

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

GARY H JOHNSON
Appellate Defender

ALAN WILSON
Attorney General

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

DANIELLE E DIXON
Assistant Attorney General
PO Box 11549
Columbia, SC 29211
(803)734-3970

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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1 process rights, as Mr. Bradley is represented and
2 counsel has an adequate opportunity to thoroughly cross
3 examine the witness regarding any issue or matter that
4 she testifies to.

5 And, of course, the State will still be bound by
6 their requirement to establish pursuant to Rule 702
7 that the witness has sufficient training, education,
8 technical, or other specialized knowledge that will
9 assist the trier of fact to understand the evidence in
10 establishing that foundation regarding the
11 admissibility of her being admitted as an expert.

12 I think it is routine now in cases where there
13 are any allegations of difficulties in relationships,
14 sexual abuse, as well as -- there's another category --
15 my mind just went blank -- I apologize -- where we have
16 these type of experts testify regarding certain
17 principles to assist the trier of fact. And our
18 Supreme Court has held that it is evidence appropriate.

19 Again, the State is admonished to stick within
20 the parameters of case law, and not have the witness
21 make any inappropriate comments that directly bear on
22 the facts and circumstances of this case. Is the State
23 ready to proceed?

24 MS. WILLIAMS: The State is ready, Your Honor.

25 THE COURT: Is the defense ready to proceed?

1 MS. LITTLEJOHN: The defendant needs a quick --

2 THE COURT: That's fine. But I need to ask a
3 quick question. How long will this witness' testimony
4 -- do you anticipate it will take?

5 MS. WILLIAMS: I think from the State ten minutes.

6 THE COURT: And from the defense?

7 MS. LITTLEJOHN: Your Honor, less than ten
8 minutes.

9 THE COURT: Will the State then be resting?

10 MS. WILLIAMS: Yes, Your Honor.

11 THE COURT: And does the defense anticipate having
12 any witnesses?

13 MS. LITTLEJOHN: Not at this time, Your Honor.

14 THE COURT: Now, my other question is, how long --
15 does the State plan to open and close?

16 MS. WILLIAMS: I think they haven't presented any
17 evidence.

18 THE COURT: Oh, they sure haven't at this point,
19 have they, so they get to close.

20 MS. WILLIAMS: Yes, Your Honor.

21 THE COURT: How long does the State anticipate its
22 closing argument will be?

23 MS. WILLIAMS: I would say no longer than between
24 20 and 30 minutes.

25 THE COURT: How long does the defense anticipate

1 its argument will be?

2 MS. LITTLEJOHN: I would say 30 minutes.

3 THE COURT: Go ahead and take the defendant to the
4 restroom.

5 (After a recess, Court reconvened.)

6 THE COURT: Is the State ready to proceed?

7 MS. WILLIAMS: The State is ready, Your Honor.

8 THE COURT: The defense ready to proceed?

9 MS. LITTLEJOHN: We are, Your Honor.

10 THE COURT: Please bring in the jury.

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

13 THE COURT: You may be seated. The State may
14 proceed.

15 MS. WILLIAMS: The State calls Dr. Alyssa
16 Rhiengold.

17 DR. ALYSSA RHEINGOLD,
18 being first duly sworn, testified as follows:

19 THE CLERK: State your full name for the record
20 and spell your last name please.

21 THE WITNESS: Dr. Alyssa Ann Rheingold,
22 R-h-e-i-n-g-o-l-d.

23 THE COURT: You may proceed.

24 MS. WILLIAMS: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 **DIRECT EXAMINATION BY MS. WILLIAMS:**

2 Q. Doctor, tell the jury about your educational
3 background.

4 A. I got my Bachelors from the University of
5 Pennsylvania in 1996. I graduated cum laude in Honors
6 in Psychology. And then I received my Masters in 1998
7 and my PhD in 2001 from MCP Hahnemann University, which
8 is now part of Drexel University, in Clinical
9 Psychology.

10 Q. And did you have any internships in
11 psychology?

12 A. Yes. So part of getting a PhD in Clinical
13 Psychology, you do a year of internship, which is your
14 last year of graduate training. And I did mine at the
15 Charleston Consortium, which is part of the MUSC and VA
16 of Charleston. And it's a year long clinical
17 internship.

18 Q. And did you do anything with post -- with your
19 post-doctoral fellowship?

20 A. So after my internship, I stayed for a
21 two-year trauma fellowship, post-doctoral fellowship
22 focusing on trauma research at the National Crime
23 Victims Research and Treatment Center at the Medical
24 University of South Carolina.

25 Q. And have you ever written anything that's been

1 published?

2 A. Yes. I have published approximately 35 peer
3 reviewed journal articles, as well as about 15 or so
4 book chapters and other type of publications.

5 Q. What was the nature of those articles?

6 A. The majority are in the area of trauma and
7 victimization.

8 Q. And have you made any presentations?

9 A. Yes. I have presented roughly 150 times
10 regionally, nationally, and internationally, mainly in
11 the area of trauma and victimization.

12 Q. What -- you say trauma and victimization, does
13 that sort of crisscross over the area of domestic
14 violence research?

15 A. Yes. Domestic violence falls under the area
16 of both trauma and victimization.

17 Q. Us lay people call it something different,
18 don't we -- we don't necessarily call it trauma
19 research, but it does deal with the issues and the
20 subject matter of domestic violence?

21 A. Yes.

22 Q. Has MUSC granted you any awards or anything
23 like that during your tenure there?

24 A. In 2011, I received a clinician award from MM
25 Foundation. It's awarded every year to two faculty

1 clinicians. There's about 2700 clinicians at MUSC.

2 Q. And how long have you been at MUSC?

3 A. Since -- faculty member since 2003, after my
4 post-doctoral fellowship.

5 Q. What is the National Crime Victims Research
6 and Treatment Center?

7 A. We are a division within the Department of
8 Psychiatry and Behavioral Sciences at MUSC. We have
9 roughly 12 faculty members. The majority of us are
10 clinical psychologists. And we do a combination of
11 research, clinical, and teaching in the area of trauma.
12 We have an outpatient clinic where we see adults and
13 children who have experienced traumatic events.

14 Q. What is your title at MUSC?

15 A. Clinical Psychologist and Professor.

16 Q. And, just briefly, what are your general
17 responsibilities with regard to your work there?

18 A. So I direct the clinical operations of our
19 clinics, our outpatient clinics within our division
20 within the National Crime Victims Center. I do a
21 combination of research in the area of trauma. I do --
22 run some service oriented programs for victims of
23 crime.

24 I do a fair amount of teaching and supervision
25 of psychology interns and psychiatric residents in

1 their clinical work. I teach medical students.

2 Q. And have you, yourself, worked with trauma
3 patients?

4 A. Yes, I have.

5 Q. Could you estimate about how many you have
6 worked with?

7 A. Directly, probably 150 to 230, or --

8 Q. And do you supervise other clinicians?

9 A. I do. I supervise psychology interns, post
10 doctoral fellows, residents, some MSW (ph) training and
11 their trauma work at our center. So probably over the
12 course of my faculty role, I have probably supervised
13 three to 400 cases.

14 Q. And have you testified before in court?

15 A. I have.

16 Q. Have you been qualified as an expert before?

17 A. Yes.

18 Q. About how many times?

19 A. Six times.

20 Q. And what were you qualified as an expert in?

21 A. In clinical psychology, trauma, domestic
22 violence, and sexual assault.

23 MS. WILLIAMS: Your Honor, at this time, we would
24 offer Dr. Rheingold as an expert in the field of
25 psychology, and specifically in the field of impact of

1 trauma, domestic violence.

2 THE COURT: Any questions or objections?

3 MS. WHITE: One question.

4 BY MS. WHITE:

5 Q. Doctor Rheingold, how many times have you
6 testified as an expert?

7 A. Six times.

8 MS. WHITE: No further questions.

9 THE COURT: Any objection to the admission?

10 MS. WHITE: No objection, Your Honor.

11 THE COURT: Admitted without objection. You may
12 proceed.

13 BY MS. WILLIAMS:

14 Q. Dr. Rheingold, just in general, how common is
15 domestic violence in our society?

16 A. Domestic violence is actually quite common,
17 more common than most people think it is. So roughly
18 one in four women report being victims of domestic
19 violence at some point in their life.

20 Q. And in domestic violence cases, is it common
21 for women to stay in a relationship after episodes of
22 domestic violence?

23 A. Yes. The majority of women, when they are
24 physically abused in a relationship, the majority
25 actually stay in a relationship; and the relationship

1 is longer than one year. And the majority -- if they
2 were to leave, return to the relationship at some point
3 in time. So it's actually more common than not.

4 Q. And you've done research on this topic?

5 A. That's based on the review of research,
6 literature. There is some large epidemiological
7 studies that are done on women in domestic violence.

8 Q. And what are some of the factors based on your
9 research and experience that go into making women stay
10 in relationships that have domestic violence in them?

11 A. So there are a number of factors, not just one
12 factor. I think a lot -- a lot of general people --
13 that's a big question -- why do women stay in these
14 relationships. And there are a number of reasons.

15 For a lot of women, it's love. They love their
16 partner even though they may not approve or like what
17 it is that they have done to them; fear of the
18 individual; belief that their partner is, you know,
19 going to get help, or not do it again in the future.
20 And they want to believe that the individual is going
21 to do right.

22 Fear of harm to family members. Lack of
23 resources, lack of -- fear that they are going to be
24 not believed, if they were to seek help as well. There
25 -- it's just a number of factors.

1 Q. Is it common for women to sort of exclude
2 themselves or not tell people close to them what is
3 going on in the relationship?

4 A. Yes. It's actually more often than not that
5 women don't disclose or report domestic violence to
6 others. Some domestic violence victims report shame as
7 a reason why, as well as fear. But more often than
8 not, you know, what occurs in the home often stays in
9 the home.

10 Q. What is the power and control dynamic in a
11 domestic violence relationship, between the two people?

12 A. So you will see often in a domestic violence
13 relationship, that it's not just physical acts of
14 violence that occur. Often victims will report other
15 aspects of -- sort of power and control that occurs in
16 these relationships. So things like -- you know, being
17 isolated from others, intimidation, psychological
18 abuse, and verbal abuse usually occur in these
19 relationships. Intimidation, threats, economic abuse.

20 So often in -- in relationships where there is
21 domestic violence, it's not just the acts of domestic
22 violence that are occurring, that influence that
23 relationship between the individuals.

24 Q. And you don't know anything about the case
25 here today? You're just talking about what happens

1 based on your research in domestic violence
2 relationships; correct?

3 A. Correct.

4 Q. What does the research say about the period of
5 time when a woman is getting ready to leave her abuser?

6 A. So in domestic violence relationships, when
7 there -- there are risk factors for the potential --
8 for future escalation of harm, even homicide. And when
9 there is a -- a relationship that is controlling, or
10 there is this other kind of power of dynamics, when a
11 woman is -- have left in the past, or in the process of
12 attempting to leave, there is an increased risk of
13 homicide.

14 MS. WILLIAMS: Thank you. Nothing further.

15 THE COURT: Any questions for the witness?

16 **CROSS EXAMINATION BY MS. WHITE:**

17 Q. Dr. Rheingold, when you are assisting those
18 people that have been victims of domestic violence,
19 what -- what is your normal practice? What do you do?

20 A. When we are providing mental health
21 counselling?

22 Q. Yes.

23 A. Folks come in, then we do a structured
24 interview or assessing the mental health of the
25 reported acts of violence and trauma.

1 Q. And when doing that, are you also trying to
2 gain some -- or gather some sort of history of the
3 relationship?

4 A. Yes.

5 Q. Okay. And -- and why is that helpful?

6 A. It's helpful to conceptualize the potential
7 mental health impact that the relationship may have on
8 the individual.

9 Q. Are you -- are you also speaking to any family
10 members?

11 A. No. It's not to investigate, it is to inform
12 the mental health treatment.

13 Q. So the only -- the only person that you speak
14 to is the person that is there to receive the
15 treatment?

16 A. In our outpatient clinic, yes.

17 Q. And is there -- in the research, it's varied
18 and it's broad, is that correct, as to different
19 reasons for people being involved in those
20 relationships?

21 A. Can you clarify "varied" and "broad" for why
22 people are in the relationship?

23 Q. Well, you -- you mentioned that there are
24 various reasons why people stay in those types of
25 relationships?

1 A. Correct.

2 Q. And so there is not a one size fits all
3 situation?

4 A. No. The most common reasons are love, as well
5 as fear. Those are probably balanced out -- the two
6 most common reasons. But there's a wide range of
7 reasons why women stay in a domestic violence
8 relationship.

9 Q. And you have no firsthand knowledge of the
10 incident that we're here for today; is that correct?

11 A. Correct.

12 Q. And do all -- all victims of domestic
13 violence, they don't all react the same?

14 A. That's correct.

15 MS. WHITE: Court's indulgence.

16 THE COURT: Yes, ma'am.

17 MS. WHITE: No further questions.

18 THE COURT: Any redirect?

19 MS. WILLIAMS: No, 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. WHITE: None, Your Honor.

25 THE COURT: Ma'am, you're excused.

1 THE WITNESS: Thank you very much.

2 THE COURT: You're welcome. The State may
3 proceed.

4 MS. WILLIAMS: Your Honor, at this time, the State
5 rests.

6 THE COURT: Madam Forelady, ladies and gentlemen,
7 the State has rested their case. I have some matters
8 of law I need to take up with the attorneys. During
9 this break, please do not discuss the case and please
10 leave your note pads in your seats. We appreciate your
11 patience.

12 (Whereupon, the jury left the courtroom at 11:27
13 a.m.)

14 THE COURT: You may be seated. The State has
15 rested. Are there any motions? Are there any motions?

16 MS. LITTLEJOHN: Yes, Your Honor. I would make a
17 motion for directed verdict for the charge of murder,
18 which we are here for. Based on all the prior
19 objections and motions that I have mentioned, there has
20 been absolutely no evidence as to an ill will and a
21 hatred heart that malice -- that is required.

22 Also, you accumulate with some of our motions,
23 such as our 404(b) and take that away, I would think
24 that that would be the foundation for the directed
25 verdict for us, Your Honor.

1 THE COURT: Would the State like to respond?

2 MS. WILLIAMS: Yes, Your Honor. There has been
3 ample evidence in the record, not only that the
4 defendant committed the act that killed Frances
5 Lawrence, but ample evidence of malice. Not only does
6 he stab her in the heart, but he doesn't call the
7 ambulance. Although his explanation is that it was an
8 accident, and he had nothing to do with it, his stories
9 are contradicted by his own subsequent statements.

10 As the Court is well aware, malice can be
11 expressed or implied. And I think there is also ample
12 evidence in the record of his actions after the murder
13 that could certainly lead a jury to conclude that there
14 was malice. He's selling her items out of the house.
15 He has absolutely no regard for her. He's stealing her
16 money out of the ATM machines. He pretty much steals
17 her car.

18 He provides no care or consideration for this
19 victim. While she is laying in the house, he is going
20 about his business and he doesn't even call the
21 authorities until she's been dead for three days.

22 So based on the circumstantial evidence of how
23 the events occurred, he places himself there. I think
24 that the jury could conclude that he is the one that
25 stabbed her in the heart, based on his inconsistency

1 and that certainly his actions around the time of the
2 murder imply malice.

3 As the Court is well aware, the directed verdict
4 should not be concerned with the weight of the
5 evidence, but rather the existence. And there is
6 certainly the existence of ample evidence in the record
7 of murder and of malice specifically.

8 THE COURT: Anything further from the defense?

9 MS. LITTLEJOHN: Nothing, Your Honor.

10 THE COURT: The Motion for directed verdict is
11 considered in the light most favorable to the State.
12 The Court looks at the existence and nonexistence of
13 evidence, and not its weight.

14 The Court is required to review whether there is
15 any direct or circumstantial evidence reasonably
16 tending to go prove the defendant's guilt. The State
17 is not required to prove guilt beyond the -- to the
18 exclusion of every other reasonable hypothesis, but it
19 must be evidence from which the defendant's guilt may
20 be fairly and logically deduced. And it must be above
21 what would be considered a mere suspicion.

22 There is both direct and substantial
23 circumstantial evidence reasonably tending to prove the
24 defendant's guilt on the charge of murder. Evidence of
25 malice can be expressed and inferred. And while there

1 is a Belcher precedent regarding the inference -- when
2 regarding the weapon, that is in the context of self
3 defense. I'm still researching whether that will be
4 applicable on the issue of accident. It seems from
5 former research that it is not, but I need to review
6 that to make sure that I am accurate.

7 And the defendant -- defense is both one --
8 well, one as I understand it, that it was an accident.
9 But he's also, as I understand it, going to ask for an
10 instruction regarding a lesser included inference,
11 indicating that it could have been -- in other words,
12 he admits -- in order to avail himself of that lesser
13 included, he's going to have to admit basically that he
14 was the cause of her -- her death, but that there were
15 other circumstances involved mitigating that guilt.

16 And so there is more -- his statement in and of
17 itself, when subject to the scrutiny of credibility,
18 creates more than direct, as well as substantial
19 circumstantial evidence, reasonably tending to prove
20 his guilt. And the motion is denied.

21 Sir, if you will stand for me please, and I'll
22 remind you, that you are still under oath. I advised
23 you on yesterday regarding your right to testify. I
24 advised you of the offenses that would be admissible to
25 impeach your credibility, and I gave you over the

1 evening recess to discuss with your attorneys whether
2 you had any desire to testify.

3 I asked, again -- state your full name for the
4 record.

5 THE DEFENDANT: Lee Dell Bradley.

6 THE COURT: Mr. Bradley, have you understood your
7 rights as I explained them to you on yesterday?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you have any questions regarding
10 your rights as I explained them to you on yesterday?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: And have you fully discussed with your
13 attorneys whether you should or should not testify?

14 THE DEFENDANT: Yes, I have.

15 THE COURT: Do you need to speak with them anymore
16 at this time?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: And, sir, do you wish to testify?

19 THE DEFENDANT: No. No, ma'am.

20 THE COURT: You may take your seat. Does the
21 defense have any other witnesses?

22 MS. LITTLEJOHN: No, Your Honor.

23 THE COURT: Okay. What I am going to do -- while
24 the jury is out, I think I will go ahead and have a
25 charge conference, and then I will allow the defense to

1 rest in the presence of the jury.

2 I have ordered the jury's lunch, which I
3 anticipate should arrive about 12:00 or 12:15.

4 We are going to press forward until -- I will
5 just have to make decisions when I see what time their
6 lunch actually arrives and where we are in the process.
7 But I anticipate us resuming with closing arguments
8 once they have completed having their lunch.

9 MS. WILLIAMS: I'm sorry, Your Honor. For
10 clarification, is that after lunch? We would just
11 request that we close after lunch if at all possible.

12 THE COURT: I'm going to see how it goes.

13 MS. WILLIAMS: Okay.

14 THE COURT: I'm going to make that decision once I
15 see what time lunch arrives. If lunch hasn't arrived
16 by the time we're at that -- at that part, we're going
17 to start closing arguments. Then I'll recess for them
18 to eat their lunch, and then we'll resume argument.

19 I'm going to give the jury a general instruction
20 regarding their responsibility, and my responsibility,
21 how they are the judge of the credibility and
22 believability -- bare with me one second.

23 (Pause.)

24 I will give the jury a general instruction
25 regarding their responsibility and my responsibility,

1 how they are to judge witness credibility and
2 believability. I will give them a general instruction
3 regarding a witness having a record, and bearing on --
4 bearing on that witness' credibility.

5 I'll give them a general Lyle instruction
6 regarding both prior bad acts, not the subject of
7 conviction, because there's testimony regarding the
8 defendant using cocaine, as well as some other
9 incidents that could be considered a prior bad act, not
10 the subject of a conviction, as well as a conviction.
11 And for them to consider that solely on the issue of
12 absence of mistake or intent.

13 I'll give a general instruction regarding expert
14 witness testimony. I'll give a general instruction as
15 to how the jury is to judge the defendant's statement.

16 I will give a general instruction on direct and
17 circumstantial evidence, as well as the charge; the
18 arrest; the indictment not being evidence; and on the
19 presumption of innocence.

20 After I instruct regarding how they are to judge
21 his statement, I will also instruct regarding him not
22 testifying. Then I will instruct on direct and
23 circumstantial evidence, as well as charge the arrest
24 and the indictment not being evidence; presumption of
25 innocence. And I will charge Victor vs. Nebraska on

1 reasonable doubt.

2 I'll instruct on the elements of murder, which
3 we all know. I don't need to go through that. Within
4 the context of that instruction, I will also instruct
5 on the defense of accident. And then I will instruct
6 on form of the verdict. Are there any exceptions to
7 the instruction from the State?

8 MS. WILLIAMS: Not to the instructions. Has the
9 Court -- are we at lessers yet, or we don't want to
10 hear argument on that yet?

11 THE COURT: I think if you have something you want
12 to add, you need to.

13 MS. LITTLEJOHN: Go ahead.

14 MS. WILLIAMS: I'm concerned if we don't -- I
15 think the facts may warrant an accident and self
16 defense instruction.

17 THE COURT: He is not -- he has not -- he said she
18 lunged at him, but he said they tussled and it was an
19 accident. He never said he was defending himself.

20 MS. WILLIAMS: We will just defer to the wisdom of
21 the court --

22 THE COURT: But if they -- an act of self defense,
23 an accident are inconsistent with one another. It's
24 really one or the other.

25 MS. WILLIAMS: I --

1 THE COURT: Because they are two very distinct
2 theories.

3 MS. WILLIAMS: I just wanted to make -- to put it
4 on the record. I know that the case law is a little
5 confusing on that. The court has more experience with
6 that than me, but I just want to make sure that it was
7 on --

8 THE COURT: Let me hear what the -- are there
9 other requests from the State.

10 MS. WILLIAMS: No, Your Honor.

11 THE COURT: All right. Let me hear from the
12 defense.

13 MS. LITTLEJOHN: Yes. Your Honor, actually, I
14 kind of prepared some if I can hand them up.

15 THE COURT: Just tell me what it is you want.

16 MS. LITTLEJOHN: Okay. A definition on causation.

17 THE COURT: How would that be appropriate?

18 MS. LITTLEJOHN: Under the murder charge, in order
19 to show the victim's death was probably caused by any
20 --

21 THE COURT: Where would you have gotten that from?
22 Not certainly in South Carolina.

23 MS. LITTLEJOHN: Your Honor, it's just a general
24 causation definition.

25 THE COURT: It has to have some bearing or basis,

1 and be found in the case law to be instructed under our
2 statute. And I'm not aware of causation being an
3 element of murder in South Carolina.

4 MS. LITTLEJOHN: I would ask the Court for a
5 general definition of malice.

6 THE COURT: South Carolina law already defines
7 malice.

8 MS. LITTLEJOHN: Okay.

9 THE COURT: And I will use my general instruction
10 on that.

11 MS. LITTLEJOHN: Manslaughter, Your Honor.

12 THE COURT: Any exception from the State?

13 MS. WILLIAMS: Your Honor, I'm just looking at the
14 State vs. Scott. And I think in that case they do
15 charge voluntary and self defense, but I do think the
16 facts are distinguishable. It is almost an identical
17 case. But the difference with our cases is in Scott,
18 the defendant said that she stabbed herself in the
19 neck, but that he does sort of like a karate move, and
20 he wants an instruction on voluntary self defense and
21 involuntary. And the court sort of reasoned through
22 why voluntary is appropriate, involuntary is not --

23 THE COURT: I don't even know which one she's
24 asking for so --

25 MS. WILLIAMS: I think voluntary.

1 MS. LITTLEJOHN: I'm going to ask for both, Your
2 Honor, but absolutely voluntary.

3 MS. WILLIAMS: But I -- I think the facts in our
4 case are distinguishable, because the defendant doesn't
5 say that he does anything in the heat of passion.
6 Basically, what he says is she kind of comes at him and
7 falls. And, basically, commits accidental suicide. He
8 doesn't put himself -- I mean, over and over again, the
9 detectives try to say, but at what point did you have
10 the knife. And he said, I didn't have the knife. I
11 never had the knife. I never touched the knife. She
12 was just sort of swatting at me. So I think the -- the
13 facts in Scott are distinguishable from the --

14 THE COURT: In order for involuntary to be
15 appropriate, he would have to have been engaged in an
16 unlawful activity, not naturally tending to cause death
17 or great bodily harm; or the fact the defendant
18 unintentionally killed the victim without malice while
19 engaged in a lawful activity with reckless disregard
20 for the safety of others. And I don't know how the
21 facts fit into either of those categories.

22 Involuntarily manslaughter is basically negligence.

23 MS. LITTLEJOHN: I would somewhat anticipate --

24 THE COURT: I mean, that's a really overly
25 simplistic statement --

1 MS. LITTLEJOHN: Right.

2 THE COURT: But I -- you know, involuntary
3 manslaughter is a very -- it has two criteria. And you
4 would have to tell me how the facts support that he
5 unintentionally killed the victim without malice while
6 engaged in an unlawful activity. I haven't heard
7 anything that is unlawful -- that would fit that
8 criteria; or that he unintentionally killed the victim
9 without malice while engaged in a lawful activity with
10 reckless disregard for the safety of others.

11 He never said he had any reckless disregard for
12 her. He said they tussled, and that she that fell on
13 the knife. That they slipped on a rug while he was
14 fending off her trying to stab him because -- lunging
15 at him with a knife, because she was angry because she
16 thought he had been with another woman. So, factually,
17 I don't see how involuntary is supported.

18 MS. LITTLEJOHN: I would --

19 THE COURT: And it's very rare that you have --
20 and usually when you do, they usually plead out because
21 the facts are so glaringly clear; that is, in fact,
22 what took place.

23 MS. LITTLEJOHN: I somewhat anticipated that, but
24 I wanted to ask, Your Honor.

25 THE COURT: Now, the other, which is voluntary

1 manslaughter, I would have to -- if the State has no
2 exception, I don't have any -- I never have any problem
3 --

4 MS. WILLIAMS: We do have an exception, Your
5 Honor.

6 THE COURT: What would the exception be?

7 MS. WILLIAMS: We think that it -- it doesn't
8 support -- the facts don't support voluntary. And,
9 again, I'm looking at State vs. Scott.

10 THE COURT: Well, if I listened to your witness
11 just now, it does. Because what you're going to argue
12 to this jury is that she was leaving him, and that his
13 behavior escalated. And it is supported by empirical
14 data. And that as a result of that, he was upset.
15 When he came home, they had a violent argument and he
16 stabbed her.

17 So I don't see how -- and you could very easily
18 imply that from the facts -- or infer that from the
19 facts if the jury -- because the jury doesn't have to
20 listen exact -- they listened to the words of
21 witnesses, but they can infer from what the witnesses
22 have testified -- and his testimony is that he had been
23 out gambling, basically, at this house. But she
24 thought he was having a rendezvous with this
25 individual.

1 She was angry when he came in. And that she
2 lunged at him. They tussled on this rug and she fell
3 on the knife. The jury could very easily imply or
4 infer something else, because they don't have to
5 believe what he said. They don't have to give
6 credibility to what he said. They can draw their own
7 conclusion.

8 MS. WILLIAMS: I understand, Your Honor. And I
9 think the facts are close enough to Scott that we don't
10 -- I think we'll probably just not object to a
11 voluntary instruction, but we do object to involuntary.

12 THE COURT: I don't think any facts support an
13 involuntary instruction.

14 MS. LITTLEJOHN: Your Honor, the only one I think
15 Mrs. Williams and I had actually also somewhat talked
16 about is the charge of self defense --

17 THE COURT: Well, if you all agree, I don't have
18 any problem with it.

19 MS. LITTLEJOHN: We don't agree. We talked about
20 it.

21 MS. WILLIAMS: We don't agree on self defense,
22 Your Honor.

23 MS. LITTLEJOHN: We don't agree --

24 THE COURT: What facts are there to support a self
25 defense instruction?

1 MS. LITTLEJOHN: Without fault in bringing on the
2 difficulty? If you look at it strictly --

3 THE COURT: That is just an element of self
4 defense. Self defense means that somebody was trying
5 to kill me. They were trying to use deadly force and I
6 had to use deadly force to defend myself. When you use
7 self defense, you say, I killed them. You admit I
8 killed them, and I did it to prevent them from killing
9 me. And I used the force that was necessary for me to
10 fend off what I perceived was a deadly attack. Are you
11 saying that you're going to argue to this jury that
12 your client killed Ms. Lawrence?

13 MS. LITTLEJOHN: I --

14 THE COURT: Because that's what you would have to
15 say.

16 MS. LITTLEJOHN: We will --

17 THE COURT: The facts to this point support solely
18 accident, which is he said when he came home, she was
19 furious. She lunged at him with a knife. She had
20 prepared in advance to lunge at him with a knife
21 because it was sitting in a -- a location that was
22 convenient to her. That she lunged at him. He tussled
23 with her to take the knife. They slipped on this rug.
24 She fell on it. He panicked. He held her until she
25 expired very quickly. He washed her up, changed her

1 clothes, and then he left the residence.

2 So in order for me to instruct self defense, you
3 would have to concede that he stabbed her, which
4 eliminates accident. There are two opposing defenses.
5 You can't have one -- well, I guess conceivably you --
6 well, no, you can't -- you can't say I accidentally
7 shot a gun when I intended to kill someone --

8 MS. LITTLEJOHN: Just strike that I asked it; how
9 is that?

10 THE COURT: Okay. That works.

11 MS. LITTLEJOHN: So we would be with the murder,
12 the voluntary, and the accident?

13 THE COURT: Yes.

14 MS. LITTLEJOHN: On accident -- there will be an
15 instruction about the burden of proof on that, correct?

16 THE COURT: Always. He has no burden. The State
17 has to prove his guilt beyond a reasonable doubt. All
18 right. Any other requests from the State?

19 MS. WILLIAMS: Just from a procedural standpoint.
20 I know I'm beating a dead horse, Your Honor. But I
21 really don't want to argue -- me between them and their
22 lunch. And then they come back from lunch, they have
23 Ms. Littlejohn --

24 THE COURT: Their lunch isn't going to get here
25 until 12:30, and I'm not going to -- if I were going to

1 do that, I might as well have sent them out.

2 MS. WILLIAMS: I just don't want to separate the
3 argument --

4 THE COURT: I don't think it would make any
5 difference. In fact, it probably works to your
6 benefit.

7 MS. WILLIAMS: We would just request, if we're
8 going to argue and close, that the two closings occur
9 together and that we don't break in the middle, and
10 then Ms. Littlejohn gets to come back --

11 THE COURT: I'm going to give you all a few
12 minutes to collect yourselves. I'm going to let you
13 look at the verdict form, and then we're going to
14 proceed. And when lunch comes -- because lunch might
15 not come until one. And I'm not going have the jury
16 sitting for an hour while we're waiting for lunch --
17 while I'm waiting on people who are -- you know, they
18 could have had a lunch rush. I have no idea.

19 MS. WILLIAMS: I guess the request is, if I finish
20 closing, and we know that lunch comes, can we just hold
21 the lunch --

22 THE COURT: I'm going to do what I think is
23 appropriate.

24 MS. WILLIAMS: I understand.

25 THE COURT: All right. Is there anything else we

1 need to take up before we look at the verdict form?

2 MS. WILLIAMS: Not from the State.

3 THE COURT: Anything from the defense?

4 MS. LITTLEJOHN: Nothing, Your Honor.

5 THE COURT: I'm going to bring the jury in and let
6 Ms. Littlejohn rest in their presence, and then we will
7 proceed with argument. And I'll give you all, of
8 course, a few moments to collect yourself and set up
9 any kind of technology you need to set up.

10 MS. WILLIAMS: Oh, Your Honor, you had talked
11 about Belcher. And I didn't know, are we not charging
12 --

13 THE COURT: Belcher is really not applicable to
14 accident, as far as I read the case law. It's only
15 if -- well, it says anything that mitigates. And I
16 need to look at this -- it seems like there's another
17 case that clarifies that accident -- Belcher is not
18 applicable to accident, but only self defense. But I
19 need to make sure of that.

20 MS. WILLIAMS: But there's nothing that would
21 preclude the State from arguing that they can infer
22 malice from a deadly weapon.

23 THE COURT: Let me ask Ms. Littlejohn, what is the
24 defendant's position regarding that?

25 MS. LITTLEJOHN: Your Honor, I think that

1 basically it's their burden to prove that --

2 THE COURT: That's not my question --

3 MS. LITTLEJOHN: I don't think it can be -- I do
4 not believe that that should be the State's argument on
5 this. I think that what we're here for is it's malice,
6 not -- they argue at the beginning, you know, he
7 deliberately did this --

8 THE COURT: That's not my question. My question
9 deals with whether malice can be inferred from the use
10 of a deadly weapon, and whether it's the defendant's
11 position that Belcher applies to accident.

12 MS. LITTLEJOHN: Your Honor, I do not believe
13 malice can be inferred from deadly weapon.

14 THE COURT: Why?

15 MS. LITTLEJOHN: And that's what I was going to
16 have to dig up.

17 THE COURT: Malice can still be argued as -- the
18 only time the case law says it can't is with self
19 defense. But you -- where there is no defense imposed
20 of self defense, we still instruct implied malice with
21 the use of a deadly weapon, and it is proper. The only
22 time it is not proper is in a self defense context. So
23 I need to know what the defendant's position is.

24 MS. LITTLEJOHN: Your Honor, we take no position
25 with regard to that.

1 THE COURT: Well, I need you to take a position.
2 If you take no position, you have waived it. So the
3 issue becomes -- or the question becomes, is the
4 defense of accident -- does that reduce, mitigate,
5 excuse, or justify the actions of the defendant?

6 MS. LITTLEJOHN: Excuse me, Your Honor?

7 THE COURT: Belcher holds that where there's any
8 evidence of -- that would mitigate, excuse -- reduce,
9 mitigate, excuse, or justify the offense, an implied
10 malice instruction is not appropriate.

11 MS. LITTLEJOHN: Your Honor, I would agree with
12 Belcher.

13 THE COURT: And usually it's only been applied to
14 self defense, however. And that's what the Belcher
15 holding is. It deals with the -- it deals with self
16 defense.

17 MS. LITTLEJOHN: But, Your Honor, it's all
18 affirmative defense.

19 THE COURT: I don't think it matters whether if
20 it's an affirmative defense or not. Any defense, the
21 State has to disprove.

22 MS. LITTLEJOHN: Right.

23 THE COURT: Even alibi.

24 MS. LITTLEJOHN: Correct. But being an
25 affirmative defense, within that category of accident,

1 self defense, all those affirmative defenses, based on
2 those, I think you should -- that it would apply in --
3 the Belcher would apply in an accident, the same as it
4 would in a self defense.

5 THE COURT: Yeah. I'm thinking that when you say
6 accident, it is something in the language of Belcher,
7 that would excuse, justify, mitigate -- what is that
8 exact language? Any defense that would reduce,
9 mitigate, excuse, or justify, then an implied malice
10 instruction is not appropriate, is my understanding of
11 Belcher. Which means then it would -- would apply both
12 in the self defense context and in an accident context.
13 Because the defense says, basically, I didn't do it
14 because -- well, I don't know -- reduce, mitigate,
15 excuse, or justify. Self defense is a justification
16 because you're saying, I killed a person, but I did it
17 to defend myself. And what is accident really saying?

18 MS. LITTLEJOHN: Unintentionally.

19 THE COURT: No accident is saying I didn't do it
20 at all -- isn't that what that accident is saying? The
21 act was unintentional, but the defendant was acting
22 lawfully, and that reasonable care was used by the
23 defendant in the handling of the weapon.

24 In the example case law used, if armed -- is
25 lawfully armed in self defense, and the gun

1 accidentally discharges, the defense of accident would
2 apply. And the burden is on the State to prove that it
3 was not an accident, but was caused by the negligence
4 or carelessness on the part of the defendant in the
5 handling of the dangerous instrumentality.

6 Really, you know, accident is one of those
7 peculia defenses that has to, again, fit within a
8 certain criteria. And I'm really not certain that it
9 really fits within this criteria, but I'm going
10 instruct it any way. Because basically what he's
11 saying -- because really to say it was an accident, you
12 also have to say I did it, but it happened
13 accidentally. And it happened while I was handling
14 something, but it was unintentional.

15 And his defense is, I never touched the knife.
16 I was trying to keep her from killing me. And we
17 slipped on a rug, and she fell on it. So really,
18 technically, accident doesn't apply, but I'm going to
19 instruct it.

20 MS. WILLIAMS: Fine -- Your Honor --

21 THE COURT: Because that's the way she has couched
22 it, and that's the way he has couched it, that it was
23 an accident. And I don't see any prejudice to the
24 State.

25 MS. WILLIAMS: Well, accident in common thought,

1 but not in the legal definition of accident. And he
2 specifically has asked a number of times, if he -- when
3 did you have the knife, when did you have the knife.
4 He said he never had the knife. He's basically saying
5 she lunged at him and she committed suicide by
6 accident. He's not saying that he's -- it's not one of
7 those cases where they are struggling for a gun and the
8 gun goes off, because he's saying he never had the
9 gun --

10 THE COURT: But of course --

11 MS. WILLIAMS: -- or the knife rather.

12 THE COURT: But, of course, you're arguing that
13 he shouldn't be believed, that he made self serving
14 statements that are not credible. And under that
15 theory, then it's very easy to disprove any defensive
16 act. Because you're simply saying he just didn't tell
17 the truth. That isn't the way it happened. And that
18 he -- he -- he refused and denies that he ever handled
19 the weapon. So if you believe that, then it doesn't
20 apply at all. I don't see any prejudice to the State.

21 MS. WILLIAMS: All right. Thank you, Your Honor.

22 THE COURT: Anything further from the State?

23 MS. LITTLEJOHN: What did we decide on the weapon
24 --

25 THE COURT: You don't -- the charge implies

1 malice, where there is --

2 MS. LITTLEJOHN: Okay.

3 THE COURT: -- any offense which would mitigate,
4 excuse, or justify the actions --

5 MS. WILLIAMS: But we can still argue it?

6 THE COURT: You can still argue --

7 MS. WILLIAMS: It can still be argument.

8 THE COURT: Yeah, you get to argue it, but I'm not
9 going to instruct on it. I don't -- the case law
10 doesn't say you can't argue it; it just says the court
11 can't instruct it. It's just like White, the Court
12 can't instruct it, but you can always argue it. Is
13 there anything else we need to take up other than than
14 reviewing the verdict from the State?

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

16 THE COURT: From the defense?

17 MS. LITTLEJOHN: Not from the defense. We will
18 all get together about the -- exhibits after.

19 THE COURT: I'm going to give y'all an
20 opportunity to do it before we begin argument. Could
21 you approach, please, and look at the verdict form.

22 (Pause.)

23 THE COURT: Any exception to the form of the
24 verdict from the State?

25 MS. WILLIAMS: Not to the form of the verdict,

1 Your Honor, no.

2 THE COURT: From the defense?

3 MS. LITTLEJOHN: None from the defense, Your
4 Honor.

5 MS. WILLIAMS: I have a --

6 THE COURT: Yes, ma'am.

7 MS. WILLIAMS: -- quick -- with regard to the
8 charge, I know we discussed the court's general charge.
9 And then there was a discussion about lessers, is there
10 a charge from the court about how they consider lesser
11 included offenses, about how they all have to agree on
12 one and then consider --

13 THE COURT: That's an improper statement on their
14 fact finder capacity. I instruct them on the law. I
15 tell them that he's charged with murder. But if they
16 feel you have not met your burden of proof, they can
17 consider also voluntary manslaughter, which is a lesser
18 included offense. And even the elements that the State
19 must prove beyond a reasonable doubt in order for them
20 to find him guilty of that offense. They are
21 instructed this --

22 MS. WILLIAMS: No, I just didn't remember if there
23 was a general instruction about how they all have to
24 agree before they move on to the lesser --

25 THE COURT: I think that's improper. Because by

1 virtue of them moving on to a lesser included offense,
2 they've already found you didn't meet your burden of
3 proof.

4 MS. WILLIAMS: I understand.

5 THE COURT: Because of the way it's instructed.
6 It's instructed -- the elements of murder. But if you
7 find the State has not met that burden, you can also
8 consider this, which is included within that offense.

9 MS. WILLIAMS: Okay. Thank you.

10 THE COURT: And it includes all the elements
11 except -- and then they can consider that. And if they
12 find you haven't done that, then they can also consider
13 he's not guilty.

14 MS. WILLIAMS: Thank you, Your Honor.

15 THE COURT: You're welcome. Anything further from
16 the State?

17 MS. WILLIAMS: Not from the State.

18 THE COURT: From the defense?

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

20 THE COURT: Okay. I need you all to make sure all
21 the exhibits are in place. And they can check out any
22 technologies you want to use during closing arguments
23 and make sure it is working as it should.

24 (Pause.)

25 MS. WILLIAMS: Oh, Your Honor, what about this

1 exhibit, for the --

2 THE COURT: Did y'all redact it?

3 MS. WILLIAMS: Yes.

4 THE COURT: The unredacted needs to be a Court's
5 Exhibit. The redacted needs to be whatever the number
6 is.

7 MS. WILLIAMS: The redacted is exhibit 78.

8 MS. LITTLEJOHN: It's --

9 COURT REPORTER: So it's in evidence?

10 THE COURT: Yes. It was admitted subject to being
11 redacted.

12 COURT REPORTER: So 78 is in evidence?

13 THE COURT: Right.

14 MS. WILLIAMS: So, wait, what is the unredacted?

15 MR. MCNEELY: Court's Exhibit 6.

16 MS. WILLIAMS: Okay. So do we need to admit 78 --

17 THE COURT: I already did it subject to it being
18 redacted.

19 MS. WILLIAMS: Okay.

20 (State's Exhibit No. 78 admitted into evidence.)

21 (Court's Exhibit No. 6 marked.)

22 (Pause.)

23 THE COURT: All right. Are the exhibits accounted
24 for?

25 MS. WILLIAMS: Yes, ma'am.

1 THE COURT: From the State?

2 MS. WILLIAMS: Yes, Your Honor.

3 THE COURT: From the defense?

4 MS. LITTLEJOHN: Yes, Your Honor.

5 THE COURT: All right. What was the other
6 question you had?

7 MS. WILLIAMS: I didn't have a question. The
8 court had asked the Solicitor's Office to provide a
9 laptop that had nothing on it. What we did was we
10 brought our IT guy in last night, and he disabled the
11 Internet, and put it in some kind of mode where they
12 can't access anything on the Internet, so that they can
13 watch --

14 THE COURT: I mean, nothing is on the desktop
15 either, is it?

16 MS. WILLIAMS: We will pull it up. The last time
17 --

18 THE COURT: I need them to have a blank laptop
19 that they only have -- basically they can play the
20 video. I don't want them having access to any other
21 files that they can click on.

22 MS. WILLIAMS: We were here really late last night
23 trying to accomplish that. We just don't have the
24 funds to have a laptop like that. The last time I
25 think the Clerk provided the one for State --

1 THE COURT: Can you find it for me?

2 THE CLERK: Yes, ma'am.

3 THE COURT: Thank you, ma'am. Is the State ready
4 to proceed?

5 MS. WILLIAMS: The State is ready, Your Honor?

6 THE COURT: Is the defense ready to proceed?

7 MS. LITTLEJOHN: Yes, Your Honor.

8 (Whereupon, the jury entered the courtroom at in
9 12:11 p.m.)

10 THE COURT: You may be seated. Ladies and
11 gentlemen, we appreciate your patience. The defense
12 may proceed. The defense may proceed.

13 MS. LITTLEJOHN: Yes, Your Honor. At this time,
14 the defense rests.

15 THE COURT: The defense has rested their case. We
16 will reserve -- well, I would assume we will just renew
17 your motions?

18 MS. LITTLEJOHN: Yes, Your Honor. I would renew
19 those motions for directed verdict --

20 THE COURT: And I would assume that --

21 MS. LITTLEJOHN: -- for directed verdict and --

22 THE COURT: -- the State would rely on the
23 previous argument?

24 MS. WILLIAMS: That is correct, Your Honor.

25 THE COURT: The Court will incorporate its

1 previous ruling and deny the motions. Madam Forelady,
2 ladies and gentlemen, both the State and the defense
3 have rested their cases. We have reached the stage of
4 the trial where you will hear closing arguments and the
5 court's instruction. I have ordered your lunch. We --
6 I thought it might be here by 12:15. But when you deal
7 with local restaurants with a large order, you really
8 have no way of pinpointing exactly when it will arrive.

9 And so once lunch arrives, we will break the
10 proceedings so that you all can eat, enjoy your lunch,
11 get some air if you would like, and then we will resume
12 with argument and court's instruction. I would ask
13 that you give the attorneys your undivided attention.
14 The State may proceed.

15 MS. WILLIAMS: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 MS. WILLIAMS: May it please the Court?

18 THE COURT: Yes, ma'am.

19 MS. WILLIAMS: Ms. Littlejohn. You know why
20 people don't like lawyers? Because they talk too much
21 and because they over analyze everything. And I'm
22 guilty; I'm going to do that again right now.

23 But I want to tell you that the most important
24 thing that you bring to this deliberation process today
25 is common sense. Because we all have life experiences.

1 We deal with people every day. We have children,
2 husbands, wives. And if somebody falls on a knife by
3 accident, you call for an ambulance. You don't let
4 them sit in a house for three days while you ride
5 around in their car, take money out of their ATM, take
6 their groceries out of their refrigerator and sell
7 their stuff. It's just not what you do. And it
8 doesn't take a lawyer to figure that out.

9 And I'm going to go through all the
10 inconsistencies in Mr. Bradley's statement. But
11 seriously, folks, does that make any sense to anybody
12 here? While Frances Lawrence who worked hard every day
13 of her life, that's her house, her ATM, her car, while
14 this individual doesn't really work, he doesn't have a
15 car. He's just living off of her.

16 He stabs her and leaves her body sitting there,
17 cranks up the AC, while he runs around and does his
18 thing. That's really all you need to know. He is one
19 cool customer.

20 You are going to get an instruction about
21 voluntary manslaughter. Voluntary manslaughter is
22 about somebody not reasoning through things, acting in
23 the heat of the moment. By his own account, after he
24 kills her, or she falls on the knife, he cleans her up;
25 changes her nightgown. He goes and washes the knife

1 with the breakfast dishes. Even when this man is
2 talking about Frances Lawrence, supposedly the woman he
3 loves, and that he was going to marry, there is no
4 emotion. There is no concern. There is no dignity for
5 Frances Lawrence. That jail tape is chilling.

6 He's talking to her about different things, or
7 our hair is turning gray, and so and so's child was
8 born without a kidney. Oh, ha, ha, ha, this and that.
9 He even laughs in the middle of talking about this
10 latest version of the accident.

11 And in the latest version of the accident, even
12 though he told detectives that she didn't make any
13 sound after she died, she just sort of gasped. And in
14 the latest version, he said, well, she didn't die right
15 away. I was going to call the ambulance and Frances,
16 who is is laying there bleeding to death, said, no, no,
17 just hold me.

18 And then he said, and you know what she had the
19 nerve to say -- even when he's making stuff up, he can
20 not show this woman any respect. You know what she had
21 the never to say, I'm sorry. That's just a bunch of
22 baloney. The whole thing is. But what does it tell
23 you about Lee Bradley?

24 There's only two people there when he murdered
25 her; this is true. But what can you tell about the way

1 he behaved toward her during the murder. Look at the
2 way he treated her when she was alive. Look at the way
3 he treated her and talks about her after she is dead.
4 There is no statement where he says anything with
5 affection or respect about this woman.

6 And one point in the conversation, in the jail
7 call, it says it still bothers me, but he just goes on
8 to keep chatting. He sort of alludes to, well, I don't
9 want to slander her name to the detectives. But if you
10 notice in that interview -- and you are welcome to
11 review all of these statements, because you will find
12 inconsistency after inconsistency after inconsistency.

13 But at one point in the police interview, they
14 keep trying to say, we know you cleaned her up because
15 you cared about her, because you wanted her to have
16 some dignity. He never says that. He continues to
17 maintain that he was doing that because he didn't want
18 people to think he did it. I knew they would blame me.
19 I didn't want them to blame me. He never says anything
20 about taking care of her, Frances. Even in her death,
21 he's very plain about that.

22 Even he says he called back there to the family
23 and said, I just didn't want them to blame me. I mean,
24 he's just basically saying, I didn't want to get
25 caught. The State's best witness in this case is

1 seated right there, Lee Bradley.

2 You listen to what he says about this murder.
3 Because if she didn't fall on that knife or stab
4 herself as he says in the jail call, it's a murder. He
5 killed her. He plunged a knife into her heart.

6 Now, you have watched evidence and listened to
7 witnesses very patiently, and we appreciate that.
8 Because these are difficult facts. And it seems like
9 it's been more than four days -- three days, but it
10 does seem like a lifetime ago since we started. So I
11 just wanted to go through some things about the law.
12 And if I say anything that is different from the judge,
13 she is all the authority on the law. So that is not on
14 purpose. Please just listen to what the judge says.

15 I just wanted to review what the State's burden
16 is, because we have the burden of proof. We have to
17 prove the case, every element of it, beyond a
18 reasonable doubt.

19 Murder, the killing of any person with malice
20 aforethought either expressed or implied. What does
21 that mean? Malice. Malice is hatred, ill will, or
22 hostility toward another person. It indicates a wicked
23 or depraved spirit, intent on doing wrong. It is the
24 intentional doing of a wrongful act. That's just legal
25 mumbo jumbo. Legal talk. The last sentence is

1 probably the easiest for any of us to understand. It's
2 the intentional doing of a wrongful act.

3 Malice does not require that it exists for any
4 particular period of time. And this is very important.
5 Because we all watched these television shows where
6 premeditation is discussed at length. South Carolina
7 does not require premeditation. You can form malice in
8 an instance. You don't have to plan a murder. You
9 don't have to lie in wait. That is not what is
10 required.

11 Certainly evidence of malice would be plunging a
12 knife into the chest of Frances Lawrence. You can
13 infer that from the facts that you hear and that's one
14 fact that you can infer that from.

15 You're also going to be charged with a lesser
16 included offense. So if you decide that he did not
17 murder Frances, you can look at the charge of voluntary
18 manslaughter. Voluntary manslaughter is different than
19 murder. It doesn't require malice. It is the unlawful
20 killing of a person in the sudden heat of passion after
21 legally sufficient provocation. You would have to
22 believe that Frances provoked him.

23 It's important for you to really look at what's
24 required for voluntary manslaughter. The sudden heat
25 of passion requires that which renders the mind of an

1 ordinary person incapable of cool reflection. Let's
2 think about that for a minute.

3 Incapable of cool reflection. I think he says
4 they tussled over a knife, and they were fighting this
5 and that, you know -- the evidence lies in the face of
6 him not having cool reflection. This is a person that,
7 by his own admission, supposedly cleaned up the body,
8 changed her.

9 We know for a fact that he jettisoned the knife
10 in her truck, because those items were never found. He
11 drives around with her family -- her family is just
12 20 feet away from her trailer. He had the audacity to
13 go over to them and say, Frances is visiting friends in
14 Cross. And do you want to buy this grill? I'm getting
15 rid of her food, and how about some sunglasses.
16 Smoking crack over at Darlene's house.

17 I don't know many people that can do that -- to
18 have that kind of cool and calm reflection while
19 there's a dead body lying in the house. So I would
20 submit to you that this is not a heat of passion. And
21 you can certainly infer that from his actions
22 afterwards.

23 Let's look at provocation. Sufficient legal
24 provocation requires that which is calculated to
25 provoke a high degree of resentment that ordinarily

1 induces a great degree of violence. It must include
2 more than words. It must come from some kind of act
3 related to the victim.

4 There is evidence about Frances. Almost
5 universally everybody talks about a peaceful person, a
6 thoughtful person. She is 4'11". She just had this
7 tumor removed from her side. She was burned severely
8 as a child. Do you really think that Frances, based on
9 everything you've heard -- and you're the sole judge of
10 the credibility. You can judge whether people are
11 telling you the truth or not, that she charged him with
12 a knife. Never mind the fact for her to be able to
13 charge him with a knife, to have that knife in her
14 hand, she would have had to been holding it with the
15 blade up with -- the way that the wound is.

16 Additionally, his DNA is under her fingernails.
17 So how is she scratching at him, trying to get away
18 from him, and she also holding a knife. And she's got
19 restraining wounds. She has got bruises on her
20 shoulders and her arms.

21 Now, the doctor did qualify her statement, that
22 could have happened before. But it also could have
23 happened during this episode. So I don't think there
24 is evidence in the record that would lead you to
25 believe that Frances was the type of person that was

1 aggressive, that stood up to Mr. Bradley -- maybe if
2 she had, we wouldn't be here today. Maybe if she stood
3 up to him enough, after she kept taking him back, we
4 wouldn't be here today. And that's the heartbreaking
5 thing about this case. So please consider all the
6 evidence of voluntary manslaughter before you decide
7 that that's what happened.

8 Accident, you're going to be charged with
9 accident. It must be unintentional. He must be acting
10 lawfully and he must use reasonable care when using a
11 weapon. The State has to disprove accident.

12 All I'm going to ask you to do is really listen
13 to that instruction, because it just doesn't fit with
14 what happened with the evidence. That's what happened.
15 It really doesn't even fit what the defendant says
16 happened.

17 For us to believe that this woman fell on a
18 knife, and it just conveniently went right into her
19 heart, that she didn't put her hand down, but the
20 wound -- the doctor testified that the wound from top
21 to bottom, and it would have had to have been -- she
22 would have almost had to go like this in order to do
23 it. That's the first version.

24 If you believe it's an accident based on the
25 second version, you would have to believe that somehow

1 she was holding the knife blade up, charging him. He
2 somehow grabs her arm. And, again, she stabs herself
3 and falls.

4 The third version is they're tussling for the
5 knife. And as she grabs it away, she stabs herself.
6 So if he's telling the truth, why does he give three
7 versions. That's where you have to rely on your common
8 sense. People that are telling the truth don't keep
9 changing their story every time they are presented with
10 facts that fly in the face of their story. And anyone
11 that has a teenager knows that.

12 Reasonable doubt. Reasonable doubt is not all
13 doubt. Don't go by what I say, don't go by what Ms.
14 Littlejohn says, reasonable doubt is as the judge
15 instructs you. We have a high burden. We will meet
16 that burden, but it is not all doubt. It is a doubt --
17 facts that leave you firmly convinced. But she will
18 tell you, there are very few things in life we know
19 beyond all doubt. And that is not required here.

20 I would submit to you that when you leave here
21 to deliberate, if you know in your heart that he did
22 it, then I have proven it. Because before you came in
23 here, you didn't know anything about this case. After
24 listening to all the evidence, if you know he did it,
25 then we've proven it.

1 Let's go through some of the evidence that you
2 heard. The 911 call. This call is disturbing not just
3 because of content, because of the tone of the person.
4 First of all, this is the first time -- he says it
5 happened the night before. We now know that that's not
6 true. He's calling on Friday. She has been laying
7 there since she got home from work Wednesday at
8 1:00 a.m. You figure she gets home from work sometime
9 1:30, quarter to 2:00, that's when this occurs. He
10 tells detectives when he first meets with him, it
11 happened either Tuesday or Wednesday, sometime after
12 1:00 in the morning.

13 So he calls 911. Just kind of, yeah, you know.
14 And the 911 operator shows more emotion than
15 Mr. Bradley. She says -- well, is she okay? Is she
16 alive? No, she's dead. Well, did you call an
17 ambulance? And he said, I tried, and then he goes on
18 to something else. He never tried to call an
19 ambulance. They checked. And if he tried to call an
20 ambulance and say, my girlfriend just fell on a knife,
21 let me tell you something, they would come out there.
22 So that didn't happen.

23 He hangs up and doesn't call back. And then he
24 goes to North Carolina. There is some implication that
25 he was cooperative. Well, sure, he was cooperative

1 after going to another state after a week. They
2 arrested him and then haul him back. That's not
3 cooperative. If your girlfriend falls on a knife, you
4 call an ambulance, and then you call the police. You
5 don't leave and go to another state, and come back a
6 week later, after they arrest you.

7 Let's look at the statements of the
8 investigators, look at his demeanor. It's -- it's
9 almost impossible to keep up with all of the lies that
10 he tells us in his statement. You need to re-watch it,
11 please do. The story keeps evolving.

12 At one point, they keep saying, but that doesn't
13 match with the evidence. That doesn't match with the
14 evidence. And he says, ah, that's right. I changed
15 her gown. I don't know if he changed her gown or not.
16 It's a really weird thing to say.

17 What I do know is that she wasn't stabbed in the
18 gown that she was wearing when they found her, because
19 there's no hole in the gown. So either Frances had
20 just gotten out of the shower and was changing, or the
21 gown was pushed up -- we don't know. We just know that
22 that knife did not go through that gown.

23 And when he pulled it out, and put it in the
24 sink, it didn't go back through the gown. So we know
25 that. So every time they go, well, that doesn't match

1 because there's no hole in the gown. Oh, that's right.
2 It was a different gown. And I threw that away and I
3 put a different one on her.

4 And then he says on that particular statement,
5 that she groned. Well, did she say anything? Well,
6 she just kind of groned. That's later contradicted, as
7 I said before, in the jail call where they have this on
8 the tape, where she says no, no, don't call the
9 ambulance. And then he just holds her supposedly.

10 He also says that at one point in time, he kind
11 of moves her aside to get into the bathroom to get
12 these wash cloths to wash her down. No explanation is
13 given for that. The detective kind of assumed that he
14 wants to give her some kind of dignity, and that's why
15 he's washing her down. But he pretty much indicates
16 that he just doesn't want to get caught.

17 There is no blood found around this body. There
18 is a blood spot right by her toe in her closet, and all
19 of the blood is bled into her body cavity. If she had
20 fallen on a knife, the blood would have come out, and
21 there would have been blood all over those rugs. And
22 I'm sorry, y'all, I know that this is very difficult
23 evidence to listen to. It's distasteful and it's sad,
24 but that is what you have to consider when you think
25 about whether he's telling you the truth and whether

1 this truly was an accident.

2 So you not only have to get past the point that
3 she didn't put her hands down when she fell on the
4 knife, there is no blood around there. And the angle
5 of the knife, it's almost impossible for that to have
6 occurred as the pathologist had told you.

7 You heard from two people that worked with
8 Frances, two more people that talked about what a
9 lovely person she was. They told you Frances rarely
10 missed work. She was last seen Wednesday at 1:00 a.m.
11 And then he makes up this story to her family the whole
12 time they're wondering where is she. And why is he
13 driving her car. That she's a Mary's house. Well,
14 Mary got up there and told you, she wasn't at my house.

15 And that just gives you more information about
16 when she was killed. Because quite frankly, the fact
17 that he left her for three days, while he went about
18 his business, is probably the best evidence of malice
19 that you have.

20 And they keep calling her. That's so sad to
21 think about her phone ringing and ringing and ringing,
22 and she is laying there. Laying there.

23 You heard from one of her sisters, Dorothy, and
24 she gives you some very important information. She is
25 there the morning that Frances dies -- okay -- or the

1 morning she goes to work, she actually dies Wednesday
2 morning, even though she goes to work Tuesday.

3 And she notices a lot of tension between them.
4 And Frances is quiet. She's not speaking to him. She
5 also notices that Frances was -- had some boxes packed
6 up. Frances was getting ready to leave him. And so
7 that's important because we know that she was at the
8 point in the relationship where she was getting ready
9 to leave. There's lots of indication of that.

10 The fact that she decided to get a phone and not
11 give him the number. He says, in his jail call, that
12 they were moving in together, but there is no evidence
13 of that.

14 What else does she tell you, that Frances was a
15 very private person. Remember, domestic violence is a
16 crime this is often not admitted to by the victims.
17 There's a lot of shame involved. And I think this
18 family kind of alluded to the fact that Frances didn't
19 like people in her house. She didn't like people using
20 her car. She was a very private person.

21 I think the sisters figured this out, but she
22 wasn't really talking about it much. She was a
23 peaceful person. She did not use drugs.

24 Over and over again, he talked about how crazy
25 she was acting. At one point, he said she was

1 psychotic. And we have objective evidence, the
2 autopsy. There's no drugs in her system except for
3 hypertension. There's no alcohol in her system,
4 although in his statement to the police, he said they
5 were both drinking a lot. He has to say that because
6 he has to sort of explain why she's acting so crazy.
7 He's a liar. I didn't say he was a smart liar, but he
8 obviously hasn't thought it through to the point where,
9 you know, the blood work is going to show whether she
10 had the alcohol in her system. But she had no alcohol
11 in her system.

12 There was a little bit of testimony about --
13 testimony about Naloxone. And you probably understood
14 what they were telling you. That's the drug in the
15 care and control of emergency personnel. So that if
16 someone is dying of a heroin overdose, and they are
17 still alive, they could administer Naloxone. That was
18 not given here. She was clearly dead when they got
19 there. She was not dying from an heroin overdose. And
20 as the doctor said, in her professional opinion, that
21 was a false positive.

22 She didn't like anyone using her car. And yet
23 he's running around in her car. That's more evidence
24 that she was dead at that time. Again, Dorothy -- he
25 tells Dorothy that she's at her friend's house in

1 Cross.

2 Another interesting, but really gruesome fact,
3 is that Frances was real careful about not running her
4 air conditioner all the time. Two witnesses talked
5 about how cold it was in that house, and he was running
6 that air conditioner all the time. Why do y'all think
7 that was? Because he had a dead body in the bathroom.
8 He was cranking that air-conditioning. That's also why
9 all these the air freshener cans were around.

10 He also tells detectives for some reason --
11 Dorothy, remember, goes by Ann. That he called her.
12 And I don't know why he makes that up. It's just one
13 more in the stack of lies. But she testified that he
14 never called her. Because I think they said, well, did
15 you call anyone? Did you call her family? He said,
16 oh, yeah, I called Ann. Not true.

17 Alma Reid, we had to drag Alma Reid into court.
18 She admitted that. She did not want to testify. Bad
19 things happens at Alma's house she doesn't want to
20 admit, but that's where people get drugs. And Darlene
21 did a brave thing and testified that she's struggled
22 with drugs, and she knows exactly what goes on at
23 Alma's house.

24 Alma, though, had to admit that Lee told her --
25 this is another story that he tells -- that he and

1 Frances got into an argument, and she fell on the
2 knife. So even Alma has a logical question. Did you
3 call an ambulance, so even Alma can figure that out.
4 And he said, oh, no I didn't have to, because it didn't
5 hurt her very much. It just -- it just hurt her arm.
6 So he just tells people -- he goes along and tells lie
7 after lie after lie.

8 Darlene, she wants to know why are you using my
9 sister's truck, keeps asking him. Oh, the brakes need
10 to be fixed. I'm getting the oil changed. She follows
11 him to Alma's house one time, and that corroborates
12 Alma's testimony actually, because Alma admits that
13 he's over there.

14 One of the other eerie things that he does is he
15 pretends to get phone calls from Frances. Now, if she
16 really fell on a knife, and he just, you know, sort of
17 panicked, why is he going through all this trouble to
18 cover this up. I mean, that is ridiculous that he
19 makes this family think that Frances is calling him
20 from Mary's house in Cross.

21 He says he's going to the bus stop to meet
22 Frances. She is going to pick up her truck on Friday.
23 We know that's not possible.

24 He smokes crack on Thursday while Frances is
25 laying dead in her own bathroom, that she paid for,

1 after working all night. Lee, after taking money out
2 of her account, is smoking crack. What does that tell
3 you?

4 Witness after witness after witness testified
5 that Frances didn't do drugs. Even Alma said she
6 didn't socialize with her. Frances is a peaceful
7 person.

8 The bank representative gave you information
9 that contradicted yet another fact that Mr. Lee tells
10 in his jail call. Somehow he gets wind of the fact
11 that people are going to say that he took money from
12 her account. So he says, you know what, that was a
13 joint account. And I sent -- I sent Frances all this
14 money from the mission. You know, I would like to know
15 how he's making his money at the mission. Because he
16 goes into all those details about he works at this
17 Christian mission, how they take people in.

18 And when he's talking to someone named Shirley,
19 he goes, you know what we're doing up there at that
20 mission. I was making a lot of money. But I don't
21 know what he was doing at the mission. But that's more
22 pieces of information to the issue about his character.

23 But he says, I was sending Frances all this
24 money. So when I went to take the money out, I was
25 just taking my money out. That was a joint account.

1 And I had my own ATM card. Well, the person from the
2 bank that doesn't know any of these people says, it's
3 not a joint account. It's only one ATM card.
4 Undoubtedly he had the PIN at one time, which is
5 unfortunate.

6 But he doesn't just go to take a sum of money
7 out. He goes a few days in a row and he takes money
8 here. And then he goes over to the gas station across
9 the street because he can't get money there. He takes
10 a little bit more out, and then he takes more out.

11 And, you know, that flies in the face of some
12 explanation where he sent her a sum of money, and he
13 took his back. So that's one more thing that is not
14 true. He was taking money -- think about this y'all --
15 he was taking money out of Frances' account while she
16 was laying dead in her own house. He didn't work on
17 and off. He didn't have a car. She is working all the
18 time, the second shift. And he's robbing her after she
19 is dead.

20 Harold -- Harold corroborates what the bank lady
21 said. If by some reason maybe someone else was the
22 person that took the money out of the ATM, Harold
23 pretty much tells you, because he's with him. And he
24 tells you the specific gas stations that Mr. Bradley
25 went to, and he was using the ATM card. So we know

1 that it was him.

2 Katrina, this is very disturbing, one more
3 disturbing thing, that he lets Katrina go in the house.
4 He takes her to the other side of the house. She
5 notices it's really cold. She knocks over some air
6 fresher cans, and he's selling her some sunglasses.
7 And then he starts giving away all her food. And she
8 says, why are you giving away Auntie's food. She --
9 she didn't do anything for me. I'll just give the food
10 away. And then he sells Katrina her grill -- Frances'
11 grill. He sells it to her.

12 Cathy is another sister that testified. And
13 Cathy testified that Frances was moving. Lee was not
14 going with Frances. Frances only took blood pressure
15 medications and that was confirmed by the autopsy. And
16 she talked about some of Frances' physical limitations,
17 some of the problems that she had, being the burn that
18 she had as a small child. And also the tumor that was
19 removed, the fibroid that was pressing against her
20 nerves; I want you to take that into consideration when
21 you consider this ridiculous story that Mr. Bradley
22 tells about her lunging at him and all of that.

23 She talks about how peaceful and kind Frances
24 was. That if there was an altercation, she usually
25 just walked away. She talks about what a hard worker

1 she was. And she tells you about the phone. She
2 specifically said that she got a phone. She gave the
3 number to the sisters. She did not want Lee to have
4 the phone. This is Frances trying to get out of this
5 relationship, which is a very dangerous time.

6 What does it say about Frances, that she met
7 Nickie when she worked at Radio Shack. A 19 year old
8 kid, and took her in as her own. She had lost her own
9 daughter to cancer when she was a child, and she pretty
10 much just adopted Nickie.

11 Dr. Tormos, this is the pathologist that did the
12 autopsy. This is objective information. I've been
13 asking you to use your common sense to kind of put some
14 facts together, but this is straight information from a
15 science -- from a doctor, scientific information. What
16 does she tell you?

17 There are no drugs or alcohol in Frances'
18 system, just medicine for high blood pressure. She
19 talks at length about why it is implausible that
20 Frances stabbed herself. There is all kinds of reasons
21 why it's not plausible, but there's also some medical
22 reasons. And what we're talking about here is the
23 direction of the wound. And she talks very, very
24 plainly about that, and about how difficult it would be
25 to get that kind of wound, going in that direction, by

1 accident.

2 Notice that Frances is 4'11." Mr. Bradley is
3 5'6." And this is a downward motion. She also talked
4 about the bruising on the arms and shoulders, which she
5 called them restraining injuries, and they are
6 symmetrical. They are consistent with someone else
7 stabbing her from behind or from the front. And, you
8 know, I don't know exactly how this murder took place,
9 but I know how it didn't. And I know it wasn't an
10 accident. And if you conclude, based on all of this
11 evidence, that Frances did not stab herself, or fall on
12 a knife, the only other conclusion is that he killed
13 her.

14 She talks about no hole in the nightgown. She
15 talks about the enormous amount of blood that was
16 inside her cavity. I think she said five liters, but
17 she talks about that indicating that she was probably
18 on her back because she bled inside. If she had fallen
19 on her stomach, there would have been blood elsewhere.

20 She talked about the direction of the wound.
21 And she said she had been dead at least 36 hours. So
22 do the math. Certainly when he called 911 Friday
23 morning, it sure wasn't Thursday night.

24 She also talked about bloating. And the reason
25 that I asked her question is that unfortunately, the

1 only pictures you have of Frances Lawrence are at her
2 worse possible time -- at her death. There is no
3 dignity in those pictures. They're horrible. Her
4 nightgown is pulled up. She is bloated with gas
5 because she's been laying there. So when you think
6 about how small this woman was, those pictures can be
7 deceiving because she was bloated. So think about
8 that.

9 I wish I could have given you other pictures,
10 but I tried to give you a picture of Frances Lawrence,
11 through the testimony of the people that loved her. So
12 you don't really have a good physical picture of her
13 person, except for one where she's bloated.

14 Notice that there's all these options that Dr.
15 Tormos has when she's deciding a manner of death,
16 accident, suicide, undetermined. She is pretty sure,
17 it's a homicide. That's how she ruled it. It's a
18 homicide, not an accident.

19 You heard from the scientist at SLED that
20 obviously there's going to be blood on the nightgown.
21 The only hole in the nightgown, in case you look at
22 that back there, is the SLED agent cutting a hole in
23 the nightgown. That's not from when he stabbed her.

24 There's no semen. There's no spermatozoa. We
25 know that they did not have sex beforehand, so that the

1 DNA under her fingernails is from that kind of contact.
2 Scratching his back, doing things like that.

3 Lee Bradley's DNA is under her fingernails. So
4 if she did take a shower, and that was her habit -- we
5 don't know if she did -- but if she did, it would be
6 very difficult for her to be holding a knife, running
7 after him stabbing him, and at the same time she's
8 getting his DNA under her fingernails.

9 It's more likely that he either held her down as
10 she was struggling, and he stabbed her; or she was in
11 the closet, and he came from behind and stabbed her; or
12 he stabbed her from the front. But I can tell you one
13 thing, the evidence flies in the face of her holding a
14 knife, because she wouldn't have his DNA under her
15 fingernails.

16 Frances, we have gone through this a little bit,
17 but just a reminder. No drugs, no alcohol. She's a
18 peaceful person. She was 4'11". Dorothy gave you a
19 really good idea of her size. Sometimes it's difficult
20 to picture, just hearing words. But Dorothy told you
21 that she's my height. She was a little bit smaller
22 than me. That gives you an idea of how small this
23 person was.

24 She had physical limitations. She was a hard
25 worker, and she had just gotten that phone and she did

1 not want Lee to have the phone number.

2 The jail call, listen to that again. It's hard
3 to listen to the first part because he's just talking
4 about family stuff. But I think that is important
5 because he just talks about this like it's an every day
6 thing. There is no remorse. I mean, the closest thing
7 to remorse is that it still bothers me. It's -- it's
8 just very difficult to listen to, but I think it's
9 important for you to evaluate his demeanor when you
10 determine if he's telling the truth.

11 Again, this is -- he's laughing during certain
12 portions. This is a new story. I don't know why he
13 comes up with this story -- remember, this is just
14 July 5, 2016, where they were tussling over the knife,
15 and she pulls back and stabs herself. He's forgotten
16 that she fell on the knife. He had forgotten that I
17 fell on top of her with the knife. Now, there is a
18 brand new story. If it were true, why does he keep
19 changing it.

20 He says they had a joint account, that they were
21 moving in together. And then he said, you know what
22 she had the nerve to say to me -- I'm sorry -- he just
23 talked about her with such disdain.

24 So, basically -- and I don't want to beat a dead
25 horse -- but there's three different stories. She fell

1 on the knife and died. I fell on top of her and the
2 knife went in her. She pulled back and stabbed
3 herself. He also said he tried to call the ambulance.

4 Major differences are he specifically said she
5 didn't saying anything the first time, she just groned.
6 And then in that jail call, he's makes it sound like
7 they're having this conversation. And he's trying to
8 go call the ambulance, and she said no, no, just hold
9 me. And that's why when he said she said that, I'm
10 sorry. There is just so many lies. It's hard to keep
11 up with all of them, but I'm just going to rattle off a
12 few.

13 Frances was drinking. Frances was on drugs.
14 Frances was taking psychotic medication. We tussled.
15 There's no evidence of a struggle in that house. The
16 house is as neat as a pin. Even the rugs in the
17 bathroom that prevent you to slip, they are in perfect
18 places. They are not even askew.

19 He tried to call the ambulance. Det. Shuler
20 told you, there is no call for the ambulance. He did
21 not try to call the ambulance. The 911 operator asked
22 him specifically, did you call the ambulance. I tried.
23 And he called her sister -- not true.

24 I washed the murder weapon and put it in the
25 drawer. Nope. There's no knife in the drawer. I

1 washed off Frances and put the wash cloth on the side
2 of the tub. No wash cloth was on the side of the tub.
3 She fell on the knife and hurt her arm, and it wasn't
4 that serious.

5 Frances is at Mary's house in Cross. Frances
6 just called me. Frances is going to meet me at the bus
7 stop. I called 911 in the morning after she died. I
8 called 911 from 78. He called 911 and lied about where
9 he is. He's already hauling it up to North Carolina.
10 And they can see that on their screen, but he says he's
11 at 78.

12 I left Frances' truck at the bus station. They
13 searched for that truck. I don't know what he did with
14 that truck. There's no evidence in the record what he
15 did with it, but he sure didn't leave it at the bus
16 station.

17 He worked with an auto auction. I don't know
18 what kind of connections he had to dispense with the
19 truck, but he got rid of that truck and he got rid of
20 that knife.

21 He says something about leaving the knife in the
22 house because -- because if I threw it away, it would
23 look like I did it. That's his only concern is coming
24 up with stories to make it look like he didn't do it.

25 He said he tried to call the police in North

1 Carolina. Not true. He says he had a joint account
2 with Frances. And we've already discussed that. No
3 joint account. No extra debit card.

4 What does this tell you? So let's think. She
5 goes to work on the 20th at 11 -- 3:00, 3:00 or 4:00 in
6 the afternoon and works until 1:00 a.m. They tussle at
7 about 1:00 a.m. on the 21st. All the way -- go to the
8 23rd, that's when he called 911. And he doesn't come
9 into the police -- after they arrest him, until a whole
10 week later, on the 29th. So think about the calendar
11 when you think about the plausibility of his story.

12 Let's just go through the story. The first
13 story, she fell on the knife; is that reasonable?
14 Because that's what you're charged with doing. You're
15 the truth tellers. You have to figure out whether this
16 evidence is reasonable. It's not reasonable based on
17 what the pathologist say and based on all the lies he
18 told, completely unreasonable.

19 She came at him and they both fell as she got
20 stabbed. First of all, it's unreasonable. It is
21 completely different from what he just said. But it's
22 also unreasonable because it doesn't make any sense
23 with how the wound is. And it doesn't make any sense
24 that Frances would be that aggressive when there's
25 absolutely no evidence that was in her nature.

1 Plus, she is so much smaller than him, why would
2 she do that? She had never done that before. She had
3 just been working all day, too. So, supposedly, she
4 comes home from work and then she's just going to
5 charge him out of the blue. That's not reasonable.

6 She stabbed herself. Okay. This is
7 unreasonable because he just told two different
8 stories. So think about that. Supposedly they were
9 tussling Wednesday night, and she somehow manages to
10 stab herself with the direction of that wound. It's
11 completely implausible.

12 And I want you to consider all the evidence
13 you've heard when you consider that story. It's just
14 not reasonable.

15 He cleaned up the crime scene because he loved
16 her. Supposedly he cleaned her up and changed her
17 nightgown. I don't know if he did that or not. But if
18 he did that, he didn't do it because he loved her. He
19 did it to get rid of evidence. He got rid of the
20 knife. He got rid of the car. He cleaned up the crime
21 scene because he didn't want to get caught, not because
22 he loved her. If he loved her, he would have called
23 the ambulance.

24 He says he didn't steal her money and
25 belongings. He did. You've got evidence from the ATM,

1 the bank where the ATMs were, and you got evidence from
2 Harold. He's going around and taking the stuff.
3 You've got evidence from the family. He's stealing her
4 stuff while she's laying there dead. That is also
5 unreasonable.

6 She fell on the knife after he stabbed her.
7 This is a horrible picture, and it's dark, but she's
8 laying face up. In the 911 tape, he says, I didn't
9 move her. Now, in the previous statement, I think, he
10 said he kind of moved her so he could step over her to
11 get into the bathroom. There is no explanation why she
12 fell on the knife. At one time, he said, she fell
13 right on top of it, he tells the detective. Then why
14 is she laying on the back, and why is there no blood
15 around her.

16 She's staying with her friend, Mary, in Cross.
17 She's going to pick up her car at the bus stop. No.
18 She is laying in her house stabbed to death. She had
19 the nerve to say, I'm sorry. If you have an
20 opportunity to listen to the tone of his voice when he
21 talks about Frances Lawrence from jail call, you know
22 what she had the nerve to say? I'm sorry. There was
23 such disdain and disrespect for Frances, which she
24 didn't deserve it.

25 No more chances, y'all. Frances' only problem

1 was that she continued to take him back. She loved
2 him. Now, people take bad boyfriends and husbands back
3 for lots of reasons. Frances loved him for whatever
4 reason.

5 The sisters figured it out. You could tell that
6 they didn't like the relationship. But Frances loved
7 him and she took him back over and over and over again.
8 Ten years, on and off, on and off, back and forth, back
9 and forth. She kept giving him a chance.

10 So when you consider the evidence, consider this
11 evidence: Think about Frances coming home from work,
12 getting ready to go to bed, stabbed by Mr. Bradley.
13 She is laying there dead. I don't know how long she
14 bled out while he didn't call the ambulance. We're not
15 sure about that. We don't know how much pain she
16 suffered after being stabbed in the heart. But instead
17 of getting the care that she deserved, instead of an
18 ambulance coming and carrying her, instead of calling
19 911 to get an instruction on how to do CPR, no. He
20 starts cleaning things up. He starts taking her stuff.
21 He goes and smokes some crack. For two or three days,
22 he does this, while this woman is laying dead in her
23 own bathroom.

24 So as you consider the evidence, and whether
25 you're going to give him another chance, think about

1 that. And think about what that tells you about what
2 happened in that home.

3 I'm asking you to have the courage of your
4 conviction, to go back there and don't compromise. If
5 you know he did this, then find him guilty. Don't let
6 him get away with this.

7 THE COURT: Bear with me one moment, ladies and
8 gentlemen. Madam Forelady, ladies and gentlemen, your
9 lunch is here. We're going to take a very brief recess
10 to allow you to eat.

11 If -- if you would -- do not discuss the case
12 during this break in any manner whatsoever. Please
13 leave your note pads in your seats. Once you have
14 eaten, if you need to go outside and get some air,
15 please let the bailiffs know, and they will take you
16 outside for that purpose. I anticipate that we will
17 break for about 30 minutes. If you would go with the
18 bailiff.

19 (Whereupon, the jury left the courtroom at 12:55
20 p.m.)

21 THE COURT: You may be seated. Please close the
22 door. Anything from the State before we recess?

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

24 THE COURT: Anything from the defense?

25 MS. LITTLEJOHN: No, Your Honor.

1 THE COURT: We will break until 1:30. Have a
2 good lunch.

3 (After a recess, court reconvened.)

4 THE COURT: Is the State ready to proceed?

5 MS. WILLIAMS: That State is ready, Your Honor.

6 THE COURT: Is the defense ready to proceed?

7 MS. LITTLEJOHN: Yes, Your Honor.

8 (Whereupon, the jury entered the courtroom at in
9 1:48 p.m.)

10 THE COURT: You may be seated. Ladies and
11 gentlemen, I hope y'all enjoyed your lunch. We will
12 resume with argument. You may proceed, Ms. Littlejohn.

13 MS. LITTLEJOHN: Thank you, Your Honor. First of
14 all, I want to thank each one of you on behalf of my
15 client and the process. I'm sure nobody woke up on
16 Monday morning and said, wow, you know, I really hope
17 they pick me. Pick me. Pick me. Well, we did.

18 But hopefully you've learned a lot through this
19 whole propose. It's not like TV and all. You know,
20 it's a lot different from what you normally see.

21 And I don't know if y'all noticed, but every
22 time you walk in, we would all stand up. And I'm
23 probably speaking on behalf of all of us, and that's
24 because y'all are the judges of the facts. The judge
25 is the judge of the law. Y'all are the judges of the

1 facts. We have two judges really. All of y'all, all
2 the facts; and Judge Jefferson on the law. So, I
3 really do, I appreciate y'all giving up your time to
4 come in here and be here with us.

5 This is a tragedy, what happened. No doubt
6 about it. Absolutely no doubt about it. This case is
7 about Frances Lawrence and Lee Bradley. I told you at
8 the beginning, this was not a who-done-it case. It's
9 not on TV, let's try to figure out who did it. That's
10 not what it's about. It's about how it was done.

11 The State wants you to believe there was a
12 hatred heart, ill will, malice aforethought. The only
13 two people there that day, Frances Lawrence and Lee
14 Bradley. The State gave you their version. From what
15 I said, check out my hand, now see the other side.
16 They gave you their version because it fit neat into
17 their narrative. But there are two sides. And those
18 sides are what you heard and also what your common
19 sense says.

20 What did we not hear? How folks act after a
21 tragic event, I submit to you, does not address the
22 tragic event. Think about that. Do your actions
23 afterwards mean the tragic event? No. Everybody acts
24 so differently.

25 We are going to talk about that here in a little

1 bit. I want to talk to you about -- a little bit about
2 some of the testimony you've heard. First of all,
3 Mr. Bradley is what -- in a way he kind of took the
4 stand three times. He told his story three times.
5 Once with the 911 operator; and then in an hour long or
6 so interview; and then in a phone call. And you know
7 what, there are some inconsistencies, some minor
8 inconsistencies. But what would we note, the As, the
9 Bs, and the Cs always remained the same. He told you,
10 it was an accident. She came at me. She was mad at
11 me. We tussled. It was an accident. That has been
12 consistent throughout.

13 He talked about slipping on the blue rug.
14 That's been consistent. She was upset -- she was upset
15 because her sister, Darlene -- and y'all saw Darlene --
16 told her Lee's been over at Alma's house. Remember,
17 they're both cousins, Alma and Darlene. Y'all saw Alma
18 and you saw Darlene.

19 They talked about how this first started. When
20 we first came in, we heard from the 911 operator. What
21 do we know? We know the 911 operator told us we have
22 no way of knowing if he hung up or if the call dropped.
23 She flat out told us that. And then she said it showed
24 that he was on 95. In Berkeley County? Is 95 in
25 Berkeley County? But then she said, wait a minute,

1 there is a seven-mile radius, a triangle.

2 I said, well, you know what can you tell us
3 about the pinging of it. Well, that's what I know.
4 What do we know? Nobody came in with cell phone tower
5 experts. I mean, all you have to do is read the
6 newspapers or listen to the news, anything. We know
7 know the cell phone towers are out there, and there are
8 experts about the cell phone towers. Period. The
9 state didn't bring anybody in there to tell you where
10 this would have bounced off. If one was down, and one
11 wasn't working, or whichever -- how do these waves go.

12 Maybe they didn't bring anybody -- bring an
13 expert on that because maybe Mr. Bradley was just
14 telling -- flat out, this is where I was. And he was
15 telling the truth. You know, I submit to you,
16 sometimes I've heard about people who may be in
17 Summerville, call some emergency, to report an auto
18 wreck, and they get Charleston dispatch. We all know
19 about that.

20 Let's talk about her friends, Iona and Mary.
21 Seemed like wonderful ladies. I really thought they
22 seemed like wonderful ladies. Said Lee was introduced
23 one time. And the State tried to make a deal out of
24 how -- the one time they were at an event, Ms. Lawrence
25 paid instead of Mr. Bradley.

1 Well, they have been in a relationship for ten
2 years. Ten years. Does that mean that every single
3 time a male and female goes out, if they are in a
4 relationship, that he has to pay? So -- so that's odd
5 behavior? I will submit to you that's not odd
6 behavior. Many women, if they happen to have the
7 money, they'll pay. A lot of wives control the
8 checkbooks. They may pay. You have to use your common
9 sense.

10 What else do we know about Iona and Mary, other
11 than being nice people. Well, we know that they called
12 Frances. They called her. They called the house.
13 They called the cell. And other colleagues from there
14 called. That's kind of odd, Cathy told us nobody else
15 had the number other than the sisters.

16 Alma, what did Alma tell us. Alma, says, yep,
17 I've met Lee one time. And she didn't put -- the story
18 she just told with this incident, because she doesn't
19 even know if it was in the same month. This was her
20 cousin. I would submit to you she would.

21 Alma says that, hey, people were over there and
22 they were barbecuing. That's not unusual for people to
23 come over and barbecue. I mean, I asked her flat out,
24 were you having an affair with him? No. You saw the
25 look on her face. She was stunned. She absolutely

1 didn't look like she had anything going on with him.

2 But Darlene, now, she wasn't making Frances
3 think that Lee and Alma had something going on. The
4 State wouldn't let you think that she had just gotten
5 out of the shower. So the only person that they could
6 bring in to half figure that out was Brenda Bloom, the
7 sister who had lived with her three years before all
8 this -- for a total of three weeks -- about what her
9 habit was. So that would be, what, 2011, something
10 like that.

11 But yet there were no pictures or nobody taking
12 any towels where you might hang it over the shower rack
13 or hang it on the towel rack, to say, hey, this would
14 indicate that somebody had taken a shower. And, hey,
15 these are the skin cells from her so we know this is
16 her towel. So we don't know that. I know that --
17 maybe what she did for 21 days total three years ago,
18 and not all in a row.

19 What we did know is, that they didn't get
20 anything of evidentiary value. What else do we know
21 what Brenda told us? She said she found this knife and
22 she handled it real carefully, and then she gave it to
23 her sister, Dorothy -- I think it was Dorothy -- who
24 was going to take it to the police, but didn't take it
25 to the police, so she ended up taking it to the police.

1 Now, remember, the police had been there. They
2 even went and got a search warrant. And yet, they had
3 taken pictures of the whole house. They turned it
4 upside down looking for something. And they didn't see
5 anything of evidentiary value. So it was not sent to
6 DNA. It was not that important.

7 They brought in the lady from the bank. She
8 told us, yeah, bank deposit, withdrawals, and only one
9 ATM card issued. Only one ATM card issued. Think
10 about -- and I can personally remember this, the days
11 before ATM cards, when all you do is write checks. A
12 lot of people would have a joint account.

13 The problem with the joint account was if you
14 have the checkbook, and you have a checkbook, all of a
15 sudden those checks can go flying every which way,
16 everybody is writing a lot of money out of them. So
17 usually one person will hold the checkbook. Like one
18 person would hold the ATM card. But she also said, you
19 have to have a PIN to get into it. How did he get the
20 PIN? He had the PIN. That's not that unusual, y'all.

21 Harold wants us to think it's unusual being at
22 the ATM. He wants you to think it's unusual seeing Lee
23 drive the car. But Harold didn't do anything about it,
24 even if he think it's unusual. He's a young guy. He
25 wanted to come in thinking he couldn't do anything.

1 But then again, when I asked him about when he
2 remembered this, he couldn't even remember when he
3 remembered all the details.

4 Now, Harold is Darlene's son. Y'all looked at
5 her demeanor on that stand. Do y'all remember her
6 demeanor? She was real nice with the State. But when
7 I looked at her, and I asked to approach her, and I
8 asked if she wanted to re-read her statement -- three
9 times -- she wouldn't even take her statement to
10 re-read it. You saw it.

11 And what did she tell you, she said, I got
12 behind Lee. I go rolling up on him. What are you
13 doing with her car? Day one, he was telling me he was
14 getting his brakes changed. Day two, what are you
15 doing with her car? Getting the oil changed. She
16 thought that was odd. She didn't do anything about it.

17 And then she says, he just shows up at my house,
18 walks in, smokes crack. I guess she forgot the part,
19 and leaves. And I said, did you call the police? No.
20 What did you do? Nothing. I submit to you most people
21 are not going to let people just walk into their house,
22 smoke crack or do any kind of drugs illegally. And if
23 you're not calling the police, you're throwing them
24 out. One of the two. It's kind of a normal reaction.

25 But, apparently, that was what her story was.

1 Then she wanted to tell you that her own cousin, Alma,
2 who -- remember Alma is the one she said she told --
3 that's what Lee said Frances thought it was -- was
4 running a gambling, and drug, and a drinking house.
5 And she tells us right here from this stand, and we've
6 got all these deputies around here. Now, if she's
7 running this big old drug house, I would submit to
8 y'all, Berkeley County is not going to be sitting here,
9 they're going to go out there, rolling up on her,
10 wanting to see all these drugs she's got in this big
11 old house.

12 And you know what, remember, she said they came
13 to her, to talk to her. Do you really think she's
14 running this big old drug house, gambling house -- if
15 they're out there with her? I'm going to submit to you
16 she did not -- maybe she's not. Maybe she wanted to
17 tell you Lee was giving away food, and all that. Where
18 did she learn that? From her daughter.

19 She tells you that she's all upset about all of
20 this, but not once did she knock on the door, or go in.
21 She's the one who notices all these inconsistencies.
22 Not once. I said, why didn't you? Not my business. I
23 said, did you call the law? No. Why not? Not my
24 business.

25 Finally, I think she got upset with me because

1 she told us of some illnesses she had and kind of shut
2 down. But what do we know? We know Lee has
3 consistently said her sister -- Frances' sister,
4 Darlene, was the one who told Frances all these tales.
5 And he said -- listen to his interview -- he said, I
6 was not messing with that woman. That woman -- not a
7 woman -- that woman on Leisure Lane. That's her
8 cousin. That woman is the lady, Alma, who walked in
9 here. The one you would be surprised would still be
10 around, not in a jump suit, if all the stories were
11 true that Darlene says. Maybe Darlene feels a little
12 guilty. I don't know. That's what started the
13 argument.

14 Katrina, Darlene's daughter, what does she say?
15 She said, I rarely visit. She says, I was going to get
16 him to sell me those sunglasses and a grill. Then she
17 said she never paid for it. And then she said, oh, he
18 gave me his food from his food stamp card.

19 And the State wants you to believe that these
20 sunglasses -- two pairs -- are Frances' sunglasses.
21 Well, if they're your aunt's sunglasses, and you really
22 think they might be, aren't you going to return them?

23 Some of y'all wear glasses. You know, think
24 about it. Your nose piece, your ridge piece and all,
25 it's going to have your DNA on it. That would have

1 been real simple. Bring those sunglasses, and we'll
2 just swab that right quick like, and see if that's
3 hers. Well, there's a reason they didn't, because they
4 weren't hers.

5 But Darlene's daughter, Katrina, wouldn't let
6 you think so. What did she say though?

7 Katrina did say she didn't recognize the
8 sunglasses as being Frances. And she did tell us that
9 Frances didn't like people in her house when she wasn't
10 home. Do you remember that? They make a big deal
11 about the air fresheners in the bathroom.

12 Now, I'm going to submit to y'all, please use a
13 little bit of common sense here, because an air
14 freshener in a bathroom, it's not always a bad thing.
15 As a matter of fact, it can be a pretty good thing at
16 times. And I'm going to bet most people have some sort
17 of air freshener in their bathroom.

18 Well, let's talk about Dorothy. She seemed like
19 a really nice lady. She was a sister. And she said my
20 door -- and I live with my mother, and our door is
21 open -- basically, front door to front door. So she
22 saw everything. She and her mother would sit out there
23 and drink coffee.

24 And she said, yes, Frances would let Lee drive
25 her car. And she was asked about work. Yes, she

1 worked, which goes to support the fact that --
2 remember, when they searched Frances' house, they found
3 Lee's W2 form. I submit to you, you only get a W2 form
4 by working.

5 Most people wanted to make it look like he
6 didn't even work, and he was living off of her. They
7 found Lee's W2 form. Of course, the government, they
8 won't put that in evidence, but they found it.

9 And what did she say? Dorothy said, Lee's out
10 there raking and they start talking. And Lee called
11 Frances Boo. And he's going to fix -- I think it
12 was -- fish and shrimp that morning for breakfast,
13 offered it to Dorothy, offered it to Frances. Frances
14 wouldn't answer Lee. Frances was angry with Lee.

15 And why? We know why. Because Darlene had told
16 this tale about him being off at Alma's. She said, it
17 was tense there.

18 And the State wants you -- remember, how Frances
19 -- Dorothy said, it looked like they were packing up
20 and moving. But remember what else Dorothy said.
21 Dorothy said, I didn't believe her. She's been saying
22 that forever. And so I didn't -- I didn't give that
23 much credence there.

24 So, you know, Dorothy tells us it was tense.
25 And who was the one not responding? Who was the angry

1 one? Cathy -- sister Cathy, she tells us about how Lee
2 doesn't know the telephone number. Nobody knew it but
3 the sisters. I think y'all know that other people do.

4 You heard about Ms. Lawrence's physical
5 limitations. Yes, she does have -- or did have some
6 physical limitations, but she also worked at a
7 warehouse, Fruit of the Loom warehouse.

8 EMS tells us they came in, they were the ones to
9 raise the gown. And what did the CSI folks tell us?
10 Nothing of evidentiary value. They didn't test the
11 knives. They didn't take the knives. She didn't take
12 the -- you know, what else, look at this. Look and see
13 if you see a picture inside the medicine cabinet of
14 medicine. You know she was on high blood pressure
15 medicine. You know that. See if they have the
16 medicine, a picture of that. I'm going to submit to
17 you they don't. But I don't know, was she supposed to
18 be on some other medicine or not?

19 And the fact that Darlene told us to -- SLED
20 would like you to believe, oh, it couldn't be
21 underneath her nails unless it was a struggle. Growing
22 up in any family, what have you, you know, it's not
23 that hard. You just nip others. DNA gets under your
24 fingernails. They even told you that.

25 Dr. Tormos, she said with regard to the bruises,

1 she said, I can't tell you when it happened. I can't
2 tell you how it happened. And her words were, "take it
3 with a grain of salt". We're going to take that with a
4 grain of salt.

5 When I -- she ruled it a homicide based on what,
6 though? She based that information on the information
7 that had been given to us, so that would be the
8 information from the police that had been given to her.

9 When I asked her about an accident. She said,
10 it's possible, but not likely. But it's possible, so
11 it can't be ruled out. Right from the State's witness.
12 If you can't totally -- you couldn't totally rule that
13 out. There you go.

14 Let's go over here to the detectives. He walks
15 in and gives them the statement, and what happens? He
16 tells them about the cell phone numbers. You're going
17 to hear that. Do we trace the numbers? No. Did you
18 hear anyone come in from the cell phone companies with
19 testimony, no. Why don't they want you to know what
20 numbers were and were not called?

21 Why didn't they go to Charlotte to talk to these
22 folks? Frances' own family is the one who said, he'll
23 be in Charlotte at the ministry. I guess that's a bad
24 place to be is at the ministry. It -- that it's saying
25 that's a bad way to react when some tragedy happens.

1 Everybody must react a certain way. We can't be held
2 to that kind of standard, y'all. We're individuals.

3 No different than when they put up somebody to
4 testify about how do people react with domestic
5 violence. Now, I'm going to have to walk around, and
6 say, oh, my gosh, that friend of mine is not very
7 outgoing. What's wrong? Are you going to sit there
8 and wonder, your friends aren't outgoing. There is
9 something wrong. You cannot pigeon hole people. You
10 absolutely cannot pigeon hole people.

11 Let's go back to Detective Shuler for a second.
12 I asked him, did you ever re-think things? Yes, he
13 does. Let's look at wasn't done.

14 The DNA wasn't done. You don't see the
15 photographs of the medicine. You don't see anybody
16 coming in with her prior medical records. You don't
17 see more than a month's worth of ATM records. You
18 don't see anybody having gone and gotten those -- those
19 ATM videos. Just because it's foreign videos does not
20 mean you can't get them from the store. Okay.

21 You don't see anyone -- pinging cell phones.
22 But all of this has to do with what -- what happened
23 afterwards. It does. It has to do with what happened
24 afterwards. They have been together for ten years.
25 Listen to Lee talk. Listen to him.

1 He loved her. He loves her. He just can't --
2 it's ten years, y'all, just imagine. And what part
3 would -- what he says, she was my joy. She was my
4 life. He wished it would have been him. He said, I
5 handled it wrong. He did. He handled the aftermath
6 wrong. But does -- what he did in the aftermath, and
7 the way he handled that, does that mean that what
8 happened between two people was a murder with a hatred
9 heart, with ill will?

10 The detectives keep using the word "stabbing",
11 and he keeps telling them no. Where did he go to? He
12 went to the ministry. He tells you that. And that's
13 where they found him, was in Charlotte. And her family
14 told them where to find him.

15 You know, the story did change to exactly what
16 happened. And I kept thinking to myself, how do I
17 explain to a jury that a story changes and remains the
18 same, and it happened so fast. And I kept thinking, in
19 all my years on earth, I know I happen to think -- what
20 do you do with certain things if you can't think of all
21 the examples.

22 But several years ago, on July 12th, I was
23 getting ready to go to the beach. And I get a
24 telephone call from the Medical College of Georgia. It
25 turns out that my mother had been in a very serious

1 wreck. Somebody ran a red light. Ran into her and
2 three other elderly ladies from her church. They were
3 in a funeral procession.

4 Unfortunately, one of the women in the car did
5 pass away on impact. As y'all know, you're supposed to
6 hold for a funeral procession while the funeral
7 procession goes through. My mother was very seriously
8 injured. The two others survived were seriously
9 injured.

10 My sister immediately wanted somebody to blame.
11 She immediately wanted to know what was going to happen
12 to that person, that ran that car into them. What was
13 going to happen?

14 And as I sat there in the ICU room, the Medical
15 College of Georgia, having made it from Charlotte to
16 Augusta in probably an hour and a half, I think, do you
17 know how hard it was to tell another family member it's
18 an accident when your mother is all hooked up? That's
19 hard.

20 And afterwards, I asked her, and I asked the two
21 surviving people, what happened. And all their stories
22 were different just a little bit. And one lady, who
23 was burying her son that day, he died of cystic
24 fibrosis. She watched him succumb. And her story
25 varies just a little bit, because it all happened just

1 like that. Just like that. Tragic, but just like
2 that.

3 One person, my sister, one of -- thought it was
4 something more than that. Sometimes things are not
5 explainable until we start trying to fill them in. And
6 then we all fill them in one way, and then my mind will
7 play a trick on us, and we'll fill them in another way.
8 But A, B, and C of it remains the same.

9 Frances came with them -- to him with a knife.
10 She was angry because of what Darlene had told her.
11 You've seen Darlene. We know that Darlene could
12 confront Lee. She probably -- I'm going to submit --
13 probably told Frances exactly what he said, and the
14 tussle happened.

15 I know one thing. I wasn't there. I know
16 something else, there were only two people there. The
17 two of them. Yes, Lee's story changes. There are no
18 replays here. This isn't a football field where you
19 get to all of a sudden, go yay. And then all of a
20 sudden you see the refs go out. And you go, oh, man,
21 they're going to review this call. You don't get a
22 replay. You don't get that.

23 In a minute, you're going to be asked to go back
24 and decide between murder, voluntary manslaughter, or
25 not guilty. Notice you're never allowed -- never ever

1 allowed to chose innocent in a criminal trial.

2 So even -- even though you may believe his
3 innocent, you can't choose it because that's not a
4 choice. You can't. It's called not guilty.

5 And the judge is going to instruct you, and
6 you're going to have to say, did the State meet the
7 burden of proof in each and every element, beyond a
8 reasonable doubt? That it was not an accident. One of
9 your biggest doubts is, as the doctor said, it is not
10 impossible. Think about that. Their very own witness
11 said that.

12 We don't excuse Lee's behavior afterwards. We
13 don't. But I don't excuse my behavior, other people
14 don't excuse their behavior when they have a tragic
15 event and they may go on auto pilot. Some people may
16 have tragic events in their life and they just dive
17 themselves into work to keep busy. Other people can't
18 function. Does that make one right and one wrong?

19 I think you're going to have to ask that
20 question of yourself. And remember, when you're mad at
21 someone you love, your mind is angry, but your heart
22 still cares. Lee's heart never had an ounce of malice
23 towards Frances. Listen to him. He said she's the joy
24 of his life. He loves her and always will. Thank you.

25 THE COURT: Ladies and gentlemen, why don't you

1 stand up and stretch a little bit. Does anybody need
2 to go to the restroom? Okay. We'll take a brief
3 restroom break. During the break, please do not
4 discuss the case. And leave your note pads in your
5 seat.

6 (Whereupon, the jury left the courtroom at 2:23
7 p.m.)

8 (After a recess, court reconvened.)

9 THE COURT: Is the State is ready?

10 MS. WILLIAMS: Yes, Your Honor.

11 THE COURT: Is the defense ready to proceed?

12 MS. LITTLEJOHN: Yes.

13 THE COURT: Please bring in the jury.

14 (Whereupon, the jury entered the courtroom at
15 2:52 p.m.)

16 THE COURT: You may be seated. During this trial,
17 ladies and gentlemen, you and I have certain duties to
18 perform. As the trial judge, it is my responsibility
19 to preside over the trial of this case, and I also have
20 the duty to rule upon or pass upon the admissibility of
21 evidence offered during this trial.

22 You are to consider only the competent evidence
23 before you, and you are to disregard and diffuse from
24 your mind any testimony ordered stricken from the
25 record in the case during this -- in this case during

1 the progress of this trial if there has been any.

2 You are to consider only the testimony which has
3 been presented from the witness stand, together with
4 any exhibits, which have been made a part of the record
5 in this case.

6 I have the additional duty to charge or instruct
7 you on the law applicable to this case. As the
8 presiding judge, I'm the sole judge of the law of this
9 case. And it is your duty, as jurors, to accept and
10 apply the law as I now state it to you.

11 If you have a preconceived idea as to what the
12 law is, or what the law ought to be in a case, or in
13 this case, and it should not agree with what I now tell
14 you the law is, you are obligated under your oath to
15 abandon the preconception on your part, because you are
16 sworn to accept the law and apply the law precisely as
17 I now state it to you.

18 In every case tried in this court before a jury,
19 the jury becomes the sole and exclusive judges of the
20 facts. You, the jury, are the judges of the facts in
21 this case. This court is the judge of the law.

22 The Constitution of our State has declared a
23 trial judge not shall intimate, state, comment upon, or
24 make any statement to a trial jury about the facts in a
25 case. Since you, the jury, are the sole judges of the

1 facts of this case, you are not to infer anything from
2 what I have said during the progress of this trial, in
3 ruling upon the admissibility of evidence, or
4 otherwise, or anything that I say now to you during the
5 course of this instruction, that I have any opinion
6 about the facts. The law does not allow me to have an
7 opinion about the facts. This is a matter solely for
8 you, the jury, to determine.

9 As jurors then, it is your duty, as I've
10 instructed you, to determine the effect and the value,
11 the weight, and the truth of the evidence presented
12 during this trial. Necessarily, you must assess the
13 credibility of witnesses who have testified.
14 Credibility is simply a legalistic term meaning
15 believability.

16 It becomes your duty, as jurors, to analyze the
17 evidence and determine what evidence convinces you of
18 its truth. Some of the things that you may consider as
19 you decide whether or not to believe a witness'
20 testimony about a particular matter includes, what was
21 the manner and appearance of the witness who testified?
22 Was he or she straight forward or hesitant in
23 answering? Was the testimony of a witness consistent
24 or inconsistent? How did the witness come to know the
25 facts that he or she testified to, or what was his or

1 her ability to know these facts?

2 Is there some reason a witness would want to
3 give testimony which would help or hurt one side or the
4 other? In other words, was the witness biased or
5 prejudiced?. And was the testimony of a witness
6 strengthened or weakened by other testimony or
7 evidence?

8 I further instruct you that in determining the
9 question of the credibility or believability of
10 witnesses who have testified, you may believe one
11 witness as against several witnesses, or several
12 witnesses as against one witness. You may believe a
13 part of the witness' testimony and reject the remaining
14 part of the testimony of that same witness.

15 If you have a good and sound reason, you may
16 believe the testimony of a witness in its entirety, or
17 reject the testimony of a witness in its entirety. You
18 may consider the demeanor of a witness, that is the
19 manner and appearance of the witness from the witness
20 stand. Ladies and gentlemen, you can believe as much
21 or as little of each witness' testimony as you think
22 proper. Throughout this process, ladies and gentlemen,
23 you have but one objective, to seek the truth
24 regardless of its source.

25 A person who has a past criminal record is

1 competent to testify during a trial. A past record
2 does not affect the ability of that witness to testify.
3 The past record may only be considered by you, if at
4 all, in determining the witness' believability.
5 Remember, ladies and gentlemen, you are the sole judges
6 of the facts in this case, and the believability of any
7 and all of the witnesses.

8 I further instruct you that you have heard
9 evidence that the defendant was convicted of a crime,
10 and/or committed a bad act, not the subject of a
11 conviction, other than the one for which the defendant
12 is now on trial. This testimony, if you conclude it is
13 true, may only be considered by you on the question of
14 intent and absence of mistake, and for no other reason,
15 and for no other purpose.

16 You may give this evidence the weight, value,
17 and effect you decide, if any, which you decide it
18 should have on the sole issue of intent and absence of
19 mistake. You must not consider evidence of the
20 commission of another offense and/or a bad act, not the
21 subject of a conviction, as proof of the defendant's
22 guilt of the charge we are trying today.

23 Ladies and gentlemen, our rules of evidence
24 ordinarily do not permit witnesses to testify to
25 opinions or conclusions. An exception to this rule is

1 for witnesses we call expert witnesses. A witness who,
2 by their education, training, and experience has become
3 an expert in some art, science, profession, or calling
4 may state an opinion as to relevant and material
5 matters in which the witness claims to be an expert,
6 and they also state their reasons for that opinion.

7 You should consider any expert opinion received
8 in evidence in this case like any other evidence. Give
9 it the weight you think it deserves. If you decide
10 that the opinion of an expert witness is not based on
11 sufficient education and experience, or if you conclude
12 that the reasons given in support of the opinion are
13 not sound, or that the opinion is outweighed by other
14 evidence, you may disregard the opinion entirely.

15 An expert witness' testimony is to be given no
16 greater weight than that of other witnesses, simply
17 because the witness is an expert. Further, you are not
18 required to accept an expert's opinion even though it
19 is not contradicted.

20 A statement is alleged to have been made by the
21 defendant, which has been admitted into evidence in
22 this case. While this court has determined that the
23 statement is admissible, I instruct you that you make
24 the ultimate decision of whether or not the defendant
25 made the statement. If the defendant did make the

1 statement, you must determine whether the statement was
2 made by the defendant voluntarily and of his own free
3 will.

4 This means that the statement was not caused by
5 pressure, force, fear, threats, coercion, or
6 intimidation, or by hope or a promise of leniency, or
7 reward of any kind. In determining whether the
8 statement was voluntary, you should consider both the
9 characteristics of the defendant and the details of the
10 questioning.

11 Some of the factors you must consider are the
12 age of the defendant. The defendant's education or
13 lack of education. The defendant's mental ability or
14 capacity. The defendant's IQ or intelligence. The
15 defendant's background and environment, the place and
16 length of the detention.

17 The nature of the questioning and the advice or
18 lack thereof to the defendant of his Constitutional
19 rights, including but not limited to the right to
20 remain silent; that any statement could be used against
21 him in a court of law. The right to have a lawyer
22 present. That if he could not afford a lawyer, a
23 lawyer would be appointed to represent him without any
24 costs. And that he could stop making a statement at
25 any time. You must carefully consider all of the

1 surrounding circumstances before you give any weight to
2 an alleged statement.

3 The State has the burden of proving beyond a
4 reasonable doubt that the alleged statement was
5 voluntary. If you determine it was, you may give the
6 statement any further consideration that you deem
7 proper. You must decide what weight, if any, should be
8 given to the alleged statement. If you determine the
9 alleged statement was not the free and voluntary
10 statement of the defendant, you should not consider the
11 statement at all.

12 I instruct you, ladies and gentlemen, and
13 emphasize that the fact that the defendant did not
14 testify is not a factor to be considered by you in any
15 way in your deliberations, and in your considerations
16 on the question of the guilt or the innocence of the
17 defendant. It must not be considered by you in any
18 manner whatsoever.

19 A defendant has the constitutional right to
20 remain silent. And the assertion of this right must
21 not be considered by you in your deliberations in any
22 manner whatsoever. I repeat, under your oath, you are
23 to draw no collusion whatsoever from the fact that the
24 defendant in this case did not testify. The fact that
25 this defendant did not testify should not be discussed

1 in any manner whatsoever in the jury room.

2 The burden of proof, as I have -- as I have and
3 will explain to you, is on the State. The defendant is
4 not required to prove his innocence. The burden of
5 proof remains on the State to prove guilt beyond a
6 reasonable doubt.

7 Ladies and gentlemen, there are two types of
8 evidence which are presented during a trial, direct
9 evidence and circumstantial evidence. Direct evidence
10 is the testimony of a person who asserts or claims to
11 have actual knowledge of a fact, such as an eye
12 witness.

13 Circumstantial evidence is proof of a chain of
14 facts and circumstances indicating the existence of a
15 fact. The law makes absolutely no distinction between
16 the weight or value to be given to either direct or
17 circumstantial evidence, nor is a greater degree of
18 certainty required of circumstantial evidence than of
19 direct evidence.

20 Crimes may be proven by circumstantial evidence.
21 Again, as I have explained, the law makes no
22 distinction between the weight or value to be given to
23 either direct or circumstantial evidence.

24 However, to the extent the State relies on
25 circumstantial evidence, all of the circumstances must

1 be consistent with each other, and when taken together,
2 point conclusively to the guilt of the accused beyond a
3 reasonable doubt.

4 If these circumstances merely portray the
5 defendant's behavior as suspicious, the proof has
6 failed. The State has the burden of proving the
7 defendant guilty beyond a reasonable doubt. This
8 burden rests with the State regardless of whether the
9 State relies on direct evidence, circumstantial
10 evidence, or some combination of the two.

11 Ladies and gentlemen, you should weigh all of
12 the evidence in this case. After weighing all of the
13 evidence, if you're not convinced of the guilt of the
14 defendant beyond a reasonable doubt, you must find the
15 defendant not guilty. Conversely, if you're convinced
16 of the guilt of the defendant beyond a reasonable
17 doubt, then you must find him guilty.

18 I instruct you the fact that the defendant was
19 arrested, charged, and indicted is not evidence in this
20 case, nor does it create any presumption or inference
21 of guilt. This documentation is simply the formal
22 instrument which contains the charge or charges made
23 against the defendant. It simply serves as the formal
24 documentation by which the case is processed or brought
25 into the Court.

1 The defendant has pled not guilty to this
2 indictment. And that plea cast the burden on the State
3 to prove the defendant guilty, because a person charged
4 with committing a criminal offense in South Carolina is
5 never required to prove himself innocent.

6 I instruct you, Madam Forelady, ladies and
7 gentlemen of the jury, that it is a cardinal and
8 important rule of the law of evidence that the
9 defendant, in a criminal trial, no matter what the
10 seriousness of the charge made against him may be, will
11 always be presumed to be innocent of the crime for
12 which he is indicted unless his guilt has been proven
13 by evidence satisfying you of that guilt beyond a
14 reasonable doubt.

15 This presumption of innocence does not cease
16 when you retire to deliberate, but it accompanies the
17 defendant from the time of his appearance, throughout
18 the trial, until you reach a verdict in this case. Our
19 Supreme Court has said that the presumption of
20 innocence is like a robe of righteousness placed about
21 the shoulders of the defendant. And it remains with
22 him and assigns him to that class, the innocence, until
23 that presumptive robe of righteousness has been
24 stripped from his person by evidence satisfying you of
25 that guilt beyond a reasonable doubt.

1 Ladies and gentlemen, the presumption of
2 innocence is not merely a legal theory, it is not just
3 a legal phrase. It is a substantial right to which
4 every defendant is entitled unless you, the jury, are
5 satisfied from the evidence of his guilt beyond a
6 reasonable doubt.

7 The State has the burden of proving the
8 defendant guilty beyond a reasonable doubt. Some of
9 you may have served as jurors in civil cases, where you
10 were told that it is only necessary to prove that a
11 fact is more likely true than not true, such as by the
12 greater weight or the preponderance of the evidence.

13 In criminal cases, the State's proof must be
14 more powerful than that. It must be beyond a
15 reasonable doubt. Proof beyond a reasonable doubt is
16 proof that leaves you firmly convinced of the
17 defendant's guilt. There are very few things in this
18 world that we know with absolute certainty. And in
19 criminal cases, the law does not require proof that
20 overcomes every possible doubt.

21 If, based on your consideration of the evidence,
22 you are firmly convinced that the defendant is guilty
23 of the crime charged, you must find the defendant
24 guilty.

25 If, on the other hand, you think there is a real

1 possibility that the defendant is not guilty, you must
2 give the defendant the benefit of that doubt and find
3 him not guilty.

4 The defendant is charged with murder. The State
5 must prove beyond a reasonable doubt that the defendant
6 killed another person with malice aforethought. Malice
7 is hatred, ill will, or hostility towards another
8 person. It is the intentional doing of a wrongful act
9 without just cause or excuse, and with an intent to
10 inflict an injury, or under circumstances that the law
11 will infer as an evil intent.

12 Malice aforethought does not require that malice
13 exist for any particular time before the act is
14 committed. But malice must exist in the mind of the
15 defendant just before, and at the time the act is
16 committed. Therefore, there must be a combination of
17 the previous evil intent and the act.

18 Malice aforethought may be expressed or
19 inferred. These terms, expressed and inferred, do not
20 mean different kinds of malice, but merely the manner
21 in which malice may be shown to exist. That is either
22 by direct evidence or by inference from the facts and
23 circumstances which are proven.

24 Express malice is shown when a person speaks
25 words, which express hatred or ill will for another, or

1 the person prepared beforehand to do the act which was
2 later accomplished. For example, lying in wait for a
3 person, or any other act of preparation, going to show
4 that the deed was within the defendant's mind, would be
5 expressed malice. Malice may be inferred from conduct
6 showing a total disregard for human life.

7 Ladies and gentlemen, if you find that the State
8 has failed to prove beyond a reasonable doubt that the
9 defendant committed murder, you may also consider
10 whether the State has proven beyond a reasonable doubt
11 that the defendant committed voluntary manslaughter.

12 To prove voluntary manslaughter, the State must
13 prove beyond a reasonable doubt that the defendant took
14 the life of another in the sudden heat of passion,
15 based on sufficient legal provocation. Both heat of
16 passion and sufficient legal provocation must be
17 present at the time of the killing to constitute
18 voluntary manslaughter. Sudden heat of passion may,
19 for a time, affect a person's self control and
20 temporarily disturb a person's reasoning.

21 The sudden heat of passion must be the type that
22 would make an ordinary person unable to fully reflect
23 on his actions and would produce an uncontrollable
24 impulse to do violence. Sufficient legal provocation
25 must be the type that would make a person of ordinary

1 reason and caution become enraged, and to lose control
2 temporarily. The provocation needed for voluntary
3 manslaughter must come from some act of or related to
4 the victim. Words alone, however, vulgar or insulting,
5 are not enough to be legal provocation.

6 Where death is caused by a deadly weapon, the
7 words must be accompanied by some overt threatening act
8 which could have produced the heat of passion. The
9 exercise of a legal right, no matter how offensive it
10 is to another, is never sufficient legal provocation
11 for voluntary manslaughter.

12 If the heat of passion had cooled, or if there
13 was enough time between the provocation, if any, and
14 the killing, for the passion of a reasonable person to
15 cool, the killing would not be voluntary manslaughter.
16 In deciding whether a reasonable person would have had
17 enough time to cool off, you should consider all the
18 circumstances surrounding the killing.

19 You may consider the nature of the provocation,
20 if any. The defendant's mental and physical state, and
21 the circumstances, and relationship between the
22 parties.

23 The defendant has raised the defense of
24 accident. And that may be excused on the ground of
25 accident if it is shown that the act was unintentional,

1 that he was acting lawfully, and that reasonable care
2 was used by the defendant in the handling of the
3 weapon.

4 For example, if a person is lawfully armed in
5 self defense, and a gun accidentally discharges, the
6 defense of accident would apply. The burden is on the
7 State to prove beyond a reasonable doubt that -- that
8 the act was not an accident, but was caused by the
9 negligence or carelessness on the part of the defendant
10 in the handling of a dangerous instrumentality, or by
11 unlawful activity by the defendant.

12 Ladies and gentlemen, there are three potential
13 verdicts that you may consider in this case. And I
14 will go over them with you. You do not have to try to
15 write this down. The verdict form will go into the
16 jury room with you.

17 There is no significance whatever to the order
18 in which I state these potential verdicts. It is
19 simply that one must be stated first. And the options
20 are as follows:

21 We, the jury, by unanimous consent find the
22 defendant guilty of murder, or as to the lesser
23 included offense, voluntary manslaughter, or not
24 guilty. And there is a place for the foreperson to
25 sign and date the verdict form. Again, ladies and

1 gentlemen, there is no significance whatsoever to the
2 order in which I stated these potential verdicts. It
3 is simply that one must be stated first.

4 Ladies and gentlemen, your verdict must be
5 unanimous, which all 12 of you must agree in order to
6 reach a verdict in this case.

7 Madam Forelady, once the jury has reached a
8 verdict, it will be your responsibility to fill out the
9 verdict form, to sign and date the form, and knock on
10 the door, and advise the bailiff that the jury has
11 reached a unanimous verdict.

12 Also, if the jury has any questions during
13 deliberations, it is your responsibility to write those
14 questions out, to sign and date the note, and then
15 advise the bailiff again by knocking on the door, that
16 the jury has a question.

17 Any notes that you present to the court should
18 never provide any numerical breakdown of the jury
19 panel, as jury deliberations are secret. And any
20 breakdown or numerical breakdown should never be
21 disclosed to the court or to anyone involved in the
22 case.

23 Ladies and gentlemen, if you have any questions
24 during deliberations, please note that there will be a
25 delay in our response. And that is because there is a

1 procedure that we must follow in answering your
2 questions. So if you have a question, please don't
3 think we're ignoring you. Just know that there will be
4 a delay because there is a process that we must follow
5 in answering your question. Again, ladies and
6 gentlemen, your verdict must be unanimous, which means
7 that all 12 of you must agree in order to reach a
8 verdict.

9 I am going to ask that you return to your jury
10 room, but do not yet begin your deliberations. I have
11 some very brief matters of law to take up with the
12 attorneys that may require further instruction or
13 clarification of an instruction.

14 If there is no further instruction, we will send
15 in your notebooks, as well as the evidence. And at
16 that time, we will excuse the alternate. And you will
17 then be allowed to begin your deliberations. If you
18 will go with the bailiff for me please.

19 (Whereupon, the jury left the courtroom at 2:52
20 p.m.)

21 THE COURT: You may be seated. I noticed an error
22 on the verdict form that I need to correct. It should
23 say "guilty of murder", and then "or the lesser
24 included, guilty of voluntary manslaughter or not
25 guilty". And I need to correct that scrivener's error.

1 Any exception from the State?

2 MS. WILLIAMS: No, your Honor.

3 THE COURT: From the defense?

4 MS. LITTLEJOHN: No, Your Honor.

5 THE COURT: Any exceptions to the charge from the
6 State?

7 MS. WILLIAMS: No, Your Honor.

8 THE COURT: From the defense?

9 MS. LITTLEJOHN: No, Your Honor.

10 THE COURT: Please make sure all of the evidence
11 is where it should be. What -- Marvin let me know --
12 Mr. Marvin, I apologize, let me know that what we did
13 the last time was that we used a DVD player, and the
14 disk played on it. And they were able to play it on
15 the television that is in the jury room. So we are
16 going to see if that will work again this time.

17 MS. WILLIAMS: Your Honor, I don't think it is
18 going to work on the disk, Your Honor.

19 THE COURT: We can try it, because it was the same
20 kind of disk last time. It required special software.
21 So let's see.

22 MS. WILLIAMS: We can try it. We did check the
23 laptop, and there is nothing -- on the desktop.

24 THE COURT: Yeah, but somebody astute with
25 computers, they can't --

1 MS. WILLIAMS: I think if somebody was really good
2 at computers, they may be able -- if they could re-hook
3 themselves up to the Internet, but we disabled the
4 Internet. So they would have to really do some fancy
5 stuff --

6 THE COURT: Let's see if that -- I need the
7 alternate first so I can excuse the -- I need you all
8 to first get their notebooks, all except the
9 alternates. I need you all to come forward to make
10 sure that the evidence is in place. I need the
11 alternate.

12 (Pause.)

13 THE COURT: Sir, we want to thank you for your
14 time and your attention to this case. We know that
15 being an alternate can seem thankless, but it's so very
16 necessary to the process in the event that someone was
17 ill or unable to proceed, we truly need the services of
18 an alternate.

19 I've watched you. You have been attentive and
20 timely, and we appreciate the time that you have
21 devoted to this process this week. You are welcome to
22 leave if you would like, and you're excused for the
23 week; or you're welcome to remain with us. And if you
24 would like to remain with us, just let us know and
25 we'll make you comfortable, if you want to remain to

1 see how the deliberations turn out.

2 You're welcome to discuss this case, but I would
3 ask that you not do it until the entire process is
4 completed. And if you don't want to talk about it, you
5 don't have to as well.

6 If you need a work excuse, we can provide that
7 for you before you leave. Otherwise -- and -- but we
8 will mail your check out to you. We thank you so very
9 much for your service, and just let the bailiff know if
10 you want to remain. And if not, you're excused with
11 the court's profound thanks. Have a great day.

12 JUROR: Thank you very much.

13 THE COURT: All right. I have Mr. Marvin in to
14 see if the disk will work. Of course, the jury will
15 not deliberate while he is present. And he should let
16 me know in a moment whether it works or not. Because
17 what he did is he hooked it up -- there is a large
18 monitor in there. And he hooked it up to the monitor,
19 so that they will be able to listen to those items as
20 well as observe them.

21 (Whereupon, the jury began deliberations at 2:54
22 p.m.)

23 (After a recess, court reconvened.)

24 THE COURT: The jury has asked for a copy of the
25 jury instructions. And, of course, they are not

1 allowed to have that. I have a general boiler plate
2 instruction that I send back that says that, but I
3 inadvertently left those in Charleston. My secretary
4 is e-mailing it to me right now. And as soon as I get
5 that, I will be able to print it and attach it to the
6 note. But, of course, I would read it to you before we
7 we did that. But I wanted you to know that we received
8 the note. I'm going to go forward with this hearing I
9 have and hopefully she will send it to me shortly. Any
10 exceptions from the State?

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

12 THE COURT: From the defense?

13 MS. LITTLEJOHN: None, Your Honor.

14 THE COURT: Okay.

15 (Court's Exhibit No. 7 marked.)

16 (After a recess, Court reconvened.)

17 THE COURT: What the instructions -- the response
18 would read is: "Ladies and gentlemen of the jury, our
19 procedures do not allow for a copy of the jury charge
20 slash instructions to be given to you. If there is a
21 specific instruction that you would like given again,
22 or the entire instruction, please advise us and I will
23 accommodate your request immediately." Any exceptions
24 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 (Court's Exhibit No. 8 marked.)

4 THE COURT: As soon as I print this, we will
5 attach it to the note and send it to the jury. And for
6 the record, where is Mr. Marvin? Okay. For the
7 record, I need to confirm that we put a -- the disk
8 player with the 911 call and video/audio -- the video
9 statement was able to be played on the DVD; correct?

10 THE BAILIFF: Yes, ma'am.

11 THE COURT: But the jail call would not; correct?

12 THE BAILIFF: Correct.

13 THE COURT: And we placed a clean laptop in there
14 for the jury to listen that?

15 THE BAILIFF: Correct.

16 THE COURT: Any exception from the State?

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

18 THE COURT: From the defense?

19 MS. LITTLEJOHN: None from the defense, Your
20 Honor.

21 THE COURT: Okay. All right. I think those are
22 all the the housekeeping matters I need to cover until
23 this note is printed. We will wait further
24 instructions from the jury.

25 (After a recess, Court reconvened.)

1 THE COURT: We have a note from the jury. They
2 have asked to be reinstructed on murder and voluntary
3 manslaughter. Any exception from the State?

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

5 THE COURT: From the defense?

6 MS. LITTLEJOHN: None from the defense, Your
7 Honor.

8 THE COURT: Please mark that note for me before I
9 bring the jury in.

10 (Court's Exhibit No. 9 marked.)

11 THE COURT: Please bring in jury please.

12 (Whereupon, the jury entered the courtroom at
13 4:35 p.m.)

14 THE COURT: You may be seated. Ladies and
15 gentlemen, your note asks that you be reinstructed on
16 the offenses on -- on the elements of murder and
17 voluntary manslaughter. And as such, I re-instruct
18 you as follows:

19 The defendant is charged with murder. The State
20 must prove beyond a reasonable doubt that the defendant
21 killed another person with malice aforethought. Malice
22 is hatred, ill will, or hostility towards another
23 person. It is the intentional doing of a wrongful act
24 without just cause or excuse, and with an intent to
25 inflict an injury under circumstances that the law will

1 infer an evil intent.

2 Malice aforethought does not require that malice
3 exists for any particular time before the act is
4 committed. But malice must exist in the mind of the
5 defendant just before and at the time the act is
6 committed. Therefore, there must be a combination of
7 the previous evil intent and the act.

8 Malice aforethought may be expressed or
9 inferred. These terms expressed and inferred do not
10 mean different kinds of malice, but merely the manner
11 in which malice may be shown to exist. That is either
12 by direct evidence or by inference from the facts and
13 circumstances which are proven.

14 Express malice is shown when a person speaks
15 words which express hatred or ill will toward another,
16 or when the person prepared beforehand to do the act
17 which was later accomplished. For example, lying in
18 wait for a person, or any other acts or preparation
19 going to show that the deed was within the defendant's
20 mind would be express malice. Malice may be inferred
21 from conduct showing a total disregard for human life.

22 If you find that the State has failed to prove
23 beyond a reasonable doubt, that the defendant committed
24 murder, you may consider whether the State has proven
25 beyond a reasonable doubt that the defendant committed

1 voluntary manslaughter.

2 To prove voluntary manslaughter, the State must
3 prove beyond a reasonable doubt that the defendant took
4 the life of another in the sudden heat of passion,
5 based on sufficient legal provocation. Both heat of
6 passion and sufficient legal provocation must be
7 present at the time of the killing to constitute
8 voluntary manslaughter.

9 Sudden heat of passion may for a time effect a
10 person's self-control, and temporarily disturb a
11 person's reason. The sudden heat of passion must be
12 the type that would make an ordinary person unable to
13 coolly reflect on his actions, and would produce an
14 uncontrollable impulse to do violence.

15 Sufficient legal provocation must be the type
16 that would make a person of ordinary reason and caution
17 to become enraged and to lose control temporarily. The
18 provocation needed for voluntary manslaughter must come
19 from some act of or related to the victim. Words
20 alone, however vulgar or insulting, are not enough to
21 be legal provocation. Where death is caused by the use
22 of a deadly weapons, the words must be accompanied by
23 some overt threatening act, which could have produced
24 the heat of passion.

25 The exercise of a legal right, no matter how

1 offensive it is to another, is never sufficient legal
2 provocation for voluntary manslaughter. If the heat of
3 passion had cooled, or if there was enough time between
4 the provocation, if any, and the killing for the
5 passion of a reasonable person to cool, the killing
6 would not be voluntary manslaughter.

7 In deciding whether a reasonable person would
8 have had enough time to cool off, you should consider
9 all the circumstances surrounding the killing. You may
10 consider the nature of the provocation, if any. The
11 defendant's mental and physical state, and the
12 circumstances and relationships between the parties.

13 That would conclude the instruction in response
14 to your request. If you need anything further, please
15 do not hesitate to let us know, and we will accommodate
16 your request immediately.

17 (Whereupon, the jury left the courtroom at 4:39
18 p.m.)

19 THE COURT: You may be seated. Any exception from
20 the State?

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

22 THE COURT: From the defense?

23 MS. LITTLEJOHN: Not from the defense.

24 THE COURT: All right.

25 (After a recess, court reconvened.)

1 THE COURT: Get the Forelady for me, please.

2 (Jury Foreman entered the courtroom.)

3 THE COURT: Madam Forelady, I wanted to let you
4 know, and then you can share this with the jury, that
5 you all are not required to stay here all evening. If
6 you would like to break for the evening and resume your
7 deliberations in the morning, you are free to do do
8 that. If you all want to continue to deliberate, that
9 is fine as well.

10 So if you want to discuss that with your fellow
11 jurors, and then let us know what your preference is,
12 because we really don't have many options for dinner,
13 and we're approaching that time of the evening. So if
14 you would discuss that with them, and y'all have made a
15 decision, let us know. And knock on the door and
16 advise the bailiff for me, please.

17 JURY FOREMAN: Yes, Your Honor.

18 (Jury foreman left the courtroom.)

19 THE COURT: Thank you. All right. Any exception
20 from the State?

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

22 THE COURT: From the defense?

23 MS. LITTLEJOHN: None from the defense, Your
24 Honor.

25 (After a recess, Court reconvened.)

1 THE BAILIFF: The jury foreman said they can't
2 come to a decision, and they want to come back
3 tomorrow.

4 THE COURT: I need her to come in and tell me
5 that.

6 (Jury foreman entered the courtroom.)

7 THE COURT: Ma'am, what is the jury's preference?
8 Do you want to continue to deliberate this evening, or
9 would you like to adjourn and come back in the morning?

10 JURY FOREMAN: Adjourn and come back in the
11 morning, Your Honor.

12 THE COURT: Okay. If you can take your seat right
13 there and bring in the rest of the panel for me.

14 (Whereupon, the jury entered the courtroom at
15 6:56 p.m.)

16 THE COURT: You may be seated. Ladies and
17 gentlemen, your foreperson has advised me that you
18 would like to adjourn for the evening and resume
19 deliberations in the morning. During this break, it is
20 absolutely essentially that you have no discussion
21 about this case among yourselves, or with anyone else.
22 That you not read, watch, or listen to any media
23 accounts about this case, or do any independent
24 research on the Internet.

25 You will resume your deliberations at 9:30 in

1 the morning. When everyone arrives, the bailiffs will
2 bring in your note pads and the evidence. And then as
3 soon as everyone is there, you will be allowed to
4 resume your deliberations.

5 I hope that y'all have a great evening. We'll
6 see you in the morning at 9:30. And don't have any
7 contact with anyone in or about the courthouse when you
8 return in the morning.

9 (Whereupon, the jury left the courtroom at 6:57
10 p.m.)

11 THE COURT: You may be seated. Is there anything
12 before we adjourn for the evening from the State?

13 MS. WILLIAMS: No, Your Honor.

14 THE COURT: From the defendant?

15 MS. LITTLEJOHN: No, Your Honor.

16 THE COURT: I see y'all in the morning at 9:30.
17 Have a good night.

18 (Whereupon, the hearing adjourned.)
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* * * FRIDAY JULY 15, 2016 * * *

(Whereupon, the jury resumed deliberations at 9:35 a.m.)

(Whereupon, the Court reconvened at 10:26 a.m.)

THE COURT: Is the State ready to proceed?

MS. WILLIAMS: The State is ready, Your Honor.

THE COURT: Is the defense ready to proceed?

MS. LITTLEJOHN: Yes, Your Honor.

THE COURT: Please bring in the jury.

(Court's Exhibit 10, jury note, marked.)

(Whereupon, the jury entered the courtroom at 10:27 a.m.)

THE COURT: You may be seated. Madam Forelady, has the jury reached a verdict?

JURY FOREMAN: We have, Your Honor.

THE COURT: If you would give the verdict form to the bailiff for me, please.

(Pause.)

THE COURT: Sir, if you would stand for publication of the verdict. Madam Clerk, if you would publish the verdict.

THE CLERK: In General Sessions Court, county of Berkeley, State of South Carolina vs. Lee Dell Bradley, indictment 2016-GS-08-1249. We, the jury, by unanimous

1 consent, find the defendant guilty of murder.

2 THE COURT: No visible reaction from the gallery.

3 THE CLERK: Madman Forelady, ladies and gentlemen
4 of the jury, if this is your verdict, please signify by
5 raising your right hand.

6 (All jurors complied.)

7 THE COURT: Any request to poll the jury from the
8 State?

9 MS. WILLIAMS: No, Your Honor.

10 THE COURT: From the defense?

11 MS. LITTLEJOHN: Yes, Your Honor.

12 THE COURT: Please proceed with polling the jury.
13 Ladies and gentlemen, please give the clerk your
14 attention.

15 THE CLERK: Madam Forelady, is this your verdict?

16 JURY FOREMAN: Yes.

17 THE CLERK: Is this still your verdict?

18 JURY FOREMAN: Yes.

19 THE CLERK: Juror number 110, is this your
20 verdict?

21 JUROR: Yes.

22 THE CLERK: Is it still your verdict?

23 JUROR: Yes.

24 THE CLERK: Juror number 133, is this your
25 verdict?

1 JUROR: Yes.

2 THE CLERK: Is this still your verdict?

3 JUROR: Yes.

4 THE CLERK: Juror number 1, is this your verdict?

5 JUROR: Yes.

6 THE CLERK: Is this still your verdict?

7 JUROR: Yes.

8 THE CLERK: Juror number 81, is this your verdict?

9 JUROR: Yes.

10 THE CLERK: Is this still your verdict?

11 JUROR: Yes.

12 THE CLERK: Juror number 37, is this your verdict?

13 JUROR: Yes.

14 THE CLERK: Is this still your verdict?

15 JUROR: Yes.

16 THE CLERK: Juror number 82, is this your verdict?

17 JUROR: Yes.

18 THE CLERK: Is this still your verdict?

19 JUROR: Yes.

20 THE CLERK: Juror number 28, is this your verdict?

21 JUROR: Yes.

22 THE CLERK: Is this still your verdict?

23 JUROR: Yes.

24 THE CLERK: Juror number 46, is this your verdict?

25 JUROR: Yes.

1 THE CLERK: Is this still your verdict?

2 JUROR: Yes.

3 THE CLERK: Juror number 118, is this your
4 verdict?

5 JUROR: Yes.

6 THE CLERK: Is this still your verdict?

7 JUROR: Yes.

8 THE CLERK: Juror number 11, is this your verdict?

9 JUROR: Yes.

10 THE CLERK: Is this still your verdict?

11 JUROR: Yes.

12 THE CLERK: Juror number 49, is this your verdict?

13 JUROR: Yes.

14 THE CLERK: Is this still your verdict?

15 JUROR: Yes.

16 THE CLERK: Judge, the jury has been polled and
17 the verdict stands.

18 THE COURT: Thank you. You may take your seat.

19 Madam Forelady, and ladies and gentlemen, we thank you
20 for your time and your attention to this case. We know
21 that jury service is thankless, or at least it seems
22 thankless. But it is my sincere desire that you have
23 learned about the system, how it works, and that it is
24 nothing like what you see on television. I say that
25 and people think I'm joking, but I'm really not.

1 Because our system is the only one of its kind
2 in the world, where 12 ordinary citizens, listen to the
3 facts of the case, apply a complex set of rules and
4 laws to those facts and render a verdict. And so your
5 service is so vital and important to us.

6 I don't know how many weeks of court we have in
7 Berkeley, but I remember when I started on the court in
8 1996, we probably had court in Berkeley every other
9 month -- or once every three months. We now have --
10 Berkeley County has grown exponentially. It is part of
11 the 9th Circuit, which is of course -- part of
12 Charleston Circuit. In Charleston, we have court every
13 week, four courts operating except holidays. So you
14 can just imagine the volume of cases that we have to
15 move throughout the system.

16 While there are some cases that the court hears
17 in a nonjury capacity, where it's the finder of fact,
18 the majority of what we have to dispose of requires
19 your services. So your service is vital to us and is
20 so very important. I hope that it has been affirming
21 for you, and that it has renewed your faith in the
22 system. And that the system works because of your
23 willingness, really, to give us your time by
24 participating in it.

25 You are welcome to discuss this case if you

1 would like. Sometimes the lawyers will contact you to
2 get feedback, to see how they can do things better.
3 And you're welcome to do that. If you don't want to
4 discuss it, you don't have to.

5 And if someone should exceed what you feel is
6 comfortable, please contact us so that we can take the
7 appropriate action to assist and protect in your
8 privacy. You are welcome to remain with us for
9 sentencing. Is there anyone that wishes to remain for
10 sentencing -- if you'd raise your right hand for me --
11 that's the entire panel -- so you will remain with us.

12 All right. I need you to find out his record
13 for me. Are there any posttrial motions?

14 MS. LITTLEJOHN: Yes, Your Honor.

15 THE COURT: You may proceed.

16 MS. LITTLEJOHN: First, I would ask for a motion
17 for directed verdict.

18 THE COURT: Well, you have already made that.

19 MS. LITTLEJOHN: And a motion for a new trial.

20 The basis would be allowing in the expert, not reading
21 the entire voir dire --

22 THE COURT: You didn't make any objections during
23 voir dire so that's waived.

24 MS. LITTLEJOHN: The 404(b) Lyle, the 2002
25 remoteness. Detective Shuler had been in here the

1 entire time, and made the statement -- although he had
2 been in here the entire time, about the priors and his
3 officers responding --

4 THE COURT: He didn't say anything about priors.
5 He simply said calls. You made a contemporaneous
6 objection. I sustained it and struck it from the
7 record. That would not have been the basis for a
8 mistrial.

9 MS. LITTLEJOHN: And all the prior objections on
10 relevancy, as well as the 404(b) and Lyle motions.

11 THE COURT: All right. Anything further from the
12 State?

13 MS. WILLIAMS: No, Your Honor.

14 THE COURT: You did not make any exceptions to
15 any questions that were not asked in voir dire. You
16 failed to make a contemporaneous objection, and
17 therefore it is waived. But alternatively, so that the
18 record is protected, all the questions that I did not
19 ask were either cumulative or they directly bore on the
20 facts of the case, and therefore would have been
21 inappropriate to have asked a panel. Because it could
22 have polluted their minds regarding their objectivity
23 regarding the facts and circumstances of the case.

24 The other questions bore directly on legal
25 principles that are within the province of the court.

1 And therefore I stand by my original decision not to
2 have asked -- have asked those questions. But I'm at a
3 bit of a deficit because I don't know exactly which
4 ones you would have asked in addition, because you did
5 not at the time. And, therefore, it eliminated or --
6 the court's ability to have considered that
7 contemporaneously.

8 I stand by my original ruling regarding the
9 introduction of the expert witness testimony. And that
10 is preserved for the record.

11 The passing comment that was made by Detective
12 Shuler, although inappropriate, it was superfluous.
13 The Court struck it from the record based on
14 contemporaneous objection, and instructed the jury to
15 disregard it.

16 There was much more Lyle testimony that the
17 State was seeking to introduce. I limited them to one
18 CDV conviction, which I think was appropriate, and I
19 made a contemporaneous ruling. And I will incorporate
20 that, as well as my other previous rulings, into this
21 portion of the record.

22 There is no basis for a motion for a new trial
23 and that motion is denied. As the finder of fact,
24 there was more than ample evidence, both direct and
25 substantial circumstantial evidence, from which the

1 jury could easily surmise that the defendant was guilty
2 beyond a reasonable doubt of this crime.

3 Now, it's my understanding that he had an arrest
4 on March 7th of 2006 for criminal domestic violence of
5 a high and aggravated nature. The victim declined that
6 prosecution. And, therefore, the charges were
7 dismissed. And that same victim would have been the
8 victim in this case, Ms. Lawrence.

9 That he had -- let's see -- and actually it was
10 for kidnapping. And she declined to prosecute on that
11 as well.

12 And then on 4/5/09, there was an arrest. He
13 pled guilty; received 30 days for malicious injury to
14 personal property. An arrest date of 9/19/09, he pled
15 guilty to domestic violence first offense in
16 Magistrate's Court, and that was with the same victim.

17 He has an arrest date of 11/29/09, where he was
18 found guilty in a bench trial on violation of a
19 domestic violence protection order, with the same
20 victim.

21 That he had an arrest date on 7/23/10, where he
22 pled guilty before Judge Dennis on criminal domestic
23 violence second offense, where he received 42 days time
24 served with this same victim.

25 Then on 7/23/10, he pled guilty before Judge

1 Dennis in Magistrate's Court for violation of a
2 protection order. He got credit for time served.

3 On 9/3/10, he pled guilty in Magistrate's
4 Court -- on 9/21/10, for violation of a protection
5 order with the same victim and received 15 days.

6 Then he had an arrest date of 9/22/10 for
7 stalking, when a restraining order injunction was in
8 effect. And that was dismissed on 6/15/11. There is
9 no indication as to why, but I would have to assume
10 because the victim did not want to pursue it.

11 He had an arrest date on 9/22/10, and pled
12 guilty before Judge Young on 6/15/11 for harassment
13 second degree. He received 90 days time served and
14 credit for 257 days with the same victim.

15 And on 9/29/12, pled guilty before Judge Dennis
16 for domestic violence second offense and received
17 81 days time served. Is there any more on his record?

18 MS. WILLIAMS: No, Your Honor.

19 THE COURT: This is the full extent of the
20 criminal record?

21 MS. WILLIAMS: Oh, no, Your Honor, there are other
22 things on his record.

23 THE COURT: I need to know what else is in his
24 criminal history.

25 MS. WILLIAMS: Okay. I just would add that most

1 of those incidents involved a knife, and him trying to
2 take her car.

3 THE COURT: Okay.

4 MS. WILLIAMS: Mr. Bradley also has two armed
5 robbery convictions, which we have certified copies for
6 the court.

7 THE COURT: I need to know the dates of those
8 convictions.

9 MS. WILLIAMS: Okay. The first conviction is --
10 just looking for the date of the conviction -- in 1993.
11 I think it's 4/6/95 is when he pled guilty -- no, he
12 was found guilty at trial.

13 THE COURT: And what happened as a result of that?

14 MS. WILLIAMS: He was given 18 years, and credit
15 for time served, beginning at 12/4/92.

16 THE COURT: So he maxed out that sentence;
17 correct?

18 MS. WILLIAMS: That is correct.

19 THE COURT: And then when was the next one?

20 MS. WILLIAMS: The next one was in Georgia, he has
21 a conviction for armed robbery. And that was a
22 conviction May 2nd, 1985. And he received -- it was
23 two counts. He received ten years concurrent on both.

24 He also has a -- the equivalent of a CDV here,
25 but it's called family court -- Family Battery, and

1 that was in 2002.

2 THE COURT: What date?

3 MS. WILLIAMS: It was June 7th, 2002.

4 THE COURT: What state?

5 MS. WILLIAMS: Oh, sorry. It was Georgia. And
6 that was a different victim.

7 THE COURT: Okay. Now, it's my understanding he
8 was served with a life without parole notice on
9 June 9th of 2016, and refused to sign for that notice.
10 Again, life without parole in court, he was served
11 before Judge Hayes with life without parole notice on
12 6/30 of '16. And, again, refused to sign for that
13 notice. And Ms. Littlejohn signed in his -- because he
14 refused to sign.

15 MS. WILLIAMS: That is correct, Your Honor.

16 THE COURT: In his stead is the word I was --

17 MS. WILLIAMS: That is correct. And we have
18 copies of those if the court --

19 THE COURT: I don't think she is contesting that.

20 MS. LITTLEJOHN: Well, I'm not contesting -- the
21 only correction I would make is, I would agree with the
22 Solicitor that a lot of these did involve keys, the
23 prior domestics. But knife not, that was --

24 THE COURT: I don't know that it really matters.

25 MS. LITTLEJOHN: I don't think it does either. I

1 just wanted to let the Court know.

2 MS. WILLIAMS: Your Honor, we have certified
3 convictions for the two armed robberies convictions if
4 we could make those a court's exhibit.

5 THE COURT: Uh-huh. I assume there is no
6 exception?

7 MS. LITTLEJOHN: No exceptions, Your Honor.

8 (Courts' Exhibits 11 & 12 marked.)

9 THE COURT: All right. I'll be glad to hear from
10 the State on sentencing.

11 MS. WILLIAMS: Your Honor, because he was served
12 with life without parole due to his prior record, we
13 would just ask you to instate the life without parole
14 sentence. This has been a very emotional, a very
15 important case for us, as prosecutors, because we look
16 at the history of Frances Lawrence, and we see
17 opportunities for her to get out of this dangerous
18 situation. And again and again, she chose not to. And
19 she was a wonderful person and we -- we just hate the
20 way that it ended.

21 I think there is a representative from her
22 family that would like to address the Court.

23 THE COURT: Certainly. I'll be glad to hear from
24 them.

25 VICTIM COORDINATOR: We kind of talked --

1 MS. WILLIAMS: This is Carol Grunsky, who is the
2 Victim Witness Coordinator for the Berkeley County
3 Sheriff's Department is going to address the court on
4 behalf of the family. And she spoke with Frances
5 Lawrence on countless times when she dropped charges
6 and he got new charges.

7 THE COURT: Yes, ma'am. Tell us your name for
8 the record.

9 VICTIM COORDINATOR: Carol Grunsky.

10 THE COURT: Spell your last name for the court
11 reporter.

12 VICTIM COORDINATOR: G-r-u-n-s-k-y.

13 THE COURT: Yes, ma'am.

14 VICTIM COORDINATOR: And I've been with the
15 Sheriff's Office for 23 years this year, and most of my
16 cases are domestic violence.

17 And I had the privilege of meeting Frances. And
18 Frances was just a -- just what you heard here today --
19 or through this trial, that she was just a delightful,
20 pleasant person. I loved her dearly.

21 She -- I felt tall around Frances, because
22 Frances came to about right here on me, and she was a
23 tiny little lady.

24 And Frances was paralyzed by Lee Bradley and the
25 knife -- that knife. That's what I want to talk about

1 mainly is that knife.

2 Frances wouldn't have had a knife around where
3 anybody could just put their hands on it. Like he said
4 -- because he promised Frances he would kill her with
5 that knife. That knife. And not only her, that dear
6 little momma there. That's why Frances was so
7 paralyzed by him and so fearful of him. She knew he
8 had nowhere to go. She tried to get rid of him.

9 We worked continuously with orders of
10 protection. We did the stalking. We did the domestic
11 violence. We did everything we could. She would get
12 weak from here to there, you know, from time to time,
13 very typical of a domestic violence victim, but Frances
14 was very fearful of him.

15 And what we see today is not what Frances lived
16 with. Mr. Bradley has cleaned up, and he's -- you
17 know, the crack is out of him and the alcohol is out of
18 him, so he is -- he looks like a nice man, and that's
19 why it is so misleading.

20 And I appreciate the fact that now the jury
21 stayed, and they were able to hear exactly what kind of
22 record he had, what kind of man he was, and that I'm
23 sure their hearts will be settled that they made the
24 right choice.

25 And I just -- I'm just so thankful that this has

1 come to an end for Frances, and for her family, because
2 they loved her dearly, and she loved them. And the
3 other reason she probably did not make a big to-do of
4 what was going on, was because she was fearful that her
5 family would kill him. And she didn't want her family
6 involved. She didn't want anything to happen to any of
7 y'all.

8 She took the -- you know, she walked the walk
9 she had to walk. But I'm just so thankful today that
10 hopefully Frances and her family can rest now. Thank
11 you, Your Honor.

12 THE COURT: Thank you very much, ma'am. Anything
13 further from the State?

14 MS. WILLIAMS: No, Your Honor.

15 THE COURT: Anything from the defense?

16 MS. LITTLEJOHN: Your Honor, we just -- what we
17 would do is recognize the separation of powers, and the
18 life without parole is based on legislative --

19 THE COURT: I think the United States Supreme
20 Court and the South Carolina Supreme Court have settled
21 any validity about the life without parole sentence
22 based on the three -- two, three strike --

23 MS. LITTLEJOHN: And --

24 THE COURT: I think that's settled.

25 MS. LITTLEJOHN: -- we would ask -- that it's a

1 separation of powers issue, based on legislative
2 formulation, not judicial --

3 THE COURT: It's not the court's job to be an
4 advocate. The court's job is to enforce the law, not
5 make the law; correct?

6 MS. LITTLEJOHN: Yes, Your Honor.

7 THE COURT: Isn't that what the separation -- yeah
8 executive, the judicial, and legislative --

9 MS. LITTLEJOHN: I wanted to make that argument on
10 the record, Your Honor.

11 THE COURT: It's the court's job to interpret the
12 law, not make it. That's the legislative's
13 prerogative. Anything further from the defense?

14 MS. LITTLEJOHN: Nothing, Your Honor.

15 THE COURT: Anything further from the defense --
16 the State?

17 MS. WILLIAMS: No, Your Honor. We have the
18 sentencing sheet if the Court --

19 THE COURT: That would be helpful. Sir, if you
20 would stand for sentencing. Sir, you are sentenced to
21 the State Department of Corrections for a period of
22 life. You will get credit for any sentence -- any time
23 that you have served, pursuant to 24-13-40, to be
24 calculated and applied by the Department of
25 Corrections. Thank you very much.

1 Ladies and gentlemen of the jury, you are
2 excused with the court's profound thanks.

3 (Whereupon, the hearing concluded.)

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END OF TRANSCRIPT

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CERTIFICATE OF REPORTER

I, SHARON D. JONES, CERTIFIED COURT REPORTER, DO
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS
HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE
CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF
GENERAL SESSIONS COURT FOR BERKELEY COUNTY, SOUTH
CAROLINA ON THE 11TH, 12TH, 13TH, 14TH & 15TH OF JULY,
2016.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL NOR INTEREST TO ANY PARTY HERETO.

9.29.16

Sharon D. Jones

SHARON D. JONES,
CERTIFIED COURT REPORTER
MY COMMISSION EXPIRES 9.22.2024

FORM 5

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of Berkeley)

Lee D. Bradly #197170)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

20 19-CP-08-167619 JUL - 1 AM 4:37
LEAH QUERRY SUPRE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Corr. Inst. 430 Oaklawn Rd. Pelzer, SC
29669
2. Name and location of Court which imposed sentence Berkeley County General Sessions
3. Name(s) of co-defendant(s) (if any) none
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2016-GS-08-1249 (murder)
 - (b) _____

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) July 11-15, 2016 (life)
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty trial by jury
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. denied relief
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. May 29, 2019
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. 2019-UP-195
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) n/a
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Ineffective Assistance of Counsel (numerous claims)
- (b) Denial of Due Process
- (c) Applicant reserves the right to amend once counsel is appointed
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) see attached "ISSUES AND STATEMENT OF FACTS"
- (b) same as above
- (c) same as above (c)
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? no
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
- (d) any other petitions, motions or applications in this or any other Court? no
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. n/a
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. n/a
- ii. _____
- iii. _____
- iv. _____

ISSUES AND STATEMENT OF FACTS

(I). Counsel failed to object to the solicitor's improper statements during closing argument that denied Applicant his right to a fair trial.

During closing summation the solicitor violated several established principles regarding closing arguments; (1) called Applicant a "liar", tr.p.558, L.7.; tr.p.559, 1.12-13; tr.p.563, 1.20-22; attacked Applicant's character, tr.p.561, 1.21-22; improperly bolstered the State's case, tr.p.565, 1.8-10; appealing to the passions and prejudices of the jury, tr.p.568, 1.6-10; tr.p.572, 1.25; tr.p.574, 1.15-16; tr.p.574, 1.24-p.575, 1.6.; improperly commenting on Applicant's right to not testify, tr.p.573, 1.11-12.

(II). Counsel failed to object to the trial court's improper "intent" required for provocation, tr.p.609, 1.2-4; tr.p.609, 1.8-11; tr.p.620, 1.17-19; tr.p.620, 1.25-p.621, 1.2; counsel also failed to object to the trial court's erroneous instruction on accident, tr.p.609, 1.23-p.610, 1.11 in which the trial court also used an erroneous hypothetical example using a gun, tr.p.610, 1.4-6, thus negating the fact no gun was used in Applicant's case, but rather it was the victim who was wielding "a knife" and thus the trial court's erroneous accident instruction had a substantial and injurious affect on the juries verdict.

NOTE Applicant reserves the right to amend the application once counsel is appointed.

(c) the disposition thereof:

- i. n/a
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. n/a
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. n/a
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

first filing for post conviction relief

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. n/a
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. n/a
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) first filing for post conviction relief
- (b) _____
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? n/a
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
yes

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Debra K. Little John and Keisha V. White
Assistant Public Defenders for Berkeley County
 - ii. David Alexander
S.C. Commission on Indigent Defense
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. trial and sentencing
 - ii. direct appeal
 - iii. _____

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Lee D. Bradley, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Lee Dell Bradley
Applicant

SWORN or affirmed to and subscribed before me this

26 day of June, 2019.

Tamara Conwell
Notary Public

My Commission Expires: September 25, 2023

RECEIVED

JUN 26 2019

P.C.I. MAILROOM

19. State clearly the relief you seek in filing this application:

~~vacate sentence and conviction and remand for new trial~~

20. Are you now under sentence from any other court that you have not challenged?

no

STATE OF SOUTH CAROLINA)

County of Greenville)

VERIFICATION

I, Lee D. Bradley, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Lee Dell Bradley

SWORN to and subscribed before me this 26
day of June, 2019.

Tamara Conwell (L.S.)
Notary Public

My Commission Expires
My Commission Expires: September 25, 2023

RECEIVED

JUN 26 2019

P.C.I. MAILROOM

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY	)	NINTH JUDICIAL CIRCUIT
	)	
	)	
Lee Dell Bradley, #197170	)	Case No.: 2019-CP-08-1676
	)	
Applicant,	)	
	)	
v.	)	RETURN AND MOTION
	)	FOR MORE DEFINITE STATEMENT
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

The State (Respondent), making its Return to the application for Post-Conviction Relief ("PCR") filed on August 23, 2019, would respectfully show this Court:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. In June 2016, the Berkeley County Grand Jury indicted Applicant for murder (2016-GS-08-1249). Assistant Public Defenders Debra K. Littlejohn and Keisha V. White represented Applicant at trial. Assistant Solicitors Anne M. Williams and Wilton H. McNeely prosecuted the case. On July 11, 2016, Applicant proceeded to trial before the Honorable Deadra L Jefferson and a jury. The jury convicted Applicant. Judge Jefferson sentenced Applicant to life imprisonment.

Applicant filed a timely notice of appeal. David Alexander, Esquire, of the Office of Appellate Defense perfected the appeal. The South Carolina Court of Appeals dismissed his appeal on May 29, 2019. The remittitur was returned to the circuit court on June 14, 2019.

Attached to this Return and incorporated by reference are the records of the Charleston County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, appellate records, and the application.

Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II. Current Application

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. “Ineffective Assistance of Counsel”
2. “Denial of Due Process”

III. Response to Allegations of Ineffective Assistance of Counsel

Respondent submits Applicant’s allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel’s performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief.

Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV. Motion for More Definite Statement

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to "support each ground" or to explain with any specificity whatsoever the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to "*specifically set forth the grounds upon which the application is based.*" S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

V. Any Future Amendments

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b),

SCRCP. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

VI. Response to Any and All Other Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

VII. Request for an Evidentiary Hearing

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of trial counsel.

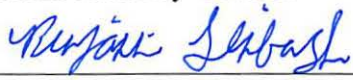
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

BENJAMIN LIMBAUGH
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

February 6, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
Lee Dell Bradley, #197170	)	
	)	Case No.: 2019-CP-10-1676
Applicant,	)	
	)	
v.	)	Affidavit of Service by Mail
	)	
State of South Carolina	)	
	)	
Respondent,	)	
_____	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return and Motion for More Definite Statement** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Christopher L. Murphy, Esquire
Murphy Law Offices, LLC
234 Seven Farms Drive, Suite 128
Charleston, SC 29492

DATED this 6th day of February, 2020.



 Jennifer Jennison, Administrative Coordinator
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

COURT OF GENERAL SESSIONS
FOR THE 9th JUDICIAL
CIRCUIT
Case no. 2019CP0801676

LEE DELL BRADLEY,

Applicant

-against-

STATE OF SOUTH CAROLINA,

Respondents.

PCR HEARING

(Virtual)

DATE: April 16, 2021

TIME: 12:48 p.m.

HON.: DIANE S. GOODSTEIN

Natalie A. Williams
Court Reporter
(914) 610-8863
natalieawilliams726@gmail.com

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

2
3
4 S.C. ATTORNEY GENERAL POST CONVICTION RELIEF DIVISION
5 NINTH CIRCUIT

6 Attorneys for the Respondent

7 BY: MR. BENJAMIN H. LIMBAUGH

8 (803) 734-3737
9

10
11
12 WILLIAMS & WALSH

13 ATTORNEYS AT LAW

14 Attorneys for the Applicant

15 BY: MR. CHRISTOPHER MURPHY

16 (843) 722-0157
17
18
19
20
21
22
23
24
25

1
2 MR. LIMBAUGH: Are we ready, Your
3 Honor?

4 THE COURT: I'm ready.

5 MR. LIMBAUGH: May it please the
6 Court.

7 THE COURT: Yes.

8 MR. LIMBAUGH: This is the case of
9 Mr. Lee Bradley, case number 2019CP081676.
10 Mr. Bradley is currently confined to the
11 South Carolina Department of Corrections,
12 pursuant to orders of commitment of the
13 Charleston County Clerk of Court. In June
14 2016 -- my apologies, Berkeley County. The
15 Berkeley County Grand Jury indicted
16 applicant for murder. Assistant Public
17 Defenders Debra Littlejohn and Kiesha White
18 represented applicant. Assistant
19 Solicitors Anne Williams and Wilton H.
20 McNeely prosecuted the case.

21 On July 11, 2016, applicant
22 proceeded to trial before the Honorable
23 Deadra L. Jefferson and a jury. The jury
24 convicted applicant. Judge Jefferson
25 sentenced applicant to life imprisonment.

1 Applicant did file a timely Notice
2 of Appeal. David Alexander of the Office
3 of Appellate Defense perfected the appeal.
4 The South Carolina Court of Appeals
5 dismissed his appeal on May 29, 2019. The
6 remittitur was returned to the Circuit
7 Court on June 14, 2019.

8 Applicant submitted his initial
9 application for Post Conviction Relief on
10 August 23, 2019, alleging ineffective
11 assistance of counsel and denial of due
12 process. Mr. Murphy submitted to us, I
13 believe he's filed -- I'm not entirely sure
14 of that -- an amendment to the application,
15 Your Honor. Those amendments would be as
16 follows;

17 Not to take the stand, no defense
18 presented, no evidence supported his
19 lawyer's arguments at trial, which is not a
20 defense at all.

21 Number 2; closing; the State called
22 the defense a liar, telling more lies.

23 Number 3; improper jury charge,
24 saying exercise of a legal right is never
25 sufficient provocation for voluntarily

1 manslaughter.

2 Number 4; judge charge's on
3 accident, with the example of a gun going
4 off in self defense. The example did not
5 meet the facts of the case.

6 Number 5; improper standard,
7 reasonable doubt for not guilty. As like
8 the last case, Your Honor, there's the use
9 of real possibility language in the charge.

10 Finally, no charge on self defense.
11 The State opened the door for the charge in
12 opening when it argued one of the stories
13 was a tussle for the knife.

14 Mr. Bradley is represented today by
15 Mr. Christopher Murphy, and I'll hand it
16 over to him at this time, Your Honor.

17 THE COURT: All right.

18 MR. MURPHY: Thank you, Your Honor.
19 I think probably the strongest allegation
20 that we have here is that in the opening
21 argument. Basically, Judge, factually, the
22 defendant's wife was about 60 years olds.
23 Defendant, Mr. Bradley, was about 65 years
24 old. There was an allegation that -- well,
25 she was convicted of being stabbed to

1 death. And there was some stories that at
2 the preliminary, the very early stages of
3 the arrest, a story that Mr. Bradley gave
4 was an accident, it was self defense.
5 Regardless, in opening arguments the
6 solicitor, the State argued about these
7 various stories that were given. What
8 happens when she did that, she opened the
9 door for accident, which that charge was
10 given but they also opened the door for a
11 self defense charge, which was not given.
12 And I don't see where anyone made that
13 request for a self defense charge, and I
14 think that would be a prejudicial error
15 that would entitle him to a new trial. So
16 that, I believe, is our strongest ground.
17 And I think that is what we are really
18 relying on.

19 However, for the record, we do have
20 some other issues in the record that we
21 would rest on the record for them. And
22 those issues would be on page -- throughout
23 the closing argument of the State, the
24 State attacked Mr. Bradley, or the veracity
25 of Mr. Bradley without him even taking the

1 stand. Calling him a liar, saying that he
2 was telling more lies, specifically in the
3 record it's page 472, line 7. And then 473
4 lines 12 to 13. So, attacking his veracity
5 for truthfulness without him taking the
6 stand, without objection, we think is an
7 error.

8 Next, on page 523, lines 8 through
9 11, the judge gave a jury charge talking
10 about voluntary manslaughter and
11 specifically it's stated; the exercise of a
12 legal right is never sufficient provocation
13 for voluntarily manslaughter. I have read
14 that several times and I still find it very
15 confusing. In fact, it was so confusing,
16 that the jury asked them to recharge on
17 this specific issue. I don't think that's
18 proper with -- in terms of the exercise of
19 a legal right not being provocation, I
20 still don't fully understand that, but
21 again we could allege that was error
22 without objection or without clarification.

23 With regard to the jury charge on
24 accident, on page 524, lines 4 through 11,
25 the judge did give an example of a gun

1 being used and going off by accident,
2 however, in this case the facts were --
3 there was a knife, there was no gun
4 alleged, and we think that that factual
5 example was improper.

6 Again, Judge, we raised the issue
7 on reasonable doubt with the 'real
8 possibility' language. I think it should
9 be 'any possibility' would be enough to
10 find him not guilty.

11 And the only other thing we would
12 have, Judge, is his right to take the stand
13 and present any evidence in this case. He
14 did not present a defense at all, and I
15 believe that that would be improper based
16 on the facts that were given, and we would
17 need his testimony for that alone.

18 THE COURT: Okay. Let me ask you
19 this question, why is the colloquy between
20 Judge Jefferson and the defendant regarding
21 his right to testify or his right not to
22 testify?

23 MR. MURPHY: Judge, I knew you were
24 going to ask that. The court reporter
25 did -- she did a strange thing the way she

1 set this up. So, if the AG could help me
2 out with that specific cite, I would
3 appreciate it. I know Judge Jefferson
4 typically does that colloquy but that other
5 case took so long that I didn't have time
6 to nail it done for you.

7 MR. LIMBAUGH: I'll find it here in
8 a second, Your Honor.

9 THE COURT: All right, thank you.

10 MR. BRADLEY: Hey, Judge, do you
11 mind if I speak?

12 THE COURT: Yes, I do. You have a
13 lawyer, sir. We don't have duel
14 representation in South Carolina, sir, I'm
15 sorry.

16 MR. MURPHY: I've got it here,
17 Judge, it's on page 431 of the record. The
18 judge did have that colloquy, Your Honor.

19 THE COURT: Okay. All right,
20 great. Very well. Now, Mr. Murphy, your
21 client needs to speak with you, and as you
22 know we don't have duel representation and
23 it's very difficult for me to begin to have
24 a conversation with your client that leaves
25 you out of the loop, I'm not going to do

1 that. So, I don't know if you two -- well,
2 he probably doesn't have access to a
3 keyboard where he could chat with you, so I
4 don't know how to -- I'm not quite sure how
5 to resolve this situation that we're in.

6 MR. MURPHY: If there is a phone by
7 him, he could call my cellphone. I don't
8 know if he has access to a phone there in
9 that room.

10 MR. BRADLEY: Yes, I have access.
11 I have to get the officer to come and I'll
12 call out.

13 THE COURT: Okay, great. Well, can
14 you get the officer's attention?

15 MR. BRADLEY: Yes, ma'am.

16 THE COURT: Perfect, thank you.

17 MR. BRADLEY: Thank you.

18 UNIDENTIFIED SPEAKER: How are you?

19 THE COURT: Thank you. If you
20 could, please, call Mr. Murphy's number,
21 that would be wonderful.

22 MR. BRADLEY: What's the cellphone
23 number?

24 MR. MURPHY: (843)926-XXXX.

25 UNIDENTIFIED SPEAKER: Okay, I'm

1 calling now.

2 THE COURT: Wonderful, thank you so
3 much.

4 MR. LIMBAUGH: Mr. Bradley, if you
5 can get them to mute your screen as well.

6 MR. BRADLEY: Yes.

7 THE COURT: I'm going to step away,
8 I don't want to watch. I should be back in
9 about three or four minutes.

10 (Whereupon, a brief recess was
11 taken.)

12 THE COURT: Are we ready?

13 MR. MURPHY: Yes, ma'am.

14 THE COURT: Okay.

15 MR. MURPHY: We would call -- did
16 we introduce the case? I forget.

17 MR. LIMBAUGH: Yes, we did.

18 MR. MURPHY: All right. We would
19 call Mr. Bradley to the stand.

20 THE COURT: All right.

21 L E E B R A D L E Y , the Applicant called on behalf
22 of the Applicant, having been first duly sworn by the
23 Clerk, was examined and testified as follows:

24 DIRECT EXAMINATION BY MR. MURPHY:

25 Q. Mr. Bradley, I'm going to ask you a

1 number of questions and I want you to answer them,
2 okay? You have to unmute yourself.

3 A. I'm unmuted?

4 THE COURT: Yes.

5 Q. Mr. Bradley, I'm going to ask you a
6 number of questions, okay?

7 A Yes, sir.

8 Q And what I want you to do is be as
9 truthful as possible, okay?

10 A Yes, sir.

11 Q And some of them might be hard to
12 answer but there's a reason I'm asking them, okay?

13 A Yes, sir.

14 Q All right. Now, Mr. Bradley you
15 were convicted of stabbing your wife, is that correct?

16 A Yes, sir.

17 Q And tell the Court what was your
18 wife's name?

19 A My wife's name was Frances
20 Lawrence.

21 Q How long did you know Frances?

22 A We have been together a little over
23 11 years.

24 Q Did you live with her for that
25 long?

1 A No, we separated. In 2012 we
2 separated, I went back to Charolette and started my
3 life there in the ministry.

4 Q. All right?

5 A. Now what they did, they had me get
6 a job and everything, I got a place, you know, they
7 helped me get a place to live, you know. And I
8 started working at Caraways. Um, we wasn't living
9 together since -- since 2012 we hadn't lived together.
10 I came down to visit her, she asked me to come down to
11 visit. I came down that week, there was no reason for
12 going back to Charolette.

13 Q All right. So, you met her about
14 11 years ago?

15 A. Yes.

16 Q. You lived with her and then you
17 separated about what time? 2012?

18 A 2012.

19 Q And then you ended up starting to
20 live with her again, is that correct?

21 A No.

22 Q No, okay.

23 A What we had planned to do was get a
24 house together, all right? We had talked to this
25 lady, this realtor lady that was going to help us get

1 this house off of Old Dairy Road, in Summerville. So,
2 what I did, I gave her money into the bank account,
3 you know, so we could pay the deposit and first months
4 rent. But we never got a chance to do that after what
5 happened, you know? So, I went back to Charolette.

6 Q. So, this crime -- your wife died in
7 2014, correct?

8 A Yes, sir.

9 Q And from 2012 to 2014 you were not
10 living with your wife?

11 A No, sir I was living back in
12 Charolette.

13 Q Now, I want to go back to -- let me
14 ask you this, did you and Frances have any children
15 together?

16 A No, sir.

17 Q How was your relationship? How
18 would you describe your relationship?

19 A Well, once I moved back to
20 Charolette in 2012, we did a lot of conversating on
21 the phone, you know. We was trying to amend things
22 and get back together. We actually got back together
23 so I came down, we went and looked at this house and
24 we were going to rent it. That's the reason for the
25 boxes and everything. I even boxed up most of that

1 stuff that they was talking about, you know, she was
2 going to move by herself, this, that and the other.
3 No she wasn't.

4 Q All right, hold on. We'll get
5 there. So, you were talking about getting back
6 together with her?

7 A Yes, sir.

8 Q And you were looking at a house
9 that you would be living in together?

10 A Yes, sir, on Old Dairy Road.

11 Q And did you love Frances?

12 A With all my heart. That's the only
13 woman I ever loved in my entire life. I'm talking
14 about truly loved. I --

15 Q. All right. And -- I'm sorry, I
16 didn't mean to cut you off.

17 A. I would never, ever hurt her. We
18 never even fought before.

19 Q That was going to be my next
20 question. Did you have any type of arguments or
21 tenacious disagreements?

22 A Well, like a normal couple we're
23 going to come to disagreements, you know. That many
24 years knowing each other, you know. We lived together
25 for a long time all they way up to 2012.

1 Q Were police ever called for any
2 arguments that you had with your wife?

3 A Yes, sir. That's -- see, that's
4 what caused me to leave in 2012, because of that
5 specific argument and getting arrested for -- I mean,
6 it was just a verbal argument. I called her some
7 names, I said some bad things that I regret, you know,
8 to this day.

9 Q Okay. So, that caused you to leave
10 and then what lead to you guys wanting to get back
11 together?

12 A Well, she constantly called me. I
13 called her, she called me, I called her, and we
14 talked. We came to an agreement, you know, and I told
15 her, I was like, okay, I'll quit gambling, which I
16 couldn't. I don't know, that's an addiction that I've
17 always had, was playing poker. All these times that
18 I've been here in prison, I haven't played no cards
19 because that's what caused me to be here today.

20 Q We're going to get into that. Is
21 there anything about your relationship with her -- you
22 said you loved her, you did not have any kids and you
23 were looking to get back together. Anything else
24 about your relationship that you could describe?

25 A I mean, we did everything together.

1 We did everything together. She even taught me how to
2 fish, I've never known how to fish. You know, being
3 down there in Charleston we did a lot of fishing. She
4 took me to the Cooper River, a place I've never been.
5 You know, we did so much stuff together, we had
6 picnics in the park, went to the movies. We did all
7 types of stuff together. This was a woman that I
8 truly loved and I would never hurt. I was there only
9 to protect her, you know?

10 Q We're going to go back to May 23,
11 2014, that's when this incident happened, okay?

12 A Yes, sir.

13 Q And what I want you to do is walk
14 us through the events that lead up to her getting
15 stabbed.

16 A All right. Okay. I come home, it
17 was exactly 9:15 when I walked in the door that next
18 morning from the gambling house. The lady that you
19 see in the transcript, Ms. Annemarie, her and her
20 husband runs a gambling house, that's where we played
21 poker at, okay? She didn't want us to bring that up
22 in court, and I guess you know why.

23 Q You were playing poker that night
24 and you came home?

25 A The next morning.

1 Q. Okay, the next morning.

2 A All right. I walked into the
3 house. When you get home, what do you do? First
4 thing I do, I go to the bathroom.

5 Q Well, let me ask you this, we'll
6 back up. Were you living together back in May of
7 2014?

8 A No, sir. We wasn't living together
9 then.

10 Q You were visiting?

11 A Yes, sir. I only had like four
12 days that I was able to take off from work. I asked
13 them because we got together and went and looked at
14 the house that I was telling you about.

15 Q Okay. So, you were staying at her
16 place that night?

17 A Yes, sir.

18 Q All right, I'm sorry. Now, so you
19 got back from playing cards and you said you were
20 going to the bathroom.

21 A I went in the bathroom, I was
22 standing there urinating, okay? I turn around and she
23 charged in with a knife. Her sister had told her that
24 I was at a woman's house, and I seen a truck in this
25 lady's yard, but she never said where was I at.

1 Because she would had known -- if her sister Darlene
2 would have told her that I was at that house--

3 Q All right, here's what I want to
4 do. I want to focus on -- you were in the bathroom.
5 Tell us just factually what happened? What did
6 Frances do and what did you do?

7 A All right. Well, when she came
8 into the bathroom, I had just got through using it,
9 you know, zip my pants up. She came at me with the
10 knife. This finger right here (indicating), this
11 finger I cannot use. I grabbed her by the wrist and
12 when I grabbed her by the wrist and she had the knife,
13 she snatched away from me. When she snatched, she
14 punched herself, we hit the floor. We both hit the
15 floor because the bathroom has linoleum on the floor.
16 We had two throw rugs on the floor, little throw rugs
17 and that's what caused us to slip and fall. All
18 right?

19 Q All right. What type of knife was
20 it?

21 A A butcher knife.

22 Q. A butcher's knife?

23 A. Yeah, it was just a black butcher's
24 knife with a black M.

25 Q And you said that you hurt your

1 finger, you can't use your finger anymore.

2 A This finger here (indicating), if
3 you look at it, you see it? When I was a child I had
4 it broke in three places. I kept taking the cast off.
5 So, my grandmother that raised me, she got tired of
6 that, so she said well I'm going to just leave it like
7 it is. It never grew back right. But this is the
8 hand that I grabbed her wrist.

9 Q Was that finger injured as a result
10 of the knife, the incident with the knife?

11 A No, sir. No, sir. It's always
12 been this way.

13 Q All right. So, you're saying --
14 did you get any injuries as a result of when she came
15 at you with the knife?

16 A The only injuries I got, from my
17 other hand when she scratched me. I'm trying to hold
18 this hand down and grab the knife, she scratched me
19 and they found some of my DNA up under her
20 fingernails.

21 MR. LIMBAUGH: Your Honor, I'm just
22 going to object as to the relevance any of
23 this testimony has to the PCR hearing and
24 any of the allegations that applicant's
25 raised. We're not retrying the case.

1 MR. MURPHY: I understand.

2 THE COURT: Yes, Mr. Murphy, talk
3 to me about that.

4 MR. MURPHY: Your Honor, this is
5 going back to him not taking the stand and
6 presenting a defense. What we're doing is
7 establishing the testimony he would have
8 given had he presented a defense. And I
9 will get to the colloquy as to why he did
10 not take the stand and what his thought
11 process was. But I will tie it in, I
12 promise.

13 THE COURT: Okay. I'll let it go,
14 Mr. Limbaugh, for a bit longer. Go ahead.

15 Q Mr. Bradley, you ended up -- you
16 got into a tussle and fell down, the two of you fell
17 down and your wife got stabbed?

18 A. Yes, sir.

19 Q Now, were there any witnesses to
20 these events?

21 A No, sir. It was just me and her in
22 the house.

23 Q Is there any type of proof or
24 corroboration that you could have presented to support
25 this being an accident or self defense?

1 A. When you say proof, I mean, what do
2 you mean? It was just a one-on-one confrontation.

3 Q Did anybody hear any screams or
4 anything that you know of?

5 A Not that I know of.

6 Q All right. Now, let's talk about
7 your conversations with your attorney, Ms. Littlejohn,
8 okay?

9 A Okay.

10 Q Did you talk to her about your
11 case?

12 A Yes, sir.

13 Q How many times did you meet with
14 her to discuss your case?

15 A We met several times. But one time
16 she came and Officer Tucker came back to the part I
17 was in, which was part B at the time at Berkeley
18 County Corrections Facility, and she told me that they
19 couldn't let Ms. Littlejohn in because she had been
20 drinking.

21 Q Well, let me do this. What I
22 really want to talk about is, did you talk about any
23 defenses you had to your case?

24 A We talked about that and I
25 explained to her what happened. You know, she -- I

1 explained to her exactly what happened.

2 Q Okay. And what defenses did you
3 decide to present or did you consider and discuss
4 presenting at trial?

5 A I mean, I was actually the victim,
6 but it's been reversed to me being the bad guy, you
7 know what I'm saying? But I was the victim of this
8 case. I didn't come at her with a knife, I didn't
9 stab her with a knife.

10 Q All right. Tell us, what was your
11 trial strategy going forward when you went to trial in
12 2016?

13 A You said what was my trial
14 strategy?

15 Q What was the strategy? What were
16 you trying to prove?

17 A I was trying to prove that I was
18 innocent, which I am to this day. I am sitting here
19 in the penitentiary. If I did this crime I would have
20 owned up to it, okay? Just like the crime that I did
21 when I was younger, I did my time.

22 Q Let me ask you this, sir; you were
23 trying to maintain your innocence, did you have any
24 proof or what evidence could you have presented that
25 would have supported your innocence, other than your

1 testimony?

2 A I didn't have anything other than
3 that, other than my testimony.

4 Q All right. Now, you spoke-- when
5 you went to trial, can you tell us what your emotional
6 state was like?

7 A Well, at the time -- listen, at the
8 time I actually couldn't even talk. I mean, I was
9 grieving just that hard. I hadn't been able to eat
10 for like almost two weeks, I didn't eat nothing. I
11 mean, I was just in a state to where I couldn't
12 believe what happened, I could not. And I don't know,
13 my mind was just -- I actually didn't hear much of
14 that in the trial.

15 Q Do you recall talking to your
16 attorney during the trial at all?

17 A Yeah. Well, not really. I said
18 some things to her, you know, to Ms. Kiesha White. I
19 did most of the talking to her, you know, she was
20 sitting there, so I was like doing most of the talking
21 to her.

22 Q And let me ask you this; at one
23 point when the State rested, the judge asked you if
24 you wanted to take the stand. Do you recall that?

25 A Yes, sir. I recall her asking me

1 did I want to take the stand. But it's like, just
2 like I said, I was really grieving, I was really
3 grieving very, very bad. And to this day I'm still
4 not over what happened. That's something that's going
5 to be with me the rest of my entire life, whatever
6 time I got left.

7 Q Now, did you discuss with your
8 attorney kind of the good stuff and the bad stuff of
9 you taking the stand? Do you remember doing that at
10 all?

11 A Say that again.

12 Q Do you remember discussing with
13 your attorney whether or not you wanted to take the
14 stand?

15 A Well, she told me there was no need
16 for me to take the stand. You know, when she came
17 to me -- she came to me at first with a deal.
18 Remember you and I talking about that on the phone?

19 Q We'll get to the deal, but I want
20 to talk about taking the stand.

21 A All right.

22 Q Did you talk to your attorney about
23 whether or not you should take the stand?

24 A Yes, sir.

25 Q And what did she say?

1 A She said, well, it's best not to --
2 she seen the condition I was in at the time and she
3 was saying that it's best not to take the stand. I
4 mean, I wouldn't been no good on the stand, and I know
5 I wouldn't have.

6 Q Why wouldn't you have been good on
7 the stand?

8 A Because I was grieving at the time.

9 Q. Well, my question is; you were
10 saying that this was either an accident or self
11 defense, that you didn't mean to stab her, correct?

12 A I didn't stab her, she stabbed
13 herself.

14 Q. All right.

15 A. What would be my purpose to stab
16 her? Think about that. What would be -- I am the one
17 coming in late the next morning. So I have no reason
18 to stab her. Why would I stab her? A woman that I
19 loved and cherished as much as I did her. I even
20 considered coming back to her. I went to Charolette
21 and started a life on my own, without her, but willing
22 to come back because that's how much I loved her.
23 Let's go get this house together. I gave her money,
24 and the money that I withdrew from the ATM machine was
25 my own money.

1 Q You're talking about the money from
2 the poker game?

3 A Yes, I had money in my pocket. I'm
4 talking about the money we had together to get the
5 house. They brought that up in court, 'oh, he took
6 her money.' I left her money in the bank.

7 Q Let me ask you this, sir, did you
8 tell your attorney these facts, that you just
9 discussed? Did you talk to her about what happened
10 and this money issue?

11 A I told her everything, exact stuff
12 I'm telling you now.

13 Q And the question is, did you
14 discuss -- or why wouldn't you take the stand to tell
15 the jury this?

16 A Why would I not take the stand?

17 Q That's correct.

18 A At the time, once again, the
19 grieving that I was going through, mainly when I seen
20 those pictures. When she brought them pictures to the
21 jail to present to me and I seen them, I mean, I went
22 to pieces.

23 Q All right. Did you understand what
24 the court was asking you when you were deciding
25 whether or not to take the stand?

1 A Well, I know it was my right. I
2 mean, I understood from the start that it was my right
3 whether I wanted me fifth amendment, take the fifth
4 amendment or whatever. But, yeah, I understood the
5 stuff that they was saying.

6 Q Did you have any prior convictions
7 that you were worried about coming up if you took the
8 stand?

9 A No, sir. I don't have any prior
10 convictions.

11 Q I'm going to just finish by asking;
12 do you know what your trial strategy was?

13 A I mean, the times that she came to
14 visit me we didn't really feel no strategy going to
15 court. We didn't -- she didn't -- let me read some
16 stuff to you, okay? Can I do that?

17 Q Well, let me just -- you've got
18 some notes in front of you? Or is it letters from Ms.
19 Littlejohn?

20 A. Yes, sir.

21 Q. What are they?

22 A It's issues of statements and
23 facts.

24 Q But who gave them to you?

25 A A lot of what you said earlier, you

1 said -- all right, like the first one where counsel
2 failed to object to solicitor's improper statement
3 during closing arguments.

4 Q Yeah, these are the grounds, we've
5 already talked about this stuff. What I'm trying to
6 get, sir, is we already established there was no
7 witnesses, there was no evidence to show self defense
8 or accident, other than your testimony. Right?

9 A Yes, sir.

10 Q You weren't trying to keep out any
11 prior convictions, the State from questioning about
12 any prior convictions, right?

13 A Yes, sir.

14 Q So my question to you is; why
15 wouldn't you take the stand and explain your story?

16 A Once again, I wasn't in no shape to
17 take the stand to be honest with you, I wasn't. What
18 I was going through at that time, I mean, I couldn't
19 of did nothing. I mean -- I don't know, it's like my
20 body shut down, I don't know.

21 Q. Let me ask you this; did
22 Ms. Littlejohn advise you to take the stand?

23 A No, she didn't.

24 Q Did she advise you not to take the
25 stand?

1 A Yeah, she said it's best that I
2 didn't, you know, at the time because, you know, the
3 condition I was in, you know?

4 Q Okay.

5 MR. MURPHY: That's all I have,
6 Judge.

7 MR. LIMBAUGH: May it please the
8 Court, Your Honor?

9 MR. BRADLEY: Did you say
10 something?

11 THE COURT: I'm so sorry. I am
12 trying to get used to this mute, unmuted
13 button. Thank you. Cross-examination,
14 Mr. Limbaugh.

15 MR. LIMBAUGH: Thank you, Your
16 Honor.

17 CROSS-EXAMINATION BY MR. LIMBAUGH:

18 Q. Good afternoon, Mr. Bradley. So
19 there was no other evidence -- well actually, first
20 off, you said you would never stab the victim, is that
21 accurate?

22 A That's accurate.

23 Q And you're contention the whole
24 time was that this was an accident, is that right?

25 A That's all it was, an accident.

1 Q And you're aware that for self
2 defense you were going to have to present that you
3 did, in fact, stab the victim. Do you understand
4 that?

5 A Yes, sir. But listen, I mean --
6 ask me that question you just asked me just now?

7 Q You know if you were going to
8 present a defense of self defense, you were going to
9 have to say that you stabbed her but it was because
10 she was attacking you. Do you understand that?

11 A Yeah, but I didn't stab her.

12 Q Right, okay. I just want to make
13 sure we're on the same page about that. So, your
14 contention the whole time is that this was an
15 accident, right?

16 A That's exactly what it was. I
17 mean, her intention was to kill me maybe, but it's an
18 accident. She didn't mean to kill herself. She
19 didn't mean to stick herself, that's what I would say.

20 Q And even with you not really
21 wanting to admit that and no evidence in the record,
22 do you remember your attorney asking for a self
23 defense charge?

24 A I don't claim she did. I know she
25 said she was going to and talk with the solicitor

1 about, you know, the time that I was getting. I mean,
2 I'm sitting here, man. Listen, I am sitting here in
3 this prison, next month will be seven years, for
4 nothing. The only thing I'm guilty of is staying out
5 all night. That's the only thing I'm guilty of.

6 Q For the Court's record,
7 Ms. Littlejohn did pose a self defense charge on page
8 441 of the record, and that was denied by the Court.

9 You were informed of your right to
10 testify and you did say earlier on Mr. Murphy's direct
11 examination that it was your decision not to testify.
12 Is that accurate?

13 A Exactly.

14 Q And again, as Mr. Murphy asked you,
15 you don't have any other evidence, there wasn't
16 anybody else there, you didn't tell Ms. Littlejohn of
17 any witnesses, things of that that could have helped
18 your defense?

19 A What I figured would have helped my
20 defense would have been the family. We were in the
21 middle -- where I was staying with her at the time, we
22 were in the middle of the family on both sides of me
23 and behind where I was living. I figured they would
24 take the stand, they would say we have never seen them
25 argue, we've never seen them fight, you know?

1 Q So, they would have testified to
2 your character, but nobody was actually physically
3 there when this happened, were they?

4 A No, sir.

5 MR. LIMBAUGH: That's all I have of
6 this witness, Your Honor.

7 MR. MURPHY: Nothing further.

8 THE COURT: Additional witness?

9 MR. MURPHY: Nothing, Your Honor.

10 THE COURT: All right. On behalf
11 of the State, Mr. Limbaugh?

12 MR. LIMBAUGH: If it pleases the
13 Court, we would call Debbie Littlejohn.
14 Also, as a quick clerical error, Your
15 Honor. The State would move to strike the
16 brief line of testimony from Mr. Bradley
17 referring to Ms. Littlejohn being under the
18 influence of alcohol on some visit. That's
19 an uncorroborated and unsupported
20 allegation that I don't believe should be
21 in this record.

22 THE COURT: It should have been
23 objected to at the time, Mr. Limbaugh.

24 MR. LIMBAUGH: Okay, thank you.

25 MR. BRADLEY: May I speak, Your

1 Honor?

2 THE COURT: No, sir. You have a
3 lawyer. And we do not have duel
4 representation in South Carolina, sir.

5 MR. BRADLEY: I was asking you to
6 speak to my lawyer. I wasn't trying to--

7 THE COURT: You were asking to
8 speak to your lawyer? I'll tell you what
9 we'll do. I'm going to -- he needs to
10 listen to the testimony that is elicited.

11 MR. BRADLEY: Yes, ma'am.

12 THE COURT: So, before we conclude,
13 remind me and we'll arrange for another
14 telephone call. Okay?

15 MR. BRADLEY: Yes, ma'am.

16 THE COURT: Very well. You may
17 proceed, Mr. Limbaugh.

18 D E B R A L I T T L E J O H N, a Witness called on
19 behalf of the State, having been first duly sworn by
20 the Clerk, was examined and testified as follows:

21 MR. LIMBAUGH: Can we mute Mr.
22 Bradley, please? He is not testifying.

23 THE COURT: Thank you.

24 MR. LIMBAUGH: May it please the
25 Court, Your Honor.

1 THE COURT: Yes.

2 DIRECT EXAMINATION BY MR. LIMBAUGH:

3 Q Good afternoon, Ms. Littlejohn.

4 A Good afternoon.

5 Q I want to walk through these in the
6 order they were alleged in the amended. First, seems
7 the primary allegation of Mr. Bradley is his not
8 taking the stand. Do you recall going over with him
9 his right to testify at his trial?

10 A I do. That's his decision and only
11 his decision.

12 Q Okay. And what was the defense
13 strategy at his trial? It doesn't seem as if he
14 provided you with any witnesses or any evidence, other
15 than his testimony. So, what was your strategy here?

16 A Accident. It was to rely on
17 accident, because -- well, like he even mentioned,
18 it's just the two of them. As he said nobody else was
19 there to tell you one way or the other. What he said
20 and the story he said about her slipping and falling
21 on the knife and the blue rug -- I think it's even
22 mentioned in the transcript somewhere about the blue
23 rug, that's what we were relying on, was the whole
24 concept accident. Because they let in the 9-1-1 call,
25 where he called them, and they let in his interview

1 and I think they let in something else of his. So,
2 they already had basically what he had said, in
3 essence. So, we were relying on the accident theory,
4 and that's what Mr. Bradley alleged the whole time,
5 was an accident.

6 Q Right. But did he also say in
7 conversation that he testified to here, that he would
8 have never stabbed her on purpose?

9 A Yes.

10 Q So, you couldn't really pursue that
11 self defense?

12 A Right.

13 Q Okay. And there was the colloquy
14 with the Court about his right to testify, and he did
15 waive that right. Do you remember that?

16 A He did. I think Judge Jefferson,
17 if I'm not mistaking, said something about that twice.
18 I want to say she mentioned it to him before the State
19 even settled, before they settled their case, when
20 they still had a couple more witnesses to go, I think
21 she referenced it to him then. And then she gave the
22 big talk, she is really good about that.

23 Q I believe that's an accurate
24 representation. It looks from the record as if she
25 advised him of his right, the State continued and then

1 she readvised him the next day. Does that sound
2 accurate?

3 A If that's what it says in the
4 record, that would be it. She is real good about it.

5 Q I would agree. I'll move on to the
6 next allegation; in closing there was at least a
7 couple of references to your client being a liar and
8 they're telling more lies. Do you recall why no
9 objection was made to that at the time?

10 A I don't. I just don't normally
11 tend to object a lot on closing because that's where,
12 you know, the jury has to make up their own minds.
13 They're the judge of the facts and it's up to them to
14 decide who's telling the truth and who's not telling
15 the truth and they can believe -- I tell them and I'm
16 sure Ms. Williams tells them, believe it as you
17 remember it, and believe the law as the judge gives
18 you the law. You know, don't believe what I tell you,
19 don't believe what the solicitor tells you, believe
20 what you recall. I typically don't tend to object
21 during a closing. Most of my solicitors here don't
22 object during closing.

23 Q Okay. Are you aware that -- I mean
24 it's a pretty high bar for a case to be returned for
25 that sort of language, I believe State v. Huggins,

1 which mentions that a new trial shouldn't be granted
2 unless the comments so infected the trial with
3 unfairness as to make the conviction wholly
4 unreasonable. Do you recall any of that language or
5 are you aware of that?

6 A I don't think it was -- I wouldn't
7 call it unreasonable because that would be her
8 perception of it.

9 Q Okay. Also, the next allegation is
10 stating improper jury instructions, allegedly, as to
11 voluntarily manslaughter. So, the specific language
12 alleges that there's exercise of illegal right is
13 never sufficient provocation for voluntary
14 manslaughter. And as I'm aware that's the standard
15 instruction for voluntary manslaughter. Is that your
16 understanding?

17 A I thought that was it.

18 Q Just to clarify my question a
19 little. Is that your understanding that that is the
20 standard language used for voluntary manslaughter
21 instructions?

22 A. That's my understanding as well,
23 yes.

24 Q. Okay. And the exercise of illegal
25 right in that instruction would be referring to things

1 such as self defense, is that accurate?

2 A Correct. And of course I agree
3 with what you had said earlier with the self defense.
4 To get that, we would have to admit that he actually
5 did something. It's kind of a catch 22 there.

6 Q. Right, and I will get to that in a
7 minute. So, the next allegation is that the example
8 used by the judge on the charge of accident didn't
9 make sense with the facts. Now, I'm interpreting this
10 to mean that an example of a gun going off in self
11 defense didn't exactly correlate with the facts of
12 this case. However, wouldn't that be improper comment
13 on the facts if she did use an example that directly
14 related to the facts of the case?

15 A. I don't think so. And I frankly
16 quite often when I'm trying to get a client to
17 understand something, like if it's a drug case I'm
18 trying to get them to understand it, I might use a
19 burglary example to try and take -- in other words,
20 give them a different way of looking at something.
21 Because you want to detach from it. So, again, I
22 don't think she could use a knife, per say, in this
23 case, because they'd be putting it right smack dab
24 here. She couldn't do that.

25 Q Right. That's certainly

1 understandable for you as his attorney and again,
2 isn't it your understanding that a charge in court in
3 our state is not allowed to make a comment on the
4 facts of the case. So, using an example directly
5 related to the facts of the case would be wholly
6 improper, would it not?

7 A I would think so.

8 Q Okay, thank you. The next
9 allegation raised is using real possibility charge
10 when discussing reasonable doubt. I'm not sure if you
11 were on earlier -- we had an earlier case. But are
12 you aware of case law directly on point from our
13 supreme court and court of appeals saying that that
14 language is fine to us when charging reasonable doubt?

15 A I am.

16 Q And you're not aware of any case
17 law that I'm not aware of that says that it's
18 improper, are you?

19 A Not that I'm aware of.

20 Q Okay. And finally, the allegation
21 that there was no charge on self defense. Now, I
22 believe -- in terms of the PCR claim you would have to
23 say that you were ineffective for failing to request a
24 self defense charge, however that's not accurate, is
25 it?

1 A I don't believe so, no.

2 Q Okay. And I believe from the
3 record that you requested on page 441, and there was
4 actually a lengthy discussion with the Court as to why
5 it would not be applicable to the facts in this case.
6 Do you recall that?

7 A I do recall something to that
8 effect, yes.

9 Q And the judge actually -- I had to
10 be candid because I stole my question from the trial
11 court here because the judge actually specifically
12 went over that you were only going with the defense of
13 accident because the defendant would have to admit
14 that he stabbed the victim. Do you recall that?

15 A I don't recall per say, but that
16 sounds about right.

17 Q Okay.

18 A I referenced that earlier too.

19 Q. Not just to hammer the points too
20 hard, but as you and Mr. Bradley stated multiple
21 times, his claim is that he never intended to stab the
22 victim, is that accurate?

23 A. Yeah, I --

24 Q. -- and that he never did stab the
25 victim.

1 A. -- I believe that to this day, that
2 Mr. Bradley's defense was accident. He told me that
3 he was -- exactly like he told y'all, he was in the
4 bathroom and she came in and that tussle happened and
5 she basically stabbed herself. What he told y'all is
6 what he told me every time we talked.

7 Q An accident was charged, correct?

8 A Correct.

9 Q You were here and listened to Mr.
10 Bradley's testimony, is that accurate?

11 A Yes.

12 Q He hasn't said today that he would
13 have taken the stand has he? From your understanding.

14 A Well, he said he was really upset,
15 and he was upset, the whole time he was upset about
16 this, about Frances' death. As a matter of fact one
17 of the things I said in closing was I encouraged the
18 jury not to judge him based on how he reacted because
19 I didn't want them to think because he didn't, you
20 know, wasn't crying every which way and being more
21 calm, that that would read that he didn't care,
22 because I can tell you he was pretty distraught over
23 this, over her death.

24 Q Okay. And kind of a last slightly
25 unrelated point, he did leave her body in the house

1 for, I believe, 36 hours before calling authorities,
2 did he not?

3 A Something like that, correct.

4 Q And was that a fact that was an
5 issue at trial or a little difficult to kind of
6 explain?

7 A It was very difficult. The
8 solicitor took great advantage on that one.

9 Q Because if it was an accident, as
10 Mr. Bradley claims, it would have been a very simple
11 procedure just to call 9-1-1 and state that to
12 authorities, would it not?

13 A Correct. And the State hammered
14 that one hard. Why didn't he call right away, and why
15 did he wait so long and all that.

16 Q Especially if Mr. Bradley didn't
17 have any prior serious convictions or anything, as he
18 stated, there wouldn't really be much to worry about
19 as he proclaims, is that accurate?

20 A I think he had some forgeries that
21 were going to be coming in for dishonesty.

22 Q But he didn't have any outstanding
23 warrants or anything?

24 A No, no, no.

25 Q Okay.

1 MR. LIMBAUGH: That's all I have
2 for this witness, Your Honor.

3 THE COURT: All right.
4 Cross-examination, Mr. Murphy?

5 MR. MURPHY: Thank you, Your Honor.
6 May it please the Court.

7 CROSS-EXAMINATION BY MR. MURPHY:

8 Q Ms. Littlejohn, you talked a little
9 bit about Mr. Bradley's state of mind. Can you
10 explain more about how he was feeling, in terms of
11 being upset and so forth?

12 A Mr. Bradley was shocked, sad,
13 grieving. All those things that go along with losing
14 your soulmate.

15 Q Let me ask you this, you used the
16 word soulmate, did you have any doubt that he loved
17 Frances and that it was an accident, he had no
18 intention of hurting her?

19 A Based on what he shared with me,
20 okay, I have no doubt that he loved her, okay? Based
21 on what he told me, it was an accident. Again,
22 though, I wasn't there.

23 Q Got you. And in your investigation
24 did you find any evidence to conflict or support or
25 refute that claim of it being an accident?

1 A I did.

2 Q What evidence did you find?

3 A We hired our own independent
4 person--

5 Q All right.

6 A -- expert. And if you don't mind,
7 I'd like to leave it at that.

8 Q Well, let me ask you this; you
9 hired an expert, what was the expert or the substance
10 of the expert? What was the expert going to say?

11 A That it would not have been an
12 accident.

13 Q That the stabbing would not have
14 been an accident?

15 A Correct.

16 Q All right. Now, based on that --
17 well, let me ask you this; in terms of his prior
18 charges, were you concerned about any prior charges
19 coming out that would hurt him for impeachment
20 purposes?

21 A I think it was the crimes of
22 dishonesty were the forgeries.

23 Q Right, I understand that. But the
24 forgery wouldn't have anything to do with the
25 attempted murder?

1 A No. I'm talking about just the
2 crime of dishonesty.

3 Q Right. I'm just talking about in
4 terms of a jury finding out, did you care whether or
5 not the jury knew he had a prior forgery at all?

6 A No, it didn't bother me.

7 Q Right, I wouldn't think so either.
8 Let me ask you this; Judge Jefferson talking to you
9 twice about whether or not Mr. Bradley would testify,
10 did that give you any type of signal that the judge at
11 least thought that he would have needed to testify or
12 he should have testified in his defense?

13 A No. I'm telling you, the judge
14 went over that really well.

15 Q I understand. And in terms of this
16 being an accident, what harm would come from Mr.
17 Bradley taking the stand and explaining what would
18 happen?

19 A. Honestly, I thought that this way
20 we would have an opportunity to have a last argument,
21 which can be, not always, but can be beneficial. And
22 at that point they had in essence heard Mr. Bradley's
23 testimony, if you will, three times -- two or three.
24 The 9-1-1 call, his interview and I want to say a jail
25 call or something like that. So, they've gotten two

1 or three -- they heard him a couple of times. I
2 wanted to talk about the consistencies and how we had
3 the main consistencies there. So what harm could
4 happen? The harm could be that they could pick apart
5 more some of the 9-1-1, the interview and the other,
6 you know, the fourth time, so-to-speak.

7 Q So, you're talking about the
8 inconsistencies with the 9-1-1, the interview and the
9 jail call, but those were already before the jury and
10 the solicitor was arguing those inconsistencies, isn't
11 that correct?

12 A Right. And we didn't want her to
13 have a chance at that, and that was up to him.

14 Q Did you discuss with him the
15 probability of getting convicted if he did take the
16 stand in his defense or did you have an opinion of
17 whether or not him taking the stand would help or hurt
18 him at all?

19 A I don't remember if I did or not.

20 Q All right. Let's talk about this
21 self defense charge. I understand you talked about it
22 at the charge conference, but do you recall taking
23 exception to it at the end of the jury charges?

24 A You know what, I don't remember
25 that to be honest with you.

Q Let me ask you this as well and it's been awhile since I've done a self defense criminal case. So, it's your testimony that he would have to admit to the actual stabbing in order to get a self defense charge?

A You would have to, because that would be your four or five elements, I believe, of why you did the -- you have to do the crime so-to-speak to be able to be forgiven for it so-to-speak.

Q Right. But my point is the testimony that we heard from Mr. Bradley and I want to -- first of all, is that consistent about the events that lead to the stabbing with what you recall?

A. So far as him coming home, going to the bathroom and all?

Q. Yes.

A. It is. That's what he told me.

Q And factually, what I hear you saying is that when she lunged at him with the knife that is the only way A self defense charge would apply, is that if he stabbed her in self defense. It wouldn't be that he was defending himself, try to be stop from being stabbed that's all?

A That's my understanding of it, yes.

MR. MURPHY: That is all I have, no

1 further questions.

2 THE COURT: All right, redirect?

3 MR. LIMBAUGH: Nothing, Your Honor.

4 THE COURT: Do you have any
5 additional witnesses?

6 MR. LIMBAUGH: State would rest,
7 Your Honor.

8 THE COURT: Okay, very well. All
9 right.

10 MR. MURPHY: Your Honor, I would
11 like to call a rebuttal witness.

12 THE COURT: Sure.

13 MR. MURPHY: We would call Mr.
14 Bradley.

15 THE COURT: Okay, yes.

16 REDIRECT EXAMINATION BY MR. MURPHY:

17 Q. Now, Mr. Bradley, you're still
18 under oath. Do you understand that, sir?

19 A Yes, sir.

20 Q Now, there was testimony that you
21 did not call the police for 36 hours after Frances
22 passed away, is that correct?

23 A No, sir.

24 Q All right.

25 A I called them way before 36 hours.

1 It happened Thursday morning when I came to the house.
2 It was Thursday morning when I came home, 9:00, maybe
3 15, 10 after 9:00 when I walked in the house.

4 Q Let me ask you this; how long did
5 it take for you to call the authorities after she was
6 deceased?

7 A That's what I was telling you, I
8 was sitting there on the floor with her in my arms and
9 I called the next morning, Friday morning.

10 Q Okay. Why did it take you so long
11 to call the police after she had died?

12 A I don't know. I mean I can't even
13 explain that. I was just -- I don't know-- I couldn't
14 believe it. I actually couldn't believe what
15 happened. I couldn't. And I sat there on the floor
16 in the bathroom with her in my arms.

17 Q All right. Other than being in
18 shock, is there anything else that you were trying to
19 do or any reason why you delayed calling the police?

20 A Well, what I did -- I mean, you
21 remember me telling you she um, used the bathroom on
22 herself, defecated.

23 Q Just tell us what you did.

24 A What I did?

25 Q Yes.

1 A That's what I was telling you.

2 Q I know, but the judge was not
3 privy, she wasn't listening to our conversation, so I
4 need you to explain to the Court what you did after
5 she passed away.

6 A Okay. I was sitting on the floor
7 holding her, right? And when she defecated, you know,
8 which that's what happen when people die, when she
9 defecated and urinated on herself, I got her up, I
10 cleaned her up, washed her up and stuff, you know.
11 And I sat back down and I held her in my arms. I mean
12 that's basically all I did. And then that morning I
13 called. I don't know, I wanted to spend -- I guess I
14 truly wanted to spend that little time with her alone,
15 you know? Because I just wasn't ready for her to
16 leave me, you know?

17 Q All right.

18 MR. MURPHY: That's all I have.

19 THE COURT: All right, thank you.

20 Any cross, Mr. Limbaugh?

21 MR. LIMBAUGH: No, Your Honor.

22 THE COURT: Okay. Any additional?

23 MR. MURPHY: Nothing, Your Honor.

24 We rest.

25 THE COURT: Very well. All right,

1 I think I have the issues, counsel. With
2 regards to the comment that you were
3 concerned about, Mr. Limbaugh, there is no
4 basis for that, there is no corroboration,
5 it clearly has no relevancy, there was not
6 an objection made. For what it's worth, I
7 take absolutely no -- it is of no moment to
8 the Court.

9 MR. LIMBAUGH: Thank you, Your
10 Honor.

11 THE COURT: All right. Mr. Murphy?

12 MR. MURPHY: Yes, ma'am. There is
13 nothing to support that, I agree.

14 THE COURT: Okay. Very well, thank
15 you. All right. Now, thank you all so
16 much. Counsel, does that conclude the
17 individuals that you have?

18 MR. MURPHY: Yes, ma'am.

19 MR. LIMBAUGH: Yes.

20 THE COURT: Wonderful. Then thank
21 you for being present, sir. Mr. Murphy,
22 you need to stay with me. Mr. Limbaugh,
23 stay with me, obviously Ms. Mims,
24 Ms. Williams, if y'all stay with me. Have
25 a wonderful weekend and thank you so much.

1 CERTIFICATE OF REPORTER
2
3

4 STATE OF SOUTH CAROLINA)

5 COUNTY OF BERKELEY)
6

7 I, Natalie A. Williams, Official Court
8 Reporter for the Ninth Judicial Circuit of the State
9 of South Carolina, do hereby certify that the
10 foregoing is a true, accurate and complete Transcript
11 of Record of the proceedings had and evidence
12 introduced in the PCR Hearing of the captioned case,
13 relative to appeal, in the Court of General Sessions
14 for Berkeley County, South Carolina, on the sixteenth
15 day of April, 2021.

16 I do further certify that I am neither of
17 kin, counsel, nor interest to any party hereto.
18
19

20 October 10, 2023
2122 Natalie A. Williams23 Court Reporter
24
25

Applicant filed a timely notice of appeal. Appellate Defender David Alexander perfected the appeal and filed a brief arguing the trial court erred in allowing (1) evidence of Applicant's prior conviction and (2) expert testimony that a woman's risk of being murdered increases when she prepares to leave her domestic abuser. The South Carolina Court of Appeals affirmed. The remittitur was sent May 29, 2019.

SUMMARY OF TRIAL TESTIMONY

At trial, Karen Harrington, the Human Resources Manager for the Fruit of the Loom Distribution Center, testified Frances Lawrence (Victim) worked the second shift from 3:00 p.m. until 11:00 p.m. Harrington stated Victim worked on Tuesday, May 20, 2014, and Victim last scanned her work id to leave the building at 12:58 a.m. on Wednesday, May 21st. Victim did not return to work after the morning of the 21st. (R. 48-52).

Dorothy Rivers, Victim's sister, testified Applicant lived with Victim "back and forth." Rivers testified she visited Victim on May 20; Victim was not speaking to Applicant and the mood was "really, really thick." (R. 153-56). According to Rivers, Victim had packed several boxes and was planning to move. (R. 156-58). Rivers did not see Victim again after that day. On May 22, Applicant told Rivers he was moving to North Carolina. (R. 156-59). Applicant told Rivers he and Victim had "a big argument," and Victim was staying with a friend. (R. 59-61).

On May 23, 2014, Applicant called 911 at 8:52 a.m. and stated his girlfriend had fallen on a knife and was dead. He claimed he was on Highway 78, but his cellphone was using a tower near I-95. Applicant hung up before the operator could get a precise location. (R. 23-24; 40-44).

Deputy Stacey Cross was dispatched to the home on the morning of May 23, 2014, and discovered Victim's body in the master bathroom with a stab wound on her chest. Police searched

the home but did not find any blood on knives, any object that could have been the murder weapon, or any signs of struggle. (R. 292-99, 305).

Applicant was apprehended in North Carolina and subsequently gave a statement claiming Victim fell on a knife during a struggle. Applicant later changed his story and said that they both fell and he landed on top of her. (R. 391; 407).

Lily Gallman, a SLED forensic DNA analyst, examined fingernail clippings from Victim's hands; although she developed a mixture of two individuals using an STR test, she was unable to determine the minor contributor. She then performed a YSTR test, which only looks for the Y or male chromosome; the results matched Applicant. (R. 324-27).

Dr. Lee Tormos, the forensic pathologist, opined Victim died from a single stab wound and had been dead for at least thirty-six hours. (R. 338; 345-46; 352). She further opined it was "not very likely" Victim fell on the knife and killed herself due to an individual's natural reflex to extend her arms and brace herself when falling forward. Dr. Tormos stated the wound was inconsistent with Victim falling on the knife, and Victim had bruises on her shoulders and arms that were consistent with struggling and being held down. (R. 342-43).

CURRENT APPLICATION

In his PCR application, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel"
 - a. Counsel failed to object to solicitor's improper statements in closing argument calling Applicant a "liar" (Tr. p. 558, l. 7; p. 559, ll. 12-13; p. 563, ll. 20-22), attacked applicant's character (Tr. p. 561, ll. 21-22).
 - b. Counsel failed to object to improper bolstering of the State's case (Tr. p. 565, ll. 8-10).
 - c. Counsel failed to object to the State appealing to the passions and prejudices of the jury (Tr. p. 568, ll. 6-10; p. 572, l. 25; p. 574, ll. 15-16; p. 574, l. 24 – p. 575, l. 6).
 - d. Counsel failed to object to improper commenting on Applicant's right to not

- testify by Solicitor (p. 573, l. 11-12).
- e. Counsel failed to object to trial court's improper "intent" required for provocation (Tr. p. 609, ll. 2-4; p. 609, ll. 8-11; p. 620, ll. 17-19; p. 620, l. 25 – p. 621, l. 2).
 - f. Counsel failed to object to trial court's erroneous instruction on accident (Tr. p. 609, l. 23 – p. 610, l. 11) in which the trial court also used an erroneous hypothetical example using a gun (Tr. p. 610, ll. 4-6), thus negating the fact no gun was used in Applicant's case, but rather it was the victim who was wielding "a knife" and thus the trial court's erroneous accident instruction had a substantia and injurious affect on the juries verdict.
2. "Denial of Due Process"

At the hearing, Applicant proceeded on the following grounds:

- 1. Ineffective Assistance of Counsel
 - a. "Not take the stand – no defense. No evidence presented supported [Applicant's] lawyer's arguments at trial which is not a defense at all."
 - b. Failure of Counsel to object Solicitor's comment in closing calling Applicant a liar (R. 472, l. 7) and referring to Applicant as "telling more lies" (R. 473, ll. 12-13).
 - c. Failure of Counsel to object to improper jury charge saying "exercise of a legal right is never sufficient provocation for voluntary manslaughter" (R. 523, ll. 8-11).
 - d. Failure of Counsel to object to Judge's charge on accident, example with gun going off in self defense. This example did not make sense with the facts (R. 524, ll. 4-11).
 - e. Failure of Counsel to object to improper standard for reasonable doubt as "real possibility" charge is improper (R. 520, l. 25 – p. 521, l. 3).
 - f. Failure to object to no charge on self defense, as State opened the door for the charge in opening when they argued one of the stories was a tussle for the knife.

SUMMARY OF PCR TESTIMONY

At the PCR hearing, Applicant testified he had been with Victim for a little over eleven years, and they had planned buy a house together. (PCR 12-14). He testified would never hurt Victim but acknowledged they had a verbal argument in 2012 where police were called. (PCR 14-16). Applicant testified he and Victim had planned to get back together. (PCR 16),

Applicant testified he came home on the morning of the incident around 9:15 a.m., and Victim charged him with a knife while he was in the bathroom. (PCR 17-18). Applicant testified

he grabbed Victim's wrists and Victim pulled back, causing them both to fall on the floor. (PCR 19). He stated the only injuries he received was a scratch. (PCR 20). Applicant did not have any witnesses and could not testify to any corroborating evidence that would have been helpful at trial. (PCR 21-22).

Applicant stated he met with trial counsel several times, and they discussed a defense that he was the victim. (PCR 22-23). Applicant testified he did not have any evidence to support his ~~position~~ ^{position} other than his testimony. (PCR 24). However, he explained he was not very present during trial because he was grieving and had not eaten much. (PCR 24). He testified he did not talk to his attorney much during trial and averred counsel did not have a strategy. (PCR 24, 28).

Applicant claimed he did not stab Victim and had no motive to stab her. (PCR 26-27). He also claimed it was an accident. (PCR 30). Applicant stated Victim attacked him and accidentally stabbed herself during the struggle. (PCR 31). He stated he called 911 the Friday morning after the stabbing took place—not thirty-six hours later. (PCR 49-50). Applicant testified he waited to call 911 because he was in shock. (PCR 50-51).

Applicant testified he understood he had a right to testify but decided not to because he was grieving. (PCR 24-25, 27-28). He also testified counsel advised him there was no reason to testify, and it was best for him not to testify due to his condition. (PCR 25-26). Applicant averred he would not have presented well at trial. (PCR 26). He stated he did not have prior convictions that could be used for impeachment. (PCR 28).

Applicant testified he had no witnesses or other evidence to support self-defense or accident besides his testimony. (PCR 29). He later testified he believed testimony from "the family" would have benefited him. (PCR 32). The family lived near Victim, and he speculated they could have testified they never saw him and Victim argue. (PCR 32). However, Applicant

stated no one witnessed the incident. (PCR 33). Applicant understood that to argue self-defense, he would have to testify he stabbed Victim in response to her attack; however, he maintained he never stabbed Victim. (PCR 30-31). He did not recall if counsel requested a self-defense charge. (PCR 31-32).

Trial counsel testified her strategy was to rely on the defense of accident. (PCR 35). However, she explained that Applicant waited 36 hours before calling police, which was a hard fact to explain at trial. (PCR 42-43). Trial counsel testified she hired an expert, but the expert concluded the stabbing was not an accident. (PCR 44-45). Trial counsel testified the jury heard Applicant's story two or three times through the 911 call, his interview, and through a jail call. (PCR 46). She explained her strategy was to point out the consistencies in Applicant's story, but the State could point out inconsistencies if Applicant testified. (PCR 46-47).

Trial counsel recalled discussing Applicant's right to testify with him, and she testified it was Applicant's decision to not testify. (PCR 35). Trial counsel testified the judge advised Applicant twice during trial of his right to testify. (PCR 36-37). Trial counsel stated Applicant was in shock and grieving at trial. (PCR 44). She also expressed concern that Applicant's prior convictions of forgery could be used for impeachment. (PCR 45-46).

Trial counsel testified she could not pursue self-defense because Applicant was adamant he did not stab and would never stab Victim. (PCR 36). Trial counsel testified Applicant would have to admit to stabbing Victim to receive a self-defense charge. (PCR 48).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the records of the Berkeley County Clerk of Court of the underlying convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and

the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

Ineffective Assistance of Counsel

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI. In a PCR action, an applicant bears the burden of proving the allegations. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel, the applicant must prove "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984).

In evaluating claims of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland. First, an applicant must prove counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, an attorney's performance is measured by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment," Butler, 286 S.C. at 442, 334 S.E.2d at 814, and the applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Second, a PCR applicant must prove that counsel's deficiency prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Not presenting a defense / Advising Applicant not to testify

Applicant first contends counsel was ineffective for advising him not to testify and for not presenting a defense. Applicant has failed to prove counsel was ineffective in this regard.

This Court finds Applicant understood he had a right to testify, and it was his decision not to testify. Applicant testified multiple times during the PCR hearing he chose not to testify because he was grieving and would not have presented well. Likewise, counsel credibly testified she reviewed Applicant's right to testify with him, and it was Applicant's decision. Additionally, the court advised Applicant of his right to testify. (R. 359, 361-63). Ultimately, it was Applicant's decision not to testify, and he has not shown counsel was ineffective in this regard.

Likewise, Applicant did not prove counsel's advice to him about testifying was ineffective. Initially, this Court finds credible counsel's testimony that she discussed Applicant's right to testify with him, and it was Applicant's decision not to testify. (PCR 35). Both counsel and Applicant expressed concerns about Applicant's ability to testify due to his grief at trial. In fact, Applicant recalled "[Counsel] asking me did I want to take the stand. But, it's like, just like I said, I was really grieving." Applicant also testified, "I wouldn't been no good on the stand, I know I wouldn't have." (PCR 24-26). This Court finds counsel's concerns about Applicant testifying to be reasonable under prevailing professional norms. Counsel testified that even though Applicant did not testify, the jury heard Applicant's story through his interview with police and jail calls. (PCR Tr. 46). This Court finds Applicant did not present any testimony or other evidence showing counsel advised him not to testify or that the advice given by counsel conveyed erroneous law that induced him not to testify. Thus, he has not met his burden of proof in this regard.

Finally, Applicant has not shown counsel was ineffective for not presenting other evidence to support a defense. This Court finds credible counsel's testimony that she hired an expert, but

the expert concluded the evidence did not support a defense of accident. In light of this, counsel's decision not to call the expert was reasonable under prevailing professional norms. Applicant did not present any other evidence at the PCR hearing (other than his own testimony) to support a defense and repeatedly stated he did not have any evidence to support his claim of accident other than his own testimony. Although he averred a "family" could have testified that he and Victim did not argue, Applicant acknowledged that family did not witness the incident. Thus, their testimony would not have supported a defense of accident, and Applicant has not shown counsel was deficient for not calling them as witnesses. Finally, and critically, Applicant did not present the testimony of this family or any other witness at the PCR hearing (other than himself) and thus did not prove any resulting prejudice from counsel's failure to present additional evidence.

Failure to object to Solicitor's comments

Applicant alleges counsel was ineffective for not objecting to improper comments by the solicitor during closing argument. Specifically, he contends counsel should have objected when the solicitor called him a liar (R. 472) and referred to him as "telling more lies" (R. 473). This Court finds Applicant has not shown counsel was ineffective in this regard.

"A solicitor's closing argument must not appeal to the personal biases of the jurors. In addition, the argument may not be calculated to arouse the jurors' passions or prejudices, and its content should stay within the record and reasonable inferences to it." State v. Copeland, 321 S.C. 318, 324, 468 S.E.2d 620, 624 (1996). "A solicitor has a right to state his version of the testimony and to comment on the weight to be given such testimony." Vasquez v. State, 388 S.C. 447, 458, 698 S.E.2d 561, 566 (2010). "On appeal, the appellate court will view the alleged impropriety of the solicitor's argument in the context of the entire record, including whether the trial judge's instructions adequately cured the improper argument and whether there is overwhelming evidence

of the defendant's guilt.” *Id.* “Improper comments do not automatically require reversal if they are not prejudicial to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument.” *Id.* “The relevant question is whether the solicitor's comments so infected the trial with unfairness as to make the resulting conviction a denial of due process.” *Id.*

During closing argument, the solicitor argued, “Let’s look at the statements of the investigators, look at his demeanor. It’s—it’s almost impossible to keep up with all of the lies that he tells us in his statement. You need to rewatch it—please do. The story keeps evolving.” (R. 468). After discussing several inconsistencies between Applicant’s statements and the evidence, the solicitor argued,

He also tells detectives for some reason—[Rivers], remember, goes by Ann. That he called her. And I don’t know why he makes that up. It’s just one more in the stack of lies. But she testified that he never called her. Because I think they said, well, did you call anyone? Did you call her family? He said, Oh, yeah, I called Ann. Not true.

(R. 471). Later, the solicitor argued,

Over and over again, [Applicant] talked about how crazy [Victim] was acting. At one point, he said she was psychotic. And we have no objective evidence, the autopsy. There’s no drugs in her system except for hypertension. There’s no alcohol in her system, although in his statement to police he said they were both drinking a lot. He has to say that because he has to sort of explain why she’s acting so crazy. He’s a liar. I didn’t say he was a smart liar, but he obviously hasn’t thought it through to the point where, you know, the blood work is going to show whether she had the alcohol in her system. But she had no alcohol in her system.

(R. 471-72). At the PCR hearing, counsel averred these comments were not so egregious as to infect the trial with unfairness, referencing State v. Huggins, 325 S.C. 103, 481 S.E.2d 114 (1997).

This Court finds Applicant failed to show counsel was ineffective in this regard. Solicitors

are permitted to argue reasonable inferences from the evidence, and this Court finds the foregoing statements by the solicitor were reasonable inferences based on the evidence. See Vasquez, 388 S.C. at 458, 698 S.E.2d at 566 (“A solicitor has a right to state his version of the testimony and to comment on the weight to be given such testimony.”). These comments were made while the solicitor pointed out inconsistencies in Applicant’s statements. Specifically, the solicitor referenced inconsistencies between Applicant’s statements to law enforcement and statements in jail calls, and Applicant’s claim that Victim was high and drunk during the attack even though the autopsy showed no drugs or alcohol in her system. The solicitor meticulously detailed the inconsistencies between Applicants statements and other testimony and evidence presented at trial and pointed out contradictions between the multiple stories given by Applicant. The solicitor’s comments were reasonable inferences based on the evidence and did not so infect the trial with unfairness as to make the resulting conviction a denial of due process. See Vasquez, 388 S.C. at 458, 698 S.E.2d at 566 (“The relevant question is whether the solicitor’s comments so infected the trial with unfairness as to make the resulting conviction a denial of due process.”). This Court finds counsel’s assessment that these comments were not so egregious as to warrant an objection was reasonable under prevailing professional norms; thus, Applicant did not prove deficiency.

Additionally, Applicant did not prove prejudice. Because the foregoing argument contained reasonable inferences from the evidence, it is not reasonably likely any objection would have been sustained. This Court also finds that none of these comments “so infected the trial with unfairness as to make the resulting conviction a denial of due process.” Applicant has not shown a reasonable probability the outcome would be different had counsel objected to these comments and thus has not shown prejudice. Thus, this allegation is denied.

Failure to object to voluntary manslaughter charge

Applicant alleges Counsel was ineffective for failing to object to the court's voluntary manslaughter charge. Specifically, he contends counsel was ineffective for not objecting to the judge's instruction that "exercise of a legal right is never sufficient provocation for voluntary manslaughter." (R. 523). Applicant has not shown counsel was ineffective in this regard.

The trial judge gave the following charge on voluntary manslaughter:

To prove voluntary manslaughter, the State must prove beyond a reasonable doubt that the defendant took the life of another in the sudden heat of passion, based on sufficient legal provocation. Both heat of passion and sufficient legal provocation must be present at the time of the killing to constitute voluntary manslaughter. Sudden heat of passion may, for a time, affect a person's self-control and temporarily disturb a person's reasoning. The sudden heat of passion must be the type that would make an ordinary person unable to fully reflect on his actions and would produce an uncontrollable impulse to do violence. Sufficient legal provocation must be the type that would make a person of ordinary reason and caution become enraged, and to lose control temporarily. The provocation needed for voluntary manslaughter must come from some act of or related to the victim. Words alone, however, vulgar or insulting, are not enough to be legal provocation. Where death is caused by a deadly weapon, the words must be accompanied by some overt threatening act which could have produced the heat of passion. *The exercise of a legal right, no matter how offensive it is to another, is never sufficient legal provocation for voluntary manslaughter.* If the heat of passion had cooled, or if there was enough time between the provocation, if any, and the killing, for the passion of a reasonable person to cool, the killing would not be voluntary manslaughter. In deciding whether a reasonable person would have had enough time to cool off, you should consider all the circumstances surrounding the killing. You may consider the nature of the provocation, if any. The defendant's mental and physical state, and the circumstances, and relationship between the parties.

(R. 522 -523). At the PCR hearing, trial counsel testified this was the standard charge for voluntary manslaughter, and the clause "exercise of a legal right" referred to self-defense. (PCR 38-39).

This Court finds Applicant has not shown counsel was ineffective for not objecting to the voluntary manslaughter charge. Viewed as a whole, this charge constitutes an adequate and proper statement of law. Further, the court's instruction that "The exercise of a legal right, no matter how offensive it is to another, is never sufficient legal provocation for voluntary manslaughter" is a proper statement of law. See State v. Hernandez, 386 S.C. 655, 661, 690 S.E.2d 582, 585 (Ct. App. 2010) ("Neither the exercise of a legal right nor a victim's attempts to resist or defend himself from crime constitute sufficient legal provocation."). Because this charge was proper, Applicant has not shown counsel was deficient for failing to object. Likewise, Applicant has not shown prejudice. Thus, this claim is denied.

Failure to Object to Accident Charge

Applicant alleges counsel was ineffective for failing to object to the court's accident charge. Specifically, Applicant avers counsel should have objected to the judge's example of a gun going off to describe defense of accident because the example did not conform with the facts. This Court finds Applicant has not shown counsel was ineffective in this regard.

"A trial judge's refusal to provide specific jury instructions is not reversible error if the general instructions are sufficiently broad to enable the jury to understand the law and the issues involved." State v. Hughey, 339 S.C. 439, 452, 529 S.E.2d 721, 728 (2000), overruled on other grounds by Rosemond v. Catoe, 383 S.C. 320, 680 S.E.2d 5 (2009). "The failure to provide specific jury instructions is not error where the instructions given convey the proper test for determining the issues before the jury." Id.

In Hughey, our Supreme Court examined whether the trial court erred in denying the defendant's request to charge specific examples of legal provocation to include

pulling a knife on a defendant, pointing a gun at a defendant, spitting
in a defendant's face, assault of a family member, sudden mutual

combat where one of the participants is killed by the other without a previously informed intention to do so, finding one's spouse in the act of adultery, or the deceased having molested a defendant's minor child.

Id. The Court found the requested examples constituted a “direct charge on the facts” because Hughey alleged a knife was pulled on him, the victim spit in his face, and there was sudden mutual combat. Id. at 457, 529 S.E.2d at 728. The Court further found the refusal of the requested examples did not constitute reversible error because the examples elevated the specific facts of Hughey’s case and would be an instruction on the facts rather than on the law if given. Id.

Here, the trial court provided the following charge on accident:

The defendant has raised the defense of accident. And that may be excused on the ground of accident if it is shown that the act was unintentional, that he was acting lawfully, and that reasonable care was used by the defendant in the handling of the weapon. For example, if a person is lawfully armed in self-defense, and a gun accidentally discharges, the defense of accident would apply. The burden is on the State to prove beyond a reasonable doubt that -- that the act was not an accident, but was caused by the negligence or carelessness on the part of the defendant in the handling of a dangerous instrumentality, or by unlawful activity by the defendant.

(R. 523-24). At the PCR hearing, trial counsel testified she did not believe the example of using a gun was improper merely because the judge didn’t use a knife in the example. (PCR 39). Trial counsel stated she normally used different facts from a case when explaining concepts to her clients, and it would have been improper for the judge to use facts that mirrored the facts in Applicant’s case. (PCR 39-40).

This Court finds Applicant has not shown counsel was ineffective. Initially, counsel articulated a valid reason for not objecting to this charge or requesting an illustration of using a knife rather than a gun. Counsel testified she did not feel the charge was improper and averred that using facts that mirrored Applicant’s case would have been improper. Counsel’s performance

in this regard was reasonable under prevailing professional norms, and Applicant thus has not shown deficiency. Moreover, the judge used an example that gave the proper test to the jury to determine the issues. Thus, it is not reasonably likely the outcome would have been different had counsel objected to the charge, and Applicant thus has not shown prejudice.

Failure to object to reasonable doubt charge

Applicant contends counsel was ineffective for not objecting to the reasonable doubt charge. Specifically, he contends counsel should have objected to the court's language that the jury must find Applicant not guilty if it believes "there is a real possibility" he is not guilty. Applicant argues this language conveyed an improper standard. Applicant has not shown counsel was ineffective in this regard.

In State v. Darby, 324 S.C. 114, 116, 477 S.E.2d 710, 711 (1996), our supreme court held the "real possibility" language in a reasonable doubt charge did not dilute the State's burden of proof when it was preceded by language "requiring that the juror be 'firmly convinced' of the defendant's guilt." The court further found "there is nothing in this language to suggest the defendant himself bears any burden of proof." Id.

Here, the trial judge gave the following reasonable doubt charge:

The State has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases, where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight or the preponderance of the evidence. In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt. If, based on your consideration of the evidence, you are firmly convinced that the defendant is guilty of the crime charged, you must find the defendant guilty. If, on the other hand, you think there is a real possibility that the defendant is

not guilty, you must give the defendant the benefit of that doubt and find him not guilty.

(R. pp. 520-521). At the PCR hearing, trial counsel testified she was aware of case law that allowed this language in a reasonable doubt charge. (PCR 40).

This Court finds Applicant did not prove counsel was ineffective for not objecting to this charge. The court's charge was consistent with the charge in Darby.¹ Like Darby, this charge contained preceding language requiring the jury to be "firmly convinced" of Applicant's guilt. Because this charge was proper, counsel was not deficient for not objecting. Likewise, and for the same reason, Applicant was not prejudiced by counsel's failure to object. Thus, this claim is denied.

Failure to object to court's failure to charge self-defense

Applicant alleges counsel was ineffective for not objecting to the court's failure to charge self-defense when the State opened the door for this charge during its opening argument by arguing one of the stories was a tussle for the knife. This Court finds Applicant has not shown counsel was ineffective in this regard.

At trial, counsel requested a charge on self-defense, arguing Victim attacked Applicant and Applicant was without fault in bringing on the difficulty. (R. 441-442). The Court asked, "Are you saying that you're going to argue to this jury that your client killed [Victim]?" (R. 442).). The trial court concluded Applicant would have to concede he stabbed Victim to argue self-defense, but that concession would eliminate his accident defense. Ultimately, counsel asked for her request for a self-defense charge to be stricken. (R. p. 443).

This Court finds Applicant did not prove counsel was ineffective in this regard. Although trial counsel could not recall this specific instance during the PCR hearing, a review of the trial

¹ In fact, this charge is almost identical to the charge in Darby.

transcript suggests trial counsel made a strategic reason to withdraw the self-defense request when she was told the court would not instruct accident if it instructed self-defense. Because counsel's trial strategy centered on the defense of accident, counsel's decision here did not fall below prevailing professional norms. Thus, counsel was not deficient.

Further, Applicant has not proven prejudice from counsel's withdrawal of the request to charge self-defense because no evidence supported the charge. See State v. Crosby, 355 S.C. 47, 584 S.E.2d 110 (2003) (providing a jury charge must be supported by evidence). In his application, Applicant points to the solicitor's opening argument as support for this charge. However, statements and arguments by attorneys are not evidence. Further, Applicant himself never presented any evidence that the killing was intentional or that he was acting in self-defense. See State v. Owens, 427 S.C. 325, 831 S.E.2d 126 (Ct. App. 2019) (providing a defendant must "admit an intentional killing" for a self-defense charge to be proper the defendant). Because no evidence supported this charge, Applicant did not show prejudice from counsel's withdrawal of the request for self-defense. Thus, this claim is denied.

CONCLUSION

Based on the foregoing, this Court finds Applicant has not established any constitutional violations or deprivations that would require this Court to grant relief. This Court finds Counsel was not deficient in any manner, nor was Applicant prejudiced by counsel's representation. Thus, this Court denies relief on all allegations and dismisses this action with prejudice.

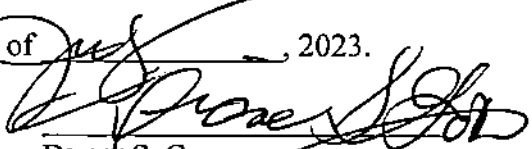
Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), an applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. If an applicant

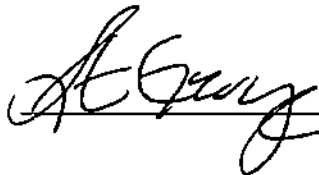
wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRCF. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. Applicant's application is denied and dismissed with prejudice; and
2. Applicant must be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED this 25 day of July, 2023.


DIANE S. GOODSTEIN
Presiding Judge
Ninth Judicial Circuit

 A. Gray, South Carolina

AMW/0233772/2014-06-01215
WITNESSES

Berkeley County Sheriff's Office

R. Little 6/28/16

AGENCY CASE NUMBER
201405023387

ARREST WARRANT NUMBER

2016-GS-08-01249

DATE OF ARREST

05/30/2014

ACTION OF GRAND JURY

True Bill

Jina Marshall 6/28/16
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-08-01249

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

TERM

THE STATE

VS.

LEE DELL BRADLEY
B/M DOB: [REDACTED] 1954

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

2016 JUN 29 AM 10: 08

PK2
FILED

KWm

STATE OF SOUTH CAROLINA

INDICTMENT

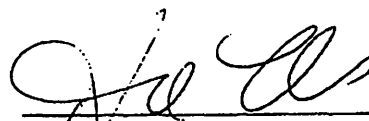
COUNTY OF BERKELEY

At a Court of General Sessions, convened, the Grand Jurors of Berkeley County present upon their oath:

MURDER

That in Berkeley County, South Carolina on or between May 20, 2014 and May 23, 2014, the defendant, Lee Dell Bradley, with malice aforethought, did kill and murder Frances Lawrence by means of stabbing, and Frances Lawrence did die in Berkeley County as a proximate result thereof on or between May 20, 2014 and May 23, 2014; in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ANNE M. WILLIAMS
SENIOR ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

STATE VS.

LEE DELL BRADLEY

AKA:

Race: Black/African AmericanSex: MDOB: 954SS#: Address: Bushey LnCity, State, Zip: Summerville, SC 29483-7214DL# SID# *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted.☐ Lesser Included Offense.☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation.☐ Negotiated Sentence.☐ Recommendation by the State.

ATTEST:

Anne M. Williams 76463
Anne M. Williams, Senior Assistant Solicitor SC Bar #

Defendant

 14323
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$, provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ OrderedPTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: Obtain GED ☐☐ Set by SCDPPPS Recipient: *Fine: \$ §14-1-206 (Assessments 107.5%) \$ §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ §56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ Proviso 61.6 (Public Def/Prob) \$500 \$ §14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ §50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ TOTAL \$ 128.75Clerk of Court/Deputy Clerk:
Court Reporter:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016-GS-08-01249A/W: 2016GS0801249Date of Offense: 05/23/2016S.C. Code §: 16-03-0010CDR Code #: 0116

JUL 22 2016

SENTENCE SHEET

SC Court of Appeals

☒ CONVICTED OF or☐ PLEADS

FILED

Attend Voc. Rehab. Or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning \$ Paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,

§47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: Judge Code: 21280Sentence Date: 7/15/16