

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM OUTLER, JR.,

APPELLANT.

APPELLATE CASE NO. 2021-000682

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 3 (OUTLER INTERVIEW).

State v. William Outler, Jr. - 2018GS2700571, VOLUME I

1 STATE OF SOUTH CAROLINA IN THE GENERAL SESSIONS COURT
2 COUNTY OF BEAUFORT 14th JUDICIAL CIRCUIT

3 _____

4 STATE OF SOUTH CAROLINA,
5 vs. CASE NO.: 2018-GS-27-00571
6
7 WILLIAM OUTLER, JR., TRANSCRIPT OF JURY TRIAL
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8 Defendant. (PAGES 1 - 69)

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10 TRIAL BEFORE: THE HONORABLE CARMEN T. MULLEN
11 DATE: JUNE 14, 2021
12 REPORTED BY: KYMBERLEE M. WILLIAMS, CSR/RPR

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PROCEEDINGS

* * *

MONDAY, JUNE 14, 2021

RIDGELAND, SOUTH CAROLINA

(The following proceedings were held in open court. The defendant was present along with his attorneys and the attorneys for the State.)

* * *

JURY SELECTION

THE COURT: Good morning, Ladies and Gentlemen.

It is a pleasure to see you all here. My name is Carmen Mullen. I am the chief administrative judge for General Sessions of criminal Court not only here in Jasper, but Beaufort, Hampton, Allendale, and Colleton County. Ladies and gentlemen it's my pleasure this week to be assigned to a term of Court here in Jasper County. What I expect 23 will do this week -- my hope is try two cases probably, possibly three cases this week.

As the Chief Administrative Judge in this term of Court, I place cases on the docket, and if we can, we get through as much as we possibly can. No one here in this room can do their job without jurors willing to serve in these cases.

What I am going to do is qualify you as potential jurors. I will tell you if you are chosen as a juror in one of

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1 these cases, the first case I intend to pick a jury and then
2 send you home. Most importantly, ladies and gentlemen, for all
3 of you sitting here, regardless of whether you are picked to
4 serve on this jury, you are going to be done around roughly
5 lunchtime, and by 1:00 at the latest. Hopefully. That is my
6 goal here today.

7 We will start at 9:30 tomorrow morning. For those
8 of you who were pulled as jurors for the second case, we need
9 you to call in every day. That is going to tell you when you
10 need to report. I never know quite how long a jury trial is
11 going to last. I don't want you to be around here waiting on
12 us. I only want you here when we need you.

13 I appreciate your willingness to serve, and I
14 appreciate you being here. Our courthouses were shut down for
15 a good amount of time, and we were not able to do the County's
16 business.

17 It's important that the jury constitutional rights
18 are preserved. With that said, Mrs. Bostic, your Clerk of
19 Court, is going to go through and do roll call. First I will
20 have some very specific short questions. After that, I am
21 going to ask some general questions to qualify you as a
22 potential juror or alternate juror. After that, I am going to
23 ask you questions directly to these trials in which we plan on
24 trying here this week.

25 I say all of that, ladies and gentlemen, so you

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1 have an overview of what we are doing here this morning.
2 Please bear with me. If you need to respond to any these
3 questions, please do so. Give your juror number, if you have
4 it. That is on your piece of paper. Then give your last name
5 so we can coordinate your jury number with your name so it can
6 be taken down by our court reporter, Ms. Williams. She is
7 taking everything that is said in this courtroom. If she can't
8 hear you, she is going to ask you to speak up. Again, this is
9 a Court of record, just to explain it to you and make sure you
10 all understand we're in state Circuit Court, which is the
11 highest trial Court here in the State of South Carolina.

12 Anything from here goes to the Court of Appeals or
13 to the South Carolina Supreme Court. Our work here mainly in
14 this courtroom is trial work. That is what you are here to do
15 this week.

16 With that, Ms. Bostick, you want to go ahead and
17 start. We will call roll call.

18 (Roll call.)

19 THE COURT: Ladies and gentlemen, again, these are
20 questions I am required by statute to ask you in regards to
21 jury selection. If any of these questions apply to you, I need
22 you to stand. Then give me your juror number and please tell
23 me what it is that I need to know.

24 With that said, ladies and gentlemen, is there any
25 member of the jury panel who is not a citizen of the United

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1 States? If so, please stand.

2 (No indication.)

3 Is there any member of the jury panel who is not a
4 resident and citizen of Jasper County, South Carolina? If so,
5 please stand.

6 THE POTENTIAL JUROR: Number 36.

7 THE COURT: Sir, you told us you are from Beaufort.
8 I understand that you are currently living somewhere different.
9 Did you used to live in Jasper?

10 THE POTENTIAL JUROR: I did. When I got into the
11 process of closing on my house, I did not close out anything.
12 I just filled out everything and decided to come.

13 THE COURT: But you now live in Beaufort?

14 THE POTENTIAL JUROR: Yes.

15 THE COURT: Sir, have you changed your driver's
16 license yet?

17 THE POTENTIAL JUROR: Yes.

18 THE COURT: Perfect. I'm going to excuse you, sir.
19 Thank you for being here. I look forward to seeing you in
20 Beaufort.

21 Is there any member of the jury panel who is unable
22 to speak, read, write, or understand the English language? IF
23 so, please stand.

24 Sir give me your number in the front?

25 JUROR: 183.

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1 THE COURT: Mr. Rivera, is English your second
2 language?

3 JUROR: Yes.

4 THE COURT: How long have you been in the United
5 States, sir?

6 THE PROSPECTIVE JUROR: Ten years.

7 THE COURT: Do you have trouble at times
8 understanding certain things that are stated in English?

9 THE PROSPECTIVE JUROR: A lot.

10 THE COURT: Mr. Rivera, I will go ahead and excuse
11 you as well.

12 Mr. Cordova, is English your second language, sir?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: How long have you been in the states?

15 THE PROSPECTIVE JUROR: In the United States?

16 THE COURT: Yes.

17 THE POTENTIAL JUROR: Probably 50 years.

18 Do you have difficulty understanding some of the
19 English, language?

20 j: I just -- I am not -- I don't always
21 understand.

22 THE COURT: Have you understood everything I have
23 said so far?

24 THE PROSPECTIVE JUROR: Not really.

25 THE COURT: Mr. Cordova, I am going to go ahead and

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1 excuse you. You can go ahead and go home, as well as Mr.
2 Rivera. You are both excused.

3 Ladies and gentlemen, does any member of this panel
4 have less than a 6th grade education or its equivalent? If you
5 have raised a family, paid your bills, held a job, you have
6 more than a 6th grade education. I want to make sure you feel
7 comfortable accepting evidence in the trials before us.

8 Do I have anyone concerned about this question? If
9 so, please stand.

10 (No indication.)

11 THE COURT: Ladies and gentlemen, is there any
12 member of the jury panel who is unable because of mental or
13 physical infirmities to render efficient jury service and you
14 brought a doctor's note. If so, please stand.

15 (No indication.)

16 Has any member of the jury panel been convicted by
17 guilty plea or by trial in a State or Federal court of record
18 for a crime punishable by imprisonment for more than one year
19 and your civil rights have not been restored by pardon or
20 amnesty. If so, please stand.

21 (No indication.)

22 THE COURT: Is there any member of the jury panel
23 that is a clerk or deputy clerk of Court, constable, sheriff,
24 or other commissioned law enforcement officer, probate, Judge,
25 County commissioner magistrate, or our county officer or

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1 employed within the walls of any Courthouse? If so, please
2 stand.

3 THE COURT: Yes, ma'am. Ms. Fair?

4 THE POTENTIAL JUROR: Yes.

5 THE COURT: Where do you work?

6 THE PROSPECTIVE JUROR:: I work for myself.

7 THE COURT: How does this question apply to you?

8 THE PROSPECTIVE JUROR: I am a commissioner on the
9 board of elections.

10 THE COURT: Okay. I appreciate you letting me know
11 that. That doesn't disqualify you. So I ask you that keep
12 your seat.

13 Who I have anyone who has served previously on jury
14 duty up here in circuit Court, not City Court or magistrate's
15 court or Federal Court, during the last calendar year? If so,
16 please stand.

17 (No indication.)

18 THE COURT: Has any member of this jury panel ever
19 served as a member of the Jasper County Grand Jury during the
20 past several years? If so, please stand.

21 (No indication.)

22 THE COURT: Ladies and gentlemen, we now move to
23 what are called jury exemptions. The State law provides for
24 several exemptions to jury service. An exemption does not mean
25 you are not qualified to serve. It means you may choose not to

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1 serve. However, if you would like to stay with us, ladies and
2 gentlemen, we would love to have you.

3 Do I have anyone here who is 65 years of age or
4 older who does not wish to serve with me this week. If so,
5 please stand.

6 Ms. Fair, how old are you?

7 THE POTENTIAL JUROR: I am 74.

8 THE COURT: Give me one moment. Ms. Fair, I am
9 going to go ahead and excuse you. Thank you for being here.
10 You are excused.

11 Sir, how old are you?

12 THE PROSPECTIVE JUROR: 65.

13 THE COURT: Would you like to be excused?

14 THE POTENTIAL JUROR: 42.

15 THE COURT: Thank you. Mr. Caputo. I appreciate
16 it. You are excused, sir.

17 The next exemption concerns prior jury service. No
18 person is required to serve more often than once every three
19 calendar years. Do I have anyone who has served up here in
20 Circuit Court in Jasper County during the last two years, who
21 does not wish to serve with me this week.

22 If so, please stand?

23 (No indication.)

24 THE COURT: Ladies and gentlemen, those of you who
25 have served as grand jurors here in Jasper County in the

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1 last five calendar years may also be exempt. Do I have anyone
2 here who has served on a grand jury who does not wish to serve
3 this week?

4 (No indication.)

5 THE COURT: The next exemption concerns those of
6 you who have children. Ladies and gentlemen, the question is
7 this: Do you have a child or small children under the age of 7
8 for which you have the legal custody of that child or children
9 and you have the principal care, custody, and control of your
10 child or children. You are unable to make adequate
11 arrangements for the care of your child or children while
12 performing jury duty.

13 Ladies and gentlemen, it is presumed if you take
14 your children to daycare or school and then go on to work, you
15 can do the same thing while you are here doing jury duty.
16 However, I recognize that it is the summer, and I want to make
17 sure no one has any children at home unattended.

18 Do I have anyone in that situation? If so, please
19 stand.

20 Give me Your number, if you know it.

21 THE PROSPECTIVE JUROR: Number 50, Michael Clark.

22 THE COURT: How old are your children?

23 THE PROSPECTIVE JUROR: I have four children. My
24 youngest is 18 months. My second youngest is six.

25 THE COURT: Who is at home with them now?

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1 THE PROSPECTIVE JUROR: they are at their mother's.

2 THE COURT: Are they coming back sometime this
3 week?

4 THE PROSPECTIVE JUROR: Yes. I have them Wednesday
5 through Sunday.

6 THE COURT: So you have custody of them Wednesday
7 through Sunday.

8 THE COURT: Do you take off of work when you have
9 them?

10 THE PROSPECTIVE JUROR: I own my own business.
11 It's growing. I was selected for jury duty back a few months
12 ago, I was able to talk to the guy downstairs. I was excused
13 from that. Then I got another one, but the circumstances
14 haven't changed. I decided to come, so --

15 THE COURT: I appreciate that. Mr. Clark, I will
16 go ahead and excuse you.

17 The next exemption involves those of you who may be
18 attending school at this time or working in some capacity with
19 a school. If this exemption applies to you, what I can do is
20 transfer your jury service to a term of Court that doesn't
21 conflict with your school responsibilities. In other words,
22 the next holiday break or whenever you have will have a week or
23 two time off.

24 Therefore, do I ever anyone here who is a full-time
25 student, school teacher, school crossing guard, school bus

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1 driver, or who serves in any other school-related function,
2 which is unable to serve on jury duty here this week as a
3 result of your school involvement? If so, please stand.

4 Yes, ma'am. Give me your number.

5 THE COURT: 218.

6 THE COURT: What do you do related to schools?

7 THE PROSPECTIVE JUROR:: I run a home daycare.

8 THE COURT: Who is with the kids right now?

9 THE PROSPECTIVE JUROR: No one. They are not
10 there.

11 THE COURT: How many kids do you take care of?

12 THE PROSPECTIVE JUROR: Six.

13 THE COURT: Ma'am, you have been transferred once.
14 I am not permitted to transfer you a second time. If you get
15 chosen as a juror in these trials, you are just going to call
16 them an cancel. Okay.

17 THE PROSPECTIVE JUROR: I work that out.

18 Wednesday, my son graduates.

19 THE COURT: What time does he graduate at?

20 THE PROSPECTIVE JUROR: 4:30.

21 THE COURT: I will make sure you get out of here at
22 4:30 on Wednesday if you are chosen. Where is your son's
23 graduation?

24 THE PROSPECTIVE JUROR: In Bluffton.

25 THE COURT: Very good. Thank you.

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1 Do I have any member of this jury panel who is
2 employed by the Department of Corrections at a penitentiary and
3 does not wish to serve this week? If so, please stand.

4 (No indication.)

5 THE COURT: Ladies and gentlemen, lastly, is there
6 any juror who performs service for a business or agricultural
7 enterprise which are so essential to the operation of that
8 business or enterprise and that if you are required to serve on
9 jury duty here this week, that business or enterprise would
10 have to close its doors or shut down?

11 If so, please stand.

12 THE POTENTIAL JUROR: Does that count if you are
13 self-employed?

14 THE COURT: It depends on how fluid your schedule
15 is. My problem is that I need some people to serve. At some
16 point you are required to serve. Some weeks are better than
17 others, though, and I respect that and understand that. Give
18 me your number again.

19 THE POTENTIAL JUROR: 200.

20 THE COURT: Is this a really bad week for you?

21 THE PROSPECTIVE JUROR: My wife is not very well.
22 She has two bad knees. I commute to Hilton Head, Sun City, all
23 over.

24 THE COURT: My question is this: At some point you
25 are going to have to serve. Everyone does. Would you like to

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1 serve this week and been done with it?

2 THE POTENTIAL JUROR: Yes.

3 THE COURT: You will get your service over for at
4 least the next three years. If there isn't a specific very
5 difficult problem this week, I suggest you go ahead and do it.
6 I appreciate your staying with us.

7 THE PROSPECTIVE JUROR: 38 Drew Birch.

8 THE COURT: Yes, sir.

9 THE PROSPECTIVE JUROR:: I have 7 days a week
10 almost 14 hours a day. This is the biggest three months of the
11 season.

12 THE COURT: I understand that. Mr. Birch, would
13 you prefer that I go ahead and put you on the roster for --

14 THE PROSPECTIVE JUROR: Anything after August to
15 May.

16 THE COURT: We will put you down for October 11.
17 We will see you back on October 11. You will get a notice,
18 sir. Thank you very much.

19 That concludes that statutory list of
20 qualifications and exemptions for jury service. If this the
21 absolute worst week in all 52 weeks you could have been
22 summoned. Ladies and gentlemen, general inconvenience is not
23 enough. I know you all have lives and have other things that
24 you need to be doing. Please understand as community members,
25 we need you here to sit and hear these cases.

1 Again, the reason is because the collective mind of
2 12 jurors is so much better than just one. That is certainly
3 what our Construction dictates. Do I have anyone who has a
4 terrible conflict this week if they are here performing jury
5 duty? If so, please stand.

6 Give me your number.

7 THE PROSPECTIVE JUROR: I believe it's 110. Carrie
8 Ingram.

9

10 THE COURT: Yes, ma'am

11 THE PROSPECTIVE JUROR: I am flying Thursday
12 evening out of state.

13 THE COURT: What will I do is this. I will keep
14 you subject to the first case, which I expect to be done on
15 Wednesday. That is what we will do with you. Just the first
16 case.

17 Thank you, anyone else?

18 THE COURT: Thank you, ladies and gentlemen. This
19 completes the statutory list of qualifications.

20 Can I see Juror Number 119, please.

21 (Jury disqualification.)

22 THE COURT: 119 is excused.

23 Everyone on this panel is now qualified at this
24 time. I will now ask the solicitor trying this first case to
25 call her case and then introduce herself. And then after that,

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1 I will ask the defense attorneys to introduce themselves and
2 their client.

3 Ms. Swanson, whenever you are ready.

4 MS. SWANSON: The State calls William Outler,
5 2018-GS-27-0571. Mr. Outler is indicted for murder.

6 My name is Hunter Swanson. I am an assistant
7 solicitor with the 14th Circuit. I have been prosecuting here
8 since 2007. Sitting with me on this case is Rachel Janowski,
9 also an assistant solicitor with our circuit.

10 THE COURT: Ms. Carmody, please introduce yourself
11 and Mr. Hall and your client, please.

12 MS. CARMODY: My name is Carolyn Carmody. I am an
13 attorney here in South Carolina. With me I have my client, Mr.
14 William Outler. Also next to me is Mr. Patrick Hall. he is
15 also an attorney from our office.

16 THE COURT: Ladies and gentlemen, if would give me
17 your attention. We're about to begin the trial entitled the
18 State of South Carolina v. William Outler, Jr., who is charged
19 by a bill of indictment by the Grand Jury of Jasper County with
20 the offense of murder.

21 You have heard the attorneys that have been
22 introduced to you on behalf of the State, Hunter Swanson and
23 Rachel Janowski prosecuting this case. On behalf of the
24 defendant, Mr. Outler, we have Carolyn Carmody and Patrick
25 Hall.

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1 My very first question to any of you, is there
2 anyone here related by blood or connected by marriage with the
3 defendant in this case, Mr. Outler? If so, please stand.

4 (No indication.)

5 THE COURT: Is there any member of the jury panel
6 who is a personal friend or share a special relationship with
7 the defendant, Mr. Outler, or any other type of business
8 relationship?

9 If so, please stand.

10 (No indication.)

11 Ladies and gentlemen, you have been introduced to
12 the attorneys trying this case. Is there any member of the
13 jury panel related by blood or connected by marriage with any
14 of the attorneys trying this case?

15 If so, please stand.

16 (No indication.)

17 THE COURT: Also, ladies and gentlemen, are there
18 any member of this jury panel who is a friend or a personal
19 friend or share a special relationship or have ever been
20 represented by, prosecuted by, or worked for any of these
21 lawyers' offices? If so, please stand.

22 (No indication.)

23 THE POTENTIAL JUROR: Your Honor, I am sorry. I
24 feel like I know one of the attorneys. I have been sitting
25 here racking my brain, so I can't know her that well. Does

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1 that matter at all?

2 THE COURT: Which one is it that you recognize?

3 THE POTENTIAL JUROR: This young lady right here.

4 MS. SWANSON: Not ringing a bell, Judge, but it
5 doesn't mean our paths haven't crossed at some point.

6 THE COURT: The question is this. You said that
7 you might know her. The full question is whether or not you
8 can be fair and impartial in the trial of this case.

9 THE POTENTIAL JUROR: I can be.

10 THE COURT: Thank you, Ms. Ingram. We appreciate
11 it. Anyone else?

12 (No indication.)

13 THE COURT: Ladies and gentlemen, the following is
14 a list of potential witnesses in this case. I will tell you
15 that not all of these people are going to be called. These are
16 potential witnesses in this case or names you may hear.

17 My question is, are you related by blood, connected
18 by marriage, have a close personal relationship or a special
19 friendship or a business relationship with any of these people?

20 If any of them are in this courtroom, I will ask
21 them to stand. I don't think they are. We are intending on
22 beginning the trial of this case tomorrow. I do think I may
23 have a couple of officers here. If they are here, I will ask
24 that you stand in place, and I will direct the jury to wherever
25 they are so they can look at you.

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1 The first one is Tamika Bailey; Martin Bennett; Rob
2 Edwards; Tootie Edwards; Joseph Friersen; Catherine Leisy; CJ
3 Lowery; **NIY'ASHA M. [REDACTED]**; Derek Nelson; Theresa Nettles; Jared
4 Phillips; Dr. Ellen Reimer; Dominique Riley; Ethan Rodgers; Kim
5 Spainhour; Roy Thompson; Randy Vaigneur; Christopher Watkins;
6 Dr. Alex Pappas; Eric Flail; James Bratton Yeomans; James
7 Watson; Otis Warren.

8 The question is, are you related by blood,
9 connected by marriage, have a close personal relationship or
10 special friendship with any these potential witnesses?

11 If so, please stand.

12 Sir, give me your last name.

13 THE PROSPECTIVE JUROR: Foguth.

14 THE COURT: Who do you know?

15 THE PROSPECTIVE JUROR:: C J Lowery.

16 THE COURT: How do you know Mr. Lowery.

17 THE PROSPECTIVE JUROR:: I used to go to school at
18 Royal Live Oaks. He was the officer that was there.

19 THE COURT: Was he the SRO at the time?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: I don't know whether or not he is
22 testifying in this case, but I want to make sure that because
23 you knew him as an SRO when you were in school, would that make
24 you more likely to believe his testimony or give his testimony
25 more deference than someone else's because of that

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1 relationship?

2 THE PROSPECTIVE JUROR: To be honest, with you, I
3 don't know. He helped me a lot through school.

4 THE COURT: Sir, this is what I will do. I will
5 excuse you from the trial of this case, but you will stay with
6 me because we have another case to try. There is a potential
7 for that jury. I will go ahead and take you out of the first
8 case. Anyone else?

9 (No indication.)

10 THE COURT: Is there any member of this jury panel
11 or any member of your immediate family ever worked in law
12 enforcement?

13 THE POTENTIAL JUROR: 110. My brother. He is a
14 police officer in Ohio.

15 THE COURT: Thank you. You may be seated. Give me
16 your juror number.

17 THE POTENTIAL JUROR: 91. Myself. Formerly in law
18 enforcement.

19 THE COURT: What did you do, sir?

20 THE PROSPECTIVE JUROR: Deputy sheriff.

21 THE COURT: Where?

22 THE PROSPECTIVE JUROR: San Bernardino, California.

23 THE COURT: How long ago was that?

24 THE PROSPECTIVE JUROR: 1987.

25 THE COURT: How long were you a --

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1 THE PROSPECTIVE JUROR: Six years.

2 THE COURT: All right, sir. Thank you. You may be
3 seated.

4 THE POTENTIAL JUROR: 182.

5 THE PROSPECTIVE JUROR: I have a nephew who is a
6 police officer in Lexington County, South Carolina.

7 THE COURT: 167. I was a reserve officer with
8 Ridgeland PD from 2004 to 2012 and a reserve deputy with the
9 Jasper County Sheriff's Office in 2018.

10 Ladies and gentlemen, the allegations in this case
11 is that this occurred on August 7, 2018. It is alleged that
12 William Outler did kill a woman by the name of Chantis Green.

13 Sir, do you have any independent recollection about
14 this case at all?

15 THE PROSPECTIVE JUROR: No, ma'am.

16 THE COURT: Sir, I will go ahead and tell you that
17 the allegations that occurred at 303 Heyward Road in Yemassee,
18 South Carolina.

19 Again, do you have any recollection about this case
20 whatsoever?

21 THE POTENTIAL JUROR: No ma'am.

22 THE COURT: Thank you, sir. I will ask this
23 question now of everybody. Ladies and gentlemen, the
24 allegation is that Mr. Outler killed Ms. Chantis Green. It
25 occurred at 303 Heyward Road in Yemassee, South Carolina.

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1 Please understand this is just an allegation.

2 Does anyone have any independent knowledge about
3 this case whatsoever? If so, please stand.

4 THE PROSPECTIVE JUROR: 203.

5 THE COURT: Ms. Simmons, what do you think you know
6 about this or have heard about this? Did you live near it?

7 THE PROSPECTIVE JUROR: I live near it.

8 THE COURT: Do you remember anything about this
9 case?

10 THE PROSPECTIVE JUROR: Just what I have heard.

11 THE COURT: Did you know any of the people that I
12 called on the witness list.

13 THE POTENTIAL JUROR: No.

14 THE COURT: How far away do you live from this
15 house? Do you have any idea?

16 PROSPECTIVE JUROR: Yes. Directly across the
17 street.

18 THE COURT: Contemporaneously, when it allegedly
19 occurred, where you somewhere around?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: I will excuse you from the trial of
22 this case, but I am going to make you subject to the next one.
23 Just sit tight with me. I appreciate it.

24 Ladies and gentlemen, I will open up this question
25 just a little broader. Does anyone remember reading anything

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1 about this case, seeing anything on this case on the TV or the
2 news or anything on the internet?

3 If so, please stand.

4 (No indication.)

5 THE COURT: Is anyone here a close personal friend
6 with someone who works for the Jasper County Sheriff's
7 Department?

8 If so, please stand.

9 (No indication.)

10 THE COURT: Has any member of the jury panel or any
11 member of your immediate family ever worked for the Solicitor's
12 Office here in the 14th Judicial Circuit?

13 If so, please stand.

14 (No indication.)

15 THE COURT: Any member of this jury panel or any
16 member of your immediate family, that would include your mother
17 or your father or your children or your grandparents.

18 Has any member of your immediate family ever been
19 the victim of a violent crime? If so, please stand. When I
20 say a violent crime, I would typically say something like an
21 armed robbery, burglary, criminal sexual conduct, murder.

22 THE POTENTIAL JUROR: 117. My son was murdered in
23 2015 in Hardeville.

24 THE COURT: Obviously, you had that experience.
25 Can you separate that experience from this knowing they are two

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1 totally different things?

2 THE POTENTIAL JUROR: I think if it's a murder
3 case, I want to remove myself.

4 THE COURT: I will excuse you from this case, but
5 the next one you will be subject to it.

6 THE POTENTIAL JUROR: 182, Tom Henderson. My wife
7 was in a an armed robbery.

8 THE COURT: Anything about that that would affect
9 your ability to be fair and impartial in the trial of this
10 case?

11 THE POTENTIAL JUROR: No.

12 THE COURT: Thank you, sir.

13 THE POTENTIAL JUROR: 243, Shean Williams. I was a
14 victim. I was assaulted and stabbed back in 2012.

15 THE COURT: Where was that? Was it here?

16 THE POTENTIAL JUROR: Yes, ma'am. It happened on
17 our porch in Ridgeland.

18 THE COURT: Was that case ever resolved?

19 THE POTENTIAL JUROR: Yes, ma'am. I believe you
20 were the judge.

21 THE COURT: Anything about that experience that
22 would affect your ability to be fair and impartial in the trial
23 of this case?

24 THE POTENTIAL JUROR: No.

25 THE POTENTIAL JUROR: Juror Number 15. My sister

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1 was murder down in the Pineville area in 1998.

2 THE COURT: Would that affect your ability to be
3 fair and impartial in the trial of this case?

4 THE POTENTIAL JUROR: No.

5 THE COURT: Anyone else?

6 Is there any member of this jury panel who is a
7 former or present member or contributor to any victim's right
8 organizations. That would include such groups as Hope Haven of
9 the Low Country; CAPA, CODA, CAVC; MADD, or any other group,
10 such as a neighborhood watch group or a community watch group?

11 If so, please stand.

12 Yes, ma'am.

13 THE PROSPECTIVE JUROR:: My daughter. Is a member
14 with MADD.

15 THE COURT: Your number again?

16 THE PROSPECTIVE JUROR: 195.

17 THE COURT: Thank you, ma'am.

18 Do I have anyone here who is a member of or
19 contributor to any law enforcement agency? In other words,
20 someone calls you on behalf the Sheriff's Association or the
21 Troopers' Association, and you are a member of that group or
22 you contribute to that group?

23 If so, please stand.

24 (No indication.)

25 THE COURT: Any member of this jury panel who is a

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1 member of either formerly or now or a contributor to the
2 National Rifle Association, commonly known as the NRA?

3 If so, please stand.

4 THE COURT: All right. Ladies and gentlemen, this
5 is all I am going to do. I just want you to give me your name
6 or juror number and sit down. This is just for information
7 purposes.

8 THE POTENTIAL JUROR:

9 THE POTENTIAL JUROR: 167.

10 THE POTENTIAL JUROR: 60.

11 THE POTENTIAL JUROR: 77.

12 THE POTENTIAL JUROR: 102.

13 THE POTENTIAL JUROR: 187.

14 THE POTENTIAL JUROR: 243.

15 THE POTENTIAL JUROR: 160.

16 THE POTENTIAL JUROR: 172.

17 THE POTENTIAL JUROR: 91.

18 THE COURT: Ladies and gentlemen, do I have anyone
19 here who has previously served on a criminal jury? If so,
20 please stand.

21 That would be up here in Circuit Court. Big Court,
22 not Magistrate's Court. Here in Circuit Court.

23 J; 211.

24 THE COURT: Was it up here?

25 THE PROSPECTIVE JUROR: Yes.

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1 THE COURT: How long ago was it?

2 THE POTENTIAL JUROR: 2018.

3 THE COURT: WHAT kind of trial was it?

4 THE PROSPECTIVE JUROR: Alleged rape.

5 THE COURT: Is there anything about the process or
6 you serving on jury duty that would affect your ability to be
7 fair and impartial in the trial of this case here today?

8 THE POTENTIAL JUROR: No, ma'am.

9 THE COURT: Thank you.

10 THE POTENTIAL JUROR: 66. I served in 2018.

11 THE COURT: What kind of case were you involved
12 in.?

13 THE POTENTIAL JUROR: It was a murder trial.

14 THE COURT: Is there anything about that experience
15 that would affect your ability to be fair and impartial in the
16 trial of this case?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Thank you, sir.

19 THE POTENTIAL JUROR: 128. 2014 attempted murder.

20 THE COURT: Up here?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Anything about that that would affect
23 your ability to be fair and impartial in the trial of this
24 case?

25 THE PROSPECTIVE JUROR: No, ma'am.

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1 THE COURT: Ladies and gentlemen, as you
2 understand, the allegations in this case are an alleged murder.
3 My question to you all is, based on the nature of the
4 allegations in this case, does anyone know of any reason why
5 you cannot be fair and impartial to both of state of South
6 Carolina and the Defendant, Mr. Outler, this case.

7 If so, please stand.

8 (No indication.)

9 THE COURT: Does anyone know of any reason
10 whatsoever that you cannot be fair and impartial of this case?

11 If so, please stand.

12 (No indication.)

13 THE COURT: Is there anything required of this jury
14 panel from the State?

15 MS. SWANSON: Nothing from the State, Your Honor.

16 THE COURT: From the defense?

17 THE PROSPECTIVE JUROR:: Nothing from the defense,
18 Your Honor.

19 THE COURT: Thank you. Ladies and gentlemen, at
20 this time what is going to happen is your names are all going
21 to be placed into a computer. It is going to randomly draft
22 names. I do need to see Ms. Carmody and Ms. Swanson very
23 quickly before I do.

24 What is going to happen now, again, Ms. Bostick is
25 going to call those of you who have been qualified for this

1 first jury. Your name is being placed in a computer. It's a
2 drafted random list. We will go right down that list. What
3 happens is you are going to stand in place if your name and
4 number is called. You are not to do or say anything. Each
5 side has an opportunity to accept you or excuse you as a juror.
6 Each side is allowed a certain number of what we call strikes
7 or excuses.

8 With that said, if both sides expect you, you will
9 know that by that by we will have you come take a seat up here.
10 Ladies and gentlemen, that means you are on my jury. Please
11 understand that it's too late at that point to say I am busy or
12 I have something else going on. Understand that.

13 As I told you, this first jury trial I expect to
14 begin tomorrow morning at 9:30. My hope is that we will finish
15 by Wednesday. That is what I am being told or what we expect.
16 Of course, we never know how things go. So we will have to
17 kind of play it by ear, but that is what my expectation is. So
18 sit tight with me, ladies and gentlemen. I will tell you that
19 once we get this group polled, I am going to excuse you all for
20 just a quick five minutes or so if you need to take a rest room
21 break or anything along those lines. Just bear with me, ladies
22 and gentlemen.

23 Again, for the record, the strikes are five and
24 ten. When your name is called, just simply stand.

25 THE CLERK: Juror Number 125, Zwingli Justice.

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1 How says the State?

2 MS. SWANSON: Please present this juror.

3 THE COURT: How says the defense?

4 MS. CARMODY: Please accept the juror.

5 THE CLERK: Juror Number 29, Mark Bridges.

6 How says the State?

7 MS. SWANSON: Please present this juror.

8 THE COURT: How says the defense?

9 MS. CARMODY: Please accept the juror.

10 THE CLERK: Juror Number 211, Monica Smith.

11 How says the State?

12 MS. SWANSON: Please present this juror.

13 THE COURT: How says the defense?

14 MS. CARMODY: Please accept the juror.

15 THE CLERK: Juror Number 184, Symera Rivers.

16 How says the State?

17 MS. SWANSON: Please present this juror.

18 THE COURT: How says the defense?

19 MS. CARMODY: Please accept the juror.

20 THE CLERK: Juror Number 141, Faye Malphrus.

21 How says the State?

22 MS. SWANSON: Please present this juror.

23 THE COURT: How says the defense?

24 MS. CARMODY: Please accept the juror.

25 THE CLERK: Juror Number 110, Carrie Ingram.

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1 How says the State?

2 MS. SWANSON: Please present this juror.

3 THE COURT: How says the defense?

4 MS. CARMODY: Please accept the juror.

5 THE CLERK: Juror Number 88, Annie Green.

6 How says the State?

7 MS. SWANSON: Please present this juror.

8 THE COURT: How says the defense?

9 MS. CARMODY: Please accept the juror.

10 THE CLERK: Juror Number 13, Ayanna Bennett.

11 How says the State?

12 MS. SWANSON: Please present this juror.

13 THE COURT: How says the defense?

14 MS. CARMODY: Please accept the juror.

15 THE CLERK: Juror Number 170, Brenda Perkins.

16 How says the State?

17 MS. SWANSON: Please present this juror.

18 THE COURT: How says the defense?

19 MS. CARMODY: Please accept the juror.

20 THE CLERK: Juror Number 218, Teneeka Stiney.

21 How says the State?

22 MS. SWANSON: Please excuse the juror.

23 THE CLERK: Juror Number 59, Samantha Culliton.

24 THE CLERK: How says the State?

25 MS. SWANSON: Please present this juror.

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1 THE COURT: How says the defense?

2 MS. CARMODY: Please accept the juror.

3 THE CLERK: Juror Number 228, Sandra Valvo.

4 How says the State?

5 MS. SWANSON: Please present this juror.

6 THE COURT: How says the defense?

7 MS. CARMODY: Please accept the juror.

8 THE CLERK: Juror Number 191, Rebecca Sauls.

9 How says the State?

10 MS. SWANSON: Please present this juror.

11 THE COURT: How says the defense?

12 MS. CARMODY: Please accept the juror.

13 THE CLERK: Juror Number 172, Mitchell Poalillo.

14 How says the State?

15 MS. SWANSON: Please present this juror.

16 THE COURT: How says the defense?

17 MS. CARMODY: Please accept the juror.

18 THE CLERK: Juror Number 93, Charlotte Greene.

19 How says the State?

20 MS. SWANSON: Please present this juror.

21 THE COURT: How says the defense?

22 MS. CARMODY: Please seat the juror.

23 THE CLERK: Juror Number 155, Tony Meyers.

24 How says the State?

25 MS. SWANSON: Please present this juror.

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1 THE COURT: How says the defense?

2 MS. CARMODY: Please seat the juror.

3 THE CLERK: Juror Number 116, John Jenkins.

4 How says the State?

5 MS. SWANSON: Please present this juror.

6 THE COURT: How says the defense?

7 MS. CARMODY: Please seat the juror.

8 THE CLERK: Juror Number 181, Daniel Riley.

9 How says the State?

10 MS. SWANSON: Please present this juror.

11 THE COURT: How says the defense?

12 MS. CARMODY: Please seat the juror.

13 THE CLERK: Juror Number 95, Betty Habersham.

14 How says the State?

15 MS. SWANSON: Please present this juror.

16 THE COURT: How says the defense?

17 MS. CARMODY: Please seat the juror.

18 THE CLERK: Juror Number 104 Samantha Heyward.

19 How says the State?

20 MS. SWANSON: Please present this juror.

21 THE COURT: How says the defense?

22 MS. CARMODY: Please seat the juror.

23 THE CLERK: Juror Number 102, Donald Henderson.

24 How says the State?

25 MS. SWANSON: Please present this juror.

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1 THE COURT: How says the defense?

2 MS. CARMODY: Please seat the juror.

3 THE CLERK: Juror Number 92, Treniecia Green.

4 How says the State?

5 MS. SWANSON: Please excuse this juror.

6 THE CLERK: Juror Number 221, Andrea Taylor.

7 How says the State?

8 MS. SWANSON: Please present this juror.

9 THE COURT: How says the defense?

10 MS. CARMODY: Please excuse the juror.

11 THE COURT: We are going to go with two alternates.

12 The strikes are 1 and 2.

13 THE CLERK: Juror Number 40, Thomaslee Byson.

14 How says the State?

15 MS. SWANSON: Please excuse this juror.

16 THE CLERK: Juror Number 180, Robert Richer.

17 How says the State?

18 MS. SWANSON: Please present this juror.

19 THE COURT: How says the defense?

20 MS. CARMODY: Please seat the juror.

21 THE CLERK: Juror Number 249, Brant Wynn.

22 How says the State?

23 MS. SWANSON: Please present this juror.

24 THE COURT: How says the defense?

25 MS. CARMODY: Please excuse the juror.

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1 THE CLERK: Juror Number 15, Genise Bing.
2 How says the State?
3 MS. SWANSON: Please present this juror.
4 THE COURT: How says the defense?
5 MS. CARMODY: Please seat the juror.
6 THE CLERK: Come forward, ma'am. Alternate 1.
7 THE CLERK: Juror Number 5, Amber Anderson.
8 How says the State?
9 MS. SWANSON: Please present this juror.
10 THE COURT: How says the defense?
11 MS. CARMODY: Please seat the juror.
12 THE CLERK: Come forward, ma'am. Alternate 2.
13 THE COURT: Any matters of law that we need need to
14 take up regarding the jury selection process, from the State?
15 MS. SWANSON: Not from the State, Your Honor.
16 THE COURT: From the defense?
17 MS. CARMODY: Not from the defense.
18 THE COURT: Welcome, ladies and gentlemen. As you
19 know, you are my jury for the trial of this first case. Sit
20 with me for just a quick moment.
21 For those of you who are still in the gallery, I do
22 plan to pull the other jury, but I will give you a very quick
23 five-minute recess. I will have ask you to remove yourself from
24 the courtroom if you are a potential juror.
25 Ladies and gentlemen, it's always tricky when I try

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1 to make sure I get rid of you all or let you go home by about
2 1:05 to 1:15. So we will get through with the pulling of the
3 next jury. I will ask that you Go ahead and refresh yourselves
4 if you need to.

5 Ladies and gentlemen, do not leave the building.
6 In other words, no smoke breaks. Stay in the building. Just
7 come back as quickly as you can after your refresh yourselves,
8 and they will let you come in the back door.

9 (Unselected jurors exit the courtroom.)

10 THE COURT: All right. If we can get that door
11 closed as quickly as possible, I would appreciate it.

12 Ladies and gentlemen, welcome. As I introduced
13 myself before, I am Carmen Mullen. I am the judge who is going
14 to try this case with you today. You are my first trial this
15 week.

16 As I told you, there are some pretrial matters that
17 I need to take up with the attorneys. So at this point, I am
18 going to excuse you back to your jury room. They are going to
19 get from you a very good phone number and potential address,
20 just in case we need to find you.

21 Ladies and gentlemen, there are a couple of ground
22 rules that I need to tell you before I go ahead and excuse you
23 for the day. First off, when you sit on a jury, if at any
24 point you can't hear someone, I need you to wave us down. I
25 will be watching you, as is my law clerk to make sure you all

1 can hear me and can hear what is going on.

2 Secondly, ladies and gentlemen, I can't start until
3 all 14 of you are here every time we break. In other words,
4 tomorrow morning, I am asking that you report by 9:30. If for
5 any reason you have car trouble, fall ill over the evening, any
6 problem whatsoever, you call in to the Clerk of Court's Office.
7 Tell them me your name and tell me what the problem is. If you
8 need a ride here, we will come get you.

9 Ladies and gentlemen, again, I can't start this
10 trial without all 14 of you. I appreciate your being here, and
11 I appreciate your being prompt.

12 You will also hear me telling you repeatedly not to
13 discuss this case with anyone. That includes your fellow
14 jurors. The reason is this: You haven't heard all the
15 evidence in this case. You haven't heard my charge on the law.
16 It would be wholly inappropriate for anyone to talk to you
17 about this case or for you to talk to each other until you have
18 heard all the evidence, the lawyers have made their closing
19 statements, and then I have charged you.

20 When you go home right or go back to work, when you
21 go see a spouse or a loved one or a colleague, the only thing
22 you are permitted to say is that you have been chosen as a
23 juror in the trial of a criminal case. You cannot say the
24 lawyers involved, the party involved, the charges involved.
25 Again, the reason is this: Inevitably someone will try to tell

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1 you something about something when they knew absolutely nothing
2 about this case.

3 My next point, I do not want you doing any
4 independent research. You will hear me tell you repeatedly.
5 You will have everything you need to decide this case here in
6 the jury room. Again, it would be inappropriate for you to
7 look up anything on the internet, or to have anyone else
8 influence you in your determination of the facts. That is why
9 I tell you not to look anything else. Don't go drive by the
10 where this allegedly is to have occurred.

11 Ladies and gentlemen, tomorrow morning if you open
12 up a newspaper or turn on the radio or the TV and you hear
13 something about this case, turn it off. Disregard it. I will
14 tell you right now, it is not factual. It never is. It would
15 be inappropriate for you to be influenced by anything someone
16 may have put out there.

17 Lastly, if any of you are on social media, again,
18 you are not to put on any one of your sites or anything as far
19 as a comment that you are a juror in the trial of a case. It
20 invites comment, and people will try to draw you out. I just
21 warn you that you are not allowed to say what you are doing
22 here.

23 Also, ladies and gentlemen, you have been asked to
24 keep your cell phone back in the car or at home. The reason is
25 that smart phones have so much information these days. I would

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1 want anyone tempted. So out of an abundance of caution, we
2 tell you to leave them in the car. If you are near and you
3 need to use a phone to call someone, ask the deputy, and they
4 will bring you to a phone.

5 Also, if you are concerned about a family member or
6 a loved one reaching you emergently while you are here, all
7 they have to do is call up to the Jasper County Clerk of
8 Court's Office, Ms. Bostic's office, And say your name and that
9 you are a juror. I assure you that I will be with you
10 immediately to take care of you.

11 Lastly, I need to tell you that as you come and go
12 through the courthouse, you may pass on the elevator or the
13 stairs the parties in this case, the attorneys in this case,
14 the attorneys, maybe some people testifying. I want you to
15 know something. They have been instructed not to speak to you.
16 The reason is this: Even an innocent conversation out in the
17 parking lot like, it looks like it's going to rain again today,
18 will be reported back. It will be misconstrued, and I will
19 have to ask you about it. So out of an abundance caution, I
20 tell them all not to speak to you all when you are coming and
21 going. That is why you are wearing those juror buttons.

22 I will tell you tomorrow when we break for lunch,
23 you will be wearing those as well. There are only so many
24 places to eat here in Downtown Jasper. I want people to know
25 not to talk around you. It's very possible that you could see

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1 me out with my law clerk. Same thing. If everyone is fine and
2 comfortable, 9:30 tomorrow morning. Does anyone have a problem
3 with the ride or anything along those lines?

4 Anyone know of any reason they can't be here
5 tomorrow? I will tell you that I anticipate -- again, I never
6 know how long witnesses are going to take -- I anticipate right
7 now that we are probably going to break tomorrow somewhere
8 between 3:00 and 5:00.

9 Typically, we like to run until about 5:00 and
10 5:30. So wherever we naturally finish, we will break for the
11 day. You will have an hour for lunch. Over the lunch hour,
12 you can go get a bite to eat. If you want to bring something
13 in with you, you are welcome to do that. We like to take
14 roughly an hour, hour and 15 minutes just to get you out of the
15 building. I think it's nice to stretch your legs and see a
16 little sunshine and get your bearings about you.

17 I recognize how difficult it is to sit as jurors.
18 You all are sitting there and you have to listen, and you are
19 not allowed to ask questions. I know that is probably very
20 frustrating.

21 Also, ladies and gentlemen, our chief justice has
22 still continued to order that we wear masks. I don't, because
23 I get to be socially distanced. It's just the nature of my
24 position. But I want to make sure that you all say safe and
25 feel good. If for any reason tonight you fall ill, I need you

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1 to call in tomorrow morning before you show up. I need you all
2 here. I need you all to try this case. I would never want to
3 risk any of you, as far as COVID is concerned. No problems.

4 Ladies and gentlemen, I look forward to trying this
5 case with you. I will see you tomorrow morning at 9:30. Right
6 now you are getting ready to be sent back to your jury room to
7 give good phone numbers. They will escort you out my back
8 stairs. Tomorrow morning when you come back to the courtroom,
9 you will come up through the front doors just like you did this
10 morning. Your temperature will be taken, you need to bring a
11 mask with you and wear it, ladies and gentlemen, and I look
12 forward to seeing you tomorrow morning at 9:30. Thank you.
13 You are excused back to your jury room.

14 (Jury exits courtroom.)

15 THE COURT: All right. I know you he needs to use
16 the rest room. I will go ahead let you take him now. One
17 hour. Is that enough for you all to get turned around back for
18 some pretrial motions? It might take a little longer. Let's
19 just say 1:30 if you can be back.

20 Is that all right? All right. Sir, go ahead.

21 (Luncheon recess.)

22

23

24

25

State v. William Outler, Jr. - 2018GS2700571, VOLUME I

1 (The following proceedings were held in open court. The
2 defendant was present along with his attorneys and the
3 attorneys for the State.)

4 * * *

5 PRETRIAL MOTIONS

6 THE COURT: We are on pretrial motions in the case
7 of State v. William Outler. We pulled a jury this morning, but
8 we did not swear them. We have various pretrial motions.
9 Let's go ahead and start with the ones that we know are going
10 to go quickly. I do want to go ahead, Ms. Carmody, your motion
11 for Rule 5 of full disclosures.

12 MS. CARMODY: Your Honor, if I may, may I put the
13 defense motions on the record for the benefit of the court
14 reporter.

15 THE COURT: Absolutely.

16 MS. CARMODY: First we have the interview of William
17 Outler. That is Parts 1 and 2. Labeled Defense 1A and 1B --
18 Court's exhibits.

19 Then we have Court's Exhibit 2, the homicide BWC
20 footage.

21 Court's Exhibit 3, crime scene picture No. 22.

22 Court's Exhibit 4, toxicology report.

23 Court's Exhibit 5, the photograph of William Outler's
24 leg.

25 Court's Exhibit 6, the autopsy report.

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1 Court's Exhibit 7, Best Western camera, underscore 1.

2 Court's Exhibit 8, DNA report.

3 Court's Exhibit 9, Defense's Motion to Dismiss,
4 pursuant to the Protection of Person's and Property Act.

5 Court's Exhibit 10, Defendant's memorandum of law in
6 support of that motion.

7 Court's Exhibit 11, the list of defendant's pretrial
8 motions.

9 Court's Exhibit 12, renewed Motion for Discovery and
10 Disclosure of Evidence and Criminal Procedure Rule 5 and 6,
11 Edward's Notice.

12 Court's Exhibit 13, Defendant's Proposed Voir Dire.

13 Court's Exhibit 14, Defendant's Amended Potential
14 Witness List.

15 Court's Exhibit 15, Defendant's Motion to Sequester
16 the State's Witnesses.

17 Court's Exhibit 16, Defendant's Motion to Determine
18 Admissibility of Prior Convictions.

19 I have given all of these documents to the court
20 reporter. Thank you, Your Honor.

21 What do you want to start with, Ms. Carmody?

22 MS. CARMODY: Your Honor, I have provided the State
23 with the Defense's renewed motion for discovery, disclosure of
24 evidence. It's my understanding that all of the evidence that
25 the State has in their possession has been produced; however, I

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1 do want to put on the record that Jasper County was hacked, and
2 they have lost of their incident reports. I just want to make
3 sure it's on the record that I have not received some incident
4 reports -- supplemental incident reports. C.J. Lowery, I don't
5 have anything from him. Also, it's my understanding that the
6 Miranda Form and the Consent for his DNA also was part of that
7 hack. I have received, according to the Solicitor's Office,
8 everything. It's my understanding the rest has been part of
9 that hack.

10 THE COURT: Go ahead, Ms. Swanson, in response.

11 MS. SWANSON: thank you, Your Honor. I have talked
12 with Jasper County. I had them double-check their systems.
13 Apparently, there was a year's worth of things missing, but the
14 Miranda Form and the Consent Form are done on video. There is
15 a recording of everything that happened. There is just not a
16 written supplemental.

17 I have turned over everything we have. I don't have
18 the supplements either.

19 THE COURT: Thank you.

20 MS. CARMODY: Defense's Motion to Sequester the
21 State's witnesses, I would ask that the Court have the
22 witnesses who will testify in the courtroom, that the remainder
23 of the witnesses remain outside the testimony so that their
24 testimony doesn't overlap and there is not witness' testimony
25 discussion. Given that there are incident reports and

1 supplemental reports that are missing, I want to make sure that
2 the witnesses testify from their own memory.

3 MS. SWANSON: I don't have any problem with that. I
4 don't have any problem with that. I would ask that any defense
5 witnesses are sequestered as well.

6 THE COURT: So we will do a mutual sequester order.
7 Again, you all know who your witnesses are. I don't
8 necessarily know who they are, so you need to make sure that
9 your co-counsel or yourself is aware before they come into the
10 courtroom.

11 MS. SWANSON: Your Honor, I did have Jared Phillips,
12 my investigator, on the witness list. I do not plan on calling
13 him. I had him on there to be on the safe side. I would ask
14 that he be allowed to remain in the courtroom.

15 THE COURT: As long as you don't call him.

16 MS. CARMODY: Last is the Defendant's Motion to
17 Determine Admissibility of Prior Convictions. I spoke with Ms.
18 Swanson earlier, and I don't believe that the State intends to
19 offer any of his prior convictions.

20 MS. SWANSON: That is correct. Most are over 10
21 years old. The only one that falls within the 10-year range is
22 a sale of marijuana. I'm not sure that that would be probative
23 for.

24 THE COURT: So there is nothing to cross-examine him
25 on based on prior convictions.

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1 MS. CARMODY: And the De Novo hearing.

2 THE COURT: Do you have officers here to testify at
3 the De Novo hearing?

4 MS. SWANSON: I do.

5 THE COURT: Then let's start with the Deno hearing.

6 MS. SWANSON: Thank you. The State calls Rob
7 Edwards.

8 ROBERT EDWARDS,
9 Being first duly sworn testified as follows:

10 * * *

11 VOIR DIRE EXAMINATION

12 BY MS. SWANSON:

13 Q Mr. Edwards, can you please state your name for the
14 record.

15 A Robert W. Edwards, Sr.

16 Q Who do you work for currently?

17 A Jasper County Sheriff's Office.

18 Q In August of 2018, who were you working for?

19 A Jasper County Sheriff's Office.

20 Q Were you on duty the night of August 7, 2018?

21 A I was actually working an extra duty, off-duty
22 assignment.

23 Q So you were working that night?

24 A. Yes, ma'am.

25 Q. Working with anyone?

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1 A. The actual detail by myself. Corporal Friersen
2 stopped by to chit-chat with me a little bit.

3 A. About what time was that?

4 A. I do not remember.

5 Q. During the daytime or nighttime?

6 A. It was the nighttime.

7 Q. Just tell us what happened at that point when you
8 were chatting with Deputy Friersen.

9 A. Corporate Friersen and I were sitting there in the
10 back-corner parking lot of Motel 6. We saw a gentleman
11 approaching on a bicycle. I went back to my vehicle, put my
12 vest on when he approached. We spoke with him.

13 Q. Did he speak to you all first, or did you speak to
14 him first?

15 A. I can't remember if we talked first or he talked
16 first. We said, can we help you with something? That is when
17 we went from there.

18 Q. What did he say when you asked if you could help
19 him with something?

20 A. I don't remember if it was me or Corporal Friersen
21 who said it. He said, "I think I just killed my girlfriend".

22 Q. Was he Mirandized that point?

23 A. He was not Mirandized initially. Based on the
24 statements that he made to us, Corporal Friersen advised him of
25 his Miranda rights. I placed him in handcuffs due the

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1 situation being what it was and his own admission of it. Then
2 he was Mirandized and then he was questioned.

3 Q. But he wasn't questioned prior to the Miranda being
4 read to him?

5 A. Just the initial -- one of those verifying what he
6 said. Once we got the clarification, he was placed in
7 handcuffs and Friersen advised him of his Miranda Rights.

8 Q. Do you recall if Friersen Mirandized him from
9 memory or a card?

10 A. I do not remember. I believe he read off a card,
11 but I am not sure.

12 Q. Was he promised anything or coerced in any way to
13 get him to talk?

14 A. No, ma'am.

15 Q. Was your interaction with him and your interview
16 with him recorded?

17 A. Yes, ma'am.

18 Q. How was it recorded?

19 A. Via Sergeant Friersen's bodycam. I didn't have
20 mine on. It was in the office charger. Like I said, it was an
21 off-duty assignment. We were just sitting there. When I
22 started talking to him, Corporal Friersen was present, but with
23 him being the duty supervisor that night, he had to make phone
24 calls to command staff. Call the guys over to the house where
25 it supposedly happened. I took the body camera from him so I

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1 could speak to Mr. Outler.

2 Q. Do you see Mr. Outler in the courtroom today?

3 A. Yes, ma'am.

4 Q. That is the same man that you spoke to and
5 interviewed that night?

6 A. Yes, ma'am.

7 MS. SWANSON: I'm going to show you what has been
8 marked as State' Exhibit 2. Can you tell me what this is.

9 A. It looks lithe a DVDR, and I have signed it.

10 Q. What is it a DVD of?

11 A. I believe it's the body-worn camera footage.

12 Q. Is that a fair and accurate depiction, besides the
13 a brief redaction where there is mention of a criminal
14 record -- we have muted that part.

15 When you reviewed the body-worn camera footage of
16 Friersen, was that a fair and accurate depiction of your
17 interactions with Mr. Outler.

18 A. Yes, ma'am.

19 MS. SWANSON: At this time, Your Honor, I would
20 like to enter State's 2 for the purpose of this hearing and go
21 ahead and publish it

22 THE COURT: You may, but I have already seen it.

23 MS. SWANSON: I will just enter it for the purpose
24 of this hearing, and the Court has reviewed it.

25 (Court's Exhibit 2 was marked and entered into

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1 evidence.)

2 I don't have any questions further at this time.
3 Please answer any others questions Ms. Carmody may have.

4 THE COURT: Ms. Carmody.

5 MS. CARMODY: Thank you, Your Honor.

6 * * *

7 VOIR DIRE EXAMINATION BY MS. CARMODY

8 BY MS. CARMODY:

9 Q. Detective Edwards, are you familiar with the area
10 of where you found -- where Mr. Outler approached you at Motel
11 6. Are you familiar with the general area?

12 A. Yes, ma'am.

13 Q. I just wanted to confirm that he approached you, so
14 there was no BOLO?

15 A. No, ma'am. He kind of caught us off guard. He
16 rode his bike right up to me and Corporal Friersen.

17 Q. You had not received any 911 calls?

18 A. Up to that point, no, ma'am.

19 Q. No reports of anybody being juried at 30 Heyward

20 A. No, ma'am. I do not recollect any radio traffic
21 like that. If there has been, I'm sure Corporal Friersen would
22 have been there already.

23 Q. You said that you had put on your vest?

24 A. Yes, ma'am.

25 Q. Just because somebody was approaching?

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1 A. Because, it was just him and I talking. It was an
2 off-duty assignment. I was just basically standing guard over
3 the parking lot. So where he was coming, when he was riding
4 his bike up, I thought that it's somebody we don't know. So I
5 threw it on. I don't want to say he looked like he was up to
6 no good, because I didn't want to have any preconceived notions
7 about him. But when somebody rides up a bike up to you, two
8 officers in the middle of a parking, I am not sure what time it
9 was at night, but it was later. We were like, what is going
10 on? So just out of precaution because of some things that have
11 happened with officers lately. It wasn't anything directed to
12 him or specific to him. It was just odd circumstances, I guess
13 it would be.

14 Q. So you didn't do anything to call him over?

15 A. No, ma'am.

16 Q. You didn't ask him any questions He just came out
17 and told you --

18 A. I think the only thing we asked him, if I remember
19 correctly prior to him being Mirandized was -- I am not sure
20 who spoke first. I think it was something along the lines of,
21 what is going on. I believe he said, I believe I killed my
22 girlfriend; something along those lines. Then I told Corporal
23 Friersen to pop his bodycam on, and then we went from there.

24 MS. CARMODY: I don't have any further questions,
25 Your Honor. Thank you, detective.

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1 MS. SWANSON: Thank you. State calls Deputy
2 Friersen. I would ask that Mr. Edwards be excused until the
3 case in chief tomorrow.

4 THE COURT: You are excused, sir, until tomorrow.
5 Thank you.

6 * * *

7 JOSEPH FRIERSEN,
8 Being first duly sworn testified as follows:

9 VOIR DIRE EXAMINATION BY MS. SWANSON
10 BY MS. SWANSON:

11 Q. Deputy Friersen, please state your name for the
12 court reporter and spell your last name.

13 A Joseph Friersen, F-r-i-e-r-s-e-n.

14 Q. Who were you working for in August of 2018?

15 A. I worked for the Jasper County Sheriff's Office at
16 that time.

17 Q. Were you on duty the night of August 7, 2018?

18 A. I was.

19 Q. At some point, were you speaking to another deputy?

20 A. That's correct, yes, ma'am.

21 Q. Who were you speaking to?

22 A. Deputy Edwards.

23 Q. Do you recall what time of night that was? Was it
24 late?

25 A. It was around 3:30 in the morning.

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1 Q. What happened when you guys were out there talking?

2 A. Talking to Deputy Edwards. The gentleman
3 approached us on a bike. He said, Officers, I think I effed
4 up. I said, what do you mean? He said, I think I killed my
5 girlfriend. I activated my body camera. I asked him where it
6 occurred. He said it occurred at 303 Heyward Street, Yemassee,
7 Jasper County.

8 I advised him of his Miranda, and I handed my
9 bodycam to Deputy Edwards so I could make my notifications.

10 Q. All right. When you Mirandized him, did you use a
11 card?

12 A. I Mirandize him from a card.

13 Q. Did he wish to be interviewed after he was
14 Mirandized?

15 A. Yes, ma'am. He said he would speak with us.

16 Q. You stated that Deputy Edwards had your bodycam and
17 conducted the interview?

18 A. Yes, ma'am.

19 Q. Was he ever offered anything or promised anything
20 or promised anything to get him to talk?

21 A. No, ma'am.

22 Q. Did he seem to understand his rights?

23 A. Yes, ma'am.

24 Q. Did he have any questions about those rights?

25 A. No, ma'am.

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1 Q. Was he ever coerced or threatened in any way?

2 A. No, ma'am.

3 Q. Was the entirety of your interaction with him on
4 camera?

5 A. When he first approached, it was not. When he
6 said, I think I killed my girlfriend, that is when I activated
7 my body camera.

8 Q. Was he detained after he gave you those statements?

9 A. Yes, ma'am. He was detained and advised of his
10 Miranda rights.

11 Q. Right. Then where was he taken after that -- after
12 the initial interview?

13 A. After I initially interviewed him, I transported
14 him to the scene. Deputy Roberts was on the scene by himself,
15 so I transported him over there.

16 Q. Where did you take him after the scene?

17 A. I transported him to CID.

18 Q. What is CID?

19 A. The detective office.

20 Q. Jasper County Criminal Investigations Division?

21 A. Yes, ma'am.

22 MS. SWANSON: Thank you. I have no further
23 questions for this witness at this time.

24 THE COURT: Ms. Carmody.

25 * * *

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1 VOIR DIRE EXAMINATION BY MS. CARMODY

2 BY MS. CARMODY:

3 Q. Good afternoon, Deputy Friersen.

4 A. Hello.

5 Q. Do you remember whether you received any radio
6 traffic or BOLO or, you know, looking for a suspect in the
7 area?

8 A. No, ma'am. We did not.

9 Q. Did you first see him, or was it Deputy Edwards?

10 A. He approached us both at the same time.

11 Q. Did he approach on his bicycle?

12 A. Yes, ma'am.

13 Q. Did you say anything to him to call him over to
14 you?

15 A. I did not.

16 Q. In your opinion, would he have been eager to give
17 you information?

18 A. Say it again.

19 Q. Was he eager to tell you something?

20 A. Yes, ma'am.

21 Q. At that time when he began to talk, he was not in
22 custody?

23 A. No, ma'am.

24 MS. CARMODY: I don't have any further questions,

25 Your Honor

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1 THE COURT: Thank you.

2 MS. SWANSON: I would ask that Deputy Friersen be
3 allowed to be excused until tomorrow's case in chief.

4 THE COURT: You are excused until tomorrow. Thank
5 you, sir.

6 MS. SWANSON: State calls Tootie Edwards.

7 * * *

8 TAVARA EDWARDS,

9 Being first duly sworn testified as follows:

10 VOIR DIRE EXAMINATION

11 BY MS. SWANSON:

12 Q. Can you please tell the court reporter your name.

13 A. Tavera Edwards.

14 Q. Do you go by a nickname.

15 A. Tootie.

16 Q. What is your rank now?

17 A. Sergeant.

18 Q. Because you are now working for who?

19 A. Walterboro Police Department.

20 Q. In August of 2018, where were you working?

21 A. Jasper County Sheriff's's Office.

22 Q. As an investigator?

23 A. Yes.

24 Q. Did you have the occasion to speak with a William
25 Outler?

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1 A. Yes.

2 Q. Can you identify Mr. Outler? Do you see him in the
3 courtroom today?

4 A. Yes.

5 Q. Is he sitting over at defense table?

6 A. Yes.

7 Q. That is who you interviewed that day?

8 A. Yes, ma'am.

9 Q. Was there anyone in the room with you all?

10 A. With me and Mr. Outler and Detective Lowery.

11 Q. Detective Lowery was in there as well?

12 A. Yes.

13 Q. Was this all caught on camera, yes?

14 Q. Let me go ahead and show you State's Exhibit 3 and
15 ask if you recognize this disk?

16 A. Yes.

17 A. It's it's interview of Mr. Outler.

18 Q. Was that a fair and accurate depiction of your
19 interview with Mr. Outler?

20 A. Yes.

21 Q. Was this the entire interview?

22 A. Yes.

23 MS. SWANSON: State would move 3 into evidence for
24 the purpose of this hearing

25 It's my understanding that the Court has already

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1 reviewed it.

2 THE COURT: Yes.

3 (Court's Exhibit 3 was marked and accepted into
4 evidence.)

5 BY MS. SWANSON:

6 Q. Was Mr. Outler read his Miranda Rights?

7 A. Yes.

8 Q. Did he seem to understand those?

9 A. Yes.

10 Q. Did you read those from a piece of paper?

11 A. Yes.

12 Q. Did he want to talk after that?

13 A. Yes, ma'am.

14 Q. Was he ever promised anything to talk?

15 A. No.

16 Q. Was he ever threatened or coerced?

17 A. No.

18 Q. Did it take any convincing to get him to talk?

19 A. No, ma'am.

20 Q. Did he also give you a buccal swab?

21 A. Yes, ma'am.

22 Q. Was he advised of his right not to?

23 A. Yes.

24 Q. And you did say volume voluntarily?

25 A. Yes, ma'am.

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1 Q. Did he ever ask for a lawyer?

2 A. No, ma'am.

3 MS. SWANSON: I have no further questions for this
4 witness at this time. Please answer any questions Ms. Carmody
5 may have.

6 MS. CARMODY: No questions, Your Honor.

7 THE COURT: Any objection to this witness stepping
8 down until tomorrow?

9 MS. SWANSON: No, Your Honor.

10 THE COURT: You may step down. Thank you.

11 Are you calling her in your case in chief tomorrow?

12 MS. SWANSON: Yes, ma'am.

13 State calls C.J. Lowery.

14 * * *

15 CLARENCE LOWERY,

16 Being first duly sworn testified as follows:

17 VOIR DIRE EXAMINATION

18 BY MS. SWANSON:

19 Q. Deputy Lowery, please, please state your name for
20 the record.

21 A. Clarence Lowery.

22 Q. Deputy Lowery, were on duty or called in the night
23 of August 7, 2018?

24 A. Yes.

25 Q. For what purpose?

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1 A. Death investigation.

2 Q. Did you have the occasion to conduct or assist with
3 an interview with William Outler?

4 A. I did.

5 Q. Who was that?

6 A. At the time Detective Tootie Edwards.

7 Q. Was that caught on video?

8 A. It was.

9 Q. Did you review that video?

10 A. I did.

11 Q. Was it a fair and accurate depiction of the way the
12 interview went?

13 A. Yes, it was.

14 Q. Did it capture the entire interview?

15 A. Yes.

16 Q. Were you present when Mrs. Edwards Mirandized the
17 defendant?

18 A. I was.

19 Q. Did he seem confused at all about his rights?

20 A. No, ma'am.

21 Q. Did he ever ask for a lawyer?

22 A. No, ma'am.

23 Q. Was he ever promised or coerced in any way to give
24 a statement?

25 A. No, ma'am.

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1 MS. SWANSON: Thank you. I have no further
2 questions.

3 MS. CARMODY: No questions, Your Honor.

4 THE COURT: Any objection to this witness being
5 excused?

6 MS. SWANSON: No. He is going to bring the
7 evidence tomorrow.

8 Your, Honor at this time that would conclude the
9 State's presentation. I believe that we have shown that the
10 statements that the defendant gave were certainly voluntary in
11 nature and not coerced in any type of way.

12 THE COURT: Ms. Carmody, do you have any argument?

13 MS. CARMODY: No, Your Honor.

14 THE COURT: Pursuant to Jackson v. Deno I do find
15 that the statements made by Dr. Outler were voluntarily and
16 certainly not as a result of threat or coercion. I will allow
17 it in

18 THE COURT: Okay. So now your final motion, Ms.
19 Carmody?

20 MS. CARMODY: Yes, Your Honor. There was one
21 photograph that the State intended to introduce.

22 I forgot to mention this earlier. One photograph
23 that the State does intend to introduce if Your Honor would
24 rule to its admissibility under 403.

25 THE COURT: Certainly.

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1 MS. SWANSON: This has been marked as State's
2 Exhibit 1-D. It depicts the way the victim was found at this
3 scene. It does not contain any blood. It is not gory.

4 It simply shows the position she was in when law
5 enforcement and first responders comes across her.

6 THE COURT: Do you have any other photos like this
7 that are coming in, or is this the sole one?

8 MS. SWANSON: The only other one that is similar to
9 it does not have the placards around it. It is from further
10 away. It's just to -- I will show you State's proposed 1C.
11 This is more to show the stairwell and where her body was from
12 the stairwell.

13 THE COURT: Okay.

14 MS. SWANSON: That one is kind of blurry. You can
15 barely see her in it and certainly no detailed injuries or
16 blood or gore or anything like that.

17 THE COURT: These are the only two photos of the
18 deceased's body that you intend to enter?

19 MS. SWANSON: Correct. I am not try to enter any
20 autopsy or close-ups of the head. There where several out
21 there, of course, but I am just going to have the witnesses
22 describe the injuries.

23 THE COURT: Ms. Carmody, do you want to make an
24 argument?

25 MS. CARMODY: I just ask the Court to consider that

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1 the placards of evidence have not been admitted. That is my
2 argument. The other picture doesn't show a placard. That is
3 the difference.

4 THE COURT: Tell me at what point are you going to
5 enter those pieces of exhibits that include the placards.

6 MS. SWANSON: A lot of it is not relevant, Your
7 Honor. That is the best picture of the position of her body.

8 They collected more than they needed to. They
9 didn't know what they needed.

10 THE COURT: Okay.

11 I do think it's more probative than prejudicial. I
12 think we are going allow the jury under 403 to go ahead and see
13 those two pictures. There is no blood. There is nothing
14 intentionally gory on them. Certainly, you cannot see the
15 injuries to the head. I think it's appropriate for the jury.

16 (Court's Exhibit 1 was marked and entered into
17 evidence.)

18 MS. SWANSON: I did show defense counsel the other
19 ones. There is an abrasion photo, but Ms. Carmody didn't have
20 a issue.

21 THE COURT: Ms. Carmody, I believe the last motion
22 you have is your motion to dismiss this case under the persons
23 and property act; is that correct?

24 MS. CARMODY: Yes, Your Honor. I did submit to the
25 Court a motion and memorandum of law. Make a very brief

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1 argument.

2 THE COURT: Yes, ma'am

3 MS. CARMODY: In response to the State's response.

4 Your Honor, I would remind the Court that the
5 defense has the burden to be entitled to immunity by a
6 preponderance of the evidence and not beyond a reasonable
7 doubt.

8 In the fact section there are some disputed
9 issues -- the statement it was only two months before he
10 murdered his girlfriend. I would submitted to the Court that
11 that is a legal conclusion, and I would ask the Court to
12 consider that.

13 Additionally, Mr. Outler's statement and the
14 physical evidence both indicate in a Rene Green swung the axe
15 at Mr. Outler. There is a DNA report to be submitted into
16 evidence. The toxicology is evidence of why she swung the axe,
17 cocaine and alcohol in her system.

18 Cocaine has been consumed at or near the time of
19 death, pursuant to the toxicology report. The police did ask
20 Mr. Outler if he was under the influence of alcohol or drugs.
21 He stated, no. There has been no evidence presented that he
22 was in the vehicle.

23 It's my understanding that Ms. Green was the only
24 one that had been consuming alcohol and cocaine that night.
25 The State indicates that he didn't call 911 or attempt to seek

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1 aid, but he did attempt to seek aid. That is why he rode his
2 bicycle to speak to law enforcement. He sought out law
3 enforcement in the parking lot to tell them what happened. I
4 would assert that he was trying to seek aid.

5 Mr. Outler told the police he did not have a phone.
6 He could not call for aid. He didn't have a phone to call.
7 That is why he went to the Best Western to use the phone and
8 call his dad. The dad told him to turn himself in. That is
9 where he was heading back.

10 Your Honor, 303 Heyward Road is 1.3 miles from the
11 Best Western Motel. Additionally, 303 Heyward road is also a
12 dead-end road. There is a cow pasture at the end. He could
13 have fled, but he didn't.

14 The evidence that I submitted, the Best Western
15 video is four minutes long. That is not a long time between
16 the time that this happened and the time that he sought out the
17 officers' attention. I am asking the Court to dismiss the
18 indictment under 1611-440(c), and that Mr. Outler has met the
19 burden of proving that he is immune under the statute by a
20 preponderance and not by the beyond reasonable doubt standard,
21 Your Honor.

22 THE COURT: Thank you. Ms. Swanson.

23 MS. SWANSON: It's the State's position that this
24 is certainly an unreasonable use of deadly force. Per his own
25 statements to law enforcement, she is at the top of the stairs.

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1 He is at the bottom of the stairs. Even if she swung the axe
2 toward him, it's not long enough to hit him. This was not a
3 real threat.

4 THE COURT: Respectfully, the question in this case
5 is whether or not he was in reasonable fear of her. Again, I
6 think in this case I believe that the act does not protect him
7 for immunity in this situation under the facts as stated.

8 Anything else today, or is that everything?

9 MS. SWANSON: You have everything from the State.

10 THE COURT: The jury will be here at 9:30. I
11 intend to start at 9:30 with opening statements. Thank you.

12 (At 3:14 p.m. the proceedings were continued until
13 the following day without interruption.

14 * * *

15 END OF VOLUME I

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State v. William Outler, Jr. - 2018GS2700571, VOLUME II

1 STATE OF SOUTH CAROLINA IN THE GENERAL SESSIONS COURT
2 COUNTY OF BEAUFORT 14th JUDICIAL CIRCUIT

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STATE OF SOUTH CAROLINA,

5

vs.

CASE NO.: 2018-GS-27-00571

6

7

WILLIAM OUTLER, JR.,

TRANSCRIPT OF JURY TRIAL
VOLUME II

8

Defendant.

(PAGES 70 - 190)

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TRIAL BEFORE:

THE HONORABLE CARMEN T. MULLEN

11

DATE:

JUNE 15, 2021

12

REPORTED BY:

KYMBERLEE M. WILLIAMS, CSR/RPR

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PROCEEDINGS

TUESDAY, JUNE 15, 2021

RIDGELAND, SOUTH CAROLINA

* * *

THE COURT: Anything that we need to put on the record before we bring the jury in?

MS. CARMODY: No, Your Honor.

MS. SWANSON: No.

THE COURT: Let's bring them in. Thank you.

(Jury enters courtroom.)

THE COURT: Ladies and gentlemen, I will ask our Clerk of Court swear you in as the jury in this case. Then I will have a few brief opening comments. Then I will turn it over to the lawyers to make their opening statements.

(Jury duly sworn and impaneled.)

THE COURT: Ladies and gentlemen, what I am now going to say to you is intended to serve as an introduction to the trial of this case. These remarks are not a charge on the law. I will instruct you on the law applicable to this case at the very end of the trial. This is just simply a roadmap to guide you so you can better understand what is happening in this trial.

The defendant in this case is charged by an indictment that was filed in this court with the offense of murder, the elements of which I will explain to you at the end

1 of the trial. An indictment is the charge by which an
2 individual is brought into this courtroom. It is in no sense
3 to serve as evidence in the allegations it contains.

4 The defendant in this case, Mr. Outler, has pled
5 not guilty. The burden is on the State to prove each of the
6 elements of the indictment beyond a reasonable doubt. It's
7 your duty, ladies and gentlemen of the jury, to decide whether
8 the State has met that burden.

9 Your purpose as jurors is to find and determine the
10 facts. You the jury are the sole judges of all facts in this
11 case. If at any time I make any comment regarding the facts in
12 this case, you must disregard it. You are to determine the
13 facts in this case from the testimony you hear from the witness
14 stand as well as any evidence introduced into this trial.

15 Please understand it is vitally important that you
16 perform your duty as jurors diligently and conscientiously.
17 Ordinarily, there is no way to correct an erroneous
18 determination of the facts by the jury.

19 On the other hand and with equal emphasis, the same
20 law that makes you the jury the judge of the facts makes me the
21 judge of the law. You may consider only the law presented to
22 you by this Court in your deliberations. Ladies and gentlemen,
23 you cannot disagree with me about what the law is, and I cannot
24 tell you what the facts are in this case. At the very end of
25 this trial, you are to take the law as I give it to you and

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1 apply it to the facts as you find them and from there render a
2 verdict.

3 Until I tell you to begin your deliberations, you
4 must not discuss this case with anyone, that includes each
5 other, as well as family, friends or colleagues. Ladies and
6 gentlemen, I also remind you that the attorneys, the witnesses,
7 and the parties in this case have been instructed not to speak
8 to you in coming and going from the courthouse. Again, I want
9 you to understand that if you pass them in the hallway and they
10 do not speak to you, they are not being unfriendly. They are
11 simply following my orders.

12 If you hear anything in the newspaper, the news, or
13 radio about this case, I remind you not to read, listen to, or
14 watch any news reports about this case, that includes anything
15 in written newspaper as well as the internet. Ladies and
16 gentlemen, it is vitally important that you keep an open mind
17 and not decide any issue in this case until all the evidence
18 has been presented, the parties have made their closing
19 arguments, and I have instructed you on the law applicable to
20 this case.

21 Your verdict must be based solely on the evidence
22 as it is presented to you in this trial and on the law as I
23 instruct you at the very end of this case.

24 The Solicitor, Ms. Swanson is now going to make
25 what is called an opening statement. She will explain to you

1 what the issues are in this case, then Ms. Carmody, the
2 attorney for the defendant, is also going to make an opening
3 statement, although she is not required to do so.

4 What these attorneys tell you in their opening
5 statements is not evidence in this case. It is only their
6 contention as to what the issues are. I remind you again the
7 evidence is going to come from the witness stand, as well as
8 anything else introduced into this case.

9 I want you to know from time to time during the
10 trial in this case, the lawyers may say something like, Your
11 Honor, I believe we have a question of law; or I may motion
12 them up to the bench. I want you to understand something. We
13 are not hiding anything from you.

14 Oftentimes when I have to rule as a matter of law
15 as to whether or not certain evidence is admitted, I may make a
16 comment on the facts of the case. This should not influence
17 you the jury in your determination of the facts, so we just do
18 it outside of your presence in an abundance of caution.

19 In determining what the true facts are in this
20 case, you must decide whether or not the testimony of the
21 witnesses is believable. It's my responsibility to rule as a
22 matter of law whether or not certain testimony is admitted.
23 Once it is admitted, whether or not you believe it is for you
24 to determine.

25 In deciding whether to believe a witness, you have the right to

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1 consider the interest of any witness, the bias of any witness,
2 the prejudice of any witness, and you can look at the
3 opportunity the witness had to see and hear the manner and
4 things about which they are testifying. Look at the way the
5 witness acts on the witness stand.

6 You have the right to consider anything in the
7 record that enables you to make a determination as to the facts
8 in the case. That means, ladies and gentlemen it is your duty
9 to pay close attention to these witnesses. To open them, to
10 listen to them so that at the very end of the case, you can
11 accurately recollect what has been testified to.

12 ladies and gentlemen, now in order to preserve
13 everyone's rights, I will ask the attorneys, is there anything
14 further that we need to add or address with regard to my
15 opening remarks?

16 MS. SWANSON: Not from the State, Your Honor.

17 MS. CARMODY: No, Your Honor.

18 THE COURT: Then we will go ahead and begin with the
19 trial of this case. Anything additional from the State?

20 MS. SWANSON: Nothing from the State.

21 THE COURT: From the defense?

22 MS. CARMODY: Nothing from the defense, Your Honor.

23 THE COURT: Ladies and gentlemen, if you will, give
24 Ms. Swanson your attention.

25 * * *

1 OPENING STATEMENT BY MS. SWANSON

2 MS. SWANSON: It's not every day you encounter an
3 axe murderer, but that is exactly what William Outler sits on
4 trial for today. While his girlfriend's three children slept
5 inside of the residence, he took an axe and bludgeoned her in
6 the head over AND over and over again. She died almost
7 instantly, and he left. He didn't call 911. He rode his bike
8 around wondering what to do. He called his dad, who told him
9 to turn himself in. He did come across law enforcement, and he
10 confessed. In fact, he confessed twice.

11 Chantis Green, the victim in this case, and William
12 Outler, the defendant in this case met online a couple of years
13 back. He was from Miami. About two months prior to this
14 murder, she invited him to come stay in South Carolina. Maybe
15 they will make a go of it. Well, he is not working. Bills are
16 adding up and piling up. Things are getting tense.
17 Apparently, this night he tells police they had an argument
18 over bills. This was an argument that quickly turned deadly.

19 Now, when he rides his bike up to the deputies and
20 says, I think I messed up. I think I killed their my
21 girlfriend, they are stunned. They get on the phone with
22 dispatch to send someone out to 303 Heyward Road to see what is
23 going on out there. We might have a dead body. Sure enough,
24 when deputy Frierson got there, around the back at the bottom
25 of the stairs Chantis Green lay there in a fetal position

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1 bleeding from the head.

2 There is an axe in the yard just short distance
3 from her. It has blood on it and pieces of hair. William
4 Outler was then taken to the criminal investigations division
5 for a more formal interview. He told deputies that he should
6 have walked away. He didn't know why he didn't stop. His
7 claim is that Renee was on the top of the stairs when the
8 argument got heated, and she swung the axe handle towards him
9 when he was at the bottom of the stairs.

10 He said he moved out of the way, grabbed the axe,
11 and began pounding her. That is not self-defense. That is not
12 voluntary manslaughter. That is murder. I will not talk about
13 the law right now. I want you to first hear exactly what he
14 tells you in those confessions. Then Judge Mullen at the end
15 of the case is going to charge you on the law and what the law
16 means. You will put those facts, as the fact-finders as Judge
17 Mullen told you, and apply it to the law.

18 I am telling you right now, this is murder, killing
19 with malice. Malice is evil intent or ill-will. You will see
20 both those videotaped interviews. I want you to pay attention
21 to what he says. He is not entirely consistent. He starts off
22 trying to minimize what happened. You are going to hear from
23 law enforcement. The bulk of the evidence will be those
24 statements. As the prosecutor in this case, it is my job to
25 prove the case to you beyond a reasonable doubt. I do so by

1 placing witnesses on the stand, entering evidence, which will
2 largely be videos, photographs, and a couple of pieces of
3 physical evidence.

4 Reasonable doubt is the sort of doubt that causes
5 one to hesitate to act. You need to be firmly convinced by the
6 evidence in this case to convict Mr. Outler of murder. If you
7 are firmly convinced, I have done my job. At the close of the
8 case, I will ask that you do just that and speak the truth.

9 Find Mr. Outler guilty of the murder of Renee Green.
10 Thank you.

11 THE COURT: Thank you.

12 MS. CARMODY: May it please the Court.

13 THE COURT: Yes, ma'am.

14 * * *

15 OPENING STATEMENT BY MS. CARMODY

16 MS. CARMODY: My name is Carolyn Carmody. As I
17 told you yesterday, I represent my client, Mr. William Outler.
18 William is sitting over there at my table. Behind Mr. Outler
19 we have Mr. Outler's brother and his wife. His wife's name is
20 Grace. Mr. Outler's brother's name is Greg. You will also
21 hear from Mr. Outler's dad in this case. He will be here to
22 testify on Wednesday.

23 Mr. Outler's dad and Mr. Outler do have a very
24 close relationship. As the Solicitor mentioned, he did call
25 his dad that night for advice. His dad has always been a very

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1 important person in his life. Mr. Outler -- I will also refer
2 to him as Williams. I have gotten to know him so well. I have
3 been working on this case for years. I do not mean any
4 disrespect. The same thing as Ms. Green. I do not mean any
5 disrespect. I have been working on the case for so long that I
6 refer to people by their first name.

7 William, Mr. Outler, was actually born and raised
8 in Florida. As Ms. Swanson told you, he lived there with his
9 family until about 2016 when he met Ms. Green online. They
10 formed an online relationship, and they were communicating back
11 and forth. He had worked in the family business. They are
12 fence builders. Miami is very different from Yemassee, South
13 Carolina. In a big city, there is public transportation. If
14 you need a job, there is a job for you pretty much on every
15 corner. When he moved to Yemassee, it's a small town. There
16 is no public transportation. If you have a job, you need to
17 have transportation by car or you need a bicycle or you need to
18 walk.

19 He did obtain a bicycle. The evidence is that he
20 was on his bike that night when he got in touch with law
21 enforcement. Mr. Outler and Ms. Green met online. They were
22 talking and chatting from 2016 to about 2018. In 2018 Ms.
23 Green said, why don't you come over to Yemassee with me and my
24 three children. Great. He packs his stuff. He leaves Miami.
25 He comes to Yemassee and moves in with Ms. Green. That was in

1 June or July of 2018.

2 About a month or so later, Ms. Green becomes
3 furious at Mr. Outler. You do not have a job. What is this?
4 You move up in my house, and you don't have a job. You are not
5 helping me to support my kids or pay the bills. You are not
6 contributing enough money. I have light bill that is due. I
7 have rent that is due. You what, is going on here? She gets
8 very, very, very, angry with him.

9 This starts in about July/August of 2018. This
10 incident occurred on August 7. On August 7 there is -- the
11 evidence is that Ms. Green has now added alcohol and cocaine to
12 the mix. She is already furious with Mr. Outler for not having
13 a job. Now she is consuming alcohol and cocaine. The problem
14 with alcohol and cocaine, as the evidence will show, it causes
15 people's emotions to be more heightened. They do things they
16 wouldn't necessarily do on an average day.

17 Later on this evening, she is telling him, you
18 don't have a job. You need to help me support the house. The
19 argument goes outside to the backyard. There is a very dark
20 area on the porch. It has already been up set that he is
21 not working. As I mentioned, she had consumed alcohol and
22 cocaine that day.

23 Ladies and gentlemen, this is not a murder case.
24 What Ms. Green is not -- this is not the type of situation
25 where you have grandma chasing the kids around the house with a

State v. William Outler, Jr. - 2018GS2700571, VOLUME II

1 broom. Ms. Green grabbed an axe. She grabbed an axe and
2 brought an axe into this argument. She was so furious with Mr.
3 Outer, so tired of him not working and not contributing to the
4 house. She is using alcohol and cocaine. She brought the axe
5 into the argument. That is not something that happens every
6 day. People don't bring an axe into an argument.

7 Ms. Green elevated this argument from a verbal
8 confrontation to now she brought in an axe. The evidence in
9 this case will actually show you that this is not murder. What
10 this is -- this case is about a woman in power can be every
11 much as abusive as a man. That is what this case is. A woman
12 in power, Ms. Green in power, her house -- she calls the shots.
13 She says what is going to happen.

14 She decides, you are not bringing in enough money.
15 She brings the axe into the argument. This is 2020. This
16 happened in 2018. This was not 1950 where a woman just sat and
17 listened. Women now are opinionated. We are strong. We have
18 a Vice President of this country. Judge Mullen is a woman
19 judge. Ms. Swanson is a woman solicitor. I am a woman. Women
20 these days are strong, and we are opinionated.

21 This is not murder. At the end of this case, I am
22 going to ask you to return a verdict in this case of not
23 guilty. Thank you.

24 THE COURT: Thank you. The State may call its first
25 witness.

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1 MS. SWANSON: Thank you, Your Honor. The State calls
2 Theresa Nettles.

3 THERESA NETTLES,

4 Being first duly sworn testified as follows:

5 * * *

6 DIRECT EXAMINATION

7 BY MS. SWANSON:

8 Q. Ms. Nettles, please state your name for the court
9 reporter and spell your last name.

10 A. Theresa Nettles, N-e-t-t-l-e-s.

11 Q. Who do you work for?

12 A. Jasper County Fire and Rescue.

13 Q. Were you on duty on August 7, 2018?

14 A. Yes, ma'am.

15 Q. What sort of call did you respond to late that
16 night?

17 A. We responded to a possible assault.

18 Q. Where did you respond?

19 A. 303 Heyward Road.

20 Q. Where is that located?

21 A. Up in the Point South area.

22 Q. Is that within Jasper County?

23 A. Yes, ma'am.

24 Q. When did the call come out to you guys?

25 A. We were dispatched at 0337.

State v. William Outler, Jr. - 2018GS2700571, VOLUME II

1 Q. About what time did you arrive on scene?

2 A. We arrived on scene at approximately 0351.

3 Q. Who arrived on scene with you?

4 A. Paramedic Thompson.

5 Q. Are you a paramedic?

6 A. No, ma'am.

7 Q. Are you an EMT?

8 A. I am an EMT.

9 Q. Is it typical that you and a paramedic go out out
10 to scene together?

11 A. Yes, ma'am.

12 Q. What did you find when you got to 303 Peter Heyward
13 Road?

14 A. We find found a female laying on her right side in
15 a semi-fetal position. The female had a large pool of clotted
16 blood around her head. She had some dried blood from her left
17 ear.

18 Q. Did she show any signs of life?

19 A. No, ma'am. She did not show any signs of life.

20 Q. Did you or the paramedic perform any live-saving
21 measures?

22 A. No, ma'am. We were advised that she had been down
23 for 30 minutes or more, so no further assessment was warranted.

24 Q. Did she have a pulse?

25 A. No, ma'am.

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1 Q. I want to show you what has been marked as State's
2 Exhibit 1-C. I will ask if you recognize what is in this
3 picture?

4 A. Yes, ma'am.

5 Q. Is this what you came across that night?

6 A. Yes, ma'am.

7 Q. Is it a fair depiction of the victim and how you
8 found her?

9 A. Yes, ma'am.

10 MS. SWANSON: State moves 1C into evidence at this
11 time and asks for permission to publish.

12 THE COURT: Without objection?

13 MS. CARMODY: No objection.

14 THE COURT: Admitted without objection.

15 State's Exhibit 1C was marked and accepted into
16 evidence.)

17 MS. SWANSON: You all will have these pictures back
18 in the jury room at the close of the evidence.

19 Thank you. I have nothing further?

20 THE COURT: Ms. Carmody, anything for this witness?

21 MS. CARMODY: No questions.

22 THE COURT: Any objection to this witness being
23 excused?

24 MS. CARMODY: No, Your Honor.

25 THE COURT: Ms. Nettles, you are excused. Thank

State v. William Outler, Jr. - 2018GS2700571, VOLUME II

1 you.

2 Call your next witness.

3 MS. SWANSON: State calls Rob Edwards.

4 * * *

5 ROBERT W. EDWARDS, JR.,

6 Being first duly sworn testified as follows:

7 * * *

8 DIRECT EXAMINATION

9 BY MS. SWANSON:

10 Q. If you could, state your name for the court
11 reporter and spell your last name.

12 A. Robert W. Edwards, Jr., E-d-w-a-r-d-s.

13 Q. Who do you work for?

14 A Jasper County Sheriff's Office.

15 Q. Were you on duty the night of August 7, 2018?

16 A. Yes, ma'am.

17 Q. What occurred at about 3:30 that morning?

18 A. I was talking to Corporal Frierson. I was working
19 an off-duty assignment. I was working security for Motel 6.
20 It was under instruction. As Corporal Frierson and I were
21 sitting there and talking, we saw a subject approaching on a
22 bicycle.

23 Q. Let me show you what has been marked as State's
24 Exhibit 1-A. Do you recognize what is contained in this
25 picture?

State v. William Outler, Jr. - 2018GS2700571, VOLUME II

1 A. That would be the bicycle.

2 Q. Is it a fair and accurate depiction of the bike?

3 A. Yes, ma'am.

4 MS. SWANSON: State would move 1-A into evidence
5 and request to publish.

6 MS. CARMODY: No objection.

7 THE COURT: Admitted and you may publish.

8 (State's Exhibit 1A was marked and accepted into
9 evidence.)

10 BY MS. SWANSON:

11 Q. A gentleman rides up to on a bicycle. Then what
12 happens?

13 A. Corporal Frierson or I asked him, what is going on?
14 How can we help you? During that conversation, he said, I
15 think I killed my girlfriend, or something along those lines.

16 Q. At that point were you -- did you identify him?

17 A. We had not gotten his name. When he said that,
18 based on his demeanor, we went ahead and detained him, advised
19 him of his Miranda rights, got his name and information then,
20 and then went from there.

21 Q. What was his name?

22 A. William Outler.

23 Q. Do you see that man in the courtroom today?

24 A. Yes, ma'am.

25 Q. Can you point him out?

State v. William Outler, Jr. - 2018GS2700571, VOLUME II

1 A. Sitting right there.

2 Q. So this man rode up to you on a bike?

3 A. Yes, ma'am.

4 Q. How big of a guy is he?

5 A. Pretty solid. I believe I commented on that when I
6 interviewed him.

7 Q. What was his demeanor like when he approached you?

8 A. He was very solemn, I guess you would say. Kind of
9 sad. Not really boisterous or really upset. He was just kind
10 of very calm about the situation.

11 Q. After he was read his rights, did he want to talk?

12 A. Yes, ma'am.

13 Q. Was he ever promised anything or threatened in any
14 way?

15 A. No, ma'am.

16 Q. Who conducted the interview?

17 A. It was myself and Corporal Frierson. I didn't have
18 a body camera because I was working off-duty. So I took
19 Corporal Frierson's camera and continued the interview with
20 him. So Corporal Frierson could make notifications to the
21 chain of command and detectives to let them know what was going
22 on get units over to the house to investigate what had
23 happened.

24 Q. So this interview was recorded?

25 A. Yes, ma'am. On body cam.

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1 Q. I will show you what has been marked as State's
2 Exhibit 2 and ask if you recognize this disk.

3 A. Yes, ma'am. That will be a copy from the body-worn
4 camera.

5 Q. Is that a fair and accurate depiction of the
6 interview that you conducted with Mr. Outler?

7 A. Yes, ma'am.

8 MS. SWANSON: State would move 2 into evidence and
9 request to publish at this time.

10 MS. CARMODY: No objection.

11 THE COURT: Admitted without objection.

12 THE COURT: Without objection, you may publish.

13 State's Exhibit 2 was marked and accepted into
14 evidence.)

15 BY MS. SWANSON:

16 Q. Deputy Edwards, was that the extent of your
17 interview with Mr. Outler?

18 A. Yes, ma'am.

19 MS. SWANSON: Thank you. I have nothing further.

20 THE COURT: Ms. Carmody?

21 MS. CARMODY: Thank you, Your Honor.

22 * * *

23 CROSS-EXAMINATION

24 BY MS. CARMODY:

25 Q. Good morning.

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1 A. Good morning.

2 Q. How long have you been an officer of the JCSO?

3 A. Since September of 2017.

4 Q. How long have you been in law enforcement?

5 A. Started in the academy in 2002. To that point,
6 2018, sixteen years at that point.

7 Q. How many years, sir?

8 A. Currently I have been in law enforcement for almost
9 19 years.

10 Q. Three years ago?

11 A. 15, 16 at that point.

12 Q. 15 or 16 years?

13 A. Yes.

14 Q. On that night in August, you were doing extra
15 detail that night?

16 A. Yes, ma'am.

17 Q. Were you on a call, or were you just patrolling the
18 parking lot? Can you describe extra detail?

19 A. I was being paid by the owners for security
20 purposes.

21 Q. Anything going on with the hotel or on the premises
22 you would have been aware of when you were working for the
23 hotel?

24 A. Yes, ma'am.

25 Q. That night were you getting communications in from

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1 Jasper County communications?

2 A. Yes, ma'am. I was listening to the radio. Yes,
3 ma'am.

4 Q. If an emergency would have come through, you would
5 have responded?

6 A. Not necessary. It depends on the nature of the
7 circumstances. Because I was being paid by the hotel not by
8 the Sheriff's Office at the time. My responsibility is that
9 hotel while I am there, unless it was an emergent situation,
10 then I would have stayed there. That is what I was tasked with
11 doing.

12 Q. Let me clarify. That night did you receive any
13 radio traffic from JCSO?

14 A. No, ma'am.

15 Q. Did you receive any radio traffic of a 911 phone
16 call placed from 303 Heyward Road?

17 A. No, ma'am.

18 Q. Did you have any indication whatsoever that
19 anything had occurred at 303 Heyward Road?

20 A. No, ma'am.

21 Q. You did not make the initial contact with William
22 Outler?

23 A. No. We didn't initially contact him. He came to
24 us. Is that what you are asking?

25 Q. Yes.

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1 There was no movement by either of you first to
2 say, hey, what's going on?

3 A. No. He came and found us.

4 Q. When he came to find you, he rode directly across
5 the parking lot?

6 A. Motel 6 parking lot is kind of an L-shape. I can
7 watch both sides of the exterior portion of the hotel. I was
8 in the back corner. He came in through the parking lot off
9 Point South Drive and rode straight to us. Yes, ma'am.

10 Q. Is it reasonable to say he was driving on his bike
11 down point South Point Drive towards Heyward Road when he
12 stopped at the motel?

13 A. I don't remember if he was coming or going to
14 Heyward. I do not remember which way he was going. I know he
15 came off of South Point Drive. I don't remember if he was
16 coming from the direction of Heyward or coming to the direction
17 of the Point South area.

18 Q. Is there a Best Western Motel in the Point South
19 area?

20 A. Yes, ma'am.

21 Q. Best Western Motel is on one side. Heyward is on
22 the other side. The Motel 6 is in the middle?

23 A. Yes, ma'am. As the crow flies, yes, ma'am.

24 Q. You said he did approach you on a bicycle?

25 A. Yes, ma'am.

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1 Q. When he approached, you didn't ask him, have you
2 done anything wrong?

3 A. No, ma'am. We asked how we could help him.

4 Q. How are you doing, more or less?

5 A. Yes.

6 Q. How is it going?

7 A. Yes, ma'am. Just like I would talk to anybody else
8 if they came up to me.

9 Q. He immediately said, I think I killed my
10 girlfriend?

11 A. He might have said something like that.

12 Q. That was what came out of his mouth right away?

13 A. That came out in the seconds of that conversation.
14 It was something along those lines. I am not exactly sure the
15 sequence. It was something along the line of, I messed up. I
16 think I killed my girlfriend. Something like that.

17 Q. My point is to say that he said this within seconds
18 of you making contact?

19 A. Yes, ma'am.

20 Q. He was Mirandized?

21 A. Yes. As soon as he said it -- we were getting
22 clarification that is what he said. Then he was detained and
23 Mirandized.

24 Q. In your experience as a law enforcement officer,
25 what is the purpose of Miranda?

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1 A. When you are asking somebody questions about a
2 crime, their possible involvement in the crime and the
3 voluntary nature for them to either talk to you or decide to
4 ask for an attorney. That is the gist of it. You establish
5 their rights as a suspect in our custody or questioning them
6 about a crime. That is what it is set up for.

7 Q. You wanted -- he was told, you had a right to
8 remain silent?

9 A. Yes.

10 Q. He was told that he had the right to an attorney?

11 A. I believe so.

12 Q. He was told that he did not have to answer any
13 questions?

14 A. Yes.

15 Q. He was told he can stop talking to you at any time?

16 A. Yes.

17 Q. Despite all of those warnings, he agreed to
18 continue the conversation?

19 A. Yes. He sure did.

20 Q. In fact, you asked him to verbalize that?

21 A. Yes, ma'am.

22 Q. He agreed to talk to you?

23 A. Yes, ma'am.

24 Q. Would you say, in your opinion as a law enforcement
25 officer, he was cooperative with you the entire time?

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1 A. Compared to what I have seen in 18 years, very
2 cooperative.

3 Q. In your 18 years of law enforcement, did a
4 situation like this ever occur where somebody came up to you
5 and said, this is what happened, or something of this nature?

6 A. In is definitely a unique, one-of-a-kind experience
7 for me.

8 Q. This was an odd conversation?

9 A. Yes. That is why I was asking if he had ever been
10 diagnosed with any mental illness. It was off-the-wall that
11 somebody would actually come up and do that.

12 Q. He appeared forthcoming then?

13 A. Yes, ma'am.

14 Q. Essentially, you couldn't believe your ears, right?

15 A. Yes.

16 Q. You asked him the same question over again for
17 clarification?

18 A. Yes, ma'am.

19 Q. Because it was an odd conversation?

20 A. Yes, ma'am.

21 Q. In the middle of the parking lot?

22 A. Yes, ma'am.

23 Q. In Yemassee, Jasper County?

24 A. Yes, ma'am.

25 Q. When you had asked William what happened, you

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1 learned that he and his girlfriend had had an argument?

2 A. Yes, ma'am.

3 Q. He told you that she had grabbed an axe?

4 A. Yes.

5 Q. He had hit her in the head with it?

6 A. Yes, ma'am.

7 Q. He also said that it happened at 303 Heyward Road?

8 A. Yes, ma'am.

9 Q. These statements that he made to you were also
10 forthcoming and cooperative -- the initial statement?

11 A. Yes, ma'am.

12 Q. You didn't have to press him for any type of
13 response?

14 A. No, ma'am.

15 Q. Pretty immediate. You asked him a question, and he
16 gave you an immediate response?

17 A. Yes, ma'am.

18 Q. When you asked him why he did not call the police,
19 did he tell you that he didn't have a phone?

20 A. Yes, ma'am.

21 Q. During your encounter with Mr. Outler, did you
22 notice a cell phone on his person?

23 A. I never actually searched him. I don't remember.

24 Q. Officer Frierson searched him?

25 A. I believe so, yes, ma'am.

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1 Q. You didn't notice -- yourself, you didn't notice
2 whether he had a phone on or about his person?

3 A. No, ma'am.

4 Q. Did you notice -- let me back up for a second.

5 You told him, you left to try to flag down the
6 police. That wasn't a response that he gave. That was a
7 response that you said?

8 A. Yes, ma'am.

9 Q. He agreed with you?

10 A. Yes. I said, what were you doing for 45 minutes,
11 trying to find a cop? It's on the video. He said, yes. He
12 said he called his dad first -- I remember this -- he said he
13 called his dad first. He was trying to find a law enforcement
14 officer.

15 Q. You left to try to flag down police, essentially?
16 Those were your words?

17 A. Yes, ma'am.

18 Q. The same with the 45 minutes. Let's talk about the
19 45 minutes for a minute.

20 A. Okay.

21 Q. When you asked him how long ago this happened, did
22 you get an instant response? In other words, compared with
23 your other questions that you asked him -- what was the
24 address? 303 Heyward. What happened?

25 A. It seemed like it took him a little bit to come up

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1 with that number, if I remember correctly. Just a little bit
2 longer. He looked up when he thought about it, about 45
3 minutes. It was like he was giving me an estimate of how long
4 it had been. Is that what you are asking?

5 Q. Yes.

6 A. Okay.

7 Q. So, essentially. It wasn't a definitive answer.
8 He did have to think about how long this had occurred?

9 A. Yes, ma'am. I am guessing. I don't know what was
10 going on in his brain, but it was a delayed response to that.

11 Q. Compared to his other responses, that response was
12 different?

13 A. Yes, ma'am.

14 Q. I asked you earlier. You didn't notice a phone on
15 him that he could have looked and checked the time. You didn't
16 notice any wristwatch on his wrist that he could have looked
17 and said, it has been 45 minutes?

18 A. No, ma'am. I did not.

19 Q. It is after 3:00 in the morning in the parking lot
20 of Motel 6?

21 A. Yes, ma'am.

22 Q. Let's talk more about your training and experience
23 as an officer. You are experienced in alcohol and drug
24 detection as well?

25 A. I was at one point certified to do DUIs. I am not

1 certified in that anymore. I have been around people who have
2 used drugs or are currently under the influence. I can usually
3 tell if somebody is under the influence. I ask. I always ask.

4 Q. You always ask to confirm your suspicions, but you
5 can usually tell when somebody is under the influence?

6 A. Yes, ma'am.

7 Q. When you stop a vehicle for a DUI, you have
8 experience as an officer to know when you should probably ask
9 someone whether they have been drinking?

10 A. Yes, ma'am.

11 Q. There are clues that you would look for to conclude
12 that somebody was under the influence?

13 A. Yes, ma'am.

14 Q. In this particular case, did Mr. Outler have any
15 clues that he was under the influence?

16 A. He didn't appear to me to be under the influence of
17 anything at that point in time.

18 Q. You didn't smell any alcohol?

19 A. I didn't smell any alcohol on his breath. I didn't
20 notice anything else about him that would make me think he was
21 under the influence.

22 Q. When you asked him, he actually, in fact, told you
23 that he was not under the influence of alcohol or drugs?

24 A. Yes, ma'am.

25 Q. Didn't smell any alcohol? His pupils weren't

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1 dilated?

2 A. I didn't see any indication that he was under the
3 influence.

4 Q. During your conversation, you asked him about his
5 prior relationship with Ms. Green?

6 A. Uh-huh.

7 Q. And when he had met her?

8 A. Uh-huh.

9 Q. He explained that they had been girlfriend and
10 boyfriend now for a few years; that he had just moved here?

11 A. Uh-huh.

12 Q. And he also explained to you by his prior
13 employment?

14 A. Yes, ma'am.

15 Q. He explained to you that the argument was over him
16 not having a job?

17 A. Money. I remember it was -- just the conversation
18 was over money.

19 Q. The argument was over money, but he said something
20 to the effect that, I haven't been able to find a job. I have
21 been looking?

22 A. I believe I recall that. Yes, ma'am.

23 Q. Prior to when he lived in Florida, he used to do
24 fencing work?

25 A. Yes, ma'am.

1 Q. To confirm, he initially told you this as part of
2 this initial conversation?

3 MS. SWANSON: Your Honor, I am going to object
4 based on the best evidence rule. We just saw the video. So
5 the line of questioning, we are just confirming what we just
6 saw on the video. I think obviously what is most accurate is
7 the video, not what the officer recalls from the video.

8 MS. CARMODY: I only have a few more questions.

9 THE COURT: Just ask your questions

10 MS. CARMODY: Thank you, your Honor.

11 BY MS. CARMODY:

12 Q. In your conversation with him, he had told you that
13 they did have an argument?

14 A. Yes, ma'am.

15 Q. That it was his girlfriend that had grabbed the axe
16 first?

17 A. Yes, ma'am.

18 Q. You also talked about his demeanor; that he
19 appeared calm?

20 A. He was -- I am not sure. He was calm. To me, he
21 seemed very calm after something like that had happened. He
22 was sniffing a little bit. You could tell he was upset. It
23 wasn't -- he wasn't overly -- he didn't appear overly upset to
24 me. He appeared upset and calm, just like, I messed up. I
25 screwed up.

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1 To me, it seemed like he knew he had messed up.
2 That is the best way I can describe it.

3 Q. So at times he was trying to catch his breath? He
4 was breathing through his nose?

5 A. He was sniffing, yes. Stuff like that, yes,
6 ma'am.

7 Q. Trying to keep himself composed?

8 A. Yes, ma'am.

9 Q. And in your experience as a law enforcement
10 officer, people do respond to stressful situations in different
11 ways?

12 A. Yes, ma'am.

13 Q. Now, you did not go to the scene at 303 Heyward
14 Road, correct?

15 A. No, ma'am.

16 Q. Your last encounter with Mr. Outler was in the
17 parking lot?

18 A. Yes, ma'am.

19 Q. You stayed with the bicycle?

20 A. Yes, ma'am.

21 Q. The bicycle was considered evidence?

22 A. Yes, ma'am.

23 MS. CARMODY: I have no further questions.

24 THE COURT: Okay.

25 Ms. Swanson, anything?

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1 MS. SWANSON: No redirect. I would ask that Deputy
2 Edwards be allowed to be released at this time.

3 THE COURT: Any objection?

4 MS. CARMODY: No objection.

5 THE COURT: You are excused, sir. Thank you.

6 Call your next witness.

7 MS. SWANSON: State calls Dominique Riley.

8 * * *

9 DOMINIQUE RASHAWN RILEY,

10 being first duly sworn testified as follows:

11 * * *

12 DIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. You can remove your mask.

15 Deputy Riley, can you please state your full name
16 for the record and please spell your last name for the court
17 reporter.

18 A. Dominique Rashawn Riley, R-i-l-e-y.

19 Q. Who do you work for?

20 A. JCSO.

21 Q. Were you on duty the night of August 7, 2018?

22 A. Yes, ma'am.

23 Q. Did you respond to a call around 3:30 in the
24 morning?

25 A. Yes, ma'am.

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1 Q. Where did you respond out to?

2 A. 303 Heyward Road.

3 Q. Is that located in Jasper County?

4 A. Yes, ma'am.

5 Q. And what sort of call did you respond to?

6 A. Initially, I was given instructions pretty much by
7 my supervisor. He told me to go to a residence to do a welfare
8 check on a female.

9 Q. I am going to show you a picture that is marked as
10 State's Exhibit 1-B. I will ask if you recognize what is
11 contained in this picture?

12 A. That is a picture of the residence at 303 Heyward.

13 Q. Is that a fair and accurate depiction of what you
14 rode up to that?

15 A. Yes, ma'am.

16 MS. SWANSON: State would move 1-B into evidence
17 and request to publish.

18 MS. CARMODY: No objection.

19 THE COURT: Admitted and you may publish.

20 (State's Exhibit 1-B was marked and accepted into
21 evidence.)

22 BY MS. SWANSON:

23 Q. Is this the front of the residence?

24 A. Yes, ma'am.

25 Q. Tell us, was it dark and quiet, or were there

1 people up? What did you find what when you got to the
2 residence?

3 A. When I arrived, there were lights on at the
4 residence. When I pulled into the yard right in front of the
5 home, there was a white male inside of the house by the name of
6 Mr. Martin Bennett. When I spoke to him, he said that he was
7 coming to see his girlfriend, who he said is the victim,
8 basically.

9 MS. CARMODY: Objection, Your Honor; hearsay.

10 THE COURT: Sustained.

11 BY MS. SWANSON:

12 Q. Without saying what he said, did he have anything
13 with him?

14 A. Yes. He had some flowers with him.

15 Q. Did you end up detaining him?

16 A. Yes, ma'am. I detained him.

17 Q. Once he was detained, what did you do?

18 A. Once I detained him, I continued to do what I was
19 sent there for; to do a welfare check on the female. Since he
20 was standing on the right side of the house by the fence, I
21 walked around the back. That is when I noticed that there was
22 a female laying on her back sideways. She was maybe five yards
23 away from the back porch.

24 Q. I will show you what has been entered as State's
25 1-C. Is this how you found the victim in the back?

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1 A. Yes, ma'am.

2 Q. Did you make entry into the house?

3 A. No, ma'am. Not immediately. Once I found the
4 female, I advised my supervisor of what I found. I made entry
5 after her kids walked down to the back porch, just to get them
6 inside to keep everybody calm.

7 Q. Which kid walked out to the back porch?

8 A. It was her daughter. I am not sure of her age.

9 Q. You didn't collect any evidence in this case? You
10 were just the responding officer?

11 A. Yes, ma'am.

12 MS. SWANSON: Thank you. I have nothing further.

13 THE COURT: Ms. Carmody?

14 MS. CARMODY: Thank you.

15 * * *

16 CROSS-EXAMINATION

17 BY MS. CARMODY:

18 Q. How are you doing, sir?

19 A. Good.

20 Q. How long have you been with the Jasper County
21 Sheriff's Office?

22 A. August will make seven years.

23 Q. Are you regularly patrolling the area of Point
24 South?

25 A. Yes, ma'am.

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1 Q. Are you familiar with the area of Heyward Road?

2 A. Yes, ma'am.

3 Q. I would like to show you a picture that has been
4 previously marked as Defendant's Exhibit 1.

5 MS. CARMODY: May I approach the witness?

6 THE COURT: You may.

7 BY MS. CARMODY:

8 Q. Officer Riley, can you identify that picture?

9 A. Yes. That is 303 Peter Heyward Road. It's
10 actually Peter Heyward Road on the mid-bottom section of the
11 picture.

12 Q. Do you see on the picture where the Motel 6 is?

13 A. I think it's marked. It should be about -- yes. I
14 see it. It's in the middle of the picture.

15 Q. What about where the Best Western is?

16 A. Yes, ma'am.

17 Q. Is this a fair and accurate representation of the
18 Point South area of Yemassee, South Carolina?

19 A. Yes, ma'am.

20 Q. Thank you.

21 MS. CARMODY: Your Honor, the defense moves to
22 admit Defendant's Exhibit 1 into evidence and publish to the
23 jury.

24 MS. SWANSON: No objection.

25 THE COURT: Without objection and you may publish.

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1 State's Exhibit 1 was marked and accepted into
2 evidence.)

3 BY MS. CARMODY:

4 Q. Detective, I will give you back this picture so we
5 can talk about it some more.

6 A. Okay.

7 Q. Is Best Western on that map, sir?

8 A. Best Western is the mid section, right off of Point
9 South Drive area.

10 Q. Best Western is marked on the map, correct?

11 A. Yes, ma'am. Right next to the Shell gas station.

12 Q. What about Heyward Road?

13 A. Heyward Road is off Point South Drive. It's
14 about -- driving three minutes away from the Best Western.

15 Q. That is what I was going to ask you, sir.

16 The distance between Heyward Road and the Best
17 Western Hotel is approximately 1.3 miles, would you say?

18 A. Yes, ma'am.

19 Q. The distance between the Best Western Hotel and the
20 Motel 6 is approximately 3 miles?

21 Q. I am sorry?

22 Q. Best Western Motel and the Motel 6 is approximately
23 1.3 miles?

24 A. Yes, ma'am.

25 Q. Just to confirm. We have Best Western on one end.

1 Then we have the Motel 6 in the middle. Then we have 303
2 Heyward Road?

3 A. Yes, ma'am.

4 Q. If you were traveling from the Best Western to go
5 back to Heyward Road, would it be reasonable for you to pass by
6 the Motel 6?

7 A. Yes, ma'am.

8 Q. You said that you had gone directly to Heyward
9 Road?

10 A. Yes, ma'am.

11 Q. That was for a welfare check?

12 A. Yes, ma'am.

13 Q. And you spoke with Martin Bennett?

14 A. Yes, ma'am.

15 Q. Was Mr. Martin Bennett cooperative with you?

16 A. Yes, ma'am.

17 Q. Did he answer any questions that you asked?

18 A. Yes, ma'am.

19 Q. Was Mr. Martin Bennett detained at some point?

20 A. He was immediately detained due to the nature of
21 the call.

22 Q. He was put into the back of your patrol vehicle?

23 A. Yes, ma'am.

24 Q. When you walked to the back of the residence, when
25 you arrived did you immediately walk to the back of the

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1 residence?

2 A. When I arrived, I immediately talked to Mr. Bennett
3 and detained him. Then, after that point -- if I can recall, I
4 may have opened the front door. I didn't get nothing, so I
5 went to the back and found the victim.

6 Q. At any point did you find or have a conversation
7 with anybody who witnessed what actually happened?

8 A. No, ma'am.

9 Q. When you knocked on the front door, did anybody
10 open the front door?

11 A. No, ma'am.

12 Q. Did Mr. Bennett indicate that he saw what happened?

13 A. No, ma'am.

14 Q. When you arrived on scene and you went to the
15 backyard, can you describe the backyard for me? A baseball
16 field or a smaller area?

17 A. It's a smaller area.

18 Q. How big?

19 A. I am not sure. It's not like an acre or so. Small
20 quarter-acre maybe. The back portion of it.

21 Q. There is a fenced-in area?

22 A. Yes.

23 Q. Are there flood lights back there, or is it
24 well-lit?

25 A. If I can recall, there may have been like a back

1 porch light on, I believe.

2 Q. Did the back porch light illuminate the whole
3 immediate area?

4 A. It illuminated the immediate area. I can't recall
5 if there was a floodlight back there. There might have been.
6 I did see the victim.

7 Q. Did you need a flashlight?

8 A. No, ma'am. Not to see the victim.

9 Q. Did you need a flashlight to look around the yard?

10 A. Yes, ma'am.

11 Q. It was 3:30 in the morning?

12 A. Yes, ma'am.

13 Q. You didn't immediately secure the scene, correct?

14 A. Once I found the victim, her kids came out. I got
15 them back in the house. Once someone else arrived on scene, I
16 immediately taped off the area so one no one would come onto
17 the scene.

18 Q. When you arrived on scene, you went to the back and
19 then you came back to the front?

20 A. When we arrived on scene, we saw Mr. Bennett and
21 detained him. Knocked on the door. Went back and found the
22 victim. The kids came out. Once I got them back in the house
23 and somebody else responded to the scene, that is when we
24 secured the area.

25 Q. When you are talking about the kids came out. We

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1 are not actually talking about three children, correct?

2 A. I believe she was like a teenage child, the victim
3 daughter's.

4 Q. NIY'ASHA M.

5 A. I believe.

6 Q. That is the correct pronunciation?

7 A. I am not sure.

8 Q. The two smaller children didn't come out?

9 A. I just remember the older young female.

10 Q. Did you have an opportunity to go into the house?

11 A. After the officers came on scene, yes, ma'am. To
12 collect their information.

13 Q. To collect information from the children?

14 A. Yes.

15 Q. Was there another adult in the residence?

16 A. I believe there was.

17

18 Q. Maybe a grandma.

19 A. Yes, ma'am.

20 Q. Did the grandma give any indication that she saw
21 what happened?

22 A. No, ma'am. Nobody would have.

23 Q. When the oldest daughter came outside, did she seem
24 shocked to you?

25 A. Yes.

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1 Q. Would it be reasonable to say that she had not seen
2 or heard what happened prior?

3 A. She did not know.

4 Q. That would have been her first -- that would have
5 been her first knowledge of what happened?

6 A. Yes, ma'am.

7 Q. When she came outside and saw her mom?

8 A. Yes, ma'am.

9 Q. Nobody indicated that they heard an argument?

10 A. I don't recall. I don't think so.

11 Q. You testified when you arrived that the lights were
12 on?

13 A. I believe there was a back porch light on.

14 Q. The interior lights in the house weren't on?

15 A. I believe there was a light on in the house.

16 MS. CARMODY: Court's indulgence, Your Honor.

17 THE COURT: Yes.

18 MS. CARMODY: Thank you, sir. I have no further
19 questions, Your Honor.

20 THE COURT: Thank you.

21 MS. SWANSON: I would ask that Deputy Riley be
22 allowed to be excused at this time.

23 THE COURT: Any objection?

24 MS. CARMODY: No objection.

25 THE COURT: You are excused, sir. Thank you.

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1 Call your next witness.

2 MS. SWANSON: State calls Tamika Bailey.

3 * * *

4 TAMIKA BAILEY,

5 being first duly sworn testified as follows:

6 * * *

7 DIRECT EXAMINATION

8 BY MS. SWANSON:

9 Q. Deputy Bailey, please state your full name for the
10 record and spell your last name.

11 A. Tamika Bailey, B-a-i-l-e-y.

12 Q. Back in August of 2018, you were working for Jasper
13 County Sheriff's Office, right?

14 A. Yes, ma'am.

15 Q. In what capacity?

16 A. Victim's advocate.

17 Q. On August 7, 2018, did you respond out to a call?

18 A. Yes, ma'am.

19 Q. Can you tell us about that.

20 A. I responded in reference to a homicide that had
21 occurred. There were three young children at the residence. I
22 responded to help place the children.

23 Q. What were the ages of the children?

24 A. I believe the oldest one was about 14, 7, and 5.

25 Q. What was the demeanor of the kids?

1 A. The youngest two weren't sure what went on. The
2 oldest girl was very emotional, very hysterical.

3 Q. Were you able to find family members to turn those
4 kids over to?

5 A. Yes, ma'am. I was able to find a sister of the
6 oldest and the father of the youngest two.

7 Q. I am going to hand you what has been marked as
8 State's Exhibit 5 and ask you if you recognize this item.

9 A. Yes, ma'am.

10 Q. What is it?

11 A. It's a cell phone with a red-and-black case.

12 Q. Is that an item that you collected?

13 A. Yes, ma'am.

14 Q. Where did you collect it from?

15 A. It was in the wooded area across the backyard from
16 the residence.

17 Q. MS. SWANSON: State would move Exhibit 5 into
18 evidence this time.

19 THE COURT: Any objection?

20 MS. CARMODY: Without objection, Your Honor.

21 THE COURT: Admitted without objection.

22 State's Exhibit 5 was marked and accepted into
23 evidence.)

24 BY MS. SWANSON:

25 Q. When did you find the item?

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1 A. Maybe like a day or two later after the initial
2 incident. I had went back after I placed the children with the
3 father. I continued in contact with them. We were in the
4 backyard talking, and I noticed the phone. That is when I
5 collected it.

6 Q. You said it was in the woodline or wooded area?

7 A. It was like a wooded -- it's a small fence, like a
8 fence, and a small ditch in the backyard under the tree area.

9 Q. I will show you what has been marked as State's
10 Exhibit 1-D.

11 A. Yes. That is the sandy area.

12 Q. Was it beyond the sandy area?

13 A. Yes, ma'am. It was beyond there.

14 Q. State's Exhibit 6.

15 A. A black-in-color cell phone.

16 Q. Is that another cell phone that you collect from
17 the scene?

18 A. Yes, ma'am.

19 MS. SWANSON: State would move State's 6 into
20 evidence at this time.

21 MS. CARMODY: No objection.

22 THE COURT: Without objection.

23 State's Exhibit 6 was marked and accepted into
24 evidence.)

25 MS. SWANSON: Nothing further.

1 THE COURT: Ms. Carmody.

2 * * *

3 CROSS-EXAMINATION

4 BY MS. CARMODY:

5 Q. Good morning, ma'am.

6 A. Good morning.

7 Q. Officer Bailey, how long have you been in law
8 enforcement?

9 A. 13 years.

10 Q. Approximately how many investigations do you do per
11 year?

12 A. I was the victim's advocate. I didn't do
13 investigations.

14 Q. You don't do investigations?

15 A. No, ma'am. I was a victim's advocate. So in that
16 role I didn't investigate.

17 Q. Let's narrow this down a little more. In a month's
18 time, how many scenes do you go to and collect evidence?

19 A. I do not collect evidence.

20 Q. In a month's time, how many times do you go to a
21 scene and you locate items of evidence and decide to collect
22 those items?

23 A. I can't say how many times, if there is not
24 evidence to collect. If there is none to collect -- it's not
25 like a set amount.

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1 Q. Ballpark figure?

2 A. I can't give you a ballpark if there is no evidence
3 to collect. If there is not, it's not like a set number. With
4 this particular incident, it was there, so I collected it.

5 Q. In your 13 years of law enforcement, do you write
6 reports?

7 A. Yes, ma'am.

8 Q. You are trained in writing reports?

9 A. Yes, ma'am.

10 Q. In writing reports, it's important to be truthful
11 and accurate in your report?

12 A. Yes, ma'am.

13 Q. It's also important that your report be complete?

14 A. Yes, ma'am.

15 Q. Did you remember writing a report in this case?

16 A. Yes, ma'am.

17 Q. That was a supplemental report?

18 A. Yes, ma'am.

19 Q. In your report in this case, did you indicate
20 anywhere in that report that you had found two cell phones?

21 A. No, ma'am. I believe one of them -- I did notate
22 one of them that was collected. The other one was turned over
23 from the juvenile.

24 Q. If I show you a copy of your supplemental report,
25 would it refresh your memory?

1 A. Yes, ma'am.

2 Q. All right.

3 Officer Bailey, in looking at your report, does
4 your report indicate anything at all about locating a cell
5 phone?

6 A. No, ma'am.

7 Q. It's your testimony today that you did locate two
8 cell phones from this residence?

9 A. Yes, ma'am. One of them from the residence. One
10 of them was from the -- the oldest daughter had the cell
11 phone.

12 Q. Just for the record, in August of 2018, that is
13 when this occurred?

14 A. Yes, ma'am.

15 Q. So approximately three years later?

16 A. Yes, ma'am.

17 Q. Is your testimony that you remember where you
18 located two cell phones two years later?

19 A. Yes, ma'am.

20 MS. CARMODY: Court's indulgence, Your Honor.

21 THE COURT: Yes, ma'am.

22 MS. CARMODY: Nothing further.

23 THE COURT: Anything further?

24 * * *

25

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1 REDIRECT EXAMINATION

2 BY MS. SWANSON:

3 Q. Deputy Bailey, on these evidence bags, does it
4 state who these items were recovered by?

5 A. Yes, by me. Yes, ma'am.

6 Q. So there is a section that says recovered by. And
7 it says who?

8 A. Yes, ma'am.

9 Q. Who does it say?

10 A. T. Bailey.

11 Q. Is that you?

12 A. Yes, ma'am.

13 Q. So it is documented on these evidence bags that you
14 were the person who recovered these phones?

15 A. Yes, ma'am.

16 MS. SWANSON: Thank you.

17 I have nothing further.

18 THE COURT: Any objection to Officer Bailey being
19 excused?

20 MS. CARMODY: No objection.

21 THE COURT: I think now is a good time for a break.
22 I need to remind you, do not discuss this case. It would not
23 be proper to discuss the case until you have heard all the
24 evidence and the lawyers have made their closing arguments or
25 my charge on the law. I ask that you all take roughly ten

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1 minutes or so to refresh yourselves.

2 Do one other thing. I need you to elect a
3 foreperson among the 12 of you. The foreperson doesn't have
4 any more say than anyone else. The foreperson is just who I
5 talk with regarding scheduling and the person we send the case
6 to you for your deliberations. They will fill out the verdict
7 form and make sure that all of the jurors are deliberating and
8 contributing. If you will elect that person and write their
9 name down on the note, I would appreciate that.

10 So let's take 10 minutes, and we will be right back
11 with you as quickly as we can. Thank you.

12 (Jury exits courtroom.)

13 THE COURT: Thank you. Anything we need to take
14 put on the record before we take a ten-minute break?

15 MS. SWANSON: No, Your Honor.

16 THE COURT: No, Your Honor.

17 (Recess.)

18 THE COURT: Let's bring in the jury.

19 (Jury enters courtroom.)

20 THE COURT: Thank you, ladies and gentlemen.

21 State may call it's next witness.

22 MS. SWANSON: The State calls Tavera Edwards.

23 TAVARA EDWARDS,

24 being first duly sworn testified as follows:

25 * * *

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1 DIRECT EXAMINATION

2 BY MS. SWANSON:

3 Q. State your full name for the record and spell your
4 last name for the court reporter.

5 A. Tavera Edwards, E-d-w-a-r-d-s.

6 Q. Back in August of 2018, who were you working for?

7 A. JCSO.

8 Q. Where do you work now?

9 A. Walterboro Police Department.

10 Q. In what capacity were you working for Jasper County
11 Sheriff's Office?

12 A. As a detective.

13 Q. Did you respond to assist another officer with a
14 call-out on August 7, 2018?

15 A. Yes.

16 Q. To assist with what?

17 A. An interview.

18 Q. Did you come into contact with William Outler?

19 A. Yes, ma'am.

20 Q. Where did you come into contact with him?

21 A. At our investigation building on Carter Mill.

22 Q. Did you, in fact, conduct that interview?

23 A. Yes, ma'am.

24 Q. Was that a recorded interview?

25 A. Yes, it was.

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1 Q. Was the entirety of it recorded?

2 A. Yes, ma'am.

3 Q. Was he ever promised or offered anything to get him
4 to talk?

5 A. No.

6 Q. Was he ever threatened or coerced?

7 A. No, ma'am.

8 Q. Was that the extent of your involvement in the case
9 against William Outler?

10 A. DNA. The collection of the DNA.

11 Q. Correct. I will go ahead and show you State's
12 Exhibit 3. I ask if you recognize this disk.

13 A. Yes.

14 Q. What is this disk of?

15 A. The recorded interview of Mr. William Outler.

16 Q. Have you reviewed that disk?

17 A. Yes, ma'am.

18 Q. Is it a fair and accurate depiction of the
19 interview?

20 A. Yes, it is.

21 MS. SWANSON: State would move to introduce State's
22 3 into evidence and request to publish.

23 THE COURT: Without objection?

24 MS. CARMODY: No objection.

25 THE COURT: Admitted and you may publish.

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1 State's Exhibit 3 was marked and accepted into
2 evidence.)

3 BY MS. SWANSON:

4 Q. Deputy, the remaining part of the video advising
5 him of his rights, he is told he does not have to content to
6 the collection of DNA?

7 A. Yes.

8 Q. Did he consent to a swab of his mouth?

9 A. He did.

10 Q. Hand you what has been marked as State's Exhibit 7
11 for identification at this time.

12 Do you recognize what is contained in this sealed
13 evidence bag?

14 A. A DNA buccal swab of Mr. William Outler.

15 A. This is the buccal swab that you took from him?

16 A. Yes.

17 Q. Briefly describe what a buccal swab is.

18 A. It's a swabbing from inside the mouth, usually the
19 cheek area.

20 Q. After you finished getting the buccal swab, was
21 that the extent of your contact with Mr. Outler?

22 A. Yes.

23 Q. Did you interview anyone else that night?

24 A. Yes.

25 A. Did you interview a Martin Bennett?

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1 A. Yes.

2 Q. Were any criminal charges brought as a result of
3 that interview?

4 A. No, ma'am.

5 MS. SWANSON: Thank you. That is all I have.
6 Please answer any questions defense counsel has.

7 THE COURT: Ms. Carmody?

8 * * *

9 CROSS-EXAMINATION

10 BY MS. CARMODY:

11 Q. Hi, Detective Edwards.

12 A. Hello.

13 Q. One second. Detective Edwards, how long have you
14 been in law enforcement?

15 A. 18-and-a-half years.

16 Q. During your career in law enforcement, you have
17 conducted several investigations?

18 A. Yes, ma'am.

19 Q. So you are quite familiar with Miranda rights and
20 the process of Miranda and what their rights are for?

21 A. Yes, ma'am.

22 Q. It's your understanding that giving Miranda Rights
23 is to inform the person that you are talking to that they don't
24 have to talk to you?

25 A. Correct.

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1 Q. They can stop that conversation at any time that
2 they want to?

3 A. Yes, ma'am.

4 Q. They have the right to an attorney in that
5 conversation?

6 A. Yes, ma'am.

7 Q. When you had this conversation with Mr. Outler, did
8 he indicate to you that he was willing to talk to you?

9 A. He did.

10 Q. After having advised him of all of his rights, he
11 still said, let's talk?

12 A. Yes, ma'am.

13 Q. In your conversation with him, did he appear to be
14 forthcoming?

15 A. He did.

16 Q. Was he cooperative?

17 A. He was.

18 Q. You had also talked about DNA. You asked him for
19 DNA as well?

20 A. I did.

21 Q. In asking him for DNA, you asked him similar
22 questions. You went over the Miranda rights again?

23 A. I did.

24 Q. He was voluntarily willing to give up his DNA for
25 your investigation?

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1 A. Yes, ma'am.

2 Q. It was collected freely and voluntarily?

3 A. Yes, ma'am.

4 Q. During your conversation with Mr. Outler, did you
5 ask him whether he had a phone?

6 A. Yes. He said it was lost.

7 Q. Did he say it wasn't on him?

8 A. I don't recall. I thought he said lost. It was
9 hard for me to hear. It would be in the video.

10 A. Yes, ma'am. Is it fair to say when you were
11 speaking with him, he didn't have a telephone in his
12 possession?

13 A. Correct.

14 Q. When he was describing the incident to you, he
15 talks about that Ms. Green had been drinking that night?

16 A. Yes.

17 Q. In your experience as a law enforcement officer,
18 did you detect any signs that Mr. Outler was under the
19 influence of alcohol?

20 A. No.

21 Q. No smell of alcohol on his breath?

22 A. I don't recall smelling anything.

23 Q. Do you recall whether you believed he was under the
24 influence of narcotics or cocaine or anything that night?

25 A. No, ma'am.

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1 Q. He seemed to be coherent?

2 A. Yes.

3 Q. When he described the incident to you, he described
4 the heat of the moment, correct?

5 A. Yes.

6 Q. He did say that Ms. Renee had swung an axe at him,
7 correct?

8 A. Yes.

9 Q. You confirmed whether it was the handle of the axe
10 or the head of the axe she swung at him?

11 A. I think he said she was --

12 Q. My point is, he didn't tell you that she grabbed
13 the head of the axe and swung the handle at him?

14 A. Correct.

15 Q. He had grabbed the axe handle itself and swung that
16 at him?

17 A. Right.

18 Q. I will also talk to you the back stairs of the
19 residence.

20 A. Yes.

21 Q. When he explains the back stairs of the residence,
22 he tells you that she was up on the stairs?

23 A. Up on the steps, yes.

24 Q. He was not on the steps?

25 A. Correct.

1 Q. He doesn't indicate to you that she was on the top
2 landing or the third step or the second step or the first one.
3 He just said she was on the steps?

4 A. That's correct.

5 Q. Then after the incident he explained to you what he
6 did after that?

7 A. Yes.

8 Q. He had gone to the Best Western to call his dad?

9 A. Yes, he did.

10 Q. Are you familiar with where the Best Western is?

11 A. Yes, ma'am.

12 Q. It's approximately 1.3 miles from Heyward Road?

13 A. I am not familiar with where that location is. I
14 know where the hotel is, but I can't estimate a distance.

15 Q. If I showed you a map of the area, would that help?

16 A. Sure.

17 Q. Detective Edwards, in looking at that map that I am
18 handing you, which is Defendant's Exhibit 1. Do you see this?

19 A. I do.

20 Q. When Mr. Outler explained to you that he left
21 Heyward Road and he went to the Best Western, that would have
22 been approximately 1.3 miles away. That would have been the
23 closest Best Western in that area?

24 A. Yes, ma'am.

25 Q. He indicated to you that he had called his dad,

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1 correct?

2 A. That's correct.

3 Q. He also provided to you his father's phone number?

4 A. Two of them.

5 Q. Two of them?

6 A. Yes, ma'am.

7 Q. In providing that information, he was forthcoming
8 as well?

9 A. He was.

10 Q. When you talked to him about why he didn't stop,
11 why he didn't stop after he had hit her the first time?

12 A. He said something to the effect of, I don't know
13 why I didn't stop. I wasn't thinking clearly.

14 Q. We are not talking about -- this interview with him
15 is not at the Heyward Road location?

16 A. Correct.

17 Q. This interview with him occurred several hours
18 later?

19 A. A few hours, yes.

20 Q. The questions that you are asking him are in
21 hindsight?

22 A. Yes.

23 Q. .In hindsight, he doesn't know why he didn't stop.
24 In hindsight, he wasn't thinking clearly?

25 A. Correct.

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1 Q. Likewise, when you took the axe away, do you think
2 you could have walked away? I should have walked away.
3 Likewise, in that same situation we are talking about
4 hindsight, correct?

5 A. Correct.

6 Q. Did you ever have an opportunity to talk with his
7 dad?

8 A. I attempted to call once.

9 Q. You did not go out to the crime scene, correct?

10 A. Correct.

11 MS. CARMODY: Court's indulgence, Your Honor.

12 THE COURT: Yes, ma'am.

13 MS. SWANSON: Thank you, Detective. I have no
14 further questions, Your Honor.

15 THE COURT: Thank you. Anything further?

16 MS. SWANSON: Nothing further. I would ask that
17 Deputy Edwards be allowed to be released at this time.

18 THE COURT: Deputy Edwards, you are released.

19 Call your next witness.

20 MS. SWANSON: State calls Joseph Friersen.

21 * * *

22 JOSEPH FRIERSEN,

23 being first duly sworn testified as follows:

24 * * *

25 DIRECT EXAMINATION

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1 BY MS. SWANSON:

2 Q. Deputy Friersen, if you can please state your full
3 name for the record and spell your last name for the Court
4 reporter.

5 A. Joseph Friersen, F-r-i-e-r-s-o-n.

6 Q. Who do you work for?

7 A. Colleton County Sheriff's Office.

8 Q. On August 7, 2018, who were you working for at that
9 time?

10 A. Jasper County Sheriff's Office.

11 Q. Were you on duty that night?

12 A. Yes, I was.

13 Q. Night shift?

14 A. Yes, ma'am.

15 Q. Tell us what happened about 3:30 in the morning on
16 August 7.

17 A. Around 3:30 in the morning, I was at the Motel 6
18 speaking with Deputy Edwards. Mr. Outler approached us on a
19 bike. He rode up on his bike to us officers and said, I think
20 I effed up. I said, what do you mean? He said, I think I
21 killed my old lady. We read him his Miranda and detained him
22 at that time. He told us that it occurred at 303 Heyward Road
23 in the Point South area of Jasper County.

24 Q. Did you ask someone to go out there?

25 A. Yes, ma'am. I had Deputy Riley to respond to the

1 scene, and he secured the scene.

2 Q. You stated that Mr. Outler was detained. Was he
3 detained in your car?

4 A. Yes, ma'am.

5 Q. Did you go out to the scene?

6 A. I did.

7 Q. What did you see when you got out to the scene?

8 A. Upon my arrival, I saw the victim laying on the
9 ground outside with a pool of blood underneath her head.

10 Q. Did you see any kids out there?

11 A. There was kids inside the residence. As we were
12 attempting to make entry, I had contact with the kids. The
13 oldest, I believe she is 17, came outside and saw her mom
14 laying there.

15 Q. What was her demeanor like?

16 A. She was obviously distraught.

17 Q. Did you end up transporting the defendant to JCSO
18 for the formal interview?

19 A. Yes, ma'am. I did.

20 Q. Was that the entirety of your dealings with him --
21 as far as the interview or anything goes, is that on your body
22 cam?

23 A. That's correct.

24 Q. Was he ever promised anything or threatened or
25 coerced in any way to give any of those statements?

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1 A. No, ma'am.

2 MS. SWANSON: Thank you. That is all I have.

3 THE COURT: Ms. Carmody.

4 * * *

5 CROSS-EXAMINATION

6 BY MS. CARMODY:

7 Q. Good afternoon, Deputy Friersen.

8 A. Good afternoon.

9 Q. You testified that you were out at the Motel 6 that
10 evening?

11 A. Yes, ma'am.

12 Q. The middle of the night?

13 A. Yes, ma'am.

14 Q. About 3:00 in the morning?

15 A. Yes, ma'am.

16 Q. It was getting -- essentially dawn. What were you
17 doing in the area that night?

18 A. At the Motel 6?

19 Q. Yes.

20 A. Speaking with Deputy Edwards.

21 Q. Were you on duty?

22 A. I was.

23 Q. Taking a break?

24 A. A little breather.

25 Q. All right. There was no radio traffic indicating

1 that you needed to respond to anything?

2 A. No, ma'am.

3 Q. When you were speaking with Deputy Edwards, you
4 noticed that an individual was approaching you?

5 A. Yes, ma'am.

6 Q. Mr. Outler had actually approached you on his bike?

7 A. Yes, ma'am.

8 Q. When he came up to you, immediately he started a
9 conversation with you?

10 A. That's correct.

11 Q. He approached you with some sense of urgency,
12 correct?

13 A. Yes, ma'am.

14 Q. It was important. He wanted to let you know what
15 was going on?

16 A. Yes, ma'am.

17 Q. Is this out of the ordinary, in your experience, as
18 a law enforcement officer?

19 A. Not really.

20 Q. 3:00 in the morning in Jasper County to be
21 approached by a man on a bike who wants to tell you what
22 happened?

23 A. When you put it like that, yes.

24 Q. At some point in your interactions with Mr. Outler,
25 you decided that you were going to put him in the back of the

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1 patrol vehicle?

2 A. Yes, ma'am.

3 Q. In doing that, you searched him prior to putting
4 him in the vehicle?

5 A. I patted him down.

6 Q. When you patted him down --

7 A. Deputy Edwards patted him down.

8 Q. But you actually did the search of his person?

9 A. I don't believe I did.

10 Q. Do you remember watching the bodycam video?

11 A. Yes, ma'am.

12 Q. Is it customary to pat somebody down before you put
13 them into your vehicle?

14 A. Yes, ma'am.

15 Q. You were going to transport him?

16 A. Yes, ma'am.

17 Q. In patting him down, if you had found anything in
18 his pockets, you would have taken them out, correct?

19 A. Yes, ma'am.

20 Q. You didn't find a cell phone in his pocket?

21 A. No, ma'am.

22 Q. You didn't find any drugs or alcohol within his
23 pockets or about his person?

24 A. No, ma'am.

25 Q. In your experience as a law enforcement officer,

1 did he appear to be under the influence of alcohol?

2 A. At that time he did not.

3 Q. What about cocaine?

4 A. I do not know.

5 Q. But he didn't appear to be under the influence of
6 cocaine?

7 A. No, ma'am.

8 Q. Now, when you went to the location on Heyward Road,
9 you transported him there?

10 A. Yes, ma'am.

11 Q. He remained in the back seat of the vehicle?

12 A. Yes, ma'am.

13 Q. You went around to the back of the residence?

14 A. Yes, ma'am.

15 Q. When you went around to the back of the residence,
16 was the scene secure?

17 A. Yes, ma'am.

18 Q. Somebody had already put up crime scene tape?

19 A. Deputy Riley. When I got on scene, I gave Deputy
20 Riley the tape to put up.

21 Q. When you got to the scene is when the scene started
22 to be secured?

23 A. Yes, ma'am.

24 Q. Did anybody create a crime scene log?

25 A. Not to my knowledge. No, ma'am.

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1 Q. What the purpose of a crime scene log?

2 A. To keep track of what is coming or going on a crime
3 scene.

4 Q. Why that is important?

5 So you know what is on the crime scene.

6 A. Yes.

7 Q. When you went to the back of the residence, did you
8 happen to notice whether anything was on the stairs?

9 A. I can't recall that.

10 Q. Was the backyard dark?

11 A. I can't recall that.

12 Q. It was 3:00 a.m. Was there a porch light?

13 A. Honestly, I can't recall if there was a porch light
14 or not. I can't recall.

15 Q. It was dark outside?

16 A. It was dark outside. Yes.

17 Q. Do you remember if the backyard was an enclosed
18 area?

19 A. It was.

20 Q. At some point you made contact with NIYASHA M.?

21 A. 13 year old?

22 Q. Yes.

23 A. Yes, ma'am.

24 Q. In talking with her, was she distraught?

25 A. Yes, ma'am.

1 Q. Had she indicated to you that she had seen what
2 happened?

3 A. No, she did not.

4 Q. Did anybody in the house indicate to you that they
5 had saw what happened?

6 A. No, ma'am.

7 Q. Did you have any contact with neighbors who said
8 anything?

9 A. No, ma'am.

10 Q. At some point did you locate a bag that was on the
11 ground?

12 A. I am not saying that it's not in my report. I am
13 not seeing that in my report.

14 Q. At some point did you become aware that there was
15 another individual on scene?

16 A. Yes, ma'am.

17 Q. What was your understanding of this individual's
18 reason for being an on scene?

19 A. My understanding is he was the victim's boyfriend.

20 Q. Not my client?

21 A. My understanding is they were both her boyfriend at
22 some point.

23 Q. Did you ask ask him if he was willing to speak with
24 you?

25 A. I did.

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1 Q. He did not provide you any information?

2 A. That's correct.

3 Q. He was not forthcoming?

4 A. That's correct.

5 Q. Uncooperative?

6 A. Yes, ma'am.

7 MS. CARMODY: Court's indulgence, Your Honor.

8 Thank you. I have no further questions.

9 THE COURT: Anything further?

10 MS. SWANSON: Briefly.

11 * * *

12 REDIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q. Ms. Carmody asked you if it was unusual for a
15 person to ride their bike up to you and confess to an axe
16 murder. Is an axe murder unusual, in your experience?

17 A. Yes, ma'am.

18 Q. Was the whole case unusual in your experience?

19 A. Yes, ma'am.

20 Q. Are you aware that Martin Bennett was later
21 interviewed at criminal investigations?

22 A. Yes, ma'am.

23 MS. SWANSON: Thank you. That's all I have.

24 THE COURT: Anything further from this witness,
25 Ms. Carmody?

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1 MS. CARMODY: No, Your Honor

2 THE COURT: Any objection to him being excused?

3 MS. SWANSON: No. I would ask that he be excused.

4 THE COURT: Thank you. You are excused. Is this a
5 good time to break for lunch?

6 MS. SWANSON: My case officer is next. We should
7 probably go ahead and break. I will have him through the
8 afternoon.

9 THE COURT: That sounds good.

10 Ladies and gentlemen of the jury, right now I think
11 is a very good time for us to break. I am going to ask that
12 you be back in your jury room prepared to go by 2:00 p.m., in
13 your jury room by 2:00 p.m.

14 Ladies and gentlemen, I need to remind you not to
15 discuss this case over the lunch period. I also need to remind
16 you not to do any independent research on this case over the
17 lunch hour. We will get started back up at 2:00.

18 The only thing that I ask if you are going out is
19 that you keep your juror buttons on in case you come into
20 contact with anyone involved in this case. Then they will know
21 who you are, are aware that you are a juror.

22 I just want to make sure that there are no
23 discussions with regard to the case. So absolutely go grab a
24 bite to eat. Go relax and refresh yourselves, and we look
25 forward to seeing you back at 2:00.

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1 (Jury exits courtroom.)

2 THE COURT: For the rest of you, anything you need
3 to put on the record before we go ahead and break for lunch?
4 We will all be back here -- let's have you back about 5 to 2:00
5 if that is all right. I appreciate it.

6 (Luncheon recess.)

7 * * *

8 PROCEEDINGS CONTINUED

9 * * *

10 THE COURT: Is the State ready to go?

11 MS. SWANSON: State is ready, Your Honor.

12 THE COURT: Is defense ready?

13 MS. CARMODY: Yes, Your Honor.

14 THE COURT: All right. Let's go.

15 (Jury enters courtroom.)

16 All right. Welcome back. At this time we will
17 continue with the State's case. I trust everyone got their
18 lunch, is that correct?

19 THE JURY: Yes, ma'am.

20 THE COURT: Very good.

21 Ms. Swanson, call your first witness for this
22 afternoon.

23 MS. SWANSON: The State calls Detective Ethan
24 Rodgers.

25 ETHAN RODGERS,

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1 being first duly sworn testified as follows:

2 * * *

3 DIRECT EXAMINATION

4 MS. SWANSON: Take off your mask for the testimony.

5 BY MS. SWANSON:

6 Q. All right. Detective Rodgers, in August of 2018,
7 who were you working for?

8 A. The Jasper County Sheriff's Office.

9 Q. In what capacity?

10 A. I was a detective.

11 Q. Were you on duty the early morning hours of August
12 7, 2018?

13 A. I was off. I was the on-call detective.

14 Q. What were you called out to?

15 A. I was called out to 303 Heyward in reference to a
16 homicide.

17 Q. Speak up for me just a little. Get a little closer
18 to that microphone.

19 A. Did you report out to the scene?

20 A. Yes, ma'am.

21 Q. Did you take photos at the scene?

22 A. Yes, ma'am, I did.

23 Q. Did you also set out placards?

24 A. Yes, ma'am.

25 Q. Where did you set out placards?

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1 A. The placards were placed to mark items collected
2 for later use as a reference.

3 Q. Is everything collected at a scene something that
4 is important to the case?

5 A. Yes, ma'am.

6 Q. Well, do you know that at the time?

7 A. At the time, the things that we determine that are
8 beneficial to the case are collected.

9 Q. Okay. Do you know if a cup is going to be
10 something that is useful or not?

11 A. No, ma'am.

12 Q. Do you err on the side of collecting more than
13 less?

14 A. Yes.

15 MS. CARMODY: Objection, Your Honor.

16 THE COURT: Basis?

17 MS. CARMODY: Restating my prior objection in the
18 pretrial to the final ruling.

19 THE COURT: Noted for the record. I will allow it.

20 MS. SWANSON: That is in reference to Exhibit 1-D.

21 BY MS. SWANSON:

22 Q. I am going to show you a series of pictures, 1-D
23 through 1-K and ask if these are pictures that you took of the
24 scene that night?

25 A. Yes.

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1 Q. If you can flip through them all.

2 A. (Witness complies.) Yes, ma'am.

3 Q. Are these fair and accurate depictions of the scene
4 from that evening?

5 A. Yes, ma'am, they are.

6 Q. What I will have you do is hold up each picture and
7 tell us what we are looking at. You can stand up to do so.

8 State's Exhibit 1-D. What are we looking at here?

9 A. The body of the victim, which is located in the
10 backyard of the residence on the ground.

11 Q. The placards are marking evidence or potential
12 evidence that was picked up?

13 A. Correct. Yes.

14 Q. State 1-E. What are we looking at here?

15 A. This is one of the injuries that the victim
16 sustained.

17 Q. 1-F.

18 A. That is also another injury on the victim's body.

19 Q. 1-G.

20 A. This is the backyard of the residence and also
21 showing the location of the axe, the weapon that was used.

22 Q. 1-H.

23 A. Again, this is a photo of the weapon that was used.

24 Q. 1-I.

25 A. That covers the back of the residence at the back

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1 steps. It is showing the slippers that the victim was wearing
2 there in during the incident.

3 Q. 1-J.

4 A. That is also more evidence. Cigarette pack and
5 another slipper that the victim was wearing.

6 Q. 1-K.

7 A. That is hair that was left behind on the axe
8 that -- whenever the weapon was used. That was some of the
9 evidence that was left behind, was the hair from the victim.

10 MS. SWANSON: Thank you. State would move all of
11 these pictures into evidence, if I haven't said that already,
12 State's 1-D. through 1-K.

13 THE COURT: Any objection to any of those, Ms.
14 Carmody?

15 MS. CARMODY: No objection to the others, with the
16 exception of the one already mentioned.

17 THE COURT: They are entered in evidence. You may
18 publish them if you want to.

19 MS. SWANSON: Thank you.

20 (State's Exhibits 1-A - 1-K were accepted and
21 entered into evidence.)

22 BY MS. SWANSON:

23 Q. I am going to hand up State's Exhibit 4.

24 Do you know what is contained in this box?

25 A. It is the axe that was used.

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1 Q. Did you collect this item from the backyard?

2 A. Yes, ma'am.

3 Q. MS. SWANSON: State would move State's 4 into
4 evidence.

5 THE COURT: Any objection?

6 MS. CARMODY: Without objection.

7 THE COURT: Okay. Admitted.

8 State's Exhibit 4 was marked and accepted into
9 evidence.)

10 BY MS. SWANSON:

11 Q. If you can open that and display it to the jury,
12 please.

13 A. (Witness complies.)

14 Q. Do you recall how many people were inside the
15 house?

16 A. No, ma'am.

17 Q. Did somebody interview them?

18 A. Yes, ma'am.

19 Q. Did they have any personal knowledge about an
20 argument that took place outside?

21 A. I can't recall.

22 Q. Who did you obtain an arrest warrant for?

23 A. William Outler.

24 Q. Is he in the courtroom today?

25 A. Yes, ma'am.

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1 Q. Can you point him out for me.

2 A. (Indicating).

3 Q. Sitting at the defense table in between the two
4 lawyers?

5 A. Yes, ma'am.

6 MS. SWANSON: Thank you. No further questions at
7 this time.

8 THE COURT: Ms. Carmody.

9 * * *

10 CROSS-EXAMINATION

11 BY MS. CARMODY:

12 Q. Mr. Rodgers, correct?

13 A. Yes, ma'am.

14 Q. At the time you were a detective with Jasper County
15 Sheriff's Office?

16 A. Correct.

17 Q. You are no longer in law enforcement at this time?

18 A. Correct.

19 Q. I will refer to you now as Mr. Rodgers?

20 A. Yes, ma'am.

21 Q. Mr. Rodgers, you indicated to the solicitor,
22 Ms. Swanson, you err on the side of collecting too much
23 evidence, is that true?

24 A. Correct.

25 Q. So is that to say if there was any evidence

1 available in the yard that you thought would be something of
2 evidentiary value, you would have collected it for this case?

3 A. Correct.

4 Q. What about items that were found on Ms. Green?

5 Q. Yes.

6 A. The victim and everything that she had at that time
7 on her and with her was collected.

8 Q. That was collected by MUSC?

9 A. Correct.

10 Q. Do you sometimes take evidence from MUSC and send
11 any of those items off for reevaluation?

12 A. If it's needed, yes.

13 Q. Would you think two baggies with substances inside
14 to be something of evidentiary value?

15 A. Possibly. I am -- I did not handle sending the
16 evidence off. I am not entirely sure what was sent.

17 Q. I would like to show you what has been previously
18 marked as Defendant's Exhibit 3.

19 Q. What is that document, sir?

20 A. It is the property sheet from MUSC from the
21 autopsy.

22 Q. Is your signature on the bottom?

23 A. Correct.

24 Q. Are those all the items that you received from the
25 autopsy?

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1 A. Yes, ma'am.

2 Q. From Ms. Chantis Green?

3 A. Yes, ma'am.

4 Q. Is that an accurate representation of the document,
5 sir?

6 A. As far as I can recall, yes, ma'am. I believe so.

7 MS. CARMODY: The defense moves the evidence and
8 personal effects transfer sheet, which is Defendant's Exhibit
9 3, into evidence.

10 THE COURT: Okay. Without objection?

11 MS. SWANSON: Yes, without objection.

12 THE COURT: Admitted and you may publish.
13 Defense Exhibit 3 was marked and accepted into
14 evidence.)

15 BY MS. CARMODY:

16 Q. Sir if you can hold onto that. If you could please
17 explain to the jury what this form is.

18 A. So this form is documentation that shows what
19 exactly is collected from the victim and what was transferred
20 back to the originating agency.

21 Q. If we can go down -- start at top, and can you read
22 down the list.

23 A. Black nightgown; black panties, two which are
24 padded; gray metal eyebrow rings; gray metal chin ring with a
25 clear stone; black snake print underwear;

1 black-and-white-striped underwear; black plaid pouch with two
2 clear baggies with substance inside, and white wrinkled tissue;
3 one \$20 bill; black-and-red bra; gray metal tongue ring;
4 left-hand, fingernail clippings; right-hand fingernail
5 clippings; pulled scalp hair; blood spot; and a CD with autopsy
6 images.

7 Q. What I was referring to earlier, the black plaid
8 pouch with two times clear baggies with a substance inside.

9 Did you send that out for testing

10 A. I am not sure.

11 Q. You are not sure? Would that be something of
12 evidence?

13 A. I know it's nothing that I sent, that I can recall.

14 Q. Would that be on error on the side of caution, by
15 not sending those baggies out to find out what that substance
16 was?

17 A. It depends. Typically we would.

18 Q. Typically, you would not send a substance out to be
19 tested?

20 A. Again, it depends on if we believe it has any
21 evidentiary value at the time.

22 Q. For the case?

23 A. Yes, ma'am.

24 Q. It was your testimony that you collected other
25 things in that photograph that you were not sure if they were

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1 going to be of evidentiary value?

2 A. Yes. The valuables were collected.

3 Q. What about any other items on this list? Were any
4 other items on this list sent for testing?

5 A. I am not sure. I can't recall.

6 Q. If you did send something out for testing, would it
7 be in your report?

8 A. I am not sure if it would be in my supplement. If
9 there was another officer who sent it, it would be in there.
10 If I had a list of actually what was sent, I could be able to
11 answer your question a little better. I am not sure, as far as
12 documentation, what was sent out at the time. I am not sure
13 without looking at documentation what was sent out at the time.

14 Q. Let me show you what was. Let's start with State's
15 1-D. Were all of those placards sent into evidence?
16 Everything collected from those locations on those placards?

17 A. Whatever is collected on scene would be placed in
18 evidence.

19 Q. I am referring now to State's 1-D.

20 Could you identify that picture, please.

21 A. Yes, ma'am. That is the picture of the back steps
22 with Item Numbers 7, 18, 19, placards.

23 Q. What is Item Number 8?

24 A. It is a slipper.

25 Q. MS. CARMODY: Your Honor, may I publish to the

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1 jury?

2 THE COURT: You may.

3 BY MS. CARMODY:

4 Q. We are referring to Item Number 8, the slipper on
5 the stairs?

6 A. Yes.

7 Q. Mr. Rodgers, where is that slipper located on the
8 step?

9 A. On the bottom step.

10 Q. That is the scene as you remember it that night,
11 correct?

12 A. Yes, ma'am.

13 Q. The location of the other slipper -- is the other
14 slipper, that is State's 1-J.

15 A. Yes, ma'am. It appears to be located between the
16 steps and the deep freezer that was located in the backyard.

17 MS. CARMODY: May I publish, Your Honor?

18 THE COURT: You may.

19 BY MS. CARMODY:

20 Q. This is the other slipper that was located in the
21 yard?

22 A. Yes.

23 Q. Mr. Rodgers, did you find anything on the stairs
24 that would indicate that Ms. Green was at the top of these
25 steps when this happened?

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1 MS. SWANSON: Your Honor, I would object. I think
2 that calls for speculation.

3 MS. CARMODY: Let me rephrase the question, Your
4 Honor.

5 THE COURT: Thank you.

6 BY MS. CARMODY:

7 Q. Looking at State's 1-D, are there any placards on
8 the top of the stairs OR anything that you would have collected
9 into evidence on the very top -- on any of the stairs except
10 for the bottom one?

11 A. From the angle of the photographs taken, I can't
12 tell if there was any evidence located at the top from the
13 photographs. It doesn't capture the actual top.

14 Q. Would it be in your report if there were items
15 located at the top of the stairs?

16 A. Yes, ma'am.

17 Q. In your report, are there items listed at the top
18 of the stairs?

19 A. I can't recall.

20 Q. Would it refresh your recollection if I showed you
21 a copy of your report?

22 A. Yes, ma'am.

23 Q. (Indicating.)

24 Q. Let's talk some more about the scene itself. When
25 you arrived on scene, approximately how many officers were

1 there?

2 A. I can't recall.

3 Q. Do you remember seeing Sergeant Jared Phillips
4 there?

5 A. I am not sure if he was there prior to me getting
6 there or not.

7 Q. What about Lieutenant Adler (phonetic)?

8 A. I am not sure of the order that everyone arrived.

9 Q. Did you call SLED, South Carolina Law Enforcement
10 Division, to help with the investigation?

11 A. I personally did not call SLED.

12 Q. Did you see SLED on scene doing any type of
13 investigation?

14 A. Not on scene, that I can recall.

15 Q. To your knowledge, the Jasper County Sheriff's
16 Office handled the entire investigation?

17 A. I don't recall.

18 Q. On scene?

19 A. Yes, ma'am.

20 Q. You testified that there were people located in the
21 house?

22 A. The victim's children, from what I recall.

23 Q. What about any officers in the house with you?

24 A. I can't recall.

25 Q. Did somebody help you collect evidence?

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1 A. I don't believe so. I am the only one who
2 collected evidence and took photographs.

3 Q. what about going to the Best Western, the motel?

4 A. Yes, ma'am.

5 Q. Did you go to the Best Western Motel?

6 A. I did.

7 Q. Let's talk about that. On August 13, 2018 you went
8 over to the Best Western?

9 A. I can't recall the exact date.

10 Q. Referring to your report again?

11 A. Yes.

12 Q. When you over to the Best Western Motel -- where is
13 the best west hotel locate \$?

14 A. I am not sure of the exact address. It is in Point
15 South, Jasper County.

16 Q. If I showed you a map, would that be helpful?

17 A. Yes.

18 Q. Please look at Defendant's Exhibit 1.

19 A. Yes.

20 Q. What street is that on?

21 A. Southpoint Drive.

22 Q. Below that is another hotel. What is the name of
23 that hotel?

24 A. Motel 6.

25 Q. Is this the scene that you went to?

1 A. I can't tell by the map.

2 Q. The address here, is that the address that you went
3 to, 303 Peter Heyward?

4 A. I know it's 303 Heyward. I am not sure if it's
5 Peter Heyward or not.

6 Q. The street sign is Peter Heyward.

7 A. Yes.

8 Q. So now in looking at this photograph, if you leave
9 Peter Heyward Road, how would you have gotten to the Best
10 Western?

11 A. You mean me personally?

12 Q. Yes.

13 Q. I am not sure what this road is. Pointsouth?

14 MS. CARMODY: May I publish to the jury, Your
15 Honor?

16 THE COURT: You may.

17 BY MS. CARMODY:

18 Q. Can you again describe, if you will show the jury.

19 A. Me, personally, if I was leaving this location -- I
20 guess that is Heyward Road. What came up -- on Pointsouth
21 Drive, straight shot across.

22 Q. In your opinion, would that be the most direct
23 route to the Best Western?

24 A. I have worked that area a few times. I am not
25 completely familiar with it.

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1 Q. Going from Peter Heyward to the Best Western, that
2 is approximately 1.3 miles away?

3 A. Possibly.

4 Q. What was the purpose of going over to the Best
5 Western?

6 A. The purpose of going to the Best Western?

7 Q. Yes.

8 A. I don't recall exactly what led me to the Best
9 Western.

10 Q. Looking at your report in the bottom paragraph, if
11 you could read that and let me know if that refreshes your
12 recollection.

13 A. Yes.

14 Q. So is it your testimony that Mr. Outler did use the
15 telephone at the Best Western at 3:00 in the morning, spent
16 four minutes on that phone, and you later determined that phone
17 call to be with his father?

18 A. Correct.

19 Q. Just to clarify, Mr Rodgers. You said that you
20 obtained these items, the personal effects and transfer
21 sheet -- those came from the autopsy. You did attend the
22 autopsy, correct?

23 A. Yes, ma'am.

24 Q. Those items were given directly to you and that is
25 the purpose of that form?

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1 A. Yes, ma'am.

2 MS. CARMODY: I don't have any further questions,
3 Your Honor. Thank you.

4 THE COURT: Anything further?

5 MS. SWANSON: Thank you. Briefly.

6 * * *

7 REDIRECT EXAMINATION

8 BY MS. SWANSON:

9 Q. The items, in particular, the substance found in
10 the personal effects that was listed on the MUSC sheet that
11 Ms. Carmody spent so much time talking about, those were found
12 on the victim and not the defendant?

13 A. Correct.

14 Q. Can you charge a dead victim with drugs?

15 A. Absolutely not.

16 Q. She also asked you if you had determined he called
17 his dad from the phone in the Best Western. Did you ever
18 determine that he ever called 911?

19 A. No.

20 MS. SWANSON: Thank you. That is all I have.
21 I would ask that Ms. Roger be allowed to be
22 excused.

23 THE COURT: Any objection?

24 MS. CARMODY: No objection, Your Honor.

25 THE COURT: Mr. Rodgers, you are excused.

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1 The State may call its next witness.

2 MS. SWANSON: The State calls Dr. Ellen Reimer.

3 ELLEN REIMER, M.D.,

4 being first duly sworn testified as follows:

5 * * *

6 DIRECT EXAMINATION

7 BY MS. SWANSON:

8 Q. Please state your full name and spell your last
9 name for the court reporter.

10 A. Dr. Ellen Reimer, R-e-i-m-e-r.

11 Q. Dr. Reimer, where do you work?

12 A. I work at the MUSC. I am a forensic pathologist.

13 Q. What does that mean? What do your duties entail?

14 A. So I am a physician, a medical doctor who
15 specializes in forensic pathology. So my job is to perform
16 autopsies in order to determine the cause and manner of death.
17 Over the course of my career, I have done more than a thousand
18 autopsies.

19 Q. Have you testified in court before?

20 A. On multiple occasions.

21 Q. You have been determined to be an expert in the
22 field of forensic pathology?

23 A. Yes, I have.

24 MS. SWANSON: I would offer Dr. Reimer as an expert
25 in that field at this time.

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1 THE COURT: Any objection?

2 MS. CARMODY: No, Your Honor.

3 THE COURT: In this case Dr. Reimer is being
4 qualified as an expert in forensic pathology. That allows her
5 to give her opinion and the reason for her opinion. This is
6 for you to use as you deem proper as compared to other evidence
7 in the case.

8 BY MS. SWANSON:

9 Q. Did you have an opportunity perform an autopsy on
10 Chantis Green?

11 A. Yes, I did.

12 Q. When was that performed?

13 A. The autopsy was done on August 8, 2018.

14 Q. Can you tell us what your findings were, as far as
15 her injuries went?

16 A. So Ms. Green had three impact sites to the head.
17 Two were to the back of the head. One was to the right side of
18 the back of the head. One was to the left side of the back of
19 the head. One was to the left side of the side of the back of
20 the head. Behind here. They each caused injury to the head.

21 The most severe and immediately incapacitating
22 injury was to the left side, behind the ear area. That one
23 actually fractured, went through the skull. The other two were
24 just major impacts but did not actually cause a fracture of the
25 skull. They were -- so there was bleeding in the head.

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1 We have a total of three impact sites.

2 Furthermore, two of the impact sites appeared to be with a
3 blunt force object, so not something with a sharp edge. Those
4 were the two to the back of the head.

5 One to the left side of the head, kind of -- also
6 on the back but a little bit closer to the front behind the
7 ear. That one was with a sharp forced object, such that it
8 actually made a defect of the skull.

9 Q. In your opinion, would those types of injuries be
10 consistent with being bludgeoned in the head with an axe?

11 A. Yes. I was told that an axe was the weapon used,
12 and I had the findings that were completely consistent with
13 that.

14 Q. Were all of those blows to the head potentially
15 fatal?

16 A. Yes. Each one of them could could have resulted in
17 her death.

18 Q. Was there one in particular that was unsurvivable?

19 A. Yes. You know, the thing is, once I see the end
20 result of all three of them -- it's hard to sort of go back in
21 time and say, if she just had this one, would that have been
22 enough to cause death? Or if she just had another one -- I
23 think the total of the three are responsible for her death.

24 I believe the one to the left side of the head
25 behind the ear would because it was actually penetrated through

1 the skull. That one would have resulted in her immediate
2 death. The other two, they were to the right side of the back
3 of the head and the left side of the back of the head. If they
4 were the only injuries, she could have died of those if they
5 were just singular injuries, but it may have taken a little bit
6 longer, maybe a few more minutes. Whereas the one on the left
7 side of the head, forget it. With that, she was dead
8 immediately.

9 Q. I will hand you what is marked as State's Exhibit
10 8. I will ask if you recognize this item.

11 A. Yes. This is an envelope labeled blood spot card.
12 This is from the autopsy I performed. It was a blood spot card
13 that was prepared. That is done in every single case. There
14 is always a blood spot card for every individual who comes in
15 for autopsy.

16 Q. This is just for ID purposes at the time. Thank
17 you.

18 All right. Dr. Reimer, do you order a toxicology
19 as part of your duties?

20 A. Yes. Every person who has an autopsy gets a
21 complete toxicology testing done.

22 Q. Did you review the toxicology from Renee Green's
23 case?

24 A. Yes, I did.

25 Q. Was there anything of note?

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1 A. Yes.

2 Q. Explain that.

3 A. It's of note because it wasn't negative. It didn't
4 just have prescription medications. It actually had -- her
5 blood was positive for cocaine and also benzoylecgonine, which
6 is a metabolite of cocaine. Then she had a very small amount
7 of alcohol in her system as well; like a 0.014. 0.08 is the
8 legal driving limit. That is like one-sixth of that. So it's
9 a very small amount. She had cocaine in her system, the active
10 compound as well as benzoylecgonine, which is the metabolite of
11 cocaine.

12 Q. Would those substances have contributed to her
13 cause of death?

14 A. No. In this case, they did not contribute to her
15 cause of death. Whether or not she was using cocaine, these
16 were still fatal injuries.

17 Q. What was her cause of death did you determine to
18 be?

19 A. So I determined the cause of death after the
20 autopsy to be traumatic head injuries due to assault with axe.

21 Q. Manner of death?

22 A. The manner is homicide.

23 MS. SWANSON: Thank you. I have nothing further
24 for this witness.

25 * * *

1 CROSS-EXAMINATION

2 BY MS. CARMODY:

3 Q. Good afternoon, Dr. Reimer.

4 A. Good afternoon.

5 Q. Let's start with a question that is kind of
6 obvious. Just for the record, you were not present on scene,
7 correct?

8 A. Present on the scene? No. I was not.

9 Q. You didn't go to the scene at all to determine
10 where the evidence was or the location or position of any type
11 of evidence in this case?

12 A. No. That is not a part of my responsibilities.
13 The coroner calls when they need an autopsy performed. So I
14 did the autopsy at the request of the coroner. I am not
15 expected, or permitted actually, to go to the scene.

16 Q. Additionally, your findings at autopsy are the
17 physical injuries of Ms. Green. You don't really know how
18 those injuries occurred, except for there's an axe?

19 A. Correct. I do get historical information and
20 consider that. If I was told she was in a fatal car crash,
21 then I might have determined injuries were sustained from that.
22 In this case, I was told an axe was involved, and my findings
23 were completely completely consistent with that to have been
24 from an axe.

25 Q. In terms of how the incident actually occurred, you

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1 are not able to make a determination on that, correct?

2 A. I believe she was struck by this object. I can't
3 tell you the sequence of events that may have taken place at
4 the scene or which impact came first or second or third and how
5 far apart they were either.

6 Q. You also mentioned toxicology. Dr. Reimer, do you
7 study toxicology as well? Are you also a toxicologist?

8 A. No. Part of the training to be a forensic
9 pathologist is to interpret toxicology results in conjunction
10 with the physical findings at autopsy. I consider them in the
11 total context of the case.

12 Q. In this particular case, you collected blood and
13 urine from Ms. Green and you sent that to NMS Labs?

14 A. Correct.

15 Q. You send that to NMS Labs by FedEx?

16 A. Yes.

17 Q. Going into a little bit of the toxicology report.
18 Because you did mention benzoylecgonine.

19 A. Yes.

20 Q. The significance of having cocaine in her system
21 and the benzoylecgonine is that cocaine was actually consumed
22 at or near the time of death, correct?

23 A. When somebody uses cocaine, at some point the
24 cocaine may disappear from the blood and then only
25 benzoylecgonine remains. I can't say exactly how recent it

1 was. I mean, very frequently when people use a substance, like
2 cocaine or marijuana, it is not just one point in time. It may
3 be continuing. So it's hard for me to say exactly when she
4 used it.

5 Q. The fact that she had cocaine in her system means
6 she was under the influence of cocaine when she died?

7 A. Yes.

8 Q. Is one of the effects of cocaine aggression?

9 A. The effects are variable for different people.

10 Q. Can cocaine cause aggression?

11 A. It can.

12 Q. You mentioned the legal limit of alcohol in her
13 system is not a medical limit to determine when somebody would
14 be impaired.

15 A. Correct. That's correct.

16 Q. She did have alcohol in her system when she died?

17 A. Yes.

18 Q. You are not able to determine what her impairment
19 level would have been at death, correct?

20 A. Well, yeah. Probably not.

21 Q. That is fine.

22 MS. CARMODY: No further questions, Your Honor.

23 THE COURT: Anything else?

24 MS. SWANSON: Briefly.

25 * * *

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1 REDIRECT EXAMINATION

2 BY MS. SWANSON:

3 Q. Would you classify cocaine as a stimulant?

4 A. Yes.

5 Q. Would you classify alcohol as a depressant?

6 A. Yes. I mean, it's a depressant because it has an
7 effect on the respiratory center causing them to be depressed.
8 At this level, it's mild.

9 Q. Both substances you would say cause different
10 reactions in different people?

11 A. They cause different reactions in different people.
12 Absolutely. There is no way for me to know how it affected the
13 decedent or could have affected any individual

14 MS. SWANSON: Thank you, Dr. Reimer. I have
15 nothing further.

16 THE COURT: Anything further?

17 MS. CARMODY: No, Your Honor.

18 THE COURT: Any objection to Dr. Reimer being
19 excused?

20 MS. SWANSON: No, Your Honor. I would ask that she
21 be excused.

22 MS. CARMODY: No objection.

23 THE COURT: You are excused. Thank you.
24 Call your next witness.

25 MS. SWANSON: State calls Catherine Leisy.

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1

CATHERINE LEISY,

2

being first duly sworn testified as follows:

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* * *

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DIRECT EXAMINATION

5

BY MS. SWANSON:

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Q. Agent Leisy, if you can please states your name for the record, your full name, and spell your last name for the court reporter.

9

A. Catherine Leisy, L-e-i-s-y.

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Q. Ms. Leisy, please tell the jury where you work, what you do, and how long you have been there.

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A. I work for South Carolina Law Enforcement Division, commonly referred to as SLED. I am a forensic scientist assigned to the DNA casework unit. I have worked at SLED for a little over 15 years. My responsibilities include processing forensic cases, generating reports based on the results and conclusions drawn, testifying to those reports as necessary.

19

20

I also assist in training of lesser-qualified or lesser-experienced analysts, and I help participate in quality control responsibilities throughout the department.

21

22

Q. What kind of special training and educational background do you have?

23

24

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A. I have a Bachelor's in Genetic Engineering from Cedar Crest College in Allentown, Pennsylvania. I am required to participate in annual continuing education, which consists

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1 of online courses, conferences, seminars, different types of
2 learning experiences that help us keep up with the most current
3 forensic techniques that are available to us.

4 Q. And you have testified in court before, is that
5 correct?

6 A. I have.

7 Q. How many times have you testified as an expert in
8 forensic analysis?

9 A. Over 50.

10 MS. SWANSON: At this time the State would offer
11 Agent Leisy as an expert in forensic DNA analysis.

12 THE COURT: Any voir dire?

13 MS. CARMODY: No, Your Honor.

14 THE COURT: Ladies and gentlemen, in this case Ms.
15 Leisy is being qualified as an expert in the area of forensic
16 DNA analysis. That allows her to give her opinion and the
17 reasons for her opinion. That is compared as to other evidence
18 in the case, and it is to be used as you see appropriate.

19 BY MS. SWANSON:

20 Q. While everyone may be familiar with the term DNA,
21 briefly explain to the jury what it is and how you test for it.

22 A. DNA stands for deoxyribonucleic acid. It's the
23 genetic material found in all of our body cells, with the
24 exception of our red cells. DNA is packaged in the structures
25 called chromosomes, which contain our genes. Genes are simply

1 strands of DNA that account for our physical characteristics,
2 such as our height or our eye color. We inherent one copy of
3 DNA from our mother and one from our father. Therefore, we
4 have two copies of every gene.

5 Approximately 99.9 percent of an individual's DNA
6 is identical to that of everyone else's. It's the variation of
7 that remaining .1 percent that allows us to tell people apart.

8 In terms of forensic DNA testing, what we are
9 trying to do is develop a DNA profile from an unidentified
10 biological material that is left at a crime scene or on an item
11 of evidence and compare it to the DNA profile of a known
12 individual to try to determine whether or not that individual
13 could have contributed to that material.

14 Q. Okay. In the case against William Outler, did you
15 have two known standards that you tested?

16 A. Yes, I did.

17 Q. I will hand you what has been marked as State's 7
18 and 8. First, I will hand you 7. Tell me what this item is.

19 A. This would be SLED Item 1. In this case it was
20 identified as buccal swabs from William Outler.

21 Q. Is that his known standard that?

22 A. That's correct. When we were refer to a known
23 standard, that is is a sample collected directly from an
24 individual that we use to develop their DNA profile.

25 Q. Did you develop a DNA profile from State's 7?

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1 A. Yes, I did.

2 Q. Did this came to you sealed?

3 A. That's correct. The heat-sealed pouches that we
4 receive. As they are sealed, the seal is dated and initialed
5 by the individual who closes the pouch. That way we know who
6 has been in a pouch and handled it properly so that we don't
7 have to worry that it's been mishandled.

8 MS. SWANSON: State would offer State's 7 into
9 evidence at this time.

10 THE COURT: No objection?

11 MS. CARMODY: No objection, Your Honor.

12 THE COURT: Without objection.

13 State's Exhibit 7 was marked and accepted into
14 evidence.)

15 BY MS. SWANSON:

16 Q. I will hand you what has been marked as State's 8
17 and ask if you can identify this item.

18 Q. This particular item was identified as a blood spot
19 from Chantis Green.

20 A. So that would be her known standard?

21 A. That's correct.

22 Q. It came to you sealed?

23 A. It did.

24 Q. And did you develop a DNA profile from State's 8?

25 A. Yes, I did.

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1 MS. SWANSON: State would offer 8 into evidence at
2 this time.

3 THE COURT: No objection?

4 MS. CARMODY: No objection, Your Honor.

5 THE COURT: Without objection.

6 State's Exhibit 8 was marked and accepted into
7 evidence.)

8 BY MS. SWANSON:

9 Q. For identification purposes, I am going to hand you
10 State's Exhibit 9 and ask what this item is.

11 A. This was identified as SLED Item 2.1 and described
12 as swabs from the handle of axe.

13 A. Did you prepare those swabs?

14 A. I did not. Those were prepared by a forensic
15 technician in our department.

16 Q. Do you recall the name?

17 A. Kimberly Spainhour.

18 Q. Did you get a result from the testing of these
19 swabs?

20 A. Yes. I was able to develop a DNA profile from the
21 swabs.

22 Q. Agent Leisy, I will hand State's 9 back to you. I
23 will just ask if those swabs that were prepared by the forensic
24 tech came to you sealed?

25 A. Yes, they did. They were in a sealed pouch.

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1 Q. SLED keeps a certified chain of custody, right?

2 A. That's correct. The bar code that appears on the
3 pouch can be scanned similar to the way you would scan
4 groceries at the grocery store. It tracks whose custody it is
5 in at any given time or what storage location it may be located
6 in so we can track where it goes throughout the laboratory.

7 Q. Is that for quality control purposes?

8 A. That's correct.

9 Q. So you know that nobody opened these swabs until
10 they got to you?

11 A. Correct. The purpose of sealing is to make sure
12 that no one has done any tampering or testing of the items in
13 between analysis of known individuals.

14 MS. SWANSON: State would offer 9 into evidence at
15 this time.

16 THE COURT: No objection?

17 MS. CARMODY: No objection, Your Honor.

18 THE COURT: Without objection.

19 State's Exhibit 9 was marked and accepted into
20 evidence.)

21 BY MS. SWANSON:

22 Q. You have the standard from Mr. Outler, Ms. Green,
23 and what came off the swabs from the axe. Please explain your
24 findings.

25 A. For the DNA profile that was developed, once we

1 have a profile from an item of evidence, we compare it to the
2 DNA profile developed from each known individual. We perform a
3 calculation that is known as a likelihood ratio.

4 A likelihood ratio is a comparison between two
5 possible explanations for a given event. With DNA testing, the
6 DNA profile that we have developed is that event. So we have
7 two possible explanations for that profile. The likelihood
8 ratio value gives us basically support for which of those
9 explanations is more likely.

10 For this particular case, I interpreted the DNA
11 profile from the swabs from the handle of an axe as a mixture
12 from three individuals. My first possible explanation in
13 comparing William Outler, Jr. would be that it is William
14 Outler, Jr. and two unidentified, unrelated individuals who had
15 contributed to this mixture. Again, it's a mixture of three,
16 so I have to include a total of three people potentially.

17 My second possible explanation would be that it's
18 three unidentified, unrelated individuals who contributed to
19 the mixture. Based on the calculation, it's my opinion that
20 the DNA profile developed from the swabs is approximately 2
21 billion times more likely if William Outler, Jr. and two
22 unidentified, unrelated individuals contributed than if three
23 unidentified, unrelated individuals contributed.

24 So that would be my first set of calculations. The
25 second set would include a comparison between the evidence

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1 profile and Chantis Green. Again, it's the same process. The
2 profile was interpreted as a mixture of three individuals. My
3 first possible explanation being that it is Chantis Green and
4 two unidentified, unrelated individuals contributing.

5 The second possible explanation being that it's
6 three unidentified, unrelated individuals contributing. Based
7 on the calculation, the DNA profile developed is approximately
8 65 sextillion times more likely if Chantis Green and two
9 unidentified, unrelated individuals contributed to the mixture
10 than if three unidentified, unrelated individuals contributed.
11 Both of those individuals separately gave a value that supports
12 the possible explanation that they were one of the contributors
13 to this profile.

14 I then ran those two individuals together doing a
15 comparison with those two individuals and a third unidentified
16 person, basically to make sure that the pieces fit. We don't
17 want to just compare one person separately. We want to see how
18 the calculation would perform including everyone that we have.

19 That third set of calculations, again, I have a
20 profile being interpreted as a mixture of three individuals.
21 My first possible explanation being that William Outler, Jr.,
22 Chantis Green, and an unidentified, unrelated individual
23 contributed to the mixture.

24 My second possible explanation being that three
25 unidentified, unrelated individuals contributed. Based on the

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1 statistic, the DNA profile developed is approximately 62
2 decillion times more likely if William Outler, Jr., Chantis
3 Green, and an unidentified, unrelated individual contributed
4 than if three unidentified, unrelated individuals contributed.

5 Q. Okay. Now, you can tell if DNA is present on an
6 item, but can you tell when it was deposited there?

7 A. No, we can't. We don't determine exactly how DNA
8 is deposited or exactly when it was deposited.

9 Q. So you would not be able to say that Renee Green's
10 DNA got on that axe handle on August 7, 2018?

11 A. Correct. All I can say is that this is the DNA
12 profile developed from the swabs that were collected as it was
13 submitted. Yes.

14 MS. SWANSON: Thank you. Please answer any
15 questions that the defense may have.

* * *

CROSS-EXAMINATION

18 BY MS. CARMODY:

19 Q. Good afternoon, Ms. Leisy.

20 A. Good afternoon.

21 Q. Is it your testimony that essentially out of
22 everything that you told the jury that the more likely scenario
23 and out of all of those propositions that you have is that the
24 DNA on the axe handle -- not the axe head. The axe handle --
25 would be William Outler, Jr., Chantis Green, and an unrelated

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1 individual?

2 A. The last set of statistics would provide very
3 strong support that that possible explanation of it being
4 William Outler and Chantis Green, and an unidentified,
5 unrelated individual is more likely.

6 Q. Also as part of your testing, you did test to make
7 sure that there was not blood on the handle that would have
8 contributed to that. Your presumptive test was negative,
9 correct?

10 A. Correct. The first thing that I did upon receiving
11 the swabs from the handle of the axe was perform what we refer
12 to as a presumptive screening test. That looks for the
13 possible presence of blood. That particular test was negative,
14 which would just indicate that the portion of swabs that I
15 tested did not indicate the possible presence of blood.

16 Q. We are only referring to the handle?

17 A. That's correct.

18 MS. CARMODY: I don't have any further questions.
19 Thank you.

20 MS. SWANSON: I would ask that Agent Leicy be
21 released at this time

22 THE COURT: Any objection?

23 MS. CARMODY: No objection, Your Honor.

24 THE COURT: Agent Leicy, you are excused. Thank
25 you.

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1 MS. SWANSON: Judge, may we approach briefly?

2 THE COURT: You may.

3 (Bench conference)

4 MS. SWANSON: Your Honor, that is my final witness
5 for the day. At this time, the State is going to rest its
6 case.

7 THE COURT: Ladies and gentlemen, at this time the
8 State has rested their case. There is a matter of law I need
9 to take up with the attorneys. I will excuse you back to your
10 jury room. We will be back with you shortly to tell you where
11 we are going from here. I appreciate it. Do not discuss this
12 case. It wouldn't be appropriate to do so.

13 (Jury exits courtroom.)

14 THE COURT: Before motions, let's talk about
15 scheduling. Ms. Carmody, it's my understanding that you do not
16 have any witnesses to put up today; is that correct?

17 MS. CARMODY: That's correct, Your Honor.

18 THE COURT: All right. So what we need to do,
19 obviously, is directed verdict motions. What I will do is go
20 ahead and release the jury for today. I will tell them to be
21 back at 9:30 tomorrow morning. We will go ahead and finish up
22 with the case.

23 So what I plan on doing -- Honeycutt, I am going to
24 bring them back out here and release them for the day. You can
25 take them out the back stairs. Is that fine?

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1 DEPUTY HONEYCUTT: Yes, ma'am.

2 THE COURT: Anything else we need to do, as far as
3 scheduling is concerned?

4 MS. CARMODY: No, Your Honor.

5 MS. SWANSON: No, Your Honor.

6 THE COURT: Honeycutt, please bring them back in so
7 I can talk to them.

8 (Jury enters courtroom.)

9 THE COURT: Thank you, ladies and gentlemen. After
10 discussing with the attorneys scheduling, we are going to go
11 ahead and break for the evening. I will ask that you all be
12 back tomorrow morning at 9:30. Ladies and gentlemen, I will
13 tell you that you are still not not to discuss this case. It
14 wouldn't be appropriate at this time.

15 I want you to go home and get a good night's sleep.
16 I will tell you that we will finish this case tomorrow. So you
17 will be finished with this case tomorrow, just to let you know.

18 We will run pretty much the same schedule as we did
19 here necessarily. If you are in deliberations, I plan on
20 taking a break for lunch and let you all go out as well. I am
21 just not sure how it is going to break down as far as how
22 tomorrow is going to progress. Just be prepared to be here for
23 the day, ladies and gentlemen.

24 Again, no independent research. Do not discuss the
25 case with anyone when you go home. Again, get a good night's

1 sleep. Grab some breakfast in the morning, and I look forward
2 to seeing you all at 9:30.

3 (Jury exits courtroom.)

4 THE COURT: All right. Before we do motions, let's
5 take about a ten-minute break.

6 (Recess.)

7 THE COURT: All right. Ms. Carmody, are you ready
8 for your directed verdict motion?

9 MS. CARMODY: Yes, Your Honor.

10 THE COURT: Whenever you are ready.

11 MS. CARMODY: Your Honor, may it please the Court.
12 The State is required to prove that the defendant did kill
13 Chantis Green with malice aforethought. It is the defendant's
14 position that the State has not met that burden.

15 Number one, they have not shown that there was
16 malice in this case or malice aforethought, Your Honor. No
17 witness has testified that they have any evidence. No witness
18 has testified with any evidence whatsoever that what my client,
19 William Outler, did shows malice. The opposite has actually
20 been true.

21 All the witnesses are all consistent that he was
22 forthcoming and cooperative. His statement has been
23 corroborated by all the evidence in this case; that Renee swung
24 the axe at him. The testimony from the DNA analyst supports
25 that position. In addition, Officer Rodgers, Mr. Rodgers,

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1 testified that the slipper on the bottom of the stairs -- it
2 was there when he picked up the evidence in this case --
3 collected all the evidence. That indicates that a struggle was
4 in progress at the bottom of the stairs.

5 Dr. Reimer testified that Renee Green was under the
6 influence of cocaine and alcohol at the time of her death,
7 which is what contributed to her aggression.

8 There is lots of testimony of what my client could
9 have done or would've done or should have done. Your Honor,
10 the temporal moment we are talking about is at the time this
11 incident occurred. My client was very cooperative with the
12 police. There is no evidence whatsoever to contradict his
13 statements, his legal statements, to be true. The evidence in
14 this case has shown what needs to be true.

15 Ms. Green swung the axe at him. He did not intend
16 with malice to cause her harm. It was a split-second decision,
17 Your Honor, in self-defense. I believe the defense is entitled
18 to a directed verdict in this case.

19 THE COURT: All right.

20 Ms. Swanson, if you would state for me the evidence
21 that you see that shows malice.

22 MS. SWANSON: Thank you, Your Honor.

23 Obviously, the evidence is taken in the light most
24 favorable to the State at this juncture. I believe malice can
25 be formed in an instant. There has been evidence that Ms.

1 Green was carrying on with another man. There was the
2 brutality of the attack. The victim was hit three times, twice
3 in the back of the head with the blunt side and then once with
4 the sharp side. I believe the brutality indicates malice, as
5 well as leaving her for dead. He goes and calls his father,
6 but he certainly doesn't call 911.

7 Even though he says that she swung at him, that is
8 not -- I mean, that is his story. The only evidence that we
9 have of that is his story as well as DNA on an axe that was
10 hers that was at her residence. We don't know when the DNA got
11 there.

12 You know, what made him go so crazy? He said he
13 didn't know why he couldn't stop hitting her; that he should
14 have walked away. It could be that he just came up behind her
15 while she was on the phone and attacked her brutally in this
16 manner and flung her phone in the woodline. He certainly
17 didn't use that phone to call 911 either.

18 So I do think that there are facts in the record
19 from which the jury could determine that this is a murder. I
20 do also think that there are facts in the record from which a
21 jury could potentially deduce that it's voluntary. We will
22 come to that when it's time to discuss jury charges.

23 THE COURT: Do you want to respond briefly?

24 MS. CARMODY: No, Your Honor.

25 THE COURT: All right. Well, taking the evidence

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1 in the light most favorable to the State, I do think there is
2 evidence in this case from which the jury could determine that
3 there was malice involved, which is really the only thing that
4 separates murder from voluntary manslaughter.

5 As a result of that, I do think it's appropriate to
6 deny your motion.

7 Ms. Carmody, tomorrow.

8 MS. CARMODY: I have to add on one witness.

9 There are four lay witness and one expert.

10 THE COURT: So you are doing the CP forensic, NMS
11 Labs, and then as far as lay witnesses -- who are your experts?

12 MS. CARMODY: Dr. Alex Papas, Eric Laile, Otis
13 Warren is a lay witness. It's his dad. James Watson. James
14 Newman. And I also need to call C.J. Lowery.

15 MS. SWANSON: Your Honor, I did want to make sure
16 that the defendant's dad -- that the defense is not attempting
17 to elicit statements that the defendant made from the
18 defendant's dad. He would not a party opponent to himself.
19 Those would be hearsay.

20 MS. CARMODY: No, Your Honor. With regard to jury
21 instructions, Your Honor, do you have a list you would like me
22 to go off of, or do you want me to --

23 THE COURT: I can tell you what I would like from
24 you all in this case. I would like a proposed charge from each
25 of you on murder, voluntary manslaughter, and self-defense. I

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1 don't know that I am going to charge it yet. I am just
2 throwing it out there.

3 MS. SWANSON: Do you have the standard ones that
4 you use?

5 THE COURT: I do. One of the things you just said,
6 and I will quote. You said malice can be formed in an instant.
7 That is something you just said to me. That is not in my
8 standard charge. I am assuming you got that from case law. If
9 you got that from case law -- if you were looking for really
10 particular language as to malice, that is the only reason why I
11 am suggesting this. Normally, I would say I am using all of my
12 standard. I am not worried about you all at all. If there is
13 something specific --

14 MS. SWANSON: I understand. I assumed that was in
15 there.

16 THE COURT: I don't think it is. I looked, but I
17 don't think so. There is obviously various definitions of
18 malice. I think if there is exactly what you want, I am
19 inviting you to do that. Also, the next question I had was, as
20 far as self-defense is concerned, I just want to make sure we
21 are all on the same page. Obviously, I stated that he is not
22 entitled to immunity under the Stand Your Ground Statute.

23 However, the question is, in charging under
24 self-defense, did he still have a duty to retreat or not? That
25 is a question for the attorneys to look at. I can tell you the

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1 cases are a bit varied, as far as what they are saying.
2 Originally, when Judge's first started charging the Stand Your
3 Ground Law, which is not appropriate -- you obviously have
4 direction now that says that is not what we are doing in these
5 cases. It's for an immunity hearing ahead of time.

6 Again, my question becomes for someone who is an
7 invitee who had permission to be there, did he have the duty to
8 retreat? That is my question that I want you all to answer
9 through probably some case law. It's just something that I
10 want you all to consider.

11 Then again, remember we also had this
12 conversation -- and I think Ms. Swanson pointed out to you,
13 Ms. Carmody, the thing that lawyers also get mixed up. I want
14 you all to be very careful in your arguments to this jury --
15 sometimes I see the potential of you all misstating the law --
16 is whether or not you are permitted to meet force with force,
17 or if it's strike the first blow or not. I just want to make
18 sure we are all clear on the law when we are arguing in our
19 closing statements.

20 I can see it as being objectionable. We want to
21 have a clean trial. I just want to make sure you all are good
22 to go. I think we are all on the same page. I can't think of
23 anything else specific to this case.

24 MS. SWANSON: Thank you, Your Honor.

25 THE COURT: I appreciate it. Let's come back a

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1 little after 9:00 tomorrow. We will start at 9:30.

2 (At 3:50 p.m. the proceedings were continued to be
3 resumed the following day without interruption.)

4 * * *

5 END OF VOLUME II

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State v. William Outler, Jr. - 2018GS2700571, VOLUME III

1 STATE OF SOUTH CAROLINA IN THE GENERAL SESSIONS COURT
2 COUNTY OF BEAUFORT 14th JUDICIAL CIRCUIT

3 _____

4 STATE OF SOUTH CAROLINA,
5 vs. CASE NO.: 2018-GS-27-00571
6
7 WILLIAM OUTLER, JR., TRANSCRIPT OF JURY TRIAL
 VOLUME III
8 Defendant. (PAGES 191 - 298)

9 _____

10 TRIAL BEFORE: THE HONORABLE CARMEN T. MULLEN
11 DATE: JUNE 16 AND JUNE 18, 2021
12 REPORTED BY: KYMBERLEE M. WILLIAMS, CSR/RPR

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1

PROCEEDINGS

2

WEDNESDAY, JUNE 16, 2021

3

RIDGELAND, SOUTH CAROLINA

4

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6

THE COURT: If you-all are ready, we will go ahead
and bring the jury in.

7

(Jury enters courtroom.)

8

9

10

THE COURT: Good morning, Ladies and Gentlemen.
Welcome back. At this time we will go ahead and start the
defenses's case.

11

Ms. Carmody, call your first witness.

12

MS. CARMODY: The defense calls, C.J. Lowery.

13

CLARENCE J. LOWERY,

14

being first duly sworn testified as follows:

15

* * *

16

DIRECT EXAMINATION

17

BY MS. CARMODY:

18

Q. Good morning. State where you work.

19

A. Jasper County Sheriff's Office.

20

Q. How long have you been there?

21

A. Almost 13 years.

22

23

Q. Were you working at the time of this incident we
are here for today?

24

A. Yes.

25

Q. Were you called to the scene?

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1 A. Yes.

2 Q. Did you conduct an interview with Mr. Outler?

3 A. I did.

4 Q. At the conclusion of that interview, did you take
5 Mr. Outler's clothing?

6 A. I did.

7 Q. When you took his clothing, did you give him new
8 clothing to put on?

9 A. Yes.

10 Q. Do you remember where those clothes came from?

11 A. I do not.

12 Q. Was it your understanding that the clothes were at
13 the residence?

14 A. I don't know how they actually got there. I think
15 they were at the residence.

16 Q. At some point was it your understanding that those
17 were new clothes taken from the house, and he was going to
18 change into those?

19 A. Yes, ma'am. I believe so.

20 Q. At some point during that interview, did you ask
21 him if he had any injuries to himself.

22 A. I did.

23 Q. What did he tell you?

24 A. He said he had something on his leg, a bruise or a
25 scratch. Something along those lines.

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1 Q. Did you take a picture of his leg?

2 A. I did.

3 Q. I will show you what has been marked as Defendant's
4 Exhibit 4 for identification.

5 Q. Is this a picture of his leg that you took that
6 evening?

7 A. It is.

8 Q. Is that a fair and accurate representation of his
9 leg on that evening?

10 A. It is.

11 MS. CARMODY: The defense asks to publish this to
12 the jury.

13 THE COURT: You may.

14 BY MS. CARMODY:

15 Q. Agent Lowery, what is this a picture of?

16 A. His leg.

17 Q. After the incident with Ms. Green?

18 A. Yes, ma'am.

19 MS. CARMODY: Your Honor, the defense seeks to
20 admit this in evidence as Defendant's Exhibit 4.

21 THE COURT: Without objection?

22 MS. SWANSON: Without objection.

23 THE COURT: Without objection, it's in evidence.

24 (Defendant's Exhibit 4 was marked and accepted into
25 evidence.)

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MS. CARMODY: Thank you, Agent Lowery. I have no further questions.

4

* * *

5

CROSS-EXAMINATION

6

BY MS. SWANSON:

7

Q. How are you, Deputy Lowery?

8

A. Good.

9

10

Q. You were in the criminal investigations division interview with William Outler, right?

11

A. Yes, ma'am.

12

Q. It was you and Tootie Edwards in there?

13

A. Yes, ma'am.

14

15

Q. You recall that Mr. Outler told you that he approached Renee.

16

MS. CARMODY: Objection, Your Honor.

17

THE COURT: Basis?

18

MS. CARMODY: Outside the scope of direct.

19

MS. SWANSON: This is cross-examination.

20

21

THE COURT: This is cross-examination. She can proceed.

22

BY MS. SWANSON:

23

24

25

Q. You recall that he told you that he approached Renee. He was inside watching TV, but he went outside and approached her about -- he wanted to talk?

State v. William Outler, Jr. - 2018GS2700571, VOLUME III

1 A. Yes, ma'am.

2 Q. Is that how you recall the interview going?

3 A. Yes, ma'am.

4 Q. In fact, you asked where everyone was, and he said
5 he was downstairs while she was upstairs?

6 A. Yes. I believe so.

7 Q. He clarified, I was down to the ground. She was
8 upstairs?

9 A. Yes, ma'am.

10 Q. Did you take that to mean the top of the stairs
11 from the back of the trailer?

12 MS. CARMODY: Objection. Calls for speculation.

13 THE COURT: It is speculative. You can ask --

14 MS. SWANSON: I will move on.

15 BY MS. SWANSON:

16 Q. He never told you in that interview that he was in
17 fear of his life, did he?

18 A. No, ma'am.

19 Q. He didn't say anything about being afraid, did he?

20 A. No, ma'am.

21 Q. He never indicated that he had any trouble getting
22 the axe away from Renee, did he?

23 A. No, ma'am.

24 Q. He told you that he went to the best Western and
25 called his dad?

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1 A. Yes, ma'am.

2 Q. He didn't call 911, did he?

3 A. Not that I am aware of.

4 Q. At some point during the interview, he tells you
5 that he hits her on her ribs or back.

6 Do you recall that portion

7 A. Yes, ma'am.

8 Q. Then she was on the ground. He said the first hit
9 and the second hit were on the top of the head.

10 Do you recall that

11 A. I don't recall the actual sequence of it.

12 Q. That is okay. You do recall him saying that he hit
13 her on the ribs or the back?

14 A. Yes, ma'am.

15 Q. And that he should walked away?

16 A. Yes, ma'am.

17 Q. Do you also recall him telling you that he panicked
18 and left.

19 A. I don't recall that statement.

20 Q. He admitted that he exchanged words with her and
21 engaged in the argument?

22 A. Yes, ma'am.

23 Q. That the argument was about money, bills, normal
24 relationship stuff?

25 A. Yes, ma'am.

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1 Q. I think that is all I have. Thank you.

2 THE COURT: Ms. Carmody, anything else?

3 MS. CARMODY: No, Your Honor.

4 THE COURT: Any objection to the witness being
5 excused from anyone?

6 MS. CARMODY: No, Your Honor.

7 THE COURT: Call your next witness.

8 MS. CARMODY: The defense calls Mr. James Youmans.

9 * * *

10 JAMES BRATTON YOUMANS, JR.,
11 being first duly sworn testified as follows:

12 * * *

13 DIRECT EXAMINATION

14 BY MS. CARMODY:

15 Q. Good morning, Mr. Youmans. You can take off your
16 mask.

17 A (Witness complies.)

18 Q. Thank you, sir. Please state your name for the
19 record and spell it for the court reporter.

20 A. James Youmans, J-a-m-e-s Y-o-u-m-a-n-s.

21 Q. Thank you, sir. How do you know my client in this
22 case, Mr. Outler?

23 A. I picked him up to go to church. I go to Yemassee
24 Baptist Church.

25 Q. When you picked him up, was this a regular occasion

State v. William Outler, Jr. - 2018GS2700571, VOLUME III

1 or a one-time thing?

2 A. It was probably about five, six times during a few
3 months.

4 Q. Was it on a consistent basis?

5 A. Whenever he came, yes, ma'am.

6 Q. Was anyone else with him when you picked him up.

7 A. It was a young girl. I think it was his
8 girlfriend's daughter. Asia-something.

9 Q. NIY'ASHA M. ?

10 A. Yes, ma'am.

11 Q. Was it your understanding that you were picking
12 them at at his residence?

13 A. Yes, ma'am.

14 Q. Do you remember the address?

15 A. No, ma'am. I do not. Point South maybe.

16 Q. Would Heyward Road sound familiar? 303 Heyward
17 Road?

18 A. I am not sure about the street address.

19 Q. In the Point South area?

20 A. Yes, ma'am.

21 Q. Was it a trailer?

22 A. Yes, ma'am.

23 Q. When you picked them up, Mr. Outler was with NIY'ASHA M.

24 NIY'ASHA M. on a regular basis?

25 A. Yes, ma'am.

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1 Q. In your opinion, did they appear to get along?

2 A. Yes, ma'am.

3 MS. SWANSON: Your Honor, I would object as to
4 relevance.

5 THE COURT: I think you are just about done;
6 correct?

7 MS. CARMODY: Yes, Your Honor.

8 BY MS. CARMODY:

9 Q. Mr. Youmans, at any time did you witness any
10 conflict between Mr. Outler and **NIY'ASHA M.**?

11 A. No, ma'am.

12 Q. Thank you, Mr. Youmans. Please answer any
13 questions for Ms. Swanson?

14 THE COURT: Ms. Swanson.

15 * * *

16 CROSS-EXAMINATION

17 BY MS. SWANSON:

18 Q. Just to be clear, you are talking about a
19 relationship between Renee Green's daughter and Mr. Outler,
20 correct?

21 A. Yes, ma'am.

22 MS. SWANSON: Thank you.

23 THE COURT: Anything further, Ms. Carmody?

24 MS. CARMODY: No, Your Honor.

25 THE COURT: Any objection to Mr. Youmans being

State v. William Outler, Jr. - 2018GS2700571, VOLUME III

1 excused?

2 MS. CARMODY: No, Your Honor.

3 THE COURT: You are excused, sir. Thank you.

4 Call your next witness.

5 MS. CARMODY: Your Honor, the defense calls

6 Mr. Watson.

7 JAMES E. WATSON,

8 being first duly sworn testified as follows:

9 * * *

10 DIRECT EXAMINATION

11 BY MS. CARMODY:

12 Q. Sir, you are welcome to take your mask off.

13 Good morning, Mr. Watson.

14 A. Good morning.

15 Q. Please state your name for the record spell it for
16 the Court reporter.

17 A. I'm hard of hearing.

18 James E. Watson, W-a-t-s-o-n.

19 Q. Are you familiar with Mr. William Outler?

20 A. Yes, ma'am.

21 Q. How do you know Mr. Outler?

22 A. I drove the bus to pick him up from church.

23 Q. When you picked him up from church, where was that?
24 Where did you pick him up?

25 A. Point South in the trailer.

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1 Q. 303 Heyward Road?

2 A. I am not sure what the name of the road was. I
3 just know it was Point South.

4 Q. Was it your understanding that that was his
5 residence?

6 A. Yes, ma'am.

7 Q. Did anybody come with him?

8 A. I don't know if she was a daughter or what she was.
9 She was in the same house anyway.

10 Q. Was her name **NIY'ASHA M.**?

11 A. I don't think we called her **NIY'ASHA M.**

12 Q. Is there another name?

13 Was she approximately 13 years old?

14 A. Yes.

15 Q. She came with Mr. Outler to church?

16 A. Yes, ma'am.

17 Q. On a regular basis?

18 A. Yes, ma'am.

19 Q. About how often did you pick them up?

20 A. Pretty much every Sunday.

21 Q. Did this begin in June of 2018?

22 A. I am not sure what month it was. I couldn't tell
23 you exactly what month.

24 Q. Approximately how many times did you pick him up?

25 A. I probably picked him up 15, 20, 30 times.

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1 Q. At any time did you pick up Ms. Renee Green?

2 A. I believe, if that was the girl's mother.

3 Q. Yes.

4 A. I think -- I want to say she came at least once or
5 twice.

6 Q. So out of 15 to 30 times that you picked up
7 Mr. Outler and **NIY'ASHA M.**?

8 MS. SWANSON: Objection.

9 THE COURT: Basis?

10 MS. SWANSON: I believe we are getting into some
11 character evidence here.

12 THE COURT: You need to be careful, Ms. Carmody.

13 MS. CARMODY: I understand.

14 THE COURT: Sustained.

15 BY MS. CARMODY:

16 Q. Is it your testimony that you picked up Ms. Green
17 two times?

18 A. At least two times.

19 Q. At least two?

20 A. Yes.

21 MS. CARMODY: I don't have any further questions,
22 your Honor. Thank you.

23 MS. SWANSON: Briefly.

24

25

* * *

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1 CROSS-EXAMINATION

2 BY MS. SWANSON:

3 Q. Mr. Watson, you don't have any personal knowledge
4 or any information about what happened when Mr. Outler struck
5 Renee Green three times in the head with an axe, do you?

6 A. No. I have no knowledge whatsoever.

7 MS. SWANSON: Nothing further.

8 THE COURT: Anything further, Ms. Carmody?

9 MS. CARMODY: No, Your Honor.

10 THE COURT: Any objection to Mr. Watson being
11 excused from anyone?

12 MS. CARMODY: No, Your Honor.

13 THE COURT: You are excused, sir. Thank you.

14 Call your next witness

15 MS. CARMODY: Otis Warren.

16

17 OTIS WARREN,

18 being first duly sworn testified as follows:

19 * * *

20 DIRECT EXAMINATION

21 BY MS. CARMODY:

22 Q. Mr. Warren, you can take your mask off, sir.

23 Good morning, Mr. Warren.

24 A. Good morning.

25 Q. Please state your name for the record and spell it

State v. William Outler, Jr. - 2018GS2700571, VOLUME III

1 for the court reporter.

2 A. My name is Otis Warren. What else do you need from
3 me?

4 Q. Spell it.

5 A. O-t-i-s W-a-r-r-e-n.

6 Q. Mr. Warren, do you recognize Mr. Outler?

7 A. Yes. I sure do.

8 Q. How do you know Mr. Outler?

9 A. He is my son. Not from a biological standpoint,
10 but he is still my son. When his mother and I got married, he
11 was about two years old. He is my son.

12 Q. He is your stepson, but you started raising him
13 when he was two?

14 A. Uh-huh.

15 THE COURT: Yes, for the record, sir?

16 THE WITNESS: Yes.

17 BY MS. CARMODY:

18 Q. About how many years ago was that?

19 A. My wife and he I got married in 1964. He was born
20 in '62.

21 Q. If we do the math --

22 A. I can't do the math.

23 Q. Married a long time?

24 A. Yes.

25 Q. Mr. Warren, in August of 2018 did you receive a

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1 phone call from your son?

2 A. Yes, I did.

3 Q. Do you remember what day that was on?

4 A. I really don't. It has been too long ago. I think
5 it was a Wednesday, but I am really not sure.

6 Q. Is it a frequent occurrence that you would receive
7 a phone call from your son in the middle of the night?

8 A. Not at that time.

9 Q. It was around August 7 or so?

10 A. Yes.

11 Q. Were you sleeping when you received that call?

12 A. Yes, I was.

13 Q. You don't regularly receive phone calls in the
14 middle of the night, correct?

15 A. No.

16 Q. As a result of that phone call, what did you tell
17 your son?

18 A. I told him to find a police officer as quickly as
19 he could and explain to them what had taken place.

20 Q. I understand, sir. Do you have any knowledge of
21 where he was calling you from?

22 A. No. A convenience store or something like that. I
23 had no idea what area he was in. He said a store or something
24 like that, if I remember correctly.

25 Q. Is there a reason why you told him to contact the

State v. William Outler, Jr. - 2018GS2700571, VOLUME III

1 police?

2 A. Because when he mentioned to me about the situation
3 with taking an axe from his girlfriend --

4 MS. SWANSON: Your Honor, this is hearsay.

5 THE COURT: Okay. Sustained.

6 You can't say something he told you.

7 BY MS. CARMODY:

8 Q. Mr. Warren, you can't say what he told you. Is
9 there a reason you directed him to call the police?

10 A. Because it was the right thing to do. It was just
11 the right thing to do.

12 Q. I understand. To your knowledge, did he listen to
13 your advice?

14 A. Yes, he did.

15 MS. CARMODY: Thank you, sir. I have no further
16 questions, Your Honor.

17 THE COURT: Ms. Swanson.

18 * * *

19 CROSS-EXAMINATION

20 BY MS. SWANSON:

21 Q. You have no personal knowledge of the events that
22 took place on August 7, do you?

23 A. No. I sure don't.

24 Q. You don't know that he was doing the right thing on
25 August 7 before he spoke to you, do you?

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1 A. Was he doing the right thing?

2 Q. Correct. When he was bludgeoning his girlfriend
3 with an axe?

4 A. I have no idea.

5 Q. Is there a reason you told him to go look for a
6 police officer rather than just hang up the phone and dial 911
7 from the same phone he was using to call you?

8 A. No. I warned him to get in touch with a police
9 officer any way he could have. No. I did not think about
10 calling 911. I told him to find one if he had to.

11 MS. SWANSON: Thank you.

12 THE COURT: Anything further, Ms. Carmody?

13 MS. CARMODY: No, Your Honor.

14 THE COURT: Any objection to Mr. Warren being
15 excused from anyone?

16 MS. CARMODY: No, Your Honor.

17 THE COURT: You ever excused.

18 Ladies and gentlemen of the jury, we are going to
19 take a short break. The next witness or two witnesses are
20 going to be by video. We need to go ahead and get cued up. I
21 am going to send you back to your jury room. I will remind you
22 again not to discuss the case. When you come back, we will
23 have it cued up.

24 Thank you.

25 (Jury exits courtroom.)

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1 THE COURT: All right. We will be at ease for
2 about ten minutes.

3 Ms. Carmody, let me know. Certainly you are
4 welcome to refresh yourselves before we do this.

5 (Recess.)

6 THE COURT: All right. Please bring in the jury.

7 (Jury enters courtroom)

8 THE COURT: All right, ladies and gentlemen. My
9 understanding is that our next witness will testify via
10 computer. The first thing I will do is have Ms. Carmody call
11 the witness, and then I will have Honeycutt swear him in.

12 Go ahead.

13 MS. CARMODY: The defense calls Erik Flail.

14 THE COURT: Thank you.

15 ERIK FLAIL,

16 being first duly sworn testified as follows:

17 * * *

18 DIRECT EXAMINATION

19 BY MS. CARMODY:

20 Q. Mr. Flail, please state your name and spell your
21 last name for the court reporter.

22 A. Erik Flail, E-r-i-k F-l-a-i-l.

23 Q. Mr. Flail, are you currently located out of state
24 and that is the reason for your video testimony?

25 A. Yes.

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1 Q. Mr. Flail, where do you work?

2 A. NMS Labs in Willowbrook, Pennsylvania. It's a
3 suburb of Philadelphia.

4 Q. What is your job at NMS Labs?

5 A. My title is certified scientist.

6 Q. Do you do analytical toxicology?

7 A. Yes.

8 Q. What is your educational background?

9 A. I graduated from La Salle University with a BA in
10 Biology. I have worked in various laboratories since 1994. I
11 have been NMS for a little over 19 years.

12 Q. What training and experience do you have in
13 analytical toxicology?

14 A. Again, working in laboratories for last 25 years.
15 Specifically for what I do now, being at NMS for 19 years. I
16 have moved through the ranks and learned quite a bit in this
17 position as a certified scientist. I review more than actually
18 do any of the lab work.

19 Q. I understand. That is the reason for analytical
20 toxicology, correct?

21 A. Correct.

22 THE COURT: Ms. Carmody, speak up a little bit.
23 BY MS. CARMODY:

24 Q. Sir, what training and experience do you have in
25 analytical toxicology specifically?

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1 A. I have on-the-job training. We do continuing
2 education. Certain states require that we achieve 12
3 continuing education credits. We also do outside training for
4 some of the agencies that oversee us. Courses, classes,
5 anything we are interested in doing that can play a role in
6 better understanding our jobs. Anything that will encourage
7 that.

8 Q. Thank you, sir. How long have you worked in the
9 field all together?

10 A. 19 years.

11 Q. Have you been qualified as an expert in the field
12 of analytical toxicology?

13 A. Yes. About a dozen times.

14 MS. CARMODY: Your Honor, the defense would move
15 for Erik Flail to be qualified as an expert in the field of
16 analytical toxicology.

17 THE COURT: Any voir dire?

18 MS. SWANSON: No voir dire. No objection.

19 THE COURT: Ladies and gentlemen, in this case
20 Mr. Flail is being qualified as an expert in the area of
21 analytical toxicology. That allows him to give his opinion and
22 the reasons for his opinion. That is for you to use as you see
23 appropriate and as compared to other evidence.

24 BY MS. CARMODY:

25 Q. Mr. Flail, did NMS Labs receive blood and urine

1 samples from Ms. Chantis Green in this case?

2 A. Yes, we did.

3 Q. Were those samples submitted to NMS Labs from MUSC?

4 A. Yes.

5 Q. Mr. Flail, in receiving those samples, do you keep
6 internal chain-of-custody documents?

7 A. Yes. Documents in our computer system. Anytime
8 something is done with a sample, it logs everything in: Time,
9 date, the person, the reason. It's constantly building until
10 everything is completed.

11 Q. Does NMS Lab have internal quality control
12 procedures to preserve the integrity of the samples?

13 A. Yes. Even the information from the requisition's
14 computer system -- that information is secondarily reviewed by
15 another analyst to make sure that the information was entered
16 correctly. We review from the very first step.

17 Q. Thank you, sir. Do you have documents entitled
18 Analysis, Requisition, and Chain of Custody and Chain of
19 Custody Sample Report.

20 A. Yes. I have them on my screen.

21 Q. These are previously marked as Defendant's Exhibit
22 5 for identification, Your Honor.

23 THE COURT: Okay.

24 BY MS. CARMODY:

25 Q. Mr. Flail, please explain what these documents are.

State v. William Outler, Jr. - 2018GS2700571, VOLUME III

1 A. The analysis requisition and chain of custody is a
2 -- I assume it's a requisition. This is given to -- either
3 supplied to the clients. In this case, the forensic science
4 network. The clients will fill out the information when they
5 send us samples.

6 In this case, they have a work ID, which is their
7 number, which is FA 18629. They have a subject name, which is
8 Chantis Green, and her birthdate and then information when the
9 samples were taken, where they were taken from. Then what
10 testing they wish us to perform. That is brought to us with
11 the samples.

12 MS. SWANSON: If it helps to move things along, the
13 State is happy to stipulate to any chain of custody and the
14 results. We brought them out already during the pathologist's
15 testimony.

16 THE COURT: That is fine. So you can go ahead.

17 MS. CARMODY: The defense would move to admit
18 Defendant's Exhibit 5.

19 THE COURT: Without objection, obviously, from the
20 State, it's in evidence.

21 Defendant's Exhibit 5 was marked and accepted into
22 evidence.)

23 BY MS. CARMODY:

24 Q. Mr. Flail, moving forward. The next document is
25 marked as Defendant's Exhibit 6 for identification, sir. That

1 is the toxicology report?

2 A. Yes. I have that on my screen.

3 Q. The toxicology report was prepared by NMS Labs?

4 A. Yes.

5 Q. Did you analyze the toxicology report in this case?

6 A. Yes.

7 Q. Could you please explain to the jury the findings
8 in that report as it relates to what substance, substances,
9 were found in Ms. Green's blood sample obtained during autopsy.

10 A. Based on the screen testing, Ms. Green had a blood
11 alcohol level of .014. She had cocaine what is called
12 benzoylecgonine, a metabolite of cocaine. A metabolite is when
13 the body ingests something, it starts to break it down into
14 useful components. So when cocaine goes into the body, the
15 body begins to break it down. The main thing it breaks it into
16 is benzoylecgonine.

17 Q. Mr. Flail, what if any results are significant in
18 this case?

19 A. The existence of cocaine in the blood sample is
20 rare. Because the body metabolizes cocaine very, very quickly.
21 The half-life of cocaine is between 60 minutes and 75 minutes.
22 What the half-life is, is in that time frame, half of what is
23 in there will be gone. It is significant because it shows
24 there was recent usage of the drug.

25 Q. At or near the time of death, sir?

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1 A. Yes. It was within hours.

2 Q. In your opinion, sir, is having cocaine in your
3 system and the benzoylecgonine -- would Ms. Green have been
4 under the influence in and experiencing the effects of cocaine
5 at the time of her death?

6 A. I would say, yes. I cannot say what effects she
7 was having. Cocaine being -- because it's the active drug, it
8 was still having its effects, whatever they may be.

9 Q. Whatever effects she was experiencing were active
10 at the time of her death?

11 A. Yes. Correct.

12 Q. Do you have anything else from the toxicology
13 report that you believe the jury should know?

14 A. Not that I haven't already talked about.

15 MS. CARMODY: Thank you, sir. I have no further
16 questions.

17 THE COURT: Ms. Swanson?

18 * * *

19 CROSS-EXAMINATION

20 BY MS. SWANSON:

21 Q. Hi, Mr. Flail. How are you?

22 A. Good. How are you today?

23 Q. Good. Your testimony is that recent usage means
24 within hours of her death, right?

25 A. For cocaine, yes.

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1 Q. Right. For the cocaine. You said that you can't
2 say what effects she was experiencing at the time of her death,
3 correct?

4 A. Yes.

5 Q. You don't know what Renee Green was acting like on
6 August 7, 2018?

7 A. I have no idea.

8 MS. SWANSON: Thank you. That is all.

9 THE COURT: Ms. Carmody, any redirect?

10 MS. CARMODY: No, Your Honor.

11 THE COURT: Go ahead. Obviously, no objection to
12 us going ahead and releasing Mr. Flail?

13 MS. SWANSON: No objection.

14 MS. CARMODY: No objection.

15 THE COURT: Tell him he is released.

16 MS. CARMODY: Defense would seek to admit
17 Defendant's Exhibits 5 and 6.

18 MS. SWANSON: Without objection.

19 THE COURT: Without objection. 5 was in evidence
20 and now 6 is too.

21 Defendant's Exhibit 6 was marked and accepted into
22 evidence.)

23 THE COURT: Ms. Carmody, I will let you leave Mr.
24 Flail. We will go ahead and take the next witness.

25 THE WITNESS: Thank you. Have a good day.

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1 MS. CARMODY: Can I have a minute to get the next
2 witness?

3 THE COURT: Sure. Stand up and take a stretch.
4 You are welcome to, ladies and gentlemen.

5 Ms. Carmody is this the last witness?

6 MS. CARMODY: Yes, Your Honor.

7 THE COURT: Do you anticipate any rebuttal
8 witnesses?

9 MS. SWANSON: No.

10 THE COURT: Ladies and gentlemen of the jury, I
11 will go ahead and send you back to your jury room. I will
12 remind you not to discuss the case. We will bring you back up
13 as soon as we get it back up.

14 (Jury exits courtroom.)

15 MS. CARMODY: I just want to put on the record the
16 State still stipulates to the qualifications of Dr. Papas as an
17 expert in the field of clinical and forensic pathology.

18 THE COURT: Is that correct, Solicitor?

19 MS. SWANSON: That's correct

20 MS. CARMODY: So I do not have to go through all of
21 his qualifications?

22 THE COURT: No. You need to tender him for me so I
23 can put that on the record in front of the jury.

24 MS. CARMODY: We are going to call the jury in now.
25 Then we are going -- I will call you as a witness. You will be

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1 sworn in. Then we will proceed from there.

2 Additionally, the State will stipulate to your
3 qualifications as an expert. I will go through them briefly,
4 but not in detail like we talked about. Then we will go
5 straight through.

6 THE WITNESS: Do you want me to get into my
7 educational experience, et cetera, et cetera?

8 MS. CARMODY: A little bit.

9 (Jury enters courtroom.)

10 THE COURT: Welcome back, ladies and gentlemen.

11 Ms. Carmody, call your next witness, please.

12 MS. CARMODY: The defense calls Dr. Papas.

13 * * *

14 ALEX A. PAPPAS, M.D,

15 being first duly sworn testified as follows:

16 * * *

17 DIRECT EXAMINATION

18 BY MS. CARMODY:

19 Q. Tell the jury your full name and spell it for the
20 court reporter.

21 A. Alex Pappas, A-l-e-x A. P-a-p-a-s.

22 Q. Dr. Pappas, are you currently located out of state
23 and hence the reason for your video testimony?

24 A. Yes. Currently I am in Little Rock, Arkansas
25 visiting a friend and colleague who has developed acute

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1 dementia.

2 Q. Dr. Pappas, what is your occupation?

3 A. I am a pathologist. My training is as a
4 pathologist. I also have expertise in clinical and forensic
5 toxicology.

6 Q. Sir, what training and experience have you had in
7 the field of clinical and forensic toxicology?

8 A. I did undergraduate medical school work where I
9 started doing autopsies and working in toxicology laboratories.
10 I did a residency in anatomical and clinical
11 pathology. I then sat for my boards in anatomic and clinical
12 pathology. I went on the faculty at Medical University of
13 South Carolina as assistant director of the clinical toxicology
14 laboratory there.

15 I then became the director of the laboratory at
16 Charleston Memorial Hospital, where I instituted, in addition
17 to running the entire laboratory, forensic and clinical
18 toxicology.

19 I then left in 1985 to go to the University of
20 Arkansas Medical Sciences. I became the director of the
21 laboratories there. I also instituted clinical toxicology and
22 forensic toxicology, and I taught the subject and gave
23 workshops on learned treatises in both areas. We had the first
24 forensic drug lab in the State of Arkansas. I continued
25 teaching and doing research up until about five or six years

1 ago. I then took retirement and left and returned home to
2 South Carolina.

3 MS. CARMODY: The defense is offering Dr. Pappas as
4 an expert in the field of clinical and forensic toxicology.

5 THE COURT: All right. Ladies and gentlemen, in
6 this case the defendant has offered and the State has
7 stipulated that Dr. Pappas is an expert in clinical and
8 forensic toxicology. Again, that allows him to give his
9 opinion and the reasons for his opinion. That is for you to
10 use it as you appropriate and as compared to other evidence in
11 this case.

12 BY MS. CARMODY:

13 Q. Dr. Pappas, did you have an opportunity to review
14 the toxicology report of Ms. Chantis Green, the decedent in
15 this case?

16 A. Yes, I did review the report of the blood and urine
17 taken at her autopsy.

18 Q. I am referring to Defendant's Exhibit 6, the
19 toxicology report. Dr. Pappas, could you please explain your
20 findings with regard to the toxicology report.

21 A. Yes. The decedent had the presence of cocaine. It
22 also had the metabolite of cocaine, Benzoyllecgonine present.
23 Also, there was the presence of alcohol, which is quantified at
24 .014 percent.

25 Cocaine is the central nervous systems stimulant.

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1 It has the effect of causing euphoria or a sense of happiness.
2 It also gives people an intense rush. Again, I am not
3 advocating drug use. That is the pleasure-seeking aspect of
4 cocaine. It also can increase aggressiveness and violent
5 behavior in individuals who take cocaine.

6 The benzoylecgonine is a metabolite, and as such
7 doesn't exert any effect. The level of cocaine that the
8 decedent had indicates that she had been taking it sometime
9 prior to her death and probably in a binge fashion because of
10 the presence of high metabolite in the actual active drug.

11 Also, the amount of alcohol, although it's not
12 great, would be consistent with having drank one or two beers.

13 Q. Thank you, Doctor. Do you have an opinion on the
14 toxicology report in this case?

15 A. Yes. To a reasonable degree of medical certainly,
16 the decedent had been using cocaine for some time prior to her
17 death. My best estimate is within the previous two to three
18 hours.

19 Q. Dr. Pappas, how does this tie into what is called
20 interpersonal violence?

21 A. Interpersonal violence is defined as the intention
22 to use physical force or power against --

23 MS. SWANSON: Objection.

24 THE COURT: Basis?

25 THE COURT: Stop, Dr. Pappas.

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1 MS. SWANSON: I don't really know what
2 interpersonal violence and an opinion on that has to do with
3 clinical toxicology, which is what he has been deemed an
4 expert.

5 THE COURT: Can he testify to it? You need to ask
6 him that question.

7 BY MS. CARMODY:

8 Q. Dr. Pappas, the Court is asking what basis you have
9 to testify to interpersonal violence and its relationship to
10 clinical and forensic toxicology?

11 A. Individuals that use cocaine have a greater risk of
12 3 to 10 times -- the odds of somebody using cocaine are as
13 opposed to someone who doesn't use cocaine -- three times
14 greater at minimum to as great as 10 times greater to commit
15 interpersonal violence.

16 THE COURT: What is that?

17 BY MS. CARMODY:

18 Q. What is interpersonal violence, Dr. Pappas?

19 A. Interpersonal violence is the intent to use
20 physical force, real or threatened, against an individual which
21 results in that person likely to have injury or even death,
22 harm, or deprivation. Interpersonal violence can also be
23 further defined as intimate, where it involves someone who is
24 in a close relationship with someone else -- elder abuse or
25 even child abuse, such as neglect or maltreatment.

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1 Q. Thank you, Dr. Pappas.

2 THE COURT: Go ahead.

3 BY MS. CARMODY:

4 Q. Thank you, Your Honor. Dr. Pappas, if you could,
5 do you have an opinion on the toxicology report as it relates
6 to interpersonal violence?

7 A. We know --

8 MS. SWANSON: Objection. That would call for
9 speculation.

10 THE COURT: Okay. I think you can talk in
11 generalities with him, but I don't know that he can give an
12 opinion. Maybe he can. I don't know. That would be for your
13 cross-examination, Ms. Swanson. Okay.

14 BY MS. CARMODY:

15 Q. Dr. Pappas, you did have been an opportunity to
16 review the toxicology report in this case?

17 A. Yes, I did.

18 Q. You have extensive experience in clinical and
19 forensic toxicology and as it relates to interpersonal
20 violence, correct?

21 A. Yes.

22 Q. Dr. Pappas, do you have an opinion on the
23 toxicology report as it relates to interpersonal violence?

24 A. Individuals that use cocaine and individuals that
25 have used cocaine and alcohol have a greater chance or risk of

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1 perpetuating or doing personal violence to someone that they
2 know. Odds ratio of anywhere from 20 to 10, as I previously
3 stated.

4 Q. Dr. Pappas, you were not present for the incident
5 that occurred in this case, correct?

6 A. I was not present, no.

7 Q. You can't say with certainty that that is exactly
8 what happened in this case. This is your medical opinion with
9 regard to the cocaine and alcohol in the system could lead to
10 interpersonal violence, correct?

11 A. That's correct.

12 MS. CARMODY: Thank you, Dr. Pappas. I have no.
13 further questions.

14 Please answer any questions that. Ms. Swanson may
15 have.

16 * * *

17 CROSS-EXAMINATION

18 BY MS. SWANSON:

19 Q. Good morning, Dr. Pappas.

20 A. Good morning. Yes, ma'am. Can you hear me?

21 Q. Yes, sir. You didn't examine Renee Green, did you?

22 A. No. I did not.

23 Q. You didn't review the autopsy findings, did you?

24 A. I saw the autopsy findings, yes. I reviewed them.

25 Q. You would agree that she died from three major head

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1 wounds, correct?

2 A. Correct.

3 Q. You don't know what she was acting like on August 7
4 of 2018 or what effects may have been present due to the
5 cocaine in her system, correct?

6 A. No. I don't know. As I stated earlier, I can only
7 state to a reasonable degree of medical certainty that this can
8 be an effect of cocaine.

9 Q. Can be, not always. She could have been
10 experiencing a sense of happiness, based on your testimony.

11 A. That is true.

12 Q. Thank you. That is all I have.

13 THE COURT: Ms. Carmody, anything further?

14 MS. CARMODY: No, Your Honor.

15 THE COURT: Any objection to Dr. Pappas being
16 released?

17 MS. CARMODY: No, Your Honor.

18 MS. SWANSON: No, Your Honor.

19 THE COURT: Tell Dr. Pappas thank you.

20 THE WITNESS: Am I dismissed?

21 THE COURT: Yes, sir.

22 Ladies and gentlemen of the jury, we need to take
23 up a matter of law and figure out where we are going from here.
24 I will send you back to your jury room. Do not discuss the
25 case. It would not be appropriate to do so. I will bring you

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1 right back out. I think we will probably take an early lunch
2 today, just to let you know. So don't discuss the case, and we
3 will be right back with you.

4 (Jury exits courtroom)

5 * * *

6 DEFENDANT'S RIGHT TO TESTIFY OR NOT TESTIFY

7 THE COURT: Ms. Carmody, I need to go through your
8 client's rights with him as to whether or not he wishes to
9 testify before you rest your case. I assume you are going to
10 rest now. Does he plan on testifying or not or do you know?

11 MS. CARMODY: No, Your Honor. If we could put that
12 on the record, please.

13 THE COURT: I will asked ask you to stand,
14 Mr. Outler.

15 WILLIAM OUTLER, JR.,

16 being first duly sworn testified as follows:

17 * * *

18 VOIR DIRE EXAMINATION BY THE COURT

19 THE COURT: Mr. Outler, we have come to that point
20 in the trial where you may present a defense. Obviously, your
21 lawyer has put on witnesses. As well, sir, you have the right
22 to testify or not testify in your own behalf. I just want to
23 make sure you understand that the Fifth Amendment to the
24 Constitution does not require you to testify or ever be a
25 witness against yourself in a criminal matter.

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1 Whether or not you wish to testify is completely up
2 to you. I want to make sure you understand that. I do want
3 you to know, sir, that if you choose to testify in this case,
4 you will be subject to cross-examination by the State on any
5 element in this case that I deem relevant.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Have you had an opportunity to talk
9 with Ms. Carmody as to whether or not you wish to testify?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you want to testify in this case,
12 sir?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Is that your decision, sir?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Thank you. You may be seated,
17 Mr. Outler. I do find that it was intelligently made with the
18 advice of counsel. I understand that.

19 Ms. Carmody, this is what I propose we do. We need
20 to talk about jury charge a little bit. It's almost 11:00.
21 What I would like to do is bring the jury back out and, Ms.
22 Carmody, have you rest for them. Then I will hear motions.
23 After that, we will discuss the jury charge. I will send it to
24 you.

25 We will let them go get some lunch in the meantime,

1 before we bring them back. That will give you a little time
2 before your closing arguments.

3 Just stand up and rest for the record, and I will
4 ask if the State has any rebuttal witnesses. She will tell me
5 no again. Then we will go from there and I will send them out
6 to lunch. Bring them back out, Honeycutt.

7 (Jury enters courtroom)

8 MS. CARMODY: At this time the defense rests, Your
9 Honor.

10 THE COURT: Ladies and gentlemen at this time the
11 defense has also rested their case. The State has indicated
12 they are not calling any rebuttal witnesses; is that correct,
13 Ms. Swanson?

14 MS. SWANSON: That's correct.

15 THE COURT: Ladies and gentlemen, what we have left
16 to do is hear the closing arguments from the lawyers and for
17 you to hear the charge of the law in this case. Before we do
18 that, there are some matters that I have to take up with the
19 lawyers. Rather than have you waiting on us and having an odd
20 time to send this case to you, we are going to go ahead and
21 break for a very early lunch today.

22 If anyone has any difficulty with this, you can
23 tell me. I will ask that you all be back at noon or five
24 minutes after noon. Can you do that?

25 Is that a problem with anyone who is driving or

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1 going back home? If that is fine with you all -- does that
2 give you enough time?

3 (Unanimous agreement.)

4 THE COURT: Very good. Ladies and gentlemen, I do
5 have to remind you because I am releasing you obviously to
6 lunch. Do not discuss the case. Do not go by the scene in any
7 way. Do not any independent research. Go get a bite to eat.
8 Come back, and we look forward to seeing you. When you come
9 Back, like I said, you will hear the closing arguments. I will
10 charge you on the law that is applicable to this case. Then we
11 will send it to you for your deliberations. Thank you. You
12 are excused.

13 (Jury exits courtroom).

14 THE COURT: Just very quickly. Let's go ahead and
15 renew our motions and talk about the jury charge.

16 MS. CARMODY: Yes. Motion now, Your Honor?

17 THE COURT: Yes, ma'am.

18 MS. CARMODY: Yes, Your Honor. The defense would
19 renew our motion for a directed verdict based on the same
20 reasons that I cited earlier; that the State has not proven
21 malice aforethought in this case. There is no evidence to
22 indicate any intent of Mr. Outler ahead of time to hurt Ms.
23 Green. I believe this is a self-defense case, Your Honor.

24 Additionally, Your Honor, I would also like to
25 reassert our prior motion for immunity as well.

1 THE COURT: Yes. Okay. I appreciate that.

2 Ms. Swanson.

3 MS. SWANSON: Thank you, Your Honor. I believe
4 that the facts taken in the light most favorable to the State
5 do -- are facts from which the jury could decide that Mr.
6 Outler is guilty of murder. Malice does not have to be formed
7 to any specific time before the act. Malice can also be
8 inferred from the brutality of an act. Because, of course,
9 it's evil intent or ill will. I believe that is present in the
10 testimony about the bludgeoning in the head of Ms. Renee Green.

11 THE COURT: All right. So respectfully, as to the
12 directed verdict motion, I am going to again deny it based on
13 my earlier grounds. I do think there is evidence from which
14 this jury could find that he was guilty of murder.

15 Also, I will go ahead and say as well, I think
16 there is also evidence from which they can decide he is guilty
17 of voluntary manslaughter. I intend on charging that as well.
18 I appreciate your renewing your motion on your immunity
19 original motion to dismissed. Based on my rulings earlier,
20 they are renewed and preserved for appellate purposes.

21 I would like to go through now very briefly the
22 charge. We can go from there. For those of you out in the
23 gallery, if you are not interested in hearing about this. This
24 is the legal portion of it. You are welcome to go ahead and go
25 to lunch if you would like to. Certainly, I have Mr. Outler

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1 here and the attorneys. So you are welcome again, if you are
2 not interested to leave for this legal portion of it.

3 So I told you all that I intend on charging murder
4 and voluntary manslaughter. Also, I plan on charging because
5 Mr. Outler did not testify, the charge that they can't use it
6 against him or even consider it in the jury room that he did
7 not testify. Again, stating the typical; that the burden is on
8 the State.

9 I will go through them and tell you just generally.
10 The presumption of innocence; reasonable doubt. It's the long
11 charge; duty of the jury and the trial judge; the jury is the
12 judge of the facts. I am the judge of the law; direct and
13 circumstantial evidence; credibility of witnesses. Again, the
14 defendant did not testify; expert witness charge.

15 Then charging murder. If they don't find that
16 there was malice involved, then they can consider voluntary
17 manslaughter. I also want to talk to you about the
18 self-defense charge. I think there are two ways to do this.
19 Typically, self-defense obviously, the fourth prong is a duty
20 to retreat. Whether or not Mr. Outler was there lawfully as an
21 invitee, I think it's up to the jury to determine.

22 I will go ahead and say that I can do it one of
23 two ways. I can tell you I have done it both ways. I have
24 done it where I just said the three elements that are required
25 the typical and say the duty of retreat, or I can actually talk

1 about the duty of retreat and say, if you find that he was
2 properly on the premises as an invitee or whatever, that he had
3 no duty to retreat before acting in self-defense.

4 I just want to know what you all think. Sometimes
5 when you talk about the four prongs but then you say, he
6 doesn't have to prove the fourth one, it becomes very confusing
7 for the jury. I just want to make sure -- I don't know if you
8 have a feeling, Ms. Carmody.

9 What I suggest to do -- I will show you all what I
10 have here -- is just kind of at the end just say, I further
11 instruct you it's the law of this state that if the defendant
12 was in a place or premises he had a right to be, he had no duty
13 to retreat before acting in self-defense. I think that is
14 enough that if anyone has any kind of idea that that is a
15 requirement, it doesn't go too much into it that they start
16 getting hung up. We don't want the jury to think that you have
17 to in some way show that.

18 Are you comfortable with that? What I will do is
19 this. I am going to have Jamie put it all together. Email
20 both of you so you can read through the entire charge. Before
21 we come back and before we start our closing statements, I am
22 going to ask if there are any objections or any problems or
23 anything you specifically don't agree with or don't like.

24 Additionally, some judges have started charging
25 before closing statements. I don't know what your position is.

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1 The rule of thumb now, sometimes it makes more sense to hear
2 the charge and then have you argue. I can tell you that
3 typically, and how I am -- I have never been asked it since we
4 have come back from COVID. From here on out, I will do it if
5 both sides agree and want me to do. If anyone objects, we will
6 do it it its normal spot, but I think it makes a lot of sense.

7 MS. SWANSON: I have no objection.

8 MS. CARMODY: I have no objection either, Your
9 Honor.

10 THE COURT: I want you to look at it first. Let's
11 look at it before. I am going to ask all of you to come back
12 about 5 minutes before 12 o'clock. We will go over charge.
13 And I want you to come through right now. Jamie will make the
14 changes. Anything else? Are we good?

15 The other thing I want you to do before we come
16 back is if you intend on using any of the evidence in your
17 closing argument, let's make sure you know where it is and
18 where it is laid out and you are not scrambling for it.

19 MS. SWANSON: Just so we are all on the same page,
20 I will be arguing first and then Ms. Carmody. Then I will
21 briefly respond to anything new.

22 THE COURT: Anything else? All right. Very good.
23 (Lunch recess.)

24 * * *

25 PROCEEDINGS CONTINUED

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1 THE COURT: Before we begin, in reference to the
2 jury charge. Let's make sure -- Jamie showed you both the
3 verdict forms. Any objections to it from the State?

4 MS. SWANSON: No objection.

5 THE COURT: From the defense?

6 MS. CARMODY: No objection, Your Honor.

7 THE COURT: I am going to run a clean copy. For
8 the record, you both agreed that you would like me to charge
9 first and then you would like to argue; is that correct, from
10 the State?

11 MS. SWANSON: That's correct.

12 THE COURT: For the defense?

13 MS. CARMODY: Yes, Your Honor.

14 THE COURT: All right. Both of you know. I send
15 the jury charge back.

16 (Jury enters courtroom).

17 * * *

18 JURY CHARGE

19 THE COURT: Welcome back, ladies and gentlemen.
20 You have heard all the evidence in this case. What is going to
21 happen now is I am going to charge you on the law applicable to
22 this case. Then you will hear from the lawyers in their
23 closing arguments, and then I will send the case to you.

24 Madam foreperson and the rest of the jury, I will
25 remind you that I will send a copy of my jury charge back to

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1 you so you will have it for your deliberations along with all
2 the other evidence introduced in this case.

3 With that said, Mr. Foreperson, ladies and
4 gentlemen of the jury. You have followed very patiently and
5 listened very attentively to the presentation of the evidence
6 in this case. I want to thank you for that. It now becomes
7 the duty of the trial judge under the Constitution of this
8 State to charge and instruct you on the law that is applicable
9 to this case. It's your duty as jurors to accept and apply the
10 law as the Court will now state it to you.

11 As jurors it is your exclusive duty to decide all
12 of the issues of fact in this case. You must determine the
13 effect, the value, and the weight of the evidence. Both the
14 State and the defendant have a right to expect that you will
15 carefully consider and evaluate the evidence and apply the law
16 of the case to the evidence. By doing so, both the State and
17 the defendant will receive a fair and impartial trial in this
18 matter.

19 The State of South Carolina by the indictment in
20 this case charges the defendant, William Outler, with the
21 offense of murder. I remind you the fact that the defendant
22 was arrested, charged, and indicted in this case is not
23 evidence in this case and cannot be considered by you as
24 evidence of guilt in this case, nor does it create a
25 presumption or inference of guilt. An indictment is simply the

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1 formal written instrument which contains that the charge is
2 made against the defendant. It's the formal document by which
3 the case is brought into the courtroom.

4 The defendant, Mr. Outler, has pled not guilty to
5 this indictment. That plea puts the burden on the State to
6 prove the defendant guilty beyond a reasonable doubt. A person
7 charged with committing a criminal offense in South Carolina is
8 never required to prove himself innocent. I charge you that
9 it's an important rule of law that a defendant in a criminal
10 trial, no matter what the seriousness of the charges may be,
11 will also be presumed innocent of the crime by which an
12 indictment was issued until guilt has been proven by satisfying
13 you the jury of that guilt beyond a reasonable doubt.

14 Now, this presumption of innocence does not end
15 when you begin your deliberations. It accompanies the
16 defendant throughout the trial until you reach a verdict of
17 guilt based on evidence satisfying you of that guilt beyond a
18 reasonable doubt. The presumption of innocence is like a robe
19 of righteousness. It's placed about the shoulders of the
20 defendant, and it remains with the defendant until it has been
21 stripped away by evidence satisfying you of the defendant's
22 guilt beyond a reasonable doubt.

23 The presumption of innocence is not a mere legal
24 theory. It's not just a legal phrase we use. It's a
25 substantial right to which every defendant is entitled unless

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1 you the jury are satisfied from the evidence of the defendant's
2 guilt beyond a reasonable doubt.

3 So what is reasonable doubt in the law? A
4 reasonable doubt is the kind of doubt that would cause a
5 reasonable person to hesitate to act in their most important
6 decisions. The State has the burden of proving the defendant
7 guilty beyond a reasonable doubt. Again, the term reasonable
8 doubt must be given its plain and ordinary meaning; however,
9 again, to the extent that I need to define it for you, a
10 reasonable doubt is the kind of doubt that would cause a
11 reasonable person to hesitate to act in the most important of
12 their personal decisions.

13 The defendant is entitled to every reasonable doubt
14 arising in this case. If upon any issue of fact essential to a
15 conviction you have a reasonable doubt as to how that issue
16 should be resolved, you must resolve that reasonable doubt in
17 favor of the defendant.

18 Some of you may have served as jurors in civil
19 cases where you were told that it is only necessary to prove
20 that a fact is more likely true than not true. We call that by
21 the greater weight or the preponderance of the evidence. In
22 criminal cases the State's proof must be more powerful than
23 that. It must be beyond a reasonable doubt. Suspicion, no
24 matter how strong, is insufficient to convict a person charged
25 with a crime. If the facts and circumstances presented may

1 seem suspicious and the defendant's guilt may seem probable,
2 this is is not sufficient in the law to convict. Proof beyond
3 a reasonable doubt is proof that leaves you firmly convinced of
4 the defendant's guilt.

5 There are very few things in this world that we
6 know with absolute certainty. In criminal cases, the law does
7 not require proof that overcomes every possible doubt. If
8 based on your consideration of the evidence you are firmly
9 convinced that the Defendant is guilty of the crime charged,
10 you must find the defendant guilty. If on the other hand, you
11 think there is a real possibility the defendant is not guilty,
12 you must give the defendant the benefit of the doubt and find
13 him not guilty.

14 I remind you that during this trial you and I have
15 certain duties to perform. It's my responsibility to preside
16 over the trial of this case. I also have the duty to rule on
17 the admissibility of the evidence that is offered during the
18 trial. You are to consider only the competent evidence before
19 you. You are to consider only testimony which has been made
20 from the witness stand, as well as any other exhibits that were
21 made a part of the record in this case.

22 I have the additional duty to charge you on the law
23 that is applicable in this case. I am the sole judge of the
24 law, and it is your duty as jurors to accept and apply the law
25 as I will now state it to you. If you have any idea as to what

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1 the law is or what you think the law ought to be and it does
2 not agree with what I now tell you what the law, you must
3 abandon this idea because you are sworn to accept the law and
4 apply the law exactly as I state it to you.

5 In every case tried in this court before the jury,
6 the jury becomes the sole and exclusive judge of the facts.
7 The trial judge cannot intimate, comment on, or make any
8 statement to a trial jury about the facts in a case. Since you
9 the jury are the sole judge of the facts in this case, you are
10 not to infer from what I said during the progress of this trial
11 in ruling upon the admissibility of evidence or otherwise or
12 anything that I say now during the course of this instruction
13 to you that I have any opinion about the facts in this case.
14 The law does not allow me to have an opinion about the facts in
15 this case. This is a matter solely for you the jury to
16 determine. As jurors it is your duty to determine the effect,
17 the value, and the weight of the evidence presented during the
18 trial.

19 There are two types of evidence which are generally
20 presented during a trial. Direct evidence and circumstantial
21 evidence. Direct evidence is the testimony of a person who
22 claims to have actual knowledge of a fact, such as an
23 eyewitness. It is evidence which immediately establishes a
24 main fact to be proved. Circumstantial evidence is proof of a
25 chain of facts and circumstances indicating the existence of a

1 fact. It is evidence which immediately establishes collateral
2 facts from which the main fact may be inferred. Circumstantial
3 evidence is based on inference and not on personal knowledge or
4 observation.

5 Ladies and gentlemen, cause may be proven by
6 circumstantial evidence. The law makes no distinction between
7 the weight or value to be given to either direct or
8 circumstantial evidence. However, to the extent the State
9 relies on circumstantial evidence, all of the circumstances
10 must be consistent with each other, and when taken together
11 point conclusively to the guilt of the accused beyond a
12 reasonable doubt. If these circumstances merely portray the
13 defendant's behavior as suspicious, the proof has failed. The
14 State has the burden of proving the defendant guilty beyond a
15 reasonable doubt. This burden rests with the State, regardless
16 of whether the State relies on direct evidence, circumstantial
17 evidence, or some combination of the two.

18 Now as jurors it is your duty to determine the
19 credibility of witnesses who have testified in this case.
20 Credibility simply means believability. It becomes your duty
21 as juror to analyze and to evaluate the evidence and determine
22 which evidence convinces you of its truth. In determining the
23 believability of witnesses who have testified in this case, you
24 may believe one witness over several witnesses, or several
25 witnesses over one witness. You may believe a part of the

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1 testimony of a witness and reject the remaining part of the
2 testimony of that same witness.

3 You may believe the testimony of a witness in its
4 entirety or reject testimony of a witness in its entirety. You
5 may consider whether a witness has exhibited to you any
6 interest, bias, prejudice, or other motive in this case. You
7 can also consider the appearance and manner of the witness
8 while on the witness stand.

9 Now, normally in a trial a person cannot give what
10 we call opinion testimony. Normally, when a person testifies,
11 he must testify as to what they either saw, heard, or sensed by
12 smell or something of that nature. However, there is an
13 exemption or an exception when someone is qualified because of
14 education or experience. They are permitted to give their
15 opinion in certain areas if the Court qualifies them that way.
16 That evidence is for you to see in any way fit and to give it
17 the weight and credibility that you believe it deserves.

18 Now I instruct you and emphasize that the fact that
19 the defendant did not testify is not a factor to be considered
20 by you in any way in your deliberation and in your
21 consideration on the question of the guilt or the innocence of
22 the defendant.

23 It must not be considered by you in any manner
24 whatsoever. A defendant has the Constitutional Right to remain
25 silent, and the assertion of this right must not be considered

1 by in your deliberations. I repeat, under your oath you are to
2 draw no conclusion whatsoever from the fact the defendant in
3 this case, did not testify. The fact that this defendant did
4 not testify should not even be discussed in the jury room. The
5 burden of proof, is as I stated to you, is on the State. The
6 defendant is not required to prove his innocence. The burden
7 of proof remains on the State to prove guilt beyond a
8 reasonable doubt.

9 Now, in this case the defendant is charged with the
10 murder of Chantis Green. To prove this charge the State must
11 prove beyond a reasonable doubt that the defendant killed
12 another person with malice aforethought. Malice is hatred,
13 ill-will, or hostility towards another person. It's the
14 intentional doing of a wrongful act without just cause or
15 excuse and with an intent to inflict an injury or under
16 circumstances that the law will infer an evil intent.

17 Malice aforethought does not require that malice
18 exists for any particular time before the act is committed, but
19 malice must exist in the mind of the defendant just before and
20 at the time the act is committed. Therefore, there must be a
21 combination of the previous evil intent and the act. Now,
22 malice aforethought may be express or inferred. These terms,
23 express and inferred, do not mean different kinds of malice,
24 but merely the manner in which malice may be shown to exist.
25 That is either by direct evidence or by inference from the

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1 facts and circumstances which are proved.

2 Express malice is shown when a person speaks words
3 which express hatred or ill-will for another, or when a person
4 prepared beforehand to do the act which was later accomplished.
5 For example, lying in wait for a person or any other acts of
6 preparation going to show that the deed was within the
7 defendant's mind would be express malice.

8 Ladies and gentlemen, in this case if you find that
9 the State has failed to prove beyond a reasonable doubt that
10 the defendant committed murder, you may then consider whether
11 the State has proved beyond a reasonable doubt that the
12 defendant committed voluntary manslaughter, which is a
13 lesser-included offense.

14 To prove voluntary manslaughter, the State must
15 prove beyond a reasonable doubt that the defendant took the
16 life of another in a sudden heat of passion based on sufficient
17 legal provocation. Both heat of passion and sufficient legal
18 provocation must be present at the time of the killing to
19 constitute voluntary manslaughter. Sudden heat of passion may
20 for a time affect a person's self-control and temporarily
21 disturb a person's reason. A sudden heat of passion must be a
22 type that would make an ordinary person unable to coolly
23 reflect on their actions and would produce an uncontrollable
24 impulse to do violence. Sufficient legal provocation must be
25 the type that would make a person of ordinary reason and

1 caution become enraged and to lose control temporarily. The
2 provocation needed for voluntary manslaughter must come from
3 some act of or related to the victim. Words alone, however
4 vulgar or insulting, are not enough to feed legal provocation
5 where death is caused by the use of a deadly weapon, the words
6 accompanied by some avert threatening act which could have
7 produced the heat of passion.

8 The exercise of a legal right, no matter how
9 offense it is to another, is never sufficient legal provocation
10 for voluntary manslaughter. If the heat of passion has cooled
11 or if there was enough time between the provocation, if any,
12 and the killing for the passion of a reasonable person to cool,
13 the killing would not be voluntary manslaughter.

14 In deciding whether a reasonable person would
15 have had enough time to cool off, you should consider all the
16 circumstances surrounding the offense. You may consider the
17 nature of the provocation, if any; the defendant's mental and
18 physical state, and the circumstances and relationships between
19 the parties.

20 In this case, ladies and gentlemen, the defendant
21 has raised the defense of self-defense. The State has the
22 burden of disproving self-defense beyond a reasonable doubt.
23 The defendant is presumed innocent and never has to prove
24 himself innocent. In the case of self-defense and the defense
25 of others, the State must prove to you the jury that the

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1 defendant did, in fact, not act in self-defense or in the
2 defense of others, and the State must prove this to you beyond
3 a reasonable doubt.

4 Ladies and gentlemen, self-defense is a complete
5 defense. A person in South Carolina is justified in using
6 force which is intended or likely to cause death or great
7 bodily harm if he reasonably believes that such force is
8 necessary to prevent death or great bodily injury to himself or
9 a third person. If you have a reasonable doubt as to the
10 defendant's guilt after considering all the evidence, including
11 the evidence of self-defense, you must find the defendant not
12 guilty.

13 On the other hand, if you have no reasonable doubt
14 of the defendant's guilt after considering all of the evidence,
15 including the evidence of self-defense, then you must find him
16 guilty.

17 Now, there are three elements required to establish
18 self-defense in this case. First, the defendant must be
19 without fault in bringing on the difficulty. Second, the
20 defendant must have been in actual imminent danger of death or
21 serious bodily injury or the defendant actually believed he was
22 in imminent danger of death or serious bodily injury.
23 Third, if his defense is based on his belief of imminent
24 danger, it must be shown that a reasonably prudent person of
25 ordinary firmness and courage could have the same belief. If

1 the defendant actually was in imminent danger, it must be shown
2 that the circumstances would have warranted a person of
3 ordinary prudence, firmness, or courage to strike the fatal
4 blow to in order to save themselves from serious bodily injury
5 or losing their own life.

6 In deciding whether the defendant actually was or
7 believed he was in imminent danger of death or serious bodily
8 injury, you should consider all the facts and circumstances
9 surrounding the event. The defendant does not have to show he
10 was actually in danger. It is enough that the defendant
11 believed he was in imminent danger and a reasonably prudent
12 person of ordinary firmness and courage would have had the same
13 belief. The defendant has the right to act on appearances,
14 even though the defendant's beliefs may have been mistaken. It
15 is for you the jury to decide whether the defendant's fear of
16 immediate danger of death or serious bodily injury was
17 reasonable and would have been felt by an ordinary person in
18 the same situation.

19 I further instruct you that it is the law of this
20 state that if you find the defendant was lawfully on the
21 premises, he had no duty to retreat before acting in his own
22 self-defense.

23 Mr. Foreperson, members of the jury, as you retire
24 to begin your deliberations in this case, I wish to express the
25 hope that each of you are mindful of your responsibilities here

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1 today. You are not called upon very often to serve as jurors.
2 The proper performance of the duty requires each of you to
3 reach the height of freeing your mind of all improper
4 influences. Please do not get the idea that I am trying to
5 intimate to you how I think you should decide this case. I
6 already told you under the laws of the State of South Carolina,
7 you the jury are the sole judge of all facts of question. It
8 would be highly improper for me to influence you in your
9 performance of that duty. I am not trying to tell how you
10 should find, but as the presiding officer of this Court, I am
11 vitally concerned that whatever verdict you reach will be the
12 result of your going back into your jury room and confining
13 your considerations to the evidence and the law that you have
14 heard in this courtroom, weighing it fairly and impartially, as
15 I have every confidence you will.

16 Ladies and gentlemen, your verdict must be a
17 unanimous one. Mr. Foreperson, when the jury jury reaches a
18 verdict, you will write the verdict on the verdict form and
19 sign your name. You will then knock on the jury room door, and
20 we will accept you back into the courtroom to take your
21 verdict.

22 Mr. Foreperson, my law clerk has prepared a verdict
23 form. It simply has the case caption. It says the State of
24 South Carolina versus William Outler. It has two questions on
25 it:

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1 First question, as to the charge of the murder of
2 Chantis Green, we find the defendant, William Outler -- and
3 there are two marks to check. Either one. The first one says
4 not guilty. The second one says guilty.

5 Mr. Foreperson, if you choose not guilty as to the
6 charge of murder, which is Question Number 1, it says if you
7 find the defendant not guilty of murder, you must then consider
8 whether or not the defendant committed voluntary manslaughter.
9 If you do find him guilty of murder, you will stop your
10 deliberations. You have reached a verdict. It says that on
11 the verdict form.

12 If you find him not guilty of murder, you will then
13 go onto Question Number 2. As to the charge of voluntary
14 manslaughter of Chantis Green, we find the defendant, William
15 Outler, again, guilty or not guilty.

16 Mr. Foreperson, I need to remind you this must be a
17 unanimous decision. It must be the verdict of all 12 jurors.
18 Additionally, ladies and gentlemen, on my verdict form, I do
19 not want you infer anything from the order that I put guilty or
20 not guilty. Every trial we reverse them.

21 So, Mr. Foreperson and Members of the jury, for the
22 very last time, I will send you back to the jury room. I will
23 tell you not to begin your deliberations. If there is
24 something further in the law that the lawyers want me to
25 instruct you, I will bring you back out here and instruct you

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1 further.

2 If not, Mr. Foreperson, you will be given the
3 verdict form and the jury charge. Again -- do you all need a
4 break? Are we okay before we start the closings? All right.
5 Thank you.

6 Again, when we do our closings, after that when I
7 send this back to you, you are going to get the verdict form.
8 You will get the charge. You will get the evidence in this
9 case. You will be given gloves. At this time, I will go ahead
10 and let Ms. Swanson begin. Ladies and gentlemen, the State has
11 the right to open. Because they carry the burden of proof,
12 they are allowed to make a brief rebuttal after you hear from
13 the defense.

14 Whenever you are ready, Ms. Swanson.

15 MS. SWANSON: Thank you Your Honor.

16 * * *

17 CLOSING ARGUMENT BY MS. SWANSON

18 MS. SWANSON: May it please the Court. This is not a
19 whodunit. There is absolutely no doubt that this man sitting
20 in this courtroom today murdered, killed his girlfriend with
21 this axe.

22 What we are arguing about is how this crime
23 happened and whether or not the use of force was reasonable
24 under the circumstances or at all legally justified. I don't
25 want you to get bogged down in the victim's blame and shaming.

1 There has been a lot of that throughout this trial. There is
2 no doubt that Renee made some poor decisions. She may have
3 been self-medicating with drugs cocaine in her system. She was
4 the mother of three children that she had to provide for.

5 She has a deadbeat living with her who has no job
6 and sucking resources and not contributing to the household in
7 any way. Regardless of any of her decisions, she did not
8 deserve to die in such a brutal attack.

9 Let's talk about what this case is not and why it
10 is not a self-defense case. Three requirements for
11 self-defense. We must only disprove one of them. We must show
12 that the defendant does not prevail on at least one of those
13 requirements. Number one -- in other words, all three have to
14 be satisfied or the defendant prevailed in self-defense.

15 Number one, without fault in bringing on the
16 difficulty. The defendant approached Renee that night. He in
17 his own words was watching TV. She went outside to smoke a
18 cigarette. He wanted to go talk to her. He pursued her. He
19 got into that argument with her.

20 Secondly, the defendant was in actual danger of
21 imminent peril or great bodily injury or believed himself to
22 be. He was not in actual danger of death or serious injury,
23 and he never told anyone he was afraid or in that danger.
24 Remember what he says about her being at the top of the stairs
25 and he was on the ground. If you look at the pictures, it's

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1 very clear -- although this picture is not clear -- you can see
2 how far the stairs are, and you can look at this axe and see if
3 she is at the top of the stairs, possibly impaired, swinging
4 something toward him. It is not going to hit him.
5 It will not. It's just simply not a real threat.

6 Number 3, that the belief was reasonable and that a
7 normal person would believe the same. Well, the belief would
8 not have been reasonable because he says he should have walked
9 away. If you were in grave danger, how is that even an option?
10 While he may not have had the duty to retreat, he did have the
11 duty to act like a normal and reasonable person.

12 Once he took the axe from her, any threat had been
13 extinguished. So self-defense fails on every requirement, not
14 just one.

15 Let's talk about voluntary manslaughter. Why is
16 this not voluntary manslaughter? Well, heat of passion. That
17 is a requirement. An argument about money and bills, the same
18 argument that every couple gets into, is not one that should
19 render someone a homicidal maniac. It simply doesn't make
20 sense. This is not a situation where this defendant catches
21 his girlfriend in bed with a lover. You know, something that
22 would cause that heat of passion.

23 Secondly, there is not sufficient legal
24 provocation. Even if we believe his version of events, again,
25 as we discussed, she is at the top of the stairs. He is at the

1 bottom. She swings an axe towards him. He says he moves to
2 the side. This is not a real threat. It is clear he is able
3 to get the axe away from her very easily and that he should
4 have walked away.

5 Why is it murder? Defense told you in opening that
6 Renee Green became furious. She was very angry when they had
7 an argument about bills. Where was the evidence of that? I
8 didn't hear any testimony about that. There is simply no
9 evidence in the record that Renee became very angry and was
10 furious. The defendant never told police that. None of the
11 four people inside the trailer heard a heated argument. Nobody
12 heard anything. There is no yelling and screaming. The
13 defense also told you that Renee was a powerful woman who had
14 all of the control. This is simply not borne out by the facts
15 either. Possibly impaired by substance abuse then lying
16 bleeding from her head after being attacked by a well-muscled
17 200 pound 6-foot man with an axe does not place her in a
18 position of power. The axe murder is more powerful.

19 All we have is the defendant's version of event
20 because he killed the other witness. He tells a version of
21 what the truth probably is. At times he minimizes his actions
22 knowing how brutal they are. He was supposedly inside watching
23 TV, and he decided to follow her out while she spoke. He
24 provoked whatever argument ensued. The only evidence that we
25 have that she swung the axe toward him is his statement as well

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1 as the DNA that you would expect to be on an axe that is at her
2 residence presumably used by her. A DNA expert cannot tell you
3 when her DNA was placed on there, but his was certainly on
4 there as well.

5 Did she even swing the axe towards him? How is he
6 able to grab the sharp end of the axe from her without
7 sustaining injury?

8 Is he being truthful? Looks at the lies he tells
9 law enforcement. In his first statement, Rob Edwards -- he
10 asked him, you hit her with an axe handle? Outler replies,
11 yes. That is not true. We know that is not true. He backs up
12 on that statement in a second interview. He claims the first
13 blow was to the ribs or the back. Also not true because the
14 pathologist testified that she was hit on the back of the head
15 on each side with the blunt side and then the unsurvivable blow
16 was to the left side of the neck with the sharp side.

17 Three blows. Nothing about back or ribs. Why
18 should we believe he is telling the truth. Let's say she did
19 swing an axe toward him when she was at the top of the stairs.
20 Why do you think she did that? To prevent a large, angry man
21 from coming at her? He stated, I was down to the ground. She
22 was upstairs. This axe would have never hit him.

23 Once he extinguished the threat, he went nuts. He
24 said he didn't know why he didn't stop hitting her. In that
25 sort of evil intent, malice can be formed in that instant. The

1 number of strikes, particularly the one with the sharp edge,
2 shows evil intent and malice.

3 The fact that he leaves her for dead. I know that
4 Ms. Carmody made a big deal about he goes and calls his father
5 for help. Well, okay. There is a phone in the woodline. We
6 really don't know how it got there, unless he was mad about her
7 being on the phone with someone and maybe threw it out there.

8 There is a phone in the house. He gets to a phone
9 at the motel, Best Western. Why does he call his dad if he is
10 concerned about that? Why didn't he just call 911? Why does
11 he go out looking for the police when he could have just hung
12 up the phone and called 911? Again, it just doesn't make
13 sense.

14 Regardless, that is a minute point, but one that
15 has been made a big deal of. This is murder. This was an evil
16 and brutal attack that did not end until she lay there dead
17 while her children slept inside the house. All you have to do
18 is look at these pictures. She has got abrasions all over her.
19 The three head injuries that the pathologist testified to. She
20 has been thrown out of her slippers. Then we have Mr. Outler's
21 alleged bruise. I can't even tell what that is, but you all
22 will have it back there to look at it.

23 Now, Ms. Carmody is going to have the opportunity
24 to talk to you, and then I am going to have the opportunity to
25 respond to anything new that she brings up. I will be very

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1 brief, and I will talk to you in a little bit. Thank you.

2 THE COURT: Ms. Carmody.

3 MS. CARMODY: Thank you, Your Honor.

4 * * *

5 CLOSING ARGUMENT BY MS. CARMODY

6 MS. CARMODY: May it please the Court.

7 THE COURT: Yes, ma'am.

8 MS. CARMODY: Good afternoon, everybody.

9 There is a preconceived notion in this country, in
10 our community in general, that the man is always the aggressor.
11 Right? Men are always put out as the aggressive person and a
12 female is not the aggressive person. That is completely false.
13 I tell you that a woman in power can be every much as abusive
14 as a man. The Solicitor just showed as a woman how easy it is
15 to pick up an axe. That is an easy thing for a woman to do.
16 There is no physical reason why I can't pick up an axe. This
17 axe does not weigh that much that I can't move it around. I am
18 a female. This does not mean that a man has to be the
19 aggressor. A woman can be the aggressor. It's not only the
20 man.

21 Additionally, drugs, as you know, make people
22 irrational. Have you ever tried to talk to a drunk person or
23 talk to a person who is under the influence of drugs? It's
24 impossible. They always tell you wait until the person sobers
25 up. You can't talk to a person under the influence of drugs

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1 and alcohol. Why? Because they are irrational. Ms. Green
2 created an irrational situation by bringing an axe into an
3 argument while she is under the influence of drugs. We have an
4 irrational person, irrational situation, and we expect
5 Mr. Outler, who is not under the influence of alcohol and
6 drugs, to react rationally in that situation. How can we put
7 that expectation on somebody to act rationally in a situation
8 where the odds are all against him?

9 He has a woman on drugs yielding an axe. Dr.
10 Pappas told you that a woman -- anybody, for that matter, under
11 the influence of alcohol and drugs has an increased chance and
12 risk of violence, of interpersonal violence specifically.
13 Violence towards a house hold member. The toxicologist
14 testified she had cocaine in her system. She had alcohol in
15 her system. When you add those two together, it increases the
16 chance that that person will become aggressive. That is
17 exactly what happened here.

18 Ms. Green became aggressive. Mr. Outler was in no
19 other position but to defend himself. We have no reason to
20 believe that Mr. Outler was not being 100 percent truthful as
21 shown by the evidence in this case. I have gone to great
22 lengths to show his statement is truthful. The reason that a
23 murder trial took two days to try is because the defense has
24 not disagreed with the evidence in this case.

25 We have not tried to say you should not believe his

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1 statement. You shouldn't believe the DNA. You shouldn't
2 believe the autopsy, the toxicology. The reason this case went
3 so quick is because we have agreed with the physical evidence
4 in this case. I am asking you to believe his statement. The
5 physical evidence in this case lines up with his statement.

6 Now, let's go through the evidence. This first
7 picture here is a picture of the area where this incident
8 occurred. Down here on the map, we have 303 Peter Heyward
9 Road. This is also Heyward Road. They are one in the same.
10 It was Peter Heyward and now it's Heyward Road. Up here on the
11 map, we have Motel 6 located right here. Right after that we
12 have the Best Western Hotel. The officer testified that the
13 most direct route for him to take to get to the Best Western
14 would have been to go out to the main road here and take a
15 right. Mr. Outler used the only transportation that was
16 available to him when he left the residence. This is the bike.
17 This is in evidence as well.

18 He said, I went to the motel to call my dad. The
19 motel is right up here, the Best Western. He went down here.
20 He took a right. Went up to the Best Western and called his
21 dad. The officer said, has it been about 45 minutes? He
22 wasn't sure. That is one of the only statements that he has
23 made where he had to think about it for a moment. He said,
24 about 45 minutes. He didn't have a watch or cell phone. He
25 had just been through a traumatic event. He didn't know

1 exactly if it had been 45 minutes. He rode his bike up to the
2 Best Western hotel. What does he do?

3 He calls his dad. Why does he call his dad? His
4 dad, as his dad testified, said it is the right thing to do.
5 His dad raised him since he was two. This is the person who
6 gave him advice and taught him to do the right thing. You know
7 what? He didn't expect this to happen. He is, like, what do I
8 do? He called his dad. What could he have done? This area
9 here is surrounded by woods. This a dead-end road. There is
10 actually a cow farm across the street. He would have taken the
11 axe and ditched it in the woods and gone down Interstate 95 and
12 gone on the highway and left. He didn't do that. He took the
13 most direct route that he could to the Best Western Hotel and
14 said at 3:00 in the morning, Dad, what do I do?

15 He told him what to do. Get in touch with the
16 police. That is exactly what he did. He left the Best
17 Western. He rode his bicycle going back towards Heyward Road,
18 not going in the opposite direction to flee. He is going back,
19 and he stops and sees two officers in the parking lot. He goes
20 up to those officers and he said, I effed up. I think I just
21 killed my girlfriend. The officers both testified this doesn't
22 happen when somebody intentionally commits a murder, which does
23 not happen. You do not go seek out the police at 3:00 in the
24 morning, ride a bike to find the police and tell them, I just
25 committed a murder. That doesn't happen. The reason that he

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1 sought out the police is because this happened. This was
2 unexpected. This was not planned. He wanted to do the right
3 thing. Like his dad told him, go turn yourself in. That is
4 what he was doing. He was going up to the police to turn
5 himself in. This is what happened.

6 Every officer in this case has testified that he
7 was forthcoming in his statements; that he he was cooperative.
8 I went through great lengths to explain that he waived his
9 Miranda Rights. Not once did he ask for an attorney. Not once
10 did he say, you know what? I don't want to talk about this
11 anymore. Not once did he say, I think I am done. He was very
12 forthcoming in his statements. The very first words out of his
13 mouth were, I think I killed my girlfriend.

14 Officers were shocked as well. Instead of calling
15 EMS right away, they send somebody over to do a welfare check.
16 They are shocked as well. They asked him, are you on drugs,
17 alcohol, or have a mental health issue?

18 Why where they asking him those questions? People
19 don't normally do this. Normally, you don't go and murder
20 somebody and then go find the police and tell them they just
21 did this in the middle of the night. It doesn't happen.

22 As I said, his statements -- everything he said has
23 been corroborated by the physical evidence in this case.

24 When they asked him how it happened -- it was the
25 officer who said, what did you do hit her with? The handle of

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1 the axe? Mr. Outler didn't say that. The officer said that.
2 Did I hit her with an axe? Yes. That is what he was saying.
3 He never said, he, himself did not say, I hit her with the
4 handle of the axe. That came from the officer. These pictures
5 of her injuries are entirely consistent with what he said.
6 Entirely consistent.

7 He gave another statement later at the CID
8 Investigation Division. This statement is entirely consistent
9 with the first. One he tells the officer the exact same thing
10 he told him the first time in his own words and not talking
11 about when an officer says, did you hit her with the handle,
12 and answers in the affirmative.

13 I am talking about statements that he made are
14 entirely consistent between the two. At no point whatsoever
15 did he lie. He did not lie -- he called his dad and he
16 approached the police and found them. It doesn't make any
17 sense that all the evidence supports his statements and he is
18 going to lie. It just doesn't make sense.

19 Additionally, he said she was in the backyard.
20 This is not a shock. This is what he said. Her injuries,
21 completely consistent with what he said. Here is the axe.
22 Completely consistent. Actually, if you look at this picture
23 right here -- I know that the solicitor is making a big deal of
24 him knocking her out of her slippers. This picture right here
25 actually shows you what step she was on. So when he says she

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1 was on the steps and I was on the bottom, he didn't say she was
2 all the way up at the top of stairs. He said she was on the
3 steps. This picture right here shows you what step she was on.

4 This is the other slipper on the other side.
5 Again, another picture. These here are pictures of the axe
6 with her hair on it. Completely consistent with what he said.

7 He admitted to hitting her in the head. This is a
8 picture of the axe. Right now I don't see anything
9 inconsistent with his statement. We have two cell phones here.
10 The State tried to -- did put these into evidence with an
11 officer, Tamika Bailey. On her statement in her incident
12 report, she doesn't list finding two cell phones. She doesn't
13 list where she found these phones. Who are they believing?
14 There is no evidence to say whose phones they are. She said
15 she found this almost three years later -- two days after the
16 incident occurred, one in a ditch.

17 That doesn't make any sense. It does not make any
18 sense. Even if she did find the phones, she didn't say what
19 phones they are. I could go out right now in the parking lot
20 and probably find a phone.

21 Then the DNA is another thing. They asked him, do
22 you want to provide your DNA? He could have said, no. Go get
23 a warrant he didn't do that. He said, take my DNA. Again,
24 they Mirandized him. He said, take my DNA. It's fine.
25 Completely voluntary. What does the DNA in the case show? The

1 DNA in the case shows that both of their DNA was on the axe.
2 Both of them. His and hers. Again, entirely consistent with
3 his statement. Both of their DNA was on the axe and not just
4 his.

5 Now, let's get into the toxicology report, the
6 evidence that was collected from her after the autopsy. Right
7 on this form here -- when I asked Mr. Rodgers -- he is no
8 longer with the Sheriff's Department. There is a lot of
9 officers in this case who no longer work here or I don't know
10 where they are.

11 Mr. Rodgers puts about six lines down. It says
12 there were two clear plastic baggies with suspected white
13 substances inside and a white tissue. What is this? It was
14 never tested. I think it's a reasonable inference to infer
15 this is cocaine in her possession. Cocaine that she was
16 consuming at or near the time of her death. Cocaine caused her
17 to go aggressive and swing an axe at Mr. Outler.

18 Then we have the NMS Labs, the toxicology report.
19 You heard from Mr. Flail. He did say that she had both cocaine
20 and alcohol in her system. He did say that the level of
21 alcohol was lower than a person intoxicated by a legal limit.
22 .08 is the legal limit for intoxication.

23 Anything lower does not mean somebody is not
24 impaired. I don't drink on a regular basis. If I were to
25 drink a glass of wine, I would start to feel fuzzy. That is

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1 probably not .08, but I don't drink on a regular basis. It
2 depends on how much they ate, drank, what their tolerance is,
3 medical conditions going on. Dr. Pappas told you in his
4 testimony that when you take cocaine and alcohol and you add
5 those two substances together, that increases the chance of
6 interpersonal violence. It is the combination of the two.

7 You know, ladies and gentlemen, hindsight is always
8 20/20. I could say if I invested in Amazon stock 10 years ago,
9 I would be rich right now. Hindsight is always 20/20. For him
10 to say, I could have put down the axe and walked away. Things
11 would have ended differently. When he is in an interrogation
12 room talking with the police and he doesn't have the same
13 situation he had at 303 Heyward Road, he is no longer in the
14 situation of chaos, of someone swinging an axe at him. This is
15 hours later. He is able to think clearly. The threat is gone.

16 The judge instructed you on the law. She told you
17 that the State has the burden to prove each and every element
18 of the offense beyond a reasonable doubt.

19 Additionally, let's talk about what that means. My
20 client is charged with murder. I want you to think about that
21 for a second. If somebody swung this axe at you and you
22 defended yourself --

23 MS. SWANSON: Objection Your Honor.

24 THE COURT: Basis.

25 MS. SWANSON: Defense is placing the jury in the

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1 position of the defendant. She is asking them to imagine if an
2 axe is swung at them.

3 MS. CARMODY: I will rephrase it.

4 THE COURT: Thank you. Go ahead and rephrase.

5 MS. CARMODY: Thank you, Your Honor.

6 How can we expect somebody, anybody to act? How
7 can we expect anybody in this situation to act? Ladies and
8 gentlemen, I honestly can't imagine what was going on at that
9 moment. This is a woman he had just moved in with about two
10 months ago, not even two months ago. Even though they had a
11 relationship online, they had -- they were living together for
12 a little bit over a month. So his experience with Chantis
13 during that time -- he doesn't know what to expect from her.
14 He moved in with her, and a month later she is swinging an axe
15 at him.

16 I mean, it's not this long-term relationship with a
17 small, meek woman and the guy thinks, she would never hit me.
18 She is only kidding, around joking. They haven't even lived
19 together long enough to know if she would be joking. Long
20 enough for him to know what to expect, to know what to expect
21 when she is under the influence of drugs and alcohol. He
22 doesn't have that experience with her.

23 The defendant is charged with murder. The State
24 must prove beyond a reasonable doubt that he killed Chantis
25 Green with malice aforethought. Malice aforethought. Malice

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1 is hatred, ill-will, or hostility towards another person. I
2 ask you, when she swung the axe at him, how is that malice?
3 How is that ill-will? He told the police their relationship
4 was fine. How is that ill-will and malice?

5 You are thinking about somebody who intentionally
6 goes up to somebody and wants to kill them. Malice can be
7 formed in an instant. Was there a time for that? It is
8 reasonable to say that she swung an axe at William and he
9 thought in his head, I am going to intentionally kill her? No.
10 He didn't.

11 There is evidence by him riding his bike up the
12 road and calling his dad. Riding his bicycle to call the
13 police. He was shocked. He was shocked that this happened.
14 He didn't intend for this to happen. He told them that. That
15 is not malice aforethought. That is not murder.

16 Next we have voluntary manslaughter. The State has
17 to prove beyond a reasonable doubt that the defendant committed
18 voluntary manslaughter. To prove voluntary manslaughter, the
19 State must prove beyond a reasonable doubt that the defendant
20 took the life of another in a sudden heat of passion based on
21 sufficient legal provocation. Heat of passion must be present
22 at the time to constitute voluntary manslaughter.

23 What is a sudden heat of passion? What she said, a
24 heat of passion would be a man walking in on his wife who is in
25 bed. Instantaneously thinking, I have no other way to act but

1 this. I submit to you this is actually a self-defense case.

2 I told you in opening at the same time this was not
3 a murder case. I will go over self-defense now. If you do not
4 find he acted in self-defense, at most, at absolute most, it
5 would be voluntary manslaughter. At absolute most. I still
6 don't think that is right. There is no way it's murder.

7 Self-defense, as it says, the defendant has raised
8 self-defense. We have. The State has the burden of disproving
9 self-defense beyond a reasonable doubt. Three elements
10 required for self-defense. Number one, the defendant was
11 without thought of bringing on the difficulty. What did
12 Mr. Outler do to bring on this situation? The DNA tells you
13 the axe was in her hand. The toxicology report tells you she
14 swung it. What did he do to bring that on? He didn't. He
15 didn't go out there and invite himself to have somebody swing
16 an axe at him. He didn't bring that on.

17 Number two, the defendant must have been in
18 imminent danger of death or serious bodily injury or the
19 defendant actually believed he was in imminent danger of death
20 or serious bodily injury. A person under the influence of
21 alcohol and drugs swinging an axe is in serious danger to
22 anybody. To anybody. If somebody is under the influence of
23 alcohol and drugs and they are wielding an axe, that is actual
24 imminent danger of serious bodily injury, if not death. It's
25 reasonable to assume if they swing an axe at you, bad things

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1 are going to happen. That the second one.

2 The third one, if his defense is based on a belief
3 of imminent danger, it must be shown a that a reasonable
4 prudent person of ordinary courage would have had the same
5 belief. As I said, a person under the influence of alcohol or
6 drugs wielding an axe is putting anybody in danger of
7 significant bodily injury or death.

8 If somebody is under the influence, they are not
9 allowed to drive a car and it shouldn't be allowed to swing an
10 axe. Definitely. I don't know if somebody could safely chop
11 wood while they are under the influence. Additionally, it
12 tells you to consider all the facts and circumstances that
13 surround the event. All the fact and circumstances would be
14 the dark backyard, the small, enclosed backyard with the little
15 porch light at 3:00 in the morning. Most people couldn't make
16 decisions at 3:00 in the morning. Mr. Outler is having to
17 defend himself at 3:00 in the morning.

18 The defendant has the right to act on appearances.
19 I mean, I just can't picture that, ladies and gentlemen. I
20 can't. I can't imagine. I honestly can't imagine what was
21 going through his head at the time. As I said, he hadn't lived
22 with her long enough to know what to expect. Living with her a
23 little more than a month, and she is swinging an axe at him.

24 You may be asking yourselves, why didn't he just
25 hit her once? Why did he hit her twice or three times? That

1 may be a question. When I look at the evidence -- I was asking
2 the same question. Why did he hit her three times? That is
3 because we are thinking here and now and not at the situation
4 as it occurred that night. That is the difference. Right now
5 we are in hindsight. You have knowledge before and knowledge
6 after. You can say I planned to do something, and then you can
7 say in hindsight, I should have done this. But it's actually in
8 that moment. In that moment is what matters. That is the
9 temporal moment we are looking at. The moment in time that we
10 are looking at. How we expected him to act under these
11 circumstances in that second. I tell you it was a split-second
12 decision. Once he got his senses together and realizes what
13 just happened is when he put down the axe and hopped on the
14 bike, rode up to the motel, and called his dad.

15 Ladies and gentlemen, as I said, this is a
16 self-defense case. I have explained to you why it's a
17 self-defense case. If for some reason you do not believe this
18 is a self-defense case, it surely is not murder.

19 Thank you.

20 THE COURT: Thank you.

21 * * *

22 REBUTTAL CLOSING ARGUMENT BY MS. SWANSON

23 MS. SWANSON: Renee only lasts about a month or two
24 once William Outler moved in. And his first words to the
25 police were not, I think I killed my girlfriend. They were, I

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1 effed up. He knew he did wrong. He knew he was not acting
2 right, doing the right thing. Ms. Carmody wants to give him a
3 medal to confess to a crime and not escaping down 95 and
4 ditching the axe in the woods. Guess what? You don't get a
5 pass for that. No. He knew he was going to be caught and he
6 better tell a story. That is exactly what he did. The right
7 thing to do would have been to walk away from a bad
8 relationship without axing his girlfriend to death.

9 Now, Ms. Carmody also wants to highlight how
10 shocked the police were by an axe murder. I think everyone is
11 a little bit shocked by an axe murder. It is shocking. It is
12 brutal. It is brutally violent. That has nothing to do with
13 the innocence or guilt of the defendant. Nobody testified to
14 how Renee was acting that night. The only information we have
15 about how she was acting is from the defendant's statement that
16 she swung an axe toward him and he went like this and grabbed
17 it and began beating her. That is all of the evidence.

18 Ms. Carmody continues to talk about how irrational
19 this and that and whatever she was being. We don't know any of
20 that. You have to base your decision and your version of the
21 facts on what was presented here in the courtroom. The facts
22 have been to be based on the evidence.

23 Finally, she asked you, how can we expect him to
24 act rationally in this situation? You know what? That is
25 required by the law. The law requires you to act as a

1 reasonable person. I want to remind you not to take our words
2 as evidence. If you need to relisten to statements, you are
3 welcome to do so. You can request that. I leave you with
4 this:

5 I am asking you to return a verdict of guilty of
6 murder if you are firmly convinced that he committed this
7 offense. The evidence is there. Thank you.

8 THE COURT: Are there any exceptions or additions
9 to my jury charge from the State?

10 MS. SWANSON: None from the State.

11 THE COURT: From the defense?

12 MS. CARMODY: None from the defense.

13 THE COURT: We are now going to send this case to
14 you for your deliberations. I asked that you wait to begin
15 deliberating until you have received the verdict form and my
16 jury charge and all the evidence in the case. That will be
17 your signal to begin your deliberations. When you have reached
18 a verdict, knock on your jury room door, and we will accept you
19 back in to take your verdict.

20 I will tell you that there is not already a full
21 transcript of this case. If there is certain testimony you
22 want played back, what I can do is bring you back into the
23 courtroom and play back that testimony. The only thing I need
24 you to understand is if you ask for particular testimony, I am
25 required to play that witness' entire testimony. Direct,

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1 cross, redirect.

2 There were some videos entered into this case. If
3 you want something played back, we have to bring you back out
4 here, and we will replay them for you. If you want to do that,
5 you certainly can. I will lastly remind you that if you don't
6 have it back there with you as evidence, it's not in evidence
7 and you are not entitled to have it.

8 With that said, ladies and gentlemen, I will go
9 ahead and excuse you back to your jury room. Again, do not
10 begin your deliberations until you receive the verdict form,
11 jury charge, and the evidence, Mr. Foreperson. Thank you. You
12 are excused.

13 (Jury exits courtroom.)

14 THE COURT: All right. Anything else we need to
15 put on the record from the State or defense?

16 THE COURT: Okay. Then we will be at ease. Don't
17 go too far.

18 (Jury deliberations begin at 1:25 p.m.)

19 * * *

20 READING OF THE VERDICT

21 THE COURT: We need to have Ms. Carmody back with
22 us. I will receive this verdict at this time.

23 All right. Let's bring them in.

24 Ladies and gentlemen, for those of you who are in
25 the courtroom that are involved in this first case, I want to

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1 make sure you contain yourselves. Whatever the verdict is, if
2 you think you can't maintain composure, remove yourselves right
3 now. I don't want an outburst. If there is, I will have to
4 take you into custody. This is your fair warning. I
5 appreciate it.

6 Bring them in.

7 (Jury enters courtroom).

8 THE COURT: All right. Mr. Foreperson, has the
9 jury reached a verdict?

10 THE FOREPERSON: Yes, ma'am.

11 THE COURT: Will you please hand it to Ms. Bostick.

12 All right. Ms. Carmody and your client, please
13 stand up.

14 In the case of the State of South Carolina versus
15 William Outler, as to the charge of murder of Chantis Green, we
16 find the defendant, William Outler guilty. Signed by our
17 foreperson. You may take a seat.

18 Ms. Carmody, would you like me to poll this jury?

19 MS. CARMODY: Yes, Your Honor.

20 THE COURT: Do you all still your know your juror
21 numbers or not? You do. If you don't, I will figure it out.
22 With that said, ladies and gentlemen, I will ask you two
23 questions. When I call your number, I need you to wave to me
24 so I know who I am looking at to see you. I will ask you, is
25 this your verdict? The answer, of course, is yes or no. Also,

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1 is this still your verdict? The answer will be yes or no.

2 We will go through it.

3 Juror Number 125. Is this your verdict?

4 THE JUROR: Yes.

5 THE COURT: Is this still your verdict?

6 THE JUROR: Yes, Your Honor

7 THE COURT: Number 184. Is this your verdict?

8 THE JUROR: Yes.

9 THE COURT: Is this still your verdict?

10 THE JUROR: Yes.

11 THE COURT: Juror Number 88. Is this your verdict?

12 THE JUROR: Yes.

13 THE COURT: Is this still your verdict?

14 THE JUROR: Yes, Your Honor.

15 THE COURT: Number 191. Is this your verdict?

16 THE JUROR: Yes.

17 THE COURT: Is this still your verdict?

18 THE JUROR: Yes.

19 THE COURT: Juror Number 172. Is this your

20 verdict?

21 THE JUROR: Yes.

22 THE COURT: Is this still your verdict?

23 THE JUROR: Yes, Your Honor.

24 THE COURT: Number 93. Is this your verdict?

25 THE JUROR: Yes.

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1 THE COURT: Is this still your verdict?
2 THE JUROR: Yes.
3 THE COURT: Juror Number 156. Is this your
4 verdict?
5 THE JUROR: Yes.
6 THE COURT: Is this still your verdict?
7 THE JUROR: Yes, Your Honor.
8 THE COURT: Number 116. Is this your verdict?
9 THE JUROR: Yes.
10 THE COURT: Is this still your verdict?
11 THE JUROR: Yes.
12 THE COURT: Juror Number 181. Is this your
13 verdict?
14 THE JUROR: Yes.
15 THE COURT: Is this still your verdict?
16 THE JUROR: Yes, Your Honor.
17 THE COURT: Juror Number 181. Is this your
18 verdict?
19 THE JUROR: Yes.
20 THE COURT: Is this still your verdict?
21 THE JUROR: Yes, Your Honor.
22 THE COURT: Juror Number 95. Is this your verdict?
23 THE JUROR: Yes.
24 THE COURT: Is this still your verdict?
25 THE JUROR: Yes, Your Honor.

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1 THE COURT: Juror Number 102. Is this your
2 verdict?

3 THE JUROR: Yes.

4 THE COURT: Is this still your verdict?

5 THE JUROR: Yes, Your Honor.

6 THE COURT: Juror Number 221. Is this your
7 verdict?

8 THE JUROR: Yes.

9 THE COURT: Is this still your verdict?

10 THE JUROR: Yes, Your Honor.

11 THE COURT: Juror Number 180. Is this your
12 verdict?

13 THE JUROR: Yes.

14 THE COURT: Is this still your verdict?

15 THE JUROR: Yes, Your Honor.

16 THE COURT: All right. Is there anything further
17 required of this jury from the state?

18 MS. SWANSON: Nothing from the State.

19 THE COURT: From the defense?

20 MS. CARMODY: No, Your Honor.

21 THE COURT: Are we prepared to sentence today, or
22 does mitigation need to be done? Ms. Price has been sitting
23 here during the entire trial. What is your preference?

24 MS. PRICE: I would ask the Court to defer
25 sentencing for a week.

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1 THE COURT: We can't do it for a week. What I
2 would like to do is -- if you need a couple of days, I can
3 understand that. What I would like to do possibly is do it on
4 Friday, potentially.

5 Does that give you a little bit of time?

6 MS. PRICE: Yes.

7 THE COURT: Ladies and gentlemen, at this time you
8 have obviously rendered a verdict in this case. It's my job to
9 sentence the defendant in this case. Obviously, the defense is
10 allowed to put up different types of mitigation at this time,
11 and I will give them a little bit of time to do that.

12 At this point, I will excuse you. I will excuse
13 you for the remainder of the week. To let you know what else
14 we are doing up here, I have started motions on another case
15 alleging drugs. That is what I have been doing here while you
16 deliberate. I will be starting that trial after yours
17 tomorrow. That will go on until Thursday and Friday. When I
18 hold a term of Court like this, it is a trial term. We also do
19 other things, guilty pleas, we set bonds, probation matters,
20 modifications of bonds. We will continue to work this week.
21 At this point when you go home, you are permitted to say what
22 you have done here, allowed to talk a spouse friend whoever.

23 Sometimes the attorneys or investigator may ask you
24 what your opinion is or want to know something. You are not
25 required to talk to anybody. If someone calls or talks to you

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1 and you don't want to talk to them, just say, no, thank you. I
2 am not interested. You are, of course, never required to.

3 You have more that earned your exemption for the
4 next three years. If you get called up to my Court, Circuit
5 Court, you don't have to come, if you don't want to.

6 I appreciate you all being here and resolving this
7 matter for us. We will continue with these other cases. The
8 sentence will be probably in the newspaper, or if you would
9 like to come Friday afternoon if you are interested in what the
10 sentence is in this case, you can call to the Clerk of Court's
11 office here. They will tell you what it is.

12 I anticipate it will probably be in the newspaper.
13 Any other questions? If you need a work excuse, go down to the
14 clerk office on the first floor, and they will give you the
15 work excuses. The deputies will make sure that you get to your
16 cars. You have all been a wonderful jury, and we thank you.
17 You are excused.

18 (The jury exited the courtroom.)

19 THE COURT: All right. For scheduling purposes, I
20 am assuming Ms. Price you will present mitigation, or is Ms.
21 Carmody going to present?

22 MS. PRICE: Yes.

23 THE COURT: Is it your preference to do it early in
24 the morning? I have to look at my deputy to see. Would you
25 all prefer we do it at quarter to 9:00 on Friday morning? I

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1 think I am going to be in trial in this case. Quarter to 9:00,
2 Ms. Price, are you able to make it? It's probably a little
3 later if you have child care.

4 I will start with my jury by 9:00. Let's do this.
5 How about just when we go ahead and send the case to the jury
6 jury later in the afternoon?

7 MS. SWANSON: Your Honor, we will need a time for
8 the victim's family.

9 THE COURT: Of course. Again, I am just trying to
10 find out. Again, I don't have a crystal ball. Let's go ahead
11 and say 1:00 on Friday. At a minimum, I will break for lunch
12 in our trial.

13 So I will see you all at 1:00 on Friday, and we
14 will go from there.

15 (At 3:16 p.m., the proceedings were continued to be
16 resumed on Friday, June 17, 2021.)

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PROCEEDINGS

FRIDAY, JUNE 18, 2021

RIDGELAND, SOUTH CAROLINA

* * *

SENTENCING HEARING

THE COURT: We are here for the sentencing of Mr. Outler. He was convicted by the Jasper County Grand Jury this past Wednesday of murder of Ms. Green. I will go ahead and hear on behalf of the State first and the victim's families, if they wish to address me. I know they were here throughout the entire trial. They have been here all morning. If they would like to speak, I am happy to hear from them. If they don't I certainly understand that as well.

Obviously, I tried the case so I know exactly what happened, and I know everything as far as the circumstances are concerned.

MS. SWANSON: Thank you, Your Honor. One thing I do want to mention that was not borne out at trial were some text messages between the two where it became clear that there was a jealousy issue going on with another man who was coming over. Mr. Outler had seen Renee with this other man. On July 26, 2018, just a couple of weeks before her murder, he did send a text message to her referencing killing everyone, and next time --

MS. CARMODY: Objection, Your Honor. It has never

1 been established that text message actually came from him. The
2 cell phones were found outside. We don't know -- both of those
3 phones actually belong to Ms. Green. They did not belong to
4 him.

5 THE COURT: Ms. Carmody, you all in mitigation gave
6 me some text messages from her to him asking for money.

7 Those manages, Your Honor, were over the chat.
8 They were previous. So prior to them living together. They
9 communicated online via Snapchat.

10 THE COURT: Obviously, I heard about that. That
11 was part of -- obviously, the jury couldn't consider it. I
12 know it wasn't something that I think was necessarily used as a
13 theme, but it was talked about that there was another man there
14 at 3:00 in the morning with some flowers in his hands. I can't
15 imagine how that went over.

16 MS. SWANSON: I only state that because this was
17 not -- there were issues that were being borne out ahead of
18 time. This was note simply a snapped event.

19 I would like to hand up the sentencing sheet and
20 let Your Honor know about his prior record. The sisters of the
21 victim, Lenora and Pat Green are here. They do not wish to
22 address the Court, Your Honor.

23 As far as prior record goes.

24 THE COURT: Yes, please.

25 MS. SWANSON: Mr. Outler has a 1981 -- these are

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1 all Florida-based. 1981 resisting arrest; 1985 resisting
2 arrest, aggravated assault with a pistol; 1990, property
3 damage; 2012, sale of marijuana.

4 The State is requesting a life sentence. Thank
5 you.

6 THE COURT: Thank you.

7 Does anyone on the family's behalf like to speak?

8 MS. SWANSON: They do not wish to address the
9 Court.

10 THE COURT: Ms. Carmody or Ms. Price.

11 MS. CARMODY: Your Honor, I will defer to
12 Ms. Price, our litigation specialist. She has done extensive
13 research into Mr. Outler, his family, and all of his prior
14 connections, and she would like to address the Court.

15 THE COURT: All right. Ms. Price.

16 MS. PRICE: Yes, Your Honor. My client is 59 years
17 old. He was born in Florida. Prior to his birth, Otis Warren
18 that you heard in Court actually met his mother when she was 13
19 years old. They met at Bible study. They were obviously very
20 young. They ended up not dating or anything. She got pregnant
21 by another man at 15. William was born of that relationship.
22 His father, William Outler, Sr. was 20. His mother was 15 when
23 he was born.

24 Within a year of his birth, she became pregnant
25 with his brother Gregory, who is also in the court. His father

1 was an alcoholic and extremely violent. In part of my
2 research, Otis had told me that he was hearing through the
3 neighborhood and stuff about the violence. He had never
4 forgotten her. He had had enough when she had a black eye and
5 was seen in a local establishment. He went to the house when
6 William's birth father was not there and told her to pack her
7 stuff and her children and leave. She left with her.

8 He paid for her divorce, and they were married for
9 53 years and did quite well. They had another child, Rachael,
10 his youngest sister, about 11 years later. The whole family
11 has a fencing business. William has worked in that. He helped
12 his dad pretty much start that.

13 William was worked consistently since he was 14
14 years old. He had a brief spell where he went to go live with
15 his birth father. He always kind of felt bad for him that his
16 family was gone. They had stayed in touch. Between him and
17 his brother, he struggled with that part. When he was becoming
18 a teenager and testing the waters at home and finding out that
19 Mr. Warren was pretty strict and meant what he said, he went to
20 go live with his birth father. That lasted a couple of months.
21 I think he saw who he was and came back home.

22 Mr. Outler dropped out in the 11 grade because he
23 was working and doing well. He helped his father create and
24 start a fence company. His brother at some point had moved
25 away a little while later in Florida and started a branch of

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1 that. William went with him to help him get established and
2 living with him while he did so.

3 Mr. Outler was married quite young to a woman. It
4 was just not a good relationship. They were both young. They
5 were not really meant for each other. They had two children
6 back to back. Followed in his father's footsteps, as far as
7 that goes, being young and having children.

8 That relationship ended. Otis told me no one in
9 the family was sad when that ended. A few years later, William
10 met his second wife. They were together quite a long time.
11 they had a son, Jacoby, who just this June graduated high
12 school. He is doing well. As you can imagine, this has taken
13 quite a toll on him him. That relationship ended. They were
14 together quite a long time. They met and married in the early
15 90s and separated in 2007. They did not divorce until 2017.
16 Infidelity ended that marriage, but they always remained close.
17 They had their son. William was always with his youngest
18 child.

19 William worked so much. His marriage had ended.
20 His son is getting older, and he was lonely. He turned to the
21 online world of dating. He was naive. Loneliness drove him.
22 He spent a lot of time talking to women. He was consistent. I
23 am this age. I work for a fencing company. I am lonely. I am
24 looking for a good woman. He met Ms. Green online. Many of
25 the women asked for money, and so did she. They had also been

1 talking. It had moved from online to a phone relationship.
2 Often he would call in. She would video with him. She would
3 be in the house that he came to live at with her children.
4 They would all talk. He felt like they had a relationship.

5 I did submit that. That was between her and a
6 company waiting for his check, the text messages. I just did
7 that to show that she did identify as his fiancee. If there
8 were other men, she was telling him that they were together in
9 that relationship, and she considered it a fiancée, which would
10 imply that they were exclusive.

11 He consistently worked. He has always worked since
12 he was 14 years old. He started this relationship. It moved
13 rather quickly. They talked many, many, many hours over a
14 period of time. In June of 2018, actually Memorial Day, his
15 nephew was graduating in Georgia. He was kind of going to be
16 in the area. She suggested that maybe he should move in with
17 her. They had not yet met face-to-face, but they had been
18 online and spent hundreds of hour talking. He was lonely, and
19 he came up here and that is what he did. He moved in in June.

20 Just after that, his mother got very will. He did
21 not anticipate the change of environment, how rural this area
22 is. He was from the city. Then his mother got ill and died
23 quickly. His sister described their mother as Martha Stewart
24 times 100 with no filter. I imagine she was quite a lady.

25 They were best friends. They grew up together.

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1 She was 15 when she had him. He was out of his area. He had
2 only been here about 10 days. He had no vehicle. He could not
3 get a ride. Within four hours, they had to take her off life
4 support, and she died.

5 He did not have his ID. He had a really hard time
6 finding work. His birth certificate was at his mother's house,
7 but then that happened, and he didn't want to bother his
8 family. He just didn't anticipate having this much hard time
9 finding work.

10 William found a church, and he went to church.
11 That is always what he has done. He grew up in the church. He
12 sang in the choir. He played sports. All of his family
13 described they had an idyllic life. They went to church. They
14 went to Disney World. He took his kids to Disney World. They
15 had family reunions. They had Sunday dinners where all the
16 family came. Nephews were in and out of the house. It was
17 just the kind of life that many of us wish we had grown up
18 with.

19 His sister described him because of the age
20 difference as the ideal big brother except for when he would
21 chase her with frogs and be a prankster with her. She also
22 said he was always my protector. He always made my feel safe.
23 I heard that from everyone; his ex-wife; that he was the rock.
24 He was the older brother. His younger brother looked up to
25 him. They both played sports together.

1 I talk to a friend that has known William since
2 first grade. They were neighbors. He has known the whole span
3 of decades of William and said he has been consistent. That
4 was the theme of everybody. Consistently work. Consistently
5 went to church. Consistently showed up for people. If he said
6 he was going to be at your house at 8:00 on a Saturday to do
7 your yard, he would show up. This has been a huge loss for
8 their family.

9 They all mentioned the victim. They all felt bad.
10 They think of her children, and they pray for them a lot. They
11 wanted me to convey that. They are quite good people, and this
12 is so out of their realm of imagination. His ex-wife talked a
13 lot about that even though they had divorced, he was still
14 present in there. She confirmed that he had been sending her
15 money to the point where he, himself, got evicted from his
16 apartment in Miami because he was sending so much money here.
17 He was concerned about her, and her children. So he got
18 evicted and ended up staying on her couch.

19 THE COURT: Ex-wife's couch?

20 MS. CARMODY: Yes. His son said that was actually
21 a good time because he and his dad was in the house again.
22 They played a lot of video games and watched a lot of sports
23 and went to church. So his son actually looked back on that
24 fondly.

25 He was only here two months when this happened. He

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1 had been looking for work. Within a very short time, he moved
2 out of of his element. His mom died. He was having such a
3 hard time finding work, which has always been what he has done.
4 Work. So he was pretty lost.

5 I know William said that church has always been his
6 foundation. Even in jail he consistently has continued that.
7 I just think that that is a theme of William. He is
8 consistent, and this is just completely out of his realm right
9 now.

10 I do want to read into the record some letters from
11 his family, if that is okay.

12 From his brother, who you met here. First of all,
13 we would like to give our condolences to Ms. Green and her
14 family. We are very sorry for your loss. William is a great
15 brother in person, and we love each other dearly. He
16 introduced me to my wife, who I have been happily married to
17 for 32 years, and we have three wonderful children.

18 He is a great uncle to my three children. My
19 brother stayed with me and my family in Central Florida for a
20 while to help me with my business when I needed help. My
21 brother William has never asked for help, and he came to help
22 me out. He was a great mentor for young kids. That is the
23 kind of person my brother is, a mentor.

24 Judge, on behalf of my family, I, Gregory Outler,
25 are asking for your leniency and mercy when you sentence

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1 Junior, my brother. Sincerely, Gregory Outler.

2 From his brother's children. We are Uncle Junior's
3 brother's children. We have always known our uncle to be
4 generous and caring. During the time that our uncle lived with
5 us in Orlando to help our father when he was in need, he was
6 someone that we knew we could talk to if we ever needed a
7 laugh, get support, or reminisce. Unlike most uncles, he
8 always check on us no matter where he was at or what situation
9 he was in.

10 We are going to miss his presence, and there will
11 be a void in our lives that will never been replaced, no matter
12 what wrongs he may have done. We hope the judge shows mercy
13 during this time. RENEE O. CRAIG O. and BIANCA O. .

14 One final from Mr. Warren, whom you met, Otis.

15 I know legally my son hurt himself by talking to
16 people that night without a lawyer, but it was the right thing
17 to do. Telling the authorities what happened that night was
18 the right thing to do. When you do wrong, you stand up. In
19 the Bible it states you shall tell the truth, and the truth
20 will set you free. It will help the righteous before they
21 fall, and that is how he was raised. We are all hurting, and
22 we are hurting for her family as well. I think of them and I
23 pray for them. I pray that they are okay and that they have
24 forgiveness in them. William will handle this and handle it
25 well. He has accepted this, and I will be there to support

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1 him. I will be there for him, I pray for his safety and I pray
2 for him as a whole. I know that he has his faith in God. If
3 he can stay with that, he will be okay. I love that boy. He
4 is my son. I respect the Court and your decision, but I also
5 ask for mercy.

6 THE COURT: Ms. Carmody, does Mr. Outler want to
7 speak?

8 MS. CARMODY: Yes, Your Honor.

9 THE COURT: Okay.

10 THE DEFENDANT: I want to say first to the family,
11 I understand why you all don't want to talk to me. I am truly
12 sorry for what happened. I wish I could change it. I would
13 change it if I could. I know in my heart I am truly, truly
14 sorry.

15 Your Honor, I am not a bad person. I have been
16 there for two-and-a-half years with no problems. Do things to
17 keep myself busy. I read the Bible every night. The Lord has
18 got my back. I am finished.

19 THE COURT: All right. Is there anything further
20 from anyone?

21 You can keep standing. This is such a sad
22 situation. I will go ahead and make that comment to start
23 with.

24 Mr. Outler, you are 59 years old. I understand
25 that any sentence I give you is going to be very harsh for you.

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1 On indictment 2018-GS-27-00571 for the charge of murder, the
2 sentence of this Court is you be committed to the Department of
3 Corrections for a period of 30 years. I will give you credit
4 for the time you served pretrial. Good luck to you, sir.
5 Definitely good luck to the Green family.

6 MS. CARMODY: Your Honor, before we go forward, do
7 you want me to make a motion for a new trial on the record now,
8 or would you like me to submit that later?

9 THE COURT: Let's go ahead and go forward and do
10 that now if you want to.

11 MS. CARMODY: Thank you, Your Honor. One second,
12 Your Honor.

13 This motion is based on South Carolina Rules of
14 Criminal Procedure Rule 29A asking the Court to grant Mr.
15 Outler a new trial based on the following assertions:

16 That the verdict in this case is contradictory to
17 the evidence in the case. The State did not prove malice
18 beyond a reasonable doubt.

19 The State does not disprove self-defense beyond a
20 reasonable doubt. That was raised by the defense.

21 Additionally, I am reasserting on my pretrial
22 motions and my objections, including but not limited to the
23 following: That the Court reconsider the motion for immunity
24 under the protection of the Persons and Property Act,
25 Subsection C. In that motion I did state that the Jones case

1 is on point. Reconsider admitting the photo of the victim in
2 the middle of the yard with evidence markers around her. I
3 argued to the Court that that should have been excluded and
4 asked for the Court to conduct 403 analysis and reconsider the
5 defense's motion for a directed verdict. The State did not
6 prove malice beyond a reasonable doubt.

7 Additionally, Your Honor, at the beginning of the
8 trial, I let the Court know that I did not have some evidence
9 in the case because it was no longer available. Jasper County
10 had been hacked. It's my understanding at this time that the
11 evidence still does not exist. I don't know if it could be
12 retrieved in the future and what impact that would have on this
13 case.

14 I am also asking the Court to reconsider all
15 remaining defense pretrial motions and any objections made on
16 the record.

17 MS. SWANSON: The State would just stand on its
18 previous arguments.

19 THE COURT: Respectfully, Ms. Carmody, I will say
20 that both of you tried a very good case. There is no question
21 about that. You certainly represented your client well,
22 Ms. Carmody. Certainly, we all considered and you all
23 submitted extensive briefs on the protection of Persons and
24 Property Act. I think based on all the evidence, I think it's
25 appropriate to deny it.

1 As far as the foot of the victim with the placards
2 around it, under 403 analysis, I do think it was more probative
3 then prejudicial.

4 As far as your directed verdict motion is concerned,
5 I think one of the things that has always been difficult about
6 this case is the allegation that the victim, Ms. Green, swung
7 the axe first. Part of what that could be or not be is, of
8 course, is coming from Mr. Outler and no one else witnessed
9 it in this case. We know that her DNA was on the axe. Of
10 course, it was her house and her DNA would be on the axe.

11 I really think -- and not that I am supposed to go
12 behind the jury in any way and look at what they did.
13 Sometimes I like to have an idea of how to make sense of
14 whatever has come out as a verdict. I think the problem that
15 part of this case is that she was struck with the axe three
16 times.

17 I think obviously it would have been different had
18 it just been one time. It would have potentially been
19 different if there had been some defensive wounds on behalf of
20 your client. We talked about the bruise on the leg; that he
21 has no idea how it got there. We don't know if it's related in
22 any way to this incident.

23 As far as that is concerned, I am comfortable with
24 the jury's verdict. I certainly understand how they reached
25 it. As far as the Jasper County Sheriff's Office and the

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1 County's system having been hacked, we don't have any specific
2 evidence that we don't have in this case that we were concerned
3 about. That is not leading to me to anything specific to be
4 able to overturn this.

5 So respectfully, under Rule 29A, I am denying
6 your motion to grant a new trial.

7 Thank you to everybody. I appreciate it.

8 (At 3:15 p.m. the proceedings were concluded.)

9 * * *

10 END OF VOLUME III

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State v. William Outler, Jr. - 2018GS2700571, VOLUME III

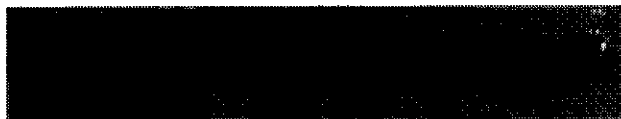
CERTIFICATE OF REPORTER

* * *

I, KYMBERLEE M. WILLIAMS, Registered Professional Reporter, do hereby certify that the foregoing transcript is a true, accurate, and complete record of the matter held in the Court of General Sessions on the 14th - 16th and 18th days of June, 2021 in the Fourteenth Judicial Circuit in the State of South Carolina.

I further certify that I am neither related to, nor counsel for, any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 28th day of December, 2021 at Beaufort County, South Carolina.



Kymerlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
State of South Carolina
Fourteenth Judicial Circuit
kwilliams@sccourts.org

WITNESSES

JCSO - H. German

DOCKET NO. 2018GS2700571

The State of South Carolina
County of Jasper

After being fully advised as to my
legal rights, I hereby waive 299
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS
October Term 2020
November Term 2018

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2018A2710200397

THE STATE

vs.

William Outler, Jr.

ACTION OF GRAND JURY

TRUE BILL ☒

NO BILL

FOREMAN *Yimma Bramble*

DATE *10-22-20*

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

Foreperson of Grand Jury

Date:

Defendant,

VERDICT

Witness:

Guilty

Mitchell Poalillo

Mitchell Poalillo

6/16/21

Foreperson of Petit Jury

Date:

INDICT

C.C.C. PLS. and G.S.

RECEIVED

JUN 24 2021

SC Court of Appeals

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: *[Signature]*
DATE: *31 Jun 21*

300
STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

INDICTMENT
2018GS2700571

At a Court of General Sessions, convened on October 22, 2020 the Grand Jurors of Jasper County present upon their oath:

Murder

That in Jasper County, South Carolina, on or about August 7, 2018, the Defendant, William Outler, Jr., did, with malice aforethought, kill Chantis Greene and Chantis Greene did die as a proximate result of William Outler, Jr.'s actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



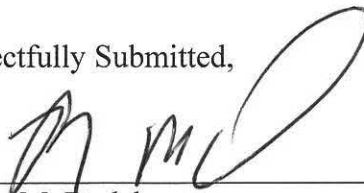
Solicitor

TRUE COPY
MARGARET BOSTICK
CLERK OF COURT
JASPER COUNTY, SC
BY: Timothy P.
DATE: 21 June 21

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 22nd day of July, 2022.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

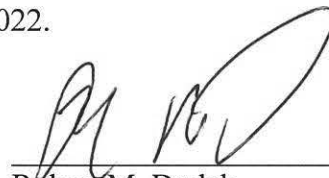
WILLIAM OUTLER, JR.,

APPELLANT.

APPELLATE CASE NO. 2021-000682

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and William Outler, Jr., #385546, at Ridgeland Correctional Institution, PO Box 2039, Ridgeland, SC 29936, this 22nd day of July, 2022.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT