

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Berkeley County

Honorable Diane Schafer Goodstein, Circuit Court Judge

LEE DELL BRADLEY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001325

APPENDIX

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY) IN THE COURT
) OF GENERAL SESSIONS
) 2016-GS-08-1249
 -----)

STATE OF SC)
)
 vs.) TRANSCRIPT OF RECORD
)
 LEE DELL BRADLEY,)
) DEFENDANT
)
 -----)

JULY 11TH - 15TH, 2016
 MONCKS CORNER, SOUTH CAROLINA

B E F O R E:

THE HONORABLE DEADRA L. JEFFERSON

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

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 WILTON H. MCNEELY, ESQUIRE
 ASSISTANT SOLICITORS

DEBRA K. LITTLEJOHN, ESQUIRE
 KEISHA V. WHITE, ESQUIRE
 ASSISTANT PUBLIC DEFENDERS

DENISE LAUDER, RPR
 CIRCUIT COURT REPORTER

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1 * * * MONDAY, JULY 11, 2016 * * *

2

3 THE COURT: Thank you, ladies and gentlemen.

4 The panel is now qualified. Please permit me to share
5 with you some general guidelines for your service this
6 week.

7 By order of Chief Justice, there can be no
8 pagers, cell phones, or other electronic devices in the
9 on position while serving on jury duty. Also, please
10 do not have any interaction with anyone in or about the
11 courthouse. The litigants and lawyers look very
12 different outside of the courtroom than they look
13 inside the courtroom, and we would not want an innocent
14 conversation to be observed or misinterpreted.

15 Please be prompt. It is not fair if we must
16 delay the pleadings because someone is tardy. By the
17 same token, I will tell you in advance that during a
18 lot of this process, you will be waiting on us. Please
19 know that when you're waiting, we are working and we do
20 not take your time for granted.

21 If an emergency occurs at home, work, or
22 otherwise, please make us aware of it so that we can
23 assist you. We don't want you frustrated, needing to
24 go attend to an emergency when in most instances we can
25 render assistance to you.

1 Generally court begins at 9:30. We try to break
2 as close to 5:00 as possible knowing that you have
3 other obligations, both familial as well as work
4 related that you must attend to.

5 If you are not selected today for a jury, you
6 will have to call the jury information line after 6:00
7 each evening to determine if we need your services.
8 The old system required the jurors to come to the
9 courthouse every day. We don't do that anymore.

10 If you are not selected, you'll just have to
11 call the jury information line after 6:00, and we will
12 let you know whether we're in need of your services.
13 So if we don't, you would be able to go about your life
14 as you normally would. Does the defendant wish to have
15 a formal arraignment?

16 MS. LITTLEJOHN: No, Your Honor.

17 THE COURT: Ladies and gentlemen, we are going to
18 select a jury for the case of the State of South
19 Carolina vs. Lee Dell Bradley. That is an indictment
20 for murder. And that indictment alleges as follows:
21 That in Berkeley County, South Carolina, on or about
22 May 20th of 2014 and May 23, 2014, the defendant, Lee
23 Dell Bradley, with malice aforethought did kill and
24 murder France Lawrence by means of stabbing. And that
25 Frances Lawrence did die in Berkeley County as a

1 proximate result thereof on or between May 20, 2014 and
2 May 23rd of 2014, alleging such actions to be a
3 violation of code section 60-3-10 of the South Carolina
4 Code of Laws, alleging those actions to be against the
5 peace and dignity of the State of South Carolina.

6 We are going to go through a process that is
7 called voir dire, which is simply a legal term meaning
8 that I'm going to ask you some questions so that the
9 attorneys can more effectively exercise their
10 peremptory challenges in jury section.

11 If a question applies to you, please stand. And
12 in a loud and clear voice, give me your name, your
13 juror number, and an answer to the question that's
14 applicable, and remain standing until I have completed
15 questioning you.

16 Before we begin that process, I'm going to have
17 counsel for the State to stand and introduce
18 themselves, as well as anyone who will be assisting
19 them in the trial of this case, and also state the
20 names of the lawyers in their office. And I'm going to
21 have counsel for the defense to have their client
22 stand, face the panel, and provide the same
23 information. You may proceed.

24 MS. WILLIAMS: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 MS. WILLIAMS: Good morning. My name is Anne
2 Williams. I'm the Senior Assistant Solicitor for
3 Berkeley County. And as part of the 9th Circuit, we
4 all work for Scarlett Wilson, who is our elected
5 Solicitor. Seated with me is Wilton McNeely. He is
6 co-counsel. He's an Assistant Solicitor for Berkeley
7 County.

8 Deniah Brown is our paralegal. Ralph Prioleau
9 is our law clerk. And Revonda Hart is here as our
10 Victim/Witness coordinator.

11 In our office, we also have other assistant
12 solicitors. And we have Daniel Poulos, Price Sigal,
13 Chip Cannon, Kamila Sas, Jordan Smith, Benjamin Dennis,
14 Kendra Wilson and Kovette (ph) McNeil. Bryan Alfaro is
15 the Deputy Solicitor who runs our office.

16 THE COURT: Ms. Littlejohn.

17 MS. LITTLEJOHN: My name is Debbie Littlejohn.
18 I'm representing Mr. Bradley. He's right here. Seated
19 at the table with me is Ms. Keisha White. In our
20 office it is Ms. Julie Shivers, John Church, David
21 Schwacke, and Caroline Jenkins.

22 THE COURT: Did you ask your client to stand and
23 face the panel?

24 MS. LITTLEJOHN: Yes, Judge.

25 THE COURT: Thank you. Ladies and gentlemen, if a

1 question applies to you, please stand. And in a loud
2 and clear voice, give us your name, an answer to the
3 question if applicable, and remain standing until the
4 Court has completed questioning you.

5 Is there any member of the panel related by
6 blood or marriage to Lee Dell Bradley, or anyone who is
7 related to Frances Lawrence? If so, please stand at
8 this time.

9 (No response.)

10 THE COURT: Does any member of the panel have a
11 close, personal, or social relationship with Lee Dell
12 Bradley or anyone who is related to France Lawrence?
13 If so, please stand at this time.

14 (No response.)

15 THE COURT: The following are a list of potential
16 witnesses in this case. I would ask that you listen
17 carefully: Brenda Bloom, Bertha Walker, Benecia
18 Felder, Nashienda Williams, Cathy Hampton, Darlene
19 Walker, Katrina Middleton, Timothy Heine of the U.S.
20 Marshall Service; Iona Gant, Mary Jones, Alma Reid,
21 Melody Samples, South State Bank; Harold Drayton,
22 Dorothy Rivers, Captain Bobby R. Shuler, Lt. Geno
23 Alteri, Crystal Spence, Cpl. Stacey Cross, Cpl. Chris
24 Collins, Cpl. Joanne Ecker, Cpl Shane Musgrave,
25 Detective Michael Cortte or Cort; Cpl. Ryan McDowell,

1 Katie Shuler, Cpl. Lamar Blakely, Kevin Murphy,
2 Augustus Mac Floyd, Carol Grunsky, April Carter, all of
3 the Berkeley County Sheriff's Office.

4 Carey Thornal, Edward Green, David Kolegav, Lt.
5 Brian Fenton, Detective John Weise, all previously
6 employed with the Berkeley Sheriff's Office. Michael
7 Moritzky, Angela Driggers of the Emergency Medical
8 Service. Karen Harrington, Lily Gallman, Jessica
9 Stowe, Amy Stephens, Jackie Davis, all of the South
10 Carolina Law Enforcement Division. Dr. Lee Tormos,
11 Medical University and Alyssa Rhiengold, Medical
12 University, and Shane Cook of the Berkeley County
13 Sheriff's Department, is there -- office.

14 Is there any member of the panel related by
15 blood or marriage to any of the people that I just
16 listed, or does anyone have a close, personal, or
17 social relationship with any individuals? If so,
18 please stand at this time.

19 (No response.)

20 THE COURT: Is there any member of the panel
21 related by blood or marriage to any of the attorneys
22 involved in this case, or any of the attorneys or in
23 their offices, or anyone employed in any capacity with
24 their offices? If so, please stand at this time?

25 Yes, ma'am. Tell us your name and juror number.

1 POTENTIAL JUROR: Donna Dennis. Juror number 42.
2 I am employed by the law firm of Koontz & Mlynarczyk.
3 Adam Mlynarczyk, the defense counsel over here.

4 THE COURT: He's not involved in this case, ma'am.
5 But tell me your juror number again.

6 POTENTIAL JUROR: Forty-two.

7 THE COURT: Since he's not involved in this case,
8 do you wish to --

9 POTENTIAL JUROR: No.

10 THE COURT: Thank you, ma'am. You may take your
11 seat. Is there any member of the panel who has ever
12 been represented by any of the attorneys involved in
13 this case or any of the lawyers in their offices? If
14 so, please stand at this time.

15 (No response.)

16 THE COURT: Has any member of the panel formed or
17 expressed an opinion about any issue or matter involved
18 in this case? If so, please stand at this time.

19 (No response.)

20 THE COURT: Is there any member of the panel aware
21 of any bias or prejudice toward either the State or the
22 defense in this case? If so, please stand at this
23 time.

24 (No response.)

25 THE COURT: Is there any member of the panel who

1 is a member of the grand jury which issued the
2 indictment in this case? If so, please stand at this
3 time.

4 (No response.)

5 THE COURT: Is there any member of the panel who
6 has read, watched, or listened to any media accounts
7 about this case, that includes anything that could be
8 in the newspaper, radio, television, or internet? If
9 so, please stand at this time.

10 THE COURT: Is there any member of the panel --
11 and I need you to listen carefully not -- because my
12 question regards former employment, not current
13 employment. Is there any member of the panel who was
14 formerly employed in law enforcement in any capacity?
15 If so, please stand at this time.

16 (No response.)

17 THE COURT: Is there any member of the panel who
18 has a family member who is employed in law enforcement?
19 If so, please stand at this time. I need the following
20 information from you: I need your name, your juror
21 number, which member of the family it is, and what
22 agency.

23 POTENTIAL JUROR: My name is Ruby Kvestad. I'm
24 juror number 89. It is my brother, James Ewing. He is
25 a police officer in Round Rock, Texas, not here in

1 South Carolina.

2 THE COURT: Thank you. If you'll remain standing.
3 Behind you, yes, sir.

4 POTENTIAL JUROR: Ken Fisher, Juror 54. My uncle
5 was a sheriff in Macon County, Illinois.

6 THE COURT: And which -- how is that person
7 related to you?

8 POTENTIAL JUROR: It's my uncle.

9 THE COURT: Your uncle. Thank you. And remain
10 standing. Yes, ma'am.

11 POTENTIAL JUROR: My husband, he was in the
12 security forces for Air Force for eight years, and he
13 was --

14 THE COURT: He was a what?

15 POTENTIAL JUROR: A Ravich(ph), security forces
16 were world wide. And then he's now with the U.S. Air
17 Force Reserves in Columbia, also.

18 THE COURT: And your name and juror number?

19 POTENTIAL JUROR: Amy Lloyd, 96.

20 THE COURT: Thank you. You can remain standing.
21 In the back, yes, sir.

22 POTENTIAL JUROR: Mat Holder, juror number 72. My
23 father was with the FBI.

24 THE COURT: Was with the FBI?

25 POTENTIAL JUROR: He's retired, but he still

1 contracts with the FBI.

2 THE COURT: Okay. If you'd remain standing.

3 Ma'am, in the pink.

4 POTENTIAL JUROR: Stephanie Leviner, juror 93. My
5 brother is a police officer in Marion, South Carolina.

6 THE COURT: You said in Sumter?

7 POTENTIAL JUROR: Marion.

8 THE COURT: Marion County?

9 POTENTIAL JUROR: Yes.

10 THE COURT: And next to you, yes, ma'am.

11 POTENTIAL JUROR: Christina Robertson, juror
12 number 129. My son is a member of the SWAT team in
13 Montgomery, Alabama. And he's also with security
14 forces with the guard in Montgomery.

15 THE COURT: The National Guard?

16 POTENTIAL JUROR: Yes, ma'am.

17 THE COURT: And yes, sir -- ma'am, I'm sorry.

18 POTENTIAL JUROR: Juror 94, Shae Likens. My
19 brother is a Sheriff at Bald Head Island in North
20 Carolina.

21 THE COURT: As a result of these experiences, do
22 you all feel that you can remain fair and impartial,
23 and render a fair and impartial decision in this case
24 based solely on the evidence as it will be presented
25 and on the law as the Court will instruct? If your

1 answer is yes, please take your seat. Let the record
2 reflect that all answered yes with the exception of
3 number 54, who will be excused from the trial of this
4 case only. Sir, you may take your seat.

5 Is there any member of the panel who was a
6 member of or contributed to any group which has, as its
7 primary concern, the promotion of law enforcement or
8 victim's rights? These groups would include, but are
9 not limited to, Mothers Against Drunk Driving; Students
10 Against Drunk Driving; Citizens Against Violent Crimes;
11 People Against Rape; Parents Empowered to Save Teens;
12 and those advocating a return to decency ethics and --
13 as well as any other community type watch group. If
14 you feel this applies, I would ask that you stand at
15 this time.

16 (No response.)

17 THE COURT: Is there any member of the panel who
18 has a morale, philosophical, or religious opposition to
19 sitting in judgment of a fellow human being? If so,
20 please stand at this time.

21 (No response.)

22 THE COURT: Is there any member of the panel or a
23 member of your family been the victim of a violent
24 crime? If so, please stand at this time.

25 THE COURT: Yes, sir -- I've excused you, sir.

1 You make take your seat. Yes, ma'am.

2 POTENTIAL JUROR: My name is Gay Wortman. I'm
3 juror number 189.

4 THE COURT: And was it you or a family member?

5 POTENTIAL JUROR: It was a family member.

6 THE COURT: Okay. And behind you, yes, ma'am?
7 Name and juror number?

8 POTENTIAL JUROR: Brenda Reed, 139.

9 THE COURT: One thirty-nine?

10 POTENTIAL JUROR: Yes.

11 THE COURT: And was it you or a family member?

12 POTENTIAL JUROR: Brother-in-law.

13 THE COURT: And yes, ma'am.

14 POTENTIAL JUROR: Tammy Labank, sister.

15 THE COURT: And in the back, oh, I'm sorry. Yes,
16 ma'am.

17 POTENTIAL JUROR: Juror, 129 Regina
18 Osborne-Robinson. My youngest son was robbed at
19 gunpoint years ago. And my stepdaughter was recently
20 robbed at gunpoint.

21 THE COURT: You said your stepdaughter?

22 POTENTIAL JUROR: Yes, ma'am. She lives with me.

23 THE COURT: As a result, I need everybody who
24 answered the question -- I'm sorry -- I'm a little
25 short in stature. I apologize. As a result of these

1 experiences, do you all feel that you can remain fair
2 and impartial and render a fair and impartial decision
3 in this case based solely on the evidence as it would
4 be presented and on the law as the Court will instruct?
5 If your answer is yes, please take your seat. Let the
6 record reflect that all answered yes.

7 Is there any member of the panel who has ever
8 been involved with or worked or volunteered at My
9 Sister's House or any other type like organization? If
10 so, please stand at this time.

11 Yes, ma'am. Tell me your name and your juror
12 number.

13 POTENTIAL JUROR: Karen Baker, juror number 11.

14 THE COURT: As a result of this experience, do you
15 feel that you could remain fair and impartial, and
16 render a fair and impartial decision in this case based
17 solely on the evidence as it will be presented and on
18 the law as the Court will instruct?

19 POTENTIAL JUROR: Yes.

20 THE COURT: Thank you, ma'am. You may take your
21 seat. Is there any member of the panel who has
22 previously -- not currently -- previously worked at the
23 Fruit of the Loom plant? If so, please stand at this
24 time.

25 (No response.)

1 THE COURT: Is there any member of the panel who
2 has had what they would consider an unpleasant
3 experience with law enforcement, such that it affects
4 your ability to be fair and impartial? If so, please
5 stand at this time.

6 (No response.)

7 THE COURT: Does any member know of any reason
8 whatsoever why he or she should not serve as a juror in
9 this case, with a particular emphasis being placed on
10 your ability to be fair and impartial to both the State
11 and the defense? If so, please stand at this time.

12 (No response.)

13 THE COURT: Are there any additional questions
14 from the State?

15 MS. WILLIAMS: No, Your Honor.

16 THE COURT: Any additional questions from the
17 defense?

18 MS. LITTLEJOHN: Number 18, Your Honor.

19 THE COURT: That's cumulative. I've already asked
20 whether there was any relationships, social or
21 otherwise.

22 MS. LITTLEJOHN: Then no, Your Honor.

23 THE COURT: Strikes are 10 and 5. Who is going
24 to demonstrate peremptory?

25 (Indicated.)

1 THE COURT: Ladies and gentlemen, if your name is
2 called, please come forward as the bailiff is coming.
3 Bring all of your personal belongings with you, and
4 stand in the exact spot where she is standing, facing
5 back toward the panel until either you're excused or we
6 seat you as a juror in this case. We appreciate your
7 patience during this process. Again, please bring all
8 of your personal belongings with you. Bear with us.

9 (Pause.)

10 THE COURT: Ladies and gentlemen, if you would
11 give the clerk your attention.

12 THE CLERK: Ladies and gentlemen of the jury, when
13 I call your name, please come forward and bring your
14 personal belongings with you. If I say seat the juror,
15 please have a seat in the jury box. If I say excuse
16 the juror, please return to your original seating and
17 follow the instructions of the bailiff and -- and wait
18 until each attorney has responded.

19 Juror number 110, Aisha McNeil.

20 (Juror came forward.)

21 THE CLERK: What say the State?

22 MS. WILLIAMS: Please seat the juror.

23 THE CLERK: What say the defendant?

24 MS. LITTLEJOHN: Please seat the juror.

25 THE CLERK: Seat the juror. Juror number 129,

1 Christine Osborne-Robinson. What say you for the
2 State?

3 MS. WILLIAMS: Please seat the juror.

4 THE CLERK: What says the defendant?

5 MS. LITTLEJOHN: Please excuse the juror.

6 THE CLERK: Excuse the juror. Juror 133, Malaya
7 Placek.

8 (Juror came forward.)

9 THE CLERK: What says the State?

10 MS. WILLIAMS: Please seat the juror.

11 THE CLERK: What say the defendant?

12 MS. LITTLEJOHN: Please seat the juror.

13 THE CLERK: Seat the juror. Juror 149, Yvonne
14 Sanders.

15 (Juror came forward.)

16 THE CLERK: What say the State?

17 MS. WILLIAMS: Please seat the juror.

18 THE CLERK: What says the defendant?

19 MS. LITTLEJOHN: Please seat the juror.

20 THE CLERK: Seat the juror. Juror 164, Donald
21 Stevens.

22 (Juror came forward.)

23 THE CLERK: What say the State?

24 MS. WILLIAMS: Court's indulgence. (Pause.)

25 Please excuse the juror.

1 THE CLERK: Excuse the juror. Juror 117, Linda
2 Moden.

3 (Juror came forward.)

4 THE CLERK: What say the State?

5 MS. WILLIAMS: Please seat the juror.

6 THE CLERK: What say the defendant?

7 MS. LITTLEJOHN: Please excuse the juror.

8 THE CLERK: Excuse the juror. Juror 42, Donna
9 Dennis.

10 (Juror came forward.)

11 THE CLERK: What say the State?

12 MS. WILLIAMS: Please excuse the juror.

13 THE CLERK: Excuse the juror. Juror 184,
14 Christopher Wiggins, Jr.

15 (Juror came forward.)

16 THE CLERK: What say the State?

17 MS. WILLIAMS: Please seat the juror.

18 THE CLERK: What say the defendant?

19 MS. LITTLEJOHN: Please excuse the juror.

20 THE CLERK: Excuse the juror. Juror number 1,
21 Stephanie Ackerman.

22 (Juror came forward.)

23 THE COURT: What say the State?

24 MS. WILLIAMS: Seat the juror.

25 THE CLERK: What say the defendant?

1 MS. LITTLEJOHN: Seat the juror.

2 THE CLERK: Seat the juror. Juror 73, Stephan
3 Heyward.

4 (Juror came forward.)

5 THE CLERK: What say the State?

6 MS. WILLIAMS: Please seat the juror.

7 THE CLERK: What say the defendant?

8 MS. LITTLEJOHN: Please seat the juror.

9 THE CLERK: Seat the juror. Juror 81, Susan
10 Jackson.

11 (Juror came forward.)

12 THE CLERK: What say the State?

13 MS. WILLIAMS: Please seat the juror.

14 THE CLERK: What say the defendant?

15 MS. LITTLEJOHN: Please seat the juror.

16 THE CLERK: Seat the juror. Juror 37, Autumn Da
17 Silva.

18 (Juror came forward.)

19 THE CLERK: What say the State?

20 MS. WILLIAMS: Please seat the juror.

21 THE CLERK: What say the defendant?

22 MS. LITTLEJOHN: Please seat the juror.

23 THE CLERK: Seat the juror. Juror 91, Brandon
24 Langworthy. Okay.

25 (Juror came forward.)

1 THE CLERK: What say the State?

2 MS. WILLIAMS: Please excuse the juror.

3 THE CLERK: Excuse the juror. Juror 82, Kathleen
4 Jenkins.

5 (Juror came forward.)

6 THE CLERK: What says the State?

7 MS. WILLIAMS: Please seat the juror.

8 THE CLERK: What says the defendant?

9 MS. LITTLEJOHN: Please seat the juror.

10 THE CLERK: Seat the juror. Juror 93, Stephanie
11 Leviner.

12 (Juror came forward.)

13 THE CLERK: What say the State?

14 MS. WILLIAMS: Please seat the juror.

15 THE CLERK: What says the defendant?

16 MS. LITTLEJOHN: Please excuse the juror.

17 THE CLERK: Excuse the juror. Juror 28, Susan
18 Callihan.

19 (Juror came forward.)

20 THE CLERK: What say the State?

21 MS. WILLIAMS: Please seat the juror.

22 THE CLERK: What say the defendant?

23 MS. LITTLEJOHN: Please seat the juror.

24 THE CLERK: Seat the juror. Juror 189, Gay
25 Wortman.

1 (Juror came forward.)

2 THE CLERK: What says the State?

3 MS. WILLIAMS: Please seat the juror.

4 THE CLERK: What says the defendant?

5 MS. LITTLEJOHN: Please excuse the juror.

6 THE CLERK: Excuse the juror. Juror 94, Shae
7 Likens.

8 (Juror came forward.)

9 THE CLERK: What say the State?

10 MS. WILLIAMS: Please seat the juror.

11 THE CLERK: What say the defendant?

12 MS. LITTLEJOHN: Please excuse the juror.

13 THE CLERK: Excuse the juror. Juror 10, Gail
14 Ayscue.

15 (Juror came forward.)

16 THE CLERK: What says the State?

17 MS. WILLIAMS: Please seat the juror.

18 THE CLERK: What says the defendant?

19 MS. LITTLEJOHN: Please excuse the juror.

20 THE CLERK: Excuse the juror.

21 THE COURT: The defense has exhausted seven
22 strikes.

23 THE CLERK: Juror 119, Christin Morris. What say
24 the State?

25 MS. WILLIAMS: Please seat the juror.

1 THE CLERK: What says the defendant?

2 MS. LITTLEJOHN: Please excuse the juror.

3 THE CLERK: Excuse the juror. Juror number 46,
4 Carline Donatien.

5 (Juror came forward.)

6 THE CLERK: What says the State?

7 MS. WILLIAMS: Please seat the juror.

8 THE CLERK: What says the defendant?

9 MS. LITTLEJOHN: Please seat the juror.

10 THE CLERK: Please seat the juror. Juror 118,
11 Reece Moore.

12 (Juror came forward.)

13 THE CLERK: What say the State?

14 MS. WILLIAMS: Please please seat the juror.

15 THE CLERK: What says the defendant?

16 MS. LITTLEJOHN: Please seat the juror.

17 THE CLERK: Seat the juror. Juror 175, Heidi
18 Vaughn.

19 (Juror came forward.)

20 THE CLERK: What says the State?

21 MS. WILLIAMS: Please seat the juror.

22 THE CLERK: What says the defendant?

23 MS. LITTLEJOHN: Please excuse the juror.

24 THE CLERK: Excuse the juror.

25 THE COURT: The defense has exhausted nine

1 strikes.

2 THE CLERK: Juror 111, Kevin Melling.

3 (Juror came forward.)

4 THE CLERK: What say the State?

5 MS. WILLIAMS: Please seat the juror.

6 THE CLERK: What say the defendant?

7 MS. LITTLEJOHN: Please seat the juror.

8 THE CLERK: Seat the juror.

9 THE COURT: Two alternates, strikes will be one
10 and two.

11 THE CLERK: Juror number 4, Allan Roger.

12 (Juror came forward.)

13 THE CLERK: What says the State?

14 MS. WILLIAMS: Please seat the juror.

15 THE CLERK: What says the defendant?

16 MS. LITTLEJOHN: Please seat the juror.

17 THE CLERK: Seat the juror.

18 THE COURT: Next alternate.

19 THE CLERK: Juror 196, Karen Marsh.

20 (Juror came forward.)

21 THE CLERK: What says the State?

22 MS. WILLIAMS: Please seat the juror.

23 THE CLERK: What says the defendant?

24 MS. LITTLEJOHN: Please excuse the juror.

25 THE CLERK: Excuse the juror. Juror number 49,

1 Joy Elizondo.

2 (Juror came forward.)

3 THE CLERK: What say the State?

4 MS. WILLIAMS: Please seat the juror.

5 THE CLERK: What says the defendant?

6 MS. LITTLEJOHN: Please seat the juror.

7 THE CLERK: Seat the juror.

8 THE COURT: Are there any motions regarding the
9 selection of the jury from the State?

10 MS. WILLIAMS: No, Your Honor.

11 THE COURT: From the defendant?

12 MS. LITTLEJOHN: No, Your Honor.

13 THE COURT: To the remainder of the panel, we
14 thank you for your time and your patience. You're
15 excused. Please call the jury information line after
16 6:00 this evening for further instructions.

17 (Whereupon, the remainder of the jury panel left
18 the courtroom.)

19 THE COURT: Ladies and gentlemen, stand and raise
20 your right hand to be administered the oath.

21 (Whereupon, the jury was sworn.)

22 THE COURT: Ladies and gentlemen, if you would
23 bear with us momentarily. I'm going to send you to
24 your jury room so the bailiff can get your cell phone
25 numbers in the event that we need to reach you in case

1 of -- a scheduling change or emergency or otherwise.

2 During this break, please do not discuss the
3 case in any manner whatsoever. Please don't speculate
4 about what you think it may or could be about.

5 During this break, I'm going to discuss
6 scheduling with the attorneys. And at that time, I
7 will determine -- we'll probably be going to lunch.
8 But again, if you would take all of your belongings and
9 go with to bailiff for me, please.

10 (Whereupon, the jury left the courtroom at 12:41
11 p.m.)

12 THE COURT: As I understand, the only pretrial
13 matter is the Denno; is that correct?

14 MS. WILLIAMS: Yes, Your Honor.

15 MS. LITTLEJOHN: No, Your Honor.

16 THE COURT: What else is there?

17 MS. LITTLEJOHN: There will be some -- we'll be
18 having some motion in limine, some 404 (b) to --

19 THE COURT: I will deal with the motion in limine
20 by taking them up in camera before the matter is
21 introduced. I'm not going to hear that pretrial. I
22 have no way of knowing whether it's relevant or whether
23 it's admissible or otherwise. So what I would instruct
24 is if there's any objectionable matter, that it not be
25 addressed in opening argument. And that the State be

1 well aware before you go into any of the matter that
2 has been -- or you anticipate the defense is objecting
3 to, that you make me aware of that by indicating you
4 have a matter of law so that I can take it up in camera
5 and create a proffer.

6 Are there any other pretrial motions in the
7 nature of a Denno or otherwise that we need to take up
8 pretrial?

9 MS. WILLIAMS: No, Your Honor.

10 THE COURT: Ms. Littlejohn?

11 MS. LITTLEJOHN: Your Honor, when would you like
12 us to -- would you like us to place on record those --

13 THE COURT: You're going to have to make a
14 contemporaneous objection. I've already instructed
15 them we are going to create a proffer. That's the
16 cleanest way to do it.

17 MS. LITTLEJOHN: Okay. I didn't know to -- to
18 place it -- not addressed in opening.

19 THE COURT: It's not final. Yeah, I mean, why
20 would I spend -- spend that kind of energy and time on
21 something that's not final. It's better to hear it so
22 I can hear the testimony in the context, and create a
23 proffer, and hear arguments if necessary.

24 And I assume that everything that your -- your
25 objecting to deals with something that is evidentiary

1 in nature?

2 MS. LITTLEJOHN: Yes, Your Honor, most of it
3 being -- within the realm of referencing to the CDV, a
4 404(b) res gestae --

5 THE COURT: Yeah, you'll have to make a
6 contemporaneous objection. But I assume -- did you
7 reduce any of that to writing?

8 MS. LITTLEJOHN: I have, Your Honor. It's not
9 that great, and I didn't get it clocked -- well, wait a
10 minute.

11 THE COURT: Do you want to give it to the State
12 maybe so they can have a heads up in exactly what it is
13 you're objecting to?

14 MS. LITTLEJOHN: I need to make copies. Okay.

15 THE COURT: That's fine.

16 MS. LITTLEJOHN: And I typed it.

17 THE COURT: That's as bad as my disclaimer about
18 anything I touch. Well, what you can do -- I think a
19 better way to handle it -- because things never play
20 out pretrial the way they play out during trial. And I
21 need to hear it in a context so I can make a
22 contemporaneous ruling.

23 So why don't you give Mrs. Williams an
24 indication of the areas that you're objecting to, so
25 that she can know what she needs to take up in camera,

1 or you'll have to make a contemporaneous objection and
2 I'll have to take it up in camera at that time.

3 MS. LITTLEJOHN: Right. I think -- I think she's
4 pretty well aware of it, the CDVs and -- the prior CDV
5 record, Your Honor, she actually referenced it in her
6 trial brief.

7 THE COURT: Yeah, but that doesn't mean -- that
8 doesn't go to a jury.

9 MS. WILLIAMS: We're not planning to introduce any
10 prior convictions until we alert the court that we have
11 a matter of law, and we think there's a proper
12 foundation in the record.

13 MS. LITTLEJOHN: And we think that should be
14 eliminated in opening as well, Your Honor.

15 THE COURT: Well, I have already instructed them
16 not to take up anything that is subject of the motion
17 in limine in opening.

18 MS. LITTLEJOHN: Okay. I believe that would be
19 the -- the court's indulgence -- the 404 (b), the res
20 gestae -- in reference to the bank testimony, Your
21 Honor, the ATM --

22 THE COURT: Yeah, you have to make that at the
23 time that those witnesses are called to testify.

24 MS. LITTLEJOHN: And knives, Your Honor.

25 THE COURT: Well, you have to -- I have no clue

1 what that really refers to, so you'll have to make
2 contemporaneous objections.

3 MS. LITTLEJOHN: Okay, Your Honor.

4 THE COURT: All right. Is that everything other
5 than the Jackson vs. Denno?

6 MS. LITTLEJOHN: The Jackson vs. Denno is the
7 biggest.

8 THE COURT: Have y'all premarked any exhibits?

9 MS. WILLIAMS: Yes, Your Honor. We have
10 premarked --

11 THE COURT: When I say "premarked", I mean, have
12 you agreed on them?

13 MS. LITTLEJOHN: No, Your Honor.

14 MS. WILLIAMS: Ms. Littlejohn still has to look at
15 the photos that we have premarked. And then we have
16 provided the court with a copy of the defendant's
17 statement --

18 THE COURT: Yeah. I'm only interested in what
19 you've agreed on. Otherwise, you'll have to make your
20 record and seek to admit the evidence.

21 MS. WILLIAMS: We have we an agreement on some of
22 the pictures --

23 THE COURT: All right. Whatever you all have
24 agreed upon, you need to give to the court reporter to
25 make sure your markings are consistent with hers, and

1 let her know which ones you all have agreed upon so
2 that I can deal with that before we get started.

3 How many witnesses does the State have on the
4 Jackson vs. Denno?

5 MS. WILLIAMS: Two, Your Honor.

6 THE COURT: How long do you think that testimony
7 will be?

8 MS. WILLIAMS: It's really just one witness, but
9 we have two available. I would anticipate that
10 testimony to be -- if the Court needs to play the tape
11 during the hearing --

12 THE COURT: I've already listened to it.

13 MS. WILLIAMS: Then 20 minutes.

14 THE COURT: How long do you anticipate your cross
15 will be? Was your estimate including cross examination
16 or just the direct?

17 MS. WILLIAMS: Just the direct, Your Honor.

18 MS. LITTLEJOHN: Probably about the same, Your
19 Honor.

20 MS. WILLIAMS: And that's at the most, Your Honor.
21 It may be -- it may be shorter.

22 THE COURT: All right. Let's see here. Before --
23 the Court will resume at 2:30. I'm thinking maybe -- I
24 wonder if we just need to start Tuesday. How many of
25 these witnesses do y'all actually plan to call?

1 MS. WILLIAMS: Your Honor, I think that we've come
2 to an agreement on some of the chain witnesses. And I
3 think we're going to wind up with about 28 witnesses.
4 And I'm going to work through that with Ms. Littlejohn
5 on the break.

6 MS. LITTLEJOHN: And I think a significant number
7 of these will depend on the court's ruling on the
8 allowed 404 res gestae. Because a lot of the State's
9 witnesses are ones that --

10 MS. WILLIAMS: That's not necessarily true,
11 because they're the same witnesses.

12 MS. LITTLEJOHN: Well, some of them.

13 MS. WILLIAMS: Just to give you an idea, I don't
14 really think we're going to wind up with more than 28,
15 but --

16 THE COURT: I have to finish some other motions
17 and deal with a young man that needs to be resentenced
18 that was -- didn't qualify for shock. It's probably
19 going to take me until about -- either way I cut it,
20 y'all wouldn't be coming back until 2:30, which then
21 we're looking at 3:30 bringing the jury back in.
22 Maybe--

23 MS. WILLIAMS: If we could do the Denno today and
24 maybe start --

25 THE COURT: Oh, we're going to do the Denno today.

1 MS. WILLIAMS: We could start tomorrow. That
2 would be great.

3 THE COURT: I want y'all to premark exhibits. I
4 want to do everything that we can do today so we can
5 start clean in the morning without having to stop very
6 much.

7 So what I'll do is I'll let this jury go until
8 Tuesday morning at 9:30, and that's when we will resume
9 the testimony. Any exceptions from the State?

10 MS. WILLIAMS: No, Your Honor.

11 THE COURT: From the defense?

12 MS. LITTLEJOHN: No, Your Honor.

13 THE COURT: Please bring in the jury.

14 (Whereupon, the jury entered the courtroom at
15 12:49 p.m.)

16 THE COURT: You may be seated. Ladies and
17 gentlemen, you have been selected for the case of the
18 State of South Carolina vs. Lee Dell Bradley. And I'm
19 going to excuse you for the remainder of the day.
20 There are some matters of law that I need to take up
21 with the attorneys. By the time we break for lunch,
22 and do everything else, we would be bringing you back
23 at 3:30 or 4:00. And that doesn't make a whole lot of
24 sense logistically, I think, for your schedule or for
25 ours.

1 So we will have you return in the morning at
2 10:00. The reason for the delay is I have to qualify
3 the grand jury first. So I don't want you all waiting
4 while I'm doing that. So you all return at ten. You
5 will come directly to your jury room and the bailiff
6 will show you how to return to the courthouse.

7 During this break, please do not read, watch, or
8 listen to any media accounts. That includes anything
9 on the radio, television, in the newspaper, or on the
10 internet. You're also strictly instructed not to do
11 any independent research in the internet. That means
12 you can't go to any search engines and look for any
13 sort of information regarding this case.

14 You've been sworn to decide this case according
15 to the testimony that you will hear from the sworn
16 witnesses, and the other evidence that would be
17 introduced. And I would ask and admonish each of you
18 to take that duty very seriously.

19 When you return to the courthouse, please don't
20 have any contact with anyone in or about the
21 courthouse. There are a great deal of witnesses in
22 this case. We would not want an innocent conversation
23 to be observed by someone and misinterpreted.

24 I hope that you all have a wonderful evening.
25 We'll see you in the morning at 10:00, and I've

1 appointed 149 as the foreperson for purposes in the
2 morning. Have a great afternoon. Thank you very
3 much.

4 (Whereupon, the jury left the courtroom at 12:51
5 p.m.)

6 (Pause.)

7 THE COURT: All right. I'll see y'all at 3:00.

8 (After a recess, court reconvened.)

9 THE COURT: Who are the witnesses on the Jackson V
10 Denno?

11 MS. WILLIAMS: The witnesses are Captain Bobby
12 Shuler and Detective Michael Cortte. We only intend to
13 call Detective Shuler in our presentation. Cortte is
14 available if the defense needs him.

15 (Pause.)

16 THE COURT: Are we ready to proceed?

17 MS. WILLIAMS: We are, Your Honor. Just for
18 clarification, on the redacted tape we gave the Court,
19 we are in agreement with the parts that the State has
20 removed. I do think that Ms. Littlejohn would like
21 more parts removed. We redacted just to the point that
22 we both agreed.

23 So I will let her make her arguments on that at
24 the appropriate time. But I just wanted to make sure
25 that you understood what we were giving you because I

1 didn't really explain it.

2 THE COURT: Okay. Call your witness.

3 MR. MCNEELY: We call Captain Bobby Shuler.

4 THE COURT: Is it Bobby? Is that what you just
5 said?

6 MR. MCNEELY: Yes, Your Honor.

7 THE COURT: What number is he on the witness list?
8 I have a Katie Shuler -- oh, he's the very first one.
9 Never mind.

10 CAPTAIN BOBBY RAY SHULER,
11 being first duly sworn, testified as follows:

12 THE CLERK: State your full name, spell your last
13 name.

14 THE WITNESS: My full name is Bobby Ray Shuler.
15 The spelling of my last name is S-h-u-l-e-r.

16 THE COURT: You may proceed.

17 **DIRECT EXAMINATION BY MR. MCNEELY:**

18 Q. Good afternoon, Captain Shuler.

19 A. Good afternoon.

20 Q. Where are you currently employed?

21 A. The Berkeley County Sheriff's Office.

22 Q. What is your position there and how long have
23 you been employed with them?

24 A. I've been employed with the Sheriff's Office
25 going on a little over 16 years. And my current

1 position -- I just recently changed as of today. But
2 prior to today, I was Captain over the Criminal
3 Investigation Division, the Drug Enforcement Unit, the
4 Sex Offender Registry and Forensics.

5 Q. Were you employed with the Sheriff's Office as
6 the Captain over CID, the Criminal Investigations
7 Division in May of 2014?

8 A. That's correct.

9 Q. During that time, did you have the opportunity
10 to become involved in the investigation of the death of
11 Frances Lawrence?

12 A. I did.

13 Q. Did that investigation lead to an arrest of a
14 suspect?

15 A. It did.

16 Q. Who was that?

17 A. Mr. Lee Bradley.

18 Q. Do you see him seated in the courtroom today?

19 A. Yes, sir. He's sitting over there with his
20 attorneys.

21 Q. Was Mr. Bradley charged in this case?

22 A. He was.

23 Q. What was he charged with?

24 A. With murder.

25 Q. Do you recall the date he was arrested?

1 A. He was arrested -- I want to say on the 27th
2 in North Carolina, and was transported back on the 29th
3 of May of 2014.

4 Q. Following his arrest, did you meet with him
5 for the purposes of constructing an interview?

6 A. I did.

7 Q. What day did you meet with him?

8 A. On the 29th of May, 2014.

9 Q. Where did you meet with him?

10 A. At the Berkeley County Sheriff's Office.

11 Q. Was he offered water to drink and use of a
12 restroom prior to entering the interview room?

13 A. He was.

14 Q. Was he ultimately placed in an audio and video
15 recorded interview room at the Sheriff's Office?

16 A. Yes, sir.

17 Q. Was anyone else present in the room other than
18 you and the defendant?

19 A. Yeah. Det. Cortte was present in the room
20 with myself and the defendant.

21 Q. Prior to beginning of the interview, did you
22 advise the defendant of his Miranda Rights?

23 A. I did.

24 Q. How did you do so?

25 A. Both verbally and -- and in writing.

1 Q. Did Lee Bradley confirm that he understood the
2 Miranda Rights prior to taking a statement?

3 A. He did.

4 Q. How did he confirm that?

5 A. He acknowledged both verbally and he shook his
6 head. And he also did it by writing his initials next
7 to each Right, and signing the form.

8 MR. MCNEELY: Permission to approach the witness,
9 Your Honor?

10 THE COURT: Yes, sir.

11 BY MR. MCNEELY:

12 Q. Det. Shuler, I'm showing you what's been
13 previously marked as State's Exhibit 73; if you'll
14 observe that for me?

15 A. Yes, sir.

16 Q. Do you recognize that document?

17 A. Yes. This is the standard Berkeley County
18 Sheriff's Office Miranda form.

19 Q. Is that the Miranda form that was presented to
20 Lee Bradley on May 29, 2014?

21 A. Yes, sir.

22 Q. How do you know that?

23 A. It has got his initials next to each of the
24 Miranda Rights. And it's got his signature, the date,
25 5/29/2014, along with my signature and Det. Cortte's

1 signature.

2 Q. Just so I'm clear, did you say he initialed
3 beside each Right?

4 A. He did.

5 Q. Did he also sign the sheet acknowledging
6 understanding those rights?

7 A. Yes, sir.

8 MS. WILLIAMS: Your Honor, at this time, I would
9 move State's Exhibit 73 into evidence for this
10 hearing.

11 THE COURT: Any objection?

12 MS. LITTLEJOHN: No objection, Your Honor.

13 THE COURT: You are going to need two copies, one
14 for this hearing, and one if it comes in -- is that the
15 original or a copy?

16 MS. WILLIAMS: That is the original, Your Honor.
17 I can change it out if you would like.

18 THE COURT: Yeah, I think you need to have a copy
19 for the purposes of this hearing. And then if it comes
20 in, you're going to need your original for the trial.

21 MR. MCNEELY: How would you like me to label it?

22 THE COURT: Well, for this hearing, everything is
23 marked as a court's exhibit.

24 MR. MCNEELY: Okay.

25 THE COURT: It doesn't go to the jury.

1 MR. MCNEELY: May I hand this to the court
2 reporter, Your Honor?

3 THE COURT: Yes. Court's 1.

4 (Court's Exhibit No. 1 was marked.)

5 THE COURT: You may proceed?

6 MR. MCNEELY: May I retrieve 73, again?

7 THE COURT: Yes.

8 MR. MCNEELY: Thank you, Your Honor.

9 THE COURT: You may proceed.

10 BY MR. MCNEELY:

11 Q. How old is Lee Bradley, Det. Shuler?

12 A. I think at the time he was like 59. I think
13 he's probably around 61 or 62 years of age now.

14 Q. What was Lee Bradley's demeanor when you met
15 with him on May 29, 2014?

16 A. Normal, kind of nonchalant.

17 Q. Did he appear to understand what was going on
18 that day?

19 A. Yes, sir.

20 Q. Did he seem coherent?

21 A. Yes, sir.

22 Q. Did he seem rational?

23 A. Yes, sir.

24 Q. Did he appear to comprehend the meaning and
25 the effect of his words?

1 A. Yes, sir.

2 Q. Did he appear to have any physical defects at
3 that time?

4 A. No, sir.

5 Q. Did he appear to have any mental defects at
6 that time?

7 A. No, sir.

8 Q. Did he appear intoxicated or under the
9 influence of alcohol or any other substance in any way?

10 A. No, sir.

11 Q. Did you or anyone else make any threats to Lee
12 Bradley?

13 A. No, sir.

14 Q. Was he under duress in any way?

15 A. No, sir.

16 Q. Did you make any promises to Lee Bradley?

17 A. No, sir.

18 Q. Did you, or any officer in your presence, make
19 any misrepresentations to Lee Bradley?

20 A. No, sir.

21 Q. Did he voluntarily wave his Miranda Rights and
22 agree to speak with you?

23 A. He did.

24 Q. Did he waive those Miranda Rights prior to you
25 taking any statement from him?

1 A. He did.

2 Q. Did he waive his Miranda Rights verbally or in
3 writing?

4 A. Both.

5 Q. Did he do so on Court's Exhibit 1?

6 A. He did.

7 Q. Did he sign the waiver section on that form?

8 A. Yes, sir, he did.

9 Q. How long did your interview or conversation
10 with this defendant last on that day?

11 A. I would say the conversation went on for
12 probably about an hour, an hour and a half or so.

13 Q. Were there any breaks?

14 A. The only break we had was about 54 or
15 55 minutes into it, we had some sort of power flux that
16 caused the cameras to go off and come back on. So we
17 had to step out and get the system back up and running.
18 That was the only break. At that point, he was given
19 -- he had asked for a cup of water, so he was given a
20 cup of water also.

21 Q. Did you conduct any of the portion of the
22 interview when the video tape was off?

23 A. No, sir.

24 Q. Following the return of the video, did you
25 read the defendant his Miranda Rights again?

1 A. Well, when we came back in, and we got the
2 video back up, I advised him that we had the power up,
3 and I advised that he was still under Miranda, did he
4 understand his Miranda Rights. And he said, yes, he
5 did.

6 Q. During the course of the entire interview, did
7 Mr. Bradley ever ask to stop the interview at any
8 point?

9 A. No, sir.

10 Q. Did he ever request to have a lawyer present
11 during the interview?

12 A. No, sir.

13 Q. Did he ever make a request for food, drink, or
14 use of a bathroom facility during the interview which
15 was not met?

16 A. No, sir.

17 Q. Was the entirety of the interview video and
18 audio recorded?

19 A. Yes, it was.

20 MR. MCNEELY: Your Honor, permission to approach
21 the witness at this time?

22 THE COURT: You may.

23 BY MR. MCNEELY:

24 Q. I'm showing you what's premarked as State's
25 Exhibit 70; do you recognize that?

1 A. Yes, sir. This is a CD R or -- I'm sorry -- a
2 DVD R containing the video audio recorded statement of
3 Mr. Lee Bradley that day.

4 Q. Did you review the contents of that disk at
5 the request of our office?

6 A. I did.

7 Q. Did you make any marks on the disk to show
8 that is the disk that you reviewed?

9 A. I did. I wrote the date that I reviewed it
10 and that's my initials next to it.

11 Q. What is contained on that disk?

12 A. The actually video/audio recording with
13 Mr. Lee Bradley in the presence of Det. Cortte and
14 myself.

15 Q. Did you determine that it is a complete and
16 accurate copy of the statement of Lee Bradley given to
17 you on May 29, 2014?

18 A. That's correct.

19 Q. Has the recording been altered or changed in
20 any way to your knowledge?

21 A. Not to my knowledge.

22 MR. MCNEELY: Your Honor, at this time, I would
23 like to ask that an unsigned duplicate be made Court's
24 Exhibit for 2 --

25 THE COURT: I have a question --

1 MR. MCNEELY: Okay.

2 THE COURT: Is that the full recording or the
3 redacted --

4 MR. MCNEELY: That is the full -- full recording
5 that he has signed.

6 THE COURT: I have two disks.

7 MR. MCNEELY: Correct. The redacted is State's
8 71.

9 THE COURT: Yes. But I'm trying to figure out
10 what -- what did you give me as it relates to what he
11 has in his hand?

12 MR. MCNEELY: A duplicate of that. That is the
13 full --

14 THE COURT: Then why do I have two disks and he
15 only has one?

16 MR. MCNEELY: Because I didn't hand up the
17 redacted.

18 THE COURT: That doesn't answer my question. Why
19 would the redacted be two disks and the full version
20 only be one disk?

21 MR. MCNEELY: It's not. The full disk is one
22 disk; the redacted is one disk.

23 THE COURT: Is that what you did? You gave me a
24 full disk and a redacted disk?

25 MR. MCNEELY: That's correct.

1 THE COURT: Okay. All right. I mean, we will use
2 my full disk as a Court's Exhibit. And you can keep
3 that -- as I would imagine, there is no indication of
4 that what was given was hypothecated in any way?

5 MR. MCNEELY: None from the State, Your Honor.

6 MS. LITTLEJOHN: None from here.

7 MR. MCNEELY: Your Honor, at this time, I would
8 move to admit Court's Exhibit 2 into the record for the
9 purposes of this hearing.

10 THE COURT: Do you have --

11 MS. LITTLEJOHN: No objection for purposes of this
12 hearing.

13 THE COURT: Marked them as admitted.

14 MR. MCNEELY: Would you like to mark the redacted,
15 Your Honor, as well?

16 THE COURT: I have to figure out which is which.
17 You gave me two disks. I didn't make any delineation.
18 They looked the same to me.

19 MR. MCNEELY: Fair enough. I believe -- I would
20 ask for permission to publish at this time, but I
21 believe Your Honor has indicated that's not necessary.

22 THE COURT: That is not necessary.

23 MR. MCNEELY: All right.

24 (Court's Exhibits Nos. 2 & 3 marked.)

25 MR. MCNEELY: In that case, the State has no

1 further questions for this witness, Your Honor.

2 THE COURT: Any questions for the witness? All
3 right. You may proceed.

4 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

5 Q. Captain Shuler, let me ask you, about how long
6 were the lights out -- or the surge whatever -- do you
7 remember?

8 A. It it was a quick surge as far as that, but it
9 was enough to knock out the tape -- the video system
10 offline and the camera system offline. So we exited
11 the room, went back and got the video system back up.
12 I would say -- if I had to guess -- approximately four
13 or five minutes to get it all back up -- back up and
14 running.

15 Q. And both you and Det. Cortte both left the
16 room?

17 A. We did. The only time that Det. Cortte came
18 back into the room was to give him a cup of water.

19 Q. Okay.

20 A. Which is actually on the video actually.

21 Q. And are you aware of any statements being made
22 prior to -- by Mr. Bradley prior to him coming into
23 your custody?

24 A. I'm not aware of any statements.

25 Q. And how long -- do you know what time he was

1 picked up in Charlotte?

2 A. I'm not sure. I think he -- I think he
3 actually indicates on there that around 11 or 12:00.

4 Q. And you began this interview about what time?

5 A. About six something.

6 THE COURT: I need to know whether that's a.m. or
7 p.m.

8 THE WITNESS: Oh, I'm sorry. It was about
9 6:00 p.m.

10 BY MS. LITTLEJOHN:

11 Q. So he was picked up about 11:00 a.m. and you
12 began this interview about 6:00 p.m.?

13 A. I can't tell you the exact time.

14 Q. Right. But somewhere around there?

15 A. He mentioned it was 11:00. I can't -- I
16 wouldn't be able to confirm other than talking to the
17 transport officers. But, you know, I talked to him --
18 I know I talked to him around 6:00 -- 6:00 or a little
19 bit after 6:00 p.m. on that day.

20 Q. Was he brought directly to you?

21 A. Yes, ma'am.

22 Q. Do you know why it took so long?

23 A. I have no idea.

24 Q. Okay.

25 MS. LITTLEJOHN: The court's indulgence. I have

1 no further questions.

2 THE COURT: Any redirect?

3 MR. MCNEELY: No, Your Honor.

4 THE COURT: Okay. Sir, you may step down subject
5 to being recalled.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: You're welcome. Anything further from
8 the State?

9 MR. MCNEELY: Nothing further as to this, Your
10 Honor.

11 THE COURT: Any witnesses from the defendant?

12 MS. LITTLEJOHN: None, Your Honor.

13 THE COURT: I'll be glad to hear any arguments.

14 MR. MCNEELY: Your Honor, at this time, the State
15 would move to deem the statement was given by
16 Mr. Bradley as voluntary and in accordance with Jackson
17 vs. Denno. The record is clear that the statement
18 given after his arrest, was given freely, voluntarily,
19 and knowingly after being fully advised of his Miranda
20 Rights which he knowingly waived both orally and in
21 writing on video.

22 There is simply nothing in the record to suggest
23 that the statement was forced or coerced in any way, or
24 that the defendant was not of sound mind and body at
25 the time the statement was made. To the contrary, the

1 record indicates that the defendant was fully advised?
2 Of his rights prior to making any statement. He made a
3 knowing and intelligent waiver of those rights and
4 chose to make a statement. Accordingly, the State
5 would request that the video tape statement be admitted
6 into evidence for the trial of this case as voluntary.

7 THE COURT: I'll be glad to hear from you.

8 MS. LITTLEJOHN: Your Honor, I would just take --
9 ask the Court to take into consideration how long he
10 had apparently been on the road from 11:00 to 6:00 p.m.
11 as a factor for not demeanor, but as far as exhaustion,
12 take that into account. Someone sitting on the road
13 that long, that certainly can lead to a great deal of
14 exhaustion, to get you very tired, et cetera. I would
15 ask the Court to take that into account in ruling on
16 Jackson vs. Denno.

17 THE COURT: The statement is clearly made subject
18 to Miranda. He was clearly Mirandized. It appears
19 from the video he is coherent and rational. I don't
20 see any evidence of any physical defects nor what I
21 would consider objective signs of exhaustion. So any
22 motions -- any motion to suppress based on Jackson vs.
23 Denno is denied.

24 Now, are there any portions of the -- have y'all
25 agreed on what's admissible in the statement or what's

1 not -- or is there some issue about that?

2 MS. WILLIAMS: Your Honor, we've agreed -- the
3 State has removed all references to the defendant
4 talking about prior arrests and prison time. There is
5 a portion of the tape at 1:16, and this is reflected in
6 the redacted version, where he starts talking about
7 what he was in jail for, that he was in jail for
8 solicitation.

9 Earlier in the tape, at a different portion, he
10 talks about doing 17 years in prison. We have removed
11 those portions with the agreement of Ms. Littlejohn.

12 And I believe that those references to any jail
13 time are what we agree on. I'm not really sure what
14 else in the statement is objectionable to Ms.
15 Littlejohn so --

16 THE COURT: Is there any other portions of the
17 statement that is objectionable, Ms. Littlejohn?

18 MS. LITTLEJOHN: The Court's indulgence, Your
19 Honor.

20 (Pause.)

21 MS. LITTLEJOHN: Just for the record, I believe we
22 let -- the part about -- says did 17 years, and Captain
23 Shuler goes through --

24 THE COURT: I think she said she's already --

25 MS. LITTLEJOHN: Right. I've been trying to make

1 this my last though.

2 (Pause.)

3 MS. LITTLEJOHN: Your Honor, there -- Your Honor,
4 there is a portion that talks about -- as far as
5 criminal domestic violence --

6 THE COURT: I need to know specifically what --
7 where you were referring to.

8 MS. LITTLEJOHN: In my version of it that --
9 around 6:32.03. But apparently all the versions are
10 differently marked --

11 THE COURT: Are they really?

12 MS. LITTLEJOHN: -- for minutes. They are.
13 Because when I was talking with --

14 THE COURT: Are you referring to the redacted
15 statement or the full statement?

16 MS. LITTLEJOHN: This is on the full statement.
17 When I was talking to Ms. Williams on the phone, hers
18 was marked --

19 THE COURT: I need you to make reference to the
20 redacted statement, though, because that's the one that
21 we're working from.

22 MS. LITTLEJOHN: Your Honor, I don't have the
23 redacted statement --

24 THE COURT: Y'all didn't give Ms. Littlejohn --

25 MS. LITTLEJOHN: We have -- we have the redacted

1 statement, Your Honor. I just don't have it -- I know
2 what it is on the full statement.

3 MS. WILLIAMS: If it would help, Your Honor, we
4 have a transcript. I wouldn't say it's the most
5 accurate, but it might help the court --

6 MS. LITTLEJOHN: Is it redacted --

7 THE COURT: I need to know exactly where it's at
8 on the statement. And you need to know that as well so
9 that you can know what needs to come out. So that's
10 not necessarily going to be of assistance to me. And I
11 need her to make reference to the redacted statement
12 because that's what we're working from.

13 MS. LITTLEJOHN: I don't think -- it was not
14 redacted, Your Honor, because we had not talked about
15 it as far as criminal domestic violence --

16 THE COURT: But you've got a copy of the redacted
17 statement, correct?

18 MS. LITTLEJOHN: It's a recording.

19 THE COURT: I understand.

20 MS. LITTLEJOHN: Right. Right.

21 THE COURT: We are referring to the same thing,
22 but we need to work from the same disk. I'm not going
23 in-between a redacted and unredacted. That's not --

24 MS. LITTLEJOHN: I was working on the full one,
25 Your Honor.

1 THE COURT: I'm working from the redacted one,
2 because what's in the full one is not material to me,
3 because that's not all coming in. I need to know from
4 what part you're talking about on the redacted
5 statement.

6 MS. LITTLEJOHN: Your Honor, I would have to
7 actually -- I don't have that, Your Honor. I was
8 working on the full one. I'm sorry.

9 THE COURT: Did they not give you a copy of the
10 redacted one?

11 MS. LITTLEJOHN: We have a copy of the redacted
12 statement, but I didn't put the times of it in with the
13 times of the full one -- if that makes sense.

14 MS. WILLIAMS: I can help Ms. Littlejohn find the
15 portions. But I do believe the portions that she's
16 talking about, the defendant himself talks about
17 domestic violence in the context of explaining why it's
18 an accident in self-defense.

19 And our argument is you really can't take that
20 out without understanding the context. But I'm happy
21 to try to help Ms. Littlejohn find those portions and
22 we can email the Court's clerk, or whatever the Court
23 would like, before tomorrow.

24 I'm not sure exactly what she's talking about,
25 but I know the defendant goes into lengthy explanations

1 about previous fights that they have had in the context
2 of explaining this fight, in which he basically says
3 that he's trying to defend himself and he accidentally
4 falls on the knife. And our argument is that you can't
5 really understand the context of what he's explaining
6 his defense is without all of it. It doesn't really
7 make any sense.

8 THE COURT: Well, I've got to know what she's
9 talking about before I can -- we are sort of going in
10 circles here. I need to know exactly what you're
11 talking about, Ms. Littlejohn.

12 MS. LITTLEJOHN: Your Honor, I'm going to have to
13 -- I'm going on the full version. It's every time that
14 he mentions domestic violence.

15 THE COURT: Well, that's too broad.

16 MS. LITTLEJOHN: And prior acts.

17 THE COURT: Well, that's too broad for me to
18 consider. You're going to have to be more specific
19 than that.

20 MS. LITTLEJOHN: I will have to get those exact
21 times down, Your Honor, on the redacted one. I have
22 them on the regular one, but not the redacted one.

23 THE COURT: Are there other times on the redacted
24 statements that the defendant makes reference to prior
25 domestic violence incidents?

1 MS. LITTLEJOHN: Captain Shuler said, "you say
2 yourself you've got a history of some domestic violence
3 stuff, some arguments and fighting and physical".

4 THE COURT: Well, Ms. Littlejohn, I -- I'm not
5 going to search this disk for you. You are going to
6 have to tell me what it is that you're talking about so
7 I can make a contemporaneous ruling.

8 MS. LITTLEJOHN: Your Honor, the Captain himself
9 would bring in you've got have a history --

10 THE COURT: That's not -- I need to know
11 specifically where you're talking about, so that we can
12 determine, one, if the State agrees to redact it.
13 Because that eliminates a whole lot of extraneous
14 discussions that is unnecessary; or if they object to
15 it, so I can get to that part of it. But I cannot --
16 we're just sort of going in circles right now.

17 MS. LITTLEJOHN: Your Honor, the State knows what
18 I'm referencing.

19 THE COURT: Okay.

20 MS. LITTLEJOHN: She objects, and it's all brought
21 back forth to the history and our argument about --

22 THE COURT: Is it, in fact, about him making his
23 defensive accident? He doesn't get to make
24 self-serving statements and not include the whole
25 statement. I'm not going to -- I'm not going to carve

1 --

2 MS. LITTLEJOHN: No. This is where we're asking
3 to suppress any 404 (b)--

4 THE COURT: Either all of it comes in, or all of
5 it goes out. He's not going to get to say it was an
6 accident and not say why he feels it was accident, or
7 what justifies it being an accident. He's not going to
8 be able to say it was an accident, and then leave out
9 everything before he said that and after, because it
10 becomes an extremely self-serving statement outside of
11 its context.

12 MS. LITTLEJOHN: Your Honor, I can understand it
13 being outside of the contents. However, what the
14 detective has done here is -- he goes y'all got a
15 history --

16 THE COURT: But that's because apparently he had
17 already said something about it, so he was following up
18 on that statement. He didn't just out of the blue
19 elicit that. Your client volunteered that. So
20 basically what he said was -- based on what you told me
21 before -- are you saying now because of that, this
22 happened; correct?

23 MS. LITTLEJOHN: Your Honor --

24 THE COURT: I'm -- I'm paraphrasing, but that's
25 the gist of what was said, if I'm remembering correctly

1 that portion of the statement.

2 MS. LITTLEJOHN: Detective Cortte -- I'm sorry --

3 THE COURT: I tell you what --

4 MS. LITTLEJOHN: On page 70 --

5 THE COURT: Yeah. I -- I'm -- I don't -- I don't
6 have a transcript. A transcript is not going to the
7 jury. I'm not going to be reading a transcript. I
8 need to know what number and what portions of the
9 statement you're talking about, so I can look at it
10 again. And then I would be able to --

11 MS. LITTLEJOHN: And you want it from the redacted
12 version, not the regular version?

13 THE COURT: That is correct.

14 MS. LITTLEJOHN: Okay. Your Honor, we will email
15 that to you.

16 THE COURT: Because right now, I have no point of
17 reference as to what you're talking about. And we're
18 sort of going in circles, and that's not making a whole
19 lot of sense.

20 MS. LITTLEJOHN: Your Honor, with regard to that,
21 I think that this goes strictly -- straight to that
22 404, in the motion that I handed up to you earlier.

23 THE COURT: Until I know what I'm talking about, I
24 don't want to hear any argument on it, because I don't
25 know what you're talking about. I have no idea what

1 you're talking about. I don't know if it's 404 or live
2 -- I have no idea because I don't know what statements
3 you're referring to.

4 MS. LITTLEJOHN: The prior record of CDV.

5 THE COURT: I still don't know what portions of a
6 statement you're referring to in the redacted
7 statement, so I'm not prepared to make a ruling --

8 MS. LITTLEJOHN: Okay.

9 THE COURT: -- until I know what you're talking
10 about.

11 MS. LITTLEJOHN: I would -- okay. Fair enough,
12 Your Honor.

13 THE COURT: All right. Is there anything else in
14 the statement, other than what Ms. Littlejohn has
15 referenced, regarding those portions of the statement
16 that she's going to provide to the court, and to the
17 State by way of copy?

18 MS. WILLIAMS: No, Your Honor. But there is a
19 previous statement he makes orally to an officer in
20 North Carolina. I know that Ms. Littlejohn had asked
21 the detective a question about it. We filed a motion
22 to keep out any exculpatory statements. And that's the
23 statement that we're talking about. It is detailed in
24 my trial brief, where he says something to the effect
25 of this is all going to get thrown out because it's

1 false. And we would just argue that's a self-serving
2 statement and --

3 THE COURT: Well, it only becomes relevant if
4 somebody is going to seek to elicit it.

5 MS. LITTLEJOHN: Your Honor, I don't really see
6 how this is only going to get -- this is going to get
7 thrown out vs. I'm innocent.

8 THE COURT: I'm sorry --

9 MS. LITTLEJOHN: A defendant --

10 THE COURT: -- are you asking that -- are you
11 saying you plan to call this witness and elicit that
12 statement?

13 MS. LITTLEJOHN: I don't know if they plan to call
14 this witness. I don't plan to call him.

15 THE COURT: Well, they don't plan to call the
16 witness if they're asking for it to be excluded. So
17 the question then becomes, do you plan to call the
18 witness --

19 MS. LITTLEJOHN: I'm not planning on calling
20 Officer Blakely. That's who --

21 MS. WILLIAMS: We would just ask that she not
22 refer to it --

23 THE COURT: Are you planning to make any reference
24 to it?

25 MS. LITTLEJOHN: I was planning to make reference

1 -- I may plan to make a reference.

2 THE COURT: Yeah, but how does that benefit your
3 client?

4 MS. LITTLEJOHN: I'm just saying I may plan to
5 make -- and that is not the only thing that was said
6 there that day.

7 THE COURT: I think, frankly, it's to his benefit
8 if it's excluded. It comes across as incredibly
9 arrogant and very self-serving. I don't think it would
10 help him at all. As a matter of fact, I think it would
11 hurt him and damage him terribly with a jury. So I'm
12 at a bit of a loss as to why you would even want to
13 elicit it from the officer if the State doesn't plan to
14 --

15 MS. LITTLEJOHN: And the rest of the statement
16 was, I know my rights, man. I've been locked up plenty
17 of times --

18 THE COURT: That doesn't help him either.

19 MS. LITTLEJOHN: I would ask that -- that we have
20 the entirety of that statement suppressed.

21 THE COURT: They don't plan to elicit any of it.
22 I assume the only reason they're calling him is the
23 fact they picked him up in Charlotte, as to his
24 custody, and brought him back here to South Carolina,
25 which I'm just a little lost as why -- why his

1 statements --

2 MS. WILLIAMS: We're not even calling him, Your
3 Honor. I just wanted to --

4 THE COURT: Okay.

5 MS. WILLIAMS: -- it's just a motion in limine --

6 THE COURT: Okay. So we're talking about a
7 nonissue?

8 MS. LITTLEJOHN: Okay. Well, if he's not being
9 called, there's not a problem.

10 MS. WILLIAMS: We would just ask that you not
11 refer to that statement.

12 THE COURT: How else would she make reference to
13 it --

14 MS. LITTLEJOHN: I can't really get it in
15 otherwise, Your Honor.

16 THE COURT: So, if y'all don't plan to call the
17 witness, then it's a non-issue; is that correct?

18 MS. WILLIAMS: At this point, we don't, Your
19 Honor.

20 THE COURT: Well, I don't need gray areas. I need
21 to know whether you plan to call the witness or not. I
22 mean, that's a yes or no answer, worst case scenario.

23 MS. WILLIAMS: We have -- we have no intentions at
24 this point in calling him. But sometimes things unfold
25 --

1 THE COURT: I understand that. But that's why I
2 said worst case scenario. And if you tell me at the
3 beginning of a trial, it's a non-issue because you
4 don't plan to call the witness, when all along
5 somewhere in the gray matter that you might call the
6 witness, that's different. So which witness are we
7 talking about, Timothy Hines?

8 MS. WILLIAMS: It's Lamar Blakely. We're not
9 going to call Timothy Hines.

10 THE COURT: Lamar Blakely. What number is Lamar
11 Blakely -- oh, number 25. He's with the Berkeley
12 County Sheriff's Office, so he's not a North Carolina
13 officer?

14 MS. WILLIAMS: No, ma'am.

15 THE COURT: So why are we even making reference to
16 a North Carolina officer?

17 MS. WILLIAMS: He went to North Carolina to pick
18 him up. He's on the US Marshall's Task Force. So he
19 went and retrieved him from North Carolina. I mean,
20 there may be an issue that comes up at trial where we
21 see some reason for Lamar Blakely to testify about the
22 transport. I can't think of any now, but that's why we
23 asked you that --

24 THE COURT: But you don't plan to elicit this
25 testimony?

1 MS. WILLIAMS: No. No, Your Honor.

2 THE COURT: And I would assume then, Ms.
3 Littlejohn, you don't plan to elicit it either?

4 MS. LITTLEJOHN: Your Honor, if he's not
5 testifying, I do not plan to bring him --

6 THE COURT: That's not my question. It's a direct
7 question. If he testifies, do you plan to elicit this
8 testimony?

9 MS. LITTLEJOHN: At this point, I don't. Of
10 course, I'll have to see how the State goes with
11 theirs.

12 THE COURT: Okay.

13 MS. LITTLEJOHN: To say what testimony they get.

14 THE COURT: Well, I will just say this: I don't
15 know -- I'm hard pressed to see how it's relevant. I'm
16 hard pressed to see how it's beneficial to the
17 defendant. In fact, it would be extremely prejudicial
18 to him and I think it would cause you a problem on PCR.
19 So you may want to rethink about that -- whether it's
20 -- it's in his best interest to elicit that line of
21 testimony, because you may open another door that you
22 don't want to open.

23 All right. Is there anything else we need it
24 take up before we resume from the State?

25 MS. WILLIAMS: Not from the State, Your Honor.

1 THE COURT: Any other pretrial matters we need to
2 deal with from the defendant?

3 MS. LITTLEJOHN: Your Honor, of course, we'd ask
4 for a -- I would -- I had given the Court some motions
5 earlier, as far as not referring to Mrs. Lawrence's --

6 THE COURT: Well, she didn't die from natural
7 causes, so she is a victim. I don't see how that
8 prejudices your client. Although I would assume that
9 you all would, as much as possible, refer to her by her
10 name.

11 MS. WILLIAMS: Yes.

12 MS. LITTLEJOHN: And I would also likewise make an
13 oral motion to refer to my client as Mr. Bradley.

14 THE COURT: I think that's appropriate and I
15 assume they will do that as well.

16 MS. WILLIAMS: Yes. Your Honor --

17 THE COURT: Except if he's identified in court,
18 they will refer to him as the defendant --

19 MS. WILLIAMS: Yeah. There are times, I'm sure,
20 that we will fall into calling him the defendant,
21 because it's in the documents and reports, but we will
22 try to be as respectful as we can to Mr. Bradley.

23 MS. LITTLEJOHN: We had a motion to suppress.

24 THE COURT: I don't have a motion to suppress.

25 MS. LITTLEJOHN: Not a motion to suppress, a

1 motion to sequester --

2 THE COURT: I don't have that either, but I would
3 assume there is no exception to that --

4 MS. LITTLEJOHN: Oh, okay.

5 MS. WILLIAMS: The only exception we have is this,
6 the victim's daughter may testify. Her name is
7 Nashienda Williams ---

8 THE COURT: She's allowed to be in the courtroom
9 because she is the victim's --

10 MS. LITTLEJOHN: Well, she's not really the
11 daughter.

12 MS. WILLIAMS: Well, she is --

13 THE COURT: No. No. If there's a legal adoption,
14 she's the daughter. If she is just adopted by them as
15 a surrogate, she's not considered a daughter under the
16 law. The statute is very clear. It's a blood
17 relative.

18 MS. LITTLEJOHN: I'm willing to talk to --

19 THE COURT: She would have to be the family of the
20 decedent. I don't mean to sound cold about it, but I'm
21 not going to have that issue on appeal if it's not
22 necessary.

23 MS. LITTLEJOHN: I was going to talk to Ms.
24 Williams about what she had to say, and then I was not
25 probably going to object to it frankly. As I

1 understand --

2 THE COURT: Does she have any other family that
3 plans to be present?

4 MS. WILLIAMS: Not that are going to testify. We
5 are not asking for anybody else to be excepted from the
6 rule of sequestration.

7 THE COURT: Is she, in fact, her legal daughter
8 or is she someone she raised?

9 MS. WILLIAMS: I think she just raised her. And
10 then the only person we would ask is the case agent.

11 THE COURT: Well, yeah, that goes without saying.

12 MS. LITTLEJOHN: Your Honor, the only other thing
13 I was going to ask is we make sure that we're always
14 mindful about overhearing, because I always catch the
15 witnesses -- the jury looking over there to see what's
16 going on.

17 And I would ask that if we're going to have one
18 deputy seated behind my client --

19 THE COURT: I'm not going to do that. That's for
20 security purposes. And I think the only way people
21 would even notice it, is if you brought it to their
22 attention. Otherwise, I don't think they would pay
23 attention. And I don't know what the resources are of
24 the Sheriff's Office. Generally, they have one deputy
25 seated behind the defendant. They have one over here

1 to my left for my protection, and they usually have one
2 over here in this corner. And I see no reason to alter
3 that arrangement.

4 MS. LITTLEJOHN: Your Honor --

5 THE COURT: The only other option would be to
6 borrow some rabbit ears from somebody, because I don't
7 think we -- and I don't think your client will want to
8 do that.

9 MS. LITTLEJOHN: Also --

10 THE COURT: That's the only -- rabbit ears are
11 something that are attached to his ankles that sends
12 him a little shock every time he doesn't move the way
13 they prefer, and I don't think he would like that.

14 MS. LITTLEJOHN: I don't know about those.

15 THE COURT: Or have him fully shackled and I don't
16 think that's preferable either. I don't see how he's
17 prejudiced by having a deputy sitting behind him. The
18 deputies get scattered throughout the room, and I have
19 already explained to the panel why they are here. I
20 don't think it's singling out your client.

21 MS. LITTLEJOHN: Your Honor, I handed up my motion
22 to exclude prior bad acts to -- I've provided Ivy with
23 a copy.

24 THE COURT: I think we'll deal with -- well, I've
25 already indicated we will deal with that -- you know,

1 that the State is not to make reference to any of that,
2 and we will have to make a contemporaneous objection,
3 and I'll take it up in camera and create a proffer.

4 MS. LITTLEJOHN: Okay. We will -- we'll get the
5 redacted version tonight on this.

6 MS. WILLIAMS: And, Your Honor --

7 THE COURT: And so the record is clear -- I
8 apologize while this is own my mind -- there is no
9 deputy seated directly behind your client. And they
10 rotate, sometimes they sit on the far end of the bench.
11 Sometimes they sit directly behind him. But if he
12 testifies, there will be a deputy sitting behind him.
13 And that is for security. That does not prejudice him
14 in any way.

15 But, again, we have other deputies seated
16 throughout the courtroom and I see no need to alter
17 that arrangement. I have a bigger issue. I need to be
18 concerned with the safety of everyone -- including your
19 client. Because I would not want someone irate from
20 the gallery to be able to do something to him, a long
21 armed extension is possible --

22 MS. LITTLEJOHN: We have seen it before.

23 THE COURT: Uh-huh.

24 MS. LITTLEJOHN: Stranger things.

25 THE COURT: Yep. Yes, ma'am.

1 MS. WILLIAMS: With regard to sequestration, after
2 some discussion, I think we will just ask the Court to
3 allow one of the sisters, Cathy Hampton, she is a blood
4 relative. She has some very short testimony in the
5 beginning of the trial, but I know that they would like
6 to have one of them in here. And they said -- if Cathy
7 Hampton could be the witness we exclude from the
8 sequestration.

9 THE COURT: Okay. So that is her sister?

10 MS. WILLIAMS: Yes. Yes, Your Honor.

11 THE COURT: Okay. I'm confused now what you're
12 asking of me.

13 MS. WILLIAMS: For -- for her to be excluded from
14 the rule of sequestration.

15 THE COURT: Yes. She is the victim's sister.
16 Yes.

17 MS. LITTLEJOHN: Yes.

18 THE COURT: The statute provides that she has to
19 be present -- well, she is allowed certainly -- and
20 certainly has the right to be present at all portions
21 of the proceeding.

22 And I would imagine if there -- I don't know if
23 there are any eye witnesses, and I have no idea of the
24 facts and circumstances of the case, but I'm hard
25 pressed to know what any of them really would have to

1 offer unless they had some contact with him after or if
2 they were eye witnesses or --

3 MS. WILLIAMS: There's no eye witnesses to the
4 murder, Your Honor.

5 THE COURT: Yes.

6 MS. WILLIAMS: But these people all live within
7 feet of each other. And Mr. Bradley is seen in the
8 victim's car before, after --

9 THE COURT: Okay. Well, then those fact witnesses
10 --

11 MS. WILLIAMS: And told them things --

12 THE COURT: Well, those are fact witnesses, so --

13 MS. WILLIAMS: Yes.

14 THE COURT: You're saying that you plan to call --
15 are those the individuals that are listed on the
16 witness list, both of her sisters?

17 MS. WILLIAMS: Some of them are, Your Honor.
18 Dorothy Rivers is a sister. Cathy Hampton is a sister.
19 Darlene Walker is a sister. And except for Cathy
20 Hampton, Mr. Bradley makes statements to each of them
21 about where the victim is. Like he claims that she's
22 visiting a friend when, in fact, she is dead in her
23 house. He claims that, you know -- all different kinds
24 of things, so that's why they are witnesses on the
25 witness list.

1 THE COURT: All right. Well, then they are fact
2 witnesses. And I think they are -- but I don't think
3 they can be excluded. I mean, as a matter of
4 expedience, you might want to call them first and sort
5 of eliminate them from the witness list, so that they
6 can then -- I would imagine that a family member would
7 want to be present for everything.

8 MS. WILLIAMS: Yes, Your Honor.

9 THE COURT: And I just think out of an abundance
10 of caution, just to eliminate any perceived issue, that
11 you get those witnesses out of the way expeditiously to
12 the extent that you can so that they can freely be --
13 remain in the gallery instead of being out in the
14 hallway.

15 MS. WILLIAMS: Yes, Your Honor. We have them like
16 third -- third, fourth and fifth, I think. We -- we
17 have to play one piece of evidence before some of the
18 testimony becomes relevant. So we're working very hard
19 to keep them at the beginning of the -- the order. So
20 there's just a few witnesses before the sisters
21 testify. They are very close to the beginning.

22 THE COURT: All right. Is there anything else we
23 need to take up before which adjourn and resume in the
24 morning from the State?

25 MS. WILLIAMS: Not from the State, Your Honor.

1 THE COURT: From the defense?

2 MS. LITTLEJOHN: Not from the defense, Your Honor.

3 THE COURT: All right guys. Y'all have a good
4 evening. I would ask, however, that you get as many of
5 these exhibits premarked with the court reporter, and
6 let her know which exhibits you agree on.

7 MS. WILLIAMS: We have, Your Honor.

8 THE COURT: All right. Do you have the numbers
9 for me?

10 (Pause.)

11 THE COURT: So you all have marked 1 through 18
12 and agreed on those; is that correct, Ms. Williams?

13 MS. WILLIAMS: Correct, one through 18. And also
14 60 through 68. Those are all photographs, Your Honor.

15 THE COURT: Is that correct, Ms. Littlejohn?

16 MS. LITTLEJOHN: The exhibits?

17 THE COURT: Y'all agree on one through 18, and 60
18 through 68?

19 MS. LITTLEJOHN: I don't --

20 THE COURT: I can't hear you.

21 MS. LITTLEJOHN: There were a bunch that we agreed
22 on. That's probably about right.

23 THE COURT: Are those the numbers, Denise?

24 COURT REPORTER: Yes, ma'am.

25 (State's Exhibits Nos. 1 - 18 received into

1 evidence.)

2 (State's Exhibits Nos. 60 - 68 admitted into
3 evidence.)

4 THE COURT: All right. If there are any other
5 exhibits, though, y'all need to work on getting those
6 marked before you leave so we won't have to --

7 MS. LITTLEJOHN: We were in there going on,
8 Mrs. Williams and I were.

9 MS. WILLIAMS: We just ask that whatever portions
10 of the tape Ms. Littlejohn objects to, that when she
11 emails the court, she will let us know.

12 MS. LITTLEJOHN: Oh, yeah. And I'm going to
13 probably --

14 THE COURT: I would -- I would expect her to copy
15 you on the email.

16 MS. LITTLEJOHN: Yeah.

17 THE COURT: All right. Is there anything else we
18 need to take up before we adjourn?

19 MS. WILLIAMS: Not from the State, Your Honor.

20 THE COURT: From the defense?

21 MS. LITTLEJOHN: Nothing, Your Honor.

22 THE COURT: All right. We'll resume at ten. I
23 have to qualify the grand jury at 9:30.

24 (Whereupon, the hearing adjourned for the day.)
25

1 * * * TUESDAY JULY 12, 2016 * * *

2 -----
3 THE COURT: All right. Is there anything we need
4 to take up before we begin with opening instruction and
5 opening argument from the State?

6 MS. WILLIAMS: Yes, Your Honor. Just the issue of
7 Ms. Littlejohn's objection to the 911 tape.

8 THE COURT: I think we will take that up with the
9 witness.

10 MS. WILLIAMS: Okay.

11 THE COURT: And don't make any reference to it. I
12 mean you can -- don't make any reference to it in
13 opening until -- I think she has agreed to some portion
14 of it; correct?

15 MS. LITTLEJOHN: Yes. Once the foundation is set,
16 yes, Your Honor.

17 THE COURT: I think you can -- don't make any
18 reference to any of the portions of it that she has
19 exception to, and then I'll take it up
20 contemporaneously when you seek to submit the evidence.
21 She'll have to make a contemporaneous objection.

22 MS. WILLIAMS: Okay. Thank you, Your Honor.

23 THE COURT: You're welcome. Anything else before
24 we begin from the State?

25 MR. MCNEELY: Yeah, Your Honor, one thing.

1 THE COURT: Yes, sir.

2 MR. MCNEELY: As far as the interview disk, the
3 State had intended to introduce the full version, the
4 authentication through the law enforcement, and then
5 publish the redacted version.

6 THE COURT: Well, that would be in testimony;
7 correct?

8 MR. MCNEELY: Yes.

9 THE COURT: Does it affect your opening argument?

10 MR. MCNEELY: No, it doesn't. I just wanted to
11 get the procedure down to your --

12 THE COURT: I don't think you can put -- the
13 original is the Court's Exhibit. The original is not
14 going to the jury, so there is no need to put that in
15 evidence.

16 MR. MCNEELY: Okay.

17 THE COURT: Only put in evidence what the jury
18 will see.

19 MR. MCNEELY: Okay.

20 THE COURT: And they cannot see the full version.

21 MR. MCNEELY: Correct. The -- the law enforcement
22 is going to testify that they have reviewed the full
23 disk --

24 THE COURT: No, that's not proper because doing
25 that then implies that there's something that the jury

1 is not hearing.

2 MS. WILLIAMS: Well, they won't know it's the full
3 disk, Your Honor. It's just --

4 THE COURT: What's the purposes of this; the full
5 disk as a Court's Exhibit?

6 MS. WILLIAMS: Because we don't know what redacted
7 version the Court is going to admit. In the past, what
8 we have done is have them authenticate it, say that it
9 is a complete copy of the interview, so that they can
10 enter those foundational --

11 THE COURT: I don't think there is any question
12 that it is. She's not saying -- you only put in
13 evidence what is going to the jury. That full disk is
14 not going to the jury, and the full disk has already
15 been marked as a Court's Exhibit.

16 MS. WILLIAMS: Okay.

17 THE COURT: The only thing we're dealing with is
18 the redacted -- redacted statement. And she doesn't
19 contend that that's not accurate either. She's just
20 asking that certain portion be removed as not being
21 relevant.

22 MS. WILLIAMS: So, is the Court telling us that
23 it's already been authenticated? Because then we would
24 have to have our witness --

25 THE COURT: I think the only thing you have to

1 authenticate is the redacted version. She has never
2 contested the authenticity of the disk because that is
3 not the actual interview.

4 MS. WILLIAMS: We just -- we haven't had our
5 detectives review the redacted version because we don't
6 know what the court's ruling --

7 THE COURT: I think out of prudence, you should
8 have him -- he should have already redacted -- he
9 should have already reviewed what you redacted and what
10 you gave to me.

11 MS. WILLIAMS: Well, we don't --

12 THE COURT: It's an hour or some minutes. It
13 doesn't matter whether you -- I mean, that's just a
14 part of preparation.

15 MS. WILLIAMS: Then we will have to.

16 THE COURT: You can't anticipate what the Court is
17 going to do, so he should have reviewed the whole
18 thing.

19 MS. WILLIAMS: We have -- he's only reviewed the
20 one -- the full version. Because in the past, what we
21 have done is have them authenticate that, and then just
22 publish the redacted version by -- by agreement. So
23 from a procedural standpoint, however you want us to do
24 it, we'll do it. But we would have to -- if you want
25 this --

1 THE COURT: I think the rules require that the
2 only things that go into evidence, are those things
3 that go to a jury. The entire, unredacted interview is
4 a Court's Exhibit. It's already preserved for the
5 record. You only need to authenticate what the jury is
6 going to see. You're trying to anticipate what I'm
7 going to do. I have no idea what's going to come in or
8 not come in. But as a matter of practicality, you
9 should have had him review the entire redacted version.

10 MS. WILLIAMS: Okay. Well, we can do that. We
11 would just have to take a break. And then if you rule
12 that more has to be redacted, we would have to have him
13 watch that portion --

14 THE COURT: I don't know that that's necessary
15 when they are not contesting the authenticity of the
16 disk. Are you contesting the authenticity of the disk?

17 MS. LITTLEJOHN: We are not -- we are not
18 contesting -- because I believe they're going to
19 actually have it put in through either one of the two
20 detectives that was there that took the disk.

21 MS. WILLIAMS: Well, then we can just put it in by
22 agreement if she's not -- if -- if --

23 THE COURT: I guess I'm trying to figure out why
24 we're having this discussion when it's not germane to
25 opening arguments.

1 MS. LITTLEJOHN: I believe probably for foundation
2 --

3 MS. WILLIAMS: Because it's a witness that comes
4 pretty soon after --

5 THE COURT: Then we will deal with it then. I
6 have a jury that's been sitting here since 10:00, and
7 it's quarter to 12:00. And it's not your fault, but it
8 is quarter 'til. Because I'm still not clear what it
9 is she's asking to be redacted, so I don't plan on
10 circling this wagon right at the moment.

11 All right. Please bring in the jury.

12 (Whereupon, the jury entered the courtroom at
13 11:41 a.m.)

14 THE COURT: You may be seated. Good morning,
15 ladies and gentlemen. We appreciate your patience. As
16 I explained to you earlier, I had the responsibility of
17 selecting, qualifying and instructing the new Grand
18 Jury for the next few months. And so we had to take
19 time to do that. And we had some late arriving grand
20 jurors, which affected our timeline. So we appreciate
21 your patience. We do not take your time for granted.

22 You have been selected for the case the State of
23 South Carolina vs. Lee Dell Bradley. The bailiff is
24 going to give you some notebooks. During the course of
25 this trial, you will be given the opportunity to take

1 notes.

2 On the first page of those notebooks, you should
3 write your juror number so that you will be able to
4 identify which note pad belongs to you -- or are there
5 stickers on the -- yeah, on the first page, if you'd
6 write your juror number so that you will be able to
7 identify which notebook belongs to you.

8 Please rest assured that during breaks and
9 recesses, your notes will be under lock and key so you
10 don't have to worry about anyone invading the privacy
11 of your having taken notes. Again, I will give you
12 some additional instructions regarding that at the
13 conclusion of this instruction.

14 What I'm now going to say to you is intended to
15 serve as an introduction to the trial of this case.
16 These remarks are not a charge or instruction on the
17 law in this case. I will instruct you on the law
18 applicable to this case at the end of the trial before
19 you retire to consider your verdict. This is merely an
20 explanation of the procedure that we will follow in the
21 trial of this case, so that you may better understand
22 what may be happening.

23 The defendant is charged by an indictment, filed
24 with this court, with the crime of murder. The
25 elements of which I will explain to you at the

1 conclusion of the case before you retire to deliberate.

2 The indictment, ladies and gentlemen, is simply

3 the charge by which this case is brought into court.

4 And it is not, in any sense, evidence of any of the

5 allegations that it may contain. The defendant has

6 pled not guilty to the indictment. The State,

7 therefore, has the burden of proving each of the

8 elements of the indictment beyond a reasonable doubt.

9 And it will be your duty, ladies and gentlemen, to

10 decide whether the State has met that burden or not.

11 Your purpose, as jurors, is to find and

12 determine the facts. You are the sole judges of the

13 facts in this case. If, at any time, I make any

14 comment regarding the facts, you must disregard it.

15 You are to determine the facts from the

16 testimony you hear and the other evidence introduced in

17 court. It is up to you to determine the inferences

18 which you feel may be properly drawn from the evidence.

19 It is especially important that you perform your

20 duty of determining the facts diligently and

21 conscientiously. Because ordinarily, there is no way

22 to correct an erroneous determination of facts made by

23 a trial jury.

24 On the other hand, and with equal emphasis, the

25 same law that makes you the judges of the facts, makes

1 me the judge of the law. The law, as given by the
2 Court, is the only law you are entitled to consider.
3 You must accept and follow it even though you may
4 disagree with it. The Court cannot disagree with you
5 about what the facts are, and you cannot disagree with
6 the Court about what the law is or what the law should
7 be.

8 It is your responsibility to take the law as I
9 instruct it, and apply it to the facts as you find them
10 from the testimony of the sworn witnesses and the other
11 evidence that may be introduced during the course of
12 this trial.

13 After doing that, ladies and gentlemen, you will
14 render a verdict, a true and just verdict under a
15 solemn oath that you have taken as jurors in this case.

16 Until I advise you to begin your deliberations,
17 you must not discuss this case with anyone, including
18 your fellow jurors, your friends, family members, and
19 anyone involved in the case.

20 After the case is submitted to you, you must
21 discuss it only in your jury room among your fellow
22 jurors. The attorneys and parties and witnesses have
23 been advised that they are not to talk with you at all.
24 So if you see anyone in passing involved in the case,
25 say at lunch -- even in the parking lot, in the local

1 restaurant, and they don't speak with you, please don't
2 think they are being unfriendly or untoward, they are
3 simply following the court's instruction. Again, we
4 would not want an innocent conversation to be observed
5 and misinterpreted.

6 During the trial, do not read, watch, or listen
7 to any news accounts about this case. That includes
8 anything that may be in the newspapers or on the
9 internet, radio, or television. And you're strictly
10 instructed not to do any independent research of any
11 type on the internet. You must not read or consider
12 anything that you may have heard outside of this
13 courtroom, whether before or during the course of this
14 trial.

15 It is essential that you maintain an open mind
16 and not decide any issue in this case until all of the
17 evidence has been presented, the parties have made
18 their closing arguments, and I have instructed you on
19 the law applicable to this case.

20 It is your solemn responsibility to determine
21 the guilt or innocence of the defendant, and your
22 verdict must be based solely on the evidence as it is
23 presented to you in this trial, and on the law as I
24 will instruct you during, and at the close of this
25 trial.

1 In just a moment, the Solicitor will make what
2 is called an opening statement, in which they will
3 explain what they believe the issues in this case will
4 show -- or what they believe the evidence in this case
5 will show.

6 What the Solicitor thinks the issues are in this
7 case are not evidence. The attorney for the defendant
8 may also make an opening statement, although she is not
9 required to do so. Keep in mind, ladies and gentlemen,
10 that what the attorneys tell you during their opening
11 statements is not evidence. It is only their
12 contention as to what they believe the evidence will
13 show in this case.

14 The evidence in this case will be presented to
15 you by the testimony of sworn witnesses from the
16 witness stand, and/or by exhibits that may be
17 introduced into evidence.

18 From time to time during the trial, you will
19 hear the attorneys say, Your Honor, I object. Just as
20 in the sports business or any other structured
21 activity, there are certain rules that we must obey in
22 the presentation of evidence. These rules have a
23 definite purpose. They ensure that you receive the
24 most trustworthy and reliable evidence available.

25 An objection is the procedure than an attorney

1 uses to call a possible violation of these rules to my
2 attention as the judge of this court. And for this
3 reason, you should never hold an attorney's objection
4 against them, nor should you conclude from the court
5 overruling or sustaining an objection that I favor one
6 side or the other.

7 Also you may hear the attorneys say, Your Honor,
8 we have a matter of law to take up, or a question of
9 law to take up, or they may ask to approach the bench
10 -- or I might ask them to approach the bench, or it may
11 even be necessary for us to exclude you from the
12 courtroom for a short while while we discuss matters of
13 law.

14 The reason we do this is because you are the
15 finders of the fact. And sometimes when I'm discussing
16 matters of law with the attorneys, it might be
17 necessary for me to make some comment about the facts
18 in connection with ruling whether -- ruling on certain
19 motions or other matters of law. And for this reason,
20 you will be excluded from the courtroom because we
21 would never want anything that the court may say or do,
22 in connection with ruling on a matter, to affect your
23 perception of the facts in this case, and so that you
24 will not be influenced by anything that the Court may
25 say or do in connection with the facts.

1 In determining what the true facts are in this
2 case, you must decide whether or not the testimony of a
3 witness or witnesses is believable. It is my
4 responsibility to rule, as a matter of law, as to
5 whether certain testimony is admissible at all or not.
6 But once it is admitted, ladies and gentlemen, it is
7 for you to determine, and solely within your province,
8 to determine whether you believe it or not.

9 In deciding whether to believe a witness, you
10 have the right to consider the interest of any witness,
11 the bias of any witness, the prejudice of any witness,
12 the opportunity for the witness to have seen the
13 matters and things about which the witness may testify,
14 and way the witness acts on the witness stand. What we
15 commonly refer to as demeanor.

16 You have a right to consider anything that is in
17 the record that will help you evaluate the testimony of
18 the witnesses. That means that it is your duty to pay
19 close attention to the witnesses, to observe them, to
20 listen to them, and to pay close attention to the
21 attorneys and the court.

22 Although I know sometimes it is very difficult,
23 please do not allow your thoughts to wander, but give
24 strict attention to the testimony. So that at the end
25 of the testimony, after the attorneys have made their

1 arguments and charge on the law given by the Court, you
2 will then be in a position to determine what the true
3 facts are, apply the law to those facts, and then thus
4 render a true and just verdict.

5 It is your added duty, Madam Forelady, to fill
6 out the verdict form and to write out any questions the
7 jury may have during deliberations, but I will give you
8 further instructions regarding that at the conclusion
9 of the case.

10 Ladies and gentlemen, the foreperson is merely
11 your spokesperson. That person does not have any
12 greater vote or voice than you do, and it is purely a
13 random process that the court employs in selecting a
14 foreperson. And, again, I emphasize that that person
15 does not have any greater vote or voice than you do in
16 the deliberative process. We merely need someone to
17 fill out the verdict form, et cetera.

18 You will be given the opportunity during this
19 trial to take notes. Note taking is a privilege. You
20 may chose to exercise or chose not to exercise. Not
21 everyone finds note taking helpful to them. Please do
22 not feel that you are required to take notes.

23 If you should decide to take notes, please don't
24 try to report everything that is said. It's physically
25 impossible. Even the average speaker speaks at over

1 200 words a minute. And the only way the court
2 reporter can take it down is because she is trained in
3 a very complex specialized form of shorthand, aided
4 with another complex computer, that allows her to take
5 down basically what we say phonetically. And that's an
6 over simplification. But even with that aid, she
7 still -- if you notice, there are digital mics. She
8 still listens completely once she's produced a
9 transcript to the actual digital recording to make sure
10 that she has taken down everything that has been said
11 accurately.

12 So as you can well imagine, it would be
13 physically impossible for you to take down verbatim
14 what is being said. So please don't try to do that.
15 Again, as the fact finders, it's absolutely essential
16 that you rely on your powers of observation. So we
17 would not want you to become distracted in note taking.

18 You may want to keep an outline, the main points
19 and arguments that are being made. So that when you
20 retire to deliberate, you can allow your notes to
21 refresh your memory.

22 Please be reminded that your notes are for your
23 specific and your individual purposes. They're only to
24 be used to refresh your own memory, and they're not to
25 be shared with anyone else.

1 Also, be reminded that your notes should not be
2 considered any more reliable than someone else's
3 memory. A fellow juror's memory should be considered
4 just as reliable as notes that may have been taken by a
5 fellow juror.

6 Also, during breaks and recesses, your notes
7 will be left in your seat and secured during the
8 evening recesses, and we do that to make sure that
9 there is no premature temptation to deliberate
10 regarding any matter or issue involved in the case.

11 In order to preserve everyone's rights, I'm
12 going to give the parties the opportunity to take
13 exception to anything that the Court has said by way of
14 opening instruction. Any exceptions from the State?

15 MS. WILLIAMS: Not from the State, Your Honor.

16 THE COURT: From the defense?

17 MS. LITTLEJOHN: None from the defense.

18 THE COURT: Ladies and gentlemen, I would ask that
19 you give counsel your undivided attention,
20 Mrs. Williams or...

21 MR. MCNEELY: McNeely.

22 THE COURT: Mr. McNeely, you may proceed.

23 MR. MCNEELY: Thank you, Your Honor.

24 THE COURT: I had a little brain lapse. I
25 apologize.

1 MR. MCNEELY: No problem at all. Good morning,
2 ladies and gentlemen. My name is Wilton McNeely, along
3 with Anne Williams. We represent the State of South
4 Carolina in this case on behalf of the 9th Circuit
5 Solicitor's Office, and elected Solicitor Scarlett
6 Wilson.

7 The case you're going to hear today is the case
8 the State of South Carolina vs. Lee Dell Bradley. Lee
9 Dell Bradley is charged with murder. This case, ladies
10 and gentlemen, is about the life of Frances Lawrence, a
11 life that was ended in a murder.

12 As the judge stated in her opening remarks to
13 you, she is going to explain the law to you. She'll go
14 over the law and she'll explain the law, but what she
15 says about the law is what you have to follow, and
16 apply it to the facts in this case that we're going to
17 present to you with the evidence.

18 Just so we're all on the same page throughout
19 the trial, I'm going to go through a little explanation
20 of the law right now, so you'll know what we're talking
21 about and what the evidence is building to as we go
22 through everything.

23 Murder is defined by statute in South Carolina
24 as the killing of any person with malice aforethought
25 either expressed or implied. The first element is

1 pretty self explanatory, it means by action of the
2 defendant of someone else, a person is killed.

3 In this case, we're alleging that the defendant,
4 Lee Bradley, killed Frances Lawrence. Malice
5 aforethought is a little trickier, a little more
6 explanation is required.

7 Malice is defined as, under the law, is hatred,
8 ill will, or hostility towards another person. It
9 indicates a wicked or depraved spirit intent on doing
10 wrong. It is the intentional doing of a wrongful act.
11 In other words, the killing of the person was done
12 intentionally. It was done by the intentional act of
13 another person.

14 Malice does not require that malice exists at
15 any particular time or for any appreciable length of
16 time before the act is committed. It may be conceived
17 at the moment the act occurs.

18 I'm sure you all watch TV, and you've heard
19 people talk about premeditated murder. There's
20 different degrees of murder, those are in other states.
21 In South Carolina, if the charge is murder, it requires
22 the killing of a person with malice aforethought, and
23 that malice can be conceived at the instant the person
24 takes action to kill the victim.

25 As you heard from the initial definition, it can

1 be either expressed or implied. Expressed malice is a
2 deliberate intention to unlawfully injure or take the
3 life of another person. It's an expressed action.
4 Express doesn't, in and of itself, mean that somebody
5 has to say, I'm going to kill you and then kill them.

6 Express can be inferred from the action.
7 Putting a gun to the back of someone's head and pulling
8 the trigger, is express malice. You know when you do
9 that, what's going to happen. Plunging a knife into
10 someone's chest is express malice. You know what is
11 going to happen.

12 Implied malice is a little different. Implied
13 malice arises when circumstance demonstrates a wanton
14 or reckless disregard for human life, or when a
15 reasonably prudent person would have known that
16 according to prior experience, there was a plain and
17 strong likelihood that death would follow from the act.
18 An example, firing a gun into a crowd. You may not be
19 pointing at some person in particular, but you know
20 when you fire a gun in a crowd, somebody can die.

21 In this case, ladies and gentlemen, as I just
22 mentioned, we're talking about the death of Frances
23 Lawrence in May of 2014 at the hands of this defendant,
24 Lee Bradley.

25 Frances Lawrence was a 60 year old lady. She

1 lived at [REDACTED] Bushy Lane in the Summerville area of
2 Berkeley County. And when I say "Summerville", most
3 people think that section on the side of 26 where
4 Target and everything is. And that is Summerville.
5 But we're talking about Summerville here, we're talking
6 about Sheep Island.

7 And if y'all aren't familiar with where Sheep
8 Island is -- and a lot of people aren't -- Sheep Island
9 is a little section that's addressed Summerville, but
10 it's between Summerville, to the right of 26 and Goose
11 Creek. It's sort of a less populated area that a
12 number of families live in, and they've lived in there
13 for years.

14 As you're going to hear the evidence in this
15 case, that Ms. Lawrence's family has lived there for
16 years. In fact, she lived on a piece of heirs property
17 that was owned for a long time by her family, and she
18 lived just feet away from her mother, and her sisters,
19 and some -- a nephew, and some other folks that she is
20 related to. They all lived on this heirs property in
21 close proximity.

22 Living with Frances Lawrence in May of 2014 was
23 this defendant, Lee Bradley. Nobody else lived with
24 them. It was just the two of them. And as I said
25 before, they lived feet away from other relatives and

1 friends.

2 At the time, Frances worked at the Fruit of Loom
3 Distribution Center. I'm sure everybody has seen it.
4 It's a big building just on the side of 26 as you're
5 coming down into the Tri-counties.

6 She worked second shift in quality control.
7 What that means is that she -- she inspected their
8 products before they went out. The second shift is the
9 afternoon shift. So, you're going to hear some
10 testimony from Fruit of the Loom folks that she
11 worked -- she went in about 3 or 4:00 in the afternoon,
12 and she got off around midnight or a little after
13 depending on the overtime. But it's not the common
14 8:00 to 5:00 most people work. She worked a little
15 later.

16 Specifically, you're going to hear that on
17 Tuesday, May 20, 2014, Frances got up. She got in her
18 vehicle, a blue SUV, and she went to work. Business as
19 usual. She left [REDACTED] Bushy Lane. She went into work.
20 She worked her shift. She got off at 12:58 a.m. on
21 Wednesday, May 21st. It rolled over into the next day.

22 We know this from the Fruit of the Loom's clock
23 records. They track when you enter or exit the
24 building. Frances left May 21st at 12:58 a.m. This is
25 the last time anyone, other than this defendant, saw

1 Frances alive.

2 Nobody hears from Frances the rest of the day on
3 May 21st. She was supposed to go into work, but she
4 didn't show. That was unusual. She rarely, if ever,
5 missed work.

6 She was supposed to go to work on May 22nd. She
7 didn't show and nobody's heard from her, and nobody
8 knows what's going on. Until just before 9:00 a.m. on
9 May 23rd, the defendant finally decides to pick up the
10 phone and call 911. And told 911 that his girlfriend,
11 Frances Lawrence, was in the home at [REDACTED] Bushy Lane and
12 she was deceased. That's the first version of events
13 you're going to hear from this defendant's own mouth.
14 And that's true, she was in the home. She was
15 deceased.

16 What isn't true when he tests -- talks to 911,
17 is he said that she fell on a knife. That's the first
18 version you're going to hear.

19 The second version you're going to hear from the
20 defendant's own mouth, is the statement he made to law
21 enforcement following his arrest. This time the story
22 has changed. He's had more time to think about. He's
23 had six days. This time he decides to tell law
24 enforcement a different story.

25 We got in a tussle. She had the knife in her

1 hand. We both fell and she stuck herself with a knife.
2 Not that she fell on a knife, she fell and it went into
3 her.

4 He goes on, and you will hear the whole
5 statement, listen to the way he talks about it. In --
6 both in the 911 tape and to law enforcement, it's like
7 he's talking about the weather. He's not talking about
8 a loved one that perished by an accident. Because he
9 knows what happened, he knows what happened in that
10 house.

11 Also, listen to what he talks about doing in the
12 home after this accident happens. Pay attention to it.
13 It's important. When we put everything together, you
14 will see what does match up and what doesn't match up.

15 The third statement you're going to hear is a
16 call he makes. And in this one, he's changed the story
17 again. She got a knife. They were arguing. She
18 snatched it back, stabbed herself with it, and then
19 fell to the ground. And he didn't know what happened
20 until after he rolled -- she rolled over and he
21 realized that she had been stuck with a knife. A third
22 version of events.

23 You're going to hear them all. Then you're
24 going to hear all the other evidence. You will hear
25 everything else in this case that tells you that every

1 one of those three versions of events you're going to
2 hear from the defendant, are fabrications. Every one
3 of them are a made-up story, to try to hide the fact
4 that on May 21st, in the morning hours of 2014, this
5 defendant stabbed Frances Lawrence in the chest,
6 killing her in a matter of minutes, with a wound
7 directly to her heart.

8 Listen to the other evidence that's going to be
9 presented. I'll tell you a little bit about what we're
10 going to show you. You're going to hear some testimony
11 from coworkers and other folks that worked at Fruit of
12 the Loom about Frances' habits and her work schedule,
13 and the last time they saw her.

14 And when they didn't see her on the 21st and
15 22nd of May, that something wasn't right. Something
16 was up because Frances came to work. Frances wouldn't
17 just miss work. That's not who Frances was.

18 You're going to hear testimony from family
19 members that lived near her, that lived right beside
20 her, hear a little bit about the victim, like I just
21 said. But most importantly, listen to what the family
22 members that were living right beside the home had to
23 say about this defendant's conduct on May 21st, 22nd
24 and 23rd. It's telling. It's telling peculiar things.

25 Using Frances' car all the time. Frances had to

1 drive to work. She needed her car. This defendant had
2 all day, saying Frances was staying somewhere else.
3 Frances never stayed anywhere else. No, he wasn't
4 staying at the home at night, he was taking her car.
5 Frances wouldn't stay at home at night without her car.

6 Getting rid of some of her possessions, selling
7 her grill. Giving food away out of the refrigerator.
8 It didn't seem right. They hadn't seen Frances in
9 two days. Things aren't adding up. He's still around.
10 He's coming and going. Where is Frances?

11 You are going to hear testimony from a bank
12 representative. They are going to tell you that on the
13 21st and 22nd of May, her ATM card is being used. Her
14 debit card is being used. The transactions are going
15 on the 21st, 22nd and 23rd. Who is not using it?
16 Frances isn't using it because Frances is laying in her
17 master bathroom floor with a stab wound in the heart
18 that killed her in a matter of minutes. Frances isn't
19 using it.

20 And, finally, you will hear a lot of testimony
21 from law enforcement about where they went, and when
22 they were called on the 23rd, the dispatch to the
23 location. What they saw when they entered the crime
24 scene. And, more importantly, what they didn't see.

25 You're going to hear that they didn't see any

1 signs of struggle. There's no sign there was a big
2 fight. There is no amount of blood spread all over the
3 home, that there was a big stab fight, an accidental
4 fight; blood all over the carpet where she fell on a
5 knife. There's very little blood at the crime scene.

6 What you're going to hear is going to tell you
7 that Frances was stabbed by somebody else, and she was
8 on her back because most of the blood is pooled up into
9 her chest cavity. And that leads us into the testimony
10 that you're going to hear from the medical examiner.

11 When they found her body on the 23rd, they took
12 her and they did an autopsy. She didn't die that
13 morning they found her. You're going to hear testimony
14 from the medical examiner that she had been dead
15 36 hours or more. Again, the blood pooled up in her
16 chest, because she had been on her back with a stab
17 wound to the heart. She didn't fall on the knife.

18 Everything that you're going to hear, put it
19 together. You judge the credibility of the witnesses.
20 You will hear the statements from the defendant's own
21 mouth, like I mentioned, and you will hear everything
22 else. It doesn't add up to anything other than on
23 May 21st, Lee Bradley stabbed Frances Lawrence in the
24 chest and he left her to die in her bathroom floor.

25 That's the evidence you're going to hear from

1 the witness stand in the evidence that we present. We
2 ask that you pay attention to it and listen to it, and
3 put it together. And when you do, you will be firmly
4 convinced that this defendant killed Frances Lawrence
5 on May 21st or 22nd, 2014, and we will ask that you
6 find him guilty of murder. Thank you.

7 THE COURT: Ms. Littlejohn.

8 MS. LITTLEJOHN: I'm probably the last person
9 y'all want to hear from because I was the one that said
10 "seat that juror", which meant you had to be here.

11 So -- but you know what, here's the thing. I
12 wanted y'all. Y'all were looking at us. We were
13 looking at y'all. I was looking down and looking at
14 experience and all. One thing you do, you say, look at
15 the jury, an intelligent jury. And that's what I want
16 y'all to think about. Come in here with your every day
17 common sense, your every day intelligence.

18 You're going to hear a tragic story and it is
19 true. Every single person has said Ms. Lawrence was a
20 wonderful lady. Every single person, including Mr. Lee
21 Bradley here. Lee is 62-years-old. He and Frances had
22 been together -- I think somebody said something about
23 ten years, but it had been a many, as they like to say,
24 it had been awhile. So you're going to hear things.

25 Why do things happen? I don't know, but I can

1 assure you of two things, one thing for sure. There
2 were only two people there, Lee and Frances. This
3 isn't a who-done-it. Because who-done-it is -- was --
4 did someone else come in and happen to have a mix-up in
5 this? No. This is was there a murder; was there a
6 murder. That's what this is.

7 Unfortunately and -- and you won't be given a
8 choice of saying he's innocent of murder. Okay. You
9 won't be given that choice. I would submit to you that
10 all of us on the legal end of it, would agree to
11 that -- because see that flag right there, that
12 probably means more right now than ever. With the
13 chaotic world we're going through and all the things
14 that we are experiencing, that flag is like the
15 military and all, it stands for the constitution. One
16 of the things we know is, the defendant is always
17 presumed innocent.

18 You are going to hear a lot of things from this
19 witness stand. You are going to hear some people get
20 up here and they will take the jury -- they will take
21 the chair. They will talk to you, almost like trained
22 actors, turn and talk to you as though they're trained
23 on that. Okay. Don't be fooled by those kind of
24 things. Okay.

25 The training on how to testify is not -- listen

1 to what they have to say. And more importantly, you
2 may hear them say, oh, yeah, I saw this, or I heard
3 this, or I saw this. Why didn't you tell the police.

4 And while I fully, fully expect Frances
5 Lawrence's family to be upset with Lee Bradley, that
6 would be abnormal if they're not. I just think that
7 would be abnormal.

8 How do people react to death? Well, I can tell
9 you -- y'all may guess this, but I'm a little bit over,
10 say, 21. Okay. And so I've experienced people passing
11 away. And the way you react really depends on those
12 circumstances. We totally -- we react differently
13 during different situations.

14 Is there a certain way you're supposed to react?
15 Think about that. You should -- think about it. Every
16 single time you have heard about or been told about
17 someone who has passed away, that you've been very
18 close to, have you always had the very same exact
19 reaction? Likely not. This is a personal thing.

20 Does that have to do with your demeanor or does
21 that have to do with your inner person? That's where
22 you're going to bring your common sense, your
23 experience, and your intelligence to this.

24 Okay. You are going to listen to the witnesses,
25 as they said, and you're going to listen to the

1 evidence. You're going to listen to what was told to
2 the police -- and they were told to the police by
3 witnesses right away, and then what was later on
4 supposedly told. All I want you to do is keep an open
5 mind. That's all you need to do here.

6 See my hand right here -- everybody sees it --
7 well, you don't really. Because, see, here's the other
8 side of it. This, you have to see both sides of this
9 hand for it to be real. That's what we have to look
10 at, not just what they're saying right there, but what
11 they don't say. What they miss out on, when it came
12 in. Those are the things that you have to look at.

13 And just because somebody may not behave in a
14 way that the government thinks they ought to behave --
15 the way the government thinks people ought to behave
16 may not always be the way people behave. The
17 government may not always be right.

18 So I'm just asking you to use your common sense
19 and listen to the entirety of all the testimony. Thank
20 you.

21 THE COURT: The State may proceed.

22 MR. MCNEELY: Thank you, Your Honor. The State
23 calls April Carter.

24 APRIL CARTER, being first
25 duly sworn, testified as follows:

1 THE CLERK: Have a seat and state your full name
2 for the record and spell your last name, please.

3 THE WITNESS: April Danielle Carter, C-a-r-t-e-r.

4 THE COURT: You may proceed.

5 MR. MCNEELY: Thank you, Your Honor.

6 THE COURT: You're welcome.

7 **DIRECT EXAMINATION BY MR. MCNEELY:**

8 Q. Good afternoon, Ms. Carter. Where are you
9 currently employed?

10 A. I'm a manager at Coconut Joe's on the Isle of
11 Palms.

12 Q. Okay. Where were you employed on May 23rd of
13 2014?

14 A. I worked for Berkeley County Dispatch.

15 Q. What were the duties of your position as a
16 dispatcher?

17 A. I would answer 911 calls and dispatch fire,
18 police, or EMS as needed.

19 Q. Were you working on the day, May 23, 2014?

20 A. Yes, sir.

21 Q. Did you get a call on May 23, 2014, regarding
22 a person named Frances --

23 MS. LITTLEJOHN: Your Honor, leading.

24 THE COURT: I'm going to allow him a little
25 latitude, but just -- for expediency, but be very

1 careful with the leading. You may proceed.

2 THE WITNESS: Yes, I did.

3 BY MR. MCNEELY:

4 Q. Who called?

5 A. Lee Bradley.

6 Q. How do you know it was Lee Bradley?

7 A. He identified himself.

8 Q. By name?

9 A. Yes, sir.

10 Q. What time did he call?

11 A. The call came in at 8:52 a.m.

12 Q. What was the call about?

13 A. He was requesting assistance, that his
14 girlfriend had fallen on a knife and was dead.

15 Q. Where did he tell you he was calling from?

16 A. He told me he was on Highway 78.

17 Q. Which is in -- is that in Berkeley County?

18 A. Certain parts are in Berkeley County, but not
19 all of it.

20 Q. Was he, in fact, calling from that location?

21 A. No, sir.

22 Q. How do you know that?

23 A. His cell phone was hitting on a tower off 95,
24 Interstate 95.

25 Q. When someone --

1 MS. LITTLEJOHN: Your Honor, may we approach for a
2 matter of law?

3 THE COURT: Madam forelady, ladies and gentlemen,
4 I have a brief matter of law to take up with the
5 attorneys. During this break, please do not discuss
6 the case, and please leave your note pads in your
7 seats.

8 (Whereupon, the jury left the courtroom at 12:15
9 p.m.)

10 THE COURT: You may be seated. I need that door
11 closed, please. Thank you. What's the basis of the
12 objection?

13 MS. LITTLEJOHN: Yes, Your Honor, pursuant to a
14 Brady, we never received anything with regard to cell
15 phone tower information.

16 THE COURT: That would not be the basis of the
17 objection. The basis of the objection would be the
18 foundation for her knowledge to have elicited --

19 MS. LITTLEJOHN: Yeah, exactly --

20 THE COURT: I'm talking.

21 MS. LITTLEJOHN: Sorry.

22 THE COURT: Thank you. So I need -- so it's a
23 compound issue. I need to know how she would have
24 that. The other problem is you're eliciting hearsay.
25 The tape speaks for itself. You don't need her

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1 annotating what he said.

2 So the only issue is her laying the foundation
3 that she received the call. And that because --
4 because, really, she doesn't even have any way of
5 knowing his voice because she doesn't know him. At
6 least you haven't elicited that testimony, that she
7 knows him, so.

8 But as I understand it, you all really don't
9 object to the admissibility of the tape. You only
10 admit -- object to certain portions of the tape. And
11 since I've never heard the tape, I'm a little in the
12 dark. So why don't we play it.

13 (Pause.)

14 MS. WILLIAMS: We are working through some
15 technical difficulties, but may I place --

16 THE COURT: I'm not interested in any argument
17 until I hear the tape.

18 MS. WILLIAMS: Okay.

19 (Whereupon, the recording was played in open
20 court.)

21 THE COURT: Is that the entirety of the tape?

22 MR. MCNEELY: No, ma'am.

23 (Whereupon, the recording continued.)

24 THE COURT: What's the objection?

25 MS. LITTLEJOHN: The first objection, Your Honor,

1 do you want to go to the objection on the 911 call
2 itself or --

3 THE COURT: I need to have the basis -- you stood
4 up and said you had an objection. I need to know what
5 the basis of the objection is.

6 MS. LITTLEJOHN: Your Honor, it's -- (a), a
7 violation of Brady with regard to it being -- on her
8 testifying. We have -- we have zero evidence.

9 THE COURT: You've had the tape all along, have
10 you not?

11 MS. LITTLEJOHN: We've had the tape. There is no
12 evidence --

13 THE COURT: Have you listened to the tape?

14 MS. LITTLEJOHN: We have listened to the tape.

15 THE COURT: So there is no surprise to you that
16 she said on this tape, and he said on the tape where he
17 was?

18 MS. LITTLEJOHN: Correct. That's not --

19 THE COURT: And I would assume now, with all of
20 the technology that's out there, that in the event that
21 you're incapacitated, any 911 system can identify where
22 you are, whether it's a land line or a cell phone?
23 They start recording the call actually from when you
24 dial 911 before they even pick up --

25 MS. LITTLEJOHN: I have no idea --

1 THE COURT: Oh, yeah. They can -- oh, yeah, they
2 can tell where you are. In the event that you pass
3 out, in the event that you can't talk, in the event
4 that you have had a heart attack, they can tell exactly
5 where you are. That's how they can dispatch somebody
6 to your house without you ever giving your address.

7 MS. LITTLEJOHN: There also has to be a foundation
8 set for that, Your Honor.

9 THE COURT: I would agree with that.

10 MS. LITTLEJOHN: There also has to be someone who
11 is going to tell about what tower that is --

12 THE COURT: I don't think they have to do that.
13 If something in the system identifies where you are,
14 and this is in the scope of her employment, if they can
15 establish the appropriate foundation, she can testify
16 to that.

17 MS. LITTLEJOHN: Your Honor, the CAD sheet which
18 we were provided, as part of our discovery, does not
19 say hits on 95, a tower on 95.

20 THE COURT: I'm sure certain a CAD sheet would
21 reflect that, would it?

22 MS. LITTLEJOHN: There is nothing in the discovery
23 that reflects it was hitting on a 95 tower.

24 THE COURT: What's the other -- do you have some
25 other objection?

1 MS. LITTLEJOHN: Your Honor, with -- I think that
2 is -- that is highly prejudicial.

3 THE COURT: I need to know what other basis you
4 have for what -- I need to know what else you object to
5 regarding the tape.

6 MS. LITTLEJOHN: Okay. She is testifying that it
7 it was Lee Bradley and she doesn't know his voice.

8 THE COURT: Well, he said his name.

9 MS. LITTLEJOHN: But the name has been identified
10 so far as it being him.

11 THE COURT: But you aren't saying it wasn't him,
12 so that's --

13 MS. LITTLEJOHN: Your Honor, so far as --

14 THE COURT: That's why I wanted to hear the tape.
15 She does have a basis for saying it's him, because she
16 asked who it was, and he said it's Lee Bradley at least
17 three times.

18 MS. LITTLEJOHN: And what we had redacted, Your
19 Honor, --

20 THE COURT: That's not my --

21 MS. LITTLEJOHN: -- our copy is --

22 THE COURT: That's not my question. I need to
23 know what the basis is of any other objection you have
24 so the record can be clear.

25 MS. LITTLEJOHN: Where he utilizes the word "freak

1 accident", and she says -- is this an accident --
2 utilizing the two words accident, because we do not
3 want that to be opening the door --

4 THE COURT: Isn't that the basis of your defense,
5 that this was an accident?

6 MS. LITTLEJOHN: Your Honor I think that -- not
7 necessarily.

8 THE COURT: At best, it's a self-serving statement
9 that's not subject to being tested, so really the State
10 would have the basis to object to the admissibility.
11 But I cannot discern any grounds that you would have to
12 object to it, especially when that's the basis of your
13 defense, which is accident. Your client's statement
14 seems to confirm that, in fact, he believes this was an
15 accident.

16 MS. LITTLEJOHN: Here's the problem I have, Your
17 Honor. She says, you don't want to be running from the
18 law. She's just testified he's on 95 --

19 THE COURT: Well, we haven't heard the rest of it,
20 so I don't -- I don't know. I haven't determined what
21 -- how I'm going to deal with the rest of this
22 testimony. But I -- I'm at a loss as to how this opens
23 any door to anything. It's the basis of your client's
24 entire defense.

25 MS. LITTLEJOHN: Not for involuntary.

1 THE COURT: But you've got two defenses. One of
2 your defenses is accident, unless you're telling me
3 that you're withdrawing that affirmative defense.

4 MS. LITTLEJOHN: I'm not, but --

5 THE COURT: Well, then you have two co-existing
6 defenses, and his statement establishes one of them.
7 So I'm at a loss as to how that prejudices him in any
8 way.

9 MS. LITTLEJOHN: Your Honor, right now the biggest
10 concern I have is her testimony about where he was
11 located. We received absolutely --

12 THE COURT: I got that part. But I need to know
13 if you object to anything else in the statement and
14 what the basis of that objection would be.

15 MS. LITTLEJOHN: Other than the foundation, Your
16 Honor --

17 THE COURT: I'm past the cell phone. I'm talking
18 -- I need to know if you have any other objection --

19 MS. LITTLEJOHN: With the content you mean?

20 THE COURT: Yes. Any other objection to the
21 statement?

22 MS. LITTLEJOHN: No. No, Your Honor.

23 THE COURT: Then you are withdrawing any
24 objections to the admissibility of this statement if we
25 can deal with the rest of it is what you're telling me?

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1 MS. LITTLEJOHN: I am with regard to I'm on 78,
2 based on her statement --

3 THE COURT: No, that's not my question. I need
4 you to answer the question that was asked, which is do
5 you have any objection to the admissibility of the rest
6 of the 911 call? We're talking about two separate
7 things. I'm talking about publication of the calls and
8 we're talking about her testimony about him being on
9 95, which she has testified was not accurate. Two
10 separate things. I need to know if you have any
11 objection to the publication of this 911 call?

12 MS. LITTLEJOHN: I will, Your Honor, because where
13 it says --

14 THE COURT: I want to know -- well, I want to know
15 do you have an objection --

16 MS. LITTLEJOHN: Yes, Your Honor.

17 THE COURT: -- to the admissibility -- and what is
18 the basis of that objection?

19 MS. LITTLEJOHN: The basis of that objection would
20 be -- first of all, we have to lay the foundation for
21 getting it in.

22 THE COURT: I'm beyond that place. I'm talking
23 about the statement itself. I'm talking about the -- I
24 guess I'm just trying to figure out exactly what the
25 basis of your objection is.

1 MS. LITTLEJOHN: It goes right back to that --
2 forget the freak accident. He says 78, and she has
3 just testified as to cell tower 95.

4 THE COURT: Other than that, do you have any
5 objection to the statement --

6 MS. LITTLEJOHN: Other than that, no. Leave it
7 where it is.

8 THE COURT: Do y'all want to respond?

9 MR. MCNEELY: Your Honor, I intend to lay a
10 foundation as to her knowledge of his whereabouts --

11 THE COURT: What's the -- what's her knowledge of
12 that?

13 MR. MCNEELY: The knowledge is that the system
14 itself, Berkeley County dispatch, when someone calls in
15 911, it pings their location, via the call. So whether
16 -- when he says he's on 78, and he's not on 78, she
17 knows that he's not on 78.

18 THE COURT: Yeah. But the way you asked that
19 question does not say was he telling you the truth.
20 It's not for her to determine his veracity.

21 MR. MCNEELY: I understand that.

22 THE COURT: She can't judge that. The only thing
23 she can testify objectively is that I work for Berkeley
24 County. This is how the system works. This is what
25 pinged.

1 MR. MCNEELY: Correct.

2 THE COURT: She can't draw any conclusions about
3 it, and you don't need her annotations on what he said.

4 MR. MCNEELY: I agree, Your Honor.

5 THE COURT: It's self authenticating. It speaks
6 for itself.

7 MS. LITTLEJOHN: However, it was no where in the
8 discovery, Your Honor.

9 THE COURT: What was no where in the discovery?

10 MS. LITTLEJOHN: That it pinged to 95.

11 THE COURT: How do you know it pinged to 95? Does
12 it reflect anywhere in the system?

13 MR. MCNEELY: It is not --

14 THE COURT: Are any reports generated?

15 MR. MCNEELY: There are not.

16 THE COURT: Well, then that would be ripe for
17 cross examination. But I think it's common knowledge
18 that all systems work that way now.

19 MS. LITTLEJOHN: Your Honor, I think that it's a
20 --

21 THE COURT: I know it from reading the newspaper.

22 MS. LITTLEJOHN: I'm going to have to say this,
23 it's a blatant Brady violation.

24 THE COURT: I don't think it's a Brady violation.
25 They are only required to give you what they have in

1 hand. And if it doesn't exist, and they don't have it,
2 they can't be accused of violating --

3 MS. LITTLEJOHN: Well, if it doesn't exist, she
4 shouldn't know it.

5 THE COURT: I think it's common knowledge that --
6 and it should be common knowledge to you that when you
7 call 911, they know where you are. Most people now
8 don't even have land lines. They have cell phones.
9 And it is plausible to me that the system would give
10 you the coordinates of where somebody is located, so
11 the police can be dispatched. That's a public
12 interest -- an overriding public interest.

13 So if it -- and, again, I think it's within the
14 ambit of common knowledge. It doesn't require any
15 particularized knowledge. We have had more than --
16 hundreds of articles now published about the adequacy
17 of our 911 systems, and how people respond.

18 I don't know about Berkeley, but they've had a
19 ton of them in the Charleston paper, and that's how I
20 know how these systems work. Because there's been a
21 lot of scrunty about them. And people have been
22 complaining that they don't get immediate response.
23 They don't get -- so I think it's within the ambit of
24 common knowledge to know that when you have a 911
25 system, that it's going to give you someone's location.

1 Because it is foreseeable that someone could be
2 incapacitated and not be able to relate that to
3 whomever they're calling. I mean, someone might be on
4 their last breath and dial 911.

5 But I know, and I would imagine you know as a
6 defense attorney of many years, that once you hit 911,
7 they start recording you from the time that call was
8 placed.

9 MS. LITTLEJOHN: Right.

10 THE COURT: Not from when they actually pick up.

11 MS. LITTLEJOHN: Right.

12 THE COURT: Which would probably cause a lot of
13 people some consternation to know that they're being
14 recorded before the operator says hello. But
15 nonetheless, I think it is reasonable to know, as a lay
16 person, that 911 knows your location. That it gives
17 you a land line and a -- but most people now don't even
18 have land lines. They have cell phones. That's their
19 means of communication --

20 MS. LITTLEJOHN: But if she is able to testify to
21 that, she should be able to testify to the accuracy of
22 it.

23 THE COURT: No. She's only testifying that it
24 exists and how it operates. She doesn't have that
25 technical expertise.

1 MS. LITTLEJOHN: So she can --

2 THE COURT: She doesn't manage the system, and I'm
3 not going to let her speculate about how it works,
4 whether it works. I mean, I --

5 MS. LITTLEJOHN: Well, she can speculate with
6 regard to she doesn't know if it works.

7 THE COURT: Apparently it did work that night.
8 She was able to know where he was.

9 MS. LITTLEJOHN: Well, she doesn't know. I mean,
10 --

11 THE COURT: I think you can ask her those
12 questions in cross examination. But as a person
13 working for 911, I should know how the system works or
14 I shouldn't be there. I should know what information
15 it brings up for me --

16 MS. LITTLEJOHN: I'm talking about cell phone
17 pinging, Your Honor.

18 THE COURT: She's not saying the cell phone
19 pinged. The system itself notifies them where the
20 person is located, so they can tell the police or EMS
21 where to go.

22 MS. LITTLEJOHN: Her testimony was it hit on the
23 tower off 95.

24 THE COURT: Well, then I think -- well, first of
25 all, we're getting the cart before the horse. The

1 State needs to lay the appropriate foundation pursuant
2 to Rule 701. This is what she had for a living, and
3 what her responsibilities included, and to her
4 knowledge how the system worked, and what exactly she
5 encountered on that evening. Anything beyond that is
6 outside the scope of her ability or -- beyond her
7 rational perception to testify to.

8 MS. LITTLEJOHN: So as far as the accuracy of the
9 knowledge would be different. Okay.

10 THE COURT: You can cross examine her on the
11 foundation of her knowledge.

12 MS. LITTLEJOHN: Okay. Thank you.

13 THE COURT: But that doesn't make it inadmissible.

14 MS. LITTLEJOHN: Right. So far as accuracy.

15 THE COURT: But they need to lay the appropriate
16 foundation for the question without leading.

17 MS. LITTLEJOHN: Right. I think we have some other
18 people on that. Thank you, Your Honor.

19 THE COURT: All right. Now, the record should
20 reflect that any objection to the content of the 911
21 call has been withdrawn by the defense.

22 They preserve the objection regarding the
23 foundation for the admissibility of this witness'
24 testimony regarding where -- where Mr. Bradley was
25 located. And I sustain that objection. But they have

1 -- conditioned on them being able to establish the
2 appropriate foundation for the testimony.

3 And her rational perception and knowledge of
4 what she is testifying to within the scope of what she
5 did as a previous dispatcher for the county. And
6 pursuant to Rule 701, which is the opinion testimony of
7 a lay witness, it really isn't opinion testimony
8 because it's what she did for a living. All right.
9 Are you ready to proceed?

10 MR. MCNEELY: We are, Your Honor.

11 THE COURT: Is the defense ready to proceed?

12 MS. LITTLEJOHN: Yes, Your Honor.

13 THE COURT: All right. And we already have --
14 what number is the -- well, of course, the 911 tape,
15 what number is that, Madam Court Reporter? Number 69?

16 COURT REPORTER: It is number 69, judge.

17 THE COURT: It's ID only at this time, subject to
18 establishing the foundation for the admissibility of
19 the tape. Bring us the jury.

20 (Whereupon, the jury entered the courtroom at
21 12:35 p.m.)

22 THE COURT: Ladies and gentlemen, we appreciate
23 your patience. You may be seated. We'll now resume
24 testimony. The State may proceed.

25

1 BY MR. MCNEELY:

2 Q. Ms. Carter, what were the scope of your duties
3 as the 911 dispatcher?

4 A. I answered 911 calls and dispatched police,
5 fire, and EMS as appropriate.

6 Q. When you received a call, what information did
7 you have from the call itself?

8 A. From that particular call?

9 Q. In general.

10 A. Oh, in general. It depends on the type of
11 phone used to call. If it's a land line, we'll have
12 the address and the phone number, and who the land line
13 belongs to, who owns the number pops up on our screen.
14 If it's a 911 only cell phone, none of that information
15 is available. It just says 911 only, which means that
16 they cannot make phone calls to anyone else.

17 Q. What about if it's a cell phone, but not a 911
18 only cell phone?

19 A. It will give you -- it'll -- it'll correlate
20 on our GIS system with our systems to give us a general
21 location of where the cell phone is coming from. It
22 will hit within -- I believe it's a seven mile radius
23 of the tower that you're closest to. After a few
24 minutes, the system will reassess and go to a two mile
25 radius of where you're at. It'll strengthen the area.

1 Q. Do you have to do anything to make that
2 happen, or does the system do it itself?

3 A. It will initially, like I said, go to that
4 seven mile radius pop-up. That initially happens when
5 you dial 911. After a certain amount of time, I
6 believe, it's two to three minutes, it will repopulate
7 with that information. However, you can manually reset
8 the system. And I tried doing that. And, also, the
9 more people that are on the line with the 911
10 dispatcher, taking that call, they are also manually
11 resetting it. It will happen faster.

12 Q. Did you get a location for the caller in this
13 case?

14 A. I did. Initially, it showed off of Interstate
15 95. It was the first type phase one, is what it's
16 called. When they originally call in, it's a phase one
17 type location to Interstate 95.

18 Q. Did you get a more exact location?

19 A. I could not get a more exact location.

20 Q. Why was that?

21 A. Because the caller hung up.

22 Q. So you didn't have enough time?

23 A. That's correct.

24 Q. Are records kept of all 911 calls received to
25 your dispatch center?

1 A. To my knowledge, they are.

2 Q. Are the records kept as a regular practice or
3 course of the business?

4 A. Yes.

5 Q. Do the records include a recording of the
6 actual 911 call?

7 A. Yes.

8 MR. MCNEELY: Your Honor, at this time, I would
9 ask permission to approach the witness.

10 THE COURT: You may.

11 BY MR. MCNEELY:

12 Q. Ms. Carter, I'm showing you what's been marked
13 as State's Exhibit 69; can you take a look at that for
14 me?

15 A. Yes.

16 Q. Do you recognize that disk?

17 A. Yes, sir.

18 Q. How do you recognize that disk?

19 A. Because this is the 911 call recording of Lee
20 Bradley.

21 Q. Have you reviewed the contents of that disk?

22 A. Yes.

23 Q. How do you know that?

24 A. Because I initialed it.

25 Q. What is contained on the disk?

1 A. The 911 call made to my dispatch center.

2 Q. Is it your voice on this recording?

3 A. Yes, sir.

4 Q. Did you listen to the entirety of the
5 recording?

6 A. Yes, sir.

7 Q. Did you determine it is a complete and
8 accurate copy of the original 911 call made in this
9 case on May 23, 2014?

10 A. Yes, sir.

11 Q. Has the recording been altered or changed in
12 any way to your knowledge?

13 A. Not to my knowledge.

14 MR. MCNEELY: Your Honor, at this time, I would
15 move State's 69 into evidence.

16 THE COURT: Any objection?

17 MS. LITTLEJOHN: Without objection, Your Honor.

18 THE COURT: Marked and admitted without objection,
19 State's 69.

20 (State's Exhibit No. 69 admitted into evidence.)

21 MR. MCNEELY: Permission to publish at this time.

22 THE COURT: You may proceed.

23 (Whereupon, the recording was played in open
24 court.)

25

1 BY MR. MCNEELY:

2 Q. Ms. Carter, what did you do in response to
3 this call?

4 A. I dispatched law enforcement and stood by.

5 Q. What information did you provide to law
6 enforcement through your dispatch?

7 A. I dispatched the officer and gave them the
8 incident location, and the type of call that was being
9 given. After they went in route, I gave them the
10 details that were provided to me.

11 MR. MCNEELY: No further questions from the State
12 at this time, Your Honor.

13 THE COURT: You may proceed.

14 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

15 Q. Ms Carter, how long were you with the
16 dispatch?

17 A. I was there for six years.

18 Q. Six years. And when did you leave there?

19 A. January of 2015.

20 Q. So you met with the Solicitor's Office to
21 review the tape?

22 A. Yes.

23 Q. Okay. How many times have you done that?

24 A. One time prior.

25 Q. Once. Okay. And I know you were talking

1 about tower locations and all. You say it pings off of
2 them. So if one tower is down, it goes to the next
3 tower to ping off of it, right?

4 A. Yes.

5 Q. So that's why -- really actually kind of when
6 you talk about a location, it's actually really
7 difficult to really place it?

8 A. Not necessarily difficult to place it in the
9 spot -- in as far as -- it might have one tower down,
10 but you're never going to be more than seven miles away
11 from the nearest tower.

12 Q. But that's a seven mile radius?

13 A. That's right. So if it were down here, within
14 seven miles, you would hit another.

15 Q. Right. If this is a place, you go seven miles
16 this way, this way, this way? The radius is a circle,
17 right?

18 A. It's actually triangular. So it would be
19 three points --

20 Q. But --

21 A. -- within the seven miles.

22 Q. Right. It's a pretty large area?

23 A. Right, that's correct.

24 Q. Yeah. And there is no way of telling if a
25 phone call drops, disconnects, or hangs up, is there?

1 A. You mean after it's already dialed 911?

2 Q. No. I'm mean like -- and I'm sure everybody
3 has experienced where you're talking to someone, and
4 the next thing you know they're not there because the
5 phone dropped -- the call dropped?

6 A. The initial indication to a 911 person would
7 be that beep beep beep when the call is no longer
8 there.

9 Q. Right. So if I'm talking to somebody and the
10 phone drops -- the call drops --

11 A. You may not hear a tone. You might continue
12 talking on your cell phone. But as a 911 person, you
13 will hear that beep beep beep at the end of the call
14 that indicates that they are no longer there.

15 Q. Right. But you don't know if somebody hangs
16 up or it's finished --

17 A. No.

18 Q. -- or if the call drops?

19 A. Yeah. I -- I couldn't tell the difference
20 whether they pushed the end button or it got dropped on
21 its own.

22 Q. Right.

23 MS. LITTLEJOHN: The Court's indulgence.

24 THE COURT: Yes, ma'am.

25 MS. LITTLEJOHN: No further questions, Your Honor.

1 THE COURT: Any redirect?

2 MR. MCNEELY: Just one, Your Honor.

3 THE COURT: You may proceed.

4 **REDIRECT EXAMINATION BY MR. MCNEELY:**

5 Q. Ms. Carter, after the call that was published
6 to the jury, did you receive any additional calls from
7 anyone regarding this address?

8 A. Not to my knowledge.

9 MR. MCNEELY: No further questions, Your Honor.

10 THE COURT: Any objection to the witness being
11 excused from the State?

12 MR. MCNEELY: None from the State, Your Honor.

13 MS. LITTLEJOHN: None from the defense, Your
14 Honor.

15 THE COURT: Ma'am, you're excused.

16 THE WITNESS: Thank you.

17 THE COURT: You're welcome. Would counsel
18 approach for me?

19 (Whereupon, a bench conference was held
20 concerning scheduling.)

21 THE COURT: Okay. You may call your next witness.

22 MR. MCNEELY: Thank you, Your Honor. We would
23 call Karen Harrington to stand.

24 KAREN HARRINGTON, being
25 first duly sworn, testified as follows:

KAREN HARRINGTON -- DIRECT

1 THE CLERK: State your full name for the record
2 and spell your last name.

3 THE WITNESS: Karen Harrington
4 H-a-r-r-i-n-g-t-o-n.

5 THE COURT: You may proceed.

6 MR. MCNEELY: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 **DIRECT EXAMINATION BY MR. MCNEELY:**

9 Q. Ms. Harrington, where are you currently
10 employed?

11 A. I work for the Fruit of the Loom Distribution
12 Center.

13 Q. Where is that located?

14 A. It's in Summerville, South Carolina.

15 Q. It's the big building right off of 26?

16 A. It's the big building right off of 26.

17 Q. What is your position there and how long have
18 you been employed there?

19 A. I've been the Human Resources Manager, it'll
20 be three years at the end of this month.

21 Q. What are the duties of your position as HR
22 manager?

23 A. Myself and my team are responsible for all the
24 recruiting, payroll benefits, safety, and employee
25 relations.

1 Q. Does your department keep records of all
2 employees, including their work schedules, attendance
3 at work and hours worked?

4 A. We do.

5 Q. Are those records kept as a part of the
6 regular course of business of your department?

7 A. Yes.

8 Q. I believe you said you had been there three
9 years, during May 2014, were you employed there as HR
10 manager?

11 A. I was.

12 Q. At the time, did you have an employee named
13 Frances Lawrence working at the facility in
14 Summerville?

15 A. We did.

16 Q. In what -- in what capacity was she employed
17 there?

18 A. She was a quality auditor on the second shift.

19 Q. What does that mean?

20 A. She was part of our quality department, and
21 she reviewed all of the orders and -- for errors or
22 extra restrictions that the customer wanted. And she
23 worked our second shift, which was the 3:00 to 11:00
24 shift.

25 Q. Okay. How long had she been employed there?

1 A. Frances was hired in April of 2008.

2 Q. What was her work schedule at Fruit of the
3 Loom during May 2014?

4 A. Her normal schedule was Monday through Friday
5 3:00 to 11:00, but we had already gone into our
6 back-to-school season, and she was working overtime
7 which was 4:00 p.m. until 1:00 a.m.

8 Q. Did you shift their schedules due to the
9 demand of the season?

10 A. We do.

11 Q. So she was working a little overtime?

12 A. She was.

13 Q. When was the last day let me -- me rephrase
14 -- does your -- does the system at Fruit of the Loom
15 keep track of when employees enter and exist the
16 facility?

17 A. Every employee has an employee ID, which they
18 use to clock in and clock out, but it also gains their
19 access to the building. Anytime they leave the
20 building, they have to swipe -- and when they enter and
21 leave, they have to swipe in and out.

22 Q. So they can't get in or out of the building
23 without swiping?

24 A. That's correct.

25 Q. Are records kept of that?

1 A. They are.

2 Q. When was the last time Frances Lawrence
3 scanned to exist the billing?

4 A. It was Tuesday night, May 21st at 12:58 a.m.

5 Q. You said Tuesday night, does that roll into
6 Wednesday morning?

7 A. It does.

8 Q. Was Frances Lawrence scheduled to return to
9 work later in the day on May 21st?

10 A. She was at 4:00 p.m.

11 Q. Did Frances Lawrence return to work on May
12 21st as scheduled?

13 A. No, she did not.

14 Q. Was Frances Lawrence scheduled to work on
15 May 22, 2014?

16 A. Yes.

17 Q. Did Frances Lawrence return to work as
18 scheduled on May 22, 2014?

19 A. No, she did not.

20 Q. Did France Lawrence ever return to work at
21 Fruit of the Loom after May 21, 2014, at 12:58 a.m.?

22 A. No, she did not.

23 Q. Prior to that week, had there been -- had
24 there been any issues with Frances Lawrence not showing
25 up for work as scheduled?

1 A. No, sir.

2 Q. Did she have a lot of absences?

3 A. No, sir, not at all.

4 MR. MCNEELY: No further questions from the State,
5 Your Honor.

6 THE COURT: Ms. Littlejohn, any cross examination
7 of the witness?

8 MS. LITTLEJOHN: None, Your Honor.

9 THE COURT: Any exception to the witness being
10 excused from the State?

11 MR. MCNEELY: None from the State.

12 THE COURT: From the defense?

13 MS. LITTLEJOHN: None, Your Honor.

14 THE COURT: Ma'am, you're excused.

15 THE WITNESS: Thank you.

16 THE COURT: You're welcome. Madam Forelady,
17 ladies and gentlemen, we're going to take advantage of
18 this break in testimony to take our lunch recess.
19 During the break, please do not discuss the case among
20 yourselves or with anyone else. Please don't have any
21 contact with anyone in or about the courthouse that you
22 do not recognize to be a fellow juror.

23 We're going to break until 2:15. Once all of
24 you have arrived, we will resume testimony and the
25 bailiff will show you how to regain entry into the

1 building. And once all have arrived -- y'all bring
2 them in downstairs and then bring them up, right?

3 THE CLERK: Yes.

4 THE COURT: Just follow their instructions. I
5 hope you all have a good lunch. We will see you at
6 2:15.

7 Yeah, leave your note pads in your seat. I
8 apologize. I should have said that. We'll secure them
9 during the break.

10 (Whereupon, the jury left the courtroom at 12:58
11 p.m.)

12 THE COURT: You may be seated. Is there anything
13 before we break for lunch from the State?

14 MS. WILLIAMS: Not from the State.

15 THE COURT: From the defense?

16 MS. LITTLEJOHN: None, Your Honor.

17 THE COURT: Have a good lunch. See y'all at 2:15.
18 Please make sure that the Court reporter has all the
19 exhibits that has been admitted into evidence.

20 (After a lunch recess, Court reconvened.)

21 THE COURT: You may be seated. Is the State ready
22 to proceed?

23 MS. WILLIAMS: Yes, Your Honor.

24 THE COURT: Is the defense ready to proceed?

25 MS. LITTLEJOHN: Yes, Your Honor.

1 MS. WILLIAMS: There is just one issue for the
2 court.

3 THE COURT: Yes, ma'am.

4 MS. WILLIAMS: Ms. Littlejohn has now agreed to
5 the authenticity of the redacted version of the tape.

6 THE COURT: Okay.

7 MS. WILLIAMS: I'm sure she is going to preserve
8 all of her objections to -- as far as the substance of
9 the tape, but she has consented to it coming in as far
10 as it being an authenticate -- a redacted version of
11 the interview.

12 THE COURT: Okay.

13 MS. LITTLEJOHN: That's correct, Your Honor. We
14 don't have to -- nobody has to address it being
15 redacted.

16 THE COURT: Okay. Who's your next witness?

17 MS. WILLIAMS: Iona Gant.

18 THE COURT: Is she in the courtroom?

19 MS. WILLIAMS: She's just right outside the door.

20 THE COURT: All right. Bring in the jury.

21 (Whereupon, the jury entered the courtroom at
22 2:20 p.m.)

23 THE COURT: You may be seated. Ladies and
24 gentlemen, I hope you all had a pleasant lunch. We are
25 now going to resume trial testimony. The State may

1 proceed.

2 MS. WILLIAMS: Thank you, Your Honor. The State
3 would call Iona Gant.

4 THE COURT: Ms. Gant, if you would come forward to
5 be sworn.

6 IONA GANNT, being
7 first duly sworn, testified as follows:

8 THE CLERK: Have a seat. State your full name for
9 the record and spell your last name, please.

10 THE WITNESS: My name is Iona Gant. Last name
11 G-a-n-t.

12 THE COURT: You may proceed.

13 MS. WILLIAMS: You're welcome.

14 **DIRECT EXAMINATION BY MS. WILLIAMS:**

15 Q. Ms. Gant, where do you work?

16 A. Fruit of the Loom.

17 Q. And what do you do there?

18 A. I'm a quality auditor.

19 Q. How long have you worked there?

20 A. Next month will be nine years.

21 Q. And did you know Frances Lawrence?

22 A. Yes.

23 Q. How long did you know her?

24 A. From 2006.

25 Q. Where did you meet her?

1 A. At Fruit of the Loom.

2 Q. What was Frances like?

3 A. Beautiful, outgoing, always one way, and
4 always encouraging others to do good.

5 Q. Was she -- scratch that. What were her work
6 habits? How did she get to work?

7 A. She drove an SUV.

8 Q. Did anyone ever drive her?

9 A. Herself.

10 Q. And what kind of vehicle did she drive?

11 A. A Jeep, blue.

12 Q. You've mentioned before it was an SUV, was it
13 a blue SUV?

14 A. I think it was blue, yeah. It was blue.

15 Q. And did you ever do anything with her outside
16 of work?

17 A. Yes.

18 Q. Okay. Did you ever meet Lee Bradley?

19 A. Once.

20 Q. Where was that?

21 A. We -- we went to this place on Otranto where
22 they had machines, one Saturday afternoon.

23 Q. And did you watch them interact?

24 A. Yes.

25 Q. Was it just that one time?

1 A. Uh-huh, for a few hours.

2 Q. And at that time, did you know if Mr. Bradley
3 worked?

4 A. No.

5 MS. LITTLEJOHN: Your Honor, I believe that calls
6 for speculation.

7 THE COURT: Sustained, lack of foundation,
8 speculation.

9 BY MS. WILLIAMS:

10 Q. Who had the money that day?

11 A. Frances --

12 MS. LITTLEJOHN: Your Honor, I believe that calls
13 --

14 THE COURT: Basis of the objection? Basis of the
15 objection?

16 MS. LITTLEJOHN: Speculation, Your Honor.

17 THE COURT: Not if it's within rational
18 perception. Overruled. You may answer the question.

19 THE WITNESS: She did.

20 BY MS. WILLIAMS:

21 Q. Okay. And do you remember working with
22 Frances the week of May 20, 2014?

23 A. Yes.

24 Q. And did you work the shift -- when was the
25 last time you saw her?

1 A. That Tuesday morning in the parking lot.

2 Q. When you say "Tuesday", what shift --

3 A. We went in on Monday, 3:00 to 11:00, and we
4 got -- we was on a ten-hour shift.

5 Q. Okay.

6 A. So I got off at 1:00 in the morning.

7 Q. Okay. Do you remember working with Frances on
8 Tuesday going into Wednesday morning?

9 A. Yes.

10 Q. Okay. And was that the last time you saw her?

11 A. Yes.

12 Q. And was she scheduled to work the next day?

13 A. Yes.

14 Q. Did she show up?

15 A. No.

16 Q. What did you do?

17 A. We called her -- when she didn't show up
18 because she was always there about 2:30 or 2:35. And
19 on each one of our breaks, we called her at 5:00. We
20 called her at 7:00 and we called her at 9:00, never got
21 an answer but a machine.

22 Q. When you say "we", who was calling her?

23 A. It was -- was me, Mary Jones, Marcia Anderson,
24 and John Jefferson and myself.

25 Q. And who are all those people?

1 A. We all eat together.

2 Q. And so what else did you do as a result of her
3 not showing up?

4 A. We just kept calling her. And so the next
5 morning, Wednesday, I was in bed and I just woke up by
6 a phone call from Human Resources. And she ask me did
7 I hear from Frances. I said, no, but I'm getting ready
8 to go find where she lives because she didn't show up.
9 She said, well, we received a phone call saying that
10 she was working overtime. And I said, well, I'm going
11 to find where she lives on my way to work. I'm going
12 to leave home early, so I did.

13 Q. Do you know what day of the week that was?

14 A. It was a Wednesday -- I'm not sure. Well,
15 when she didn't show up, I went and I found where she
16 lived.

17 Q. Okay. And when you went to her home, what did
18 you find?

19 A. I walked -- there was an officer outside by
20 the -- the road that turned in there. He told me I
21 couldn't go in, to back up and park on the side of the
22 road. So I did and I walked up to the house. And when
23 I walked up there, I didn't know which one was her
24 house. I just saw the lines that said, "police, do not
25 enter". And then I didn't know which -- where to go

1 when I saw that.

2 So there was a trailer over to the other side.
3 And I went there. And when I got to the step, there
4 was a young man on the porch. And I said, "What's
5 going on?" And he said, "Oh, Frances is dead" --

6 MS. LITTLEJOHN: Your Honor, objection, hearsay.

7 THE COURT: Sustained for hearsay. You can only
8 say what you did or saw, ma'am.

9 THE WITNESS: I went up the steps. And then when
10 I asked what was going on, and I was told that.

11 THE COURT: Ma'am, you can't say what someone told
12 you.

13 BY MS. WILLIAMS:

14 Q. Just tell us what you did. Don't repeat --

15 A. So I just stood there, and I was like you got
16 -- I said, "Dog", you know, to myself.

17 Q. Now, I'm getting a little bit confused with
18 the dates. You just testified that y'all worked
19 Tuesday shift into Wednesday mornings. That would have
20 been 4:00 to 11:00, but then you worked 'til 1:00,
21 right? So it was actually Wednesday morning, she
22 didn't show up Thursday?

23 A. Right.

24 Q. And then did you go Friday to the house?

25 A. Yes.

1 Q. Okay. It's confusing because of the --

2 A. I know. When you work that hours, it gets
3 confusing.

4 Q. And then at some time later, did you give a
5 statement to the police?

6 A. Yes, I did.

7 Q. And you pretty much told them everything that
8 you told us here today; correct?

9 A. Yes.

10 Q. But it's just a short -- you gave a short
11 statement; is that correct?

12 A. Yes.

13 Q. So you couldn't remember possibly everything
14 that you just told us in that statement?

15 A. No. I just told them why I was there.

16 Q. They only asked you questions about that
17 immediate day?

18 A. Yes.

19 MS. WILLIAMS: The Court's indulgence.

20 THE COURT: Yes, ma'am.

21 MS. WILLIAMS: Thank you, Ms. Gant.

22 THE WITNESS: You're welcome.

23 THE COURT: Any cross examination of the witness,
24 Ms. Littlejohn?

25 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

1 Q. Hey, Ms. Gant, how are you doing?

2 A. Just fine.

3 Q. I just have a couple of short questions. I
4 was looking at your statement. I know you said you met
5 Mr. Bradley with Frances one time; right?

6 A. Yes.

7 Q. And in your statement, did you say she
8 introduced him to you as her fiancée?

9 A. No. She just said "This is Lee". And I said,
10 "Hi, this is Iona", and that was it.

11 MS. LITTLEJOHN: Your Honor, permission to
12 approach the witness?

13 THE COURT: You may.

14 BY MS. LITTLEJOHN:

15 Q. I know my -- I know my copy is not real dark.

16 A. Uh-huh.

17 Q. That first line right there. Does that
18 refresh your memory a little bit?

19 A. Yeah, she might have said fiancée. But -- I
20 know she said her friend. When I went down there and
21 they asked me to say what happened, I put fiancée.

22 Q. Okay. And you said you went -- you had to go
23 find her house; right?

24 A. Yes.

25 Q. Y'all were really good work buddies, right?

1 A. Yes.

2 Q. I mean, y'all would like -- do potlucks -- did
3 y'all do potlucks --

4 A. On Fridays.

5 Q. -- and all?

6 A. Yes.

7 Q. Yeah. Because that second shift kind of
8 shares sort of a bond together; don't they?

9 A. Yes, second shift.

10 Q. I've done that, and that's why -- I think most
11 of them do. And didn't you actually say that
12 Frances -- Frances didn't talk about her life; did she?

13 A. No.

14 Q. Which although y'all had been working together
15 for all those years, she -- she was outwardly great.
16 But so far as letting anybody into her personal space
17 or knowing about her, y'all didn't know about that;
18 right?

19 A. No.

20 Q. Other than the one time you met her -- and he
21 said -- he told you -- basically, it was just a nice
22 little introduction; right?

23 A. Right.

24 MS. LITTLEJOHN: Okay. I have no further
25 questions.

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1 THE COURT: Any redirect?

2 MS. WILLIAMS: No, Your Honor.

3 THE COURT: Any objection to the witness being
4 excused from the State?

5 MR. MCNEELY: Not from the State.

6 THE COURT: From the defense?

7 MS. LITTLEJOHN: Not from the defense.

8 THE COURT: Ma'am, you are excused. Call your
9 next witness.

10 MR. MCNEELY: We call Detective Michael Cortte.

11 DETECTIVE MICHAEL CORTTE,
12 being first duly sworn, testified as follows:

13 THE CLERK: Have a seat, and state your full name
14 and spell the last name.

15 THE WITNESS: My full name is Michael Cortte II.
16 I prefer to go by Rikki, which is spelled R-i-k-k-i.
17 And my last name Cortte is spelled C-o-r-t-t-e.

18 THE COURT: You may proceed.

19 MR. MCNEELY: Thank you, Your Honor.

20 **DIRECT EXAMINATION BY MR. MCNEELY:**

21 Q. Det. Cortte, where are you currently employed?

22 A. I'm employed with the Berkeley County
23 Sheriff's Office.

24 Q. What is your position there and how long have
25 you been employed with them?

1 A. Currently I'm employed as the Detective
2 Sergeant within the Criminal Investigations Division of
3 the Sheriff's Office. I began my career with the
4 Sheriff's Office with Berkeley County in March of 2007.

5 Q. What are the duties of your position?

6 A. I'm primarily assigned to -- to the Person's
7 Crimes Unit, crimes against persons, things like
8 assaults, armed robberies, things of that nature.

9 Q. You're an investigator?

10 A. Yes, sir.

11 Q. Were you employed in that capacity in May of
12 2014?

13 A. I was. At that time, I was Detective
14 Corporal.

15 Q. Were you working on May 23, 2014?

16 A. I was.

17 Q. While working that day, were you dispatched to
18 a home located at [REDACTED] Bushy Lane in the Summerville
19 area of Berkeley County?

20 A. Yes, I was.

21 Q. Why were you dispatched to that location?

22 A. I'm sorry. Repeat that.

23 Q. Why were you dispatched to that location?

24 A. To assist in the investigation, which turned
25 out to be the homicide.

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1 Q. Do you recall what time you were dispatched to
2 that location?

3 A. I don't recall the exact time.

4 Q. Was it during the daytime?

5 A. It was during the day light hours.

6 Q. What did you observe when you arrived at the
7 scene?

8 A. When I arrived at the scene, I observed there
9 were other units -- other Sheriff's officers already
10 there. And I responded along with some other
11 detectives at that time.

12 Q. Did you make contact with anyone at the scene?

13 A. I did. I was primarily tasked at that point
14 with meeting with some of the family members of the
15 victim, and obtained written statements.

16 Q. Did you obtain written statements from several
17 family members?

18 A. Yes, I did.

19 Q. What did you do next?

20 A. I submitted those statements to the lead
21 investigator, which was at the time was Det. Captain
22 Shuler. I also -- may she rest in peace -- I had the
23 opportunity to assist the coroner's office with the
24 removal of the deceased victim from the residence.

25 Q. Did you do anything after that?

1 A. I did. Are you referring to the same day or
2 --

3 Q. The same day, May 23, 2014?

4 A. May I have the Court's indulgence?

5 THE COURT: Yes, sir. Take your time.

6 BY MR. MCNEELY:

7 Q. Would you like to see the report to refresh
8 your memory?

9 A. If I may, that's what I was searching for. I
10 recall some of the -- of the victim's family that I had
11 obtained some statements for, I did contact them later
12 in the day just to pass them some follow-up questions.

13 Q. Did you search anywhere on the property?

14 A. I did. I also did that prior to making those
15 follow-up contacts. I assisted in the canvas of the
16 outdoor area of the premises, to search for any --
17 there were items possibly of evidentiary value. And
18 that included a shedded area behind the residence.

19 Q. When you -- you say a "shedded area", do you
20 mean an open covering or a closed shed?

21 A. I recall it to be a shed.

22 Q. Did you locate anything of evidentiary value
23 at that time?

24 A. No, I did not.

25 Q. What did you do next while on the scene that

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1 day?

2 A. I also spoke with a friend and a co-worker of
3 the victim. I observed that that particular individual
4 was a little too visibly distraught emotionally to
5 actually provide me with a written statement at that
6 time.

7 Q. Do you recall her name?

8 A. I recall it was Iona Gant.

9 Q. Did you do anything else at the scene that
10 day?

11 A. Not that I specifically recall at this time.

12 Q. After May 23, 2016, did you have any further
13 involvement in the investigation of this incident?

14 A. Yes, sir, I did.

15 Q. What was that?

16 A. On May 29, 2014, I had the opportunity to
17 assist the lead investigator, which is Detective
18 Captain Shuler. We conducted an audio/video recorded
19 interview with the defendant, Mr. Lee Dell Bradley.

20 Q. Do you see Mr. Bradley in the courtroom today?

21 A. I do. He's seated over at the defendant's
22 table.

23 Q. Can you please describe what he's wearing?

24 A. He's the gentleman with the black in color
25 tie, white shirt, and I believe it to be a gray colored

1 suit.

2 MR. MCNEELY: Your Honor, may the record reflect
3 this investigator identified the defendant.

4 THE COURT: You may proceed.

5 BY MR. MCNEELY:

6 Q. Where did you meet with Mr. Bradley?

7 A. He was at the Sheriff's Office.

8 Q. And just to clarify, you said that was May 29,
9 2014?

10 A. Yes, I did.

11 Q. Was he offered water to drink and use of a
12 restroom prior to taking him into an interview room?

13 A. Yes, he was.

14 Q. Was he at some point thereafter placed into an
15 audio and video recorded interview room?

16 A. He was.

17 Q. Was anyone else present in the room other than
18 you and the defendant?

19 A. Yes, Detective Captain Shuler.

20 Q. Prior to beginning any interview, was the
21 defendant advised of his Miranda Rights?

22 A. He was.

23 Q. By who, you or Captain Shuler?

24 A. By Detective Captain Shuler.

25 Q. Was he advised orally or in writing of those

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1 rights?

2 A. Both.

3 Q. Did Lee Bradley confirm that he understood his
4 Miranda Rights prior to any statements being taken from
5 him?

6 A. He did. And he did so both verbally and in
7 writing.

8 MR. MCNEELY: Your Honor, permission to approach
9 the witness?

10 THE COURT: You may.

11 BY MR. MCNEELY:

12 Q. I'm going to show you what's been previously
13 marked as State's Exhibit 73; can you please look that
14 over for me please.

15 A. Yes.

16 Q. Do you recognize that sheet?

17 A. I do.

18 Q. What is that sheet?

19 A. This is the actual Miranda form which the
20 defendant, Mr. Bradley, was advised of his rights. But
21 Captain Shuler, in doing that interview I mentioned --
22 and where the defendant initialed by each of his rights
23 that he understood them, he also signed the
24 acknowledgment and waiver that he understood his
25 rights, and wished to waive them at that time and speak

1 with us. Also, recognizes where Captain Shuler signed
2 and where I also signed and it's got the date of the
3 interview.

4 Q. Is that the sheet that was presented to Lee
5 Bradley prior to his interview beginning?

6 A. Yes, it is.

7 MR. MCNEELY: Your Honor, at this time, the State
8 would move exhibit 73 into evidence.

9 THE COURT: Any objection?

10 MS. LITTLEJOHN: Without objection, Your Honor.

11 THE COURT: Marked and admitted without objection.

12 (State's Exhibit No. 73 admitted into evidence.)

13 BY MR. MCNEELY:

14 Q. Det. Cortte, do you know how old Lee Bradley
15 is?

16 A. As I recall, he was going to be 60 the
17 following month after the interview. I think it would
18 have been in June, so approximately 63 now.

19 Q. On May 29, 2014, what was Lee Bradley's
20 demeanor?

21 MS. LITTLEJOHN: Your Honor, I believe that calls
22 for speculation.

23 THE COURT: He was there. Based on his rational
24 perception of that he saw. Overruled.

25 THE WITNESS: My perception of his demeanor was

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1 that he was alert. Appeared to be very cognizant and
2 understanding of the words he was saying to us when he
3 acknowledged that he understood his rights, and the
4 effect of what he was saying to us.

5 BY MR. MCNEELY:

6 Q. I believe you may have hit on this, but did
7 he appear to understand what was going on that day?

8 A. He did. He appeared to.

9 Q. Did he seem coherent?

10 A. I would say he did.

11 Q. Did he seem rational?

12 A. Yes.

13 Q. Did he appear to comprehend the meaning and
14 effect of his words?

15 A. He did.

16 Q. Did he appear to have any physical defects?

17 A. No.

18 Q. Did he appear to have any mental defects?

19 A. No.

20 Q. Did he appear intoxicated or under the
21 influence of a substance in any way?

22 A. He did not.

23 Q. Did you, or anyone else, make any threats to
24 Mr. Bradley?

25 A. No.

1 Q. Was he under duress in any way?

2 A. No, he was not.

3 Q. Did you or Captain Shuler, or any other
4 officer make any promises to Lee Bradley?

5 A. No, not at all.

6 Q. Did you, Captain Shuler, or any other officer,
7 make any misrepresentations to Mr. Lee Bradley?

8 A. No.

9 Q. Did Lee Bradley, prior to beginning the
10 interview with Mr. Bradley, was he advised of the
11 reason he was present in the room and the charge he was
12 being investigated for?

13 A. He was.

14 Q. And what was he advised?

15 A. He was advised that he was being charged with
16 murder. And it was in reference to the -- the victim,
17 which was at the time, his fiance, Frances Lawrence.

18 Q. After being advised of that, as well as his
19 Miranda Rights, did he voluntarily waive Miranda Rights
20 and agree to speak with you?

21 A. He did.

22 Q. Did he waive those Miranda rights prior to the
23 beginning of any statement?

24 A. Yes, he did.

25 Q. Did he waive those Miranda Rights verbally or

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1 in writing or both?

2 A. He did so in both.

3 Q. Will you please direct your attention to
4 State's Exhibit 73, did he indicate that waiver on that
5 sheet?

6 A. Yes, sir, he did.

7 Q. How so?

8 A. He initialed again next to each of the rights
9 as they were presented to him, that he understood them.
10 There is a waiver of sentence that he signed indicating
11 that he both verbally, and in writing, that he
12 understood the contents that were explained to him.
13 And then also he signed the waiver at the bottom, which
14 was dated -- and also indicated verbally in writing
15 that he understood his rights, and wished to waive
16 them, and wanted to speak with us at that time.

17 Q. Was it a knowing and intelligent waiver?

18 A. I would say it was.

19 Q. How long did the interview with this defendant
20 last?

21 A. I would say approximately an hour and a half.

22 Q. Were there any breaks?

23 A. There was a brief -- you could call it a break
24 or interruption, where there was a -- some sort of
25 power surge fluctuation.

1 Q. How long was that break?

2 A. To the best of my recollection, it wasn't
3 longer than maybe a few minutes. It wasn't anything
4 very expanded. It was just a brief power surge that
5 knocked the cameras out for a little bit. There was a
6 brief pause while the camera reset, and the interview
7 continued.

8 Q. What did you do during that break?

9 A. I may have used the restroom myself. And I
10 also obtained -- we offered that and water to the
11 defendant, Mr. Bradley. I actually brought him some
12 water, and was able to locate some ice cubes for him as
13 well.

14 Q. Following that power outage you mentioned, and
15 before resuming the interview, was the defendant
16 reminded that he was still under Miranda?

17 A. Yes, sir, he was.

18 Q. And did he continue the interview voluntarily?

19 A. He did.

20 Q. Did he ever ask to stop the interview at any
21 point?

22 A. No, he did not.

23 Q. Did he ever request to have an attorney
24 present during the interview?

25 A. He did not.

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1 Q. Did he ever make a request for food, drink, or
2 use of a bathroom facility during the interview which
3 was not met?

4 A. No.

5 Q. Was the video -- or excuse me -- was the
6 interview video and audio recorded?

7 A. Yes, sir, it was.

8 MR. MCNEELY: Your Honor, at this time, the State
9 would move to admit State's Exhibit 71 into evidence,
10 and would request permission to publish. Your Honor,
11 may we approach?

12 THE COURT: Yes.

13 (Whereupon, a bench conference was held.)

14 THE COURT: Proceed.

15 MR. MCNEELY: Permission to publish the statement,
16 Your Honor?

17 THE COURT: Yes, sir. And note that is without
18 objection; is that correct, Ms. Littlejohn?

19 MS. LITTLEJOHN: I'm sorry, Your Honor?

20 THE COURT: State's 71 comes in without objection
21 and published without objection; correct?

22 MS. LITTLEJOHN: Correct, Your Honor.

23 THE COURT: Marked and admitted without objection.
24 You may proceed.

25 (State's Exhibit No. 71 admitted into evidence.)

1 MR. MCNEELY: Thank you.

2 (Whereupon, State's Exhibit No. 71 was played in
3 open court.)

4 THE COURT: Madam Forelady, ladies and gentlemen,
5 we're going to take a brief recess. I need to take a
6 report of the grand jury, which will only take a few
7 moments. We appreciate your patience. Please do not
8 discuss the case during the break and please leave your
9 note pads in your seats. We appreciate your
10 indulgence.

11 (Whereupon, the jury left the courtroom at 3:11
12 p.m.)

13 THE COURT: You may be seated. Also, I need your
14 Victim's Assistance person to assist me. I understand
15 this is very emotional, but I can't have any signs of
16 emotion in the courtroom while testimony is going
17 forward. So if there's anyone that it affects them
18 that deeply, they need to take advantage of this break,
19 to excuse themselves from the courtroom.

20 I also expect the medical testimony to be just
21 as disturbing or emotional. And, again, I don't mean
22 to sound unfeeling, but I have to protect the record.

23 MS. WILLIAMS: And also, Your Honor, along the
24 same lines, the State objects to Mr. Bradley putting on
25 this -- you know, I understand this might be difficult.

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1 THE COURT: I have no idea what he's doing.

2 MS. WILLIAMS: He's pretending to cry.

3 THE COURT: He might be crying. I have no idea.

4 MS. WILLIAMS: He may be crying --

5 THE COURT: And I'm not going to put myself in the
6 position of judging his what his emotional state is. I
7 have to keep him in the courtroom. I don't have a
8 choice.

9 MS. WILLIAMS: If he could just be more discrete.
10 I think the jury is watching him.

11 THE COURT: I -- I think -- I have watched the
12 jury. They have been wrapped in watching this tape.
13 And they've all been turned in that direction. What
14 concerns me is audible -- what I could hear, and I've
15 heard it, and it's sobbing, and it's problematic.

16 MS. WILLIAMS: We will just ask --

17 THE COURT: And I -- but again, I empathize. I
18 understand it is emotional. I understand that it is
19 deeply disturbing. And I understand that it could --
20 it's almost like re-living it. And I -- I understand
21 all of that, and I have a great deal of empathy for
22 that. But in terms of these proceedings, I have to
23 maintain that -- if he's crying, I haven't heard it.
24 And they're not paying attention to him, they're
25 watching the video.

1 MS. WILLIAMS: We will try to be diligent when
2 we're showing sensitive things --

3 THE COURT: I expect the medical examiner's
4 testimony to be disturbing. I also expect any
5 photographs of the scene to be disturbing, so I would
6 expect for you all to anticipate that, not so much
7 necessarily -- I'm concerned about courtroom decorum.
8 But at the same time, I'm concerned about unnecessarily
9 them having to -- we do this all the time. We don't
10 have the same reaction, and it is not our loved one.
11 And I think it can be deeply disturbing for them. And
12 if we can spare that, of their emotions, I think it is
13 prudent on our part.

14 MS. WILLIAMS: Thank you, Your Honor.

15 (After a recess, Court reconvened.)

16 THE COURT: You may be seated. Is the State ready
17 to proceed?

18 MR. MCNEELY: We are, Your Honor.

19 THE COURT: Is the defense ready to proceed?

20 MS. LITTLEJOHN: Yes, sir.

21 THE COURT: Did you solve the problem with the 911
22 tape, or whichever tape, the CD that needs to have the
23 word "redacted" taken out off it?

24 MR. MCNEELY: We did not, Your Honor.

25 THE COURT: You can just burn -- I think we can

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1 just burn another one, can't we, and substitute it
2 without those words on it.

3 MS. WILLIAMS: Oh, we can mark it off.

4 THE COURT: Can you mark it off?

5 MS. WILLIAMS: Yeah, we can just mark through it
6 with a marker. It's just says -- someone printed it on
7 there to keep -- to distinguish between the two --

8 THE COURT: Well, it's handwritten, isn't it?

9 MS. WILLIAMS: Yeah. We can just mark through it
10 with a Sharpie.

11 MS. LITTLEJOHN: You can probably rub it off.

12 MS. WILLIAMS: You might be able to rub it off.

13 THE COURT: I never knew you could rub it off.
14 Hey, if that works.

15 MR. MCNEELY: We will figure it out.

16 THE COURT: All right. Please bring in the jury.

17 (Whereupon, the jury entered the courtroom at
18 3:18 p.m.)

19 THE COURT: You may be seated. Ladies and
20 gentlemen, we appreciate your indulgence. And now we
21 will resume playing the statement. You may proceed.

22 (Whereupon, State's Exhibit 71 continued to play
23 in open court.)

24 BY MR. MCNEELY:

25 Q. Det. Cortte, is this the portion where the

1 power outage occurred?

2 A. Yes, it is.

3 Q. Is that you come being back with the cup of
4 water?

5 A. Yes.

6 MR. MCNEELY: At this time, I would continue
7 playing the video.

8 THE COURT: You may proceed.

9 (Whereupon, the Exhibit continued to play in
10 open court.)

11 BY MR. MCNEELY:

12 Q. Det. Cortte, just to clarify for the jury,
13 that was on May 29, 2014; is that correct?

14 A. Yes, that is correct.

15 Q. And that is six days after the Sheriff's
16 Office was called out to Bushy Lane to locate the body
17 of the victim on May 23rd; is that correct?

18 A. Yes, sir, that is correct.

19 Q. Since this interview, have you had the
20 opportunity to review any other statements by this
21 defendant, specifically a recording of a telephone
22 call?

23 A. I did.

24 Q. Did you recognize the voice on the recording?

25 A. I did. I recognized the male voice on the

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1 recording as the defendant, Mr. Lee Bradley, the same
2 individual that was just presented in that interview.

3 MR. MCNEELY: Permission to approach the witness?

4 THE COURT: You may.

5 BY MR. MCNEELY:

6 Q. Det. Cortte, I'm going to show you what's been
7 marked as State's Exhibit 72. Can you please take a
8 look at that?

9 A. May I remove it from the --

10 Q. You may. Do you recognize that disk?

11 A. I do.

12 Q. How so?

13 A. I recognize this as the disk in which that --
14 from the phone conversations -- recorded phone
15 conversations I was on. And I recognize it as being so
16 because it's got my initials, along with the date when
17 I viewed it.

18 MR. MCNEELY: Your Honor, at this time, the State
19 would move State's Exhibit 72 into the record.

20 THE COURT: Any objection? Any objection?

21 MS. LITTLEJOHN: None, Your Honor.

22 THE COURT: Marked and admitted without objection.

23 (State's Exhibit No. 72 admitted into evidence.)

24 MR. MCNEELY: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 MR. MCNEELY: The State doesn't intend to publish
2 at this time, and we don't have any further questions
3 for Det. Cortte.

4 THE COURT: Any questions for the witness?

5 MS. LITTLEJOHN: Yes, Your Honor. I think
6 Ms. Williams and I, if we could approach.

7 (Whereupon, the following bench conference was
8 held outside the hearing of the jury.)

9 MS. LITTLEJOHN: *My client needs to go to the*
10 *bathroom.*

11 THE COURT: *He needs to go to the bathroom. Okay.*

12 (End of bench conference.)

13 THE COURT: Madam Forelady, ladies and gentlemen,
14 we're going to take a brief restroom break. During the
15 break, please do not discuss the case and please leave
16 your note pads in your seat. We appreciate your
17 patience.

18 (Whereupon, the jury left the courtroom at 4:25
19 p.m.)

20 THE COURT: You may be seated. We will be at ease
21 for a few moments, and you may go to the restroom as
22 well, sir. Just please don't discuss your testimony
23 with anyone.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: You're welcome.

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1 (After a recess, court reconvened.)

2 THE COURT: Is the State ready to proceed?

3 MR. MCNEELY: We are, Your Honor.

4 THE COURT: Is the defense ready to proceed?

5 MS. LITTLEJOHN: Yes, Your Honor.

6 THE COURT: Please bring in the jury.

7 MR. MCNEELY: As to the disk with the statement on
8 it that we addressed briefly, it would not rub off.

9 THE COURT: I didn't think so.

10 MR. MCNEELY: And Ms. Littlejohn prefers that it
11 not be marked out.

12 THE COURT: I agree. Because then they'll think
13 you kept something from her.

14 MR. MCNEELY: She just agreed that our
15 investigator can take it, duplicate it, with exception
16 of that word and then putting the duplicate in.

17 THE COURT: Was that the only duplicated disk you
18 had?

19 MR. MCNEELY: It's the only duplicated disk we
20 have that does not say -- does your say redacted on
21 it?

22 THE COURT: Well, the problem is, anything that's
23 entered into evidence, I can't let you take it.

24 MR. MCNEELY: Right.

25 THE COURT: Where did you burn your redacted

1 statement from? You don't have it somewhere stored
2 electronically?

3 MR. MCNEELY: Let me see. We don't, Your Honor.

4 THE COURT: How long is it going to take them to
5 burn that disk?

6 MR. MCNEELY: Five minutes.

7 THE COURT: Any exception to me allowing them to
8 go burn the disk right now while we're still in
9 session?

10 MS. LITTLEJOHN: None. No, Your Honor. It's
11 going to be the disk.

12 THE COURT: And that disk, it needs to be returned
13 because it's in evidence.

14 MS. LITTLEJOHN: Right.

15 THE COURT: It becomes a State's Exhibit -- I mean
16 a Court's Exhibit, and then we will substitute it for
17 the others.

18 MR. MCNEELY: That's fine, Your Honor.

19 MS. LITTLEJOHN: It's a State's Exhibit, I
20 believe.

21 THE COURT: All right. Are you ready to proceed?

22 MS. LITTLEJOHN: That's a State's Exhibit?

23 MR. MCNEELY: That's State's Exhibit 71. What she
24 is saying is the one that we are taking out will become
25 a Court's Exhibit --

1 THE COURT: Will become a Court's Exhibit.

2 MR. MCNEELY: And the new one will replace State's
3 Exhibit 71.

4 THE COURT: All right. Are we ready?

5 MR. MCNEELY: We are, Your Honor.

6 MS. LITTLEJOHN: Yes.

7 THE COURT: Bring in the jury.

8 (Whereupon, the jury entered the courtroom at in
9 4:39 p.m.)

10 THE COURT: You may be seated. We will now resume
11 testimony. You may proceed.

12 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

13 Q. Hey, Detective.

14 A. Good afternoon.

15 Q. One of the things I noticed that the Solicitor
16 asked you, was that there -- about the questioning of
17 Mr. Bradley, and on that you told him there were no
18 misrepresentations; correct -- made?

19 A. That's correct.

20 Q. Okay. Okay. And by the way, y'all learned
21 how to do this testifying thing, y'all learned that at
22 the academy; don't you? Like y'all take classes on how
23 to testify in court; don't you?

24 A. Could you please repeat --

25 Q. Y'all take a class about court testimony and

1 how to testify and -- court stuff at the Academy;
2 right?

3 A. I have had some training.

4 Q. Right. I just wanted the jury to understand
5 why police officers tend to look that way, and
6 everybody tends to look that way?

7 A. I -- I do it out of just basic common manners,
8 that I was brought up to do. Good to make good eye
9 contact with the people that you are addressing.

10 Q. Right. I know y'all had some of that
11 training, so I wanted them to understand some of that.
12 But the misrepresentations, so what -- there were no
13 misrepresentations made to him; correct?

14 A. None that I'm aware of.

15 Q. So, basically, the police didn't make any
16 misrepresentations to him during that interview?

17 A. None that I'm aware of.

18 Q. So everything that y'all said -- what y'all
19 said was accurate?

20 A. I'm not following your specific question.

21 Q. Everything that the police said -- that y'all
22 said on your interview was truthful?

23 A. As far as I'm aware, yes.

24 Q. Okay. And you weren't actually the one who
25 went -- you weren't really the one who went over his

1 rights? That was Det. Shuler; right?

2 A. Correct. I was present in the room.

3 Q. You were both there for all of it?

4 A. Yes.

5 Q. So you heard that?

6 A. I did.

7 Q. Okay. And you've been doing this now for how
8 long, Detective? I know it's a while.

9 A. Okay. I think I made detective in 2010.

10 Q. And you've been to -- you've seen crime scenes
11 where there have been multiple stab wounds before, I
12 would assume?

13 A. I've seen -- I've seen many different crime
14 scenes in that time.

15 Q. Okay. But you've seen them where there have
16 been multiple stab wounds in the crime scenes?

17 A. I'm sure that I probably have.

18 Q. Okay. Y'all got a lot of information, and you
19 talked to Lee that day, Mr. Bradley; right? I mean, he
20 talked with you?

21 A. He did.

22 Q. And he told you about his telephone? He had
23 it right there with him, I believe, from what we could
24 gather from the interview? He said, look in that bag
25 right there?

1 A. To my recollection, I don't recall a bag
2 actually being in the room. My recollection of what
3 that referral was, was that he had been picked up,
4 transported from North Carolina where he was
5 apprehended. And any property that he would have had
6 with him, would have been brought back with him.

7 Q. But he was referring to the 803 telephone?

8 A. I'm -- I can't specifically recall.

9 Q. And to your knowledge right immediately after
10 that, were detectives sent out to the CVS on -- near
11 the bus station and to -- the bus station and to the
12 Shell station, and to obtain the video along that route
13 to see about that truck?

14 A. I don't know, Counsellor.

15 Q. To your knowledge, were they?

16 A. Respectfully, Counsellor, I was not the lead
17 investigator on this, so there's many aspects to the
18 case that I'm unaware of.

19 Q. Right. But to your knowledge, as a detective
20 --

21 MR. MCNEELY: Your Honor, I'm going to object --

22 MS. LITTLEJOHN: -- do you know --

23 THE COURT: The basis of the objection?

24 MR. MCNEELY: It's been asked and answered.

25 THE COURT: Overruled. You may continue. Please

1 finish the question.

2 BY MS. LITTLEJOHN:

3 Q. Were you sent out -- or to your knowledge were
4 any other detectives, to your knowledge, sent out to
5 retrieve video tapes from the roads and from those
6 routes and from those places referenced?

7 A. I'm not personally specifically aware. As I
8 mentioned, there are many aspects in the case that I'm
9 unaware of not being the lead investigator assigned to
10 the case.

11 Q. Even though you weren't the lead investigator,
12 does that mean the only thing you know is exactly only
13 what you did? I mean do you -- don't you have to know
14 some of what other people did to do what you did, and
15 vice versa? You have to work together as a team;
16 right?

17 A. Respectfully, you asked me a couple of
18 different questions --

19 Q. Y'all have to work together as a team; don't
20 you?

21 A. We do.

22 Q. Okay. Because you don't want people running
23 over each other. To your knowledge, did you personally
24 call The Apostle(ph)?

25 A. To my knowledge, I did not personally call --

1 Q. To your knowledge, did any other detective
2 follow-up calling The Apostle?

3 A. I'm unaware of that.

4 Q. To your knowledge, did you personally call
5 Kandice, who you referenced?

6 A. To my knowledge, I personally did not, no.

7 Q. To your knowledge, do you know if anybody else
8 with the Berkeley County Sheriff's Office called
9 Kandice?

10 A. To my knowledge, again, I'm unaware of that.

11 Q. And have you had the opportunity to look at
12 the -- how much of the entirety of the file?

13 A. Could you please --

14 Q. To the entire file, the supplemental reports
15 or just yours?

16 A. I primarily focused on mine, which I have here
17 today.

18 Q. But have you looked at any of the other
19 reports?

20 A. I'm sure I may have, but not --

21 Q. Thank you. And in those, do you see where any
22 other detective contacted The Apostle?

23 A. Counsellor, again, respectfully, I'm
24 specifically personally unaware of any of that. There
25 are many aspects that I just would not have knowledge

1 of necessarily.

2 Q. But, so, what your testimony is today is that
3 to your knowledge, you didn't, and to your knowledge,
4 in any of this length of time that you reviewed this,
5 no one else has, to your knowledge -- no other
6 detective has?

7 A. Just to clarify, Counsellor, if I may, you
8 were referring to the contact of The Apostle?

9 Q. Correct.

10 A. Again, to my knowledge, I personally did not
11 contact The Apostle. And if any other detective did,
12 I'm unaware of that.

13 Q. And to your knowledge, the same would be true
14 with regard to obtaining video cameras for the CVS and
15 bus stop area?

16 A. If you're referring to the same being true
17 that I'm personally aware of -- that I did not. And
18 I'm unaware of specifically if another detective may or
19 may not have.

20 Q. And you were there when a search warrant was
21 being executed, weren't you?

22 A. Could you please be more specific?

23 Q. At the victim's home that day?

24 A. Which day are you referring to?

25 Q. On May 23rd. You responded to the scene?

1 A. I did. As I mentioned in my earlier
2 testimony, my primarily -- primary tasks was during the
3 arrival of the detectives at that time, was to meet
4 with the family of -- members of the victim and to
5 obtain the written statements. And as I mentioned, I
6 also assisted with the removal of the victim's body
7 from the residence.

8 At the time I made that entry, the victim's
9 remains were already in a standard body bag. I
10 assisted in the capacity of helping to remove her from
11 the scene. And then as I also -- I testified to, I
12 assisted in canvassing the back area of the property
13 and the shed.

14 Q. Okay. And you were canvassing the back area
15 of the property pursuant to a search warrant; correct?

16 A. I -- Counsellor, respectfully I can say it was
17 pursuant to my instructions by my supervisor at the
18 time.

19 Q. Were the instructions by the -- the
20 instructions by the supervisor, if they had had a
21 search warrant, would only be limited to that; correct?
22 The search warrant? That would be --

23 A. I'm sorry, if you could --

24 Q. You were looking for instrumentality being
25 utilized to inflict death, is that what you were

1 looking for?

2 A. Or any other things of evidence that might
3 have been available in plain view. I did not come
4 across anything else at that time.

5 Q. And who would have instructed you to do that?
6 Who instructed you to do that?

7 A. I believe it would have been Captain Shuler
8 was the lead investigator at the time.

9 MS. LITTLEJOHN: The court's indulgence.

10 BY MS. LITTLEJOHN:

11 Q. Det. Cortte, what were you looking for if you
12 didn't know what the search warrant said? What were
13 you looking for at the crime scene if you didn't know
14 what the search warrant said?

15 A. Well, again, initially I was looking for
16 information. My tasking primarily was to meet with the
17 family members of the -- and friends of the victim that
18 were present, to obtain written statements from them,
19 gather that information.

20 Q. But you are going to go -- if there is a legal
21 document, you are going to abide by whatever the legal
22 document says; correct? If a legal document says what
23 you're supposed to search for, that's all you're going
24 to search for; correct? If you know of one in
25 existence.

1 A. I'm -- again, counsellor, I'm not following
2 your specific question.

3 Q. If there is a search warrant in existence, you
4 are going to abide by the terms of the search warrant;
5 aren't you?

6 A. I would --

7 Q. Generally speaking.

8 A. I would say that's correct.

9 Q. And to not do so would be unlawful; correct?

10 A. Counsellor, respectfully, I think that you're
11 kind of getting into hypotheticals and --

12 Q. Well, you would assume that the only thing
13 you're looking for is what's within the search warrant;
14 would that be correct? Because that's what you're
15 trained to search for?

16 A. That sounds correct. But, again, I think
17 you're kind of speaking hypothetically. I'm not sure
18 if there is --

19 Q. Well, what you were searching for was what you
20 assumed was in the search warrant; correct?

21 A. If you were --

22 Q. That's your job.

23 A. If you're referring -- if you're referring to
24 the canvas search that I did in the back yard area and
25 the shed, I mean, yes. It would have been anything

1 that was -- I was looking for anything that stood out
2 as possibly being of some of evidentiary value.

3 Q. Right. And you would have been told to look
4 for whatever was in the search warrant?

5 A. Typically.

6 Q. Most likely?

7 A. Yes, ma'am.

8 Q. Okay. And, again, everything you said and to
9 your knowledge everything Detective Shuler said, was
10 100 percent accurate, absolutely no misrepresentations;
11 correct?

12 A. Again, that's correct. I'm unaware --

13 Q. Okay. Thank you.

14 A. -- of any misrepresentations.

15 MS. LITTLEJOHN: Thank you. Nothing further.

16 THE COURT: Any redirect?

17 MR. MCNEELY: Just a couple, Your Honor.

18 THE COURT: You may proceed.

19 **REDIRECT EXAMINATION BY MR. MCNEELY:**

20 Q. Detective Cortte, you were at [REDACTED] Bushy Lane
21 on the 23rd of May, 2014; is that correct?

22 A. Yes, sir, that is correct.

23 Q. Whose residence was that?

24 A. My understanding that it was the victim's --

25 MS. LITTLEJOHN: Your Honor, speculation as to his

1 understanding.

2 THE COURT: I think it's within the scope of his
3 employment. I think he can say where he thought he was
4 and for what purpose. Overruled.

5 THE WITNESS: To my knowledge, it was the
6 residence of the deceased victim, Mrs. Frances
7 Lawrence; and also the defendant seated here today, Mr.
8 Lee Dell Bradley.

9 Q. Do you need a search warrant to search the
10 victim's home and property?

11 MS. LITTLEJOHN: Your Honor, I think that goes
12 outside the scope of speculation. I believe that is a
13 legal question.

14 THE COURT: He's an investigator. He should know
15 what the scope of his responsibilities are. Overruled.
16 Sir, you may answer the question to the best of your
17 knowledge.

18 THE WITNESS: Could you please repeat the
19 question?

20 BY MR. MCNEELY:

21 Q. Yeah. When there's a -- when you have a
22 murder victim that you're investigating, do you
23 need a search warrant to search their home and
24 property?

25 A. I would say no, that -- if a victim is

1 deceased, there will be no reasonable expectation of
2 privacy for that particular individual since they are
3 respectfully deceased.

4 MS. LITTLEJOHN: Your Honor, I believe that the
5 officer's --

6 THE COURT: No speaking objections.

7 MS. LITTLEJOHN: Your Honor, I would object.

8 THE COURT: You opened the door on cross
9 examination. They are allowed to rehabilitate their
10 witness. Overruled, but don't lead.

11 MR. MCNEELY: Thank you, Your Honor.

12 BY MR. MCNEELY:

13 Q. And why did you search the property that day?

14 A. One, I was instructed to pursuant to the fact
15 that we had a deceased victim that was believed and
16 ultimately determined to be a homicide victim. So it
17 was to search for any items of evidentiary value that
18 might have been helpful to assist us in that
19 investigation, to bring the individual responsible to
20 justice.

21 Q. Did you specifically locate any items that
22 day?

23 A. I did not.

24 MR. MCNEELY: No further questions, Your Honor.

25 THE COURT: Any objection to the witness being

1 excused from the State?

2 MR. MCNEELY: None from the State.

3 THE COURT: From the defense?

4 MS. LITTLEJOHN: None from the defense?

5 THE COURT: Sir, you are excused.

6 THE WITNESS: Thank you, Your Honor. May I ask
7 Your Honor, if it please the Court, am I still
8 sequestered?

9 THE COURT: You may join the courtroom, sir.
10 You've been excused from your subpoena.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: You're welcome. Madam Forelady,
13 ladies and gentlemen, we are going to take advantage
14 of this break in testimony to take our evening
15 recess.

16 During the break, please do not discuss the case
17 among yourselves or with anyone else. Do not read,
18 watch, or listen to any media accounts, that includes
19 anything in the newspapers, radio, television, or
20 internet, and don't do any independent research on the
21 internet.

22 If you would leave your note pads in your seat,
23 we will secure them during the break. And you will
24 follow the same procedure as you enter the courthouse
25 in the morning. As soon as all of you have arrived, we

1 will resume testimony.

2 Have a great evening. We will see you
3 tomorrow.

4 JUROR: What time?

5 THE COURT: Oh, 9:30. I apologize. I thought I
6 said something, 9:30. And we shouldn't have any
7 interruptions tomorrow. You should have smooth
8 sailing. Thank you all again for your patience.

9 (Whereupon, the jury left the courtroom at 4:56
10 p.m.)

11 THE COURT: All right. Is there anything we
12 need to -- the gallery needs to remain seated until
13 the Court is adjourned. We are still in session. Is
14 there anything further from the State before we
15 adjourn?

16 MS. WILLIAMS: Yes, Your Honor.

17 THE COURT: Okay.

18 MS. WILLIAMS: With regard to -- item number --
19 State's Exhibit 71, we do now have a copy that does not
20 say "redacted statement" on it. It just says Lee
21 Bradley statement. It has all the writing that the
22 other had except "redacted".

23 THE COURT: Okay. And is there any exceptions,
24 Ms. Littlejohn?

25 MS. LITTLEJOHN: None.

1 THE COURT: We will substitute that as State's
2 No. 71, and then the other item needs to be given
3 to the Court Reporter to be marked as a Court's
4 Exhibit.

5 (Court's Exhibit No. 4 marked.)

6 MR. MCNEELY: Thank you, Your Honor.

7 THE COURT: Also, you all need to anticipate
8 for purposes of jury deliberations, having a clean
9 laptop with the software, so that they can play it
10 back.

11 MS. WILLIAMS: Yes, Your Honor. I think the last
12 time, we had the clerk help us out. We will work that
13 out this evening.

14 MS. LITTLEJOHN: I saw a TV in there, does it hook
15 up?

16 THE COURT: That disk requires that you load
17 software on to your laptop and play it. I don't think
18 you're going to be able to do that. All right. Is
19 there anything else before we adjourn for the evening
20 from the State?

21 MS. WILLIAMS: Not from the State.

22 THE COURT: From the defense?

23 MS. LITTLEJOHN: Nothing from the defense, Your
24 Honor.

25 THE COURT: All right. Guys, have a good evening.

1 See you in the morning.

2 (Whereupon, the hearing adjourned.)

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1 * * * WEDNESDAY, JULY 13, 2016 * * *

2

3 THE COURT: You may be seated. Juror number 73
4 has passed up a -- he's he told the bailiff and the
5 deputy clerk when he came in this morning that he has
6 strep throat, and they told him to reduce it to a note.
7 And he has sent a note saying that he just developed
8 strep throat yesterday.

9 He is -- I think I know which juror it is, but I
10 would assume if he's saying he has strep to the extent
11 that he needed to tell me about it, that he's asking to
12 go home? Is that what it is? Did he indicate whether
13 he's gone to the doctor?

14 THE BAILIFF: No, ma'am.

15 THE COURT: Okay. If you could bring him in for
16 me, please.

17 (Pause.)

18 THE COURT: How are you, sir. You can stay right
19 there for me. You sent me a note indicating that you
20 have strep throat?

21 JUROR: Yes, ma'am.

22 THE COURT: You went to the doctor?

23 JUROR: I went -- I went the other day -- I went
24 Tuesday with just an infection.

25 THE COURT: Okay.

1 JUROR: And I got out of court yesterday, all the
2 white stuff started to come through my throat.

3 THE COURT: And they gave you some medication?

4 JUROR: Yeah.

5 THE COURT: And told you to go home and get in
6 bed?

7 JUROR: Yeah, because I catch it -- like every
8 month I have strep throat until I fix it -- because I
9 need get my tonsils taken out. But I have to go to the
10 doctor tomorrow so they can send me to a throat
11 specialist.

12 THE COURT: And so -- if I read the note
13 correctly, you're not feeling well?

14 JUROR: No, ma'am.

15 THE COURT: And are you asking to be excused?

16 JUROR: Yeah, so I can go to the doctor.

17 THE COURT: And get it taken care of?

18 JUROR: Yes, ma'am.

19 THE COURT: If you would stand right out in the
20 hallway for me with the bailiff.

21 JUROR: Okay.

22 THE COURT: Madam Court Reporter, if you would
23 mark that as a Court's Exhibit.

24 (Court's Exhibit No. 5 marked.)

25 THE COURT: All right. What is the State's

1 preference?

2 MS. WILLIAMS: We would prefer that you excuse
3 him, Your Honor, due to the age of the --

4 THE COURT: And it's probably contagious.

5 MS. WILLIAMS: Yes.

6 THE COURT: What is the defense's preference?

7 MS. LITTLEJOHN: We agree, Your Honor.

8 THE COURT: Okay. And you can hear from him
9 speaking that he clearly is in some duress. I noticed
10 on Monday that he was -- I don't want to say -- more
11 like when we were doing closing (ph) arguments, he kept
12 dosing -- he kept dosing off. And I didn't know
13 whether it was from being up all night, because
14 sometimes people work all night and then they come to
15 jury duty, or whether he wasn't feeling well. But I
16 think that -- what would be -- it will be appropriate
17 for us to dismiss him and replace him with an
18 alternate. Any exception from the State?

19 MS. WILLIAMS: None from the State, Your Honor.

20 THE COURT: From the defense?

21 MS. LITTLEJOHN: None from the defense.

22 THE COURT: If you could bring the juror in for me
23 please.

24 (Pause.)

25 THE COURT: Sir, we are going to excuse you for

1 the remainder of the week. I hope that you feel
2 better.

3 JUROR: Thank you.

4 THE COURT: Okay. Have a great day. Give your
5 tag to the bailiff for us. Have a great day.

6 Pursuant to 14-7-1340, the court is to draw an
7 alternate by ballot. I guess the only way to do that
8 is to put their names on a strip of paper. Do we have
9 a way to sort their names by the computer?

10 THE CLERK: Not just the two of them.

11 THE COURT: Yeah, we need to do two strips of
12 paper with their names on it, and have the clerk select
13 by ballot which person it is. Any exception from the
14 State?

15 MS. WILLIAMS: None from the State.

16 THE COURT: From the defense?

17 MS. LITTLEJOHN: None.

18 THE CLERK: Do you want to select it?

19 THE COURT: No, you need to. Okay.

20 (Pause to select new juror.)

21 THE COURT: Ms. L. Elizondo will replace the
22 excused juror.

23 MS. LITTLEJOHN: Judge, juror number, Your Honor?

24 THE COURT: Number 49. All right. Any exception
25 from the State?

1 MS. WILLIAMS: None, Your Honor.

2 THE COURT: From the defense?

3 MS. LITTLEJOHN: No, Your Honor.

4 THE COURT: When you bring the jury panel, Madam
5 Bailiff, we'll seat number 49 with the regular panel as
6 she is taking the place of the excused juror.

7 THE BAILIFF: Yes, ma'am.

8 THE COURT: All right. Who is the State's first
9 witness.

10 MS. WILLIAMS: Alma Reid.

11 THE COURT: I'm sorry, I didn't hear you.

12 MS. WILLIAMS: Alma Reid.

13 THE COURT: And then do you have all of your
14 witnesses lined up so we don't have to have any delays?

15 MS. WILLIAMS: We do, Your Honor.

16 THE COURT: Thank you.

17 (Whereupon, the jury entered the courtroom at
18 9:52 a.m.)

19 THE COURT: You may be seated. Good morning,
20 ladies and gentlemen. I hope you had a pleasant and
21 restful evening. We apologize for the delay in
22 resuming the proceedings. One of your fellow jurors
23 has become ill and we had to excuse him. We have
24 replaced him with one of the alternates, number 49.
25 And I would ask that you give the attorneys your

ALMA REID -- DIRECT

1 undivided attention as we resume testimony. The State
2 may proceed.

3 MS. WILLIAMS: Thank you, Your Honor.

4 THE COURT: You're welcome.

5 MS. WILLIAMS: The State calls Alma Reid.

6 ALMA REID, being
7 first duly sworn, testified as follows:

8 THE CLERK: State your full name and spell your
9 last name.

10 THE WITNESS: Alma Reid. R-e-i-d.

11 THE COURT: You may proceed.

12 MS. WILLIAMS: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 **DIRECT EXAMINATION BY MS. WILLIAMS:**

15 Q. Ms. Reid, where so you live?

16 A. Leizy (ph) Drive, Sheep Island.

17 Q. Okay. And how close is that to Bushy Lane?

18 A. Less than a half mile I think.

19 Q. Okay. And do you know Frances Lawrence, or
20 did you know Frances Lawrence?

21 A. Yes, I did.

22 Q. How do you know her?

23 A. She is my cousin.

24 Q. Okay. Did you regularly associate with her or
25 socialize with her?

1 A. No.

2 Q. Did you ever drink with her or do anything
3 like that with her?

4 A. I didn't know her to drink.

5 Q. She wasn't known to drink?

6 A. Uh-uh.

7 Q. And do you remember about the time two years
8 ago when she passed way?

9 A. No, I mean, I don't know when she passed away.

10 Q. But you remember when she was murdered?

11 A. Yeah.

12 Q. And during that time, did you ever have a
13 conversation with Lee Bradley?

14 A. Yes.

15 Q. And you didn't come to the police and tell
16 them about that interaction?

17 A. No.

18 Q. How did that come about? How did you finally
19 come forward to tell us about that statement?

20 A. When y'all come to me.

21 Q. Did you tell someone else about that
22 statement?

23 A. I told Trina.

24 Q. Okay. And you really didn't want to be
25 involved in this trial; did you?

1 A. No.

2 Q. So when you saw Mr. Bradley, where was it?

3 A. At my house.

4 Q. And it was during that week that Frances
5 Lawrence had not been seen?

6 A. I guess, I don't know.

7 Q. Okay. What did he tell you about Frances?

8 A. He told me they had an altercation. And she
9 went in the kitchen and got the knife. And he pushed
10 her and she fell on the knife and cut her arm. So I
11 asked him, I said, "You didn't call an ambulance?" He
12 said, "No, it wasn't that serious." And that's all he
13 told me.

14 Q. Did he say if it took place in the kitchen?

15 A. No. He said -- he said he pushed her on the
16 chair and she fell on the arm of it, and the knife cut
17 her arm.

18 Q. And he said he didn't call the ambulance
19 because it wasn't that serious?

20 A. Serious, yes.

21 Q. And how did he get to your trailer?

22 A. He was driving the van or SUV.

23 Q. Do you remember what color the SUV was?

24 A. No.

25 Q. Was that Frances' SUV?

1 A. That's what they told me afterwards.

2 MS. WILLIAMS: The Court's indulgence.

3 BY MS. WILLIAMS:

4 Q. Do you see him here today, Mr. Bradley?

5 A. I never have seen him but one time.

6 Q. Okay. All right. And how do you know it was
7 him? Did he tell you his name was Lee Bradley?

8 A. Yeah.

9 MS. WILLIAMS: Nothing further, Your Honor.

10 THE COURT: Any questions for the witness?

11 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

12 Q. Hey, Mrs. Reid.

13 A. Hey.

14 Q. When did you first get contacted?

15 A. I met him one time.

16 Q. No. When did you first get contacted about
17 this case? You said the State contacted you?

18 A. Yeah, about a month.

19 Q. About a month ago?

20 A. I think.

21 Q. You think?

22 A. Uh-huh.

23 Q. And you and Mr. Lee Bradley never had any kind
24 of romantic relationship?

25 A. No. No.

1 Q. He never spent the night over at your house?

2 A. No.

3 Q. And this altercation that you were talking
4 about, since you only met him that one time -- we're
5 talking about something that happened in 2014, and this
6 is 2016. And the government just came to you a month
7 ago; right?

8 A. Uh-huh.

9 Q. Are you absolutely positive about all of your
10 dates?

11 A. I'm positive.

12 Q. How is that?

13 A. Because I know. I can remember that.

14 Q. But you don't know Monday or --

15 A. I don't know the dates, no.

16 Q. Do you know the month though? The month it
17 was?

18 A. No.

19 Q. You don't know what month that was he told
20 you?

21 A. Uh-uh.

22 Q. Okay.

23 A. Uh-uh.

24 Q. Okay. So whatever month it was that he told
25 you, was the one time you met him?

1 A. Yeah.

2 Q. And he never -- y'all never had any
3 relationship?

4 A. No.

5 Q. Okay. And he never spent the night; correct?

6 A. No.

7 MS. LITTLEJOHN: The court's indulgence. (Pause.)
8 No further questions, Your Honor.

9 THE COURT: Any redirect?

10 MS. WILLIAMS: Briefly, Your Honor.

11 **REDIRECT EXAMINATION BY MS. WILLIAMS:**

12 Q. You said that you told Trina at the time that
13 this happened?

14 A. That was after I find out that --

15 Q. Frances was murdered?

16 A. Yes.

17 Q. Who is Trina?

18 A. That's his niece, I think.

19 Q. What's her full name?

20 A. I don't know.

21 Q. Is it Katrina?

22 A. Katrina or whatever. I don't know. We call
23 like nicknames.

24 Q. But you told her that way back at the time of
25 the -- around the time of the murder?

1 A. Yeah, everything, uh-huh.

2 Q. And you just told Mrs. Littlejohn that you
3 only met -- that he didn't spend the night at your
4 house?

5 A. No.

6 Q. Isn't it the true that his car was parked
7 behind your trailer --

8 MS. LITTLEJOHN: Your Honor, I object. Leading.

9 THE COURT: Sustained. Leading.

10 BY MS. WILLIAMS:

11 Q. Where did he used to park his car?

12 A. Well, that evening when he came, and he parked
13 it behind there. And we were sitting outside
14 barbecuing.

15 Q. Was he ever seen in your trailer?

16 A. Uh-uh.

17 Q. Where was your husband at that time?

18 A. He was in Charleston. I don't have a
19 husband -- I mean -- he was in Charleston.

20 Q. Who is Keith?

21 A. That's my boyfriend.

22 Q. And you live with him?

23 A. Yes.

24 Q. Where was he at the time that Lee was over
25 there?

1 A. Charleston.

2 Q. He wasn't living with you then?

3 A. No. He goes to school. He was going to
4 school.

5 Q. And it's your testimony that Lee Bradley never
6 spent the night there?

7 A. No, he never did.

8 Q. And you didn't want to be here today?

9 A. No.

10 Q. You didn't want to cooperate?

11 A. No.

12 Q. Thank you.

13 A. Okay.

14 THE COURT: Any objection to the witness being
15 excused from the State?

16 MS. WILLIAMS: Not from the State, Your Honor.

17 THE COURT: From the defense?

18 MS. LITTLEJOHN: No recross, Your Honor. She can
19 be excused.

20 THE COURT: Ma'am, you're excused.

21 THE WITNESS: Thank you.

22 THE COURT: You're welcome. Call your next
23 witness.

24 MS. WILLIAMS: The State calls Brenda Bloom.

25 BRENDA BLOOM, being

1 first duly sworn, testified as follows:

2 THE CLERK: Please state your full name and spell
3 your last name into the record.

4 THE WITNESS: My name is Brenda Lee Bloom. Last
5 name Bloom, B-l-o-o-m.

6 THE COURT: You may proceed.

7 MS. WILLIAMS: Thank you, Your Honor.

8 **DIRECT EXAMINATION BY MS. WILLIAMS:**

9 Q. Ms. Bloom, who was Frances Lawrence to you?

10 A. My sister.

11 Q. And how many sisters are there?

12 A. There are seven sisters.

13 Q. And how many brothers?

14 A. Seven.

15 Q. And at the time that Frances was murdered,
16 where were you living?

17 A. In Eutaville, South Carolina.

18 Q. And who was living near your sister at that
19 time, which of your siblings?

20 A. My sister, Darlene Walker, and my sister,
21 Dorothy Walker. She was living with my mother. And my
22 mother is Bertha Lee walker.

23 Q. And what other relatives were living around
24 her?

25 A. Darnel Walker and his wife.

1 Q. Okay. Who lives with Darlene?

2 A. Darlene, Harold Drayton.

3 Q. Who is that?

4 A. That's Darlene's son.

5 Q. And how far away are all these homes?

6 A. I would say about 50 feet maybe.

7 Q. And where did your sister work at the time she
8 was murdered?

9 A. At Fruit of the Loom.

10 Q. And where did she work before that?

11 A. Before that, she worked at Radio Shack.

12 Q. And were you familiar with her habits, her
13 work habits? When she came and went, and what she did
14 when she came home from work?

15 A. Yes.

16 Q. When she came home from work, what would she
17 do?

18 A. She would come home from work, and she would
19 put up her sound (ph). And she had a chair right there
20 and she put up her sound. And usually, when I stayed
21 with her, she would put it down and she would tell me,
22 baby girl, I got to take me a shower. She said, I'll
23 be right back out. And that's what she did.

24 Q. So after working a long shift, she would take
25 a shower?

1 A. Yes.

2 Q. Now, after your sister was murdered, did the
3 family turn over anything to police?

4 MS. LITTLEJOHN: Your Honor --

5 THE COURT: Basis --

6 THE WITNESS: I found a --

7 THE COURT: Wait. Basis of your objection?

8 MS. LITTLEJOHN: Relevance.

9 THE COURT: Restate the question.

10 MS. WILLIAMS: Did she turn anything over to the
11 police.

12 THE COURT: I think the question is permissible if
13 it is -- I see no basis for me to rule that it's not
14 relevant, not knowing exactly -- you may proceed.
15 Ma'am, you may answer the question.

16 THE WITNESS: Okay. Yes. I became executor of
17 Frances' estate because --

18 BY MS. WILLIAMS:

19 Q. Just state what items did you turn over to
20 them?

21 A. A knife.

22 Q. And where did you find the knife?

23 A. In a box that I got out of Frances' house.

24 Q. And how long after the murder did you find the
25 knife?

1 A. Well, after -- after they found her, like
2 maybe a week.

3 Q. Okay. But why did it take so long to get it
4 to the police? When -- when was it given to the
5 police?

6 A. It was given to the police -- first, I gave it
7 to Dorothy to give to the police. And I called them
8 and asked them if they had it, and they said they
9 didn't. So it was like a week after that, she told me
10 where it was still at my momma's house. So I went back
11 and got it, and I took it to the police within a week.

12 Q. And this knife -- explain where exactly it was
13 in the home, was it visible?

14 A. It -- it wasn't visible. It was in a box --
15 in the bottom of a box with a lot of papers and stuff
16 on top of it.

17 Q. And why did you turn it into the police?

18 A. Because I thought it could may have been --
19 might have been the murder weapon that killed her.

20 Q. But you didn't know?

21 A. No.

22 MS. WILLIAMS: Beg the court's indulgence.

23 THE COURT: Yes, ma'am.

24 MS. WILLIAMS: I have no further questions. Thank
25 you.

1 THE COURT: Any questions for the witness?

2 CROSS EXAMINATION BY MS. LITTLEJOHN:

3 Q. Hey, Ms. Bloom. I'm going to ask you a couple
4 of quick questions. You said that you lived with
5 Frances at one point?

6 A. No, I stayed with her like for weeks at a
7 time. My husband would go out of town, so I stayed
8 with her.

9 Q. When was the last time you spent like a month
10 living with her?

11 A. Maybe about three years ago.

12 Q. So three years before this, you had spent
13 about a month living with her?

14 A. Yeah.

15 Q. So that's when you --

16 A. Not a month, I spent a week there, and the
17 weekends.

18 Q. A weekend?

19 A. Weekends and week.

20 Q. So like just a couple of days you would stay
21 while your husband was gone?

22 A. Yeah. And then I'd spend weeks there when my
23 husband was gone for a whole week at a time.

24 Q. Okay. So you would stay for maybe a week when
25 your husband was gone?

1 A. Right.

2 Q. Okay.

3 A. Totally about three weeks at -- at different
4 times.

5 Q. If that -- so the total would add up to three
6 weeks?

7 A. Right.

8 Q. Okay. And about what was the longest amount
9 of time that your husband was gone that you would stay
10 with her?

11 A. A week.

12 Q. A week?

13 A. Uh-huh.

14 Q. And that was about three years before this?

15 A. Yeah.

16 Q. So what you're telling me is the habits that
17 you saw were three years before this when you stayed
18 that week; right?

19 A. Yes, three years.

20 Q. Okay. And you didn't put that in your
21 statement, did you? You wrote a statement to the
22 police; didn't you?

23 A. Did I wrote a statement?

24 Q. Right.

25 A. Yes.

1 Q. Right. And I don't think you said anything to
2 them about living there, did you?

3 A. No, I didn't live there. I just spent time
4 there with her.

5 Q. So -- but -- so it's just sort of here and
6 there that type of --

7 A. Right.

8 Q. Okay. For a total of about three weeks during
9 all of those years for a total of it; right?

10 A. About three weeks, we used to stay over there,
11 me and my husband every weekend just about.

12 Q. Okay.

13 MS. LITTLEJOHN: The Court's indulgence.

14 THE COURT: Yes, ma'am.

15 BY MS. LITTLEJOHN:

16 Q. This knife that you found that the police
17 didn't find, you seem to think that it was important;
18 didn't you?

19 A. Yes, I did.

20 Q. And you didn't take it to the police yourself;
21 did you?

22 A. Yes, I did.

23 Q. But you gave it to your sister first; didn't
24 you?

25 A. Right. She told me that she was going to take

1 it so...

2 Q. But you, yourself, didn't take it?

3 A. Yes, I took it after that.

4 Q. Immediately didn't take it?

5 A. Immediately? No.

6 Q. Did you call the police officers right away
7 and say, hey, come out here?

8 A. Yes, sir -- yes, ma'am.

9 Q. And did the police respond?

10 A. Yes, they came out, but they didn't get the
11 knife.

12 Q. So they came to your house --

13 A. They didn't come to my house. They came to
14 where Frances was living, where -- where my sister,
15 Dorothy, was living.

16 Q. When you found this, did you immediately call
17 the police and ask them to come to you?

18 A. No.

19 Q. But you thought it was that important, even
20 though you didn't call them and have them come to you;
21 correct?

22 A. Correct.

23 Q. And you really don't know -- and you handled
24 it very carefully, I'm sure; right?

25 A. Absolutely.

1 Q. And made sure everybody else did; right?

2 A. Well, everybody else didn't get -- wasn't
3 handling it. It was just me. When I got it out of the
4 box, I wrapped it up. And when I got it, I didn't even
5 pick it up with my hand. I wrapped it up because -- I
6 wrapped it up in a paper -- in a napkin. And I showed
7 it to my sisters and them. And I asked them, did you
8 know -- if they went through the box, did y'all see
9 this? And they said, no.

10 Q. And you did that because you didn't know if it
11 may or may not have something important on it; right?

12 A. Right.

13 Q. It might have fingerprints on it; that's the
14 reason you handled it carefully; right?

15 A. Uh-huh, yes.

16 Q. Okay. Was there another reason you handled it
17 carefully because you've heard of the touch DNA? How
18 they can take DNA off of it?

19 A. Yes.

20 Q. So you didn't want anybody messing it up;
21 right?

22 A. Yes.

23 Q. So you didn't know if it was therefore out of
24 a fluke for --

25 MS. WILLIAMS: Objection, Your Honor.

1 THE COURT: Basis.

2 MS. WILLIAMS: Calls for speculation.

3 THE COURT: Sustained. Rephrase.

4 BY MS. LITTLEJOHN:

5 Q. You really don't know what the reason was, do
6 you? It was there?

7 A. What the reason for what?

8 Q. That -- the reason the knife was in the box
9 with papers, you really have no idea; do you?

10 A. No. I really thought he was -- he was hiding
11 it. That's what I -- that's what I thought.

12 Q. But you actually -- but that's why you handled
13 it with care?

14 A. Right, yes.

15 Q. And where did you find the box?

16 A. I find it -- I found it in her foyer -- or in
17 -- in the foyer where she used to sit at. It was a
18 table -- under a little table. And it was a little box
19 about this big (indicating). And I found it under the
20 table. And I pulled it out because I was looking for
21 her -- I was the head of the estate, and I was just
22 trying to find whatever papers I could find to help do
23 whatever we needed to do for her.

24 Q. So it was right out there in the big room, the
25 foyer?

1 A. It's the room, but it was pushed under a
2 table.

3 Q. Right. That's a big room, right?

4 A. No. It's a little foyer. It's a little
5 foyer.

6 Q. Right. But something that you walk past every
7 day, to the area you found it, where you walk past it?

8 A. Yes.

9 Q. All the time.

10 MS. LITTLEJOHN: I have no further cross.

11 THE COURT: Any redirect of the witness?

12 MS. WILLIAMS: No, Your Honor.

13 THE COURT: Any objection to the witness being
14 excused?

15 MS. WILLIAMS: Not from the State.

16 THE COURT: From the defense?

17 MS. LITTLEJOHN: No, Your Honor.

18 THE COURT: Ma'am, you're excused.

19 THE WITNESS: Thank you.

20 THE COURT: You may call -- you're welcome. You
21 may call your next witness.

22 MR. MCNEELY: We call Melody Samples.

23 MELODY SAMPLES, being
24 first duly sworn, testified as follows:

25 THE CLERK: Please state your full name into the

1 record and spell your last name.

2 THE WITNESS: My name is Melody Samples,
3 S-a-m-p-l-e-s.

4 THE COURT: You may proceed.

5 MR. MCNEELY: Thank you.

6 THE COURT: You're welcome.

7 **DIRECT EXAMINATION BY MR. MCNEELY:**

8 Q. Good morning, Ms. Samples.

9 A. Good morning.

10 Q. Where are you currently employed?

11 A. South State Bank.

12 Q. How long have you been employed there?

13 A. Ten years.

14 Q. What is your position there?

15 A. Custodian of records.

16 Q. And just by way of background, how long has
17 South State Bank been around? Can you explain a little
18 bit and how they came to their current existence?

19 A. Sure. South State Bank started in 1933 as the
20 First National Bank. Throughout the years, they have
21 acquired and merged with five community banks. And in
22 June/July of 2014, they changed their name to South
23 State Bank. Part of that merger was First Federal.

24 Q. Was that First Federal in Charleston?

25 A. Yes, sir.

1 Q. What are the duties of your position as
2 custodian of records?

3 A. Maintain the records that are archives and
4 respond to legal requests.

5 Q. Does your department keep records of all
6 accounts held at the bank?

7 A. Yes, sir.

8 Q. And since June of 2014, have those records
9 included accounts held previously at First Federal Bank
10 of Charleston?

11 A. Yes, sir.

12 Q. Are those records kept as a regular course of
13 business of your department?

14 A. Yes, sir.

15 Q. Do they -- do the records show all of the
16 account activity during specific timeframes?

17 A. Yes, sir.

18 Q. For a checking account, would the record show
19 both deposits and withdrawals?

20 A. Yes, sir.

21 Q. Would it show any transactions involving
22 checks or debit card transactions from the account?

23 A. Yes, sir.

24 Q. Would they show balance inquiries made at the
25 ATMs when no money is withdrawn or deposited?

1 A. Yes, sir.

2 Q. During May of 2014, did Frances Lawrence have
3 an account with First Federal Bank of Charleston?

4 A. Yes, sir.

5 Q. What type of account did she have?

6 A. Checking account.

7 Q. Was anyone else's name on the account or was
8 it exclusively Frances Lawrence?

9 A. It was exclusively hers.

10 Q. How many debit cards were issued on the
11 account?

12 A. One.

13 Q. Whose name was card issued in?

14 A. Frances Lawrence.

15 Q. Did you pull the records for Frances
16 Lawrence's account with First Federal Bank during May
17 of 2014?

18 A. Yes, sir.

19 Q. What records did you pull specifically?

20 A. I -- what we would consider a checking account
21 statement.

22 Q. What timeframe was the statement for?

23 A. May I look at my notes?

24 Q. You may.

25 A. The actual dates on the statement, May 15th

1 through June 15, 2014.

2 Q. Okay. So if I understand your previous
3 testimony, does the statement you pulled show all
4 account activity for Frances Lawrence's account between
5 May 15, 2014, and June 15, 2014?

6 A. Yes, sir.

7 Q. Was there any account activity during that
8 time?

9 A. Yes, sir.

10 Q. Specifically, was there any account activity
11 for Frances Lawrence's account between May 21, 2014,
12 and May 23, 2014?

13 A. Yes, sir.

14 Q. Was that activity deposits, withdrawals, or
15 both?

16 A. Withdrawals.

17 Q. No deposits?

18 A. No deposits.

19 Q. Were those withdrawals from the account's ATM
20 transactions, or store purchases, or both?

21 A. Both.

22 Q. Were there also ATM inquires made during those
23 dates, May 21st to May 23rd?

24 A. Yes, sir.

25 Q. Where did the withdrawals and purchases and

1 inquires take place?

2 A. Summerville.

3 Q. Did you have any addresses listed specifically
4 for those locations?

5 A. Some transactions, yes, sir.

6 Q. What are those?

7 A. There are some at 2895 West Fifth Street in
8 Summerville, and 2908 West Fifth, Summerville.

9 Q. What dates are those transactions?

10 A. The 22nd of May.

11 Q. Are there any on the 23rd?

12 A. Yes, at the same location.

13 MR. MCNEELY: No further questions from the State
14 at this time, Your Honor.

15 THE COURT: Any questions for the witness?

16 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

17 Q. Hey, Ms. Samples. I'm just going to ask you a
18 couple of quick questions. I think I know the answers,
19 but I want to make sure. Since you -- in your duties
20 as responding to legal requests and maintaining records
21 and all, if somebody -- you got a legal request to get
22 the ATM video footage, you can do that; right?

23 A. Yes, ma'am.

24 Q. Okay. And to get money out, you have to have
25 a PIN number, don't you, from an ATM?

1 A. Yes, ma'am.

2 Q. And if you go to a store and swipe the card,
3 it will usually say credit or debt; right?

4 A. Depending on how the machine is set up, yes,
5 ma'am.

6 Q. Right. And if you punch debit, then you have
7 to punch in your debit number -- your code number;
8 right?

9 A. Yes, ma'am.

10 Q. And everybody has their own unique code;
11 right?

12 A. They should.

13 Q. They should, right, right, right. And it is
14 not unusual for people to go two days without a
15 deposit, is it?

16 A. No, ma'am, depending on how they're paid.

17 Q. Right. A lot -- for a lot of folks it's based
18 on when you get paid; right?

19 A. Yes, ma'am.

20 Q. And at any time, were you asked for any video
21 from the ATMs?

22 A. No, ma'am.

23 Q. And at this point in time, this was First
24 Federal; right?

25 A. Yes, ma'am.

1 Q. And just so -- just so we're really clear
2 here, are you aware of First Federal -- I'm not -- but
3 I just want to make sure, having one of those breaches
4 or anything, where people can go in and get PIN numbers
5 because they shopped at another store or something?

6 A. No, ma'am. I'm not aware of that.

7 Q. Okay. So the security is pretty tight. You
8 better have that PIN number, or you're not going to get
9 it?

10 A. Yes, ma'am.

11 MS. LITTLEJOHN: Okay. Thank you.

12 THE COURT: Any redirect?

13 MR. MCNEELY: Just a couple, Your Honor.

14 THE COURT: You may proceed.

15 **REDIRECT EXAMINATION BY MR. MCNEELY:**

16 Q. Ms. Samples, those addresses you mentioned
17 earlier for ATM transactions in Summerville?

18 A. Yes.

19 Q. Are those at South State or First Federal Bank
20 owned and operated ATM machines, or were they at ATM
21 machines owned and operated by a third party?

22 A. All considered foreign to us, which would be a
23 third party.

24 Q. So if those ATM machines had videos, you all
25 wouldn't have control over that video?

1 A. That's correct.

2 Q. Okay. Thank you.

3 THE COURT: Any objection to the witness being
4 excused from the State?

5 MR. MCNEELY: None from the State.

6 THE COURT: From the defense?

7 MS. LITTLEJOHN: None, Your Honor.

8 THE COURT: Ma'am, you're excused.

9 THE WITNESS: Thank you.

10 THE COURT: You're welcome. Call your next
11 witness.

12 MR. MCNEELY: The State calls Harold Drayton.

13 HAROLD DRAYTON, being
14 first duly sworn, testified as follows:

15 THE CLERK: State your full name and spell your
16 last name into the record.

17 THE WITNESS: Harold Lamont Drayton, Jr.,
18 D-r-a-y-t-o-n.

19 THE COURT: You may proceed.

20 MR. MCNEELY: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 **DIRECT EXAMINATION BY MR. MCNEELY:**

23 Q. Good morning, Harold.

24 A. Good morning.

25 Q. How old are you?

1 A. Twenty-three.

2 Q. Where do you live right now?

3 A. [REDACTED] Julie Hill, Ladson, South Carolina.

4 Q. Where did you live during May of 2014?

5 A. [REDACTED] Bushy Lane, Summerville.

6 Q. Is that in Berkeley County?

7 A. Yes, sir.

8 Q. Who was the victim, Frances Lawrence, to you?

9 A. That was my aunt.

10 Q. Are you related to Frances -- or were you
11 related to Frances through your mother or your father?

12 A. My mother.

13 Q. Your mother was her sister?

14 A. Yes.

15 Q. Who is your mother?

16 A. Darlene Walker.

17 Q. Are you Frances' only nephew?

18 A. No.

19 Q. Where did Frances live during May of 2014?

20 A. At [REDACTED] Bushy Lane, Summerville, next door.

21 Q. About how far from your house was it?

22 A. Not far.

23 Q. Fifty feet, a mile?

24 A. Not even 50 feet.

25 Q. How long had your Aunt Frances lived at that

1 address?

2 A. Almost all her life.

3 Q. Did anyone live with her?

4 A. Lee Bradley.

5 Q. Do you see Lee Bradley in the courtroom today?

6 A. Yes.

7 Q. Can you point him out and describe him for the
8 jury?

9 A. Right there with the white shirt, with the
10 tie.

11 MR. MCNEELY: Let the record reflect that this
12 witness identified the defendant.

13 THE COURT: You may proceed.

14 BY MR. MCNEELY:

15 Q. Did Lee Bradley live with Frances all the
16 time, or was it an off and on thing?

17 A. An off and on thing.

18 Q. Did your Aunt Frances have a job?

19 A. Yes.

20 Q. Where did she work?

21 A. At the Fruit of the Loom.

22 Q. Right there off of 26?

23 A. Yes, sir.

24 Q. Did Lee have a job?

25 A. No. At the time, he had an off and on job.

1 Q. Where was that?

2 A. I know he was working at the auction in Moncks
3 Corner.

4 Q. The Charleston Auto Auction?

5 A. Yes.

6 Q. Was that off and on or full-time?

7 A. It was off and on.

8 Q. Did your Aunt Frances have a car?

9 A. Yes.

10 Q. What kind of car did she have?

11 A. A blue SUV.

12 Q. Did Lee have a car?

13 A. No.

14 Q. Did Aunt Frances allow Lee to use her car?

15 MS. LITTLEJOHN: Objection, Your Honor,
16 speculation.

17 THE COURT: You need to establish a foundation for
18 his knowledge, and you need to watch the leading as
19 well, sustained.

20 BY MR. MCNEELY:

21 Q. Did you see your Aunt Frances using her car?

22 A. No.

23 Q. When was the last time you saw your Aunt
24 Frances?

25 A. Like a week before she died.

1 Q. Where did you see her?

2 A. On her front porch.

3 Q. At [REDACTED] Bushy Lane?

4 A. Yes, sir.

5 Q. During the week your Aunt Frances was found
6 deceased, did you see Lee Bradley?

7 A. Yes.

8 Q. Where did you see him?

9 A. He was in and out of the house.

10 Q. On Bushy Lane?

11 A. Yes, sir.

12 Q. What days or -- day or days did you see Lee
13 that week?

14 A. That Thursday and that Friday.

15 Q. Did you see him in Frances' car?

16 A. Yes.

17 Q. Did you ask Lee --

18 MS. LITTLEJOHN: Leading, Your Honor.

19 THE COURT: Sustained. Leading.

20 BY MR. MCNEELY:

21 Q. Did you ask Lee any questions --

22 MS. LITTLEJOHN: Your Honor, leading.

23 THE COURT: Sustained. Leading.

24 BY MR. MCNEELY:

25 Q. Did Lee tell you where your Aunt Frances was

1 during that time?

2 A. Yes.

3 Q. Where did he say that Frances was?

4 A. In Cross with one of her friends.

5 Q. Did you go anywhere with Lee during that week?

6 A. Up to the store.

7 Q. What store?

8 A. We went to the Kangaroo on Jedberg and the
9 Hess.

10 Q. When you say "on Jedberg", where exactly on
11 Jedberg?

12 A. Off of 78.

13 Q. Are those are two gas stations?

14 A. Yes.

15 Q. Are they near each other?

16 A. Yes, sir.

17 Q. How are they near each other?

18 A. They are right across the street from each
19 other.

20 Q. When did you go there with him?

21 A. We went there Thursday night before Friday
22 morning.

23 Q. So sometime late Thursday or early Friday
24 morning; you're not exactly sure of the time?

25 A. Yes.

1 Q. What did Lee do at those gas stations?

2 A. The first gas station he went into, he went to
3 the ATM. He went in there and came out said he
4 couldn't get no money. And then he went to the other
5 gas station across the street, and went to the ATM, and
6 came out of there with money.

7 Q. After that night, did you ever see or speak
8 with Lee again?

9 A. No, he called me that Friday.

10 Q. What did he tell you when he called you?

11 A. He called me Friday morning, and he said, "I
12 need you to do me a favor". I said, "What". He said,
13 "I need you to go check on your Aunt Frances. She's
14 home". I said, "I thought she wasn't home". He said,
15 "Yeah, she's home". By the time I go on to do that --
16 by the time I hang up the phone, and went to go told my
17 momma, the cops had the house surrounded.

18 MR. MCNEELY: No further questions from the State,
19 Your Honor.

20 THE COURT: Any questions for the witness?

21 MS. LITTLEJOHN: Yes, Your Honor.

22 THE COURT: You may proceed.

23 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

24 Q. Harold, you wrote a statement for the
25 officers; didn't you?

1 A. Yes, ma'am.

2 Q. And you called yourself Harold Walker on the
3 the statement; didn't you?

4 A. Yes, ma'am.

5 Q. But in looking at your RAP sheet, it's
6 actually Harold Drayton --

7 MS. WILLIAMS: Objection.

8 THE COURT: Basis? Approach.

9 (Whereupon, the following bench conference was
10 held outside the hearing of the jury.)

11 MR. MCNEELY: *She's got to ask him about it first.*
12 *She can't say I'm looking at your RAP sheet --*

13 THE COURT: *Well, there's several layers of this*
14 *issue. If he's uses a different name, it goes to his*
15 *credibility. Where he's used another name, however, is*
16 *another issue. And you're implying he has a lengthy*
17 *record, which is inappropriate.*

18 MS. LITTLEJOHN: No, I was going to ask him --

19 THE COURT: You need to ask him about the
20 conviction and that's it.

21 MS. LITTLEJOHN: Right --

22 THE COURT: And shoplifting is impeachable because
23 it goes to his veracity.

24 MS. LITTLEJOHN: Burg is --

25 THE COURT: The burglary you would have to prove

1 *involved a theft --*

2 *MS. LITTLEJOHN: Right. Yeah.*

3 *THE COURT: Otherwise it's off limits. Thank you.*

4 *MS. LITTLEJOHN: I was going to go to the*
5 *shoplifting.*

6 *(Whereupon, the bench conference ended.)*

7 *THE COURT: Proceed. Objection's overruled. The*
8 *last question is stricken from the record and the*
9 *answer.*

10 *Ladies and gentlemen, you are to give absolutely*
11 *give no consideration to the last question or the*
12 *answer. You are to give it absolutely no consideration*
13 *in your deliberations. You may proceed. And you may*
14 *rephrase the question.*

15 *BY MS. LITTLEJOHN:*

16 *Q. And you were convicted for shoplifting July,*
17 *2002 -- '12 rather, weren't you?*

18 *A. Yes.*

19 *Q. And that's what we call a crime of dishonesty,*
20 *isn't it?*

21 *MS. WILLIAMS: Objection, Your Honor.*

22 *THE COURT: Sustained. You know the limitations*
23 *of the rule, Ms. Littlejohn.*

24 *BY MS. LITTLEJOHN:*

25 *Q. You gave your statement on May 23rd; right?*

1 Your written statement?

2 A. Yes.

3 Q. And in your written statement, you didn't say
4 anything about going around with Mr. Bradley, did you?

5 A. No.

6 Q. So when did you decide to tell the police
7 officers that you were with Mr. Bradley on Thursday?

8 A. They asked me did I go anywhere with him.

9 Q. Do you know about when you decided to tell
10 them that?

11 A. When they asked me.

12 Q. They didn't ask you, though, during the -- the
13 major part of of this investigation; did they?

14 A. No.

15 Q. And you didn't tell them that either, did you?

16 A. No.

17 Q. Why didn't you put it in your statement?

18 A. Well, because at that time I wasn't -- my head
19 wasn't all the way really right, and I just found out
20 my aunt got killed, so...

21 Q. Did the police -- you knew you could go back
22 and call the police and give them that statement in a
23 couple of days; didn't you?

24 A. No, I didn't.

25 Q. Do you have any idea when this memory of the

1 ATM card with Mr. Bradley came back to you?

2 A. Repeat that, ma'am.

3 Q. When did this all come back to you, that you
4 had not told the police about? Was it like in the last
5 couple of months?

6 A. I can't remember.

7 Q. So it could have been within the last couple
8 of months?

9 A. No, I don't know.

10 Q. Do you know who you told that statement to?

11 A. What statement?

12 Q. That -- about going with Mr. Bradley Thursday
13 night?

14 A. I talked to the Solicitor -- or whatever.

15 Q. The Solicitor?

16 A. One of them.

17 Q. And that was -- we are in 2016 now. That was
18 within the last couple of months, 2016?

19 A. No.

20 Q. Do you know -- was it within the last year
21 that you told her?

22 A. I can't remember, ma'am. This was like two
23 years ago.

24 Q. But you never put it in writing; correct?

25 A. Correct.

1 Q. You never went to the police about it?

2 A. Correct.

3 Q. And you're not really sure when this memory
4 came back to you about that; right?

5 A. Correct.

6 MS. LITTLEJOHN: I have no further questions.

7 THE COURT: Any redirect?

8 MR. MCNEELY: No, Your Honor.

9 THE COURT: Any objection to the witness being
10 excused from the State?

11 MR. MCNEELY: None from the State.

12 THE COURT: From the defense?

13 MS. LITTLEJOHN: None from the defense.

14 THE COURT: Sir, you are excused. You may call
15 your next witness.

16 MS. WILLIAMS: The State calls Dorothy Rivers.

17 DOROTHY RIVERS, being
18 first duly sworn, testified as follows:

19 THE CLERK: State your full name and spell your
20 last name.

21 THE WITNESS: I'm Dorothy Ann Rivers, R-i-v-e-r-s.

22 THE COURT: You may proceed.

23 MS. WILLIAMS: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 **DIRECT EXAMINATION BY MS. WILLIAMS:**

1 Q. Mrs. Rivers, who was Frances Lawrence to you?

2 A. She was my sister.

3 Q. And total, how many children did your momma
4 have?

5 A. Thirteen, but one died at birth.

6 Q. Okay. And how many of those are still living
7 now?

8 A. Nine -- I might have to call -- count because
9 we lost Frances and we lost my brother, Ernie, and we
10 lost my brother, Ottie.

11 Q. And where were you living back in May of 2014?

12 A. I live at [REDACTED] [REDACTED] [REDACTED] Bushy Lane with my
13 mother, and my brother, Walker.

14 MS. WILLIAMS: Your Honor, I'm going to show this
15 to the witness what was previously marked as State's
16 Exhibit 21. May I approach?

17 THE COURT: You may.

18 BY MS. WILLIAMS:

19 Q. Ms. Rivers, what is this a picture of -- let
20 me just ask you this: Do you recognize what this is a
21 picture of?

22 A. Yeah.

23 Q. Don't say what it is yet.

24 A. Yes, I do.

25 Q. And does it actually depict what that is a

1 picture of? Does that accurately show?

2 A. Yes.

3 MS. WILLIAMS: Your Honor, at this time, we would
4 offer State's 21 into evidence.

5 THE COURT: Any objection?

6 MS. LITTLEJOHN: No objection, Your Honor.

7 THE COURT: Without objection.

8 (State's Exhibit No. 21 admitted into evidence.)

9 BY MS. WILLIAMS:

10 Q. Tell us what this is a picture of?

11 A. This is a picture of the area which we live,
12 right on Bushy Lane.

13 MS. WILLIAMS: Can you please put up State's --
14 permission to publish, Your Honor?

15 THE COURT: You may.

16 MS. WILLIAMS: Put up State's 21, please.

17 BY MS. WILLIAMS:

18 Q. There is going to be a picture behind you, Ms.
19 Rivers. And I'm going to give you a pointer. And if
20 you just press this one -- this one. And here is the
21 pointer. If you press that red thing? So show us what
22 house you lived in back in May of 2014.

23 A. I lived in [REDACTED], right there (indicating).

24 Q. Okay. And where did Frances live?

25 A. She lived at [REDACTED], right there.

1 Q. Okay. And where did -- who lived in the other
2 house, [REDACTED]?

3 A. That's where my sister, Darlene, lived.

4 Q. Can you point to that?

5 A. Right here.

6 Q. And who lived with Darlene?

7 A. Darlene and her son.

8 Q. Okay. And what is his name?

9 A. Harold.

10 Q. And Harold's last name is what?

11 A. Drayton.

12 Q. But is that the Walker side of the family; is
13 she a Walker, Darlene?

14 A. Yes. Darlene is my sister. She is a Walker.

15 Q. Okay. And with all the siblings you just
16 described, how many sur names are there? Is it --

17 A. Two.

18 Q. I mean, just in general, like when they --
19 when y'all were first born before everybody started
20 getting married?

21 A. Myself, my brother, Arthur, Roldan, we are
22 Riverses. And that's my mom's first marriage. And
23 from Frances on down through Darlene and Donovan, they
24 are the Walkers, and that's my momma's second husband.

25 Q. And Darlene's other son, what's his name?

1 A. Eric Walker.

2 Q. Darlene is a Walker; and Harold is from
3 Darlene Walker; correct?

4 A. Yes.

5 Q. And where is Leisure Lane? Is that -- is that
6 pictured on that map?

7 A. No, ma'am.

8 Q. Where would it be? Like, if you could show
9 us, what direction and how far away from here it would
10 be. Like, where would it be even if you have to go off
11 the map?

12 A. If you go back out here, you go to -- it's
13 called Wild Game. And you go down to the curb and you
14 make a left. And you go down, that's Sheep Island
15 Road. And the first street on the left is Star Line.
16 And the second street on the left is Leisure Lane.

17 Q. And so by car, how far away would that be?

18 A. Probably about five tenths, maybe half a mile.

19 Q. Okay. And is there a shed on that property?

20 A. Yes, over by my mother's.

21 Q. Can you -- can you point to where that is?

22 A. It's over in this area here.

23 Q. Okay. And where does done Darnel live?

24 A. Darnel lives right here.

25 Q. And who is he to you and Frances?

1 A. He is my brother's son.

2 Q. Okay. You can turn back around. Thank you.

3 And how long had Frances lived in that house?

4 A. Probably since 1980.

5 Q. And did she have any children?

6 A. Yes, she had one daughter.

7 Q. And what was her name?

8 A. Farrah.

9 Q. And what happened to her?

10 A. Farrah was diagnosed with cancer when she was
11 about four years old in the lungs, and she lived until
12 she was about eight years old.

13 Q. If you could pull that microphone down. And
14 did she have any other daughters?

15 A. Nickie was kind of like an adopted daughter
16 that lived with her a long time.

17 Q. Tell us about that.

18 A. Well, Nickie and Frances worked together.
19 They met at work. And Nickie was having some problems
20 or something in the family, and she moved in with
21 Frances. And she's been there with her ever since.

22 Q. And did Frances consider her like a daughter?

23 A. Yes.

24 Q. Were they close?

25 A. They was very close.

1 Q. And how old was Nickie when Frances took her
2 in?

3 A. Oh, I can't remember that, but I know she was
4 fairly young, just probably out of school. Kind of
5 like probably 19, or something in that area.

6 Q. And who was living with Frances in May of
7 2014?

8 A. Lee Bradley.

9 Q. And did you observe him on a daily basis?

10 A. Not on a daily basis, but from time to time.
11 Because we don't really be up and down to each other's
12 daily. But basically on the weekend, when Frances
13 wasn't working, I would be over there with them playing
14 cards and stuff like that.

15 Q. Okay. And did you ever go over to Frances'
16 house during the week for breakfast or for any other
17 reason?

18 A. Yes, I do.

19 Q. And did you ever have occasion to watch her
20 drive her car, or leave her home, or go back and forth
21 to work?

22 A. Yes. Well, my momma's front porch looks at
23 Frances' front porch. And every time somebody would go
24 or come, you would see them.

25 Q. Okay. You kind of watch people come and go

1 from the front porch?

2 A. Yes.

3 Q. And did Lee live there all the time?

4 A. Lee would live there for a period of time, and
5 then I know he would be gone. Just one day, you know,
6 he's not there anymore. And then he would come back.
7 And then another time, you know, he's gone again. So
8 it was back and forth.

9 Q. All right. And was Lee working?

10 A. He worked a little part-time job. I think it
11 was up on 176 where he drove cars around. And there
12 was a guy in Summerville that he worked for off and on.

13 Q. Did he have a car?

14 A. Lee had a car for a short period of time. And
15 he went on his way. And when he come back again, the
16 car was no more, so...

17 Q. And how often would Frances like to lend her
18 car out?

19 A. Frances never really lent her car out to
20 anybody. I'm like that myself. But Lee would get it
21 every now and then, and go run a little errand and come
22 back.

23 Q. Was that rare?

24 A. Rare. She hardly lent that car to anybody.

25 Q. Would you mind standing up, Dorothy? How tall

1 are you?

2 A. I'm four eleven.

3 Q. How tall was Frances?

4 A. Four eleven, but she would always say she was
5 five two. But she was only four eleven because we were
6 the same height.

7 Q. And was she about your size?

8 A. She was smaller than I was.

9 Q. Okay.

10 A. I think she was like about the size of 16.

11 Q. Okay. And the week that Frances was murdered,
12 did you see her?

13 A. I talked to Frances on Tuesday morning.

14 Q. Okay. Did you give a statement to the police?

15 A. Yes, I did.

16 Q. And in that statement, did you say that you
17 saw her Tuesday morning?

18 A. I said the last time I saw her was Monday
19 morning. And the reason for that was, because when
20 they found her and they came over and told us -- all
21 right -- right in minutes, we had to write a statement.
22 And so I -- I eventually wrote down that I saw her last
23 time Monday, but it was really Tuesday morning. And
24 the reason I remember that because when I was talking
25 to her on Tuesday morning, she was telling me about an

1 incident with her and Lee on Monday night --

2 MS. LITTLEJOHN: Objection, Your Honor. Hearsay.

3 THE COURT: Well, she didn't say what was said.

4 Ma'am, you can't say what anyone said to you.

5 THE WITNESS: Okay. All right.

6 BY MS. WILLIAMS:

7 Q. So you remember it because of that?

8 A. Yes. I remember it because of that.

9 Q. Okay.

10 A. And then I also remember it because I went
11 over there to ask her to watch momma because I had to
12 take a friend of mine to the hospital to be -- for some
13 surgery. And I didn't -- only me and momma lived in
14 the house, and I didn't want her to be there by
15 herself, so that she would keep an eye on her over
16 there.

17 Q. Okay. So you were pretty sure it was Tuesday
18 morning?

19 A. Yes.

20 Q. Okay. And that Tuesday morning, tell us about
21 what you did when you got over there and what you
22 observed?

23 A. Well, Tuesday morning, I went over there to
24 tell her about, you know, to watch out for momma and
25 whatever. She said, it's going to be okay, because

1 I'll be here. And, well, Lee was there in the yard
2 raking when I went out. And he came in and out of the
3 house.

4 And then he said to me, he said, "Do you want
5 some breakfast?" Well, I would eat breakfast with them
6 periodically. And I said, "Yeah, sure. What are you
7 cooking?" And he said, "Fish and grits". And I said
8 "Sure".

9 So he asked, Frances, you want some -- "Are you
10 going to eat some breakfast with us?" And she said,
11 "No". So he went on and made some breakfast and
12 everything. It was really good. He's a good cook.
13 He's a good cook. And we had the fish and grits and it
14 was very good. And after we ate that, he went back to
15 the outside.

16 Q. Okay. And did you observe -- you've had an
17 opportunity to observe their relationship before when
18 you were around them; correct?

19 A. Uh-huh.

20 Q. And what was the mood in the room? What --
21 can you describe what -- what was it like between them
22 that morning, Tuesday morning?

23 A. It was really, really thick to me because --

24 Q. When you say "thick", what do you mean? Like
25 tense?

1 A. Yeah, tense. Because usually, you know,
2 Frances and Lee, they back and forth with each other.
3 And he call her Boo all the time. He was like Boo
4 this, Boo that, Boo whatever. But none of that was
5 going on that morning. To me, it feel like I don't
6 need to be here because it was just -- you know, he was
7 going and coming, and she wasn't speaking to him. And
8 several times he said something to her and she didn't
9 even respond to him.

10 Q. So was it awkward for you?

11 A. Yes.

12 Q. Now, what was Frances' reputation for
13 peacefulness? What type of person was she?

14 A. Frances was a very peaceful person. And, you
15 know, we're a big family or whatever -- when we have a
16 cookout or a gathering or anything, and if anybody
17 starts any kind of argument or want to fight or
18 anything like that, she would leave. She would go in
19 her house. Because she was really not like that. She
20 was like a peacemaker more so than wanting to fight or
21 argue or anything like that.

22 Q. Have you ever seen her be physically
23 aggressive toward anybody?

24 A. No. She didn't fight.

25 Q. Did you observe anything about her house that

1 day that was different? Did you observe anything in
2 the house, boxes, or any kind of indication that things
3 were going to change?

4 A. Well, Frances was telling me that she was
5 going to move. And I said, "Really?" Because she
6 would talk that from time to time, that she was moving.
7 And I keep saying, "Really?" And she said, "You don't
8 believe that?" I said, "Really?"

9 So she took me in that back room back there
10 where she was packing personal stuff like pictures and
11 little documents that she had on her wall and stuff, in
12 a box all wrapped up in newspaper. And there was some
13 clothes in a bag over there, but it looked like
14 something she was going to give to Good Will. It
15 wasn't like she had some clothes packed up to go in a
16 box.

17 Q. But Frances, was she the type of person to
18 talk about her personal life?

19 A. No, very private.

20 Q. So, if she was having problems at home, was
21 she the type of person to go and tell the whole family
22 about it?

23 A. No.

24 Q. Were there times, though, where she would do
25 that?

1 A. Me and her --

2 Q. Don't say anything that she used to say, but
3 did she sometimes divulge to you that things were bad
4 for her?

5 A. Yeah, we -- we were kind of close. And every
6 now and then she would talk to me.

7 Q. Where there times when she was very upset --

8 MS. LITTLEJOHN: Leading, Your Honor.

9 THE COURT: Sustained, leading.

10 BY MS. WILLIAMS:

11 Q. Can you describe what her moods were like when
12 she was upset?

13 A. Just very sad like.

14 Q. Okay. Now, after the last time you saw
15 Frances -- well, let me back track a little -- when you
16 would see her daily, what time would she leave for
17 work?

18 A. Two o'clock.

19 Q. And what time would she get home usually?

20 A. Most of the time, I'm not up when she gets
21 home. But she gets home kind of late.

22 Q. Did she have any habits when she came home?
23 Did she do anything when she came home that let y'all
24 know that she was coming home?

25 A. I wouldn't know.

1 Q. Okay. And after the last time you saw
2 Frances, did you ever see Frances in her car again?

3 A. Never.

4 Q. Who did -- who did you see in her car?

5 A. I saw Lee going and coming back and forth in
6 the car.

7 Q. Okay. How often was he going and coming back?

8 A. A couple times a day.

9 Q. Did you ever see anybody else in the car with
10 him?

11 A. No, I haven't.

12 Q. And did Lee ever tell you anything about
13 Frances that week?

14 A. Well, on Thursday, he came over to my momma's
15 house, and standing in the step well that comes up into
16 the porch, and told us he was leaving. That he was
17 going back to North Carolina and that he wasn't coming
18 back.

19 And he said -- momma said, "Where's Fran?"
20 Well, I can't say what she said, but we asked him where
21 she was. And he said that him and Frances had a big
22 argument. And he said a friend -- "A friend of Fran's
23 named Mary come and got her, and she was going to spend
24 a couple of days with her". And he was going to leave
25 on Friday, but he was going to park her car at the bus

1 station, and Frances and Mary would come pick her car
2 up.

3 Q. Okay. So he told you she was alive and with a
4 friend named Mary?

5 A. He said she was with a friend named Mary.

6 Q. Did he say where Mary lived?

7 A. I don't know -- no, he didn't mention where
8 she lived.

9 Q. Did he say anything else to you about Frances
10 that you can think of?

11 A. No. He didn't even say that they had an
12 argument or anything that day. I can't remember him
13 saying any of that. He just said that he was leaving
14 and that he wasn't coming back.

15 Q. Okay. And how was Frances supposed to get her
16 car?

17 A. She was supposed to come pick it up from the
18 bus station.

19 Q. Okay. Did he say what day she was going to
20 pick it up?

21 A. On Friday.

22 Q. With her friend, Mary?

23 A. Yes.

24 Q. And did you ever get any phone calls from Lee
25 after -- during that week?

1 A. No, uh-uh.

2 Q. Now, we've been calling you Dorothy Rivers,
3 but what's another name you go by?

4 A. Ann.

5 Q. Were you at home when the police came?

6 A. Yes.

7 Q. Can you tell us what that scene was like?

8 A. We were sitting on the porch as every early
9 morning. My mom sits on the porch with her coffee.
10 And I usually go out there and sit out there with her.
11 And we just sit on the porch, because she observes
12 everything all the time.

13 And there was a couple of black cars that came
14 up first. And they was like rushing. And then all of
15 a sudden, we seen them stretching their yellow tape.
16 And then mom got upset. And I said, "Well, just wait,
17 momma, you know." And she keep saying, I think Frances
18 is in that house.

19 And so we waited and we tried to get the guy's
20 attention and ask him -- I keep saying, "Is my sister
21 in that house?" And he was like, "We're going to talk
22 to y'all in a little bit". And another time I -- he
23 was coming across the yard. I said, "Is my sister in
24 there?" Momma said, "Is Frances in the house?" And he
25 said, "We're going to talk to y'all in a little bit".

1 So when the coroner got there and the chaplain got
2 there, they came on the porch to tell me that she was
3 in the house.

4 Q. And when all this was going on, is that when
5 you were giving statements?

6 A. Yes. We had to write a statement like
7 immediately after that.

8 Q. So all the family was asked to write
9 statements right way; is that fair?

10 A. Yes.

11 Q. And so like at that minute with all that
12 happening, did you remember everything about this week
13 right then, right in a one page statement?

14 A. No, ma'am. I did not -- I don't remember what
15 I wrote right now unless I see it again.

16 Q. Okay. And did you ever notice Lee loading up
17 or putting any of your sister's items --

18 A. I've never seen any of that, because I wasn't
19 one to really come and watch.

20 Q. Okay.

21 A. But momma would see everything that goes on
22 from the porch. But I just -- I -- I say people's
23 privacy are their privacy, and I didn't like just watch
24 to see what was going on or what Lee was bringing or
25 taking. I would see him go in and out.

1 Q. Okay. Thank you, Mrs. Rivers. Please answer
2 any questions from the defense.

3 THE COURT: Any questions for the witness?

4 MS. LITTLEJOHN: The court's indulgence.

5 (Pause.)

6 THE COURT: Uh-huh.

7 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

8 Q. Hey, Mrs. Rivers. You're right, I've heard a
9 lot of people refer to you as Ann?

10 A. Yes.

11 Q. And Frances is, you said, about your height;
12 right?

13 A. Yes.

14 Q. So not -- and maybe, what about my size. You
15 think? I'm just going to guess. A little smaller?

16 A. A little smaller than that.

17 Q. Okay. But you said about a size 16?

18 A. She's about a -- a size 16.

19 Q. Okay. And that morning, you said that they
20 used to refer to each other as Boo this, Boo that?

21 A. Lee referred to Frances -- referred to her as
22 Boo.

23 Q. Boo. Okay. And she wasn't responding back to
24 him; right?

25 A. That's right.

1 Q. And a lot of this -- the Solicitor asked you
2 about -- a lot of this wasn't in your statement?

3 A. Uh-huh.

4 Q. Did -- they had you write a statement -- did
5 they ask you to come back in if you remembered anything
6 else?

7 A. No.

8 Q. And are you still living there?

9 A. No, ma'am. I'm not living there.

10 Q. Is your mother still living there?

11 A. No, she is not there. She is living with my
12 sister.

13 Q. So she is living with -- on the other -- with
14 that other sister, Darlene --

15 A. No. She lives with Brenda.

16 Q. Okay. There are six of y'all -- or five, or
17 whatever. It just -- it got confusing there. I'm
18 trying to make sure that I had it right.

19 MS. LITTLEJOHN: The Court's indulgence.

20 THE COURT: Yes, ma'am.

21 BY MS. LITTLEJOHN:

22 Q. And you testified about habits of Frances';
23 right? You told us about some habits that Frances had?

24 A. No.

25 Q. And you didn't come back and put anything in

1 your statement?

2 A. The only thing that I don't think I put in the
3 statement, but I do remember when we didn't see her,
4 that her air conditioning was rolling like crazy. I
5 mean, it was blaring. And Frances was very particular
6 about her electric bill. That that air conditioning
7 was going from day and night, and you could hear it
8 going even if you was in the house. And that -- I
9 don't know if I put that in the statement, but I do
10 remember that.

11 Q. You remember that. Did you think that was out
12 of the ordinary?

13 A. Yes. It was out of the ordinary.

14 Q. And y'all were close; right?

15 A. Yes.

16 Q. So you thought that was out the ordinary,
17 but -- and you lived right next door?

18 A. Uh-huh.

19 Q. But you didn't go over there to check?

20 A. The house was locked up. We didn't never go
21 in Fran's house when she wasn't home.

22 Q. You didn't go over there to check; did you?

23 A. Well, I couldn't get in the house. That house
24 was continuously locked.

25 Q. Or you didn't send someone over there to

1 check, did you?

2 A. No, ma'am. Lee was there back and forth, and
3 I figured he was rearing that air conditioner up. Fran
4 don't do that.

5 Q. You didn't go in there with Lee, did you?

6 A. No, ma'am, I didn't.

7 Q. So what -- so what you're saying you thought
8 was unusual, you didn't go in there with Lee to check
9 the house; did you?

10 A. No, ma'am.

11 Q. Okay.

12 MS. LITTLEJOHN: No further questions.

13 THE COURT: Any redirect?

14 MS. WILLIAMS: No, Your Honor.

15 THE COURT: Any objection to the witness being
16 excused?

17 MS. WILLIAMS: No, Your Honor, not from the State.

18 THE COURT: Ma'am, you are excused.

19 THE WITNESS: Thank you.

20 THE COURT: Madam Forelady, and ladies and
21 gentlemen, I'm going to take a brief restroom break.
22 During the break, please do not discuss the case and
23 please leave your note pads in your seats.

24 (Whereupon, the jury left the courtroom at 10:58
25 a.m.)

1 THE COURT: You may be seated. Who is the State's
2 next witness?

3 MS. WILLIAMS: Darlene Walker, Your Honor.

4 THE COURT: And who after that?

5 MS. WILLIAMS: Katrina Middleton.

6 THE COURT: We'll take about a ten minute recess.

7 (After a recess, Court reconvened.)

8 THE COURT: Is the State ready to proceed?

9 MS. WILLIAMS: Yes.

10 THE COURT: Is the defense ready to proceed?

11 MS. LITTLEJOHN: Yes.

12 THE COURT: Go ahead and get your next witness
13 please.

14 (Whereupon, the jury entered the courtroom at
15 11:17 a.m.)

16 THE COURT: You may be seated. We will resume
17 testimony. Please call your next witness.

18 MS. WILLIAMS: The state calls Darlene walker.

19 THE CLERK: Ma'am, if you would come forward to be
20 sworn.

21 DARLENE WALKER, being
22 first duly sworn, testified as follows:

23 THE CLERK: State your full name for the record
24 and spell your last name please.

25 THE WITNESS: Darlene Walker, W-a-l-k-e-r.

1 THE COURT: You may proceed.

2 DIRECT EXAMINATION BY MS. WILLIAMS:

3 Q. Mrs. Walker, who was Frances Lawrence to you?

4 A. My sister.

5 Q. And back in May of 2014, where were you
6 living?

7 A. I was living at [REDACTED] Bushy Lane.

8 Q. And who lived with you?

9 A. Just my son.

10 Q. And what's his name?

11 A. Harold Drayton.

12 Q. And who else lived in that little cul-de-sac
13 or area that y'all live in?

14 A. My sister, Frances Lawrence, Lee Bradley. My
15 mother lived in her trailer next door, Dorothy Rivers.

16 Q. Would you please put up State's 21. Ms.
17 Walker, if you could just -- you have to kind of go
18 this way in the seat. But if you could flip around in
19 the seat, and look at the map that is behind you. This
20 is a pointer right here. If you press that.

21 A. Okay.

22 Q. Yeah. Now, did you have an -- what type of
23 car did Frances drive?

24 A. It was a blue -- what was it -- blue -- I
25 can't remember the name of it.

1 Q. What -- just describe it, like, what kind of
2 car was it?

3 A. It's like a truck like.

4 Q. Okay. And where did she park it?

5 A. In the front of her yard where that big tree
6 is.

7 Q. That little red dot on the front?

8 A. Yes.

9 Q. If you could just point for the jury where it
10 was -- no, with the --

11 MS. WILLIAMS: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MS. WILLIAMS:

14 Q. It's complicated.

15 A. Right there.

16 Q. There you go. And so, what is that right
17 there in front? Is that a tree?

18 A. Yes, it is.

19 Q. But where was your house?

20 A. Right here.

21 Q. So did you have a good view of where she
22 parked?

23 A. Yes.

24 Q. Okay. And when was the last time you saw
25 Frances?

1 A. That -- that Monday.

2 Q. Okay. And after that, where was the car
3 parked?

4 A. The car --

5 Q. Like who was --

6 A. The -- I didn't see the car after Monday until
7 I left out.

8 Q. Okay. Well, tell us about that; who did you
9 see with the car?

10 A. Lee Bradley.

11 Q. Okay. And did you see him parking the car
12 anywhere?

13 A. No.

14 Q. Okay. You can turn back around. Where did
15 you see him in the car?

16 A. I was leaving my house, taking my grandson to
17 go register him in school. Once I got to the end of
18 Bushy Lane, he was like coming from the Summerville
19 side.

20 Q. Okay.

21 A. Going back towards the 176 side.

22 Q. Okay. And then what happened?

23 A. Well, since I was going out and I saw the car,
24 I got behind him and I followed him.

25 Q. Why did you follow him?

1 A. Because I wanted to follow him to see where he
2 was going. Because it was unusual that he still got
3 this truck.

4 Q. What was unusual about him still having the
5 truck?

6 A. The first day that I asked him, where is my
7 sister. He said, "She's at work". And I said, "Why do
8 you have the truck?" He said, "To get the brakes
9 fixed. And I said, "Okay".

10 I see him again the second day, he still has the
11 truck. "What's wrong now? Why you still have the
12 truck?" "I have to get the oil changed."

13 Q. Okay. Was it unusual for Frances to let him
14 have the truck so much?

15 A. Yes.

16 Q. All right. So after you followed him, what
17 did you learn?

18 A. He turned off on Star Line.

19 Q. Okay. Then where?

20 A. And I just kept going, and went and go
21 register my grandson.

22 Q. Did you see his truck -- the truck when he was
23 driving it, parked anywhere else besides the house?

24 A. Yes, I did.

25 Q. Where?

1 A. Behind Alma's trailer.

2 Q. When you say "Alma", who are you talking
3 about?

4 A. Alma Reid.

5 Q. Okay. And who is she to y'all?

6 A. Cousin.

7 Q. Okay. Did Frances ever hang around with Alma?

8 A. No.

9 Q. What goes on at Alma's trailer?

10 MS. LITTLEJOHN: Your Honor, I think she needs to
11 lay a foundation.

12 THE COURT: Approach for me please.

13 (Whereupon, the following bench conference was
14 held outside the hearing of the jury.)

15 THE COURT: If Alma is her cousin, and she lives
16 in close proximity, what more foundation does she need
17 to lay?

18 MS. LITTLEJOHN: To know she goes over there.
19 They're getting ready to say it's a gambling house.

20 MS. WILLIAMS: No, I'm not. I'm not getting ready
21 to say that.

22 THE COURT: What's she getting ready to say?

23 MS. WILLIAMS: They do drugs over there.

24 MS. LITTLEJOHN: Well, how does she know?

25 MS. WILLIAMS: Because she does drugs with Lee,

1 *but she knows they do drugs over there. That's what --*

2 *THE COURT: Ask the additional question of how*
3 *often she goes over there and I think the circle is*
4 *competent. Thank you.*

5 *(End of bench conference.)*

6 *THE COURT: Proceed.*

7 *MS. WILLIAMS: Thank you, Your Honor.*

8 *BY MS. WILLIAMS:*

9 *Q. Mrs. Walker, you've had some struggles, have*
10 *you not?*

11 *A. Yes, I did.*

12 *Q. What kind of struggles were they?*

13 *A. Drug related.*

14 *Q. Okay. And you -- you've -- you've lived near*
15 *Alma for how long?*

16 *A. I don't live near her. I live like probably*
17 *some miles from her.*

18 *Q. But she is related to you?*

19 *A. Yes.*

20 *Q. And you're familiar with that, that area and*
21 *her?*

22 *A. Yeah.*

23 *Q. So what goes on at Alma's house?*

24 *A. Drinking, drugs.*

25 *Q. Okay. And during the week that your sister*

1 was missing, was Lee ever in your house?

2 A. Yes, he was.

3 Q. And what was he doing?

4 A. Smoking.

5 Q. What was he smoking?

6 A. Crack.

7 Q. Now, did Lee ever tell you where Frances was?

8 A. I asked him, around about the second day, I
9 asked him where my sister was. He said that he she
10 went to go stay with a co-worker in Cross. And I asked
11 him, why she went. He said, "She needed to get away
12 for a while."

13 Q. Was that typical of Frances to go stay with
14 people?

15 A. No.

16 Q. Now, also during that week, did you observe
17 Mr. Walker make any phone calls or take any phone
18 calls?

19 A. Walker?

20 Q. I mean, I'm sorry. I'm sorry. Mr. Bradley?

21 A. Did what?

22 Q. Did you observe him using his phone at all?

23 A. That week?

24 Q. Uh-huh.

25 A. Yes.

1 Q. Did you -- do any of those phone calls stand
2 out?

3 A. No.

4 Q. Okay. Did you see him receive any calls?

5 A. One -- one time his phone rang.

6 Q. Okay. And tell me about that.

7 A. Well, I was sitting in my yard. He came from
8 across, over my sister's house. And by the time he
9 almost got in my yard, the phone rang. I didn't know
10 who he was on the phone with or whatever. So he got
11 finished, he came up and he was like, "Guess what?"
12 And we were like, "What?" "Guess who that was on the
13 phone?" "Who?" "That was Frances on the phone."

14 "What did she want?" She said, "Do I want her
15 to help me get back to North Carolina?" I said, "What
16 did you told her?" And he said, "No, I don't need her
17 to help me do nothing."

18 Q. And that was after the Monday when you had
19 seen her last?

20 A. She was already missing.

21 Q. Okay. And did he say anything about what --
22 any plans he had for the truck?

23 A. Not as I know of. He just said that he was
24 going to go pick her up on Friday. And she was going
25 to drop him at the bus station and she was going to get

1 her truck back.

2 Q. Okay. Now, you gave a one page statement
3 on -- was that the day that they found your sister's
4 body?

5 A. Yes.

6 Q. And what was your frame of mind that day?

7 A. Devastated.

8 Q. So on that day, could you put everything
9 you've told us here today in that statement? I mean
10 were you able to really think through everything that
11 had happened that week?

12 A. Sort of, yes.

13 Q. Okay. Is it fair to say, you were pretty
14 upset when you gave that statement?

15 A. Yeah.

16 Q. Who is Katrina Middleton?

17 A. That's my daughter.

18 Q. And was she -- where does she live?

19 A. She lives -- I don't really know her address,
20 but I know she lives in Moncks Corner.

21 Q. But she doesn't live on that Bushy Lane?

22 A. No.

23 Q. Was she ever visiting during the week that
24 Frances was missing?

25 A. Yes, she did.

1 Q. And did she have any interactions with Lee?

2 A. Yes.

3 Q. Did you ever see Lee load up any of Frances'
4 belongings in the truck?

5 MS. LITTLEJOHN: Leading, Your Honor.

6 THE COURT: Sustained, leading. Rephrase.

7 BY MS. WILLIAMS:

8 Q. Did you observe Lee doing anything with items
9 in the house?

10 A. Yeah. He was giving it away.

11 Q. Okay. What was he giving away?

12 A. The food out the house.

13 Q. Tell me about that.

14 A. I just know he just gave it away.

15 Q. Do you remember what kind of food?

16 A. He gave it my to daughter, I don't know.

17 Q. Okay. Any other items?

18 A. He got rid of the lawn mower.

19 Q. Any other items?

20 MS. LITTLEJOHN: Your Honor, foundation.

21 THE WITNESS: A spray bottle.

22 THE COURT: She said she observed it. Overruled
23 based on her rational perception.

24 BY MS. WILLIAMS:

25 Q. Anything else you can think of that you know

1 he was giving away?

2 A. No.

3 Q. Or selling -- thank you. Please answer any
4 questions from the defense.

5 THE COURT: Any questions for the witness?

6 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

7 Q. Ms. Walker, you told us that you wanted to
8 believe that Lee was at your house smoking crack?

9 A. He was.

10 Q. Okay. Who else was there?

11 A. I was there.

12 Q. Who all was smoking crack?

13 A. He was.

14 Q. And that's -- people come to your house and do
15 that?

16 A. No.

17 Q. Okay. Did you call the police?

18 A. No.

19 Q. And you also wanted to tell us about you saw
20 Lee give away things -- did you think that was out of
21 the ordinary?

22 A. Yes.

23 Q. Did you think it was out of the ordinary when
24 you told us about on day one having the brakes fixed;
25 and on day two, the oil changed?

1 A. Yes.

2 Q. But you don't really care for Mr. Bradley, do
3 you? You don't like him; do you?

4 A. I'm not saying I don't like anybody.

5 Q. Fair enough. In your statement to the police,
6 if I understand it, it was just that day, but did the
7 police officers -- Det. Shuler, for example -- anyone,
8 did they reach out to you that day and tell y'all when
9 you were writing your statement, hey, if you remember
10 something else, call us. Get in touch with us. We
11 want to help. We would love to hear from you. Did
12 they ask you -- tell you anything like that?

13 A. I can't remember. That was two years ago.

14 Q. Did you ever call them afterwards after --
15 after you wrote your statement?

16 A. I can't remember.

17 Q. So you don't remember if you called the police
18 and gave them any additional information?

19 A. No, I don't think I did, really.

20 Q. So in your statement that you made that day,
21 you didn't tell them about on the first day, with the
22 brakes fixed; and on the second day, with the oil
23 change, did you? You didn't say that in your only
24 statement, did you?

25 A. Yes, I did. I think I did say it.

1 MS. LITTLEJOHN: Your Honor, may I approach the
2 witness?

3 THE COURT: You may.

4 BY MS. LITTLEJOHN:

5 Q. And can you show me on your statement where
6 you said about the brakes change -- the brakes and oil?
7 That's your statement -- is this your statement?

8 A. Yes, it is.

9 Q. Do you need to refresh your memory? Do you
10 need to look at this?

11 A. No. I don't need to look at that.

12 Q. Okay. And in your one page statement, you did
13 not put down about the oil and brakes, did you?

14 A. How can you remember so much when something
15 like that is going on? And I was devastated.

16 Q. Did you put it down in your statement?

17 A. I can't remember. It was two years ago.

18 Q. Would you like to look at your statement?

19 A. No, I don't.

20 Q. So, if I told you it's not in your statement,
21 you would believe me; wouldn't you?

22 A. I don't know.

23 Q. You don't know if you would believe me. Okay.
24 Did you tell -- you didn't tell the police officers
25 that supposedly Lee was at your house smoking crack;

1 you didn't put that in your statement either, did you?

2 A. They didn't ask me about that.

3 Q. But you didn't volunteer it either, did you?

4 A. No.

5 Q. And earlier you said Frances was missing;
6 isn't that what you said to the Solicitor?

7 A. Yes.

8 Q. And you didn't call the police and report that
9 either, did you?

10 A. Because I didn't know until after.

11 Q. Didn't you just say Frances -- that week,
12 Frances was missing; right?

13 A. Yes, I did.

14 Q. And you didn't report -- call the police and
15 report that she was missing, did you?

16 A. Why would I if didn't know right then and
17 there?

18 Q. Earlier when the Solicitor asked you, and you
19 said Frances was missing, did you call the police and
20 report she was missing?

21 A. I said she was missing then. When I asked him
22 about the car, and I didn't know at the time she was
23 missing then.

24 Q. You didn't call the police --

25 A. He told me that she went to go stay with a

1 co-worker.

2 Q. But you didn't call the police about a missing
3 person; right?

4 A. No, I didn't.

5 Q. All these unusual habits you're testifying
6 here to today, you didn't tell the police about them,
7 did you?

8 A. No, I didn't. They didn't ask me any
9 questions about that.

10 Q. And all these unusual habits you testified to
11 today, you didn't put in your statement, did you?

12 A. I don't know. I can't remember.

13 Q. Would you like me to refresh your memory with
14 your statement?

15 A. No, I don't.

16 Q. If I told you it's not in your statement,
17 would you believe me?

18 A. I don't know.

19 Q. So for a couple of days you thought things
20 just weren't right, is that what you're telling us?

21 A. Yeah.

22 Q. And you're going to tell us that -- and y'all
23 were close? Y'all were a close family?

24 A. My family? Yes, we are.

25 Q. Y'all all still live there together?

1 A. No. I don't live there anymore.

2 Q. You don't. Okay. And you and Frances were
3 close?

4 A. Yes.

5 Q. And yet you noticed all these strange things
6 that week; right?

7 A. As it proceed, I did.

8 Q. And you didn't call the police on those, did
9 you?

10 MS. WILLIAMS: Objection, asked and answered.

11 THE COURT: Sustained. Asked and answered. And
12 you need to stand when addressing the Court.

13 MS. WILLIAMS: Oh, I'm sorry, Your Honor.

14 THE COURT: You may proceed. The objection is
15 sustained.

16 BY MS. LITTLEJOHN:

17 Q. When you saw the stuff missing, you didn't
18 call, did you?

19 A. That wasn't my business.

20 Q. Since you didn't write this down and you
21 didn't give it to the police, and you didn't call them,
22 can you tell us when your memory came back of all of
23 this?

24 A. I have a sickness. I'm bipolar, depressive,
25 schizophrenia. Some days I can remember, some I can't.

1 So I can't just sit up here and lie.

2 Q. Well -- and I appreciate that.

3 MS. LITTLEJOHN: The Court's indulgence, Your
4 Honor.

5 THE COURT: Yes, ma'am.

6 BY MS. LITTLEJOHN:

7 Q. During all of this time, did you -- did you --
8 do you have a telephone?

9 A. Yes, I did.

10 Q. Okay. I'm not -- I'm just asking so, you know
11 -- did you pick up the phone and call Frances?

12 A. No, I didn't.

13 Q. How far away did you say she lived from you?
14 A stone's throw, for lack of better words? Not very
15 far, right next door; right?

16 A. Right.

17 Q. Did you just walk over there and knock on the
18 door and go on in?

19 A. No, I don't -- I don't go to my sister's house
20 like that, because I know how she was. She was always
21 to herself. I didn't -- I never bothered her unless I
22 need her for something or whatever. I pass through to
23 go to my mom's. If she's sitting there at the table in
24 the window, I waved at her. I don't -- I don't bother
25 people like that because I have my own house. I stayed

1 in my own.

2 Q. But as a close family, y'all would visit each
3 other; right?

4 A. Yes. But she always worked and she was tired,
5 and I never bothered her like that. Because she comes
6 home late.

7 Q. But during this week when you're now telling
8 us you remember these unusual things, did you go knock
9 on her door?

10 A. No.

11 MS. LITTLEJOHN: No further questions, Your Honor.

12 THE COURT: Any redirect of the witness?

13 MS. WILLIAMS: A few, Your Honor.

14 THE COURT: You may proceed.

15 **REDIRECT EXAMINATION BY MS. WILLIAMS:**

16 Q. Ms. Walker, Ms. Littlejohn made a big deal
17 about your statement. Isn't it true that you didn't
18 even write the statement, that somebody wrote it for
19 you?

20 A. Exactly.

21 Q. And you did tell -- I'm going to let you look
22 at this statement -- you did tell the police most of
23 what you told us here today; isn't that true?

24 A. Yes.

25 MS. WILLIAMS: May I approach, Your Honor?

1 THE COURT: You may.

2 BY MS. WILLIAMS:

3 Q. You told them -- if you want to look at
4 that -- you told them that Lee said the thing about the
5 bus stop; right?

6 A. Yes.

7 Q. And you told them all -- some of the strange
8 things that you told this jury here today; isn't that
9 true?

10 A. Yes.

11 Q. But you didn't tell them every single detail?

12 A. No.

13 Q. Isn't it true that had you known your sister
14 was laying dead in that trailer, that stuff would have
15 seemed more important at that time?

16 A. Yes, it would.

17 Q. But now that you know, and it does seems odd
18 that a man is driving the car while she's dead in the
19 trailer?

20 A. Yes.

21 Q. And that he's making up excuses about where
22 she is?

23 A. Yes.

24 Q. But at the time, you were just thinking about
25 the fact that you -- they just found your sister?

1 A. Yes.

2 Q. Did Frances ever do drugs?

3 A. No, never.

4 Q. Thank you. Nothing further.

5 THE COURT: Any objection to the witness being
6 excused?

7 MS. LITTLEJOHN: Oh, a brief recross, Your Honor.

8 THE COURT: Limited to redirect. Nothing on
9 cross examination.

10 **RECROSS EXAMINATION BY MS. LITTLEJOHN:**

11 Q. In your statement that you -- you were
12 accepted from the government there, you did -- there
13 were also lots of things that you left out; correct?

14 THE COURT: That's already been asked and
15 answered. Limited to redirect.

16 BY MS. LITTLEJOHN:

17 Q. Did you -- is this statement written exactly
18 as you gave it?

19 MS. WILLIAMS: Objection. Asked and answered.

20 THE COURT: I'm going to give her a little bit of
21 latitude on that question. Ma'am, you can answer the
22 question. Do you understand it or do you need it
23 repeated?

24 THE WITNESS: Repeat it.

25

1 BY MS. LITTLEJOHN:

2 Q. Is the statement written exactly as you gave
3 it?

4 A. The best of my knowledge, I know.

5 MS. LITTLEJOHN: No further questions.

6 THE COURT: Any further questions from the State?

7 MS. WILLIAMS: No, Your Honor.

8 THE COURT: Any objection to the witness being
9 excused from the State?

10 MS. WILLIAMS: None from the State.

11 THE COURT: From the defense?

12 MS. LITTLEJOHN: No, Your Honor.

13 THE COURT: Ma'am, you are excused. Call your
14 next witness.

15 MS. WILLIAMS: The State calls Katrina Middleton.

16 KATRINA MIDDLETON BAXTER,
17 being first duly sworn, testified as follows:

18 THE CLERK: Please have a seat. State your full
19 name for the record and spell your last name.

20 THE WITNESS: Katrina Middleton Baxter.
21 B-a-x-t-e-r.

22 THE COURT: You may proceed.

23 **DIRECT EXAMINATION BY MS. WILLIAMS:**

24 Q. Ms. -- is it Baxter now?

25 A. Uh-huh.

1 Q. Is that your married name --

2 THE COURT: Ma'am, if you could say yes or no.

3 THE WITNESS: Yes.

4 BY MS. WILLIAMS:

5 Q. They have to take down what you say. And did
6 it used to be Katrina Middleton?

7 A. Yes.

8 Q. And who is your mother?

9 A. Darlene Walker.

10 Q. And do you have any siblings?

11 A. Yes.

12 Q. Who are they?

13 A. Harold Drayton, Aaron Walker, Dewayne Mack and
14 Jeremy Mack.

15 Q. Okay. And who was Frances Lawrence to you?

16 A. My aunt.

17 Q. And where were you living back in May of 2014?

18 A. [REDACTED] Willow Drive, Summerville, South
19 Carolina, 29483.

20 Q. And where was your aunt living?

21 A. [REDACTED] Bushy Lane.

22 Q. Did you ever go visit?

23 A. Yes, but very seldom.

24 Q. Okay. Do you remember the week that your aunt
25 was found murdered?

1 A. I do.

2 Q. And during that week, before the body was
3 discovered, were you over at that house at all, in that
4 area?

5 A. No, I was not.

6 Q. Did you ever go over there and see your momma
7 during that week?

8 A. Oh, yes. Sorry.

9 Q. And did you encounter Lee Bradley?

10 A. Yes.

11 Q. How long had you known Lee Bradley?

12 A. For a while now.

13 Q. And did you know him through your aunt?

14 A. Yes.

15 Q. And did you have any conversations with him?

16 A. I did.

17 Q. Did he say anything to you about your aunt or
18 her house, or anything about her belongings?

19 A. Yes.

20 Q. Can you explain how that came about and what
21 he said?

22 A. Yes, I can. That Thursday, I came from work
23 and I got over there. I pulled up. And him and my
24 brother, Harold Drayton, was at the end of the woods by
25 my momma's house, which is Darlene Walker. When I

1 pulled up, he came to the truck. And he said, "This is
2 the person I need to see". And I said, "Why is that?"
3 Well, me and my husband bought some bug spray from him
4 a while back, and we owed him \$10. So he tried to give
5 me my aunt's keys, to take her truck to go get the
6 money. And I told him, "Well, I just got here. I'm
7 not going over there at this point in time." You know,
8 I'll go and get it whenever I'm ready.

9 So through that day, we proceeded. We sat
10 outside. We had a couple of drinks and things like
11 that. And in his face, that whole day, I kept saying
12 -- I told my mother something is not right. And I kept
13 looking at him.

14 And so I asked him, "Are you okay, Lee?" And
15 was like, "Like, yeah, I'm fine. I'm fine." And so we
16 proceeded with the day. And that was around the time
17 when it was Black Bikers Week. And me and one of my
18 cousins were going to Black Biker's Week. And I said I
19 needed some shades.

20 So he said, "Well, I got some shades". And I
21 said, "Well, what kind?" And he described the shades
22 to me. And he said -- I asked him where he got it
23 from. And he said some kind of store. I can't
24 remember the name. So, I said, "Well, go get it and
25 bring it back." And he said, "No, come with me." So I

1 was like, "Well, Frances don't like anyone in her house
2 whenever she's not home." He's like, "Just come on."

3 So, I followed him to the house. And as soon as
4 we opened the door, it was cold. He had the AC going
5 and the unit going as well. I was like, "Man, it's
6 cold in here. Why you got it so cold?" And he just
7 kind of looked back at me. He didn't say anything.

8 And so we proceeded to the den area, where he
9 got the shades, and we went to the hall bathroom down
10 the hall. The opposite side of her room. Her room is
11 on this side, and I was down that way.

12 Q. Okay.

13 A. So I went to the bathroom. I tried the shades
14 on. And the window was up inside the bathroom, and the
15 air fresher can was empty and it dropped. And I kind
16 of went like, oh, it scared me. So I picked it up and
17 I put it back on there.

18 So I kept on trying them on. I said, "How much
19 are you going to charge me for the shades?" And he
20 said, like \$7. I said, "I only want this pair because
21 this is the one that I like. How much are you going to
22 charge me for this?" And I think he quoted me like \$4
23 or \$3. So I was like okay.

24 So we leave out the bathroom and the air
25 freshener can dropped again. And I said, "Man, it

1 keeps scaring me." He was like, "I'll pick it up." I
2 said, "No, I'll pick it up." So I picked it up and I
3 set it back.

4 And so we went -- we came out the bathroom, and
5 we went and left, because he said he needed to show me
6 something. We went in the back room. And he did like
7 a circle, so I followed him around the room, opening
8 the closet, and he shut it. And I was like, "What you
9 want to show me?" He said, "Like, oh, nothing."

10 And so we came back down to the hallway, back to
11 the den, where he got the shades from. And he pulled
12 out a box that was up underneath the -- the little
13 entertainment stand and he kept on like searching
14 through it.

15 And I was, "Like, what are you looking for?" He
16 was like, "I don't know. I don't know what Frances did
17 with it or whatever". I was like, "Okay."

18 So then we went to the refrigerator, because he
19 was like -- he was leaving to go back to North Carolina
20 because they got into an argument. And he was giving
21 away food and stuff like that. And he was like, all
22 this food that he bought was from his food stamps. He
23 was giving it away. He didn't want to leave her
24 anything or whatever. So, I was like, "Okay."

25 And he packed up the stuff or whatever. And

1 then her orange juice -- you know, she uses orange
2 juice all the time, you know, for her mixed drinks.
3 And so whenever he gave me the orange juice, then it
4 dawned on me -- I mean, I'm like "Lee, what you going
5 to leave -- I mean, you talking all the food. What you
6 going to leave her?" All he was like, "What has she
7 ever left me?" And I was like, "Okay".

8 And so we left out -- we left out the house. I
9 went back to my mother's house. And we continued to,
10 you know, party all day.

11 Then he left. I didn't see him for the rest of
12 the time. He left. I left, went to the store, got a
13 couple of more drinks; came back and he still wasn't
14 there. I had the \$10 at that point in time. So I did
15 call his phone about three times to see where he was so
16 I could give him his money, but he never answered. And
17 that was the last time I saw him.

18 Q. Okay. What about -- did you ever observe him
19 taking any other items from your aunt's home?

20 A. Just food.

21 Q. Did you ever buy an item of your aunt's?

22 A. Well, the grill. He actually tried to sell it
23 to me. And my husband always wanted a grill, because
24 you know we grill out a lot. So I did get the grill
25 from him. Him and my brother, Harold, they actually

1 put it inside my vehicle.

2 Q. How much was he charging for the grill?

3 A. He didn't never say.

4 Q. Okay. And what happened with that?

5 A. I took the grill with me. I came back to
6 Moncks Corner that night. And then that Friday,
7 whenever we found out that my aunt was dead, I went
8 back -- me and my brother -- well, me and my two
9 brothers, we went down there and got the grill and I
10 brought it back to my grandmother's house.

11 Q. Any explanation given as to why he was selling
12 items from her house and giving away her food?

13 A. Uh-uh, no.

14 Q. And what day of the week was this?

15 A. This was Thursday.

16 MS. WILLIAMS: Your Honor, I'm going to show the
17 witness what's been marked as State's 55, 56, and 57,
18 and I'm showing the defense counsel.

19 THE COURT: Any exception?

20 MS. LITTLEJOHN: None, Your Honor.

21 THE COURT: What were the numbers?

22 MS. WILLIAMS: It's 55, 56, and 57.

23 THE COURT: Marked and admitted without objection.

24 (State's Exhibits Nos. 55, 56, and 57 admitted
25 into evidence.)

1 BY MS. WILLIAMS:

2 Q. Can you please put up State's 1 -- Katrina,
3 I'm going to have you turn around and look at the big
4 screen there.

5 MS. WILLIAMS: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MS. WILLIAMS:

8 Q. Okay. What's that a picture of?

9 A. This was a picture of her house.

10 Q. Whose house?

11 A. My Aunt Frances'.

12 Q. Okay. Is that the front?

13 A. This is front -- this is the porch. And this
14 would be the front door to enter.

15 Q. Okay.

16 THE COURT: Make sure you say which numbers are
17 which.

18 MS. WILLIAMS: Okay. This is State's 1.

19 THE COURT: This is State's 1 -- you told me 55,
20 oh --

21 MS. WILLIAMS: I just had to admit those because
22 they weren't agreed upon.

23 THE COURT: Okay. You may continue.

24 BY MS. WILLIAMS:

25 Q. Okay. Can you please publish State's 2. And

1 tell us what part of your aunt's trailer this is?

2 A. This is -- this would be her bedroom. This
3 would be that bathroom right here.

4 Q. And the air conditioning unit is in her
5 bedroom window?

6 A. Correct.

7 Q. And State's 4. And what is this a picture of?

8 A. This is the backdoor of my -- Frances' house.

9 Q. Okay. State's 12?

10 A. This would be the den area, where this would
11 be like where you come in the front door. This would
12 be the den, and this is a hallway.

13 Q. Explain to us where you went to try on the
14 sunglasses?

15 A. I went from the front door, into this den
16 area, in here, which is like a little play room, little
17 thingy. We got the glasses from this entertainment
18 system that's right here. And then I went down this
19 hall into the bathroom, on the right hand side.

20 Q. Okay. And where -- if you just point -- even
21 if it's off the picture -- where your aunt's bedroom
22 would be?

23 A. It would be all the way on this side -- it's
24 on the other side of the house, like across from the
25 den.

1 Q. And State's 13. And just explain that --
2 that's just a broader view of what we just saw?

3 A. Uh-huh. This would still be the den over --
4 if you go this way right here, to the kitchen, and this
5 is where we got the sunglasses from. That's leading
6 down the hallway to the bathroom, where I was.

7 Q. And where is the front door?

8 A. The front door would be down over here.

9 Q. And where is your aunt's bedroom?

10 A. Like, if you go here, this would be the
11 kitchen, and her room would be over here.

12 Q. Where would be the -- the back door?

13 A. If you go through here, the back door would be
14 back there, like go back here, and over on the left
15 hand said.

16 Q. Is that usually how she kept her house?

17 A. Yes, ma'am.

18 Q. The last one, put up State's 54. And explain
19 to us where this is.

20 A. This picture right here is taken from her room
21 door. This is the -- this is like the dinner area.
22 That would be the front door right there. This would
23 be the den. And that would be the hallway going to the
24 bathroom where I was. This would be that little
25 playroom that I talked about. And right where that fan

1 is, that would be the kitchen area.

2 Q. And her room would be here?

3 A. That's -- this -- that's where this picture is
4 from, her room.

5 Q. Okay. Looking out into her room -- from her
6 room?

7 A. Yes.

8 Q. Okay. And then State's 55; what is this?

9 A. This is that -- the den room where we got the
10 shades from. The little playroom.

11 Q. And State's 56?

12 A. This is that room, again. This would be the
13 hallway right here. Where that door is, that would be
14 the bathroom where I was. And this is the room that
15 whenever we came out the bathroom, that he had
16 something to show me.

17 Q. And where is her room from that perspective?

18 A. This -- it would be across, like back this
19 way.

20 Q. Okay. On the opposite end?

21 A. The opposite, yeah.

22 Q. Okay. And the last one is 57, for real. And
23 is that looking from where?

24 A. This is -- this would be looking from like the
25 front door area.

1 Q. Okay. And where is Frances' room?

2 A. On that side.

3 Q. Where were you?

4 A. Down the hallway, down here.

5 MS. WILLIAMS: Okay. Thank you. The court's
6 indulgence.

7 THE COURT: Yes, ma'am.

8 MS. WILLIAMS: Thank you. Please answer any
9 questions from the defense.

10 THE COURT: You may proceed.

11 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

12 Q. Hey, it's -- it's Baxter now, right?

13 A. Correct.

14 Q. Okay. Okay. I just have a couple of
15 questions. Did you ever give Lee any money for any of
16 these items?

17 A. No, ma'am.

18 Q. Okay. And you were talking about the
19 sunglasses, the shades, actually there were several
20 pairs of them, weren't there?

21 A. There were two pairs.

22 Q. Right. And you just wanted one?

23 A. Correct.

24 Q. And you had never seen those before?

25 A. No, I have not.

1 Q. And you know that he had worked at the auto
2 auction; right?

3 A. No, I did not. The only place that I know
4 that he worked was a pest control place.

5 Q. Okay. So you don't know where -- you don't
6 know where he may have picked those up, do you?

7 A. No. When I asked him where he got them from,
8 he told me that he got them from the store, but I do
9 not recall the store's name.

10 Q. Okay. And so as far as the grill, did you ask
11 him if that was his grill?

12 A. No, I did not.

13 Q. And do you know if he got that from Jerry
14 Ginn?

15 A. I don't know where he got the grill from.

16 Q. Okay. And the food you were describing that
17 was -- as Lee said, that he got on his food stamps;
18 right?

19 A. That is correct.

20 Q. And actually in your statement, you've had a
21 chance to review your statement; right?

22 A. Please say that again.

23 Q. You've had a chance to review your statement?

24 A. Yes.

25 Q. Okay. In your statement, don't you say

1 that -- I don't want to misquote you here -- "there was
2 nothing out of the ordinary"?

3 A. That is correct.

4 Q. So everything seemed to be normal from what
5 you could tell; right?

6 A. Yes.

7 Q. Okay.

8 MS. LITTLEJOHN: No further questions, Your Honor.

9 THE COURT: Any redirect?

10 MS. WILLIAMS: Just one.

11 THE COURT: You may proceed.

12 **REDIRECT EXAMINATION BY MS. WILLIAMS:**

13 Q. Ms. Littlejohn asked you about your statement.
14 Did you also tell the police about a conversation you
15 had with Alma Perry?

16 A. That is correct.

17 MS. LITTLEJOHN: Objection, Your Honor.

18 THE COURT: Basis?

19 MS. LITTLEJOHN: Hearsay.

20 THE COURT: She hasn't elicited what was said.
21 She simply asked her if she had a conversation.
22 Overruled. Be very careful. She cannot say what
23 anyone told her.

24 BY MS. WILLIAMS:

25 Q. What was that conversation?

1 A. That was Friday.

2 Q. And without telling us the words that Alma
3 told you, what was the subject matter? What were y'all
4 talking about?

5 THE COURT: The same thing, hearsay. Sustained.

6 BY MS. WILLIAMS:

7 Q. Was this around the time of finding your
8 aunt's body?

9	A. That is correct.

10 | Q. Is Alma --

11 MS. WILLIAMS: Can I ask one more question?

12 THE COURT: Sure. It's redirect.

13 BY MS. WILLIAMS:

14 Q. Is Alma Perry also Alma Reid?

15 A. Yes. That's correct.

16 MS. WILLIAMS: Thank you.

17 THE COURT: Any objection to the witness being
18 excused from the State?

19 MS. WILLIAMS: No objection.

20 THE COURT: From the defense?

21 MS. LITTLEJOHN: No, Your Honor.

22 THE COURT: You're excused, ma'am. You may call
23 your next witness.

24 MR. MCNEELY: The State calls Mary Jones.

25 MARY JONES, being first

1 duly sworn, testified as follows:

2 THE CLERK: State your full name for the record
3 and spell your last name.

4 THE WITNESS: My name is Mary Alice Jones,
5 J-o-n-e-s.

6 THE COURT: You may proceed.

7 MR. MCNEELY: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 **DIRECT EXAMINATION BY MR. MCNEELY:**

10 Q. Ms. Jones, where do you live?

11 A. Cross, South Carolina.

12 Q. Are you married?

13 A. No.

14 Q. Do you live by yourself?

15 A. No.

16 Q. Who did you live with?

17 A. My stepson, and his wife, and his son.

18 Q. How long have you lived there?

19 A. Been there about six years.

20 Q. Where do you work?

21 A. Fruit of the Loom.

22 Q. What do you do for Fruit of the Loom?

23 A. I work in quality control, pack, and make sure
24 the orders are right in the box.

25 Q. How long have you worked there?

1 A. About six years.

2 Q. Did you know Frances Lawrence?

3 A. Yes.

4 Q. How did you know Frances Lawrence?

5 A. I met her at a previous job, McNorton (ph) in
6 North Charleston. That's when I met her.

7 Q. Did you work with Frances Lawrence?

8 A. Yes.

9 Q. How long did you work with Frances Lawrence?

10 A. Up until this happened.

11 Q. Can you describe Frances for the jury, please?

12 A. She is a very fun, loving person. She gets
13 along with anybody.

14 Q. Were you all work friends?

15 A. Yes.

16 Q. Will you please describe Frances' work habits?

17 A. She has a very good work habit. She does her
18 job very good.

19 Q. Did she miss work a lot or was she pretty
20 regular?

21 A. She was pretty regular.

22 Q. If she was scheduled to show up for work, did
23 she generally show up?

24 A. Yes.

25 Q. If Frances was going to miss work, would she

1 have told you about it?

2 MS. LITTLEJOHN: Your Honor --

3 THE COURT: Basis?

4 MS. LITTLEJOHN: Leading.

5 THE COURT: Sustained. Leading.

6 BY MR. MCNEELY:

7 Q. When Frances missed work in the past, did she
8 tell you about it?

9 A. Yes. When she would come to work, she would
10 let me know.

11 Q. Did Frances drive herself to work or did
12 somebody drop her off?

13 A. She drives.

14 Q. What kind of vehicle did she drive?

15 A. I think it was a blue Blazer.

16 Q. Did you ever do anything with Frances outside
17 of work?

18 A. No. Sometimes we have a lunch on the job and
19 that's about it.

20 Q. What shift did you all work?

21 A. Second.

22 Q. What are those hours roughly?

23 A. We do 3:00 to 11:00. And if we do overtime,
24 4:00 to 1:00.

25 Q. Did Frances ever come to your house?

1 A. She had been to my house one time in June of
2 2010.

3 Q. Why did she come to your house that time?

4 A. She came to -- because my fiance had passed
5 away, and she had come to sit for a while. But I
6 couldn't do too much talking to her, because I was
7 doing an obituary at the time.

8 Q. So she came to visit you after your fiance
9 passed away?

10 A. Yes.

11 Q. Did she come by herself or was someone with
12 her?

13 A. She came with her friend.

14 Q. Who was her friend?

15 A. Lee.

16 Q. Do you know his last name?

17 A. I think it's Bradley, but I'm not too sure.

18 Q. Would you recognize Mr. Bradley if you saw
19 him?

20 A. No, not really.

21 Q. Is that the only time she ever came to your
22 house?

23 A. Yes.

24 Q. Was that your house in Cross?

25 A. Yes.

1 Q. Did she ask to stay at your house?

2 A. No.

3 Q. Was Frances at your house between May 20,
4 2014, and May 23, 2014?

5 A. No.

6 Q. When was the last time you saw Frances?

7 A. I had worked that night.

8 Q. What night was that?

9 A. I think it was -- I can't remember, I think it
10 was a Tuesday.

11 Q. If I said Tuesday, May 20th --

12 A. Yes.

13 Q. Do you know what time y'all got off that
14 evening?

15 A. About 1:00.

16 Q. So that would have been Wednesday morning?

17 A. Yes.

18 Q. Was she scheduled to show up for work in the
19 afternoon, May 21st?

20 A. Yes.

21 Q. Did she show up for work?

22 A. No.

23 Q. Was it unusual for her not to show up for
24 work?

25 A. Yes.

1 Q. What did you do as a result of her not showing
2 up for work?

3 A. Well, for a couple of hours on my first break,
4 I called her house and I didn't get no answer. And
5 then I called her cell phone, and I didn't get no
6 answer.

7 Q. Was she scheduled to show up for work on
8 Thursday, May 22nd?

9 A. Yes.

10 Q. Did she show up for work that day?

11 A. No.

12 Q. Was that unusual?

13 A. Yes.

14 Q. What did you do when she didn't show up for
15 work that day?

16 A. I tried calling again.

17 Q. Did you get any answer?

18 A. No.

19 MR. MCNEELY: No further questions from the State,
20 Your Honor.

21 THE COURT: Any questions for the witness?

22 MS. LITTLEJOHN: No, Your Honor.

23 THE COURT: Any objection to the witness being
24 excused from the State?

25 MR. MCNEELY: None from the State.

1 THE COURT: From the defense?

2 MS. LITTLEJOHN: None from the defense.

3 THE COURT: Ma'am, you're excused. Call your next
4 witness.

5 MS. WILLIAMS: The State calls Katie Shuler.

6 KATIE SHULER, being
7 first duly sworn, testified as follows:

8 THE CLERK: State your full name and spell your
9 last name.

10 THE WITNESS: Katie Shuler, S-h-u-l-e-r.

11 THE COURT: You may proceed.

12 MS. WILLIAMS: Thank you.

13 **DIRECT EXAMINATION BY MS. WILLIAMS:**

14 Q. Ms. Shuler, where do you work?

15 A. At Hill Finkley Detention Center.

16 Q. Is that right here? Where is that?

17 A. It's right across the street.

18 Q. Okay. And what are your duties there?

19 A. I'm over all of the inmate's canteen money,
20 phone calls.

21 Q. And as part of your duties, do you understand
22 and work regularly with the jail call system?

23 A. Yes.

24 Q. And just very briefly, how does that work?

25 A. We have a go through -- a secure system. And

1 the inmates, they get a PIN number when they go to make
2 calls. And when -- and they're recorded under that
3 inmate's PIN number.

4 Q. Did you pull any calls on a Lee Bradley?

5 A. Yes.

6 Q. And do you remember what date that call was
7 from?

8 A. It was 7/5/16.

9 MS. WILLIAMS: Your Honor, I'm going to show
10 defense counsel what's been previously admitted as
11 State's 72. May I approach?

12 THE COURT: You may.

13 BY MS. WILLIAMS:

14 Q. What is that?

15 A. This is the CD that I burned that -- when the
16 call that y'all requested.

17 Q. So that's a recording on Lee Bradley's number?

18 A. Yes.

19 Q. A call he made on what date?

20 A. 7/5/16.

21 MS. WILLIAMS: Your Honor, at this time, we would
22 ask to publish State's 72.

23 THE COURT: Any objection?

24 MS. LITTLEJOHN: Your Honor, may we approach?

25 THE COURT: Yes.

1 (Whereupon, the following bench conference was
2 held outside the hearing of the jury.)

3 THE COURT: *I don't recall that being marked or*
4 *admitted.*

5 MS. WILLIAMS: *It was admitted through Det.*
6 *Cortte.*

7 THE COURT: *Okay. I was looking at my list -- my*
8 *other list. It's admitted so what -- you admitted it*
9 *without objection.*

10 MS. LITTLEJOHN: *No, but so far as publishing it*
11 *to the jury --*

12 THE COURT: *Once you've admitted it, you can't*
13 *have any basis --*

14 MS. LITTLEJOHN: *There is --*

15 THE COURT: *-- to object --*

16 MS. LITTLEJOHN: *-- identification -- is what I'm*
17 *thinking --*

18 THE COURT: *But you should have objected to that*
19 *before you agreed to admit it without objection --*

20 MS. LITTLEJOHN: *You got it in through Cortte --*

21 MS. WILLIAMS: *We didn't clarify what date the*
22 *evidence was --*

23 MS. LITTLEJOHN: *I didn't --*

24 MS. WILLIAMS: *You did. There was no objection.*

25 MS. LITTLEJOHN: *See, she's wanting her to handle*

1 *it, not him --*

2 *MS. WILLIAMS: He recognized --*

3 *THE COURT: Yeah, but if you admitted it without*
4 *objection, you've waived any objections now.*

5 *MS. WILLIAMS: You admitted it without objection.*

6 *MS. LITTLEJOHN: Yeah, okay.*

7 *(End of bench conference.)*

8 *THE COURT: All right. Is the objection*
9 *withdrawn?*

10 *MS. LITTLEJOHN: Yes, Your Honor.*

11 *THE COURT: You may proceed. You said it's*
12 *already been marked and admitted without objection.*
13 *You may proceed.*

14 *(Whereupon, State's Exhibit 72 was played in*
15 *open court.)*

16 *MS. WILLIAMS: No further questions for this*
17 *witness, Your Honor.*

18 *THE COURT: Any questions for the witness?*

19 *MS. LITTLEJOHN: No questions, Your Honor.*

20 *THE COURT: Any objection to the witness being*
21 *excused from the State?*

22 *MS. WILLIAMS: Not from the State.*

23 *THE COURT: From the defense?*

24 *MS. LITTLEJOHN: None from the defense.*

25 *THE COURT: Ma'am, you're excused. Call your*

1 next witness.

2 MS. WILLIAMS: The State calls Cathy Hampton.

3 CATHY HAMPTON, being
4 first duly sworn, testified as follows:

5 THE CLERK: State your full name and spell your
6 last.

7 THE WITNESS: My name is Cathy Hampton,
8 H-a-m-p-t-o-n.

9 THE COURT: You may proceed.

10 MS. WILLIAMS: Thank you, Your Honor.

11 **DIRECT EXAMINATION BY MS. WILLIAMS:**

12 Q. Ms. Hampton, who was Frances Lawrence to you?

13 A. My sister.

14 Q. And are you a Rivers or a Walker?

15 A. A Walker.

16 Q. And where did you live around the time of May
17 of 2014?

18 A. Goose Creek, South Carolina.

19 Q. Did you visit your sister often?

20 A. As often as I could because I had a lot of
21 surgeries done. And as often as I could get to visit
22 her, I would. She would call me actually and check on
23 me every week to see how I'm doing.

24 Q. Were you close?

25 A. Yes.

1 Q. And how long had she lived at Bushy Lane?

2 A. She's been living at Bushy Lane, I would say,
3 around 1980.

4 Q. As long as you have known your sister, has she
5 always worked?

6 A. Yes.

7 Q. And who was living with her at Bushy Lane in
8 May of 2014?

9 A. Lee Bradley.

10 Q. And was he always living there?

11 A. Off and on.

12 Q. Why was that?

13 A. Arguments.

14 Q. When that would happen, who would leave?

15 A. Lee.

16 Q. And when was the last time you saw your
17 sister?

18 A. May 11, 2014. It was Mother's Day.

19 Q. And did you all often discuss what your plans
20 were for the future?

21 A. Yes, we did.

22 Q. And what was she planning to do? Where was
23 she planning to move?

24 MS. LITTLEJOHN: Hearsay, Your Honor.

25 THE COURT: Sustained.

1 BY MS. WILLIAMS:

2 Q. Did you notice anything about her house as far
3 as seeing any boxes or anything like that?

4 A. No, I didn't.

5 Q. Did you have any other way of knowing who --
6 whether or not she was moving alone or with anyone --

7 A. Yes.

8 Q. Was she moving alone?

9 A. She was moving alone.

10 Q. And how many phone numbers did she have?

11 A. She had -- the first set of phone numbers she
12 had, she changed them to a second set of phone numbers,
13 her house number and her cell phone.

14 Q. And that second set of numbers, who had those
15 numbers?

16 A. Just her sisters.

17 Q. And who did not have them?

18 A. Lee Bradley.

19 Q. Is that because she didn't want him to have
20 them?

21 A. Exactly --

22 MS. LITTLEJOHN: Your Honor --

23 THE COURT: Sustained. Hearsay and speculation
24 and lack of foundation.

25

1 BY MS. WILLIAMS:

2 Q. But you knew who had the numbers?

3 A. Yes.

4 Q. What was your sister's reputation for
5 peacefulness in your community --

6 MS. LITTLEJOHN: Cumulative, Your Honor.

7 THE COURT: Overruled.

8 THE WITNESS: She was a very peaceful person. She
9 didn't take sides on anything. She would always let us
10 know that instead of putting ourselves first, to think
11 of someone else first. She would say, what if you were
12 in their shoes, what would you do? You know, she would
13 always just -- just -- she was always peaceful.

14 Q. Have you ever observed, in all your years, her
15 getting into any kind of physical fight with somebody?

16 A. No.

17 Q. Did you ever know her to party excessively?

18 A. Not excessively.

19 Q. Did she ever do drugs?

20 A. No.

21 Q. Did your sister suffer from any kind of mental
22 illness like bipolar?

23 A. No.

24 Q. Did she take any kind of medication that you
25 were aware of?

1 A. For high blood pressure.

2 Q. What about for any kind of medical illness?

3 A. No.

4 Q. And you all were close and discussed such
5 things?

6 A. Yes. Yes.

7 Q. You would know that?

8 A. Yes.

9 Q. Now, did your sister have any physical
10 limitations or anything in her past that gave her
11 trouble getting around?

12 A. She -- I believe -- around about five years
13 old, she got burned right around her hip. And it was a
14 deep burn because she had to have a skin graft. And --
15 and as far as I know, she had always had that limp,
16 because it would always bother her. And sometimes when
17 we were sitting and talking, she would start doing this
18 number (indicating), like it was going to sleep on her.
19 Or she -- you know, I was like, "What are you doing?"
20 And she's said, I'm -- "It's just hurting. And I get
21 my relief from this", and that's exactly what she would
22 do.

23 Q. What about anything closer to May of 2014, had
24 she had any other complications with that or any other
25 surgeries or anything?

1 A. She had surgery prior to that for fibroids.

2 Q. And what exactly was that, and how big was
3 that?

4 A. It was about the size of -- I would say about
5 the size of a grapefruit.

6 Q. And she had that removed?

7 A. Yes.

8 Q. And that -- and the skin grafts were the
9 source of her limp?

10 A. I think between that and having the fibroids,
11 because before she had the surgery done, she had a --
12 she -- sometimes she couldn't even walk on that leg.

13 MS. WILLIAMS: Thank you. Please answer any
14 questions from the defense.

15 THE COURT: You may proceed.

16 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

17 Q. Ms. Hampton, you've actually been sitting in
18 here pretty much the entire trial, hadn't you?

19 A. Yes, ma'am.

20 Q. Right. So you've heard everybody else
21 testify; right?

22 A. Yes, ma'am.

23 Q. Okay. And you don't know actually what
24 Frances did and didn't do because you weren't with her
25 every day, were you?

1 A. I weren't with her every day.

2 Q. Do what?

3 A. I wasn't with her every day.

4 Q. Correct. So you didn't know exactly what she
5 did and didn't do, do you?

6 A. Only the times that I've been around her.

7 Q. Right. And did you go with her to every
8 single doctor's appointment?

9 A. No, I didn't.

10 Q. So you have no idea what the doctors did or
11 did not tell her?

12 A. I don't have -- I don't have any idea what
13 they told her.

14 Q. Right. So the only thing you would possibly
15 know might be what she may have wanted to share?

16 A. Yeah. And she shared with me her medications.
17 Because I went by to see my momma one day, and she
18 asked me would I go pick up her prescription for her,
19 because she wasn't feeling well. And I told her sure,
20 I would pick it up, and I did. And it was for high
21 blood pressure.

22 Q. That was that prescription?

23 A. That was that prescription.

24 Q. So you know that prescription, but you don't
25 know about any others, right?

1 A. I don't.

2 Q. Okay. Didn't you tell the police that as far
3 as you knew, she and Lee had only been dating three
4 years?

5 A. I don't recall that. I know it's been more
6 than three years. If I put that on there, it's not
7 correct, because it was more than three years.

8 Q. So what you told -- what you said about three
9 years would not be correct?

10 A. It wouldn't be correct. She -- they've been
11 together more than three years.

12 Q. On and off for about ten years?

13 A. On and off, yes, ma'am.

14 Q. About ten years. And as a matter of fact,
15 didn't you have a conversation or didn't he tell you at
16 one point they were going to get married?

17 MS. WILLIAMS: Objection.

18 THE COURT: Basis?

19 MS. WILLIAMS: Objection, hearsay.

20 THE COURT: Who?

21 MS. LITTLEJOHN: Mr. Bradley.

22 THE COURT: That's overruled.

23 BY MS. LITTLEJOHN:

24 Q. Did Mr. Bradley tell you that they were going
25 to get married?

1 A. Should I answer?

2 THE COURT: You can answer the question.

3 THE WITNESS: He didn't say. He would always say
4 that he wants to marry her. He didn't say that they
5 were getting married.

6 BY MS. LITTLEJOHN:

7 Q. So "was going to marry" might be like wanting
8 to marry?

9 A. Excuse me?

10 Q. If someone says they're going -- so in other
11 words, it wasn't some date set though?

12 A. There wasn't any date set. And he did not
13 tell me that he had proposed to her. He said he wanted
14 to marry her.

15 MS. LITTLEJOHN: No further questions.

16 THE COURT: Any redirect?

17 MS. WILLIAMS: Nothing further, Your Honor.

18 THE COURT: Any objection to the witness being
19 excused from the State?

20 MS. WILLIAMS: Not from the State.

21 THE COURT: From the defense?

22 MS. LITTLEJOHN: None from the defense.

23 THE COURT: Ma'am, you're excused.

24 THE WITNESS: Thank you.

25 THE COURT: You're welcome. You may call your

1 next witness.

2 MS. WILLIAMS: Your Honor, may we approach?

3 THE COURT: Yes.

4 (Whereupon, a bench conference was held
5 concerning schedule.)

6 THE COURT: You may proceed.

7 MR. MCNEELY: The state calls Ryan McDowell.

8 RYAN MCDOWELL, being
9 first duly sworn, testified as follows:

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

12 THE WITNESS: Ryan McDowell, M-c-D-o-w-e-l-l.

13 THE COURT: You may proceed.

14 MS. WILLIAMS: Thank you, Your Honor.

15 **DIRECT EXAMINATION BY MR. MCNEELY:**

16 Q. Where are you employed currently?

17 A. Currently at Dorchester County Sheriff's
18 Office.

19 Q. What's your position there and how long have
20 you been at Dorchester?

21 A. A patrol deputy, and I've been there just over
22 a month.

23 Q. Where were you before?

24 A. Berkeley County Sheriff's Office.

25 Q. In what capacity were you employed with the

1 Sheriff's Office?

2 A. I was a detective in the Criminal
3 Investigations Division.

4 Q. Were you employed as a detective with Berkeley
5 County during May of 2014?

6 A. Yes, sir, I was.

7 Q. Were you working on May 23rd of 2014?

8 A. Yes, I was.

9 Q. While working that day, were you dispatched to
10 a home, [REDACTED] -- excuse me -- [REDACTED] Bushy Lane in
11 Summerville?

12 A. Yes, sir, I was.

13 Q. Is that in Berkeley County?

14 A. Yes, sir.

15 Q. Why were you dispatched to that location?

16 A. Homicide.

17 Q. Approximately what time were you dispatched to
18 that location?

19 A. Around 11:00 or so.

20 Q. Is that in the morning or at night?

21 A. In the morning.

22 Q. Approximately what time did you arrive at the
23 home?

24 A. About 11:30ish.

25 Q. What did you -- what did you observe when you

1 arrived on the scene?

2 A. When I got on the scene, it was already -- it
3 was corded off by privacy tape. There was a crime
4 scene log in place, forensics was already on the scene,
5 and Captain Shuler was already on the scene.

6 Q. Who did you make contact with when you arrived
7 on scene?

8 A. I met with Ms. Dorothy Rivers and Bertha
9 Walker.

10 Q. Why did you meet with them?

11 A. They were family members of the victim and
12 they gave statements.

13 Q. Did you obtain written statements from them?

14 A. I did.

15 Q. What else did you do while you were on scene?

16 A. That was it. I just stood there in case I was
17 needed for anything else. Then I ended up leaving and
18 going to MUSC for the autopsy.

19 Q. Did you do that at the direction of anyone?

20 A. Yes, sir, by Captain Shuler.

21 Q. Did you accompany the body?

22 A. No, sir, I did not.

23 Q. You arrived at MUSC for the autopsy?

24 A. Yes, sir.

25 Q. Did you observe the autopsy?

1 A. There's a waiting room there with a big glass
2 window. I don't particularly sit there and watch the
3 window, but I do wait in the waiting room. I confirm
4 that they are working with the victim, and I sat there
5 and waited.

6 Q. So you were at -- were you at MUSC for the
7 entirety of the autopsy?

8 A. Yes. Yes.

9 Q. What else did you do while you were at MUSC?

10 A. Once the autopsy was completed, I took custody
11 of the evidence and brought it back to our evidence.

12 Q. What evidence did you take custody of?

13 A. May I read?

14 Q. You may.

15 THE COURT: Yes, sir.

16 THE WITNESS: I took custody of a pink in color
17 night gown; a gray metal ring with clear stones; a
18 yellow metal ring; a blood spot; on the -- right
19 fingernail clippings; left fingernail clippings; pulled
20 scalp hair; two oral swabs; two vaginal swabs; two
21 rectal swabs; an unstained smear slide and a CD with
22 autopsy images.

23 Q. Who did you take custody of those items from?

24 A. I don't have the report with me, but it was
25 the doctor there. I don't remember -- remember the

1 doctor's name.

2 Q. The MUSC personnel conducting the autopsy?

3 A. Yes. Yes.

4 Q. After you took custody of the items, what did
5 you do with them?

6 A. I took them to the Berkeley County Forensics
7 Department, and turned them into Crystal Spence, who
8 works in the forensics department there.

9 Q. Is that commonly referred to as the evidence
10 locker?

11 A. Yes.

12 Q. Where is that located?

13 A. Right across the parking lot from the
14 courtroom.

15 Q. Between taking custody of the items at MUSC
16 that you listed, and turning them into Mrs. Spence at
17 Berkeley County evidence, were those items ever out of
18 your custody or control?

19 A. No, sir.

20 Q. What else did you do in the investigation of
21 this case?

22 A. On June 4th, I had gone to the Hess Gas
23 Station on Highway 78 and Jedburg in Dorchester County,
24 to meet with the manager and get -- look at video
25 surveillance. That's where the defendant -- excuse me

1 -- the defendant stated he was when he made the 911
2 call the morning of the incident, to observe video
3 footage of that incident.

4 Q. Is that in Summerville?

5 A. Yes.

6 Q. Did you make contact with anyone at the Hess
7 Station?

8 A. Just the store manager.

9 Q. Were you able to review any footage from the
10 Hess Station?

11 A. I was.

12 Q. Was the footage you reviewed from the date of
13 May 23, 2014?

14 A. Yes, sir.

15 Q. Did you observe anyone of interest on the
16 video footage?

17 A. No, sir.

18 Q. How much video did you review?

19 A. Pretty much most of the day that day.

20 Q. Did you do anything in reference to the
21 investigation?

22 A. No, sir, I did not.

23 MR. MCNEELY: No further questions from the State.

24 THE COURT: Any questions for the witness?

25 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

1 Q. Hey Detective McDowell, you went down to the
2 autopsy and brought some items back; correct?

3 A. Yes, ma'am.

4 Q. And do you have your supplemental report?

5 A. I do.

6 MS. LITTLEJOHN: Your Honor, may I approach the
7 witness?

8 THE COURT: You may.

9 BY MS. LITTLEJOHN:

10 Q. And actually you did -- you wrote down some
11 pretty good detail on here. You actually obtained a
12 gray metal ring with clear stones that was from the
13 left -- the left fourth finger?

14 A. Yes.

15 Q. That would be what we normally refer to as the
16 ring finger?

17 A. Yes, ma'am.

18 Q. And you say "clear stones", you don't know
19 what they were?

20 A. Correct. I'm not a jeweler, so I don't know
21 if they were diamonds or what.

22 Q. We don't know if they were real, fake, or
23 whatever; right?

24 A. Correct.

25 Q. On the ring finger. And you said you took a

1 statement from Dorothy Rivers and Darlene Walker, the
2 sisters?

3 A. Bertha Walker, yes, ma'am, and Dorothy Rivers.

4 Q. Right. When you took that statement from
5 them, they probably were upset; do you recall that?

6 A. Yes, ma'am. They were upset.

7 Q. And did -- did you handle them with
8 compassion?

9 A. Yes, ma'am.

10 Q. Understanding they were upset?

11 A. Yes, ma'am.

12 Q. Did you sit there and tell them that if
13 they -- anything else came to mind, to please call?

14 A. I did.

15 Q. And you stressed that point to them under --
16 that you knew they were upset now, and they may
17 remember more later?

18 A. Yes, ma'am.

19 Q. Did you give them a way to get in contact with
20 y'all?

21 A. Yes, ma'am.

22 Q. So they were fully aware that you welcomed
23 them contacting you; right?

24 A. Yes, ma'am.

25 Q. If they remembered anything?

1 A. Yes, ma'am.

2 Q. Whether they thought it was important or not.
3 You went to the Hess Station about the video, didn't
4 you -- that you found that the outside camera actually
5 had limited visibility; right?

6 A. Correct.

7 Q. And that -- you didn't -- you weren't -- you
8 were actually sent there; right?

9 A. Correct.

10 Q. And that wasn't until June 4th; right?

11 A. Yes, ma'am.

12 Q. And so there was -- so you could be -- and the
13 the visibility only showed the front sidewalk?

14 A. Yes, ma'am.

15 Q. The outside door and just a few parking spots?

16 A. Yes, ma'am.

17 Q. So you'd kind of be -- like -- lots of other
18 places in that Hess Station parking lot; right?

19 A. That's correct.

20 Q. And were there any cameras -- any businesses
21 on the other side of that, that would have cameras --
22 maybe another business around there that might?

23 A. There is a gas station across the street on
24 the other side. I do not remember if I went there or
25 not. I don't recall if they had an outside camera or

1 not.

2 Q. Okay. So if -- but this particular one didn't
3 focus all on it, though, right?

4 A. Correct.

5 MS. LITTLEJOHN: I have no further questions, Your
6 Honor.

7 THE COURT: Any redirect?

8 MR. MCNEELY: None from the State, Your Honor.

9 THE COURT: Any objection to the witness being
10 excused?

11 MR. MCNEELY: No, Your Honor.

12 BY MS. LITTLEJOHN: None, Your Honor.

13 THE COURT: Sir, you're excused. Madam Forelady,
14 and ladies and gentlemen, we are going to take
15 advantage of this break in testimony to take our lunch
16 recess. We will break until 2:15 -- actually until
17 2:00. I apologize.

18 During the break, please do not discuss the case
19 among yourselves or with anyone else. Please don't
20 have any contact with anyone in or about the courthouse
21 when you return after the lunch break. And please
22 leave your note pads in your seats. Have a good lunch.
23 We'll see you at 2:00.

24 (Whereupon, the jury left the courtroom at 12:48
25 p.m.)

1 THE COURT: You may be seated. Anything before we
2 adjourn for lunch, from the State?

3 MS. WILLIAMS: Not from the State, Your Honor.

4 THE COURT: From the defendant?

5 MS. LITTLEJOHN: No, Your Honor.

6 THE COURT: See y'all at 2:00. Have a good lunch.

7 (After a lunch recess, Court reconvened.)

8 THE COURT: Is the State ready to proceed?

9 MR. MCNEELY: We believe we are, Your Honor. We
10 may need one second to let the family know that they
11 may want to exit pretty quickly after we start back.

12 (Pause.)

13 MS. WILLIAMS: The State is ready, Your Honor.

14 THE COURT: Is the defense ready to proceed?

15 MS. LITTLEJOHN: Yes, Your Honor.

16 MS. WILLIAMS: We have two witnesses that we
17 will -- the first witness, in the midst of her
18 testimony, we will bring up the 404(b) issue. And then
19 the next witness --

20 THE COURT: We'll stop so I can take it up in
21 camera.

22 MS. WILLIAMS: Yeah. The issue I want to make the
23 Court aware of is after those two witnesses, the next
24 three witnesses we might introduce pictures of the
25 decedent, and we have told the family that. But I

1 didn't know if you wanted to give them an opportunity
2 to exit --

3 THE COURT: They need to time it. I'm not going
4 to stop the proceedings for them to leave. I think
5 that's inappropriate --

6 MS. WILLIAMS: And they will. I just didn't know
7 if you wanted them to quietly leave.

8 THE COURT: It's up to them. I just don't want
9 any outburst. I don't want anything audible and any
10 reaction to anything.

11 MS. WILLIAMS: Thank you.

12 THE COURT: All right. Is the State ready to
13 proceed?

14 MS. WILLIAMS: The State is ready, Your Honor.

15 THE COURT: Is the defense ready to proceed?

16 MS. LITTLEJOHN: Yes, Your Honor.

17 THE COURT: Please bring in the jury.

18 (Whereupon, the jury entered the courtroom at
19 2:03 p.m.)

20 THE COURT: You all can take your seats. Ladies
21 and gentlemen, I hope you had a good lunch. We will
22 now resume testimony. The State may proceed.

23 MS. WILLIAMS: Yes, Your Honor. The State calls
24 Stacey Cross.

25 THE CLERK: Have a seat. State your full name for

1 the record and spell your last name.

2 THE WITNESS: Stacey Ruth Cross, C-r-o-s-s.

3 THE COURT: You may proceed.

4 MS. WILLIAMS: Thank you.

5 **DIRECT EXAMINATION BY MS. WILLIAMS:**

6 Q. Ms. Cross, where are you employed?

7 A. Berkeley County Sheriff's Office.

8 Q. And what is your position there?

9 A. I'm uniform patrol.

10 Q. And how long have you worked there?

11 A. About eight years.

12 Q. What are your duties and responsibilities?

13 A. When I was on the road, I answered 911 calls,
14 patrolled subdivisions, different areas of the county.

15 Q. And any particular area of the county or...?

16 A. Zone two and three.

17 Q. What are zone two and three?

18 A. They are the south end of the county. It
19 consists of -- do you want me to --

20 Q. Just what towns?

21 A. Yeah. Ladson, Summerville, Moncks Corner,
22 part of it.

23 Q. Okay.

24 A. Goose Creek, part of it.

25 Q. Okay. And were you working on May 23, 2014?

1 A. Yes, ma'am.

2 Q. And were you dispatched to a home located at

3 ■ Bushy Lane?

4 A. Yes, ma'am.

5 Q. Approximately what time were you dispatched?

6 A. Do you have my report?

7 MS. WILLIAMS: I do. Your Honor, I want to show

8 -- I will mark this State's -- just for identification

9 -- 75.

10 THE COURT: State's 75.

11 (State's Exhibit No. 75 marked for

12 identification.)

13 MS. WILLIAMS: I'll show defense counsel what has

14 now been marked for identification purposes as State's

15 75.

16 MS. LITTLEJOHN: No objection, Your Honor.

17 THE COURT: It's only been marked for ID?

18 MS. WILLIAMS: Yes.

19 THE COURT: You may proceed.

20 BY MS. WILLIAMS:

21 Q. Does that reflect your recollection?

22 A. Uh-huh. I was dispatched at 8:54. We got
23 there at 9:04.

24 Q. Okay. And what was the nature of that call?

25 How did it come in over the dispatch?

1 A. Dispatched advised that Lee Bradley had
2 contacted our agency and stated that he believed that
3 there -- he had -- that --

4 MS. LITTLEJOHN: Your Honor, hearsay.

5 THE COURT: Sustained.

6 BY MS. WILLIAMS:

7 Q. Just tell us what kind of call it was. Was it
8 --

9 A. A disturbance, domestic.

10 Q. Okay. And what did you observe when you
11 arrived on the scene?

12 A. The house was shut up. And I don't believe
13 there were any vehicles or anything in the driveway.

14 Q. Okay. And how did you -- did you enter the
15 home?

16 A. We did.

17 Q. And where did you enter?

18 A. The back door.

19 Q. Okay. Was it locked or unlocked?

20 A. Unlocked.

21 Q. Do you know if the front door was locked or
22 unlocked?

23 A. Yes, ma'am. We checked that door first.

24 Q. And?

25 A. It was locked.

1 Q. Okay. And describe the inside of the
2 residence in general.

3 A. It's a mobile home. It was -- when we
4 entered, it was dark but I could hear the AC running.
5 But you walked in the back door, there's a kitchen.
6 There was a living room area and another living area
7 room. And I think it was a dining room, bedroom, and
8 then the back -- also behind the living room was a
9 bedroom as well.

10 Q. Okay.

11 A. And an additional bathroom.

12 Q. And who did you enter with? What officers?

13 A. It was Deputy Ecker and Deputy Musgrave.

14 Q. So the three of you arrived at the same time?

15 A. Yes, ma'am.

16 Q. And what did you do next?

17 A. Well, with the information that we received
18 from dispatch, we wanted to go ahead and make entry
19 because there was a possibility that somebody inside
20 that was injured. We went through the back door. We
21 just did a safety search to make sure that there was no
22 -- nobody in the residence. We cleared the rooms. And
23 then I located the victim in the bathroom, laying on
24 her back.

25 Q. When you were clearing the rooms, did you have

1 weapons?

2 A. Yes, ma'am.

3 Q. So when you say "clearing the rooms", describe
4 what you do?

5 A. Our guns are usually raised. We have a
6 flashlight. We just kind of scan the area to make sure
7 that there was -- there is no suspects or, you know,
8 anything dangerous going on.

9 Q. So is it a safety concern?

10 A. Yes.

11 Q. Okay. And did you locate anyone in the
12 residence?

13 A. We did. The victim was in the bathroom laying
14 on the floor.

15 Q. When you say "the bathroom", do you know which
16 bathroom or about where it was?

17 A. I think it was the master bedroom bathroom
18 because it was off of that bedroom.

19 Q. And how did she appear?

20 A. She was deceased.

21 Q. And did you notice any wound at that time?

22 A. No, ma'am.

23 Q. How much blood was -- was visible?

24 A. Very little in her chest area.

25 Q. Okay. And what did you do next?

1 A. We exited the residence. We started to seal
2 it off. We contacted the detectives and crime scene
3 for them to come and investigate.

4 Q. And as far as this investigation, did you have
5 any further involvement?

6 A. No, ma'am.

7 MS. WILLIAMS: Your Honor, at this time, we have
8 an issue of law that we would like to take up with the
9 Court.

10 THE COURT: Madam Forelady, ladies and gentlemen
11 of the jury, I have a brief matter of law to take up
12 with the attorneys. During the break, please do not
13 discuss the case and please leave your note pads in
14 your seats. We appreciate your patience.

15 (Whereupon, the jury left the courtroom at 2:09
16 p.m.)

17 THE COURT: You may be seated. You may proceed.

18 MS. WILLIAMS: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 BY MS. WILLIAMS:

21 Q. Now, Officer Cross, when you -- when you
22 respond to a call, do you sometimes have other
23 information before you get there about that -- about
24 that residence or that -- that --

25 A. Yes, ma'am.

1 Q. -- call. And in this case, did you have
2 information that affected the way that you approached
3 the residence?

4 A. Yes, ma'am.

5 Q. And what was that information?

6 A. I had responded to that residence for two
7 prior criminal domestic violence calls.

8 Q. And how does that affect the way that you
9 handle the call?

10 A. We just -- the -- the safety risk is higher.
11 We tend to be very careful and have backup.

12 Q. And if you know, off hand, what date did you
13 respond to that residence in the past?

14 A. I believe it was in September both -- I think
15 September of 2009 and September of 2012.

16 Q. Okay. Did you bring any reports with you
17 today to refresh your memory?

18 A. I did not.

19 MS. WILLIAMS: The Court's indulgence. Your
20 Honor, I'm going to ask the reporter to mark these two
21 for identification purposes as State's 76 and 77.

22 (Whereupon, State's Exhibits No. 76 and 77
23 marked for identification.)

24 MS. WILLIAMS: There's a report dated 9/19/2012.
25 I will mark that 76. And there's another report dated

1 9/19/2009, if we could mark that 77. I'm now going to
2 show defense counsel what's now been marked for
3 identification. May I approach, Your Honor?

4 THE COURT: You may.

5 BY MS. WILLIAMS:

6 Q. If you could review these and see if they
7 refresh your memory.

8 A. Yes, ma'am.

9 Q. Okay. So let's look first at 9/19/09. What
10 time did you respond to that call?

11 A. I was dispatched at 8:47 and arrived at 8:49.

12 Q. What did you observe once you got to the
13 residence?

14 A. Actually on this one, I responded to [REDACTED]
15 South Live Oak Drive. I met the victim. She contacted
16 us in reference to being assaulted by her live-in
17 boyfriend.

18 Q. And who was the victim?

19 A. Frances.

20 Q. Can you just say her full name?

21 A. Sure. Frances Walker Lawrence.

22 Q. Okay. And did you observe her demeanor at
23 that time?

24 A. Yes, ma'am. She was very much afraid. She
25 was shaking and upset, and didn't want to go back

1 without assistance to her residence.

2 Q. Okay. And did you notice any injuries on her
3 for this particular call?

4 A. Yes, ma'am. It was swollen -- the right side
5 of her face was swollen.

6 Q. And as part of your job when you responded to
7 domestic violence calls, do you have to make a
8 determination of who is the primary aggressor?

9 A. Yes, ma'am.

10 Q. And sometimes is there mutual or both
11 aggressors?

12 A. Yes, ma'am.

13 Q. In this case, what -- who was the primary
14 aggressor?

15 A. Lee Bradley.

16 Q. And did you -- was there any information from
17 the scene or any of the witnesses that determined that
18 she was an aggressor at all?

19 A. Absolutely not.

20 Q. And what was the result of that incident in
21 terms of closing the case?

22 A. He was arrested for criminal domestic
23 violence.

24 Q. And if you'd turn your attention to State's
25 77; this was a report from 2012?

1 A. Uh-huh --

2 Q. And what time did you -- where did you respond
3 this time?

4 A. We actually responded to the residence, [REDACTED]
5 Bushy Lane -- [REDACTED] Bushy Lane.

6 Q. Okay. And what did you observe at the
7 residence at Bushy Lane when you --

8 A. When we approached the residence, she was
9 outside. She didn't want to go back inside. She was
10 fearful; that her live-in boyfriend was inside and he
11 was sleeping; and she was afraid that he was going to
12 assault her again. He had already previously assaulted
13 her before our arrival.

14 Q. And did you make some notes about her
15 appearance and her demeanor in your report?

16 A. I did. She was shaking -- visibly shaking and
17 crying. She was also whispering because she was
18 scared.

19 Q. Okay. Why was she whispering? Where was the
20 defendant?

21 A. The defendant was in the master bedroom
22 sleeping.

23 Q. Okay. And what did she tell you happened
24 during this event?

25 A. They had gotten into an argument over keys.

1 She was refusing to give him the keys to their vehicle
2 because he was intoxicated. And, again, he grabbed her
3 and then slapped her, and took the keys from her.

4 Q. And what was the result of that call?

5 A. He was arrested for criminal domestic
6 violence.

7 Q. Okay.

8 MS. WILLIAMS: The Court's indulgence.

9 BY MS. WILLIAMS:

10 Q. Did he -- did you make any notes of any
11 threats during either of these calls?

12 A. Yes, ma'am. I believe the first one, from
13 2009, that he did advise her that if she called the
14 police, that he would fight the police officers if they
15 came to arrest him.

16 Q. Did he say anything about -- did she say
17 anything about him saying why she should be in fear of
18 her life? Did he threaten her at all, or just that he
19 would fight the police officers?

20 A. Let me look. I think he also said that he was
21 not afraid to go back to jail, but --

22 Q. Okay.

23 A. I think he did say something about -- that he
24 would -- I think he said he would kill her. Yes, he
25 stated that if she contacted law enforcement, he would

1 kill her.

2 Q. Okay. And did you have to make any
3 determination of the primary aggressor in that
4 situation?

5 A. Yes, ma'am.

6 Q. Okay. And who was the primary aggressor?

7 A. Lee Bradley.

8 Q. And was there any -- was there any indication
9 that there was any kind of mutual combat, or that
10 Frances Lawrence had fought him or anything in either
11 of these events?

12 A. No, ma'am.

13 MS. WILLIAMS: Your Honor, that's all we have in
14 term of the proffer of her testimony.

15 THE COURT: Any cross examination?

16 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

17 Q. Officer Cross, let's go back to the 2009 case.

18 A. Okay.

19 Q. That was about five years before the incident
20 that you are here for today; correct?

21 A. Yes, ma'am.

22 Q. And on that incident, you didn't respond to
23 the house, did you?

24 A. No, ma'am. I responded -- I met the victim.

25 Q. Right. Came to the Sheriff's Department;

1 right?

2 A. No, ma'am. She was at a gas station on South
3 Live Oak.

4 Q. Okay. South Live Oak gas station. Okay. And
5 she made a statement and -- about -- and she told you
6 that he would fight the police officers; right?

7 A. Yeah.

8 Q. And he got arrested; right?

9 A. Yes, ma'am.

10 Q. And when y'all arrested him, did he fight you?

11 A. No. On that situation, I was not the one that
12 arrested the subject. Other officers, Deputy Carter
13 was one of them, went to the residence and placed him
14 under arrest.

15 Q. Is there any indication in your report that
16 there was a fight with him?

17 A. Not in my report, no, ma'am.

18 Q. Okay. Did you ever actually talk to Mr.
19 Bradley?

20 A. On that situation?

21 Q. On that situation.

22 A. No, ma'am.

23 Q. So all you know is the one side you were told;
24 right?

25 A. Yes, ma'am.

1 Q. And the only -- the injury that you saw on
2 that, no EMS; correct?

3 A. No, ma'am.

4 Q. No referral to Victim's Advocate that you
5 noted; right?

6 A. We give them -- there is paperwork we fill out
7 when an arrest is made, and the Victim's Advocate's
8 information is given to them.

9 Q. Right, but you don't have anything on here
10 about that, though, right? On your report?

11 A. Uh-uh.

12 Q. You just say slightly swollen?

13 A. Uh-huh.

14 Q. The right side of the face?

15 A. Uh-huh.

16 Q. And on 2012 -- so some two years before this
17 event --

18 A. Uh-huh.

19 Q. -- that we're here for today, on that
20 particular case, you go out to the house; correct?

21 A. Yes, ma'am.

22 Q. And, again, you hear that it's all about words
23 mixing up; right? People had word fights?

24 A. Yes, ma'am.

25 Q. And you get kind of the same description as

1 before; right?

2 A. As the -- the reasoning for the argument?

3 Q. Right.

4 A. Yes, ma'am.

5 Q. And you actually -- y'all had to go wake him
6 up; right?

7 A. Yes, ma'am.

8 Q. And in your report, you actually put down
9 "This deputy did not observe any manifestations of
10 injuries at the time of this report"; correct?

11 A. Uh-huh.

12 Q. Okay. And during any of these, EMS wasn't
13 called out; right?

14 A. No, ma'am.

15 Q. And in none of this do you have any indication
16 that Mr. Bradley was fighting law enforcement. Okay.
17 So the only way you made the primary aggressor
18 indication -- how do you know that, strictly from what
19 she told you; right?

20 A. Yes, ma'am. Because he didn't provide any
21 information to the incident.

22 Q. Right. Y'all didn't ask him either, did you?

23 A. Well, when we were arresting him, we spoke to
24 him, and he was using vulgar language and stuff. He
25 was upset. But, no, he didn't say I didn't do it. He

1 didn't say I did do it.

2 Q. He didn't say anything with regard to that?

3 A. No, ma'am.

4 Q. And you woke him up; right?

5 A. Yes, ma'am.

6 Q. So on one of them, we have -- so one about
7 five years ago, slightly swollen, and the one two years
8 ago, no injury; correct?

9 A. Nothing visible, no, ma'am.

10 Q. That you saw. Do you go out to a good many of
11 these domestic cases -- disturbances kind of things,
12 I'm sure; right?

13 A. Yes, ma'am.

14 Q. You go out to some of them where people just
15 fussing and -- fussing all the time?

16 A. Uh-huh, yes, ma'am.

17 Q. No other real way to put it, they just fuss
18 all the time. It's what they do. That's how they
19 communicate almost. And then one of them gets tired
20 and calls the police?

21 A. It's possible.

22 Q. But I mean, there are -- a lot of calls that
23 you may get, that people claim are domestics, that they
24 just been arguing and yelling?

25 A. Yes, ma'am.

1 Q. You probably go to some of them where
2 neighbors are called in, thinking there was a domestic
3 and there wasn't?

4 A. Yes, ma'am.

5 Q. Could have even been somebody watching TV,
6 yelling at the football game on TV; right?

7 A. Yes, ma'am.

8 Q. So really you have to get both sides of it.
9 You have to look at whatever injuries might be there or
10 what might not be there to make a determination, too,
11 right?

12 A. Yes, ma'am.

13 Q. Officer Cross, these are the only two times
14 that you recall, other than the day that you are here
15 for today?

16 A. Yes, ma'am, I believe so.

17 Q. To the best of your recollection?

18 A. Yes, ma'am.

19 Q. Okay. Of having been out there?

20 A. Yes, ma'am.

21 Q. And the earliest one was September 2012, the
22 closest one?

23 A. Yes, ma'am.

24 Q. And then one was way back in 2009?

25 A. Yes, ma'am.

1 Q. And the most recent one, two years ago, was no
2 manifestations of injuries -- you actually noted that
3 in your report of 2012?

4 A. Yes.

5 MS. LITTLEJOHN: I don't have any further
6 questions, Your Honor.

7 THE COURT: Any redirect?

8 BY MS. WILLIAMS:

9 Q. On the incident that Ms. Littlejohn was asking
10 you about, where you woke the defendant up, did Frances
11 Lawrence tell you that she waited for him to go to
12 sleep before she called --

13 A. Yes, ma'am.

14 MS. WILLIAMS: No further questions.

15 THE COURT: Glad to hear any argument.

16 MS. WILLIAMS: Your Honor --

17 THE COURT: Actually, it's Ms. Littlejohn's
18 objection I would assume. You can respond.

19 MS. LITTLEJOHN: Yes. Your Honor, this falls
20 squarely on the shoulders of 404(b) Lyle and res
21 gestae. It is nothing more than the State trying to
22 introduce prior crimes of bad acts to prove a
23 propensity. Evidence -- and I noted this, because I
24 thought this was so powerful what Justice Kittredge
25 said. He said, "It bears reminding that Lyle is set

1 forth in a rule of exclusion, not inclusion".

2 In the case of Johnny Sweat -- the State vs.
3 Johnny Sweat, there is reference in that case that
4 there are prior CDVs. And the Court noted the
5 prejudicial impact of the prior CDVs coming in, and
6 that they were too remote in time and were not material
7 to the case.

8 The Court allowed in the one incident of
9 domestic violence because it said Mr. Sweat went to
10 jail because of that situation. He gets out, and
11 11 days after getting out, their incident occurred. It
12 happened 11 days after the defendant Sweat was released
13 from jail. And although some time had passed, he
14 couldn't have gotten to her because he was
15 incarcerated. So we're talking a couple of months
16 there that he was allowed in. But yet, even with those
17 couple of months, he was barred from getting to her
18 because of that. And the court there deemed all prior
19 incidents of domestic violence were a violation of
20 404(b) and such were excluded.

21 In Sweat, you know, the -- the defense asked
22 that the one CDV that was allowed in, which was several
23 months prior, be quashed under res gestae. In reading
24 it, it doesn't exactly tell you all of it, but it would
25 appear that the court let it in because it was put in

1 there for that and got out, and then went to it. That
2 is not the case here. We have a large remoteness in
3 time, Your Honor --

4 THE COURT: You don't have to address the 2009
5 incident. I've already determined it's too remote in
6 time. In addition to that, you only had one side of
7 the story, and it did not take place at the residence.
8 You need to address the 2012 incident.

9 MS. LITTLEJOHN: Okay. Thank you, Your Honor.
10 The 2012 incident, they find him asleep. The officer
11 writes down there, and purposely writes down, no
12 manifestation of injury. That -- to allow that in,
13 (a), it is absolutely not res gestae. It doesn't
14 continue and describe any events. This it is an
15 attempt by the State to try to call in the -- the prior
16 acts of two years prior -- of words that were said.
17 And the officer testified, people will start fussing
18 and call the police. Words were said, no manifestation
19 of injury.

20 She may have been upset. People get upset when
21 words are said. And that I think we can all agree on.
22 However, that incident, Your Honor, was 9/19/2012.
23 This is May 2014.

24 Unlike the case of State vs. Sweat, that is --
25 that was -- you could have almost seen State vs. Sweat

1 being connected in time, had he been able to get out of
2 jail, Johnny Sweat. But here you have people testify
3 they were on and off, on and off again. He lived
4 there. So there was clearly many opportunities in
5 between them being together, people seeing them
6 together -- that's not the case here. The character --
7 the State's putting this in strictly for character
8 evidence, and it's not admissible under 404(b). It is
9 nothing other than to try to prove a propensity.

10 Evidence has to be offered for a proper purpose.
11 It must be to prove a material fact in issue and not to
12 prove bad character. The material fact at issue on
13 this is a charge of murder.

14 What the State is asking the Court to do, is put
15 a remote in time, no manifestation of injury, CDV in
16 that -- that has no material fact that would correlate
17 to this murder case. There is nothing that goes from
18 2002, that makes it viable for 2014. That's almost
19 tantamount to saying that people can't change, people
20 don't argue different, et cetera. They -- everybody
21 has said they were back and forth the whole entire
22 time.

23 Furthermore, is it logically relevant? Your
24 Honor, we would argue that it is not likely relevant to
25 this. The two crimes of -- one, that he's charged with

1 murder; and the charge of CDV are entirely -- entirely
2 different, Your Honor, particularly given the
3 remoteness, which we come back to again.

4 Words exchanged. The next issue we have to look
5 at, Your Honor, would be more prejudicial than
6 probative. Even if the Court were to wonder about
7 letting it in, is it more prejudicial than probative.
8 And we would argue, yes, it's absolutely more
9 prejudicial than probative. It is merely the words
10 that she said, Ms. Lawrence said -- with no injuries.
11 And -- let's see -- I think I might -- and Your Honor,
12 if you want me to, I can hand up this case of State vs.
13 Sweat.

14 THE COURT: I've already read it. I'm very
15 familiar with it. I don't need a copy.

16 MS. LITTLEJOHN: Okay. I think that case -- I
17 think it flies straight into that case. I think that
18 case is the -- the judge ruled on that case about the
19 prior CDVs. I believe it goes straight to that point,
20 Your Honor. Again, like I said, I think that you're
21 looking at that, your 403s as well, and the lack of
22 evidence that there was -- and that one was two years
23 ago versus now.

24 Also, Your Honor, 608, they are basically trying
25 to do an impeachment of him on specific incidents which

1 would be covered under 609. But I would again argue
2 that's so remote. That, of course, would be the very
3 last thing. My biggest thing, Your Honor, is live,
4 material, remote. Thank you.

5 THE COURT: Thank you. Would the State like to
6 respond?

7 MS. WILLIAMS: Yes, Your Honor. Your Honor, the
8 State is offering this evidence to rebut specifically
9 the claim of accident. And in the defendant's
10 statement, he also makes several statements that this
11 evidence rebuts. At one point, he says, "there were
12 never really any fights. There's never been no fights
13 between her and me. I love her too much". And at
14 another point in his statement, he says "there was only
15 one altercation. That was the only time I ever put my
16 hands on her", clearly more than one --

17 THE COURT: Well, I don't know whether -- what it
18 would have been he was referring to in the statement
19 because it wasn't specific; is it? He doesn't say a
20 date when he could have been --

21 MS. WILLIAMS: He's talking about, there's only
22 been one time I've ever put my hands on her.

23 THE COURT: Yeah, but I don't know what date he's
24 referring to, when he made that reference.

25 MS. WILLIAMS: That's just not true. He's put his

1 hands on her many times.

2 THE COURT: I don't know what is true, I wasn't
3 there. The only thing that convinces me of the truth
4 is conviction.

5 MS. WILLIAMS: I understand, he has several
6 convictions.

7 THE COURT: But they're all remote, aren't they?

8 MS. WILLIAMS: His earliest one is 2012 -- I
9 mean --

10 THE COURT: And what is that date of that
11 conviction?

12 MS. LITTLEJOHN: I think I can help us out,
13 November 29, 2012, Judge Dennis. Sentenced to 81 days
14 time served.

15 MS. WILLIAMS: Just to give the Court a full --

16 THE COURT: I have his whole record. I already
17 have a chronologically. But I just wanted, for the
18 record, for you to say when the last conviction was.
19 And I think Ms. Littlejohn was accurate in --

20 MS. WILLIAMS: Actually, she -- I don't think she
21 was. There was a harassment involving Ms. Lawrence
22 2011 --

23 THE COURT: I said the most recent.

24 MS. WILLIAMS: Okay. I think that --

25 THE COURT: 2011 was not the most recent from

1 2014. That's three years before, 2012 --

2 MS. WILLIAMS: Well, is the court interested in
3 all of the times that he put his hands on Frances
4 Lawrence or just the ones that --

5 THE COURT: I'm not really -- I mean it's not --
6 I don't have -- I don't have an evidentiary burden in
7 this case. I'm not an advocate, so I don't have
8 anything to present. So I'm only going to rule on what
9 you have asked to present.

10 MS. WILLIAMS: I understand that.

11 THE COURT: So I don't have an interest.
12 That's -- that -- that would be an inaccurate
13 characterization of how I need to approach it. I don't
14 have an interest.

15 MS. WILLIAMS: I'm just asking for the purposes of
16 this hearing. I would like to let the Court know the
17 certified convictions we have --

18 THE COURT: I have a list of his certified
19 convictions, which date back to '06; and then come
20 forward to the last, which is 2012-GS-08-1942, where he
21 had an arrest date 9/19/12, pled guilty before Judge
22 Dennis on 11/29/12. Criminal domestic violence second
23 offense, he got the 81 days time served.

24 MS. WILLIAMS: That's correct. We point
25 specifically to the Smith case and the Key case that we

1 reference in our brief, Your Honor. In the Key case,
2 the defendant in that case claimed that he accidentally
3 shot the victim, and that his gun just went off. And
4 the court allowed testimony that on two or three times
5 in the previous eight year, that the defendant had
6 threatened the victim.

7 Also, in Smith, the Court allowed evidence of
8 prior domestic violence to rebut the defense of
9 accident. In that case, the defendant claimed that --
10 his gun accidentally went off. And in that case, he
11 shot his child, but he was intending to shoot his wife.

12 As far as Sweat goes, I know the court is well
13 versed in Sweat. You presided over it. But my
14 analysis of Sweat was that there was a lot of res
15 gestae that had to do with that case, because the
16 events were connected. And he had come out, and he was
17 angry about one thing, and then went after the victim
18 again because she had put him in jail. So I'm not sure
19 that that is specifically relevant to this case.

20 But we would -- we would argue that 404(b), this
21 is the specific thing that 404(b) covers, when the
22 defendant gets up and says -- or when we present
23 evidence, and it's in the case, and it's been
24 admissible and relevant. That there was an accident,
25 that she fell on a knife. That in order to rebut that,

1 that prior instances that show that that is not
2 necessarily the case, and that is something that he did
3 all the time. And it also goes to intent, that that's
4 why we would offer this into evidence, Your Honor. We
5 are somewhat restricted by the witnesses that are
6 available for all these prior events.

7 THE COURT: Well, I think when you start talking
8 about offering 404(b) evidence, sometimes you have an
9 eye witness. In other words, where someone has not
10 been killed, who has the ability to testify as to what
11 someone did to them on previous events, which is a
12 whole another set of circumstances or a different way
13 factually a case could be presented.

14 But when you're talking about someone that's
15 deceased, a whole other ball of wax, you have to
16 prove -- well, you have to prove this in any event --
17 you have to prove by clear and convincing evidence.
18 What I've heard so far is not clear and convincing
19 evidence. You have one side of the story that cannot
20 be cross examined. None of this is -- would be
21 considered an excited utterance.

22 One took place at a police station. I don't
23 know what the lapse in time was between the alleged
24 incident and when she met with the police, so I would
25 have no way of judging whether it would even be

1 considered an excited utterance.

2 The next event takes place after -- conceivably
3 after the event took place -- the individual was
4 sleeping. He was subsequently arrested. And I -- I
5 guess at this stage, what I've heard so far, if you
6 were seeking to admit the 404 evidence, it would need
7 to come by way of certified convictions.

8 The other thing that I'm concerned about, and
9 what would be inadmissible, is any officer's opinion of
10 who was the primary aggressor when they did not see
11 what happened. It's -- it's not germane. There's no
12 way for her to corroborate it. I mean -- I mean that's
13 a determination they make. And it is an appropriate
14 one for them to make within the ambient of what they do
15 everyday, but it is of no probative value to this jury.
16 Because this person did not see it. And it -- it just
17 creates a whole bunch of layers of issues that
18 witnesses -- or information that's being conveyed that
19 cannot be cross examined. So you have to take this --
20 I guess to say this so-to-speak.

21 She would not be able to say what the deceased
22 said to her. She would not be able to say who she
23 perceived the primary aggressor to be. I think the
24 better way to approach this would be to seek to admit
25 the 2012 conviction. But I'm a little split on the

1 issue in my mind, and I may take it under advisement.
2 Because at this point, there's already been introduced
3 a great deal of testimony about domestic violence
4 issues, arguments, other things that have taken place
5 between the parties.

6 MS. WILLIAMS: Well, that's what we're concerned
7 about, Your Honor. It's misleading because there's all
8 this evidence about domestic violence issues, but the
9 only thing that they have heard is that the two of them
10 fight. And then they've heard all these statements
11 from the defendant saying that there is sort of this
12 mutual combat. And we have been very careful about
13 eliciting evidence --

14 THE COURT: But you've rebutted with witnesses for
15 reputation for being peaceful. And basically that
16 these didn't happen -- there was no mutual combat.

17 MS. WILLIAMS: Well, we can't really -- we haven't
18 had anybody testify about mutual combat. We have tried
19 to be careful about 404 --

20 THE COURT: She can't testify about mutual combat.
21 She didn't see what happened. She came on the scene --

22 MS. WILLIAMS: Exactly.

23 THE COURT: -- after. It's just like an officer
24 that comes to an automobile accident. They can't say
25 what happened unless they're reconstructionist. And if

1 the cars have been moved, they don't have a clue. They
2 don't know what happened at the time. They come after
3 the fact. They hear one side of it and make a
4 determination, which happens every day. But that
5 doesn't meet the clear and convincing --

6 MS. WILLIAMS: And that's why we didn't elicit
7 that, because nobody else saw it because domestic
8 violence is different.

9 THE COURT: I'm talking about this witness. I'm
10 not referring to any other witness.

11 MS. WILLIAMS: Well, with this witness, there
12 are -- there is evidence of excited utterance because
13 she described her demeanor --

14 THE COURT: I don't whether it's excited utterance
15 or not. I don't know how long it was between her
16 calling the police and her arriving. I have no idea.
17 The record is devoid on that.

18 MS. WILLIAMS: We can make a record on that, but
19 she said physically --

20 THE COURT: When she called her. When it actually
21 happened, you have no testimony regarding that because
22 you, unfortunately, you don't have the witness. I
23 don't know whether a time of an hour lapsed. I don't
24 know whether it was two hours. I don't know whether it
25 was three hours. And this witness can't relay that.

1 All she can relay is when the call came, when she was
2 dispatched, and when she arrived. And then the other
3 information that she has testified to.

4 Every one takes a different amount of time to
5 fall off to sleep. I -- there's some indication that
6 he was impaired. I really have no idea what happened
7 at the residence.

8 Now, in the light most favorable to the State,
9 it is possible and it is consistent with the testimony
10 that they did have arguments. It is conceivable that
11 he slapped her and took the key. He was arrested for
12 that. He was convicted of that. But the way you seek
13 to introduce that would be through the conviction, but
14 not through this witness' hearsay testimony about what
15 happened, because she wasn't there. She has one side
16 of the story that cannot be cross examined, and that's
17 the real issue.

18 MS. WILLIAMS: I understand, Your Honor.

19 THE COURT: I can't say any of it was an excited
20 utterance because you can't meet the criteria to
21 establish it would be excited utterance. Because what
22 you would need to establish that would be a whole lot
23 more information that you don't have available to you.

24 MS. WILLIAMS: And -- and the State agrees with
25 the Court. I'm slightly concerned about Crawford and

1 Giles and -- and we looked at the doctrine of
2 forfeiture by wrong doing, but I don't think that the
3 Supreme Court has been clear on that either. So I -- I
4 understand that. We're just simply trying to rebut the
5 the defense of accident in the least prejudicial way
6 possible. I know in the Smith case that --

7 THE COURT: And, normally, really, the other
8 problem you have is really -- even 2012 is really --
9 when we look at case law, it's remote. You usually
10 look at a real snapshot of what happened immediately
11 before, which is usually within a month of the
12 incident. And the case law, I have not found any that
13 support -- unless you have -- you know, like every
14 year, something has happened, or every six months
15 something has happened. In this instance, it was two
16 years prior.

17 I've have already indicated and told -- probably
18 prematurely -- Ms. Littlejohn that the '09 incident
19 clearly is too remote in time and -- to be considered.
20 And in addition to that, as I've indicated it, she met
21 her at a different location. We don't know what lapse
22 in time it was. Albeit, they returned to the
23 residence, but that really is way too remote in time.
24 But the 2012 incident might well come within the Lyle
25 criteria, but not through this witness.

1 MS. WILLIAMS: Okay. We would just ask the Court
2 to -- we would argue --

3 THE COURT: At least not at this point, but I need
4 to think about it a little bit more.

5 MS. WILLIAMS: We just ask the Court to consider
6 Key because that incident -- they allowed threats that
7 came in under Lyle for the previous eight years. And I
8 think there's a reason that the Court looked at that
9 case differently was because the defendant alleged
10 accident. And that is what we are concerned with, that
11 they're getting a partial picture --

12 THE COURT: I've been listening to the testimony.
13 They haven't gotten a partial picture. Anybody that's
14 been listening to this testimony knows that there was
15 some difficulties in this relationship.

16 MS. WILLIAMS: But that's the --

17 THE COURT: In the light most favorable to you,
18 that she was not the inception of the difficulty.

19 MS. WILLIAMS: But that's the whole thing, is that
20 Frances Lawrence never fought anybody. And I don't
21 want --

22 THE COURT: And I think you've clearly conveyed
23 that to this jury from people who know her directly,
24 who interacted with her every day, and would have no
25 reason to mislead the jury about that.

1 MS. WILLIAMS: Well, the Court has always been
2 intuitive and intelligent. I don't know that all of us
3 seeing these cases day in and day out are more --

4 THE COURT: I think people have lived long enough,
5 and I can't a imagine a family that has not been
6 touched by domestic violence.

7 MS. WILLIAMS: We would just ask the Court to
8 consider letting us enter --

9 THE COURT: I'm thinking about it.

10 MS. WILLIAMS: -- introduce the conviction for
11 2012.

12 THE COURT: Well, you haven't presented anybody
13 that can introduce the conviction, so that's premature.
14 We are talking about this witness right now.

15 MS. WILLIAMS: Well, we can put -- right now --

16 THE COURT: You can't introduce it through her.

17 MS. WILLIAMS: We can do it with Christy, the
18 clerk. It's a certified copy, I mean.

19 THE COURT: I understand that, but that would be
20 -- I mean --

21 MS. WILLIAMS: We can do that right now so the
22 Court can consider it just for expediency purposes.

23 THE COURT: I'm not -- you need to present your
24 case and let me make contemporaneous rulings, but I'm
25 not going to piece meal this like that. I'm dealing

1 with this witness right now. Is there any further
2 argument regarding the admissibility of the testimony?

3 MS. WILLIAMS: Not from this witness, Your Honor.

4 THE COURT: Anything further from the defense?

5 MS. LITTLEJOHN: Not at this point, Your Honor.

6 THE COURT: I'm going to take a recess. I need to
7 think a little bit. Ma'am, you may walk around if you
8 would like, but please don't discuss your testimony
9 with anyone.

10 (After a recess, court reconvened.)

11 THE COURT: I am going to allow the witness to
12 testify in a limited fashion to the following: I'm
13 excluding any reference to the 2009 event. It's too
14 remote in time. It does not meet the clear and
15 convincing standard. It is more prejudicial than
16 probative as it would lend itself more to the issue of
17 the defendant's character versus any of the exceptions
18 under Lyle.

19 The witness will be able to testify that she
20 responded to the residence in 2012. She will be able
21 to describe what -- describe what she rationally
22 perceived of the victim's, Ms. Lawrence -- yes -- Ms.
23 Lawrence's demeanor. She will not be able to repeat
24 anything that Mrs. Lawrence said to her, or what the
25 nature of the incident was, as it would be hearsay not

1 subject to cross examination.

2 And I cannot establish that it was an excited
3 utterance because there is no testimony available to
4 the court as to the lapse in time between when the
5 incident occurred and when the police were actually
6 called. This officer would only be able to corroborate
7 when she was called, and when she was dispatched, and
8 when she arrived. There will no references to the
9 defendant being the primary aggressor, or any
10 references to mutual combat.

11 I find that the evidence is probative. That it
12 is not more prejudicial than probative. Our court has
13 not adopted any Bright Line tests regarding remoteness.
14 And while this incident occurred in 2012 -- and I'm
15 referring to the defendant's 2012 conviction, it would
16 fall within the Lyle exception of absence of mistake
17 and intent, as well as his defense of accident, which
18 the State has the affirmative obligation to rebut by
19 beyond a reasonable doubt.

20 It is relative to whether the defendant --
21 Mrs. Lawrence was combative is relevant to the issue of
22 absence of mistake and intent. And it can be
23 established by clear and convincing evidence, at least
24 that -- those portions of the evidence that she -- I'm
25 going to allow the witness to testify to as well as I

1 anticipate the State seeking to introduce the certified
2 conviction from the 2012 incident where he pled guilty
3 on 11/29 of 2012.

4 I would also find that the evidence is logically
5 relevant to this incident, and for the jury to have a
6 full picture of the nature of the relationship that
7 existed between the defendant and the deceased, and in
8 connection with the conviction, it does more than being
9 an incidental reference to something that would need to
10 be proven, and it rises above what would be considered
11 just in the nature of character evidence.

12 Our courts have found that the evidence of prior
13 difficulties or ill feelings between an accused and
14 victim, showing the cause of such difficulties or ill
15 will is admissible when there is some connection or
16 cause and effect between the evidence and the crime.
17 Quoting CJS: I would find that it is relevant because
18 it logically relates to the crime for which the
19 defendant has been charged, and it will assist the jury
20 in arriving at the truth of an issue that is relevant.

21 And it is competent, that the evidence has a
22 tendency to make the existence of a fact that is a
23 consequence of the determination of the action more or
24 less probable than it would be without the evidence.
25 And it bears directly on the issue of accident. And

1 it, likewise, supports a logical relevance between the
2 prior acts and the crime, again, for which the
3 defendant is accused.

4 Our courts have already found that it must be
5 established by clear and convincing evidence. And,
6 again, this rule is contingent on the State seeking to
7 introduce the actual conviction, which when looked at
8 together, rises to the level of clear and convincing
9 evidence, as I find the officer's testimony credible
10 that she was called to the scene. That could be
11 corroborated by the incident report, which she has
12 already used to refresh her memory.

13 I find her testimony credible regarding -- by
14 clear and convincing evidence what she observed of
15 Mrs. Lawrence when she arrived at the scene. And I've
16 already found that the probative value is not
17 substantially outweighed by the danger of any unfair
18 prejudice to the defendant.

19 This case is a little bit different because
20 normally, factually, when you have a case like this,
21 where there are incidents of prior difficulties, it is
22 usually the victim that testifies regarding those prior
23 difficulties. I'm not aware of any cases regarding --
24 where -- where it involves someone who has become
25 deceased as a result of the incident, but I don't think

1 that is necessarily dispositive of the court's ruling
2 in this matter.

3 Now, I will say in advance, and I will hold you
4 all to this, that I'm not going to allow you to argue
5 in any way that this conviction or the incident that
6 the officer is going to testify in any way, argue any
7 type of conformity, that it deals in any way with his
8 character. You will -- will be strictly restricted to
9 the -- the confines of Lyle in dealing with that
10 evidence. Is the State ready to proceed?

11 MS. WILLIAMS: The State is ready, Your Honor.

12 THE COURT: Is the defense ready to proceed?

13 MS. LITTLEJOHN: Your Honor, for the record, I
14 need to --

15 THE COURT: I think you have already argued it.

16 MS. LITTLEJOHN: There is one other little matter
17 we had -- with that conviction, that certified
18 conviction is for CDV second?

19 THE COURT: We will just say CDV. I don't -- the
20 second is an enhancement, not a charge. Criminal
21 Domestic Second is really for the Court because it
22 deals with punishment, but it's not for a jury -- it,
23 in fact, when you have -- even have a trial on Criminal
24 Domestic Violence, second is redacted from any
25 indictment. Because the second category is for

1 enhancement purposes for sentencing.

2 MS. WILLIAMS: I agree, Your Honor. Would it be
3 okay if we entered into a stipulation that the court --
4 we would read that we've agreed --

5 THE COURT: I don't read stipulations, but y'all
6 can reduce it to a stipulation and read it. And then I
7 will instruct the jury that a stipulation is an
8 agreement and it requires no further proof.

9 MS. WILLIAMS: Okay. I'm saying instead of --

10 THE COURT: I think that's preferable, Ms.
11 Littlejohn.

12 MS. LITTLEJOHN: I do, too. I'm just trying to
13 figure out --

14 MS. WILLIAMS: Because if we enter the document,
15 the certified copy --

16 THE COURT: Or you can redact it from -- you can
17 redact second from it. They don't know what CDR codes
18 are. They don't have a clue.

19 MS. WILLIAMS: Well, just so that we don't --

20 THE COURT: And they certainly don't know what the
21 statute is.

22 MS. WILLIAMS: So we don't run afoul of the
23 court's ruling, then we would ask to just enter the
24 certified copy --

25 THE COURT: Well, you can't do it through this

1 witness. You have to do it through -- all of this is
2 subject to conditions on you doing what you need to do
3 to introduce the conviction.

4 MS. WILLIAMS: Right. I just want to make sure
5 that we don't say anything prejudicial. We would just
6 ask to redact the part that says "second offense" --

7 THE COURT: Uh-huh. I think that's reasonable.

8 MS. WILLIAMS: Okay. Thank you.

9 THE COURT: And I think you should be able to do
10 it without the jury being able to discern that that --

11 MS. WILLIAMS: Can we just tell Mrs. Tucker not to
12 read second --

13 THE COURT: Yes. I think that's appropriate.

14 MS. LITTLEJOHN: Then we won't need to put it into
15 evidence.

16 MS. WILLIAMS: Well, we can just white it out.

17 THE COURT: You can redact the document.

18 MS. LITTLEJOHN: White it out, and then make a
19 copy of where it was whited out.

20 THE COURT: Uh-huh.

21 MS. WILLIAMS: Absolutely.

22 THE COURT: All right. Everybody ready to
23 proceed?

24 MS. WILLIAMS: The court -- the State is ready,
25 Your Honor.

STACEY CROSS -- DIRECT

1 THE COURT: Is the defense ready?

2 MS. LITTLEJOHN: The defense is ready. Please
3 note my objection --

4 THE COURT: Please bring in the jury -- well,
5 you've already said that. Your objection is always
6 preserved.

7 (Whereupon, the jury entered the courtroom at
8 3:33 p.m.)

9 THE COURT: You may be seated. Ladies and
10 gentlemen, we appreciate your patience in indulging
11 this Court as I considered that matter of law. We will
12 now resume with the witnesses' testimony. The State
13 may proceed.

14 MS. WILLIAMS: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 BY MS. WILLIAMS:

17 Q. Ms. Cross, you just testified before that you
18 had been out to Bushy Lane for this incident back in
19 May of 2016 (sic), had you been out there on an
20 occasion before?

21 A. Yes.

22 Q. And was that occasion September of 2012?

23 A. Yes, ma'am.

24 Q. And what did you -- what type of call was
25 that, just in one word, what type of call?

1 A. Domestic violence.

2 THE COURT: Ma'am, I can barely hear you. I
3 don't know why -- that's perfect. Thank you.

4 BY MS. WILLIAMS:

5 Q. And when you arrived at [REDACTED] Bushy Lane, who
6 did you encounter?

7 A. Ms. Lawrence.

8 Q. When you say "Ms. Lawrence", do you mean
9 Frances Lawrence?

10 A. Yes, ma'am.

11 Q. And do you remember about what time it was?

12 A. Yes, ma'am. It was early morning. My report
13 says we got there about 7:04 a.m.

14 Q. And where exactly did you encounter Ms.
15 Lawrence?

16 A. She was on the front porch.

17 Q. And could you please describe her demeanor?

18 A. She was whispering. She was visibly shaken.
19 She had been upset, crying.

20 Q. And who else was in the home?

21 A. Lee Bradley.

22 Q. Was he with Ms. Lawrence when she was talking
23 to you?

24 A. No, ma'am.

25 Q. And did you notice anything about her physical

1 appearance?

2 A. No. Just that she was shaking and --

3 Q. Okay. And what was the date that you went out
4 there?

5 A. The date?

6 Q. Uh-huh.

7 A. Nine nineteen.

8 Q. Of what year?

9 A. 2012.

10 Q. And did that episode end in arrest?

11 A. Yes, ma'am.

12 Q. Who was arrested?

13 A. Lee Bradley.

14 MS. WILLIAMS: Nothing further from this witness.

15 THE COURT: Any cross examination of the witness?

16 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

17 Q. Officer Cross, briefly. On the incident about
18 -- you went out only a year and-a-half -- almost two
19 years before this -- in your statement, didn't you say
20 that you did not observe any manifestations of injury
21 at the time, and that would be on the victim; correct?

22 A. Yes, ma'am.

23 Q. So you saw someone upset. But at -- you saw
24 no manifestations of injury on Frances Lawrence;
25 correct?

1 A. Yes, correct.

2 MS. LITTLEJOHN: No further questions.

3 THE COURT: Any redirect?

4 MS. WILLIAMS: No, Your Honor.

5 THE COURT: Any objection to the witness being
6 excused?

7 MS. WILLIAMS: None from the State.

8 THE COURT: From the defense?

9 MS. LITTLEJOHN: None from the defense, Your
10 Honor.

11 THE COURT: Ma'am, you're excused. Call your
12 next witness.

13 MS. WILLIAMS: The State calls Linda Hill.

14 LINDA HILL, being first
15 duly sworn, testified as follows:

16 THE CLERK: State your full name and spell your
17 last name.

18 THE WITNESS: Linda Hill, H-i-l-l.

19 **DIRECT EXAMINATION BY MS. WILLIAMS:**

20 Q. Mrs. Hill, where do you work?

21 A. Berkeley County Clerk of Court's office.

22 Q. And what are your duties?

23 A. I'm jury coordinator slash General Sessions
24 Clerk.

25 Q. And are you familiar with certified copies of

1 different documents that the clerk handles?

2 A. Yes, ma'am.

3 Q. Would you recognize a certified copy of a
4 conviction?

5 A. Yes, ma'am.

6 MS. WILLIAMS: Your Honor, I'm going to ask that
7 the Court Reporter mark this State's 78.

8 (State's Exhibit No. 78 was marked for
9 identification.)

10 MS. WILLIAMS: I'll show Ms. Littlejohn what was
11 marked for identification, State's 78. May I approach,
12 Your Honor?

13 THE COURT: You may.

14 BY MS. WILLIAMS:

15 Q. Can you tell us what that is?

16 A. It's a sentencing sheet.

17 Q. Okay. And can you tell us if it's a certified
18 copy?

19 A. Yes, ma'am.

20 Q. How can you tell if it's a certified copy?

21 A. It's stamped certified copy with Ms. Brown's
22 name and date.

23 MS. WILLIAMS: Your Honor, at this time, we would
24 offer State's 78 into evidence.

25 THE COURT: ID only.

1 BY MS. WILLIAMS:

2 Q. Can you tell us what it's a conviction for?

3 A. Criminal Domestic Violence.

4 Q. And who is it for?

5 A. Lee Dell Bradley.

6 MS. WILLIAMS: Your Honor, can we offer this into
7 evidence subject to the court's ruling?

8 THE COURT: I think you're going too far. I've
9 already told -- told you how to handle it. Proceed.

10 MS. WILLIAMS: I'm sorry.

11 BY MS. WILLIAMS:

12 Q. You were saying it's for Lee Bradley?

13 A. Yes.

14 Q. And what year is it?

15 A. It is 2012.

16 Q. Okay. And it is for what offense?

17 A. Criminal Domestic Violence.

18 Q. And it's -- a sentencing sheet shows a
19 conviction; is that correct?

20 A. Correct.

21 MS. WILLIAMS: Thank you. No further questions.

22 THE COURT: Any questions for the witness?

23 MS. LITTLEJOHN: Just briefly. May I approach the
24 witness?

25 THE COURT: You may.

CROSS EXAMINATION BY MS. LITTLEJOHN:

Q. Let me take a quick peek at that. On that sentencing sheet, about a year and and-a-half and all before this incident that we're here for, that is something that he -- do -- you have a way of determining if someone went to trial or if they pled; correct? At the top it would say "pled"?

A. Yeah.

Q. And he actually pled to it; correct?

A. Yes.

Q. Okay. Nothing else, Your Honor.

THE COURT: All right. Any redirect?

MS. WILLIAMS: No, Your Honor.

THE COURT: Any objection to the witness being excused from the State?

MS. WILLIAMS: Not from the State.

MS. LITTLEJOHN: None from the defense.

THE COURT: Thank you, Ms. Linda. You're excused. The State may proceed.

MR. MCNEELY: The State calls Michelle Moritzky.

MICHELLE MORITZKY,
being first duly sworn, testified as follows:

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

THE WITNESS: Michelle Moritzky. M-o-r-i-t-z-k-y.

1 THE COURT: You may proceed.

2 MR. MCNEELY: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 **DIRECT EXAMINATION BY MR. MCNEELY:**

5 Q. Good afternoon, Ms. Moritzky.

6 A. Good afternoon.

7 Q. Where are you currently employed?

8 A. Berkeley County.

9 Q. What is your position with Berkeley County and
10 how long have you been employed in that position?

11 A. Paramedic, and I've been there 12 years.

12 Q. What are the duties of your position as a
13 paramedic?

14 A. I provide pre-hospital care and transport to
15 the hospital.

16 Q. Were you employed in that capacity on May 23,
17 2014?

18 A. Yes.

19 Q. Were you working on the day of May 23, 2014?

20 A. Yes, sir.

21 Q. On that date, were you dispatched to a
22 location at [REDACTED] Bushy Lane in Summerville?

23 A. Yes.

24 Q. Was that in Berkeley County, South Carolina?

25 A. Yes.

1 Q. Why were you dispatched to that location?

2 A. A possible death.

3 Q. What time were you dispatched to the area?

4 A. My dispatch time was 8:52.

5 Q. What time did you arrive at the location?

6 A. And we arrived on scene at 9:09.

7 Q. Did you arrive in an ambulance?

8 A. Yes.

9 Q. What did you see when you arrived at the
10 scene?

11 A. Outside the residence you mean?

12 Q. Yes, ma'am.

13 A. There were other patrol cars there outside the
14 residence.

15 Q. Law enforcement was already on scene?

16 A. Yes, they were.

17 Q. Did you make contact with law enforcement at
18 the scene?

19 A. Yes. They walked up to us as soon as we
20 exited the ambulance.

21 Q. What did you do after that?

22 A. After I spoke to one of the officers, they
23 escorted me into the residence.

24 Q. Where did they escort you to in the residence?

25 A. It was into a bathroom.

1 Q. Do you know if it was a master bath or --

2 A. I believe it was the master bath, yeah.

3 Q. What did you see when you entered the master
4 bathroom?

5 A. The patient was laying on the floor of the
6 bathroom, the legs inside like a closet.

7 Q. What did you do?

8 A. I brought in the monitor with me, attached the
9 leads to confirm that it was a death.

10 Q. Was the victim clothed when you approached
11 her?

12 A. Clothed?

13 Q. Yes.

14 A. Yes.

15 Q. How so? What was she wearing?

16 A. I -- I believe it like an -- I'm not exactly
17 sure, but I remember it was like a -- like a silky type
18 material. I don't know how other to describe what she
19 was wearing.

20 Q. Would you describe it as a nightgown?

21 A. Yeah, maybe, like a nightgown.

22 Q. When you initially located the victim, was the
23 nightgown pulled down or was it pulled up?

24 A. It was down.

25 Q. What did you do?

1 A. And I pulled it up to expose the wound.

2 Q. Did you locate a wound?

3 A. Yes, I did.

4 Q. Where did you locate a wound?

5 A. In the left chest.

6 Q. Where specifically?

7 A. Specifically the anterior chest, right here
8 (indicating).

9 Q. Sorry -- I didn't mean to cut you off.

10 A. No.

11 Q. Can you describe the wound for the jury?

12 A. I don't remember the -- the exact -- that was
13 the only wound. It was just a single wound to the --
14 to the chest on the left, almost a little bit to the
15 left breast area.

16 Q. Did you observe any blood?

17 A. There was a little bit of blood, dried blood
18 on the -- the nightgown. The wound itself had no
19 bleeding.

20 Q. Was there -- did you observe any blood
21 anywhere else other than the nightgown?

22 A. It was not a large amount of blood, but no
23 other blood.

24 Q. And did you make an assessment?

25 A. Yes.

1 Q. And what determination did you make based on
2 that assessment?

3 A. She was pulseless, was deceased specifically
4 on monitor.

5 Q. I want to show you, if I could, what's been
6 previously admitted as State's Exhibit 66. If the
7 bailiff could get the lights please?

8 MR. MCNEELY: Permission to approach the witness,
9 Your Honor?

10 THE COURT: You may.

11 BY MR. MCNEELY:

12 Q. Here's our laser pointer right --

13 A. Okay.

14 Q. If you need it.

15 THE COURT: You are a little soft spoken -- I need
16 you to speak up for me so the court reporter can hear
17 you when your back is turned to her. You may proceed.

18 MR. MCNEELY: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 BY MR. MCNEELY:

21 Q. Turn around and look at the screen. Please
22 tell the jury what they're seeing -- or do you
23 recognize this photo?

24 A. Yes.

25 Q. What is depicted in the photo?

1 A. This is the bathroom, the master bath. And as
2 you see her, her legs are in a closet right there to
3 the side.

4 Q. Is that how she appeared when you entered the
5 residence?

6 A. Yes.

7 Q. If I could now please show you Exhibit 65,
8 which has been previously admitted. What are we seeing
9 in this photo?

10 A. The same thing, just from the other angle,
11 with her legs in like a closet and her upper body in
12 that bathroom.

13 Q. Is that how she appeared when you entered the
14 residence?

15 A. Yes.

16 Q. If you'll look -- you note the placement of
17 her nightgown?

18 A. Uh-huh.

19 Q. Was it like that when you entered the
20 residence?

21 A. It was -- it was down a little bit. I pulled
22 it up to expose her chest, but it was -- it was pulled
23 down a little bit farther than that.

24 Q. If you would please, show Exhibit 67. What
25 are we looking at here?

1 A. The same thing, with her body in the bathroom
2 and the legs in like the closet area.

3 Q. Upon initial observation, did you observe any
4 holes in the garment she had on?

5 A. No.

6 Q. If I could please, Exhibit 64, which has been
7 previously admitted. What are we looking at here?

8 A. That's the wound on her -- her chest.

9 Q. Is it on her -- did you say it was on her
10 right or her left side?

11 A. On the left.

12 Q. You can take that down please. After you
13 determined that the patient was deceased, what did you
14 do?

15 A. I took the electrodes off and exited the
16 premises.

17 Q. You did not transport the victim?

18 A. No, I did not.

19 Q. Did you administer her any type of drugs at
20 the scene?

21 A. No, I did not.

22 Q. Specifically, did you administer Naloxone or
23 Narcan?

24 A. No.

25 Q. What are those drugs?

1 A. Narcan is a drug that we give for opiate
2 overdoses.

3 Q. Was that called for in this case?

4 A. No.

5 Q. Did you locate any wounds on the body other
6 than the one you described, and that we viewed in that
7 photo?

8 A. No, I did not.

9 Q. As an EMT -- or excuse me -- as a paramedic,
10 how many emergency calls have you responded to?

11 A. Over 7,000.

12 Q. Have you had any of those been accidental stab
13 wounds?

14 MS. LITTLEJOHN: Your Honor, I don't know if she
15 is --

16 THE COURT: Is there an objection?

17 MS. LITTLEJOHN: Yes.

18 THE COURT: What's the basis of the objection?

19 MS. LITTLEJOHN: 403.

20 THE COURT: Approach.

21 (Whereupon, the following bench conference was
22 held outside the hearing of the jury.)

23 THE COURT: What's it being offered for?

24 MR. MCNEELY: It's being offered to show the
25 rarity of an accidental stab wound.

1 THE COURT: She's not qualified to testify to
2 that. You've got a medical examiner that's going to
3 testify. And she really can't testify to that either.

4 MR. MCNEELY: She can testify to that --

5 THE COURT: She can't testify to that. She's a
6 paramedic. Her sole job is to administer first aid
7 basically and that's an over simplification, but she
8 can't testify to that.

9 (Whereupon, bench conference ended.)

10 THE COURT: Sustained. Speculation. Lack of
11 foundation and outside the witness' ability to
12 testify -- expertise, training, or experience. You may
13 proceed.

14 BY MR. MCNEELY:

15 Q. Ms. Moritzky, would there ever be a reason to
16 administer a deceased person Naloxone or Narcan?

17 A. No.

18 Q. Because correct me if I'm wrong, the purpose
19 is to administer the drug in an effort to bring a
20 person out of an opiate overdose; is that correct?

21 A. Yes, that's correct.

22 Q. So if they are deceased, it serves no purpose?

23 A. Correct.

24 MR. MCNEELY: No further questions, Your Honor.

25 THE COURT: Any questions for the witness?

1 MS. LITTLEJOHN: No questions.

2 THE COURT: Any objection to the witness being
3 excused?

4 MR. MCNEELY: None, Your Honor.

5 THE COURT: From the defense?

6 MS. LITTLEJOHN: None, Your Honor.

7 THE COURT: Ma'am, you're excused. Call your next
8 witness.

9 MR. MCNEELY: Thank you, Your Honor.

10 THE COURT: You're welcome.

11 MR. MCNEELY: The State calls Crystal Spence.

12 CRYSTAL SPENCE, having
13 been first duly sworn, testified as follows:

14 THE CLERK: State your full name for the record
15 and spell your last name.

16 THE WITNESS: Crystal Spence, S-p-e-n-c-e.

17 THE COURT: You may proceed.

18 MR. MCNEELY: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 **DIRECT EXAMINATION BY MR. MCNEELY:**

21 Q. Mrs. Spence, where are you currently employed?

22 A. Berkeley County Sheriff's Office in the
23 Forensic Services Unit.

24 Q. How long have you been employed in that
25 capacity?

1 A. September 2000.

2 Q. What are the duties of your position in the
3 forensic services?

4 A. Process crime scenes, evidence turned in;
5 transport evidence to other facilities for testing.

6 Q. Were you working in the forensic -- scratch
7 that -- is forensics a division of the Criminal
8 Investigation Division, or are they separate?

9 A. We are separate.

10 Q. And you're in Forensics?

11 A. Correct.

12 Q. You work closely with the Criminal
13 Investigations Division?

14 A. Yes, we do.

15 Q. Were you working in that capacity on May 23rd
16 of 2014?

17 A. Yes, I was.

18 Q. While working that day, did you have the
19 occasion to respond to a home located at [REDACTED] Bushy Lane
20 in Summerville?

21 A. Yes, I did.

22 Q. Is that in Berkeley County?

23 A. Yes, it is.

24 Q. Why did you respond to that location?

25 A. We were told that there was a crime scene to

1 be processed for a death investigation.

2 Q. Who did you respond with?

3 A. Sergeant Gene Alteri.

4 Q. Is he also in Forensics?

5 A. Yes, he is.

6 Q. Approximately what time did you respond to
7 that location?

8 A. About 10:00 a.m.

9 Q. What did you observe when you arrived?

10 A. Several law enforcement deputies and a
11 coroner's vehicle.

12 Q. Who did you make contact with when you
13 arrived?

14 A. Captain Shuler.

15 Q. What did you do after your arrival?

16 A. We were informed of the incident and we were
17 told to wait for a search warrant.

18 Q. Did the search warrant arrived?

19 A. Yes, it did.

20 Q. What did you do next?

21 A. Started processing the outside with
22 photographs. We did the outside. And then we went
23 inside and photographed the inside of the residence,
24 and then maintained our area in the master bedroom and
25 bathroom.

1 Q. If you could please pull up State's Exhibit 1
2 that was previously admitted. Do you recognize what's
3 in that photo?

4 A. Yes, I do.

5 Q. What is that?

6 A. It's the front of the residence.

7 Q. At [REDACTED] Bushy Lane?

8 A. Yes.

9 Q. How did you enter the residence that day?

10 A. Through the back door.

11 Q. If you would please, pull up what's been
12 previously marked as State's Exhibit 5. Is that the
13 back door that you were referencing?

14 A. Yes, it is.

15 Q. Once in the residence, did you locate the body
16 of the victim?

17 A. Yes, we did.

18 Q. What did you do at that time?

19 A. We finished the photographs in the other parts
20 of the residence, and then went into the master bedroom
21 and started photographing -- well, in the master
22 bedroom and bathroom.

23 Q. Where was the body of the victim located at
24 that time?

25 A. In the master bathroom with her feet towards

1 the closet.

2 Q. If you could please pull up what's been
3 previously admitted as State's Exhibit 14. That's 14?
4 I'm sorry, 17. Do you recognize what's in that photo?

5 A. Yes, I do.

6 Q. What's in that photo?

7 A. If you were standing at the door, going into
8 the master bedroom, to the right is the dresser, TV,
9 and kind of straight in front of you is the bed.

10 Q. Where is the bathroom in relation to that
11 photo?

12 A. To the left of the bed.

13 Q. Across from the bed?

14 A. Yes.

15 Q. Would you please pull us State's Exhibit 66.
16 Do you recognize that photo?

17 A. Yes, I do.

18 Q. What is depicted in that photo?

19 A. I'm standing by the bed, on the left hand
20 side, looking straight into the master bathroom.

21 Q. So the picture is taken from the master
22 bedroom into the bathroom?

23 A. Correct.

24 Q. Were any wounds located on the victim?

25 A. At first we did not see anything when we were

1 taking the overall photographs. Once we got done with
2 the overall photographs, we started inspecting the
3 body.

4 Q. Were any wounds located?

5 A. Yes.

6 Q. Where?

7 A. One puncture wound to the left side of the
8 chest.

9 Q. If you could please pull up State's 64.
10 What's depicted in that photo?

11 A. That is the puncture wounds that we found on
12 the left side of the chest.

13 MS. LITTLEJOHN: If you could instruct the witness
14 to answer -- instead of the "we", it was her -- to
15 identify who "we" is.

16 THE COURT: I think you can ask her that on cross
17 examination.

18 MS. LITTLEJOHN: Your Honor, I'm just getting a
19 little confused. I wasn't sure who she was talking
20 about.

21 BY MR. MCNEELY:

22 Q. Mrs. Spence, who is "we"?

23 A. Sergeant Gene Alteri.

24 Q. You and he are in forensics; correct?

25 A. Correct.

1 Q. Do you work crime scenes together?

2 A. Correct.

3 Q. Looking at the photo, you see that sort of
4 white L shaped item?

5 A. Yes, I do.

6 Q. What is that exactly?

7 A. We load the scales on any kind of injuries,
8 gunshot wounds, gunshots in vehicles. It's just a
9 scale to measure the wounds.

10 Q. Is the purpose so you can look at the photo
11 and determine size from the photo itself?

12 A. Correct.

13 Q. Did you look for blood in the residence?

14 A. Yes, we did.

15 Q. Did you locate -- where did you locate --
16 where, if anywhere, did you locate blood in the
17 residence?

18 A. There was no blood located inside the
19 residence other than on the body?

20 Q. Did you check on the carpet around the body?

21 A. Yes, we did.

22 Q. Did you check anywhere else?

23 A. We checked in the kitchen, all the knives that
24 were in the dish drainer, there was no red substance on
25 anything there. In the bedroom, on the wall, across

1 from the bed going -- leading into the bathroom, there
2 was some substance on the wall that was tested, and it
3 tested negative with a blood function kit.

4 MR. MCNEELY: Permission to approach the witness?

5 THE COURT: You may.

6 BY MR. MCNEELY:

7 Q. I'm showing you what's been marked for
8 identification State's 35 and 36. Can you look at
9 those and tell me if you recognize those photos?

10 A. Yes, I do.

11 Q. What's depicted in those photos?

12 A. This is the wall that I was just talking about
13 in the master bedroom leading toward the bathroom.

14 Q. Is it the spots you tested for blood?

15 A. Yes, we did.

16 MR. MCNEELY: Your Honor, at this time, we would
17 move to admit State's Exhibits 35 and 36 into evidence.

18 THE COURT: Any objection?

19 MS. LITTLEJOHN: No objection, Your Honor.

20 THE COURT: Marked and admitted without objection.

21 (State's Exhibits Nos. 35 & 36 admitted into
22 evidence.)

23 THE COURT: You may proceed.

24 BY MR. MCNEELY:

25 Q. Could you pull up State's Exhibit 35 for me.

1 Is this the spot you tested for blood?

2 A. Yes.

3 Q. Why did you test that spot?

4 A. Anything that we find on the scene, we try to
5 determine if it's blood or not for purposes of sending
6 it to SLED to see if it's got DNA for anybody that was
7 in the residence.

8 Q. Did you test this spot based on the
9 coloration?

10 A. Yes.

11 Q. How did you test it?

12 A. With a blood function kit that you take a Q
13 tip, dab it in water to test your spot. And then you
14 put the hydroperoxide -- I mean the phenolphthalein on
15 it, then the hydroperoxide, and it turns a bright pink
16 if it's blood. It doesn't have any color except for
17 whatever you swabbed for the cotton swab, the
18 substance -- it will stay whatever color that is.

19 Q. You can do it right there on the spot?

20 A. Yes.

21 Q. And it was not -- it was determined not to be
22 blood?

23 A. Correct.

24 Q. In this case.

25 MR. MCNEELY: Permission to approach the witness,

1 Your Honor?

2 THE COURT: Yes.

3 BY MR. MCNEELY:

4 Q. First, I want to show you what's been marked
5 as State's Exhibits 39 and 40; do you recognize those
6 photos?

7 A. Yes, I do.

8 Q. What's depicted in those photos?

9 A. It's the doorway leading into the -- I believe
10 the bathroom.

11 Q. What was the purposes of those photos?

12 A. To show the substance that was on the door.

13 Q. Was that substance tested?

14 A. Yes, it was.

15 Q. Was it tested for the presence of blood?

16 A. Yes, it was.

17 Q. Was it determined to be blood or not to be
18 blood?

19 A. It was not blood, negative.

20 Q. Was this the same -- did you perform the same
21 testing that you did on the wall spots?

22 A. Yes, I do.

23 MR. MCNEELY: Your Honor, at this time, I would
24 move State's Exhibit 39 and 40 into evidence.

25 THE COURT: Any objection?

1 MS. LITTLEJOHN: Objection, Your Honor.

2 THE COURT: Approach.

3 MS. LITTLEJOHN: Cumulative.

4 THE COURT: I said approach.

5 MS. LITTLEJOHN: Oh, I'm sorry.

6 (Whereupon, the following bench conference was
7 held outside the hearing of the jury.)

8 THE COURT: *Why are you -- I guess I'm trying to*
9 *figure out why you're seeking to admit stuff that's not*
10 *an issue?*

11 MR. MCNEELY: *Just to show that they looked for it*
12 *and processed the crime scene fully, to try to find*
13 *blood spots.*

14 THE COURT: *What's the objection?*

15 MS. LITTLEJOHN: Cumulative.

16 THE COURT: *Not really. It's two separate spots.*

17 MS. LITTLEJOHN: *But these two pictures look*
18 *pretty identical.*

19 THE COURT: *Well, one is a doorway and one is a*
20 *wall.*

21 MS. LITTLEJOHN: *She said about the door -- she*
22 *said I guess it's two.*

23 THE COURT: *What did she say?*

24 MS. LITTLEJOHN: *She said, I guess it's two. She*
25 *wasn't sure what room, it was two.*

1 THE COURT: Well, but it's still two different
2 spots in the house. So it's not the same spot.

3 (Whereupon, the bench conference ended.)

4 THE COURT: Objection is overruled. You may
5 proceed. You may proceed.

6 MR. MCNEELY: Thank you, Your Honor. State's 39
7 and 40 are admitted?

8 THE COURT: Yes.

9 (State's Exhibit Nos. 39 & 40 admitted into
10 evidence.)

11 BY MR. MCNEELY:

12 Q. Could we please publish State's Exhibit 39.
13 Is that the spot we were just talking about?

14 A. Yes, it is.

15 Q. And I believe you said that was not blood; is
16 that correct?

17 A. Correct.

18 Q. I show you what was previously admitted as
19 State's 63; do you recognize that photo?

20 A. Yes, I do.

21 Q. What is depicted in that photo?

22 A. It's in the closet at the end of her feet,
23 toilet paper roll.

24 Q. What is the spot on that toilet paper roll?

25 A. It appears to be a red substance.

1 Q. Was that tested for the presence of blood?

2 A. No, it was not.

3 MR. MCNEELY: Permission to approach, Your Honor?

4 THE COURT: You may.

5 BY MR. MCNEELY:

6 Q. I'm going to show you what's been marked as
7 State's Exhibits 24, 25, and 26. Do you recognize what
8 is depicted in those photos?

9 A. Yes, I do.

10 Q. What is depicted in those?

11 A. This is in the kitchen in the dish drainer,
12 the knife that we looked at.

13 Q. What exhibit are you referring to?

14 A. All of them. That would be 26, 25, and 24.

15 Q. Are those the knives you referenced earlier?

16 A. Yes.

17 Q. Did you test those for the presence of blood?

18 A. We did not test them with phenolphthalein. We
19 looked at them and we didn't see anything that was --
20 appeared to be any kind of substance on the knives.

21 Q. So you did -- you did look them over?

22 A. Yes.

23 Q. And you didn't see anything that appeared to
24 be a foreign substance; right?

25 A. Correct.

1 Q. Did you locate any item in the home that you
2 presumed to be a weapon in this case?

3 A. No, sir.

4 Q. Other than the nightgown that the victim was
5 wearing, did you locate any other bloody garments or
6 pieces of cloth in the home?

7 A. No, sir.

8 Q. Did you locate any bloody rags in the home?

9 A. No, sir.

10 Q. What did you do next?

11 A. We finished searching the house and collected
12 the evidence that we were taking. We were asked to
13 photograph some mail that had both the defendant and
14 the victim's name on the envelopes, and we collected
15 those.

16 Q. Is part of your job in forensics -- do you
17 receive evidence into Berkeley County Evidence Custody?

18 A. Yes.

19 Q. Did you do that in this case?

20 A. Yes, the evidence was turned in.

21 Q. Can you please tell the jury what evidence you
22 received in this case, in the Berkeley County evidence?

23 A. Without an evidence list --

24 Q. Would it refresh your memory to see the
25 Berkeley County chain of custody?

1 A. Yes, sir.

2 MR. MCNEELY: Permission to approach, Your Honor?

3 THE COURT: Yes.

4 THE WITNESS: Yes, sir. These are our evidence
5 sheets for evidence turned in.

6 BY MR. MCNEELY:

7 Q. Can you please tell the jury what evidence you
8 received in evidence custody in this case?

9 A. A 2013 W-2 for Lee Bradley; five letters from
10 Bradley to Lawrence; an IRS letter for Lee Bradley; an
11 RBC Ministries for Lawrence. That was all logged in as
12 tag one.

13 Under tag two, we received one green colored
14 ring, one yellow colored ring, and one pink in color.

15 Under tab three, we received received two oral
16 swabs, two anal swabs, and two vaginal swabs, and a
17 smear slide.

18 Under tag four, we received right nail
19 clippings, left nail clippings and pulled hair.

20 Under tab five, we received one blood spot card.
21 And under tab six, CDs with photos.

22 Q. Thank you.

23 MR. MCNEELY: Your Honor, at this time, I would
24 like to have the Court Reporter mark for identification
25 what was previously marked as -- in advance of trial,

1 State's Exhibit 74, but has now been duplicated by
2 numbers, so it would be remarked as State's Exhibit 79
3 I --

4 THE COURT: Do you seek to admit 24, 25, and 26?

5 MR. MCNEELY: We do not, Your Honor. Oh -- 24,
6 25, and 26 -- yes, we do.

7 THE COURT: Any objection? I need to deal with
8 24, 25, and 26 -- Do you have any objection to 24, 25,
9 and 26?

10 MS. LITTLEJOHN: No objection to those
11 photographs, Your Honor.

12 THE COURT: They will be marked and admitted
13 without objection.

14 (State's Exhibit No. 24, 25, and 26 admitted
15 into evidence.)

16 BY MR. MCNEELY:

17 Q. Ms. Spence, I'll ask that you please look at
18 this item. You don't have to take it out. Just look
19 at the outside of the packaging if you don't mind. Can
20 you identify that as one of the items that you received
21 into evidence in this case?

22 A. Yes.

23 Q. Which items specifically?

24 A. I didn't --

25 Q. Which items specifically?

1 A. From the tags and miscellaneous items, without
2 taking it out, I don't know --

3 Q. Is there a number on it?

4 A. It's item number two, so that would be
5 considered tag two. And that would be the gray in
6 color ring, yellow in color ring, and the pink in color
7 nightgown.

8 Q. Once evidence like this is taken into your
9 custody, in the evidence building, what happens to it?

10 A. Repeat that one more time, please.

11 Q. I said, when evidence like this is taken into
12 your custody in the evidence building, what happens to
13 it?

14 A. It's logged in, packaged either in a paper
15 bag, box, whatever it fits in good for storage. And
16 then it's tagged with that bar code tag. And a chain
17 of custody -- the original chain of custody is what's
18 kept with the evidence and it's in a locked facility.

19 Q. And is it held in the locked facility until
20 it's taken somewhere else?

21 A. Yes.

22 Q. And to be taken somewhere else, does it have
23 to be signed out by someone?

24 A. Correct. On the chain of custody, anybody
25 that touches it, has to sign it out with the date that

1 they take it.

2 MR. MCNEELY: If I could have this marked as
3 identification, State's Exhibit 80.

4 (Whereupon, Exhibit No. 80 was marked for
5 identification.)

6 BY MR. MCNEELY:

7 Q. Mrs. Spence, if you'll take a look at that
8 please. Do you recognize that item?

9 A. Yes, I do.

10 Q. What do you recognize that item as?

11 A. It's tags three, four, and five.

12 Q. Which are?

13 A. Tag three are the oral, anal, vaginal, and
14 slide. Tag four is the right nail clippings, left nail
15 clippings and pulled hair. And tag five is the blood
16 spot card.

17 Q. That's evidence that you took into evidence in
18 this case?

19 A. Yes.

20 Q. Following the processing of the crime scene,
21 and taking evidence into custody in this investigation,
22 did you have any further involvement in the case?

23 A. I did.

24 Q. What was that?

25 A. On December 12, 2014, I was requested by

1 Detective Shane Cook to meet him at the Detention
2 Center to perform a buccal swab on the defendant.

3 Q. What is a buccal swab?

4 A. It is a sealed kit that contains a Q tip and
5 envelopes to rub on each side of the defendant's cheeks
6 ten times to collect DNA.

7 Q. So, you do it -- so you have a DNA exemplar
8 for specific --

9 A. Yes, sir.

10 Q. Did you do that in this case?

11 A. Yes, I did.

12 Q. I believe you said Det. Cook's name, who was
13 present with you when you did this?

14 A. Myself and Detective Shane Cook, and the
15 defendant.

16 Q. Did you actually collect the buccal swab
17 yourself?

18 A. I did.

19 Q. And that's from the defendant's person?

20 A. Yes, I did.

21 Q. What did you do with the buccal swab after you
22 took it?

23 A. After I took it, it was sealed in front of the
24 defendant in an envelope; sealed inside another
25 envelope and taken back to the forensics building,

1 logged into evidence, and placed into a secured
2 facility.

3 Q. You personally log it into evidence?

4 A. Yes, I do.

5 Q. Was it ever out of your custody or control
6 between the time you administered the buccal swab to
7 the defendant and logged it into the evidence?

8 A. No, it was not.

9 MR. MCNEELY: No further questions.

10 THE COURT: Any questions for the witness?

11 MS. LITTLEJOHN: The court's indulgence.

12 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

13 Q. Officer Spence, when you were testifying, you
14 said that you arrived, and basically the impression I
15 got -- and tell me if I'm wrong on this -- was that you
16 were there waiting on somebody to get there for a
17 search warrant; is that right?

18 A. Correct.

19 Q. And who personally delivered that search
20 warrant to the scene; do you know?

21 A. I did not see who that was.

22 Q. But the search warrant got there before you
23 could begin; right?

24 A. Correct.

25 Q. That is just protocol?

1 A. Correct.

2 Q. And what y'all were looking for was hair, body
3 fluids, blood, DNA, knives, or any instrumentality
4 capable of being utilized to inflict death; correct?

5 A. Correct.

6 Q. And there wasn't any found; correct?

7 A. I'm sorry, I did not hear you.

8 Q. There was not any found, was there,
9 instrumentalities?

10 A. No, ma'am.

11 MS. LITTLEJOHN: I have no further questions.

12 THE COURT: Any redirect?

13 MR. MCNEELY: None from the State, Your Honor.

14 THE COURT: Any objection to the witness being
15 excused from the State?

16 MR. MCNEELY: None.

17 THE COURT: From the defense.

18 MS. LITTLEJOHN: None.

19 THE COURT: Ma'am, you're excused. You may call
20 your next witness.

21 MS. WILLIAMS: The State calls Jessica Stowe.

22 JESSICA STOWE, being
23 first duly sworn, testified as follows:

24 THE CLERK: Please have a seat and state your full
25 name for the record, and spell your name please.

1 THE WITNESS: My name is Jessica Stowe, S-t-o-w-e.

2 DIRECT EXAMINATION BY MS. WILLIAMS:

3 Q. Ms. Stowe, where do you work?

4 A. I work for the South Carolina Law Enforcement
5 Division, often referred to as SLED.

6 Q. And what is your background and education?

7 A. I have a Bachelors of Science from the
8 University of South Carolina in biology, with a minor
9 in chemistry. Also while training at SLED, just to
10 name a few, I took courses from places such as DNA.gov,
11 the DNA Innative, West Virgina University in courses
12 such as hair analysis, evidence handling, laboratory
13 safety, as well as a graduate level course from the
14 University of Florida in biological evidence and
15 serology.

16 Q. What is your specific position at SLED?

17 A. I am a forensic serologist.

18 Q. And so what do you do as part of that of job?

19 A. Well, forensic serology is the identification
20 of body fluid. So as a forensic serologist, we examine
21 items of evidence that comes in the door. That can be
22 anything from underwear, any article of clothing that
23 you can think of, back -- weapons -- we examine these
24 for body fluids, blood, semen, saliva, as well as hair.
25 And we use our resources to determine if those body

1 fluids are present, or if they are not. And we
2 determine what's going to be eligible for DNA analysis.

3 Q. How long have you been in that position?

4 A. A little over four years.

5 Q. How many cases do you think you have worked on
6 as a serologist?

7 A. Well over a thousand.

8 Q. And have you testified as an expert before in
9 the field of forensic serology?

10 A. I have, yes.

11 Q. How many times?

12 A. Seven.

13 MS. WILLIAMS: Your Honor, at this time, we would
14 move to have Ms. Stowe qualified as an expert in the
15 field of serology --

16 MS. LITTLEJOHN: Without objection, Your Honor.

17 THE COURT: So admitted without objection.

18 BY MS. WILLIAMS:

19 Q. In the course of your work as a forensic
20 serologist, did you receive items of evidence in this
21 case?

22 A. Yes, I did.

23 Q. And when you received the items, did you
24 examine the packaging?

25 A. Yes. We make sure that all seals are intact

1 and initialed prior to taking into our custody -- well,
2 after taking it into our custody.

3 Q. And had any of the packages been tampered
4 with, opened, corrupted in any way?

5 A. No.

6 Q. Had they been, would you have tested them?

7 A. I would not have.

8 Q. And what items of evidence did you collect in
9 this case -- or did you test rather in this case?

10 A. As far as what I tested, I examined oral
11 swabs, rectal swabs, vaginal swabs. I examined some
12 smears, two knives, and a nightgown.

13 Q. Okay. And those were the items that you
14 actually tested?

15 A. Right. Those are just what I tested.

16 MS. WILLIAMS: I will show defense counsel what's
17 been previously marked as 79. May I approach?

18 THE COURT: You may.

19 BY MS. WILLIAMS:

20 Q. Can you tell me if you recognize this?

21 A. Those are the packaging from item 11 Case R L
22 15297. I do recognize it.

23 Q. And what item is this?

24 A. It's the item 11.

25 Q. Okay. What is it actually?

1 A. A nightgown, I'm sorry.

2 Q. And is that the specific item that you just
3 testified that it wasn't -- the packaging wasn't
4 corrupted; it wasn't changed; it was sealed when you
5 got it?

6 A. Yes.

7 MS. WILLIAMS: And I'm going to show, Your Honor,
8 for the record, the defense what was marked as State's
9 80.

10 MS. LITTLEJOHN: No objection.

11 MS. WILLIAMS: May I approach the witness?

12 THE COURT: You may.

13 BY MS. WILLIAMS:

14 Q. Do you recognize this item?

15 A. Yes. This is our CSC kit. This is the
16 packaging that contains our vaginal or rectal swabs, as
17 well as some other items. And I recognize it based off
18 of our SLED specific lab number, container, as well as
19 initials right here.

20 Q. And those are the items that you tested?

21 A. Yes.

22 MS. WILLIAMS: Your Honor, at this time, we would
23 offer State's 79 and 80 into evidence.

24 THE COURT: Any objection?

25 MS. LITTLEJOHN: Without objection, Your Honor.

1 THE COURT: Marked and admitted without objection.

2 (State's Exhibits Nos. 79 & 80 admitted into
3 evidence.)

4 BY MS. WILLIAMS:

5 Q. Now, did you prepare a report with regard to
6 all your findings on these items?

7 A. Yes, I did.

8 Q. Let's go through the items one by one.

9 A. Okay.

10 Q. With regard to the nightgown, what item --
11 how is that identified in your report?

12 A. The nightgown is identified on my report as
13 item 11 nightgown.

14 Q. And what was that tested for?

15 A. I was asked to look for blood.

16 Q. And did you find blood?

17 A. Yes, blood was identified.

18 Q. And what about items in 80 that we just
19 identified, that had the fingernail clipping, the known
20 head hairs, the vaginal and rectal smears, and the
21 swabs; what did you test each of those items for?

22 A. As far as the oral, rectal, and vaginal swabs,
23 I was asked to look for semen on those items. The
24 fingernail clipping, I did not test. I only forwarded
25 those for DNA. The known head hair, no analysis was

1 performed.

2 Q. And what did you find with regard to the
3 vaginal and rectal swab?

4 A. The vaginal and rectal is an examination for
5 components of semen for P30, and they were negative.
6 No semen was identified.

7 Q. Did you also test some knives from this case,
8 were two knives submitted?

9 A. I did.

10 Q. And what did you test with regard to the
11 knives and for what substance?

12 A. I was asked to screen those knives, a pocket
13 knife and a knife for the presence of blood.

14 Q. And did you find any blood?

15 A. No. The presumptive testing for blood was
16 negative on both of those items.

17 Q. So no semen on any of the sexual assault kits;
18 no blood on the knives that were collected; and you
19 forwarded the nail clippings to the DNA department?

20 A. That would be correct.

21 Q. And you did find blood that there was blood on
22 the nightgown?

23 A. Yes.

24 Q. Now, when you got the nightgown, explain to
25 the jury how you test for blood? Do you test the whole

1 nightgown or just a portion of it; what do you do?

2 A. Okay. In this particular case, I was asked
3 just to do a blood identification test. We're not
4 forwarding it for DNA, we're just doing blood
5 identification. The particular test I used is called a
6 Hematrace test. That test is designed to look for
7 human hemoglobin. It's a component found in blood. I
8 took a small cutting from the front of the nightgown,
9 extracted it, and our Hematrace buffer. It's just a
10 solution that keeps the stain neutral, and used that
11 solution on our test, which was positive.

12 Q. Ms. Stowe, I'm going to show you what's been
13 previously marked as State's 79; is this the nightgown
14 that you tested?

15 A. Yes, it is.

16 Q. And this little mark right here that is
17 cutting that says H T; what is that?

18 A. That is my notation on the nightgown, it's
19 positive Hematrace.

20 Q. So this little cutting in the middle of the
21 densest part of the blood is what you cut?

22 A. Right? That's correct.

23 Q. There was no cut in the gown when you got it;
24 you cut that?

25 A. Not that I'm aware of, but I didn't document

1 anything about it.

2 Q. After you forwarded the nail clippings to the
3 DNA department, did you do anything else regarding this
4 case?

5 A. I forwarded the buccal swabs for DNA, as well
6 as a blood standard from Frances Lawrence, and the
7 buccal swabs are from Lee Bradley.

8 Q. And to your knowledge, what is the purpose of
9 forwarding the buccal swabs for DNA along with the
10 fingernail clippings?

11 A. At this stage, we also get a known standards,
12 so that can come in the form of swabbing your cheek, or
13 the inside of your cheek for your known skin cells.
14 That's what we refer to as a buccal swab. In this
15 case, a blood standard came in. It was a dried blood
16 spot -- is what we call it. It's just a dried portion
17 of blood that belonged to Frances Lawrence. The
18 purpose is so that the DNA analyst, when they get the
19 other evidence, can run these known profiles.

20 MS. WILLIAMS: Thank you. No further questions.

21 THE COURT: Any questions for the witness?

22 MS. LITTLEJOHN: Just briefly.

23 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

24 Q. Hey, Ms. Stowe. Just briefly. The way things
25 are set up at SLED, things would could come to you in

1 serology first, wouldn't they, before they go to DNA if
2 it's the same item?

3 A. That is the typical route for things to
4 travel, yes.

5 Q. So, basically, if you take items, it goes --
6 you -- there are certain places it can go through and
7 have different tests; correct?

8 A. I'm not sure I understand your question.

9 Q. In other words, it can go through serology
10 first, and then it go to DNA, and then it might go to
11 some other department; correct?

12 A. Well, typically, it will stop at DNA if it's
13 for DNA, yeah.

14 Q. Okay. So on this, you forwarded some of them
15 to DNA; correct?

16 A. I did forward some items, yes.

17 Q. How do you decide what you want to forward to
18 DNA?

19 A. Well, if -- like, for example, the fingernail
20 clippings, those have a DNA request, and we were asked
21 to run DNA on those items. That's not something that
22 we do in serology. We just go ahead and essentially
23 prepare the items for the DNA analyst, and it makes her
24 job a lot easier. We place them into sterile tubes.
25 And when they get our evidence, everything is in a tube

1 ready to go. So as far as the fingernails clippings,
2 that explains those.

3 The blood standards, the buccal swabs, they are
4 both known standards, so those have to go to DNA.
5 That's really the premise of what we --

6 Q. Well, the -- that's going to be in your
7 department, correct, serology?

8 A. Yes.

9 Q. Right. Did -- who -- how do you know when to
10 forward those items to DNA?

11 A. Well, if we have a positive result for the
12 test that we're asked to look for, those will get
13 forwarded to DNA. Like I mentioned earlier, though I
14 did have a positive result for the blood, I was only
15 asked to do blood identification only. It was not
16 going to be forwarded to DNA at this time.

17 Q. Well, how do you know that, to forward the
18 fingernail clippings to DNA?

19 A. Because they had a request for DNA.

20 Q. Who is they?

21 A. The submitting agency.

22 Q. Do you have like a name that comes on it and
23 somebody says, hey, I want you to do it?

24 A. Well, in this case also, our case coordinator
25 had been in contact with Anne Williams, and they

1 decided and requested that we perform DNA analysis on
2 the fingernail clippings.

3 Q. So did you forward the swabs from the knife
4 blade to DNA?

5 A. No, they were not forwarded to DNA.

6 Q. But that's not your decision to make? You've
7 just got to do either serology or -- and you either
8 forward it to somebody to DNA, or you don't; right?

9 A. Well, it is my decision to make to an extent,
10 yes. But there are other people who are making the
11 decisions along with me.

12 Q. But nobody requested that to be forwarded, did
13 they?

14 A. No.

15 Q. Okay.

16 MS. LITTLEJOHN: I don't have any further
17 questions.

18 THE COURT: Any redirect of the witness?

19 MS. WILLIAMS: No, Your Honor.

20 THE COURT: Any objection to the State being
21 excused from the State?

22 MS. WILLIAMS: Not from the State.

23 THE COURT: From the defense?

24 MS. LITTLEJOHN: None from the defense.

25 THE COURT: Ma'am, you are excused.

L I L Y G A L L M A N - - D I R E C T

1 THE WITNESS: Thank you.

2 THE COURT: You're welcome. You may call your
3 next witness.

4 MS. WILLIAMS: The State calls Lily Gallman.

5 LILY SMALLS GALLMAN, being
6 first duly sworn, testified as follows:

7 THE CLERK: State your full name for the record
8 and spell your last name.

9 THE WITNESS: My name is Lily Smalls Gallman. And
10 Gallman is spelled G-a-l-l-m-a-n.

11 THE COURT: You may proceed.

12 MS. WILLIAMS: Thank you, Your Honor.

13 THE COURT: You're welcome.

14 **DIRECT EXAMINATION BY MS. WILLIAMS:**

15 Q. Ms. Gallman, where do you work?

16 A. I work for the South Carolina Law Enforcement
17 Division as an Forensics DNA Analyst.

18 Q. And how long have you worked there?

19 A. Twenty six years.

20 Q. And what are your duties as a DNA Analyst?

21 A. As a Forensics DNA Analyst, I receive evidence
22 for the purpose of identification. Once I develop a
23 DNA profile from the evidence, I also develop a DNA
24 profile from the standards, from be it the subject or
25 the victim in a particular case, to see if I have a

1 match between the evidence and the standards.

2 Q. And how many cases have you worked on roughly
3 in your career?

4 A. Hundreds.

5 Q. And have you been qualified as an expert
6 before in the area of DNA analysis?

7 A. Yes, I have.

8 Q. What is your educational background?

9 A. I have a degree in Biology from the University
10 of South Carolina. Once I received my degree, I
11 continued working at the University in the area of
12 Molecular Genetics. What I did was sequencing and
13 cloning of DNA. And I began working at the South
14 Carolina Law Enforcement division in January of 1992.
15 Since that time, I've been trained in the area of
16 Forensic Serology, advanced training in Forensic DNA.
17 I've also attended the FBI DNA typing School. I've
18 taken advanced genetic courses, and I've attended the
19 South Carolina Law Enforcement training area.

20 MS. WILLIAMS: And at this time, Your Honor, we
21 would move to have Ms. Gallman qualified --

22 MS. LITTLEJOHN: Without objection.

23 THE COURT: So admitted without objection.

24 BY MS. WILLIAMS:

25 Q. You've been qualified as an expert in the

1 field of Forensic Science DNA Analysis. I'm going to
2 ask you questions about items that you received in this
3 case. What items did you test in this case? Do you
4 need to look at your report to refresh your memory?

5 A. Yes, thank you. I have it right here. As
6 I've stated, I received evidence for the purpose of
7 identification. So in this particular case, I received
8 a left hand and right hand fingernail clippings from
9 Frances Walker Lawrence. I also received a blood
10 standard from Ms. Lawrence; a buccal swab, which is the
11 swabbing of inside of the mouth, from Lee Dell Bradley.

12 Q. And why is it important for you to have the
13 blood spot and the buccal swab from Mr. Bradley when
14 you're analyzing, in this case, the fingernail
15 clippings?

16 A. The purposes is once I develop a DNA profile
17 from the evidence, I need standards from the people in
18 question to see if there is a match between the
19 evidence and the standards.

20 Q. And in this case, did you have find a match
21 with any of the two individuals for the fingernail
22 clippings?

23 A. Yes, I did.

24 Q. And who did they match?

25 A. The first test I conducted, we determined --

1 this is a DNA test, which is a STR test, a short tandem
2 repeat test on the evidence. On the fingernail
3 scraping scrape, item number -- both of the items 7.1
4 and 7.2 were mixtures of at least two individuals. The
5 major contributor, as you would expect, was coming from
6 Ms. Lawrence. But there was also a minor contributor
7 in these samples. The minor contributors were
8 insufficient with this particular test to say whether
9 this person was Mr. Bradley or some other person.

10 I then went on to conduct what is called YSTR,
11 which you only look at the Y chromosome -- only the
12 male chromosome. And when I did that test, looking at
13 the male chromosome, it matched Mr. Bradley.

14 Q. And is it fair to say that the reason you do
15 YSTR testing in part, is because there is so much
16 female DNA that you need to extract that out and just
17 test for -- I'm sure -- I'm simplifying it -- just test
18 for the male DNA?

19 A. Yes. On occasion, we will have a mixed sample
20 where there is more of one person's DNA than the other,
21 and causing the minor contributor's DNA to be masked by
22 the major contributors. And you can't tell whether --
23 who that person might be. And that's why you move into
24 doing Y testing, because it only looks at the Y
25 chromosome -- only the male chromosome at that

1 particular time, and not all of the other, I guess --
2 DNA is the --

3 Q. Okay. So we have Lee Bradley's DNA under
4 Frances Lawrence's fingernails?

5 A. That's correct.

6 Q. And to be fair, they were boyfriend and
7 girlfriend. There are other ways to get DNA under your
8 fingernails besides trying to fend somebody off in a
9 crime; is that correct?

10 A. That's correct.

11 Q. So if -- if I am with my husband or boyfriend,
12 and I just grab his arm lovingly, or touch his face, or
13 grab his sweater, there is a possibility that his DNA
14 would be under my fingernails?

15 A. That's correct.

16 Q. What are some of the ways that DNA gets washed
17 away so that you wouldn't find it under fingernails?

18 A. Under normal conditions, when you are washing
19 hands, the object is to wash away any -- any personal
20 or anything that is foreign to your body. So that's
21 how you would get rid of DNA, but it depends on how
22 well you do the washing.

23 Q. Sure. So if Frances Lawrence came home from
24 work and took a shower, there's a possibility that
25 whatever DNA had been under her fingernails before,

1 could have been washed away?

2 A. That's correct.

3 Q. And if Frances Lawrence was attacked from
4 behind with a knife, and grabbed someone's arm to try
5 to stop them, that would be a way to get DNA under her
6 fingernails; is that correct?

7 A. That's correct.

8 Q. Or if Frances was stabbed from the front, and
9 she tried to grab someone's arm, that would be a way
10 for her to get DNA under the fingernails; right?

11 A. Yes. If she touched the person's skin.

12 Q. And if she did wash away any DNA from before,
13 you would expect the DNA that was under her fingernails
14 to have come after the shower -- if the shower, in
15 fact, washed it away --

16 MS. LITTLEJOHN: Your Honor --

17 THE COURT: Basis of the objection?

18 MS. LITTLEJOHN: Yes. She's arguing evidence not
19 in --

20 THE COURT: You need to ask it in the form of a
21 hypothetical.

22 MS. WILLIAMS: Let me give you a hypothetical.

23 THE COURT: Thank you.

24 BY MS. WILLIAMS:

25 Q. Consider this hypothetical: Frances Lawrence

1 took a shower and was able to wash away the DNA --
2 wasn't just washing her hands, but actually took a
3 shower. She was able to wash away DNA from under her
4 fingernails, any DNA that you found later you would
5 expect would to be -- would you expect it to be after
6 the shower?

7 A. Well, the probability of finding someone's DNA
8 under her fingernails after the shower goes down
9 considerably --

10 Q. Unless you have another encounter?

11 A. That's correct.

12 Q. So is it fair to say that if she was
13 successful in washing that DNA away in the shower, that
14 any DNA found after the shower was from an event that
15 occurred after the shower?

16 A. If she was successful in getting the DNA from
17 under her fingernails.

18 MS. WILLIAMS: Court's indulgence. (Pause.)
19 Thank you.

20 THE COURT: Any questions for the witness?

21 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

22 Q. Ms. Gallman, the Solicitor was giving you a
23 lot of examples about how you can get DNA under your
24 fingernails?

25 A. Yes.

1 Q. So I guess, let's just keep it up a little
2 bit. Let me ask you something. If -- like a boyfriend
3 and girlfriend, somebody -- you scratch one of them's
4 back, you know, you can get DNA under your fingernails;
5 right?

6 A. That's correct.

7 Q. And I would guess somebody -- it would depend
8 on how long your fingernails were, wouldn't it?

9 A. As to whether...?

10 Q. As to how far down that DNA went and how far
11 out -- how well you're able to get it out?

12 A. Not necessarily. It depends on the scratching
13 motion, and how long you did it. It doesn't matter
14 about the length of time or how long your fingernails
15 were.

16 Q. And so far as -- you could get it from being
17 in the same bed with them, because maybe you grabbed
18 their pillow or something like that? Trade pillows?
19 All sorts of ways you can get somebody else's DNA under
20 your nails if you're boyfriend, girlfriend, fiancés,
21 what have you; right? Husband, wife?

22 A. It is possible.

23 Q. Well, you were -- but the Solicitor's question
24 you were able to answer that -- so if I grab my
25 husband's shirt, I could get DNA under my fingernails;

1 right?

2 A. Yes, the probability is really low, but.

3 Q. But I can. And if my husband scratches my
4 back because it's itching, he can get DNA under his
5 fingernails; right?

6 A. Yes.

7 Q. And you don't know -- all you know is that
8 there was DNA; you don't know if it was washed away, as
9 the State wants to say, you don't know how well anybody
10 washed; do you?

11 A. No, I wasn't there.

12 Q. And in science, y'all tend to really get down
13 in -- in those fingernails good; right? So far as
14 y'all putting on gloves and compared to -- I guess for
15 lack of a better word -- the rest of us in the normal
16 population?

17 A. Well, we put on gloves to keep from
18 transferring our DNA to the evidence.

19 Q. That's how sensitive DNA is, because you don't
20 want to transfer your DNA; right?

21 A. You don't want to take the chance.

22 Q. Right. And you said a minute ago the
23 probability goes down, but you don't know down by how
24 much, do you?

25 A. No.

1 Q. And --

2 A. It's not a controlled situation, so I don't
3 know.

4 Q. Right. So there's no real way to tell
5 anything of that, other than it's present?

6 A. That's correct.

7 Q. You can tell it's present. Did you, by any
8 chance, receive any knives into -- or swabs to test for
9 knives?

10 A. I did not.

11 Q. To you --

12 A. I did not.

13 Q. And in DNA, if I were -- as I'm standing here
14 touching this podium like this, somebody could swab
15 this podium where I have touched it and send it off to
16 you, and you could say, well, that Debbie Littlejohn's
17 DNA if you had a sample to go by; right?

18 A. That's correct. Well, more than likely, it
19 would be a mixture, so many people are touching it.

20 Q. Yeah. But you would be able to pick out that
21 mine was on there, too, if you had my sample; right?

22 A. If there was enough there, yes.

23 Q. Right. And that's what we call touch DNA;
24 right?

25 A. That's correct.

1 Q. So what you do with touch DNA is you swab
2 something you might suspect, and send it off to you.
3 And as long as you have the known samples, you can
4 perform the DNA; right?

5 A. That's correct.

6 MS. LITTLEJOHN: The Court's indulgence?

7 THE COURT: Yes, ma'am.

8 MS. LITTLEJOHN: I have no further questions of
9 this witness.

10 THE COURT: Any redirect?

11 MS. WILLIAMS: Just one.

12 **REDIRECT EXAMINATION BY MS. WILLIAMS:**

13 Q. This isn't just like touch DNA, this just like
14 -- this is under her fingernails? I mean, she would
15 have to get -- there would have to be a little bit more
16 than just like going like that; correct?

17 A. Yes. What was submitted were -- her
18 fingernail clippings were submitted for analysis.

19 MS. WILLIAMS: Thank you.

20 THE COURT: Any objection to the witness being
21 excused from the State?

22 MS. WILLIAMS: Not from the State, Your Honor.

23 THE COURT: From the defense?

24 MS. LITTLEJOHN: No, Your Honor.

25 THE COURT: Ma'am, you're excused. Madam

1 Forelady, and ladies and gentlemen, we are going to
2 take a very brief restroom break. We have one witness
3 that is fairly brief. And since it's storming, I would
4 imagine that you all wouldn't have any exception to us
5 going forward. Does anybody have any pressing
6 conflicts? I think you would get soaked if you went
7 out there right now. And it looks like that tree is
8 about to blow down.

9 During the break, please do not discuss the case
10 and please leave your note pads in your seats. Thank
11 you for your patience.

12 (Whereupon, the jury left the courtroom at 4:45
13 p.m.)

14 THE COURT: From the numbered list that I have
15 from the State's proposed witness list, what numbers
16 are you not calling as witnesses?

17 MS. WILLIAMS: I think it will be easier to tell
18 you who we are calling, Your Honor.

19 THE COURT: Well, that wouldn't be easier for me
20 because I have the redacted list.

21 MS. WILLIAMS: Okay.

22 THE COURT: Are you calling Bertha Walker?

23 MS. WILLIAMS: No, ma'am.

24 THE COURT: Number two -- Benecia Felder?

25 MS. WILLIAMS: No.

1 THE COURT: Nashienda Williams?

2 MS. WILLIAMS: No, ma'am.

3 THE COURT: Timothy Heine?

4 MS. WILLIAMS: No, Your Honor.

5 THE COURT: I assume you're calling Captain Shuler
6 and Lt. Alteri or maybe not?

7 MS. WILLIAMS: We are calling Captain Shuler.

8 THE COURT: Collins?

9 MS. WILLIAMS: No, Your Honor.

10 THE COURT: Ecker?

11 MS. WILLIAMS: No, Your Honor.

12 THE COURT: Musgrave?

13 MS. WILLIAMS: No.

14 THE COURT: Blakely?

15 MS. WILLIAMS: No.

16 THE COURT: Murphy?

17 MS. WILLIAMS: No.

18 THE COURT: Flood?

19 MS. WILLIAMS: Nope.

20 THE COURT: Thornal?

21 MS. WILLIAMS: No.

22 THE COURT: Greene?

23 MS. WILLIAMS: No.

24 THE COURT: Kolegav?

25 MS. WILLIAMS: No.

1 THE COURT: Fenton?

2 MS. WILLIAMS: No.

3 THE COURT: Ann Weise?

4 MS. WILLIAMS: No.

5 THE COURT: Angela Driggers?

6 MS. WILLIAMS: No.

7 THE COURT: Amy Stephens?

8 MS. WILLIAMS: No.

9 THE COURT: Jackie Davis?

10 MS. WILLIAMS: Nope.

11 THE COURT: Detective Tormos -- Dr. Lee Tormos?

12 I'm sorry. That's your forensics person. I assuming
13 you're calling -- that your witness you're calling
14 next?

15 MS. WILLIAMS: She's our pathologist, Your Honor.
16 And in all fairness to the court's scheduling, I don't
17 think we're going to be able --

18 THE COURT: Well, it's storming. The jury said
19 they don't have a problem, so I asked them if we could
20 press forward -- are you calling Shane Cook?

21 MS. WILLIAMS: No, Your Honor.

22 THE COURT: And Alyssa Rhiengold?

23 MS. WILLIAMS: Yes, Your Honor. She's an expert
24 on domestic violence.

25 THE COURT: I don't think we're going to reach her

DR. TORMOS -- DIRECT

1 today. We can do Dr. Tormos.

2 Okay. We'll be at ease for about ten minutes
3 while the jury refreshes themselves.

4 (After a recess, court reconvened.)

5 THE COURT: Bring in the jury please.

6 (Whereupon, the jury entered the courtroom at
7 5:02 p.m.)

8 THE COURT: Do you have the witness in the
9 courtroom?

10 MS. WILLIAMS: She is Dr. Tormos.

11 THE COURT: The state may proceed.

12 DR. LEE TORMOS, being
13 first duly sworn, testified as follows:

14 THE CLERK: State your full name for the record
15 and spell your last name.

16 THE WITNESS: Hi. My name is Dr. Lee Marie
17 Tormos. That's T, as in Tom, -o-r-, M as in Mary, o-s.

18 THE COURT: Proceed.

19 MS. WILLIAMS: Thank you, Your Honor.

20 **DIRECT EXAMINATION BY MS. WILLIAMS:**

21 Q. Dr. Tormos, where do you work?

22 A. I work at the Medical University of South
23 Carolina.

24 Q. And what do you do there?

25 A. I'm a forensic pathologist.

1 Q. What is a forensic pathologist?

2 A. A forensic pathologist is a doctor with a
3 subspecialty degree that looks at injuries and disease,
4 and how they relate to the cause and manner of death.

5 Q. As part of your duties, do you perform
6 autopsies?

7 A. That is my main duty.

8 Q. Okay. And where did you receive your
9 training.

10 A. I first started with a Bachelors Degree in
11 General Sciences, which is also known as pre-med at the
12 University of Puerto Rico. Then I went on to the
13 Medical University -- to the Medical University in
14 Puerto Rico, and did my MD degree, followed by four
15 years of specialty training in anatomic and clinical
16 pathology.

17 Then I worked for two years as an Assistant
18 Medical Examiner, one year in a private surgical
19 practice before moving to South Carolina and completing
20 my subspecialty degree in forensic pathology right here
21 in Charleston.

22 Q. And before you actually start performing
23 autopsies, do you have to do some kind of residency?

24 A. Yes. That is the four years of anatomical
25 clinical pathology that I did in Puerto Rico.

DR. TORMOS -- DIRECT

1 Q. How many autopsies have you performed?

2 A. Over a thousand.

3 MS. WILLIAMS: Your Honor, at this time, the State
4 moves to have Dr. Tormos qualified as an expert in the
5 field of Forensic Pathology.

6 THE COURT: Any objections or questions?

7 MS. LITTLEJOHN: Your Honor, I would just ask
8 about her having been qualified before.

9 THE COURT: She said over 1,000 -- well, no, I
10 take that back.

11 BY MS. WILLIAMS:

12 Q. Have you been qualified as an expert before?

13 A. Every single time, yes.

14 Q. How many times would that be?

15 A. About 20.

16 MS. LITTLEJOHN: No objection, Your Honor.

17 THE COURT: So admitted without objection.

18 BY MS. WILLIAMS:

19 Q. Now, Dr. Tormos, were you working in your
20 present capacity on May 23, 2014?

21 A. Yes, I was.

22 Q. And did you perform an autopsy on Frances
23 Lawrence?

24 A. Yes, I did.

25 Q. And based on that particular autopsy, to a

1 reasonable degree of medical certainty, did you form an
2 expert opinion concerning the cause of death?

3 A. Yes, I did.

4 Q. And what is that?

5 A. The cause of death is a stab wound to the
6 chest.

7 Q. And did you form an expert opinion concerning
8 the manner of death?

9 A. Yes, I did.

10 Q. And what is that?

11 A. The manner of death is homicide.

12 Q. Okay. What are your options in terms of
13 deciding manner of death? What else could you have
14 decided?

15 A. Okay. First, you -- you have to understand
16 that the manner of death is based on the circumstances
17 of -- of death, and the physical findings on the body.
18 There are five alternatives that we can chose. The
19 first time is natural. A natural death is a death
20 brought upon by illness or by the aging process. And
21 no other force, such as a poisoning or injury, would
22 have played a roll in those deaths. Those are the
23 deaths that commonly occur in nursing homes and
24 hospitals.

25 Another cause of cause -- I'm sorry -- another

1 manner of death is an accident. An accident is an
2 injury or poisoning that happens, but there was no
3 intent to -- to cause the injury. It simply happened.
4 And we all know what accident means.

5 A suicide, on the other hand, is an injury or
6 poisoning that happens because someone is trying to
7 harm themselves and or kill themselves. And then there
8 is homicide.

9 The medical definition of homicide is a death
10 brought about by the action or inaction of another
11 individual. So in some cases, such as negligence, then
12 we would say it was the inaction of another individual,
13 such as not feeding a person. But in this case, it's
14 brought about by the action of another individual.

15 There is fifth called undetermined. And
16 undetermined means that we cannot readily fit the
17 circumstances and the investigation and the findings
18 into one of the categories that I mentioned before.

19 Q. But in this case, you deemed it a homicide?

20 A. In this case, the determination was clear. It
21 was a homicide.

22 Q. And when you examined Frances Lawrence, did
23 she have any other injuries to her?

24 A. Yes, she did. She did have some bruising to
25 the anterior aspects of the shoulder bilaterally, and

1 she also had bruising to the middle parts of both arms
2 around the elbow.

3 Q. And what would you expect, based on your
4 experience and training, those kinds of injuries to
5 come from?

6 A. Those come from injuries -- based on the
7 symmetry, they may be perceived as injuries that are
8 brought upon when someone is struggling and they're
9 being held down. So when you hold someone by the arms,
10 and by the shoulders, we tend to see those symmetric
11 bruises on the shoulders or on the forearms and elbows.

12 Q. And was Frances Lawrence's blood screened for
13 drugs and alcohol?

14 A. Yes, it was.

15 Q. And what did you find?

16 A. We found three things in her blood.

17 Q. Well, first of all, did you find any alcohol?

18 A. No, there was no alcohol in her blood. We
19 found three things. All three things which are
20 Amlodipine, Hydrochlorothiazide and Metoprolol (ph).
21 Those three medications are hypertension and angina
22 medication. So they were prescribed by the doctor, and
23 they have no potential for abuse. These are general
24 hypertension medications. Those are the three things
25 that we found. We also found caffeine, but I think we

1 would find that in everybody.

2 Q. So no drugs for bipolar for -- recreational
3 drugs, no alcohol, or anything like that?

4 A. That is correct.

5 Q. Now, what is Naloxone?

6 A. Naloxone is a compound that is usually
7 administered by EMS when someone is suffering an opioid
8 or a heroin overdose. In this case, we have a positive
9 on -- on uncorroborated test for Naloxone, which means
10 that we think it's a false positive, but it's reported
11 in the toxicology as possibly there.

12 Q. So if -- let me ask you a hypothetical: If an
13 emergency medical personnel comes across like a heroin
14 addict, who is overdosing, they would administer
15 Naloxone?

16 A. Absolutely, yes.

17 Q. Would any professional administer Naloxone on
18 a person that is already deceased?

19 A. No.

20 Q. So your opinion is that this is probably a
21 false positive?

22 A. It's probably a false positive at least in
23 this case. Now, someone that is just deceased, you --
24 then you could get Naloxone if they were witnessed to
25 go into cardiac arrest and -- within a few minutes, and

1 -- to try to reverse opioids. But in this particular
2 case, I don't think any medical personnel would have
3 administrator Naloxone.

4 Q. Is this almost exclusively administered by
5 medical personnel?

6 A. Yes.

7 Q. So it's --

8 A. And it is by prescription only. There are
9 some states out there that do pass out Naloxone to
10 heroin addicts, just in case they have a friend who is
11 overdosing, but South Carolina is not one of those.

12 Q. So this is only something that an EMT person
13 would administrator?

14 A. Yes.

15 Q. And did you form an opinion as to how long
16 Frances Lawrence had been deceased before you did the
17 autopsy?

18 A. Yes, I did.

19 Q. And what is that opinion?

20 A. Based on the findings of rigor and livor, my
21 opinion is that she was dead for at least 36 hours.

22 Q. And you did the autopsy on Friday, May 23rd;
23 correct?

24 A. That is correct.

25 Q. So that's at least 36 hours?

1 A. At least 36 hours.

2 Q. Now, you said that she died from a single
3 knife wound?

4 A. A single knife wound to the chest, yes.

5 Q. I'm going to show you --

6 MS. WILLIAMS: Your Honor, I'm showing the defense
7 counsel what we previously marked as State's 20.

8 THE COURT: Any exception?

9 MS. LITTLEJOHN: No exception, Your Honor.

10 THE COURT: Marked and admitted without objection.

11 MS. WILLIAMS: May I approach?

12 THE COURT: You may.

13 (State's Exhibit No. 20 admitted into evidence.)

14 BY MS. WILLIAMS:

15 Q. Can you tell the jury what that is?

16 A. This is a picture of the stab wound that I
17 took during the course of the autopsy.

18 Q. Can you please publish State's 20. Dr.
19 Tormos, this is a pointer. If you could turn around in
20 your chair and kind of explain to the jury some things
21 as I ask you the questions. What -- can you tell from
22 this picture of the stab wound, in terms of the
23 direction of the stab wound?

24 A. Can you hear me?

25 Q. Yes.

1 A. Okay. This is the stab wound. The stab wound
2 has two components. The stab wound itself is right
3 here. And this additional tail, if you want to see it
4 that way, is a superficial cut as the knife was
5 slightly being withdrawn from the body.

6 The stab wound is oriented in a 10:00 to 4:00
7 position. Okay. And the blunt end, which means the --
8 the spine of the knife would be at the 10:00 position,
9 and the blade or the sharp part of the knife would be
10 at the 4:00 position.

11 Q. So based on what you know about this wound and
12 the other circumstances that you considered during the
13 autopsy, is it likely that someone could be holding a
14 knife and then fall on the knife accidentally?

15 A. Can you run that by one more time.

16 Q. How likely is it for the individual, that is
17 deceased, to be holding the knife themselves and then
18 somehow the knife come around, based on the direction
19 of that wound, and then fall on the knife and kill
20 themselves?

21 A. Okay. So first you have to think how would
22 you would hold the knife. You can hold the knife with
23 the blade up, so forward like if you were going to cut,
24 or you can hold the knife with -- with the blade coming
25 out your pinkie side. So you have to first think about

1 that. And then -- so the arm would have to be raised
2 like this (indicating), and the wrist at an angle for
3 it to have the downward and 10 to 4:00 with the blade
4 coming down, if they were holding the knife in the
5 right hand. If they were holding the knife in their
6 left hand, it's even more difficult to obtain the 10 to
7 4 orientation of the blade and the downward projection
8 into the body. So anything is possible, but it's
9 better to just postulate what -- what the scenario is,
10 and the findings on the body match the scenario. So it
11 depends on the scenario.

12 Q. So is it likely that that happened?

13 A. It's possible, but not likely.

14 Q. What about if someone is falling on a knife,
15 based on your experience as a doctor, how likely is it
16 for them to fall on a knife, and then to inflict that
17 wound, and then to not put their hands down on or
18 anything else, can you explain why that might not be --

19 A. Well, when someone is falling and we have all
20 seen this reflex, we have a reflex to put our hands out
21 to protect our face. So if you're falling forward, you
22 would put the -- the -- the hands out. And if the
23 knife was being held, any fall forward would probably
24 have an upward trajectory in the body as -- as you're
25 holding the knife against the floor and falling on top

1 of it. That produced an upward trajectory.

2 Q. And this is not an upward trajectory?

3 A. This is a downward trajectory, this -- this
4 stab wound is downward.

5 Q. You can have a seat. So if Frances Lawrence
6 were holding the knife and somehow were able to get it
7 around and stab herself, she would have to be holding
8 it with the blade up?

9 A. She would have to be holding it with the --
10 with the -- so backwards, so with the blade backwards
11 on the handle, so with the blades toward the pinkie
12 side. Usually the knife has a curve -- and you put
13 your fingers on the curve part, so the curve part would
14 have to be backwards for that to --

15 Q. Now, so now we're adding another component,
16 not only would she have to be a contortionist, but she
17 would have to have the blade facing her hand backwards?

18 A. For it to have a downward trajectory, a 10 to
19 4, yes.

20 Q. Let me provide another scenario for you. If
21 Frances Lawrence had her back to her assailant, and he
22 came from behind and stabbed her, would that be a
23 likely scenario?

24 A. A stab from behind can be down with a downward
25 trajectory.

1 Q. What about if the assailant is 5'6", and she's
2 only 5', is that consistent with the downward
3 trajectory?

4 A. That would be consistent, yes.

5 Q. Any of the accident scenarios don't really
6 account for the symmetrical bruising on her shoulders
7 and arms, do they?

8 A. It doesn't, but I cannot tell when those
9 happened. So we have to take those with a grain of
10 salt to -- they could have been there before she died.

11 Q. What about, is this kind of wound consistent
12 with somebody stabbing her from the front, downward in
13 that direction?

14 A. Yes. It could be from the front in a downward
15 direction.

16 Q. Now, I'm going to show you what's been
17 previously admitted as State's 60. May I approach,
18 Your Honor?

19 THE COURT: You may.

20 BY MS. WILLIAMS:

21 Q. Tell the jury what this is a picture of.

22 A. This is a picture of the nightgown that was on
23 the body, and I took a picture of it after I removed
24 the nightgown from the body.

25 Q. What is unusual about this nightgown being on

1 this defendant -- on this victim if she was stabbed in
2 a nightgown?

3 A. Okay. Note the neckline on the gown, it's --
4 it's a pretty high neckline. And you will note the
5 area of blood staining is around her left breast, so
6 that's where her left breast would be. There is no
7 incision, there is no defect, no hole on the front of
8 the nightgown. So she was either not wearing this
9 nightgown, she -- or this nightgown was pulled
10 completely up and over her breast at the time that she
11 was stabbed are just a few of the scenarios that can we
12 can postulate, but there is no hole.

13 Q. Okay. And, Doctor, in this particular case,
14 with this particular wound, how much blood would you
15 expect there to be outside the body? If she were to
16 fall on top of a knife, would there be some blood
17 outside of the body?

18 A. I would expect there to be more blood than
19 what is on this nightgown.

20 Q. And was there a lot of blood inside Frances
21 Lawrence from this wound?

22 A. Yes. She bled a lot internally. She had a
23 little -- a little over one liter of blood in her left
24 chest cavity.

25 Q. Is that consistent with her dying on her back

1 with the stab wound?

2 A. Yes.

3 MS. WILLIAMS: The court's indulgence.

4 BY MS. WILLIAMS:

5 Q. What was the depth of the wound?

6 A. The depth of the wound is five inches -- may I
7 proceed?

8 Q. Yes, please.

9 A. It goes through the muscles of the anterior
10 chest. It cuts into the left ventricle of the heart
11 and it goes into the lower lobe of the left lung.

12 Q. Is it possible that the murder weapon could be
13 a black handled steak knife? We've all seen those
14 common steak knives that we have in our kitchens.

15 A. Any -- any knife that is at least five inches
16 long.

17 Q. Could it have been eight inches long?

18 A. Yes, it could have.

19 Q. And this was a wound right to the heart, was
20 it not?

21 A. Pretty much, yes.

22 Q. Okay.

23 MS. WILLIAMS: Please answer any questions of the
24 defense.

25 THE COURT: Ms. Littlejohn.

CROSS EXAMINATION BY MS. LITTLEJOHN:

Q. Hey, Dr. Tormos. I want to go over a couple of little quick things with you. Medicine is really about probabilities; isn't it?

A. No, ma'am. Medicine is an art.

Q. Well, when you give somebody a pill, you are giving them that antibiotic because probably it works on most people, that particular antibiotic works for that item?

A. Yes.

Q. Right. Okay. That's what I mean by probabilities.

A. Okay.

Q. Trust me, I come from a stable full of doctors, including pathologists, so I understand. So when it comes to pathology, we can estimate timeframes, forensic pathology; correct?

A. We can estimate, yes.

Q. But it's kind of a myth if people think we can pinpoint it to the exact hour and minute that somebody died; right?

A. Absolutely.

Q. Okay. That's been a myth now for years, right? People just believe it and that's not right; is it?

1 A. That's correct.

2 Q. Okay. Now, and just like you said, you were
3 talking about the bruising on the arms and the
4 shoulders?

5 A. Yes.

6 Q. You don't know how something got there; right?

7 A. I do not know how it got there.

8 Q. And, you know, it could be from lifting up
9 something? You don't know what it could be. That's
10 why you said it had to be treated with a grain of salt;
11 right?

12 A. That's correct.

13 Q. Okay. And when somebody -- when somebody
14 passes away, a lot of their bodily fluid functions
15 leave them; correct?

16 A. Can you restate the question?

17 Q. Their bodily functions may leave out?

18 A. Well, yes. When someone passes away, they
19 stop breathing and circulation stops.

20 Q. Right. But some of your bodily fluids may
21 leave out?

22 A. Leave out of where?

23 Q. Your body?

24 A. Eventually during the process of
25 decomposition, yes.

1 Q. Right. On the nightgown, if somebody had
2 changed the nightgown, you wouldn't expect to find a
3 hole in it, would you?

4 A. That's correct.

5 Q. Right. And on Naloxone, you say you think
6 it's a false positive; correct?

7 A. Yes. I think the Naloxone is a false
8 positive.

9 Q. And there are like tons of tests and
10 everything comes up with, where we speculate that it
11 might be a false positive?

12 A. Uh-huh.

13 Q. Anywhere from Naloxone to pregnancy to TB
14 tests, you have the person come back in and get
15 retested to confirm -- confirm it one way or the other;
16 right?

17 A. In this case, we don't do confirmatory testing
18 on Naloxone, as it never contributed to the cause of
19 death. And it is something that officially -- it's a
20 common artifact that we see.

21 Q. Right. So -- but yet, that's just one of
22 those things. And so far as what you said, you said
23 anything is possible; correct?

24 A. Anything is possible.

25 Q. And I'm sure with years in pathology, you have

1 seen some things that you thought weren't possible all
2 of a sudden happen; right?

3 A. Correct.

4 Q. Okay.

5 MS. LITTLEJOHN: I don't have any further
6 questions, Your Honor.

7 THE COURT: Any redirect?

8 MS. WILLIAMS: Just one, Your Honor.

9 THE COURT: You may proceed.

10 **REDIRECT EXAMINATION BY MS. WILLIAMS:**

11 Q. When somebody dies -- an unpleasant question,
12 but what is bloating?

13 A. Okay. So the moment someone dies, there are
14 some chemical changes that are happening in the body
15 the moment you stop breathing, because you're not
16 getting oxygen to your tissues anymore.

17 So, first, you -- you have rigor. And then the
18 bacteria starts metabolizing what is in your
19 bloodstream or what is in your intestines. The
20 material produces gas. And gas, which is bloating,
21 fill up the tissues slowly, sort of like how a
22 marshmallow would fill up with little bubbles of gas.
23 So that is what we see as bloating. It's just the
24 tissues expanding outward, but it is gas produced by
25 bacteria that is normally present in our body, but that

1 we are constantly keeping in check.

2 The moment we die, we do not keep the bacteria
3 in check anymore, and then they can start multiplying
4 and producing gas and just sort of basically causing us
5 to bloat.

6 Q. So when you see someone that is bloated after
7 they pass, do they sometimes look puffy?

8 A. Yes. They can look a little puffy or a lot
9 puffy, to the point that they could be unrecognizable.

10 MS. WILLIAMS: Thank you.

11 THE WITNESS: Thank you.

12 THE COURT: Any objection to the witness being
13 excused from the State?

14 MS. WILLIAMS: Not from the State.

15 THE COURT: From the defense?

16 MS. LITTLEJOHN: None from the defense, Your
17 Honor.

18 THE COURT: Doctor, you're excused.

19 THE WITNESS: Thank you.

20 THE COURT: You're welcome. Madam Forelady,
21 ladies and gentlemen, we are going to take advantage of
22 this break in testimony to take our evening recess.

23 During the break, please do not discuss the case
24 among yourselves or with anyone else. Please don't
25 have any contact with anyone in or about the courthouse

1 when you return in the morning.

2 Do not read, watch, or listen to any media
3 accounts if there are any, and do not do any
4 independent research of any type on the Internet. I
5 hope that y'all have a great evening. I think the rain
6 has slacked up or at least stopped. And leave your
7 note pads in your seats, and we'll secure them during
8 the recess, and we'll see you at 9:30.

9 (Whereupon, the jury left the courtroom at 5:27
10 p.m.)

11 THE COURT: You may be seated. The last witness
12 will be -- I'm sorry, you told me is --

13 MS. WILLIAMS: Captain Shuler and Alyssa
14 Rhiengold, Your Honor.

15 THE COURT: Oh, you have two more witnesses?

16 MS. WILLIAMS: Yeah, Bobby Shuler is the captain
17 who was in charge of the investigation. He's the case
18 agent. So we have him and then Alyssa Rhiengold.

19 THE COURT: And, sir, if you would stand and raise
20 your right hand to be sworn.

21 LEE DELL BRADLEY, being
22 first duly sworn, testified as follows:

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: If you could speak up for me a little
25 bit.

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Sir, state your full name for the
3 record.

4 THE DEFENDANT: Lee Dell Bradley.

5 THE COURT: Sir, in advance of your ability to
6 present your own case, as I anticipate that after the
7 next two witness, the State will be resting, I'm going
8 to advise you regarding your right to testify so you
9 will have ample opportunity to deduce that with your
10 lawyers. If you do not understand something that I
11 say, please let me know. If you need me to repeat
12 something, please let me know; do you understand?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And before we begin, is there any
15 record that the State would be seeking to introduce to
16 impeach his credibility?

17 MS. WILLIAMS: Under 608, Your Honor, I think the
18 only thing that we could use would be four forgeries
19 that he was released from prison in 2007, and a forgery
20 that he finished probation in --

21 THE COURT: Were they magistrate level or circuit
22 -- or circuit court level?

23 MS. WILLIAMS: They were circuit court. And he
24 finished probation on a forgery in 2012. He has the
25 two armed robberies, but they are over ten years old.

1 And his CDVs are less than a year.

2 THE COURT: Well, the CDVs wouldn't come in in any
3 way -- the armed robbery -- you said his armed robbery
4 is over ten years old?

5 MS. WILLIAMS: Yes, Your Honor. He has one from
6 '92 and one from '84.

7 THE COURT: And you said that he has four
8 forgeries? Did I understand you correctly?

9 MS. WILLIAMS: From 2007. And then one that we
10 have a certified conviction from 2012, that he was on
11 probation for --

12 THE COURT: But is that the same one?

13 MS. WILLIAMS: No. They're from different places.

14 THE COURT: Wouldn't the one from 2007 be over ten
15 years old --

16 MS. WILLIAMS: Ten years would be 2017.

17 THE COURT: You're right. I'm sorry. I'm tired.
18 I was never very good at math. That's why I went to
19 law school. All right.

20 So that will -- are they all on the same -- I
21 guess I'm trying to figure out, how many in 2007 and
22 how many in 2012?

23 MS. WILLIAMS: Four in 2007, and one in 2012 that
24 I have certified convictions for, that I can verify.

25 THE COURT: Have you explained that to your

1 client, Ms. Littlejohn?

2 MS. LITTLEJOHN: I have, Your Honor.

3 THE COURT: And have you explained that those
4 involve what the Court would -- well, case law would
5 consider crimes of dishonesty -- were they insufficient
6 checks or what level of forgery were they? What did
7 that involve?

8 MS. WILLIAMS: What did the forgeries involve?

9 THE COURT: Uh-huh.

10 MS. WILLIAMS: I don't have the case files, Your
11 Honor. I just have the certified convictions. Are you
12 asking me the subject matter?

13 THE COURT: I'm just curious, uh-huh.

14 MS. WILLIAMS: I think they were all in Aiken
15 County, and I don't really know what the context of
16 them were.

17 THE COURT: Okay. Sir, if there is anything that
18 you do not understand, please let me know. If there is
19 something you want me to repeat, please let me know.
20 When we reach the stages of trial where you have the
21 right to present your defense, you have the right to
22 claim the protections given to you by the 5th amendment
23 of the constitution of the United States.

24 And that amendment reads in part, that no person
25 shall be compelled in any criminal case to be a witness

1 against themselves. That means that you have the right
2 to remain silent, and that you don't have to present
3 any testimony that could be considered against your
4 interest. And that means that you cannot be required
5 to testify in this case.

6 You have the right to testify on your own
7 behalf. However, no one can make you testify. That is
8 a personal right and no one can waive that right except
9 you.

10 If you decide to testify, you will be subject to
11 the same rules that govern other witnesses, and you may
12 be examined and cross examined on any relevant issue in
13 this case.

14 In addition, if you have any convictions
15 involving dishonesty or false statements, or for crimes
16 punishable by imprisonment for more than one year, and
17 this court determines that the probative values of
18 admitting this evidence outweighs the prejudicial
19 effect to you, the Solicitor will be able to introduce
20 your record to attack your credibility.

21 If you decide to testify, this decision on your
22 part must be made freely, voluntarily, knowingly, and
23 intelligently, with knowledge of the protections given
24 to you by the 5th amendment, as well as the
25 consequences of your decision to testify.

1 If you decide not to testify, I will instruct
2 the jury that they cannot give that fact any
3 consideration whatsoever. That there is to be no
4 prejudice to you because you did not testify. And that
5 they cannot discuss that matter -- discuss it in any
6 manner whatsoever during deliberations.

7 I will instruct them that the State has the
8 burden of proof to prove your guilt beyond a reasonable
9 doubt, that you have no burden of proof, and that you
10 are presumed innocent and that staying silent cannot be
11 construed against you.

12 It is left entirely up to you whether you
13 testify or not. You may speak with your attorneys,
14 your family members, friends, or anyone else, but the
15 final decision is yours.

16 Now, Ms. Littlejohn, would you all conceive that
17 these convictions would be crimes of dishonesty subject
18 to impeachment?

19 MS. LITTLEJOHN: I believe they would be, Your
20 Honor.

21 THE COURT: Okay. Sir, do you understand your
22 rights as I've just explained them to you?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you have any questions about what I
25 have explained to you?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Okay. I'm going to then recess this
3 portion of the proceeding to give you all ample
4 opportunity to discuss with him whether he wants to
5 testify, so that I can come back to that once the State
6 rests, and you reach the stage of the trial where you
7 can present any defense you wish to. Sir, you may take
8 your seat.

9 All right. Is there anything further before we
10 adjourn for the afternoon from the State?

11 MS. WILLIAMS: Not from the State, Your Honor.

12 THE COURT: From the defense?

13 MS. LITTLEJOHN: Your Honor, we need to make sure
14 about certified copy redacting that --

15 THE COURT: Yeah, y'all -- that's why I had it
16 marked for ID. There's no point in marking it -- it
17 needs to be marked as a court's unredacted, and you
18 need a redacted copy as court's exhibit --

19 MS. LITTLEJOHN: You mean --

20 THE COURT: I mean, as a State's Exhibit; do you
21 all --

22 MS. WILLIAMS: I think that it is here for
23 identification.

24 COURT REPORTER: It was 78.

25 MS. WILLIAMS: So, we will redact it and then

1 offer it as a State's Exhibit once defense counsel has
2 inspected it and the court has inspected it.

3 THE COURT: We can do that first thing in the
4 morning.

5 MS. WILLIAMS: Yes, Your Honor.

6 THE COURT: Is there anything else we need to take
7 up before we adjourn from the State?

8 MS. WILLIAMS: Not from the State.

9 THE COURT: From the the defense?

10 MS. LITTLEJOHN: Nothing, Your Honor.

11 THE COURT: Have a great evening. See y'all at
12 9:30.

13 (Whereupon, the hearing adjourned.)

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* * * THURSDAY, JULY 14, 2014 * * *

THE COURT: Is the State ready to proceed?

MS. WILLIAMS: Yes, Your Honor.

THE COURT: Is the defense ready to proceed?

MS. LITTLEJOHN: Yes, Your Honor.

THE COURT: Are all jurors here -- bring them in.
Who is the State's next witness?

MS. WILLIAMS: The State is calling Captain Bobby
Shuler.

(Whereupon, the jury entered the courtroom at
9:56 a.m.)

THE COURT: You may be seated. Good morning,
ladies and gentlemen. I hope everyone had a pleasant
evening. We appreciate your patience. I needed to
dispose of another unrelated matter this morning before
we got started. So please note that I do not take your
time for granted.

We are now going to resume with the State's
presentation of their case. You may proceed.

MS. WILLIAMS: Thank you, Your Honor.

THE COURT: You're welcome.

MS. WILLIAMS: The State would call Captain Bobby
Shuler.

CAPTAIN BOBBY SHULER,

1 being first duly sworn, testified as follows:

2 THE CLERK: Please have a seat. State your full
3 name for the record and spell your last name.

4 MS. WILLIAMS: Bobby Ray Shuler. The spelling of
5 my last name is S-h-u-l-e-r.

6 THE COURT: You may proceed.

7 MS. WILLIAMS: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 **DIRECT EXAMINATION BY MS. WILLIAMS:**

10 Q. What do you do a living?

11 A. I work for the Berkeley County Sheriff's
12 Office.

13 Q. What is your rank?

14 A. Captain.

15 Q. And what are your duties and responsibilities?

16 A. As the Captain of the division I'm over, I
17 just recently changed as of Monday. But prior to this,
18 I was a detective over the Criminal Investigation
19 Division, the Drug Enforcement Unit, the Sex Offender
20 Registry and Forensics, all that fell under my ground.
21 Some of my duties and responsibilities is to oversee
22 the day-to-day operation in managing those units.

23 Q. And how long have you worked for Berkeley
24 County Sheriff's Department?

25 A. I've been with the Berkeley County Sheriff's

CAPTAIN BOBBY SHULER -- DIRECT

1 Department a little over 16 years.

2 Q. And do you have any other police training in
3 any other areas?

4 A. Yes. I just retired last year after 28 years
5 in the United States Air Force as a Security Force
6 police officer.

7 Q. And were you working in your present capacity
8 in May of 2014?

9 A. I was.

10 Q. And did you respond to [REDACTED] Bushy Lane?

11 A. I did.

12 Q. Is that in Berkeley County?

13 A. That's correct.

14 Q. What time did you respond, Captain Shuler?

15 A. I responded somewhere around nine, a little
16 bit after nine on that day.

17 Q. And what type of call did it go out as?

18 A. It originally came out as a disturbance with a
19 victim possibly stabbed.

20 Q. And what did you know about the situation
21 going in?

22 A. Once I arrived on scene, I met with the
23 responding officers. A couple of responding officers
24 had been out to this residence before, and knew there
25 was an extensive call history --

1 MS. LITTLEJOHN: Objection, Your Honor.

2 THE COURT: sustained.

3 BY MS. WILLIAMS:

4 Q. What was the appearance of the scene like when
5 you arrived?

6 THE COURT: And, ladies and gentlemen, you are to
7 disregard the last question and the last answer in any
8 of your deliberations. You should give it absolutely
9 no consideration. You may proceed.

10 BY MS. WILLIAMS:

11 Q. What was the appearance of the scene like when
12 you arrived?

13 A. When I arrived, there was already -- several
14 officers already on scene. They had the scene secured
15 with yellow crime scene tape, and posted an officer at
16 the front of the residence, and one at the back of the
17 residence to control entry into the residence, and the
18 crime scene log was already being done.

19 Q. Do you remember, or do you know which officers
20 had already arrived before you got there?

21 A. The ones I remember were officer or deputy --
22 excuse me -- Deputy Cross and Deputy Musgrave and
23 Deputy Ecker were already on scene.

24 Q. Okay. And what was your role in the
25 investigation?

1 A. I took role as the case agent for this case.

2 Q. What does that mean?

3 A. Basically, the case agent, it's -- it's your
4 case. Your job is to manage and direct the overall --
5 and oversee the overall investigation. And also
6 administrator and assign tasks to other detectives or
7 other officers involved.

8 Q. Is it fair to say you were sort of like a
9 central control area?

10 A. Yes, ma'am.

11 Q. And did you locate the victim at the scene?

12 A. She was located, yes.

13 Q. Where was she located?

14 A. She was located in what I would call the --
15 lying on the floor in the master bathroom.

16 Q. In what position?

17 A. On her back.

18 Q. Okay. And where was the suspect at this time?

19 A. The suspect -- I don't know. He wasn't at the
20 location.

21 Q. Okay. And how is -- who was the suspect at
22 this time?

23 A. We based it off of the -- a 911 call that was
24 received by our central dispatch, where the individual
25 identified him as Lee Dell Bradley.

1 Q. And what steps were taken to locate the
2 defendant?

3 A. Several steps were done. One of the things we
4 do while we're on scene, we speak to witnesses and
5 family members, and they were giving us some
6 information about his ties here, and also he had ties
7 in North Carolina, Rock hill, Charlotte area.

8 We had information that he would -- sometimes
9 take a bus to go to that area. So what I did was, I
10 sent officers that were already on the road, over to
11 the bus station that's located in Berkeley County right
12 there off of North Main in Summerville, to check that
13 location.

14 And we also started doing search warrants on
15 phone numbers that we had for him. And we also BOLO-ed
16 out, Be On The Look Out, for him. That's what BOLO
17 stands for. And we also BOLO-ed out the victim's
18 vehicle since it was missing also.

19 Q. And from the 911 call, did you learn early on
20 that there was an allegation that there was some kind
21 of struggling -- a violent struggle between the two of
22 them?

23 A. According to the 911 call, yes. That the
24 caller, Lee Dell Bradley, stated that there was a
25 struggle over a knife, and that the victim had fell on

1 the knife.

2 Q. Did you determine that the victim had no
3 violent history? What did you do to look into that?

4 A. You know, we looked at the call history
5 dealing with --

6 Q. Just talk about what the victim's history was,
7 like what you found out about the victim.

8 A. We ran a criminal check on her, and she had
9 nothing in her criminal record of any kind of violence
10 or any kind of record, period.

11 Q. And you saw nothing in the CAD reports to say
12 that she had anything, ever, an allegation of violence
13 against her?

14 A. That's correct.

15 Q. And did you receive any reports --

16 MS. LITTLEJOHN: Leading, Your Honor.

17 THE COURT: Rephrase.

18 BY MS. WILLIAMS:

19 Q. Did you receive any reports from anywhere else
20 that the defendant had called anyone else, called an
21 ambulance, 911, anywhere, here or North Carolina, or
22 anywhere?

23 A. No, we did not.

24 Q. You later interviewed the defendant; did you
25 not?

1 A. We did.

2 Q. And did he tell you that he had called the
3 ambulance and called police in North Carolina?

4 A. He said he did.

5 Q. So that was not true?

6 A. That's not true.

7 Q. And while you were trying to locate the
8 defendant, simultaneously what was going on at the
9 house?

10 A. I was trying to locate the defendant. And,
11 like I said, we sent officers out there trying to look
12 for the vehicle and look for him. The scene was being
13 processed by our forensics unit.

14 Q. Okay. What specifically was being done?

15 A. You know, typically on the forensics scene,
16 you know, once they get there, they do the overall
17 photographs, and start from the outside and work their
18 way in. So they can go in, they start processing the
19 scene, evaluating the scene, and collecting and --
20 photographing and collecting the evidence.

21 Q. And did you personally witness some of the
22 processing of the scene as your forensic people were
23 doing it?

24 A. Yes, absolutely. As the case agent, you want
25 to be right there to observe the scene, so you can --

1 you know, you can talk about the scene and understand
2 the scene. It helps you with the investigation. But,
3 yes, I was there.

4 Q. And just to give us a sense of the timeframe,
5 you're processing the scene on what date?

6 A. On the 23rd -- I'm sorry, May 23, 2014.

7 Q. And then you interviewed the defendant on what
8 date?

9 A. On the 29th of -- yeah, May 29, 2014, about
10 six days later.

11 Q. Did he turn himself in?

12 A. No, he did not.

13 Q. And he had to be extradited?

14 A. He did.

15 Q. And where was that from?

16 A. Charlotte, North Carolina. We requested the
17 assistance of the US Marshall's Task Force, and they
18 were able to locate and apprehend him in Charlotte,
19 North Carolina.

20 Q. He waived extradition; correct?

21 A. He did.

22 Q. And that's just a court proceeding; that
23 doesn't mean he turned himself in?

24 A. That's correct.

25 Q. And so anything you learned on the 29th from

1 the interview, you didn't have back on the 23rd when
2 you were processing the scene; correct?

3 A. That's correct.

4 Q. So you all were just trying to do the most
5 thorough job you could given the facts you had at the
6 time?

7 A. That is correct.

8 Q. And did you or anybody look through the trash
9 at the residence?

10 A. Yeah, we actually did. Both the forensics
11 folks, which is Lt. Alteri and Crystal Spence. And
12 then I also was right there when we opened up the bag
13 and looked inside.

14 Q. Did you see any black and white nightgown?

15 A. No, we did not.

16 Q. And there was some knives that were sent to
17 SLED; is that correct?

18 A. That's correct. There were two knives.

19 Q. And tell me where those knives came from?

20 A. Well, Mr. Bradley was arrested by the US
21 Marshalls in North Carolina. He had a pocket knife on
22 his persons, so that was collected. When he got here,
23 we collected that and placed that into evidence, and
24 sent it off to SLED. Approximately three months later,
25 one of the family members of the victim called to --

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1 contacted me and let me know that they had located a
2 knife in the bottom of a box. It was covered up with a
3 bunch of -- they were going through some documentation,
4 like insurance papers or something like that for the
5 victim, and located a knife in the bottom of the box.
6 Thought it was of some sort of evidentiary value. So I
7 asked them to bring it up here to me. So we collected
8 that from the family member.

9 Q. And were you reluctant to send that to SLED?

10 A. We were. The issue with -- with that was
11 that, you know, we worry about the chain of custody.
12 And my understanding is that knife -- one, it was
13 located by a family member. I don't know how it was
14 handled. And it was transferred to another family
15 member, and then back to another family member. Not
16 really knowing who was keeping that -- chain of custody
17 with that knife, but we still -- we still collected it,
18 but -- and sent it up to SLED.

19 Q. So even if something of Mr. Bradley's was
20 found on it or some DNA of Frances Lawrence, that could
21 have happened any number of ways without a chain of
22 custody to prove that it wasn't contaminated?

23 A. That's correct.

24 Q. So out of an abundance of caution, you send
25 it?

1 A. That's correct.

2 Q. And the other knife was, you said, a pocket
3 knife from Lee Bradley?

4 A. That's correct.

5 Q. Based on your experience, do you really think
6 that was the murder weapon?

7 A. Not based off of the evidence and the
8 pathologist's report, but we still collected it.

9 Q. It was a small knife?

10 A. That's correct.

11 Q. Now, there were some knives located at the
12 scene; right?

13 A. There was in the kitchen area.

14 Q. And they were inspected for blood?

15 A. They were by our forensics.

16 Q. But nobody collected them?

17 A. No, they did not.

18 Q. Now, fast forward to the 29th, the defendant
19 gives you a very specific description of the murder
20 weapon; correct?

21 A. He did.

22 Q. He said it's a black handled knife, a serrated
23 knife -- the kind that you find -- I think he said in
24 the kitchen?

25 A. Yes.

1 Q. So you didn't know that at the time; right?

2 A. Not -- not -- not on the 23rd.

3 Q. And then he says that he put the murder weapon
4 in the drain board or in a drawer, or both?

5 A. In a drain board.

6 Q. And he said he washed it, like with the
7 breakfast dishes?

8 A. That's correct.

9 MS. WILLIAMS: Your Honor, I'm going to show
10 defense counsel -- I believe these are already in
11 evidence, 24, 25, and 26? May I approach the witness?

12 THE COURT: You may.

13 BY MS. WILLIAMS:

14 Q. Do you remember seeing these knives?

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

16 Q. Okay. I'm going to publish these behind you.
17 Let me get you a pointer. Can you please put up
18 State's 24. I'm going to --

19 MS. WILLIAMS: May I approach, Your Honor?

20 THE COURT: Yes.

21 BY MS. WILLIAMS:

22 Q. Now, that's your typical butcher block with
23 knives in it; right?

24 A. Yes, ma'am.

25 Q. What's notable about that?

1 A. There is some things that I noted in there.
2 There's -- all the knives are the same except the one
3 that's like the third from the left. And if you look
4 just in front of the -- the one on the bottom, the
5 bottom left, just in front of that, there is an empty
6 slot where it's missing a knife in that slot.

7 Q. So all the -- all the knives are there, but
8 one?

9 A. Yes, ma'am.

10 Q. Okay. If you could put up State's 26. And
11 were those the knives -- the silverware that was found
12 in the drain board?

13 A. Yes, ma'am.

14 Q. Any of those knives serrated or sharp enough,
15 do you think, to cause this kind of injury?

16 A. It's hard to tell from that picture, but they
17 don't even match anything close as to what was found in
18 the butcher block as far as the handle or the type or
19 anything.

20 Q. But those are different kind of knives; those
21 are like your every day?

22 A. Yes, ma'am.

23 Q. Thank you. Now, was the murder weapon ever
24 found?

25 A. No, ma'am, it was not.

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1 Q. And was the truck ever found?

2 A. No, it was not.

3 Q. Where does the defendant say the truck was?

4 A. The defendant originally told us, in his
5 interview, that he left it at the bus station, which is
6 located right there at the Shell Station -- like I
7 said, it's not a Shell Station now, but back then it
8 was a Shell Station. And they called it the Oasis One
9 Stop. It's located on Main and Summerville -- it's
10 located right there on North Main in Summerville.
11 Right there, if you make a left, it takes you to Royal
12 Road by CVS. If you make a right, it takes you down
13 Old Summerville Road, which leads back around 17 A.
14 That's the bus stop in Berkeley County.

15 Q. And you sent officers to go look?

16 A. Yeah. We sent them immediately. As soon as
17 we had that information from the family members that he
18 would likely use the bus stop sometimes -- or the bus
19 station to go back to North Carolina -- move back up to
20 North Carolina, we sent officers there to check to see
21 if anyone on -- on their records of going to the bus,
22 get on the bus, and go anywhere in North Carolina. We
23 looked for the vehicle. We looked for him. And he
24 wasn't around the surrounding area around there. We
25 thought the vehicle may be parked somewhere else, and

1 it was not located.

2 Q. And you said -- was anyone sent to look to
3 pull any video tape or look at any video tape?

4 A. On -- as far as in reference to that, or in
5 reference to -- later on, as far as -- from his
6 interview?

7 Q. At any time?

8 A. Yes. Detective McDowell responded over to the
9 Hess Station at Highway 78, which is where it was
10 determined -- that's where he was at based off of the
11 interview of him saying he was on Highway 78 when he
12 made the original 911 call. Detective -- excuse me --
13 Detective McDowell went to that convenience store, set
14 there several hours viewing videos forward of the time
15 the phone call, and after the time call. And at no
16 time was the defendant there, Lee Bradley, seen on that
17 video.

18 Q. Of course, we found out later he wasn't really
19 on 78; he was on 95?

20 A. That's correct.

21 Q. And were you aware at any time that he used to
22 work for an auto auction?

23 A. I think when I interviewed him, he talked
24 about that's where he used to work at. He used to work
25 at Charleston Auto Auction.

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1 Q. Okay. And what other steps did you take -- or
2 did you take any other steps besides the BOLO at any
3 time to locate where the truck might have winded up?

4 A. Yeah. We continued to check. The vehicle --
5 the vehicle was immediately put in NCIC, which is the
6 national crime data computer. And that's located up in
7 Virginia, but it's nation wide. So if you report
8 something stolen, and it was to show up in Alaska, it
9 would come back stolen out of Berkelely County if we --
10 if we entered it into the national data base. So it
11 was entered into NCIC as a stolen motor vehicle.

12 And some other things we did, there is --
13 another national data base called NMVTIS. And it's
14 basically National Motor Vehicle Title Information
15 System. What that does, that is all -- all of the data
16 that's going into that computer is controlled by a
17 state agency, that do all the -- so basically your --
18 every state's DMV enters information in there regarding
19 VIN numbers on vehicles. The other people who report
20 to this is the insurance carriers and the salvage --
21 auto salvage companies.

22 The requirement is if you salvage a car, and
23 it's taken out of commission, you have to report that
24 VIN number that -- that you're basically crushing the
25 vehicle or getting rid of the vehicle. The VIN is

1 removed and you report to them, that data base, so that
2 vehicle is no longer in commission or -- or able to be
3 on the road. So we checked that data base. That
4 vehicle has not popped up in that data base.

5 Q. And as far as checking out whether or not the
6 defendant tried to call an ambulance, he said he tried
7 to call an ambulance on the 911 call; correct?

8 A. That's correct.

9 Q. What did you -- what steps did you take to
10 confirm or -- or disprove that he did or didn't call
11 the ambulance?

12 A. We checked his phone records. And we also
13 checked the -- through central dispatch, there is a CAD
14 system. And there is no -- no indication that an
15 ambulance or that he had dialed 911 to call for an
16 ambulance at any time.

17 Q. And there was some indication in -- at least
18 two of the statements that the defendant gave, that
19 there was some kind of struggle. As an officer what --
20 or as an investigator, what do you look at to see if
21 that's true at a crime scene?

22 A. Normally, you -- you know, common sense comes
23 into play. A lot of times if there's any kind of
24 physical altercation or struggle, I mean you start
25 seeing things that are disarrayed, things that are

1 knocked over, pushed out of the way. Just things are
2 just completely out of normal if someone starts -- you
3 know, if you're tussling or you're fighting, you will
4 see stuff -- you know, like lamps knocked over and
5 you'll see furniture knocked over, rugs out of place.
6 Maybe damage to a wall or anything like that.

7 Q. Any sign of those things at this scene?

8 A. There was no sign of any of that at this
9 scene.

10 MS. WILLIAMS: Court's indulgence for just a
11 moment. Twenty seven and 30 are not in evidence?

12 COURT REPORTER: Correct.

13 MS. WILLIAMS: Okay. Your Honor, I'm showing Ms.
14 Littlejohn what has been previously marked as State's
15 27 and 30.

16 THE COURT: Any objection?

17 MS. LITTLEJOHN: No objection, Your Honor.

18 THE COURT: Marked and admitted without
19 objection. You may proceed.

20 (State's Exhibits Nos. 27 & 30 admitted into
21 evidence.)

22 BY MS. WILLIAMS:

23 Q. Can you please publish State's 30? This is
24 going to be a picture of Ms. Lawrence's body. Can you
25 tell us what is at her foot?

1 A. At her foot was a plastic bag containing like
2 white paper towel rolls, that you buy like in the
3 multipack.

4 Q. And where is that? Just so that we can orient
5 ourselves, where is her foot and -- in that plastic bag
6 with the paper towels or the toilet paper?

7 A. If you would come through -- out of the master
8 bedroom, into the bathroom where her head is
9 positioned, her feet are positioned actually in the
10 actual walk-in master closet.

11 Q. And could you please put up State's 27. And
12 what is that a picture of?

13 A. It's a red substance. And just through my
14 training and experience, appears to be blood.

15 Q. Okay.

16 MS. WILLIAMS: Your Honor, I'm going to ask
17 permission to publish this by passing it around the
18 jury. It's just -- it comes up very dark on this
19 particular slide.

20 THE COURT: They can review it in deliberations.

21 BY MS. WILLIAMS:

22 Q. So when you see it at the scene, to you, it
23 looked like blood?

24 A. Yes, ma'am.

25 Q. But the forensics technician -- the forensics

1 technician that testified, she can't -- they are very
2 little -- she can't say it's blood, because she didn't
3 have it analyzed?

4 A. She did not.

5 Q. And really they should have tested it for
6 blood?

7 A. They should have.

8 Q. So that's something you wished they would have
9 done?

10 A. Yeah, absolutely.

11 Q. And I think that Mr. Bradley talked about how
12 they were fighting all around by these blue rugs;
13 correct?

14 A. He does.

15 Q. And that that's where the struggle took place.
16 When you look at the blue rugs, is there any indication
17 that they are moved around, that there was a struggle
18 on them, or that they were moved in any way?

19 A. No, I did not.

20 Q. Okay. The room is not disrupted? No room in
21 the house is disrupted?

22 A. No, ma'am.

23 Q. Now, at some point in the investigation, did
24 you obtain some bank records?

25 A. Yes. I obtained the bank records -- actually

1 from the family members, at the same time, I obtained
2 the one knife, which was about three months later.

3 Q. And you got the addresses of -- let me ask you
4 this: Were there any withdrawals after Ms. Lawrence
5 died?

6 A. There was.

7 Q. And did you look at the addresses of those
8 ATMs where there were withdrawals?

9 A. I did.

10 Q. And on the 22nd and 23rd, did you see any
11 withdrawals at 2895 5th Street?

12 A. Yes.

13 Q. Or 2908 5th Street?

14 A. Yes, at both addresses.

15 Q. Did you check out those addresses to find out
16 what they were?

17 A. Yeah. Both of those addresses are actually --
18 Summerville uses West Fifth -- but it's better known as
19 Highway 78, which is at the corner of Highway 78 and
20 Jedburg Road, if anybody is familiar with that area.
21 On one corner, it used -- back then it was a Hess
22 Station. It's now a Speedway. Speedway bought out
23 Hess. And on the other side is a Circle K Kangaroo Gas
24 Station.

25 Q. And at the time that you were interviewing the

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1 defendant, did you have any knowledge that Harold
2 Drayton had gone to those locations with the defendant?

3 A. We did not. We first knew about this three
4 months after the fact, when the -- they actually
5 brought in the financial paperwork when they got the --
6 the financial paperwork from the bank.

7 Q. And when you initially or when your officers
8 initially interviewed Harold Drayton, would you have
9 even known that that would have been relevant?

10 A. No, we would not.

11 Q. And you alluded to the 911 call, how was the
12 911 call ended to your knowledge? Does it -- does it
13 -- who ends the call?

14 MS. LITTLEJOHN: Your Honor --

15 THE COURT: Sustained. Speculation and
16 cumulative.

17 BY MS. WILLIAMS:

18 Q. Is there any indication in your investigation
19 that Mr. Bradley tried to call 911 back?

20 A. There is no indication of that.

21 Q. Or tried to call the police department back?

22 A. There is no indication of that either.

23 Q. And when you interviewed Mr. Bradley, did you
24 have a chance to observe his physical appearance?

25 A. We did.

1 Q. And what's a defensive wound?

2 A. The most laymen terms of a defensive wound I
3 can describe is any type of wound or injury that a
4 victim would sustain during an attack by a subject or
5 an assailant.

6 Q. And you know this based on all the
7 investigations you have done and your training and
8 experience?

9 A. That's correct.

10 Q. And did Mr. Bradley have any defensive wounds?

11 A. I didn't observe any -- any type of wounds on
12 Mr. Bradley.

13 Q. And are you familiar with the kinds of wounds
14 that are called restraining wounds, where people have
15 bruises on their arms from where they're held down?

16 A. We are.

17 MS. LITTLEJOHN: Your Honor, I believe that's
18 outside the scope --

19 THE COURT: Sustained. Lack of foundation and
20 cumulative.

21 BY MS. WILLIAMS:

22 Q. How tall is Mr. Bradley?

23 A. Mr. Bradley, approximately -- according to his
24 DMV records, and according to what he told us when we
25 booked him in, he's about 5'6".

1 Q. Okay. And when you interviewed Mr. Bradley,
2 did you read him his Miranda Rights?

3 A. He was read his Miranda Rights.

4 Q. And it was videotaped?

5 A. It was. It was video and audio tape recorded.

6 Q. And so we all saw it. It's in writing. He
7 used the form. You made sure that he was understanding
8 each one before you moved on to the next one; correct?

9 A. That is correct.

10 Q. And as you observed him while you were
11 interviewing him, did you have any indication that he
12 didn't understand what was going on?

13 A. No, I did not.

14 Q. Any indication that he was under drugs or --
15 the influence of drugs or alcohol?

16 A. There was no indication.

17 Q. And he agreed to speak with you?

18 A. He did.

19 Q. Did he ever ask for a lawyer, inside the room,
20 outside the room, during transport, any time that
21 you're aware of?

22 A. Not that I'm aware of.

23 Q. And was anything said to him on the video,
24 outside the video, or at any time that could be
25 construed as a threat or an inappropriate promise, or

1 anything like that?

2 A. No.

3 Q. In the interview, you had knowledge of the 911
4 call; correct?

5 A. That's correct.

6 Q. Does he tell the same story?

7 A. No. I mean, if you listen to the 911 tape, he
8 talks about there's a struggle, she falls on the knife.
9 And then during our interview, we went back and asked
10 him, and -- in the interview, he says that they
11 struggled, and they both fall and he falls on top of
12 her.

13 Q. But in the beginning of your interview, he
14 said she fell on top of the knife?

15 A. That's correct.

16 Q. So is it fair to say the story evolved, as you
17 keep presenting him with different pieces of evidence?

18 A. That's correct.

19 Q. And at one point, he said that he washed her
20 off?

21 A. That is correct.

22 Q. And where did he tell you this wash cloth is
23 that he used to wash her off?

24 A. He said it's right there on the counter in the
25 sink in the bathroom -- the master bathroom.

1 Q. Did you find anything like that?

2 A. We didn't find anything that would indicate
3 there was a wash cloth with any kind of blood or used
4 for washing.

5 Q. Is there any blood found anywhere except on
6 that paper towel in the closet and on the victim?

7 A. That's the only place we saw.

8 Q. Is that consistent with her falling on her
9 back --

10 MS. LITTLEJOHN: Your Honor, speculation.

11 THE COURT: Sustained. Lack of foundation and
12 speculation.

13 BY MS. WILLIAMS:

14 Q. And, again, he told you he washed the murder
15 weapon?

16 A. He did.

17 MS. WILLIAMS: The court's indulgence.

18 THE COURT: Yes, ma'am.

19 MS. WILLIAMS: Thank you, Captain Shuler. Please
20 answer any questions that the defense may have.

21 THE COURT: You may proceed.

22 **CROSS EXAMINATION BY MS. LITTLEJOHN:**

23 Q. Hey, Captain Shuler.

24 A. Good morning, ma'am.

25 Q. You've been sitting in here this entire time;

1 right?

2 A. That's correct.

3 Q. And this is your case?

4 A. This is my case.

5 Q. And so, basically, you are tasked with telling
6 people what to do, doing it, and knowing the entirety
7 of the case?

8 A. That's correct.

9 Q. Okay. I just kind of want to start out with
10 the -- the bus station and the car. Just briefly,
11 didn't you have them patrol the area that -- wasn't
12 that your word -- you wanted them to patrol the area of
13 the bus station?

14 A. We had them go to the actual bus station, and
15 patrol -- they patrolled the area of the bus station.

16 Q. Right. They patrolled it. Did you have
17 them -- but in your report, you didn't have them get
18 out at the bus station; did you?

19 A. I can't tell you exactly if they got out and
20 they checked on the bus station -- if they got out and
21 checked to see if he had left. I got told by the
22 sergeant that they checked the bus station. They
23 patrolled the area, and there was negative findings.

24 Q. And where that bus station is located, I think
25 there is a CVS across the street; right?

1 A. There is.

2 Q. And there -- there's some other businesses
3 around there, small ones, but other businesses?

4 A. A bar and a tattoo parlor and some other --

5 Q. Right. Sort of a strip -- sort of one level
6 --

7 A. That's -- that's completely to the right of
8 the CVS Pharmacy --

9 Q. Right. So in your report, you said that you
10 requested the deputies to patrol and check the bus
11 station; correct?

12 A. That's correct.

13 Q. And you don't know if they got out and went in
14 and interviewed anyone at the bus station; do you?

15 A. I asked them to check the bus station and
16 patrol the area. And I was advised that there was
17 negative findings.

18 Q. But you don't know if they got out and went
19 in?

20 A. I can't testify to that, no.

21 Q. And nobody, to your knowledge, went across the
22 street to get the CVS videos, did they?

23 A. I can only -- I can tell you -- well, as far
24 as the answer to the question, no. And I can answer
25 the question as far as CVS through previous incidents

1 we've had with CVS Pharmacies, you're talking -- their
2 video cameras face strictly at their -- they're down at
3 their sidewalks and their entry way into their parking
4 lot. It's just a couple of parking spots in front of
5 their parking space. The way CVS Pharmacy is located
6 across from the Oasis -- you have CVS Pharmacies deep
7 into Royal road. You have their full parking lot. You
8 have the sidewalk. You have a four lane major highway,
9 with a turning lane, and there's a median. Then you
10 have the parking lot of the Oasis. Their cameras do
11 not even come close to seeing any activity over there.

12 Q. But you didn't have anyone to speak to anybody
13 over at CVS to see if they noticed anybody, did you, or
14 at the bus station to do in-depth interviews?

15 A. Not that I'm aware of, no.

16 Q. Okay. And did you get any traffic cameras on
17 anything?

18 A. There is no traffic cameras in that area.

19 Q. No, I mean, in any of the areas?

20 A. There is no traffic cameras in any of that
21 area that I'm aware of.

22 Q. Not just the bus station area, but any of the
23 78 area?

24 A. I'm not aware of any traffic cameras on
25 Highway 78 either.

1 Q. All right. What about any that would be in --
2 on stores that would be pointing that way? For
3 example, banks?

4 A. There is -- no. Just through my experience,
5 and as long I've been a detective, and on all those
6 businesses along 78, they do not -- pictures of the
7 road, these business are concerned about the business
8 itself, the entryway in the parking lot.

9 Q. But you didn't actually send someone to check?

10 A. No, I did not.

11 Q. Okay. Because, I mean, you had your plate
12 full. You can only do so much. So -- and in your --
13 Mrs. Williams talked to you about -- that Mr. Bradley
14 waived extradition. Basically he said, yeah, sure, I
15 will come on down, will y'all -- isn't that what
16 waiving extradition is?

17 A. Yeah. Basically a waiver of extradition is
18 he's not going to contest law enforcement -- the
19 warrant in order to bring him back into the State of
20 South Carolina.

21 Q. And in the interview, you heard Detective
22 Cortte up here earlier; right?

23 A. Yes, I did.

24 Q. And, basically, I asked him the same thing I'm
25 getting ready to ask you. We all know the difference

1 between the truth and a lie; so was everything you said
2 in the interview the truth?

3 A. I don't know of anything that I did not tell
4 the truth, or any kind of misrepresentation in that
5 interview.

6 Q. Okay. When you were talking with Mr. Bradley
7 during his interview, didn't he tell you that he washed
8 the stuff in the sink; correct?

9 A. He did.

10 Q. I dried it?

11 A. He did.

12 Q. He told you it was a frying pan?

13 A. He did.

14 Q. And he said he put the knife in the drawer?

15 A. He said the drain board.

16 Q. And then after that, didn't he say -- and the
17 knife is in the drawer; I put it back in the drawer?

18 A. I would have to look and see the video or the
19 transcript of this tape to be for sure.

20 Q. And didn't he actually attempt to stand up in
21 the interview, to kind of show y'all how things were --

22 A. He stood up actually several times to --

23 Q. To give a demonstration like?

24 A. That's correct.

25 Q. And something was mentioned about 95 a minute

1 ago. That's where you heard the 911 operator say it
2 pinged off of; right?

3 A. That is correct.

4 Q. And I know in as many cases as you have
5 worked, you know that you can get cell phone records;
6 right?

7 A. That's correct.

8 Q. And experts can be brought in about pinging
9 right? Pinging of cell phones?

10 A. That's correct.

11 Q. Did you get anyone to come in and talk with
12 you and analyze the pinging of the cell phones?

13 A. I didn't have anyone to enter -- come in and
14 speak to me about analyzing it. We -- as far as the
15 search warrant of the phones, that was done by the US
16 Marshall Task Force.

17 Q. But you didn't have anyone come in about where
18 he was, where it really would ping off; correct?

19 A. That's correct.

20 Q. He actually gave you a couple of telephone
21 numbers; right?

22 A. He gave me some numbers he believed might have
23 been the numbers.

24 Q. And the family also gave you those numbers as
25 well?

1 A. Yes.

2 Q. And those matched up?

3 A. Yes.

4 Q. And I think in his interview, he actually said
5 something about it's in my phone, right over there;
6 right?

7 A. That would be the phone that came -- that was
8 in his possession when he was arrested.

9 Q. Right.

10 A. From Charlotte, yes.

11 Q. And you said -- you were talking about
12 telephone calls, but none of that was sent off for a
13 high tech evaluation, was it?

14 A. As far as the -- the -- the phone that he had
15 in his possession, it was a different number than we
16 were provided initially by the family members. It was
17 a number that he called on later, which was an actual
18 803 number. Originally, he was calling from a 704
19 number, which is normally related to North Carolina.
20 The number he called us from was 803. The phone he had
21 in his possession was that 803 number. That phone was
22 a brand new like little track phone type phone.

23 Q. Right. But that wasn't sent off, was it?

24 A. No. But it was analyzed through a search
25 warrant by Lt. Murphy, who does our phone forensics and

1 computer forensics.

2 Q. Right. And he wasn't able to make his
3 material work on that telephone; right?

4 A. Yeah. It -- it didn't conform to the Cell
5 Bright Extraction system that -- that we have, that's
6 used by most law enforcement agencies throughout the
7 country. It just did not conform. And a lot of times
8 with the newer phones, and stuff like that, some of
9 them do not have -- the technology catch up with the
10 actual system --

11 Q. But -- and then y'all didn't send it off to
12 anybody else; right?

13 A. We did not, but we did do a physical exam of
14 it.

15 Q. And on May 24th, didn't you learn from the
16 victim's mother that he had called from the 803 number?

17 A. That's correct. That's how we got the 803
18 number.

19 Q. And you had also learned about the 704 number?

20 A. On the 23rd -- we learned about the 704 number
21 on the 23rd.

22 Q. And you didn't send those off to SLED or
23 whoever does the high tech stuff for pinging and cell
24 phones; did you?

25 A. We didn't have the phone. We didn't have the

1 actual device itself. The only device we had was the
2 803, which he had on his person when he was arrested.
3 As far as the cell phones for the 704 number, that was
4 accomplished by the US Marshall Task Force.

5 Q. There was some mention about the rag on the
6 sink, or in the sink, or around the sink -- and you
7 wouldn't have thought that was important if you didn't
8 see a lot of blood on it; right?

9 A. Everything was processed and observed and
10 looked at, at the scene. And that -- the rag had,
11 based off of observation, had no evidentiary value at
12 the time.

13 Q. And don't you learn that -- well, don't you
14 know that -- from the serology testifying, when you
15 were in here, that they can actually swab things to
16 determine if there is or is not blood that maybe we
17 can't see?

18 A. She did say, you know, they can get DNA and
19 stuff from the things that they are presented.

20 Q. And did you ever go up to Charlotte and talk
21 with the people at the ministry?

22 A. I never went to Charlotte.

23 Q. Okay. Did you -- do you ever request that DNA
24 be done on items?

25 A. Do I ever request?

1 Q. Yeah.

2 A. We send items up to SLED and if DNA requests
3 -- is requested for those items, then yes.

4 Q. But -- and you've heard the sisters tell you
5 how carefully they handled that one knife they found;
6 right?

7 A. Yes.

8 Q. And did you send that off?

9 A. Both knives, as I said earlier, were sent up
10 there for testing for blood. Once they were tested for
11 blood -- if either knife would have indicated positive
12 for blood, then at that point, they were then sent to
13 DNA to be compared to the known standard that we had
14 already sent up to SLED.

15 Q. And you heard the DNA analyst talk about how
16 -- if I touch this podium or something, that she would
17 find my DNA through touch DNA, but you wouldn't
18 necessarily find my blood on this podium --

19 MS. WILLIAMS: Objection.

20 Q. -- would you?

21 THE COURT: Basis?

22 MS. WILLIAMS: It calls for speculation.

23 THE COURT: Sustained. Lack of foundation.

24 BY MS. LITTLEJOHN:

25 Q. You heard the DNA analyst talk about touch

1 DNA?

2 A. That's correct.

3 Q. And you send off stuff to the DNA lab?

4 A. We do.

5 Q. And you didn't request any of those be sent;
6 did you?

7 A. They went up for blood testing first. If the
8 blood -- as I said earlier, if they would have tested
9 positive for blood, those samples would have been sent
10 to the DNA lab, which is located at SLED, for testing
11 to compare to the known standards of the DNA that we
12 had.

13 Q. But in -- you have sent things to DNA
14 before -- the DNA department without sending to the
15 blood department, hadn't you?

16 A. Yeah. If we're looking for like touch DNA
17 evidence, you're talking about like if somebody was to
18 touch like a -- a car or a window, or something like
19 that, and we lifted a latent print. And we can get DNA
20 off of a latent print. Or, if we found a -- you know,
21 an item at a scene so that we can test it for DNA if
22 that's strictly what we're looking for.

23 In this case, we were looking for the blood --
24 to see if there was any blood stain on either knife
25 first. If there would have been blood, and it came

1 back, we would once again send it to a DNA lab.

2 Q. When you interviewed Mr. Bradley, he told you
3 he -- he didn't need to talk to an attorney; didn't he?

4 A. He didn't request an attorney.

5 Q. And he -- he talked to you?

6 A. He did.

7 Q. And as a matter of fact, as you're walking
8 out, he said, hey, if I think of something, I'll let
9 you know?

10 A. He did.

11 MS. LITTLEJOHN: Court's indulgence.

12 THE COURT: Yes, ma'am.

13 BY MS. LITTLEJOHN:

14 Q. And about -- early on -- really early on in
15 this whole process, you figured -- based on your
16 testimony and what was in the search warrant, that
17 there was probably some sharp weapon used; right?

18 A. Yeah. Based off the -- the fact -- the
19 findings at the scene and obviously based off the
20 autopsy results, there was some sort of sharp or blunt
21 object that was used.

22 Q. And but the knives were never all taken into
23 evidence; were they?

24 A. No, they were not.

25 Q. And a knife missing, is that -- if somebody

1 has a knife missing in their knife block at home --
2 because for whatever reason -- is that unusual, or do
3 you know?

4 A. Well, I don't know -- you know, I don't know
5 what people's habits are, I mean --

6 Q. Okay. Thank you. Okay. Let me ask you one
7 question: You've been doing this a while, and when --
8 you've got that one time to go into a scene; right?

9 A. That's correct.

10 Q. And over the years of doing this, do you
11 ever -- once you finish, and go back to the office, and
12 maybe then -- or a couple of weeks later think of
13 something, wow, maybe I should have done something else
14 or added -- done another step?

15 A. I think you can always go back and you got
16 more time, and you got a chance to evaluate whether
17 it's a week later, two weeks later, or two years later,
18 you can always go back and go, hey, there's always --
19 hey, could we have done something differently or -- you
20 know -- you know, I think -- I would think you can
21 probably do that in probably any aspect of anybody's
22 life, or anything that you do.

23 Q. And you just never know; right?

24 A. I don't think you never know.

25 Q. You said that you didn't see any defensive

1 wounds, and that was about a week later. But you
2 didn't actually strip search Mr. Bradley for that; did
3 you?

4 A. No. We didn't strip search him or anything
5 like that.

6 Q. Right.

7 A. We just did our observations of being right
8 there in the room with him for an hour and a half, and
9 then transporting him over to the detention center.

10 Q. And he was cooperative in there with you?

11 A. He was.

12 Q. And you all seemed to get along well in there?

13 A. Yes, ma'am.

14 Q. And when you were talking with the folks
15 involved, did you assure them they could always come
16 back to you if they wanted to add anything?

17 A. We always do that. I mean anytime we speak to
18 folks, I mean -- and especially when you're talking
19 about a time of traumatic things that was going on, you
20 know, people's emotions are running, you know -- I
21 think sometimes, maybe, you know, people don't always
22 hear that certain audible things. But we do explain to
23 anybody, whether it's the victim or the defendant, or
24 anyone that we interview, we talk to in any matter,
25 witness, whatever -- we're like look, hey, if you

1 happen to remember anything down the road, please
2 contact us. Now, that's us telling them that; whether
3 they do, that's completely up to that person.

4 Q. Ms. Gant contacted y'all, right, I think?

5 A. I don't -- yeah, she did.

6 Q. That's not unusual for people to contact you?
7 They will do that after the trauma has died down
8 so-to-speak?

9 A. Sure. Sure.

10 MS. LITTLEJOHN: I have no further questions, Your
11 Honor.

12 THE COURT: Any redirect?

13 MS. WILLIAMS: Just one, Your Honor.

14 **REDIRECT EXAMINATION BY MS. WILLIAMS:**

15 Q. Mr. Bradley told you that Frances had been
16 drinking a lot that night?

17 A. He did.

18 Q. And that she was acting crazy?

19 A. He did.

20 Q. And she was on medication?

21 A. He did.

22 Q. And Ms. Littlejohn asked you a little bit
23 about the knife. Can you remember specifically how he
24 described the knife?

25 MS. LITTLEJOHN: Your Honor, asked and answered.

1 THE COURT: Overruled.

2 THE WITNESS: I think if you reflect back and
3 remember the video or anything like that, he described
4 it as a black handle serrated type knife. And I asked
5 him, I said, how long was it. And in the video he
6 says, about this long. So, you know, he was saying
7 that's a little -- so I took the pen out of my pocket.
8 And I said, was it this long. And he said, no, longer.
9 So I took two pens, and stuck them side -- together end
10 to end, and said, this long. And he said, yeah, about
11 that long, or maybe just a little shorter or something
12 like that. You can look at the video.

13 BY MS. WILLIAMS:

14 Q. And did he say anything to you that would
15 indicate that it was one of the black knives in the
16 house?

17 A. Yes.

18 Q. Do you remember him saying all of them are
19 black, all the knives in the house are black?

20 A. Yes.

21 MS. WILLIAMS: Nothing further.

22 THE COURT: Sir, you may step down. Call your
23 next witness.

24 MS. WILLIAMS: The State calls Alyssa Rhiengold.

25 MS. LITTLEJOHN: Your Honor, may we approach?

1 THE COURT: You may.

2 (Whereupon, a bench conference was held.)

3 THE COURT: Madam Forelady, and ladies and
4 gentlemen, I have a brief matter of law to take up with
5 counsel. During the break, please do not discuss the
6 case, and please leave your note pads in your seats.
7 We appreciate your patience.

8 (Whereupon, the jury left the courtroom at 10:48
9 p.m.)

10 THE COURT: You may be seated. The basis of the
11 objection?

12 MS. WHITE: The basis of the objection is that
13 pursuant to Rule 402 and Rule 403, it's not relevant,
14 the testimony that the State is seeking to elicit. It's
15 highly prejudicial. It's being offered to confuse and
16 mislead the jury.

17 There has been one conviction from 2012 that the
18 jury has been made aware of involving domestic
19 violence. It would seem -- our contention is that the
20 testimony of Ms. Rhiengold seeks to bolster the State's
21 claim of murder. The admission of this testimony, we
22 believe, would violate our client's 5th and 14th
23 amendment rights to due process. And for that reason
24 we would ask that this witness not be aloud to testify.

25 THE COURT: Would you like to respond?

1 MS. WILLIAMS: Yes, Your Honor. There has been
2 evidence in the record about Frances Lawrence having
3 arguments, that they had a rocky relationship, that she
4 kept taking him back.

5 There has also been evidence in the record
6 that -- talked about her having an extra phone that she
7 didn't want him to have, that she was getting ready to
8 move.

9 There is evidence in the record that back in
10 2012, that there was a domestic violence incident, and
11 yet they're back together. There is also evidence in
12 the record from -- the defense has elicited, that they
13 were getting ready to get married, and presumably
14 they're trying to paint a different picture of what was
15 going on in this relationship.

16 An expert is allowed, if there is any issue that
17 they can speak to, that is not within the ordinary
18 understanding of the average juror. We would submit to
19 the court that all this expert is going to do is
20 educate the jury about issues that are consistent in
21 the studies of domestic violence, which is that there
22 is a cycle of abuse where the victims typically go
23 back -- go back to the defendant, even after episodes
24 of domestic violence. That doesn't mean that there is
25 nothing wrong in the relationship, it just means that

1 it's a cycle in this relationship. And it's consistent
2 to domestic violence relationships, and it's supported
3 by practice and literature.

4 Also, we want to elicit testimony about periods
5 of time when victims are getting ready to leave, and
6 how violence often escalates in domestic violence
7 relationships and what that means. Sorry, Your Honor,
8 I just want to grab this.

9 What that means, what the studies say about what
10 that means in this dynamic; that's pretty much all we
11 want to elicit from her.

12 THE COURT: But you're not going to be asking
13 about Ms. Lawrence in particular?

14 MS. WILLIAMS: No, Your Honor. We are very aware
15 of Chroma (ph) and its prodigy, and we are just very
16 careful never to have our experts talk about the
17 specifics of the case. She doesn't really even know
18 the specifics of the case. We don't want her to be
19 seen as vouching for anybody's veracity. It's just
20 merely to educate the jury about issues -- common
21 issues that are seen in domestic violence situations.

22 THE COURT: Anything further from the defense?

23 MS. WHITE: Your Honor, just briefly. The State
24 indicated that the average juror may not understand
25 relationships really. And I believe that the average

1 juror certainly can utilize their common sense. They
2 heard the testimony from all of the witnesses that have
3 indicated about the rocky relationship that the two
4 were involved in. And I believe that they would be
5 able to utilize their common sense and draw from their
6 own personal situations and understand dynamics of this
7 relationship without having to have an expert testify
8 about domestic violence. I don't think that, at this
9 point, the admission of the one conviction is enough --

10 THE COURT: Well, the conviction really wouldn't
11 be why it would be admitted.

12 MS. WHITE: Correct.

13 THE COURT: At all.

14 MS. WHITE: Yes.

15 THE COURT: The conviction is admitted under --

16 MS. WHITE: Yes, Your Honor.

17 THE COURT: So it really has nothing to do with
18 the relationship dynamics.

19 MS. WHITE: Yes, Your Honor.

20 THE COURT: It has to do with your -- to rebut the
21 the defense. And for them to meet their burden of
22 rebutting that defense beyond a reasonable doubt, which
23 is a defense of accident. It was solely admitted on
24 absence of mistake and intent. So that really wouldn't
25 be relevant to the inquires as to whether a criminal

1 domestic violence expert can testify or not.

2 MS. WHITE: Yes, Your Honor. I just really think
3 that the -- the -- the testimony of the expert would
4 serve only to confuse the jury and mislead them, and to
5 really indicate that the basis of the relationship or
6 the prior -- the prior situations that have occurred
7 are then -- speak to the fact that this incident on
8 this night was because of those --

9 THE COURT: I think that they are well aware of
10 the case law. They can't do that. The expert can't
11 talk about this specific incident. The expert cannot
12 talk -- and they are not allowed to argue that -- that
13 it is -- in other words, you -- you are precluded from
14 making that level of argument.

15 Experts, along this line, are allowed to talk
16 broadly about an issue, but not specifically. And the
17 State has indicated that they have not made Ms.
18 Rheingold privy to anything that happened in this
19 incident, so she has no knowledge of the alleged facts
20 and circumstances of this case.

21 And I think ethically she can't -- at least
22 based on my past experience -- experts of this type
23 ethically are precluded from testifying about
24 specifically particular facts of a case. So I think
25 for her to opine -- in general, I don't find

1 problematic. It's done all the time anymore. And it
2 is to avoid just what you have indicated, the jury
3 having any confusion about the issue. And to educate
4 them regarding what we have now termed the cycle of
5 domestic violence.

6 And I think there is enough evidence in the
7 record to support having someone testify for the
8 purpose of solely educating the jury. But, of course,
9 the State would be precluded from arguing anything
10 related to the defendant regarding consistency of
11 behavior, or habit, or character, anything along those
12 lines. And I think they are very clear regarding that.
13 And I think the case law is very clear as well as to
14 what the limitations are when admitting that type of
15 testimony, and the scope of the State's subsequent
16 arguments regarding that testimony.

17 The Court overrules the objection pursuant to
18 Rule 702, as well as finding that the evidence is
19 relevant. It is probative. It is more probative than
20 prejudicial. It will assist the trier of fact.
21 Contrary to the defense's argument, it is not
22 misleading. In fact, it will provide clarity and a
23 bench mark for assisting the trier of fact in making
24 its determination of the facts.

25 I cannot discern any violation of any due