

VOLUME I of II

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable Frank R. Addy, Circuit Court Judge

LAWTON LEROY HOLLOWAY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001372

APPENDIX

WANDA H. CARTER
Deputy Chief Appellate Defender

ALAN WILSON
Attorney General

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

JOSHUA A. EDWARDS
Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
(803)734-2508

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRIAL TRANSCRIPT DATED MARCH 11-15, 2019..... 1

FINAL BRIEF OF APPELLANT535

FINAL BRIEF OF RESPONDENT566

STATE V. HOLLOWAY, OPINION NO. 2021-UP-406
(S.C. Ct. App. Filed Nov. 17, 2021) 586

APPLICATION FOR POST-CONVICTION RELIEF590

RETURN.....603

POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED JUNE 20, 2023616

APPLICANT’S EXHIBIT NO. 1 (LETTER).....680

APPLICANT’S EXHIBIT NO. 2 (INCIDENT REPORT)684

RESPONDENT’S EXHIBIT NO. 1 (LETTERS DATED 9/12/18).....686

RESPONDENT’S EXHIBIT NO. 2 (HANDWRITTEN AFFIDAVIT).....687

RESPONDENT’S EXHIBIT NO. 3 (LETTER DATED 11/28/2018).....688

ORDER DENYING POST-CONVICTION RELIEF689

INDICTMENTS697

1 STATE OF SOUTH CAROLINA)
 2) IN THE COURT OF GENERAL SESSIONS
 3 COUNTY OF SPARTANBURG)
 4 The State,)
 5 -vs-) TRANSCRIPT OF RECORD
 6 Lawton Leroy Holloway,) 2017-GS-42-5436, 2017-GS-42-5436A
 7 Defendant.) March 11-15, 2019
) Spartanburg, South Carolina

8
9

10
11 B E F O R E:

12 HONORABLE R. KEITH KELLY, JUDGE; and a jury

13
14

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

16 DERRICK BRUCE BULSA, ESQUIRE
 17 LINDSEY HEGER OVERBY, ESQUIRE
 18 RUSSELL D. GHENT, ESQUIRE
 Attorneys for the State

19 JAMES H. PRICE, III, ESQUIRE
 20 JAMES H. PRICE, IV, ESQUIRE
 E. POWERS PRICE, ESQUIRE
 Attorneys for the State

21
22
23

24 Linda D. Moffitt
 Circuit Court Reporter
 25 (Edited by Michael C. Watkins)

1	Voir Dire:	6
2	Pretrial Motions:	27
3	Opening Statements:	172
4	Kristen Malpass:	179
5	Bradley Watson:	195
6	Lathier Graham:	202
7	Lisa Wood (proffer):	243
8	Lisa Wood:	258
9	Christopher Morrow:	311
10	Christina Cormican:	326
11	Coby Stepp:	338
12	David Wren, M.D:	357
13	Jasmine Ruiz-Yi:	385
14	Adrienne Hefney:	399
15	Andy Lawson:	413
16	Lisa Wood:	439
17	Lindsey Mitchell:	441
18	Shawn Golden:	451
19	Derrick Bonaparte:	457
20	Cindy Randall:	462
21	Closing Arguments:	471
22	Jury Charge:	504
23	Verdict:	526
24	Sentencing:	533
25	Certificate:	534

STATE'S EXHIBITS			
1			
2	1	DVD	ID
3	2	DVD	ID
4	3	Photograph	340
5	4	DVD	ID
6	5	Diagram	215
7	6	Diagram	215
8	7	Photograph	182
9	8	Photograph	182
10	9	Photograph	184
11	10	Photograph	208
12	11	Photograph	208
13	12	Photograph	208
14	13	Photograph	208
15	14	Photograph	208
16	15	Photograph	208
17	16	Photograph	208
18	17	Photograph	187
19	18	Photograph	187
20	19	Photograph	187
21	20	Photograph	211
22	21	Photograph	211
23	22	Photograph	211
24	23	Ledger	215
25	24	Photograph	214

1	25	Photograph	214
2	26	Photograph	214
3	27	Knife	214
4	28	Sheath	222
5	29	Photograph	234
6	30	Photograph	234
7	31	Photograph	234
8	32	Blood Swabs	237
9	33	Blood Swabs	237
10	34	Blood Swabs	237
11	35	Blood Sample	237
12	36	Photograph	307
13	37	Photograph	308
14	38	DVD	314
15	39	Photograph	ID
16	40	Photograph	340
17	41	Photograph	340
18	42	Photograph	340
19	43	Photograph	340
20	44	Photograph	340
21	45	Photograph	340
22	46	Photograph	340
23	47	Photograph	344
24	48	Photograph	344
25	49	Photograph	344

1	50	Photograph	344
2	51	Photograph	344
3	52	Clothing	343
4	53	Buccal Swabs (2)	347
5	54	Blood Swabs (2)	347
6	55-58	Photographs	348
7	59	Diagram	363
8	60	Diagram	ID
9	61	Photograph of Knife	369
10	62	Cuttings from Jeans	389
11	63	DVD	416
12		DEFENDANT'S EXHIBITS	
13	1	911 Calls	440
14	2	Photographs	224
15	3	Photographs	224
16	4	Photographs	224
17	5	Photographs	224
18	6	Sheriff's Dept Report	238
19	7	Search Warrant	230
20	8	911 CD	301
21	9	Search Warrant	ID
22	10	Search Warrant	ID
23	11	Email	ID
24	12	SLED Report	446
25			

VOIR DIRE

1 THE COURT: Is the State ready for the jury to come
2 around?

3 JAMES H. PRICE, III: Yes, sir.

4 THE COURT: We're going to pick 14, we'll pick 14 and
5 not swear them.

6 JAMES H. PRICE, III: Five and ten on the first 12?

7 THE COURT: Five and ten, yes.

8 (Break in proceedings.)

9 THE COURT: Ready, gentlemen?

10 MR. BULSA: Yes, sir.

11 (The following takes place in the presence of the jury
12 Venire.)

13 THE COURT: Good morning again, ladies and gentlemen.
14 We are about to begin the trial of the matter of the State
15 of South Carolina versus Lawton Leroy Holloway. It is
16 alleged in the indictment in count one that the defendant,
17 Lawton Leroy Holloway, did in Spartanburg County, South
18 Carolina, on or about August 31 of 2017 commit the criminal
19 offense of murder by killing Jeremy Bell. In count two it
20 is alleged that he did in Spartanburg County, South
21 Carolina, on the same date is charged with possession of a
22 weapon during a violent crime. Now, ladies and gentlemen
23 of the jury, I will say this more than once this morning,
24 Mr. Holloway has entered a plea of not guilty to this
25 indictment. He is presumed innocent of the allegations

VOIR DIRE

1 contained in this indictment. This indictment is a piece
2 of paper, it is called a charging instrument that brings
3 him before the Court. He has entered plea of not guilty.
4 He is presumed innocent of the charges made against him,
5 and the burden is on the State of South Carolina to prove
6 his guilt beyond a reasonable doubt. Now, Mr. Holloway,
7 would you stand please and face the jury? Just for about
8 15 seconds or so, please.

9 (The defendant stood.)

10 THE COURT: All right. Thank, Mr. Holloway. Ladies
11 and gentlemen, there are certain questions that I am
12 required to ask at this point. You were previously sworn
13 this morning and you remain under oath. Is there any
14 member of this jury pool who is now or ever has been
15 related to Lawton Leroy Holloway, if you are related to him
16 or ever have been related to him by blood or marriage
17 please stand. Is there any member of this jury panel who
18 has a social or personal relationship with Mr. Holloway?
19 You know him from the neighborhood, you know him from work,
20 school years ago, something of that fashion. Yes, ma'am,
21 your number?

22 THE JUROR: Forty-eight.

23 THE COURT: Forty-eight. You know him how?

24 THE JUROR: Socially. Used to be friends with one of
25 his ex-girlfriends.

VOIR DIRE

1 THE COURT: You socially know him.

2 THE JUROR: Yes.

3 THE COURT: The fact that you have a social
4 relationship with him, would that interfere with your
5 ability to be fair and impartial in this trial?

6 THE JUROR: No. It wasn't a close, social
7 relationship.

8 THE COURT: You may stay. Anyone else? The following
9 is a list of potential witnesses and I say potential
10 because we never know who among this list will testify, and
11 it's lengthy. Derrick Bonaparte. Doctor James Evans.
12 Darren Johnson. Rhett Wilson. Christina Cormican. Shawn
13 Golden. Cindy Randall. Jeannie Pack. Mario Regil. Lisa
14 Wood. Keon Wood. Lindsey Mitchell, SLED. Donald Girndt.
15 Lawton Leroy Holloway. Deputy James Stepp, sheriff's
16 department. Deputy Nathan Cantrell, sheriff's department.
17 Adrienne Hefney, SLED. Lathier Graham, Spartanburg
18 Sheriff's Department. J. Hilton, sheriff's department. C.
19 Morrow, sheriff's department. Andy Lawson, sheriff's
20 department. Rick McCraw, coroner's office. Andrew Murphy.
21 Patrick Coggins. Allen Holland. Norma Jean Pack. Some of
22 these may be duplicates. Nate Cantrell. Lisa Wood. Mark
23 Gaddy, sheriff's department. Lathier Graham and Joey
24 Guffey, sheriff's department. Jason Hilton and Andy
25 Lawson, sheriff's department. Jonathan Lawson and Kristen

VOIR DIRE

1 Malpass from the sheriff's department. I'm sorry -- yes,
2 Chris Marrow, sheriff's department. Angela Nelson,
3 sheriff's department. Robert Rosenberg, sheriff's
4 department. Coby Stepp, sheriff's department. Mike
5 Woodcock, formerly with the sheriff's department. Captain
6 Mike Jones, county detention center. Doctor David Wren,
7 Spartanburg Regional. Taylor Bouknight, Spartanburg
8 Regional. Rick McCraw, coroner's office. Michael Thomas,
9 EMS. Bradley Watson, EMS. Keith Lee, Spartanburg
10 Communications. Charlotte Pitts, Adrienne Hefney, Jasmine
11 Ruiz, all from SLED. Is there any member of this jury
12 panel who is related by blood or marriage to any of the
13 potential witnesses? You are related to them by blood or
14 marriage or ever have been, maybe a divorce somewhere, or
15 have they been a member of your family, please stand. Any
16 member of the jury panel have a close, personal or social
17 relationship with any of the potential witnesses again from
18 work, neighborhood or you just know them somehow or other,
19 please stand. Yes, ma'am, your number?

20 THE JUROR: 132. You named a Lisa Wood.

21 THE COURT: I did.

22 THE JUROR: I know a Lisa Wood, I don't know if it's
23 the same one.

24 THE COURT: I couldn't begin to tell you, but if it is
25 the same one, would that interfere with your ability to

VOIR DIRE

1 think -- to be fair and impartial to both sides?

2 THE JUROR: No.

3 THE COURT: Thank you, you may stay. I'm going to ask
4 the lawyers in the case to introduce themselves at this
5 time, and we're going start with ladies first.

6 MS. OVERBY: I'm Lindsey Overby, I'm with the Seventh
7 Circuit Solicitor's Office.

8 MR. BULSA: And I'm Derrick Bulsa with the solicitor's
9 office.

10 E. POWERS PRICE: I'm Powers Price with the Price Law
11 Firm.

12 JAMES H. PRICE, III: My name is Chip Price also with
13 the Price Law Firm.

14 JAMES H. PRICE, IV: And I'm James Price, also with
15 the Price Law Firm.

16 THE COURT: Is there any member of the jury panel who
17 is related now or ever has been related by blood or
18 marriage to any of the lawyers in this case? If so, please
19 stand. Is there any member of the jury panel who has a
20 close, personal, social relationship with any of the
21 lawyers in this case? If so, please stand. Again, you
22 know them from work, church, work, play, something. Is
23 there any --

24 THE JUROR: Social relationship. Mr. Bulsa and I go
25 to church together.

VOIR DIRE

1 THE COURT: Okay. Sir, your number, please?

2 THE JUROR: Twenty-nine.

3 THE COURT: Twenty-nine. Would that relationship
4 interfere with your ability to be fair and impartial?

5 THE JUROR: No, sir.

6 THE COURT: Sir, you may stay. Anyone else? Is there
7 any member of this jury panel who has a family member or
8 friend who is employed by the Seventh Circuit Solicitor's
9 Office? If so, please stand. Yes, ma'am?

10 THE JUROR: Cherokee is included in that, correct?

11 THE COURT: It is. Cherokee County and Spartanburg
12 County are the Seventh Circuit.

13 THE JUROR: Yeah. My number is 73, and Chris Blake.

14 THE COURT: Would that interfere with your ability to
15 be fair and impartial?

16 THE JUROR: No.

17 THE COURT: Ma'am, you may stay. Is there any member
18 of this jury panel who has a family member or friend
19 employed by the Price Law Firm? If so, please stand. Is
20 there any member of the jury panel who has ever been -- who
21 has ever testified in a case, you were summoned to testify
22 in a case on behalf of the Seventh Circuit Solicitor's
23 Office? If so, please stand. If you came to court and
24 testified, the solicitor's office brought you here, please
25 stand. Any member of the jury panel ever been summoned to

VOIR DIRE

1 appear in a civil or criminal case on behalf of -- as a
2 witness on behalf of the Price Law Firm? If so, please
3 stand. Any member of this jury panel who has a family
4 member, either yourself or a family member or close friend
5 who was prosecuted by the Seventh Circuit Solicitor's
6 Office? If so, please stand. Any member of the jury panel
7 ever have a family member or friend who has been defended
8 by the Price Law Firm, any of the lawyers there? If so,
9 please stand. Lawyers are always in the community and
10 people stop lawyers at the grocery store and places, so let
11 me ask you, even in an informal setting such as a grocery
12 store, is there any member of this panel who has ever
13 sought legal advice from any of the lawyers in this case?
14 Please stand. Could have been about a traffic ticket, a
15 will, a real estate matter, just you saw one of these
16 lawyers and you asked them a legal question at any time
17 please stand. Even if you didn't hire them, please stand.
18 Is there any member of this jury panel who knows this
19 defendant or any member of his family? If so, please
20 stand. Is there any member of this jury panel who has ever
21 worked with the defendant, please stand, any capacity
22 anywhere. Is there any member of this jury panel who holds
23 a moral conviction against the consumption of alcohol to
24 the extent that if alcohol were involved in a case it would
25 render you unfair and impartial one way or the other? You

VOIR DIRE

1 could not be fair and impartial if alcohol is involved in a
2 case, if so, please stand. Any member of the jury panel
3 who does not allow alcohol in your home? Please stand.
4 Please stand if you don't allow it in your home. Okay.
5 Starting on the front right here, your number, sir?

6 THE JUROR: 171.

7 THE COURT: Would that interfere with your ability to
8 be fair and impartial in the trial of this case? You may
9 stay. Yes, sir?

10 THE JUROR: 120.

11 THE COURT: Would that interfere with your ability to
12 be fair and impartial?

13 THE JUROR: No, sir.

14 THE COURT: You may stay. Yes, ma'am?

15 THE JUROR: 50.

16 THE COURT: 50? Would it interfere with your ability
17 to be fair and impartial if alcohol were in this case?

18 THE JUROR: No, sir.

19 THE COURT: You may stay. Yes, ma'am?

20 THE JUROR: 125.

21 THE COURT: 125. Would that interfere with your
22 ability to be fair and impartial?

23 THE JUROR: No, sir.

24 THE COURT: You may stay. Is there any member of this
25 jury panel who is either a volunteer or a financial

VOIR DIRE

1 contributor to pro law enforcement organizations such as
2 Mothers Against Driving, Students Against Driving, Troopers
3 Association? You either volunteer time or you have in the
4 past contributed money to any such organization, please
5 stand. Okay. Yes, ma'am, you were up first, your number?

6 THE JUROR: 43.

7 THE COURT: Would that interfere with your ability to
8 be fair and impartial?

9 THE JUROR: No, sir.

10 THE COURT: You may stay. Yes, sir?

11 JAMES H. PRICE, III: Your Honor, may we ask what
12 group?

13 THE COURT: What group?

14 THE JUROR: Greenville County Sheriff's Department and
15 Spartanburg County Sheriff's Department.

16 THE COURT: Okay. Yes, sir?

17 THE JUROR: Spartanburg County Sheriff's. Number 55.

18 THE COURT: Would that interfere with your --

19 THE JUROR: No.

20 THE COURT: You may stay. Yes, sir?

21 THE JUROR: 72.

22 THE COURT: What group?

23 THE JUROR: State Troopers Association.

24 THE COURT: Would that interfere with your ability to
25 be fair and impartial?

VOIR DIRE

1 THE JUROR: No.

2 THE COURT: You may stay. Is there a member of this
3 panel, you yourself, have ever been a law enforcement
4 officer? That includes military police. If you served
5 with our military, municipal officer, a county officer,
6 state, federal, you served as a law enforcement officer at
7 some point in your life, please stand. Yes, ma'am, your
8 number?

9 THE JUROR: 26.

10 THE COURT: Which agency?

11 THE JUROR: Spartanburg County Sheriff's Office.

12 THE COURT: Would that interfere with your ability to
13 be fair and impartial?

14 THE JUROR: No, sir.

15 THE COURT: You may stay. Yes, sir?

16 THE JUROR: 126, Your Honor.

17 THE COURT: Which agency?

18 THE JUROR: Lyman Police Department.

19 THE COURT: Would that interfere with your ability to
20 be fair and impartial?

21 THE JUROR: No, Your Honor.

22 THE COURT: You may stay. Yes, sir?

23 THE JUROR: 51, Your Honor.

24 THE COURT: Which agency?

25 THE JUROR: U.S. Navy.

VOIR DIRE

1 THE COURT: I couldn't --

2 THE JUROR: U.S. Navy.

3 THE COURT: Okay. U. S. Navy. Would that interfere
4 with your ability to be fair and impartial?

5 THE JUROR: No, sir. Thank you, you may stay, and
6 thank you for your service. Yes, sir?

7 THE JUROR: 24.

8 THE COURT: Which agency?

9 THE JUROR: South Carolina Department of Corrections
10 and Spartanburg County Detention Center.

11 THE COURT: Would that interfere with your ability to
12 be fair and impartial?

13 THE JUROR: No, sir.

14 THE COURT: You may stay. Is there any member of this
15 jury panel, other than yourself, have in your nuclear
16 family, your close family, talking about son, daughter,
17 in-law, outlaw, currently have a law enforcement officer in
18 your family, currently serving as a law enforcement officer
19 in your family, currently serving? Please stand. Okay.
20 Yes, ma'am, your number?

21 THE JUROR: 115.

22 THE COURT: Which agency?

23 THE JUROR: They are the sheriff of (inaudible) in
24 Nebraska.

25 THE COURT: Would that interfere with your ability to

VOIR DIRE

1 be fair and impartial?

2 THE JUROR: No.

3 THE COURT: You may stay. Yes, sir?

4 THE JUROR: I believe I have a relative serving in the
5 highway patrol, I'm not sure. And no, sir, it would not
6 interfere with my ability.

7 THE COURT: Your number, sir?

8 THE JUROR: 46.

9 THE COURT: You may stay. Yes, ma'am?

10 THE JUROR: 43. My dad served as a sheriff's
11 department officer for Greenville County.

12 THE COURT: Okay. Would that interfere with your
13 ability to be fair and impartial?

14 THE JUROR: No, sir.

15 THE COURT: You may stay. Yes, ma'am?

16 THE JUROR: 75. My uncle is highway patrol and my
17 aunt is Spartanburg County.

18 THE COURT: Would that interfere with your ability to
19 be fair and impartial?

20 THE JUROR: No, sir.

21 THE COURT: You may stay. Is there any member of the
22 jury panel that has a moral conviction against firearm
23 ownership, and that conviction is such that you could not
24 be fair and impartial in a case that is alleged to have a
25 firearm or a weapon used in it? Please stand. Is there

VOIR DIRE

1 anyone in this courtroom who knows anything at all about
2 the case, either from TV, radio? I certainly learn it here
3 and we're supposed to, but anyone know anything about the
4 trial -- I mean, about this case or the facts of this case?
5 Please stand. Does any member of this jury panel know of
6 any reason why he or she should not serve as a juror in
7 this case? Please stand. Anything from the State?

8 MR. BULSA: No, sir.

9 THE COURT: From the defense?

10 JAMES H. PRICE, III: Your Honor, in our proposed list
11 we would renew our request for number 17 and 18.

12 THE COURT: Let me see the lawyers.

13 (A bench conference was held off the record.)

14 THE COURT: Is there any member of the jury panel that
15 could not be fair and impartial in a trial where the
16 decedent and the defendant were of different races? Would
17 that interfere with your ability to be fair and impartial?
18 If so, please stand. We're all aware of some events that
19 took place in Charlottesville, Virginia a couple of years
20 ago. Is there any member of the jury panel who has such
21 strong feelings about those political events that would
22 cloud your ability to be fair and impartial? If so, please
23 stand. Anything from the State?

24 MR. BULSA: Nothing.

25 THE COURT: From the defense?

VOIR DIRE

1 JAMES H. PRICE, III: Nothing in addition, Your Honor.

2 THE COURT: I'm sorry, you had --

3 (Break in proceedings.)

4 THE COURT: Okay. Ready to pick the jury, gentlemen?

5 MR. BULSA: Yes, sir.

6 THE COURT: Madam clerk. It's ten and five and we're
7 going to pick 14.

8 (Whereupon, a jury was impaneled.)

9 THE COURT: Any matters from the defense?

10 JAMES H. PRICE, III: Yes, Your Honor, we do.

11 THE COURT: Okay. Any matter from the State?

12 MR. BULSA: No, sir.

13 THE COURT: Okay. See you, gentlemen.

14 (Bench conference held off the record.)

15 THE COURT: Mr. Bailiff, if you would take this jury
16 into the jury room and sequester them, please.

17 (The jury left the courtroom.)

18 THE COURT: Ladies and gentlemen who were not
19 selected, I am going to return you to the jury assembly
20 room, I have to take care of a matter which would be
21 outside of your presence, so I'm going to return you to the
22 jury room, and you'll have some instructions very shortly.
23 I won't have you back there very long. Madam Bailiff, take
24 the jury.

25 (Whereupon, the remaining members of the jury panel

VOIR DIRE

1 Were excused.)

2 THE COURT: Okay. The jury has -- the jury has left
3 the courtroom. I believe the defense counsel has a matter.

4 JAMES H. PRICE, III: Yes, Your Honor. As the Court
5 is aware my client, Mr. Holloway, is an African-American
6 citizen. During the jury strikes the State struck numbers
7 78 and 48, both of whom were African-Americans. Looking at
8 the juror information that I have I can see of no race
9 neutral reason for being struck and I would, pursuant to
10 the Batson line of cases, demand race neutral reasons.

11 THE COURT: Solicitor?

12 MR. BULSA: Number 78, Brittany Huff, has an extensive
13 arrest record involving drugs and/or stealing, receiving
14 stolen goods. She has, based on our calculations, a 2013
15 arrest for possession of marijuana, possession of
16 hypodermic needles and syringes. She violated a city
17 ordinance out of Cow Pens, possession of marijuana. And
18 also needles, again, it looks like there were a couple of
19 counts of those in 2013. Another possession of marijuana
20 in 2015. Receiving stolen goods in 2016. So based on her
21 criminal record is the reason we stuck her. And then
22 number 48 was one of the alternate jurors. She also had a
23 minor criminal arrest record for shoplifting with a not
24 guilty, but shoplifting is a crime of theft in my opinion
25 and a crime of dishonesty. That in addition with her

VOIR DIRE

1 acknowledging she knew one of the defendant's former
2 girlfriends, I wished we had have asked which girlfriend
3 but we didn't. Based on her prior knowledge of the
4 defendant we thought she might be biased against the State.

5 THE COURT: Mr. Price?

6 JAMES H. PRICE, III: Your Honor, as to a prior
7 shoplifting arrest for which a document that I was shown by
8 the Court, I think she was found not guilty, is that the
9 notation?

10 THE COURT: That's the notation.

11 JAMES H. PRICE, III: Found not guilty, so that can't
12 be considered against her in any manner one way or the
13 other. She volunteered the information to the Court that
14 she knew of or knew one of Mr. Holloway's former
15 girlfriends. My client has been in a relationship with
16 his -- I think she's a common-law wife for over ten years
17 now. The Court inquired of juror 48, would her knowledge
18 of the girlfriend cause her to be fair or impair in any
19 manner and she clearly said no, so she was accepted by the
20 Court. So I still don't see that there is a race neutral
21 reason for striking her.

22 THE COURT: As to juror 78, the Court does have in its
23 possession, and I'll be happy at that make this part of the
24 record, it looks like a pretty extensive criminal history
25 with Ms. Huff. Some of those were fines and some other

VOIR DIRE

1 things, but it does involve dishonesty so the Court finds
2 that as a race neutral reason. Again, I think our case law
3 says that it doesn't have to be -- the strike doesn't have
4 to be specific, legitimate or even persuasive, but it does
5 have to be race neutral as the reason given, and so the
6 Court finds that one is not a violation of the law. As to
7 Juror number 48, as to juror 48, yes, her arrest is noted,
8 and again, I make this a part of the record. It does say
9 that she was found not guilty, or at least -- I don't know
10 if she was found not guilty, I don't know what happened, it
11 just says Spartanburg County not guilty of shoplifting
12 under \$2,000. But the State is not relying on her criminal
13 record, Mr. Price. It's relying on the fact that she has
14 at least a social relationship, or had a social
15 relationship with someone who knows this individual. And
16 it is the defense's burden to establish that it was for an
17 improper person, race or gender, and so the Court is going
18 to find there is no violation on Batson on that one as
19 well. Anything further?

20 JAMES H. PRICE, III: Not from the defense, Your
21 Honor.

22 THE COURT: Okay. Anything from the State on the
23 jury?

24 MR. BULSA: No, sir.

25 THE COURT: Okay. Let's do this, it is 12:30. I'm

VOIR DIRE

1 going to let the main body go and use that magic number,
2 I'm not going to bring them back in. One of our bailiffs
3 can let them go to lunch, tell them to call that number
4 after 6:00 p.m. Let's talk real quick about what we're
5 going to do with the petit jury we have sequestered. We're
6 not going to swear them, we're going to do some pretrial,
7 so if we come back at 2:00 will we need them this
8 afternoon?

9 MR. BULSA: I don't think we will, Your Honor.

10 JAMES H. PRICE, III: I don't think so. And if we
11 did it would have to be -- no, we're not going to.

12 THE COURT: I agree with that. I will bring them back
13 in and give them some instructions and then we'll dismiss
14 for the day, have them back at 9:00 tomorrow morning.
15 Bring them back in.

16 (The jury returned to the courtroom.)

17 THE COURT: Ladies and gentlemen, I'm going to be make
18 a few comments and then I'm going to discharge you for the
19 day. We have some work that we have to do, what's called
20 pretrial work that's done outside of your presence. You
21 are the finders of fact and this has nothing to do with the
22 findings of fact, this has to do with some pretrial things,
23 whether or not certain things apply concerning one of our
24 rules that might be in one of our rule books and that sort
25 of thing, and that's going to take the afternoon. Now, we

VOIR DIRE

1 have open courtrooms but you have now been selected as a
2 jury and so therefore you are not allowed to be back in the
3 courtroom once I let you go this afternoon. I don't think
4 many of you are going to be wanting to stay around this
5 afternoon anyway, but nonetheless we do have open
6 courtrooms. You can go to somebody else's courtroom if you
7 want to observe court but you can't in here this afternoon
8 because we're going to be working on some pretrial matters.
9 Now, my charge to you is don't try to learn anything about
10 this case. Don't go look up anything on the Internet or
11 try to find a newspaper. I don't have a clue if there's
12 anything out there, I'm not supposed to, I don't do that
13 and I'm telling you not to do that as well. We have to
14 learn will about this case in this courtroom, that is our
15 system of justice, okay? We have to learn about this case
16 in this courtroom from the witnesses who testify and the
17 evidence that is presented, so don't try to do any research
18 or anything about the case. I'm going to ask you to be
19 back in the morning, I'm going to ask you to be back in the
20 morning ready to go at 9:00 a.m. Again, the courthouse
21 opens at 8:30, we're all adults, I'm not going to tell you
22 what time to be here, but be here ready to go so that you
23 can get your cup of coffee, drink of water, whatever you
24 might want to do, refresh yourself and be ready to work at
25 9:00 tomorrow morning. Again, don't try to learn anything

VOIR DIRE

1 about this case. Yes, sir? You're good. All right. When
2 we return tomorrow unless you have an objection, sir, Juror
3 number 111, Dr. Lo?

4 THE JUROR: Yes, sir.

5 THE COURT: Would you serve as our foreperson?

6 THE JUROR: Be glad to.

7 THE COURT: Thank you. I don't want to force you to
8 do that, I won't force you to do that, but I generally
9 alternate between a foreperson and a -- a foreman and a
10 forelady and so I'm having a foreman today, I'll have a
11 forelady the next time on the next jury. Sir, I'm going to
12 ask if you would be kind enough to sit in the very end seat
13 where this lady is sitting. You can stay where you are
14 right this minute, you can stay where you are, but tomorrow
15 when you come back I would ask you to take that seat.
16 Because when I look up you become the spokesperson for the
17 jury and going in and out of the courtroom, and there will
18 be times when the jury will have to be excused and I'll
19 take up a matter of what is called a matter of law, and
20 I'll talk more about that tomorrow. But I always look
21 right there to that chair and I always want to know where
22 my foreperson is. I believe you two are my alternates, am
23 I correct, alternates? Okay. You are sitting exactly
24 where you need to be, so if you would continue to do that,
25 you can switch seats between the two of you, but if you'd

VOIR DIRE

1 always sit on the end of my jury, so it goes this way and
2 comes back around and I know those are my alternates, okay?
3 Sir, I know you want to stand some and you are welcome to
4 sit right where you are. I invite the rest of you, if you
5 chose to stand -- you see I've been standing all morning in
6 this courtroom. I'm going to tell you this before we get
7 started, too, if I'm standing it only means that I'm tired
8 of sitting, and if I'm sitting I'm tired of standing, and
9 that's all it means. I've had people wonder in the past
10 whether or not -- when a witness is testifying whether or
11 not I believe over disbelieve a witness. If I'm standing
12 do not add any emphasis to that or not, if I'm sitting I'm
13 not paying attention, that's not true. Again, it merely
14 means that I'm standing if I'm tired of sitting and vice
15 versa, okay? That's all it means, nothing else. And if
16 you want to stand, please sit on the back row so you will
17 not block the view of a fellow juror. So if you have a
18 back problem or leg problem, or you're like me, just can't
19 be still, sit on the back row back there and you can stand
20 and sit down, stand and sit down, whichever you choose and
21 as often as you choose. All right. I think that's about
22 it. Anything from the State?

23 MR. BULSA: No, sir.

24 THE COURT: From the defense?

25 JAMES H. PRICE, III: No, sir.

PRETRIAL MOTIONS

1 THE COURT: Okay. Mr. Foreman, if you would take the
2 jury out and be excused for the evening, I will see all 14
3 of you in the morning at 9:00. Please, please, please
4 remember, I have to have all 14. You have a question?

5 THE JUROR: Yes, sir. Do we report back to the
6 courtroom here?

7 THE COURT: The bailiff's are going to tell you where
8 they want you to report, they're going to tell you where to
9 report.

10 (The jury left the courtroom.)

11 THE COURT: Okay. Let's break for lunch until 2:00.

12 (A lunch break was taken.)

13 THE COURT: Okay. Anything from the State?

14 MR. BULSA: Your Honor, as we discussed in chambers,
15 each side has pretrial motions, motions in limine, but the
16 main motion, I guess, is the defense motion for immunity.
17 It's my understanding that probably should be handled
18 first.

19 THE COURT: We can do that. We can do that. And then
20 I spent -- Laura went and grabbed a sandwich for us, I
21 spent the whole time reading, but we can do that first. I
22 will still probably take it under advisement and work on
23 it.

24 MR. BULSA: I apologize, Your Honor. I put up there a
25 response to their stand your ground, I didn't give it to

PRETRIAL MOTIONS

1 you before lunch, I apologize. Mr. Gant will be arguing
2 that point for us.

3 THE COURT: Let's do it this way. Is there any
4 other -- not the stand your ground, but any other thing
5 from the State?

6 MR. BULSA: Yes, sir. We have some motion in limines,
7 I handed those up. They are all on combined, three motions
8 on one form. And I'll have an additional motion should we
9 get to that stage, at the defense -- before the defense
10 puts up an expert witness. The motions in limine,
11 specifically we've got some information and understanding
12 through pretrial discussions that the defense may try to
13 imply that the victim had some prior violent tendencies,
14 and then through discovery we learned that the victim
15 actually had a conviction for a simple assault and battery
16 in the third degree from 2010. We would argue that none of
17 that information is relevant to this and not admissible and
18 not allowed, and any reference to that through attorney
19 comments or questions will be my first motion.

20 JAMES H. PRICE, III: Your Honor, through different
21 investigations we found that the decedent, Mr. Bell, had,
22 in fact, been convicted of assault and battery. He was
23 originally charged with domestic violence, and this came
24 out of Darlington and lost -- we got a private investigator
25 to look into it. We have found the victim, and at one time

PRETRIAL MOTIONS

1 the victim of that domestic violence was cooperating with
2 us but then she dropped off the face of the earth. Without
3 her I don't see anyway that we could get into that. Unless
4 the State would open the door somehow or another on that A
5 and B I agree that I don't believe that we would be
6 entitled to get into that as far as this proceeding is
7 concerned. Now, if something subsequent should come up in
8 the way of mitigation I don't agree with that. But for
9 trial on guilt or innocence absent them opening the door I
10 agree with that.

11 THE COURT: Okay. Do you agree with that, Mr. Bulsa?

12 MR. BULSA: Yes, Your Honor. May I ask defense
13 counsel, is that person on your witness list?

14 JAMES H. PRICE, III: No.

15 THE COURT: Okay. So he agrees that that's no.

16 MR. BULSA: The second one, Your Honor, relates to
17 three counter motions. I'll skip the blood alcohol --

18 THE COURT: Okay.

19 MR. BULSA: -- and go to the last one and then we'll
20 come back. But, Your Honor, defense has made a motion
21 requiring us to have a Jackson v. Denno regarding the
22 defendant's statements to police after he invoked his right
23 to counsel. We are at this time contemplating not even
24 using of any those statements. In addition to not
25 questioning the girlfriend, Lisa Wood, as to a comment the

PRETRIAL MOTIONS

1 defendant made to her when she confronted him inside the
2 house about what had happened. We consider that's a
3 self-serving statement and would be hearsay, and if the
4 State is not bringing it out to be used against the
5 defendant we don't feel that it's appropriate for the
6 defense to try to bring out that comment by him because
7 that would be a hearsay and would require a hearsay
8 response on her part and we would like that to be
9 precluded. The defendant, of course, can testify, if he
10 wants, to what he says happened. But Ms. Wood was asleep
11 and did not hear or feel anything while she was asleep.
12 The comment that she gave to 911 came from the defendant,
13 and we don't even have a timeframe as to when the decedent
14 was actually killed. She went to sleep at 3:00, 911 was
15 called at 6:00. We do have a neighbor across the street
16 that says around 5:00 she saw the two individuals out on
17 the front porch, so we have an hour window as to when this
18 crime possibly occurred. So it's our contention that the
19 defendant could have easily come up with a story to tell
20 his girlfriend. And furthermore he doesn't reference that
21 comment that he made to Ms. Wood to any of the law
22 enforcement officers when he was continually spouting off
23 unsolicited comments, he never references that the decedent
24 was going to rape his girlfriend. He made one comment
25 regarding rape but he says he was going to rape his

PRETRIAL MOTIONS

1 daughter. The daughter was in the back bedroom. So it's
2 completely inconsistent with his other comments to law
3 enforcement and we would ask that that not be allowed.

4 JAMES H. PRICE, III: I could not disagree more, Your
5 Honor. One, the comment was made to Lisa Wood, our
6 client's fiance, common law wife, significant other of ten
7 years when she woke up. And something woke her up, we
8 don't know what, she does not know what, but something woke
9 her up. And at that time Mr. Holloway was there in the
10 living room with her and Mr. Bell, the decedent, and
11 something had just transpired. Anything that he said to
12 her -- her question was, "What's happening? What's going
13 on?" And his immediate response was, "He tried to rape
14 you." All of this was part of, number one, an excited
15 utterance. It was a present sense impression. It was part
16 of the res gestae. All of this is happening in an area
17 maybe about as big as this area we have right here, which
18 would be five linear feet back and forth. Ms. Wood
19 immediately called 911 and relayed the same message to the
20 911 operator and was on the telephone for some 25 or 30
21 minutes, repeated the same assertion by Mr. Holloway. But
22 I don't think you can separate that statement from that
23 point everything was going on without being unfair to
24 Mr. Holloway and without depriving the jury of the sense of
25 the scene at that point. It was part of the res gestae.

PRETRIAL MOTIONS

1 MR. BULSA: Your Honor, we would argue that there
2 wasn't excitement in the house. It was Lisa that was
3 excited when she woke up and saw her friend in the floor
4 bleeding. She confronted the defendant. It wasn't -- the
5 defendant, we would argue, wasn't excited because he --
6 with that comment to her he proceeded to leave the house
7 and drove away, so he wasn't in any essence excited for
8 her. He was trying to get out of there. He made up a
9 story to her and fled, that's the State's contention. And
10 then he couldn't remember that story when he came back
11 because he never relayed that again to the police, so we
12 would stand that -- and argue that that should not be
13 allowed. It's him just trying to explain himself to her.
14 And she was afraid and she didn't thank him or anything,
15 she fled from him and ran to the back bedroom with her kids
16 and closed the door and called 911. Thank you.

17 JAMES H. PRICE, III: Your Honor, briefly. Mr.
18 Holloway was still in the house when that statement was
19 made. In fact, she was talking to Mr. Holloway when she
20 was on the 911 call, and Mr. Holloway was approaching her
21 and she was going down the hall and she told him, "No,
22 don't come this way." All part of the scene, all part of
23 the res gestae. It is true that he left but he came back.
24 As far as discrepancies in what he said at that point and
25 to officers, we've got to look at this thing in context,

PRETRIAL MOTIONS

1 which is what is not being done here. I think this motion
2 is premature. Mr. Holloway, his girlfriend, Lisa Wood, and
3 the decedent had been drinking steadily for some five or
4 six hours, if not longer than that, some eight hours. The
5 tapes that the sheriff's office made of Mr. Holloway after
6 he'd been advised of Miranda warnings and before clearly
7 show that he was under the influence. He was intoxicated.
8 The blood alcohol for the decedent, Mr. Bell, was .217. I
9 don't think Ms. Wood just went to sleep. I think there was
10 a combination of tired and passed out on alcohol. So we
11 can't take the alcohol out of the factor as far as
12 discrepancies in what was said. But what is trying to be
13 done here is to take that scene out of the res gestae when,
14 in fact, it was part of it. It's an integral part of it.

15 THE COURT: Anything further on that?

16 MR. BULSA: No, sir.

17 THE COURT: Okay. It's under advisement. Mr. Bulsa?

18 MR. BULSA: Your Honor, the third motion in limine
19 would go towards the victim's blood alcohol was a .21. His
20 blood was tested as is protocol. In every homicide blood
21 from the victim is sent to SLED, so we have that
22 memorialized, but we don't have the defendant's. It's sort
23 of a fairness argument, Judge, in conjunction with my
24 argument on the motion. On the one hand the defendant
25 wants to use the victim's blood alcohol against him but we

PRETRIAL MOTIONS

1 don't have his blood alcohol to counteract that. We would
2 argue that is irrelevant to the victim's conduct. People
3 respond in different ways to alcohol intake and
4 intoxication levels. He was a big man, 6'1", 280 something
5 pounds. So a .21 on him is different than .21 on a smaller
6 person. We would argue that it would basically be used to
7 just disparage the victim and mislead the jury, to
8 prejudice them against the State's case, to show that the
9 victim had drunk that much, enough for his blood to reach
10 that level. Your Honor, as you're going to see in this
11 case that there was no evidence of a struggle in that
12 house, there is no evidence of a break-in in that house.
13 The defendant had to go into the kitchen, we believe from
14 another room from where the victim was found, he went to an
15 area of the kitchen where the knives were kept. The knife
16 actually had a sheath on it and he had to remove that
17 sheath and go back to where the victim was. We would
18 allude that we don't think the victim saw this coming, so
19 his intoxication level has nothing to do with whether he
20 caused his own death by having drunk with this man. So we
21 would ask Your Honor to exclude that.

22 THE COURT: Yes, sir?

23 JAMES H. PRICE, III: And our position is, Your Honor,
24 that this motion is absolutely premature. Number one, the
25 testimony from witnesses that are listed on both the State

PRETRIAL MOTIONS

1 and the defense is going to be these people met at a bar, a
2 local pub called Kalahari's. They consumed alcohol there,
3 they went to the home occupied by my client and Ms. Wood,
4 consumed more alcohol there. In fact, Mr. Jeremy Bell, the
5 decedent in this case, on his way to their house went by
6 his house and picked up two bottles of alcohol, and those
7 bottles are pictured on some of the pictures that were
8 taken by Investigator Graham at the scene after all of this
9 happened. The testimony is going to be that these people
10 continued to drink down by this creek. One witness left at
11 3:00 a.m. and the remaining people continued to drink after
12 that, and alcohol was consumed up to the point of the
13 incident itself. No one intends to use a .21 to disparage
14 or do anything against Mr. Bell, but I think that it is
15 probative and part of the defense as to how different
16 people can act and characteristics of how people can act if
17 there is foundation for the testimony with a .217 blood
18 alcohol. We intend to develop that line of questioning
19 throughout the trial. I think to preclude us from doing
20 that precludes us from putting up a defense in violation of
21 my client's constitutional rights to do so. I don't intend
22 to simply call a lab tech and say, "What was his blood
23 alcohol?" I think I've got to lay a foundation, once I do
24 that by the events that happened that evening and possible
25 effects of a high blood alcohol, I think I should be

PRETRIAL MOTIONS

1 entitled to go there.

2 MR. BULSA: Nothing further on that motion, Your
3 Honor.

4 JAMES H. PRICE, III: And if I can respond, the
5 one-sided picture thing goes both ways. Now, I don't know
6 whether my esteemed colleague and opponent is going to try
7 to introduce the videos of my client from the time he was
8 Mirandized and then some two hours later, but he is clearly
9 intoxicated. If those come in with him clearly intoxicated
10 if I don't respond to that then that is unfair and
11 prejudicial.

12 MR. BULSA: It's the level of intoxication, Your
13 Honor, that I think is what's prejudicial to the State. We
14 don't have a level of the defendant's intoxication. I do
15 have video and we do intend to introduce a portion of that
16 video when he comes walking up on the scene, I think it's
17 pretty obvious that he was intoxicated and we'll have
18 officer testimony as to his condition, but we understand
19 there's no way around the fact that there was drinking
20 going on, because they did meet at the bar. The victim
21 only had one drink at the bar, and they did stop at a QT
22 and they all picked up alcohol and went back, and they ate
23 some fried chicken and spent some time around a creek. We
24 still don't know what happened after that. But yes, Your
25 Honor, they were drinking, but it's the level that is

PRETRIAL MOTIONS

1 prejudicial and we would seek to preclude.

2 JAMES H. PRICE, III: Briefly in response. Cases go
3 back a long way that a juror (sic) -- or an individual is
4 fully capable in determining whether someone is intoxicated
5 or not by using his or her faculties to do so, and so any
6 juror would be able to look at Mr. Holloway and make his or
7 her decision one way or the other. As far as not having
8 Mr. Holloway's blood alcohol, the State did obtain search
9 warrants for clothing, buccal swabs, they were in control
10 of Mr. Holloway on the morning of August the 31st. They
11 could have gotten a search warrant for his blood alcohol,
12 they chose not to do so they should not be allowed to use
13 that as an argument in this matter.

14 THE COURT: Okay. I'll get back to you on that.
15 Anything else from the State?

16 MR. BULSA: At this point that's all regarding that.
17 As I stated before, I just don't want to be precluded
18 later. We understand the defense intends to call an expert
19 and we ask to argue on that.

20 THE COURT: Okay. Mr. Price, motions, sir?

21 JAMES H. PRICE, III: Number one, we had filed a
22 motion prohibiting State's witnesses from referring to
23 Mr. Bell as a victim, that is a comment on the facts that
24 prejudices my client, I could go on and on and on, and I
25 know you've heard this argument before. It is -- we can't

PRETRIAL MOTIONS

1 overcome that prejudice when there is a judicial stamp of
2 victim that is on Mr. Bell in this case. We think it's
3 highly improper, highly prejudicial and we ask that it be
4 prohibited.

5 THE COURT: Solicitor?

6 JAMES H. PRICE, III: I'll stop --

7 THE COURT: Yes, sir?

8 MR. BULSA: Your Honor, that's a tough one. Because
9 even if we conceded and agreed to that and it just so
10 happened that the prosecutor called the person they're
11 representing in trial a victim, we could slip up and call
12 him a victim. So, Your Honor, it's not a big deal to me
13 but I've got co-counsel and I may slip up. Myself, I've
14 tried a lot of cases, everybody has been a victim, I don't
15 see what the prejudice to the defendant is in this matter.

16 THE COURT: Well, I'm going to grant that motion. I
17 would call him a decedent or whatever you want to call him,
18 but it's up to the jury to determine if he's a victim.

19 MR. BULSA: May I ask Your Honor, if we slip up --

20 THE COURT: If we slip up counsel for the defendant
21 will object to that and move to strike.

22 MR. BULSA: Okay. Yes, sir.

23 THE COURT: All right. That's granted.

24 JAMES H. PRICE, III: The second motion, Your Honor,
25 is on March the 1st we received an email from the

PRETRIAL MOTIONS

1 solicitor's office saying that there was additional
2 discovery to be picked up, we picked it up that afternoon.
3 It consisted of 367 jail telephone calls involving being
4 our client and various and sundry places -- or people I
5 should say. The dates of the telephone calls range from
6 February 28th of last year to February 28th of this year.
7 We have -- we ask that those calls be suppressed in their
8 entirety for a number of reasons. Number one, it is in
9 violation of Rule Five. We filed our Rule Five motion in
10 September of 2017. In our discovery motions we cited not
11 only the Brady case but *Kyles v. Whitley*, both of which
12 stand for the fact that there is an ongoing -- an ongoing
13 duty to provide discovery as it becomes available. To have
14 three and a half days worth of telephone calls dumped on us
15 ten days before trial, and this trial date has been set
16 since at least early January and maybe prior to that, is
17 totally unfair. It's a violation of due process and a
18 violation of the cases that I cited, as well as Rule Five.

19 MR. BULSA: Your Honor, I have supplied defense
20 counsel with potentially a couple of those calls that I
21 might seek to introduce. I in no way meant to overwhelm
22 them. To be candid with Your Honor, I asked for those
23 because they asked for the jail calls of a potential
24 witness, a jail witness, and that got to me thinking,
25 "Well, if they're looking for something maybe Mr. Holloway

PRETRIAL MOTIONS

1 divulged something, too." So that's why I did it. I had
2 just as much burden as them to review those calls as well,
3 and I gave them to them in plenty of time. I even went
4 further and told them that I would identify any calls to
5 them that I might seek to introduce. Because if they
6 couldn't introduce them on their own, there's nothing
7 exculpatory from the defendant's own conversations with his
8 family. If there might be something inculpatory that I
9 believe I might have found that's what I would use. So,
10 Your Honor, there's -- we don't feel that's any violation,
11 and any call I find should be admissible.

12 THE COURT: Well, let me ask this, I'm curious, when
13 did the State get those calls? When did you get them? I
14 mean, the State had them, they're jailhouse calls, so --

15 MR. BULSA: I got them the same day I sent them to
16 him, whatever the date of their request is. We have to
17 subpoena them ourselves from the jail. And basically I
18 just said give us the extent of his calls, and they only
19 record back a year, so I guess -- what's the date,
20 February 28th? I guess February 28th is when I got them
21 and sent them to them.

22 THE COURT: Mr. Price?

23 JAMES H. PRICE, III: Our point is that the State
24 can't separate itself into compartments. Kyles versus
25 Whitley says this hand of the State is responsible for what

PRETRIAL MOTIONS

1 this hand of the State does. These calls are being
2 recorded and monitored by the Spartanburg County Sheriff's
3 Department, they are in the possession of the sheriff's
4 department. All of this is law enforcement and part of the
5 State. We were owed a more timely providing of the these
6 calls prior -- more than ten days prior to the discovery.
7 Especially as they're going -- I shouldn't say discovery,
8 more than ten days prior to trial. Mr. Bulsa mentioned the
9 other telephone calls that we requested. He put us on
10 notice that he had a jailhouse snitch, and that came
11 relatively late in the thing, and I understand that. We
12 requested some information from him, and he very timely
13 provided them to us as well as the telephone calls, but
14 this was a good bit before the ones that we got on -- from
15 our client. But those telephone calls nor -- none of the
16 snitch stuff was recorded or in the possession of the State
17 for more than a year, which our client's telephone calls
18 were. They held them for a year, February 28th of last
19 year up until February 28th of this year. It's not fair.

20 THE COURT: Solicitor?

21 MR. BULSA: Once again, I continue to argue that I
22 gave them to him so they would have them if they wanted to
23 listen to them. They didn't have to listen to them because
24 anything they find is not admissible, they can't introduce
25 it. It is up to me to find them and to share them -- the

PRETRIAL MOTIONS

1 specifics with them. So just the fact that I gave it to
2 them should not preclude me from being able to use them,
3 because I don't see how that in any way harms them. I
4 mean, it's not like they were going to share something with
5 me if they listened to them and said, "Hey, he said
6 something in here." It was on me and my cocounsel to
7 listen to those and identify anything that was of use to
8 the State, and if we find something then we should be able
9 to use it. There's no prejudice at all.

10 JAMES H. PRICE, III: I don't understand no prejudice.
11 If he or any other good prosecutor finds a tape recorded
12 conversation that he wants to use against our client, sure,
13 that's going to be prejudicial. To expect us to ignore
14 potential prejudicial telephone calls, we don't practice
15 law like that. If there's evidence that's going to be
16 introduced against our client we are entitled to notice of
17 it. That's what discovery is all about, trial by ambush is
18 gone. We timely served discovery motions that covered this
19 type evidence. The State did not comply with it until ten
20 days before trial and we are doing everything we can to
21 fine-tune and get ready for this trial.

22 THE COURT: Let me ask this, as a practical matter,
23 out of these 367 recorded calls, is the State intending to
24 use one or three or five?

25 MR. BULSA: There is two potentially. One is to, I

PRETRIAL MOTIONS

1 believe, an ex-wife, and one is to a friend. I provided
2 those specific calls in reference numbers to the defense
3 last week so they could listen to those specifically. And
4 in my opinion if I used them it would be to show
5 inconsistencies in his descriptions of what happened to his
6 family and friends versus what he told the officers.

7 THE COURT: Is there only two you're aware of,
8 Mr. Price?

9 JAMES H. PRICE, III: Mr. Bulsa did provide that to
10 myself. I think you are aware of those?

11 JAMES H. PRICE, IV: I am aware.

12 THE COURT: You reviewed those too.

13 JAMES H. PRICE, IV: I have, Your Honor.

14 THE COURT: All right. Under advisement. Number
15 three?

16 JAMES H. PRICE, III: Obviously we're going to have to
17 have at it on the immunity. My client made a number of
18 either statements or excited utterances right around the
19 time he was provided with Miranda warnings. I think we're
20 entitled to a Jackson v. Denno hearing on those. At the
21 same time after he was advised of Miranda warnings he did
22 tell the members of the Spartanburg Sheriff's Office, the
23 person being, I think, Sergeant Hilton, that he did not
24 want to talk and that he did want an attorney, and the
25 sheriff's office continued to tape him for a couple of

PRETRIAL MOTIONS

1 hours both in the back of Sergeant Hilton's car and in the
2 detective's office where we made a number of statements
3 while he was in custody. The question would be whether the
4 State is entitled to use those tape recordings after my
5 client had advised that he wanted a lawyer, and I think
6 both of those could be heard at the same time.

7 THE COURT: Solicitor.

8 MR. BULSA: Your Honor, that's actually going to be
9 sort of a game-time decision if we intend to use those
10 calls. Some of that might hinge on Your Honor's ruling or
11 motion to preclude the comment to the girlfriend, because
12 we feel, as I stated to the Court, they're inconsistent to
13 his first comment to her. Your Honor, I guess we can have
14 a Jackson v. Denno or we could just show Your Honor the
15 videos and bring the officers in if necessary, but it's
16 clear on the videos that they read him his rights. In
17 fact, he actually says he wants a lawyer before he even
18 gets his rights read, trying to get him to say why he's in
19 there. Basically -- I'll lay the groundwork, Your Honor.
20 The incident happens, the police are called, officers
21 arrive, go in and check on the victim, EMS goes in and
22 determines he's deceased. The other officers are taping
23 off the scene. While they're taping off the scene a
24 gentleman comes walking up to one of the officers,
25 basically just shows up and doesn't even speak, it takes

PRETRIAL MOTIONS

1 them awhile to get something out of him. He won't even
2 give them his name. They have to get his license to get
3 his name, and then the license doesn't even have the
4 address of where this occurred. It has a Woodruff address.
5 And I think what prompts the defendant is the second
6 officer comes up and they comment about seeing some
7 substance on his shoes that they thought was blood, or they
8 thought was blood. And they said, "Do you mind telling us
9 what happened?" And I think it's at that point he
10 comments, "Not without an attorney." So then they in
11 essence were just trying to gather who he is, what's his
12 connection to the scene, and then he starts yelling out
13 "Lisa, Lisa," that's the girlfriend's name. That's when
14 they detain him. They further pat him down and begin to
15 read him his rights and he asserts his right to an
16 attorney. They don't interrogate him, they respect his
17 wish, but he's still there on scene, they have their body
18 cameras going. Investigators are arriving, they're trying
19 to assess what's going to. They put him in a patrol car,
20 an officer is sitting with him at the patrol car and he's
21 continuing to make mass unsolicited comments, asking
22 questions of the officers. There is no interrogation,
23 there's obviously custody because he isn't released. He's
24 taken to the sheriff's office, put in a room. An
25 investigator goes into the room and is going to begin

PRETRIAL MOTIONS

1 Mirandizing him once again, and then that investigator is
2 told he has invoked his right at the scene, so they
3 actually stop that process and they don't interrogate him.
4 He just keeps running off at the mouth making these
5 comments and trying to convince the officers that he didn't
6 do anything wrong, he shouldn't be in cuffs. This process
7 lasts, Your Honor, about an hour at the scene and maybe a
8 little longer, an hour and a half, maybe, about an hour and
9 a half at the scene Sergeant Hilton's -- based on Sergeant
10 Hilton's body camera. And then at the sheriff's office
11 it's approximately another hour or hour and a half, so I
12 don't know if Your Honor wants to watch all three hours.
13 It's clear that they're not questioning him, basically
14 keeping him in custody. While at the sheriff's office they
15 have somebody sitting him part of the time. They're
16 getting search warrants to collect his clothing and they
17 take pictures and assessing injuries, whether he had any,
18 and also to get a DNA sample. So they're not attempting to
19 illicit any information, there's no interrogation, and we
20 feel there's no violation of any of the defendant's rights.

21 THE COURT: Okay. Anything further?

22 JAMES H. PRICE, III: No, sir. I would have described
23 at somewhat differently but the essence is correct. Did
24 walk up, was advised of Miranda, asserted his right to a
25 lawyer, continued to give his version of the events and

PRETRIAL MOTIONS

1 asked rhetorical questions of the officers while he was
2 being videotaped.

3 THE COURT: And the State is intending to use this in
4 its --

5 MR. BULSA: Maybe. Like I said, it's -- the trial is
6 a flowing process, Your Honor, it depends on how things
7 come out.

8 THE COURT: I understand. Okay. But he seeks a
9 Jackson v. Denno hearing on that.

10 JAMES H. PRICE, III: Yes, sir.

11 THE COURT: Are we ready to do that?

12 MR. BULSA: I did not bring Sergeant Hilton. I think
13 we can do it via the video, Your Honor.

14 THE COURT: Any objection to doing it --

15 MR. BULSA: -- the process --

16 JAMES H. PRICE, III: Which video are you talking
17 about?

18 MR. BULSA: We can show Morrow's video of him walking
19 up, and then Hilton comes over and takes over, because
20 Hilton is the one that reads the rights. That portion,
21 Your Honor, is probably 15 minutes maybe.

22 JAMES H. PRICE, III: We can start with that.

23 MR. BULSA: Start with that. Okay.

24 (The video was marked as State's Exhibit 1.)

25 (Break in proceedings.)

PRETRIAL MOTIONS

1 (State's Exhibit 1 played for the Court.)

2 MR. BULSA: With the Court's permission I'm going to
3 skip past the in-car.

4 THE COURT: Okay.

5 MR. BULSA: Your Honor, I just paused it to let Your
6 Honor -- that was the comment he made and said he wouldn't
7 talk without a lawyer when the officer asked him what was
8 going on. For the record, Your Honor, that's -- for the
9 video that's at 10:28:10 zulu time, or about 12:10 on the
10 video time, 12 minutes and ten seconds into the video.

11 (The video was played.)

12 MR. BULSA: Your Honor, this will be the second one,
13 that's why you don't hear sound for the first 30 seconds
14 for some reason, it's not recording.

15 (The video was played.)

16 MR. BULSA: Your Honor, that would be the extent of
17 Deputy Morrrows' body camera in relation to his contact with
18 the defendant. Can we have a short recess? We were
19 redacting Sergeant Hilton's, I believe, and I left it
20 upstairs, we need to go get the other one if we can have a
21 short recess.

22 THE COURT: Let's take ten minutes.

23 (A recess was taken.)

24 (The DVD was marked State's 2)

25 MR. BULSA: Your Honor, we have the second body camera

PRETRIAL MOTIONS

1 from Sergeant Jason Hilton pulled up to the screen to play
2 for Your Honor.

3 THE COURT: Are you ready, Mr. Price?

4 JAMES H. PRICE, III: Yes, sir.

5 (The video was played.)

6 MR. BULSA: What follows is you just see him going to
7 the car and then he sits in the car with Sergeant Hilton,
8 and as you can see this video is an hour and 36 minutes and
9 47 seconds long. I can play it all or leave it for the
10 Court, I think. That's the portion showing the Miranda and
11 they obviously did not question him anymore. Then I have
12 another officer to call as a witness to talk about what
13 happened at the police department.

14 THE COURT: Mr. Price?

15 JAMES H. PRICE, III: Like I said, we're doing partial
16 Jackson v. Denno and partial post-Miranda statement.

17 THE COURT: Yes, sir.

18 JAMES H. PRICE, III: I think we need to show some of
19 Mr. Holloway in Sergeant Hilton's car just to give the
20 Court an idea of statements that were being made. We don't
21 have to listen to the whole thing but it would be
22 representative of some of the things that Mr. Holloway was
23 saying, and then we can take it from there.

24 THE COURT: I'm happy to watch the entire thing, I'm
25 not trying to short circuit anyone, please understand.

PRETRIAL MOTIONS

1 JAMES H. PRICE, III: I don't think we need to watch
2 the whole thing, do either of you guys? We do want to
3 specifically show 23:54 on this tape, Your Honor.

4 MR. BULSA: May I ask the inquiry, why is that? Is it
5 in response to a question?

6 JAMES H. PRICE, III: It's the question by the
7 officer, "Do you understand these rights?" And the answer
8 is, "No, not really." I think that's important.

9 THE COURT: Okay.

10 MR. BULSA: We'll play that. Twenty-three what?

11 JAMES H. PRICE, III: 23:54.

12 (The video was played.)

13 MR. BULSA: Your Honor, as you can see there is no
14 questions by the officer, this is a continuation and
15 continues like this for another hour on Sergeant Hilton's
16 body camera.

17 THE COURT: Mr. Price?

18 MR. BULSA: Your Honor, we will leave the discs with
19 you if you need to review any further.

20 JAMES H. PRICE, III: If we can have some light to
21 look on our notes one second.

22 THE COURT: Certainly.

23 (Break in proceedings.)

24 JAMES H. PRICE, III: Your Honor, we agree that there
25 was no interrogation from this point on on this statement.

PRETRIAL MOTIONS

1 THE COURT: Okay. No reason to go any further for
2 that one then. What's the timestamp on that?

3 MR. BULSA: 25:32 is the time on the video.

4 THE COURT: 25:32 on the video. Okay. Is there
5 another video?

6 MR. BULSA: I would like to call Andy Lawson and then
7 we can play a video if necessary.

8 The witness, ANDREW LAWSON, was first duly sworn and
9 Testified as follows:

10 THE COURT: Officer, tell us who you are and spell
11 your last name for my court reporter, please.

12 THE WITNESS: I'm Investigator Andrew Lawson of the
13 Spartanburg County Sheriff's Office.

14 THE COURT: Last name?

15 THE WITNESS: Lawson.

16 THE COURT: Spell it, please.

17 THE WITNESS: L-a-w-s-o-n.

18 THE COURT: Thank you. Solicitor?

19 DIRECT EXAMINATION

20 BY MR. BULSA

21 Q You're an investigator, and were you the lead
22 investigator in this case?

23 A Yes, sir.

24 Q Did you actually go to the crime scene?

25 A I went to the crime scene, not inside the crime scene.

PRETRIAL MOTIONS

1 Q Okay. And what was taking place when you arrived on
2 the crime scene?

3 A When I arrived on the crime scene Mr. Holloway was in
4 the vehicle with Sergeant Hilton, and I spoke to Sergeant
5 Guffey and he requested I respond back to the sheriff's
6 office to interview Mr. Holloway.

7 Q And did you give instructions to have Mr. Holloway
8 taken to the sheriff's office?

9 A I did not, I think Sergeant Guffey did.

10 Q Okay. So you went independent of Mr. Holloway to the
11 sheriff's office.

12 A Yes, sir.

13 Q Do you know how he got to sheriff's office? Mr.
14 Holloway?

15 A He rode with Sergeant Hilton.

16 Q Okay. And then what took place when Mr. Holloway
17 arrived at the sheriff's office?

18 A Mr. Holloway was placed in the interview room that was
19 equipped with video and audio recording capabilities. He
20 was complaining of the handcuffs hurting, he was placed in
21 front making him a little more comfortable.

22 Q Is it the practice now at the sheriff's office to
23 videotape as many statements as it can?

24 A We try to as much as possible when we can, yeah.

25 Q Okay. So the purpose of putting Holloway in that room

PRETRIAL MOTIONS

1 was to get an interview from him.

2 A Yes, sir.

3 Q Were you aware at that time that he had invoked his
4 right?

5 A I was not at that point.

6 Q Okay. And what took place when -- after you had the
7 cuffs changed on Mr. Holloway, what took place after that?

8 A I went to get our pre-interrogation waiver forms and I
9 began to start to go over that with him. And then I was
10 advised by Sergeant Gaddy that he already invoked his rights
11 on scene with Sergeant Hilton, and at that point I stopped.

12 Q Okay. When you stopped what did you do?

13 A I advised -- well, I advised him we're in the process
14 of getting a search warrant to collect some evidence from
15 him.

16 Q Okay. So you needed to keep him there. Was he
17 actually placed under arrest at that time?

18 A No, sir.

19 Q Y'all were still in the investigative stages of the
20 case?

21 A Yes, sir.

22 Q Okay. And what about his appearance did you note?

23 A He had some -- had a red substance on his pants
24 believed to be blood, also had a substance on the chest of
25 his multicolored shirt.

PRETRIAL MOTIONS

1 Q The substance on his shirt, did that stand out at all?

2 A It was not extremely noticeable that I can remember,
3 but I did see it.

4 Q Officer, let me show you what's been marked as State's
5 Exhibit 3 for this hearing. Is that a photograph of Mr.
6 Holloway?

7 A Yes, sir.

8 Q Is that how it appeared at the sheriff's office on the
9 morning of August 31st?

10 A Yes, sir.

11 Q And is that actually taken in the doorway of the
12 interview room?

13 A Yes, sir.

14 Q It shows his shirts and his pants and the shoes?

15 A Yes, sir.

16 Q Okay. Does the substance on his pants stand out in the
17 picture?

18 A It does.

19 Q Which pant leg is it?

20 A It looks like the left pant leg.

21 Q And do you notice anything on his shoes?

22 A He has a red substance.

23 Q And you commented about seeing something on his shirt.

24 Do you see that in the picture?

25 A Not right away I don't.

PRETRIAL MOTIONS

1 Q Okay. So whatever substance he had on his shirt does
2 not stand out anywhere like the blood on his pants, right?

3 A No, sir.

4 Q Okay. All right.

5 MR. BULSA: May I approach?

6 Q So he had a white colored shirt with some I believe red
7 and blue lines maybe on it, and it's almost clean. You said
8 you noticed the red substance but it does not in any way
9 stand out like the substance on your pants legs, right?

10 A Yes, sir.

11 Q Did you notice any injuries to Mr. Holloway?

12 A I did not.

13 Q Did an officer come in and take photographs of him?

14 A Yes, sir.

15 Q And photograph more than just that one shot?

16 A Yes, sir.

17 Q Did he photograph his body?

18 A He did.

19 Q And were you present when that was taking place?

20 A I was.

21 Q All right. So he actually took his clothes off as the
22 officer took pictures.

23 A He did.

24 Q Did you notice any injuries anywhere on his body?

25 A I did not.

PRETRIAL MOTIONS

1 Q All right. So he was held in custody for that process
2 to take place, and while he was being held until the search
3 warrant was obtained, did anybody question Mr. Holloway?

4 A No, sir.

5 Q Did anybody sit with him on occasion?

6 A Yes, sir.

7 Q And why was that?

8 A Why did they sit with him?

9 Q Yes, sir.

10 A Well, we generally try to have somebody sitting by
11 close, and he had walked out the door at one point and we
12 just wanted somebody to be there with him. Plus he
13 requested somebody stay with him, he didn't want to be
14 alone.

15 Q When you say he walked out the door, what do you mean?

16 A He walked into the hallway right there.

17 Q He walked out the door that's shown in State's
18 Exhibit 3?

19 A Yes, sir.

20 Q And walked into the hallway?

21 A Uh-huh.

22 Q Okay. And did he attempt to go anywhere?

23 A He started to go toward the stairwell.

24 Q And what was done when he did that?

25 A We stopped him and told him he was still in

PRETRIAL MOTIONS

1 investigative detention and to have a seat right there in
2 that room.

3 Q All right. So at that point on somebody was with him?

4 A Yes, sir.

5 Q Did anybody question him on anything?

6 A No, sir.

7 Q All right. Do you recall about how long he was at the
8 sheriff's office before he was taken away?

9 A I know there was -- I think there's over two hours of
10 video.

11 Q Okay.

12 A I don't know the exact time.

13 Q All right.

14 (The DVD was marked State's 4.)

15 Q I show you what's been marked State's Exhibit 4. Would
16 that DVD be the one that shows the interaction with Mr.
17 Holloway at the sheriff's office? It's labeled kind of
18 strangely. How is it labeled?

19 A Interaction with -- interaction with search warrant.
20 Is that what that says? I'm having trouble reading it
21 myself.

22 Q It's not labeled defendant interview.

23 A No.

24 Q Because it wasn't an interview, was it?

25 A No, sir.

PRETRIAL MOTIONS

1 Q It was just an interaction with him at the sheriff's
2 office and a search warrant was served on him.

3 A Yeah.

4 MR. BULSA: Your Honor, I don't know if you want to
5 watch it. I don't think there's a need to play that,
6 though, defense counsel may ask to see parts of it. Answer
7 any questions that defense counsel has.

8 THE COURT: Mr. Price, or Ms. Price?

9 CROSS EXAMINATION

10 BY JAMES H. PRICE, III

11 Q Sergeant Lawson?

12 A It's investigator.

13 Q Investigator Lawson. I just have a few questions. You
14 were the lead officer on this investigation?

15 A Yes, sir.

16 Q What time did you get to Lisa Wood's house?

17 A Around 6:50 a.m.

18 Q And were you filled in by either officers or dispatcher
19 what had happened up to that time?

20 A Yeah. I spoke with Sergeant Walsh, Lieutenant Wilson,
21 they told me that -- I can read from here. "Once on scene
22 they advised the suspect in the back of the uniformed patrol
23 unit. I then met with Sergeant Guffey and advised he wanted
24 me to respond to the sheriff's office with Investigator
25 Gaddy to interview the suspect."

PRETRIAL MOTIONS

1 Q All right. Did you talk with Officer Malpass?

2 A I don't remember if I did or not, I don't think I have
3 it here.

4 Q She was basically the first officer on the scene,
5 correct?

6 A Yes, sir.

7 Q The first officer that talked to Lisa Wood, who was, or
8 is my client's common-husband (sic), fiance, whatever --

9 A Yes, sir.

10 Q -- the homeowner. And she was the one that made the
11 911 tape; is that correct?

12 A Yes, sir.

13 Q And did Deputy Malpass or anyone from the dispatcher's
14 office tell you that the initial complaint was that the
15 decedent, Mr. Bell, tried to rape Lisa Wood?

16 A I don't think I learned that until I got back and spoke
17 with the Officer Gaddy who had talked with Sergeant
18 Kochenower (phonetically), I believe.

19 Q And that was at what time?

20 A That's once I was back at the sheriff's office when I
21 talked with him.

22 Q And that time was that?

23 A I didn't note a time that I actually arrived at the
24 sheriff's office and talked to him.

25 Q 7:30, 8:00?

PRETRIAL MOTIONS

1 A I can't give you a time, I don't know.

2 Q I wouldn't answer the question either. Whenever you
3 got back you find out more than what you knew earlier and
4 you knew that the initial complaint was attempted rape.

5 MR. BULSA: Your Honor, I'm going to object to line of
6 questioning, I don't see what it has to do with -- any
7 comments?

8 JAMES H. PRICE, III: Your Honor, the State went kind
9 of afield as far as how he was dressed and some other
10 things like that, I'm getting up to the point I'm trying to
11 make.

12 THE COURT: Okay. I'll allow it.

13 A Yes, Kochenower did tell us that.

14 Q All right. And you also heard, Roy, Mr. Holloway, say
15 repeatedly that he, meaning Mr. Bell, was trying to kill his
16 family, kill his fiance, that sort of thing.

17 A I heard him say that numerous times.

18 Q Okay. And basically Mr. Holloway was the only witness
19 to what actually happened, wasn't he?

20 A Well, Lisa was inside the house too.

21 Q Correct.

22 A Yeah.

23 Q And Lisa relayed what Roy told her, so there were two
24 witnesses and --

25 A And some children in the house as well that were --

PRETRIAL MOTIONS

1 Q But they didn't see anything, they don't know anything,
2 did they?

3 A Not that I know of.

4 Q Okay. Now, isn't it true that when you were talking
5 with Roy in the detective office that you promised him that
6 your department would do a thorough investigation?

7 A Yes, sir.

8 Q All right. Now, and that would have been some -- when
9 you got there, which was after 8:00 in the morning sometime?

10 A I told you I can't tell you a time I got there.

11 Q Let me show you Spartanburg Communications CAD report
12 which we got from the State.

13 MR. BULSA: Your Honor, I object to this. This has
14 nothing to do with the Jackson v. Denno.

15 JAMES H. PRICE, III: I believe that it does, Your
16 Honor. If I can ask two more questions.

17 THE COURT: What is it?

18 Q You promised Mr. Holloway that y'all would do a
19 thorough investigation. But if you will turn to page four
20 on the CAD report, at 7:12:39 that's highlighted, your
21 office had already designated this as a murder instead of a
22 stabbing, correct?

23 A Sir, I don't have anything to do with how this is
24 coded.

25 Q I understand.

PRETRIAL MOTIONS

1 A I don't know what you're getting at with that.

2 Q But doesn't it say an incident type changed from
3 stabbing to murder/homicide?

4 A That's what this paper says.

5 Q Okay.

6 A But I don't have anything to do with that.

7 JAMES H. PRICE, III: We would offer that into
8 evidence, Your Honor.

9 (The CAD report was marked as Defense 1.)

10 Q When you promised Mr. Holloway a thorough
11 investigation, your office had already changed this from a
12 stabbing incident to murder and that's what it was being
13 designated and called.

14 A Sir, my office didn't change that, the communications
15 department changed that.

16 Q Was there anyone from communications out at the scene
17 of the Lisa Wood residence?

18 A Not to my knowledge.

19 Q Okay. Did you listen to the second tape that was made
20 of investigator -- on Investigator Stepp's body cam while --
21 you and Investigator Stepp at one time were both in the room
22 with Mr. Holloway, weren't you?

23 A Yes, sir.

24 Q All right. And were you present when Investigator
25 Stepp said at 49:22 of tape V2, "If you want to prove your

PRETRIAL MOTIONS

1 innocence this is the part of proving your innocence?"

2 A I do recall hearing that on the tape.

3 Q All right. So your office advised Mr. Holloway that
4 Mr. Holloway had to prove his innocence rather than your
5 department having to prove his guilt, correct?

6 A I did not advise him of that.

7 Q But Mr. Stepp did and Mr. Stepp works with you, doesn't
8 he?

9 A Well, you might need to ask Mr. Stepp that.

10 Q I'm asking you, you said you heard it.

11 A I heard him say it, it's on the tape.

12 Q And he's a member of the Spartanburg Sheriff's Office.

13 A He is employed there.

14 Q And he said that after y'all had already changed it
15 from stabbing to murder.

16 A I didn't change it from stabbing to murder.

17 Q Well, it was changed, was it not?

18 A Obviously if it's on that paper.

19 JAMES H. PRICE, III: Your Honor, I think that's all
20 we have.

21 THE COURT: All right. Anything?

22 MR. BULSA: No, sir.

23 THE WITNESS: Step down?

24 THE COURT: Yes, sir.

25 THE WITNESS: Thank you.

PRETRIAL MOTIONS

1 MR. BULSA: Your Honor, that's the State's showing on
2 the Jackson v. Denno hearing.

3 THE COURT: How much of the of this do you want played
4 or -- Mr. Price, or if any?

5 JAMES H. PRICE, III: Is that V1?

6 THE COURT: This is the sheriff's office.

7 MR. BULSA: We submit that, Your Honor, if Your Honor
8 needs to watch it while you make a decision.

9 THE COURT: I'm happy to watch the whole thing or play
10 the whole thing.

11 JAMES H. PRICE, III: Derrick, State's 4 is the tape
12 from the detective office?

13 MR. BULSA: Yes, sir.

14 JAMES H. PRICE, III: Amongst other things, or is that
15 all that's on there?

16 MR. BULSA: It should be all that's on it. It's just
17 the interaction with Mr. Holloway at the sheriff's office.
18 I think there's three segments.

19 JAMES H. PRICE, III: One moment.

20 THE COURT: Okay.

21 (Break in proceedings.)

22 JAMES H. PRICE, III: Your Honor, we would like the
23 Court to watch probably the first ten minutes of the tape.
24 It's the arrival of Mr. Holloway, Deputy Hilton and
25 Investigator Lawson. And I think the arrival is about four

PRETRIAL MOTIONS

1 minutes into the tape, so we're talking five or six
2 minutes.

3 THE COURT: That's enough?

4 JAMES H. PRICE, III: Yes, sir.

5 (The video was played.)

6 JAMES H. PRICE, III: Your Honor, that's all we wanted
7 to show.

8 THE COURT: Okay.

9 MR. BULSA: Your Honor, I would like to show the rest
10 of that to show that this officer did not coerce him to
11 show that -- to get him to talk, if I may.

12 THE COURT: Okay. How much --

13 MR. BULSA: It's not much longer.

14 THE COURT: Yes, ma'am?

15 E. POWERS PRICE: Your Honor, Investigator Lawson
16 tells Mr. Holloway he did not have a chance to talk with
17 Sergeant Hilton, they walked in together, all three of
18 them. He had a chance to talk with Sergeant Hilton and he
19 had a chance to -- for Hilton to advise him that Holloway
20 invoked his right to counsel at the scene. And then later
21 on it's either Lawson or the other officer is telling Mr.
22 Holloway, "We've only had a chance to hear half the story,"
23 and is basically coercing him into telling what happened.

24 THE COURT: Well, I haven't seen that, though. Do you
25 want me -- that's what I'm asking really. Do you want to

PRETRIAL MOTIONS

1 play the entire -- do you want me to review the entire
2 disc?

3 JAMES H. PRICE, III: Yeah. We're going to have to
4 play the whole thing.

5 THE COURT: Okay. Let's do this before we begin --
6 let's see the lawyers -- let's go out in the hallway for a
7 minute.

8 (A recess was taken.)

9 THE COURT: Okay. Thank you. Okay. What we've
10 agreed to do is this is going -- the video is going to be
11 loaded onto my law clerk and my equipment and we will view
12 that tonight, the stand your ground will be in the morning
13 starting at 9:00. And you're going to make sure the jurors
14 are going to be called individually and they will report at
15 2:00. We will not get through or not even reach the stand
16 your ground this afternoon.

17 JAMES H. PRICE, IV: Your Honor, do you mind if I give
18 this to your law clerk?

19 THE COURT: Not at all, please do.

20 (Break in proceedings.)

21 THE COURT: There is one other issue. There was an
22 offer and rejection?

23 MR. BULSA: Yes, sir, Your Honor. We just wanted to
24 put on the record in case there's a State's verdict, we
25 want to make sure that the defendant understands the plea

PRETRIAL MOTIONS

1 offer that was made to him and he rejects that offer.

2 THE COURT: Okay.

3 MR. BULSA: Your Honor, the State's offer was a
4 voluntary manslaughter plea with a recommendation of 10 to
5 15 year sentence.

6 THE COURT: Okay. Mr. Price?

7 JAMES H. PRICE, III: That is correct. That offer was
8 discussed with Mr. Holloway who elects to assert his
9 constitutional right to a trial by jury.

10 THE COURT: All right. Mr. Holloway, I'm just going
11 to ask you just briefly here, sir, you understand what the
12 solicitor and your lawyer said to me.

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And is that correct?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Thank you, sir. That's it. All right.
17 The offer was made and it has been rejected. Anything
18 further?

19 MR. BULSA: Not from the State.

20 THE COURT: Okay. We'll see everyone at 9:00 tomorrow
21 morning.

22 (Court recessed for the day and resumed at 9:00 a.m. on
23 Tuesday, March 12, 2019.)

24 THE COURT: See the lawyers real quick.

25 (A bench conference held.)

PRETRIAL MOTIONS

1 THE COURT: We're back on the record in the matter of
2 the State vs. Lawton Leroy Holloway. I believe the next
3 motion up would be something about the immunity, stand your
4 ground?

5 JAMES H. PRICE, IV: Yes, sir.

6 THE COURT: Okay. Solicitor is ready?

7 MR. BULSA: Yes, sir.

8 THE COURT: Defense is ready?

9 JAMES H. PRICE, III: Yes, sir.

10 THE COURT: I am ready.

11 JAMES H. PRICE, IV: Your Honor, at this time we call
12 Lawton Holloway.

13 The witness, LAWTON LEROY HOLLOWAY, was first duly
14 Sworn and testified as follows:

15 THE COURT: Mr. Holloway, tell us your full name and
16 spell your last name for my court reporter please.

17 THE WITNESS: Lawton Holloway. First name
18 L-a-w-t-o-n, last name H-o-l-l-o-w-a-y.

19 THE COURT: Yes, sir. Mr. Price?

20 JAMES H. PRICE, IV: Thank you, Your Honor. May it
21 please the Court?

22 THE COURT: Yes, sir.

23 DIRECT EXAMINATION

24 BY JAMES H. PRICE, IV

25 Q Good morning, Mr. Holloway, how are you?

PRETRIAL MOTIONS

1 A I'm not so good.

2 Q Fair answer. How old are you?

3 A Forty-nine, I'll be 50 next month.

4 Q And on the date of August 31st of 2017, where did you
5 live.

6 A I lived at [REDACTED] Duncan -- Buckingham Road in Duncan,
7 South Carolina.

8 Q And let's go back one day prior, on August 30th of
9 2017. How did that day begin now for you?

10 A Got up early that morning. It was my 18 year old's
11 birthday, DeAndre, he's our middle son, he's autistic, Lisa
12 was preparing his meal for him. It was one of his favorite
13 meals so she was frying chicken. Her mother had come over
14 to help her.

15 Q You mentioned you have one son. Do you have any other
16 children?

17 A Yes, we have that three. McKenzie, who is -- she is
18 currently 16, she just turned 16 on the 7th of March.
19 DeAndre is 19, and Keon, which is our oldest, is 20 years
20 old.

21 Q And are these your biological children?

22 A No. But I love them like they're my own. I've raised
23 them for the last ten or 11 years as my own kids.

24 Q So they have been in your life for ten or 11 years.

25 A Yes, sir.

PRETRIAL MOTIONS

1 Q And just briefly tell us what kinds of things you would
2 do with them.

3 A From PTA's to school plays, to when McKenzie would get
4 sick or DeAndre, I took care of them, prepared meals. There
5 was an instance where McKenzie had to have her tonsils taken
6 out, was just a young girl, I was there to help nurse her.
7 When she was 11 she had to have nine millimeter screws put
8 in each hip, and she was scared, we were all scared, but we
9 coached her through it. She used to listen to this song
10 Katie Perry Roar all the time so we would play that over and
11 over and over to help build confidence. And DeAndre, like I
12 said, is autistic. I could have a rough day at work, come
13 home and just the joy in this kid's eyes, he's just a happy
14 kid. Keon, which is the oldest, sports, super smart in
15 school, took care of the other two, big brother. Just --
16 they were my kids. I mean, I took -- every part of their
17 life I was a part of it. Like I said, school, basketball,
18 recitals, dance programs, that was my life.

19 Q And would you claim these children as your own?

20 A They are my own, yes.

21 Q All right. And you've been a part of their life ever
22 since you were with Lisa?

23 A Yes, sir.

24 Q So what happened after you got up on August 31st?

25 A After I got up, like I said, Lisa was preparing a

PRETRIAL MOTIONS

1 wonderful meal for DeAndre's birthday, her mom was over
2 helping her as well. She was cooking. I went in and I
3 talked with them for a little bit socializing, she was
4 having a couple of drinks and I think she was working from
5 home that day. I told her that I had to run some errands
6 the week before.

7 Q What time is this?

8 A This was probably about 10:00.

9 Q A.m.? P.m.?

10 A I'm sorry, you have to excuse me, I'm scared to death,
11 a little nervous. 10:00 a.m. in the morning.

12 Q All right. And you left to go run errands.

13 A Yes. I told them that I had to run some errands. I
14 had recently lost my primary job the week before, which was
15 actually the day after the lunar eclipse, so I had to go
16 take care of the mortgage and run some errands.

17 Q All right. And how long did it take you to run those
18 errands?

19 A Like I said, I probably got dressed and left the house
20 around 2:00, I was probably finished around 3:30ish.

21 Q And what did you do after you ran those errands?

22 A I stopped by Kalahari, which is a restaurant that Lisa
23 and I normally go to, we like to play pool. We know the
24 people that own the place, most of the people that work
25 there come in and out, so I stopped by there. I was a

PRETRIAL MOTIONS

1 little stressed about my job. Like I said, I had two jobs
2 but this was my primary job and I was kind of worried if I
3 was going to be able to find something that was flexible to
4 my photography as well. So I went into Kalahari's, I had a
5 drink and I spoke to the bartender, Christina. I was
6 telling her that it was my son's birthday and that Lisa was
7 preparing this wonderful meal, mentioned to her about the
8 meal and told her that I would talk to Lisa about bringing
9 her something to eat later on. Shortly after that I got a
10 call from Lisa that dinner was ready, so I went home and we
11 celebrated DeAndre's birthday.

12 Q And what time did you leave Kalahari?

13 A I left Kalahari's probably about 4:00.

14 Q All right. So what happened when you got home?

15 A When I got home me and the kids and the grandmother,
16 Lisa's mom, celebrated DeAndre's birthday, ate food and sang
17 happy birthday and just, you know, kind of fellowshiped with
18 each other, enjoyed each other's company.

19 Q And how long were y'all celebrating?

20 A They probably left -- I think Grandmother Leanne, which
21 is Lisa's mom, left probably around 6:00 money.

22 Q And did you have any other drinks while you were there?

23 A Not at that time. I had called a buddy that I used to
24 work with who came over and he was going to look at some
25 floor damage that we had. So he took a look at the floor

PRETRIAL MOTIONS

1 damage, and I prepared a drink for him after he looked at
2 the damage, and I took him out to the creek that we used to
3 spend a lot of time at. We had this creek that went through
4 the backyard where we would watch movies with our neighbors,
5 I had recently purchased a projector. So I took him down
6 there, and he was going to give me a price on a deck as
7 well.

8 Q And what time was this?

9 A We're probably looking around -- he probably got there
10 a little bit after 6:00, we were down there around 6:30.
11 Lisa and my neighbors came down and they had some drinks as
12 well.

13 Q All right. And were you drinking with them?

14 A Yes, sir.

15 Q And how long were y'all down at the creek?

16 A We were probably down there maybe an hour, could be an
17 hour. It started raining so we all went back up to the
18 house. My neighbors left, my buddy from work, he left, and
19 then Lisa and I went back in the house and kind of just hung
20 out a little while.

21 Q How long is a little while?

22 A Maybe another -- I'm guessing probably right now it's
23 like 7:00ish. Lisa wanted to go to Kalahari's. So like I
24 said, she had been there cooking all day, so I said, okay --
25 I really was hesitant but I was like, "Okay, we can go."

PRETRIAL MOTIONS

1 Q Why were you hesitant?

2 A I was just tired. It had been a long day, and like I
3 said, I was a little stressed about the job situation, and
4 just, you know, what was going to be my next move.

5 Q So how long did you hangout at the house before you
6 left to Kalahari's?

7 A We stayed there until about 10:00ish, because I know
8 that we got -- I'm thinking we got to Kalahari's around
9 10:30, somewhere around that time. Lisa had to get dressed,
10 and she and I socialized on and off while she was getting
11 dressed, and she had a couple of drinks and I had a couple
12 of drinks then too.

13 Q And who did you see when you got to Kalahari?

14 A When I got to Kalahari's I ran into Jeremy. When we
15 walked in he was actually playing a video game and having a
16 beer, so Lisa and I spoke to him.

17 Q Is this your first time ever meeting Jeremy?

18 A No, sir. I had talked to Jeremy on and off for about
19 approximately a year.

20 Q How did you meet Jeremy?

21 A Lisa and Jeremy previously worked for the same company,
22 so they didn't work at the same location. But we were in
23 there one evening and it was one of those where do you work?
24 Who do you know? And it came to find out that those two
25 worked at the same company, so we met him in Kalahari's.

PRETRIAL MOTIONS

1 Q And at this point how did you get along with Jeremy?

2 A Fine. I mean, I talked to him every blue moon whenever
3 I saw him in there. He would tell me about work, I would
4 talk about work, things like that.

5 Q Did y'all ever have any sort of hostility?

6 A None, no, sir.

7 Q All right. And how long did you stay at Kalahari?

8 A We stayed at Kalahari quite awhile. When we got there
9 there was chairs on the table, they were going to be closing
10 up so I didn't think we were going to be there that long,
11 socialized a good bit, bought a few rounds for some people,
12 talked to some other people in the bar. I'm guessing we --
13 we stayed until they closed, and I think Christina might
14 have closed up around 1:30 or 2:00, I'm not a hundred
15 percent sure.

16 Q And what did you do after Kalahari?

17 A Once Christina closed, she and Jeremy were going to
18 come back to the home with us.

19 Q All right. Do you remember who invited them back?

20 A I really don't. I just know that she was going to come
21 over, Jeremy was coming over, so we all got in our
22 respective vehicles. Jeremy was in his own vehicle,
23 Christina was in her vehicle, and Lisa and I were together.
24 On our way home we headed to QT. At that time I purchased a
25 case of beer and a pack of cigarettes, and I believe Jeremy

PRETRIAL MOTIONS

1 purchased two -- two alcoholic beverages. Once we left
2 there we all headed to my home, and Jeremy decided that he
3 was going to go home and get some liquor. Lisa, myself and
4 Christina went inside and Lisa prepared a meal, warmed up
5 some food for Christina. Shortly after that Jeremy came
6 back to the house, I let him in and I offered him a drink, a
7 beer. He declined the beer, he wanted some of the liquor
8 that he brought with him.

9 Q And how much liquor did he bring with him?

10 A I'm not a hundred percent sure, I want to say at least
11 two bottles, I'm not positive.

12 Q Are these giant bottles? Mini-bottles? What bottles?

13 A No, they are large bottles.

14 Q Large bottles.

15 A Yes, sir.

16 Q All right. And what time did you get to your house?

17 A It had to be probably around 2:20, 2:30 maybe.

18 Q And how long was Jeremy gone?

19 A It seemed like he was gone in five minutes, because I
20 was kind of expecting him not to come back because it was
21 late. But he got there fairly quick, let's say roughly ten
22 minutes.

23 Q So who all was drinking at your house inside at this
24 point?

25 A At this point it was me, Lisa, Christina and, like I

PRETRIAL MOTIONS

1 said, Jeremy had just arrived, and Jeremy as well.

2 Q All right. So all four of you were drinking.

3 A Yes, sir.

4 Q And how long did you stay at your house?

5 A We stayed in the kitchen until Christina finished
6 eating, and then Lisa said, "Let's go to the creek and make
7 a fire." Because McKenzie, our youngest, had to go to
8 school the next morning, school had recently started. So
9 Lisa and I went and took -- we changed clothes to go to the
10 fire. After that we came back in the kitchen and we all
11 went outside. My neighbors had given me a bunch of wood,
12 like pallets and dry wood.

13 Q Let me stop you there. How long are y'all inside the
14 house?

15 A We're probably in the house maybe, I don't know, 15
16 minutes, 20 minutes. Not long at all.

17 Q And how many drinks do you have?

18 A While in the house I had one drink in the house.

19 Q And what kind of drinking was that?

20 A I was drinking Vodka and Coke.

21 Q And how many drinks does Jeremy have?

22 A I'm not really sure, probably two at least.

23 Q All right. So then what happens when y'all got down to
24 the creek?

25 A So after we got to the creek we grab a dry pallet and

PRETRIAL MOTIONS

1 we take it down to the fire and Lisa gets a fire started,
2 and we all pair off. Jeremy and I were talking and Lisa and
3 Christina were talking, and Jeremy pulled out his cell phone
4 and turned on some music.

5 Q Okay. What are you and Jeremy talking about?

6 A I had just recently purchased a drone, and I was
7 telling Jeremy about a wedding that I had photographed.
8 And, you know, earlier he had told me that he could help me
9 speed up my computer, he was an IT guy, so we talked about
10 that. I told him, you know, how much memory it eats up when
11 you video it. We talked about, you know, how I ended up
12 using Apple vs. PC, apparently he was a PC guy, which, you
13 know, is standard. He said that Apple was just a little bit
14 too expensive, the software -- wasn't a lot of the software,
15 so he was pointing out the pros and cons. And I was just
16 explaining to him, you know, previously we had built the
17 computer, it didn't work.

18 Q And what is the tone of this conversation?

19 A At first the tone was good, and then it just kind of
20 shifted to him having to have a one-up. It was more like --
21 the conversation changed from an easy flow to everything was
22 a debate. And what I mean by that is, you know, he took the
23 time to point out why PC was not as good as Apple or, you
24 know, I loved iPhone versus his Galaxy cell phone. You
25 know, it's almost 3:00 in the morning, I'm tired, I just

PRETRIAL MOTIONS

1 didn't really expect to come over here and have a debate at
2 3:00 in the morning. It was not an easy conversation. It
3 wasn't a bad conversation, but it wasn't easy. At that
4 point Christina said she had to go home because she had to
5 get up and go to work early that morning. Excuse me.

6 Q Take your time.

7 A So when Christina got up to go home I said, "I'll walk
8 you out," with the expectation that, you know, she's leaving
9 so Jeremy would be following as well. As we were walking up
10 the creek up the hill I made a comment, a rhetorical
11 comment, I was like, "Why do some people have to act like
12 ass holes?"

13 Q And what did you mean when you said that?

14 A It was a debating conversations with Jeremy. Like I
15 said, it wasn't an easy conversation, it's almost 3:00 in
16 the morning, I didn't really understand why he came over to
17 be slightly difficult, so nothing really. She didn't -- I
18 don't think she knew what I was talking about anyway. We
19 got to the edge of the house and I thanked her for coming
20 that time. By that time --

21 Q At this point do you have any hatred towards Jeremy?

22 A No. It wasn't any big deal. It was just the more he
23 drank the more aggressive he got, the more assertive he got.
24 And anybody that knows me, I'm really laid back, easy going.
25 So it wasn't an easy conversation.

PRETRIAL MOTIONS

1 Q You said the more he drank the more aggressive he
2 became. Were y'all still drinking down at the creek?

3 A Yes, sir.

4 Q And how many drinks did Jeremy have down at the creek?

5 A I think he had at lease one or two at the creek.

6 Q And how many did you have?

7 A I had a beer by the time we got to the creek. So I had
8 a beer when I went to the creek and I had the same one when
9 I came back up.

10 Q Was anyone else drinking down at the creek?

11 A We all were.

12 Q All were. All right. And what was Christina drinking?

13 A I'm not a hundred percent sure. I really didn't have
14 any interaction with Christina. It was just mainly me and
15 Jeremy talking and Lisa and Christina talking.

16 Q Okay. Do you know what Lisa was drinking?

17 A I'm thinking Lisa was drinking Vodka and Coke as well.

18 Q All right. So what happened when y'all got to the edge
19 of the house?

20 A When we got to the edge of the house, like I said, I
21 thanked Christina for coming, told we were happy she came,
22 and I was thanking -- because by that time she and Lisa had
23 gotten up to us and I thanked him for coming. And Jeremy
24 had mentioned updating this app prior at the creek.

25 Q Let me stop you right there. Why were you thanking

PRETRIAL MOTIONS

1 Jeremy for coming?

2 A Because I was assuming that Christina was leaving and
3 he was leaving as well. Like I said, we were at the edge of
4 the house, corner of the house, Christina was walking up --
5 further up the hill to get to her car and it's late. So,
6 you know, I was glad Jeremy came but it was kind of a polite
7 way of saying it's time to go.

8 Q And did Christina leave?

9 A Christina left, yes, sir.

10 Q Did Jeremy leave?

11 A No. Jeremy wanted to add an update to an application
12 that he had given us several months prior to that, it's a
13 Plex App for movies. So when Jeremy and I were talking at
14 the creek he was going to come back later that week and do
15 some work on my computer to speed it up. So I told him I
16 was like, "Well, how about you just update the app when you
17 come back later this week, it's a little bit late. He was
18 adamant that he wanted -- it wasn't going to take long. He
19 said, "Hey, man, it's only going to take a few minutes." I
20 was like, "Well, you know, it's really late, why don't you
21 just do it when you come back." And, you know, it was
22 obvious he wanted to do it and he was doing me a favor and I
23 didn't want to be rude, I didn't want to say, "Go home." I
24 mean, this is the first time he'd been over. I liked him, I
25 wanted to be friends. We had the same interests. I didn't

PRETRIAL MOTIONS

1 want to push him away. So I said in my mind the sooner he
2 can come in and add it the sooner he'll go home. And like I
3 said, it was just late, I was tired, and -- it was late, I
4 was ready to go to bed. At that point we all -- Lisa,
5 Jeremy and myself, we go in the house, Christina has left.
6 Lisa turns on the Apple TV and the TV. Jeremy refreshes his
7 drink. I'm not sure if Lisa got another one or not, and I
8 was still drinking the beer I had.

9 Q What is Jeremy drinking, do you know?

10 A I'm not sure because he had a cup. So he had brought
11 Four Loko as well as some liquor. I'm guessing he was still
12 drinking, liquor, I'm not a hundred percent sure. Because
13 by that time, you know, he could go in the kitchen and get a
14 drink himself. We had everything sitting out on the bar.

15 Q Did you get another drink?

16 A I did not. Lisa, like I said, she was turning the TV
17 on and we were getting everything set up so that Jeremy
18 could add the updates to our TV at the time.

19 Q Does Jeremy update the app?

20 A Yeah. Once the TV is on and we're all back socializing
21 in the -- I'm sorry, in the living room Jeremy updates the
22 app, and it was pretty easy like he said. And, you know, he
23 showed Lisa how easy it was and what we could do in the
24 future when we needed to update it, and then we just talked
25 a little bit. After he finished -- after he finished --

PRETRIAL MOTIONS

1 Q And how long did all of that take?

2 A That probably took about 15 minutes maybe, 15 or 20
3 minutes, but we were talking on and off. It wasn't like he
4 just went straight in the house and put the application on,
5 we were all sitting around talking. They were talking about
6 some of the changes that had went on in the company they
7 worked in. Apparently a lot of people had -- they closed
8 shop and people had to move to Charlotte. So once he
9 finished Lisa was tired, so she grabbed a blanket. And, you
10 know, like I said, we had been drinking all day, she had
11 cooked all day, she was tired, so she got on the couch.
12 Jeremy and I talked a little bit but we were getting kind of
13 loud.

14 Q What are y'all talking about?

15 A We're just talking about taxes, nothing heavy. But the
16 kids -- it was just loud to be in the house, so I suggested
17 that we go outside. One reason I suggested that was Lisa
18 was asleep so I cut everything off, and the other I was
19 really trying to get him to go on and go home, so I cut
20 everything off. And then he and I went out on the front
21 porch and sat and talked for awhile.

22 Q And what time is this?

23 A I'm guessing 3:30ish, maybe a quarter til 4:00, I'm not
24 a hundred percent sure. I just know that while we were on
25 the creek -- I mean, while we were on the porch Jeremy

PRETRIAL MOTIONS

1 started talking about Charlottesville. Apparently when they
2 were flipping through the channels to make sure everything
3 was working CNN popped up with Charlottesville, this
4 incident, and he started talking about how unfair it was
5 that they were taking these statutes down. And I have to
6 confess, I heard about it but I didn't know a whole lot
7 about it. We had taken McKenzie to the beach before school
8 the week before that, you know, I was all excited about this
9 lunar eclipse so I didn't really pay a lot of attention to
10 it. And, you know, while we were sitting on the porch
11 talking he was getting kind of excited about it and, you
12 know, I was telling Jeremy --

13 Q What do you mean excited?

14 A I mean upset, not really at me but just at the
15 situation. But by that time he was standing up over me and,
16 you know, we're on a very small deck, it's probably like ten
17 by 12.

18 Q What do you mean standing over you. Was he right up
19 face to face --

20 A Yeah, he was --

21 Q -- or just kind of side by side with you?

22 A He was -- he was here, I was standing down, so I ended
23 standing back up, and it was just really close. I would
24 back up and I was like, "You know, Jeremy, you're getting
25 upset over nothing, it really has nothing to do with us. I

PRETRIAL MOTIONS

1 mean, you know" -- and I think I made a comment that, you
2 know, "I was born in the south, I hadn't really had any
3 problems like that. But it doesn't have anything to do with
4 you and it doesn't have anything to do with me, it's just --
5 you've had a lot to drink and it's time for you to go home."
6 And the more I tried to calm him down or change the subject
7 really he just was kind of belligerent, and that's when I
8 told him, "You need to go home. I mean, it's late, my
9 family is asleep, I want to go sleep."

10 Q Was he getting worse as the conversation went on?

11 A Yeah.

12 Q By worse I mean more aggressive?

13 A He was getting more aggressive, more in my face. So I
14 said, "I'm going to go get your stuff and then you need to
15 leave." So when I walked in the house to get his liquor and
16 stuff that he brought with him he was right on my heels
17 walking around me. I walked around the island in the
18 kitchen to get it and he's talking loud, you know. Lisa was
19 on the couch passed out, she didn't budge. We walked around
20 the little island in the dining room and I was going to get
21 a plastic bag and put his stuff in, and he's right there
22 just talking about how unfair it is, I don't understand.

23 Q Let me stop you there. You said you walked around the
24 island. Can you just describe the layout of your house?

25 A It's a double wide mobile home, everything in there is

PRETRIAL MOTIONS

1 open. But when you get to the kitchen there is this island
2 probably half the size of one of your tables here and it has
3 got a stove inside of it and it has got a bar connected to
4 it like where you can eat on one side of it.

5 Q And how far is the kitchen from the living room?

6 A 15 feet maybe give or take.

7 Q And is there a solid wall separating the living room
8 from the kitchen?

9 A Yes, but the top portion of it is open.

10 Q Okay. So there's a window.

11 A Yes.

12 Q All right. So what happened once you start bagging the
13 liquor up?

14 A He didn't want it. He didn't want it. He was adamant
15 that I keep it. So at that point I walked back outside and
16 got him to come back on the front porch. You know, he had a
17 few words to say, and then I just told him, "Jeremy, I need
18 to go make sure this fire is out, I need you to go home.

19 We'll get together tomorrow or later this week and you'll
20 feel a whole lot better. It's just you're making a big deal
21 out of nothing." At that point he's like, you know, he kind
22 of apologized and, you know, we walked down the staircase
23 together. I shut the door before I left, and then we walked
24 down the staircase together, and I just told him, you know,
25 "It's time for you to go home. I need you to go home and

PRETRIAL MOTIONS

1 leave and I'll get with you later this week about the
2 computer stuff." He got in his car, crunk up, by that time
3 I had the corner of the house to walk in the back just to
4 make sure the fire is out, I always checked that before I
5 went to bed. So I went back down to the creek, checked to
6 see if the fire was going, and it was pretty much almost
7 out. I came back up through the back door and, you know,
8 once I was walking down the hallway that's when I realized
9 apparently I didn't lock the door in the front because I
10 could see light coming from the front. There's a -- we have
11 a light in our front yard and then I think the neighbor has
12 got one across the street, one of those big light polls, and
13 I could see the light shining off the wall.

14 Q You're talking about the light. You know, is there any
15 other light other than what's coming in?

16 A No. Our mobile home has carpet like this but it is
17 dark green, it's like super dark and it just sucks up any
18 light. It should have been dark when I walked in the house,
19 closed the door and headed down the hall, but I could see
20 light coming off the wall, and that was normal. I knew at
21 that point that I didn't lock the door.

22 Q Why is that normal?

23 A Because the knob on the front door is broken and you
24 have to have a key to lock the -- bolt lock to keep the door
25 shut. So we got a screen door and a lot of times when the

PRETRIAL MOTIONS

1 screen door closes the pressure will push the front door
2 open, so I just assumed that I didn't lock the door. I
3 thought I did but I didn't. So I walked down thinking I'm
4 just going to lock the door and go to bed, and I get half
5 way the length of the couch and I see this figure, and I
6 look over and that's when I see -- that's when I see Jeremy
7 in my house.

8 Q And you see this figure that's Jeremy. Is he standing
9 up?

10 A It's dark --

11 Q What's he doing?

12 A He's straddling Lisa it looks like. She's on the couch
13 but it looks like he's positioned himself to where none of
14 his pressure, his body is on hers, but this is a split
15 second look. You've got light coming in, I see this figure,
16 and Jeremy is a pretty big guy, and like I said, it's dark.
17 So I jump. It's like walking in the woods and running up on
18 a snake, and I'm terrified of snakes. I see him and nobody
19 should have been in the house, but Lisa should have been
20 asleep. Nobody should have been up but me.

21 Q All right. So is Jeremy just straddling Lisa sitting
22 straight-up? Is he leaning to one side or the other?

23 A It looks like to me that he had his knee braced on one
24 side and the other run straddling on the other side of her,
25 and when I got up close he had his hands around her neck.

PRETRIAL MOTIONS

1 Q Is Lisa awake?

2 A Lisa is completely out. I don't know if she's asleep,
3 I don't know if she's dead, I don't know what's going on.
4 Because at that point I asked Jeremy, "What are you doing in
5 my house?"

6 Q And what does he say?

7 A And it was like he didn't even know who I was. It was
8 like -- the tone of his voice was completely different than
9 it was when he had just left. He said, "I'm going to rape
10 Lisa, and I'm going to kill her," and it was just cold, and
11 it was like intent -- it was like -- I've never seen him
12 like that. And I'm scared. I could feel my heart pounding
13 out of my chest. And I was like, "Why? What could we have
14 done to you?" And he was like, "I'm going to kill Lisa, I'm
15 going to rape her, and then I'm going to rape your
16 daughter." My daughter is 14. I've been in McKenzie's life
17 since she was a little girl. Lisa had been molested as a
18 little girl and she had told me about it, so we were
19 protective. I mean, we took care of these kids. We had --
20 I hadn't done anything to this guy. I thought, you know, he
21 was just somebody that -- he was interested in the same
22 things I was interested in. At that point I started yelling
23 "Lisa, wake up."

24 Q Let me stop you there. You said you didn't do anything
25 to upset him?

PRETRIAL MOTIONS

1 A Nothing. Nothing. I mean, I went --

2 Q Did you get in his face about Charlottesville when he
3 was in yours?

4 A No, sir. The only thing I said about Charlottesville,
5 I said, "Man, we've had a lot to drink, it's not a big deal.
6 It has nothing to do with you." I said, "When you wake up
7 tomorrow you'll look at this and you won't even think twice
8 about it, it's just no big deal." So when he left I thought
9 he was coming back later that week, you know, next time I
10 talked to him he would apologize. He would apologize for
11 the way he acted that night. Yes. He apologized that night
12 but, you know, the next time you see somebody is when you
13 know if they're generally concerned about their behavior. I
14 didn't think anything about it. I thought -- when he got in
15 his truck it was out of sight, out of mind, but when I saw
16 him in the house and I asked him what he was doing there and
17 he told me, you know, "I'm going to rape Lisa. I'm going to
18 kill her." And then he says, "I'm going to rape your
19 daughter." And I'm thinking about all the conversations,
20 all the problems Lisa and I have had and everything, how she
21 was and how hurt she was. You got to understand, this is my
22 kid; happy, funny, jokes around. She is just a typical 14
23 year old. What was he going to do to her? And then he says
24 "I'm going to kill your entire family." I was scared. I
25 didn't know what to think. I didn't know what to do. I

PRETRIAL MOTIONS

1 didn't have any weapons. I don't have any guns in the
2 house. The only thing I've got is like a pellet rifle for
3 snakes at the creek. All I knew at that time was Lisa was
4 not waking up. No matter how much I was yelling, "Lisa,
5 wake up, we're in trouble," she wasn't waking up, so I
6 didn't know if she was dead or alive.

7 Q You said you were yelling at Lisa to wake her up. Did
8 you do anything else to wake her up?

9 A No. I couldn't get close because -- I knew he had been
10 to the car, I knew he had left, and I didn't know if he had
11 something. I didn't know what he had if anything and I
12 could only see his hands on her throat. I knew he had been
13 in the military so I didn't know if he -- he could have
14 choked her out, killed her, she could have been already
15 dead. At that point when he started laughing at me, like,
16 "Look at you, look how scared." And I'm shaking like a
17 leaf, just nerves, hands sweating, sweating from my head,
18 heart pounding. And all I could think of is if I don't do
19 something to protect my family we're all going to die. My
20 kids are going to die, Lisa is going to die, and I'm
21 hysterical and she's not budging, she is not moving. I run
22 to the kitchen, that's the only thing I could think of, it
23 was DeAndre's birthday and I run to the kitchen. I grabbed
24 the first thing I could grab off the counter, and when I
25 come down the hall I'm still yelling, "Lisa, wake up, we're

PRETRIAL MOTIONS

1 in trouble. Lisa, wake up." I get probably to the edge of
2 the couch, at that point --

3 Q Let me stop you here. You said you ran to get a knife,
4 why didn't you just grab a phone and call 911?

5 A I hadn't seen -- to this day I have not seen my phone.
6 I have no idea where my phone is.

7 Q Do you have a land line?

8 A No, sir.

9 Q Did you know where Lisa's phone was?

10 A No, sir.

11 Q Do you either of your kids have cell phones?

12 A They have them but I've never used them. At that point
13 the only thing I could see was life and death.

14 Q Did you know where any cell phone was?

15 A No, sir.

16 Q All right. So what do you do after you run back from
17 the living room?

18 A You know, I run back to the living room yelling, "Lisa,
19 Lisa wake up, wake up." She's not waking up. Jeremy is
20 running at me and he's telling me he's going to kill me.

21 Q Where are you when Jeremy runs at you?

22 A By the time Jeremy runs at me and I get to the edge of
23 the couch, like the back corner of the couch, and he's
24 coming off of Lisa and he's running at me telling me he's
25 going to kill her.

PRETRIAL MOTIONS

1 Q The back corner, would that be Lisa's feet or --

2 A That would be Lisa's head.

3 Q All right. Does Jeremy say anything to you?

4 A He just tells me he's going to kill me.

5 Q So what do you do then?

6 A At that point it was auto pilot, I just protected
7 myself. I was scared. I mean, it's is like never being in
8 a situation like that. I hadn't taken any defense classes,
9 I hadn't dealt with -- none of my friends were violent.
10 Nobody I ever dealt with -- we had fires at the creek all
11 the time, it was old people sitting around talking about
12 work. I had no reason to think Jeremy was going to hurt my
13 family. We talked to this guy over a year, no reason to
14 think this. I mean, it was just like out of the blue, no
15 reason, but the only thing I could think is, "What do I do?
16 Do I let my family die? If I don't move, if I don't do
17 something to protect my family we're all going to die."

18 Q How much bigger is Jeremy than you?

19 A Jeremy is about 6'1", 300 pounds. At that time I was
20 230, out of shape and asthmatic. And then my son, you know,
21 DeAndre had jumped on my back about a year prior to that and
22 blew out my knee. I mean, he was just playing, he was happy
23 to see me, but he jumped on me playing and my knee blew out.
24 So I can't -- even during my weddings when I photographed
25 weddings I can't bend down and get up. I was scared. I

PRETRIAL MOTIONS

1 mean, I couldn't imagine -- I don't know. I did the best I
2 could do in that situation. And the thing -- all I could
3 think about was protect my family.

4 Q And were all of the lights still off at this time?

5 A Yes, sir.

6 Q And what happened then?

7 A After it was over I'm in shock. I'm hysterical. I'm
8 crying, I'm screaming. I go over to Lisa, she's oblivious.
9 She ain't woke up, she ain't moved, nothing. I go and I'm
10 screaming, "Lisa, wake up. Are you okay? Wake up, Lisa."
11 She doesn't move. I go shake her and shake her, and I
12 finally get her to wake up. And you know, she's like
13 delirious when she wakes up. Lisa sleeps heavy, and then
14 we're talking about alcohol in the mix. Once I get her
15 awake, by that time I'm screaming to the point that I scare
16 her. I'm telling her, you know, "Call the police." And,
17 you know, I just screaming, "He tried to rape you. He tried
18 to rape you." That's all I could get out, "He was trying to
19 rape you. He was trying to rape you." I remember Lisa
20 calling 911, and I remember just panicking because she's
21 panicking. I go get my keys, wash my hands and tell her I'm
22 leaving while she's on the phone and I jump in my truck and
23 I leave. I get --

24 Q Why did you leave?

25 A I'm sorry.

PRETRIAL MOTIONS

1 Q Why did you leave?

2 A I was scared, I wasn't thinking. I just couldn't
3 process everything that happened. I just -- it was a lot.
4 I mean, I couldn't process it. I was scared. I was
5 terrified. I got probably about half a mile, less than half
6 a mile and I realized, "Man, I don't even know if my kids
7 are okay. Did he do something to McKenzie, did he do
8 something to DeAndre?" I turned around immediately and I
9 come back, and that's when I see the police there and I'm
10 like, "Thank God, the police are here." But I was just in
11 shock. I mean, I couldn't -- stuff like this doesn't happen
12 to people, to me. It just don't happen to you. That stuff
13 happens on TV. It wasn't real.

14 Q Mr. Holloway, do you feel like there is anything else
15 you could have done at the time?

16 A Hindsight, I wish I had followed my gut and never went
17 out that night. Hindsight, I wish when Christina left that
18 I was adamant about Jeremy going on home. There was nothing
19 I could do. I mean, if I hadn't have protected my family we
20 would have all been dead.

21 Q And you, Lisa and your children lived in the house for
22 ten years prior to this; is that correct?

23 A Yes, sir.

24 JAMES H. PRICE, IV: Mr. Holloway, at this time I have
25 no further questions for you, please answer any questions

PRETRIAL MOTIONS

1 the State may have for you.

2 MR. BULSA: May it please the Court?

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. BULSA

6 Q Mr. Holloway, what's your relationship like with Lisa
7 now?

8 A We are no longer together.

9 Q And what was it like with her at the time this
10 happened?

11 A We were in a relationship, we were raising kids
12 together.

13 Q Did you often yell at her?

14 A Me?

15 Q Yes, sir.

16 A To my knowledge, no.

17 Q Scream at her?

18 A No.

19 Q So loud that the neighbors could hear you?

20 A To my knowledge, no.

21 Q Did she ever scream at you?

22 A I mean, we've had arguments but we've never had
23 problems like that to my knowledge.

24 Q Well, if a neighbor came into court and said they would
25 hear screaming and yelling at your house often, who would

PRETRIAL MOTIONS

1 they have been hearing, you or her?

2 A Probably her.

3 Q Okay. And she was sleeping on the couch, wasn't she?

4 A She was unfortunately passed out on the couch, yes,
5 sir.

6 Q So your claim is she wasn't sleeping there. She didn't
7 lay down to go the sleep there, she just passed out.

8 A Yes.

9 Q Okay. So you're not telling us that she wasn't
10 sleeping in the bed with you anymore.

11 A I'm sorry, what was the question?

12 Q She wasn't sleeping in the bedroom with you, was she,
13 at that time?

14 A Yes.

15 Q Were you jealous of people seeing her and speaking to
16 her?

17 A No. I don't have a jealous bone in my body.

18 Q Were you jealous Jeremy might have been paying her some
19 attention?

20 A No, sir.

21 Q Now, if I understand your story correctly, when the
22 first blow was struck Jeremy was running at you.

23 A Yes, sir.

24 Q And you had already armed yourself with a knife.

25 A That was the only thing I had in my house.

PRETRIAL MOTIONS

1 Q But you had armed yourself with a knife.

2 A Yes, sir.

3 Q Going into the kitchen and armed yourself with a knife.

4 A Yes, sir.

5 Q Okay. And while you armed yourself with a knife you
6 said Jeremy was straddling Lisa on the couch with his hands
7 around her throat.

8 A Yes, sir.

9 Q And while he was in that position he was making threats
10 against her and your family.

11 A Yes, sir.

12 Q That he was going to kill them.

13 A Yes, sir.

14 Q All right. So where were you in the house when you
15 struck the first blow?

16 A Where was I in the house when I struck the first blow?

17 Q Yes, sir.

18 A I don't remember anything after Jeremy came at me and I
19 hit that corner. Once he ran at me and said what he said,
20 that's the last thing I remember about any interaction with
21 the Jeremy.

22 Q When you hit what corner?

23 A The edge of the couch, the back corner of the couch.

24 Q Do you remember how Lisa was laying on the couch?

25 A Her head was facing our bed on her back.

PRETRIAL MOTIONS

1 Q So her head -- I'll show you this.

2 JAMES H. PRICE, IV: No objection, Your Honor.

3 Q All right. This is State's Number 5 for this hearing,
4 sir. This is a diagram. Is that an accurate diagram of
5 your house? Maybe not to scale but --

6 A Yes, sir.

7 Q Okay. And at the base of this diagram we see what's
8 called the front yard and a rectangular spot. Would that be
9 the front porch?

10 A Yes, sir.

11 Q And you enter into the living room; is that right?

12 A That's correct.

13 Q And which bedroom did you call yours and Lisa's?

14 A Right here.

15 Q First bedroom to the left. Excuse me, to the right.

16 A To the right.

17 Q So it's a split bedroom plan, right?

18 A Yeah. The kids are on that side there.

19 Q They're on that side and you and her would be on that
20 side. Okay. And the kitchen is off to the left of the
21 living room?

22 A Yes, sir.

23 Q And then there's a dining area sort of in the corner
24 connected to the living room --

25 A Yes, sir.

PRETRIAL MOTIONS

1 Q -- in front of the kitchen?

2 A Yes, sir.

3 Q Let me show you State's Number 6. Is that an
4 accurate --

5 A That's correct.

6 Q -- depiction?

7 A Yes.

8 Q So you see the couch looking object right there?

9 A Yes.

10 Q And this opening at the part of the couch, is that the
11 door to your room?

12 A Yes, sir.

13 Q Now, how would Lisa have been positioned on that couch?

14 A Her head was here.

15 Q Her head would have been closer to the wall.

16 A Well, facing the bedroom wall, yes, sir.

17 Q Okay. Her head would have been to the wall and her
18 feet would have been towards the kitchen area.

19 A Yes.

20 Q Okay. So based on her positioning and your
21 description, Mr. Bell, Jeremy, would have been straddling
22 over her facing the bedroom wall.

23 A Yes.

24 Q So his back would have been to the kitchen.

25 A Yes.

PRETRIAL MOTIONS

1 Q So his back would have been to you as you say you came
2 in the back door.

3 A Yes.

4 Q All right. Walk us through that again. He was
5 straddling her not putting any weight on her?

6 A I mean, it looked like he had his -- his one leg on
7 this side and one leg on the edge of the knee, but it didn't
8 look like he was all the way on her. He had his hands on
9 her neck when I came down the hall. And I got halfway the
10 length of the couch and the light was coming in -- would
11 have been coming -- I would have been going this way, the
12 light would have been coming in this way.

13 Q How big is Lisa?

14 A I don't know, she's not a big woman.

15 Q How much of the couch would she take up if she was
16 passed out on it?

17 A I mean, she could -- just -- I don't know. I mean, she
18 could have took up a good bit of it.

19 Q And you want us to believe that this 300 pound man was
20 straddling her without putting any weight on her?

21 A Like I said, I walked in the house, I saw him on top of
22 her and --

23 Q Where did it come from that there was no weight being
24 put on her?

25 JAMES H. PRICE, III: Objection, Your Honor. He gets

PRETRIAL MOTIONS

1 a chance to answer the question.

2 A It just looked like he was still up in the air, he was
3 high. His face was -- it wasn't down where she was laying,
4 his face was not down where her face was, it was almost like
5 he was up. So I'm assuming that he had put pressure on one
6 side so that he couldn't lay on her. I don't know. All I
7 know is --

8 Q How do you even see his hands on her neck?

9 A The light coming in the front door.

10 Q But you're coming in from behind him?

11 A I didn't notice him until I got almost parallel with
12 him. He was here when I saw him. So just like this young
13 lady is here, I get beside him and I can see here and there
14 is light coming down.

15 JAMES H. PRICE, III: No objection for the purpose of
16 this hearing.

17 MR. BULSA: Are you going to object during the trial?

18 JAMES H. PRICE, III: Well, I might. And no objection
19 to whatever these will be numbered, pictures of the marital
20 home.

21 THE COURT: Okay.

22 Q Okay. Help the Court understand your residence and the
23 location where this happened. State's Number 7 for this
24 hearing, does that show the front of your house?

25 A Yes, sir.

PRETRIAL MOTIONS

1 Q Okay. And we see the porch, right?

2 A Yes, sir.

3 Q Okay. Whose vehicles are in that picture?

4 A That's Lisa's vehicle and that looks like Jeremy's
5 vehicle.

6 Q So Lisa's is in the driveway?

7 A Yes, sir.

8 Q And Jeremy's is up on the road.

9 A Yes, sir.

10 Q Okay. And State's Number 8. Is that the back of the
11 house?

12 A Yes, sir.

13 Q And you're telling us that's the back door that you
14 came in?

15 A Yes, sir.

16 Q Okay. State's Number 9. Is that the front door?

17 A Yes.

18 Q And you're telling us that door would not stay closed
19 unless you deadlocked it?

20 A Yes, that's correct, the door. The knob is broken so
21 you have to use the deadlock bolt at the top, and sometimes
22 when this screen door closes it pushes the pressure and
23 pushes that door open.

24 Q Well, that's actually a storm door. So the glass, the
25 force from the glass door?

PRETRIAL MOTIONS

1 A Yes, sir, from the storm door. When it closes it will
2 push that other door open.

3 Q Okay. So that's your explanation of how you saw light
4 coming in the door.

5 A Yes, sir.

6 Q Because it wasn't daylight, was it?

7 A No, sir.

8 Q What time was all of this?

9 A It was probably about 4:30 or 5:00.

10 Q 4:30 or 5:00.

11 A I'm not a hundred percent sure. I had quite a bit to
12 drink. I thought Jeremy was gone, so it was after I assumed
13 that he left.

14 Q What time did you assume he left?

15 A About, like I said, somewhere between -- I don't know,
16 it was after 4:00. I really don't know what time exactly it
17 was.

18 Q After 5:00?

19 A I could have been after 5:00, I don't know what time it
20 was. I didn't have my phone on me.

21 Q This picture shows a light by the door, it looks like
22 it's on.

23 A Okay.

24 Q Is that the light that you say you would have seen?

25 A No.

PRETRIAL MOTIONS

1 Q What light would you have seen?

2 A We got a -- we have a light in our driveway, and I
3 think there's a light in the neighbor's across the street.

4 Q So it's the street light that you said would have been
5 shining through?

6 A Yes.

7 Q And that would have illuminated enough of that room to
8 allow you to see Jeremy?

9 A When I walked right up on him, yes, sir. It was enough
10 to scare the living daylights out of me. He shouldn't have
11 been in my house.

12 Q State's 10. That's a view looking back towards the
13 front door; is that right?

14 A That's correct.

15 Q From the living room?

16 A Yes.

17 Q It shows the couch.

18 A Yes, sir.

19 Q Looks like a blanket or two and some pillows.

20 A Okay.

21 Q Is that true?

22 A Yes, sir.

23 Q What's this black object on it?

24 A I don't know.

25 Q You don't know?

PRETRIAL MOTIONS

1 A I can't really tell.

2 Q Okay. A bag of some sort?

3 A Yeah, it looks like it. I don't know. It could have
4 been somebody's bag from the investigation, I'm not sure.

5 Q Okay.

6 A It doesn't look like anything of mine.

7 Q And that's the couch that Lisa would have been sleeping
8 on?

9 A Yes, sir.

10 Q Her head would have been close, if you're looking at
11 the picture, the left-hand side of the couch?

12 A Yes, sir.

13 Q And you claim you saw Jeremy straddling her on that
14 couch.

15 A Yes, sir.

16 Q Okay. I'm going to go through some of these.
17 State's 11 is a view from the front door looking back
18 towards what? Looking into the house towards what area?

19 A The dining room.

20 Q The dining room? Okay. And you see you have a love
21 seat apparently that matches the couch?

22 A Yes.

23 Q And a coffee table?

24 A Yes.

25 Q That's in front of a fireplace?

PRETRIAL MOTIONS

1 A Yes.

2 Q And State's 12. Where would that picture have been
3 taken from?

4 A Looks like it's behind the love seat in the dining
5 room.

6 Q Is that the view you would have had from the hallway?
7 You tell me. Do you need to look at something?

8 A I can't really see the hallway. No. I wouldn't have
9 been able to see this. I mean, I think -- I think this
10 lines up with the hallway coming down.

11 Q The couch?

12 A Yeah, like this wall right here. The hallway is right
13 there.

14 Q Okay.

15 MR. BULSA: State's 11, Your Honor.

16 Q Just so I understand you, you're telling me that from
17 State's 12 you would not -- if you're coming down the
18 hallway you would not have been able to see your love seat.

19 A I mean, I don't really know. I think the love seat is
20 more behind or positioned by the dining room table, so it's
21 not -- that's not the -- that's a better picture right
22 there.

23 Q State's 13.

24 A Okay. So you can see the love seat. Okay. I couldn't
25 remember that, it's been awhile.

PRETRIAL MOTIONS

1 Q Your story, sir, is that you were coming down the hall
2 from the back door and you saw that man straddling your
3 girlfriend.

4 A When I got somewhere in here. I wasn't expecting -- I
5 mean, when I walked down this hallway, the only thing in my
6 mind is going to bed, I'm not expecting anybody in the
7 house. I'm thinking Lisa is asleep on the couch, I'm not
8 expecting anything so I'm not even paying attention. Not to
9 mention I had been up 24 hours probably. Every light in the
10 house is off with the exception of whatever the light that's
11 coming off of that front porch, so --

12 Q So the kitchen light is off?

13 A It was off at the time, yeah.

14 Q And the living room light is off?

15 A All of that was off, yes, sir.

16 Q So you would have been walking into a dark house.

17 A Yes. I've done it a thousand times.

18 Q From the back door.

19 A A thousand times.

20 Q Okay. And it was because of the light from the street
21 light that you -- as you walked in the living room you tell
22 us you saw someone straddling --

23 A When I walked into the living room and the light was
24 coming in is when I noticed Jeremy to the left. I was
25 headed right to lock the door and that's when I noticed

PRETRIAL MOTIONS

1 Jeremy to the left.

2 Q Okay. So you were going around the couch to go to the
3 door and you just happened to see him.

4 A Right.

5 Q So you didn't see him as you were coming down the hall.

6 A No. I didn't see him as I was coming down the hall.

7 Q So you would have been almost parallel to him.

8 A Close to the door, yes.

9 Q And how close would that have placed you to him?

10 A From where you are now?

11 Q No, just from where you are.

12 A I guess like if you moved this -- maybe right -- maybe
13 about right in there is when I noticed him.

14 Q About six or eight feet?

15 A Something like that, yeah.

16 Q So it would have been off to your left?

17 A He would have been to my left, yeah.

18 Q And you saw him and you turned and confronted him?

19 A I looked over -- I was headed towards the door, I
20 looked over and that's when I saw him, and I said, "What are
21 you doing in my house?"

22 Q Okay. And then he made these comments that you say he
23 made?

24 A Yeah. It was like he didn't recognize me. It was like
25 he was just in a zone or something. That's when he told me

PRETRIAL MOTIONS

1 he was going to kill Lisa. At that point I'm scared. I
2 don't have anything in the house. And, you know, after I
3 asked him why was he doing this he was laughing, he was just
4 laughing like there was nothing I can do to protect my
5 family. It was -- I had never seen anything like this in
6 him ever.

7 Q So how loud was he?

8 A I mean, I don't know. It should have been loud. Him?
9 He was not loud at all, he was calm. He was -- a matter of
10 fact, the way he said it to me let me know -- and I don't
11 know if I can say this, but I felt like he had done this
12 before. He felt in control. And the more in control he
13 seemed the scarer I was, because it just made me feel like
14 there's no way, you know, there's no way somebody can do
15 something like that and be that cool about it. It was a
16 matter of fact.

17 Q You're telling this Court that in the matter of seconds
18 with you being in the intoxication level you were at that
19 you were able to process that thought, that this guy has
20 done this before?

21 A Yes. I said it a thousand times on that video, there
22 is no way he has not done that before.

23 Q Yeah. We'll get to the video.

24 A That's what went to my mind.

25 Q You're processing all of this --

PRETRIAL MOTIONS

1 JAMES H. PRICE, III: Your Honor --

2 THE COURT: Yeah, let him answer the question. Go
3 ahead.

4 A What went through my mind at that moment was that I was
5 scared and he was cool. He was not -- he was not even
6 scared that I caught him. He wasn't shaking, he wasn't
7 startled. It was like he wasn't even afraid of me at all,
8 and he let me know he wasn't afraid of me. And that's what
9 put me in panic mode. Because if the shoe had been on the
10 other foot and I got caught with my hands in somebody's
11 cookie jar, I think I would have been scared. I think I
12 would have been trying to explain why I was there, what was
13 going on. I just --

14 Q So you didn't freeze.

15 A I froze, yeah.

16 Q You did freeze?

17 A Yeah.

18 Q All right. Well, how long did it take you to thaw?

19 A I don't remember. But all I know is that after he was
20 laughing and telling me what he was going to do to my
21 daughter, 14, I knew that I didn't have a choice, and I
22 don't remember thinking about it. I just remember running
23 to the kitchen, grabbing and running back and screaming
24 trying to get Lisa to wake up.

25 Q Okay. Let's talk about the kitchen a minute,

PRETRIAL MOTIONS

1 State's 14.

2 A Yes, sir.

3 Q That's shows the opening of the kitchen. State's 15
4 gives you a full view of the kitchen; is that right?

5 A Yes, sir.

6 Q So where did you run to in the kitchen?

7 A Not remembering everything, but I think we keep stuff
8 on this side, I would have grabbed something off of this
9 side.

10 Q Okay. That's the side near the refrigerator?

11 A I guess on the right side of the refrigerator.

12 Q Did Jeremy stay on Lisa while you're doing this?

13 A When I ran to the kitchen and got back he was still on
14 top of her.

15 Q Still had his hands around her throat?

16 A Yes.

17 Q Okay. So how close did you get to him before he got
18 off of her?

19 A I ran to about the edge of the couch and I'm yelling,
20 "Lisa, Lisa, are you okay? Wake up. Are you okay." At
21 that time I guess he realized I was in there and he jumped
22 off of her and I was right there in that gap -- if you can
23 show me -- I was right there in that gap between the edge of
24 the couch and the door.

25 Q Let me show you two pictures, State's 10 and 12. Which

PRETRIAL MOTIONS

1 picture would give us the best view of what you're
2 describing?

3 A This one. I was about right here.

4 Q State's 10? That's the one that shows us the back
5 showing the front door. Are you telling us that you went to
6 kitchen, grabbed a knife and came all the way back and ran
7 into the room to the far side of the couch near your door?

8 A Yes.

9 Q And Mr. Bell was still on top of her?

10 A When I got the edge and I was screaming, "Lisa, Lisa,"
11 he saw me and he jumped off of her and he came, and yes, he
12 met me at this opening right around here.

13 Q Near that table?

14 A No. The couch is right here.

15 Q Yes, sir.

16 A He would have been right -- I would have been here, he
17 would have come off of her.

18 Q Let's look at State's 12 then. Close to where he's
19 lying?

20 A Yeah. Pretty much where he's lying.

21 Q Okay. So he got off of her, and I think your testimony
22 was that he ran towards you.

23 A Yes, sir.

24 Q Right?

25 A Yes, sir.

PRETRIAL MOTIONS

1 Q And he ran towards you and you did what?

2 A I protected myself.

3 Q Well, how did you protect yourself?

4 A I had a knife in my hand and I just stabbed him. I
5 don't remember. I don't remember how I was holding the
6 knife. I don't remember how I had it positioned. I don't
7 remember stabbing. I just remember being scared. I
8 remember him coming at me and I remember thinking that we
9 were all going to die that night.

10 Q Okay. So when he was running towards you and stabbed
11 him, did he fall into you?

12 A I don't remember any of that portion. I don't remember
13 any of the altercation. I just remember him jumping off
14 Lisa, me getting to that edge of the couch and him charging
15 at me and me protecting myself.

16 Q Did you have any injuries?

17 A Did I have any injuries?

18 Q Yeah.

19 A To my knowledge, no.

20 Q Where did you have blood on you?

21 A On my shoes if I remember correctly. On my shoes.

22 Q Did you have the same shirt on you were wearing?

23 A Yes, sir.

24 Q So you didn't change shirts?

25 A No. The only thing I changed was my shoes and my blue

PRETRIAL MOTIONS

1 jeans when we went to the creek.

2 Q Okay. Well, were you wearing the blue jeans that you
3 had on when the police arrested you?

4 A Yes, sir.

5 Q So you had blood our blue jeans?

6 A I guess, I don't really remember.

7 Q You don't remember kneeling over him and stabbing him
8 in the gut multiple times?

9 A No.

10 Q You don't remember slamming him up against the wall
11 after you stabbed him in the back?

12 A Jeremy is about 300 pounds, I'm overweight and out of
13 shape, there's no way I slammed him into the wall.

14 Q How did he get stabbed in the back if he was rushing
15 towards you?

16 A I don't know. I don't know. I mean, at that point all
17 I know is I was in fear and I was -- it must have been auto
18 pilot. I don't remember any of that. The only thing I
19 remember as far as Jeremy after that is trying to wake Lisa
20 to check on Lisa to see if she was alive. That's it. I
21 don't remember the actual incident. I remember him being in
22 my house, laughing at me, telling me what he was going to do
23 to my family, so scared that I ran down to the kitchen to
24 grab the first thing I could grab and coming back and that's
25 when he jumped off. The actual altercation I do not

PRETRIAL MOTIONS

1 remember.

2 Q Didn't you tell the police in many of your ramblings
3 that you tried to wake Lisa up before this even happened?

4 A I tried to wake Lisa up when I found him in the house
5 is what I remember.

6 Q Didn't you the tell the police you tried to shake her
7 awake before you stabbed him?

8 A I don't remember. I mean, again, we had been up
9 drinking, I had been up 24 hours. It's probably 5:00 or
10 6:00 in the morning, I'm scared to death. All I can think
11 about is someone that I thought was my friend just turned on
12 me and my family and I don't even know why. And the details
13 are a little foggy when all you can think about is surviving
14 and making sure your daughter and your kids are not dead. I
15 can't sit here and tell you I remember every single thing
16 because I really don't, I really don't. All I know for the
17 last 560 some odd days is that I relive this nightmare every
18 day and I thank God that my daughter just got to hit 16 last
19 week. If I hadn't have done what I did she wouldn't have
20 done that.

21 Q What happened -- where did Lisa go?

22 A What do you mean?

23 Q When she finally woke up.

24 A I told her to call the police.

25 Q How long did it take you to wake her up?

PRETRIAL MOTIONS

1 A I don't remember.

2 Q What caused her to wake up?

3 A I shook her and I shook her until she woke up. She
4 was -- when Lisa woke up she was delirious, she had no idea
5 what had happened. She didn't even know we were in trouble.

6 Q And --

7 A I was there when she called 911. I told her to tell
8 them -- I kept screaming, "He was trying to rape you, he was
9 trying to rape you." That's all I could get out.

10 Q You were there? Where were you?

11 A I was when she called 911, I was the one that told her
12 to call 911. I was the one screaming tell her -- you know,
13 she was like -- she was -- she called 911. I told her to
14 call 911 and I told her -- all I remember saying is -- all I
15 could say, "He was trying to rape you. He was trying to
16 rape you." And I was screaming and she was screaming, we
17 were both scaring each other. So at that point I made a bad
18 decision, I got scared, I went and got my keys and I left.

19 Q Where was she when left you, sir?

20 A When I left it looked like she was walking down the
21 hall, but I don't remember all of that.

22 Q Had she already made contact with 911?

23 A I think she was on the phone with 911, yes, I think.
24 I'm not a hundred percent sure.

25 Q Okay. And how long were you gone?

PRETRIAL MOTIONS

1 A I don't know. I got in the truck and I drove about
2 less than half a mile and I realized I didn't know if my
3 kids was all right. I didn't know if he had been in their
4 room before I found him. I didn't know what happened and I
5 realized I shouldn't have left and I came right back. And
6 when I got back thank God the police was there.

7 Q When did you -- when you say you went a half a mile,
8 where did you turn around?

9 A I know that I didn't make it -- there's a lake out
10 there, so I would have came out of the neighborhood, taken a
11 left, I think that's Dodson Road, and then at then of that
12 road is Victor, I believe, and I took a right. And probably
13 got between Victor Road and almost to Berry Shoals and I
14 turned around right in there, I think.

15 Q Turned around and drove right back.

16 A I think, yes, sir. I don't -- I mean all of that is
17 just a blur.

18 Q You testified you drove a half a mile and turned around
19 and came back.

20 A I said less than -- possibly less than half a mile.

21 Q Oh, less than half a mile. It doesn't take long to
22 drive a half a mile, does it?

23 A No, sir. I could have been -- I don't know how fast I
24 was driving, I don't know if I was driving slow. I was
25 crying. I don't know.

PRETRIAL MOTIONS

1 Q And when you got back the police were already there.

2 A Yes, sir.

3 Q And you saw the video yesterday.

4 A Yes, sir.

5 Q Okay. You walked up and wouldn't even tell them your
6 name.

7 A I was in shock, I couldn't even remember my name.
8 Somebody had just tried to killed me. Have you ever been in
9 the situation? Have you ever been so scared that you don't
10 know --

11 THE COURT: Wait a minute, sir. He gets to ask the
12 questions, you give the answers, okay?

13 THE DEFENDANT: I'm sorry.

14 A I was terrified. I couldn't remember my name. I was
15 scared.

16 Q Okay. I'm not going to go through your whole story
17 with you, we'll do that later if we get to that point in the
18 trial.

19 A Yes, sir.

20 Q You said you had two jobs?

21 A I worked at Creda (phonetically) and then I was a
22 photographer for Golden Opportunities.

23 Q And you had just got laid off?

24 A Yes, sir. The week of the lunar eclipse, the day
25 after, yes, sir.

PRETRIAL MOTIONS

1 Q Which would have been the week before this happened.

2 A I'm sorry?

3 Q The lunar eclipse was the week before this incident
4 happened, right?

5 A Yes, sir.

6 Q So you were out of work almost two weeks.

7 A I don't -- I thought it was one week. I thought this
8 happened the week after I lost my job.

9 Q The lunar eclipse was on the 21st of August and this
10 incident occurred on the 31st of August.

11 A Okay. So that's more than a week.

12 Q A week and half. You were out of work about a week and
13 a half.

14 A Okay.

15 Q So you weren't working two jobs.

16 A Prior to the lunar eclipse being laid off I had two
17 jobs.

18 Q The date of this incident you weren't working two jobs.
19 You didn't have a job, did you?

20 A Not at the time, no, sir.

21 Q Okay. And was Lisa working?

22 A Yes, sir.

23 Q Okay. Did she work that day?

24 A From home, yes, sir.

25 Q Huh?

PRETRIAL MOTIONS

- 1 A From home.
- 2 Q From home? She worked from home?
- 3 A Yes, sir.
- 4 Q And you're claiming these three children as yours.
- 5 A I love them like they're mine, yes, sir.
- 6 Q And you've known Jeremy about a year.
- 7 A Roughly, yes, sir.
- 8 Q And he had a child of his own, didn't he?
- 9 A I think he did, yes. I'm pretty sure he did.
- 10 Q Pretty sure?
- 11 A I mean, he never really -- I didn't really know him
12 well enough to talk about a lot of personal stuff. I think
13 that he had an infant but I don't know how old it was or
14 when he had it. I didn't know that much about him like
15 that.
- 16 Q The point is you weren't the only one that had a child.
- 17 A Say that one more time.
- 18 Q You weren't the only person in this situation that had
19 children.
- 20 A I wasn't the only one that had children?
- 21 Q Yes, sir.
- 22 A No, sir. I was the only one that had children that was
23 in trouble.
- 24 Q Okay. Did any of the children come out during this
25 incident?

PRETRIAL MOTIONS

- 1 A Luckily, no.
- 2 Q And none of this screaming and fighting woke them up?
- 3 A No, sir.
- 4 Q And you screaming at Lisa didn't wake them up?
- 5 A No, sir.
- 6 Q Did you see them before you left the house?
- 7 A Did I see my kids?
- 8 Q Yes, sir.
- 9 A No, sir.
- 10 Q You didn't go back to check on them?
- 11 A No, sir. When Lisa made the 911 call is when I freaked
12 out and I left.
- 13 Q How long were you down the creek checking the fire
14 before you went back inside?
- 15 A Not long. Because I could look from the top and it was
16 low, so I didn't have to go down there and poke it and put
17 it out, it had been raining. So I hadn't been down there
18 long at all.
- 19 Q And you're telling us that Jeremy came in your house
20 uninvited.
- 21 A I'm telling you that Jeremy left, yes, sir, and then he
22 wasn't invited to come back. So yes, sir, that's what I'm
23 telling you.
- 24 Q You're claiming he was making threats towards your
25 family.

PRETRIAL MOTIONS

1 A Yes, sir.

2 Q And you did what you had to do.

3 A I protected my family the only way I knew how at that
4 time.

5 MR. BULSA: That's all I have as far as this hearing.
6 Of course, the trial will be much longer.

7 THE COURT: Yes, sir. Mr. Price?

8 JAMES H. PRICE, IV: Nothing further.

9 THE COURT: Sir, you may step down, please be very
10 careful. Mr. Price, anything else?

11 JAMES H. PRICE, IV: No, sir, Your Honor.

12 THE COURT: Okay. Solicitor, anything?

13 MR. BULSA: Yes, sir. We would have some witnesses.

14 THE COURT: Tell you what let's do, before we start a
15 witness, we've been running almost an hour and a half, I
16 like to a break at 90 minutes, we're at 85. Let's take
17 about 15 or 18 minutes to refresh ourselves.

18 (A recess was taken.)

19 THE COURT: Solicitor?

20 MR. BULSA: The State calls Deputy Malpass.

21 The witness, KRISTEN MALPASS, was first duly sworn and
22 Testified as follows:

23 THE COURT: Officer, pull that microphone a little
24 closer to you. Tell us who you are and spell your last
25 name for my court reporter, please.

PRETRIAL MOTIONS

1 THE WITNESS: I'm Deputy First Class Kristen Malpass,
2 that's M-a-l-p-a-s-s.

3 THE COURT: Thank you. Solicitor?

4 DIRECT EXAMINATION

5 BY MR. BULSA

6 Q Deputy, you were the first officer on scene at [REDACTED]
7 Buckingham Road; is that right?

8 A Yes, sir.

9 Q And do you remember what time you got the call?

10 A I got the call 6:02 a.m.

11 Q The call would have come to 911 at what time?

12 A Probably about 6:01.

13 Q And what time did you arrive at the scene?

14 A 6:18 a.m.

15 Q So it took you at least 15 minutes to get there?

16 A Yes, sir.

17 Q Were you aware of when Deputy Morrow arrived?

18 A He arrived about five minutes after me.

19 Q And at any time before Deputy Morrow arrived, did you
20 see the defendant?

21 A I did not.

22 Q What was taking place when you actually drove up?

23 A When I arrived on scene EMS and fire were already there
24 and they were standing by at the roadway waiting for my
25 arrival. I arrived and met with them, and they told me that

PRETRIAL MOTIONS

1 the female caller was at the window. So I went up to the
2 window to go talk to her and she told me that there was
3 someone injured in the living room and that he needed help.

4 Q What was her condition?

5 A She was extremely distraught and appeared very upset.

6 Q Was she still on the phone with 911?

7 A She was still on the phone. I don't know if it was
8 with 911 but she was still on the phone.

9 Q And after that contact with her, what did you do?

10 A I approached the front door of the residence.

11 Q And was it open?

12 A The actual front door was open but there was a glass
13 screen door that was closed.

14 Q I call it a storm door -- storm door.

15 A Yeah.

16 Q The storm door was closed but the entryway door was
17 open?

18 A Yes, sir.

19 Q And could you see through the glass door what you were
20 looking at?

21 A I could.

22 Q What did you observe?

23 A I observed a white male lying on the floor slumped up
24 against the wall with blood all over the front of his body.

25 Q Kind of freaked you out, didn't it?

PRETRIAL MOTIONS

1 A It was not what I expected to see. But at that point I
2 made entry into the residence and called to him and I got no
3 response.

4 Q Did you ever go up to him closely to look to check him
5 out or anything?

6 A I did not, I was waiting for EMS to do that. I
7 approached him slightly and called out to him. Like I said,
8 I didn't receive a response. But then I had to do my job
9 and clear the residence and make sure no one else was in
10 there so that EMS and fire could come in and attend to him.

11 Q When you say clear the residence, what do you mean?

12 A Meaning that I took my weapon out and basically
13 searched the house to make sure that there was no suspects
14 or anyone else in the house that could be a threat to other
15 first responders on the scene.

16 Q You went from room to room?

17 A I did.

18 Q Do you remember what lights were on in the house?

19 A When you first come into the house you get to the
20 living room. There were no lights on in the living room.
21 To the right there was a bedroom and there was light on in
22 the bedroom and the bathroom attached to that bedroom. From
23 the front door to the left there's a kitchen. There was a
24 light on in the kitchen which provided a little ambient
25 light to the living room but the living room was still

PRETRIAL MOTIONS

1 fairly dark. And then to the left further down there was a
2 hallway with two bedrooms on either side of the hallway and
3 both of those had lights on.

4 Q And was anyone in the house other than Ms. Wood?

5 A She had her three children in that front bedroom with
6 her.

7 Q Was her door closed?

8 A The door didn't have a doorknob on it, so it was
9 slightly closed but it couldn't be secured.

10 Q Okay. Was it pushed like it was closed --

11 A Yes, sir.

12 Q -- as best as it could be?

13 A As best as it could be.

14 Q And did you ask any of them to come out of the room at
15 that point?

16 A I did not. I actually told them to stay in the room
17 until I came back to get them.

18 Q Okay. And at what point did EMS enter the house?

19 A EMS came in the house shortly after me. I had them
20 stand by for a minute while I cleared the house, and as soon
21 as I cleared the house I had them come inside.

22 Q Did they move Mr. Bell's body out or into the living
23 room to check him?

24 A They did. They had to pull him away from the wall so
25 they could cut his shirt off and then attach -- I don't

PRETRIAL MOTIONS

1 exactly know what they are, but attach the sensors so they
2 could check for a heart rate.

3 Q So the position he's in in the picture that the
4 forensic officer took is not accurate as to where he was
5 actually --

6 A Correct. That is not how he was when I arrived.

7 Q And your description of him was he was sort of slumped
8 up against the wall.

9 A He was. Approximately from his shoulders up, the upper
10 part of his torso was slumped up against the wall with his
11 head pointing towards the front door.

12 Q Could you observe any evidence that there appeared to
13 be any struggle?

14 A I did not. It didn't appear to look like there was any
15 struggle except for where Mr. Bell was located, there was a
16 knife nearby on the floor that had blood on it. But as far
17 as stuff being thrown around the house, I didn't see
18 anything readily apparent that showed that there was
19 significant signs of a disturbance.

20 Q How long did you remain on the scene?

21 A I would have to refer to the call notes, but I was in
22 the house for maybe about 15 minutes before I went outside.
23 I was there long enough for other units to arrive on scene,
24 and then when my sergeant advised me to get Ms. Wood and her
25 children out of the house, I escorted them out of the house

PRETRIAL MOTIONS

1 and I did not return after that.

2 Q So you escorted Ms. Wood out, and where did you take
3 her?

4 A I took them out the back door and took them around to
5 the front. I later on put Ms. Wood in the back of my
6 vehicle because it began to rain, that way she could sit
7 somewhere reasonably comfortable and dry until an
8 investigator could talk to her.

9 Q Where did the kids go?

10 A The kids were left with other officers on the scene and
11 they dealt with them. I only dealt with Ms. Wood.

12 Q Did you ever see the defendant at the scene?

13 A To my recollection, I did not. I knew that he was with
14 Deputy Morrow but he was secured in the back of his car so I
15 didn't go over there.

16 Q Did Ms. Wood make any comments about Mr. Bell having
17 done anything to her?

18 A She did not. She said that -- the only thing she told
19 me was when she woke up that the defendant had told her that
20 something was happening but she didn't know what it was.

21 MR. BULSA: Okay. Thank you. Answer anything the
22 defense may have.

23 THE COURT: Ms. Price?

24 CROSS EXAMINATION

25 BY E. POWERS PRICE:

PRETRIAL MOTIONS

1 Q When you were talking about Lisa Wood, did she not tell
2 you that Mr. Holloway told her, "He was trying to rape you?"

3 A Yes, ma'am.

4 Q And she said that over and over again, right?

5 A Yes, she did.

6 Q And you were most likely the closest deputy to the
7 scene?

8 A I was coming from Herron Circle near the sheriff's
9 office.

10 Q And it still took you about 15 minutes to get there?

11 A It does. That's a pretty normal time to get from there
12 to Duncan.

13 Q So if Mr. Holloway had called 911 it would still have
14 taken 15 minutes.

15 A Yes, ma'am.

16 E. POWERS PRICE: No further questions, thank you.

17 THE COURT: Thank you. Anything further from the
18 State?

19 MR. BULSA: No, sir.

20 THE COURT: All right. Officer, you may step down,
21 please be careful.

22 MR. BULSA: The State calls Investigator Lawson.

23 The witness, ANDREW LAWSON, was first duly sworn and
24 Testified as follows:

25 THE COURT: Sir, position that microphone, tell us who

PRETRIAL MOTIONS

1 you are and spell your last name please.

2 THE WITNESS: Investigators Andrew Lawson, Spartanburg
3 County Sheriff's Office. Lawson is L-a-w-s-o-n.

4 THE COURT: Thank you. Solicitor?

5 DIRECT EXAMINATION

6 BY MR. BULSA

7 MR. BULSA: Your Honor, Officer Lawson testified
8 yesterday. May we incorporate his previous testimony into
9 this hearing so I don't have to go back through it?

10 THE COURT: Any objection to that? I've heard it.

11 JAMES H. PRICE, III: No, sir.

12 MR. BULSA: I believe Your Honor took notes as well.

13 THE COURT: I did.

14 DIRECT EXAMINATION

15 BY MR. BULSA

16 Q Just to talk briefly on what we talked about yesterday,
17 you met with the defendant at the police station.

18 A Yes, sir.

19 Q And you were going to read him his Miranda rights but
20 he had already been -- he had already invoked his right to
21 an attorney, right?

22 A Yes, sir.

23 Q So you didn't ask him any questions or interrogate him?

24 A Other than his name and basic information.

25 Q No interrogation, but he continued to talk, right?

PRETRIAL MOTIONS

1 A Yes, sir.

2 Q Do you recall him making my any comments stating that
3 he actually ran from Mr. Bell?

4 A Yes, sir.

5 Q And that he said Mr. Bell was chasing him around his
6 house like it was a TV show?

7 A Yes, sir.

8 Q Did that give you the impression that some sort of
9 struggle had occurred?

10 A I would have thought that, yes, sir.

11 Q In more than just a single area?

12 JAMES H. PRICE, III: Objection, leading, Your Honor.

13 THE COURT: Just ask him some direct questions.

14 Q Okay. And you didn't ask him any questions on that,
15 did you?

16 A No, sir. He had invoked and we couldn't ask him.

17 Q Did you attend the autopsy?

18 A I did.

19 Q And what wounds were noted on Mr. Bell?

20 A There were multiple stab wounds front and the back,
21 side and around the neck/shoulder area that I remember.

22 Q Do you happen to remember how many?

23 A I think around 14 if I'm not mistaken.

24 MR. BULSA: Okay. For the purpose of this hearing,
25 Your Honor, I don't think it's necessary to call the

PRETRIAL MOTIONS

1 pathologist. May I ask this officer some more questions
2 about that, his observations?

3 JAMES H. PRICE, III: I believe he would be qualified
4 to testify as to what he personally saw, but as far as any
5 opinions or anything from the written autopsy we would
6 object to that.

7 THE COURT: Yeah.

8 MR. BULSA: Can I ask that we can admit the autopsy
9 into the record for this hearing for Your Honor to consider
10 it?

11 THE COURT: Is there any objection to the autopsy?

12 JAMES H. PRICE, III: It's hearsay, Your Honor, we do
13 object.

14 MR. BULSA: I believe technically it's a pretrial
15 hearing so I think hearsay would be admissible. I didn't
16 want to have to call Dr. Wren.

17 Q We'll just talk about the autopsy here. Do you
18 remember the depth of the wounds?

19 A Not off the top of my head I don't.

20 Q Did Mr. Wren have the knife that was recovered from the
21 scene?

22 A I don't think he did, I'm not sure.

23 Q You don't remember that?

24 A I don't remember that.

25 Q So you don't remember him comparing that knife to the

PRETRIAL MOTIONS

1 wounds?

2 A I don't remember that right away, nuh-uh.

3 Q You basically just remember there were multiple wounds,
4 front and back and neck --

5 A Yes, sir.

6 Q -- correct? Okay. And you didn't actually go to the
7 crime scene, did you?

8 A No. Well, I went there but then I left. I didn't go
9 inside the crime scene, I just responded there.

10 Q So you couldn't confirm any of the comments that the
11 defendant made to you about some chase happening inside the
12 house.

13 A Not on scene. But he did make mention that he ran from
14 him because the guy chased him like on a TV show.

15 MR. BULSA: Thank you.

16 CROSS-EXAMINATION

17 BY JAMES H. PRICE, IV

18 Q Investigator Lawson, isn't it true that Mr. Holloway
19 told you that Jeremy was going to kill his family?

20 A Yeah, he made the statements.

21 Q And told you that multiple times.

22 A Yes, sir.

23 Q And isn't it true that Mr. Holloway said that Jeremy
24 attacked him?

25 A Yes, sir, I believe so.

PRETRIAL MOTIONS

1 Q And isn't it true that Mr. Holloway was drunk? In
2 fact, I would even go so far as to say incredibly drunk.

3 A I don't know that I would say he was incredibly drunk.
4 I mean, he was talking and kept talking and, you know, he'd
5 been drinking definitely.

6 Q Would you have wanted to get in the car with him?

7 A No. I would not have ridden with him, no. But, I
8 mean, he wasn't stumbling over drunk.

9 Q And isn't it true that he was very distraught?

10 A Seemed to be distraught somewhat, yeah.

11 JAMES H. PRICE, IV: No further questions, Your Honor.

12 THE COURT: Anything?

13 MR. BULSA: Yes, sir.

14 REDIRECT EXAMINATION

15 BY MR. BULSA

16 Q At any time did he tell you that Mr. Bell was going to
17 try to rape his girlfriend?

18 A I don't remember him telling me that. I remember being
19 told that by Sergeant Kochenower that that was told by Lisa.

20 Q Okay. So that comment came from something the
21 defendant told Lisa.

22 A Uh-huh.

23 Q How long were you in contact with the defendant?

24 A We were there over two hours, two and a half hours
25 worth of video, I think.

PRETRIAL MOTIONS

1 Q And at anytime did he make any reference to Lisa being
2 rapped?

3 A Not that I remember right off.

4 Q Did you review your video?

5 A I did.

6 Q And did you make notes of that video?

7 A I did.

8 Q And do any of your notes contain any reference to him
9 talking about any rape going on?

10 A I don't think so.

11 Q No? Okay. So the whole time he was spouting off at
12 the police department he never mentioned this rape.

13 JAMES H. PRICE, III: Objection, leading.

14 THE COURT: I'm going to give him just a little bit
15 here, but I will say this while we're on the record. This
16 Court has reviewed whatever was given to us on the video
17 until sometime last night and a very early morning this
18 morning, and I have five pages worth of notes about the
19 video. So if you want to talk with the video I know the
20 video, okay?

21 MR. BULSA: Yes, sir, I'll move on.

22 THE COURT: 4:30 this morning.

23 Q Did he ever reference the defendant -- or Mr. Bell
24 straddling Ms. Wood and having his hands around her neck?

25 A Not in my recollection, no, sir.

PRETRIAL MOTIONS

1 MR. BULSA: Thank you.

2 THE COURT: Anything at all?

3 JAMES H. PRICE, IV: Nothing from the defense, Your
4 Honor.

5 THE COURT: Sir, you may step down, please be careful.

6 MR. BULSA: Your Honor, that's all we have for this
7 showing.

8 THE COURT: Anything at all from the defense at this
9 time?

10 JAMES H. PRICE, IV: No, sir, Your Honor.

11 THE COURT: Okay. Thank you. All right. Gentlemen,
12 do you want to argue?

13 MR. BULSA: Yes, sir.

14 THE COURT: Do you all want to argue a little
15 summation or something? Okay. All right. Your motion.

16 E. POWERS PRICE: Your Honor, I'm not going to repeat
17 everything I put in my brief because I know that you've
18 read it. But you've heard the testimony this morning and
19 it's clear Mr. Holloway's conduct was covered under the
20 statute. It's clear he had no choice and there's no
21 evidence to the contrary. He had a right to defend himself
22 and his common-law wife and his family, and he's entitled
23 to a dismissal of this case. The State has filed a
24 response to my brief essentially asserting that the act is
25 unconstitutional based on the separation of powers, but I

PRETRIAL MOTIONS

1 would direct the Court to the most recent stand your ground
2 case, the State v. Scott. The defendant in that case was
3 entitled to immunity, although Justice Hearn and Justice
4 Kittredge did express some concern over the reach of the
5 Protection of Persons and Property act as it related in
6 that case to an innocent bystander, and they did direct the
7 general assembly to maybe clarify the reach and scope of
8 it. At no point did separation of powers ever come up.
9 Your Honor, Mr. Holloway is just entitled to immunity in
10 this case based on the testimony.

11 THE COURT: Let me have that cite, please, if you have
12 that.

13 E. POWERS PRICE: Yes, sir, I've got a copy for you.

14 THE COURT: That's great. Thank you.

15 E. POWERS PRICE: You're welcome.

16 THE COURT: Solicitor?

17 MR. BULSA: Yes, Your Honor. I would like to respond
18 in two fashions. I'll argue against the statute and the
19 facts of the case, and Mr. Ghent will address the
20 constitutionality if the Court permits. Your Honor, the
21 burden is on the defendant to prove beyond a reasonable
22 doubt -- excuse me, the preponderance of the evidence that
23 he acted as according to the statute. And based on the
24 defense's brief, it's my understanding they are seeking
25 immunity under 16-11-440C, that is -- I guess, they're

PRETRIAL MOTIONS

1 claiming that he was at a place that he had a right to be,
2 his home. Even though the defendant today testified that
3 apparently Mr. Bell came in uninvited, we would argue he
4 was an invited guest, he never actually left the residence
5 and therefore subsection A does not apply. So looking at
6 subsection C you have to determine whether he was attacked.
7 And you look at the credibility of the witness that
8 testified. Your Honor, he had no injuries himself. There
9 was no evidence of a struggle in that house except up
10 against the wall where Mr. Bell's body was found. He can't
11 even -- he wants this Court to believe that he can't even
12 remember how he stabbed Mr. Bell. He says Mr. Bell was
13 coming at him from the front running towards him. In fact,
14 he told the officer that Mr. Bell was chasing him around
15 the house like in a TV show. We know clearly from the
16 scene that that didn't happen. If you take his description
17 of what happened, Mr. Bell would have had no area to get up
18 to run towards him. He got up off the couch, if that's how
19 he was, which we don't believe he was, he couldn't even
20 have taken two steps to where Mr. Holloway places himself.
21 Your Honor, it's the State's contention that it is just as
22 believable that the defendant ambushed the defendant (sic)
23 and stabbed him multiple times in the back and the victim
24 fell up against the wall, and then got stabbed multiple
25 times in the chest and stomach. Your Honor, we feel this

PRETRIAL MOTIONS

1 is clearly a factual situation for the jury to determine.
2 The burden of proof has not been met by the defendant in
3 this case. He says he only drove a half a mile down the
4 road and came back and the police were there, we know that
5 was impossible. It took the police at least 15 minutes to
6 get there, it doesn't take 15 minutes to drive half a mile.
7 And he says he was so concerned he walked up the scene and
8 didn't even give them his name. Your Honor, it's just
9 incredible that he's trying to use the statute to seek
10 immunity, and we would argue that he hasn't met his burden
11 and it should not be granted. And I'll turn it over now to
12 Mr. Ghent.

13 MR. GHENT: Your Honor.

14 THE COURT: Yes, sir.

15 MR. GHENT: Your Honor, I would begin with briefly
16 responding to counsel's argument, and I would point out
17 that she has written a most impressive brief that raises a
18 provision that quite frankly I've been wondering for some
19 time when a defense attorney was going to look closely
20 enough that they would go ahead and raise it. The case she
21 cites, however, I respectfully submit weighs more in the
22 State's favor than in the defendant's favor. I would also
23 point out that, Your Honor, I don't have the most recent
24 cases prior to this one, but previously after an article
25 appeared in May of 2018 raising the separation of powers

PRETRIAL MOTIONS

1 issue in our stand your ground law, the members of the
2 court have in opinions started raising questions for the
3 first time about this statute. In fact, Justice Kittredge
4 states that, "I too question whether the general assembly
5 intended to empower the judicial branch with authority to
6 grant immunity in this circumstance." I would submit that
7 based upon prior opinions I think that's perhaps a little
8 bit ironic in tone. As a result -- excuse me -- the act
9 which purports to codify, purports to codify the Castle
10 Doctrine and assign the power to grant immunity, and this
11 is key language, "From the executive branch to the judicial
12 branch is far from a model of clarity. As a result this
13 court has wrestled in a number of cases to discern
14 legislative intent in particular situations. I believe
15 today's majority opinion is a fateful effort to honor
16 legislative intent in terms of the substantive application
17 of the act as well as the judicially ingrafted procedures
18 this has been required to establish." In short Justice
19 Kittredge's and Justice Hearn's opinions are hardly ringing
20 endorsements of this statute. And point of fact, the
21 position I'm raising I think is an appropriate one. The
22 simple question raised is does the legislature have the
23 power to transfer an inherent power of the executive
24 branch, specifically prosecutor's, from the -- from the
25 executive branch into the judicial one. Your Honor, if I

PRETRIAL MOTIONS

1 may, before that article was written I went around and
2 asked every judge I could think of to answer a question for
3 me and they all answered it the same; I'm talking state,
4 federal, attorneys who had come on to become judges who I
5 had worked with, worked for. The question is this, prior
6 to stand your ground, how many times in the history of this
7 state had you ever heard of, read of or seen a judge grant
8 immunity from prosecution? I'm not talking about the
9 civil, that is an appropriate matter, but the power to
10 determine whether or not prosecution is appropriate both
11 state and federal has always been in the executive branch,
12 the prosecutors. I have cited at page four of my
13 memorandum the cases that deal with that. And it is clear
14 that the history in this state of stand your ground, the
15 legislature, and I won't go into how this happened, I would
16 respectfully submit was misled in terms of what the common
17 law said that they intended to codify. The common law
18 never ever granted the power to a judge to grant immunity
19 from prosecution. It was always -- the Castle Doctrine
20 always provided an immunity from the fourth element of
21 self-defense. Now, as Your Honor will I'm sure quickly
22 point out, "Mr. Ghent, that's no longer required by the
23 defendant to even be proven," which is correct. It has
24 shifted in the state not as a matter of what was required
25 federally, but by this Court choosing on its own, our

PRETRIAL MOTIONS

1 Supreme Court making that change. But the bottom line is
2 that in this state historically the common law has been
3 clear, it is an immunity from having to prove the fourth
4 element, the duty to retreat. Your Honor, I would
5 respectfully submit that in this case, as in all others
6 where it has been raised, the South Carolina statute
7 confers upon a trial judge a power to confer what would be
8 called a transactional immunity, which they do have the
9 power, legislators do have the power to create that,
10 whether it's use or transactional immunity. However they
11 do not, I say again, do not have power under the separation
12 of powers provision article one, section eight to transfer
13 from one department to another. Under that statute it
14 states that the State shall be forever, the three
15 departments in this state shall be forever separate and
16 distinct from each other, and no person exercising the
17 functions of one of the said departments shall assume or
18 discharge the duties of any other. Your Honor, I would
19 respectfully submit that this being the case there is no
20 question this is an essential provision historically of the
21 powers of prosecutors, and I would again say that prior to
22 stand your ground no judge in the history of this state had
23 ever granted immunity. The Castle Doctrine had never said
24 there was an immunity from prosecution, but the statute
25 says it is our intent to codify the Castle Doctrine.

PRETRIAL MOTIONS

1 Again, I say with the best of intentions of the
2 legislature, I do have a very solid theory of how it
3 happened but I'm not going to go there, was erroneous, they
4 were misled by persons assisting with the statute, and
5 that the Castle Doctrine in this state does not justify
6 this statute. And the transferring the power to grant
7 the -- to grant immunity from prosecution from the
8 judicial -- from the executive branch to the judicial
9 branch is taking an inherent sovereign power of the
10 executive branch and putting it in the judicial. And I
11 recognize, Your Honor, there is nothing worse than to have
12 to stand before a good judge and tell him that you don't
13 think that he and his peers have the power to do something,
14 that is very uncomfortable, but I truly believe that the
15 Castle Doctrine as it was originally posed does not justify
16 this statute, and that this statute violates the Separation
17 of Powers Doctrine. Thank you, sir.

18 THE COURT: Thank you. How about that, Ms. Powers?

19 JAMES H. PRICE, IV: Thank you, Your Honor. Just
20 briefly I would to address Mr. Bulsa's comments. There's
21 been no evidence presented that Jeremy did not leave the
22 house. And furthermore, Mr. Holloway does not have to wait
23 until he is actually injured in order for him to meet his
24 threat with force. And as to the State vs. Scott case, the
25 justices wanted clarity in that circumstance, particularly

PRETRIAL MOTIONS

1 dealing with the innocent bystander, not clarity as to the
2 entire act, just in that particular circumstance dealing
3 with the innocent bystander. To find the separation of
4 powers, that the statute violates separation of power
5 essentially is asking the Court to raise the common law
6 Castle Doctrine and essentially saying that everybody
7 should be charged. Judges already have that power
8 essentially to grant immunity, they're the ones who sign
9 the arrest warrant for somebody. Your Honor, the statute
10 in conclusion is valid. We have met all of the elements of
11 that statute. There's been no evidence presented
12 otherwise. Mr. Holloway is entitled to immunity in this
13 case, Your Honor, and these charges should be dismissed.

14 THE COURT: All right. Thank you. Anything further
15 from anyone before we go into recess?

16 MR. BULSA: No, sir.

17 THE COURT: Okay. Any other motions? I understood
18 that one -- was that the last one?

19 JAMES H. PRICE, III: Your Honor, I would like to
20 briefly revisit if I could the State's motion as far as the
21 911 call, the claim from Lisa Wood that Roy told her that
22 he was -- she was going to be raped. In the materials that
23 the Court had, did you have a copy of the 911 tape?

24 THE COURT: I did, I listened to it.

25 JAMES H. PRICE, III: Good. I wanted to make sure you

PRETRIAL MOTIONS

1 listened to it and I wanted that to be part of the record.
2 I understand perfectly why the State made such a motion.
3 If the Court would grant that motion, number one, it guts
4 our defense, and number two, it would require Mr. Holloway
5 to testify. He would have no choice but to testify in
6 order to get that into evidence if the State prohibits Lisa
7 Wood from testifying or the introduction of the 911 tape
8 itself, which we think -- again, I'm not going to continue
9 to argue res gestae and the like. There are numerous cases
10 about the admissibility of a 911 tape in toto. Does the
11 Court need any of those?

12 THE COURT: No, sir.

13 JAMES H. PRICE, III: Well, with that I'm aware that
14 you're on top of it as you usually are and I will sit down.

15 THE COURT: Let me do this, and this is not a ruling,
16 but I will call your attention to -- and you got your IT
17 team there as I have mine with me, so let me -- hold on one
18 second. I call your attention to State vs. Gary Dubose
19 Terry to be found at 339 South Carolina 352. Again, that's
20 a 2000 case. I'm not making a ruling on it but I call your
21 attention to that, I'm sure your IT team can tell you with
22 that. Okay. Anything else? We're going to be in recess
23 until -- we've got the jury coming back at 2:00, we will be
24 back at 1:50 or something like that, about 1:50 and I'll
25 have some decisions for you and then we'll go from there,

PRETRIAL MOTIONS

1 how about that? 1:50. Okay.

2 (Whereupon, a recess was taken.)

3 THE COURT: I apologize for being late but we've been
4 working. We'll get to the most important one first, the
5 one I guess everybody wants to know about anyway and that's
6 the stand your ground. This Court has considered it
7 carefully, and I'll just make a real brief comment about
8 this. Once again I have looked at everything that's been
9 submitted to us, viewed the videos. Again, it was a little
10 bit late evening, I'm complaining, that's my job, and a
11 very early morning but we've reviewed everything that was
12 given to us to review and considered it. The stand your
13 ground motion for the defense is denied. In the
14 preliminary hearing the defendant is to prove by the
15 preponderance of the evidence that he is entitled to
16 immunity from the prosecution. At this level the trial
17 court is the finder of the fact and the law and the Court
18 is charged with the responsibility of weighing the
19 credibility of witnesses. The Court finds that the
20 defendant's version of the event is not credible because it
21 is not consistent with the other physical evidence in the
22 case. The defendant alleges many things. He talks for
23 quite a bit about that -- what he kind of did or didn't do
24 that evening, especially on the video. But he says that
25 the decedent charged toward him, chased him around the

PRETRIAL MOTIONS

1 living room like something on TV, I think it was, then he
2 alleges that he stabbed the decedent in self-defense.
3 However, he also testified when questioned by the State
4 that he was between six and eight feet from the decedent
5 when he encountered him after retrieving a knife from the
6 kitchen. I also note, I think, that there are both wounds
7 on the front and the back, although that evidence has not
8 been fully developed yet because Dr. Wren wasn't here to
9 testify to that. Given the placement of the furniture,
10 there is simply not enough surface area for the defendant
11 or the decedent to run or be chased. The defendant also
12 alleges he left shortly after his significant other, Lisa
13 Woods, called 911 to report the incident. And I will also
14 say that I was able to hear his voice on that 911 tape
15 because that was also provided to me, it's about 27 minutes
16 long but it is at the very beginning. And I will note that
17 there is a significant time period in there that's -- that
18 we know when the call was made because that's documented,
19 his voice is there so he's on the scene. He alleges he
20 washed his face and/or hands, I remember hands, maybe face
21 too. He denies he changed his shirt. There is blood on
22 his pants and on his shoes, but he leaves. And we know
23 that it's about 15 minutes before the first officer arrived
24 and another five before Officer Morrow arrived thereafter.
25 And we also know that because on the 911 audio the 911

PRETRIAL MOTIONS

1 operator is identified as Matt, I don't have a last name,
2 Lisa asked the name, he identified himself as Matt. And he
3 stays on the line with her until the end of that, which he
4 should have done and he did. And she tells him then that
5 the children are talking to law enforcement. So law
6 enforcement is on the scene as well as EMS at that time and
7 that's when the 911 terminates the call. So this half mile
8 business about going -- and the Court is familiar with that
9 area, I live on the west side, so that area -- going one
10 half mile, my law clerk and I had a discussion about that,
11 he could have walked there and back in that amount of time
12 at least once, maybe twice, much less drive for the time
13 block that's missing there. Ms. Wood's call to 911 again
14 is about 27 minutes, and again, the operator stayed with
15 her during that time period. The Court has considered the
16 elements and is supposed to consider the elements of
17 self-defense. The defendant, I don't think anybody is
18 alleging he was engaging in any unlawful conduct out there,
19 no one is alleging anything like that, but the Court finds
20 that the defendant failed the second element in that the
21 defendant believed he was in imminent danger of losing his
22 life or sustaining serious bodily injury. And, of course,
23 that also goes to protecting his family as well. The
24 decedent was unarmed. The physical comparability is not --
25 physical size comparability is not great. I was able to

PRETRIAL MOTIONS

1 pick up from statements that he made that he weighed
2 240 pounds, that's what he told the officers at the
3 sheriff's department, and I picked up somewhere that the
4 decedent weighed about 280, although testimony in the
5 courtroom from the defendant is that he weighed about 300.
6 I don't think there is any contradiction at this point that
7 the decedent might have been 6'1", but the size difference
8 is not significantly different. I think the testimony is
9 that both of them were drunk. The only testimony as to
10 anyone hurting the children or raping Lisa is from the
11 defendant himself. The Court considers that to be self
12 serving testimony. Again, it does not match the physical
13 evidence on the scene. There is no indication from the
14 pictures that were provided to the Court that there was a
15 fight. There is no broken furniture, there's nothing of
16 disarray, there is no broken glass. The defendant was not
17 injured during this, yet the decedent was stabbed 14 times.
18 I also note that I reviewed the second part of the
19 sheriff's office, which I don't know if it's 40 something
20 minutes or 50 something minutes, where he is disrobed, so
21 he is down to his underwear. In that pictures are taken of
22 his hands, his feet, his legs, shoulders, front, back, to
23 document any injury that would be there. Lisa was unaware
24 of anyone trying to hurt her, much less the decedent.
25 There is no testimony before the Court as to what injuries

PRETRIAL MOTIONS

1 Lisa or the child sustained. The screams were bought out.
2 This Court had already made a note of that, that while Lisa
3 may have been intoxicated to the point that she was passed
4 out, and that's his testimony, the defendant's testimony,
5 there's no evidence that the children were intoxicated or
6 otherwise unable to hear the screams in a small home, a
7 mobile home or otherwise. It's not a very large home, it's
8 a 3-bedroom home. And from -- the floor plan is not drawn
9 to scale, so I won't guess as to the square footage, but I
10 have seen the pictures and it's not an overly large home.
11 And it's also notable that although he is an autistic
12 child, the 18 years old, the young man who turned 18, it
13 was noted several times by the defendant he is a very large
14 fellow himself, physically large and there's no reason this
15 Court would believe that if he heard his mom scream in the
16 house that he would not come to her aid. So this Court
17 finds that the second element to believe that reasonably he
18 was in fear of imminent death or peril, that he fails that
19 burden of proof. Also as to the third element, the Court
20 finds that the defendant's belief was not reasonable. He
21 admitted that he'd been drinking all day. He admitted
22 today that he was like in a fog, he was not sure what
23 happened, and I captured these from his own testimony that
24 he did not remember stabbing the decedent 14 times. Again,
25 the timeline is very unsure. The defendant says that he --

PRETRIAL MOTIONS

1 he, being the decedent, tried to rape Lisa, but then he
2 testifies that, which is the first time I had heard that so
3 I made note of it, it wasn't said anywhere else, but today
4 he says that he tried to choke her and kill her, yet she
5 had no torn clothing, there was no injury to her. She was
6 asleep and/or passed out. She was unable to defend
7 herself. And it's just curious to this Court as to why any
8 man would not attempt to free Lisa from a choking before
9 taking time to arm one's self. My law clerk and I had a
10 great deal of discussion about this, it just didn't seem
11 reasonable and plausible to this Court. And all in all the
12 Court finds that the defendant failed by a preponderance of
13 the evidence to establish that he is entitled to the
14 immunity. So for that reason, Mr. Price, the motion for
15 immunity is denied. As to the voluntariness of any
16 statements that he made, again, the Court reminds everyone
17 that we had the Jackson v. Denno hearing on that as to
18 voluntariness. The defendant was in -- very early was in
19 investigative detention, he was not under arrest but he was
20 in investigative detention, and this Court held a hearing
21 on the voluntariness of any statements made therein. From
22 the evidence the defendant approached law enforcement on
23 the scene, a pat down was done, it was a routine question
24 and answer of who are you, where did you come from. Again,
25 this is clear from form the video that he's back on the

PRETRIAL MOTIONS

1 scene, which adds to the -- the ambiguity and the
2 uncertainness of the timeline. He begins to make
3 voluntarily statements, "I'm here checking on my family."
4 He's Mirandized and in investigative detention, but before
5 he's Mirandized he's really sort of Mirandized informally
6 is what we talked about, but he certainly was formally
7 Mirandized and in investigative detention, but he continues
8 to talk. He repeats phrases that the dude is crazy, hurt,
9 high, family, killed my kids. But he never says -- and I
10 listened carefully last night as I was going through this
11 because I knew it would be one of the issues, he never says
12 that the dude attempted to rape Lisa, my wife, my
13 girlfriend or fiance. And he says, "I'm not telling you
14 anything without a lawyer." Law enforcement was very clear
15 to the defendant that they couldn't talk to him. He asked
16 for an attorney, they put him in the car and he continues
17 to use on those phrases. On the scene, again, he was read
18 his rights, he was asked if he understood and he said, "Not
19 really." However, law enforcement did not question the
20 defendant or interview him or interrogate him. They
21 transported him to the sheriff's office where there was
22 audio and video and he was there for several hours. Law
23 Enforcement Lawson began a pre-investigation, pre-interview
24 rights form and was told that the defendant had already
25 asserted his lawyer privilege. He stopped the form, he did

PRETRIAL MOTIONS

1 not complete the form and says, "I can't talk to you." The
2 defendant continued to ask law enforcement questions, not
3 law enforcement asking him questions. The defendant
4 continued to assert voluntarily statements. "The dude
5 flipped. Thought we were friends. I'm cool, not racist,
6 hurt my kids. I'm in my house, not on the street."
7 Defendant continues to point to his answer that the Miranda
8 he did not understand, but again, law enforcement never
9 initiated the question of him. He continued to make the
10 repeated statements about the decedent flipped. The
11 defendant says he was educated at Winthrop, which is -- I
12 picked up on there, which is a very fine school. He speaks
13 clearly, he's articulate and he explains his employment
14 history, including a mortgage broker, helped start a
15 company but he had lost his job last week. He says in this
16 particular video that he weighs 240 pounds. And again,
17 it's not an insignificant fact that the decedent was also a
18 large man. He explains on the video that the two of them
19 knew each other, that the decedent had worked for the same
20 company as Lisa, that they had a prior relationship. The
21 decedent had given them a device to watch movies on TV that
22 you watch them for free. They discussed some politics,
23 Charlottesville matters, and he says he's cool, not a
24 racist, we talked later. And he continues to ask the
25 officers, several of them by the way, not even involved in

PRETRIAL MOTIONS

1 the case, he flags them down from in the hallway, "What
2 would you do? What would you do?" But again, they don't
3 ask him anything, he asked them questions. I wrote down
4 here, "The defendant had the right to remain silent but he
5 did not possess the ability to remain silent." Also, some
6 other notes I have here, that he did nothing to solicit a
7 response, because we all know that it could be something
8 other than verbal elicited by the law enforcement, but this
9 Court saw nothing of that on any video. Also, another
10 note, that the defendant was to be left alone a couple of
11 times and he asked the officers not to leave him alone, or
12 someone to remain with him. So for that the statements,
13 whatever they are on the video that he made, are voluntary
14 statements and the State or the defense may use them as
15 they see fit. As to the rape statements. Lisa was asleep
16 and the children were asleep. She saw or heard nothing of
17 the difficulty. She awoke and she tells 911, it's clear,
18 that she was confused, that's the word she used on the
19 video. She was told by the decedent again -- I'm sorry,
20 the defendant, she was told by the defendant again that's
21 why -- and I can hear his voice, that's why we know he was
22 there at that time, that the decedent tried to rape her.
23 That she was unaware at the time of this call if the
24 defendant was still on the scene, because he leaves at some
25 point in there by his own testimony and she's unsure if

PRETRIAL MOTIONS

1 he's still there. In fact, one of the Q and A's back and
2 forth with the 911 operator is is he still there. She had
3 her children in the bedroom with her and she keeps saying
4 repeatedly, "Someone is really hurt, hurry, help, someone
5 is really hurt." Again, it lasts about 27 minutes, it ends
6 with law enforcement and EMS on the scene. The defendant
7 seeks to introduce Lisa's statement to 911 that the
8 decedent tried to rape her, accordingly he intends to offer
9 the statement to exculpate himself. And at this point the
10 Court is unaware of any corroborating circumstances clearly
11 indicating the trustworthiness of that statement, the
12 defendant has failed to show any, so at this point the
13 statement 911 recording from Lisa as to what he said will
14 not be admitted. And as I said earlier, the Court calls
15 the attention to State vs. Terry, that is a 339 South
16 Carolina 352. So pursuant to Rule 804B3 that is not coming
17 in. Motion to exclude the toxicology report showing the
18 decedent's blood alcohol level. This report goes to the
19 fact that the decedent, which is relevant in the case, the
20 defendant (sic) had the ability to procure a search warrant
21 to draw the defendant's blood if it chose to do so to
22 determine his level of intoxication. Remember that it's
23 clear on the video, I guess it's the magistrate, but
24 anyway, the search warrant was issued for DNA, that DNA was
25 taken and he was also processed also with the photographs.

PRETRIAL MOTIONS

1 They did not -- the State did not seek his level of
2 intoxication, although he has admitted to being drinking
3 basically all day and being up all day. This Court finds
4 no reason to keep out that evidence, it is what it is.
5 It's like any other piece of evidence in any case. It
6 doesn't mean that the decedent caused his own death, and I
7 don't think any lawyer would argue that, but it's a piece
8 of evidence and this Court doesn't see any prejudice and
9 therefore that can come in. The prior bad acts was
10 previously agreed to by the parties because that person is
11 not available and the parties agree that's not coming in.
12 The 367 recorded telephone calls. Those two calls that
13 were produced -- one second. I'm going to shoot a little
14 bit from the hip on this one because we literally ran out
15 of time on this issue, but at this point the Court is going
16 to preclude those two calls from coming in. That's not to
17 say the State did anything wrong. But I thought I heard
18 the argument to be that the solicitor's office had to
19 subpoena those records. I don't know why the solicitor's
20 office would have to subpoena those records, they should be
21 provided, they're part of the State's case. There's not a
22 lawyer in this room and probably not a person in this room
23 that does not know that the jail records those
24 conversations, and I've been around a long time, so we all
25 know that that happens. And it's this Court's opinion they

PRETRIAL MOTIONS

1 should have been turned over to the government on at least
2 a monthly basis or maybe an every other month basis,
3 something in 30 or 60 days. But this Court finds that it's
4 just plain out wrong that those records get dumped onto the
5 State on the eve of trial, ten days out or so, and then
6 conversely they immediately have to give them to defense
7 counsel. And this Court has warned agencies about that.
8 I'm not throwing disparaging remarks on the solicitor's
9 office, but a case is a case, it needs to be -- the
10 information needs to be given to them to do their job and
11 they in turn can do what they're supposed to do, and they
12 did in this case where they provided that immediately to
13 opposing counsel. But those two are suppressed and they
14 will not come in. There has to be a better system than
15 dumping 367 recorded telephone calls on defendant's counsel
16 just days away from trial. I think I have covered
17 everyone's motion except the State's motion about
18 constitutionality, and I submit that is a moot point. Are
19 there other matters?

20 E. POWERS PRICE: Your Honor, I might have
21 misunderstood you on the 911 call and the rape statement.
22 I believe you said it was inadmissible under 804B. We
23 sought to introduce under 803-1 and 2, the Terry case. The
24 defendant in that case tried to introduce his statement
25 under 804-B3, a statement against interest. Basically it

PRETRIAL MOTIONS

1 is so prejudicial that it might be true and claimed that he
2 was unavailable based on the 5th Amendment, that was a
3 confession that was introduced for the sole purpose to show
4 that he was cooperating, and the Court found that it was
5 irrelevant to any issue at trial. Here under 803-1 and 2,
6 the availability of the declarant is immaterial. The
7 statement is clearly relevant to the issue of self-defense,
8 and we're trying to introduce it under either 1 or 2 under
9 that section, excited utterance or present sense
10 impression. You have heard the 911 call and we believe it
11 falls within one of those exceptions.

12 THE COURT: Okay. Thank you. I obviously didn't make
13 notes on that but I understood that, thank you. I had
14 written down and struck through present sense and I didn't
15 finish my thought this morning. This Court is of the view
16 that the present sense and the excited utterance coming
17 from Lisa, it would have to come from the person -- the
18 present sense would have to come from the person who
19 observed or heard that, okay? They sensed that. Lisa did
20 not, she was passed out. She was last asleep and/or passed
21 out. I keep using those interchangeably because they were
22 only interchangeably here, but she did not. It wasn't her
23 impression that the decedent was trying to rape her, and it
24 wasn't an excited utterance in that the decedent was trying
25 to rape her. It was a statement told to her, and you can

PRETRIAL MOTIONS

1 hear it in the background. In fact, I think she says, and
2 correct me if I'm wrong, please, but to 911 caller --
3 operator, Matt, she says -- about raping and she says, "I'm
4 confused," her word, and then she says, "That's what I was
5 told." And toward the end of that they ask her who told
6 her and she says, "My boyfriend," and then she identifies
7 the defendant. So also under 803-1 and 2 it will be
8 inadmissible. Did I touch on everything?

9 MR. BULSA: Yes, sir.

10 THE COURT: I think I did. Anything?

11 JAMES H. PRICE, III: With upmost respect, obviously
12 we take exception to the Court's ruling, and I don't know
13 what I've got to do to protect that during the trial. I'll
14 make appropriate comments. On the rape statement and the
15 911 tape, obviously we need to make an offer of proof
16 during the trial to protect the record for appellate record
17 or whatever.

18 THE COURT: Certainly.

19 JAMES H. PRICE, III: If you have the 911 tape, and I
20 guess we can add, is that going to be put in as evidence
21 or --

22 THE COURT: I don't have any of it. What I have is
23 what Mr. Price, Jr. and Ms. Price were able to put on a
24 thumb drive, that's what -- we don't have any of it.

25 JAMES H. PRICE, III: I've got a copy of the 911

1 recording here that we would offer under seal, again, just
2 as an offer of proof. We would also officer Lisa's
3 statement also under seal. I think -- assuming the State
4 calls her as a witness, maybe before the jury listens to
5 her we can ask the appropriate questions again as an offer
6 of proof outside their presence. But we feel we need to do
7 that.

8 THE COURT: Sure.

9 JAMES H. PRICE, III: And he's the fourth.

10 THE COURT: I don't have Lisa's statement, nobody has
11 ever provided a statement, I haven't seen that. The
12 information I have come from the video and also the video
13 where she is seated in the car out of the rain, that was
14 also on the materials that were given to me and I'll say
15 that, but I don't have it.

16 (Break in proceedings.)

17 THE COURT: Are we ready for the jury, gentlemen?

18 JAMES H. PRICE, III: We would move that all
19 witnesses, State and the defense be sequestered during the
20 guilt or innocence phase of this trial.

21 THE COURT: Any objection to that?

22 MR. BULSA: Ask for reciprocity.

23 THE COURT: Yeah, it will be both ways. Anything
24 else? We've got the jury waiting.

25 MR. BULSA: Your Honor, technically I think that might

1 should only apply to fact witnesses.

2 JAMES H. PRICE, III: All witnesses. I understand
3 their chief investigating officer would be allowed, but we
4 would ask that any other officers remain outside the
5 courtroom.

6 THE COURT: Until they testify. Okay. Do you want to
7 take a minute to do that before I bring the jury? The jury
8 is sitting, though.

9 (Break in proceedings.)

10 MR. BULSA: Your Honor, there is one other matter
11 before we get in the case. We intend to use or offer into
12 evidence the photos that we presented in the hearing, and I
13 had some additional pictures and they show Mr. Bell's body.
14 Number 12 was -- State's 12 in the hearing was presented
15 and I was going to offer a couple of other views.

16 JAMES H. PRICE, III: Your Honor, realizing that the
17 State is entitled to a reasonable view of the body on the
18 scene, I don't think we have a problem with 12. We do have
19 a problem with the graphic nature of the other, we object
20 to those.

21 THE COURT: You want it black and white?

22 JAMES H. PRICE, III: I don't know. I'm trying to
23 picture a black and white --

24 THE COURT: That's these.

25 (Break in proceedings.)

1 MR. BULSA: I don't want to delay the Court
2 proceedings if you want to take a break.

3 (Break in proceedings.)

4 JAMES H. PRICE, III: What would be the purpose for
5 the introduction of the three black and white photos?

6 MR. BULSA: To facilitate the jury's understanding of
7 the crime scene, and also to help meet the element of
8 malice. I have an additional photo where I've removed the
9 body so you can get a closer view of where it occurred,
10 where it actually occurred.

11 JAMES H. PRICE, III: We would not have an objection
12 to that one.

13 THE COURT: Okay.

14 JAMES H. PRICE, III: We would object to the other
15 three.

16 THE COURT: Okay. I don't think this one has been
17 marked.

18 MR. BULSA: These three have not been marked, Your
19 Honor.

20 THE COURT: I'm going to allow this one, it's far
21 enough away. In black and white.

22 MR. BULSA: Yes, sir.

23 THE COURT: And I'm going to allow one, I'll allow
24 that one in black and white. That than one is not coming
25 in.

1 MR. BULSA: Get all of these marked.

2 THE COURT: Right here, those two.

3 (Break in proceedings.)

4 MR. BULSA: After a discussion at the bar and the
5 Court reviewed the photographs, the Court has precluded the
6 admission of some color photographs and allowed the
7 admission of two black and white photographs. With the
8 Court's permission I will have those marked as I present
9 them through the witness. And we have had the court
10 reporter mark as Court's Exhibit 3, 4, 5 and 6 those which
11 the Court has deemed inadmissible. That is for the record.

12 THE COURT: Court exhibits.

13 JAMES H. PRICE, III: And how many Court exhibits are
14 there?

15 THE COURT: There are six.

16 JAMES H. PRICE, III: Two on the 911 call and Lisa's
17 statement.

18 THE COURT: Right. Anything further?

19 MR. BULSA: No, sir.

20 THE COURT: Well, let me ask the obvious question
21 here, we've been here an hour now, some of us have been
22 here an hour -- and I was delayed getting her just a few
23 minutes. Should we just take another seven or eight
24 minutes and refresh ourselves? Because when I bring the
25 jury in we're going to swear the jury, I'm going to get

1 some opening statements and I'm going to recognize the
2 lawyers. Anybody want to refresh yourself real quick?
3 Let's do that.

4 (A recess was taken.)

5 THE COURT: Anything further before we bring the jury
6 in?

7 MR. BULSA: Nothing from the State, Your Honor.

8 JAMES H. PRICE, III: No, sir.

9 THE COURT: Okay. We'll have the jury.

10 (The jury enters the courtroom.)

11 THE COURT: Ladies and gentlemen, thank you for your
12 patience. We've been here working all day in your absence
13 on matters that did not require your attendance, we brought
14 you back at 2:00, thought we would be ready and we ran over
15 just a little but. But again, thank you so much for your
16 patience. Madam Clerk, will you swear the jury to try this
17 case?

18 (The jury was sworn.)

19 THE COURT: Thank you. Ladies and gentlemen, we are
20 about to try the case of the State of South Carolina versus
21 Lawton Leroy Holloway, who is the defendant in this matter.
22 But before we begin this trial I want to tell you that this
23 trial will most probably different from anything you have
24 come to expect by watching movies, TV or even reading
25 magazines or books. Most people believe that trials are

1 full of high drama and intense action, and while that may
2 be true in some instances, it is not true in every case,
3 and this trial is not for entertainment purposes. This
4 trial is a fundamental part of our democracy. Sometimes it
5 is slow, sometimes it is deliberate, and many times it is
6 repetitive, just the opposite of what you and I have come
7 to expect from the entertainment industry. I tell you that
8 this courtroom is a place of honor dedicated to the
9 protection and preservation of citizens rights through what
10 some other countries have called the greatest justice
11 system ever created. I tell you that the lawyers appearing
12 before you are advocates for the parties they represent,
13 but first and foremost they are officers of this court and
14 they are sworn to uphold the integrity of and the fairness
15 of our judicial system. Again, we thank you for excepting
16 this responsibility as being and serving as a juror.

17 Ladies and gentlemen, what I tell you now are not -- in my
18 remarks are not a charge on the law. My remarks are just
19 instructions to you, and I will give you the law at the end
20 of the trial. My remarks are an explanation of the
21 procedure that we will follow in this case. As I
22 previously told you, the defendant, Lawton Leroy Holloway,
23 is charged with two separate criminal offenses, the first
24 is the -- count one of the indictment is murder. It is
25 alleged that he did in Spartanburg County, South Carolina,

1 on or about August 31st of 2017 commit the offense of
2 murder by killing one Jeremy Bell. The same indictment,
3 what's known as count two, that he did so in the same
4 county and state on the same date with visibly displaying a
5 knife during the commission of or attempt the commission of
6 a violent crime, that being of murder. The elements of
7 those two will be explained to you further. I tell you
8 once again, as I told you yesterday, he has entered a plea
9 of not guilty to both counts of this indictment. There are
10 two matters for your consideration, if you will. He has
11 entered a plea of not guilty, and under our law he is
12 presumed innocent of the charges and the allegations made
13 in the indictment. I tell you again that the indictment is
14 a piece of paper, it is a charging instrument, it brings
15 them before the Court but nothing therein is evidence
16 against him. The burden is on the State to prove his guilt
17 beyond a reasonable doubt. Now, to decide whether or not
18 the State has met their burden in this trial, your purpose
19 will be to find the facts and determine the facts. Ladies
20 and gentlemen, you 12 jurors will be the sole judge of the
21 facts. If at anytime I make a comment regarding a fact you
22 must disregard it. You are to determine facts from the
23 testimony and evidence that is introduced in this
24 proceeding. It is up to you to determine the inferences
25 which may be properly drawn from the evidence presented.

1 It is especially important that you perform your duty of
2 determining facts diligently and conscientiously, because
3 ordinarily there is no way to correct an erroneous
4 determination of a fact by a jury. Now, ladies and
5 gentlemen, on the other hand and with equal emphasis, the
6 same law of this state that makes you 12 the finders of
7 fact makes me the judge of the law. You are the judge of
8 the facts, I am the judge of the law, and you must accept
9 it and follow it even if you disagree with it. I cannot
10 tell you what a fact is and you cannot disagree with me
11 about what the law is. You must accept it and apply it in
12 this case, and after doing so render a verdict. But until
13 I tell you to begin to deliberate you must not discuss this
14 case with any person, including fellow jurors, friends, or
15 family members in this case. The lawyers and the parties
16 that you see in this courtroom have been advised by me not
17 to speak to you. You are wearing those badges for a
18 reason, that tells everyone of us in the judicial system
19 that you are a juror, and therefore we have some common
20 hallways here in the courthouse, if you see one of the
21 lawyers or one of the parties in the case, or even me when
22 I walk by, if I do not speak, we are not being rude, it's
23 just that an innocent conversation could be misunderstood.
24 You must decide this case based solely on the evidence in
25 this courtroom. During a trial you must not conduct any

1 independent research on any fact of the case or any
2 evidence presented or any person or organization. Do not
3 try to learn any information from any source outside of
4 this courtroom. Do not use dictionaries or reference
5 materials, search the Internet, us a website, a blog,
6 Twitter, or any other tool with electronic communication
7 with the capability to receive or send information about
8 the case. Remember, do not use computers, telephones, cell
9 phones, tablets, smart phones, Internet or any tool that
10 has technology with communication capability at anytime in
11 this courtroom or in the jury room. Now, during breaks for
12 meals and overnight you certainly may use those devices but
13 you must not, you must not use those devices to communicate
14 with anyone or do any research about any matter in this
15 case. Now, during this trial do not read, listen to or
16 watch any news reports or any accounts about this case. We
17 have some media here in the back, and they are always
18 welcome in our courtrooms, we have an open courtroom in
19 South Carolina and the United States, but I charge you and
20 I tell you, and I'll remind you again, do not look any news
21 accounts, because the news account might be wrong, it might
22 be incomplete. But you and I, we must learn what we learn
23 about this case here in this courtroom. You must not be
24 influenced by anything or anyone outside of this courtroom.
25 And I tell you that if you become aware of a fellow juror's

1 violation of my instructions it is your duty to inform me
2 of that violation. Ladies and gentlemen, it's your duty to
3 keep an open mind and not decide any issue in this case
4 until all evidence has been presented, the parties make
5 their closing statements to you, and I instruct you on the
6 law, and it will then be your solemn duty and responsibility
7 to determine the guilt or innocence of this defendant.
8 Now, in just a few moments the solicitor will make what is
9 known as an opening statement in which the solicitor will
10 explain his or her view of the case. Likewise, the lawyers
11 for the defendant also have a right to make an opening
12 statement, although I tell they are not required to do so.
13 Now, the evidence will be presented by the sworn testimony
14 and any exhibits that are introduced into evidence before
15 you. I tell you ahead of time that there are matters -- I
16 mentioned it earlier, there are matters of law. In every
17 case there are matters of law that come up that I must
18 decide, and I must talk with the lawyers about that matter
19 of law. And what they're referring to is we have a set of
20 court rules and evidence rules, and the lawyers may get
21 into a disagreement as to whether or not a particular piece
22 of evidence comes in, whether or not it is called
23 admissible. It is my duty and my responsibility to rule
24 whether or not it is admissible. If it is admitted it is
25 up to you in your discretion to believe it or disbelieve

1 it, but it is up to me to determine if it comes in. When
2 that happens and the lawyers have a disagreement it might
3 be necessary for to me to have a colloquy with them, a
4 question and answer period, and in doing so I might have to
5 comment on a fact as it applies to this case. If that
6 happens, Mr. Foreman, I will remove the jury from the
7 courtroom so that I can be heard on the record. This lady
8 is recording everything that's being said so that we can be
9 heard on the record on that particular issue and it not be
10 in front of the jury. Because matters of law are not for
11 your consideration, you are here to determine the facts in
12 the case. Now, in determining what the facts are you must
13 decide whether or not to believe the testimony or whether
14 it's credible. Again, it is my responsibility to rule as a
15 matter of law whether the testimony is admissible, but once
16 admitted it is up to you to determine and give what value
17 you will to that. Now, thank you for being prompt in your
18 jury service, and we ask you to continue to do that. Mr.
19 Foreman, you indicated yesterday juror number 111, Dr. Lo,
20 sir, thank you for agreeing to serve and I hereby
21 officially appoint you the foreperson of this jury and I
22 thank you for serving. Anything from the State?

23 MR. BULSA: No, sir.

24 THE COURT: From defense?

25 JAMES H. PRICE, III: No, sir.

OPENING STATEMENTS

1 THE COURT: Okay. Ready gentlemen? Give your
2 attention to the lawyers.

3 MS. OVERBY: May it please the Court?

4 THE COURT: Yes, ma'am.

5 MS. OVERBY: Counsel? Fourteen stab wounds to his
6 body, including multiple wounds to his back, lying in his
7 blood on the living room floor in the defendant's home.
8 That is how Jeremy Bell was found in the early morning
9 hours of August the 31st of 2017. Let's take a step back
10 from that point. Earlier that night the defendant in this
11 case, Lawton Holloway, and his girlfriend, Lisa Wood,
12 visited a local bar and grill in Duncan called Kalahari Bar
13 and Grill. It was there that they ran into Jeremy Bell,
14 who Lisa knew. Lisa and Jeremy had worked together
15 previously, she considered him a friend. Jeremy was
16 invited over to the house that Lisa and Lawton shared at
17 ■■■ Buckingham Road in Duncan. Also that night Christina
18 Cormican was the bartender at Kalahari Bar and Grill, she
19 was also invited to the home, Lisa wanted to serve her a
20 meal. The four of them; Lawton, Lisa, Jeremy and
21 Christina, all went back to the residence. They had
22 drinks, they had been drinking through the night. They
23 went down to the creek that was in the back of the
24 residence, they were drinking there as well. It began to
25 rain. The group came up, Christina actually left, she had

OPENING STATEMENTS

1 to work the next day so she left the residence, and Lawton,
2 Lisa and Jeremy went inside the house. About 3:00 a.m.
3 Lisa went to bed on the couch in the living room. Jeremy
4 and Lawton stayed up at one point on the front porch of the
5 residence. About 6:00 a.m. something woke Lisa. She saw
6 her friend, Jeremy, on the living room floor. She saw
7 blood on the wall. She saw her boyfriend, Lawton Holloway,
8 standing by his body. She got up from on the couch, she
9 backed into a bedroom on the opposite room of the house,
10 she called 911. First responders arrived at the scene,
11 they found the victim -- or excuse me, they found Jeremy
12 where I said he was lying on the floor in the living room
13 with those stab wounds to his body, as you will here, in
14 back, on his torso and include some in the neck. You will
15 also hear testimony during the course of this trial from
16 crime scene investigators, first responders about what they
17 saw, about items recovered. There was a knife at the scene
18 by Jeremy's body. There were no signs of any struggle in
19 the residence. When the police got there the defendant
20 wasn't at the house, he had left. He came back to the
21 scene, he had blood on his clothing. He had no wounds to
22 himself. You will also hear testimony that Jeremy had no
23 defensive wounds to his body. The defendant is charged in
24 this case with two counts, with murder and possession of a
25 weapon during the commission violent crime. It is the

OPENING STATEMENTS

1 State's burden to prove beyond a reasonable doubt that the
2 defendant in this case, Lawton Holloway, killed Jeremy Bell
3 with malice aforethought, and also as the possession of a
4 weapon charge, that he possessed a weapon, which would
5 include a knife, while he committed murder. During the
6 course of this trial I ask that you do three things, listen
7 to the evidence that's presented to you in this courtroom,
8 you are the eyes and ears of this courtroom. Evaluate what
9 is presented to you in the form of testimony or documents,
10 fairly assess what's before you, and use your common sense.
11 It didn't evaporate when you walked through that door to
12 this courtroom this morning -- afternoon. I want to thank
13 you for your service. We realize we have taken you away
14 from your lives and other aspects of your day to day and
15 ask you to be here but it's for a very important purpose.
16 This is an important matter for both the State and defense.
17 I thank your for attention and I'm confident that once
18 you've heard the testimony and evidence that's presented in
19 the courtroom, and after the Judge instructs you on the law
20 that applies to the case that you'll return a verdict of
21 guilty. Thank you.

22 JAMES H. PRICE, III: May it please the Court, Your
23 Honor?

24 THE COURT: Yes, sir. Mr. Price?

25 JAMES H. PRICE, III: Mr. Foreman and ladies and

OPENING STATEMENTS

1 gentlemen, good afternoon. I would like to talk with y'all
2 for a few minutes. I'm going to ask you to consider some
3 things, I'm not going to tell you that you have to do
4 things or you have to do this or that. I do want you to
5 consider -- I agree with the prosecutor, that the situation
6 involving the death of Jeremy Bell was ugly, it was brutal.
7 Your decision is going to be how did it happen, why did it
8 happen and what does it mean. And rather than me giving
9 you my opinion or you taking the opinion of the prosecutor,
10 you're going to hear the evidence, or the lack of it, and
11 you're going to make your decision at the close of this
12 case. Even though this was a brutal situation our rules
13 still apply as far as this trial is concerned. The burden
14 of proof is on the State of South Carolina. The State gets
15 to go first, they put up their case first, because they
16 have the burden they get first crack at you. Even though
17 the burden of proof is on them they have to convince all of
18 you unanimously beyond a reasonable doubt that my client,
19 Mr. Holloway over there, killed Jeremy Bell with malice
20 aforethought, and that's a very fancy statement, very fancy
21 words. The judge will give you the definition at the end
22 of the trial, but I think that one definition of malice
23 aforethought is with an evil heart, evilness, wickedness,
24 nastiness, that's malice. But one of the things the State
25 has to do, which we don't think that the State can, is

OPENING STATEMENTS

1 prove to you beyond a reasonable doubt that Lawton Holloway
2 over there did not do this in self-defense. Lawton
3 Holloway does not have to prove to you that he did it in
4 self-defense. The State has got to convince all of you
5 beyond a reasonable doubt that this did not happen in self
6 defense. The State has got to prove anything, Mr. Hollow
7 has got to prove nothing. Now, a lot of times we hear
8 that -- or we have heard that this is the case of the State
9 v. Lawton Holloway. The State in this case is on trial,
10 not Mr. Holloway. The State is on trial because they have
11 the burden, they have to prove everything. They have to
12 convince you beyond a reasonable doubt that they have
13 proved their case, and if they don't, if you find a doubt
14 then your verdict should be not guilty at the end of the
15 day. In this case there's going to be some evidence, I
16 think, and I'll ask you to consider that the investigators
17 in this case made up their minds very soon, very quickly.
18 I'm asking y'all not to do that. All of you took an oath
19 when you were chosen as a juror. You told us that you knew
20 nothing about this case, that you had not made up your
21 mind, and that you would give Mr. Holloway a fair and
22 impartial trial, that's all that we ask, but ask you not to
23 make up your minds until all of the evidence is in, all of
24 the testimony is in, the Court gives you what the law is
25 and you're back in your jury room deliberating. We expect

OPENING STATEMENTS

1 that there will be testimony that Mr. Holloway and his
2 common-law wife or fiancée, Lisa Wood, had been together for
3 ten years basically as husband and wife on August the
4 30th of 2017. Lisa Wood had three children that Roy
5 Holloway loved, cherished, took care of, helped raise, and
6 they're all in the same house together where this incident
7 happened. Although they were not his natural children, he
8 loved them, he cared for them, he provided for them. They
9 were a family. And I expect also that you will hear
10 testimony that Mr. Holloway is a nonviolent, easygoing,
11 non-aggressive person. All of that -- all of this kind of
12 changed, the whole household thing changed August 31st.
13 I'm not going to repeat over and over what the solicitor
14 said, there was a lot of alcohol being consumed on the
15 30th when Lisa's oldest son had a birthday. They went to
16 Kalahari's, they left at 1:00 or 2:00 in the morning with
17 Jeremy Bell and with the waitress, they all went back to
18 Lisa and Roy's house. They drank some more. The waitress,
19 Christina, left at 3:00 in the morning, Roy and Lisa and
20 Jeremy all went inside the house. Lisa either went to
21 sleep or passed out on a sofa in the living room where all
22 of this happened, and she was dressed and she had a blanket
23 over her. Roy and Jeremy, we think the evidence will show,
24 were seen out on the porch at 5:00 in the morning talking
25 calmly, everything was fine, and then at 6:00 the law

OPENING STATEMENTS

1 enforcement is called and Jeremy Bell is found. And the
2 State has got to convince you beyond a reasonable doubt
3 that Roy Holloway with malice, with an evil heart
4 intentionally killed Jeremy Bell. Now, as I told you, Lisa
5 was asleep on the couch right where all of this happened.
6 The evidence will show that Lisa had blood on her toe. The
7 evidence will show that there was blood on the couch where
8 she was sleeping. The evidence will also show that the
9 sheriff's office made up their mind fairly quickly about
10 what they thought happened. Now, I believe the evidence
11 will also show that they initially, they being the
12 sheriff's office, did a very good job. I want y'all to be
13 thinking during this trial, evidence preservation, how
14 important that is. The officers initially separated Lisa
15 from her children, that's common to separate witnesses.
16 They initially got Jeremy's clothes, they got Roy's
17 clothing. They got a search warrant for hair and fibers
18 and DNA and blood, and that's all good, doing a good job so
19 far. They took Jeremy's clothing, they took Roy's
20 clothing, they talked to Lisa. They saw the blood on the
21 couch, they saw the blood on her toe. They found out that
22 she was asleep there, but they never took Lisa's blanket.
23 They never took Lisa's clothing. They had a search warrant
24 to look for hair, fiber and blood, and yet they never
25 examined Lisa's clothing for hair, fiber or blood and so

OPENING STATEMENTS

1 we'll never know if Jeremy Bell had hair, fiber or blood on
2 Lisa's clothing. Roy Holloway will never be able to use
3 that as evidence in his trial because the State failed him.
4 I want you to please consider that and be thinking about
5 that. We believe at the end of the case, ladies and
6 gentlemen, that it will not make sense that Roy Holloway
7 with an evil heart killed this man, we do believe that it
8 makes more sense that he defended himself. And if you find
9 that the State failed in its proof on evil -- having an
10 evil heart or failed to convince you that Roy did not
11 defend himself, he is entitled to a verdict of not guilty.
12 Thank you.

13 MR. BULSA: Deputy Malpass.

14 The witness, KRISTEN MALPASS, was first duly sworn and
15 Testified as follows:

16 THE COURT: Officer, tell us who you are and spell
17 your last name for my court reporter, please.

18 THE WITNESS: Deputy Kristen Malpass, M-a-l-p-a-s-s.

19 THE COURT: Thank you. Solicitor?

20 MR. BULSA: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. BULSA

23 Q Deputy, who do you work for?

24 A I work for the Spartanburg County Sheriff's Office.

25 Q In what capacity?

KRISTEN MALPASS - DIRECT

1 A I am on uniform patrol, night shift.

2 Q And how long have you been an officer?

3 A Five and a half years.

4 Q And back in 2017, August, what were your duties?

5 A I was, again, working night shift and uniform patrol
6 answering calls for service.

7 Q And what is your area of the county that you work in?

8 A I work the southern half of the county, so Roebuck,
9 (inaudible) over to Duncan and Pelham, down to Woodruff.

10 Q Did a call come through on the morning hours of
11 August 31st of 2017 for Buckingham Road in Duncan?

12 A Yes, sir.

13 Q About what time did that call come through?

14 A About 6:02 in the morning.

15 Q Okay. That's when you would have been dispatched?

16 A Yes, sir. I work until 7:00 in the morning.

17 Q Okay. So the call would have come in to 911 shortly
18 before that.

19 A Yes, sir.

20 Q And do you recall where you were located when that call
21 came in?

22 A I was around Herron Circle near the sheriff's office
23 when the call came out.

24 Q And what did you -- what was the nature of that call?

25 A The call that I was sent to was to assist EMS.

KRISTEN MALPASS - DIRECT

1 Q Okay. And how long did it take you to get there?

2 A Fifteen minutes.

3 Q And the residence address was [REDACTED] Buckingham?

4 A Yes, sir.

5 Q Is that in Spartanburg County?

6 A It is in Spartanburg County.

7 Q All right. And what did you observe when you first
8 arrived?

9 A When I first arrived on scene I pulled in behind fire
10 and EMS who were already there standing by waiting for me so
11 that they could go in. They told me that the female who had
12 called in was at the window and that -- was ready to speak
13 to me. So I walked up to the house and located Ms. Wood in
14 a bedroom with the window open and she called out to me and
15 I spoke with her through the window. She advised me that
16 somebody was in the living room and that they were hurt and
17 that they needed help.

18 Q Okay. I'm going to turn this machine on and use some
19 photographs so the jury can get a picture of what we're
20 talking about. I show you what's been marked State's
21 Exhibit 16. Can you tell us what that is a picture of?

22 A That is a picture of the incident location, [REDACTED]
23 Buckingham Road. That is an overhead aerial view.

24 Q Okay.

25 MR. BULSA: Your Honor, the State would offer 16 into

KRISTEN MALPASS - DIRECT

1 evidence.

2 THE COURT: Any objection?

3 JAMES H. PRICE, III: No, sir.

4 THE COURT: State's 16 is without objection.

5 (The photo was marked as State's 16.)

6 Q Can you see from where you are?

7 A Yes, sir.

8 Q Is it properly marked on the map?

9 A Yes, sir.

10 Q [REDACTED] Buckingham, this would be the residence?

11 A Yes, sir.

12 Q Now, this wasn't taken the day of the incident, this is
13 just on the computer; is that right?

14 A Correct.

15 Q Okay. Let me show you State's 7 and 8. Do you
16 recognize what those pictures show?

17 A Yes, sir. That would be the front of the incident
18 location and that's going to be the back.

19 MR. BULSA: Your Honor, the State would offer 7 and 8
20 into evidence.

21 JAMES H. PRICE, III: Without objection, Your Honor.

22 THE COURT: 7 and 8 without objection.

23 (The photos were received as State's 7 and 8.)

24 Q Before I display these, on State's 16 using this
25 pointer, where would the EMS vehicles have been?

KRISTEN MALPASS - DIRECT

1 A EMS and fire were basically directly in front of the
2 residence, and then I had to park over here.

3 Q Okay. So the view I'm going to show you of State's 7
4 of the front of the house was taken from the upper part of
5 the house near the driveway area?

6 A Yes, sir.

7 Q Okay. And does that show the window that you would
8 have went to to speak with Ms. Wood?

9 A Yes. The window was right here, the one on the left.

10 Q Okay. On the left-hand side?

11 A Left-hand side when you're facing the house.

12 Q Okay. So the jury has a good understanding, State's 8,
13 is that the back of the residence?

14 A That is the back of the house.

15 Q Okay. So it has a front door and a rear door.

16 A It does.

17 Q Now, you said initially that you went to speak with
18 Ms. Wood and she told you someone was hurt. Did you then
19 enter the residence?

20 A I did. I went to the front door, I saw that the main
21 front door was open but there was a glass storm door that
22 was closed so I could still see through. And at that time I
23 saw the victim, Mr. Bell.

24 E. POWERS PRICE: Objection and move to strike.

25 THE COURT: Yes. Solicitor?

KRISTEN MALPASS - DIRECT

1 (A bench conference held off the record in the presence
2 Of the jury but out of the hearing of the jury.)

3 THE COURT: Okay. It is stricken. The jury is to
4 disregard the characterizations as a victim. Go ahead.

5 Q You can't call him the victim, just refer to him by
6 name.

7 A Okay.

8 Q Let me show you what's been marked State's Exhibit 9.

9 A Yes, sir, the front door.

10 Q Okay.

11 MR. BULSA: State would offer Number 9 into evidence,
12 Your Honor.

13 JAMES H. PRICE, III: Without objection.

14 THE COURT: Without objection State's 9.

15 (The photo was received as State's 9.)

16 Q So using the pointer, direct the jury where you went.

17 A I first came up and talked to Ms. Wood at this window,
18 and then I walked in front of the house up the stairs and
19 entered through the front door.

20 Q Okay. And State's 9, does that show the entrance?

21 A That is the front door, yes, the entrance.

22 Q And it's kind of difficult to see, but would you have
23 been able to see Mr. Bell from that perspective?

24 A Yes, sir. I saw him right in that area.

25 Q Okay. And this door -- this photo shows the storm door

KRISTEN MALPASS - DIRECT

1 actually opened, that wasn't like that, was it?

2 A Correct. The storm door was closed when I arrived.

3 Q But the main door was open.

4 A Yes.

5 Q When you observe him like that, what did you do?

6 A I called out to him to see if I could get a response.

7 I got no response. So I approached further. And then at
8 that time I went to clear the residence to make sure there
9 was no other threats or anything harmful so I could get EMS
10 and fire inside to tend to Mr. Bell.

11 Q So you had to check the place out before emergency
12 personnel came in?

13 A Correct, which -- yes. I had to clear the scene first.

14 Q Did that take very long?

15 A No, it didn't take very long at all. It was a rather
16 small house so it went rather quickly.

17 Q Okay. So when you entered the living room area, was
18 the -- what was the lighting like in the house?

19 A The living room itself was very dim, it was pretty
20 dark. There's a bedroom to the right over here on the
21 inside of the door and there was a light on in there. To
22 the left over on this side there is a kitchen, and there was
23 a light on in the kitchen, which is open to the living area
24 but the light didn't really transfer over. And then to the
25 left further down there was a hallway with two bedrooms

KRISTEN MALPASS - DIRECT

1 opposite each other, and those two had lights on. But other
2 than that, you had lights on two ends of the house and there
3 was nothing lighting up the middle part, which is where the
4 living area is.

5 Q Could you tell which room might have been the master
6 bedroom?

7 A It -- to me it appeared as though the bedroom right on
8 the right was a master bedroom.

9 Q Did it have its own bathroom?

10 A It did, it had its bathroom.

11 Q Was that bathroom light on?

12 A The bathroom light was on.

13 Q Okay. So the living area was dark, you have the
14 kitchen and bedroom and bathroom was lit.

15 A Yes.

16 Q Okay. Now, did you find anybody else in this house?

17 A There was no one else in the house when I performed my
18 search, just Ms. Wood and her three children located in one
19 of the back bedrooms to the left of the house.

20 Q Okay. And these two double windows, are those windows
21 both in that same room?

22 A Yes, sir. This window right here is the bedroom where
23 I found Ms. Wood and her children.

24 Q Okay. And how was Ms. Wood acting?

25 A Ms. Wood appeared to be extremely distraught and

KRISTEN MALPASS - DIRECT

1 distressed. I tried to speak with her and get answers about
2 what was going on and she was having trouble coming up with
3 sentences to tell me, and she appeared to be very
4 distraught.

5 Q Okay. Now, did you have any interaction with the
6 defendant at the scene?

7 A I did not, I never saw the defendant.

8 Q What position was Mr. Bell's body?

9 A Mr. Bell from about shoulder blades up, the upper part
10 of his torso, was leaning against the wall and his head was
11 pointed towards the front door, and then the majority of his
12 body was lying flat on the floor.

13 (Break in proceedings.)

14 JAMES H. PRICE, III: Your Honor, we have no objection
15 to 19. We do object to 17 and 18 on the grounds previously
16 stated, graphic nature.

17 THE COURT: Solicitor?

18 MR. BULSA: I would offer these into evidence.

19 THE COURT: 19 is without objection, 17 and 18 is over
20 objection of defense counsel. Thank you.

21 (The photos were received as State's 17-19.)

22 Q I show you -- start with 18, it's another view from
23 inside the doorway; is that right?

24 A Yes, sir.

25 Q Can you see how his body is positioned?

KRISTEN MALPASS - DIRECT

1 A I can.

2 Q Is that how he was positioned when you found him?

3 A That is not.

4 Q Okay. Do you have an explanation as to why he's no
5 longer in the position you saw him?

6 A Yes, sir. When EMS and fire got on scene to check him
7 out they moved him off the wall so that they could better
8 care for him.

9 Q Is that depicted in State's 17?

10 A It is.

11 Q Okay. We see his shirt pulled up over his stomach.
12 Was his shirt in that position?

13 A It was not, not when I arrived on scene. His shirt was
14 full in place where it normally would be.

15 Q Now, in State's 19 we've removed the body and put it as
16 a closer shot. Can you kind of show the jury how he would
17 have been slumped over?

18 A When I arrived his body was slumped up right here
19 against where this box is. His head was approximately on
20 this part of the wall, like I said earlier, facing the
21 direction of the doorway, and then his shoulders would have
22 been right around here, and then the rest of his body
23 extended out towards the center of the room.

24 Q Okay. Did you yourself check Mr. Bell at all?

25 A I did not because EMS was already on scene.

KRISTEN MALPASS - DIRECT

1 Q I see an object there in State's Number 19, the edge of
2 the couch, can you tell us what that is?

3 A That is a kitchen knife.

4 Q Okay. Was that there when -- did you observe it there?

5 A I did see a knife when I walked in.

6 Q Okay. Other than going in the house and clearing it,
7 did you move anything?

8 A I did not move anything inside the house.

9 Q So even as you were clearing the house you had no --

10 A I opened up -- no. I had no reason to touch anything
11 that might be of evidentiary value. The only thing I did
12 was open doors so I could clear closets and other rooms in
13 the house.

14 Q Other than this area where Mr. Bell's body was found,
15 did you find any indication of a struggle that had occurred?

16 A I did not. The rest of the house was clean.

17 Q Okay. How long do you recall being on the scene?

18 A I was on scene for about 20 minutes waiting for my
19 sergeant and everyone else to show up so that we would have
20 more units to be able to deal with everybody else on scene,
21 meaning Ms. Wood and her children.

22 Q The clearing of the house went fairly quickly, right?

23 A The clearing of the house maybe took a minute or less.

24 Q And then you invited EMS to check Mr. Bell?

25 A Yes, sir.

KRISTEN MALPASS - DIRECT

1 Q From what you observed and then checking him, did it
2 appear that he was deceased?

3 A Mr. Bell showed no signs of life.

4 Q Okay. Is that -- well, when did you go back to meet
5 with Ms. Wood?

6 A When EMS was on scene and they were doing their thing
7 hooking him up to the machine and checking, I went back to
8 go on Ms. Wood and her children to make sure they were okay.
9 So it was at that time EMS was working on him that I went to
10 go make contact with Ms. Wood.

11 Q And did you make efforts to try to keep the children
12 from viewing what had occurred?

13 A I did. I told them to stay in room, and I tried to
14 keep the door shut as best I could.

15 Q Were you able to get them out of the house?

16 A When more units arrived on scene we were able to get
17 them out of the house, because we had people who could
18 actually watch over them at that point.

19 Q How did you actually direct them out?

20 A My sergeant and I kind of blocked the hallway as best
21 we could and led them out to the right where the back door
22 is.

23 Q We saw that in one of the previous pictures.

24 A Yes.

25 Q You walked them up to the patrol cars?

KRISTEN MALPASS - DIRECT

1 A I did. I walked them up to the roadway.

2 Q Okay. Now, in your dealings with Ms. Wood, did any of
3 her clothing appear to be dishoveled?

4 A It did not.

5 Q Did they appear to have any blood on them?

6 A They did not.

7 Q Did you notice any blood anywhere else on her body?

8 A I didn't notice any blood on her. She didn't appear to
9 be injured at all.

10 Q You told us you got the call around 6:02, you arrived
11 around -- about 15 minutes later, about 6:17?

12 A Yes, sir.

13 Q Do you recall who would have been the next officer on
14 scene?

15 A The next officer on scene showed up about five minutes
16 after me, and that was Deputy Morrow.

17 Q And do you know what he began doing?

18 A At that point I had already received by that time
19 confirmation from EMS that Mr. Bell was deceased. And so my
20 sergeant advised over the radio to set up a crime scene, and
21 I asked Deputy Morrow to set up the crime scene with crime
22 scene tape and block everything off.

23 Q And during your entire time on the scene did you ever
24 have any contact with Mr. Holloway?

25 A I never spoke with the defendant.

KRISTEN MALPASS - CROSS

1 Q Never? Okay. Do you notice anything about the
2 children? How was their demeanor?

3 A The children for the most part didn't seem to know what
4 was going on. I checked with them and I asked them, you
5 know, is everyone okay, "Are you okay? Are you good?" And
6 they just seemed content just sitting in the room. And they
7 didn't seem particularly scarred by the incident or to even
8 know of anything that happened.

9 MR. BULSA: Okay. Thank you. That's all I have,
10 answer any questions that defense counsel may have.

11 THE COURT: Yes, ma'am, Ms. Price?

12 CROSS EXAMINATION

13 BY E. POWERS PRICE

14 Q Officer Malpass, you stated that it took you
15 approximately 15 minutes to arrive on scene?

16 A Yes, ma'am.

17 Q And you were the first one?

18 A I was.

19 Q And the first thing you did was secure the scene,
20 right?

21 A The first thing I did was make contact with Ms. Wood,
22 and then when I went inside I secured the residence.

23 Q And you testified Mrs. Wood appeared distraught; is
24 that right?

25 A She did.

KRISTEN MALPASS - CROSS

1 Q She also appeared intoxicated, didn't she?

2 A Slightly. It was kind of a combination of both I would
3 say.

4 Q As the first officer on scene one of your duties is
5 also to protect the scene; is that right?

6 A Yes, ma'am.

7 Q Because first responders must be mindful that DNA
8 evidence can be collected from almost anywhere; is that
9 right?

10 A Yes, ma'am.

11 Q And Lisa -- you were aware that Lisa fell asleep on the
12 couch with a blanket; is that right?

13 A Not when I first got there. I didn't know that until
14 later that she was actually sleeping on the couch.

15 Q So before you left the scene you were aware that Lisa
16 was asleep on the couch with a blanket; is that right?

17 A Yes, ma'am.

18 Q And DNA evidence could include hair fibers; is that
19 right?

20 A As far as I know.

21 Q Otherwise things that are sometimes not visible to the
22 naked eye, right?

23 A Potentially.

24 Q And before you took the children outside you informed
25 them that it was raining a little, right?

KRISTEN MALPASS - CROSS

1 A I did.

2 Q And one of the children asked for a hoodie that was
3 draped over a chair; is that right?

4 A They did.

5 Q And your response was, "No. We can't disturb anything
6 in here;" is that right?

7 A Yes. I was informed by my sergeant who was behind me,
8 I asked him, you know, is that okay to get the hoodie over
9 here, and said, no, we're not to touch it.

10 Q And that's because it could potentially be evidence; is
11 that right?

12 A It could. I did what my sergeant told me to do.

13 Q It could possibly have DNA evidence or some other sort
14 of evidence on it, right?

15 A It could.

16 Q To your knowledge that blanket was never taken into
17 evidence by anyone in your department, right?

18 A Which blanket?

19 Q Lisa's blanket.

20 A On the couch?

21 Q Right.

22 A Yeah, to my knowledge. I wasn't there when crime scene
23 collected anything so I can't say with a hundred percent
24 certainty what they took.

25 E. POWERS PRICE: No further questions, thank you.

KRISTEN MALPASS - CROSS

1 THE COURT: Anything at all as to that?

2 MR. BULSA: No, sir, no reply.

3 THE COURT: Thank you. Officer, you may step down,
4 please be careful.

5 MR. BULSA: We would ask she be excused.

6 THE COURT: Any objection?

7 JAMES H. PRICE, III: No, sir, we have no objection.
8 We have this officer under subpoena also, I doubt that
9 we're going to need her but we're going to get with --
10 Investigator Lawson's cell phone number and let him know
11 this afternoon or this evening if we need her. As far as
12 we're concerned you're excused.

13 THE COURT: Ma'am, you may stay or go, whichever you
14 choose, officer.

15 THE WITNESS: Thank you.

16 MR. BULSA: Brad Watson.

17 The witness, BRADLEY WATSON, was first duly sworn and
18 Testified as follows:

19 THE COURT: Sir, once you're seated if you'll adjust
20 that microphone, pull your chair up just a little. Tell us
21 your name and spell your last name for my court reporter,
22 please.

23 THE WITNESS: Bradley Watson, W-a-t-s-o-n.

24 THE COURT: Thank you. Solicitor?

25 DIRECT EXAMINATION

BRADLEY WATSON - DIRECT

1 BY MR. BULSAG

2 Q Mr. Watson, who are you employed with?

3 A Spartanburg County EMS.

4 Q And what are your duties with EMS?

5 A I'm a senior paramedic on a truck.

6 Q How long have you been working with EMS?

7 A I've been in Spartanburg for four years, and before
8 that I was with Laurens County for several years.

9 Q Okay. Do you recall receiving a call to go to
10 Buckingham Road on August 31st of 2017?

11 A I do.

12 Q And did you beat the police there?

13 A We did.

14 Q And what do you do when you arrive at a scene like
15 that?

16 A The fire department was standing by, we went ahead and
17 went on scene. Walked up to the front door about the same
18 time that a county officer pulled up, at which time we
19 stopped and waited on them.

20 Q Would you have entered had the police had not gotten
21 there?

22 A I would have.

23 Q Why is that?

24 A According to the call someone was hurt, it's our own
25 judgment whether or not we're going to go on scene or not.

BRADLEY WATSON - DIRECT

1 Q All right. But you stopped when the officer arrived?

2 A That's correct.

3 Q Did they ask you to stop?

4 A They did not.

5 Q And what were you waiting on the officer?

6 A The officer arrived, was going to let them go in first.

7 Q All right. And describe what happened, if you would.

8 A The officer came up. There was someone by the window
9 speaking outside, the officer briefly addressed them, not
10 sure what was said. Officer walked in, I walked in as well,
11 my partner behind me. The officer cleared the room. We saw
12 a patient laying in the floor of the living room leaning up
13 against the wall. I attempted to check a pulse. His head
14 was bent down, I was unable to properly assess a corroded.
15 We positioned the patient looking back from the wall,
16 assessed a pulse, there was none, no pulse there. My
17 partner was getting the heart monitor placed on the patient
18 to make sure -- to see in there was a cardiac rhythm
19 present. While he was doing that we did a quick assessment
20 of the patient, ran a cardiac strip. A cardiac showed
21 asystole, we removed the monitor and exited the room.

22 Q What is asystole?

23 A No rhythm, no cardiac rhythm present.

24 Q So no heart beat?

25 A That's correct.

BRADLEY WATSON - DIRECT

1 Q Now, I show you a couple of those photographs marked
2 State's 17 and 18. I don't know if your memory is well
3 enough, but does that appear to be where you would have
4 moved him to?

5 A That's correct.

6 Q Okay. So State's 18 was taken from the -- as you
7 entered the doorway; is that correct?

8 A Yes.

9 Q Of course, when you entered he was not in that
10 position?

11 A That's correct.

12 Q That's essentially how you left him.

13 A That's correct.

14 Q And State's 17, we see him right there. Using this
15 pointer, can you kind of point to the picture for the jury
16 as to where he would have been positioned on the wall?

17 A Around back here. He wasn't quiet in a sitting-up
18 position, but his back wasn't resting against the wall back
19 here.

20 Q Do you see the -- you can't see the pool of blood. Do
21 you remember there being a pool of blood?

22 A I do.

23 Q State's 19.

24 A Yes.

25 Q Okay. We don't have the body there but that's a better

BRADLEY WATSON - DIRECT

1 picture. Would he have been slumped over to where that pool
2 of blood was on?

3 A That's correct.

4 Q And then you actually pulled him down and slid down
5 into the floorway?

6 A That's correct. So he stretched out in the floor so we
7 could properly assess him.

8 Q Do you remember how his closing was?

9 A I remember seeing blood coming through his clothing,
10 some rips in it. We didn't cut it off or anything, we
11 didn't have a pulse. We --

12 Q Did you push it up to get to his chest?

13 A Yes.

14 Q Okay. But you didn't have to cut it or anything?

15 A Correct.

16 Q And these white things in State's 19, what are those?

17 A It appears to be EKG leads.

18 Q Okay. And that blue white looking object, what is
19 that?

20 A That appears to be a burn sheet or something, I'm not
21 sure what that is.

22 Q That's something y'all might have put there to cover
23 some blood.

24 A It's possible my partner and I put it down to --

25 JAMES H. PRICE, III: Your Honor, I object once again

BRADLEY WATSON - DIRECT

1 to leading.

2 THE COURT: Okay. Let's don't lead, let's ask the
3 questions. Go ahead.

4 Q Do y'all carry stuff like that?

5 A We do.

6 Q And do you often put it down at scenes?

7 A Sometimes we do put it down to prevent contamination of
8 our equipment.

9 Q Okay. All right. Did you disturb anything else in the
10 room other than moving Mr. Bell's body?

11 A No. Once we obtained a cardiac rhythm strip we exited
12 the house.

13 Q Do you see the reddish/orangish object up there are at
14 the top of the picture?

15 A I do.

16 Q Do you remember seeing that that day?

17 A I do. I don't recall the color, I remember seeing a
18 knife.

19 Q Did you move it or anything?

20 A Uh-uh.

21 Q Do y'all try to leave the scene as you found it?

22 A We do. We do.

23 Q In this case, would you have moved Mr. Bell's body if
24 you could have checked it like it was?

25 A If we could have properly assessed for a corroded pulse

BRADLEY WATSON - DIRECT

1 we would not have moved him.

2 Q What kind of assessment did you make of him other than
3 checking for his pulse?

4 A While my partner was placing the cardiac monitor on him
5 we rolled him over to assess the back side as well.

6 Q What did you observe?

7 A Several puncture wounds.

8 Q His back as well as his front?

9 A That's correct.

10 Q About how long were you on scene?

11 A We were on scene probably in total about an hour. We
12 were in the house maybe just a couple of minutes.

13 Q And why did you remain on scene after you left the
14 house?

15 A To wait on the deputy coroner to arrive so we could
16 hand over our report.

17 Q Did you treat anybody else that night?

18 A On that scene, no.

19 Q All right. So nobody else came out with any injuries.

20 A No, sir.

21 Q Okay.

22 MR. BULSA: Answer any questions defense counsel may
23 have.

24 JAMES H. PRICE, III: Your Honor, we have no questions
25 of this gentleman.

LATHIER GRAHAM - DIRECT

1 THE COURT: Thank you, sir, you may step down. Please
2 be careful.

3 MR. BULSA: And we ask he be excused.

4 JAMES H. PRICE, III: No objection.

5 THE COURT: Sir, you're excused, you may stay or go,
6 whichever you choose.

7 THE WITNESS: Thank you.

8 MR. BULSA: Lathier Graham.

9 The witness, LATHIER GRAHAM, was first duly sworn and
10 Testified as follows:

11 THE COURT: Sir, tell us your name and spell your last
12 name for my court reporter, please.

13 THE WITNESS: Lathier Graham, G-r-a-h-a-m.

14 THE COURT: Thank you, sir. I think if you'll stay
15 right back there, you have a deep voice, and we can hear
16 you.

17 THE WITNESS: All right.

18 DIRECT EXAMINATION

19 BY MR. BULSA

20 Q Mr. Graham, with whom are you employed with?

21 A Spartanburg County Sheriff's Office.

22 Q In what capacity?

23 A Forensics.

24 Q And how long have you been an officer?

25 A I've been an officer 14 and a half years.

LATHIER GRAHAM - DIRECT

1 Q How long of that with Spartanburg County?

2 A Fourteen and a half years.

3 Q How long have you been with forensics?

4 A Ten years.

5 Q And what do you do in forensics?

6 A Process crimes, photograph, collect evidence, pretty
7 much anything dealing with a crime scene as far as
8 processing wise. Initially show up, investigate the scene,
9 photograph the initial scene, collect any and all evidence.

10 Q What kind of information do you usually have when you
11 got to a scene?

12 A Get the information from the first responding officers
13 or investigators that's on scene.

14 Q Okay. Do you have to have a search warrant before you
15 go in and process?

16 A Yes, sir, on death scenes we do.

17 Q So would you arrive on scene and wait for a search
18 warrant and then go in and process it?

19 A Yes, sir.

20 Q Now, do you recall August 31st of 2017 going to
21 Buckingham Road in Duncan?

22 A Yes, sir.

23 Q Do you recall about when you yourself arrived?

24 A I got the phone call at 6:45 that morning and it took
25 me roughly about -- with the traffic on that time of the day

LATHIER GRAHAM - DIRECT

1 it took me about 15 or 20 minutes to get there.

2 Q Okay. And what was taking place when you arrived?

3 A When I arrived it was -- the weather was a little wet,
4 I just observed the emergency vehicles in the roadway. I
5 pulled up, wrote down my times and information that I
6 needed, the information I didn't have I got it from the
7 officers on scene. They advised me of the situation and
8 advised that the search warrant was being prepared and I
9 stood by until they got there.

10 Q Did you photograph the outside?

11 A Yes, sir, I did.

12 Q Did you note how many vehicles were around the house?

13 A There was one in the driveway, I can't remember
14 exactly, it's been a minute.

15 Q State's 7.

16 A Yes. One in the driveway and one at the top of the
17 road.

18 Q Okay. Now, did you later find that a truck was maybe
19 connected to this residence?

20 A Yes. It was next door, parked on the top of the
21 roadway next door.

22 Q Okay. State's 16 is an aerial photograph, it's not a
23 current photograph. But show -- I'm going to put this up
24 and you show me where the truck might have been parked.

25 A All right. The truck was parked right here --

LATHIER GRAHAM - DIRECT

1 Q Okay.

2 A -- in this area.

3 Q Further down Buckingham, closer the neighbors' house
4 than [REDACTED] Buckingham?

5 A Yes.

6 Q All right. Did you look in those vehicles for
7 anything?

8 A The one in the driveway I did not. I took -- when I
9 did my exterior photos of the residence and the property I
10 took photos of that vehicle. The vehicle that was sitting
11 here I took photos of it on the outside, did not enter
12 either one of these. And the vehicle that they had told me
13 was the pickup truck, I took photos -- exterior photos of
14 it. When the search warrant arrived for that vehicle that's
15 when I went inside and took the photos of it.

16 Q So you processed that truck plus the house.

17 A Yes.

18 Q Did you find out whose truck -- who was driving that
19 truck?

20 A Not at the moment, not until I was advised by officers
21 on scene.

22 Q But you were directed to process that vehicle.

23 A Yes.

24 Q And let's start with that vehicle. Did you note
25 anything of substance in that vehicle?

LATHIER GRAHAM - DIRECT

1 A No, sir, I did not find anything of substance.

2 Q Did you see any blood transfer or anything?

3 A No, sir, I did not.

4 Q Did you have any interaction with the defendant on the
5 crime scene?

6 A No, sir, I did not.

7 Q Did you even see him there?

8 A No, sir, I did not.

9 Q Was he later processed at the sheriff's office?

10 A I'm sure he was, I wasn't the one who did it.

11 Q It wasn't you. So you were dealing with the crime
12 scene primarily.

13 A Yes, sir.

14 Q All right. So you looked in the truck, nothing of
15 substance. So you didn't collect anything form the truck?

16 A No, sir, I did not.

17 Q Just photographed it.

18 A Yes, sir.

19 Q Now, when you went into the house what did you observe?

20 A When I first walked into the residence I started taking
21 pictures from the porch at the front door. Once I entered
22 the front door I found the decedent laying to the right of
23 the couch on the floor a few feet within the doorway.

24 Q Is that the picture showing?

25 A Yes, sir.

LATHIER GRAHAM - DIRECT

1 Q That's State's 17. All right. Did you do anything
2 with Mr. Bell's body?

3 A After I took initial photos of the residence I then
4 took initial photos of him along with the coroner's
5 investigator. We turned around, once we got to a certain
6 point we scaled the photos showing each wound that we
7 observed and photographed those.

8 Q Did you turn him over and photograph the wounds to the
9 back?

10 A Yes, sir, we did.

11 Q Do you remember how many wounds you noted?

12 A Not off the top of my head. If I can refer?

13 Q Okay.

14 A Initially on scene we didn't really see the exterior of
15 the wounds until we got the autopsy later on that afternoon,
16 and that's when we discovered the majority on the back side.

17 Q You didn't count them on scene?

18 A No, sir, we did not.

19 Q But you did notice wounds to the back plus the front?

20 A Yes, sir.

21 Q Now, I show you this other picture. State's 19 is
22 where Mr. Bell's body was and it was removed. Do you see
23 the blood up there on the wall.

24 A Yes, sir.

25 Q Did you do anything with it?

LATHIER GRAHAM - DIRECT

1 A We took blood swabs of that.

2 Q We see the knife there in the picture, the red object.

3 What did you do with it?

4 A Photographed it on scene, collected it. Once we got
5 back to the sheriff's office went into the lab, turned
6 around and took more blood swabs off it.

7 Q And the item that's marked Number 3, what is that?

8 A Number 3 was blood swabs that we took from the blood
9 pooling in the carpet.

10 Q Okay. And we see part of the couch. Did you process
11 anything on the couch?

12 A Yes, sir. The -- there were here on the right cushion
13 there looked to be like a partial palm, took blood swabs of
14 it.

15 Q I don't think that's showing the full couch. Let me
16 see the blood pictures.

17 MR. BULSA: I think you have seen these.

18 JAMES H. PRICE, III: Your Honor, we have just been
19 shown State's 10 through 14, we have no objection.

20 THE COURT: No objection to State's 10 through 14,
21 they're admitted.

22 MR. BULSA: So there's 15, too.

23 JAMES H. PRICE, III: No objection to 15.

24 THE COURT: Ten through 15 admitted.

25 (The photos were received as State's 10-15.)

LATHIER GRAHAM - DIRECT

1 Q Okay. Let me start with Number 12. What's that? Just
2 look at all of them. Did you take these photographs?

3 A Yes, sir, I did.

4 Q Do they accurately depict what you observed that day?

5 A Yes, sir, it is.

6 Q And these are just sort of an overview of the trailer,
7 right?

8 A Yes, sir.

9 Q Okay. Let's show these so the jury can have a good
10 picture of our scene. Let's start with Number 10. That's a
11 view back towards the front door; is that correct?

12 A Yes, sir.

13 Q And we see the full couch in that picture, right?

14 A Yes.

15 Q You were beginning to testify about some blood that you
16 saw on the couch, or a substance to the couch?

17 A Yes, sir.

18 Q Point to the jury -- point out to the jury where it
19 would have been.

20 A On this cushion here, sir.

21 Q All right. The cushion farthest away from the wall.

22 A Yes.

23 Q State's 11. What's that picture taken from?

24 A Right inside the doorway of the front door with the
25 back of the couch facing towards me back towards the living

LATHIER GRAHAM - DIRECT

1 room area.

2 Q We have Number 18 taken from the doorway. Number 11
3 would just be basically a step inside and toward the left?

4 A Yes, sir.

5 Q And State's 12?

6 A This is on the left side of the living room facing back
7 towards the bedroom on the right inside the front door and
8 where the decedent was laying.

9 Q Okay. Was anything out of place? Did there appear to
10 be any struggle took place in that area?

11 A No, sir, not at that time.

12 Q State's 13. What does that show us?

13 A In this picture I'm standing back towards the fireplace
14 of the living room going back towards the kitchen getting
15 the -- back towards the front of the residence.

16 Q Okay. Was there anything out of place? Did there
17 appear to be any struggle in that part of the house?

18 A No, sir, not from my advantage.

19 Q All right. State's 14. What does that show us?

20 A Standing just right under the -- I'm not sure what they
21 call it, the -- where it kind of separates the living room
22 and the dining room area back towards the kitchen.

23 Q Does there appear to be any struggle in that portion of
24 the house?

25 A No, sir.

LATHIER GRAHAM - DIRECT

1 Q State's 15.

2 A Standing into the foyer with my back to the dining room
3 into the kitchen.

4 MR. BULSA: Have these marked.

5 (Break in proceedings.)

6 Q Officer, if you would, review State's 20 through 22.

7 Are those additional photographs that you took of parts of
8 the scene?

9 A Yes, sir.

10 MR. BULSA: Your Honor, the State would move these
11 into evidence.

12 JAMES H. PRICE, III: Without objection, Your Honor.

13 THE COURT: Without objection, State's 20, 21 and 22
14 are in evidence.

15 (The photos were received as State's 20-22.)

16 Q Carry the jury around the rest of that interior
17 residence. Let's show them State's 21. What area does that
18 show us?

19 A The dining room area.

20 Q Did there appear to be any struggle in that area?

21 A No, sir.

22 Q Okay. State's 20. What does that show us?

23 A The fireplace, the coffee table in the living room in
24 front of the couch.

25 Q Is that a television back also to the right?

LATHIER GRAHAM - DIRECT

1 A Yes, sir.

2 Q Did there appear to be any struggle in that area of the
3 house?

4 A No, sir.

5 Q State's 22. That's a different view of the knife and
6 the pool of blood; is that right?

7 A Yes, sir.

8 Q Did you create a diagram of this house?

9 A Yes, sir, I did.

10 (Break in proceedings.)

11 MR. BULSA: Madam Court Reporter, can I get six
12 replaced with this one? Your Honor, the first one had a
13 mark that we used in pretrial and we're submitting another
14 one.

15 Q I show you State's 5 and 6, and then Number 23. Is
16 that your diagram?

17 A Yes, sir, it is.

18 Q And what's the purpose of this diagram?

19 A To kind of scale what the room is like instead of
20 having the actual -- you can't bring a -- see how I can put
21 this, you can't bring a room into the courtroom so we have
22 to draw a scale and mark it with the evidence, where it's
23 located, the measurements to kind of get a diagram of where
24 everything was once it has been removed.

25 Q You can't get a downward view of the photograph so you

LATHIER GRAHAM - DIRECT

1 do it in a diagram form?

2 A Yes, sir. We mark everything where it is the room and
3 measure and give a location diagram of every location inside
4 that room.

5 Q Okay. State's Exhibit 5. This is a diagram of the --
6 a basic diagram of the whole house?

7 A Yes, sir.

8 Q That's not to scale, right?

9 A No.

10 Q And the area that you were concentrating on, was that
11 the living room area?

12 A Yes, sir.

13 Q And that's around Mr. Bell's body?

14 A Yes, sir.

15 Q State's Number 6. What does that show us?

16 A It's a scale of the living room, dining room and the
17 kitchen area.

18 Q Okay. And you've got the body positioned in there.
19 Did you do that on some kind of computer program?

20 A Yes, sir.

21 Q And you had the numbers pointing to certain spots.
22 What are those?

23 A Numbers of the decedent and the evidence collected.

24 Q Can you point out the various items of evidence and
25 explain them to us?

LATHIER GRAHAM - DIRECT

1 A Item number 2 was here with the -- alongside the
2 left-hand of the body. Item number 3 is marked where I got
3 the blood swab from. Item number 4 is the wall here where
4 the three spots of blood is coming down the wall where I got
5 the blood swab from. Item number 5 is where I got the blood
6 swab from the right side cushion as if you were standing in
7 front of him on the sofa. And item number 6, which is
8 depicted here, is where the sheath for item number 2 was
9 inside the kitchen.

10 Q So you found a matching sheath to the knife in the
11 kitchen area?

12 A Yes, sir.

13 (Break in proceedings.)

14 JAMES H. PRICE, III: No objection to 24, 25, 26, 27.

15 THE COURT: Without objection 24, 25, 26 and 27 are
16 admitted.

17 (The photos were received as State's 24-27.)

18 THE COURT: Did we admit 5, 6, and 23?

19 JAMES H. PRICE, III: I don't think you admitted them.

20 MR. BULSA: 5 was the diagram. 5 is in.

21 THE COURT: I have them marked for ID but I don't have
22 them --

23 MR. BULSA: All right, for identification. I offer
24 them into evidence.

25 JAMES H. PRICE, III: We have no objection.

LATHIER GRAHAM - DIRECT

1 THE COURT: No objection. 5, 6 and 23 are now into
2 evidence.

3 (The photos were received as State's 5, 6 and 23.)

4 Q I show you 24 through 26. Do those show where the
5 location of the sheath was?

6 A Yes, sir, it is.

7 MR. BULSA: I offer to enter State's 24, 25 and 26.

8 THE COURT: They're without objection.

9 Q Now, looking at State's 25 and then showing you
10 State's 24. It shows the area over near the refrigerator;
11 is that right?

12 A I couldn't hear you.

13 Q Is that showing an area near the refrigerator?

14 A Yes, sir.

15 Q And then State's 25?

16 A It's a close-up.

17 Q What is that showing us?

18 A It's showing us where the sheath was.

19 Q Basically 24 shows the area and then 25 is a closer
20 picture?

21 A Yes. And the previous picture -- not that one, it's
22 right there where you can barely see my placard, number 6.

23 Q And then State's 26. Is that actually depicted?

24 A Yes, sir.

25 Q So that would be your number 6 on your diagram?

LATHIER GRAHAM - DIRECT

1 A Yes.

2 Q And that fits the knife that you recovered?

3 A Yes, sir.

4 Q Would you look at State's 27 for ID and see if you can
5 identify it?

6 A Yes, sir.

7 Q What is it?

8 A The knife that was laying beside the decedent on the
9 living room.

10 MR. BULSA: Your Honor, the State would offer Number
11 27 into evidence.

12 JAMES H. PRICE, III: No objection.

13 THE COURT: Without objection State's 27 is in
14 evidence.

15 Q I understand you don't want to touch it, right? It has
16 still got blood on it?

17 A Yes, sir.

18 Q That's what was found in the floor near Mr. Bell's
19 body?

20 A Yes, sir.

21 Q Did you find any other weapons in the house?

22 A No, sir.

23 Q Did you find any other knives that were similar to this
24 knife in the house?

25 A Yes, sir, in the kitchen. In the knife block inside

LATHIER GRAHAM - DIRECT

1 the kitchen.

2 Q So actually -- can you see it there, the other
3 colored --

4 A Yes, sir, blue, green and yellow.

5 Q Did you go into any of the other rooms of the house?

6 A No, sir, I did not. The bedroom. I think I put -- the
7 first bedroom on the right, I'm sorry. I went in there and
8 photographed it, that was it.

9 Q Okay. Were you looking for any other bloody items in
10 the house?

11 A Any other evidence pertaining to the decedent in the
12 living room, yes.

13 Q Did you find anything else?

14 A No, sir, I did not.

15 Q Did you have any reason to collect anything off the
16 couch other than the blood sample?

17 A No, sir.

18 Q Why not?

19 A It didn't show any evidentiary value at that time.

20 Q What did you do with these items, or the swabs and the
21 knife that you collected?

22 A I transported them to the sheriff's office.

23 Q How were they secured?

24 A They were secured in my -- once I put the knife in the
25 knife box and the swabs in their -- inside my evidence

LATHIER GRAHAM - DIRECT

1 envelopes, they were placed and locked until the scene was
2 cleared in my crime scene vehicle.

3 Q This box that I had the deputy open it up for me, it
4 has some red tape on it, what is that there for?

5 A The red tape shows -- the red tape was -- the blue and
6 white tape is the tape that I initially put on once I
7 sealed, secured it and turned it into evidence. The red
8 tape was for the -- whoever in the next chain of custody
9 that opened it, sealed it up and signed it.

10 Q Did you package this -- how did you package the swabs
11 that you took from the floor and the wall and the couch?

12 A The swabs, they're in a -- we have a small box that we
13 stick the swabs in, close those up, we stick in the yellow
14 evidence envelope and we seal them with the same tape.

15 Q So those would have been secured in the same fashion?

16 A Yes, sir.

17 Q And placed in the evidence room at the sheriff's
18 office?

19 A Yes, sir.

20 Q Do you know if they were later transported to SLED for
21 analysis?

22 A They wasn't part of my investigation, I'm not sure on
23 that part.

24 Q Who would have directed that?

25 A Probably the lead investigator.

LATHIER GRAHAM - DIRECT

1 Q Okay. Did you have an occasion to attend the autopsy
2 of Mr. Bell?

3 A Yes, sir, I did.

4 Q When was that autopsy?

5 A That was at 15:00, or 3:00 p.m. that afternoon.

6 Q And where was that conducted?

7 A At 101 East Wood Street, Spartanburg Medical Center.

8 Q Did you take the knife with you to the autopsy?

9 A No, sir, I did not.

10 Q Do you know if Dr. Wren -- is Dr. Wren the doctor that
11 performed the autopsy?

12 A Yes, he was.

13 Q Do you know if he looked at the knife?

14 A I'm not sure if he did or not. The knife -- when I got
15 done with the knife, the knife was placed in our evidence.

16 Q Okay. All right. Were you there for the entire
17 autopsy?

18 A Yes, sir.

19 Q Did you observe the wounds to the body?

20 A Yes, sir.

21 Q Did you later receive a sample of Mr. Bell's blood?

22 A Yes, sir, from the coroner's office.

23 Q And what did you do with that sample when you obtained
24 it?

25 A I placed it in one our envelopes. It came in a small

LATHIER GRAHAM - DIRECT

1 envelope sealed up, I didn't open it. I just placed it in
2 one our larger evidence envelopes, filled out the
3 information, sealed it with our tape and turned it into
4 evidence.

5 Q So you sealed it in the same fashion?

6 A Yes, sir.

7 Q And why would you have -- why did you retrieve the
8 sample of his blood?

9 A It was part of the case and it needed to be going -- it
10 needed to go with the rest of the evidence pertaining to the
11 case.

12 Q And it was going to be sent to the State Law
13 Enforcement Division with a sample of his blood?

14 A Yes, sir.

15 Q Okay. Now, is there a lead ID investigator --

16 A Yes, sir.

17 Q -- assigned? Would that be you?

18 A A team leader.

19 Q So you were the team leader?

20 A As the officer of this case, yes, sir, I was.

21 Q You dealt with the scene and the autopsy. Any other
22 portion? The truck?

23 A Just the scene, the truck and the autopsy.

24 Q Okay. Someone else would have assisted in processing
25 Mr. Holloway, if that was necessary?

LATHIER GRAHAM - DIRECT

1 A Yes, sir.

2 Q And you also attended the autopsy and recovered the
3 victim's blood.

4 A And his clothing.

5 E. POWERS PRICE: Objection, move to strike.

6 THE COURT: Yes.

7 MR. BULSA: I'm sorry.

8 THE COURT: Jury will -- it is stricken. The term
9 victim is stricken and disregard it.

10 MR. BULSA: I'm sorry about that.

11 Q We have to call him the decedent.

12 A Decedent.

13 Q Okay. You received his blood plus his clothing.

14 A Yes.

15 Q I show you State's 28 for identification. What is
16 that?

17 A That would be the sheath that I collected from the
18 kitchen.

19 Q And is this an example of how you would seal the
20 evidence?

21 A Yes, sir.

22 Q The white evidence tape --

23 A It has my signature and the date I sealed it.

24 Q So all the blood samples would have been sealed in a
25 similar fashion?

LATHIER GRAHAM - DIRECT

1 A Yes, sir.

2 Q Can I get you to open this, please?

3 A (Witness complies.)

4 Q Officer, why is it sealed so well?

5 A Security. To make sure it never accidentally slips open
6 or in the handling of the evidence it doesn't pop open.

7 Q Are you concerned with people tampering with it?

8 A Not just that, just moving it from shelf to shelf or
9 transporting back and forth to court or whatever it has to
10 be stealed, so nothing gets in or nothing get outs.

11 Q So if someone would have opened it it would have looked
12 like this.

13 A Yes.

14 Q Thank you.

15 MR. BULSA: Your Honor, I move State's 28 into
16 evidence.

17 JAMES H. PRICE, III: Without objection.

18 THE COURT: State's 28 is without objection.

19 (The sheath was received as State's 28.)

20 Q This is not -- can you give me an estimate of the
21 length of that?

22 A Maybe six, seven inches, maybe nine.

23 Q Nine inches?

24 A Not quite sure.

25 Q Okay. So that would have covered the entire blade?

LATHIER GRAHAM - CROSS

1 A Yes.

2 MR. BULSA: Answer any questions defense counsel has
3 at this time.

4 THE COURT: Ms. Price?

5 CROSS EXAMINATION

6 BY E. POWERS PRICE

7 Q Investigator Graham, you were responsible for
8 everything dealing with processing that scene, is that what
9 you just said?

10 A The residence.

11 Q The residence.

12 A Yes.

13 Q Okay. While you were waiting on the search warrants,
14 you went ahead and took pictures of the outside of the
15 house; is that right?

16 A Yes, ma'am.

17 Q And then once the search warrants came in, you went
18 inside and took pictures; is that right?

19 A Yes, ma'am.

20 Q I'm going to show you what's been marked as Defense
21 Exhibits 2 through 5. Do you recognize those?

22 A Yes, ma'am.

23 Q Are those photos that you took from the inside of the
24 residence?

25 A Yes, ma'am.

LATHIER GRAHAM - CROSS

1 Q Are there bottles of liquor in there, right?

2 A Yes, ma'am.

3 Q Would you say there are approximately four different
4 types of liquor in looking at those photographs?

5 A Yes, ma'am, about three or four.

6 THE COURT: Are we moving these into evidence?

7 E. POWERS PRICE: Yes, sir.

8 MR. BULSA: No objection.

9 THE COURT: Okay. That's Defense 2, 3, 4 and 5; is
10 that right?

11 E. POWERS PRICE: Yes, sir.

12 THE COURT: 2, 3, 4, and 5 are without objection.

13 (The photos were received as Defense 2-5.)

14 Q So this is one bottle of liquor.

15 A Yes, ma'am.

16 Q And then we have three different bottles of liquor
17 here, right?

18 A Yes, ma'am.

19 Q There's one at the very top here?

20 A Yes, ma'am, I believe so.

21 Q And all of those are fairly empty, are they not?

22 A Yes, ma'am.

23 Q And then this is pretty much the same picture that
24 we've just seen but you can see a beer can on this side,
25 right?

LATHIER GRAHAM - CROSS

1 A Yes, ma'am.

2 Q And that beer can is open?

3 A Yes, ma'am.

4 Q Once you got the search warrants and you were able to
5 go inside the house to process the scene, you saw that
6 clothing was sought in the search warrant, was it not?

7 A Yes, ma'am.

8 Q As well as fabric fibers?

9 A Yes.

10 Q So clothing and fabric fibers were specifically listed
11 in the search warrant.

12 A Yes, ma'am.

13 Q And you took Jeremy Bell's clothes, right?

14 A Yes, ma'am.

15 Q You took them because you're potentially looking for
16 fabric fibers; is that right?

17 A Say that one more time.

18 Q You took Jeremy Bell's clothing to potentially look for
19 fabric fibers?

20 A I took his clothing, ma'am, the decedent's clothing
21 because it had the -- had marks in it from the potential
22 knife.

23 Q Okay.

24 A And to mark the wounds where the shirt was.

25 Q But there are also potential fabric fibers on his

LATHIER GRAHAM - CROSS

1 clothing, too, that you wanted to examine.

2 A Yes, ma'am.

3 Q Okay. And these fabric fibers are easily transferred
4 from one person the another, right?

5 A I assume so, yes, ma'am.

6 Q And they're not visible to the naked eye?

7 A No, ma'am.

8 Q The same would be true for hair, easily transferable?

9 A Yes, ma'am.

10 Q Not always visible to the naked eye either?

11 A Uh-huh.

12 Q Is that a yes?

13 A Yes, ma'am.

14 Q And Mr. Holloway's clothes were taken pursuant to a
15 search warrant also, right?

16 A I wasn't involved in that one.

17 Q But clothing and fabric fibers were listed on the
18 search warrant, right?

19 A I can't speak on that search warrant for the defendant,
20 I can't to that.

21 Q And wasn't blood taken from Lisa Wood's left big toe?

22 A I'm not sure, ma'am. I had no dealings with Ms. Wood
23 or Mr. Holloway.

24 Q Fair enough. I'm going to show you what's been marked
25 as State's Exhibit 10. And did you not testify that there

LATHIER GRAHAM - CROSS

1 was some blood on this part of the couch?

2 A Yes, ma'am.

3 Q Near that blanket?

4 A More on the edge of the -- on the front edge of the
5 cushion.

6 Q But on the same cushion as that blanket is?

7 A Yes, ma'am.

8 Q And the blood is basically where that five is, right?

9 A The placard, yes, ma'am.

10 Q And the blanket has been moved in that picture, right?

11 A Yes, ma'am. And once we found that we moved it to see
12 if there was any other blood anywhere else on the couch.

13 Q That blanket was never taken into evidence, was it?

14 A No, ma'am, it was not.

15 Q Are you -- you should be aware based on your training
16 that DNA evidence could potentially be collected from any
17 surface in a crime scene.

18 A Yes, ma'am.

19 Q And pursuant to Spartanburg County Sheriff's Office
20 General Order 930.1, Section 4A, are you familiar with that
21 policy?

22 A Not off the top of my head, we have a lot of them.

23 Q Okay. Would you like me to refresh your recollection?

24 MR. BULSA: Your Honor, may we have a moment to review
25 this document? It's written kind of small, I can hardly

LATHIER GRAHAM - CROSS

1 read it.

2 E. POWERS PRICE: That's how I received it from the
3 sheriff's office.

4 MR. BULSA: Maybe we can do it outside the jury's
5 presence.

6 THE COURT: Let me see the lawyers just a second.

7 (Bench conference held off the record in the presence
8 Of the jury but out of the hearing of the jury.)

9 THE COURT: While he's reading that, everybody on the
10 jury stand up, let's get a seventh inning stretch over
11 here.

12 (Break in proceedings.)

13 MR. BULSA: I'm good, Judge.

14 THE COURT: Counsel?

15 BY E. POWERS PRICE

16 Q Does that refresh your recollection, that policy? I
17 know you said you had a lot.

18 A I'm assuming you want me to read the first page
19 highlighted in yellow?

20 Q Are you familiar with that policy now after reading it?

21 A Yes, ma'am.

22 Q Part of that policy states that functions to be
23 performed when processing the scene should include
24 protecting evidence, right? Is that 4A? I know it's small,
25 I'm sorry.

LATHIER GRAHAM - CROSS

1 A Yes, the last sentence.

2 Q Okay. Also collecting evidence.

3 A And preserving evidence, yes, ma'am.

4 Q And preserving evidence, right. And then section --
5 under that same section 3G, whenever physical evidence is
6 not recovered from the scene of a serious crime, against
7 person or property, isn't the crime scene specialist
8 supposed to prepare a report giving the reason why?

9 A It says that, yes, ma'am, it does.

10 Q And that blanket was never collected into evidence, was
11 it?

12 A No, ma'am, it was not.

13 Q You never prepared a report as to why, did you?

14 A No, ma'am, it was not.

15 E. POWERS PRICE: Your Honor, may we approach, please?

16 THE COURT: Sure.

17 (Bench conference held off the record in the presence
18 Of the jury but out of the hearing of the jury.)

19 E. POWERS PRICE: At this point I move to introduce
20 Defense Exhibit 7 with redactions of everything other than
21 description of property sought in the search warrant.

22 THE COURT: Solicitor?

23 MR. BULSA: Your Honor, we would object and we
24 would -- if they seek the introduce that we believe it
25 should be introduced through the affiant himself for a

LATHIER GRAHAM - REDIRECT

1 better explanation of why this document was written the way
2 it was written.

3 THE COURT: I understand. Defense 7 is admitted over
4 objection of counsel.

5 E. POWERS PRICE: Thank you, Your Honor.

6 THE COURT: As redacted.

7 (The search warrant was received as Defense 7.)

8 E. POWERS PRICE: No further questions of this
9 witness, Your Honor.

10 THE COURT: All right. Solicitor, anything?

11 MR. BULSA: She's not going to ask the officer about
12 the document?

13 BY E. POWERS PRICE

14 Q You went inside pursuant to the search warrant, right?

15 A Yes, ma'am.

16 Q Do you recognize Defense Exhibit 7?

17 A Yes, ma'am, I do.

18 Q Is that the search warrant?

19 A Yes, ma'am, it is.

20 E. POWERS PRICE: I move to enter in Defense Exhibit 7
21 subject to the redactions.

22 THE COURT: It's already admitted.

23 E. POWERS PRICE: Thank you.

24 THE COURT: Yes, sir. Solicitor?

25 MR. BULSA: Well, I guess I need to ask -- I don't

LATHIER GRAHAM - REDIRECT

1 want to leave the jury hanging.

2 REDIRECT EXAMINATION

3 BY MR. BULSA

4 Q What is that paragraph that she's referencing?

5 A The one highlighted in yellow.

6 Q Description of property.

7 A Description of property? It's -- do you want me to
8 read out?

9 Q Go ahead and read it, yes, sir?

10 A "Description of property sought. Any and all evidence
11 pertaining to the murder of Jeremy Edgar Bell to include but
12 not limited to blood, body fluids and other items that would
13 yield DNA, fingerprints, weapons, knives, sharped edge
14 instruments, blunt instruments or other objects that may
15 have been used to cause injury or death to Jeremy Bell.
16 Clothing, blood stained clothing, hair, fabric fibers, the
17 actual physical body of Jeremy Edgar Bell, white male, date
18 of birth, █████-1984. Any paperwork or articles that tend to
19 show who has control over or resides at the premises to be
20 searched, █████ Buckingham Road, Duncan, South Carolina."

21 Q And what does that description mean to you?

22 A It means that anything pertaining to the actual
23 incident of the decedent.

24 Q Does it mean you're going to collect every item that's
25 listed in that description?

LATHIER GRAHAM - REDIRECT

1 A No, sir.

2 Q Why not?

3 A Because it may not actually be in the scene and it may
4 not actually be pertinent to the decedent, the actual crime
5 of the decedent.

6 Q Okay. And that language, is that general language that
7 is used in all homicides?

8 A Yes, sir, it is.

9 Q To obtain search warrants?

10 A Yes, sir, it is.

11 Q Okay. Now, defense counsel also referenced this
12 policy, and I guess the inference is is that you didn't
13 follow the policy processing the scene. Did you follow
14 policy?

15 A Yes, sir, I did.

16 Q Did you photograph and sketch the scene?

17 A Yes, I did.

18 Q Did you examine the victim for fingerprints?

19 A The victim, no, sir, I did not.

20 Q Excuse me, the decedent? Did you add his
21 identification from his wallet?

22 E. POWERS PRICE: I just object and move to strike the
23 term victim, Your Honor.

24 THE COURT: Okay. The jury will disregard the word
25 victim and it's stricken, decedent.

LATHIER GRAHAM - REDIRECT

1 Q Were you able to identify the victim?

2 A Yes.

3 Q Okay. And you collected his clothing?

4 A Yes, sir.

5 Q And you preserved all the evidence that you recovered
6 from the scene?

7 A Yes, sir.

8 Q And you have that policy, you're looking at it?

9 A Yes, sir.

10 Q Looking at subsection four, processing a scene, that
11 was -- paragraph A I think is what defense counsel was
12 referencing.

13 A Yes, sir.

14 Q B. What does B1A state?

15 A Under section four, paragraph B says, "The following
16 guidelines are to be followed concerning the collection
17 of and preservation of evidence. Number one, three
18 important factors must be considered when collecting
19 evidence. A, the evidence must be material and relevant."

20 Q Okay. And who is to determine whether it's material
21 and relevant?

22 A The lead investigator and the team -- crime scene team
23 leader.

24 Q And that would you, because you're processing.

25 A Yes.

LATHIER GRAHAM - REDIRECT

1 Q Based on the information you have.

2 A Yes, sir.

3 Q Now, they pointed out this couch with that blanket,
4 okay? And that's a little deceiving right there, because
5 the blood that you swabbed was not exactly where placard 5
6 is. That's not covering it, is it?

7 A No, it's not.

8 Q State's Number 10.

9 (Break in proceedings.)

10 Q I show you State's 29, 30 and 31 for identification.
11 Do you recognize those photographs?

12 A Yes, sir, I do.

13 Q Do they identify where you took the sample from off the
14 couch?

15 A Yes, sir.

16 MR. BULSA: Your Honor, the State would offer
17 State's 29 through 31 into evidence.

18 JAMES H. PRICE, III: As long as this witness can
19 identify them properly we have no objection.

20 THE COURT: No objection, 29, 30 and 31.

21 (The photos were received as State's 29-31.)

22 Q Starting with State's 10, can you point the area out
23 where the substance was, okay? State's 29. Do it this way.
24 What are we seeing?

25 A Right here.

LATHIER GRAHAM - REDIRECT

1 Q Okay. State's 30. What is that white strip?

2 A The white strip the OBTI presumptive blood test. And
3 this right here was where I got my swabs from.

4 Q And just so we have a placard to go with it,
5 State's 31?

6 A This is the placard and this is where I got my swabs
7 from.

8 Q And so if we remove these and we go back to the couch,
9 what area of the couch are we talking about again?

10 A Here.

11 Q And that is away from the blanket?

12 A Yes.

13 Q Okay. Did you examine the blanket?

14 A I did not.

15 Q You did not. Did you notice anything when you moved
16 it?

17 A From the initial viewing I did not see anything on it.
18 Once we decided we were going to get the swabs from there,
19 we moved the blanket out of the way, did not see anything
20 else as we were moving it but we didn't go any further than
21 that.

22 Q So you didn't collect it.

23 A No.

24 Q Did you see a reason to collect it?

25 A No, sir, I did not.

LATHIER GRAHAM - REDIRECT

1 Q And the victim's body was on the ground up to the front
2 part of the couch?

3 A Yes.

4 Q And the blood and all was on the wall opposite the
5 couch?

6 A Yes.

7 Q State's Number 12, wrap it up with this. It appears --
8 well, where does it appear that the stabbing occurred?

9 A On this side of the couch in this area.

10 Q Now, you did a presumptive blood test on that portion
11 of the couch but you have no idea whose blood it belonged
12 to, do you?

13 A No, sir, I do not.

14 Q Okay. Since we're talking about swabs.

15 (Break in proceedings.)

16 Q I'm almost finished. Let me show you these four
17 plastic bags, State's 32 through 35 for identification.
18 Will you tell us what those are?

19 A Blood swabs from a knife.

20 Q That is State's 32.

21 A Blood swab from the wall in the living room.

22 Q State's 33?

23 A Blood swabs from the sofa in the living room.

24 Q State's 34.

25 A And that is the blood sample I collected at the

LATHIER GRAHAM - RE CROSS

1 coroner's office of Mr. Bell, the decedent.

2 Q And that's State's 35.

3 MR. BULSA: Your Honor, the State's would offer these
4 into evidence.

5 JAMES H. PRICE, III: If Mr. Graham says he collected
6 those we have no objection.

7 THE COURT: Without objection 32, 33, 34, 35.

8 (The blood swabs were received as State's 32-35.)

9 Q What do the plastic bags tell us?

10 A That it was sent to SLED for further processing.

11 Q SLED is what?

12 A The State Law Enforcement Division.

13 Q Okay. So at least those items were -- that you
14 collected were sent to the State Law Enforcement Division
15 for analysis.

16 A Yes, sir.

17 Q Okay. And this is how they're -- you put them in the
18 manila envelope and SLED puts them in the plastic envelope
19 after they test them?

20 A Yes, sir.

21 Q Okay.

22 MR. BULSA: Your Honor, that's all we have.

23 THE COURT: Ms. Price, anything?

24 E. POWERS PRICE: Your Honor, I move Defense Exhibit I
25 think it was 6, that policy into evidence if I've not done

1 so already.

2 THE COURT: Any objection?

3 MR. BULSA: No, sir.

4 THE COURT: State's (sic) 6, the policy, is admitted.

5 (The policy is received as Defense 6.)

6 RE CROSS EXAMINATION

7 BY E. POWERS PRICE

8 Q Investigator, we will never know whether or not Jeremy
9 Bell's DNA was on this blanket because it was never tested,
10 will we?

11 A Apparently not, no, ma'am.

12 Q I'm sorry?

13 A No, ma'am.

14 E. POWERS PRICE: No further questions.

15 THE COURT: Sir, you may step down, please be careful.
16 Let me see the lawyers.

17 (Bench conference held off the record in the presence
18 Of the jury but out of the hearing of the jury.)

19 THE COURT: Mr. Foreman, ladies and gentlemen, I'm
20 discussing the time to start tomorrow. We are going to
21 start at 10:00 a.m. and I'm going to tell you why, don't
22 come here before then, or don't come much before then and
23 here is why. It's my understanding it is statewide but
24 it's going to be countywide for sure, schools included,
25 there's going to be a weather tornado drill tomorrow

1 morning at 9:00. We have the email -- I think I saw this
2 in the Spartanburg Herald this morning so it may be in the
3 paper, I seem to think that it is statewide. So it is
4 statewide. It applies to all agencies and we will
5 literally have to leave the courthouse in the morning at
6 9:00. I'm not coming at 9:00 so I'm not going to be here,
7 and I advise you not to be here, okay? But be here
8 sometime around 9:40. I'm told that it will take 15
9 minutes which means it will take 30 minutes, okay? So
10 probably any time after 9:30 you should be fine, you will
11 be able to get a parking space. Otherwise you're going to
12 show up and a bunch of us are going to be standing outside
13 because they will make us leave the building or go to
14 whatever station we're supposed to go to, I don't know.
15 But I'm not going to be here so advise you not to do so,
16 but whatever you want to do. If you want to be part of it
17 come on. But nonetheless, nonetheless we're going to start
18 at 10:00. I am told it be over in about 15 minutes which
19 means 30 minutes. So I anticipate being here about
20 9:40 myself and I'll take the bench at 10:00 and then we'll
21 begin work at that point. Ladies and gentlemen, we're in a
22 trial, it's very serious and don't try to do any homework.
23 Don't try to learn anything about this case. There have
24 been some media here today. I don't know what might be on
25 TV or might be in the paper tomorrow but I would expect

1 that something along the lines. You cannot, you cannot, I
2 repeat one more time, you cannot read that. You cannot
3 watch that. If you have a newspaper subscription and there
4 is something in there, ask your loved one to just save the
5 paper, you can read it later. If it's on TV please turn
6 the channel, don't watch anything like that, it is not
7 proper, that is not allowed. Do not do any research. And
8 thank you for not bringing cell phones and continue to do
9 that, don't bring cell phones, smart phones or tablets or
10 any of those, like my daughter has, the watch that has the
11 communication. She talks on her watch like Dick Tracy.
12 When I was a little boy my granddaddy would read Dick Tracy
13 to me, he would talk on his watch and have a little antenna
14 sticking out of his watch, so we're there, okay? All
15 right. With that I'm going to let you go. Mr. Foreman, if
16 you would take your jury out, enjoy --

17 THE JUROR: I have a question, Your Honor. Any of the
18 evidence that has been presented today, can it be brought
19 back before us if it needs to be?

20 THE COURT: It will be at the close of the trial. At
21 the close of the trial all evidence belongs to the jury.
22 At the close of the trial all evidence belongs to the jury.
23 The jury will have all of the evidence to examine. Mr.
24 Foreman, take your jury out.

25 (The jury left the courtroom.)

1 THE COURT: Anything from the State?

2 MR. BULSA: Your Honor, there may be a witness issue
3 tomorrow, I'm not sure. We went kind of slow today but I
4 think it is going to pick up tomorrow. Our SLED analyst,
5 DNA analyst is also subject to testify in Charleston and I
6 think she's going to be there tomorrow and unavailable to
7 us, we'll have to keep monitoring that but that may cause a
8 delay in being able to finish tomorrow. Just --

9 THE COURT: Well, SLED has aircraft and I know that.

10 MR. BULSA: Don't know if they may fly to court,
11 though, Judge.

12 THE COURT: Well, I flew into court many times in this
13 state, but SLED has aircraft, and the sheriff's department
14 itself has two helicopters. I mean, I'm just saying if I
15 can help you out -- the sheriff -- they've got helicopters
16 but I think SLED -- anyway. Anything else from the
17 defense?

18 JAMES H. PRICE, III: Not that I can think of. We
19 would like to spend a couple of moments with the
20 solicitor's office and try to figure out where we're going
21 tomorrow and who is going to do what.

22 THE COURT: Sure. Okay. Again, I'm going to be here
23 about 9:40. If you need me I will be happy -- and I will
24 right now provide my cell phone number to the lawyers, the
25 solicitor's office already has it, but I will provide my

1 cell phone number and we can be reached by email. Okay.
2 If nothing else I'll provide that number to you and we'll
3 be off the record. Thank you.

4 (Court recessed for the day and resumed at 10:00 a.m.,
5 On Wednesday, March 13, 2019.)

6 THE COURT: Do we have everyone?

7 THE BAILIFF: Yes, sir.

8 THE COURT: Got all 14. Good. Anything before we
9 bring the jury in, ladies and gentlemen?

10 MR. BULSA: Not from the State, Your Honor.

11 JAMES H. PRICE, III: Nothing from Mr. Holloway, Your
12 Honor.

13 THE COURT: Okay. We are ready.

14 (The following takes place in the presence of the
15 Jury.)

16 MR. BULSA: May we approach, Your Honor?

17 (A bench conference held off the record in the presence
18 Of the jury but out of the hearing of the jury.)

19 THE COURT: Ladies and gentlemen, I'm told this
20 morning that we do have a matter of law. This is the first
21 time I've had to do that but it happens in every trial, and
22 it will happen again in this trial, where I need to take
23 something up outside of your presences. I know we just
24 brought you in but it's just now been told to me so we're
25 going to ask you to return to your jury room. Don't

1 discuss the case. I was asked about taking notes and
2 that's my bad. I usually tell you -- because if I don't
3 tell you that in every case somebody sends me a note or
4 question can you take notes and we don't do that in state
5 court. It's allowed in federal court but we don't to it in
6 state court. I'm sorry, I should have said that when I
7 welcomed you here at the first of the week. Mr. Foreman,
8 if you would take your jury out, please.

9 (The jury left the courtroom.)

10 THE COURT: I understand that your SLED person will be
11 here this afternoon from SLED.

12 MR. BULSA: Did she give us a timeframe?

13 THE COURT: Didn't get a timeframe. Supposed to be
14 testifying this morning and I understand he or she, I don't
15 know who it is, will be -- supposed to be. Okay. We have
16 a proffer matter?

17 MR. BULSA: Yes, sir.

18 The witness, LISA WOOD, was first duly sworn and

19 Testified as follows:

20 THE COURT: Ma'am, if you would tell me your name and
21 spell your last name for me, please.

22 THE WITNESS: Lisa Wood, W-o-o-d.

23 THE COURT: Thank you. Solicitor?

24 DIRECT EXAMINATION

25 BY MR. BULSA

LISA WOOD - PROFFER

1 Q This is going to be brief, Lisa, because we're just
2 going to talk about a brief portion of your testimony right
3 now and the jury will come in and then we'll go through it
4 in detail. But specifically when you were asleep, do you
5 recall what caused you to wake up?

6 A I do not. I just woke up suddenly.

7 Q And what did you observe when you woke up?

8 A Blood on the wall.

9 Q And did you look around?

10 A Yes. I mean, I saw Lawson standing and Jeremy lying on
11 the floor.

12 THE COURT: Ma'am, will you pull that microphone?
13 Just pull it a little to you. Thank you.

14 Q What did you do when saw that?

15 A I stood up, I said, "Is this real?" I ran around the
16 back of the couch, stood over Jeremy and yelled at him to
17 get up. At some point I remember grabbing the front of
18 Lawton's shirt and shaking him and saying, "What is going
19 on? What did you do?" And Lawton said to me that --

20 Q Okay. We're not going to go into what he said because
21 that's when we'll stop you. You ran and grabbed his shirt,
22 and then what did you do?

23 A I put my hands up in front of me and walked backwards
24 down the hall, behind the couch and down the hall. My son
25 was at the front of the hallway with his phone and I told

LISA WOOD - PROFFER

1 him to call 911.

2 Q Had you been screaming when you woke up?

3 A Yes. Yeah. I started screaming like, "No, no, no,"
4 and stuff that, yes. I mean --

5 Q Did you scream when you were trying to talk to Jeremy
6 on the ground?

7 A I screamed at him to get up, yes.

8 Q Okay. Was it loud enough that it could be heard
9 through the house?

10 A I mean, it was loud, I'm not sure.

11 Q When you backed down the hall, did any of your children
12 come out of their rooms?

13 A Yes. My son was standing at the top of the hallway
14 whenever I was walking backwards, so they had to -- me at
15 that point.

16 Q Had he done something? Did he do anything? Did he try
17 to come towards you or anything?

18 A My son?

19 Q Yes, ma'am.

20 A I kind of stopped him. We kind of met there with my
21 back to his front at the edge of the hallway and I kind of
22 just pushed him back down the hall. He never made it
23 further like past the kitchen.

24 Q Did he have his phone?

25 A Yeah. He had his phone in his hand.

LISA WOOD - PROFFER

1 Q Did you tell him to do anything?

2 A Dial 911.

3 Q Did he do that?

4 A Yes.

5 Q And did he speak to 911 or did you?

6 A I did.

7 Q As you were backing down the hall, where was Mr.
8 Holloway?

9 A As I was going backwards he was walking towards me
10 behind the couch, and as I was going down the hall he
11 stopped at the edge of the sofa.

12 Q Okay. Did he already come into the room with you and
13 the children?

14 A No.

15 Q Which bedroom did you go into?

16 A My son's bedroom.

17 Q If you're looking down the hall, would it be on the
18 right? On the left?

19 A The left.

20 Q The left? Okay. And which children did you have in
21 your room at that time?

22 A All three of them.

23 Q Did you close the door?

24 A Yes.

25 Q Is that when you lost sight of Mr. Holloway?

LISA WOOD - PROFFER

- 1 A Yes.
- 2 Q Did you see him again that evening?
- 3 A No.
- 4 Q So you don't know how long he stayed in the house.
- 5 A No.
- 6 Q Or what he might have done?
- 7 A I do not.
- 8 Q How was he dressed?
- 9 A I mean, a shirt and jeans. I don't remember what -- I
10 don't remember what color shirt he had on.
- 11 Q All right. This is State's 3. Did he appear dressed
12 like that?
- 13 A That was the shirt he had on the night before. I don't
14 remember if he was wearing it that morning or not.
- 15 Q Okay. So you don't know if he had a shirt on or if he
16 was just wearing a t-shirt or --
- 17 A Correct.
- 18 Q Now, you spoke to 911, correct?
- 19 A Right.
- 20 Q And you were on the phone with them for quite awhile?
- 21 A Yes.
- 22 Q And how long did it take for anybody to arrive?
- 23 A About 15, 20 minutes. It felt like, you know --
- 24 Q Okay. Do you remember if you were still in the house
25 when they arrived?

LISA WOOD - PROFFER

1 A Yes.

2 Q Okay. And how did you communicate with the first
3 responders?

4 A Well, the first officer there, I was talking to her
5 through the window.

6 Q Through the window? Okay. Do you remember what you
7 told her just at that point?

8 A That somebody was hurt in the living room and needed
9 help.

10 Q All right. And did she then go to check on him?

11 A Well, she left out from in front of the window.

12 Q And did you later see her in the house?

13 A Yeah. She's the one who came in through the bedroom
14 and took us out of the house.

15 Q All right.

16 MR. BULSA: Thank you, ma'am. Those are the kind of
17 questions I'll be asking for the jury. The defense has
18 some questions for you.

19 THE WITNESS: Mr. Price?

20 CROSS EXAMINATION

21 BY JAMES H. PRICE, III

22 Q Ms. Wood, good morning.

23 A Good morning.

24 Q How are you today?

25 A Okay, how are you?

LISA WOOD - PROFFER

1 Q I'm fine. I have just a few questions to ask you.

2 Now, you were asleep on the couch with your head towards the
3 master bedroom.

4 A Correct.

5 Q Okay. And you woke up. And what's the first thing you
6 saw?

7 A Blood on the wall.

8 Q Blood on the wall.

9 A Yeah.

10 Q How could you see that if you were asleep on the couch
11 with your head -- say like that's the wall behind you and
12 you would have been facing this way.

13 A I woke up abruptly and stood straight up.

14 Q Something woke you up abruptly.

15 A Right.

16 Q And you stood straight up, and there was Roy standing
17 up kind of right beside you.

18 A He wasn't right beside me, but yes. He was standing
19 like in front of the TV and there was blood on the wall
20 there.

21 Q Okay. And Roy was shaking and he was yelling and kind
22 of screaming. He was upset, wasn't he? Didn't he keep
23 saying, "He was trying to rape you?"

24 A He was upset and he did scream repeatedly that, yes.

25 Q He was upset and he screamed repeatedly to you "He's

LISA WOOD - PROFFER

1 trying to rape you. He tried to rape you."

2 A Yes.

3 Q Over and over.

4 A Yes.

5 Q He being Mr. Bell.

6 A Yeah. He kept saying, "He was going to hurt you, he
7 was going to rape you." That's what he said over and over.

8 Q That he was going to hurt you, he was going the rape
9 you.

10 A Yes.

11 Q And you obviously knew nothing of what was going on.

12 A Right.

13 Q And the first sense of what had happened or explanation
14 of what had happened came from Roy.

15 A Yes.

16 Q Who was also upset and screaming.

17 A Correct.

18 Q All right. You started backing down the hallway
19 towards your children.

20 A Right.

21 Q And, in fact, on the 911 tape Roy was kind of coming
22 toward you down the hall and you told him to stop, didn't
23 you?

24 A Right.

25 Q And on the 911 tape you were -- you have heard the 911

LISA WOOD - PROFFER

1 tape, haven't you?

2 A Yes, I have.

3 Q That was your voice on the 911 tape talking to the
4 dispatcher.

5 A Yes.

6 Q You were very upset.

7 A Yes.

8 Q Okay. Very emotional, very excited.

9 A Yes, right.

10 Q You told the 911 dispatcher, and it's clear on the
11 tape, that you were told that Jeremy Bell was trying to rape
12 you, that Roy had told you that.

13 A Yes.

14 Q And when Investigator Malpass got there, the first
15 deputy on the scene, the female deputy --

16 A Right.

17 Q -- the one that talked to you in the window --

18 A Uh-huh.

19 Q -- she asked you what happened and you told her the
20 same things, didn't you?

21 A Yes.

22 Q And then later on after you had been taken out of the
23 house you were put in the back of a deputy's car, were you
24 not?

25 A Yes.

LISA WOOD - PROFFER

1 Q And you were interviewed by a deputy that had a body
2 camera.

3 A Right.

4 Q And didn't you also tell her that Roy had told you that
5 he was trying to rape me, he was trying to hurt me?

6 A Yes.

7 Q So your story was consistent on the 911 tape and your
8 statement to investigator, or Deputy Malpass and Deputy
9 Kochenower who did the tape.

10 A That's correct.

11 Q Right. And all of this was a result of the -- you
12 being excited and upset and Roy being excited and upset
13 immediately after all whatever happened happened.

14 A Right.

15 JAMES H. PRICE, III: One moment, Your Honor.

16 THE COURT: Yes, sir.

17 (Break in proceedings.)

18 JAMES H. PRICE, III: Your Honor, that's all that I
19 have of this witness at this time.

20 THE COURT: Okay. Anything further?

21 MR. BULSA: No, sir.

22 THE COURT: Ma'am, you may step down, please be
23 careful. Yes, sir?

24 JAMES H. PRICE, III: I'm assuming that the State is
25 getting ready to call Ms. Wood as its witness. Once again,

1 I will renew or would express my objection to the Court's
2 ruling prohibiting us from using the testimony about he was
3 trying to rape me, he was trying to rape you. Once again,
4 the argument that we advanced yesterday, it is clear that
5 under 803 these were excited utterances, they were part of
6 the res gestae. The 911 call should be admitted for the
7 same reasons as it was a none -- well, the 911 tape should
8 be admitted for the reasons we argued yesterday, and we are
9 extremely prejudiced thereby without having that testimony
10 admitted.

11 THE COURT: Solicitor?

12 MR. BULSA: Your Honor, we stand by our previous
13 argument and the Court's ruling.

14 THE COURT: Well, let's take a quick break here. Let
15 me see the lawyers in the back.

16 (A recess was taken.)

17 THE COURT: Okay. The Court has considered the
18 proffer, and now the defense motion. And I want to be
19 clear on the record on this, and I explained this in
20 chambers to the lawyers yesterday when the Court ruled on
21 the 911 call is because the Court was doing so more or less
22 in a vacuum. I know Ms. Woods was listed as a witness, but
23 many times people are listed as witnesses. For instance,
24 there are 28 on the State's and 24 on the defense, and
25 often -- almost always all of those are not called, so the

1 Court did not understand, and I will submit that the
2 lawyers didn't know for sure whether or not Ms. Woods would
3 testify, but she's here and she's the next witness. So the
4 Court's decision on allowing her to testify to what the
5 defendant said to her under the excited utterance is
6 granted. She will be able to testify to that. And if the
7 911 tape audio is proffered or offered, the Court will rule
8 on that but it will probably be consistent with this.
9 Again, I didn't have any way of knowing if that statement
10 was going to come in without Ms. Wood being here. But she
11 is the next witness, she is going to testify to that or be
12 impeached on what she has just testified to so I am going
13 to allow it. Anybody want to be heard on the record about
14 that? Please --

15 MR. BULSA: Your Honor, just -- yes, I would. It's my
16 understanding in evidence law that the hearsay exceptions
17 are all based on reliability of the out of court statement,
18 and there are certain circumstances under which statements
19 out of court or by another person used in court can be
20 reliable based on the, in this instance, excited utterance
21 in that there's not an ability to formulate a lie. They're
22 acting under the excitement of the event. With that, Your
23 Honor, we feel the defendant's version of what happened is
24 self-serving and therefore he has a reason to develop a lie
25 and especially because we don't know the time frame as to

1 when this crime actually occurred. Your Honor, referencing
2 in chambers potential witnesses testifying at 5:00 they saw
3 both individuals, that opens the window to about an hour.
4 We still don't know. We know the defendant testified in
5 the suppression -- or the immunity hearing that it took him
6 a long time to wake Lisa up if you take his testimony on
7 its face. So we would argue that he clearly had the
8 ability to formulate this lie, as we believe it is. There
9 was no assault on Lisa by the victim, plus there's no
10 physical evidence that supports that.

11 THE COURT: Mr. Price?

12 JAMES H. PRICE, III: Your Honor, we rely on our
13 arguments yesterday, which were basically the same today.
14 We think that the Rule 803 takes this type of statement out
15 of the hearsay statement. As far as argument that the
16 statement should not be believed or whatever, I refer to
17 Ms. Wood's testimony. Not only did Mr. Holloway tell her
18 excitedly that he was trying to rape her, he also said that
19 he was trying to hurt her, which is consistent with what he
20 said yesterday. That's all that I have.

21 THE COURT: It is -- again, she has -- she being Ms.
22 Wood, has corroborated the -- it is self-serving, no doubt
23 about it, but nonetheless she has corroborated the state of
24 being, the excitement and terror that was in that room.
25 And it's a short period of time as we talked in chambers

1 and I have not heard this witness, but it has been alluded
2 to that there's a neighbor that will testify that he saw
3 the decedent and the defendant on the porch at 5:00 a.m.
4 We know that the 911 call is at 6:01 a.m., that's 61
5 minutes. And you have to subtract that time, even a
6 minute, two or three that it took Ms. Wood to get awake and
7 for her son -- because she's testified her son was coming
8 down the hallway, or she will testify, and that he had the
9 cellphone, so it's less than 60 minutes. And so for that
10 reason the Court is going to allow the testimony. All
11 right. Are we ready for the jury?

12 MR. BULSA: Yes, sir.

13 JAMES H. PRICE, III: One more question just to try to
14 avoid confusion in a little bit. Assuming -- and I don't
15 know what the State is going to do, but if we were to play
16 the 911 tape, which is in evidence now, isn't it?

17 THE COURT: I don't think so.

18 MS. PRICE: We had offered it yesterday as under seal.

19 THE COURT: It may be offered under seal. I think it
20 probably was marked as a Court's exhibit.

21 JAMES H. PRICE, III: Court's exhibit, yes, sir. It
22 needs to be offered into evidence. And if we -- assuming
23 we would offer it to be played while Ms. Wood is on the
24 stand, will that equipment play the CD or would we be
25 better going off --

1 MR. BULSA: I don't know if he is going to offer it,
2 Your Honor, we're not introducing it. What witness are you
3 going to offer it through?

4 JAMES H. PRICE, III: Well, it's cross-examination. I
5 can offer evidence on a witness on cross.

6 THE COURT: I mean, do we have authenticity of it and
7 the things that need to be --

8 JAMES H. PRICE, III: If she identifies the 911 tape
9 that is her voice then that authenticates it.

10 THE COURT: Mr. Bulsa?

11 MR. BULSA: In an effort to move the case along, Your
12 Honor, I will agree with that. If she can authenticate it
13 bases on the her voices, yes, sir. Yes, sir. We should be
14 able to play that tape through the computer projecting on
15 the screen.

16 THE COURT: Okay.

17 MR. BULSA:

18 (Court's Exhibit Number 2 is changed to Defendant's
19 Exhibit Number 8.)

20 THE COURT: Let's have the jury.

21 (The jury returned to the courtroom.)

22 THE COURT: Mr. Foreman, everybody ready to go to
23 work?

24 THE FOREMAN: Yes, sir.

25 THE COURT: Gentlemen?

LISA WOOD - DIRECT

1 MR. BULSA: State calls Lisa Wood.

2 The witness, LISA WOOD, was first duly sworn and

3 Testified as follows:

4 THE COURT: Ms. Wood, good morning. Tell us your name
5 and spell your last name, please.

6 THE WITNESS: Lisa Wood, W-O-O-D.

7 DIRECT EXAMINATION

8 BY MR. BULSA

9 Q Hello, Ms. Wood. Can you tell us where you live?

10 A [REDACTED] Buckingham Road, Duncan, South Carolina.

11 Q How long have you lived there?

12 A Since 2001.

13 Q Is that a house?

14 A It's a mobile home, yes.

15 Q Double-wide mobile home?

16 A Yes.

17 Q Did you move it to that location?

18 A No.

19 Q Are you buying it?

20 A Yes.

21 Q Is it in your name?

22 A Yes.

23 Q Do you know the defendant?

24 A Yes.

25 Q How do you know him?

LISA WOOD - DIRECT

- 1 A We lived together for 11 years, he's my boyfriend.
- 2 Q So he lived at that trailer with you?
- 3 A Yes.
- 4 Q Okay. Was he helping buy the trailer?
- 5 A Yes.
- 6 Q Who lived there with you?
- 7 A My three children and Lawton and myself.
- 8 Q Are the children Mr. Holloway's children?
- 9 A No.
- 10 Q So these are three children by a previous relationship?
- 11 A Yes.
- 12 Q How old are your children?
- 13 A Now they are 20, 19 and 16.
- 14 Q Okay. So back in August of 2017 they would have
- 15 been --
- 16 A Nineteen, 18 and 14.
- 17 Q And what are their sexes?
- 18 A The older two are boys and the youngest a girl.
- 19 Q And do they have their own bedrooms in the trailer?
- 20 A The boys share a room and my daughter has her room.
- 21 Q And you haven't been in the courtroom, you've been
- 22 outside but we've been projecting some pictures, I'll show
- 23 those in a minute. You have a hallway going down the middle
- 24 of your trailer, right?
- 25 A Yes.

LISA WOOD - DIRECT

1 Q Which bedroom did your boys have?

2 A The bedroom on the left.

3 Q Okay. On the left. And then your daughter had the one
4 on the right?

5 A Right.

6 Q Now, we're going to get into the incident in a minute,
7 but you wound up calling 911 about this case, right?

8 A Right.

9 Q And you were in one of the rooms of the trailer. Which
10 room were you in?

11 A When I dialed -- when 911 was called?

12 Q Yes, ma'am, when you were speaking to 911.

13 A I was speaking to them from the boys' bedroom.

14 Q Did you bring your daughter into that bedroom, too?

15 A She was already in the bedroom when I got in there.

16 Q Okay. Do you know how she got to be in there?

17 A She told me that she actually went in there when she
18 heard me screaming, and that she woke my son up to -- I
19 mean, that's --

20 Q All right. Now, let's start off kind of -- well, let
21 me ask it this way, did you know Jeremy Bell?

22 A Yes.

23 Q How did you know him?

24 A We worked for the same company, Sealed Air, and I also
25 knew him through us running into each other at Kalahari's at

LISA WOOD - DIRECT

1 the bar.

2 Q How long do you know him?

3 A Maybe about a year, a little over a year.

4 Q And how often would you run into him at Kalahari's?

5 A Couple of times a week maybe.

6 Q Okay. Were y'all friends?

7 A I would say so, yes.

8 Q Where is Kalahari's in relation to your house, how
9 close is it?

10 A Only a couple of miles away.

11 Q Okay. And y'all frequented that pretty often?

12 A Yes.

13 Q Now, did y'all have any plans to meet Jeremy that
14 night?

15 A No.

16 Q And that would have been the night of August 30th. Do
17 you remember when you would have arrived at Kalahari's?

18 A It was pretty late. They were actually about to close,
19 so it was probably somewhere around 11:00 or 11:30,
20 something like that.

21 Q Why did you go so late?

22 A We just decided to go.

23 Q Is that normal?

24 A Normally we probably would have went after work, but we
25 had DeAndre -- it was DeAndre's birthday and we had cooked

LISA WOOD - DIRECT

1 and just -- we didn't -- it just ended up happening that
2 way.

3 Q Which child is DeAndre?

4 A He's the middle child.

5 Q Middle child.

6 A Uh-huh.

7 Q You and the defendant went to Kalahari's?

8 A Yes.

9 Q Did y'all drive separately.

10 A No, he drove.

11 Q He drove what?

12 A His truck.

13 Q His truck?

14 A Yes.

15 Q Where were the children?

16 A At home.

17 Q You left them at home?

18 A Right.

19 Q Were they asleep when you left?

20 A I don't recall.

21 Q You don't recall. So you got to Kalahari's about

22 11:00 or 11:30. Was Mr. Bell already there?

23 A Yes.

24 Q Do you recall what he was doing?

25 A Playing a game.

LISA WOOD - DIRECT

1 Q What kind of game?

2 A It's just a game that's like a fish game. It's on the
3 floor just like a video game.

4 Q Okay. Is that a game where he could sit at --

5 A Yeah.

6 Q -- and look at facing it?

7 A Yes.

8 Q Okay. I've never seen one of those before, but it's
9 almost like a table itself, right?

10 A Right.

11 Q It's pretty good size?

12 A Yes.

13 Q How long did you stay at Kalahari's?

14 A Probably until they closed, I believe. I mean, they
15 were about to close. I think they actually only stayed open
16 a little bit longer because we had just gotten there. I
17 mean, it wasn't too long. I don't think it was more than an
18 hour.

19 Q Now, did you have any interaction with Jeremy when you
20 were there that hour or hour and a half timeframe?

21 A I mean, maybe I would have spoken to him. I don't
22 think that I interacted with him too much. I mean --

23 Q Okay. Did he stay there until the end as well?

24 A We all left at the same time, because we followed one
25 another to the store when we left.

LISA WOOD - DIRECT

1 Q Okay. Was any arrangements made between y'all and
2 Mr. Bell to do anything else that night?

3 A I mean, no. It was just so happened that the bartender
4 was going to come and get something to eat, and some kind of
5 way Jeremy was coming as well. I mean, that wasn't planned.

6 Q Okay. So you don't remember who invited Jeremy?

7 A No.

8 Q The plan was to -- well, the developed plan, however
9 you want to call it, was for the four of y'all to go back to
10 your house?

11 A Right.

12 Q Okay. And what's the bartender's name?

13 A Christina.

14 Q Okay. And was she the only employee there that night?

15 A I don't recall.

16 Q You don't know. Okay. Did she have to close up the
17 restaurant?

18 A Most likely.

19 Q So tell us how y'all left the restaurant. Were they
20 going to follow you in their vehicles?

21 A Yes. They followed us in their own separate vehicles;
22 Jeremy in his car, Christina in her car and Lawton and I in
23 the truck.

24 Q And they had to follow you because neither one of them
25 knew where you lived?

LISA WOOD - DIRECT

- 1 A Exactly.
- 2 Q So neither of them had been at your house before.
- 3 A Correct.
- 4 Q And did you stop anywhere on the way?
- 5 A We stopped at the QT.
- 6 Q For what purpose?
- 7 A To buy alcohol.
- 8 Q That was to consume when you got back to your house?
- 9 A Yes.
- 10 Q Had you been drinking at the grill?
- 11 A Yes.
- 12 Q How much do you feel you and Mr. Holloway having drunk?
- 13 A I can't say exactly how much. I mean, enough to be
- 14 tipsy but not -- I mean, I wouldn't say we were like
- 15 completely intoxicated or anything.
- 16 Q All right. So the four of you go to the QT, some more
- 17 alcohol is bought, and then what happens?
- 18 A They follow us back to our house.
- 19 Q Okay. Do you recall about what time that was?
- 20 A Not really. I mean, maybe 12:30, 1:00, something like
- 21 that.
- 22 Q If Christina has a different understanding of the time,
- 23 she thinks it's around 2:00, could it have been around 2:00?
- 24 A I mean, it could have been. It very well could have
- 25 been.

LISA WOOD - DIRECT

1 Q Now, when you got back home, what did y'all do?

2 A When we got back to the house, Christina -- we fixed

3 Christina a plate so she could eat. Well, when we

4 immediately got back Jeremy realized that he lived closer to

5 us than he thought and he left to go to his house and picked

6 up some different kind of alcohol and he was coming back.

7 Well, during that time Christina was eating, and eventually

8 we all ended up at the creek. Jeremy came back and we went

9 down to the creek to start a fire.

10 Q Okay. Did Jeremy get a plate to eat?

11 A No, I don't think so.

12 Q So you fed Christina, Jeremy leaves and comes back, and

13 then y'all --

14 A We go down to the creek.

15 Q Where is the creek in relation to your house?

16 A It's directly behind the house, like a hundred foot

17 down the hill behind my house.

18 Q Is that some place y'all frequent a lot?

19 A Yes.

20 Q Do you have like a fire pit or something down there?

21 A Yes.

22 Q And what activities were you doing down at the creek?

23 A I was focused on really building the fire and Christina

24 was sitting there talking to me. We were talking about her

25 little boys coming back to fish in the creek or whatever,

LISA WOOD - DIRECT

1 and Jeremy and Lawton were having a separate conversation
2 that was just like parallel to ours. The four of us weren't
3 in a group conversation, I guess.

4 Q Okay. Were Mr. Bell and Mr. Holloway close enough to
5 you that you could overhear them?

6 A I really wasn't listening to them. If I was trying to
7 hear them I probably could have, but I didn't --

8 Q Well, did anything stand out, like were they arguing or
9 anything?

10 A No.

11 Q So the conversation down there was pleasant?

12 A I didn't hear their conversation, but I know they
13 weren't arguing.

14 Q There was nothing that stood out.

15 A Nothing that seemed unusual.

16 Q Nothing that would give you concern.

17 A Right.

18 Q You mentioned Christina had some boys.

19 A Yes.

20 Q Did Jeremy have any children?

21 A Yes.

22 Q How many did he have?

23 A I only met his daughter one time at Kalahari's. They
24 were eating lunch together one afternoon, I think it was a
25 Saturday, they were eating there and he brought me over to

LISA WOOD - DIRECT

1 introduce me to her. And she -- I believe her name is
2 McKenzie and she was maybe a year and a half, two years old.

3 Q A little toddler.

4 A Yeah.

5 Q Was there any talk about him maybe bringing his
6 daughter over there to see the creek?

7 A No.

8 Q All right. So the two ladies are speaking and the two
9 men are speaking, and is everybody drinking?

10 A Well, myself and Lawton and Jeremy were, I don't
11 believe Christina was.

12 Q Okay. All right. So how long did you stay down at the
13 creek?

14 A It wasn't very long because it started to drizzle. I
15 mean, it definitely wasn't more than an hour, it wasn't long
16 at all. When it started to rain Christina decided she
17 needed to go home. We all went back up to the hill together
18 and she proceeded to her car and we came into the house.

19 Q Did anybody walk with Christina up to her car?

20 A I don't think anybody walked her all the way to her
21 car, no.

22 Q Was somebody walking with her all the way up to the
23 hill?

24 A I mean, we kind of all walked up the hill together. My
25 shoe broke and I ran back and threw in it the fire, so I was

LISA WOOD - DIRECT

1 lagging behind a little bit.

2 Q We've seen pictures of your house. State's 7 and 8,
3 the front and the back?

4 A Right.

5 Q Which door did you go back in?

6 A The back.

7 Q So you came up from the creek and went in the back
8 door?

9 A Uh-huh.

10 Q Is that how you left the house to go down to the creek?

11 A Yes.

12 Q Which door do you use when you come home from work?

13 A The front door.

14 Q You park in the driveway and go use the front door?

15 A Right.

16 Q All right. So everybody is coming up the hill and
17 Christina is driving off, and y'all go inside.

18 A Right.

19 Q Is that right?

20 A Uh-huh.

21 Q And what happens when you got inside.

22 A I sat down on the couch, Jeremy sat down on another
23 couch, and I believe Lawton might have been fixing something
24 to drink. I just remember him standing, kind of standing
25 where the couches meet up like this. And, I mean, I'm

LISA WOOD - DIRECT

1 sitting on the end of one and Jeremy is on the end of the
2 other, Lawton was standing there. Jeremy was going to show
3 me something on the TV about the app he had previously
4 loaded on my phone at the bar so I could watch like movies
5 on it. Well, it automatically updates to the Apple V and I
6 had been watching it through Apple. Well, he was telling me
7 that because I had a smart TV that I didn't need to ho
8 through Apple to use it, and he was going to show it to me
9 and explain it, and I told him I was really too tired to be
10 bothered with it pretty much at that time, and I didn't feel
11 like it, and him and Lawton had a conversation. Jeremy
12 started saying something about some taxes or something that
13 he didn't believe we should have to pay, I remember Lawton
14 saying there's something that we can agree on. And then
15 they went out to the front porch to smoke, and I laid down
16 on the couch and went to sleep. I was tired.

17 Q When you say you laid down on the couch, which couch
18 did you lay on?

19 A The same one I was sitting on. I mean, the one that
20 backs up towards the front door.

21 Q Okay. These are some pictures to help the jury
22 understand this, okay? While that's warming up let me show
23 you what's been marked State's Number 10. Does that show
24 the couch you would have been laying on?

25 A Yes.

LISA WOOD - DIRECT

1 Q Okay. How were you positioned on the couch when you
2 laid down?

3 A Well, initially I was sitting right here, and all I did
4 was stack those pillows up and just lay over on my side and
5 pull that blanket over me.

6 Q And there appears to be some sort of black bag on the
7 couch. Do you remember that being there when you were
8 laying down?

9 A I do not.

10 Q Why is it that you went to sleep on the couch?

11 A It wasn't really unusual for me to sleep on the couch
12 periodically, I mean, watching different TV shows in
13 different rooms. And, I mean, I had been sleeping on the
14 couch for a few days before that anyway so it wasn't unusual
15 for me to sleep there.

16 Q Okay. So you didn't pass out on the couch.

17 A No. I chose to lay down and go to sleep.

18 Q Okay. All right. Now, can you see the picture up
19 there?

20 A Yes.

21 Q There appears to be two white blanket like looking
22 objects there.

23 A Those are blankets.

24 Q Did you have those covering your body?

25 A I had one of them.

LISA WOOD - DIRECT

1 Q So do you know the approximate time that you laid down?

2 A I believe it was around 3:00 -- 2:45, 3:00 in the
3 morning, something like that.

4 Q When you walked into the house after Christina left,
5 approximately how long were you in there before you decided
6 to lay down?

7 A I don't think it was any more than ten minutes, I mean,
8 it was pretty quickly.

9 Q And you testified that the two men walked out on the
10 porch, were they leaving the house as you were laying down
11 in that sequence?

12 A Yeah. They were walking away right there and I was
13 probably laid down before they hit the front door.

14 Q Again, we're talking about this front door.

15 A Right.

16 Q Do you allow smoking in your house?

17 A Yes.

18 Q They went outside to smoke.

19 A Right.

20 Q Was the light on or off?

21 A I don't remember.

22 Q What's the next thing you remember?

23 A Waking up.

24 Q Do you know what caused you to wake up?

25 A I do not.

LISA WOOD - DIRECT

1 Q Do you know what time you woke up?

2 A Right before 6:00.

3 Q The time that you woke up, did you know what time it
4 was?

5 A No.

6 Q You later learned after the events --

7 A Right.

8 Q So you woke up and what happened?

9 A I woke up suddenly and stood up and saw Lawton standing
10 there, I saw blood on the wall, I saw Jeremy on the floor
11 and I said, "Is this real?"

12 Q Why did you say that?

13 A I just -- I was in shock. I believe I instantly just
14 thought they must be playing some kind of joke on me or
15 something, it just couldn't be real.

16 Q What did you do?

17 A I ran around the back side of the couch and stood over
18 the top of Jeremy and yelled at him to get up.

19 Q Would you look at the picture? You stood up and ran
20 around --

21 A Yeah, that way.

22 Q When you stood up, you were standing up where, about in
23 the middle?

24 A Yeah.

25 Q And you ran around the back side?

LISA WOOD - DIRECT

1 A Yes.

2 Q And Jeremy was somewhere in here?

3 A Right.

4 Q Where was Mr. Lawton when you jumped up?

5 A Standing like by Jeremy's feet.

6 Q By Jeremy's feet. About how close was he to you?

7 A Well, I mean, there's a TV right here, he was standing
8 in front of the TV right here and I was right here. I mean,
9 I don't know exactly how far it is apart.

10 Q Now, Lisa, I'm going to prepare you. This picture has
11 a little bit of Jeremy's body in it but it shows us a better
12 picture of the living room, okay?

13 A Okay.

14 Q Will you be able to handle it?

15 A Okay.

16 Q This is State's Number 12. That gives us a full view
17 of the living room, doesn't it?

18 A Yes.

19 Q Using that picture, whereabouts was Mr. Holloway?

20 A In front of the TV.

21 Q Okay. Now, we know from previous testimony that
22 Jeremy's body wasn't laying like it is now, was it?

23 A No.

24 Q He was sort of slumped over against this styrofoam box
25 type thing?

LISA WOOD - DIRECT

- 1 A Right.
- 2 Q Okay. And this is the TV?
- 3 A Yes.
- 4 Q And you would have been standing somewhere here?
- 5 A Right.
- 6 Q Mr. Holloway would have been about how far away?
- 7 A Right about there.
- 8 Q Okay. Six to eight feet maybe?
- 9 A Okay.
- 10 Q I'm asking you, does that seem about --
- 11 A Yeah, that's right.
- 12 Q And you ran around and yelled at Jeremy. Did you
- 13 notice anything about Jeremy? Did he say anything?
- 14 A He didn't say anything, but I believe I heard him
- 15 gurgle.
- 16 Q Gurgle.
- 17 A Yes.
- 18 Q All right. And when you heard that and he didn't move,
- 19 what did you do?
- 20 A I know at some point I remember grabbing the front of
- 21 Lawton's shirt and shaking him and saying, "What is going
- 22 on? What did you do?" And Lawton was screaming at me that
- 23 he was trying to hurt me or he was going to hurt me or going
- 24 to rape me. I started backing down the hall, I mean,
- 25 walking backwards around -- I put my hand in front of me and

LISA WOOD - DIRECT

1 was saying, "No," and started backing up behind the couch
2 walking backwards, and then continued on walking backwards
3 down the hall.

4 Q I show you State's 13, opposite view showing the
5 hallway. That's the hallway?

6 A Yes.

7 Q So you were backing down this hallway?

8 A Correct.

9 Q Did Mr. Holloway follow you?

10 A He stopped at the back of this couch.

11 Q So basically where the dining room meets the living
12 room?

13 A Right.

14 Q At any point did you encounter any of your children as
15 you were backing down the hall?

16 A Yes. At the top of the hallway right at the other side
17 of the kitchen my son was standing there with his cellphone,
18 and at that time I just backed into him and told him to call
19 911.

20 Q Did he do so?

21 A Yes, he did, and handed me the phone.

22 Q And then when where did you go?

23 A I proceeded to back down the hall into the bedroom on
24 the left, the boys' bedroom.

25 Q This one. Okay. Now, I'm going to go back to the

LISA WOOD - DIRECT

1 living room, you were on the couch asleep. Did you feel
2 anybody touching you?

3 A I did not.

4 Q Anybody trying to assault you?

5 A No.

6 Q What kind of clothes were you wearing?

7 A I was wearing pajama pants and a tank top.

8 Q Were any of your clothing in disarray?

9 A No.

10 Q This blanket that is shown back here, was it covering
11 you?

12 A Yes.

13 Q When you jumped up, did you throw it back to that area?

14 A Right.

15 Q And when you walked around the couch to where Jeremy
16 was lying, did you notice any objects on the floor?

17 A Yes. I noticed a kitchen knife laying in front of him
18 on the floor.

19 Q Did you recognize the knife?

20 A Yes.

21 Q Whose knife was it?

22 A Mine.

23 Q It's one you keep in the kitchen?

24 A Yes.

25 Q Other than Jeremy being in that area against the

LISA WOOD - DIRECT

1 wall -- let me ask you first, okay? Did there appear to any
2 other -- anything else out of place in your room, in that
3 room?

4 A No.

5 Q So we see these marks on the wall. Those weren't there
6 when you went to sleep, were they?

7 A No.

8 Q I'm showing you a series of photographs of the interior
9 of your house in addition to these. And you just tell me
10 what they show and whether anything was out of place.

11 State's Number 11. What does that show us?

12 A That's like just the entrance, I guess. That's the
13 front door, a view from the front door. But nothing is not
14 where it was.

15 Q And there hasn't been any struggling that took place.

16 A No.

17 Q All right. State's 21. Is that your dining area?

18 A Yes.

19 Q Is there anything out of place?

20 A No.

21 Q Any evidence of a struggle there?

22 A No.

23 Q State's 20. What does that show us?

24 A That's the coffee table and nothing is out of place.

25 Q Nothing was even knocked over, was it?

LISA WOOD - DIRECT

- 1 A No.
- 2 Q State's 14?
- 3 A That's the kitchen, and it seems normal as well.
- 4 Q All right. State's 15, another view of the kitchen.
- 5 Is that normal?
- 6 A Yes.
- 7 Q Now, while we're in the kitchen area I want to ask you
- 8 about State's 27. Is that the knife?
- 9 A Yes.
- 10 Q Okay. Do you use that knife often -- did you?
- 11 A Periodically.
- 12 Q Where did you store that knife in your house?
- 13 A In the Tupperware container in the countertop in the
- 14 kitchen.
- 15 Q All right. And where would that Tupperware container
- 16 be in this photograph, State's 15?
- 17 A On the other side of the refrigerator.
- 18 Q The refrigerator, somewhere in this area?
- 19 A Right.
- 20 Q All right. There are some pictures. State's 24. Does
- 21 that show a close-up of State's 25? Is this the Tupperware
- 22 that contains some other knives of different colors?
- 23 A Yes.
- 24 Q Kind of like a set you had?
- 25 A Yes.

LISA WOOD - DIRECT

1 Q And for the record, there's a blue knife, a green knife
2 and a yellow knife, and then we see an object is here near
3 the bread. I show you State's 26. What is that?

4 A That's the sheath that came from the knife.

5 Q And do you keep that sheath on the knife while the
6 knife is in your living room, or in your kitchen?

7 A Yes.

8 Q And do the other knives in the Tupperware have similar
9 sheaths?

10 A Yes.

11 Q All matching colors?

12 A Yes.

13 Q You basically had four knives you had stored there and
14 the sheath is meant to protect it.

15 A Right.

16 Q Do you remember where that knife was that night?

17 A I can't say a hundred percent. I would assume it would
18 have been in the container with the rest of them but I can't
19 be a hundred percent sure.

20 Q With that sheath being there, does that suggest that
21 that's where it would have been?

22 JAMES H. PRICE, III: Objection, leading, Your Honor.

23 THE COURT: Yes.

24 Q Well, based on the location of that sheath, where do
25 you think the knife was?

LISA WOOD - DIRECT

1 A In the container.

2 Q So once again, even though Mr. Holloway made that
3 comment to you about being hurt or raped, there was nothing
4 that occurred to you that -- or was there anything that led
5 you to think that was actually happening?

6 A No.

7 Q Why did you back away from Mr. Holloway?

8 A I didn't know what was going on and I was really
9 scared.

10 Q Did you have any reason to be scared of Jeremy that
11 night?

12 A No.

13 Q In fact, had he ever made any threatening gestures
14 towards you?

15 A No.

16 Q Any threatening comments?

17 A No.

18 Q Had he ever made any passes at you trying to come on to
19 you?

20 A No.

21 Q When you went into the room, did you close the door?

22 A Yes.

23 Q Why?

24 A I didn't know if I had anything to be scared of, I was
25 just scared.

LISA WOOD - DIRECT

1 Q Do you remember how Mr. Holloway was dressed?

2 A He was wearing a shirt and jeans.

3 Q Do you remember how he was dressed that evening when he
4 went out that evening to the grill?

5 A Yeah. He was wearing like a button-up shirt.

6 Q We'll get to this. Let me show you what's been marked
7 for identification as State's Number 3. Does that appear to
8 be how he was dressed when he went to the grill?

9 A Yes.

10 Q Would he have kept those same clothes on when he went
11 home?

12 A I'm not sure. It was common for him to take his
13 button-up shirt off and hang it up somewhere or something
14 before we go the creek. So he could have had on his t-shirt
15 or that shirt, I don't remember.

16 Q You don't remember if he grabbed a t-shirt or a dress
17 shirt?

18 A Exactly.

19 Q Did you have any blood on you?

20 A There was some blood on my toe.

21 Q Your toe?

22 A Yes.

23 Q Do you have an idea of how that might have got on your
24 toe?

25 A The only way I know is if it got there when I ran

LISA WOOD - DIRECT

1 around the couch and stood over Jeremy.

2 JAMES H. PRICE, III: Your Honor, I object to the
3 answer and ask that it be stricken, speculation.

4 THE COURT: Did she have knowledge of it, Mr. Bulsa?

5 MR. BULSA: I asked her how she felt she could have
6 gotten that blood on her and she said when she ran around
7 the couch and stood over Jeremy.

8 THE COURT: Mr. Price?

9 JAMES H. PRICE, III: I took it as that she thought
10 that's how it happened. I think the question needs to be
11 asked does she know how she got that blood got on her.

12 THE COURT: On cross I'll let you go into that.

13 Q You remained in this house, didn't you, after all of
14 this happened?

15 A Yes.

16 Q Did you actually see Jeremy's body be taken from your
17 house?

18 A No.

19 Q Did you at any time leave the areas?

20 A What do you mean?

21 Q That morning did drive away anywhere? Did anyone drive
22 you off somewhere?

23 A No. I ended up eventually walking down to my
24 neighbor's home.

25 Q Okay. Because you told us how the officer -- or

LISA WOOD - DIRECT

1 maybe I didn't -- how did you get out of the house?

2 A An officer let us out the back door and around the
3 house to the top of the road.

4 Q Okay. And she described it yesterday in testimony. So
5 were you or your kids able to see Mr. Bell, Jeremy, on the
6 ground in the living room, or were they trying to block it?

7 A She blocked the hallway. The hallway was being
8 blocked.

9 Q So you left out the back door and went up to the
10 roadway?

11 A Yes.

12 Q So you don't know at what time Jeremy's body was taken
13 out.

14 A I don't.

15 Q How long did the police actually take control of that
16 scene? When did you get your house back?

17 A It was later on that night, I mean, or that evening,
18 maybe 6:00, 5:00 or 6:00 that night.

19 Q Did you learn about what time you had actually called
20 911.

21 A I mean, once I realized what time it was the next
22 morning, I mean.

23 Q So what time did you call 911?

24 A Right around 6:00 in the morning.

25 Q 6:00 a.m.?

LISA WOOD - DIRECT

1 A Yeah.

2 Q And you got your house back about 6:00 p.m. that same
3 day?

4 A Right.

5 Q What was the condition of it?

6 A My -- I didn't go back to my house that night. My
7 neighbors and my family members did, I didn't go back that
8 evening.

9 Q When you eventually went back, what condition did you
10 find it in?

11 A My family had cleaned it up. They cut carpet out of
12 the floor. They had cleaned the walls and all of that
13 stuff. I mean --

14 Q They took care of it for you.

15 A Right.

16 Q Nice family.

17 A Yes.

18 Q When you actually went over to where Jeremy was, could
19 you see the blood on him?

20 A I don't recall seeing the blood on him. I really
21 wasn't -- I mean, my memory doesn't -- I just remember
22 seeing the blood on the wall.

23 Q Okay. I show you State's 22. I don't know if you can
24 tell it from this lighting but -- turn this way. Do you see
25 the substance on the carpet near number 3?

LISA WOOD - CROSS

1 A Yes.

2 Q Was that there before that evening?

3 A No.

4 Q Is that about where you went to when you were yelling
5 at Jeremy?

6 A Yes.

7 Q Did you notice if Christina ever interacted with Jeremy
8 at your house?

9 A I don't recall them interacting.

10 Q Pretty much the girls and the guys.

11 A Right.

12 MR. BULSA: I know this has been hard but the defense
13 has some questions for you, I think I may have some after
14 they ask you some.

15 CROSS EXAMINATION

16 BY JAMES H. PRICE, III

17 Q Good morning, Lisa.

18 A Good morning.

19 Q I'm going to have a good many questions to ask you.
20 Would you like water before we start?

21 A I'm fine, thank you.

22 Q Okay. You were asked some questions about you and
23 Jeremy, and Roy and Jeremy. Y'all weren't really close
24 friends with Jeremy Bell, were you?

25 A I mean, just acquaintances. We would casually see each

LISA WOOD - CROSS

1 other at the bar. I mean, we weren't really close, close
2 friends.

3 Q And that's the only place y'all would see each other
4 was up at Kalahari's.

5 A Yes.

6 Q And when you would see each other at the bar, is it
7 true y'all would just basically speak, say hello maybe?

8 A Right, just have a brief conversation.

9 Q So you wouldn't spend any time with each other.

10 A Correct.

11 Q Okay. You didn't sit there and knock down drinks and
12 laugh and cut up, it was just, "Hey, how are you? Are you
13 doing okay?"

14 A Pretty much.

15 Q Jeremy spent a lot of time by himself at the bar in the
16 corner playing computer games and doing stuff on his
17 computer, didn't he?

18 A That's right.

19 Q Okay. Now, the solicitor mentioned Jeremy's daughter,
20 McKenzie. You were aware that he had a daughter.

21 A Right.

22 Q And were you -- did Jeremy tell you about the time
23 y'all went over to your house that night that he had sent an
24 email to his boss --

25 MR. BULSA: Objection, Your Honor, it's not relevant

LISA WOOD - CROSS

1 to this matter. It's hearsay.

2 JAMES H. PRICE, III: Your Honor, they went into
3 statements that Jeremy said during this evening, the State
4 opened the door for this. This is cross examination.

5 MR. BULSA: It's hearsay, Your Honor.

6 THE COURT: Let me see the lawyers just a minute.

7 (Bench conference held off the record in the presence
8 Of the jury but out of the hearing of the jury.)

9 MR. BULSA: Thank you, Your Honor.

10 Q And in any event, you had told Christina that you had
11 cooked some of your famous fried chicken for your son's
12 birthday that evening, correct?

13 A Yes. I believe Lawton had told her earlier that day,
14 but yes.

15 Q All right. And you or Lawton invited Christina, or
16 Christina said "I would like -- that sure sounds good." So
17 you invited her to come over to your house.

18 A One of us did.

19 Q Isn't it true that Mr. Bell heard y'all talking about
20 it and Mr. Bell invited himself over to your house?

21 A I don't know.

22 Q Okay. All right. That's enough about that. Let's go
23 back and let's start. Let's spend time on you and Lawton.
24 Now, yesterday I called him Roy Lawton. Did you call him
25 Lawton or did you call Mr. Holloway Roy?

LISA WOOD - CROSS

- 1 A I called him Lawton.
- 2 Q Lawton? Okay. He also goes by Roy?
- 3 A Yes.
- 4 Q Okay. And back on August the 30th of 2017 y'all had
5 been together for ten years.
- 6 A Right.
- 7 Q In a committed relationship.
- 8 A Yes.
- 9 Q Living together for ten years in your home.
- 10 A Right.
- 11 Q And you had three children that were not his natural
12 children.
- 13 A Correct.
- 14 Q But isn't it true that he acted as a father to those
15 children?
- 16 A Yes, very much so.
- 17 Q Wouldn't you say that he loved them?
- 18 A Yes.
- 19 Q Did he take them to school?
- 20 A Yes.
- 21 Q Did he take care of them when they were sick?
- 22 A Yes.
- 23 Q You had one child, your oldest child is autistic; is
24 that correct?
- 25 A My middle child is autistic.

LISA WOOD - CROSS

- 1 Q Middle child.
- 2 A Yes.
- 3 Q All right. Lawton was a good father to that child?
- 4 A Yes.
- 5 Q And dealt with the autism?
- 6 A Yes.
- 7 Q On a daily basis.
- 8 A Yes.
- 9 Q Was he a good father?
- 10 A Yes.
- 11 Q And you and he would have your ups and downs as any
12 couple would.
- 13 A That's right.
- 14 Q But on August the 30th y'all were in a relationship.
- 15 A That's correct.
- 16 Q Now, Lawton, would you say that he was a nonviolent
17 person?
- 18 A Yes.
- 19 Q Would you say he was an easy going person?
- 20 A Yes, I would.
- 21 Q And have you ever known him to be violent?
- 22 A I mean, I would see him get upset before but nothing --
23 I mean, not -- not really.
- 24 Q He never hit anybody, never hurt anyone, did he?
- 25 A No.

LISA WOOD - CROSS

1 Q All right. He worked hard for your family.

2 A Right.

3 Q He contributed his wages to your family.

4 A Yes, he did.

5 Q Okay. In fact, on the 911 tape, which we'll hear in a
6 little bit, you described him as easy going, nonviolent,
7 calm, didn't you?

8 A That's right.

9 Q And is that a good description of Lawton Holloway on
10 August the 31st --

11 A Yes.

12 Q -- of '17? All right. Let's talk about you. You were
13 asleep on that couch.

14 A Yes.

15 Q And when you sleep, are you a light sleeper, a deep
16 sleeper?

17 A A deep sleeper.

18 Q And can you describe to the jury what you mean by a
19 deep sleeper?

20 A People frequently say the house could burn down around
21 me and I wouldn't know it. I sleep heavy.

22 Q So you could sleep heavy and there could be all kinds
23 of stuff going on around you and you not know it.

24 A Correct.

25 Q Is that a fair statement?

LISA WOOD - CROSS

1 A Yes.

2 Q And is that your reputation?

3 A Yes.

4 Q And was that the way you were as of August 31st of
5 2017?

6 A Yes, I was asleep.

7 Q Okay. Let's talk about -- and I don't want to
8 embarrass you -- you had a rough childhood, did you not?

9 A Yes, I did.

10 Q All right. You were abused as a child.

11 MR. BULSA: Objection, Your Honor. What does that
12 have to do with this case?

13 JAMES H. PRICE, III: Number one, it's cross
14 examination, and two, I'm getting there.

15 THE COURT: I think he is getting there. It's
16 overruled, go ahead. I'm going to give you a little bit
17 and let's see how fast we get there.

18 A Yes.

19 Q You grew up in foster homes?

20 A I lived in a children's home.

21 Q Okay. In a children's home. And as a result of all of
22 this you were very protective of your children.

23 A Yes.

24 Q And you made that clear to Lawton Holloway how
25 protective of your children that you were from the get-go.

LISA WOOD - CROSS

1 A Yes.

2 Q And did Lawton recognize that?

3 A Yes.

4 Q Didn't he respect that?

5 A Yes.

6 Q And didn't he treat your children the same way as far
7 as protection?

8 A Yes.

9 Q Neither of you let your children run around unescorted
10 in the neighborhood, did you?

11 A That's right.

12 Q So you were protective of your children. On August the
13 31st was Roy protective of your children?

14 A Yes.

15 Q Okay. August the 30th was your middle son's birthday,
16 right?

17 A Right.

18 Q You sure you don't want any water?

19 A I'm okay.

20 THE COURT: Ma'am, there's some right behind you,
21 there's a pitcher and cups.

22 THE WITNESS: I'm okay, thank you.

23 Q All right. And y'all had some family members over, a
24 little party for your son?

25 A I mean, my mother was there.

LISA WOOD - CROSS

- 1 Q But you did have a party, a small party.
- 2 A Just dinner.
- 3 Q Did you and Roy have some alcohol to drink?
- 4 A Yes.
- 5 Q Okay. After the party is when y'all decided to go to
- 6 Kalahari's.
- 7 A Right.
- 8 Q And you got there at whatever time and you had some
- 9 drinks there.
- 10 A Yes.
- 11 Q Okay. You get to your house. You and Roy stop by
- 12 Kalahari's (sic) to get some beer. Christina arrives at
- 13 your house. Roy goes by his house and brings his own liquor
- 14 to your house, correct?
- 15 A Okay. Jeremy went to his house.
- 16 Q I'm sorry. I get -- I'm bad with names, I apologize.
- 17 Jeremy went to his house. You and Roy went by QT, Christina
- 18 followed y'all.
- 19 A We all followed each other to the QT and then we all
- 20 followed one another to my house.
- 21 Q All right. Jeremy brings his liquor to your house.
- 22 A Correct.
- 23 Q All right. And y'all change, you go down to the creek
- 24 and you have some drinks and you start the fire.
- 25 A Right.

LISA WOOD - CROSS

1 Q Now, you and Christina, I think you earlier said, were
2 basically by yourselves talking.

3 A Right.

4 Q And Jeremy and Roy were by themselves talking?

5 A Right, like parallel conversations, yes.

6 Q How far from you and Christina were Roy and Jeremy?

7 A Maybe about as far as you are now.

8 Q Okay. And there were no -- did you hear any arguments
9 or fights or anything --

10 A Nothing.

11 Q -- between Roy and Jeremy --

12 A No.

13 Q -- while they were outside?

14 A No.

15 Q Christina leaves at whatever time she did. All of
16 y'all walk up to the house and go inside except for
17 Christina who gets in her car.

18 A Right.

19 Q And Jeremy is wanting to install some type app on your
20 television?

21 A No. He was just going to show me a different way how
22 to use the app that was already -- he installed the app at
23 the bar on my phone, he was just going to show me a way to
24 use it through the TV.

25 Q So he was doing that on the television.

LISA WOOD - CROSS

1 A He didn't do that. I stopped him because I was tired
2 and I didn't -- I didn't even let him turn the TV on.

3 Q You were tired and about that time you went to sleep.

4 A Right.

5 Q Okay. And Roy and Jeremy at some point about that time
6 went out onto the porch.

7 A Right.

8 Q And that's the last you knew of anything until you woke
9 up.

10 A That's right.

11 Q Let me get some pictures here.

12 JAMES H. PRICE, III: One moment, please, Your Honor.

13 THE COURT: Yes, sir.

14 (Break in proceedings.)

15 Q Okay. Let's look at Defendant's 4. There is a bottle
16 of Bourbon there. Whose was that?

17 A Jeremy's.

18 Q Big bottle of Vodka there.

19 A Probably ours.

20 Q All right. And another big bottle of Vodka back there
21 that's unopened.

22 A I mean, we would only had one bottle of Vodka, so
23 anything else would have belonged to Jeremy.

24 Q Okay. There's also into evidence Defendant's 3, which
25 is basically the same thing but to the left is a beer can.

LISA WOOD - CROSS

1 A That would have belonged to my neighbor who would have
2 been over earlier in the day.

3 Q All right. State's 10. Now, you were asleep with your
4 head there?

5 A Right where those pillows are stacked up.

6 Q And you were covered by this blanket.

7 A Correct.

8 Q And before I forget to ask you this, when you talked to
9 Deputy Malpass later on and Deputy Kochenower and any of the
10 other deputies, you told them that you were asleep on this
11 couch --

12 A Yes.

13 Q -- when you woke up and that you were covered with this
14 blanket.

15 A I'm not sure if they even asked me if I was covered
16 with a blanket, but I did tell them I was asleep on the
17 couch.

18 Q Okay. And Defense 5 is the same couch, is it not?

19 A Yes.

20 Q And Number 5 there is about where your feet would have
21 been, correct?

22 A Right.

23 Q Covered with that blanket which has been moved.

24 A Yes.

25 Q And there was some blood found on that sofa where your

LISA WOOD - CROSS

1 feet were covered by the blanket.

2 A Right.

3 Q Okay. Lisa, a few minutes ago I asked you if you told
4 the deputies that you were covered by that blanket and you
5 said you weren't really sure.

6 A Right.

7 Q Now, you gave a written statement to the deputies that
8 morning.

9 A Yes, I did.

10 Q And that was like real soon, like within a couple of
11 hours of all of this happening.

12 A Yeah, it was really fast.

13 Q And is this the second page of your statement?

14 A Yes.

15 Q And if you would, would you read that sentence that is
16 highlighted there?

17 A "I grabbed a blanket and laid on the couch and went to
18 sleep."

19 Q So you told them right off the bat that you did have a
20 blanket --

21 A Okay, yes.

22 Q -- on the couch. All right. Something wakes you up
23 and you see Jeremy lying against the wall and Roy standing
24 over a few feet over to the side towards the television.

25 A Right.

LISA WOOD - CROSS

1 Q Okay. And you grab Roy and ask what happened, and he
2 says, "He was trying to rape you, he was trying to hurt
3 you," correct.

4 A He was saying, "He was going to hurt you, he was going
5 to rape you," that's what he said.

6 Q And Roy was shook up, wasn't he?

7 A Yes.

8 Q He was upset.

9 A Right.

10 Q Wasn't he shaking?

11 A I wasn't sitting there waiting to see, it happened
12 really fast. I didn't -- I don't know if he was shaking or
13 not.

14 Q But y'all were both upset. It was obvious that he was
15 upset.

16 A Right.

17 Q Okay. And after that you check on Jeremy, you go back
18 down the hallway and that's when you call 911.

19 A Right, 911.

20 Q And I know that's a little bit quicker than what
21 happened --

22 A Right.

23 Q -- but that's basically the way it happened. I'm going
24 to ask you about that 911 tape in a minute. But Deputy
25 Malpass is the first one there and you talk to her but you

LISA WOOD - CROSS

1 are still on the phone with 911, aren't you?

2 A Right.

3 Q And then you talk with another deputy in the back of
4 her car after you leave the house.

5 A I mean, I'm sure I probably did. I don't remember
6 every conversation that morning. She's the main officer I
7 remember.

8 Q Okay. Now, as far as the blood that was on your toe,
9 you don't know how it got there, do you?

10 A I have no idea.

11 Q Okay.

12 JAMES H. PRICE, III: Your Honor, at this time we
13 would offer the 911 tape and would, I guess, have to play
14 enough to where she could authenticate it?

15 THE COURT: Okay. Do you need -- is there any
16 objection to it being introduced? If so I can let her
17 listen to it through headphones until she authenticates it.

18 MR. BULSA: Your Honor, she's listened to it, she can
19 authenticate it.

20 THE COURT: So you're offering it as defense --

21 JAMES H. PRICE, III: This will be Defense Exhibit 8.

22 THE COURT: Is that without objection?

23 MR. BULSA: Subject to the earlier Court's ruling.

24 THE COURT: Yes. Subject to earlier ruling, it's over
25 objection.

LISA WOOD - CROSS

1 (The 911 CD was received as Defense 8.)

2 JAMES H. PRICE, III: And I think the solicitor agreed
3 to publish it by using the copy on their computer.

4 MR. BULSA: Yes, sir, we can play it.

5 THE COURT: Okay.

6 MR. BULSA: We may have to start it over.

7 (The CD was played for the jury.)

8 MR. BULSA: You can't hear.

9 THE COURT: Can we play it through this?

10 (Break in proceedings.)

11 (The CD was played for the jury.)

12 BY JAMES H. PRICE, III

13 Q Ms. Lisa, I just have a couple of more questions for
14 you. On that tape you said, "He's so nonconfrontational."

15 You meant Roy, or Lawton Holloway, didn't you?

16 A Yes, sir.

17 Q All right. And one point you yelled out, "Stop it,
18 stop it, Roy." You were backing down the hallway then,
19 weren't you?

20 A Yes, sir.

21 Q And you just didn't want Roy to go down the hallway
22 around your children.

23 A Right.

24 Q He wasn't doing anything, it was just you didn't want
25 him to go down there where you were.

1 A Right.

2 Q Okay. Now, you earlier said how much Roy loved your
3 children and how protective of your children he was,
4 correct?

5 A Yes.

6 Q He was also protective and loved you, didn't he?

7 A Yes.

8 Q And you would expect him and believed that he would try
9 to protect you if someone was threatening you or hurting
10 you, wouldn't you?

11 A Yes.

12 Q The clothing that you were wearing while on that couch
13 that evening, the police never did ask for it and take it,
14 did they?

15 A No.

16 Q The blanket that was around you that you told the
17 police that you had on you while you were on that couch,
18 they never took that, did they?

19 A No.

20 JAMES H. PRICE, III: Your Honor, that's all that I
21 have of this witness.

22 THE COURT: Okay. Mr. Foreman, ladies and gentlemen
23 of the jury, we've been running for quite some time and I
24 ran us a little long trying to get some of this testimony
25 in. It's almost 12:30, we're going to break for lunch, be

1 back at 2:00, that will give you an hour and a half for
2 lunch. So let's break now and be back in place at 2:00,
3 that will give you an hour and a half for lunch. Don't
4 talk about the case. Don't discuss the case. You are at
5 work here and when you go to lunch at work I'm hopping that
6 you don't think about work or talk about work and it would
7 not be proper for you to talk about it anyway until time
8 for you to deliberate. So with that, Mr. Foreman, if you
9 will take the jury out and be excused for lunch. Have a
10 good lunch, be back and ready to go at 2:00.

11 (The jury left the courtroom.)

12 THE COURT: Ma'am, I'm going to allow you to leave the
13 stand and when we come back at 2:00 if you would be so kind
14 as to have a seat right there for me. While you're having
15 lunch and refreshing yourself you can't talk to anyone
16 about your testimony, okay? All right. You may step down.
17 Anything from anyone before we recess?

18 JAMES H. PRICE, III: Nothing from Mr. Holloway, Your
19 Honor.

20 THE COURT: Okay. Thank you. We'll see you at 2:00.

21 (A lunch break was taken.)

22 THE COURT: Ready for the jury, gentlemen, ladies?

23 MR. BULSA: Yes, sir.

24 THE COURT: We'll have the jury.

25 (The jury returned to the courtroom.)

LISA WOOD - REDIRECT

1 THE COURT: Mr. Foreman, is the jury ready to go to
2 work?

3 THE FOREMAN: Yes, sir.

4 THE COURT: All right, very good. Gentlemen?

5 REDIRECT EXAMINATION

6 BY MR. BULSA

7 Q All right. Lisa, I want to ask you a few more
8 questions in response to the defense's case. They talked
9 about your relationship with Mr. Holloway and they kept
10 calling him Roy. Where does that name come from?

11 A His middle name is Leroy.

12 Q Did you call him Lawton?

13 A Yes.

14 Q The full ten years you knew him?

15 A Yes.

16 Q And we hear you mentioning Lawton on the 911 tape.

17 A Right.

18 Q That's who you're talking about.

19 A Right.

20 Q Was he working at this time?

21 A No.

22 Q When did he lose his job?

23 A A week or so before prior.

24 Q How was he acting?

25 A I mean, he was somewhat depressed about it.

LISA WOOD - REDIRECT

1 Q Okay. Defense asked you his nature and if he was easy
2 going. Did you know any different of Jeremy?

3 A No.

4 Q The defense put in those pictures and showed you
5 pictures of alcohol bottles. I believe you commented that
6 one of the bottles at least that they showed you was
7 actually yours.

8 A Probably.

9 Q Okay. One of the vodka bottles?

10 A Right.

11 Q What kind of drinks were y'all drinking that night?

12 A Mixed drinks.

13 Q And you remember everybody except Christina drinking?

14 A Yes.

15 Q Can you kind of describe for us how Mr. Holloway was
16 acting after having all of those drinks?

17 A He was acting normal. I mean, we all seemed a little
18 bit tipsy but nobody seem overly intoxicated when I went to
19 sleep. Nobody was stumbling or anything like that.

20 Q You went to sleep at 3:00?

21 A Right.

22 Q When you went to sleep, were Lawton and Jeremy still
23 drinking?

24 A I assume so.

25 Q Why do you assume that?

LISA WOOD - REDIRECT

1 A Well, I vaguely -- I remember them having a cup, I
2 remember Lawton having a cup. I believe he fixed a drink
3 right before they walked out onto the porch.

4 Q As far as you know they could have continued drinking
5 the next few hours.

6 A Right. I don't know.

7 JAMES H. PRICE, III: Objection, Your Honor.

8 THE COURT: Hang on. Yes, sir, what's the objection?
9 Speculation?

10 JAMES H. PRICE, III: It's leading and speculation.

11 THE COURT: Mr. Bulsa?

12 Q Did you remember seeing a drink in Jeremy's hand as he
13 was going out?

14 A I don't recall.

15 Q Okay. Something on the 911 kind of caught my eye. You
16 were looking out the window and you made a comment about not
17 seeing Mr. Lawton -- I mean, Mr. Holloway's truck. Where
18 does he normally park that truck?

19 A On the top of the hill in the front yard.

20 Q So you could have seen it from your front window?

21 A Yes.

22 Q And while you were in the back bedroom did you see him
23 leave?

24 A I did not.

25 Q Okay. When did you start looking out the window?

LISA WOOD - REDIRECT

1 A When the 911 operators -- I was looking for the
2 ambulance anyway, or somebody to show up, so some time
3 during the call.

4 Q Okay. So you don't know exactly when you started.

5 A Right.

6 Q All right. So you don't know when he actually left but
7 you know he left because his truck was gone.

8 A Right.

9 Q I show you State's 36 for identification. Do you
10 recognize that?

11 A Yes, that's Lawton's truck.

12 Q Okay.

13 MR. BULSA: Your Honor, the State would offer 36 into
14 evidence.

15 JAMES H. PRICE, III: No objection.

16 THE COURT: Without objection State's 36 is entered.

17 (The photo was received as State's 36.)

18 Q Can you tell from that photograph where the truck was
19 parked?

20 A Yes.

21 Q Where would it be in relation to your house?

22 A Standing in the front it's over to the right of the
23 house.

24 Q Standing with the house facing --

25 A If I'm facing the house it's --

LISA WOOD - REDIRECT

1 Q Over to the right?

2 A -- over to the right.

3 Q Is that where he would normally park it?

4 A No.

5 Q Okay. The defense commented about the blood on your
6 foot. Do you remember the officer taking some photos of
7 you?

8 A Yes.

9 Q I show you what's been marked State's 37. Does that
10 appear to be a picture of your foot?

11 A Yes.

12 MR. BULSA: Your Honor, the State would offer this
13 into evidence as State's 37.

14 JAMES H. PRICE, III: Without objection.

15 THE COURT: Without objection it's admitted.

16 (The photo was marked State's Exhibit Number 37.)

17 Q And does it show the blood on your toe?

18 A Yes, it does.

19 Q Is that the extent of the blood that was on you?

20 A Yes, it is.

21 Q It just appears to be on your big toe?

22 A Right.

23 Q The very tip of it?

24 A Yes.

25 Q You didn't have a cut, did you?

LISA WOOD - REDIRECT

1 A No, I did not.

2 Q In the 911 call there's some language, I believe it's
3 you saying, "Get in here, close the door." Who are you
4 talking to?

5 A Keon.

6 Q One of your children?

7 A Yes.

8 Q And why is that?

9 A Because I wanted us all in the room with the door
10 closed, I mean.

11 Q He was trying to leave?

12 A Yeah. He was going to go back out the door and I
13 wanted him to stay in the room.

14 Q Okay. All right. And I think you testified that you
15 told the defendant, "No, no, no."

16 A Right.

17 Q Why did you say that to him?

18 A I was unsure of what the situation was and I was
19 scared, and, I mean, I just felt the need to remove myself.

20 Q All right. Did he ever try to come back to the bedroom
21 to assure you that it was okay?

22 A No.

23 Q Just so the jury understands, this is State's 37. This
24 is the extent of the blood that was on you, your person?

25 A Yes.

CHRISTOPHER MORROW - DIRECT

1 Q And there was nothing disheveled or in disarray about
2 your clothing?

3 A Right.

4 Q Just so the jury is clear, did there appear to be a
5 break-in in your house?

6 A No.

7 Q It doesn't appear a third person might have come in and
8 done this.

9 A No.

10 MR. BULSA: Thank you. That's all I have.

11 JAMES H. PRICE, III: Two brief questions.

12 RE CROSS EXAMINATION

13 BY JAMES H. PRICE, III

14 Q Ms. Lisa, the solicitor asked you did Lawton come back
15 to the bedroom and assure you that everything was okay and
16 you replied no.

17 A Right.

18 Q But isn't it true he was walking down that way when you
19 said, "No, Roy, stop?"

20 A That's right.

21 Q So you did not let him come back that way to reassure
22 you.

23 A Right.

24 Q Thank you.

25 THE COURT: Ma'am, you may step down, please be

CHRISTOPHER MORROW - DIRECT

1 careful.

2 JAMES H. PRICE, III: We have no problem if she's
3 excused, Your Honor. We have no objection to her being
4 excused.

5 THE COURT: Okay.

6 MR. BULSA: She needs to remain, Judge.

7 THE COURT: Okay.

8 MS. OVERBY: The State calls Deputy Morrow.

9 The witness, CHRISTOPHER MORROW, was first duly sworn
10 And testified as follows:

11 THE COURT: Officer, tell us your full name and spell
12 your last name for the court reporter, please.

13 THE WITNESS: Master Deputy Christopher Bradley
14 Morrow, Spartanburg County Sheriff's Office. Last name
15 M-o-r-r-o-w.

16 THE COURT: Thank you. Solicitor?

17 DIRECT EXAMINATION

18 BY MS. OVERBY

19 Q Deputy Morrow, tell us where you currently work.

20 A Spartanburg County Sheriff's Office.

21 Q And what do you do for the sheriff's office?

22 A Patrol, delta platoon, which is night shift, 7P to 7A.

23 Q Do part of your duties and responsibilities include
24 responding to crime scenes?

25 A Yes, ma'am, responding to 911 calls, crime scenes.

CHRISTOPHER MORROW - DIRECT

1 Q In August of 2017, were you working in that capacity?

2 A Yes, ma'am.

3 Q Do you recall responding to the residence of [REDACTED]
4 Buckingham Road in Duncan on August the 31st of 2017?

5 A Yes, ma'am.

6 Q At your arrival were others on scene?

7 A I believe fire and EMS was already there, and Deputy
8 Malpass had arrived just slightly before me.

9 Q And what did you do once you arrived to the scene?

10 A When I arrived I was going down to the house itself
11 until she advised that we had someone deceased and a crime
12 scene. So I immediately went back to my car, got the crime
13 scene tape and started roping off the front of the house so
14 we could establish a perimeter.

15 Q Let me show you what's been marked as State's
16 Exhibit 38. And ask you to look at this.

17 A Yes, ma'am.

18 Q Were you wearing a body camera when you responded to
19 [REDACTED] Buckingham Road on that day?

20 A Yes, ma'am.

21 Q Is that a recording from the body camera at that
22 location?

23 A Yes, ma'am.

24 Q And have you had a chance to review that?

25 A Yes, ma'am.

CHRISTOPHER MORROW - DIRECT

1 MS. OVERBY: At this time we would offer State's
2 Exhibit 38 into evidence with permission to publish to the
3 jury.

4 THE COURT: Body cam?

5 JAMES H. PRICE, III: I'm sorry. If I understand,
6 Solicitor, that this is a clip off of his regular body cams
7 that we were given in discovery?

8 MR. BULSA: Yes, sir.

9 JAMES H. PRICE, III: Okay. We have the entire body
10 cam, we have not seen this clip so I don't know what's on
11 it. Of course, without seeing what's on it I've got to
12 protect the record as far as our objection from yesterday
13 on statements and body cams. Now, having said that, we
14 haven't seen this so I don't know what's on it.

15 THE COURT: Okay. I mean -- let me see the lawyers.

16 (Bench conference was held off the record in the
17 Presence of the jury but out of the hearing of the
18 Jury.)

19 THE COURT: Understanding more fully, is there any
20 objection?

21 JAMES H. PRICE, III: Based on what we've just been
22 told, no, sir.

23 THE COURT: Based upon the representations made by the
24 State.

25 JAMES H. PRICE, III: Yes, sir.

CHRISTOPHER MORROW - DIRECT

1 THE COURT: No, sir. Without objection.

2 (The video was received as State's 38.)

3 MS. OVERBY: At this time we move to publish State's
4 Exhibit 36 -- 38.

5 THE COURT: Yes, ma'am.

6 MR. BULSA: Can everybody see?

7 THE JUROR: I can't.

8 THE COURT: If we have a juror, or one or two that
9 cannot see, Mr. Bailiff, have we got some chairs we
10 could -- if you can't see let me ask you to come and sit --
11 you probably can't see over there in that corner, sir.
12 Anyone else? Can you see, ma'am?

13 (Break in proceedings.)

14 (The video was played.)

15 Q Deputy Morrow, you can see when you arrived on the
16 scene that EMS and the fire department were already there as
17 well as one other patrol officer?

18 A Yes, ma'am.

19 Q The individual who came walking up, were you able to
20 identify him?

21 A Yes, ma'am.

22 Q And who was that?

23 A Mr. Lawton Holloway.

24 Q How did he appear to you?

25 A He appeared to be intoxicated. I get the best -- best

CHRISTOPHER MORROW - DIRECT

1 word I can use is kind of in a stupor almost.

2 Q Did you notice anything about his clothing?

3 A He had blood on his jeans and his shoes, more so on the
4 left, I believe, than the right.

5 Q The other officer who walks up to y'all toward the end
6 of this, who is that?

7 A That's Sergeant Hilton.

8 Q Was he the next on scene?

9 A I believe he was. I'm not sure of anybody else because
10 other supervisors were showing up at the time. He was the
11 first one that I had made contact with.

12 Q Did the defendant ever tell you that someone in the
13 house was trying to rape his girlfriend?

14 A No, ma'am.

15 MS. OVERBY: I have no further questions for this
16 witness. Please answer any questions defense counsel may
17 have for you.

18 CROSS EXAMINATION

19 BY JAMES H. PRICE, III

20 Q Mr. Morrow, just a few questions. You had never met
21 Mr. Holloway before, had you?

22 A I'm sorry?

23 Q You had never met Mr. Holloway before the morning of
24 August 31st of 2017.

25 A No, sir.

CHRISTOPHER MORROW - CROSS

1 Q You had never talked with him before.

2 A No, sir.

3 Q All right. You say he appeared to be intoxicated.

4 Couldn't he have also been upset?

5 A He had the extremely strong odor of alcohol about his
6 person --

7 Q I understand that.

8 A -- which gave me that indication.

9 Q My question to you is in addition to being under the
10 influence, couldn't he have been upset?

11 A He could have been.

12 Q Couldn't he have been distraught?

13 A I'm not qualified to make that determination on there.

14 Q Couldn't he have been stunned?

15 A I'm not qualified to make that determination.

16 Q There are a lot of emotions that he could have been,
17 but you don't know because you had never met him before.

18 A I'm not qualified to make that determination.

19 Q Not qualified to make a determination if you had ever
20 met him before?

21 A About his emotional state at that time.

22 Q Okay. That's a good answer, you weren't qualified
23 about the emotional statement -- or state. You knew he'd
24 been drinking because of the odor of alcohol but you don't
25 know what else was going on with him. That's as fair

1 statement, correct?

2 A No, sir. I didn't know what else was going on.

3 JAMES H. PRICE, III: One minute.

4 (Break in proceedings.)

5 JAMES H. PRICE, III: Nothing further from this
6 witness at this time.

7 THE COURT: Anything at all?

8 MS. OVERBY: Nothing further.

9 THE COURT: Thank you, Officer, you may step down,
10 please be careful.

11 JAMES H. PRICE, III: Now, Your Honor, I would like to
12 take up a matter outside the presence of the jury.

13 THE COURT: Okay. Mr. Foreman, ladies and gentlemen,
14 I am told I have a matter of law to take up outside of your
15 presence. Don't talk about the case, it is certainly not
16 at an end, we'll be right back with you.

17 (The jury left the courtroom.)

18 THE COURT: Mr. Price?

19 JAMES H. PRICE, III: Your Honor, I'm going to object
20 to at least the question and answer about -- to Mr. Morrow
21 did Mr. Holloway ever ask you or tell you anything about --
22 what was the exact question? Jeremy trying to rape. All
23 right. The problem that we have is on the tape, on the
24 full tape that Mr. Morrow had, after Mr. Holloway was
25 Mirandized -- excuse me, before Miranda was given but after

1 my client said not without a lawyer, my client said on the
2 tape, "He was trying to hurt my family." So for the State
3 to try to present a clip where it is alleged that my client
4 said nothing about what happened inside when the State
5 knows that he said something three or four minutes later
6 but we get into the Miranda issue is totally unfair, it's a
7 violation of due process and it should not be allowed by
8 this Court. The State knew that we had an issue with
9 Miranda and yet they chose to take something out of context
10 when they knew that my client said something four or five
11 minutes later about Jeremy Bell trying to hurt his family.

12 THE COURT: Solicitor?

13 MR. BULSA: Your Honor, we asked the specific question
14 using the term rape, that is the comment that he said to
15 Lisa. Now, Your Honor let it into evidence, so we're going
16 to ask each and every officer that question if the
17 defendant ever told them that Mr. Bell was trying to rape
18 his girlfriend or wife, and he never did in all of the
19 contact that he had with them as much as he spoke out.

20 THE COURT: Well, that may be true on the others, but
21 in this one I remember he approaches, he does say "I'm not
22 going answer any questions without a lawyer." Do we need
23 to have a motion on that matter? Because I'm not sure --
24 I'm not ruling one way or the other, I'm saying I'm not
25 sure. Nobody has raised that if there is a Miranda issue.

1 Is it agreed that there is a Miranda issue there?

2 JAMES H. PRICE, III: Well, the problem that we have
3 is we can't -- how do we cross Mr. Morrow about a later
4 statement after my client has said, "I'm not going to
5 answer any questions without a lawyer," without being
6 deemed have waived the post Miranda objection that we're
7 making. That's our problem there. And the bigger problem
8 is the State trying to limit my client or the questioning
9 towards did he say did he try to rape you, when the
10 testimony from Lisa, and I think the 911 tape said also
11 trying to hurt you, he was going to try to hurt you. So it
12 is disingenuous to just limit it to rape and not allow the
13 quote "hurt" or something synonomous with hurt. It's not
14 fair and it's not right.

15 MR. BULSA: I believe, Your Honor, we already had the
16 Miranda issue in the Jackson v. Denno hearing. I think
17 Your Honor ruled that the statements were voluntary by the
18 defendant. So I don't think the voluntariness of the
19 statements is in question.

20 JAMES H. PRICE, III: But when the State specifically
21 says, "Did he say anything about raping your family or
22 raping Lisa," when the State knows that four minutes later
23 he did say, "He is trying to hurt my family," that's not
24 right. But then if I get into cross examination that goes
25 post-Miranda then I'm waiving our objection unless this

1 Court would have ruled that if this happens again that I'm
2 allowed to do so without waiver of my objection.

3 THE COURT: Mr. Bulsa?

4 MR. BULSA: Your Honor, we feel that the phrase rape
5 is specific enough that it can be tailored to ask each
6 officer that question alone and that would not violate
7 any --

8 THE COURT: Yeah. I don't mean to interrupt you, but
9 I think the difference here is that I don't think he said
10 to any other officer, he did say it to Deputy Morrow. I
11 don't remember him in any of that video saying that to
12 anyone. Maybe there is another one.

13 JAMES H. PRICE, III: By that you mean rape?

14 THE COURT: Yes.

15 JAMES H. PRICE, III: We agree that he did not use the
16 word rape, but he did use the word hurt.

17 THE COURT: He did, yes.

18 JAMES H. PRICE, III: Which would be consistent with
19 what he told Lisa, and which would be consistent with what
20 Lisa's testimony was on the 911 tape. But to narrowly
21 focus just on the rape and try to argue that he was
22 inconsistent is disingenuous when he was consistent with
23 hurt.

24 MR. BULSA: We just respectfully disagree with that.
25 In fact, we're going to never agree on that. Rape is much

1 more harsh and more defensible than hurt, and he used that
2 word. She clearly testified nothing happened, and then he
3 never told any other officer that same phrase. That -- the
4 jury should be able to hear that in determining the
5 credibility of his story.

6 THE COURT: Unless I'm missing something, I think we
7 are in agreement that he doesn't say that to any other
8 officer, so the objection that Mr. Price is making is
9 limited to this particular witness.

10 JAMES H. PRICE, III: At this time in this particular
11 context.

12 THE COURT: Yes. But I'm saying there is no other --
13 I don't recall him -- while the jury is out, I don't recall
14 him telling any other officer in all of that video the word
15 rape because I kept looking for it.

16 JAMES H. PRICE, III: I think that's a fair statement.

17 THE COURT: Okay. If I'm wrong correct me. Because I
18 remember that, I kept looking for it in all of the other
19 videos. But he did say it on the side of that road and --

20 MR. BULSA: Your Honor, he did not use the word rape
21 to Mr. Morrow.

22 THE COURT: Well, let's -- all right. Let's look at
23 that clip, it's right past that. Let's see if it's there,
24 I don't know.

25 MR. BULSA: He may have said he was trying to hurt my

1 family but he never said the word rape.

2 JAMES H. PRICE, III: At 12:57 on the --

3 THE COURT: Have you got the full one? Let's put the
4 12:57 up.

5 (Break in proceedings.)

6 (The video was played.)

7 THE COURT: I don't see that. Y'all got -- we have
8 hurt but I didn't have rape at 12:50 something. Hurt and
9 killed.

10 JAMES H. PRICE, III: That's what we were talking
11 about. He did say hurt, which is exactly consistent with
12 what Lisa's testimony was. And to leave the jury with the
13 implication that he was inconsistent without us being able
14 to get into the other, without getting into the Miranda
15 issue, I'm trying to work my way through that problem.
16 Now, at this point he has not been given his Miranda
17 warnings yet, but he does say -- they ask him a question
18 and he says not without a lawyer.

19 THE COURT: But he keeps talking.

20 JAMES H. PRICE, III: Yes, sir.

21 THE COURT: Okay.

22 JAMES H. PRICE, III: So I don't want to be put in a
23 position of having to cross this officer, which the State
24 has put me into, and my cross examination being deemed a
25 waiver of our objection.

CHRISTOPHER MORROW - CROSS

1 THE COURT: But if you cross examine the officer -- I
2 don't see rape on here so he didn't -- I'm trying to work
3 my way through. He didn't tell the officer --

4 JAMES H. PRICE, III: He didn't say rape but he was
5 consistent with hurt --

6 THE COURT: Yes.

7 JAMES H. PRICE, III: -- later on. All right. That
8 needs to be told to the jury but in the manner in which I'm
9 not deemed to waive any objection I have to the
10 post-Miranda -- post seeking a lawyer objection we made
11 yesterday on these videos.

12 THE COURT: You think if you asked -- if you cross
13 examined the officer, do you think if you -- well, let's go
14 back here.

15 (Whereupon, a recess was taken.)

16 MR. BULSA: How are we going to do this? Are you
17 putting the officer back up?

18 JAMES H. PRICE, III: I would think Mr. Morrow would
19 get back to the stand again and I would just ask him isn't
20 it true that several minutes later on the same tape that
21 Mr. Holloway said he was trying to hurt my family.

22 THE COURT: Okay. Where is Officer Morrow? He's back
23 there? Outside? Do you think he left?

24 MR. BULSA: Yeah.

25 THE COURT: Can you get him on the radio? Is he out

CHRISTOPHER MORROW - CROSS

1 there?

2 THE WITNESS: No, sir. But the other officer is going
3 to call him back.

4 THE COURT: They're going to call him back. Okay.

5 (Break in proceedings.)

6 THE COURT: Come on back up, sir. We'll get you in
7 and out as quick as we can.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Ready for the jury?

10 JAMES H. PRICE, III: Yes, sir.

11 THE COURT: We will have the jury.

12 (The jury returned to the courtroom.)

13 THE COURT: Thank you, ladies and gentlemen. Mr.
14 Price, I believe you have a couple of questions subject to
15 your objection, and I want the record to be clear you are
16 covered on the record.

17 JAMES H. PRICE, III: All right, sir, thank you.

18 The witness, CHRISTOPHER MORROW, remained under oath

19 And testified as follows:

20 FURTHER CROSS EXAMINATION

21 BY JAMES H. PRICE, III

22 Q Mr. Morrow, just a couple of more questions, please,
23 sir.

24 A Yes, sir.

25 Q The tape that we just looked at that you testified

CHRISTOPHER MORROW - CROSS

1 about was from your body cam, was it from August 31st?

2 A Yes.

3 Q And your actually body cam was a lot longer than that,
4 wasn't it?

5 A Yes, sir.

6 Q What we saw was a snip-it.

7 A Yes, sir.

8 Q All right. And isn't it true that in our system of
9 cases, you know, the State has to share with us what they
10 have and we share with the State, meaning your body cam was
11 given to us some time ago so we know what's on it.

12 A I assume it was, yes, sir.

13 Q Okay. Now, isn't it true that later on on your same
14 tape Mr. Holloway told you, "He tried to hurt my family?"

15 A I believe that was one of the statements -- he made a
16 few statements of that nature, yes, sir.

17 Q Do you agree or disagree that he said, and I quote, "He
18 tried to hurt my family?"

19 A I believe that was one of the statements that was made,
20 yes, sir.

21 JAMES H. PRICE, III: Thank you. Nothing further from
22 this gentlemen.

23 THE COURT: Anything at all?

24 MR. BULSA: Yes, sir.

25 FURTHER DIRECT EXAMINATION

CHRISTOPHER MORROW - FURTHER DIRECT

1 BY MS. OVERBY

2 Q Deputy Morrow, how long were you in contact with the
3 defendant, Lawton Holloway?

4 A Looking at my body cam it was anywhere between eight
5 and 10 minutes between both videos that I had.

6 Q Did he ever tell you that Jeremy Bell tried to rape his
7 girlfriend?

8 JAMES H. PRICE, III: Objection, Your Honor, that's
9 not subject to cross-examination. It's already been asked
10 and answered.

11 THE COURT: Been asked and answered. Okay. Anything
12 else?

13 MS. OVERBY: Nothing from the State.

14 THE COURT: Okay. Thank you. Now you may step down,
15 sir. Is there any objection to him leaving?

16 JAMES H. PRICE, III: Maybe he won't go so fast this
17 time.

18 The witness, CHRISTINA CORMICAN, was first duly sworn
19 And testified as follows:

20 THE COURT: Ma'am, tell us your name and spell your
21 last name for my court reporter, please.

22 THE WITNESS: Kristen Cormican C-o-r-m-i-c-a-n.

23 THE COURT: Adjust that microphone up to you a little
24 bit, you don't have to sit next to it. Kind of pull it to
25 you and just speak normal.

CHRISTINA CORMICAN - DIRECT

1 THE WITNESS: Okay.

2 THE COURT: Thank you. Solicitor?

3 MR. BULSA: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. BULSA

6 Q Christina, first of all, where do you live now?

7 A I live in Walhalla, South Carolina.

8 Q You used to live in Duncan?

9 A Yes.

10 Q Did you once work at the Kalahari Grill?

11 A Yes, sir.

12 Q How long had you worked there?

13 A On and off for three years.

14 Q Okay. And what was your job there?

15 A I was a bartender most of the time but served sometimes
16 too, a server.

17 Q Did you have a specific shift you usually worked?

18 A I was also working at BMW, too, so I worked part-time.
19 Mostly it was nights, sometimes I picked up day shifts.

20 Q Now, do you know the defendant, Mr. Holloway?

21 A I do.

22 Q How do you know him?

23 A From Kalahari. Him and Lisa would come into Kalahari
24 often, they were regulars and we became -- me and Lisa
25 became very close.

CHRISTINA CORMICAN - DIRECT

1 Q Okay. Did you -- did you know Jeremy Bell?

2 A No. Not until that night he came into the bar. That's
3 the first time I had ever seen Jeremy.

4 Q Do you know if he might have come to the bar before?

5 A There was word that he was a regular, but I guess I
6 just wasn't working on the days that he came in.

7 Q Do you remember the evening of August 30th,
8 August 31st of 2017?

9 A That night, yes.

10 Q Yes, ma'am. Do you recall working that night?

11 A Yes.

12 Q When would you have closed up the grill?

13 A I would say 1:00 in the morning, 2:00 in the morning,
14 something like that. I don't remember an exact time, but it
15 was between then.

16 Q Was there not a set closing time?

17 A There was. It was normally at 2:00 in the morning.

18 Q Sometimes closed a little earlier?

19 A If we were dead or like there was nobody in there we
20 would close early.

21 Q All right. Do you remember when Jeremy would have
22 arrived there that night?

23 A He arrived earlier. I'm really bad with times and
24 especially working I don't really keep track of time, but he
25 arrived earlier in the evening, I would say maybe 7:00 or

CHRISTINA CORMICAN - DIRECT

1 8:00, something like that.

2 Q Okay. Did he come alone?

3 A Uh-huh.

4 Q What did he do?

5 A There was a game -- there's a game you can play at
6 Kalahari, and he ordered some food -- he come in, first sat
7 at the bar, ordered some food and a beer, and he sat there
8 and ate and then he went on to the play the game.

9 Q Do you have any recollection of how many beers he might
10 have ordered that night?

11 A One.

12 Q Just one? Did he go to the grill before Jeremy -- or
13 before Lawton and Lisa?

14 A Yes.

15 Q When did they arrive?

16 A 11:00?

17 Q Okay.

18 A It was a couple of hours after Jeremy had already been
19 there.

20 Q Okay. Did you see any interaction between Jeremy and
21 Lisa and Lawton?

22 A Not at first. They were at the bar with me and Jeremy
23 was playing the game, but eventually he came up to the bar
24 and everybody just started chitchatting, communicating.

25 Q While Lisa and Lawton were at the bar, were they

CHRISTINA CORMICAN - DIRECT

1 drinking?

2 A Yes.

3 Q Do you recall how much they had to drink?

4 A That whole night maybe three drinks.

5 Q Okay. And did everybody remain until closing time?

6 A Yes.

7 Q Was there any discussion or talk about what you might
8 do after you closed?

9 A Lisa invited me over to her house after I closed the
10 bar up, because I lived right up the road from her. We
11 didn't realize how close we lived to each other, so she
12 invited me over to see how close she lived. And she had had
13 a birthday party for her son and she wanted me to come over
14 and get a plate of food, showed me her house and the creek
15 behind her house.

16 Q So you agreed to do that?

17 A Uh-huh.

18 Q And do you know how Jeremy got invited?

19 A I think it was actually Lawton who invited Jeremy.

20 Q Now, when you closed up the grill, did anybody stay to
21 help you?

22 A No. I mean, Lawton and Lisa and Jeremy were there.
23 When I actually closed the doors Jeremy walked out the back
24 with me just because he -- I've heard that he's done that
25 with the bartenders just out of kindness to make sure

CHRISTINA CORMICAN - DIRECT

1 they're safe as they walk out.

2 Q So you got in your car?

3 A Uh-huh.

4 Q And Jeremy went and got in his car.

5 A Yes, sir.

6 Q Where did y'all go at that point?

7 A Everybody got in their separate vehicles, and they
8 wanted to stop by QT so we went to the QT on 101.

9 Q Do you know what happened at the QT? Did everybody buy
10 something?

11 A I know Lawton went in, bought some beer. I went in and
12 bought a pack of cigarettes. I don't recall what Jeremy
13 got, but I know he went inside.

14 Q Okay. And where did you go from the QT?

15 A I followed Lisa and Lawton to their house.

16 Q And then what happened at the house?

17 A We got to the house, we all walked in. Lisa made me a
18 plate of good, I sat down and I ate it. In the meantime
19 Lawton and everybody was just chitchatting -- I don't really
20 recall a specific conversation, but everybody was just
21 hanging out, talking and I ate my food, and then that's when
22 we went down to the creek. We all decided to go down and
23 build a fire and see the creek down there.

24 Q So the four of you were in the house to begin with.

25 A Yes, sir.

CHRISTINA CORMICAN - DIRECT

- 1 Q Did you see any of the children there?
- 2 A No. They were all asleep.
- 3 Q So what part of the house were y'all in?
- 4 A Just the living room and the kitchen is all I seen.
- 5 Q Okay. And then you went down to the creek.
- 6 A Yes, sir.
- 7 Q And what was going to happen at the creek?
- 8 A We built a fire. Jeremy played some music on his
- 9 phone. Lisa talked to me about fishing at the creek and
- 10 bringing my kids down there to fish.
- 11 Q How many children do you have?
- 12 A Two.
- 13 Q While you were inside, was there any drinking going on?
- 14 A Yes.
- 15 Q Who was drinking?
- 16 A Lawton, Jeremy, Lisa.
- 17 Q Did you have anything to drink?
- 18 A No, sir.
- 19 Q When you went down to the creek, did they continue to
- 20 drink at the creek?
- 21 A Yes, sir.
- 22 Q Did you have anything to drink down at the creek?
- 23 A No, sir.
- 24 Q When did you decide to leave?
- 25 A About 3:30 in the morning.

CHRISTINA CORMICAN - DIRECT

1 Q What caused you to leave?

2 A It was late. I had got to Lisa's house probably
3 between 2:00 and 2:30, and I tried to stay around just so I
4 could hang out and see her house and everything, but I had
5 to work the next day and it was late. I had to get home so
6 I left.

7 Q Now, while you were there, did you notice anything
8 about Jeremy that gave you any concern?

9 A No, sir.

10 Q When you left, did anyone walk you up to your car or at
11 least in that direction?

12 A Not exactly. I mean, as Jeremy and Lisa built the fire
13 she broke her flip-flop. I recall Lawton walking up the
14 hill at the same time as I was to the house to get Lisa
15 another pair of shoes.

16 Q So he wasn't actually walking to the car --

17 A Yeah.

18 Q -- he just happened to be walking up the hill in the
19 same direction.

20 A Yes, sir.

21 Q Did you have any conversation with him?

22 A Lawton asked me why people had to be butt holes, but I
23 didn't understand what he meant. And he told me he was
24 talking about Jeremy, and I just kind of shrugged my
25 shoulders. I was like -- I don't know, it caught me off

CHRISTINA CORMICAN - DIRECT

1 guard because I hadn't noticed anything off with Jeremy. I
2 mean, he wasn't -- what I interacted and what I seen from
3 Jeremy -- he was a very nice guy.

4 Q The word you said Lawton used, it was actually a
5 different word, right?

6 A Asshole.

7 Q And did you proceed to leave at that point?

8 A I did.

9 Q When did you learn what happened?

10 A The next morning I was taking my son to school, and I
11 was showing my boyfriend at the time where Lisa lived,
12 because she had invited me to bring my kids over to fish in
13 the creek, and when I pulled up I seen the house taped off.

14 Q So at that time you didn't know what had occurred?

15 A No, sir.

16 Q Did the police later find you that day and take a
17 statement?

18 A I went home and tried to call Lisa, and then I
19 proceeded to go to work. And yes, two investigators met me
20 there at Kalahari.

21 MR. BULSA: Thank you, ma'am. That's all I have.

22 THE COURT: Yes, sir, Mr. Price?

23 JAMES H. PRICE, IV: Thank you, Your Honor.

24 CROSS EXAMINATION

25

CHRISTINA CORMICAN - REDIRECT

1 BY JAMES H. PRICE, IV

2 Q Ms. Cormican, I just have a few questions for you.

3 Everyone was drinking down at the creek aside from you.

4 A Yes, sir.

5 Q And everyone appeared to be getting along, didn't they?

6 A Yes, sir.

7 Q Even at the creek, correct?

8 A Yes, sir.

9 Q And at Kalahari.

10 A Uh-huh.

11 Q You didn't witness any arguments, did you?

12 A No.

13 Q And you didn't witness any fights, did you?

14 A No.

15 Q And when you left Jeremy didn't leave with you, did he?

16 A No.

17 JAMES H. PRICE, IV: All right. Thank you. No

18 further questions.

19 THE COURT: Anything at all as to that?

20 REDIRECT EXAMINATION

21 BY MR. BULSA

22 Q How has the defendant acting in Kalahari?

23 A I've known Lawton to be a very nice person and never
24 known him to be any different, but that --

25 JAMES H. PRICE, IV: Your Honor, I'm going to object,

CHRISTINA CORMICAN - REDIRECT

1 that's not subject to recross.

2 THE COURT: He asked did anyone appear okay, no
3 argument, no fight, that's the recross limited to that. Is
4 there a fight at Kalahari's or a disagreement at Kalahari's
5 or something?

6 MR. BULSA: It's going toward the defendant's attitude
7 at Kalahari's.

8 THE COURT: Okay. I'm going to give you a little
9 latitude, ask her that question.

10 MR. BULSA: Yes, sir.

11 Q How was the defendant acting at Kalahari's?

12 A That night he seemed a little agitated, a little off.

13 MR. BULSA: Thank you. That's all I have.

14 THE COURT: Okay. Step down, ma'am, please be
15 careful. You got another question just on that one thing?
16 Ma'am, have a seat, maybe he's got one more question.

17 RE CROSS EXAMINATION

18 BY JAMES H. PRICE, IV

19 Q Despite Mr. Holloway being agitated everyone still went
20 home with him, or went to his house; is that correct?

21 A Yes.

22 JAMES H. PRICE, IV: Okay.

23 THE COURT: Thank you. Ma'am, you may step down,
24 please be careful?

25 MR. BULSA: I would ask that she be excused.

1 THE COURT: Any objection?

2 JAMES H. PRICE, IV: No, sir, Your Honor.

3 THE COURT: Ma'am, you may stay or go, whichever you
4 choose. Mr. Foreman and ladies and gentlemen of the jury,
5 you've been in and out a lot of times but we have not and
6 we're almost on our 90 minutes here so we need to stop
7 ourselves and refresh ourselves at this time so this is
8 going to be our afternoon break. I will tell you this a
9 little bit ahead of time too, I told you yesterday, or
10 Monday that we might work a little later, this might be one
11 of those days. We have a witness coming from Charleston,
12 okay? And so we may run over a little bit today, okay? If
13 anyone has a daycare problem, adult daycare problem or
14 something of that nature that I need to know about, please
15 tell Mr. Foreman and he will relay that to me, okay? I
16 don't know -- we're not going to stay late-late but we
17 might be 30 or 45 minutes or something, okay? Mr. Foreman,
18 if you would take your jury out. Don't talk about the
19 case. Let's all be in recess for a few minutes.

20 (The jury left the courtroom.)

21 THE COURT: We're going to be a good 15 minutes, maybe
22 18 or so, we've got to make this call.

23 (A recess was taken.)

24 THE COURT: Before we get back we've got a juror who
25 at 5 -- 30, she couldn't get in touch with anyone to get

1 her children, she doesn't have to leave at 5:30 but if
2 we're still going she will need another break to make
3 another call for somebody to get her children. She can
4 stay, she just can't get anybody.

5 JAMES H. PRICE, IV: Your Honor, may I approach real
6 quick?

7 THE COURT: Sure.

8 (A bench conference held off the record.)

9 THE COURT: Ready? All right. Let us have the jury.

10 (The jury returned to the courtroom.)

11 THE COURT: Ready to work?

12 THE FOREMAN: Yes, sir.

13 THE COURT: And I got the message about a juror needed
14 to make a call at 5:30, we will make sure we take care of
15 that.

16 MS. OVERBY: The State would call Coby Stepp.

17 The witness, COBY STEPP, was first duly sworn and

18 Testified as follows:

19 THE COURT: Sir, adjust the microphone, and then tell
20 us your name and spell your last name for my court
21 reporter, please.

22 THE WITNESS: James Coby Stepp, S-t-e-p-p.

23 THE COURT: Thank you. Solicitor?

24 DIRECT EXAMINATION

25 BY MS. OVERBY

COBY STEPP - DIRECT

1 Q Thank you, Investigator Stepp. Can you tell me where
2 you're currently employed?

3 A I'm employed at the Spartanburg County Sheriff's
4 Department.

5 Q And what do you do for the sheriff's office?

6 A Crime scene investigation.

7 Q What do some of your duties and responsibilities in
8 crime scene investigation include?

9 A Anything from investigating car break-ins to robberies,
10 all in between.

11 Q Were you working in that capacity in August of 2017?

12 A Yes, ma'am.

13 Q Did you collect items from the defendant in this case,
14 Lawton Holloway?

15 A Yes, ma'am. I arrived at the sheriff's office on
16 8/31st of 2017 around 9:40 in the criminal investigations
17 division of the sheriff's office.

18 Q I'm going to hand you what's been premarked State's
19 Exhibit 3. I ask you to look at this.

20 A Yes. That's the full body shot -- frontal shot of
21 Mr. Holloway.

22 Q This is how he appeared when you encountered him on
23 August the 31st of 2017.

24 A Yes, ma'am, it is.

25 MS. OVERBY: At this time we move State's Exhibit 3

COBY STEPP - DIRECT

1 into evidence.

2 MS. PRICE: No objection.

3 THE COURT: Without objection?

4 JAMES H. PRICE, III: Without objection.

5 THE COURT: Without objection, it's admitted.

6 (The photo was received as State's 3.)

7 Q This is a photo taken by you?

8 A Yes, ma'am, it is.

9 Q The items of clothing that we're seeing in the photo,
10 was part of your responsibility that day collecting those
11 items?

12 A Yes, ma'am. It was in reference to a search warrant.

13 Q I'm going to hand you what has been marked as State's
14 Exhibit 40 through 46 and ask you to look at these.

15 A Yes, ma'am. These are all the photos I took from the
16 scene.

17 Q And are these photos of the clothing that was recovered
18 from the defendant on that day?

19 A Yes, ma'am, they are.

20 MS. OVERBY: At this time we would move State's 40
21 through 46 into evidence.

22 JAMES H. PRICE, III: No objection, Your Honor.

23 THE COURT: No objection. They are in without
24 objection.

25 (The photos were received as State's 40-46.)

COBY STEPP - DIRECT

1 Q State's Exhibit 40. Does that show the defendant and
2 the shirt he was wearing that day?

3 A Yes, ma'am, it does.

4 Q Did there appear to be anything on his shirt?

5 A Appeared to be a little stain to the upper left-hand
6 side.

7 Q I'll zoom in. You said there appeared to be a stain?

8 A Yes, ma'am.

9 Q I'm going to hand you this pointer for you to show me
10 where you're talking about.

11 A Right up in that area.

12 Q This is State's Exhibit 41. Is that a better picture?

13 A Right there.

14 Q State's Exhibit 42 shows the back of the shirt. Did
15 there appear to be anything of note there?

16 A No, ma'am. I didn't note anything on the back of the
17 shirt there on that particular area.

18 Q State's Exhibit 43 is another photo of his shirt. Is
19 there anything of note?

20 A Maybe a little stain in there but I'm not real -- like
21 some type of stain there.

22 Q This is just one other picture of the back -- of what
23 appeared to be the back of the shirt.

24 A Yes, ma'am.

25 Q Is that accurate?

COBY STEPP - DIRECT

1 A That's accurate.

2 Q Did you also recover the pants the defendant was
3 wearing?

4 A Yes, ma'am, the pants.

5 Q I'm going to turn this this way just so I can get the
6 full picture.

7 A Okay.

8 Q Did you notice anything that appeared to be on the
9 pants?

10 A Reddish matter here.

11 Q So the reddish matter you pointed to, is that the left
12 leg of the pants?

13 A Yes, left leg and some matter there.

14 Q State's Exhibit 46 is another photo of those. Can you
15 tell me what we're seeing, that marker we're seeing in the
16 photo?

17 A It's just showing the area of the scale in contrast to
18 the full length of the pants.

19 Q Again, is that material you noted what appeared to be
20 blood on the left leg of the pants?

21 A Yes, ma'am, it is. It's the stain area right here.

22 Q I'm also going to hand you what's been marked as
23 State's Exhibit 52.

24 MS. OVERBY: If I may approach the witness?

25 THE COURT: Yes, ma'am.

COBY STEPP - DIRECT

1 Q And ask you to look at this item.

2 A Okay. This was a package that I've labeled as the pair
3 of jeans collected on the scene. Can I look inside?

4 Q If I can see that outside of the bag for one second,
5 please. The information that's written on the outside, was
6 this item recovered by you?

7 A Yes, this was recovered by me --

8 Q And that's your --

9 A In the execution of the search warrant.

10 Q And that's your handwriting?

11 A That is my handwriting.

12 MS. OVERBY: At this time we move State's 52 into
13 evidence.

14 JAMES H. PRICE, III: No objection.

15 THE COURT: Without objection.

16 (The clothing was received as State's 52.)

17 Q Tell us about when you collect items of clothing,
18 what's the process in which you do that?

19 A In collecting items of clothing you photograph, of
20 course, what you're collecting, and you take it and take
21 more extensive photographs of it if needed. Like in this
22 sense, the pants, photographing on the certain stain areas
23 that you're trying to focus in on, then you properly package
24 it and tape it up and secure it, and if it gets -- and
25 usually the analysis gets sent off to SLED for the

COBY STEPP - DIRECT

1 particular things like that.

2 Q Prior to collecting the clothing from the defendant,
3 did you photograph him in the clothing before you took it?

4 A Yes, ma'am. I photographed him in the clothing before
5 I took the clothing.

6 Q I'm going to hand you what's been marked as State's
7 Exhibits 47 through 51 and ask you to look at these.

8 A Yes, ma'am. These are photographs I have taken.

9 Q At this time -- and this is how the defendant appeared
10 when you saw him on August 31st?

11 A Yes, ma'am.

12 MS. OVERBY: At this time we move State's Exhibit 47
13 through 51 into evidence.

14 THE COURT: Any objection?

15 JAMES H. PRICE, III: None?

16 THE COURT: Without objection.

17 (The photos were received as State's 47-51.)

18 Q We showed you pictures previously of the clothing
19 removed from the defendant.

20 A That's the right lower leg area, the stain.

21 Q Also, do you notice anything on the shoes that are
22 depicted?

23 A Some dry reddish matter.

24 Q Does that appear to be his left foot?

25 A Over there would be the left foot.

COBY STEPP - DIRECT

1 Q I'm also going to show you State's Exhibit 48.

2 A That would be the right foot, dried reddish matter on
3 the exterior material.

4 Q 49 and 50 are similar but --

5 A Stain to the left.

6 Q That's a left leg --

7 A Yes.

8 Q -- in State's Exhibit 49. And also State's Exhibit 50,
9 does there appear to also be blood on this?

10 A On the lower area and on the exterior material of the
11 shoe.

12 Q State's Exhibit 51 is a different orientation, it's the
13 back of the pants. Did there appear to be anything of note
14 to the back of his pants?

15 A No, nothing of note on the back.

16 Q Okay. You testified about collecting the defendant's
17 clothes on the date that you encountered him. Did you also
18 collect a DNA sample from him?

19 A Yeah, I collected a buccal swab.

20 Q And can you tell the jury what a buccal swab is?

21 A A buccal swab is where you take two sterilized Q-tips
22 and swab the interior of both sides of the jaw for a DNA
23 standard. And I also swabbed both hands for DNA as well
24 taking two sterile Q-tips, slightly moistening with distilled
25 water and rub on each individual hand as far as the

COBY STEPP - DIRECT

1 collection.

2 Q Once you take the swabs from an individual, what do you
3 do with them?

4 A I placed them in a carton, taped them up, package them
5 and secure them into evidence.

6 Q Once they are collected, are they ever opened, sealed,
7 tampered with in any way by you?

8 A Not by me.

9 Q I'm going to hand you two items, State's Exhibit 53,
10 which has been premarked, as well as State's Exhibit 54.
11 Can you look at these two items? And first start with 53
12 and tell me what that item is.

13 A That is 53 you said?

14 Q The red sticker. This is 54. Start with item 53.

15 A Item 53 is the packages I signed in reference to two
16 buccal swabs taken from Mr. Holloway dated 8/31/17 at the
17 Spartanburg County Sheriff's Office.

18 Q And those were the DNA samples that you collected from
19 the defendant.

20 A This is the buccal swab DNA samples.

21 Q The inner envelope --

22 MS. OVERBY: Well, first at this time we move State's
23 Exhibit 53 into evidence.

24 THE COURT: Any objection?

25 JAMES H. PRICE, III: No, sir.

COBY STEPP - DIRECT

1 THE COURT: Without objection.

2 (The buccal swab was received as State's 53.)

3 Q These are basically a vacuum sealed bag and an inner
4 envelope. Can you tell me when you collect those items, is
5 this the inner envelope that you sealed?

6 A Yes, the inner envelope that I sealed, the brown
7 manila.

8 Q And this outer packaging --

9 A And this outer pack, I don't seal this.

10 Q Okay. I'm also going to hand you State's Exhibit 54
11 and ask you to identify what that actually is?

12 A This is two blood swabs from Mr. Holloway's right hand,
13 and this is the package that I sealed it in inside the
14 manila envelope.

15 Q And both of those items were -- once you collected them
16 you completed the envelope as having taken them and sealed
17 them?

18 A And sealed them, yes, ma'am.

19 MS. OVERBY: At this time we would move State's
20 Exhibit 54 into evidence.

21 JAMES H. PRICE, III: Without objection.

22 THE COURT: Without objection.

23 (The blood swabs were received as State's 54.)

24 Q I now hand you State's Exhibits 55 through 58, and ask
25 you to look at these items.

COBY STEPP - DIRECT

1 A Yes, ma'am. These are photographs I've taken.

2 Q Those are photographs you took of the defendant?

3 A Of the defendant, yes, ma'am.

4 Q And are they a fair representation of the way in which
5 he appeared when you saw him?

6 A The way he appeared when I saw him.

7 MS. OVERBY: At this time we move State's 55 through
8 58 into evidence.

9 JAMES H. PRICE, III: Without objection.

10 THE COURT: Without objection.

11 (The photos were received as State's 55-58.)

12 Q State's Exhibit 55. This appears to be a photo of the
13 defendant's hands?

14 A The top of the hands, yes, ma'am.

15 Q Is there anything notable from the naked eye so to
16 speak about anything to his hands?

17 A No. Nothing visible on the hands, no.

18 Q This is State's 56.

19 A It's a picture of both palms zoomed in.

20 Q Is there anything of note to the palms of his hands?

21 A No, ma'am.

22 Q And you did a pretty thorough examination of the way in
23 which his body appeared, is that fair to say?

24 A Yes, ma'am.

25 Q And you took all of his clothing that day, correct?

COBY STEPP - DIRECT

1 A Took all clothing, all clothing that he had on.

2 Q This is State's Exhibit 57.

3 A That's the front waist upshot.

4 Q Is this the --

5 A -- of the defendant.

6 Q -- front view of the defendant. Was there any --

7 anything of note to you about the front of his body?

8 A Nothing of note to the front of his body.

9 Q Any injuries that you observed?

10 A I observed no kind of injuries, visible injuries on
11 this body.

12 Q To both his hands or the front of his body?

13 A Both to the hands or the front, that's correct.

14 Q This is State's Exhibit 58. This appears to be the
15 back side of the defendant; is that correct?

16 A Yes, ma'am. That's the upper back and head area.

17 Q Did you notice any injuries to the back side of his
18 body or anything of note to the back side of his body?

19 A No, ma'am, noticed anything of note.

20 Q In your encounter with the defendant on that day, did
21 you ask him about whether he had any injuries?

22 A Yes. I did ask did he have any physical injuries and
23 he stated he did not.

24 JAMES H. PRICE, III: Your Honor, I object, same
25 grounds alleged yesterday as far as Miranda. There has

COBY STEPP - DIRECT

1 been no showing about Miranda --

2 MR. BULSA: Objection, Your Honor. May we approach?

3 THE COURT: Yes.

4 (Bench conference held off the record in the presence
5 Of the jury but out of the hearing of the jury.)

6 THE COURT: Subject to your objection, Mr. Price.

7 JAMES H. PRICE, III: Thank you.

8 BY MS. OVERBY

9 Q Investigator Stepp, you asked the defendant whether he
10 had any injuries to his body?

11 A Yes, ma'am.

12 Q And what did he say?

13 A No, he didn't think so.

14 MS. OVERBY: I have no further questions. Please
15 answer any questions Mr. Price may have for you.

16 THE COURT: Ms. Price?

17 CROSS EXAMINATION

18 BY E. POWERS PRICE

19 Q Investigator Stepp, you collected all of these items of
20 evidence pursuant to a search warrant, correct?

21 A Pursuant to a search warrant, yes, ma'am.

22 E. POWERS PRICE: Your Honor, this is the same as
23 Defendant's 7 but in its entirety.

24 Q Do you recognize Defendant's Number 9?

25 A The search warrant?

COBY STEPP - CROSS

1 Q Is that what that is?

2 A I wasn't involved in the search warrant so I can't
3 answer -- this is, I think, the scene is what this is
4 showing.

5 Q Did you take blood from Lisa's toe pursuant to that
6 search warrant while she was on the scene?

7 A Yes, ma'am. Hold on. Can I check my report?

8 Q Sure.

9 A Okay. I arrived on the scene at 7:30, and outside were
10 Sergeant Guffey and other detectives as well, and I didn't
11 go into the crime scene. A lady was outside and I took the
12 blood swab from her outside during that particular time. So
13 this search warrant on scene when I did this. This is the
14 crime scene going into it seems like the home and things of
15 that nature, but this wasn't on the scene --

16 Q Okay.

17 A -- during the time. Because this is opened at 9:55 in
18 the morning, and I collected the blood swabs at 7:32 in the
19 morning.

20 Q Okay.

21 A So no, ma'am. I wasn't involved, I guess you would say
22 per se in this search warrant because of when this search
23 warrant was opened and my time being on the scene. Like I
24 say, I was outside the perimeter is where all of this took
25 place at.

COBY STEPP - CROSS

1 Q Okay.

2 A Thank you.

3 Q You're welcome. I still have a few more questions for
4 you.

5 A Yes, ma'am.

6 Q You didn't take Lisa's clothes, did you?

7 A No, ma'am.

8 Q And you didn't take any items from inside the house it
9 seems.

10 A No, ma'am. I didn't go inside the perimeter. I didn't
11 even see -- to this day I don't know what the inside of the
12 scene looked like.

13 Q So you just took a blood sample from Lisa's toe right
14 outside the scene?

15 A Outside. It was actually in one of the cars, because
16 it was raining and people standing around with umbrellas, I
17 remember that.

18 Q Do you know if that blood on Lisa's toe was ever tested
19 by SLED?

20 A I do not, ma'am, do not know.

21 Q Would you agree that Mr. Holloway has no input on
22 whether or not that blood reaches SLED to be tested?

23 A He has no --

24 Q No input in whether or not that blood reaches SLED to
25 be tested?

COBY STEPP - CROSS

1 A No.

2 Q And he also has no input into whether or not SLED tests
3 that blood.

4 A Correct.

5 Q Is that a yes?

6 A Yes. Yes, ma'am.

7 Q Were you aware that Lisa went to sleep on the couch
8 with a blanket that night?

9 A No, ma'am, I was not.

10 Q The reason that you took Mr. Holloway's clothes is to
11 search for any kind of fabric fibers potentially?

12 A Anything involved; fibers, DNA, whatever they want --
13 whatever they choose it for analysis to SLED.

14 Q And those items are transferred easily from person to
15 person; is that right?

16 A Could be, yes.

17 Q In this interview room when you took Roy's clothes, you
18 also took a blood sample from his hand; is that right?

19 A I swabbed the hands but I couldn't really see -- I did
20 swab for anything like blood as well, but sometimes blood
21 can be faint and microscopic and not visible to the eye.

22 Q I'm going to show you what's been marked as State's
23 Number 38.

24 A Yes, ma'am.

25 Q You don't know how long Mr. Holloway's jeans were

COBY STEPP - CROSS

1 ripped, do you?

2 A I do not, I have no idea.

3 Q Do you recognize what's been marked as Defendant's
4 Exhibit Number 10?

5 A Yes, ma'am. This is the search warrant that I served
6 on the defendant at Spartanburg County CID.

7 Q Are you familiar with the process of getting a search
8 warrant?

9 A Familiar with the process?

10 Q Yes.

11 A Somewhat. I don't -- in my job I don't get search
12 warrants. I execute the ones that are brought to me.

13 Q But after reviewing that search warrant or any search
14 warrant there's a lot of typing involved, is there not?

15 A There is a lot of typing involved.

16 Q Probably takes about an hour? It takes some time,
17 about an hour?

18 A To get a search warrant?

19 Q Yes, sir.

20 A That depends on the judge's availability and things
21 like that. I've been on the scene waiting for awhile
22 sometimes, more than an hour just depending.

23 Q And that search warrant was signed at 9:30; is that
24 right?

25 A 9:25.

COBY STEPP - CROSS

1 Q And at 9:25 when that search warrant was signed, that
2 search warrant uses the term murder, does it not?

3 A Yes, ma'am. I do see it on page two.

4 Q And isn't it true that about 9:55 that morning in the
5 interrogation room you told Mr. Holloway that no decision
6 had been made regarding this investigation?

7 A As far as I knew at the time, yes.

8 Q Investigator Stepp, on that search warrant, the
9 affidavit halfway through that paragraph under reasons for
10 affiant's belief that the property sought is on the subject
11 premises, right before the female called 911, what does that
12 say?

13 MR. BULSA: Objection, Your Honor.

14 THE COURT: Wait a minute, let's see what we've got.
15 What's the objection?

16 MR. BULSA: Your Honor, it is hearsay.

17 (Bench conference held off the record in the presence
18 Of the jury but out of the hearing of the jury.)

19 E. POWERS PRICE: Your Honor, at this point I move
20 for -- Your Honor, at this point I move Defendants Exhibit
21 I believe it is Number 9 to be moved into evidence.

22 MR. BULSA: Objection, Your Honor, that's hearsay
23 information.

24 THE COURT: I don't have it.

25 (Bench conference held off the record in the presence

COBY STEPP - REDIRECT

1 Of the jury but out of the hearing of the jury.)

2 THE COURT: I'm not going to allow it.

3 E. POWERS PRICE: No further questions, Your Honor.

4 THE COURT: Okay. Anything from the State?

5 MS. OVERBY: Just a few brief questions.

6 REDIRECT EXAMINATION

7 BY MS. OVERBY

8 Q Investigator Stepp, regarding the defendant's hands,
9 did you see blood on his hands?

10 A No, ma'am.

11 Q The defense showed the photo of the jeans and the right
12 leg. You testified you didn't know where that came from.

13 A No, ma'am.

14 Q You observed him head to toe after you collected his
15 clothing; is that correct?

16 A That's correct.

17 Q Did you observe any injuries whatsoever to him?

18 A No, ma'am.

19 THE WITNESS: No further questions?

20 THE COURT: Okay. Anything on that limited amount?

21 JAMES H. PRICE, III: No, sir.

22 THE COURT: Okay. Sir, you may step town, please be
23 careful.

24 THE WITNESS: Thank you, sir.

25 MS. OVERBY: May Investigator Stepp be excused?

DAVID WREN, M.D. - DIRECT

1 THE COURT: Any objection to him being released?

2 E. POWERS PRICE: No, sir.

3 THE COURT: Sir, you may stay or go, whichever you
4 choose.

5 MR. BULSA: State calls Dr. Wren.

6 The witness, DAVID WREN, M.D., having been first duly
7 Sworn testified as follows:

8 THE COURT: Good afternoon, Dr. Wren. If you would
9 tell us who you are and spell your last name for the court
10 reporter, please.

11 THE WITNESS: My name is John David Wren, W-r-e-n.

12 THE COURT: Thank you, Dr. Wren. Solicitor?

13 MR. BULSA: Thank you.

14 DIRECT EXAMINATION

15 BY MR. BULSA

16 Q Dr. Wren, what is your profession?

17 A I'm a pathologist, which is a medical doctor specialty
18 in pathology.

19 Q And pathology is the examination of what?

20 A Pathology is actually defined as a study of disease
21 processes in the body. It has two general classifications
22 or sub-portions of it. One is clinical pathology, which is
23 actually running the laboratory, choosing tests,
24 interpreting tests for physicians and suggesting additional
25 tests. Portions of that are hematology, which is blood

DAVID WREN, M.D. - DIRECT

1 test, transfusion, medicine, which is transfusing tissue,
2 microbiology, which is testing for organisms that are
3 pathogenics for humans. Special chemistry, all the special
4 chemistry type tests. Urinalysis. Those type tests that
5 are run in a laboratory. I actually am the laboratory
6 medical director at Spartanburg Regional, at Spartanburg
7 Hospital for restorative care, and three other
8 sub-laboratory type work in the hospital itself, which are
9 under different licenses which are government licenses for
10 laboratories. Then the second portion is called anatomic
11 pathology, which is actually tissue pathology or cell
12 pathology. Generally speaking surgical pathology is divided
13 into -- I mean, anatomic pathology is surgical pathology
14 which is studying and diagnosing tissues that are removed
15 either in a doctor's office or in the operating room and
16 sent to the pathologist for diagnosis as to further direct
17 what a person needs to be treated. And then there is
18 autopsy pathology, which has both forensic pathology and
19 straight hospital autopsy pathology. Generally speaking
20 that's what pathology is about.

21 Q How long have you been a pathologist?

22 A I finished medical school February -- my requirements
23 at the end of January of 1979. I graduated in -- with my
24 class in June of 1979, but I started my residency February
25 the 1st, 1979. I finished seven years worth of work with

DAVID WREN, M.D. - DIRECT

1 extra credit for different things that I had done, my
2 doctoral research in chemical engineering on the life
3 supports systems in biological life support systems. And so
4 I started work here in Spartanburg on October the 18th, 1982
5 and I have been in practice -- private practice of pathology
6 since then.

7 Q Have you testified in court before as an expert in
8 forensic pathology?

9 A Yes, well over 300 sometimes in various counties in
10 South Carolina. I can name a few of them, but over half the
11 counties in South Carolina. When I was a resident I did
12 forensic pathology rotations, and I was assistant medical
13 examiner in Charleston County, and I did forensic autopsies
14 one weekend a month and filled in for the regular forensics
15 pathologists as far as training of forensic pathology was
16 concerned.

17 MR. BULSA: The State would offer Dr. Wren as an
18 expert in the field of forensic pathology.

19 JAMES H. PRICE, III: Two questions.

20 VOIR DIRE EXAMINATION

21 BY JAMES H. PRICE, III

22 Q Dr. Wren, good afternoon, how are you?

23 A Fine.

24 Q You did state that in addition as a pathologist you are
25 a licensed medical doctor.

DAVID WREN, M.D. - DIRECT

1 A Yes, sir. I have board certification in anatomic and
2 clinical pathology. And I was eligible to take my forensic
3 boards but I was so busy I never took them, although I have
4 done over 6,000 forensic autopsies since I started practice
5 of pathology.

6 Q I understand.

7 JAMES H. PRICE, III: No questions about his
8 qualifications.

9 THE COURT: Anything further? You move --

10 MR. BULSA: We move that he is an expert in forensic
11 pathology.

12 THE COURT: In forensic pathology. Ladies and
13 gentlemen of the jury, when a person testifies they must
14 testify as to what they know -- I'm sorry, what they saw,
15 what they heard, sensed by smell or something of that
16 nature, but there is an exception. When someone is
17 qualified due to their experience, education, knowledge,
18 skill and training they can be qualified as an expert to
19 give their opinion if this Court qualifies them as such.
20 This Court now qualifies Dr. Wren as an expert in forensic
21 pathology. That does not mean that you must accept his
22 opinion, but it is evidence for you to use in any way that
23 you see fit and give it the weight and credibility that you
24 believe is appropriate. Solicitor?

25 MR. BULSA: Thank you, Your Honor.

DAVID WREN, M.D. - DIRECT

1 Q Dr. Wren, did you have an occasion to perform an
2 autopsy on a Jeremy Bell?

3 A Yes. I did a complete autopsy on Jeremy Edgar Bell in
4 the Spartanburg Medical Center autopsy room on August the
5 31st of 2017. I began that autopsy about 3:15 p.m.

6 Q Dr. Wren, what was Mr. Bell's size?

7 A Size?

8 Q Yes, sir.

9 A I recorded his length, which can vary a little bit from
10 actual standing height, his length on the autopsy table was
11 73 inches, and his weight was 283 pounds.

12 Q Okay. Now, did you observe any -- was he clothed when
13 he came to you?

14 A Yes. He had on a gray short sleeve pullover shirt with
15 black, white and teal colored stripes. He had a pair of
16 blue denim jeans with a brown belt through the loops. He
17 had on a pair of blue pair boxer shorts with a navy
18 waistband. He had on a pair of brown and black low cut
19 lace-up athletic shoes and a pair of white socks.

20 Q What was the condition of his clothing?

21 A It was intact. He also had lots of blood on the back
22 that had drained out, probably some of it while he was
23 awaiting the autopsy after being received in the morgue.
24 But the back of his clothing was blood soaked. I did see a
25 small amount of blood on the sole of the right shoe. And

DAVID WREN, M.D. - DIRECT

1 there was stab defects from a knife -- from stab wounds on
2 the clothing, which were photographed but not described in
3 detail since he had so many stab wounds to the body and
4 photographs were taken of those and they corresponded to
5 wounds on the body. I checked that out to make sure he had
6 the clothing on when he was stabbed.

7 Q Okay. You mentioned that he had stab wounds. Would
8 you please describe those wounds?

9 A Well, he had 14 stab wounds that I recorded, and what
10 was basically a very superficial stab wound to his upper
11 right -- I mean left chest just below the clavicle, which is
12 the collar bone. I didn't describe it because it barely
13 penetrated the skin, but nevertheless one could see that.
14 He had two stab wounds to his left -- excuse me, right neck
15 just in the base of the neck behind the clavicle in that
16 general area. He had six to his anterior portion of his
17 body, and he had six to his back on various locations. I
18 did do a diagram of the -- a body diagram of the approximate
19 locations and the way the wounds looked, and then I measured
20 where they were on the body and the size of the wounds also
21 and which way they were going. And it's on a stab wound
22 chart it's called.

23 Q I show you what's been marked 59 and 60 for
24 identification. Are those copies of your diagram and your
25 chart?

DAVID WREN, M.D. - DIRECT

1 A Well, there is another stab -- there's another --

2 Q A second page?

3 A Yeah, there's a second page.

4 Q I don't have a second page.

5 A You don't have one? I have a copy here, my copy.

6 Q Okay. Let's just use State's 59.

7 MR. BULSA: Your Honor, the State would move 59 into
8 evidence.

9 THE COURT: Any objection?

10 JAMES H. PRICE, III: No objection, Your Honor. We
11 have been provided that.

12 THE COURT: Without objection.

13 (The diagram was marked State's 59.)

14 Q Dr. Wren, could you step down here a minute?

15 (Whereupon, the witness left the stand.)

16 Q Can you describe the wounds to the jury, please?

17 A This is a body diagram. There are two closely
18 approximated wounds up in his base of his right neck.
19 Number one was anterior and very close to that. There was
20 one posterior, they do not communicate with each other, so
21 there are two stab wounds there. Generally speaking you go
22 from top to bottom and approximate location as far as where
23 they are, and you can either go from the midline out or
24 right to left. I just arbitrarily chose these as they are
25 listed. He had two to the right upper abdomen and three to

DAVID WREN, M.D. - DIRECT

1 his left abdomen, and one almost in the flank. And then in
2 the back where you can see number two, there was one in the
3 right upper back down lower, which is labeled number 14.
4 And then there's ten, 11 and 12, I believe that's 14. Yeah,
5 14 is there. Thirteen is here. Those are the wounds. They
6 were all with a single edged blade, and I recorded where you
7 can look at them pretty easily. And the way I could tell
8 whether they were single edge, I could tell where the sharp
9 edge was. And these are in the back generally to the left.
10 Nine, 10, 12, 13 and 14 were to the left. The one in the
11 left back is almost straight up and down. I could not tell
12 for sure, I thought it might be -- the sharp edge might be
13 up but I still can't tell even looking in the pictures in
14 retrospect. And then on the front they're all up in this
15 direction on this side up toward his left shoulder and on
16 the right side they're down.

17 Q Dr. Wren, did the numbers have any significance to the
18 way you numbered them?

19 A No. You can only gain some inference as the -- the way
20 they are oriented you can tell they probably came together
21 like the ones in the back, except one cannot tell for sure
22 about number 11. It was probably nine, 10 and 11, and then
23 12, 13 and 14, although they could have been in random
24 order. But they all came about the same time. And then the
25 person either moved from the anterior position or the

DAVID WREN, M.D. - DIRECT

1 posterior position, which in my opinion he probably turned
2 around and fell. And then these others were -- like these
3 three on the left side, probably came after that as he was
4 turning and then he fell, and the other three were
5 inflicted.

6 Q Dr. Wren, did you see pictures of the scene showing
7 blood on the walls?

8 A No, I didn't see those pictures.

9 Q Did you see pictures of the knife that was --

10 A Yes. They brought me -- gave me a picture of the
11 knife.

12 Q Okay. And do you have a description of the knife?

13 THE COURT: Let me interrupt one second. Sir, can you
14 see?

15 THE JUROR: I can see a little bit, yes, sir.

16 THE COURT: Do you want to move? I'm sorry, I didn't
17 recognize that earlier.

18 A I recorded the knife as being a single edge blade that
19 measured -- no, I didn't record that. I said the stab
20 wounds were consistent with those inflicted by a single edge
21 blade measuring at least eight inches in length and at least
22 1.75 inches in width. And when I talk about width I'm
23 talking about the blunt edge to the sharp edge, that's
24 width. Thickness is how thick it is.

25 Q How can you measure that?

DAVID WREN, M.D. - DIRECT

1 A Pardon?

2 Q How can you determine that that's the size of the
3 blade?

4 A How can I tell that?

5 Q Yes, sir.

6 A What one does is measures a good wound -- you pick out
7 a good wound, or several good wounds and you measure those.
8 Now, the caveat of doing that is that depending on if you
9 are stabbed or a gunshot or whatever, it goes into the body,
10 the measurement you might -- let's say this -- just for
11 illustrative purposes let's say number 10 there were one
12 inch long. When I measured -- it lacks because you can't --
13 he can't move, of course, after he's expired. It measured
14 one inch long, and then you can say depending on whether if
15 his skin were toned when he was stabbed and then it relaxed
16 it will be smaller. But if it was loose and then he put a
17 little bit of extension on the skin, it will be longer. So
18 generally speaking in a wound if you measure one inch it can
19 vary -- it can vary from 25 percent. So one inch plus 25
20 percent is a quarter of inch. So it can vary carry from
21 1.25 blade down to one minus .25, which would be .75, or
22 three quarters of an inch, that will be the approximate
23 length of the thickness of the blade. Now, to get the
24 length of the blade if you go through solid tissue like in
25 the leg, if you don't reach a place that there's a cavity

DAVID WREN, M.D. - DIRECT

1 there, like between the lungs or in the abdomen it's not
2 filled up with tissue, then you measure the depth that you
3 can see the largest wound, and if you don't see a hilt mark
4 you know it hasn't gone all the way up to the handle then
5 you can get a number. And if that number were 10 inches say
6 then you would say, well, it was at least 10 inches long if
7 it didn't have a hilt mark there. So that's how I got eight
8 inches. I measured all these. I don't remember which one
9 measured but it was at least eight inches long. And I have
10 a picture -- pardon?

11 Q Let me ask you a another question first. So at least
12 one of the wounds is at least eight inches but it still
13 doesn't show a hilt mark.

14 A Right. I think it's at least eight inches, that's an
15 estimate. Because none of these went directly into -- all
16 the way into the tissue. So I had to say, well, the wounds
17 in the back were the most severe, 12, 13 and 14, those were
18 the most severe, but they actually extended through the back
19 into the abdomen. And so when they get into the abdomen
20 there's space there between the intestines or the --
21 whatever they might have hit else there, so I have to guess
22 how long it could have been. But if I decide how thick his
23 back is, let's say it's six inches and I don't see a hilt
24 mark then I know it's got to be six inches because it didn't
25 -- when you hit on a hilt mark, when one has a hilt mark

DAVID WREN, M.D. - DIRECT

1 that shows you'll see an abrasion around the wound itself
2 showing that it went all the way into the handle that sticks
3 out around the blade. And in this case I had a picture
4 provided to me and they wanted to know if I thought those
5 could have inflicted it and I told them yes.

6 Q Okay. Let me show you what's been entered as State's
7 Exhibit --

8 A Pardon?

9 Q Let me show you what's been marked State's Exhibit 27.

10 A Okay.

11 Q Does that appear to be the knife that you have the
12 pictures of?

13 A Yes, sir.

14 Q And is that consistent with the wounds?

15 A Yes. This wound -- I mean, this weapon here, one can
16 see, this is the maximum thickness, this is -- the top here
17 is one edge -- can I hold this out?

18 Q You can.

19 A This is the sharp edge, and as the blade goes in the
20 width -- this is the thickness of the blade which is
21 about -- I don't have a ruler, but it's probably about three
22 millimeters, and the sharp edge, of course, is sharp. So if
23 it went all the way into someone and it hit up against here
24 you would see an abrasion, plus you might see a tear in this
25 end because it doesn't -- in the approximate end of the

DAVID WREN, M.D. - DIRECT

1 blade here because it doesn't go all the way out to the hilt
2 there.

3 Q What is the length of that blade?

4 A I have a picture of it, let's see what it shows. It's
5 about 10 inches, I believe. It's a little over eight
6 inches.

7 Q Let me show it to defense counsel.

8 (Break in proceedings.)

9 A Oh, I measured it on the sheet as 8.625 inches long,
10 1.88 inches wide, and I can't tell the thickness because I
11 didn't have a picture of the one edge.

12 MR. BULSA: State's 61 moved into evidence.

13 JAMES H. PRICE, III: Without objection, Your Honor.

14 THE COURT: Without objection, State's 61.

15 (The photo was received as State's 61.)

16 A There's the weapon itself. We took a picture with a
17 ruler.

18 Q All right. Thank you, sir.

19 A And like I said, he did have a -- as I was testifying,
20 he did have a 15th wound. It was right about where the
21 pointer is pointing, but it's so superficial I couldn't
22 measure anything except a little round hole. So it didn't
23 go in very far at all and I didn't consider it a stab wound,
24 although technically it was.

25 Q Which of these wounds could have been fatal?

DAVID WREN, M.D. - DIRECT

1 A Either 12 or 14 was probably the fatal wound. Because
2 the one in his back, and I couldn't tell exactly which one,
3 it's probably 14, when it went in it actually went through
4 the kidney -- the kidney and lacerated a renal vessel, and
5 he bled considerably into what's called the retroperitoneum.
6 The abdominal cavity is lined with a peritoneal lining all
7 the way around and there's soft tissue behind there.
8 There's actually adipose tissue and muscle and some more
9 adipose tissue in the skin, but when it goes through there
10 and it bleeds into that area, and it's actually the kidneys
11 retroperitoneal too, it is behind that lining as some of the
12 other organs in the body, they are behind there, but it went
13 on through there and lacerated. So it bled some into the
14 abdomen, which I got 800 cc's of blood in the abdomen
15 itself, which is about -- 800 divided by 30 would be about
16 26 ounces of blood, which is -- actually it's two units of
17 whole blood in the abdomen. And then he had at least that,
18 if not more, in his retroperitoneal tissue, which you can't
19 measure because it's all out in the tissues itself. And
20 then the wound up in the chest, none in the back or in the
21 front, and even up in the neck there, they didn't go into
22 the lung, they were in the chest area. None of those in the
23 chest area went into the lungs. Some of these anteriorly
24 did hit some organs but they didn't bleed that much. So it
25 was probably 14 since it's lower, the kidney is pretty low.

DAVID WREN, M.D. - DIRECT

1 This one up above went into the liver, I believe. So I
2 think 14 was the fatal wound if you had to assign one fatal.
3 All of them are potentially fatal because they hit his
4 intestines and filled intestinal contents, which have
5 bacteria in them, out into his peritoneal cavity. If he had
6 survived that, the propensity to have an infection, and they
7 could get real bad and cause peritonitis and sepsis with
8 bacteria in the bloodstream and you can die from that after
9 some length of time. But immediately his cause of death was
10 multiple stab wounds. But particularly if I had to assign
11 one it would be number 14 there, because it's the one that
12 hit his kidney, I believe.

13 Q How long could he have survived those wounds?

14 A He probably could have lived 20 minutes or more. He
15 might not have been moving around a lot, but as he started
16 bleeding he could have lived that long. It depends on how
17 well there was pressure on it.

18 Q Did he have any other what we might determine defensive
19 wounds?

20 A No. I didn't see any defensive wounds.

21 Q What would a defensive wound be?

22 A That would be on extensive surfaces where you would
23 throw your arms up or your hands, on the back of your hands
24 where you were trying to defend yourself. He didn't have
25 any on his extremities at all.

DAVID WREN, M.D. - CROSS

1 Q Thank you, you can have a seat. That's all the
2 questions I have, answer any questions of defense counsel.

3 THE COURT: Mr. Price?

4 CROSS EXAMINATION

5 BY JAMES H. PRICE, III

6 Q Dr. Wren, good afternoon. How are you?

7 A I'm doing pretty well, I guess.

8 Q Do you remember you were kind enough to talk to me on
9 the telephone back in November of last year?

10 A No.

11 Q No? Okay. That's a good answer. Do you recall
12 talking to any lawyer about this on the telephone?

13 A Look, I talk to so many people, I have a bad memory,
14 I'm getting older and I forget what -- I might have said
15 something different but that's my opinion now.

16 Q I can deal with that, thank you. During the course of
17 your autopsy a blood sample was taken of Mr. Bell's blood
18 and sealed, correct?

19 A Our routine is to -- when the body comes into the
20 morgue if the bag is not sealed, and even in some cases when
21 it's sealed we actually unseal it with the coroner's
22 permission and take blood then. The blood was taken out of
23 the femoral artery so it didn't necessarily have to have an
24 autopsy to do that, it's the groin region. So it was
25 probably taken when he came into the morgue, and it probably

DAVID WREN, M.D. - CROSS

1 wasn't taken at autopsy unless they couldn't get in and I
2 had to do it. I mean, it wasn't taken at autopsy unless
3 they could not get any and I had to do it myself at the
4 autopsy, but it would be recorded who took it and what time
5 they took it.

6 Q Okay. There is a reference to your autopsy about
7 toxicological pending.

8 A Yeah.

9 Q Right. And can you explain that to the jury?

10 A Well, it's a long story.

11 Q Do you have a short version?

12 A But the previous coroner before Mr. Clevenger, we would
13 have -- Dr. Lowery and I did autopsies then for the coroner,
14 and occasionally we would assign out a cause of death, in
15 our opinion after the autopsy was over we would assign a
16 cause of death. And we would even actually sometimes
17 prepare a autopsy report, when the tox came back it would be
18 an overdose, so he got kind of upset about that. So after
19 he didn't want them signed out until the toxicology came
20 back. But I could not in my reasoning at this time, what I
21 saw I would say -- I think I probably said in the final
22 summary, I usually do, I said blood removed at autopsy. So
23 I did take it, was forwarded to the coroner for toxicology
24 examination with results pending. Nevertheless the cause of
25 death is unequivocal. It didn't matter what he had in his

DAVID WREN, M.D. - CROSS

1 blood, I was sure he bled so he might have been unconscious
2 when all of this happened, but he certainly wasn't dead --

3 Q Understood. And --

4 A -- from an overdose or something like that.

5 Q I just wanted to get the fact that a blood sample was
6 taken for a subsequent toxicological testing.

7 A Right.

8 Q Now, I don't guess you recall telling me that there was
9 no way to tell which one of these stab wounds occurred
10 first --

11 A That's correct, I can't.

12 Q -- that it would just be conjecture.

13 A It would just be a guess.

14 Q Okay.

15 A I have more confidence in how close together they
16 occurred. I don't think, for instance, number 11 occurred
17 and then six and then two and then the rest of them in the
18 back. I think all in the back there came either from top to
19 bottom or side to side or something like that. And then the
20 guy turned around -- was turning, and then the front
21 occurred, but I can't tell -- and the ones across the
22 abdomen occurred together, and then the ones in the neck
23 occurred together because I can't imagine them being any
24 other way. But I can't tell which one came first and which
25 one came last.

DAVID WREN, M.D. - CROSS

1 Q Understood. And there were no hilt marks --

2 A Right.

3 Q -- on Mr. Bell's body. So that means the knife was not
4 put all the way in.

5 A It wasn't put in far enough to cause abrasion on the
6 skin around the wound itself.

7 Q Understood. Okay. Now, I believe you also told me
8 that you are familiar with affects of alcohol on the average
9 person.

10 A Yes.

11 Q Okay. And would you agree with me that --
12 hypothetically let me ask you this, a .21 blood alcohol,
13 whole blood, is that a high reading or a low leading?

14 A It's almost three times the legal limit of being
15 intoxicated under the influence.

16 Q So you would consider that a high reading.

17 A Well, it's not real high, but it's not low either.
18 I've done an autopsy on a 17 year old that has never drank
19 before and she died from a 270, or .27. But I've seen an
20 individual brought to the hospital and his was .69, or 69
21 and he survived.

22 Q You're kidding. Sixty-nine?

23 A So if you compare 21 to 69 it's low. If you compare 21
24 to 27 it's not real high. But if you compare 21 to 0, yeah,
25 it's high.

DAVID WREN, M.D. - CROSS

1 Q And assuming someone had a .21 blood alcohol reading,
2 that could -- would you agree with me that that would affect
3 different people in different ways?

4 A Yes. There's a reference put out by the medical
5 examiner's -- state medical examiner's office in North
6 Carolina back in the 80's where they have various tables and
7 that really the influence of alcohol depends on -- how much
8 tolerance you have depends on how much you're exposed to it.
9 So, for instance, if the alcohol level is like .08, which is
10 the legal limit, only about, I don't know, probably less
11 than 50 percent are actually physically under the influence.
12 It's what under the influence is defined as. The alcohol
13 does affect them. In fact, alcohol, it's lowest point, 025,
14 is known to decrease reflexes, and that's one beer.

15 Q Let's confine ourselves if we can to --

16 A Sir?

17 Q -- the .21 hypothetical.

18 A Yeah.

19 Q Let's confine ourselves to that.

20 A Okay.

21 Q A lot would depend on the person's tolerance for
22 alcohol.

23 A Yes.

24 Q Would you be surprised -- is euphoria a common feeling?

25 A Well, that's what's classically attributed to alcohol,

DAVID WREN, M.D. - CROSS

1 but some people -- some people get sad.

2 Q Okay. .21 some people get belligerent?

3 A Yeah.

4 Q .21 some people have diminished inhibitions?

5 A That's correct. It occurs earlier than that in some.

6 Q Okay. And diminished capacity?

7 A Yes.

8 Q All right.

9 A They all also have poor coordination and tend to
10 stagger and -- when they're walking and things like that
11 too. Their eyes don't react very well, they dart about
12 sometimes. They have various effects on various people, but
13 those are some of the effects when you're under the
14 influence or drunk.

15 Q Okay. Let me take you to another topic. As a medical
16 doctor and/or a pathologist, are you familiar with the
17 physiological reaction known as flee or fight?

18 A Flight or fright?

19 Q Flight or fright. It's called several things.

20 A Yes.

21 Q We'll call it whatever you would like. Flight or
22 fight?

23 A Yes.

24 Q Would you describe that to the jury, please?

25 A Well, the way I start out telling people about that is

DAVID WREN, M.D. - CROSS

1 I -- the part of the adrenal gland, which is just above the
2 kidneys, its called -- it used to be a suprarenal, renal
3 refers to kidney and supra is above it, it sits right above
4 the kidneys. They're about four to six grams apiece, that's
5 pretty small compared to the kidney. In fact, they're a
6 little bit -- about the size of my thumb. There is two
7 parts of it, they have a different function. One is called
8 the medulla, which is the central portion of it, and that's
9 the site of adrenaline. Now, what I tell people is the
10 tenth cranial nerve is called the vegas nerve, and it
11 actually sends -- it comes out of the head, it goes all the
12 way down into the pelvis of the body, but as it gets to the
13 heart it gives off branches to the heart, and those branches
14 to the heart slow the heart down. When they get to the
15 stomach they cause the stomach by parasympathetic mechanism
16 to secrete acids. And then when they get further down they
17 have other parasympathetic functions, which I won't go into
18 right now. But if everybody in this room has been
19 frightened before, and what happens classically is if you're
20 frightened enough it feels like your heart stopped. And
21 what happens there is the vegas nerve slows your heart down,
22 that's its natural function is to slow the heart down.
23 About the time it takes for your heart to start beating fast
24 is the time it takes for our adrenal medulla to secrete
25 adrenaline into the blood and it get to the heart. In fact,

DAVID WREN, M.D. - CROSS

1 it's just below the diaphragm, and just as the inferior vena
2 cava comes into the base of the heart, it's about that far
3 in most people. So that -- and then your heart speeds up
4 with adrenaline. That's the fight or flight syndrome, is
5 you're either preparing to fight or you're preparing to run
6 like hell, depending on how you react. So that's what he's
7 talking about. But when the adrenaline is secreted that's
8 the response is to what's classically called fight or
9 flight, or flee as he said.

10 Q Flight or fright can be triggered, or is triggered, by
11 a threat to someone or their loved ones.

12 A Yes, it could be. But it also could be -- I think if
13 somebody pulled a knife on me I would -- it would secrete
14 some adrenaline for me, I would hope.

15 Q I got you. If someone threatened you it would --

16 A That's definitely, yes.

17 Q All right. Or threatened you or your family in your
18 home.

19 A That's correct.

20 Q Okay. And if this flight or fright syndrome -- I won't
21 call it syndrome -- reaction is triggered, you just said it
22 triggers a load of adrenaline being put in your body.

23 A That's correct.

24 Q And adrenaline does what?

25 A It makes you ready to fight or run. Like I said

DAVID WREN, M.D. - CROSS

1 before, it speeds up your heart and your reflexes, and what
2 adrenaline does to people physiologically.

3 Q Would you agree with me that it's high arousal?

4 A Pardon?

5 Q High arousal?

6 A Yeah, you're more alert certainly.

7 Q And obviously if the decision to flee is made, and that
8 speaks for itself. If the decision to fight is made,
9 doesn't the person subject to this syndrome fight until the
10 threat is extinguished?

11 A Until the threat is what?

12 Q Extinguished, gone.

13 A In this guy's case until he couldn't fight anymore.

14 Q And the person has tunnel vision. All they can think
15 about is that threat, because of the hormones and the
16 adrenaline.

17 A Well, that really depends on the person as to how they
18 react to those things. Some people are cool under pressure,
19 others are really crazy.

20 Q But the flight or fight reaction is common, is well
21 known, there's nothing unusual about it. It's built into
22 every human being.

23 A That's correct.

24 MR. BULSA: So would that be built into Mr. Bell as
25 well?

DAVID WREN, M.D. - REDIRECT

1 THE WITNESS: Pardon.

2 MR. BULSA: I'm sorry, were you finished?

3 JAMES H. PRICE, III: No.

4 THE COURT: That's okay.

5 JAMES H. PRICE, III: That's all that I have.

6 THE COURT: Thank you. Anything, Solicitor?

7 MR. BULSA: Yes, sir.

8 REDIRECT EXAMINATION

9 BY MR. BULSA

10 Q The flight or fight, would that be built into Mr. Bell
11 as well?

12 A Pardon?

13 Q You said -- Mr. Price said that flight or flight is
14 built into everyone.

15 A Yeah. And I thought we were talking about Mr. Bell.
16 Are we talking about somebody else?

17 Q I think he's trying to talk about his client, that's
18 who I think he is talking about. So is there any evidence
19 from your examination of Mr. Bell's body that he fought
20 back?

21 A No.

22 Q Okay. And could he have fled with any of these wounds?

23 A He could have initially, I mean, before he started
24 bleeding so bad he could have gone. But then, of course, he
25 wasn't too alert with his alcohol level either probably. I

DAVID WREN, M.D. - REDIRECT

1 mean, I can't say, but generally speaking by the time he
2 gets that high everybody is probably getting what they call
3 drunk.

4 Q Okay. So alcohol would effect your ability to either
5 fight or flight.

6 A Yes.

7 Q And everybody reacts differently.

8 A To the level?

9 Q Yes, sir.

10 A Yeah. It depends on how used you are to drinking,
11 because you adjust to it. Like I gave the example of the
12 young lady that I did the autopsy on, hers was 27 and she
13 died, nothing wrong with her. The chronic alcoholic came in
14 with a 69 and he survived it. That's the highest -- I think
15 I've heard of one up in the 70's but that's the highest I've
16 ever seen.

17 Q Okay. Just one other question. Mr. Price asked you
18 about the blood for the toxicology. Is blood also collected
19 for potential DNA evidence?

20 A I think they do, I'm not sure. We do if they ask us.
21 But we have extra tubes that we keep tissue for DNA if we
22 have to. It's frozen, the tissue is frozen.

23 Q The coroner would keep that?

24 A Yeah. We lock it in the refrigerator in the morgue
25 until they retrieve it, and then I think -- I'm not sure

1 what is done with it. It eventually is discarded because it
2 decays after awhile. We don't have the liver in any
3 fixative. We have the blood in a sterile container, but the
4 liver is not put in a sterile container. It is sterile when
5 we open the bottle but it's not when we are doing an autopsy
6 and take the pieces of tissue and put it in the bottle and
7 then screw the top on, it's not sterile anymore.

8 Q But the victim's blood can be collected for --

9 E. POWERS PRICE: Objection, Your Honor. Move to
10 strike the term victim.

11 THE COURT: Okay. Decedent.

12 Q The man's who's body was stabbed 14 times, his blood
13 was collected for toxicology purposes as well as DNA
14 purposes?

15 A I'm not sure. I didn't record that I did any, I just
16 recorded that -- see what I said. We keep a log on it and I
17 just said I got blood from the femoral area. I don't know
18 how many tubes I got, and I don't remember -- and I didn't
19 record they asked me to take any. But all they do is take a
20 swab of it and put it on a piece of cloth and -- or
21 sometimes we put it in a tube and give it to the police,
22 sheriff's office or whoever the law enforcement is.

23 MR. BULSA: That's all. Thank you, Dr. Wren.

24 THE COURT: Anything at all on that little bit?

25 JAMES H. PRICE, III: No, sir. We have no more

1 questions of this gentleman.

2 THE COURT: Thank you. Doctor Wren, may step down,
3 sir.

4 MR. BULSA: May he be excused?

5 THE COURT: Is there any objection to Dr. Wren being
6 excused?

7 JAMES H. PRICE, III: None.

8 THE COURT: Doctor, you may stay or go, whichever you
9 choose.

10 THE WITNESS: Thank you.

11 THE COURT: Thank you, sir. See the lawyers real
12 quick.

13 (Bench conference held off the record in the presence
14 Of the jury but out of the hearing of the jury.)

15 THE COURT: We are going to take a break at this time.
16 I have a juror that needs to make a phone call and they
17 will help you with that. And Mr. Bailiff, if you will
18 assist that juror, ever who he or she is and then let me
19 know what the results that is. But we do have a SLED agent
20 we would love to get in this afternoon, okay? Don't talk
21 about the case. Mr. Foreman, take your jury out.

22 (The jury left the courtroom.)

23 THE COURT: Everybody ready for the last witness, the
24 serologist. I am told it will be short.

25 JAMES H. PRICE, III: Yes, sir.

JASMINE RUIZ-YI - DIRECT

1 (The jury returned to the courtroom.)

2 THE COURT: Thank you, ladies and gentlemen. I am
3 told one more witness that we need to get in this evening
4 if possible. Thank you for your patience. Solicitor?

5 MS. OVERBY: The State would calls Jasmine Ruiz-Yi.
6 The witness, JASMINE RUIZ-YI, was first duly sworn and
7 Testified as follows:

8 THE COURT: Ma'am, tell us your name and spell your
9 last name for my court reporter, please.

10 THE WITNESS: My name is Jasmine Ruiz-Yi, R-u-i-z-Y-i.

11 THE COURT: Solicitor?

12 BY MS. OVERBY

13 Q Do you go by Ruiz-Yi?

14 A Yes, ma'am.

15 Q Ms. Ruiz-Yi, can you tell me where you're currently
16 employed.

17 A I work at the South Carolina Law Enforcement Division.

18 Q And where is that located?

19 A It's in Columbia, South Carolina.

20 Q And what do you do there?

21 A I work as a forensic serologist.

22 Q For those who might not be familiar, what does a
23 forensic serologist do?

24 A As a forensic serologist I look at larger items of
25 evidence for body fluid identification, which includes

JASMINE RUIZ-YI - DIRECT

1 blood, semen and saliva.

2 Q Can you just tell me generally about your process of
3 analyzing an item when you receive it?

4 A That depends on the request. Typically if we get a
5 request, for instance blood, we'll visually examine the
6 items. If there are any suspicious stains we'll take a two
7 part chemical test and then swab the area and test it with a
8 chemical to see if there's a color change.

9 Q Did you receive an item of evidence in the case SLED
10 lab number L1713518?

11 A I did.

12 Q And what item was that?

13 A It was item six.

14 Q Can you give me a description of that item?

15 A Okay. It was a -- one moment while I to turn my
16 report. It was a pair of jeans.

17 Q And when the jeans -- the jeans came to you in what
18 condition -- were they in a SLED packaging, or how did they
19 present to you?

20 A If I recall correctly I believe they were packaged
21 inside a box. The box would have been sealed and initial
22 and labeled by whoever submitted it.

23 Q I'm going to hand you what's been admitted as State's
24 Exhibit 52 and ask you, does this appear to be the box -- I
25 see the tape is now open, but does this appear to be your

JASMINE RUIZ-YI - DIRECT

1 initials on it?

2 A That is correct.

3 Q And the item in here is a pair of jeans?

4 A That is correct.

5 Q Tell me what you did with that item once you received
6 it.

7 A Once I received the item I check the packaging to make
8 sure it hasn't been tampered with, then I'll open it, sign
9 whatever other packaging the item is in, initial, date it,
10 label it with the lab number and the item number. And then
11 I will put it on processing paper making a sterile
12 environment and visually examine the item to see if there
13 are any stains that are characteristic of bloodstains. And
14 then I will do that two solution chemical test on any
15 suspicious areas and see if it has a positive color change.

16 Q Okay. I'm going to get this out of your way so you can
17 see, I'm sorry. On this particular item -- you said you
18 would take an item and look for an area that would -- look
19 for an area that you would test. What particular are of
20 these jeans did you test?

21 A I tested the front area of the jeans to see if there
22 were any positive areas.

23 Q Did you make -- did you alter the jeans in any way?

24 A I did take a cutting from the jeans.

25 Q I'm going to show you what's been marked for

JASMINE RUIZ-YI - DIRECT

1 identification as State's Exhibit 62, and ask you to look at
2 this item, particularly here as well.

3 A Yes.

4 Q Can you tell me what that appears to be?

5 A This appears to be the cutting that I took off of the
6 pair of jeans.

7 Q Once you cut that item, what do you -- you perform the
8 color testing on it as you described to determine what the
9 substance is?

10 A Yes. What I do is I take a wet swab to the area and
11 then I test that swab, and then if it's positive then I cut
12 out that area.

13 Q And so the cutting from the left leg of the jean that
14 you created, did it test positive for any substance?

15 A It was presumptively positive for blood.

16 Q And what did you do with that item once you performed
17 that testing on it, the presumptive test for blood, what did
18 you do with it?

19 A I created a subitem off the item, which is the cutting.
20 I place it into a coin envelope, which I then sealed,
21 initialed and dated, placed into a heat sealed pouch, which
22 is also sealed, initialed and dated, and then gave it to
23 evidence control for the DNA analyst to work.

24 Q You said you put it into an envelope, is that what you
25 said?

JASMINE RUIZ-YI - CROSS

1 A Yes, ma'am.

2 Q Is that what this is?

3 A Yes.

4 Q This manila envelope within the vacuum sealed type bag?

5 A Yes, that's correct.

6 Q And this vacuum sealed type bag, is that made at SLED,
7 the law enforcement division?

8 A I believe they order it outside the agency but we do
9 use it at SLED.

10 Q And the jeans in the condition they were in when you
11 received them, would you have analyzed them if they were not
12 sealed as they were submitted to you?

13 A If the packaging had been tampered or opened with I
14 wouldn't have moved forward with analysis until I'd
15 contacted the appropriate people.

16 Q And they did not appear to be in that.

17 A That is correct.

18 MS. OVERBY: And Your Honor, I don't think I moved
19 State's Exhibit 62 into evidence, I would at this time.

20 THE COURT: Any objection?

21 JAMES H. PRICE, IV: No, sir, Your Honor, without
22 objection.

23 THE COURT: State's 62, without objection.

24 (The cuttings were received as State's 62.)

25 MS. OVERBY: Nothing else for this witness. Please

1 answer any questions the defense may have for you.

2 THE COURT: Mr. Price?

3 CROSS EXAMINATION

4 BY JAMES H. PRICE, IV

5 Q Mrs. Ruiz-Yi, just a few questions. You weren't given
6 any woman's clothes to test for any bodily fluids in this
7 case, did you?

8 A Based off the information I have I can't really make
9 that determination.

10 Q But did you receive anything else in this case to test?

11 A Other than the jeans, no.

12 Q All right. So no blanket.

13 A No, sir.

14 JAMES H. PRICE, IV: Thank you.

15 THE COURT: Anything at all on that?

16 MS. OVERBY: Nothing, Your Honor.

17 THE COURT: Thank you. You may step down, thank you
18 very much. May she be excused?

19 MR. BULSA: Yes, sir, we ask that she be excused.

20 THE COURT: Any objection? Without objection?

21 JAMES H. PRICE, IV: Without objection, Your Honor.

22 THE COURT: Ma'am, thank you, you may go. You are
23 released from your subpoena, you may go. And thank you for
24 your travels, I know you've been on the road all day. All
25 right. Anything before we release the jury for the evening

1 recess?

2 MR. BULSA: Not the State, Your Honor.

3 JAMES H. PRICE, III: Nothing from us, Your Honor.

4 THE COURT: Mr. Foreman, ladies and gentlemen of the
5 jury, I'm going to release you for the evening. Again,
6 please do not try to learn any information about this case
7 outside of this courtroom. I didn't see any media here
8 today so I don't expect anything to be in the paper or
9 radio or whatever, but if there is please, please, please
10 don't watch it, don't listen to it, don't read it, don't
11 try to learn anything in the case. We have to learn
12 together in this courtroom. With that, have a good
13 evening. Tomorrow morning, please be in place at 9:30,
14 please be in place at 9:30.

15 (The jury left the courtroom.)

16 THE COURT: Okay. Let's be in recess until -- yes,
17 I'm sorry.

18 JAMES H. PRICE, III: One thing, Your Honor.

19 THE COURT: On the record or off the record?

20 JAMES H. PRICE, III: On the record.

21 THE COURT: Okay.

22 JAMES H. PRICE, III: When I was questioning Dr. Wren
23 I asked him hypothetical about an individual with a BA of
24 .21, which was, in fact, the blood alcohol of Mr. Bell.
25 The next thing I know I believe Dr. Wren testified, well,

1 if he had a 21 such as this gentleman. So it seems to me
2 that he testified that Mr. Bell's blood alcohol was .21, so
3 my question is is that in evidence or do I need to bring
4 the toxicologist up from SLED?

5 THE COURT: I heard it as well. Solicitor, what do
6 you think?

7 MR. BULSA: I didn't hear it that way and maybe I just
8 wasn't listening close enough, but I think we still need
9 the toxicologist.

10 THE COURT: We'll put a toxicologist up. But he said
11 that because I know I'd already ruled on that and when he
12 blurted it out I went, "Okay. Well, there it is," so we
13 can do that. All right. Anything else on the record?

14 JAMES H. PRICE, III: No, sir.

15 (Court recessed for the day and resumed on Thursday,
16 March 14, 2019 at 10:15 a.m.)

17 THE COURT: Okay. Mr. Price any issue before the jury
18 comes in?

19 JAMES H. PRICE, III: Oh, yeah.

20 THE COURT: Okay.

21 JAMES H. PRICE, III: Your Honor, we're at the point
22 now where the State has told us they intend to introduce a
23 redacted approximate eight minute version of a statement
24 that our client gave to Detective Andy Lawson and others
25 the morning of August 31st of 2017. We have a number of

1 objections to that. Number one, the objection that we made
2 when this trial first started about this statement being
3 post-Miranda, post -- my client asking -- specifically
4 asking for a lawyer. We renew those objections in their
5 entirety. That's the primary objection. The second
6 equally important, I would say, objection is the rule of
7 completeness. There is a lengthy tape made by the
8 sheriff's office of our client in the detective room, the
9 State has chosen eight minutes of it to submit to a jury.
10 It leaves out a number of things that are favorable to our
11 client, statements that he made that would be relevant on
12 the issues of self-defense, coming to the defense of others
13 and that nature. It also takes totally out of context how
14 this statement was given under what circumstances, what
15 Roy's physical condition was, what his mental condition
16 was, all of which are more apparent than the full tape but
17 in my opinion none of which are apparent on the redacted
18 tape. It is not fair, it is totally unfair and we object
19 on the grounds that I just stated.

20 THE COURT: Solicitor?

21 MR. BULSA: Your Honor, we selected the portions where
22 the defendant narrates his version of what happened to
23 Investigator Lawson. Your Honor has seen all of the tapes.
24 For most of the tapes it's the defendant trying to engage
25 the police in some sort of conversation about whether they

1 believed him. "What would you do?" There's a portion in
2 there that's at the end of the first segment, continuation
3 into the second segment where he's essentially just
4 narrating, Investigator Lawson is standing at the door just
5 listening. And we cut out those portions, any reference to
6 his prior record and any reference to his indication of a
7 right to an attorney. That's the portion that we put in.
8 Investigator Lawson is the chief investigator. That's the
9 meat of the information that the defendant gave to the
10 police, to Detective Lawson.

11 THE COURT: Well, let me ask this, now, because you're
12 right, I have watched all of the video as we've already
13 talked about, hours of it so I've seen it all. Am I
14 wrong -- and I try to keep up with all of the exhibits
15 here, but I think that all of that video is in evidence, is
16 it not?

17 JAMES H. PRICE, III: No, sir.

18 MR. BULSA: No, sir. It was just a Court's
19 exhibit for the hearing. It's got all where he's
20 exercising his right to an attorney, that can't come in.

21 THE COURT: I see what you're saying. Well, what
22 about the rule of completeness, Solicitor, if that's
23 allowed in --

24 MR. BULSA: We selected the part where he fully
25 narrates it, Judge. Anything in addition that they are

1 claiming he says is just repetitive of what's in those
2 essentially two sections in narration.

3 THE COURT: What do you want added, Mr. Price?

4 JAMES H. PRICE, III: I want the entire thing done so
5 that a jury can see the entire context in which these
6 statements were made. It scares me. We're in a situation
7 now where the State is saying we know what's best for you.
8 I don't buy that.

9 THE COURT: So do you want the entire -- tell me how
10 much you want in. Do you want the entire --

11 JAMES H. PRICE, III: I could possibly see deleting
12 the part about the attorney. But I think that if we're
13 going to have part of it in the whole thing needs to come
14 in rather than just selected parts.

15 MR. BULSA: Your Honor, maybe you need to listen to it
16 before you make this ruling, because there's nothing in
17 that that he doesn't say anywhere else.

18 JAMES H. PRICE, III: I disagree.

19 MR. BULSA: We did exclude the part where he keeps
20 asking people if they believe him, that's an opinion
21 question and that's not relevant to the jury either.

22 THE COURT: Well, they don't answer him.

23 MR. BULSA: Actually they do to kind of get him to
24 keep talking, because he's just running his mouth so they
25 kind of agree with him.

1 JAMES H. PRICE, III: They're in there interrogating
2 him, Your Honor.

3 MR. BULSA: They're not interrogating him.

4 THE COURT: I'm not going to go that far, Mr. Price.
5 I'm not going to go that far that they're interrogating
6 him.

7 JAMES H. PRICE, III: They're in there interrogating
8 him, Your Honor.

9 MR. BULSA: They hold back. They would like to engage
10 him and they know they can't because he invoked his right.
11 We've even taken parts out where they reference that, he
12 says, "I can't discuss things with you." The officer says,
13 "I can't discuss it," so we took that out.

14 THE COURT: But I think his lawyer is now saying you
15 want the whole thing.

16 JAMES H. PRICE, III: Yes, sir.

17 MR. BULSA: Your Honor, we have to protect the record,
18 the State has a duty to do that. We can't allow for an
19 appealable issue if he's wrong and a PCR issue if he's
20 wrong, if the jury reads that as a negative context towards
21 his client, because that would certainly paint it in that
22 way.

23 THE COURT: Let's go talk about this.

24 (A recess was taken.)

25 THE COURT: The State is going to be moving to

1 introduce a piece of evidence, I'm just going to identify
2 it as an eight minute redacted audio and video from the
3 sheriff's department through Investigator Lawson, and we
4 have -- I have the objections from defense counsel. And at
5 this time the Court knows of no reason to keep that piece
6 of evidence out that they're offering, subject to, of
7 course, the objections, and sir, you are protected on the
8 record.

9 JAMES H. PRICE, III: And my brilliant daughter just
10 brought up a good idea. I believe we have the right, or we
11 should have the right to use the entire tape in portions if
12 we want to to cross examine the detective.

13 THE COURT: Yes, sir.

14 JAMES H. PRICE, III: Now, the problem is we need some
15 time to go through that tape to pick out the specific
16 portions that we would want to use on cross. So what I'm
17 asking is that rather than we just sit here for hours, that
18 at the appropriate time, our lunch break or whatever, we
19 have the time to figure out what we're going to do. And if
20 we decide to put Mr. Lawson on the stand that it would be
21 on the basis of cross examination rather than our witness.

22 THE COURT: Any objection to that, Mr. Bulsa?

23 MR. BULSA: Your Honor, if I understand correctly we
24 would introduce Mr. Lawson, or call Mr. Lawson, introduce
25 the tape, and he would be subject to recall by the defense

1 for cross examination, is that what I'm hearing?

2 THE COURT: Yes. He would only testify on direct and
3 not on cross given them a few minutes or a little while --
4 because we are at 10:35 and I know we have a SLED agent or
5 someone to testify and then Mr. Lawson, that may well take
6 us -- I don't know how long that would be. That may well
7 take us up to lunch so he could be returned to the stand.

8 MR. BULSA: That's fine.

9 THE COURT: Or I guess --

10 MR. BULSA: What I anticipate, Judge, is we're going
11 to put the SLED agent up to get in the DNA evidence and put
12 Lawson up to put in the statement and we were going to
13 rest.

14 THE COURT: Yes, I understand. So if Lawson is going
15 to be number two how long will that take us? It's 10:35.

16 MR. BULSA: The agent shouldn't be 20 or 30 minutes,
17 if that.

18 THE COURT: And on direct, Mr. Lawson?

19 MR. BULSA: Mr. Lawson, ten minutes and then plus play
20 the tape. The tape is I believe eight minutes long at
21 most?

22 THE COURT: That won't get us to lunch unless we break
23 early.

24 JAMES H. PRICE, III: Of course, all of this is going
25 to impact the decision as to whether our client testifies,

ADRIENNE HEFNEY - DIRECT

1 so we've got to be very careful.

2 THE COURT: Yes, sir. But again, we can break early
3 for lunch and come back at 1:00 instead of 2:00. All
4 right.

5 JAMES H. PRICE, III: And if -- I think we would
6 probably have a couple of witnesses ready mid-morning
7 depending on how you want to go.

8 THE COURT: I'm not going to let him rest, though.

9 JAMES H. PRICE, III: I understand. Got you.

10 THE COURT: I want him to rest. Okay. We have the
11 jury.

12 (The jury returned to the courtroom.)

13 THE COURT: Good morning, ladies and gentlemen. Juror
14 No. 119, Mr. McFalls (sic). Sir, you are now one of the
15 12. And Juror number 75, Mrs. Kelsey Howell, ma'am, you
16 are now the alternate. So you have joined -- we've had a
17 juror to leave so you are now one of the 12, sir. Any
18 other issues for the jury? Mr. Foreman?

19 THE FOREMAN: No, sir.

20 THE COURT: Ready to go? Thank you for your patience.
21 Solicitor?

22 MS. OVERBY: The State would call Adrienne Hefney.

23 The witness, ADRIENNE HEFNEY, was first duly sworn and
24 Testified as follows:

25 THE COURT: Ma'am, once you're situated, move that

ADRIENNE HEFNEY - DIRECT

1 microphone a little closer to you and tell us your full
2 name and spell your last name for my court reporter,
3 please.

4 THE WITNESS: Yes, sir. Adrienne Riley Hefney,
5 H-e-f-n-e-y.

6 THE COURT: Thank you.

7 JAMES H. PRICE, III: Your Honor, before we start I
8 want to make sure we don't have a sequestration problem.
9 Is Lindsey Mitchell in the courtroom? I want to make sure
10 we don't have any defense witnesses in the courtroom.
11 Thank you.

12 THE COURT: Yes, sir. Solicitor?

13 DIRECT EXAMINATION

14 BY MS. OVERBY

15 Q Good morning, Mrs. Hefney. Can you tell me where
16 you're currently employed?

17 A With the South Carolina Law Enforcement Division more
18 commonly known as SLED.

19 Q Is that the state's crime lab?

20 A Yes, ma'am.

21 Q That's located where?

22 A In Columbia, South Carolina.

23 Q What do you for SLED?

24 A I'm forensic DNA analyst.

25 Q And how long have you been with SLED?

ADRIENNE HEFNEY - DIRECT

1 A Since November of 1997.

2 Q Can you tell me about some of your duties and
3 responsibilities as a DNA analyst?

4 A Sure. As a forensic analyst I make comparisons from
5 evidence that were left behind at a crime scene to known
6 standards that we receive from people involved in the case.

7 Q Can you tell us a bit about your educational
8 background?

9 A Absolutely. I have a Bachelor of Science Degree in
10 Biology from the University of South Carolina. I also have
11 a MBA Degree in from Winthrop University. Upon joining SLED
12 I was trained by a court qualified analyst, and each year we
13 attend eight hours of continuing education to stay abreast
14 of any changes in the field of forensic DNA analysis.

15 Q So you've received trainings and certifications in DNA
16 analysis?

17 A Yes, ma'am, I have.

18 Q And you also have experience analyzing DNA?

19 A Yes, ma'am, I have.

20 Q Have you been called upon to testify in court before?

21 A Yes, ma'am, I have.

22 Q About how many times?

23 A This makes about the 77th expert witness testimony.

24 Q In what fields?

25 A In field of forensic DNA analysis.

ADRIENNE HEFNEY - DIRECT

1 Q At this time the State would offer Ms. Hefney as an
2 expert in forensic DNA analysis as well as serology.

3 THE COURT: Any questions?

4 JAMES H. PRICE, IV: Without objection, Your Honor.

5 THE COURT: Without objection. Ladies and gentlemen,
6 this witness is now qualified as a forensic DNA analysis.
7 Once again you are to give whatever weight and credibility
8 to her testimony you deem necessary.

9 Q Can you tell us generally what DNA is?

10 A Yes. DNA stands for deoxyribonucleic acid. And what
11 this is is a chemical that's found in certain cells of our
12 body that basically codes to who we are. Its genetic
13 information that we receive from both our mother and our
14 father. And how -- a lot of our DNA is the same, it's a
15 genetic code for us being humans. But, of course, we look
16 around this courtroom and we notice everyone looks
17 different. So now two people will have the same DNA profile
18 with the exception of identical twins. We use that in
19 forensic DNA analysis as stated earlier to make comparisons
20 from evidence, which was left behind at a scene to known
21 standards received from the people involved in the case.

22 Q So when you receive an item for analysis, are you
23 able -- is part of your procedure to determine what type of
24 fluid is present on an item, or not present on an item?

25 A Yes, ma'am. That's serology analysis, which is body

ADRIENNE HEFNEY - DIRECT

1 fluid identification.

2 Q Were you asked to perform DNA analysis in the case of
3 the State vs. Lawton Holloway?

4 A Yes, ma'am, I was.

5 Q Let's first go to some items. I'm going to hand you
6 what's been admitted as State's Exhibits 33, 34, 54, 62 and
7 32. We're going to go through these one by one. State's
8 Exhibit 33. This appears -- this is labeled as swab from
9 living room -- the right wall living room. Did SLED receive
10 this item for analysis?

11 A Yes, ma'am, we did. And my initials and date that I
12 analyzed this item are on the heat-sealed pouch here.

13 Q And I'm going to ask you this for all of these items,
14 but as to this item, when you received this, was it sealed?

15 A Yes, ma'am.

16 Q And when it arrived to you, did it appear that it had
17 been opened or tampered with in any way prior to you opening
18 it?

19 A No, ma'am.

20 Q And the same with -- those same questions regarding,
21 were all of these items when you received them sealed items.
22 The right sofa cushion from the living room, which is
23 State's 34, a swab from the defendant's hands, State's
24 Exhibit 54. Were these -- did you also receive them in the
25 same condition?

ADRIENNE HEFNEY - DIRECT

1 A Yes, ma'am.

2 Q They were closed, you opened them to analyze them.

3 A Yes, ma'am.

4 Q Where did you -- when these items -- these items came
5 to SLED from the Spartanburg County Sheriff's Office, is
6 that fair to say?

7 A Yes, ma'am, they did.

8 Q And then they came in through SLED, where did you first
9 retrieve them?

10 A From the evidence control department. That's a
11 centralized unit on the first floor at the forensic
12 laboratory where submitting agencies bring their evidence,
13 they place them in a locker. The evidence control
14 technicians get them out and disburse them to whatever
15 departments they need to go to. And when it is time for
16 analysis we go downstairs and get them from an evidence
17 control technician and take them back up to our laboratory
18 to analyze.

19 Q Okay. State's Exhibit 62 is a little different. I
20 believe this is a cutting from the jeans. Did that first go
21 to another department at SLED before it came to you?

22 A Yes. This went to forensic serologist Jasmine Ruiz.
23 She is also within the DNA casework department unit but does
24 our serology analysis.

25 Q And then also items 32, which is a swab from the knife

ADRIENNE HEFNEY - DIRECT

1 received in the same fashion as you've described?

2 A Yes, ma'am.

3 Q State's Exhibits 35 and 53 have will also been admitted
4 into evidence. State's Exhibit 35 is a blood sample from
5 Jeremy Bell. State's Exhibit 53 is the buccal swab from
6 Lawton Holloway. Were these items also received from you
7 from evidence at SLED?

8 A Yes, ma'am, they were.

9 Q And in the same condition, sealed before you opened
10 them?

11 A Yes, ma'am.

12 Q Okay. Did you perform analysis on those first items
13 that I gave you, the swabs from the scene? Let's start item
14 by item. Let's first talk about SLED's item two, the swab
15 from the right living room wall. When you received that
16 item, can you tell me what you first did with it?

17 A Yes, ma'am. I did a presumptive test for blood on that
18 swab.

19 Q We talked a little bit about presumptive testing
20 yesterday. Can you just give me a slight overview of what
21 the presumptive testing is?

22 A Yes, ma'am. It is just a chemical test that we do that
23 indicates a color change when blood is present. So I added
24 the chemicals onto the swab, and then if it turns like a
25 bright pink or fuchsia color then it indicates the presence

ADRIENNE HEFNEY - DIRECT

1 of blood.

2 Q As to that swab, SLED's item two, you performed a
3 presumptive testing on it and determined the substance was
4 blood.

5 A It was positive for blood, yes, ma'am.

6 Q And then after you determined that it was blood, what
7 did you do with that item?

8 A I performed DNA analysis on it at that time.

9 Q Were you able to develop a DNA profile from that item?

10 A Yes, ma'am, I was.

11 Q And were you able to make a determination about whose
12 DNA profile that is?

13 A Yes, ma'am.

14 Q And what was your finding?

15 A I'll read directly from my report. The DNA matches the
16 DNA profile of Jeremy Bell. The probability of randomly
17 selecting an unrelated individual having a DNA profile
18 matching this item is approximately one in 63 septillion.

19 Q So the blood from the wall swab is the DNA profile of
20 Jeremy Bell.

21 A Yes, ma'am, swab from the right living room wall.

22 Q I'm now going to direct you to what is SLED's item
23 three, the swab from the right couch cushion, which is
24 State's 34. State's 34. Tell me what you did. Did you
25 also do a presumptive test when you first received that

ADRIENNE HEFNEY - DIRECT

1 item?

2 A Yes, ma'am, I did.

3 Q And were you able to determine what substance was
4 present on the swab from the couch cushion?

5 A Yes. Presumptive testing for blood was positive.

6 Q And were you able to develop a DNA profile from the
7 blood on the swab from that couch cushion?

8 A Yes, ma'am.

9 Q And can you tell about your findings?

10 A Sure. The DNA profile is a mixture of at least two
11 individuals. The partial DNA profile of the major
12 contributor matches the DNA profile of Jeremy Bell. The
13 probability of randomly selecting an unrelated individual
14 having a DNA profile matching the major contributor is
15 approximately one in 72 septillion. Due to the inability to
16 calculate a statistic no further interpretation will be
17 offered regarding the minor contributors.

18 Q So you determined the blood from the swab on the couch
19 was a mixture, the major contributor being Jeremy Bell.

20 A Yes, ma'am.

21 Q I'm going to direct you now to SLED's item five, that's
22 the swab from the right hand of Lawton Holloway. Cross
23 reference this as -- let me ask you a question, too. When
24 we're talking about the analysis of these items, you take
25 these items and then you compare them with these two what we

ADRIENNE HEFNEY - DIRECT

1 call known standards that were submitted from the defendant
2 and from Jeremy Bell, the deceased.

3 A That is correct.

4 Q Backing you up to State's Exhibit 54. This is the swab
5 from Lawton Holloway's right hand. Did you do any
6 presumptive testing as to this item?

7 A No, ma'am, I did not. I noted on my work sheet that
8 this was a very faint stain so I went straight to DNA
9 analysis.

10 Q So from that swab on his hand you did not determine
11 there was blood on the swab.

12 A No, ma'am, I did not.

13 Q And did you make any findings -- or excuse me, were you
14 able to develop a DNA profile from this swab of his hand?

15 A I was.

16 Q And what were your findings regarding that?

17 A Swabs from the right hand of Lawton Holloway. The DNA
18 profile is a mixture of at least two individuals. The DNA
19 profile of the major contributor is consistent with the DNA
20 profile of Lawton Holloway. The partial DNA profile of the
21 minor contributor is insufficient for interpretation.

22 Q Now, I'm going to direct you to SLED's item 6.1. And
23 this is the item that Ms. Ruiz-Yi testified about yesterday
24 that she created from the jeans, State's Exhibit 62. Did
25 you receive this cutting after Mr. Ruiz-Yi cut it from the

ADRIENNE HEFNEY - DIRECT

1 jeans?

2 A I did.

3 Q Did you perform -- or excuse, me, did Mrs. Ruiz-Yi
4 perform the presumptive testing on that item?

5 A She did.

6 Q And then once she -- are you familiar with what her
7 findings were?

8 A Yes. I have her -- her presumptive testing for blood
9 was positive, and then she forwarded the item to the DNA
10 section.

11 Q So Mrs. Ruiz-Yi cut the item, it was determined to be
12 blood, and then it was sent to you.

13 A Yes, ma'am.

14 Q And were you able to develop a DNA profile from the
15 cutting from the jeans?

16 A Yes. The DNA profile matches the DNA profile of Jeremy
17 Bell. The probability of randomly selecting an unrelated
18 individual having a DNA profile matching this item is
19 approximately one in 63 septillion.

20 Q So the DNA profile from the left leg of the jeans was
21 determined to be the deceased's, Jeremy Bell's, blood.

22 A That is correct.

23 Q I'm next going to ask you about SLED's item seven,
24 State's Exhibit 32. This is labeled as a swab from the
25 knife blade. Did you perform presumptive testing on this

ADRIENNE HEFNEY - DIRECT

1 item?

2 A I did.

3 Q And did you make a determination about what substance
4 was on that item?

5 A Yes, ma'am. The presumptive testing for blood was
6 positive.

7 Q And once you determined that blood was present, did you
8 develop a DNA profile from that blood?

9 A I did.

10 Q And can you tell me about your findings regarding that?

11 A Yes, ma'am. The DNA profile matches the DNA profile of
12 Jeremy Bell. The probability of randomly selecting an
13 unrelated individual having a DNA profile matching this item
14 is approximately one in 63 septillion.

15 Q The blood from the swab on the knife matches the DNA
16 profile of the deceased, Jeremy Bell.

17 A That is correct.

18 MS. OVERBY: Ms. Hefney, I have no further questions
19 for you. Please answer anything the defense may have for
20 you.

21 THE WITNESS: Okay.

22 THE COURT: Yes, sir?

23 CROSS EXAMINATION

24 BY JAMES H. PRICE, IV

25 Q Good morning, Ms. Hefney.

ADRIENNE HEFNEY - CROSS

- 1 A Good morning.
- 2 Q How are you?
- 3 A I'm good, how are you?
- 4 Q Doing well, thank you. Just a few follow-up questions.
- 5 You received what I guess would be in your report as SLED
- 6 item Number 2.
- 7 A Swabs from the right living room wall?
- 8 Q That's correct.
- 9 A Yes, sir.
- 10 Q And item number 3 was a blood swab from the right sofa
- 11 cushion.
- 12 A That is correct.
- 13 Q And four buccal swabs from Lawton Holloway?
- 14 A Yes, sir.
- 15 Q Okay. And item number 5, blood from the right hand of
- 16 Lawton Holloway --
- 17 A Yes, sir.
- 18 Q That's listed on your report. Six --
- 19 A I'm sorry, did you say blood from the right hand or
- 20 swabs from the right hand?
- 21 Q I'm looking at the forensic laboratory requests.
- 22 A Item 5?
- 23 Q Item 5, yes, ma'am.
- 24 A Swabs from the right hand of Lawton Holloway.
- 25 Q Number 6, a pair of Old Navy jeans.

ADRIENNE HEFNEY - CROSS

1 A Yes, sir. A cutting from the exterior left leg of Old
2 Navy blue jeans.

3 Q And seven, blood swabs from a knife blade.

4 A Yes, sir, swabs from knife blade.

5 Q And eight was a blood standard; is that correct?

6 A Yes, sir. It was a blood standard from Jeremy Bell.

7 Q And that's everything you tested.

8 A That is correct.

9 Q That's everything you received.

10 A That is correct.

11 Q All right. But did you receive a blood swab from Lisa
12 Wood's toe?

13 A No, sir.

14 Q Okay. Did you receive any blankets to be tested?

15 A No, sir, I did not.

16 Q And did you receive any other clothing to be tested?

17 A No, sir, I did not.

18 JAMES H. PRICE, IV: Thank you.

19 THE COURT: Anything at all on that limited cross?

20 MS. OVERBY: No further questions.

21 THE COURT: Thank you, Agent, you may step down,
22 please be careful.

23 MS. OVERBY: We would ask this witness be excused as
24 well.

25 THE COURT: Any objection?

ANDY LAWSON - DIRECT

1 JAMES H. PRICE, IV: No objection, Your Honor.

2 THE COURT: Ma'am, you may stay or go, whichever you
3 choose.

4 THE WITNESS: Thank you.

5 MR. BULSA: State calls Andy Lawson.

6 The witness, ANDY LAWSON, was first duly sworn and
7 Testified as follows:

8 THE COURT: Mr. Lawson, adjust your microphone, tell
9 us who you are and spell your last name for the court
10 reporter, please.

11 THE WITNESS: I'm investigator Andy Lawson with the
12 Spartanburg County Sheriff's Office. Last name is Lawson,
13 L-a-w-s-o-n.

14 THE COURT: Solicitor?

15 MR. BULSA: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. BULSA

18 Q Detective Lawson, who are you employed with?

19 A I'm employed by the Spartanburg County Sheriff's
20 Office.

21 Q In what capacity?

22 A I'm an investigator with the violent crimes division.

23 Q How long have you been a police officer?

24 A I've been a police officer a little over 20 years.

25 Q How long have you been a detective?

ANDY LAWSON - DIRECT

1 A I've been a detective right about four years.

2 Q How long have you been with violent crimes?

3 A This is starting my third year. Been there two,
4 starting my third year.

5 Q Okay. So were you involved in the investigation of the
6 case of Jeremy Bell?

7 A I was.

8 Q Were you on call that evening?

9 A I was on call.

10 Q Okay. And when you got the call, what did you do?

11 A I notified Sergeant Guffey. I was notified by Sergeant
12 Walsh of the incident, and then I notified Sergeant Guffey
13 of the incident. He advised that he was going to contact
14 Investigators Gaddy and Guess, make them aware and get them
15 to respond.

16 Q Did you respond to the actual crime scene?

17 A I did respond the crime scene.

18 Q And what happened -- what took place when you got
19 there?

20 A Once I got to the crime scene -- Sergeant Guffey
21 actually beat me there. Once I got there he advised that
22 the suspect -- or Mr. Holloway had been in the patrol car
23 and they were going to transport him to the sheriff's
24 office, and requested myself and Investigator Gaddy respond
25 to the sheriff's office to speak with him.

ANDY LAWSON - DIRECT

1 Q So did you do that?

2 A I did.

3 Q Where did you meet with him at in the sheriff's office?

4 A Where did I meet with --

5 Q The defendant.

6 A I met him up in the CID. And we placed him in the
7 interview room there that's equipped with audio and video
8 recording capabilities.

9 Q And during your time with Mr. Lawton, did he make any
10 comments regarding what had occurred at his house?

11 A He did, he made multiple comments.

12 JAMES H. PRICE, III: Your Honor, this is subject to
13 all prior objections.

14 THE COURT: Yes, sir, subject to all prior objections.
15 Go ahead.

16 Q The answer was yes?

17 A Yes, sir.

18 Q And we prepared a video of those comments. Have you
19 reviewed that?

20 A I have.

21 Q And did you initial this disc?

22 A That is my initials.

23 Q Okay. Now, Mr. Holloway was at the sheriff's office
24 for about how long?

25 A He was at the sheriff's office about two and a half --

1 a little over two and a half hours.

2 Q And was he in the room the majority of that time?

3 A Yes, sir.

4 Q Now, this is just an eight minute video; is that right?

5 A Absolutely.

6 Q Is this the substance of what he told you?

7 A Yes, sir.

8 Q Was it a narration by him to you of what happened?

9 A Yes, sir.

10 MR. BULSA: Your Honor, the State would move 63 into
11 evidence and request to publish to the jury.

12 JAMES H. PRICE, III: Again, subject to our objection
13 and with the understanding this is their version.

14 THE COURT: I understand. Over objection of the
15 defense.

16 (The disc was received as State's 63 and was played for
17 The jury.)

18 Q Okay. And you didn't ask him any questions during
19 that, did you?

20 A No, sir.

21 Q He just voluntarily told you what we just witnessed?

22 A Yes, sir. He was talking on his own.

23 MR. BULSA: Thank you. That's all I have.

24 JAMES H. PRICE, III: Your Honor, we intend to cross
25 examine this gentleman, but as the Court knows we need time

1 to look at the remaining part of this tape.

2 THE COURT: Yeah. Mr. Foreman, ladies and gentlemen
3 of the jury, we're going to break early for lunch today.
4 We've got -- lawyers, I say we, the lawyers have got some
5 stuff they've got to do. Some of this equipment, sometimes
6 we have to make some changes, anyway it's going to take
7 probably 20 minutes or so, maybe even 30 minutes to do
8 that. We're hoping in our new courthouse that you've read
9 about and that we're excited about that we won't have all
10 of this changing back and forth, it will flow seamlessly,
11 but we don't have it yet but we are so looking forward to
12 it. But with that we're going to break early. We're going
13 to come back from lunch at 1:00 today. So it is 11:10,
14 it's a little early even for me to eat but I have got some
15 work I can do while they're working, and then I'll eat a
16 sandwich myself. But we want to be ready to go at 1:00, so
17 you're getting about a hour and 45 minutes for lunch today.
18 Don't discuss the case, don't talk about it, don't try to
19 learn anything about it, it's certainly not at an end. But
20 they'll be ready to go with the technical things that they
21 need to work on by 1:00, so we'll be ready to go by 1:00.
22 Mr. Foreman, if you'll take your jury out.

23 (The jury left the courtroom.)

24 THE COURT: Investigator, you can leave the stand, you
25 can't talk to anyone about your testimony. And at

1 1:00 p.m. if you don't mind, if you'll come have a seat
2 right there it will be great. Anything from anyone before
3 we recess for lunch and be back at 1:00?

4 MR. BULSA: Do we need to put anything more on the
5 record about the juror that was removed?

6 THE COURT: Anybody want anything on the record
7 anymore about that, Mr. Price?

8 JAMES H. PRICE, III: Excuse me, I'm sorry.

9 THE COURT: He was asking about do I need to put
10 anything on the record about the juror. I made notes but I
11 can, I can do that while we're still on the record. Before
12 we resumed the trial this morning, the bailiff -- Mr.
13 Bailiff advised the Court that Juror Number 193, Jessica
14 Wilbanks, had called in and was unable to continue to
15 serve. She was upset, emotional, crying. She reported as
16 she should but she reported and Ms. Carrie Shaw came around
17 and brought her to the jury room -- an unused jury room
18 here behind the courtroom and I met with her along with
19 three defense lawyers and the State's lawyers, and she was
20 visibly upset. She was crying. She relayed to the Court
21 that she is under, I think, mental health counseling for
22 some issues, and she didn't say what those issues were and
23 it wouldn't be necessary for this. But nonetheless, she
24 relayed she was not able to continue to serve, she was
25 upset. I then allowed any of the lawyers that wanted to to

1 inquire a little, and defense counsel Mr. Chip Price did
2 inquire as to whether she had become visibly upset in front
3 of other jurors or discussed any of her condition with
4 jurors and she said she had not, that she had just sat
5 quietly and was very upset and was trying not to become
6 physically -- didn't want to throw up in the courtroom. So
7 therefore without any objection from the lawyers and with
8 the consent of the lawyers I excused her and I appointed
9 Juror Number 119, Mr. Nolan McCoy as one of the 12.
10 Anybody want to put anything else on the record before
11 that?

12 MR. BULSA: The State had no objection to the removal
13 of the juror.

14 JAMES H. PRICE, III: Your Honor, will the Court
15 consider when we resume at 1:00 bringing the foreman in to
16 the courtroom by himself or in the jury room and just ask
17 him was he aware of any problems or if the juror's illness
18 affected the jury in any manner?

19 THE COURT: Any objection by the State? I don't think
20 it's necessary because the lady said she -- I mean --

21 JAMES H. PRICE, III: And I know that.

22 MR. BULSA: I'm just wary of opening that door to
23 discussion when he goes back in.

24 JAMES H. PRICE, III: But the lady is obviously having
25 mental and emotional issues, if in her mind she did not

1 affect anybody that doesn't really mean that much. I would
2 rather have an objective -- simply just one or two
3 questions of the Court, I have no desire to ask any
4 questions of the juror.

5 THE COURT: I tell you what I can do, I'll see the
6 lawyers at 1:00 and we'll go in this little jury room where
7 we were earlier, and I will get -- Dr. Lo is our
8 foreperson, I will ask Dr. Lo to join us at 1:00, or two or
9 three minutes til, and we'll inquire of Dr. Lo. We will be
10 in recess.

11 (A lunch break was taken.)

12 THE COURT: You can come on back up, but we wanted to
13 get our jury foreperson and have the foreman --

14 JAMES H. PRICE, III: Your Honor, we need to get on
15 the record one minute before we resuming cross examination
16 of Mr. Lawson.

17 THE COURT: All right. Let me question him in the
18 courtroom and then we'll send him back.

19 (The jury foreman entered the courtroom.)

20 THE COURT: Mr. Foreman, come on up, please. I don't
21 like to talk to the jurors unless I'm on the record here.
22 But we released a juror this morning, juror number 193.
23 There was -- she was a little upset and I just didn't know
24 if she had displayed any emotions in the jury room or
25 talked to you or anyone else about anything.

1 THE JUROR: No, sir. She's actually one of the
2 quieter ones. And yesterday she did express that it was
3 her birthday, but other than that nothing else.

4 THE COURT: Yeah. I remember her saying something
5 about her birthday was this week. So other than she didn't
6 discuss any problems that she was having with the jury.

7 THE FOREMAN: No, sir.

8 THE COURT: Thank you, Doctor.

9 (The foreperson left the courtroom.)

10 THE COURT: Anything from the State or the defense
11 about that?

12 MR. BULSA: No, Your Honor.

13 JAMES H. PRICE, III: The defense is satisfied, we
14 thank you for doing that.

15 THE COURT: Yes, sir. I'm going to make this a
16 Court's exhibit as well. This is where her doctor, Jeff
17 Stephens, M.D. sent a letter. Mr. Price, you have a matter
18 before we bring the jury in? Yes, sir?

19 JAMES H. PRICE, IV: Your Honor, we would like to go
20 on the record and let the Court know that this cross of
21 Deputy Lawson will be subject to our earlier objection.

22 THE COURT: Certainly.

23 JAMES H. PRICE, IV: And also we would like to
24 introduce file number 05700, which I believe the Court
25 already has. It is the first part of the recorded

1 interview video of Mr. Holloway. The video itself was
2 broken up into three file numbers, 075700 was part one.

3 THE COURT: Okay.

4 JAMES H. PRICE, IV: And that will only be for the
5 purpose of cross impeachment on it.

6 THE COURT: Okay. It's labeled CH01?

7 JAMES H. PRICE, IV: Yes, sir.

8 THE COURT: CH01, as I recall, has both voice and --
9 has audio and video, and I believe when I tried to view
10 CH02 it was a different camera but only had video.

11 JAMES H. PRICE, IV: That's sounds correct, Your
12 Honor.

13 THE WITNESS: That's correct.

14 JAMES H. PRICE, IV: Your Honor, this is going to be a
15 Court's exhibit for the record in case there is an appeal.

16 THE COURT: Oh, I got you. You want to make that a
17 part of the record for -- if there's an appeal.

18 JAMES H. PRICE, IV: Yes, sir, Your Honor.

19 THE COURT: But you're not introducing it in --

20 JAMES H. PRICE, IV: Not to be introduced for the
21 purpose of the jury, just only for impeachment of
22 Investigator Lawson if necessary on cross.

23 MR. BULSA: I'm confused.

24 THE COURT: Yes, sir.

25 MR. BULSA: How is he going to use it for impeachment

1 purposes?

2 JAMES H. PRICE, IV: Then we won't worry about
3 impeachment, Your Honor.

4 THE COURT: Okay. But you still want it to be a
5 Court's exhibit.

6 JAMES H. PRICE, IV: Yes, sir, Your Honor.

7 THE COURT: Okay.

8 MR. BULSA: May we inquire why so we can argue against
9 it? I don't understand how this is -- I just want to have
10 an understanding of what's going on.

11 THE COURT: Okay.

12 JAMES H. PRICE, IV: Slight change of plan, Your
13 Honor. We won't intend to introduce it, just leave it as a
14 Court's exhibit for purposes of appeal.

15 THE COURT: Okay.

16 JAMES H. PRICE, III: Your Honor, what we're trying to
17 do is to protect our objections to the post-Miranda
18 statements, which the video -- the snip-it of the video
19 that was introduced by the State is part of that, and so
20 all of the record -- the files that you were given are not
21 in evidence. They were just given to you and they were --
22 we need to make sure that they are made a Court's exhibit
23 for the purpose of review at a later point if that becomes
24 necessary.

25 THE COURT: I think I understand more clearly now.

ANDY LAWSON - CROSS

1 But that should be, should it not -- this is all my motion
2 stuff right here, so won't it already be --

3 JAMES H. PRICE, III: It is the same thing that you
4 have but we just want to make it a part of a Court's
5 exhibit for this trial rather than just for the stand your
6 ground motion, but nothing additional than what you have.
7 The second part will be you have it either on a server or a
8 thumb drive, at some point might we have to be put onto a
9 CD, but we can figure that out.

10 THE COURT: Well, why can't -- yeah. Either that
11 or -- but -- well isn't the -- isn't the entire -- all of
12 the discs are in the Court's exhibits, right? They are not
13 the trial but they're in the Court's exhibits.

14 MR. BULSA: I would have to look and doublecheck, Your
15 Honor.

16 (Break in proceedings.)

17 MR. BULSA: Yes, sir. The is the disc that the State
18 introduced in the Jackson v. Denno hearing.

19 THE COURT: Can we just put the whole as a Court's
20 exhibit? Because it was there for motions anyway and that
21 will have -- every file.

22 JAMES H. PRICE, IV: Great.

23 THE COURT: All right. We'll do that.

24 (State's Exhibit No. 4 also marked Court's Exhibit No.
25 8.)

ANDY LAWSON - CROSS

1 THE COURT: Anything else?

2 MR. BULSA: Nothing from the State.

3 THE COURT: Ready to cross?

4 JAMES H. PRICE, IV: Yes, sir, Your Honor.

5 THE COURT: Okay. Let's have the jury.

6 (The jury returned to the courtroom.)

7 THE COURT: Ready to go to work, Mr. Foreman?

8 THE FOREMAN: Yes, sir.

9 THE COURT: Very good.

10 CROSS EXAMINATION

11 BY JAMES H. PRICE, IV

12 Q Investigator Lawson, I just have a few follow-up
13 questions for you if that's all right.

14 A Okay.

15 Q When Mr. Holloway was in the interview room with you he
16 appeared to be intoxicated.

17 A He appeared to be under the influence of alcohol, yes,
18 sir.

19 Q All right. And he was rambling, wasn't he?

20 A He was talking a lot.

21 Q In fact, he was talking so much you didn't have to ask
22 him any questions.

23 A The only questions I asked was his name, things like
24 that, basic information. We didn't ask anything about the
25 incident.

ANDY LAWSON - CROSS

1 Q All right. And from you asking just his name, he
2 was -- he told you everything that was in the video that the
3 State showed.

4 A Yeah. Everything that was in the video he said on his
5 own.

6 MR. BULSA: Your Honor, I have a matter of law.

7 (Bench conference held off the record in the presence
8 Of the jury but out of the hearing of the jury.)

9 BY JAMES H. PRICE, IV

10 Q Investigator Lawson, Mr. Holloway told you that he,
11 being Jeremy, was going to kill his family.

12 A He did, he made that statement?

13 Q And Mr. Holloway even told you that he, Mr. Holloway,
14 wanted to check on his family.

15 A He made a lot of statements. He could have said that,
16 I don't recall directly. He wanted to check on his family.

17 Q Do you remember Mr. Holloway saying anything or showing
18 any concern for his family?

19 A Yeah. He talked about his family a lot, about how he
20 cared for them.

21 Q And that he was worried about them or he wanted to
22 check on them or something to that effect?

23 A He was worried about them, I guess.

24 Q Mr. Holloway -- right before the video that the State
25 showed, right before that video started, and just give you a

ANDY LAWSON - CROSS

1 little idea of what I'm talking about, you were standing in
2 the doorway.

3 A Yes, sir.

4 Q And Mr. Holloway was probably a foot or two away from
5 you?

6 A Yes, sir.

7 Q And right before that, Mr. Holloway told you that he
8 was scared.

9 A He did say he was scared.

10 Q And that's while you were standing there.

11 A Yes, sir.

12 Q And, Investigator Lawson, you were head investigator on
13 this case?

14 A I was titled lead investigator.

15 Q Lead investigator. But head investigator, lead
16 investigator, is there a difference?

17 A Well, in title there is. Lead is basically responsible
18 for getting the case file together and presenting it over to
19 the solicitor's office and having everything together.

20 Q All right. So as lead investigator this case was like
21 your baby. You were in charge of it.

22 A Somewhat, putting the file together, yes, sir.

23 Q And you would direct other people where to go to get
24 evidence.

25 A You would take what they bring to you from where they

ANDY LAWSON - CROSS

1 had been. Sergeant Guffey was on scene, they took care of
2 the crime scene. I was there at the office with Mr.
3 Holloway, and then we collectively get together and I take
4 the file and put it together for the solicitor's office,
5 yes, sir.

6 Q So all of the evidence that was being collected would
7 have come to you.

8 A Not all of the evidence, but the information at some
9 point would have come to me, yeah.

10 Q All right. So a witness statement would have come to
11 you.

12 A Yes, sir.

13 Q Toxicology results or DNA results would have come to
14 you after they were tested?

15 A They should have, yes, sir.

16 Q I show you one thing that's been marked. Let me show
17 you what's been marked as Defendant's Number 11. Do you
18 recognize that?

19 A Not right offhand I don't.

20 Q You've never seen that before?

21 A Not to my -- not to my knowledge.

22 Q Okay. Investigator Lawson, I'm going to show you this.
23 Do you know what that is?

24 A Looks like a deputy report from the incident.

25 Q And is that your report?

ANDY LAWSON - REDIRECT

1 A I've got mine right here, I can check and see.

2 Q All right.

3 A Yes, sir, it looks to be the same.

4 Q And would you like to -- you don't have to read it out
5 loud, but just read the highlighted part.

6 A Okay. Email --

7 Q You don't have to read it out loud.

8 A Oh, I thought you said read it out loud.

9 Q No, you don't have to read it out loud.

10 A I'm sorry.

11 (Break in proceedings.)

12 A Okay.

13 Q Now, is that what was referenced?

14 A Yeah. I recognize the -- Ms. Mario there. This is the
15 email that Jeremy sent that he wouldn't be at work the next
16 day.

17 Q All right. And how did you receive that?

18 A I went out to his employer there at Magna
19 (phonetically) and received that.

20 JAMES H. PRICE, IV: Your Honor, at this time I would
21 like to offer this as evidence as Defendant's Number 11.

22 MR. BULSA: We object, Your Honor. That has no
23 relevance to this case.

24 THE COURT: Let me see it.

25 JAMES H. PRICE, IV: Your Honor, I would argue that it

ANDY LAWSON - REDIRECT

1 is relevant. I can state my reason at the appropriate
2 time.

3 MR. BULSA: Your Honor, also it contains hearsay.

4 JAMES H. PRICE, IV: Your Honor, it is not being
5 admitted for the truth of the matter asserted.

6 (Bench conference held off the record in the presence
7 Of the jury but out of the hearing of the jury.)

8 THE COURT: Defendant's 11 doesn't come in.

9 JAMES H. PRICE, IV: Your Honor, at this time I have
10 no further questions.

11 THE COURT: Anything from the State?

12 MR. BULSA: Just briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. BULSA

15 Q In his time at the sheriff's office, how was the
16 defendant treated?

17 A He was treated with respect and tried to make him as
18 comfortable as we possibly could.

19 Q In fact, you had a short colloquy in there about your
20 name, him telling you something about his sister's name --

21 A Yes, sir.

22 Q -- is that right? And you referenced yourself as just
23 good old Andy when he called you Officer Andy.

24 A Just plain old Andy.

25 Q Okay. This was a narrative that he gave to you, it

ANDY LAWSON - REDIRECT

1 wasn't result of any questioning?

2 A We did not question him about the incident.

3 Q Okay. And you can't get into the reasons why, but the
4 defendant volunteered this information on his own.

5 A He did.

6 Q So there was no coercion.

7 A No, sir.

8 E. POWERS PRICE: Objection, leading, Your Honor.

9 THE COURT: Yes, sir. Anything further from the
10 defense?

11 JAMES H. PRICE, IV: Just one follow-up question, Your
12 Honor.

13 MR. BULSA: Wait a minute, was that objection
14 sustained?

15 THE COURT: Yeah, I said you were through.

16 MR. BULSA: I was going to ask it another way.

17 THE COURT: Oh, you got something else?

18 BY MR. BULSA

19 Q Did anyone coerce the defendant?

20 A Nobody coerced him.

21 MR. BULSA: Thank you.

22 THE COURT: Okay. Yes, sir?

23 RE CROSS EXAMINATION

24 BY JAMES H. PRICE, IV

25 Q Investigator Lawson, Mr. Holloway was at the sheriff's

1 office. He was -- isn't it true that he was in handcuffs
2 and leg irons?

3 A Yes.

4 JAMES H. PRICE, IV: All right. Thank you.

5 THE COURT: Officer, you may step down, please be
6 careful.

7 MR. BULSA: Your Honor, the State would rest at this
8 time.

9 THE COURT: State rests. Mr. Foreman and ladies and
10 gentlemen of the jury, the State has now rested its case.
11 That means that the State does not intend to call anymore
12 witnesses or present any other evidence in what's known as
13 its case in chief, okay? That's its main case. At this
14 point I have to take up what's called a matter of law, and
15 as I told you earlier that has to be taken up outside of
16 your presence, I have to hear certain matters of the
17 lawyers at this time. This is going take about ten or 12
18 minutes, something like that, maybe 15 minutes, and then
19 we'll resume the trial. While we're in your break right
20 there please don't discuss the case. Mr. Foreman, you can
21 take your jury out.

22 (The jury left the courtroom.)

23 THE COURT: Matters from the State at this point?

24 MR. BULSA: No, sir.

25 THE COURT: Okay. Matters from the defense?

1 JAMES H. PRICE, III: Yes, sir, Your Honor. At this
2 point with most respect I would make a motion for a
3 directed verdict on a number of grounds. The first one
4 would be that the Court failed to grant immunity to the
5 defendant in the initial hearing when the evidence clearly
6 showed that -- or when he met his burden of proof to
7 receive such immunity according to the law and testimony.
8 The second would be the Court allowing the use of
9 post-Miranda video tape statements of the defendant, which
10 we have objected to throughout the course of the trial and
11 preserved our objection the same. We would further move
12 for a directed verdict in that there is no evidence of
13 malice aforethought on the part of the defendant. We would
14 further move for a directed verdict on the ground that the
15 State did not prove the absence of self-defense. In fact,
16 the State through its video offered evidence of
17 self-defense. I believe that would be it, Your Honor.

18 THE COURT: Solicitor?

19 MR. BULSA: Your Honor, thank you. The ground one and
20 two, Your Honor has already ruled on and stand by previous
21 arguments of the Court's rulings. Ground number three,
22 there is no malice aforethought. Your Honor, as you know
23 malice doesn't have to exist for any appreciable time, and
24 the number of stab wounds suggest malice in and of itself.
25 And number four, also the fact that he had to go get the

1 knife from the kitchen and come back to the living room to
2 commit the act. Ground number four, we did not prove the
3 absence of self-defense, we used the video, it was just the
4 opposite, respectfully disagree. The video shows that his
5 story is not consistent with any of the evidence at the
6 scene, and that's where we're using inconsistency and lack
7 of evidence to defeat his claim of self-defense.

8 THE COURT: As to the directed verdict motion on all
9 four grounds, and I'll go through them, but the directed
10 verdict motion by the defense is denied. The Court must
11 view the evidence in the light most favorable to to
12 non-moving party, which is the State of South Carolina.
13 And as our Court of Appeals has said, and I will read from
14 it, I believe it's State vs. Gaster at 349 South Carolina
15 545, "In ruling on a directed verdict motion at trial the
16 Court is concerned with the existence of the evidence, not
17 the weight of the evidence. On the failure to grant
18 immunity where the defense alleges that the defendant
19 established he was entitled to that, this Court found that
20 he failed two parts of the test by failing by a
21 preponderance of the evidence, which is the standard noting
22 that the physical evidence and his explanation were not
23 plausible. Also this Court previously ruled on the Miranda
24 issues in the Jackson v. Denno hearing and found that they
25 were voluntary and that they were statements, and they were

1 not in response to questions and they were not in response
2 to conduct by law enforcement officers either, and everyone
3 here knows that we've all viewed those videos and seen
4 those videos. As to the no evidence of malice
5 aforethought, the Court disagrees with that as well in that
6 at the very early stage, and I noticed that everyone kind
7 of stayed way from it, but at the very early stage the
8 bartender, I think her name was Christina -- yes,
9 Christina, testified that the defendant as he walked from
10 the fire towards her car commented on the defendant being
11 an a-hole. And also as the solicitor pointed out, the
12 number of stab wounds themselves, had to go get the knife.
13 And there's has been some alluding to, although very little
14 testimony, about the events that were in Charlottesville
15 about that time and so forth. So again, the Court denies
16 that. And as far as the State not being able to disprove
17 the self-defense, that is a question of fact. The
18 inferences and the facts -- the facts are what they are,
19 but the inferences are contradictory to each other. But
20 that is a question of fact and that is why we have a finder
21 of fact. So for those reasons the defense directed verdict
22 is denied. Other motions?

23 JAMES H. PRICE, III: No, sir.

24 THE COURT: Anything further?

25 MR. BULSA: No, sir.

1 THE COURT: While the jury is out, do I need to
2 undertake any kind of a colloquy with the defendant?

3 JAMES H. PRICE, III: Yes, sir. Come around,
4 Mr. Holloway. We have, of course, represented Mr. Holloway
5 since shortly after his arrest. We have spent a lot of
6 time with him going over evidence, explaining his
7 constitutional rights as far as trial testimony and the
8 like. We have thoroughly prepared him to testify. We have
9 explained the pros and cons of testifying. I think the --
10 I don't think there's any doubt that he does not understand
11 what his rights are, that he has the right to testify if he
12 chooses, or doesn't have to testify if he chooses. We have
13 discussed that with him, again, several times this week. I
14 would like the Court to inquire from him at this point
15 because we have told him the decision is his, it is not
16 ours to make.

17 THE COURT: All right.

18 (The defendant was duly sworn.)

19 THE COURT: Sir, you are Mr. Lawton Leroy Holloway?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Mr. Holloway, I'm going to ask you to
22 speak a littler louder, she is recording --

23 THE DEFENDANT: Yes.

24 THE COURT: Thank you. She has to be able to capture
25 your voice. Sir, at this time I want to explain your

1 rights about testifying or not testifying. We have reached
2 the stage of this trial where you may present a defense.
3 You have the right to claim protections given to you by the
4 5th Amendment to the Constitution of the United States
5 which says in part, no person shall be compelled in any
6 criminal case to be a witness against himself. You also
7 have the right to claim protections given to you by Article
8 1, Section 12 of our South Carolina Constitution which
9 states in part, no person shall be compelled in any
10 criminal case to be a witness against himself. Sir, this
11 means that you cannot be required to testify. You have the
12 right to testify on your own behalf but no one can make you
13 do so. This is a personal right and no one can waive this
14 right except you. If you decide to testify you will be
15 subject to the same rules that govern other witnesses, and
16 you may be examined and cross examined on any relevant
17 issue. Additionally if you have convictions involving
18 dishonesty or a false statement, or for crimes punishable
19 by imprisonment for more than one year, and this Court
20 determines the probative value of admitting the evidence
21 outweighs its prejudicial effect, the solicitor will be
22 able to introduce your record to attack your credibility.
23 If you decide to testify the decision must be freely,
24 intelligently and voluntarily made with the knowledge of
25 the protections given to you by the constitutions of our

1 United States and of this state. If you decide not to
2 testify I will tell the jurors, I will instruct them, that
3 they cannot give the fact that you did not testify any
4 consideration, and that there will be no prejudice to you
5 because you did not testify. Sir, it is entirely your
6 decision as to whether or not you decide to testify. You
7 must understand these rights. Do you understand what I've
8 told you?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you have any questions about what I
11 have explained?

12 THE DEFENDANT: No, sir.

13 THE COURT: Have you discussed with your lawyers, you
14 have three, have you discussed with them whether or not you
15 should or should not testify?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And do you wish to talk to them any
18 further about this important matter?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Please do.

21 (A recess was taken.)

22 THE COURT: Sir, if you will come back around. Sir,
23 did you get your questions answered?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: What is your decision, to testify or not

LISA WOOD - DIRECT

1 testify?

2 THE DEFENDANT: Not.

3 THE COURT: Not testify. And that's your decision?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: No one forced you, threatened you or
6 coerced or talked you of it or anything of that matter.

7 THE DEFENDANT: No, sir.

8 THE COURT: Thank you, sir, you may be seated.
9 Anything else from the State or defense before we bring
10 the jury?

11 JAMES H. PRICE, III: No, sir.

12 THE COURT: Ready to go? We will have the jury.

13 (The jury returned to the courtroom.)

14 THE COURT: Yes, sir, Mr. Price?

15 JAMES H. PRICE, III: Your Honor, we would call Ms.
16 Lisa Wood to the stand, please.

17 The witness, LISA WOOD, was first duly sworn and

18 Testified as Follows:

19 THE COURT: Ma'am, tell us who you are again and spell
20 your last name for the court reporter, please.

21 THE WITNESS: Lisa Wood, W-o-o-d.

22 THE COURT: Thank you. Yes, sir?

23 DIRECT EXAMINATION

24 BY JAMES H. PRICE, III

25 Q Mrs. Wood, you are the same Lisa Wood to testified

LISA WOOD - DIRECT

1 yesterday.

2 A Correct.

3 Q Who had lived with Roy -- excuse me, Lawton Holloway
4 for ten years prior to August of 2017.

5 A Yes.

6 Q Now, you were present when we played the 911 tape which
7 is listed as Defendant's Number 1, weren't you?

8 A Yes, sir.

9 Q And you listened to it?

10 A Yes.

11 Q That was your voice on that tape, wasn't it?

12 A Yes.

13 Q And that was your telephone call, wasn't it?

14 A Yes.

15 JAMES H. PRICE, III: Your Honor, I would offer
16 Defendant's Exhibit 1 as evidence.

17 THE COURT: Offer --

18 JAMES H. PRICE, III: Defendants Exhibit 1. It was
19 marked for identification, it was not offered into evidence
20 yesterday, I'm doing that today.

21 THE COURT: Any objection?

22 MR. BULSA: No, sir. I thought it was already in.

23 THE COURT: Defense 1 is now in if not already.

24 (The 911 call was received as Defense 1.)

25 JAMES H. PRICE, III: That's all that I would have of

LINDSEY MITCHELL - DIRECT

1 this witness.

2 THE COURT: Solicitor?

3 MR. BULSA: No questions.

4 THE COURT: Ma'am, you may step down, please be
5 careful.

6 JAMES H. PRICE, III: May she be excused?

7 THE COURT: Any objection?

8 MR. BULSA: No, sir.

9 THE COURT: Ma'am, you may stay or go, whichever you
10 choose.

11 JAMES H. PRICE, IV: Defense calls Lindsey Mitchell.

12 The witness, LINDSEY MITCHELL, was first duly sworn and

13 Testified as follows:

14 THE COURT: Ma'am, pull that microphone a little
15 closer to you and tell who you are and spell your last
16 name, please.

17 THE WITNESS: My name is Lindsey Mitchell,
18 M-i-t-c-h-e-l-l.

19 THE COURT: Thank you. Yes, sir?

20 DIRECT EXAMINATION

21 BY JAMES H. PRICE, IV

22 Q Good afternoon, Ms. Mitchell, how are you?

23 A Good, how are you?

24 Q Good, thank you. Where are you currently employed?

25 A South Carolina Law Enforcement Division.

LINDSEY MITCHELL - DIRECT

1 Q And how long have you been employed there?

2 A I guess it will be four years in June.

3 Q And what is your position there?

4 A I'm a forensic toxicologist.

5 Q And what are your -- as a forensic toxicologist, what
6 are your official duties?

7 A Forensic toxicologist, we analyze bodily fluids such as
8 blood or urine for the presence of or absence of things such
9 as alcohol or other drugs and poisons.

10 Q And what does it take to become a forensic
11 toxicologist?

12 A I have two bachelor degrees, one in chemistry and one
13 in forensic science, as well as a Master's Degree in
14 Forensic Science. That's fairly typical.

15 Q Do you require any certain certifications?

16 A It's not required, no.

17 Q But do you hold any certifications?

18 A I do not.

19 Q Do you have to do any ongoing training?

20 A Yes.

21 Q All right. How often?

22 A We have to be proficiency tested at least once a year.

23 Q And what does that mean?

24 A We're given a sample from an outside company to test
25 and there's a known result that we have to be within a

LINDSEY MITCHELL - DIRECT

1 certain percent of.

2 Q And approximately how many analysis have you done.

3 A Probably near a thousand at this point, a thousand
4 cases.

5 Q And have you ever testified as an expert witness
6 before?

7 A Yes, I have.

8 Q And what type of expert witness?

9 A I was qualified as an expert in forensic toxicology.

10 JAMES H. PRICE, IV: Your Honor, at this time I would
11 like to certify Ms. Mitchell as an expert witness in
12 forensic toxicology.

13 THE COURT: Any questions from State?

14 MR. BULSA: No, sir, no objection.

15 THE COURT: Without objection, ladies and gentlemen,
16 she is now qualified as an expert as a forensic
17 toxicologist due to her education and experience and
18 knowledge, skill and training. That does not mean you must
19 accept her opinion, give it whatever weight you deem
20 admissible. Yes, sir?

21 JAMES H. PRICE, IV: Thank you.

22 BY JAMES H. PRICE, IV

23 Q When a sample is brought to you, how is it normally
24 received?

25 A When it's received to SLED or our lab in toxicology?

LINDSEY MITCHELL - DIRECT

1 Q Let's start with SLED.

2 A Okay. Now we have a locker system, so when it's
3 brought to SLED they're placed in the lockers and then
4 they're logged in. At this time I think we were without the
5 locker system so they would have sat down with one of our
6 evidence technicians in log-in, placed it in one of our
7 heat-sealed pouches and signed and initialed the date that
8 they entered the evidence. It would have received one of
9 our lab numbers that's a unique number for that piece of
10 evidence for that case, and then it's stays down there until
11 we go to pick it up in a refrigerator.

12 Q And when someone picks up in the refrigerator, what's
13 the proper procedure of logging in?

14 A For toxicology we go down every morning, so one of our
15 technicians will go down and transfer that evidence from one
16 of the technicians. They'll retrieve it from the
17 refrigerator, give it to our technicians who will then start
18 the inventory process in our lab.

19 Q And is a record kept of who's handling the samples?

20 A Yes. It's all part of the chain of custody.

21 Q And when you were -- did you receive any samples in
22 this case?

23 A Yes, we did.

24 Q And when you received it, was there any evidence that
25 that sample has been tampered with?

LINDSEY MITCHELL - DIRECT

1 A No, there was not.

2 Q All right. And what kind of sample did you receive?

3 A We received blood.

4 Q Blood? And did you test this blood?

5 A I personally did not do the testing, but this was my
6 case so I wrote up the report for this one.

7 Q And how was this blood tested?

8 A In this case we did a blood alcohol content test, as
9 well as a ELISA, enzyme linked immunosorbent assay test that
10 would test for drugs. That's our first 12 panel screen, and
11 that's the two tests that it got.

12 Q All right. And whose sample was it?

13 A I believe it was Jeremy Bell.

14 Q All right. And as a result of the test that was done,
15 do you -- what information were you able to gather?

16 A Do you have a copy of the report with you?

17 Q I do.

18 JAMES H. PRICE, IV: Your Honor, I would like to go
19 ahead and mark this for identification purposes.

20 A We determined that there was an ethanol content of a
21 0.217.

22 Q All right. Was there anything in the blood?

23 A Not based on the testing that we performed.

24 JAMES H. PRICE, IV: Your Honor, at this point I would
25 like to move the analysis into evidence as State's

LINDSEY MITCHELL - CROSS

1 Exhibit -- I'm sorry, Defendant's Exhibit Number 12.

2 THE COURT: Any objection?

3 MR. BULSA: No, sir.

4 THE COURT: Without objection Defendant's 12 is in.

5 (The toxicology report was received as Defense 12.)

6 JAMES H. PRICE, IV: Your Honor, at this time I have
7 no further questions. Ms. Mitchell, please answer any
8 questions the State may have for you.

9 THE COURT: Yes, sir. Solicitor?

10 CROSS EXAMINATION

11 BY MR. BULSA

12 Q What does a .217 mean?

13 A In regards to the number or impairment or --

14 Q Let's start with the number.

15 A Okay. So it's 0.217 grams per deciliter. That's
16 comparable to what you might know of 08, the limit for
17 driving that per se limit. So if you can compare it to
18 that, it's that same number, or that same concentration.

19 Q So .217 would be -- I don't understand what you just
20 said. You said it's comparable to a .08?

21 A The concentration, it's on that same scale. So it's
22 about three times higher.

23 Q Okay. That's just the legal limit, .08, right?

24 A Yes. That's just a good reference that people know off
25 the top of their head.

LINDSEY MITCHELL - CROSS

1 Q And how does a .217 effect a person?

2 A So what we would think of as driving a car across the
3 board, there's stuff like your vision is going to be
4 affected, increased reaction time. Depending on a
5 particular person and their tolerance to alcohol, they could
6 be feeling drowsy at this point, decreased inhibitions.
7 You've surpassed the point where most likely where -- more
8 talkative, that's at lower levels. Alcohol is a central
9 nervous system depressant, so the word depressant, it's
10 going to slow down your brain function. For most people
11 once you get to a level of a .217, that depressant effect is
12 going to take effect depending on the tolerance at that
13 point. But, you know -- so that's where the sluggishness,
14 the drowsiness, that could start taking effect at that
15 point.

16 Q The person could have loss of coordinations at that
17 point?

18 A That could potentially.

19 Q Loss of control?

20 A Yes, potentially. It would depend on their tolerance
21 to alcohol at that point.

22 Q Inability to move?

23 A Potentially.

24 Q But you qualified all of your answers with depending on
25 the type of person.

LINDSEY MITCHELL - CROSS

1 A Yes.

2 Q Do you know anything about Jeremy Bell?

3 A I do not.

4 Q Okay. What about him might help you determine how this
5 would effect him?

6 A Honestly, nothing.

7 Q Okay. Why is that?

8 A Because, you know, when you're talking about behaviors
9 like that, you just have to be there. When we talk about,
10 like I said, behaviors, what you think of when driving a
11 car, there's been a lot of studies on that at different
12 levels, so we can talk about that. We've learned about
13 that. But tolerance truly kicks in for individual people
14 when you talk about other behaviors such as -- like learned
15 behaviors.

16 Q So can we really take this number to mean anything?

17 A It depends what you want it to mean. I mean, was he
18 impaired? Yes.

19 Q Yes. Okay. But you don't know how it would have
20 affected his interactions with other people.

21 A Yeah. I mean, it depends on what those interactions
22 would have been.

23 Q You don't know if it would have made him jovial?

24 A It could have.

25 Q Or aggressive.

LINDSEY MITCHELL - CROSS

1 A It depends on the type person he was before. Typically
2 it's not going to outright change your behavior. You could
3 think of it as potentially removing filters. But like I
4 said, it's a depressant, so if anything, that effect is
5 going to outweigh all of those depressive effects, sedation,
6 stuff like that.

7 Q Do you have any idea how many drinks it would take to
8 get to this level?

9 A That would depend on the size of the person, the period
10 of time they were drinking, a lot of factors.

11 Q Okay. I'm just going to ask you this, in your expert
12 opinion if people are drinking together and of an equal
13 amount, can someone drinking with Mr. Bell potentially have
14 had the same level of blood alcohol concentration?

15 JAMES H. PRICE, IV: Objection, Your Honor. That's
16 outside the scope of what she was --

17 MR. BULSA: She's an expert.

18 JAMES H. PRICE, IV: -- qualified as. That's
19 speculation.

20 MR. BULSA: I believe she's an expert, she can testify
21 to that.

22 THE COURT: She's an expert in forensic toxicology.

23 MR. BULSA: Yes, sir. It goes to the level of
24 intoxication of people.

25 THE COURT: She can talk in generalities. I don't

LINDSEY MITCHELL - CROSS

1 think she can talk about Mr. Bell or anyone else in
2 particular.

3 MR. BULSA: Okay. Well, can I ask another way then?

4 THE COURT: Okay.

5 BY MR. BULSA

6 Q If you have two people drinking the same amount, would
7 you expect their blood alcohol to be similar?

8 A Again, it's a lot of factors. Are they male or female?
9 Their body weight. Those are the two main things that we
10 look at before we do a calculation per se. Men and women
11 have different standards that we look at. Typically women
12 have greater body fat and alcohol likes water, it partitions
13 into the water in your body. So we have to take that
14 greater body fat into account for women. And then the size
15 of any individual, man or woman, their weight we have to
16 take into account. So if they're going drink for drink at
17 the same rate it's going to depend on their size and other
18 factors.

19 Q So if they are of similar size it might be similar.

20 A Yeah. If they're of similar size, they're both men and
21 they're going shot for shot per se then it's not going to be
22 exactly the same. If they have similar metabolism, similar
23 everything.

24 Q Could be higher, could be lower, right?

25 A Yes.

SHAWN GOLDEN - DIRECT

1 Q And just so the record is clear, I think your report
2 might speak for itself, there were no other illegal
3 substances in Mr. Bell's body, right?

4 A Not that we tested for. We do have a more
5 comprehensive screen that we did not perform in this case,
6 but this 12 panel of drugs that we performed it was
7 negative.

8 Q And, of course, alcohol is not an illegal substance.

9 A No. Not for someone over the age of 21.

10 THE COURT: Anything at all?

11 JAMES H. PRICE, IV: Not from the defense, Your Honor.

12 THE COURT: Ma'am, you may step down, please be
13 careful.

14 JAMES H. PRICE, IV: Your Honor, I would ask that Ms.
15 Mitchell be relieved from her subpoena.

16 MR. BULSA: No objection.

17 THE COURT: Without objection. Ma'am, you may stay or
18 go, whichever you choose.

19 The witness, SHAWN GOLDEN, was first duly sworn and
20 Testified as follows:

21 THE COURT: Sir, tell us your name and spell your last
22 name for the court reporter, please.

23 THE WITNESS: Lewis Shawn Golden, G-O-L-D-E-N.

24 THE COURT: Thank you. Yes, sir?

25 DIRECT EXAMINATION

SHAWN GOLDEN - DIRECT

1 BY JAMES H. PRICE, III

2 Q Mr. Golden, tell us something your about yourself.

3 Let's start off with how old are you?

4 A Forty-seven years old.

5 Q And were you raised in the upstate area?

6 A Yes, Greenville, South Carolina.

7 Q All right. I believe you are -- still might be an
8 athlete?

9 A Yes.

10 Q What sports did you play?

11 A I played football and basketball.

12 Q I think your dad was and is a very famous coach in the
13 upstate?

14 A He's the winningest athletic director in the State of
15 South Carolina and the fourth winningest basketball coach in
16 the State of South Carolina.

17 Q Please tell him hello for me. What do you for a living
18 now?

19 A I own a non-profit, Golden Opportunity charitable and
20 goal setting program. And we go around the schools and do
21 character building programs and school assemblies.

22 Q And how long have you been doing that?

23 A Four years.

24 Q Do you know Lawton Holloway?

25 A Yes.

SHAWN GOLDEN - CROSS

1 Q How long have you known Lawton Holloway?

2 A Since birth. We are cousins, we were raised together
3 and have been very close for a long, long time.

4 Q The fact that you are related to him and are close to
5 him, would that influence your testimony in any means?

6 A No, sir.

7 Q Are you familiar with Lawton Holloway's reputation in
8 the community for either violence or nonviolence?

9 A Very nonviolent.

10 Q And you're sure?

11 A Yes.

12 Q That's his reputation.

13 A Yes.

14 JAMES H. PRICE, III: Answer any questions that the
15 solicitor may have.

16 THE COURT: Solicitor?

17 CROSS EXAMINATION

18 BY MR. BULSA

19 Q How often did you see your cousin?

20 A Quite often, quite often.

21 Q What kind of functions?

22 A Well, in family reunions he was our photographer and
23 I'm over the family reunion. And with my nonprofit he went
24 to a lot of our programs that we've done here in Greenville
25 County and Spartanburg, he was our lead photographer and

SHAWN GOLDEN - CROSS

1 there was several programs where he had a chance to interact
2 with the students. And on top of me speaking to the
3 students about strong character he would always get up there
4 and tell his life testimony and talk about positive ways
5 that he could influence the students in the directions in
6 his life that he's been positive.

7 Q Okay. When did you last see him?

8 A I would say when I last -- we had our last program here
9 in Greenville County, it would be about two years ago.

10 Q Can you give an approximate date?

11 A Spring of 2017.

12 Q Spring of 2017.

13 A Yes.

14 Q You're aware this incident occurred August 31st of
15 2017?

16 A Well, 2016 then, I'm sorry, excuse me. Spring of '16.

17 Q So it would have been spring of 2016?

18 A Correct.

19 Q So you had not seen him for over a year and a half
20 before this incident?

21 A Well, we had our family reunion as well, so that was in
22 August as well too. So it's been I would say periodically
23 once a year leading up to the situation.

24 Q I'm trying to get an understanding of when you would
25 have seen him in relation to this crime. August 31st of

SHAWN GOLDEN - REDIRECT

1 2017.

2 A Well, we did have a family reunion the second weekend
3 in August of that year and so I got a chance to see him then
4 as well.

5 Q You saw him in August of 2017?

6 A Yes. And we had our family reunion, he was our
7 photographer for the family reunion.

8 Q Was he still employed at that time?

9 A Yes, I believe.

10 Q Do you remember when he lost his job?

11 A I apologize, I do not.

12 Q Did you ever drink socially with him?

13 A At our family reunions we did.

14 Q How much would you drink at family reunions?

15 A We were telling stories and playing cards, and
16 everything was laughing social.

17 Q Did you ever see him in an intoxicated state?

18 A Not to the level of what you would say intoxicated.

19 Q So you don't know how he acts when he's intoxicated?

20 A If we were -- I would say laughing and joking. We were
21 at the family reunion and it was more laughing and joking of
22 an intoxication at that level, because both -- the family
23 was kind of having a good time.

24 Q What if his intoxication was above the level of his
25 ability to drive?

SHAWN GOLDEN - REDIRECT

1 A I've never seen him at that stage.

2 Q Never seen him at that stage. Okay. Have you ever
3 been to his house drinking?

4 A No, sir.

5 Q Ever been out to a bar and grill drinking with him?

6 A No, sir.

7 Q Ever stayed out with him until the wee hours of the
8 morning?

9 A No, sir.

10 Q So you don't know how he would act in those situations,
11 do you?

12 A No, sir.

13 MR. BULSA: Thank you, sir. That's all I have.

14 THE COURT: Anything at all?

15 REDIRECT EXAMINATION

16 BY JAMES H. PRICE, III

17 Q Mr. Golden, the questions that you were asked, would
18 they affect in any way your opinion as to the non-violent
19 nature of Mr. Holloway?

20 A No, sir.

21 JAMES H. PRICE, III: That's all I would have of this
22 witness, Your Honor.

23 THE COURT: Anything on that one question?

24 MR. BULSA: No, sir.

25 THE COURT: Sir, you may step down, please be careful.

DERRICK BONAPARTE - DIRECT

1 JAMES H. PRICE, III: We would ask that he be excused.

2 MR. BULSA: No objection.

3 THE COURT: Sir, you may stay or go, whichever you
4 chose.

5 MR. BULSA: May we approach, Your Honor, before this
6 witness comes in?

7 THE COURT: Yeah, sure.

8 (Bench conference held off the record in the presence
9 Of the jury but out of the hearing of the jury.)

10 The witness, DARREN JOHNSON, was first duly sworn and
11 Testified as follows:

12 JAMES H. PRICE, III: Mr. Johnson, step down at this
13 point, there has been an objection to your testimony.

14 MR. BULSA: Your Honor, for the record that's
15 incorrect, there has not been an objection to his
16 testimony.

17 THE COURT: I understand.

18 JAMES H. PRICE, III: Step back outside.

19 The witness, DERRICK BONAPARTE, was first duly sworn
20 And testified as follows:

21 THE COURT: Sir, tell us your full name and spell your
22 last name for my court reporter, please.

23 THE WITNESS: Okay. My name is Derrick Kirk Delong
24 Bonaparte. My last name is spelled B-o-n-a-p-a-r-t-e.

25 THE COURT: Yes, sir, Mr. Price?

DERRICK BONAPARTE - CROSS

1 DIRECT EXAMINATION

2 BY JAMES H. PRICE, III

3 Q Mr. Bonaparte, please speak up loudly and clearly
4 enough, so if you will tell us where you live.

5 A My primary residence is in Greenville, South Carolina,
6 but I also have an apartment here in Spartanburg.

7 Q And what do you do for a living?

8 A I'm a business center manager for Global Tire
9 Manufacturer in Chester, South Carolina.

10 Q And how old are you, sir?

11 A I am 50 years old.

12 Q All right. Do you know Lawton Holloway?

13 A Yes, I do know Lawton Holloway.

14 Q How do you know him?

15 A I have known Lawton Holloway for over 30 years,
16 probably 33 or 34 years. We went to high school together,
17 knew one another in middle school and we have stayed in
18 contact to this very day.

19 Q Do you know people that know Lawton Holloway?

20 A Absolutely.

21 Q All right. Now, are you familiar with Lawton
22 Holloway's reputation in the community for either violence
23 or non-violence?

24 A Yes. He has a reputation of being a non-violent
25 person.

DERRICK BONAPARTE - CROSS

1 Q He is a non-violent person.

2 A Yes, sir.

3 JAMES H. PRICE, III: Would you answer anything that
4 the solicitor would have, any questions?

5 THE WITNESS: Yes, sir.

6 THE COURT: Yes, sir?

7 MR. BULSA: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. BULSA

10 Q Sir, do you know when this incident occurred?

11 A I don't know the exact date but I know a timeframe.

12 Q August 31st of 2017. With that date in mind, when
13 would the last time have been that you would have seen
14 Mr. Holloway?

15 A I've not seen him since he has been incarcerated but
16 I've talked to him very often.

17 Q Talking about from the date of August 31st going back
18 towards, when before August 31st would you have seen him?

19 A I probably saw him maybe a month before then, if not
20 sooner.

21 Q Were you aware he had lost his job?

22 A Yes.

23 Q When did you learn that, sir?

24 A I cannot give you an exact date. But in our
25 conversation I knew that he wasn't working and I knew he was

DERRICK BONAPARTE - CROSS

1 seeking other employment, and I also knew he was looking to
2 do his photography thing even more.

3 Q How was his emotional state?

4 A Roy has always been one that's --

5 Q At that point, sir, the time he lost his job.

6 A He seem to be calm but disappointed, of course, he
7 wanted to work.

8 Q Was he depressed?

9 A I don't know that, I can't say he was depressed but he
10 certainly wanted to work.

11 Q Did he drink a lot?

12 A I can't say what's a lot and what's not a lot.

13 Q You have drunk with him before?

14 A I have.

15 Q Under what circumstances?

16 A Socially.

17 Q And what kind of social events were you --

18 A Well, we would from time to time -- I've been to his
19 house, in fact, we would have a beer or so. Or I've seen
20 him at a place we would frequent sometimes, a place called
21 Kalahari's where we would have a beer or two.

22 Q So you have been to Kalahari's.

23 A I have.

24 Q Did you ever see him intoxicated?

25 A I don't know what he looks like intoxicated.

DERRICK BONAPARTE - CROSS

1 Q So you don't know how he acts when he is intoxicated,
2 do you?

3 A I know that in times that he and I have been drinking
4 together and I've been intoxicated, we would probably drink
5 just as much together, he's never ever been violent.

6 Q My question to you was had you ever seen him
7 intoxicated and you said no.

8 A No. I said I don't know if he was intoxicated or not.
9 I don't know his level of intoxication, I don't know.

10 Q Okay. Well, there has been testimony that he was
11 intoxicated on this day. So you don't know how he acts when
12 he's intoxicated.

13 A I know how he acts when he's drinking, and I've drank
14 with him before. Whether or not he's intoxicated or not, I
15 can't say he was intoxicated. What I can say is that I've
16 seen him drinking, I've been drinking with him, we've drank
17 a lot. Whether or not he's intoxicated or not, I don't
18 know. At the times we're drinking he's never displayed any
19 violent behavior.

20 Q Fair enough. You ever drink with him in the early
21 morning hours at his house?

22 A No.

23 Q You've known him 30 years.

24 A Yes.

25 Q Did you know his wife?

CINDY RANDALL - DIRECT

1 A Tonya.

2 Q Tonya? How about his girlfriend?

3 A Lisa.

4 Q Yes, sir. Did you know anybody at the bar?

5 A I know people that, yes -- do you mean work at the bar?

6 Q Yes, sir.

7 A No, no.

8 Q So you wouldn't know any of the bartenders.

9 A Not by name, no.

10 Q So you've never left the bar and gone back to his house
11 to continue drinking.

12 A No.

13 MR. BULSA: Thank you, sir.

14 THE COURT: Anything?

15 JAMES H. PRICE, III: Nothing further, Your Honor.

16 THE COURT: Sir, you may step down.

17 The witness, CINDY RANDALL, was first duly sworn and
18 Testified as follows:

19 THE COURT: Ma'am, tell us your name and spell your
20 last name, please.

21 THE WITNESS: Cindy Randall, R-a-n-d-a-l-l.

22 THE COURT: Thank you. Yes, sir, Mr. Price?

23 DIRECT EXAMINATION

24 BY JAMES H. PRICE, III

25 Q Ms. Randall, good afternoon, how are you?

CINDY RANDALL - CROSS

1 A Good.

2 Q Good. I need you to speak up loudly and clearly so
3 everyone here in the jury can understand you.

4 A Okay.

5 Q Where do you live, Ms. Randall?

6 A In Spartanburg.

7 Q And how long have you lived in Spartanburg?

8 A Since 1966.

9 Q Are you employed?

10 A Yes.

11 Q What do you do for a living?

12 A I am operations assistant at Salvey (phonetically)
13 Chemical, and then I'm also retired.

14 Q Do you know Lawton Holloway?

15 A Yes.

16 Q How long have you known Lawton Holloway?

17 A Since 2010.

18 Q And how did you become acquainted with Lawton Holloway?

19 A Lawton was my supervisor when I went to work at
20 American Credit Acceptance.

21 Q And how long was he your supervisor?

22 A About six months.

23 Q Do you know Lawton Holloway's reputation in the
24 community for non-violence or violence?

25 A Non-violence.

CINDY RANDALL - CROSS

1 Q Are you sure?

2 A Yes.

3 JAMES H. PRICE, III: Answer any questions that the
4 solicitor would have.

5 THE COURT: Solicitor?

6 CROSS EXAMINATION

7 BY MR. BULSA

8 Q Ms. Randall, when did you work for the defendant?

9 A In 2010.

10 Q That was a credit company?

11 A American Credit Acceptance.

12 Q Okay. And who left that job first?

13 A I did.

14 Q And did you continue to stay in contact with Mr.
15 Holloway?

16 A Yes, off and on through the years.

17 Q How so?

18 A Through texting. If I was wondering how he was doing I
19 would send him a text and he would answer, or if he had
20 something going on if he just wanted to say hi he would send
21 me a text. It wasn't a continuous thing.

22 Q No phone calls?

23 A One time I did call him, because I got a text saying
24 that he had gotten engaged and I called him up and
25 congratulated him.

1 Q Any visits to his house?

2 A No.

3 Q Never go out drinking with him?

4 A On the last day of each month we would work bell to
5 bell, and the entire crew from American Credit Acceptance
6 would go out to celebrate the fact that we'd finished off a
7 month. So we might go out for a drink at one of the local
8 places around town, but nothing lasted more than an hour.

9 Q Right. So you never saw how he acts when he has more
10 than one or two drinks?

11 A No.

12 Q Okay. So you, of course, don't know how he acts if he
13 is intoxicated.

14 A No.

15 MR. BULSA: Thank you.

16 JAMES H. PRICE, III: Nothing further from this
17 witness and ask that she be excused.

18 THE COURT: Ma'am, you may step down, please be
19 careful.

20 MR. BULSA: No objection.

21 THE COURT: No objection. And you may stay or go,
22 whichever you choose.

23 THE WITNESS: Okay.

24 JAMES H. PRICE, III: Your Honor, that would be our
25 case.

1 THE COURT: Defense rests.

2 JAMES H. PRICE, III: Yes, sir.

3 THE COURT: Let me see the lawyers.

4 (Bench conference held off the record in the presence
5 Of the jury but out of the hearing of the jury.)

6 THE COURT: Mr. Foreman and ladies and gentlemen of
7 the jury, the defense has now rested, which means they do
8 not intend to put anymore evidence or testimony before you,
9 and the State has no reply or rebuttal evidence that it
10 intends to call, which means that all of the evidence is in
11 the case that's going to be in the case. All of the
12 evidence is in the case that's going to be in the case.
13 Now, let me tell you where we are, it's about a quarter
14 until 3:00 in the afternoon, it's getting very close to the
15 time for our afternoon break, which is a good solid 15 or
16 20 minute break, it's the only one we take in the
17 afternoon. The lawyers and I have some work to do to get
18 ready for the charges, because the next thing that's going
19 to happen is that the lawyers are going to have a chance to
20 address you in what's called closing statements, and that
21 generally takes from the time they do that, each of them,
22 and then I charge you on the law, it generally takes
23 somewhere in the 90 minute range. Now, that's going to put
24 us right at the end of the day, and I don't like to do
25 that, okay? So here is what we're going to do, we are

1 going to recess this case, let you go home for the evening,
2 be back tomorrow morning ready to work at 9:00 a.m. When
3 you come in tomorrow morning we will have done everything
4 that we need to do, talked about machinery set up -- we're
5 going to continue to work this afternoon on a few things,
6 setting up the courtroom, they'll be collecting their
7 thoughts. But in the morning when we get here you should
8 expect them to immediately begin their closing statements
9 to you, after which I will give you the charge on the law,
10 and then this case comes to you. So you should expect to
11 have this case in your hands tomorrow morning somewhere
12 before 11:00 a.m. Now, we're going to order lunch, so
13 nobody worry about lunch tomorrow. You're not going to be
14 moving your car, it's best to keep everybody together at
15 that point. So we will order lunch tomorrow for you. I
16 think everybody likes lobster, steak -- no. It won't be
17 lobster or steak but it will be good, it will be good. The
18 clerk's office does a really good of getting you -- it will
19 be a boxed lunch, but they'll have that for you. If anyone
20 has -- Mr. Foreman, before we leave, or tomorrow morning,
21 if anyone can tell Mr. Foreman if there is anyone who has a
22 dietary restriction, because generally it's going to be a
23 box from some local eatery. It may be ham -- usually we
24 order like one half of them ham, one half of them turkey,
25 and if somebody just wants vegetable you just take the meat

1 of or otherwise. If anyone has a dietary restriction of
2 some sort please notify your foreman and he'll let me know
3 in the morning because we won't place the order until the
4 morning. It will be a boxed lunch, sweet tea, unsweet tea
5 and water for you to drink, okay? Now, with that, we're
6 going to let you go. You've been very good to be on time
7 and I appreciate that and please do that tomorrow so we can
8 get this case to you. Don't talk about the case, don't try
9 to do any research on the case, but it's coming to you in
10 the morning. Mr. Foreman, if you'll take your jury.

11 (The jury left the courtroom.)

12 THE COURT: Any matters from the State?

13 MR. BULSA: Not regarding that. I do have some jury
14 charges.

15 THE COURT: Let's see if we've got any matters from
16 the defense? Renewing all motions?

17 JAMES H. PRICE, III: Renewing all motions on the same
18 grounds, Your Honor.

19 THE COURT: You are protected, they are denied for the
20 same reasons heretofore enunciated by the Court, but you
21 are protected. Anything further on the record?

22 JAMES H. PRICE, III: I'm assuming that we're going to
23 work on charges?

24 THE COURT: As soon as we go off the record we're
25 going to go back here and talk.

1 JAMES H. PRICE, III: We have discussed with our
2 client possible charges of murder, manslaughter. At one
3 time he professed that he did not want manslaughter. I
4 need you to --

5 THE COURT: Sir, you were previously sworn, come on
6 around and stand with your lawyer.

7 JAMES H. PRICE, III: I don't know what else to say,
8 Your Honor. I'll say more clearly for the record, we've
9 talked about Mr. Holloway about jury charges, what they
10 are, what possible jury charges the Court would give after
11 a trial such as this. We told him that in all likelihood a
12 manslaughter charge would be sent to the jury if requested
13 by Mr. Holloway. We have been told on numerous occasions
14 that he did not want us to request a manslaughter charge.
15 We have explained that if he did not request a manslaughter
16 charge it's basically all or nothing on murder and I would
17 like the Court to make sure that Mr. Holloway -- to confirm
18 that I've explained this to him and determine his wishes.

19 THE COURT: Mr. Holloway, you were previously sworn.
20 You've heard what your lawyer told me.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: It's up to the Court to decide what to
23 charge the jury but I can take that certainly into
24 consideration. Are you asking that a manslaughter charge
25 be charged or not be charged?

1 THE DEFENDANT: Not to be charged.

2 THE COURT: So your preference, if you were to have a
3 vote, would to be it's all or nothing on the murder.

4 THE DEFENDANT: Yes sir.

5 THE COURT: Mr. Price and Ms. Price and Mr. Price have
6 all explained that to you?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: You've had plenty of time to talk with
9 your lawyers?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you don't have any questions about
12 your decision?

13 THE DEFENDANT: No, sir.

14 THE COURT: That's what you want the Court to do.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. Thank you, sir. Do we need to
17 be on the record for anything else? We're going to go talk
18 jury charges.

19 MR. BULSA: No, sir.

20 THE COURT: Okay. We'll be off the record. We're
21 going to be in recess until 9:00 tomorrow morning.

22 (Court recessed for the day and resumed at 10:10 a.m.,
23 On Friday, March 15, 2019.)

24 THE COURT: Anything we need to put on the record
25 before we bring the jury in from the State or defense?

CLOSING ARGUMENTS

1 MR. BULSA: Just that the defense agrees that
2 voluntary manslaughter is appropriate.

3 JAMES H. PRICE, III: We object to voluntary
4 manslaughter but we understand the Court's decision --

5 THE COURT: Yes, sir.

6 JAMES H. PRICE, III: -- that it will apply but we do
7 not agree with it.

8 THE COURT: And I'll do that at the end if you want to
9 put that and I'll address it then. All right. We'll have
10 the jury.

11 (The jury returned to the courtroom.)

12 THE COURT: Good morning, ladies and gentlemen. Any
13 issues with the jury before we begin?

14 THE FOREMAN: No, sir.

15 THE COURT: Very good. Ready, gentlemen?

16 MR. BULSA: Yes, sir. Good morning, ladies and
17 gentlemen, sorry for the delay this morning. Fourteen
18 times. Fourteen. You saw the diagram. You saw a diagram.
19 You saw a picture of him laying on the ground. You saw
20 blood on the wall. I can't show you his actual body in
21 color, can't show you the wounds. The doctor described the
22 depth of those wounds. You saw the weapon that inflicted
23 those. I submit to you that that alone is malice. But
24 there's more. Jeremy Bell was visiting at the invitation
25 of friends. The doctor testified that in his expert

CLOSING ARGUMENTS

1 opinion he was most likely stabbed first in the back, and
2 then essentially rolled and the wounds just continued
3 across his body. That suggests that he didn't even see it
4 coming.

5 JAMES H. PRICE, III: Your Honor, I would object to
6 improper characterization of the doctor's testimony. The
7 doctor testified that the first stab wound could be a
8 matter of conjecture.

9 THE COURT: Mr. Bulsa?

10 MR. BULSA: Your Honor, I believe the doctor testified
11 that it most likely occurred in the back first and then --

12 THE COURT: Okay. Continue on.

13 MR. BULSA: Okay. You do recall the doctor's
14 testimony. He didn't even see it coming. Somehow he got
15 slammed up against the wall, thrown to the floor and died
16 in that room. Lisa awoke, saw him, checked on him, and
17 what did she hear? Heard him gurgling, essentially dying,
18 bleeding out. Ladies and gentlemen, when we think about
19 this case I want you to go back to that scene and you'll
20 have the photographs that show no struggle, nothing, except
21 against that wall. We gave you pictures of every interior
22 room; the living room, the dining room and the kitchen.
23 The bedrooms are not important because none of the incident
24 occurred there. We had the first officer arrive, she sees
25 a distraught lady in the master bedroom. Who is with her?

CLOSING ARGUMENTS

1 Her three children. The lady of the house is home
2 protecting her children the best she can in the bedroom
3 with the door closed. Officer goes to the main entrance to
4 the house and the door is left wide open. The man of the
5 house is not there. The protector, the defender of the
6 home is not there. The assailant is not there. Flight
7 suggests guilt. The assailant fled the scene. He fled
8 apparently in a hurry because he didn't even close the door
9 behind him. He went into his bedroom and into his bathroom
10 I suggest based on the lighting being on and washed his
11 hands, because when he came back and was taken to the
12 sheriff's office he had no blood on his hands. There was
13 blood on the couch. That suggests he touched the couch at
14 some point as his wife is backing down the hallway,
15 actually his girlfriend, away from him. And then he flees
16 and she protects her children. He doesn't. He doesn't go
17 to try to console her, try to explain to her, he leaves.
18 And the officers go in and they find the victim where he is
19 crumbled in the floor essentially dead, as he is when the
20 EMS comes in behind and checks his pulse, puts the leads on
21 him and no pulse. And the officer goes and checks with
22 Lisa. The defendant then comes back to the scene and
23 contrasts his appearance, his demeanor, with that of his
24 hysterical wife's. You'll have the body camera, that was
25 the purpose of putting it in. You see him walking up. He

CLOSING ARGUMENTS

1 doesn't even tell the officer his name. The officer has to
2 get his name off of his license. He didn't come and say,
3 "Man, that man was just assaulting my wife, he was trying
4 to rape my wife." Look at that. Look at how he responds
5 when he comes back. And his appearance says same shirt,
6 blood on the pants and blood on the shoes, which, of
7 course, alerts the officers that he must have been
8 involved, so they detain him. They take him to the
9 sheriff's office and he gives that narrative of what
10 happens. Now, the knife was left. The knife was obtained
11 in the kitchen which suggests thought, malice aforethought.
12 He went to the Tupperware container where the knives were
13 contained. That's a big knife. It was probably the
14 biggest knife in that container, and he un-sheaths it there
15 because he leaves it on the counter. It appears that he
16 turned the light on because that light was on, no light on
17 in the living room. And then he comes back to where
18 Mr. Bell was. We don't know exactly what Jeremy Bell was
19 doing, we don't have that full description because Lisa was
20 asleep. You might wonder why was he still there. Lisa
21 said when she went to sleep that Jeremy and the defendant
22 were still talking. She said that she recalls them going
23 out towards the front porch. Maybe they continued their
24 conversation. Maybe Jeremy realized he was too drunk to
25 drive and laid down on the floor to go to sleep. I don't

CLOSING ARGUMENTS

1 know. Maybe he got stabbed in the back, jumped up and got
2 slammed against the wall and got stabbed as he came down on
3 the floor. The defense will argue .21 means he was
4 aggressive, that he was posing some danger. He's a pretty
5 big guy, weighs more -- weighed a little bit important than
6 Mr. Holloway. They were of similar height. If he were
7 aggressive, don't you think there would be some mark on
8 Mr. Holloway? Mr. Holloway had no injury. If Jeremy was
9 in such a mind-set of trying to rape or hurt or kill,
10 wouldn't you expect to see some sort of overturned
11 furniture? At least some items knocked off of the coffee
12 table. Nothing out of place except those items against the
13 wall where his body fell into it and he fell on top of
14 them. Mr. Bell didn't fight. Mr. Bell couldn't flee. The
15 defense asked Dr. Wren about this phenomenon of flight to
16 flee, fight or flight, whatever. Mr. Bell didn't do either
17 of those because I submit to you he was apparently
18 ambushed, he didn't fight back at all. But the
19 solicitor -- the defendant told his girlfriend when she
20 asked him -- remember her testimony. I recall her saying
21 that when she grabbed him and shook him by the shirt that
22 that's what he said, "He was trying to rape you. He was
23 trying to hurt you." It's probably the first thing he
24 thought of to justify what he had just done because he
25 never said that again. That's why we put his statement in,

CLOSING ARGUMENTS

1 the narrative that he gave to plain old Andy. Remember
2 that? Andy Lawson. How many times does he repeat himself
3 about it happening in his own house, about the -- saying
4 Jeremy was going to kill his family, was going to hurt his
5 family? How many times did he repeat that he tried to wake
6 Lisa up, he shook Lisa? He was using gestures in the video
7 like Lisa used in court. Lisa went up to him and shook
8 him, "What did you do?" Screaming. Her screams woke up
9 the children, the defendant's screams didn't. He says he
10 tried to wake her, "Lisa, we're in trouble. Lisa, we're in
11 trouble." Not, "Lisa, he's trying to rape you." Never
12 says that word again. I submit to you because he forgot
13 because it didn't happen. There's no evidence to support
14 it, and Lisa's own actions suggests that she didn't believe
15 it either. She got away from him, wouldn't let him come
16 down the hall, called 911. "I'm confused. Lawton said
17 this. I don't know." Don't you think if a 6'1", 283 pound
18 man was trying to assault her in some fashion she would
19 have felt it? If her husband, boyfriend, whatever they
20 call themselves, shook her multiple times like Mr. Lawton
21 says he did she would have woke up. That didn't happen.
22 He said it did but Jeremy didn't do anything. Jeremy made
23 the mistake of going over to some friend's house and
24 drinking with them. The defense brought out the fact that
25 Mr. Lawton had been drinking. Mr. Lawton had been drinking

CLOSING ARGUMENTS

1 at the birthday party. Mr. Lawton had been drinking at the
2 bar. Mr. Lawton had been drinking at the home, and he
3 continued to drink as Lisa went to sleep. Jeremy had one
4 drink, I believe Christina said, and then he drank at the
5 home. So this number .21, I don't know if it's magical or
6 not, it's almost three times the legal limit of driving.
7 That's important. Jeremy probably felt it himself and
8 didn't drive and wanted to just sleep it off. But it also
9 suggests that if he was that high the defendant could have
10 been that high as well. This is a sad case where alcohol
11 made somebody do something, that as his good character
12 witnesses said, essentially they said when he's sober he's
13 fine, he's non-violent, but they never saw him intoxicated.
14 They never saw how he would act that early in the morning
15 after drinking that much. Because we all no he's violent
16 when he's drunk because he showed it 14 times. Probably
17 one of the best witnesses is Christina Cormican. She
18 didn't have a dog in this fight. She was a bartender at
19 Kalahari's, said how Lawton was irritated at the bar,
20 seemed upset. Talked about how each had the drink. She
21 wasn't drinking that night. She went over to see the house
22 and see the creek and see if maybe her boys could go over
23 there some time because she and Lisa had gotten to be
24 friends. She goes over there and gets her some fried
25 chicken, she'd been working, she got a meal. Good for her.

CLOSING ARGUMENTS

1 Went down to the creek with them and spoke with Lisa, it
2 starts to rain, it's getting early in the morning and she
3 wants to go home because she knows she has got to go to
4 work. She's walking up the hill and who happens to walk
5 with her? Mr. Holloway. Of course, Mr. Holloway comments
6 to her how some people like to be jerks. She said the word
7 out loud in court when the defendant called the victim --

8 E. POWERS PRICE: Objection, Your Honor, to the term
9 victim.

10 THE COURT: Decedent.

11 MR. BULSA: The man with 14 stab wounds, that's what
12 he called him. That shows his mentality, what he was
13 thinking about. Lisa got teary-eyed up in court herself --
14 I mean, excuse me, Christina. She has nothing to gain.
15 Remember Mr. Holloway's statement to Investigator Lawson?
16 How many time did he say, "You need to talk to the girl
17 from the bar, she was afraid of him too." At least two
18 times, probably three times that he says, "You need to talk
19 to the girl from the bar, Christina." Christina wasn't
20 afraid of him. He walked her out to the car after closing
21 up, he helped her close up. He'd been known to do that out
22 of kindness. He was a nice guy. She had no problem with
23 him. She wasn't afraid of him. In the same vein the
24 defendant said that Lisa was afraid of Jeremy. I asked
25 Lisa if she was afraid of Jeremy, Lisa testified she was

CLOSING ARGUMENTS

1 not afraid of Jeremy. On the 911 call she's asking about
2 Jeremy's welfare, "Please tell me he's okay. Please tell
3 me he's okay." Ladies and gentlemen, the defendant is
4 charged with the crime of murder, which is the killing of
5 another person with malice aforethought either expressed or
6 implied. Malice is sort of an evil mind, a mind bent on
7 mischief, something where somebody is intending to do harm.
8 The judge will explain the law to you. Aforethought means
9 the malice has to exist in your mind at least at the time
10 of the fatal blow. I shared with you the descriptions of
11 malice as I walked you through the facts. I submit to you
12 that the crime of murder did happen. The defendant is
13 guilty of murder. We don't have to prove why he did it.
14 We don't have to prove a motive, because sometimes you
15 never do know the motive. We know that Jeremy Bell died at
16 the hands of Lawton Holloway. Lawton Holloway stabbed that
17 man 14 times, many of them deep and almost as deep as the
18 knife is long. I submit to you that he is guilty of
19 murder. The defense will argue that no, no, no, he was
20 acting in self-defense. He was defending Lisa. He was
21 justified. He was defending his home. The Judge will
22 charge you on the elements of self-defense, and it is our
23 burden, it is the State's burden to prove beyond a
24 reasonable doubt that he did not act in self-defense.
25 There are elements of self-defense the Judge will charge

CLOSING ARGUMENTS

1 you on. If all of them exist then, yeah, you could say he
2 was defending himself or his wife or his home. If you
3 don't believe that just one of those elements exist then
4 they have failed and that's not a justification for doing
5 this. Okay. First the defendant has to be without fault
6 in bringing on the difficulty. Let's talk about that one.
7 He was drinking just like Jeremy. They had this discussion
8 we presume because he said they were discussing the
9 Charlottesville issue. Lisa overheard them talking
10 politics. Christina knows that the defendant is upset with
11 Jeremy. With those facts is he without fault in what
12 happened? He was participating in those discussions.
13 Whatever caused him to get riled up enough to stab a man 14
14 times is consideration for you. Another element, he must
15 have been in actual imminent danger of losing his life or
16 sustaining serious bodily injury, or Lisa, or he must have
17 actually believed he was in imminent danger. Jeremy didn't
18 have a weapon. Jeremy didn't fight back. Jeremy didn't
19 throw a blow. The defendant says in his statement that
20 Jeremy essentially came into the house uninvited, because
21 at one point he says that Jeremy went out and he locked the
22 door, but there's no evidence of forced entry. Lisa -- I
23 asked her that question, "Is there any evidence of a
24 break-in? No. That's not true." The defendant says that
25 Jeremy chased him around the house like on a TV show. If a

CLOSING ARGUMENTS

1 6'1" 283 pound man is chasing another man around the house
2 you would have seen some evidence of that. And then I
3 can't even picture if that's going on, how the defendant
4 was able to go all the way into the kitchen and get the
5 knife and come back if the man is chasing him around the
6 house like a television show and then stab him in the back
7 without that man even getting one blow in. I suggest to
8 you that he wasn't in actual imminent danger because
9 there's no evidence that the victim did anything. Another
10 element of his defense is based on a belief of imminent
11 danger, a reasonably prudent person of ordinary firmness or
12 courage would have entertained the same belief. Basically
13 if somebody else was in his position, would they have had
14 the same fear, the same thought process. That goes to
15 common sense. I submit to you that common sense shows no,
16 nobody would have been in fear of Jeremy because he wasn't
17 doing anything. Another is that he had no other means of
18 avoiding the danger. Did he have to strike so many blows?
19 Part of self-defense is the amount of force you use, what
20 force you're trying to combat. He has a butcher knife and
21 stabbed him one, two, three, four, five, six, seven, eight,
22 nine, 10, 11, 12, 13, 14. Now, the Judge will charge you
23 that if you strike one blow you can continue striking until
24 the danger is over. Well, one was enough because Jeremy
25 didn't fight back at all. So I submit to you, ladies and

CLOSING ARGUMENTS

1 gentlemen, the self-defense claim fails. The fact that the
2 defendant fled the house, I suggest to you, also goes
3 towards his claim of self-defense. Because if he was
4 really acting in self-defense defending his family he would
5 have stayed there and continued to protect them and to
6 represent them when the first responders arrived. He would
7 have been there to explain what happened. "I had to do
8 it." No. He walks up and you look at how he's acting and
9 then you listen to the story that he ultimately gave, that
10 is not credible, not shown by physical evidence. Now, also
11 you can consider what's called a lesser-included offense
12 called voluntary manslaughter. I submit to you if for some
13 reason you want to believe at least part of Mr. Holloway's
14 story that Jeremy was doing something, doing something that
15 provoked Mr. Holloway, that provoked Mr. Holloway to the
16 extent Mr. Holloway lost control and acted in a rage that
17 led up to Mr. Holloway stabbing him 14 times, if you find
18 Mr. Bell did something to provoke him and arise the heat of
19 passion, that in legal jargon negates malice. So
20 manslaughter. Voluntary manslaughter is the unlawful
21 killing of another without malice. And the Judge is going
22 to explain to you that without malice upon sufficient legal
23 provocation committed in the heat of passion upon
24 sufficient legal provocation is not to say one way or the
25 other, but it has got two things. So if you believe in

CLOSING ARGUMENTS

1 some way Jeremy Bell must have done something to enrage the
2 defendant to essentially cause his own death, you, the
3 jury, have the prerogative to find the defendant guilty of
4 voluntary manslaughter. I submit to you just as I argued
5 that 14 blows is malice, some people might say 14 blows
6 shows rage, heat of passion, I submit to you that the lack
7 of other evidence -- and remember, the defense asking all
8 of these questions about whether these officers took this
9 blanket, took Lisa's clothes? They're going to say the
10 lack of this police taking that means that they couldn't
11 test him to confirm the rape allegation. I submit to you
12 that the lack of evidence of any struggle, of any fight
13 back suggests that the stabs are more malice than heat of
14 passion. But now that I brought up the lack of collection
15 of that evidence, remember what was going on. Lisa makes
16 the call to 911, Lisa is saying, "Well, Lawton told me that
17 but I'm confused." Does Lawton ever tell the police that
18 Lisa was getting raped? No. And you can listen to that
19 tape, and many times he repeats himself about what he
20 claimed happened that we know couldn't have happened, he
21 never says the word rape. So there was no reason for the
22 police to have any reason to go back and get that blanket.
23 It didn't mean anything, and even if it did it doesn't
24 justify what he did. This has been a frustrating case, I
25 know you've been here all week, we apologize. I know there

CLOSING ARGUMENTS

1 has been some legal issues going on that don't concern you.
2 You take the facts as the witnesses have testified and the
3 pieces of evidence that we've introduced and go back, and I
4 submit to you, use your common sense and look at this from
5 your common world experiences. This has been a case of
6 contrast. I've shared a lot of contrast with you. This is
7 the most stark contrast of all. Nothing. Fourteen. Thank
8 you, ladies and gentlemen.

9 THE COURT: Yes, ma'am?

10 E. POWERS PRICE: I have a PowerPoint presentation,
11 I'm not sure if all of the jurors can see.

12 THE COURT: Let me see. Is there anyone who would not
13 be able to see? Okay.

14 (Break in proceedings.)

15 E. POWERS PRICE: Ladies and gentlemen, before I get
16 into the evidence that you've heard and seen this week, I
17 would like to first start by talking about the different
18 burdens of proof that we have in our system in the United
19 States. I know that the solicitor talked with you briefly
20 about those. As you know when we're in criminal court
21 right now, and the burden is the highest than any other
22 court in this county. It is beyond every reasonable doubt.
23 The State must prove to you that Mr. Holloway committed
24 these crimes beyond every reasonable doubt. They also have
25 to disprove that he acted in self-defense beyond every

CLOSING ARGUMENTS

1 reasonable doubt. One step below the burden of proof is
2 clear and convincing evidence. This is what's required in
3 family court to take your children from you. Obviously
4 that is a serious situation and that is a high burden, but
5 this is even higher. One step below that is preponderance
6 of the evidence. You've all seen the scale of justice, the
7 lady blindfolded and she's holding the scales.
8 Preponderance of the evidence is what's required in civil
9 cases, just a slight tipping of the scales, 50.1 percent.
10 One step below preponderance of the evidence is probable
11 cause. This is what's required to get an arrest warrant
12 for somebody. As you can see we are three stages below
13 beyond a reasonable doubt. So, ladies and gentlemen, just
14 because Mr. Holloway was arrested for murder, that does not
15 mean that he is guilty beyond a reasonable doubt. This is
16 a much higher burden that the government must meet. One
17 step below probable cause is reasonable articulable
18 suspicion. This is all that's required for an offer to do
19 any sort of further investigation of somebody out on the
20 street. If they think some sort of criminal activity is
21 afoot they can pat somebody down and look into things a
22 little bit further. And finally is a hunch or a rumor.
23 And that isn't supported by any evidence, it is just mere
24 suspicion, well below beyond a reasonable doubt. Let's
25 start off by getting into the background of our client, who

CLOSING ARGUMENTS

1 we call Roy Holloway, and his girlfriend of ten years, Lisa
2 Wood, who was essentially his common-law wife. Roy lived
3 with her in that house and her three children for ten
4 years. The three children, their names were Keon, DeAndre
5 and McKenzie. Roy loved those children like his own and he
6 supported them financially. If they needed anything he was
7 there for them. He was their father. You heard him on the
8 video with the Investigator Lawson, he said, "My son just
9 had a birthday, we celebrated last night. He called
10 McKenzie his daughter. These were his children. Lisa Wood
11 was essentially his common-law wife. Earlier that evening
12 they did celebrate a birthday. Lisa cooked a nice dinner
13 with fried chicken, they celebrated the child, they had a
14 nice family time. Lisa's mother was there, and there were
15 no problems that evening. And as you heard Lisa and Roy
16 were protective of the children. You heard that Lisa had a
17 rough upbringing. She had been abused as a child and as
18 such she was very protective of her children, Roy was
19 protective of her children. They loved those children very
20 much. They wanted to see the children grow up to live
21 happy, healthy lives, go to college, possibly become
22 parents themselves. They didn't let them just run around
23 the neighborhood. They were very protective and very
24 responsible. You heard Lisa testify that she would expect
25 Roy to protect her and her children, they had been together

CLOSING ARGUMENTS

1 for ten years. They were a family unit. And as you heard
2 this incident did happen in Roy's home while Lisa and the
3 children were all asleep. All of the children were asleep
4 in the back bedroom. We heard from Christina Cormican, the
5 bartender at Kalahari's that night, she stated that Roy was
6 off. And the State wants you to believe that because
7 Christina said that Roy was off, that he acted with malice,
8 with an evil heart and that he killed Jeremy Bell for those
9 reasons. But we know that both Christina and Jeremy still
10 went to his house. He wasn't so far off or terrible to be
11 around that night, why else would they come to his house?
12 We also know that Jeremy stayed after Christina left. So
13 Christina doesn't know what happened after she left. We
14 know that Christina left at 3:00 a.m. We know that the 911
15 call immediately after the incident came in at 6:00 a.m.
16 Christina does not know what happened in those three hours.
17 Christina also said that she never heard any arguments or
18 hostility while she was there. She never testified that
19 Roy and Jeremy ever got into it. There was no tension
20 between the two. Everything was fine. Everyone was having
21 a good time while Christina was there. And the comment,
22 "Why do people have to be such a-holes?" The State wants
23 you to believe that because this comment was made that Roy
24 killed Jeremy because he was an a-hole, and that doesn't
25 make any sense. We know that Roy's background is of

CLOSING ARGUMENTS

1 non-violence. He is a peaceful non-violent family man, and
2 that just does not make any sense. Again, while Christina
3 was there there were no problems. This is an innocuous
4 comment, it came out of left field. Christina didn't know
5 what Roy meant by that. There is no testimony of Roy ever
6 telling Jeremy that he had to leave while Christina was
7 there, everyone was getting along. And again, Jeremy
8 stayed another three hours after Christina left. Jeremy
9 had never been over to Roy and Lisa's house before, and
10 then he stays another three hours after Christina left with
11 just Roy and Lisa with the three kids asleep in the back
12 bedroom. We also heard from Lisa, and she stated that the
13 four of them, while they were at Kalahari's; Jeremy, Roy,
14 Lisa and Christina, they all decided to go to Roy and
15 Lisa's house, but on the way there they stopped by QT and
16 they picked up some more alcohol, some more cigarettes
17 before arriving at Roy and Lisa's house. And as soon as
18 they get to the house Jeremy immediately leaves to go to
19 his house and comes back with two bottles of liquor. By
20 the time the police come and they photograph the scene
21 inside the house, you heard that one bottle was unopened.
22 So Jeremy bought two bottles of liquor, one of them was --
23 he brought a full bottle of liquor over there. He was
24 planning on staying all night, he was having a good time.
25 Why else would you bring an entire bottle of liquor over in

CLOSING ARGUMENTS

1 addition to another bottle? And those meant enough for him
2 to leave and come back. We also know from Lisa's testimony
3 that Lisa was building a fire. Christina and Lisa were
4 talking, Roy and Jeremy were talking. I believe she
5 characterized it as parallel conversations. So Christina
6 did not know what Roy and Jeremy were talking about, Lisa
7 did not know what Roy and Jeremy were talking about
8 specifically. But both of them testified that there was no
9 tension, no conflict, no arguments, none of that was going
10 on. And again, that is why Christina did not know what Roy
11 meant by that comment. Let's talk about Lisa's 911 call.
12 Lisa stated that there were no cell phones lying around so
13 she had to use her son's cell phone from the back bedroom
14 where he was asleep in order to call 911, and Lisa tells
15 the 911 dispatcher right off the bat, "I was in a deep
16 sleep on the couch with a blanket." She also says that
17 Roy, who she calls Lawton, said, "He tried to hurt you. He
18 tried to rape you," right off the bat. And this call was
19 immediately after the incident, Roy was still there, that
20 statement should be believed. Lisa even said that he said
21 it over and over again, "He tried to hurt you. He tried to
22 rape you." She also told 911, again, that dispatcher's
23 name was Matt, she didn't know what was going. She
24 specifically said Roy is so non-confrontational. She also
25 said, "Hurry, where is the ambulance?" Lisa testified that

CLOSING ARGUMENTS

1 it felt like it took forever for the ambulance and the
2 police to arrive. We know that Deputy Malpass was the
3 closest to the scene and it took her 15 minutes to come.
4 Roy, when faced with that threat, did not have a chance to
5 find a cell phone and wait 15 minutes. His family was in
6 trouble and Lisa was in trouble, and he saved them. He is
7 a non-confrontational, non-violent family man who did what
8 he had to do. The State wants you to believe that because
9 Lisa did not feel Jeremy try to rape or her hurt, that
10 therefore that never happened. But what we do we know? We
11 know that Lisa is an extremely deep sleeper. She even
12 testified that the house would burn down and she wouldn't
13 even know it. She said that all of her friends and family
14 joke about that. It's well known, she's a deep sleeper.
15 We also know that she had been drinking for hours, she did
16 not know what was going on. She told dispatchers that. We
17 know that she was so heavily intoxicated that the 911
18 dispatcher, Matt, even asked her if she had been drinking
19 or taking drugs. She had trouble answering very simple
20 questions. The dispatcher, Matt, even asked her, "Is there
21 someone in the house that I can talk to?" We even heard
22 Lisa slurring her words during that call. And the State
23 says that because there is no physical corroboration of any
24 attempted rape or assault on Lisa, that therefore that
25 never happened. But again, we know Lisa is an extremely

CLOSING ARGUMENTS

1 deep sleeper, she was intoxicated, that's why she didn't
2 feel anything. She don't know what was going on. We also
3 know that all the kids were in the back bedroom asleep in
4 the house. We know that police knew from the get-go that
5 Roy said immediately afterwards, "He was trying to rape
6 you. He was trying to hurt you," multiple times based on
7 Lisa's 911 call, and also base on Lisa's statement to the
8 police when they came to the house. The police knew that
9 Lisa was asleep on the couch with a blanket, but they did
10 not take her clothes, they did not take that blanket
11 either. Police saw 14 stab wounds and they chose not to
12 look for any other evidence contrary to what they already
13 had made up in their minds. And they deprived Roy of any
14 scientific defense. We will never know if Jeremy's DNA,
15 hair fibers, or any other potential evidence is on that
16 blanket or on Lisa's clothes because they chose not to take
17 it. They had in their mind murder right off the bat.
18 You've seen the search warrant and you'll have a chance to
19 look at it when you deliberate. At the very top right-hand
20 corner you can see that was signed by a judge at 9:20 a.m.
21 on August 31st. We know that the initial call came in at
22 6:00 a.m. We know that it took responding officers and
23 deputies a long time to get there. We know from the
24 sheriff's office testimony that it takes a little while to
25 get a search warrant. There's a lot of typing, you have to

CLOSING ARGUMENTS

1 present it to a judge. You have to first find a judge to
2 sign it, and it takes a long time to get a search warrant.
3 But at 9 20 a.m. you can see that they have already
4 classified this as a murder. They cannot gather any
5 evidence inside that house without this search warrant. So
6 before they have even gathered any evidence in this case,
7 because they didn't have the search warrant, they have
8 already classified this as a murder. They had that in
9 their heads right off the bat and so they only gathered
10 what supported what was in their head. And you can also
11 see from the search warrant that the judge authorized
12 police to take any and all evidence pertaining to the
13 murder of Jeremy Bell, including other items/evidence that
14 would yield DNA. We heard from deputies saying -- and
15 investigators saying that they are aware that DNA is
16 potentially gathered on any type of surface or clothing and
17 is easily transmitted and transferred. So they could have
18 taken any evidence that would yield DNA. They could have
19 taken clothing. We know that they took Roy's clothing, we
20 know that they took Jeremy's clothing, but they did not
21 take Lisa's clothing. They could also have searched for
22 hair and fabric fibers, which we heard that these are often
23 not seen by the naked eye. That's why you collect them,
24 that's why you send them to a lab, but they didn't do that.
25 Police knew from the get-go that Lisa was asleep on the

CLOSING ARGUMENTS

1 couch with a blanket and there was an allegation of an
2 attempted rape against her. They knew that Roy said, "He
3 tried to rape you. He tried to hurt you," while Lisa was
4 on the couch with a blanket, but yet they didn't take that
5 evidence. And Investigator Lawson told Roy at 9:56 a.m. in
6 the interview room that no decisions had been made
7 regarding this investigation, and he admitted that up on
8 the stand and you'll see that. Yet we know that
9 Spartanburg -- the search warrant was signed at 9:20 and it
10 already listed murder. They had made their decision. And
11 they knew about the attempted rape. Malpass, the first one
12 on the scene, specifically told the children while she was
13 securing the scene and taking the children outside, one of
14 the children, because it was raining, asked, "Can I have
15 that hoodie that's draped over the couch?" And Malpass
16 said, "No, we cannot disturb the scene." But yet police
17 never took Lisa's clothes, they never took the blanket.
18 Graham, Investigator Graham, he's the forensic investigator
19 in this case. He is the lead forensic investigator who was
20 completely in charge of taking all evidence from the scene,
21 he specifically stated, "I never examined the blanket." He
22 said it was not important but he never examined it. We
23 have seen the picture of the blanket on the couch before,
24 this place card number five marking the blood on the couch
25 was put there. So they moved the blanket just to get the

CLOSING ARGUMENTS

1 blood spot, but they did not take the blanket that was
2 right next to the blood spot. And they never even examined
3 the blanket, they never took it, and we will never know
4 whether or not Jeremy's DNA is on that blanket. We also
5 know that by not taking that blanket and by not writing a
6 report saying why that blanket was not important, that
7 violates the Spartanburg County Sheriff's Office own
8 policy. You have also seen this policy and you'll have the
9 chance to look at it later. Under evidence for DNA
10 submission, "First responders must be ever mindful DNA
11 evidence can be collected from virtually anywhere." And
12 whenever photographs or physical evidence," such as that
13 blanket, "is not recovered from the scene of a serious
14 crime against person or property, the crimes scene
15 specialist," meaning Investigator Graham, "shall prepare a
16 report giving a reason why." He didn't prepare a report,
17 he never even examined it. We also heard from Adrienne
18 Hefney, the forensic DNA analyst. She says that she
19 "Analyzes things left behind at a crime scene." She tested
20 everything that she received from Spartanburg County. I'm
21 not faulting her, she tested everything she received from
22 Spartanburg County. If Spartanburg doesn't send it she
23 doesn't test it. She did not receive Lisa's clothes to
24 test for Jeremy's DNA. She did not receive Lisa's blanket
25 to test for Jeremy's DNA. But she did test the blood swab

CLOSING ARGUMENTS

1 from the right sofa cushion right next to the blanket when
2 there was an allegation of rape or attempted rape. The
3 State wants you to believe that because there are 14 stab
4 wounds, that that is evidence of malice or an evil heart or
5 mind. But what do we know? We know from Dr. Wren's
6 testimony that the knife never entered all the way to the
7 hilt. Dr. Wren also testified about fight or flight, and
8 he said, "You either prepare to fight or run like hell."
9 This is the State's own witness. This is real, fight or
10 flight is real, and it happened in this case. We know that
11 fight or flight from Dr. Wren is triggered by a fearful
12 life threatening situation either to you or a loved one.
13 We know that at first your heart rate slows down and then
14 your medulla secretes adrenaline and then your heart rate
15 speeds back up. It also causes tunnel vision and you take
16 care of the threat until the threat is no longer there.
17 And you heard that the State wants you to believe that
18 there was never attempted rape only because Roy never
19 mentioned rape. But we know that by the time Roy had been
20 in that interview with Investigator Lawson he'd been up 24
21 hours. It was 9:00 a.m. He'd been up drinking with Lisa
22 and Jeremy. He was under arrest. He was in handcuffs and
23 he was in leg irons, and you heard that he has a
24 non-violent past. He specifically said, "I'm scared." His
25 feelings are visibly emotional. He was in shock, he had

CLOSING ARGUMENTS

1 just killed a man. And with all of that going on he was
2 still consistent that Jeremy initiated the incident, he
3 never wavered from that, and the State has never introduced
4 anything to the contrary. The State wants you to believe
5 that because Roy said to Investigator Lawson at 9:00 a.m.
6 when he'd been up all night and he'd been drinking and he
7 was tired and he was in shock, that because Roy stated, "He
8 chased me around like a TV show," he said that just one
9 time, that Roy should not be believed right after the
10 incident when he told Lisa, "He tried to rape you. He
11 tried to hurt you." And because he said Christina was
12 scared of him, too. Again, Roy had been up all night
13 drinking, he had no concept of time, and he was visibly
14 shaken up. He was rambling. Investigator Lawson said he
15 was rambling, he was emotional and he was in shock. And
16 what Roy was consistent about was that he told Investigator
17 Lawson and Deputy Marrow on the scene that Jeremy was going
18 to kill his family, he consistently said that. He talked a
19 lot about his family, he was obviously worried about them.
20 We know that Roy is non-violent. Lisa Wood told this to
21 911 that morning, "He is the most non-confrontational
22 person." She also told police she has lived with him for
23 ten years, she knows him. She's been drinking with him
24 before, and she testified that he's never been violent.
25 Shawn Golden said this, Derrick Bonaparte said this, Cindy

CLOSING ARGUMENTS

1 Randall said this. Roy is a non-violent family man who did
2 what he had to do. He saved himself, he saved his family.
3 The State wants you to believe that because there are
4 wounds to Jeremy's back that this is somehow malice. But
5 we know that it was dark in that room. You'll see from the
6 pictures, it was 6:00 a.m. when that call came in, it was
7 still dark. We know that Jeremy had a blood alcohol
8 content of .17. We know that Jeremy was trying to rape
9 Lisa and hurt her. Jeremy was fixated on Lisa. He wasn't
10 paying attention to Roy, and that's how Roy got the better
11 of Jeremy. And we know that fight or flight kicked in.
12 Flight or flight is real from the State's own witness that
13 Roy did what he had to do and he fought until Jeremy was no
14 longer a threat. And I would like to address the diagram
15 of the wounds. The State's witness, Dr. Wren, testified
16 that these numbers don't really meaning anything. That is
17 how he was taught to count the stab wounds to be sure that
18 all were accounted for and there's a system of going from
19 top to bottom and then around. These numbers don't mean
20 anything, and Dr. Wren testified that there is no way of
21 knowing which one came first. The State also wants you to
22 believe that because there was no defensive wounds or no
23 signs of a struggle that therefore there was never an
24 attempted rape and Roy (sic) was never trying to hurt Lisa
25 or the rest of the family. But again, we know that Jeremy

CLOSING ARGUMENTS

1 was focused on Lisa, not Roy. The BAC was .217, and he was
2 stabbed before he had a chance to react. He was completely
3 focused on Lisa, and fight or flight kicked in giving Roy a
4 rush of adrenaline. And he was focused, he had tunnel
5 vision on stopping the threat to his family. We do know
6 that alcohol was involved in this case. Roy, Lisa and
7 Jeremy drank all night. Derrick Bonaparte testified
8 yesterday that he drank with Roy in the past, and he said
9 that they drank too much on occasion, but Roy has never
10 been violent. We don't know how much Jeremy drank after
11 Lisa went to sleep, but we do know that his BAC was a .217,
12 almost three times higher than the legal limit. And we
13 know that Dr. Wren and Lindsey Mitchell testified that
14 Jeremy Bell's blood alcohol content would have caused him
15 to have diminished inhibitions. That explains him going
16 after Lisa. We heard this from Lindsey Mitchell, the
17 forensic toxicologist who confirmed the BAC of .217. She
18 also testified that vision could be affected. That's why
19 Jeremy did not see it coming. He was completely focused on
20 Lisa and his vision was affected by his blood alcohol
21 content. We also know that this number could affect
22 somebody in being drowsy, sluggish, decreased inhibitions,
23 filters removed. Again, he is going after Lisa. And
24 Lindsey specifically stated, "To understand tolerance and
25 behavior, you just have to be there." Roy was there, Roy

CLOSING ARGUMENTS

1 knows what happened. Jeremy was going after Lisa. That's
2 why he stated immediately afterwards, "He tried to rape
3 you. He tried to hurt you." The State wants you to
4 believe that because there are no injuries to Roy that
5 there never was a threat. But Roy does not have to wait
6 until Lisa or himself or his other family members are hurt
7 by Jeremy for him to react and respond to that threat. Roy
8 was in his house and there was an immediate threat to his
9 family. Investigator Stepp even stated that he had no idea
10 how Roy's jeans got ripped. Roy is a non-violent family
11 man who did what he had to do when his family was
12 threatened. And the State also brought out the fact that
13 Roy left the scene, that that's evidence of guilt. But we
14 know that Roy was scared, you can see that on the video in
15 the interrogation room with Investigator Lawson. He was
16 terrified. He was in shock. He'd just killed a man. He'd
17 been up all night, but he came back. And what are the very
18 first words that he says to police when we comes back? "I
19 want to check on my family." The State did not prove that
20 this was not in self-defense, and that is their burden. We
21 know that Lisa called 911 and said multiple times that Roy
22 said, "He was trying to hurt you. He was trying to rape
23 you." This was immediately after the incident. Roy was
24 consistent to Deputy Morrow, "I was protecting my family
25 and my house." Roy was consistent with Investigator

CLOSING ARGUMENTS

1 Lawson, "He was going to kill my family in my house." And
2 there is no evidence that what Roy said was not true.
3 These are the questions that the State must answer. Number
4 one, why did police not take Lisa's clothing or the blanket
5 for fabric fibers, DNA, hair fibers or anything from the
6 couch in their investigation when they knew that they were
7 authorized to do so by a judge in the search warrant, and
8 that there are allegations of an attempted rape and
9 assault? Number two, why did Jeremy Bell plan to stay late
10 at the house, so late if he did not have something else on
11 his mind? He planned to stay late. And which makes more
12 sense? Roy killed Jeremy simply because Jeremy was an
13 a-hole when Roy has no history of violence, and is "The
14 most non-confrontational person?" Or Jeremy tried to rape
15 and hurt Lisa as well as their family, and Roy reacted to
16 the threat when his adrenaline and hormones took control of
17 his response to a 6'1", 283 pound threat? Was the State
18 able to disprove that 14 stab wounds was not the result of
19 flight or fight with huge amounts of adrenaline and
20 hormones being pumped into Roy's system when confronted
21 with the threat to his family? In other words, has the
22 State disproven that this was not an evil heart or not
23 malice? And finally, how did the State disprove
24 self-defense, coming to the defense of another, being Lisa
25 or his family, and defense of the home? They have not