that time none, sir.

25 Q Just that one?

SW - A. ROGERS - DIRECT

1 A Stab wound, yes, sir.

2 Q Stab wound, okay. All right, now after you  
3 confirmed she was deceased where did your attention  
4 turn to?

5 A We focused on that second patient which was the  
6 young male. Actually we found him sitting down on  
7 the brick or cement leaning back on the brick wall  
8 of the complex. Of course we always do a rapid  
9 assessment. The rapid assessment covers from head  
10 to the toe. We done a rapid assessment. Found  
11 obvious puncture stab wound to the right flank and  
12 also a stab wound to the back of the neck. After we  
13 done that, we initiated a trauma alert which  
14 actually means he's critical, anything can happen.  
15 'Cause like I spoke before, any time you get stabbed  
16 to the abdomen area there's so many vital organs we  
17 have here, to you can bleed and don't know it until  
18 you're really it's too late unless you right on a CT  
19 scanner right then.

20 Q So then what, if any, ability do you have at that  
21 time to determine how deep that stab wound was in  
22 his abdomen?

23 A You cannot, sir.

24 Q Okay. So what do you have to assume?

25 A Index of suspicion. You have to look at it,

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1 where the mechanic injury applied, where it was at,  
2 approximately stabbed with, and think, you know,  
3 okay, if she was stabbed with a short knife, a long  
4 knife. You know, we still have vessels there. Also  
5 we got the liver there, and the liver was lacerated  
6 or struck. The liver is very vascular. It's going  
7 to cause large amounts of bleeding. Unfortunately,  
8 your vital signs won't show all that until it's at  
9 the last, latter stages, and death is sometimes  
10 imminent as well, prognosis is not good as well. So  
11 for me, I treated the wound, bandaged it, and also I  
12 felt that he needed to go to a trauma center which  
13 would have been New Hanover, which they would have  
14 had a truma team there which then they can actually  
15 go in there and make sure nothing is bleeding or  
16 nothing is lacerated; and if it is, they can go  
17 ahead and work on it rapidly and he would still be  
18 alive or could still live.

19 Q Tell us about the injury to the neck.

20 A The neck area of the stab wound appeared to be  
21 downward in motion. With the neck you have  
22 vertebrae which is the cervical area which is  
23 located back here. Any damage to a vertebrae and  
24 C-1, cervical 1 or cervical 2, can cause paralysis  
25 of the entire body. It also can make you quit

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1 breathing. So we were concerned about that. So any  
2 movement, if he had any damage to his neck, if he  
3 would have moved his neck or anything, you run a  
4 risk of then having cervical damage with the child  
5 could have been paralyzed for the rest of his life.  
6 Or the child could have quit breathing due to  
7 cervical fracture and death is imminent after that.

8 Q What ability did you have at that time to  
9 determine how deep that neck wound was?

10 A You don't, sir.

11 Q Okay. What did you do -- your first job is to  
12 make sure they're stabilized; is that correct?

13 A Yes, sir. I stabilized him, yes, sir.

14 Q And after you stabilized the young man what did  
15 you do next?

16 A After we stabilized him we put a C collar and a  
17 long spine board and we bandaged the wound to the  
18 back of the neck to keep the spine, keep it in line,  
19 and to keep the cervical in line so we won't have no  
20 misplacing, none whatsoever. We started two large  
21 bore IV lines, which consists of 18 gauge or up to a  
22 16 gauge. We started fluid at a KVO rate, means  
23 keep vein open. We don't want to give too much  
24 fluids because if you give too much fluids it's  
25 going to tend to thin the platelets, which is our

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1 clotting factor, and then the bleeding is going to  
2 be more intense. So therefore, we got to give small  
3 fluids to keep a blood pressure at least 90. So  
4 that's how we treated as far as the fluids.

5           On his right flank area we also bandaged  
6 that with a dressing to seal dressing to watch for  
7 the bleeding. Then we palpated the abdomen area at  
8 all four quadrants.

9 Q Can you tell us in layman's term what does that  
10 mean when you palpate an area?

11 A Palpate means that you're touching. You're  
12 feeling for certain things in the stomach, certain  
13 deformities, any swelling, is it hard, stuff as  
14 that.

15 Q What was his reaction when you palpated his  
16 abdomen?

17 A Well, we palpated the right upper quadrant and  
18 use, take a belly button actually split it, go this  
19 way then come up. You got your right upper  
20 quadrant, your left upper quadrant, and then below  
21 your navel you got your right lower quadrant and  
22 your left lower quadrant. You're putting them in  
23 quadrants. In his right lower quadrant, when I  
24 palpated the right upper quadrant he was very  
25 tender. He told me he had a pain scale of 7 out of

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1 10 on the right upper quadrant.

2 Q All right. And after you -- y'all finished your  
3 stabilization and everything you could do for him  
4 there on the scene, what did you do?

5 A After we finished everything we possibly could do  
6 for him, the advanced helicopter was already  
7 actually coming to us so I wanted to get him to New  
8 Hanover, which would have been the trauma center,  
9 due to his magnitude of injury. The flight crew  
10 landed, put another paramedic on the ground with me,  
11 also a nurse. They came into the ambulance as well.  
12 Pretty much I told them my assessment that I found.  
13 They looked back over it. They agreed with the  
14 assessment and initiated a launch, and we flew him  
15 to New Hanover to the trauma center.

16 Q Who called the helicopter to come?

17 A I did, sir.

18 Q Now part of your job is to assess his injuries.  
19 What was your assessment of his injuries in relation  
20 to a threat to his life or not?

21 A When I palpated the right upper quadrant he was  
22 very tender. The blood itself does not like the  
23 abdomen area at all, and it usually causes  
24 tenderness when it swells. So when I palpated he  
25 was very tender. And also, he made a grimace on his



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1 face as well so I knew it was 7 out of 10 tenderness  
2 was actually really there. So I felt for sure, I  
3 said, well if he's got, you know, a lacerated liver,  
4 if I get him to a trauma facility where a surgeon can  
5 actually go ahead and get in there, we can -- the  
6 prognosis would be very good. If we go by ground  
7 the potential of us then having to transport him to  
8 another trauma facility would linger time; and I  
9 didn't want to put that much time on a life where I  
10 know I could get him to a trauma facility and I know  
11 that he would have a surgeon at the door the time he  
12 lands.

13 Q Okay. So this was a life threatening situation?

14 A Yes, sir. Any time you got any stab wound to the  
15 belly and, you know, any stab wound to the back of  
16 the neck, you know, it's -- any time you have  
17 anything like that it is a potential that you have  
18 organs you will bleed to death. You can bleed to  
19 death inside.

20 Q Okay, all right. Beg the Court's indulgence one  
21 moment.

22 THE COURT: Sure.

23 MR. CLEMENTS: Mr. Rogers, thank you so  
24 much. I want to ask you if you would please answer  
25 any questions Mr. Floyd has.

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1 THE WITNESS: Yes, sir.

2 THE COURT: Mr. Floyd.

3 MR. FLOYD: Thank you.

4 **CROSS-EXAMINATION**

5 BY MR. FLOYD:

6 Q Mr. Rogers, how are you?

7 A Fine, sir.

8 Q Good. Mr. Rogers, you arrived at the scene and  
9 you saw the young man you spoke of. How long did it  
10 take you to perform your total assessment of him?

11 A Rapid assessment is no less than 10 minutes --  
12 I'm sorry, 10 seconds, 'cause you're doing a rapid  
13 assessment. Then you come back and do a detailed  
14 assessment, and then you come back and you focus on  
15 the objects or the items that you have found.

16 Q How long did you spend on that?

17 A It was less than probably I'd say 2 to 3 minutes.

18 Q 2 or 3 minutes?

19 A Yes, sir.

20 Q Okay. And within that 2 or 3 minutes you made  
21 the determination to call a helicopter?

22 A Yes, sir.

23 Q Is that right?

24 A Yes, sir.

25 Q Okay. And of course, being a emergency person

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1 like yourself, you're concerned with making sure  
2 there's, you know — you're not taking any  
3 unnecessary risk; is that right? I mean, you don't  
4 want to sit around for 10 minutes. You have to make  
5 a snap judgment about whether to send somebody on  
6 that trauma unit; is that right?

7 A Well, you have to actual— you don't make a snap  
8 judgment speaking in that snap judgment rationale.  
9 You have to look at the mechanism of injury.

10 Q Sure.

11 A And then you have to decide whether your hospital  
12 or the next hospital down can handle anything like  
13 that; so therefore, you have to know what your,  
14 capabilities of your surrounding facilities are  
15 actually able to handle.

16 Q Now did you actually go to the hospital with the  
17 patient?

18 A No, sir, he was air lifted out.

19 Q Okay.

20 A So patient care was transferred over to another  
21 paramedic, which she was the same level of care I  
22 was.

23 Q Okay. And so someone else actually went to the  
24 hospital with him?

25 A Yes, sir.

SW - A. ROGERS - CROSS

1 Q Is that correct?

2 A Correct, sir.

3 Q Okay. And then at that point when he got to the  
4 hospital he was turned over to ---

5 A The medical staff.

6 Q ---medical staff, doctors, nurses at the  
7 hospital?

8 A Correct.

9 Q Okay. And of course, they would make the  
10 ultimate determination as to what course of  
11 treatment ---

12 A Yes, sir.

13 Q ---he received at that point; is that right?

14 A Yes, sir, they had all patient care after that,  
15 yes, sir.

16 Q Okay, all right. And so at that point you don't,  
17 you're not involved in knowing what the outcome as  
18 far as diagnosis or anything like that?

19 A No, sir.

20 Q Okay. So ultimately you don't know the ultimate,  
21 I guess, severity of the injuries?

22 A No, sir. You have what they call HIPPA law,  
23 which I know you're probably familiar with, which  
24 you cannot discuss it further after that.

25 Q Sure. Okay. So you basically just don't know

## SW - A. ROGERS - CROSS

1 what the severity of those injuries were?

2 A No, sir.

3 Q Is that right?

4 A No, sir, we treat as we saw it.

5 Q You only know what your initial assessment was?

6 A We treated it as we saw it, sir.

7 Q Okay, all right. Thank you.

8 THE COURT: Anything further, Solicitor?

9 MR. CLEMENTS: No, Your Honor. We ask Mr.  
10 Rogers be released from his subpoena.

11 MR. FLOYD: No objection.

12 THE COURT: You have a good day.

13 THE WITNESS: Yes, sir, thank you.

14 THE COURT: If you will call your next  
15 witness.

16 MR. CLEMENTS: Your Honor, at this time we  
17 would call Chief Michael Bethea.

18 WHEREUPON,

19 **MICHAEL BETHEA,**

20 having been duly sworn by the Clerk of Court,  
21 testified as follows:

22 **DIRECT EXAMINATION**

23 BY MR. CLEMENTS:

24 Q Could you please state your name for the record  
25 and let us know where you work, what you do.

SW - M. BETHEA - DIRECT

1 A My name is Michael Bethea. I'm chief of police  
2 at the Mullins Police Department.

3 Q And can you please tell us how long have you been  
4 in law enforcement?

5 A 29 years.

6 Q And that 29 years has been spent where?

7 A With the Mullins Police Department.

8 Q And you started 29 years ago as what?

9 A As a regular patrol officer.

10 Q Okay. And then you went from patrol officer to  
11 what?

12 A To corporal, and from corporal I went to  
13 lieutenant, and from lieutenant I went to captain  
14 and then I'm chief.

15 Q Okay. And did you move from patrol to  
16 investigations during that time frame?

17 A No, sir, I moved to investigations in 1990.

18 Q All right. And then became lieutenant and  
19 captain of investigations?

20 A Yes, sir.

21 Q Okay. And you're currently now chief?

22 A Yes, sir.

23 Q And were you the chief in 2010?

24 A No, sir.

25 Q What was your rank and what did you do for the

SW - M. BETHEA - DIRECT

1 Mullins P.D. in 2010?

2 A I was — I was — I held the rank of captain and  
3 I was the on-call investigator that night.

4 Q All right. Who was the chief at that time?

5 A Kenneth Davis.

6 Q And what does Chief Davis now do?

7 A He is the city, city administrator.

8 Q Okay. So you were on-call that morning?

9 A Yes, sir.

10 Q Can you please tell this jury how you were  
11 informed about this incident and what you did.

12 A Well, the morning of the incident I received a  
13 call from the shift, from the shift supervisor,  
14 which I think at that time was Sergeant Gray Pike.  
15 Stated that they was on scene at Meadow Park, and  
16 they had a female victim that had been stabbed and  
17 her 15 year old son, had been stabbed also; and that  
18 the chief, Chief Davis was already on scene, and  
19 that the female victim had already, had already  
20 passed.

21 Q All right. And after you received all that  
22 information where were you when you received this  
23 information?

24 A I was home.

25 Q All right. What did you do after receiving this

SW - M. BETHEA - DIRECT

1 information?

2 A I got dressed and I got in my patrol car and got  
3 to Mullins as quick as I could which took me  
4 approximately 20 minutes.

5 Q And when you got there to the scene what did you  
6 find there and who all was on the scene at that  
7 time?

8 A When I arrived on scene I met with Sergeant Pike  
9 first, and we went through the apartment. I also  
10 talked with Chief Davis. And after entering the  
11 apartment I noticed there was a long blade butcher  
12 knife laying in front of the couch in the living  
13 room. And we proceeded on through and we went to  
14 the back bedroom where the victim was at.

15 Q All right. And what officers were on scene  
16 there?

17 A Chief Davis, Sergeant Pike, Officer Garvin, and  
18 Officer Alford.

19 Q Officer Alford?

20 A Yes, sir.

21 Q All right. And you recall which officer you had  
22 pick up the knife and secure the knife?

23 A Officer -- Officer Alford had secured the knife.

24 Q Okay, all right. And what else, if anything, did  
25 you notice that to you was significant there in the



SW - M. BETHEA - DIRECT

1 living room when you first went in?

2 A Well, there was several empty beer cans, and  
3 there was one or two liquor bottles there.

4 Q Okay. All right, and did you proceed through the  
5 rest of the house?

6 A Yes, sir.

7 Q How many rooms were there that you were going  
8 into?

9 A When you first walk in you walk into the living  
10 room sort of kitchen area. Then there's the bedroom  
11 where the victim was at, and then across from that  
12 from her bedroom was the boy's bedroom.

13 Q Okay. And how many bathrooms were present there?

14 A One.

15 Q Okay. Did the officers that cleared the  
16 apartment, did they take you into each room?

17 A They took me in every room except the bathroom.

18 Q Okay, all right. And what did you do as far  
19 as — did you have any duties as far as processing  
20 that scene or actually collecting any evidence other  
21 than Alford picking up the knife?

22 A No, sir. After —

23 Q Why not?

24 A Well, we had already called for SLED, SLED crime  
25 scene.

SW - M. BETHEA - DIRECT

1 Q Okay.

2 A And as ---

3 Q Why did you call SLED crime scene? Tell us how  
4 the agencies work together. Remember, we're in the  
5 age of all these TV shows and we want to talk about  
6 reality now here so tell us about investigations and  
7 crime scene and the different agencies that work  
8 with Mullins P.D. and why.

9 A Well, SLED is a assisting agency to the smaller  
10 departments.

11 Q For the whole state?

12 A Yes, sir, for the whole state.

13 Q Okay.

14 A And we are a small agency, and we are not  
15 equipped to process a crime scene as well as SLED  
16 can due to manpower.

17 Q Do they have whole crews that that's the only job  
18 they do is go process crime scenes?

19 A Yes, sir.

20 Q Okay. And is that what y'all called and asked  
21 for?

22 A Yes, sir.

23 Q All right, okay. Now as you walk through did you  
24 notice evidence of anyone else being there other  
25 than Ms. Stackhouse? Did you see her?

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1 A Yeah, I saw her. And when I first arrived on  
2 scene the helicopter was lifting off with the other  
3 victim.

4 Q Daquan B. [REDACTED]

5 A Yes, sir.

6 Q Did you have any opportunity to talk with him  
7 that day?

8 A No, sir.

9 Q Okay. Did you have opportunity to talk to him  
10 later?

11 A I talked with him later.

12 Q Okay, all right. What did you do after they took  
13 you through the crime scene and you knew exactly  
14 what you had and y'all called for SLED forensics?  
15 What did you do next?

16 A Well, after we — after I did my observation of  
17 the scene I left out. And if I'm not mistaken I  
18 believe it was Officer Garvin or Sergeant Pike, one,  
19 said they had a possible suspect thing.

20 Q Okay.

21 A Which was Edward Stackhouse.

22 Q All right.

23 A And so I said, okay, well, let's try to find him.

24 Q Okay.

25 A So we left the scene with Officer Alford, and

SW - M. BETHEA - DIRECT

1 myself along with several other officers, we  
2 proceeded to look for him.

3 Q And now let me ask you this, and this is going to  
4 back up. I might be skipping ahead, but excuse me  
5 if I am. What, if anything, did that apartment  
6 complex have as far as any surveillance or security  
7 or anything of that nature?

8 A It has cameras, surveillance cameras.

9 Q All right. It had surveillance cameras for  
10 security at that apartment?

11 A Yes, sir.

12 Q All right. And who ran those apartments?

13 A I'm not exactly sure the name of the company that  
14 owned it.

15 Q Are they housing authority apartments?

16 A No, sir.

17 Q They're not?

18 A No, sir.

19 Q All right. What did you do as part of your  
20 investigation to secure any video they might have  
21 from the security cameras?

22 A I went to the office later on that day and spoke  
23 with the site manager and ---

24 Q After speaking with the site manager what did you  
25 do?

SW - M. BETHEA - DIRECT

1 A I was able to get a copy of the video showing  
2 Edward Stackhouse leaving the apartment.

3 Q All right. I'm going to show you what's been  
4 marked for identification as State's Exhibit 34.  
5 You know what this is?

6 A Yes, sir.

7 Q What is it?

8 A It's a copy of the video showing Edward  
9 Stackhouse leaving the apartment on his bicycle.

10 Q Okay. When y'all get a copy of the video what do  
11 y'all do to maintain it for presentation in court?

12 A It is logged into our evidence locker.

13 Q Okay. Then y'all put it on computer disk?

14 A Yes, sir.

15 Q All right.

16 MR. CLEMENTS: Your Honor, at this time we  
17 move State's Exhibit Number 34 into evidence.

18 THE COURT: Any objection?

19 MR. FLOYD: No objection, Your Honor.

20 THE COURT: State's 34 into evidence  
21 without objection.

22 (WHEREUPON, State Exhibit No. 34 was  
23 admitted into evidence.)

24 BY MR. CLEMENTS:

25 Q Now Chief Bethea, did y'all maintain this — is

SW - M. BETHEA - DIRECT

1 this one of your staff, is this your handwriting on  
2 here labeling this disk?

3 A That's one of my staff's.

4 Q Okay, all right.

5 MR. CLEMENTS: Your Honor, we're gonna  
6 publish this at this time. We're not? Sorry, Your  
7 Honor, we got a technological thing we have to do  
8 with this to make it play on that TV so we're going  
9 to have to show this later.

10 BY MR. CLEMENTS:

11 Q All right, this is what you retained?

12 A Yes, sir.

13 Q Did you review ---

14 A Yes, sir.

15 Q ---that video?

16 A Yes, I did.

17 Q All right. And what mode of transportation did  
18 you observe on that video?

19 A That Edward Stackhouse left the apartment on  
20 bicycle.

21 Q Okay, all right. Did y'all later identify the  
22 bicycle or get a bicycle?

23 A Yes, sir, when ---

24 Q Can you tell us how that happened that you were  
25 able to get this bicycle.

SW - M. BETHEA - DIRECT

1 A Well, Officer Collins with the Marion County  
2 Combined Drug Unit actually spotted Edward  
3 Stackhouse. He was at a residence on Gold Street,  
4 and we was able to get the bicycle from there.

5 Q All right. Well, let me ask you this, what's a  
6 A-P-B?

7 A All points bulletin.

8 Q Okay. Did y'all initiate any all points bulletin  
9 that morning?

10 A Yes, sir.

11 Q All right. And what exactly is all points  
12 bulletin for the jury? Tell how that works.

13 A Well, an all points bulletin is information that  
14 is given out, given out to the surrounding agencies  
15 to be on the lookout for a certain vehicle or either  
16 a certain person.

17 Q Okay. And did y'all put an all points bulletin  
18 out to be on the lookout for?

19 A Yes, we did.

20 Q All right. And was that based on information  
21 y'all gathered?

22 A Yes, sir.

23 Q Okay. And is that what Mark Collins heard that  
24 over the radio responded to?

25 A Yes, sir.

## SW - M. BETHEA - DIRECT

1 Q Okay. And you said that was on Gold Street where  
2 Mr. Stackhouse was found. Did you go to Gold  
3 Street?

4 A Yes, I did.

5 Q Can you tell us what you found when you got to  
6 Gold Street.

7 A Well, when I arrived on Gold Street Chief Davis  
8 was already there and Mr. Stackhouse was already in  
9 cuffs and Chief Davis mirandized him before anything  
10 was done. He ---

11 Q Did you hear that and observe that?

12 A Yes, sir, I was standing right next to Chief  
13 Davis.

14 Q Okay. All right, did you observe any vehicles or  
15 anything other than law enforcement vehicles there?

16 A Only other vehicle was there, there was, if I'm  
17 not mistaken I think the bicycle was red and white.  
18 It was in the yard.

19 Q All right. I'm gonna show you what's been marked  
20 State's Exhibit 33 for ID. You recognize that?

21 A Yes, sir.

22 Q What is that?

23 A That's the bicycle that Edward Stackhouse was  
24 riding.

25 Q All right. And what did y'all do with that



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1 bicycle when it was at Gold Street?

2 A We took the bicycle and we carried it up to the  
3 police department.

4 Q All right.

5 MR. CLEMENTS: Your Honor, at this time I  
6 move State's Exhibit 33 into evidence.

7 THE COURT: Any objection?

8 MR. FLOYD: No objection.

9 THE COURT: State's 33 in evidence without  
10 objection.

11 (WHEREUPON, State Exhibit No. 33 was  
12 admitted into evidence.)

13 BY MR. CLEMENTS:

14 Q And why did y'all take the bicycle up to the  
15 police station?

16 A Because we wanted SLED crime scene to process it  
17 for us, —

18 Q Okay.

19 A —to collect any evidence that Edward was on.

20 Q And did they come — did SLED crime scene come to  
21 the police station as well as to the apartments?

22 A Yes, sir.

23 Q Okay. And did they process, swab that bicycle?

24 A Yes, sir.

25 Q Okay. All right, now let me back up, before you

SW - M. BETHEA - DIRECT

1 went to Gold Street did you do anything else other  
2 than make sure the apartment was secured for SLED  
3 crime scene units —

4 A No, that's all.

5 Q —before you left?

6 A That's all I did.

7 Q Okay. And then from there you went where?

8 A We — after I left Meadow Park I rode around  
9 looking for the suspect which was Edward Stackhouse.

10 Q And what caused you to go to Gold Street?

11 A Whenever the radio transmission came across the  
12 air, if I'm not mistaken I believe it was Deputy  
13 Collins said he had the suspect on Gold Street.

14 Q And that's what caused you to go to Gold Street?

15 A Yes, sir.

16 Q And you got to Gold Street, you found chief, then  
17 Chief Davis was already there?

18 A Yes, sir.

19 Q All right. Did you participate in talking with  
20 anybody there at that time, or did you do anything  
21 there at Gold Street other than come up and observe?

22 A No, sir, that's all I did.

23 Q All right. Who actually took the bicycle back to  
24 the police department?

25 A If I'm not mistaken I believe it was Lieutenant,

## SW - M. BETHEA - DIRECT

1 Lieutenant Gore put it in the trunk of his car.

2 Q Brandon Gore?

3 A Yes, sir.

4 Q And when you left Gold Street where did you go?

5 A When I left Gold Street I went up to the police  
6 department.

7 Q All right. And when you got to the police  
8 department what did you do there?

9 A When I got up to the police department I — they  
10 had Edward Stackhouse in the day room, the day room  
11 they call it.

12 Q Okay.

13 A And —

14 Q Was he still clothed in the clothes he originally  
15 had on?

16 A Yes, sir.

17 Q Okay. What, if anything, did you direct them to  
18 do?

19 A I told them, you know, we needed to, we needed to  
20 take his clothes, get his clothes, and —

21 Q What was the purpose in taking his clothes?

22 A To collect them as evidence.

23 Q Okay. And what would you want to do? What was  
24 your intent to do with those clothes later?

25 A To turn them over to SLED so they could be

SW - M. BETHEA - DIRECT

1 processed.

2 Q Okay. Did you do that?

3 A Yes, sir.

4 Q Okay. All right, after getting Mr. Stackhouse's  
5 clothes did y'all give him something to wear?

6 A Yes, I had one of the officers to go out to the  
7 county jail to give one of their orange suits for  
8 him to put on.

9 Q All right. And what did you do with  
10 Mr. Stackhouse after that?

11 A After that we took Mr. Stackhouse upstairs to my  
12 office.

13 Q Okay. And what did you take him upstairs to your  
14 office for?

15 A I carried him up to my office so that myself  
16 along with Chief Davis could talk with him about  
17 what took place at Meadow Park.

18 Q Okay. All right, and before you talk to someone  
19 who's a suspect in a crime, is there any procedure  
20 or what type of process do you go through when you  
21 talk to somebody who is actually a suspect?

22 A Mirandize him, read them their rights.

23 Q All right, when you say mirandize, and we assume  
24 that people know from TV a lot of things, but tell  
25 us specifically and accurately what does that mean

SW - M. BETHEA - DIRECT

1 when you mirandize somebody?

2 A We read them the rights. You know, you have a  
3 right to remain silent. Anything you say can and --  
4 will be used against you in a court of law. If you  
5 cannot afford an attorney one would be appointed to  
6 represent you. That's what I read to him.

7 Q Okay. That's pretty good off the top of your  
8 head, but do you do it off the top of your head or  
9 do you actually read it to him to make sure you  
10 cover everything?

11 A No, I read it from our Miranda form.

12 Q Okay. To your knowledge had he been mirandized  
13 or not prior to you sitting with him in your office?

14 A Yes, he had.

15 Q Where had he been mirandized?

16 A He was mirandized on Gold Street by Chief Davis.

17 Q But you didn't talk to him there?

18 A No, sir.

19 Q Why didn't you go ahead and talk to him there?

20 A Well, it wasn't the proper area to talk to him.

21 Q Too much going on?

22 A Too much going on and it just wasn't the proper  
23 place.

24 Q Okay. All right, and your office, how  
25 comfortable is your office?

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1 A My office is very comfortable.

2 Q All right. What did you to do make Mr.  
3 Stackhouse comfortable?

4 A We fed him, we gave him something to drink, and I  
5 also let him smoke my cigarettes.

6 Q Okay.

7 A We tried to make him as comfortable as possible.

8 Q Now you said you read to him off a Miranda form.

9 A Yes, sir.

10 Q What's the difference between the Miranda form  
11 and a Miranda card. I've heard both be referred to.

12 A Well, we carry Miranda cards also and we also use  
13 the form. And the difference is, when reading off  
14 the form you can get that individual to sign it.

15 Q And you let them read it themselves as well?

16 A Yes, sir.

17 Q Do you carry a card with you?

18 A Yes, sir, I carry several.

19 Q Okay. I'm gonna show you what's been marked  
20 State's Exhibit 35. I believe it's already been  
21 admitted into evidence. You recognize that?

22 A Yes, sir.

23 Q What is that?

24 A Mullins Police Department Miranda warning.

25 Q Okay. All right, if you would please with the

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1 Court's permission, I'm gonna ask you to step down  
2 here in front of this jury, and I want you to show  
3 them this form and there's a different sections of  
4 this form.

5 A Yes, sir.

6 Q And I'm gonna ask you, if you would, to explain  
7 what these different sections are, explain to the  
8 jury what's on this form, and who wrote on this form  
9 and where.

10 A Okay.

11 Q All right. And this is State's Exhibit 35.

12 A Okay. This is our Miranda form. And at the top  
13 of the form we put the case number, the location  
14 which was Mullins Police Department, the date which  
15 is September 17th, 2010. And I also, I always put  
16 the time that I read the form. And the middle  
17 section here is actually the rights which it says:  
18 "You have the right to remain silent. Anything you  
19 say can and will be used against you in a court of  
20 law. You have the right to speak with an attorney  
21 and have him or her present while you are being  
22 questioned. If you cannot afford to hire an  
23 attorney one would be appointed to represent you  
24 before any questioning if you wish. You can decide  
25 at any time to exercise your rights and not answer

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1 any questions or make any statement." Then the next  
2 set of questions is: "Do you understand each of  
3 these rights I have explained to you." That takes  
4 either a yes or no answer. And then the next  
5 question is: Having these rights in mind do you  
6 wish to talk with us now, which that also requires a  
7 yes or no answer.

8 Q Which did he circle?

9 A He circled yes on both of them.

10 Q Okay. And what is that written out by the side  
11 of each question?

12 A Beside each question is Edward Stackhouse's  
13 initials.

14 Q Who put those initials on there?

15 A He do. He did.

16 Q Okay.

17 A And it's just one of my preference that I like to  
18 do and —

19 Q And tell me this, Chief, why are these questions  
20 that you ask him and these things you read to him,  
21 why are they so important that you do to a suspect?

22 A So that, you know, their rights are not -- is not  
23 violated. That at any time if we're talking with  
24 somebody and they say I don't want to talk anymore,  
25 then everything stops.



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1 Q Okay. So you don't force them to do that. You  
2 want to make sure they understand what they're  
3 doing?

4 A That's correct.

5 Q Now let me ask you this and -- I'll tell you  
6 what, go ahead and continue and get to the end and  
7 I'll go back.

8 A Okay. Now the next set down here is the waiver  
9 and it says: "I have read this statement of my  
10 rights and I understand what my rights are. I'm  
11 willing to make a statement and answer questions. I  
12 do not want an attorney at this time. I understand  
13 and know what I am doing. No promise or threats has  
14 been made to me. No pressure of any kind has been  
15 used against me in exchange for my statement." Now  
16 I also read that to him, and I also gave him this  
17 form to read also. And after he read it I had him  
18 to sign it. I signed it as a witness and I put the  
19 time.

20 Q All right. So what time did you actually start  
21 going over that form with him?

22 A It was 1:12 p.m.

23 Q Okay. And what time did you end?

24 A 1:15 p.m.

25 Q Okay. Now that was several hours after he had

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1   been picked up; is that correct?

2   A   That's correct.

3   Q   You can sit back on the witness stand. Tell this  
4   jury what -- where was Mr. Stackhouse during that  
5   time period before you started this process, and  
6   what did y'all do, if anything, to make him  
7   comfortable during that time period which is kind of  
8   a lengthy time period?

9   A   Yes, sir. Well, he was down in the squad room  
10   for a while. Then we, like I said, then we took him  
11   up to my office. And the reason he was downstairs  
12   for such a lengthy time was because whenever SLED,  
13   whenever one of the members from SLED crime scene  
14   got there they also processed him.

15   Q   When you say they processed him what exactly do  
16   they do?

17   A   Well, they check his hands for any wounds,  
18   checked his hands for any blood.

19   Q   Okay, all right. And y'all had to wait on them  
20   to do all that?

21   A   Yes, sir.

22   Q   And you -- did you not want him to be writing or  
23   doing anything prior to that?

24   A   No, sir.

25   Q   Why not?

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1 A Because if he had any kind of evidence on him,  
2 with him doing anything else would have probably  
3 either it would probably gotten rid of, gotten --  
4 excuse me, probably gotten rid of the evidence.

5 Q Okay, all right. Now during this time period  
6 that you went over the miranda with him how close  
7 were you to him?

8 A Probably about from me to the judge.

9 Q Okay. Were you able to observe what his demeanor  
10 was?

11 A Yes, sir.

12 Q Were you able to observe if he was understanding  
13 the process in your conversation?

14 A Yes, he was.

15 Q Okay. Well, tell the jury what was his demeanor  
16 and how do you feel about whether he was able to  
17 understand what was going on and was in his right  
18 mind or in his right senses?

19 A He was calm. You know, he didn't seem to be  
20 upset any. He was just normal. You know, I've  
21 known Edward for a while and he was just Edward.

22 Q Okay. And he wasn't out of it or under the  
23 influence of anything so he didn't understand what  
24 was going on?

25 A As we took it he understood everything that was

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1 going on.

2 Q Okay, all right. Did you take a statement from  
3 him at that time?

4 A Yes, we did.

5 Q Okay. You say "we". After you finished  
6 mirandizing him -- well, when you started  
7 mirandizing him who all was in your office?

8 A When I started mirandizing myself, Edward, and  
9 then Chief Davis came in.

10 Q Okay, all right. And who took the statement from  
11 him?

12 A Chief Davis did.

13 Q All right. And you were present?

14 A Yes, sir.

15 Q You were there the whole time?

16 A The whole time.

17 Q Okay. And what did y'all do to preserve that or  
18 to make a record of that statement?

19 A We video recorded it.

20 Q Okay. And did you maintain that recording?

21 A Yes, sir.

22 Q Okay, all right. Now after you finished getting  
23 his statement what did you do with Mr. Stackhouse?

24 A After we finished with the statement he wanted  
25 to -- he wanted another cigarette. I gave him

SW - M. BETHEA - DIRECT

1 another cigarette and then had an officer to  
2 transport him to the county jail.

3 Q All right. So he was arrested?

4 A Yes, sir.

5 Q And what did y'all charge him with at that time?

6 A He was charged with murder, attempted murder, and  
7 possession of a weapon during a violent crime.

8 Q Okay. After he was transported to the detention  
9 center what did you do next as far as this process  
10 of investigation?

11 A After that I went back to — I went back to  
12 Meadow Park, and I picked up a copy of the video of  
13 Edward leaving the apartment.

14 Q Okay. And after you did that where — did you  
15 stay there? Was the crime scene still being  
16 processed at that time, or were they done by then?

17 A They was done.

18 Q Okay. Now where did you go from there? What did  
19 you do next?

20 A That was just about it.

21 Q Okay. Was there anybody else that you took any  
22 statements from, anybody else that you interviewed  
23 yourself?

24 A Yes, sir. The only other person I interviewed  
25 was Daquan, but that was approximately a week later.

SW - M. BETHEA - DIRECT

1 Q Okay. And that was the young man that got  
2 stabbed as well?

3 A Yes, sir.

4 Q And where did you interview him at?

5 A At Mullins High School.

6 Q Okay. Anything else you did involved in this  
7 investigation?

8 A No, sir.

9 Q All right. How about transporting or  
10 transmitting any evidence to any other agencies or  
11 any other law enforcement personnel?

12 A No, sir, only we had another officer to transport  
13 the evidence.

14 Q All right. How about the clothes and that were  
15 taken from Mr. Stackhouse, what were done with  
16 those?

17 A They was handed over to SLED crime scene ---

18 Q Okay.

19 A ---that day.

20 Q How about the knife?

21 A It was handed over to SLED crime scene that day.

22 Q And where did they transport it to?

23 A To Columbia.

24 Q To the SLED lab?

25 A Yes, sir, to headquarters.

## SW - M. BETHEA - CROSS

1 Q Okay.

2 MR. CLEMENTS: All right, beg the Court's  
3 indulgence a moment.

4 THE COURT: Sure.

5 MR. CLEMENTS: Please answer any questions  
6 Mr. Floyd has.

7 THE COURT: Mr. Floyd.

8 MR. FLOYD: Thank you, Your Honor.

9 **CROSS-EXAMINATION**

10 BY MR. FLOYD:

11 Q Chief Bethea, how are you? Chief, when you  
12 arrived at the scene you went inside the apartment  
13 building; is that right?

14 A Yes, sir.

15 Q Okay. And you didn't collect any evidence or do  
16 anything like that? You just viewed the scene  
17 basically?

18 A That's it. That's all.

19 Q Okay. How long were you there at the scene?

20 A Approximately 15, 20 minutes.

21 Q Okay. So you left there. And did you say you  
22 checked on a surveillance video; is that right?

23 A Yes, sir, that was later on.

24 Q That was later?

25 A Yes, sir.

## SW - M. BETHEA - CROSS

1 Q Okay. And you immediately went to -- where after  
2 that, Gold Street?

3 A No, sir, I started riding around town.

4 Q Okay. You were just riding around looking?

5 A Yes, sir, looking for Edward.

6 Q Okay. And then you got a call he was on Gold  
7 Street?

8 A Yes, sir.

9 Q Okay. Now when you got there was he already  
10 detained?

11 A Yes, sir.

12 Q And do you recall what he was wearing?

13 A Blue jean shorts, a white T-shirt, white -- red  
14 and white air Jordans.

15 Q Okay. Was the T-shirt that he had, was it  
16 stained badly or did you notice any stains on it?

17 A I can't really say about that.

18 Q You don't remember?

19 A I don't remember.

20 Q Okay. How close were you to him then?

21 A About as close as I am to the judge.

22 Q Okay. And you actually put him in the car?

23 A No, sir.

24 Q Took him to the police station?

25 A No, sir.



## SW - M. BETHEA - CROSS

1 Q Who did?

2 A If I'm not mistaken I think it was either  
3 Lieutenant Gore or Officer Garvin.

4 Q Okay. But you went to the police station when  
5 they took him; is that correct?

6 A That's correct.

7 Q Okay. And were you with him there before they  
8 took his clothes off?

9 A Yes, sir.

10 Q Okay. So you saw him in the same clothes he was  
11 wearing on the street at the police station?

12 A Yes, sir.

13 Q Okay. And he still had on a white T-shirt?

14 A Yes, sir.

15 Q Okay. And at the police station did you notice  
16 whether the shirt was stained badly or not?

17 A I didn't look at it.

18 Q Okay. You didn't — did you look at him?

19 A Yeah, I looked at him.

20 Q Okay. You knew he was wearing a white T-shirt;  
21 is that right?

22 A That's correct.

23 Q Okay. Now you were involved in the statement  
24 that he gave you; is that correct?

25 A Yes, sir.

## SW - M. BETHEA - CROSS

- 1 Q You were present for the whole entire statement?
- 2 A Yes, sir.
- 3 Q Okay. Now was he cooperative with you?
- 4 A Yes, sir.
- 5 Q Was he polite to you?
- 6 A Yes, sir.
- 7 Q Okay. How about on Gold Street, was he
- 8 cooperative there ---
- 9 A He was.
- 10 Q ---as far as when you were there?
- 11 A He was.
- 12 Q And he agreed to give you a statement and he did;
- 13 is that right?
- 14 A He did.
- 15 Q Okay. Now you gave -- you said you were involved
- 16 in taking a statement from Mr. Daquan B. [REDACTED] is that
- 17 right?
- 18 A That's right.
- 19 Q Was that done on the 22nd of September?
- 20 A Yes, sir.
- 21 Q Is that right?
- 22 A What I've been looking at, the date on it.
- 23 Q Okay. Well, I'll be glad to show you this and
- 24 you can tell me if that's the statement that he
- 25 gave.

## SW - M. BETHEA - CROSS

1 A Yes, sir, that's it.

2 Q Is that it?

3 A Yes, sir.

4 Q Was that done on the 22nd of September?

5 A Yes, sir.

6 Q So that was five days after the incident?

7 A That's correct.

8 Q And you did this at Mullins High School you said?

9 A Yes, sir.

10 Q Okay. And how did you go about doing this? Did  
11 you just walk in and say, please write down what  
12 happened, or did you talk about it first?

13 A No. Before I -- before we went to the school I  
14 went and talked with his grandmother first.

15 Q Okay.

16 A To let her know that we needed to get a statement  
17 from him, and she told me it would be all right if I  
18 went to the school.

19 Q Okay. And so you followed up and went there?

20 A Yes, sir.

21 Q Okay. Now at some point you followed up and got  
22 a video of Mr. Stackhouse on a bicycle when he left  
23 the apartment complex; is that right?

24 A That's right.

25 Q Okay. Did you watch that?

SW - M. BETHEA - CROSS

1 A Yes, sir.

2 Q Do you recall an individual coming into that  
3 frame wearing blue jeans?

4 A I seen Edward leaving the ---

5 Q Okay. And after that do you recall seeing  
6 someone on that video?

7 A No, sir. The only person I seen on the video was  
8 Edward leaving, leaving the apartment.

9 Q Okay, all right.

10 MR. FLOYD: Your Honor, could you bear  
11 with me one second.

12 THE COURT: Sure.

13 BY MR. FLOYD:

14 Q Now on the night of the incident, the 17th or the  
15 morning of, did you followup with Daquan as far as  
16 after he was transported to the hospital? Did you  
17 actually go there or anything of that nature?

18 A No, sir.

19 Q Okay. So did you see him at the scene?

20 A No, sir. When I arrived on scene they was  
21 already lifting off with him.

22 Q Okay, he was already being transported. So  
23 obviously you didn't take any pictures or anything  
24 of his injuries?

25 A No, sir.

## SW - M. BETHEA - CROSS

1 Q Okay. And you didn't go to the hospital  
2 afterwards and take any pictures of his injuries or  
3 anything like that —

4 A No, sir.

5 Q —or get any documentation; is that correct?

6 A That's correct.

7 Q Okay. And the bicycle that Mr. Stackhouse was  
8 riding, you said that was in the yard of the, I  
9 guess, on Gold Street where he was standing when you  
10 saw him; is that correct?

11 A That's correct.

12 Q It was parked there in the yard?

13 A Yes, sir.

14 Q Okay. And you took that into your custody?

15 A Yes, we did.

16 Q Okay. Do you recall — I know it was red and  
17 white but you can't really see the handle bars on  
18 that particular picture, at least not one of them.  
19 Was it wrapped up in electrical tape, do you  
20 remember?

21 A I didn't look at it that hard.

22 Q You just weren't that observant about it?

23 A Right.

24 Q Okay, I understand. Okay. Thank you very much.

25 THE COURT: Thank you. Any redirect?

## SW - M. BETHEA - REDIRECT

1 MR. CLEMENTS: Yes, Your Honor, I don't  
2 understand all the computer stuff, but we had to get  
3 it on the format to play on the TV and we now have  
4 that and ask to publish it at this time.

5 THE COURT: What is that, 34? State's 4?

6 MR. CLEMENTS: Yes, sir. And Your Honor,  
7 before we publish it I've got just a couple of  
8 questions to followup on something Mr. Floyd asked  
9 on cross.

10 **REDIRECT EXAMINATION**

11 BY MR. CLEMENTS:

12 Q Chief Bethea, what were you able to notice, if  
13 anything, about big stains on Mr. Stackhouse's  
14 shirt? Were there any big stains?

15 A There wasn't any, not no big, nothing to just  
16 reach out to you.

17 Q How about little like splatter or anything? Were  
18 you able to tell that, or what did you look for to  
19 see if there was any little splatter or anything?

20 A I didn't look. I didn't walk up to him and  
21 examine him, you know, examine his shirt and see if  
22 he did have any blood on it.

23 Q So you can't say whether there was any little  
24 splatter or not?

25 A No, sir, I cannot.

## SW - M. BETHEA - REDIRECT

1 Q But you can say there wasn't any big splatter?

2 A That's correct.

3 Q Like nothing had soaked on it?

4 A Yes, sir.

5 Q Okay. All right.

6 MR. CLEMENTS: Your Honor, at this time we  
7 request permission to publish this to the jury.  
8 State's Exhibit 34.

9 All right, Investigator Bethea, if you  
10 will step down, maybe stand over there so you can  
11 see this too.

12 (State's Exhibit 34 was shown to the jury.)

13 BY MR. CLEMENTS:

14 Q And those numbers up there, is that 9/17 of '010?

15 A Yes, sir, and the time.

16 Q Okay. Chief Bethea, do you recall what was the  
17 length of the video that you actually got time-wise?

18 A It's not long. I'm not exactly sure ---

19 Q Okay.

20 A ---how long, but it's not long. Should be any  
21 minute now. I think it's around 4:30 something.

22 (Playing of video continued.)

23 THE WITNESS: At 4:31 you see  
24 Saw Edward Stackhouse leaving the apartment on his  
25 bicycle.

## SW - M. BETHEA - RECROSS

1 BY MR. CLEMENTS:

2 Q And which son was it that ran out first ---

3 A That was ---

4 Q ---to go get help?

5 A That would be the youngest son, William.

6 Q William. So it was who -- was that William?

7 A That was William that ran out and went that way.

8 Q Okay. And did anybody -- no one comes out after  
9 this, do they?

10 A No, sir.

11 Q All right, thank you. Chief Bethea, if you'd  
12 answer any questions Mr. Floyd may have about the  
13 video.

14 THE COURT: Mr. Floyd.

15 **RECROSS-EXAMINATION.**

16 BY MR. FLOYD:

17 Q How much longer does the video run?

18 A Not long after that.

19 Q Okay.

20 MR. FLOYD: Could we watch the remainder  
21 of it?

22 MR. CLEMENTS: Sure.

23 THE COURT: Thank you. Anybody need to  
24 take a short break? You good to go through the end  
25 of this witness. Okay? All right.



## SW - M. BETHEA - FURTHER DIRECT

1 (The remainder of the video was shown to the jury.)

2 BY MR. FLOYD:

3 Q Chief Bethea, the individual that we just saw on  
4 the video there, did you recognize who that was?

5 A No.

6 Q Have any idea who that was?

7 A No, sir.

8 Q Okay. Had you ever seen that before?

9 A No, I hadn't seen that.

10 Q Okay, all right. Thank you very much.

11 THE COURT: All right.

12 **FURTHER DIRECT EXAMINATION**

13 BY MR. CLEMENTS:

14 Q And earlier, what did you say about seeing  
15 Daquan, how he was dressed, or seeing him at all  
16 when you got on the scene?

17 A I never saw Daquan.

18 Q You never saw Daquan so you can't say whether  
19 that was Daquan or not?

20 A No, sir.

21 Q Okay, all right. Thank you.

22 THE COURT: All right, you can step down.

23 Why don't we take a 20 minute break; is  
24 that all right? We will come back. Again, as I  
25 told you yesterday don't talk about the case at all.

1 The bailiff will take care of your needs if you need  
2 to drink, smoke, or whatever.

3 (WHEREUPON, the jury was removed from the  
4 courtroom at 11:25 p.m., and a break was  
5 taken.)

6 (The jury was returned to the courtroom at  
7 approximately 12:00 p.m., and the  
8 following proceedings commenced.)

9 THE COURT: Solicitor, if you'd call your  
10 next witness.

11 MR. CLEMENTS: Thank you, Your Honor. If  
12 it please the Court, we would call Special Agent  
13 Scott Hardee.

14 THE CLERK OF COURT: Sir, if you will come  
15 around let me swear you in please, sir.

16 WHEREUPON,

17 **LELAND SCOTT HARDEE,**  
18 having been duly sworn by the Clerk of Court,  
19 testified as follows:

20 THE CLERK OF COURT: Thank you, sir.

21 **DIRECT EXAMINATION**

22 BY MR. CLEMENTS:

23 Q Good afternoon.

24 A Good afternoon.

25 Q Well, it's still good morning for another minute.

SW - L. HARDEE - DIRECT

1 A Yeah.

2 Q Can you please tell this jury where you work,  
3 what your name is, and what's the nature of your  
4 job.

5 A My name is Leland Scott Hardee. I'm a special  
6 agent with SLED. I'm currently assigned to the  
7 crime scene unit, and I've been doing that since  
8 2009. I've been with SLED since 2008, and prior to  
9 that I had eight years of law enforcement with the  
10 Florence P.D.

11 Q All right. So close to being back home?

12 A Pretty close, one county over.

13 Q Did you have occasion to be called over to  
14 Mullins, South Carolina on September 17th, 2010?

15 A Yes, sir, I did.

16 Q And can you please tell us the nature of that  
17 call, where you were, and how you responded?

18 A I was at home. It was about 7:00 in the morning,  
19 between 7 and 8. And special agent at the time Kim  
20 Dinh, she called and requested me to assist her in a  
21 death investigation. She told me to go to the  
22 Mullins Police Department where I was to meet with  
23 the Mullins police and the suspect they had  
24 detained.

25 Q And did you respond to that?

SW - L. HARDEE - DIRECT

1 A Yes, I did.

2 Q Where did you go?

3 A I went to the Mullins Police Department and met  
4 with at the time Chief Kenny Davis, and I believe --  
5 my memory is failing, but I believe he's the one I  
6 met with. He was the one I met with.

7 Q Okay. And do you know about what time it was  
8 that you got there that day?

9 A Approximately I'd say between 8:30 and 9:30.

10 Q And when you got to the Mullins P.D. and you met  
11 with Chief Davis, what did they ask you to do or  
12 what did you do exactly?

13 A I took photographs of the defendant showing just  
14 general body shots of his face, his hands, forearms,  
15 places like that. Then after I photographed him I  
16 collected buccal swabs from his mouth. Buccal swabs  
17 we use as a standard for DNA comparison. Then we --  
18 then I collected some swabs from a little part on  
19 his forearm that looked like there was some  
20 suspected blood on it. I tested it. It came back  
21 positive for blood. And then I was told that he had  
22 ridden a bike, and so I swabbed the handlebars on  
23 the bike.

24 Q And why did you swab the handlebars on the bike?

25 A Just for DNA.

SW - L. HARDEE - DIRECT

1 Q Whose DNA were you looking for?

2 A His.

3 Q All right. But he was riding the bike. Would  
4 you be looking for anybody else's DNA possibly as  
5 well?

6 A Whatever came back. I mean, when we do for touch  
7 DNA there's profiles developed, and that's getting  
8 out my area of expertise but it'll -- you'll have to  
9 ask a DNA analyst, but they'll find whatever DNA is  
10 there more or less.

11 Q Could you also -- is it common to compare to see  
12 if the victim's DNA is there as well?

13 A Yes, sir.

14 Q Okay. I show you some photographs, Agent Hardee,  
15 and I'm gonna ask if you can identify these  
16 photographs for us. First I'm gonna show you what's  
17 already in evidence, State's Exhibit 33. Do you  
18 recognize that?

19 A Yes, sir, that's the bike that was in like a  
20 little room at the Mullins Police Department that I  
21 was told the suspect had driven, or ridden, excuse  
22 me. And so I photographed that, and that's where I  
23 got the two swabs from the handlebars.

24 Q Okay.

25 A Four swabs actually, two from the left of the bar

SW - L. HARDEE - DIRECT

1 and two from the right handle bar.

2 Q What kind of handle bars are these and grips?

3 A It's a black grip, but I can't tell if it's  
4 electric tape or foam or even rubber from the photo  
5 printout I got, and I can't recall.

6 Q Okay. I'm gonna show you what's been marked  
7 State's Exhibit I.D. 30, 31, and 32. I'm gonna ask  
8 if you can recognize these. Number 30, do you  
9 recognize that?

10 A Yes, sir, I took that photograph.

11 Q 31?

12 A Yes, sir, that's one that I took.

13 Q And 32?

14 A That's the third one I took.

15 Q All right. If you can, I'm gonna ask permission  
16 from the Court for you to step down.

17 THE COURT: Are these in evidence?

18 MR. CLEMENTS: I'd like to move these in  
19 evidence at this time.

20 THE COURT: Any objection?

21 MR. FLOYD: Without objection.

22 THE COURT: State's 30, 31 and 32 are in  
23 evidence.

24 (WHEREUPON, State Exhibits Nos. 30, 31, 32  
25 were admitted into evidence.)

SW - L. HARDEE - DIRECT

1 BY MR. CLEMENTS:

2 Q State's Number 30, explain to the jury what this  
3 picture depicts and why you took this picture.

4 A Okay. Generally when I take photos of people,  
5 suspects, or even witnesses and stuff, if -- I'm a  
6 traveling person. I like to photograph their hands.  
7 That way you'll see if there are any injuries on  
8 their hands that they could have lifted or could  
9 have been anything on them as defensive wounds. And  
10 that's what I was doing here. I was showing the  
11 back of the defendant's hands to see if there were  
12 any injuries to his hands.

13 Q Were there any there when you looked at them and  
14 took pictures of them?

15 A Yes, sir, and I didn't see any.

16 Q Okay, State's Exhibit 31.

17 A This is pretty much the same that I do. I take  
18 the back of the hands and then I take the palm of  
19 the hands as well, and then I can see any injuries  
20 so I photograph that.

21 Q All right, State's Exhibit 32.

22 A All right. This is going to be the defendant's  
23 right arm on just above the wrist, and I did see a  
24 scant spot right there. It wasn't bleeding or  
25 anything, but there was a discoloration right there.

SW - L. HARDEE - DIRECT

1 Q So no blood was there?

2 A None that I saw.

3 Q Okay. And you said you swabbed this forearm. Is  
4 that up higher than this?

5 A Yea, a little bit up higher. There was ---

6 Q Show on me about where you swabbed and what you  
7 saw.

8 A It would have been this general area right here.  
9 There was a red -- well, reddish brown coloration on  
10 his skin that didn't match the regular skin tone and  
11 so I swabbed it with, for suspected blood, and it  
12 came back positive for blood. And that just it's an  
13 indication what we use indication of blood. It  
14 doesn't differentiate between animal or human, and  
15 that's what that would be sent to DNA for them to do  
16 their analysis.

17 Q And was that done?

18 A Yes, sir.

19 Q Would -- the swabs you collected and the pictures  
20 you took, what did you do with those?

21 A When Agent Dinh arrived at Mullins Police  
22 Department I turned everything that I did over to  
23 her. She was the case agent. And we signed a chain  
24 of custody turning everything over to her, and then  
25 she transported it to headquarters.



SW - L. HARDEE - DIRECT

1 Q Did you get anything from, at all from Chief  
2 Davis to transport or to —

3 A No, sir.

4 Q —transfer to Agent Dinh?

5 A Not for me to transfer, no, sir.

6 Q Okay, all right. Is there anything else you did  
7 to assist in this investigation?

8 A No. After I was finished with that Agent Dinh  
9 told me I could leave, and so I went on back to  
10 Florence.

11 Q Was there anything else you were involved in as  
12 far as any chain of custody transporting or  
13 transferring any items from one agent or agency to  
14 another?

15 A No, sir. The only thing that I did, like I've  
16 already previously stated, was I signed chain of  
17 custody transferring the buccal swabs, the — and  
18 the other swabs that I had collected over to Agent  
19 Dinh and then she transported them.

20 Q Okay. Please answer any questions Mr. Floyd may  
21 have.

22 THE COURT: Mr. Floyd.

23 MR. FLOYD: Thank you.

24 **CROSS-EXAMINATION**

25 BY MR. FLOYD:

## SW - L. HARDEE - CROSS

1 Q Agent Hardee, you took the picture of the  
2 bicycle?

3 A Yes, sir.

4 Q That picture ---

5 A I did.

6 Q ---that you just looked at. You mentioned  
7 something about electrical tape. Were the  
8 handlebars ---

9 A I can't recall.

10 Q ---wrapped with that?

11 A I can't recall. I can't recall if it was  
12 electric tape, foam, or I just remember bar handles.

13 Q Okay. So it might have been wrapped with  
14 electrical tape?

15 A It could have been.

16 Q So you swabbed both of those handlebars?

17 A Yes, sir.

18 Q And then the other swab you took was of  
19 Mr. Stackhouse's forearm?

20 A Yes, sir.

21 Q Did you take a picture of the area that you  
22 swabbed?

23 A Yes, sir.

24 Q You did? Okay. Are those --- were those ---

25 A I didn't see them.

## SW - L. HARDEE - CROSS

1 Q ---pictures that you looked at?

2 A No, sir.

3 Q No? Okay. And after you did the swabs you just  
4 gave them to another agent; is that correct?

5 A Right, I gave them to Agent Dinh.

6 Q Okay. And that was the end of your involvement?

7 A Yes, sir.

8 Q Okay. Thank you.

9 THE COURT: Anything further?

10 MR. CLEMENTS: Nothing further. I ask he  
11 be released from his subpoena.

12 THE COURT: Any objection?

13 MR. FLOYD: No objection.

14 THE COURT: Have a good afternoon.

15 Call your next witness.

16 MR. CLEMENTS: Your Honor, we call Officer  
17 Kim Dinh.

18 WHEREUPON,

19 **KIM DINH,**

20 having been duly sworn by the Clerk of Court,

21 testified as follows:

22 **DIRECT EXAMINATION**

23 BY MR. CLEMENTS:

24 Q Now it's afternoon. Good afternoon.

25 A Good afternoon.

SW - K. DINH - DIRECT

1 A Good afternoon.

2 Q Can you please state your name and spell your  
3 last name for the court reporter and then tell this  
4 jury where you work now.

5 A My name is Kim Dinh, D-I-N-H, and I currently  
6 work for the State of South Carolina Criminal  
7 Justice Academy as a defensive tactics instructor.

8 Q As a what?

9 A Defensive tactics instructor.

10 Q So that means you're a dangerous person?

11 A I guess arguably.

12 Q Okay. Now how long have you been working there?

13 A I've been working there since December of -- this  
14 past December.

15 Q Okay. I'm just curious, you have any black belts  
16 or anything?

17 A I do.

18 Q Any kind of marshal arts?

19 A Yes, sir.

20 Q What do you have black belts in?

21 A Tuns-ado, taquando, and also currently training  
22 jujitsu.

23 Q Okay, that's impressive.

24 A Thank you.

25 Q Now that's not what I have you here to talk

SW - K. DINH - DIRECT

1 about. Prior to working with the Criminal Justice  
2 Academy being an instructor, where did you work?

3 A I was at SLED. I was assigned to crime scene for  
4 five years responding to everyone State of South  
5 Carolina, processing crime scenes, also developing  
6 anything with latent footwear, tire wear, blood  
7 pattern, and crime scene reconstruction.

8 Q Now how long have you been in law enforcement?

9 A I've been in law enforcement for seven years.

10 Q Okay. And so you were working with SLED crime  
11 scene September 17th, 2010?

12 A Yes, sir, I was.

13 Q Okay. Did you have an occasion to be called to  
14 Mullins, South Carolina?

15 A Yes, sir.

16 Q Can you tell this jury what kind of call that was  
17 and where you responded to.

18 A Yes, sir. I responded to a call — I received a  
19 call at 5:29 that morning in reference to a death  
20 investigation in Mullins. And when I arrived I  
21 arrived to — may I refer to my notes?

22 Q Certainly.

23 A The address I arrived to was [REDACTED],  
24 Apartment [REDACTED] in Mullins, South Carolina.

25 Q Do you recall about what time you got there that

SW - K. DINH - DIRECT

1 morning?

2 A 7:59.

3 Q Okay.

4 A 7:57, correction.

5 Q Now can you explain to this jury -- I'm sure  
6 they've watched a lot of TV. What's -- is there  
7 much difference between reality in these crime shows  
8 we have now?

9 A There is a difference.

10 Q Okay. Can you explain to us the reality of what  
11 your job was on crime scene, what you did when you  
12 first got there, and the process that you followed  
13 when you would process a crime scene.

14 A Yes, sir. The first things we do on arrival is  
15 make sure the scene is secure. That means any  
16 incoming, outgoing traffic, or any pedestrians in  
17 that area is cut off. This preserves the scene for  
18 me so we don't jeopardize any evidence that could be  
19 found. After that we start with photo  
20 documentation, simply taking photographs --

21 Q Okay.

22 A --of everything --

23 Q Let me slow you down just a little bit. When you  
24 got to the scene was it secured?

25 A It was secured.

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1 Q Okay. And was the flow of traffic stopped?

2 A Yes, sir.

3 Q Okay. So you got there and you didn't have to do  
4 anything yourself to secure it, did you?

5 A Correct.

6 Q All right. Now you talk about documenting by  
7 photographs?

8 A Yes, sir.

9 Q Continue on with that.

10 A What we do is take generals, basically walk  
11 around the apartment or inside/outside taking  
12 general photographs from every angle to make sure  
13 that we can capture everything accurately before we  
14 enter or process the crime scene. So basically  
15 before we touch anything we document it as is. And  
16 then after we walk in we do a initial walk-thru,  
17 make our observations, lay down any markers or  
18 anything that will need to be, collect any evidence  
19 and further document the specifics so I go in zoom  
20 the camera then and take specific photographs of  
21 things that are relative to the crime scene.

22 Q Okay. And you did that in this occasion?

23 A Yes, sir.

24 Q Okay, all right. I'm gonna show you some items  
25 marked for identification, and I'm gonna refer to my

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1 number. And the first thing I want to do is ask if  
2 you can identify these and how.

3 A Yes, sir.

4 Q State's Exhibit 7?

5 A This is the back side of the apartment complex.

6 Q How can you identify that?

7 A Sliding glass door which was opened up and that  
8 has back screen. That's the entrance through the  
9 door right there.

10 Q Who took that picture?

11 A It would be either myself or another agent with  
12 me, Paul Larosa.

13 Q So you work in pairs?

14 A Yes, sir.

15 Q Okay. Can you identify State's Exhibit 8?

16 A This is another photograph of the entrance of the  
17 apartment.

18 Q Okay, don't show them to the jury yet. State's  
19 Exhibit 9, can you identify that?

20 A That is the back door. That's the sliding glass  
21 door.

22 Q Okay. State's Exhibit 10, can you identify that?

23 A That is the stairwell in front of the apartment  
24 with the barrier tape securing the scene.

25 Q All right, State's Exhibit 11.



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1 A Different angle, same shot, with barrier tape  
2 coming from the opposite direction.

3 Q Okay. State's Exhibit 13?

4 A This is inside the living room right when you  
5 walk into the front door.

6 Q Okay. State's Exhibit 14?

7 A This is the couch directly opposite from the  
8 entrance with beer bottles on the floor.

9 Q State's Exhibit 15?

10 A This is another chair that was off to the left on  
11 entrance with beer bottles and a pair of flip flops  
12 and some trash.

13 Q State's Exhibit 16?

14 A Driver's license belonging to Sharon Joyce. I  
15 think her last name was different at that time, but  
16 she's changed her last name since we had  
17 photographed that or that was issued.

18 Q State's Exhibit 18?

19 A This is the hallway from the living room all the  
20 way back to the bedrooms in the back where this was  
21 laying.

22 Q State's Exhibit 17, can you identify that?

23 A It's a broken cell phone. It's the upper half of  
24 a broken cell phone.

25 Q State's Exhibit 21?

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1 A This is the back bedroom where the deceased was  
2 found. There was a table that was knocked over, a  
3 computer, TV was sitting kind of catty-corner off  
4 the top of the table.

5 Q State's Exhibit 22, can you identify that?

6 A This is a computer, DVD system, tower underneath  
7 the table that was knocked over in the same bedroom.

8 Q State's Exhibit 23, can you identify that?

9 A This is the same picture, just a little closer to  
10 the upper half of the table that's been knocked  
11 over.

12 Q State's Exhibit 24, can you identify that?

13 A The deceased laying on the bed as we found her.

14 Q State's Exhibit 27?

15 A That's the bottom half of a broken cell phone.

16 Q Was it in the same location?

17 A As the top half?

18 Q Yeah?

19 A No, sir, I don't think so.

20 MR. CLEMENTS: Your Honor, we would move  
21 into evidence at this time State's Exhibit 7, 8, 9,  
22 10, 11, 13, 14, 15, 15, 16, 17, 18, 21, 22, 23, 24,  
23 and 27.

24 THE COURT: Any objection?

25 MR. FLOYD: No objection, Your Honor.

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1 THE COURT: State's 6, 7, 8, 9, 10, 11,  
2 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 27 are in  
3 evidence.

4 (WHEREUPON, State Exhibit Nos. 7, 8, 9,  
5 10, 11, 13, 14, 15, 16, 17, 18, 21, 22,  
6 23, 24, 27 were admitted into evidence.)

7 MR. CLEMENTS: Thank you, Your Honor.

8 BY MR. CLEMENTS:

9 Q Ms. Dinh, I'm gonna ask you in a moment to get  
10 down in front of the jury to talk about these and  
11 explain why you took pictures and what they depict.  
12 But before we do that I want to go a little further  
13 into your process. You would document and then you  
14 would get the general documentation you talked  
15 about, and then you would go back and specifically  
16 document things.

17 A Yes, sir.

18 Q Can you explain why you did that and what the  
19 purpose is for that jury.

20 A We always generally document because we want to  
21 get a big picture of things. And then as we move in  
22 we'll take more photographs as we move in closer to  
23 a specific item. And in keeping relative to when  
24 you go back later to look at photographs you know  
25 exactly where this item was laying in the original

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1 scene.

2 Q And what did you do other than photograph? After  
3 you photograph and document everything as far as  
4 where it's in place at, what do you do after you  
5 finish that aspect of it?

6 A If there's items that need to be marked then we  
7 lay down markers. In this case we didn't lay down  
8 any markers. There wasn't a lot items to collect.  
9 The only thing I collected from the actual scene  
10 that was collected by myself, not via chain of  
11 custody, were major case prints from the victim.

12 Q Ms. Stackhouse?

13 A Yes.

14 Q Okay, all right. So that was the only item you  
15 collected?

16 A From the actual scene, yes, sir.

17 Q From the actual scene, okay.

18 A Yes, sir.

19 Q Okay. What items from that scene was given to  
20 you that was collected by Mullins P.D.?

21 A A knife was given to me by one of the officers,  
22 responding officers, and I took custody of that via  
23 chain of custody.

24 Q And I'm gonna show you what's been marked State's  
25 Exhibit Number 1. You recognize that?

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1 A Yes, sir.

2 Q All right. Explain to the jury what that is and  
3 how you received it, and what you did with it after  
4 you got it.

5 A This is a long kitchen knife. And the reason why  
6 I know that this is the knife I collected it, that I  
7 mark every item with a lab number, item number, and  
8 my initials, which is marked on the blade. After  
9 I'm done I secure it and the sealed tape on that has  
10 not been opened so this is the actual original  
11 container how I package this. This is the knife  
12 that was collected, I received from Kenneth Alford  
13 while on scene. And I processed this knife when I  
14 got back to the lab.

15 Q When you process it, explain to the jury how you  
16 process the knife.

17 A Well, there was noticeable blood on the actual  
18 blade, the metal part of the knife. So I used a  
19 chemical called amino black which reacts with the  
20 protein and blood. I didn't want to use any other  
21 type was what it does is it seals it and it won't be  
22 able to extract the blood for DNA. I sent the blood  
23 sample off for DNA. And after I process blood, what  
24 I do is I use a chemical that's a dark blue  
25 chemical, kind of still see on the blade, and then I

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1 wash it off with another chemical and then I let it  
2 dry and then I examine it for any latents that could  
3 be on the blade or handle.

4 Q Were you able to lift any latent prints?

5 A In this case, no, sir.

6 Q Is that unusual?

7 A I'm sorry?

8 Q Is that unusual to not be able to get latent  
9 prints?

10 A On this particular knife it's not unusual.  
11 Because of the nature, when typically when you hold  
12 the blade you're going to be holding it by the  
13 handle of it so you're not actually touching the  
14 blade. With this particular incident and the  
15 observations from the victim, when there's a  
16 thrusting action it's gonna wipe off anything that's  
17 on the blade. Latents in general are very, very,  
18 very sensitive. You can accidentally brush it off  
19 with your hand, brush with a stroke or processing  
20 it. So latents are very, very sensitive of any type  
21 of wiping action across the blade will wipe off any  
22 latents. With this being a wood handle this is not  
23 a surface to be able to obtain latents. It's just  
24 the nature of the handle. The fact that it's got  
25 kind of a finish on it, but it's a rough finish and

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1 it doesn't adhere to latents very well.

2 Q And it's a porous — wood is a porous object too,  
3 right?

4 A Yes, sir.

5 Q Aren't fingerprints usually made out of moisture?

6 A Yes, sir.

7 Q And it'd be soaked into perhaps and —

8 A A little bit. With this type of finish is why I  
9 chose armino black. It is kind of raw in some areas  
10 and it is kind of finished on some areas. Typically  
11 latents being 99 percent moisture will mix with body  
12 oils. Anything that is porous, even with paper will  
13 absorb so there's a specific type of chemical that  
14 we use for different types of either porous or  
15 nonporous surfaces.

16 Q So it's not like TV and you get a fingerprint  
17 every time?

18 A No, sir.

19 Q All right. And the samples you took from the  
20 blood on that knife you did what with?

21 A I sent it to SLED.

22 Q And they make comparisons there?

23 A Yes, sir.

24 Q Okay. How long — did you measure that knife,  
25 how long is that blade?

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1 A I did not measure it.

2 Q Okay. What other items did you receive? You  
3 received that from Officer Alford. What other items  
4 did you receive from the Mullins P.D.?

5 A I also received one white T-shirt from Daquan  
6 B. [REDACTED] from Alford. And then when I arrived at  
7 Mullins I received one white T-shirt, one pair of  
8 blue jean shorts with a black belt, one pair of  
9 black underwear, one note in the back pocket of the  
10 jeans, one pair of red and white Nike Jordans, one  
11 pair of socks.

12 Q And who did those come from?

13 A Those came from Andre Garvin.

14 Q That was the officer, right?

15 A Yes, sir.

16 Q Do you know who he got these clothes from?

17 A No, sir. Chain of custody before that exist I  
18 believe is with the police department.

19 Q All right. But you would take those items to  
20 SLED; is that correct, —

21 A Yes, sir.

22 Q ---to be tested? You recognize State's Exhibit  
23 4?

24 A Those appear to be the item, one pair of blue  
25 jean shorts.



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- 1 Q Okay. And did you submit that to SLED lab?
- 2 A I did submit it.
- 3 Q Okay, all right. And is that from Andre Garvin?
- 4 A Yes, sir.
- 5 Q And what's the suspect's name there?
- 6 A The suspect is Edward Stackhouse.
- 7 Q Okay, all right. How about State's Exhibit 3
- 8 here?
- 9 A Item 6 should be one white T-shirt.
- 10 Q Did that come from Officer Garvin?
- 11 A Yes, sir.
- 12 Q And who was the suspect?
- 13 A Suspect is Edward Stackhouse.
- 14 Q And what would you submit this to SLED lab, for
- 15 what purpose?
- 16 A I submitted that to DNA, more specifically
- 17 evidence processing department. What they do is lay
- 18 out the shirt, run it over with a fine tooth comb
- 19 any trace of evidence of blood. And if anything is
- 20 found evidence processing will collect it and send
- 21 it to DNA results.
- 22 Q Okay. And can blood be found in large amounts to
- 23 small amounts?
- 24 A Yes, sir.
- 25 Q How small amounts can you?

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1 A Two tenths of millimeters.

2 Q State's Exhibit Number 2?

3 A One pair of red Jordan shoes -- and I'm sorry,  
4 two red shoes and two white socks, and that's what I  
5 listed also.

6 Q And you received that from Officer Garvin?

7 A Yes, sir.

8 Q And who's the suspect on that?

9 A Edward Stackhouse.

10 Q Anything else that you accepted or took and  
11 transferred to the SLED lab?

12 A I took two swabs from the left hand and two swabs  
13 from the right hand collected for chain of custody  
14 from Kenneth Davis.

15 Q Okay. And that was from Mr. Stackhouse?

16 A Yes, sir.

17 Q Okay, all right. What that it?

18 A And also a set of buccal swabs from Edward  
19 Stackhouse, two swabs from the left hand grip of the  
20 bike, two swabs from the right hand grip of the  
21 bike, two swabs from Edward Stackhouse from the  
22 right forearm which tested positive. This is  
23 presumptive test for blood from Agent Scott Hardee.

24 Q And you transferred that to DNA SLED as well?

25 A Yes, sir.

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1 Q Okay, all right. Anything else in regards to  
2 processing that scene or chain of custody on any  
3 other items?

4 A No, sir.

5 Q Okay, all right. With Court's permission,  
6 Ms. Dinh, I'm gonna ask you to step down now and  
7 talk about these pictures. State's Exhibit 5, can  
8 you tell the jury what that is, and if you recall  
9 where that photograph was made.

10 A This is a top part of the cell phone of a flip  
11 cell phone. I'm not — I don't remember hundred  
12 percent sure without seeing the general photograph  
13 where it was actually located. If my memory serves  
14 me correct it was in the living room.

15 Q Okay. And why did you take a picture of that?  
16 What was the significance of that?

17 A Anything that's out of disarray, particularly  
18 broken items, struggle, we like to document to  
19 preserve the idea that a struggle did happen. And  
20 items were broken in the process, it's usually a  
21 tale-tale sign.

22 Q Okay. State's Exhibit 6 I believe is kind of  
23 self-explanatory; is it not?

24 A Yes, sir. This is the front side of the  
25 apartment complex which we -- this is where the

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1 crime scene occurred at.

2 Q And you take that picture why?

3 A Location, documenting location.

4 Q State's Exhibit 7. I know you explained them to  
5 me up on the stand, but would you tell the jury what  
6 these are?

7 A This is actually the back side of that particular  
8 building. This is the front entrance of that  
9 apartment complex. There's a sliding glass door. I  
10 call it the back door, but it's on the side next to  
11 the front entrance relatively the back door. And  
12 this is the back side of the hallway. The front  
13 side of this hallway is the front side towards the  
14 apartment complex front.

15 Q State's Exhibit 8?

16 A This is a closeup standing in the same area, a  
17 closeup of what we can see also documenting the  
18 yellow barrier tape seeing that the scene is  
19 secured.

20 Q State's Exhibit 9?

21 A This is a closer shot of the back door noticing  
22 that the back door is wide open, and the screen door  
23 is on the side and yellow barrier tape.

24 Q Who was present when you got there?

25 A As on our behalf or?

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1 Q Anybody other than law enforcement or EMS workers  
2 or —

3 A No, sir, there was nobody else, just law  
4 enforcement personnel only.

5 Q Okay. State's Exhibit 10?

6 A This is the stairwell where the crime scene  
7 shooting incident, same stairwell with the door  
8 closed showing the yellow barrier tape secure upon  
9 arrival.

10 Q This is the door to the actual apartment where  
11 the killing took place in?

12 A This one I believe.

13 Q Okay. All right, state's Exhibit 11.

14 A This is that same stairwell shot opposite  
15 directions so the previous photograph was taken from  
16 the back side of the apartment. It's from the front  
17 side with the same stairwell, just different angle,  
18 same shot.

19 Q State's Exhibit 12?

20 A This is the front door of the apartment complex  
21 noting that the door is 

22 Q State's Exhibit 13?

23 A This is standing in the actual doorway shooting  
24 into the living room. This is a chair. On your  
25 entrance would be on your left, kitchen is on the

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1 left and the walkway. This is the hallway going to  
2 the back bedroom.

3 Q All right. How many bedrooms were there?

4 A Two.

5 Q Okay. State's Exhibit 14?

6 A This is if you're standing in front of the front  
7 doorway when you look dead-end there's a sofa, a  
8 couch right to the front of the front door. There  
9 is a sofa with beer cans on the floor.

10 Q All right. How about State's Exhibit 15?

11 A This is that same couch from previously closer up  
12 with the items that are on the chair, a couple of  
13 beer cans, and a pair of flip flops.

14 THE COURT: Can you see?

15 THE FOREMAN: Yeah, I can see.

16 BY MR. CLEMENTS:

17 Q What is that scattered out on the carpet there?

18 A That is a — that white piece right there is an  
19 ash tray, and it's scattered out by cigarettes that  
20 were probably within that ash tray before they got  
21 knocked over.

22 Q Do you know what that little black thing is  
23 there?

24 A I do not know what that is in that photograph.

25 Q Okay. And this was in the living room?

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1 A Yes, sir.

2 Q State Exhibit 16?

3 A This is the driver's license from the victim. We  
4 photo document that for identification purposes as  
5 well.

6 Q Is this the license of the same lady that was  
7 deceased —

8 A Yes, sir.

9 Q ---in the back bedroom?

10 A Yes, sir.

11 Q State's Exhibit 17?

12 A This is the top half of the cell phone.

13 Q Okay, all right. And where was the bottom half?

14 A The bottom half was in the back bedroom if I'm  
15 not mistaken.

16 Q Okay. State's Exhibit 18?

17 A This is the hallway leading to the back bedroom.  
18 This is the bedroom on the left. The bedroom on the  
19 right is just past the corner of that hallway.

20 Q And what was the purpose of taking that photo?

21 A This is for angle. We like to show whenever  
22 we're documenting the crime scene, as you're walking  
23 to whatever room that we're going to walk through,  
24 we document it before we enter so you can get an  
25 idea when we piece it together later you can

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1 actually get a particular view of what the crime  
2 scene looked like. This was a view of how we --  
3 what we saw as we entered the back of the apartment.

4 Q State's Exhibit 19?

5 A This is a photograph from the bedroom on the  
6 right with the victim deceased on the bed as well as  
7 some necklaces that were knocked over inside.

8 Q State's Exhibit 20?

9 A This is a more of a closeup of the same, same  
10 thing that I mentioned earlier. We take generals  
11 and then we go and specifically of what we're  
12 documenting. This is us going under specifics  
13 zooming in with more detail of the same item.

14 Q Can you identify for us what is above her head  
15 there?

16 A It looks like a remote control.

17 Q And what else?

18 A Some bags.

19 Q And right here?

20 A That appears to be the bottom half of the broken  
21 cell phone with the top half that was in the living  
22 room. This is the bottom half.

23 Q So the top half is in the living room and the  
24 bottom half is there on the bed?

25 A Yes, sir.



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1 Q Okay. State's Exhibit 21, what was — where was  
2 this and what was the purpose for taking that  
3 photograph?

4 A This is the corner of the bedroom. The bed where  
5 the victim is laying here. This is the opposite  
6 corner of where she was at. This is a table that  
7 was damaged that's been propped up with the base of  
8 the computer and the monitor knocked over probably  
9 during a struggle.

10 Q All right, State's Exhibit 22.

11 A This is a closeup of that computer, the base of  
12 the tower, showing how it's knocked over of the  
13 bottom of the table.

14 Q All right. State's Exhibit 23?

15 A This is the top half of that table clearly  
16 showing that it is sitting kind of catty-corner.

17 Q State's Exhibit 24?

18 A This is a closeup of the victim laying on the bed  
19 showing a couple of injuries to the left side of her  
20 torso.

21 Q All right. And you — do you know what is that  
22 white thing right there stuck to her?

23 A Yes, sir. Whenever there is a call typically  
24 what happens is, EMS gets called before we ever do.  
25 They'll put sticky pads on there to and then help

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1 monitor to see if there's any electromagnetic pulse  
2 in the heart basically to see if she's still alive.

3 Q Okay. Let me ask you this, did you notice in  
4 this photograph or do you recall noticing, or is  
5 there any tape or black tape anywhere around there?

6 A I don't recall any black tape, sir.

7 Q Okay. None in that room?

8 A No, sir.

9 Q State's Exhibit 27?

10 A This is the bottom half of that cell phone. This  
11 is actually the top of the victim's head right here  
12 so this is laying next to her head, the bottom half  
13 of that same cell phone.

14 Q State's Exhibit 29?

15 A This is a close up wound of the victim, the left  
16 side of her torso which would be right around here  
17 beneath her bra strap. This is actually a puncture  
18 wound indicating that this is a thrusting motion,  
19 not a slashing motion.

20 Q Say that for me again, I'm sorry.

21 A This is a puncture wound and it's indicating that  
22 it is a thrusting motion, not a slashing motion.

23 Q Can you identify on me where this puncture wound  
24 would have been on her body?

25 A It would have been the upper left side right

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1    there.

2    Q   Okay.  And if the arm was down would that have  
3    covered that area?

4    A   Yes, sir.

5    Q   Did you photograph or notice or document any  
6    other types or any other kinds of wounds or injuries  
7    on her?

8    A   She had one more on her hip, a stab wound which  
9    we didn't undress her for that.  We documented her  
10   arms.  There were no cuts or anything visible from  
11   what we saw on her arms or anything.

12   Q   So no cuts or no slashes.

13   A   Not any visible ones, no, sir.

14   Q   Any type of defensive wounds?

15   A   Didn't notice any.

16   Q   Didn't notice any.  And the wound on the hip was  
17   it on the same side of her body where the puncture  
18   wound was?

19   A   Yes, sir, just about a foot below her.

20   Q   And what type of wound was that?

21   A   That was also for of what we call a trust stab so  
22   it's a thrusting puncture motion where the blade  
23   actually enters and not a superficial slashing  
24   motion.

25   Q   So it would be like this, not like this?

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1 A Yes, sir.

2 Q Agent Dinh, you can take the witness stand again  
3 please. Agent Dinh, that's all the questions I have  
4 for you right now. If you would please answer any  
5 questions Mr. Floyd has.

6 A Yes, sir.

7 THE COURT: Mr. Floyd.

8 **CROSS-EXAMINATION**

9 BY MR. FLOYD:

10 Q Hi, Agent Dinh, how are you doing?

11 A Good, thank you. How are you?

12 Q Good, thank you. When you tried to lift latent  
13 prints off of the knife was there any other prints  
14 that you tried to take off any other object?

15 A No, sir. The only other prints I took off the  
16 victim for major case prints.

17 Q Okay, all right. So there were no other -- I  
18 know there were a lot of beverage containers and  
19 things like that in the house. No prints were  
20 attempted to be taken off of those?

21 A No, sir, during -- I made executive decision not  
22 to process anything being that both of them reside  
23 there. It would be common to find either or both  
24 their prints on the same can so there's no point for  
25 me to process anything.

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1 Q Okay, all right. Now the pictures that were  
2 taken, either you or someone with you took all those  
3 pictures —

4 A Yes, sir.

5 Q —is that correct? Okay. Would you bear with  
6 me one moment please. The knife that you attempted  
7 to lift the print off of, that had already been  
8 taken into evidence, is that correct, when you got  
9 there?

10 A It was secured by the responding officer.

11 Q Okay. So a local officer had already collected  
12 the knife; is that right?

13 A Yes, sir.

14 Q Is that right? Okay. So it was not lying on the  
15 floor or anything like that when you arrived?

16 A No, sir.

17 Q Is that correct?

18 A No, sir — yes, sir, you're correct.

19 Q Okay. Thank you very much.

20 THE COURT: Anything further?

21 MR. CLEMENTS: No, Your Honor. We would  
22 ask that Ms. Dinh be released from her subpoena and  
23 our next witness will probably take us into the  
24 lunch period, Your Honor.

25 THE COURT: All right. Anything further

1 from you?

2 MR. FLOYD: Nothing further.

3 THE COURT: Any objections to her being  
4 excused?

5 MR. FLOYD: No objection.

6 THE COURT: Hope you have a good day.  
7 Thank you for coming.

8 Members of the jury, we're going to take a  
9 lunch break until 2:30. If you would be back and be  
10 in your jury room 2:30 we will begin promptly. As I  
11 told you before do not discuss the case.

12 We'll be at ease until 2:30.

13 (WHEREUPON, the jury was removed from the  
14 courtroom at 12:44 p.m., and a lunch break was  
15 taken.)

16 THE COURT: Solicitor, you may call your  
17 next witness.

18 MR. CLEMENTS: Thank you, Your Honor. If  
19 it please the Court, Your Honor, we call Doctor  
20 Ellen Riemer.

21 THE CLERK OF COURT: Doctor, if you will  
22 come around and swear you in please.

23 WHEREUPON,

24 **ELLEN RIEMER,**  
25 having been duly sworn by the Clerk of Court,

SW - E. RIEMER - DIRECT

1 testified as follows:

2 BY MR. CLEMENTS:

3 Q Doctor, could you please state your name for the  
4 jury and spell it for the court reporter.

5 A It's doctor Ellen Riemer, R-I-E-M-E as in Mary,  
6 E-R.

7 Q Doctor Riemer, can you please tell this jury  
8 where you are employed and what you do.

9 A I'm employed at the Medical University of South  
10 Carolina in Charleston as a forensic pathologist.

11 Q Can you please tell this jury what pathology is  
12 and what forensic pathology is.

13 A Well, pathology is a subspecialty of the practice  
14 of medicine where the doctor, the pathologist,  
15 evaluates, looks at tissues and in order to make  
16 diagnosis of disease processes. And a forensic  
17 pathologist is a pathologist who already board  
18 certified in general pathology and is competent to  
19 make diagnosis of disease but is also an expert in  
20 evaluating injuries and nonnatural things that  
21 happen to the body, so it is evaluating injuries.

22 Q Could you please tell this jury about your  
23 educational background.

24 A Okay. Well, after I completed four years of  
25 college and I went to medical school and graduated

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1 four years with my M.D. degree, and then I did my  
2 pathology training at Columbia University in the  
3 city of New York at New York Presbyterian Hospital.  
4 And after that, that was also four years and  
5 that's -- I completed my pathology residency  
6 training. And then I did a forensic pathology  
7 fellowship which is subspecialty training in  
8 forensics pathology at the office of the chief  
9 medical examiner of the state of Maryland in  
10 Baltimore. And after that I did another year of  
11 subspecialty training in cardiovascular and  
12 pulmonary pathology which is a specialty of heart  
13 and lungs, and I did that at Johns Hopkins  
14 University School of Medicine.

15 Q Now just curious, where did you get your  
16 undergraduate degree, where did you get your medical  
17 degree?

18 A My undergraduate degree is from Bri Mar College  
19 which is a liberal arts college in Pennsylvania, not  
20 far from Philadelphia. And I got my medical degree  
21 from Tel Aviv University in Israel.

22 Q Now do you also have a JD degree?

23 A I do.

24 Q And can you please tell the jury what a JD degree  
25 is and where you received that from.



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1 A Right. A JD degree is a doctor. It stands for a  
2 doctor of jurisprudence or jurisdoctor. It's a law  
3 degree. And I, straight after college I went to law  
4 school not really knowing what I wanted to do. And  
5 I went — I did that at the University of Wisconsin  
6 in Madison, Wisconsin, and I got jurisdoctor in  
7 three years and then practiced law for a few years  
8 but never liked it one bit. So I decided to go to  
9 medical school after that so.

10 Q And I, for the record I do not take offense to  
11 that.

12 THE COURT: Me either.

13 BY MR. CLEMENTS:

14 Q Now have you ever been qualified to receive as an  
15 expert — well, first let me back up. Do you in  
16 your job as a forensic pathologist at the Medical  
17 University do you continue to get any kind of  
18 continuing education in this field?

19 A Yes. I go to conferences and lectures and I'm  
20 always maintaining the most current knowledge and in  
21 forensic pathology and general pathology.

22 Q Okay. Have you been qualified to testify as an  
23 expert in the area of forensic pathology in either  
24 state or federal court?

25 A Numerous times in state courts.

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1 Q And do you know approximately how many times? In  
2 the tens or dozens or?

3 A Probably a dozens of times total.

4 Q All right.

5 MR. CLEMENTS: Your Honor, at this time I  
6 would present the doctor as an expert in the field  
7 of forensic pathology.

8 THE COURT: Any objection?

9 MR. FLOYD: No objections, Your Honor.

10 THE COURT: Granted.

11 BY MR. CLEMENTS:

12 Q Doctor, did you have occasion to do an autopsy on  
13 a death that occurred in Mullins, South Carolina on  
14 the 10th of September, 2010?

15 A Yes, I did. And if you don't mind I'd like to  
16 refer to my autopsy report.

17 Q Certainly.

18 A Okay.

19 Q All right. And what was the name of the  
20 individual that you did autopsy on?

21 A Sharon Warren.

22 Q Okay. And did you receive that autopsy request  
23 from the coroner here in Marion County?

24 A Yes. The Marion County coroner called me up, and  
25 I took the phone call, and he said he needed an

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1 autopsy on a woman who in order to determine the  
2 cause and manner of death.

3 Q Okay. And did anyone from local law enforcement  
4 of Marion County accompany the body to the autopsy?

5 A Well —

6 Q If you know?

7 A I believe that there was a — somebody from the  
8 Mullins Police Department who picked up evidence  
9 that I, you know, the clothing and other evidence  
10 that I recovered at the autopsy, but it doesn't — I  
11 don't rely on information given by like a police  
12 officer or who comes with them. The coroner gives  
13 me what information he or she deems important, and  
14 then I will do the autopsy based on that.

15 Q Okay. And as you did the autopsy on Sharon  
16 Warren who is also known as Sharon Stackhouse, did  
17 you determine what her body size was?

18 A Yes. One of the things that's part of the  
19 autopsy examination before anybody starts cutting,  
20 before I start cutting, is that I do — I look at  
21 the body and I weigh the body and I measure the  
22 height of the individual and I see if there's any  
23 abnormalities or on the external part of the body  
24 which is before going and doing any surgical part of  
25 cutting into the body. And she, at the beginning of

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1 the autopsy I weighed her and she weighed 80 pounds  
2 and she was 58 inches in length which is the same  
3 thing as a 4-foot 10 inches so she was 4-foot 10.  
4 She was a very small lady.

5 Q Okay. And do you also examine her body on the  
6 outside before making any kind of internal  
7 examination; is that correct?

8 A Thoroughly, yes.

9 Q And with that thorough examination of the  
10 exterior of her body, what type and how many wounds  
11 were you able to determine that she had?

12 A She had just a single stab wound.

13 Q A single stab wound?

14 A That's correct.

15 Q Okay. And this was after you cleaned the body,  
16 removed the clothes, correct?

17 A Yes.

18 Q Okay. And if I can ask permission for this  
19 witness to step down, Your Honor. Now Doctor, you  
20 testified she was about 4-foot 10?

21 A That's correct.

22 Q And about how tall are you?

23 A I'm 5'4".

24 Q So she would have up to about where, about ---

25 A Probably just towards the top of my shoulder.

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1 Q So a very small person?

2 A Very, very petit lady.

3 Q And only weighed 80-pounds?

4 A Yes.

5 Q If you would please, would you demonstrate for  
6 the jury if you don't mind using me, to show the  
7 location of the single stab wound that you  
8 identified.

9 A Okay. It was on the lateral, which is the side  
10 of the left side of the chest, so not the front or  
11 the back but on the lateral side just about over  
12 there. It would be just below the corner of the  
13 left breast.

14 Q Okay.

15 A It didn't actually go through the breast. It was  
16 right at the base corner of the left breast.

17 Q And what was the size of the wound?

18 A The length of the wound, of the stab wound, was  
19 7/8 of an inch.

20 Q So that's how ---

21 A That's -- it was sort of at an angle so 7/8 of an  
22 inch is probably if you have a small hand, it's  
23 just -- it's like the distance between the tip of  
24 your thumb and your middle number so it was about  
25 that, you know, long. And it was sort of at an

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1 like a horizontal mark. It was sort of — it was at  
2 an angle.

3 Q Now if you'd please tell us during your  
4 examination were you able to determine the depth  
5 penetration?

6 A Yes, that's one of my observations as a forensic  
7 pathologist in evaluating injuries. When there's a  
8 stab wound that goes into the body I do the best I  
9 can to measure the depth of the penetration.  
10 Sometimes it's a little bit easier than others, but  
11 this wound went into the body at approximately  
12 8-inches.

13 Q So 8-inches into the body?

14 A Right, from the surface of the skin like into the  
15 body. That's where like the stab wound stopped.

16 Q Okay, all right. Thank you. With the size of  
17 the wound being 7/8 of an inch of the depth and  
18 penetration being 8-inches into the body can you  
19 determine as to what type of wound this was or how  
20 this wound was created? Was it a cutting, a  
21 slashing, a thrusting?

22 A It was a stab wound.

23 Q A stab wound?

24 A Right. A stab wound by consistent with a knife,  
25 a single edge blade.

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1 Q Okay. And can you please tell this jury what  
2 parts of the body were punctured with the stab  
3 wound.

4 A Yes. There are many vital organs that were  
5 significantly injured by this stab wound. The knife  
6 went through the skin on the left side of the body;  
7 and again, as I mentioned, like just at the sort of  
8 lower corner of the left breast. And then after  
9 went into the skin, underlying thin layer of muscle.  
10 She was as petit woman. Then it went, the knife  
11 went into the muscle between two of the ribs between  
12 the 7th and 8th ribs on the left side. Then went  
13 through both lobes of the lung, of the left lung,  
14 and then went into the pericardium which is the  
15 protective envelope that surrounds the heart. And  
16 then the knife continued and went through the left  
17 ventricle of the heart which is the major muscle of  
18 the heart that does the pumping. And after that it  
19 went through the aortic arch, which is the main  
20 blood vessel leading out of the left ventricle. So  
21 it's basically the major blood vessel of the body  
22 that from which all blood from the heart goes is fed  
23 to the rest of the body. And then after it went  
24 through the aortic arch. It even went into the  
25 right lung a little bit, but it didn't go all the

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1 way through the right lung. That was the complete  
2 depth of the penetration. That was all from a  
3 single stab wound.

4 Q A single stab wound. What, if any other wounds  
5 or injuries did you observe on the outside of her  
6 body?

7 A There was none. There were no other injuries.

8 Q Were there any what's referred to as defensive  
9 wounds?

10 A There weren't any. I usually — forensic  
11 pathologists classify, you know, superficial or you  
12 know, slash type wounds to people's hands or arms as  
13 defensive wounds because it would indicate that they  
14 might be trying to defend themselves. But in this  
15 case there was no evidence of any defensive wounds.

16 Q No slashes?

17 A No. There wasn't a single either sharp or injury  
18 on the body?

19 Q No cuts?

20 A No.

21 Q Just a penetrating stab wound?

22 A That's correct.

23 Q Okay, all right. Was there no wounds to the hip  
24 area?

25 A There was no wound to the hip area.



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1 Q Okay. When she -- when the body came to you the  
2 body was still clothed?

3 A Yes, and covered with blood.

4 Q Was there areas covered with blood that might  
5 have looked to a nonmedical person as possibly  
6 sources of injury on her hip area?

7 A I can imagine that can be misinterpreted very  
8 easily.

9 Q Okay, all right. This wound that you described,  
10 do you have a opinion to a reasonable degree of  
11 medical certainty as to the cause of death?

12 A Yes, this woman Sharon Warren died of a stab  
13 wound to the chest.

14 Q And do you have an opinion to a reasonable degree  
15 of medical certainty as to the manner of death?

16 A Yes, the manner of death is homicide.

17 Q Let me ask you this, that being a fatal injury,  
18 what would have been the possibility at all if there  
19 was a trauma surgeon present there at the scene was  
20 this a wound that there was any potential for  
21 survival?

22 A No. This was a non-survivable injury because  
23 there were too many essential vital structures that  
24 were severely damaged including the heart and both  
25 lungs and the aortic pump. There's no way that

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1 anybody would have been able to recover from that  
2 even if there was an expert team of surgeons at the  
3 scene.

4 Q Okay. And again, no other wounds present?

5 A No.

6 Q All right. Beg the Court's indulgence. Thank  
7 you so much, Doctor. Would you please answer any  
8 questions Mr. Floyd may have.

9 A Of course.

10 **CROSS-EXAMINATION**

11 BY MR. FLOYD:

12 Q Good afternoon, Doctor.

13 A Good afternoon.

14 Q I know you testified there were no other stab  
15 wounds or what appeared to be defensive wounds,  
16 slashing type wounds, there was none of that. Did  
17 you notice any significant bruising or anything like  
18 that?

19 A Well, I will tell you what she had on her body.  
20 There was no evidence of any bruising. She had some  
21 scars that are from a remote time. And she had  
22 tattoos on several parts of her body so I looked  
23 thoroughly for, and I would make a note of any  
24 bruises or scrapes that she would have anywhere.

25 Q Sure. Now in your report when you describe the

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1 stab wound you mentioned that it was oriented from  
2 the 2:00 to 8:00 position. Could you explain what  
3 this means.

4 A Yes. Well, I started off by saying that it was  
5 obliquely oriented so it's not a vertical stab wound  
6 and it's not horizontal; it's kind of at an angle.  
7 And to try and give an idea what the angle is  
8 instead of just saying it's oblique oriented, I said  
9 one end is — there's part of the stab it would be  
10 like if you had the hand of a clock with one end  
11 pointing to 8:00 and the other end points to two.  
12 So that's, if I'm looking straight at the stab wound  
13 on the left side of the chest where it was located  
14 it would look like one end of the stab wound is  
15 going at the 8:00 position of the hand of a clock  
16 and the other end is at a 2:00 position, is exactly  
17 opposite.

18 Q Okay. So the entry part of the wound would be  
19 lower than the wound inside of the body, the end of  
20 the wound or the end of the canal? You say it was  
21 8 inches deep?

22 A Yes. Well, that's just the angle that it went  
23 in, okay.

24 Q Okay.

25 A So it's, you know, it's 7 -- it's 7/8 inches on

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1 the skin because tissue is elastic on the inside. I  
2 mean, I can tell what it went through and where  
3 there are holes, but you know, there's a nice shape  
4 that it maintains on the skin surface but, you know,  
5 after lungs are collapsed, I mean, there's gonna be  
6 defect in the lung. But it wasn't the knife —  
7 there's no knife was twisted or anything like that.  
8 it's just a straight stab wound.

9 Q Okay. And but it's at an angle going into the  
10 body?

11 A No, I mean, it's just oblique. It's not going in  
12 at an angle. It's actually going straight across  
13 without any upward or downward or frontward,  
14 backward deviation. I made a note of it's just  
15 going straight from left to right. It just  
16 indicates the angle the knife was as it entered the  
17 skin.

18 Q I see. That's what you mean by 2:00, 8:00?

19 A That's correct. It's just what how it appears on  
20 the skin.

21 Q Thank you. I appreciate that.

**REDIRECT EXAMINATION**

22 BY MR. CLEMENTS:

23 Q Just very briefly, Doctor. Mr. Floyd was asking  
24 you about any bruising. Any bruising that would  
25

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1 have occurred there simultaneously or at the same  
2 time the attack of the stab wound, let me ask you  
3 this. That wound, how quickly would someone bleed  
4 out from that type of injury?

5 A It can vary depending on how healthy they are to  
6 start with, how much reserve they have. But this  
7 would be a very rapidly. It would be a lot of blood  
8 loss very rapidly, first of all, because the aorta  
9 is an artery as opposed to a vein so there's — it's  
10 going to have a kind of a projectile movement and  
11 there's gonna — and there's gonna be bleeding into  
12 the chest cavities, not just outside of the body.  
13 So it's gonna be fairly rapid because there were a  
14 lot of vital organs that were very vascular meaning  
15 that they had a lot of blood vessels even within the  
16 organs. It didn't even, not even just because of  
17 the aorta, but the lungs are filled with small blood  
18 vessels and these are just gonna be bleeding. And  
19 she did have blood accumulated in both sides of her  
20 chest.

21 Q Would this rapid loss of blood both externally  
22 and internally, would that affect bruising in any  
23 way of a —

24 A No.

25 Q —superficial wound?

## SW - E. RIEMER - REDIRECT

1 A No, if there was a bruise that it would not  
2 interfere with my ability to evaluate presence or  
3 absence of bruises.

4 Q Okay. Thank you.

5 THE COURT: Anything further?

6 MR. FLOYD: Nothing further, Your Honor.

7 MR. CLEMENTS: Your Honor, we ask that she  
8 be released from her subpoena and hope she has a  
9 safe drive back to Charleston.

10 MR. FLOYD: No objection.

11 THE COURT: Have a good day.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Call your next witness.

14 MR. CLEMENTS: Your Honor, we'd like to  
15 call Sandra Robinson.

16 THE CLERK OF COURT: Place your left hand  
17 on the Bible and raise your right hand.

18 WHEREUPON,

19 **SANDRA ROBINSON,**

20 having been duly sworn by the Clerk of Court,

21 testified as follows:

22 **DIRECT EXAMINATION**

23 BY MR. CLEMENTS:

24 Q Could you please state your name for the record.

25 A Sandra Robinson.

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- 1 Q And Ms. Robinson, where do you live?
- 2 A At that time I was at [REDACTED].
- 3 Q I'm gonna ask you if you, I'm way back here, if
- 4 you will speak up a little bit.
- 5 A At that time I was at [REDACTED].
- 6 Q Okay. And where is Johnson Street, in Mullins?
- 7 A Mullins, South Carolina.
- 8 Q Okay. How far away was your address at that time
- 9 from Meadow Park Apartments?
- 10 A About 200 yards, 200 feet.
- 11 Q 200 yards or 200 feet or?
- 12 A I really don't know, but it's not that far.
- 13 Q Not that far. Good walking distance?
- 14 A Yes, sir.
- 15 Q Okay. Now did you know Sharon Stackhouse?
- 16 A Yes, sir.
- 17 Q How long had you known Sharon Stackhouse?
- 18 A All my life.
- 19 Q All right. And are y'all related?
- 20 A Yes, sir.
- 21 Q And what is that relation?
- 22 A She's my cousin.
- 23 Q She's your cousin?
- 24 A Uh-huh.
- 25 Q That will a be a first cousin, second cousin?

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1 A Second cousin.

2 Q Second cousin, okay. Did she ever go by the name  
3 of Sharon Warren?

4 A Yes, sir.

5 Q Okay. And was that prior to being Stackhouse or  
6 after being Stackhouse?

7 A She was Warren before she was Stackhouse.

8 Q Okay. And she had how many sons?

9 A Two.

10 Q Two. And what are their names?

11 A William [REDACTED] B. [REDACTED] and Daquan B. [REDACTED]

12 Q All right. And did you know them well?

13 A Yes, sir.

14 Q Y'all a pretty close family?

15 A Yes, sir.

16 Q Okay. Now did you know Edward Stackhouse?

17 A Yes, sir.

18 Q Okay. Did you have something wake you up in the  
19 early morning hours of September 17th, 2010, and if  
20 so, what was that that woke you up?

21 A My little cousin William was beating on the door.  
22 When I got to the door he just fell in the door in  
23 my arms. He was out of breath. He didn't have on a  
24 shirt; he didn't have on no shoes. He ran from his  
25 house, which was in Meadow Park, to my house which



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1 was on Johnson Street.

2 Q What was his demeanor like and how did he appear  
3 other than being out of breath? Was he —

4 A Shook up, crying, scared. He really didn't know  
5 what to do.

6 Q All right. And was he agitated, excited?

7 A Very.

8 Q Very. When he got there and he was — fell into  
9 your arms, what did you say to him?

10 A I asked him what was wrong, and he was trying to  
11 talk and catch his breath at the same time so I had  
12 him slow down his breathing so he could tell me what  
13 happened. And he was telling me that something  
14 happened to his mother and his brother and he think  
15 that Edward did it.

16 Q All right. And was anybody there at the house  
17 with you?

18 A Yes, Andre Owens.

19 Q Andre Owens?

20 A Yes, sir.

21 Q And did he wake up as well or was he awake?

22 A Yes, sir.

23 Q Okay. And what did y'all do next?

24 A While I was getting addressed I sent Andre to go  
25 check things out to make sure everybody else was

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- 1    okay.
- 2    Q   Now was Andre dressed?
- 3    A   No T-shirt, just pants and some shoes.
- 4    Q   Okay. And where did he go to?
- 5    A   He ran to Meadow Park.
- 6    Q   Ran to the apartments?
- 7    A   Yes, sir.
- 8    Q   Were you able to see that video today from the
- 9    apartments?
- 10   A   No, sir.
- 11   Q   Did you see that where from where you were
- 12   seated?
- 13   A   I couldn't see it.
- 14   Q   Okay, all right. And did he go there to look and
- 15   see?
- 16   A   Yes, sir.
- 17   Q   Okay. How soon after did you and William 
- 18   follow after?
- 19   A   Probably about 15, 20 minutes after.
- 20   Q   Okay. Are you sure about that time or just a
- 21   short period of time or ---
- 22   A   It was a short period of time. I'm not real
- 23   sure.
- 24   Q   Not real sure?
- 25   A   No.

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1 Q Okay. But just as soon as you were able to get  
2 dressed and get some shoes on?

3 A Yes, sir.

4 Q And you went to Meadow Park?

5 A Yes, sir.

6 Q And who was there when you got there?

7 A A couple of paramedics was walking around. A  
8 couple of police officers walking around, and the  
9 regular people was out there, pedestrians.

10 Q Okay. And how about your friend that you sent  
11 ahead, was he still there?

12 A Yes, he was — he had Daquan holding him till I  
13 got there.

14 Q He had Daquan, holding him?

15 A Yes.

16 Q When you saw Daquan what kind of condition was  
17 Daquan in?

18 A He had blood leaking from his neck. He was  
19 holding his side.

20 Q And did he have anything on his neck or anything  
21 on his side?

22 A At that time, no.

23 Q Okay. What did you do when you got there and saw  
24 the police and EMS?

25 A Well, I took Daquan outside and I saw him against

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1 the wall in the breezeway. And I went back inside  
2 to look around, and I saw my cousin laying across  
3 the bed. The bed was full of blood, and I walked  
4 back out to Daquan.

5 Q All right. And what kind of condition was Daquan  
6 in?

7 A He was frantic, scared, wanting to go to school.  
8 He really didn't know what was going on. He was  
9 disoriented.

10 Q Disoriented? Okay. Was he calm, was he excited,  
11 was he — what was his demeanor of his emotions?

12 A Scared.

13 Q Scared? Okay. All right. What did you say to  
14 him, if anything?

15 A I was trying to calm him down so he can wait on  
16 the paramedic to get to him so he could get some  
17 help.

18 Q Okay. And what happened from that point forward  
19 while you were there on the scene?

20 A The paramedics got there. They took a towel and  
21 held it to Daquan's neck and told me to apply  
22 pressure to it until the EMS worker with the truck  
23 could get there.

24 Q Okay. And what happened later after that? Did  
25 anyone from your family go with Daquan to the

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1 hospital?

2 A No, sir.

3 Q Okay. So what did you do next?

4 A I was consoling William to try to calm him down  
5 and just waiting really to see what else was going  
6 to happen.

7 Q All right. And how long did you remain there at  
8 the scene?

9 A Until me and William went to the police  
10 department with Officer Gasque.

11 Q Sergeant Nicole Gasque —

12 A Yes, sir.

13 Q —gave y'all a ride to the police department.  
14 What happened when y'all got to the police  
15 department? Who did you see there?

16 A It was just me, William, and Officer Gasque.

17 Q Okay. And what happened while y'all were there?  
18 Did you wait there, stay there a while?

19 A We stayed there a while.

20 Q Until when?

21 A Until she got our statements.

22 Q Sergeant Gasque got your statements?

23 A Yes, sir.

24 Q How does she take your statement?

25 A She asked us did we feel like talking. At first

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1 William didn't, but I encouraged him that he need to  
2 do that, so he filled his statement out.

3 Q So he filled his statement out? Okay.

4 A His own, his own.

5 Q So you didn't make a recording or anything. She  
6 just gave you a form to fill out?

7 A Yes, sir. She just gave us a form.

8 Q And you did that?

9 A Yes, sir.

10 Q And William did that in your presence?

11 A Yes, sir.

12 Q Okay. Anything further?

13 A No, sir.

14 Q Okay. And where did y'all go from there?

15 A We went -- when we left the police department we  
16 went back to my house which was in Johnson Street.

17 Q Okay, all right. Beg the Court's indulgence a  
18 moment. Ms. Robinson, just a couple more questions.  
19 How would you describe how Sharon looked, her size,  
20 that sort of thing?

21 A She was very small, short. She was a very small  
22 woman.

23 Q Okay. And how about her sons? Are they much  
24 like her physical appearance or not?

25 A Yes, sir.

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1 Q Okay. How — this happened a little while ago.

2 How large was Daquan or how big was Daquan?

3 A He was pretty much the same size he is now.

4 Q Pretty much the same size he is now.

5 A Yes, sir.

6 Q And he's the oldest; is that correct?

7 A Yes, sir.

8 Q And William, y'all call him Shawn?

9 A Yes, sir.

10 Q Is he bigger than Daquan now or about the same  
11 size or?

12 A They're about the same size, but I think Daquan  
13 is a little taller, about a couple of inches.

14 Q And during that time in back of September of 2010  
15 was William about the same size he is now or was he  
16 a little smaller back then?

17 A He was a little smaller.

18 Q Okay. How old are they now?

19 A Right now they're about to turn 16 and 15.

20 Q Okay. How old were they then?

21 A 14 and 15.

22 Q 14 and 15. Please answer any questions that  
23 Mr. Floyd has. Thank you, Ma'am.

24 MR. FLOYD: Your Honor, I don't have any  
25 questions.

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1 THE COURT: You may step down.

2 Call your next witness.

3 MR. CLEMENTS: Your Honor, we would call

4 Kenneth Davis.

5 WHEREUPON,

6 KENNETH DAVIS,

7 having been duly sworn by the Clerk of Court,

8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q Can you please state your name for the record and  
12 can you please tell us where you work and what you  
13 do.

14 A My name is Kenneth Davis. I work for the city of  
15 Mullins and I'm currently the city administrator.

16 Q How long have you been in that position?

17 A I've been in the city administrator position  
18 full-time since January of this year.

19 Q And prior to being the city administrator what  
20 was your job title and what did you do?

21 A I was chief of police for the city of Mullins  
22 Police Department, sir.

23 Q How long had you been chief of police in Mullins?

24 A Total about two-and-a-half years.

25 Q Okay. Now prior to that two-and-a-half years



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1 with Mullins did you have prior law enforcement  
2 experience?

3 A Yes, sir, I did.

4 Q How many years?

5 A About 21-and-a-half, 22 years.

6 Q Okay.

7 A Prior to Mullins, sir.

8 Q Can you please tell this jury about your law  
9 enforcement experience.

10 A Yes, sir. I have some time as a special agent  
11 with the United States custom service officer with  
12 federal air marshal. I was also a special sergeant  
13 with the South Carolina Law Enforcement Division  
14 commonly known as SLED in their crime scene unit and  
15 their arson investigations unit. And I was also  
16 captain with the sheriff's department here in charge  
17 of criminal investigations division for  
18 three-and-a-half years.

19 Q All right. Did you also work in Horry County?

20 A I did, for the Solicitor's office as on  
21 investigator for them as well.

22 Q All right. You were working on September 17th,  
23 2010?

24 A Yes, sir, I was called out.

25 Q Okay. How did you receive that call and how did

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1 you respond?

2 A Actually received two telephone calls. I got one  
3 from our 9-1-1 central dispatch system and another  
4 from one of the our officers there on the scene.  
5 Greg Pike with the Mullins Police Department at the  
6 time called and advised me of the incident that had  
7 occurred there at Meadow Park and asked me to please  
8 respond.

9 Q And how did you respond?

10 A Immediately I went to the scene and was able to  
11 ascertain what had occurred initially, was able to  
12 talk with my officers to make sure the scene was  
13 secure. It wasn't long after that that I made a  
14 decision to request some assistance from the State  
15 Law Enforcement Division's crime scene unit.

16 Q Okay. And what was the purpose of calling them?

17 A They have specialists that are on hand that are  
18 more suited as far as collection and preservation of  
19 evidence than a lot of other smaller police  
20 departments they have folks that do it full-time.  
21 And in addition to that, it shortens the length of  
22 custody because those folks at SLED actually perform  
23 many of the tasks in examinations that will be  
24 performed on the evidence at a later date.

25 Q And it just shortens the number of people that

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1 would be handling that evidence?

2 A It does, sir.

3 Q Okay. Now when you got to the scene and you  
4 called in for SLED forensic crime scene unit, what  
5 did you find there at the scene?

6 A I did go in and do initial sweep of the  
7 residence. We found the scene secured. I found the  
8 scene secured by my officers. They were already  
9 getting some crime scene tape up, and that's  
10 normally done to keep folks from wandering into the  
11 scene outside to secure the scene as well to give a  
12 perimeter or a barrier for the scene.

13 Q Now this was an apartment building, correct?

14 A It was, sir.

15 Q Where there are other folks milling around? I'm  
16 sure there was a lot interest there. Were other  
17 folks milling around?

18 A There was quite a bit, yes, sir, there was.

19 Q And y'all were able to keep those people out of  
20 the crime scene with crime scene tape?

21 A Yes, sir. As a matter of fact, we even expanded  
22 the crime scene somewhat to the front and rear of  
23 the building and asked those folks to exclude  
24 themselves from that area so we were able to remove  
25 them as well. Even though it wasn't in the same

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1 proper we tried to extend that perimeter for  
2 additional safety purposes.

3 Q Okay. And after securing that scene and you went  
4 through a walk-thru of the apartment, tell this jury  
5 what you found and what you saw and what in  
6 particular you were looking for, if anything.

7 A Initially went I inside I was looking for  
8 anything -- and of course, I'd been told by my  
9 officers they had done a quick cursory search. They  
10 did not find any individuals, any threatening  
11 individuals in the apartment, but you still have to  
12 be careful as such because sometimes folks will  
13 miss. So we did go in again just to sweep once more  
14 just to be sure. Also went to the back bedroom to  
15 make sure that everything was secured, to make sure  
16 the windows and doors were all covered sufficiently  
17 so there wouldn't be anybody wandering in from the  
18 scene on another side where the apartment of that  
19 perimeter. And one of the things that struck me and  
20 I remember vividly was a young lady laying across  
21 the bed. Her stature, she was so very small, young  
22 lady. And immediately left the room itself, came  
23 out of the building. I wanted to be able to give  
24 the state law enforcement division's crime scene  
25 folk some idea of what they were coming down to if

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1 they had any specialized equipment they would bring  
2 that and that's usually why we'll do a quick sweep  
3 of the scene as well to notify them of any  
4 additional equipment that may need to put in their  
5 trucks to bring with them.

6 Q Now when you went in the bedroom you noticed the  
7 young lady what kind of condition was the bedroom  
8 in?

9 A It seemed to be in somewhat disarray.

10 Q All right.

11 A There was some things pushed over.

12 Q Excuse me, I'm sorry?

13 A There was so items pushed over, some clothing  
14 laying on the bed, and some also laying on the  
15 ground of the floor.

16 Q And what did that indicate to you?

17 A Well, there'd been some type of struggle. I did  
18 notice there was a — I seem to recall a piece of a  
19 telephone or cell phone. I seem to recall a piece  
20 of phone a or maybe a half of a cell phone in the  
21 hallway and it seems like I recall a piece also in  
22 the bedroom.

23 Q Okay, all right. And was there anything else  
24 that you noticed that was broken or anything  
25 overturned?

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1 A There was a little stand or a little table that  
2 was on one side of the bed that was -- you could  
3 tell had been pushed up and was actually tilted. I  
4 don't think it was turned all the way over and some  
5 of the clothing that were lying on the floor as  
6 well.

7 Q Did you linger long there to observe very much?

8 A No, sir, just to get a quick glimpse to make sure  
9 that when I called for them for SLED they told us  
10 they were able to relay to the crime scene folks  
11 exactly what they were going to need to have on the  
12 trucks when they came down.

13 Q Okay. Now you have worked on crime scene before;  
14 haven't you?

15 A Yes, sir.

16 Q Why did this time you just back out and leave it  
17 to them?

18 A They are the specialists doing this every day.  
19 I've done quite a few of these myself; but to have  
20 these folks come down they are gonna to be taking  
21 the evidence of course from the scene. It does  
22 shorten the number of folks it changes hands. And  
23 frankly, by doing so it limits the potentiality or  
24 possibility of any cross contamination as well.

25 Q So you backed out of this and just left it to

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1    them?

2    A   I did, sir.

3    Q   From that point after you backed out of the  
4    bedroom did you back up completely out of the  
5    apartment?

6    A   Yes, sir, I did.

7    Q   What did you do next?

8    A   I called the State Law Enforcement Division there  
9    from the cell phone. I had made a little quick list  
10   when I got outside of what we were going to need. I  
11   gave them a call, and they were dispatched. They  
12   called me back within about three or four minutes.  
13   They would dispatch relatively quickly so they were  
14   on the way in just a little bit.

15   Q   And what did you do next after getting that  
16   information?

17   A   Was trying to coordinate with some of the  
18   officers that were on the scene to determine what  
19   information had been developed in the early moments  
20   of the scene itself. I had already called for  
21   Captain Bethea to come as well as the remainder of  
22   our detective unit to come out.

23   Q   Had you received any information or any leads  
24   that you followed up on regarding any persons of  
25   interest?

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1 A We did initially were told of Mr. Stackhouse, and  
2 there was some confusion as to whether or not he may  
3 have still been in the area or had left. It was  
4 just shortly right after that that Captain Bethea  
5 arrived on the scene. It wasn't long after that  
6 that they began -- oh, I'm sorry, bolo'ing,  
7 be-on-the-lookout-for some people, call them all  
8 points bulletin. But it was generally a radio call  
9 giving description of the gentleman that they  
10 thought might be involved in this incident, and that  
11 went out relatively quickly as well.

12 Q So bolo and APB is pretty much the same thing?

13 A Yes, sir. I apologize for the slang. It's just  
14 I'm used to it. My apologies.

15 Q And bolo, to-be-on-the-lookout-for?

16 A Yes, sir.

17 Q Okay. Were there any -- your investigation, did  
18 it reveal any type of description or anything in  
19 particular that y'all were looking for on the bolo?

20 A Individually it was -- it was -- the gentleman  
21 was described as having wearing dark pants. They  
22 weren't sure if they were long or short; but if they  
23 were shorts they were long shorts, I do remember  
24 that coming out. Light colored shirt. And there  
25 was something specific about his shoes but I



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1 couldn't recall right off the top of my head what  
2 that was. It seems like they were maybe really  
3 bright red with another color, if my memory strikes  
4 me.

5 Q Okay. And that's just off the top of your head  
6 —

7 A Yes, sir.

8 Q ---your interview?

9 A Yes, sir, that's correct.

10 Q Did you have a suspect that get located?

11 A There was an individual located not too long  
12 after. One of the things that we did, we initially  
13 went, out several of us. I sent the officers out  
14 city wide to look for an individual matching the  
15 description or if any of our officers knew the  
16 individual who was named.

17 Q Well, let me ask you this, how many officers do  
18 you have on the street during that time of day?

19 A Normally we don't have but three or four, but in  
20 this particular case we had called several people in  
21 and we had requested assistance from the Sheriff's  
22 Department which Sheriff Richardson was very kind  
23 and granted us that as well as Marion County  
24 Combined Drug Unit. So we had maybe 12, 15. He had  
25 even — the sheriff had even given another shirt for

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1 us as well so we had quite a few folks, 12 to 15 out  
2 just early on looking.

3 Q And did someone locate a suspect?

4 A Yes, sir. Deputy Mark Collins who is an agent  
5 with Marion County Combined Drug Unit did happen up  
6 on a suspect in the area of Gold Street in Mullins,  
7 in the city limits of Mullins.

8 Q And how did you receive that information?

9 A He called out or made announcement over the radio  
10 that he was getting out with a suspect matching that  
11 description, that he thought that might be who the  
12 individual was by name. And I started -- I was  
13 somewhere in the vicinity of Smith and Front. I  
14 started heading that direction immediately.

15 Q And did you meet him and where?

16 A I did. I arrived on Gold Street just within just  
17 a couple of minutes, if that. When I arrived he was  
18 there, Deputy Collins, also Agent Collins. Also on  
19 scene was Lieutenant Brandon Gore who is with the  
20 Mullins Police Department, and the defendant was  
21 standing beside the road with his hands cuffed  
22 behind him.

23 Q Okay. Did you notice anything else, any types of  
24 modes of transportation or anything else there?

25 A There was a bike nearby, nearby where they were

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1 standing.

2 Q Okay. Do you recall what kind of bike or  
3 description of the bike?

4 A I remember it had some red in it and I think some  
5 gray or silver as I recall.

6 Q All right. And what was done with that bike, if  
7 you know?

8 A It was transported to the police department for  
9 processing. I know it was taken since it was a mode  
10 of transportation or we suspected it may have been a  
11 mode of transportation from a scene of violence. It  
12 was transported to the police department for  
13 safekeeping and also for evidence processing.

14 Q All right. The individual you saw that was  
15 handcuffed in the yard there on the street on Gold  
16 Street, who -- did you find out who that individual  
17 was?

18 A Yes, sir, his name is Mr. Stackhouse.

19 Q Do you see that individual in the courtroom here  
20 today?

21 A Yes, sir, I do.

22 Q Can you please point him out for us?

23 A (Indicating.) He is seated at the defense table  
24 with his, with counsel, in sort of a tannish brown  
25 shirt with a kind of striped tie.

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1 MR. CLEMENTS: Your Honor, may the record  
2 reflect the witness has identified the Defendant.

3 THE COURT: The record will so reflect.

4 BY MR. CLEMENTS:

5 Q All right. Mr. Davis, did you approach  
6 Mr. Stackhouse there at Gold Street?

7 A I did.

8 Q And can you tell us what you did, what you said,  
9 what happened.

10 A I think the first thing I said immediately when I  
11 got there, I said is everybody okay, did anybody  
12 need any medical attention. I immediately  
13 mirandized. And what that is, it's advising someone  
14 of what their miranda rights are. And I did so.

15 Q How did you do that?

16 A Well, I have a card that when I was in -- and I  
17 guess I still carry it by habit. But when I was in  
18 law enforcement it was also in my wallet, I carried  
19 with me and --

20 Q So how many years did you carry a card?

21 A It wore out over the period of years so I would  
22 also put a new one in, but it was for the entire  
23 time I've been in law enforcement. Since college  
24 graduation in '87 I've had it.

25 Q And you read it to Mr. Stackhouse off this card.

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1 A Yes, sir, I did.

2 Q What was the purpose for that?

3 A It's to advise someone of their right to an  
4 attorney and their right to speak with an attorney  
5 and their right not talk with law enforcement if  
6 they so desire. If there's a custodial type  
7 situation and there are questions that are going to  
8 be asked, the Supreme Court of the United States  
9 requires law enforcement officers to administer  
10 those rights.

11 Q That's because we all have a right to remain  
12 silent?

13 A Yes, sir, that's exactly right.

14 Q Age do you have a card on you today?

15 A I do. I'm sure that I do.

16 Q Is that -- what is on that card is that anything  
17 different to what has been testified to here in  
18 regards to State's Exhibit 35?

19 A It shouldn't be, sir. It's just standard miranda  
20 warning.

21 Q If you will look at State's Exhibit 35. Are  
22 those the same warnings on that State's Exhibit 35  
23 as you read to Mr. Stackhouse out there on Gold  
24 Street that morning --

25 A Yes, sir.

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1 Q ---on the 17th?

2 A It is the same Miranda warning.

3 Q Okay, all right. When he was out there on Gold  
4 Street what was his demeanor, what was his  
5 condition?

6 A I remember him mentioning that he was cold at  
7 first. After I mirandized him he -- I went to  
8 actually bag his hands, and when I -- and  
9 essentially what that is, in forensics work, to  
10 prevent cross-examination and to preserve evidence,  
11 items that would be easily removed or taken off or  
12 damaged you want to protect those items as much as  
13 possible.

14 Q So I want to get into that, but I want to back up  
15 a minute if I may.

16 A I'm sorry, Solicitor.

17 Q He said he was cold. And you were close to him?  
18 How close to him were you?

19 A Maybe a foot, maybe a foot-and-a-half.

20 Q When you read him his miranda rights?

21 A Yes, sir.

22 Q And he was cold. What about his demeanor as far  
23 as his mental alertness, his mental condition, how  
24 would you explain or how would you describe him?

25 A I would describe him as lucid and alert, very

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1 alert.

2 Q So he knew what y'all were talking about,  
3 understood your conversation?

4 A Clear presence of mind in my -- to me.

5 Q And did you question him at that time?

6 A No, sir, I did not question him other than asking  
7 him if he needed any medical attention, if he was  
8 okay.

9 Q Why didn't you go ahead and question him right  
10 there?

11 A It's just -- it's not the appropriate place to do  
12 that on the side of the road, something more  
13 comfortable. You certainly like to offer folks you  
14 were speaking with the chance for a restroom break  
15 perhaps something to drink. On the side of road  
16 like that it's just not proper ethics or atmosphere.

17 Q So you didn't go into any questioning at that  
18 time?

19 A No, sir.

20 Q Now let's get to the bagging of the hands. Did  
21 you explain to him what you were doing?

22 A Yes, sir, I told him I was going to be bagging  
23 his hands. I said, I'll be bagging your hands here,  
24 this won't hurt a bit, this is nothing that's going  
25 to bother you, I just need to secure these on your

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1 hands. These two paper bags just like the old  
2 shopping bags, two smaller paper bags, and actually  
3 we would put over the hands and they were taped off  
4 at the end at the mouth so that they would preserve  
5 whatever items might be on the hands and to preserve  
6 any items, any foreign items, from being placed on  
7 the hands.

8 Q Now what were you concerned with, what were you  
9 thinking may be there that you were trying to  
10 preserve?

11 A Did not know if there was any blood or not. Was  
12 concerned that there might be or perhaps some DNA  
13 evidence that I wanted to preserve if any way  
14 possible.

15 Q His DNA or possibly someone else's DNA?

16 A Both.

17 Q Okay. Now normally this is done a lot of times  
18 when you suspect gunshot residue, right?

19 A Yes, sir.

20 Q But there was nothing involving any gunshot  
21 reported here?

22 A That's correct.

23 Q So you simply are protecting to see if there was  
24 any DNA or blood evidence of that nature and also  
25 protecting for contamination?



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1 A Yes, sir. Fibers, hair, DNA, things of that  
2 nature. And we didn't want anything to come in from  
3 the outside environment and to contaminate his hands  
4 as well. So it's really, it's really for the  
5 benefit of the suspect as well.

6 Q Okay. Now how long did you keep his hands  
7 bagged?

8 A They were bagged while we were at the scene  
9 there for maybe just a few moments. I'd say maybe  
10 five or six minutes until we can get him into the  
11 car and get him to the station to the police  
12 department. He wasn't at the police department very  
13 long when I was -- when he would have had those  
14 removed.

15 Q Okay. And once the bags were removed then what  
16 do you do?

17 A We would swab those areas and that's what I did.  
18 Swab then with a blood kit swab or some call it DNA  
19 kit swab. I didn't test for blood. I simply swab  
20 the hands and placed these items in the receptacle  
21 so that they could be transferred to SLED for  
22 analysis.

23 Q And who did you give those to?

24 A Scott with SLED.

25 Q Scott Hardee?

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- 1 A Yes, sir.
- 2 Q And he gave those to Kim Dinh?
- 3 A Yes, sir.
- 4 Q Okay. Now did you take any photographs.
- 5 A I did take ---
- 6 Q I know Agent Hardee said he took photographs?
- 7 A He did.
- 8 Q Did you take photographs as well?
- 9 A We both did. I took some initially at the scene
- 10 and that the -- I guess I call it memory disk, a
- 11 memory card, it crashed and Captain Motowski's
- 12 computer so we don't, unfortunately we do not have
- 13 those photos.
- 14 Q What photos did you take?
- 15 A Essentially photographs of his hands, photographs
- 16 of him, his face, his arm, his arms, actually they
- 17 were exactly the same array of photographs that SLED
- 18 took.
- 19 Q Okay.
- 20 A And that's from that training. We would have
- 21 taken the same and they were so.
- 22 Q But the files corrupted and the computer crashed?
- 23 A Yes, sir.
- 24 Q And you don't have those pictures for us?
- 25 A No, sir, unfortunately I do not.

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1 Q All right. Now let me ask you this, would there  
2 have been anything in those pictures any different  
3 — you recall taking the pictures?

4 A Oh, yes, sir, I do.

5 Q You recall what you took?

6 A Yes, sir.

7 Q Would there have been anything different of the  
8 pictures your took of his hands with State's Exhibit  
9 30, 31, and 32?

10 A No, sir. These are essentially the same array of  
11 photos appears, yeah. They're the same as what I  
12 took.

13 Q Okay.

14 A And what we would have had had they come out.

15 Q And other photos Agent Hardee took were just like  
16 you did of him standing up?

17 A Right. The SLED folks are trained much in the  
18 same way to document an individual that is standing  
19 in the same fashion.

20 Q Okay. Now while you were there at Gold Street  
21 you say you didn't interrogate him or interview, ask  
22 him any questions. Was there any conversation  
23 initiated by you or by him there at Gold Street?

24 A He did ask me a question, sir.

25 Q And what was that question?

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1 A Well, initially he said, can I ask you a  
2 question, can I ask you something.

3 Q Before we go there let me ask you this, he was  
4 handcuffed?

5 A Yes, sir.

6 Q Right?

7 A Yes, sir.

8 Q To your knowledge what was he told why he was  
9 handcuffed, why he was being detained?

10 A We told him he was in custody. I may have used  
11 the word arrest. I think it was custody actually  
12 that for an event that had occurred just down the  
13 street a few minutes ago, and we need to talk with  
14 him about it.

15 Q Did you tell him any other details and, if so,  
16 what details about it?

17 A I didn't tell him anything else?

18 Q And did Mark Collins, did he know anything other  
19 than the bolo?

20 A Not in my presence.

21 Q Okay, all right. So he asked you if he could ask  
22 you a question?

23 A He did.

24 Q What was your response?

25 A I reminded him that he had been advised of his

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1 miranda rights and that anything that he said from  
2 that point forward would be used against him in  
3 court should he decide to speak...

4 Q Did he ask you a question after that?

5 A He did. He did.

6 Q What was his question?

7 A He asked me did anybody survive.

8 Q And when you heard that question what was your  
9 response or how did that question strike you?

10 A It struck me. It struck me.

11 Q Why?

12 A I'd never been asked a question like that in  
13 several years of law enforcement ever. It's just,  
14 it struck me. And it would surprising because  
15 nothing had been shared other than the miranda to  
16 him at that point; that's it. And I was able to  
17 muster a response. I said, it doesn't look good for  
18 one of the folks right now. And then he asked me  
19 another question.

20 Q What did you tell him?

21 A I told him it did not look good for one of the  
22 parties, and he said he had another question after  
23 that.

24 Q What was that?

25 A He had asked me if it was Sharon.

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1 Q Okay. And did you respond any further?

2 A I told him that we needed to get on to the police  
3 department and that we'd talk about this stuff, you  
4 know, when we have more information. I basically  
5 told him we didn't have a lot of information and we  
6 needed to go.

7 Q All right. And from there did you transport him  
8 to the police department?

9 A No, sir.

10 Q Who did?

11 A As I recall I believe it was patrolman Garvin.  
12 PTC Andre Garvin from the Mullins Police Department.

13 Q Did you give them any direction other than  
14 transporting to the police department?

15 A To take him to the police department and make  
16 sure that no one bothered him, no one asked him any  
17 questions. I advised the officer before he took him  
18 away, no questions at all, period.

19 Q All right. And did you tell him where to put him  
20 in the police station?

21 A As I recall I asked him to put him in the holding  
22 area there in the police department, yes.

23 Q Where was the holding area in the police  
24 department at that time was the building being used  
25 then?

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1 A Yes, sir. It's on the first floor. We used to  
2 call it the judge's office. It's an office with  
3 ugly gold chairs that was in it that had a facility  
4 there for holding.

5 Q All right. And what did you do next after they  
6 transported him to the police department? Did you  
7 follow them, or did you go do something else?

8 A I went back to the scene for a few minutes.

9 Q Which scene was that?

10 A I'm sorry, the crime scene there at Meadow Park.  
11 I wanted to see what the status of our SLED agents  
12 that were coming in. I wanted to kind of see where  
13 we were with respect to that. I wanted to see where  
14 we were with some of the canvassing that had begun  
15 to take place as well. So I was back at the Meadow  
16 Park scene in just a little bit. I do recall I  
17 swung home and got a clean T-shirt before I went  
18 back up to the office so, and a ball cap because my  
19 hair looked a little bad so.

20 Q Now from there you went back to the office?

21 A Yes, sir, I did.

22 Q And what did you do when you got to the office?

23 A I consulted with Captain Bethea and some of our  
24 school resource officers. Some of our folks were  
25 there trying to assist us in determining

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1 information. We were trying to pull together  
2 information from folks there at the scene, some of  
3 the dispatch information, getting the case file sort  
4 of organized and started, basically sheparding the  
5 case to make sure that we had everything that we  
6 needed in place so that we could move forward.

7 Q Now you talked about school resource officers.  
8 What, if anything, did you do to maintain or collect  
9 any witness information or victim information?

10 A One of our psychological resource officers  
11 Sergeant Gasque, Nicole Gasque, who works at the  
12 high school had also worked previously at the  
13 Palmetto Middle School so she was familiar with both  
14 of our young men who was victims and was also  
15 familiar with our decedent in the apartment. We  
16 felt like perhaps the young men might be a little  
17 more comfortable with Sergeant Gasque so we asked  
18 her to come in and if she could help us with the  
19 family and the young men themselves, and she did so.

20 Q And you say young men, were both of them  
21 available or just one?

22 A Just one. One of the young men had been air  
23 lifted out to New Hanover I believe it was, New  
24 Hanover County to a trauma unit. But we still had  
25 one of the brothers, some of the family members, and



SW - K. DAVIS - DIRECT

1 some folks from the neighborhood that we were  
2 speaking with trying to ascertain if anybody had  
3 seen anything, that type of thing.

4 Q Okay. Now what did you do next after that?

5 A We -- it wasn't long after that that we fed the  
6 defendant.

7 Q Okay.

8 A And made sure he had something to drink. His  
9 clothes were changed out somewhere in that time  
10 frame. I don't recall exactly when, but his clothes  
11 would be taken as evidence so sometime during that  
12 time frame that was done. We fed him, made sure  
13 that he had -- he was comfortable. We got him some  
14 water. I think we also got him a coke I believe.

15 Q Okay. Now after you fed him, got him something  
16 to drink, made him comfortable, made sure he was  
17 still comfortable, was he still in the judge's room  
18 or day room, or where was he then?

19 A He was in there for part of that I know. I think  
20 he ate -- when he ate it was still in the judge's  
21 room.

22 Q And what transpired from there?

23 A Much later that morning and I guess actually into  
24 the early afternoon we were to a point where we felt  
25 like we were ready to take a statement from Mr.

SW - K. DAVIS - DIRECT

1 Stackhouse if he was so inclined to give us one. We  
2 selected Captain Bethea's office upstairs to set up  
3 a video camera, and we were at least very -- at the  
4 least we were going to sit down and offer him his  
5 miranda again and see if he would talk with us and  
6 we made plans to do that.

7 Q All right. Who started that procedure?

8 A Captain Bethea actually began the procedure, and  
9 I came in a few moments behind him or just not long  
10 after him at all. As a matter of fact, he was  
11 finishing up the miranda as, his miranda, with  
12 Mr. Stackhouse as I came in the office.

13 Q Okay. And all that was on video?

14 A Yes, sir.

15 Q Okay. Now once you came in and sat down did you  
16 remain there for the entire interview?

17 A Yes, sir. Yes, sir. Once I came in I remained  
18 through till the end of the interview, that's  
19 correct.

20 Q And how about Captain Bethea?

21 A Yes, sir, he did.

22 Q Now did you also mirandize Mr. Stackhouse again?

23 A Yes, sir. Aside from the time that morning I  
24 mirandized him when I walked in, I could hear  
25 Captain Bethea finishing. And as we began the entry

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1 into the interview itself, I once again reminded him  
2 of his miranda warnings and asked if he was, if he  
3 was good with going forward, if he knew the  
4 proceedings were being take recorded.

5 Q Okay. And what was his response?

6 A He was willing to talk with us. He knew the  
7 proceeding was being recorded, and he was fine with  
8 that. We did so with his permission.

9 Q Now did you video the entire interview?

10 A Yes, sir.

11 Q Did Mr. Stackhouse agree to talk with you?

12 A He certainly did, sir, yes.

13 Q And about how long did y'all talk? A minute or  
14 two or for a length of time?

15 A It was lengthy. Maybe an hour, maybe a little  
16 less, maybe just a little over, somewhere in the  
17 neighborhood of an hour.

18 Q Okay. And at any time was he threatened or  
19 coerced in any way?

20 A Absolutely not, sir.

21 Q At any time did anyone promise him anything?

22 A Absolutely not, sir.

23 Q Now at any time did he ask for a lawyer?

24 A He did not, sir.

25 Q At any time did he say he was tired of answering

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1 questions?

2 A No, sir, not at all.

3 Q How would you define, how would you -- what  
4 terminology would you use to explain how he  
5 responded and how he was dealing with y'all and how  
6 he was acting?

7 A Again, he was lucid, he was alert. He was -- he  
8 did not linger with his answers. He was animated in  
9 his answers to us and very illustrative as well.  
10 And when I say illustrative, to the point of where  
11 he had actually -- he would show us or offer to  
12 show, or if we asked he would show us how this  
13 incident unfolded.

14 Q Okay.

15 A He was very descriptive.

16 Q And how did he say -- in general how did he say  
17 this occurred?

18 A He told us that this occurred -- it began over a  
19 dispute regarding a telephone call, and that it  
20 further developed when the victim was on the  
21 telephone with someone later in the morning and he  
22 heard it. They got in a fight over the telephone.  
23 There was an argument that ensued from that, and he  
24 indicated to us that they fought down the hallway.  
25 They wound up in the bedroom and that he was knocked

SW - K. DAVIS - DIRECT

1 to the floor by Daquan, and he indicated that when  
2 he fell to the floor he came upon a knife and  
3 indicated to us that — if memory serves correctly  
4 — he switched hands with the knife and he came up  
5 defending himself, he said slashing, because he was,  
6 indicated he was scared they might hurt him.

7 Q Okay. So he said he was swinging the knife?

8 A He did.

9 Q Okay. Did he ever deny or admit to stabbing  
10 Sharon?

11 A He never said he stabbed Sharon. He said he  
12 swung the knife, and the way he indicated is he was  
13 descriptive with us, he was illustrative. He took  
14 his hand, would move it as if he were manipulating.  
15 We asked him specifically to show us how it was  
16 held.

17 Q And that's all on video?

18 A Yes, sir. Yes, sir.

19 Q Okay, all right. Did he ever indicate that he  
20 knew she was actually stabbed or cut?

21 A He indicated that towards the end of  
22 confrontation he figured something was up because  
23 she was — I don't remember if he said that he  
24 thought she was injured or hurt, but he knew  
25 something had occurred because she was just lying on

SW - K. DAVIS - DIRECT

1 the bed or sitting on the bed slouched down I think  
2 it was and told him to get out of her house.

3 Q What did he say about Daquan?

4 A He said that Daquan came in and knocked him down  
5 during the confrontation with his mom, with his  
6 mother, and that he was scared that Daquan and  
7 Sharon might hurt him and indicated that when he --  
8 he figured he hit Daquan or had hurt Daquan or  
9 nicked Daquan, something to that effect, because  
10 Quan jumped back and said, ow.

11 Q Okay. And what did he say about Sharon having a  
12 weapon or not?

13 A Asked him several times was there anything in her  
14 hand that could have been construed as a weapon or  
15 that was a weapon, and he indicated that there was  
16 not.

17 Q What, if anything, did he say about Daquan having  
18 a weapon or not?

19 A Not a thing, nothing.

20 Q And how -- what was -- how would you describe or  
21 you may have documented Mr. Stackhouse's size, his  
22 height, his weight? How would you define his build?

23 A He's in good shape. I think we -- even during  
24 the course of the interview I asked him was he in  
25 good shape. He said I do callisthenics I think is

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1 what he said, I think callisthenics. He indicated  
2 he was approximately 5'7 to 5'8 and weighed about  
3 145-pounds.

4 Q Okay. Do you have anything you need in  
5 documentation as to that or is that just what he  
6 said?

7 A It's what he told us initially and I think I —  
8 that's all was entered on his booking report as well  
9 at the jail.

10 Q Now what did he say about Sharon Stackhouse's  
11 size and her weight?

12 A He told us she weighed about 120, 125-pounds.

13 Q 120, 125-pounds?

14 A Yes, sir.

15 Q Not 80 pounds?

16 A Not 80-pounds.

17 Q Beg the Court's indulgence. Did he give you any  
18 indication of how he left the residence and why he  
19 left the residence? I know you said that he said  
20 Sharon told him to get out of the house?

21 A Sharon told him to get out of the house, that he  
22 told us, and she was — she was reposed upon the  
23 bed. He indicated that he walked down the hall,  
24 threw the knife down, turned his back on them,  
25 walked down the hall, threw the knife down and went

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1 outside and left.

2 Q All right. So he said that he was scared that  
3 the two of them together might hurt him?

4 A That's correct, sir.

5 Q And so he said he walked down the hall, turned  
6 his back on them, and threw the knife down?

7 A Yes, sir.

8 Q And walked out?

9 A Yes, sir. He indicated when he left he turned  
10 his back on the two folks and threw the knife down  
11 and walked out.

12 Q But yet he was scared that they were going to  
13 hurt him?

14 A That's what he told us, sir. Yes, sir.

15 Q What did he say about William [REDACTED]?

16 A As I recall, he indicated that he left sometime  
17 during the initial confrontation.

18 Q How did he say that he left?

19 A How did he say he left himself?

20 Q Yeah.

21 A I don't recall if he told us he got on a bicycle  
22 or not, but it seems as though he did. I don't  
23 recall for certain.

24 Q All right.

25 A I do know he indicated he went out the door and



SW - K. DAVIS - DIRECT

1 went back to the back side of Meadow Park. There's  
2 a fence back and a wood line. He went in that  
3 direction.

4 Q Is there a path or something through that fence?

5 A There is at the — there's sort of a, down near  
6 the corner, there's a path that runs from Meadow  
7 Park up to — I always forget the name of that  
8 alley, Gerald's or Hodges, it's an alley. But  
9 anyway, it runs from Meadow Park up to that little  
10 alley way.

11 Q Now he talked about having an argument on his  
12 phone and him being on the phone; is that correct?

13 A Yes, sir, he did.

14 Q Did he ever give you any names or any individuals  
15 who he was talking to or who might have been on the  
16 phone?

17 A He gave us a name of an individual, and I think  
18 even the individual's parents. Investigative  
19 efforts from our department did not locate any such  
20 person or parents.

21 Q And you and Captain Bethea both checked into  
22 that?

23 A That's correct.

24 Q Couldn't locate them?

25 A Could not.

SW - K. DAVIS - DIRECT

1 Q Couldn't verify that, all right. What about the  
2 cell phone? Were you able to ascertain any cell  
3 phone records? He said that Sharon was on the phone  
4 with someone. Were you able to access her cell  
5 phone records or find out or verify that in any way?

6 A No, sir, we weren't.

7 Q Why not?

8 A It was a track phone for one thing; and secondly,  
9 it was torn in half. We weren't sure where she had  
10 purchased the phone from. This is one of those  
11 earlier track phones that at that time technology  
12 didn't help us a whole lot where being unable to  
13 track numbers down, that type of thing, so we were  
14 not able to ascertain that.

15 Q So you could not verify that at all, all right.  
16 After speaking with Mr. Stackhouse did you preserve  
17 that recording?

18 A Yes, sir.

19 Q Okay. Now after doing that what else did you do  
20 involved in this investigation, or what did you  
21 direct officers in your department to do for further  
22 investigation on this?

23 A There was some canvassing that needed to be done.  
24 There was also some coordination with our SLED  
25 agents that came down to work the scene to make sure

SW - K. DAVIS - DIRECT

1 that we had all the items of evidence packaged  
2 properly as well.

3 Q When you say "canvassing," can you explain to the  
4 jury what that means?

5 A Another slang term, my apologies. Canvassing  
6 essentially is when we go door to door throughout a  
7 neighborhood. Officers will knock on the doors in  
8 the neighborhood to see if anyone perhaps noticed  
9 anything out of the ordinary or may have seen  
10 something to help u. An individual may not think  
11 anything of a certain event that occurs during the  
12 day; but in the larger scheme of things, if officers  
13 are looking for information, something even very  
14 small, well I saw a white car drive by or blue car  
15 drive by per se. Those types of things help us  
16 build timelines and information as we go, and I  
17 directed that and that as a normal course of working  
18 in violent crime work as well. So I did direct  
19 canvass to be conducted.

20 Q Now was anything revealed?

21 A I don't recall anything other than some of the  
22 folks we talked to there at the scene early on  
23 anything new having been revealed, no.

24 Q What time of morning was this?

25 A It was between 4 and 5. It was in the wee hours.

SW - K. DAVIS - DIRECT

1 Q What are most people doing during this time?

2 A Most folks are sleeping, yes, sir.

3 Q Now you coordinated with the SLED agents,  
4 coordinated with the SLED lab; is that correct?

5 A Yes, sir.

6 Q And anything else, any further investigation was  
7 done or anybody else talked to by law enforcement  
8 after this first day?

9 A Quan was talked to later on when he was able to  
10 return safely. We gave him a period of recuperation  
11 before we tried to speak with him. He was  
12 interviewed as well.

13 Q Okay.

14 A And still some autopsy result pending as well,  
15 and we were in communication with the state law  
16 enforcement division regarding standards and items  
17 of evidence that would be forthcoming and reports as  
18 well.

19 Q Okay, all right. Your Honor?

20 MR. CLEMENTS: May we approach?

21 THE COURT: Sure.

22 BY MR. CLEMENTS:

23 Q Chief?

24 A Yes, sir.

25 Q Mr. Davis, Administrator Davis.

SW - K. DAVIS - CROSS

1 A I'll answer to about anything, sir.

2 Q Please answer any questions that Mr. Floyd may  
3 have at this time and then we're going to get you to  
4 verify this video for us and we'll play this for the  
5 jury in a little while, okay. If you will please  
6 answer any questions he has right now.

7 A Yes, sir.

8 THE COURT: Mr. Floyd.

9 **CROSS-EXAMINATION**

10 BY MR. FLOYD:

11 Q Mr. Davis, how are you?

12 A Hello, sir, how are you today?

13 Q I'm doing fine, thank you. Mr. Davis, you  
14 testified that you encountered Mr. Stackhouse here  
15 on Gold Street. He had been detained. You got the  
16 news and you went over there; is that right?

17 A Yes, sir, that's correct.

18 Q And that was Agent Collins I believe.

19 A Agent Collins, yes, sir, with the drug unit.

20 Q Okay. Was anybody else with him other than Agent  
21 Collins when you got there?

22 A I seem to recall Lieutenant Gore from the Mullins  
23 Police Department also arriving just right ahead of  
24 me, sir.

25 Q Right ahead of you?

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1 A Yes, sir.

2 Q And Agent Collins I believe had received a bolo  
3 or some information from dispatch or somewhere that  
4 y'all were looking for him; is that correct?

5 A Yes, sir. That information had been placed over  
6 the radio, and I am assuming that's where he heard  
7 it, yes, sir.

8 Q And so you're not sure exactly what kind of  
9 information Agent Collins had as far as what had  
10 happened over at the incident location?

11 A I'm not, although I know that we didn't put any  
12 of that information over the airways.

13 Q Okay. And so you weren't privy to any  
14 conversation that he had with Mr. Stackhouse before  
15 you got there obviously?

16 A No, sir.

17 Q So you don't what he told Mr. Stackhouse?

18 A No, sir.

19 Q Okay, all right. Does your -- or excuse me, it's  
20 not your department anymore, but -- well, I guess it  
21 is you're still city administrator, but did your  
22 police department use digital voice recorders at  
23 that time?

24 A We had some vehicles that were equipped with dash  
25 caps, but they were as far as very few and digital

## SW - K. DAVIS - CROSS

1 recorders. We had some officers that had their own.

2 We did not buy them initially.

3 Q So they weren't like standard issued for  
4 everyone?

5 A No, sir.

6 Q And you didn't have one that day?

7 A No, sir, not with me.

8 Q Okay. And so your conversation with him on the  
9 street, Gold Street, was not recorded?

10 A It was not, sir.

11 Q Correct?

12 A That's correct.

13 Q All right. I believe you said you took  
14 photographs there on the street?

15 A I did, sir, yes, sir.

16 Q Is that right? And you took photographs of  
17 Mr. Stackhouse?

18 A Yes, sir, that's correct.

19 Q Okay. And I believe you said you took photos of  
20 his hands and his arms; is that right?

21 A Well, they would have been the same array, yes,  
22 sir.

23 Q All right. Not those pictures but you took  
24 similar pictures?

25 A Exactly, yes, sir.

## SW - K. DAVIS - CROSS

1 Q Right. And of course, the difference would have  
2 been the way he was dressed; is that correct?

3 A Would have been the way he was dressed, yes, sir.

4 Q But he was still in his street clothes?

5 A That's correct.

6 Q Okay. In fact, he was still in the clothes that  
7 y'all took off of him at the police department; is  
8 that correct?

9 A When I encountered him on Gold Street, yes.

10 Q Right, okay. And as far as his clothing are  
11 concerned he was wearing white T-shirt?

12 A It was a light colored shirt. I don't recall if  
13 it was a T-shirt.

14 Q Did it have any noticeable bloodstains on it that  
15 you recall or any kind of stains?

16 A I recall there being something on it. I didn't  
17 have a presumptive blood test kit with me so I, just  
18 to be safe, that's something we would take into  
19 evidence but I didn't make any assumptions they  
20 doing —

21 Q So they weren't large stains?

22 A I don't recall there being any large stains, no.

23 Q All right. And you said all those pictures you  
24 took were lost due to some sort of computer file  
25 corruption?



## SW - K. DAVIS - CROSS

1 A Yes, sir, we had a file corruption. Actually, a  
2 computer crashed.

3 Q Okay. Now when you took, or when Mr. Stackhouse  
4 was taken into custody at the police department, you  
5 said you arrived after his initial questioning had  
6 begun or at least miranda rights had been given; is  
7 that right?

8 A I actually came in towards the tail end, sir,  
9 towards the very end of it, yes, sir.

10 Q Of the miranda warning?

11 A Yes, sir, that's correct.

12 Q Right. So he hadn't really been questioned yet?

13 A No, sir.

14 Q Okay. And then you re-administered the warning  
15 yourself?

16 A I did so, yes, sir.

17 Q Now during the course of your conversation with  
18 Mr. Stackhouse at the police department you  
19 testified earlier about he said he was somewhat  
20 scared at some point during the tussle; is that  
21 correct?

22 A Yes, sir, that's what he indicated.

23 Q Okay. Now did he ever tell you why he might have  
24 been scared?

25 A Um—

## SW - K. DAVIS - CROSS

1 Q Did he claim that he was stabbed?

2 A He said he had been stabbed in the past.

3 Q Right.

4 A As memory, yes, sir.

5 Q Said he'd been stabbed in the past and he also  
6 said he had been either struck or threatened to be  
7 struck with a hammer; is that correct?

8 A I think so, yes, sir, sounds correct.

9 Q Okay. And I believe he said when he was struck  
10 and went down to the ground that he was hit from  
11 behind; is that right?

12 A That was his indication to us, yes, sir.

13 Q And so he never maintained that he and Daquan  
14 were face to face and Daquan throw him down on the  
15 ground, correct, like almost I just threw myself  
16 down; is that correct?

17 A I'm sorry?

18 Q He never maintained they were face to face and  
19 that Daquan threw him down, he maintained that the  
20 hit came from behind; is that right?

21 A In the initial, in the initial period, that's,  
22 yes.

23 Q Right.

24 A Yes, sir, prior to him picking up the knife.

25 Q Right, okay. Now when he said that he left he

## SW - K. DAVIS - CROSS

1 went down the hallway, but he said he got a bike,  
2 right?

3 A I remember him saying that he left. There was  
4 some mention of a bike. I remember him saying that  
5 he left towards the back of Meadow Park so he might  
6 have mentioned the bike; I don't recall.

7 Q Okay. But the bike he maintained was in the  
8 house, do you remember?

9 A I don't remember.

10 Q Do you remember seeing the bike when you saw him  
11 on Gold Street?

12 A Yes. I do recall seeing the bike near he and  
13 Mr. Collins, Agent Collins.

14 Q Do you remember the — whether or not the handle  
15 bars were taped up with electrical tape or anything?

16 A I remember it being maybe gray or silver and a  
17 red color with it, but as far as the handle bars  
18 being taped, no, I did not.

19 Q So you didn't — you're not the one who took  
20 custody of the bike and took it to the police  
21 department?

22 A No.

23 Q Somebody else did that?

24 A Yes, sir.

25 Q Now after your talk with Mr. Stackhouse on Gold

## SW - K. DAVIS - CROSS

1 Street and one at the police department did you  
2 speak to him again after that? Did you take any  
3 other statements from him?

4 A No, did not take any other statements and I don't  
5 recall -- I don't recall any conversation between us  
6 after that, no.

7 Q So those were the only two --

8 A Yes, sir.

9 Q --occasions that you spoke to him about the case  
10 anyway?

11 A Yes, sir, that's correct.

12 Q All right. Very good. And were you present when  
13 any statements were taken from any other witnesses  
14 in this case?

15 A No, sir.

16 Q He was the only person that you were present for  
17 their statements?

18 A Yes, sir.

19 Q Okay, all right. Thank you very much.

20 A Yes, sir.

21 THE COURT: Any redirect before we take a  
22 break?

23 MR. CLEMENTS: No, Your Honor, not before  
24 we take break.

25 THE COURT: Members of the jury, we're

## SW - K. DAVIS - REDIRECT

1 going to take a 15 minute break, then we'll come  
2 back and play the video. Go into the jury room, do  
3 not discuss the case.

4 (WHEREUPON, the jury was removed from the  
5 courtroom at 4:05 p.m., and a recess was taken from  
6 the proceedings.)

7 THE COURT: Go ahead and bring them on  
8 out.

9 (WHEREUPON, the jury was returned to the  
10 courtroom at approximately 4:27 p.m., and  
11 the following proceedings commenced in  
12 open court.)

13 THE COURT: You may continue.

14 **REDIRECT EXAMINATION**

15 BY MR. CLEMENTS:

16 Q Mr. Davis, Mr. Floyd asked you about  
17 Mr. Stackhouse saying he was scared 'cause he'd been  
18 hit before with a hammer or stabbed before; is that  
19 correct?

20 A Yes, sir. Yes, sir, he did mention that.

21 Q What was found by your officers or SLED or anyone  
22 in that apartment of a hammer or another big knife?

23 A To my knowledge none of those items were found;  
24 and we did not have any incident reports at the  
25 police department that would indicate he had been

## SW - K. DAVIS - REDIRECT

1 stabbed before or hammered before.

2 Q And what did he indicate about Daquan or Sharon  
3 having a hammer during that altercation?

4 A He never stated that either party had anything in  
5 their hands that would have been considered a weapon  
6 or anything that could have hurt him. He just  
7 indicated he was concerned that they might get one.

8 Q Okay. So no indication they had a hammer, a  
9 knife, or any other weapon?

10 A No, sir.

11 Q All right.

12 MR. CLEMENTS: We'd like to play this  
13 video, Your Honor, at this time.

14 Mr. Davis, if I may, I'm gonna -- if you  
15 would slide this chair right here. You can sit  
16 where you can observe this at the time.

17 THE WITNESS: Thank you, sir. Yes, sir.

18 MR. CLEMENTS: Your Honor, just for the  
19 record too, I'm not sure, I thank Mr. Floyd for  
20 reminding me, we would introduce this as an exhibit  
21 at this time.

22 (WHEREUPON, State Exhibit No. 36, video,  
23 was marked for identification and played  
24 for the jury.)

25 MR. CLEMENTS: That's it, Your Honor.

1           THE COURT: Thank you very much. You need  
2 to put him back on the stand, Mr. Davis?

3           MR. CLEMENTS: I think I asked the last  
4 question, if Mr. Floyd needs to ask him any  
5 questions.

6           THE COURT: Mr. Floyd, do you have any  
7 questions in followup?

8           MR. FLOYD: No further questions, Your  
9 Honor.

10          MR. CLEMENTS: That's all we got for  
11 today.

12          THE COURT: Members of the jury, we're  
13 going to quit for the day. I need you back at 9:30  
14 in the morning. We're going to try to conclude this  
15 trial tomorrow. As I told you yesterday, when you  
16 go home don't discuss with any family members or  
17 among yourself or with your friends. Do not  
18 research this case at all. Everybody else remain  
19 seated while the jury is excused.

20          (WHEREUPON, the jury was removed from the  
21 courtroom at 5:15 p.m., and the following  
22 proceedings commenced in open court.)

23          THE COURT: Solicitor, are you going to  
24 move to put exhibit number 36 into evidence?

25          MR. CLEMENTS: That's what we just played?

1 THE COURT: Yes, sir.

2 MR. CLEMENTS: Yes, sir Your Honor.

3 THE COURT: All right. Any objection?

4 MR. FLOYD: No objection.

5 THE COURT: State's Number 36 into  
6 evidence without objection. We'll resume at 9:30 in  
7 the morning.

8 (WHEREUPON, State Exhibit No. 36 was  
9 admitted into evidence.)

10 (WHEREUPON, the proceedings were concluded  
11 for the day to be reconvened on May 17,  
12 2012 at 9:51 a.m.)

13 THE COURT: Go ahead and bring them out.

14 (WHEREUPON, the jury was returned to the  
15 courtroom.)

16 THE COURT: Good morning. All right,  
17 Solicitor, if you'd call your next witness.

18 MR. CLEMENTS: Thank you, Your Honor.  
19 Your Honor, if it please the Court we would call  
20 William [REDACTED] B. [REDACTED]

21 THE CLERK OF COURT: If you'll come here  
22 let me swear where you in please, sir. Place your  
23 left hand on the Bible and raise your right hand.

24 WHEREUPON,

25 WILLIAM B. [REDACTED]



SW - W. B. [REDACTED] - DIRECT

1 having been duly sworn by the Clerk of Court,  
2 testified as follows:

3 **DIRECT EXAMINATION**

4 BY MR. CLEMENTS:

5 Q Can you state your name and tell this jury where  
6 you live and who you are and how old you are.

7 A My name is William B. [REDACTED] I live in Mullins,  
8 South Carolina. I'm 15.

9 Q All right. William, you're kind of soft spoken.  
10 I'm gonna back up to here so I know if I can hear  
11 you that these jurors can hear you. I want to  
12 remind you to speak up, okay?

13 THE COURT: If y'all can't hear let me  
14 know.

15 BY MR. CLEMENTS:

16 Q William, do you have a brother?

17 A Yes, sir.

18 Q And what's your brother's name?

19 A Daquan B. [REDACTED]

20 Q And how old is Daquan?

21 A Sixteen.

22 Q All right. And can you please tell this jury who  
23 your mother was.

24 A Sharon Warren.

25 Q All right. And did you and your brother live

SW - W. B. [REDACTED] - DIRECT

1 with her?

2 A Yes.

3 Q Where did y'all last live with her?

4 A In Meadow Parks.

5 Q Where do you live now?

6 A At Johnson Street projects.

7 Q And who do you live with?

8 A My grandmother.

9 Q William, in September 2010 how old were you?

10 A Fourteen years old.

11 Q And how old was Daquan?

12 A 15 years old.

13 Q And who stayed with y'all sometimes in the  
14 apartments there in Meadow Park?

15 A Edward Stackhouse.

16 Q Do you see him in the courtroom today?

17 A Yes, sir.

18 Q Can you please point him out for us.

19 A (Indicated by pointing.) Right there.

20 Q All right. And what color shirt does he have on?

21 A Blue shirt.

22 Q All right.

23 MR. CLEMENTS: Your Honor, may the record  
24 reflect he's identified the defendant.

25 THE COURT: The record will reflect.

## SW - W. BROCK - DIRECT

1 BY MR. CLEMENTS:

2 Q William, do you remember what happened the early  
3 morning of September 17th, back in 2010?

4 A Yes, sir.

5 Q Can you please tell this jury what happened, what  
6 you were doing, what you saw, and what you heard.

7 A Yes, sir. It was me and my brother, and we share  
8 the same room, both our beds in one room. We both  
9 sleep laying down. We was like halfway sleep. You  
10 know, like how you can sleep and still hear stuff,  
11 we were sleeping. We hear large something noise on  
12 the wall. You can hear stuff crashing and falling  
13 hitting the floor. And then my mother call my  
14 brother and we both got up and ran in there. My  
15 brother ran in the room to help my mother. I  
16 stopped at the door and looked at my brother and  
17 then I ran out the door and left to go get help.

18 Q Now when you stopped at the door and you looked  
19 in the room what did you see? Who did you see in  
20 the room and what did you see happen?

21 A I saw my brother and Edward Stackhouse, there was  
22 tussling like that right there. My brother had his  
23 hands and he had something in his hands.

24 Q Okay. Could you tell what that was in Edward  
25 Stackhouse's hands?

SW - W. B. [REDACTED] - DIRECT

- 1 A I couldn't see it.
- 2 Q Did your brother have anything in his hands?
- 3 A No, sir.
- 4 Q Were they standing up, were they on the floor?
- 5 A They were standing up.
- 6 Q Did you see your brother run in the room?
- 7 A Yes, sir.
- 8 Q Did your brother ever get on the floor?
- 9 A No, sir.
- 10 Q Did Edward Stackhouse ever get on the floor?
- 11 A No, sir.
- 12 Q When you saw him tussling with your brother what
- 13 did you do next?
- 14 A Ran out the door.
- 15 Q When you saw him tussling with your brother where
- 16 was your mother?
- 17 A On the bed.
- 18 Q What was she doing?
- 19 A Just laying there.
- 20 Q Did you hear her say anything?
- 21 A No, sir.
- 22 Q All right. When you ran out the door of your
- 23 apartment which way did you go? To the front of the
- 24 apartments or the back of the apartments?
- 25 A The back of the apartment.

SW - W. B. [REDACTED] - DIRECT

- 1 Q What did you have on?
- 2 A Nothing but pants and socks.
- 3 Q All right. And where did you go?
- 4 A To my cousin's house.
- 5 Q And who was your cousin?
- 6 A Sandra Robinson.
- 7 Q And when you got to Sandra Robinson's house what
- 8 did you do?
- 9 A I had caught my breath and told her that I need
- 10 help to save my mom and my brother.
- 11 Q You needed help to do what?
- 12 A So save my mom and my brother.
- 13 Q Okay. And was anybody there with her to help
- 14 you?
- 15 A Yes, sir.
- 16 Q Who else was there?
- 17 A Andre Owens.
- 18 Q And what do y'all call Andre?
- 19 A Yoshi (ph).
- 20 Q Yoshi?
- 21 A Yes.
- 22 Q And did he get up to help too?
- 23 A Yes, sir.
- 24 Q What did y'all do?
- 25 A We went back to my house to go check on my

SW - W. B. [REDACTED] - DIRECT

- 1 brother and my brother.
- 2 Q Who went first?
- 3 A We went at the same time but I didn't go in the
- 4 house. I stopped at the little, in the middle part
- 5 of the buildings, and he went to the house.
- 6 Q Yoshi went to the house?
- 7 A Yes, sir.
- 8 Q Okay. And he went to the apartment?
- 9 A Yes, sir.
- 10 Q And came back out?
- 11 A Yes, sir.
- 12 Q Did you ever go back in the apartment?
- 13 A No, sir.
- 14 Q Ever?
- 15 A No, sir.
- 16 Q And did you see your brother?
- 17 A Yes, sir, I seen him come to the door.
- 18 Q All right. And what kind of condition was he in?
- 19 What did you notice about him?
- 20 A His shirt was covered in blood.
- 21 Q All right. And did you go to him?
- 22 A No, sir.
- 23 Q Who went to him?
- 24 A Yoshi.
- 25 Q And what did Yoshi do?

SW - W. B. [REDACTED] - DIRECT

1 A He looked at him and saw that he was bleeding,  
2 and then my aunt just came, my cousin right there.

3 Q Sandra?

4 A Yes, sir.

5 Q And what did she do?

6 A She was like trying to apply pressure to his  
7 bleeding —

8 Q Okay.

9 A —so it could stop.

10 Q Who — what people came on the scene or who did  
11 you notice next?

12 A I don't really know.

13 Q When did you notice police or EMS?

14 A When I had left and came back.

15 Q Okay. You left from that part, when you saw your  
16 brother you left again?

17 A Yes, sir.

18 Q Where did you go?

19 A I ran all the way back around to the other side  
20 of Meadow Parks.

21 Q The front part or back part?

22 A It was like, I took the back part just to get  
23 back to the front part.

24 Q Okay, all right. And that's when you noticed the  
25 police?

SW - W. B. [REDACTED] - DIRECT

- 1 A Yes, sir.
- 2 Q Okay. What happened then? As far as you, what
- 3 did you do where did you stay?
- 4 A I got in the car and they took me to the police
- 5 station.
- 6 Q All right. And that's in whose car?
- 7 A Officer Gasque.
- 8 Q Okay. Was that right then or was there a little
- 9 bit of time past before you got in the car?
- 10 A A little bit of time passed.
- 11 Q Okay. And you went to where with her?
- 12 A Police station.
- 13 Q All right. When you got to the police station
- 14 what did you do?
- 15 A I sat there and I had to write a statement.
- 16 Q Did you do that?
- 17 A Yes, sir.
- 18 Q Did you write that yourself or somebody ask you?
- 19 A I wrote it myself.
- 20 Q Okay. And after that where did you go?
- 21 A I stayed there till the next day.
- 22 Q Okay. All right. And who was there with you?
- 23 A Sandra Robinson.
- 24 Q Okay. And that's your family member, right?
- 25 A Yes, sir.



SW - W. B. [REDACTED] - CROSS

1 Q Okay. Did you ever see anything other than what  
2 you've told us? Is there any other details I  
3 haven't asked you about that you actually saw?

4 A No, sir.

5 Q Okay.

6 MR. CLEMENTS: Beg the Court's indulgence  
7 a moment.

8 THE COURT: Sure.

9 BY MR. CLEMENTS:

10 Q William, you were how old at that time?

11 A Fourteen.

12 Q All right. Please answer any questions that  
13 Mr. Floyd may have okay.

14 THE COURT: Mr. Floyd.

15 MR. FLOYD: Thank you, Your Honor.

16 **CROSS-EXAMINATION**

17 BY MR. FLOYD:

18 Q William, how are you today?

19 A Good.

20 Q Good. I'm sorry you have to be here today under  
21 these circumstances, but I'm gonna have to ask you  
22 some questions, okay?

23 A Yes, sir.

24 Q William, you said that you woke up at the sound  
25 of your mother's voice; is that right?

SW - W. B. [REDACTED] - CROSS

- 1 A Yes, sir.
- 2 Q That you and your brother wake up about the same
- 3 time?
- 4 A Yes, sir.
- 5 Q Is that correct?
- 6 A Yes, sir.
- 7 Q Did he leave the room before you, your bedroom?
- 8 A One by one.
- 9 Q One by one?
- 10 A Yes, sir.
- 11 Q Did you go out right behind him?
- 12 A Yes, sir.
- 13 Q Okay. So y'all both basically entered the other
- 14 room about the same time?
- 15 A I didn't follow him into the other room.
- 16 Q Okay. You stopped at some point?
- 17 A Yes, sir.
- 18 Q Where did you stop?
- 19 A In the hallway.
- 20 Q In the hallway?
- 21 A Yes, sir.
- 22 Q Could you see in the room the whole time?
- 23 A Yes, sir.
- 24 Q You said that you saw a struggle between
- 25 Mr. Stackhouse and your brother; is that right?

## SW - W. BROCK - CROSS

- 1 A Yes, sir.
- 2 Q Okay. Now were they face to face?
- 3 A Yes, sir.
- 4 Q They were?
- 5 A Yes, sir.
- 6 Q How tall is your brother, do you know?
- 7 A A little bit taller than me.
- 8 Q A little bit taller than you? How tall are you?
- 9 A I don't know.
- 10 Q You don't know?
- 11 A No, sir.
- 12 Q He about the same height as Mr. Stackhouse or?
- 13 A Probably a little taller than him.
- 14 Q Are you relatively the same height?
- 15 A Probably a little bit taller than him.
- 16 Q A little bit taller than him.
- 17 A Yes, sir.
- 18 Q Okay, all right. Now you said you saw — you
- 19 thought you saw something in Mr. Stackhouse's hand
- 20 —
- 21 A Yes, sir.
- 22 Q —is that right? Did you know exactly what that
- 23 was?
- 24 A No, sir.
- 25 Q Okay. But you saw something, then you left; is

SW - W. B. [REDACTED] - CROSS

- 1 that right?
- 2 A Yes, sir.
- 3 Q 'Cause you saw a fight?
- 4 A Yes, sir.
- 5 Q And that's when you left —
- 6 A Yes, sir.
- 7 Q —is that correct? Okay. All right. Did you
- 8 write out a statement at some point for the —
- 9 A Yes, sir.
- 10 Q —police at some point?
- 11 A Yes, sir.
- 12 Q You remember when you did that?
- 13 A The same day.
- 14 Q It was the same day?
- 15 A Yes, sir.
- 16 Q Okay. That would have been on the 17th of
- 17 September?
- 18 A Yes, sir.
- 19 Q I want to show you this, okay, and I'm just gonna
- 20 ask you to look at it and tell me if that's what you
- 21 wrote right there.
- 22 A Yes, sir.
- 23 Q It is? Okay. And that's your signature at the
- 24 bottom?
- 25 A Yes, sir.

SW - D. B. [REDACTED] - DIRECT

1 Q Okay, thank you.

2 MR. FLOYD: Would you bear with me one  
3 second, Your Honor.

4 THE COURT: Sure.

5 MR. FLOYD: Thank you very much, William.  
6 I appreciate it.

7 THE COURT: Anything further?

8 MR. CLEMENTS: Nothing further, Your  
9 Honor.

10 THE COURT: You may step down. Thank you.  
11 Call your next witness.

12 MR. CLEMENTS: Your Honor, we call Daquan

13 B. [REDACTED]

14 WHEREUPON,

15 DAQUAN B. [REDACTED]

16 having been duly sworn by the Clerk of Court,  
17 testified as follows:

18 **DIRECT EXAMINATION**

19 BY MR. CLEMENTS:

20 Q Can you state your name and would you mind  
21 spelling your first name for the court reporter.

22 A My name is Daquan B. [REDACTED] D-A-Q-U-A-N.

23 Q All right. Daquan, can you tell this jury how  
24 old you are today.

25 A Sixteen years old.

SW - D. B. [REDACTED] - DIRECT

1 Q And where do you live now?

2 A [REDACTED] with my grandma.

3 Q With your grandma? And who else?

4 A My brother.

5 Q Okay. And what was your mother's name?

6 A Sharon Warren.

7 Q And did you live with her?

8 A Yes, sir.

9 Q Where did y'all live?

10 A [REDACTED] [REDACTED] [REDACTED], Meadow Park, Apartment  
11 [REDACTED]

12 Q Apartment [REDACTED]

13 A Yes, sir.

14 Q And who else stayed there with you and your mom  
15 and your brother?

16 A Edward Stackhouse.

17 Q You see him in the courtroom?

18 A Yes, sir.

19 Q Can you point him out to?

20 A Right there (pointing).

21 MR. CLEMENTS: Your Honor, may the record  
22 reflect he's identified him.

23 THE COURT: It will.

24 BY MR. CLEMENTS:

25 Q Daquan, in September on the 17th, 2010, how old

SW - D. B. [REDACTED] - DIRECT

- 1 were you at that time?
- 2 A Fifteen.
- 3 Q Fifteen years old?
- 4 A Yes, ma'am [sic].
- 5 Q Were you about the same size you are now or had
- 6 you grown a little bit?
- 7 A Grown a little bit.
- 8 Q Grown a little bit? Well how much do you weigh
- 9 now?
- 10 A Probably 132.
- 11 Q Okay. And how tall are you?
- 12 A I don't know.
- 13 Q You don't know, okay?
- 14 A I don't know.
- 15 Q But you've grown a little bit since then?
- 16 A Yes, ma'am.
- 17 Q That's been about what, year-and-a-half ago?
- 18 A Yes, sir.
- 19 Q All right. Do you -- can you tell us what your
- 20 apartment was like as far as where the bedrooms were
- 21 located and the hallway? Can you kind of explain
- 22 for the jury how those rooms were made up and how
- 23 many rooms there were.
- 24 A Two rooms in the house, a bathroom, kitchen, and
- 25 front room.

## SW - D. BROCK - DIRECT

1 Q Okay. And how close was your bedroom to your  
2 mother's bedroom?

3 A Right beside it.

4 Q Right beside it? Okay. And if you walked out  
5 your bedroom door and this is the hallway, which way  
6 do you turn to go to your momma's bedroom, to the  
7 right or to the left?

8 A Left.

9 Q To the left? And about how many steps to get  
10 from the hallway into your momma's bedroom?

11 A One.

12 Q One step and you in there?

13 A Yeah, two.

14 Q All right. And if you walk out her bedroom door  
15 do you have to turn to go down the hall or you just  
16 go straight down the hallway?

17 A Straight.

18 Q Straight?

19 A Yeah.

20 Q And so if you walk out your bedroom which way do  
21 you turn to go down the hallway?

22 A I just go straight.

23 Q Okay, all right. Now do you recall what was  
24 going on, what was happening that morning  
25 September 17th?



SW - D. BROCK - DIRECT

1 A Yes, sir.

2 Q Can you tell the jury what you were doing and  
3 what you heard.

4 A I heard a lot of noise bumping against the wall,  
5 and I looked up out the corner of my eye and I seen  
6 him come back from the kitchen with a knife. And my  
7 momma called me. And so I got up, me and my  
8 brother, I went in there. He went out the door. I  
9 seen him stabbing her right in the abdomen right  
10 here. So I grabbed his hands like right here and  
11 had them like that, and that's when I guess he cut  
12 me right here.

13 Q Okay.

14 A And I jumped back and he walked out.

15 Q All right.

16 A He left.

17 Q Let me back up a minute, okay. When you're  
18 laying in your bed can you see -- what do you see  
19 when you look out? Can you see the doorway from  
20 your bed?

21 A Uh-huh, yes, sir.

22 Q Okay. And you said you heard noises, right?

23 A Yes, sir.

24 Q And you looked out the door?

25 A Yes, sir.

SW - D. BROCK - DIRECT

1 Q And tell the jury again what did you see passing  
2 by the doorway?

3 A Him walking by with a knife.

4 Q From which direction?

5 A Like...

6 Q Coming from where?

7 A The kitchen.

8 Q And going where?

9 A In my momma room.

10 Q All right. What kind of knife was it?

11 A It looked like a butcher knife.

12 Q Okay. And what did you hear your momma say?

13 A Like, she said no, and then she call my name.

14 Q All right. Did she holler out loud, soft, or?

15 A Loud.

16 Q Loud? And did you jump up or did you just get  
17 up?

18 A I jumped up and ran.

19 Q All right. And you went into the bedroom?

20 A Yes, sir.

21 Q Where was your momma?

22 A Laying down on the bed.

23 Q And what did you see Edward Stackhouse doing at  
24 that time?

25 A Stabbing her.

SW - D. BROCK - DIRECT

1 Q Stabbed her? All right. And what did you do?

2 A I grabbed his hands.

3 Q Did you tackle him?

4 A Huh-uh.

5 Q Did you ever get on the floor?

6 A No, sir.

7 Q Did he ever get on the floor?

8 A No, sir.

9 Q All right. Did you grab his hands?

10 A Grabbed his hands.

11 Q And was he facing you or not facing you?

12 A When I grabbed him he turned around like that.

13 He was looking at me.

14 Q Speak up for me please.

15 A When I grabbed his hands like that he was like  
16 this (indicating). That when he had my head like  
17 that. That's when the knife went up. He tried to  
18 get me there.

19 Q He cut you in the neck and did he stick you here?

20 A Yeah, a little bit.

21 Q All right. A little bit? All right.

22 MR. CLEMENTS: Your Honor, I'm gonna ask  
23 permission for Daquan to step down.

24 THE COURT: You can go ahead and step  
25 down.

SW - D. B. [REDACTED] - DIRECT

1 BY MR. CLEMENTS:

2 Q Daquan, if you would please, would you turn and  
3 show on your neck where he stabbed you? I'm gonna  
4 ask you to stand over here so they can see.

5 A (Indicating.)

6 Q I ask if you'd come down over here. Turn and  
7 show this group.

8 A (Indicating.)

9 Q All right. When it happened did you feel it?

10 A Not at that time.

11 Q You didn't know you were cut?

12 A (Shakes head.)

13 Q Well, let's, while you're standing here too, then  
14 he tried to stab you which side?

15 A Right here.

16 Q Okay. And did he get you and you got a scar  
17 there?

18 A Here right there and right here.

19 Q Okay, all right. So it didn't go in deep?

20 A Huh-uh.

21 Q All right. Step back up. When you got cut how  
22 did you move, what did you do?

23 A I jumped back.

24 Q You jumped back?

25 A Yes, sir.

SW - D. B. [REDACTED] - DIRECT

- 1 Q And where was your brother at this time?
- 2 A He was at my cousin house.
- 3 Q He had gone?
- 4 A Yes, sir.
- 5 Q All right, did you tell him to go or he just went
- 6 for help on his own?
- 7 A He went for help on his own.
- 8 Q On his own? Okay. Did he — do you know if he
- 9 ever came in the room?
- 10 A I don't know.
- 11 Q You don't know?
- 12 A No, sir.
- 13 Q All right. How quick did all this happen?
- 14 A Less than five minutes.
- 15 Q All right. It happened pretty quick?
- 16 A Yes, sir.
- 17 Q All right. Wasn't a long struggle?
- 18 A Huh-uh.
- 19 Q Okay, all right. And what did Edward do after he
- 20 turned and walked away from you?
- 21 A I guess he went where his bike was at and left.
- 22 Q Where was his bike?
- 23 A In the front room.
- 24 Q Did you see him go down the hallway?
- 25 A Uh-huh, I was looking.

SW - D. B. [REDACTED] - DIRECT

- 1 Q All right. You were -- you were behind him?
- 2 A No, I wasn't behind him but I seen him.
- 3 Q Okay. Did you see what he did with the knife?
- 4 A I guess he put it in the front room.
- 5 Q He put it in the front room? Did you see him
- 6 leave out the door?
- 7 A Huh-uh.
- 8 Q Okay, all right. After he left out what did you
- 9 do?
- 10 A I went to see if my momma all right.
- 11 Q And what did you find when you got there to your
- 12 momma?
- 13 A She told me she loved me, she closed her eyes,
- 14 and then I walked out.
- 15 Q That was it? Where did you go from there, son?
- 16 A In the breezeway.
- 17 Q In the breezeway between the apartments?
- 18 A Yes, sir.
- 19 Q What were you doing?
- 20 A Nothing.
- 21 Q What were you thinking?
- 22 A (No response.)
- 23 Q Did you realize you were bleeding then?
- 24 A I know I was bleeding, but I ain't thought it was
- 25 bad.

SW - D. B. [REDACTED] - DIRECT

1 Q All right. Who did you see next?

2 A My cousin.

3 Q Your cousin?

4 A Yes, sir.

5 Q All right. When did you see Yoshi?

6 A Yeah, I seen Yoshi before I seen my cousin.

7 Q Okay. And Yoshi is not your cousin either, just  
8 a friend?

9 A Yes, sir.

10 Q All right. And you saw Yoshi, what did Yoshi do?

11 A He looked at it. He told me I was cut bad. He  
12 told me to go outside the breezeway where my cousin  
13 was at.

14 Q All right. And your cousin Sandra? And what  
15 happened when you saw her and got to her?

16 A She told me to sit down and she put something on  
17 my neck.

18 Q Okay.

19 A And that's when the first police officer came,  
20 and he did something to my head too.

21 Q Okay. And who else came after the police  
22 officers?

23 A I think the ambulance.

24 Q All right. They put you in the ambulance?

25 A Yes, sir.

SW - D. B. [REDACTED] - DIRECT

1 Q And then happened next after that?

2 A They wrapped it up with some, something. It was  
3 something they wrapped my head up with, took me to  
4 the other thing.

5 Q Took you to the helicopter? All right, you went  
6 to the hospital?

7 A Yeah.

8 Q What did they have to do to you at the hospital?  
9 They have to sew you up?

10 A Yes, sir.

11 Q Okay. All right. And how much later, how many  
12 days later were you able to come back and talk to  
13 the police?

14 A I think three. I think three.

15 Q Three?

16 A I think.

17 Q Could have been four or could have been two or do  
18 you not?

19 A I think three. I just think three.

20 Q Okay, all right. And who did you talk with with  
21 the police?

22 A Chief Bethea.

23 Q Chief Bethea?

24 A And the officers.

25 Q Did you give him statement about what happened?



SW - D. BROCK - DIRECT

1 A Yes, sir.

2 Q Did you tell him or did you write it out?

3 A I wrote it.

4 Q Okay, all right. And is that what you're telling  
5 this jury what happened today?

6 A Yes, sir.

7 Q Let me ask you just a couple of questions. Have  
8 you — if you saw the knife would you recognize it?

9 A Yes, sir.

10 Q I'm gonna show you what's been marked State's  
11 Exhibit 1. Do you recognize this?

12 A Yes, sir.

13 Q I need you to speak a little bit for the court  
14 reporter.

15 A Yes, sir. Yes, sir.

16 Q Is this the knife?

17 A Yes, sir.

18 Q Okay. And that is the knife you saw him stab  
19 your mother with?

20 A Yes, sir.

21 Q Now when he was -- after you grabbed him and he  
22 cut you in the head, did he cut you like this or was  
23 it like this, or do you know?

24 A I don't know.

25 Q You don't know?

SW - D. B. [REDACTED] - DIRECT

1 A Huh-uh.

2 Q Okay. You were just struggling with him, right?

3 A Yes, sir.

4 Q What did you hear him say to you, if anything?

5 A He didn't say nothing to me; he just walked off.

6 Q He didn't say nothing to you?

7 A Yeah.

8 Q What did you hear him say, if anything, when you  
9 were jumping out the bed?

10 A He was in there calling her a B and stab her.

11 Q Calling you mom a B?

12 A And stabbed her.

13 Q All right. Was he -- what was his -- the volume,  
14 how loud was his voice?

15 A Aggressive.

16 Q Aggressive? His voice was aggressive?

17 A Uh-huh.

18 Q All right. Was the volume kind of low like you  
19 normally talk or whisper or like you're hollering at  
20 somebody?

21 A Hollering.

22 Q Okay. Daquan, did you have any kind of weapon or  
23 pick up a weapon?

24 A No, sir.

25 Q Did your mom have a weapon or anything in her

SW - D. BROCK - CROSS

1 hands?

2 A No, sir.

3 Q When you saw them, when you ran in the room  
4 was — what was she doing? Was she moving towards  
5 Edward or swinging at him or anything?

6 A He had already stabbed her.

7 Q Sir?

8 A He had already stabbed her.

9 Q He had already stabbed her? All right. Son, I'm  
10 so sorry you had to be here, but please answer any  
11 questions Mr. Floyd has, okay.

12 THE COURT: Mr. Floyd.

13 **CROSS-EXAMINATION**

14 BY MR. FLOYD:

15 Q Mr. B. I'm sorry you have to be here as well.  
16 I'm gonna have to ask you some questions, okay. If  
17 I ask you something and you don't understand me or  
18 whatever, just ask me to repeat it, okay? Is that  
19 all right?

20 A Yes, sir.

21 Q You gave a statement to the police after this  
22 happened; is that right?

23 A Yes.

24 Q Okay. Was that on around the 22nd of September?  
25 Do you remember what day it was?

## SW - D. BROCK - CROSS

1 A No, sir.

2 Q It was a number of days after the incident; is  
3 that right?

4 A Yes, sir, about three.

5 Q If I show you the statement you think you would  
6 recognize it? Okay, I want to show it you and ask  
7 you to look at it, okay. Is that it?

8 A (Shakes head.)

9 Q Okay. What's the date on it?

10 A 22nd.

11 Q Okay. Do you remember where you did that?

12 A Mullins High School.

13 THE COURT: Speak up.

14 THE WITNESS: At Mullins High School.

15 BY MR. FLOYD:

16 Q Mullins High School?

17 A Yes, sir.

18 Q All right. Could you read what you wrote there  
19 for me.

20 A Start from right here?

21 Q Yes, sir, just start —

22 MR. CLEMENTS: Your Honor, I just want to  
23 be sure.

24 THE COURT: Come on up.

25 MR. CLEMENTS: This will be introduction

SW - D. B. - CROSS

1 to evidence.

2 (WHEREUPON, counsel approached the Bench  
3 for an off-the-record discussion.)

4 BY MR. FLOYD:

5 Q Mr. B. could you just take a minute and just  
6 read over that for me. You don't have to read it  
7 out loud, okay. Just read it to yourself and  
8 refamiliarize yourself with it. I don't know how  
9 long it's been since you read it.

10 (Pause.)

11 MR. CLEMENTS: Again, Your Honor, while  
12 he's refreshing his recollection, if Mr. Floyd wants  
13 to introduce it I have no objection.

14 BY MR. FLOYD:

15 Q When you gave this statement to the police did  
16 you tell them that you saw Edward go into the  
17 kitchen to get a knife?

18 A Yes, sir.

19 Q In this statement?

20 A That you say what?

21 Q Did you tell him that you saw Edward go into the  
22 kitchen coming from the kitchen? Did you put that  
23 in the statement?

24 A Coming from the kitchen.

25 Q Did you put that in this statement?

SW - D. B. [REDACTED] - CROSS

1 A Huh-uh.

2 Q No, sir, is that a no?

3 A I said I saw him came from the kitchen.

4 Q Okay. What I'm asking is, did you write that in  
5 this statement? I'll let you look at it again.

6 A Huh-uh.

7 Q No, sir? Is that a no?

8 A I didn't put it in that statement.

9 Q Okay, all right. Now you said that you saw  
10 Edward, Mr. Stackhouse, and your mother. You said  
11 you saw him with a knife in his hand; is that right?  
12 Do you remember which hand it was in?

13 A (Indicating.)

14 Q His right hand? Okay. And was he facing your  
15 mother?

16 A (Indicating.)

17 Q He was facing?

18 A (Shakes head.)

19 MR. CLEMENTS: Your Honor, just for the  
20 record I believe Mr. B. [REDACTED] doesn't understand. He  
21 needs to answer out loud; cause the court reporter  
22 can't take down what he's motioning.

23 BY MR. FLOYD:

24 Q I believe you indicated that the knife was in his  
25 right hand; is that correct?

SW - D. B. [REDACTED] - CROSS

1 A Yes, sir.

2 Q Okay. And you said they were facing one another;  
3 is that correct?

4 A Yes, sir.

5 Q Okay, all right. Now you also indicate you saw  
6 him stabbing her?

7 A Yes, sir.

8 Q Okay. And was he making a stabbing motion with  
9 his hand?

10 A Like, I seen the knife in her.

11 Q Okay. Did you see more than one thrust or one  
12 thrust or do you remember?

13 A As soon as I walked in I seen the knife in her.  
14 That's when I saw multiple time.

15 Q You saw it multiple time?

16 A That's why I said that. When I walked in I seen  
17 the knife in her.

18 Q But did you actually see the knife —

19 A In —

20 Q —moving multiple times?

21 A No, I seen it inside her.

22 Q Okay.

23 A That's when I grabbed his hand.

24 Q You grabbed his hand, okay.

25 A (Shakes head.)

SW - D. B. - CROSS

1 THE COURT: Say yes or no.

2 THE WITNESS: Yeah.

3 BY MR. FLOYD:

4 Q And they were facing one another that point?

5 A Yes, sir.

6 Q Is that correct?

7 A (Shakes head.)

8 Q All right. When you said — when you wrote your  
9 original statement for the police you said you were  
10 asleep and you heard your name called; is that  
11 correct?

12 A Yes, sir.

13 Q Okay. And did you and your brother get up at the  
14 same time?

15 A I know I left out the room before him. Yeah, we  
16 got up about the same time.

17 Q About the same time?

18 A Yes, sir.

19 Q But you went out the door first?

20 A Yes, sir.

21 Q You think he was right behind you?

22 A He was right behind me.

23 Q Right behind you? Okay. All right. And did you  
24 pay any attention to what he did after that?

25 A No, sir.



SW - D. B. [REDACTED] - CROSS

1 Q No? Okay. So you weren't aware of when he left  
2 or anything —

3 A No, sir.

4 Q —is that right? Okay. When you had your  
5 encounter with the EMS people and everything after  
6 all this was over, I know they put you in a  
7 helicopter and took you to the hospital; is that  
8 right?

9 A Yes, sir.

10 Q Okay. Tell me what the doctor did for you when  
11 you got there.

12 A They gave me stitches.

13 Q Stitching for your head?

14 A Yes, sir.

15 Q Is that right? Okay. How about the other wound  
16 that you presented?

17 A They put some bandaids on it.

18 Q Bandaids on it?

19 A These cut same.

20 Q Okay. So you didn't have stitches there; is that  
21 right?

22 A No, sir.

23 Q You didn't have to have any surgery or anything  
24 for that —

25 A No, sir.

## SW - D. BROCK - REDIRECT

1 Q ---is that correct? So it was just the -- as far  
2 as the stitches goes they were strictly in your  
3 scalp area ---

4 A Yes, sir.

5 Q ---is that right? All right. Would you bear  
6 with me, Your Honor.

7 THE COURT: Sure.

8 MR. FLOYD: Thank you very much.

9 THE COURT: Any redirect?

10 MR. CLEMENTS: Just briefly, Your Honor.

11 **REDIRECT EXAMINATION**

12 BY MR. CLEMENTS:

13 Q You speak softly, and I want to be sure I  
14 understand this. Mr. Floyd was asking you about the  
15 statement you gave on the 22nd. Wasn't that the  
16 date on it?

17 A Yes, sir.

18 Q All right. Did they ask you a bunch of  
19 questions, or they just tell you to write it on the  
20 form?

21 A They told me to write it on the form.

22 Q Okay. And you didn't write about seeing him go  
23 by with a knife? Mr. Floyd asked you about that.

24 A I ain't write that.

25 Q Did anybody ask you about that at that time?

SW - D. B. - REDIRECT

1 A Huh-uh. No, sir.

2 Q How sure are you that you saw him come from the  
3 kitchen with a knife?

4 A I seen him.

5 Q You positive about that?

6 A Yes, sir.

7 Q And please tell me, Mr. Floyd was asking you  
8 about how many times you saw her stab, and what was  
9 your response about seeing the knife where?

10 A Right there in this area (indicating).

11 Q And you just saw it there, you didn't see him  
12 actually stabbing? You just saw the knife already  
13 there?

14 A I seen it.

15 Q And that's when you went and grabbed it?

16 A Yes, sir.

17 Q And never got on the floor?

18 A No, sir.

19 Q Never tackled him?

20 A No, sir.

21 Q He was never on the floor?

22 A No, sir.

23 Q Okay, thank you. No further questions.

24 THE COURT: All right. Anything further?

25 MR. FLOYD: Your Honor, just one more.

**RECROSS-EXAMINATION**

1 BY MR. FLOYD:

2 Q In your statement, though, you did say that you  
3 saw him stab him, correct?

4 A Yes, sir.

5 Q That's what you wrote in your statement; is that  
6 right?

7 A Yes, sir.

8 Q Okay. But your testimony here today is that you  
9 didn't see stabbing; is that correct? The knife was  
10 already there?

11 A I seen the knife already in her.

12 Q Okay. Thank you.

13 THE COURT: All right. You may step down.  
14 Thank you.

15 If you will call your next witness.

16 MR. CLEMENTS: Your Honor, at this time  
17 the State would rest.

18 THE COURT: Members of the jury, we have  
19 to take up some matters of law. If you would step  
20 into the jury room for a few moments. We will be  
21 back with you shortly. Do not discuss the case.

22 (WHEREUPON, the jury was removed from the  
23 courtroom at 10:28 a.m., and the following  
24 proceedings commenced in open court.)  
25

1 THE COURT: Any motions?

2 MR. FLOYD: Your Honor, at this time I  
3 would just move for a directed verdict motion on  
4 counts 1, 2 and 3 of the indictment based on  
5 insufficiency of the evidence.

6 THE COURT: Okay. I'm gonna deny the  
7 motion. Does your client intend to testify?

8 MR. FLOYD: Your Honor, he's indicated  
9 that he does not intend to testify.

10 THE COURT: Why don't you come on up here,  
11 Mr. Stackhouse, let me talk to you.

12 THE DEFENDANT: I do have one question,  
13 Your Honor.

14 THE COURT: Let me go over your rights  
15 with you, then you can ask your lawyer questions or  
16 me if you like.

17 WHEREUPON,

18 **EDWARD STACKHOUSE,**  
19 was duly sworn by the Clerk of Court.

20 THE COURT: Let me go over something with  
21 you. First of all, I want you to understand that  
22 you have the right to testify if you would like.  
23 You can be sworn in just like you were right then.  
24 You can come over to this stand, you can sit down,  
25 and you can testify. You can tell your side of the

1 story as you and your lawyer see fit.

2 THE DEFENDANT: Uh-huh.

3 THE COURT: You understand that?

4 THE DEFENDANT: Uh-huh.

5 THE COURT: Is that a yes or no?

6 THE DEFENDANT: Yes, I understand it, sir.

7 THE COURT: All right. If you testify,  
8 however, I want you to understand that you may be  
9 cross-examined on any and all relevant issues in  
10 connection with your case.

11 THE DEFENDANT: Yeah.

12 THE COURT: Furthermore, if you testify  
13 and you have a criminal record and it involves  
14 crimes of dishonesty or false statements —

15 THE DEFENDANT: Uh-huh.

16 THE COURT: —or you have a criminal  
17 record for crimes that can carry punishment of more  
18 than one year, and I determine that the probative  
19 value admitting same outweighs its prejudicial  
20 effect, then your criminal record may be introduced  
21 to attack your credibility. Do you understand that  
22 risk?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: You understand the risk of  
25 testifying?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. However, I want  
3 you to understand that you don't have to testify.

4 THE DEFENDANT: Oh, I'm not testifying.

5 THE COURT: And nobody can make you  
6 testify. In fact, if you chose to exercise you  
7 right and not take the stand and not testify, I tell  
8 that jury they cannot use that against you in any  
9 way. You understand that?

10 THE DEFENDANT: Uh-huh.

11 THE COURT: Yes or no?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: I'll tell the jury the fact  
14 that you didn't testify is to have absolutely no  
15 prejudice against you. I'll even tell the jury they  
16 can't talk about that fact in the jury room, it's  
17 not to enter into their deliberation at any form or  
18 fashion.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You understand these rights  
23 that I have gone over with you?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you have any questions for

1 me or your lawyer about these rights that I just  
2 went over with you?

3 THE DEFENDANT: No, I don't have know no  
4 questions.

5 THE COURT: And so you wish to testify or  
6 not?

7 THE DEFENDANT: No, I'm all right.

8 THE COURT: You're not going to testify or  
9 are you going to testify?

10 THE DEFENDANT: No, I'm not. I just only  
11 have one question.

12 THE COURT: And have you discussed that  
13 with your lawyer?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And what is your question?

16 THE DEFENDANT: Just want to know if it's  
17 possible that the -- if the jury can see their  
18 statements themselves.

19 THE COURT: I'm gonna let you go over that  
20 with your lawyer, how about that?

21 THE DEFENDANT: All right.

22 THE COURT: Why don't you do that right  
23 now. You can clear that up, Mr. Floyd, and let me  
24 know if that's been cleared up.

25 MR. CLEMENTS: For the record I have no



1 objection if they want to introduce it.

2 THE COURT: I can't imagine.

3 (Mr. Floyd confers with defendant.)

4 THE COURT: Mr. Floyd, have you talked to  
5 your client?

6 MR. FLOYD: Yes, Your Honor.

7 THE COURT: Does he understand what's  
8 going on?

9 MR. FLOYD: He does, Your Honor.

10 THE COURT: Did you answer his question?

11 MR. FLOYD: I did answer his question on  
12 that.

13 THE COURT: Thank you very much. Why  
14 don't we go over the charge. Anything particular  
15 that defense wants? I may already have it in there  
16 but...

17 MR. FLOYD: Your Honor, on the charge of  
18 attempted murder, my understanding that now we have  
19 ABHAN underneath that and then assault and battery  
20 first, assault and battery second, all of which are  
21 lesser included offenses down the line.

22 THE COURT: I haven't put it in there, but  
23 I can think about it.

24 MR. FLOYD: I would request that you  
25 charge that, Your Honor.

1           THE COURT: All right. All of them?  
2 Trickle it on down?

3           MR. FLOYD: Yes, sir.

4           THE COURT: All right. Solicitor, what  
5 you think of that?

6           MR. CLEMENTS: Your Honor, for the record  
7 I think that the legislature, one legislator in  
8 particular, really made that very confusing law when  
9 he talked about some of the medical aspects of it  
10 and which we didn't approach in this case. I think  
11 that you stab somebody with a knife in the head, try  
12 to stab them in the abdomen I think, either say it's  
13 attempted murder or not so I don't want to confuse  
14 the jury, Your Honor. I have some concern with some  
15 of the definition in that statute on some of the  
16 degrees of assault and battery, but I'll just leave  
17 it up to Your Honor's discretion.

18          THE COURT: Mr. Floyd.

19          MR. FLOYD: Your Honor, I mean, the  
20 statute is what it is. I mean, and I know it's not  
21 worth, maybe artfully written, but it can be kind of  
22 confusing. But I mean, I think there's evidence to  
23 support the charge all the way down to, you know, AB  
24 second.

25          THE COURT: Outside of that I have an

1 introduction reasonable doubt, direct and  
2 circumstantial evidence, duties of the judge and  
3 jury, failure of defendant to testify, expert  
4 testimony, police officer charge, murder, voluntary  
5 manslaughter, involuntary manslaughter, attempted  
6 murder, possession of a weapon, self-defense and  
7 close.

8 MR. FLOYD: How about involuntary  
9 manslaughter?

10 THE COURT: Yeah.

11 MR. FLOYD: You are charging that, Your  
12 Honor? And Your Honor, the — I'm sorry, I didn't  
13 hear you say involuntary manslaughter.

14 THE COURT: I did, all three of them. I  
15 looked at it and I looked at the statement in  
16 particular and I've listened to the testimony. And  
17 I'm not saying that it's the strongest thing in the  
18 world, but I guess it's possible that it could fall  
19 in all three of those categories in some form or  
20 fashion if you look at it.

21 MR. FLOYD: Yes, sir.

22 THE COURT: We've gone over that thing. I  
23 even had my clerk argue it to me as a lawyer in my  
24 office, and I think you can find a little teeny  
25 shred of all of them in there somewhere.

1           MR. FLOYD: Like I said, I missed that and  
2 that's what I was getting ready to ask you about.

3           THE COURT: And I'm sure you disagree with  
4 me and I'll be glad to hear from you.

5           MR. CLEMENTS: I do, Your Honor. I don't  
6 think involuntarily is an appropriate charge, and I  
7 didn't anticipate actually you charging that or I  
8 would have done a little research last night, but I  
9 think there might be some case law out there that  
10 you can't -- that voluntarily and involuntarily are  
11 kind of mutually exclusive. It seems like I recall  
12 something about that, but I definitely think  
13 voluntary manslaughter is an appropriate charge  
14 based on his statement. But I don't see anything in  
15 his statement where there was anything, where there  
16 was recklessness. This was an intentional act he  
17 was doing. I just don't think involuntarily fits in  
18 my humble opinion.

19           THE COURT: And I'm not saying it fits  
20 strongly, but I think if you look at that statement  
21 and you dissect it and you play his role, it is  
22 possible that you could mold it into that. I'll  
23 look at it carefully, and I'll consult with other  
24 judges, my clerk and myself, and I think it would be  
25 appropriate to slide it in and see what happens.

1           MR. CLEMENTS: Just, Your Honor, just —

2           THE COURT: Of course, you know, it just  
3 takes a little teeny —

4           MR. CLEMENTS: —respectfully note my  
5 objection to that charge.

6           THE COURT: I understand. I guess we will  
7 take a look at assault and battery, all that stuff  
8 right now, and do that. How do want to do it? You  
9 want to rest on the record, Mr. Floyd, I guess?

10          MR. FLOYD: Yes, Your Honor. Your Honor,  
11 I did have one other question about the charge.  
12 Were you intending to charge use of deadly weapon  
13 being an inference of malice?

14          THE COURT: No, because I put self-defense  
15 in there.

16          MR. FLOYD: Thank you.

17          THE COURT: Yes.

18          MR. CLEMENTS: We got a self-defense  
19 charge?

20          THE COURT: We do.

21          MR. CLEMENTS: All right.

22          THE COURT: I mean, you know, he's out  
23 there. And the video once again, we're looking  
24 where the stuff came from. And he said he'd been  
25 hit with a hammer, been stabbed. And I'm not saying

1 it's strong but he said all that stuff and that he  
2 thought they might come on him and get on him and do  
3 something to him so he grabbed a knife and started  
4 swinging it, all that kind of stuff. I'm not saying  
5 any of that is probable, but there's a shred of  
6 evidence and that's all I have to have, a shred or  
7 possibility that those charges are applicable and I  
8 have to put them in there.

9 MR. CLEMENTS: May I make brief argument  
10 on that?

11 THE COURT: Yeah.

12 MR. CLEMENTS: Your Honor, he also on his  
13 statement talked about several times I believe he  
14 answered that he didn't see any of them with a  
15 weapon, didn't have a weapon at this time. Whether  
16 he thought he was in danger on some other occasion  
17 —

18 THE COURT: That's what you need to be  
19 telling that. I understand that you will.

20 MR. CLEMENTS: But also, Your Honor, this  
21 argument as well I'd like to put on the record, is  
22 that he also said he wasn't supposed to be there  
23 because he was not on the lease. He wasn't supposed  
24 to be there, and he is fighting somebody else. They  
25 have a right to defend themselves with no duty to

1 retreat in their own home; he does not.

2 THE COURT: And we can tweak the charge to  
3 that as well.

4 MR. CLEMENTS: He — you have to have a  
5 duty to retreat, and he could have easily retreated  
6 and he did not so I think that throws self-defense  
7 out the window.

8 THE COURT: I got you. Sounds like a good  
9 argument and I appreciate it. All right, let's  
10 bring the jury back out, and I'm gonna have you rest  
11 on the record and we'll send them out and then we'll  
12 take a brief recess and take a look at the charge in  
13 regards to the assault and battery and all that  
14 stuff.

15 If you will go ahead and bring them back  
16 out.

17 (WHEREUPON, the jury was returned to the  
18 courtroom at approximately 10:40 a.m., and  
19 the following proceedings commenced in  
20 open court.)

21 THE COURT: Mr. Floyd, if you will call  
22 your first witness.

23 MR. FLOYD: Your Honor, Defense rests.

24 THE COURT: All right, that was quick.  
25 Members of the jury, I hate to ask you again but I

1 need you to get up, go back into the jury room. We  
2 have to go over a few more things at this point in  
3 time as a matter of formality, and we have to  
4 prepare to conclude this case. So just bear with us  
5 a little bit and we'll get it ready and the next  
6 time you come out we're going to move forward with  
7 closing arguments, charge on the law, and try to get  
8 it. If you need anything don't hesitate to ask the  
9 bailiff and he'll make sure you're covered.

10 (WHEREUPON, the jury was removed from the  
11 courtroom at 10:41 a.m., and the following  
12 proceedings commenced in open court.)

13 THE COURT: We'll take a brief recess and  
14 we can — we'll talk about that.

15 (WHEREUPON, a recess was taken from the  
16 proceedings.)

17 THE COURT: If you will go ahead and bring  
18 out the jury.

19 (WHEREUPON, the jury was returned to the  
20 courtroom at approximately 12:00 p.m., and  
21 the following proceedings commenced in  
22 open court.)

23 THE COURT: Members of the jury, we are in  
24 the final phase of the trial. At this time the  
25 lawyers are going to give their closing argument to



1 you, and after that I'm gonna charge you on the law  
2 and send you into the jury room hopefully with some  
3 food, and then at that time when I tell you to, you  
4 can begin your deliberations.

5 State, you're recognized for your closing  
6 statement.

7 MR. CLEMENTS: Ladies and gentlemen of the  
8 jury, if it please the Court. Ladies and gentlemen  
9 of the jury, it's been three days we've been  
10 together, but in a lot of ways it seems a whole lot  
11 longer than that. I appreciate all of your  
12 attention and how serious you've taken this. And as  
13 I told you on Tuesday, you are the sole judges of  
14 the facts in this case. The judge is going to tell  
15 you that when he charges you on the law. And you  
16 judge everything that you saw from this witness  
17 stand. You judge the evidence that we put in, the  
18 exhibits, and you make a decision that speaks the  
19 truth and tells the truth.

20 I told you, if you remember on Tuesday, I  
21 told you there was not a lot you were going to have  
22 to decide in this case because there were a lot of  
23 things that were not in dispute. And I think  
24 ultimately it boils down to one question, and I'm  
25 going to explain to you why in a few minutes. But

1 it boils down to one question I believe. Before I  
2 get into that and before I begin to talk about the  
3 facts I want to talk to you a little bit about the  
4 law that the judge is going to charge you on, and  
5 his duty is to give you all the law that could  
6 possibly have something to do with this case. And  
7 some of that law I suggest to you is going to apply.  
8 Some of it as you look at the facts you're going to  
9 see doesn't apply, but I'm gonna talk to you a  
10 little bit now about what the judge is going to  
11 charge you on.

12           The first thing I want to talk to you  
13 about is murder 'cause that's what we charged Edward  
14 Stackhouse with is murder. Murder is when you take  
15 someone's life with malice aforethought, and the  
16 judge is going to tell you what malice is. Malice  
17 is hatred, ill will, or hostility towards another  
18 person. It is the intentional doing of a wrongful  
19 act without just cause. I submit to you that is  
20 exactly what Edward Stackhouse did. You saw the  
21 video of his statement that he made to law  
22 enforcement. And just as you judge people from the  
23 witness stand, and the judge is going to tell you  
24 you can accept all of what they say, none of what  
25 they say, a part of what they say, you are the judge

1 of that credibility. This video statement that  
2 Mr. Stackhouse gave, I would submit to you, you can  
3 believe part of it. I also submit to you there's  
4 part of it you can't believe at all because it's  
5 nothing but self-serving stuff, for lack of a better  
6 term, that he told Chief Bethea and he told Kenny  
7 Davis to try to make it look as best as that he  
8 could for him.

9 Now I want to talk about that in regards  
10 to hatred, ill will, or hostility towards another  
11 person on the law here. He said he started it.  
12 They'd had some disagreement earlier, and he went  
13 and he broke the cell phone if you remember, and  
14 that's when it all started and then he went from  
15 there. But malice aforethought requires that malice  
16 not exist for any particular time before act is  
17 committed, but just before and at the time the act  
18 is committed. When he took — picked up that knife,  
19 whether you believe he picked it up on the floor or  
20 whether he went to the kitchen as the testimony was,  
21 sworn testimony from Daquan that he saw him come  
22 back from the kitchen with that knife. When he  
23 picked up that knife he had malice aforethought, and  
24 he had evil intent in his heart. And you can infer  
25 that from those circumstances. He stabbed her with

1 a total disregard for human life.

2 Now voluntary manslaughter, the judge is  
3 going to tell you about the law on voluntary  
4 manslaughter as well. He's gonna tell you that when  
5 you take the life of another person in the sudden  
6 heat of passion based on sufficient legal  
7 provocation that that's manslaughter; but you got to  
8 have both, heat of passion and you have to be  
9 legally provoked. If you don't have both of them  
10 you don't have manslaughter. Now murder or  
11 voluntary manslaughter, that's gonna be what we're  
12 going to talk about a lot at the end here.

13 The sudden heat of passion, what does that  
14 mean? The judge is going to tell you it must be the  
15 type that would make an ordinary person unable to  
16 coolly reflect on his actions and would produce an  
17 uncontrollable impulse to do violence. Do you think  
18 talking to somebody on a cell phone and arguing  
19 about who you're talking to on the phone constitutes  
20 what would make an ordinary person not be able to  
21 coolly reflect on his actions? And you think that  
22 would be the type of thing that would produce an  
23 uncontrollable impulse to do violence? I don't  
24 think so. Sufficient legal provocation must be the  
25 type that would make a person of ordinary reason and

1 caution become enraged and to lose control  
2 temporarily. You think that discussion about who  
3 you talking to on the phone would make an ordinary  
4 person become enraged and lose control? If you  
5 don't think so then it's not voluntary manslaughter,  
6 it's murder. And the heat of passion to cool, if  
7 there was enough time passes in between for a  
8 reasonable person to cool down, the killing would  
9 not be voluntary manslaughter. The judge is gonna  
10 tell you that.

11           And let me talk to you a minute about  
12 involuntary manslaughter. The judge is gonna tell  
13 you about that. I submit to you involuntary  
14 manslaughter doesn't fit this situation at all even  
15 if you believe everything Stackhouse said on his  
16 video. Involuntary manslaughter is when you kill  
17 somebody without malice and you're engaged in an  
18 unlawful activity that naturally tends to cause  
19 death or great bodily harm. Well, if you got malice  
20 and you're engaged in that activity, that's not  
21 involuntary manslaughter. Another way to define  
22 involuntary manslaughter is when you kill a victim  
23 without malice while you're engaged in a lawful  
24 activity but you've got a reckless disregard for the  
25 safety of others. You picked up a knife and you

1 start swinging, I don't believe that's a lawful  
2 activity. And I also believe that that naturally  
3 tends to cause the death or great bodily harm of  
4 somebody. And the definition says that you engaged  
5 in unlawful activity which does not naturally tend  
6 to do so. So I don't think involuntary manslaughter  
7 fits here at all, at all.

8           Also, he's gonna talk to you about  
9 self-defense. He's gonna give you the law on  
10 self-defense. And I want to tell you a little about  
11 what the judge is gonna tell you on self-defense I  
12 believe. Self-defense occurs, first, the person has  
13 to be without fault. He's going to claim  
14 self-defense, the judge is gonna tell you, first,  
15 the defendant must be without fault in bringing on  
16 the difficulty. Well, you know according to  
17 Stackhouse's own words, he was partially to blame,  
18 if not wholly to blame for bringing on this  
19 difficulty. The judge is going to charge you if the  
20 defendant's conduct was the type which was  
21 reasonably calculated to and did provoke a deadly  
22 assault, the defendant would be at fault in bringing  
23 on the difficulty and would not be entitled to  
24 self-defense. That's what we got here; he brought  
25 this on.

1           Also, the judge is going to talk to you  
2 about mutual combat when it comes to self-defense.  
3 And he's going to tell you if the defendant  
4 voluntarily participates in mutual combat, it would  
5 not be self-defense. And he voluntarily entered  
6 into combat fighting, he's Sharon Stackhouse, that's  
7 not self-defense. This is true even if during the  
8 combat, the judge is going to tell you, the  
9 defendant feared for death or serious bodily injury.  
10 You heard Kenny Davis ask, were you scared? Well,  
11 no, not really, you know, a little bit. You know,  
12 before maybe I was scared, dusted things more, but I  
13 was scared of him, she didn't have any weapons, he  
14 didn't have any weapons, you know. But he was in  
15 mutual combat with her. And even if he did have  
16 fear once that started he's not entitled to  
17 self-defense because he was in mutual combat.

18           The judge is going to talk to you about  
19 imminent danger when it comes to self-defense.  
20 Second element of self-defense is that the defendant  
21 actually was in imminent danger or serious bodily  
22 harm or actually believed he was in imminent danger  
23 of death or serious bodily harm. Well, I submit to  
24 you based on what Stackhouse said in answer to the  
25 questions on that video, he was not in imminent

1 danger of death or bodily injury and he didn't  
2 actually believe he was. He said there might have  
3 been some possibility of it, but he didn't believe  
4 it. Listen to his words on the statement, y'all  
5 did. That was the last thing you heard yesterday.  
6 Y'all had all night to think about what he said. He  
7 wasn't entitled to self-defense. He didn't believe  
8 he was in imminent danger, and he wasn't. He said,  
9 nobody else had any other weapons, he didn't see any  
10 weapons. Also, on self-defense the judge is going  
11 to talk to you about size and age. He's going to  
12 tell you that the relative sizes, ages, and weights  
13 of the defendant and the victim may be considered in  
14 deciding the apparent or actual need for force in  
15 self-defense and the amount of force needed. What  
16 do we have here? We got an 80-pound teeny little  
17 woman. He said he told Kenny Davis to try to make  
18 it look a little bit, oh she's 120, 125-pounds.  
19 They weighed her. You heard the pathologist testify  
20 she was 80-pounds and 4 foot 10, 4 foot 10. You  
21 could have sneezed on her and blew her over. And a  
22 little 15 year old boy, slender 15 year old boy  
23 coming, running to help his momma when she screamed  
24 for help.  
25 Now you can look at them and look at



1 Mr. Stackhouse. Now he's not very tall but look at  
2 him; he's built. He told Kenny Davis, yeah, I do.  
3 calisthenics, I work out, I'm in pretty good shape.  
4 And a teeny little woman. You can take that  
5 consideration of whether he needed to pull a knife  
6 in self-defense. Also the judge is going to tell  
7 you that you're not entitled to self-defense if  
8 there's any other way to avoid danger.

9           The final element of self-defense the  
10 judge is going to tell you is that the defendant had  
11 no other probable way to avoid the danger of death  
12 or serious bodily injury than to act as the  
13 defendant did in this particular instance. Well, if  
14 you believe what he said, he said he was tackled to  
15 the floor — and I don't believe that by the way —  
16 and he just happened to pick up the knife and he was  
17 swinging it to get him off of him. She's an 80 year  
18 [sic] old woman and a 15 year old skinny boy. He  
19 could have got up and just said, get off me, and he  
20 could have left. He said he didn't have any reason  
21 to be there or right to be there because he wasn't  
22 on the lease. Remember him telling you that on that  
23 that video, answering that question to Kenny Davis?  
24 He's not entitled to self-defense, but the judge is  
25 going to tell you the law of self-defense. You

1 apply all that. Listen carefully to every bit of  
2 that law. And you're gonna say, well, self-defense,  
3 mark that out, involuntary manslaughter, mark that  
4 out.

5 I think it's going to boil down to one  
6 question, ladies and gentlemen of the jury, is this  
7 murder or is this voluntary manslaughter. Can  
8 everybody see this? Everybody see this? I just  
9 want to remind you of a few things Mr. Stackhouse  
10 told Kenny Davis and Chief Bethea, and I want to  
11 tell you what's not in dispute. What's not in  
12 dispute is that Sharon Stackhouse is dead. What's  
13 not in dispute is Sharon Stackhouse died from one  
14 stab wound, and I think bow hunters and deer hunters  
15 would refer to that as a double lung heart shot. I  
16 don't know if any of you guys hunt, but you heard  
17 what the pathologist said. It went through both  
18 lobes of one lung, went through the pericardium,  
19 through the aorta, through into the heart and into  
20 the other lung so you're talking about a double lung  
21 heart shot which Doctor Riemer said there was no  
22 chance for survival. Even if there had been a crack  
23 team of trauma surgeons right there at her apartment  
24 with all the equipment they needed there was no way  
25 she was going to live. The only thing she could do,

1 as Daquan told us this morning, was tell him I love  
2 you and blink her eyes and she was gone. That's not  
3 in dispute.

4           It's also not in dispute that stabbing  
5 Stackhouse is the one that did it. What did he tell  
6 Kenny Davis? There was only three of us there, me  
7 and her and Daquan, I was the only one with a knife.  
8 What's not in dispute is Edward Stackhouse killed  
9 Sharon. What's not in dispute, I believe, is that  
10 she was killed with this knife. The first witness  
11 we put up, Mary Ann Bowen, the SLED scientist, said  
12 that all the DNA was on the knife, both victims. On  
13 his clothes, several places you got DNA. Daquan,  
14 you got DNA of Sharon's. Swabs from his right  
15 forearm looked like blood, you got DNA. Can't  
16 exclude Sharon, can't exclude Daquan from any of  
17 that. That's not in dispute that he stabbed Sharon.  
18 It's not in dispute that he stabbed Daquan in the  
19 neck and then tried to stab him in the side but  
20 didn't get very far. Y'all saw that scar. It's not  
21 in an area — is that not a kill zone? Is that not  
22 a kill area when you stab somebody there?

23           Doctor Riemer said that the depth of  
24 penetration of that wound was 8-inches. That's not  
25 in dispute. How long is that blade? How long is

1 that blade? What kind of force does it take to  
2 drive a knife like this into a little 80 year old  
3 lady, and run it in almost if not to the hilt  
4 completely in her. It's not in dispute. Y'all are  
5 gonna have to decide that question.

6           What else did Stackhouse say? I was  
7 angry, I was pissed, no one else had a weapon, I  
8 wasn't really scared, I wasn't supposed to be there,  
9 I was not on the lease. If you believe everything  
10 he said in that video, if you believe everything he  
11 told Mike Bethea and everything he told Kenny Davis  
12 and you apply all those facts to the law that Judge  
13 Seals gives you believing everything that he wanted  
14 those police officers to believe, you got one answer  
15 to this, voluntary manslaughter. Heat of passion, I  
16 was angry, I was pissed, yeah I just fell, picked up  
17 the knife and I start swinging to get them off of  
18 me, and you know, I don't really think Sharon was  
19 stabbed. I knew — I thought I nicked Daquan 'cause  
20 he kind of jumped back. Well, if you believe  
21 everything he says you've got to find a verdict of  
22 voluntary manslaughter. He got provoked by them and  
23 he killed her in the heat of passion.

24           Well, I don't believe everything he said  
25 and I don't think you should either. I think you

1 should weigh everything on that video against all  
2 the other facts we know. Now some of it you can  
3 believe. But everybody knows if you're going to  
4 tell a good story and a good lie to try to cover  
5 something up, you better have some truth in it,  
6 right, 'cause if you don't have some truth in it  
7 nobody is going to believe it. Daquan said he got  
8 cut and he backed -- he jumped back. Stabbing  
9 Stackhouse said that? I believe that part of it.

10           What don't I believe? I don't believe  
11 that it's voluntary manslaughter. I don't believe  
12 it was in the heat of passion. I don't believe it  
13 was with sufficient legal provocation. I believe it  
14 was murder. I believe it was malice aforethought.  
15 And y'all might say, Ed, why? Well, a lot of  
16 reasons. Balance and compare what he says against  
17 facts that we know that are scientific and use your  
18 good old common sense.

19           Number one, Daquan said he saw him come  
20 from the kitchen with the knife and he saw -- and  
21 jumped up when his momma hollered his name, went in  
22 there and saw the knife in her, in her side right  
23 here. And Edward had a knife. Now Mr. Floyd may  
24 want to make a big deal about, well, he said, he  
25 wrote in his statement that she was stabbing and he

1 didn't see her stabbing, he saw the knife in there.  
2 Well, I think 15 year old boy is going to see the  
3 knife in there he's going to say, yeah, it's a  
4 stabbing. And I think most of the rest of us would  
5 too. He didn't see her sticking it in there but he  
6 saw it in there. And I don't believe he picked that  
7 knife up off that floor. Number one, you know, who  
8 cuts electrical tape with a big old butcher knife  
9 like that when he said also, we had scissors. You  
10 got scissors there, why you got the knife too? And  
11 electrical tape, you guys know, you take electrical  
12 tape you ain't got to worry about cutting it. You  
13 can grab a snatch of that and pop it, and you got  
14 you a piece of tape. You're not gonna have a big  
15 old butcher knife there, particularly if you got  
16 scissors. That doesn't make any sense. That's not  
17 true. That's a coverup on his behalf.

18 He brought the knife from the kitchen with  
19 malice aforethought calling her a bitch, like he  
20 said, like Daquan said he called my momma B. And he  
21 came and he stabbed her. He didn't swing his knife  
22 to protect himself from Daquan and Sharon, why?  
23 Because what would have been happening if he had  
24 been swinging his knife like this? What would we  
25 have seen and what would the pathologist have

1 testified to? Defensive wounds. Remember what they  
2 said about defensive wounds? Those are slashes,  
3 cuts. Was did Doctor Riemer say? No slashes, no  
4 cuts, no injuries on her hands or arms, nothing.  
5 Just one single thrusty stab 8-inches through her  
6 body, through her lungs, through her heart,  
7 non-survivable fatal blow. He wasn't swinging that  
8 knife like that. He went in. She goes oh no,  
9 Daquan, and he stabbed her right there with this  
10 knife, jabs it in her hard as he can up to the hilt.  
11 And Daquan runs in there, brave young man, trying to  
12 save his momma, goes in there and grabs him. And  
13 what does Edward do? Turn and stabs him in the  
14 neck. He's lucky to be alive. And then tried to  
15 stab him in the side and then walks out.

16 Now, he says I was scared. You know,  
17 they — she hit me with a hammer before, she's hit  
18 me with a knife before. She's 80 year old —  
19 80-pound little weight. 80 pound woman could have  
20 blow her over. If he's so scared, why didn't he  
21 turn, walk away from Daquan, turn his back on  
22 Daquan, walk away, throw the knife down, get on his  
23 bicycle, get out of the apartment, and ride away?  
24 And did he call for help? No. Did he go to police  
25 and say they jumped me, but I think I hurt one of

1   them? No. Or hurt both of them? No. He rode and  
2   sat on somebody's porch for a while and then rode to  
3   somebody else's house, got seen over there at Gold  
4   Street. And what did he say? What did he ask Kenny  
5   Davis? Was anybody hurt? Was everybody okay? No,  
6   he asked something a little more telling than that.  
7   He asked, did anyone survive. Remember Kenny Davis  
8   telling him on that: No, you didn't ask me that;  
9   you asked me did anyone survive. He goes, yeah,  
10   yeah, you know. He knew what he had done. He  
11   wanted to know did anybody survive.

12           He didn't swing that knife to protect  
13   himself from little tiny 80-pound Sharon. He didn't  
14   swing that knife to protect himself from Daquan  
15   because they were double teaming him. He had  
16   stabbed Sharon, and Daquan came to try to save his  
17   momma. And he stabbed Daquan and just walked out.  
18   What he's telling to Kenny Davis and Mike Bethea is  
19   not true. There's parts of it true. They talked a  
20   long time. A lot of it true, but the crucial things  
21   are not true; they don't make any sense. They don't  
22   match up with what other witnesses say. They don't  
23   match up with what the scientists say.

24           Kim Dinh, remember her, the forensic  
25   officer from SLED who now got all these black belts



1 and she trains police officers how to protect  
2 themselves at the Police Academy. She's an expert  
3 in those fields. She says, I took pictures of her,  
4 there was one thrust wound here. And she thought  
5 there was a wound at the hip, but she didn't take  
6 the clothes off. She didn't wash away all the  
7 blood. And the doctor said, well, you know,  
8 somebody might have made that mistake, but we take  
9 clothes off, we wash them, we see there's only one  
10 wound. A kill shot, that's the only wound. He's  
11 lying to you about swinging the knife. There's no  
12 defensive wounds on Daquan, you know. He stabbed  
13 Daquan and then Daquan tried to get away. All he  
14 was trying to do is stop him from stabbing his momma  
15 ma again, but the one time he stabbed her did the  
16 job. She didn't have opportunity to defend herself.  
17 He had snatched the phone and broke it. You see  
18 pictures, phone one piece one place, one piece right  
19 behind her head. I don't know if it was jealous  
20 rage. I don't know what it was that was in his  
21 heart and in his mind, but it resulted in malice and  
22 evil intent, not something that a reasonable person  
23 would be provoked about enough to kill somebody and  
24 not where he would have been in danger where he had  
25 to kill somebody. He could have walked away, got on

1 his bicycle, and rode away before he ever picked up  
2 that knife. And he said, did anyone survive? He  
3 told them on video, I didn't think Sharon was  
4 stabbed, I knew had I nicked Daquan.

5           What you got to decide, is this cold  
6 blooded murder versus a hot blooded killing. Murder  
7 versus voluntary manslaughter. Those are the only  
8 choices that make sense. Hot blooded killing,  
9 manslaughter, heat of passion. Murder, cold  
10 blooded. What was his demeanor on that video? It  
11 wasn't but a few hours from the time she had been  
12 killed. And what was his demeanor? Well, he'd  
13 come through a traumatic experience, right? Sharon  
14 has been stabbed; Daquan had been stabbed. Let's  
15 compare his demeanor to Daquan's demeanor. Let's  
16 compare his demeanor to William [REDACTED] B. [REDACTED]  
17 demeanor. What did the law enforcement officers  
18 say? What'd they testify to? What did his cousin  
19 say? When he got to the house he was out of breath  
20 and hysterical and all upset. What did the officer  
21 say on the scene? He was upset. Daquan was upset  
22 and hysterical, Edward Stackhouse hurt my momma.  
23 They were upset. Edward, he rode off on his  
24 bicycle; you saw him. He was calm. He was eating  
25 him a biscuit, drinking, smoking Captain Bethea's

1 cigarettes. What was his demeanor? Was there a  
2 heat of passion there, or a lack of emotion because  
3 this was a cold blooded murder. He sat there and he  
4 very cold blooded; I submit to you, tried to explain  
5 away to them. He was demonstrative and he kept  
6 coming up with all this stuff, and you know,  
7 contradicting himself in some little minor things.  
8 But why would it take so long to explain something  
9 that happened like that unless you're trying to  
10 weasel your way out of it. He knew he couldn't deny  
11 that he stabbed her and she died. And he's going to  
12 try to make it look like something it's not.

13           Those boys were screaming, their momma had  
14 been killed. And William didn't even see it, but he  
15 knew what was going on. He ran away. And Daquan  
16 saw it, and Daquan almost got killed himself. But  
17 yet, Stackhouse smiling on the video, rode away on  
18 his bicycle, rode off, never asked for any help,  
19 never did anything. Chief Davis, can I ask you a  
20 question, anybody survive? Kenny Davis hadn't told  
21 him what they wanted to talk to him about. He knew  
22 he had killed somebody, possibly two people.

23           Swinging the knife, we talked about that.  
24 Y'all, I know y'all don't believe for a minute, that  
25 doesn't make any sense. That's not true. He's

1 doing this, on the video kept talking about I just  
2 picked it up, I had fallen on the ground. Daquan  
3 said, I didn't tackle him. I don't know if Daquan  
4 could tackle him, you know. But Daquan said, I  
5 never was on the ground; he wasn't on the ground.  
6 That knife was in my momma and I ran up there and he  
7 pulled it out and I grabbed his hands. William was  
8 at the door; he never went in. He never saw  
9 Stackhouse on the ground. He never saw Daquan on  
10 the ground. He didn't pick that knife up off that  
11 floor. He brought it from the kitchen with malice  
12 in his heart, and he killed Sharon with one stab  
13 wound. She didn't have a chance to defend herself.  
14 He didn't come at her like this and cut her on  
15 the — slashes and cuts on her hands and arms and  
16 anywhere else. He came right in, thrust.  
17 Self-defense? No way. He didn't retreat. He could  
18 have retreated. Not self-defense. Shouldn't have  
19 been there, not on the lease. As he said, they had  
20 no weapons. Sharon didn't have any weapons. I  
21 don't care about what might have happened way back  
22 when. Sharon didn't have any weapons then, she's  
23 80-pounds. Daquan didn't have any weapons.  
24 80-pound little tiny waff of a woman and a 15 year  
25 old child. And as he said on that video, he was the

1 aggressor. He got up out the bed going to the  
2 bathroom, heard her on the phone, went, snatched  
3 that phone, broke it, started tussling there. He  
4 was the aggressor, he started it, he's not entitled  
5 to self-defense.

6           Involuntary manslaughter, and Mr. Floyd  
7 may argue for that; I would if I was him. But it  
8 ain't there, folks. He wasn't engaged in a lawful  
9 activity. He had malice in her [sic] heart.  
10 Remember, he said he was calling her a bitch. He  
11 wasn't swinging the knife at anyone. He picked that  
12 knife up in the kitchen and went and stabbed. And  
13 if you do believe him that he was swinging the  
14 knife, that naturally, it does naturally tend to  
15 cause death or great bodily injury. And the  
16 definition of involuntary manslaughter says you're  
17 engaged in activity that does not naturally tend to  
18 cause death or great bodily injury. He's not  
19 entitled to involuntary manslaughter; he's not  
20 entitled to self-defense.

21           You got one question to answer. Cold  
22 blooded murder or hot blooded killing. That he was  
23 provoked, he was in the heat of passion, he didn't  
24 intend to do it, it was just something that happened  
25 'cause he was in the heat passion, he was angry, he

1 was pissed. His story does not ring true. Compare  
2 it to everything else, it just does not ring true.  
3 I think that as y'all go back and y'all weigh out  
4 every piece of evidence y'all are going to see  
5 there's no reasonable doubt. This is murder, and  
6 that Daquan, attempted murder. The emergency  
7 medical people called in a helicopter. He could  
8 have easily died. And he didn't have any right to  
9 attack Daquan. Daquan was coming to the defense of  
10 his mother. He stabbed him and walked away. He  
11 didn't stab him and say, okay, now you're off of me,  
12 I got control of you, let's get the ambulance here  
13 quick. Naw, he didn't do that. He got on his  
14 bicycle and he rode away.

15 Ladies and gentlemen, he can't get on that  
16 bicycle and ride away from y'all today. If you  
17 believe what he says you got to find him guilty of  
18 voluntary manslaughter. If you don't believe the  
19 things I pointed out that I believe absolutely are  
20 not true you got to find him guilty of murder. You  
21 got to bring back a verdict that speaks the truth.  
22 The burden of proof is on me. He doesn't have to  
23 prove anything, and that is the way it should be.  
24 It's hard to prove your innocence. The State should  
25 have to prove you're guilty beyond a reasonable

1 doubt. I believe we've done that. I believe we've  
2 done that. Y'all didn't fall off a turnip truck  
3 last night. Y'all heard the story and y'all  
4 listened to the evidence, and I believe y'all are  
5 going to bring back a verdict that finds the truth  
6 and you're going to say, Ed, you met the burden of  
7 proof, we don't have a reasonable doubt. It's a  
8 horrible, horrible thing. That's kind of like a  
9 curse across our nation on domestic abuse resulted  
10 in a murder of two young boys' momma in front of  
11 them; and now here they come and tell what they  
12 endured and what they saw, what they heard, to y'all  
13 under oath four days after the mother died. They  
14 don't have anything that shows they're lying 'cause  
15 they're not lying. They told you the truth. Now  
16 y'all bring back a verdict that speaks the truth.  
17 Edward Stackhouse is guilty of murder; he's guilty  
18 of attempted murder. And he is guilty of possessing  
19 this during the commission of a violent crime. Take  
20 this back and look at it. Thank you.

21 THE COURT: Mr. Floyd.

22 MR. FLOYD: Thank you, Your Honor, may it  
23 please the Court. Mr. Solicitor.

24 Good afternoon, ladies and gentlemen. I  
25 do agree with the Solicitor what some of the facts

1 in this case. Now you heard a lot of DNA testimony,  
2 things of that nature. Of course, we don't dispute  
3 that Edward Stackhouse was in that room or that he  
4 was holding that knife. That's not in dispute at  
5 all. There used to be an old board game when I was  
6 young. I don't think anybody plays board games  
7 anymore. All the games they play now are on a  
8 computer and such that. It was called Clue and in  
9 Clue the crime had been committed and you had to go  
10 around and figure out who did it. You know, you got  
11 a bunch of clues during the game. This isn't that  
12 kind of case because Mr. Stackhouse admitted, you  
13 know, his part, responsibility for this thing and  
14 the reason we know that is because he gave a  
15 statement, okay. And you all saw it. You all heard  
16 it right here in front of you yesterday; he was on  
17 the TV.

18 Now I do disagree with the Solicitor as to  
19 what conclusions you can draw from that statement  
20 and the evidence that was presented 'cause I believe  
21 when you look at Mr. Stackhouse's statement and the  
22 physical evidence you'll see that what he said was  
23 basically consistent, not inconsistent with the  
24 physical evidence in this case. Mr. Stackhouse said  
25 an argument started. There's no doubt about that.



1 He said that he certainly played a part in starting  
2 that argument. He didn't back up about that at all.  
3 He accepted responsibility for that. He said that  
4 when they got to the bedroom and the argument was  
5 commencing he got tackled from behind. He went  
6 down, a knife was on the ground. He picked it up.  
7 He swung to try and ward Mr. Bowers [sic] and  
8 Ms. Stackhouse off. There was one blow and  
9 Ms. Stackhouse, and the pathologist testified, it  
10 was about right here. There was another blow to  
11 Mr. Bowers about right here. There was a small one  
12 here. Of course, the Solicitor contends that  
13 Mr. Stackhouse picked up a knife and with malice  
14 aforethought tried, either killed or tried to kill  
15 Mr. Bowers and did, in fact, kill Ms. Stackhouse.

16 But you can use your common sense just  
17 like the Solicitor said. If you're face to face  
18 with someone, you got a knife, and you're mad at  
19 them and you want to kill them, what are you gonna  
20 do? Are you gonna hit them one time and walk away?  
21 You're not gonna do that. If it's your intention to  
22 kill somebody with a knife what are you gonna do?  
23 You're gonna go after them and you're gonna stab  
24 them and you're gonna do it more than once because  
25 you're mad and you're angry and you can't control

1     yourself.

2             The evidence in this case doesn't at all  
3     support that happened. It does support that he got  
4     up, made a wild swing or three wild swings, or  
5     however many wild swings, and unfortunately he  
6     connected. And he did connect in a very bad place  
7     here where the heart is and the lungs are. If it  
8     had been on this side would it have been the same  
9     effect? I don't know, I'm not a doctor. But you  
10    heard what the doctor said; this is where the heart  
11    is. Do you think Edward Stackhouse knew that? Do  
12    you think he picked that spot out and just decided  
13    to put it there, one fatal blow? I don't think so.

14            I think that the story that he gave was  
15    consistent with what happened. Mr. Clements  
16    indicated that he thought he was lying in his  
17    statement. Well, if Edward Stackhouse wanted to  
18    tell a lie, he had been sitting at that police  
19    station, he'd been fed, he'd been given something to  
20    drink, he had time to collect his thoughts, he could  
21    have said anything. He could have told a lie. He  
22    could have said, well, Daquan came at me with a  
23    knife and I took it and I was defending myself. He  
24    could have said that; he didn't do that. He said  
25    what happened and what happened was consistent.

1           Now Mr. Clements also brought up there  
2 were no defensive wounds, and I was going to bring  
3 that up as well. If you're face to face with  
4 someone and you're going out on a knife, what's  
5 their natural reaction? They're gonna throw their  
6 hands up. They're gonna grab that knife. They're  
7 gonna do something. And the pathologist testified  
8 that very often there are defensive wounds in  
9 stabbing cases because people see that coming; and  
10 of course, their natural reaction is to react, throw  
11 their hands up, throw their arms up. That's why you  
12 see them because they do this, they brace  
13 themselves. Here you didn't have that. Here what  
14 you have is one single blow which was consistent  
15 with not even knowing it was coming, which would  
16 have been consistent with Mr. Stackhouse coming up  
17 off that ground and going like this and like this.  
18 They didn't even — they didn't know it was coming.  
19 That's why there were no defensive wounds. And it  
20 makes complete sense and fits in with the evidence.

21           Now Mr. William B. [REDACTED] testified earlier  
22 this morning, and he said that he heard his mother's  
23 voice. He and his brother got up at roughly  
24 basically the same time. His brother went in ahead  
25 of into the room ahead of him. He didn't actually

1 go in and stop at the door, but it was pretty much a  
2 simultaneous act. And Mr. Stackhouse was already in  
3 there, and then he turned around and he left. And  
4 that was pretty much consistent with what  
5 Mr. Stackhouse's statement was, that he was in the  
6 room with Ms. Stackhouse, they were arguing, and  
7 then he felt something. Bam, he went to the floor.  
8 He got tackled from behind.

9           Mr. Daquan Bowers also gave a written  
10 statement, and of course, this morning he testified  
11 that he saw him coming from the kitchen but that was  
12 left out of that written statement that he gave. I  
13 asked him about it. He didn't -- the first time he  
14 said that was today, okay. And that's what the  
15 Solicitor points to as evidence of malice in this  
16 case. He had time to think about it, and he goes  
17 and gets a knife and he comes back. Well, that  
18 statement is not consistent with the statement of  
19 his brother, nor do I believe consistent with the  
20 physical evidence in this case.

21           Now the judge will charge you on murder,  
22 voluntary manslaughter, and involuntary manslaughter  
23 as well. And involuntary manslaughter -- and I hope  
24 I'm saying it correctly; if not, the judge will  
25 correct me when he gives this charge to you. But it

1 says, to prove involuntary manslaughter it says the  
2 defendant unintentionally killed the victim without  
3 malice while engaged in a lawful activity with a  
4 reckless disregard for the safety of others. Now  
5 there is an issue in this case involving  
6 self-defense and whether or not Mr. Stackhouse was  
7 acting in self-defense or whether he armed himself  
8 in self-defense. Now in his statement he said that  
9 in the past there had been incidences where he was  
10 stabbed or he was hit with a hammer, and he didn't  
11 know what was going on when he was tackled to the  
12 floor. That's what he said. The knife was there;  
13 he armed himself. If you believe him that was --  
14 that was a lawful act.

15 Now after he armed himself, did he act  
16 with reckless disregard for the safety of others by  
17 swinging that knife? And I think quite frankly the  
18 answer to that question is yes, he did act with  
19 reckless disregard because Mr. Stackhouse never  
20 claimed he didn't do anything wrong, okay. He  
21 admitted he did something wrong, and I submit to you  
22 today that that is what he did. He acted with  
23 reckless disregard for the safety of others while he  
24 was engaged in a lawful activity, i.e., he armed  
25 himself of self-defense.

1           I do want to comment on something else  
2 that was brought up in the closing argument about  
3 Mr. Stackhouse's response to, I think it was at the  
4 time it was Chief Davis, now he's city administrator  
5 Davis. But I believe he said that Edward Stackhouse  
6 asked him if anyone survived. I hope those are the  
7 right words. I think I used the right words. Did  
8 anyone survive. You know, Edward Stackhouse at that  
9 point had been detained on the street. He had been  
10 cuffed. He had seen a platoon of police cars going  
11 towards his house. He was in the presence of other  
12 officers; and frankly, we don't know what he knew at  
13 that point and neither did Chief Davis, and he said  
14 so on the stand. He said, I don't know what they  
15 told him, I don't know. So when he asked the  
16 question did anyone survive, he may have had a good  
17 reason to ask it, okay. Was there blood on his  
18 shirt to indicate that, you know, there was a lot of  
19 blood. I'm talking about Mr. Stackhouse's shirt.  
20 If you'll recall every one of the police officers I  
21 asked and they were like, well, we didn't really  
22 notice anything. So when he -- the shirt maybe  
23 there was a small stain, but no large stains. So  
24 when Mr. Stackhouse left that house and he said he  
25 looked back, walked away, got on his bicycle and

1 rode away. It's not like he had a lot of blood on  
2 him. He looked at himself. He wouldn't necessarily  
3 think, hey, you know, there's some serious injuries  
4 here.

5           We would submit that there was a lack of  
6 malice in this case. And if there was lack of  
7 malice, not only on the murder but the attempted  
8 murder as well, he's charged with attempted murder.  
9 And of course, the argument goes there too. He  
10 was.— he armed himself in self-defense. He acted  
11 recklessly admittedly, but the malice element is  
12 just not there. So we would ask that you consider  
13 all those things, give Mr. Stackhouse the benefit of  
14 the doubt when you resolve all this evidence in the  
15 jury room. The judge will instruct you that if  
16 there is a doubt the defendant is entitled to the  
17 benefit of that doubt. And we just ask that you  
18 consider all of those things and find Mr. Stackhouse  
19 not guilty of murder, attempted murder, or voluntary  
20 manslaughter. Thank you very much.

21           THE COURT: Members of the jury, it is now  
22 my duty as the trial judge to instruct you on the  
23 law applicable to this case, and in that regard it  
24 is your duty as jurors to accept and apply the law  
25 as I now state it to you. Furthermore, it is your

1 exclusive duty to decide all the issues of fact in  
2 this case and to determine the effect, value, the  
3 weight, and the truth of the evidence presented.  
4 Both the State and the Defendant have the right to  
5 expect that you would carefully consider and  
6 evaluate the evidence and apply the law of this case  
7 to it so that in the end both the State of South  
8 Carolina and this Defendant will have received a  
9 fair and impartial trial.

10 Furthermore, I want you to understand that  
11 when I refer to the word defendant I refer to  
12 Mr. Edward W. Stackhouse, Jr. Also, it is important  
13 to understand that the State of South Carolina  
14 charges the defendant with the offenses known as  
15 murder, attempted murder, and possession of a weapon  
16 during the commission of a violent crime. To these  
17 charges the defendant has entered a plea of not  
18 guilty. This plea of not guilty places the burden  
19 of proof on the State to prove the defendant guilty  
20 to you beyond a reasonable doubt. It is vital to  
21 understand that the defendant is presumed under the  
22 law to be innocent of the charges. It is a  
23 fundamental rule of our law that a defendant  
24 regardless of the seriousness of the charges against  
25 him is always presumed innocent of the crime for



1 which he is charged unless and until his guilt has  
2 been proved by evidence that satisfies you beyond a  
3 reasonable doubt. The presumption of innocence is  
4 not a mere legal theory or legal phrase. The  
5 presumption of innocence is very important, and you  
6 need to understand that this presumption accompanies  
7 a defendant from the time of his arrest and  
8 appearance in this court and continues with a  
9 defendant even after you retire to the jury room to  
10 deliberate. In other words, a defendant receives  
11 the benefit of the presumption of innocence until  
12 the very end of this trial when you will deliberate  
13 upon the evidence and decide whether the State has  
14 proved his guilt beyond a reasonable doubt.

15           Proof beyond a reasonable doubt is proof  
16 that leaves you firmly convinced of the defendant's  
17 guilt. There are few things in this world that we  
18 know with absolute certainty so even in criminal  
19 cases the law does not require proof that overcomes  
20 every possible doubt. However, if based on your  
21 consideration of the evidence you are firmly  
22 convinced that the defendant is guilty of the crimes  
23 charged, you must find him guilty. If on the other  
24 hand you think there's a real possibility that he is  
25 not guilty, you must give him the benefit of the

1 doubt and find him not guilty.

2 Please understand that reasonable doubt  
3 may arise from evidence which has been presented in  
4 the case or from the lack of evidence in the case.  
5 It is your responsibility to determine whether or  
6 not reasonable doubt exists as to the guilt of this  
7 defendant. I charge you that the defendant is  
8 entitled to every reasonable doubt arising in the  
9 whole case or arising in any defenses asserted by  
10 the defendant. If upon any issues of fact essential  
11 to conviction and a verdict of guilty you have a  
12 reasonable doubt as to how that issue should be  
13 resolved, it would be your duty to resolve that  
14 reasonable doubt in favor of the defendant. Thus,  
15 in summary it is important to understand that a  
16 defendant is not required to prove his innocence.  
17 Instead, the State is required by law to prove every  
18 essential element of the offense charged against the  
19 defendant by evidence which satisfies you of his  
20 guilt beyond a reasonable doubt. Only then can you  
21 convict the defendant and find him guilty.  
22 Furthermore, evidence may be direct or  
23 circumstantial. Direct evidence is testimony by a  
24 witness about what the witness personally saw or  
25 heard or did. Circumstantial evidence is indirect

1 evidence. In other words, it is proof of one or  
2 more facts from which one can find another fact.  
3 You may consider both direct and circumstantial  
4 evidence equally.

5           During this trial you and I have separate  
6 duties to perform. As the trial judge it is my  
7 responsibility to preside over this trial.  
8 Furthermore, I have the duty to rule upon the  
9 admissibility of the evidence offered during the  
10 trial. In that regard you are to consider only the  
11 evidence before you. Thus, you are to consider only  
12 the testimony which has been presented from the  
13 witness stand together with any exhibits admitted  
14 into the record of this case. Also, I have the  
15 additional duty to charge you on the law applicable  
16 to this case and in that regard it is your duty to  
17 accept and apply the law as I now state it to you.  
18 If you have any preconceived ideas as to what the  
19 law is or what you think the law ought to be and it  
20 does not agree with what I tell you the law is, then  
21 you are obligated under your oath to abandon those  
22 preconceptions and accept the law as I now state it  
23 to you. In this trial you are the sole and  
24 exclusive judge of the facts, and I am the judge of  
25 the law. Do not infer that I have any opinion about

1 the facts in this case from anything I have said  
2 during the course of this trial. In this regard the  
3 law simply does not permit me to have an opinion  
4 about the facts. As jurors it is your duty alone to  
5 determine the effect, the value, the weight and  
6 truth of the evidence presented during the course of  
7 this trial. Furthermore, it is your job as jurors  
8 to determine the credibility and believability of  
9 witnesses who have testified in this case. In  
10 determining the believability of the witnesses who  
11 have testified in this trial you may believe one  
12 witness over many or many over one. You may believe  
13 a part of the testimony of a witness and reject the  
14 remaining part. You may believe the testimony of a  
15 witness in its entirety or reject it in full. You  
16 may consider whether the witness has an interest in  
17 the result of the trial, whether the witness is  
18 prejudiced toward either party, the opportunity for  
19 the witness to have seen the matters and things  
20 about which the witness may testify, and the way the  
21 witness acts on the witness stand.

22 I further instruct you the fact that the  
23 defendant in this trial did not testify on his own  
24 behalf is not a factor to be considered by you in  
25 any way in your deliberations and in your

1 consideration on the question of guilt or innocence.  
2 In this regard a defendant has the constitutional  
3 right to remain silent, and the exercise of this  
4 right must not be considered by you in your  
5 deliberations. The fact that a defendant did not  
6 testify should not even be discussed in the jury  
7 room. The burden of proof, as I have stated, is on  
8 the State. The defendant has no obligation to prove  
9 his innocence. The burden of proof remains with the  
10 State to prove the defendant's guilt beyond a  
11 reasonable doubt, and the fact that a defendant did  
12 not testify is not a factor to be considered by you  
13 in deciding the guilt or innocence of the defendant.

14         When you consider the whole case, if you  
15 have a reasonable doubt as to the guilt or the  
16 innocence of the defendant then he is entitled to  
17 that reasonable doubt, would be entitled to a  
18 verdict of not guilty. However, if upon considering  
19 the whole case you find that the State has proved by  
20 evidence which satisfies you of the guilt of the  
21 defendant beyond a reasonable doubt, then in such  
22 circumstance it would equally be your duty to  
23 convict the defendant and find him guilty.

24         Furthermore, the rules of evidence  
25 ordinarily do not permit witnesses to testify

1 regarding opinions or conclusions. An exception to  
2 this rule exists for witnesses we call expert  
3 witnesses. A witness who by education and  
4 experience has become an expert in some art,  
5 science, profession may give an opinion as to the  
6 subject from which he claims to be an expert in and  
7 may also give the reasons for the opinion. You  
8 should consider any expert opinion given by a  
9 witness and like any other evidence give it the  
10 weight you think it deserves. If you decide that an  
11 expert witness' opinion is not based on sufficient  
12 education and experience or if you decide that the  
13 reasons given in support of the opinion are not  
14 sound, or that the opinion is outweighed by other  
15 evidence, you may disregard the opinion entirely.  
16 An expert witness' testimony is to be given no  
17 greater weight than that of any other witness simply  
18 because the witness is an expert, and you do not  
19 have to accept an expert's opinion even though it is  
20 uncontradicted. In exercising your mental processes  
21 and attempting to decide the truth the law simply  
22 requires that you exercise your good judgment, your  
23 common sense, your sense of logic and reasoning and  
24 your experiences in life. You then apply these  
25 attributes to the evidence, apply the law as I now

1 state it to you, and thus arrive at a verdict.

2 Also, please understand that the testimony  
3 of a police officer is not entitled to more weight  
4 than that of any other witness. You are the sole  
5 judges of the credibility of a witness, and you are  
6 not to give any more weight to a police officer's  
7 testimony simply because he is a police officer.  
8 Rather, you should judge an officer's testimony by  
9 the same standards that you apply to all other  
10 witnesses. Please understand that you have the  
11 right to believe a small portion of a witness'  
12 testimony and disregard the larger portion or vice  
13 versa. You may believe all of a witness' testimony  
14 or none. You may believe the testimony of a single  
15 witness against that of many or the other way  
16 around.

17 In exercising your mental processes and  
18 attempting to decide the truth the law simply  
19 requires that you exercise your good judgment, your  
20 common sense, your sense of logic and reason and  
21 your experiences in life. Then you apply these  
22 attributes to the evidence, apply the law as I now  
23 state it to you and again, as I said, thus arrive at  
24 a verdict.

25 The defendant in this case is charged with

1 murder. The State must prove beyond a reasonable  
2 doubt that the defendant killed another person with  
3 malice aforethought. Malice is hatred, ill will, or  
4 hostility towards another person. It is the  
5 intentional doing of a wrongful act without just  
6 cause or excuse and with the intent to inflict an  
7 injury or under circumstances that the law will  
8 infer an evil intent. Malice aforethought does not  
9 require that malice exists for any particular time  
10 before the act is committed, but malice must exist  
11 in the mind of the defendant just before and at the  
12 time the act is committed. Therefore, there must be  
13 a combination of the previous evil intent and the  
14 act.

15 Malice aforethought may be expressed or  
16 inferred. These terms expressed and inferred do not  
17 mean different kinds of malice but merely the manner  
18 in which malice may be shown to exist. That is  
19 either direct evidence or by inference from the  
20 facts and circumstances which are proved. Expressed  
21 malice is shown when a person speaks words which  
22 express hatred or ill will for another or when the  
23 person prepared beforehand to do the act which was  
24 later accomplished. For example, lying in wait for  
25 a person or any other acts of preparation going to



1 show that the deed was within the defendant's mind  
2 would be expressed malice. Malice may be inferred  
3 from conduct showing a total disregard for human  
4 life.

5           If you find that the State has failed to  
6 prove beyond a reasonable doubt that the defendant  
7 committed murder you may consider whether the State  
8 has proved beyond a reasonable doubt that the  
9 defendant committed voluntary manslaughter. To  
10 prove voluntary manslaughter the State must prove  
11 beyond a reasonable doubt that the defendant took  
12 the life of another in the sudden heat of passion  
13 based on sufficient legal provocation. Both heat of  
14 passion and sufficient legal provocation must be  
15 present at the time of the killing to constitute  
16 voluntary manslaughter. Sudden heat of passion may  
17 for a time affect a person's self-control and  
18 temporarily disturb a person's reasoning. The  
19 sudden heat of passion must be the type that would  
20 make any ordinary person unable to coolly reflect on  
21 his actions and would produce an uncontrollable  
22 impulse to do violence. Sudden legal provocation  
23 must be the type that would make a person of  
24 ordinary reason and caution become enraged and to  
25 lose control temporarily. The provocation needed

1 for voluntary manslaughter must come from some act  
2 of or related to the victim. Words alone, however  
3 vulgar or insulting, are not enough to be legal  
4 provocation. Where death is caused by the use of a  
5 deadly weapon the words must be accompanied by some  
6 overt threatening act which could have produced the  
7 heat of passion. The exercise of a legal right no  
8 matter how offensive it is to another, is never  
9 sufficient legal provocation for voluntary  
10 manslaughter. If the heat of passion had cooled or  
11 if there was enough time between the provocation, if  
12 any, and the killing for the passion of a reasonable  
13 person to cool, the killing would not be voluntary  
14 manslaughter. In deciding whether a reasonable  
15 person would have had time to cool or should -- you  
16 should consider all of the circumstances surrounding  
17 the killing. You may consider the nature of the  
18 provocation, if any, the defendant's mental and  
19 physical state, and the circumstances and  
20 relationships between the parties.

21 Included within the offense of voluntary  
22 manslaughter is the lesser offense of involuntary  
23 manslaughter. To prove involuntary manslaughter the  
24 State must prove beyond a reasonable doubt that the  
25 defendant unintentionally killed the victim without

1 malice, but while engaged in an unlawful activity  
2 not naturally tending to cause death or great bodily  
3 harm or that the defendant unintentionally killed  
4 the victim without malice while engaged in a lawful  
5 activity with reckless disregard for the safety of  
6 others. Unintentional meaning that that defendant  
7 did not intend for anyone to be killed or seriously  
8 injured.

9           Reckless disregard for the safety of  
10 others is more than mere negligence or carelessness.  
11 Mere negligence or carelessness is the failure to  
12 use the care that a person of ordinary reason would  
13 use under the same circumstances. Recklessness is a  
14 conscious failure to use ordinary care. Reckless  
15 disregard for the safety of others means that you  
16 are not interested in the consequences of your acts  
17 or the rights and safety of others. If a person who  
18 knows or should know that ordinary care requires  
19 certain precautions be taken for the safety of  
20 others when using a dangerous instrumentality such  
21 as a gun or car but that person fails to use those  
22 precautions without concern, the person's actions  
23 are considered reckless.

24           The State must also prove beyond a  
25 reasonable doubt that a defendant's act was the

1 proximate cause of the death. Proximate cause is  
2 the direct cause. It is the immediate cause. It is  
3 the efficient cause. It is that cause without which  
4 the death of the victim would not have resulted.  
5 There must be a chain of causation from the time of  
6 the injury inflicted by the defendant until the time  
7 of the victim's death. Proximate cause does not  
8 necessarily mean that it occurred immediately prior  
9 to death. There may be more than one proximate  
10 cause. The acts of two or more persons may combine  
11 together to be a proximate cause of the death of a  
12 person. The defendant's act may be regarded as the  
13 proximate cause if it is a contributing cause of the  
14 death of the victim. The fact that other causes  
15 also contribute to the death of the victim does not  
16 relieve the defendant from responsibility. The  
17 defendant's act need not be the sole cause of the  
18 death but must be a proximate cause contributing to  
19 the death of the victim.

20           The defendant is also charged with  
21 attempted murder. In order to prove this crime the  
22 State must prove the defendant attempted to kill  
23 another person with malice aforethought either  
24 expressed or implied. In this regard I have already  
25 defined malice for you. An attempt is an effort to

1 accomplish a crime which does not succeed. An  
2 attempt includes a specific intent to do a  
3 particular criminal act along with an act falling  
4 short of the act intended. The State must show more  
5 than mere preparation and intent. There must be  
6 some overt act committed in the effort to commit the  
7 crime. Intent means intending the result which  
8 actually occurs, not accidentally or involuntarily.  
9 Intent may be shown by acts in conduct of the  
10 defendant and other circumstances from which you may  
11 naturally and reasonably infer intent.

12           If you determine that the State failed to  
13 prove beyond a reasonable doubt that the defendant  
14 committed the offense of attempted murder, you may  
15 also consider whether the State has proved beyond a  
16 reasonable doubt that a defendant committed the  
17 offense of assault and battery of a high and  
18 aggravated nature. A person commits the offense of  
19 assault and battery of a high and aggravated nature  
20 if the person unlawfully injures another person and  
21 great bodily injury to another person results, or  
22 the act is accomplished by means likely to produce  
23 death or great bodily injury. Great bodily injury  
24 means bodily injury which causes a substantial risk  
25 of death or which causes serious permanent

1   disfigurement or protracted loss or impairment of  
2   the function of a bodily member or organ.

3           If you determine that the State failed to  
4   prove beyond a reasonable doubt that a defendant  
5   committed the offense of assault and battery of a  
6   high and aggravated nature, you may also consider  
7   whether the State has proved beyond a reasonable  
8   doubt that a defendant committed the offense of  
9   assault and battery in the first degree. A person  
10   may also commit the offense of assault and battery  
11   in the first degree if the person unlawfully offers  
12   or intends to injure another person with the present  
13   ability to do so and the act either is accomplished  
14   by means likely to produce death or great bodily  
15   injury or incurred during the commission of a  
16   robbery, burglary, kidnapping, or theft.

17           Great bodily injury means bodily injury  
18   which causes a substantial risk of death or which  
19   causes serious permanent disfigurement or protracted  
20   loss or impairment of the function of a bodily  
21   member or organ.

22           If you determine that the State failed to  
23   prove beyond a reasonable doubt that the defendant  
24   committed the offense of assault and battery in the  
25   first degree you may also consider whether the State

1 has proved beyond a reasonable doubt that the  
2 defendant committed the offense of assault and  
3 battery in the second degree. A person commits the  
4 offense of assault and battery in the second degree  
5 if the person unlawfully injures another person or  
6 offers or tends to injure another person with a  
7 present ability to do so and either moderate bodily  
8 injury to another person results or moderate bodily  
9 injury to another person could have resulted.

10 Moderate bodily injury means physical injury  
11 requiring treatment to an organ system of the body  
12 other than the skin, muscles, and connective tissue  
13 of the body except when there is a penetration of  
14 the skin, muscles, and connective tissues that  
15 require surgical repair of a complex nature or when  
16 treatment of the injuries require the use of  
17 regional or general anesthesia.

18 If you determine that the State failed to  
19 prove beyond a reasonable doubt the defendant  
20 committed the offense of assault and battery in the  
21 second degree you may also consider whether the  
22 State has proved beyond a reasonable doubt that the  
23 defendant committed the offense of assault and  
24 battery in the third degree. A person commits the  
25 offense of assault and battery in the third degree

1 if a person unlawfully injures another person or  
2 offers or attempts to injure another person with the  
3 present ability to do so.

4 The defendant is also charged with  
5 possession of a weapon during the commission of or  
6 attempt to commit a violent crime. The State must  
7 prove beyond a reasonable doubt that a defendant  
8 visibly displayed a knife during the commission of a  
9 violent crime. A knife means an instrument or tool  
10 with a sharp cutting blade whether or not fastened  
11 to the handle which can be used to inflict a cut,  
12 slash, or wound. In order to find a defendant  
13 guilty of possession of a weapon during the  
14 commission of a violent crime you must first find  
15 the defendant guilty of either committing a violent  
16 crime or attempting to commit a violent crime.  
17 Murder, voluntary manslaughter, and attempted murder  
18 are voluntary -- are violent crimes.

19 The defendant has raised a defense of  
20 self-defense. Self-defense is a complete defense  
21 and if it is established you must find the defendant  
22 not guilty. The State has the burden of disproving  
23 self-defense by proof beyond a reasonable doubt. If  
24 you have a reasonable doubt of the defendant's guilt  
25 after considering all of the evidence including the



1 evidence of self-defense, then you must find the  
2 defendant not guilty. On the other hand, if you  
3 have no reasonable doubt of the defendant's guilt  
4 after considering all the evidence including the  
5 evidence of self-defense, then you must find the  
6 defendant guilty.

7           The following elements are required to  
8 establish self-defense. First, the defendant must  
9 be without fault in bringing on the difficulty. If  
10 the defendant's conduct was the type which was  
11 reasonably calculated to and did provoke a deadly  
12 assault, the defendant would be at fault in bringing  
13 on the difficulty and would not be entitled to an  
14 acquittal based on self-defense. Self-defense is  
15 not available to a person who uses language which is  
16 so contemptuous that a reasonable person would  
17 expect it to bring on a physical encounter and which  
18 did actually contribute to the physical encounter.  
19 If the defendant voluntarily participated in mutual  
20 combat for purposes other than protection, the  
21 killing of the victim would not be self-defense.  
22 This is true even if during the combat the defendant  
23 feared death or serious bodily injury. However, if  
24 before the killing is committed the defendant  
25 withdraws and tried in good faith to avoid further

1 conflict in either by word or act makes that fact  
2 known to the victim, he would be without fault in  
3 bringing on the difficulty. For mutual combat there  
4 must be a mutual intent and willingness to fight.  
5 This intent may be shown by the acts and conduct of  
6 the parties and the circumstances surrounding the  
7 combat. In addition, it must be shown that both  
8 parties were armed with a deadly weapon.

9           The second element of self-defense is that  
10 the defendant was actually in imminent danger of  
11 death or serious bodily injury or that the defendant  
12 actually believed he was in imminent danger of death  
13 or serious bodily injury. If the defendant was  
14 actually or — if the defendant was actually in  
15 imminent danger it must be shown that the  
16 circumstances would have warranted a person of  
17 ordinary firmness and courage to strike the fatal  
18 blow to prevent death or serious bodily injury. If  
19 the defendant believed he was in imminent danger of  
20 death or serious bodily injury it must be shown that  
21 a reasonably, prudent person of ordinary firmness  
22 and courage would have had the same belief. In  
23 deciding whether the defendant was actually —  
24 whether the defendant actually was or believed he  
25 was in imminent danger of death or serious bodily

1 injury you must consider all the facts and  
2 circumstances surrounding the crime including the  
3 physical condition and characteristics of the  
4 defendant and the victim.

5           The defendant does not have to show that  
6 he was actually in danger. It is enough if the  
7 defendant believed he was in imminent danger and a  
8 reasonably prudent person of ordinary firmness and  
9 courage would have had the same belief. The  
10 defendant has the right to act on appearances even  
11 though the defendant's belief may have been  
12 mistaken. It is for you to decide whether the  
13 defendant's fear of imminent danger of death or  
14 serious bodily injury was reasonable and would have  
15 been felt by an ordinary person in the same  
16 situation.

17           Words accompanied by hostile acts may  
18 depending on the circumstances establish a defense.  
19 Evidence of prior difficulties between the defendant  
20 and the victim may be considered in deciding whether  
21 a threat existed, whether the defendant had a reason  
22 to believe a threat existed, and how serious that  
23 threat was. The relative sizes, ages, and weights  
24 of the defendant and the victim may be considered in  
25 deciding the apparent or actual need for force in

1 self-defense and the amount of force needed. The  
2 reputation of a victim as a violent person may be  
3 considered in deciding whether there was a need for  
4 force, whether the defendant had a reason to believe  
5 there was a need for force, and whether deadly force  
6 was reasonably necessary. Prior instances of  
7 violence by the victim may be considered in deciding  
8 whether the defendant actually believed he was in  
9 imminent danger of death or serious bodily injury or  
10 was actually in imminent danger. Threats made by  
11 the victim may be considered in determining whether  
12 the defendant actually was or believed he was in  
13 imminent danger. The intoxication of the victim may  
14 be considered in deciding whether the defendant's  
15 fear of death or bodily harm was reasonable.

16           The final element of the self-defense is  
17 that defendant had no other probable way to avoid  
18 the danger of death or serious bodily injury than to  
19 act as the defendant did in this particular instant.  
20 The defendant had no duty to retreat if by doing so  
21 the danger of being killed or suffering serious  
22 bodily injury would increase. A lawful guest at  
23 another's home has no duty to retreat before using  
24 deadly force and self-defense against an intruder.  
25 A lawful guest is a person who enters the premises

1 of another by either expressed or implied  
2 invitation. However, a guest has a duty to retreat  
3 wherever possible if the attacker is the owner or  
4 occupier of the property.

5         A person cannot be required to make an  
6 exact calculation as to the degree or amount of  
7 force which may be needed to avoid death or serious  
8 bodily harm; therefore, in self-defense the  
9 defendant has a right to use the force needed to  
10 avoid death or serious bodily harm. The force used  
11 in self-defense does not have to be limited to the  
12 degree or amount of force used by the victim. The  
13 defendant has the right to use so much force as  
14 appear to be necessary for complete self-defense and  
15 which a person of ordinary reason and firmness would  
16 have believed to be needed to prevent death or  
17 serious bodily harm. If the defendant is justified  
18 in defending himself or others and in firing the  
19 first shot, then the defendant is also justified in  
20 continuing to shoot until it is apparent that the  
21 danger of death or serious bodily injury has  
22 completely ended.

23         Ladies and gentlemen, I'm now drawing near  
24 the end of my charge, and I want you to clearly  
25 understand that you are not partisans or advocates

1 for the State or this defendant. You do not serve  
2 as jurors to reward your friends or punish your  
3 enemies. In this regard you have been selected by  
4 both the State and this Defendant to be fair and  
5 impartial jurors. It is your duty by your joint  
6 deliberations to determine the truth in this case  
7 giving to this defendant the benefit of every  
8 reasonable doubt on each and every issue. Then to  
9 the facts which you determine to be true, you should  
10 take and apply the law which has been given to you  
11 by this Court and thus arrive at verdict which  
12 speaks the truth in this case. In fact, the word  
13 verdict, which has a Latin derivative, means a true  
14 saying. Thus when you have accomplished these  
15 responsibilities you will have satisfied your oath  
16 as jurors and you will have discharged your duty to  
17 this court.

18 Mr. Bailiff, would you hand the forelady  
19 the verdict form please.

20 Now Ms. Forelady, I have handed you the  
21 verdict form. When you arrive at a verdict in this  
22 case you will write your verdict on the form. For  
23 the charges, if the State has failed to prove the  
24 guilt of this defendant beyond a reasonable doubt  
25 your verdict would be two words, not guilty.

1    However, should the State have proved their case  
2    against the defendant beyond a reasonable doubt,  
3    then your verdict would be one word and that is  
4    guilty. Ms. Forelady, once a decision has been made.  
5    just check whichever choice is your verdict, sign  
6    it, and date the form.

7            Furthermore, the verdict form is rather  
8    lengthy but it is self-explanatory. If you'll start  
9    at the top and just work your way down one by one  
10   and follow the instructions. It will be  
11   self-explanatory to you and the rest of the jurors.  
12   Also, please understand that the verdict you render  
13   in this case must be the verdict of each and every  
14   juror. It must be your unanimous verdict. All  
15   twelve jurors must agree on the verdict which  
16   authorizes the forelady to write for the jury.  
17   Ms. Forelady and members of the jury, I want you to  
18   further understand that the order in which the  
19   choices of verdict appear on the verdict form are  
20   not suggestive of any verdict on the part of this  
21   Court. The verdict in this case is to be determined  
22   by you and not the Court. Furthermore, ladies and  
23   gentlemen, please understand that even though I have  
24   given the verdict form to the forelady it is not her  
25   verdict alone. It is the verdict of all twelve of

1 you, and again, I emphasize it must be unanimous.

2 In a moment you will retire to the jury  
3 room. However, I would ask that you do not begin  
4 your deliberations until you are told to do so. The  
5 law requires that I now consult with the attorneys.  
6 After I have done so the bailiff will bring in items  
7 of evidence and instruct you to begin your  
8 deliberations. Also, should you have any questions  
9 during the deliberations you must put them in  
10 writing and send them to me by way of the bailiff.  
11 The court bailiff will be placed immediately outside  
12 of the jury room door to provide security and  
13 assistance for you during your deliberations. Once  
14 you have reached your verdict please knock on the  
15 jury room door and ask the bailiff to advise the  
16 Court that you have reached a verdict and we will  
17 return you to the courtroom as promptly as possible  
18 thereafter. Thank you, and you may retire to the  
19 jury room; but again, do not begin your  
20 deliberations until I tell you to do so. Thank you.

21 (WHEREUPON, the jury was removed from the  
22 courtroom at 1:30 p.m., and the following  
23 proceedings commenced in open court.)

24 THE COURT: Any objections or exceptions  
25 from the State?



1           MR. CLEMENTS: Your Honor, I just note for  
2 the record in regards to self-defense there are  
3 facts that are not in dispute. By Mr. Stackhouse's  
4 own admission on video he was a guest. He was  
5 there; he was not on the lease. Therefore, he would  
6 have had a duty to retreat which would have  
7 precluded him from having self-defense. That's a  
8 fact not in dispute. Another fact not in dispute by  
9 his own admission on the video, he started the  
10 conflict when he got up to go to the bathroom and  
11 then went and snatched the cell phone and broke it  
12 and started the altercation. So therefore, he was  
13 at fault. That being a fact not in dispute, we  
14 would also argue he was not entitled to a  
15 self-defense charge and would just like to note our  
16 objection for the record.

17           THE COURT: Okay. Mr. Floyd, would you  
18 like to argue against that just briefly.

19           MR. FLOYD: Your Honor, I think we've  
20 discussed that already and I stand on what we  
21 previously said.

22           THE COURT: I'll overrule the objection.  
23 Anything further?

24           MR. CLEMENTS: And Your Honor,  
25 respectfully note my objection to involuntary

1 manslaughter charge as well.

2 THE COURT: Got you.

3 MR. CLEMENTS: Thank you, Your Honor.

4 THE COURT: Y'all want to take a look at  
5 the evidence and make sure we got them right. I'll  
6 check them off.

7 (Attorneys review the exhibits.)

8 THE COURT: Go ahead and send in the  
9 verdict form. Bring the alternate out and tell them  
10 to begin and the food is coming as well.

11 (Alternate is returned to the courtroom.)

12 THE COURT: Ms. Adams, I just want to  
13 talk to you briefly. Particularly I want to explain  
14 to you, you still get to eat; you ain't got to worry  
15 about that. You just can't eat there with them.  
16 But I just want to explain to you that you are —  
17 you are a backup juror. If somebody got sick, and  
18 that happens, when somebody in their family got hurt  
19 or a juror died or an emergency arose, it takes two.  
20 So if one other couldn't be here, the whole week  
21 would be for nothing. So you had to sit here, you  
22 had to hear everything, and you had to be prepared  
23 to drive that car should somebody fall off. That's  
24 why we have you. I appreciate you being here. We  
25 appreciate you being here, and there's your food.

1 You can do anything you want to do at this time.

2 You can go home if you want to.

3 (Alternate is excused.)

4 THE COURT: We'll be at ease until  
5 something happens.

6 (WHEREUPON, a recess was taken from the  
7 proceedings.).

8 (Court's Exhibit Number 1, note  
9 from jury, was marked and made a part of the  
10 record.)

11 THE COURT: For the record, we have a  
12 question and it says, please provide the definition  
13 of murder versus voluntary manslaughter.

14 Y'all want me to just bring them out here  
15 and recharge them on those two things? Is that okay  
16 with Defense?

17 MR. FLOYD: That's fine, Your Honor.

18 MR. CLEMENTS: No objection, Your Honor.

19 THE COURT: Go ahead and bring out the  
20 jury.

21 (WHEREUPON, the jury was returned to the  
22 courtroom at approximately 2:26 p.m., and  
23 the following proceedings commenced in  
24 open court.).

25 THE COURT: Pursuant to your question,

1 it's very short, I'm going to re-charge you just on  
2 murder and voluntary manslaughter. The defendant is  
3 charged with murder. The State must prove beyond a  
4 reasonable doubt that the defendant killed another  
5 person with malice aforethought. Malice is hatred,  
6 ill will, or hostility towards another person. It  
7 is the intentional doing of a wrongful act without  
8 just cause or excuse and with the intent to inflict  
9 an injury or under circumstances that the law will  
10 infer an evil intent. Malice aforethought does not  
11 require that malice exist for any particular time  
12 before the act is committed, but malice must exist  
13 in the mind of the defendant just before and at the  
14 time of the act was committed. Therefore, there  
15 must be a combination of a previous evil intent and  
16 the act. Malice aforethought may be expressed or  
17 inferred. These terms express and inferred do not  
18 mean different kinds of malice, but merely the  
19 manner in which malice may be shown to exist. This  
20 is either by direct evidence or by inference from  
21 the facts and circumstances which are proved.

22           Expressed malice is shown when a person  
23 speaks words which express hatred or ill will for  
24 another or when the person prepared beforehand to do  
25 the act which was later accomplished. For example,

1 lying in wait for a person or any other acts of  
2 preparation going to show that the deed was within  
3 the defendant's mind would be expressed malice.  
4 Malice may be inferred from conduct showing a total  
5 disregard for human life.

6         If you find that the State has failed to  
7 prove beyond a reasonable doubt that the defendant  
8 committed murder you may consider whether the State  
9 has proved beyond a reasonable doubt that the  
10 defendant committed voluntary manslaughter. To  
11 prove voluntary manslaughter the State must prove  
12 beyond a reasonable doubt that the defendant took  
13 the life of another in the sudden heat of passion  
14 based on sufficient legal provocation. Both heat of  
15 passion, sufficient legal provocation must be  
16 present at the time of the killing to constitute  
17 voluntary manslaughter. Sudden heat of passion may  
18 for a time affect a person's self-control and  
19 temporarily disturb a person's reason. The sudden  
20 heat of passion must be the kind that would make an  
21 ordinary person unable to coolly reflect on his  
22 actions and would produce an uncontrollable impulse  
23 to do violence. Sufficient legal provocation must  
24 be the type that would make a person of ordinary  
25 reasonable caution become enraged and to lose

1 control temporarily. The provocation needed for  
2 voluntary manslaughter must come from some act of or  
3 related to the victim. Words alone, however vulgar  
4 or insulting, are not enough to be legal  
5 provocation. Where death is caused by the use of a  
6 deadly weapon words must be accompanied by some  
7 overt threatening act which could have produced the  
8 heat of passion. The exercise of a legal right, no  
9 matter how offensive it is to another, is never  
10 sufficient legal provocation for voluntary  
11 manslaughter. If the heat of passion had cooled or  
12 if there was enough time between the provocation, if  
13 any, and the killing for the passion of a reasonable  
14 person to cool, the killing would not be voluntary  
15 manslaughter. In deciding whether a reasonable  
16 person would have had enough time to cool off you  
17 should consider all the circumstances surrounding  
18 the killing. You may consider the nature of the  
19 provocation, if any, the defendant's mental and  
20 physical state, and the circumstances in  
21 relationship between the parties. All right, those  
22 are the two offenses charged to you again. If you  
23 would, I appreciate your going into the jury room  
24 and continuing your deliberations.

25 (WHEREUPON, the jury was removed from the

1 courtroom at 2:30 p.m., and the following  
2 proceedings commenced in open court.)

3 THE COURT: Any objections from the  
4 Defense?

5 MR. FLOYD: No, Your Honor.

6 THE COURT: Any objections from the State?

7 MR. CLEMENTS: No, Your Honor.

8 THE COURT: All right.

9 (WHEREUPON, a recess was taken from the  
10 proceedings.)

11 THE COURT: Let me speak to some of the  
12 people over here in audience. For the most part  
13 y'all have been good this week. I appreciate your  
14 being here; you have the right to be here. You have  
15 been for the most part respectful and quiet. Right  
16 now we're getting ready to receive the verdict in  
17 this case, and it's a very important verdict to the  
18 defendant as well as the victims and me and that  
19 jury. Now I don't want that jury to have any  
20 problems from anybody out there in the audience. In  
21 other words, I don't want them to hear anybody clap  
22 or gasp or cry or make any sounds in any manner  
23 whatsoever that might offend somebody on the jury.  
24 So what I want is total and complete silence out  
25 there in the jury — out here in the courtroom. You

1 follow me? So if I hear anybody say anything or I  
2 hear anybody laugh, even hear anybody gasp or cry,  
3 anything like that, I'm going to hold you in  
4 contempt of court. Everybody understand that? And  
5 if I hold you in contempt of court I'm gonna send  
6 you to the jail today. All right? If you can  
7 comply with my request and just be silent and be  
8 quiet and sit there and be good, I want you here.  
9 But if you can't, now is a good time to leave. And  
10 if don't understand anything I've said to you ask  
11 me.

12 (There was no response.)

13 THE COURT: Is everybody good to go? Does  
14 anybody want to leave?

15 (There was no response.)

16 THE COURT: If you'd go ahead and bring in  
17 the jury.

18 (WHEREUPON, the jury was returned to the  
19 courtroom at approximately 3:45 p.m., and  
20 the following proceedings commenced in  
21 open court.)

22 THE COURT: Ms. Forelady, has the jury  
23 reached a verdict?

24 THE FORELADY: Yes, sir, Your Honor.

25 THE COURT: Thank you. If you would hand



1 it to the bailiff please, ma'am.

2 (Verdict form tendered to the Court.)

3 THE COURT: The verdict form is in order.  
4 If you will publish the verdict form.

5 THE CLERK OF COURT: State of South  
6 Carolina, County of Marion in the Court of General  
7 Sessions, Twelfth Judicial Circuit, indictment  
8 number 2011-GS-33-0061, the State of South Carolina  
9 versus Edward W. Stackhouse, Jr. As to the charge  
10 of murder: We, the jury, unanimously find the  
11 defendant Edward W. Stackhouse, Jr., guilty. As to  
12 the charge of attempted murder: We, the jury,  
13 unanimously find the defendant Edward W. Stackhouse,  
14 Jr., not guilty. As to assault and battery of a  
15 high and aggravated nature: We, the jury,  
16 unanimously find the defendant Edward W. Stackhouse,  
17 Jr., guilty. As to the charge of possession of a  
18 weapon during commission of or attempt to commit a  
19 violent crime: We, the jury, unanimously find the  
20 defendant Edward W. Stackhouse, Jr., guilty. Dated  
21 5/17/12 by foreperson Peggy G. Israel. Is that your  
22 verdict say you one say you all?

23 (Jurors responded.)

24 THE COURT: If this is your verdict I'll  
25 have you raise your right hand please.

1 (All jurors complied by raising their hand.)

2 THE COURT: Thank you very much. Any  
3 further polling from the State?

4 MR. CLEMENTS: No, Your Honor.

5 THE COURT: Any further polling from the  
6 Defense?

7 MR. FLOYD: No, Your Honor.

8 THE COURT: Thank you very much. Members  
9 of the jury, at this time I want to thank you for  
10 your service this week. You've done a good job.  
11 You've been here on time. You've been attentive and  
12 you've stayed, you worked with us. And you've done  
13 your job and you've done it like you should and I am  
14 very, very appreciative personally and on behalf of  
15 the State of South Carolina. I want you to know  
16 that at this point in time you are dismissed and you  
17 have completed all of your service for this week and  
18 you have earned a three year exemption from further  
19 jury service in this court. Not only that, the  
20 state and county is going to pay you a little bit of  
21 money. I sincerely thank you, and you are welcome  
22 to leave if you would like. You may stay for  
23 sentencing if you would like. The choice is yours.

24 If everybody in the courtroom would remain  
25 seated the jury can either stay or go, whatever

1 you'd like to do.

2 MR. CLEMENTS: Your Honor, if I can slip  
3 downstairs to go get the sentencing sheet.

4 (Pause.)

5 THE COURT: At this time I'll be glad to  
6 hear any motions from the Defense.

7 MR. FLOYD: Your Honor, we just renew all  
8 previous motions that were made and also at this  
9 time ask for a new trial. Thank you.

10 THE COURT: Those motions are denied. All  
11 right, Solicitor, ready to proceed forward with  
12 sentencing if you'd like to bring him forward.

13 MR. FLOYD: Yes, sir. Yes, sir.

14 MR. CLEMENTS: Your Honor, as far as the  
15 prior criminal history of Mr. Stackhouse, it  
16 appeared he back in 2000 had a assault and battery  
17 high and aggravated nature conviction, got five  
18 years suspended to three years probation. Back  
19 in -- looks like he got four years revoked on that  
20 sentence, Your Honor, if I'm reading this correctly.  
21 He got a conviction for false information to a  
22 police officer in 2007. He got a criminal domestic  
23 violence first offense in 2007. Got entering  
24 premises after warning conviction twice. Had some  
25 other criminal domestic violence charges that I

1 don't see a disposition on either guilty or not  
2 guilty, Your Honor, but they're out there with no  
3 disposition on here. And there's a charge from  
4 Atlantic City 2003, criminal mischief with damage  
5 and hindering apprehension. It looks like he got  
6 guilty on that, Your Honor. Your Honor heard the  
7 facts of the case. We would ask for maximum  
8 sentence under the law, Your Honor. We think this  
9 was a horrible crime and think the jury reached a  
10 correct conclusion on it, and we would ask for the  
11 strictest sentence under the law.

12 THE COURT: All right. Do I need to hear  
13 from anybody else or are we ready to proceed?

14 MR. CLEMENTS: Your Honor -- if Daquan or  
15 William, if y'all'd come up. Would y'all wish to  
16 speak to the judge regarding sentencing? Ma'am, how  
17 about you? We have Sharon's mother here, Your  
18 Honor. They've been here throughout the trial.  
19 They don't wish to speak at this time.

20 THE COURT: That will be fine. I'll be  
21 glad to hear from you, Mr. Floyd.

22 MR. FLOYD: Thank you, Your Honor. Your  
23 Honor, I've represented Mr. Stackhouse now for a  
24 number of months. I have worked with him in  
25 preparation for this case. And Your Honor, I will

1 say that he's always been very a cooperative client.  
2 He's — I don't think he's a bad person, Your Honor.  
3 I think he unfortunately found himself in some bad  
4 circumstances, and Your Honor, this just happened.  
5 He maintained that he didn't mean for this to  
6 happen. We understand the verdict obviously, and he  
7 understands the potential consequences of that. We  
8 would just ask for your to be as merciful as  
9 possible, Your Honor.

10 MR. CLEMENTS: Your Honor, if I might have  
11 one other — add one other thing to his record. In  
12 my solicitor's office, Your Honor here, we had some  
13 other charges that the victim in this case Sharon  
14 Stackhouse had come and begged us and signed a  
15 dismissal requests to dismiss some charges in the  
16 past. Perhaps if she had not done that, she did not  
17 cooperate with law enforcement and ask that it be  
18 dismiss and we had cases that were such that we  
19 didn't have other evidence other than her  
20 cooperation. If she had cooperated with us at this  
21 time perhaps she might still be alive, but she's  
22 not. And I can say that as far as, not any charges,  
23 but as far as abusive activity this was not their  
24 first rodeo.

25 THE COURT: All right. Sentence of the

1 Court in reference to indictment 2011-GS-33-0061 is  
2 that the defendant is committed to the State  
3 Department of Corrections for life. In reference to  
4 2011-GS-33-0061, the defendant is committed to the  
5 State Department of Corrections for a term of 20  
6 years. That will run consecutive. In reference to  
7 possession of a weapon, the sentence of the Court is  
8 five years and that will be concurrent.

9           You have ten days to appeal this case if  
10 you would like, Mr. Stackhouse.

11           All right, that concludes this trial.

12  
13  
14       \* \* \* END OF REQUESTED TRANSCRIPT OF RECORD \* \* \*

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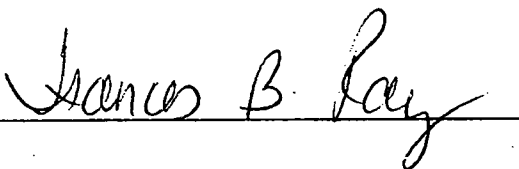
**C E R T I F I C A T E   O F   R E P O R T E R**

STATE OF SOUTH CAROLINA }  
COUNTY OF FLORENCE }

I, FRANCES BAKIS-RAY, Registered Professional Reporter (RPR), court reporter for the State of South Carolina, Twelfth Judicial Circuit, do hereby certify that the foregoing proceeding is a stenographic report and was transcribed through computer-aided transcription; that the foregoing transcript contains a true record of the proceedings.

I further certify that I am neither counsel for, nor related to nor employed by any of the parties connected to the action, nor am I financially interested in the action.

Witness my hand at Florence, South Carolina, this 18th day of August, 2012.



FRANCES BAKIS-RAY, RPR

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF MARION )

INDICTMENT FOR  
 MURDER  
 ATTEMPTED MURDER  
 POSSESSION OF A WEAPON DURING VIOLENT  
 CRIME

At a Court of General Sessions, convened on FEBRUARY 17, 2011 the Grand Jurors of MARION County present upon their oath:

**COUNT ONE- MURDER**

That Edward W Stackhouse, Jr. did in Marion County, on or about September 17, 2010, willfully, feloniously, and intentionally kill the victim, Sharon Stackhouse, with malice aforethought, either express or implied, by means of stabbing, and the victim did die as a proximate result thereof on or about September 17, 2010 in Marion County, in violation of Section 16-03-0010, 20 S. C. Code of Laws, 1976, as amended.

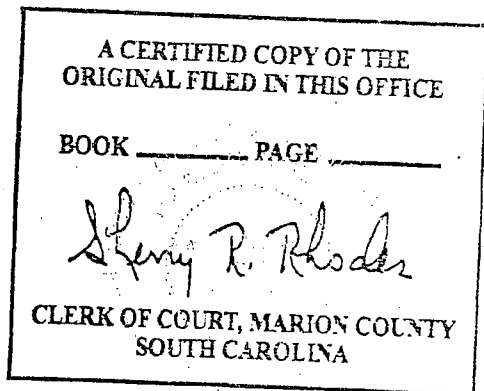
**COUNT TWO- ATTEMPTED MURDER**

That Edward W. Stackhouse, Jr. did in Marion County, on or about September 17, 2010, with malice aforethought attempt to murder one, Daquan [REDACTED] age 16, by stabbing him with a knife or other sharp object and causing lacerations to his person, and substantial risk of death; in violation of Section 16-03-0029, S.C. Code of Laws, 1976, as amended.

**COUNT THREE - POSSESSION OF A WEAPON DURING VIOLENT CRIME**

That Edward W Stackhouse, Jr did in Marion County, on or about September 17, 2010, 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.



E.L. Clements, III  
 TWELFTH CIRCUIT SOLICITOR



WITNESSES

MICHAEL BETHEA Mullins Police Department

DOCKET NO. 2011-GS-33-0061

The State of South Carolina

County of

MARION

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2011

THE STATE

vs.

EDWARD W. STACKHOUSE, JR

E. L. CLEMENTS, III

ARREST WARRANT NUMBER

1052561 1052559 1052560

ACTION OF GRAND JURY

True Bill

Michael Watson

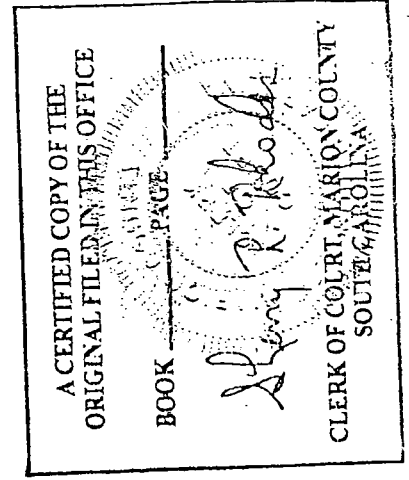
Foreperson of Grand Jury  
Date: 02-13-2011

VERDICT

Foreperson of Petit Jury Date:

FILED  
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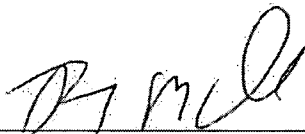
MARION COUNTY  
CLERK OF COURT  
SOUTH CAROLINA



## 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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

July 18<sup>th</sup>, 2013



Robert M. Dudek  
Chief Appellate Defender

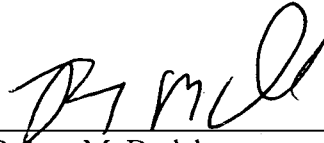
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S. C. 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

### Appeal from Marion County

William H. Seals, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

EDWARD W. STACKHOUSE, JR.,

APPELLANT

Appellate Case No. 2012-212058

## CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 18th day of July, 2013.

Brandon Hall  
Brandon Hall  
Administrative Specialist

SUBSCRIBED AND SWORN TO before me  
this 18th day of July, 2013.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 2, 2013

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SC Court of Appeals